U.S. congress

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE SIXTY-NINTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LXVII—PART 11

JUNE 20 TO JULY 3, 1926

(Pages 11641 to 13101)

WASHINGTON
GOVERNMENT PRINTING OFFICE
1926

Congressional Record

PROCEEDINGS AND DEBATES OF THE SIXTY-NINTH CONGRESS
FIRST SESSION

SENATE

SUNDAY *June 20, 1926*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Thou God and Father of us all, we approach Thy throne of grace this morning recognizing the fact that Thou dost bound our habitation and ordain our tenure of life. At this time, with the fact of sorrow facing us and knowing that one has passed from the opportunities and the services in this body, we pray that Thy blessing may be upon those who mourn, so that it may be understood that God is the Father of the fatherless and the widow's husband in the deepest and richest sense.

We pray Thy blessing upon each one this day. Remember those who have been associated with the deceased in all privileges and responsibilities of this Senate in its duty.

We do ask our Father that to him upon whom now rests so much of that care, there may be given wisdom from above, enabling him to follow in the paths of rectitude and of high integrity in the performance of all the duties which may come to him.

Hear our prayer we beseech Thee. Lead us onward to a better understanding of Thy mind and will and so to live that when the last milestone is passed we may hear the "Well done" of the gracious Christ. We ask in His name. Amen.

The VICE PRESIDENT. Without objection the reading of the Journal will be dispensed with and the Journal will be approved.

MEMORIAL ADDRESSES ON THE LATE SENATOR LA FOLLETTE

Mr. LENROOT. Mr. President, I send to the desk the following resolutions and ask for their adoption.

The VICE PRESIDENT. The Clerk will read the resolutions.

The resolutions (S. Res. 254) were read and considered by unanimous consent, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ROBERT M. LA FOLLETTE, late a Senator from the State of Wisconsin.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public service.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and communicate a copy thereof to the family of the deceased.

Mr. LENROOT. Mr. President, we meet to-day to pay tribute to the memory of one who was one of the outstanding men of his day and generation, of one who had his devoted followers by thousands in every State of the Union.

ROBERT M. LA FOLLETTE was born at Primrose, Dane County, Wis., June 14, 1855, of Scotch-Huguenot stock. He graduated from the University of Wisconsin in 1879, working his way through college, and was admitted to the bar in 1880. He joined the Republican Party, and early took an active interest in politics. The first elective office he held was district attorney, serving from 1880 to 1884. In the fall of 1884 he was elected to Congress, which office he held for three terms, from 1885 to 1891. He quickly won a place of prominence in the House, was a member of the Ways and Means Committee, and took a very prominent part in the framing of the McKinley tariff law. In 1890 he was defeated for reelection in the general Democratic landslide of that year, and this was the only time he was ever defeated in a general or primary election.

In 1900 he was elected Governor of Wisconsin and reelected in 1902 and 1904. On January 25, 1905, he was elected to the Senate by the Wisconsin Legislature to succeed the late Joseph V. Quarles, but in order to complete certain important work in Wisconsin he did not take his seat until January, 1906. He served in this body continuously from that time until his death, which occurred in Washington on June 18, 1925.

Mr. President, these are the merest outlines of one of the most remarkable careers in our country's history.

For more than 10 years I was one of his closest personal and political friends. During all of his service as Governor of Wisconsin I was very closely associated with him, and also for some years after he became a Member of this body, but in recent years because of differences of opinion our paths diverged, and we became political opponents. For that reason, I would speak of the years when I knew him best, and others will speak of his career and public service in this body.

I have never known a more industrious man, a man who so gave his every thought and activity to public matters. He was always hungry for facts and went to the bottom of every question with which he had to do. Keen and thorough, he was always prepared on every subject which he discussed. For many years the government of Wisconsin had been controlled by the railroad and allied interests. He fought them and took to the people of Wisconsin the question of whether they would control their own government. To help insure this he favored a primary election law, taxation of railroads upon an equality with private property, and regulation of railroads and other public utilities.

Defeated in these reforms during his first term, he again went to the people, and during his second term as governor secured a primary election law and an ad valorem railroad taxation bill. He failed, however, in securing railroad regulation, and for the third time went to the people and during his third term as governor secured the enactment of a railroad commission law which was afterwards adopted in all its essentials by many other States. Before he took his seat in this body he had secured the enactment of all the important measures for which he had fought in three campaigns in Wisconsin.

To advocate these measures then was looked upon as radical, but is looked upon as conservative now. However much I have disagreed with him in later years, I have never hesitated to testify to the great good he wrought in Wisconsin during these pioneering years of which I have spoken.

As I have said, others more in accord with his later views than I will speak of his career in this body. I have only this to say, that no Senator has failed to recognize his great ability, his power in debate, his devotion to any cause which he espoused.

I would speak briefly of his family life. For many years I was an intimate family friend. I had opportunity to know him as husband and father, as did but few outside of his family circle. It was an ideal home, filled with love and affection. The entire family were keenly interested in the things that filled his life, and there was always the greatest harmony in their family life.

Mr. President, it is possible for every citizen to render some service to his country during his life. The example of an ideal American home is one of the most important. This Senator LA FOLLETTE had. It is possible for every man to live a life of integrity. This Senator LA FOLLETTE did. It does not need rare endowment to do these things, but it does require character, and sense of obligation, and these we all can possess if we will.

In addition to these, Senator LA FOLLETTE was endowed with an indomitable will, with undefatigable industry, great ability and the power to persuade his fellowmen.

The public esteem in which he was held was evidenced by the mourning at his death. The tongue of the critic was stilled; the pen of his foe no longer wrote words of denunciation, but instead wrote words of tribute to his worth.

The funeral train which carried him from here to Madison was met by sympathizing crowds at every stop. The impressive funeral ceremonies at the capitol at Madison, the march

to the cemetery, and the last rites at the grave will never be forgotten by the thousands who witnessed them.

His devoted followers and former foes alike keenly realized that a mighty oak had fallen, that a great man was dead—but his life had become a part of the history of America.

Mr. President, in this connection I ask unanimous consent to insert in the RECORD as a part of these proceedings the funeral sermon delivered by Rev. Dr. A. E. Haydon, member of the faculty of the school of divinity of the University of Chicago, at the ceremonies in the capitol, to which I have referred.

The VICE PRESIDENT. Without objection, it is so ordered.

The funeral sermon is as follows:

FUNERAL SERMON

By Rev. A. E. Haydon

We are gathered to say farewell. Into this crowded moment come flocking memories that stir the heart and still the voice. So long his torch has beckoned to us from the horizon's rim; so long the courage of his faith has heartened us. America needs him yet. Round about him were twined the hopes of millions of the intellectuals, of the youth, of the workers. Our leader has fallen. We must say farewell. ROBERT MARION LA FOLLETTE we shall always remember.

We shall remember him as the embattled prophet of the new democracy, a democracy directed by intelligence and organized to guarantee an opportunity for full and beautiful life to every child of man. His voice was the voice of humanism in politics. The drift of the centuries has swept away the old forms, the tribal chieftain, the tyrant priest, the absolute king. The aristocracies of blood have passed. In this new age of industry and science mankind, the world over, is face to face with a new tyranny—the tyranny of economic power without the saving graces and the refining culture of the aristocracies of old. Confronted with this new civilization—soulless, material, ROBERT MARION LA FOLLETTE dedicated himself to the principle that government should be the guardian and servant of the life of all the people. He gave himself to the ideal that statecraft should be the intelligent instrument for social amelioration. He pointed to the new cooperating democracy of intelligence and heart. He was therefore above the battle of faction and party. He said, "I favor equal and exact justice to each individual and to every entrant, yielding neither to clamor on the one hand nor being swerved from the straight course by an interest on the other." He battled for the saving of the values of life; he toiled at the solution of problems, the righting of wrongs, the removal of injustice; and his instrument was intelligence burning with a white light in analysis and accumulation of facts. He found himself constantly fighting on the side of the poor, of the weak, of the worker—battling for those in whose face the door of opportunity was being closed in this land once free. He was forced to challenge special privilege in every form and sphere. He became the champion of the weak against the arrogance of wealth and power. Fearless, incorruptible, his head above the murk and miasma of selfishness and greed, his feet firmly planted in the thickness of fact, he toiled to make government the servant of human values; and when that day dawns, as it will surely dawn, when social organization will center about the higher values of life, when property will be less than humanity, when wealth will be the commonweal, when the path of free opportunity will beckon to every eager youth, then men will remember that ROBERT MARION LA FOLLETTE carried the torch down that path and trod that way before them.

We shall remember him as one who in a cynical age loved and kept the faith in humble men and women. He was always ready to trust the people, if you could give them the facts. It is not an accident that he should have stressed investigation, that he should have made the discovery of facts central and fundamental, that statistics could upon his lips become eloquence; but it was his human heart which kept him close to the life problems of the folk. It was his love of them of that class to which most of us belong—the plain people—that made him the champion of opportunity for the folk. He loved because he understood; he knew the hardness and anguish of the toil of the nameless ones; it was love of them which held him and supported him; it was that which was the guiding, controlling potency and motive power of his life. It was because he saw that love and friendship and homely loyalty, the devotion of friend to friend and worker to worker—that these human relationships were the greatest thing in all the world, greater than power, greater than kingship, greater than nobility. It was for them and his love for these homely things that he was so eager to throw open the doors to joyous life to all earth's lowly ones. And to-day—to-day, among those who are bowed with tear-dimmed eyes, the vast number is made up of workers, the seamen, the toilers, men upon whose face are lines, men with hard hands, men marked by the scars of old wars; and the fact that he bound the love of these people around about him is perhaps the noblest tribute of all.

We shall remember him as a leader of dauntless courage. Always the prophet must suffer; always the people have been slow to appreciate and understand men who make of themselves the spear-point of a new era; always he who challenges special privileges and special privilege in high place must be ready to suffer. When the Christs died upon the barricades; when searchers after truth quietly, with smiling face, drank the hemlock in the prison cell; when prophetic souls, loving their fellows, hurled themselves recklessly to death in a cause, the flame of the human spirit burned most brilliantly. In his case it may be said, "The bravest are the tenderest; the loving are the daring."

Into his soul the iron was driven many times. In those terrible days of war madness, when the minds of men were befogged, when the fires of persecution were lit, it was then that he stood true—then that he lived an episode the most brilliant of all the epic of his life. It was then that he strode into his place among the greatest of America's sons. With quiet courage he stood forsaken, even as the lowly Galilean was forsaken in those old far-gone days; forsaken, though his heart reached out to lay hold of the masses of the common people whom he served; forsaken even by those for whom he was giving his life. Almost alone, he held his vision true. With calm heart, with unshaken poise, with resolute will, he kept the faith; and, best of all, he kept his faith in us. That love which bound him to his people and to his neighbors still supported him; he trusted us yet. It is almost heartbreaking to think that we could ever have left him alone. But he won; he lived to see his friends—his people whom he was sure would understand when they knew—give him vindication at the last. The flame of his spirit has passed, but the memory of that magnificent courage, standing loyally in the face of loneliness and isolation, will remain as a challenge to youth in America down all the future years.

We shall remember him. He has built himself into the life of America; he has built himself eternally into the structure of the world. In those far, deep cosmic spaces where stars go wandering in loneliness, tip-toeing in the silence, this little earth—this tiny little planet—swings forgotten; and yet, here on this lowly plane the human spirit has dared to dream of the possibility of carving out a home, of building a civilization in which the beauty of the human spirit may find fulfillment. Among those who are the glory of our humanity we count these great souls—men who said "Yea" to life; men who lived the joy, the bitterness, the anguish, the pain of living, and could give themselves to the task of reorganizing the world to make it over into a place for human joy and beauty and the glory of life. He is gone. He was one of those great souls who has made the planet different and better; one of those great spirits who has turned the current in the direction of the ideal dreamed by all the prophets of the ages.

We must say farewell, but we shall always remember him. We may do more. We may give him earthly immortality in our lives. The old enemies against whom he fought still are in the field; the causes which he championed still call for battling, heroic hearts. The future democracy of which he dreamed still is to win. To be true to his vision, as he was true; to stand loyal and steady in the ranks until we have won a full, free opportunity for the satisfying life for every child of man—that will be to remember him truly. And here—here in his presence still, we may with bowed heads and quiet courage dedicate ourselves to that sublime and splendid task. We say farewell, but we shall always remember him. Let us rise and sing America.

(America sung by audience.)

Benediction: To be true to the vision of him, to stand in the full blaze of the open day, searching, finding, and ready to die in the path of the ideal—this we pray may be our opportunity, this may we give in loyalty to our memory of him. Amen.

Mr. ROBINSON of Arkansas. Mr. President, where public opinion fashions political institutions there is a tendency to form three political parties: Conservatives, liberals, and radicals. In American political history we have known Federalist, Whig, Democrat, Republican, Know Nothing, Independent, Union Labor, Populist, Farmer-Labor, Prohibitionist political parties, and perhaps some others. But when the doctrines and purposes of these various organizations are analyzed they all fall into the group which supports the existing order, the conservatives, or that which proposes reforms, the liberals, or that organization which advocates the most extreme or progressive measures.

The distinction has not always been clear and entirely free from confusion. The tendency has been notable for the conservative and liberal parties to absorb the radical elements by the gradual modification of their policies and teachings so as to comprehend those reforms which the test of time and experience have justified. Students recognize the truth that fundamental political problems change less frequently with the passing of time than men are in the habit of thinking. New conditions often bring back into prominence under different names old factional, sectional, and class alignments in politics. It is for this reason that political parties, however often their names may be changed, may always with more or less propriety be designated as conservative, liberal, or radical.

SENATOR ROBERT M. LA FOLLETTE A LEADER OF THE RADICALS

Senator ROBERT M. LA FOLLETTE was a leader of the radicals in political thought throughout the lifetime of a generation.

His leadership was both local and national. In a marked degree the educational, industrial, and political institutions of Wisconsin were influenced, not to say dominated, by his personality and his opinions throughout 40 years. During the greater portion of this time he was the foremost advocate of revolutionary changes in the administration of the National Government—the real leader of the progressive element and movement in the United States.

There was never an hour after Senator LA FOLLETTE became a Member of this body that he felt satisfied with existing conditions. He always pressed forward in the pursuit of reforms both in the law and in its execution. No other statesman of his time more fearlessly challenged opposition or evinced a more unyielding and uncompromising spirit. The outstanding characteristic of his labors was the relentlessness with which he waged war on monopoly and special privilege. He witnessed with disgust and resentment the formation of trusts in almost every sphere of industry. He anticipated peril to the liberties, happiness, and prosperity of the people because of the development of gigantic corporations, which during the last 50 years have sought to dominate the production and distribution of the necessities of life. His opposition to monopolies resulted from a sympathy for the masses and a desire to preserve and safeguard the rights of the public. It is doubtful whether his long public record reveals a single instance in which he forgot or overlooked the general welfare. His critics must do his memory the honor to admit that Senator LA FOLLETTE steadfastly sought his reward by constant and unfaltering service to the masses. One might reject his principles—all conservatives and many who regard themselves as liberals did reject them—but no one could question his sincerity or his consistency.

SENATOR LA FOLLETTE AGAINST OUR ENGAGING IN THE WORLD WAR

Senator LA FOLLETTE did not sympathize with the action of the United States in entering the World War. He resisted the passage of the armed neutrality act. His addresses in criticism of President Wilson's policies aroused bitter resentment and denunciation. He was inflexible. Even public censure did not move him to a change of attitude. No other American, prominent in public life, who took a similar position survived politically. But Senator LA FOLLETTE outlived whatever unpopularity resulted from his opposition to our entry into the war and was perhaps more popular in Wisconsin when called by death than at any other period of his career. He faced social and political ostracism rather than profess opinions which he did not entertain. Thousands who could not tolerate, much less approve his open oposition to the Government's war policy, voted for him in 1924, for President of the United States. This was a tribute which the American people have rarely paid to a public man.

THE LEGISLATOR

Senator LA FOLLETTE was a legislator of broad experience and rare ability. He was distinguished by a readiness to essay the difficult. This of itself was an evidence of his courage. His name is associated with many important laws, but it is chiefly for his repeated display of resourcefulness as a single-handed fighter in parliamentary contests that he is remembered by his former associates. However widely other Senators differed from him, they knew that when he announced decisive opposition to a measure that the fight would be carried on to a finish; that he would never retreat, never surrender.

SENATOR LA FOLLETTE AND THE PRESIDENCY

In every campaign for the last 25 years Senator LA FOLLETTE was prominently mentioned in connection with the Presidency. He could not receive the nomination of his party for the reason that he was not willing to compromise and would not temper his principles to please the regulars in the Republican Party. He wanted to be honored as a progressive—as an advocate of progressive measures and not as the mere representative of an organization which he could neither reform nor control. There were occasions on which a willingness to compromise, to reconcile old differences and to go along with his party might have resulted in Mr. LA FOLLETTE's preferment for the highest office. But this he would not, could not do, and so he went on fighting, fighting, fighting until the end.

In 1924 he was nominated as a candidate for President by the radical party, composed of independents, many of whom had formerly been affiliated with the Republican or with the Democratic Party. His addresses in that campaign received international publicity because they dealt with the vital questions concerning the Nation in a manner that elicited the interest of all and aroused the appreciation of many. It was his earnestness, his consistency, his antagonism to selfish interests which brought to his standard millions of voters who had previously affiliated with the older organizations.

The Nation mourns his loss. Wisconsin is loyal to his memory. What better evidence of gratitude and appreciation could be afforded than the selection of his brilliant and able son, so like his father, to represent the State in this Chamber—the scene of the father's prolonged efforts. That State indeed is fortunate whose representatives serve without selfishness and without fear.

Mr. SHIPSTEAD. Mr. President, the laws of nature are unchangeable and eternal because they are the laws of God. In the study of the various elements that compose matter the human mind has to some extent revealed their characteristics and appraised their value. That group of elements classified as metals are differentiated by the terms "noble" and "base." In the nobility of metals gold holds the highest rank because of its fusibility, because of its willingness to mix freely with other metals in the heat of the furnace. While it is true that the scarcity of platinum makes it more valuable in dollars and cents, and it is also true that it has a stronger resistance to the destructive forces of heat and erosion, it is not so useful in the society of metals because of its lack of ductility, malleability, and its inability to fuse with other metals so freely as gold.

These qualities gold possesses in the highest degree, and, therefore, takes the highest rank among the metals that are used in the arts and sciences by the human race. In other words, the democracy of gold establishes its nobility. Under the heat of the furnace gold fuses very readily with metals of a baser quality, the union raising the standard of the baser metal and giving to the alloy that rare quality of resistance to the forces of destruction, lifting the standard of the base metals to resist these forces, and in return receiving as though in reward a quality that it does not itself possess in its pure state, namely, hardness. In giving itself to the uplifting of the baser metals it receives as much as it gives, proving that the law of compensation is a part of the law of nature; proving that "he who casts his bread upon the waters shall have it returned to him"; proving that "he who gives his life shall save it"; proving that democracy is of the essence of nobility.

It is another law of nature that gold can only manifest and express its democracy when it is in the pure state. It will only fuse with other metals when it is clean and uncontaminated. When not in the pure state it refuses to mix. It draws itself up in a round ball under the heat of the furnace; it becomes snobbish as though thinking itself too exclusive and too good to mix with other metals, and until it becomes clean its value is lost. It can only be restored to its inherent nobility by reinvesting itself with democracy. That can only be accomplished by its being heated in the acid retort to have the impurities contaminating it destroyed, thereby restoring to it its ability to fuse and so restoring its nobility.

The laws of nature are manifested in the lives of men as they are manifested throughout all nature. The rank that gold holds in the society of metals was held by ROBERT M. LA FOLLETTE in the society of men. His democracy was of the essence of his nobility. He gave freely and generously of himself to the service of humanity, and in so doing raised the standard of public service. He was ever on guard to prevent his soul from becoming contaminated with the impurities of conceit and selfishness, and by his life proved the truth that the laws of nature operate as truly upon the minds and souls of men as upon the elements that compose matter. Senator LA FOLLETTE was a living symbol of the truth that the noblest are the most democratic, and the bravest are the tenderest. He had a heart as brave as a lion's and as tender as a child's.

History will measure his greatness with the yardstick of the various historians. His strength of character will be measured by men whose sense of values are relative. For me the yardstick of Ibsen is sufficient. He said, "He is strongest who stands most alone." If that is a fair standard of measurement for strength, then Senator ROBERT M. LA FOLLETTE was one of the strongest men of his time.

The Good Book says "Greater love hath no man than he who gives his life for another." Senator LA FOLLETTE gave his life in the service of all humanity. The nobility of his soul dictated that course. He gave unsparingly and unceasingly of himself to the betterment of the human race and he was richly rewarded with the love of his fellow men. He was paid in a wage that does not cloy and leaves no sting. All those who really knew Senator LA FOLLETTE knew that his soul enjoyed that peace that passeth all understanding. He built for himself an enduring name, and went to his grave beloved of all who had the rare privilege of his acquaintance.

The time will soon come when cold memorials in steel and stone will be built to his memory; but the everlasting and

eternal monument that will immortalize ROBERT M. LA FOLLETTE will be that memory of his service to humanity which is enshrined in the hearts and souls of men and women who loved him for what he was, who loved him because he dared to think and speak, who loved him because he did not sacrifice his integrity to achieve power. While it is true that he achieved fame, he achieved it because he did not compromise his convictions in order to do so. Above all else he was true to himself and, therefore, to his God and humanity. For his faithfulness to the law of eternal truth he received as though in reward the inspiration and courage that enabled him to carry on, inscribing his name in the hearts of men, where are written the only memorials that withstand the destructive forces of time.

Senator LA FOLLETTE'S voice was a voice in the wilderness. In our civic life he symbolized the cries of Isaiah, the Sermon on the Mount, the Magna Charta of King John, the Declaration of Independence, and the preamble to the Constitution of the United States. His voice is now stilled in death; but the voice of his spirit will continue on down the ages, challenging the forces of special privilege.

Mr. President, I ask unanimous consent to have printed in the RECORD an enumeration of the laws supported by Senator LA FOLLETTE for the benefit of labor. This enumeration has been compiled by Mr. Gilbert E. Hyatt.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

By Gilbert E. Hyatt

The record of Senator ROBERT M. LA FOLLETTE, from the day of his entry into the political arena in Wisconsin to this hour when he is the people's candidate for President, has been one of vigorous and unbroken service to the cause of labor. He is the author and advocate of more labor legislation than any living man.

THREE DISTINCT CLASSES OWE THEIR EMANCIPATION DIRECTLY TO LA FOLLETTE

The first blows to strike the shackles off of three great groups of workers were struck by LA FOLLETTE. Railroad employees, Government workers and seamen are all indebted to him for the initial legislation that has given them an opportunity to improve their condition.

THE RAILROAD 16-HOUR LAW

The railroad employees are indebted to the passage of the so-called hours of service law for relief from intolerable conditions in their industry. Prior to the passage of this act railroad employees were compelled to endure excessive hours of duty and irregular employment to a degree which rendered normal life impossible, broke their health, and produced appalling loss of life and property. A glimpse of the conditions which the legislation ended is found in the wording of the bill:

"SEC. 2. That it shall be unlawful * * * to require or permit any employee to remain on duty for a longer period than 16 consecutive hours, and whenever such employee shall have been continuously on duty for 16 hours he shall be relieved and not required or permitted to again go on duty until he has had at least 10 hours off duty * * *."

Records were produced showing men as having performed the exacting and exhausting duty of operating trains for periods of 60 or more hours. The railroad companies expended large sums of money in propaganda and in lobbying against this law, claiming that it would paralyze the industry. Its effect, on the contrary, has been to vastly increase the efficiency of operation and the safety of the public and the employees.

From the date of this enactment, March 4, 1907, dates a period of splendid progress for the railroad workers in organization, in the improvement of their conditions, and in that constructive and militant interest in public affairs which has been so notable a contribution to our political and industrial life.

RIGHTS OF CITIZENSHIP RESTORED TO CIVIL-SERVICE EMPLOYEES

An Executive order of President Roosevelt forbade the civil-service employees to exercise the right of appeal to Congress. This right is fundamental, belonging by constitutional enactment to all citizens. Its denial practically enslaved the civil-service workers by shutting off their only source of relief. Senator LA FOLLETTE secured the passage of the legislation bearing his name, popularly known as the "anti-gag act," which restored the right of appeal, and also guaranteed them the right of organization, and protected them from summary dismissal. Upon this act the present effective organization and progress of this highly important and numerous class is based.

SLAVERY OF MERCHANT SAILORS ENDED BY SEAMEN'S ACT

A third class, the formerly enslaved and brutally exploited sailors in the merchant marine of the world, owe their emancipation to the distinguished humanitarianism of Senator LA FOLLETTE.

The conditions of housing, food, excessive labor, and peril to life and limb of the sailor had been a scandal for centuries. Practically all the marine codes of law were designed not for their protection but for their further enslavement. The International Seamen's Union, through their president, Andrew Furuseth, fought for 20 years for the passage of protective legislation.

Not until LA FOLLETTE espoused their cause was any real progress made.

After persistent efforts, extending over several sessions of Congress and in the face of the most bitter opposition from the shipping interests and big business in general, the La Follette Seamen's Act was passed, giving to the American sailors and to foreign sailors arriving in our ports protection for their wages and liberty of contract and establishing a livable standard of surroundings while at sea. Predictions were made that this act would drive the American flag from the sea, but the steady increase of our merchant marine tonnage has refuted this claim. Not only was Senator LA FOLLETTE the author of the original act, but he has energetically protected it against attempts to repeal or adversely amend it.

LA FOLLETTE STAND FOR FUNDAMENTAL PRINCIPLES ADVOCATED BY LABOR

EMPLOYERS' LIABILITY

Senator LA FOLLETTE introduced in the Sixtieth Congress the employers' liability bill which bore his name. Through his efforts adverse amendments were defeated and the bill became law. His record since that time is in full accord with this action.

CHILD-LABOR LEGISLATION

Through all the vicissitudes of this humanitarian legislation Senator LA FOLLETTE has been its strong advocate and supporter. He supported the Federal child labor bill of 1916 and the revenue bill of 1918 to abolish child labor by taxing products of this labor in interstate commerce. He aided the action by Congress for the proposed amendment to the Constitution, which seeks the only avenue left by the decision of the Supreme Court for the protection of the children from industrial exploitation.

EXEMPTION OF LABOR UNIONS FROM PROVISIONS OF ANTITRUST LAWS

The record of LA FOLLETTE in relation to the struggles to exempt labor organizations from the provisions of the antitrust laws is in accord with his record in regard to all other protective legislation for the workers.

EIGHT-HOUR LEGISLATION

Senator LA FOLLETTE was instrumental in the passage of the Adamson eight-hour law and in defeating several attempted pernicious amendments to the eight-hour law for railroad employees. One of these was for the purpose of forbidding strikes, thus creating an involuntary servitude for this class. His antigag law for civil-service employees paved the way directly to the passage of their eight-hour law.

DIRECT ELECTION OF UNITED STATES SENATORS

Senator LA FOLLETTE led the great fight that resulted in this reform.

STOP-WATCH AND SPEED-UP MEASURES

No more consistent opponent of the numerous attempts to speed up employees by the use of "time studies," stop watches, and speed tests can be found than LA FOLLETTE. His record shows aggressive effort in opposition to all such attempts, either by riders on appropriation bills or otherwise.

AGAINST INJUNCTIONS

Senator LA FOLLETTE has consistently fought against this tyrannical perversion of the power of the judiciary. He has voted for every measure introduced to curb this abuse, and has been unsparing in his criticism of those judges who use the injunction as an instrument to crush labor.

RESTRICTION OF IMMIGRATION

This keenly desired and earnestly advocated protection for American labor has had the support of LA FOLLETTE. He has, however, demanded at all times that the legislation should be drafted and administered along humane lines.

ESCH-CUMMINS TRANSPORTATION ACT AND HOWELL-BARKLEY BILL

That portion of the Senator's record dealing with the railroad industry and with the advancement of the interests of its employees is the best-known portion of his long career. During the period of Federal control and since he has been especially active and prominent in this fight. His opposition to the pernicious antistrike provisions of the Esch-Cummins law and to the law itself needs no comment. It was the La Follette group of Progressives in the House which laid the foundation for a consideration of the Howell-Barkley bill by liberalization of the rules. They also led the fight which placed this measure in a position for further consideration. The Howell-Barkley bill had been tied up in the Senate committee for weeks until Senator LA FOLLETTE, returning from his sick bed after a slight attack of pneumonia, made a strenous demand for an immediate report, and forced it out of the committee that very day.

LA FOLLETTE'S efforts for a proper valuation of railroads and for the reduction and regulation of freight rates are heartily supported and indorsed alike by the public and by the railroad employees. His success in securing the publication of vital information has been a conspicious service to the railroad employees and the entire country.

Mr. WALSH. Mr. President, the first quarter of the twentieth century witnessed a titanic contest between the forces of corrupt wealth on the one hand and the masses of the people on the other—the former struggling to maintain its grip on the Government, and the latter to reassert their mastery of its machinery.

It is not to be understood that the strife is ended, or that a decisive victory was achieved by either of the warring hosts. It proceeds with varying fortunes. Just now the favored few ride triumphantly, with scarcely less arrogance than in 1900.

Much comfort can be derived from a consideration of the conditions which then prevailed. Obsequiousness toward the rich recipients of or seekers after Government favor have not been wanting at any time since the Civil War and prior to 1896; but the campaign of that year, characterized by a lavishness in expenditure never before known on the part of the victors, whose cause was peculiarly the cause of the creditor class, bore most unsavory fruit. It was emulated by men of great wealth seeking to get into the United States Senate, so many of whom succeeded that that body came to be known as "the millionaires' club." It gave rise to tolerance toward all manner of disregard of law on the part of the heavy contributors to the war chest of the successful party, who hoped thereby to recoup or further enrich themselves.

The Sherman antitrust law, enacted to protect the public against the rapacity of plundering combinations of capital, was openly flaunted, the conspirators being confident in the belief that they would, or if they were through the influence they were able to exert, they could avert the penalty of the law.

A perfect orgy of trust-breeding ensued, encouraged by decisions of the courts later materially modified, and by complacence on the part of the prosecuting officers. It was the era of the launching of the Steel Trust and the Northern Securities Co., both flagrantly offending against the law as it was afterwards adjudged.

The public domain offered tempting loot, and the spirit of the times held out the hope that safety could be assured against successful prosecution through political pull. It was the heyday of the injunction to "stand pat," a policy whose votaries were by no means confined to any one political party.

A case-hardened contempt characterized the attitude of both Houses of Congress toward many of the reforms since wrung from a reluctant National Legislature. It was of this period that the publicist spoke who said that the United States narrowly escaped becoming a plutocracy.

To no single man can be assigned the credit for having smashed that baneful system; but surely among all those who aroused the public to its iniquities and led in the revolt against it, the primacy must be given to ROBERT MARION LA FOLLETTE.

It was a task that might have appalled any man less bold and balked any man less talented. He fought his way to complete victory, as you have been told, in his native State over a combination of corrupt business and corrupt politics.

Reentering the national field after an honorable career in the House and three terms as governor of his State, he threw down the gage of battle in this body to all the foes of democracy and against venality in every form, and continued the fight for nearly a generation, until his overtaxed frame gave way, and death devolved upon others the burden he had so long and so valiantly borne.

Into almost every hamlet in this broad land he carried his message of alarm at the decadence of our institutions and the peril of the passing of control of them into sordid and self-seeking hands. Assailing as he did those who sat in the seats of the mighty, he was the object of envenomed hate more intense perhaps than fell to the lot of any other man who ever figured in our history. Small wonder either, for his blows were never tempered and he was never dissuaded by personal considerations from unrestrained denunciation of censurable acts or measures. His famous roll call, in which he laid bare with pitiless precision the deficiencies and delinquencies of his colleagues in the Senate whose careers indicated that they were either subservient or venal, exercised a greater influence, perhaps, than any other one thing in turning the tide that was carrying the Nation away from its ancient moorings, from the Republic as it was conceived by Jefferson and by Lincoln.

Were it not that his public as well as his private life was without stain, he never could have held as he did the confidence of the people of his State, which he represented in this body so long, or retained the affection of the lowly whose rights and interests he never failed to champion. His heart was ever open to the cause of the toilers on sea and land, in the field and on the farm, in the mill, the workshop, and the countinghouse. He burned with indignation at any attempt at the exploitation of the poor. He had a consuming desire to make life worth more than living to them.

He has earned an enduring place in the history of the country, and has left an example of public service to be emulated but which it were vain to expect will be surpassed.

I count it a matter of pride that, serving for over 12 years in the United States Senate with him, renewing a slight acquaintance dating even from our youth, he gave to me in the later years of our association in some measure his confidence.

Mr. FRAZIER. Mr. President, the life of the man whose memory we honor was so unselfish and upright, and his record in public office so unsullied, that even his enemies were compelled to respect him.

I had long admired Senator ROBERT M. LA FOLLETTE, and longed to become acquainted with him. When that opportunity came, I was most agreeably surprised to find not only the great statesman I had admired but a friendly, sympathetic, lovable character.

In 1917 it happened to be my privilege to be chairman of the producers and consumers' convention, and I had the honor of presenting Senator LA FOLLETTE to that immense crowd in the city auditorium of St. Paul. Few speakers ever receive the enthusiastic reception that was given the Senator upon that memorable occasion.

But, oh, the gross misrepresentation of that stirring, straightforward, historic speech. Never has the press more flagrantly misquoted or worked a greater injustice upon any public speaker. When, some months later, the statements of the press were retracted, only briefest mention was made of the fact in inconspicuous corners of most newspapers—quite in contrast with the blazing headlines denouncing as unpatriotic one of the truest, most loyal citizens this country has ever known.

It may be recalled that as a result of this misrepresentation by the press of the St. Paul speech made by the Senator, a resolution was offered on the floor of the Senate to investigate the statements made in the speech, or that were supposed to have been made. A committee was appointed to hold a hearing. In fact, a hearing was demanded by the Senator from Wisconsin. The story is that it became known that Senator LA FOLLETTE was to call in the Hon. William Jennings Bryan at that hearing, and it is said that a member of the committee got in touch with Mr. Bryan to see what he was going to testify if he came to the hearing. It is related that Mr. Bryan told that member of the committee that if he were called by Senator LA FOLLETTE he would testify to the truth. The hearing was never held. But, oh, the attempt which was made to humble that mighty man, to break his fighting spirit.

Mr. President, it was my privilege to take part in the convention at Cleveland in July, 1924, and to have the knowledge that at that time there was placed before the American people a man who could be depended upon to fight their battles as he had sturdily upheld the traditions of the people of his State throughout the years he had been in public service. His message of acceptance of the nomination of that convention for the Presidency was presented by his son, the present Senator LA FOLLETTE, Jr., and was a most masterful statement of principles and purposes. As a result of that campaign Senator LA FOLLETTE was excluded from the Republican caucus of the Senate, and with him went the late Senator Ladd, Senator Brookhart, and myself. Whatever else may be said, I am exceedingly proud of the company I was in on that occasion. No slush funds ever entered into the elections of those men, and no public scandals ever resulted as a consequence of their part in the administration of public affairs.

Mr. President, Senator LA FOLLETTE was a true representative of the principles on which the Republican Party was founded, and especially as interpreted by the people of his home State. The trouble was that the leaders moved away from the original tenets, when the party became strong and powerful because of those high purposes, and Mr. LA FOLLETTE remained steadfast and loyal to those principles.

In the campaign for the Presidency in 1912, Senator LA FOLLETTE carried the State of North Dakota in the presidential primaries. There may be those who will ask, Why not in 1924? I am not unfamiliar with the tactics employed in political campaigns in recent years, nor insensible to the efficiency of well-organized propaganda when the vested interests are aroused and thoroughly frightened, as they were two years ago. The people of his home State who had the opportunity to know him best, loved him most and stood by him on every occasion. It was not possible there to becloud the issues by the use of misleading political propaganda.

It has been said that the atmosphere of Washington is calculated to cool the zeal and dampen the ardor of those exponents of a people's government who are sent here to represent their States and people. Keeping in close and constant

touch with public problems, and holding himself aloof from all entanglements that might be detrimental, Senator LA FOLLETTE continued throughout his life an ardent, earnest champion of the people's liberties and constitutional rights. It was often said he could not be bought, or bluffed, or bribed.

Through the wise leadership of Senator LA FOLLETTE and many other tried and true coworkers in Wisconsin, his State has for years been recognized as a forerunner of progressive legislation and of honest administration beneficial to all the people. In the United States Senate, he sponsored only such measures that he felt, after most careful investigation and study, would prove advantageous to the country as a whole.

To-day the United States is a better, brighter place in which to live because ROBERT M. LA FOLLETTE lived and served here. What nobler aim could actuate the youth of our land than to devote their lives to the unselfish purposes that crowned with glory the name of the man whose memory we would honor to-day? With him it was always "the greatest good for the greatest number of people."

Mr. FERNALD. Mr. President, Senator ROBERT M. LA FOLLETTE was a rare character, an original thinker, a leader of men. He can not be approached over the hackneyed highway of eulogy, for words are as barren sounds, and but feebly express the honor due his noble name. I am grateful for this privilege of paying my humble and heartfelt tribute to his memory.

I shall not undertake to relate the history and achievements of this remarkable man. His interesting biography has been ably presented by another. I shall speak rather of those personal qualities and characteristics which made him an outstanding figure in American politics, and won for him a permanent place in the hearts of his countrymen.

Senator LA FOLLETTE was endowed with all the instincts of greatness. In all of my acquaintance, covering a period of years of public life, I have never known a man of more diversified accomplishments. He was my seatmate in the Senate, and for several years it was my privilege to exchange daily greetings with him, and his was the kindly, generous spirit of a man who could disagree on the various political issues, and yet offer a warm personal friendship. We did not agree in all the great questions of the day, but we were in accord on many great questions of American principles.

ROBERT M. LA FOLLETTE was a patriot in the highest sense of the word; he loved his country and his people, and unhesitatingly sacrificed personal popularity for what he felt to be the best interests of his State and Nation.

The great State of Wisconsin that had honored him with the governorship and had retained him in public office so long, he conscientiously and devotedly served.

He was one of the founders of the Progressive Party, which has been such a colossal factor in the affairs of Government for the past 20 years. The sincerity and tenacity with which he advocated and fought for those principles so dear to him made an enduring impression upon the people of this country. He and I were members of the two opposing wings of a great party. But he was a man who could grasp by the hand in warm and genuine affection one whose views differed from his own.

As a speaker he had few equals in the past decade. His style of eloquence was virile, powerful, poignant; his audiences were moved by the might of its potency and appeal. He was eagerly sought as a speaker on the Chautauqua circuit, and on those occasions, as always, he drew great throngs, who were inspired by his eloquence and charmed by his personality.

With him "politics" was not a matter of individual prestige. It meant to him the science of government, and he studiously applied himself to every governmental problem confronting the country, and earnestly sought its solution. As a statesman he stood at the head of the party which he was privileged to lead for so many years. A man of indomitable courage, he never faltered in his duty, and he stood ready and eager to meet all opponents in the arena of debate and as a debater he had no peer in the United States Senate.

His knowledge of history, and particularly of the American Government from its foundation, gave him an advantage, not only in debate but gave him also a place in history rarely attained. A natural leader, he stood upon the mountain top and cast his eyes upon the whole country, gaining perspective, noting its needs; and from these heights he pointed the way, as it appeared to him, steadfastly, courageously, honestly.

In all the years we sat side by side in the Senate I do not recall that ever a word of criticism of my attitude was uttered by Senator LA FOLLETTE, although our viewpoints constantly differed. This wholesome tolerance strongly impressed me, and I have for him the tenderest of memories.

The affection always expressed for his son who now honors the position made vacant by his death is a touching example of paternal devotion. I wish I might say some word of comfort to his sorrowing family, whom he so dearly loved. But I know how futile is any attempt to assuage so deep a sorrow by any word of sympathy. Yet I believe the appreciation expressed for the beloved husband and father must be of some satisfaction to the bereaved ones.

Senator LA FOLLETTE was so vital, so alert, so much alive, we still feel his presence in this Chamber. His sensitive, artistic, compelling nature seems extinguished not by death. A man well along in years by human reckoning, he gave the impression of ardent youth, and thus I always think of him.

Above my desk hangs a motto, a daily inspiration to me, which I associate with one of his rare and prized visits at my office. Senator LA FOLLETTE was acquainted with disappointment; misunderstanding of his motives was not unknown to him. But how valiantly he "played the game" only those who knew and loved him best can ever know. His voice was vibrant with feeling as he read the verse aloud:

"For when the one Great Scorer comes
To write against your name,
He writes not that you won or lost—
But how you played the game."

That is not a mere platitude; it is an article of faith with you—

Was his well-remembered comment.

I appear here to-day a mourner, for I loved ROBERT LA FOLLETTE. Yes; I admired him as a man, I honored him as a statesman, I loved him as a friend.

Mr. JOHNSON. Mr. President, it is a solemn but not unpleasant task thus to meet and briefly to pay our tribute of respect, admiration, and affection to one who has gone before. Solemn it is because of the reminder of the mutability of human affairs and of the changing processes which make this an automatic body; but with the solemnity is the glow from expression of heart feeling for one whose career and character challenged the highest and best in American life.

It is not for me in detail to recount the deeds or laud the achievements of ROBERT M. LA FOLLETTE. Others more intimate personally and closer to the scenes of his earlier triumphs can better do this. But to their absorbing recital and to their deserved eulogies I would add the mite of one who, thousands of miles removed, with ever growing enthusiasm, watched the marvelous progress of a great State under his matchless leadership, and then later in this Chamber saw in its very personality the same indomitable courage, rare ability, and high statesmanship. But of all this others will tell, eloquently and well. I would speak but a moment of that in which he was kin with some of us, that which won him his place in our generation and which will work his name large in history.

Macaulay tells of how the brave and sincere though not blameless Rumbold, after the ill-fated attempt of Monmouth, at the very scaffold cried that he never would and never could believe that Providence had sent a few men into the world ready booted and spurred to ride and millions ready saddled and bridled to be ridden. From then, aye even long before that time, until now each generation has claimed its martyr to the cause of the millions ready saddled and bridled to be ridden. In our generation their cause had its valiant champion in him whose memory we revere to-day. Throughout his long career of usefulness he never for an instant, whatever price he had to pay, acknowledged the mastery of the few. In all his years of activity, in placid peace or tragic war, in honored place or threatened ignominy, he recognized no subject millions, but ever fought the good fight of the weak and heavily burdened.

He had the gift, so rare in public life, of daring to pry beneath the surface and look beyond the mere semblance. He understood—and this endeared him to the few who dared and whose spirits were alike—that there was something more to government than mere money and materiality. He knew that for government to serve people best, really to be the instrument of progress in its highest sense, it must have, just as man has, an impalpable, intangible, indescribable element, softening and enlightening, even spiritualizing, its harsher and grosser side.

Man may be of commanding stature with features finely molded with every attribute of beauty; but without a soul, the body is but sordid clay. And so with government. It may have every appearance of prosperity, may prate of its wealth, preen itself on its material progress, but woe to it if it have nothing

more. Senator LA FOLLETTE knew government, like man, must have a soul.

ROBERT M. LA FOLLETTE needs neither marble nor bronze. His name is indelibly written in the hearts of his countrymen.

Mr. SIMMONS. Mr. President, I knew the late Senator LA FOLLETTE probably earlier than any other Member of this body, with the possible exception of his colleague, Senator LENROOT, who was a boy of 16 years when Senator LA FOLLETTE was first elected a Member of the National House of Representatives. I was elected to the House from the second congressional district of North Carolina 40 years ago, in 1886, and when I took my seat, one of those I met was ROBERT MARION LA FOLLETTE, a Representative from the State of Wisconsin, at that time entering upon his second term. This was at a date when his son, the present junior Senator from Wisconsin, was not yet born. I served one term in the House, retiring in 1889. Senator LA FOLLETTE remained in the House for another term, retiring in 1891, at the end of six years' service in that body.

I was elected to the Senate in 1900, beginning my service here on March 4, 1901. Four years later—on March 4, 1905—I renewed by acquaintance with Mr. LA FOLLETTE on his taking his seat in the Senate. In the meantime he had served three terms as Governor of Wisconsin.

In our service together in the House and for 20 years in this body, our personal relationship was that of genuine friendship. I believed thoroughly in his honesty of purpose and in the sincerity of his devotion to our common country and to the interests of the common people, and I think he did me the honor of giving me an equal measure of confidence.

Senator LA FOLLETTE was indeed an honest man and a true patriot according to his lights. He was more than that. He possessed ability of the first order, was quite without fear, and he lived the principles for which he so valiantly contended throughout his career.

He was frequently at odds with his party and his party organization, and, indeed, he was not infrequently at odds with the dominant forces in both the major political parties. He cared nothing, however, about that, and never seemed to consider the possible consequences to his own political fortunes of the independent course which according to the dictates of his own convictions he always pursued. He never hesitated to oppose his party when he thought his party was wrong.

I recall that, in 1911, when I was in charge in the Republican Senate of the tariff bills, covering certain schedules, passed by the Democratic House, Senator LA FOLLETTE did not hesitate to oppose his party's position and come to my aid. With his able cooperation—and that of a few other patriotic and independent Republican Senators—I was enabled to pass those Democratic schedule tariff bills in the Republican Senate.

They were vetoed, it will be remembered, by Mr. Taft, who was then President. At numerous other times since Mr. LA FOLLETTE came to the Senate, he and I worked together in behalf of measures upon which our judgments agreed as being in the interests of the masses of the American people. I never had any doubt, when I was working in cooperation with him, that he would keep the faith; his word was good; and his purpose, he was willing that all might see.

Senator LA FOLLETTE filled a distinct place—an important place—in American public life of the past 40 years. Undoubtedly the common people of the United States lost one of their ablest and truest champions when he died. He did much for Wisconsin when he was governor of that State, making the State government cleaner and better, and much more truly a government for the people of the State. In his service in the Senate, he left his mark and made substantial contribution to the constructive and progressive legislation of his day.

Senator LA FOLLETTE could not be frightened or intimidated; he could not be purchased with political favors or social blandishments; and very rarely was he deceived. There is always need in the American Senate and in our National Government for a man such as he. Disagreeing with him, as I of course did, upon many of the policies he advocated during his public career, I nevertheless wish to pay him this tribute in these simple words, and to express my personal sorrow in the passing of this brave gentleman and devoted champion of popular rights.

Senator LA FOLLETTE was a manly man, truthful, honest, faithful, courageous, and patriotic. He was a man of convictions and action. He thought and he moved. He is gone, but his record remains. It is written in the history of his time, and in it nothing is left in doubt or uncertainty, nothing concealed, for he lived, thought, and voted in the open. In his death not only the Nation, his country—his own country—but the great causes that moved and stirred his heart and inspired his mind have sustained a distinct loss. For nearly half a century he was my friend, faithful and true, and I shall ever cherish his memory in my heart.

Mr. MOSES. Mr. President, the years of our association here by no means cover the period of my relations with ROBERT M. LA FOLLETTE. My first contact with him occurred more than 25 years ago when he in Wisconsin and I in New Hampshire, in connection with a former Member of this body, who was closely friendly to both of us, were engaged in resisting what we deemed to be the undue influence of railroads in public affairs. Necessarily this contact was at long range and more or less casual; but it endured and afforded a basis for the personal friendship which began on the day of my entrance to the Senate and which continued increasingly until the day of Senator LA FOLLETTE'S death.

In consequence I can say that I have rarely known a man who reacted more fully to friendship; nor did he ever permit his friendship to be diluted by reason of any differences which arose on questions of public policy. Such differences I had with him—often and acute—but I always recognized the sincerity of his convictions and the courage with which he maintained them and gave battle for them. His consistency was remarkable. While it is undoubtedly true that from time to time and under changing conditions as we all came to know them, his views were occasionally either modified or strengthened, there ran through his whole public career an unbroken chain of discussion and proposals which had the single end of attaining through legislation those things which his convictions had established in his own mind as desirable for the country and its citizenry.

He played a large part in the public life of the Nation for more than 30 years; and he played a useful part, too. He had the rare satisfaction of seeing finally adopted many proposals which at first were scorned; and the statute books are replete with provisions which he originated, and many of which bear his name.

The conclusions which he reached were by no means actuated by prejudice. Profound study and earnest conviction laid the basis for every proposal that he advocated; and, in the debates which took place here, this was the outstanding characteristic of his utterances. Whenever he took the floor one could be certain that reasoned argument would always be advanced. No Senator within my knowledge ever prepared himself more carefully for debate; and no Senator within my knowledge was ever more strongly fortified with chapter and verse of authority to support his declarations. He was often criticised for the length of his speeches here; but no one can read those speeches in the RECORD without recognizing that they carry close, well-knit, and symmetrically developed arguments in support of his point of view. In addition, the literary form of his speeches was noteworthy. I was particularly struck with this in the early days of my service here when Senator LA FOLLETTE in company with two colleagues conducted the somewhat famous filibuster in the closing days of the Sixty-fifth Congress. The night was passed in what at the moment seemed to many to have been a mere storm of words. But when the RECORD appeared those who took the trouble to read it learned that Senator LA FOLLETTE, at any rate, had delivered two speeches of real argumentative value and of genuine literary worth.

It is difficult, Mr. President, to form just estimates of those with whom we have been closely associated. It is still more difficult for an individual to form a just estimate of himself. But from my knowledge of this man as I associated with him and from his own picture of himself which I some years ago found in his autobiography, I venture to declare, even at the risk of triteness, that he was a misunderstood man. Beginning with those years of responsibility which came to him as Governor of Wisconsin, and running through the years of his increased influence as represented in this body, his proposals, though advanced, were never subversive; and he always kept far away in realty from those measures which he was accused of befriending but which could be attributed to him only by strained deduction.

In him lay a deep and rich vein of sentiment; nor did it lie far from the surface. His impulses were kindly and generous; it was from them quite as much as from his reasoned judgments that he formulated the public course which he so undeviatingly pursued. In other words, the philosophy of his public and private relationships ran in parallel lines; and he was always actuated by his desire to be helpful both to the individual and to the mass.

The news of his death came as a shock to those of us who had seen him when we separated at the end of the Sixty-eighth

Congress. The severe strain of the campaign which he had conducted in the previous year had left no external mark to indicate how it had sapped his strength. I saw him on the day that I left Washington, and his nature as I had come to know it was never more finely exhibited. We spoke of the days which lay ahead, neither of us dreaming that his were to be shortened. I carried with me from that last interview the thought of his regained powers and carried with me also, and as always, my picture of him—a man sincere, courageous, hopeful, and helpful, of great intellect and of great heart. Thus, when the news of his passing came to me, my instinctive cry was that of Froude, uttered upon the death of Carlyle: "A man is dead."

Mr. DILL. Mr. President, when I learned of the death of ROBERT MARION LA FOLLETTE it seemed to me his death created a great void, a wide, deep, awful chasm in the public life of this country, which it would be impossible to fill. For a generation he had been one of the great moral and political guides for the masses of the American people. They might not always understand the details of the public questions that confronted them, they sometimes could not recognize the underlying principles involved, but they did know LA FOLLETTE. His fearless championship of the common people's cause again and again throughout his public life, had made them confident that whichever side he took on a great public question, was the side of social justice. For many years he had been so alert to protect the people's interests, so aggressive in the fight for the rights of the poor, so constant in his consecration to humanity's cause, that we simply could not understand why such a life should end so soon.

Whenever we attempt to learn the reason why life must stop, we find ourselves face to face with the stony features of the Sphinx that gazes forever across the desert of death. History tells us that those ancient people who made sacrifices to disease and misfortune in order to ward them off, never sacrificed to death. They knew no human act could turn aside its stroke. They knew it is the one lottery in which there are no blanks.

Death is the one despot in whose realm there is absolute democracy. To those who believe in immortality, whether death beckons in early life or later years, makes but little difference, after all. It is but a part of the infinite and eternal plan. If life gives us opportunity to work and serve, then death gives us opportunity to rest, and those who seize upon the opportunity to work and serve can most readily welcome the opportunity to rest. In our time I know of no man who more fully earned the opportunity to rest than did Senator LA FOLLETTE.

No matter when death comes or how it comes, there is nothing to fear. We all emerge by birth from the unknown into the consciousness we call life, and we all shall pass by death from the consciousness we call life into the unknown again. What shall happen in the adventure into that realm of silence or of joy where the innumerable dwell is reserved to each of us in our own good time to know.

We do know that ROBERT M. LA FOLLETTE did his work well. He set for himself the high purpose to serve mankind and charted his public life by that purpose. He could not be bribed by promise of personal success or by fear of personal failure. He never gave nor sent a flag of truce while in a fight. He carried always the torch of truth. Defeat only spurred him to further effort, and more than any other public man I ever knew he loved to stand alone when he believed he was "alone with the people."

Like so many other great Americans, the effectiveness of his efforts was never interfered with nor was the glory of his struggle ever dimmed by holding the high office of President. He aspired to the Presidency, but that aspiration was prompted by his dominating desire to serve the cause for which he lived and died rather than by the mere love of place and power. The historian of the progress of liberty will be compelled to write his name high on the list.

He will live in the galaxy of America's great, not merely because he had a big brain, not merely because he was a great thinker and speaker, but because he was honest and incorruptible, and fought for what he thought was right, regardless of the consequences to himself. His political character stands out like a mighty mountain, firm as the earth beneath, and pure as the stars above.

The advanced position which he so often took in his contests for the rights of the masses of the people made it easier for other public men, more timid than he, but who wanted to serve the people's cause, to stand for what seemed moderate reforms. Thus, by his own radicalism he made possible much of the advancement of the cause of the millions against the privileges for the few; and while he can fight no more, the advancement thus made in the interest of humanity will be permanent.

Now that he is gone, we miss him. We miss him in Wisconsin, where his policies in operation prove the wisdom of his statesmanship. We miss him in the Senate, where he stood like an immovable rock in the way of privileged legislation that so often swept over him. We miss his sturdy leadership in the Nation and the world.

Although he died here in Washington, he is buried in his old home in Madison. Other nations have long had a custom of collecting the bodies of their honored dead in great public mausoleums. England has its Westminster Abbey in London; Italy has St. Peter's in Rome; France has St. Denis and the Hotel des Invalides in Paris; Spain has the Escorial near Madrid; and Germany and Russia have long had the royal sanctuaries in Berlin and Moscow. But not so in America. Here we bury our most distinguished dead in the places they lived and loved the most.

Washington sleeps in his simple tomb at Mount Vernon; Lincoln rests at Springfield; Jefferson is at Monticello; Jackson is at peace at last on his old plantation, the Hermitage; McKinley is at Canton; Roosevelt, at Oyster Bay; Grant's Tomb overlooks the majestic Hudson; Webster sleeps beneath the wind-swept pines of New England; and the immortal Clay is with his beloved Kentucky.

This custom is truly American. It has its lesson for the youth of the land. These sepulchres and mausoleums located in the simple surroundings amidst which these heroic figures lived serve ever to recall that these great characters secured their opportunities to prove their greatness by first winning the confidence of the people among whom they lived, the people who knew them best and elected them to office.

We should continue this custom. In these days of materialism, it illustrates that sentiment and memory still control the American people. It glorifies the doctrines of democracy established by the Revolutionary fathers, and emphasizes to those who come after us the Divine truth that he who would be greater among us must be the servant of all.

Mr. BORAH. Mr. President, ROBERT M. LA FOLLETTE, to whom we pay tribute to-day, was one of the remarkable men of his time—a singular, striking, and marvelously gifted man. Language is inadequate to portray him. Those of us who were fortunate enough to know him through years of service can recall him in memory only. His boundless energy, his unremitting industry, his unresting spirit, the breadth and depth of his sympathies, the scope and power of his intellect, may be recounted; but there was something more—that inimitable, indefinable personality, BOB LA FOLLETTE—which neither language nor the brush can quite reveal. It is difficult even now to recognize that he is no more. His son honors his seat in this Chamber, and his name has long since been stricken from the roll; but death and his restless soul seem incompatible.

His life was one long, incessant battle for his convictions and for his ideals. Men have differed and will differ as to the soundness of his policies and the worth of his views, but no one who knew him could doubt his sincerity or challenge his purity of purpose. For those things which he believed to be right he stood unfalteringly. There was in him no compromise. It is sometimes said that life is not so sturdy and truth does not seem quite so sacred now as in the old heroic days; that success counts most, and that political martyrdom for one's convictions in these days is not to be expected; but such can not be said of Senator LA FOLLETTE.

He would not dicker or barter in political views or upon political convictions. He would not trade upon one subject in the hope that he might advance another. He would not strike hands with wrong upon the theory that he might advance the right. He took his positions upon public questions after great research and profound reflection. You could not hasten him, neither could you long delay him; but a position once taken, he was seldom, if ever, ready to compromise or to barter. When others began to talk of change of program or defeat he would move out and off to himself and prepare for a more determined struggle. Few men ever possessed finer moral courage, and his iron will and high purpose were such as should accompany his quality of courage.

It may be that there should always be, in affairs of state and in public life, those who can reconcile and harmonize; but in the interest of truth and thoroughness, in the interest of purity in public life and of unpurchasable justice, the man of unswerving convictions is indispensable. How many silent and lonely hours this colleague of ours spent wrestling with great problems which others believed hopeless, we all know. He had the great capacity of straight thinking—a rare gift—and

he followed with relentless purpose the admonitions and deductions of his splendid intellect.

I have read somewhere that the Emperor Nicholas, in the long ago, ordered his engineers to establish a railway route from St. Petersburg to Moscow. Later they produced a map tracing the line of the road. "What's that?" said Nicholas. "That's the best road," was the reply. "What do you make it crooked for?" "Why, we turn this way to touch this great city, and to the left to reach that immense mass of people, and to the right again to suit the business of that district." "Yes." The Emperor took a piece of paper, made a new dot for Moscow and another for St. Petersburg, took a ruler, made a straight line, and said: "Build me that road." This is illustrative of the intellectual integrity of Senator LA FOLLETTE. He would not turn aside to accommodate his proposition to this or that situation. He moved in direct line toward his ultimate purpose.

The most familiar and the most universally accepted criticism of Senator LA FOLLETTE was that he was a radical. "Radical" is the full anathema which vested wrong hurls at those who would right wrongs. "Radical" measures the highest intellectual effort of entrenched stupidity. No man in the whole history of the world ever sought to secure for the human family a greater measure of happiness or a higher standard of justice who was not in his day and generation denounced as a radical. Such denunciations may well be regarded as a certificate of character. If you will turn back only a few pages of history, say from 1850 to 1865, you will see this word strewn all through the literature of the day. It serves as a fine illustration of how and why this term is used. Sumner and Seward were radicals because they hated human slavery. They were so termed in the general parlance of the day. The tenderest and the most devoted soul of the era, one whose life's mission was to preserve the Union free of its bondsmen, was charged with being a radical. What a noble group of radicals from time to time appear in the history of human progress! The term is more often on encomium than a condemnation.

I can not myself recall any measure of the many measures which Senator LA FOLLETTE advocated, except one, not easily reconciled to the fundamental principles of constitutional government. Measures which, when he first proposed them, aroused antagonism, came very generally in time to be accepted as sound. He lived to see proposal after proposal indorsed and approved. He was, as every one knows, a life-long student of our system of government. He believed unfalteringly in the whole theory and spirit of its founders. Yes, he was a radical! He hated injustice. He sympathized with the exploited and the oppressed. He was not afraid of being with the minority. No cause was ever sufficiently unpopular to frighten him from his convictions.

The demagogue seeks the popular trend, scents the drift of public opinion, and hastens to get in line. Senator LA FOLLETTE took his positions upon public questions because he believed those positions sound and righteous, and then devoted his great ability and spared himself not at all in making them popular.

I watched him upon one occasion when a storm of indignation broke upon him, when it seemed that his whole life's work was to be shattered, and that the popular support which he had often had was leaving him for all time; and he stood as dauntless and unmoved as if he had been receiving the plaudits of the Nation. Let no libeler charge he was inimical to the country he loved, or antagonistic to the Constitution in whose principles he profoundly believed.

It seems to me that the dominant tenet of his political creed was his faith in the average common sense of the masses. He never doubted the instinctive love of right in the popular heart. It might err to-day, but it would correct that error upon information to-morrow. He fought most valiantly, therefore, for those rights and privileges which insure the freest and fullest discussion of all public questions. He believed that it is in the open arena of inquiry and discussion that men and women grow to the full stature of citizenship in a representative republic; that it is in the open field of submission and debate that men and women are trained to the arduous duties and exacting obligations of modern life. He seemed to say, "Make speech free, and it will keep the people free. Give the citizen the right to think, to speak, to write, to argue, and these things will make him self-reliant and strong, and bind him to the Government which believes in his intelligence and confides in his character."

No man in the whole history of our Government ever fought more persistently and more intelligently for these great principles. He lived his creed, he suffered for his creed, and he justified his creed.

I realize that this is but a glimpse of the crowded career of Senator LA FOLLETTE; but in the midst of the pressing hours of a closing session it has been impossible to find time even to approach a full expression of our admiration. Some one less preoccupied than we will find the time and count it a pleasure to record in full measure the great service he rendered his State and his country, and the worth and beauty of his life among his immediate friends and with his family.

Mr. WHEELER. Mr. President, we have assembled here to-day to do homage to ROBERT M. LA FOLLETTE, who for 30 long years has led the fight of the common man in the United States for political and industrial freedom. We are here not to mourn a leader gone, but to rejoice in the knowledge of a glorious life, to renew our faith in the ultimate triumph of life, and to gird ourselves for the irrepressible conflict before us.

It is not my purpose and I shall not attempt to pronounce an extended encomium of ROBERT M. LA FOLLETTE. Whatever I might say would add nothing to your appreciation of his worth or to your knowledge of his services to our common country. To review his life would be to recount the progress of civic righteousness for more than a generation. To the forward-looking men and women of this Nation he was a cloud by day and a pillar of fire by night. But he is gone. He has passed from the forum of political and industrial strife, from the tumult and the shouting, to the silence and calm of a long rest. His work is done, and when the moving finger of history has written the story of that work, it will say that it was nobly done. There is the record written, not only in the statutes of a great nation, but also engraved on the hearts of every liberty-loving man and woman in the civilized world.

LA FOLLETTE, the ever-ready champion of the poor and the weak wherever found, has passed from the narrow circle of the present to live with the immortals. His life was round and complete. He passed on at the zenith of his power, feared by the criminally weak, respected by the strong, and loved by the toiling millions.

In the voiceless presence of the grave, the tongue of calumny is silent, and from the great heart of the Nation, from the lips of friend and foe alike, comes an unbroken symphony of appreciation and praise. The record of his achievements is a greater monument than can ever be erected to his memory by the hands of man.

For years the people knew him as "Battling Bob." The day will come when LA FOLLETTE will be known as a great constructive statesman, rather than merely the fighting defender of the people's interests. Since the founding of the American Republic few men have left so great an impression on the laws of the country as he left, few men have effected important reforms so quickly and completely. His long, careful research, the painstaking preparation, and unceasing study that have gone to make his record of constructive work so brilliant and so sound, are well known to those who served with him in the Halls of Congress.

Time does not permit a complete review of his many legislative achievements. He proposed many legislative reforms to conventions of his party only to have them rejected amid jeers and hisses. Of the 13 planks submitted by him in 1908 to the Republican Convention, 11 have since been enacted into law. Of the 18 propositions submitted in 1912, 15 have been written into the Federal statutes. The following are but a few of the reforms proposed by him to various conventions which later became the law of the land:

The enlargement of the powers of the Interstate Commerce Commission so that the commission could institute proceedings upon its own motion.

The establishment of the principle of suspending proposed increases in rates when they were challenged by shipper or consumer.

To provide for the physical valuation of the railroad property of the country.

The creation of a tariff commission.

The election of Senators by direct vote of the people.

The publicity of campaign contributions and expenditures.

The regulation of telephone and telegraph rates.

The prohibition of the issuance of injunctions in cases arising out of labor disputes when such injunctions would not apply when no labor dispute existed.

The creation of a Department of Labor.

The seamen's act.

The extension of the existing eight-hour law to all Government employees.

A Federal employees' liability act.

The building of a railroad in Alaska.

The extension of the Postal Service to include a parcel post.

The adoption of the income tax law.

The extension of suffrage to women.

The Federal inheritance tax.

These, I repeat, are only a few of the constructive measures which he advocated, worked for, and lived to see enacted into law.

His work for the betterment of toilers on sea and land, and his unswerving fidelity to the primal efforts of democracy, will be remembered among men when the shafts of granite and marble have ceased to be. LA FOLLETTE in his grave to-day is more powerful than LA FOLLETTE living yesterday. This is the heritage of the great—their power grows with the passing of the ages.

There is no human standard by which to measure the great and the near great. The public estimate of men varies with the personal bias of the individuals who mold public opinion and determine, to a great extent, the verdict of history.

If I were to assume the robes of a prophet, and name the place which unprejudiced history would accord LA FOLLETTE, I would say that he will stand with Jefferson and Lincoln. In my opinion, the three greatest characters our Nation has produced are Thomas Jefferson, Abraham Lincoln, and ROBERT M. LA FOLLETTE. It matters not to what political party they adhered—these three great democrats belonged to the Nation. Totally different in attainments and environment, these three men stand out distinct as our three greatest Americans—great souled, far sighted, and with the courage of their vision. Single of purpose, they strove directly to a common goal—the liberation of the soul and body of man from bondage. They were fearless champions of freedom. Jefferson laid the foundation broad and deep in the Declaration of Independence and in the first 10 amendments to the Constitution; Lincoln applied the declaration of human rights to all men regardless of race or color; LA FOLLETTE strove to emancipate the toilers from industrial slavery.

Death came and found LA FOLLETTE at his post in the battle front, where so often, single handed, he had held the line and kept the exultant foe at bay. Being always in the van of the assaulting columns of progress, he received the concentrated fire of the intrenched hosts of static privilege. No other public man since Abraham Lincoln has withstood such storms of vituperation and maintained the respect and affection of the masses. While always and continuously a tribune of the people, and while receiving the devoted support of his constituents, LA FOLLETTE worked alone. He had an unbounded confidence in his vision, and relied on the common sense of the people and the rectitude of his own intentions for victory. He was seldom disappointed. Fair-weather friends and trusted lieutenants might fail him and go over to the enemy, but his faith in the masses never faltered. Wolves hunt in packs; the lion hunts alone. Isolation is often the fate of great leaders, of all great thinkers and doers of deeds. They must needs work alone. To them divergent counsel beclouds their vision of the future.

Count me o'er life's chosen heroes,
They were souls that stood alone
While the man they agonized for
Hurled the contumelious stone;
Stood serene and down the future
Saw the golden beam incline
To the side of perfect justice
Mastered by their faith sublime—
By one man's plain truth of manhood
And to God's supreme design.

It was this unswerving faith in the ultimate triumph of truth and right and justice that placed LA FOLLETTE in the front ranks of the great. The poisoned darts of malice and the contumely glanced, harmless from his helmet of truth or were shattered against his shining armor of integrity.

It mattered not how strait the gate
How charged with punishment the scroll,
He was the master of his fate
He was the captain of his soul.

Senator LA FOLLETTE'S path was not an easy one. It was not strewn with roses. Weaker souls would have given up the fight in despair. Not so with him. As he passed from this life he expressed the wish that his friends might "Carry on."

I went with the funeral train as it bore him to his last resting place in Wisconsin. I saw big men, strong men, with tears in their eyes at every station mourning their departed leader. I saw men and women—the rich and the poor, the high and the low—come for hundreds of miles to view his remains at the capitol in Madison, Wis. Thousands stood in line for hours, and as they passed the bier parents lifted their children from the ground in order that they might view the face of this noble man who had fought so gallantly throughout his life in order that this might become a better place in which to live.

Difficult though the fight for righteousness may be, who is there that would say that the reward that came to him is not worth the effort. All who witnessed that scene; all who knew LA FOLLETTE, and realized the happiness that came to him as it comes to all who serve others, could not help but come away better men and better women, determined from thenceforth to devote their talents and their energy to the cause of the poor and oppressed, to the cause of humanity.

Mr. REED of Missouri. Mr. President, the beautiful testimonials of this morning leave but little to be said. The life of ROBERT M. LA FOLLETTE is closed and we who for many years sat with him in this forum, in the calmness of the present now turn to survey his eventful past. For an hour the turmoil of life is stilled and the country reverently surveys the career of this man whose eloquent tongue is now silent and whose story must be told by others.

It is, sir, not necessary that a man shall be esteemed as always right, for who shall judge? Who can claim the right to be the final arbiter of what is right? Our intellectual scales are so poorly balanced that we can not always weigh the truth of a philosophy. And so that creed which seems to us reason's perfection may to others appear as false and vicious. In the crucible of thought the gold of truth can not always be separated from the dross of error. There is, however, one element of character without which society can not exist and states can not endure. That is the quality of sincerity.

I have listened with rapt interest to the eulogies which have just been pronounced by men of widely different views. Through all of them there was a dominant note, the sincerity of ROBERT M. LA FOLLETTE, a sincerity which refused to abide chains, to endure shackles, to yield to influence, a sincerity that scorned to sacrifice principle that favor might be gained. Having so heard I turn in wonderment to inquire why those who thus admire these virtues of the dead and praise the dead because he did possess them, do not themselves, here in this forum, and outside in general, follow the illustrious example.

I say it not in criticism, but I now inquire if in this legislative hall each man should practice the philosophy we now so adulate, each man standing as stood LA FOLLETTE refusing to wear the livery of any servitude, courageously battling for that which he believes to be the very right, whether these 96 men possessing different talent and speaking the knowledge gained from widely varied experiences could not in common counsel evolve policies which would be for the country's weal. I can not help but wonder how different would be the course of our proceedings, how different the fate of the Republic.

I can do no greater honor to the memory of the dauntless man who never lowered his arm or turned his back upon a foe than to ask his survivors in this body to emulate his courage and sincerity. You need not, sirs, accept his opinions upon the tariff, for they may have been at fault. You need not accept his views upon taxation, for they may have been in error. You need not accept his philosophy of labor, for it may have been fallacious. But there was one rule he followed which was not a mistake. In the performance of official duty he did not think of himself. He did not consider his own political preferment. He thought only of the people he represented and of the justice of a cause. He followed the star of principle regardless of his own fate.

For nearly 16 years I have served in this body. I have seen many a beloved son of America pass from the scene; and I have heard the praises of their friends, but here to-day is a character of eulogy, a kind of tribute which, as unique as it is splendid, the central thought of which is not that ROBERT M. LA FOLLETTE succeeded in politics, not that he held office, not that he had honor's wreaths placed upon his brow, but that he disregarded himself, that he thought only of his country, and that he was willing to lay his life and faith and honor upon its altar. If these virtues are so worthy of eulogium, let us hereafter emulate them in this Chamber and exemplify them in our lives.

Mr. President, there is a single trait of Senator LA FOLLETTE to which I desire to refer. The picture which has hitherto been held before the public is that of a warrior, fighting, fighting, fighting, because indeed he loved the carnage and the strife; of one who loved to break bones and to employ a supurb and unusual power to crush and destroy antagonists. The character thus portrayed has at times assumed cruel and even sinister attributes. And yet, sirs, I give it, as my opinion the most sympathetic man who ever sat in this Chamber was ROBERT M. LA FOLLETTE.

His heart thrilled at every cry of pain; his eyes filled with tears of sympathy at every story of oppression or of wrong. A wickedness, a cruelty, particularly if visited upon masses of men, struck his soul with horror, made him vibrant with a

passion to defend the weak and to undo the wrong. So, when he came here and struck these lusty blows, it was not that he hated, it was not that his heart was aflame with a desire to injure; but it was because of his limitless sympathy, his passion to alleviate suffering. The battles of his life were waged not to punish even the wrongdoer but to break shackles, to lift burdens, to dissolve chains, to tear down dungeon walls, to let in the golden sunlight, and give the sweet breezes of heaven to all the children of men. Accordingly he refused to compromise with evil.

There is one subject to which I shall refer, although to some it may seem a discordant note. I remember when in this Hall, and from this seat, surrounded by a little group of six Senators, he stood in opposition to the declaration of war. It was, in my opinion, the most superb act of courage this century has witnessed. Again it is not necessary his judgment or that of his associates should have been right; the act affords the index to his character.

We had been told for months and years—and wisely and properly were we so advised—that we should maintain neutrality. We had been told that neutrality should be of heart as well as tongue. Conditions changed; but, in the opinion of Senator LA FOLLETTE, the change had not been sufficiently radical to justify resort to arms. Public opinion had changed overnight; the spirit of Mars was marching across the land, the flames of passion were consuming the souls of the people; the universal voice was for war. In that situation the man who dared to stand and face an excited and enraged nation had to possess a soul that was more than heroic. The man who could fold his arms and look into the faces of the jeering multitude, who could endure while the serpents of slander hissed about his feet, who could with unfaltering tongue still speak his thoughts, had to be a man of rarest metal and of dauntless soul.

Time will run its course; from the mountain peaks of the future the philosopher and the savant of other days will survey our recent past, and in the calm light of experience the verdict will be rendered. The world will then know whether ROBERT LA FOLLETTE was wise that day when he stood like a rock, defying the popular storm, or whether he was mistaken; but there can then be but one verdict as to his motives, as there is but one verdict here to-day as to the impulses of his life, and that verdict will be that he was the bravest of the brave, the most sincere of the sincere."

Mr. NORRIS. Mr. President, we are assembled to pay tribute to the memory of a great statesman, an able and fearless leader, a loving and confiding friend. In this moment of living memory the stricken heart almost stills the voice. We have so long followed the flaming torch of righteousness and civilization, held aloft by the strong arm of our illustrious leader, that it seems almost impossible that a just God should compel the progress of civilization to pause in its onward march, while around the open grave of our fallen hero we hesitate and pause with a disconsolate feeling that almost discourages the strongest of hearts and thus holds in temporary check the advancing columns that have so long and so willingly followed his lead.

His was the voice of justice and humanity, calling God's common people to battle for righteousness. He blazed the trees through the wilderness of suspicion, and doubt, leading the way to a higher civilization, a nobler life, and a happier day. His life from the cradle to the grave was one continuous struggle in behalf of the downtrodden and oppressed. He met upon the field of governmental combat the advocates of monopoly, of greed, and never once during his long and eventful life did he compromise with sin or surrender to wrong. To those who loved him and followed him and believed in him there will always be the happy knowledge and consolation that even his worst enemies never once accused him of infidelity to the cause of righteousness as he saw it. Never once for the sake of personal advancement did he deviate from his chosen path in the cause of human freedom. Defeat to him meant only new determination for the next struggle. He turned a deaf ear to those who even suggested the possibility of compromise for his personal temporary advancement, and in answer to suggestions from the enemy that a different course might bring him power and popularity we can hear him now, with all the strength of his great power and all the vitality of his courageous soul, cry out aloud his denial.

What would you have me do?
Seek for the patronage of some great man,
And like a creeping vine on a tall tree
Crawl upward, where I can not stand alone?
* * * Dedicate, as others do,
Poems to pawnbrokers? Be a buffoon
In the vile hope of teasing out a smile
On some cold face? * * * Eat a toad
For breakfast every morning? Make my knees
Callous, and cultivate a supple spine,—
Wear out my belly groveling in the dust?
* * * Scratch the back of any swine
That roots up gold for me? Tickle the horns
Of Mammon with my left hand, while my right
Too proud to know his partner's business,
Takes in the fee? * * * Use the fire
God gave me to burn incense all day long
Under the nose of wood and stone? * * *
Shall I go leaping into ladies' laps
And licking fingers?—or—to change the form—
Navigating with madrigals for oars,
My sails full of the sighs of dowagers?
* * * Publish verses at my own
Expense? * * * Be the patron saint
Of a small group of literary souls
Who dine together every Tuesday?
* * * Shall I labor night and day
To build a reputation on one song,
And never write another? Shall I find
True genius only among geniuses,
Palpitate over little paragraphs,
And struggle to insinuate my name
Into the columns of the Mercury?
* * * Calculate, scheme, be afraid,
Love more to make a visit than a poem,
Seek introductions, favors, influences?—
* * * No, I thank you! And again
I thank you! But—
To sing, to laugh, to dream,
To walk in my own way and be alone,
Free, with an eye to see things as they are,
A voice that means manhood—to cock my hat
Where I choose—at a word, a Yes, a No,
To fight—to write. To travel any road
Under the sun, under the stars, nor doubt
If fame or fortune lie beyond the bourne—
Never to make a line I have not heard
In my own heart; yet, with all modesty
To say: "My soul, be satisfied with flowers,
With fruit, with weeds even; but gather them
In the one garden you may call your own."
So, when I win some triumph, by some chance,
Render no share to Cæsar—in a word,
I am too proud to be a parasite,
And if my nature wants the germ that grows
Towering to heaven like the mountain pine,
Or like the oak, sheltering multitudes—
I stand, not high it may be—but alone!
* * * *
Watching you other people making friends
Everywhere—as a dog makes friends! I mark
The manner of these canine courtesies
And think: "My friends are of a cleaner breed."

His whole life's story could well be told in the few sentences that dropped from his own lips when he lay upon his bed of sickness facing the inevitable end which he knew was near:

I am at peace with all the world, but there is a lot of work I still could do. I don't know how the people will feel toward me, but I shall take to the grave my love for them, which has sustained me through life.

These brief words constitute the key to the great man's heart and soul.

In the many bitter struggles of his life he fought against the combined forces of greed, of monopoly, and of special interests, with a ferocity and a determination that gained for him among many classes of people the reputation that he was cold and indifferent to many of the more tender attributes of humanity, and that he lacked the sympathy and the followship of the lover. But this was only one side of the great man's character. He did fight with a fearlessness and a courage unsurpassed. The ferocity of his forensic onslaughts was only emblematical of one side of his wonderful character. His heart was as tender as that of any child. He loved with an intensity that was only equaled by the ferocity of his fighting ability. His heart beat in harmony with the aspirations and the hopes of all struggling mortals. The welfare of the little child at the humblest fireside excited in his great heart the desire to relieve the handicap of poverty, and to crown the aspirations of the unfortunate with happiness and success. He was a hard fighter because he was a great lover. He fought all forms of wrong because he loved all forms of righteousness; and because he loved in the extreme, he fought in the unrelentless bitterness of determination.

The tender, loving heart added to his courage, his determination in every struggle that he made for better government, and he inquired not the prospect of victory. He had no sympathy for the man who was looking for the most popular side of disputed questions of government. His incentive to fight was fundamental and it was fundamental because of his love of humanity. Of him it could be truly said:

The test of a man is the fight he makes,
The grit that he daily shows;
The way that he stands on his feet, and takes
Fate's numerous bumps and blows.
The coward can smile when there's naught to fear,
And nothing his progress bars;
But it takes a man to stand up and cheer,
While some other fellow stars.

It isn't the victory, after all,
But the fight that a human makes;
The man, who, driven against the wall,
Still stands erect and takes
The blows of fate with his head held high,
Bleeding and bruised, and pale,
Is the man who'll win in the by and by,
For he isn't afraid to fail.

It's the bumps we take and the jolts we get
And the shock that our courage stands,
The hours of sorrow and vain regret,
And the prize that escapes our hands,
That test our mettle and prove our worth;
It isn't the blows we deal,
But the blows we take on this good old earth
Which prove that life is real.

In many of the greatest fights of his life he knew in advance that he would fail. Success was, of course, welcome, but he knew that human progress was slow; that civilization's march onward and uphill was always impeded by the intrenched power of wealth and partisan political combination. He knew that those who bore the advancing torches of light and wisdom would be impeded in their progress and often defeated in their efforts by the powers of intrenched greed, sustained and cemented by those who were opposed to progressive change. The man who fights the battle even for righteousness, and who has a majority of the people with him, riding in cushioned seats on the bandwagon, is living a life of comparative ease and comfort, even though it be on the side of right; but the man who must lead the fight against the relics of ancient and barbaric forms, knowing that his struggle will not succeed and that at best he can only mark the pathway a short distance in advance, and that the ultimate victory will come to those who profit by his sacrifice and his death, is the man to whom civilization is indebted for every step of human progress. It is only now, after the death of humanity's illustrious leader, that people of all classes have begun to realize that throughout his life he struggled for humanity and not for personal victory.

His life and his work have placed him with the immortal statesman who boldly proclaimed the true object of all those who struggle for the redress of human wrongs, for the upbuilding and advancement of progressive government:

I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody who stands right, stand with him while he is right, and part from him when he goes wrong.

He never lost faith in the ultimate judgment of the people. He endeavored to investigate all questions of doubt with the view of ascertaining the exact truth, and he always believed that when the people were once informed and understood the truth their judgment would be just. He was often denied fair treatment by an unfriendly press, but somehow, in some way, the real truth in time always percolated through the mists of doubt and uncertainty; and the great common people, the millions of those well-meaning folk who constitute the backbone of our civilization, understood; and when they understood, they knew that he was the leader of their aspirations, their beliefs, and their hopes. They trusted him, they followed him, they loved him, because of his fidelity to those principles of government which they believed were just and would give to them and their posterity the liberty and the happiness that should come to every free people.

I saw the throngs that came from all parts of the Nation to pay homage to his memory. I saw the thousands that marched by the bier with bowed heads and sorrowful hearts. It was a throng that under any ordinary circumstances would have required the work of hundreds of policemen to keep them in line and to preserve orderly procession; but no policemen were in sight. No official was necessary to keep this multitude of people in place. They stood out in the hot sun, slowly approaching in narrow column the coffin that contained the remains of their trusted leader and friend. Men in their short sleeves from off the farms, workmen from shops, professors of colleges, and teachers from institutions of learning marched side by side, sharing a common sorrow and grief. Little children, barefooted, tottered along by the side of sorrowing parents, and were lifted up to have one last gaze upon the countenance of the man they knew had been their friend and had advocated their rights in high places of government. I stood at one end of the open grave when the coffin was lowered into the earth. I stood there in silence, and saw the sorrowing multitudes leave for their homes; and I saw women, men, and children who had gathered wild flowers in the fields and had brought them as a last token of remembrance to place upon the grave of the one man in public life whom they loved best.

The greatest honor we can pay to his memory is to live the life that his struggle has taught; to carry on the fight he so nobly led; to make true his prophetic vision of future happiness by putting into practice the principles he advocated, and by avoiding the evils so often pointed out by the words of wisdom that fell from his lips. The work of his life has pictured for us the ideal star of righteousness in the firmament of eternal truth; and those who followed him, those who believed in him, and many who are still unborn, will be moved by the lesson of his life struggle. This glittering light, this future hope, has been described by one of the many millions who have felt the wonderful inspiration of his prophetic vision:

In the Valley of Decision,
Down the Road of Things-that-are,
You gave to us a vision,
You appointed us a star,
And through Cities of Derision
We followed you from far.

On the Hills beyond To-morrow,
On the Road to Things-to-do,
With that strength of hand we borrow
As we borrow soul from you,
We know not sloth nor sorrow
And will build your vision true.

His life-struggle against wonderful odds in behalf of humanity has not been lost. The story of his life, the lesson of his struggle, will ever be a beam of hope, leading humanity onward and upward to more glorious and firmer heights. The death of our great leader can not be taken and must not be taken as any disintegration in our ranks. The echo of his clarion voice, which led during his lifetime, will be the rallying cry after he has passed on. From the silence of the death chamber there comes no wailing cry of discouragement and despair. He died as he lived, the same brave, courageous, double-fisted, fighting hero. Humanity's cause, for which he lived and for which he gave his life, demands and will receive the united service of his loyal followers. The banner of human freedom that has fallen from his hands will be raised aloft, and the story of his life will be the encouragement that will enable his followers to carry on the fight which he so nobly led, until happiness shall come to every home and joy be enthroned at every fireside. He has imbued more hearts with hope than any other man of his day. He has planted human love in the souls of numberless thousands—a love for truth, for honesty, for fidelity. The things he stood for, the things he fought for, the things he died for, are all noble and uplifting, and will be the rallying cry in future years of the advocates of those who knew him and loved him. His imperfections were only attributes of a great loving heart and soul, anxious to relieve the distress of his fellow men, and while his death might seem to bring discouragement, nevertheless, in some way, somehow, in God's own time, every noble act of his life will redound to the happiness and joy of his fellow countrymen.

He was the leader of the advancing column of aspiration and hope. His physical body has been laid to rest, but his soul, his spirit, has only passed on; and when, in the onward march of humanity, the doubts and the obstacles of selfishness and greed shall have been removed, when the multitudes of the earth shall have advanced to the emblazoned pillars of a perfected and enlightened freedom, and when the mighty avalanche of human progress shall have reached the crossroads of civilization and eternity, there we will find LA FOLLETTE—waiting.

Mr. President, I ask for the adoption of the resolutions.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The question is on agreeing to the resolutions submitted by the senior Senator from Wisconsin [Mr. LENROOT].

The resolutions were unanimously agreed to.

ADJOURNMENT

Mr. LENROOT. Mr. President, as a further mark of respect to the memory of the deceased Senator, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and the Senate (at 1 o'clock and 50 minutes p. m.) adjourned until to-morrow, Monday, June 21, 1926, at 12 o'clock meridian.

SENATE

MONDAY, *June 21, 1926*

The Senate met at 12 o'clock meridian.

On request of Mr. CURTIS and by unanimous consent, it was—

Ordered, That the JOURNAL and CONGRESSIONAL RECORD show that at the conclusion of the proceedings of yesterday an adjournment was taken until 12 o'clock to-day instead of a recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Sheppard
Bayard	Fess	Lenroot	Shipstead
Bingham	Fletcher	McKellar	Shortridge
Blease	George	McMaster	Simmons
Borah	Gerry	McNary	Smoot
Bratton	Gillett	Mayfield	Stanfield
Broussard	Glass	Means	Steck
Bruce	Goff	Metcalf	Stephens
Butler	Gooding	Moses	Swanson
Cameron	Hale	Neely	Trammell
Capper	Harreld	Norbeck	Tyson
Caraway	Harris	Norris	Underwood
Copeland	Harrison	Oddie	Wadsworth
Couzens	Heflin	Pepper	Walsh
Cummins	Howell	Phipps	Warren
Curtis	Johnson	Pine	Watson
Deneen	Jones, N. Mex.	Reed, Pa.	Weller
Dill	Jones, Wash.	Robinson, Ark.	Wheeler
Edwards	Kendrick	Robinson, Ind.	Williams
Ernst	Keyes	Sackett	Willis
Fernald	King	Schall	

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is necessarily absent on account of illness.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present. The Chair lays before the Senate the unfinished business, which is House bill 7893, to create a division of cooperative marketing in the Department of Agriculture.

Mr. SIMMONS obtained the floor.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New York?

Mr. SIMMONS. I yield.

TREASURY SURPLUS

Mr. COPELAND. Mr. President, I would like to have the attention of the Senator from Utah [Mr. SMOOT] for a moment. Has the Senator from Utah noticed a dispatch in this morning's New York Times to the effect that the surplus continues to pile up in the Treasury, that it has now reached more than $350,000,000 and will go beyond $400,000,000, and perhaps $500,000,000?

Mr. SMOOT. Mr. President, that is only a prediction on the part of the newspaper. There is nothing to show definitely that there will be any such surplus, I will say to the Senator.

Mr. COPELAND. I want to say to the Senator from Utah that if it is really true that these enormous sums are reaching the Treasury in the language of the President, it is legalized larceny——

Mr. SMOOT. Oh, Mr. President, I can not agree with any such statement as that.

Mr. COPELAND. To take money from the people when there might be a still further reduction in taxation.

Mr. SMOOT. I do not think there is any larceny in it at all. If we keep the money, we will use it to pay our debts. The taxpayer ultimately would have to pay the money anyhow, whether it is this year or some other time.

Mr. COPELAND. But we did not——

Mr. SIMMONS. Mr. President, I supposed the interruption of the Senator from New York was merely a matter not to result in any debate.

Mr. COPELAND. I do not want to take the time of the Senator.

Mr. SIMMONS. I hope the Senator will not proceed further with his inquiry.

Mr. COPELAND. I shall not press the matter at this time.

Mr. SIMMONS. The Senator has asked his question, and doubtless the Senator from Utah will answer it in his own time.

Mr. COPELAND. I thank the Senator from North Carolina.

The VICE PRESIDENT. The Senator from North Carolina will proceed.

PETITIONS AND MEMORIALS

Mr. CAPPER presented petitions of sundry citizens of Arcadia and Coldwater, in the State of Kansas, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. WILLIS presented a petition of sundry citizens of Cleveland, Lakeland, and Akron, all in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

Mr. PEPPER presented petitions of sundry citizens of Philadelphia and vicinity, in the State of Pennsylvania, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. DENEEN presented a petition of sundry citizens of Chicago, in the State of Illinois, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

Mr. ODDIE presented a resolution adopted by Nevada Council, No. 978, Knights of Columbus, of Reno, Nev., protesting against the expulsion from Mexico of Archbishop Caruana, "an American citizen, officially designated to represent the Roman Catholic Church in Mexico," which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. BUTLER, from the Committee on Patents, to which was referred the bill (S. 4480) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United States during the World War, reported it without amendment.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (H. R. 9707) for the relief of L. L. Kyle, reported it without amendment and submitted a report (No. 1118) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 4482) to increase the limit of cost of submarine tender *No. 3* and to authorize repairs and alterations to the United States ship *S–48*, reported it without amendment and submitted a report (No. 1119) thereon.

Mr. CARAWAY, from the Committee on the Judiciary, to which were referred the following bills, reported them each with amendments:

A bill (H. R. 10547) to require the filing of an affidavit by certain officers of the United States; and

A bill (H. R. 10739) to prevent purchase and sale of public office.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEELY:

A bill (S. 4486) granting an increase of pension to Caroline Stover; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 4487) granting an increase of pension to Caroline Stover; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4488) granting an increase of pension to Mary McLeod Heusted (with an accompanying paper); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4489) granting an increase of pension to Jennie McBride; to the Committee on Pensions.

A bill (S. 4490) for the relief of W. C. Milligan; to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 4491) for the relief of G. W. Rogers (with accompanying papers); to the Committee on Claims.

By Mr. LENROOT:

A bill (S. 4492) for the relief of the Milwaukee Tanning & Clothing Co., a corporation; to the Committee on Claims.

AMENDMENT OF WORLD WAR VETERANS' ACT

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (H. R. 12175) to amend the World

War veterans' act, 1924, which was ordered to lie on the table and to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. SHEPPARD submitted an amendment proposing to appropriate $60,000 for share of the United States in cost of proposed joint survey by the Governments of Mexico and the United States of the Rio Grande from El Paso to Fort Quitman, Tex., which was referred to the Committee on Appropriations and ordered to be printed.

ARTHUR MACDONALD—SCIENTIFIC STUDIES OF MAN

Mr. COPELAND submitted the following resolution (S. Res. 255), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate shall employ Arthur MacDonald to make scientific studies of man, at a salary not to exceed $2,000 per annum, to be paid out of the contingent fund of the Senate until otherwise directed.

That said studies shall be along anthropological, psychophysical, and statistical lines, and that the said Arthur MacDonald shall report to the Vice President the results of his studies and investigations, which, with the approval of that officer, shall be published.

REUBEN J. REALS—WITHDRAWAL OF PAPERS

On motion of Mr. NOBECK, it was—

Ordered, That the papers filed with the bill (S. 2831) for the relief of Reuben J. Reals be withdrawn from the files of the Senate, no adverse report having been made thereon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had insisted upon its amendments to the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., disagreed to by the Senate, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEAVITT, Mr. HUDSON, and Mr. HAYDEN, were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9833) to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said act.

The message further announced that the House had passed a bill (H. R. 7228) correcting the military record of William H. Murphy, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 44. An act for the relief of Alice M. Durkee;

S. 45. An act for the relief of Yvonne Therrien;

S. 161. An act for the relief of Charles H. Willey;

S. 248. An act for the relief of the Central National Bank, Ellsworth, Kans.;

S. 970. An act for the relief of Th. Michaelsen;

S. 1023. An act authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy;

S. 1631. An act for the relief of Capt. Edward T. Hartmann, United States Army, and others;

S. 1747. An act for the relief of the estate of Henry T. Wilcox;

S. 1828. An act for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy;

S. 1885. An act for the relief of James C. Minon;

S. 2189. An act for the relief of W. B. deYampert;

S. 2312. An act for the relief of Franklin Gum;

S. 3049. An act for the relief of Mrs. M. McCollom, Margaret G. Jackson, and Dorothy M. Murphy;

S. 3055. An act for the relief of Lawford & McKim, general agents for the Employers' Liability Assurance Corporation (Ltd.), of London, England;

S. 3200. An act to confirm the right, title, and interest of the Peoples' Investment Co. (Inc.), of the State of Louisiana, in certain lands;

S. 4344. An act to provide for the permanent withdrawal of Memaloose Island, in the Columbia River, for the use of Yakima Indians and Confederated Tribes as a burial ground;

H. R. 7152. An act for the relief of Lilly O. Dyer; and

H. R. 11870. An act for the relief of certain officers of the Air Service of the United States Army on account of funds expended by them in connection with the American round-the-world flight.

PROHIBITION ENFORCEMENT

Mr. BRUCE. Mr. President, I ask permission to have read at the desk a brief article from yesterday's New York Times.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The legislative clerk read as follows:

[From the New York Times, January 20, 1926]

WET FIGURES FOR SENATOR WALSH

To the EDITOR OF THE NEW YORK TIMES:

Senator WALSH of Montana, as is the custom of the prohibitionists, of late has been talking of wet New York and the dry West. One would suppose that so able a man as Senator WALSH would know the habits of his own State of Montana, but apparently he has one standard for Montana and another for New York. There are statistics put in evidence at the Senate inquiry which are available to every one, and those statistics throw some light upon the habits of Montana and New York.

Montana has about one-twentieth of the population of New York, and less than the population of the Borough of Queens. The report of the Commissioner of Internal Revenue for 1925 shows 189 stills seized in Montana as compared with 105 in the whole State of New York. If Montana enjoys the Volstead Act, one would expect the local police to enforce the law and not let the Federal prohibition agents find thirty-five times as many stills in proportion to population as they did in New York. The quantity of mash seized has some bearing on the capacity of the stills. In Montana the agents seized 68,979 gallons of mash and in New York 60,105.

The number of arrests for drunkenness in 457 cities, including New York and three cities in Montana, was put in evidence before the Senate committee. The arrests per 10,000 population were as follows:

City of New York	23
Billings, Mont.	164
Livingston, Mont.	95
Missoula, Mont.	230

One wonders how Senator WALSH concludes that New York is wet and Montana dry!

LAWSON PURDY.

NEW YORK, *June 14, 1926.*

HOUSE BILL REFERRED

The bill (H. R. 7228) correcting the military record of William H. Murphy, was read twice by its title and referred to the Committee on Military Affairs.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

Mr. SIMMONS. Mr. President, it must be borne in mind in connection with the discussion that the pending bill deals with the surplus and only with the surplus of the basic products of agriculture, and then only with the surplus of such of those products as are, by reason of the size of the exportable surplus, sold in the markets of this country on the basis of foreign prices. It is officially estimated that the total of all agricultural products annually produced in the United States is approximately $10,000,000,000. Of this total of $10,000,000,000 fully one-half is derived from the sale or exchange of the products specified in the pending bill—corn, cotton, wheat, and so forth. Estimating the average difference between the foreign and domestic prices of these articles at the low figure of 25 per cent, it will be seen that the resultant annual loss to the producers of these products would be between $1,500,000,000 and $2,000,000,000.

It is evident that this loss reduces to that extent the purchasing power of these basic products in our own market.

These facts, Mr. President, officially authenticated, can not be denied. A mere statement of them shows a serious situation, serious not only to the farmers who produce these products but to the Nation. But that is only a part of the story. It is only one side of the story. There is another side of equal importance, especially to the producers of these agricultural products.

The cost to the farmer of the production of these products represents a very large proportion of the gross returns to him. I do not now undertake to estimate that proportion. It varies. In many instances in recent years it has probably exceeded the entire return of the year. These expenses which the farmer must incur represent the necessities of his family, his house-

hold furniture and furnishings, the cost of his agricultural implements, and many other items necessary for him to have. They also include the cost of the conveniences and comforts and sometimes, though very seldom in the case of the farmer, of the luxuries which our present social development requires. These enormous supplies, aggregating in cost, as I have stated, in many instances a sum almost, if not altogether, equal to the entire gross return of the farmer, must be purchased at retail—I wish to lay stress upon that fact—they must be purchased at retail prices in the American market, a market in which we know that prices have been greatly stimulated and stilted upward until the level in the United States has not a comparable counterpart in any other country in the world. Such generally is the farmer's situation.

It is not the situation of all farmers; I am not contending and I do not propose to contend, neither do the proponents of the pending bill contend, that all the farmers in this country are not prosperous or do not participate at all in whatever prosperity obtains here. The class of farmers who are placed upon the level of other industries with reference to the privileges which they enjoy, including such classes of farmers as that of the woolgrower, the producers of sugar, whether cane or beet, of flax, possibly of butter, are prosperous; their prices are on the high level. There are other farmers in the United States who produce certain commodities in quantities less than our consumptive demand, of which commodities there are only limited imports, and there are others who produce in quantities slightly in excess of our consumption, a part of whose crop is exported, but not enough of it to affect the price in the American market, who are enjoying reasonable prosperity as compared with the other industries of the country.

I am not referring to those classes of farmers. This bill is not designed for them. Lack of consideration of these facts accounts for the fundamental fallacy in two-thirds of the argument that has been presented here against the pending bill. This measure confines its operation and its effect to a few of the basic products of agriculture and only to such of those basic products as are by reason of their large exportable surplus sold in the domestic market upon the basis of the foreign price.

Mr. President, it is possible for one to sell at a high price and to buy at a high price and still remain prosperous, but it is impossible for one to sell the products of his labor at a low level of prices and to buy at a high level of prices the necessaries to enable him to produce those products and still to be prosperous.

A number of the products of the American farmers are sold in the American market upon the level of foreign prices, prices fixed in competition among producers throughout the world, prices which we have been in the habit of characterizing in this body when we have been discussing tariff legislation as "starvation prices." Those farmers must sell the entire output of their labor upon the basis of those world prices, and then must buy at retail prices in protected markets of the United States all of the things which are necessary to life, to sustain their families, to clothe their families, to supply their farms with the necessary implements and materials, when those retail prices have reached a level so high that even the American people themselves, accustomed as they are to high prices, have been crying aloud against them. To say that a farmer who is caught at both ends of the transaction, who is put at a disadvantage at both ends of the transaction, can be prosperous and is prosperous and is not entitled to the help of his Government, which is largely responsible for the artificial prices that he has to pay in this market, is to declare, Mr. President, that all we have heard upon the subject of foreign prices as compared with American prices in the newspapers, on the hustings, in the committees which have considered tariff measures, upon the floors of both Chambers of Congress, is a brazen lie. It can not truthfully be said that this condition does not place the producer of these agricultural commodities in a condition of disadvantage and unjust inequality with the other industries that can but result, if it is continued much longer, in utter disaster to him. So to contend is to pronounce as entirely fallacious all the arguments that we have heard here upon both sides of the Chamber when we were discussing the tariff bills that have been before this body in recent years with reference to the difference in price levels in this country and abroad and the necessity of protecting the American people from competition based upon those prices.

Mr. President, that is the situation. Is it denied? It has not been denied until recently. Is it contended that the producers of these products of agriculture are prosperous, that their complaints are unfounded, and that the Government is under no obligation to extend such help to them as it may legally extend to relieve them against this condition? Not until recently has it been so contended. Until recently there was absolute accord upon the recognition of the discrimination against the farmer, of his unequal position with respect to the other industries of the country in his chances of making a living for himself and his family. Until recently we had assumed that everybody admitted the condition of the farmer; that everybody acknowledged that he was entitled to relief. The contention is based, in part, upon the unanimous testimony of the farmers themselves. They are the best witnesses with respect to their condition and the effect upon them of these discriminations. When they speak they speak from knowledge, from experience, and not from hearsay or manipulated governmental or other statistics. With one voice the farmers from one end of the Nation to the other have proclaimed not only the discriminations which were operating against them under our system but the hardships to which they were thereby subjected and the ultimate ruin in which they will be involved unless relief shall be granted.

And they have not been unsupported. The press of the country has generally acquiesced in their contention. There may have been some special representatives of the industrial interests among the newspapers who have not agreed, but such great journals, speaking from an independent position, as the New York Journal of Commerce, an editorial from which was introduced into the RECORD a few days ago in the Senate by the Senator from Idaho, not only accepted the farmer's statement, but admitted the absolute necessity, if that great element of our population are to prosper, of a speedy remedy and prompt relief.

A few weeks ago, or a month or so ago at most, a great agricultural convention was held in the city of Des Moines, in the greatest agricultural State in the Union, with accredited representatives present of the farmers from 12 great States in the Middle West. That convention met to discuss the agricultural situation, and, with one voice, it pronounced it as fraught with infinite danger not only to the prosperity of the farmer but to the prosperity of the country at large.

The delegates demanded immediate and effective remedial legislation by the Congress. That demand, Mr. President, has become so insistent, and the response of the Congress has been so unsatisfactory, that political revolutions have been created, as a result, in many States in this Union. Distinguished and able Senators, who have represented their States in this body for more than a decade, because of this controversy and their supposed relation to it have been retired from public life. Here in our own body it has brought about a revolution in our political organizations. It has created, for the first time in the history of this country, on the floor of this Chamber and that of the other House a distinct and separate class or group of Senators and Representatives, classified, and classified properly, as the farmers' bloc.

It is this condition with which we are dealing to-day that created that farmers' bloc, and brought about this new cleavage. And this cleavage is only in its beginning unless something is done. One-half or nearly one-half of our population can not be subjected to the iniquities of a different scale of prices for their products as compared with the other half, for an indefinite period without bringing disaster and ruin upon them; and independent, self-respecting American citizens, such as the farmers of this country are, will not submit to it long.

You may not hear or heed their protest now, but if you do not their protest will gain such volume in this Nation that it will force recognition of their rights regardless of the opposition of industrialists or their partisans in the Congress of the United States.

The Senator from Ohio [Mr. FESS], who opened this debate, in a two days' speech, impliedly, at least, repudiated the claims of the farmer as to his condition, and to establish his contention resorted to a complex mathematical calculation based upon certain statistics furnished him by the Census Department and the Department of Agriculture. Every comparative estimate that he made with reference to the farmer's return as compared with that of the manufacturer was based upon a transparent fallacy. The farmer does not buy at wholesale prices. He buys at retail. The farmer sells not even at wholesale prices, but at "on the farm" prices, which are still lower. The difference between "on the farm" and wholesale prices is made up of the cost of freight, of handling between the farm and the city, and the profit of the wholesaler—a broad difference. The farmer does not, as implied in these figures, buy his supplies at the wholesale prices which obtain in the United States. If he did, that would very materially reduce the expenses of his operations, very materially reduce the discrimination against him, because the spread in this country between re-

tail prices of goods and merchandise and wares and the wholesale price of those things is so broad as to become the subject of animadversion and investigation. But the farmer must pay the higher retail price when he buys; so that any comparison between the wholesale prices of agriculture and the wholesale prices of manufactured products has no application to the condition of the farmer.

The VICE PRESIDENT. The 30 minutes of the Senator on the amendment have expired. He has 30 minutes on the bill.

Mr. SIMMONS. Again, Mr. President, those statistics—and they constituted the foundation of the Senator's able and elaborate argument—were applied by him to all the products of agriculture alike. That was fallacious. This bill does not deal with all the products of agriculture, many of which, as I have explained, are upon a high level of price now, and selling at the American price. It deals only with those things that are produced in this country and sold in this country and abroad at the low level of foreign prices—that level of prices that Congress has said and written into our law was so low that if applied in America it would reduce the standard of wages, and the living standards as well, which obtain in the United States. The comparison, if it is to have weight with reference to the matter and the issue involved in this legislation, should be between the return of that class of farmers who are subject to these foreign prices in the sale of their products and the return of those who produce other commodities. If that comparison were made, the spread which the Senator said the other day represented about 18 per cent, I believe, against the farmer—which is a considerable item in itself—would have been greatly increased and swollen. The Senator would have found, if he had consulted the facts that have been gathered by competent experts, that the spread between the farmer's dollar and the manufacturer's dollar in this country—I mean, that class of farmers who are covered under this bill—is not less than 2 to 1 in favor of the manufacturer. He would have found that the farmer's dollar in this country has a purchasing power of 50 cents as compared with 100 cents for the manufacturer's dollar.

Mr. President, what is the cause of this disparity? That is the question with which we have to deal. We have here the fact, blazoned upon the skies of the Republic, supported, substantiated, buttressed by evidence against which we can not shut our eyes, of the shrinkage in the value of the farmer's dollar, the enormous increase in his indebtedness—three times as great to-day, nearly four times as great to-day, as it was in 1912. There is also the shrinkage in his land values. Mr. President, the shrinkage in his land values has been so great that I feel that I ought at least to call attention to it. This shrinkage represents nearly 25 per cent of the total land values of 1912, the total having sunk from $17,000,000,000 in 1912 to $13,000,000,000 in 1925.

In 1912 the agricultural wealth of the United States was estimated at $12,000,000,000. I use only round figures. In 1922 it was estimated at $13,000,000,000.

In 1912 the manufacturing wealth in the United States was $20,000,000,000; in 1922, $44,000,000,000. I continue to use only round figures.

In other words, the purchasing power of the farmer's dollar, based upon the 1912 dollar, is 71.97 cents, as against a purchasing power of the manufacturer's dollar of $1.41, or practically 2 to 1. Surely this condition cries for relief!

Take the farmer's income-tax returns, for example. I have had a calculation on this subject made for me by the Bureau of Internal Revenue. According to the income-tax returns the farmers of this country, representing nearly one-half of the population, have income that yields only about one-fifteenth of the individual income tax collected by the Government.

One-half of the entire population, paralyzed by conditions created by governmental legislation, produce only one-nfteenth of the income-tax receipts. Can anything illustrate the lack of prosperity on the part of the farmer more strikingly or more conclusively than that?

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

Mr. SIMMONS. I hope the Senator will let me conclude without interruption.

Mr. JONES of New Mexico. I just wanted to call attention to the fact that the farmers who engage in raising the basic products referred to do not pay as large a proportion of the income taxes paid by agriculturists as those who raise other agricultural products.

Mr. SIMMONS. The Senator is entirely right about that. The bulk of the income tax collected from farmers comes from the producers of wool and sugar and the other protected agricultural products, such agricultural products as are sold in this market, upon the level of American prices. If we should eliminate those and confine the statement only to the producers of the products affected by this bill, we would find that, instead of their paying one-fifteenth of these taxes, these classes of farmers would pay a much smaller proportion.

Now, Mr. President, the facts of the situation are established. The material question is, therefore, what is the cause of that situation? When we locate the cause, then we may have less trouble in finding the remedy.

I do not contend that this condition is the result of any one cause. It is the effect of a variety of causes. It is sometimes said that it is the result of the tariff. The tariff is an important factor, but not the only factor bringing about these conditions. The conditions are the direct outgrowth of a nation-wide system that has in recent years been developed in this country, embracing practically every industry in the country except agriculture, a system that may be designated by the term "the American protective system."

Let us see what that system does. It will be clear after I have made my statement that I am not using the word "protection" here with reference to the tariff alone.

By the device of a protective tariff manufacturing industry has been brought within this American protective system.

By the device of our immigration laws and other labor legislation labor has been brought within this American protective system.

By the device of the interstate commerce law, the Esch-Cummins law, and other railroad legislation, our great transportation systems have been brought within the sheltering provisions of this American protective system.

By the Federal reserve act and other banking legislation the banking interests of the country have been brought within that system.

By different devices, Federal and State, many other special classes of industry have been included within this broad protective system.

The farmer alone is excluded.

The farmer's unequal condition, growing out of the operation of this system to which he has not been admitted, is further accentuated by the fact that the beneficiaries of this system, by organization, consolidations, and understandings—which the farmer does not and can not participate in under present conditions—arbitrarily, within the limits of what the traffic will bear, fix and stabilize the prices of the products which he buys.

This policy involves cost as well as benefits. American farmers enjoying none of the privileges and benefits of the system, necessarily bear their share of the cost. The result is that they operate at a higher unit cost than do the farmers of other nations.

While producing at a high cost determined by the American protective system and the American standard of living, the selling prices of many of our great basic agricultural products are determined wholly or partially by the prices in the world's markets, and in competition with products of foreign farmers whose production costs are lower and whose living standards are lower.

I say that it is the operation of that system, taken as a whole, that has brought about the sum total discrimination against the American farmer. Of course, some classes of agriculture are embraced in the system, but we are dealing with agricultural products that are excluded.

Let me for a moment refer to the tariff. Whether we approve the tariff or not, when we come to legislate, we have to legislate with reference to whatever tariff system happens to be in force in the United States, whether it be a Democratic tariff or a Republican tariff. The effect of this tariff system has been to benefit nonagricultural industries. That was the purpose of the system. We were a purely agricultural country when the Constitution was adopted, and that alone. But after a while, to protect ourselves against the extortions of European countries who supplied us with manufactured products, it was suggested that a tariff on imports be applied for the purpose of stimulating the development of manufacturing in this country. The tariff did stimulate it, because it gives special privilege. Manufacturing grew. It got to be a lusty infant.

There were those in this country who said, "Let us stop this discrimination. It is working a hardship upon the balance of us who are agricultural. Let us stop it." Others said, "No, not yet. We must keep it up so as to feed these industries during the period of their infancy. When they shall have grown strong enough to stand alone there will be no necessity of administering this nourishment to them any longer." The tariff was for the manufacturer. It has been continued up until this day as a device on the part of the Government to stimulate the prices in the United States of the products of American manufacture.

After a while the manufacturers saw that in order to put them in a better position and to give them a better standing in the markets of the world, where they might have to sell some part of their products, the system ought to be amended, and that for their benefit the raw materials of the factory should be put upon the free list, and that the raw materials of food also should be put upon the free list in order that the factory laborer might have his cost of living reduced, and the factory owner might get his labor for a smaller figure of cost. So that the system of protection, as it has been developed in the United States is a system that addresses itself entirely to the benefit of the manufacturing industry and certain affiliated or allied industries.

It is based upon the principle of free raw materials for the factory and free raw materials for the food of the employees.

Mr. President, the mere statement of that situation shows that the producer of the raw materials of the factory and of food products has been placed upon a basis of outrageously unjust discrimination, and to remedy that, to get down to the roots of this evil, and to relieve the farmers of this country from the servitude of that unequal discriminatory system—which is the basis of their complaint—is the ground upon which this legislation is asked.

If I had the making of the tariff, it would be a Democratic tariff, based upon the principles of that party. But whether it be a Democratic tariff, upon the theory of the Democratic Party, or a tariff upon the theory of the Republican Party, what the farmers of this country are contending for is that the discriminations that now exist—and which I have just pointed out—shall be remedied, and that whatever be the rate, low or high, the farmer should have equal protection by legislation in another form for his benefit. Is not that the foundation principle upon which this great Government and all of its institutions are based? Where do we get any right to discriminate against any part of the population of the country, especially in those things which affect their earnings and their living?

Mr. President, here are our great railroad systems covered under the American protective system. The national interests require that the commerce of the country shall be afforded adequate transportation facilities, and therefore the Government must deal generously with the railroads, it was said. It must legislate under its powers to regulate and control interstate commerce, and it must stretch those powers to the limit in order to help the railroads out of the predicament in which they found themselves at the close of the war, not only the healthy roads but the weak roads. It must help them all, it was said.

The powers of the interstate commerce clause were declared to be broad enough to enable the Government to regulate that part of commerce, but when it comes to regulating that commerce which grows out of the production of the industry of agriculture so as to protect half of the population of the country from the disastrous results of foreign competition directly brought home to them, opponents of the bill allege it has no power and that clause does not apply, for that power, it is said, is only intended for the railroads and for public utilities and the like, just as it is impliedly contended the tariff was only intended for the manufacturing industries of the country.

Mr. President, the Senator from Iowa [Mr. CUMMINS] is right. The Constitution does not discriminate against different classes of commerce. It makes no exception in favor of public utilities and railroads. It applies to all the commerce of all the people. Why, at the time that provision was written in the Constitution of the United States, there was no commerce in the country at all except that of agriculture. If the founders did not intend that that clause should apply to agriculture, then they were framing a constitution which was to be applicable to a condition which they dreamed might develop in the long years of the centuries to come, but not to deal with conditions which then existed. The argument of the Senator from Iowa as to the constitutionality of the measure is to my mind conclusive.

But what did Congress do with reference to the railroads? Congress provided that in order to help the railroads we would create a commission and authorize it to grant to them the privilege of raising their rates within the rule of reason up to a basis of levy which would permit them to make five and a fraction per cent net profit. Congress would tax all the American people on their freight and on their personal transportation enough to enable the railroads to make that measure of profit upon their investment. There are not many farmers within the category of this bill who are making 2 per cent or 1 per cent net upon their capital investment. In fact, the most of them make nothing upon their capital investment. If they can break even they think they have done very well. I have seen a letter written a few days ago by the governor of my State, a great farmer, a great manufacturer, a great banker, a great statesman, a level-headed man, and all-around good man, in which he said that before 1920 one-half of his income—and his income is quite a large one, because he is a wealthy man—was derived from his extensive farming operations. "Since that time," he said in this letter, "I have not had a dollar of net income from that source."

But we have a law which allows the railroads to tax the people to that extent. Not only that, but it goes a step further. It provides that the Government shall recapture one-half of all the excess that any prosperous road makes over the limit allowed it under the law. Recapture it for what purpose, Mr. President? In order that it may be covered into the Treasury of the United States? In order that it may be returned to the shippers who paid it? No; but recaptured for the distinct and sole purpose of giving it, giving it to the weak roads in the country.

Mr. SHIPSTEAD. And, in that case, they do not call it a tax.

Mr. SIMMONS. No; they do not call it a tax. But if that is not a tax then this proposed equalization fee is not a tax. This railroad tax is levied upon and paid directly by the people. The people who pay the excess taxes to the Government do not get them back. That excess goes to the weak roads. The case is absolutely analogous to the one under discussion. The farmer is deeply interested. These heavy freight charges are one of the causes of his bad plight to-day, and that applies to every farmer as well as to those included in the bill. He is overburdened with the taxes levied by the Government upon him for the benefit of the railroads, 5 per cent to help the prosperous and the strong railroads, and then the recapture part of the balance to help the weak roads. And yet we say the Government can not do that same thing here, or what is tantamount to it, to help the weak, struggling, helpless class of farmers who are covered under this bill and whose prices in American markets as well as the foreign markets are to-day upon the low level of a starvation basis.

Mr. President, we all know that the doors of legislation have been wide open to organized capital. It has only had to ask and it was granted privileges, bounties, and largesses. In all of these years of legislating away the birthright of the people, to question the economic soundness of anything backed by organized capital has been regarded as evidence of heresy or mental unsoundness.

The doors of legislation have not been alike open to unorganized agriculture, the toiling millions of husky, sweaty, upstanding, home-loving nation builders, upon whose production rests our huge fabric of mills, factories, towns, and cities and their perennial crop of millionaires and billionaires.

It is true that from time to time to soothe and quiet them they have been accorded some more or less quack nostrum, but so far as legislation to foster and stimulate their industry to protect them against the disadvantages and burdens laid upon them by discriminatory privileges and favors accorded other industries and to secure for the products of their labor a just and fair parity in the markets of the country is concerned, the doors of legislation have been not only closed but locked and barred against them.

Practically whatever the railroads, the capitalists, or industrialists or labor have demanded, they have got in full measure, and sometimes to overflowing. Questions of economic unsoundness or even legal inhibitions have been brushed aside or shrewdly circumvented. The tariff rates demanded by the industrialists have been accorded, despite their manifest economic unsoundness, tried not only by the test proclaimed by every leading authority of the protectionist faith but by the Republican platform definition of just and economically sound tax legislation. Not only this but the legal barriers to make these economically unsound rates fully effective in price fixing and production control have been by administration and construction so far nullified that they have ceased to be a serious handicap or stumblingblock to their schemes of mergers, consolidations, and understandings, arrived at and entered into for the purpose of controlling production and fixing prices.

The VICE PRESIDENT. The time of the Senator from North Carolina has expired.

Mr. McNARY. Mr. President, I ask unanimous consent that the Senator from North Carolina may have an extension of time to conclude his argument.

The VICE PRESIDENT. Is there objection? The Chair hears none and it is so ordered.

Mr. SIMMONS. Mr. President, at the beginning of this session of Congress a very different situation, a very different

atmosphere, seemed to prevail about the two branches of the Congress from that which now obtains with reference to the matter of farm legislation.

The evidence as presented by the farmer as to his grievances and the effect of the wrongs which he claimed were being done to him, putting him in this unequal condition in the race of life as compared with other occupations, had been so conclusively demonstrated to the satisfaction of all of the people of this great country that action was taken when the two great political parties met in national convention in 1924. This is not a recent condition but it runs back into the years. Those great conventions were composed of representatives selected by the two major political parties in every State and congressional district of the Union and those delegates lived among the people for whom they spoke. What was done in those two conventions—the Democratic National Convention and the Republican National Convention? They acknowledged, Mr. President, by implication all the contentions of the farmer; they admitted he was entitled to relief; and those conventions expressly instructed the men who might be elected by either party in the ensuing election to proceed specifically upon the theory of helping the farmer in a way that would be effective. The farmer's complaint was, "What you have done for me has been ineffective," and he demanded effective relief. The present administration, both in its executive and legislative branches, because of its success in that election, under the principles announced by the Republican convention, was instructed to cooperate in the application of such remedies as would effectually, if it were within the range of the powers of the Government under the Constitution, afford the relief which the farmers demanded.

What that relief was, how radical it had to be in order to accomplish the purpose, was known to every intelligent member of those two great conventions. When Congress met only a few months ago we found the representatives of the great farm organizations and associations and also individual farmers in force knocking at the doors of this body and at the doors of the body at the other end of the Capitol, demanding that those pledges should be carried out and that legislation should be enacted to accomplish the purpose. Did anybody tell them then they had no cause of complaint? Did anybody say to them then, "Your troubles are not serious; all you require is a little palliative legislation, some pink-pill nostrums, a little advice from the Agricultural Department as to the best methods of cultivating your crops and as to the most advanced and approved methods of distributing your crops; that is all you need"? Did anybody say that to them then? It is being said to them now, but it was not said to them then. What was said to them? With one voice from those on the other side, with one voice from those on this side, the farmers were told, "The trouble is you will not agree among yourselves; get together, agree upon what you want, come here and tell us, and we will take action if we find we have the power to act."

For weeks and months the representatives of those organizations labored to frame legislation which would afford them the desired relief. I wish to say here, Mr. President, that the representatives of those organizations included men of the finest trained talent, expert talent, specialistic talent, that this country affords. They were men of broad, comprehensive understanding of the questions involved who were able to analyze every aspect of the situation and to appraise it as well as the experts of any industry of this country could solve its economic and financial problems.

They labored together in the spirit of brotherhood, earnestly seeking a method to relieve the troubles of the farmer, and finally they settled upon a method. The measure they proposed came to Congress and was sent to the committee. It finally got into the Senate, as it got into the House. It was the one sole solitary measure of all the nostrums proposed which the representatives of the farmers said would have the effect of remedying the evils of which they complain and put the farmers upon a parity with other industry. They said, "Our problem is only a problem of withdrawing a surplus when it is unneeded. It involves at most the employment of about $250,000,000. We want the Government to furnish that amount to help us withdraw this surplus. That is what we want you to do. If the Government will do that, it will bring about a condition in this country under which we can sell our products at least in America at the domestic price. That is the relief we are asking for; that is the relief this measure will give us. It will require $250,000,000 to inaugurate the plan, but all we are asking is that the Government will lend us that amount of money, which will be repaid to the Government; at least, the Government will have the commodities to be purchased by the $250,000,000 as security for the amount it may lend."

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. SIMMONS. I will yield to the Senator in a few moments.

Mr. President, a mere bagatelle is asked from the Government. The Government has given millions and hundreds of millions to the railroads. It knew that the security was not good in many cases; it knew that it was going to lose millions and hundreds of millions of dollars by the action taken, but nevertheless it was taken. The farmers wish to borrow $250,000,000 from the Government, but because, peradventure, there is a possibility or the dream of a possibility that the Government may lose a few dollars of that money we are told that the plan is unsound and that the Government can not afford to do it.

I assert that the Government can even afford to give the American farmers $500,000,000 to accomplish the purpose desired, and it would be the best investment the Government ever made, if it should accomplish the result which it is confidently believed this bill will do. The mere increase in the purchasing power of agriculture annually would more than compensate for any loss upon the basis of a sinking fund and amortization, if the Government should put its money out on that basis.

Mr. President, it struck me as passing strange that under such a situation this vigorous opposition should have developed upon the floor of the Senate and the House, and it suggested to me to inquire into the sources of this newly fabricated theory of unsoundness and of possible financial loss to the Government. What was the source of this opposition which sprang into being all at once when everything was so harmonious, unanimous, and promising a short time theretofore?

Mr. President, that there is a well-organized and concerted opposition to this bill at this time is beyond cavil; that it embraces the strongest political, financial, and industrial factors is beyond question. Behind this opposition are arrayed the great industrial forces of the country, represented by manufacturing industries, aided by certain great interests of organized capitalism. That is a broad statement, Mr. President. Unless I could have found a reason for their opposition, I would have repudiated it as incredible; but the reason is not difficult to find. If there was ever any doubt about this concerted opposition, if there was any doubt about the crux of the opposition, that doubt has been removed.

A distinguished representative of the administration, the head of one of the great departments of the Government, the acknowledged captain of the hosts of industrialism and of capitalism and of all that aggregation that have had their profits unjustly swollen into the thousands and millions and into the billions, is their leader and recognized spokesman. He has written a letter, and in that letter, if I may be permitted to use a double-slang expression, he has "spilled the beans" and "let the cat out of the bag."

Why, Mr. President, is Mr. Mellon against this measure and why are the men for whom he speaks against it? Why? The reason he gives is that it will increase the cost of living in the United States if you permit this segment of agriculture to put itself upon the basis of American prices and get the benefit of the privileges that others are enjoying. He says it will increase the cost of living! Why, I am astonished that he or the industrialists of this country should have the effrontery to make that argument in the face of the fact of their enjoying for nearly a hundred years the exclusive privilege of taxing all the people of this country for the purpose of increasing their profits, and taxing them in such a way that under the system as developed to-day they are every year abstracting from the people of the United States from two to four billions of dollars, and to that extent are increasing the cost of living of every man, woman, and child under the flag.

Such an argument as that would have been incredible as coming from this source, and I should not have believed they would advance it, except that I know, Mr. President, that this element of our population, having enjoyed special privileges so long, having dominated governmental affairs so long, have grown more or less arrogant. They have become obsessed with a feeling of superiority, not only individually but in their fancied right to demand favors of the Government. They probably have by some curious logic come to the conclusion that they alone, under the Constitution or under the principle of divine right which they seem to invoke for themselves, have the right to increase the cost of living in America by increasing their

profits; that nobody else, and especially no poor fellow who labors in the field, in the dirt of the soil, and digs a living out of the earth with his hands and his sweat, has any right to increase the cost of living. It is his business, they seem to believe, to furnish as cheaply as possible the things that are necessary to a living in order that the crown princes of commercialism may increase their profits.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. SIMMONS. I hope the Senator will not ask me to yield until I get through with this branch of the discussion. I will yield when I finish it.

Mr. President, that is not the real reason which prompts this opposition. The controlling reason lies deeper. It is far more appalling in its consequences. The letter of Mr. Mellon was a clarion call to the hosts of special privilege in this country to rally to the flag and save from threatened destruction the protective system, out of which they have made their fat profits. Mr. Mellon's appeal is to them for that purpose. If this legislation shall be enacted, what will happen? It is a mere entering wedge, let me say to the distinguished Senator from Minnesota, who was about to interrupt me a few minutes ago, to a demand all along the line that the tariff, whether it be one imposed by the Democratic Party or the Republican Party, shall apply equally to the raw materials of the factory and to the raw materials of food products in this country. When you attack the right of the manufacturer to free raw materials, when you propose to increase in any way whatsoever the cost of his labor, you go right to the fundamentals of the system, as he understands it, as he interprets it, as it operates for him; and without free raw materials for manufactured products and free raw materials for food products the manufacturers of the United States would to-day have to get along, even under the Republican Party, with rates of tariff that I should say would be only one-third as high as those which have prevailed.

But what is the demand, Mr. President? This bill starts it. It is a demand that if we are going to have a general protective system in this country, that it should apply to all people and to all industries in equal and fair proportions where it may apply; and in cases where it may not apply then some other remedy probably should be adopted. They contend that is a fair principle. They say that any system of taxation or any law, of whatsoever kind or character it may be, which treats one class of the people more favorably than another class, which applies to one class of industry and does not apply to another class of industry—any legislation, especially legislation granting privilege, is in violation at least of the spirit if not the letter of the Constitution of the United States and the spirit of justice throughout the world.

The present discrimination in their favor is what these special interests consider to be in peril, Mr. President, and they are right. I do not say that this bill will destroy the protective system. I say that it will tend to put everybody who is producing upon a parity; at least, that is its theory, and its purpose; and the manufacturer knows as well as anybody else knows the truth of what the distinguished Senator from Arkansas [Mr. ROBINSON], my desk-mate here, and the leader of the Democratic Party in this body, said the other day. "A privilege," said he, "granted to everybody alike ceases to be a privilege."

That is the thought that rankles in the mind of the industrialist captains standing behind Mr. Mellon and the opposition to this bill. If you grant agriculture equal privilege, inevitably that would lead to a great reduction in the value of the privilege granted to Mr. Mellon's group; and then everybody in this country would buy and sell upon an equal basis. Everybody would be prosperous, whether the scale of prices was high or whether it was low. That is what Mr. Mellon and his group do not want. Their special privilege is what this bill imperils. That is what Mr. Mellon means, though he dared not say it. That is the source, that is the inspiration, that is the thing that gives body and impulse to the movement against this legislation, and jeopardizes it—those people who do not want everybody put upon the same basis of privilege, because that would do away with much of the benefit of their privilege.

Mr. President, is the Senate going to kill this measure? I suppose so. I have never known since I have been here, except in one or two instances, such concentration as now of the powerful forces represented by Mr. Mellon in his opposition to this bill, who have dominated this Government during so much of the past, who are absolutely in the saddle to-day, riding rough-shod over the rights of the people, dictating to the administration in all its branches, constituting a power in government and in administration such as we have never before witnessed in the United States, and such as has never occurred in any other country in the world having a republican form of government. I suppose they will be able to bring pressure to bear and to apply methods that will be sufficient to encompass the defeat of this measure.

Mr. President, this bill may be killed, and it may be buried, as it was represented as being in a cartoon which appeared in the Washington Evening Star a few days ago, with high-hat representatives of the big interests dancing around and saying, "Thanks to Andy!" It may be that these "thanks to Andy" will materialize in its temporary defeat and its present death and burial; but, Mr. President, like the Master, it will rise from the grave again invested with spiritual power, backed by forces of fact and of logic and experience, which will make it infinitely more powerful, infinitely better able to meet and combat all the forces of industrialism and capitalism than it is to-day.

You have your bloc here. You laugh at it, yet you dread it. It is like the sword of Damocles hanging over your heads day and night. The bloc's power has been growing. But kill this bill, Mr. President, and it will not be long before that bloc, together with its sympathizers who do not belong to it, will be able to put through this legislation without asking the permission of those who here stand by the administration and Mr. Mellon, and the cohorts whom he has called to battle.

When that time comes Mr. Mellon may sound the tocsin of danger and alarm as loudly and as vociferously as he pleases, but in this Capitol there will be men who will know their duty, who will know their obligations to humanity, who will know the principles of right and wrong, who will know the basis of the American Constitution and the Declaration of Independence, who will know that by a violation of the Constitution nearly one-half of the population of this country have been largely pauperized, paralyzed, and reduced to a condition of economic helplessness. They will know it, and inspired with the awful duties and responsibilities resting upon them they will meet the enemies of the principle underlying this measure and put them to rout.

Kill this bill, let me say to the hosts of industrialists who are now fighting it—kill it and it is certain that the danger which you now fear will come. It is certain that the privileges which you now enjoy will be given to the farmer in respect of his food products and his raw materials as well as they are now given to you. They not only will be put upon an equal level in the matter of governmental aid, thereby making your privilege so much less valuable, but the exactions which that privilege authorizes to be levied and collected out of the toiling millions of consumers in the United States will come down to a just basis, whether the theory of protection of the Republican Party is in force or whether the theory of the Democratic Party with reference to the tariff is in effect.

I thank Senators for their attention.

Mr. President, I ask unanimous consent to have printed as a part of my remarks certain tables, with explanatory notes.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

Total number of bank failures in the United States

(Figures furnished by Comptroller of the Currency show national bank failures from Jan. 1 to Dec. 31, while country bank failures are shown for the fiscal year ending June 30)

	1910–1920	1921–1925
New England States: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut	14	24
Eastern States: New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia	104	33
Southern States: Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, Tennessee	224	583
Middle States:		
Ohio, Indiana, Illinois, Michigan	129	92
Wisconsin, Minnesota, Iowa, Missouri	42	435
	171	527
Western States: North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado, New Mexico, Oklahoma	73	1,141
Pacific States: Washington, Oregon, California, Idaho, Utah, Nevada, Arizona, Alaska	49	170
Total		2,478

Wealth in the United States—Bureau of Census estimates
[National City Bank Bulletin, February, 1926]

Year	Dollars of current year				Dollars of 1912 purchasing power [1]			
	Agriculture [2]		Manufacturing [3]		Agriculture [2]		Manufacturing [3]	
	Total	Per cent of 1912	Total	Per cent of 1912	Total	Per cent of 1912	Total	Per cent of 1912
1912	$12,846,000,000		$20,785,000,000		$12,846,000,000		$20,785,000,000	
1922	13,878,000,000	108	44,206,000,000	212.7	9,244,604,000	71.97	29,447,109,000	141.67

[1] Figures corrected to common denominator of dollar of 1912 purchasing power by use of Bureau of Labor Statistics all-commodity index, in which 1922 equals 150.12 on basis of 1912 as 100.
[2] Includes farm implements and machinery, livestock and agricultural products.
[3] Includes manufacturing machinery, tools, implements, and manufactured products.

Mr. SIMMONS. I have here the figures for the 17 States whose farm-mortgage debt figures have been tabulated for 1925. These are representative States from the Atlantic to the Pacific, from North Dakota to Florida. They prove conclusively the truth of the statement of the gentleman from Idaho that the farm-mortgage debt has increased from year to year. And when the figures are announced for the State of Ohio there is no reason to believe that they will differ in this respect from these 17 States whose figures are available.

These States are Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Iowa, North Dakota, Nebraska, Kansas, Delaware, Maryland, South Carolina, Florida, and California.

In 1910 the total farm-mortgage debt in these 17 States as shown by the census was $701,700,272; in 1920, $1,642,045,431; in 1925, $1,965,567,343. The increase in the farm-mortgage debt in 1925 over 1920 amounted to $323,521,912; but that is not the most significant item by any means. While this farm-mortgage indebtedness was increasing the value of farms bearing mortgages showed a startling decline. The mortgaged farms in these 17 States in 1910 had a value of $2,545,032,679; in 1920, $5,593,452,600; in 1925, $4,575,570,324.

In other words, while the farm-mortage debt increased in these 17 States during the five years by about one-third of a billion dollars, the mortgaged land values dropped off over a billion dollars, the exact census figure being $1,017,882,276.

This alarming change is summed up by comparing for the three periods, 1910, 1920, 1925, the percentages showing the ratio between farm-mortgage debt and the total farm values in these 17 States.

In 1910 the sum of the mortgages amounted to 27.2 per cent of the total value of mortgaged farms.

In 1920 the sum of the mortgages amounted to 29.3 per cent of the total value of mortgaged farms.

In 1925 the sum of the mortgages amounted to 42.9 per cent of the total value of mortgaged farms.

I will not read in detail the table showing the increase in farm-mortgage indebtedness in these 17 States, but ask leave to have it inserted in the RECORD:

TABLE I.—*Farm mortgage debt*

State	1910	1920	1925	Ratio of mortgage debt to farm value		
				1910	1920	1925
NEW ENGLAND GROUP				*Per cent*	*Per cent*	*Per cent*
Maine	$11,738,529	$18,592,225	$24,619,293	29.5	31.8	41.3
New Hampshire	4,773,610	6,820,551	7,209,218	30.9	33.6	39.5
Vermont	12,436,091	23,575,778	24,057,241	33.7	38.6	46.4
Massachusetts	16,371,484	23,412,183	28,401,580	32.9	33.1	37.2
Rhode Island	1,356,326	1,494,367	1,971,250	33.2	30.7	38.0
Connecticut	11,869,468	17,860,949	23,102,089	31.3	32.0	37.6
MIDDLE ATLANTIC GROUP						
New Jersey	19,476,938	25,122,582	31,893,412	35.1	37.4	38.9
EAST NORTH CENTRAL GROUP						
Wisconsin	146,815,313	354,574,391	389,355,563	34.3	37.8	48.9
WEST NORTH CENTRAL GROUP						
Iowa	204,242,722	489,816,739	625,629,106	27.8	27.0	49.2
North Dakota	47,841,587	108,284,682	82,410,569	22.4	28.5	40.1
Nebraska	62,373,472	168,507,859	216,255,910	21.8	23.9	42.2
Kansas	70,819,736	109,914,464	130,230,681	24.7	25.9	39.1
SOUTH ATLANTIC GROUP						
Delaware	3,068,721	4,460,416	4,325,566	34.9	39.0	43.8
Maryland	15,673,773	27,481,197	29,574,563	35.3	36.6	42.4
South Carolina	10,109,072	25,153,227	32,563,897	25.5	27.3	40.5
Florida	2,709,970	12,909,815	18,279,099	21.0	25.5	25.8
PACIFIC GROUP						
California	60,036,660	224,063,903	295,688,806	24	29.3	33.
Total 17 States	701,700,272	1,642,045,431	1,965,567,343	2..2	29.3	42.9
Total value mortgaged farms	2,545,032,679	5,593,452,600	4,575,570,324			

Comparison 1920–1925:
Increase in farm mortgage debt $323,521,912
Decrease in farm values 1,017,882,276

The farm debt has increased because farm prices are relatively low. I want now to direct the Senate's attention to the fact that the figures from the Bureau of Labor Statistics frequently used as a measure of farm purchasing power are profoundly misleading; first, because they compare agricultural prices with the prices of all commodities, which include agriculture; and, second, because they use wholesale prices of farm products instead of prices at the farm. Dr. George F. Warren, of Cornell University, says on this point in his book "The Agricultural Situation" (p. 74):

> The wholesale prices of farm products as published by the Bureau of Labor Statistics are frequently used to show the situation on farms. These figures show wholesale prices in cities. To use them as a measure of farm conditions is to misuse them. Wholesale prices are the sum of farm prices plus freight, plus wages for handling, plus many other charges. When the sum of these is large or small, it is entirely unsafe to assume that the result is wholly due to anyone of the factors.
>
> There is still another error, since the comparison is with wholesale prices, while the farmer exchanges his goods for other goods at their retail, not their wholesale price. But since retail figures are not available, the best figures are those of the Department of Agriculture, based on a comparison of the price of farm commodities at the farm with the wholesale price of nonagricultural commodities.

Fortunately these figures are available. The May 1 bulletin of the Department of Agriculture called "The Agricultural Situation," says:

The index of purchasing power of farm products, in terms of non-agricultural commodities, has stood at 87 for six consecutive months, the five pre-war years being considered as 100. That ratio has held with the general price level falling.

This index is based on the 30 main items of agricultural production. I might state that, of these 30 farm products, grains have a purchasing power of 92 per cent of pre-war; meat animals, 90; dairy and poultry products, 84; cotton, 82; and unclassified agricultural products, 50.

This is after a period during which the actual buying power of the farmers has been but half what it was before the war. To support that statement I refer to a study of the National Industrial Conference Board, published May, 1924, in chart 88, in which the purchasing power of crops is measured in terms of farm value per acre rather than price per bushel.

The purchasing power of livestock is measured in terms of farm price per pound.

Prices of articles bought by the farmer represent the average price of 88 items of clothing, supplies, and equipment.

Nineteen hundred and fourteen is taken as base 100.

The purchasing power of the specified crop is shown for the years 1920–1923. (Similar data for 1924 and 1925 have not been prepared by National Industrial Conference Board:)

Beef cattle	51.75	Oats	48.50
Swine	62	Barley	49.25
Wheat	45	Rye	40.25
Corn	57		

One result of this unequal exchange is seen in the total farm debt, which has multiplied nearly three times since 1910. According to the best estimates available in the Department of Agriculture the total farm debt, mortgages and all, amounted to $4,320,000,000 in 1910. In 1920 this debt had increased to about $12,250,000,000. It has been increasing since then, although the value of everything the farmer owns has been shrinking.

The total farm property in the United States had a purchasing power or exchange value in 1925 only 84 per cent of what it had in 1913. It is true that the number of dollars was greater in 1925, but if the figures are corrected to the basis of dollars of 1913 purchasing power it is seen that the farm property, which in 1913 was worth $45,227,000,000, was worth only $38,188,508,000 of 1913 purchasing power in 1925.

TABLE II

Calendar year [1]	All-commodity index 1913=100	Total value of all farm property (Jan. 1) in dollars of current year	Total value of all farm property in dollars of 1913 purchasing power [2]	Purchasing power compared with pre-war (1913) average (per cent)
1913	100.0	$45,227,000	$45,227,000,000	100.0
1914	98.1	46,619,000	47,521,916,000	105.0
1915	100.3	48,199,000	48,054,835,000	106.2
1916	126.7	52,687,000	41,584,056,000	91.9
1917	177.1	57,110,000	32,247,317,000	71.3
1918	194.2	64,122,000	33,018,537,000	73.0
1919	206.4	71,848,000	34,810,077,000	76.6
1920	226.1	78,707,000	34,810,703,000	76.9
Crop year [1]				
1919–20	227.0	79,607,000	35,099,162,000	77.5
1920–21	183.8	72,915,000	39,670,837,000	87.7
1921–22	142.3	62,740,000	44,089,950,000	97.4
1922–23	155.7	61,349,000	39,402,055,000	87.1
1923–24	150.2	59,548,000	39,645,805,000	87.6
1924–25	154.9	59,154,000	38,188,508,000	84.4

[1] Figures from table prepared by Dr. W. I. King, National Bureau of Economic Research.
[2] Reduced to 1913 dollar as common denominator of exchange value by applying Bureau of Labor Statistics indices.
[3] U. S. Department of Agriculture, Crops and Markets Supp., July, 1925.

Farm lands as a whole in the United States are worth to-day fully 20 per cent less in real purchasing power than they were in 1910, 16 years ago. On that score we have accurate measurements in the farm census figures for 1910, 1920, and 1925.

TABLE No. III—*Value of farm land*

[000's omitted]

NORTH CENTRAL GROUP

State	1910	1920		1925		1925 exchange value compared with 1910
		Dollars of current value	Dollars of 1910 value [1]	Dollars of current value	Dollars of 1910 value [1]	
Minnesota	$1,019,102	2,750,328	1,227,825	1,798,470	1,152,866	113.1
Iowa	2,801,974	6,679,021	2,981,706	3,976,665	2,549,144	90.97
Missouri	1,445,982	2,594,193	1,158,122	1,572,598	1,008,018	69.71
North Dakota	730,380	1,279,314	571,122	812,160	520,616	71.28
South Dakota	902,607	2,231,432	996,175	1,200,742	769,706	85.27
Nebraska	1,614,539	3,330,222	1,486,706	2,125,000	1,362,184	84.36
Kansas	1,537,977	2,475,635	1,105,194	1,833,407	1,175,261	76.41
Ohio	1,295,895	2,015,113	899,604	1,295,202	830,257	64.56
Indiana	1,328,197	2,202,566	983,288	1,269,241	813,616	61.25
Illinois	3,090,411	5,250,295	2,343,882	3,428,229	2,197,583	71.1
Wisconsin	911,938	1,618,913	722,729	1,210,230	775,788	85.07
Michigan	615,258	959,187	428,208	768,269	492,480	80.04
Total	17,284,260	33,386,219	14,904,561	21,290,129	13,647,519	78.96

[1] Reduced to 1910 dollar as common denominator of exchange value by applying Bureau of Labor Statistics all-commodity indices for 1920 and 1925 (1920 index 224 and 1925 index 156, basis 1910=100).

NOTE.—Figures for 1910 and 1920 from United States Census of those years; figures for 1925 are from the United States Farm Census for 1925.

For the 12 North Central States as a whole the farm lands have a present purchasing power, according to the United States Bureau of the Census, and the Bureau of Labor Statistics, only 78.9 per cent as great as in 1910—and the farmers of these great agricultural States know it.

The decline in purchasing value of farm lands (as revealed by the agricultural census of last year) in 1925 as compared with 1910 has not been as great in the South Atlantic States as in the North Central group in which the Senator's State is included:

TABLE IV.—*Value of farm land, South Atlantic group*

State	1910	1925 dollars	1910 dollars	Purchasing power compared with 1910
Delaware	34,938,161	34,537,964	22,139,700	−$12,789,461
Maryland	163,451,614	209,397,334	134,229,000	−29,222,614
Virginia	394,658,912	602,288,360	386,082,200	−8,576,712
West Virginia	207,075,759	253,182,486	162,296,400	−48,779,359

TABLE IV.—*Value of farm land, South Atlantic group*—Continued

State	1910	1925 dollars	1910 dollars	Purchasing power compared with 1910
North Carolina	343,164,945	689,719,172	442,127,600	+$98,962,655
South Carolina	268,774,854	347,617,684	222,831,800	−45,943,054
Georgia	370,353,415	434,696,277	278,652,700	−91,700,715
Florida	93,738,065	417,215,172	267,445,600	+173,707,535

NOTE 1.—Figures for 1910 and 1920 from United States Census of those years; figures for 1925 are from the United States Farm Census for 1925.
NOTE 2.—Reduced to 1910 dollar as common denominator of exchange value by applying Bureau of Labor Statistics all-commodity indices for 1920 and 1925 (1920 index 224, and 1925 index 156, basis 1910, 100).

The report of the National Industrial Conference Board sums up the results of their exhaustive study of the agricultural situation. It shows that since 1900 the farmers of the United States have been receiving a constantly less share in the national income compared with persons of other occupations. In

1900 the farmers received 46 cents per capita for each dollar per capita received by workers in all other lines. In 1920 the farmer's per capita share was only 89 cents to the other man's dollar. (See p. 48, The Agricultural Problem, by National Industrial Conference Board.)

The farm population comprising 29.9 per cent of the total received in 1919 (the most favorable year of record) 17.7 per cent of the total current income in the United States; in 1920, 13.4 per cent; in 1921, 9.9 per cent. Later figures are not available. These are from a study of the National Bureau of Economic Research, "Income in the United States," pages 282–283.

TABLE V

Farmers' share in national income

[From "Income in the Various States," by Maurice Leven and W. I. King, National Bureau of Economic Research, Inc.]

State and geographic division	Per cent of State total			
	Current income			Population living on farms in 1920 [1]
	1919	1920	1921	
Continental United States	17.7	13.4	9.9	29.9
New England	4.8	4.6	5.1	8.5
Maine	18.7	15.5	16.0	25.7
New Hampshire	8.8	9.4	11.2	17.2
Vermont	23.6	26.0	26.8	35.5
Massachusetts	2.0	2.0	2.2	3.1
Rhode Island	1.8	1.8	1.7	2.5
Connecticut	4.5	4.4	5.8	6.8
Middle Atlantic	5.0	4.6	3.9	8.5
New York	4.6	4.6	3.8	7.7
New Jersey	3.6	3.1	2.7	4.6
Pennsylvania	6.1	5.3	4.7	10.9
East North Central	14.7	11.1	8.4	22.9
Ohio	11.4	8.6	6.7	19.8
Indiana	21.0	13.7	8.8	31.0
Illinois	12.0	7.7	3.9	16.9
Michigan	12.8	11.4	10.3	23.1
Wisconsin	29.2	27.7	24.4	35.0
West North Central	32.9	21.2	13.0	41.2
Minnesota	26.9	17.2	11.3	37.6
Iowa	35.3	18.5	13.0	41.0
Missouri	21.1	14.0	8.7	35.6
North Dakota	60.5	40.2	35.2	61.0
South Dakota	55.7	41.2	25.1	56.9
Nebraska	36.5	23.9	10.6	45.1
Kansas	34.5	27.8	16.8	41.7
South Atlantic	27.1	20.4	15.2	45.9
Delaware	10.8	10.2	7.2	23.0
Maryland	9.2	7.5	5.2	19.3
District of Columbia	.1	.1	.1	.2
Virginia	24.4	22.4	16.2	46.1
West Virginia	15.3	11.9	11.3	32.7
North Carolina	44.3	36.6	32.6	58.7
South Carolina	49.0	38.1	27.5	63.8
Georgia	39.6	28.7	18.7	58.2
Florida	20.0	16.2	12.4	29.1
East South Central	35.9	27.3	24.5	58.3
Kentucky	30.5	22.9	17.1	54.0
Tennessee	30.3	25.5	21.1	54.4
Alabama	35.6	26.2	24.4	56.9
Mississippi	52.1	41.8	34.3	71.0
West South Central	34.6	28.3	19.2	51.0
Arkansas	45.4	39.8	32.1	65.6
Louisiana	25.6	17.0	13.1	43.7
Oklahoma	34.8	28.6	18.2	50.2
Texas	34.5	29.1	18.7	48.8
Mountain	30.1	26.0	19.9	35.0
Montana	28.8	25.6	23.9	41.1
Idaho	45.1	41.7	33.1	46.5
Wyoming	38.9	29.5	21.4	34.6
Colorado	25.7	22.3	14.6	28.3
New Mexico	36.5	32.7	25.5	44.8
Arizona	21.4	19.6	15.9	27.1
Utah	26.4	21.9	15.9	31.2
Nevada	25.3	18.5	16.4	20.9
Pacific	18.0	17.4	13.2	18.2
Washington	18.0	18.7	15.9	20.9
Oregon	24.0	23.5	19.4	27.3
California	16.7	16.0	11.5	15.1

[1] Census of Agriculture, 1920, Vol. V, p. 894.

Mr. MOSES. Mr. President, in view of the tariff discussion which has just taken place, I ask unanimous consent to have inserted in the RECORD at this point an address by A. Cressy Morrison before the women voters of Massachusetts at Boston on the subject of the American Policy of Protection.

The VICE PRESIDENT. Without objection, it is so ordered. The address is as follows:

THE AMERICAN POLICY OF PROTECTION—AN ADDRESS BY A. CRESSY MORRISON BEFORE THE WOMEN VOTERS OF MASSACHUSETTS, BOSTON, JANUARY 28, 1926

To understand fully the economic reason for tariffs we must go far back in history to the time when the great caravans crossed the unsettled countries through Byzantium and India and Palestine and Egypt and brought their precious goods to Greece and to Rome. Then each local potentate felt that if he gave them protection so that the merchandise could pass safely through his territory he was entitled to some form of compensation. He built the roads and kept them free from marauders and robbers. He dug the wells where the camels and horses might water, and maintained the rough khans where the trader could find food and shelter.

The local merchants and inhabitants of the country were obliged to pay taxes for the maintenance of the government, and it was natural that the foreigner, bound by no tie of blood or political allegiance to the local ruler, should pay his share as well. So a tax was also collected from the foreign trader for the upkeep of the local government—"for revenue only."

Later, however, the stream of commerce increased; the alien merchants began to bring in commodities which competed with articles grown or made in the homeland and prevented the development of home industries and home production. Their practices became so dangerous that of necessity the idea of a tariff for protection against the foreigner was conceived and put into operation so that production at home could survive.

THE HANSEATIC LEAGUE

The best illustration of this situation is found in the activities of that great commercial organization of the Middle Ages—the Hanseatic League.

Of Germanic origin, this was wholly a society of merchants and traders, and in the period it dominated—from the twelfth to the sixteenth centuries—it well exemplified the eternal conflict between the foreign merchant and the home producer the unceasing efforts of the foreigner to stifle home manufacture and production by means of his monopolies and subsidies in the countries where he traded. Manufacturing in those early days was done by hand workmen and apprentices and there was a marked distinction between them and the merchants. They were, perhaps, the first "merchant princes." They built up the guilds and the guilds erected great and beautiful club houses. Then the cities and guilds organized and jointly sent their ships to the far parts of the earth, bearing merchandise and bringing back both rare and necessary articles, thus dominating the commerce of the world. That interchange developed until the Hanseatic League became a great political power. It could make and unmake kings. It sequestered its merchants in the foreign countries where it had depositaries in what was known as a "pale." I have seen in Bergen, Norway, an old merchant pale which housed at one time 3,000 merchants and employees. There they received the goods, repacked them, sold them, and passed them on. In order that the employees of the league should not become too friendly with the country in which they traded they were forbidden to marry there.

The merchants, waxing rich and always seeking to destroy competition from home manufacture in the various countries in which they sold their wares would loan large sums of money to the rulers or princelings and on the basis of those loans secured exclusive monopolistic privileges. With growing strength and with a fleet on the sea that was equal to the fleet of any nation that objected to their methods, they became so arrogant that finally Queen Elizabeth in anger announced to the English branch of this organization, "We will deny you further privileges. England shall be first in England." Her idea was that she would rather trust producers in England whom she could control than the foreign syndicates she could not control. A quarrel arose, and Queen Elizabeth, being a spirited woman, sent out her fleet, captured 60 of the ships belonging to the Hanseatic League, and said, "What are you going to do about it?" From that time the league slowly declined and finally went out of existence.

The league is a good example of how the merchant by his careful calculation and extremely able, though improper, business methods got control of the merchandizing of the world and successfully prevented home manufacture in the countries wherein he traded.

We see a remnant of the old Hanseatic idea even to-day in propaganda very cleverly used to influence the people and Congress to open our markets to foreign exploitation and thus destroy our home industries. The modern cartels of Europe in seeking trade in the countries of the world use similar but more subtle methods with great effectiveness.

With the extinction of the Hansa and the removal of the pressure which it had put on most countries of the Old World, domestic manufacture began to come into its own, and with the advent of steam manufacturing by the household or domestic and guild system gave way to production in manufacturing plants, and from then on the principle of tariffs becomes of grave importance. The policy of taxing the foreign merchant for the privilege of selling in the home market of another country was equitable in itself and prevented the destruction of home merchants and manufacturers alike.

This shows the reasons why tariffs have become almost universal. It shows that the contest which we are waging here in the United States is not new but is as old as the commerce of the world, and that controversies between the advocates of free trade and protection have existed since that commerce began.

THE LURE OF THE WORD "IMPORTED"

Now, there is a strong predilection in the minds of the people for foreign goods. A prophet is not without honor save in his own country. I think this prejudice may be readily explained. When the

spices of the East and the beautiful fabrics of the Orient came to Rome and Greece they were the treasures of the world—an old civilization bringing wonders to a new. So when our country was settled it was absolutely a pioneer country. Many of you can well revere your ancestors who came here in the days of Plymouth Rock and started this great country on the career which has developed into the United States of America. When the Argosies came to supply the pioneers of our own country we had no manufactures—how our ancestors waited for their ship to come in! I can imagine the women of those days dreaming of the laces, the jewels, the fabrics, and the styles which were not available here. Thus was inculcated in the minds of our own early settlers the idea that foreign goods were superior to domestic goods simply because they were imported, and that tradition, no longer founded upon fact, has survived to the present day.

Resistance to the commercialism of the English merchants who fostered this idea was one of the causes of the American Revolution.

A prominent American manufacturer of textiles which are made into garments for women told me his salesmen had encountered such a strong prejudice for foreign goods that he established a small factory in France and sent some American workmen over to run it. As a result his salesmen could also sell textiles made in France as well as in Connecticut. But his best designers were living and working in America and he had no chance of selling the models they developed if he advertised them as the "latest Connecticut styles." So he sent the garments over to Paris, hired some chic French women to wear them on the Bois and at Longchamps, had them photographed, and then advertised his models as the latest Parisian styles, although they were designed in our own country. He added, "I think our French factory to-day is manufacturing almost as fine goods as we make here, and we sell them for more in the United States than we do our home-made fabrics, and when we find a buyer who insists on foreign goods, our French factory gets the order." My friend related this strange story at a gathering of some of our largest retail merchants. They acknowledged the fact and said in comment, "We will certainly do well to teach our own buyers something of what America is doing."

THE GROWTH OF AMERICAN INDUSTRY

That predilection for foreign goods which persists in our minds to-day existed, as I have shown, at the time our Nation was born; but as we developed it became necessary for us to establish manufactures in our own country lest we be drained of our resources and not be self-supporting. It was also found essential to do something to protect our manufactures, for neither the foreign producer nor his agent in this country would permit a competitive industry to develop here if it could be prevented. So the very first law enacted by the First Congress of the United States in 1789 was a protective tariff measure, and that has been a keystone and necessary policy in our country ever since.

What a debt we owe to our ancestors! They came here and conquered the forests and made our farms. As they advanced farther and farther into this great country and spread across to the Pacific they found agricultural resources beyond compare; they found mountains teeming with minerals; they found the timber with which to build their homes; they found maize, which the American Indian had developed from a grass to a magnificent grain. Under the cultivation of our ancestors, by a Midas touch it has become each year a treasure, indeed—3,000,000,000 bushels of golden corn. This is transformed into pork and cattle, milk and butter and eggs, and is one of the fundamental necessities of life.

When the pioneer's ax struck its first blow to clear out pathways it began work for us. Since that beginning each succeeding year and generation has constructed our highways, developed our resources, built our railroads, dotted our country with schools, given us colleges and churches; our streets, our water supplies, our sanitation, our hospitals, our inventions which make life easier for all have followed in orderly succession. These great works were completed by our fathers and now belong to us, and our children are free to utilize all of them and begin life with a magnificent heritage.

Given a people industrious, freedom loving, and with deep moral convictions, place it in a new country of great natural resources such as ours, and a well-organized government will result. The constitutional fundamentals of prosperity are natural developments of a God-fearing people. Such people were our ancestors, and good government is one of our heritages from them. Let us not permit the foundations of our prosperity to be lightly changed.

So we have become a prosperous people with more luxuries and more comforts than the world has ever seen before, which, translated, means civilization and which, translated further, means independence, freedom, and liberty.

THE PRESERVATION OF OUR LIVING STANDARDS

We must preserve our heritage and our high standard of living if we would preserve our Nation. We must keep our children well clothed and our houses warm; we must produce adequate and wholesome foods; we must provide education and amusements; all of these must be maintained in a higher and better scale than in any other country if industrial peace and progress are to be continue.

What is the fundamental thing that we must do to preserve that prosperity? It is to see that our people are fully employed.

We can only do this by retaining our home market—the largest in the world—for our own citizens. If we retain our standard of living we preserve our country; if we lower our standard, we destroy it. One of the means of maintaining it is to prevent invasion. What is invasion? I will call your attention to one phase of it.

THE IMMIGRANT

As a new country, we believed—since we ourselves ancestrally are all immigrants—that we should encourage and share our prosperity with later immigrants, and we did that for years. The result is familiar to us. In the last decade or so immigrants arrived at the rate of over a million a year. Many were of a new and less desirable type. Their great numbers were diluting our citizenship and bringing into our country untried ideas and theories. The late President Harding said, "No one is so menacing to material success and its attending human progress as the fine theorist who never trimmed a lamp of experience." The immigrant does not realize that we share our inheritance with him when he comes here, that we give him the protection that was won by our ancestors, and all the great work of preceding generations. We give him our heritage, your heritage, my heritage, and the heritage of our children, and every immigrant enjoys those privileges of life, liberty, and the pursuit of happiness which have been made sure by the ideas, the blood, and the accumulated material developments of our progenitors.

DILUTION OF LABOR

Coming from governments where ideals and thoughts are entirely different, the immigrant can neither see nor understand the great gifts we bestow upon him. As a result our citizenship was becoming diluted by excessive immigration of men and ideas that are unworthy and untried. So Congress at the earnest behest of labor, which was also being diluted, passed restrictive laws which make immigration more selective and reduce the numbers to about as many as we can assimilate from year to year. Many, many thousands a year are still coming. If it had not been for this restrictive legislation I think there would now be 3,000,000 people landing on our shores every year.

The melting pot melts slowly when it melts at all, and so there must be restrictive legislation. Labor favored this restrictive legislation. If it be a good principle as regards men, and it is, it should apply to their handiwork as well, and we should not dilute our industries by bringing in, unrestrained, great quantities of commodities made abroad by these would-be immigrants under conditions with which American labor can not compete. Every day's labor that we import takes the price of one day's labor out of the income of the American laboring man. He should be just as strong for restriction of imports that compete with his labor as he is with respect to the man who competes with him as a laborer. The analogy is perfect and the logic of the situation is irrefutable.

PROTECTING THE HOME MARKET

What is the restrictive measure thus called for? Since the foundation of our Government, with the exception of a few intermittent periods of low tariffs, we have had a fairly protective-tariff system, on the fundamental idea that it is better to do here at home such work as we can do properly and thus keep our people employed, than to have this work done abroad for us by low-standard workers satisfied with a wage on which our workers can not live.

Take the wonderful textile industry built up in New England and now equaled in the South. Why should we take cotton from the South, send it abroad at 25 cents a pound, have $1.50 worth of labor put on it there, and buy the cloth back for $2.25 a pound? Why not keep the $2 in this country and give it to our labor?

The Hansa traders used to boast that they bought a fox's skin in England for a penny and later brought back the tail and sold it for a crown.

Our retail merchant is beginning to see the value of that idea, for if he buys goods in a foreign country for $2.25, the retail merchant abroad gets the trade that results from the purchase, whereas if he buys his goods in this country the working man's wife trades in his store here. That is, the money that the American retail merchant pays to the foreign factory goes to the foreign workers, who spends it with the foreign retail market. A prosperous America is far more to the advantage of the American merchant than a low tariff, and he knows he can not have both.

We must preserve and advance the great buying power of the American people, for in this lies the greatest success of the American producer, the merchant, and, indeed, the importer. Let us do our work ourselves and keep our own people busy. There are plenty of raw materials which we do and always must import. These principles are the basis of the protective tariff.

THE FREE LIST

Now, what is a protective tariff law? I think I will astonish you when I say not in years have we had a protective tariff law in this country that put a duty on more than 40 or 45 per cent of our total

imports. The other 55 or 60 per cent of imports have come in and are to-day coming in free. In addition to many of the important ores, to coffee, tea, silk, many of the necessary things the farmer uses, such as shoes, agricultural implements, fertilizers, binder twine, harness, which he must purchase in order to make his farm profitable, are admitted duty free.

THE FARMER'S PROTECTION

There are a great many duties which protect the farmer, such as duties on eggs, butter, milk, oranges, lemons, beef, wool, sugar, beets, and a hundred other things, which are levied on his behalf.

The man who raises sheep produces something that goes through a manufacturing process. His sheep must be cared for and shorn of their wool and many other elements of labor are involved—hence the duty on wool.

Take wheat. There is a difference to-day of 10 to 20 cents a bushel between wheat in Winnipeg and wheat in this country. On a billion bushel crop this amounts to over $100,000,000 which goes this year to our wheat grower. I do not think any of you suffer because of that difference.

Take, for instance, the duty on coconut oil and on soya-bean oil. These products were coming in here in such large quantities during the war that they became a menace to the cottonseed-oil industry and were superseding butter, which is essentially a farmer's industry.

The duty on sugar protects the planter of sugar cane in the South and Hawaii and makes possible the wonderful beet crops of the West, yet sugar sold yesterday at retail in New York at 5 cents a pound.

This low price makes ridiculous the attacks that have been made against our President for not lowering the tariff on sugar. Our home producer of cane, of beets, of sugar has thus been preserved and competition has forced the price down to almost the lowest point in history—in fact, to the lowest point in our history when you consider the shrunken purchasing power of the 5-cent piece to-day.

Peanuts are protected because we are growing large quantities here, and many of the abandoned farms of the South are again prosperous. All the perishable products of the farmer are naturally protected and he has at his door a market the like of which was never seen. I wonder if he ever thinks of this.

SPECIFIC AND AD VALOREM DUTIES

Certain tariff levies are called specific duties; that is, a duty levied at so much a pound or so much a yard or so much for a given quantity of a commodity. Then there are ad valorem duties levied on the value of the goods brought in. About 12½ or 13 per cent of the present tariff collections are ad valorem tariffs; that is, duties based on the value of the goods. For instance, you can not state what a yard of lace is worth because it varies according to its quality anywhere from a fraction of a cent up to a hundred dollars a yard; therefore an ad valorem duty must be levied on these and like commodities, and in our customs service we have appraisers who estimate those values and thus fix the duties to be paid on their value. The goods on the free list then constitute about 60 per cent of our imports, those with specific rates more than 25 per cent, and ad valorem rates about 13 per cent.

Time will not permit the discussion of the administrative provisions of the tariff law which are as important as the rates. I commend them to your earnest consideration.

EFFECTS OF PROTECTION

The record shows that the moment a protective tariff law goes into effect and confidence is restored prosperity immediately begins to manifest itself in our country and we become larger buyers of foreign goods. As our domestic trade increases large purchases of material are made for manufacturing purposes, and with quantity production costs go down and we become a larger exporting Nation. That is contrary to the theory of those who advocate a low tariff, but it is the fact nevertheless.

OUR COLLEGE PROFESSOR IS WRONG

How many times have you heard learned university economists from the North and eloquent statesmen from the South declaim that our present protective tariff law is the "Chinese wall" which both shuts off our exports and reduces our imports to a minimum. In theory our impractical college professor appears logical; in reality he is wrong. Here is what we did in the days of the Underwood low tariff law, which was dedicated by the opponents of a protective tariff as the panacea for suffering humanity, and here also are comparative figures of our exports and imports that trickled over our "Chinese wall," as taken from the report of the United States Department of Commerce:

Our exports

Under low tariff, October, 1913, to October, 1914	$2,218,580,200
Under protective tariff, 1925	5,084,957,000

In the same comparative periods our imports and the customs duties collected by the United States Government from them were:

Our imports

	Total imports for consumption	Duties collected	Average rate of duty
			Per cent
Under low tariff, October, 1913–October, 1914	$1,892,954,867	$253,775,881	13.4
Under protective tariff, 1925	4,179,240,000	570,829,000	13.7

Our greater importation of raw materials and of articles to be further manufactured is an important factor in this increase. The foreign trade of the United States in 1925 approached $10,000,000,000, thus breaking all records for foreign trade in any normal year.

EXPECTATIONS REALIZED

It is a most astonishing fact to many that the average rate of duty collected on our imports under the low tariff Underwood law in 1913–14 was 13.4 per cent, while under the Fordney protective tariff law for the year 1925 the average rate of duty collected was 13.7 per cent, or less than one-third of 1 per cent difference.

Who could believe that such a result could be attained by placing the higher rates of duty on articles which would give our people employment and so increase our prosperity that our imports on the free list would bring down the average rate of duty to a point where there can be no argument as to which law best serves America. Surely no one can say that our present tariff is excessive. The policy which dictated the Underwood law led to low wages, unemployment, and inability to buy. The policy which dictated the Fordney-McCumber tariff put people to work and brought general prosperity. If we must "buy to help Europe," our imports show how amazingly we have responded.

Our National Treasury surpluses are based upon general prosperity throughout the country. Therefore, it must be clear that a protective tariff leads, through prosperity, to tax reduction. This is not generally thought of, but these facts are inseparable.

We can thank the so-called "Chinese wall" for the present sweeping reduction in income and other taxes, since the present reduction about equals the increased yearly revenue our Government derives from imports. Our European friends can also thank this so-called "Chinese wall," for we are purchasing more of their goods under protection when we are prosperous than under a low tariff when we had no money to spend for luxuries or for the finely handmade products of their cheap labor.

THE PROCESS OF MAKING THE TARIFF

I want to review the process by which a tariff law is made so that you will see how impossible it is for any special privilege to exist in it. A party is elected. It makes no difference whether it be Republican or Democratic.

When either of our political parties decides to revise the tariff the proposal first goes to the Ways and Means Committee of the House of Representatives, a well-balanced body composed of Democrats and Republicans. The Ways and Means Committee holds hearings, which last in some cases for months. The theorist is permitted to exploit his theory and the crank is allowed to present his ideas; the business man appeals for a tariff and the importer insists there should be lower duties or none. The members of the committee examine and cross-examine. In that way the facts are brought very clearly before the committee, both sides have an opportunity to state their case and any inequality or injustice is bound to be discovered.

After the hearings, lasting for many months, subcommittees are formed to take up different industries and study them specifically. Those subcommittees report to the original committee and finally the majority of the committee reports the bill. When that bill is reported to the floor of the House of Representatives it is open to debate and every Congressman has an opportunity to state his objections. After it has been debated for a period of time, if it passes the House it then goes to the Senate. The Senate Finance Committee holds hearings on the bill and there is a second chance for anyone to expose iniquity, and the utmost opportunity is given for both sides to make themselves clear and then and there to correct errors which have been discovered in the House. Those hearings go on for months and are vigorously and earnestly debated by all interested.

Finally, when the Senate Committee reports the bill it is debated on the floor of the Senate. There all of the Senators who oppose the bill attack it. Where any industry is adversely affected or feels it is unjustly treated the facts may again be debated on the floor of the Senate. The arguments are all made a matter of printed record and all previous tariff debates which touch the subject are considered so that no points can be missed.

After that has gone on for weeks or months and the bill finally passes the Senate it then must go to a conference committee of both the Senate and the House, where the disputed points and differences are thoroughly discussed and ironed out. Finally compromises are reached, the bill is brought back to both Houses, and when it again passes both the

Senate and the House it goes to the President, and when he signs it the bill becomes a tariff law.

I want to say no legislation is ever presented to the American people that has so clear an opportunity for fair and complete consideration, debate, and discussion, and so full an opportunity for all interests to be heard as a tariff bill. When a bill is finally passed it is more or less a series of compromises, but it is as clear an expression of the desires of the American people as can be legislatively enacted.

Therefore when you hear people discussing a tariff bill as though it was all fixed up in a minute and the impression is created that the great interests have written their dictum into that bill, you are in a position to refute it, because you know it can not be done.

WAGES AND THE TARIFF

If a study is made of the conditions in Europe and Asia to-day, you will find that wages are about in the following ratio: In the United States we will call the unit of a day's work $5, on the theory that $5 a day is a fair wage in most of our manufacturing industries. England is working on the basis of about $2.50 or less; Germany, France, and Italy are working on the basis of $2 or less; and the oriental countries are working on the basis of $1 or less. If, we say, in Germany, France, and Italy the wage is $2—it is $5 here; if in England it is $2.50—it is $5 here; if in the oriental countries by and large it is $1 or less—it is $5 here.

How many people realize that the lauded inventive genius of the American people must in a great measure be attributed to high living standards and high wages? We invent machines to save labor here, but in China labor is too cheap for most machines to compete with and inventions are rarely made. For instance, most Chinese cities are without running-water systems, because it is cheaper to employ coolie labor to carry water on their backs from house to house than it is to purchase the necessary pipes and machinery.

It is said that wages make up the bulk of all commodities. The wood in a table was cut by labor, it was transported by labor, it was shaped by labor. The varnish was the result of labor and the gums which form the varnish and its application are the result of labor. So that most commodities are in a large part labor when you trace them back to their original source. This is true if we remember that all human energy is labor—inventions, administration, salesmanship, warehousing, and even capital needed to transact business, which is an accumulation of human effort. All of these things are as essential as the actual manual labor put into production.

A tariff should be so adjusted as to make up the difference in cost between production abroad and production here, and that is what our lawmakers who believe in protection endeavor to do, if they can ascertain what that cost difference is. Now, if the average wage in a foreign country and the average wage in our own country differ, it is pretty clear that a large percentage of that difference is expressed in the cost of commodities. You must, however, make your rates sufficient to protect the American producer against the low-cost countries. Therefore the duties are levied with a view of equalizing the cost of production here and abroad, and that has been the tariff basis of the protectionists for many years.

Many of you have traveled abroad. If you have gone over the beaten track and from hotel to hotel where Americans congregate, you will find that prices are much the same and that the people you come in contact with are all in the luxury class. But if you go to the manufacturing districts and to the little towns you will find much poverty in all these countries. You will find that labor over there does not have the luxuries our workers have. There the laboring man walks to work in wooden shoes and here he rides in an automobile, and it is not always a Ford. The radio can be found in almost every family that wants it here. Not so over there. Our workingmen have telephones. Over there they do not. Best of all, our people are well and plentifully fed. Their faces show it. You very seldom see rags in this country. Our people are well clothed. The difference is perhaps the most striking of all, and is both the cause and effect of our very much higher standard of living. Our high standard of living is the envy of the world.

IT BENEFITS ALL

"But," some women are asking, "My husband is not engaged in farming nor manufacturing, how does the tariff benefit him?" I will tell you how. Lawyers, doctors, chemists, railroad men, editors, bricklayers, carpenters, and so on, all get higher wages or fees, and what is equally important have all the work they are willing to do. The building trades, the bricklayer, and the carpenter are protected. You can not import a building—it must be built here. The editor is protected for his paper is news for a few hours only and hence he has no foreign competition. The doctor must be on hand to answer a call when needed. All these workers and many others whose production can not be transported have what we call "geographical" or "natural protection" and are the best protected of all. All these classes prosper when the country is prosperous and the protective tariff gives them their opportunity. When hard times come they suffer first for those who need their services are unable to employ them. Therefore they are just as dependent upon the tariff for their prosperity as those directly protected by actual duties.

The prosperity of every American goes to make up our standard of living. If you keep agriculture happy, you keep the manufacturers humming. If you keep the South busy growing its commodities, it becomes a large buyer from the North. If the tariff favors the farmer, as it now does, he prospers and you prosper; if it favors the manufacturer, labor prospers and buys from the farmer; but if it favors the foreigner, labor, the farmer, and the manufacturer all suffer. We can not reduce our standard of living in this country and keep our country peaceful. Bolshevism and discontent and unrest would destroy us or change our form of government if we attempted to do such a thing. We can not afford to have our labor idle, to purchase goods abroad, to let the importer fatten with swollen profits and have our industries shut down while the voice of the agitator is abroad in the land.

Few employers are anxious to reduce wages in the broad sense. There are exceptions, but, generally speaking, employers are beginning to see that where workmen are prosperous the home market is prosperous; and if you can keep this home market where the people buy more than the rest of the world put together, we will be a self-contained unit and can maintain the civilization which God and our far-seeing ancestors have given us.

THE VOICE OF THE INTERNATIONALIST

That brings to the fore the loud cry of the internationalist. In many cases he is a propagandist, paid for his efforts by our foreign debtors who want us to cancel their loans. I do not think that any true American wishes to do other than to help upbuild and restore Europe. One of the most magnificent expressions of the charity of any people was shown when we set out to feed Belgium, and the Red Cross raised $100,000,000 in one month to relieve the suffering of the war. Our generosity was further expressed in the $500,000,000 that we sent over there with no hope of return, just out of mercy and consideration for suffering humanity.

Now, let us see what else we have done. I have the latest report on the amount of money that has been loaned to Europe, a very large proportion of it since the war. The figure to-day stands at $22,000,000,000!

A large part of that money was originally in war loans, but it is astonishing to find, in the case of France, for instance, that a large part of those so-called war loans was made after the war. Between three and four billions of our dollars have gone directly and indirectly into foreign industries, to restore them to productive capacity. We certainly are and have been helping Europe.

In so doing we have built up a very severe competition against ourselves in foreign countries, and when they get thoroughly going it will be difficult for our manufacturers whose products contain a large amount of labor to compete in South America, Africa, and Asia, with those same European plants which we have financed and put on their feet.

GERMANY'S ADVANTAGE

Until the Dawes plan began to operate Germany's postwar advantage was a most extraordinary one.

She had repudiated all of her previous obligations. She had repudiated her war debts by the demonetization of the mark, and as a result she was the only country in Europe that had no obligations to pay and no war debts. Her people were comparatively free of all taxes for the war loss. It is an amazing thing that the depreciation of the mark had another very wonderful result which, I think, is little understood here. So long as the printing press could run marks could be produced, and it made no difference whether they were 1,000-mark notes or 100,000-mark notes, the printing press would run just as fast, and it cost no more to print an extra cipher.

I was in Germany when 100,000 marks meant $1. A million marks would pay a German workman for his week's work. The German workman who worked for the railroad, building a new station, received a million marks at the end of the week; and although the mark was falling, he would probably get the equivalent of $9.90 for it.

During that period of the falling mark Germany, to the amazement of the rest of the world, was able to employ its labor at what appeared to be high wages, kept them contented with a declining mark, and thus developed a country with factories and railroads and all the means of commerce enlarged and ready for competition throughout the world. While in Germany I heard that manufacturers there were revivifying and building up their plants for the express purpose of competing against us in foreign trade when rehabilitation should enable them to do so. I said to a friend who owned a manufacturing plant in Dusseldorf, "Is it true that the German manufacturers rebuilt their plants on promises to pay with this falling mark, so that the plants cost little?" He answered, "It is true that with mere promises to pay, printed notes of our company, we paid for the material which we purchased thus; we built an additional factory which doubled our capacity; we decorated the grounds and planted trees; we built workmen's houses; we are in better shape than we ever imagined we could be;

and we are ready for anything that happens." All at a cost of 10 cents on the dollar!

We should also realize that bonded indebtedness on great industries, on shipping, and public utilities, on cities and States, on even the nation were paid in printed marks or repudiated.

I make that statement to show you that we are confronted with the keenest kind of competition from all those countries which had or have depreciated currencies, because they were able to do this. While there is difficulty in paying their foreign obligations, at the same time the countries themselves in essence are fundamentally prosperous; working conditions are not much worse than they were before the war, and labor is fairly well employed. I speak particularly of Italy, France, and Germany and the new countries of central Europe.

Opponents of a protective tariff grandiloquently refer to the "broad Atlantic" as our natural protection. This is another fallacy, for the freight rates from Europe to America by water are much lower than many of our short-haul rail rates in the United States. Indeed, the water rate from Europe to New York is lower than the rail rate from Buffalo to New York City. The whole coast and much of our interior suffers from European competition because of the advantage of lower water rates to the foreign producer.

Having in mind the help that we have given foreign producers in the reconstruction of their plants by means of our loans, and every facility for competing with us in the rest of the world, is there any reason why we should reduce our tariff and give them our home market also? Let me ask this question, Shall we put our own citizens out of employment in order that Europe may pay its bills at the expense of our own wage earners?

THE BANKER COMPLAINS

When any international banker says "We must buy and buy and buy in order that Europe may pay its bills," he also always adds that "If we buy and buy and buy it will enable Europe to pay for our commodities, and our exports will increase." How can Europe pay the loans if our exports add constantly to the debt? Should we refuse to export our goods because it increases the debt of Europe? Should we refuse to export our goods so that they can pay in commodities, and thus have a balance of trade against us of a billion dollars a year for 25 years? I say in reply to that banker, "If there is any question about the credit of Europe and its industries, why do you bankers lend Europe money? Are you lending this money in order to get a commission and then have the effrontery to tell us, the American people, that we must stay idle while they pay us in goods; that because their credit is poor we must take it out in trade?"

I wonder how many of these bankers have stopped to consider the boomerang effect on their business in this country if their ideas of internationalism bring idleness to American homes and bring back to our industrial centers the soup kitchens and bread lines of low-tariff days.

A country is a wellspring; it is not merely a tank which contains a certain amount of wealth. We should be able to get out of a country at least the amount of capital we put in. As soon as Europe begins to keep its people employed it will be producing wealth all the time, and like a spring it will flow over into international trade and produce international exchange. There is sure to be a demand for all those things which we produce cheaper and better than some other competing country, and we are going to demand from Europe all those commodities which we need to keep our people well employed. Europe buys nothing from us that she can get cheaper elsewhere, and Europe charges all she can get for what she sells us.

Our tariff has created a tremendous prosperity the equal of which our country never knew before. And all the while quantity production, standardization, and competition are reducing the cost of living, which has gone down 40 points on food and 50 points on all commodities since the present tariff law was enacted.

The present tariff is nation-wide in its benefits to all producers. Our manufacturing industries throughout the length and breadth of the land are protected, and you have for the first time in our history a tariff protecting the products of the farms and the mines which were formerly classed as raw materials and were admitted duty free.

I say to you, thoughtful and conscientious people, when you hear arguments against protective tariff, force your opponent down to specific cases. Do not accept general arguments. They are very easy to assert and hard to prove. You remember the famous proposition: "All generalizations are false—including this one."

I recall once dining in Chicago when everybody was talking about the tariff and how wicked it was. I made an analysis and found that every man at that table was engaged in a tariff-protected industry and living comfortably because he was not subjected to destructive competition. I said, "I have been a strong advocate of the tariff, but the thing that troubles me is this: Here the poor children of our country are going to school this cold winter shoeless or with holes in their shoes. And why? Because of the awful tariff on shoes." They all assented and agreed that the tariff on shoes was a crime. Then I said, "Did you know that shoes were on the free list?" When your opponent talks about the tariff bring him down to absolute facts.

So, a protective tariff is essential to the maintenance of our standard of living. Our civilization is founded upon that standard. Basically a protective tariff is as important for our country as any other code of laws, and it should be made almost a part of our Constitution because the standards of our country can not be maintained without it. For the protective tariff is the foundation on which the prosperity of this country has been built.

Let us not forget our obligation to previous generations and let us remember that we have grown great under the institutions of our fathers. Let us cherish our prosperity and share it in reason with all the world. But, at all hazards let us maintain our standard of living which is the result of the great gifts of nature, our institutions, and our own industry. On maintaining our standard depends a united country. On it hinges the fate of a great civilization, an example to the world of an orderly development which will assist other nations through better material conditions to higher ideals.

A prosperous America can help Europe; a prostrate America can not.

Mr. SACKETT. Mr. President, I want to offer a few remarks upon the pending bill, treating it from a business standpoint, and without reference, I hope, to its political effect. I believe there is a very serious problem which affects the entire country, which should be treated, if possible, in a dispassionate manner, and a remedy sought that can be applied for the benefit of the whole community.

The pending committee amendment to the agricultural cooperative bill has been attacked from various angles as not outlining a proper method of procedure. It appealed to me very strongly as a constitutional argument that the collection of the fee which is proposed here is practically impossible under the present state of the law. I feel that the arguments which have been presented by the Senators from Wisconsin, from Montana, from Idaho, and others show that the execution of this measure under the law would be a practical impossibility. I fear that if the constitutional argument were pressed, and a case involving the constitutionality of the measure should become imminent after the passage of such a law, the effect upon the community, and especially upon the producers of these various articles, might be far more serious than would be any neglect on the part of Congress at this time to pass this measure.

The articles covered by this bill go into commerce in very large amounts, and if a large amount of any one was withdrawn from the market for the purpose of raising the price of the balance of that article, and during that period the constitutionality of the act under which this board would operate were questioned, I believe from a business standpoint the result would be a withdrawal from the market, pending the settlement of the question, of the ordinary commercial buyer. If in the end the act were declared unconstitutional and the board were required to throw back upon the market the portion of the product which had been reserved, the result to the grower of those commodities would not only be disastrous, but it would make for the bankruptcy of far greater numbers of the farming element than any continuation of the present situation can bring about.

This bill has also been attacked on the ground that it is unsound and would be very difficult of enforcement. The question as to what is meant by unsoundness in that connection probably must be resolved by deciding that it refers to economic unsoundness, for it certainly would be sound from the standpoint of effectiveness. The object of the measure is to produce such a condition as to the crops of this country which it lists that they would be taken care of by the provisions of the bill. The bill itself details the machinery, and that machinery is to be set up for the purpose of withdrawing from the market all surplus over the American demand. If that machinery is effective and that surplus is withdrawn and there is not more of that crop left in America than America requires, then the demand works against the supply, and the price will necessarily rise to the highest point that it can reach without the introduction of foreign material of the same crop. Therefore, if that short-crop situation is created, it is not unsound on the theory that it is ineffective, for it will do the very thing which its promoters hope it will do.

The measure may be uneconomic, however, because it is a very complicated chain of machinery that is to be set up. I notice in the discussions that take place most people seek to discuss the crops on the basis of wheat, which is the simplest of all the crops for which it is hoped this scheme will be effective, because wheat either can be exported itself or it can simply be processed and exported.

It is very much more complicated when we discuss the effect of the measure on cattle or pork or corn, and an entirely different question is presented in the case of cotton. Anybody

who had any experience during the war when we tried to limit the amount of profit which millers should make on flour, with the great amount of detail of audit that was required in order to arrive at that profit, has only to apply the information then gained to the many processes of the packers and the millers, with whom these contracts would have to be made, to understand what accounting force would be necessary in order to arrive at the cost and the losses and the various other things that will have to be determined before this measure could be made effective. It would set up machinery that would be perfectly enormous, in my judgment, after my experience with the much more simple things which the Government tried to arrive at during the war in assuring a level price for food products.

Therefore, I think this measure would be of doubtful value to the industry as a whole. I think its defeat would probably be the best thing for the agricultural interests. When attacked on the constitutional side, I think unquestionably sufficient votes will be rallied against it in this Chamber to prevent its passage. But I do believe that even under those conditions it behooves this body to consider the whole question of agricultural relief, aside from considering it simply upon the individual bill we now have before us.

I am very much interested in this subject. I come from an agricultural State, a State which, according to its population, would benefit as much as most of the States interested in this movement. I have been a member of the Committee on Agriculture and Forestry, and have listened to the arguments pro and con. I have been impressed with the feeling that has come out of the Corn Belt and out of the Wheat Belt over the difficulties under which agriculture is laboring.

I had quite a direct interest in the whole agricultural problem during the war, when I had to serve the Government in the interest of greater production, and I feel that if I can help in any way toward the solution of this great problem by simply setting out what seems to me to be the business question here involved, I shall have added my bit to something that is needed in this great America.

One of the difficulties of treating the question involved is the fact that when we speak of the surplus we mean a very different thing as to each crop which we are treating. In cotton, as has well been said, we command the world market because we export more than half of the cotton we produce, and we export enough cotton so that at least one-third of the remainder of the world supply comes from this country. Then, we have the wheat surplus. The wheat surplus varies greatly from year to year according to the crops, according to the rains, and according to the sunshine. Then, we have a surplus of corn which could possibly be held under some conditions and fed back year after year, but does not require the same transport and payment for losses abroad in order to get rid of the surplus. Then, we have a surplus of hogs, with the fact that some portions of the hogs are not shipped abroad to meet the international market, while other portions of the hogs are shipped abroad. So we have, as I see it, a number of different problems in the different crops, each calling for its own particular remedy.

When we consider the evidence which has been produced before the Committee on Agriculture and Forestry of the Senate we can not fail to be impressed with the serious condition which is to-day affecting the whole agricultural business. When the other day the Senator from Indiana [Mr. WATSON] brought forward the report of the national conference board it seemed to me that the solution of this question had been approached, and that we could take tremendous heart in the fact that the business interests of the country, as evidenced by the membership of that conference submitting the report, had become imbued with the idea at last that there is an agricultural problem, that it needs study, and it is to their interest to solve that problem if they can.

I think also that when the other day in the Chamber of Commerce of the United States there was passed a resolution offering the help of that chamber in every way in which it could be given to the solution of the agricultural problem, there came a new evidence of business interest in this great problem of the country. They offered to use the great resources of that chamber, if called upon, in order to get at the facts upon which a remedy for the trouble of agriculture might be based.

There I come to the point which I wish to stress, that in spite of all the assertions which are made, in spite of the feeling of every Senator that there is an actual agricultural problem, we can not definitely meet it by an economic method under normal business principles until we know the facts upon which it is based.

This conference board has started a great plan to discover these facts. But it will be noted that it treats agriculture as a whole. It has not had time to go into the problems which affect the various crops. If we are going to arrive at the proper medicine for wheat, we have got to know the facts as to wheat as differentiated from cotton or corn or anything else. We have got to go even further than that and get at the facts of the wheat troubles as they are represented by winter wheat and spring wheat. We have got to get at those facts, as one of the witnesses before the committee clearly showed, as to those portions of the wheat crop which are exportable portions and those which are not exportable. We have just begun to get at those facts and from the number of references which have been made on the floor of the Senate in the last two or three weeks to the conference report, it begins to indicate that Senators appreciate the need of understanding the basic facts in order to apply the remedy. I believe it is time to-day for us to call upon every business interest in the country to afford to the Senate and to the Congress the help which is needed in arriving at a proper business solution of the question.

One of the difficulties which the bill is meeting in this body is a perfectly natural one, because it is thoroughly evident that it is dealing with the prime necessities of life, the things which every man, woman, and child have to eat in order to live. There is no article in our whole list of products in the country which affects the life of every person in the country as do the products covered by the bill. As I said, stripped of all its verbiage and stripped of its machinery, it means that in order to make it effective it has to raise the prices of those other products which people need to live on and which under an ordinary commercial situation ought to be at the lowest possible price. It means the raising of those prices over and above the present prices and affects the pocketbook of every person in the country. It simply means, when we analyze it still further, that out of the consumer's pocket we have to take practically the 42 cents of the tariff on wheat and turn it over to the producer in order to make the bill effective. We have to pass a bill which takes money from one class and gives it to another.

The legislative situation is the difficulty which the bill faces. We have a farming community which is about one-third of our population. We have an industrial community which is about two-thirds. They are represented proportionately in both this body and in the other branch of Congress. Those Representatives feel that a governmental manipulation of trade affairs which transfers money from the consumers whom they represent into the pockets of the producers, no matter how good it would be for the producers and how much it would help them, is not a thing for which they can vote. We have to meet that legislative situation, and I think, without question, that necessarily means the failure of the bill.

On the other hand, the very industries——

Mr. GOODING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from Kentucky yield to the Senator from Idaho?

Mr. SACKETT. I yield.

Mr. GOODING. That means that there can not be any increase in the price of farm products without working an injury to the rest of the country.

Mr. SACKETT. It means that any increase which comes to farm products out of the American market only necessarily must come out of the pockets of those who are consumers and who have nothing to do with production.

Mr. GOODING. Does not the Senator understand that the consumers are interested in those who produce in this country to see that they get a fair return upon their investment and for their labor?

Mr. SACKETT. I am coming to that now, if the Senator pleases, with all the power which I possess, because I believe that is actually the fact.

Mr. GOODING. All right; I shall be glad to hear the Senator.

Mr. SACKETT. The industries which form this legislative situation necessarily depend upon the prosperity of the farmer and the agricultural population of the country in order to carry on a successful business. As business from year to year increases, new markets are necessary; and when they approach the point of saturation of the markets provided by the industrial workers, the business interests of the country recognize and know that there is beyond that this great farming population, which forms a further market for all industrial enterprises. That is not questioned by anybody. Business can only be successful when it has an ample market for its production, because business grows from year to year, and business is

looking and has looked continuously at the farming market for the spreading of its product. It is no more in a position to go outside the country to sell its products, if it be a protected industry, protected by the tariff, than is the farmer to-day, and it must look to an increase of market within the country, and that increase of market lies for at least one-fourth its extent within the population engaged in agriculture. If that population is not prosperous and has not money at command to purchase manufactured articles, just by that much the market of the manufacturer is necessarily curtailed.

So we have the problem presented here, and the business interests of the country are ready, if called upon, and many of them without being called upon, to try to arrive at some solution of the problem which is very real, which comes home to every business interest in the country just as much as it does to the farming communities themselves. Self-interest on the part of business insures that.

Mr. GOODING. Mr. President, will the Senator yield again?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Idaho?

Mr. SACKETT. I yield.

Mr. GOODING. The Senator is a business man?

Mr. SACKETT. Yes; somewhat.

Mr. GOODING. The Senator understands full well that there has been a material increase in the cost of operation of his business since the beginning of the war. That is true of all business.

Mr. SACKETT. Yes.

Mr. GOODING. That is true of the farmer.

Mr. SACKETT. Absolutely.

Mr. GOODING. The farmer is unable to pass on to the consumer his increased costs. The Senator is a business man and, I care not in what business he is engaged, he is able to pass on to the consumer the increased cost of his production. The trouble with the American farmer is that he has had an increased cost of production forced upon him, and yet he is forced to absorb or accept the entire increased cost of production which in too many cases means a loss to him.

Mr. SACKETT. If we can call upon business interests to go into this question and give us studies, such as the conference board has made, and bring those studies home to the individual crops and show what the problem is in each of those crops, we would put the agricultural relief question on a basis very similar to that of many other businesses.

Mr. GOODING. If the Senator will be kind enough to yield again——

Mr. SACKETT. With pleasure.

Mr. GOODING. The Senator is discussing this question as if it were a new probem. I have been a Member of the Senate for almost six years. I have given up more time to the Committee on Agriculture and Forestry of the Senate, listening to statements with reference to the condition of agriculture and helping to solve the problem and present some legislation to solve the problem, than to any other question which has been before the Senate. The best brains of agriculture have been working on this problem now since 1920. Some of the best business men of the country have been assisting the farmers in this line of work. To agriculture have come in the last few years a great many of the bankers of the country and other men of prominence in the political affairs and business affairs of the country. This is not a new question at all. It has been solved over and over again, and the actual facts with reference to the American farmer have been told in his increased cost of production and increased losses in the last few years. It is an old problem to the farmer and a very sore one. He has been suffering now since 1920.

Mr. SACKETT. Mr. President, if the Senator please, I do not propose to solve this problem, but I should like to call the Senator's attention to the fact that, according to his own statement, the plight of agriculture is becoming worse and worse in spite of all the work that has been done. If we can gain anything in any other direction, we certainly ought not be unwilling to accept the help that may come; and solutions which it may be possible to reach perhaps may be better than the solution that has already been attempted and which it does not seem possible to provide under the present legislative situation.

Mr. FESS. Mr. President, will the Senator from Kentucky yield to me?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. SACKETT. I yield with pleasure.

Mr. FESS. Referring to what the Senator from Idaho [Mr. GOODING] has stated about the increased cost of operating farms, I have here a statement as to farm expenditures issued by the Department of Commerce in 1925. The figures I shall quote, it seems, are applicable to Iowa. The farm expenditure in Iowa for feed in 1919 was $79,000,000 plus; in 1924—five years afterwards—it was $45,000,000—at least 50 per cent less.

For fertilizer in 1919 the Iowa farmers' expenditure was $596,537, and in 1924 it was $537,703, or less by about $50,000.

For labor, the very item the Senator from Idaho mentioned—and I should like him to notice these figures—in money wages only, not in farm products or other items, but what the farmer paid out in money, the wages in 1919 paid out were $50,942,000, while in 1924 the amount was $35,529,000, or more than 33⅓ per cent less. If these figures are not correct, then the census reports are in error.

Mr. GOODING. The Senator from Iowa is comparing the farmers' expenditures for 1919, which was the most prosperous year in agriculture, with those of 1925.

Mr. FESS. If 1919 was the most prosperous year, then how does the Seantor measure prosperity—by an increase of outlay?

Mr. GOODING. There was an increased outlay because the farmers' prices were higher in 1919.

Mr. SACKETT. Mr. President, does this debate come out of my time?

Mr. GOODING. The prices the farmer received were higher.

Mr. FESS. Does the Senator from Idaho deny the correctness of these figures?

Mr. NORRIS. Mr. President, if the Senator from Kentucky [Mr. SACKETT] will permit me, I desire to say that I can not understand what bearing the total cost of labor for one year would have on conditions in another year. It might be, since the expenditures for the latter year were less, that the farmer was being driven out of business and was not able to hire anybody.

Mr. FESS. Mr. President, will the Senator from Kentucky again yield to me?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. SACKETT. I will yield for a moment.

Mr. FESS. The farmer may be driven out of business in Iowa, but the automobile bill of the State of Iowa was $98,000,000. I should like to have some one state what the receipts from the sale of wheat were in that year at the rate for which it was selling.

Mr. NORRIS. If the Senator from Kentucky will yield, I should like to ask a question. Why is not the farmer entitled to an automobile as well as anybody else?

Mr. FESS. He is, if the Government is not called on to make up his loss for him.

Mr. NORRIS. If we are living in a day when an automobile is either desired for pleasure or for use on the farm, why should not the farmer be entitled to live under a condition that will permit him to have one?

Mr. FESS. He should; but the Government should not be called upon to pay the expense.

Mr. NORRIS. Then why complain that the farmer is buying too many automobiles?

Mr. FESS. If he pays for them, there can be no complaint.

Mr. SACKETT. Mr. President, I should like to proceed.

Mr. FESS. Mr. President, will the Senator yield to me for a moment further?

The PRESIDING OFFICER. The time of the Senator from Kentucky on the bill has expired.

Mr. FESS. The Senator, I understand, has 45 minutes more.

The PRESIDING OFFICER. He has 30 minutes on the pending amendment.

Mr. FESS. I understand he has 30 minutes on the McNary amendment and 15 minutes on any other amendment.

The PRESIDING OFFICER. The Chair will hold the Senator has 30 minutes additional time on the pending amendment which is the committee amendment.

Mr. SACKETT. Mr. President, I can not yield any further.

Mr. FESS. If the Senator will yield, I will give him an opportunity to speak in my time.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. SACKETT. The Senator from Ohio offers to count the interruptions in his time.

Mr. NORRIS. Mr. President, I should like to call attention to the fact that a Senator can not yield his time. I have no objection to the Senator from Kentucky yielding, if he wants to, but he can not get any of his time back from the Senator from Ohio.

Mr. SACKETT. Mr. President, I should like to conclude my remarks; I will be through in a very few moments.

Mr. FESS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. SACKETT. Does the Senator wish me to yield for a question?

Mr. FESS. No; but for a brief statement which will occupy only a half a minute.

Mr. SACKETT. Very well.

Mr. FESS. The radio bill for the State of Iowa for 1925 represented $37,230, while in 1920 it was $20,270.

Mr. NORRIS. Mr. President, will the Senator from Kentucky yield to me?

Mr. SACKETT. I can not yield further, Mr. President. I decline to yield. I have not very much time left.

Mr. NORRIS. The Senator has a right to decline to yield, but I would like to answer the suggestion of the Senator from Ohio as to the radio figures.

Mr. GOODING. I should like to ask if the Senator from Ohio has the record of bank failures in Iowa?

Mr. FESS. I have not looked those figures up. The failures may be due to the purchases of automobile and radio sets.

Mr. SACKETT. Mr. President, I can not yield further.

The PRESIDING OFFICER. The Senator from Kentucky declines to yield.

Mr. SACKETT. Mr. President, I have proceeded thus far upon the idea that the solution proposed by the pending bill of this great problem seems impossible under the present legislative situation; and that assumption is probably justified in view of the attacks which have been made upon the bill. I have, then, suggested that it would be wise to bring all the business elements of this country to a study of the real problem which exists and which ought to be taken care of if we are to have universal prosperity, and that certain business elements have the opportunity to make the necessary investigations upon which proper remedies may be based.

In order to lay before the Senate very simply and not at all as a complete solution the possibility which a business investigation of this subject might bring about, I may refer to a few very simple things. I am not a farmer, and I know comparatively little of farming, but I have been interested in developing various other lines of business, and I think in many ways the farmer's problem is the same as the business man's problem. I notice that whenever a business man gets into the same sort of difficulty that the farmer faces to-day he has opened before him the question of his cost of production. He attacks the cost of production for two reasons; first, because a lower cost of production enables him to compete with persons engaged in like business, wherever the competition may come from; and, in the second place, because every reduction in the cost of production of an article widens the market for that article. When the price of an article is raised, necessarily its market is restricted; certain people can no longer afford to buy it, and certain substitutes come in which are always possible for every article. Substitutes are even possible for bread. Those substitutes appear to a certain extent with every increase of prices. On the contrary, when the cost of production is lowered, and the price is reduced, whether the article be wheat or cotton or meat or automobiles or machinery or any other article of commerce, it necessarily brings into the picture certain people who could not previously afford to buy that article. Thereby the market for that article is widened. So the problem, as I see it and as I have wished to state it—not that I can offer to fully solve the problem by any means—is that the business interests should be brought in to consider the question and to attack the cost of production of the farmer.

There are possibilities of attacking that cost of production. It will be found when various reports of the Department of Agriculture and of the conference board are read that one of the most important questions affecting agriculture is that of soil depletion. In the United States for many years our farmers went westward, ever seeking new virgin land, because of the greater productivity of such land. That movement ceased, exhausted, about the year 1900, and since that time we have been forced to use the same land, to recultivate the same field. In many sections of the country a single crop is raised, and it is always the same crop. We have the wheat land of the Northwest and the cotton land of the South, where little else than wheat and cotton are raised. We also have what is known as the system of continuous cropping, the effect of which is to deplete the fertility of the soil and lessen its ability to produce.

We have made certain efforts to reduce costs. In every instance the introduction of farm machinery reduces the cost of production by a certain amount. The work of studying, investigating, and classifying soils, which has been done by the Department of Agriculture, the selection of seeds, giving a better result from the planting operations on the farm—all those things have tended toward a reduction of costs, and they parallel the work of the manufacturer in introducing new machinery in order to make his plant more effective than it was under the old machinery which he used. He attacks his costs of production in that way. So, also, the manufacturer frequently, looking over his market, finds that the bulk of his market is farther away from the factory than it ought to be, and so he erects another factory in a different place in order to save the freight rates on the article which he manufactures. Of course, the farmer can not move his farm unless he sells it and buys another somewhere else, and in that event some one else has got to take his place upon the farm which he sells. So the farmer has not to the same extent as the manufacturer the opportunity of lower costs by changing the location of his business.

There are, however, certain things about farming which it is not possible for the individual to attack, and in that situation there is an economic reason for the Government to come in and assist with Government funds to save the values of the farming community. The farmer can not to-day adequately reach the question of the fertility of his soil through the introduction of fertilizer in proper chemical form.

It is well known throughout the country that on large fields the present cost of fertilizer makes its use out of the question for the farmer. But some of us have been sitting through a very interesting session of committee meetings having under consideration the proposed lease of Muscle Shoals, and I think it has been there indicated, without much question, that there is an opportunity to-day for a new and concentrated form of chemical fertilizer to be produced in all sections of this country that will more than cut in two the cost of fertilizer on the farm. That new fertilizer will be so constituted as to be practically all plant food, and the normal cost of spreading it on the farm will be reduced from $47.50 to $21 for the same amount of plant-food material, and that the opportunity is still open further to reduce the cost to the farmer by a decided cut in the cost of production of the elemental materials.

With all the work that has been done in relation to agricultural problems which my friend tells me has been going on since 1920, and of which I am just as well aware as is he, there has hardly been an effort made to discover and make known in concrete form the effect of fertilizers upon the great fields of the country in the way of increased production. There has, however, recently been issued by the Department of Agriculture a new bulletin which gathers together for the first time in this country or any other country results of experiments made over a period of 70 years in England and 30 years in this country. The results of those experiments in relation to agriculture are most startling. Based upon the normal yield of a field of wheat under ordinary methods of cultivation, comparison is made with an adjoining field, cultivated in the same way, but to which commercial fertilizer is added in proper proportion, and also with another adjoining field, cultivated in the same way, but to which commercial fertilizer is added, and as to which also rotation of crops has been practiced over a four-year period. The results summarized from a number of experiments in Missouri, Illinois, and Ohio and England are, as I have said, startling in the way of increased production.

Wheat under cultivation alone showed an average production of 12.3 bushels per acre; with fertilizer used, 11.2 bushels were added to that normal yield; and again, with rotation practiced, 22.2 bushels were added to the original production, a total of 34.5 bushels.

I can not go into all the findings of the department in this new study, which has not been presented heretofore in any body such as this; but it gives clear indication that if the cost of fertilizer can be reduced—and I think it can be, from the evidence that has come before the committees on which I have sat—to a point where the farmer can afford to use it in corn and cotton and wheat and the other great crops that are suffering so in the agricultural market, there lies an opportunity to cut the overhead costs of production, just as any business man would approach the problem in his own business, and secure a large measure of relief.

I can only indicate that possibility. I must leave it to those who have the facilities and the money and the opportunity to make those investigations fully and substantially. That is not the only way, however, in which the cost of production may be reduced for the benefit of the farmer.

Before the Committee on Interstate Commerce there appeared a witness from the Government-owned barge line upon the Mississippi River. In my judgment we can not afford to-day to attack the rail freight rates that make it so costly to bring the farm products to the port of export, but we have a right to develop our waterways. If the testimony of the witness

from the Government-owned barge line which has been operating for the past few years on the Mississippi River means anything, it means that if we develop those waterways—and there are 14,000 miles of them available to this Government—at an expense now estimated to be not more than $60,000,000 or $70,000,000, we can afford an opportunity for the products of the farms in the Northwest and West to reach the export market at a saving of from 7 to 8 cents a bushel over the present cost of transport, and that saving attacks the cost of production as far as the export market goes.

We have already attacked the cost of production in interest—rates charged upon the farm. When we passed the farm loan act and provided the opportunity for farmers to receive agricultural money on a 6 per cent basis, we reduced it from a 10 per cent basis. When we attack the cost of production we must attack it as a unit cost at so much per bushel; and we can divide the amount paid in interest before and the amount paid after that act was passed by the number of bushels produced, and it will give us the saving per bushel in the cost of production.

Then, again, we can approach this problem from the standpoint of the roads which lead from the freight stations to the farms. Every road that is built with a hard surface means the bringing in of goods to the farm and the bringing out of goods at a very much less cost than in the case of the road without the hard surface. There is another place where the cost of production on the farm could be attacked.

Then careful business efforts on cost of production will attack the great question of waste, which exists not only on every farm but in every manufacturing industry in this country; and there also lies an opportunity to attack the cost of production.

Mr. President, in attacking the cost of production, if it is possible to overcome the margin which to-day exists between the cost of production here and the selling price in the world market, if we can better that world market price, it means that agriculture in America will become a flourishing instead of a dying business, as many of the advocates of this bill seem to think it is. The proposal to take care of it for a time, until of its own accord the population here in America has grown up sufficiently to take all that we produce, implies that it is a dying business. If through a careful survey and study of cost of production, with all its great possibilities of decrease, we can meet the world market at its own price, America will come into the destiny that she ought to have, that her soil and her climate and her people ought to vouchsafe to her. Agriculture in this country ought to be a rising business, a growing business, and it does not make any difference then how big the surplus gets; we will sell it in the markets of the world.

In my judgment we have not any right to try to cover in this one bill the problem of the surplus of wheat and the surplus of cotton.

Cotton can be attacked in its cost of production, I presume, as can the other crops; but I am not able to offer any suggestions about that crop, except to say that every reduction in the cost of production of cotton means a wider market for cotton, and as crop increase comes in the South there is bound to be a wider market if the producer is to succeed. I happen to know myself of instances where the present price of cotton has driven out cotton bags in many instances and replaced them with paper bags, because the industries could no longer afford to use cotton bags. If the price of cotton is reduced through any method available to the producer which may be found through an investigation under business methods, some of the substitutes that have taken the place of cotton articles can be displaced.

We have one other great thing in this country which is not available to our competitors in the world market, and that is the work that has been done in the past with the farmer by the Department of Agriculture. In order to bring about economies it is necessary to bring them home to the producer in the country. Every new method in agriculture encounters a sales resistance which is difficult to overcome; but in America the Department of Agriculture has its contacts. Its work has been going on for many, many years. The newer countries with which we must compete abroad, like the Argentine and Australia and even Canada, have no such contacts with the producer from the fountain head as has this country and no such way to overcome the sales resistance which will be met by every innovation seeking to cut the cost of production on the farms. I have no desire to try to bring this question forward, other than to put it in the RECORD in such a way that it may be known that the question has been touched upon. I believe, as a business man, that there lies ahead of this country an opportunity not to treat agriculture as a sick child with a subsidy, or to raise the price of agricultural products above that which now exists, but to attack the whole problem on the basis of the cost of production and thereby bring about a rejuvenation of the whole agricultural industry.

Mr. WILLIS obtained the floor.

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Schall
Bayard	Ferris	Lenroot	Sheppard
Bingham	Fess	McKellar	Shipstead
Blease	Fletcher	McMaster	Shortridge
Borah	George	McNary	Simmons
Bratton	Gerry	Mayfield	Stanfield
Broussard	Gillett	Means	Steck
Bruce	Glass	Metcalf	Stephens
Butler	Gooding	Moses	Swanson
Cameron	Hale	Neely	Trammell
Capper	Harreld	Norbeck	Tyson
Caraway	Harris	Norris	Wadsworth
Copeland	Harrison	Oddie	Walsh
Couzens	Heflin	Pepper	Warren
Cummins	Howell	Pine	Watson
Curtis	Johnson	Reed, Pa.	Wheeler
Deneen	Jones, N. Mex.	Robinson, Ark.	Williams
Dill	Jones, Wash.	Robinson, Ind.	Willis
Edwards	Kendrick	Sackett	

Mr. GERRY. I desire to announce that the Senator from Missouri [Mr. REED], the Senator from Utah [Mr. KING], the Senator from West Virginia [Mr. GOFF], and the Senator from Wisconsin [Mr. LA FOLLETTE] are absent in attendance on the committee investigating campaign expenditures.

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Montana?

Mr. WILLIS. I yield.

PROHIBITION ENFORCEMENT

Mr. WALSH. This morning the Senator from Maryland [Mr. BRUCE] introduced into the RECORD a letter printed in the New York Times from some gentleman whose responsibility I can not say anything about entitled " Wet figures for Senator WALSH." In the course of the letter it is said that Senator WALSH has been instituting some kind of a comparison between the State of New York and the West, and particularly the State of Montana, in relation to prohibition. I have no recollection of ever having instituted any such comparison as it is suggested in the letter I did, or talked about it or wrote about it.

The letter purports to give some figures from the report of the Commissioner of Internal Revenue. So far as they go, they are quite accurate. They tell that there were seized in the State of Montana during the year 1925 189 illicit stills, and in the State of New York 105. That is correct.

The letter, however, does not give all the figures furnished us by the Commissioner of Internal Revenue. For instance, we learn that there were illicit fermenters found in Montana to the extent of 761, and in New York to the extent of 1,306; that there were spirits seized in Montana to the amount of 3,633.99 gallons, and in New York 140,657 gallons; that there was malt liquor seized in Montana to the extent of 3,652.49 gallons, and in New York to the extent of 486,111 gallons; that there was wine seized in Montana to the extent of 5,397.50 gallons, and in New York 91,740 gallons; that there was no cider seized in Montana, but that in New York there was seized cider to the amount of 42,267 gallons; that there were 37 automobiles seized in Montana, and 1,246 seized in New York. The value of the automobiles seized in Montana was $10,860, and in New York $735,453. I submit these figures as supplementary to those contained in the letter.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. WILLIS. Mr. President, I desire to proceed. I will yield to my friend briefly, however.

Mr. WALSH. Mr. President, I do not want to trespass on the Senator's time, but in addition to this information, the letter gives certain figures concerning the number of arrests for drunkenness. The Federal authorities do not arrest for drunkenness, but there were arrested by Federal officers in the State of Montana during that year 418 for violations of the prohibition act, and there were arrested 11,426 in the State of New York for such offenses. But the figures for drunkenness, it is said, come from the evidence before the Senate committee. Those figures are from entirely unofficial sources, and were very

substantially discredited by the testimony before that committee.

Mr. BRUCE. Mr. President——

Mr. WILLIS. I yield briefly to the Senator.

Mr. BRUCE. I would like to ask the Senator, first of all, why it is that no cider was seized in the State of Montana?

Mr. WALSH. I do not want to enter into that discussion at all. The letter comes from a perfectly irresponsible source, and I simply wanted to supply the facts and the figures given in the report of the Commissioner of Internal Revenue.

Mr. BRUCE. The Senator availed himself of the opportunity to make a contrast; that is to say, to elicit the fact that cider was seized in the State of New York, and was not seized in the State of Montana. I ask him the question. Of course, if he is averse to answering it, I have nothing further to say. I ask him why it was that no cider was seized in the State of Montana. Is it because no apples were grown in the State of Montana, or because the apples——

Mr. WALSH. Our State is an apple-growing State of very considerable fame.

Mr. BRUCE. Is it, then, because the apples of Montana are so singularly constituted that they have no intoxicating quality under any circumstances? Or is it because the people of Montana regard the making or drinking of intoxicating cider as a more venial thing than do the people of the State of New York?

Mr. WILLIS. Mr. President——

Mr. BRUCE. It is nothing but perfectly legitimate curiosity that I am displaying.

Mr. WILLIS. I think I must refuse to yield for debate.

Mr. BRUCE. Then, if the Senator will allow me, the Senator from Montana says that these figures——

The PRESIDING OFFICER. The Senator from Ohio declines to yield.

Mr. WILLIS. I hope the Senator will defer his argument.

Mr. HEFLIN. Mr. President, does the Senator from Ohio know which State does produce the best cider?

Mr. WILLIS. I leave that to the determination of my friend from Alabama, who is an expert.

Mr. BRUCE. I expect he has tasted cider from both.

The PRESIDING OFFICER. The Senator from Ohio has declined to yield further.

Mr. BRUCE. Do I understand that the Senator from Ohio declines to yield?

Mr. WILLIS. I am very anxious to proceed with the pending bill.

Mr. BRUCE. I want to make one additional observation.

Mr. WILLIS. Very well.

Mr. BRUCE. I may be wrong; I am always ready to be corrected, but I do not understand the figures given in that clipping to be unofficial. They were, as I am advised, comparative figures given as to drunkenness in the different States in the Union and were obtained from the chiefs of police of the various cities of the Union. Certainly, as to the figures I produced, giving the arrests for drunkenness in 32 of the leading cities of the United States, I can affirm that I obtained them at first hand myself from the chiefs of police of those 32 cities. So I am at a loss to understand just what the Senator from Montana means by stigmatizing those figures as being unofficial.

Mr. WILLIS. Mr. President, I desire to call up my amendment——

Mr. BRUCE. The Senator pleads "nil dicit," and I have nothing more to say.

Mr. WILLIS. Speaking of apples, this seems to be the apple of discord. But I want to proceed with the agricultural bill.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

Mr. WILLIS. I ask the clerk to read my amendment to the amendment.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. Amend section 20, to read as follows:

SEC. 20. The financial transactions of the board, including the payment of the losses and profits under agreements entered into pursuant to this act, salaries and expenses of experts, and refunds on exportation shall be audited by the General Accounting Office at such times and in accordance with such regulations as the Comptroller General of the United States may prescribe. The report of such audit or audits shall be included in the annual report to the Congress.

Mr. WILLIS. Mr. President, in its present form the bill provides that the audit of the funds of the board provided for in the bill shall be made by auditors employed by the board. I do not believe that is in the interest of good business or sound accounting. Therefore I have offered an amendment providing that the audit of the funds of the board shall be had by the General Accounting Office. That is the substance and effect of the amendment.

I may say that exactly the same amendment was offered in the House. It was discussed somewhat at length by the gentleman from Minnesota [Mr. NEWTON], and the discussion can be found at page 9772 of the RECORD. The amendment was offered by the gentleman from Illinois [Mr. MADDEN]. I read the statement by Mr. MADDEN. He said:

Mr. Chairman, it seems to me any other audit than an audit by the General Accounting Office would be adding new expense and creating more chaos.

I have offered this amendment for the purpose of clarity and for the further purpose of insuring a correct and comprehensive audit of any accounts or payments that may be created as a result of the enactment of this legislation.

That presents the case as I view it. I think it was at one time provided, if it is not now provided, that there should be an audit of the accounts of the Federal Farm Loan Board by auditors hired by the board. The whole theory of the General Accounting Office is that there shall be one system of accounts and one system of audits, and I believe it highly desirable that this board, which, under this measure, would have exceedingly large powers, should have the right to go out and hire independent auditors once a year, say, to make an audit. It seems to me the work of this board should be carried on just like the work of any other governmental department, and therefore the amendment provides that this auditing shall be done by the General Accounting Office.

Mr. FESS. Mr. President, I had not noticed that particular provision, but it does violate the entire Budget idea of requiring an independent audit, one that is entirely separate from the body whose books are being audited. For that reason especially I think it would be quite wise to accept this amendment, although I had not noticed the matter until my attention was called to it.

Mr. WILLIS. I thank my colleague for his suggestion. I have taken pains to examine the general accounting act, and my colleague has stated accurately that it requires an independent audit. But if the language stands as it is, the matter of audit will be kept in the control of the concern that is to be audited. Therefore I hope the amendment providing for this audit of the General Accounting Office will be adopted.

Mr. McNARY. Mr. President, I think the language contained in the amendment to the amendment is preferable to the language of the committee amendment, and, so far as I am able to do so myself, I gladly accept the Senator's amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Ohio to the committee amendment.

The amendment to the amendment was agreed to.

Mr. McNARY. Now, Mr. President, I suggest that the clerk proceed to read the amendment section by section.

The Chief Clerk proceeded to read the committee amendment, and read to the end of section 15, as follows:

DECLARATION OF POLICY

SEC. 8. It is hereby declared to be the policy of Congress to enable producers of agricultural commodities to control a supply of such commodities sufficient to stabilize their markets against undue and excessive fluctuations and to distribute the benefits and costs thereof to all producers of such commodities; to minimize speculation and waste in marketing; to encourage the organization of producers of agricultural commodities into cooperative associations; to protect domestic markets against world prices; and to provide for the control and disposition of the surpluses of agricultural commodities, for the purpose of promoting the orderly marketing of agricultural commodities in interstate and foreign commerce.

FEDERAL FARM ADVISORY COUNCIL

SEC. 9. (a) There is hereby established a Federal farm advisory council (hereinafter referred to as the "council") to consist of five members from each of the 12 Federal land-bank districts. Four of the members of the council from each district shall be elected by the bona fide farm organizations and cooperative associations in such district at a convention of such organizations and associations, to be held at the office of the Federal land bank in such district or at

such other place, in the city where such Federal land bank is located, to which the convention may adjourn. One of the members of the council from each district shall be appointed by the Secretary of Agriculture.

(b) The Secretary of Agriculture shall annually, with the advice of such farm organizations and cooperative associations as he considers to be representative of agriculture, (1) fix the date on which such conventions shall be held, (2) designate the farm organizations and cooperative associations in each district eligible to participate in such conventions, and (3) designate the number of representatives and the number of votes to which each such organization or association shall be entitled. The Secretary of Agriculture shall mail, at least 15 days prior to the date on which a convention is to be held, to each organization and association eligible to participate in such convention, notice of the date and place of such convention. The conventions first held after the date of the passage of this act shall be held within 45 days after such date. The Secretary of Agriculture shall prescribe uniform regulations for the procedure at such conventions and for the proper certification of election of the members of the council.

(c) The term of office of each member first elected or appointed shall expire one year from the date of his election or appointment, and the term of office of all successors shall expire one year from the date of the expiration of the preceding term. Any member in office at the expiration of the term for which he was elected or appointed may continue in office until his successor takes office.

(d) The members of the council shall serve without salary but may be paid by the Federal farm board (established in section 4 and hereinafter referred to as the "board") a per diem compensation not exceeding $25 for attending meetings of the council. Each member shall be paid by the board his necessary traveling expenses to and from the meetings of the council and his actual expenses while engaged upon the business of the council.

DUTIES OF COUNCIL

SEC. 10. (a) The council shall—

(1) Meet and organize as soon as practicable after the passage of this act and select a chairman, secretary, and such other officers as it deems necessary.

(2) Nominate to the President three individuals from each of the 12 Federal land-bank districts eligible for appointment to the board.

(3) Meet thereafter at least twice in each year at a time and place designated by the Secretary of Agriculture; or upon a petition duly signed by a majority of the members of the council at a time and place designated therein.

(4) Nominate in accordance with the provisions of section 4 three individuals to fill any vacancy occurring in the board.

(5) Submit to the board such recommendations, and cooperate with the board in such manner, as the council deems most effective to carry out the purposes of this act.

(b) The individuals to be nominated to the President for appointment to the board from any district shall be selected by the members of the council from such district.

FEDERAL FARM BOARD

SEC. 11. (a) There is hereby established in the Department of Agriculture a board to be known as the Federal farm board and to be composed of 12 members, one from each of the 12 Federal land-bank districts, appointed by the President, by and with the advice and consent of the Senate, from the individuals nominated by the council.

(b) The Secretary of Agriculture shall be an ex officio member of the board.

APPOINTMENT AND QUALIFICATION OF MEMBERS

SEC. 12. (a) The terms of office of the appointed members first taking office after the enactment of this act shall expire, as designated by the President at the time of nomination, four at the end of the second year, four at the end of the fourth year, and four at the end of the sixth year, after the date of the passage of this act. A successor to an appointed member shall be appointed by the President, by and with the advice and consent of the Senate, from the individuals nominated, as provided in subdivision (d) of this section, for a term expiring six years from the date of the expiration of the term for which his predecessor was appointed.

(b) Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Any member in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

(d) Whenever a vacancy occurs in the board or whenever, in the opinion of the chairman of the board, a vacancy will soon occur in the office of a member from any Federal land-bank district, he shall notify the council thereof and request that the council nominate three individuals from such district qualified to fill such vacancy. Upon receipt of such nominations he shall submit their names to the President as the nominees for such vacancy.

(e) Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and a majority of the appointed members in office shall constitute a quorum for the transaction of the business of the board. The approval or authorization of any matter by the board shall require the affirmative vote of a majority of the appointed members in office.

(f) Each of the appointed members shall be a citizen of the United States, shall not actively engage in any other business, vocation, or employment than that of serving as a member of the board, and shall receive a salary of $10,000 a year, together with necessary traveling expenses and expenses incurred for subsistence, or per diem allowance in lieu thereof while away from the principal office of the board on business required by this act.

GENERAL POWERS OF BOARD

SEC. 13. The board—

(a) Shall annually designate an appointed member to act as chairman of the board.

(b) Shall maintain its principal office in the District of Columbia.

(c) Shall have an official seal, which shall be judicially noticed.

(d) Shall make an annual report to the Congress.

(e) May make such regulations as are necessary to execute the functions vested in it by this act.

(f) May (1) appoint and fix the salaries of such experts and, in accordance with the classification act of 1923 and subject to the provisions of the civil service laws, a secretary and such other officers and employees, and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the board. All expenditures of the board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman.

SPECIAL POWERS AND DUTIES

SEC. 14. (a) The board shall meet at the call of the chairman at least weekly and at such other times as the Secretary of Agriculture or the chairman deems advisable.

(b) The board is authorized—

(1) To obtain from any available sources information in respect of crop prospects, supply, demand, current receipts, exports, imports, markets, transportation costs and facilities, prices of agricultural commodities, wastes or unnecessary costs in connection with the present method of marketing, costs of production, either domestic or foreign or both, and economic, legal, and financial information in respect of the organization, progress, business methods, and cost of operations of cooperative associations in the United States and foreign countries.

(2) To disseminate any such information, or analysis or summaries thereof, from time to time among cooperative associations and farm organizations in the United States.

(3) To advise cooperative associations, farm organizations, and producers in the adjustment of production in order to secure the maximum benefits under this act.

CONTROL AND DISPOSITION OF SURPLUS

SEC. 15. (a) The board shall keep advised by investigations, from time to time, made upon its own initiative or upon petition of any cooperative association or farm organization, of the domestic and world prices, and the existence or the probability of the existence of a surplus of any agricultural commodity or any of its food products.

(b) The board shall furnish upon request to any cooperative association or farm organization, or to any producer of any agricultural commodity, or to any person owning or controlling any of such commodity, its recommendations upon the disposition of such commodity, or any surplus thereof, and upon the available methods of financing. Whenever the board is of opinion that the provisions of this act applicable to a basic agricultural commodity (as hereinafter defined in this section) should be made applicable to any other agricultural commodity, it shall submit its report thereon to Congress.

(c) For the purposes of this act cotton, wheat, corn, cattle, and swine shall be known and are hereinafter referred to as "basic agricultural commodities," and the term "food products" means the respective food products of each such basic agricultural commodity except cotton, but does not include milk or its products. Whenever the board finds, first, that there is or may be during the ensuing year (1) a surplus above the domestic requirements for wheat, corn, cattle, or swine and/or their food products, or (2) a surplus above the requirements for the orderly marketing of cotton; and second, that a substantial number of cooperative associations or other organizations representing the producers of the basic agricultural commodity are in favor of the commencement by the board of operations in such commodity and/or its food products, then the board shall declare its findings and commence such operations. Such operations shall continue until terminated by the board.

(d) During such operations the board shall assist in removing or withholding the surplus of such basic agricultural commodity and/or its food products by entering into agreements with cooperative associations engaged in handling such basic agricultural commodity or its food products, or with a corporation or association created by one or more of such cooperative associations, or with persons engaged in proc-

essing such basic agricultural commodity or its food products, for the following purposes:

(1) The payment out of the equalization fund for such commodity, as hereinafter established, of the amount of losses, costs, and charges of any such association, corporation, or person arising out of the purchase, storage, sale, or other disposition of such basic agricultural commodity or its food products or out of contracts therefor, if made after such agreement has been entered into and if made in accordance with the terms and conditions thereof; and

(2) The payment into such equalization fund for such commodity of profits of any such association, corporation, or person, arising out of such purchase, storage, sale, or other disposition or contracts therefor; and

(3) The making of advances out of such equalization fund to any such association or corporation for financing the purchase, storage, sale, or other disposition of basic agricultural commodities and their food products in order to assist in removing or withholding the surplus of such commodities and/or products.

(e) If the board is of the opinion that there is no such cooperative association capable of carrying out any such agreement, the board, prior to the expiration of two years from the passage of this act, may enter into such agreements with other agencies.

(f) Such agreements shall provide, among other things, that—

(1) No payment of losses shall be made unless the purchase or contract for the purchase is made at a price which in the opinion of the board is not in excess of a fair and reasonable price.

(2) No sale or contract of sale shall be made in respect of which a loss would be sustained unless such sale or contract is authorized by the board.

(3) Advances made by the board shall be payable on demand, whenever and to such extent as the board deems advisable, if the board finds that the market price in the principal markets of the United States for the basic agricultural commodity, or its food products, in respect of which the advance was made, is in excess of a fair and reasonable price.

(g) If the board is of the opinion that there are two or more cooperative associations capable of carrying out any such agreements, the board, in entering into such agreements, shall not discriminate unreasonably against any such association and in favor of any other such association.

Mr. CUMMINS. Mr. President, I desire to offer an amendment to a part of the bill which the clerk has just read. I think this is a proper time. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will read the amendment proposed by the Senator from Iowa to the amendment reported by the committee.

The CHIEF CLERK. Amend section 15 by inserting at the end of line 23, on page 14, the following:

Provided, The board shall not commence operations in any basic agricultural commodity or its food products unless (1) members of the board representing land-bank districts which in the aggregate produced during the preceding crop year, according to the last available statistics of the Bureau of the Census, more than 50 per cent of such commodity, vote in favor thereof; nor (2) if, during the period of 40 days from the first publication of the amount of the equalization fee, the board receives objections or protests against such operations from cooperative marketing associations, farm organizations, or individual producers, which, in the judgment of the board, indicate that a majority of the producers of such commodity are opposed to beginning operations in such commodity.

Mr. CUMMINS. Mr. President, in the beginning I may say that the amendment is one which meets the approval of the Committee of Twenty-two, to which reference has so often been made, and, indeed, it was prepared by the chairman of that committee.

The amendment is intended to make sure that the board shall not begin operations upon any of the basic agricultural commodities until it has fair assurance that the majority of the producers, as well as the producers of the greater value of the commodity, have assented to the proposal. The amendment is composed of two parts. The protection lies in two directions. In the first place the members of the farm board, representing the land districts which produce the largest part of the commodity which is to be operated upon, must in the farm board vote for so doing. In the next place if during the 40 days which intervene between the proclamation or publication on the part of the farm board and the time for action, it receives protests or is otherwise advised so that in its judgment a majority of the producers are opposed to the operation about to be entered upon, then the board is precluded from so doing.

It gives every protection, I think, that can possibly be given to make sure that those who are interested in the production of the commodity under consideration shall assent to or not be opposed to the proceeding about to be begun.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. BORAH. I have been unable as yet to get a copy of the amendment, although I think I read it several days ago. Do I understand, in the way of illustration, if wheat were the commodity under consideration, that the Senator proposes to hold some proceeding in the nature of a referendum upon the question of whether or not the board shall proceed?

Mr. CUMMINS. It might be called a referendum.

Mr. BORAH. I only call it that for the purpose of the illustration.

Mr. CUMMINS. As I remarked, there are two vetoes, if you please, upon the operation. In the first place, the members from the several land districts must all vote for the beginning of the operation. That is the first protection. The second protection is that in the period of 40 days, I think, which is given before the operation shall begin if the farm board receives protests or petitions or in any other way it is made known to the farm board that a majority of the producers are opposed to the operation, then the board is so to declare and to cease the operation.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. CUMMINS. I yield.

Mr. ROBINSON of Arkansas. Did I understand the Senator from Iowa, who offers this amendment, to say that the committee which reported the pending bill approved of it?

Mr. CUMMINS. No; the Senator from Arkansas will understand that this proposed legislation—a large part of it, at least—is being urged by a committee of 22, representing 11 Western States.

Mr. ROBINSON of Arkansas. Did that committee propose this amendment?

Mr. CUMMINS. That committee proposed this amendment.

Mr. ROBINSON of Arkansas. It is intended to make it difficult to operate under the bill?

Mr. CUMMINS. It is intended to make it impossible to operate if the majority of the producers or the producers of a majority—if we may call it so—of the volume of the product are opposed to it.

Mr. ROBINSON of Arkansas. If all the members of the board vote to operate in the case of a given commodity, they may do so, provided protests are not received, which, in the opinion of the board, represent 50 per cent of the producers or a majority of the producers?

Mr. CUMMINS. Mr. President, that is the substance of the amendment. If the entire board were to vote in favor of the operation, then, of course, all the members, representing a majority of the producers, would have voted in favor of the beginning of the operation; but, not content with that, it is suggested that if, during the intervening period—

of 40 days from the first publication of the amount of the equalization fee the board receives objections—

We have passed the first point—if the board—

receives objections or protests against such operations from cooperative marketing associations, farm organizations, or individual producers, which, in the judgment of the board, indicate that a majority of the producers of such commodities are opposed to beginning operations in such commodity—

In that event the board has no further power to proceed.

Mr. ROBINSON of Arkansas. Mr. President, what I find difficulty in understanding is why the advocates of the bill want to make it exceedingly difficult to operate under the bill.

Mr. CUMMINS. May I say in response that, of course, the people who are advocating the bill and who believe it will accomplish the purpose that we have in view have sensed, and they understand, the opposition that has grown up on account of bringing in producers under the equalization fee who do not want to come in.

Mr. ROBINSON of Arkansas. Right there, I desire to say that no one will contend, if Congress has no power to take the produce of a farmer and require him to market it under this bill, that that difficulty can be removed by a majority vote of the producers.

Mr. CUMMINS. Oh, no. The Senator is speaking about the constitutional view of it?

Mr. ROBINSON of Arkansas. Yes.

Mr. CUMMINS. What the Senator has stated is certainly true; but I do not quite agree to the way in which the Senator

from Arkansas describes it. He describes it as unwillingness to come in.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator permit me to interrupt him further?

Mr. CUMMINS. Yes.

Mr. ROBINSON of Arkansas. The question has been raised here that it is not within the power of any legislature, either State or national, in the case of a farmer who does not want his products handled under the provisions of this bill, who does not want the surplus, if it may be termed such, taken charge of by the board, and who is unwilling to pay the equalization fee, to compel him to pay that fee.

Suppose, for instance, a farmer when he plants his crop mortgages it and agrees that the crop shall be pledged for supplies with which to make the crop, and subsequently the board agrees to operate on the commodity which he has grown, how can the board take possession of his crop without first paying off the mortgage?

Mr. CUMMINS. There is no provision here for the board under any circumstances taking possession of a crop.

Mr. ROBINSON of Arkansas. Well, it may take possession of the surplus.

Mr. CUMMINS. I think the bill will be so amended under the suggestion of the Senator from Idaho—at least, I am perfectly willing to have that amendment made—that it will not apply to the seller; I mean, so far as the equalization fee is concerned.

Mr. ROBINSON of Arkansas. I am speaking about the bill as it is at present. If Senators have agreed upon some amendment that has not as yet been submitted to the Senate or voted on in the Senate, I should like to be advised about it.

Mr. CUMMINS. In my judgment, it would not affect this particular amendment. I agree perfectly that the amendment I am now offering, if adopted, would not remove the constitutional objection which some Senators have urged against this bill, but it would remove the objection of some Senators who believe that there ought to be further safeguards thrown about the operation of the board. It would make it reasonably sure that the operation would not begin until a majority of the producers of a given commodity should have agreed to the operation.

Mr. GLASS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Virginia.

Mr. GLASS. Mr. President, I merely wish to inquire what would be the practical operation of this suggestion? As it seems to me, it will require a plebescite among the producers of any one of the primary farm products, and the initiative, as I understand, is put upon those, whether they be great or many, who are opposed to the equalization fee to institute that plebescite among all the producers to ascertain whether or not a majority concur in the proposed arrangement.

Mr. CUMMINS. So far as the second paragraph of this amendment is concerned, I think, it is true that the burden of initiating the objection would be upon the producers. So far as the first paragraph is concerned, that is not true; that is to say, the question comes originally before the board, and if any one of the members of the board from the land-bank districts which produce the greater quantity of the commodity under consideration votes against it that is the end of the matter.

Mr. GLASS. That I understand, but the provisions of the bill still will not go into operation provided a bare majority of the producers representing the volume of the product itself shall have instituted a plebescite among all the producers and have ascertained that a bare majority are opposed to the imposition of the equalization fee.

Mr. CUMMINS. This is simply an effort on the part of those who are interested in passing the bill to make it reasonably certain that the majority of the producers want the operation to begin before it shall be begun. I realize perfectly that it does not remove the objection of those who believe that all the producers of a given commodity should join in the application for the operation before it shall be begun.

Mr. GLASS. What I am trying to ascertain is what will be the exact practical operation of the suggestion.

Mr. CUMMINS. One finds it a little difficult to describe the exact operation, because there are many ways in which the board may inform itself; first, by objections or protests against such operation from cooperative marketing associations; next, from farm organizations; and next, from individual producers.

If all the objections coming in from these sources convince the board that a majority of the producers of that commodity are opposed to the operation, then it will not be begun.

Mr. GLASS. How will the board know in advance of the exact quota or proportion of the production the various protestants will represent?

Mr. CUMMINS. The latter clause relates only to a majority of the producers in number. The first clause requires the assent of all the members of the board representing the land-bank districts which produced in the aggregate during the preceding crop year more than 50 per cent of the commodity.

The VICE PRESIDENT. The time of the Senator from Iowa has expired.

Mr. NORRIS. Mr. President, I do not intend to vote for this amendment, for reasons that I am going to give; but, at the same time, the amendment is here because those who are in favor of the bill want to placate objections that are made to the bill. So I take it that all those who are opposed to the bill will favor it. It is presented here because, as I understand, the objection is made that the farm board is given such extensive power that it might abuse it, and the amendment is designed to curtail that power. It is true that they can not take a vote, or have a plebiscite, or anything of that kind; but in a general way it is going to be their duty, if objection is made, to find out what the producers of the particular commodity with which they expect to put the equalization fee into operation think about it, and not to put it on if those who produce the commodity in the main are opposed to it.

The board never will be able to get a definite decision by vote or anything of that kind, or by quantity of the product; but it is going to be their duty, when objection comes in here, to consider it and investigate it by all means possible; and when they get through, if they believe that the most of the people producing this commodity do not want an equalization fee adopted and put in for that year, then they will not put it in.

Mr. GLASS. But, Mr. President, I do not understand it to be a matter of belief. It seems to me that interminable delay and litigation might be incurred.

Mr. NORRIS. It might. That is what I was going to mention, and that is the reason why I am opposed to it myself. In my judgment this language necessarily must be indefinite. I concede that I would not know how to draft an amendment more definite than this, but I want to say to those opposing this legislation that this amendment is proposed here to meet, in part, their objection. Nobody contends that it meets the constitutional objection. It has nothing to do with that.

Now I want to state my objection to the amendment and why it seems to me we ought not to adopt it.

I think the Senator from Virginia [Mr. GLASS] has put his finger on the sore place. If this is done, what I fear is an injunction in court against this board on a question of fact. It will be alleged in court that the board are putting the equalization fee in operation against the wish of the producers of wheat, or of cotton, or of corn, or of something else, and they will get an injunction enjoining the board from going ahead. Before that injunction suit is tried the crop will be raised and sold and eaten up; so it seems to me it means delay.

I have an idea that the board, before they issue their original statement of intention to put the equalization fee on any particular commodity, will first inform themselves as well as they can, of course—it is their duty, and they will devote their time to it—as to the amount that is probably going to be produced, whether there is going to be a surplus, and therefore a necessity for commencing operations, and also what the people who are producing the commodity think as a general rule. They can not ascertain their attitude definitely, any more than we, if we are deciding something here, can ascertain definitely what the people want or do not want in a matter of legislation, although the board perhaps will have better facilities for finding out than we have. They will do all that in advance, before they first decide, and I do not believe it would help this bill to put in now a provision that after they have studied and decided that question one man anywhere in the United States shall be able to commence an injunction proceeding against them or some other procedings to delay the whole matter.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BORAH. If I understand this amendment correctly, if we should strike out the second provision and leave in the first provision, would there not be some certainty, then, about what was being done?

Mr. NORRIS. Yes; I think myself that would help it. I would rather have half of it than all of it. Of course, the adoption of the whole thing will not defeat the legislation. I am not claiming that. It will not defeat the bill; but I think if this amendment were adopted it would put in a place in the bill where there might be danger, and serious danger.

Mr. FESS. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. FESS. If I read the amendment aright, it might be that 11 members of the board would want operations to commence, but 1 member might vote the other way.

Mr. NORRIS. No; I do not understand the amendment that way.

Mr. FESS. It says "members of the board representing land-bank districts"; and there are 12 members of the board representing land-bank districts.

Mr. NORRIS. I do not think that would be true.

Mr. BORAH. The Senator has not read it all.

Mr. CUMMINS. Mr. President, I do not want to be misunderstood about this amendment. I think the bill will be a great deal better without it than with it, but I want to see this bill passed.

Mr. NORRIS. So do I.

Mr. CUMMINS. I think it is absolutely essential to the welfare of the country that we do pass it.

Mr. WATSON. Mr. President, will the Senator yield for a question?

Mr. NORRIS. I yield.

Mr. WATSON. Does the Senator from Iowa construe his amendment to mean that there must be a unanimous vote of the board?

Mr. CUMMINS. It does not say so. On the contrary, it says just the other thing.

Mr. WATSON. That is the question under discussion now.

Mr. CUMMINS. That was the question raised by the Senator from Ohio.

Mr. NORRIS. It would have to be, if this amendment is agreed to, the members from the particular land-bank districts that had produced 50 per cent or more of the product. They could veto the entire proposition if they wanted to, of course.

Mr. FESS. Could not one of them do it?

Mr. NORRIS. No; I do not think so. That would make it much worse, of course, if they could.

Mr. FESS. But it says "members of the board." That would mean all. If one disagreed, he could prevent it.

Mr. ROBINSON of Arkansas. Mr. President, unquestionably the language requires the vote of the members of the land-bank districts which produced 50 per cent of the commodity. If any one of them failed to vote for it, the requirement of the first provision of this amendment would not be met.

Mr. FESS. That is what I think.

Mr. BORAH. The way this amendment ought to read, it seems to me, is that whenever those on the board representing 50 per cent of the product vote that way, that puts the board in operation.

Mr. FESS. That is all right; but that is not this proposal.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. In just a moment.

Mr. CUMMINS. I should like to finish my remarks to the Senator from Nebraska.

I think the bill is better without this amendment than with it. I believe in giving the board the power that was originally given to it in the amendment proposed by the committee; but if we can get one vote more or two votes more by making it a little more difficult to put it into operation, I am willing to do it.

Mr. NORRIS. I will say to the Senator from Iowa that it begins to look as though we would get one or two votes less if we adopt it, from the opposition that is arising.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. NORRIS. In just a moment I will.

After all, we do give to this board a wonderful power. The board could make a failure of the law, as any administrative board could of any law.

If this is not a good board, working in dead earnest, and doing the right thing, the law will fail. We have to trust it to somebody to decide; and they have the machinery here to reach that decision through the instrumentality of this board. I think this amendment, while it takes away some of their power, makes it more difficult to put the law in operation; and, according to my judgment, it would weaken the law.

I now yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Mr. President, I merely want to say that I do not believe the Congress has the power to levy the equalization fee provided for in this bill. I am convinced that that is true——

Mr. NORRIS. That has not anything to do with this amendment, however.

Mr. ROBINSON of Arkansas. But I agree that that has nothing to do with the pending amendment; and I think the advocates of the bill are merely making the bill unworkable by proposing or adopting such an amendment as that offered by the Senator from Iowa [Mr. CUMMINS]. It would not relieve the bill from the one fundamental objection which I can not avoid entertaining, but it would invite all sorts of controversies and lawsuits and endless disputes about whether a majority of the producers are in favor of operating.

Mr. NORRIS. Yes.

Mr. ROBINSON of Arkansas. It will not improve this bill, in my opinion, to add this amendment. It will tend to destroy its effectiveness. It will make it unworkable, because it will involve a referendum in every instance where the board seeks to put the bill in operation, and it will take several years to settle one controversy.

Take the case of cotton——

Mr. NORRIS. I hope the Senator will not take all my time.

Mr. ROBINSON of Arkansas. No; I will take the floor in my own right on the amendment. I thank the Senator for yielding to me.

Mr. NORRIS. I agree with what the Senator from Arkansas has said and I want to commend him, too. He is one Senator who conscientiously believes that there is something else in this bill that is not workable or constitutional, and still is interested, notwithstanding that, in helping to put the bill in as good shape as it possibly can be put, even though he can not vote for it in the end.

I hope all Senators who are opposed to the bill will take that view; and, as I said at the beginning—and it is about all I wanted to say—this amendment was offered to see if it would not be possible that some of those opposed to the bill might vote for it if there were restraints and restrictions put on the operation of this board. To my mind, however, this would be such a serious restraint that we ought not to do it; and it does not appear that we will get any more votes for the bill, anyway, on account of it.

Mr. WATSON. Would the Senator be better satisfied to separate "(1)" and "(2)"?

Mr. NORRIS. Oh, yes. I would rather have one than both of them, but I would rather have neither one of them than either of them.

Mr. WATSON. The Senator would rather have "(2)" than "(1)", I understand?

Mr. NORRIS. No; I would rather have none than one.

Mr. ROBINSON of Arkansas. Mr. President, nothing would please me better than to see the result of the action of the Congress effective for the improvement of conditions respecting agriculture. I hope and believe that I am just as much interested in that subject as any Senator here; but I think it is inviting all sorts of difficulty to incorporate this amendment in the bill.

The question as to whether the Congress can compel a farmer to submit his products to the processes contemplated by this bill is an entirely different one from that raised by the amendment that is pending. If the Congress has that power, there ought to be vested somewhere provision for prompt action whenever conditions arise which make it necessary to act. It ought not to be possible for a few or for many dissatisfied persons to raise disputes, to oppose operations under the bill, to bring lawsuits which in some instances would be drawn out for years and years, so that the necessity for operations would pass or the probable benefits of action under the bill would be made impossible by the delays which this amendment invites.

If the friends of this bill have sufficient confidence in it to support it, they ought to give the board the power to determine when operations are necessary. If you take a plebiscite among the farmers who are interested in the production of a commodity, you will invite trouble and endless disputes, and make the bill ineffective. Some authority must be authorized to determine when the conditions requisite for operations exist; and if you undertake to have a vote of the farmers producing cotton, for instance, before fixing an equalization fee or operating in cotton, you will have a condition in one State in all probability, or in one portion of a State, approving operations and in another or in several other portions of the same State the plan will be bitterly denounced, and the whole effect and purpose of the bill will be destroyed.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. ROBINSON of Arkassas. I yield to my colleague.

Mr. CARAWAY. In cotton, for instance, half the crop is already marketed in one State before they commence to gather it in another.

Mr. ROBINSON of Arkansas. Certainly.

Mr. CARAWAY. It never would be possible.

Mr. ROBINSON of Arkansas. It would be a physical impossibility and a moral impossibility to make this amendment applicable to cotton, and I believe the same is true of wheat.

I should like to see the bill tested out fairly. I can not vote for it, because I do not believe the power exists—and if it exists, I do not believe it ought to be exercised—to take a man's crop away from him and force him to submit to the processes contemplated by this bill; but if the friends of the bill want to make it effective, the best thing they can do is to give the board the power to determine when operations shall begin and put the provisions of the bill into effect.

Mr. CUMMINS. Mr. President, will the Senator yield to me?

Mr. ROBINSON of Arkansas. I yield with pleasure.

Mr. CUMMINS. It is quite evident to me that the object which the sponsors of this amendment had in view will not be accomplished, and, with the consent of the Senate, I will withdraw the second paragraph of the amendment.

Mr. ROBINSON of Arkansas. I thought the Senator was going to withdraw the entire amendment. I believe he ought to withdraw the entire amendment, because in a less degree the same objections apply to the first paragraph. As a matter of fact, there is really only one paragraph in the amendment, but I take the Senator's meaning to be that it is that portion of the amendment which relates to the action of the board itself which he wants to withdraw.

Let me point out to the Senator from Iowa that this language is somewhat obscure. A number of Senators have read it since the amendment was proposed, and I do not believe any two agree as to just what it means or as to just what its effect would be. The object of it apparently is to get the members of the board who represent the districts in which a majority of the product to be dealt in is produced, to consent to operation in that product.

Just think what that means if a legal contest is raised under the terms of the bill. Suppose I am opposed to operating under the bill, and I file a suit alleging that a majority of the producers are not in favor of operating. The board answers and declares that the members of the district in which a majority of the products are grown have voted for it, and I deny that in reply. Then proof must be taken. We would have to go into all the districts and ascertain the number of the producers of that commodity, and when that is done, after the manner in which we ordinarily take evidence in a chancery proceeding, a year or two years or three years will have gone by, and it will merely have the effect of making the act nugatory.

Mr. McNARY. Mr. President, the evident intent of the amendment is further to safeguard hasty and ill-considered action by the board. I am advised by those familiar with the legislation in the House that the language was inserted on the floor in the House when the bill was up for consideration. Personally, I prefer the language now in the bill. I think this power, while it is great, should be exercised without restrictions when an emergency exists, as when the board find, as they must find, before beginning operations, that there is a surplus of a basic agricultural product in the domestic market over and above domestic requirements; for instance, if there is a surplus in cotton, one of the basic commodities that could be taken care of by orderly marketing of cotton. Further, it is necessary that they determine that a substantial number of cooperative organizations and farm groups in the various States are desirous of beginning operations.

It is natural to assume that this board is not going to act arbitrarily but will be guided largely by two considerations, first, that an emergency exists; second, if the majority or a substantial number of farm organizations want the operations to begin and the board to initiate the power given them by this bill.

I entertain no great fear about the amendment offered by the Senator from Iowa not being operative. But I think sufficient safeguards are in the language of the pending bill.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. NORRIS. I do not want to interrupt the Senator if he has any apprehension that he will not have time enough, because I am going to ask a question which will take just a little explanation.

As the amendment now stands, subdivision (1) is before us, subdivision (2) having been stricken out. Subdivision (1) provides that "members of the board representing land-bank districts which in the aggregate produced during the preceding crop year, according to the last available statistics of the Bureau of the Census, more than 50 per cent of such commodity, vote in favor thereof."

Suppose we are talking about operations in wheat. Here is a land-bank district standing alone that has not produced 50 per cent. You can add it to the land-bank district to the north, and those two districts perhaps have produced 50 per cent. If, instead of adding it to the district to the north, you add it to the district to the south, that perhaps will give you more than 50 per cent. The same would apply to the district to the east and to the west. So you would have a condition where you could take that land district, and you would get 50 per cent if you went one way, and you would get less than 50 per cent if you went another. You could take a land district in one part of the country and add it to a land district in another part and get 50 per cent, and thus make a very complex proposition of it, and before you could put this into operation, as the amendment now stands, you would have to have the vote of every one of those land-bank districts.

Mr. ROBINSON of Arkansas. That is correct.

Mr. NORRIS. To my mind, it would interfere with the operation of the act very seriously.

Mr. McNARY. I think the Senator from Nebraska perhaps overemphasizes what might follow the adoption of this amendment. It is based on the Census Bureau's statement of the crop conditions of the year preceding. That is easily obtainable, and without very great loss of time or effort.

Mr. NORRIS. Does not the Senator think that when you require a unanimous vote of all these land-bank districts, that is going too far?

Mr. McNARY. It is not fair for the Senator from Nebraska to ask me to defend the proposal when I am not advocating it.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. GLASS. May I suggest another difficulty to the Senator if this amendment should prevail? Who would be an eligible protestant in a case of this sort? The Senator speaks of the producer. In the last analysis would you not contravene the statutes and legal rights under contracts in various States?

Let us suppose a tenant farmer who is a producer on the farm. He may be under contract with the owner of the farm, in circumstances which would make the owner of that farm the owner of the produce of the farm. Some State statutes actually make it larceny to remove or to dispose of a farm product in such circumstances. Which of those men would be eligible to protest to this board?

Mr. McNARY. It is not a question of the producer. Under the amendment offered by the Senator from Iowa it is the members of the board who must protest.

Mr. GLASS. The amendment proposed by the Senator from Iowa makes the law inoperative unless a majority of the producers——

Mr. NORRIS. That part of the amendment is stricken out.

Mr. CUMMINS. That part of the amendment has been withdrawn.

Mr. McNARY. In conclusion, I know the purpose in offering the amendment was to further insure the producers against hasty action by the board. It was a laudable purpose that brought the amendment into existence. Giving it a moment's reflection and study, I do not believe it is quite as satisfactory as the language of the original print. Therefore I hope the Senator from Iowa will withdraw all the amendment, and let the language printed as the committee amendment remain.

Mr. BRUCE. Mr. President——

Mr. CUMMINS. I am quite willing, in view of the developments here, and being sure that it will not result in an additional vote for the bill, to withdraw the entire amendment, with the consent of the Senate.

Mr. BRUCE. Mr. President, the fact——

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nebraska will state his inquiry.

Mr. NORRIS. Has the Senator from Maryland consumed his time both on the bill and the amendments?

Mr. BRUCE. Not on this amendment.

Mr. NORRIS. The amendment is withdrawn.

Mr. BRUCE. Only a part of it.

Mr. NORRIS. No; altogether.

Mr. BRUCE. Has all of it been withdrawn?

Mr. NORRIS. Yes.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. BRUCE. I thought it would fall by its own weight.

Mr. ROBINSON of Arkansas. I thought the Senator from Maryland had been recognized before the amendment was withdrawn.

Mr. McNARY. I can cure that situation by offering an amendment, which I propose to do at this time.

Mr. ROBINSON of Arkansas. I merely did not want the Senator from Maryland ridiculed. I thought he had been recog-

nized, and that we had been using his time. I believe that is true. The Senator from Maryland I know took the floor, and a number of us interrupted him. Of course, if that is the case, he is not subject to ridicule.

Mr. MAYFIELD. Mr. President, several days ago I offered an amendment to repeal section 15a of the transportation act, and I am sure the Senator from Maryland has not spoken on my amendment.

Mr. McNARY. Mr. President, on page 12, section 14, I offer the following amendment to the amendment, which I ask the clerk to read.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 12, line 20, strike out the words "at least weekly, and at such other times as," and insert the word "or," so that it will read:

The board shall meet at the call of the chairman or as the Secretary of Agriculture or the chairman deems advisable.

Mr. ROBINSON of Arkansas. I think the Senator should explain that amendment.

Mr. McNARY. I shall explain it, but I want the whole of the amendment to the amendment stated.

The CHIEF CLERK. On page 12, line 20, strike out the words "at least weekly, and at such other times as," and insert "or," and on line 21 strike out the words "the chairman deems advisable," and insert the words "a majority of its members," so that it will read:

The board shall meet at the call of the chairman or the Secretary of Agriculture or a majority of its members.

Mr. McNARY. Mr. President, the language in the bill as reported by the Committee on Agriculture and Forestry reads:

The board shall meet at the call of the chairman at least weekly, and at such other times as the Secretary of Agriculture or the chairman deems advisable.

I propose to strike out the words "at least weekly and at such other times," because by that language it would be mandatory for the board to meet weekly, whether there were any work to be performed or not. As amended it would read:

The board shall meet at the call of the chairman or the Secretary of Agriculture or a majority of the members.

That would merely simplify the work of the board, and designate that it must meet at the call of the chairman or a majority of the members of the board rather than weekly.

Mr. ROBINSON of Arkansas. I think the amendment improves the bill. I have no hesitancy in saying so.

Mr. CURTIS. Mr. President, are not the members of this board to be paid $10,000 a year, and should they not be here all the time, so that they may gather information and data for the information of the farmers?

Mr. BORAH. Mr. President, it will not be necessary to provide in the law when they shall meet. If they perform the functions imposed upon them by this measure, they will be here all the time.

Mr. CURTIS. That is what I thought.

Mr. ROBINSON of Arkansas. The board would not, of course, be in session all the time. There would be no occasion for the board to meet when it had no business to transact. That is the reason why I agreed to the amendment proposed by the Senator from Oregon.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon to the committee amendment.

The amendment to the amendment was agreed to.

Mr. McNARY. I propose an amendment on page 19, subdivision (c), line 11, to strike out the word "person" and to insert the words "processer or purchaser."

This is the subdivision which specifies the penalty in case a fee is not paid, and the amendment would make the violation apply only to the purchaser or the processer, and not the producer.

Mr. ROBINSON of Arkansas. Let me ask the Senator a question. Does the Senator intend to make the processer responsible for the equalization fee if the producer refuses to pay it? Why should not the producer be equally responsible with the processer? The producer has to pay in the long run.

Mr. McNARY. It is deducted, of course, at the time the transaction occurs. The Senator from Idaho [Mr. BORAH] the other day took great offense because of the fact that upon the board was conferred jurisdiction to prosecute a producer.

Mr. ROBINSON of Arkansas. No; I do not understand that at all to be the position taken by the Senator from Idaho.

Mr. McNARY. That was not the whole of his position, but I have conferred with the Senator from Idaho and he likes the language of this amendment very much better than the original text.

Mr. ROBINSON of Arkansas. I understood the Senator from Idaho to raise the question that the effect of the provision, among others, was to make it compulsory upon producers to join cooperative associations, and he did not think Congress had the power to do that.

Mr. McNARY. That is true.

Mr. ROBINSON of Arkansas. In all fairness, why should a ginner be sent to jail for failing to account for an equalization fee on a bale of cotton on which the producer failed to pay the equalization fee?

Mr. McNARY. He would not buy that bale of cotton if the producer did not permit the deduction from the purchase price.

Mr. ROBINSON of Arkansas. I do not think the language of paragraph (c) justifies that conclusion at all. I think the language is intended to make the equalization fee obligatory. I can understand why the proponents of the bill desire to do that, since if they leave one free to refuse to pay the equalization fee there would not be that degree of cooperation which the bill seeks to require.

Mr. McNARY. No processer would be in possession of any basic agricultural commodity unless the equalization fee had been deducted therefrom. Then if he fails to report to the board he subjects himself to prosecution, either criminal or civil.

Mr. ROBINSON of Arkansas. That simply means that if a producer—a tenant, for instance—takes his bale of cotton to a gin, he could not have it ginned unless he agreed to a deduction of the equalization fee. I am assuming that the equalization fee should be levied. He could not get that cotton ginned unless he paid the fee. If he took his wheat to a mill he could not get the wheat milled unless he paid the equalization fee.

Mr. NORRIS. Mr. President, the producer nowhere under the bill pays the equalization fee. It is deducted from what he gets. No condition can arise under the bill, as I understand it, where it could be possible to compel him to pay it.

Mr. ROBINSON of Arkansas. On page 19 of the bill, paragraph 2, the language is:

(2) To collect the equalization fee from the producer and to account therefor, and

(3) To issue to the producer a serial receipt for the commodity which shall be evidence of the participating interest of the producer in the equalization fund for the commodity.

The statement just made by the Senator from Nebraska is refuted by the express language of the bill. There is an express requirement and authorization that the equalization fee be required of the producer and that the producer be entitled to a serial receipt for his participation in the equalization fund. There is no use trying to give to the plain language of the bill a meaning which is utterly inconsistent with the language employed. The language simply means that the producer shall pay the equalization fee and, of course, it is logical that he should pay it. It is his product. The processor is employed as the agency for collection. It is the most convenient method, I take it, of securing the equalization fee, but the producer pays it and he gets a serial receipt showing his interest in the equalization fund.

Mr. BRUCE. Mr. President, the Senator from Arkansas [Mr. ROBINSON], in my judgment, has put his finger on the very point of the whole controversy. As I see it, the only possible way in which the farmer could escape the burden of this equalization fee, no matter how strongly he might be disposed to escape it, would be, as I suggested to the Senator from Wisconsin [Mr. LENROOT] a few days ago, to buy a ship and to load his wheat, for illustration, in the ship and send it to Liverpool or Hamburg. That is the only conceivable manner, so far as I can determine, by which the farmer could possibly free himself from the arbitrary trammels of the bill.

The bill certainly says as distinctly as anything can be that, if a miller or processor buys any one of these agricultural products, he is to deduct the equalization fee from the amount due the farmer who sells the product to him. Now, what is that but saying to the farmer, "You shall not sell your product to any miller or to any processor without submitting to the deduction of the equalization fee from the price"? Really, the Senator from Nebraska [Mr. NORRIS] would have to be more highly gifted as a metaphysician than I suppose him to be if he can draw any distinction between the payment of a sum by the farmer, under these circumstances, and the submission by the farmer to the deduction from the price that is due him. That is a distinction without a difference. That is the difference between tweedledum and tweedledee. If the bill had been honest, it

would not merely have said that no miller or processor should buy without collecting the equalization fee. It would have said also that no farmer should sell without submitting to the deduction of the equalization fee.

That constitutes the vital, the radical, the incurable, the irremediable infirmity of the bill. What is there in the Constitution or the laws of the land to justify the idea that a farmer can be compelled by law to submit to an equalization fee of any kind when he sells his product? To attempt to subject him to such an obligation is plainly, too plainly for argument, a gross, absolutely indefensible interference with personal liberty and an equally indefensible invasion of the freedom of contract. The trouble with the bill is that it is condemned by the fourteenth amendment to the Federal Constitution, which says that a citizen shall not be deprived of his life, liberty, or property without due process of law. The fourteenth amendment is, of course, a limitation upon State power. Equally condemned is the bill by a similar provision which is contained in practically every bill of rights of every State in the land.

What is being attempted here is to fix an arbitrary price for the commodities of the farmer. What is being attempted here is to deprive him of his personal liberty and to deprive him of his freedom of contract, which can not be done. Of course, anyone who knows anything about the history of cooperative associations knows that if any measure of discretion whatsoever is left to the farmer he will never, to the extent of unanimity, come in under the provisions of the plan of the association contemplated by this bill. Why, only Saturday the Tri-State Tobacco Cooperative Association, of the States of Virginia, North Carolina, and South Carolina, passed into the hands of a receiver. Why? Because that association found that it was impossible to bring within its folds all the tobacco farmers of those three States. And yet the pending bill actually undertakes to say that, no matter whether the farmer wants to come into this plan of association or not, no matter how bitterly he may be opposed to coming in, he must come in, because the bill says that no miller or processor shall buy from the farmer without deducting from the price he pays to the farmer the amount of the equalization fee. What is the use of passing a bill that, as John Randolph of Roanoke once said, has the sardonic grin of death upon its very countenance?

The learned Senator from Idaho [Mr. BORAH] has told us that the bill is unconstitutional. The learned Senator from Montana [Mr. WALSH] has told us that the bill is unconstitutional. The learned Senator from Wisconsin [Mr. LENROOT] has told us that the bill is unconstitutional. I venture to say that there are no three lawyers in this body who have any higher professional standing than those three gentlemen.

So I do not care how the Senator from Oregon [Mr. MCNARY] may juggle with these words; I do not care to what process of amendment he may subject the bill; he can not so alter them by the exercise of any degree of ingenuity, however extraordinary, as to divest them of the gross violation which the bill proposes to inflict upon the liberty of the citizen, upon the freedom of the citizen, farmer or otherwise, to make a contract with whom he pleases. No wonder that the cool and level-headed Senator from Iowa [Mr. CUMMINS], for whom I entertain such a very high degree of respect, should begin to contract a case of cold feet, such as was evidenced by the amendment which he offered to the Senate a few moments ago and then withdrew. I know from observation that it is a hard thing for sophistry, mere plausibility, to impose upon his critical and discerning intellect. He is trying to save the bill. He felt in his heart, more or less, that it was doomed because of constitutional invalidity, so he looked about for provisions by which, if possible, all the farmers could be herded up, so to speak, under the provisions of the bill, and he did not abandon that idea until the criticisms to which his amendment was subjected demonstrated beyond the possibility of a cavil that the amendment really after all did not add anything to the strength of the bill. If the bill is a good thing, the sooner it becomes a law the better. If it is a good thing, the less exercise of discretion of the board under it, the more the farmers of the country and the farmers in the Senate are to be congratulated. If the bill is a meritorious one, when the farm board decides that there is, or during the course of 12 months is likely to be, a surplus, and when a substantial number of all the cooperative associations of the country ask that it take action, that is quite enough. As I have previously said, nothing can relieve this bill of its incontrovertible demerits.

Mr. LENROOT. Mr. President, I have no objection to this amendment. I do not think, if adopted, it would in any way change the effect of the bill as it stands, except, possibly, that the producer would not be subject to a penalty. In so far as any thought exists, however, that the striking out of subdivision (c) would in anywise change the compulsory feature of the bill, it seems to me it is very clear that it can not and does not. Whether subsection (c) is in or out, if the bill be valid, there will be no market for the producer of any of the basic commodities which are subject to the equalization fee anywhere in the United States without the deduction of the equalization fee.

Mr. BORAH. Mr. President, may I ask the Senator from Wisconsin a question?

Mr. LENROOT. Yes.

Mr. BORAH. The argument all the way through assumes that the miller and the processor are going to cooperate in carrying out the provisions of the bill. Suppose the miller says to the farmer who brings his wheat in that he does not need to pay the fee and that he will process it anyway; what will be done about it, then?

Mr. LENROOT. If that shall be done, he will presumably be sued under subdivision (c); and I think the right of action would remain just the same whether that subdivision were there or not.

Mr. BORAH. But suppose the miller does not collect the fee at all; that he refuses to collect it. It is said that there is no place where a farmer can sell his wheat unless the miller will receive it and at the same time hold out the fee. But suppose the miller says, "I disregard this law; I do not think it constitutional; I do not think it wise; and, therefore, I will not receive your wheat and will ship it for you."

Mr. LENROOT. Of course, if the miller does that, it could only be done upon the theory that the law is unconstitutional, because if the law be constitutional and the miller neglects to collect the fee, he himself, under the terms of the bill, would have to pay.

Mr. NORRIS. That would be a good way to test the constitutionality of the law.

Mr. LENROOT. The constitutionality of the law could be tested in that way.

Mr. NORRIS. If the miller refused to deduct the fee, or if he refused to account for it, and defended himself on the ground that the law was unconstitutional, and the court held that the law was unconstitutional, he would have a good defense; but the real purpose of this section is to utilize the processor or the purchaser as a collecting agency for the purpose of securing the equalization fee.

Mr. LENROOT. I understand that.

Mr. NORRIS. Should the law be held unconstitutional, of course, the collection of the fee would be illegal.

Mr. LENROOT. But the Senator from Nebraska will admit that it is just as compulsory upon the processor whether subsection (c) is in or out of the bill.

Mr. NORRIS. I would not say as to subsection (c), but I would say I think it is just as compulsory without this amendment as with it.

Mr. WILLIAMS. Mr. President——

Mr. LENROOT. I will yield to the Senator in just a minute, but I wish first to make one further observation.

Senators will also notice a new question here. No one yet has told the Senate on what theory we have a right to compel a processor, without compensation, to become a collector for an agency of the United States.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Wisconsin yield to me for a question?

Mr. LENROOT. Yes.

Mr. ROBINSON of Arkansas. I should like to have some one who knows say whether if a processor, either voluntarily or otherwise, fails to collect from the producer the equalization fee the processor would be subject to the penalty provided by subsection (c). In other words, suppose the producer of wheat declines to pay the equalization fee or to permit the processor to take it out of the proceeds from the sale of his product, and the processor says, "I do not think I have any right under the law to do that, and I do not think I am liable for the equalization fee unless I actually collect it"; is it the intent of this language to penalize the processor for failing to account when he fails to collect?

Mr. LENROOT. I think so, because it is made the duty of the processor to collect the fee under the language which has been read.

Mr. WILLIAMS. Mr. President——

Mr. LENROOT. I now yield to the Senator from Missouri.

Mr. WILLIAMS. Would not the effect of the proposed amendment be to deprive the producer of the right of action which he would have under subsection (c) if it were not amended?

Mr. LENROOT. There is no way by which the producer could get any relief or raise the constitutional question should this amendment be adopted unless he should be sued by a

purchaser or processor for the fee, in which case he might resist.

Mr. WILLIAMS. I am assuming that the price of wheat is $1.50 a bushel; that the equalization fee is 12½ cents; that the farmer brings his grain to the miller and the miller offers him $1.37½ per bushel for the wheat, saying that he must account to the Government for the 12½ cents which he can not pay the farmer and the farmer refuses to pay it. If the farmer paid it under subsection (c) he might pay it under protest; and if he paid it under protest he would have a cause of action. If the fee is to be paid by the processor only, then would not the producer be deprived of the right of action which he otherwise would have?

Mr. LENROOT. I think so, by reason of the fact that he would have no market anywhere for his product except upon the deduction of the equalization fee.

Mr. BRATTON. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LENROOT. I yield.

Mr. BRATTON. As I understand the effect of the amendment now proposed by the Senator from Oregon [Mr. McNARY], it is simply this: Where the processor or purchaser comes into possession of the equalization fee and fails to account for it, then a civil penalty is visited upon him under this subdivision.

Mr. ROBINSON of Arkansas. Will the Senator yield there?

Mr. LENROOT. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. That is the question I asked the Senator from Nebraska and the Senator from Wisconsin, and they both took the contrary view of it. They took the view that the object of subsection (c) is to make the processor or purchaser the collecting agent so as to make certain that the equalization fund will be secured. It is a very reasonable provision, if the power exists to enact it.

Mr. BRATTON. Under my interpretation of the language that power is vested in the board in subsection (2) of paragraph (b); that is, under subsection (2) the power is invested in the board to require the processer to collect the equalization fee from the producer and to account for it. Subsection (c) presupposes that the processer has complied with paragraph (2) and has collected the equalization fee. If he fails to account for it, of course he is acting as a collection agency or as a bailee, and if he converts the fund or fails to account for it he is subject to the penalty in a civil action at law.

Mr. LENROOT. I would say in reply that if the provision be valid authorizing the board to require the processer to collect the fee and he fails to do it, it is such a violation that under subsection (c) he could be compelled to account for it in an action at law.

Mr. BRATTON. I may be wrong, but my understanding is that subsection (c) as now proposed to be amended simply visits a civil penalty upon a bailee who converts the fund in his possession by failing to account for it.

Mr. LENROOT. I can not agree with the Senator as to that. In view of subdivision (2), if the regulation is made requiring the collection, it is the duty of the processer to account for the full amount and pay it, whether he collects it or not.

Mr. BRATTON. Under subsection (c) if he fails to account for it he is liable to a penalty.

Mr. LENROOT. Whether he has collected it or not.

Mr. CARAWAY. Mr. President, he stands in exactly the same relation as a man who by his office is required to collect a tax. If he collects it and does not account for it or has a right to collect it and refuses to do so, he becomes liable. It has not anything to do with the one who originally pays the fee.

Mr. LENROOT. I think the Senator is right; the processer is liable under subsection (c) irrespective of whether he has collected it.

Mr. CARAWAY. If it ever came into his possession; but he did not turn over the money that he received from the farmer and insisted he did not retain the fee he would be liable.

Mr. LENROOT. That is right.

Mr. WATSON. That is the way it is exactly.

Mr. CARAWAY. Mr. President, it is hardly worth while to argue this amendment, although a few Senators seem to have made up their minds to vote against the bill and yet persist in insisting that they do not understand it. The Senator from Maryland said that its constitutionality was settled by the fact that the Senator from Idaho [Mr. BORAH], the Senator from Montana [Mr. WALSH], and the Senator from Wisconsin [Mr. LENROOT] had pronounced against it. I submit that that may be very persuasive but not conclusive.

There is not any use to talk about this section of the bill depriving somebody of the control of his property. That is not correct. If a dealer in cigars in the city of Washington were to have in his possession cigars on which the tax had not been paid and he was discovered with them, he could be penalized for having them without having seen that the tax was paid. In the "good old days," which some Senators hope are going to return, when people had liquor in their possession, if the tax had not been paid they were subject to prosecution for not having ascertained that fact. All this amendment seeks to do is to say that the farmer is not to be sued under this provision if he does not pay the fee, although under the provisions of the bill elsewhere he can not put his product upon the market until somebody becomes liable for the collection of the fee. If the person charged under the law shall refuse or fail, then the action is against that person and not against the individual farmer. That is all the amendment seeks to do.

I am not going to argue the constitutionality of the bill, although I wish to say that I am astonished at the contention of some Senators. Some say it is unconstitutional because it undertakes to appropriate public funds for certain purposes which they say are unconstitutional. It is strange to note that those very men were perfectly willing to make appropriations to establish bathing beaches and municipal golf courses in the District of Columbia. The Constitution will permit washing the unwashed and affording those who believe that golf is a religious ceremony an opportunity to indulge in it; but if a farmer is about to go into bankruptcy, the Constitution flies up and hits him in the face. It was perfectly constitutional and wise—and all of us knew about it—to leave a billion dollars' worth of surplus war materials in France, because, according to the argument which was made, if the trucks composing part of that surplus material were brought over here they would break the market; if the automobiles comprising a portion of that surplus material were brought over here, there would be a surplus; and if the canned peas or canned beans or canned meats were brought back, they would interfere with American industry. Therefore, it was better to give that surplus away; and that is really what was done, for we sold to the French a billion dollars' worth of such material for $400,000,000, and later on made them a present of the $400,000,000.

It was done to prevent a surplus here, and that was entirely constitutional and wise. Establishing bathing beaches for negroes and golf courses for Senators and giving away surpluses in Europe is all right, provided no farmer gets any benefit from it. If he does, the Constitution forbids it, and under their sacred oaths Senators have got to vote against it.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. LENROOT. I wish to say to the Senator that I am not one who has ever raised any question concerning the right to appropriate public money for the purposes contemplated by this bill.

Mr. CARAWAY. Oh, I know. That part of the Constitution was left to the Senator from Montana [Mr. WALSH]. The Senator from Wisconsin raised the other question.

Mr. LENROOT. But it must be for a public purpose.

Mr. CARAWAY. Yes.

Mr. LENROOT. And if it is for a public purpose, my theory is that you can not just assess some of the people for the purpose of carrying it out.

Mr. CARAWAY. That goes to the equalization fee; but I was speaking about the use of the revolving fund, against which some Senators so loudly protest.

Mr. BORAH. Mr. President, I want to say just a word in regard to the amendment proposed by the Senator from Oregon.

It has been assumed that the amendment was suggested by me. What happened was this: After the discussion the other day upon the question of constitutionality, a gentleman, not a Member of the Senate, but who has been very active in regard to this measure and who has taken a great interest in it from the beginning, called upon me and proposed this amendment and said it was an amendment of which he had been very much in favor from the beginning. I stated to him that, in my opinion, it would not change the legal phases of the bill at all; that I could not see that any constitutional question would be settled by the change; but he was very much in favor of the proposition. I said that, in my opinion, from the explanation which he gave of it, it was a desirable amendment from his standpoint, but that it would not change the legal proposition.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BORAH. Yes.

Mr. CARAWAY. Of course it would make the bill very much more workable, because it would leave the Government to look to a few concerns only for the collection of the fee instead of looking to the whole body of producers.

Mr. BORAH. What I wanted to say was that this amendment was proposed by a gentleman who is entirely friendly to this bill and who wants it passed and who wants a success made of it. I said to him that, in my opinion, it would make the bill more workable and more desirable, and I said the same thing to the Senator from Oregon; but I also said, and I am still of the opinion, that it does not change the legal propositions involved.

Mr. NORRIS. Mr. President, I presume, if nobody is objecting to this amendment, that it will be agreed to. I have not any objection to it. Like the Senator from Idaho [Mr. BORAH], I do not believe that it changes the legal effect of the bill, but some Senators think it will. So long as it does not detract from it in my judgment, I am perfectly willing to support it and vote for it.

I want to say just one word about the collection of this so-called equalization fee that seems to be involved. As I understand the bill as it stands now, there is nobody who would ever under any circumstances under this section be liable for the action that is contemplated by it except the processor or the purchaser, and the reason why others think that it might be different comes from the language that was cited by the Senator from Arkansas, subdivision (2) of (b), section 18, where it says:

> To collect the equalization fee from the producer and to account therefor.

That is one of the regulations that this board is given the authority under the law to make. The language perhaps is unfortunate, and yet it seems to me that it fairly expresses the idea, although technically it refers to the collection of a fee that in fact is not collected. Everybody knows that the operation of the law, if it goes into effect, will be that the purchaser—or, if the board has decided to collect the equalization fee from the processor, then the processor—will deduct the equalization fee when he buys the article or gets the article.

For instance, the farmer goes to the miller with a load of wheat, and let us say that the price of wheat, including the equalization fee, is $1.50 a bushel, and that the equalization fee is 10 cents. The miller gives the farmer $1.40 a bushel for his wheat. He has in his possession the 10 cents a bushel, for which under the law he is liable to this board, and that is how the equalization fund is made up. If there should arise a case—and it may arise just in that way—where the farmer goes in with the wheat, and the miller does not deduct anything, but pays him off, or divides with him, or something of that kind, then the question arises, of course, as to the collection of the equalization fee from this miller, this processor. That is the reason why the other day I was so bitterly opposed to striking out all of this subdivision, because I thought it took away the right to collect it; and if you have no right to do that, no law providing for it, of course you can not collect it.

If that is unconstitutional, Mr. President, as is contended here, then the miller has a good defense, and that may be the way in which this law will be tested. I do not know. If there is no power to utilize the processor or the purchaser in the collection of the fee, this law will fail even if it is put on the statute books.

I think everybody concedes that; but the method of operation will be that no producer of any commodity will ever pay in money an equalization fee. The farmer could say: "I will not take less than $1.50 a bushel for my wheat" in the illustration I gave, and he would have a perfect right to say that; but if the miller decided to follow the law he would not give him $1.50, so the farmer could not sell to him.

Mr. WADSWORTH. To whom could he sell?

Mr. NORRIS. He could not sell to anybody, unless, as has been suggested, he found a miller who said that Congress had no authority to pass this law, and he was going to test it out.

Mr. GEORGE. Mr. President, may I interrupt the Senator?

Mr. NORRIS. I yield.

Mr. GEORGE. As the bill now stands, of course the fee on cotton is deferred and made conditional.

Mr. NORRIS. Yes.

Mr. GEORGE. But the bill defines a processor to be this as to cotton:

> In the case of cotton, the term "processing" means ginning.

Mr. NORRIS. Yes.

Mr. GEORGE. Therefore, if a cotton farmer carried his cotton to the gin, and this processor, the ginner, was required to collect and account for this fee, the cotton farmer would have to pay it in cash. There would be no sale of his cotton, but the mere putting of it in merchantable form.

Mr. NORRIS. That may be true; and I remember discussing the question——

Mr. GEORGE. I understood the Senator to say that no farmer would ever pay this equalization fee in money.

Mr. NORRIS. I do not know about that as to cotton, when that goes into effect. I am inclined to think the Senator is correct on that. Of course, unless the law is changed, it will be three years before it goes into effect on cotton; but I should like to say this to the Senator from Georgia: I think it is conceded now by all those who have studied the question that the board never will put into operation, even after the expiration of the three years——

Mr. WATSON. Two years.

Mr. NORRIS. Two years, or whatever it may be—it never will put into operation as to cotton the collection of the equalization fee by the ginner. It will be done by the purchaser; and the Senator has given us one of the reasons for it.

Of course, under this law, the board, if it decides to put an equalization fee on one of these products, can do it either by collecting it from the purchaser or by collecting it from the processor. It does not need to collect it from the miller. It could take it from the elevator man or the purchaser. The board will decide that itself.

Mr. GEORGE. It would make no difference, of course, whether it was actually paid in cash by the farmer or whether the cash was taken out of the sum coming to him, except that in the one instance the farmer may not know that he is paying the equalization fee; that is all.

Mr. NORRIS. Of course, the effect is just the same; it comes out of the producer in either event; but it would be foolish to think that the farmer would take his wheat to the mill and have $1.50 a bushel passed out to him and then pay the miller back 10 cents a bushel.

Perhaps that is academic, Mr. President; because I am perfectly willing, so far as I am concerned, to agree to this amendment, and I do not know of any Senator who has any objection to it.

Mr. BORAH. Mr. President, the Senator has put one side of the question. Let me ask this question: Suppose a miller has collected, we will say, $100,000 or $50,000 worth of equalization fees, and the board calls on him to account for it, and he refuses to do so. If the law is unconstitutional, he can not be compelled to do so.

Mr. NORRIS. That probably would be true——

Mr. LENROOT. Not necessarily.

Mr. NORRIS. But I have not any idea that a case like that would ever arise. The board would undoubtedly require the payment of the equalization fee perhaps daily; I do not know.

Mr. BORAH. Suppose it was payable every afternoon; that would not make any difference.

Mr. McNARY. Mr. President, that observation was made a few days ago; but does not the Senator from Idaho know that when power is attempted to be conferred on an agency and it threatens to begin operations and exercise that power, the court then, as a matter of jurisdiction, can restrain the operation of the board?

Mr. BORAH. Certainly.

Mr. McNARY. And would it not work out in this way: If this law were passed and the board advertised that on a certain day they were going into the market to remove the surplus by segregating an equalization fee of a certain amount, are there not enough agile lawyers in the country to come in and test the matter in some Federal court?

Mr. BORAH. Certainly.

Mr. McNARY. Where would there be $1 of Government money spent or any equalization fees collected?

Mr. BORAH. Of course, if they tested it in that way, there would not be; but suppose they did not.

Mr. McNARY. It is not a case of supposing they did not. We know they will.

Mr. BORAH. No; we do not know anything of the kind. All this is speculation.

Mr. McNARY. I know enough about the general run of lawyers to know that.

Mr. NORRIS. As a matter of law, now take the case the Senator has put—it would probably work out in this way:

I do not anticipate that anything of this kind would happen; I am rather inclined to think that it would be tested as the Senator has suggested; but it would be possible to test it in the other way.

Mr. BORAH and Mr. GEORGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nebraska further yield, and, if so, to whom?

Mr. NORRIS. I want to answer the question first. I hope Senators will allow me to do that.

What would be done? Suppose the miller collected this fee, and then it was held that he did not have any authority to collect it; as a matter of fact, I do not suppose any lawyer would dispute the proposition that if the miller had done that, and the law was held unconstitutional, he would be liable to every producer of whom he had purchased any of these products.

Mr. BORAH. Exactly.

Mr. NORRIS. He would have given him a receipt for it; the man would have the evidence of it, and the miller would pay it back; or, if he did not pay it back, he could be sued in court, and the amount collected.

Mr. BORAH. Of course, he would be liable to the man who had paid him the money; but I am asking, How could the board enforce the turning over of the money in case the law was held unconstitutional?

Mr. NORRIS. If the law was held unconstitutional they would not get it.

Mr. BORAH. Certainly. Therefore I say that this matter may be tested at all these points.

Mr. NORRIS. When it is once tested, I do not understand that it will be tested the second time.

Mr. GEORGE. Mr. President, let me call the Senator's attention to this phase of the matter: There is not a criminal penalty put in this law. There is not a crime defined. All that the seller of any basic agricultural product has to pay at the end of the bill is the fee. Will he, therefore, go into court and ask for an injunction, or will he wait until they come around to him to collect from him the individual fee? He is not even made liable for interest upon that fee. The bill provides nothing in the world but civil liability.

Mr. NORRIS. There is a penalty attached to it.

Mr. GEORGE. A penalty, but not against the producer.

Mr. NORRIS. Oh, no.

Mr. GEORGE. There is no penalty at all on the producer.

Mr. NORRIS. That is against the man who has the equalization fee.

Mr. GEORGE. There is a small penalty on the man who collects the equalization fee.

Mr. NORRIS. Let me ask the Senator whether he thinks there ought to be a criminal penalty in the bill?

Mr. GEORGE. No; I do not say that. I do not think we have any right to put in the civil penalty; but if we have any right to do it, we have a right to make this law effective.

Mr. NORRIS. The Senator does not believe that the plan is constitutional.

Mr. GEORGE. No, sir.

Mr. NORRIS. And if the Senator is right, of course it all fails. I concede that.

Mr. GEORGE. Yes; but you are not going to get a test of this law by injunction proceedings.

Mr. NORRIS. I think we will.

Mr. GEORGE. You are going to get a test by the individual grower of the crop——

Mr. NORRIS. All right; I do not care how it is tested.

Mr. GEORGE. Because there is not any penalty at all imposed upon him.

Mr. NORRIS. I think probably we are going to get it by an injunction proceeding. That seems to me to be the easiest and the most practical way to test it; but I can not say now that that is the way it is going to be tested. I do not care very much how it is tested.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. CARAWAY. Does the Senator believe it possible that anybody who buys any very large amount of grain is going to bet on the constitutionality of the law and pay the farmer everything he asks?

Mr. NORRIS. No; he is not.

Mr. CARAWAY. He is going to say: "If you do not let me hold out the fee, I will not take it."

Mr. NORRIS. Yes.

Mr. CARAWAY. And there is where the suit will be, as between him and the Government. The Government is not going to be suing every individual farmer.

Mr. GEORGE. I do not know where there is any warrant or authority for saying that the Government is not going to sue every individual who may be liable for this fee. In my judgment, the counsel of this board will be the most overworked man in the United States when he undertakes to collect all these equalization fees, whether from processors or producers.

Mr. CARAWAY. The very object of the amendment under discussion was to make one individual liable to the Government—that is, the processor or the purchaser.

Mr. NORRIS. Yes.

Mr. CARAWAY. If he had a dozen customers, he would become liable for them all. He can hold them up or take his guess on the constitutionality of the act and go into bankruptcy if he guesses wrong.

Mr. NORRIS. Yes.

Mr. WALSH. Mr. President, I think it quite likely that the question of the constitutionality of the legislation will be presented in the manner suggested by the Senator from Oregon, by a suit to enjoin the board from proceeding. But that will not change the situation very materially, in my view, because if the judgment of the lower court shall be to the effect that the statute is a valid one, the injunction will not issue. If an appeal were taken, for instance, to the circuit court of appeals, and then to the Supreme Court, and if the Supreme Court should hold the act to be valid, of course while the appeal was pending the board would proceed. It would not wait two or three years until the matter had been definitely decided by the Supreme Court.

Mr. NORRIS. Does the Senator mean that the board would proceed after the lower court had passed on it?

Mr. WALSH. Suppose the lower court should hold that the act was a valid act and an appeal were taken to the circuit court of appeals, and later to the Supreme Court of the United States. It is doubtful whether a final adjudication would be had inside of two years. In the meanwhile the board, as a matter of course, would not be entirely quiescent. It would have the adjudication of the lower court that the act was valid, and it would undoubtedly go on with the enforcement of it, and would direct its counsel, as suggested by the Senator from Georgia, to proceed to collect the equalization fees.

Mr. NORRIS. Probably. If anybody here can suggest a way in which we can pass a law so that it will be perfectly impossible for anyone to get an injunction to question its constitutionality, or to question any provision in it, or to delay it in the courts, I would like to have it suggested.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. HEFLIN. Mr. President, the Senator from North Carolina [Mr. SIMMONS], in a very able speech this morning, a speech which I think it would be difficult to answer, has called the attention of the Senate and of the country to the fact that the privileged interests of the country are attacking this farm-relief legislation most vigorously. The predatory interests are here. They are fighting this bill and every other proposal for farm relief.

This bill is not in every particular what I would like for it to be, and in the hope that I may help to improve it I am going to vote for several amendments to it. I am hoping that we can amend it so as to make it not a subterfuge but a genuine farm-relief measure. I regret that some Senators do not seem to realize the pressing necessity for such legislation. The farmers of our country are in the throes of agricultural distress and depression. The conditions that confront them are not at all comforting and encouraging. They are to the contrary, distressing, discouraging, and disheartening.

Mr. President, in 1925 the Cotton Belt of the United States produced 16,000,000 bales of cotton. In 1924 it produced something over 13,000,000 bales. The amount paid to our cotton producers for the 1924 crop was $1,560,000,000. For the cotton crop of 1925 of 16,000,000 bales we will realize $1,360,000,000, or $200,000,000 less for 16,000,000 bales than we got for the smaller crop of 13,000,000 bales. Throughout the States of South Carolina and North Carolina the preachers and the Christian people generally are praying for rain. They are in the midst of a hurtful and alarming drought. The probability is that this year we will make one of the smallest cotton crops we have made in years, and yet in the face of reports of drought in some sections and too much rain in other sections of the Cotton Belt the cotton farmer is selling his cotton to-day for less than it cost him to produce it.

But we are told by those who feed and flourish upon the farmers' products that we have produced a little more cotton

than the world needs for immediate consumption—because our farmers were more enterprising and industrious than formerly—and because they worked harder and produced a larger crop of cotton than usual, why they are being punished and penalized by having their products taken from them at prices below the cost of production. The Government of the United States is permitting the grain gamblers and the cotton gamblers now to beat down and hold down the prices of agricultural products.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield just for a moment. I have only 10 minutes left.

Mr. MAYFIELD. The question I desire to ask the Senator is asked for the sole purpose of getting his opinion on section (c) on page 14. That is the section that has worried me a great deal, and it deals with cotton. The Senator is an authority on this matter, and I want to get some light on it.

Section (c), page 14, requires the board, before it can begin to function with reference to cotton, to find that there is a surplus of cotton. If the board announces its findings to the effect that there is a surplus of cotton in the country, I am anxious to know what effect that will have on the price of cotton.

Mr. HEFLIN. If they were to announce it, the effect would be no more harmful than the same character of reports now made by the Crop Estimating Board, or than the forecast now made by the Crop Estimating Board and the ginning reports.

Mr. MAYFIELD. Last year, when the board announced that the condition of cotton had changed from 68 to 71, the market broke $3.50 to $5 a bale.

Mr. HEFLIN. When it ought to have gone up $10 a bale.

Mr. MAYFIELD. I was wondering what the effect would be upon the price of cotton if this board should announce that there was a surplus, as it must announce, a long time in advance.

Mr. HEFLIN. If it should operate as my friend says it did last year, it will put the price up, because at that time they announced that the condition had gone down from 70 to 65, and the price broke, when it ought to have gone up. Of course, those figures showed that the crop had deteriorated, and the price ought to have gone up, because that would indicate a decreased yield. But the Senator is right about it. Price manipulators did put the price down. The cotton speculators and their financial backers did it.

Mr. President, we ought to deal very frankly with each other and the country in discussing this important question. In what situation is the cotton farmer to-day? He comes into the market place in the fall of the year with his cotton, and finds that the price offered will not yield a profit. He goes down to the bank and says: "I want to borrow some money, and hold my cotton off the market until the price advances to a point where it will yield me a profit."

Then what happens? Why, frequently cotton spinners are the biggest stockholders in the banks, and they do not want cotton held off the market; and the word is sometimes sent to the bank not to loan money on cotton, but to tell the farmer to go ahead and sell his cotton.

And sometimes the bank gets after the merchant to come in and pay and that often causes the merchant to insist that the farmer sell some of his cotton so that he can pay the merchant and the merchant can pay the bank. So it happens so often that the farmer and his right to sell for a price that will yield a profit are lost sight of. The farmer must be helped in a substantial way to take care of any surplus that he may produce. He should not be left to the tender mercies of the cotton and grain gamblers.

I am going to vote for a provision in this bill that will provide an emergency fund for our distressed and sorely afflicted agriculture. I am ready to support a provision that will make it possible for the cotton producer to obtain money in one of these emergencies without having to obtain the consent of any spinner or speculator. The spinner is not dependent upon the cotton producer for his financial arrangement, and ought not to be.

Mr. President, the time has come for Congress and those who profess friendship for the farmer to reach forth the helping hand and hold on to the farmer and his problem until simple justice is done to our sick and oppressed agriculture.

Mr. President, some Senators hold up their hands in holy horror at our insistence upon farm-relief legislation. They declare that they can not vote for such legislation. But they seemed in a pleasant frame of mind when they voted to give $6,000,000,000 to foreigners in debt settlements not many days ago. You took that money out of the pockets of the taxpayers of America, $6,000,000,000, and gave it to the people of other countries. I will make you this proposition now: If you will vote to set aside $500,000,000—just one-twelfth of the money that you have given to foreigners—so that the farmers of the United States can have access to it for emergency purposes in handling their surplus crops, we will drop all other farm-relief legislation and help you in due time to adjourn and go home.

The farming populations of Europe will enjoy some of the billions that you have given them, but you stand up here and say, "We can not conscientiously vote to provide an emergency fund to help American farmers when misfortune comes to them." Some of you voted for the high protective tariff system which now robs and oppresses the American people. It puts money into the pockets of the private individual. It is not for a public use. It is private plunder. You are licensing the tariff baron to send out his band of tariff marauders to collect money at the door of every consumer in America on everything he consumes from the cradle to the grave. That is what you are doing, but we can not get your help when we come to you and say, "Here is the whole farming population of America in deep distress." These patriotic American citizens are hard pressed and unhappy. They are distressingly deep in debt. Their household goods, their personal property of various kinds, their homes and their farms are mortgaged. Senators, can we not do something to provide an emergency fund that will help these farmers to again get on their feet and see the light of hope? We are asking you to let us set aside $250,000,000, that these people may have access to it, and the Government will not lose one cent.

Men stand here and talk about the constitutionality of the measure. Whenever I see these fine-spun constitutional lawyers come out with their cobweb theories from these old musty books, citing precedents, I reflect, as I said here once before, quoting another, that precedents are frequently errors grown old. Then when they come in here and give their theories about constitutional government, and speak for an hour upon a question that does not touch this issue at all; when they cite their authorities, the opinions of lawyers and judges dead a hundred years, I want to remind them of despondent, discontented, and distressed farmers and their families who are begging Congress for legislative enactments that will grant them the right to live and have some of the comforts of life.

But, Mr. President, some Senators talk about us advocating a special privilege! Let me remind you that there is a provision under the Federal banking system by which the big moneyed men can come to this Capital with 40 per cent of gold and 60 per cent of commercial collateral and lay them down at the feet of the Government and start the printing presses to printing Federal reserve notes. They can take them back by the hundreds of thousands and use them to loan out at interest, use them for six months or a year or whatever time they have agreed upon, and then return them to the Government and take back their gold and commercial collateral back home. Is not that giving a special privilege to a special class? Is not that showing special favor to a favored few? When we ask simply to let the whole farming population of America have access to one-quarter of a billion dollars to prevent further suffering and to save the life of the agricultural industry of our country, certain Senators cry out against such a thing and say they can not conscientiously do something which they feel would violate the "letter and spirit of the Constitution."

A very serious and distressing situation confronts the American farmer.

The cry of distress and suffering is heard in the land. And yet I am pained to remind you that some Senators on the other side seem bent on forcing an early adjournment. This is no time to put political ambitions above the welfare of the farming population of our country.

Many things of national importance should have our attention before we adjourn. Let me just refer to one or two of them.

We have the Fenning case in the Capital of the Nation, where a man has had himself appointed guardian for scores of brave boys who were shell shocked on the battle front in France. He has been severely criticized, and I think justly so, for the way he has treated these poor, unfortunate boys. The facts show that he would get a bonding company of which he is the agent to make his bond in each case as guardian and pay for it out of the money of the ex-soldier and take out of it 25 per cent commission as agent for the bond company. There are a number of such cases out here in St. Elizabeths Asylum, and this man Fenning has collected hundreds of dollars out of them. I have a case before me wherein he collected in all $1,600 from one of them.

These things are here to be looked after and we ought to go into them. We also have the war veterans' bill, the rivers and harbors bill, and other bills of importance. Let us at least stay here until we pass a real farm relief bill.

The VICE PRESIDENT. The time of the Senator from Alabama has expired. The question is on the amendment submitted by the Senator from Oregon to the reported amendment.

The amendment to the amendment was agreed to.

Mr. KENDRICK. Mr. President, I send to the desk an amendment to the committee amendment and ask for its consideration.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 14, line 8, strike out the word "cattle," and in line 15 strike out the same word, "cattle"; and on page 23, line 3, strike out the words "cattle or," and in line 9 strike out the same words, "cattle or."

Mr. CURTIS. Mr. President, that is a pending amendment to be taken up later?

The VICE PRESIDENT. The amendment has just been offered by the Senator from Wyoming.

Mr. FESS. Mr. President, I have been trying to collect some statistics with reference to farm mortgages, automobiles owned by farmers, prices of farm products 1916 to 1925, and financial returns from farm products. I have had the statistics prepared by the statistician of the Congressional Library. I ask unanimous consent to have them printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

SELECTED STATISTICS RELATIVE TO FARMERS AND FARMING

(Margaret G. B. Blachly, June 15, 1926)

[NOTE: The effort was made to present data for a 10-year period from 1916 to 1925, inclusive. When figures for all of these years were not found available with reference to any particular category comparable data for a part of the period or for decades were used.]

I. FARM MORTGAGES

Amount of farm-mortgage debt in the United States

1. United States Census figures (U. S. Bureau of the Census. Fourteenth Census of the United States, Vol. V, Agriculture, Washington, Government Printing Office, 1922, p. 481):

1890–1900 (figure includes estimates; statistics not given)	$1,085,995,960
1910 (figure includes only farms consisting wholly of land owned by the operator and reporting amount of mortgage debt)	1,726,172,851
1920 (figure includes only farms consisting wholly of land owned by the operator and reporting amount of mortgage debt)	4,003,767,192
1925 statistics gathered but not yet compiled for whole country.	

Estimated mortgage debt

2. Estimated figures (Graves, L. M., Interest and taxes in relation to farm income, Annals of American Academy of Political and Social Science, January, 1925, p. 37):

Fiscal year—	
1915–16	4,800,000,000
1916–17	5,400,000,000
1917–18	6,200,000,000
1918–19	7,200,000,000
1919–20	7,860,000,000
1920–21	8,000,000,000
1921–22	8,000,000,000
1922–23	8,250,000,000
1923–24	8,500,000,000
1924–25	8,500,000,000

The discrepancy between these figures and those given by the census is partially explained by two circumstances: (1) The census figures include only owner-operated farms for which the amount of mortgage was reported; (2) the estimated figure includes personal and collateral indebtedness as well as farm mortgages.

II. AUTOMOBILES OWNED BY FARMERS

Motor vehicles on farms, 1920

1. United States census figures (U. S. Bureau of the Census. Fourteenth Census of the United States, Vol. V, agriculture, Washington, Government Printing Office, 1922, p. 514):

Automobiles	2,146,362
Motor trucks	139,169
Tractors	246,083
Total (by compiler)	2,531,614

Thus far these are the only farm automobile figures published by the Census Bureau. The Bureau of Public Roads (U. S. Department of Agriculture) gathers statistics annually on automobile registration by States, but does not differentiate between those on farms and those in other larger places.

2. Unofficial figures gathered by National Automobile Chamber of Commerce.

Motor vehicle registration on farms

Year	Total	Passenger cars	Motor trucks or commercial cars
1919 (June 1)[1]	2,466,475	2,366,475	100,000
1920 [2]	3,080,810		
1921 [3]	2,285,671	2,146,512	139,159
1922 [3]	3,500,000	3,200,000	300,000
1923 [3]	3,500,000		
1924 [3]	4,600,000	4,175,000	425,000
1925 [4]	4,600,000	4,160,000	440,000

[1] Figures obtained over telephone from National Automobile Chamber of Commerce, Washington office.

[2] Facts and figures of the automobile industry, National Automobile Chamber of Commerce, New York, 1923, p. 28; estimated figure.

[3] Economic World (New York), Jan. 10, 1925, p. 52, statistical summary given by National Automobile Chamber of Commerce.

[4] Manufacturers Record, Jan. 7, 1926, p. 97; also Journal of Commerce (New York), Jan. 11, 1926, sec. 2, p. 1; compilation by National Automobile Chamber of Commerce.

III. PRICES OF FARM PRODUCTS

Estimated price of selected farm products received by producers, July 15, 1916–1925 [1]

Farm product and unit of measure	Estimated price, July 10—									
	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925
Wheat, per bushel	$1.00	$2.25	$2.04	$2.20	$2.43	$1.09	$1.00	$0.90	$1.06	$1.40
Corn, per bushel	.77	1.81	1.57	1.84	1.75	.62	.63	.87	.98	1.04
Oats, per bushel	.40	.71	.75	.73	.93	.35	.36	.40	.49	.45
Barley, per bushel	.59	1.11	1.14	1.14	1.32	.59	.61	.55	.69	.74
Rye, per bushel	.83	1.78	1.67	1.44	1.79	1.01	.74	.56	.69	.92
Potatoes, per bushel	.99	2.09	1.18	1.61	3.44	1.03	1.09	1.03	1.09	1.26
Hay, per ton	10.50	13.43	16.00	20.94	22.26	12.17	11.44	11.78	13.49	12.48
Cotton, per pound	.13	.25	.28	.32	.37	.10	.21	.25	.27	.23
Butter, per pound	.26	.34	.39	.48	.52	.32	.33	.37	.37	.39
Eggs, per dozen	.20	.29	.33	.38	.38	.24	.20	.21	.23	.28
Chickens, per pound	.14	.17	.23	.27	.28	.22	.21	.21	.20	.21
Hogs, per 100 pounds	8.40	13.35	15.58	19.22	13.65	8.09	9.12	6.68	6.60	12.02
Beef cattle, per 100 pounds	6.78	8.30	10.07	9.96	8.93	5.40	5.76	5.72	5.65	6.55
Sheep, per 100 pounds	6.33	9.32	11.04	9.25	8.21	4.34	6.11	6.43	6.60	7.17
Milk cows, per head	62.04	72.81	84.97	94.51	91.23	56.55	54.20	59.22	55.46	57.96
Horses, per head	133.00	135.00	132.00	127.00	127.00	94.00	88.00	85.00	77.00	81.00
Beans, per bushel	5.09	8.07	5.88	4.25	4.47	2.75	4.29	3.94	3.28	3.98

[1] Crops and markets (U. S. Department of Agriculture), Monthly Supplement August, 1925, p. 257.

IV. FINANCIAL RETURNS FROM FARM PRODUCTS

1. Estimated value of farm products, 1915–1924 [1]

Year	Crops [2]	Animal products [2] [3]	Total, excluding crops fed to livestock
1915	7,957,000,000	4,303,000,000	8,638,000,000
1916	10,305,000,000	4,962,000,000	10,359,000,000
1917	14,277,000,000	6,539,000,000	13,948,000,000
1918	14,814,000,000	8,082,000,000	16,493,000,000
1919	16,579,000,000	8,275,000,000	17,684,000,000
1920	11,671,000,000	7,439,000,000	14,634,000,000
1921	7,832,000,000	5,537,000,000	10,216,000,000
1922	9,430,000,000	5,612,000,000	10,972,000,000
1923	10,401,000,000	6,233,000,000	12,348,000,000
1924	11,404,000,000	5,951,000,000	12,404,000,000

[1] Crops and Markets (U. S. Department of Agriculture), Monthly Supplement March, 1925, p. 76.

[2] Obtained by multiplying crop and animal production by weighted annual farm prices.

[3] Subject to revision.

2. Income from agricultural production in the United States, 1919–1924

Year, July 1–June 30	Cash income from sales [1]		"Real" money income [2]
	Gross	Net	
1919–20	12,832,000,000	5,294,000,000	5,060,000,000
1920–21	10,023,000,000	1,997,000,000	4,761,000,000
1921–22	7,085,000,000	1,370,000,000	4,460,000,000
1922–23	8,198,000,000	2,350,000,000	4,630,000,000
1923–24	8,928,000,000	2,565,000,000	5,428,000,000
1924–25	9,777,000,000	3,291,000,000	6,064,000,000

[1] Crops and Markets, Monthly Supplement, July, 1925, p. 236.

[2] Crops and Markets, Monthly Supplement, September, 1925, p. 303. Represents amounts shown in column 2—"Gross cash income from sales"—deflated by Bureau of Labor Statistics index numbers of wholesale prices of nonagricultural commodities, 1910–1914=100.

Mr. FESS. Mr. President, I have in my hand from the Federal Farm Loan Board's statistician the estimated total of the farm-mortgage debt of 1920, the hypothetical value of all crops, 1919 to 1923 average, and the per cent of average annual total value of all crops required to pay annual interest charge at 6 per cent on farm-mortgage debt. The information is given by States. It is very valuable, and I think very informative. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

Estimated farm-mortgage debt of 1920, hypothetical value of all crops, 1919 to 1923 average, and per cent of average annual interest charge at 6 per cent on farm-mortgage debt

[From the Federal Farm Loan Board's statistician]

State	Estimated total farm mortgage debt (1920)	Hypothetical value all crops (1919–1923 average)	Per cent of average annual total value of all crops required to pay annual interest charge (at 6 per cent) on farm mortgage debt
Iowa	$1,008,970,000	$508,600,000	12.96
Montana	154,940,000	89,872,000	10.34
Wisconsin	455,470,000	323,153,000	8.45
Minnesota	455,540,000	325,421,000	8.39
Nebraska	416,860,000	315,240,000	7.93
South Dakota	278,880,000	210,972,000	7.93
Idaho	115,350,000	90,890,000	7.61
North Dakota	267,780,000	216,389,000	7.42
Missouri	385,790,000	339,716,000	6.79
Nevada	11,880,000	10,767,000	6.62
Colorado	138,400,000	135,161,000	6.14
Illinois	502,850,000	496,616,000	6.07
Arizona	31,790,000	33,481,000	5.69
California	425,460,000	452,872,000	5.63
Wyoming	32,970,000	33,182,000	5.56
Utah	35,550,000	39,466,000	5.40
Oregon	91,090,000	108,080,000	5.05
Kansas	295,870,000	368,980,000	4.81
Michigan	215,740,000	270,422,000	4.78
Indiana	206,600,000	284,739,000	4.35
Washington	116,740,000	173,410,000	4.04
New Mexico	23,670,000	36,108,000	3.93
New York	224,060,000	351,088,000	3.83
Massachusetts	34,180,000	54,553,000	3.76
Maryland	49,230,000	79,151,000	3.73
Vermont	29,040,000	47,317,000	3.68
Oklahoma	188,890,000	317,375,000	3.57
Ohio	210,760,000	354,617,000	3.56
New Jersey	39,500,000	66,696,000	3.56
Connecticut	25,800,000	48,486,000	3.20
Delaware	8,990,000	17,864,000	3.02
Rhode Island	2,350,000	4,788,000	2.94
Texas	396,670,000	834,234,000	2.85
Pennsylvania	133,080,000	308,040,000	2.59
Kentucky	104,100,000	262,391,000	2.38
New Hampshire	8,600,000	22,637,000	2.27
Tennessee	83,130,000	227,484,000	2.18
Mississippi	77,420,000	221,224,000	2.10
Maine	20,880,000	62,987,000	1.99
Arkansas	76,870,000	232,904,000	1.98
Virginia	61,600,000	208,969,000	1.74
Georgia	83,840,000	301,669,000	1.62
Florida	19,710,000	74,477,000	1.58
Louisiana	41,250,000	158,494,000	1.56
Alabama	55,450,000	230,873,000	1.34
South Carolina	51,220,000	256,776,000	1.19
West Virginia	15,960,000	85,296,000	1.09
North Carolina	56,580,000	389,090,000	.87

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

ANALYSIS OF MUSCLE SHOALS BIDS (S. DOC. NO. 131)

Mr. DENEEN. From the Joint Committee on Muscle Shoals I present an analysis by the Treasury Department of the bids of the Muscle Shoals Fertilizer Co., the Muscle Shoals Power Distributing Co., the Air Nitrates Corporation, and the former bid by Henry Ford, which I ask may be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

CAPITAL STOCK OF BIDDERS FOR MUSCLE SHOALS PROJECT (REPT. NO. 1120)

Mr. DENEEN. Pursuant to Senate Resolution 236, requesting the Joint Committee on Muscle Shoals to report to the Senate concerning the ownership of capital stock in the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power & Distributing Co., I submit a report (No. 1120) from the Joint Committee on Muscle Shoals and ask that it be printed.

The VICE PRESIDENT. The report will be received and printed.

EXTRADITION WITH MEXICO

In executive session this day, the following supplementary extradition convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a Supplementary Extradition Convention between the United States of America and the United States of Mexico, signed at Washington on December 23, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 6, 1926.

To the PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President with a view to its submission to the Senate to receive the advice and consent of that body to its ratification, if his judgment approve thereof, a supplementary extradition convention between the United States and Mexico, signed at Washington on December 23, 1925.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 5, 1926.

The United States of America and the United States of Mexico being desirous of enlarging the list of crimes on account of which extradition may be granted under the Conventions concluded between the two countries on February 22, 1899, and June 25, 1902, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a supplementary Convention for this purpose and have appointed as their plenipotentiaries, to wit:

The President of the United States of America:

Frank B. Kellogg, Secretary of State of the United States of America, and

The President of the United States of Mexico:

His Excellency Señor Don Manuel C. Téllez, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington:

Who, after having exhibited to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I

The High Contracting Parties agree that the following crimes are added to the list of crimes numbered 1 to 21 in the second Article of the Treaty of Extradition of the 22nd of February, 1899, and the crime designated in the Supplementary Extradition Treaty, concluded between the United States and Mexico on the 25th of June, 1902; that is to say:

22. Crimes and offenses against the laws for the suppression of the traffic in and use of narcotic drugs.

23. Crimes and offenses against the laws relating to the illicit manufacture of or traffic in substances injurious to health, or poisonous chemicals.

24. Smuggling. Defined to be the act of wilfully and knowingly violating the customs laws with intent to defraud the revenue by international traffic in merchandise subject to duty.

ARTICLE II

The present Convention shall be considered as an integral part of the said Extradition Treaty of the 22nd of February, 1899, and it is agreed that the crime of bribery added to said original Treaty by the Supplemental Extradition Convention of the 25th of June, 1902, shall be numbered twenty-one (21); that the paragraph or crime numbered 21 in Article II of the original Treaty and relating to "Attempts" shall now be numbered 25 and be applicable under appropriate circumstances to all the crimes and offenses now numbered 1 to 24 inclusive.

ARTICLE III

The present Convention shall be ratified and the ratifications shall be exchanged either at Washington or at Mexico City as soon as possible.

It shall go into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of February 22, 1899.

In testimony whereof the respective plenipotentiaries have signed the present Convention in duplicate, and have hereunto affixed their seals.

Done in duplicate at the City of Washington, in the English and Spanish languages, this twenty-third day of December, one thousand nine hundred and twenty-five.

FRANK B. KELLOGG [SEAL]
MANUEL C. TÉLLEZ [SEAL]

RECESS

Mr. CURTIS. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, June 22, 1926, at 12 o'clock m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 21, 1926

PUBLIC HEALTH SERVICE

Ralph L. Lawrence to be passed assistant surgeon.

APPOINTMENTS IN THE ARMY

GENERAL OFFICER

Sanford H. Wadhams to be brigadier general, medical reserve.

PROMOTIONS BY TRANSFER IN THE ARMY

Gilbert Livingston Thompson to be captain, Signal Corps.
Reginald Pond Lyman to be second lieutenant, Signal Corps.
Thaddeus Elmer Smyth to be second lieutenant, Infantry.

PROMOTIONS IN THE ARMY

Wilhelm Delp Styer, major, Corps of Engineers.
Charles Murray Rees, captain, Infantry.
Daniel Burnett Knight, first lieutenant, Infantry.

PROMOTIONS IN THE NAVY

TO BE LIEUTENANT COMMANDERS

Burton W. Chippendale.
Robert T. Darrow.
Ryland D. Tisdale.
Alan Barnett.
Forrest B. Royal.
Marshall B. Arnold.
Roswell H. Blair.
Elmer R. Henning.
Dallas D. Dupre.
Irving R. Chambers.
Raymond Burhen.
Myron W. Hutchinson, jr.

TO BE LIEUTENANTS

John V. McElduff.
Myron F. Eddy.
Carlton D. Palmer.
Nathan W. Bard.
John T. McDermott.
Warren K. Sherman.
Edward M. Thompson.
Charles Wellborn, jr.
Richard F. Cross, jr.
George L. Richmire.
Charles J. Maguire.
Gilbert B. Myers.
Heber H. McLean.
Rupert M. Zimmerli.

TO BE LIEUTENANTS (JUNIOR GRADE)

Harry R. Carson, jr.
Roland M. Huebl.
Arthur A. Ageton.
George W. Welker, jr.
David T. Baskett.
John C. McCutchen.
Justin S. Fitzgerald.
William J. F. Rafferty.
Warren F. Simrell, jr.
Walter S. Ginn.
Charles A. Parker.

TO BE SURGEON

Waldo E. Golden.

TO BE PASSED ASSISTANT PAYMASTERS

Stephen R. Edson.
Harvey E. Wathen.

TO BE ASSISTANT PAYMASTERS

Clinton J. Thro.
Thomas W. Baker.

TO BE CHIEF GUNNER

Virgil A. Strunk.

TO BE CHIEF MACHINIST

Edward J. Farrell.

MARINE CORPS

TO BE ASSISTANT PAYMASTER

Russell B. Putnam.

TO BE MAJOR

George A. Stowell.

TO BE CAPTAINS

Harold C. Major.
Jesse A. Nelson.
Fred S. Robillard.
Herman R. Anderson.
Clarence M. Ruffner.

TO BE FIRST LIEUTENANTS

Henry T. Birmingham.
Ernest E. Linsert.
Orin H. Wheeler.
Everett H. Clark.

POSTMASTERS

INDIANA

William A. Hatfield, Etna Green.
John L. Walker, Lexington.
Mervin C. Bond, Oaktown.

MASSACHUSETTS

Richard C. Taft, Oxford.
P. Anthony Sheehan, Weston.

MONTANA

Jack Bennett, Plentywood.
Rudolph P. Peterson, Rudyard.

NEW MEXICO

Cassius G. Mason, Hagerman.
Placido L. Sanchez, Las Vegas.

NORTH DAKOTA

Jacob Krier, Gladstone.
Sidney O. Dundas, Watford City.

PENNSYLVANIA

Lincoln W. Pentecost, Clarks Summit.

SOUTH CAROLINA

Benjamin C. Dearybury, Clifton.

SOUTH DAKOTA

John R. Todd, Bowdle.

WASHINGTON

Harry C. Swettenam, Hamilton.
Walter J. Hunziker, Langley.
William C. Black, Lowell.

WISCONSIN

Joseph Kuchenmeister, Almena.
Raymond E. G. Schmidt, De Forest.
Charles E. Juza, Haugen.
William McMahon, Lancaster.
Laurence G. Clark, Middleton.
Burton E. McCoy, Prairie du Sac.

HOUSE OF REPRESENTATIVES

MONDAY, *June 21, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, in these times of stress and strain, when in ordinary circumstances, so often peril and disorder seem to be ascending, yet the Godlike in man is still asserting itself and protecting that which is good and abiding in the social and political order. Encourage us in the hope that righteousness shall yet overcome evil and shall become coextensive with the being of man. In every way may we prove ourselves worthy of Thy care. Bless and direct us by Thy holy presence that we may be purified and enobled and enriched with those graces exemplified by the Master. This day is the opportunity that God gives us for service and the unfolding of our best selves. Help us, Lord, and Thine shall be the glory in the name of Jesus. Amen.

The Journal of the proceedings of Friday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 537. An act for the relief of A. B. Ewing.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 9833. An act entitled "An act to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry by striking out the proviso in section 6 of said act."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bills of the following titles:

S. 492. An act for the relief of Swend A. Swendson;

S. 1160. An act for the relief of Immaculato Carlino, widow of Alexander Carlino;

S. 4152. An act to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes;

S. 1662. An act for the relief of Francis Nicholson:

S. 1726. An act for the relief of the Atlantic & Caribbean Steam Navigation Co.; and

S. 4344. An act to provide for the permanent withdrawal of Memaloose Island in the Columbia River for the use of the Yakima Indians and Confederated Tribes as a burial ground.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2188) for the relief of G. C. Allen, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. MEANS, Mr. CAPPER, and Mr. CARAWAY as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7152. An act for the relief of Lilly O. Dyer;

H. R. 11870. An act for the relief of certain officers of the Air Service of the United States Army on account of funds expended by them in connection with the American round-the-world flight;

S. 44. An act for the relief of Alice M. Durkee;

S. 45. An act for the relief of Yvonne Therrien;

S. 161. An act for the relief of Charles H. Willey;

S. 248. An act for the relief of the Central National Bank, Ellsworth, Kans.;

S. 970. An act for the relief of Th. Michaelsen;

S. 1023. An act authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy;

S. 1631. An act for the relief of Capt. Edward T. Hartmann, United States Army, and others;

S. 1747. An act for the relief of the estate of Henry T. Wilcox;

S. 1828. An act for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy;

S. 1885. An act for the relief of James C. Minon;

S. 2189. An act for the relief of W. B. deYampert;

S. 2312. An act for the relief of Franklin Gum;

S. 3049. An act for the relief of Mrs. M. McCollom, Margaret G. Jackson, and Dorothy M. Murphy;

S. 3055. An act for the relief of Lawford & McKim, general agents of the Employers' Liability Assurance Corporation (Ltd.), of London, England;

S. 3200. An act to confirm the right, title, and interest of the Peoples Investment Co. (Inc.), of the State of Louisiana, in certain lands;

S. 4344. An act to provide for the permanent withdrawal of Memaloose Island in the Columbia River for the use of Yakima Indians and Confederated Tribes as a burial ground;

S. 492. An act for the relief of Swend A. Swendson;

S. 1160. An act for the relief of Immaculato Carlino, widow of Alexander Carlino;

S. 1662. An act for the relief of Francis Nicholson;

S. 1726. An act for the relief of the Atlantic & Caribbean Steam Navigation Co.; and

S. 4152. An act to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 7669. An act to provide home care for dependent children in the District of Columbia;

H. R. 8034. An act to authorize the destruction of paid United States checks;

H. R. 9019. An act for the relief of Ailing R. Maish;

H. R. 9690. An act to authorize the construction and procurement of aircraft and aricraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith; and

H. R. 11355. An act to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy.

IRRIGATION DAM, WALKER RIVER, NEV.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2826) for the construction of an irrigation dam on the Walker River, Nev., to insist on the amendments of the House, and agree to a conference asked for by the Senate and to appoint the conferees.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill (S. 2826), to disagree to the Senate amendments, and agree to the conference asked. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 2826) for the construction of an irrigation dam across the Walker River, Nev.

The SPEAKER. Is there objection to the request of the gentleman?

Mr. BEGG. Mr. Speaker, we can not hear what it is.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill, the title of which has been reported, to disagree to the Senate amendments, and to agree to the conference asked by the Senate. Is there objection?

Mr. HOWARD. What is the bill?

The SPEAKER. The bill has been reported by title.

Mr. HOWARD. Well, we could not hear it.

The SPEAKER. The Clerk will report the bill by title again.

The bill was again reported by title.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees.

The Clerk read as follows:

Mr. LEAVITT, Mr. HUDSON, and Mr. HAYDEN.

PERMISSION TO ADDRESS THE HOUSE

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to be permitted to address the House to-morrow for 10 minutes after the reading of the Journal and the clearance of business on the Speaker's desk.

The SPEAKER. The gentleman from New York asks unanimous consent that to-morrow, after the completion of the orders already granted by the House, that he be permitted to address the House for 10 minutes. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, to-morrow we have a very heavy calendar provided for. I wish the gentleman would take some other day.

Mr. BOYLAN. Wednesday will suit me.

Mr. SNELL. Then I have no objection.

Mr. MADDEN. Mr. Speaker, if the gentleman from New York desires it, we can give him time on general debate on the general deficiency bill, which will probably begin on Thursday.

Mr. BOYLAN. Well, there was a sort of understanding last week that I was going to get 10 minutes to-morrow. I would not like to be put back so far in the week as Thursday. I am willing for it to go over until Wednesday if I can not get in to-morrow.

Mr. SNELL. I will not object to to-day, but to-morrow we have a very heavy calendar.

Mr. BOYLAN. To-day is satisfactory.

The SPEAKER. The gentleman from New York asks unanimous consent that after the special order for Wednesday, 30 minutes, at the conclusion of the remarks of the gentleman from Oregon [Mr. HAWLEY], he may be permitted to address the House for 10 minutes. Is there objection?

Mr. LEAVITT. Mr. Speaker, reserving the right to object, I will have to object if Calendar Wednesday is to be reached on Wednesday, because the Committee on Indian Affairs has a very heavy calendar.

Mr. BOYLAN. Ten minutes will not interfere very much with the calendar.

The SPEAKER. The Chair was in error. The gentleman from Oregon was to adress the House on Thursday.

Mr. LEAVITT. If adjournment is decided upon to-day, we would not have Calendar Wednesday——

The SPEAKER. The gentleman from New York asks unanimous consent that to-day, at the conclusion of the remarks of the gentleman from Alabama [Mr. ALMON], he may proceed for 10 minutes.

Mr. BEGG. To-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADDRESS OF HON. RICHARD YATES, OF ILLINOIS

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a very able and eloquent address delivered by my colleague, Governor YATES, on May 31, on the occasion of the decoration of the graves, Union and Confederate, on the island of Rock Island, Ill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks by printing a speech delivered by his colleague, Mr. YATES, of Illinois. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. Mr. Speaker, under leave given to extend my remarks in the RECORD, I insert the following address of Hon. RICHARD YATES, Congressman at Large from Illinois, delivered at the National Cemetery on Rock Island at Moline-Rock Island, Ill., on Decoration Day, Monday, May 31, 1926.

MEMORIAL DAY ADDRESS

Called by the partial voice of friends among your number or summoned at the instance of admirers of an old Illinois name that I am proud and glad to believe is still loved by soldiers and by soldiers' sons and daughters in Illinois, I have come here to-day to say a few words upon this sweet and solemn occasion and in this imposing presence.

And it is an imposing presence. All over the land old muster rolls are being called, and "present" or "accounted for" is the answer, and new flowers are being laid on old graves, and gently falling tears are dropping on the old graves, while evergreen, suggestive of the life to come, is being deposited there. All over the land the "muffled drum"—all over the broad land.

I assure you I am most grateful for all the courtesy, cordiality, and hospitality of which I am to-day the recipient. It shall never be forgotten.

You will surely pardon me for dwelling and lingering upon the satisfaction felt at being your guest to-day on this holy ground.

It would be a thing to be proud of all my days to be summoned here to speak of our country without any other subject or theme—our country, mighty and model Republic; our country, noblest of Commonwealths; our country, child of the centuries, heir of the ages, beacon light of liberty, last hope of humanity.

"In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea;
Our hearts, our hopes are all with thee;
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee, are all with thee."

And I would consider it a thing to be proud of all my days to be summoned here to speak of Illinois only.

Illinois! Two hundred and fifty-nine thousand young men—an entire one-sixth of the whole State's population—it sent forth 60 years ago to do battle and to dare and if need be die on a thousand fields of glory in the red glare of the cannon's mouth for Union and liberty, for you and for me, for our children's children, and for the eternal right.

To the scaffold in Chicago 40 years ago Illinois sent the convicted anarchists (who sought by dynamite bomb and by lurid editorial to overthrow our free government) to the scaffold and a grave of infamy 6 feet below the soil of Cook County, from whence the odious red flag of anarchy has not been resurrected in Illinois.

To the State penitentiary, from time to time, Illinois has sent the violators of the sacred laws of suffrage, to the end that political rights might be preserved inviolate, which example of Illinois—namely, a free ballot and a fair count—must yet be followed by all the States before we can have government by consent of the governed and a real Republic with enfranchisement.

And to the sanctity of the suffrage, the honesty of municipal government, the elevation of citizenship, the firm establishment of equal rights mighty Illinois stands to-day, schoolbook in hand, teaching children by the millions what liberty means and what it cost. O beloved Illinois!

"Not without thy wondrous story,
Illinois, Illinois!
Could be writ the Nation's glory,
Illinois, Illinois!
On the record of thy years
Abraham Lincoln's name appears,
Grant and Logan and our tears,
Illinois, Illinois!"

How proud, then, ought a man to be who is not limited to the theme covering America, not restricted to the limitations of a Fourth of July speech or an Illinois oration, but can talk of the lofty life and dauntless death and daring deeds of all the dead whose dust we have covered with flowers!

"On Fame's eternal camping-ground
Their silent tents are spread,
And Glory guards with solemn round
The bivouac of the dead."

With what distinguished guests are we associated on such an occasion as this. In addition to Glory and Fame, there are Honor and Freedom.

"How sleep the brave, who sink to rest
By all their country's wishes blest!
Here Honor comes, a pilgrim gray
To bless the turf that wraps their clay;
And Freedom shall a while repair
To dwell, a weeping hermit, there."

THE HUNDRED AND FORTY YEARS' FIGHT FOR FREEDOM BY AMERICA'S MILLIONS

It would be a pleasure to speak and read about General Grant throughout the entire day, but we must not forget that this day we celebrate belongs not only to General Grant but to all who served and sacrificed 55 years ago, or at any time, that American liberty might not die. It is my duty to endeavor to the best of my feeble ability to give suitable expression to the sentiments that have brought you here and to the teachings of this hour gleaned from all the past. We are in the presence of too impressive a spectacle to gather with any feelings less exalted than those of gratitude and reverence and patriotism. For not we only are observing this occasion. All over the land old muster rolls are being called amid the roll of muffled drums and new flowers are being laid on old graves, and falling tears are bedewing many dainty, fragile flowers on graves that are new, while new bugles blow the notes of "Taps," "Lights out," far and near over land and sea. Amid a deepening sentiment of brotherhood all classes and conditions combine to decorate the patriot's resting place, to recall the virtues of his life and death, and to throw upon the unresponsive soil, evergreen, suggestive of the life to come, the life beyond the grave. There are a hundred millions standing with us to-day as we salute the dead, and I believe that the dead millions know that we are saluting. Believing as I do that death does not end all, but that life is everlasting and the soul immortal, I believe also that those who have gone before are interested in us and come near us when they can, and sometimes very near, indeed. Consequently, I believe that the millions of American patriotis now in heaven are not far from us at this hour. Could our eyes be opened, I think their shining presence could be seen at our very elbows. It is recorded in Holy Writ that when the young man became confused and confounded and in his blindness went to the prophet, God, at Elisha's prayer, opened the eyes of the young man, and "Lo, all the mountain around about was filled with horses and chariots of fire." Yes, they are all there! Lincoln is there; and Grant and Logan; and also your men: Buford and Hawes and Payne and Graham and Searle and Conolly and McConochie and Clendenin and the two Beardsleys. I thought of this when I saw in New York a year ago the parade up Fifth Avenue of the Seventy-seventh Division of the American Army, commanded by General Alexander.

Far in front of the general and his staff, in front even of the police escort, marched 30 men, each bearing a banner. Each banner or standard bore 100 gold stars, 3,000 in all, corresponding to the number of men from that division who lost their lives. After the 3,000 stars of gold there was a gap of three blocks—that is, there was a gap in the line three blocks long—and then came the division. I heard a thoughtless man in the reviewing stand say, "The standard bearers are out of place"; but a thoughtful woman said, "No; this gap is intentional; these are the dead who are passing now," and he uncovered—so did we all. I never saw a more impressive sight. Far as the eye could reach the uncounted multitude stood uncovered and a million eyes were wet.

"'Twas but a moment for that respect
Which clothes all courage their voices checked,
And through the ranks there crept an awe
In whispers, and some men saw."

even as in the days of "John Burns, of Gettysburg."

As we felt that day let us feel to-day in the presence of our dead. And to whom shall we render honor?

THE DAYS OF 1776

These sacrifices, continuing up to our day and generation, reach back more than a century. A historic darkness follows a historic day. British force has undertaken to coerce the high-minded and valorous tillers of Massachusetts soil. The falling night drops like a pall upon the martyred forms of those destined to constitute the first-formed section of our roll of illustrious American dead, our own Westminster Abbey. The very sound of their names rekindles in the American spirit the sacred flame which glowed in the hearts of our patriotic fathers who fought and fell around about the campfires which cradled our liberties.

REMEMBER EARLY HEROES

Drop a lily on the scaffold grave of Nathan Hale, executed as a spy. Over Marion and his troopers rear a mound of white. Deck the spot where the Green Mountain boys sleep. Give forget-me-nots for the rower who pulled the chief over the Delaware the night the Trenton fell. Jessamine for Molly Pitcher, who fired the old brass cannon after her husband was cut down at Monmouth. Bluebells and other blooms for the three militiamen whom Major Andre's gold could not corrupt nor bribe. We can not afford to pass one of these heroes by without, in spirit at least, depositing a blossom upon the sod.

AND NOW COMES THE FLAG—THE FLAG OF THE FREE

"All hail to thee, thou grand old flag, still floating o'er the free,
Though soiled and torn by traitor's hands, thou'rt doubly dear to me,
When in my boyhood early years I saw thee first unfurled
I deemed thee then the pride of earth, the glory of the world.
And when in later years I stood in busy haunts of men
And saw thee float o'er field and flood, old flag, I loved thee then.
But now, when in thy glorious light no slave need cringe or bow,
My father's and my country's flag, I love thee better now.
I'll bear thee up, thou dear old flag of origin divine,
Until upon thy azure folds a hundred stars shall shine.
Float on, old flag, until thy stripes shall all the nations heal
And tyranny through all the earth shall thy just vengeance feel."

THE WAR OF 1812

After 30 years a new division of the national history appears. A new era of carnage and devotion is in sight. Outrages upon the waters are committed upon American seamen. The mother country has brought on the War of 1812. It is a peculiar war. But America is again battling for the right. The battles are few. There is no American scheme of conquest, and the national feeling will be gratified entirely when England abandons her claims on the sea. At first demoralization oppresses the Union and dims the glory of its arms. On the north, Detroit is fallen; on the east, Washington City is captured; and all along the coast a strict and rigid blockade is attempted.

UNEXPECTED GLORY

But Captains Hull and Bainbridge with the ship *Constitution* and Decatur with the staunch *United States* give unexpected glory to the Union on the sea. To her utter surprise England loses in the contest for the supremacy of the waves, loses all she gains on land, loses in the estimation of the world, loses an army shot to pieces by Andrew Jackson firing from behind the cotton bales at New Orleans, and peace comes again. The heroes of that time have gone. None at all remain in the land they protected. But we are here to-day to demonstrate that we do not forget the efforts they made and the services they rendered in that dark hour and that critical time.

Let us never underestimate those fighters of 1812, for they, too, kept the flag in the sky—our colors—"dearest creation of cloth, most precious combination of colors."

TO THE COLORS

"What is it to 'go to the colors'?
What does it mean? Oh, its meaning is almost beyond words.
Hats off, along the street there comes
The blare of bugles, the ruffle of drums,
A flare of color beneath the sky.
Hats off, the flag is passing by,
Crimson and blue and white, it shines,
Over the ordered, steel-tipped lines,
Hats off, the flag is passing by.
But more than the flag is passing by;
Weary marches and sinking ships,
And cheers of victory from dying lips;
Years of plenty and days of peace,
The march of a strong land's swift increase.
Oh, duty and honor and glory all,
Are with the colors, to stand or fall."

THE MEXICAN WAR

After another third of a century the third section of our story is created. The States now number 28. The national strength has grown with the passing of the years. Conquest and the extension of the western boundary have glittered before the politician's eye, and dazzled the vision of all, until at last the country is compelled to array itself in war against Mexico to protect the national honor. Once more the bugle sounds and the loud drumbeat responds. Palo Alto and Resaca are followed by Buena Vista and Monterey. After Vera Cruz comes Chapultepec, and then Mexico succumbs and the grand review of victors delights our land.

FLOWERS FOR THEM, TOO

And so we have another flower for Winfield Scott, a flower for Zachary Taylor, and one for our own noble John J. Hardin, whose precious blood Illinois reluctantly but uncomplainingly surrenders that no spot may blur the blaze of the escutcheon of the Nation. The Mexican War veterans have not all left us. Some few are still among us, full of years and full of honors. We would have them all to-day distinctly understand that we, all of us, appreciate the value and scope of their service and those of their dead companions.

This war gave us that exquisite verse:

"Rest on, embalmed and sainted dead,
Dear as the blood ye gave;
No impious footstep here shall tread,
The herbage of your grave;
Nor shall your glory be forgot
While fame her record keeps,
Or honor points the hallowed spot,
Where valor proudly sleeps;
On fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead."

THE SOLDIERS OF 1898

We must not forget the Spanish-American War and its heroes. We must recall the hour when in the dead of night our beloved battleship, torn almost to atoms, sank in the harbor of Habana. We are to recall the thrill of horror and indignation that swept over a Nation of 76,000,000, cementing 15,000,000 men capable of bearing arms in an unalterable determination to remember and avenge the *Maine*. We must recall the exciting scenes of February, March, and April of 1898, when only the magnificent calmness of McKinley, the calmest of all our Presidents, prevented the American people from rushing unprepared into an unfortunately premature struggle. "Remember the *Maine*."

We can not come here to-day without doing honor alike to the millionaires' batteries of the East and the Rough Riders of the West; to the valiant warriors whose veins throb with Southern blood; and to the black heroes who intermingled with them in the grand equality of battle. All together they carried the flag up the Cuban slopes. All together they planted it where the Spanish standard had stood for 400 years; all together they forgot all differences; all together they dared and braved death for their united country and the Stars and Stripes. From the roll of honor of this hour we can not omit the names of young Grant and young Lee, of Joe Wheeler and Nelson Miles, the names of Roosevelt, Funston, and Hobson, the names of Schley and Sampson and Dewey; and although this war added only about 3,000 graves to the fifteen hundred thousand of our soldier dead, we can not omit from most honorable mention the home-suffering and self-sacrifice, just as universal and unconstrained as it has ever been, of American women.

WILL NEVER FORGET

It would be inexcusable and unpardonable upon this occasion to refrain from mention of all this latter-day heroism and devotion. Illinois will never forget it. Nor will you.

"Troops the Nation called one day,
Men of valor, strong and steady;
Ere the echo died away
Illinois had answered, 'ready.'

In the camps and on the ocean,
Braving Cuba's tropic heat,
Proving ever their devotion,
Knowing nothing of defeat,
All they had thus bravely tendered
Here and there death claimed a boy—
Freely, but with tears, surrendered,
By the State of Illinois."

THE SOLDIER OF 1918

Comparatively free from the scourge of war as our Nation has been, there have been nevertheless six great trials by battles of American patriotism. This Decoration Day is distinguished above all similar days of the past in that it witnesses the practical completion of the sixth nation-straining war permitted by Providence in our Nation. The veterans of the old wars are not the only veterans. The "tumult and the shouting" of the old times have recently been reproduced. The far-flung battle line of the Republic reaches to-day, not like the thin blue line of 1865, from Fortress Monroe to the Rio Grande, and not like the line of 1898, from Cuba to Manila, but from China to Coblenz, Germany.

The mightiest military rally the world ever saw has occurred in our land and time. On one day 10,000,000 American boys marched to the altar of sacrifice. In 17 months—April 6, 1917, to November 11, 1918—4,000,000 Americans became soldiers or sailors and 20,000,000 Americans gave their wealth and savings in replies to calls for financial help. All that we had, all that we were, all that we ever expected to be was at stake. And we knew it.

Of the American victories in the Spanish-American War, the old servant of fighting Bob Evans said "De old Massah above done had something to do with it." I believe God had something to do with this war and America being drawn into it. After three years of war the nations of Europe were in many respects purified as by fire, as never before, and they are to-day, most of them, energized, vitalized, and spiritualized by sacrifice. I believe that God Almighty saw this, and in some celestial council of war on high decided that He would not allow the whole world to be spiritualized and America to be left out.

I am unable to explain the German check and retreat at the first Battle of the Marne upon any other theory. German generals made mistakes a young American captain would be censured for, and those German generals were the scientific soldiers of the scientific age of this world. They were confounded by the Almighty to prevent the German Kaiser from entering Paris. He was ready. Arrayed in tall

silver helmet, long velvet cloak of white on his shoulders, high-powered automobile at his right hand, powerful binocular aimed at the Eiffel Tower. Had he won at the Marne and marched that night, September 10, 1917, through the Arch of Napoleon at Paris, the world would have been at his feet—for a time, at least. France would have surely been at his feet, and England substantially so. Then, converting or compelling the navies of the conquered nations to join his own, he would have said, "Westward, ho," for he told our ambassador, James Gerard, that after he had finished with England and France he "would stand no nonsense from the United States." There would have been a hard-fought naval battle, for our Navy would never have surrendered; then one hard-fought land battle, for our 75,000 Regulars and our 225,000 National Guardsmen never would have surrendered. They would all have gone down, drums beating, flags flying, cannon roaring—but wiped out. Then a crowned king would have ridden up Fifth Avenue to this spot, and a crowned king would have occupied Washington, and the tramp of the Prussian regulars would have been heard on Pennsylvania Avenue. From all this we were saved by some one. The "horses and chariots of fire" must have intervened. America was given its chance. It accepted the challenge. In time our boys from shop, and factory, and store, and bank, and mine, and mill faced and fought the soldiers of the world and whipped them time after time. And so we have a noble list of battle names to add to those which have gone before—Belleau Wood and Argonne Forest, Chateau-Thierry, and Maux, and Grand Pre, and Filmes, Mont Sec, and Montfaucon, and Dead Man's Hill; Verdun, and St. Mihiel, and the Meuse-Argonne, and we have a record by Army and Navy in a thousand different activities worthy of Grant and of the whole sublime and glorious roll of American fighters on land and sea.

And the material and commercial and industrial and financial burdens of this war, gigantic as they were—probably amounting to $50,000,000,000 of our money, all (including $10,000,000,000 loaned to foreign governments) will be swung as manfully and surely as the military burdens if we all keep sane. We can not recover by next week or next Christmas. The world has been a very sick world, a very sick world indeed. There must be a convalescence, a convalescent period, a time for recovery, in which signs of recovery appear slowly under wise nursing. If we remain sane, not asking for legislation as a cure-all, sane, and do not rush and push and hurry and worry, we will survive even as the fathers did, survive and get well.

THE WORLD WAR

Of course, we feel all through about us at this moment the thrill of 1917 and 1918. All of a sudden the world is on fire. It is 1917.

The American boy of to-day is going into battle. This fact is so elemental and fundamental that it is overtowering and overpowering. Fondly did we hope and fervently did we pray that never again would America have to call her sons to the battle field. But the call has come and has been answered.

"The kid has gone to the colors,
And we don't know what to say;
The boy that we loved and cuddled
Stands up for the flag to-day.

We thought him a child, an infant,
With never a care at all;
But his country called him man-sized,
And the kid has answered the call.

He stopped to watch the recruiting,
And fired by the fife and drum,
He bowed his head to Old Glory,
And thought that it whispered, 'Come.'

And the kid, not being a slacker,
Stood forth with patriotic joy,
To add his name to the roster—
And Oh, God, we are proud of our boy."

I believe you will all agree with me when I say that unspeakable pride swells our hearts as we contemplate the valor of Young America in 1917–18. Sacrifice, of course! Fifty-eight thousand battle deaths. One hundred and ninety-eight thousand men wounded. Total number of deaths, 120,000, who can tell or describe or imagine all that this means? Woodrow Wilson realizes it as he says: "To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to shed her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other."

I wish that he had said, "All that we have and all that we are and all that we ever expect to be are at stake." For myself, I believe that unquestionably such is the case and the fact.

I care not what anyone may say, the war would not have been won without America! Our American lads, bone of our bone, flesh of our flesh, fought, face to face, the scientific soldiers (the Germans) of the scientific country of the scientific age of this world and beat them at their own game. We can never, never pay them for their valor.

THE "GREAT REBELLION"

THE CIVIL WAR

But, fellow citizens, the Revolution brought no Decoration Day, the War of 1812 established no permanent memorial custom, and the struggle with Mexico seems to have rendered no such occasion a necessity. Nor are we indebted to the recent World War for our Decoration Day. It was reserved for another controversy—1861–1865—to develop so much havoc of life, to tear such gaps in the ranks of manhood, to harrow so many homes with heartbreak, and to create so much of courage and of patriotism and of zeal as to contribute the main interest to this day and occasion. For this hour the thoughtful elders of this Nation live again in the tumultuous times of 1861.

RUSHING EVENTS

Visions of fast-rushing events rise to-day in the mind of the middle-aged man. He remembers the preliminary excitement. The country convulsed from day to day by ominous occurrences. This State trembling beneath the mighty blows struck by renowned champions of public opinion. Every community stirred to its foundations in the mighty crisis.

LIKE A BENEDICTION

After the passing of 55 years, probably nineteen hundred thousand of the soldiers of the Union are to-day in their graves. We would remember and honor them all; garlands for the humblest as well as for the proudest; blossoms for the nameless as well as for the famous; the latter will not fail of praise, the former we must not forget.

ABRAHAM LINCOLN

The new President, leaving his Illinois home for the National Capital, is so surrounded by menacing difficulties that he owns his strong mind, courageous heart, and mighty soul to be unequal to the unprecedented task. To his neighbors assembled to bid him farewell he says:

"There has fallen upon me a task such as did not rest even upon the Father of his Country, and so feeling I can not but turn and look for that support without which it will be impossible to perform that great task. I turn, then, and look to the great American people and to that God who has never forsaken them."

Grand and sublime figure, how he towers aloft in his pure nobility; how he guided this struggling and suffering country with patient, merciful hand; how he stood like a shield and a bulwark strong and firm, between the Union and all the perils that assailed it. Fling open the baskets! Pour forth the flowers! Cause his tomb to blush and to quiver and to glow with all the beauty and the loveliness and grace that nature can bestow, and still the spirit of the grand, majestic Lincoln will break from beneath the fragrance, and rising godlike over us, reflect the light of a matchless integrity and prudence, and over all that is or will be fair and good in Americanism.

THE GRANDEST VICTORY

Ladies and gentlemen, you and I know that Abraham Lincoln received the help that he prayed for; received it from 20,000,000 loyal hearts and from the Infinite Power on high. Abraham Lincoln put one hand into the outstretched palm of the American people. With the other he laid a strong hold on the almighty arm of the Almighty God. And standing there, supported by humanity and supported by Divinity, he fought the grandest fight and won the grandest victory the human race has ever seen since the Savior walked amid the sons of men.

THE MEN OF 1861

But meanwhile the crash comes. A rebellious congress assembles. Confederate armies and legislatures are formed and hot fire is opened upon and against that devoted place, Fort Sumter. The patience of the Union's friends can stand no more. The forbearance of even the Chief Magistrate is exhausted. Sorrowfully he turns from the despairing presence of the angel of peace and reluctantly beckons to the majestic spirit of war. The peaceful people respond as though called to participate in a summer spectacle. Every city and county tenders its company, every district its regiment, every State its batteries. A hundred thousand freemen stand in serried ranks within a fortnight and all doubts are allayed, the safety of the Nation and the protection of the Government is assured. The President, encouraged, telegraphs to the Governor of Illinois, who is urging him to accept still more men, "Hold still, Dick, and see the salvation of the Lord."

Christendom stands astounded at the vigor of the struggle and the spirit of the combatants. Educated to believe that its prosperity depends upon slavery, the gallant South rushes to the front to fight against fancied wrong. Convinced by training, tradition, and theology, the North earnestly arms for the fray.

Noble men of sixty-one! Stephen A. Douglas stands in Chicago saying, "Before God, my conscience is clear. I have struggled long for a peaceful solution; the return we receive is war; there are only two sides to this question; there can be no neutrals in this war—only patriots or traitors."

All honor to Stephen A. Douglas. But for him we would have had civil war in Illinois from Cairo north to the doorsteps of Springfield. He put 500,000 men into the Union Army, and 50,000 from Illinois alone.

Peace to his ashes; green to his memory. And all honor to every Douglas follower in that critical hour. They turned the tide. They held the balance of power. They are entitled to honorable mention—every one.

"With malice toward none and charity for all," call after call comes from the capital for troops. The call is not in vain. Massachusetts sends her noblest, New York puts forth her proudest, Ohio furnishes her bravest, California dispatches her boldest, Illinois forwards her best—Grierson, Ingersoll, Prentiss, and Rawlins; Morrison, McClernand, Palmer, and Black; Sullivan, Singleton, and Lippincott.

And here come all the heroes: Oglesby goes; Grant goes; Logan goes; Howard and Hancock, Sheridan and Sherman; Slocum, Sickles, and Wadsworth; Hooker and Burnside; Thomas and Franklin; hundreds more whose names we know; thousands more whose names are to us unknown; the whole grand heroic host. Mighty convulsion! The entire continent rocking to and fro! The battle cry of freedom ringing from ocean to ocean! Outburts of loyalty shaking every Northern Commonwealth! Puritan and pioneer burning with patriotic zeal! "Government of, for, and by the people shall not perish."

WOMAN'S SACRIFICES IN THE REBELLION

And, ah, let us not forget that there was a parting in a million homes. How often that parting was a parting forever, between sweetheart and lover, between sister and brother, between husband and wife, and between son and mother. Oh, for scarlet geraniums and sweet verbenas and purple violets to strew the graves of the lover and brother! Oh, for pure white jessamine and yellow buttercup and delicate heliotrope so to cover those of the sister and sweetheart, as to fully and fittingly express the agony of that parting, the pitiful but unpitied throes of the battle death, and the untold suffering of those ruined, loving lives at home. Oh, for begonia and petunia and hyacinth and fuchsia and lily and rose for the mother and the wife whose son and husband went then from their embraces away: First, to the city; further on to the camp; and, at last, to the nameless mound near the enemy's prison stockade. Sublime sacrifices, glorious and grand, tender and touching, beautiful and blessed. The fragrance of their memory hovers over us to-day like a benediction from the past:

"Rest on embalmed and sainted dead
Dear as the blood ye gave,
No impious footstep here shall tread,
The herbage of your grave;
Nor shall your glory be forgot
While fame her record keeps
Or honor points the hallowed spot,
Where valor proudly sleeps.
On fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead."

DISUNION WAS WRONG

It is right to say and to teach—for we can not fail to perceive—which side was right and which was wrong. It is right and fit that we should never fail to emphasize the fundamental fact that the soldiers of the Union died for the eternal right. We all see and must teach that in the fall of the ramparts of the southern rebellion there melted away the mightiest conspiracy against the rights of man that the world ever saw.

It was a conspiracy of intelligence and shrewdness; a conspiracy of refined skill and cultivated ability and signal sagacity; a conspiracy nurtured and fostered with care and with effort. It was an acknowledged attempt to divide the Union which had been based on the equality of man and the liberty of all and cemented by the shed blood of the forefathers; it was a resort to, desperately, by force, erect an abnormal republic with corner stones of slavery; and, worse than all, it lured frank and faithful southern men and gallant and generous southern hearts to lend their aid to the ambitious. The best, truest, and most honest of southerners have fully realized the awful iniquity of the "lost cause," and that any system that gives the lie to the Declaration of Independence and makes the Stars and Stripes an emblem of tyranny should be and is doomed to destruction in the infallible providence of Almighty God. I believe that the survivors of the deceived and deluded men who in rank and file fought the battles and filled the cemeteries of the Confederacy have no disposition to dishonor the reconstructed Union or to glorify the secession which they now well know darkened their loved and lovely section.

Congressman HATTON W. SUMNERS, of Dallas, Tex., the son of a Confederate soldier—eloquent son of a valiant sire—showed how fast the remnants of bitterness are dying out by an address he delivered to us in the House of Representatives on Grant's birthday, the 27th of April. I quote from this tribute by a noble son of a noble sire:

"I speak because I am a southern man, because I love my people of the South and am grateful to those who served them in the hour of their distress. In the darkest hour which ever hung its shadows over the Southland, General Grant was the friend of my people and the servant of the highest interest of my Nation. [Applause.] I speak because I love my Nation and its unity, my Nation and its people everywhere. I speak the gratitude of a southern man, and in behalf of my Nation I speak the profound appreciation of one who believes himself to be a patriot, through whose patriotism there runs no line of sectional cleavage. I honor the memory of Grant not only for the magnanimity shown Lee and his army at Appomattox, but when Lincoln had fallen General Grant was the only man in the Nation with the power to defend who had the purpose and the courage to defend those who had been the military leaders of the South, those whom the South, bleeding and exhausted, could no longer defend. Lincoln understood, but Lincoln was gone.

"The South was helpless. There were many noble, generous men of position and influence in the North, but there was but one man left in all the broad confines of the Nation who both willed to protect and who had the power to protect my people and preserve for my Nation that thing of inestimable value, the possibility of that to which we have attained to-day, a Union; not of States held together by words and force merely but a union of people, of people so united in purpose, in interest, in love for each other, and in loyalty to a common flag that no discord can penetrate their solidarity, even to test the strength of the Federal compact. [Applause.] This might have come in some other age, but Grant made that possibility for this generation.

"We southern people recognize Grant as a great general, but it was not in military conflict that he was greatest. General Grant was a great military leader at Appomattox, but he was greater when the battle was over. [Applause.]"

ALL ANIMOSITY ABANDONED

And the day of animosity upon the part of the North is also, as it should be, forever gone. Let us never again cherish or foster such a feeling. Let us drop the rose of pity upon the grave of the impetuous southern youth. Let us remember that they sprang to the defense of their beloved fatherland only when their loved leaders cried, in the words of their old song, My Maryland, that "the despot's heel is on thy shore." Let us thank God to-day that never again shall there be fraternal war under the dome of the Union sky. When, at the age of 7, I saw Jefferson Davis while he was in confinement at Fortress Monroe, I was informed that he would pay for his treason with his life, and all were convinced that he deserved it. Whatever may have been his deserts, I rejoice to-day that the American people displayed the Godlike attribute of mercy in his case, as well as in all others. That magnanimity astounded the world and must have been heralded with acclaim around the flashing throne where the angels stand. I devoutly believe that God punishes and rewards nations as well as individuals. I believe, as Lincoln did, that God permitted the scourge of war to continue until every cent of the treasure piled up by the bondsman's 250 years of unrequited toil was lost to the South and until every drop of blood drawn by the lash was paid for by another drawn by the sword. And so I also believe that the mercy shown by the Union to the Union's foes at the close of the Rebellion has effectually pled for this Nation at the mercy seat on high more than once since 1865, for the mighty word of the Maker of the Universe was pledged when he said, "Blessed are the merciful, for they shall obtain mercy."

Ladies and gentlemen, you know the story. After four years of toil and struggle and bloodshed, into the camp of the Army of the Potomac one bright morning walks with quiet manner "the real and genuine spirit of real and genuine war in the person of Ulysses S. Grant," to quote Senator Chauncey M. Depew.

Thirty days of tireless attack in Virginia; 30 nights of "By the left flank, march!" Then Richmond is ours and Lee has surrendered, the prisons are thrown open, and the rebel armies are paroled, the Union garrisons are withdrawn, and the bronzed faces are turned homeward, and the parade is on at Washington, and the thousands march down Pennsylvania Avenue before a million wondering lookers-on. At last the endless war has ended, the batteries are silent, the battle fields are deserted, the campfires are out; with their side arms and their horses the Confederates have gone back to the dust and the ashes of their ruined hearths, and the North begins to resound once more with all the tumult and all the bustle of all the arts of peace.

THE SOLDIERY OF 1861—WHO?

Who were the 300,000 gallant souls who saw their homes no more? They lie to-day upon the distant field. After the passing of 60 years probably fifteen hundred thousand of the soldiers of the Union are in their graves. We should remember and honor them all. We should honor and praise to-day all who went forth to dare and die in that awful time. At their country's call they left partisan zeal, business absorption, and the comforts of home to fight for the American ideal of citizenship. Sovereigns themselves, by divine right, they went forth, every man to defend his own particular kingdom. They were men of reading and thought, almost universally, and every bullet they fired was backed by an intelligent idea. That idea was gained before

the war commenced by discussion on the farm and in the workshop, and that discussion was continued everywhere until every man knew exactly why he was fighting and what he was fighting for. Such a soldiery no other nation has ever evolved.

SHALL WE FORGET?

American citizenship came out of the roar and the clash and the smoke and the crash of combat unscathed and unscarred and unblemished. Nay, more—it came out enriched and adorned and embellished and glorified. For this citizenship the war was fought. It was an attribute of our united country. It was an essential organ of our compact body politic. It could not exist in a slave country. The country, as Lincoln believed and predicted, could not exist half slave and half free. Both slavery and this citizenship could not survive. It was because Americanship was at stake, because American individual liberty hung in the balance, because the Declaration of Independence, with all its achievements and all its principles, was involved in the question, that the determined North faced and fought the fiery South and presented to the world the imposing panorama of 1861 to 1865.

But, fellow citizens, time heals all wounds, wipes out all old scores, obliterates all scars, mellows all discordant notes. He is passing his erasing fingers over the memories of the recent past. He is effacing the lines drawn by a lately powerful hand. He is applying a soothing balm to feelings fiercely resentful only three decades ago. This is all right. But let him alone and he will complete his work. Oppose him not and the past is an empty dream. Utter no protest and with an enchanting chime of golden bells far up the glittering avenues of a glorious future, luring all to think only of wondrous things to come, he will entice us away from our trophies, from our songs, and even our graves. He will drown out the "music of the boisterous drum and the silver voice of the heroic bugle" and will leave us not a melody, not a note by which to recall the visions of a past, which should be glorious alike to graybeards and to striplings and to Americans yet unborn. We must not permit it.

EDUCATION IN HISTORY

By educating our youths we can prevent it. All our youths should hear and learn all that patriotism has done for America. The school children can not know too much of the history of freedom. There is room for improvement in this direction. In the city school of to-day, very often, only those children who reach the highest grades or rooms—which can be reached only after six or seven years of study in other books—are taught American history at all. Many children drop out of school and go to work before they reach these grades. In many a country school the close of the annual term finds the children who are studying history only as far along in the study as the events of the Revolutionary War. In many high schools the dead languages and the sciences are taught much more than American history. In many of the 3,000 colleges and academies of the United States a youth receives six and seven years' instruction in the language, literature, biography, and history of Rome and Greece, respectively, and only one year in American history and one year also in American or English literature. Of course, all the great universities furnish complete courses of study in history, but comparatively few go there or get that benefit.

One of the inevitable results is that there are not a few Americans to-day who have not read American history enough, with its glorious facts and names, its dates and figures, to fully realize and appreciate what the veterans of our great wars have done, and to what extent they have preserved our country—our heritage of liberty—and made it what it is.

THE PATRIOTISM OF AMERICAN YOUTH

I would not for one moment underestimate or disparage the patriotism of our American youth. I have, on many occasions, witnessed its high flaming from thousands of hearts. I believe that an armed attack upon our American free institutions, our civil or religious liberty, or the honor of our beauteous banner of the starlit skies, would be answered by a rally of the people fully as grand, fully as resistless as was that of 55 years ago.

I have no patience with anyone who will suggest, as some do, that if Grant had been killed at Vicksburg the great southern slave conspiracy would have triumphed. In my humble opinion, such a triumph was not within the possibilities of Divine Providence. Such a disaster would simply have awakened this country to greater sacrifice, greater valor, and greater retribution than the year 1865 actually saw. God would have raised up another leader. And perhaps the hero of the march to the sea, Sherman, would have been the man; or perhaps it would have been the man who Grant said in 1863 was fitted to command any army, our own brilliant and blessed and beloved John A. Logan; or perhaps it would have been that other dauntless leader who rode down the Shenandoah Valley to glorious victory, even as in after years he rode to the rescue of flame-stricken Chicago, gallant Phil Sheridan. Heaven would not have deserted us. The God of hosts and battles was on our side. And, just as I have faith in the inspired patriotism of that time, so I have a supreme and serene faith and confidence in the patriotism of to-day, when it shall be called for.

However, I feel sure it would be better far than present arrangements if every school child in the land were taught all that valor has done to establish and perpetuate this Republic, and to make it a Republic resplendent in beauty and grace and power, embracing a continent free religiously, free civilly, and free politically. Every boy and girl of 15 should know the names and places which have made American bravery famous throughout the world, and which will cause it to blaze in splendor forever in the highest constellation of human achievement. A course of education in history can never be a loss. It will make the American citizen anxious, instead of indifferent, as to the management of the Government and the progress of the Nation. It will save America from monopoly and Cæsarism; it will save it from socialism and secession; it will save it from centralization; it will save it from dissolution; it will save it from cowardly diplomacy; it will save it from contemptible stinginess; it will save it from avarice and vice and war. It will make us rich and peaceful and contented; it will promote philanthropy and benevolence and generosity; it will help to abolish misery and want and woe; it will help to establish perpetual happiness. We must educate, educate, educate.

PRESERVATION OF OUR MEMORIES

There is no spot to which the high hopes and boundless aspirations of the coming manhood of our matchless realm can more properly come than to the quiet glen where sleep our fallen brave, or to the printed page, which, with equal silence but with more eloquence, tells of their historic valor. There may be found inspiration for the sublimest work of the loftiest intellect and the most noble aim. "Greater love hath no man than this, that he lay down his life for his friend." The chivalrous Knights of the Temple bore upon their streaming banners in crusading times, across the sands of Palestine, a cross and this legend, "In hoc signo vinces"—"By this sign shalt thou conquer"—and by these sacrifices and graves of our soldier dead, by the memories they awaken, and by the daring they inspire we shall conquer time's ruthlessness and youth's thoughtlessness. We will roll back oblivion and lead forgetfulness captive; we will convince ambition and promising hope that there are examples worthy of them all; and we will see to it that the flame of patriotism expires not on our Nation's altars.

Oh, the 2,600,000 Union soldiers are reduced to a handful, but at least 2,600,000 sons survive and as many daughters. They know of the promise made in that mighty time. They know it, and will see that it is kept—kept by legislators not faithless, if we who are here fail now to keep the faith. And the more than 2,000,000 who have gone; do they not know? It is recorded in Holy Writ that when the young man had doubts and said "Alas, my Master, what shall we do?" God, at the prayer of a prophet, opened the eyes of the young man, "And behold, the mountain was full of horses and chariots of fire, 'round about Elisha." So, at this hour I can not fail to believe the millions who have marched to glory are leaning over the battlements of heaven watching us, observing our conduct, as we are now called upon to keep the faith.

They were all assured that their widows and orphans would be protected from want and privation. They did not go into battle—even unto death—thinking about their paltry pay of $13 per month; but they did do battle and dare and die for Union and for liberty, consoled and comforted by the assurance, pressed warm against their hearts, that no wife or child should ever be neglected by the divinely guided, the superb, and sublime American people. They had that assurance from Lincoln, and Grant, and Logan, and Sherman, and Sheridan, and Congress after Congress; solemn oaths, made and accepted, in your name and mine. I would put my hand in the fire before I would be recreant to that oath of our fathers.

The obligation can never be paid. The valor of Belleau Wood was valor, indeed; but so was the valor of Shiloh. The valor of Verdun and of the Argonne in 1918 was valor, indeed; but so was the valor of Gettysburg. The valor of the Marne was valor, indeed; but so was the valor of the Potomac. We all realize the meaning of Bunker Hill and Long Island and Valley Forge and Saratoga and Yorktown; of Winfield Scott at Lundys Lane and Commodore McDonough on Lake Champlain and of old Andrew Jackson behind the cotton bales of New Orleans; of Palo Alto and Resaca; of Buena Vista and Monterey; of Chapultepec and Old Mexico; of George Dewey at Manila, and Sampson and Schley at Santiago, and of the marines at Guantanamo, and of the boys at San Juan Hill; from Bunker Hill to San Juan Hill, I love to call the whole glorious roll; thank God, nobody can call that glorious roll but an American! And we have added our boys' valor in France. But, forget it not, the bravery of Americans at Donelson and Shiloh and Vicksburg and Gettysburg and along the Potomac and on the march from Atlanta to the sea wrote the name of American valor so high on the dome of the temple of fame that the kings and the emperors and the sultans and the czars and the mikadoes have kept off of us for 55 years. And there was valor on both sides—the side of the North and the side of the South. When the determined North fought the fiery South, it was Greek meeting Greek, so to speak—it was fighting, indeed. That fighting I do not refer to from any sectional animosity—if I were to do so at this late date, I should be ashamed of myself. It is too late

in the day. But it is not too late to show that we are still grateful. The sacrifices of that day were sublime sacrifices. They were made for you and me.

CLOSING WORDS

I know no better way, fellow citizens, in which we can render to Union soldiers an adequate acknowledgment than by emulation of their devotion, as shown by their sacrifices and services. Those who died did not die to secure our compliments. They did not shed their life-blood to obtain our flowers. They died to make us the freest, manliest, mightiest race in all Christendom. If we fail to cherish, to exalt, and to exemplify the ideal they warred for, we will be guilty of the basest ingratitude. The word or the token we bring and leave here to-day, with all its feeling, all its symbolism, all its beauty, does not crown, does not complete our duty. We must finish the unfinished work these men, after nobly carrying it on as far as it lay in their power to do, laid down.

Their mortal efforts have ceased, but the influence and spirit of their work and example are with and about us still, and afford us the most eloquent inducement and the most powerful incentive to consecrate ourselves with renewed devotion to the glorious cause for which they died—the upbuilding of American nationality, the elevation of American character, the firm establishment of equal rights. We are surrounded and confronted with civic duties. It is not with us now as with our dead. There is no present occasion for our military services, but we have domestic responsibilities and social obligations, duties to the law and to the young, to labor and to commerce, to government and religion, and to the oppressed of the world, which are peculiar to no one of us but applicable to all. If we meet these duties and perform them, doing the right as God gives us to see the right, we will not dishonor "our dead." But if corruption rules in our municipal councils, if immorality pervades our society, if hypocrisy disgraces our religion, if treason is preferred to patriotism, if the community honors the dastard above the hero, then these dead men—our soldier dead—are insulted, their memory is mocked, and their graves are dishonored.

I am satisfied that America is doing her best to-day to inculcate and encourage a high type of citizenship. I am firm in the faith to-day that the people of this country are highly resolved never to forget and never to belittle or belie the principles for which our warriors battled and gave up their precious lives. I have great hopes that the citizenship they cherished will be more and more, from year to year, honored and ennobled by their fellow countrymen.

BUREAU OF ANIMAL INDUSTRY

Mr. CRISP. Mr. Speaker, I ask unanimous consent to consider a Senate amendment to a House bill, H. R. 9833, which has just come over.

The SPEAKER. The gentleman from Georgia asks unanimous consent to take from the Speaker's table House bill 9833, and agree to the Senate amendment. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9833) to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said act.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

IMPORTATION OF MILK AND CREAM

Mr. SNELL. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York submits a privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

Report of the Committee on Rules to accompany H. Res. 302, for the consideration of the bill (H. R. 11768) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health.

The SPEAKER. Referred to the House Calendar and ordered printed.

AMENDMENT OF THE INTERSTATE COMMERCE ACT AND THE TRANSPORTATION ACT OF 1920

Mr. SNELL. Mr. Speaker, I submit another privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York submits a privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

Report of the Committee on Rules to accompany H. Res. 303, for the consideration of the bill (H. R. 12065) to amend the interstate commerce act and the transportation act of 1920, and for other purposes.

The SPEAKER. Referred to the House Calendar and ordered printed.

IMPORTANCE OF THE PROPOSED MISSOURI-ARKANSAS FLOOD-CONTROL DISTRICT

Mr. SEARS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on flood control.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks on flood control. Is there objection?

There was no objection.

Mr. SEARS of Nebraska. Mr. Speaker, these remarks relate to House bill 12803, a bill now pending in this House and which will be pushed at the December session of this Congress. While it was introduced by myself, yet it was prepared and introduced after a great deal of consultation and counsel with Members of Congress in the line of territory between New Orleans and North Dakota. That group of Congressmen has given especial consideration, of course, to the problems of the territory in question, which may be accurately stated as comprising the watershed from the highlands of the Rocky Mountains east to the Missouri and Arkansas Rivers, in dimension in the neighborhood of 2,000 miles long and over 1,200 miles wide. The melting snows of the mountains and of the Plains country and the spring and summer rains throughout the territory rush east to the rivers I have named and numerous other rivers that cross the strip in question, and in bad flood years cause untold damage to farms and cities, especially below the St. Louis country in the Mississippi.

There is a history of untold harm and damage that deals with these watercourses; of rich farms that have disappeared almost in a night; of bridges and public railroads that have been destroyed; of communities isolated; of immense levees washed away and hundreds of millions of dollars disappearing in the swirling torrents; of constant menace to States, farms, and cities; of National, State, and individual aid to relieve suffering and to rebuild that which was destroyed by the floods of this district in hundreds of millions of dollars. Also in the history of this district must be written the story of lack of water in the soil in many parts of it. Although water in abundance at seasonable times is rushing by in the rivers that cross the district, if properly taken possession of and applied would be its greatest blessing instead of its greatest menace. There are three great powers that should work together. The first is soil, which is splendidly in abundance; the second is sunshine, so splendidly common to our whole country; and the third the flood waters all waiting to be harnessed by men and to make this country that I have described the paradise of the world, as far as agriculture and all that follows prosperous agriculture can make it.

The western portion, east of the mountains, of the territory I have described is deficient in ample rainfall. There are hundreds of millions of acres of this Great Plains country that have never been wet down since the white man first came to it. During years of excessive heat the water of the topsoil is drawn from it and the crops are a failure. On these table-lands clovers and alfalfas, where irrigation is not afforded, can not be successfully grown and the soil is losing its fertility. This lack of moisture is the cause of the hot winds, the failure of crops, the breeding of grasshoppers. All that has been stated here is the history of the western portion of the Great Plains country, that is the greatest agricultural community the world has ever known.

From the mountains to the rivers at the east there is a fall from 4 to 8 feet to the mile, which fall assures the success of engineering that will make successful the efforts of man to place these flood waters where nature has provided a wonderful storage place for them, and that is in the soil of the western side of the strip.

Throughout this strip from north to south, east of the mountains, are more than enough reservoir sites in which to place the flood waters, at their crest, and from which, by reason of the fall of the country to the eastward, to send the water into the soil I have described to you.

The engineers of the War Department, who are trained in our water questions, have stated that the great floods of 1912 and 1913 concentrated south of St. Louis and the Arkansas River some 70,000,000 acre-feet of water more than the levees would hold. It follows if 150,000,000 acre-feet of water could be withdrawn from the crest of the floods that the levees on the lower Mississippi would be found more than ample and this menace to the Southland would cease.

Three feet in depth of dry soil holds more than a foot in depth of water. Six feet more than 2½ feet of water.

It follows that if this water should be placed in the soils of the table-land that the rainfall already known to the district and natural to it will give a full croppage to the farms. That clovers and alfalfas can be luxuriantly grown, and hot winds and the breeding of grasshoppers, that destroy crops, will cease. This year, it might be well to interject, there are millions of acres of the finest soil the croppage of which will never be harvested because of the lack of this water; and the chances are that the Nation will pay more in added prices than the entire cost of this improvement will amount to, that is meditated in this statement, before another harvest year.

It has been demonstrated by developed works on the district that waters placed in the soil return again to adjacent streams and rivers, thus stabilizing the flow of the streams at later periods than when the crest of the flood waters was withdrawn. The wonderful impetus to navigation and to commerce that would follow constant rivers of ample flow need but be suggested to those who are searching to solve our national problems.

The problems of this district in question are national ones. They do not call for oral rhapsodies in speech to glorify the farmer or his calling. This section of the country that I am referring to has been injured the most by the Panama Canal and by exorbitant freight rates, by the criminal contraction of currency and credits. All other sections of the country seem to be under the peculiar fostering care of the Government. The hope is in the minds of those who have given voicement to this bill now discussed that it will arouse public sentiment generally; that it will awaken the hope and courage of those of our western country immediately interested and on full inquiry a plan will be developed that will be efficient for its designed purposes.

A reading of the bill in question will make known that it calls for an efficient commission to take charge of the district and its problems, to study them, to present to Congress a concreted plan for efficient action to the end that reasonably and seasonably the great work meditated by the bill, if found efficient by our commission, shall be carried out.

MUSCLE SHOALS

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Alabama [Mr. ALMON] for 10 minutes.

Mr. ALMON. Mr. Speaker, I trust that my silence on the subject of Muscle Shoals recently has not been construed by my friends and colleagues as meaning that I am not still in favor of the utilization of Muscle Shoals for national defense and the production of a higher grade and cheaper fertilizer for the American farmers. [Applause.]

Due no doubt to the fact that I represent the district in which Muscle Shoals is located, many of my friends and colleagues have asked me recently about the leases which have been proposed and which one I favor. Also why this legislation was not acted on at this session. This is my explanation for asking time to make a brief statement on the subject at this time.

What I shall say is in no way influenced by any favoritism for or prejudice against any of the companies concerned, but purely by the provisions of the proposed leases.

At the outset I will say that I favor the offer of the Air Nitrates Corporation and American Cyanamid Co. and am opposed to the offer of the Alabama Power Co. and its associated power companies. [Applause.]

It is now evident that there will be no legislation enacted at this session providing for a proper lease and the operation of Muscle Shoals for the manufacture of fertilizer. I regret this exceedingly. It will be a distinct disappointment to the country, especially those engaged in farming. They are tired of the delay.

On April 26, about 60 days ago, the joint congressional committee appointed to receive offers for a 50-year lease of Muscle Shoals made their report after a brief and hurried examination of about a dozen offers submitted. To the utter surprise, disappointment, and, I might say, astonishment of most of those who were interested in and familiar with the subject, especially the farmers and their organizations, a majority of the committee recommended the acceptance of the offer of the Associated Power Companies. This report met with very general and widespread protest and disapproval. A minority of the committee favored the offer of the American Cyanamid Co. On the same day bills were introduced in the Senate and House by members of the joint committee providing for the acceptance of the offer of the power companies. A few days later a bill, or rather an amendment, was introduced in the Senate providing for the acceptance of the offer of the Cyanamid Co. to be offered as a substitute for the power companies' bill when it is considered by the Senate.

I have to-day introduced a bill in the House—H. R. 12051—providing for the acceptance of the offer of the Air Nitrates Corporation and the American Cyanamid Co., which will be offered as a substitute for the Associated Power Co.'s bill (H. R. 11602) when it is considered, unless in the meantime a better offer should be made by Henry Ford or some one else. The offer of the American Cyanamid Co. may be amended in some respects before it is offered as a substitute for the power companies' bill.

While these bills have been on the calendars of the Senate and House for about 60 days, no effort has been made, as far as I am advised by the authors or anyone else, to have them considered in either the House or the Senate. The leaders of the Republican majority in Congress who determine which bills shall be considered before adjournment are now arranging to adjourn within the next few days without taking any action on Muscle Shoals bills. This means that they will go over until next session. This no doubt is due to the opposition which has been manifested throughout the country, and especially by the farm organizations, to the power companies' offer.

I have introduced at this time the bill providing for the acceptance of the offer of the Air Nitrates Corporation and American Cyanamid Co. so that the Members of the House may have an opportunity to familiarize themselves with its provisions.

I will not take the time of the House just now, on the eve of adjournment, to enter into a full discussion of the provisions of these two offers, but will only make a brief statement of some of my reasons for opposing one and favoring the other.

There are two points of view that might be taken regarding the Muscle Shoals development. The first is to secure the greatest possible financial return to the Government for its investment; second, to use the investment at Muscle Shoals to secure the greatest service to the Government from the standpoint of national defense and to agriculture in the production of cheaper nitrogen fertilizer materials, and a financial return that will pay interest on the fair cost of the development and amortize the entire investment.

Under the first policy you can not secure the service of national defense and to agriculture which is dependent upon cheap power. The public utility group selling power can probably pay more to the Government than any other group, for whatever they pay the Government is passed on to the consumers of power.

Mr. WYANT. Mr. Speaker, will the gentleman yield there for a question?

Mr. ALMON. Not now, please.

The adopted policy of Congress at Muscle Shoals has been one designed to secure national defense and service to agriculture and on this basis the proposal of the power companies should be rejected for the following reasons:

1. Under the power companies' proposal separate companies take over under separate leases the power properties and the nitrate properties which results in a divided responsibility and opens the possibility of the power lease being continued even after a failure of the fertilizer company to fulfill its obligation.

2. There is no definite guarantee to produce any fixed amount of fertilizer. The proposal merely agrees to build plants of a certain capacity but carefully avoids guaranteeing production of any definite amount.

3. The fertilizer is to be produced by a new process which has never been operated in the United States in the manufacture of fertilizer, and the proposed lease provides that if this process fails the company will then secure some other process "as soon as practicable." This means, in simple language, merely an experiment with a new process, and if it fails, no fertilizer.

4. The lease provides no amortization feature to repay the Government for its expenditure and eventually wipe out the investment.

5. The nitrogen plants are not limited to fertilizer production, but may make other fixed products not usable as fertilizer.

6. The farmer board has deteriorated to a mere figurehead with no power and no responsibility, and as set up is no longer truly representative of agriculture.

7. "Cost plus 8 per cent profit" is a very uncertain expression and entirely different for "cost plus 8 per cent."

8. The entire cost of maintaining the leased properties is included in the cost of fertilizer, even though plant No. 2 is not to be used in its manufacture.

9. Instead of being a definite lease, as the resolution requires, and final as approved by Congress, the power group has presented merely a general proposal that may be interpreted in various ways in the definite lease to be drawn up after Congress has acted.

10. This proposal is made by an interest that is entirely unfamiliar with the fertilizer business and has repeatedly refused to engage in it at Muscle Shoals. Their interest lies in power development, and it is but natural that their efforts would be along the line of power development for public-utility service.

A majority of the joint committee seems to have overlooked the dangers concealed in the phraseology of the offer of the associated power companies, which are easily discovered by a careful analysis of their proposal. Let me suggest that you carefully study the very able minority report made by the gentleman from Michigan [Mr. JAMES], a member of the joint committee, and when you do I believe that you will agree at once that the offer of the combined power companies should be rejected.

It is well known to all who are familiar with the history of Muscle Shoals that this amalgamated power interest does not want nor expect to make fertilizer at Muscle Shoals, and would not have submitted this pretended offer to make fertilizer if it had not been necessary in order to secure the power. It is but another effort on their part to convert Muscle Shoals into a power project and in that way complete their power monopoly in the Southern and Southeastern States, and at the same time perpetuate for all time their sister trust—the American Fertilizer Trust—thereby closing the door for all time against the hope of the consumers of power for lower rates and the American farmer for cheaper fertilizer, one of the greatest needs of the farmer in this day and time.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Alabama be extended for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ALMON. The offer of these 13 associated power companies shows on its face that it is a trust. It is the same financial interest, together with the fertilizer interest, that defeated the offer of Henry Ford for Muscle Shoals. The Alabama Power Co. is now getting the power at the Government's Muscle Shoals Dam at 2 mills per kilowatt-hour and charging the domestic consumer in that community 10 cents per kilowatt-hour. Do you wonder that we oppose their offer? Do you wonder that the farmers, through their organizations, are protesting when they are threatened with a continuation of the burdens placed upon them by the Chilean Nitrate Trust? They very properly look to Muscle Shoals as their only hope for cheaper fertilizer.

AMERICAN CYANAMID CO. OFFER

As I have said, neither of the 13 associated power companies has ever made any fertilizer, while the American Cyanamid Co., through its subsidiary, the Air Nitrates Corporation, designed and built the great nitrate plant No. 2 at Muscle Shoals, and is now producing 28,000 tons of fixed nitrogen annually in its own plants, and also large quantities of very concentrated fertilizer. The Cyanamid Co. guarantees to begin with a unit of 10,000 tons of fixed nitrogen per annum at Muscle Shoals and increase it to 40,000 tons of fixed nitrogen per annum within the time and under the terms set out in the proposed lease. It is a real offer to make nitrogen for the Government in war times and fertilizer for the farmers in peace times in a businesslike and practicable way. It also provides an amortization plan to repay the Government for its expenditures.

The farm board which this company proposes would consist of nine members—two selected by the company, seven appointed by the President and confirmed by the Senate from lists submitted by the American Farm Bureau Federation, National Grange, and the Farmers' Educational and Cooperative Union.

SURPLUS POWER

As to the surplus power, the proposed lease contains the following provisions, viz:

The lessee covenants and agrees that the electric power obtained by it from said demised premises to the extent that said power is not required for such production of said concentrated fertilizer and/or such operation of said locks and/or is not used by the lessee or said American Cyanamid Co. and/or a subsidiary corporation of either of said corporations in local industry at or near Muscle Shoals, will be disposed of by the lessee for use in local industry at or near Muscle Shoals and/or for the purpose of distribution (subject to the applicable State and Federal laws) in Alabama and other States to which such electric power may reasonably be transmitted.

The offer of the American Cyanamid Co. also provides plans for the construction of Dam No. 3 on the Tennessee River and Cove Creek Dam, and other dams on the Clinch River in the manner set out in the proposed lease.

While according to the majority report of the joint congressional committee it is shown that the rentals to be paid the Government by the associated power companies will be more than would be paid by the Cyanamid Co., still it should be remembered that the Cyanamid Co. burdens itself with a real guaranty to make fertilizer, and if it fails will forfeit its large investments, while the power companies pass their high rentals on to their consumers.

There is no reason for the Government capitalizing Muscle Shoals in order to get back the amount invested any more than from a battleship or a submarine. It should be devoted to national defense and the production of fertilizer and let the people secure returns for the investment in a better grade and cheaper fertilizer with which to replenish the soil. [Applause.] It is a mistake to weigh a mere money offer against a great service which Muscle Shoals can render if devoted to the purposes provided in the terms of section 124 of the national defense act which authorizes this development, viz, national defense and fertilizer.

The offer of the American Cyanamid Co. is more nearly the kind and in a class with the offer that was made by Henry Ford than any other that has been submitted. The Ford offer was accepted by the House at the last session by an everwhelming majority. The bill of the American Cynamid Co. will no doubt be substituted for that of the Alabama Power Co. and its 12 affiliated power companies when considered in the House by just as big a majority as was cast for the Ford bill. [Applause.]

COAL INDUSTRY

The SPEAKER. The Chair will recognize the gentleman from New York [Mr. BOYLAN] for 10 minutes.

Mr. BOYLAN. Mr. Speaker and gentlemen of the House, I was rather amazed last week when a statement was made by the chairman of the Committee on Interstate and Foreign Commerce that there would be no coal legislation during this session of the Congress. I was particularly amazed when I recollected that a statement had been made by the committee that a bill would be reported before the House adjourned. But now we are told it will go over until the next session in December, which, of course, will mean the passing of another year without anything being done by the Congress.

Naturally that gives rise to a question; no doubt that question is in all of your minds, and no doubt every one of you is asking that question, and that question is: Who controls this Congress? Do the American people control it or is it controlled by the coal interests of the United States? They must be pretty powerful when they can delay legislation for a year or maybe two years or several years, which gives rise, then, to the answer to the question: That the coal barons, particularly of the hard-coal fields of Pennsylvania, control the Congress and its action. Are they afraid to legislate on coal or is it due to the large sums of money contributed by these coal barons in a recent primary election in the State of Pennsylvania? If that is not the reason, what is the reason? Is it a defiance of the American people in favor of entrenched capital? Apparently it is.

Only four months ago we had thousands of petitions sent to us from the citizens of the Northern and Eastern States asking that something be done about this coal situation, yet have we forgotten, now that the ides of June are upon us and now that the hot sun of the city of Washington makes living here so pleasant, do we no longer think of coal? Are our memories so short that we have forgotten the sufferings and the hardships of the winter?

I feel this Congress should not adjourn and I shall, for one, oppose the adjournment of it until something is done on coal for the people of the United States. [Applause.]

Mr. OLIVER of New York. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. OLIVER of New York. Maybe the President does not want anything done on coal. He sent in a message last December asking for legislation, but we have not heard from him since.

Mr. BOYLAN. Well, I am one who believes in the President. I think he is honest, and I think he wants to do something, because here is what he said in his message:

At the present time the National Government has little or no authority to deal with this vital necessity of the life of the country. It has permitted itself to remain so powerless that its only attitude must be humble supplication. Authority should be lodged with the President and the Departments of Commerce and Labor, giving them power to

deal with an emergency. They should be able to appoint temporary boards—

And so forth. That is what the President said.

Mr. OLIVER of New York. But is it not a fact that he is dictating the program of the Congress to-day, and if that is so, why does he not take a hand and demand that Congress enact coal legislation?

Mr. BOYLAN. The only answer to that is that Congress now seems to be under the dictation of the leaders and they are dictating to him.

Mr. OLIVER of New York. But the farm leaders are not dictating to him.

Mr. BOYLAN. That I do not know, but as a general proposition if the President wants something, his party being in power, he ought to get it. Are they afraid to trust the President? Are you afraid to trust your President? I have confidence in him and I would trust him on coal legislation, yet you seem to be afraid to trust the President elected by your party.

Mr. OLIVER of New York. Will the gentleman yield again?

Mr. BOYLAN. Yes.

Mr. OLIVER of New York. Why should they trust the President when everyone who was trusting him is getting licked all over the country? Maybe that is the reason.

Mr. BOYLAN. Of course, then, if they have withdrawn their love and affection from the President a statement should be made to that effect, so that we may not be laboring under any delusions.

Mr. TREADWAY. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. TREADWAY. I am intersted in the gentleman's statement that he will oppose adjournment unless there is coal legislation. I made that statement myself some weeks ago.

Mr. BOYLAN. I congratulate the gentleman on it.

Mr. TREADWAY. I would like to put this practical question to the gentleman: In view of the action of the committee having coal legislation in charge, what move would the gentleman suggest of a practical nature in order to bring coal legislation before this House?

Mr. BOYLAN. The gentleman is an old and experienced war horse. He is conversant with the rules and the formulas of legislation, and the gentleman knows that that committee, together with every other committee, is only the servant of this House; that it is not the master of it. It is only the servant of the House, and the House has the power to take proper action.

Mr. TREADWAY. The gentleman says the committee is the servant of the House?

Mr. BOYLAN. Absolutely. All committees are the servants of the House.

Mr. TREADWAY. Let me suggest to the gentleman that the committee might be called the servant of the coal barons.

Mr. BOYLAN. Then I agree with the definition of the gentleman, that they are the servants of the coal barons, judging by the action they have taken with reference to this legislation.

Mr. BLACK of New York. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. BLACK of New York. I want to say to the gentleman that if Governor Smith, in New York State, can make a Republican legislature function, then it is within the power of a Republican President to make this Congress function for the people; and if he will invite this committee down to the White House and tell the members of it that they have a responsibility they will do something. [Applause.]

Mr. BOYLAN. Absolutely; and there is no question about it, because the President is the leader of his party, unless the party repudiates him, and to date they have not done so.

Mr. KINDRED. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. KINDRED. In the House recently there has been an attempt to prove it was easy to burn soft coal, and that it did not entail any expensive trouble. Is it not a fact that it will entail so much expense, so much trouble, and so much loss to our consumers that they can not burn soft coal without going to millions of dollars worth of expense?

Mr. BOYLAN. Absolutely. The gentleman's statement is correct. Furthermore, I want to say to the House that I bought some soft coal in New York City at the end of the winter season, and paid $26 a ton for it, and after a couple of fires were made I had to stop the use of it because everybody in the house was suffocated by the fumes and gases from the soft coal.

Mr. KINDRED. Is it not true that in a city like the city of New York it seriously affects the public health of its citizens?

Mr. BOYLAN. Absolutely, and a distinguished medical authority such as the gentleman from New York [Mr. KINDRED] knows it has affected the public health of the citizens of New York.

Mr. KINDRED. Certainly.

Mr. BOYLAN. And not only that, but it has increased the diseases of the respiratory organs to such an extent that the physicians of our State and city have raised a uniform objection to its use.

Mr. MURPHY. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. MURPHY. As the gentleman and the Members of the House know, the folks who live in Pittsburgh and throughout the Ohio Valley have been using soft coal and I suspect have been breathing these fumes for a century, and I do not think they have suffered any more with respiratory diseases than people almost anywhere else, and yet they use nothing else but bituminous coal.

Mr. BOYLAN. I think the gentleman will remember, however, that in those cities the people are equipped to burn soft coal. They have stoves and furnaces that are particularly adapted to its use. In addition to that, as I understand it, you have screens on the chimneys and smokestacks that protect against the diffusion of these particles in the air. We have not those things in the East.

Mr. MURPHY. Will the gentleman yield again?

Mr. BOYLAN. Certainly.

Mr. MURPHY. I am quite in sympathy with the trouble about which the gentleman is complaining, but I am quite anxious to know what remedy the gentleman would suggest. The gentleman certainly would not suggest that the House should pass legislation that would say to the coal miner, "You have got to go down and mine coal whether you want to do it or not"?

Mr. BOYLAN. In answer to that question, let me say to the gentleman that I was asked that question at the hearing before the committee. I had conversed with men familiar with the conditions in the anthracite regions, and I asked them that very same question—in case of an emergency would the miners go to work at the request of the President—and the answer in every case was, "Yes; they would go to work at the request of the President."

Mr. BLACK of New York. Will the gentleman yield?

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLACK of New York. If the gentleman from New York will permit, I want to say in answer to the gentleman from Ohio [Mr. MURPHY] that the President of the United States, the President of his party, has indicated what Congress ought to do. If the President is entirely wrong, if he is inane on this subject, why do you follow him at all?

Mr. MURPHY. I would like to say, if the gentleman will permit——

Mr. BOYLAN. Yes.

Mr. MURPHY. That the question of anthracite coal mining and the question of bituminous coal mining are two separate and distinct questions, and if you folks would separate those questions and settle the question with reference to anthracite coal, we from Ohio, Virginia, and the rest of the bituminous coal-mining district, will subside and let you go ahead. The fact of the matter is that our men who are mining coal are going bankrupt and you certainly would not want to put further burdens upon them. The miners of Ohio, West Virginia, and elsewhere, as well as the operators, are satisfied to let conditions go ahead and do the best they can, but they do not want the folks in the East to put more fetters on them when they are making a struggle for existence.

Mr. BOYLAN. Let me ask the gentleman a question: What are you going to say to the President, the leader of your party, who sent this message to you? If you fail to do anything, what is going to be your answer to him?

Mr. MURPHY. I will say to the gentleman——

Mr. BOYLAN. Do not say it to me; say it to the President. What are you going to say to the President?

Mr. MURPHY. I will say it to the gentleman, and then if the President wants to read it, he may. The President has to listen to bunk just like the rest of us every day when you folks who do not know anything about the coal business attempt to tell us all about our own business.

Mr. BOYLAN. Then I gather from the gentleman's remarks that they going to give the administration some bunk?

Mr. MURPHY. You have been using bunk and you have been giving the President bunk on the coal question.

Mr. BLACK of New York. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. BLACK of New York. The gentleman from Ohio is now on record that the President is transmitting to the Congress nothing but bunk. I have always been of that opinion myself. [Applause.]

Mr. TREADWAY. If the gentleman from New York will permit, I do not think the gentleman from Ohio [Mr. MURPHY] intended to convey that impression to the House in the remarks he just made, so we are going to overlook that; but I think the gentleman made a very important point which I would like to have the gentleman's view on, namely, that there is no relationship between the soft-coal industry and the anthracite-coal industry. Is there not, however, plenty of evidence before us here in the House at the present time that there is a combination of the soft-coal people with the hard-coal people to prevent legislation at the present session?

Mr. BOYLAN. Absolutely. There is every evidence of that. [Applause.]

Mr. MURPHY. Will the gentleman yield further?

Mr. BOYLAN. Yes; although I have only a couple of minutes remaining, and I must decline to yield further.

Mr. MURPHY. The gentleman from Massachusetts [Mr. TREADWAY] quite well understands that in the soft-coal industry I have one county in my district where there are 300 separate and distinct mining operations, and they are not in a combination and could not make a contract touching——

Mr. TREADWAY. I say again, Mr. Speaker, that the soft-coal interests in this House have combined with the hard-coal interests here to prevent legislation coming up at this session. [Applause.]

Mr. BOYLAN. They have, absolutely.

Mr. MURPHY. Will the gentleman yield further?

Mr. BOYLAN. Oh, yes; what is it?

Mr. MURPHY. The statement just made by the gentleman from Massachusetts is not quite correct——

Mr. TREADWAY. I beg to differ from the gentleman; it is correct.

Mr. MURPHY. It is not correct, because there is not proof——

Mr. TREADWAY. There is absolute proof of it here in the House, in the attitude of the Members from the coal-producing districts.

Mr. MURPHY. I will state to the House on behalf of the coal interests——

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. BOYLAN. Mr. Speaker, my five minutes have been taken up with questions by these gentlemen——

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the gentleman from New York may have five additional minutes. I want to talk for a minute myself. [Laughter and applause.]

The SPEAKER. Is there objection?

There was no objection.

Mr. BEEDY. Mr. Speaker, before we proceed with this public disorder may we not have better order in the House?

Mr. MURPHY. The gentleman from Maine characterizes it as public disorder because some one steps on the floor to refute some things that have been said concerning the coal question in the House. It is a matter in which we take a great interest, and no one has dared to say anything about it; but to-day you are at it again. I am on the floor as one representing the soft-coal interests and asking you to separate the issue if you have an issue. Do you know what it is? Do not drag in men who have gone bankrupt in Ohio, Indiana, Illinois, under these regulations by law. We have too much regulation.

Mr. BOYLAN. The gentleman says, "We are at it again." I am glad to be at it again. I am glad to be at it for the American people; I am glad to stand here and take up the cudgels for the man who is not able to come here. I am glad to represent these helpless people; I am glad to represent the people of America without fee and without emolument of any kind. [Applause.] I am glad to stand here in their forum and speak a word for them in order that their health and the health of their children may be preserved, in order that they may not die from lack of heat and the deprivation of the necessities of life such as I have seen in the great city of New York and as other men have seen in the great cities of the North and the East. I am glad to say I do not speak for the coal barons; I never want to speak for them. I am satisfied to speak for the plain American people. [Applause.]

Mr. BLACK of New York. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. BLACK of New York. I would like to ask the gentleman if the bankrupt coal people in the district of the gentleman from Ohio are going to join the bankrupt farmers in a paean of praise to the administration.

Mr. MURPHY. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. MURPHY. I will say to the gentleman that I am representing 20,000 idle coal miners in one county in my district.

Mr. BOYLAN. How many coal barons, 309?

Mr. MURPHY. There are no coal barons there, they have been regulated and robbed so much that they are not coal barons. It is not the coal men who go under the ground to dig it. You can buy coal on board the cars in my district for less than $2 a ton.

Mr. BOYLAN. Well, you can not buy it in New York City for that, and some paid as high as $40 last winter.

Mr. MURPHY. I am talking about the men who dig the coal.

Mr. BOYLAN. I am for the men who dig the coal.

Mr. MURPHY. The trouble is with your coal barons in the city of New York. There is where the trouble is.

Mr. BOYLAN. I admit that after they accumulate a fortune they go to our city in order to secure the beneficent influence of its culture. [Laughter.]

Mr. LaGUARDIA. If the coal barons live in our city, they do not send the gentleman from New York nor me to Congress.

Mr. BOYLAN. They do not.

Mr. SCHAFER. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. SCHAFER. The gentleman from Ohio talks about 20,000 idle coal miners in his district—that does not square with the statement that was made that there was no unemployment and that all was prosperity under the Republican administration.

Mr. KINDRED. Will the gentleman yield?

Mr. BOYLAN. I will.

Mr. KINDRED. Would not the gentleman from New York disclaim here and now that the coal barons sent any Democratic Members to Congress from New York City?

Mr. BOYLAN. Indeed I will.

In conclusion, Mr. Speaker, I would like to read an editorial from the New York World of June 16, 1926.

The SPEAKER. The time of the gentleman from New York has expired.

ADJOURNMENT SINE DIE

Mr. SNELL. Mr. Speaker, by direction of the majority leader, I present a privileged resolution, which I send to the desk.

The Clerk read as follows:

House Concurrent Resolution 35

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 30th day of June, 1926, at 5 o'clock p. m.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. Is that resolution subject to debate?

Mr. SNELL. Mr. Speaker, I would like to argue that point.

Mr. MADDEN. I do not want to argue the matter. I am making a parliamentary inquiry.

Mr. SNELL. I maintain that it is not debatable.

Mr. MADDEN. Then I desire to present a unanimous-consent request that we have a debate of one hour on the resolution. Has the Chair answered my parliamentary inquiry?

The SPEAKER. The Chair thinks he would be compelled in deciding this point to follow the two decisions of Mr. Speaker Clark and one of Mr. Speaker Blaine, which hold that the resolution is not debatable.

Mr. MADDEN. I think they held both ways.

The SPEAKER. Not Speaker Clark.

Mr. CHINDBLOM. Mr. Speaker, will the Speaker permit me to make a few observations?

The SPEAKER. Certainly.

Mr. CHINDBLOM. All of these decisions are on recesses of Congress and not upon sine die adjournments.

Mr. SNELL. Mr. Speaker, will the Chair hear me for a moment upon that?

The SPEAKER. Certainly.

Mr. SNELL. The only real, definite, complete decision on this proposition was rendered by Mr. Speaker Clark. The resolution which he passed on at that time is exactly the same resolution that is presented here to-day. I shall read it to the House.

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 22d day of November, 1913, at 1 o'clock p. m.

Here is the decision of Mr. Speaker Clark:

In answer to a parliamentary inquiry, the Chair ruled that the resolution was debatable. That ruling was made hurriedly, without opportunity to examine the authorities and without time for reflection, and the question had never been raised before during the 19 years in which the present occupant of the chair has been in the House.

It turns out that on March 23, 1871, Mr. Speaker Blaine held a similar resolution to be not debatable. That is the only decision on the point that the Chair has been able to find after thorough investigation, but that decision of Mr. Speaker Blaine has been accepted by the House for 42 years. But aside from that decision, upon mature reflection and reasoning from analogy, the Chair thinks the resolution is not debatable, because if declared debatable such resolutions might be converted into instruments of troublesome filibustering just as a motion to recess was used until deprived of its privileged character. Therefore the decision of Mr. Speaker Blaine is affirmed.

That is the only definite, positive decision on this one individual resolution.

Mr. CHINDBLOM. Mr. Speaker, I have here the decision of Mr. Speaker Blaine, and the decision of Speaker Clark was based on the decision of Speaker Blaine.

Mr. SNELL. Not wholly.

Mr. CHINDBLOM. Not altogether; but he starts out with that, and then he fortifies it with reasoning of its own. I read from page 241, volume 45, part 1, Congressional Globe, March 23, 1871:

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr Farnsworth], who claims to rise to a privileged question, and will state it.

Mr. FARNSWORTH. I offer the resolution which I send to the desk.

The Clerk read as follows:

Whereas the Senate has adopted a resolution declaring that the Senate will consider at the present session no other legislative business than the deficiency appropriation bill, * * *: Therefore

Resolved (*the Senate permitting*), That this House will adjourn, when it adjourns to-morrow, until the first Monday in December next at 11 o'clock a. m.

That was an adjournment to a day certain. Mr. Farnsworth then said:

I desire to call the attention of the House to the peculiar——

Mr. STEVENSON. Is this question debatable?

The SPEAKER. It is not.

Mr. STEVENSON. Then I object to discussion.

That is all there is in the record upon the subject at that time. Mr. Speaker Blaine decided the question offhand without any debate or discussion or any assignment of reason. It is true that in the history of the House such motions as a motion for a recess or a motion to adjourn to a day certain have been held to be not debatable in order to avoid, as Speaker Clark said, the opportunity for filibustering; but aside from the decision which the gentleman from New York [Mr. SNELL] has read, which is based on the decision of Speaker Blaine, there is no precedent that this resolution definitely calling for a sine die adjournment at a specific time is not debatable, and I call the attention of the Chair to the fact that during the seven years that I have been a Member of the House——

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. STEPHENS. This is a sine die adjournment?

Mr. CHINDBLOM. This is a sine die adjournment.

Mr. SNELL. The other was, too.

Mr. CHINDBLOM. The Farnsworth resolution was not a sine die adjournment. It was for a recess over. Mr. Speaker, in the Sixty-eighth Congress, first session, on June 2, 1924, reported in volume 65, page 10158, of the CONGRESSIONAL RECORD, it will be found that there was debate upon the question of such a resolution. I think that resolution was offered by the present Speaker [Mr. LONGWORTH]. In the Sixty-seventh Congress, second session, on September 20, 1922, the House passed a resolution for adjournment to take place on September 22, 1922, and there was debate, as appears in volume 62 of the RECORD, page 13029. In the Sixty-seventh Congress, first session, the Senate on November 22, 1921, passed the resolution for sine die adjournment, and I call attention to that fact, because I have seen some statements emanating from the other body that resolutions of this kind originate in this House. That is not necessarily so, because, as stated, in the first session of the Sixty-seventh Congress the Senate passed the resolution and sent it over to the House. The House concurred in it on November 23, 1921. At that time Mr. Mondell called up the Senate resolution, as appears in volume 61 of the RECORD, page 8207, and there being no request for debate he made merely a very brief statement, calling up the resolution.

In the Sixty-sixth Congress, second session, the House passed a sine die adjournment resolution June 1, 1920, as appears in volume 59 of the RECORD, page 8101, and there was a debate, and the previous question was ordered to shut off debate. In the first session of the Sixty-sixth Congress, when the Republicans first came into power during the present history of the Congress, the Senate first passed a resolution granting its consent to the House to adjourn sine die at any time prior to December 1, 1919, if the House should so desire, and thereupon the House on November 19, 1919, passed a like resolution giving consent of the House to the Senate to adjourn when they saw fit to do so. The record of that is in volume 58 of the CONGRESSIONAL RECORD, page 8810, and there was debate in the House. I concede, of course, that no question having been raised, it might be said that the issue was not made, but I respectfully submit to the Chair that in a case of at least considerable doubt, where there is at best only one precedent, and that based on a decision relating to a recess, not to a sine die adjournment, the practices of the House should be taken into consideration.

Mr. SNELL. Will the gentleman yield for one question? Has there ever been a time when the issue was raised when it has not been decided against it——

Mr. CHINDBLOM. I can not say——

Mr. SNELL. Or, putting it the other way, where it has been decided in favor of it?

Mr. CHINDBLOM. I only spent two half days on the matter, and I have not found anything against the proposition which I have just stated—that there is only one decision upon a sine die resolution, and that is based upon the decision of Speaker Blaine in 1871 upon a recess resolution.

Mr. BLACK of New York. Will the gentleman yield? Does he know what the practice of the Senate is?

Mr. CHINDBLOM. I will say this, if I may, that, so far as general parliamentary procedure is concerned, all of the authorities, all of the Speakers, who have expressed themselves upon the matter have said that the rule of the House with reference to denial of debate upon a motion to recess is in derogation of usual parliamentary law. It is in derogation of all parliamentary law in every parliamentary body outside the Congress itself, as, for instance, in other bodies the question of the time to which adjournment is taken may be debated, and such a question is differentiated from a plain motion to adjourn, while the House of Representatives, it is said in the precedents, has abrogated general parliamentary law with reference to debate upon a motion for a recess. I submit to the Chair that, this being almost a matter of first impression, the Chair should construe the rule liberally, and that there should not be a denial of debate unless it is clearly demanded by the precedents of the House and by the rules of the House, and that if there is any discretion whatever in the Chair it should be exercised in favor of the right of debate and not in favor of shutting off debate.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CHINDBLOM. I will.

Mr. MOORE of Virginia. Does not the gentleman think that in view of the very great importance of the matter that the general practice of the House ought to be followed?

Mr. CHINDBLOM. Exactly, and that is what I am arguing.

Mr. MOORE of Virginia. Can the gentleman tell me what would be the grounds for anyone objecting for a reasonable debate of an hour or so?

Mr. CHINDBLOM. Of course that goes to the merits. I can imagine some might think there would be some advantage in having an immediate vote. Mr. Speaker, I respectfully submit these observations to the Chair.

Mr. MADDEN. Mr. Speaker, if the Chair will hear me for a moment. I submit this, that while there are only two decisions, one for and one against, and a later reversal of the second decision by the Speaker of the House, that the practice of the House ought under such circumstances to be observed. I am quite sure that the Speaker has no disposition whatever to shut off having the case properly presented to the House on each side. I feel that the Speaker has a great responsibility here, and that he should exercise that responsibility with a great deal of care. There is a good deal of feeling throughout the country, Mr. Speaker, that there ought to be certain legislation enacted. Now, Mr. Speaker, in the face of the unrest, in the face of the practice of the House in the past granting debate on a question of sine die adjournment, I apprehend that it is clearly within the jurisdiction of the Speaker to say that it will not be a violation of any precedent or any rule if he decides in favor of debate. The well-known fairness of the Speaker prompts me to say that I feel sure that in the determination of this question he will take all the elements into

mind, and that he will not confine himself to the decisions which have been rendered in the past, neither of which was rendered on the identical case as the one before the House.

Mr. SNELL. Does the gentleman mean to say that?

Mr. MADDEN. I mean to say——

Mr. SNELL. When Mr. Speaker Clark made the decision it was on exactly an identical resolution as is presented before the House at this time, word for word except the date.

Mr. MADDEN. But based on a previous decision——

Mr. SNELL. And he also goes further and says that in analogy the decision is correct. That is the only definite precedent there is.

Mr. MADDEN. Well, the decision of the Speaker was an afterthought.

Mr. SNELL. If the gentleman will present one single decision against it I will withdraw the point of order.

Mr. MADDEN. I think the practice of the House is infinitely more important than the decisions that have been rendered in the House, and one precedent. The practice of the House has invariably been that debate is allowed.

I want to say, Mr. Speaker, that I shall regret exceedingly to see the Speaker fall from grace [laughter] by deciding this case against the presentation of evidence to justify or to oppose fixing a date for adjournment at this hour.

Mr. CHINDBLOM. Mr. Speaker, will my colleague yield?

Mr. MADDEN. Yes; I yield.

Mr. CHINDBLOM. May I suggest to the gentleman having in charge this resolution that he proceed in the same manner as did the distinguished Speaker of the House when he was the floor leader, when he presented such a resolution, simply assumed that was not debatable, kept control of his time, and yielded to those who wanted to be heard, and after all had been heard moved the previous question on the resolution. The gentleman from New York [Mr. SNELL] himself is raising the question because he did not secure recognition on his resolution.

The SPEAKER. The Chair would suggest to the gentleman from Illinois that there is no point of order pending.

Mr. MADDEN. I make the point of order, Mr. Speaker, that this resolution is subject to debate. I ask recognition on the resolution, Mr. Speaker. I will make that request.

The SPEAKER. The gentleman from Illinois asks recognition on the resolution.

Mr. SNELL. I make the point of order on the ground that the resolution itself is not debatable under the one decision by Mr. Speaker Clark.

The SPEAKER. The Chair is ready to rule. The Chair recalls himself a number of the instances cited by the gentleman from Illinois [Mr. CHINDBLOM] where debate was had on such a resolution as this, as a matter of course the point of order not being raised. The trouble here is that the point of order being made the Chair must decide it not at all on the merits of the resolution, not at all on the question whether or not it would be wise to have debate on the resolution, but solely on the parliamentary situation. There is but one precedent which exactly fits this case. It is the precedent quoted by the gentleman from New York [Mr. SNELL]. The wording of that resolution in that case was identical with this. There is no precedent to the contrary either before or since. Under the circumstances the Chair thinks he certainly would not "fall from grace," as suggested by the gentleman from Illinois, in following a decision rendered by so eminent an authority as Speaker Clark, and therefore he has no alternative but to sustain the point of order.

Mr. MADDEN. Mr. Speaker, I move a reference of the resolution to the Committee on Ways and Means.

The SPEAKER. The gentleman from Illinois moves reference of the resolution to the Committee on Ways and Means. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. MADDEN. I ask for a division.

The SPEAKER. The gentleman from Illinois demands a division.

The House divided; and there were—ayes 113, noes 141.

Mr. MADDEN. I demand the yeas and nays, Mr. Speaker.

The SPEAKER. The yeas and nays are demanded.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of the motion of the gentleman from Illinois to refer the resolution to the Committee on Ways and Means will, when their names are called, answer "yea"; those opposed will answer "nay."

The Clerk called the roll; and there were—yeas 191, nays 133, answered "present" 1, not voting 105, as follows:

[Roll No. 117]

YEAS—191

Abernethy	Free	Kindred	Schafer
Adkins	French	King	Sears, Fla.
Almon	Fulmer	Knutson	Sears, Nebr.
Andresen	Gambrill	Kopp	Seger
Anthony	Garber	Kunz	Shallenberger
Arentz	Gardner, Ind.	LaGuardia	Simmons
Arnold	Gasque	Lankford	Sinnott
Aswell	Gifford	Lazaro	Smith
Ayres	Goodwin	Leavitt	Smithwick
Bailey	Green, Fla.	Letts	Somers, N. Y.
Barkley	Green, Iowa	Lindsay	Sproul, Ill.
Black, N. Y.	Greenwood	Little	Steagall
Black, Tex.	Griest	Lozier	Stedman
Boles	Hadley	Lyon	Stobbs
Bowman	Hall, N. Dak.	McDuffie	Strong, Kans.
Box	Hammer	McKeown	Strong, Pa.
Boylan	Hardy	McLaughlin, Nebr.	Summers, Wash.
Briggs	Hare	McMillan	Sumners, Tex.
Britten	Harrison	Madden	Swank
Browning	Hastings	Magee, N. Y.	Sweet
Bulwinkle	Haugen	Major	Swing
Burtness	Hawes	Manlove	Taylor, Colo.
Byrns	Hawley	Mansfield	Taylor, Tenn.
Cannon	Hayden	Martin, La.	Taylor, W. Va.
Carss	Hickey	Martin, Mass.	Thatcher
Chindblom	Hill, Ala.	Milligan	Thomas
Cole	Hill, Wash.	Moore, Ky.	Thompson
Collier	Hoch	Moore, Va.	Thurston
Collins	Hogg	Morehead	Timberlake
Crowther	Holaday	Nelson, Mo.	Treadway
Curry	Houston	Newton, Mo.	Voigt
Davis	Howard	Oliver, Ala.	Wainwright
Dempsey	Hudspeth	Porter	Weaver
Dickinson, Iowa	Hull, Tenn.	Pou	Wefald
Dickinson, Mo.	Hull, Morton D.	Prall	Wheeler
Doughton	Hull, William E.	Pratt	White, Kans.
Dowell	Irwin	Purnell	Whittington
Doyle	Jeffers	Quin	Williams, Ill.
Driver	Johnson, Ill.	Rainey	Williamson
Edwards	Johnson, S. Dak.	Ramseyer	Wilson, La.
Ellis	Johnson, Tex.	Rankin	Wilson, Miss.
Eslick	Johnson, Wash.	Rathbone	Wingo
Evans	Kelly	Reid, Ill.	Woodruff
Fairchild	Kemp	Robinson, Iowa	Woodrum
Faust	Kendall	Rogers	Wyant
Fish	Kerr	Romjue	Yates
Fitzgerald, Roy G.	Kiefner	Rubey	Zihlman
Foss	Kincheloe	Sanders, Tex.	

NAYS—133

Ackerman	Dyer	MacGregor	Shreve
Allgood	Eaton	Magrady	Snell
Bacharach	Elliott	Mapes	Sosnowski
Bacon	Fisher	Menges	Speaks
Barbour	Fitzgerald, W. T.	Michener	Spearing
Beedy	Fletcher	Miller	Stalker
Begg	Frear	Montague	Stephens
Bell	Garrett, Tenn.	Moore, Ohio	Stevenson
Bland	Gibson	Morgan	Strother
Brand, Ga.	Glynn	Morrow	Taber
Brigham	Hale	Murphy	Temple
Browne	Hall, Ind.	Nelson, Me.	Tillman
Burdick	Hersey	Nelson, Wis.	Tincher
Burton	Hooper	Newton, Minn.	Tolley
Busby	Huddleston	O'Connell, R. I.	Tucker
Butler	Jacobstein	O'Connor, La.	Underhill
Campbell	James	Oldfield	Underwood
Carpenter	Jenkins	Oliver, N. Y.	Updike
Chalmers	Johnson, Ind.	Parker	Valle
Chapman	Ketcham	Parks	Vestal
Christopherson	Kurtz	Patterson	Vincent, Mich.
Clague	Lampert	Peery	Vinson, Ga.
Colton	Lanham	Perkins	Vinson, Ky.
Connally, Tex.	Leatherwood	Ragon	Walters
Cooper, Ohio	Lehlbach	Ransley	Watres
Cooper, Wis.	Linthicum	Reed, Ark.	Watson
Cox	Lowrey	Reed, N. Y.	White, Me.
Coyle	McClintic	Rouse	Whitehead
Crisp	McFadden	Rowbottom	Winter
Crosser	McLaughlin, Mich.	Rutherford	Wolverton
Crumpacker	McLeod	Sanders, N. Y.	Wright
Darrow	McReynolds	Sandlin	
Davey	McSwain	Schneider	
Dominick	McSweeney	Scott	

ANSWERED "PRESENT"—1

Graham

NOT VOTING—105

Aldrich	Carter, Okla.	Fuller	Larsen
Allen	Celler	Funk	Lea, Calif.
Andrew	Cleary	Furlow	Lee, Ga.
Appleby	Connery	Gallivan	Lineberger
Auf der Heide	Connolly, Pa.	Garner, Tex.	Luce
Bachmann	Corning	Garrett, Tex.	Magee, Pa.
Bankhead	Cramton	Gilbert	Mead
Beck	Cullen	Golder	Merritt
Beers	Davenport	Goldsborough	Michaelson
Berger	Deal	Gorman	Mills
Bixler	Denison	Griffin	Montgomery
Blanton	Dickstein	Hill, Md.	Mooney
Bloom	Douglass	Hudson	Morin
Bowles	Drane	Johnson, Ky.	Norton
Bowling	Drewry	Jones	O'Connell, N. Y.
Brand, Ohio	Esterly	Kahn	O'Connor, N. Y.
Brumm	Fenn	Kearns	Peavey
Buchanan	Fort	Keller	Perlman
Canfield	Fredericks	Kiess	Phillips
Carew	Freeman	Kirk	Quayle
Carter, Calif.	Frothingham	Kvale	Rayburn

Reece	Swartz	Upshaw	Williams, Tex.
Robsion, Ky.	Swoope	Vare	Wood
Sabath	Taylor, N. J.	Warren	Wurzbach
Sinclair	Tilson	Wason	
Sproul, Kans.	Tinkham	Weller	
Sullivan	Tydings	Welsh	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Denison (for) with Mr. Esterly (against).
Mr. Brand of Ohio (for) with Mr. Bowles (against).
Mr. Canfield (for) with Mr. Kearns (against).
Mr. Sabath (for) with Mr. Tydings (against).
Mr. Freeman (for) with Mr. Carter of California (against).
Mr. Carter of Oklahoma (for) with Mr. Graham (against).
Mr. Michaelson (for) with Mr. Connolly of Pennsylvania (against).

Until further notice:

Mr. Mills with Mr. Weller.
Mr. Welsh with Mr. Gallivan.
Mr. Kiess with Mr. Warren.
Mr. Appleby with Mr. Cleary.
Mr. Wood with Mr. O'Connell of New York.
Mr. Luce with Mr. Blanton.
Mr. Morin with Mr. Griffin.
Mr. Fenn with Mr. Rayburn.
Mr. Furlow with Mr. Connery.
Mr. Tilson with Mr. Drane.
Mr. Reece with Mr. Garner of Texas.
Mr. Frothingham with Mr. Williams of Texas.
Mr. Cramton with Mr. Carew.
Mr. Hill of Maryland with Mr. Mead.
Mr. Robsion of Kentucky with Mr. Larsen.
Mr. Gorman with Mr. Bankhead.
Mr. Merritt with Mr. Mooney.
Mr. Aldrich with Mr. Goldsborough.
Mr. Wurzbach with Mr. Upshaw.
Mr. Keller with Mr. Sullivan.
Mr. Beers with Mr. Corning.
Mrs. Kahn with Mrs. Norton.
Mr. Vare with Mr. Buchanan.
Mr. Davenport with Mr. Lee of Georgia.
Mr. Andrew with Mr. Jones.
Mr. Wason with Mr. Auf der Heide.
Mr. Fort with Mr. Lea of California.
Mr. Golder with Mr. Bowling.
Mr. Fuller with Mr. Cullen.
Mr. Taylor of New Jersey with Mr. Deal.
Mr. Swartz with Mr. Garrett of Texas.
Mr. Sinclair with Mr. Douglass.
Mr. Perlman with Mr. O'Connor of New York.
Mr. Montgomery with Mr. Gilbert.
Mr. Tinkham with Mr. Quayle.
Mr. Sproul of Kansas with Mr. Drewry.
Mr. Fredericks with Mr. Dickstein.
Mr. Bachmann with Mr. Celler.
Mr. Hudson with Mr. Johnson of Kentucky.
Mr. Allen with Mr. Bloom.
Mr. Phillips with Mr. Peavey.
Mr. Funk with Mr. Kvale.
Mr. Bixler with Mr. Beck.
Mr. Kirk with Mr. Berger.

The result of the vote was announced as above recorded.

THE CONSENT CALENDAR

The SPEAKER. The Clerk will report the first bill on the Consent Calendar.

LUMMI INDIAN RESERVATION, WASH.

The first business on the Consent Calendar was the bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HADLEY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The gentleman from Washington asks unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

UNITED STATES GEOLOGICAL SURVEY

The next business on the Consent Calendar was the bill (S. 1821) authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I object.

Mr. HUDSPETH. Will the gentleman permit this bill to be passed over?

Mr. BEGG. Yes.

Mr. HUDSPETH. It is to come up later under suspension?

Mr. BEGG. I understand it is.

Mr. HUDSPETH. That will not take it from the calendar?

Mr. BEGG. No.

The SPEAKER. Objection is heard.

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

The next business on the Consent Calendar was the bill (H. R. 12063) to provide compensation for employees injured and dependents of employees killed in certain maritime employments, and providing for administration by the United States Employees' Compensation Commission.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, and I shall object, I want to make this statement, that a bill of this importance ought to be debated for some length of time, and it is for that reason I am objecting.

SPECIAL DISBURSING AGENTS OF THE ALASKAN ENGINEERING COMMISSION

The next business on the Consent Calendar was House joint resolution (H. J. Res. 243) for the relief of special disbursing agents of the Alaskan Engineering Commission or of the Alaska Railroad.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. I object, Mr. Speaker.

UNITED STATES BOTANIC GARDEN

The next business on the Consent Calendar was the bill (H. R. 11845) to provide for enlarging and relocating the United States Botanic Garden, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

INTERSTATE COMMERCE ACT AND THE TRANSPORTATION ACT, 1920

The next business on the Consent Calendar was the bill (H. R. 12065) to amend the interstate commerce act and the transportation act, 1920, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what effect will this have on shipments of food into cities? Is this another measure which will further enhance the price of food in the cities?

Mr. NEWTON of Minnesota. In no sense whatever; but I will say to the gentleman that the Rules Committee reported out a rule to-day for the consideration of the bill which will permit of more elaborate discussion.

Mr. LAGUARDIA. Mr. Speaker, on that statement I object, and then we will take the bill up under the rule.

ANACOSTIA PARK

The next business on the Consent Calendar was the bill (H. R. 11802) to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of Public Buildings and Public Parks of the National Capital is hereby authorized and directed to transfer to the jurisdiction of the United States Botanic Garden the following-described land, being a part of the Anacostia Park, for use as a tree nursery, viz:

Beginning for the same at the intersection of the west line of the Stickfoot Branch sewer with the bulkhead line of the Anacostia River, and running thence with the west line of the Stickfoot Branch sewer south 1,560 feet, more or less, to the original high-water line of the Anacostia River as shown on map No. 303 in the office of the surveyor of the District of Columbia; thence with said high-water line the following courses and distances: South 85 degrees 32 minutes west 62 feet, more or less to an angle; north 76 degrees 35 minutes west 292.51 feet; north 63 degrees 11 minutes west 82.83 feet to the east line of the District of Columbia Nursery; thence north with said east line, and parallel to the Stickfoot Branch trunk sewer, 1,598 feet, more or less, to the bulkhead line of the Anacostia River; thence with said bulkhead line south 71 degrees 50 minutes 54 seconds east 435 feet, more or less, to the point of beginning, containing approximately 14.75 acres, all as shown on map No. 1212 in the office of the surveyor of the District of Columbia.

With the following committee amendment:

Page 2, line 22, insert after the word "Columbia," the following: "*Provided*, That a right of way along the river wall extending inland for a width of 200 feet from the outer edge of the river wall shall be retained under the jurisdiction of the Director of Public Buildings and Public Parks of the National Capital for development as a park roadway."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ENGINEERS FOR CONSULTATION IN CONNECTION WITH CONSTRUCTION OF DAMS FOR IRRIGATION PURPOSES

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 109) authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, have we not passed a similar bill to employ certain engineers and have we not provided compensation for them?

Mr. SMITH. No; we provided a per diem but no compensation. This bill is necessary because of a decision of the Comptroller General.

Mr. LAGUARDIA. Does this authorize the employment of engineers for certain projects where we have fixed the per diem compensation.

Mr. SMITH. The per diem compensation applies to all Government employees.

Mr. ARENTZ. This is for consulting engineers.

Mr. LAGUARDIA. And under this bill we will provide certain engineers for certain projects.

Mr. SMITH. No; these are consulting engineers.

Mr. LAGUARDIA. To be used generally?

Mr. SMITH. Yes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultation on the plans and specifications for any dam proposed to be constructed by the Bureau of Reclamation, the services of not more than three experienced engineers, determined by him to have the necessary qualifications, without regard to civil-service requirements and at rates of compensation to be fixed by him for each, respectively, but not to exceed $50 per day and necessary traveling expenses, including a per diem of not to exceed $4 in lieu of subsistence for each engineer, respectively, not exceeding in the aggregate more than $3,500 for any engineer so employed for the time employed and actually engaged upon such work: *Provided*, That retired officers of the Army may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this act.

With the following committee amendments:

Page 1, line 6, strike out "Bureau of Reclamation" and insert "Department of the Interior."

Page 2, line 2, strike out "$4" and insert "$6."

The committee amendments were agreed to.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

TREATY BETWEEN UNITED STATES AND LOYAL SHAWNEE AND LOYAL ABSENTEE SHAWNEE INDIAN TRIBES

The next business on the Consent Calendar was the bill (H. R. 5218) to carry into effect the twelfth article of the treaty between the United States and the loyal Shawnee and loyal absentee Shawnee Tribes of Indians, proclaimed October 14, 1868.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I object.

Mr. McKEOWN. Mr. Speaker, will the gentleman reserve his objection a moment? I want to make a statement about the claim.

Mr. BEGG. I will be pleased to reserve it.

Mr. McKEOWN. Mr. Speaker, this case is a claim that arises out of a treaty made with these Indians who were moved from Ohio into southeastern Kansas. They were moved there with an agreement that if any white person or any other person were to take their property, instead of trying to recover it and causing trouble with the whites, the United States Government would pay them if they would submit their claims. This was in 1854.

When the war broke out in 1860 these Indians were in the vortex of the trouble, because they were in southeastern Kansas, in the great vortex of the struggle to make Kansas a slave or an antislav. State. The United States Government tried to protect these Indians and made a treaty with them because they adhered to the Union; and because they did adhere to the Union the other tribes, who adhered to the Confederacy, as well as the Confederate Army, made raids into their territory, took their property; and the Government of the United States, in recognition of the fact that these Indians adhered to the American Union in that struggle and furnished men to fight, made an agreement that if the Indians would allow them they would send a committee down there and examine into each and every one of their claims for property that was taken by the Union Army.

Mr. BEGG. Will the gentleman yield?

Mr. McKEOWN. Certainly.

Mr. BEGG. This is too large an amount to pass by unanimous consent. It involves nearly one-half million dollars. It would seem to me that the proper procedure with a bill of this kind would be to have some court adjudicate the claim to ascertain whether they have any claims or not.

Mr. McKEOWN. I want to tell the gentleman just why it is not necessary to go to a court. The Government sent its agents down there, and they examined all these people and cross-examined them. They took the values, they made up the list themselves of each individual, and it is not a tribal claim.

For this reason they can not go to the Court of Claims unless there is some act to give them a chance to go there. They have the individual names and the individual amount due each one of them. It is an honest obligation of the Government specifically set forth in its treaties, and the Government of the United States has paid all of them except these people who were not represented.

I will say to the gentleman further that because the procedure is by unanimous consent does not justify the United States in withholding this money from these people for 50 years. It is absolutely an honest, binding obligation made by the United States with these Indian people and the record is here. If the gentleman will look at the hearings he will see that every one of these items reported by the Government sets out the name, the amount, and the prices of the horses as compared with the prices of that time of from $25 to $30 a head. The records of the department show these people had this property and it was taken from them in violation of all the rules of warfare, and the Government agreed to pay them. We have delayed it for 50 years, and if we ever expect to treat these people fairly we ought to pay them what we honestly owe them.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. JOHNSON of Washington. What is the amount involved?

Mr. McKEOWN. The amount is $463,000.

Mr. JOHNSON of Washington. Does that include interest?

Mr. McKEOWN. No, sir; not a dollar of interest. The Indians in their poverty and in their distress agreed to accept $400,000, and I told the committee if it wanted to make it $400,000 it might do so, but it was not fair to them to take advantage of their poverty and take from them what the Government itself says it owes them and what the agents of the Government say the Government owes them. I stated that if the Government owed them $463,000 it ought to pay it, just as if it was only $5. The Quapaws, who had claims for various amounts, have long since been paid, every one of them, but these Indians have had their claims delayed for 50 years.

There is another proposition involved. These Indians live in various parts of the country, and some one said to me that if I would agree to eliminate some Senecas they would reduce it to $423,000. I said, "Gentlemen, I do not represent the Senecas any more than any other Member of this Congress. These poor Indians have this amount due them. The Government honestly owes it to them and I would not feel I was treating these men right to say to an Indian that I would take something from him simply because there was no Congressman here to represent him."

I do not represent these Indians any more than any other Congressman except that the business committee of the Shawnees happen to live in my district. I do not know three of these men personally or individually, but it is an honest claim of the Government and I think it ought to be paid. [Applause.]

Mr. BEGG. Mr. Speaker, I object.

MEMORIAL TO ROGER WILLIAMS

The next business on the Consent Calendar was the bill (H. R. 12207) authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to ask the gentleman——

Mr. STEPHENS. I object, Mr. Speaker.

Mr. O'CONNELL of Rhode Island. Will the gentleman withhold his objection?

Mr. STEPHENS. I will.

Mr. O'CONNELL of Rhode Island. This is a historic event in the history of Rhode Island and of the Nation. It has been considered carefully by the committee and I trust the gentleman will not insist on his objection. The event took place in the month of June in 1636, and it is particularly appropriate that we should pass this legislation during this month. We will not have another Consent Calendar day probably this session.

Mr. LAGUARDIA. My purpose in reserving the objection was simply to make sure it was to be an appropriate and artistic work.

Mr. O'CONNELL of Rhode Island. I think that it will be; it is under the direction of the Secretary of War.

The SPEAKER. Is there objection?

Mr. STEPHENS. I object.

CHANGING NAME OF DENT PLACE TO GREENWICH PARKWAY

The next business on the Consent Calendar was the bill (H. R. 9637) to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the name of the street not yet cut through, between Forty-fourth Street and Foxhall Road, but now on record as Dent Place NW., be, and the same is hereby, changed to Greenwich Parkway, and the surveyor of the District of Columbia is hereby directed to enter such change on the records of his office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ST. JOSEPH'S MALE ORPHAN ASYLUM

The next business on the Consent Calendar was the bill (S. 3012) to change the name of "The trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress incorporating "The Trustees of St. Joseph's Male Orphan Asylum," approved on the 6th day of February, in the year 1855, be, and it hereby is, amended as follows:

"The name of said corporation shall be St. Joseph's Home and School.

"SEC. 2. The purpose of said corporation shall be to care for and educate orphan, indigent, and other male children under 18 years of age under such rules and regulations as it may adopt.

"SEC. 3. All property now vested in the trustees of St. Joseph's Male Orphan Asylum as incorporated as aforesaid is hereby vested in and confirmed to St. Joseph's Home and School as reincorporated by this act. Said corporation shall have power to acquire, hold, and convey such real estate as it may deem proper for its said purposes and to hold such personal property as it may use, or use the income from, for said purposes, and to take and hold real estate and personal property by grant, devise, or bequest: *Provided*, That any real estate granted or devised to it and not used for its corporate purposes shall be sold and conveyed away within five years after the date of such devise.

"SEC. 4. William H. DeLacy, John J. Earley, B. Francis Saul, James F. Shea, Henry W. Sohon, Cornelius F. Thomas, and Francis R. Weller are hereby constituted and confirmed as the said corporation and as trustees to manage the said corporation. When a vacancy occurs in their number they may fill such vacancy, and they may increase or diminish their number from time to time as they may deem expedient. They shall elect a president, a secretary, and a treasurer from their number, adopt a corporate seal, and make all needful by-laws and rules and regulations for the institution to be conducted by said corporation.

"SEC. 5. Sections 3 and 4 of said act of Congress approved on the 6th day of February, 1855, and all parts of said act inconsistent with this act are hereby repealed.

"SEC. 6. The right is reserved to alter, amend, or repeal this act."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DELIVERY OF BELL OF BATTLESHIP TO ROTARY CLUB OF CRAWFORDSVILLE, IND.

The next business on the Consent Calendar was the bill (H. R. 10130) authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Rotary Club, of Crawfordsville, Montgomery County, Ind., a bell of a battleship that is now or may be in his custody.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, I would like to ask a question. This is a donation to an individual. It would seem that it should go to the city or the State. I hesitate to object, because it is unimportant, but it seems to me it is a radical step when you donate a bell to the president of the Rotary Club. The Kiwanis Club, the Exchange Club, the Lions Club will be here for donations.

Mr. LAGUARDIA. Mr. Speaker, I ask that this bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE SILVER SERVICE SET OF THE BATTLESHIP "MINNEAPOLIS"

The next business on the Consent Calendar was the bill (H. R. 11515) authorizing the Secretary of the Navy in his discretion to deliver to the custody of the city of Minneapolis a silver service set in use on the battleship *Minneapolis*.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, I would like to ask if the city donated all of these funds for this silver service set?

Mr. BLACK of Texas. The report shows that it was donated by the citizens of Minneapolis.

Mr. BEGG. Then I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the city of Minneapolis, for preservation and exhibition the silver service which was in use on the U. S. S. *Minneapolis: Provided*, That no expense shall be incurred by the United States for the delivery of such silver service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

RELATING TO CONTEMPTS

The next business on the Consent Calendar was the bill (S. 1035) relating to contempts.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA, Mr. VAILE, and Mr. HICKEY objected.

TAKING OF FISH AND GAME IN THE ALLEGANY, CATTARAUGUS, AND OIL SPRING INDIAN RESERVATIONS

The next business on the Consent Calendar was the bill (H. R. 10731) to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservations.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

SIXTIETH ANNIVERSARY OF MEMORIAL DAY

The next business on the Consent Calendar was the House joint resolution (H. J. Res. 266) providing for the observance of the sixtieth anniversary of the first Memorial Day, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BEGG. Mr. Speaker, reserving the right to object, I shall object unless they are willing to strike out section 3 of the bill.

Mr. RANKIN. Mr. Speaker, will the gentleman withhold his objection?

Mr. BEGG. Yes.

Mr. RANKIN. I wish to say to the gentleman from Ohio [Mr. BEGG] that I shall not insist upon section 3 remaining in the resolution. This measure provides for a small marker to be erected at Columbus, Miss., in commemoration of the first Memorial Day.

On April 25, 1866, one year after the Civil War closed, the women of that city while decorating the graves of the Confederate soldiers who are buried there decorated alike the graves of the Federal soldiers. That act of magnanimity was reported by the newspapers and attracted nation-wide attention. It brought from the pen of Hon. Francis Miles Finch a little poem called "The Blue and the Gray," which, I dare say, is not excelled in the literature of America. I understood from the Committee on the Library that it is customary to allow in these cases these small amounts for the purpose of erecting such markers.

Mr. BEGG. Mr. Speaker, if we are going to start in on that, why should not every little village and hamlet in the United States that wants to celebrate something about Memorial Day get $2,500 out of the Treasury of the United States?

Mr. RANKIN. Mr. Speaker, if the gentleman will permit, that incident so appealed to the sentiment of the American people that it was the beginning of our present Memorial Day. That is where it originated. It was a manifestation of magnanimity on the part of those women there during those trying days following the war that is unsurpassed in the annals of our race. It is not a question of contributing anything to this one town. We want to erect this marker to commemorate the beginning of one of the most beautiful customs in American life.

Mr. BEGG. Mr. Speaker, I would have no objection to a reasonable amount for a marker, but section 3 is to pay the expenses of a group of people to go down there and have a good time. So far as I am concerned, I propose to stop all that sort of stuff upon this calendar.

Mr. RANKIN. I am willing to agree to an amendment that none of these commissioners shall receive a penny for their expenses or remuneration of any kind. I provide in the resolution that Members of the House and the Senate be appointed on this commission, and certainly the Members from that section will be willing to serve and pay their own expenses.

Mr. BEGG. Then you do not need section 3. That has not a word in it except in respect to the expenses of the commission.

Mr. RANKIN. That money is for the marker.

Mr. BEGG. A penny of that money could not be used for the marker under section 3.

Mr. RANKIN. We will strike out everything except a small amount for the marker, and I will let the gentleman fix the amount that he is willing to agree on.

Mr. BEGG. Mr. Speaker, I am not opposed to a marker for every city in the United States if we want one, but I am tired of appropriating anywhere from $2,500 to a million dollars to send people to these different towns.

Mr. JOHNSON of Washington. Mr. Speaker, I am going to object.

Mr. RANKIN. The gentleman will not object if we cut out the appropriation?

Mr. JOHNSON of Washington. Oh, yes. We can wait a year or two for this. Mr. Speaker, I object.

Mr. RANKIN. I am sorry the gentleman from Washington [Mr. JOHNSON] objects to the passage of this resolution, even after we have agreed to strike from it section 3, providing for a small appropriation usually awarded for memorials of this character. I had hoped that the membership of the House might respond to that spirit of generosity which prompted the women of Columbus to thus set an example that has grown into a nation-wide custom that challenges the finest, the highest, and the purest sentiments of a Christian people.

The woman who led in the placing of these flowers on the graves of those fallen Federal soldiers was the widow of a brave Confederate who had been killed in the Civil War. It is passing strange that if those noble women in those dark hours could rise above their own suffering and give to the world this example of generosity that challenges the admiration of all right-thinking people—it is passing strange that anyone should object to their being given this small measure of recognition after the lapse of more than 60 years. The Mississippi Index, a paper published at Columbus at that time, in its issue of April 26, 1866, gives this account of that decoration:

The procession on yesterday in honor of the Confederate dead was large and imposing. First marched, in twos, the young ladies and girls, dressed in immaculate white, each bearing her bouquet or chaplet of flowers. Next came the matrons dressed in mourning; like the others, with flowers in their hands, their black dresses typical of the southern heart in gloom for its beloved dead, the fair flowers emblematic of woman's admiration and affection for all that was gallant and chivalrous in patriots. Lastly came the procession of carriages bearing the elderly ladies.

Arriving at the cemetery, the ladies assembled around the graves of the soldiers in the form of a square. From the center of the ground an elaborate and eloquent address was delivered by Rev. G. T. Stainback, and following it a fervent prayer by Rev. A. S. Andrews. The ladies then performed the beautiful and touching duty of decorating the graves with flowers.

There were over 1,400 graves to be decorated. Through exertions and appeals of the kind ladies superintending the good work, all these graves had been neatly cleaned off; so that after the decoration was completed, "God's Acre" of heroes looked as if freshly blooming with a thousand flowers—bearing up to heaven a fragrant and beautiful evidence of woman's love, tenderness, and appreciation.

We were glad to see that no distinction was made between our own dead and about 40 Federal soldiers, who slept their last sleep by them. It proved the exalted, unselfish tone of the female character. Confederate and Federal—once enemies, now friends—receiving this tribute of respect.

A report of this incident was carried throughout the press of the North and made such a profound impression that it brought from the pen of Mr. Finch, to whom I have just referred, his masterpiece, The Blue and the Gray, which was published in the Atlantic Monthly in September, 1867. The entire poem as it appears in the Atlantic Monthly of that date with the preface given it by Mr. Finch, reads as follows:

THE BLUE AND THE GRAY

The women of Columbus, Miss., animated by nobler sentiments than are many of their sisters, have shown themselves impartial in their offerings made to the memory of the dead. They strewed flowers alike on the graves of the Confederate and of the National soldiers. (New York Tribune.):

By the flow of the inland river,
Whence the fleets of iron have fled,
Where the blades of the grave grass quiver,
Asleep are the ranks of the dead;
Under the sod and the dew,
Waiting the judgment day;
Under the one the blue,
Under the other the gray.

These in the robings of glory,
Those in the gloom of defeat,
All with the battle-blood gory,
In the dusk of eternity meet;
Under the sod and the dew,
Waiting the judgment day;
Under the laurel, the blue;
Under the willow, the gray.

From the silence of sorrowful hours
The desolate mourners go,
Lovingly laden with flowers
Alike for the friend and the foe;
Under the sod and the dew,
Waiting the judgment day;
Under the roses, the blue;
Under the lilies, the gray.

So with an equal splendor
The morning sun rays fall,
With a touch, impartially tender,
On the blossoms blooming for all;
Under the sod and the dew,
Waiting the judgment day;
Broidered with gold, the blue;
Mellowed with gold, the gray.

So, when the summer calleth
On forest and field of grain,
With an equal murmur falleth
The cooling drip of the rain;
Under the sod and the dew,
Waiting the judgment day;
Wet with the rain, the blue,
Wet with the rain, the gray.

Sadly, but not with upbraiding,
The generous deed was done;
In the storm of the years that are fading,
No braver battle was won;
Under the sod and the dew,
Waiting the judgment day;
Under the blossoms, the blue,
Under the garlands, the gray.

No more shall the war cry sever,
Or the winding rivers be red;
They banish our anger forever
When they laurel the graves of our dead!
Under the sod and the dew,
Waiting the judgment day;
Love and tears for the blue,
Tears and love for the gray.

The inspiration of this beautiful poem, based upon the action of the noble women of Columbus, Miss., on April 25, 1866, so impressed the American people that it prompted the setting aside of one day in each year for the purpose of strewing flowers and otherwise decorating the graves of those who have gone before.

Isolated gentlemen in the House may arise and object to this small measure of recognition being given to these patriotic women by the Congress of the United States, but it is as impossible to deprive them of that honor as it would be to abolish Memorial Day itself, or to erase from the minds of men this wonderful poem, which their generous deeds inspired.

BOARD OF VISITORS TO REPORT ON CONDITIONS IN PHILIPPINE ISLANDS

The next business on the Consent Calendar was the bill (H. R. 4789) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOORE of Virginia. Mr. Speaker, I reserve the right to object.

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice. I concede that this measure involves matters too important to be considered on the Consent Calendar.

Mr. SCHAFER. Is that to provide for a commission of Members of the House and the Senate to make the investigation and survey of the Philippine Islands?

Mr. WAINWRIGHT. It provides for a biennial visitation to the Philippine Islands by a board appointed both from the Senate and the House.

Mr. SCHAFER. I shall have to object to that request for unanimous consent, because I think we ought to have Members of the House and Senate go over and personally investigate the Philippine Islands, so that they can report direct to the legislative branch of the Government.

Mr. WAINWRIGHT. That is exactly what this measure is intended to accomplish.

Mr. SCHAFER. Then let us pass it.

Mr. WAINWRIGHT. I am sure there will be objection to its consideration on this calendar. Although this is a measure that I am very vitally interested in, and one that I have introduced in this House myself, I am satisfied that it will receive better and more favorable consideration if it should come up in the regular order, when the Committee on Insular Affairs may have the call, or under a special rule or under suspension of the rules.

Mr. SCHAFER. I can remember the Committee on Insular Affairs last year considering the Philippine independence, and the committee thought that the Members of Congress should personally investigate the Philippine question and report back here.

We have had too many appointive commissions, and that is why I am going to object. I think if we are going to legislate on Philippine questions that the House and Senate should do the legislating and make the investigations and not rely on somebody else.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WAINWRIGHT. Yes; I have the floor.

Mr. LAGUARDIA. I want to point out to my colleague from Wisconsin this bill provides for the appointment from the Senate and House, and the reason the gentleman from New York is asking that it be passed without prejudice is because the gentleman from Virginia [Mr. MOORE] has indicated his intention to object to the bill.

Mr. WAINWRIGHT. I think it is very much more in the interest of the passage of the bill if the procedure which I have suggested is followed out.

Mr. SCHAFER. In view of the statement, I will not object, but we want an investigating committee of the House.

The SPEAKER pro tempore (Mr. SNELL). The gentleman from New York asks unanimous consent the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

TRANSFERRING JURISDICTION OVER THE UNITED STATES RESERVATION NO. 248

The next business on the Consent Calendar was the bill (S. 1119) to transfer jurisdiction of United States reservation No. 248 from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That jurisdiction and control over United States reservation No. 248, bounded by Potomac Avenue, First, and O Streets SE., in the city of Washington, D. C., is hereby transferred from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia, and the said commissioners are hereby authorized to erect thereon such permanent structures as may be required for municipal purposes, as appropriations may be made therefor.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ENLARGEMENT OF THE CAPITOL GROUNDS

The next business on the Consent Calendar was the bill (S. 2005) for the enlargement of the Capitol Grounds.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object——

Mr. ELLIOTT. Mr. Speaker, I do not think there ought to be any objection to this bill, for this reason. This bill is to finish the enlargement of the Capitol grounds between the Capitol and the Union Station. This matter has been under consideration by Congress for many years. Many different bills have been passed authorizing the matter, and in 1910 the first bill was passed that authorized this to be done. Now, we have already acquired more than half of the territory between the Capitol and the Union Station, and the question involved now is to authorize the taking over of the rest of it.

Mr. SCHAFER. There is just one thing I want to be satisfied in my mind if this bill is passed, with this additional enlargement, will there be any possibility that taxicab companies will have a monopoly over certain portions of the streets, such as they have over the entrance to the station now?

Mr. ELLIOTT. I will say to the gentleman from Wisconsin——

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLACK of Texas. Does the gentleman want to make a statement about the bill?

Mr. ELLIOTT. This bill will come up under suspension——

Mr. BLACK of Texas. It ought to come up that way if it is taken up, because it involves about $3,000,000.

Mr. ELLIOTT. It will come up under suspension of the rules.

The SPEAKER pro tempore. Objection is heard.

ASSISTANTS TO THE SECRETARY OF LABOR

The next business on the Consent Calendar was the bill (S. 3662) creating the offices of Assistants to the Secretary of Labor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BOX, Mr. BLACK of Texas, Mr. MOORE of Kentucky, Mr. MCREYNOLDS, and Mr. SANDERS of Texas objected.

TO DIVIDE THE EASTERN AND WESTERN JUDICIAL DISTRICTS OF SOUTH CAROLINA

The next business on the Consent Calendar was the bill (S. 3028) to divide the eastern district of South Carolina into four divisions and the western district into five divisions.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Washington. Mr. Speaker, I object.

RELATING TO THE SINKING OF THE U. S. S. "NORMAN"

The next business on the Consent Calendar was the bill (S. 2273) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I want to call attention to the gentleman from Massachusetts [Mr. UNDERHILL] that we passed a bill, as I recall it, a few days ago dealing with cases of this kind. Would not that bill include these particular cases if it is adopted?

Mr. UNDERHILL. Congress passed a bill last year, Mr. Speaker, which sought to take care of all these cases, and I can not imagine why this one was brought forward as a special bill, allowing jurisdiction by the district court instead of a reference to the admiralty court.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. I object.

Mr. FISHER. It seems to me jurisdiction ought to be given in this case.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next one.

AMENDMENT OF UNITED STATES EMPLOYEES' COMPENSATION ACT

The next business on the Consent Calendar was the bill (S. 3545) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 9 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof, is amended to read as follows:

"That for any injury sustained by an employee while in the performance of duty, whether or not disability has arisen, the United States shall furnish to the employee all services, appliances, and supplies prescribed or recommended by duly qualified physicians which, in the opinion of the commission, are likely to cure or to give relief or to reduce the degree or the period of disability or to aid in lessening the amount of the monthly compensation. Such services, appliances, and supplies shall be furnished by or upon the order of United States medical officers and hospitals, but where this it not practicable they shall be furnished by or upon the order of private physicians and hospitals, designated or approved by the commission. For the securing of such services, appliances, and supplies, the employee may be furnished transportation, and may be paid all expenses incident to the securing of such services, appliances, and supplies, which, in the opinion of the commission, are necessary and reasonable. All such expenses when authorized or approved by the commission shall be paid from the employees' compensation fund. Any award heretofore made by the commission on account of expenses incurred under section 9 of the act of September 7, 1916, prior to the passage of this act, shall be valid, if such award would be valid if made on account of expenses incurred under this section after the passage of this act."

SEC. 2. That section 21 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," is amended to read as follows:

"SEC. 21. That after the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

"For any examination required by the commission the employee shall be paid all expenses incident to such examination which, in the opinion of the commission, are necessary and reasonable, including transportation and loss of wages incurred in order to submit to examination. All such expenses when authorized or approved by the commission shall be paid from the employees' compensation fund."

SEC. 3. That section 23 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," is amended to read as follows:

"SEC. 23. That fees for examinations made on the part of the United States under sections 21 and 22 by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section 21, when authorized or approved by the commission, shall be paid from the employees' compensation fund."

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

EASTERN JUDICIAL DISTRICT OF SOUTH CAROLINA

Mr. DOMINICK rose.

The SPEAKER pro tempore. For what purpose does the gentleman from South Carolina rise?

Mr. DOMINICK. To ask unanimous consent to return to Calendar No. 585, Senate bill 3028.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to return to the consideration of Senate bill 3028. Is there objection?

Mr. BEGG. I object unless the gentleman who objected withdraws his objection.

Mr. JOHNSON of Washington. I withdraw the objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the eastern district of South Carolina is divided into four divisions, to be known as the Aiken, Charleston, Columbia, and Florence divisions. The Aiken division shall include the territory embraced in the counties of Aiken, Allendale, Bamberg, Barnwell, and Hampton. The Charleston division shall include the territory embraced in the counties of Beaufort, Berkeley, Charleston, Clarendon, Colleton, Dorchester, and Jasper. The Columbia division shall include the territory embraced in the counties of Calhoun, Kershaw, Lee, Lexington, Orangeburg, Richland, and Sumter. The Florence division shall include the territory embraced in the counties of Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro, and Williamsburg. The terms of the district court for the Aiken division shall be held at Aiken, for the Charleston division at Charleston, for the Columbia division at Columbia, and for the Florence division at Florence.

SEC. 2. The western district of South Carolina is divided into five divisions, to be known as the Anderson, Greenville, Greenwood, Rock Hill, and Spartanburg divisions. The Anderson division shall include the territory embraced in the counties of Anderson, Oconee, and Pickens. The Greenville division shall include the territory embraced in the counties of Greenville and Laurens. The Greenwood division shall include the territory embraced in the counties of Abbeville, Edgefield, Greenwood, McCormick, Newberry, and Saluda. The Rock Hill division shall include the territory embraced in the counties of Chester, Fairfield, Lancaster, and York. The Spartanburg division shall include the territory embraced in the counties of Cherokee, Spartanburg, and Union. The terms of the district court for the Anderson division shall be held at Anderson, for the Greenville division at Greenville, for the Greenwood division at Greenwood, for the Rock Hill division at Rock Hill, and for the Spartanburg division at Spartanburg.

SEC. 3. That all criminal cases shall be tried in the division in which the offense was committed, unless upon proper showing the venue would be changed by the judge from one division to another, and this change be made only upon affidavits and motion made in open court after four days' notice to the adverse party.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

POST-OFFICE BUILDING AT BRISTOL, R. I.

The next business on the Consent Calendar was the bill (S. 183) to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol,

R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and to authorize certain improvements and repairs to said post-office building, the cost of said land, driveway, and improvements and repairs not to exceed the sum of $5,000.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

LOSS OR DESTRUCTION OF OBSOLETE RIFLES

The next business on the Consent Calendar was the resolution (H. J. Res. 256) relieving posts or camps of organizations composed of honorably discharged soldiers, sailors, or marines from liability on account of loss or destruction of obsolete rifles owned by the War Department.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized, at his discretion, in proper cases to relieve posts or camps of organizations composed of honorably discharged soldiers, sailors, or marines, and sureties on bonds, from liability on account of the loss or destruction of obsolete or condemned Army rifles, slings, and cartridge belts loaned by the Secretary of War under authority of the act approved June 5, 1920 (41 Stat. pp. 976–977).

With a committee amendment, as follows:

In line 1, page 2, after the figures and parenthesis, insert "when there is conclusive evidence that the loss has not occurred through negligence."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

REGULATION OF PASSPORTS

The next business on the Consent Calendar was the bill (H. R. 12495) to regulate the issue and validity of passports, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I would like to get some information on this bill. What are the provisions of this bill?

Mr. MOORE of Virginia. One of the provisions of the bill is to allow the foreign representatives of the Government in other places than where ambassadors and ministers are located to issue visas. There is great inconvenience now in requiring people to obtain visas at the capitals. Then there is another provision that where there is an erroneous payment for the issuance of passports, that payment shall forthwith be refunded. Then there is still another provision to allow the Secretary of State to make regulations under which teachers in this country can have a renewal of their passports, so that they can use them for four years instead of two years.

Mr. LaGUARDIA. Why limit to teachers? Why not include students?

Mr. MOORE of Virginia. Students might probably come within regulations that would be prescribed by the Secretary of State. We had a good deal of discussion about this matter and did not want to open the door too wide.

Mr. LaGUARDIA. I think you should also provide for students.

Mr. MOORE of Virginia. "Students" is so general a designation that there is scarcely a limit to it.

Mr. LaGUARDIA. How about commercial agents and business men?

Mr. MOORE of Virginia. Well, the thought was that if we undertook to do that we would be widening the law to too great an extent and involving the Government in too great a loss.

Mr. LaGUARDIA. The gentleman believes this is the best he can pass through the House at this time?

Mr. MOORE of Virginia. Yes; I believe it is the best that can be passed through the House at this time.

Mr. JOHNSON of Washington. Mr. Speaker, further reserving the right to object, I would like to make an inquiry as to section 2, which reads:

That the validity of a passport or visa shall be limited to a period of two years.

That is the present law?

Mr. MOORE of Virginia. Yes.

Mr. JOHNSON of Washington (reading)—

Provided, That the Secretary of State may limit the validity of a passport or visa to a shorter period.

In the immigration act for 1924 the limit on a visa is four months.

Mr. MOORE of Virginia. I will say to the gentleman that I have agreed with the gentleman from Colorado [Mr. VAILE] to put in an amendment which will make it certain that this does not apply to immigration matters.

Mr. JOHNSON of Washington. That is, a proviso to the effect that an immigration visa need not have in excess of four months?

Mr. MOORE of Virginia. Yes.

Mr. JOHNSON of Washington. With that understanding I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic representatives of the United States, and by such consul generals, consuls, or vice consuls when in charge, as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports.

SEC. 2. That the validity of a passport or visa shall be limited to a period of two years: *Provided*, That the Secretary of State may limit the validity of a passport or visa to a shorter period: *And provided further*, That a passport may be renewed without any additional charge under regulations prescribed by the Secretary of State, and at his discretion to bona fide teachers, but the final date of expiration shall not be more than four years from the original date of issue.

Mr. VAILE. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VAILE: On page 2, line 4, after the word "period" insert: "And that no immigration visa shall be issued for a longer period than that specified in the immigration act of 1924 or amendments thereto and."

Mr. LaGUARDIA. Does that change the law?

Mr. VAILE. No; it does not. It is offered for the purpose of avoiding any possible conflict.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That whenever a fee is erroneously charged and paid for the issue of a passport to a person who is exempted from the payment of such a fee by section 1 of "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921," approved June 4, 1920 (41 Stat. p. 750), the Department of State is hereby authorized to refund to the person who paid such fee the amount thereof, and the money for that purpose is hereby authorized to be appropriated.

Mr. VAILE. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VAILE: On page 2, line 15, after the figures "750" in the parenthesis insert: "Except as hereinbefore provided."

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That section 4075 of the Revised Statutes of the United States as amended by the act of June 14, 1902 (32 Stat. p. 386), and section 3 of "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921," approved June 4, 1920 (41 Stat. p. 750), are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PUBLIC BUILDINGS ACT OF MARCH 4, 1913

The next business on the Consent Calendar was the bill (H. R. 8954) to amend section 4 of the public buildings act of March 4, 1913.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to know what the amendment contemplates.

Mr. UNDERHILL. In 1913 the city of Malden offered to donate some land in a civic center which was contemplated for the erection of a city hall and other civic activities. The Congress authorized the building of a post office at that time, and at the request of the citizens of Malden it was to be erected in the civic center, provided they furnished the land, but it was found that the expense of the whole undertaking was prohibitive, so that ever since then nothing at all has been done, and this is merely to give Malden the privilege of rescinding its donation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of the provisions in section 4 of the public buildings act approved March 4, 1913 (37 Stat. p. 875), which reads as follows: "United States post office at Malden, Mass., on a site to be donated, $150,000: *Provided*, That the construction of said building shall not be begun until the site for the same has been donated and title thereto accepted by the Secretary of the Treasury, as provided in section 34 of this act," be, and the same is hereby, amended to read as follows: "United States post office at Malden, Mass., $325,000."

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That in carrying into effect the provisions of section 3 of the act entitled 'An act to provide for the construction of certain public buildings, and for other purposes,' approved May 25, 1926, the Secretary of the Treasury be, and he is hereby, authorized to disregard so much of the provisions contained in section 4 of the public buildings act approved March 4, 1913 (37 Stat. p. 875), as requires the donation of a site for a public building in the city of Malden, Mass., and is hereby authorized to acquire a site, by purchase, condemnation, or otherwise, and to contract for the construction thereon of a building for a post office and other governmental purposes in said city of Malden, Mass.: *Provided*, That the same can be done within the extended limit of cost fixed in said section for the completion of all the projects named therein.

"The sum of $500 appropriated by the act of Congress approved July 1, 1918 (40 Stat. p. 635), is hereby made available toward the foregoing purposes."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 4331) prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOOD. Mr. Speaker, I object.

Mr. NEWTON of Minnesota. Will the gentleman withhold his objection?

Mr. WOOD. I intend to object at this time.

COLLECTION AND PUBLICATION OF TOBACCO STATISTICS

The next business on the Consent Calendar was the bill (H. R. 11765) to provide for the collection and publication of statistics of tobacco by the Department of Agriculture.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. VESTAL and Mr. UPDIKE objected.

ADMISSION OF TWO SIAMESE SUBJECTS TO WEST POINT

The next business on the Consent Calendar was the resolution (S. J. Res. 25) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point two Siamese subjects, to be designated hereafter by the Government of Siam.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. SCHAFER. I object, Mr. Speaker.

PACIFIC BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The next business on the Consent Calendar was the bill (S. 3921) authorizing and empowering the Board of Managers of the National Home for Disabled Volunteer Soldiers to sell and grant approximately 160 acres of land owned by it at the Pacific Branch of said the National Home for Disabled Volunteer Soldiers; to receive the proceeds from said sale and disburse the same for the erection of additional fireproof barracks and other improvements upon the site of said Pacific Branch of the National Home for Disabled Volunteer Soldiers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object.

CONFERENCE AT HONOLULU, HAWAII

The next business on the Consent Calendar was the joint resolution (H. J. Res. 267) authorizing the call of a conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I object.

Mr. LINTHICUM. Mr. Speaker, will the gentleman reserve his objection?

Mr. BEGG. Yes; I reserve it.

Mr. LINTHICUM. Mr. Speaker, I sincerely hope the gentleman from Ohio [Mr. BEGG] will withdraw his objection to this bill. It is simply a measure to hold a Pan-Pacific conference in Honolulu, and this is about the first thing of this kind that this little island has ever asked for. It involves only a matter of $20,000 and it will bring men together for recreation, education, and so forth, and I think it is very important for us to allow it at this Congress. It seems to me it would be a great reflection upon them for us to refuse to authorize this conference at Honolulu and not appropriate the modest sum of $20,000 when this little island pays into the United States Treasury as income taxes alone $8,000,000, and this is the first thing of the kind it has ever asked.

Mr. BEGG. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BEGG. I think the gentleman from Ohio is just as familiar with the taxes that Honolulu pays as the gentleman from Maryland.

Mr. LINTHICUM. I have not the slightest doubt about that.

Mr. BEGG. And I will not resist anything that Hawaii wants that will do them any good, but if you can tell me how Hawaii will benefit by taking $20,000 out of the Treasury to send a lot of officials from the United States over there to have a good time for 30 days, I would like for the gentleman to do it.

Mr. LINTHICUM. I think I can tell the gentleman something about that.

Mr. BEGG. I would like to add that Hawaii will not get a penny of the $20,000. We will just be paying the expenses of a group of people who will go to Hawaii from here.

Mr. LINTHICUM. This is a matter recommended by the Governor of Hawaii——

Mr. BEGG. Of course, he would dislike to say no if some officials over here wanted a free trip to Honolulu.

Mr. LINTHICUM. It is also recommended by the Secretary of the Interior.

Mr. PORTER. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. PORTER. Is it not true that this matter has been under consideration by the State Department for a long time; that it is approved by the President; that it will bring together at Honolulu the representatives of Japan and China and the Philippine Islands, and perhaps Siam, and will be of very general benefit?

Mr. LINTHICUM. It will do almost the same thing for the Hawaiian Islands that the Pan American Union does for the United States and Latin America, and I think it would really be a reflection upon those people if we should refuse to grant this request.

Mr. BEGG. I do not think that at all.

Mr. LINTHICUM. I hope the gentleman will not object.

Mr. BEGG. I do not think anybody would think it was any reflection upon them. Some may think it a reflection upon me, but it certainly would not be a reflection upon them.

Mr. UNDERHILL. Will the gentleman from Maryland yield?

Mr. LINTHICUM. Yes.

Mr. UNDERHILL. The gentleman from Ohio knows that many of these islands, and especially Honolulu, have taken very advanced steps in social service, in community welfare, the establishment of settlement houses and all that sort of thing, and if we could learn something from their educational system over there by sending some officials over it would be will worth the $20,000.

Mr. BEGG. If we can learn what?

Mr. UNDERHILL. If we could learn something from their educational system and see how they manage things over there it would be worth the $20,000. They have a wonderful proposition over there and I really think if every Government bureau wasted the possible benefit, yet the chance we would take would really be worth the amount involved. I hope the gentleman will withdraw his objection. He knows how careful I am about these expenditures. I really think this would be beneficial.

Mr. BEGG. The gentleman is consistent as a rule, and he has certainly been doing a wonderful work, and if the gentleman from Maryland will yield I would like to say——

Mr. LINTHICUM. I yield; but let me first state to the gentleman that under the House bill they must make a report of every dollar they expend.

Mr. BEGG. Yes; and nobody will ever read the report.

Mr. LINTHICUM. Oh, I think so.

Mr. BEGG. If the gentleman will permit me to make a statement, here is what the money is going to be used for: To pay the expenses of the people sent over there, purchase of supplies and equipment, telephone, telegraph, cable, freight, and express, travel, and subsistence, and other necessary expenses.

I suppose the latter includes barbers' bills, tips, and so forth. The resolution also provides, "including the employment of assistants in and outside the District of Columbia." I do not see any benefit in this to the Hawaiian Islands. I will vote to give them back some of the taxes they pay because I do think they are paying an unreasonable share for what they have been receiving, but to spend $20,000 on United States officials having a good time on a trip over there, would not help them any. It would be a wonderful trip, I admit. It is the prettiest spot I have ever seen in the world, and I would not mind going over there again and having the Government pay my expenses.

Mr. UNDERHILL. It costs money to send this freight over there, and it costs money to send these people over there.

Mr. BEGG. Certainly, it does.

Mr. UNDERHILL. If I had the money, I would like to send every educator, every person engaged in social service work, every one engaged in general public work over to Hawaii to see how they do things over there.

Mr. BEGG. Then why does the gentleman want the Government to appropriate $20,000 under a misnomer?

Mr. UNDERHILL. I think this will bring the representatives together and be of vast benefit not only to Hawaii but to this country as well.

Mr. FAIRCHILD. Let me suggest that there are wonderful possibilities over there.

Mr. DYER. There are not many of the Hawaiians left, are there?

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. COOPER of Wisconsin. I should look at it that the gathering there will partake of the nature of an international exhibition. It will be on a small scale like the one which we had in Chicago in 1893 and St. Louis in 1904, and New Orleans another year, and the one we had at Buffalo, for each of which there was an appropriation made out of the Treasury. It is proposed to make an appropriation out of the Treasury for this international conference or exhibition. China will appropriate, Japan will appropriate for her commissioners and her exhibits. So will Australia, so will each of the other countries, and their delegations will meet there out in the key to the Pacific, the Hawaiian Islands, and I think in an educational way the possibilities of doing good to all of the countries concerned are immeasurable.

Mr. LaGUARDIA. What does the Delegate from Hawaii say about it?

Mr. JARRETT. I believe that this measure will be educational not only to us in Hawaii—and we need it all right—but to the people on the mainland. The resolution states that it is a conference on education, rehabilitation, reclamation, and recreation, and we have to do with all that in Hawaii.

This was started practically when the missionaries first came to Hawaii. At the present time we have 240 schools in the islands and about 2,180 teachers, and we have a school population of about 60,000. Our budget for 1926–27 is in the sum of $10,600,000. Of that $10,000,000 will be for salaries. You can see how much we are interested in it from the educational point of view. Now, for reclamation in 1920 the Congress helped us.

Mr. BEGG. Will the gentleman yield?

Mr. JARRETT. I will.

Mr. BEGG. Will the gentleman tell the House just how the Hawaiian people would get any advantage for their educational system by having a few nonschool men go there from the Department of the Interior?

Mr. JARRETT. That is only a part of it.

Mr. BEGG. That is what the money is to be appropriated for.

Mr. JARRETT. We are going to invite people from Japan, China, Australia, New Zealand, Canada, and the Philippines, and this $20,000 is only one side of it.

Mr. BEGG. The point I am making is: How will you get any educational benefit from having a conference without educators?

Mr. JARRETT. The educators are coming from the Department of the Interior.

Mr. BEGG. They are not down there.

Mr. JARRETT. Doctor Finney, the head of the educational department, is going out there.

Mr. BEGG. I think the less said about that the better.

Mr. UNDERHILL. They are all educators that are going there.

Mr. BEGG. How are they going to get there?

Mr. UNDERHILL. The Philippines will send a delegation and the other countries will send delegations to Hawaii to study their system.

Mr. BEGG. The point I am making is that this $20,000 for which you seek an appropriation will not take one educator to the Hawaiian Islands.

Mr. STEPHENS. Is it the idea that we are going over there to study the educational system of Hawaii in order to improve our own?

Mr. UNDERHILL. I think we could improve our own if we took some of her ideas. I have no doubt that Hawaii has a better school system than we have. I understand that the people in California way back in 1830 and 1840 sent their children to Hawaii, where they were educated; that they had a better educational system earlier in our history than we had in the States west of the Mississippi River. I wanted to know if we were going there for our own advantage or to help Hawaii.

Mr. LINTHICUM. I want to say that we are interested in the question of the education of children, but that is not the only object. The object set forth here is to get an exchange of ideas and knowledge between the United States and certain countries.

It will not only result in the education of children but education in reclamation, irrigation, and all those things that go to make up the wonderful islands in the Pacific, and I hope the gentleman will not object to the consideration of the bill.

Mr. HOWARD. Who is to call this conference?

Mr. LINTHICUM. The President of the United States.

Mr. HOWARD. Is he to appoint the men to go over there and spend this money?

Mr. LINTHICUM. I presume that in the final analysis he will appoint them, but the Secretary of the Interior will be the one who names them. The Secretary of the Interior will accompany them.

Mr. HOWARD. I see this is for recreation.

Mr. LINTHICUM. That is to exchange views on parks. If the gentleman has been to the island of Hawaii he will remem-

ber that one of the most beautiful parks in the world is there and some of the most beautiful roads. This is to exchange views, to show those people that we are interested, to show China, Japan, and all those Pacific people that we are interested in the great work being done in that section of the world.

Mr. TAYLOR of Colorado. Mr. Speaker, is it not for the purpose of carrying out the general policy of cultivating friendly relations between the Hawaiian Islands and one-half of the entire population of the globe which faces on the Pacific Ocean?

Mr. LINTHICUM. I should say that it is very much in line with the Pan American Union, from which so much good has been derived. We never question the funds spent on the Pan American Union. I ask the gentleman to withdraw his objection.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, I object.

INCORPORATION OF AMERICAN BAR ASSOCIATION

The next business on the Consent Calendar was the bill (H. R. 11277) to provide for the incorporation of nonprofit, nonsecret associations, of national character, formed for patriotic and for professional purposes in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. RATHBONE. Mr. Speaker, will the gentleman reserve his objection for a moment? Mr. Speaker, this bill is reported and indorsed by the American Bar Association. The gentleman from Michigan [Mr. McLEOD], who fathers the measure, can not be present, and I have been asked to say a word for him.

Mr. SCHAFER. This would not allow an organization such as the Ku-Klux Klan to incorporate here in the District of Columbia.

Mr. RATHBONE. Oh, it has nothing whatever to do with anything of that kind.

Mr. SCHAFER. I withdraw my objection.

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object. The purpose of this is to incorporate the American Bar Association or the National Medical Association. That is all right, but are not the provisions of the bill too broad, and would it not permit the incorporation of any 15 men who claim to have a national organization?

Mr. RATHBONE. I think not.

Mr. LAGUARDIA. The second section, I think, would result in a multiplication of national bar associations and national medical associations.

Mr. RATHBONE. I do not think it is open to that interpretation.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. RATHBONE. Yes.

Mr. UNDERHILL. It was the practice of Congress for years and years to refuse the incorporation of national societies or associations in the District of Columbia. The Grand Army of the Republic could not get incorporation papers in the District of Columbia for many years, if it has yet. I think almost the first organization that got incorporation here was the American Legion.

Mr. LAGUARDIA. And then the War Mothers.

Mr. UNDERHILL. Yes. This bill is drawn so broadly that any organization of 15 men for a supposedly patriotic purpose can come in here and organize and use Washington, D. C., the Nation's Capital, as a base from which to send out appeals all over the country for subscriptions for a very worthy object, and because it has a national label or trade-mark everyone would suppose that it is all right.

Mr. DYER. Mr. Speaker, this same proposition has been before another committee of the House, namely, the Committee on the Judiciary, which has had under consideration from time immemorial these matters of granting these charters to incorporate companies. We were the ones that presented the legislation for the incorporation of the American Legion, the Boy Scouts, and the mothers and the blind organizations. This organization, the American Bar Association, along with many others, has been before our committee, but it is now and has been the policy of the Committee on the Judiciary of the House, and I think also of the Senate, to decline to grant these charters innumerable, because there is no real reason for it and they would serve no purpose from a public interest. I trust the gentleman will not press this.

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. RATHBONE. Mr. Speaker, the associations referred to were specific. They were special bills, for special incorporation. This is a general measure proposing to treat everyone alike, not favoring the bar association.

Mr. LAGUARDIA. That is the weakness of the gentleman's bill.

Mr. RATHBONE. I understood that that is the ground of the objection of the gentleman from Missouri.

Mr. DYER. Oh, no.

Mr. VAILE. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I object.

SUPPLEMENTING THE NATURALIZATION LAW

The next business on the Consent Calendar was the bill (H. R. 12413) to supplement the naturalization laws and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object. As I understand the bill, it would provide for proving uninterrupted residence where the applicant has moved from one State to another?

Mr. JOHNSON of Washington. Mr. Speaker, this bill is much-needed legislation for the reason that the committee has not been able to bring out an entire naturalization bill. The present law provides that if an alien moves from one State to another he may prove his residence by witnesses who have known him who may make depositions; but if he moves from one part of the State to another part of a State, he can not use depositions. In a State the size of the State of Minnesota, a candidate for citizenship might leave one section and move to another many miles away and never be able to find two men who had known him continuously for five years.

I believe our committee was unanimous about it. I think it is a necessary equity, and I hope there will be no objection.

Mr. LAGUARDIA. Mr. Speaker, I withdraw the objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That (a) the third paragraph of the second subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, is amended to read as follows:

"As to each period of residence at any place in the county or District of Columbia where the petitioner resides at the time of filing his petition, there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the petitioner to have been a resident at such place for such a period, and that the petitioner is and during all such period has been a person of good moral character."

(b) The fourth subdivision of section 4 of such act of June 29, 1906, as amended, is amended to read as follows:

"Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship (1) that immediately preceding the date of his petition the alien has resided continuously within the United States for at least five years and within the county or the District of Columbia where the petitioner resided at the time of filing his petition for at least six months, (2) that he has resided continuously within the United States from the date of his petition up to the time of his admission to citizenship, and (3) that during all the periods referred to in this subdivision he has behaved as a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States. At the hearing of the petition residence in the county or District of Columbia where the petitioner resides at the time of filing his petition, and the other qualifications required by this subdivision during such residence, shall be proved only by the oral testimony of at least two credible witnesses, citizens of the United States. If the petitioner has resided in two or more places in such county or District of Columbia and for this reason two witnesses can not be procured to testify as to all such residence, it may be proved by the oral testimony of two such witnesses for each such place of residence. At the hearing residence within the United States but outside the county, and the other qualifications required by this subdivision during such residence shall be proved either by depositions made before a naturalization examiner or by the oral testimony of at least two such witnesses for each place of residence."

(c) Section 10 of such act of June 29, 1906, as amended, and section 2170 of the Revised Statutes are repealed.

(d) The Secretary of Labor shall make such changes in the forms prescribed by section 27 of such act of June 29, 1906, as are necessary to make them conform to the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

APPOINTMENT ON COMMITTEE

The SPEAKER. The Chair has just been informed by the gentleman from New Jersey [Mr. LEHLBACH] that the pressure of public business will prevent his serving on the reception committee to Commander Byrd, recently provided in House Concurrent Resolution 32. The Chair appoints in his place the gentleman from New Jersey [Mr. EATON].

OVERLAND COMMUNICATION, SEWARD PENINSULA, ALASKA

The next business on the Consent Calendar was House joint resolution (H. J. Res. 73) authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution? Three objections are required.

Mr. BLACK of Texas. I object.

Mr. BOX. I object.

Mr. UNDERHILL. I object.

PAY OF SURGEONS EMPLOYED ON THE ALASKA RAILROAD

The next business on the Consent Calendar was House joint resolution (H. J. Res. 96) to authorize the President to pay to surgeons employed on the Alaska Railroad such sums as may be due them under agreement with the Alaskan Engineering Commission or the Alaska Railroad.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. LAGUARDIA. I object.

Mr. BEGG. Mr. Speaker, I object.

Mr. SOMERS of New York. I object.

STONES RIVER NATIONAL MILITARY PARK

The next business on the Consent Calendar was the bill (H. R. 6246) to establish a national military park at the battle field of Stones River, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I object.

Mr. DAVIS. Will the gentleman withhold that? Mr. Speaker, I ask unanimous consent that this bill may be permitted to be passed without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

TO ESTABLISH A NATIONAL MILITARY PARK AT AND NEAR FREDERICKSBURG, VA.

The next business on the Consent Calendar was the bill (H. R. 9045) to establish a national military park at and near Fredericksburg, Va., and to mark and preserve historical points connected with the Battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, I ask the gentleman if he wants it passed over?

Mr. BLAND. If the gentleman is going to object, I will ask that this bill be passed over without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none.

FORT DONELSON NATIONAL MILITARY PARK

The next business on the Consent Calendar was the bill (H. R. 11324) to establish a national military park at the battle field of Fort Donelson, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. The same condition, or I will have to object.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill may be passed over without prejudice and retain its place on the calendar. Is there objection? [After a pause.] The Chair hears none.

YUMA AND YUMA MESA RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (S. 3978) to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to have some information about this bill. What is the total amount involved?

Mr. HAYDEN. A total of $1,660,000 is to be credited to the water users of the Yuma reclamation project.

Mr. BEGG. Why do you write it off——

Mr. HAYDEN. It is not a question of writing off.

Mr. BEGG. It amounts to that as the bill seeks to give credit, if I understand the bill right.

Mr. SWING. May I explain it?

Mr. BEGG. Yes.

Mr. SWING. The United States Reclamation Service built this dam and then charged the cost to the settlers in the district of the gentleman from Arizona [Mr. HAYDEN] on the Yuma reclamation project. The Imperial Valley people in my district then found they could use this dam jointly with the Reclamation Service, and negotiated with the Secretary of the Interior a contract to buy an interest in the dam and the Secretary of the Interior fixed the price at $1,600,000, which we agreed to pay. In that way the Government sold the same thing twice. First it was sold to the Yuma reclamation project, and now it is sold to the Imperial irrigation district. That is the situation.

Mr. BEGG. I do not question the gentleman's statement at all.

Mr. SWING. Secretary Lane said to the Yuma people who were objecting to the transaction that this money would be credited to the Yuma project.

Mr. BEGG. The Attorney General in 1919 rendered an opinion in which he said the assessment against lands in the Yuma project must be disposed of in accordance with section 3 of the act of February, 1911. What does that act do?

Mr. HAYDEN. That act provides that the Secretary of the Interior shall fix the construction charge for the project, and the water users must pay according to the charge so determined by him, which in this instance is $75 per acre.

Mr. BEGG. What will they do with the money?

Mr. HAYDEN. The money collected will be paid into the reclamation fund. Unless this bill is passed it will be paid twice; once by the Yuma water users and again by the Imperial irrigation district. The Secretary of the Interior, when the contract was made, assured the water users on the Yuma project that they would obtain all the benefits of this credit, but the Attorney General's office later ruled that there was no law to permit that to be done. That is the reason why this bill must be passed.

Mr. BEGG. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to credit the individual water-right applicants in the Yuma reclamation project and the purchasers of water rights in the Yuma Mesa auxiliary reclamation project, on the construction charges due under their contracts with the United States under the reclamation act and acts amendatory thereof and supplementary thereto, with their proportionate part of all payments heretofore made or hereafter to be made by the Imperial irrigation district of California under the contract entered into under date of October 23, 1918, between the said district and the Secretary of the Interior: *Provided*, That lands in the Yuma Indian Reservation for which water rights have been purchased shall share pro rata in the credits so to be applied.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BOARD OF VISITORS TO PHILIPPINE ISLANDS

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to return to No. 580 on the calendar, to a bill providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands, which was passed over without prejudice on the assumption that there might be some objection to it. I understand there is none.

The SPEAKER. The gentleman from New York asks unanimous consent to return to No. 580 on the calendar, to the bill H. R. 4789, the bill having been passed over without prejudice, and asks unanimous consent for its immediate consideration. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, the gentleman has asked that it go over. Has the gentleman from New York consulted with the gentleman from Virginia [Mr. MOORE].

Mr. WAINWRIGHT. I did not make the request until I was assured that the gentleman from Virginia would not object. It was a misunderstanding on my part that he would object. I asked unanimous consent, then, that it go over.

The SPEAKER. The Chair understood that the gentleman asked that it be passed over.

Mr. WAINWRIGHT. No; I now ask that we return to the bill in order that it might be passed.

Mr. Speaker, although there now appears to be no objection to this bill, and that it will receive the approval of the House, I nevertheless feel that its importance merits a few words of explanation.

It provides for the appointment biennially of a board of visitors to inspect during the recess of Congress after the short session the government and conditions in the Philippine Islands. Three members of this board to be Members of the Senate, to be appointed by the President of the Senate, and five members to be Members of the House of Representatives, to be appointed by the Speaker. Thus the visit would occur at the beginning of the term of each new Congress, before the first regular session, insuring that the membership will be informed as to the existing conditions from original sources of its own before the legislative work of Congress begins. It is made the duty of the board of visitors "to gather information for the Congress of the United States concerning the actual state of the government of the Philippine Islands and the economic and social conditions of the people." They are required to report to Congress within 20 days after the meeting of the session next succeeding their appointment their views and recommendations concerning the islands and their government. They are to receive no compensation beyond payment of expenses incident to their duties as members of the board, and actual expenses of travel by shortest mail routes.

The measure comes before us with, as I understand, a practically unanimous report of the Committee on Insular Affairs and with the strong approval of the Secretary of War embodied in his letter appearing in the committee report, implying undoubtedly the approval and principle, at least, of the Executive.

It is remarkable, Mr. Speaker, in the light of the responsibility of our Government for the future and welfare of the Philippine Islands and their people, and in view of all the perplexing questions and situations that have arisen out of our contact with them, that no provision has ever been made heretofore for authoritative and official visits to the islands on behalf of the branch of the Government primarily concerned with all questions involving fundamental policies and measures. We must not forget or overlook that under the Constitution responsibility for the Philippines rests directly on Congress. Particularly does this apply to questions in any way relating to the duration or extent of the sovereignty of the United States over the islands. It is difficult to see how this duty can be fully performed by Congress unless it is kept informed not only by report but by periodic personal examination by authoritative representatives of the body itself. Congress should, indeed, have an insight through the medium of eyes and ears of its own. So if it becomes a matter of regular procedure, calling for a visitation by a small and carefully selected representation from both Houses, the great advantage that will ensue can not fail to more than justify the comparatively trivial expense involved.

Furthermore, it can not fail to be of advantage not only for its informative value but from the gratification which must inevitably ensue in the islands for this manifestation of interest and concern of the direct representatives of our people on their account.

Mr. GUEVARA, one of the Commissioners from the Philippine Islands, expressed this view before the Committee on Insular Affairs in warmly advocating the passage of the measure, saying that it would not only give satisfaction in the islands but tend in every way to create a better feeling, better mutual understanding, and better mutual knowledge.

The Secretary of War thus sums up the advantages of such regular visitation:

First. It would prevent agitation for useless and expensive investigation based on rumor.

Second. The report of such committees would constitute a statement of intelligent observation of conditions in the islands and would have a greater weight with Congress than such reports as have been heretofore available.

Third. Congress is charged in a peculiar manner with responsibility for the government of the islands, and the passage of this act would assist it in passing intelligently on questions arising with reference to that government.

Mr. Speaker, I am one of those who indulge the hope that the Philippine Islands and their people will long continue under the protecting folds of the American flag and believe that one day a solution will be found to which their people, recognizing their own interest, will give their willing assent. But, however the question of the continued sovereignty of the United States over these islands may be settled, a procedure such as is here provided can not fail to be of great and continuing advantage from every point of view as long as that sovereignty endures.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there shall be appointed biennially a board of visitors to inspect, during the recess of Congress after the short session, the government and conditions in the Philippine Islands; three members of this board shall be members of the Senate, to be appointed by the President of the Senate, and four members shall be Members of the House of Representatives, to be appointed by the Speaker.

SEC. 2. It shall be the duty of the board of visitors to inquire into the actual state of the government of the Philippine Islands and the condition of the people of the islands.

SEC. 3. Said board of visitors shall report to Congress within 20 days after the meeting of the session next succeeding the time of their appointment their action as such visitors and their views and recommendations concerning the Philippine Islands and the government thereof.

SEC. 4. No compensation shall be paid the members of said board of visitors beyond the payment of their expenses while engaged upon their duties as members of said board and their actual expenses for travel by the shortest mail routes.

With committee amendments, as follows:

Page 1, line 8, after the word "and," strike out the word "four" and insert the word "five."

On page 2, strike out all of section 2 and insert a new section in lieu thereof, as follows:

"SEC. 2. It shall be the duty of the board of visitors to gather information for the Congress of the United States concerning the actual state of the government of the Philippine Islands and the economic and social conditions of the people of the islands."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

ENLARGEMENT OF THE CAPITOL GROUNDS

Mr. ELLIOTT. Mr. Speaker, I move to suspend the rules and pass Senate bill 2005, for the enlargement of the Capitol grounds.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass Senate bill 2005. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That it is hereby declared to be the purpose of Congress to acquire all the lands, which have not been hitherto acquired, embraced within the squares Nos. 632, 680, 681, 682, 683, 684, and 721 in the city of Washington, D. C., for the enlargement of the Capitol grounds; and the Vice President, the Speaker of the House of Representatives, and the Architect of the Capitol are hereby authorized and directed to acquire said premises by purchase, condemnation, or otherwise; and the unexpended balances of appropriations heretofore made for the enlargement of the Capitol grounds are hereby reappropriated for the above-named purpose, and such further sum as may be necessary is hereby authorized to be appropriated.

The Vice President, the Speaker of the House of Representatives, and the Architect of the Capitol are authorized to institute condemnation proceedings, if necessary, in order to secure any or all of the land herein authorized to be acquired. If such condemnation proceedings are deemed necessary, they shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (Stat. L., vol. 26, ch. 837).

The SPEAKER. Is a second demanded?

Mr. LAGUARDIA. I demand a second, Mr. Speaker.

Mr. ELLIOTT. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Indiana is recognized for 20 minutes and the gentleman from New York [Mr. LaGUARDIA] for 20 minutes.

Mr. ELLIOTT. Mr. Speaker and gentlemen of the House, some 25 years ago the Congress came to the conclusion that all the land lying between the United States Capitol and the Union Station should be taken over for a public park or approach to the Capitol. Several bills were introduced looking to this end, but the first bill that got anywhere was a rider on the sundry civil appropriation bill passed in 1910, which stated that it was the intention of Congress to take over 12 blocks of land lying between the Capitol and the station. We proceeded under the terms of that act, and the Government has acquired 689,467 square feet, and there are 632,244 square feet left, which belongs to the Baltimore & Ohio Railroad. On the map the parcels of land that are colored blue are the ones which have been taken over by the Government, while the blocks in red are the ones which are owned by the railroad company.

Mr. TREADWAY. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. TREADWAY. In what manner did the Baltimore & Ohio Railroad Co. acquire that land originally?

Mr. ELLIOTT. I am not prepared to tell just how they got all of this land, but they own it.

Mr. TREADWAY. Is there not a section of that land adjoining the station which the Government deeded to the railroad company on the condition that the station should be built on it and that it has not been used for that purpose?

Mr. ELLIOTT. I do not know, but that is probably in what is called the Plaza.

Mr. TREADWAY. Does the gentleman know where the station stands on that chart?

Mr. ELLIOTT. That is it [indicating].

Mr. TREADWAY. Is that the station or the land about the station?

Mr. ELLIOTT. That is the station and here is the Plaza out in front [indicating]. As to these other tracts of land here [indicating] some of them are just grass plots and some of them are covered with the Government Hotels.

Mr. TREADWAY. My understanding is that the Union Station organization did not build on all of the land ceded to the corporation by the Government and that portions of the land are now used under the right of private ownership which should have been occupied by a building or else ceded back to the Government. Personally, if there is any of that land involved, I am very much opposed to having once donated it, for a certain purpose, to the railroads, then their not using it for the purpose for which they received it, and now paying them again for it.

Mr. ELLIOTT. I am not aware that any such condition as that exists.

Mr. TREADWAY. I think it exists, unless the gentleman is very certain as to the land to which I refer.

Mr. ELLIOTT. All I know about it is that the title to the land which is colored red on this map belongs to the Baltimore & Ohio Railroad Co. and the title to the land in blue belongs to the Government, and these are the tracts we are proposing to condemn and take over so that we can complete this proposition.

Mr. TREADWAY. Are we not entitled to know how the Baltimore & Ohio Railroad Co. or the Union Station Corporation originally acquired some of that land?

Mr. ELLIOTT. I do not understand that I could abstract the title and bring it in here.

Mr. STEVENSON. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. STEVENSON. They own it, as I understand?

Mr. ELLIOTT. Yes.

Mr. STEVENSON. If they own it subject to any defeasance that can be enforced by the commission, but if they own it without any defeasance at all we have no recourse but to buy it, have we?

Mr. ELLIOTT. Not at all.

Mr. PORTER. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. PORTER. Does the bill propose to condemn or purchase?

Mr. ELLIOTT. Either way. There is to be a commission, composed of the Vice President, the Speaker of the House, and the Architect of the Capitol, and they will have the right either to purchase or condemn as the case may be.

Now, let me say that during the war we built $10,000,000 worth of hotels on this land and most of them are on land owned by the railroad company, and especially that part of it on which is located the power house, the laundry, and the heating plant. Since the war we have been paying $75,000 a year in rent for this land. Last year we paid nothing, for the reason that no agreement could be arrived at between the Congress and the owners of the railroads. But here is the situation: We have possession of this land; we shall have to pay them rent for it and it is up to this Government to either take this land over and pay for it or enter into a lease and pay rent for it, because they are entitled to the use of their land.

Mr. SCHAFER. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. SCHAFER. What is the assessed valuation of this land?

Mr. ELLIOTT. It is appraised at $1,912,720 for taxation purposes. This land was condemned once before and the award was $1,731,937.

Mr. SCHAFER. Did not the assessor raise the taxes? I raise this question because when the District bought school sites they had to pay three and four times as much for the school sites as that at which the school sites were assessed.

Mr. ELLIOTT. Well, I think all of this land has increased in value very much since 1910, when we started on this condemnation.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. FAIRCHILD. Is it a part of this plan to construct a new avenue from the Plaza to the Peace Monument?

Mr. ELLIOTT. Well, it is not a part of this law, but it is intended when this is done to open an avenue from about the Peace Monument straight through to the Union Station.

Mr. FAIRCHILD. If this becomes a law, is it the plan to construct a new avenue, the width of Pennsylvania Avenue, from the Peace Monument to the Plaza?

Mr. ELLIOTT. It is.

Mr. GREEN of Iowa. Will the gentleman yield for one further question?

Mr. ELLIOTT. Yes.

Mr. GREEN of Iowa. If this bill passes, will we get rid of those disgraceful old shacks that now disfigure the land between here and the Union Station?

Mr. ELLIOTT. That is a matter that is entirely up to the Congress. Congress can get rid of them any time it wants to. This bill does not contemplate that, however.

The House may be interested in knowing how much money we paid for the land we have already taken there. The figures are $2,533,843.57.

Mr. TREADWAY. Will the gentleman answer one further question?

Mr. ELLIOTT. Yes.

Mr. TREADWAY. Does the gentleman know whether, if this land was taken over, it would do away with the monopoly exercised by the taxicab company around the station?

Mr. ELLIOTT. So far as that matter is concerned, the place where the taxicabs are monopolizing things is right along here [indicating], which is not included in the land that we are proposing to take over.

Mr. HUDSON. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. HUDSON. Has the Government built any permanent buildings on the space indicated by the blue marking?

Mr. ELLIOTT. Only the Government hotels.

Mr. HUDSON. I noticed some building over near the station that is used by the Treasurer's office of the Treasury Department. Is that on this land?

Mr. ELLIOTT. No; that is the Southern Building which is over here [indicating].

Mr. BLACK of Texas. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. BLACK of Texas. I notice in the report that the Architect of the Capitol estimates this land to be worth $1,912,000, whereas the Baltimore & Ohio Railroad Co., it seems from the report, are contending for a price of $3,129,000 in round numbers. What is it anticipated we will have to pay for this land under this bill that we are asked to pass under a suspension of the rules?

Mr. ELLIOTT. The first figure which the gentleman gave is the assessed value for taxation, and the second figure is the price that the Baltimore & Ohio Railroad says this property is worth. I am not prepared to state what it is worth, and this bill does not attempt to fix a price.

Mr. BLACK of Texas. I know the bill does not fix any price, but I think the gentleman is in error when he says the figures $1,912,000 represent the assessed value. The Architect of the Capitol, it seems, fixed that as the value based upon the assess-

ment value, but I think the gentleman is in error when he states that the land is assessed at that amount.

Mr. ELLIOTT. As I remember, the hearings disclosed the fact that the Architect of the Capitol reported to the committee at the hearings that that was the value of the land as he found it on the assessment books of the District of Columbia.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. JOHNSON of Texas. I notice on page 3 of the report that after setting out the figures with respect to total value of land and improvements of squares 632, 680, 681, 682, 683, 684, and 721 of $1,912,720, there immediately follows this statement:

Figures based on assessments taken from District books, 1923–24. Land values assessed at true full value; improvements at two-thirds of true full value.

That evidently means the true full value and not the taxable value.

Mr. ELLIOTT. It is the value they put on there when they were assessing this property for taxation purposes.

Mr. JOHNSON of Texas. That would indicate that my colleague the gentleman from Texas [Mr. BLACK] was right in his contention.

Mr. ELLIOTT. The truth is that most of the improvements on this land belong to the Government.

I reserve the balance of my time, Mr. Speaker.

Mr. LAGUARDIA. Gentlemen, I did not know this bill would be called up to-day under a suspension of the rules and I have not my file on the subject with me.

I want to call the attention of the House to the great services rendered in connection with the attempted acquisition of this property by the distinguished gentleman from Kentucky [Mr. JOHNSON]. The gentleman from Kentucky [Mr. JOHNSON] knows more about this property than any man in the House. He knows more about the deals of the Baltimore & Ohio and its attempt to force it on the Government at an exorbitant price than any man in Washington to-day. The gentleman from Kentucky [Mr. JOHNSON] appeared before our committee and gave the history of this attempted sale on the part of the Baltimore & Ohio to the Government since 1912.

This land was originally acquired by the Baltimore & Ohio as part of the terminal railroad station now known as Union Station, and part of the land was given by the Government to these railroads for the purpose of placing a union station at the point where the station now stands. According to the original plan as laid out for the District of Columbia, this portion [indicating] of the Plaza was intended to be a park, and with that plan there is no objection.

Now, what happened, gentlemen? First, an attempt at a private sale was negotiated, and suddenly the negotiations terminated and condemnation proceedings were instituted, and, as is very often the case in condemnation proceedings, an exorbitant award was made—an award of over $3,000,000. If I am incorrect about my figures, please correct me.

The gentleman from Kentucky [Mr. JOHNSON] came into the House at the time with respect to the proposition, and it was so bad that this House passed a resolution rejecting the award of the condemnation commissioners and refusing to take the property at that figure.

Mr. HUDSPETH. If the gentleman will permit, the gentleman from Kentucky [Mr. JOHNSON] is sick at the present time, which is the reason he is not present to-day.

Mr. LAGUARDIA. Yes; that is the reason he is not here to-day. I wish he could be here, because he knows more about this subject than any Member of the House.

Mr. ELLIOTT. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ELLIOTT. There is one thing I would like to call attention to: In the hearings before the committee the gentleman from Kentucky [Mr. JOHNSON] said there was nothing else to do but to take this property over.

Mr. LAGUARDIA. And I agree with that; but let the House know what we are up against.

Gentlemen, you must bear in mind the proposition that this ground at the present time is in a restricted zone. Therefore the market value is limited to the purposes for which it could be lawfully used under the zoning law of the District of Columbia. If you add to the assessed value of the property future prospective and speculative profits which this land might be used for were it not for the zoning law and the zoning restrictions, then you put upon it an artificial value which does not belong there. That was the objection which the gentleman from Kentucky raised when the award was made by the condemnation commissioners.

Now I agree with the gentleman from Indiana, as did the gentleman from Kentucky, if my memory serves me, when he was before that committee, we must eventually take the property to carry out the Capitol Grounds plan; but let us go about it in a businesslike way.

The first thing the House ought to do instead of passing this bill is to pass a bill making the zoning restrictions for that land permanent, so that when the case comes before the condemnation commissioners they will not be able to come in and prove, as they intend to do, as part of its value the good-will value, expected earning value, and the prospective profits to be capitalized in fixing the market value of the property. That they can not properly do under the zoning law.

Mr. SIMMONS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SIMMONS. Has the gentleman ascertained what the assessed value for taxation purposes of this land is?

Mr. LAGUARDIA. The gentleman can figure it out. They paid in the 14-year period $228,000 taxes.

Mr. SIMMONS. What proportion is assessed value to what they are asking for it now?

Mr. LAGUARDIA. Oh, they are asking three or four times as much.

Mr. TREADWAY. How does it compare with the price at which the Baltimore & Ohio took it over?

Mr. LAGUARDIA. Oh, way above; there is no comparison. We are now paying $75,000 rent for the property and have been since we took it over for temporary hotel purposes.

Mr. SCHAFER. The gentleman states that they are asking three or four times the assessed valuation.

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. The assessor of the District of Columbia stated in a hearing before a committee that the assessments were based on the real value.

Mr. TREADWAY. With your proviso in it for good will of the future.

Mr. LAGUARDIA. Yes; that is what they are doing, but they can not properly do it under the zoning restrictions.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLACK of Texas. The report shows that the Architect of the Capitol stated that this property was worth, based on the assessed value, $1,912,000; that was the assessed value as rendered to the District. As against the $1,912,000 he finds the property to be worth, the Baltimore & Ohio are seeking to receive for the property $3,129,000.

Mr. LAGUARDIA. And they base that on the original award and may now add interest since that time.

Mr. SIMMONS. The law that regulates the assessed value requires the commissioners to fix it at the lawful value in money.

Mr. LAGUARDIA. Yes; but in determining the assessed valuation for taxation purposes you take a uniform standard and the location, proximity to the center of commerce, exchange values, sales, and all that enters into an assessed valuation for purposes of taxation. But going before condemnation commissioners where a piece of land is taken by the Government or a State, then they may properly take into consideration the profits which the owners derive from land and capitalize the profits. But the point I am trying to make is that this has no future potential earning value, because it is limited in its use. That is—I want to make myself clear—it is no greater value to-day than when the Baltimore & Ohio Railroad Co. acquired it.

Mr. TREADWAY. Providing you can get a permanent zoning.

Mr. LAGUARDIA. Under the present zoning law. In reply to the gentleman from Texas as to the $1,912,000 that would be a fair reasonable price to pay for the property, I would be willing to authorize the purchase for that amount of money to-day. But let me point this out. When you authorize the acquisition of this land by condemnation, you want to know what you are going to do, because they may come back and increase the 1912 award of $3,000,000 and demand $5,000,000 or $6,000,000. That is, if an artificial earning value is again applied in fixing the award.

Mr. ELLIOTT. Congress has the right to pass on that when they come to make the appropriation for it.

Mr. LAGUARDIA. Yes; but we are not getting anywhere. I realize that this land must be acquired; why not fix a limit and authorize the commission provided in the bill to go out and purchase? Let the Baltimore & Ohio know we will give no more. I would suggest $1,900,000 as the highest figure. That would be fair and reasonable and the Baltimore & Ohio would be well paid.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STEVENSON. The gentleman speaks of making the zoning law permanent by act of Congress. The next Congress

could repeal that, just the same as we could repeal the present law.

Mr. LAGUARDIA. Yes.

Mr. STEVENSON. We can not make anything permanent, but the gentleman wants them to value it upon the supposition that it has been or will be permanent? In other words, value in its present condition?

Mr. LAGUARDIA. I say this: That, becoming somewhat better acquainted with the caliber of at least one of the District Commissioners, I do not like to leave the zoning in the hands of that kind of a man—if you get what I mean.

Mr. STEVENSON. I agree with the gentleman entirely.

Mr. TREADWAY. Can the gentleman inform me whether any of the land involved in this bill includes the land which the Union Station now uses as a monopoly for approaches to the station?

Mr. LAGUARDIA. I do not think it does. There is but one more point that I desire to call to the attention of the House and that is this: The proposed boulevard from the Lincoln Memorial to the Capitol will run through down here [indicating on map] at Third Street and Pennsylvania Avenue. That point at Third and Pennsylvania now is occupied by a gas station. If eventually we have to take that corner, it is good business prudence to take it now before its good-will value and market value are enhanced. If we delay the taking of that corner, which we will eventually have to take to carry out the proposed extension of the boulevard from the Lincoln Memorial to the Capitol, we will have to pay from five to ten times what we could acquire it for to-day, even by condemnation. So I believe it is bad business, now that we are at it, to just take this part of the land and not clean up all around the Capitol and acquire all of the land needed to carry out the complete plans. We ought to clean up all of the property we need at this time. The gentleman from Illinois suggests that we do not know what the commissioners will do. Nobody knows what the commissioners may do. If any of you have had any experience before condemnation commissioners, you will have had an opportunity to get a pretty good idea of the correctness of that statement. I have tried cases before condemnation commissioners for the city of New York. Perhaps it might be well, rather than leaving the Supreme Court of the District of Columbia to appoint commissioners in this case, after the sad experience of the former commissioners, that we provide in this bill that the Supreme Court of the United States appoint the commissioners. At least we might find men who will appraise this property properly, and an award coming from such a commission would receive more confidence before this body than otherwise.

Mr. BOYLAN. Would the distinguished gentleman from New York be willing to serve on that commission?

Mr. LAGUARDIA. Oh, we are disqualified to serve.

Mr. BOYLAN. As a labor of love.

Mr. LAGUARDIA. I would like to have the gentleman from New York [Mr. BOYLAN] appear before the commission as an expert for the District, but I would hate to have him appear as an expert for the railroad company. He is the greatest expert on land valuation in the State of New York. As the gentleman from Illinois says, we must acquire the property, and certainly after the battle put up by the gentleman from Kentucky [Mr. JOHNSON] we ought to do something to protect the Government rights and not again fall right into the hands of the Baltimore & Ohio Railroad Co. I reserve the remainder of my time.

Mr. ELLIOTT. Mr. Speaker and gentlemen of the House, we might do a number of things toward improving the looks of this Capital City if we wanted to appropriate enough money to do it, but whenever you start into cleaning up Pennsylvania Avenue you have a tremendous proposition on your hands. This is a proposition that has been pending for a long time, and with all due respect to my good friend Mr. JOHNSON, we would better have taken over this land at the time he kept it from getting into our hands because it has increased in value at a tremendous rate since that time. We are all proud of our National Capital, but when we come into the city from the Union Station and look across this old dump between here and the station it reminds you of a fellow with a dirty shirt on and no collar. It is just about as attractive as that.

Mr. ABERNETHY. Has the gentleman anything in mind about cleaning up this situation down on Pennsylvania Avenue?

Mr. ELLIOTT. I think there is a bill pending about that, but we have not taken it up because of the fact that we have more things on our hands than we can handle. I think eventually that Pennsylvania Avenue ought to be cleaned up, but we have a separate proposition here.

Mr. ABERNETHY. Why not let us get through with it all and make a good job of it? The gentleman is in the position to do it.

Mr. ELLIOTT. Perhaps we will if we get along all right with this. But if a man starts to carry a pile of wood in he does not quit because he can not carry it all in one load, and that is the situation here. We are not fixing the price of any land. We are appointing a commission that can deal with the railroad company and come to terms if possible, and if they can not, then they can go into court and condemn it. This matter ought to have been cleaned up years ago. We have brought it here before you and ask you to do what you think is right for the National Government—the National Capital that you all have the same interest in that I have.

Mr. CHINDBLOM. The gentleman thinks it would be right to do what the committee recommends?

Mr. ELLIOTT. I think this ought to be done. I did not get this scheme up myself.

Mr. LEAVITT. Is the committee informed as to what it would cost us to take over about five blocks of the south side of Pennsylvania Avenue?

Mr. ELLIOTT. I have heard that what they contemplate on there would cost $15,000,000.

Mr. UNDERHILL. It will cost about sixteen and a half or seventeen million dollars to take up all of the land that is not owned at the present time by the Federal Government, from the Botanical Gardens to the Treasury Building.

Mr. LEAVITT. I misspoke myself, I meant the north side.

Mr. UNDERHILL. That includes two blocks on the north side of Fourth, just at the foot of the Capitol, the north side of the Capitol.

Mr. ELLIOTT. Mr. Speaker, I would like to say for the benefit of the gentleman from Montana that under the terms of the Arlington Memorial Bridge bill two blocks will be taken off the Avenue by the extending of B Street through the St. James Hotel, which comes across the Avenue on an angle and strikes the west end of the block east of the Ford Building on the north side of Pennsylvania Avenue.

Mr. Speaker, I ask for a vote.

Mr. LAGUARDIA. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. LAGUARDIA. I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Speaker and gentlemen of the House, the gentleman from New York [Mr. LAGUARDIA] has presented this case in a clear way, and in his speech said, "What are we going to do with this bill?" I think the proper thing to do with it is to kill it. Bringing up a bill of this character under a suspension of the rules, with only 20 minutes debate on a side, and without an opportunity to offer an amendment, is not the proper way to legislate. I attended the hearings conducted by the District Subcommittee when making a survey of District affairs. Evidence was presented showing that the District government paid from three to four times as much for school sites than the assessed valuation. The assessor of the District of Columbia testified that assessed valuations were the real value. There is much in the statement of the gentleman from New York with reference to the appointment of condemnation boards when the District has to resort to condemnation proceedings.

I can not vote for this bill which has provisions for condemnation proceedings. If said proceedings are instituted, the board of appraisers will be appointed by the same officials whose appointments have resulted in the District of Columbia paying from three to four times the assessed valuation of school sites purchased under condemnation proceedings. If the cost of school sites by condemnation proceedings is any criterion, be prepared, if this bill passes in its present form, to vote for an appropriation of seven or eight million dollars for the acquisition of this property if it is purchased by condemnation. The bill should be defeated in its present form. Let us stand by the President this time at least in the so-called policy of economy.

The SPEAKER. The time of the gentleman has expired.

Mr. ELLIOTT. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, I will say a word on the economic side or the business side of this bill and the general question of land values in Washington. I have made a study of it for several years, and have seen property which could have been acquired at a reasonably low rate increase in value to such an extent that it is almost impossible for the wealthy United States Government to think they can buy it. Less than 12 years ago the property on the south side of Pennsylvania

Avenue could have been bought for about five and a half million dollars. The present value is $17,000,000. It is not necessary for me to picture to you the conditions that exist on the north and south sides of Pennsylvania Avenue. It is a disgrace to the Nation. If this were a European government instead of our Government, they would buy all the property on the south side and the north side of Pennsylvania Avenue and demolish the shacks and eyesores, assess betterments on nearby property, and sell the property on the north side at a price which would pay the entire cost of the purchase of all the property on the south side of the Avenue, even if it should cost seventeen or eighteen million dollars. That would be the business way of doing it and the way business men would do it. Every time you buy one little piece of property by the Government you enhance the value of all the surrounding property, and every time you make one bite of this proposition you provide that in the future you shall have to pay anywhere from 20 to 70 or 80 per cent more for abutting property. Now, this is a showroom, me might say of the Nation's Capital. Almost all people who arrive by railroad get their first impression of the Capital from the Union Station. Why, there is not a man here but who gets a thrill when he comes up Pennsylvania Avenue or goes across the Plaza or any of the other approaches to the Capitol, either night or day, but what, as I say, gets a thrill from that wonderful picture outlined against the sky. But here you enter Washington from the Union Station, and what impression do you get from the condition of the tumble-down buildings——

Mr. WEFALD. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. WEFALD. What impression does a man get from entering New York?

Mr. UNDERHILL. Well, New York is entirely different from Washington. New York is the home, as the gentleman would express it, of Wall Street, of industry, of commerce, of big business, of skyscrapers, while Washington is the Nation's Capital. The building which houses Congress is one of the most beautiful in the world. Its approaches should be beautiful also, and this land should be secured at once at any reasonable cost.

The SPEAKER. The time of the gentleman has expired; all time has expired. The question is on the motion of the gentleman from Indiana to suspend the rules and pass the bill.

The question was taken.

The SPEAKER. In the opinion of the Chair——

Mr. SCHAFER. Mr. Speaker, division.

The House divided; and there were—ayes 79, noes 11.

Mr. SCHAFER. Mr. Speaker, I object to the vote; no quorum.

The SPEAKER. Evidently there is no quorum present.

Mr. ELLIOTT. Mr. Speaker, I move a call of the House.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. ELLIOTT] to suspend the rules and pass the bill. As many as favor the motion will when their names are called answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 214, nays 68, not voting 148, as follows:

[Roll No. 118]

YEAS—214

Abernethy	Crosser	Glynn	Johnson, Wash.
Ackerman	Crowther	Goodwin	Kemp
Adkins	Crumpacker	Green, Iowa	Kerr
Almon	Darrow	Greenwood	Ketcham
Arentz	Davis	Griest	Kindred
Auf der Heide	Dickinson, Iowa	Hadley	Knutson
Bacon	Doughton	Hall, Ind.	Kopp
Bailey	Douglass	Hall, N. Dak.	Kunz
Barbour	Dowell	Hammer	Kurtz
Barkley	Drewry	Hardy	Lampert
Begg	Driver	Hawley	Lanham
Black, N. Y.	Dyer	Hayden	Lazaro
Bland	Eaton	Hersey	Leavitt
Bowman	Elliott	Hickey	Lehlbach
Boylan	Ellis	Hill, Md.	Letts
Brigham	Eslick	Hoch	Lindsay
Browne	Evans	Hogg	Linthicum
Bulwinkle	Fairchild	Holaday	McDuffie
Burdick	Faust	Hooper	McFadden
Burton	Fish	Houston	McLaughlin, Mich.
Campbell	Fisher	Hudson	McLeod
Carpenter	Fitzgerald, Roy G.	Hudspeth	McMillan
Chalmers	Fitzgerald, W. T.	Hull, Tenn.	McReynolds
Chindblom	Fletcher	Hull, Morton D.	McSweeney
Christopherson	Foss	Hull, William E.	MacGregor
Clague	French	Irwin	Madden
Cole	Gardner, Ind.	Jacobstein	Magee, N. Y.
Colton	Garrett, Tenn.	James	Manlove
Connally, Tex.	Gasque	Jeffers	Mansfield
Cooper, Wis.	Gibson	Jenkins	Mapes
Cox	Gifford	Johnson, Ill.	Martin, La.
Coyle	Gilbert	Johnson, Ind.	Martin, Mass.
Menges	Rathbone	Spearing	Vinson, Ga.
Michener	Reed, N. Y.	Sproul, Ill.	Vinson, Ky.
Miller	Reid, Ill.	Stalker	Voigt
Montgomery	Robinson, Iowa	Stephens	Wainwright
Moore, Va.	Robsion, Ky.	Strong, Kans.	Walters
Morgan	Rogers	Strong, Pa.	Watres
Murphy	Rowbottom	Strother	Watson
Nelson, Me.	Sanders, N. Y.	Summers, Wash.	Wheeler
Nelson, Wis.	Sandlin	Taber	White, Kans.
Newton, Minn.	Schneider	Temple	White, Me.
O'Connell, R. I.	Scott	Thatcher	Whitehead
O'Connor, La.	Sears, Fla.	Thompson	Whittington
Oldfield	Seger	Timberlake	Williams, Ill.
Oliver, Ala.	Shreve	Tolley	Williamson
Oliver, N. Y.	Simmons	Treadway	Wilson, La.
Parker	Sinnott	Tucker	Winter
Patterson	Smith	Tydings	Wolverton
Perkins	Smithwick	Underhill	Woodruff
Porter	Snell	Underwood	Yates
Pratt	Somers, N. Y.	Updike	Zihlman
Purnell	Sosnowski	Valle	
Ragon	Speaks	Vincent, Mich.	

NAYS—68

Allgood	Edwards	Little	Rouse
Arnold	Fulmer	Lowrey	Rubey
Bell	Garber	Lozier	Rutherford
Black, Tex.	Green, Fla.	Lyon	Sanders, Tex.
Box	Hare	McClintic	Schafer
Brand, Ga.	Harrison	McSwain	Shallenberger
Briggs	Hastings	Major	Stevenson
Browning	Hill, Ala.	Milligan	Swank
Busby	Hill, Wash.	Morehead	Taylor, Colo.
Byrns	Howard	Nelson, Mo.	Taylor, W. Va.
Cannon	Huddleston	Peery	Thomas
Carss	Johnson, Tex.	Quin	Thurston
Chapman	Kincheloe	Rainey	Weaver
Collier	King	Ramseyer	Wefald
Collins	LaGuardia	Rankin	Wilson, Miss.
Crisp	Lankford	Reed, Ark.	Wingo
Dickinson, Mo.	Larsen	Romjue	Wright

NOT VOTING—148

Aldrich	Cramton	Jones	Pou
Allen	Cullen	Kahn	Prall
Andresen	Curry	Kearns	Quayle
Andrew	Davenport	Keller	Ransley
Anthony	Davey	Kelly	Rayburn
Appleby	Deal	Kendall	Reece
Aswell	Dempsey	Kiefner	Sabath
Ayres	Denison	Kiess	Sears, Nebr.
Bacharach	Dickstein	Kirk	Sinclair
Bachmann	Dominick	Kvale	Sproul, Kans.
Bankhead	Doyle	Lea, Calif.	Steagall
Beck	Drane	Leatherwood	Stedman
Beedy	Esterly	Lee, Ga.	Stobbs
Beers	Fenn	Lineberger	Sullivan
Berger	Fort	Luce	Sumners, Tex.
Bixler	Frear	McKeown	Swartz
Blanton	Fredericks	McLaughlin, Nebr.	Sweet
Bloom	Free	Magee, Pa.	Swing
Boies	Freeman	Magrady	Swoope
Bowles	Frothingham	Mead	Taylor, N. J.
Bowling	Fuller	Merritt	Taylor, Tenn.
Brand, Ohio	Funk	Michaelson	Tillman
Britten	Furlow	Mills	Tilson
Brumm	Gallivan	Montague	Tincher
Buchanan	Gambrill	Mooney	Tinkham
Burtness	Garner, Tex.	Moore, Ky.	Upshaw
Butler	Garrett, Tex.	Moore, Ohio	Vare
Canfield	Golder	Morin	Vestal
Carew	Goldsborough	Morrow	Warren
Carter, Calif.	Gorman	Newton, Mo.	Wason
Carter, Okla.	Graham	Norton	Weller
Celler	Griffin	O'Connell, N. Y.	Welsh
Cleary	Hale	O'Connor, N. Y.	Williams, Tex.
Connery	Haugen	Parks	Wood
Connolly, Pa.	Hawes	Peavey	Woodrum
Cooper, Ohio	Johnson, Ky.	Perlman	Wurzbach
Corning	Johnson, S. Dak.	Phillips	Wyant

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

Mr. Graham with Mr. Carter of Oklahoma.
Mr. Bacharach with Mr. Canfield.
Mr. Kiefner with Mr. Aswell.
Mr. Brand of Ohio with Mr. Dominick.
Mr. Ransley with Mr. Gambrill.
Mr. Butler with Mr. Hawes.
Mr. Sweet with Mr. McKeown.
Mr. Wyant with Mr. Montague.
Mr. Taylor of Tennessee with Mr. Pou.
Mr. Free with Mr. Morrow.
Mr. Carter of California with Mr. Steagall.
Mr. Denison with Mr. Prall.
Mr. Johnson of South Dakota with Mr. Sumners of Texas.
Mr. Swing with Mr. Woodrum.
Mr. Vestal with Mr. Stedman.
Mr. Kendall with Mr. Tillman.
Mr. Anthony with Mr. Parks.
Mr. Kelly with Mr. Sabath.
Mr. Boies with Mr. Moore of Kentucky.
Mr. Britten with Mr. Doyle.
Mr. Michaelson with Mr. Mead.
Mr. Sinclair with Mr. Johnson of Kentucky.
Mr. Dempsey with Mr. Ayres.
Mr. Freeman with Mr. Davey.
Mr. Esterly with Mr. Frear.

The result of the vote was announced as above recorded.

BRIDGE BILLS

Mr. PARKER. Mr. Speaker, I ask unanimous consent to bring up some bridge bills and ask for their consideration.

Mr. JOHNSON of Washington. Reserving the right to object, Mr. Speaker, what bridge bills does the gentleman intend to bring up?

Mr. PARKER. The only ones I intend to bring up are bills to which there is no objection.

Mr. JOHNSON of Washington. No objection on the part of the committee?

Mr. PARKER. No objection on the part of the House.

Mr. SCHAFER. Do any of these bridge bills give private individuals the right to construct bridges? I notice one individual has the right given him to construct four or five bridges.

Mr. PARKER. Consent is given for the construction of the bridges with the right of the county or the municipality to condemn.

Mr. SCHAFER. Do any of these bills that the gentleman intends to bring up give the right to construct toll bridges?

Mr. PARKER. Yes.

Mr. JOHNSON of Washington. Mr. Speaker, I would like to secure further information. The gentleman from New York [Mr. PARKER] proposes, from the Committee on Interstate and Foreign Commerce, to bring up a number of bills under the precedent and plan which began a few weeks ago, under which he will give the numbers of numerous bridge bills and state that there is no objection, thus making an omnibus proposition of it, whereby each bill rides with the others, and all will pass by unanimous consent.

I desire to ask if the gentleman from New York has given any consideration to the suggestion that he include H. R. 11608, Consent Calendar No. 635, a bill granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.?

Mr. PARKER. Yes; but I know there is objection to that bill.

Mr. JOHNSON of Washington. Can the gentleman suggest any way by which the proponent of that measure could cause it to be considered by the House?

Mr. PARKER. I do not know of any except by a rule.

Mr. JOHNSON of Washington. Has the gentleman ever heard of a rule for the consideration of a bridge bill?

Mr. PARKER. The committee has done all it can for the bill of the gentleman from Washington. They have favorably reported it and it is on the calendar. It is now up to the House as to whether they will pass it or not.

Mr. JOHNSON of Washington. I appreciate the attitude of the gentleman from New York, but permit me to say that the bill is not up to the House. There seems to be no way by which the Members of the House may vote on the Longview bridge bill.

Mr. PARKER. It is not up to the chairman; that is up to the gentleman from Washington.

Mr. JOHNSON of Washington. I want to ask the distinguished gentleman, the chairman of the Interstate and Foreign Commerce Committee, if he believes it would be possible to attract attention to this peculiar situation—this fault in the general rules—by which a bridge bill which has the approval of the committee and would be acceptable to more than nine-tenths of the Members of this House, if they could be given an opportunity to vote, could be reached if the "gentleman from Washington," now speaking, should object to the passage by unanimous consent of all of the bridge bills, or if he should, at least, object to the passage of bridge bills by the omnibus plan?

Mr. PARKER. No; I do not think so; but the gentleman is well within his rights, and if he wants to object he can do so.

Mr. CRUMPACKER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, under the circumstances I shall have to object for the present to the omnibus plan of considering these bridge bills.

THE PHILIPPINES

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent that the Commissioner from the Philippine Islands [Mr. GUEVARA] have permission to address the House for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that the Commissioner from the Philippine Islands may be permitted to address the House for five minutes. Is there objection?

There was no objection.

Mr. GUEVARA. Mr. Speaker, throughout the present session of Congress the Filipino people have felt the deepest concern as to their future welfare. The statements made by certain Members of this House and the provisions of some of the bills which have been introduced for consideration have given rise to the fear that legislation would be passed which would curtail their rights and privileges which have heretofore been guaranteed them. Hitherto it has been the policy of the United States to grant step by step a further measure of self-government to the islands, and hence the Filipino people are the more keenly apprehensive at this time.

And so, when feelings are tense and distrust is growing, the Wainwright bill just passed conveys a message of hope and inspiration to all of us who wish nothing more than a carefully considered, just, and fair solution of the Filipino problem.

Indeed, this bill may properly be regarded as the first constructive step for the study of the situation since the passage of the Jones Act. For its author, the gentleman from New York [Mr. WAINWRIGHT], I have nothing but words of commendation. Guided by the true American spirit, he seeks to approach the subject fairly, with due consideration for the interests of all parties concerned.

Despite the 27 years of American sovereignty in the islands, the American and Filipino peoples do not as yet understand each other; and it is for this reason, I firmly believe, that there exists to-day a mutual and wholly regrettable distrust and lack of confidence. Much of this misunderstanding is due without doubt to the vast distance which separates the two peoples and to the consequent lack of contact between them. The Filipinos wish most sincerely for a better acquaintance with your people, feeling sure that, in the closer understanding and sympathy which must follow you will realize that their problem is your problem; and that their happiness, prosperity, and contentment must be a matter of real concern to you as well as to themselves.

In the light of true and mutual understanding, misrepresentation, prejudices, and bitterness can have no place on either side; then, and not until then, can a wise and statesmanlike solution of the common problem be reached.

This bill is a long step in the right direction; the contacts which must result will go far to banish distrust and to inspire mutual confidence. On behalf of the Filipino people I can assure the House that the congressional delegation created by the bill just passed will be accorded a hearty welcome and will be given the most cordial assistance and support for the facilitation of its work and the accomplishment of its mission. [Applause.]

ADDRESS OF HON. MELVIN O. M'LAUGHLIN, OF NEBRASKA

Mr. SIMMONS. Mr. Speaker, my colleague from Nebraska [Mr. MCLAUGHLIN] recently spoke over the radio and I ask unanimous consent to extend in the RECORD his remarks at that time.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD by inserting the speech recently delivered over the radio by his colleague [Mr. MCLAUGHLIN]. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered over the radio by my colleague, the gentleman from Nebraska [Mr. MCLAUGHLIN]:

FARM-RELIEF LEGISLATION

Mr. MCLAUGHLIN of Nebraska. Ladies and gentlemen of the radio audience, at the request of station WRC of Washington I shall speak to you this evening on the subject of farm-relief legislation. Having been a Member of the House Committee on Agriculture for the past seven years, it is but natural that I have a deep interest in the problems of the farmer.

The late W. J. Bryan made the statement a few years ago that the Sixty-sixth and Sixty-seventh Congresses had passed more legislation in the interest of agriculture than had ever been passed before in the history of the Nation. These Congresses by the enactment of packer legislation and grain futures legislation, together with the passing of several cooperative marketing bills and certain amendments to the Federal reserve act and the Federal farm loan act, in addition to establishing the intermediate credit system, sought earnestly to place the farmer on a parity with other industries of the country. The placing of a tariff on certain farm products, first through the emergency tariff act and later through the Fordney-McCumber Act, were intended by the Congress to give agriculture the same protection that labor and industry enjoy. Experience, however, has taught us that on account of the surpluses of farm products the tariff has been made effective for the farmer only partially, and that further legislation must be enacted in order to give him the full measure of protection he deserves.

Many bills were introduced in the present Congress with a view to giving further agriculture relief, and the chief discussion has centered around the so-called Haugen bill, which has been indorsed by a very great majority of the farm organizations of various kinds throughout the Nation. The representatives of these organizations who have appeared before House and Senate committees speak for some four or five million farmers. One thing at least is apparent from the testimony before the House and Senate committees and from the discussion of the farm problem on the floors of the House and Senate, and that is that there is a real farm problem and the agriculturist is and has been working at a great disadvantage compared with labor and industry. There has not been a single speech made in either body of the Congress on the part of those supporting legislation or those opposed to legislation which has not definitely stated that there is a real, serious farm problem.

In a recent volume published by the National Industrial Conference Board, of New York City, it is stated that the agricultural industry is substantially below other industries in the United States in its yield on capital. It is shown in this publication that the purchasing power of the farmer's dollar from 1900 down to the present time has ranged from 39 to 72 cents in comparison with the purchasing power of from $1 to $1.40 for industry and labor. The average annual income for wage earners in manufacturing institutions now amounts to $1,250; for transportation workers, $1,570; for ministers of the gospel, $1,750; for teachers, $1,300; for Government employees, $1,650; while the farmer in contrast receives only $736. It must be further remembered that the average cost to the farmer for food, fuel, and housing amounts to $630 a year, which leaves him the small net income of $106. This report further shows that while the farm population is approximately 30 per cent of the total population of the country, the farmer's percentage of the national income for 1919 was only 17 per cent; in 1920, 13 per cent; and in 1921, less than 10 per cent; in 1900, the total wealth of the country was eighty-eight and one-half billion, in 1912, one hundred and eighty-six billion, and in 1923, three hundred and twenty-one billion. It is appalling to realize that of this three hundred and twenty-one billion national wealth in 1923, the farmers' portion was only sixty-four billion. It is further shown that the value of farm property has declined from forty-five billion in 1913 to thirty-eight billion in 1925; and that the amount of farm mortgages has increased from four and one-half billion in 1910 to twelve and one-fourth billion in 1925. All of these facts and many others that are at hand prove conclusively that the Congress is correct in its unanimous agreement that the farm question is the most serious one that now confronts the Nation.

The Haugen bill, which has received the most attention at the hands of Congress, attempts to remedy these inequalities by the creation of a Federal board which through the various cooperative and other farm organizations will attempt to hold and market exportable surpluses in any given year with a view to stabilizing prices at home in order to give the farmer a living wage. These operations under the bill are proposed to be financed by the levying of what is known as an equalization fee—that is to say, a small fee, the amount of which is determined by careful computation each year—will be levied on the farmers' products either at the point of first sale or at the point of processing, depending upon the nature of the commodity in question. It has been carefully estimated by the best economists of the country, for example, that the levying of the fee of 10 cents per bushel on wheat would advance the price of wheat on an average of 40 cents on all of the wheat used for home consumption. The leading economists of the United States and Europe have assured Vice President Dawes in answer to inquiries that the equalization fee idea is economically sound.

Inasmuch as all are agreed that the farmer is laboring under a great handicap and that the agriculture problem is the most serious one that confronts the Nation, further argument along this line is not necessary. The question is, "What can be done to remedy the situation?" Members of the House and the Senate Agricultural Committees, sustained by the most competent leaders of farm organizations, believe that the remedy is to be found in the equalization fee plan, and that such a remedy if applied will work no injustice to anyone, but on the other hand will increase the prosperity of all of the people, including those engaged in industry and labor.

Two objections to this plan were included in a recent statement of Mr. Mellon, Secretary of the Treasury, which, according to newspaper reports, has exercised quite an influence on certain Senators in their consideration of the farm relief bill. These objections are: First, that the dumping of agricultural surpluses on foreign markets will subsidize foreign labor; and, second, that an increase in the price of farm commodities will result in an increase of acreage and enormous future surpluses. In my judgment Secretary Mellon is one of the best Treasurers who has ever served the Nation, but an analysis of his statement on the farm relief bill leads one to believe that his position is not as sound as the position taken by the leading economists of the country, who stand out in opposition to his argument. In the first place, it is not intended that the farm board created by the bill in question will cooperate with farm organizations for the purpose of dumping agricultural surpluses on other nations, but it is intended that the machinery created by this proposed legislation will acquire and hold such a portion of this surplus as is necessary to prevent a violent depreciation of price at the time it is necessary for the farmer to sell. If the marketing period of agriculture is distributed over a period of four or five years, past history and experience teach us that our surpluses are comparatively small. Owing to the vicissitudes of the weather and climatic conditions, one year brings a bountiful harvest, while a succeeding year may bring a lean harvest. It is therefore apparent that an organization handling this surplus could and would hold it a sufficient time to stabilize the market and sell the surplus either abroad or ease it back on the home market in such a manner as to prevent violent fluctuations.

The surplus would not be sold to foreign countries for less than it is now under the operation of this plan, but by a sane, careful, marketing program distributed over a period of time it is clear that more would be realized for these farm surpluses than is now realized under our present haphazard system. Experience also teaches us that an increase in price of farm commodities will not necessarily mean an increase of price to the consumer. For example, the farmer in Kansas or Nebraska who is compelled to sell his wheat at harvest time in order to make interest payments on his mortgage and to meet obligations at his bank in recent years has received around 85 cents per bushel for his wheat. This wheat was bought by the speculator, who stored it in terminal elevators, and in December of the very same year received $2 per bushel for the same. In other words, the farmer received for his whole year's toil in producing this crop, including the labor of his family and hired help, but 85 cents per bushel, while the speculator, by holding the wheat from July to December, received $1.15 profit per bushel for the same.

Now, it is clear that the miller and other processers who manufacture and process this food for consumption paid the $2 per bushel for the wheat to the speculator. So that the consumer was in no wise benefited by the small price of 85 cents received by the farmer. What those who are so vitally interested in establishing a national farm policy hope to do is to secure a part, at least, of this $1.15 profit made by the speculator for the farmer instead of permitting the middleman, simply because he has capital, to make more on his bushel of wheat every year than the farmer does who produces it. The same conditions as to wheat will apply to other farm products defined in the Haugen bill as a basic commodity.

Now, as to the second argument of Mr. Mellon and others that the stabilization of farm price would result in tremendous overproduction, it will be clearly seen that this argument is fallacious. If this stabilization applied to only one commodity, undoubtedly an increased acreage and production would result, but when it applies to all the basic commodities it must be clear that the number of acres under cultivation is limited, and because of the necessary diversity of crops in farming no material increase of acreage or production could follow one year with another.

Dr. George F. Warren, of Cornell University, one of the foremost economists of the United States, says that it takes a considerable period of time to increase yields per acre and a considerable period of time to decrease them. He points out that even if conditions for farmers should immediately be improved, whether as a result of an act of Congress or some other condition, production would still continue to decline for some years. This is, of course, more particularly true of crops which are a long time in the making, like some forms of livestock.

To give a concrete case bearing out the contention of Doctor Warren, let us remember that two years ago the opponents of the so-called McNary-Haugen bill almost shed tears over the great increase in wheat acreage and production which they foresaw if the ratio price—the pre-war purchasing power—of wheat were to prevail again in this country.

Let us examine into what has happened. Two years ago a general wheat failure occurred outside the United States which resulted in a world shortage and a prevailing world price that was unusually high. This was unfortunate for the world at large, though the growers of wheat in the United States—some of them, not all—profited from it. The result was wheat prices in the United States in 1924 were equal to or above pre-war ratio. The year following, was there a great increase in wheat production such as had been predicted by the opponents of the McNary-Haugen bill? Instead, the American wheat crop fell short of 1914 production by nearly 200,000,000 bushels. As a result, starting last fall, the tariff on wheat has been effective to an unusually large degree, and once more the prevailing price has been at or substantially near the pre-war ratio.

So for two years we have had at least the average pre-war purchasing power for wheat in the United States, and yet the wheat acreage for 1926 has shown no increase. It is true, of course, that in long swings acreage and supply will follow price. But in the present agricultural crisis, when farmers are going bankrupt because of dispro-

portionately low prices, to argue against helping farm prices upward for fear increased production will ensue is one of the most ridiculous lines of reasoning ever seriously employed before Congress.

It can not be that men who base their opposition to the Haugen bill on such an argument have really studied the operation under it. It proposes a way in which each of the major farm industries shall create a fund to be used to finance the ownership, storage, distribution, and sale abroad on carry over of excess supplies not required in any given time or in the domestic market. The cost of controlling supplies and managing the surplus therefore rests upon the producers within each industry. The equalization fee thus automatically becomes a check or a break upon tendency toward unwarranted increase in acreage. The problem of controlling supply, therefore, is met by all the producers in each agricultural industry instead of putting upon cooperative associations the impossible task of attempting it at the expense of their relatively few members.

In conclusion, it seems only fair that the farmer, who is asking for the tariff to be made effective on his commodities, should have the support of industry and labor. All the farmer asks is that he be put on the same plane with industry and labor. Those who appeared before the Committee on Agriculture made it clear that they were not asking for any reduction of the tariff on manufactured articles, but they were perfectly willing for industry to enjoy the advantages of protection. They also made it clear that they were asking for no reduction in wages or no lengthening of hours for labor, but were simply asking that the same consideration be given to the great agriculture interests as has already been accorded to both industry and labor.

To those who argue that the proposed farm legislation is radical in tendency let me say that the same argument was made against the creation of the Interstate Commerce Commission and the establishing of the Federal reserve system. There were those who argued that the passing of the Federal reserve act would ruin the banking industry, but who is there now who would advocate the repeal of the Federal reserve act. If farm-relief legislation fails in this Congress, its proponents will continue to work earnestly and faithfully for the principles involved and in the name of all that is right and just the time will come when a general adequate national program for agriculture will be established which will place the farmer on a parity with industry and labor. And when that time comes, a long-continued injustice and discrimination will have been righted. May that time come soon!

ADDRESS OF HON. CHARLES L. ABERNETHY, OF NORTH CAROLINA

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein the address of the gentleman from North Carolina [Mr. ABERNETHY] delivered on last Saturday in North Carolina.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD by printing the speech recently delivered by the gentleman from North Carolina [Mr. ABERNETHY]. Is there objection?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, under leave granted me I beg to insert herewith the beautiful and eloquent address of the distinguished gentleman from North Carolina [Hon. CHARLES L. ABERNETHY], delivered at the annual convention of the Surfman's Mutual Benefit Association at Morehead City, N. C., on Saturday, June 19, 1926.

The address is as follows:

COAST GUARD HEROISM

Mr. ABERNETHY. It was Thomas Carlyle who said: "It is not to taste sweet things, but to do noble and true things, and vindicate himself under God's heaven as a God-made man, that poorest son of Adam dimly longs. Show him the way of doing that, the dullest day drudge kindles into a hero."

In a day of ultracommercialism, such as now exists, a time when we are so prone to criticize various governmental activities, and to belittle services of faithful employees of our Government, it is well to bring to the attention of the country acts of fidelity to duty and devotion to public trust and heroic actions of those who occupy the ordinary places in our scheme of government.

There is one great governmental department—the Coast Guard, under the Treasury Department—whose personnel are called upon to undergo hardships, exposures, and privations which in the ordinary course of events never come to the attention of the public.

These faithful men who follow the hazards of the sea lead lives of devotion to duty and heroic purpose. There is rarely ever in this great body of men who have such grave responsibilities those who prove unfaithful and false to their trust.

It was on the night of February 9 last that the patrol boat, Coast Guard *No. 126*, in charge of a North Carolinian, Ensign N. S. Fulford, was patrolling in Newport Harbor, R. I. In the course of their patrol and duties the Coast Guard *No. 126* proceeded to the entrance of the Sakonnet River and remained on patrol in that vicinity until the snowstorm broke at approximately 11 o'clock at night, when she stood for Dutch Harbor.

The snow became a blinding blizzard and the wind blew a gale, and about 2.30 a. m. of February 10 the vessel grounded on the rocks, at which time the weather was so thick it became impossible to identify her exact location.

The radio was disabled shortly after grounding and it became impossible to communicate with the outside. The rocks were protruding through the hull of the ship, the crew were forced from below to the pilot house. In about an hour the conditions grew so alarming it was decided to attempt to get a man ashore to secure aid. Antonio Simon, motor machinist's mate, first class, volunteered for the job and started on the life raft for shore, but due to the freezing temperature he became so numb it was impossible for him to proceed, and he was hauled back and brought on board, where a change of clothing was furnished and he was revived by his shipmates. Then Ensign Fulford attempted to make the trip, and although he succeeded in reaching the beach, his legs became so numb from cold that it was impossible for him to stand up, and after considerable difficulty he was hauled aboard and revived.

At 4.30 a. m. the seas became heavier, the vessel listed very badly to port, and the pilot-house windows were broken by the action of the waves, and the seas were washing over the top of the house, making it impossible for the men to remain in the pilot house. The men aboard gathered on the lee of the pilot house, remaining in this perilous position until about 11.30 a. m., but no assistance came. Ensign Fulford called for a volunteer to go ashore to get relief; the life raft had broken loose and drifted away. Joseph A. Libbey, boatswain's mate, first class, volunteered and, with permission of the officer in charge, started for the shore. It was necessary for him to dive into the icy waters and swim to the beach, which he succeeded in doing; then struggling up a 40-foot cliff he disappeared in the blinding snowstorm.

After an hour and 20 minutes had elapsed and Libbey had not returned, and the men aboard were rapidly reaching a stage of exhaustion, Ensign Fulford decided it would be better for the men to attempt to reach the beach and find possible relief rather than to stay on board, which meant death from exposure. Accordingly, all the remaining men went over the side of the vessel and succeeded in reaching the beach. Ensign Fulford and Simon traveled together, and it was necessary for Simon to be given assistance in order to progress. Finally, after great difficulty they reached a house, only to find it was closed and boarded up. They broke into the windows, and while there was fuel to start a fire their matches on their persons were soaked and useless.

In the meantime Libby, who upon reaching the cliff, took off his boots for the purpose of dumping the water out, but his socks stuck to the boots and came off also. When he attempted to replace them his feet were so swollen that it was impossible for him to do so and he had to continue through the snow in his bare feet. He finally came to a water tower and at this tower he found Joseph H. McQueen, ship's cook, second class, and Fred W. Thornhill, seaman first class, who had wandered there on coming ashore from the vessel. These men were in a numb and almost unconscious condition. Libby placed these men inside the house and climbed to the top of the water tower and wildly waved his arms and finally engaged the attention of a road force nearby who came quickly and fire was started in the shack of a house and the road gang communicated with the Coast Guard Station at Narragansett Pier, and the members of the crew from this station, after walking through snow drifts for 4 miles, brought succor and aid to the exhausted and almost unconscious officers and crew of the Coast Guard patrol boat *No. 126*.

Ensign Fulford and his heroic crew will recover from this trying and hazardous experience. The officials of the Coast Guard here in Washington will commend them and possibly promote some of them. The wheels of Government will grind along and the incident will be forgotten as time goes on, and there will still be those among us who will criticize the activities of the greatest Government on earth, sometimes unjustly, but in so far as I can I want to place before the world in these remarks, the faithful and loyal service to duty of the members of the crew of Coast Guard patrol boat *No. 126*. The full list is as follows:

"Ensign (T.) N. S. Fulford, officer in charge; boatswain's mate, first class, Joseph A. Libby; seaman, first class, Fred W. Thornhill; motor machinist's mate, first class, Antonie Simon; motor machinist's mate, second class, Wilbur A. Minnic; ship's cook, second class, Joseph H. McQueen."

The great Daniel Webster in an argument in a famous murder trial said: "A sense of duty pursues us ever. It is omnipresent, like Deity. If we take to ourselves the wings of morning, and dwell in the uttermost parts of the sea, duty performed or duty violated is still with us, for our happiness or our misery. If we say the darkness shall cover us, in the darkness as in the light our obligations are yet with us."

The consciousness of a service well done and faithfully performed must bring to the minds and hearts of the brave and heroic crew of Coast Guard patrol boat *No. 126*, the reward that one duty gives the power to fulfill another, which after all is one of the greatest satisfactions of life.

EXTENSION OF REMARKS

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from Charles D. Finnigan Post, No. 242, American Legion, referring to disabled veterans of the World War now in the hospitals, with special reference to H. R. 6537, introduced by me, and now before the Committee on World War Veterans' Legislation since January 4, 1926.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks by printing a letter from an American Legion post in regard to a bill introduced by himself. Is there objection?

Mr. SNELL. Mr. Speaker, I object.

BRIDGE BILLS

Mr. PARKER. Mr. Speaker, I ask unanimous consent to return to page 43 of the calendar and take up the first bridge bill on the calendar.

The SPEAKER. The Chair will not recognize the gentleman for that purpose. If the gentleman desires unanimous consent to take up a number of bridge bills, the Chair will recognize him.

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I desire to discuss further this new practice of the consideration of bridge bills under an omnibus plan. We are calling up bridge bills simply by number and without reading, saying there is no objection, which brings about a consideration by which all ride together. After that, to object to one is to object to all. This I do not wish to do, but I feel that I must call attention to the situation under which a proper bridge bill can not have its day in the House.

Mr. OLIVER of Alabama. May I ask the gentleman a question?

Mr. JOHNSON of Washington. Certainly.

Mr. OLIVER of Alabama. Necessarily, Congress is primarily interested in these bridge bills to see that they have the approval of the War Department and will not interfere with navigation, and I think the gentleman from Washington will recognize that Members who represent States where bridges are to be erected over streams in their States will protect the rights of the States and their subdivisions. The fact is, the only jurisdiction which Congress should exercise in bridge permits wholly within a State is to see that navigation is not endangered or interfered with on navigable water courses. So it seems to me if the gentleman calls up these bills separately where the bridges are located wholly within the boundaries of a single State, and where none of the Representatives of such State objects to the bill, and it has the approval of the War Department in that it does not interfere with navigation, there should be no objection to the consideration and passage of such bills. The State should be left free to impose conditions on the use of the bridges.

Mr. JOHNSON of Washington. I have no objection, and do not intend ultimately to object, to the passage of bridge bills under the process that we have followed heretofore. But the gentleman from Alabama [Mr. OLIVER] must have observed a few moments ago, when I undertook to interrogate the distinguished gentleman from New York [Mr. PARKER] in regard to the bridge bill situation, referring particularly to the bill on the calendar for a bridge at Longview, Wash., a call for the regular order was repeatedly made by the distinguished gentleman from Oregon [Mr. CRUMPACKER] for the purpose of preventing me from inquiring as to possible procedure as to that bridge bill which, because of the objection of the gentleman from Oregon, can not get on the list to be presented by the chairman of the subcommittee having these matters in charge.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. JOHNSON of Washington. In a moment. I am quite within my rights in endeavoring to ascertain this information. I am sorry I do not have the floor, and thus can not yield to the gentleman.

Still reserving the right to object, I want to call the attention of the Members to the situation. For the last seven or eight weeks we have been passing bridge bills freely and in great numbers, more than in any previous Congress. On four or five different occasions the gentleman from Illinois [Mr. DENISON], chairman of the subcommittee, has proposed that bills unobjected to be passed. I have a bill here on the calendar for a $3,000,000 bridge across the Columbia River, 50 miles back from the mouth of that river, where a new, sizable, and growing city has been created within the last four or five years, the growth of which has astonished the West, a city which now has a population of more than 10,000 people, and adjoining it is another city now more than 10,000 population. Across the Columbia River is another city of size. The objection comes from the city of Portland, Oreg., which, through its port commission, undertakes to control that river for 105 miles——

Mr. CRUMPACKER. Mr. Speaker, if the gentleman is going to make a speech, I demand the regular order.

Mr. JOHNSON of Washington. Then, Mr. Speaker, for the present I object.

POWER-PLANT BUILDING, BUREAU OF STANDARDS, WASHINGTON, D. C.

Mr. ELLIOTT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4221) authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to contract for the construction of a suitable fireproof power-plant building to be erected upon the present site of the Bureau of Standards in the District of Columbia at a cost not to exceed $200,000.

The SPEAKER. Is a second demanded? If not, the Chair will recognize the gentleman from Indiana.

Mr. BEGG. Mr. Speaker, I would like to ask the gentleman from Indiana one question. Has the money been appropriated for this purpose?

Mr. ELLIOTT. It has not.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules and pass the bill.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LOCATION AND EXTENT OF POTASH DEPOSITS

Mr. ROBSION of Kentucky. Mr. Speaker, I call up the bill (S. 1821) authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom, and move to suspend the rules and pass the bill with an amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000 for the fiscal year ending June 30, 1927, and a similar amount for each succeeding fiscal year for four years, to be expended as may be mutually agreed upon by the Secretary of the Interior and the Secretary of Commerce for the purpose of determining the location, extent, and mode of occurrence of potash deposits in the United States and conducting the necessary laboratory tests incident thereto.

SEC. 2. The Secretary of the Interior and the Secretary of Commerce jointly are hereby authorized, within their discretion, to cooperate under formal agreement with individuals, associations, corporations, States, municipalities, educational institutions, or other bodies, for the purposes of this act: *Provided*, That before undertaking drilling operations upon any tract or tracts of land the Secretary of the Interior and the Secretary of Commerce jointly shall enter into a contract or contracts with the owners or lessees, or both, of the mineral rights therein, which contract shall provide, among other things, that not more than the actual cost of the exploration shall constitute a preferred claim in favor of the United States and its cooperators against any minerals developed; and the aforesaid contract or contracts shall provide that the owners or lessees, or both, of said lands and/or mineral rights within the radius hereinafter mentioned, shall pay to the Government and its cooperators an amount equal to the actual costs of said explorations, said payments to be made at such time or times, in such manner, and in such proportions as said Secretaries may, in their discretion, determine to be equitable: *Provided further*, That such contract shall not restrict the Secretary of the Interior and the Secretary of Commerce jointly in the choice of drilling locations within the property or in the conduct of the exploratory operations, so long as such selections or conduct do not interfere unreasonably with the use of the surface of the land or with the improvements thereon, and such contract shall provide that the United States and its cooperators shall not be liable for damages on account of such reasonable use of the surface as may be necessary in the proper conduct of the work: *Provided further*, That before such drilling be commenced the Secretary of the Interior and the Secretary of Commerce jointly shall require the owners of lands and/or mineral rights therein lying within a radius of not less than 1 mile of any proposed well, in consideration of the probable increase in value to such lands and/or mineral rights therein incident to any discovery of potash and in order to prevent profiteering, to enter into an agreement whereby the Secretary of the Interior and the Secretary of Commerce, jointly, are empowered to act as referees in determining the maximum price at which the potash rights in such lands can be sold, which covenant shall run with the lands and/or mineral rights therein: *And provided further*, That the owners of such potash rights, in consideration of the advantage accruing from an equitable price for such potash rights as effected by said Secretary of the Interior and

Secretary of Commerce, may be required to enter into an agreement whereby the potash produced from said lands shall be marketed at a price not in excess of a maximum determined by the Secretary of the Interior and the Secretary of Commerce jointly as equitable.

The SPEAKER. Is a second demanded?

Mr. SCHAFER. I demand a second until I can see what the bill is.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I do not care for any time. I simply wanted to protect my right to investigate the matter.

The SPEAKER. The question is on the motion of the gentleman from Kentucky to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

BRIDGE BILL LEGISLATION

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, it is far from my purpose to place myself as the single objector in the way of Members of the House who desire to pass bridge bills. Because I have been made a victim of that process in reference to the Longview bridge bill, I shall not encourage the practice. Mr. Speaker, I believe the membership of this House desires to follow, and should follow, the committee in matters of that kind. I know from experience that when the committee has reported a bill favorably with respect to a bridge the membership, if given a chance, will accept the report of the committee and follow it. The rules do not provide any other way. It has heretofore been done by unanimous consent. I can not find that a roll call was ever required to pass a bridge bill, even if the bill was for a bridge between States.

I undertook to state, when the regular order was called for by the gentleman from Oregon [Mr. CRUMPACKER], the situation in regard to the Longview bridge bill, for a proposed $3,000,000 structure over the Columbia River, which, after full hearings, and to overcome the fear of the people of Oregon that it would restrict navigation, was amended so as to carry more restrictions than ever before put on any bridge bill. The city of Portland, Oreg., has secured through act of the Oregon Legislature the control for the time being of the Columbia River from Portland to the sea, a distance of more than 100 miles. The State of Washington is thus discriminated against. The only way to create the issue and test the right of control by one State is for Congress to pass an act authorizing the construction of a bridge with safeguards in every way as to navigation rights. This bill does that. If this bill could be considered, practically every Member would vote for the bill. But our rules permit one Member at first and then three Members to object, and thus to deprive a proper private bill of the test that it should have. In this particular case it permits one city, through its representative, to be set up to all intents and purposes against the Congress of the United States. It permits one State, Oregon, to control 100 miles of the great Columbia River against the rights of another State, Washington, which is bordered by the Columbia River. That situation will have to be remedied by Congress, and Congress alone. Acting under the same rights given under our rules to the gentleman from Oregon, I could block for a considerable time the passage of every bridge bill and stop bridge building over every navigable stream in the United States. I do not propose to do so. I shall endeavor to bring the matter of the rights of the State of Washington before Congress by quite a different method, under which the Members may have a chance to vote.

For the present I am content to call attention to a resolution unanimously adopted by the recent Washington State Republican Convention, as follows:

We deplore the arbitrary, unreasonable, and unjustified opposition of certain interests in the State of Oregon to the construction of a highway bridge across the Columbia River between Longview, Wash., and Rainier, Oreg. The immediate construction of such a bridge is a pressing need and is essential to the full development of the Northwest. No public body is prepared at this time to provide the cost of such a bridge. We therefore heartily indorse and earnestly urge the immediate passage by Congress of Senate bill 3804, granting consent to construct said bridge.

Mr. Speaker, I now withdraw the objection that I made to the request of the gentleman from New York [Mr. PARKER] and yield back any time that I may have remaining.

Mr. PARKER. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER Is there objection?

There was no objection.

Mr. PARKER. Mr. Speaker, there seems to be some misapprehension about what we mean by these bridge bills. I wish to state to the House briefly just how the bills are handled in the Committee on Interstate and Foreign Commerce. There is no reason why the people of your locality who want to build a bridge entirely within your State should come to Congress to get permission, except that the Government of the United States has control of the navigable waters, and when a bridge is built over a stream that the War Department says is navigable, even if it is a stream only a foot wide, if it is decreed to be navigable by the War Department, then it is necessary for you to come here and get the permission of Congress.

These bridge bills grant no franchise; they grant nothing except the right of the municipality or State or county or private concern, as the case may be to build the bridge.

These bills are never introduced by the committee itself; they are always referred to the committee after having been introduced by the Representative of the people in whose district the bridge is to be built.

These bills have absolutely no personal relationship to the Committee on Interstate and Foreign Commerce. They are referred to a subcommittee headed by the gentleman from Illinois [Mr. DENISON]. That subcommittee consists of the gentleman from Illinois [Mr. DENISON], the gentleman from North Dakota [Mr. BURTNESS], and the gentleman from Arkansas [Mr. PARKS]. That is the subcommittee, and they give everyone of these bills the most careful consideration. The gentleman from Illinois [Mr. DENISON] has spent months in getting the bills in the proper form and when he brings the bills out the House may rest assured that they are in the form the War Department and the Department of Agriculture both approve of.

Mr. JOHNSON of Washington. Is not that the same status that the Longview bridge is in, approved by the committee?

Mr. PARKER. I will say that the committee reported the gentleman's bill. That is as far as the committee can go.

Mr. JOHNSON of Washington. I agree with the gentleman.

BRIDGE BILLS

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take up the following bridge bills, with amendments thereto, and consider them en bloc:

H. R. 12311. A bill granting the consent of Congress to the State of Minnesota, or Dakota County, Washington County, or Ramsey County, in the State of Minnesota, or either or several of them, to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.;

H. R. 12313. A bill granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.;

H. R. 12314. A bill granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.;

H. R. 12467. A bill granting the consent of Congress to the Jackson & Eastern Railway Co. to construct, maintain, and operate a railroad bridge across the Pearl River in the State of Mississippi;

H. R. 12537. A bill granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.;

H. R. 12538. A bill granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.;

H. R. 12642. A bill granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio; and

H. R. 12703. A bill granting the consent of Congress to Brownsville & Matamoros Municipal Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at Brownsville, Tex.

The SPEAKER. The gentleman from New York asks unanimous consent to take up and consider en bloc the following

bridge bills, with amendments thereto, which the Clerk will report by number.

The Clerk reported the bills by number.

The SPEAKER. Is there objection?

There was no objection.

Mr. COLLIER. Mr. Speaker, I have an amendment to offer to the bill H. R. 12467, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Mississippi offers an amendment to H. R. 12467, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLLIER to H. R. 12467: Page 1, line 7, after the word "navigation," strike out "about 4 miles north" and insert in lieu thereof "near and south of waterworks plant."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. Without objection, the various committee amendments to the bills which the Clerk has just reported will be agreed to.

There was no objection.

The bills were ordered to be engrossed and read a third time, were read the third time, and passed.

A motion to reconsider the several votes by which the several bills were passed was laid on the table.

Mr. PARKER. Mr. Speaker, I now ask unanimous consent to consider en bloc the following bills without amendment:

S. 4138. An act granting the consent of Congress to the State Highway Department of Georgia to construct a bridge across the St. Marys River;

S. 4267. An act to extend the times for commencing and completing the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at or near the Newport-Priest River road crossing Washington and Idaho; and

S. 4293. An act granting the consent of Congress to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct a bridge across the Missouri River.

The SPEAKER. The gentleman from New York asks unanimous consent to call up and consider en bloc the following Senate bills, which the Clerk will report by number.

The Clerk reported the bills by number.

The SPEAKER. Is there objection?

There was no objection.

The bills were ordered to be read a third time, were read the third time, and passed.

A motion to reconsider the several votes by which the several bills were passed was laid on the table.

MEMORIAL TO ROGER WILLIAMS

Mr. O'CONNELL of Rhode Island. Mr. Speaker, I ask unanimous consent to return to Calendar No. 560, H. R. 12207, authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, I want to ask the gentleman a question. This is an authorization for the expenditure of $2,500 and that is all?

Mr. O'CONNELL of Rhode Island. Yes.

Mr. SNELL. And the Appropriations Committee could cut that amount down to $1,500 if it saw fit?

Mr. O'CONNELL of Rhode Island. If the War Department is agreeable to that, I think that is correct.

Mr. SNELL. They have the right to do that?

Mr. O'CONNELL of Rhode Island. Yes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $2,500, or so much thereof as may be necessary, is hereby authorized to be appropriated, to be expended under the direction of the Secretary of War, in the erection of an appropriate tablet or marker, at or near the spot in the present city of Providence, R. I., where Roger Williams first landed in said State of Rhode Island, in commemoration of said historic event.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the bill H. R. 5358 will be laid on the table, a similar Senate bill (S. 4221) having been passed this afternoon.

PROVIDING MEANS TO VISIT WORLD WAR VETERANS

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter from the Charles D. Finnegan Post, No. 242, of the American Legion, referring to disabled veterans of the World War now in hospitals, with special reference to H. R. 6537, introduced by me, now before the Committee on World War Veterans' Legislation since January 4, 1926.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. LINDSAY. Mr. Speaker, under leave granted me this day I insert herewith the following letter:

CHARLES D. FINNIGAN POST, NO. 242 (INC.),
AMERICAN LEGION,
Brooklyn, N. Y., June 15, 1926.

Hon. GEORGE W. LINDSAY,
Member of Congress, Washington, D. C.

DEAR CONGRESSMAN: The following resolution was adopted at a regular meeting of the Finnigan Post, No. 242, American Legion (Inc.):

Whereas the men who served in the Army, Navy, and Marine Corps of the United States in time of war who became incapacitated in the performance of duty and who are afflicted with bodily ailments resultant from military service are entitled to the best consideration the Nation can offer them; and

Whereas thousands of these men are now confined to hospitals throughout the United States and denied the companionship of parents, because they are necessarily assigned to hospitals many miles from their homes and the cost of travel is in many cases prohibitive, and for this reason visitation from parents and nearest relatives, which is one of life's greatest comforts, is not theirs; and

Whereas the Finnigan Post, No. 242, American Legion (Inc.), has at all times extended its aid in behalf of the disabled veteran; and

Whereas there is now pending before Congress bill H. R. 6537, introduced by Congressman GEORGE W. LINDSAY, providing means for regular visits from friends and families of our comrades assigned to Government institutions: Be it therefore

Resolved, That this organization indorse and forward every means within its power to procure the passage of this bill at the next regular session of Congress; and be it further

Resolved, That the action of Congressman GEORGE W. LINDSAY in introducing this bill is highly commended by this organization; and be it further

Resolved, That a copy of this resolution be submitted at the 1926 county, State, and National convention of the American Legion.

Respectfully yours,

CHARLES D. FINNIGAN POST, NO. 242, A. L. (INC.),
MARTIN MICHITCH, *Secretary.*

REPAVING AND RESURFACING ASSESSMENTS

The next business on the Consent Calendar was the bill (H. R. 11174) to amend section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this bill provides that repaving is not to be assessed against property. That is quite all right.

Mr. ZIHLMAN. Can not be reassessed for 20 years.

Mr. LAGUARDIA. But in other cities where repaving is not assessed you have the original paving assessed 100 per cent, while under this bill you only assess the original paving at 50 per cent.

Mr. ZIHLMAN. That is existing law, I will say to the gentleman.

Mr. LAGUARDIA. Exactly. Where you assess for original paving 50 per cent it generally provides to assess the repaving cost. Now, if the gentleman desires to change the law and exempt the property holder from repaving cost he ought to charge the full original paving cost to abutting owners in the area of benefit.

Mr. ZIHLMAN. That has been a different class.

Mr. LAGUARDIA. I understand——

Mr. ZIHLMAN. This simply provides they can not reassess before the end of 20 years.

Mr. LAGUARDIA. We have the same thing in New York City, and we charge the original paving to abutting owners within the area, and the repaving comes out of the city treasury, but here only one-half of the cost of the original paving is paid by property owners.

Mr. UNDERHILL. Does the gentleman want to say in the city of New York, when the streets are to be repaved, the cost should be reassessed and the cost of repaving——

Mr. LAGUARDIA. No.

Mr. UNDERHILL. That is what they do in Washington.

Mr. LAGUARDIA. The original paving cost in the city of New York is assessed—the full cost of the original paving—whereas you assess here only 50 per cent.

Mr. UNDERHILL. And the abutter pays 25 per cent?

Mr. LAGUARDIA. Who pays the other?

Mr. UNDERHILL. The city pays 50 per cent.

Mr. LAGUARDIA. In New York City the property owners pay the entire cost of the original paving. There is no repaving cost. The city pays all repaving.

Mr. REID of Illinois. But in the city of New York they have the per cent of public interest, whereas in the District of Columbia——

Mr. LAGUARDIA. The gentleman is wrong.

Mr. REID of Illinois. I am absolutely right, that in the city of New York they have the public interest, and they pay 50-50.

Mr. LAGUARDIA. No——

Mr. REID of Illinois. Yes; they do.

Mr. LAGUARDIA. We have spent millions of dollars, and I know something about it.

Mr. ZIHLMAN. We have not attempted to change the existing law. This is existing law.

Mr. LAGUARDIA. I understand the repaving, of course, affects the streets or avenues that are to be paved. From now on, where they pave the streets the first time you should change the old law and assess the full amount of the original paving.

Mr. UNDERHILL. It should not be that way. It never is. You have to assess a certain amount only for sidewalks.

Mr. HUDSON. A certain portion to the abutting property owners.

Mr. SCHAFER. Mr. Speaker, reserving the right to object for a question, who pays on that portion of the public highway such as when these hotels and other institutions have been allowed to monopolize by taxi companies? Does the District pay in case of resurfacing or new work?

Mr. ZIHLMAN. The hotel pays 25 per cent on its side.

Mr. SCHAFER. If this bill is passed, then the hotels will only have to pay 50 per cent?

Mr. ZIHLMAN. This bill only relieves the repaving cost from being assessed in 20 years. That is if the paving there was torn up by trucks or heavy traffic, then the repaving must be paid by the city as a whole, the taxpayers as a whole, and not by the abutting property owner.

Mr. SCHAFER. That is what I wanted to get at. Take, for instance, the pavement in front of a hotel where the public are not permitted to drive their cars, where they sell this monopoly privilege to a taxicab company or drivers. If the street has to be repaved a majority of the cost should have to be borne by the whole District of Columbia.

Mr. ZIHLMAN. If it were paved within 20 years. Then it would be paid for by the taxpayers and not the property owners.

Mr. SCHAFER. The bill ought to be amended.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LAGUARDIA. There is no reason why you should assess the District here. There is no reason for it.

Mr. HUDSON. Is it not a fact that the contract builders' trucks are practically destroying more paving in this city than any of a dozen other sources?

Mr. ZIHLMAN. Yes; I think that is true. That is an argument brought before our committee of the injustice of assessing the cost on the property owners.

Mr. HUDSON. There ought to be some safeguard from the destruction of paving in this city by trucks. I know that in front of my own home they have broken three pieces of pavement within three weeks on account of overloaded trucks.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

Be it enacted, etc., That section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), is hereby amended by adding the following:

"Third. That no frontage of abutting property, on which a legal assessment for paving or repaving has been levied and paid hereunder, shall be liable, within 20 years following the date of levying such assessment, to any further assessment hereunder on account of the replacement of such pavement."

Mr. UNDERHILL. Mr. Speaker, I offer an amendment to strike out, in line 8, after the comma, the words "within 20 years following the date of levying such assessment."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Line 8, after the word "liable," strike out the comma and the words "within 20 years following the date of levying such assessment."

Mr. UNDERHILL. Mr. Speaker, it will take me just a few minutes to explain the amendment to the Members of the House.

At the present time an abutter is assessed for the pavement in front of his home, his residence, his place of business, or wherever he may own property in the city of Washington. In some new developments those who are developing the property lay out the property and build the roads themselves.

Now, what happens? You go up Massachusetts Avenue or Sixteenth Street where cross streets have been made one-way streets; the property has been assessed for the laying of a pavement, and they have made the street a one-way street, so that it is only used about 50 per cent or less. The street next to it is getting double traffic. The consequence is that the pavement on two-way streets is rapidly worn out, and then the abutters are reassessed for the laying of a new pavement.

My contention is that after the abutter has paid once for the pavement in front of his home he has discharged all of his obligations to the city and the District, because the pavement is not injured or destroyed by the abutter; it is destroyed entirely by traffic passing by, and the more traffic that goes by the more the value of his property is depreciated.

We have instances of that on file in my office, where an abutter has paid for the paving and the city has come along in two or three years and put in a heavier sewer in order to accommodate sections beyond the residence of the abutter. When they began to repatch they found they could not make the pavement permanent. It would sink every time they built it up, and the consequence is the abutter has to pay for a new pavement inside of five years.

Mr. VINSON of Georgia. The gentleman's amendment is to strike out the provision regarding the reassessment within 20 years?

Mr. UNDERHILL. Yes; so that if the traffic has damaged the pavement within 20 years the abutter may not be assessed for a new pavement.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield there?

Mr. UNDERHILL. Yes.

Mr. BURTNESS. The gentleman's statement appeals to me very much. But is there not a distinction in this city, whereby the city pays the cost not only of the intersection of the crosswalk but also 50 per cent of the pavement in front of the private property? Is there not a reason there at least for the abutting property owners assuming some obligation in the future, and particularly so after the pavement has existed for 20 years, which is probably the average life of a pavement?

Mr. UNDERHILL. I can answer that only by my own experience. I live in a city that I have seen grow from 10,000 inhabitants up to 115,000 during my recollection. My city has paid for 50 per cent of paving streets or in laying out streets and the abutters have paid the other 50 per cent. After they have done that, they never pay another cent for the relaying of the pavement, and we have as good roads and streets as any other city anywhere in the United States. I want the people of the city of Washington to have the same kind of treatment that I understand is accorded to residents of practically every other city in the United States, that after they once pay for the paving of the street in front of their home they are not assessed for 20 years or 50 years for repaving.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

NORTH PLATTE RIVER

The next business on the Consent Calendar was the bill (H. R. 10356) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDEN, Mr. SIMMONS, and Mr. TAYLOR of Colorado objected.

NORTH PLATTE RIVER

The next business on the Consent Calendar was the bill (S. 3553) to provide for the storage for diversion of the water

of the North Platte River and the construction of the Casper-Alcova reclamation project.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDEN, Mr. SIMMONS, and Mr. TAYLOR of Colorado objected.

CLASSIFICATION ACT OF 1923

The next business on the Consent Calendar was the bill (H. R. 359) to amend an act entitled "The classification act of 1923," approved March 4, 1923.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas, Mr. BOX, and Mr. BEGG objected.

CLASSIFICATION OF CIVILIAN POSITIONS

The next business on the Consent Calendar was the bill (H. R. 84) to amend the act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923, and the act amendatory thereof and supplementary thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SNELL, Mr. BEGG, and Mr. JOHNSON of Indiana objected.

COTTON-CROP REPORTS

The next business on the Consent Calendar was the bill (H. R. 11422) to amend the act entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton-crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object—and I am not going to object, because the gentleman from Georgia [Mr. VINSON] says this is an emergency—but I want to make the statement that I think bills of this kind have no business on the Consent Calendar. It is an important bill, carrying $100,000, but the gentleman from Georgia made the case strong enough that I am going to pass it up this time. However, I think we ought to find an hour some time to discuss the merits of such cases.

Mr. VINSON of Georgia. Mr. Speaker, I agree with the gentleman that opportunity should always be given the House to have ample discussion, but I am very grateful to him for not objecting.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. LAGUARDIA. Is this all the relief the cotton growers require?

Mr. VINSON of Georgia. This relief will go a long way to correct a condition which should be corrected, and I want to state while I am on the floor that I have an amendment to offer.

Mr. SCHAFER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the act approved May 3, 1924 (43 U. S. Stat. L. p. 115), entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton-crop reports, and providing for their publication simultaneously with the ginning reports of the Department of Commerce," is hereby amended by adding the following sections thereto:

"SEC. 3. Hereafter the Secretary of Agriculture each year shall include in the first report issued by him in July an estimate of the acreage of cotton in cultivation. In procuring the data for the determination of such estimate the Secretary of Agriculture, in addition to the methods now employed in obtaining data with respect to the acreage of cotton in cultivation, its condition, progress, and probable production, shall each year in each county in the cotton-producing regions, through persons employed or designated by him as enumerators, under such rules and regulations as he may prescribe, take a census of the actual number of acres in cotton in such selected areas as he may designate, and the number of acres in the farms and plantations in such areas, and this census shall be completed on or before a date previously designated by him, but not later than June 25 of any year. Such enumerators may be paid a reasonable compensation on a farm, plantation, or acreage basis. Such enumerators shall be subject to the provisions of sections 123 and 124 of the act approved March 4, 1909 (35 U. S. Stat. L. p. 1110), which prohibits the improper use or publication of such information.

With the following committee amendments:

On page 2, in line 8, after the word "in," strike out "each county in the" and insert the word "important."

In line 9 strike out the word "regions" and insert the word "counties."

In line 11 strike out the words "take a census" and insert in lieu thereof the words "make an enumeration."

In line 13 strike out the word "and."

In line 14, after the word "areas," insert the words "and such other information pertaining to agricultural production as the Secretary of Agriculture may prescribe."

In line 16 strike out the word "census" and insert the word "enumeration."

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 4. Any person over 21 years of age who, when requested by the Secretary of Agriculture, or by any person employed or designated by him for the purpose of obtaining information hereunder, shall refuse or willfully neglect to answer questions concerning the number of acres of cotton in the areas designated by the Secretary of Agriculture, as aforesaid, which he is engaged in cultivating directly or indirectly, or the number of acres in the farm or plantation on which said cotton is growing, or who shall willfully give answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed $100.

SEC. 5. (a) The first cotton report issued by the Secretary of Agriculture in August of any year shall hereafter include an estimate of cotton acreage abandonment to August 1 of the acreage of cotton in cultivation on July 1.

(b) The first cotton report issued by the Secretary of Agriculture in September of any year shall hereafter include an estimate of cotton acreage abandonment to September 1 of the acreage of cotton in cultivation on July 1.

(c) The first cotton report issued by the Secretary of Agriculture in October of any year shall hereafter include an estimate of cotton acreage abandonment to October 1 of the acreage of cotton in cultivation on July 1.

With the following committee amendments:

Strike out all after the figure "5," in line 13, down to and including line 16.

In line 17, strike out the letter "(b)" and insert the letter "(a)."

In line 21, strike out the letter "(c)" and insert the letter "(b)."

In line 22, strike out the word "October" and insert in lieu thereof the word "December."

In line 24, strike out the word "October" and insert in lieu thereof the word "December."

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 6. No estimate or report with respect to cotton acreage or cotton acreage abandonment shall be approved by the Secretary of Agriculture until it shall have been passed upon by a cotton crop reporting committee or board in the manner and form provided for in section 1 hereof for semimonthly reports covering the condition, progress, and probable production of cotton.

SEC. 7. The Secretary of Agriculture may make such rules and regulations as he deems advisable to carry out the provisions of this act, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency or political subdivision thereof, or any person; and may call upon any other Federal department, board, or commission for assistance in carrying out the purposes of this act; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law and make such expenditure for rent, outside the District of Columbia, printing, telegrams, telephones, books of reference, periodicals, newspapers, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000 to be available for expenditure during the fiscal years 1926 and 1927, and the appropriation of such additional sums as may be necessary thereafter for carrying out the purposes of this act is hereby authorized.

Mr. VINSON of Georgia. Mr. Speaker, I offer an amendment. In line 25, page 4, strike out the figures "$100,000" and insert in lieu thereof the figures "$75,000."

The SPEAKER. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: On page 4, line 25, strike out the figures "$100,000" and insert the figures "$75,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 22, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, June 22, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON RULES

(10.30 a. m.)

Making eligible for retirement under certain conditions officers and former officers of the World War, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War. (H. R. 4548.)

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

594. A letter from the chairman of the Interstate Commerce Commission, transmitting report for the month of May, 1926, showing the condition of railroad equipment and the related information indicated in the Senate Resolution 438, dated February 26, 1923, so far as such information is available; to the Committee on Interstate and Foreign Commerce.

595. A letter from the Secretary of War, transmitting, with a report from the Chief of Engineers, on preliminary examination and survey of intracoastal waterway from Beaufort, N. C., to the Cape Fear River (H. Doc. No. 450); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 302. A resolution providing for the consideration of H. R. 11768, a bill to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health; without amendment (Rept. No. 1522). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 303. A resolution providing for the consideration of H. R. 12065, a bill to amend the interstate commerce act and the transportation act, 1920, and for other purposes; without amendment (Rept. No. 1523). Referred to the House Calendar.

Mr. BUTLER: Committee on Naval Affairs. H. R. 12853. A bill authorizing the Secretary of the Navy to turn over the gunboat *Wolverine* to the municipality of Erie, Pa.; with amendment (Rept. No. 1524). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 2721. A bill authorizing and directing the Secretary of the Treasury to pay to W. Z. Swift, of Louisa County, Va., the insurance due on account of the policy held by Harold Rogis; with amendment (Rept. No. 1525). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 657) for the relief of Catherine Woods; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 2238) for the relief of George O. Pratt; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 11810) for the relief of Douglas C. Mitchell; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 11503) for the relief of Everett L. Foster; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 6930) to correct the military record of William Dietle; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 12922) granting an honorable discharge to J. H. Hulse; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 12951) to authorize and direct the Secretary of War to execute a lease with the Air Nitrates Corporation and the American Cyanamid Co., and for other purposes; to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 12952) to authorize the village of Decatur, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLGOOD: A bill (H. R. 12953) to amend section 24 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACK of New York: A bill (H. R. 12954) to create the United States Board of Alienists; to the Committee on the Judiciary.

By Mr. SOMERS of New York: A bill (H. R. 12955) for the appointment of Representatives in Congress among the several States under subsequent decennial censuses; to the Committee on the Census.

By Mr. KNUTSON: A bill (H. R. 12956) providing for the appointment of a board of visitors to inspect and report upon the government and conditions in Samoa; to the Committee on Insular Affairs.

By Mr. SNELL. Concurrent resolution (H. Con. Res. 35) providing for the adjournment of the present session of Congress on the 30th day of June, 1926, at 5 o'clock p. m.; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 12957) granting an increase of pension to Mary L. Samuel; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 12958) granting an increase of pension to Mary A. Storrs; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 12959) granting an increase of pension to Elizabeth J. Kohler; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 12960) granting an increase of pension to Elizabeth G. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12961) granting an increase of pension to Sarah Henry; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 12962) granting an increase of pension to Mary E. Stahl; to the Committee on Invalid Pensions.

By Mr. DAVEY: A bill (H. R. 12963) for the relief of Adam B. Ackerman, alias Aunkerman; to the Committee on Military Affairs.

By Mr. ESTERLY: A bill (H. R. 12964) granting an increase of pension to Arabella Brouch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12965) granting an increase of pension to Emma S. De Gour; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12966) granting an increase of pension to Emma R. Derr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12967) granting an increase of pension to Mary C. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12968) granting an increase of pension to Sarah E. Fries; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12969) granting an increase of pension to Josephine Butterweck; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 12970) granting a pension to Benjamin Benson; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 12971) for the relief of George H. Cecil; to the Committee on Agriculture.

By Mr. JENKINS: A bill (H. R. 12972) granting a pension to Arrieanna Sites; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 12973) granting a pension to Donna M. Myers; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 12974) granting an increase of pension to Iolia Reed; to the Committee on Invalid Pensions.

By Mr. KUNZ: A bill (H. R. 12975) to correct the naval record of James Allen; to the Committee on Naval Affairs.

By Mr. McFADDEN: A bill (H. R. 12976) granting an increase of pension to Emma M. Haight; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 12977) granting an increase of pension to Elvina Hemphill; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 12978) granting an increase of pension to Chauncey C. Robinson; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 12979) granting an increase of pension to Nancy N. Gregory; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 12980) granting a pension to Mary McElroy; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 12981) granting an increase of pension to Jennie Weaver; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 12982) granting an increase of pension to Rachel Rappleyea; to the Committee on Invalid Pensions.

By Mr. RANSLEY: A bill (H. R. 12983) granting an increase of pension to Annie E. Hawkins; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12984) granting an increase of pension to Susie K. McLeod; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 12985) granting a pension to William Rogers; to the Committee on Pensions.

By Mr. STEPHENS: A bill (H. R. 12986) to correct the military record of Oscar L. Hughes; to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 12987) granting an increase of pension to Charlotte E. Lebengood; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2623. By Mr. ANTHONY: Petition signed by citizens of Topeka, Kans., urging upon Congress the enactment of the Civil War pension bill; to the Committee on Invalid Pensions.

2624. By Mr. ARNOLD: Petition of citizens of Newton, Ill., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2625. By Mr. AYRES: Petition of citizens of Caldwell, Kans., requesting early consideration of Civil War pension bill; also petition from citizens of Leon, Kans., requesting early consideration of Civil War pension bill; to the Committee on Invalid Pensions.

2626. By Mr. BAILEY: Petition of citizens of Cape Girardeau, Mo., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2627. By Mr. BARBOUR: Petition of residents of Dunlap, Calif., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2628. By Mr. BROWNE: Petition of Wisconsin Veterans' Home, Clintonville, and other posts in the eighth district of Wisconsin to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2629. By Mr. CHALMERS: Petition of the Point Place Commerce Club, Point Place, Toledo, Ohio, opposing the omnibus rivers and harbors bill; to the Committee on Rivers and Harbors.

2630. Also, petition urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2631. By Mr. DAVENPORT: Petition of citizens of Rome, N. Y., urging the passage of legislation increasing the pensions to veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

2632. By Mr. DEAL: Petition of residents of Norfolk, Va., requesting Congress to enact legislation increasing the pensions of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2633. Also, petition signed by residents of Norfolk, Va., requesting Congress to enact legislation increasing the pensions of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2634. Also, petition signed by residents of Lynnhaven, Va., requesting Congress to enact legislation increasing the pensions of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2635. By Mr. DENISON: Petition of various voters of Olive Branch, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2636. Also, petition of various voters of Jackson County, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2637. Also, petition of various voters of Jackson County, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2638. Also, petition of various voters of Zeigler, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2639. Also, petition of Eliza Frederick, Thomas J. Sullivan, and sundry other citizens of Benton, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2640. Also, petition of various voters of Jackson County, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2641. Also, petition of various voters of Duquoin, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2642. By Mr. ELLIOTT: Petition of Mrs. Sarah C. Warbritton and 100 voters of Ogden, Ind., asking for the passage of H. R. 4023, the Elliott Civil War pension bill; to the Committee on Invalid Pensions.

2643. By Mr. EVANS: Petition of citizens of Bozeman, Mont., urging the passage of legislation increasing the pensions of Civil War Veterans and their widows; to the Committee on Invalid Pensions.

2644. Also, petition of citizens of Plains, Mont., urging the passage of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2645. By Mr. FAUST: Petition generously signed by citizens of St. Joseph, Mo., indorsing legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2646. Also, petition of citizens of Mound City, Mo., favoring enactment of legislation for the benefit of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2647. By Mr. ROY G. FITZGERALD: Petition of 17 voters of Hamilton, Ohio, praying for an increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2648. By Mr. W. T. FITZGERALD: Petition of citizens of Allen County, Ohio, entreating Congress to pass pending legislation for relief of veterans of the Civil War, their widows and dependents, prior to adjourning; to the Committee on Invalid Pensions.

2649. By Mr. FUNK: Petition of citizens of McLean, Ill., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2650. By Mr. GALLIVAN: Petition of Charles A. Hardy, American Woolen Co., 1 Federal Street, Boston, Mass., recommending early and favorable consideration of House bill 7479, known as the game refuge bill; to the Committee on Agriculture.

2651. By Mr. GARDNER of Indiana: Petition of Arthur W. Middleton, and 22 other citizens of Jeffersonville, Ind., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows of the Civil War; to the Committee on Invalid Pensions.

2652. Also, petition of Mrs. Leonora Enlow, and 107 other citizens of Clark County, Ind., requesting Congress to enact legislation at this session of Congress increasing the pensions of the Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2653: By Mr. GREENWOOD: Petition of James Whaley and 35 others of Stanford, Monroe County, Ind., asking that Congress do not adjourn without passing legislation for increase of pensions to soldiers of Civil War, their widows and dependents; to the Committe on Invalid Pensions.

2654. Also, petition of William T. Willis and 69 others of Bruceville, Ind., asking that Congress do not adjourn without passing legislation for increase of pensions for Civil War soldiers and their widows and dependents; to the Committee on Invalid Pensions.

2655. By Mr. HAWES: Petition of citizens of the city of St. Louis and the State of Missouri, urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2656. By Mr. HAWLEY: Petition of citizens of Rickreall, Oreg., to Congress to take immediate steps to bring the Civil War pension bill to a vote; to the Committee on Invalid Pensions.

2657. By Mr. HICKEY: Petition of Henry G. Oliger and 300 other citizens of Michigan City, Ind., protesting against the expulsion of Archbishop Caruana, Apostolic delegate to Mexico, from Mexico by the Mexican Government; to the Committee on Foreign Affairs.

2658. Also, petition of Hannah A. Kremer and other citizens of Mishawaka, Ind., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2659. By Mr. HOGG: Petition of 140 voters of Columbia City, Whitley County, Ind.; to the Committee on Invalid Pensions.

2660. By Mr. HOWARD: Petition of Mrs. Luticia Ferguson and others, of Dodge County, Nebr., in behalf of increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

2661. Also, petition of Edgar M. Hoar and others, of Decatur, Burt County, Nebr., in behalf of increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

2662. Also, petition of Charles A. Rogers and others, of Fremont, Dodge County, Nebr., in behalf of increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

2663. Also, petition of W. J. Golden and others, of Dodge County, Nebr., in behalf of increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

2664. Also, petition of James H. Fowler and others, of Merrick County, Nebr., in behalf of increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

2665. Also, petition of C. H. Moody and others, of Knox County, Nebr., in behalf of increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

2666. By Mr. HUDSON: Petition of citizens of Genesee County, Mich., urging favorable action on legislation granting relief to the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2667. By Mr. HUDSPETH: Petition of residents of Del Rio, Tex., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2668. By Mr. IRWIN: Petition of voters of St. Clair County, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows, and thus partly repay the living for the sacrifices they have made for our country; to the Committee on Invalid Pensions.

2669. By Mr. JENKINS: Petition signed by 29 voters of Middleport, Ohio, and 127 voters of Lawrence County, Ohio, urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of the Civil War; to the Committee on Invalid Pensions.

2670. By Mr. JOHNSON of Kentucky: Petition of voters who reside in Grayson County, in the fourth congressional district of the State of Kentucky, urging action before adjournment of Congress upon a bill granting increases of pensions to veterans of the Civil War, their widows, and children; to the Committee on Invalid Pensions.

2671. By Mr. KERR: Petition of various citizens of Lenoir County, in the State of North Carolina, for the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2672. By Mr. KETCHAM: Petition of 55 residents of Decatur, Mich., requesting relief for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2673. Also, petition of 65 residents of Benton Harbor, Mich., requesting relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2674. Also, petition of 35 residents of Keeler Township, Mich., requesting relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2675. Also, petition of 65 residents of Marcellus, Mich., and vicinity, requesting relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2676. By Mr. KING: Petition signed by Mrs. Nancy Gibberson and 19 other citizens of Fulton County, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

2677. By Mr. KOPP: Petition of Benjamin F. West, jr., Orpha B. Turner, and many others, of Fairfield, Iowa, asking that increased pensions be granted to the veterans of the Civil War and to their surviving widows before this session of Congress adjourns; to the Committee on Invalid Pensions.

2678. Also, petition of Mrs. Aaron Hentzel and 16 other citizens of Charleston and New Boston, Lee County, Iowa, urging that immediate steps be taken to bring the Civil War pension bill to a vote and thus effect relief to needy and suffering veterans of the Civil War and to their widows; to the Committee on Invalid Pensions.

2679. Also, petition of William E. Tomlinson, State chaplain of the Disabled Veterans of the World War, Department of Iowa; Edward A. Schard, commander American Legion Post, No. 40, Department of Iowa; Ed S. Lofton, commander No. 74, Sons of Union Veterans of Keokuk, Iowa; and many others of Keokuk, Iowa, praying for increased pensions for the aged veterans of the Civil War and for their widows; to the Committee on Invalid Pensions.

2680. Also, petition of J. B. Dey and about 150 other citizens of Brighton, Iowa, urging Congress to grant increased pensions to the Civil War veterans and their widows during this session of Congress; to the Committee on Invalid Pensions.

2681. By Mr. KUNZ: Petition of 195 persons, protesting against the passage of proposed "blue law" legislation; to the Committee on the District of Columbia.

2682. By Mr. LANHAM: Petition of citizens of Cleburne, Tex., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2683. By Mr. LEHLBACH: Petition of citizens of Bloomfield, N. J., urging passage of House bill 10240, an amendment to the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

2684. Also, petition of citizens of Newark, N. J., and suburbs, urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2685. By Mr. MILLER: Petition of sundry citizens of Kitsap County, Wash., urging the passage of legislation for increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

2686. Also, petition of sundry citizens of Seattle, Wash., urging the passage of legislation increasing pensions of Civil War veterans; to the Committee on Invalid Pensions.

2687. By Mr. MONTAGUE: Petition of citizens of Virginia, urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2688. By Mr. MAGEE of New York: Petition of residents of Syracuse, N. Y., in favor of legislation for relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

2689. By Mr. NELSON of Missouri: Petition of sundry citizens of Columbia, Mo., Boone County, urging immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2690. Also, petition of sundry citizens of Versailles, Morgan County, Mo., urging immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2691. Also, petition of sundry citizens of Linn, Osage County, Mo., urging immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2692. By Mr. NEWTON of Minnesota: Petition from disabled veterans at United States Hospital No. 65, urging prompt action on the Civil War pension bill; to the Committee on Invalid Pensions.

2693. Also, petition by sundry members of the Soldiers' Home, of Minneapolis, Minn., requesting immediate action upon the Civil War pension bill; to the Committee on Invalid Pensions.

2694. By Mr. O'CONNELL of Rhode Island: Petition of residents of Pawtucket, R. I., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2695. By Mr. OLDFIELD: Petition of citizens of Lawrence County, Ark., urging prompt and favorable action on House bill 4023 granting increases in the rates of pensions of Civil War soldiers and their widows, known as the Elliott bill; to the Committee on Invalid Pensions.

2696. Also, petition of citizens of Bald Knob, Ark., urging prompt and favorable action on House bill 4023, granting increases in the rates of pensions of Civil War soldiers and their widows, known as the Elliott bill; to the Committee on Invalid Pensions.

2697. Also, petition of C. C. Presley and other citizens of Lawrence County, Ark., urging favorable action on House bill

4023, granting increases on the rates of pensions of Civil War soldiers and their widows, known as the Elliott bill; to the Committee on Invalid Pensions.

2698. By Mr. PRATT: Petition of citizens of Livingston, Columbia County, N. Y., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2699. By Mr. RANSLEY: Petition of a number of residents of the city of Philadelphia, urging the passage of the Civil War veterans' bill introduced by Mr. ELLIOTT, of the Committee on Invalid Pensions; to the Committee on Invalid Pensions.

2700. By Mr. ROMJUE: Petition of John H. Totsch, W. O. Gardner, Thos. S. Hagan, and others of Marion County, Mo., asking that immediate action be taken on legislation granting more liberal pensions to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2701. By Mr. ROWBOTTOM: Petition of Mr. E. F. Illing, Henry E. Hess, and others, of Evansville, Ind., asking that bills increasing rates of pension for Civil War veterans and their widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

2702. By Mr. SANDERS of New York: Petition of F. L. Kramer and 29 other residents, of Dansville, N. Y., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2703. By Mr. SCOTT: Petition of citizens of Harbor Springs, Emmett County; Carp Lake, Emmett County; Mackinaw County and Charlevoix County, eleventh district of Michigan, favoring passage of Civil War pension bill; to the Committee on Invalid Pensions.

2704. By Mr. SHALLENBERGER: Petition of voters of Lebanon, Red Willow County, Nebr., to urge the Congress of the United States to take immediate steps to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2705. By Mr. SIMMONS: Petition of citizens of Scottsbluff, Nebr., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2706. Also, petition of citizens of Garfield County, Nebr., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2707. By Mr. SNELL: Petition of citizens of Gouverneur, Mooers, and Massena, N. Y., urging passage of Civil War pension legislation; to the Committee on Invalid Pensions.

2708. By Mr. SPEAKS: Petition of 45 citizens of Columbus, Ohio, urging the passage before adjournment of Congress of a bill granting increase of pension to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2709. By Mr. STALKER: Petition of Mrs. Mary L. Paddock et al., Schuyler County, N. Y., voters of the thirty-seventh congressional district of New York State, urging passage of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2710. Also, petition of Mrs. Lillian M. Van Housen and 83 voters of Savona, N. Y., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2711. Also, petition of Mrs. Elizabeth R. Eastman and 23 voters of Newark Valley, N. Y., urging early and favorable consideration of the Civil War pension bill; to the Committee on Invalid Pensions.

2712. Also, petition signed by 71 citizens of Corning, N. Y., voters of the thirty-seventh congressional district of New York State, urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2713. Also, petition signed by 45 voters of Prattsburg, N. Y., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2714. Also, petition signed by 80 voters of Waverly, N. Y., urging the passage of legislation for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

2715. Also, petition signed by citizens of town of Orange, N. Y., voters of the thirty-seventh congressional district of New York State, urging passage of legislation for increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2716. Also, petition signed by 84 citizens of Tioga County, N. Y., including Campville Grange, voters of the thirty-seventh congressional district of New York State, urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2717. By Mr. SWANK: Petition of citizens of Maramec and Yale, Okla., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2718. Also, petition of certain residents of San Diego, urging immediate action by Congress on the Civil War pension bill; to the Committee on Invalid Pensions.

2719. By Mr. TAYLOR of West Virginia: Petition of W. E. Pauley and other citizens of Kanawha County, W. Va., urging passage of Civil War pension bill during present session of Congress; to the Committee on Invalid Pensions.

2720. By Mr. THOMPSON: Petition of voters of Continental, Ohio, urging Congress to vote immediately on Civil War pension bill in order that relief may be granted to needy veterans and widows; to the Committee on Invalid Pensions.

2721. Also, petition of voters of Pioneer, Williams County, Ohio, urging Congress to vote immediately on Civil War pension bill in order that relief may be granted to needy veterans and widows; to the Committee on Invalid Pensions.

2722. By Mr. VINCENT of Michigan: Petition of citizens of Greenville, Cedar Lake, Edmore, Lakeview, and Pewamo, Mich., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2723. By Mr. VINSON of Kentucky: Petition of 76 voters who reside at Rush, in the ninth congressional district of Kentucky, urging action before adjournment of Congress upon a bill granting increases of pensions to veterans of the Civil War, their widows, and children; to the Committee on Invalid Pensions.

2724. By Mr. WILLIAMSON: Petition of Albert Knutson and sundry other citizens of Ellingson, S. Dak., urging prompt action on bill providing for an increase of pension to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *June 22, 1926*

(Legislative day of Monday, June 21, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 183. An act to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I.;

S. 1119. An act to transfer jurisdiction over United States reservation No. 248 from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia;

S. 2005. An act for the enlargement of the Capitol Grounds;

S. 3012. An act to change the name of "The trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same;

S. 3028. An act to divide the eastern district of South Carolina into four divisions and the western district into five divisions;

S. 3545. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof;

S. 3978. An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes;

S. 4138. An act granting the consent of Congress to the State Highway Department of Georgia to construct a bridge across the St. Marys River;

S. 4221. An act authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia;

S. 4267. An act to extend the time for commencing and completing the construction of a bridge across the Pend d'Oreille River, at or near the Newport-Priest River road crossing Washington and Idaho; and

S. 4293. An act granting the consent of Congress to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct a bridge across the Missouri River.

The message also announced that the House had passed the following bill and joint resolution, each with amendments, in which it requested the concurrence of the Senate:

S. 1821. An act authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom; and

S. J. Res. 109. Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4789. An act providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands;

H. R. 8954. An act to amend section 4 of the public buildings act of March 4, 1913;

H. R. 9637. An act to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway;

H. R. 11174. An act to amend section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), and for other purposes;

H. R. 11422. An act to amend the act entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce";

H. R. 11515. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Minneapolis the silver service set in use on the battleship *Minneapolis*;

H. R. 11802. An act to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery;

H. R. 12207. An act authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island;

H. R. 12311. An act granting the consent of Congress to the State of Minnesota, or Dakoto County, Washington County, or Ramsey County, in the State of Minnesota, or either or several of them, to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.;

H. R. 12313. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.;

H. R. 12314. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.;

H. R. 12413. An act to supplement the naturalization laws, and for other purposes;

H. R. 12467. An act granting the consent of Congress to the Jackson & Eastern Railway Co. to construct, maintain, and operate a railroad bridge across the Pearl River, in the State of Mississippi;

H. R. 12495. An act to regulate the issue and validity of passports, and for other purposes;

H. R. 12537. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.;

H. R. 12538. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.;

H. R. 12642. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio;

H. R. 12703. An act granting the consent of Congress to Brownsville & Matamoros Municipal Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at Brownsville, Tex.; and

H. J. Res. 256. Joint resolution relieving posts or camps of organizations composed of honorably discharged soldiers, sailors, or marines from liability on account of loss or destruction of obsolete rifles loaned by the War Department.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 492. An act for the relief of Swend A. Swendson;

S. 1160. An act for the relief of Immaculato Carlino, widow of Alexander Carlino;

S. 1662. An act for the relief of Francis Nicholson;

S. 1726. An act for the relief of the Atlantic & Caribbean Steam Navigation Co.; and

S. 4152. An act to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	King	Schall
Bayard	Ferris	La Follette	Sheppard
Bingham	Fess	Lenroot	Shipstead
Blease	George	McKellar	Shortridge
Borah	Gerry	McMaster	Simmons
Bratton	Gillett	McNary	Stanfield
Broussard	Glass	Mayfield	Steck
Bruce	Goff	Means	Stephens
Butler	Gooding	Moses	Swanson
Cameron	Hale	Neely	Trammell
Capper	Harreld	Norbeck	Tyson
Caraway	Harris	Norris	Underwood
Copeland	Harrison	Oddie	Wadsworth
Couzens	Heflin	Pepper	Walsh
Cummins	Howell	Phipps	Warren
Curtis	Johnson	Pine	Watson
Deneen	Jones, N. Mex.	Reed, Pa.	Weller
Dill	Jones, Wash.	Robinson, Ark	Wheeler
Edwards	Kendrick	Robinson, Ind.	Williams
Ernst	Keyes	Sackett	Willis

Mr. KING. I wish to announce that the Senator from Missouri [Mr. REED] is engaged in committee work.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

PETITIONS

Mr. COPELAND presented petitions of sundry citizens of New York and Portlandville, all in the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. FERRIS presented a petition numerously signed by sundry citizens of Detroit, Mich., praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

Mr. CAPPER presented a petition of sundry citizens of Bourbon County, in the State of Kansas, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

Mr. WILLIS presented a petition of sundry citizens of Newark, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

Mr. FESS presented petitions of sundry citizens of Cleveland, Cincinnati, Sebring, and Lewisburg, and of sundry other citizens, all in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. JONES of Washington presented petitions numerously signed by sundry citizens of Davenport, Yakima, and Centralia, and of Clarke and Kitsap Counties, all in the State of Washington, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. JOHNSON presented petitions numerously signed by sundry citizens of the city and county of Los Angeles, the city and county of San Francisco, Lassen County, Burbank, Eagle Rock, Lankershim, Brentwood Heights, Turloch, Hermosa, Alhambra, and San Jose, all in the State of California, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. PEPPER, from the Committee on Printing, to which were referred the following resolutions, reported them severally without amendment:

S. Res. 208. Resolution for the printing of 400 additional copies of part 15 of the hearings held before a subcommittee of the Committee on Public Lands and Surveys, pursuant to S. Res. 347, Sixty-eighth Congress, on matters relating to national forests and the public domain;

S. Res. 210. Resolution to provide for the printing of additional copies of hearings on grazing facilities on public lands; and

S. Con. Res. 10. Concurrent resolution to print and bind the proceedings in Statuary Hall upon the acceptance by Congress

of the statue of Crawford W. Long, presented by the State of Georgia.

Mr. PEPPER also, from the Committee on Printing, to which was referred the concurrent resolution (S. Con. Res. 21) providing for the printing of additional copies of Senate Document No. 95, "Art and Artists of the Capitol," reported it with an amendment.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (S. 3847) to amend and clarify existing laws relating to the powers and duties of the auditor for Porto Rico and the auditor for the Philippine Islands, reported it with amendments, and submitted a report (No. 1123) thereon.

Mr. BINGHAM, from the Committee on Education and Labor, to which was referred the resolution (S. Res. 177) authorizing the appointment of a special committee to inspect, investigate, and report upon conditions in the textile, aluminum, and steel industries, submitted an adverse report (No. 1122) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 44. An act for the relief of Alice M. Durkee;

S. 45. An act for the relief of Yvonne Therrien;

S. 161. An act for the relief of Charles H. Willey;

S. 248. An act for the relief of the Central National Bank, Ellsworth, Kans.;

S. 492. An act for the relief of Swend A. Swendson;

S. 970. An act for the relief of Th. Michaelsen;

S. 1023. An act authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy;

S. 1160. An act for the relief of Immaculato Carlino, widow of Alexander Carlino;

S. 1631. An act for the relief of Capt. Edward T. Hartmann, United States Army, and others;

S. 1662. An act for the relief of Francis Nicholson;

S. 1726. An act for the relief of the Atlantic & Caribbean Steam Navigation Co.;

S. 1747. An act for the relief of the estate of Henry T. Wilcox;

S. 1828. An act for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy;

S. 1885. An act for the relief of James C. Minon;

S. 2189. An act for the relief of W. B. deYampert;

S. 2312. An act for the relief of Franklin Gum;

S. 3049. An act for the relief of Mrs. M. McCollom, Margaret G. Jackson, and Dorothy M. Murphy;

S. 3055. An act for the relief of Lawford & McKim, general agents for the Employers' Liability Assurance Corporation (Ltd.), of London, England;

S. 3200. An act to confirm the right, title, and interest of the Peoples' Investment Co. (Inc.), of the State of Louisiana, in certain lands;

S. 4152. An act to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes; and

S. 4344. An act to provide for the permanent withdrawal of Memaloose Island, in the Columbia River, for the use of Yakima Indians and Confederated Tribes as a burial ground.

UNITED STATES GUNBOAT "WOLVERINE"

Mr. PEPPER. Mr. President, from the Committee on Naval Affairs I report back favorably, with amendments, the bill (S. 4470) authorizing the Secretary of the Navy to turn over the gunboat U. S. S. *Wolverine* to the municipality of Erie, Pa., and I submit a report (No. 1121) thereon. I wish to ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania for the present consideration of the bill?

Mr. COUZENS. Mr. President, I shall have to object to the request. However, I should like to have an explanation of the purpose of the bill.

Mr. PEPPER. In the program of economy of the Navy Department it has been decided not to retain in commission the old gunboat *Wolverine*, which lies at the dock in the harbor of Erie, Pa. Her estimated value is $5,000. It is thought that if she were sold to be scrapped she would realize much less than that sum. She has historic value. She contains the first Navy engines that were ever built in this country. It is a matter of local pride that she should not be scrapped and destroyed, but that she should be made available for preservation at the expense of the municipality of Erie if she can be turned over by the Government of the United States to the municipality for that purpose. It involves no appreciable surrender of value by the Government. It preserves the historic value, and the alternative is to scrap it.

Mr. COUZENS. I have indirectly had word from Detroit that the city of Detroit has been desirous of buying the boat. I shall have to ask that the bill go over until I can find out more about it. I am not prepared to discuss it at the present time, but I understand that if the bill passes the city of Detroit would be precluded from the opportunity of purchasing the gunboat.

Mr. PEPPER. Undoubtedly if the bill passes the Secretary of the Navy would be authorized to turn the gunboat over to the municipality of Erie. I hope the Senator will obtain his information with reasonable promptness.

Mr. COUZENS. I shall do so.

The VICE PRESIDENT. The bill will be placed on the calendar.

REPLICA OF HOUDON BUST

Mr. FESS. Mr. President, from the Committee on the Library I report back favorably, without amendment, the joint resolution (H. J. Res. 64) to secure a replica of the Houdon bust of Washington for lodgment in the Pan American Building. I ask unanimous consent for its immediate consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the Secretary of State be, and he is hereby, authorized and directed to secure a replica of the Houdon bust of Washington, in white marble with suitable pedestal, for lodgment in the Hall of Americas of the Pan American Building at Washington in accordance with the plan contemplated at the time of the completion of the Pan American Building, not to exceed in cost the sum of $1,000, which amount is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LENROOT:

A bill (S. 4493) granting a pension to Anna S. Winslow; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4494) granting an increase of pension to Hannah M. Casey (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 4495) for the relief of Gustav E. Boettcher; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 4496) granting a pension to Sarah M. M. Boch; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4497) granting an increase of pension to Fanny S. O'Brien (with accompanying papers); to the Committee on Pensions.

By Mr. MAYFIELD:

A bill (S. 4498) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. BRUCE:

A bill (S. 4499) to amend the first sentence of paragraph (4) of section 20a of the interstate commerce act, as amended; to the Committee on Interstate Commerce.

By Mr. HARRISON:

A bill (S. 4500) transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department; to the Committee on Military Affairs.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 4789. An act providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; to the Committee on Territories and Insular Possessions.

H. R. 11422. An act to amend the act entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce"; to the Committee on Agriculture and Forestry.

H. R. 11515. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Minneapolis the silver service set in use on the battleship *Minneapolis;* to the Committee on Naval Affairs.

H. R. 12207. An act authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island; to the Committee on the Library.

H. R. 12413. An act to supplement the naturalization laws, and for other purposes; to the Committee on Immigration.

H. R. 12495. An act to regulate the issue and validity of passports, and for other purposes; to the Committee on Foreign Relations.

H. R. 8954. An act to amend section 4 of the public buildings act of March 4, 1913; and

H. R. 11802. An act to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery; to the Committee on Public Buildings and Grounds.

H. R. 9637. An act to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway; and

H. R. 11174. An act to amend section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), and for other purposes; to the Committee on the District of Columbia.

H. R. 12311. An act granting the consent of Congress to the State of Minnesota, or Dakota County, Washington County, or Ramsey County, in the State of Minnesota, or either or several of them, to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.;

H. R. 12313. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.;

H. R. 12314. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.;

H. R. 12467. An act granting the consent of Congress to the Jackson & Eastern Railway Co. to construct, maintain, and operate a railroad bridge across the Pearl River in the State of Mississippi;

H. R. 12537. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.;

H. R. 12538. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.;

H. R. 12642. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio; and

H. R. 12703. An act granting the consent of Congress to Brownsville & Matamoros Municipal Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at Brownsville, Tex.; to the Committee on Commerce.

H. J. Res. 256. Joint resolution relieving posts or camps of organizations composed of honorably discharged soldiers, sailors, or marines from liability on account of loss or destruction of obsolete rifles loaned by the War Department; to the Committee on Military Affairs.

THE FOREIGN DEBT

Mr. HARRISON. Mr. President, I ask unanimous consent to have inserted in the RECORD an article from the New York World of yesterday, on the foreign debt, written by Prof. Irving Fisher, parts of which article I agree with and other parts I disagree with; also an article that is founded upon the report of the Treasury Commission in the same paper, as well as an editorial that appears in this morning's New York World. None of these articles is very long, and they all touch upon the subject of debt settlement.

The VICE PRESIDENT. Without objection, leave is granted. The articles referred to are as follows:

[From the New York World, June 21, 1926]

BULK OF WAR DEBT REALLY CANCELED—PROF. IRVING FISHER SHOWS FRENCH AND ITALIAN TERMS ARE FOR BUT 42 AND 21 PER CENT—INTEREST RATE NEGLIGIBLE—ONLY POSTARMISTICE LOANS COLLECTED, TREASURY FIGURES

[The character of the French and Italian debt settlements from a banking standpoint is shown in the following article by Professor Fisher, widely known financial expert. It is the first authoritative calculation of the actual interest rates represented in the two settlements to be published.]

By Irving Fisher, professor of economics, Yale University

Now that the formalities in ratifying the French and Italian war debt settlements are nearly ended, let us examine the "pound of flesh" which European sentiment still seems to feel that the American Debt Commission has exacted.

Discounted at 5 per cent, the "present worth" of the French payments, which are to be extended over 62 years, is only $1,695,000,000—42 per cent, or a trifle more than two-fifths of the $4,025,000,000 France owes us; that is, France finds herself forgiven by 58 per cent of her debt.

Similarly, the present worth of the Italian debt of $2,042,000,000, discounted at 5 per cent, is $432,600,000. That is only 21 per cent of the principal. Italy has 79 per cent of her debt forgiven.

The American Debt Commission, of course, had no power to negotiate cancellation of the principal of European debts. From this fact the chorus of European disapprobation arose. Thus the Temps of Paris exclaimed: "In the scales gold outweighs blood, outweighs ruins, outweighs sacrifices. That is what international morality means these days."

But look at the terms actually concluded. True, the Debt Commission could not reduce the principal. But it had full authority over the interest rates and time of payments. It used this authority in such manner as virtually to extinguish the bulk of the debts.

Now, it matters not what the principal of a debt is if time is sufficiently extended wherein to pay it and if the interest rate is put low enough. For example, if it were arranged that the $11,000,000,000 of European indebtedness to the United States should be paid at the rate of $1 a year for 11,000,000,000 years, with "interest" in the sum of $1 a year for another 11,000,000,000 years, the principal would remain the same, but it could be financed on a "present worth" of about $20.

THE TRUE INTEREST RATE

Something like this has been done by the Debt Commission in extending the payments of France and of Italy over 62 years, both at low rates of interest.

In fact, the average rate of interest which Italy is to pay on her debt is only four-tenths of 1 per cent. That of France is 2.4 per cent.

For Italy the announcement was made that the average interest rate would be nine-tenths of 1 per cent. But the true average is that rate which, when we use it for calculating the discounted value of all future payments, whether of principal or of interest, will make the total of these discounted values equal to the existing debt. On calculation I find this rate to be not 0.9 per cent but only 0.4 per cent.

Of course, no one who uses scales whereon "gold outweighs blood" would dream of lending to the Italian Government at 0.4 per cent. Italian bonds are now selling on a basis equivalent to 7½ per cent, and on such a discount basis the American terms would reduce the present worth of Italy's debt to $237,858,000, or 11.6 per cent on the dollar. The more conservative discount of 5 per cent, which I have chosen in figuring present worth, raises this to 21 cents per dollar of Italian debts.

NO INTEREST CHARGE UNTIL 1930

At this discount of 5 per cent for present worth the French settlement amounts to 42 cents on the dollar.

But actually there is no interest charge until 1930. Thereafter the French interest rate is fixed at only 1 per cent until 1940 and then at 2 per cent until 1950, while for Italy the payments for the first decade after 1930 will be but one-eighth of 1 per cent and for the second decade one-half of 1 per cent.

I am far from objecting either to the amounts or the method of these war-debt cancellations. In fact, I suggested such a measure in "Europe's Big Debts" (Yale Review, April, 1924), naming the reasons that favor such a policy. I would be glad if it could go still further. But Europe should recognize that we have canceled a large part of the debts in fact and not in names. Moreover, Americans who object to such easy terms and clamor for 100 per cent debt payments from Europe show a different kind of confusion. Thinking in terms of money, they insist that every penny shall be paid us. But when they think in terms of imported goods, by means of which the payments must be effected, if at all, they are for barring them out. Manifestly, the debts can not be paid in gold. And even if they could be, it would harm us, not help us, because we have too much gold already. Full payment could scarcely be exacted except at the expense of a serious breach in the American tariff walls. That might not be so bad. But if it were understood, doubtless the hundred per centers would experiencce a change of heart. (Copyright, 1926.)

CONGRESS GETS MELLON'S FIGURES ON CANCELLATION

(Special dispatch to The World)

WASHINGTON, June 20.—In the debt settlements with France and Italy the United States is collecting substantially only the amount of

her postarmistice loans to these countries, figures just calculated by the Treasury show.

In other words, since the Debt Commission had no power to reduce the principal of the loans, it has, by reducing the interest, made the present value of the payments to be made by France and Italy equal only to about the sums loaned them after all danger of a military defeat was over. The figures are given as an answer to the European argument that since Europeans provided the man power for most of the war, the United States should provide the money.

The Treasury believes the present figures show that this is what the United States has done, practically canceled the actual war-time debts. As the Treasury figures it, the present value of France's payments, figuring interest at 5 per cent, is $1,681,369,000 and her postarmistice loans amounted to $1,434,818,945. The present value of the Italian payments is $426,287,000 and her postarmistice advances $617,307,200.

MELLON SUBMITS FIGURES

Secretary Mellon has submitted these calculations to Congress for use in discussing the settlements. They give the present value of the gross debts discounted at 3 per cent, 4½, and 5 per cent interest and the percentage of the funded debts represented by their present value.

Prior to the funding agreement, the French debt stood at $4,230,775,000. With interest adjustments in the agreement, the debt was funded at $4,025,000,000. Its present value discounted at 5 per cent is $1,681,369,000. The present value is 39.7 per cent of the debt at the time of funding, and the extent of cancellation, at 5 per cent interest, is 60.2 per cent.

The Italian debt prior to the funding agreement was $2,150,150,000. After adjustments it was funded at a principal of $2,042,000,000. Its present value, discounted at 5 per cent interest, is $426,287,000, or 19.8 per cent of the total before funding, representing a cancellation of 80.2 per cent.

Professor Fisher's calculations differ slightly from those of the Treasury, it was explained, because he figured interest by yearly payments, whereas the Treasury arrived at its totals by figuring payments of interest on a semiannual basis. The latter prevails in all of the settlements.

FRENCH LOANS AT 8 PER CENT

That 5 per cent is not too high a rate for use in obtaining the current value of the French payments might be indicated by the rates obtaining on France's internal debt. While interest on her pre-war loans ran around 3 and 4 per cent, it was necessary for the French Government to pay interest of 7 and 8 per cent in late stages of the war and even on some of her loans thereafter.

The national-defense funds, which revolve quickly, carry interest of around 6 per cent, but financial experts point out that the various inducements offered to cause investments in the short-term French bonds, such as advance payment of interest, in reality make the rate higher than officially stated. Normally the short-term obligations would bear lower-interest returns than the balance of the internal debt.

The argument that the United States wiped clean the actual war debt with France and is collecting only money advanced after the armistice might be sustained if it were accepted that France obtained too good a bargain on the sale of surplus war materials left in American depots after the armistice. The amount charged for these supplies was $400,000,000. Their actual value has been placed variously at around $1,000,000,000, but it has been argued with equal vigor that France profited and lost by the deal.

The following table shows the prearmistice and postarmistice loans to Great Britain, France, Italy, and Belgium, and the present value of the combined funded indebtedness at 5 per cent, according to Treasury calculations:

Present value of total debt at 5 per cent interest

Nation	Pre-armistice loan	Post-armistice loan
Great Britain	$3,696,000,000	$581,000,000
France	1,970,000,000	1,434,818,945
Italy	1,031,000,000	617,034,050
Belgium	171,780,000	207,307,200

Nation:	
Great Britain	$3,296,948,000
France	1,681,369,000
Italy	426,287,000
Belgium	191,766,000

At 4¼ per cent the present value of the French settlement is $1,996,509,000 and at 3 per cent $2,734,250,000. At the same rates Italy's settlement has a value of $528,192,000 and $782,321,000.

[Editorial from the New York World of June 22, 1926]

EXPLAINING TOO MUCH

The Treasury has submitted figures which are meant to show that the debt settlements with France, Italy, and Belgium are in effect a cancellation of all the money borrowed before the armistice. Thus France borrowed $1,970,000,000 before the armistice; the present value of her total debt is, roughly, only $1,680,000,000. Approximately the money borrowed after the armistice, about $1,435,000,000, is to be repaid. In even more generous measure the same proportions were applied to the Belgian and Italian settlements. These figures, which are substantiated by the calculations of Prof. Irving Fisher, published in yesterday's World, are designed to meet the argument of the continental debtors that the United States is charging them interest on money spent while our troops were not yet in line. The figures show conclusively that all Italy and Belgium are asked to pay is part of the principal at a relatively low interest of the money borrowed for domestic reconstruction after the fighting stopped.

Thus after having done its best for years to prove to Congress that it was demanding every dollar up to the full capacity of the debtors to pay, the administration has turned around in an effort to prove that it has really canceled all the prearmistice loans. Now, it is true that a sum equal to the prearmistice loans has been canceled. It is also true that the continental debtors are obligated to pay up to their estimated capacity. But it can not be true at one and the same time that the administration meant to forgive the prearmistice loans on moral grounds and that it meant to collect all that it was owed within the limits of the capacity of the debtors to pay. These two different explanations of what has been done shriek at each other, and the world will not be far wrong if it concludes that the administration is trying to prove to Congress that it is tight and to the rest of the world that it is generous.

The settlement of the interallied debts is the largest question which the Coolidge administration has had to handle. The consequences are more far-reaching and more continuous than flow from any other question with which Mr. Coolidge has had to deal. Long after his other achievements are forgotten these settlements will remain as one of the controlling factors in the relationships of the world. The principle which has guided him has been neither "capacity to pay" nor the cancellation of prearmistice loans, because they were spent in a common cause; the one and only principle has been to get by somehow, even if it meant arguing with Congress that the settlements meant the limit of the capacity to pay, and arguing with Europe that we were nobly canceling a large part of the debt.

This latest effort to appear generous has, however, one serious difficulty in it which Mr. Coolidge seems to overlook. In proving to France, Italy, and Belgium that the United States has canceled the prearmistice loans the Treasury is proving too much. It is reminding Englishmen and all fair-minded men that the United States has not canceled the British prearmistice loans and that, in effect, we have discriminated against the British. No doubt they can pay more than the French and Italians. But before we take pride in the generosity with which we have remitted the continental prearmistice loans we shall have to explain why the same generosity was denied to the British.

These are the pitfalls which beset any government that applies the ordinary expedients of unprincipled politics to a question of the highest seriousness.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wyoming [Mr. KENDRICK], which the Clerk will state.

The CHIEF CLERK. On page 14, line 8, strike out the word "cattle," and in line 15 strike out the same word, "cattle"; and on pages 23, line 3, strike out the words "cattle or," and in line 9 strike out the same words, "cattle or."

Mr. BORAH. Mr. President, I desire to ask some one who is familiar with or interested in the amendment what is the reason for striking out "cattle" and what is the difference between cattle and hogs so far as the operation of the bill is concerned?

Mr. McNARY. Mr. President, this basic agricultural product was inserted in the bill by the Senate Committee on Agriculture and Forestry and was not brought to the committee by the cattle producers of the country. The Senator from Wyoming [Mr. KENDRICK], who, perhaps more than any other person in the Chamber understands the cattle business, believes it should come out of the bill. He has offered the amendment, and so far as I am personally concerned I am not going to oppose it.

Mr. BORAH. I am not going to oppose it. I simply wanted to get some reason why it is not practical as to cattle and why it is practical as to hogs?

Mr. KENDRICK. Mr. President, I stated in my explanation of the amendment a few days ago that I believe the same argument which applied to the elimination of cattle would apply equally well to the elimination of pork products, but I did not offer an amendment to exclude pork products for the reason that the farmers of the country seem to want to have them included in the bill. All the information I have from producers of cattle indicates that they would like to have cattle excluded from the operations of the bill.

Mr. BORAH. Why do they desire to have cattle excepted from the operation of the bill?

Mr. KENDRICK. There are several reasons for that, but the principal reason is, as I understand the contemplated workings of the bill, that as to cattle the question of storage is involved; there must be storage over a long period of time; and we happen to know that any sort of reflection on beef products which have been stored is not only detrimental to their sale and consumption but is entirely disastrous. I see no way in which the operations of the bill could prove beneficial to the cattle industry. I can easily understand how and why withdrawing from the market grain products or cotton products which can easily be stored would be beneficial.

Mr. BORAH. Mr. President, I am not asking the question merely out of idle curiosity, because the correspondence which I have had with those who are interested in the bill indicates that they regard the bill as impracticable and useless as to these two commodities; and I was wondering why cattle were being taken out of the bill and hogs were left in. I presume it is because the cattle have more vigilant friends here than have the hogs.

Mr. KENDRICK. I do not believe so, Mr. President. I think those who have come here as representatives of the farmers have indicated a desire to have pork products included, but all the information that I have in connection with the matter has indicated that cattle were included by the action of the committee and without any request whatsoever from cattle growers.

Mr. BORAH. Mr. President, may I ask my colleague from Idaho if the representatives of the hog growers requested that hogs should be included?

Mr. GOODING. Yes, Mr. President. The cattle growers, however, never asked that cattle be included. Cattle were put in by the Senate committee without any request. The Committee of Twenty-two which came here representing 11 Western States did not ask to have cattle included.

Mr. BORAH. I simply ask for the distinction, which is not clear to me, at least, and I should like to have some one explain it.

Mr. NORRIS. Mr. President, I think there is quite a distinction between hogs and cattle as affected by the operation of this bill. The difficulties in carrying out the provisions of the bill, if it should become a law, will depend to a great extent upon the agricultural products to which the board shall make it apply. Senators will understand that the bill, if it be enacted into law, will apply to no agricultural product until the board makes a declaration to that effect. If we start on the assumption that we are going to frame a law to take care of the surplus agricultural production, to undertake to do that may seem very simple, but the application of any such measure will be found to be a very difficult task. There is no use in disputing the fact that the machinery for carrying out the law, which will be in charge of the farm board, will be intricate, particularly in regard to livestock. It will be comparatively simple in its application to agricultural products such as cotton and wheat, I th'nk, but the difficulties in carrying it out as to the prepared products of livestock involving the problem of handling in storage will be extremely great. It will be much more difficult in the case of cattle than in the case of hogs. I wish to say frankly, however, that it will also be difficult in the case of hogs.

I have never anticipated, if the bill became a law, that the farm board would declare an emergency as to all the products included in the law in the first instance. I think if they shall be the right kind of men, as I presume they will be, they will not undertake to apply the law in its broad scope all at once. They will very likely find from experience that some further legislation will be needed. They will also find that they will have to change their rules and regulations, because they will, in the first place, be entering a new field which, Senators must remember, has never before been occupied. If the board, in a perfectly honest effort and with the best intentions, should begin to apply the law to cattle, it would find itself confronted with many difficulties and with much intricate machinery.

Hogs are butchered and preserved in the form of bacon, hams, shoulders, and lard, which can be kept for an indefinite period. Cattle are not handled in that way, as the Senator from Wyoming [Mr. KENDRICK] pointed out the other day. The tendency now is not to ship the cattle, but to ship the carcasses in refrigerator cars. One of the surprising things which we have learned during the last three or four years since entering upon the study of the subject is that it is more economical to ship cattle in refrigerator cars in the shape of frozen carcasses than it is to ship the cattle on the hoof. That is true even in the case of comparatively short shipments. So cattle are shipped in that way to a great extent, but even in that form they can not be kept indefinitely. Cattle are not now, to any great extent, shipped to Europe on the hoof as they used to be; that is almost a thing of the past. There used to be ships engaged in the business which did nothing else but carry cattle from our shores to European markets, but that is not the case now. It is more economical to butcher the cattle here, put the carcasses in refrigerated ships, and ship them to market in any part of the world in that form. A larger return is received from the cattle shipped in that way; it is more profitable. There is not as much shrinkage, which is a serious matter especially when cattle are being transported on ships. So the modern way of handling cattle is to butcher them as near as possible to the place where they were fattened and prepared for market and then ship the carcasses. If the carcasses could be kept indefinitely, as can ham, shoulders, bacon, and lard, the situation as affecting cattle would be practically the same as that affecting hogs, but everybody knows that is not the case. For that reason, if cattle were left in the bill, very likely they would be the last commodity as to which the board would undertake operations. They were put in the bill because, as I have said once before, we wanted to lay the whole matter before the Senate; we wanted to put everything before the Senate and let the Senate act on it.

The Senator from Wyoming, who is, perhaps, as has been said, the best-informed man in the Senate in regard to cattle and who knows as much about the shipping of cattle as probably any man in the United States, has expressed the opinion on this question—and other cattlemen agree with him—that it would perhaps not be practicable to include the cattle in the provisions of the bill. I myself would be delighted to have stricken out the provision including cattle in the bill, although, if it should remain in the bill, it may develop that it will never be applied. If the board found more difficulties than they foresaw in their handling, for instance, of hogs, they would know there would be still greater difficulties in case an effort was made to have the bill operate as to cattle. It is very doubtful whether it is practical to handle cattle in this way.

Now, Mr. President, if there is anything I know about it that I can tell to any Senator who wishes to interrogate me, I shall be very glad to answer any questions that I may be able to answer.

Mr. BORAH. Mr. President, in all probability the provisions of the bill in regard to hogs will not be applied because of the difficulty of undertaking to apply them.

Mr. NORRIS. I do not think the provisions of the bill as to hogs will be applied in the near future. The farm board will first begin operations as to cotton and corn. It may be that they will meet difficulties in doing that. I do not think the difficulties in applying the bill to hogs will be insurmountable by any means, but if we strike out cattle, then I frankly concede the most difficult part of the bill to put into practical application would be that in relation to hogs. It would be more difficult to apply the provisions of the bill to cattle. The question arises whether they can in a practical way be applied to cattle because of the differences which I have explained between the cattle business and the hog business.

Mr. WADSWORTH. Mr. President——

Mr. NORRIS. I yield to the Senator from New York.

Mr. WADSWORTH. I do not desire to ask a question.

Mr. NORRIS. If the Senator wishes the floor, I will yield the floor.

Mr. WADSWORTH. Just for a moment, Mr. President. It strikes me that the friends of this bill—and frankly I can not count myself in that category—would be doing it a service if they should strike out entirely all provisions covering cattle and hogs as now contained in the bill. I agree most thoroughly with the Senator from Wyoming, and perhaps I go further than he does, for I regard it as utterly impossible to handle cattle in the way proposed by this bill.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. WADSWORTH. Yes.

Mr. NORRIS. I will not ask the Senator to yield if he contemplates taking all of his time.

Mr. WADSWORTH. I am very glad to yield.

Mr. NORRIS. What the Senator has said about striking out the provisions affecting hogs leads me to say that I should very much dislike to see that done, because, having faith in the board which will be appointed and realizing that board will be charting to some extent a course on an unknown sea, I do not expect them recklessly to rush into operations at once as to hogs. If I were a member of the board, I would hesitate; I would obtain some experience first with a product that is easy to handle. Experience may show that it is impracticable to deal with hogs as proposed. I do not think it will show that, however. I think after the board has had experience and learns how to operate under this bill as to grain, that it will prove perfectly practicable, although the machinery may be intricate, to apply the provisions of the bill to the product of hogs. So I should dislike to strike out those provisions. We need not be afraid that as soon as this bill shall be passed and the board shall be selected they will start immediately to make the bill operative as to hogs; I do not think they will do that in the beginning.

Mr. WATSON. Mr. President, if the Senator from New York will permit me, inasmuch as we have but slight exports of corn how else are we to stabilize the price of corn except by stabilizing the price of hogs?

Mr. NORRIS. Mr. President, the Senator from Indiana has called attention to something I did not mention, and, if the Senator from New York will yield, I should like to say a word on that subject. Everybody knows that there is a very close relationship between hogs and corn, and one of the things that it is believed will be accomplished by this bill will be to stabilize the market for hogs and corn. By stabilizing corn there would be an effect upon the hog market, and vice versa. It is believed—and I think it is perfectly reasonable to believe it—that the number of hogs will be kept at nearly the same point from year to year.

That is a very material point for the producer of hogs as well as the producer of corn. If the bill shall be applied to corn, and if the operations go far enough so as to stabilize the number of hogs and keep them at nearly the same point from year to year, it may never be necessary to apply the provisions of the bill to hogs. Still it seems to me that we ought not to take away that power from the board, but they should be left free to utilize it if they find it to be necessary.

Mr. WILLIAMS. Mr. President, will the Senator from New York yield in my time to a question?

Mr. WADSWORTH. I think I am not permitted to do that under the rule.

Mr. WILLIAMS. Well, may I ask one short question?

Mr. WADSWORTH. Yes.

Mr. WILLIAMS. Does the Senator from New York understand that hogs and cattle are included in the bill because they are farm products, or does he understand that they are included in the bill because they eat corn, and that we could have a stabilization of the price of corn and collect the equalization fee on corn by feeding it to hogs and cattle?

Mr. WADSWORTH. I am not competent to answer the question of the Senator from Missouri. He asks whether hogs and cattle are included in this bill on the ground that they are basic farm commodities, or whether they are included in the bill because they eat another basic farm product. I do not know why they are in the bill, but I suppose the committee decided that it would be a good thing to put them in and to give this board the right to regulate their marketing and distribution, especially with respect to the surplus, as is proposed in connection with wheat.

The complications, some of which the Senator from Nebraska has mentioned, in connection with the handling of cattle and hogs, dismay me when I try to visualize what this board would do if it ever attempted to regulate either cattle or hogs. There is not as great a difference between the handling of cattle and hogs as the Senator from Nebraska would indicate; at least, I think there is not. It is true that pork products habitually are stored for longer periods than cattle products; but the process of evolution which has gone on in the livestock business generally has resulted in the same general kind of machinery for handling not only cattle but hogs and sheep, and I think experience will show that those two elements in the livestock industry are almost inextricably interwoven.

For example, thousands upon thousands of hogs are fed in the same feed yards with thousands upon thousands of steers, from the same corn crop, raised on the same farms. In a sense the hog in that case is regarded somewhat as a by-product; but he is an extraordinarily valuable and important by-product. In my judgment, it is going to be utterly impossible for any Federal board or any central agency to estimate what proportion of that corn goes to the steers and what proportion goes to the hogs, and where the surplus is, if there is any surplus.

The number of hogs in the country can vary immensely within a 12-month period; the number is increased or decreased as the market demands, and as producers or breeders of hogs respond to the market, to an extraordinary degree; and there is not a man alive, nor will there ever be 9 or 12 men alive at one time, who can say what is the surplus in hogs.

Mr. BORAH. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Idaho.

Mr. BORAH. I should like to ask the Senator in what proportions corn is fed to cattle and hogs. It is a staple food for both animals, is it not?

Mr. WADSWORTH. It is. It is more so for hogs than for cattle. There are large numbers of cattle finished and made into prime beef on feeds other than corn; but corn still is the most important feed for finishing cattle.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. WADSWORTH. Yes.

Mr. GOODING. There is no exportable surplus of cattle at all. If there were, or if there had been in the past, no doubt the cattlemen would have been here for the same relief that the hog men are here for; but we do export about $225,000,000 worth of hog products every year. This is a bill to take care of the exports; that is all—to do with these products exactly what the industries are doing with their exports. That is all it is; and while it may be a little more difficult to apply it to hogs than it is to apply it to corn and cotton, which are perfectly simple, it can be worked out, and will be worked out. There is no doubt about it.

Mr. WADSWORTH. There is another phase of this matter that might be remembered. This is denominated a farm-relief measure. The hog business needs no relief. It has been prosperous for a considerable period of time. The price of hogs on the Chicago and Kansas City markets has been high compared to most other agricultural products, especially compared to the prices——

Mr. NORRIS. Mr. President, will the Senator permit an interruption there?

Mr. WADSWORTH. May I just finish the sentence?—especially compared to the prices of cattle, and in some respects, in more recent weeks or months, the prices of lambs. Our exportable surplus in pork products has moved without the slightest difficulty. Europe apparently is hungry for our pork. In recent years, at least, we have had no difficulty whatsoever in getting rid of our surplus of pork products. Europe devours them. The price of hogs has remained at a comparatively high level, and is there to-day. The interrelation of the price of hogs with the price of corn, of course, is evident to any person who has ever handled both.

When corn is cheap, as it has been in recent months, the man who already owns hogs and wants to finish them can finish them cheaply, because he can buy cheap corn; and that is an incentive to feed more hogs, and perhaps increase the so-called surplus of finished hogs. When corn is high, as it was two years ago, the hog feeder hesitates to buy it in his attempt to turn it into pork, fearing that the price of pork may not be high enough when he has finished the feeding of the hog to justify the price he has paid for the corn.

In that instance the surplus of hogs, which, of course, varies from day to day, and which no man can calculate with any degree of accuracy, tends to be reduced. When there is a surplus of corn, in other words, there is a tendency toward a larger surplus in pork products; and the same might be said with respect to the interrelation of corn and cattle.

If cattle and swine are put in this bill, it will be done, I assume, upon the theory that the business of feeding and finishing and marketing those animals is inextricably interwoven with the business of raising and marketing corn. If they are taken out of the bill I should think the friends of the bill would feel relieved, in that the bill would be relieved in turn of the possibilities of hopeless complication. I do not believe that any Federal board, even if it were able to regulate an inanimate object raised upon the farm, can ever hope to regulate a live animal product. They are of infinite variety of breeding and weight and character and quality. There may be a surplus of 200-pound hogs and a deficit of 300-pound hogs, fed differently in different parts of the country.

Mr. KENDRICK. Mr. President——

Mr. WADSWORTH. I yield.

Mr. KENDRICK. I desire to ask the Senator if he does not think it would serve a real purpose to have a board located here in Washington classify cattle, inasmuch as no market agency ever has been able to do so?

Mr. WADSWORTH. Mr. President, I do not know whether the Senator from Wyoming agrees with me, and I hesitate to express a very positive opinion in his presence, because he knows more about this business than I do. We both happen to be in it, but he has been in it longer, and on a larger scale. In my judgment, no Federal board can ever fix classifications of livestock. The individuals in a breed of livestock vary to an infinite degree; and the sharpest and brightest men in the business, whether they be the breeders on the range or the commission men in the stockyards or the feeders in the corn lots of Iowa and Kansas and Nebraska or the buyer of the big packers, never have been able, after their years of experience and with their extraordinary skill in judging the animals as to quality and prospects, to agree upon a classification which has even become colloquial in expression; and it is just as true of hogs as it is of cattle. Any board that attempts to classify animals in this way and to estimate the exportable surplus will find itself hopelessly involved at the very beginning, and it never will get out of its difficulties.

There is one other phase of this matter that I should like to mention. It may not seem important; it probably is not important in the trans-Mississippi States; but you will notice that in this bill processing is defined as follows:

> In the case of cattle or swine, the term "processing" means slaughter for market.

That would include every country butcher all over the United States who ever purchases a single hog, a veal calf, or any kind of animal in the category of cattle or the category of swine. There may not be a large number of what might be termed local butchers in the trans-Mississippi States that do much buying and slaughtering for local consumption, although there must be a good many; but as one comes eastward their number becomes larger, as I understand; and in a State like Ohio or Indiana or Kentucky, certainly to my own knowledge in the State of New York, there is a very considerable business done by the so-called local or country butcher, to whom the farmer living a mile or two or three miles away can, following a telephone negotiation, haul in to that butcher a hog that he has fattened and suddenly decides to sell. He wants the cash for some special purpose. Under this bill that local butcher becomes a processor, and every one of them would have to become a part of this vast machinery and withhold from that farmer the required percentage of the fixed value of the hog or the calf. It is impossible!

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JONES of New Mexico. Mr. President, there are apparently two distinct parts of this bill. The first part of the bill that comes to us relates entirely to cooperative marketing, and assistance in a general way with respect to disseminating marketing information. The second part of the bill relates to the control and disposition of the surplus; and it is to that part of the bill that the amendment of the Senator from Wyoming is addressed.

That amendment appears first on page 14 of the bill. It does not relate to the bill as it came to us from the House, but to the other part of it; and if you will observe on page 13, at the beginning of section 15, we find this heading:

> Control and disposition of surplus.

It is to that part of the bill that objection is made by the Senator from Wyoming.

I think it is a sufficient argument in favor of his amendment to state that there is no surplus of cattle which finds a market abroad, and the amount of meat products of cattle shipped abroad is merely nominal. The time was when we did export live cattle. The time was when we exported chilled beef and other forms of beef products, but we do not do that any more.

Mr. President, I have had great difficulty in trying to think out the method whereby this part of the bill could be applied to hogs, and I must say that I have not solved that problem to my satisfaction yet. We do not export any hogs, but we do export meat products, and I may say that lard is seventh in the list of the exports of the United States. Last year we exported over $118,000,000 worth of lard. There are exported large quantities of bacon and of ham. They come in the list of the principal exports of this country. How we are going to apply this to those hog products I have not been able to answer.

So far as the export of lard is concerned, we all know that a few big concerns of this country control the export trade, and, if I may suggest, I think those concerns will handle that trade just about as well as it can be handled. I think they know pretty well how to deal with the foreign market in lard. I feel quite sure that they are the ones also who export the hams and the bacon, and there are only a few of them. They are in the same position the manufacturers of this country of ordinary fabricated articles are in. They know how to control that export trade, and I do not see why the exporters of lard and of hams and of bacon, being only a few people, should not organize an export corporation, just the same as industry generally does.

Therefore, Mr. President, I can not see why hogs should be included in this provision of the bill, because there is no well-defined exportable surplus of hogs. There are surpluses of hog products only. The people who produce that surplus, it seems to me, are quite able to take care of the situation.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. JONES of New Mexico. I yield.

Mr. NORRIS. I have a great deal of respect for the argument the Senator is making, and think there is a great deal in it; but I do not believe anybody thinks that hogs as hogs are going to be bought and held off the market. I agree with the Senator that it is the products. That is what will be dealt in if the board declares an emergency on hogs or the products of hogs. It might be better to state in the bill "hog products," but the effect would be the same, would it not, if we left it just as it is, "hogs and their products"?

Mr. JONES of New Mexico. May I suggest to the Senator from Nebraska, are not these exporters of lard and hams and bacon just as competent to take care of that export trade as the board which would be organized under this bill would be?

Mr. NORRIS. That might be; but experience has shown, I think, that that is not true. Probably the board organized under the authority of this law would organize just the kind of an organization the Senator has suggested. Of course, if it were done by the packers or other private interests, they would have other objects in view besides the stabilization of the market. But, as I understand the measure, the board could organize an export corporation, or authorize some cooperative organization of producers to handle those very export products about which the Senator is speaking.

Mr. JONES of New Mexico. I think I agree with the Senator from Nebraska. I do not think the danger of doing harm to the industry is apparent at all, and the same thing might be said with reference to cattle. I do not believe that this board would undertake to handle the cattle situation, because I do not think it could be done. While my judgment on the matter may not be worth very much, I do not think the board will operate with respect to hog products or hogs generally.

Mr. NORRIS. If the Senator will permit another interruption, I do not believe anybody can tell about it in advance. It was stated during the very voluminous hearings, from time to time, that if the corn supply were equalized from year to year that might settle the hog question entirely. I think that would be worthy of trial. If it did, there would be, of course, no necessity for declaring an emergency in regard to hog products. It may be that if we could control corn, and carry over the large surpluses we sometimes have to the lean years, when we have a shortage of corn, which the Senator knows means destruction and ruin to the hog man, it would stabilize and equalize the hog population to such an extent that the market for hogs would vary little from year to year, and thus be a great benefit to the producers and to the consumers as well.

Mr. JONES of New Mexico. There is much force in what the Senator from Nebraska has just said. The great trouble with the swine industry, it seems to me, is the unknown cost of production. The price of corn varies from year to year. A couple of years ago the price of corn was so high that the farmers disposed of their breeding stock, and now, while corn is low, there are not enough hogs in the country to consume the corn. The price of meat products has increased in the last six or eight months; and, so far as prices are concerned, the farmers, I think, are getting very good prices now. The trouble is that they have not very much to sell at this time, and they have not much to sell because of what has just been mentioned, the disaster to the industry about two years ago.

I can not see, however, how the provision disposing of the surplus is going to help the farmers very much, if at all. I doubt very much whether this board will ever undertake to handle the exports of lard and other hog products. But I think the board itself would have judgment enough to know whether it could or could not. Therefore it seems to me somewhat immaterial, so far as this bill is concerned, whether we leave hogs in or not, or whether we put cattle in or not. I can not for the life of me see how it can benefit the cattle industry at all, and I do not believe in a practical way it is going to help the producer of hogs.

I shall support the amendment proposed by the Senator from Wyoming. I have not heard of anybody interested in the cattle business clamoring for this sort of legislation, and I do not believe there is any demand for it. I think it is wholly impracticable, so far as cattle are concerned, and I will support his amendment. I would leave hogs in, if the hog people want them kept in.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. KENDRICK] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. McNARY. Mr. President, I propose an amendment on page 25, on line 11, following the word "thereby." I ask that the clerk state the amendment.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 25, after line 11, insert:

SHORT TITLE

SEC. —. This act may be cited as the Federal farm board act of 1926.

The amendment to the amendment was agreed to.

Mr. NORRIS. Mr. President, I would like to call the attention of the Senator to an amendment which I believe we ought to agree to. I am not particularly anxious to have this change made, but I want to show my good faith, at least, coming from a corn country, as I do.

There is a provision in the bill on page 18, commencing with the word "but" in line 13, which in substance provides that as to corn and cotton the equalization fee shall not be applied for three years, and in no case until authorized by Congress.

I have not talked with all the Senators here who come from corn States, but, so far as I am concerned, I am perfectly willing to take corn out of that deferred classification.

Mr. McNARY. As I understand the Senator from Nebraska, he proposes to take corn out from the exemption?

Mr. NORRIS. Yes; to take it out of the exemption. Therefore corn would stand on the same footing with everything else, and the equalization fee would be applied whenever the board wanted to apply it. To do that would necessitate two amendments, on page 18, line 14, to strike out the words "or corn," and on the same page, line 16, to strike out the words "corn or."

I would like to hear from the Senator from Iowa [Mr. CUMMINS] as to his idea about it. I see no reason myself for deferring the equalization fee, as far as I am concerned, for anything in the bill.

Mr. CUMMINS. Mr. President, I come from a State which raises more corn, probably, on the average, than any other State in the Union. I think it only fair, if corn is to be operated upon under this bill, that the equalization fee should rest upon it.

Mr. NORRIS. At any time?

Mr. CUMMINS. At any time——

Mr. NORRIS. I am glad to hear the Senator say that.

Mr. CUMMINS. From the very beginning. I think that ought to be true of cotton also.

Mr. NORRIS. I think so, too, but I defer to the cotton people on that. They do not want that.

Mr. CUMMINS. So far as I am concerned, and so far as I can speak for the people of Iowa, I am willing that the equalization fee shall go upon corn now.

Mr. BORAH. Mr. President, why would it not be better to reverse the program, as we can not apply the equalization fee to all the products? Why not exempt all products for two years? Why not exempt wheat from the equalization fee? Why not put it on the same footing as cotton and corn?

Mr. NORRIS. Of course we could do that if we provided for it in the bill, but I doubt whether anybody representing anyone interested in these basic agricultural products, except the cotton people, desires to see that done.

Mr. BORAH. Oh, yes, Mr. President. There is a tremendous number who desire to do it.

Mr. NORRIS. So far as I am concerned, the only reason why I am induced to exempt cotton and am willing to exempt cotton is the reason I gave a few days ago, that the agitation in the cotton States for a bill of this kind had not been going on like it had in the corn States. I do not believe and never have believed, and so far as I know no corn men who have been behind this particular bill, coming from the various Iowa-Illinois conferences which have been held, have asked that the operation of the bill as to corn be postponed. The only reason they give for it that I have heard has been that corn would probably be handled in a different way from wheat, for instance, because we usually, in fact almost invariably, have a surplus of wheat, while we have a surplus of corn one year and a shortage of corn another year which immediately affects hogs and hog products.

It may be as to corn that they will not try to apply the equalization fee in the same way they do to wheat. If they bought corn on the market and held it, they would probably be able to sell it in a short year, and even though they would not make any money they would probably cover the losses which might come in the operation of corn without any equalization fee. That is the way they handle it in regard to cotton. That is not so practical as wheat, because we always have a surplus of wheat. If it is necessary and they decide to apply the equalization fee to corn, so far as I am concerned I am perfectly willing that it should stand on the same basis as wheat.

As I said, if the cotton men had been interested in this kind of legislation for the same length of time, and it had been discussed and agitated and debated in the various conferences and in connection with the various bills which have been before us, I think the cotton men would not be asking for a deferring of the application of the equalization fee. In fact, the representatives of the cooperative cotton organizations, as far as they are concerned, admit that fact now, but they represent a comparatively small part of the cotton production and they wanted the people who are interested in it to understand it before it was applied to them. For that reason they ought to have their way, and I am going to stand for what they want.

Mr. WILLIAMS. Mr. President, will the Senator from Nebraska yield?

Mr. NORRIS. Certainly.

Mr. WILLIAMS. I understand that what we call the equalization fee is to apply only to surpluses. That is correct, is it not?

Mr. NORRIS. I think so.

Mr. WILLIAMS. The operation is not to be put into effect until there shall be a surplus or until it appears that there may be one.

Mr. NORRIS. That is my understanding.

Mr. WILLIAMS. On the 16th of June the Senator from Oregon [Mr. McNARY] made this statement in response to a question put to him by the Senator from Wisconsin [Mr. LENROOT]:

> There will not be the problem as to corn and hogs, because there are no surpluses, and they are not protected or benefited by a tariff.

That statement is found on page 11217 of the RECORD. If there is no surplus of corn, if there is no tariff on corn——

Mr. NORRIS. There is a tariff on corn, I will say to the Senator.

Mr. WILLIAMS. The Senator from Oregon said there is not.

Mr. NORRIS. I think there is a 15-cent tariff on corn. There is none on cotton. That is another difference which I ought to have mentioned.

Mr. WILLIAMS. It would make no difference whether corn were included now or put in later on the operation, if there is no surplus of corn, would it?

Mr. NORRIS. Probably not, but, of course, we do not know whether there will be a surplus this year or a shortage of corn.

Mr. GOODING. Mr. President, is there any question of doubt about the tariff on corn?

Mr. WILLIAMS. The question was raised because the Senator from Oregon [Mr. McNARY] said there was no tariff on corn. That is, referring to corn and cotton, he said, "They are not protected or benefited by a tariff."

Mr. NORRIS. Mr. President, I ask for a vote on my amendment if there is nothing further to be said.

Mr. BORAH. Upon that I ask for the yeas and nays.

Mr. BRUCE. What is the amendment?

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Nebraska proposes the following amendment to the amendment of the committee: On page 18, line 14, after the word "cotton," strike out the words "or corn," and on line 16, before the word "cotton," strike out the words "corn or," so as to read:

> but no such fee shall be paid in respect of cotton prior to three years from the date of the passage of this act, and no fee shall then be paid in respect of cotton unless and until specifically authorized by an act of Congress.

Mr. NORRIS. That takes corn out of the exemption, where it was with cotton, and gives the board authority to apply the equalization fee at once if they want to.

Mr. GOODING. Mr. President, I send to the desk a communication and ask to have it read at this time, because it clears the issue as between the cooperative marketing associations and

the present bill. Since the Committee on Agriculture and Forestry reported the bill to the Senate the representatives of the cooperatives have gone back to their organizations, and they have indorsed the exemption of cotton from the equalization fee. I ask that the communication be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read.

The Chief Clerk read as follows:

To the Members of the Sixty-ninth Congress:

We favor the passing of the Haugen bill (H. R. 11603) or its counterpart in the Senate (committee amendment to H. R. 7893).

We oppose the passing of the Tincher bill (H. R. 11618).

We oppose the passing of the Curtis-Aswell bill (H. R. 11606).

AMERICAN FARM BUREAU FEDERATION,
By S. H. THOMPSON, *President.*
AMERICAN COTTON GROWERS' EXCHANGE,
By B. W. KILGORE, *President.*
C. O. MOSER, *General Manager.*

Allen Northington, Alabama Farm Bureau Cotton Association; T. H. Kendall, Arizona Pimacotton Growers Association; C. G. Henry, Arkansas Cotton Growers Cooperative Association; J. E. Conwell, Georgia Cotton Growers Cooperative Association; C. L. Woolley, Louisiana Farm Bureau Cotton Growers Cooperative Association; Xenophen Caverno, Missouri Cotton Growers Cooperative Association; U. B. Blalock, North Carolina Cotton Growers Cooperative Association; C. L. Stealey, Oklahoma Cotton Growers Association; B. F. McLeod, South Carolina Cotton Growers Cooperative Association; Robert S. Fletcher, jr., Tennessee Cotton Growers Association; J. T. Orr, Texas Farm Bureau Cotton Association; Illinois Agricultural Association, by Earl C. Smith, president; Indiana Farm Bureau Federation, by Wm. H. Settle, president; Iowa Farm Bureau Federation, by Chas. E. Hearst, president; Corn Belt Farm Organizations Committee, by William Hirth, chairman; American Council of Agriculture, by Frank W. Murphy, chairman of board; North Central States Agricultural Conference, by George N. Peek, chairman executive committee of 22.

The fact that the House Committee on Agriculture has reported out three separate bills, all of which profess to be directed to the question of farm relief, makes it imperative that the various farm organizations should make unmistakably plain to the Members of Congress their position in these premises, and therefore we submit the following views on the Haugen, Tincher, and Aswell bills:

The Haugen bill (H. R. 11603) is a serious and practical effort to deal with our surplus farm commodities in a manner that will assure equality for agriculture. In the case of cotton, of which we produce more than 60 per cent of the world's supply, it will enable cooperatives to control surpluses effectively, with influence on world prices favorable to the American cotton grower. It offers effective protection for the farmer, who grows other basic crops consumed chiefly in the domestic market. Any measure that does less than this would be practically useless. This measure is the result of three years of patient deliberation on the part of the foremost farm leaders and agricultural economists of the country, and it contains the best thought of the friends of agriculture in Congress. It utilizes to the fullest extent the existing farm cooperatives in the handling of the surpluses. Seldom before has any agricultural measure had back of it so nearly the unanimous support of the farm organizations of the Nation. Any measure which presents such indorsements can fairly claim to represent American agriculture and can stand against any challenger, it matters not who he is or for whom he professes to speak. It is the first time in the history of agriculture that the great corn, cotton, and livestock States have fought side by side, thus demonstrating that the broad interests of the American farmer rise above regional or political considerations.

On the other hand, the Capper-Tincher bill (H. R. 11618), when stripped of all plausible pretexts, provides nothing more than a further extension of credit to the various cooperatives. It is claimed by some of its sponsors that it will not only provide this further credit for which we are not asking but that it will also "stabilize" the prices of farm products, a claim that is wholly unfounded, since no voluntary cooperative association can assess on its members the costs and itself undertake the risk of controlling the surplus for all producers unless provision is made for all producers to share the costs of such transactions even as they share in their benefits.

What the farmer needs is not an opportunity to go further into debt but a chance to pay off some of the burdensome debts he now owes. What he must have to enable him to secure a decent profit in agriculture is a price based upon his production costs, which are fixed for him largely by protected industry and labor, over which he has no control.

The Curtis-Aswell bill attempts to create by law a new and unnatural system of cooperative marketing, but provides no way and no power by which farmers could do a single thing that they can not now do without additional law. We know of no cooperative association or farm organization which supports it, and those who have studied it seriously condemn it.

In the final analysis the whole matter of farm relief comes down to the question as to whether or not the two great political parties intend to keep the solemn pledges made to the farmers of the United States in the last presidential campaign. In speaking of the plight of agriculture the following language is found in the national Republican platform:

"The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of equality with other industry, to insure its prosperity and success."

It will be observed that this pledge committed the Republican Party not to a further extension of credit but to a clear-cut, unequivocal legislative enactment which would place agriculture "on a basis of economic equality with other industry."

We also take this occasion to remind Democratic Members of Congress of the following language in the Democratic platform:

"We pledge ourselves to stimulate to every proper governmental activity the progress of the cooperative marketing movement and the establishment of an export marketing corporation or commission in order that the exportable surplus may not establish the price on the whole crop."

Here, again, is a commitment that is entirely clear and definitely commits the party to the enactment of legislation which will place agriculture on an equality with other industries. It is needless to say that the 40,000,000 farmers, people of the United States, are keenly interested in farm-relief legislation and are anxiously awaiting action by Congress.

The various farm organizations which are supporting the Haugen bill gave their consent to an amendment in the House committee which postpones the operation of the equalization fee on all commodities for a period of two years, with the understanding that any losses incurred in handling the various surpluses shall be absorbed out of the revolving fund during the said two-year period. Because of this amendment certain enemies of genuine farm-relief legislation immediately stated that the farm organizations were asking for a subsidy at the hand of the Government. Our answer to this charge is that we have in nowise changed our former position in this matter, as our statement to the House committee will show. We reluctantly gave our approval to this amendment because certain members of the House committee insisted that they would not consent to an immediate application of the equalization fee to such commodities as wheat, livestock, and corn while cotton was exempted for a period of three years in order that the cotton growers of the South might become familiar with the equalization-fee principle; and also because certain other members of the committee believed that by postponing the operation of the fee on all commodities for a period of two years we would increase the chances of enacting real farm-relief legislation in the present session of Congress. "Treat all commodities alike" was the plea of these gentlemen, and this led to the adoption of the amendment in question, and therefore it can not be honestly charged that the farm organizations have changed front in this matter.

It is not necessary that we should burden this statement by dwelling at length upon the plight of agriculture, for it is known and acknowledged by all men. It is enough to say that since the close of the World War farm values have shrunk to the almost unbelievable extent of $20,000,000,000; that hundreds of thousands of hard-working farmers have lost their homes because of the unequal purchasing and debt-paying power of the farm dollar; and that hundreds of erstwhile splendid country banks have been compelled to close their doors. Nor is this all, for sooner or later the paralysis of agriculture will lay its heavy hand upon the mills and factories of our big industrial centers; for unless the purchasing power of the 40,000,000 people who live upon the farm is restored, industrial enterprises can not hope to remain in full-time operation. In this connection we direct Members of Congress to the recent report of the National Industrial Conference Board, which contains food for profound thought.

Nor is it necessary for us to call attention to the fact that the existing distress has come to agriculture at a time when industry and labor are more prosperous than ever before in their history—and this because Congress in its wisdom has seen fit to look after the interests of industry and labor with extreme care, and has built up a protection policy which subserves the interests of industrial and labor groups in ways which permit an American standard of living. Such Federal legislation as the Federal reserve act, the Fordney-McCumber Act, the immigration act, the Adamson Act, and the transportation act are cited in this connection.

Meanwhile, through the Haugen bill, we are not seeking to minimize the good fortune of these other classes or to drag them down to the farmer's level; we are only asking that the protective system shall be made as effective for us as it is for them. And less than this means not only the complete collapse of agriculture in the not distant future, but even so it means eventual disaster to industry and labor—for this is a national and not a class problem.

During the reading of the communication,

Mr. SHORTRIDGE. Mr. President, before we proceed further I would like to inquire who is the author of the document which is being read, if I may make that inquiry of the Senator from Idaho [Mr. GOODING] who offered it. Who is the author of the document?

Mr. GOODING. It is a communication from the incorporated farm organizations, and the names of the organizations have been read by the clerk at the desk and will appear in the RECORD.

Mr. SHORTRIDGE. So I heard, but who is the author, if the Senator can advise us?

Mr. GOODING. The author, I suppose, very properly is the Committee of Twenty-two which is here representing what are known as the Corn Belt States or the 11 States which are here asking for this legislation.

Mr. SHORTRIDGE. I see it is signed by all those organizations, but I was curious to know if the Senator could advise who was the immediate author of the document.

Mr. GOODING. I think the president of the organization is Mr. Peek. I think possibly it is signed by Mr. Peek.

Mr. SHORTRIDGE. Very likely. The Senator does not know, then, who is the immediate author of the document?

Mr. GOODING. Yes; I think we can say it was the president of this organization, Mr. Peek.

After the conclusion of the reading of the statement,

Mr. SACKETT. Mr. President, I wish to ask the Senator from Nebraska a question about the amendment which he has offered. If the Farm Board should place the equalization fee upon corn what proportion of the corn crop of the country would be taxed for that fee, having in mind the process through which the fee would have to be collected. As I understand, a very large proportion of the crop is fed on the farm, and there would be no way to get at the fee. So I ask what the proportion of the corn would pay the fee?

Mr. NORRIS. Mr. President, I can not answer the Senator's question. I think, however, quite a large proportion of the corn crop would pay the fee. I do not know how we can arrive at the exact proportion.

Mr. SACKETT. If the equalization fee were placed on cotton, and were collected at the gin, practically all cotton would pay the fee.

Mr. NORRIS. I very much doubt if the board should apply the equalization fee to cotton, when the three years shall have expired, whether they would apply it in that way. I do not believe they would apply it at the gin. They would have authority to do it, however, under the bill, and they might decide that that was the most practicable way to impose the fee; but as I understand the cotton situation it would not be as practicable as to collect the fee from the purchaser of cotton. I may be wrong about that.

Mr. SACKETT. Does the Senator from Nebraska remember what amount of corn is supposed to be fed on the farm?

Mr. NORRIS. I can not give the Senator those figures. I do not happen to have them.

Mr. SACKETT. As I remember, it is about 85 per cent.

Mr. NORRIS. I do not think the percentage is so large as that.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the amendment of the committee. The yeas and nays have been asked for by the Senator from Idaho.

Mr. BORAH. Mr. President, at the suggestion of some Senators, I withdraw my request for the yeas and nays.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the committee amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the committee amendment as amended.

Mr. NORRIS. Mr. President, I call the attention of the Senator from Oregon to the fact that I think one or two formal amendments ought to be made in the committee amendment.

Mr. McNARY. As I recall, the amendments to which the Senator from Nebraska refers are of a clerical nature. I may not, however, have in mind the suggestion which was made by the Senator, but I had thought they might be corrected by the clerks. However, perhaps it would be better to have the amendments stated by the Senator.

Mr. NORRIS. There are two or three places which require amendment. One is on page 23, line 4, after the word "slaughter," where the words "by a purchaser" should be inserted, so as to relieve any possibility of the board charging the equalization fee to the farmer who butchers a hog and sells it himself.

Mr. McNARY. I recall that amendment, and I have no objection to it.

Mr. NORRIS. I offer the amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska to the committee amendment will be stated.

The CHIEF CLERK. On page 23, line 4, after the word "slaughter," it is proposed to insert the words "by a purchaser."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska to the committee amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. Now, Mr. President, I call the attention of the Senator from Nebraska to page 24, line 16, where, after the word "hereby," there should be inserted the words "authorized to be," instead of making it a direct appropriation.

The same amendment should also be made on page 24, line 22, after the word "hereby."

The VICE PRESIDENT. The first amendment proposed by the Senator from Nebraska to the committee amendment will be stated.

The CHIEF CLERK. In section 23, page 24, line 16, after the word "hereby," it is proposed to insert the words "authorized to be."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the committee amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from Nebraska to the committee amendment will be stated.

The CHIEF CLERK. In the same section, on page 24, line 22, after the word "hereby," it is proposed to insert the words "authorized to be."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the committee amendment.

The amendment to the amendment was agreed to.

Mr. McNARY. Mr. President, so far as I know that exhausts the amendments to be proposed to the committee amendment; at least I have no further amendments to offer.

Mr. GLASS obtained the floor.

Mr. FESS. Mr. President, will the Senator yield?

Mr. GLASS. I yield to the Senator from Ohio.

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	La Follette	Schall
Bayard	Ferris	Lenroot	Sheppard
Bingham	Fess	McKellar	Shipstead
Blease	George	McMaster	Shortridge
Borah	Gerry	McNary	Simmons
Bratton	Gillett	Mayfield	Stanfield
Broussard	Glass	Means	Steck
Bruce	Goff	Moses	Stephens
Butler	Gooding	Neely	Swanson
Cameron	Harreld	Norbeck	Trammell
Capper	Harris	Norris	Tyson
Caraway	Harrison	Oddie	Underwood
Copeland	Heflin	Pepper	Wadsworth
Couzens	Howell	Phipps	Walsh
Cummins	Johnson	Pine	Warren
Curtis	Jones, N. Mex.	Pittman	Watson
Deneen	Jones, Wash.	Reed, Pa.	Weller
Dill	Kendrick	Robinson, Ark.	Wheeler
Edwards	Keyes	Robinson, Ind.	Williams
Ernst	King	Sackett	Willis

Mr. KING. I wish to announce that the Senator from Missouri [Mr. REED] is engaged in committee work.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

Mr. GLASS. Mr. President, I do not venture to think that I may make any worth-while contribution to the discussion which has occupied the Senate on the various questions involved in the consideration of this bill. It is perfectly obvious that the Senate itself is weary of debate, and I have little relish for talking to empty chairs. I do not need to make a record for myself on this measure; but it is such an unprecedented proposal that I have felt prompted to say something as to the real principle involved, and upon some of the varying phases of the bill.

CONSTITUTIONAL DEFECTS

There is such an infinity of aspects that it would require vastly more time than is, under the agreement, allotted to any Senator to discuss them all. I shall pay little attention to the constitutional objections to the bill, because they have been so thoroughly and keenly examined and analyzed by Senators

who are really capable of dealing with constitutional questions; and yet in passing I may say that I have a very decided conviction that several constitutional defects may be urged against the bill.

In the first place, it is clearly a delegation of the taxing power of the Government to a Federal board constituted for the avowed purpose of subserving private interests. In the second place, it is in my view plainly a revenue bill, and subject here to the point of order as to its unconstitutional origin. It should have originated in the other House of the Congress. I say it involves a question of taxation because the revolving fund itself is a Government fund, appropriating out of the common Treasury money collected from all of the taxpayers of the country to be devoted exclusively to the use of a limited number of taxpayers; and it is a perpetual Federal fund. There is no provision of the bill which requires that the revolving fund shall ever be paid back to the Treasury, and when it shall have been depleted it is to be replenished by taxation of a compulsory and peremptory nature. Therefore I say the bill is and will be decided, if ever a contest ensues, unconstitutional in various aspects.

A BILL OF SPECIAL PRIVILEGE

I am against the bill primarily because it contravenes those fundamental principles of government to which I have always professed adherence. The founder of the party to which I belong proclaimed the immortal principle of "equal rights to every man, and special privileges to none." Yet we have witnessed in the Senate Chamber a complete abandonment of that doctrine by Senators who all their lives have professed allegiance to the Democratic Party. And all this, as it seems to me, done in fear of inviting the suspicion or accusation that the Congress of the United States has evinced no sympathetic interest in the agricultural industry of the country.

WHAT CONGRESS HAS DONE FOR AGRICULTURE

Why, Mr. President, for the last 12 years Congress has shown the keenest, the most abiding, interest in the welfare of the American farmer. The distinguished Senator from Ohio [Mr. FESS] recently put in the RECORD a long list of those enactments which were specially designed by Congress to promote the interests of the farmers of the country. Outstanding among them is the Federal reserve act. For the first time in 50 years, in one of the provisions of that act, the Congress of the United States authorized loans by national banks upon improved farm lands. Never theretofore could an American farmer go to a national bank and borrow as much as $1 upon the most fertile farm on this continent. Then, in the same bill, special credit provisions were made for the farmers, applying to no other class of people.

If you be a merchant, if you be a manufacturer, if you follow any other vocation than that of farming, the limit in maturity of your credit paper at a member bank of the Federal reserve system is 90 days. If you be engaged in farming, the limit of your credit maturity is 9 months, or three times 90 days.

FEDERAL FARM LOAN SYSTEM

As if that were not sufficient, the Congress next passed the Federal farm loan act, especially designed to set up additional credit facilities for the farmers of the country and thereby rescue them from the sordidness of the money sharks and from the very oppressive exactions of the great insurance companies of this country, largely engaged in making mortgage loans on farm lands. This act provided for the cooperative action of farmers in the matter of mortgage loans, and set up a twin system of joint-stock land banks to supplement any lack of interest or deficiency on the part of the farmers themselves by enabling individuals to establish joint-stock land banks to accord credit facilities to the American farmer under a restricted interest charge.

INTERMEDIATE FARM CREDITS

Then, as if that were not sufficient, two years ago we passed another measure setting up intermediate credit banks. For myself, I could discover no necessity for this new credit scheme. I predicted that it would not be largely utilized, because it was my contention that the Federal reserve system afforded all the personal credits that any farmer or persons of any other class could reasonably require. But so intent was the Congress on pleasing the agricultural interests of the country, so responsive to the importunate demand "to do something for the farmer," that it cheerfully, and with great unanimity, set up this other instrumentality of credit.

A WAR INSTRUMENTALITY UTILIZED

Then we did the most extraordinary thing that was ever done before under a free government to meet the demands of the farmers. We continued for eight years in time of peace an institution the only justification for the establishment of which was the exigencies of war. When what is known as the War Finance Corporation was set up its sole purpose was, as the solitary excuse for it was, that it might afford credit facilities for concerns, corporations, and individuals engaged in furnishing supplies to the Government for the prosecution of the war and to avert any possibility of profiteering in credits by the banks or other loaning concerns.

It was provided that when these concerns thus contributing to the prosecution of the war found it impossible to get reasonable loans at fair rates in the regular channels of credit they might apply to the War Finance Corporation for credits; and for nearly eight years after the conclusion of hostilities we continued the activities of that body, applying the expansive provisions of the amended act to the agricultural interests and to those credit institutions that were loaning money to the American farmers. For this purpose we appropriated half a billion dollars from the common Treasury, collected from all the taxpayers of the United States, and devoted that immense sum to the exclusive use of the agricultural interests of the United States.

Although the War Finance Corporation was administered with great dexterity, almost approaching the point of genius, in many instances the grossest injustices were practiced against the farmers of certain sections of the country, and farmers of certain classes among the agriculturists themselves. I recall that upon examination I ascertained that the 1,039,000 farmers of Virginia had been loaned in a given period $726,000 from the War Finance Corporation fund, every dollar of which they might, with equal facility, have borrowed from the local banks.

There seems to be a sort of fascination about this thing of borrowing money from the Government, of getting what is miscalled "Government aid" for certain activities. For the very same period of which I speak, I found that the farmers of North Dakota, numbering less than one-third of the farmers of Virginia, were borrowing $17,000,000 from the same fund; and that inequality of distribution prevailed over a long series of years, affecting many hundreds of thousands of farmers in this country. In the last analysis, thus it appears, under the operation of that law, for every dollar a Virginia farmer or any eastern farmer got from the fund, he was taxed to loan $20 to a farmer somewhere else.

It seems to me, Mr. President, with that record, nobody here need apprehend that the Congress may fairly be charged with indifference to the plight of the American farmer. For one, at least, I am not afraid to face the farmers of Virginia, and to vindicate my own record and that of my colleagues in the Congress.

FALSE ANALOGIES EXPOSED

I say that nothing like this bill was ever before conceived or attempted in the tide of time. It is said here that the Congress gives a subsidy to the railroads of the country, and that in and through the Interstate Commerce Commission we are to-day taxing the American people in the interest of the transportation companies. I happened not to be a Member of the Senate when the discussion was had of the provisions of the Esch-Cummins law; but, as I supposed, whatever was done by that law seemingly in the interest of the railroads particularly, was done upon the assumption—I think now the misconception—that the Government, having seized the railroads as a war measure, and operated them for war purposes in a revolutionary manner, had turned them back with their credits depleted and with their physical valuations largely diminished and otherwise disturbed. If that were not the theory, I say the Government had no right to appropriate one dollar from the Federal Treasury and turn it over to the railroads. I think it since has been demonstrated that the railroads were turned back in an infinitely sounder financial condition than when they were taken over, as they were in infinitely better physical condition than when they were taken over.

If a mistake was made then, it was one which, in the haste of action, was unavoidable. One mistake, if such it was, furnishes no excuse for a deliberate wrong. Moreover, I have understood that the farmers of America have vehemently protested against the very principle embodied in the Esch-Cummins Act, and are now calling for its repeal or modification. Is it not an extraordinary thing for people who are denouncing a given policy of Government, and demanding its alteration, to assert that very evil policy as a basis for a repetition of the offense against sound economics?

NOT MERELY TO HELP RAILROADS

Is the Interstate Commerce Commission a taxing board? Is that the theory of its establishment? Was the interstate commerce law enacted especially to benefit the transportation companies of this Nation? I had not thought so. It was my con-

ception that the interstate commerce law was passed and the Interstate Commerce Commission instituted to put restraints and regulations upon the railroads in the interest of commerce and of the welfare of all the American people.

If you would strike an analogy between the Interstate Commerce Commission and this proposed price fixing farm board, you would have to establish an interstate commerce commission the members of which would be railroad men, selected by the railroads themselves, to fix the rates of the railroads.

Is that the process? Is that the authorization of law? On the contrary, the theory of the interstate commerce act is that the Interstate Commerce Commission is an altruistic board, devoid of every prompting of acquisitiveness, acting not to raise the rates of railroads, but to restrain the railroads in fixing their own traffic charges. The Interstate Commerce Commission has no other incentive than to do this equitably. When we are told that the Interstate Commerce Commission "raises the rates" of the railroads in the interest of the railroads, it is a misapplication of terms. It is a contradiction of the real purpose of the law and the process employed in its administration. What the commission is supposed to do is to restrain the railroads from charging oppressive rates.

Let us imagine that there were no Interstate Commerce Commission to-day, that the railroads, like the farmer, were at liberty to charge what they please for their service. What would be the limit of transportation charges both for freight and for passenger traffic? Would it not be what it was before the commission was established, "all the traffic will bear"?

Under this Haugen bill we are to have a board selected not by the Government primarily, but selected by certain farmers themselves to fix the prices of certain commodities, of the foodstuffs and clothing which all the people must have to exist, without any restraint whatsoever, but with the promptings of acquisitiveness saturating the very process itself.

NO SUCH PRINCIPLE ANYWHERE

Oh, some Senators say, the same principle was embodied in the Federal farm loan act. It was not. Senators will search in vain to find there anything akin to a Federal revolving fund. It may interest the Senate to know that I have among my papers in my library in Virginia a letter written by the then President of the United States, Mr. Wilson, addressed to me as chairman of the joint congressional committee which constructed and had passed through the Congress the farm-loan legislation—a letter which has never been published and never used or spoken of until now—in which President Wilson put me upon notice that if any Federal revolving-fund principle should be put in that bill he would feel compelled to veto it; and there is none in it. We went a far way to accommodate the situation. We authorized the Federal Government to subscribe to the stock and to purchase the bonds of the system in its infancy; but we provided that every dollar of money taken from the Federal Treasury should be returned, and not only so, but we provided in the intermediate credit system that every dollar of profits should accrue to the Federal Government because of its preliminary assistance to the farm-credit system.

NOT MERELY FOR BANKERS

Senators have assumed to find some analogy between this proposed measure and the Federal reserve system. "Look," they exclaim, "what the Government has done for the banks!" Does anybody seriously imagine that the Federal reserve act was put on the statute books and the Federal reserve system erected for the benefit of the banks? The person who thinks that has a total misconception of the thing. The Federal reserve system was not established to "do something for the banks." It was instituted to make the banks quit doing evil things to the commerce of the country; to avert the periodical financial panics caused by bad banking; to prevent a repetition of the commercial breakdowns due to inability of banks to respond to commercial requirements and to pay back depositors, on demand, the funds committed to the care of banks. It was established to rescue the Nation's reserves from the stock and commodity gamblers, to decentralize banking credits and banking power. The Federal reserve system was not established to permit banks to increase interest charges; but it was established to restrict and reduce excessive interest rates. And this it has done. Bankers did not prepare or propose the law; bankers bitterly opposed the law.

Moreover, no millions of dollars, belonging to the taxpayers of the country, were taken from the Federal Treasury to establish the Federal reserve banking system. It was established at a cost of less than $50,000. The Government was not required to subscribe to one dollar of the capital stock. The Government owns not one dollar of proprietary interest in these banks. All the capital was supplied by member banks. So far from taking millions of dollars from the Treasury, the Federal reserve banks in one year alone paid $62,000,000 into the Treasury, more than had been paid as a franchise tax by all the national banks of the United States put together for a period of 20 years theretofore. Thus the banks are not subsidized by the Federal reserve system; they are actually restrained, controlled, and penalized. To strike any analogy at all between this proposed price-fixing farm board, using millions of Treasury funds, and the Federal reserve system, you would have to set up a Federal reserve board of bankers, selected by bankers, with capital funds taken from the Treasury, and authorized to increase primary interest charges by all member banks throughout the country. Instead of this we have an altruistic Federal Reserve Board, with no pecuniary interest whatsoever in banks, but charged with the duty of regulating and restraining banks, a board selected, not by bankers in the interest of bankers, but by the President and the Senate in the interest of all the people. In the post-war period of depression, eleven of these regional banks (excluding New York) rediscounted for agriculture alone in the stupendous sum of $1,980,063,000!

EXCEEDS PROTECTIVE TARIFF PRINCIPLE

The principle of this bill has never found expression in any legislation of the Congress. Senators affect to see in it something akin to the protective tariff. It has the germ of that bitterly controverted principle, but it goes as far beyond the principle of the protective tariff as the protective tariff advocates have gone beyond the original conceptions of Alexander Hamilton. This bill affords a continuing subsidy to a restricted circle of farmers at the expense of all the people. It taxes more farmers than it pretends to aid. Senators can make nothing else out of it.

But suppose we shall concede that it is fashioned after a protective tariff, what justification may be alleged in its support by Democratic Senators who have stood upon the floor of the Senate for a quarter of a century, and, without restraint, manifesting no degree of temperate expression, denounced the protective tariff as an infamy, as public pillage in the form of law? "Oh, but it is a compensatory process!" The tariff robs the farmer and everybody else, according to the doctrine which has been proclaimed from this side of the Chamber. And yet now we propose to let the farmer rob the tariff beneficiaries and incidentally rob everybody else—a dual system of robbery, united like the Siamese twins. As a mere expedient it provides compensation to a restricted farming class for the excesses of a favored industrial class. It leaves out of consideration and beyond the sympathetic attention of Congress a vastly greater class of people. These are robbed, according to Democratic doctrine, out of both pockets at the same time. If that sort of thing conforms in any measure to the doctrine taught by Thomas Jefferson, I have misread and misunderstood the fundamental grounds upon which the Democratic Party has always rested its claim to the favor of the people.

After we have joined these twin evils, when and by whom is to be performed the surgical operation which will separate them in order that Democrats may get to be the Democratic Party again? How soon, under this system of "compensatory" robbery, may we, with some semblance of self-respect, proclaim again the Democratic doctrine of "equal rights to every man and special privileges to none"? Who is to perform the operation? Who may succeed in doing it when these two powerful classes equally interested in exacting excess charges from the consumers of America are put in the saddle with full authority to ride at any pace? They will never separate of their own accord, and they will never be separated. It will be a case of "You tickle me and I will tickle you. You let me profiteer and I will let you profiteer." True, they will profiteer one another; but the advantage derived from profiteering the millions who neither manufacture nor farm, as well as the millions of farmers excluded from the sheltering folds of the bill, will largely more than compensate for picking each other's pockets.

DISCRIMINATES AMONG FARMERS

Mr. President, a vital objection to the bill is that it discriminates among classes of farmers themselves. It taxes the greater number of farmers for the benefit of the lesser number of farmers. It is an expedient of twofold taxation, and in some respects of threefold taxation. First, it is proposed to tax all the farmers by withdrawing from the Federal Treasury, some say $250,000,000, others say $375,000,000, and ultimately it may be more than $1,000,000,000. This huge sum, taken in taxes from all the people, is to be devoted to the use of a small class of people—not even to all the farmers, not even to the greater part of the agricultural industry. It

is proposed to set up a board authorized to fix prices without limit except the restraining influence implied by the rhetorical nonsense about "fair and reasonable charges."

Mr. President, did you ever know a man or a class or an industry to concede that his or its charges were unfair or unreasonable? So, in this way, it is proposed to take the money of the American taxpayer and to use it for the purpose of compelling the very man who puts the money into the Federal Treasury to pay more for his bread and meat and clothing. It is proposed to use his own money under compulsion to make him pay more for his cost of living; and that is to be a perpetual operation.

I have said that this bill confers a great privilege upon one class of farmers and imposes an intolerable burden upon a larger class of farmers.

Take the cotton States of the South. For a century and more we Democrats have talked about Jefferson's immortal doctrine of special privileges to none, equal rights to all; but Mr. Jefferson, one now would infer, did not mean to apply that to cotton, he did not mean to apply it to the products of the South! The cotton States buy 70 per cent of their foodstuffs and produce scarcely 30 per cent of the food they consume and feed to their livestock. Any imaginary advantage the cotton grower would derive from this bill would be submerged in the increased cost of foodstuffs for themselves and their livestock. In view of that fact, will anyone tell me that an intelligent cotton farmer, comprehending the real meaning of this bill, would support it for an instant?

THE TOBACCO GROWERS VICTIMS

Then, consider the double tax upon the farmers who would derive not one iota of advantage from the bill. The distinguished Senator from North Carolina [Mr. SIMMONS] some days ago, when I asked him how the tobacco growers, whose product forms a large if not the largest staple crop in some of the States, were taken care of by this bill, waved me aside with the astonishing declaration that "there was no exportable surplus of tobacco!"

Mr. SIMMONS. Mr. President, will the Senator from Virginia pardon an interruption?

Mr. GLASS. Yes.

Mr. SIMMONS. I think before I concluded my remarks I stated that what I meant by that statement was that tobacco was not exported in sufficient quantities to fix the domestic price upon the standard of the foreign price.

Mr. MOSES. Mr. President, we on this side of the Chamber can not hear what is being said by the Senator from North Carolina.

Mr. GLASS. I will repeat the statement of the Senator from North Carolina for him, as he is suffering from an infirmity of voice. The Senator from North Carolina stated that he said later in his address—which I did not hear—that there was not a sufficient quantity of tobacco exported——

Mr. SIMMONS. I referred to leaf tobacco.

Mr. GLASS. Well, of leaf tobacco exported to make it desirable to take care of tobacco in this remarkable bill.

Mr. SIMMONS. No, Mr. President; I did not say that. The Senator had called my attention to my first statement, and toward the conclusion of my remarks I said that what I meant was that leaf tobacco was not exported in sufficient quantities to fix the domestic price of tobacco at the world's price.

Mr. GLASS. Mr. President, not only is that not a fact but the leaf tobacco which is exported does very largely fix the domestic price of leaf tobacco. Virginia alone exported last year 294,000,000 pounds of tobacco in the leaf, and North Carolina exported 34,000,000 pounds of unstemmed tobacco. Not only so, but the leaf tobacco has to be sold to foreign governmental monopolies. On the floor of the tobacco warehouses in North Carolina and Virginia the tobacco grower has to go against the almost insuperable condition of having as the purchaser of his product the American Tobacco Co., the great monopoly on this continent, and the agents of government monopolies abroad. Yet the hundreds of thousands of farmers whose tobacco product is their existence would under this bill be taxed in two-fold degree and be given not one whit of consideration in "compensation."

Mr. SIMMONS. Mr. President——

Mr. GLASS. I hope the Senator will not interrupt me. My time is limited.

Mr. SIMMONS. Very well.

Mr. GLASS. I did not interrupt the Senator from North Carolina, and I would rather he would not interrupt me, unless I may misrepresent him in any way, and then he is privileged to correct me.

Mr. SIMMONS. I did not desire to interrupt the Senator for the purpose of entering into any controversy with him; I have not that desire at all.

Mr. GLASS. Mr. President, I will say to the Senator that last year the exports of tobacco in the leaf, the raw material, bought directly from the farmer on the warehouse floor amounted in money to $153,787,954. Looking at the political aspects of the matter, if we may, how could I hope to go out among the tobacco growers of Virginia, 294,000,000 pounds of whose product were shipped abroad, and excuse myself for subjecting them to the two-fold process of taxation provided by this bill? It is drawn in the name of "the farmer," but leaves the Virginia tobacco planter naked and helpless. See how utterly unjust to that class of farmers this bill is. The only great staple product of the farm that is directly taxed by the Federal Government is tobacco. That commodity contributed the enormous amount of $360,000,000 to the Federal Treasury in taxes last year alone, of which the great State of North Carolina paid $156,000,000. If it were right, I would vote for the bill whether it affected them in that way or not; but being wrong I will not vote for it under any consideration, much less will I vote for it when it imposes that measure of burden upon the farmers of my own State.

DAIRYMEN MUST PAY TRIBUTE

Mr. President, there are other classes of farmers to which I desire to refer—the dairy farmers of the United States. They are subjected under this bill to the two-fold process of the tax levy. They are kindly exempted from the equalization fee, as all farmers will be in a little while. The $250,000,000 revolving fund will be exhausted; the farmers will refuse to pay this unjust equalization fee, and then you will have to do something for the farmers sure enough. This particular class of farmers will come here to have you replenish the Federal fund out of the Federal Treasury until the revolving fund will go up by leaps and bounds to where no man may now imagine.

Mr. President, the volume of dairy farming may best be signified by the statement that last year the dairy products of this country amounted to $2,750,000,000, or within $200,000,000 of the entire crop value of corn and wheat combined. Yet, in the name of the American farmer, it is proposed to make this levy upon the dairy farmers and give them no whit of compensatory relief.

I know whereof I speak. Some Senators, growing red in the face, talk about "the poor farmer" in pathetic tones and with rhetorical flourishes, as if everybody who disagrees with their economic heresies is an enemy of the farmer. My pecuniary stake in farming would exceed my salary as a United States Senator for 10 years after I shall have died and been forgotten, and yet Senators who would not, except at election time, recognize a farmer if he would come down the road with a red flag attached to his person, suggest here that I am an enemy of the American farmer because I refuse to vote for this wretched make-shift!

I know, sir, that the cost to the American dairyman of his concentrates—his bran and wheat, his beef pulp and corn, his meal, and oats mixtures—is frequently more than the value of his barn products; and yet here is a bill to increase to the dairy farmer the cost of the very products that are essential to the conduct of his business. This is done in the name of the American farmer. It is an injury done to a class of farmers the value of whose product nearly equals the combined crop value of both wheat and corn in the United States.

WHAT ABOUT POTATOES AND APPLES?

What under this amazing measure becomes of other classes of farmers? Here is the potato farmer—a class of industry that is now specialized, with the little State of Maine raising millions upon millions of bushels of white potatoes, and my State of Virginia at the head of the list, as I recall, in the production of sweet potatoes and not far behind Maine in the production of white potatoes. Where is the "compensation" in this bill to the potato farmers?

The VICE PRESIDENT. The Senator's time has expired.

Mr. JONES of Washington. Mr. President, I ask unanimous consent that the same courtesy be extended to the Senator from Virginia that has been extended to several other Senators and that he may be permitted to conclude his remarks.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. GLASS. How about the apple growers of the country? I suspect it will surprise the Senate to be told—and I am glad to make the observation just now in requital of the courtesy of the Senator from Washington—that the apple crop of the single State of Washington last year came within $1,000,000 of equaling the total crop value of the wheat produced by that State, one crop being valued at $41,000,000 and the other $40,000,000.

The great State of New York produces an apple crop nearly ten times in value to the wheat crop produced. Virginia is third among the States of the Union in the production of apples, the crop last year amounting to $18,000,000.

What are you going to do for these farmers? Tax them—tax them without limit—tax them through an instrumentality and by a process never before conceived by the wit of man.

And the poultryman: How do chickens grow and fatten for the market? Do they live on air, or do they live on grain? The poultry industry of this country, now in a specialized state, has to purchase and get its subsistence from the very grains, the cost of which this bill will artificially increase; and yet what do you do for the poultry farmer in this bill except to tax him? Cattle has been stricken out, because representatives here of stock raisers discovered the vice of the miserable thing. But how about hogs? The Senator from Ohio [Mr. FESS] was right when he asserted the bill would threaten the animal industry of the country.

TAXES THE GREAT MASSES

Mr. President, I interested myself to the extent of analyzing some figures on this subject, particularly in view of the repeated misstatement here that this bill protects one-half of the population of the country. It does not protect one-fifth of the population. The official statistics show that there are in round numbers 41,000,000 persons 10 years of age and over occupied in business activities in the United States. Now, listen: Of these, 10,000,000 are engaged in agriculture, forestry, and animal industry; in the mechanical and manufacturing arts and industries 12,000,000 are engaged; in mercantile pursuits 4,000,000; in professional services 2,000,000; in clerical occupations 3,000,000; in public-service and other occupations 770,000. Thus, of a total occupational population of 41,000,000, the agricultural, forestry, and animal industry population, and the manufacturing and mechanical population put together total 23,000,000 persons.

On this basis it is computed in round numbers that about 32,000,000 of the total population derive a livelihood from the farm, 36,000,000 from manufacturing and mechanical pursuits, and approximately 54,000,000 among the tradesmen, the professional men, the clerical forces, and the public-service men of the country; so that instead of the farming population being one-half of the population of the country it is less than one-third of the population of the country. It is exceeded by 6,000,000 persons in the manufacturing and mechanical industries of the country. It is almost doubled by the 54,000,000 people who are, according to immemorial and traditional Democratic doctrine as it has been preached on the floor of the Senate, to be pillaged out of both pockets under this bill; and a bill like this is pressed upon our attention in the name of the American farmer when it will advantage, if it will advantage anybody at all, a decided minority of the farmers in this country, and the exaction involved as to them will immeasurably outweigh any conjectural advantage that might accrue.

THE SOUTH NOT IN PENURY

Mr. President, I feel so sorry at times to sit here and have my section of the country described to the world as in a state of penury, its people finding it necessary, like mendicants, to come to Washington, hat in hand, for crumbs of subsistence from the Federal crib. I assert, and right now challenge contradiction, that there is scarcely a product of the farm which is not to-day selling at a higher price than the average for the whole decade prior to the World War. The figures that I present are official from the Agricultural Department. They show that from 1903 to 1912 wheat sold at Kansas City for 91 cents. On the market to-day it is selling there for $1.55. At Chicago for the same decennial it sold on an average of 96 cents. For the month of May of this year it sold for $1.65. At Minneapolis for the decennial indicated it sold for $1. There to-day it sells for $1.62.

Corn sold at Kansas City for the 10 years prior to the war on the average for 53 cents, at Chicago for 56 cents. To-day at Kansas City it sells for 70 cents and at Chicago for 71 cents.

Cotton sold at New Orleans on the average for the decade named at $11.63. It sold there for May, 1926, for $18.06—nearly 100 per cent increase. At New York it sold for $11.89 for the decade. To-day it sells for $18.92.

Listen: Pork at Chicago for the decade sold at an average of $6.50 a hundred. To-day it is selling there for $13.55 a hundred—more than double as much.

Beef sold at Chicago for the decade at $5.92. To-day it sells for $9.12 a hundred.

I ask unanimous consent that I may insert these figures in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Average market prices for 10-year period prior to 1913 and the market prices at present

	From 1903 to 1912	For May, 1926
Wheat:		
At Kansas City	$0.91	$1.55
At Chicago	.96	1.65
At Minneapolis	1.00	1.62
Corn:		
At Kansas City	.53	.70
At Chicago	.56	.71
Oats:		
At Kansas City	.40	.41
At Chicago	.40	.41
Cotton:		
At New Orleans	11.63	18.06
At New York	11.89	18.92
Pork: At Chicago (100 pounds)	6.50	13.55
Beef: At Chicago	5.92	9.12

THE DISEASE AND REMEDY

Mr. GLASS I do not, Mr. President, adduce from these figures the supposition that the farmers of the United States are prosperous. I do not pretend to believe that they are. I simply contend that this bill will not remedy their plight. Their difficulty does not arise out of the prices they get for their produce, but must be ascribed to the prices they are compelled to pay for what they buy. The exchanges of commodities are against the farmer, because he sells in an open market and buys in a protected market. While there are other disabilities, this is the real distemper, this is his vital disorder. The cure can not be had through legislative patent-medicine nostrums. It can not, as it should not, be had through illicit raids on the common Treasury fund, expressing the thrift, the toil, the sacrifice of all the people. We should go to the source of the malady. We should abate the excesses of the tariff. We should lower the wall that shelters privilege and not erect another beside it. We should give the American farmer a fair exchange for his goods.

While agriculture in the South is not advancing as I should like to see, while there are hardships and at times suffering, the southern farmer is not the beggar, not the God-forsaken wretch so often depicted in this Chamber. He is not begging Federal alms. He is an upstanding, self-respecting, hard-pushing American citizen, not very attentive to the lamentations of the politicians. In this connection, Mr. President, I want unanimous consent to insert in the RECORD an editorial from the New York Times, with the caption "The booming South." It is a review of an article printed in the Review of Reviews, the author of which is Clarence Poe, the outstanding agricultural editor of the entire South, whose home is in North Carolina. He presents a picture of both agricultural and industrial progress in North Carolina that reads like a romance, showing how that State, emerging from the horrid memories and the devastations of a civil war and reconstruction, has measurably outstripped every one of her southern sisters, and gone far beyond the crop production of many of the great States of the West.

The Senator from Ohio [Mr. FESS] put into the RECORD yesterday one of the most enlightening statistical tables bearing upon this subject that I have ever scanned. It gives the total farm mortgage debt of every State, together with the hypothetical value of all the crops in those States for 1923. So far from being in a beggarly condition, I take pride in proclaiming to the Senate and to the country that the States which figure conspicuously to their advantage in this table are the States of the South!

The per cent average of annual total value of all crops required to pay annual interest charge at 6 per cent on farm mortgage debt in the State of Iowa is 12.96, and in North Carolina but eighty-seven one-hundredths of 1 per cent! In Virginia it is but 1.74 per cent! Yet, in the name of the American farmer, I am to be reproached for refusing to tax the 1,039,000 thrifty farmers in Virginia by this double process to relieve the situation of some other farmers who refuse to diversify their crops, but persist in the fatal one-crop method of farming and in farm-land speculation.

"THE FARMER'S DOLLAR"

Mr. President, if I may proceed just for a few moments without further wearying the Senate, I want to allude to another aspect of this discussion. What is the use of debating in terms of mysticism? Why not be plain and frank with one another? Why all of this unintelligible talk about the "farm-

er's dollar," a fad of those political economists who never look outside the pages of a schoolbook? Why make the impression that the "farmer's dollar" is different from anybody else's dollar? Why confuse the farmer into the belief that he has a depreciated dollar instead of a dollar worth a hundred cents in gold on the domestic market and at a premium in every other market in the world?

I have read to the Senate the largely increased prices of farm products that now prevail as contrasted with the decade before the World War. The farmer gets that money in the same dollar that the manufacturer gets for his product or the merchant for his or the lawyer or doctor for his or that anybody gets for his or her services. It is no different. If it be true that the farmer may not get as much as formerly for his products in exchange for other products which he must have, what is the matter? What is the reason? Senators on this side at least have affected to tell us why. They have said it was because of the high protective tariff. And that is absolutely true; but now these Senators strike a new note.

The argument hitherto made against the blighting effect of the protective tariff, if forceful at all, is just as forceful to-day as it ever was. I mean not to enter into the philosophy of tariff taxation, but rather am I trying to reconcile for myself the inconsistent views now presented by certain Senators as contrasted with those that were presented before.

A NEW SORT OF SUBSIDY

Concede that it is high protective tariff, and then concede that it is increased railroad rates; what enters into the increase of railroad rates but the high protective tariff? It is the dominating cause, because every pound of steel, every item of car construction, freight and passenger, the wages of the employees—all have relation to the protective tariff. But the protective tariff, we are told by some Democratic Senators, is not as bad to-day as it was a little while ago. The cause of this extraordinary recantation is a desire to adopt now a unique scheme of subsidy unknown even to the protective system. No tariff bill ever pretended to authorize the withdrawal of a dollar from the Federal Treasury to be given away as a subsidy to a favored class. A protective tariff upon its face is designed to collect import duties and deposit the money in the Federal Treasury for the necessary expenses of the Government. True, those engaged in industry take advantage of the system to levy enormous tribute, to raise the domestic prices vastly beyond the import duties. I think few people here would dissent from the doctrine of Garfield, the great citizen and soldier and statesman of Ohio, quoted here the other day by one of the Ohio Senators as favoring a protective system that "would lead to ultimate free trade." But the ultimate is so far away that no man may guess what succeeding generation will ever see it reached if we put this twin iniquity on the American people.

In this bill we have a principle that goes far beyond anything in tariff legislation. The Congress itself, the Representatives at the Capital of all the American people, make the tariff schedules, albeit in an unconstitutional way, as I think, they have delegated to the President of the United States the power to alter. The people of the United States make the tariff schedules here in the open. But presented here is a bill which delegates to a private interest, without restriction, the right to tax all the American people for the benefit of a small class of the American people. The Democrat who subscribes to that doctrine will soon find himself on the probation bench of the Republican Party, cushioned with the fleece of Schedule K, bouncing on the springs of the Steel Trust, hat in hand, awaiting his time of admission to the status of that type of zealot which always exceeds the original apostles of a doctrine. If I were a Republican, I would not vote for this subsidy, because it goes, in the matter of special privilege, so far beyond anything that the Republican Party ever dared propose to the electorate of the United States that I would be ashamed to vote for it. It outrages every principle of justice, contravenes every consideration of sound economics.

AN ENGLISHMAN'S PREDICTION

Oh, we are told that Sir Josiah Stamp has put his imprimatur upon the bill, giving the force of his international reputation as an economist to the proposal. Has he done it? I do not discover that he has; if he has, he enjoys the unenviable distinction of blazing the way into a field where no other economist is willing to follow.

Sir Josiah Stamp engaged in an algebraic process to reach the conclusion that the thing here proposed, in ideal circumstances, would work out to an anticipated result on paper—something about as X is to Z as Z is to some other letter of the alphabet. But what is his conclusion? Listen to it:

If the price of wheat is to go up considerably in the United States, then there seems a very fair possibility that it will have reactions on the whole economic condition of the country.

I should say so!

The cost of living may be considerably enhanced and may lead to a wide circle of demands for increased wages.

Why, of course it will!

If this should be so, all costs of production will ultimately tend to rise slightly, and there would follow probably, after many struggles, or at least protracted negotiations, a new division of the product of industry. Such a movement would set up many new political forces.

Let us hope so.

And it is very difficult for an observer on this side even to begin to formulate the ultimate outcome.

Protracted negotiations? Between whom. Between these Siamese twins of special privilege. "You help us to raise the protective tariff and we will help you raise the fixed prices of cotton fabrics and food products."

That may be a mathematical demonstration, but it is one which the American people will have occasion to lament when it takes place; and with the Democratic Party subscribing to a doctrine like that, what issues would we have left to differentiate us from our political adversaries? Only the unhappy memories of reconstruction and the repellant official personality of the Republican Party in the South, where offices are sold and bartered. That is all!

AN ASTOUNDING RENUNCIATION

I have greatly admired the useful work of my friend and colleague, the senior Senator from North Carolina [Mr. SIMMONS]. He has stood in his place, both as minority member and as chairman of the great Finance Committee of the Senate, and done incomparable service. He has inspired us by his characterizations and exposures of the iniquities of the high protective tariff. But what an astounding thing happened yesterday! Following suggestively the example of William Jennings Bryan in the Chicago convention of 30 years ago, the Senator used a scriptural simile which would contrast the spirit of this Haugen bill with the immortality of the soul as expressed in the resurrection! Mr. President, as a young man I sat in that national convention and heard Mr. Bryan's stirring address, ending with the almost impious rhetorical gesture about the "crown of thorns" and the "cross of gold." I have often felt that the people of America failed to discern the real inspiration of that occasion and of that speech. It was not so much the metaphor as it was the staging of the whole proceeding. David B. Hill had stood upon that platform and, as spokesman for vested property rights, in behalf of feasted privilege, had given a sordid, a narrow, a severely contracted definition to the term "business men." He had applied it to the great industries, to the merchant princes of his metropolis, to the men of enormous wealth, prospering beyond the dreams of avarice, while agriculture languished and the people were taxed.

Seizing upon that reference, Mr. Bryan, in sharp, almost startling contrast spread the definition so that it might embrace every man who, in the sweat of his brow, earned an honest living. That was the magic of the speech. That is what nominated Mr. Bryan. That is what committed the Democratic Party to a candidacy and a fallacy which banished it from power for 16 years.

Not exactly alike but some akin in principle, the Senator from North Carolina, blending the material with the sublime, undertook yesterday to circumscribe the name of "farmer" to the comparatively small circle which will, it is conjectured, derive advantage from this setting up of an unconstitutional instrumentality of taxation without limit or responsibility. I reject his definition. I speak, in the name of many classes of farmers, in protest against this bill.

The Senator from North Carolina says, "It is a measure of compensation." I would put it differently. It is a measure of copartnership with the protective tariff. I see before me the distinguished Senator from Iowa [Mr. CUMMINS], who told us that "just as surely as this bill is defeated the whole policy of protection is doomed to extinction." I could fervently wish so. The high tariff is an undisguised enemy of the American farmer. But the Senator from Iowa may take heart and quiet his apprehensions. The day is fair and the fight for privilege prospers when he finds on this side ready at hand to avert the disaster of extinction gentlemen who hitherto have preached against the Republican protective system and have denounced it in season and out, temperately and intemperately.

I have been pleased to follow the leadership of some of these gentlemen, notably of that David of the tribe who went out

in the name of Israel and, pausing by the brook, picked pebbles with which to slay the Goliath of high protection. But methought on yesterday he cast his pebbles back into the water, flung his sling away, ripped the tunic from his body, and, waving it as a white flag of truce, capitulated to the Philistines! Much as I admire and love my colleague from North Carolina [Mr. SIMMONS], far as I would follow his plume in real combat for the true philosophy and the genuine principles of Democracy, if it is my last utterance and last act in the Senate Chamber of the United States, I refuse, in the misappropriated name of the American farmer, to follow anybody in the effort to fasten upon the people this uneconomic, unequal, unjust species of privilege.

Mr. President, disclaiming any desire or purpose to asperse the motives or harshly to criticize the action of any other Senator, I would rather go out of this Chamber and spend the few remaining years of my life where I was born among my people and without their favor—but possessing still my intellectual integrity—than to surrender my convictions against the private use of public funds. Not for that was government instituted. It is a perversion of the taxing power. It enriches a part of the people and enslaves another part. Where favors are bestowed rights are denied. Not even to abate the hostility of prejudiced and misinformed farmers among the citizens of Virginia, if any there be, will I accept a doctrine or vote for a measure that I very earnestly believe is vicious in principle and, in operation, would be equally harmful to agriculture and unjust to every other class of the American people.

[Editorial article appearing in the New York Times of May 30, 1926]

THE BOOMING SOUTH

The South, even aside from Florida, is getting a good deal of publicity nowadays. It deserves it. As Clarence Poe says in a somewhat vainglorious article on "Dixie" in the April Review of Reviews, "the South is recognized the Nation over as the new land of opportunity." Prosperity is not unknown to other parts of the country—all the States have been keeping step in a grand march forward during the last 20 years—but the development of the South, industrial, agricultural, and educational, has proceeded at an amazing pace. Those humbled at Appomattox are in the van of the Union now, playing their own music. For many years after Lee's surrender the South stood still. "Most of living," said Sidney Lanier, "consisted simply of not dying." Mr. Poe puts the backwardness of the South in one sentence:

"While the per capita wealth of the North much more than doubled from 1860 to 1890, the per capita wealth of no Southern State, except Florida, had climbed back to the 1860 level by 1890; nor had 6 of the 11 States reached their 1860 average by 1900."

With the opening of the century the tide had fairly turned. In 1903 Walter Hines Page delivered at Raleigh "a message designed to wake up the home folks." He told them that of North Carolina's population 10 years of age and over 28.7 per cent were illiterate. In 1920 this had been cut to 7.6 per cent. Selecting Iowa as a banner western State for progress, he made some comparisons. Iowa was spending $10,696,693 for public schools and secondary education, North Carolina $1,583,000. Twenty years later Iowa's school bill was $48,194,195, an increase of 354 per cent; North Carolina was spending $29,851,000, an increase of 1,885.7 per cent. In 1900, according to census reports, North Carolina's crop values were $68,000,000, as compared with $195,000,000 for Iowa. Twenty years from the time Mr. Page spoke North Carolina's crops were worth $434,000,000 and Iowa's $481,000,000, but North Carolina's products were raised on 7,435,000 acres to Iowa's 21,786,000. In manufactures North Carolina had forged far to the front in the 20 years, increasing her output, measured in dollars, from $94,000,000 to $951,000,000. The totals for Iowa were, respectively, $164,000,000 and $690,000,000. It was fair to make comparisons between these two States. In area Iowa is 56,147 square miles, North Carolina 52,426. Their population was: Iowa, 2,231,853 in 1900 and 2,404,021 in 1920; North Carolina, 1,893,810 in 1900 and 2,559,123 in 1920. In 1925 North Carolina had 19,288 miles of surfaced roads, as compared with 4,727 for Iowa.

It might be objected that Mr. Poe had paraded the most progressive State in the new South to make his point; but, dropping the comparisons, he takes up advantages which the South enjoys. "It can grow successfully," he says, "any of the important crops the North and West can grow, while of cotton, rice, sugar cane, tobacco, peanuts, soy beans, cowpeas, sweet potatoes, and early vegetables and fruit the Southern States have almost a monopoly." Last year Georgia's corn acreage was greater than Ohio's, North Carolina's greater than Wisconsin's, and Tennessee and Kentucky each planted practically half as much corn as Kansas."

This is special pleading of a sort, for Ohio is not one of the greatest corn-growing States, and Wisconsin is well down in the list. The South, it is only fair to say, is rapidly diversifying crops, owing to the ravages of the boll weevil in her 48,000,000 acres of cotton lands (last year's area). In the cereals her showing will continue to improve. Tobacco production has doubled in the 20 years. Of 1,747,000 acres cultivated in the country in 1925, the States of Virginia, Kentucky, the Carolinas, Tennessee, and Georgia could claim 1,348,000 acres. Cottonseed, which used to be thrown away as waste, has greater value than the combined barley, rye, and buckwheat crops of America, and a value twice that of America's commercial apple crop. Cottonseed products have passed the half-billion mark. Of the 14 States cutting more than 1,000,000,000 feet of lumber each in 1923, 9 were southern. The climate of the South used to be considered a liability, but, says Mr. Poe, "the South has practically the same summer temperature as the North, with immeasurably more agreeable winters." He presents mean, minimum, and maximum temperatures to prove it. The length of crop-growing seasons is greatly in favor of the South. After Mr. Poe has marshaled all his figures there is no standing up against his conclusion that "Dixie is going to have an epoch-making development."

Mr. HEFLIN obtained the floor.

Mr. SIMMONS. Mr. President——

Mr. HEFLIN. I yield to the Senator from North Carolina.

Mr. SIMMONS. I have no further time left to me, but I should be glad to have my colleagues grant me, by unanimous consent, the privilege of speaking for a few moments.

Mr. HEFLIN. I ask unanimous consent that the Senator from North Carolina may have such time as he feels that he desires to consume in reply to the Senator from Virginia.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, I am not going to object to this request, but I am going to object to future requests for unlimited time in which Senators may address the Senate on this measure, because if that shall be done we might just as well abolish the unanimous-consent agreement under which we are now acting.

Mr. BORAH. Mr. President, I hope the Senator from Washington will not object. I think the pending matter is entitled to all the time that the Senate wants to give it in order to allow those who understand it to debate it.

Mr. SIMMONS. Mr. President, Senators need not trouble themselves about the time I shall consume. I should like to take a great deal of time, but it must be manifest that my physical condition, growing out of a severe cold from which I have suffered for the past three days, will not now permit me to enter into any lengthy discussion or to attempt to cover fully all the matters discussed in the very able, thoroughly thought out and forcefully and logically presented argument of the Senator from Virginia [Mr. GLASS]. I use the terms "forceful" and "logical" as referring not to the subject matter or to his conclusions but to orderly and eloquent way in which he presented his contention.

I would not, Mr. President, ask the indulgence of the Senate to submit a single remark in reply to the Senator from Virginia if he had not in the course of his discussion misrepresented some things that I have said—not intentionally, of course—and misrepresented my position with reference to certain vital features of this bill.

The Senator referred to some observations which I made on a former occasion with reference to the tobacco crop of this country. In that discussion I did say that leaf tobacco was not exported.

I intended to have added a qualifying statement but it seems in the hurry of extemporaneous debate I did not, and the Senator from Virginia very kindly in reply to what I had said called my attention to that observation. So, at the conclusion of my remarks, which followed immediately after the colloquy with the Senator from Virginia, I said in effect that if I had made the statement in the broad terms stated by the Senator I would qualify it, as I meant to say leaf tobacco was not exported in sufficient quantities to put domestic tobacco upon the world level so as seriously to affect or to control the domestic price. I added also that if I had stated otherwise, I would correct the RECORD in that respect, and I did correct it before the speech was published. Mr. President, I was absolutely correct in the statement, as qualified, which I then made, notwithstanding the labored effort of the Senator from Virginia to confute it.

Tobacco is a very important crop in my State; it is a very great crop in the South. It is true that in recent years the South has enjoyed a greater prosperity than has the Middle West. Partly because of the fairly remunerative prices we have received for our tobacco, which we grow in large quantities and of fine quality, indeed largely for this reason we are in better condition than our western neighbors. Why have tobacco prices been relatively so remunerative and satisfactory? Chiefly because that crop is not, except in very rare instances, produced in excess of the world's demand for it.

We produce cotton in great quantity in the South, two-thirds of the total amount produced in the world; we always export

a large proportion of it, never less than one-half, sometimes much more; but if our exportations, added to the foreign production, do not exceed the foreign demand; that is to say, unless our exportations, added to the production elsewhere, overstocks the foreign market the price is upon a stabilized basis here and abroad. It is not the fact that we export in a given year a large amount of cotton—we always do that—that reduces the domestic price to the foreign level, but it is the fact that in some years we produce and export largely in excess of the amount the world demands of us, and it is this excess above the world demand which we call the "unneeded surplus," overstocking the markets to which we send it, with which this bill deals, and it is this overstocking of these markets that reduces the price of cotton in those years to the level of the world price.

So with reference to tobacco. So long as our exportations do not exceed the world's demand they do not affect the price of tobacco in this country. Tobacco in the United States remains upon the level of prices which obtain in the United States despite the amount exported. There is as to the price of tobacco as compared with cotton this broad distinction: Practically all tobacco, whether purchased for domestic or foreign use, is sold and purchased in the United States almost exclusively at public auction upon the tobacco warehouse floor. Upon that auction floor, in competition, the buyers, through their representatives, meet in open competition—the buyer for the American manufacturer and the buyer for the foreign manufacturer bidding against each other, and each individual pile is knocked off to the highest bidder, whether he be the representative of a foreign or a domestic manufacturer. So that with reference to tobacco the price is fixed in America, and will continue to be fixed in America until we produce tobacco largely in excess of the world's demand.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from North Carolina yield to the Senator from Virginia?

Mr. GLASS. I do not want to put any undue physical exactions on my friend from North Carolina.

Mr. SIMMONS. I did not interrupt the Senator. He would not let me interrupt him except to the extent of correcting any misstatements that might have been made. I will yield to the Senator for the same purpose.

Mr. GLASS. I do not imagine that it was a conscious misstatement, but I simply want to call the Senator's attention to the fact that the exportations of American leaf last year alone were in excess of a billion pounds, and that my own State of Virginia exported 294,244,593 pounds.

In the same connection, touching the Senator's statement that the price is fixed on the warehouse floor in competition, that is not the impression in my State; and I had not supposed it was the impression in the Senator's State, because we had to organize there the Tri-State Cooperative Tobacco Marketing Association, the very foundation plea of which was that there was no competition on the warehouse floor; that the foreign buyer representing a governmental monopoly never competed with the domestic buyer in the purchase of any pile of tobacco.

Mr. SIMMONS. Mr. President, I do not agree with the theory stated by the Senator from Virginia [Mr. GLASS]. It is not possible that there should not be competition when buyers are bidding against each other on the auction floor for the same product. That is the way in which tobacco is sold in the United States. I want to say to the Senator that if we exported three-fourths of our cotton instead of one-half of it, if our crop were so short that this great exportation would not exceed the world's demand, the price of cotton in this country would be high. It is only when the amount that we export exceeds the amount which foreign markets demand of us that cotton goes down because of that unneeded surplus; and cotton is put in this bill to protect the cotton grower when that condition obtains. If we raise a small crop in the United States and our exportations are therefore relatively small, so as not to produce a surplus in stock on the foreign markets, then we get a high price for cotton. If it is a large crop with a large exportable surplus, and that surplus exceeds the world's demand, we get a low price for cotton. It is to protect the cotton manufacturer against this situation that he is included in this bill.

If the tobacco manufacturer shall ever get in that condition, if the crops produced in the world shall exceed the world's demand, if the amount that we export shall be greater than the foreign market requires, and the American price of tobacco, as a result, like that of cotton in these fat years, is brought down to the level of the foreign price, then the tobacco growers of this country will be here asking for the relief provided in this bill just as the cotton growers are now demanding it. The tobacco growers are not here; they are not asking it, and are not asking it because they are not in the same category with the cotton farmer; but, Mr. President, this bill very wisely provides that at any time any other agricultural product in the United States, by reason of its unneeded exportable surplus, shall be thrown into the same category as the articles mentioned in the bill, then they can come in, by a method pointed out and provided in the bill, and take full benefits, along with those who are now included in the bill.

The Senator contends that this bill is an oppressive tax upon the entire farming industry of the United States for the benefit of the few people who are mentioned in the bill. Mr. President, I have stated before and I wish now to repeat that I do not contend, and the proponents of this measure do not contend, that all agricultural products produced in this country are upon a basis of nonprosperity. I concede that a considerable part of the products in agriculture—not in value, but in variety—that are produced in the United States are to-day measurably prosperous, some of them probably highly prosperous, because they are getting the benefit of the high protective tariff, which the Senator knows and we all know has advanced the prices of the products to which it applies effectively to high levels, notably wool, because we do not produce much more than half we consume; sugar for the same reason; likewise flax, butter, and so forth.

The dairyman, about whom the Senator complains so bitterly, and whose prospectively oppressed condition as a result of this measure he describes so lucidly, has been reasonably prosperous. He has been enjoying these high American prices because the dairymen, whose spokesman the Senator is, have tariff protection on pretty much every article that they produce; in addition, many of these agricultural articles are not produced in excess of the domestic demand, or if produced in such excess are exported in such small quantities as do not seriously or materially affect or control the domestic price. Their different and better situation ought to be easily apparent to everybody.

The provisions of this bill extend only to the product of farmers who, by reason of their exportable surpluses, have had the prices of their products in this country fixed by the low level of prices that obtain abroad—prices that we have heard characterized here from time out of mind as pauper prices.

The Senator contends that we are in this bill proposing to tax all the products of agriculture and of manufacture in order to give those producers mentioned in the bill the relief which they demand. The Senator is mistaken, or he does not understand the bill. The bill simply provides for the withdrawal from the market temporarily—not permanently, but temporarily—of the unneeded, excess surplus of the products specified and to feed it out to this country and abroad as the market is in condition to receive it at a fair price.

Mr. GOODING. Mr. President, will the Senator yield to me?

Mr. SIMMONS. Yes.

Mr. GOODING. The Senator from Virginia in his able discussion of the farm problems made a comparison of the prices of farm products before the war and at the present time.

Mr. SIMMONS. Yes.

Mr. GOODING. He did not discuss at the same time the increased cost of production to the farmer.

Mr. SIMMONS. No, he did not; but I am not undertaking to answer all the arguments advanced by the Senator. I have not the physical strength at this time to undertake that if I thought it necessary.

Mr. GOODING. I merely want to say, if the Senator will permit me, that we increased labor upon the railroads a hundred per cent by legislation; we changed the basis of a day's labor from a 10-hour day to an 8-hour day, and we increased freight rates 100 per cent, all of which was passed on to the farmer; and since that time the farmer has paid something like $3,000,000,000 in excess freight rates forced upon him by his own Government.

Mr. BRUCE. Mr. President——

Mr. SIMMONS. Mr. President, I can not yield. I ought not to have yielded to the Senator from Idaho. I did not desire to yield to the Senator from Virginia, but he importuned me to do so until I did it.

Mr. President, the Senator from Virginia now says that this bill is for the purpose of fixing prices, how high he does not know, for the purpose of imposing taxes, how great he does not know. The Senator, I fear, has not read the bill, or if he has read it he must have done so before it was amended and before the objectionable features to which many of us on this side objected were stricken from the bill, otherwise he would not say that. The bill as it is now presented is free of the

features he denounces. There is not a line or a provision in this bill that authorizes the fixing of any price.

There is not a line in this bill that authorizes the imposition of any tax that the general public will have to pay. The price that will be paid when this unneeded surplus is withdrawn from the arket will be the price that obtains in the domestic market at that time. Nobody will fix it. Nobody will put it on stilts. Whoever purchases the surplus, whether the board or a corporation created by the board, will purchase it at the prices that obtain in this market. Therefore, there is no price fixing.

What the Senator refers to as a tax, is, I presume, the equalization fee. If the Senator from Virginia had measured his observations with reference to the provisions of this bill with that discretion which ordinarily governs his speech, he would not have said that that was a tax against all the people of this country, or all other agricultural products, because if it is a tax at all—and I think the word "tax" in this connection is a misnomer—it is imposed only upon and collected only out of those farmers who produce the products that are mentioned in this bill and whose surplus is to be withdrawn.

Not one cent of this so-called tax is collected out of a dairy farmer, in whom the Senator from Virginia is so much interested, or out of the apple growers, in whom he is so much interested, or out of those who produce the other crops to which he referred so eloquently. Every penny of it is collected out of the products of the farmers whose products are specified in this bill.

If the Senator meant to say that the revolving fund of $250,000,000 was a tax, he was inaccurate, except in the sense that money to be loaned by the Federal Government will have been collected by it by taxation. The Senator says the amount advanced may run into billions. He is mistaken. The amount of that fund is definitely fixed and limited by the express terms of the bill. It is confined to the sum of $250,000,000.

Is it proposed in this bill that the Government shall give this fund out of the Treasury to the farmers whose products are mentioned in this bill? No, Mr. President; the proposition is that the Government shall loan this fund. Loan it how? Loan it upon security. If it is cotton, then the Government, which will buy $75,000,000 worth of cotton for the purpose of withdrawing it from the market and stabilizing the price of that great product, will have that cotton in its possession, and it will be security for every dollar loaned. If the purpose of this legislation is consummated, that cotton which the Government buys at the domestic price of cotton can be sold upon the market at a profit.

That is the theory of the bill, that the cotton shall be held until there is a scarcity in world demand, by reason of which the price of cotton will go up after it is purchased by the Government, and if that purpose is accomplished, then the Government will have the security, of which it can dispose at a profit. Is there anything radical in that?

If the money is loaned to that class of farmers mentioned in the bill upon the equalization basis, the bill provides that the equalization fee shall be sufficiently large to recoup the Government for any possible loss it may sustain in loaning them that money. So that instead of it being a tax imposed upon all the people of this country, or all the agricultural classes not included, it is nothing but a loan by the Government, secured and backed by the hypothecation of security much better than the security which was taken for some of the loans the Government has made to help the railroads out of their difficulties and from which in some instances it sustained losses.

If the Senator thinks that the position I have taken here with reference to this matter, in my earnest desire to protect the farmers of this country without hurting anybody, is inconsistent with the position I have taken heretofore with reference to the tariff, he is badly mistaken.

In 1912 I had one of the hottest Senatorial primary contests ever waged in the United States against a sitting Senator. I had participated in the debates in the Senate upon the Canadian reciprocity treaty, which was acted upon something like a year before my contest. In that contest over the Canadian treaty only three Democrats voted against the resolution of ratification, and only one Democrat spoke against it. I was one of the three Democrats who voted against it, and I was the one Democrat who spoke against it. Because I recognized the fact that this side of the Chamber was practically a unit against me I made a most carefully prepared speech.

When I delivered that speech, I was heckled on this floor by certain leading Democratic Senators. But I did not surrender. I voted against it. I was proud of it and have never regretted it. Upon the treaty and amendments, I cast nineteen votes against the majority of my party. As it dealt almost wholly with tariff duties my position on the tariff was challenged.

At once there arose in my State amongst certain Democrats an opposition to me because of these votes. The then governor of the State of North Carolina, the late Hon. W. W. Kitchin, who had served many years in Congress before he was elected governor, a very able man, and also the then chief justice of the supreme court of my State, the late Hon. Walter Clark, entered the field against me, and we had a long and bitterly contested primary fight. After those two able adversaries of mine had been canvassing the State for months and months while I was here in Washington attending to my duties, Congress adjourned, and I went home, and in the first speech I made, to a great audience in the city of Charlotte, I said:

> I voted against the reciprocity treaty. I voted, as has been charged, against the balance of my party associates except two for 19 times—on amendments and on the resolution—and I stand by every one of those votes. I am not running from my record then made or otherwise, but I am running upon that record, and it is upon my record on that question that I expect to be elected or defeated.

I sent tens of thousands of copies of that speech to my constituents. I said further:

> Upon the principle enunciated in that speech I stand. I voted against that treaty because it imposed high protective duties upon all the manufactured products of Canada imported into this country, and put all agricultural products imported from Canada into this country upon the free list. Against that sort of inequality I am opposed.

The Canadian reciprocity was ratified here but was not ratified by Canada, and so did not become effective.

That campaign ended with my renomination by a large majority over both the governor and chief justice, my opponents, notwithstanding their great ability and popularity.

The Senator appeals to the equality doctrine of Jefferson. I stand upon it. I say that it is just as sacred in a tariff bill as it is in any other sort of bill, and there is a violation of that principle in the fact that you have segregated here the industrial classes into one section and the agricultural and raw-material producing classes into another section, in that you have placed a high, exorbitant tariff upon the products of the one, and you have placed most of the products of the other upon the free list, and as a result of that, certain classes of farmers in the United States find that the prices of their products are fixed not upon the level that obtains in this country, and on which they buy their necessities, but upon the low level of prices that obtain abroad, and I am willing to have the Government do whatever it may lawfully do to relieve that class from this grinding, oppressive, and cruel inequality.

There is not a word about the tariff in this bill. This bill deals with surpluses, and only such surpluses as reduce the product involved upon the markets of America to the level of the prices which obtain upon the markets abroad, and, contemporaneously with that, the farmer in that condition of inequality is compelled to enter the American market to buy his supplies, the clothes for his children and his wife, furniture for his house, utensils for his kitchen, implements to produce his crops, at retail prices in the American market, bringing about the broad spread in prices in the case of such a farmer between the foreign price of his product and the retail price of the things he buys in the domestic market.

I say that that is an iniquity. I say that that is an outrage, and when I advocate a measure here for the purpose of relieving the farmer from that condition by the simple process of withdrawing his unneeded surplus from the market, to be accomplished by the aid of his Government lending him $250,000,000, and taking his crop as security for that money—when I do that, I assert that I am following every principle of equality, and following every tenet of the Democratic Party with reference to the tariff.

When I do that, the Senator says I repudiate the tenets of the Democratic Party upon the tariff. Let me say to the Senator that in my opinion the reason the beneficiaries of the protective tariff are opposing this bill is because they think it is antagonistic to the protective tariff. For that reason more than the thin pretext that it will increase living cost the industrial interests are here fighting it. Is there any doubt about it? Has not Mr. Mellon made it clear? Is not he the distinctive representative of privilege in the United States? Is not he the captain of privilege in this country? Is not he the center around which American capitalism and industrialism revolve? Mr. Mellon is opposed to the bill, he said, because it will raise the cost of living. That is not the reason. Mr. Mellon is opposed to it, as I said on yesterday, because he knows that the bill is antagonistic to the protection bounties which his colleagues in special tariff favors now enjoy. He knows it is the entering wedge into the ultimate downfall or radical

modification of that system, neither of which he wishes to see accomplished.

We have some very pronounced protectionists on this side of the Chamber, acknowledged protectionists. If they thought the bill was in the interest of protection they would be supporting it instead of opposing it. If the industrialists beneficiaries of special tariff privilege thought the bill was in favor of the principle of protection and not against it, they would not be rallying their forces and bringing the powerful, almost irresistible, influence which they exercise in the United States to bear upon the Congress to consummate its defeat.

Mr. President, the tariff law, such as it is, is written in the statute books of the country. It is going to remain there as it is now written, I imagine, as long as the Republican Party remains in power in the Nation. I can not change it. If a Democratic tariff were in force we would legislate with reference to that. If a Republican tariff is in force as it is we must legislate with reference to that, or not legislate at all if it affects the question at any angle or to any extent. But I hope this bill will pass and that its passage will measurably place the farmers up to the level of those who enjoy the high prices of the domestic market, and enjoy the same equality in price of their products with other occupations. If that end is accomplished by this and legislation to follow it, the privileges which the manufacturers now exclusively enjoy through the tariff will cease to be a privilege, because the benefits of the system will have been extended to all the balance of the population.

Extend a privilege, I do not care how valuable it is, to everybody, and it ceases to be a privilege. I hope that condition may arrive, because then we will be in a condition to frame a tariff measure based upon sound economic principles, based upon equality of treatment to all the American people, a tariff which will be just and wise and in keeping with the theory of tariffs which I have always advocated. I yield to no man upon that question; but I want to say to the Senator from Virginia, borrowing that striking simile of the great Commoner, which he quoted in his very able speech, that not with my support at least shall he press down this crown of thorns upon the great struggling masses of the country who follow the oldest and most indispensable of all callings—that of agriculture—not with my consent shall he crucify them upon the cross of exclusive protection by forcing them to sell the fruits of their toil upon the basis of European pauper prices and buy upon the high level of American retail and protective-tariff prices. A crown of thorns, indeed! A great juggernaut of death, Mr. President. I can not contemplate it with equanimity.

Mr. President, the Senator from Virginia said I sometimes use unmeasured language. I speak directly from the shoulder when I speak at all. If with reference to this matter I have used heated language to-day or on yesterday, if I have exaggerated an iota, it is because I feel the cruel wrong and injustice of the inequalities the Senator from Virginia would have perpetuated into the law of the land upon this class of people who live not on the American standard, but far below, who struggle not under the fixed American hours of labor, but from sun to sun, and who, when the year ends and they have garnered in the efforts of their toil, find the fruits of their labor must in many cases go to satisfy the greed of the Government-favored classes. Mr. President, I appeal against such a miscarriage of fair fortune through law in a country and under a Constitution, as the Senator said, based upon the great fundamental principle of equality among men and special privilege to none—as expounded by America's greatest statesman and Democrat.

Mr. HEFLIN obtained the floor.

Mr. MAYFIELD. Mr. President, will the Senator yield to me for a moment?

Mr. HEFLIN. I yield to the Senator from Texas.

Mr. MAYFIELD. I send to the desk an amendment which I propose. The amendment is a short one and I understand it is acceptable to the author of the bill. I would like to have the amendment read.

The VICE PRESIDENT. The clerk will read the amendment submitted by the Senator from Texas.

The CHIEF CLERK. Amend section 15 by inserting at the end of line 23, on page 14, the following:

Provided, The board shall not commence operations in any basic agricultural commodity or its food products unless members of the board representing land-bank districts which in the aggregate produced during the preceding crop year, according to the last available statistics of the Bureau of the Census, more than 50 per cent of such commodity, vote in favor thereof.

Mr. HEFLIN. Mr. President, I have listened to the lengthy speech of the Senator from Virginia [Mr. GLASS] with a great deal of interest and concern. I saw and heard the Senator flinging his broadsides against special privilege and quoting the father of the Democratic Party, Thomas Jefferson, who declared that he stood for equal rights to all and special privileges to none. I commenced to think just how the special interests had fared during this Congress, even with the aid of two or three Senators upon this side of the Chamber.

I first thought of the international bankers and the commissioners who will get their fat fees on the debt settlements with foreign countries, and how with ease and rapidity certain Senators voted for and passed through the Senate the debt settlements which gave to foreign countries $6,000,000,000 of the American taxpayers' money. I do not know just what name one would give to that peculiar kind of special privilege which we have granted to foreign countries, but I do know that what I am telling you has happened.

The Senator from Virginia spoke about going into the Treasury and taking out the taxpayers' money to give to a certain class of people. When he did so I thought of the big taxpayers who were compelled to come up as any other American citizen under the standards of democracy and pass muster as all others did at the portals of the taxing power of the country, where we were successful in putting into practice the doctrine of equal rights to all and special privileges to none. We made the captains of industry, the tariff barons, and trust magnates halt at the doorway and we demanded of them their fair share of taxes. We made them pay what we thought they ought to pay—millions and hundreds of millions of dollars—and the money was carried and put into the United States Treasury.

Then we heard the tramp of purse-proud plutocrats as they marched upon the Federal Treasury and heard them knocking at the Treasury door. "Who comes there?" "We are the tariff barons and trust magnates and captains of industry and money lords of America." "What will you have?" "We want our taxes refunded. We tried to defeat the tax measure that compelled us to pay these large sums but stubborn Senators stood out, faithful to their oaths of office, faithful to the people who sent them there, and made us pay. Now we come to dicker with those in authority here. Have you not some friendly clerks here who will listen to reason? Will they not listen to the small voice which would suggest a course that would prove profitable to them? We are ready to negotiate." Behind closed doors back somewhere in the Treasury Department where the public could not see, some special clerk worked over the big taxpayers' files and after he had manipulated and changed them he came back smiling and said to these men, "All is well. We are pleased to state that we find that you have paid $1,500,000 to much," and the captain of industry receives a very special favor, gets the money back, and goes home declaring, "Great is the Republican Party." I do not know just what we should call that form of privilege, but it is the kind that has been granted under this administration. They have taken out of the Treasury, after Congress had ordered it placed there, over $500,000,000 and given it back to this peculiarly favored moneyed class of America.

With but few exceptions, the millions of small taxpayers never receive any refund of Federal taxes. They do not belong to this specially favored wealthy class. Not so with those who wear the purple and fine linen of privilege; not so with the kid-gloved, silk-hatted, patent-leather shoe gentlemen who ride in their limousines and contribute big sums to the campaign fund of the Republican Party. A sum between $500,000,000 and a billion dollars has been taken out of the Treasury and given back to those people. If that is not a special privilege which the moneyed classes of America now enjoy, I confess that I do not know what special privilege is.

While that has been going on and those who have made millions through governmental favoritism, who have been able to have laws passed that enabled them to hold up the producer with one hand and rob the consumer with the other, the business of the farmer has become more and more unprofitable and the farmer and his family more and more impoverished.

Mr. President, the Bible tells us, "By their fruits ye shall know them." What are the fruits of the present administration under our American form of government? Are our manufacturers flourishing? All well and good if they are. Are our merchants and our bankers doing well and prospering? All well and good if they are. How about the wage earners of America, who day in and day out work for their daily bread? Are they doing well? All well and good if they are. But what of the farmers of the country, they who toil in all kinds of weather producing that which feeds and clothes the world? Are they prosperous? No. Well, what is the trouble? Well, certain favored economic agencies and other special interests

have been permitted to prey upon their substance to pillage and plunder them.

These patriotic Americans who sent their boys with our flag across the sea to fight and to die if need be for the American Government are now coming in the hour of their business, distress, and affliction and asking that same Government to deliver them out of the hands of those who are robbing them of the fruits of their toil.

Mr. President, the plutocrats grow very eloquent when they speak for the forces of intrenched privilege. The Democratic Party is not the party of plutocracy or special privilege. The Democratic Party is the unafraid, unbought, and unbuyable champion of the masses of the American people. I am proud of Jefferson and the democracy of Jefferson. The Democratic Party has always dared to champion the cause of the common man. The Democratic Party is not now and never has been the champion of predatory interests and no one can lead it now into the camps of intrenched privilege.

If it is fair to permit the tariff barons to take money out of the pockets of the taxpayers of America in order to make a few thousand millionaires, I submit that it is just as fair to take some of the taxpayers' money to provide an emergency fund to be used if necessary to prevent further business disaster and financial ruin to the farmers of the country. We are justified in doing the thing necessary to help our farmers out of the financial embarrassments and difficulties into which they were plunged by the Republican deflation policy hatched out in Wall Street for the purpose of robbing the farmers of America. They robbed the South and West of billions. Senators know what the Republican deflation policy did.

The Senator from Virginia talked about farmers coming here as mendicants with hats in their hands. If the Senator knew the truth as it is regarding conditions among the farming people of our country he would not talk about them in that way.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. HEFLIN. I can yield only for a question. I have but little time.

Mr. GLASS. The Senator from Alabama ought not to misrepresent me.

Mr. HEFLIN. No; and I am not misrepresenting the Senator.

Mr. GLASS. And I am sure he does not want to do that. I said nothing about the farmers coming here as mendicants. I protested against Senators putting them in that posture before the American people.

Mr. HEFLIN. Very well. But, Mr. President, the picture that I have drawn of agricultural distress and agricultural bondage in America is not an overdrawn picture. Hundreds of thousands of them are almost hopelessly involved in debt and tens of thousands of farms have been sold for taxes. I would to God that we had more men in this Chamber with spirits like those possessed by the friends of Gideon. You remember the Bible story—Gideon had thousands to start with, but when they came to a river some of those who protested their friendship for him and his cause unbuckled their armor, took it off, laid it down, and laid their spears off on one side, where, if the enemy had attacked, they would not be ready to fight. Gideon did not like the careless, unconcerned, and indifferent manner in which they went to battle. But he was pleased to observe that there were those in his army who were keen and alert as they marched on to the battle field. They meant business. They were going out to fight and they were ready to fight at any moment. They did not stop at the river side but waded right in and kept their armor on and their spears in hand. He said to his captain, "I will tell you how to judge them. Let those who throw off their armor, lay down their spears, and kneel down in a comfortable position to drink be excused. Let them go back home; they are not worth killing; but those who wade into the water with spear in one hand and lapping up the water with the other, and drinking as they go, take them; they will stand by you and fight valiantly until the victory is won."

Here is an opportunity for the farmers of America to find out just who are their friends, who in this Gideon band are ready and willing to fight on and on in earnest until the victory is won. The pompous friends of plutocracy seem to enjoy themselves as they undertake to belittle those of us who plead for relief for men and women who were prosperous and happy in 1919 on their farms but who are unhappy, broke, and despondent now.

Farm products selling below the cost of production, personal property and farm lands and houses mortgaged. They do not know when they will be compelled to come out of the West with no money and no home as they seek to find some place in an industrial city where they can hide away and be lost to the gaze of those who knew them in the days of their happiness and prosperity.

Senators vote to give back to the plutocrats out of the tax funds nearly a billion dollars, to foreign nations in debt settlements $6,000,000,000, and permit the tariff barons to take out of the pockets of the American people $5,000,000,000 annually and divide it between less than 600,000 people in the United States, and then have the gall to stand here and talk to me about governmental favoritism and special privilege. They can not defend their position. They are against the doctrine of Jefferson and they can not answer the able and convincing speech of the distinguished Senator from North Carolina [Mr. SIMMONS].

He was in the Senate when I came to the House of Representatives in 1904. He has not only the ability to speak for a great cause but his heart is in the right place; it beats loyal to the interest of the common masses of the people.

It is a great thing to have ability, but a still greater thing to have both ability and the disposition to use it in behalf of a meritorious and righteous cause. Thank God, there are some who have got both the ability and the disposition to respond to the cry of millions of distressed farmers, and the able Senator from North Carolina, the "little giant," as they call him down there—and a little giant he is—is one of them. He has the ability; he has the courage; and he has the disposition to be just and fair to all.

If you Republicans want to be fair with the farmer regarding the benefits of a protective tariff, vote for this bill. You will recall Æsop's fable of the donkey. His owner could not make him go; the donkey became tired and he commenced to balk, and the owner put a pole on top of his neck and fastened it back to the horn of the saddle, the pole reaching out a foot in front. Then a bundle of fodder was tied to the end of the pole, and the donkey moved forward, thinking that he would soon reach the fodder, and the poor donkey walked himself nearly to death hoping to get the fodder, but never got it. The Republican Party has dangled the tariff bait in front of the farmers of the West; they have told them it was for them, and those farmers have for a long time followed that bundle of protective-tariff bait, although it was a little too far away for them to reach it. Now, when they come and say, "Let us have access to this emergency fund; we are in distress; we need help, and you must reach down and help us out of the place into which you plunged us under deflation; you took away from us $26,000,000,000 in property values under your deflation policy, out of which New York alone made more than $2,500,000,000, speculating upon the misfortune of the South and West." You took away more money from them than all the railroads in all the States of the Union are worth to-day. Yet, when we are pleading for millions of sorely distressed and down-trodden farmers of America, and ask that they be helped, we are told by some Senators that we are doing an outrageous and reprehensible thing.

The VICE PRESIDENT. The time of the Senator from Alabama has expired. The question is upon the amendment offered by the Senator from Texas [Mr. MAYFIELD] to the committee amendment.

Mr. MOSES. Let the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The CHIEF CLERK. It is proposed to amend section 15 of the amendment by inserting at the end of line 23, on page 14, the following proviso:

Provided, The board shall not commence operations in any basic agricultural commodity or its food products unless members of the board representing land-bank districts which in the aggregate produced during the preceding crop year, according to the last available statistics of the Bureau of the Census, more than 50 per cent of such commodity, vote in favor thereof.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is upon the committee amendment as amended.

Mr. ROBINSON of Arkansas. Mr. President, I submit an amendment in the nature of a substitute for the committee amendment, and ask that it be read.

Mr. McNARY. Mr. President, I have another amendment to propose. I think the committee amendment ought to be perfected before we take up other matters.

Mr. ROBINSON of Arkansas. Certainly; I thought it had been perfected. The Chair submitted the question on the com-

mittee amendment, and I assumed, therefore, that it had been perfected. I will withhold my amendment until the committee amendment has been perfected.

Mr. McNARY. Mr. President, on page 24, line 18, I move to strike out the figures "$250,000,000," and to insert in lieu thereof "$150,000,000."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon to the amendment of the committee.

Mr. ASHURST. Let it be stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 24, line 18, it is proposed to strike out "$250,000,000" and insert in lieu thereof "$150,000,000."

Mr. HEFLIN. Mr. President, I want to ask the Senator what is the purpose of reducing this fund from $250,000,000 to $150,000,000?

Mr. McNARY. I will say to the Senator from Alabama that after more careful thought and a deeper study of the problem it is believed that that will be an ample amount to take care of the commodities mentioned in the bill. Cattle have gone out. That leaves $75,000,000 for cotton and $75,000,000 for the other commodities.

Mr. HEFLIN. Is it certain that you are not disturbing the $75,000,000 for cotton?

Mr. McNARY. I am going to follow that amendment by another one covering the cotton situation in just a moment.

Mr. JONES of New Mexico. Mr. President, I simply want to express the thought that I think the chairman of the committee has made a mistake in proposing this amendment. I have felt all along that if this measure fails in a practical sense in its operation it will be for lack of funds to handle the wheat and corn crops of this country in such a way as to conserve the surplus and market it abroad. I do not think $75,000,000 will be adequate. Moreover, it seems to me that the people who manage the operation of this bill should at least have more funds at their disposal if it is absolutely necessary. If the amount were to remain at $250,000,000, I take it that it would not all be used unless necessary. I think the Senator is making a mistake, and that if the bill should become law he will find that the sinews of war are inadequate.

I hope the amount specified in the bill will not be reduced.

Mr. McNARY. The Senator must remember that this money goes into a revolving fund, and there is transferred to the equalization fund; but the equalization fund is replenished from time to time; so it is a good deal like the reclamation fund, with which the Senator is familiar. There, where a settler pays his annual proportion of the construction charges, it goes back to replenish the fund. So, if you have a fund of $150,000,000 upon the collection of the equalization fee, the money will go back into the fund, and it never will all be used at any one particular time. Those who have given the matter study have proposed the amendment I am now offering, in the belief that this is an ample amount to transfer from the Treasury of the United States to the equalization fund.

Mr. HARRISON. Mr. President, may I ask the Senator what was the amount in the Senator's original bill?

Mr. McNARY. Two hundred and fifty million dollars.

Mr. HARRISON. What was the amount carried in the bill that was considered by the House? It was $375,000,000, was it not?

Mr. McNARY. Three hundred and seventy-five million dollars.

Mr. GLASS. Mr. President, is the Senator quite sure that this equalization fee is somewhat akin to the reclamation fund?

Mr. McNARY. I am speaking only in the sense of an analogy. The Senator knows, of course, that in the case of the reclamation fund there have been losses.

Mr. GLASS. I thought there was this particular difference—that the reclamation farmers recently have been hanging the Secretary of the Interior in effigy for trying to collect the reclamation fund, whereas the fellows who try to collect this equalization fund will be hanged in person and not in effigy.

Mr. McNARY. I think the Senator is not quite accurate in that. The Secretary refused to turn the water on a certain project as to which he had some misunderstanding; but I offer the amendment, Mr. President.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oregon to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. McNARY. Mr. President, I have another amendment. After the word "necessary," on page 20, line 4, I propose to insert the following words:

Except that the aggregate amounts advanced to the equalization fund for cotton and remaining unpaid shall not exceed at any one time the sum of $75,000,000.

I ask that the amendment be stated from the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. After the word "necessary," in line 4, page 20, it is proposed to insert:

Except that the aggregate amounts advanced to the equalization fund for cotton and remaining unpaid shall not exceed at any one time the sum of $75,000,000.

Mr. TRAMMELL. Mr. President, will the Senator yield for a question?

Mr. McNARY. Yes.

Mr. TRAMMELL. That fixes a maximum of $75,000,000, and carries with it no assurance whatever that even $25,000,000 will be used. Am I correct in my understanding of the amendment?

Mr. McNARY. It fixes a maximum of $75,000,000 that may be used to finance the cotton crop.

Mr. TRAMMELL. In other words, you are holding out the idea to some of those in the cotton States in order to try to get their votes that they are going to have $75,000,000 for cotton——

Mr. McNARY. Oh, no.

Mr. TRAMMELL. Whereas the amendment does not give them $75,000,000 for cotton——

Mr. McNARY. Of course not.

Mr. TRAMMELL. But, on the contrary, it says that not exceeding that amount shall be used. They might not use more than $10,000,000 or $25,000,000.

Mr. McNARY. They might not want over $15,000,000.

Mr. TRAMMELL. It does not carry with it any guaranty whatever.

Mr. McNARY. I am not a member of the board. I assume that the members will be intelligent people and will use this money to finance the cotton crop from season to season. The amendment comes from the cotton Members of the Senate.

Mr. TRAMMELL. I think that any man who is going to vote for this bill because it has cotton in it, and who accepts that amendment as an inducement, is blinded to the real facts and the proper construction of the amendment. The amendment fixes a maximum limit, and says "not exceeding" that amount, and it does not prescribe any minimum amount which may be used.

Mr. McNARY. That is up to the board. No one can foresee what the demands will be.

Mr. TRAMMELL. It is holding out an inducement which really does not exist. It is suggested that it is like the fodder proposition suggested by the Senator from Alabama [Mr. HEFLIN] when he spoke a few moments ago.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. NORRIS. I should like to suggest to the Senator from Florida that while personally I would rather not have this amendment put in at all, at the same time he certainly would not want this board to use $75,000,000 if $10,000,000 would be enough in any year.

Mr. HEFLIN. Mr. President, I desire to ask if this is the construction the Senator puts on the amendment. I will put on it the construction as I understand it: $75,000,000 will be set apart for use by the cotton producers if they need that much, and the board will grant them authority to use that much.

Mr. McNARY. That is my interpretation. That is the purpose of it.

Mr. HEFLIN. But if they do not need any, and do not apply for any, they will not have to take any.

Mr. McNARY. Certainly. No one from his standpoint wants to freeze any part of this money. It ought to be kept as liquid as possible. This amendment gives an assurance that the board can use up to $75,000,000, which is 50 per cent of the whole fund, for financing cotton.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. McNARY. I yield to the Senator.

Mr. TRAMMELL. As an illustration, what if $125,000,000 is used for wheat?

Mr. McNARY. The Senator must know that the bill carries $150,000,000, and one-half of $150,000,000 is $75,000,000.

Mr. TRAMMELL. With this restriction on cotton of $75,000,000, the board will have an unlimited latitude in regard to the other basic products that are mentioned in the bill; and under those circumstances, if they were called upon for $125,000,000 for the other basic products, and saw proper to use

that amount, they would have only $25,000,000 available for cotton; and that would not be in violation of the amendment as proposed.

Mr. McNARY. Does the Senator want more than $75,000,000 of the $150,000,000 for cotton?

Mr. TRAMMELL. Mr. President, the point I am arguing is that the Senator's amendment means nothing as far as giving any assurance to the States producing cotton is concerned. That is the point I am making—that it means nothing.

Mr. McNARY. Personally, while I will not say that I do not believe that the amendment is proper, yet I was not particularly fond of the amendment. I think the amount of money that is provided for in the bill should be left for distribution according to the needs and as dictated by the best judgment of the board. I would leave it wholly liquid. I would not freeze a dollar of it. Some of those who are interested in the cotton industry suggested this amendment and prepared it. If the Senator has some suggestion that to him would be more satisfying than the language I have used, I shall be very glad to consider it.

Mr. TRAMMELL. I would suggest, then, with the permission of the Senator, that his amendment be amended so as to read "that not exceeding $75,000,000 shall be used for wheat or for cotton." Write the word "wheat" in there, and put the limitation of $75,000,000 on wheat as well as on cotton.

Mr. BORAH. Mr. President, if the wheat growers of the Northwest are willing to do that, will not the cotton people be willing to have this equalization fee paid from the beginning on cotton?

Mr. HEFLIN. We are not asking that the equalization fee be paid on cotton, because we do not have any tariff on cotton, and the grain producers do have a tariff on grain.

Mr. BORAH. Yes. It does us a whole lot of good too!

Mr. McNARY. If I may have the attention of the Senator from Florida, I assume that the purpose of the Senator from Florida is to be assured that the cotton crop may have 50 per cent of the whole fund for the purpose of financing an annual crop, which would be $75,000,000.

Mr. TRAMMELL. That is the object I had.

Mr. McNARY. We are both trying to attain the same object. If the Senator will suggest his language again, perhaps I can agree to it.

Mr. TRAMMELL. I do not see how we can give cotton a certain amount unless we put a restriction on the other commodities. If we restrict cotton, how can we be assured that $75,000,000 of the $150,000,000 will be available for cotton if called for unless we restrict the amount that may be used for the other commodities? The Senator's amendment does not restrict the amount to be used for the other commodities in that way; and if the amount to be used for other commodities is not restricted, there may not be remaining in this fund $75,000,000 for cotton.

Mr. MAYFIELD. I suggest that the amendment be stated again.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. WATSON. After a conference with many Senators interested in the passage of this bill, and also with the representatives of the various cooperative and farming organizations that are here interested in the passage of the bill, I formulated and have offered this amendment: On page 20, line 4, after the word "necessary," insert a comma and the following:

except that (1) the aggregate amounts advanced to the equalization fund for cotton and remaining unpaid shall not exceed at any one time the sum of $75,000,000, and (2) the aggregate amounts advanced to the equalization funds for basic agricultural commodities other than cotton and remaining unpaid shall not exceed at any one time the sum of $100,000,000.

Then, on page 24, line 18, to strike out "$250,000,000" and insert "$175,000,000." Does that meet the objection of the Senator from Florida?

Mr. TRAMMELL. Mr. President, I think the phraseology of the Senator's amendment covers the situation better than the language proposed by the Senator from Oregon. Of course some of the figures would have to be corrected, because the amount of the revolving fund has been cut to $150,000,000.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. McNARY. I yield.

Mr. CARAWAY. Mr. President, the Senator from Virginia [Mr. GLASS] thinks he has discovered something new, which was never a secret from anybody but himself. If we could not get any more help for agriculture in the South from the Republicans than we can from the junior Senator from Virginia, we would have no help. So there is no mystery about that.

Of course all wisdom, and all patriotism, and all courage reside in just a few Senators. When they die the Lord knows what is to become of this Nation. I shudder every day when I see them going around and realize that they are nothing but mortal, like the rest of us, and may drop off at any time. But I hope they will be patient with us as long as they do have to reside with us. It is very likely we will not bother them hereafter. [Laughter.] I will let everybody be his own judge of that.

There is something peculiar about having all the wisdom on earth. You always have with it impatience with lesser mortals. Sympathy and a comprehension of other people's needs always disappear when you become a superman.

There is something remarkable about this whole matter. The Senator from Maryland [Mr. BRUCE] knows it is all wrong to aid corn, but if you brew it into beer, God bless your soul, then the Constitution warrants you in putting the Government into business. [Laughter.] And he has a measure pending for that purpose. I do not know what it is about distillation or brewing that changes the Constitution, but you can do it, and I can prove it by the Senator from Maryland, any day, anywhere.

While we are talking about him, he said the other day we should not dare to go against the Senator from Idaho [Mr. BORAH], the Senator from Wisconsin [Mr. LENROOT], and the Senator from Montana [Mr. WALSH], because they had said this matter was unconstitutional. I looked up five questions on which those gentlemen have expressed an opinion, and, God bless their souls, they batted 100 per cent; they were wrong every time. [Laughter.] But we must follow them, because they have always been wrong. Therefore, they will always be right hereafter.

If you want to defeat this measure, if you believe that 40,000,000 farmers are such fools that they do not know what they need, that you ought to be their intellectual guardians, that they are a lot of dunderheads, as the Senator from Pennsylvania [Mr. REED] said about his constituents, just say so. But have the courage to defeat this bill on its merits, and do not try to say that everybody else, because he does not agree with you, is not patriotic and is not wise. I venture the assertion that some people who now are sleeping with their fathers knew as much as some of us who are here, and I will venture the hope that some yet unborn will have as much courage and as much wisdom and as much patriotism as even the Senator from Virginia happens to have now. Of course, I know they could not have them at the same time, because there is not enough to go around. [Laughter.]

What is the use, unless you think the rest of us are either fools or cowards, standing here and telling us that we are violating the traditions of the Senate and crawling and creeping around to get votes to come back to the Senate?

Mr. President, I have never held my seat here by the leave of any one man who walks God's earth, and I do not expect to keep it by one man's assent, and I do not purpose to be robbed of my self-respect because I can not agree with everybody in the Senate.

Oh, it is such a patriotic thing to give away $1,600,000,000 of the American people's money to Italy and put the burden of raising it on the farmers and the business men of America. That is patriotism. But when you try to equalize the burdens of life so that the farmers, who are toiling, may live, you are just creeping cowards, that is all.

If any of you may be moved by that sort of a speech, it was a mistake that you ever came here. If you are not courageous enough to look the situation in the face and say, "I dare to vote this bill up or down because I believe it is right or wrong," it was a very grave mistake when your constituents sent you here. Any time anyone thinks he can deter you from voting your sentiments by saying that you are violating the principles of your party, or that you are cringing for fear of votes against you, he pays you a mighty poor compliment. He thinks you are either a fool or a coward, and if you are moved by that argument he is not mistaken.

Mr. McNARY. Mr. President, for the present I shall withdraw the pending amendment.

The VICE PRESIDENT. The Senator from Oregon withdraws the pending amendment to the reported amendment.

Mr. McNARY. I may offer it again to-morrow in its present form or in a modified form as a perfecting amendment, but I shall not do so this evening.

Mr. ROBINSON of Arkansas. Has the Senator perfected the committee amendment?

Mr. McNARY. All the amendments save the one I shall further consider, which I have withdrawn temporarily. The Senator may offer it at this time if he desires.

Mr. HARRIS. Mr. President, I offer an amendment.

The VICE PRESIDENT. The Clerk will read.

The CHIEF CLERK. Add a new section, as follows:

SEC. —. That it shall be unlawful for any carrier subject to the interstate commerce act to publish, demand, or collect for the transportation by railroad or partly by railroad and partly by water of export wheat, corn, or cotton (including such transportation for concentration, storage, and export) any individual, joint, or proportional rate, fare, or charge in excess of 50 per cent of the individual, joint, or proportional rate, fare, or charge published, demanded, or collected for such transportation on the date of the passage of this act, if such wheat, corn, or cotton is to be exported from the United States in vessels owned by the United States and operated by the Emergency Fleet Corporation.

No individual, joint, or proportional rate, fare, or charge shall be published, demanded, or collected for the transportation in vessels owned by the United States and operated by the Emergency Fleet Corporation of wheat, corn, or cotton exported from the United States in excess of 50 per cent of the individual, joint, or proportional rate, fare, or charge published, demanded, or collected for such transportation on the date of the passage of this act.

This act shall become effective upon the expiration of 60 days from its passage.

Mr. HARRIS. Mr. President, this amendment directs the Interstate Commerce Commission and the Shipping Board to make the rates on exports of wheat and cotton and corn 50 per cent of the present rates. The other day we voted in the Senate on repealing the Pullman surcharge, and all the Senators voting except eight voted for it.

This amendment would reduce the freight rates on cotton, wheat, and corn. The price of cotton is fixed in Liverpool, and our farmers are paid the Liverpool price, less the cost of exporting and transportation. This would help the farmers of the South on cotton about $3 a bale. It would save the wheat growers about 15 cents a bushel. It would help them there is no doubt.

Mr. President, I am certain that this would help the farmers, and we are uncertain about some of the other suggestions that have been offered to-day. I ask for the yeas and nays on my amendment.

Mr. TRAMMELL. I desire to have the amendment reported.

The VICE PRESIDENT. The Clerk will read.

The Chief Clerk again read the amendment.

Mr. HARRIS. Mr. President, I want to say that the Interstate Commerce Commission at one time gave a preferential rate to the Steel Trust on steel that was exported. Germany built up her cartels and all her great manufacturing interests by preferential rates on the railroads. If we want to help agriculture in such a way that the farmers will get the benefit of it, we will adopt this amendment.

I ask to have printed in the RECORD a statement from the Fleet Corporation, and also one from the Interstate Commerce Commission.

The VICE PRESIDENT. Is there objection?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FLEET CORPORATION, OFFICE OF THE PRESIDENT,
Washington, D. C., June 2, 1926.

Hon. WILLIAM J. HARRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This will acknowledge your letter of May 26 requesting ocean freight rates on cotton from New Orleans to Liverpool and from Savannah to Bremen; also rates on corn and wheat from New Orleans and New York to Liverpool and Bremen.

According to our record the present rates on these commodities between the points mentioned are as follows:

COTTON RATES PER 100 POUNDS

New Orleans–Liverpool: 48½ cents, high density.
New Orleans–Liverpool: 63½ cents, standard density.
Savannah–Bremen: 41 cents, high density.
Savannah–Bremen: 56 cents, standard density.

CORN AND WHEAT RATES

Generally speaking, there are no definitely fixed rates on these commodities. However, according to our information the presently current market rates for prompt shipment are about as follows:

New Orleans–Liverpool: 2/9 per 480 pounds, or 14 cents per 100 pounds.
New Orleans–Bremen: 10 cents per 100 pounds.
New York–Liverpool: 1/9 per 480 pounds, or 10 cents per 100 pounds.
New York–Bremen: 11 cents per 100 pounds.

Trusting the foregoing will serve your purpose, I remain

Very truly yours,

ELMER E. CROWLEY.

RATES ON CORN AND WHEAT (INTERSTATE COMMERCE COMMISSION)

Domestic rate on wheat, Omaha to New York, 53½ per hundredweight proper.

Domestic rate on wheat, Omaha to New York, 47½ per hundredweight reshipping or proportional.

Domestic rate on corn, Omaha to New York, 51½ per hundredweight proper.

Domestic rate on corn, Omaha to New York, 46 per hundredweight reshipping or proportional.

Domestic rate on wheat, Omaha to San Francisco, 68 per hundredweight proper and reshipping.

Domestic rate on corn, Omaha to San Francisco, 61 per hundredweight proper and reshipping.

Export rate on wheat, Omaha to New York, 46 per hundredweight proper.

Export rate on wheat, Omaha to New York, 40 per hundredweight reshipping.

Export rate on corn, Omaha to New York, 44 per hundredweight proper.

Export rate on corn, Omaha to New York, 38½ per hundredweight reshipping.

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, May 28, 1926.

Hon. WM. J. HARRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR HARRIS: The commission is in receipt of your letter of May 26, requesting a memorandum showing the freight rates on wheat and corn from Omaha, Nebr., to New York, New Orleans, and San Francisco, and also the rate on cotton from Nashville, Memphis, and Atlanta to the nearest ports.

In compliance with your request, a statement has been prepared in the section of tariffs setting out the rates requested. The statement is inclosed.

Respectfully,

G. B. MCGINTY, *Secretary.*

Present domestic and export rates in cents per 100 pounds on grain and cotton from and to points indicated
[Memorandum to Senator HARRIS]

From—	To—	Commodity	Domestic rate		Export rate	
			Local	Reshipping	Local	Reshipping
Omaha, Nebr.	New York	Wheat	53½	47½	46	40
Do	do	Corn	51½	46	44	38½
Do	New Orleans	Wheat	48	42	37½	31½
Do	do	Corn	46	40½	35½	30
Do	San Francisco	Wheat	68	68	68	68
Do	do	Corn	61	61	61	61
Atlanta, Ga.	{Brunswick, Ga. / Savannah, Ga.}	Cotton	[1]68	[2]73		
Memphis, Tenn.	{Mobile, Ala. / New Orleans, La.}	do	[1]76½	[2]81½		
Nashville, Tenn.	{Mobile, Ala. / New Orleans, La.}	do	[1]81	[2]86		

[1] In compressed bales or uncompressed with privilege of carrier of compressing at origin or in transit when delivered to the carrier uncompressed.
[2] Shipside delivery.

Mr. JONES of New Mexico. Mr. President, I would like to say just a word supplementing what has been said by the Senator from Georgia. We have now a preferential rate to seaboard on a large number of articles intended for export. Take automobiles, for instance. The domestic rate from Detroit to New York is $1.22 a hundred; but if the automobile is to be exported, the rate is 82½ cents from Detroit to New York; and it is so with a large number of other items.

I am a little surprised to find that there is no preferential rate upon cotton when it is put into transit for export purposes. It may be that this 50 per cent is a little too great a discrimination, but when we find that automobiles have the preferential rate which I have just read it seems to me we may well give consideration to the suggestion of the Senator from Georgia.

I have a list here prepared for me by an official of the Interstate Commerce Commission, and there are any number of articles on which the rate to the port cities for export is much less than the rate to the same cities where the articles are to be sold in this country.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. Certainly.

Mr. LENROOT. May I ask whether there is any preferential rate on wheat for export now? There used to be.

Mr. JONES of New Mexico. I think there is.

Mr. LENROOT. I think so.

Mr. JONES of New Mexico. On all kinds of grain there is a preferential rate, but the differential is not so great as 50 per cent. For instance, on grain from Chicago to Boston the domestic rate is 40 cents and the export rate is 30.5 cents, a reduction of about 25 per cent of the total rate if the grain is to be exported. From St. Louis, Mo., to Boston the rate is 43.5 cents for domestic shipment and 34 cents for export shipment. That is true as to the other points from which export shipments are made in this country. I see no reason in the world why cotton should not, at least, be given the same preferential as is given to grain and iron and many other products.

Mr. NORRIS. Mr. President, I think the preferential rate ought to be given to these products to the same extent that the preferential rate may be given to any other product. I do not know whether it would be fair or just to make the difference as specifically stated in the amendment. I do not know how it would compare with other rates.

Mr. WILLIAMS. Mr. President, will the Senator from Nebraska yield?

Mr. NORRIS. Certainly.

Mr. WILLIAMS. The preferential rate spoken of by the Senator from Georgia is not the same preferential rate spoken of by the Senator from New Mexico. The preferential rate the Senator from Georgia speaks of is an export rate, the rate from the American ports to Liverpool, for example, whereas the preferential rate the Senator from New Mexico speaks of is the preferential rate on railroads from inland points in the United States to the seaboard.

Mr. NORRIS. I would like to ask the Senator from New Mexico if that is correct?

Mr. JONES of New Mexico. The Senator from Missouri is quite right as to what I referred to, but if I understood the proposal of the Senator from Georgia it would include both the rate from the inland point in the United States to the export point and also the export rate if the shipment were carried in American ships.

Mr. HARRIS. Yes; only in American ships.

Mr. NORRIS. I would like to include it, if we can do so without violating any principle of transportation, not only on the railroads but on the ships. But I want to suggest to the Senator from Georgia, inasmuch as I understand we are not to vote on the bill to-night, that he let the amendment go over until morning. I would like to examine the statements of the Interstate Commerce Commission. I would like to ascertain, and I think every Senator would like to ascertain, whether or not the rate suggested would be fair or just. It seems to me that a better way to meet it would be to provide that the rates for the export of products named in the bill should in no case be greater than the preferential rates which are allowed to any other products, so that we would in effect provide that there should be no discrimination.

I do not understand why there should not be a preferential rate on cotton if there is a preferential rate on wheat for export. Neither do I understand why we should confine the preferential rate simply to the railroads from inland points to the shipping points at the seaboard and not extend it to the ultimate destination.

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly.

Mr. JONES of New Mexico. I think perhaps it would be wise for me to have published in the RECORD the statement which was furnished to me by the Interstate Commerce Commission.

Mr. NORRIS. I would like to see it.

Mr. JONES of New Mexico. I had in mind some such suggestion as the Senator from Georgia has made and asked the commission to furnish me with the information so that I might have some definite data on which to make a suggestion to the Senate.

Mr. NORRIS. I think it is a very valuable suggestion.

Mr. JONES of New Mexico. If there is no objection, I will ask leave to have the statement published in the RECORD, so that Senators may have access to it and so that we may suggest some rate which would be on an equality at least with the rates on other commodities.

The VICE PRESIDENT. Without objection, it is so ordered. The statement is as follows:

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, June 15, 1926.

Hon. A. A. JONES,
United States Senator,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR JONES: In compliance with your telephone request this morning to the office of Mr. J. F. Moss, section of tariffs, a statement has been prepared showing rates on various commodities applying to representative ports of export from various points both when for export and for domestic delivery.

On account of the urgency that this information be furnished you by 2 o'clock this afternoon, it was not possible to have this statement prepared in typewritten form, and, therefore, in order that it may reach you by the time promised, it is herewith transmitted as a pencil memorandum in the belief that it will serve your purpose as prepared.

Respectfully,

G. B. MCGINTY, *Secretary.*

Comparative statement of export with domestic rates on miscellaneous commodities, in carloads, from various points to the various ports of export, in force on June 15, 1926

[Except as otherwise shown, rates are in cents per 100 pounds]

Article	From—	To—	Rates	
			Domestic	Export
Grain (all kinds):				
Full rate	Chicago, Ill.	Boston, Mass.	40.0	30.5
Proportional rate	do	do	32.0	22.5
Full rate	St. Louis, Mo.	do	43.5	34.0
Proportional rate	do	do	36.0	26.5
Concentrates, beauxite ore	do	do	50.5	35.0
Glucose	Chicago, Ill.	do	48.0	40.5
Do	St. Louis, Mo.	do	56.0	47.5
Do	Indianapolis, Ind.	do	45.0	37.5
Tobacco, unmanufactured	Lexington, Ky.	do	70.0	57.5
Agricultural implements	Chicago, Ill.	do	59.0	49.5
Do	Cincinnati, Ohio	do	52.0	43.5
Do	Detroit, Mich.	do	47.0	39.0
Feathers	Chicago, Ill.	do	130.5	99.5
Do	St. Louis, Mo.	do	151.5	115.5
Do	Cincinnati, Ohio	do	114.5	87.0
Automobiles:				
Passenger	Detroit, Mich.	do	130.0	87.5
Do	Cleveland, Ohio	do	119.0	80.5
Freight	Detroit, Mich.	do	103.0	63.0
Do	Cleveland, Ohio	do	94.5	57.5
Manufactured iron:				
Articles	Portsmouth, Ohio	do	46.5	32.5
Billets	do	do	[1] 770.0	[1] 550.0
Pig iron	do	do	[1] 742.0	[1] 520.0
Manufactured iron articles	Johnstown, Pa.	do	35.0	34.0
Pig iron	do	do	[1] 554.0	[1] 542.0
Do	Connellsville, Pa.	do	[1] 554.0	[1] 542.0
Manufactured iron articles	Pittsburgh, Pa.	do	36.5	34.0
Pig iron	do	do	[1] 592.0	[1] 542.0
Grain (all kinds):				
Full rate	Chicago, Ill.	do	[1] 38.0	30.5
Proportional rate	do	do	30.0	22.5
Full rate	St. Louis, Mo.	do	41.5	34.0
Proportional rate	do	do	34.0	26.5
Concentrates, bauxite ore	do	do	35.0	48.5
Glucose	Chicago, Ill.	do	46.0	40.5
Do	St. Louis, Mo.	do	54.0	47.5
Do	Indianapolis, Ind.	do	43.0	37.5
Tobacco, unmanufactured	Lexington, Ky.	do	66.0	57.5
Agricultural implements	Chicago, Ill.	do	56.5	47.5
Do	Cincinnati, Ohio	do	49.0	41.5
Do	Detroit, Mich.	do	44.0	37.0
Feathers	Chicago, Ill.	do	124.5	94.5
Do	St. Louis, Mo.	do	145.5	110.5
Do	Cincinnati, Ohio	do	108.5	82.0
Automobiles:				
Passenger	Detroit, Mich.	New York, N. Y.	122.0	82.5
Do	Cleveland, Ohio	do	111.0	25.0

[1] Per 2,240 pounds.

Comparative statement of export with domestic rates on miscellaneous commodities, in carloads, from various points to the various ports of export, in force on June 15, 1926—Continued

Article	From—	To—	Rates	
			Domestic	Export
Automobiles—Continued.				
Freight	Detroit, Mich	New York, N. Y	97.0	59.0
Do	Cleveland, Ohio	do	88.5	53.5
Manufactured iron:				
Articles	Portsmouth, Ohio	do	43.5	32.5
Billets	do	do	[1] 730.0	[1] 550.0
Pig iron	do	do	[1] 702.0	[1] 520.0
Manufactured iron articles	Buffalo, N. Y	do	32.0	23.5
Pig iron	do	do	[1] 491.0	[1] 370.0
Manufactured iron	Phillipsburg, N. J	do	14.5	11.0
Pig iron	do	do	[1] 227.0	[1] 170.0
Manufactured iron	Wharton, N. J	do	14.5	11.0
Pig iron	do	do	[1] 202.0	[1] 150.0
Grain (all kinds):				
Full rate	Chicago, Ill	Philadelphia, Pa	36.0	29.5
Proportional rate	do	do	28.0	21.5
Full rate	St. Louis, Mo	do	39.5	33.0
Proportional rate	do	do	32.0	25.5
Concentrates, bauxite ore	do	do	46.5	33.0
Glucose	Chicago, Ill	do	44.0	38.5
Do	St. Louis, Mo	do	52.0	45.5
Do	Indianapolis, Ind	do	41.0	35.5
Tobacco, unmanufactured	Lexington, Ky	do	64.0	55.5
Agricultural implements	Chicago, Ill	do	54.5	45.5
Do	Cincinnati, Ohio	do	47.0	39.5
Do	Detroit, Mich	do	42.0	35.0
Feathers	Chicago, Ill	do	122.5	92.5
Do	St. Louis, Mo	do	143.5	108.5
Do	Cincinnati, Ohio	do	106.5	80.0
Automobiles:				
Passenger	Detroit, Mich	do	120.0	80.5
Do	Cleveland, Ohio	do	109.0	73.5
Freight	Detroit, Mich	do	95.0	75.0
Do	Cleveland, Ohio	do	86.5	52.0
Manufactured iron:				
Articles	Portsmouth, Ohio	do	41.5	30.5
Billets	do	do	[1] 690.0	[1] 510.0
Pig iron	do	do	[1] 662.0	[1] 480.0
Grain (all kinds):				
Full rate	Chicago, Ill	Baltimore, Md	35.0	29.0
Proportional rate	do	do	27.0	21.0
Full rate	St. Louis, Mo	do	38.5	32.5
Proportional rate	do	do	31.0	25.0
Concentrates, bauxite ore	do	do	45.5	32.0
Glucose	Chicago, Ill	do	43.0	37.5
Do	St. Louis, Mo	do	51.0	44.5
Do	Indianapolis, Ind	do	46.0	34.5
Tobacco, unmanufactured	Lexington, Ky	do	63.0	54.5
Agricultural implements	Chicago, Ill	do	53.5	44.5
Do	Cincinnati, Ohio	do	46.0	38.5
Do	Detroit, Mich	do	41.0	34.0
Feathers	Chicago, Ill	do	121.5	91.5
Do	St. Louis, Mo	do	142.5	107.5
Do	Cincinnati, Ohio	do	105.5	79.0
Automobile:				
Passenger	Detroit, Mich	do	119.0	80.0
Do	Cleveland, Ohio	do	108.0	72.5
Freight	Detroit, Mich	do	94.0	56.5
Do	Cleveland, Ohio	do	85.5	51.0
Manufactured iron:				
Articles	Portsmouth, Ohio	do	40.5	29.5
Billets	do	do	[1] 670.0	[1] 490.0
Pig iron	do	do	[1] 642.0	[1] 460.0
Grain (all kinds):				
Full rate	Chicago, Ill	Norfolk, Va	35.0	29.0
Proportional rate	do	do	27.0	21.0
Full rate	St. Louis, Mo	do	38.5	32.5
Proportional rate	do	do	31.0	25.0
Ammonia, sulphate of	Youngstown, Ohio	do	29.0	26.5
Concentrates, bauxite ore	St. Louis, Mo	do	45.5	32.0
Tobacco, unmanufactured	Lexington, Ky	do	64.0	54.5
Manufactured iron:				
Articles	Portsmouth, Ohio	do	38.0	29.5
Billets	do	do	[1] 670.0	[1] 490.0
Pig iron	do	do	[1] 642.0	[1] 460.0
Flour	Buffalo, N. Y	Newark, N. J	21.5	16.0
New rails	do	Jacksonville, Fla	[1] 792.0	[1] 709.0
Do	do	Savannah, Ga	[1] 792.0	[1] 709.0
Do	Pittsburgh, Pa	Jacksonville, Fla	[1] 756.0	[1] 709.0
Do	do	Savannah, Ga	[1] 756.0	[1] 709.0
Do	Steelton, Pa	Newark, N. J	[1] 252.0	[1] 250.0

[1] Per 2,240 pounds.

From—	To—	Rate	Class rate							
			1	2	3	4	5	6	R. 25	R. 26
Buffalo, N.Y.	Boston, Mass.	Domestic	84	73½	57	40	34½	28½	62½	45½
Do	do	Export	79	68½	54½	37½	32	26½	58	43½
Syracuse, N. Y.	do	Domestic	72½	63	47½	36½	31	28½	53½	38
Do	do	Export	66½	58½	47½	34	28½	25	48	38

Memorandum to Senator Jones—Present rates, in cents per 100 pounds, on various commodities, in carloads, from eastern destinations to Seattle, Wash., and San Francisco, Calif.

[Tariff authorities: Countiss' I. C. C. Nos. 1156, 1166, and 1162]

Commodities—Carloads	To Seattle, Wash., and San Francisco, Calif., from—					
	New York, N. Y., Philadelphia, Pa.		Cincinnati, Ohio		Chicago, Ill.	
	Domestic	Export	Domestic	Export	Domestic	Export
Agricultural implements, other than hand	221	100	200	100	193	100
Bagging, clayed cotton	187½	144	165	144	158	144
Bottles, glass	135	125	120	120	115	115
Canned goods	135	120	113	113	105	95
Furniture, iron or steel	249	135	228	135	221	135
Window glass, common	130	100	108	90	100	80
Iron or steel, structural	130	72	108	72	100	40
Machinery	194	115	170	115	162	100
Paint	155	80	133	80	125	80
Paper, printing	155	100	133	100	125	100
Roofing material	140	100	118	100	110	90
Soap compound, other than liquid	155	115	133	115	125	115
Zinc, sheet	150	85	128	85	120	85

[Tariffs: E. B. Boyd, I. C. C. A–1571; F. A. L., I. C. C. 1777; F. A. L., I. C. C. 1807; Gilligan, I. C. C. 58]

Commodities—Carloads	From St. Louis, Mo., to—				From Chicago, Ill., to—			
	New Orleans, La.		Galveston, Tex.		New Orleans, La.		Galveston, Tex.	
	Domestic	Export	Domestic	Export	Domestic	Export	Domestic	Export
Agricultural implements	64	41	100½	41	85	41½	114½	41½
Beverages, cereal	56	41½	73	41½	64	40½	84	40½
Brick, enameled or glazed	27	27	41½	27	30½	36	41½	36
Barytes and barytes ore	33½	32	59½	32	38	32	70	32
Building material	45	41	41½	41	51½	41	59½	41
Paints	45	33	59½	33	51½	42	70	42

Mr. McNARY. Mr. President, I would ask the Senator from Georgia to withhold any action on the amendment until to-morrow.

Mr. HARRIS. Mr. President, I would be very glad to do that. I would like to make the statement, however, that about 20 per cent of all tonnage on the railroads is coal. There is only 10 per cent agricultural products. The amount of the exports would not be over 3 per cent of all the freight carried.

Mr. NORRIS. The Senator's amendment provides also for the rate to apply on ships?

Mr. HARRIS. Yes; on our own ships.

Mr. NORRIS. I want to ask the Senator a question. If the amendment is going over, we can get it up to-morrow, but since I have the floor and will not be able to take it again on this amendment under the agreement, I ask the Senator whether his amendment would result in other ships getting the business? Would the ships which are now rented by the Shipping Board or operated by them be compelled to accept these products at the price we would name?

Mr. HARRIS. Our ships would be able to get business which is now going to other ships.

Mr. NORRIS. If we could compel them to take it at the price we fix, I would be glad to have them get it all. At the same time I would not want to ask our ships to handle the freight at a loss. Has the Senator any evidence on that point? Would the rate still leave whole the Shipping Board or those operating the ships?

Mr. HARRIS. We are losing money on our shipping vessels now, and this would help build up our merchant marine. I think it would be a great thing for our country even if they did lose on farm products exported, because it would be a direct benefit to the farmer and that helps all business and sections.

Mr. NORRIS. I can see how it would increase their business, but if we are increasing business which must be transacted at a loss it would only increase the deficit.

Mr. HARRIS. It is intended to help the farmers.

Mr. NORRIS. I will say frankly I do not know what the rate is at the present time. I do not know whether the rate would be compensatory or not. If the Senator can get any informa-

tion on that point by the time we convene to-morrow I would be glad to have him do so.

Mr. HARRISON. Mr. President, the Senator from Nebraska has stated that there would be no vote to-night. We were all told that there would be a vote to-day, and to my own knowledge there are six Senators who are forced to leave to-night and be absent to-morrow. I do not see why we can not vote on these propositions and get through with the bill one way or the other, or at least accommodate Senators who must leave the city and fix the vote for day after to-morrow.

Mr. NORRIS. I would dislike to vote on the amendment of the Senator from Georgia without further information. It appeared to me from what the Senator from Oregon [Mr. McNARY] said that he did not expect to vote to-night. I am willing to vote to-night if I can get more information on the amendment of the Senator from Georgia.

Mr. ROBINSON of Arkansas. Mr. President, I was about to suggest that perhaps a vote could be taken this evening on the substitute amendment which I proposed for the committee amendment. In order to secure the vote I would be willing to waive, so far as I am concerned, debate on the amendment and we can have the amendment read and a vote taken now if it suits those in charge of the bill.

Mr. NORRIS. There might be some debate necessary on that phase of the matter.

Mr. ROBINSON of Arkansas. That is true.

Mr. McNARY. I have only one amendment yet to propose, being the one which I proposed a little while ago and then withdrew. I have changed the language somewhat, though it means the same thing. After that is disposed of, so far as I am concerned, I am ready for a vote, but I am advised that a number of Senators want to discuss other amendments. For instance, the Senator from Ohio [Mr. FESS] has a substitute which he wants to discuss. The Senator from Wisconsin [Mr. LENROOT] has a substitute he wants to discuss.

Mr. LENROOT. Mr. President, I have stated twice at least that I felt that the authors of the bill are entitled to a vote and I would not offer my amendment until after the vote was taken.

Mr. McNARY. I appreciate that, but it is a contingency which might arise that would lead to further discussion.

Mr. LENROOT. Not prior to the vote upon the Senator's amendment.

Mr. FESS. Mr. President, will the Senator yield?

Mr. McNARY. Certainly.

Mr. FESS. I have stated the same thing to the Senator, that I would not propose my substitute until after the vote was taken on the reported amendment, because the parliamentary situation would not allow it.

Mr. ROBINSON of Arkansas. The amendment of the Senator from Ohio should be agreed to first, or else he can not offer it to the committee amendment.

Mr. FESS. Oh, yes; I could offer it as a substitute for the whole bill.

Mr. McNARY. I understand the situation to be as outlined by the Senator from Mississippi [Mr. HARRISON]. I want to accommodate all Members of the Senate. They have a right to express their views on the subject by a vote. I am willing to propose a unanimous-consent agreement to vote on the bill at 1 o'clock Thursday without further debate.

Mr. NORRIS. Why can we not vote to-morrow?

Mr. ROBINSON of Arkansas. Because there are several Senators who are compelled to be absent to-morrow and who want to vote on the bill.

Mr. PHIPPS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. McNARY. Certainly.

Mr. PHIPPS. I may say that there are others who will necessarily be absent to-morrow and who remained here to-day in order that we might have a vote on the bill to-day. It was my understanding that we were to vote to-day. We made our arrangements to go away, expecting the vote to-day, and will not be here to-morrow.

Mr. McNARY. Can we not have a vote on Thursday? I have proposed a unanimous-consent agreement that all debate on the bill and amendments cease at 1 o'clock on Thursday, and that without further debate we shall proceed to vote upon the pending bill and all amendments.

Mr. NORRIS. The Senator from Georgia [Mr. HARRIS] has offered a very important amendment. I have sympathy with it. If it is found all right upon investigation I want to support it, but I would hate to be crowded into a vote on an amendment like that without any debate. That is probably just what we will run into if we fix a definite hour to vote. The minute before we have the vote some Senator will offer a very important amendment like the one proposed by the Senator from Georgia, and we will be compelled to vote it up or down without any consideration.

Mr. ROBINSON of Arkansas. That can be obviated by modifying the unanimous-consent agreement so as to require that all amendments which may be considered shall be submitted before the end of the day to-morrow.

Mr. McNARY. Would the Senator from Nebraska be satisfied with this suggested amendment of my proposal, that all debate on the pending committee amendment and all amendments thereto be limited to five minutes on and after 1 o'clock Thursday next?

Mr. NORRIS. Yes, I think so; but my own idea is that we will vote, without any agreement, before that time, unless we want the matter to go over to-morrow. I think we should have voted to-day. I thought we were going to vote an hour ago, but an amendment has been offered by the Senator from Georgia. If the Senator from Oregon had not withdrawn his amendment, we would have voted and disposed of it some time ago.

Mr. WALSH. Mr. President, I want to remark that the amendment now offered by the Senator from Georgia is really no amendment to the committee amendment. It is entirely separate and unrelated.

Mr. NORRIS. Yes, it is.

Mr. WALSH. It would be perfectly proper to offer it after the committee amendment was disposed of, either voted up or voted down, as an amendment to the original bill, and I do not understand that the Senator from Georgia is offering it as an amendment to the committee amendment. It is not relevant to the subject matter of the committee amendment at all; but whether it is or not, if the Senator from Georgia would offer it to the bill we could now vote on it.

Mr. NORRIS. It may be that the Senator from Georgia would be willing temporarily to withdraw his amendment and let us vote now on the committee amendment. I ask the Senator from Georgia whether he is not willing to do that? After we have disposed of the committee amendment, whether we vote it up or down, he may offer his amendment.

Mr. WALSH. I suggest that that course be followed.

Mr. HARRIS. I should be willing to do that.

Mr. NORRIS. Then we could vote to-night.

Mr. McNARY. There are two or three Senators who have gone home with the understanding that there would be no vote taken to-night. I ask that the clerk read the proposed unanimous-consent agreement.

Mr. SWANSON. As I understand the Senator's request, it is——

Mr. McNARY. I ask that the clerk read the proposed unanimous-consent agreement.

Mr. SWANSON. Very well.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

It is ordered by unanimous consent that on the calendar day of Thursday, June 24, 1926, at not later than 1 o'clock p. m., the Senate will proceed to vote without further debate upon the reported committee amendment, any amendment that may be pending thereto, and any amendment that may be offered thereto, and that after the hour of 1 o'clock on said calendar day no Senator shall speak more than once or longer than five minutes.

Mr. ROBINSON of Arkansas. That is wrong. The first part provides that the Senate shall proceed to vote without further debate at 1 o'clock, while the last part limits debate to five minutes.

Mr. McNARY. It is the latter part which I propose, limiting the debate.

The VICE PRESIDENT. The request will again be stated.

The Chief Clerk read as follows:

That all debate upon the committee amendment and all amendments thereto be limited to five minutes after 1 o'clock on Thursday, June 24.

Mr. NORRIS. I have no objection to that.

Mr. NORBECK. The proposed agreement strikes me as being very satisfactory except as to the five-minute limit afterwards. If the Senator from Wisconsin is going to offer a substitute bill——

Mr. McNARY. The proposed agreement does not affect that situation at all.

Mr. LENROOT. It does not affect it. The five-minute debate applies on amendments.

Mr. McNARY. I ask that the unanimous-consent agreement may be entered into.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

AIR CORPS OF THE ARMY—CONFERENCE REPORT

Mr. WADSWORTH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 9, 10, 15, 16, 19, 21, 22, 23, 24, 25, and 26, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "That the Chief of the Air Corps, at least two brigadier generals, and at least 90 per cent of the officers in each grade below that of brigadier general shall be flying officers: *Provided, further*, That in time of war 10 per cent of the total number of officers that may be authorized for the Air Corps for such war may be immediately commissioned as nonflying officers: *Provided further*, That as soon as a sufficient number can be trained, at least 90 per cent of the total number of officers authorized for the Air Corps for such war," and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "*Provided further*, That any officer who is specifically recommended by the Secretary of War because of special qualifications other than as a flyer may be detailed to the Air Corps for a period longer than one year, or may be permanently commissioned in the Air Corps, but such officers, together with those flying officers who shall have become disqualified for flying, shall not be included among the 90 per cent of flying officers," and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "*Provided*, That all officers of the Air Corps now holding any rating as a pilot shall be considered as flying officers within the meaning of this act: *Provided further*, That hereafter in order to receive a rating as a pilot in time of peace an officer or an enlisted man must fly in heavier-than-air craft at least 200 hours while acting as a pilot, 75 of which must be alone, and must successfully complete the course prescribed by competent authority: *And provided further*, That in time of war a flying officer may include any officer who has received an aeronautical rating as a pilot of service types of air craft and also"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "any officer"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "Enlisted men of the fourth, fifth, sixth, and seventh grades in the Air Corps who have demonstrated their fitness and shown that they possess the necessary technical qualifications therefor and are engaged upon the duties pertaining thereto may be rated as air mechanics, first class, or air mechanics, second class, under such regulations as the Secretary of War may prescribe. Each enlisted man while holding the rating of air mechanic, first class, and performing the duties as such shall receive the pay of the second grade, and each enlisted man while holding the rating of air mechanic, second class, and performing the duties as such shall receive the pay of the third grade: *Provided*, That such number as the Secretary of War may determine as necessary, not to exceed 14 per cent of the total authorized enlisted strength of the Air Corps, shall be rated as air mechanics, first class, or air mechanics, second class"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following: "the Secretary of War is hereby authorized to assign, under such regulations as he may prescribe, officers of the Air Corps to flying commands, including wings, groups, squadrons, flights, schools, important air stations, and to the staffs of commanders of troops, which assignment shall carry with it temporary rank, including pay and allowances appropriate to such rank, as determined by the Secretary of War, for the period of such assignment"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following:

"SEC. 5. Air sections of the General Staff. That section 5 of the act entitled 'An act for making further and more effectual provisions for the national defense, and for other purposes,' approved June 3, 1916, as amended, be, and the same is hereby, amended by adding the following paragraph at the end thereof:

"'That for the period of three years immediately following July 1, 1926, there is hereby created in each of the divisions of the War Department General Staff an air section to be headed by an officer of the Air Corps, the duties of which shall be to consider and recommend proper action on such air matters as may be referred to such division.'"

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following: "That during the period of seven years immediately following July 1, 1926, any appointment as Chief of the Air Corps shall be made from among officers of any grade of not less than 15 years' commissioned service, and from those who have demonstrated by actual and extended service in such corps that they are qualified for such appointment; and as assistants from among officers of not less than 15 years' commissioned service of similar qualifications"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the numeral proposed by the amendment of the Senate insert the following: "8"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following: ", and the number of enlisted men now authorized by law for the Regular Army is hereby authorized to be increased by 6,240: *Provided*, That the increase in the number of officers and enlisted men herein authorized shall be allotted as hereinafter provided"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following: "is hereby authorized to be increased by 6,240 enlisted men"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"The President is hereby authorized to submit to Congress annually estimates of the cost of carrying out the five-year program authorized herein: *Provided*, That a supplemental estimate for the fiscal year ending June 30, 1927, may be submitted to cover the cost of the first annual increment."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"SEC. 9. That section 5a of the national defense act, as amended, be, and the same is hereby, amended by adding at the end of said section 5a the following:

"'To aid the Secretary of War in fostering military aeronautics, and to perform such functions as the Secretary may direct, there shall be an additional Assistant Secretary of War who shall be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be fixed in accordance with the classification act of 1923.'"

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"SEC. 10 (a). That in order to encourage the development of aviation and improve the efficiency of the Army and Navy aeronautical matériel the Secretary of War or the Secretary of the Navy, prior to the procurement of new designs of aircraft or aircraft parts or aeronautical accessories, shall, by advertisement for a period of 30 days in at least three of the leading aeronautical journals and in such other manner as he may deem advisable, invite the submission in competition, by sealed communications, of such designs of aircraft, aircraft parts, and aeronautical accessories, together with a statement of the price for which such designs in whole or in part will be sold to the Government.

"(b) The aforesaid advertisement shall specify a sufficient time, not less than 60 days from the expiration of the advertising period, within which all such communications containing designs and prices therefor must be submitted, and all such communications received shall be carefully kept sealed in the War Department or the Navy Department, as the case may be, until the expiration of said specified time, and no designs mailed after that time shall be received or considered. Said advertisement shall state in general terms the kind of aircraft, parts, or accessories to be developed and the approximate number or quantity required, and the department concerned shall furnish to each applicant identical specific detailed information as to the conditions and requirements of the competition and as to the various features and characteristics to be developed, listing specifically the respective measures of merit, expressed in rates per centum, that shall be applied in determining the merits of the designs, and said measures of merit shall be adhered to throughout such competition. All designs received up to the time specified for submitting them shall then be referred to a board appointed for that purpose by the Secretary of the department concerned and shall be appraised by it as soon as practicable and report made to the Secretary as to the winner or winners of such competition. When said Secretary shall have approved the report of said board, he shall then fix a time and place for a public announcement of the results and notify each competitor thereof; but if said report shall be disapproved by said Secretary, the papers shall be returned to the board for revision or the competition be decided by the Secretary, in his discretion, and in any case the decision of the Secretary shall be final and conclusive. Such announcement shall include the percentages awarded to each of the several features or characteristics of the designs submitted by each competitor and the prices named by the competitors for their designs and the several features thereof if separable.

"(c) Thereupon the said Secretary is authorized to contract with the winner or winners in such competition on such terms and conditions as he may deem most advantageous to the Government for furnishing or constructing all of each of the items, or all of any one or more of the several items of the aircraft, or parts, or accessories indicated in the advertisement, as the said Secretary shall find that in his judgment a winner is, or can within a reasonable time become, able and equipped to furnish or construct satisfactorily all or part, provided said Secretary and the winner shall be able to agree on a reasonable price. If the Secretary shall decide that a winner can not reasonably carry out and perform a contract for all or part of such aircraft, parts, or accessories, as above provided, then he is authorized to purchase the winning designs or any separable parts thereof if a fair and reasonable price can be agreed on with the winner, but not in excess of the price submitted with the designs.

"(d) After contract is made, as authorized by any provision of this section, with a winner in such design competition for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories in accordance with his designs and payment is completed under said contract, and after the purchase of and payment for the designs or separable parts thereof of a winner, as authorized herein, with whom a contract shall not have been made for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories in accordance with his designs, then in either case any department of the Government shall have the right without further compensation to the winner to construct or have constructed according to said designs and use any number of aircraft or parts or accessories, and sell said aircraft or parts or accessories according to law as condemned material: *Provided*, That such winner shall, nevertheless, be at liberty to apply for a patent on any features originated by him, and shall be entitled to enjoy the exclusive rights under such patent as he may obtain as against all other persons except the United States Government or its assignee as aforesaid.

"(e) The competitors in design competition mentioned in this section shall submit with their designs a graduated scale of prices for which they are willing to construct any or all or each of the aircraft, aircraft parts, and aeronautical accessories for which designs are submitted and such stated prices shall not be exceeded in the awarding of contracts contemplated by this section.

"(f) If the Secretary of the War or the Secretary of the Navy shall find that in his judgment none of the designs submitted in said competition is of sufficient merit to justify the procurement of aircraft, aircraft parts, or aeronautical accessories in accordance therewith, then he shall not be obligated to accept any of such designs or to make any payment on account of any of them. If the Secretary of the department concerned shall decide that the designs submitted by two or more competitors possess equal merit, or that certain features embodied in the designs of any competitor are superior to corresponding features embodied in the designs of any other competitor and such features of one design may be substituted in another design, the said Secretary shall in his discretion divide the contracts for furnishing and manufacturing the aircraft, parts, or accessories required, equitably among those competitors that have submitted designs of equal merit, or he may select and combine features of superior excellence in different designs in such manner as he may in his judgment best serve the Government's interests and make payment accordingly to the several competitors concerned at fair and reasonable prices, awarding the contract for furnishing or constructing the aircraft, parts, or accessories to the competitor or competitors concerned that have the highest figures of merit in said competition.

"(g) In case the Secretary of War or the Secretary of the Navy shall be unable to make contract as above authorized with a winner in said competition for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories covered by the whole or part of the designs of such winner, or shall be unable to agree with a winner in the competition on a reasonable purchase price for the design of such winner with whom a contract may not be made, as aforesaid, he may retain such designs and shall advertise according to law for proposals for furnishing or constructing aircraft, or parts or accessories, in accordance with such designs or combinations thereof as aforesaid and, after all proposals are submitted, make contract on such terms and conditions as he may consider the best in the Government's interests, with the bidder that he shall find to be the lowest responsible bidder for furnishing or constructing the aircraft, parts, or accessories required, but the said Secretary shall have the right to reject all bids and to advertise for other bids with such other and different specifications as he may deem proper.

"(h) If within 10 days after the announcement of the results of said competition, any participant in the competition shall make to the Secretary of War or the Secretary of the Navy a reasonable showing in writing that error was made in determining the merits of designs submitted whereby such claimant was unjustly deprived of an award, the matter shall at once be referred by the Secretary of the department concerned to a board of arbitration for determination and the finding of such board shall, with the approval of the said Secretary, be conclusive on both parties. Such board of arbitration shall be composed of three skilled aeronautical engineers, one selected by the said Secretary, one by the claimant, and the third by those two, no one of whom shall have been a member of the board of appraisal in that competition.

"(i) Any person, firm, or corporation that shall complain that his, their, or its designs hereafter developed relating to aircraft or any components thereof are used or manufactured by or for any department of the Government without just compensation from either the Government or any other source, may within four years from the date of such use file suit in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture after the date of this act.

"(j) Only citizens of the United States, and corporations of which not less than three-fourths of the capital stock is owned by citizens of the United States, and of which the members of the boards of directors are citizens of the United States, and having manufacturing plants located within the continental limits of the United States shall be eligible to be awarded any contract under this section to furnish or construct aircraft, aircraft parts, or aeronautical accessories for the United States Government, except that a domestic corporation whose stock shall be listed on a stock exchange shall not be barred by the provisions of this section unless and until foreign ownership or control of a majority of its stock shall be known to the Secretary of War or the Secretary of the Navy, as the case may be,

and no aliens employed by a contractor for furnishing or constructing aircraft, or aircraft parts, or aeronautical accessories for the United States shall be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials without the written consent beforehand of the Secretary of the department concerned.

"(k) The Secretary of War or the Secretary of the Navy may at his discretion purchase abroad or in the United States with or without competition, by contract, or otherwise, such designs, aircraft, aircraft parts, or aeronautical accessories as may be necessary in his judgment for experimental purposes in the development of aircraft or aircraft parts or aeronautical accessories of the best kind for the Army or the Navy, as the case may be, and if as a result of such procurement, new and suitable designs considered to be the best kind for the Army or the Navy are developed, he may enter into contract, subject to the requirements of paragraph (j) of this section, for the procurement in quantity of such aircraft, aircraft parts, or aeronautical accessories without regard to the provisions of paragraphs (a) to (e), inclusive, hereof.

"(l) The manufacturing plant, and books, of any contractor for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department, or such part of any manufacturing plant as may be so engaged, shall at all times be subject to inspection and audit by any person designated by the head of any executive department of the Government.

"(m) All audits and reports of inspection, made under the provisions of this section, shall be preserved by the Secretary of War or the Secretary of the Navy, as the case may be, for a period of 10 years, and shall be subject to inspection by any committee of Congress, and the said Secretaries shall annually make a detailed and itemized report to Congress of all of the departments' operations under this section, the names and addresses of all competitors, and of all persons having been awarded contracts and the prices paid for aircraft purchased and the grounds and reasons for having awarded such contracts to the particular persons, firms, or corporations, and all such reports shall be printed and held subject to public distribution.

"(n) Every vendor of designs to the War Department or the Navy Department under the provisions of this section, and every contractor for furnishing or constructing for the War Department or the Navy Department, or both, aircraft or aircraft parts or aeronautical accessories, shall deliver to the Secretary of War or Secretary of the Navy, or both, when required by either or both, a release in such form and containing such terms and conditions as may be prescribed by the Secretary of War, the Secretary of the Navy, or both, of claims on the part of such vendor or contractor against the United States arising out of such sale or contract, or both.

"(o) All or any appropriations available for the procurement of aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department shall also be available for payment of the purchase price of designs and the costs of arbitration as authorized by this section.

"(p) Any collusion, understanding, or arrangement to deprive the United States Government of the benefit of full and free competition in any competition authorized by this section, or to deprive the United States Government of the benefit of a full and free audit of the books of any person, firm, or corporation engaged in carrying out any contract authorized by this section, so far as may be necessary to disclose the exact cost of executing such contract, shall be unlawful, and any person, firm, or corporation that shall, upon indictment and trial, be found guilty of violating any of the provisions of this section shall be sentenced to pay a fine of not exceeding $20,000, or to be imprisoned not exceeding five years, or both, at the discretion of the court.

"(q) In the procurement of aircraft constructed according to designs presented by any individual, firm, or corporation prior to the passage of this act, which designs have been reduced to practice and found to be suitable for the purpose intended, or according to such designs with minor modifications thereof, the Secretary of War or the Secretary of the Navy, when in his opinion the interests of the United States will be best served thereby, may contract with said individual, firm, or corporation, at reasonable prices for such quantities of said aircraft, aircraft parts, or aeronautical accessories as he may deem necessary: *Provided*, That the action of the Secretary of War or the Secretary of the Navy in each such case shall be final and conclusive.

"(r) A board to be known as the patents and design board is hereby created, the three members of which shall be an Assistant Secretary of War, an Assistant Secretary of the Navy, and an Assistant Secretary of Commerce. To this board any individual, firm, or corporation may submit a design for aircraft, aircraft parts, or aeronautical accessories, and whether patented or unpatentable, the said board upon the recommendation of the National Advisory Committee for Aeronautics shall determine whether the use of such designs by the Government is desirable or necessary, and evaluate the designs so submitted and fix the worth to the United States of said design, not to exceed $75,000. The said designer, individual, firm, or corporation, may then be offered the sum fixed by the board for the ownership or a nonexclusive right of the United States to the use of the design in aircraft, aircraft parts, or aeronautical accessories and upon the acceptance thereof shall execute complete assignment or nonexclusive license to the United States: *Provided*, That no sum in excess of $75,000 shall be paid for any one design.

"(s) The terms 'winner' or 'winners' as used in this section shall be construed to include not more than three competitors having the highest figures of merit in any one competition.

"(t) Hereafter whenever the Secretary of War or the Secretary of the Navy shall enter into a contract for or on behalf of the United States, for aircraft, aircraft parts, or aeronautical accessories, said Secretary is hereby authorized to award such contract to the bidder that said Secretary shall find to be the lowest responsible bidder that can satisfactorily perform the work or the service required to the best advantage of the Government; and the decision of the Secretary of the department concerned as to the award of such contract, the interpretation of the provisions of the contract, and the application and administration of the contract shall not be reviewable, otherwise than as may be therein provided for, by any officer or tribunal of the United States except the President and the Federal courts."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"SEC. 11. Under such rules and regulations as he may prescribe the President is hereby authorized to present, but not in the name of Congress, a medal to be known as the soldier's medal, of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Army of the United States, including the National Guard and the Organized Reserves, shall hereafter distinguish himself, or herself, by heroism not involving actual conflict with an enemy.

"No more than one soldier's medal shall be issued to any one person; but for each succeeding deed or act sufficient to justify the award of the soldier's medal the President may award a suitable bar, or other suitable device, to be worn as he shall direct."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"SEC. 12. Under such rules and regulations as he may prescribe, and notwithstanding the provisions of section 14 of this act, the President is hereby authorized to present, but not in the name of Congress, a distinguished flying cross of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Air Corps of the Army of the United States, including the National Guard and the Organized Reserves, or with the United States Navy, since the 6th day of April, 1917, has distinguished, or who, after the approval of this act, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight: *Provided*, That no person shall be eligible for the award of the distinguished flying cross for any act performed prior to November 11, 1918, except officers or enlisted men who have heretofore been recommended for but have not received the congressional medal of honor, the distinguished-service cross, or the distinguished-service medal, and except those officers or enlisted men who displayed heroism while serving as instructors or students at flying schools. No more than one distinguished flying cross shall be issued to any one person, but for each succeeding act or achievement sufficient to justify the award of a distinguished flying cross the President may award a suitable bar or other suitable device to be worn as he shall direct. In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the cross or the bar or other device presented to such representative of the deceased as the President may designate, but no cross, bar, or other device here-

inbefore authorized shall be awarded or presented to any individual whose entire service subsequent to the time he distinguishes himself has not been honorable."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"SEC. 13. Each enlisted or enrolled man to whom there shall be awarded the distinguished flying cross or the soldier's medal shall be entitled to additional pay at the rate of $2 per month from the date of the act of heroism or extraordinary achievement on which the award is based, and each bar, or other suitable device, in lieu of the distinguished flying cross or the soldier's medal, as hereinbefore provided for, shall entitle him to further additional pay at the rate of $2 per month from the date of the act of heroism or extraordinary achievement for which the bar or other device is awarded, and said additional pay shall continue throughout his active service, whether such service shall or shall not be continuous."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the numeral proposed by the amendment of the Senate insert the following: "14"; and the Senate agree to the same.

J. W. WADSWORTH, JR.,
HIRAM BINGHAM,
MORRIS SHEPPARD,
Conferees on the part of the Senate.

W. FRANK JAMES,
JOHN PHILIP HILL,
HENRY M. WURZBACH,
PERCY E. QUIN,
JOHN J. MCSWAIN,
Managers on the part of the House.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the conference report.

There being no objection, the Senate proceeded to consider the conference report.

Mr. WADSWORTH. Mr. President, I will make just a brief statement. As the Senator from Arkansas [Mr. ROBINSON] and other Senators will recollect, the Senate passed this bill after considerable debate several days ago, the Senator from Arkansas himself taking part in the discussion. This is a bill relating to the Army Air Corps. The amendments which have been agreed upon in conference are by way of modification of some of the amendments which the Senate placed upon the House bill. In number they are considerable, but in import and intent the changes are very slight.

Mr. ROBINSON of Arkansas. Is the agreement complete? Will the bill be finally passed if the report shall be agreed to?

Mr. WADSWORTH. The agreement is complete, and it is a unanimous report. I think I should remind the Senator from Arkansas of the Senate amendment which authorized the War Department to purchase technical supplies without competitive bidding. The conference report substitutes for the Senate amendment a bill which has been prepared in the House of Representatives jointly by the Military and Naval Affairs Committees, the membership of those committees being unanimous in the support of their proposed bill.

Mr. ROBINSON of Arkansas. In what particular does it differ in substance from the arrangement provided in the Senate amendment?

Mr. WADSWORTH. It is a more elaborate and detailed working out of the principle admitted in the Senate amendment. Its principal feature is that it authorizes the Secretary of War or the Secretary of the Navy—it applies to both services—as the case may be, to advertise for and to conduct competitions in designs of aircraft, aircraft parts, and aeronautical accessories, and provides that the successful design may be adopted by the department concerned, and the Secretary of that department may purchase the design from the designer or order material made in accordance with the design if he regards the concern fit and proper to deal with the Government, the whole transaction to be reported to Congress. The provision contains limitations and restrictions more strict than were embodied in the Senate amendment on that subject.

Mr. ROBINSON of Arkansas. Does the Senator feel that the subject has been carefully worked out?

Mr. WADSWORTH. It has been most carefully worked out.

Mr. ROBINSON of Arkansas. And that the bill is an improvement over the Senate amendment?

Mr. WADSWORTH. It is a better bill, I have no doubt whatsoever, than the original Senate provision, and it has been combed through with the greatest care by officers of the Judge Advocate General's Department of both services, the Army and the Navy, helping the conference committee.

Mr. ROBINSON of Arkansas. What was the final arrangement entered into in the conference report touching the Chief of the Air Corps?

Mr. WADSWORTH. The Chief of the Army Air Corps must be a flying officer and also must be selected from officers of at least 15 years' service who have had extended experience in the corps itself.

Mr. ROBINSON of Arkansas. Very well; I have no objection to the present consideration of the conference report.

Mr. WADSWORTH. I move the adoption of the conference report.

The report was agreed to.

TRUCKEE-CARSON IRRIGATION DISTRICT, NEV.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7) to reimburse the Truckee-Carson irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation, Nev., which were on page 2, line 7, after the word "benefited," to insert:

Provided, That all charges assessed, or to be assessed for the construction of irrigation works, against approximately seven and a quarter sections of Paiute Indian lands situated in township 19 north, range 30 east, Mount Diablo meridian, Nev., that are within the Newlands reclamation project, be, and the same are hereby, remitted and canceled and said lands are hereby recognized and declared to have a water right without cost to the Indians: *Provided further*, That such lands shall be subject to their proportionate share of the annual operation and maintenance charges—

And to amend the title so as to read: "An act to authorize the cancellation and remittance of construction assessments against allotted Paiute Indian lands irrigated under the Newlands reclamation project in the State of Nevada and to reimburse the Truckee-Carson irrigation district for certain expenditures for the operation and maintenance of drains for said lands."

Mr. ODDIE. I move that the Senate concur in the House amendments.

The motion was agreed to.

CONSULTING ENGINEERS ON IRRIGATION DAMS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 109) authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes, which were, on page 1, line 6, to strike out "Bureau of Reclamation" and to insert in lieu thereof "Department of the Interior," and on page 2, line 1, to strike out "$4" and to insert "$6."

Mr. MCNARY. I move that the Senate concur in the House amendments.

Mr. JONES of Washington. What is the effect of the House amendments?

Mr. MCNARY. The House amendments strike out the name "Bureau of Reclamation" and insert "Department of the Interior," and increase the per diem for expenses from $4 to $6.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon [Mr. MCNARY] to concur in the House amendments.

The motion was agreed to.

INVESTIGATION OF POTASH DEPOSITS IN THE UNITED STATES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1821) authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom, which were to strike out all after the enacting clause and insert:

That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000 for the fiscal year ending June 30, 1927, and a similar amount for each succeeding fiscal year for four years, to be expended as may be mutually agreed upon by the Secretary of the Interior and the Secretary of Commerce for the purpose of determining the location, extent, and mode of occurrence of potash deposits in the United States and conducting the necessary laboratory tests incident thereto.

SEC. 2. The Secretary of the Interior and the Secretary of Commerce jointly are hereby authorized, within their discretion, to cooperate under formal agreement with individuals, associations, corporations, States, municipalities, educational institutions, or other bodies, for the purposes of this act: *Provided*, That before undertaking drilling operations upon any tract or tracts of land the Secretary of the Interior and the Secretary of Commerce jointly, shall enter into a contract or contracts with the owners or lessees, or both, of the mineral rights therein, which contract shall provide, among other things, that not more than the actual cost of the exploration shall constitute a preferred claim in favor of the United States and its cooperators against any minerals developed; and the aforesaid contract or contracts shall provide that the owners or lessees, or both, of said lands and/or mineral rights within the radius hereinafter mentioned, shall pay to the Government and its cooperators an amount equal to the actual costs of said explorations, said payments to be made at such time or times, in such manner, and in such proportions as said Secretaries may, in their discretion, determine to be equitable: *Provided further*, That such contract shall not restrict the Secretary of the Interior and the Secretary of Commerce jointly in the choice of drilling locations within the property or in the conduct of the exploratory operations, so long as such selections or conduct do not interfere unreasonably with the use of the surface of the land or with the improvements thereon, and such contract shall provide that the United States and its cooperators shall not be liable for damages on account of such reasonable use of the surface as may be necessary in the proper conduct of the work: *Provided further*, That before such drilling be commenced the Secretary of the Interior and the Secretary of Commerce jointly shall require the owners of land and/or mineral rights therein lying within a radius of not less than 1 mile of any proposed well, in consideration of the probable increase in value to such lands and/or mineral rights therein incident to any discovery of potash and in order to prevent profiteering, to enter into an agreement whereby the Secretary of the Interior and the Secretary of Commerce, jointly, are empowered to act as referees in determining the maximum price at which the potash rights in such lands can be sold, which covenant shall run with the lands and/or mineral rights therein: *And provided further*, That the owners of such potash rights, in consideration of the advantage accruing from an equitable price for such potash rights as effected by said Secretary of the Interior and Secretary of Commerce, may be required to enter into an agreement whereby the potash produced from said lands shall be marketed at a price not in excess of a maximum determined by the Secretary of the Interior and the Secretary of Commerce jointly as equitable.

And to amend the title so as to read: "An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests."

Mr. SHEPPARD. I move the Senate concur in the amendments of the House.

Mr. CURTIS. What are the amendments?

Mr. SHEPPARD. One is to amend the title; but the principal amendment of the House reduces the amount allowed by the Senate from $500,000 per annum for five years to $100,000 per annum for five years and authorizes the Secretary of the Interior and the Secretary of Commerce to cooperate with local interests in potash explorations in the United States. It also eliminates any work by the Bureau of Soils of the Department of Agriculture.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

COMMEMORATION OF LANDING OF ROGER WILLIAMS

The VICE PRESIDENT laid before the Senate the bill (H. R. 12207) authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker in Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island, which was read twice by its title.

Mr. GERRY. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. Mr. President, I inquire if that is a joint resolution?

Mr. GERRY. No; it is a House bill.

Mr. JONES of Washington. Has there been any action upon it by a Senate committee?

Mr. GERRY. There has been no action by the Senate committee. The bill, however, has been passed by the House.

Mr. CURTIS. I suggest that the Senator allow the bill to go to the committee.

Mr. GERRY. It is a bill appropriating a small sum to erect an appropriate tablet or marker at or near the spot in Providence where Roger Williams first landed.

Mr. CURTIS. I ask that the bill may be referred to the committee. That is the course which is invariably followed in connection with bills that come over from the House.

The VICE PRESIDENT. The bill will be referred to the Committee on the Library.

Mr. FESS subsequently said: Mr. President, I have polled the Committee on the Library on House bill 12207, and the committee have authorized me to report the bill favorably without amendment, which I now do.

Mr. GERRY. I renew my request for immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the sum of $2,500, or so much thereof as may be necessary, is hereby authorized to be appropriated, to be expended under the direction of the Secretary of War, in the erection of an appropriate tablet or marker, at or near the spot in the present city of Providence, R. I., where Roger Williams first landed in said State of Rhode Island, in commemoration of said historic event.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TREE NURSERY IN ANACOSTIA PARK, DISTRICT OF COLUMBIA

Mr. FESS. From the Committee on the Library I report back favorably without amendment the bill (H. R. 11802) to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. ROBINSON of Arkansas. May I inquire of the Senator from Ohio where it is proposed to locate the Botanic Garden under the bill?

Mr. FESS. The bill does not relate to the location of the Botanic Garden at all, but merely proposes to transfer a small strip in Anacostia Park to be used as a tree nursery under the jurisdiction of the Botanic Garden. It is not the bill which the Senator has in mind.

Mr. ROBINSON of Arkansas. Very well; I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Director of Public Buildings and Public Parks of the National Capital is hereby authorized and directed to transfer to the jurisdiction of the United States Botanic Garden the following-described land, being a part of the Anacostia Park, for use as a tree nursery, viz:

Beginning for the same at the intersection of the west line of the Stickfoot Branch sewer with the bulkhead line of the Anacostia River, and running thence with the west line of the Stickfoot Branch sewer south 1,560 feet, more or less, to the original high-water line of the Anacostia River as shown on map No. 303 in the office of the surveyor of the District of Columbia; thence with said high-water line the following courses and distances: South 85 degrees 32 minutes west 62 feet, more or less to an angle; north 76 degrees 35 minutes west 292.51 feet; north 63 degrees 11 minutes west 82.83 feet to the east line of the District of Columbia Nursery; thence north with said east line, and parallel to the Stickfoot Branch trunk sewer, 1,598 feet, more or less, to the bulkhead line of the Anacostia River; thence with said bulkhead line south 71 degrees 50 minutes 54 seconds east 435 feet, more or less, to the point of beginning, containing approximately 14.75 acres, all as shown on map No. 1212 in the office of the surveyor of the District of Columbia: *Provided*, That a right of way along the river wall extending inland for a width of 200 feet from the outer edge of the river wall shall be retained under the jurisdiction of the Director of Public Buildings and Public Parks of the National Capital for development as a park roadway.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INCREASE IN COST LIMIT OF CERTAIN NAVAL VESSELS

Mr. HALE. I ask unanimous consent for the immediate consideration of Order of Business 1134, being Senate bill 4482.

The VICE PRESIDENT. The Senator from Maine asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The CHIEF CLERK. A bill (S. 4482) to increase the limit of cost of submarine tender *No. 3* and to authorize repairs and alterations to the U. S. S. *S-48*.

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. Mr. President, what is this measure?

Mr. HALE. It is a bill to increase the limit of cost of submarine tender *No. 3* from $4,800,000 to $5,000,000, and to authorize repairs and alterations to the submarine *S–48*, which was sunk some time ago.

Mr. JONES of Washington. Is it a House bill or a Senate bill?

Mr. HALE. It is a Senate bill. I should like to secure action on it now, in order that it may go to the House, and, if possible, be acted upon there.

Mr. JONES of Washington. Is the bill on the calendar?

Mr. HALE. It is on the calendar and has been reported by the committee.

Mr. JONES of Washington. Is the report from the committee unanimous?

Mr. HALE. The report from the committee is unanimous.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the limit of cost of submarine tender *No. 3*, heretofore authorized, is increased from $4,800,000 to $5,000,000; and repairs and alterations to the U. S. S. *S–48* are hereby authorized to cost not to exceed $1,080,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OIL AND GAS LANDS IN CARBON COUNTY, WYO.

Mr. WARREN. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 10980) to authorize leasing, for the production of oil and gas, certain public lands in Carbon County, Wyo. It is a local bill.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That upon relinquishment to the United States, filed in the General Land Office within six months after the approval of this act, of all right, title, and interest claimed and possessed prior to February 25, 1920, and continuously since by Mark D. Woolery, Dudley Sherman Wageley, Dorsey M. Kerr, Andrew J. Denny, Mabel G. Duncan, and Michael L. Lundy, or their predecessors in interest under the preexisting placer mining law, to the following-described land, situate in the county of Carbon, State of Wyoming, and known as the northwest quarter of the southeast quarter of section 34, township 20 north of range 78 west, sixth principal meridian, and upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced except oil or gas used for production purposes on the claim, or unavoidably lost, from such land, Mark D. Woolery, Dudley Sherman Wageley, Dorsey M. Kerr, Andrew J. Denny, Mabel G. Duncan, and Michael L. Lundy, or their successors, shall be entitled to a lease thereon from the United States for a period of 20 years, at a royalty of not less than 12½ per cent of all the oil and gas produced except oil or gas used for production purposes on the claim, or unavoidably lost.

Such lease shall inure to the benefit of the lessees and all persons claiming through or under them by lease, contract, or otherwise, as their interests may appear: *Provided*, That the lessees, their successors and inuring claimants, shall be subject to the same limitation as to area and acreage as is provided for claimant under section 18 of the act of February 25, 1920 (Public, No. 146), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain."

Such lease shall be made and the amount of royalty to be paid for oil and gas produced, except oil or gas used for production purposes on the claim, or unavoidably lost, after the execution of such lease shall be fixed by the Secretary of the Interior under the "Regulations concerning oil and gas permits and leases approved March 11, 1920," and amendments thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On June 19, 1926:

S. 579. An act for the relief of the Georgia Cotton Co.;

S. 2098. An act for the relief of M. Barde & Sons (Inc.), Portland, Oreg.; and

S. 2168. An act for the relief of Elbert Kelly, Orestes Cleveland, and James Harrison Dickie, second lieutenants in the Army of the United States.

On June 21:

S. 675. An act granting certain lands to the city of Ogden, Utah, to protect the watershed of the water-supply system of said city;

S. 1341. An act for the relief of John Plumlee, administrator of the estate of G. W. Plumlee, deceased;

S. 1459. An act for the relief of Waller V. Gibson;

S. 2086. An act for the relief of A. T. Marix;

S. 2335. An act for the relief of Andrew Radel Oyster Co.; and

S. 2552. An act to authorize the Secretary of the Interior to dispose by sale of certain public land in the State of Kansas.

On June 22:

S. 519. An act for the relief of Perley Morse & Co.;

S. 590. An act for the relief of Emily L. Hoffbauer;

S. 1727. An act for the relief of the Carib Steamship Co. (Inc.);

S. 2158. An act for the relief of certain disbursing officers of the office of Superintendent State, War, and Navy Department Buildings; and

S. 2324. An act for the relief of the New Jersey Shipbuilding & Dredging Co.

BRITISH CONCESSIONS IN PANAMA (S. DOC. 132)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a communication from the Secretary of State in reply to the resolution adopted by the Senate on June 5, 1926, requesting the Secretary of State to advise the Senate of all facts and circumstances of which he has official cognizance relative to concessions secured by the British Government in the Republic of Panama, and the extent to which the British Government has secured control of the public lands and natural resources of Panama, together with copies of all correspondence and all communications had with the British Government relative to such concessions and to acquiring control of the natural resources of that country.

CALVIN COOLIDGE.

THE WHITE HOUSE, *June 22, 1926.*

CLAIM OF E. A. GOLDENWEISER AND OTHERS (S. DOC. NO. 128)

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Comptroller General to settle and allow the claim of E. A. Goldenweiser in the sum of $600, and the claim of Edith M. Furbush and Horatio M. Pollock in the sum of $2,000, for services rendered the Department of Commerce in the preparation of monographs on census subjects, which was referred to the Committee on Claims and ordered to be printed.

WILLIAM R. F. BLEAKNEY

Mr. WADSWORTH. I ask unanimous consent for the consideration of the bill (H. R. 10363) to reinstate William R. F. Bleakney in West Point Military Academy.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 17 minutes spent in executive session, the doors were reopened and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 23, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 22 (legislative day of June 21), 1926

MEMBER OF THE BOARD OF MEDIATION

Carl Williams, of Oklahoma, for a term expiring three years after January 1, 1926.

APPOINTMENTS IN THE REGULAR ARMY

TO BE PROFESSOR OF ECONOMICS, GOVERNMENT, AND HISTORY, AT THE UNITED STATES MILITARY ACADEMY FROM JUNE 8, 1926, WITH RANK FROM JUNE 11, 1910

Prof. Lucius Hudson Holt, department of English and history, United States Military Academy.

TO BE PROFESSOR OF ENGLISH AT THE UNITED STATES MILITARY ACADEMY WITH RANK FROM JUNE 8, 1926

Chaplain Clayton Earl Wheat, United States Military Academy.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

FINANCE DEPARTMENT

Maj. Edwin Joseph O'Hara, Coast Artillery Corps (detailed in finance department), with rank from July 1, 1920.

FIELD ARTILLERY

Second Lieut. Maxwell Davenport Taylor, Corps of Engineers, with rank from June 13, 1922.

PROMOTIONS IN THE REGULAR ARMY

TO BE MAJOR

Capt. Dwight Frederick Johns, Corps of Engineers, from June 17, 1926.

TO BE CAPTAINS

First Lieut. Samuel Tankersley Williams, Infantry, from June 17, 1926.

First Lieut. Harold Herbert Fisher, Infantry, from June 17, 1926.

TO BE FIRST LIEUTENANTS

Second Lieut. George Wythe Bott, jr., Ordnance Department, from June 17, 1926.

Second Lieut. Louis Watkins Prentiss, Field Artillery, from June 17, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22 (legislative day of June 21), 1926

UNITED STATES DISTRICT ATTORNEY

Frederick R. Dyer, for the district of Maine.

UNITED STATES MARSHAL

Frank T. Newton, for the eastern district of Michigan.

PROMOTION IN THE NAVY

John D. Beuret to be Chief Constructor and Chief of the Bureau of Construction and Repair.

POSTMASTERS

ALASKA

Emil Bergman, Fort Yukon.

COLORADO

Arthur L. Perry, Hotchkiss.
Jones C. Flint, Ignacio.
Thomas E. Downey, Ordway.

GEORGIA

Maud Sewell, Temple.

MARYLAND

Charles W. Glasgow, Street.

MISSISSIPPI

William A. Freeman, Jackson.
Monroe L. Lott, Sumrall.

MISSOURI

A. Josephine Humble, Grandview.
Louis Alt, St. Louis.

NEW YORK

Eugene Velsor, Amityville.
Lloyd A. Freeman, Glen Head.
Sadie E. Childs, Lewiston.
Walter E. Steves, New Rochelle.
John W. Hedges, Pine Plains.
James F. Cooper, Stanley.

OHIO

Joseph E. Walker, Greenfield.
Ferne V. Boone, Sterling.

PENNSYLVANIA

John H. Ammon, Beaver.
John R. Jones, Conway.
George H. Cole, Evans City.
Dewey W. Sechler, Fairchance.
Donald C. Mapel, Greensboro.
J. Richard Duncan, Heilwood.
Frank J. Over, Hollidaysburg.
Inez B. Rex, Irvona.
Harry A. Fuellhart, Tidioute.

RHODE ISLAND

Henry L. Yager, Barrington.
George W. Jenckes, Slatersville.

SOUTH CAROLINA

George T. Buck, Langley.

TENNESSEE

Columbus L. Parrish, Henderson.

HOUSE OF REPRESENTATIVES

TUESDAY, *June 22, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our God, while life is a succession of lessons which must be lived to be understood, we are encouraged to accept their discipline by the presence of Thy Holy Spirit and Thy unfailing Providence. It is Thy love and mercy that make life tolerable; accept our praise and gratitude for their daily blessings. Oh, let us but do our work from day to day and always in our hearts may we say this is our work and our blessing. May hope and faith in our breasts never be allowed to lie down, for then it is night. Do Thou direct us to work on, trust on, believe on, pray on until the last, and may our paths be measured to wisdom by the labor done and the burdens borne. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

SETTLEMENT OF CONTRACTS DURING THE PERIOD FROM APRIL 6, 1917, TO NOVEMBER 11, 1918

Mr. CHRISTOPHERSON. Mr. Speaker, I present, for printing under the rules, conference report on the joint resolution (S. J. Res. 47) authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918.

AIR CORPS OF THE ARMY OF THE UNITED STATES

Mr. JAMES. Mr. Speaker, I present, for printing under the rules, conference report on the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes.

A POINT OF NO QUORUM

Mr. HILL of Maryland. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present——

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 119]

Aldrich	Davenport	Kearns	Purnell
Allen	Deal	Keller	Quayle
Andrew	Dempsey	Kirk	Rayburn
Anthony	Denison	Kurtz	Reece
Appleby	Dominick	Kvale	Sabath
Ayres	Doyle	Lea, Calif.	Sinclair
Bankhead	Drane	Lee, Ga.	Smith
Beck	Esterly	Lineberger	Smithwick
Berger	Fenn	Linthicum	Sproul, Kans.
Bixler	Fredericks	Luce	Steagall
Blanton	Freeman	McDuffie	Sullivan
Bloom	Fuller	McKeown	Swartz
Bowles	Funk	McLeod	Sweet
Bowling	Furlow	Magee, Pa.	Swoope
Britten	Gallivan	Mansfield	Taylor, N. J.
Brumm	Garner, Tex.	Mead	Tilson
Buchanan	Garrett, Tex.	Merritt	Tinkham
Canfield	Gasque	Michaelson	Upshaw
Carter, Calif.	Gorman	Mills	Vare
Carter, Okla.	Griffin	Montgomery	Warren
Cleary	Hall, N. Dak.	Mooney	Wason
Collins	Hudspeth	Morin	Wefald
Connery	Johnson, Ill.	Nelson, Me.	Welsh
Connolly, Pa.	Johnson, Ky.	Newton, Mo.	Williams, Tex.
Corning	Johnson, S. Dak.	Norton	Winter
Cramton	Jones	Peavey	Wood
Curry	Kahn	Phillips	Wurzbach

The SPEAKER. Three hundred and twenty-two Members have answered "present," a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks by placing in the RECORD an editorial of a New York newspaper.

Mr. BEEDY. Reserving the right to object, Mr. Speaker, what is the editorial about?

Mr. DICKSTEIN. It deals with the subject of immigration.

Mr. BEEDY. How long an editorial is it?

Mr. DICKSTEIN. Only about three pages.

Mr. BEEDY. I object, Mr. Speaker.

DISTRICT OF COLUMBIA TRAFFIC ACT

Mr. ZIHLMAN. Mr. Speaker, I present for printing, under the rules, conference report on the bill (H. R. 3802) to amend the act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being public Document No. 561, Sixty-eighth Congress, and for other purposes.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) entitled "An act to amend the act known as the 'District of Columbia traffic act, 1925,' approved March 3, 1925, being Public, numbered 561, Sixty-eighth Congress, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; and agree to the same.

F. N. ZIHLMAN,
CHARLES L. UNDERHILL,
RALPH GILBERT,
Managers on the part of the House.

ARTHUR CAPPER,
FREDERIC M. SACKETT,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) to amend the "District of Columbia traffic act, 1925," submit the following detailed statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On No. 1: The Senate by this amendment proposed to strike out the wording of the bill, as it passed the House, giving to the director of traffic control of pedestrians and animals. The House took the position that traffic control could not be successful unless it included not only motor vehicles but all other classes of traffic as well, and that the regulations proposed, giving pedestrians the right of way at all cross walks except those controlled by traffic officers and the traffic devices, at which points pedestrians shall obey the officer or conform to the signal lights, are reasonable and necessary. The Senate recedes.

On Nos. 2, 3, and 4: These were inserted by the Senate to correct obvious errors of language, and to clarify the meaning of the bill as it passed the House. The House recedes and agrees to such amendments.

On No. 5: The bill as passed by the House provided that a space should be left on operators' permits "for the notation of conviction of violations of the traffic laws of the District." The Senate amendment changes this provision so that it will not be necessary to note on the permit minor infractions of the traffic law and regulations but only the serious offenses defined in sections 9, 10, and 11 of the traffic act, including speeding and reckless driving, fleeing from the scene of accident, driving while under the influence of liquor or drugs, and the use of a smoke screen. The House recedes.

On No. 6: The House fixed the penalty for operating a motor vehicle without a permit at a fine of not more than $500 or imprisonment for not more than one year, or both. The Senate reduced the length of imprisonment to six months, and the House recedes from its disagreement.

On Nos. 7 and 8: The House provided that the traffic director or his assistant might revoke or suspend an operator's permit for any cause which they might deem sufficient. The Senate amendments insert the words "with or without a prior hearing," thus giving authority for a hearing, and also provide that in each case where a permit is revoked or suspended the reasons therefor shall be set out in the order of revocation. As such amendments lessen the possibility of unwarranted or arbitrary action, the House recedes from its disagreement to them.

On No. 9: The bill as passed by the House provided for an appeal to the court of appeals by individuals whose operators' permits were suspended, revoked, or denied by the traffic director. The court of appeals pointed out to the Senate District Committee, after the bill had passed the House, that for a period of more than 25 years cases arising in the first instance in the police, juvenile, and municipal courts had been removed or taken up only on writs of error. This operates to keep appeals within reasonable bounds and has proven generally satisfactory. The Senate therefore adopted the court's suggestion of substituting writs of error for appeal in cases involving revocation, suspension, or denial of operators' permits; and believing that this is an adequate safeguard against possible abuse of power by the traffic director, the House recedes from its disagreement and agrees to the amendment.

On No. 10: Section 4 of the bill as passed by the House simply made a declaration that street spaces fronting hotels and other commercial places, including the approach to railroad stations, "are charged with a public interest" and that free access is necessary for public convenience. The Senate felt that the inclusion of such a general and indefinite provision was unnecessary and would serve no useful purpose, accomplishing nothing useful whatever for the public generally or serving in any way to remedy bad traffic conditions. It was pointed out that the Commissioners of the District of Columbia already have authority over the location, regulation, etc., of taxicabs and hack stands, so that without the House provision such action as is necessary may be taken. Your conferees are advised by the director of traffic that he will endeavor during the present summer to work out a satisfactory plan for control of the approaches to hotels, stations, places of business, etc., and try to bring about some agreement between all interested parties that will fully protect and serve the public interests. If it is found that additional legislation is necessary or advisable, it can be enacted during the next session of Congress, five months hence.

In lieu of such section in the House bill, the Senate inserted wording to place all prosecutions for traffic violations under the supervision and direction of the corporation counsel of the District, in the police court, except in the case of smoke-screen violations constituting a felony. At present some of the prosecutions are conducted by the United States district attorney's office, and this dual authority results in confusion and conflict of authority. The offenses to be prosecuted are municipal matters and should be handled by a municipal department. The House therefore recedes from its disagreement to such amendment and agrees to the same.

On No. 11: The Senate added wording to make clear and unquestionable the authority of the traffic director to restrict speed of vehicles below 22 miles per hour (the present limit) where advisable, such as on narrow streets, bridges, alleys, etc., and to permit greater speed where safe and consistent with the public interest, such as on arterial highways, boulevards, outlying roads, etc. This has been found to be a desirable discretionary power in other large cities, and has been commonly adopted. The House therefore recedes from its disagreement and agrees to such amendment.

FREDERICK N. ZIHLMAN,
CHARLES L. UNDERHILL,
RALPH GILBERT,
Managers on the part of the House.

SPECIAL ORDER

The SPEAKER. Under the special order of the House the Chair will recognize the gentleman from Kansas [Mr. SPROUL] for 15 minutes.

Mr. STRONG of Kansas. Mr. Speaker, I understand that the gentleman from Kansas [Mr. SPROUL] has been called home on account of sickness in his family.

The SPEAKER. Then under a special order of the House the Chair will recognize the gentleman from Arkansas [Mr. WINGO] for 30 minutes.

THE M'FADDEN BILL

Mr. WINGO. Mr. Speaker, when last week I asked for and obtained permission to address the House to-day I had intended at that time to express myself with some indignation at some of the willful and deliberate misrepresentations which representatives of the branch-bank lobby had made with reference

to my conduct as a Representative of this House on the conference committee on H. R. 2, known as the McFadden bill, but some of my friends urged me at that time to wait until I had cooled off and take 30 minutes to-day, to which I agreed. I have cooled off considerably, but am still indignant at some of the misrepresentations. However, instead of reading some affidavits and some stenographic reports of conversations I have in my possession, and some telegrams misrepresenting me that have come into my possession, I think I shall utilize the time for a more useful purpose, from your standpoint, and discuss the propositions on which you are going to be called upon to act shortly.

I can not in justice to myself, however, refrain from saying a few words in passing with reference to these misrepresentations. Not that I care particularly from a political standpoint. That is not the thing that disturbs me. I should not now take cognizance of these misstatements if they had not in some instances been conveyed to Members of the House. I am jealous of my reputation with my colleagues with reference to matters before the Banking and Currency Committee. Those of you who have been here for 13 years know that I have not on a single occasion, when considering bills from my committee, withheld from you any fact with reference to any bill, even though you might differ with me as to the conclusion to be reached on these facts.

One of the charges that I wish to notice is that Members of the House have been told, and were told last week, that I was killing the bill by absolutely refusing to meet the conference committee. That is a willful and deliberate misstatement of the facts.

I have attended every meeting of the conference committee except possibly one, and that was held in my absence and was adjourned until the next day. I was absent from the city on account of a death in my family and did not get back in time for the meeting. Certainly no honorable man could criticize me for that. I will ask the chairman of the conference committee, the gentleman from Pennsylvania, if I have declined to attend any meeting of the conference committee.

Mr. McFADDEN. The gentleman has not.

Mr. WINGO. Not only that, gentlemen, but the statement has been made that I was trying to kill this bill because it was alleged I favored branch banking. I should not notice that, but two different Members of this House have brought me their constituent bankers to talk about this matter, because it was put out that I was the one that was killing the legislation. When I got to talking with these gentlemen they, as well as myself, were very much surprised that they had been told, one of them in writing, that I was trying to kill the bill because I was an advocate of branch banking, when as a matter of fact for 13 years I have been fighting branch banking.

Another organization that has its headquarters in this city has had one of its representatives telling—and it has been stated in these headquarters—that I would not attend the conference; that I was an obstructor and trying to prevent any agreement on the bill. A representative of that organization in the presence of three witnesses has admitted that that statement had been made in the headquarters, and he repeated it, but declined to give the source of his authority for reasons that were embarrassing to him.

I wish to say to the House in more temperate language than I said to these different representatives who have peddled this story to me and than I said to the representative of that organization, that any statement of that kind is a willful and deliberate lie. I think I know where it originated. It was born in the imagination of one who has been actively aiding the lobby that is seeking to defeat the McFadden bill as it passed this House and foist on this country the Senate amendments, which are everything that those who favor branch banking hope to get at this session of Congress, although it will require two other amendments later on to get what they fully want.

It is embarrassing to me to mention these things, and I shall not discuss them further. I have made every honest effort to get a legitimate compromise between the position of the House and the position of the Senate without sacrificing the position of the House. I may be old-fashioned, but as a Representative in Congress I feel it is my duty to represent the wishes of my district, and when the time comes when I can not do that, it is my duty to get out and let somebody else do it, and following the same line of reasoning, when you select me as one of your conferees on a bill to iron out differences between the House and the Senate, whatever may be my personal views, I feel that I am bound in honor as well as by the practices of the House to do all that I can to uphold the viewpoint of the House. [Applause.] I challenge any man upon the conference committee, or any man on this floor, or any man in the gallery representing this lobby to show where I have ever wavered one moment in an honest effort to get the viewpoint of the House adopted in the conference. The only offense that I have committed is that I tried to stand by what I thought were the wishes of this House and what was the expressed will of this House twice in voting upon this measure. I did try to get some compromise, but that should not be held against me.

There are a good many things in this bill that are not in dispute, a good many things in this bill that a great many bankers are anxious about. I think their anxiety is out of proportion to the value of the things they expect to get, but for that reason the bankers have often said, "Give us the bill, regardless of the Hull amendments, one way or the other." In an effort to get legislation I have offered to go more than halfway upon the Hull amendments with the Senate conferees. I took the position that the American Bankers' Association, after years of quarreling over this matter, after it had gone on record against branch banking, but after it had gotten together in Chicago in 1924, had worked out a compromise embodied in the so-called Hull amendments, and I thought it was a matter of practical procedure for one who desired to get constructive results, to use the compromise measure that the American Bankers' Association had agreed to unanimously as the basis for getting legislation. So in the House, when the last Congress passed the McFadden bill, it had in it the compromise provisions which became known as the Hull amendments, because the gentleman from Illinois [Mr. MORTON D. HULL] in the last Congress, though he is not now, was a member of the Committee on Banking and Currency. We passed the bill during the last Congress, and the bill died in the Senate. I shall not stop to discuss or venture any opinion as to who caused its death, because that is immaterial, that is water over the wheel; but I want to give you the history of this, and to show you what is in the bill and, as far as I am concerned, let you vote the proposition up or down to-day and stop this controversy, because I shall obey your instructions, whatever they may be.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. WINGO. I shall ask the gentleman to wait until I have finished the statement. When the bill came up in the present Congress I had become so disgusted with the actions in the last Congress of some of the supporters of the bill in shifting from the McFadden or House bill to the Pepper or Senate bill that I said that I would have nothing more to do with the bill.

I was in an embarrassing attitude. As I stated to the House before on two different occasions, as the House will recall, while I was helping to expedite the passage of the bill, I would not go on record for any bill that carried perpetual charters for national banks, but I told the House, or at least the Democratic membership of the Committee on Rules, that even though I took that position, I would request them to report a rule for the bill, because it contains too important legislation to have stifled simply because of one bad feature of it. Members of the House will recall the situation when the bill came to the floor of this House. But to go back, this is a bill drawn up in the Treasury, because Mr. Dawes really wrote it out first and Mr. Collins wrote the compromise, so Mr. Drum, from California, says in the Senate hearings. The proponents of the bill in the Treasury urged me to help them put the bill through.

Mr. BRAND of Georgia. Which Dawes does the gentleman refer to?

Mr. WINGO. Henry Dawes, the Comptroller of the Currency.

Mr. BRAND of Georgia. Not the Vice President?

Mr. WINGO. No.

Mr. FAIRCHILD. When he speaks of "this bill" he means the House bill?

Mr. WINGO. Yes. I say the proponents of this bill in the House and out of the House, in the Senate and out of the Senate, in the comptroller's office and out of the comptroller's office, in the offices of the American Bankers' Association, and others, said, "Now, here, you can not afford to stand in the way, let us get some constructive legislation," and finally they gave me their word of honor that if I would help them again in resisting the attacks of those who sought to disrupt the bill and bring about that confusion which for years prevented legislation, they would stand by the bill which the American Bankers' Association has unanimously voted for, the bill which has twice passed this House.

And in keeping with the promise I relied on I went to the Committee on Banking and Currency. The chairman will remember the assurance given that the bill would be reported out and put through the House as he introduced it. As intro-

duced in this Congress it represented the unanimous agreement of the American Bankers' Association. It had provisions in five or seven places which generally became known as the Hull amendments. The bill was reported out. When it came on the floor of the House you will remember that it went through this House practically by a solid vote. There were a great many who did not care to go upon record for any bill that contained certain provisions, but no obstruction was offered.

Then the conference committee was appointed. The branch bankers at that time through their lobby tried to prevent me from acting and boasted to me and threatened to me in person that they would prevent my appointment on the conference committee. Why? On the technicality that I had voted against the bill, when as a matter of fact I was the only conferee who stood in this House for what is known as the Hull amendment and defended the provisions of the House bill on that account. Then we went to conference. I wish you gentlemen knew something of the technique of banking. I wish you knew something of the provisions by which they hoped to spread the evils of branch banking all over this Nation and eventually drive out of this country one of the greatest institutions that has contributed to the development of this Nation, and that is the independent banker. [Applause.]

If I had wanted to follow the line of least resistance, I would have listened to their flattery and inducements to go along with the crowd. Understand, gentlemen, there are many good bankers in this Nation to-day who honestly believe that the independent-unit banking system is wrong and that we should have the Canadian or English banking system in its place. That is the reason why they are dangerous. I know how to combat the machinations of one who is not sincere; but when you have a strong man, a man of courage and influence and standing in the nation, or a group of them, and they honestly believe in a certain thing, they become almost all-powerful if they are unified and equipped with an organization to press their wishes.

I wish you could understand what is involved in the Senate amendments. Gentlemen, the fact is that there is a vast difference between the McFadden bill as it passed the House and the Pepper bill as it passed the Senate, represented by the amendments that were ingeniously injected here and there. They do not strike out all after the enacting clause and put in a separate bill; oh, no. With a fine Italian hand they have injected an amendment here and another there, with the idea of producing hopeless confusion, and with the idea that you would yield upon the Hull amendments and abandon the McFadden bill and accept the bill as it passed the Senate, the so-called Pepper bill.

Mr. BEEDY. Mr. Speaker, will the gentleman yield there?

Mr. WINGO. Yes.

Mr. BEEDY. I want to say that the gentleman has been frank and fair with me, and I would like to have the situation clarified and ask him this question at this time: The gentleman refers to the Hull amendments as though they were identical with the continuing of widespread banking. Now, let me ask the gentleman this question: Have the Hull amendments ever involved the question of state-wide banking?

Mr. WINGO. I will show you before I get through. That is the evil of amendment No. 1 of the Senate. It has even deceived the brilliant brain of the gentleman from Maine. It deceived the gentleman from Illinois [Mr. HULL].

Mr. BEEDY. Both the McFadden bill and the Hull amendment opposed state-wide banking.

Mr. WINGO. That is the position, ostensibly; that is the thing of which I complain. Not one single man who has tried to put over the Senate amendment or this so-called compromise submitted to you to-day dares to admit in the open that he is in favor of state-wide banking, but every mother's son of them in the conference chamber point out the beauties of branch banking and try to show what a beneficent effect it has had upon the State of California. When a man tries to show that it is beneficial, I am puzzled as to his intellectual twist, to say the least of it.

In my 30 minutes I want to show you the difference. I will show you how Members have been misled. They told you, and they told the country, and told the Senate, that the House has never had any hearings on this bill. The fact is that the most exhaustive hearings ever held on this bill were held by the House committee. It is true, to be sure, that they were held in the last Congress. But why should we put the Congress to the expense of having stenographers take the same testimony over again? The technical fact is that this committee in this Congress did not have a hearing, but they relied upon the hearings taken in the last Congress on the same identical bill. Why, I ask, put the Congress to the expense of taking additional evidence? They said—particularly one gentleman who was swept away by the fervor of his zeal for branch banking—said the comptroller was in favor of branch banking, and because of that he said the House committee did not dare consult the comptroller.

You will see, gentlemen, by consulting the hearings that Henry Dawes was the practical author of the bill in the first instance. If you will turn to page 2 of the report of the Comptroller for 1925, you will see that Mr. McIntosh was very much concerned about it. He said the provisions of this bill as passed by the House would protect against further encroachments of branch banking within the Federal reserve system.

His recommendations were based, he stated, on the assumption in the first place that state-wide branch banking is wrong in principle, and that as a national policy the national banks should not be permitted to engage in branch banking; and again stress was laid on the necessity of not permitting it within the Federal reserve system itself.

The SPEAKER pro tempore. The gentleman has consumed 20 minutes.

Mr. WINGO. I wish I had time to give the whole story, but I have only 10 minutes left. Now, gentlemen, if you have the bill before you, I wish to point out certain things. But before I go to that I want to state frankly that I advised both the Senate and the House conferees that their report in the present form would be subject to a point of order. Does any of you deny it? I warned you of that. And every parliamentarian consulted warned you that its provisions were plainly subject to a point of order, and you were advised that the point of order would be made. I hope the point of order will not be made because I am anxious to have a vote directly on the points in controversy so I may be fully advised of your wishes, and as your agent act accordingly.

I will tell you the plan I suggested. We talked about the different ways and I suggested this way of getting it back and getting the judgment of the House. I suggested that they make a partial report embodying only those things upon which all six of us could agree. I suggested that we bring it back to the House in that way and then either take up the disagreed to amendments en bloc or take them up seriatim and get the judgment of the House on them. But my suggestion was overruled, and they bring in a report that they know will be rejected on a point of order; but when that happens I want the House to express itself. Why am I so anxious to have the judgment of the House to-day? As I say, this conference report is subject to three points of order; but so far as I am concerned, I do not want a point of order made. I am willing to face the issue here to-day. I want to know how this House stands, and I will tell you why.

When I got into conference, in combating the Senate amendments, I took the position that the House committee would not in the first instance have stood for such proposals as are included in this report and that the House committee and the House would not stand for it now. The gentleman from Pennsylvania [Mr. MCFADDEN] told them he believed the House would stand for it. Why should the Senate conferees yield when the chairman of the House conferees leads them to believe that the House will stand for the Senate proposal? They would be foolish to yield, would they not?

I think the gentleman from Pennsylvania is mistaken, and as proof of my contention that he could not get this proposition through the House committee I challenge him to-day to leave it to them—to the members of the committee and to the Members of the House. I challenge him to explain why, if he thought the House committee was with him, he did not get his committee together and let them act on this conference report; and I make the statement at this moment that 13 out of the 20 Members that are on this floor or in this city are against the conference report and against the proposed compromise upon amendment 26 and have so advised me personally.

I say that 13 Members, regardless of politics, are against the conference report. I make that statement and I challenge its contradiction. If it is contradicted I will poll the Members right here, because I speak only of those who have told me personally where they stand. So when I speak here to-day, I speak as to the judgment and conclusion of the majority on both sides, Republicans and Democrats, of the Banking and Currency Committee of the House.

Now, my friends, I started to tell you about trying to get a compromise with the Senate conferees. I said to the Senators, "I will meet you more than half way in order to get legislation; I do not want our bill killed." I agreed that if they would insert in one of their subsections to Senate amendment 26 the phrase "at the date of the approval of this act," I would be willing to go with them all the rest of the way and let the Senate have its way upon all of the amendments which I thought

were objectionable to the House, but which were not so important from the standpoint of the House. They would not agree to do that, and that shows you the Senate conferees were willing to do what? That they were willing to kill the good provisions of the bill, willing to sacrifice the provisions with reference to the charters of Federal reserve banks, and willing to kill everything in order to prevent us from having the Hull amendment retained at one place in the bill.

Now, gentlemen, another thing I want you to notice. I want you to turn to amendment 1. Get your bill. That amendment is simply the insertion of the word "State" on page 2. Of what significance is that? It looks at first blush all right, but let me call your attention to the fact that when we got ready to put everyone of the compromise propositions in, one of the bases was this, that the bill should carry a provision which would kill the existing roundabout way by which state-wide branches were brought into the national system, and the way we agreed to do it unanimously in the House committee was to provide for a direct consolidation of a State bank with a national bank, instead of the present method, and we would do it under the terms of the present law referring to the consolidation of two national banks. If you will take the Senate bill without the Senate amendment in it and turn to the present law, as found in the national banking act, you will find it says:

The same county, city, town, or village.

In other words, the House bill provided for consolidation of a State bank with a national bank just as the present law provides for the consolidation of two national banks "within the same county, city, town, or village," but the Senate amendment No. 1 adds the word "State" to the bill, so that as to State banks but not as to national banks the State bank situated anywhere in a State may consolidate with a national bank anywhere in the State and retain its present state-wide branches. The Senate denies this to national banks, because the Senate amendment leaves the law as it is on consolidation of two national banks; that is, they must be within the same "city, town, or village." The McFadden bill repealed the existing law where, by an indirect method, state-wide branches could be brought into the national-bank system, and provided that in consolidation State banks should be limited to the same rights as national banks under existing law.

Now, the Senate amendment not only destroys what the House did in that regard—and instead of having the present roundabout cumbersome method that is some check—they facilitate the practice of the present evil by providing for direct consolidation, thereby providing directly for bringing state-wide branch banks into the national system. That is something no man can deny. They defended it in conference and said that is what they want to do.

Now, they talk about coercion. In my proposition I agreed to accept the amendment of the Senate as to State-bank members of the Federal reserve system, but I provided for Congress retaining control over the national-banking system. Twenty-two States now allow branch banking and 26 States do not. I said in my compromise, "I will let those States do as they please, so far as State-bank membership in Federal reserve system, because the Senate is talking about the coercion of the States, but let Congress retain its right to amend the charters of national banks should some of those States in the future amend the charters of their State banks, so we shall know exactly what competition is to be met by national banks and meet it with appropriation legislation."

Is not that fair? But they talk about coercion. Ah, gentlemen, the proposal which the gentleman from Pennsylvania [Mr. McFADDEN] will bring here on amendment 26, which you will find in the RECORD of last Thursday, will do what? I have not the time to analyze it, but you read it. It not only puts a premium on and offers an inducement to these other 26 States to embrace this evil and spread it over the whole United States, but it will absolutely coerce them into doing it. Talk about coercion. Who is guilty of coercion? Have you ever heard of an independent banker or any independent bankers' association being guilty of coercion?

Let me give you a sample of the coercion of the branch bankers, which they have practiced in the States where they have been doing it. Let us turn to page 185 of the House hearings. I read as follows:

But there have been such instances. The most flagrant one of them I will leave until the last. The Petaluma Argus, a newspaper published in Petaluma, Calif., issued October 30, 1922, contains the statement of President Maclay, of the Petaluma Swiss-American Bank, something to this effect, that he had received a request from a branch-banking institution to sell to it his banking institution of about $3,500,000 total assets, and that he had declined. That was several years ago.

Ever since that time he has been approached by members of that organization, the president and his junior officers, requesting him to sell out at many different times. Each time he declined to sell. Finally they came to him and stated that if he would not sell out to them they were not going to go to any more trouble in the particular situation by trying to buy a bank, but were going to establish a branch bank de novo. "That being the case," he said, if I remember correctly, "I can see no use holding out any further; and so I sold out."

At the time of the hearing on September 12, 1923, before the Federal Reserve Board here in Washington, we endeavored to get some more affidavits to the effect that coercion had been practiced in one particular community where we knew the same type of coercion had been practiced. In fact, the bank practicing the coercion even went so far as to say that if the unit bank did not sell out to them they would take the community, which existed on two sides of the river, and move it over to the other side and build a complete new town and leave the unit banking institution high and dry. We asked them for an affidavit to that effect and were unable to obtain it. The reason why they were unwilling to give it was explained in a letter they wrote us, saying they were afraid to give an affidavit because of fear of retaliation on the part of the branch bank.

The most flagrant case of coercion on the part of a California branch bank occurred at Santa Maria. That case was thrashed out before the Federal Reserve Board on September 12, 1923. The documents are on record there; but if you will permit me at this time I will just briefly go over the case. Santa Maria is a small town in a territory devoted to raising beans and barley. The depression in the barley and bean crop in 1921 was very great.

This institution—the Bank of Santa Maria—was quite unique in the banking annals of this country. Although the town has about 5,000 or 6,000 inhabitants, the Bank of Santa Maria had about $5,000,000 in deposits, with its head office in Santa Maria. There were three or four small branches surrounding the city from about 5 to 7 miles distant. It therefore became quite attractive bait. One large branch-banking system which desired that deposit liability in order, I think, to swell its own totals, approached the Bank of Santa Maria and desired that it sell out to them. The Bank of Santa Maria declined to do so. At that time when the Bank of Santa Maria was put under pressure by this other organization the president of the bank was ill in the hospital, and the cashier, owing to demands due to the depression which were made upon him, and being one of those men who are quite common in country banking, who sometimes sit up nights with a customer, was driven almost to distraction by the demands made upon him. The bank incidentally had borrowed and rediscounted with its correspondents and the Federal reserve bank about $1,000,000. Its customers were unable to sell their beans and barley. At that time, in order to coerce this institution into selling out, this large branch-banking organization——

Mr. DRUM. Why don't you give the name?

Mr. WHIPPLE. Very well. I will be glad to make it a part of the record. The coercive institution was the Bank of Italy. At that time the Bank of Italy sent a man into the country soliciting the business of the Bank of Santa Maria. It even went so far as to buy up between $60,000 and $80,000 savings deposits, held them three months, and presented them all at one time, about the middle of July, 1921, a time when there was the greatest demand for money in the community.

Shortly after that a vice president of the Bank of Italy, Mr. McDonald—not this one [referring to Mr. McDonnell]——

Mr. WINGO. Presented the accounts for collection?

Mr. WHIPPLE. Yes.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes more as I do not expect to take any time in the debate on the report proper and may not be permitted time in the subsequent proceedings.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WINGO (reading)—

Mr. WINGO. What happened then?

Mr. WHIPPLE. They presented them to the Bank of Santa Maria for payment. The bank, fortunately, was able to meet the demand and paid with a smile. But shortly after that, three or four days, the vice president, Mr. McDonald, of the Bank of Italy, came around and asked the cashier of the institution, "How did you like the crack we gave you? We are going to give you another one." The heads of the institution in desperation went down to the Pacific-Southwest in Los Angeles and saw Mr. Stern, the former superintendent of banks and now the executive vice president of the Pacific-Southwest, and offered to sell the Bank of Santa Maria to the Pacific-Southwest at its own price and on its own terms. Mr. Stern so testified last fall before the Federal Reserve Board. He told them they were not ready at that time to take over any institutions, and that they could not take them over. Three months later the cashier and president of the Bank of Santa Maria went

again to Los Angeles, saw Mr. Stern and his associates, and repeated the offer, and it was accepted. That was the first unit institution the Pacific-Southwest took over. It went into the branch-banking business from that time on.

Mr. WINGO. Are there no statutes covering that kind of situation in your State?

Mr. WHIPPLE. I am not aware of any.

Mr. WINGO. And no criminal proceedings grew out of that transaction?

Mr. WHIPPLE. No criminal proceedings grew out of it that I know of.

I rather think that there are other cases of similar kind in California banking circles, but perhaps not as flagrant as that. I am quite sure that if we unit bankers had at our disposal the files of the superintendent of banks of California, such as the attorney for the superintendent of banks here has, possibly we might be able to get out other cases of coercion which he has knowledge of. I base that statement on Mr. Oliver's own statement before the California Bankers' Association meeting in Del Monte, in which he stated there were a great many things which the branch bankers had done which they ought not to have done.

Finally they had to sell out for a song to a competitor. That is the thing against which I am protesting, Mr. Speaker. That is the evil of the proposal that the gentleman from Pennsylvania [Mr. MCFADDEN] is going to propose here, which embodies the evil of the Senate amendment.'

The philosophy of the House bill is that in order to have certain restrictions upon the spread of branch banking we will authorize branches only in those States where now under State laws the national banks have to meet the competition of State banks with branch banks, but in return for authorizing that we say we must have a check upon the further spread of branch banking. This was the philosophy of the House bill.

When we go to the Senate they not only wipe out practically every restriction we have made, but when they get into conference they go even further than that. They go further, and they put a club in the hands of branch bankers that will coerce the legislatures of the States in spreading this evil which one of the objects of the bill was to check. Do you want to do that? I have done my duty and I do not care what you do.

This does not affect Arkansas. I can take care of the situation in Arkansas, because we are against branch banking. If the provisions of the Senate bill or the provisions that will be offered by the gentleman from Pennsylvania are accepted, the State bankers and the national bankers who are in favor of branch banking will get together and urge the further spread of branch banking.

But, gentlemen, my sole desire is to represent this House. I hope no point of order will be made. I am ready to vote on the question. I want this House to say by its vote to-day whether or not you are standing against branch banking and standing for the McFadden bill as it passed the House, or I want you to say you are willing to surrender and accept the Senate bill.

Let us not go back to conference and have the gentleman from Pennsylvania tell the conferees that the House did not have a chance to vote on the proposition. If a point of order is sustained, I challenge the gentleman from Pennsylvania to bring about a parliamentary situation that will give the individual Members of this House the right to vote their sentiments to-day, and I as one of the conferees will accept that vote as a binding instruction upon me when we go back to conference. [Applause.]

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. WAINWRIGHT. The gentleman's position with respect to branch banking, I think, is well understood. Notwithstanding that, I would like to ask the gentleman what his view is with regard to this new restriction which is presented respecting the limit of population of cities in which branch banks may be established, increasing it from 35,000 population up to 100,000 population?

Mr. WINGO. I will be frank with the gentleman as I have always been frank with the House. The Senate bill and the House bill both put the dividing line at 25,000. That was not in conference. When you bring it in, as they have brought it in, I think possibly it may be subject to a point of order. I think I could reshape Senate amendment No. 26 and make it in order, but as one who is opposed to branch banking, if you are going to have it spread under the other provisions of the bill, I would like to have it restricted as best we can, but I do not think it is fair to the House and to those who do not believe in that proposition to violate the wishes of the House as expressed and the wishes of the Senate as expressed in both bills with respect to the 25,000 provision. Let me show you how that will work out. The branch bankers are perfectly willing to have that provision, but I think the 100,000 proposition has nothing to do really with the principle of the matter, although I can understand how gentlemen are opposed to it. There are, however, other reasons why they should be opposed to it.

Mr. WAINWRIGHT. If the gentleman will yield further, if it is fair and if it is proper to establish the principle that branch banking shall be restricted to the limits of cities, is there any reason why the smaller cities or the cities between 25,000 and 100,000 should not have this privilege as well as cities of over 100,000?

Mr. WINGO. I candidly admit that if I believed in branch banking I would say, "If you are going to give this benefit, if it is a benefit, to any place, why should you not give it to all of them?"

I do not believe this House believes in making the restriction other than as provided in the House bill as well as the Senate bill, limiting it to cities of 25,000. I am willing to obey your orders upon that.

Mr. WAINWRIGHT. May I ask the gentleman further, are we to have any opportunity, as the gentleman understands the procedure, to vote upon the proposition I have raised here?

Mr. WINGO. I will be frank with the gentleman; if I can get to the point where I can move to strike it out, I will not only move to strike out this provision (d), but I will move to strike out at least two other provisions that will take care of the matter that the gentleman has in mind.

Mr. FAIRCHILD. Including provision (e)?

Mr. WINGO. I think I know what the gentleman from New York has in mind. Let me show you what they do under this provision with respect to contiguous territory or metropolitan area. You will remember the House bill was to confine it strictly to the cities. As an illustration, we will take Yonkers. Yonkers is a city, but it is contiguous to New York City, and Yonkers has over 100,000.

Mr. FAIRCHILD. About 115,000.

Mr. WINGO. All right; under the Senate provisions and under the compromise which they have here the banks of New York can put branches over in Yonkers. Under the compromise they are going to offer they limit the number of branches that can be put in the city proper, but when you get beyond the city there is no restriction other than approval by the comptroller, and the sky is the limit. The tiger in the big city can eat the cat in Yonkers, and the Yonkers cat can eat the mouse in Mount Vernon.

Mr. WAINWRIGHT. If the gentleman will yield further, this is a double-barrel proposition—the Yonkers banks are afraid that the New York City banks will come to Yonkers, and the banks of the rural territory are afraid the Yonkers banks are coming to their territory.

Mr. STEVENSON. Will the gentleman yield?

Mr. WINGO. I will.

Mr. STEVENSON. I want to call the gentleman's attention to the fact that these limitations only apply to those States that hereafter adopt branch banking. It does not apply to the city of New York, where they already have it. They can have as many branch banks as they are able to have.

Mr. WINGO. I think the gentleman will find that he is mistaken in the Senate amendment. I thought the same thing as the gentleman does, but every time I read the proposition I find a new nigger in the woodpile.

The House passed this bill almost unanimously, and now those in favor of branch banking are going to ask you to betray the House and fly in the face of the unanimous indorsement of the American Bankers' Association. They have admitted that it is their purpose to spread this over the whole United States, the evil of branch banking. Gentlemen, I challenge you again to vote, and let me say to you that you can not dodge the situation. You may think the question is settled, but the independent bankers of this Nation will be aroused. Monopoly of credit will enable those who desire and have the capital and credit necessary to drive out the independent drug stores, the independent factories, and independent groceries, as well as the small independent banker, and then these independent concerns will join forces and call to account these men who have deserted them and gone over to this branch-banking monopoly. [Applause.]

AMENDMENTS TO BANKING LAWS

Mr. MCFADDEN. Mr. Speaker, I call up the conference report on H. R. 2, the national branch banking bill, and ask unanimous consent that the statement be read in lieu of the report.

Mr. STRONG of Kansas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STRONG of Kansas. I desire to make a point of order to section 20, providing for a commission of three, and when will it be in order?

The SPEAKER. The Chair understands the rule to be that if the statement is read in lieu of the report it is necessary to reserve points of order before the statement is read.

Mr. STRONG of Kansas. Then I reserve all points of order.

The SPEAKER. The gentleman from Kansas reserves all points of order and the gentleman from Pennsylvania asks that the statement be read in lieu of the report.

Mr. MORTON D. HULL. Mr. Speaker, before the statement is read and in view of the reservation of points of order by the gentleman from Kansas, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORTON D. HULL. If the point of order is not sustained, I may wish to introduce a resolution rereferring this conference report to the conference committee with instructions, and the question which I now ask is whether the motion should be made now in order to be in time?

The SPEAKER. The Chair thinks the proper time to instruct the conferees in case the point of order against some portion of the report is sustained and the House should agree to send the bill back to conference is at that time—before the appointment of the conferees and after the decision is made to send it back.

Mr. MORTON D. HULL. All I had in mind was that I should not lose my rights in the matter in case the Chair should not sustain the points of order.

The SPEAKER. In case the Chair should not sustain the point of order, there would——

Mr. MORTON D. HULL. I mean on my motion to recommit.

The SPEAKER. In that case the Chair thinks the gentleman would be in order to move to recommit the report before final action was taken upon the conference report.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry, so that we may know how we are proceeding. Did I understand the Chair to take the position that in the event the point of order which is made should be sustained no further action would be possible?

The SPEAKER. No. If the point of order should be sustained, then the entire report is out of order, and it would be necessary to recommit, to send the bill back to conference.

Mr. WINGO. The House could then take such action as it wished, subject to the general rules of the House.

The SPEAKER. If the House should decide to send the bill back to conference, it would then be in order, before the appointment of the conferees, to instruct the conferees at that time. Is there objection to the request of the gentleman from Pennsylvania that the statement be read in lieu of the reports? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The Clerk read the statement of the conferees.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 15, 16, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29, 31, 32, 34, and 39, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Insert the matter proposed to be inserted by the Senate amendment; and on page 5 of the House bill, lines 23, 24, and 25, strike out "the approval of this act, or from the date of its organization if organized after such date of approval" and insert "its organization (whether organized before or after this section as amended takes effect)"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "and in the branch or branches, if any, retained or established and operated by it in accordance with the provisions of section 5155 of the Revised Statutes, as amended"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: On page 7 of the Senate engrossed amendments, line 23, after "act," insert a comma and "as amended" and a comma; and on page 8 of the Senate engrossed amendments, lines 15 and 16, strike out "of the approval of this act" and insert "this section as amended takes effect"; and on page 8 of the Senate engrossed amendments, line 22, strike out "of the approval of this act" and insert "this section as amended takes effect"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out by the Senate amendment; and on page 24 of the House bill, line 4, strike out "paragraph 2 thereof" and insert in lieu thereof "as amended"; and on page 17 of the House bill, line 20, after "act," insert a comma and "as amended" and a comma; and on page 21 of the House bill, line 17, after "act," insert a comma and "as amended"; and on page 21 of the House bill, line 21, after "Statutes," insert a comma and "as amended"; and on page 21 of the House bill, line 23, after "act," insert a comma and "as amended" and a comma; and on page 25 of the House bill, line 4, after "act," insert a comma and "as amended" and a comma; and on page 26 of the House bill, line 1, after "States," insert a comma and "as amended"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: On page 10 of the Senate engrossed amendments, line 12, strike out "18" and insert "17"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: On page 11 of the Senate engrossed amendments, line 4, strike out "19" and insert "18"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"SEC. 19. That subdivision 2 of the fourth paragraph of section 4 of the Federal reserve act, as amended, is amended to read as follows:

"'Second. To have succession for a period terminating 50 years after the expiration of its original franchise unless it is sooner dissolved by act of Congress or its franchise becomes forfeited for violation of law.'"

"SEC. 20. There is hereby created a joint special committee (hereinafter in this section referred to as the 'joint committee') to consist of three members of the Committee on Banking and Currency of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three members of the Committee on Banking and Currency of the Senate, to be appointed by the President of the Senate, to make an inquiry into the prices of commodities in the United States as affected, since the year 1914, if at all, by the Federal banking laws. The joint committee is authorized to appoint and fix the compensation of such clerical, stenographic, and other assistants, to hold such hearings and to sit and act at such places and times during the sessions and recesses of the Sixty-ninth Congress, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems advisable. The cost of stenographic services in reporting such hearings shall not be in excess of 25 cents per hundred words. Subpœnas for witnesses shall be issued upon the request of the joint committee, or any member thereof, under the signature of either the Speaker of the House or the President of the Senate, and the Sergeant at Arms of either the Senate or the House is hereby authorized and directed to serve all such subpœnas and other processes. The members of the joint committee shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel,

subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the joint committee. The expenses of the joint committee shall not exceed $2,000 and shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman. The joint committee shall report to their respective Houses from time to time the results of its inquiries, together with such recommendations as it may deem advisable" and a period.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

Amend the title so as to read: "An act to further amend the national banking laws and the Federal reserve act, and for other purposes"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 26.

LOUIS T. MCFADDEN,
EDWARD J. KING,
Managers on the part of the House.

GEO. P. MCLEAN,
WALTER E. EDGE,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On Nos. 3, 4, 6, 7, 8, 9, 10, 12, 17, 18, 19, 20, 21, 22, 24, 25, 27, 31, 32, and 34 are clerical or minor clarifying changes.

On Nos. 1 and 11: The Senate amendments provided that a State bank may consolidate with a national bank in any part of the State if the State law permitted two State banks to consolidate under the same conditions. The House bill contained no similar provision, and the House recedes.

On No. 2: The House bill provided for the publication of the time, place, and object of meetings for the consolidation of a national bank with a State bank in a newspaper of general circulation published in the place where the national bank is located. The Senate amendment provided for such publication in addition in a legal newspaper for the publication of legal notices or advertisements, if any such paper has been designated by the rules of a court in the county where the national bank is situated. The House recedes.

On No. 5: The Senate amendment provides that in case of a consolidation of a national bank with a State bank that the consolidated bank should enjoy, among other property rights, franchises, and interests of the constituent banks, the right of session as trustees, executors, or in any other fiduciary capacity. The House bill had no provision on the subject and the House recedes.

On Nos. 13, 14, 15, and 16: The Senate amendments authorize national banks to buy and sell investment securities. The House bill contained no similar provision. The Senate recedes.

On No. 23: The Senate amendment prohibits a national bank from being organized in the outlying sections of a city upon a capitalization of $100,000 if the State law places the same prohibition upon the State banks. The House bill contained no similar provision, and the House recedes.

On No. 28: The Senate amendment provides that national banks might transact general business not only at the place specified in the organization certificate but also at such branches as the bank might lawfully maintain under the provisions of the bill. The House bill contained no similar provision, and the House recedes with an amendment making clerical changes.

On No. 29: The House provision relative to the establishment of new branches of national banks were stricken out by the Senate, and the House recedes. Corresponding provisions were included by the Senate in amendment No. 26.

On No. 30: The House bill provided that no State member bank may establish new branches outside of the home city of the bank except upon pain of expulsion from the Federal reserve system. The Senate amendment retains this provision in a redrafted form, and the House recedes with an amendment making certain clerical changes.

On No. 33: The House provision empowered Federal reserve banks to rediscount for member banks an amount of eligible paper equal to the amount which a national bank could lawfully discount for its customers. This is a liberalization of existing law under which Federal reserve banks could discount for any one borrower only eligible paper not exceeding 10 per cent of the capital and surplus of the member bank. The Senate amendment struck out the House provision and the House recedes with an amendment also striking out the House provision, but further making certain clerical changes in matters of citation.

On No. 35: The Senate amendment amended the Clayton Act by giving the Federal Reserve Board discretionary authority to permit, if the public interest requires, a single person to serve as a director of not more than three banks. The House bill contained no such language, and the Senate recedes.

On Nos. 36 and 37: The Senate amendments provide that national banks may hereafter divide their stock into shares of less than $100 par value. The House bill contained no such language, and the House recedes with amendments changing the section numbers.

On No. 38: The Senate amendment provides for the extension of the existing charters of Federal reserve banks until such time as the charters were dissolved by act of Congress or forfeited for violation of law. The House bill contained no similar provision, and the House recedes with an amendment which provides for the extension of such charters for a period terminating 50 years after the expiration of the present charters, except in case of dissolution by act of Congress or forfeiture for violation of law, and with a further amendment providing for creation of a joint special committee to inquire into the prices of commodities in the United States as affected since the year 1914 by the Federal banking laws.

On No. 39: The Senate amendment grants specific authority to the Federal Reserve Board to discontinue branch Federal reserve banks in order definitely to settle the question which is now before the Attorney General for an opinion as to whether the Federal Reserve Board now impliedly possesses such power. The House bill contained no similar provision, and the House recedes.

On amendment to the title: The House recedes from its disagreement to the amendment of the title by the Senate with a further amendment which states that the bill is to be entitled "An act to further amend the national banking laws and the Federal reserve act, and for other purposes."

The committee of conference have not agreed upon the following amendment of the Senate:

On No. 26: The House bill provided that a State bank upon converting into a national bank may retain only such branches as the State bank might have had in operation within the corporate limits of the city in which the bank was situated, with a proviso that no such branches may be retained which may have been established after the approval of this act in a State which at the time of the approval of this act did not permit branches to the State banks.

The Senate struck out the House provisions and substituted new language which embraced all of the conditions under which a national bank might have branches. The Senate provision permits the retention of all existing lawful branches; the retention of any branch in operation for more than 25 years; the retention of all now existing branches in case a State bank is converted into or consolidated with a national bank; the establishment of new branches by national banks in certain cities in States which permit branch banking at the discretion of the Comptroller of the Currency; and the establishment of branches in incorporated contiguous territory to such cities at the discretion of the Comptroller of the Currency. The Senate provision further provides that no branch could be established or moved without the approval of the Comptroller of the Currency; defines the term "branch," "State bank," "State banks," "bank," and "banks"; and exempts foreign branches from the provisions of the section.

LOUIS T. MCFADDEN,
EDWARD J. KING,
Managers on the part of the House.

Mr. CHINDBLOM. Mr. Speaker, I join in the reservation of the point of order.

Mr. McFADDEN. Mr. Speaker, will the gentleman withhold that until I make a statement?

Mr. CHINDBLOM. Certainly.

The SPEAKER. The Chair understands that the gentleman reserves any points of order that he may make while the gentleman from Pennsylvania makes the statement?

Mr. CHINDBLOM. Yes.

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. McFADDEN. Mr. Speaker, the following Senate amendments to which the House conferees agreed are unimportant, since they involve only typographical changes: 3, 4, 6, 7, 8, 9, 10, 12, 17, 18, 19, 20, 21, 22, 24, 25, 27, 31, 32, 34.

Amendment No. 1, to which the gentleman from Arkansas [Mr. WINGO] just referred, and amendment No. 11 involve the same proposition. This section as it originally passed the House permitted a State bank to consolidate with a national bank within the limits of the county. The Senate amendment would permit a State bank to consolidate with a national bank regardless of county lines if the State law permitted to State banks the right to consolidate under the same conditions. This amendment is of minor importance and is in harmony with the policy of this section. Everything that section 1, as thus amended, permits to be done can be done indirectly if section 1 is stricken from the bill entirely. For example, if a State bank in one section of a State desired to consolidate with a national bank in another section of the State and the State law permitted State banks to make such a consolidation, all that the national bank would have to do would be to give up its national charter and consolidate under the State law. The consolidated bank could then convert back into a national bank. In this roundabout way the same result could be accomplished which this section permits to be done directly. The insertion of the word "State," therefore, simply gives the national banking system the benefit of a more direct procedure. Nothing under this amendment can be accomplished which could not at the present time be accomplished under State laws.

Amendment No. 2 simply provides for the publication of legal notices.

Amendment No. 5 clarifies the language of the House bill as to the right of a consolidated bank to act as trustees, etc.

Amendment No. 23 prevents the organization of a national bank in the outlying districts of a city with a capital of $100,000 unless the State laws permit the State banks to do the same thing.

Amendments Nos. 36 and 37 are designed to permit national banks to issue stock at less than $100 par value if they see fit.

Amendment No. 38 is the amendment which renews the charter of the Federal reserve banks for a term of 50 years. The Senate amendment provided for indeterminate charters.

Amendment No. 39 gives the Federal Reserve Board authority to discontinue a branch of a Federal reserve bank.

There is some doubt about their right in that respect, and the matter is pending before the Attorney General. The Federal Reserve Board is desirous of having the act clarified, and that is the explanation for that amendment.

The gentleman from Arkansas [Mr. WINGO] under the unanimous-consent request has explained to you in advance of the taking up of this conference report his views on the subject of the report and this bill, and in connection with the consideration which is about to be given by you to this conference report on this bill I desire to refer as briefly as possible to certain phases of the measure, fearing that the recent controversy over the Hull amendment may have blinded Members to other important provisions of the bill.

The general purpose of the bill is to adjust the national banking laws to modern banking conditions in harmony with conservative banking practice and without deviating from the high standard which has been set up in the national banking system. Some of the provisions of the bill extend and enlarge the powers of national banks, but only to the extent and in the same manner in which many State banks and trust companies have been operating successfully within recent years. Other sections of the bill affirm and regulate practices which have grown up under the national banking system under the exercise of incidental corporate powers. These practices are common to both State and national banks. Other sections of the bill relate entirely to questions of procedure and not to banking powers, and in this connection an attempt has been made to eliminate some of the red tape involved in the existing law, the declaration of a governmental policy with reference to branch banking.

Since this bill was originally introduced there have appeared from time to time objections to certain provisions, but invariably when these provisions were explained and analyzed the objections were swept aside.

There is one group who oppose the bill as a whole because it has been alleged that it has been formulated without a previous exhaustive, scientific study by a commission of economists and bankers. This group would like to see a bill introduced which would have for its purpose a solution of all of the country's banking problems. In this connection I would state we have not attempted to prepare a scientific codification of all of the banking laws over which the Federal Government has jurisdiction. I realize that there may be need for such a codification and that no doubt there are many unanswered questions of banking over which the Federal Government could take jurisdiction that are not covered in this bill. The point I do want to emphasize, however, is that this bill has a plain, understandable purpose and it does not need a great amount of deliberation by a scientific body to understand what it proposes to do, because each section is an amendment to some particular section of the national bank laws or the Federal reserve law relating to national banks.

After a most exhaustive study by all those who realize the emergency that confronts the national banks, these amendments were decided on to the end that national banks shall have relief now, not at some future time, from obsolete laws that impose burdensome restrictions on the functions of national banks. I claim no pride of authorship except that I have realized for the past 10 years that the national bank act was becoming obsolete and that some modernization was absolutely necessary, and after conferring with the Comptroller of the Currency a representative group of bankers and business men were assembled here in Washington in the office of the Comptroller of the Currency, where an exhaustive study of the national bank act and the Federal reserve act was made, taking into consideration the growing competition of State banks operating under the laws of the 48 States, a tentative plan for national legislation was agreed upon. However, before this was put into definite shape it was submitted to the various experienced examiners and experts not only of the office of the Comptroller of the Currency, but also of the Federal Reserve Board and the governors and Federal reserve agents of the several Federal reserve banks, and after the opinion of prominent bankers throughout the country had been had and the several recommendations of the Federal Reserve Board and the Comptroller of the Currency in their annual reports to Congress had been analyzed and taken into consideration, the drawing up of the final draft of the bill was completed in the office of the Comptroller of the Currency. I introduced the bill in the House where, after very careful consideration and extensive hearings, several amendments were made and the bill was passed on January 14, 1925, but failed of passage in that session of Congress owing to a filibuster in the Senate.

At the present session the bill with some slight changes was reintroduced in the House and passed on February 4, 1926, and was then passed in an amended form in the Senate on May 13, and sent to conference on May 25, 1926.

Generally, the important features in this bill, outside of the sections that deal with the restrictions on branch banking, are the provisions broadening the power of national banks to make real-estate loans; the clarification of section 5200 of the Revised Statutes, which has to do with the lending by national banks on eligible paper; the permission to national banks to declare stock dividends; the permission, under proper restrictions, to buy real estate for purposes of future expansion of its business without making it mandatory to use the property immediately for banking purposes; the clarification of an ambiguous provision of the law relating to the status of chairman of the board of directors and the provision that the president of the bank shall be a member of the board of directors but not necessarily chairman thereof; the provision for indeterminate charters for national banks; the permission for national banks to continue, under proper restrictions, the dealing in investment securities for the benefit of their patrons and customers; and several other sections of the bill deal with technical questions of banking, some of which remove archaic restrictions and repeal obsolete provisions of the law—all tremendously important to the successful operation of national banks to-day.

In considering the question of legislation to limit branch banking we have to take into consideration the fact that a practical situation confronts us, and in dealing with this subject in a practical way we must consider the situation exactly as it exists.

Branch banking is permitted, either by law or regulation, in 22 States, and under rulings of three Comptrollers of the Currency, sustained by an opinion of the Attorney General, additional offices, mostly in cities, have been permitted to organize in those States which now permit branch banking. State banks which are operating state-wide branches have been admitted to membership in the Federal reserve system.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield at that point?

Mr. McFADDEN. Yes.

Mr. WAINWRIGHT. The gentleman assured the House when he put the new section, section 5155, into the RECORD that he did so for the purpose of giving the House a chance to vote upon it. Are we to understand that the conferees on the part of the House have not agreed to amendment No. 26, which is a new section?

Mr. McFADDEN. The conference report just submitted reports a disagreement on amendment No. 26.

Mr. WAINWRIGHT. Does that mean that we will have a chance to vote upon it?

Mr. McFADDEN. I hope it does, unless the parliamentary situation is such that it is impossible. I hope the House will cooperate so that the House may have an opportunity to vote to-day. If the point of order which has been raised is finally sustained, undoubtedly, unless some motion can be made, the conference report as a whole will go back to the conference committee before the House has an opportunity to vote on this particular subject. I say to the gentleman, however, that I am hoping that some plan may be devised whereby the House can vote upon this question to-day.

Mr. WAINWRIGHT. That is on amendment No. 26?

Mr. McFADDEN. I can assure the gentleman of my complete cooperation to that end. I think the House should dispose of this question at this time.

Whether or not this country should have a branch-banking system was determined when the Federal reserve system was established. The development of branch banking since the inception of the Federal reserve system has proceeded at a rapid pace in those States which have permitted State banks to have branches, particularly in the State of California where branch banking has been running rampant. During this development the subject has been much debated and the actions and resolutions of bankers' conventions have indicated that the further spread of branch banking in the United States should be stopped, it being considered an evil.

This bill is a declaration of a national policy on branch banking and limits branch banking to cities of 100,000 population and over in States that now permit branch banking. This definitely limits branch banking to the 22 States which now authorize it; but if, in the future, a State that does not now permit branch banking, should authorize branch banking, national banks would not have equal rights under the limitations of this bill with State banks, but would be restricted to a maximum of five branches each in cities above 1,000,000 population and no branches in cities under 100,000.

Mr. SCHNEIDER. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. SCHNEIDER. The report then does permit an extension to all of the States of national branch banking.

Mr. McFADDEN. Under the limitations that I have just stated.

Mr. SCHNEIDER. However, it does permit an extension to all the States.

Mr. McFADDEN. It confines it to cities of 100,000 population and over. No branch banking will be permitted in any city after the passage of this act which has a population under 100,000, and I would call particular attention to those men who want to curb branch banking to that particular clause. I shall say something further about that later on.

Mr. BEEDY. Mr. Speaker, the gentleman does not want any misconception here I am sure. No bill that has ever been presented here in any form ever recognized state-wide branch banking.

Mr. McFADDEN. The gentleman is correct.

Mr. BEEDY. No proposition now before the House recognized at any time the right of a national bank to have branches except in those States whose laws permit it. It does not extend the right into all of the States under any of the provisions.

Mr. McFADDEN. I shall have to refuse to yield further, because I want to go on with my statement.

Mr. BEEDY. The gentleman was making a statement to the contrary, and I was sure that he would want to be corrected on that.

Mr. NELSON of Wisconsin. Will the gentleman yield for one question?

Mr. McFADDEN. I will.

Mr. NELSON of Wisconsin. I would like to get the chairman's view on this question as a matter of principle. If branch banking is a good thing, why limit it to cities of over 100,000? If it is a bad thing, why limit it? Where is the distinction?

Mr. McFADDEN. I will say in answer to that question that branch banking, in my judgment, is not necessary in cities of 100,000 or less.

Mr. BUTLER. Why not?

Mr. McFADDEN. Because such cities are not congested. In this bill we have a definition of branch banking that has never been arrived at before. Under this bill branch banking in the big cities is permitted in response to the demand for proper banking service due to the fact that congestion exists, and we have confined it to the city in which the parent bank is located.

In the 22 branch banking States, upon the basis of the restriction of branch banking to cities having a population in excess of 100,000, it would be possible for national banks to have branches only in the following cities:

California: Los Angeles, Oakland, and San Francisco.
Delaware: Wilmington.
Georgia: Atlanta.
Kentucky: Louisville.
Louisiana: New Orleans.
Maryland: Baltimore.
Massachusetts: Boston, Cambridge, Fall River, Lowell, New Bedford, Springfield, and Worcester.
Michigan: Detroit and Grand Rapids.
New Jersey: Camden, Jersey City, Newark, Paterson, and Trenton.
New York: Albany, Buffalo, New York City, Rochester, Syracuse, and Yonkers.
Ohio: Akron, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown.
Pennsylvania: Philadelphia, Pittsburgh, Reading, and Scranton.
Rhode Island: Providence.
Tennessee: Memphis and Nashville.
Virginia: Norfolk and Richmond.
Total States, 15.
Total cities, 44.

In the following six States, there being no cities of such size, branch banking would be prohibited entirely:

Arizona, Maine, Mississippi, North Carolina, South Carolina, and Wyoming.

This bill absolutely confines branch banking to 44 cities located in 15 States. Under the Hull provision, which the House passed on, branch banking will be permitted in 199 cities. This is absolutely restricted. I want to call this to the attention of the House, particularly those Members of the House who want to curb branch banking, who want to hold branch banking where it is to-day.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. McFADDEN. I do.

Mr. FAIRCHILD. The gentleman will qualify that statement, will he not, by reference to subdivision (e) which permits branch banking beyond municipalities in contiguous territory?

Mr. McFADDEN. I am coming to that in a moment, which is the question of contiguous territory.

Mr. FAIRCHILD. As to contiguous territory there is no limit whatever as to population?

Mr. McFADDEN. I will explain that when I come to it, but I want to complete this other statement.

Mr. STEVENSON. Will the gentleman yield to me for a mere inquiry?

Mr. McFADDEN. I will.

Mr. STEVENSON. The gentleman evidently will take most of the time allowed, and I want to know if he will object to my having a little time by unanimous consent. The gentleman knows I have been associated with this legislation from the beginning.

Mr. McFADDEN. I certainly will raise no objection.

Mr. STEVENSON. That is, if the gentleman has no time to yield.

Mr. McFADDEN. I will say in addition to what I said a few moments ago I am hoping this matter can be brought before the House this afternoon and settled definitely, and I will cooperate to the fullest extent to see that it is properly presented to the House by the different members of the committee and discussed.

The bill in its present form legalizes membership of State banks in the Federal reserve system with the present existing branches even though they be outside the city limits, but with a definite prohibition against the acquisition "on and after the date of the passage of this act" of any additional branches outside the city limits.

The House bill in the consolidation provision prohibited the consolidation or conversion into national banks of any banks with branches outside the city limits, notwithstanding the fact

that they were organized and in existence prior to the passage of this act, a barrier which was plainly a discrimination against conversion and consolidation into national banks the injustice of which is readily appreciated; therefore the Senate provision is logical and proper. Certainly if a State bank is admitted into the Federal reserve system with its existing branches, a State bank with branches, even though they be state-wide, should be permitted to consolidate with a national bank and maintain its existing branches. Consistency demands this in dealing with the situation as it exists, with a definite purpose and intention of stopping state-wide branch banking exactly where it is and allowing branches within cities of 100,000 population and over as a service, and not a continuance of centralized control extending state or nation wide, but confined definitely to the city where the parent bank is located. A State bank operating branches that is not now a member of the Federal reserve system because of some peculiar reason of its own should not be deprived in the future of membership in the Federal reserve system, provided it has not established any additional outside branches after the date of the passage of this act. The enactment of this bill is definite notice, however, to such a bank that if it organizes any additional extra city branches after the passage of this act, it will have to liquidate such branches before it can become a member of the Federal reserve system. This is a definite check on the extension of state-wide branch banking; and, except for the branches that are already established outside of city limits, in cities with a population of less than 100,000, branch banking, in the proper sense of the term, in the Federal reserve system and the national banking system is forever prohibited, whether the State laws at the present time or in the future permit branch banking.

Mr. HUDSON. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. HUDSON. I think a moment ago the gentleman in his statement spoke of two cities in Michigan——

Mr. McFADDEN. Yes.

Mr. HUDSON. There are three, Flint, Mich., with 146,000 population.

Mr. McFADDEN. Well, Michigan grows so rapidly. I was referring to the 1920 census.

Wherein branch banking in the United States has proceeded up to this point uninterrupted and without restraint, and additional offices to meet competition of State bank branches have been authorized and opened by national banks in certain cities, and this bill legalizes definitely their existence, it also provides specifically that no unlawful branches or additional offices shall be permitted after the passage of this act.

The gentleman from Arkansas [Mr. WINGO], who has opposed this legislation from the beginning, both in committee by his votes and on the floor of this House by his speeches and votes, will attempt to point out the injustice of the provisions dealing with conversion and consolidation of State banks with national banks.

Mr. WINGO. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. WINGO. Does the gentleman say that I have not fought for the House bill and against the Senate bill at all times?

Mr. McFADDEN. The gentleman has voted and spoken against this bill every time it has been up in the House.

Mr. WINGO. No, sir. The matter in controversy was that I have always stood by the House bill. The gentleman is the one who has been against his own bill. He has been voting for his bill and is against it. Does the gentleman know of a single day in conference where he ever stood by his bill, and has it not been like his speech to-day, defending the Senate bill?

Mr. McFADDEN. I will say, in answer to the gentleman from Arkansas, that I have been very consistent for this measure. The gentleman from Arkansas has been standing and insisting on one of the minor things in this bill, a provision he knew the Senators were unalterably opposed to, that which was the least important, in my judgment, of any provision in this bill. I have fought consistently to get this important banking measure enacted. The gentleman from Arkansas is in a very consistent position in opposing the measure to-day.

Mr. BEEDY. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. BEEDY. In referring to that provision which he considers of least importance, is he not referring to the Hull amendment?

Mr. McFADDEN. I am.

Mr. BEEDY. Which the Comptroller of the Currency says ought not to be here, which the Secretary of the Treasury says ought not to be here, which the Federal Reserve Board says ought not to be in the bill?

Mr. McFADDEN. If the gentleman will permit, I will come to that later.

Mr. WINGO. Is the gentleman authorized to speak for the comptroller? He told me he was out of the fight.

Mr. BEEDY. He is out of the fight, but he will answer questions honestly when they are propounded to him.

Mr. McFADDEN. While you have already given this right of membership in the Federal reserve system, he would deprive those banks of membership in the national banking system. Why, I do not know. His argument is inconsistent unless you construe his evident and consistent opposition to the Federal reserve law and any amendments thereto.

It seems to me that it would tend to improvement in our banking system if all State member banks in the Federal reserve system would nationalize their banks. It would insure better supervision of banking and better and more uniform examination, and it would mean national supervision instead of politically controlled State supervision. If the gentleman from Arkansas and others who think as he does prefer the State supervision of banks to that of national supervision, they are quite consistent in their opposition to this provision.

I would like again to emphasize the fact, particularly for the benefit of the gentleman from Arkansas and those who think as he does, that this bill is a definite limitation on branch banking and confines branch banking in the future to the cities in which the parent bank is located, and these cities must have a population of 100,000 or more, and under these circumstances only in those States where the laws of the State permit branch banking.

Another provision in this bill to which the gentleman from Arkansas is particularly opposed, and in this he is also quite uniform, because when the Federal reserve act was under consideration by the Congress in 1912 he consistently fought the enactment of the law and the various provisions therein, he now is opposing the proposed extension of the charter of the Federal reserve system which expires by limitation in 1934. Inasmuch as the House has already given the right to national banks for indeterminate charters, subject at all times to the will of Congress and to the operation of the laws relating to liquidation and insolvency, it would have been right and proper that the same provision be inserted for the continuance of the charter rights of the Federal reserve system. To say that this provision of the law grants a right to existence in perpetuity is not true, and many in opposition have looked with suspicion upon the effort to give national banks and the Federal reserve system perpetual life. The effect of this provision, stated plainly, would have been that national banks and the Federal reserve system might continue to operate for an indefinite period, provided they behaved themselves and obeyed the law. The people of the United States have the right to know at this time that the charter rights of the Federal reserve system are to be continued beyond the present expiration date, and if this 50-year renewal provision, which is part of the "compromise," should be stricken from this bill, as some gentlemen would like to see done, no end of harm might be caused not only in the United States but throughout the world, as the Federal reserve system is the steadying and stabilizing influence of the gold standard of the world. If any uncertainty should arise at this moment as regards the continuance of the future operations of the Federal reserve system, it might so unsettle business conditions in the country as to cause a panic. If there is anything needed at this time, it is to know that our financial system is on a firm and steady foundation, and there should not be any question as to retaining this provision in the bill now that it has been inserted as a part of the bill.

Otherwise it will be notice that Congress questions the advisability of permitting the system to continue in business.

Mr. SCHNEIDER. Mr. Speaker, will the gentleman yield there?

Mr. McFADDEN. Yes.

Mr. SCHNEIDER. Why is it necessary to have that in this bill?

Mr. McFADDEN. I will say to the gentleman that the business interests of the country are entitled to know whether or not this charter is to be renewed. It is true the charter does not expire for eight years yet, but we should not allow it to come up to too short a time before the extension is granted.

Mr. SCHNEIDER. Can not Congress enact that clause separately from this bill?

Mr. McFADDEN. It could. But it is in the bill. I was in favor of that. But if this Congress turns it down to-day it is notice that Congress questions the advisability of the renewal of the charter.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. CHINDBLOM. Does the gentleman think it dangerous to announce that here?

Mr. McFADDEN. I think it would be dangerous and believe you men should know it, particularly those of you who are trying to defeat this bill.

Mr. CHINDBLOM. That would be the natural action of the House on a bill containing a great many features.

THE SO-CALLED HULL AMENDMENTS

Mr. McFADDEN. Now, as to the so-called amendments, as I have previously stated, the main purpose of this bill is to grant more privileges to national banks, in order that they may be on a fair footing with their competitors, the State banks. This fair footing is necessary in order that national banks may not feel constrained to surrender their national charters and accept charters from their States. National banks are compelled to belong to the Federal reserve system while membership is optional with State banks, and therefore comparatively few State banks belong to the Federal reserve system. It follows that a diminution in the number of national banks will mean a weakening of the Federal reserve system, and as that system is the Nation's preventive of panics it follows that it is to the Nation's interests to see to it that national banks remain national banks. For that purpose more privileges for national banks are necessary. That is exactly what this bill is for.

Among the privileges which it provides is the privilege to open branches within a bank's home city. If the city has a population of 100,000 or more and if the bank is situated in a State in which State banks are allowed branch privileges, the House bill with the Hull amendments would grant this privilege only to those national banks which are situated in States where State banks now have branch privileges.

Mr. FULMER. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. FULMER. In South Carolina the national banks could not have branch banks because of the size of the cities in which they are located.

Mr. McFADDEN. That is true. Your State does not expressly permit branch banking, but recognizes their existence.

Mr. FULMER. Still we have State banks with branches which could become members of the Federal reserve system.

Mr. McFADDEN. I think some of those banks are members of the Federal reserve system to-day.

Mr. FULMER. What are you going to do when they come to Congress and ask you to amend the bill so as to allow them to be placed in a position to compete with State banks?

Mr. McFADDEN. I have already stated that those State banks that are already in existence will not be interfered with. National banks will not be permitted to have branches because you have no city with a population of 100,000.

Mr. FULMER. But those banks can not engage in branch banking.

Mr. McFADDEN. The gentleman is making a good branch-banking argument.

Mr. FULMER. I am opposed to branch banking. This is simply an opening wedge for the extension of branch banking.

Mr. McFADDEN. The gentleman is inconsistent and is making a good branch-banking argument.

To-day, since this compromise has been presented, I find a situation which is hard to explain. The gentlemen who are sponsors for the so-called Hull amendments have repeatedly said that they are opposed to branch banking. They should consider that the Hull amendments would permit branch banks to operate over a much wider territory than this bill would do.

But what do we find? We find, to-day, Congress deluged with petitions from banks in cities under a hundred thousand population asking permission to engage in branch banking. Now, because they want to have branch banking in their cities, these gentlemen have changed their minds. It seems now they want branch banks.

Mr. FULMER. You are mistaken so far as South Carolina is concerned. In South Carolina they do not want branch banking. If the gentleman would really stop the practice he would not try to force State banks into the system.

Mr. WAINWRIGHT. Is it not true that the House passed a bill fixing a limit of 25,000 population? Was not that the proposition?

Mr. McFADDEN. It limited branch banking to 99 cities. This confines it to 44 cities and confines all to cities of 100,000 population. To answer the gentleman from South Carolina, we do not force State banks into the Federal reserve system, they go in of their own volition.

Mr. WAINWRIGHT. Did not the bill originally pass in that form?

Mr. McFADDEN. The gentleman is correct.

Mr. WAINWRIGHT. How does it come that the conferees come in now with an entirely new proposition providing for a limit of population to a hundred thousand?

Mr. McFADDEN. Simply because the proposition was worked out in conference and this compromise submitted in response to the demand made for a restricted branch-banking measure.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield again?

Mr. McFADDEN. Yes.

Mr. WAINWRIGHT. I am wondering whether that concession or compromise agreement was necessary when there was no disagreement between the two Houses on that point.

Mr. BEEDY. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. I yield to the gentleman.

Mr. BEEDY. Unless I greatly misunderstand what transpired in the colloquy between my friend from South Carolina [Mr. FULMER] and the gentleman on the floor in preparing this statement to go into the RECORD, which I think ought not to be permitted; if I am wrong, the gentleman will correct me. I understood the gentleman from South Carolina to propound this question: "Could State banks in my State with branch banks go into the Federal system?" The fact is they may not. They must forfeit their branches if they want to go into the system under the original terms of this bill.

Mr. WINGO. The gentleman is plainly in error.

Mr. BEEDY. I ask the chairman to correct me if I am wrong. The original McFadden bill permitted member banks that are already in the system to retain their branches, but if a State bank wants to come into the system subsequently it must forego all of its branches outside of cities.

Mr. McFADDEN. The gentleman is quite correct.

Mr. FULMER. Does the gentleman mean that if this bill is passed they could not come into the system?

Mr. BEEDY. They can not come into the system. It is an antibranch banking bill.

Mr. FULMER. In other words, if they want to come into the system after this bill is passed they will have to nationalize, and then they can bring their branches in with them?

Mr. BEEDY. No; they can not bring their branches in with them. It is an antibranch banking bill.

Mr. McFADDEN. I can not yield further, because I want to complete my statement.

Mr. BEEDY. I am sure the gentleman wanted that matter correctly understood.

Mr. McFADDEN. The gentleman is correct. The Senate eliminated these amendments so that national banks would have the branch privilege if at any future time their States should permit branch banking. Now, the argument in favor of the Hull amendments is that if the bill is passed in the Senate form national banks may agitate for the passage of branch banking laws in their States in order that they may be permitted to open branches, whereas if the bill is passed with the Hull amendments national banks not only will not agitate for branch banking laws in their States but will oppose such laws in order to keep State banks from having a privilege which the Hull amendments deny them. This is the sum and substance of the Hull amendments. The boiled-down argument, therefore, in favor of the Hull amendments is that it will insure the cooperation of the national banks with the State banks in those States that do not now permit branch banking against the modification or change of their laws to permit branch banking. The folly of this argument, however, is readily discernible.

National banks are created and exist under a national law and State laws or authorities have no supervision whatsoever over them. Their influence, then, so far as their existence and operations is concerned in the States, is negative, and the national banks never have in any State attempted to dictate the kind of laws that should govern the operation of State banks; and further, under the provisions of this act, limiting branch operations to cities of 100,000 population or more, branch banking would not exist in the six States heretofore mentioned.

In the 27, at present, antibranch-banking States, even though they should subsequently enact branch-banking legislation, under the restrictions to cities of 100,000 population, it would be possible for national banks to have branches in the following States only:

Alabama: Birmingham.
Colorado: Denver.
Connecticut: Bridgeport, Hartford, and New Haven.
Illinois: Chicago.
Indiana: Indianapolis.
Iowa: Des Moines.

Kansas: Kansas City.
Minnesota: Minneapolis and St. Paul.
Missouri: St. Louis and Kansas City.
Nebraska: Omaha.
Oregon: Portland.
Texas: Dallas, Fort Worth, Houston, and San Antonio.
Utah: Salt Lake City.
Washington: Seattle and Spokane.
Wisconsin: Milwaukee.
Total States, 15.
Total cities, 23.

Therefore, it is plainly discernible how little of real benefit the inclusion of the Hull amendments are in this bill, for the reason that there are no cities having a population above 100,000 situated in the following States: Arkansas, Florida, Idaho, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, South Dakota, Vermont, West Virginia.

Furthermore, contrasting the influence of national banks on State legislation in cooperation with State banks, it might be argued with equal force that State banks, being the sole creation of the States, realizing that national banks by the passage of this act with the Hull amendments had thus been prohibited for all time from having any branches in their State, might think the time propitious and opportune to seek a change in their banking laws giving branch-banking rights to State banks, thus being relieved of any possibility of competition in this field of national banks because of the protection afforded in the passage of this bill and the Hull amendments.

The restriction of branch banking to cities of 100,000 population and over is a restriction that was not contemplated by the proponents of the Hull amendments at the time they were adopted at a meeting of the American Bankers' Association in Chicago.

The main purpose of the Hull amendments was to stop the further spread of branch banking, and the Hull amendments were arrived at as the vehicle of agreement. It is fortunate, indeed, that in the conference between the two Houses, in adjusting the differences on this bill, we have arrived at a far more restrictive plan than is embodied in the Hull amendments. Whereas the bill with the Hull amendments would permit branch banking in 199 cities in 22 States which now permit branch banking, the bill with the present provision will reduce it to 44 cities in 15 States which now permit branch banking. If you include the possibility of branch banking being permitted in the 26 States that do not now permit it, you must under the House bill increase the 199 cities by 118 cities, making a total of 317 cities in 48 States in which branches would be possible, whereas under the compromise provision of the bill as applied to these antibranch-banking States you would only increase it 23 cities, making a total of 67 cities, and confine it to 15 additional States. This is the kind of restriction that the antibranch bankers of the country desire.

It is what they have attempted to say to you in the various letters and telegrams which they have sent in to the Members, and in the interviews which they have had with them here so often, largely the result of an engineered propaganda by a paid emissary. I believe I would be perfectly safe in saying that with but very few exceptions were each of the country banks who have been so persistent in asking Members here to vote for the Hull amendments made aware of this provision limiting branch banking to cities of 100,000 population or more, they would be unanimously for this provision and would discontinue their support of the so-called Hull amendments.

The other day when this measure was sent to conference, in response to interrogations by the gentleman from Illinois [Mr. HULL] and other gentlemen who are interested in further restricting branch banking, I gave the assurances to the House that before abandonment or compromise plan was agreed upon in conference such plan would be submitted to the House for approval or disapproval. The plan is now before you, and I am going to ask all of those who are against a further extension of branch banking in the United States to vote for this compromise plan. It is a better plan than would have been procured had the Hull amendments been agreed to.

The failure of passage of a banking bill at this time would, in my judgment, be general notice to the country that the Congress did not propose to deal with the branch-banking situation and would be general notice to those who wanted to engage further in branch banking to proceed without interruption. No legislation at this session means that we have adopted the branch-banking system in the United States, and it is the death knell to the national-banking system and means that the Federal reserve system will be controlled by the State bank members who are voluntary members of the Federal reserve system, and the future operation and control of the system will be largely under the supervision and control of the laws of the 48 States whose destinies are presided over and influenced by political control.

I beg of you, gentlemen, to consider your vote seriously on this proposal, as it determines whether or not there shall be banking legislation at the present session of Congress.

I am sending to the Clerk's desk to be read a letter from the Secretary of the Treasury, a letter from the Federal Reserve Board, and one from the Comptroller of the Currency in regard to the Hull amendments.

The SPEAKER. Without objection, the Clerk will read the letters.

There was no objection.

The Clerk read as follows:

THE SECRETARY OF THE TREASURY,
Washington, June 4, 1926.

Hon. L. T. MCFADDEN,
Chairman Committee on Banking and Currency,
House of Representatives.

MY DEAR MR. CHAIRMAN: I have your letter of June 1, asking my opinion as to the merits of the so-called Hull amendments to the national bank bill (H. R. 2). In reply I wish to state that it is my belief that the Hull amendments should be eliminated from the bill.

I concur in the report already made to you by the Federal Reserve Board and the Comptroller of the Currency on this subject.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

TREASURY DEPARTMENT,
Washington, June 2, 1926.

Hon. L. T. MCFADDEN,
Chairman Committee on Banking and Currency,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I beg to acknowledge receipt of your letter of June 1, in which you inform me that the only serious obstacle to the enactment of the bank bill (H. R. 2) is a disagreement between the House and Senate conferees over the so-called Hull amendments and with reference to which you ask my opinion and recommendation.

As I understand it, the bill without the Hull amendments, and in the form in which it passed both the House and the Senate, would have the effect of denying both to national and State member banks of the Federal reserve system in every State the right to establish branches outside of the home city of the parent bank. The Hull amendments are, therefore, not involved in this question of the restriction of State-wide branch banking, and I take it there is no disagreement between the House and the Senate on this point.

In addition to the foregoing restrictions on what may be termed "branch banking" proper, the bill without the Hull amendments, and in the form in which it passed both the House and the Senate, further denies to national banks the right to have home city branches in any State which denies that right to the State banks.

The immediate effect of the bill, therefore, regardless of the Hull amendments, would be to prohibit in every State the further spread of state-wide branch banking within the Federal reserve system and, in addition, to prohibit national banks from having branches in the 26 nonbranch banking States.

The Hull amendments would add a third restriction which would deny both to national and to State member banks the future right to have home city branches in any of the 26 nonbranch banking States which may hereafter permit home city branch banking. In such an event only nonmember State banks could establish such branches.

Neither my predecessor in office, Mr. Dawes, nor I have heretofore made any recommendations to Congress with reference to the Hull amendments. In my opinion they are not of sufficient importance to cause a serious controversy. I should regard it no less than a calamity to our banking system if this important bank bill is made to suffer defeat on account of an insistence upon the enactment of the Hull amendments.

Yours very respectfully,

J. W. MCINTOSH, *Comptroller.*

FEDERAL RESERVE BOARD,
Washington, June 3, 1926.

Hon. L. T. MCFADDEN,
Chairman Committee on Banking and Currency,
House of Representatives, Washington, D. C.

DEAR MR. MCFADDEN: In answer to your letter of June 1, asking for an expression of opinion from the Federal Reserve Board on the

so-called Hull amendments to H. R. 2, the board has directed me to say that it is of the opinion that the Hull amendments should be eliminated.

Very truly yours, EDMUND PLATT, *Vice Governor.*

Mr. McFADDEN. Mr. Speaker, I am not going to take up much more time of the House, but inasmuch as reference was made by the gentleman from Arkansas [Mr. WINGO] to the position of the late Comptroller of the Currency, Henry M. Dawes, I am going to insert in the RECORD a communication from him covering his activities in connection with the securing of the passage of this particular legislation. I am also going to ask unanimous consent to introduce in the RECORD a letter from the National Association of Credit Men asking for the passage of this bill; also a letter from the National Legislative and Information Bureau, Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen; also a letter from the president of the Chamber of Commerce of the United States:

COLUMBUS, OHIO, *June 2, 1926.*

DEAR MR. MCFADDEN: I have read with some interest the debates in the House in connection with the Hull amendment, particularly Mr. HULL'S comments. In view of the fact that the implication was made that the comptroller's office was responsible for the principle suggested in this amendment, I should like to state to you the facts, so far as the connection I had with it as comptroller is concerned.

Mr. Roy O. West, one of the eminent attorneys of Chicago and a personal friend, called at my office and made the statement that he and a group of bankers who were clients of his were opposed to the McFadden bill. Coming from Chicago, I was acquainted somewhat with the local situation and am of the opinion that the group for whom he spoke were bankers located in the outlying districts of Chicago. It was also my opinion that the views which he expressed were not, as a matter of fact, the views of the majority of the outlying banks, or at least a majority of these outlying banks were not disposed to take the aggressive and extreme position which he expressed. Even though I believed, from personal knowledge and contact, that Mr. West spoke for only a minority of a single class of bankers in Chicago, his personal standing and that of his clients was such that I felt it was not only a duty but a pleasure to be of such assistance as I could to him.

Mr. West stated, in substance, that he and his friends felt that the McFadden bill should not pass as it then stood, their fear being that if it were passed the national banks, which, he felt, had always been opposed to the establishment of branches even within the limits of a single municipality, would combine with the State banks and go to the State legislature to secure permissive legislation along this line. He believed that his associates would combat the bill unless a provision was inserted that in case of liberalized laws in this respect the national banks should be excluded from participation, but State bank members of the Federal reserve system should be allowed to conform. I explained to him the futility of expecting any legislative body to agree to write plainly into the law a discriminatory provision of this kind, even if they approved of the principle of the relatively minor discrimination which would permit an existing situation in a number of States and deny it to others when the same conditions developed in them.

As I remember it, he eventually conceded the point, and agreed that any legislation designed to cover future conditions should apply equally to national and State member banks. This is the principle of the Hull amendment as it was finally presented. Mr. West asked Mr. Collins and me to put the proposal in legislative form, which we did. He then asked me if I would present the matter to you with my favorable recommendation, which I declined to do, as my interests in the branch-banking feature of the bill, as you know, were entirely due to two general theories:

First, that the principle of absentee control over local finance was involved in the establishment of branches in one community by bankers who had their headquarters and residence in another. To my mind, this principle involves the certainty of concentrated control and the destruction of community independence. It has, however, nothing whatever to do with the question of the handling of local facilities, such as the establishment of different officers of a bank in the same town.

Second, we are faced with the necessity of restoring equality of opportunity as between the national and State banks within the Federal reserve system, or being reconciled to a system composed only of State banks with a voluntary membership and no Federal control. On account of traffic conditions and changes in the development of some of the larger cities State laws permit State banks to establish branches in outlying districts and the national banks can not exist within these cities without the same facilities. The absentee principle is not involved in any way. This has resulted in a situation where, as you know, some of our large cities are left with only a bare representation of national banks, and, in my opinion, the ultimate extinction of the whole system is threatened. I do not believe that, in permitting a bank to add to the convenience of its patrons while confining its operations rigidly to one town, any compromise is made with the principles of real branch or absentee banking, to which I am opposed in every form.

The Hull amendment does not seem to me to have anything to do with the basic principles which are involved in the McFadden bill. Real branch banking will not be permitted, either with or without this amendment. It is a confusion of terms to apply interstate banking or the form of banking which is practiced in Canada to additional facilities of a bank which are all confined to the limits of a single municipality. Inferentially, the Hull amendment recognizes this distinction and merely limits the time at which it must be applied to the present. I could not bring myself to an indorsement of the amendment because it seems to me to be based on a principle opposed to the fundamental idea of the bill, viz, that the facilities of local banking should be regulated by the local authorities and that the Federal Government should not attempt to interfere with the desires of a community unless or until a principle was involved which would be prejudicial to the interests of the Federal instrumentalities, the national banks, and the Federal reserve system. In my opinion, a state-wide branch-banking system would have this effect, as well as being opposed to public policy.

After innumerable conferences with bankers from all sections of the United States, I remember only one or two cases in which bankers who had thoroughly studied and understood the Hull amendment attached very much importance to it. The feeling against genuine branch banking in the United States is, in my opinion, very widespread, and in some way the impression has been conveyed that this principle is involved in the Hull amendment.

I would like, therefore, to make it clear to you, since my name has been used in the debate, that the comptroller's office under my administration was not responsible in any degree for the Hull amendment, and never gave it its indorsement.

I am sorry if you do not agree with me, but I feel that the matter of the Hull amendment is one which involves adjustments to future conditions, whereas the substance of the McFadden bill is to meet an imminent peril. If it is not possible at this moment to agree as to how future developments should be met, I see no reason why a vitally important piece of legislation should be killed. If the proponents of the Hull amendment are determined it should be enacted into law, why not do it at the next session? If those opposed to it are equally rigid and convinced of the justice and popularity of their cause, I see no reason why they should object to this. In the meantime, if they do not do this and the bill fails, the national-banking system and the Federal reserve system will be subjected to an injury from which they will not soon recover.

The charge has been frequently made that the Federal Government is unmindful of its creatures, the national banks, and that the various States are jealous guardians of the interests of their banks. If your bill is defeated through a quarrel over the proper way to meet a hypothetical situation that can develop only at some indefinite future date, it will be very hard to answer this argument.

Yours very respectfully,

HENRY M. DAWES.

Hon. L. T. MCFADDEN,
House of Representatives, Washington, D. C.

NATIONAL ASSOCIATION OF CREDIT MEN,
OFFICE OF THE EXECUTIVE MANAGER,
New York, June 2, 1926.

Hon. L. T. MCFADDEN,
House of Representatives, Washington, D. C.

MY DEAR MR. MCFADDEN: As you know, our association is very greatly interested in the McFadden-Pepper bill, and I am inclosing copy of a declaration adopted unanimously at our thirty-first annual convention held during the week of May 24 in New York City.

It is our firm belief that nothing should be permitted to interfere with the passage of the bill at this session of Congress and that the conference committee will be permitted to reach conclusions acceptable to both Houses.

We are confident your personal inclinations are toward this end, and that your influences will be exerted to sweep aside in the conference committee any differences which may interfere with the action of the two House before the adjournment of Congress.

There is a great deal at stake in this measure, and to lose its important and fine features merely because of minor differences would be unfortunate and greatly deplored, in our judgment, by the country at large.

The offering of our declaration and opinion will be, I hope, of service to you; and appreciating your personal labors, I am, with esteem,

Sincerely,

J. H. TREGOE,
Executive Manager.

NATIONAL LEGISLATIVE AND INFORMATION BUREAU,
Washington, D. C., June 16, 1926.

DEAR CONGRESSMAN: The undersigned would most respectfully request that you favor and vote for the report of the conferees on the McFadden banking bill, H. R. 2.

Respectfully yours,

H. E. WILLS,
Assistant Grand Chief,
National Legislative Representative,
Brotherhood of Locomotive Engineers.
C. J. GOFF,
Vice President,
Acting National Legislative Representative,
Brotherhood of Locomotive Firemen and Enginemen.
W. M. CLARK,
Vice President,
National Legislative Representative,
Order of Railway Conductors.
W. N. DOAK,
Vice President,
National Legislative Representative,
Brotherhood of Railroad Trainmen.
T. M. PIERSON,
Vice President,
National Legislative Representative,
Order of Railroad Telegraphers.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
OFFICE OF THE PRESIDENT,
Washington, June 4, 1926.

Hon. LOUIS T. MCFADDEN,
House Office Building, Washington, D. C.

DEAR SIR: The provision giving indeterminate charters to the Federal reserve banks, which is embodied in the McFadden-Pepper bill (H. R. 2), now in conference, is the most important piece of legislation for the welfare of the country now before Congress. The prosperity of this country, its ability to finance the war and postwar reconstruction, without disastrous dislocation of our economic and social life, was principally due to the Federal reserve system. This system which, almost immediately after its inauguration, was able to stand the test to which it was subjected should at once be placed on a permanent basis. Its continuance should not be subject to trading on details of its structure or modification of its policies and practices.

Continued confidence is necessary for continued prosperity and national well-being. Should any question arise in the minds of the American public over the renewal of the Federal reserve charters it would be a disastrous blow to this confidence. The defeat of this provision in the McFadden-Pepper bill can not help but place in the minds of the American public and of American business men such a question.

On behalf of American business I earnestly and respectfully urge that you give your support toward the immediate enactment of this provision for the renewal of the Federal reserve charters. I firmly believe that, if it is passed, the adoption of this proposal will go down in history as one of the outstanding achievements of the Sixty-ninth Congress.

Very truly yours, JOHN W. O'LEARY,
President.

I will say to the House that the bill has also been indorsed by the American Federation of Labor, and this morning among the telegrams I have received is one from the chairman of the New York State Bankers' Association, reading as follows:

Following resolution adopted at national-bank section meeting New York State Bankers' Association convention, Quebec, June 21:

"National-bank section of New York State Bankers' Association in meeting assembled heartily indorse the McFadden bill and respectfully request earnest consideration for prompt passage of said bill."

Mr. WINGO. Will the gentleman yield? The gentleman has asked leave to put in the RECORD certain letters which have not been read.

Mr. McFADDEN. Yes; I yield to the gentleman.

Mr. WINGO. The Hull amendments are in the McFadden bill. Now, are those people for the McFadden bill or are they for the Senate bill, which destroys the Hull amendments? Are the gentlemen for the McFadden bill or for the Senate bill? The McFadden bill has the Hull amendments in it.

Mr. McFADDEN. This telegram, I will say to the gentleman, is from the New York State Bankers' Association and they are aware of the compromise proposition which is being considered.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. FAIRCHILD. I have a communication from the Westchester County (N. Y.) Bankers' Association opposing the proposition largely because of your contiguous territory provision extending branch banking beyond the limits of cities.

Mr. WAINWRIGHT. I will say to the gentleman that I have a similar telegram from bankers in the smaller cities of one section of New York opposing the bill on account of the unfairness of the limitation of 100,000.

Mr. McFADDEN. I am very glad these gentlemen have risen. It emphasizes what I said a few moments ago about the contradictory and cross currents in regard to this legislation. Both of these gentlemen have banks in their districts that have branches and they want to continue to do branch banking but they do not want branch banking in New York City to extend into their suburbs.

The situation in that connection with respect to the contiguous territory provision is that it is only permitted in States where State banks have that right now, and the purpose is to give national banks an equal opportunity to meet such competition. It is only permitted in cities that are immediately contiguous to the city line where the parent bank is located, and then only with the consent of the Comptroller of the Currency, and the Comptroller of the Currency can not give his consent to the establishment of a branch in a contiguous territory until the public need has been shown after a public hearing and after full information has been determined; and then under no circumstances can it go beyond that metropolitan area.

Mr. NEWTON of Minnesota. Will the gentleman yield.

Mr. McFADDEN. Yes.

Mr. NEWTON of Minnesota. There is certainly no consistency whatever in the attitude of the Senate in reference to their handling of several of these cases, but on the contrary, it is wholly inconsistent.

Mr. McFADDEN. I will say in answer to the gentleman from Minnesota that I do not want to discuss what the Senate has done or has not done, but my understanding is the gentleman is referring to branch banks in Minneapolis which have been established and the State law as to their right to continue to exist is being questioned.

I do not know that I should discuss what took place in conference, but I believe it was the contention of the interested parties that this Congress should not attempt to legalize or to deal with a situation which is pending or is about to be pending in the courts.

Mr. NEWTON of Minnesota. I understand that, but they took care of the Camden situation, and they took care of another situation involving a particular city.

Mr. MORTON D. HULL. Mr. Speaker, a parliamentary inquiry. For how long a time was the gentleman from Pennsylvania recognized?

The SPEAKER. The gentleman from Illinois can not take the gentleman off the floor by a parliamentary inquiry.

Mr. NEWTON of Minnesota. They took care of those situations; and if they take care of one, in order to be consistent or logical or fair, they ought to take care of all of them.

Mr. McFADDEN. I realize the gentleman from Minnesota has a situation in which he is intensely interested.

Mr. MORTON D. HULL. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. McFADDEN. If the gentleman from Minnesota will defer a moment, I will yield to the gentleman from Illinois.

Mr. MORTON D. HULL. Mr. Speaker, the gentleman from Pennsylvania has spoken for more than an hour.

The SPEAKER. The gentleman from Pennsylvania has been speaking under a reservation of a point of order. Of course, at any time the point of order can be made, which would take the gentleman from Pennsylvania off his feet.

Mr. MADDEN. Mr. Speaker, I suppose it would be in order to demand the regular order at any time?

The SPEAKER. Of course.

Mr. MADDEN. I do not want to interrupt the gentleman's discourse, but I think it might be well to shut off this debate at some time or other.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. BRAND of Georgia. The letter which the gentleman read from the Comptroller of the Currency is dated June 4, and the question I want to ask is whether the gentleman has any information as to the judgment or conviction of the Comptroller of the Currency in regard to this report. He is heartily in favor of the proposition as outlined in his letter of June 4, but what is his attitude about this report at this time?

Mr. McFADDEN. I will say to the gentleman that the comptroller is in favor of the passage of this bill with this amended provision.

I ask unanimous consent, Mr. Speaker, to revise and extend my remarks by inserting the matters referred to.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. FAIRCHILD and Mr. SCHAFER rose.

Mr. SCHAFER. Reserving the right to object——

Mr. MADDEN. Mr. Speaker, I would like to demand the regular order unless my colleague or some other gentleman here wants to proceed further.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania to embody certain papers in his speech?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I want to ask a question with reference to one of the papers which is to be inserted. What was the date of the letter that the gentleman received from the brotherhoods in favor of this conference report?

Mr. McFADDEN. June 16, 1926.

Mr. SCHAFER. Was that after the conference report was printed?

Mr. McFADDEN. The conference report was printed on last Tuesday, June 15. Yes; it was the day after.

Mr. SCHAFER. Certain of those brotherhoods have national banks themselves, have they not?

Mr. McFADDEN. Yes, they have.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McFADDEN. I desire to say a word concerning the retention of existing branches.

The effect of Senate amendment to section 7(b) and section 9 upon the Federal reserve and national bank systems.

These provisions would permit nonmember State banks to become members of the Federal reserve system and to become members of the national bank system and to retain any branches which they may have in lawful operation at the time H. R. 2 becomes a law. Any state-wide branches established after the enactment of H. R. 2 would have to be relinquished as a condition precedent to membership either in the Federal reserve or national bank system.

Section 7(b) would also permit any State bank which is now a member of the Federal reserve system to become a national bank and to retain any branches which it may have in lawful operation at the time of the enactment of H. R. 2.

Both of these sections, therefore, would permit branches now legally existing outside of the city in which the parent bank is located to be retained after nationalization or after entrance in the Federal reserve system. Under the Senate provision, however, a nonmember bank situated in a branch-banking State would have to cease all state-wide branch banking as of the date of the enactment of H. R. 2, or else lose the right to nationalize or to become a member of the Federal reserve system.

The provision in the bill as it passed the House would deny to nonmember State banks the right to become either national banks or members of the Federal reserve system unless they relinquished all branches outside of the city in which the parent bank is located regardless of the date of their establishment.

The House bill goes further and would deny to any member of the Federal reserve system the right to become a national bank except upon condition of relinquishment of all branches situated outside of the city in which the parent bank is located. There are 245 nonmember State banks in the United States which have branches outside of the home city. In addition there are 54 State member banks of the Federal reserve system which have branches outside of the home city. The House provision, therefore, would exclude 299 banks permanently from the national system and 245 from the Federal reserve system. The nonmember banks with outside branches situated by States are as follows:

Arizona	4	Massachusetts	6
California	50	Ohio	8
Delaware	4	Michigan	3
Georgia	10	Mississippi	8
Maryland	15	Pennsylvania	9
North Carolina	34	Alabama	4
South Carolina	4	Arkansas	2
Rhode Island	2	Florida	1
Tennessee	14	Indiana	1
Virginia	18	New Jersey	4
Louisiana	21	Washington	3
Maine	20		

Total States, 23; total banks, 245.

The State member banks of the Federal reserve system which have outside branches are situated in the following States:

Arizona	2	Massachusetts	2
California	11	Ohio	8
Georgia	5	Michigan	1
North Carolina	4	Mississippi	1
South Carolina	1	Pennsylvania	2
Rhode Island	3	Alabama	1
Tennessee	1	New Jersey	3
Louisiana	4	Washington	1
Maine	3	Wisconsin	1

Total States, 18; total banks, 54.

Under the House provision these banks would be denied the opportunity to conform to a national policy, notwithstanding the fact they established branches under the authority of State law before such national policy had been formulated. The House provision, therefore, by categorically excluding these banks from the national and Federal reserve systems affords no alternative except that of continuing to establish branches under the State law. To this extent the House provision encourages the further spread of branch banking.

On the other hand, the Senate provision issues an invitation to these banks to cease their state-wide branch-banking operations by conforming to a national policy, which becomes effective from the date of the enactment of this bill. Not only would the Senate amendment not permit the establishment of any additional state-wide branches, but it would encourage all State banks engaged in state-wide branch banking to cease these operations in order to become eligible for membership in the Federal reserve and national bank systems. The Senate amendment is consistent and logical and is in harmony with the general policy of the House bill not to disturb the status of branches now lawfully established under State or national law.

I want to point out frankly to you that the House provision is inconsistent in that it not only encourages the establishment of additional branches of nonmember State banks and by putting nonmember banks with state-wide branches at an unfair disadvantage, but also in that it permits State member banks of the Federal reserve system to retain the state-wide branches which they may have at the time of the approval of this bill, but at the same time prohibiting these member banks from becoming national banks and retaining these branches. In other words, for the purpose of the Federal reserve system, it is not contrary to the policy of the House bill for State banks now members to continue as members with state-wide branches, but it is contrary to such policy for such member banks to become national banks and continue to operate such branches. The very purpose of this bill itself is to equalize opportunities between State and National banks within the Federal reserve system. This is done on the one hand by a conservative increase of powers for the national banks and on the other hand by making the conditions of membership in the Federal reserve system more restricted for State banks with reference to branch banking.

Mr. WAINWRIGHT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAINWRIGHT. Is it in order, Mr. Speaker, to offer a further objection to this conference report?

The SPEAKER. No point of order has yet been made. A point of order has been reserved and the Chair will recognize the gentleman from Kansas whenever he seeks recognition.

Mr. MADDEN. I ask for the regular order, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Kansas.

Mr. BEEDY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BEEDY. The gentleman from South Carolina [Mr. STEVENSON], a member of the committee, wants to make some remarks on the bill. If we permit a point of order to be discussed now, will members of the committee be foreclosed from discussion?

The SPEAKER. No one has a right to speak under a reservation of a point of order except by unanimous consent.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, I would like to ask whether members of the committee can not agree as to how much debate they want before points of order are argued, in order that we may know how the time is to be used.

Mr. McFADDEN. A parliamentary inquiry. I am extremely anxious that the House should vote and settle this compromise proposition. I am not sure, under the peculiar parliamentary situation, that the House is going to have that opportunity. I want to propose to you, Mr. Speaker, this question—whether or not, if the point of order is sustained, I can then offer a motion

to bring this compromise matter squarely before the House, so the House can vote, in which case a vote for the compromise proposition would be a vote for the passage of the bill and a vote against it would send it back to conference and maintain the Hull amendments? I want to know whether such a motion would then be in order.

The SPEAKER. The parliamentary situation is this: If the point of order is made on the conference report on the ground that the conferees exceeded their jurisdiction, and that is sustained, the conference committee ceases to exist. But a motion to further insist on the disagreement of the House to the Senate amendments and ask for a conference is in order.

Mr. McFADDEN. Then I would like to have the Members of the House understand that if the point of order is sustained I will make a motion to that effect.

Mr. BEEDY. That motion is debatable, is it not?

The SPEAKER. A motion to further insist; yes.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Would it not be in order, if the point of order is sustained to the conference report, to ask unanimous consent that the House vote up or down the gentleman's proposition? If it is agreed to, then the conferees will agree to it. If it is voted down, then the gentleman would treat that as an instruction to stand by the House bill.

Mr. McFADDEN. I will read the motion that I propose to make. The motion which I propose to make which will bring the matter before the House is as follows: I will move, if permitted, that the House insist on its disagreement to the amendments of the Senate Nos. 1 to 25 and 27 to 39, inclusive; that the House recede from its disagreements to amendment of the Senate No. 26 and agree to the same with an amendment as follows.

Which is the compromise proposition which I put in the RECORD last Thursday, the 17th, which I will not read, because you are all familiar with it.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes.

The SPEAKER. The gentleman from South Carolina renews his request to proceed for 15 minutes. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, may we not have a general agreement as to debate?

Mr. STEVENSON. I have sat here for three weeks with my mouth closed; can not the gentleman get that agreement while I am speaking?

Mr. BEEDY. Reserving the right to object, I want to understand this matter. I am in the same position as the gentleman from South Carolina. I have had no opportunity to say anything and the gentleman from South Carolina and myself have put in some time on it. If we now defer the unanimous-consent requests a motion will be offered by the chairman of the committee and we will have an opportunity to discuss it.

Mr. STEVENSON. I should prefer to discuss it immediately, because there are certain statements that have been made by the chairman of the committee to which I disagree.

Mr. KING. Reserving the right to object, and I do not object provided I am given unanimous consent to proceed for 20 minutes immediately following the gentleman from South Carolina.

Mr. FREE. Mr. Speaker, in order to bring this matter to a conclusion, I object.

The SPEAKER. The gentleman from California objects.

Mr. McFADDEN. Mr. Speaker, I make this suggestion: I ask unanimous consent that debate may proceed for one hour, 30 minutes to be controlled by the gentleman from Arkansas [Mr. WINGO] and 30 minutes by myself.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that debate on this proposition may proceed for one hour, one-half to be controlled by himself and one-half by the gentleman from Arkansas [Mr. WINGO].

Mr. STRONG of Kansas. And at the end of that time I may make my point of order.

The SPEAKER. Is there objection?

Mr. BEEDY. Reserving the right to object, I understand that 15 minutes will be given to the gentleman from Illinois [Mr. KING] and 15 minutes to myself.

Mr. WINGO. Where does the gentleman from Illinois [Mr. HULL] come in?

Mr. McFADDEN. I understand this to be proceeding under unanimous consent. Then the Speaker would rule on the point of order, and if the point of order were sustained and I was privileged to do so, I would offer my motion. On that motion an opportunity would be given for debate on that specific proposition, would it not?

The SPEAKER. In case the point of order was sustained, the Chair would recognize the gentleman from Pennsylvania to make that motion, and the gentleman from Pennsylvania would have an hour at his disposal.

Mr. MADDEN. Then would it not be in order, if the House should agree to the appointment of conferees, before the Speaker appoints them, to move to further instruct the conferees.

The SPEAKER. If the House should agree, and the point of order should be sustained and the motion of the gentleman from Pennsylvania adopted, it would then be in order before the appointment of the conferees to move to instruct the conferees.

Mr. MORTON D. HULL. And on that motion I would be privileged to be heard?

The SPEAKER. Yes.

Mr. KING. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BEEDY. Mr. Speaker, will the gentleman withhold that until he hears my proposition?

Mr. KING. Yes.

Mr. BEEDY. Mr. Speaker, there is pending a unanimous-consent request for one hour's time to be controlled by the gentleman from Pennsylvania and the gentleman from Arkansas. If the gentleman from Pennsylvania will modify that request, and I would like the attention of the gentleman from South Carolina [Mr. STEVENSON], would the gentleman have any objection to a request that an hour be now agreed to, by unanimous consent, 20 minutes to be given to the gentleman from South Carolina, 20 minutes to the gentleman from Illinois [Mr. KING], and 20 minutes to myself.

Mr. STEVENSON. Oh, I can get along with 20 minutes.

Mr. BEEDY. Then I make that unanimous-consent request, Mr. Speaker.

Mr. STEVENSON. Mr. Speaker, there is objection raised over here. This matter has been debated for an hour and a half on the side of those who propose this report, and we at least ought to have 30 minutes. I am willing to give the gentleman from Illinois [Mr. KING] five minutes from my time. That may settle the matter.

Mr. BEEDY. And I will take 15 minutes, and that will give the gentleman from Illinois 20 minutes.

Mr. McFADDEN. Then, Mr. Speaker, I renew my request.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that debate upon this proposition proceed for one hour, with the understanding that the gentleman from South Carolina [Mr. STEVENSON] have 30 minutes, the gentleman from Pennsylvania and the gentleman from Illinois to divide the other 30 minutes. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Speaker, I ask to be notified at the end of 20 minutes, as I have promised 5 minutes to the gentleman from Illinois [Mr. KING].

It might be well for us to ascertain what the alleged purpose of this bill was, in so far as it dealt with branch banking. I say the alleged purpose, because it has been prostituted to other purposes since it left this House. A controversy existed as to the condition of national banks in competition with State banks that have a right to have branches. The Comptroller of the Currency and many of the bankers were complaining that the national banks were being driven out of the system because of the fact that the State banks had the right to have branches, and they could not stand up against the competition of the State banks with their branches. That existed in 22 States, and the first proposition was that we would put the national banks on an equality with the State banks wherever they had branches. Everyone considered that the spread of branch banking was an unfortunate thing and was not in the interest of a sound and safe banking system. So we would do the best we could to equalize the opportunity of national banks which was necessary for the maintenance of the Federal reserve system, with the State banks that have the right to have branches. We adopted, therefore, what is known as the Hull amendment in order to keep it within those States. The Hull amendment provided that the national banks could not engage in branch banking in any State where branch banking was not permitted by the State law after the passage of this bill; that they had to come back to Congress to get a mandate to engage in branch banking in any other State except the State where branch banking existed when we passed this bill—to wit, 22 States. That is all the Hull amendment stood for and that is all it meant, and that simply meant that the State legislatures were not to be allowed to shape the policy of the national banks, but that their policy should be shaped by the Congress and Congress alone. The proposition then

was, and the intention of the House as we understood it was, to bring about this equality of opportunity and yet to restrict the extension of branch banking everywhere where it was possible, and we did it in many ways. That was the theory of the House. We said that we would give equality, but we would restrict as much as possible the evil of the branch-banking system and would not allow it to spread to the national banks anywhere beyond where it now existed in State banks without the consent of Congress. What has the Senate done with it? They have changed the whole policy. We said to them that if the State hereafter repeals the branch-banking privilege, immediately the national banks have got to stop and conform to that State law.

But in case of the States extending the branch-banking privilege they say, we will not let you enter that field unless Congress consents. Now, what has the Senate done? They have turned around that principle, turned it around so that Congress has lost control. If a State undertakes now—that has not branch banking—to say to the State bank, "You can have branches," the national banks can have them also and will be allowed to extend branch banking. Let us see what it amounts to. A great many people say it is fair. Maybe it is, but it is not good policy. Why? Because 26 out of the 48 States to-day refuse to allow branch banking, and it is largely attributable to the fact that the national bankers of those States have stood up to the legislature and said, "We do not want branch banking here. We have not got the privilege. It is unsound, we do not want to extend it here"; and the result has been the legislatures have refused to adopt branch banking. How are you going to fix——

Mr. ABERNETHY. Will the gentleman yield?

Mr. STEVENSON. Now, are you going to fix it so that the State and national banks will be together? You want to understand all of them have the right under this report immediately on State action to embark in branch banking, and you will have combinations like that, and they will run over any legislature almost because the combination of the banking interests of the State are so powerful it will bring about branch banking in every other State in the Union.

Mr. ABERNETHY. Will the gentleman yield?

Mr. STEVENSON. I can not yield now.

Mr. ABERNETHY. Had not we better have a quorum?

Mr. STEVENSON. No, sir; I have a quorum.

Mr. ABERNETHY. Mr. Speaker, I raise the point of no quorum.

Mr. STEVENSON. All right.

Mr. ABERNETHY. Mr. Speaker, I raise the point of order there is no quorum present.

Mr. GARRETT of Tennessee. Will not the gentleman withhold that?

Mr. ABERNETHY. Mr. Speaker, I am very much interested in this bill, and I have not a chance to say a word, and I wanted to ask a simple respectful question; that is all, and I did not know of any other way of securing recognition for that question than to raise the point of order of no quorum.

Mr. STEVENSON. Mr. Speaker, I have very little time, and this is the first time I have had an opportunity to address the House since this controversy arose. I can not yield to this gentleman because if I do I should have to yield to everybody else.

The SPEAKER pro tempore (Mr. LEAVITT). The gentleman declines to yield.

Mr. STEVENSON. If it brings a quorum call, we will have to have it.

The SPEAKER pro tempore. Does the gentleman insist on his point of order?

Mr. ABERNETHY. I will not insist, but I think the gentleman is very unfair to me. I will not insist out of respect to the House, but I think I ought to be allowed to ask the gentleman a simple question.

Mr. STEVENSON. If I have time before I get through, I will answer questions, but I do not desire now to be interrupted, because if I yield to the most distinguished gentleman from North Carolina I will have to yield to the most distinguished gentleman from Pennsylvania and to everyone else.

Now, gentlemen, let us see what the Senate has done. Take section 3. There is a provision in there that the State and national banks could consolidate, but that they must be in the same county when they consolidated. That meant they could not consolidate state-wide. What is the proposition in the Senate amendment? The first thing they do is to provide that any bank incorporated under the laws of any State or any banking corporation in the District of Columbia may be consolidated with a national banking association located in the same State. "County, city, town, or village"—there is no use in putting that in if it is in the same State. If in a city, village, or county, it would be in the same State, as it is made state-wide. What will happen? You take the city of Alexandria over here. I use that for illustration; I do not know whether they have branch banking there or not—say, they have a State bank at Alexandria and it had branches, say, at Manassas, Fairfax, Arlington, Quantico, and Fredericksburg, and probably a great many more than that in a great many places. Under this provision, if there is a national bank in Richmond it can come there and consolidate with the bank in Alexandria and keep a branch there and a branch at the other places and bring it all in the Federal reserve system, and you will have a state-wide branch-bank system. Oh, but gentlemen say they are limited by this provision. The American National Bank, for example, in the city of Richmond, which has over 100,000 inhabitants, in section 5155 here is what they do—I want to call attention as to whether there is a restriction there or not:

(b) If a State bank is hereafter converted into or consolidated with a national banking association, the said association may retain and operate such branches, if any, as were being maintained and operated by said State bank at the date of the approval of this act.

What does that mean? That was not broad enough, but this amendment, No. 26, which is proposed and put in the record here, goes even further and says:

(b) If a State bank is hereafter converted into or consolidated with a national banking association, or if two or more national banking associations are consolidated, the consolidated association may retain and operate such branches, if any, as any of said banks may have in lawful operation at the date this section as amended takes effect.

Now you see what they have done so far as the consolidation feature is concerned. They have fixed it so that you can take a State bank that is in existence now within 100 or 200 miles of the seat of a national bank in a city of a hundred thousand—they can take that and consolidate it into a national bank and have branches spread over that whole territory if they were in existence when this act was passed. Yet they tell you it does not spread it. It deliberately dumps it right into the situation.

Not only that, but when they come over to the conversion feature, where a State bank can convert into a national bank, what did we have in here? We provided that the State bank should not retain any of the branches outside of the corporate limits of the city where it was. We provided further that it should not retain any branches in any State after the approval of this act where the State itself was not permitting State banks to have branches.

What do they do? They strike that all out and allow a national bank to retain every branch that is in existence when this bill is passed and blanket the country with branch banks. That is what it does. That is another instance where they strike out the provision protecting the State, the provision requiring our national institutions to conform to the laws of the State, and then they go on and add terms which allow them to go on in contravention of State laws.

You say that is a brash statement—that they shall have the right to maintain them in contravention of State laws. Let us see. I read:

(a) A national banking association may maintain and operate such branch or branches as it may have in lawful operation at the date of the approval of this act: *Provided*, That any national banking association which has continuously maintained and operated not more than one branch for a period of more than 25 years immediately preceding the approval of this act may continue to maintain and operate such branch.

They can keep all of those; and then the clause I read to you as to consolidation. They can consolidate with the bank in spite of the fact that the State says there shall be no branch bank there. That is a reversal of our program.

Then you go on to the national bank, the national bank that has the right to establish branches, and let us see what they do further. We put it in here that—

It shall be unlawful for any such consolidated association to retain in operation any branches of such State bank which may have been established beyond the corporate limits of the city, town, or village in which such consolidated association is located, and it shall be unlawful for any such consolidated association to retain in operation any branches which may have been established subsequent to the approval of this act—

And so on. We provided that—

it shall be unlawful for any such association to establish a branch in any State subsequent to the enactment hereafter by such State of a statute which shall deny to all banks created by or existing under the

laws of such State the right to establish branches within the corporate limits of the municipality wherein such banks are located.

What have they done with that? They have stricken it all out, and they have written a lot of language in over here which means that they can go on and maintain everything they can get and leave the State helpless against it.

Now, there is another provision that is proposed here, and I want to direct your attention for just a moment to that.

Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has six minutes.

Mr. STEVENSON. This is the proposition that I want to discuss with you. This is for the relief of national banks that were being jeopardized by the contest with and competition of banks that had the right from their State to maintain branches. Where were those banks largely located? In the great cities? No. The big city banks can take care of themselves. These banks were in cities of from 25,000 to 100,000 inhabitants, and the cry was coming that they had to surrender their charters and go into the system. This proposition that they bring in here is that they take away the right that we have granted—to equalize the thing; to take away the right to all those banks of cities of from 20,000 to 100,000, and give them the right to add a metropolitan area without limitation. Who knows what a metropolitan area will be under a Comptroller of the Currency who is inclined to favor the extension of branches? Who knows to what extent or how large a county adjoining the city of New York can be incorporated into a metropolitan area and branch banks created all over it?

Mr. FAIRCHILD. There may be no limit to it.

Mr. O'CONNOR of New York. There are 100 cities in a metropolitan area.

Mr. STEVENSON. Yes. There may be 100 cities in a metropolitan area. Now, if the gentleman from North Carolina wants to ask me a question, I shall be glad to answer it.

Mr. ABERNETHY. Does not the gentleman's argument lead to the conclusion that the Congress is undertaking to control State banks and branch State banking? Is not that so?

Mr. STEVENSON. No. I do not understand so. Congress has established a Federal reserve system on the basis of the national banks, and then it is founded on the State banks that see fit to come in; and Congress is only undertaking to say to the members and the participants in that great Federal institution that "You shall have a square deal. We will not allow unfair practices in the State to destroy your efficiency and thereby run you out of the Federal reserve system and let the system fall." That is all we propose to do. We propose to take care of that national institution, because it has demonstrated its usefulness and power, and is one of the necessary institutions of this country.

Mr. ELLIS. Mr. Speaker, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. ELLIS. Where the situation of the national bank is such that it has to compete with State banks, it may have branch banks?

Mr. STEVENSON. Yes. But I object to the metropolitan idea of making the big city banks the only beneficiaries of that power to compete.

Now this bank bill has many other faults to it, but the main thing you want to remember is that wherever the House stuck in a peg to restrict branch banking, the conference committee pulled out that peg and allowed further branch banking.

That is the situation absolutely, and then in order that they might have a powerful influence to get this through they have said, "We are going to confine it to you fellows in cities of 100,000 inhabitants," thereby depriving banks in many of the States of any participation in it at all.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. WAINWRIGHT. As I understand it, the gentleman is opposed to that 100,000 population limitation.

Mr. STEVENSON. Yes. I am in favor of the bill as written by the House. I stood here and appealed to my colleagues on the Democratic side to vote for it and the majority of them did vote for it. I want to say to them now that we have been betrayed in the House—I will not say of our friends, but we have been betrayed in our position, and if any of you vote for this report you ought to have "Ichabod" written across your faces. [Applause.]

Mr. WAINWRIGHT. Will the gentleman yield further?

Mr. STEVENSON. Yes.

Mr. WAINWRIGHT. I would like to ask the gentleman what he has to say as to the proposition that there was no dispute whatever upon the limitation of 25,000 population; that was the provision which was in the House bill and also the provision which was in the Senate bill, and when there was no dispute where was the justification for writing into the bill something which was not a matter of dispute?

Mr. STEVENSON. The gentleman will have to ask the marines. But there was something somewhere and somehow and that influence ought to be brought forth. Apparently it is without any putative father and no body seems to be responsible for it except this committee.

Now, just one other thing. I want to call the attention of the House once more to the provision on page 21:

> Any such State bank which, at the date of the approval of this act, has established and is operating a branch or branches in conformity with the State law, may retain and operate the same while remaining or upon becoming a stockholder of such Federal reserve bank; but no such State bank may retain or acquire stock in a Federal reserve bank except upon relinquishment of any branch or branches established after the date of the approval of this act beyond the limits of the city, town, or village in which the parent bank is situated.

Now, I want to call your attention to the fact that that is pretty largely the House provision. That amendment affects banks which come into the Federal reserve system, but it does not limit those banks which do not; it does not limit the banks that convert into national banks at all. A bank can convert from a State bank into a national bank and retain all of its branches wherever situated, and under this proposition they can be situated all over the State. They have recognized our regulation there but they have not recognized it by putting it where it will be effective. [Applause.]

The SPEAKER pro tempore. The gentleman from South Carolina has used 20 minutes.

Mr. STEVENSON. Mr. Speaker, I reserve the balance of my time and yield five minutes to the gentleman from Illinois [Mr. KING].

Mr. McFADDEN. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. KING].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 20 minutes.

Mr. KING. Mr. Speaker, there are some gentlemen on the floor of this House who are very anxious to make a point of order. It has not yet been disclosed what the point of order is, but I take it it is going to be made to the small and inconsequential amendment known as section 20 added to this bill. Therefore while it is in order and while I have this time, I desire to make a few statements explanatory of that section, irrespective of the merits of the point of order.

Your conferees agreed on section 20 as covering the very desirable purpose of having a small joint committee of the House and the Senate to make an inquiry into the one purpose which is stated in two lines of this section, to wit:

> To make an inquiry into the prices of commodities in the United States as affected, since the year 1914, if at all, by the Federal banking laws.

The purpose is simple and easily understandable, and it was thought by the conferees that so many statements and charges had been made throughout the country of late that it was well to settle by congressional action this very important question which is so vital to the people of the country and have done with it once and for all.

Furthermore, there has been going on before the House Banking and Currency Committee a hearing on Professor Fisher's theory of stabilizing the dollar, and in connection with this hearing it is most important to know if any influence is brought to bear upon commodity prices by the laws now in effect, how this influence acts, and to inquire into the very close contact with which the question of stabilizing the dollar, which is nothing else than stabilizing the prices of commodities which the dollar can buy, with the present Federal banking laws of our country. It is absolutely necessary that this be ultimately done, and it seems to me that a judicial inquiry of the matter involved would be the simplest and easiest way of disposing of this troublesome question. An inquiry may establish the fact that none of the Federal banking laws of this country have any direct or indirect effect upon the prices of the people's food; but if it should develop that such effect is had beneficially or injuriously, it should be known to the Members of the House and the Senate who are charged with the responsibility of knowing these things and how and in the best manner to apply such knowledge. What we want to know is—

1. If there is any financing of the staples of life for inordinate gain.

2. How far prices of commodities are influenced by the indefinite issue of paper money.

3. Is there a harmonious and sympathetic movement in the prices of commodities reflected in the deflation or inflation of the paper currency?

4. Whether or not the law of supply and demand is functioning freely in the determination of commodity prices.

5. Whether the ancient crime of forestalling the market is or is not being fostered and financed by virtue of any laws which we have unwittingly set up.

6. Whether the prices of commodities are maintained at a high level to absorb money and enormous volumes of credit instruments.

7. Whether or not as charged the quantity of paper money issued is controlled by any special group of men; and if so, why?

8. Whether or not the yardstick of commodity prices is subject to be expanded or contracted within the control of a small group of men; and if so, who they are and what connection do they have with reference to the administration of the Federal banking laws.

9. Are any of these Federal banking laws the real cause of the continual and feverish campaign by groups of people in organizing, protesting, and attacking prices, sometimes causing a temporary relief, and all the while the real, big cause of such high prices to the consumer—not the inordinate and starvation prices to the farmer—is due to some of said Federal banking laws as administered, and that as long as the Government keeps printing paper money the outrageously high prices charged to the people for commodities will continue.

Section 20 is wholly in the interest of all the people of the country. It is particularly in the interest of capital, which has been charged with engaging in a saturnalia of high prices, and to the common people at large, who must buy their daily bread, must clothe their naked bodies, and acquire the ordinary necessities of life.

All of us are printing on our campaign literature that we are for the people, and I honestly believe we all are. We are the only representatives which the people have in the administration of the Government, and therefore I am certain that in the interest of all concerned and the general welfare of our country this small and as it has been called "inconsequential" amendment will meet the unanimous approval of the House.

Mr. Speaker, everyone of us now thoroughly understands the Hull amendments. They are found in lines 16 to 23, inclusive, of page 5, in section 3 of the printed McFadden House bill No. 2, and also in lines 19 to 25, inclusive, of page 12 and in lines 1 and 20 of page 13, all in section 7 of the same bill. They are similar and have the same import.

While they are strictly amendments to the McFadden bill of 1924 adopted in the House, in the present bill, H. R. 2, they appear as integral parts of the bill, and were so reported out by the Committee on Banking and Currency, and so passed in the bill by the House February 4, 1926, by a vote of 293 to 90.

The original House bill is not strictly an antibranch banking bill, because in all States where branch banking is permitted it authorizes any national banking association—section 8, page 12, lines 12 to 25, inclusive, and on page 13, lines 1 to 26, inclusive—or any national banking association having been converted from a State bank or through consolidation therewith to retain its branches inside its own city—lines 12 to 25, inclusive, and on page 13, lines 1 to 26, inclusive—to the extent of one in cities between 25,000 and 50,000; two in cities between 50,000 and 100,000; over 100,000 the number is unlimited.

Branches already established could be maintained (sec. 8, p. 13, lines 10, 11, 12). Therefore, the House bill irrespective of the Hull amendments allows branch banking by national banks in 199 cities in 19 States; that is to say, to cities having a population of over 25,000 and less than 100,000, in addition to permitting and ratifying the continuances of countless branches of national banks already established in States where branch banking is tolerated.

At this point in our consideration of the House bill in step the Hull amendments. Referring to consolidated associations mentioned in section 3 of the bill and to national banking associations referred to in section 7 of the bill, they provide that it shall be unlawful for the same to retain in operation any branch wherever located which may have been established subsequent to the approval of this act in any State which did not at the time of the approval of this act permit State banks or trust companies created by or existing under the laws of such State to have branches.

In a layman's language this simply means that it shall be unlawful to retain branches in operation in any antibranch State after the passage of the act.

These Hull amendments, like a Missouri compromise, divide the banking Nation into two parts, one-half to be free and one-half to be antibranch banking. The evils of branch banking are confined and quarantined into 20 States and permitted to fester in their own filth, while 28 States are disinfected and inoculated against the malady, at least until a time when Congress itself should change the situation so created by a repeal of the Hull provisions.

The following 17 States prohibit by statutory enactment branch banking in any form: Alabama, Arkansas, Colorado, Connecticut, Florida, Idaho, Illinois, Indiana, Minnesota, Missouri, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wisconsin.

In addition to the above, there are the following 11 States where the law is silent with reference to branch banking but in which branch banking is not permitted: Iowa, Kansas, Montana, New Hampshire, North Dakota, Oklahoma, South Dakota, Vermont, West Virginia, Nebraska, and New Jersey.

The following 17 States specifically authorize by statutory enactment the establishment of branches either state-wide, county-wide, or home city: Arizona, California, Delaware, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Rhode Island, New York, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and Wyoming.

The following three States permit branch banking in a limited form under opinions of the attorneys general or of court decisions: Kentucky, Michigan, and Pennsylvania.

The Senate on May 13, 1926, among other things, struck out of the House bill these so-called Hull amendments. A conference having been agreed upon between the two Houses we have as a result thereof the conference report now under consideration. The conference now brings to the House, per agreement, the McFadden substitute for the Hull amendments for its instructions.

The conference on gathering immediately reached its impasse. On the one hand were arrayed the Hull amendments, advocated by the House, involving the direct prohibition against the further establishment of branches by national banks in antibranch States, except as to a limited number of specified cities; and, on the other hand, the Senate proposals extending to branch bankers a wide-open invitation to do a free and unlimited business, confronted us.

Many good qualities of the original House bill were thus diluted and adulterated by certain Senate ingredients. A fly was dropped in the ointment. "Old Dog Tray" not only found himself in bad company, but with an annoying can tied to his tail. The fly is still in the ointment, but the can has been separated from the poor dog's tail.

Your conferees finally tentatively agreed to a compromise for the Hull amendments, proposed by themselves and subject to the approval of the House, which is to be principally found in subsection (d) of the compromise proposed, as inserted in the RECORD by the gentleman from Pennsylvania [Mr. MCFADDEN] on June 17, 1926, at page 11483. This compromise proposal (subsection (d)) instead of, as in the Hull amendments, making it unlawful for national banks to retain branches in antibranch States after the passage of this act, makes it lawful in plain, unmistakable language for a national bank to operate a certain curtailed, limited, and definite number of branches in such States which are now antibranch when, if at any time in the future, they may reverse their present policy and become branch-banking States. And when such time comes, if ever, and not until then, may a national bank establish and maintain such branches in such States only as are in excess of 100,000, and then only with a further limitation and curtailment of this privilege whereby only one such branch of any national bank may be established in a city or town where the population does not exceed 250,000, and not more than two branches where such population does not exceed 500,000, and not more than three such branches to such national banks where such population does not exceed 750,000, and not more than four such branches where such population does not exceed 1,000,000, and not more than five branches, is permitted to any national bank where the population of such city exceeds 1,000,000.

An opponent of branch banking will realize that this system has already taken a hold in nearly one-half of the States in the Union, which condition can not be remedied.

Mr. NELSON of Wisconsin. Will the gentleman yield?

Mr. KING. Yes.

Mr. NELSON of Wisconsin. Is it not the gentleman's opinion that whether the Hull amendments are adopted or whether this limitation is adopted—and I want to say I believe this goes further than the Hull amendments—the Nation now is on the pathway of branch banking and that the independent system is undermined?

Mr. KING. The Nation is not only on the way of branch banking but it is on the way of branches in everything else,

in the drug business, in the restaurant business, and all kinds of business. Every type of business is now being put under the control of large organizations.

Mr. McFADDEN. Will the gentleman yield?

Mr. KING. Yes.

Mr. McFADDEN. I call the attention of the gentleman from Wisconsin to the fact that branch banking is proceeding now unlimited. There is no restraint on it so far as State banks are concerned.

Mr. NELSON of Wisconsin. On account of the comptroller's laxity?

Mr. McFADDEN. Yes.

Mr. KING. There arises a serious doubt that while the substitute proposed does not attempt, as does the Hull idea, to exercise a distant future control, nevertheless, does not the proposed substitute, leaving as it does future legislation on the subject exclusively with Congress, present for his consideration a more effective way of controlling the branch banking evil than do the very Hull amendments themselves, because does it not seem to be true that under the House bill with the Hull amendments no branches of national banks would be permitted in any of these cities referred to even though the State laws were changed to permit branch banking by State banks? It will be seen, therefore, that the Hull amendments would give a practical immunity from branch banking in the 118 cities by discouraging branch banking legislation in State legislatures, yet they do not constitute an absolute protection against branch banking because in all fairness it must be recognized that in every one of these 27 States permitting State banks to have branches, the national banks there would be in a very strong position to urge Congress to give them relief. That is to say, it would be within the realm of possibility for State legislatures in the 27 antibranch banking States to permit branch banking, and under these circumstances it would also be within the realm of possibility for Congress to permit national banks to have branches in these States.

Mr. McFADDEN. Will the gentleman yield?

Mr. KING. Yes.

Mr. McFADDEN. The gentleman from Wisconsin stated that branch banking was proceeding because of the laxity of the Comptroller of the Currency. I did not hear that remark until I had answered yes. I do not agree with that part of the gentleman's remarks. Branch banking is proceeding not because of the laxity of the comptroller but is proceeding because State banks have the right to let it proceed.

Mr. KING. That is the fact, I believe.

Mr. NELSON of Wisconsin. But the comptroller has not resisted the effort of national banks to have branch banks.

Mr. McFADDEN. I differ with the gentleman there, because he has only granted the right to have additional offices in those cities where State banks are in strong competition, and in order to preserve the national system it was necessary to do that.

Mr. KING. The conferees have reached an agreement to limit branch banking by national banks to cities having population in excess of 100,000. In the 27 Hull amendment States—that is to say, the States which now prohibit branch banking—there would be only 23 cities in which it would be possible for national banks to have branches, even though all of these States became branch banking States. These States are as follows:

Alabama, Birmingham; Colorado, Denver; Connecticut, Bridgeport, Hartford, New Haven; Illinois, Chicago; Indiana, Indianapolis; Iowa, Des Moines; Kansas, Kansas City; Minnesota, Minneapolis, St. Paul; Missouri, St. Louis, Kansas City; Nebraska, Omaha; Oregon, Portland; Texas, Dallas, Fort Worth, Houston, San Antonio; Utah, Salt Lake City; Washington, Seattle, Spokane; Wisconsin, Milwaukee.

In 12 of the 27 antibranch-banking States it would not be possible for national banks to have any branches at all, even though these States should become branch-banking States, because there are no cities in them having over 100,000 population. The Hull amendments would apply absolutely to these 12 States, which are: Arkansas, Florida, Idaho, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, South Dakota, Vermont, and West Virginia.

In the 21 States which permit branch banking this restriction to cities having over 100,000 population would limit branch banking by national banks to 44 cities in 15 States and prohibit it altogether in 6 States. This is a very drastic restriction as compared with the bill as it passed the Senate, which would permit national banks to have branches now in 199 cities in 19 States.

The 44 cities in which branch banking would be permitted, located by States, are as follows:

California, Los Angeles, Oakland, San Francisco; Delaware, Wilmington; Georgia, Atlanta; Kentucky, Louisville; Louisiana, New Orleans; Maryland, Baltimore; Massachusetts, Boston, Cambridge, Fall River, Lowell, New Bedford, Springfield, Worcester; Michigan, Detroit, Grand Rapids; New Jersey, Camden, Jersey City, Newark, Paterson, Trenton; New York, Albany, Buffalo, New York City, Rochester, Syracuse, Yonkers; Ohio, Akron, Cincinnati, Cleveland, Columbus, Dayton, Toledo, Youngstown; Pennsylvania, Philadelphia, Pittsburgh, Reading, Scranton; Rhode Island, Providence; Tennessee, Memphis, Nashville; Virginia, Norfolk, Richmond.

In the following six States which permit branch banking, national banks would be prohibited altogether from having any branches: Arizona, Maine, Mississippi, North Carolina, South Carolina, and Wyoming.

Under the conference substitute for the Hull amendments, branch banking by Federal authority would be restricted to only 44 large cities located in 15 States and prohibited in 33 other States. Six of these 33 States now permit branch banking and 27 are antibranch-banking States. If all of these antibranch-banking States should become branch-banking States in the future, national banks under the compromise agreement could have no branches at all in 12 of them and in the 15 other States they would be limited to branches in 23 cities only.

The conference agreement would prohibit branch banking altogether in all of the rural communities in the United States. It would not only prohibit large national and State banks in the cities from establishing branches in the small towns throughout a State but would also prohibit banks located outside of the large cities from establishing branches in the city in which they are located.

Whether the Hull amendments be adopted or whether the conference committee's proposed compromise be agreed to is a matter for every individual Member of this House representing his district to decide as well as he can for himself. It seems to me that the proposed McFadden substitute presents a clearer, better, and more certain way of handling the antibranch-banking evil than do the instrumentalities of the Hull amendments. The conferees are anxious and willing for the House to vote upon these propositions in order that further progress may be made as quickly as possible toward future legislation, if any can be had. The conferees, as the agent of the House, sincerely welcome the suggestions of that great body. Conferees are but human and they gladly submit the decision of this vexing question to the intelligence of the House composed, as it is, according to the pronunciamento of that great microbiologist, Professor Hogan, of the amœba and classified by him as the "lowest form of animal life." [Laughter and applause.]

Mr. McFADDEN. Mr. Speaker, I yield 20 minutes to the gentleman from Maine [Mr. BEEDY].

Mr. BEEDY. Mr. Speaker, in order to expedite the proceedings of the House I shall not avail myself of the opportunity to speak at this time. But to clarify the RECORD and give the gentleman from Wisconsin [Mr. NELSON] the information which I know he will be very glad to have I ask unanimous consent to insert in the RECORD a tabulation of those States where State branch banking, having proceeded along lines which were thought to be unwise, having forced national banks to a position in extremis, the comptroller then proceeded to permit national banks to operate the teller-window branches, so called.

I want to call the gentleman's attention to the fact that there are in existence 963 branches operated by State banks in nine States. The comptroller limited the national bank teller branches to 194 in these 9 different States. In other words, there are practically five State branch banks to one national bank teller branch in nine States.

I ask unanimous consent to insert the list of States in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

Mr. DICKSTEIN. I object.

Mr. STRONG of Kansas. Mr. Speaker, I now object to the consideration of amendments 12, 33, and 38, and make a point of order against the same.

The SPEAKER pro tempore. There is still remaining something like 10 minutes of the debate.

Mr. STRONG of Kansas. I understood the gentleman from Maine [Mr. BEEDY] was yielding back the remainder of his time.

Mr. BEEDY. Yes; Mr. Speaker, I am yielding back the remainder of my time in order to save the time of the House. The motion will be debatable, and I will seek recognition at that time.

Mr. GOLDSBOROUGH. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. FULMER.]

Mr. FULMER. Mr. Speaker and gentlemen of the House: I have been serving in Congress about five years, and to be frank, I want to say this is the most vicious bill we have had up for consideration in the House during those past years.

I will admit, my friends, that we have several very important sections in the bill that should be considered on their own merits, but the matter of branch banking and the extension of the Federal reserve system and other matters should come up on their own merits before this House and be passed upon, each item within itself.

About three years ago the Congress appointed a congressional committee to go out into the various sections of the country to find out what could be done to bring about a better attitude on the part of member banks toward the Federal reserve system, and what could be done to bring into the system nonmember State banks. I have tried for the past three years to get a report from the Banking and Currency Committee upon the hearings held in the various sections of the country, but up to this time I have been unable to do so. I want to say to the House that I feel sure that this special committee did not receive any information on the various trips made into any section of this country that would call for branch banking on the part of national banks except in a few large cities. National banks, my friends, are going out of the system because of being penalized to a certain extent under the Federal reserve system, not because they want to go into branch banking.

In 1907 we, of the South, remember very well the panic and at that time the banks of the South had plenty of money in New York but we could not get hold of it to continue the business of the South. We had to issue what was known as certificates, usually called down there white money, to carry on commerce, to buy and to sell cotton. In 1913 the Federal reserve act was passed, which, to my mind, was one of the greatest pieces of legislation ever enacted by the Congress. It was passed to remedy the situation we had in 1907 and to decentralize the money power from New York to 12 sections of the United States. But from time to time this great piece of legislation has been amended so as to work a hardship upon the smaller banks in the country sections or the banks operating in agricultural sections, and in the interest of the larger banks in the larger cities.

My friends, this whole drive is brought about in order to bring around branch banking in the interest of the large banks in the large centers of this country. If this bill passes, it will not be five years before this country will be overrun with branch banking, which will mean the going back to the old system of centralization of money in the large centers. Then it will be that independent banking will be a thing of the past. When this McFadden bill was up for consideration about two or three years ago I did all that I could to keep down its passage, both in the House and the Senate. I hope the House will join with me now in any plan whereby we may be able to defeat the bill, so that the Banking and Currency Committee can bring in later bills covering these various subjects and let them be considered on their merits. I contended when this bill was up for consideration in the House that it would not be 10 years before branch banking would be all over this country; that the McFadden bill was only an opening wedge; but lo and behold! the bill now comes back from the Senate and from conference so amended that it will be possible to do this now.

I want to call the attention of the House to the fact that this is a serious proposition, and if we concur in this report which is now before this House it will only be a matter of a short time before the large banks in the large centers of this country will own branches all over this country, and the independent banks, the banks of the agricultural sections of this country, will be paralyzed and penalized, bought up and forced out, and money will be centralized in the large centers of this country just like we had it some 20 years ago.

My friends, this is a day of "getting together" on the part of big business. This is only one more drive on the part of the big banking interests of this country to take away from the independent and the smaller banks their independence and force the controlling interest of money into the large banking centers. They tell you, my friends, this will only apply to certain cities with certain numbers of population, but it will only be a matter of time before they will come back to the Congress and so amend the bill that it will be carried into other centers of smaller population, and eventually all over the country. I hope, my friends, you will not vote for this report. [Applause.]

I wish to warn State banks and independent National banks that if they sit idly by now and permit the passage of the McFadden bill during this Congress or the next they will very soon have the displeasure of seeing branch banking all over this country, and that their days of usefulness to agriculture, to individuals, and to small business communities will come to an end. I also wish to take this opportunity to warn Members here who are interested in equal rights to all and special privileges to none, and those of you who do not want to see the small, independent banks pushed out or forced to sell to these money barons who seem hell bent on controlling the financial system of this country, you had better go slow in voting concurrence in Senate amendment or in any manner or such manner that would cause the final passage of the present McFadden bill. No doubt many of you have received letters from your banks at home telling you how they are being sidetracked, penalized, and left by the roadside helpless because of the burdensome regulations and manner of administration of the Federal reserve system; yet none of them have said we want a bill passed to allow branch banking either in the large cities or anywhere else.

You should read my speech on the Federal reserve system in the CONGRESSIONAL RECORD of June 2, 1924, and you will find why national banks are leaving the system—not for branch banking, as some folks would have you believe. I have received fifty-odd letters from national banks or bankers from the State of California relating their trials and tribulations as members of the system, but not one of them states that they want branch banking.

I have 100 letters from Mr. MCFADDEN's State, Pennsylvania, also backing my statements as related in my speech of June 2, 1924, but not one of them mentions branch banking. They tell you about indorsements from bankers' conventions. Who is it that runs these conventions and puts through these indorsements? If you have had anything to do with politics, political conventions, or any other kind of conventions, you know that just a few schemers usually run things.

Now, let us see who appeared before the Banking and Currency Committee asking for the establishment of branch banking because of the necessity to compete with certain State banks now engaged in branch banking. First, Mr. E. H. Cruse, assistant legislative representative, Brotherhood of Locomotive Engineers, Washington, D. C. If you will read his one-page testimony in the hearings, you will readily see that the reason he gives for branch banking plainly shows what he knows about any kind of banking. Next, Arthur J. Lovel, president of the same organization. I want you to read his one-half page statement on page 48 of the hearings and see what he knows about banking and why he is making an appeal for the passage of the McFadden bill. Listen to this statement of his:

I just want to second what Mr. Cruse has said. Our brotherhood has no bank, but we have between twelve and thirteen millions of dollars on deposit with these banks throughout the various States, and we do not see any good reason why there should be any difference between the privileges of the State banks and the National banks. We do not know why there should be flesh of one and fowl of the other.

Why should these two men who live here in Washington and represent certain unions and who say, "We have no banks, but we can't see why," and so forth, be listed? Because when Mr. MCFADDEN appears before you he will be in a position to tell you that those representing labor unions appeared and indorsed the measure.

Next comes Mr. Edward Elliott, vice president Security Trust & Savings Bank, Los Angeles, Calif., who states:

We have 33 branch banks with capital and surplus and undivided profits amounting to $14,000,000 and deposits of $185,000,000. You may go to it with wide-open branch banking, provided you allow us to continue to remain members of the Federal reserve system so that we may enjoy all of the privileges now enjoyed by national banks.

I want you to read in his testimony a letter from the Federal Reserve Bank of San Francisco, Calif., signed by the chairman of its board, in which it is stated that it will be satisfactory to remain in the system and establish branch banks, provided they do not impair the general strength and safety of the institution. I fail to find anywhere in the Federal reserve act any power granted to the system to encourage branch banking by taking on State banks with branches and saying to them, "You can continue to reach out, buy up, or force out independent banks and come right on in the system, for it will take care of you." Now, to cure this ill, it is proposed to extend branch banking to national banks. You will be told that this will apply only to cities of certain population and States where the State laws permit branch banking, and so forth. You know what this means.

If you are going to allow it in cities of 25,000 inhabitants, then in cities of 5,000 or 10,000, why not the State as a whole? Next, we have before the committee Mr. John S. Drum, president Mercantile Trust Co., San Francisco, Calif., who states that 88 State banks in California have 480 branches. He also states that his bank has 46 branches, whose capital, surplus, and undivided profits aggregate $12,500,000 and whose deposits amount to $128,000,000. He still further states that he and Mr.

Elliott represent the four largest banks in California, namely, Bank of Italy, with 75 branches; Mercantile Trust Co., with 46 branches; Pacific Southwest, with 75 branches; Security Trust & Savings Bank, with 28 branches. The combined capital of these four banks amounts to $1,000,000,000. Just think of two men representing four banks controlling 264 branches in 264 communities removed from the four mother banks! Yet these communities are under the control of these two men, or perhaps four men, at the mother banks that are far removed from the personal touch of the people comprising them. With the backing of a billion dollars, these two or four men can by a stroke of the pen either take care of any of these communities or special interests represented there or destroy them. This is not right, and you should demand more time on this McFadden bill, so that you may acquaint yourself with the facts and do the right thing in this kind of legislation. Mr. Drum states:

We have about 45 to 47 per cent of the entire deposits of all the banks in California.

Thus the whole scheme, when finally worked out, will place the United States in line with England. In 1842 she had 429 banks; in 1922 only 20 banks. Of these 20 banks, 5 controlled practically all of the banking of the nation. About 7,900 branches are in operation. There are only about 9 banks with 1,400 branches in Scotland. Ireland has about 9 banks with 800 branches. In 1885 there were 41 independent banks in Canada; in 1905 only 35; while to-day 14 banks with 5,000 branches are operating there. In other words, Montreal and Toronto control the finances of Canada. You will find these statements in the Bulletin of American Institute of Banking for July, 1923. Mr. Dawes, Comptroller of the Currency, recognizes that branch banking will ruin the country, yet, I suppose, in carrying out a policy settled upon by some of the members of the Federal reserve system, he joins with them in recommending the passage of the McFadden bill. Listen to Mr. Dawes's statements:

In branch banking character loans are impossible. By character loans is meant loans to people whose collateral is perhaps faulty from a technical standpoint but who are entitled to credit on account of their constructive influence in the community and initiative, enterprise, and character. This applies with particular force to the young, aggressive type of man, who has built up the western and pioneering sections of the country. Jim Hill, for example, at the beginning of his career did not have the kind of collateral which would pass the scrutiny of a branch banker. The development of America is dependent on nothing more than on the independent unit bankers of vision, courage, and independence, whose first interest in the creditor is his character.

The coercive power of a branch banker bent on expansion is very great. He is able to temporarily reduce interest rates until he gets banking control, and the cost of this can easily be reimbursed after he has secured a monopoly. The branch banker can secure the services of the employees of the unit banks by higher salaries. They can have the patrons of their own institutions influence and compel their customers and people who depend upon them for business accommodations to transfer their accounts from unit banks into the branch banks.

The third point, which is frequently of very great importance, is the ability to take care of emergency situations. When an acute emergency arises in a community it is impossible to get prompt and effective assistance where the local representative is compelled to refer back to the head office in another city. Even if the control of the institution were disposed to go to extreme lengths to relieve an emergency, by the time the necessary red tape was unrolled the assistance would be too late.

Mr. Platt, a member of the Federal Reserve Board, originally from New York, let the cat out of the bag when he made the following statement before the committee. Quoting Mr. Platt:

I think I may fairly say that the members of the Federal Reserve Board regret that this liberalizing feature of the bill does not go to the full limit of permitting the establishment of branches in all cities large enough to have need for outlying banking facilities as a matter of right and without regard to the limitations of State laws. It would seem that the national banks might sometimes be permitted to take the lead in a matter of branch banking, which every competent banker and every economist approves.

Now, gentlemen, what more do you want than this statement coming from the Federal Reserve Board to satisfy your minds as to who wants branch banking and for what purpose. I want to say to Mr. Platt, who seems to represent the feelings of New York in this branch-banking liberalization, that under the original Federal reserve act we had very little kick coming from member banks—national banks—and to-day they are not as he would have the Banking and Currency Committee believe, wanting liberalization by allowing branch banking, and neither will that keep them from continuing to give up their national charters and go into the State system. Mr. Platt stated that since 1918, 173 national banks have gone into the State system. They did not leave the national system to engage in branch banking, but did so because they have been paralyzed by the regulations and the administration of the Federal Reserve Board.

Listen to this statement of the Comptroller of the Currency, Mr. Dawes, and see if he does not back up my statement to the limit when he states in his 1923 report, pages 17 and 18. I now quote Mr. Dawes:

The national banks of the United States have a record of service and accomplishment without a parallel in the history of finance. No group of institutions operating under a single law has ever marshaled the resources and mobilized the wealth that they have done. In this achievement the operations of all of the component banks have been made to conform as closely as is humanly possible to a single standard. This has been accomplished without developing the rigidity of practice which would interfere with the independent action necessary to meet the requirements of communities which vary in our country all the way from the fully crystallized and finished state of older settlements to the new pioneering and developing sections. It is not possible that an organization with such a proud record of accomplishment should overnight complacently surrender its independence or could without a wrench adjust itself to either a subordinate or coordinate relationship with any new system, however well conceived and wisely administered the new instrumentality might be.

The Federal reserve system, on the other hand, is a new conception, controlled by men of imagination and independence and possessing the virile and aggressive characteristics of youth. The national banking system, which has behind it the traditions of 60 years of successful operation, is required to compromise and conform its policies and operations to those of this new organization. It is a situation which must contain the elements of conflict, and the ultimate adjustments can only be made by experimentation, mutual understanding, and a devotion to a common cause.

The Comptroller of the Currency knows what he is talking about. What stronger statement could have been made that would back up my contentions?

Did you get that statement? The system is controlled by men of imagination and independence. Yet these men have the power of the President of the United States when it comes to the management of the finances of America.

A further statement from Mr. Dawes in the hearings on page 27. In answering questions of Mr. GOLDSBOROUGH, he says:

I do not think any bank can operate a branch bank on an extensive scale to be a real menace and do it outside of the Federal reserve system.

Now, gentlemen, this statement from the comptroller is the milk in the coconut. Listen to this question of Mr. GOLDSBOROUGH:

Would not it be better to restrict the opportunities of the State banks who do branch banking than to increase the opportunity of the national banks to do it?

Now, I contend that this is the sensible thing to do and can be done.

They call this McFadden bill an antibranch banking bill, and this statement has gone out to banks of the country and to banking associations. A great many banks, as well as banking associations, have indorsed the bill, believing that it means the stopping of branch banking. This bill, or section 9 thereof, is purely a proviso to enable national banks to engage in branch banking, and if enacted into law will soon be amended so as to extend the privilege to every nook and corner in this country.

Mr. STRONG of Kansas. Mr. Speaker, I make a point of order on amendments 12, 33, and 38, that the conferees have exceeded their authority in bringing back matter not in disagreement between the two Houses.

The SPEAKER. Will the gentleman specify his point of order.

Mr. STRONG of Kansas. I will let the gentleman from Illinois [Mr. CHINDBLOM] argue the point of order on amendments Nos. 12 and 33, and I will make the argument on amendment No. 38.

Mr. CHINDBLOM. Mr. Speaker, amendment No. 12 is on page 6 of the bill. The only action taken by the Senate consisted in striking out the word "section" and substituting therefor "that section." That is all that was in disagreement between the two Houses. The conferees have gone to lines 14, 15, and 16 and changed them from the present reading—

to have succession from the date of the approval of this act or from the date of its organization if organized after such date of approval—

To read as follows—

to have succession from the date of its organization (whether organized before or after this section as amended takes effect).

Clearly the question involved in that change was not involved between the House and the Senate. The Senate amendment was only a formal, technical change substituting "that section" for "section."

Now, with reference to amendment 33 on page 29, I think there is a very ingenious statement of the action of the conferees on that, as I find it in the conference report on page 2.

Amendment 33 relates to section 14 of the House bill, and the Senate struck out the entire section. The conferees agreed that the House should recede from its disagreement to the amendment and agree to the same, and there they should have stopped. But they have proceeded further, as the Chair will find on page 2 of the conference report. It reads:

Amendment No. 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out by the Senate amendment; and on page 24 of the House bill, line 4, strike out "paragraph 2 thereof" and insert in lieu thereof "as amended"; and on page 17 of the House bill, line 20, after "act," insert a comma and "as amended" and a comma; and on page 21 of the House bill, line 17, after "act," insert a comma and "as amended"; and on page 21 of the House bill, line 21, after "Statutes," insert a comma and "as amended"; and on page 21 of the House bill, line 23, after "act," insert a comma and "as amended" and a comma; and on page 25 of the House bill, line 4, after "act," insert a comma and "as amended" and a comma; and on page 26 of the House bill, line 1, after "States," insert a comma and "as amended"; and the Senate agree to the same.

These various so-called amendments will be found in the Senate bill in various places. I have marked them and call attention to them. On page 20 in the Senate amendment, relating to section 9 in line 21, the amendment consists of the words "as amended." On page 21 of the Senate print of the bill, in lines 1 and 2, they have stricken out "of the approval of this act," and in line 8 they have stricken out the same words and inserted in each instance "this section as amended takes effect."

Page 23, paragraph 5, section 10, as to which there was absolutely no dispute whatever between the House and the Senate, except at the bottom of page 24, where instead of the word "and" they inserted "and/or" they have inserted "as amended" in line 6 on page 23. On page 27, in several places in section 5208, which was left intact by the Senate, they have changed the language in the same way.

So, with reference to amendment 33, after having agreed to the entire matter in dispute and disposed of it, they proceed to make clarifying and perfecting amendments all through the bill. I respectfully suggest that that violates every rule relating to conference reports.

I join in the objection which has been made by the gentleman from Kansas [Mr. STRONG] with reference to section 20 in amendment 38. That is clearly new matter, for which there was no foundation whatever either in the House or in the Senate bill.

Mr. STRONG of Kansas. Mr. Speaker, I shall direct my point of order particularly to amendment 38, and only to section 20:

SEC. 20. There is hereby created a joint special committee (hereinafter in this section referred to as the "joint committee") to consist of three members of the Committee on Banking and Currency of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three members of the Committee on Banking and Currency of the Senate, to be appointed by the President of the Senate, to make an inquiry into the prices of commodities in the United States as affected, since the year 1914, if at all, by the Federal banking laws. The joint committee is authorized to appoint and fix the compensation of such clerical, stenographic, and other assistants, to hold such hearings and to sit and act at such places and times during the sessions and recesses of the Sixty-ninth Congress, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to have such printing and binding done, and to make such expenditures, as it deems advisable. The cost of stenographic services in reporting such hearings shall not be in excess of 25 cents per hundred words. Subpœnas for witnesses shall be issued upon the request of the joint committee, or any member thereof, under the signature of either the Speaker of the House or the President of the Senate, and the Sergeant-at-Arms of either the Senate or the House is hereby authorized and directed to serve all such subpœnas and other processes. The members of the joint committee shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the joint committee. The expenses of the joint committee shall not exceed $2,000 and shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman. The joint committee shall report to their respective Houses from time to time the results of its inquiries, together with such recommendations as it may deem advisable.

There was nothing in either House or Senate bill providing for the appointment or creation of any joint committee, and it is certainly wholly without the authority of the conferees to bring in matter providing for the appointment of such a committee. It could not possibly be construed as matter growing out of a conference on the differences between the two Houses.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. KING. Of course, the gentleman entirely ignores the fact that section 20 is germane to the entire bill. That the bill is a general overhauling of the national bank act, the Federal reserve act, the intermediate banking act, and the Federal farm loan act, and, therefore, is applicable to the entire bill as a whole, and there are many authorities to be found to that effect. In order to save the time of the House, Mr. Speaker, and unless the gentleman from Kansas [Mr. STRONG], who has made a very deep study of this matter, objects, I shall ask unanimous consent to extend in the RECORD as a part of my remarks at this time my argument and the brief which I have heretofore submitted to the Speaker upon this point.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks by incorporating therein a brief that he has heretofore handed to the Speaker. Is there objection?

There was no objection.

Mr. KING. Mr. Speaker, the point of order against amendment No. 38 as agreed upon by the conferees on House bill No. 2 is based principally upon the contention that the conferees have transcended their authority in the fact that section 20 has been made a part of such agreed amendment and that such section was not in disagreement between the Houses.

This theory was adopted in 1812, when the Speaker, Mr. Henry Clay, first enunciated it, and for a long time and in the early history of the House was uniformly followed, but in later years when Speakers have assumed authority to determine whether or not the managers of a conference have transcended their power (see Hinds' Precedents, 6414, p. 723), the Henry Clay rule has been materially modified and the power of such conferees broadened to meet the needs of modern legislation.

These later interpretations seemed to clearly indicate the proper test to be, not that in order to confer authority to agree there must be a disagreement between the Houses and that only upon these points of dispute, but that new propositions may be introduced (see ruling by Mr. James G. Blaine, Speaker, Hinds' Precedents, 6409, p. 720) where there is something in the legislation to make them germane as amendments, and as Mr. Blaine further says:

The power of a conference committee, which, as the gentlemen well know, the two Houses have been in the habit of considerably enlarging, fairly includes the power to incorporate germane amendments. If the gentleman from Indiana, Mr. Holman, makes the point that the amendments he specifies are not germane, the Chair will examine the question; but the mere fact that the proposition embraced matters which were not originally before the House or Senate would not be sufficient to require them to be ruled out.

On May 26, 1870 (see Hinds' Precedents, p. 721), the House was considering the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1293) to enforce the right of citizens of the United States to vote in the several States of this Union who have hitherto been denied that right on account of race, color, or previous condition of servitude.

Mr. Samuel S. Cox, of New York, made the point of order that the report contained new matter, two new sections having been added.

The Speaker, Mr. Blaine, said:

It is not necessary that the matter reported by the committee of conference should have been considered in either branch if it be germane and in the nature of an amendment which may reconcile the difference between the two branches. It is just as much in order for a conference committee to report such matter as for a Member to move it on the floor of either House. It is only when they introduce absolutely new matter—which would not be germane to the matter under consideration and could not be entertained in either branch in the form of an amendment—that the point of order raised by the gentle-

man from New York could be entertained. The Chair overrules the point of order.

On the calendar day of March 3, 1901 (see Hinds' Precedents, (43) 6413, p. 722), but the legislative day of March 1, the House was considering the following Senate amendment to the sundry civil appropriation bill:

Provided, That the Secretary of the Interior is hereby authorized and directed to exchange a tract of land containing 60 acres, more or less, east of Nichols Avenue and south of Congress Heights, for 60 acres, more or less, adjoining the grounds of the Government Hospital for the Insane on the south, to be selected by said Secretary, the exchange to be made acre for acre: *And provided further*, That a roadway 90 feet wide be reserved out of and on the south side of the land so acquired as a public highway from Nichols Avenue to the river.

On motion of Mr. James M. Robinson, of Indiana, the House concurred in the Senate amendment with the following amendment:

And the Secretary of the Interior is further authorized, if in his judgment advisable, to exchange such portion as he may deem equitable of the agricultural land now owned by the Government, or of the farm opposite Alexandria and known as Godding Croft, for 80 acres, more or less, lying immediately adjoining this said 59½ acres and south of the present building site of the hospital. In case such exchange is made, the Secretary is also authorized, in his discretion, to grant a roadway along the south side of said tract, from Nichols Avenue to the river, 90 feet in width.

On the calendar day of March 4, same legislative day, the report of the conference committee was presented to the House and included in the agreement as to the propositions above the following:

Any of the buildings authorized in the sundry civil appropriation act approved June 6, 1900, for the Government Hospital for the Insane may be erected on land now owned or that may be acquired hereunder by the United States for the Government Hospital for the Insane.

Mr. Robinson made the point of order that this provision changed a law and that such change was not within the jurisdiction of the conferees.

After debate, the Speaker, Mr. Henderson, said:

The Chair will state that often conferees bring in entirely new provisions, and so long as within the theme discussed it is not subject to the point of order. The Chair thinks in this case the conferees have remained completely within their jurisdiction.

So broad has the rule become that whole new bills have been substituted by the conferees germane to the theme of the legislation.

On March 3, 1865, Mr. R. C. Schenck, of Ohio, from the committee on the disagreeing votes of the two Houses on bill H. R. 51, entitled "An act to establish a bureau of freedmen's affairs," reported that the Senate had receded from their amendment, which was a substitute, and the committee had agreed upon as a substitute a new bill entitled "An act to establish a bureau for the relief of freedmen and refugees." As soon as the report had been read, Mr. William S. Holman, of Indiana, made the point that the report did not come within the scope of the conference committee. It did not report the proceedings of the Senate or an agreement by the committee on an amendment to the House, but it reported an entire substitute for both the original bill and the substitute adopted by the Senate, and it established a department unprovided for by either of the other bills. The Speaker, Hon. Schuyler Colfax, of Indiana, said:

The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language, or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them, or a new bill entirely, or a bill embracing parts of either. They have a right to report any bill that is germane to the bills referred to them.

Again on August 3, 1886, the House had under consideration the report of the committee on conference on the rivers and harbors bill.

Mr. William M. Springer, of Illinois, made the point of order that the conferees had included new matter in their report. The Speaker, Mr. John G. Carlisle, of Kentucky, ruled as follows:

The House passed a bill to provide for the improvement of rivers and harbors and making an appropriation for that purpose. That bill was sent to the Senate, where it was amended by striking out all after the enacting clause and inserting a different proposition in some respects, but a proposition having the same object in view. * * *

It was nonconcurred in by the House and a conference was appointed upon the disagreeing votes of the two Houses. That conference committee having met, reports back the Senate amendment as a single amendment with various amendments, and recommends that it be concurred in with the other amendments which the committee has incorporated in its report. The question, therefore, is not whether the provisions to which the gentleman from Illinois alludes are germane to the original bill as it passed the House, but whether they are germane to the Senate amendment which the House had under consideration and which was referred to the committee of conference. If germane to that amendment the point of order can not be sustained on the ground claimed by the gentleman from Illinois. The Chair thinks they are germane to the Senate amendment, for, though different from the provisions contained in the Senate amendment, they relate to the same subject; and therefore the Chair overrules the point of order.

Again on April 18, 1904, Mr. John A. T. Hull, of Iowa, presented the report of the managers of the conference on the disagreeing votes of the two Houses on the Senate amendments to the Army appropriation bill. Mr. James Hay, of Virginia, made a point of order that the managers had exceeded their authority. It appeared that the Senate had added to the bill the following amendment:

For continuing the construction of a military wagon road from Valdez, by the most practical route, to Fort Egbert or Eagle, on the Yukon River, in the District of Alaska, $250,000, said wagon road to be surveyed, located, and constructed by and under the direction of the Secretary of War.

The managers in lieu thereof reported the following:

"Strike out all of the matter inserted by said amendment and insert in lieu thereof the following:

"'For a survey and estimate of cost of a wagon road from Valdez to Fort Egbert, on the Yukon River, to be made under the direction of the Secretary of War, $25,000, to be immediately available; said survey and estimate herein provided shall be submitted to Congress at the earliest practicable day.'"

After debate, the Speaker said:

"The Senate amendment, which, if it had been offered in the House, probably would have been subject to the point of order—it is unnecessary for the Chair to pass upon that, however—was for continuing the construction of a military wagon road from Valdez by the most practical route to Fort Egbert or Eagle, on the Yukon River, District of Alaska, $25,000, said wagon road to be surveyed, located, and completed by and under the direction of the Secretary of War."

To that amendment the House disagreed, and upon that amendment and disagreement thereto a conference was had. The conferees reported as follows:

"Strike out all of the matter inserted by said amendment and insert in lieu thereof the following:

"'For the survey and estimate of cost of a wagon road from Valdez to Fort Egbert, on the Yukon River, to be made under the direction of the Secretary of War, $25,000, to be immediately available; said survey and estimate herein provided shall be submitted to Congress at the earliest practicable day.'"

Now, this is for something less than was contained in the Senate amendment and provides for a survey of a road over and between the points of Valdez and Fort Egbert. It appropriates $25,000 in lieu of $250,000, and provides for a survey and report to Congress of the same. It does seem to the Chair that the greater includes the less, and that the whole matter of the construction of the road and the appropriation therefor was in difference between the House and the Senate. This provides for a survey for the road and estimates and a report to Congress. It seems to the Chair the point of order is not well taken, and the Chair therefore overrules the point of order.

In the light of the present-day decisions of our Speakers, we may reasonably say that said rulings by Speaker Blaine from his time to the present have been uniformly supported to the effect that the powers of the conferees in the very words of Mr. Blaine, "embraced the power to include new amendments unless, as suggested by a later Speaker, there is a lack of germaneness to the theme of legislation."

Mr. Speaker, the McFadden bill as it passed the House made no changes in the second subdivision of the fourth paragraph of section 4 of the Federal reserve act which provides 20 years for the existence of Federal reserve bank charters. When the bill reached the Senate, that body amended the House McFadden bill by adding section 20, page 34 of H. R. 2, as printed May 14, 1926, providing that the second subdivision of the fourth paragraph of section 4 of the Federal reserve act be amended to read as follows:

Second. To have succession after the approval of this act until dissolved by Congress or until forfeiture of franchise for violation of law.

At this point the two Houses were in disagreement on the subject of the extension of Federal reserve bank charters. The conferees as representatives of the House and the Senate by reason of the disagreement of the two Houses became likewise involved in a disagreement involving this Senate amendment. This Senate amendment created a new law and was an amendment which applied to the entire Federal reserve act, and all of its amendments as a whole. The House, in order to conciliate the Senate conferees, receded from its disagreement to said Senate No. 38 with an amendment agreed to by the Senate conferees in deference to the House conferees, the entire amendment consisting of new sections 19 and 20 in form and figures as follows, to wit:

SEC. 19. That subdivision second of the fourth paragraph of section 4 of the Federal reserve act, as amended, is amended to read as follows:

"Second. To have succession for a period terminating 50 years after the expiration of its original franchise unless it is sooner dissolved by act of Congress or its franchise becomes forfeited for violation of law."

SEC. 20. There is hereby created a joint special committee (hereinafter in this section referred to as the "joint committee") to consist of three members of the Committee on Banking and Currency of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three members of the Committee on Banking and Currency of the Senate, to be appointed by the President of the Senate, to make an inquiry into the prices of commodities in the United States as affected, since the year 1914, if at all, by the Federal banking laws. The joint committee is authorized to appoint and fix the compensation of such clerical, stenographic, and other assistants, to hold such hearings and to sit and act at such places and times during the sessions and recesses of the Sixty-ninth Congress, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to have such printing and binding done, and to make such expenditures, as it deems advisable. The cost of stenographic services in reporting such hearings shall not be in excess of 25 cents per hundred words. Subpœnas for witnesses shall be issued upon the request of the joint committee, or any member thereof, under the signature of either the Speaker of the House or the President of the Senate, and the Sergeant at Arms of either the Senate or the House is hereby authorized and directed to serve all such subpœnas and other processes. The members of the joint committee shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the joint committee. The expenses of the joint committee shall not exceed $2,000 and shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman. The joint committee shall report to their respective Houses from time to time the results of its inquiries, together with such recommendations as it may deem advisable.

The recent rulings hold that the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill. That this amendment 38 is directly and positively fundamental to the bill under consideration is, it seems to me, beyond question. On June 5, 1878, the House was considering the bill H. R. 4414—see Hinds' Precedents, page 414, volume 5—to amend the laws relating to internal revenue and had reached the paragraph which defined a manufacturer of tobacco and established the requirement that he should pay a special tax.

To this paragraph Mr. James W. Covert, of New York, proposed an amendment placing a certain internal-revenue tax on snuff, cigars, and smoking and chewing tobacco.

Mr. Omar D. Conger, of Michigan, made the point of order that the amendment was not in order, not being germane to the pending paragraph. The Speaker pro tempore overruled the point of order on the ground that it was not necessary that it should be germane to the pending paragraph but to the general provisions of the bill.

The record of debate shows that Mr. Conger, who made the point of order, said:

I make the point of order because if there be a place in this bill where the amendment would be germane, it would be better to have the amendment come in its proper place and not mix up one branch of the subject with another which is evidently not germane to it. My point of order is, that under the rules of the House this amendment can not come in at this place. If there be a place where the Chair shall hold it would be germane, then it can be offered at that place.

The Speaker pro tempore said:

The Chair believes it has always been held that in determining whether or not an amendment is germane the presiding officer must look to the general subject to which the bill relates and not merely to the particular provisions of the bill. Now, the general subject to which this bill relates is the internal-revenue system of the country. It contains a provision which is intended to increase the tax on spirituous liquors in one respect by imposing that tax upon the fractional gallon. It also contains another provision, if the Chair remembers correctly, which is intended to diminish the tax on spirituous liquors in one respect by exempting from a certain part of the tax distilleries which distill not exceeding a certain quantity in a certain time. It relates generally in all its provisions to the internal-revenue system; and the Chair is therefore of opinion that any amendment relating alone to that system is in order, while an amendment relating to that system and also to something else would not be in order.

It seems to me that the present case before the Speaker rests upon all fours with this decision just cited. In that case, as the Speaker said, referring to the fact that the general subject to which this bill relates was the internal-revenue system of the country, so in this case the general subject with which the McFadden bill relates is the subject of our Federal banking laws, including the national banking law, the Federal reserve act, the farm loan act, the agricultural credit act of 1923, and all the amendments to each of them.

The acts last above mentioned are all modified, changed, or amended in some way or other, which all amounts to a general overhauling of a large part of the Federal banking laws. How important and how material it would be, therefore, to make an inquiry as to the effect which these laws have had which are being modified, repealed, and affected by this bill upon the prices of commodities, if any.

Not only are sections 5136, 5137, 5138, 5139, 5142, 5146, 5150, 5155, 5190, 5200, 5202, 5208, and 5211 of the national bank act affected by the McFadden bill, but also are the following sections of the Federal reserve act, to wit: 604b; 609, section 9; 613b; 622, section 22a; 624, section 24. I invite special attention to the fact that section 5200 of the national banking act which fixes the total liabilities of any person or company may become indebted to a national bank which is not to exceed 10 per cent of the amount of the capital stock of such association, actually paid in and unimpaired, and 10 per cent of its unimpaired surplus fund with a proviso containing four provisions to the effect:

That (1) the discount of bills of exchange drawn in good faith against actually existing values, including drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped, and including demand obligations when secured by documents covering commodities in actual process of shipment, and also including bankers' acceptances of the kinds described in section 13 of the Federal reserve act, (2) the discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same, (3) the discount of notes secured by shipping documents, warehouse receipts, or other such documents conveying or securing title covering readily marketable, nonperishable staples, including livestock, when the actual market value of the property securing the obligation is not at any time less than 115 per cent of the face amount of the notes secured by such documents and when such property is fully covered by insurance, and (4) the discount of any note or notes secured by not less than a like face amount of bonds or notes of the United States issued since April 24, 1917, or certificates of indebtedness of the United States shall not be considered. All of which is but a recital of what securities might be legitimately dealt in.

There are some other provisions in this section which are not necessary to quote, the point being, however, that on page 21 of the McFaden bill, section 10, will be found a complete overhauling and reenactment of these conditions covering transactions which are allowable and adds subdivisions (5), (6), (7), and (8) to this section 5200 of the national banking act.

As it now stands it is reasonable to suppose and not subject to contradiction that these various subdivisions of said section 5200 may apply directly upon and affect the prices of commodities, and it is therefore pertinent that a legislative inquiry may be made into such effect, if any, and it is certainly positively germane to add the section to the McFadden bill covering an inquiry into this matter. It is also noted that section 5202 of the national banking act is amended by the McFadden bill by adding at the end thereof a new paragraph to read as follows:

Eighth. Liabilities incurred under the provisions of section 202 of Title II of the Federal farm loan act, approved July 17, 1916, as amended by the agricultural credits act of 1923.

Therefore, it would be extremely pertinent to inquire of the effect these 12 intermediate credit banks and their operations are having upon the prices of commodities. The proposed amendment involved in section 20 relates generally to all the provisions above enumerated in the McFadden bill as affecting the prices of commodities in the United States since 1914, and certainly under the authority of the decision with reference to the said amendment to the internal revenue tax act found as suggested above in Hinds' Precedents, volume 5, page 414, section 20, involved in this discussion is germane to the bill.

It must be true if an amendment proposing an amendment placing certain internal-revenue tax on snuff, cigars, smoking, and chewing tobacco is germane to the general provisions relating to the internal-revenue system of the country, surely and beyond peradventure an amendment such as section 20 of the McFadden bill is germane relating, as it does, to the entire Federal banking system of the country, and it is certainly true that all of the foregoing sections above referred to have been before both of the disagreeing Houses.

Without taking further time of the House on the doctrine of germaneness as affecting section 20 now under discussion, I ask at this point to extend my remarks in the RECORD by printing therein 16 precedents supporting the theory of germaneness as applied to said section 20, which I have already prior to this argument submitted to the distinguished Speaker of the House:

(Hinds' Precedents, vol. 5, p. 414)

5811. Under the later decisions the principle has been established that an amendment should be germane to the particular paragraph or section to which it is offered. On June 5, 1878, the House was considering the bill (H. R. 4414) to amend the laws relating to internal revenue, and had reached the paragraph which defined a manufacturer of tobacco and established the requirement that he should pay a special tax.

To this paragraph Mr. James W. Covert, of New York, proposed an amendment, placing a certain internal-revenue tax on snuff, cigars, and smoking and chewing tobacco.

Mr. Omar D. Conger, of Michigan, made the point of order that the amendment was not in order, not being germane to the pending paragraph.

The Speaker pro tempore overruled the point of order on the ground that it was not necessary that it should be germane to the pending paragraph but to the general provisions of the bill.

The record of debate shows that Mr. Conger, who made the point of order, said:

"I make the point of order because, if there be a place in this bill where the amendment would be germane, it would be better to have the amendment come in its proper place, and not mix up one branch of the subject with another which is evidently not germane to it. My point of order is that under the rules of the House this amendment can not come in at this place. If there be a place where the Chair shall hold that it would be germane, then it can be offered at that place."

The Speaker pro tempore said:

"The Chair believes it has always been held that in determining whether or not an amendment is germane the Presiding Officer must look to the general subject to which the bill relates and not merely to the particular provisions of the bill. Now, the general subject to which this bill relates is the internal-revenue system of the country. It contains a provision which is intended to increase the tax on spirituous liquors in one respect by imposing that tax upon the fractional gallon. It also contains another provision, if the Chair remembers correctly, which is intended to diminish the tax on spirituous liquors in one respect by exempting from a certain part of the tax distilleries which distill not exceeding a certain quantity in a certain time. It relates generally in all its provisions to the internal-revenue system; and the Chair is therefore of opinion that any amendment relating alone to that system is in order, while an amendment relating to that system and also to something else would not be in order.

(Hinds' Precedents, vol. 5, pp. 417–418)

5818. On March 10, 1902, while the Committee of the Whole House on the state of the Union was considering the bill (H. R. 11728) relating to the Rural Free Delivery Service in the Post Office Department, Mr. George W. Smith, of Illinois, offered an amendment to a certain paragraph of the bill.

Mr. CLAUDE A. SWANSON, of Virginia, made the point of order that the amendment was not germane to this portion of the bill, but would be germane to the fourth paragraph.

The chairman said:

"The Chair is clearly of the opinion that inasmuch as the bill is now being considered by paragraphs, and inasmuch as the amendment offered by the gentleman is expressly covered by paragraph 4, toward the close of the bill, this amendment is germane to that paragraph and not to the paragraph now under consideration. * * * It seems to the Chair that the admission which the gentleman has made would indicate quite clearly that this amendment is in order not to the pending paragraph, but to paragraph 4, because the gentleman says that paragraph would have to be stricken out if this were adopted. The Chair rules that it is not now in order, but that it would be in order when paragraph 4 is reached."

(Hinds' Precedents, vol. 5, p. 483)

5909. To a bill providing for an interoceanic canal, specifying a certain route, an amendment providing for another route was held to be germane. On January 9, 1902, the Committee of the Whole House on the state of the Union was considering the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans, when Mr. Richard W. Parker, of New Jersey, proposed an amendment providing for a canal across the Isthmus of Panama.

Mr. OSCAR W. UNDERWOOD, of Alabama, made the point of order that the amendment was not germane, because while the bill provided for a canal at Nicaragua only, the amendment provided also for a canal at another place. After debate the Chairman said:

"The subject matter of this bill—the enterprise upon which the House has entered—is in the language of the bill—

"'To construct a canal to connect the waters of the Atlantic and Pacific Oceans.'

"The Chair is of the opinion that that is the purpose of the legislation sought; that the question of location is wholly a subordinate one, and that it is perfectly competent for Congress to reject one location and to adopt another. For instance, suppose it was a question of the building of a house for the purpose of storing the records of the Government and a bill was introduced to locate it on a certain square in this city. Can anybody doubt that the proposition might be amended so as to locate it upon another square?"

(Hinds' Precedents, vol. 5, p. 483)

5910. To a bill providing for the reorganization of the Army a new section prescribing a system of competition in marksmanship among the soldiers was held to be germane as an amendment. On January 31, 1899, the bill (H. R. 11022) for the reorganization of the Army was under consideration in Committee of the Whole House on the state of the Union, and Mr. William P. Hepburn, of Iowa, offered as a new section or paragraph prescribing frequent target practice by enlisted men and providing for the giving of medals for the best records.

Mr. James Hay, of Virginia, made the point of order that the amendment was not germane to the bill.

After debate the chairman overruled the point of order.

(Hinds' Precedents, vol. 5, p. 485)

5915. To a proposition to create a board of inquiry an amendment specifying when the board should report was held to be germane. On March 2, 1905, the House was considering Senate amendment to the naval appropriation bill when this amendment was proposed as an amendment to a Senate amendment:

"*And provided also*, As follows: First, that for the purpose of carrying out this provision a board of inquiry shall be constituted of the Judge Advocate General of the Navy, the admiral of the Navy, one experienced naval constructor, one experienced naval inspector of armor plate, and one machinist of the first class, experienced in the manufacture of armor plate."

To this amendment Mr. William D. Vandiver, of Missouri, offered the following amendment:

"And that this board of inquiry shall make its report at the first regular session of the Fifty-ninth Congress."

Mr. George E. Foss, of Illinois, made the point of order that the amendment to the amendment was not germane.

The Speaker said:

"The Chair thinks the amendment is in order and is germane."

(Hinds' Precedents, vol. 5, pp. 484–485)

5913. To a bill relating to the salaries of the Federal judges and those of the District of Columbia an amendment relating to the salaries of the Porto Rican judges was held to be germane. On January 27, 1903, the House, as in Committee of the Whole, was considering the bill (S. 3287) "to fix the salaries of certain judges of the United States," when Mr. Vincent Boreing, of Kentucky, proposed this amendment:

"To the judge of Porto Rico, $6,000."

Mr. John J. Jenkins, of Wisconsin, made the point of order that the amendment was not germane to the bill.

After debate the Speaker said:

"The Chair calls the attention of the gentleman from Wisconsin to the fact that the judges of the District of Columbia are incorporated in this bill. It seems that these Porto Ricans are appointed by the President of the United States. The provision has broadened out now

from the Federal judges for the States to the judges for the District of Columbia. * * * The Chair is not entirely satisfied, but is inclined to hold, and will so hold, that the point of order is not well taken."

(Hinds' Precedents, vol. 5, p. 485)

5914. To a bill relating to the control of several distinct public places in Washington an amendment providing for the removal of the fence around the Botanical Garden, in the same city, was held germane. On May 23, 1898, the House had under consideration the bill (H. R. 10294) relative to the control of wharf property and certain public places in the District of Columbia, the bill being considered in the House as in Committee of the Whole.

Mr. Joseph W. Babcock, of Wisconsin, offered the following amendment as a new section:

"SEC. 5. *Provided*, That the park known as the Botanical Garden shall be open to the public the same as the other parks in the city of Washington, and within six months from the passage of this act the fence around the same shall be removed."

Mr. William Sulzer, of New York, made the point of order that the amendment was not germane to the bill.

The Speaker pro tempore held:

"The only question is whether the amendment is germane to the bill. The Chair thinks the amendment is germane to the bill, and therefore overrules the point of order of the gentleman from New York."

(Hinds' Precedents, vol. 5, p. 486)

5916. To a bill providing generally for a union station in the District of Columbia an amendment levying a special tax in the District to defray the cost of the station was held to be germane. On December 15, 1902, the bill (S. 4825) "to provide for a union station in the District of Columbia, and for other purposes," was under consideration in Committee of the Whole House on the state of the Union, when Mr. Joseph G. Cannon, of Illinois, offered this amendment:

Insert at the end of line 18, page 28, the following:

"That, in order to meet the extraordinary expenses entailed by the provision of this act, the rate of taxation on the assessed real and personal property in the District of Columbia for each of the next five fiscal years is hereby increased 25 per cent."

Mr. Sidney E. Mudd, of Maryland, made the point of order that the amendment was not germane.

After debate the chairman said:

"This is a bill to provide for a union railroad station in the District of Columbia, and for other purposes. It is reported from the Committee on the District of Columbia. It provides for the establishment of a park in the District of Columbia and for the opening of streets, and imposes considerable expense upon the District of Columbia.

"It also imposes some expense upon the Treasury of the United States. If, as has been suggested, an amendment were offered increasing the tariff upon imports to meet such charges, the objection would at once be made that under the rules such a measure must be referred to a different committee—the Ways and Means. In other words, the rules of the House would make an amendment touching the tariff not germane to such a bill as this.

"But with the District of Columbia the case is different. If the amendment of the gentleman from Illinois were offered as a separate measure, it would go, under the rules, to the same committee which has reported this bill. The District Committee has jurisdiction of revenues as well as expenditures, and could, without infringing any rule, include in one bill the purposes of the bill and also of the amendment. While not entirely clear from doubt, the Chair is of the opinion that the amendment providing revenue to meet the expenditures entailed by the provisions of the bill itself upon the District of Columbia is germane to the bill, and therefore overrules the point of order."

(Hinds' Precedents, vol. 5, p. 487)

5918. To a proposition to recoin full legal-tender silver dollars into subsidiary coin an amendment making the latter full legal tender was held to be germane. On May 28, 1902, the Committee of the Whole House on the state of the Union was considering the bill (H. R. 12704) to increase the subsidiary silver coinage, when Mr. Galusha A. Grow, of Pennsylvania, offered the following amendment:

"After the word 'coin,' in line 9, add '*Provided*, That the subsidiary coins shall be half-dollar, quarter-dollar, and 10-cent and 5-cent pieces; each of the aforesaid pieces shall be an aliquot part of a dollar of 412½ grains.'"

Thereupon Mr. Francis G. Newlands, of Nevada, offered the following amendment to the amendment:

"Add to the amendment offered by the gentleman from Pennsylvania the following words: 'which shall be full legal tender for all debts, public and private.'"

Mr. Ebenezer J. Hill, of Connecticut, made the point of order that the amendment was not germane.

After debate the chairman said:

"The amendment offered by the gentleman from Pennsylvania follows the word 'coin,' in line 9, and to that amendment the gentleman from Nevada offers an amendment providing that this subsidiary coinage shall be full legal tender. The coin that this amendment proposes to declare shall be full legal tender is to be made or recoined from full legal-tender silver dollars. In the opinion of the Chair, the amendment of the gentleman from Nevada is germane to the amendment of the gentleman from Pennsylvania, and therefore the Chair holds it in order."

(Hinds' Precedents, vol. 5, p. 487)

5919. An amendment on the subject of renovated butter was held to be germane to a bill relating to "oleomargarine and other imitation dairy products." On February 11, 1902, the Committee of the Whole House on the state of the Union were considering the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported and to change the tax on oleomargarine, when Mr. Henry D. Allen, of Kentucky, proposed the following amendment:

"SEC. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words 'renovated butter' shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than $50 nor more than $500 and imprisonment not less than one month nor more than six months.

"The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect, and no renovated butter shall be shipped or transported from one State to another, or to foreign countries, unless inspected as provided in this section."

Mr. James A. Tawney, of Minnesota, made a point of order that the amendment was not germane.

After debate, the chairman said:

"The Chair is of the opinion that it is germane, although it is questionable as to whether the jurisdiction is obtained over the proposition without any taxation being connected with it. But the question being one of imitation butter, the Chair is of opinion that this section is germane. As to its constitutionality, of course, the Chair can not pass upon that. The question is on agreeing to the amendment offered by the gentleman from Kentucky."

(Hinds' Precedents, vol. 5, p. 488)

5920. To a resolution rescinding an order for final adjournment, an amendment assigning a new date was held to be germane. On June 1, 1872, the House was considering the following:

"*Resolved by the Senate (the House of Representatives concurring)*, That the resolution directing the President of the Senate and the Speaker of the House of Representatives to declare their respective Houses adjourned without day on Monday, the 3d day of June, at 12 o'clock meridian, be, and the same is hereby, rescinded."

Mr. Henry L. Dawes, of Massachusetts, moved to amend by striking out all after the resolving clause and inserting:

"That the time of the final adjournment of the second session of the Forty-second Congress be extended to Monday, June 10, at 12 o'clock meridian, at which time the President of the Senate and the Speaker of the House of Representatives shall adjourn their respective Houses without day."

Mr. Benjamin F. Butler, of Massachusetts, made the point of order that the amendment was not germane.

The Speaker said:

"They are both resolutions with reference to the termination of the session. The amendment of the gentleman from Massachusetts is entirely germane."

(Hinds' Precedents, vol. 5, p. 419)

5822. An amendment inserting an additional section should be germane to the portion of the bill where it is offered. On August 11, 1852, during consideration of the civil and diplomatic appropriation bill in Committee of the Whole House on the state of the Union, Mr. Edward Stanly offered as an additional section a provision for the completion of the hospital at Cleveland, Ohio.

Mr. George S. Houston, of Alabama, made the point of order that the amendment was not in order at this portion of the bill.

The chairman said:

"The Chair decides that we have passed the point in the bill at which it might have been offered. We shall never finish the bill unless

some rule of this kind be observed. There is a provision in the bill for the completion of marine hospitals, and after that clause of the bill was passed the Chair ruled that amendments properly applicable to that clause of the bill at the time it was under consideration could not be received or entertained by the committee afterwards. The Chair so ruled upon an amendment which was offered proposing to amend the first clause of this bill in relation to appropriations for the pay of the legislative department of the Government, but that amendment was received by universal consent."

(Vol. 5, p. 489)

5923. An amendment to censure a Member has been held germane to a resolution for his expulsion. On April 12, 1864, the House was considering a resolution providing for the expulsion of Mr. Alexander Long, of Ohio, when Mr. John M. Broomall, of Pennsylvania, proposed an amendment providing for the censure of Mr. Long as a substitute for the resolution of expulsion.

Mr. William S. Holman, of Indiana, made the point of order that the amendment was not germane to the original proposition.

The Speaker pro tempore overruled the point of order.

On appeal the decision of the Chair was sustained.

(Hinds' Precedents, vol. 5, p. 489)

5922. To a bill relating to Federal elections and functions of the Federal courts therein, an amendment establishing a system of jury commissioners in such courts was held to be germane. On July 2, 1890, the Speaker announced as the regular order of business the further consideration of the bill of the House (H. R. 11045) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws.

Mr. Jonathan H. Rowell, of Illinois, moved to amend by inserting as a new section a provision for the establishment of a system of jury commissioners for the Federal courts.

Mr. W. C. P. Breckinridge, of Kentucky, having called attention to the fact that on a preceding day a provision relating to juries had been stricken from the bill, made the point of order that such provision was not germane to an election bill.

The Speaker overruled the point of order.

(Hinds' Precedents, vol. 5, p. 410)

5805. An amendment simply striking out words already in a bill may not be held not germane.

Where a paragraph which changes existing law has been by general consent allowed to remain, it may be perfected by any germane amendment.

On March 31, 1904, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read this paragraph:

"Expenses of judges of the circuit courts of appeals, not to exceed $10 per day; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $165,000."

Mr. Charles E. Littlefield, of Maine, moved to strike out the words "in United States cases."

Mr. James A. Hemenway, of Indiana, made the point of order that the amendment would change law and would not be germane. He stated that the effect of the amendment would be to pay for meals and lodgings of jurors in civil cases.

It appeared from the debate that there was no general law providing for meals and lodgings of jurors in any cases.

The chairman held:

"The Chair would call attention to the fact that on Monday a similar question arose here in which the rules and decisions were referred to. A precedent seems to have been established in the Committee of the Whole there where a paragraph which changes existing law has been by general consent allowed to remain it may be perfected by any germane amendment.

"If that rule is to be followed, this amendment is in order, and the Chair overrules the point of order. The Chair also thinks the rule to be that an amendment striking out a portion of a paragraph is not subject to a point of order. Form, and not effect, should be considered. Germaneness refers to words added rather than to those taken away. The Chair would further suggest that this question of whether payment should be made for meals and lodgings for jurors in cases other than United States cases is rather a question for the committee to decide; a question of policy rather than a question for the Chair to decide on a point of order."

Mr. Hemenway thereupon said:

"Mr. Chairman, here is a case where we provide for the payment for meals and lodging of jurors in United States cases where the Government is a party to the case. Now, then, is it germane to say that we shall also pay for meals when the Government is not a party to the case, where it is a question purely between individuals?'

The chairman said:

"The Chair would state that that is merely a question for the committee to consider. It is to be noted that this amendment consists not in adding to the language of the paragraph but in striking out certain words which constitute a portion of the paragraph."

(Hinds' Precedents, vol. 4, p. 562.)

3836. In an appropriation bill a paragraph embodying legislation may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation. On March 29, 1904, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read:

"Enforcement of the Chinese exclusion act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, $600,000, of which sum $1,000 per annum shall be paid to the Commissioner General of Immigration as additional compensation: *Provided*, That so much of the amount hereby appropriated, or hereafter appropriated for similar purposes, as may be necessary shall be available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry; but this proviso shall not apply to persons embraced in Article III of the treaty with China of 1894."

To this Mr. E. J. Livernash, of California, proposed the following as an amendment:

"Amend by striking out the period in line 8, page 65, substituting a colon, and adding the following:

"'*Provided further*, That $10,000 of this appropriation shall be for enforcement of said laws so far as they prohibit entry and harboring of Chinese as seamen aboard vessels of American register.'"

Mr. James A. Hemenway, of Indiana, made the point of order that the proposed amendment would change existing law.

In the debate it was claimed that there were laws such as those for which the amendment would provide enforcement; but this was denied, and no such law was exhibited.

At the conclusion of the debate the chairman held:

"The Chair will state that the general rule, apparently established, is as stated in the Digest:

"'As paragraph which changes existing law being allowed by general consent to remain, it may be perfected by any germane amendment.'

"Now, it appears that a proviso was included here and passed without objection which would have been subject, the Chair believes, to a point of order. To that an amendment was proposed. There have been, as the Chair is informed, conflicting decisions, and it is desirable that a uniform rule be established. The rule has been applied that where a provision is inserted which changes existing law it may be perfected by an amendment—which is germane—even though not in accordance with existing law.

"The Chair, though somewhat doubtful, thinks this the best rule: That if a paragraph has been included in the bill which has in it a taint of illegality or of being contrary to existing law, that paragraph can be corrected or perfected by an amendment, but if the further paragraph which is proposed as an amendment carries a further degree of illegality affecting the whole paragraph as amended, then it is not in order.

"So if the amendment of the gentleman from California simply pertained to the proviso which was out of order—that pertaining to the Bertillon system of identification, which was allowed to enter the bill—it would be in order, but if it pertains to the whole paragraph relating to the enforcement of the Chinese exclusion act it is not in order.

"It would appear from the reading that this is not an amendment to the proviso, which is in these words:

"'*Provided*, That so much of the amount hereby appropriated, or hereafter appropriated for similar purposes, as may be necessary shall be available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry; but this proviso shall not apply to persons embraced in Article III of the treaty with China of 1894.'

"To this it is proposed to add the amendment of the gentleman from California:

"'*And provided further*, That $10,000 of this appropriation shall be for the enforcement of said laws so far as they prohibit the entry and harboring of Chinese as seamen aboard vessels of American register.'

"This proposed amendment clearly does not refer to the immediately preceding paragraph. It refers to the whole provision, beginning on the preceding page. Such being the case, the Chair sustains the point of order."

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. KING. Yes.

Mr. CHINDBLOM. Is it the gentleman's position that the conferees may insert any matter into the bill by means of a

conference report provided the matter is germane to the subject matter of the bill?

Mr. KING. If the gentleman will do me the honor to examine the brief which I have submitted to the Speaker and which will appear in the RECORD in the morning, he will find that the position is this, that new matter may be put in a conference report, and that is all that I have to say on the subject. New matter, even though it has not been heard in either House and is not germane, may be offered by a member of the conference committee as well as by a Member on the floor of the House, provided it is germane to a paragraph of the bill. That may be new to the gentleman, but he will find it in this brief.

Mr. CHINDBLOM. I should be very glad to read any brief that presents that question. I find in the Manual, paragraph 539 in rules with reference to managers of conference committees, laid down as follows:

The managers of a conference must confine themselves to the differences committed to them (V. 6417, 6418) and may not include subjects not within the disagreements (V. 6407, 6408), even though germane to a question in issue (V. 6419). But they may perfect amendments submitted to them if they do not in so doing go beyond the differences (V. 6409, 6413).

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. KING. Along that line, if the gentleman would read the decision of Speakers Blaine, Henderson, and Colfax in this brief I think he will find that his opinion on the matter does not go far enough and is not broad enough. In fact, this is the very sort of ruling that should be had in this modern day, when there are so many people who want to put over legislation in just this kind of manner. It ought to be adopted for the benefit of those concerned.

Mr. CHINDBLOM. Mr. Speaker, I shall be very glad to read the brief of the gentleman from Illinois. I submit the matter to the Chair upon the showing that I have made.

The SPEAKER. The Chair is prepared to rule. The gentleman from Illinois [Mr. KING] a day or two ago submitted to the Chair a written argument upon this matter relating particularly to amendment No. 38. The gentleman from Illinois bases his argument mainly on a decision rendered a good many years ago by Mr. Speaker Blaine, wherein he held in part as follows:

The power of a conference committee, which, as the gentlemen well know, the two Houses have been in the habit of considerably enlarging, fairly includes the power to incorporate germane amendments. If the gentleman from Indiana, Mr. Holman, makes the point that the amendments he specifies are not germane, the Chair will examine the question; but the mere fact that the proposition embraced matters which were not originally before the House or Senate would not be sufficient to require them to be ruled out.

That is the one decision that the gentleman from Illinois [Mr. KING] quotes on this precise point. There has been no decision to that effect since that time so far as the Chair is aware. On a number of occasions, both since he was elected Speaker and theretofore, the Chair has had occasion to look into the question with respect to the power of conferees. As the Chair understands the precedents and the rule to-day, it is that the managers of a conference must confine themselves to the differences committed to them and may not include subjects not within the disagreements, even though germane to the question in issue. Immediately following the decision quoted in Hinds' Precedents to which the Chair has referred, in which Mr. Speaker Blaine seemed to intimate that if an amendment was entirely germane it might be in order, notwithstanding the fact that the conferees departed from the differences committed to them, there is a decision by Mr. Speaker Reed, which seems to the Chair covers the precise point involved in this case.

This was in 1898, and the decision of Mr. Speaker Blaine was in 1871, 27 years previously. In this instance the situation was this, and is to be found on page 720 of Hinds' Precedents, volume 5:

During the debate it was developed that among the Senate amendments was a provision relating to the fishery question between Canada and the United States. To this the conferees added a provision for a commission to consider the differences between Canada and the United States in relation to trade relations.

It seems to the Chair that is practically the same situation we now find before us. Mr. Speaker Reed, in passing upon the question, said:

The Chair dislikes to pass upon such matters as this, but it is a well-established principle that no conference committee can introduce a new subject, one that was not in dispute between the two Houses; and it is evident that everybody in the House realizes that this amendment which has been presented is really beyond the power of the committee of conference. That being so, and the point being made, there is no other course but to sustain the point of order, which the Chair accordingly does.

From then on through many pages of Hinds' there are a number of precedents discussed, all of which hold at least as strongly as did Mr. Speaker Reed that a committee of conference may not include subjects not within the disagreements between either House.

Later, in 1902, Speaker Henderson decided that—

A conference committee may not include in its report new items constituting in fact a new and distinct subject not in difference, even though germane to questions in issue.

In other words, the later precedents of the House go so far as to say that the question of germaneness has nothing to do with the question if the conferees have exceeded their powers in regard to the action of either House.

The Chair is not aware, certainly since he has been a Member of this body and heard this question ruled on repeatedly, of any precedent which would go to show that a conference committee might, provided the proposition were germane, go beyond the limits set in the decisions just referred to. The Chair is not called upon therefore to determine the question as to whether this provision as to a commission is germane to the bill or not. If he were he would think it was a matter of very grave doubt as to whether to a bill dealing with the Federal reserve system and branch banks an amendment providing for the appointment of a committee to make an inquiry into the price of commodities in the United States as affected since the year 1914 if at all by the Federal banking laws could be regarded as germane. But the Chair is not called upon to determine that. The Chair fails to find in any part of this bill a suggestion on the part of either House of the appointment of a commission of this kind. The Chair thinks beyond all question that the conferees have exceeded their powers in reporting such an amendment to the House. The Chair also sustains the points of order with regard to two other amendments as presented by the gentleman from Illinois. In both cases the conference committee have inserted matter which was not in disagreement at all and has changed the text which was identical in both the House and Senate bills. The Chair forgot to mention in the discussion of the brief of the gentleman from Illinois that the other precedents quoted by him were where the Senate had stricken out the entire House bill and substituted a different bill, in which case, of course, the powers of the committee are much broader and almost any amendment may be in order provided only it is germane. But that is not this case, and the Chair therefore sustains all the points of order made, both that of the gentleman from Kansas [Mr. STRONG] and that of the gentleman from Illinois [Mr. CHINDBLOM].

Mr. KING. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seventy-five Members are present—not a quorum.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 120]

Aldrich	Dempsey	Keller	Sinclair
Allen	Denison	Kemp	Smith
Allgood	Doyle	Kirk	Sproul, Kans.
Andrew	Drane	Kvale	Steagall
Anthony	Drewry	Lea, Calif.	Sullivan
Appleby	Esterly	Lee, Ga.	Swartz
Bankhead	Fenn	Lineberger	Swoope
Beck	Fredericks	Linthicum	Taylor, N. J.
Berger	Freeman	Luce	Tilson
Bixler	Fuller	McClintic	Tinkham
Blanton	Funk	McKeown	Tucker
Bloom	Furlow	Magee, Pa.	Tydings
Bowles	Gallivan	Mead	Updike
Bowling	Garner, Tex.	Merritt	Valle
Browning	Garrett, Tex.	Michaelson	Vare
Brumm	Gasque	Mills	Warren
Buchanan	Golder	Montgomery	Wason
Butler	Gorman	Mooney	Welsh
Canfield	Graham	Morin	Whitehead
Carter, Calif.	Harrison	Nelson, Me.	Williams, Ill.
Carter, Okla.	Hawley	Norton	Williams, Tex.
Cleary	Hudspeth	Peavey	Wilson, Miss.
Connery	Jeffers	Phillips	Winter
Connolly, Pa.	Johnson, Ind.	Pou	Wood
Corning	Johnson, Ky.	Quayle	Woodrum
Cramton	Jones	Rainey	Wurzbach
Davenport	Kahn	Rayburn	Wyant
Deal	Kearns	Reece	

The SPEAKER. Three hundred and nineteen Members are present—a quorum.

Mr. VESTAL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Indiana moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

Mr. McFADDEN. Mr. Speaker, I offer a motion, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. McFADDEN moves that the House insist on its disagreement to the amendments of the Senate numbered 1 to 25 and 27 to 39, inclusive, and that the House recede from its disagreement to the amendment of the Senate numbered 26 and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted in H. R. 2 by the Senate amendment insert the following:

"SEC. 5155. The conditions upon which a national banking association may retain or establish and operate a branch or branches are the following:

"(a) A national banking association may retain and operate such branch or branches as it may have in lawful operation at the date this section as amended takes effect, and any national banking association which has continuously operated not more than one branch for a period of more than 25 years immediately preceeding the date this section as amended takes effect may continue to operate such branch.

"(b) If a State bank is hereafter converted into or consolidated with a national banking association, or if two or more national banking associations are consolidated, the consolidated association may retain and operate such branches, as any of said banks may have in lawful operation at the date this section as amended takes effect.

"(c) A national banking association may, after the date this section as amended takes effect, establish and operate new branches within the limits of the city or town in which said association is situated, if such establishment and operation are upon such date permitted to State banks by the laws of the State in question, and if the population of such city or town by the last decennial census is in excess of 100,000. The determination of the number of branches which any such association may establish shall be within the discretion of the Comptroller of the Currency.

"(d) A national banking association, situated in any State which at the date this section, as amended, takes effect, does not permit the establishment of branches by the State banks, but which after such date permits such establishments, may establish and operate new branches within the limits of any city or town in which said association is situated if the population of such city or town is by the last decennial census in excess of 100,000: *Provided, however,* That not more than one such branch of any such association may be established in any such city or town where the population, so determined, does not exceed 250,000; not more than two such branches where such population does not exceed 500,000; not more than three such branches where such population does not exceed 750,000; not more than four such branches where such population does not exceed 1,000,000; and not more than five such branches where such population exceeds 1,000,000.

"(e) In cases in which, under the provisions of this section, a national banking association is authorized to establish a branch or branches within the limits of a city or town, the Comptroller of the Currency shall have the discretionary power to authorize the establishment and operation of such branch or branches beyond the boundaries of said city or town, as strictly defined by law; but only within the same metropolitan area as that in which the parent bank is situated: *Provided, however,* That he shall in no case authorize such establishment and operation except within the territory of a city, town, or village, the corporation limits of which at some point coincide with the corporate limits of the city or town in which the parent bank is situated, when in his discretion he shall determine, after public hearing, that the banking needs of the inhabitants of said contiguous and urban territory require the establishment of such branch or branches; but no branch shall be established under the authority of this subsection in any part of a State to which the right of State banks, under the State law, to establish branches does not extend.

"(f) No branch of any national banking association shall be established or moved from one location to another without first obtaining the consent and approval of the Comptroller of the Currency.

"(g) The term 'branch' as used in this section shall be held to include any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State or Territory of the United States or in the District of Columbia at which deposits are received or checks paid or money lent.

"(h) This section shall not be construed to amend or repeal section 25 of the Federal reserve act, as amended, authorizing the establishment by national banking associations of branches in foreign countries or dependencies or insular possessions of the United States.

"(i) The words 'State bank,' 'State banks,' 'bank,' or 'banks' as used in this section shall be held to include trust companies, savings banks, or other such corporations or institutions carrying on the banking business under the authority of State laws."

Mr. CHINDBLOM. Mr. Speaker, I make the point of order that the motion is out of order. This bill is on the Union Calendar. The Senate amendments can not be considered in the House. This is a consideration of the Senate amendments.

Mr. GARRETT of Tennessee. Mr. Speaker, I want to submit a parliamentary inquiry if the gentleman has concluded.

Mr. CHINDBLOM. I will say to the Chair that I understood, when we had the colloquy a while ago, that the gentleman from Pennsylvania [Mr. McFADDEN] would ask unanimous consent to disagree to all the Senate amendments or insist upon the disagreement of the House and ask for a further conference, and we would then consider a motion instructing the conferees, not that we would proceed to the consideration of the Senate amendments in the House.

The SPEAKER. The Chair does not understand that to be the situation.

Mr. McFADDEN. I will say that I made no such statement to the House. I submitted then the very same motion that has been presented here, which is the compromise proposition.

Mr. GARRETT of Tennessee. It does not seem to me there is any other way to get at the matter except by having the gentleman ask to further insist and agree to the conference. This is a conference report which we have been considering. The conference report was submitted here, and it is pending in the other body, I understand. The conference report has fallen, a point of order having been made against it. It stands in the same situation that it would if it had been defeated, so what is there to do except for the gentleman to ask to disagree to the Senate amendments and ask, I suppose, for a further conference? Of course the Senate asked for this conference, but I suppose, under the existing situation in which we find ourselves, the House having defeated the conference report, or it having gone out on a point of order through the presiding officer of the House, the official spokesman of the House, it is in order for the gentleman to ask for a conference, but we can not proceed to consider the Senate amendments with the conference report pending in the other body.

Mr. McFADDEN. If the gentleman will yield, I intended to make such a motion.

The SPEAKER. The Chair assumed the gentleman would ask for a conference either in his motion or after the motion was adopted.

Mr. McFADDEN. Mr. Speaker, I make such a motion now.

Mr. CHINDBLOM. The gentleman offered a motion that the House disagree to certain amendments and agree to one amendment with an amendment in the form in which he offered it. That is, consideration of the amendments of the Senate.

Mr. WINGO. I think, Mr. Speaker, the gentleman from Pennsylvania did this: He moved that the House further insist upon its disagreement to all of certain amendments, naming them, except one; that the House recede and concur in that amendment with an amendment and ask for a conference upon the disagreement to the others.

The SPEAKER. The Chair understood that was a part of the gentleman's motion.

Mr. WINGO. I understood the gentleman was asking for a further conference.

Mr. McFADDEN. The gentleman is correct.

Mr. WINGO. In other words, the gentleman disagreed to all the amendments and then he offered a disagreement to one amendment conditioned upon a certain amendment and asked for a further conference. I think under the parliamentary situation the gentleman has a right to do that if he wants to.

The SPEAKER. The Chair clearly thinks that is the privilege of the gentleman.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. The gentleman from Pennsylvania has moved to disagree to all the Senate amendments except one, and as to that amendment he proposes to agree to a compromise, and then the gentleman asks for a conference. If the conference is permitted, before the Chair appoints the conferees, would it be in order to offer a motion to instruct the conferees in respect of the particular amendment on which the gentleman wants to compromise?

The SPEAKER. The Chair thinks so.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Would it be competent in this motion to instruct the conferees to do something which was contrary to the motion of the gentleman from Pennsylvania?

The SPEAKER. The Chair thinks it would be in order to instruct the conferees to do anything the House wishes.

Mr. McFADDEN. Mr. Speaker, I ask to amend the motion by including a request for a further conference.

The SPEAKER. The Chair understands that is a part of the motion of the gentleman from Pennsylvania.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHINDBLOM. Are we now voting upon all the amendments with the exception of amendment No. 26?

The SPEAKER. We are voting upon the motion of the gentleman from Pennsylvania to disagree to all of the Senate amendments but one, and to agree to that one with an amendment.

Mr. CHINDBLOM. Can we agree to that Senate amendment with an amendment and proceed to a conference? Are we not then, in substance, instructing the conferees?

The SPEAKER. This is not an instruction to the conferees.

Mr. BLACK of Texas. Mr. Speaker, I make the point of order against the motion to concur in that it embodies provisions that are not in disagreement between the House bill and the Senate bill.

The SPEAKER. That would have nothing to do with it. That would apply to the action of the conferees.

Mr. BLACK of Texas. I make the point it is not germane, Mr. Speaker. Could we move to concur in an amendment which is not germane? I raise the point that the two bills having already fixed the figures at 25,000 where no branch bank could be established, having already agreed that one branch bank may be established in cities between 25,000 and 50,000, and two branches in cities between 50,000 and 100,000, the provisions that the gentleman from Pennsylvania now offer which seek to write an entirely new schedule is not germane.

The SPEAKER. The Chair thinks the test is not the report of the conferees, but the action of either House relating to either the House bill or the Senate bill, and the Chair thinks if this motion is germane to either the House bill or the Senate bill it is a proper motion. It seems to the Chair the motion is germane to the general subject carried in the House bill.

Mr. BEEDY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEEDY. Mr. Speaker, there seems to be a great deal of misunderstanding as to what the effect of a vote for this motion will be. If the compromise agreement with respect to the 100,000 population proposition goes through that does not bind the conferees but gives them an opportunity to restore the original provision of the House bill?

The SPEAKER. Of course. It is not a specific instruction to the conferees at all.

Mr. MORTON D. HULL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORTON D. HULL. At what stage will it be in order to offer a motion to instruct the conferees to adhere to the provisions of the House bill with respect to branch banking?

The SPEAKER. If the motion of the gentleman from Pennsylvania should carry, it will then be in order for the gentleman from Illinois to offer a motion to instruct the conferees.

Mr. WINGO. Would that be in order, Mr. Speaker? Would not that be a contradiction, because the proposal of the gentleman destroys the Hull amendment in amendment No. 26?

The SPEAKER. It may possibly be.

Mr. WINGO. In other words, the House may contradict itself if it wants to.

The SPEAKER. The House may instruct as it pleases.

Mr. MORTON D. HULL. A further parliamentary inquiry, Mr. Speaker. Would it be in order for me to offer my motion now as a substitute for the motion of the gentleman from Pennsylvania [Mr. McFADDEN]?

The SPEAKER. No; because the gentleman from Pennsylvania has the floor.

Mr. MADDEN. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. The gentleman from Pennsylvania [Mr. McFADDEN] has asked that all Senate amendments be disagreed to except one, and as to that amendment he has asked that they may be allowed to compromise. If the conferees are authorized to do that, as a result of the motion, would a motion to instruct as to the amendment on which he proposes a compromise be in conflict with what we have already done?

The SPEAKER. The Chair thinks not.

Mr. BRITTEN. Mr. Speaker, would not that depend entirely on the language of the motion made by the gentleman from Pennsylvania? It might be, in fact, contradictory.

The SPEAKER. It might be entirely contradictory, but the Chair is not enough of a prophet to tell that at this stage.

Mr. CHINDBLOM. Mr. Speaker, may I call the Chair's attention to the language of the motion which is pending:

Mr. McFADDEN moves that the House insist on its disagreement to the amendments of the Senate Nos. 1 to 25, and 27 to 39, inclusive, and that the House recede from its disagreement to the amendment of the Senate No. 26, and agree to the same with an amendment, as follows:

That is action upon the Senate amendment by the House. The House accepts the Senate amendment with a certain change. I contend that such action should be taken upon this bill in the Committee of the Whole House on the state of the Union. This bill being on the Union Calendar, when it comes back from the Senate with amendments, the consideration of the amendments must be in the Committee of the Whole House on the state of the Union unless unanimous consent is given to the consideration of the amendments in the House itself. That is my point of order.

The SPEAKER. But the bill has already been considered in the Committee of the Whole House on the state of the Union.

Mr. CHINDBLOM. The amendments have never been considered in Committee of the Whole House on the state of the Union and the character of a union bill follows it when it comes back with Senate amendments.

Mr. CRISP. Mr. Speaker, in answer to the observations by my friend from Illinois, I think he is clearly in error. If you take the whole procedure of our history of the House in conference reports for many years back you will find that the only time under the rules that Senate amendments are considered in Committee of the Whole House on the state of the Union is before the bill has gone to conference. After it has been in conference and the conferees have made a report and the conference report comes back to the House and is rejected, then the bill and all amendments is before the House and does not have to go to the Committee of the Whole House on the state of the Union. It is then within the province of the House to further insist or to recede, or to recede and concur with an amendment.

That is the situation here. Now, I do want to present this thought, if I may, to the Speaker. I have been in thorough accord with all of the rulings that the Speaker has made on this bill, except that I have some doubt if the motion of the gentleman from Pennsylvania should carry, to wit, that the House further insist on its disagreement to all of the amendments except one and then recede and concur in that amendment with an amendment—unquestionably that motion is in order. But if that should carry, I think it is doubtful if the House could then instruct the conferees to do something that controvenes the action of the House in concurring in the amendment.

Here is the thought I want to suggest: Suppose when the bill is messaged back to the Senate the Senate should acquiesce in our action to-day—that the Senate recede from its amendments that we disagree to—and the Senate should concur in our action agreeing to the other amendment with an amendment, then the bill is passed. It does not go to conference again at all. It would be engrossed and go to the President.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. CRISP. If I have the floor.

Mr. CHINDBLOM. Does the gentleman know whether there are any precedents on the question that I am raising or is the gentleman basing his views on the practice with which he is so familiar?

Mr. CRISP. I have not taken any hand in this bill and have not looked up the precedents, but for six years I was the parliamentarian of the House and I have had a number of years' experience and a good deal of observation in conference reports. I have seen one bill come back a dozen times with amendments that were always considered in the House, never one in the Committee of the Whole House on the state of the Union except before the bill went to conference, and it is always in order to propose germane new matter, because some times that is the only way to get the two Houses together. Sometimes the conferees can not agree and then when it comes back to the two Houses it is in order for either House to inject new matter by amendment that may tend to bring about an agreement between the two Houses.

Mr. BEGG. Will the gentleman yield?

Mr. CRISP. Certainly.

Mr. BEGG. If I understand the gentleman, he claims it would be out of order to move to instruct the conferees with reference to the Hull amendments. Suppose the House did instruct the conferees and the Senate accepted the House bill and the bill did not go to conference, where would the disadvantage be?

Mr. CRISP. I simply called the Speaker's attention to that fact. I say I think it is a doubtful question.

It is a well accepted method of procedure in this House that when the House itself votes to do a certain thing it is not in order to vote immediately to undo that because there must be something res adjudicata. It could not go on indefinitely. If the House should vote to concur in the amendment with an amendment it is a serious question whether the House could subsequently vote to instruct the conferees contrary to what the House had just voted. The gentleman from Pennsylvania has made a motion which if the House agrees to if the Senate concurs in the action of the House the bill is passed and it will never go to conference. The instructions to the conferees would be futile.

Mr. CANNON. Will the gentleman yield?

Mr. CRISP. I will.

Mr. CANNON. In view of the statement that the gentleman from Georgia has just made as to the House undoing what it has just done I submitted a parliamentary inquiry to the Speaker a little while ago in which I asked him in the event that the motion of the gentleman from Pennsylvania was agreed to that we concur in the Senate amendment with an amendment, whether it would be in order for the gentleman from Illinois [Mr. HULL] to move to instruct the conferees to do something to the contrary and the Speaker held that it would be in order. I agree with the gentleman from Georgia.

Mr. CRISP. I know that my friend is an able parliamentarian and I think he will agree that I have stated correctly the practice of the House on the question.

Mr. CANNON. I agree with the gentleman.

Mr. WINGO. Mr. Speaker, may I submit another proposition, which I hope the Speaker will take into consideration before he decides the matter, and I think he ought to decide it now, so that the House may be advised. I am not so much concerned about the possibility that the Senate might agree to what we do, because I feel sure they will not; but they will be called upon to agree to the conference which we ask. Suppose the House adopts this proposition that is submitted by the gentleman from Pennsylvania [Mr. MCFADDEN]; then, suppose in keeping with the suggestion that the Chair made a while ago, that he recognizes the gentleman from Illinois, and he offers to instruct the conferees to insist upon the Hull amendment, and that motion is agreed to, then when we go into conference here is the dilemma that we would find ourselves in, and I am submitting it to the Chair because I want action. I do not want this House to go to a conference with such a situation that there will be confusion as to what we will be authorized to do. The Senate will say to us, "Which instruction of the House are you going to stand by—its instruction through its vote adopting the McFadden proposition which killed the Hull amendment, or the general instruction which the House action took by adopting the motion of the gentleman from Illinois [Mr. HULL] to insist upon the Hull amendment?" And which, Mr. Speaker, am I to accept as the instruction of the House?

The SPEAKER. As it occurs to the Chair, the situation is this: The only question he is called upon to determine at this moment is whether the motion of the gentleman from Pennsylvania is in order. The Chair, of course, agrees entirely with the gentleman from Georgia [Mr. CRISP] that if the motion precisely as presented by the gentleman from Pennsylvania should reach the Senate, and the Senate should concur in the amendment to the amendment No. 26 and recede from the remaining amendments, the bill would at once become law; but the Chair has no knowledge of the motion, if any, that any Member of the House may make to instruct.

It may be inconsistent to some extent or to a great extent to this particular amendment, but the Chair does not know that now. All the Chair can do is to decide whether or not the motion now presented by the gentleman from Pennsylvania is in order, and the Chair holds that it is in order at this time. A parliamentary inquiry is made of the Chair later as to whether in case this motion shall prevail it would then be in order to move to instruct the conferees. The Chair does not know what that motion will be, but the Chair thinks that a motion to instruct would be in order. Whether the House would agree to adopt it or not is another question, and whether it will be inconsistent is a question which the Chair could not now decide.

Mr. McFADDEN. Mr. Speaker, would the motion to recommit accomplish anything? Would not the very purpose that was to be served by it be served by my motion? Would not the motion to instruct the conferees be only a duplication of what had already been done?

The SPEAKER. The situation at this moment is that there is no conference committee, and the only way that there can be a conference committee and proceed further with the bill is to adopt the motion of the gentleman from Pennsylvania or some other motion.

Mr. STEVENSON. I wish to make a parliamentary inquiry. Can this motion of the gentleman from Pennsylvania be divided? In other words, can we vote separately upon that part of the motion which disagrees to all of the Senate amendments except amendment 26 and then vote separately on one amendment which agrees to amendment 26 with an amendment? If that can be done, we can dispose of this thing mighty quickly.

Mr. CHINDBLOM. Mr. Speaker, has my point of order been decided?

The SPEAKER. The Chair holds that the motion is in order.

Mr. CHINDBLOM. Mr. Speaker, I move an amendment, that we also disagree to amendment No. 26.

The SPEAKER. The Chair doubts that the gentleman can take the gentleman from Pennsylvania off his feet to offer an amendment. In response to the inquiry of the gentleman from South Carolina as to whether the motion could be divided, the Chair is of opinion that it could be divided.

Mr. WINGO. Oh, everyone has agreed upon everything except this controverted matter, and what would be the advantage of dividing upon that?

Mr. MORTON D. HULL. Mr. Speaker, I ask for a division.

Mr. CANNON. Mr. Speaker, as this is a matter on which there seems to be some uncertainty, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. It is my understanding that the gentleman from Illinois [Mr. HULL] proposes that if the conference is agreed to, to move to instruct the conferees to further insist upon the House bill—that is, to insist upon the Hull amendments, as written into the House bill. If the motion of the gentleman from Pennsylvania [Mr. MCFADDEN], just made and now pending, is agreed to, would that motion of the gentleman from Illinois be in order?

The SPEAKER. The gentleman from Missouri [Mr. CANNON] may know more about what that motion will be than the Chair. The Chair is simply holding that after this motion of the gentleman from Pennsylvania which is in order is disposed of, then a motion to instruct is in order.

Mr. CANNON. But would a motion be in order to instruct the conferees to insist upon the House bill as it passed the House? That is the proposition.

The SPEAKER. The Chair thinks that any motion to instruct would be in order. It will be a question for the House to decide.

Mr. MORTON D. HULL. Mr. Speaker, I ask for a division on the motion.

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. MORTON D. HULL. When will it be in order?

The SPEAKER. The gentleman from Pennsylvania is recognized for one hour.

Mr. McFADDEN. Mr. Speaker, I feel like apologizing to the Members of the House for taking up additional time, but I note that a lot of misunderstanding has arisen here in regard to the situation as to the subject before the House, and inasmuch as there are other men here that were not here this morning when I addressed the House before on the subject, and to put it in a little more concrete form, I am going to ask not to be interrupted. I desire to say that the compromise agreement which we are about to vote upon was reached in conference, and if we are given opportunity to vote upon the motion as it stands now a vote of "aye" will be a vote for the compromise plan, which means the passage of this bill, and a vote of "no" will clearly be to sustain the Hull amendments. This sends the bill back to conference, where we were in all sorts of trouble over these Hull amendments. This is the proposition I want to get before the House, and it is in accordance with the assurance which I gave the House when the bill was sent to conference.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. McFADDEN. I have asked not to be interrupted. If the gentleman will pardon me, I want to make a statement as

briefly as possible and not take up more time than is absolutely necessary, and I shall try to clarify as best I can in words this situation.

The compromise agreement reached in conference is a more drastic restriction upon the future establishment of branches by national banks than was contained in the bill as it passed the House, including the Hull amendments. I shall now briefly enumerate these restrictions and prohibitions:

1. (a) It denies to national banks in every State the right to open branches outside of the home city of the parent bank.

(b) It denies to State banks in all States the right to enter or to remain in the Federal reserve system if they open, after the approval of this act, any branches outside of the home city of the parent bank.

State-wide branch banking is absolutely prohibited by this provision. It would be impossible under it for the large city banks to absorb the independent unit banks in the rural communities and small towns.

2. In addition to the restriction on state-wide branch banking, national banks would be prohibited entirely from having any sort of branches anywhere in 33 out of the 48 States. National banks could thus have no branches at all in the States of Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

3. If this compromise is agreed to, branch banking by national banks will be limited to a total of only 44 cities in the United States situated in the following 15 States: California, Delaware, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Virginia. Each of these States permit the State banks to have branches. In other words, branch banking by national banks is restricted solely to those large cities in the United States having a population over 100,000 where branch banking is already established under State law.

Now, I come to the question of how this compromise affects the Hull amendments. The Hull amendments, as you know, were not a part of the branch-banking policy of the bill as originally reported by the House committee. They were introduced on the floor of the House and added a new element of policy, the effect of which was to prevent national banks from having branches in any State which hereafter changed its law and permitted its State banks to have home city branches. There are about 27 States in this class. Under the Senate amendment, which struck out the Hull amendments, it would have been possible for national banks in these States to have home-city branches in 118 cities, provided these States in the future authorized branch banking. The Senate amendment automatically gave national banks the right to have city branches when and wherever the State changed the law and allowed branch banking to State banks. The Hull amendments denied this right.

In order that Members may not confuse the Hull amendments with the other branch banking provisions of the bill, I wish to call attention to the following four points:

1. The Hull amendments have nothing to do with state-wide branch banking. That was already taken care of in the bill.

2. The Hull amendments relate only to the 27 antibranch banking States.

3. The Hull amendments affect only the question of the future establishment of home-city branches in those States.

4. The crux of the Hull amendments is the question of the time when a State enacts branch banking laws. If before the bill becomes a law, then national banks may also have branches; if afterwards, national banks may not have branches.

The Hull amendments were, therefore, proposed and accepted by the House as one form of restriction upon branch banking under Federal authority. Under the House bill, however, even with the Hull amendments, branch banking by national banks would have been permitted in about 200 cities, located in 21 different States.

As a substitute for the Hull amendments, we have agreed to two drastic restrictions, as follows:

(1) In the States which now permit branch banking no national bank can open a branch in any city with a population under 100,000. There are only 44 cities above 100,000. This would automatically exclude 3,284 national banks in these States from the right to have branches.

Anyone who says this is not an antibranch banking bill should pay attention to that statement.

(2) In any of the 27 States which may hereafter permit branch banking (if and when such permission is given to State banks) national banks may have branches as follows:

(a) No branches in cities having a population under 100,000. This means no branches at all in the following 12 States, even if the State changes its laws: Arkansas, Florida, Idaho, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, South Dakota, Vermont, and West Virginia. This restriction would automatically exclude 4,348 national banks in these States from the right to have branches, even though the State laws should change.

(b) One branch in cities from 100,000 to 250,000. There is 1 such city in Alabama, 3 in Connecticut, 1 in Iowa, 1 in Kansas, 1 in Minnesota, 1 in Nebraska, 4 in Texas, 1 in Utah, and 1 in Washington.

(c) Two branches in such States in cities having a population from 250,000 to 500,000. There is 1 such city in Colorado, 1 in Indiana, 1 in Minnesota, 1 in Missouri, 1 in Oregon, 1 in Washington, and 1 in Wisconsin. A total of seven cities in which it would be possible for national banks to have not more than two branches each if the State law should change in favor of branches for State banks.

(d) Three branches in such States—that is, antibranch banking—in cities from 500,000 to 750,000. There were under the last census no cities in this class in States which do not now permit branch banking.

(e) Four branches in cities from 750,000 to 1,000,000. The city of St. Louis is the only city in this class, and under this proposal, and the laws of Missouri do not now permit branch banking, but if the State of Missouri at some future date enacted a law favoring branch banking no national bank in St. Louis could have over four branches, regardless of how many the State banks might have.

(f) Five branches in cities of over 1,000,000. The city of Chicago is the only city in this class. Under this substitute for the Hull amendments no national bank could have any branch at all in Chicago unless and until the State law permitted State banks to have branches.

The State laws of Illinois do not permit branch banking. It is my understanding quite recently the State by referendum declared against branch banking in the State, and the law can only be changed by the State of Illinois after being submitted to a general referendum. It is a long cry to say that the passage of this bill means branch banking in Illinois. And even if the State law put no limitation to the number of branches a State bank might have, no national bank could have more than five branches.

In short, the conference proposal would limit the present operation of branch banking by national banks to 44 large cities in 15 branch banking States and prohibit it everywhere else. The country banks are absolutely protected from the encroachment of branch banking in so far as it lies within the power of Congress to do so.

I pass now to a brief consideration of some of the other branch-banking provisions which have been agreed upon but which do not involve the Hull amendments.

(1) All lawful branches now in operation by national banks are permitted to be retained.

(2) All state-wide branches now in operation by State member banks who are now members of the Federal reserve system may be retained.

(3) When two or more banks, national or State, consolidate, all branches now lawfully existing may be retained.

(4) When a State bank becomes a national bank or a member of the Federal reserve system, it may retain all branches now lawfully in operation.

These four provisions simply preserve the status quo of branches lawfully existing at the time this bill becomes a law.

There is one other provision to which I wish to call the attention of the House—one in which the national banks in Ohio are very much interested. It is this: In those cities in which the State banks are allowed to have branches in the territory contiguous to the city the Comptroller of the Currency is permitted to define such a city so as to include such incorporated suburbs, the corporate limits of which touch the corporate limits of the city proper. Before any national bank could establish such a branch four conditions must be met:

1. The branch must have the approval of the Comptroller of the Currency.

2. It must be located in an incorporated city, town, or village which is actually contiguous to the main city.

3. The contiguous suburb must constitute an economic unit with the main city and be a part of the same metropolitan area.

4. No such branch can be established until after the comptroller has held a public hearing to ascertain the public need for a branch at the locality in question.

RELATION OF THE HULL AMENDMENTS TO SECTION 9 OF H. R. 2

In conclusion, I desire to say a word about Senate amendment No. 30, which redrafted section 9 of the bill. You will recall that at the last session of Congress the Senate committee struck section 9 from the bill entirely and thereby eliminated the restriction upon state-wide branch banking within the Federal reserve system which the House had put upon State member banks. This was the primary controversy between the House and the Senate last year on this bill. When the bill passed the Senate at this session of Congress these restrictions upon state-wide branch banking as enacted by the House were retained, and there was, therefore, no disagreement in conference between the House and the Senate on this particular point.

The House provision contained a further restriction that if a State hereafter permitted the State banks to have home-city branches, any such State bank which took advantage of such a law and established a home-city branch thereby disbarred itself from membership in the Federal reserve system. This restriction was stricken out by the Senate, and the House conferees receded.

In conformity with the promise I made to the House on May 25 when this bill went to conference, you now are given the opportunity to vote on the compromise plan which the conferees have worked out on the Hull amendments. The Hull amendments, as you know, relate primarily to national banks. They are a prohibition upon national banks. The proposition is covered in the compromise proposal and is amendment No. 26, which was not included in the conference report, and you are now given an opportunity for a separate vote upon the main proposition of the Hull amendments; that is to say, what limitations should be put upon the right of national banks to have branches in those States which might hereafter permit other banks to have branches.

A vote for this conference report will be a vote to permit State banks, in any State which may hereafter permit branch banking, to remain in the Federal reserve system, and gives national banks in those States limited rights when located in cities in excess of 100,000 population.

I yield the remainder of my time to the gentleman from Maine [Mr. BEEDY].

Mr. ABERNETHY. Mr. Speaker, I understood the gentleman was to give me five minutes.

[Cries of "Vote"!]

Mr. McFADDEN. Mr. Speaker, the hour is getting late and many Members are asking whether or not we could take up this matter on Thursday morning and finish it, reverting to the present status and continue the matter on Thursday morning?

Mr. WINGO. Why not take it up to-morrow?

Mr. McFADDEN. Would it be the unfinished business on Thursday? If so, I will make a motion that the House do now adjourn.

The SPEAKER. The Chair thinks that on Thursday morning we could bring it up.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate Resolution 254

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ROBERT M. LA FOLLETTE, late a Senator from the State of Wisconsin.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and communicate a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that the Senate had passed without amendment H. J. Res. 64 to secure a replica of the Houdon bust of Washington for lodgment in the Pan American Building.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9833. An act to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry by striking out the proviso in section 6 of said act; and

H. R. 537. An act for the relief of A. B. Ewing.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 7152. An act for the relief of Lilly O. Dyer; and

H. R. 11870. An act for the relief of certain officers of the Air Service of the United States Army on account of funds expended by them in connection with the American round-the-world flight.

ADJOURNMENT

Mr. McFADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 23, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 23, 1926, as reported to the floor leader by clerks of the several committees:

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

596. A communication from the President of the United States, transmitting a proposed draft of legislation affecting an existing appropriation for the War Department, fiscal year 1926, made available until June 30, 1927, for the purchase or construction of one ferryboat (H. Doc. No. 451); to the Committee on Appropriations and ordered to be printed.

597. A letter from the Assistant Secretary of Commerce, transmitting a draft of a proposed bill to authorize and direct the Comptroller General to settle and allow the claims of E. A. Goldenweiser, Edith M. Furbush, and Horatio M. Pollock for services rendered to the Department of Commerce; to the Committee on Claims.

598. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment, House of Representatives, for the fiscal year 1926, in the sum of $7,150 (H. Doc. No. 452); to the Committee on Appropriations and ordered to be printed.

599. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa., amounting to $32,270.90 (H. Doc. No. 453); to the Committee on Appropriations and ordered to be printed.

600. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal years 1926 and 1927, amounting to $93,975 (H. Doc. No. 454); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARBER: A bill (H. R. 12988) to provide for the acquisition by the city of Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.; to the Committee on the Public Lands.

By Mr. YATES: A bill (H. R. 12989) granting pensions to widows of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 12990) to provide for public education upon political questions and for the dissemination of information upon political issues and matters of a political nature of public interest; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. WINTER: Joint resolution (H. J. Res. 282) authorizing the acceptance of title to certain lands in Teton County, Wyo., adjacent to the winter elk refuge in said State established in accordance with the act of August 10, 1912 (37 Stat. 293); to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 12991) granting an increase of pension to Annie E. McGinnis; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 12992) to correct the military record of Charles L. Dewey; to the Committee on Military Affairs.

By Mr. BACHMANN: A bill (H. R. 12993) granting an increase of pension to Manda J. Brain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12994) making Nancy J. Litman eligible to receive the benefits of the civil service retirement act; to the Committee on the Civil Service.

By Mr. BACON: A bill (H. R. 12995) granting an increase of pension to Celia A. Young; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 12996) granting a pension to Lucy B. Kinney; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 12997) granting an increase of pension to Mary J. Lawson; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12998) granting an increase of pension to Helen Beard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12999) granting an increase of pension to Lucy Ann Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13000) granting an increase of pension to Catharine E. Fessler; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 13001) granting an increase of pension to Florence Idell Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13002) granting an increase of pension to Esther E. Smith; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 13003) granting a pension to Dora E. Davis; to the Committee on Invalid Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 13004) for the relief of John G. Cassidy; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 13005) granting a pension to Vonny A. McClaren; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 13006) granting an increase of pension to Sophia D. Morgan; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 13007) granting an increase of pension to Mary E. Kendall; to the Committee on Pensions.

Also, a bill (H. R. 13008) granting an increase of pension to Clara V. Tibbetts; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 13009) granting an increase of pension to Sarah J. Stoner; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 13010) granting an increase of pension to Charlotte Edick; to the Committee on Invalid Pensions.

By Mr. WELSH: A bill (H. R. 13011) granting an increase of pension to Laura C. Glassmire; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 13012) granting an increase of pension to Laney M. Darkey; to the Committee on Invalid Pensions.

By Mr. KINDRED: Resolution (H. Res. 304) that the Clerk of the House shall employ Arthur MacDonald to make scientific studies of man, including a study of Congress and its activities at a salary of $1,000 per annum, etc.; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2725. Petition of R. E. Baumgartner, 2711 Second Boulevard, Detroit, Mich., inclosing a copy of a brief covering the case of Morton S. Hawkins, plaintiff in error, *v.* United States of America, defendant in error, together with an affidavit made by John Stepp relating to the conduct of Judge Robert C. Baltzell, of Indiana; to the Committee on the Judiciary.

2726. Petition of citizens of Vassalboro and Ellsworth, Me., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2727. By Mr. ACKERMAN: Petition of citizens of Elizabeth, N. J., for a vote on the Civil War pension bill; to the Committee on Invalid Pensions.

2728. By Mr. CHAPMAN: Petition of George Watson, Johnson Burns, Will Johnson, Abram Burns, Robert L. Tipton, and other citizens of Georgetown, Scott County, in the seventh congressional district of Kentucky, urging Elliott pension bill; to the Committee on Invalid Pensions.

2729. Also, petition of George Thomas, Amos Green, Joseph Riddell, Julia Thomas, Scott Jenkins, and other citizens of New Liberty, Owen County, Ky., urging support of Elliott pension bill; to the Committee on Invalid Pensions.

2730. By Mr. CROWTHER: Petition of citizens of the thirtieth congressional district of New York, urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2731. By Mr. CRUMPACKER: Petition of citizens of Portland, Oreg., to Congress to take immediate steps to bring the Civil War pension bill to a vote; to the Committee on Invalid Pensions.

2732. By Mr. DAVEY: Petition of 37 residents of Medina County, Ohio, in behalf of legislation for increased pensions for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

2733. Also, petition of 18 residents of Portage County, Ohio, in behalf of legislation for increased pensions for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

2734. Also, petition of 112 residents of Summit County, Ohio, in behalf of increased pensions for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

2735. By Mr. DEMPSEY: Petition of residents of Lockport, N. Y., in behalf of increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2736. By Mr. DOWELL: Petition of citizens of Des Moines, Iowa, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2737. By Mr. ELLIOTT: Petition of Mrs. Charlotte Robinson and others asking for the passage of the Elliott Civil War pension bill; to the Committee on Invalid Pensions.

2738. By Mr. FAUST: Petition by citizens of Kanapolis, Kans., urging consideration of legislation for the benefit of Civil War veterans and their widows before adjournment of this session of Congress; to the Committee on Invalid Pensions.

2739. By Mr. FOSS: Petition of numerous citizens of Gardner, Mass., urging favorable action on Elliott pension bill; to the Committee on Invalid Pensions.

2740. Also, petition of numerous citizens of Lancaster, Mass., urging favorable action on Elliott pension bill; to the Committee on Invalid Pensions.

2741. By Mr. GALLIVAN: Petition of American Engineering Council, L. W. Wallace, executive secretary, 26 Jackson Place, Washington, D. C., recommending early and favorable consideration of the Graham bill (H. R. 11053), which proposes to increase the salaries of Federal judges; to the Committee on the Judiciary.

2742. By Mr. GAMBRILL: Petition of citizens of Charles County, Md., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2743. By Mr. GARBER: Petition by voters of Fairview, Okla., favoring immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2744. Also, petition by voters of Garfield County, Okla., favoring immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2745. By Mr. GIBSON: Petition of citizens of Wells River, Vt., favoring the passage of pension legislation for the relief of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2746. By Mr. GRAHAM: Petition from the Philadelphia Board of Trade, opposing Senate bill 756, authorizing the purchase of silver under the act commonly known as the Pittman Act; to the Committee on Banking and Currency.

2747. By Mr. HALL of Indiana: Petition of voters of Grant County, Ind., urging immediate steps to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2748. Also, petition of voters of Miami County, Ind., urging immediate steps to bring a vote on Civil War pension bill; to the Committee on Invalid Pensions.

2749. By Mr. HARDY: Petition of voters of Fremont County, State of Colorado; Mrs. Martha E. Fuller, of Canon City; and five other signers in favor of the passage of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2750. Also, petition of voters of El Paso County, State of Colorado; Mrs. Addie Morton, of Colorado Springs; and 35 other signers in favor of the passage of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2751. Also, petition of voters of El Paso County, Colo.; Mrs. Susie Clay, of Colorado Springs; and 141 other signers in favor of the passage of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2752. Also, petition of voters of El Paso County, Colo.; Mrs. Ella Shurtleff, of Colorado Springs; and 34 other signers, in favor of the passage of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2753. By Mr. HILL of Maryland: Petition of citizens of Mount Winans, Md., urging passage of pension bill for Civil War veterans; to the Committee on Invalid Pensions.

2754. By Mr. HOGG: Petition of Juliaetta Smith Tent, No. 23, National Alliance, Daughters of Veterans, asking for increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2755. By Mr. JOHNSON of Indiana: Petition of certain voters of Vigo County, of the State of Indiana, for the increase of Civil War pensions; to the Committee on Invalid Pensions.

2756. Also, petition of members of General Canby Post, No. 2, Grand Army of the Republic, of Terre Haute, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

2757. By Mr. JOHNSON of Texas: Letter of Mr. H. L. Burgess, of Olathe, Kans., urging passage of bill to increase pensions of Civil War veterans and their widows, and also bill to increase pensions of veterans of Indian wars, before adjournment of Congress; to the Committee on Invalid Pensions.

2758. By Mr. JOHNSON of Illinois: Petition of citizens of Sterling, Ill., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2759. By Mr. KEARNS: Petition of residents of Loveland, Ohio, requesting action on the bill for the relief of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2760. By Mr. KELLY: Petition of citizens of Unity, Pa., urging passage of bill increasing pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2761. By Mr. KIESS: Petition from citizens of Ellisburg, Pa., favoring the passage of legislation granting increased pension to soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

2762. By Mr. LAZARO: Petition of citizens of De Ridder, La., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2763. Also, petition of citizens of Allen Parish, La., urging the passage of Civil War pension bill; to the Committee on Invalid Pensions.

2764. By Mr. LEAVITT: Petition of residents of Phillips County, Mont., favoring passage of the pending bill to increase the pensions of veterans of the Civil War; to the Committee on Invalid Pensions.

2765. By Mr. LITTLE: Petitions signed by 28 voters of Rantoul, Kans.; 110 voters of Gas City, Allen County, Kans.; 75 voters of Kansas City; and 9 voters of Pennsylvania, urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

2766. By Mr. LOZIER: Petition of 59 citizens of Monroe County, Mo., requesting enactment of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2767. By Mr. LYON: Petition of certain citizens of Dunn and Fayetteville, N. C., urging that immediate steps be taken to bring to a vote the Civil War pension bill for the relief of needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

2768. By Mr. MILLIGAN: Petition of voters of Daviess County, Mo., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

2769. By Mr. MOORE of Ohio: Petitions of Civil War veterans and widows of Civil War veterans, petitioning the Congress of the United States to take immediate steps to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

2770. By Mr. RAMSEYER: Petition of residents of the sixth congressional district of Iowa, urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

2771. Also, petition of residents of Ottumwa, Iowa, urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

2772. By Mr. RANSLEY: Memorial of the Philadelphia Board of Trade, protesting against the enactment into law of Senate bill 756, known as the Pittman bill; to the Committee on Banking and Currency.

2773. By Mr. SINCLAIR: Petition of 95 citizens of Williston, N. Dak., urging the passage of legislation to increase the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2774. By Mr. SOSNOWSKI: Petition of Mr. Otto Stoel and 66 others, all of Detroit, Mich., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2775. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana County, Pa., in favor of the pending bill to provide a general increase of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2776. By Mr. STRONG of Kansas: Petition signed by voters of Frankfort, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension in order that relief may be accorded needy and suffering veterans and widows of the Civil War; to the Committee on Invalid Pensions.

2777. Also, petition of voters of Belleville, Kans., requesting that favorable action be taken at once on Civil War pension bill; to the Committee on Invalid Pensions.

2778. By Mr. SUMMERS of Washington: Petition of Civil War veterans of Yakima, Wash.; to the Committee on Invalid Pensions.

2779. By Mr. SWING: Petition of certain residents of San Diego, Calif., urging immediate action by Congress on the Civil War pension bill; to the Committee on Invalid Pensions.

2780. By Mr. WEAVER: Petition of Jackson County, N. C., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2781. By Mr. WOLVERTON: Petition of A. C. Long and others, of Braxton County, W. Va., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2782. By Mr. YATES: Petition of Mrs. Martha E. Ford, 5519 Kenwood Avenue, Chicago, Ill., and 65 others, of Chicago, Ill., urging the passage of the Civil War pension bill, a measure for the relief of the aged veterans and widows; to the Committee on Invalid Pensions.

2783. Also, petition of Mrs. N. E. McClintock, of Blue Island, Ill., and 155 others, of Blue Island, Ill., urging the passage of the Civil War pension bill, a measure for the relief of the aged veterans and widows; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *June 23, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, loving us still, notwithstanding our defects and failures, we are glad to come into Thy presence asking Thee to continue Thy mercies. Help us to a better understanding of the paths of duty and realize more and more unto us the companionship of Thy presence in all the undertakings of this day, yea, and of every day. Lead us onward and upward. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Cameron	Edge	Gooding
Bayard	Capper	Edwards	Hale
Bingham	Caraway	Ernst	Harreld
Blease	Copeland	Fernald	Harris
Borah	Couzens	Ferris	Harrison
Bratton	Cummins	George	Heflin
Broussard	Curtis	Gerry	Howell
Bruce	Deneen	Gillett	Johnson
Butler	Dill	Goff	Jones, N. Mex.

Jones, Wash.	Metcalf	Robinson, Ind.	Trammell
Kendrick	Moses	Sackett	Tyson
Keyes	Neely	Schall	Underwood
King	Norbeck	Sheppard	Wadsworth
La Follette	Norris	Shipstead	Warren
Lenroot	Oddie	Shortridge	Watson
McKellar	Pepper	Simmons	Wheeler
McMaster	Pine	Smoot	Williams
McNary	Reed, Mo.	Stanfield	Willis
Mayfield	Reed, Pa.	Steck	
Means	Robinson, Ark.	Stephens	

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 7. An act to authorize the cancellation and remittance of construction assessments against allotted Paiute Indian lands irrigated under the Newlands reclamation project in the State of Nevada and to reimburse the Truckee-Carson irrigation district for certain expenditures for the operation and maintenance of drains for said lands;

S. 183. An act to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I.;

S. 1119. An act to transfer jurisdiction over United States reservation No. 248 from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia;

S. 1821. An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests;

S. 2005. An act for the enlargement of the Capitol Grounds;

S. 3012. An act to change the name of "The trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same;

S. 3028. An act to divide the eastern district of South Carolina into four divisions and the western district into five divisions;

S. 3545. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof;

S. 3978. An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes;

S. 4138. An act granting the consent of Congress to the State Highway Department of Georgia to construct a bridge across the St. Marys River;

S. 4221. An act authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia;

S. 4267. An act to extend the time for commencing and completing the construction of a bridge across the Pend d'Oreille River, at or near the Newport-Priest River road crossing Washington and Idaho;

S. 4293. An act granting the consent of Congress to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct a bridge across the Missouri River;

H. R. 9833. An act to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry by striking out the proviso in section 6 of said act;

H. R. 537. An act for the relief of A. B. Ewing; and

S. J. Res. 109. Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes.

PETITIONS

Mr. BROUSSARD. I present petitions of sundry citizens of New Orleans, La., praying for the passage of the pending Civil War pension bill. I ask that the petitions be referred to the Committee on Pensions and that the body of one of them be printed in the RECORD without the names.

There being no objection, the petitions were referred to the Committee on Pensions and the body of one of the petitions was ordered to be printed in the RECORD, as follows:

TOO LATE—FOR THESE THE INCREASE IS NOT NECESSARY

The report of the operations of the Bureau of Pensions shows that 2,273 Civil War veterans answered last roll call during April, 1926. The names of 2,699 widows were removed from the pension roll during April by reason of death.

THERE IS YET TIME TO AID THE LIVING

Adjournment of Congress without enacting some measure of relief for the aged veterans and widows means a "postponement" for at least another year. During that period at least 60,000 veterans and widows will have passed beyond the need of increased pensions.

That the need is immediate and very great is recognized in the report of Mr. ELLIOTT, from the Committee on Invalid Pensions. The committee reports as follows:

"The committee regards this bill as an emergency measure that should be promptly passed, in fulfillment of the obligation the Nation owes to the old veterans whose heroic service and sacrifices in the Nation's defense made forever secure the union of the States and the perpetuity of the Republic.

"Whatever more is to be done for these old veterans and widows must be done soon. They are fast passing to their reward, where a grateful Nation can do no more than to pay the debt it owes to them. These veterans were mere boys when they volunteered at their country's call. To-day their average age is more than 80 years, and the average age of the widows is nearly 75 years."

In the light of these facts, we, the undersigned voters of New Orleans, State of Louisiana, petition the Congress of the United States and urge that immediate steps be taken to bring to a vote the Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and the widows, and thus partly repay the living for the sacrifices they have made for our country. And we further urge that the most hearty support on the part of our Senators and Representatives in Congress be accorded this legislation.

Mr. WILLIS presented a petition of sundry citizens of Wharton, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

Mr. FERRIS presented a petition of sundry citizens of Kalamazoo, in the State of Michigan, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

MATERNITY AND INFANCY ACT

Mr. SHEPPARD. Mr. President, I send to the desk, in the nature of a petition, a communication to the Vice President from the women's committee for the extension of the maternity and infancy act, and ask that it may be read and lie on the table.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

WOMEN'S COMMITTEE FOR THE EXTENSION
OF THE MATERNITY AND INFANCY ACT,
Washington, D. C., June 17, 1926.

To the VICE PRESIDENT OF THE UNITED STATES,
The Capitol, Washington, D. C.

To the Senate of the United States:

On behalf of the undersigned organizations, representing women of all sections of the country and all conditions of life, we respectfully urge upon the Senate the importance of bringing to a vote at this session H. R. 7555, providing an extension of two years for the Federal appropriation under the law commonly known as the maternal and infant hygiene act.

We respectfully call attention to the fact that the proposed extension was recommended by the Bureau of the Budget and approved by the President of the United States. The original measure, providing Federal and State cooperation, has been accepted by 48 States and has amply demonstrated its importance to this Nation. We trust, therefore, that the Senate will not fail to agree to its continuance for another two years.

Respectfully,

Elizabeth Eastman, National Board Y. W. C. A.; H. B. Lansburgh, National Council of Jewish Women; Mabel C. Costigan, National Consumer's League; Mary F. Thompson, National Association of Colored Women; Emma Bain Swiggett, National Council of Women; Kate T. Abrams, General Federation of Women's Clubs; Belle Sherwing, National League of Women Voters; Elsie W. Graupner, American Association of University Women; Ethel M. Smith, National Women's Trade Union League; Florence V. Watkins, National Congress of Parent-Teachers; Ella A. Boole, National Women's Christian Temperance Union.

Mr. SHEPPARD. I also ask that there be inserted in the RECORD and lie on the table a resolution in behalf of the passage of the maternity bill adopted by the General Federation of Women's Clubs at its recent national convention in Atlantic City.

The VICE PRESIDENT. Without objection, it is so ordered. The resolution is as follows:

Whereas pending legislation for the extension for two years of the Sheppard-Towner Act has been passed by the House of Representatives by a large majority; and

Whereas the amendment to extend the act for one year as reported out by the Senate committee weakens the act: Therefore be it

Resolved, That the General Federation of Women's Clubs urge upon the Senate before adjournment action on the measure as passed by the House; be it further

Resolved, That copies of this resolution be sent the President of the Senate and Senator SHEPPARD.

The VICE PRESIDENT. The communication and resolutions will lie on the table.

Mr. SHEPPARD. Mr. President, in the course of the debate the other day on the maternity act the statement was made that the act had not saved a single life. That statement was promptly challenged by the Senator from New York [Mr. COPELAND] and the Senator from New Mexico [Mr. JONES]. Shortly after that Dr. Charles H. Mayo, a surgeon of world-wide reputation, noted the debate through the press accounts and sent to the Senator from New York [Mr. COPELAND] a telegram, which I ask may be read.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

[Western Union telegram]

ROCHESTER, MINN., *June 16, 1926.*

Senator COPELAND,

United States Senate, Washington, D. C.:

Congratulations on your stand. Without doubt hundreds of lives of new and expectant mothers and infants have been saved by the work carried on by the States by reason of the Sheppard-Towner Act. In Minnesota I know the work is unobjectionable and effective. American birth rates compare unfavorably with other countries. The work must be done.

CHARLES H. MAYO.

REPORTS OF COMMITTEES

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (H. R. 10821) for the appointment of certain additional judges, reported it with amendments and submitted a report (N. 1127) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12393) to amend paragraphs 1 and 2 of section 26 of the act of June 30, 1919, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920," reported it without amendment and submitted a report (No. 1131) thereon.

Mr. TYSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 2324) for the relief of Joe F. Jenkins, reported it without amendment and submitted a report (No. 1128) thereon.

He also, from the same committee, to which were referred the following bills, reported adversely thereon and move that they be indefinitely postponed, which was agreed to:

A bill (H. R. 2160) for the relief of Patrick J. Langan (Rept. No. 1129); and

A bill (H. R. 4614) to correct the military record of George Adams (Rept. No. 1130).

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (S. 4234) for the relief of Franklin B. Morse, reported it without amendment and submitted a report (No. 1132) thereon.

Mr. ROBINSON of Indiana, from the Committee on Military Affairs, to which was referred the bill (H. R. 11820) granting an annuity to Clyde L. West, reported it without amendment and submitted a report (No. 1136) thereon.

Mr. PINE, from the Committee on Military Affairs, to which was referred the bill (H. R. 9324) for the relief of George A. McKenzie, alias William A. Williams, reported it without amendment and submitted a report (No. 1137) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (H. R. 2420) for the relief of James Neal, submitted an adverse report thereon and moved that the bill be indefinitely postponed, which was agreed to.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 1598) for the relief of Robert E. A. Landauer, reported it without amendment and submitted a report (No. 1138) thereon.

He also, from the same committee, to which was referred the bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list, reported it with amendments and submitted a report (No. 1139) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon and moved that they be indefinitely postponed, which was agreed to:

A bill (S. 2137) to provide for the retirement of David E. Lunsford as a corporal in the United States Army; and

A bill (H. R. 7712) for the relief of Joseph W. Jones.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 4307) for the relief of the village of Harbor Springs, Mich., reported it with an amendment and submitted a report (No. 1141) thereon.

Mr. SACKETT, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 9637) to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway (Rept. No. 1142); and

A bill (H. R. 11943) providing for an additional building for the use of the police court of the District of Columbia (Rept. No. 1143).

Mr. BORAH, from the Committee on Foreign Relations, to which were referred the following bills, reported them severally without amendment:

A bill (H. R. 2328) for the relief of Edith L. Bickford;

A bill (H. R. 3529) for the relief of Genevieve Hendrick;

A bill (H. R. 4263) for the relief of Etelka Bell; and

A bill (H. R. 9061) to authorize Lieut. Commander Lucius C. Dunn, United States Navy, to accept from the King of Denmark a decoration known as a "Knight of the Order of Dannebrog."

Mr. MEANS (for Mr. NYE), from the Committee on Claims, to which was referred the bill (S. 643) for the relief of George C. Mansfield Co. and George D. Mansfield, reported it with an amendment and submitted a report (No. 1134) thereon.

Mr. MEANS also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 2268) for the relief of Michael J. Leo (Rept. No. 1135); and

A bill (H. R. 5105) for the relief of Maude J. Booth (Rept. No. 1144).

Mr. MEANS also, from the Committee on the Judiciary, to which were referred the following bills and joint resolutions reported adversely thereon:

A bill (S. 33) to amend the national prohibition act, as supplemented, in respect of the definition of intoxicating liquor;

A bill (S. 34) to amend the national prohibition act, as supplemented, in respect to the issuance by physicians of prescriptions for intoxicating liquors;

A bill (S. 591) to amend the national prohibition act to provide for the manufacture, sale, and transportation of 4 per cent beer under Federal supervision;

A bill (S. 3118) to amend the national prohibition act, as supplemented, in respect of the definition of intoxicating liquor;

A bill (S. 3891) to amend the national prohibition act, to provide for State local option, and for other purposes;

A bill (S. 4203) to amend the national prohibition act, as supplemented, in respect of the manufacture of liquor without a permit;

A joint resolution (S. J. Res. 34) proposing an amendment of the eighteenth amendment to the Federal Constitution relating to intoxicating liquors;

A joint resolution (S. J. Res. 81) providing for a national referendum upon the modification of the national prohibition act; and

A joint resolution (S. J. Res. 85) proposing an amendment of the eighteenth amendment to the Federal Constitution relating to intoxicating liquors.

Mr. MEANS also, from the Committee on the Judiciary, to which were referred the following amendments, reported adversely thereon:

Amendments intended to be proposed by Mr. EDGE to the bills (S. 34) to amend the national prohibition act, as supplemented, in respect to the issuance by physicians of prescriptions for intoxicating liquors and (S. 3118) to amend the national prohibition act, as supplemented, with respect to the definition of intoxicating liquor; and

Amendment intended to be proposed by Mr. BORAH to the joint resolution (S. J. Res. 81) providing for a national referendum on the modification of the national prohibition act.

EXPENSES OF SENATORIAL ELECTIONS INVESTIGATIONS

Mr. REED of Missouri, from the special committee appointed under Senate Resolution 195 to make investigation into the means used to influence the nomination of any person as a candidate for membership of the United States Senate, reported the following resolution (S. Res. 258), which was

referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 227 agreed to June 3, 1926, be, and hereby is, amended to increase the cost of the investigations, payment for which is therein provided, from $10,000 to $50,000.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 7. An act to authorize the cancellation and remittance of construction assessments against allotted Paiute Indian lands irrigated under the Newlands reclamation project in the State of Nevada and to reimburse the Truckee-Carson irrigation district for certain expenditures for the operation and maintenance of drains for said lands;

S. 183. An act to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I.;

S. 1119. An act to transfer jurisdiction over United States reservation No. 248 from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia;

S. 1821. An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce, jointly, to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests;

S. 2005. An act for the enlargement of the Capitol Grounds;

S. 3012. An act to change the name of "The trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same;

S. 3028. An act to divide the eastern district of South Carolina into four divisions and the western district into five divisions;

S. 3545. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof;

S. 3978. An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes;

S. 4138. An act granting the consent of Congress to the State Highway Department of Georgia to construct a bridge across the St. Marys River;

S. 4221. An act authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia;

S. 4267. An act to extend the time for commencing and completing the construction of a bridge across the Pend d'Oreille River at or near the Newport-Priest River road crossing Washington and Idaho;

S. 4293. An act granting the consent of Congress to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct a bridge across the Missouri River; and

S. J. Res. 109. Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read a first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4501) granting pensions to certain soldiers who served in the Indian wars from 1859 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 4502) granting a pension to Arthur H. Murch (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4503) granting a pension to Ida Shaw; and

A bill (S. 4504) granting a pension to Ollive Dooley; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4505) to amend section 2169 of the Revised Statutes, as amended, in respect of the definition of a white person; to the Committee on Immigration.

By Mr. KENDRICK:

A joint resolution (S. J. Res. 120) authorizing the acceptance of title to certain lands in Teton County, Wyo., adjacent to the winter elk refuge in said State, established in accordance with the act of Congress of August 10, 1912 (37 Stat. L. 293); to the Committee on Public Lands and Surveys.

REFUND OF TAXES

Mr. COPELAND. Mr. President, I introduce a bill, which I ask may be read.

The bill (S. 4506) to provide for the refund to taxpayers of the surplus in the Treasury and to provide for the reduction of admission, automobile, and other taxes in the event of an anticipated surplus during the fiscal year 1927, was read a first time by its title and the second time at length, as follows:

Be it enacted, etc., That (a) any taxpayer making return for the calendar year 1925 of the taxes imposed by Parts I and II, personal income tax, of Title II of the revenue act of 1925, shall be entitled to an allowance by credit or refund of 25 per cent of the amount shown as the tax upon his return.

(b) If the amount shown as the tax upon the return has been paid in full on or before the time of the enactment of this act, the amount of the allowance provided in subdivision (a) shall be credited or refunded as provided in section 284 of the revenue act of 1926.

(c) If the taxpayer has elected to pay the tax in installments, and at the time of the enactment of this act the date prescribed for the payment of the last installment has not yet arrived, the amount of the allowance provided in subdivision (a) shall be prorated to the four installments. The amount so prorated to any installment, the date for payment of which has not arrived, shall be applied in reduction of such installment. The amount so prorated to any installment, the date for payment of which has arrived, shall be credited against the installment next falling due after the enactment of this act.

SEC. 2. That the Joint Congressional Committee on Internal Revenue Taxation is directed to conduct an immediate investigation and determine the amount of surplus that will be available on June 30, 1927. On or before November 1, 1926, such committee shall recommend to the Committee on Ways and Means of the House of Representatives the immediate consideration of legislation reducing or repealing the taxes on admissions and automobiles and reducing such other taxes now provided by law to such extent as the anticipated surplus will warrant, such reduction or repeal to take effect as of January 1, 1927.

Mr. COPELAND. Mr. President, I had a colloquy the other day with the Senator from Utah [Mr. SMOOT] about the prospects of collections from the income tax. I have here a press statement purporting to be made by the Undersecretary, Mr. Winston, who says that this quarterly installment will total $440,000,000, or nearly $70,000,000 more than last year.

My anxiety is that this surplus shall not be used at the end of the fiscal year for reducing the national debt. It was raised for a specific purpose, for the maintenance of the Government, and it is not right, in my judgment, that that money should be used for any other purpose.

I have refrained from suggesting any change in the revenue law as regards the future, but I do think that, so far as this year is concerned, this money should not be used in any other way than as the people were given to understand it was to be used. The only decent and honest thing I can see is to return the money to the taxpayers. Our present revenue law provides for a joint congressional committee on internal-revenue taxation. This joint committee can decide whether or not it will be justified in recommending such a modification of the income tax law as will permit the elimination of the tax upon admissions and automobiles.

Mr. SMOOT. Mr. President, in the first place, the Senate can not act upon the bill, because such a bill would have to originate in the House of Representatives.

In the next place, unless we do get receipts over and above those of last year, the payments ending June 15 of this year, we would not be able to meet the requirements for the coming year under the existing law. The trouble has not been at all and is not now with the fiscal year 1925–26, which ends on June 30 of this year. The trouble in the reduction comes for the fiscal year 1926–27, beginning July 1 of this year, as I explained before.

Mr. COPELAND. Mr. President, I made it perfectly clear that when the investigation is made I do not ask that there should be any change for the next year. But there is a surplus here for this fiscal year which we have no right to use and which should be returned to the taxpayers.

Under the law the joint committee has the power I suggest. I am advised it is entirely proper for the Senate to act on the bill proposed. This power is found in section 1203 of the last revenue act.

Mr. SMOOT. We have to have that surplus in order to meet the conditions that will exist for the year 1926–27. I thought I explained that when I made my statement on the floor of the Senate the other day.

Mr. COPELAND. One word further. A similar bill has been or will be introduced in the House to-day by Representative

JACOBSTEIN, of New York. I ask that this bill be referred to the Committee on Finance, entertaining the sincere hope and expectation that that committee will give immediate consideration to this question. In my judgment, we can return one-fourth of the taxes which the taxpayers of this country are paying for this fiscal year. The total estimated receipts for the personal income tax for the fiscal year 1926-27 is $685,000,000. Twenty-five per cent of this is about $171,000,000, which is still $14,000,000 under the surplus the President admits will exist. This should be retained by or returned to the taxpayers.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

CHANGE OF REFERENCE

On motion of Mr. BORAH, the Committee on Foreign Relations was discharged from the further consideration of the bill (H. R. 8784) for the relief of Bertha M. Leville and it was referred to the Committee on Naval Affairs.

AMENDMENT TO COOPERATIVE MARKETING BILL

Mr. REED of Missouri and Mr. WILLIAMS each submitted an amendment intended to be proposed to House bill 7893, the so-called cooperative marketing bill, which were ordered to lie on the table and to be printed.

AMENDMENT TO THE RIVER AND HARBOR BILL

Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was ordered to lie on the table and to be printed.

PUBLICATION OF THE UNITED STATES CODE

Mr. PEPPER submitted an amendment intended to be proposed by him to the bill (H. R. 11318) to provide for the publication of the Code of the Laws of the United States with index, reference tables, appendix, and so forth, which was ordered to lie on the table and to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. SHEPPARD submitted an amendment proposing to appropriate $100,000 for potash explorations by the Secretary of Commerce and the Secretary of the Interior, intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

SENATOR FROM MINNESOTA—EXPENSES OF MR. SCHALL

Mr. ERNST, from the Committee on Privileges and Elections, reported the following resolution (S. Res. 256), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Hon. THOMAS D. SCHALL, a Senator from the State of Minnesota, the sum of $15,500 for all expenses, including fees and expenses of his attorneys, incurred in defending his right to a seat in the Senate in the contest and investigation of the election of a Senator in Minnesota in 1924.

TRAFFIC CONTROL IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 133)

Mr. CAPPER. I present a conference report on House bill 3802, to amend the District of Columbia traffic act, and ask that it be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) entitled "An act to amend the act known as the 'District of Columbia traffic act, 1925,' approved March 3, 1925, being Public, numbered 561, Sixty-eighth Congress, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and agree to the same.

ARTHUR CAPPER,
FREDERIC M. SACKETT,
WILLIAM H. KING,
Managers on the part of the Senate.

F. N. ZIHLMAN,
CHARLES L. UNDERHILL,
RALPH GILBERT,
Managers on the part of the House.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on to-day the President had approved and signed the following acts:

S. 1047. An act to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919;

S. 1613. An act setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota;

S. 2312. An act for the relief of Franklin Gum;

S. 3122. An act for completion of the road from Tucson to Ajo via Indian Oasis, Ariz.;

S. 3613. An act authorizing an appropriation for a monument for Quannah Parker, late chief of the Comanche Indians; and

S. 3749. An act to provide for the erection at Burns, Oreg., of a school for the use of the Piute Indian children.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had insisted upon its amendment to the bill (S. 978) for the relief of Horace G. Knowles, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. UNDERHILL, Mr. VINCENT, and Mr. BOX were appointed managers on the part of the House at the conference.

The message also announced that the House had insisted upon its amendments to the bill (S. 2188) for the relief of G. C. Allen, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. UNDERHILL, Mr. VINCENT, and Mr. BOX were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 64) to secure a replica of the Houdon bust of Washington for lodgement in the Pan American Building, and it was thereupon signed by the Vice President.

CODIFICATION OF THE LAWS

Mr. CURTIS. Mr. President, I ask unanimous consent for the immediate consideration of the unanimous-consent order which I send to the desk.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

It is agreed, by unanimous consent, that on Friday, June 25, 1926, at not later than 5.30 o'clock p. m. of said day, the Senate take a recess until 8 o'clock p. m., and that at the evening session the Senate shall consider House bill 10000, Calendar No. 838, an act to consolidate and codify the general laws, and if this bill is disposed of before 11 o'clock p. m. the remaining time shall be devoted to the consideration of unobjected bills on the calendar.

That the evening session shall continue until not later than 11 o'clock p. m. of the said day.

Mr. BRUCE. Mr. President, I object.

Mr. ROBINSON of Arkansas. Mr. President, I hope the Senator from Maryland will not object to the request. I wish to make a brief statement in connection with the subject matter of the request submitted by the Senator from Kansas.

It is necessary, in the opinion of all lawyers and Federal judges, that the codification bill be passed and that it be speedily acted upon. The confusion which exists now respecting the subject matter of Federal laws is almost indescribable. It will be necessary to have a night session in order to consider and act upon the bill. I believe that the bill has been put in a condition so that it is safe to pass it. Any mistakes which may hereafter be disclosed can be easily corrected, and such mistakes as have been pointed out have already been corrected or will be corrected by amendments which it is expected will be agreed upon. I do not know why the Senator from Maryland interposed his objection.

Mr. BRUCE. I am a member of the committee which reported the codification bill, and therefore, of course, I am about as much interested in its adoption as any Member of the Senate. But I do not propose to give my consent to any unanimous-consent agreement of any kind which contemplates the idea of the time of the Senate being given first of all to unobjected bills on the calendar. I have a bill on the calendar, and have had for some time, which I am anxious to have considered.

Mr. ROBINSON of Arkansas. I think the Senator from Kansas would modify his request in that particular.

Mr. CURTIS. I will eliminate the "unobjected bills" part of the agreement offered and ask for the consideration only of the one measure.

Mr. BRUCE. That is all right, and I have no objection to it; or, if the Senator would do so, I would like very much to see the order so amended as to include the consideration of the bills on the calendar under Rule VIII.

Mr. CURTIS. Later on I intend to ask that.

Mr. BRUCE. Oh, it is always mañana, mañana, to-morrow, to-morrow. Every time one of these objected bills is attempted to be brought up the assurance is given that if just a little patience is exhibited bills will be taken up under Rule VIII.

Mr. CURTIS. If the Senator will not object, I will ask that when the codification bill is disposed of, if before 11 o'clock, the remainder of the evening be devoted to bills on the calendar under Rule VIII.

Mr. BRUCE. I wish the Senator would do so, because I think that would not only suit my personal needs but those of many other Members of the Senate. What we want now is a little consideration given to bills that are being more or less selfishly or unreasonably obstructed and not of bills that are unobjected to.

Mr. REED of Missouri. What is the request, Mr. President?

The VICE PRESIDENT. The clerk will read the request for unanimous consent as modified.

The Chief Clerk read as follows:

It is agreed, by unanimous consent, that on Friday, June 25, 1926, at not later than 5.30 o'clock p. m. of said day, the Senate take a recess until 8 o'clock p. m., and that at the evening session the Senate shall consider House bill 10000, Calendar No. 838, an act to consolidate and codify the general laws, and if this bill is disposed of before 11 o'clock p. m. the remaining time shall be devoted to the consideration of bills on the calendar under Rule VIII. That the evening session shall continue until not later than 11 o'clock p. m. of the said day.

Mr. REED of Missouri. Mr. President, I appreciate the interest of the Senator from Maryland [Mr. BRUCE] in the codification bill. I had a talk with the Senator from Pennsylvania [Mr. PEPPER] in regard to the form of action which it would be asked that the Senate should take, and if the understanding which I had with the Senator from Pennsylvania is the understanding of the Senate, I shall make no objection to the request for unanimous consent.

The understanding was that the document which is presented here as a code should not be adopted as a code, but that it should be made merely evidentiary of the law, and in case of a conflict between the text of this document, which is called a code, and the former statutes which are incorporated in it, the former statutes should control, the reason being——

Mr. ROBINSON of Arkansas. Mr. President——

Mr. REED of Missouri. Just let me finish the sentence—the reason being that no one except the committee, and possibly not even its overworked members, can have examined this enormous document, and, consequently, there may be errors and mistakes in it; but nevertheless, the convenience of the document should be available to the bar and bench of the country, and then, in case of dispute or any inaccuracy, the former law would govern. If that is the understanding of the Senate, I shall make no objection at all to the consideration of the measure as requested in the unanimous-consent agreement; but if it is not the understanding, then I should have to object, because the measure is too important to be passed without a thorough examination.

Mr. BRUCE. Mr. President, will the Senator from Missouri excuse me for just one moment?

Mr. REED of Missouri. Yes.

Mr. BRUCE. I will say that I fully share the convictions which the Senator from Missouri has just expressed, and, as I am informed, they are also shared by the Senator from Pennsylvania [Mr. PEPPER] and the Senator from Kentucky [Mr. ERNST], the other two members of the committee. The Senator from Pennsylvania has submitted to me a provision which it is desired shall be inserted in this code carrying out the idea that the Senator from Missouri has expressed. As I understand, the present intent of the entire committee is to make this compilation merely evidential of the fundamental law, but not to give it the character of a final and complete code.

Mr. JONES of New Mexico. Mr. President, if there is any unanimity of judgment as to the matter which the Senator from Missouri has just been presenting, I think there is no necessity at all for a night session. I judge that there is nobody who is opposed to making this compilation or codification available to the bar and bench of the country. I understood that the proposal had been made that it occupy the status suggested by the Senator from Missouri for a certain length of time, so that if any mistakes should occur they could be corrected before it should become final.

Mr. BRUCE. Mr. President, I will say to the Senator that the idea now is to make it altogether evidential.

Mr. ROBINSON of Arkansas. Mr. President, I merely wish to say that the Senator from Pennsylvania [Mr. PEPPER], who spoke to me about effecting some such arrangement as that proposed by the unanimous-consent agreement asked now by the Senator from Kansas, stated that it was his expectation to present an amendment which had been agreed upon, I understood, by himself and the Senator from Missouri to effectuate the purpose stated by the Senator from Missouri. I understand that that amendment will be presented. The Senator from Pennsylvania, however, is now present.

Mr. PEPPER. Mr. President——

Mr. ASHURST. Mr. President, I rise to a point of order. We rarely have a morning hour, and I call for the regular order. If there is no more debate on this subject, however, I will withhold the point for a moment in order that action may be taken on the request for unanimous consent.

Mr. PEPPER. Mr. President, the situation is this: House bill 10000 is before the Senate, and pending its consideration the Senator from Kentucky [Mr. ERNST], the chairman of the special committee, introduced, and there is now lying upon the table, a form of amendment intended to be proposed, the effect of which, so far as it relates to this particular question, will be to accomplish the result that has just been stated by the Senator from Maryland [Mr. BRUCE]. It is true that that amendment has been informally submitted to several Senators, including the Senator from Missouri [Mr. REED], but there has been no indication from any of those gentlemen as to their acceptance of this form of amendment, and all of them are entirely at liberty, so far as anything they have said to me is concerned, to criticize it or reject it. It is, however, an amendment in which personally I have a great deal of confidence, and I believe when it is considered it will be found to meet the principal objections which have been urged against this measure.

Mr. BRUCE. Mr. President, the Senator will recollect that I wrote him a letter when that agreement was submitted to me in which I gave it my full approval; in other words, I am wholly in accord with the view of the Senator from Missouri with regard to the effect which should be given to that compilation.

Mr. NORRIS. Mr. President, will the Senator from Pennsylvania yield?

Mr. PEPPER. Yes.

Mr. NORRIS. I have no objection to the unanimous consent being granted, except that I do not want it to be understood by doing so that we necessarily agree to the amendment to which reference has been made. I want it understood that nobody is bound by that.

Mr. PEPPER. Oh, no; not at all.

Mr. REED of Missouri. Mr. President, the Senator from Pennsylvania did submit the form of an amendment to me, and I agreed with him perfectly in principle. I did think then, and my impression may be confirmed on further consideration, that the phraseology could be made a little more positive. I think, with the statement which has been made by Senators, that I have no objection to the unanimous-consent agreement.

Mr. WILLIS. Mr. President, I shall not object to the request. I merely wish to state that it will not be possible, in my judgment, to dispose of this very important bill at a night session; and if the unanimous-consent agreement shall be entered into it will mean, in effect, that we will consider only this bill or else we will lay it aside, for it is not going to be possible to pass the bill at a night session at this session.

Mr. BRUCE. Mr. President, I hope the Senator will not press any objection to the bill.

Mr. WILLIS. I do not object; I am simply making a statement of what will occur.

Mr. BRUCE. I think the bill will be approved in about 15 minutes.

Mr. WILLIS. I do not think it will; but I am perfectly willing to give it a chance at a night session.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Kansas? The Chair hears none, and the agreement is entered into.

Mr. ASHURST. Mr. President, it may seem ungracious, but I must call for the regular order. I have no objection to the request.

Mr. ROBINSON of Arkansas. Mr. President, as I understand, the agreement has been entered into.

The VICE PRESIDENT. The agreement has been entered into.

The agreement as entered into is as follows:

UNANIMOUS-CONSENT AGREEMENT

It is agreed, by unanimous consent, that on Friday, June 25, 1926, at not later than 5.30 p. m. of said day, the Senate take a recess until 8 p. m., and that at the evening session the Senate shall consider H. R. 10000, Calendar No. 838, an act to consolidate and codify the general laws, and if this bill is disposed of before 11 p. m. the remaining time shall be devoted to the consideration of bills on the calendar under Rule VIII.

That the evening session shall continue until not later than 11 p. m. of the said day.

CONSIDERATION OF BILLS UNDER RULE VIII

Mr. JONES of Washington. Mr. President, I should like to ask the Senator from Kansas whether there is any prospect of our having an opportunity to take up bills on the calendar under Rule VIII before the present session shall come to an end?

Mr. CURTIS. The Senator from Arkansas [Mr. ROBINSON], the leader on the other side, and I have been in conference on several different occasions trying to reach some agreement about a night session for that purpose, but, because of the failure of the adjournment resolution, we have not reached any conclusion. I hope, however, we may be able to reach one and provide for one or two night sessions for the consideration of bills under Rule VIII.

Mr. JONES of Washington. Would it not be possible after the disposition of the agricultural relief bill to have a day or two devoted to the consideration of bills on the calendar under Rule VIII?

Mr. CURTIS. That will depend upon conditions. I hope we may have a day or two devoted to that purpose.

FINES FOR DELAYS IN AIR MAIL SERVICE

Mr. BINGHAM. I desire to call the attention of the Senate to certain statements which have been printed in the newspapers recently with regard to the air mail. A number of newspapers have carried editorials similar to the one from which I am about to quote, which states that—

Congress should immediately repeal the recent law which fines air-mail pilots when they are late with their cargoes. Because of this idiotic ruling one pilot is dead and three were lost in the opening of the Minneapolis-Chicago air-mail link because they took off in high winds in order to avoid the fines if they were late. How such an utterly foolish law ever got through Congress is a mystery indeed. Aviation has not yet reached the stage where it is an exact science and the development of the air service is very hazardous. The pilots have a dangerous duty to perform and should be allowed to use some discretion where their lives and valuable mail is concerned without having their already small pay made smaller by the payment of fines. * * * The citizens of the United States want to see the Air Service developed, but not at the cost of any more lives than can be helped under normal conditions. Public sentiment should demand that this measure be repealed.

A number of such editorials have been brought to my attention.

Mr. President, I know of no such "recent law," nor have I been able to discover that any such law which "fines air-mail pilots" has been enacted, and it seems to me that publicity should be given to that fact. In order to ascertain whether any rules or regulations of the Post Office Department justify such editorials as the one from which I have read, I wrote a letter to the Assistant Postmaster General in charge of the air mail. He replies that there is no such rule or regulation and no fines have been proposed. I ask that a portion of the letter which he wrote in reply to my letter to him may be read at the desk for the benefit and information of all concerned.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Chief Clerk read as follows:

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, June 22, 1926.

Hon. HIRAM BINGHAM,
United States Senate.

MY DEAR SENATOR: I am glad that you brought this editorial headed "An unfeeling law" to my attention.

We have been greatly bothered by the statement made by Contractor Dickinson, of the Twin City-Chicago route, in a manner which is most unpleasant.

There is an old law on the statute books, which was passed in 1872, and known as section 266 of the act of June 8, 1872, chapter 335 (17 Stat. p. 315), Revised Statutes 3962, which permitted the Postmaster General to make deductions from the pay of contractors for failure to perform service and to impose fines upon them for their delinquencies. Ofttimes it was necessary for the Post Office Department to remit those fines which have been found to be wrongfully imposed upon the contractor, but the Comptroller General has ruled that the department had no such right to remit the fine after it had once been imposed upon a mail-carrying contractor. Therefore in order to permit the Postmaster General to remit the fines where necessary (after having been imposed), it was amended in Congress this year by having the words placed therein—"which deductions or fines may be changed or remitted in his discretion."

This is the only change in this old law, and there has been no fine assessed against any mail contractor since the inauguration of the contract Air Mail Service, and it is the policy of the Postmaster General to be as lenient with all the contractors as possible. We are not compelling the contractors to fly on any schedule which is impossible; we do not intend to do so; neither does the department stand ready to impose a fine on a contractor for being late on account of weather conditions, and there was absolutely no suggestion, urge, or thought on the part of the department that Contractor Dickinson should have taken off on the first day in which Pilot Partridge lost his life.

Contractor Dickinson is absolutely wrong, and we have addressed him concerning the unfairness of his statement and the harm that it has done all the contract air-mail routes, and we are just trying to spread the gospel truth concerning just what the amendment to the old law was intended for.

We are just in receipt (in the same mail in which your letter was received) of a newspaper article from a Chicago paper which states that "if any Senator or Congressman voted for a bill such as this bill which killed Pilot Partridge, they should all be compelled to take a ride in an airplane in a windstorm such as killed Partridge."

Am sure you will appreciate the fact that there is no law, rule, or regulation whereby the department intends to fine any mail contractor who is not on time.

The Postmaster General has the right to fine a contractor if he continually refuses to fly his route, or if he continues to leave the field without taking the mail or waiting for certain scheduled connections, or any other violations tending to delay the transportation of the mails, the same as he has the right to fine the railroads.

Am glad to have had your letter and am sure that you will use every endeavor to stop the editorial comment which seems to be spreading through the columns of the public press.

Thought you might desire to have this editorial returned, and am inclosing same herewith.

Very sincerely yours,

W. IRVING GLOVER,
Second Assistant Postmaster General.

TREASURY SURPLUS AND REDUCTION OF INCOME TAX

Mr. TRAMMELL. Mr. President, I desire to have inserted in the RECORD an editorial from the Tampa Morning Tribune on the question of the present surplus in the Treasury and the question of a reduction of the income tax.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

[From the Tampa Morning Tribune of June 13, 1926]

LESS INCOME TAX

Richard H. Edmonds, editor of the Manufacturers Record, in a featured editorial sets forth strong reasons in favor of further reduction of income taxes, differing from President Coolidge's opinion on taxation. The President is reported opposed to any further reduction of income taxation for several years to come, taking the ground that any excess of income over expenditures should be applied to the more rapid reduction of our bonded indebtedness.

In opposition to this proposal, Mr. Edmonds explains his attitude:

"We believe it would be far better for the payment of the bonded indebtedness of the country to be stretched over a much longer period than has been intended, in order to lessen the burden upon the taxpayers of the present generation. No well-managed business corporation would undertake to amortize a big bonded indebtedness as rapidly as the Government is amortizing or paying off our national indebtedness. Far better would it be for the good of the country if all surplus national income should be used to reduce the income taxation, which hampers business and restricts the amount of money available by business interests for expansion. The rapid growth of this country in population and business brings about such a vast increase in our wealth that the bonded indebtedness of to-day would seem almost small 20 or 30 years hence measured by the wealth of the country at that time.

"This bonded indebtedness was incurred not merely for the safety of the country of the present generation but for all generations to come. There is absolutely no sound reason why future generations should not bear some of the cost of saving this country from ruination by German domination and damnation. Far better would it be for the progress and prosperity of the whole country to make no more rapid reduction of the debt than we have been doing during the last few years, and

then apply to the lessening of income taxation every available dollar of surplus income.

"Income taxation is a heavy burden upon business interests. It halts enterprise. It lessens business activities, and in that way the cost to the Government itself is far greater than any advantage which might be gained by President Coolidge's proposed method of using surplus income for lessening our bonded indebtedness."

The Manufacturers Record urges that business organizations of all kinds should press upon the President and Congress the necessity of reducing income taxation just as rapidly as possible, even if the bonded indebtedness is not reduced as rapidly as President Coolidge desires.

EDWARD L. DUGGAN

Mr. STEPHENS. From the Committee on Claims I report back favorably without amendment House bill 9655, for the relief of Edward L. Duggan; and I submit a report (No. 1125) thereon.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that that bill be considered at this time. It involves only $220.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to allow credit in the account of Edward L. Duggan, deputy collector of internal revenue of the State of Pennsylvania, in the sum of $220, the value of certain internal-revenue stamps charged to the said Edward L. Duggan and mailed on February 14, 1925, and lost en route from Connellsville, Pa., to Berlin, Pa.

Mr. REED of Pennsylvania. The bill deals with a pure technicality. This man was charged with the responsibility for some revenue stamps which were lost in the mail, and have never been used.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. REED

Mr. STEPHENS. From the Committee on Claims I report back favorably without amendment House bill 10227, for the relief of Charles W. Reed, and I submit a report (No. 1126) thereon.

Mr. REED of Pennsylvania. Mr. President, that is another bill of the same character, and I make the same request.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles W. Reed, formerly clerk in the post office at Uniontown, Pa., the sum of $183. Such sum represents the amount paid to the United States by the said Charles W. Reed to cover the loss of surplus money-order funds contained in a registered letter dispatched on December 16, 1920, to the Uniontown post office by the postmaster at McClellandtown, Pa. Upon the receipt of such registered letter at the Uniontown post office it was intrusted to the said Charles W. Reed for proper disposition and was thereafter lost in a manner unknown.

Mr. KING. Mr. President, in view of the statement contained in the bill, I do not see what the liability of the Government is. There seems to have been some negligence somewhere.

Mr. REED of Pennsylvania. The inspectors charged no negligence to Mr. Reed, but he was theoretically responsible for the loss of this $183. The inspectors said that the loss was due to the dishonesty of some other clerk whom they could not locate; and so they attached the responsibility to this superior clerk, although they said there was no evidence whatever that he himself had profited by the transaction.

Mr. KING. Is there no protection to the Government when registered letters are lost through the negligence or dishonesty of employees?

Mr. REED of Pennsylvania. If the employee was negligent and could be located, of course, he would be charged with it; but this is a case of purely theoretical responsibility of the chief clerk, who, the inspectors admit, was wholly innocent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOE BURTON COURSEY

Mr. STECK. From the Committee on Military Affairs I report back favorably with an amendment House bill 6087, to reinstate Joe Burton Coursey in the West Point Military Academy, and I submit a report (No. 1133) thereon.

Mr. HARRISON. I ask unanimous consent for the present consideration of this bill. It has passed the House, and the committee reported it out unanimously.

The VICE PRESIDENT. The Secretary will read the bill.

The Chief Clerk read the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of War be, and he is hereby, authorized to reinstate Joe Burton Coursey as a cadet in the United States Military Academy in the class of 1927: *Provided*, That such reinstatement shall not operate to increase the Corps of Cadets at said academy as now authorized by law.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. COUZENS. Mr. President, I am obliged to object. Those Senators who sit by and let bills take their course on the calendar get sidetracked by such unanimous-consent agreements in the morning hour. I do not think it is fair, when there are all these bills on the calendar, to have Senators get up and ask unanimous consent for the consideration and passage of bills that have just come in from committees.

Mr. ROBINSON of Arkansas. Mr. President, I think I ought to call the attention of the Senator from Michigan to the fact that nearly all the bills on the calendar have had an opportunity to be considered by unanimous consent, except those that have been reported since we had a session to consider unobjected bills on the calendar, and some of them have been called to the attention of the Senate several times.

Mr. COUZENS. That is not quite correct, Mr. President.

Mr. ROBINSON of Arkansas. The practice suggested by the Senator from Michigan would be a good one if it were invoked in the case of every bill presented here. We have passed at least a hundred bills during this session by unanimous consent during the morning hour. If the Senator is going to invoke this rule in one instance, I suggest that he ought to apply it in every case, so that there will be no partiality in its enforcement. We have passed this morning three or four bills by unanimous consent.

Mr. COUZENS. And I was just sitting idly by waiting to see how long this performance would continue. It seems to me it is up to the Senators in charge of each side of the aisle to see that bills are considered in a systematic way.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. COUZENS. Yes.

Mr. HARRISON. The reason why I asked for this exception was because this young boy was discharged from West Point three weeks before his graduation. He has a splendid record. The bill has passed the House. The Senate Committee thought it wise to make an amendment. I appreciate the fact that if the House is to act on it, the bill must get back there promptly; but I shall not insist on its consideration at this time.

HON. WILLIAM B. M'KINLEY

Mr. BORAH. From the Committee on Foreign Relations I report back favorably without amendment Senate bill 4430, authorizing the Department of State to deliver to Hon. WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, and permitting him to accept the decoration and diploma presented by the Government of France, and I submit a report thereon. If there is no objection, I ask for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, be, and he is hereby, authorized to accept the decoration and diploma of officer of the Legion of Honor tendered to him by the Government of the French Republic, and the Department of State is hereby authorized to deliver to him the said decoration and diploma.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF CONDITIONS IN THE VIRGIN ISLANDS

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with amendments Senate Concurrent Resolution No. 19. It creates a joint committee of Congress to investigate conditions in the Virgin Islands.

Mr. WILLIS. Mr. President, I ask for the present consideration of the concurrent resolution. If consent is granted I shall make a brief statement in regard to it.

Mr. CURTIS. Mr. President, I ask that the concurrent resolution go to the calendar.

The VICE PRESIDENT. The concurrent resolution will be placed on the calendar.

MAHONING RIVER BRIDGE AT NILES, OHIO

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment Senate bill 4403, granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio; and I submit a report (No. 1124) thereon. This is a bridge bill in the usual form.

Mr. WILLIS. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the board of county commissioners of Trumbull County, Ohio, and its successors in office, to construct, maintain, and operate a free overhead viaduct and approaches thereto across the Mahoning River at a point suitable to the interests of navigation at Niles, Trumbull County, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH W. KIEFFER

Mr. MEANS. From the Committee on Claims I report back favorably without amendment Senate bill 244, for the relief of Elizabeth W. Kieffer, and I submit a report (No. 1140) thereon. I direct the attention of the senior Senator from Wyoming [Mr. WARREN] to the bill.

Mr. WARREN. Mr. President, I ask unanimous consent for the present consideration of this bill. It is a small matter.

The VICE PRESIDENT. The Secretary will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Elizabeth W. Kieffer, postmaster at Fort Russell, Wyo., in the sum of $1,508.60, due to the United States on account of loss by theft of post-office funds by Claude E. Davis, on November 14, 1922; and the sum of $1,508.60 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the payment of this claim.

Mr. ROBINSON of Arkansas. Mr. President, what are the facts of this case?

Mr. WARREN. It is a matter of embezzlement of $1,608.60 from the post office at Fort Russell, $100 of which has been returned.

Mr. ROBINSON of Arkansas. By whom was it embezzled?

Mr. WARREN. By a soldier, who was afterwards captured and has served sentence.

Mr. HOWELL. Mr. President, this is a case that came before the Claims Committee yesterday, when there were only two or three members present, and it did not appeal to me as one that ought to receive consideration.

A postmistress lost some sixteen or seventeen hundred dollars by theft. The theft was the result of action by a soldier, and he afterwards stated to the post-office inspector that he went into the post office and that the safe was not locked. The postmistress affords an affidavit to the effect that she did lock the safe. It is stated that the record of the soldier was bad, and that he might have been able to work the combination and open the safe.

It must be apparent that there was no motive on the part of the soldier to make a statement to the inspector that he found the safe unlocked, and the fact is that the post-office authorities do not recommend that this loss be made good.

Mr. WARREN. Mr. President, I desire to state that this theft occurred some years ago, and the first inspector made a report somewhat along the line of the statement of the Senator from Nebraska, and the Post Office Department did not recommend credit in Mrs. Kieffer's accounts at that time. The lady has been reappointed twice since that time, and is conducting the office honorably, as she did before. The difference between the culprit and the lady herself I will leave to any Senator to resolve in his own mind.

Mr. ROBINSON of Arkansas. Mr. President, under the facts stated by the Senator from Nebraska, I think this bill should go to the calendar.

I wish to state now that, in view of the approaching end of the session, I believe the suggestion of the Senator from Michigan is a good one, and that bills reported hereafter, with the possible exception of bridge bills, to which there is rarely ever an objection, should be placed upon the calendar, and an arrangement effected by which unobjected bills may be disposed of.

I object to the consideration of this bill.

The VICE PRESIDENT. The bill will go to the calendar.

REGULATION OF RADIO COMMUNICATION

Mr. DILL. Mr. President, I want to make just a brief statement regarding the radio legislation. A number of Senators have come to me in the last two or three days with telegrams from newspapers and radio stations asking them to agree to vote for the White bill.

I can not at this time enter into a discussion of the subject, but I do suggest to Senators that if possible they await the discussion of the bill before the Senate. The bill which will soon come before the Senate, while it is sometimes called the Dill bill, is in reality the committee bill. It is a bill which was reported at the direction of the committee, and reported unanimously.

I just wanted to make that suggestion. Since the bill has never been before the Senate, and since the differences between the House bill and the Senate bill are not generally understood, if possible, I hope Senators will await the actual discussion of the bill.

THE COAL INDUSTRY

Mr. COPELAND. Mr. President, I move that the Senate proceed to the consideration of Senate bill 4177, to regulate interstate and foreign commerce in coal and to promote the general welfare dependent on the use of coal, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New York. [Putting the question.] The noes appear to have it.

Mr. COPELAND. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. COPELAND subsequently said: Mr. President, in connection with my appeal to call up the coal bill this morning, I ask unanimous consent to have printed in the RECORD a brief editorial from this morning's New York World. In this connection I desire to speak of the work of Congressman JACOBSTEIN, from Rochester, N. Y., who is making the same effort in the House to get coal legislation, an effort which is being thwarted by invisible forces. It is very strange to me that anybody should oppose the consideration of the measure, no matter what the Senate might ultimately do regarding the passage of the bill. Certainly there is no reason why the Congress should not give consideration to the measure. The public demands it.

The VICE PRESIDENT. Without objection the request of the Senator from New York is granted.

The editorial is as follows:

STILL NO COAL LEGISLATION

Neither the House nor the Senate can plead that it has been too busy this session to give thought to coal legislation. Both have wasted weeks in aimless maneuvering while a matter requiring attention was purposely neglected. A body of interests that knew exactly what they wanted all the time have found it easy to profit by the situation.

When it was recently announced that Congress would adjourn June 30 it was possible to advance a plausible pretext for deferring consideration of coal legislation. The time seemed too short—at least to those who wished that nothing be done. But since the House has broken down the steering committee's plans and talks of remaining in session indefinitely, what is to be the next excuse for postponing legislative action?

Mr. Coolidge has done very little to bring coal to the attention of Congress. Congress itself has politely done less than nothing. Delay has followed delay for no apparent reason except that an invisible influence determines the course of Congress and prevents action in spite of the demands of Representative FISH, Senator COPELAND, and others who represent eastern sentiment, and in spite of the dangers that loom ahead in the soft-coal industry.

PENSIONS AND INCREASES OF PENSIONS

Mr. NORBECK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 4059, the general Civil War pension bill. It is a bill that grants general increases to Civil War soldiers, and to widows who have

reached the age of 75. It increases the pensions of the widows from $30 to $40 a month, and of the ex-soldiers from $50 to $72 a month. The cost to the Government will be about $30,000,000 for the first year.

Mr. KING. Regular order!

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota?

Mr. REED of Missouri. What is the request?

The VICE PRESIDENT. The Senator from South Dakota asks unanimous consent for the consideration of Senate bill 4059. The Chair understands the Senator from Utah to object.

PUBLIC BUILDING AT CHAMBERLAIN, S. DAK.

Mr. FERNALD. Mr. President, it is such an unusual request that I am about to make that I am sure everyone will want to listen to me. I am going to ask for the immediate consideration of a bill which will save the Government $22,000.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. FERNALD. I am very glad to yield.

Mr. ROBINSON of Arkansas. I think the Senator had better explain the bill very carefully.

Mr. FERNALD. Yes; I want to do that. It was expected when we passed the general public buildings bill that it would be necessary to introduce and have passed certain small bills of a very trivial nature. Under the act of 1913, the public buildings act, an appropriation was made to build a post office in Chamberlain, S. Dak., and space was provided for the land office. Now there is no land office there, it having been abolished. The bill provides that the building may be constructed without providing space for the public land office, saving the Government several thousand dollars. I ask unanimous consent for the present consideration of the bill (H. R. 5353) to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876).

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in carrying out that provision in the act of Congress approved March 4, 1913 (37 Stat. L. p. 876), which authorized the construction of a "United States post office and land office at Chamberlain, S. Dak.," upon a site to be acquired for that purpose, the Secretary of the Treasury may have said building so constructed as to omit accommodations for the land office.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDINGS AT WEST POINT, GA., AND LANETT, ALA.

Mr. FERNALD. Mr. President, there is another bill for which I wish to ask immediate consideration. It is the bill (S. 4321) authorizing the construction of public buildings at West Point, Ga., and Lanett, Ala. This bill and the one just passed are about the only ones that have come to the committee at this time which require immediate consideration. Under the act of 1913 a post office was to be built at West Point, in Georgia, on the line between Alabama and Georgia. At that time it seemed that those two towns were growing together, but almost immediately after the passage of the bill the towns began to grow the other way.

The bill for which I now ask consideration provides that two post-office buildings shall be erected, though not on the line. The original act provided that the post-office building should be built on the line between the two States. Both States prefer to have two post-office buildings with the same expenditure of money. The Senators from the States of Georgia and Alabama have agreed on it, and there seems to be no opposition because it will cost the Government no more.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, in carrying into effect the provisions of section 3 of the public buildings act (H. R. No. 6559), to acquire, by purchase, condemnation, or otherwise, a site for a post-office building in each of the cities of West Point, Ga., and Lanett, Ala., in lieu of the site heretofore acquired by the Government for the post-office building authorized to be located on the State line between these two cities; and to cause to be constructed upon said sites buildings for the accommodation of the post offices in said cities, respectively, provided the same can be done within the extended limit of cost fixed by Congress in said section.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

Mr. NORBECK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KING. Mr. President, let the bill be read by sections.

The PRESIDING OFFICER (Mr. MEANS in the chair). The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, and every person who served 60 days or more in the war with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who is now in receipt of or entitled to receive, under existing law, a pension of less than $72 per month, shall be entitled to and shall be paid a pension at the rate of $72 per month; that in case such person is now, or hereafter may become, totally helpless or blind shall be entitled to and shall be paid a pension at the rate of $90 per month.

SEC. 2. The widow or remarried widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 90 days or more and was honorably discharged from such service, or regardless of the length of service was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow or remarried widow having been married to such soldier, sailor, or marine prior to the 27th day of June, 1905, and who has attained or may hereafter attain the age of 75 years shall be paid $40 a month.

SEC. 3. That the rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for 60 days or more in the war with Mexico, on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, shall be $40 per month.

SEC. 4. All Army nurses of the Civil War whose names are now on the pension roll, or who are now entitled to pension under any existing law, shall be entitled to and shall be paid a pension at the rate of $50 per month.

SEC. 5. That no pension shall be allowed or paid under this act to a widow or a former widow whose marriage to the soldier, sailor, or marine on account of whose service pension is claimed took place subsequent to March 3, 1899, unless such widow or former widow lived with such soldier, sailor, or marine continuously from the date of the marriage to the date of his death, or unless the continuity of the cohabitation was broken by soldier having deserted her or by conduct on his part compelled her to leave him.

SEC. 6. That the provisions, limitations, and benefits of the act of May 1, 1920, shall be extended to and shall comprehend and include each and severally the classes of persons enumerated in the first and third paragraphs of section 4693, Revised Statutes of the United States, who served during the Civil War, and also any person who is now or may hereafter become entitled to pension under the acts of June 27, 1890, and February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, on account of service during the Civil War, and the widows of such persons who were married prior to June 27, 1905: *Provided*, That the period of service performed by the soldier, sailor, or marine as enumerated in the provisions of this act shall be determined by reports from the records of the War Department or Navy Department, where there is such a record, and by reports from the records of the General Accounting Office showing payment by the United States where there is no record of regular enlistment into the service of the United States, or showing reimbursement of the State by the United States on account of such service.

SEC. 7. That the pension or increase in the rate of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval of this act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this act in such form as may be prescribed by the Secretary of the Interior; and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

SEC. 8. That no claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting claims for the increase of pension provided for in

this act; and no more than the sum of $10 shall be allowed for such services in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every such offense be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 9. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent as herein specifically provided and stated.

Mr. NORBECK obtained the floor.

Mr. TYSON. Mr. President, will the Senator from South Dakota yield to me?

Mr. NORBECK. I yield to the Senator from Tennessee.

Mr. TYSON. I rise to ask the Senator from South Dakota if he will permit me to submit a unanimous-consent agreement?

Mr. NORBECK. Yes; unless it takes a long time, I shall be pleased to yield.

Mr. TYSON. Mr. President, it is well known that the bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, has been on the calendar for a long time. It was reported out favorably from the Committee on Military Affairs on the 26th day of March. I have repeatedly asked the Senate to give unanimous consent for the consideration of the bill, but it has never been given. I now ask unanimous consent that the bill be made a special order for consideration immediately following the disposition of House bill 9971, known as the radio bill.

The PRESIDING OFFICER. Is there objection?

Mr. JONES of Washington. Mr. President, I am in favor of the bill which the Senator from Tennessee has in charge. I have voted for the bill every time heretofore. But the river and harbor bill will be reported this afternoon, and we hope to pass it. I do not feel that I could consent to the making of any more special orders. Under these circumstances I am compelled to object to the request of the Senator from Tennessee, much as I regret to have to do so.

The PRESIDING OFFICER. Objection is made.

Mr. TYSON. Under these circumstances, in view of the fact that I am receiving a great many requests from all over the country, from a great many officers who were in the World War, to press the bill and have a vote upon it; and in view of the fact that it is a very important bill, one which affects a great many people all over the country, 200,000 officers who were in the World War being interested in the bill and 4,000,000 men who were in the World War being interested in the bill, it seems to me that we ought to have an opportunity to have it considered at this session. Of course, it is the right of all Senators to object; but it seems to me that one Senator ought not to keep us from having the bill considered. Therefore, under all the circumstances, if it is in order, I move that, notwithstanding the objection, the bill be set down as a special order immediately following the disposition of House bill 9971, known as the radio bill.

Mr. KING. Mr. President, I make the point of order that the motion is not in order. We are considering a bill which is now before the Senate and we can not displace it by proceedings looking to the consideration of another matter.

The PRESIDING OFFICER. The Senator from South Dakota did not yield for that purpose. If he should so yield, it is the opinion of the Chair that the motion would be in order.

Mr. NORBECK. Mr. President, I will not yield for any purpose that will displace the pension bill. I desire to extend every courtesy possible to the Senator from Tennessee except to give up whatever rights I have.

The PRESIDING OFFICER. It would not displace the present bill now being considered, but it would require stating the motion of the Senator from Tennessee and a determination of the same. The Chair believes that the motion is in order.

Mr. KING. Mr. President, I suggest to the Chair, with all due respect, that the Chair is in error. The pension bill is a bill which has been taken up and is now before the Senate. A Senator can not move that some other bill shall be set down for consideration at a subsequent time while that bill is being considered. That can not be done to displace business before the Senate and it is not within the rule.

The PRESIDING OFFICER. The Chair is informed by the parliamentarian at the Secretary's desk that the motion is in order and that there are precedents for it. If there are precedents—and, of course, the Chair relies upon the parliamentarian that there are—the present occupant of the chair has no other recourse except to rule that the motion is in order. The motion is not debatable. The present occupant of the chair is being guided by the parliamentarian, he is frank to say.

Mr. KING. Perhaps I am not in order in making the suggestion, in view of the attitude of the Chair, but may I say that where we are considering a bill and it is being debated and considered for amendment and is about to be placed on its passage, if a Senator may come in and move that some other bill be considered at a subsequent time, the Chair can see what the effect would be. We might defeat the consideration of the bill by renewing the motion to proceed to the consideration of some other bill at a subsequent time.

Mr. TYSON. Mr. President, I understand the Chair has already ruled on the question that the motion is not debatable.

The PRESIDING OFFICER. The Chair has so ruled.

Mr. REED of Pennsylvania. Mr. President, I make the point of order that the Senator from South Dakota [Mr. NORBECK] has the floor and has not yielded to the Senator from Tennessee to make the motion.

The PRESIDING OFICFER. The Chair asked the Senator from South Dakota whether he did yield for the purpose of allowing the Senator from Tennessee to make the motion. It is true that the Senator from South Dakota did have the floor, but it is the understanding of the Chair that he yielded for this purpose. If the Chair is misinformed, he would like to know it from the Senator from South Dakota.

Mr. REED of Pennsylvania. The Senator from South Dakota merely addressed an inquiry to the Chair as to whether the putting of the motion would displace the pending business.

The PRESIDING OFFICER. The Chair will refer the matter to the Senator from South Dakota.

Mr. NORBECK. If the ruling of the Chair is that it will not displace the pension bill, and that the motion is not debatable, and therefore will be voted upon immediately, I have no objection.

Mr. HEFLIN. That is the point I was going to make.

Mr. TYSON. The understanding I had with the Senator from South Dakota was that it would not displace his bill.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee has the floor. Does he yield to the Senator from Missouri?

Mr. REED of Missouri. Mr. President, I am rising to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. REED of Missouri. Mr. President, the Senator from South Dakota [Mr. NORBECK] has not yielded the floor. He conditionally consented to yield if the motion of the Senator from Tennessee would not provoke debate or cause delay. If the Chair is now ruling that the Senator from South Dakota can hold the floor and that the bill which he is seeking to promote is still before the Senate while we are proceeding to act upon another bill, then I am going to appeal from the decision of the Chair.

The PRESIDING OFFICER. As the Chair understands, the point of order is that the Senator from South Dakota can not yield to another Senator for the purpose of the latter making a motion.

Mr. REED of Missouri. The Senator from South Dakota has not yielded. He made a conditional yielding. He stated that he would yield provided that his yielding did not lose him the floor; and the Chair expressed the opinion that he would not thereby lose the floor. Until the Senator from South Dakota unconditionally yields, we have nothing before us. If he does unconditionally yield, then, of course, the Senator from Tennessee [Mr. TYSON] may proceed.

The PRESIDING OFFICER. The Chair is of the opinion that if any Senator objects the Senator from South Dakota can not yield the floor for the purpose of allowing another Senator to make a motion.

Mr. ROBINSON of Arkansas. Mr. President, there is not the slightest difficulty about the parliamentary situation, if the facts are not in dispute. The Senator from South Dakota [Mr. NORBECK] yielded to the Senator from Tennessee in order that the latter Senator might make a motion, which is not debatable, namely, that another bill be made a special order by the Senate. It was the duty of the Senate to vote on that motion immediately. If the motion had carried, the Senate would have proceeded with the pension bill now under consideration. If the motion had failed, the Senator from South Dakota could likewise have gone on with his bill. A motion at this time to proceed to the consideration of another bill is

not debatable, and the Senate should vote on the motion immediately.

Mr. WILLIS. Mr. President, will the Senator yield to me?

Mr. NORBECK. Mr. President, I shall have to object. This proceeding is taking too long a time.

Mr. WILLIS. I call for the regular order.

The PRESIDING OFFICER. Senate bill 4059 granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and so forth, is before the Senate as in Committee of the Whole and is open to amendment.

Mr. KING. Mr. President, I should like to ask the Senator having the bill in charge what changes are proposed to be made by it in existing law and what additional burdens will be laid upon the Government should it be enacted? I may say to the Senator before he proceeds that I recall not many years ago—three or four years ago—when the then Senator from North Dakota, Mr. McCumber, had charge of a pension bill which fixed a flat pension rate of $50 per month, the promise was made that that would end all general pension legislation; that whatever pension legislation followed after that would be what might be denominated spasmodic; that is, dealing only with specific cases. I understand that now, notwithstanding the generosity of Congress at that time, this bill is to add to the pension list more than $31,000,000, and that the greater part of this amount is to be paid to widows, many of whom married soldiers long after the war ended. I should be glad to have the Senator, in detail, point out the changes proposed in existing law and the additional sum which the Government will be required to pay if it becomes a law.

Mr. NORBECK. Mr. President, keeping in mind——

Mr. BLEASE. Mr. President, I suggest the absence of a quorum. If this bill carries an appropriation of $30,000,000, we ought to have Senators here to know what is going on.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Lenroot	Sheppard
Bayard	Fernald	McKellar	Shipstead
Bingham	Ferris	McMaster	Shortridge
Blease	George	McNary	Simmons
Borah	Gerry	Mayfield	Smoot
Bratton	Gillett	Means	Stanfield
Broussard	Goff	Metcalf	Steck
Bruce	Gooding	Moses	Stephens
Butler	Hale	Neely	Trammell
Cameron	Harreld	Norbeck	Tyson
Capper	Harris	Norris	Underwood
Caraway	Heflin	Oddie	Wadsworth
Copeland	Howell	Pepper	Warren
Couzens	Johnson	Pine	Watson
Cummins	Jones, N. Mex.	Reed, Mo.	Wheeler
Curtis	Jones, Wash.	Reed, Pa.	Williams
Deneen	Kendrick	Robinson, Ark.	Willis
Dill	Keyes	Robinson, Ind.	
Edge	King	Sackett	
Edwards	La Follette	Schall	

The PRESIDING OFFICER (Mr. WILLIS in the chair). Seventy-six Senators having answered to their names, there is a quorum present. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, I have propounded a question to the Senator from South Dakota which I shall be very glad to have answered; otherwise I shall take the floor in my own right.

Mr. NORBECK. Mr. President, in reply to the Senator from Utah, I wish to state that the demand for increased pensions comes largely because of the increase in the cost of living. On that account it has been necessary to increase the wages of Government employees and so on. We all realize it will soon be too late to do anything for the old soldiers.

Replying more specifically, I will state that the increases come in three classes.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Idaho?

Mr. NORBECK. I yield.

Mr. GOODING. I think the RECORD should show that the old veterans and their wives are passing away at the rate of 48,000 a year. It will be only a few years when they will all be gone.

Mr. NORBECK. Mr. President, half of the old soldiers are now getting $72 a month and the other half $50 a month. Those who are totally disabled are receiving $72 a month. This bill proposes to give them all $72. That will cause an increase in the pension appropriations of a little less than $13,000,000.

There is another provision in the bill under which those who may be blind or are otherwise totally helpless will have their pensions brought up to $90 a month. That will cause an increased expenditure of a little over $2,000,000.

The third class is made up of the widows, whose pensions the bill proposes to increase $10 a month, involving an expenditure of $15,672,000. The increased $10 a month will apply to all who have reached 75 years of age and to others when they reach that age. The bureau estimates that this bill will provide for an increase of pensions to 64 per cent of the widows.

Mr. KING. Mr. President, my information is that the Pension Committee, reporting the bill before us, had under consideration a substitute. It was not adopted by the committee, though members of the committee supported it. Instead the pending measure, carrying more than $31,000,000 and materially changing existing law, was brought to the floor of the Senate.

I realize how impossible it is to successfully challenge demands upon the Treasury of the United States, and particularly if those demands are made for the purpose of paying pensions. Mr. Burton J. Hendrick, in an article written by him several years ago upon the pension situation, declared that—

> The history of Civil War pensions is simply a story of a small minority laying violent hands upon the Federal Treasury. For 40 years Congress has practically abdicated its control over pension legislation.

As often as demands have been made for increases in pensions, they have promptly been acceded to, and the ease with which pension legislation has been secured has wrought a great change in the minds of many, who have regarded it as the duty of Congress to grant pensions to all persons who have had any military service whatever, even though no disabilities were sustained or injuries suffered.

My experience in the Senate has taught me that general pension bills are easily obtained, and that special pension bills can be pushed through whenever there is any sort of organized effort behind them.

Mr. President, a few moments ago I obtained a copy of the substitute to which I have referred, and I shall offer it and move its adoption in lieu of the bill before us. I do not mean that I approve of its provisions, nor do I accept any responsibility for its authorship. I do not know by whom it was prepared, but presume that it was the result of conferences by some members of the committee. I am offering it while not indorsing it because it calls for a smaller appropriation than the measure before us. In that particular it is less objectionable and will save the Treasury of the United States from ten to fifteen millions of dollars annually for a number of years.

Mr. President, I tender the proposed substitute and ask that it may be read.

The PRESIDING OFFICER. The Senator from Utah presents an amendment in the nature of a substitute, which will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert:

> That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, and every person who served 60 days or more in the war with Mexico, or on the coasts or frontiers thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who is now in receipt of or entitled to receive, under existing law, a pension of less than $72 per month, shall be entitled to and shall be paid a pension at the rate of $65 per month; that in case such person is now, or hereafter may become totally helpless or blind shall be entitled to and shall be paid a pension at the rate of $90 per month.
>
> SEC. 2. The widow or remarried widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 90 days or more and was honorably discharged from such service, or regardless of the length of service was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow or remarried widow having been the wife of such soldier, sailor, or marine during the period of his service in said war she shall be paid $50 a month.
>
> SEC. 3. That the rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for 60 days or more in the war with Mexico, on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, shall be $50 per month.
>
> SEC. 4. All Army nurses of the Civil War whose names are now on the pension roll, or who are now entitled to pension under any existing law, shall be entitled to and shall be paid a pension at the rate of $50 per month.
>
> SEC. 5. That no pension shall be allowed or paid under this act to a widow or a former widow whose marriage to the soldier, sailor, or

marine on account of whose service pension is claimed took place subsequent to March 3, 1899, unless such widow or former widow lived with such soldier, sailor, or marine continuously from the date of the marriage to the date of his death, or unless the continuity of the cohabitation was broken by soldier having deserted her or by conduct on his part compelled her to leave him.

SEC. 6. That the pension or increase in the rate of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval of this act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this act in such form as may be practical by the Secretary of the Interior: *Provided*, That no one while an inmate of the United States Soldiers' Home, or of any National or State soldiers' home, shall be entitled to, or be paid the increased rates provided in this act, and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

SEC. 7. That no claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting claims for the increase of pension provided for in this act; and no more than the sum of $10 shall be allowed for such services in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for such and every such offense be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 8. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent as herein specifically provided and stated: *Provided*, That the provisions of this act shall in no way, manner, or substance, modify, limit, or impair the soldier, sailor, or marine's right and title to the rate of $72 provided in the second section of the act of May 1, 1920.

The PRESIDING OFFICER. The question is on the amendment, in the nature of a substitute, offered by the Senator from Utah [Mr. KING].

Mr. NORBECK. Mr. President, this is not what the committee recommends; but realizing the difficulty of getting pension increases, especially for the older soldiers whose ranks are so rapidly thinning, I will state, speaking for myself only, that I will accept this amendment if we can get immediate action on it to-day. I should not be bound to accept it some other day. This amendment will cut the amount about in half, but the cut will be mainly on the widows. It will leave the widows who were married during the Civil War with the increased pension—in fact, it will give them $50—but it provides no other increase for widows. It creates a new class for those who are blind and those who are totally disabled, and gives them $90, the same as the other bill does.

Mr. JONES of Washington. Mr. President, I desire to ask a question. I have been called out of the Chamber, and do not know just what the status of the matter is. I take it that a substitute has been proposed for the committee bill.

Mr. KING. I stated a moment ago—perhaps the Senator was not in the Chamber—that I would offer an amendment in the nature of a substitute for the pending bill. It has just been read. May I say to the Senator that I did not prepare the substitute. It had the support of some members of the committee, as I am advised. I am not a member of that committee now, though I was several years ago. I have spoken to the chairman of the committee [Mr. NORBECK], and he has confirmed the view which I had, that the proposed substitute did receive the attention of the committee and was presented to it in the same form in which I have submitted it to the Senate.

Mr. JONES of Washington. The matter about which I desire to inquire is this: Under the law as it is now, as I understand, the widow of a soldier is not entitled to any pension unless she was married to the soldier prior to 1905.

Mr. NORBECK. That is the present law, and there is no change in that respect.

Mr. JONES of Washington. Has the committee considered the advisability of changing that law to some extent?

Mr. NORBECK. The committee is opposed to changing the general law so as to bring in a new class of widows. They can now draw a pension if they were married within 40 years of the close of the war. The committee has recommended special pensions for a number of the widows married after June 27, 1905, but only in such cases as where it appeared their circumstances were unusual.

Mr. KING. Mr. President, may I say to the Senator that in the omnibus pension bills which we passed a few days ago, because of the peculiar and special circumstances in a number of cases coming within the category referred to by the Senator increases were granted. It seems to me, with the great liberality which has been exhibited in the past by the Pensions Committee and by the present Pensions Committee, when cases such as the Senator may have in mind, calling for increases, are presented, they will be covered in the usual omnibus bills, two or three of which are presented at each session of Congress.

Mr. JONES of Washington. It had seemed to me that we could very well place this date at 1910 or 1915. It seems to me that the widows of soldiers who married them in 1910 or 1915 are really just as much entitled to a pension, because of the care that they gave to these old men in their declining years, as though they had married them prior to 1905. Of course, however, if the committee has given this question careful consideration, and has come to the conclusion that it is not wise to make such a change in the law, I shall not press it; but it has occurred to me that that would be fairer than to confine it to 1905.

Mr. FERNALD. Mr. President, I was and am of the same mind as the Senator from Washington; but the committee considered this matter very carefully, and in determining the amount that could be devoted to this purpose we considered that at this time it would not be provident. While I agreed absolutely with the chairman of the committee in the bill he reported, I, too, feel that the amount carried in this amendment will more nearly appeal to the President of the United States when he comes to pass upon this legislation; and I am quite willing to accept the amendment proposed by the Senator from Utah.

The PRESIDING OFFICER. The question is on the amendment, in the nature of a substitute, offered by the Senator from Utah [Mr. KING].

The amendment, in the nature of a substitute, was agreed to.

Mr. KING. Mr. President, before submitting a few remarks upon the pending measure, I desire to make a brief reply to a statement made a few moments ago by the Senator from Tennessee [Mr. TYSON]. He was urging with great vehemence the passage of a bill upon the calendar which seeks to confer upon reserve officers all the retirement privileges and benefits enjoyed by officers of the Regular Army—officers who have given and are giving their entire lives to the military service of their country. I have opposed that bill because of its manifest discriminatory character.

The Senator stated that 4,000,000 ex-service men were back of the bill and also 200,000 reserve officers. It is quite likely that the reserve officers referred to by the Senator are supporting the bill. Indeed, I have received a number of critical letters from reserve officers who have demanded—and oftentimes in insolent terms—that all opposition to the bill cease, and that they be given what they denominate as "their rights." I have received letters from ex-service men who were privates and who fought overseas, protesting against this measure because of its manifest favoritism.

They have declared that it is unfair to distinguish between the ex-service men who were in the trenches and served their country as privates and that who were fortunate enough to obtain commissions. One letter, from an ex-service man who had volunteered and who had received injuries in the line of duty, insisted that he obtain as much by way of compensation from the Government for injuries sustained while in the service of his country as one of his boyhood friends who had no greater disability and who served with no greater courage, but who happened to obtain a commission in the reserve Army.

Senators know that some young men, through political or other influence, did obtain commissions. Doubtless most of them were worthy of the commissions they received; but we know that hundreds of thousands of their boyhood friends, brothers, and comrades, equally capable, equally brave and courageous, fought through the war as privates. To my mind there can be no justification for a policy that denies to the ex-service men who served as privates benefits or privileges given to those who happened to secure commissions. However, this question will be discussed later when the measure, championed by the Senator from Tennessee, is before the Senate.

Mr. President, I return to the bill now before us. Notwithstanding the substitute which I have offered has been adopted, I shall vote against the bill, because I do not believe that it is a proper measure. Pensions granted have not always been based upon dangers encountered or risks run, or length of service rendered, or the financial standing of the beneficiaries of such legislation. Persons in affluent circumstances have received the same pensions as those possessed of limited means and in some instances without property. Pensions have been granted to thousands of individuals whose earning capacity was great and whose accumulations have been large.

My attention was drawn a number of years ago to a case where an individual who served in the Civil War was worth millions of dollars, and enjoyed a very large income and whose physical condition was such that he was performing important and renumeration work. Nevertheless, he was granted a pension. No distinction has been made between those who served but 90 days and who never saw a battle or were never near a skirmish line, and those veterans who participated in sanguinary contests upon many battle fields.

I recall that Professor Glasson in a book written by him, speaking of the pension act of 1890, stated that pensions were paid those who "enjoyed large incomes as skilled workers, lawyers, physicians, public officials, business men, and bankers." That act declared that pensions were to be granted to ex-service men having incapacity to perform manual labor, but it was construed so that persons in all lines of employment and regardless of their resources and wealth, obtained pensions.

He stated that—

> The act was not a national gratuity or dignified form of relief for indigent and infirm veterans, as contemplated by the advocates of a dependent pension bill, for it pensioned alike the rich and the poor, the prosperous and the unprosperous. It was not a reward for long and meritorious service in the Army, for it treated those who served but for three months the same as those who served through the whole war.

Speaking of the provision in the bill granting pensions to widows, the same writer stated that—

> widows who were unborn or merely small children when the Civil War ended, were to receive pensions. This provision especially benefitted young women who long years after the war married middle aged or elderly ex-soldiers.

He refers to the political aspect of pensions, also to the view of the politician who regarded pensions as—

> a way to spend the surplus which appealed to the sentiment of the people and which also promised to produce votes for the candidates of the party. Undoubtedly in passing the act of 1890 the Republican Congress and national administration attached strongly to that party the great majority of the Grand Army of the Republic voters.

Mr. H. Clay Evans, who was Commissioner of Pensions under the McKinley administration, referring to the practices of the Pension Bureau, in administering the act of 1890, said:

> The practice has never been to inquire into the capacity of the claimant to earn a support. The prosperous have been pensioned alike, on application, with the less fortunate, plainly on showing disabilities or disease, without any reference to the claimant's wealth or capacity to earn a support.

I remember that General Sherwood who was a veteran of the Civil War, declared in the House, in the Sixty-second Congress that—

> You can get anyone to vote for any pension bill you want in any legislature in the North, because the members do not dare to vote against it.

The Sherwood bill added $75,000,000 per annum to the expenses of the Government. I remember that when the roll of pensioners was at its zenith there were in the District of Columbia 1 pensioner for every 22 of population; in Maine, 1 to every 35; in Kansas, 1 to every 36; and in Indiana, 1 to every 37.

In 1900 the population of the United States was 75,994,575, and the number of Federal pensioners exceeded 988,000.

Mr. President, in 1918 I was a member of the Committee on Pensions, and a demand was made upon Congress to pass a general pension bill, as well as a number of omnibus pension bills. During that year the amount paid by the United States for pensions was considerably more than $181,000,000.

During the fiscal year of 1925 we appropriated $218,639,699 for pensions. That does not, of course, take into account the hundreds of millions of dollars appropriated for the Veterans' Bureau and to those who had participated in the World War.

Senators may be interested in knowing that the United States has paid to pensioners between the years 1790 and the end of the fiscal year 1925, $7,054,502,010. As above indicated, it does not include payments made on account of the World War. Of the above amount, $6,613,314,980 were paid as pensions growing out of the Civil War. Pensions due to the war with Spain amounted to nearly $152,000,000 at the end of the fiscal year 1925. In 1866 the entire amount of pensions paid was $15,450,000, and the number of pensioners was 126,722. There were increases each year until there were upon the pension roll 999,446 persons. The amount paid as pensions for the year when so large a number was upon the pension rolls was $137,504,267. In 1923, when the number of pensioners was but 539,756, the amount paid as pensions exceeded $263,000,000.

At the close of the fiscal year 1925 there were 512,537 names upon the pension rolls. Of this number 244,657 were soldiers and 267,880 were widows, less a small number who were nurses.

Mr. President, the demand for pensions grows apace. In my opinion, our annual appropriations for pensions, instead of decreasing, will increase. The appropriations for the next fiscal year for pensions and for the Veterans' Bureau will exceed $700,000,000.

Mr. President, I regret that there has been a changing view with regard to the true character of pensions. It is the duty of the Government to liberally provide for those who sustained disabilities, who received injuries during their military service and have for that reason been incapacitated in earning a livelihood. It is also the duty of the Government to generously provide for the widows and children of men who have given their lives for their country. But we have gone far beyond that, and men of spirit and courage and fine feelings too often eagerly appeal for pensions and see no impropriety in obtaining service pensions, though their military service was but a few days, during which time they incurred no risks, received no injuries, and suffered no disabilities.

Dr. David Kinley, who edited the work of Professor Glasson entitled "Federal Military Pensions in the United States," has stated that—

> Pensions are taken without compunction by some men who, while technically entitled to them, had other means of support, and, indeed, were sometimes rich, to say nothing of young widows of old soldiers. For such persons to take pensions is to throw a shadow of graft on the whole system.

Mr. President, I am willing to deal most generously with those who have served their country and who have received injuries or have suffered disabilities, but I have been unwilling to vote in favor of measures which carried pensions to persons who served but a few weeks, who received no injuries, and who suffered no disadvantages by reason of their temporary connection with some military organization. Any efforts to amend pension bills so as to limit pensions to those who were wounded or injured or incurred disabilities by reason of their services have proven utterly unavailing.

Mr. President, I omitted to mention the fact that in addition to the general pension laws there have been enacted many special pension acts. These acts have been the subject of criticism, many of them of just criticism. Political influence too often has inspired their passage and propaganda and organized efforts have been employed to push through measures in behalf of individuals, which can not be approved. Between 1861 and 1925 special pension bills to the number of nearly 64,000 were enacted by Congress, and in this session omnibus bills carrying hundreds of names have received the approval of both House and Senate. I am told that there is another omnibus bill to immediately follow the pending measure, and how many more will be presented during this session I am unable to state.

Mr. President, in 1918 an act was passed which substantially increased the amounts carried in the general pension acts. It was stated during the hearings which resulted in the act of June 10, 1918, that no further general legislation would be necessary to fulfill the Government's obligations to veterans of the Civil War. Senator McCumber, who wrote the report accompanying the pension bill, which became a law in 1920, stated:

> In the hearings antedating the enactment of this law (June 10, 1918) it was stated by officers of the Grand Army of the Republic that this would be the last call upon the generosity of the Government in behalf of these soldiers, their widows, and dependents.

Notwithstanding these representations, in 1920 demands were again made that Congress should increase the pensions of those upon the pension rolls, and responding to these demands a bill was reported and passed which increased the pensions of all veterans of the Civil War to $50 per month, regardless of the length of service, and increased the pensions of the widows to

$30 per month. That bill added $65,000,000 for the next ensuing year to the expenses of the Government.

When the act of 1920 was passed it was understood that no further demands would be made for general legislation, but pressure is now being brought by strong organizations for the passage of the measure reported by the committee, which materially increases all pensions and would add over $31,000,000 annually to the expenses of the Government.

The amendment which has been adopted reduces this amount several millions of dollars. There is no assurance that further demands will not be made at the next session of Congress. Indeed, there is every reason to believe, because of the ease with which pension legislation is secured, that large appropriations will be demanded and made.

Mr. President, if the present attitude of Congress remains unchanged, it is apparent that the burdens of taxation will not be reduced, but will constantly be increased. There is nothing so easy as to secure appropriations from the Treasury of the United States. The number of persons upon the pension rolls of the Federal, State, and municipal Governments will constantly increase; the number of employees of the Federal Government will continue to multiply, and the States and their political subdivisions will constantly add to their already mighty army of officeholders and employees. Billions of dollars are annually appropriated to pay this great army of taxeaters and pensioners.

All efforts to secure economy in Federal, State and municipal Government are futile. The orgy of extravagance goes on, and waste and inefficiency in all forms of governmental activity become more manifest and augment the burdens and evils which oppress the people.

Mr. President, I shall not detain the Senate longer. I shall only add that I am glad the amendment has been adopted which will reduce the amount carried by the original bill to approximately $20,000,000.

Mr. NORBECK. It will make a difference of about $16,000,000, or perhaps more. It will make at least that difference.

Mr. KING. Mr. President, I think it is impossible to determine just what the difference in the two measures will be. Concededly the substitute which has been adopted will result in a reduction of several millions of dollars. It is regrettable that we are adding to the burdens of the people and preventing the application of those principles of economy so indispensably required in all governmental activities.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole, and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD a brief explanation of the pension bill which has just been passed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Statement prepared by the assistant clerk of the Senate Committee on Pensions, being an explanation of the bill as amended and an estimate as to its annual cost:

The Civil War veterans who are now getting $50 will get $65; those who are getting $72 will get no increases, except where they become blind or totally disabled, in which case they will get $90.

The Pension Bureau estimates that possibly one-fifth of the number will come in this class.

Widows who were married during the Civil War are increased from $30 to $50.

Widows of the War of 1812 and of the Mexican War are also increased from $30 to $50.

On April 30, 1926, there were on the pension roll 53,625 Civil War soldiers who were drawing $50 a month.

This substitute bill proposes to increase the rate of $50 to $65 a month.

The cost of this item would amount to $9,652,500 the first year, less the amount unpaid by reason of death of the pensioner.

On April 30, 1926, there were on the pension roll 56,489 Civil War soldiers receiving $72 a month. It is estimated that 20 per cent of them would probably qualify for the $90 rate and that the approximate cost would, after allowing for loss on account of death, be $2,105,544.

The total cost under section 1 of the substitute bill would then be $11,758,044, instead of $14,831,784 for same item in original bill.

This substitute bill provides for an increase of pension from $30 to $50 only for widows of Civil War soldiers who were the wives of such soldiers during the period of his service in said war.

It is estimated that there are 26,000 such widows now on the pension roll. The increase of pension for such widows would entail an additional cost of $3,840,000.

There are about 1,149 widows of the War of 1812 and Mexican War on the pension roll, and the substitute bill proposes to raise the rate of their pension from $30 to $50. This would add an additional annual cost of $271,760.

The total additional cost for widows would then amount to $4,111,760; or an aggregate cost of the substitute bill of $15,869,804.

The only other change in the substitute bill is the elimination of section 6 from the bill, which appears in the original bill (S. 4059).

(No deduction has been made on account of the fact that soldiers and sailors who are now in national and State homes will not get these increases. It is estimated that this will reduce the above estimate by about $1,000,000, making the total cost of the bill a little less than $15,000,000.)

ESTATE OF LIEUT. LEWIS WESLEY KITCHENS, DECEASED

Mr. STEPHENS. Mr. President, I ask unanimous consent for the present consideration of House bill 10807, to provide for the payment of the amount of a war-risk insurance policy to the beneficiary designated by Lewis Wesley Kitchens, deceased.

Mr. KING. Let the bill be reported.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the United States Veterans' Bureau is authorized and directed to pay the sum of $10,000 to the persons designated as beneficiaries in the application of First Lieut. Lewis Wesley Kitchens, formerly of Sarah, Miss., for war-risk insurance, dated September 25, 1918, in the same manner and with the same effect as if such insurance had been in full force and effect on the date of the death of Lieutenant Kitchens.

SEC. 2. That the first payment under the provisions of this act shall be made within two months after the date of its approval and shall include the amount due and payable hereunder from October 31, 1918.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

Mr. KING. I do not object, but I would like to have the Senator advise us just what the character of the bill is.

Mr. STEPHENS. I can do that very briefly, I think.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. STEPHENS. Wesley Kitchens and I were schoolmates in our little village, and of course I knew him very well. In later life he became a doctor, and when the World War came on and the United States entered the war Doctor Kitchens volunteered.

He was assigned to service in this country for several months. Finally he was detailed to go across the water. Just before leaving he applied for insurance, having waited until a little more than four months after his entry into the service to apply. The policy of insurance was issued to him and was forwarded to his wife. He signed the ordinary documents required in such circumstances and authorized a deduction from his pay for the payment of the premium.

That policy of insurance was issued on the 25th day of September, 1918. He sailed for France, leaving this country the 12th day of October, two or three weeks after the policy was issued to him. He was taken sick aboard the vessel and died soon after he landed in France.

As I said, the application for insurance was not made until shortly after the expiration of the 120 days within which the law required an application to be made. Therefore it has been held that the policy was invalid.

Congress amended the law, providing that in cases similar to this, where the policies had been issued and deductions had been made from the pay of the soldier, the amount carried by the policy should be paid to the beneficiaries. That did not quite reach this case.

Mr. KING. Why?

Mr. STEPHENS. I thought it did, but the department ruled that it did not. I take the position that a great injustice was done to this young soldier and to his family; because if the time for granting a policy to him had expired, if that policy was invalid, he should have been so informed, so that he could have made other provisions for insurance for his family. But he went away, he sailed to the battle front, under the impression that he had made provision for his family.

There is a letter from the department in regard to this matter.

Mr. KING. Will the Senator not read it?

Mr. STEPHENS. I will be very glad to, but I think the matter in which the Senator will be most interested is the closing sentence of the letter:

If there had been deduction from the soldier's pay to cover the premium of this insurance, payment would be authorized under the law.

My idea is that he had authorized the deduction, and he sailed for France believing that the incident was closed so far as he was concerned.

Mr. KING. May I ask the Senator in what manner the authorization was made?

Mr. STEPHENS. It was made in writing, in the usual form.

Mr. KING. Does the Veterans' Bureau claim that he had not authorized it?

Mr. STEPHENS. Oh, no; there is no claim of that kind at all.

As I said, this man was my old schoolmate and I feel a personal interest in his family. I feel that an injustice was done him and done his family by reason of the fact that he was not informed that his policy was invalid under the circumstances. Of course, at that time he could have made other arrangements, but he was cut off from doing that. I hope this bill will pass and this relief given to the family of this dead soldier.

Mr. KING. Mr. President, I would like to ask the Senator whether the Director of the Veterans' Bureau approves of this sort of legislation, and also what the effect will be, as a precedent, if measures of this character are enacted.

Mr. STEPHENS. I am informed that there are very few cases of this character. Of course, it would establish a precedent; there is no question about that; but I think it would not affect the Treasury to any considerable extent.

Mr. KING. It seems to me that if this is in violation of the law it would be a rather dangerous thing to establish such a precedent, because I can easily conceive of hundreds, if not thousands, of persons who would be in a similar situation.

Mr. STEPHENS. Does not the Senator think that if a soldier authorized the deduction, told the Government to take from his salary the amount required to pay the premium, and before the time came for the deduction he died, that if there was a failure to deduct he was not at fault? The Government should have made the deduction. If that deduction had been made, they admit the policy would be valid and would be paid. If it were an insurance company, whether the check had actually gone from the local agent or whether it had ever been collected, if the insured had died, the policy would have been valid and the amount of the policy would have been collectible.

It does seem to me that in the light of all the facts in this case this is not a dangerous precedent by any means. In fact, if we pay this policy, we will but be doing equity, doing justice, and the right thing in the matter.

Mr. KING. Let me ask the Senator whether it was the rule, upon receipt of an order to deduct from compensation which was due, to hold it for 120 days before any deduction was made and before any policy became valid? If that were true, it would seem to me all soldiers would have been in the same situation, and they would know that in order to get a policy immediately effective they would have to make the payment, instead of waiting until there was a subtraction from any amount coming to them by way of compensation.

Mr. STEPHENS. This man was doing everything required of him by our Government. He complied with everything they ordered to be done.

Mr. BAYARD. Mr. President, will the Senator permit me to interrupt him?

Mr. STEPHENS. Certainly.

Mr. BAYARD. The records show that in compliance with the request of this soldier a certificate of insurance was issued, and the authorities did not make the adjustment immediately, so it was the fault of the Government. They took the first necessary step; they committed themselves by the issuance of this certificate, but they failed to carry on and deduct from the soldier's pay the necessary premiums. Is not that correct?

Mr. STEPHENS. Yes.

The PRESIDING OFFICER. The Chair understands that there is no objection to the consideration of the bill.

Mr. KING. No objection is being made. I just wanted an explanation and to learn the facts, so that I could determine whether I would support the bill. I have been discussing this bill for the purpose of getting the facts. The Senator from Iowa [Mr. STECK] may be able to shed some light on this matter.

Mr. STECK. Mr. President, the rule, after the insurance act went into effect, was that a man must apply for insurance within 120 days after his entrance into the service. This man failed to apply within the 120 days, but he did apply, and a policy was issued and delivered to his wife.

Mr. KING. That is, he failed to apply within the 120 days?

Mr. STECK. Yes; within the 120 days. He let the time elapse within which under the act he should have applied for insurance. But just before he started for France he did apply, insurance was granted him, and the policy was issued and delivered to his wife.

Mr. KING. Let me ask the Senator if there were not many who did not apply until they had been in the service for six months or longer, and that they then got insurance?

Mr. STEPHENS. There were thousands of them.

Mr. STECK. There were, and insurance was allowed them. In this case the Government officials merely say that because the amount of the premium was not deducted, the policy is not valid. But the Senator knows that a man never knew whether his insurance premium was deducted or not until he received his pay, which would show the deduction. He had nothing whatsoever to do with the deduction for his insurance premium after he applied for the insurance.

Mr. STEPHENS. If anybody could have been cruel enough to do it, every soldier could have been deprived of his insurance simply on account of his failure to apply in time. Suppose somebody made an honest mistake and failed to make the deduction. Would anyone say that the soldier should not have the benefit of his policy?

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

Mr. NORBECK. Mr. President, I move that the Senate proceed to the consideration of House bill 10314, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 4, line 1, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Melissa Elifritz, widow of George W. Elifritz, late of Company C, Eleventh Regiment, and Company E, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 20, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Laura Myers, widow of Murray Myers, late of Company C, Forty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 24, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Mary E. Pickett, widow of Edward Pickett, late of Company K, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 22, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Agnes Putman, widow of Stewart Putman, late of Company E, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 4, after the words "rate of," to strike out "$30" and insert "$12," so as to read:

The name of Ida May Hassler, widow of Calvin M. Hassler, late of Company D, Sixth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, after line 9, to strike out:

The name of Sarah E. Biggs, widow of Edward J. Biggs, late of Company B, Brackett's battalion Minnesota Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 13, to strike out:

The name of Nellie Barrett, widow of Whitmore H. Barrett, late of Company G, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, at the beginning of line 7, to strike out "$50" and insert "$40," so as to read:

The name of Louise Prouty, widow of George B. Prouty, late of Company C, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 15, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Catharina Hegner, widow of Henry Hegner, late of Company B, Twelfth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 8, to strike out:

The name of Elizabeth Sturgis, widow of William H. H. Sturgis, late of Company A, Twenty-second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, at the beginning of line 16, to strike out "$50" and insert "$40," so as to read:

The name of Belle H. Compton, widow of John E. Compton, late of Company B, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 18, to strike out:

The name of Peter L. Clarity, late of Company G, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 19, after the words "rate of," to strike out "$30" and insert "$12," so as to read:

The name of Grace M. Ormsby, widow of Henry J. Ormsby, late of Company A, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 21, to strike out:

The name of Lovina E. Parker, former widow of Eben D. Work, late of Company F, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 20, to strike out:

The name of Harriet E. A. Stevens, widow of John Stevens, late of Company C, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, at the beginning of line 23, to strike out "$50" and insert "$40," so as to read:

The name of Eliza M. Young, widow of Joseph H. Young, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 10, to strike out:

The name of Josephine A. Bihler, widow of Anthony Bihler, late of First Independent Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 22, line 22, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Matilda J. Henderson, widow of James W. Henderson, late of Company C, Forty-eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, after line 7, to strike out:

The name of Mary Harvey, widow of Thomas Harvey, late of Company H, One hundred and eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 13, before the name "Spiers," to strike out "A." and insert "P.," so as to read:

The name of Mary P. Spiers, widow of Harrison Spiers, late of Company I, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 24, at the beginning of line 20, to strike out "$50" and insert "$40," so as to read:

The name of Anna E. Jones, widow of Joseph C. Jones, late of Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 15, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Sarah A. Wells, widow of Lemuel H. Wells, late of Company B, Second Regiment Missouri Volunteer Cavalry, and unassigned Third Regiment Ohio Veteran Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 18, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Caroline S. Hewitt, widow of Joseph Hewitt, late of Companies C and B, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, after line 7, to strike out:

The name of Delilah Shepherd, widow of William C. Shepherd, late of Company G, Third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, after line 6, to strike out:

The name of Ida C. Moss, widow of James Moss, late of Company E, First Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 40, line 14, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Alice E. Demorest, widow of Cornelius Demorest, late of Company G, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, after line 15, to strike out:

The name of Adelia McManamy, widow of Alexander P. McManamy, late of Company A, Sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, line 12, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Sarah W. McPherson, widow of James McPherson, late of Company B, Seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, after line 5, to strike out:

The name of Janet West, widow of William West, late of Company I, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 43, line 17, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Margaret Miller, widow of Manoah Miller, late of Company K, Ninety-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, after line 24, to strike out:

The name of Lizzie B. Collins, widow of John D. Collins, late of Company K, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 45, after line 17, to strike out:

The name of Margaret Gress, widow of Adam Gress, late of Company H, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, after line 21, to strike out:

The name of Alexander Stevenson, late of Company A, Second Battalion Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 45, after line 24, to strike out:

The name of Eliza Williams, widow of Joel Williams, late of Company G, Third Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 46, line 11, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Minnie M. Merrill, widow of George W. Merrill, late of Company C, Eleventh Regiment Iowa Volunteer Infantry, and Company G, Forty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 48, line 14, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Nancy C. Niday, widow of John A. Niday, late of Company A, Second Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 49, at the beginning of line 4, to strike out "$30" and insert "$12," so as to read:

The name of Mary J. Leathem, widow of William W. Leathem, late of Company G, Eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 49, after line 16, to strike out:

The name of Barbara Skaggs, widow of James Skaggs, late of Company F, Fiftieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, after line 21, to strike out:

The name of Mary E. Rhodes, widow of Henry L. H. Rhodes, late of Company B, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 54, line 5, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Josephine Light, widow of George B. Light, late of Company A, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 54, line 10, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Mary J. Hitchcock, widow of George I. L. Hitchcock, late of Company C, One hundred and fortieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 55, line 1, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Elnora West, widow of Charles J. West, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 55, after line 21, to strike out:

The name of Emma Alexander, widow of Theodore Alexander, late of Company L, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 56, after line 17, to strike out:

The name of Mary M. Malony, widow of Thomas H. Malony, late of Company I, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 59, line 6, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Mary E. Stewart, widow of Robert A. Stewart, late of Company F, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 59, line 10, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Lottie Nugent, widow of James C. Nugent, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 60, line 7, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Mary A. Gilbert, widow of James M. Gilbert, late of Company A, Forty-first Regiment Iowa Volunteer Infantry, and Company K, Seventh Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 63, line 13, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Ada M. Smith, widow of Lewis J. Smith, late drummer, Martin's Guards, New Hampshire Militia Infantry, and Company K, First Regiment, New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 72, after line 2, to strike out:

The name of Mary A. Gallup, widow of Anson H. Gallup, late of Company C, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 74, after line 2, to strike out:

The name of Ulalia W. Barnes, widow of Wallace W. Barnes, late of Company D, Ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 74, after line 10, to strike out:

The name of Susan Porter, widow of James S. Porter, late of Company F, One hundred and first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 79, line 19, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Johanna L. Blish, former widow of George V. Harris, late of Company K, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 83, at the beginning of line 15, before the words "per month," to strike out "$50" and insert "$42," so as to read:

The name of Susannah Rhoades, widow of Benjamin Rhoades, late of Company H, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Delbert Rhoades, helpless and dependent son of said Susannah and Benjamin Rhoades, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Susannah Rhoades, the name of said Delbert Rhoades shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Susannah Rhoades.

The amendment was agreed to.

The next amendment was, on page 87, after line 4, to strike out:

The name of Carrie P. Spencer, widow of William W. Spencer, late of Company K, One hundred and thirty-seventh Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 87, after line 14, to strike out:

The name of Mary Christy, widow of John T. Christy, late of Company A, One hundred and thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 88, line 1, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Susan L. Emery, widow of James S. Emery, late seaman and coal heaver, U. S. S. *Vandalia*, *San Jacinto*, and *Magnolia*, United States Navy, Civil War, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 88, after line 2, to strike out:

The name of Alice Poteet, widow of James W. Poteet, late of Companies G and D, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 90, line 2, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Annie M. Baker, widow of Nathaniel P. Baker, late of Company I, Twenty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 90, after line 9, to strike out:

The name of Sallie Roark, widow of Martin V. Roark, late of Company B, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 90, after line 13, to strike out:

The name of Caroline Hurley, helpless and dependent daughter of Lewis Hurley, late of Company F, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 91, after line 7, to strike out:

The name of Isaac Pierce, alias Isaac Pearce, late of Company B, Fourth Regiment Kentucky Mounted Infantry Volunteers, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 91, at the beginning of line 19, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Bessie A. Deems, widow of Isaac Deems, late of Company H, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 92, line 9, after the words "rate of," to strike out "$30" and insert "$12," so as to read:

The name of Agnes Bucher, widow of John K. Bucher, late of Company C, Sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 92, line 25, after the words "rate of," to strike out "$50" and insert "$12," so as to read:

The name of Edward Dzengolewski, late of Company K, Fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 93, line 3, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Julia Ryan, widow of James Ryan, late of Company C, Ninth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 93, at the beginning of line 16, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Mary Knight, widow of Frederick Knight, late of Company G, Sixteenth Regiment New York Volunteer Cavalry, and Company A, Third Regiment New York Provisional Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 93, line 22, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of S. Nettie House, widow of John M. House, late of Company D, One hundred and tenth Regiment Illinois Volunteer Infantry, and first lieutenant and regimental quartermaster One hundred and tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 94, line 11, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Margaret A. Hole, widow of Richard Hole, late of Company C, Ninety-seventh Regiment, and Company C, Ninety-fourth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 94, line 19, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Amanda J. Oxley, widow of Eli Oxley, late of Company I, Seventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 99, after line 23, to strike out:

The name of John W. Beardmore, late of Company G, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 100, line 20, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Sophia A. Brassfield, widow of Granville M. Brassfield, late of Company H, Thirteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 103, line 10, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Abigail McCreery, widow of Robert McCreery, late of Company I, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 103, line 15, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Martha J. McLaughlin, widow of Edward H. McLaughlin, late of Company I, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 104, line 17, after the words "rate of," to strike out "$50" and insert "$30," so as to read:

The name of Isaac N. Cook, late of Capt. Wakefield Standley's Company B, Sixty-fifth Regiment Enrolled Missouri Militia, and Capt. William Beaty's company, Carroll County Guards, Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 104, line 24, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Mary A. Bishop, widow of Thomas S. Bishop, late of Company C, Eighteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 105, line 3, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Eliza J. Ott, widow of Edmond R. Ott, late of Company K, Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 105, line 18, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Matilda Gomes, widow of Manuel Gomes, late of Company I, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 105, after line 18, to strike out:

The name of Loucinda Spencer, widow of John D. Spencer, late of Company F, Forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 106, line 13, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Elizabeth J. Duley, widow of Joseph S. Duley, late of Company F, Fourth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 107, at the beginning of line 10, to strike out "$50" and insert "$40," so as to read:

The name of Martha Wray, widow of William J. Wray, late of Company H, Sixteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 108, after line 2, to strike out:

The name of Malita C. Hicks, widow of Asbury E. Hicks, late of Company F, Forty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 110, after line 6, to strike out:

The name of Francina Huntley, widow of Frederick K. Huntley, late of Company K, Fifteenth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 111, line 4, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Jennette Eldridge, widow of Abraham Eldridge, late sergeant major Seventy-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 112, line 13, after the words "rate of," to strike out "$50" and insert "40," so as to read:

The name of Jennie Beadle, widow of David S. Beadle, late of Company G, Fourteenth Regiment Ohio Volunteer Infantry, and One hundred and forty-eighth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 113, after line 21, to strike out:

The name of Mary E. English, widow of Samuel English, late second-class fireman, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 114, line 15, after the words "rate of," to strike out "$30" and insert "$15," so as to read:

The name of Sarah E. Jarrett, widow of John W. Jarrett, late of Company B, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 115, after line 9, to strike out:

The name of Mary Demaree, widow of John M. Demaree, late of Company H, Tenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 117, line 18, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Bridget Crinigan, widow of Patrick Crinigan, late of Company K, Ninety-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 119, line 23, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Emma M. Sawdey, widow of John H. Sawdey, late of Company C, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 122, line 9, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Sarah E. Zemmer, widow of John Zemmer, late of Company K, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 122, line 14, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Mary E. Stowell, widow of Jehial Stowell, late of Company B, One hundred and eleventh Regiment New York Volunteer Infantry, and Company A, Fourth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 125, after line 11, to strike out:

The name of Cora A. Vibbert, widow of Ephraim Vibbert, late of Company B, One hundred and fifty-seventh Regiment, and Company B, Fifty-fourth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 126, line 1, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Mary Withers, widow of John Withers, late of Company A, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 131, after line 2, to strike out:

The name of Madeliene Brokaw, widow of Ephraim S. Brokaw, late of Company G, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 131, line 10, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Mary E. DeDeimer, widow of Lewis N. DeDeimer, jr., late of Company E, First Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 131, at the beginning of line 23, to strike out "$50" and insert "$40," so as to read:

The name of Rebecca Fritz, widow of Jacob Fritz, late of Company B, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 132, line 15, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Sarah A. Coonradt, widow of William A. Coonradt, late of Company K, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 134, line 9, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Sarah E. Walter, widow of William Walter, late of Company E, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 135, line 18, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Melissa J. Ricketts, widow of John W. Ricketts, late of Company D, Eleventh Regiment Kentucky Volunteer Infantry, and Companies B and A, Twelfth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 137, line 19, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Mary E. Phillips, former widow of Orren W. Stanford, late of Company A, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 142, line 8, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Mary E. Howland, widow of William A. Howland, late of Company I, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 143, line 13, after the words "rate of," to strike out "$70" and insert "$54"; in line 16, after the name "Holmes" to strike out "$20" and insert "$12"; in line 20, after the name "Holmes," to strike out "$20" and insert "$12"; and on page 144, line 1, after the words "rate of," to strike out "$20" and insert "$12," so as to make the paragraph read:

The name of Lelia Holmes, widow of Leslie C. Holmes, late of Company C, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $54 a month in lieu of that she is now receiving: *Provided*, That in the event of the death of Opal Holmes, helpless and dependent daughter of said Lelia and Leslie C. Holmes, $12 of the additional pension herein granted shall cease and determine: *And provided*, That in the event of the death of Carroll Holmes, helpless and dependent son of said Lelia and Leslie C. Holmes, $12 of the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lelia Holmes, the names of Opal Holmes and Carroll Holmes shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month to each of them from and after the death of said Lelia Holmes. Pay on individual voucher.

The amendment was agreed to.

The next amendment was, on page 146, after line 6, to strike out:

The name of Mary E. Beitzell, widow of Marcellus Beitzell, late of Company F, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 147, at the beginning of line 25, to strike out "$50" and insert "$40," so as to read:

The name of Mary Louise Shepard, widow of George S. Shepard, late of Company A, Fifty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 148, line 22, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Maggie Ohaver, widow of Solomon Ohaver, late of Company I, Fifteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 149, line 15, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Sarah C. Hazen, widow of Melvin M. Hazen, late of Company C, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 151, line 4, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Ellen E. Hermens, widow of Herman T. Hermens, late of Company F, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 151, line 20, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Cyntha Smith, widow of Ross B. Smith, late of Company M, Fourth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 153, after line 22, to strike out:

The name of Mary E. Crawford, widow of Hiram H. Crawford, late of Company A, First Regiment Wisconsin Volunteer Infantry, and Company B, Third Regiment Wisconsin Volunteer Infantry, and Company B, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 156, line 15, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Mary Chafin, widow of William Chafin, late of Company A, Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 159, after line 12, to strike out:

The name of Jeanette Collins, widow of James M. Collins, late of Company A, Forty-fourth Regiment Ohio Volunteer Infantry, and pay

her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 160, at the beginning of line 11, to strike out "$50" and insert "$40," so as to read:

The name of Nancy E. Miller, widow of Dudley W. Miller, late of Company A, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 161, after line 13, to strike out:

The name of Eliza J. Saxon, widow of William L. Saxon, late of Thirteenth Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 162, after line 8, to strike out:

The name of Elizabeth W. Perkins, widow of Edwin Perkins, late of Company H, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 163, line 4, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Ida O. Southwick, widow of Homer H. Southwick, late of Company B, Fourteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 168, line 9, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Susan K. Mapes, widow of David H. Mapes, late of Company L, First Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 169, line 14, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Susan D. McChesney, widow of Harmon McChesney, late of Company I, Forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 169, line 21, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Carrie Norton, widow of Luman M. Norton, late of Company E, Fifth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 176, after line 12, to strike out:

The name of Louisa B. Higgins, widow of Alfred J. Higgins, late of Company I, Forty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 177, after line 16, to strike out:

The name of Sarah L. Herrmann, widow of Adolph Herrmann, late of Company B, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 179, line 18, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Mary Pierce, widow of Henry Pierce, late of Company I, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 180, after line 3, to strike out:

The name of Mary Morgan, widow of George W. Morgan, late of Company I, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 182, after line 16, to insert:

The name of Barbara Johnson, widow of Thomas C. Johnson, late of Company G, Eighteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Hargett, widow of James F. Hargett, late of Captain George R. Barber's company, Fleming County, Kentucky State Troops, and pay her a pension at the rate of $30 per month.

The name of Ida Usery, widow of Elisha B. Usery, late of Capt. William H. Ferguson's provisional company, Crawford County, Missouri Enrolled Militia, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Raliegh H. Hamilton, late of Capt. Elisha Vanderpool's cavalry, Company F, Mercer Battalion, Seventh Missouri State Militia, and Company A, Forty-fourth Regiment Missouri Enrolled Militia, and pay him a pension at the rate of $50 per month.

The name of Virginia Adelaide Grafton, widow of William B. Dorell, late lieutenant colonel Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Olivia Maria Kindleberger, widow of David Kindleberger, late a rear admiral, Medical Corps, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Horace W. Myers, late of Company G, Ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Georgiana R. Shaw, widow of Orrin G. Shaw, late of band, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Morgan J. Lovelace, helpless and dependent son of Joseph B. Lovelace, late of Company D, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

The name of Amanda M. Knox, widow of George D. Knox, late of Company C, Nineteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza A. Reeve, widow of John B. Reeve, who served in Company F, Second Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucretia Hinsdale, widow of James W. Hinsdale, late of Company A, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia M. Gordon, widow of William L. Gordon, late of Companies A and D, Sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie Tomlinson, widow of Hollis P. Tomlinson, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Belle S. Fleury, widow of Allen S. Fleury, late of Company K, Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Betsy A. Ballard, widow of Orange G. Ballard, late of Company A, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth McDonough, helpless and dependent daughter of John McDonough, late of Company K, Twenty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Bridget McCue, widow of George McCue, late of Company K, First Regiment Vermont Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Conley, widow of James Conley, late of Company A, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Leora A. Covill, widow of Albert T. Covill, late of Company G, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Julia C. Nickerson, widow of Henry Nickerson, late of Company D, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Prudens Trana, former widow of Peter Trana, late of the ship *Dakota*, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Adelaide C. Brown, widow of Arno M. Brown, late of the United States Navy, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Leotia L. Coombs, widow of Joseph E. Coombs, late of Company D, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Abbie V. Goss, widow of Frank F. Goss, late of Company B, First Maine Veteran Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah Albright, widow of Frank Albright, late of Company G, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza Cooper, widow of John W. Cooper, late of Company F, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Joanna Swander, widow of Dr. William H. Swander, late surgeon, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Butler, widow of Charles E. Butler, late of Company G, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hannah E. Russell, widow of Miles Russell, late of Company I, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Van Buskirk, widow of Charles F. Van Buskirk, late of Company F, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice Wright, former widow of William B. Wright, late of Company D, Second Regiment, and Company G, Ninth Regiment, Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan Bishop, widow of John Bishop, late of Company L, First Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Mattie E. Beale, widow of George S. Beale, formerly lieutenant, Fifty-eighth Regiment United States Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Dobyns, of Danville, Ky., widow of George H. Dobyns, captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fannie Compton, widow of Peter Compton, late of Company D, Thirteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Minerva Hill, widow of William Hill, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jessie D. Rue, widow of Archibald B. Rue, late of Company F, Nineteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen Murray, widow of Daniel A. Murray, late of Company D, Ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Mary E. Paugh, widow of Benjamin Franklin Paugh, late of Battery E, First West Virginia Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Abraham Nestor, late of an independent company of Scouts, Barber County, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

The name of Martha A. Clark, widow of Thomas E. Clark, late of Company M, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha C. Hager, widow of Enoch A. Hager, late of Company G, Seventh Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Melvina Fowler, widow of Nathan M. Fowler, late of Company E, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Everitt, widow of John H. Everitt, late of Maryland Potomac Home Brigade and Company F, Thirteenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriett Ann Pool, widow of Asbury Pool, late of Company H, Fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet C. Rogers, widow of Martin N. Rogers, late of Company K, Sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Day, former widow of William M. Absher, late of Company C, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret C. Porter, widow of John M. Porter, late of Company E, Twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maggie D. Snack, widow of John Snack, late of Company H, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Clarke, widow of Dan Clarke, First Battery Vermont Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Dona B. Simonton, widow of Daniel M. Simonton, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Laughton, widow of Samuel G. Laughton, late of Company G, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Philena C. Nettleton, widow of Edgar A. Nettleton, late of Company H, Thirteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $40 per month.

The name of Araminta C. Hickman, widow of William C. Hickman, late of Company D, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Martha Butler, widow of Derrick Butler, late of Company K, One hundred and nineteenth Regiment United States Colored Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Ida M. Larrison, widow of George W. Larrison, late recruit, unassigned Tenth Kansas Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Parks, widow of Alexander Parks, late of Company D, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lizzie D. Talbot, widow of William H. Talbot, late of Company C, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rachel A. Floyd, widow of Isiah Floyd, late of Company K, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen L. Goodwin, widow of Allen C. Goodwin, late of Company B, Twenty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Agnes B. Mowrer, widow of Ethan Allen Mowrer, late of the United States Navy, and pay her a pension at the rate of $30 per month.

The name of Cynthia E. Tucker, widow of Charles E. Tucker, late of Troop A, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Jane Thomas, widow of Sylvester S. Thomas, late of Company F, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Molly Adams, helpless and dependent child of Greenville Adams, late of Company I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Maria Morse, widow of Horace M. Morse, late of Company G, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Catherine Rumney, widow of Charles Rumney, late of Companies K and D, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minnie M. Smith, widow of Frederick W. Smith, late of Company K, Eighty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month.

The name of Amanda E. Whitham, widow of David H. Whitham, late of Company A, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriett M. Carter, widow of Henry A. Carter, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and pay her

a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clarissa Jameson, widow of William C. Jameson, late of Company I, First Regiment, and Company H, Fourteenth Regiment, Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Kemp, widow of David J. Kemp, late of Company F, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Pleukharp, widow of Edward Pleukharp, late of Company E, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Carrie B. Spangle, widow of Albert Spangle, late of Company B, Eighteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Joseph A. Branstetter, late of William Kerr's company, Pike County, Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Anna M. Hamilton, widow of Henry G. Hamilton, late of Company K, One hundred and fortieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily S. Rowe, widow of Daniel H. Rowe, late of Company A, First New Hampshire Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Elizabeth Vantrump, helpless and dependent daughter of John A. Vantrump, late of Company E, Fourth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Sarah J. Strait, widow of Henry W. Strait, late of Company F, First Battalion, Eighteenth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Delia Bacon, widow of Edward Bacon, late of Company H, Ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan Hughes, widow of Sylvester Hughes, late of Company E, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice B. Barnard, widow of Martin W. Barnard, late of Company F, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah Hardsock, widow of John Hardsock, late of Company H, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriett Lemmons, widow of Jacob Lemmons, late of Company G, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret Mathews, widow of George W. Mathews, late of Company K, Fifteenth and Company F, Tenth Regiments West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza C. Munsey, widow of David C. Munsey, late of Second Independent Battery Minnesota Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Pinckney H. McCord, late of Company E, Kimball's Regiment Missouri State Militia, and pay him a pension at the rate of $50 per month.

The name of Minerva A. Humbert, widow of George W. Humbert, late hospital steward, Seventy-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Harper, widow of Wilburn Harper, late of Company H, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna E. Glassford, widow of Ensign M. Benedict, late of Company B, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia S. Gibson, widow of John D. Gibson, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances W. Cochran, widow of Francis M. Cochran, late of Company D, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza S. Bowen, widow of Alexander S. Bowen, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of James Anderson, helpless son of William C. Anderson, late of Company I, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Katharine Norman, widow of Joseph L. Norman, late of Company A, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Phebe L. Pitzer, widow of Newton B. Pitzer, late of Company B, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lorinda C. Rand, former widow of Robert Buchanan, late of Company C, Third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Kate Settles, widow of Tillman Settles, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Eliza Thompson, widow of Henry Thompson, late unassigned, Seventy-ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month, and $6 additional on account of the minor child until it attains the age of 16 years.

The name of Mary E. Tolbert, widow of Harris F. Tolbert, late of Company I, First Regiment United States Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Harriet A. Williams, widow of James M. Williams, late of Company K, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Mayhew, widow of Charles H. Mayhew, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lottie M. Glazier, remarried widow of William Linsey, late of Company K, Twenty-ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Carroll, widow of Joseph M. Carroll, late of Company I, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Emma King, widow of John King, late of Company D, Forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month, and $6 a month additional for each of the soldier's minor children until they severally attain the age of 16 years.

The name of Anna M. Outten, widow of William O. Outten, late of Company A, Fortieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rachel Christy, widow of James S. Christy, late of Company I, Thirty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fanny E. Taylor, widow of Joseph H. Taylor, late of Company G, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Arminda J. Madison, widow of Nicholas C. Madison, late of Company A, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen F. England, widow of Thomas England, late of Company C, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Capell, widow of Henry M. Capell, late of Company B, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella O. Fuller, widow of William E. Fuller, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Brantley, widow of Jordan Brantley, late of Company D, Forty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Fry, widow of Arthur J. Fry, late of Company H, Sixtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah C. Hall, widow of Zachariah H. Hall, late of Company D, Thirteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Salene C. Kirk, widow of Robert D. Kirk, late of Company C, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Abbie Knapp, widow of Cyrus W. Knapp, late of Company D, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sally Wright, widow of William E. Wright, late of Companies H and D, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary T. Southard, widow of Merritt Southard, late of Company D, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Bachelder, widow of Henry A. Bachelder, late of Company I, Tenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia A. Galbreath, widow of Joseph Galbreath, late of Company D, Fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alvina Straub, widow of George Straub, late of Company D, One hundred and second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Saretta L. Henderson, widow of James E. Henderson, late of Company K, Second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Flora E. Collins, widow of Dwight P. Collins, late of Company D, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Hetty A. Morey, former widow of Cyrus W. Morey, late of Company K, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lavina J. Wells, widow of James M. Wells, late of Company B, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara Wikel, widow of John Wikel, late of Company A, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriett E. Morgan, widow of David S. Morgan, late of Company G, Forty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of America Ann Kirby, widow of Franklin Kirby, late of Company L, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Margaret E. King, widow of James P. King, late of Company E, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lillian Belle Montgomery, crippled, helpless, and dependent daughter of Isaiah T. Montgomery, formerly first-class boy, United States Navy, and pay her a pension at the rate of $20 per month.

The name of Sarah E. Ball, widow of David Ball, late of Company K, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Wheeler, widow of William C. Wheeler, late of Company E, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emeline White, widow of Lawrence White, late of Company F, Fifth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia A. Johnson, widow of John A. Johnson, late of Company H, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lilley J. Parmley, widow of Silas Parmley, late of Company K, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Augusta Reese, widow of Joseph A. Reese, late of Company F, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucy E. Scott, widow of Daniel O. Scott, late of Company B, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rhoda Robinson, widow of James Robinson, late of Company K, Fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Martha A. Darrah, widow of William L. Darrah, late of Company B, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maggie Henson, widow of Joseph Henson, late of Company G, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Belle Hackett Gibson, widow of Lieut. James V. Gibson, late of Company M, Third Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Howard Fletcher, dependent son of Charles Fletcher, late of the United States Navy, and pay him a pension at the rate of $20 per month.

The name of Isabelle Messick, widow of Burton Messick, late of Company D, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Brough, widow of Amos Brough, late of Company G, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Agnes Dunlap, widow of Levi N. Dunlap, late of Company C, Fourteenth Regiment Indiana Infantry, and pay her a pension at the rate of $30 per month.

The name of Cate Wheeler, widow of Thomas D. Wheeler, late of Company D, Third Regiment Indiana Cavalry, and pay her a pension at the rate of $30 per month.

The name of Martha M. Lambert, widow of Henry R. Lambert, late of Company L, Second Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Freeman F. Whited, helpless and dependent son of William M. Whited, late of Company A, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Ezra E. Howard, late commissary sergeant, Company A, Middle Green River Battalion Kentucky State Troops, and pay him a pension at the rate of $50 per month.

The name of Fannie Bonk, widow of Geike Johnson Bonk, late of Company F, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah Morse, widow of Alcendar O. Morse, late of Company I, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella Huddleston, widow of James Huddleston, late of Company H, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of James McNamee, helpless and dependent son of Patrick Henry McNamee, late of Company C, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Electa A. Putnam, widow of Albert C. Putnam, late of Company E, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucinda M. Davis, widow of Thomas J. Davis, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Hammer, widow of Knute O. Hammer, alias John Smith, late of Company C, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mabel Packard, helpless and dependent daughter of George W. Packard, late of Company A, Ninth Regiment Kansas Cavalry, and pay her a pension at the rate of $20 per month.

The name of Edith Packard, helpless and dependent daughter of George W. Packard, late of Company A, Ninth Regiment Kansas Cavalry, and pay her a pension at the rate of $20 per month.

The name of Naomi Trefethen, widow of Alfred M. Trefethen, late of Company E, Forty-sixth Regiment Illinois Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. KING. Mr. President, let me ask the Senator whether the widows included in this bill were married to veterans subsequent to 1905?

Mr. NORBECK. Yes; but none subsequent to 1915, none within the last 10 years. There were a few exceptional cases where the marriage occurred between 1905 and 1915.

Mr. KING. Is this the last omnibus bill?

Mr. NORBECK. It is the last one of any size. There is one more small one which the House has sent over. This bill carries only a few hundred thousand dollars; and within a few years the beneficiaries of the bill will be dead, so it is a harmless thing.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

STATE RIGHTS

Mr. BAYARD. Mr. President, I ask unanimous consent for leave to have printed in the RECORD a pamphlet entitled "Common Sense and State Rights," issued by the Thomas Jefferson League.

The VICE PRESIDENT. Without objection, it is so ordered.

The pamphlet is as follows:

COMMON SENSE AND STATE RIGHTS—A CALL TO THE PEOPLE OF THE SOUTH IN THE NAME OF THOMAS JEFFERSON

(Issued under the auspices of the committee on publication of the Thomas Jefferson League)

927 Fifteenth Street NW., Washington, D. C.

Many years after the American Revolution a plain old minute man was asked about the causes of the war:

"'Oppressions?' What were they?" he exclaimed. "I didn't feel any.

"'Stamp tax?' I never saw one of the stamps.

"'Tea?' I never drank a drop of the stuff.

"Young man, I'll tell you why we fought those redcoats. We meant to govern ourselves. They didn't mean that we should."

In these last two sentences is a summary of the philosophy of the Revolution. The fundamental issue at stake was the maintenance of local self-government in the respective Colonies.

In so far, therefore, as the American people yield to a centralized authority the rights reserved by the Constitution to the individual States just so far do they revert to the autocratic plan of government.

Nevertheless, from the very birth of the Republic to the present day there have been men who either have not understood or who have attacked this fundamental principle. Frequently, in the name of reform, groups of good people have unwittingly united with scoffers and extremists in attempts to concentrate authority in Federal bureaus.

FEDERAL INTERFERENCE VERSUS SELF-GOVERNMENT

It was for the maintenance of local self-government that the people of the thirteen Colonies took their stand. It was on behalf of this same principle—and not, as it is widely believed, for the maintenance of slavery—that the South contended.

On the contrary, if a large proportion of good people in the North had not been deceived by politicians, who concealed themselves behind the smoke screen of a "moral issue" in order to gain control of the Federal Government and thereby impose tariff taxes upon the agricultural South beyond the wildest dreams of George III, there would have been no particular basis for sectional strife. Without the constant pressure of an acute political rivalry between northern commercial and southern agricultural interests, made irreconcilable by the unbridled abuse of direct-action reformers, slavery would have been ended by the will of the people of the individual States. If they had not willed to end it on moral grounds, they would have been compelled to do so by reason of the inexorable pressure of economic laws.

As an emancipationist, Thomas Jefferson believed in such an outcome, provided these economic laws and the sound impulses of the people were allowed to work from within, under no threats of violence or interference from without. As time went on, however, abuse and threats of Federal interference became more marked and hindered the progress of emancipation. Finally, after years of legislative strife, sectional differences ripened into war, with an even more destructive aftermath, thus described by Claude G. Bowers, a son of Indiana:

"Under the smoke screen of the field of battle the advocates of the Hamilton theory of centralization and privilege mobilized and marched. But it was not until Lincoln had fallen before the bullet of the assassin that they began to write the reversal of the verdict of 1800 into the laws of Congress and the records of administrations.

* * * * * * *

"Federal troops marched into the subjugated States to reduce local self-government and State sovereignty to a mockery and to protect the exploiters and carpetbaggers at the point of the bayonet. State rights? They called that copperheadism and intimidated weak-kneed Democrats into silence. Local self-government? That had become the language of treason. And all over the North men seeking to convert the agencies of government to the exploitation of their fellow men diverted attention from their crimes by waving the flag in one hand, the bloody shirt in the other, while hurling imprecations at the Jeffersonians." (Claude G. Bowers, at St. Louis April 13, 1926. For a stirring and historically accurate description of the first struggle between the theories of government above mentioned, see Bowers's volume, Jefferson and Hamilton, which has been fittingly described as the most interesting historical work of the past 25 years.)

INTOLERANCE, PAST AND PRESENT

One of the most difficult things for human beings to do is to confess a mistake. To admit error takes moral courage of the highest order; but more and more people are beginning to recognize the frightful folly of the misconceptions that have so often fostered hatred under the guise of effecting reform.

Because of unfavorable climatic and industrial conditions and before the matter assumed a political status, the gradual emancipation of Negroes and Indians was provided for by the people of the Northern States. Having freed themselves of their slaves by sale or otherwise, reformers arose demanding that the southern people immediately liberate their slaves or be forced to do so by Federal power. Within 12 years after the African slave ships—which were exclusively of northern and foreign registration—had been compelled by constitutional limitations to cease their operations, the agitation had grown to such alarming proportions that Thomas Jefferson compared it to the "fire bell in the night." Urged on by interested politicians, preachers and pastors in hundreds of pulpits seemed to forget the gospel of love laid down by Jesus Christ, whose precepts they were presumed to expound. They exercised, instead, their fullest energies in wholesale condemnation of their fellow countrymen of the South. Some even advocated "the extinction of an entire generation," while a distinguished but unscrupulous political leader proclaimed the existence of "a higher law" above the Constitution and the Bill of Rights.

These facts have been obscured or disguised in our accustomed historical texts and teachings. Hence, in evident ignorance of their true significance, some of the present leaders of Christian churches have appealed to these precedents to suggest or advocate another great clash—this time of classes, of sections, or even of creeds. (In his eulogy of Henry Clay on July 16, 1852, Abraham Lincoln said of the men who were then sowing bitter discords: "Those who would shiver into fragments the Union of these States, tear to tatters its now venerated Constitution, and even burn the last copy of the Bible, rather than slavery should continue a single hour, together with all their more halting sympathizers, have received and are receiving their just execration." For this and similar expressions, Wendell Phillips, a chief apostle of the fanatics of that age, called "Abe" Lincoln "the slave-hound of Illinois.")

Recently, at Chicago, Bishop Thomas Nicholson, a native of Canada, presiding over a convention of paid and volunteer representatives of that essentially political organization known as the "Anti-Saloon League," advocated the waging of another moral war with bayonets, if necessary; and he appeared to take delight in drawing reckless comparisons with the bloody discord that, a little more than one generation ago, brought untold anguish upon the American people at the cost of nearly a million lives and billions of treasure.

Intolerance is said to be the offspring of ignorance. Nothing could better illustrate this than the intemperance of this man, whether his purpose be wholly pure, or whether it be poisoned by a medieval desire to exercise temporal control over the conscience and habits of fellow men. In any event, the Bishop, amid the acclamations of excited delegations, declared: "We shall not hesitate to do as both Washington and Lincoln did."

No pretended analogy could be further from the truth! Washington fought for the maintenance of the principles of local self-government, while Lincoln, despite the fact that the passions aroused by sectional and political controversy subsequently swept law and reason aside, had stood upon a platform which declared:

"That the maintenance inviolate of the rights of the States, and especially the rights of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend."

FORCE VERSUS REASON

The history of our Republic shows that laws imposed either by a British Parliament or by the Federal Government in any of the colonies or States have proved unenforceable whenever these laws have been opposed by the popular will.

Possibly the most noted of the earlier Federal enactments to be ignored or defied by the people of some of the States were the fugitive slave laws. When it was shown that these laws had a basis in the Constitution copies of that instrument were publicly burned by the very reformers ignorantly eulogized by Bishop Nicholson as prototypes of later "crusaders." These earlier reformers did not call for "law enforcement"; on the contrary, the Massachusetts Anti-Slavery Society adopted in 1843 the following resolution concerning the Constitution of the United States:

"That the compact which exists between the North and the South is a covenant with death and an agreement with hell—involving both parties in atrocious criminality, and should be immediately annulled."

Because they are beginning to see the wholesale grafting that arises from the effort to enforce laws in defiance of local opinion, more and

more intelligent and patriotic people are beginning to realize that the passage of the eighteenth amendment and its Volstead interpretation constitutes a moral, social, and political blunder, involving a transgression of the fundamental principles set forth by the founders of the Republic. Already this form of Federal compulsion has become the foster parent of a combination of political hypocrisy and corruption which is poisoning the very fountain of Federal justice. Political agencies, reinforced by mighty financial interests, have shrewdly drawn the herring of this "moral reform" across the trail of stupendous steals, which will go unpunished as long as the attention of the public and of the law is attracted to the trail of the herring.

COMPARISONS AND CONTRASTS: AMENDMENTS XV AND XVIII

Beginning with the "Washingtonian movement" of the middle of the nineteenth century, the trend of the people of the United States up to 1918 was increasingly toward temperance and voluntary abstinence. Temperance and abstinence ideals had made progress unequaled by that in any nation—except, of course, in Turkey, or wherever the principles of the Mohammedan faith enforce abstinence. Prior to the World War many American communities had secured local ordinances or State laws prohibiting the sale of liquor. This legislation was enacted with the approval of the majority of the people in given localities; and it was, therefore, in accord with American teachings as to local self-government.

On the other hand, Federal legislation designed to override the wishes of the people in many of our most populous States is utterly destructive both of the spirit and form of the dual system of government set up by the founders of the Republic. Regardless of whether the intentions be good or ill, such legislation will be resented and resisted by the people as tyranny, or government by force instead of by the consent of the governed.

By way of comparison, it is not in conflict with the will of the people to enforce the fifteenth amendment in New England; but the enforcement of the same legislation in the Southern States was, and is, a wholly different proposition. Similarly, local prohibition, when supported by public sentiment, usually secured a commendable improvement over the old conditions. But in 1918, as in 1867, there came a violent Federal interference with the principle of local self-government. In consequence, a spirit of unrest is abroad in the land, which is reacting with startling effect upon those portions of the country which had been contentedly living under local prohibition legislation.

The origin of this spirit of resistance has to do with a vital political principle, and not necessarily with a desire for personal indulgence. It may be compared with that which actuated the people of the thirteen Colonies, when they protested against the British revenue tax on tea; or that shown by the people of South Carolina, when they resisted the Federal "tariff of abominations"; or, again, that shown by the southern people when they rose up against the oppressions of the Federal Government and evaded or nullified the "reconstruction" legislation demanded by unknowing reformers and enacted by interested political partisans. In this last instance, it was a happy thing that with the approval of the best people in the North and in spite of the fury of these impractical moralists and selfish politicians, the southern people were finally permitted to free themselves of the worst misrule ever instituted under the guise of moral, humanitarian, and religious purposes. (It is worth noting that it was Thomas Jefferson who aroused public opinion to resist and repeal the notorious alien and sedition laws of the Federalist reactionaries, which, in the guise of promoting Americanism, were really designed to overthrow liberty in the interests of a party.)

SHALL THE SOUTH BE DUPED INTO SUPPORTING CENTRALIZATION AND SPECIAL PRIVILEGE?

The eighteenth amendment, with its Volstead appendix, is as objectionable to the people of some of the States as the fifteenth amendment is objectionable to the people of other States.

Happily for the original good sense of the southern people the idea of Federal prohibition is not the creature of the South, even though the previous success of local prohibition has temporarily misled an element of the southern people into the serious mistake of seeking to force Federal interference upon communities and States where prohibition is opposed by the majority of the people.

On the contrary, this un-American invasion of the rights of sovereign States has emanated from the same group which, in the guise of morality, visited upon the South antebellum abuse and the postbellum tyrannies of the "reconstruction" epoch. Regardless of the tremendous loss of revenues to the Government and the ever-increasing costs of Federal administration this group creates and distributes the offices for which all are taxed, and within the political party to which the group belongs are those who tremendously profit both politically and commercially by the prohibition agitation and the abuse of Federal power.

The southern people can neither safely nor consistently help in forcing upon some of the Northern States the absolute dictatorship of these politico-moral agencies without themselves being called to account for their violation of the code previously issued under the same influences.

It may be demonstrated that the "Anti-Saloon League" has been and is employed as an adjunct or instrument of certain favored interests within a powerful political party. In order to increase and perpetuate their power these interests have espoused a "moral cause," just as William H. Seward and his political allies did in order to capture the "reform vote" on the issue of slavery, in which the sectional and political purposes of the coalition were camouflaged by means of the "moral" appeal.

In the matter of the Volstead Act the same type of politicians have seen a like opportunity to throttle the doctrine of local self-government in an attempt to deceive the southern Jeffersonians into becoming the tail of a partisan kite.

If this new combination of "politically minded Puritans" and cynical profiteers can deceive the South into pursuing the Federal liquor herring, the foxes of certain selfish interests will be free to rob the public henhouse without fear of penalty or punishment. And, again, these observations are not intended to reflect unfavorably upon honest men of means anywhere; for true Jeffersonian democracy never has arrayed itself against capital, provided capital keeps within legitimate channels and does not manipulate the Government in the interest of class or party; and provided it does not stultify the church; for it must also be borne in mind that in the North and West particularly a number of Federal and State officials and even ministers of the Gospel have been on the payroll of the "Anti-Saloon League," which is in turn largely financed by certain mighty monopolistic groups, as well as by numbers of well-meaning individuals.

In this scheme to capture and pervert the functions of the Federal Government huge campaign funds have been raised, and scores of the "Anti-Saloon League" officials and their political representatives have been convicted of crimes; while others, who openly boast of lying, bribery, and other base acts, find their justification in the ancient sophistry that "the end justifies the means." Hence it is difficult, if not at times impossible, to distinguish between crooks and criminals and worthy but impractical reformers.

Out of this new attempt at Federal interference with the fundamental principle underlying the rights of sovereign States has flowed and is flowing un-Christian antagonisms, bigotry, bitterness, malice, and all uncharitableness, a veritable revival of the hatreds of the middle ages, including the desire of ecclesiastical politicians to dominate the State through the church, despite the fact that all human experience shows the baneful effects of such a union upon both.

PAST AND PRESENT

The passage of the fifteenth amendment and that of the eighteenth show striking similarities in methods and circumstances. Both were passed and ratified under the stress of war conditions, and both received the support not merely of extremists, agitators, demagogues, and hypocrites, but also of well-meaning people and otherwise good citizens. Both were opposed by those who realized the un-American methods involved and who foresaw the effects of Federal force bills thrust upon some of the States against the will of their people.

Nor does the similarity end here; both reforms were offered in the name of liberty, religion, and humanity. Both were passed in defiance of public opinion, as expressed in definite localities and in entire States.

Both were largely supported by good people shrewdly organized by special interests, and both movements, at first opposed by the best and wisest leaders of the contending parties, ultimately made these leaders the victims of violent passions which, once let loose, can not be controlled. Both sets of "crusaders" have had back of them, in some of their support, the ancient motives of revenge to be visited upon some other sect, or upon some people or section, all of which has been skillfully played upon to turn men's thoughts first to fear and then to rage. Good people of strong prejudices do not grasp the true meaning of these primal promptings; they fail to realize that nothing ultimately succeeds which is founded on intolerance; and that in such cases the attacking party is eventually the loser. As Woodrow Wilson has well said: "It is not the bad man we fear so much as the good man who thinks wrong."

In the earlier politico-moral "crusade" a cruel wrong was done in the wholesale indictment of the people of the South as the morally "leprous supporters" of the "sum of all villainies"! Yet two wrongs do not make a right. It was falsely taught and firmly believed by thousands of good people in the North that the "Southern Rebellion" had the support and backing of a "foreign-controlled church"! Today the people of the South are asked to unite with the political offspring of those who once raised this hue and cry against their fathers in order, forsooth, to combat this same alleged influence, formerly reported to have been their chief support!

Perhaps the worst offenders against a free society are those who spread "religious" slanders and sectional animosities. Jefferson well said that "Error of opinion may be tolerated where reason is left free to combat it." He also declared in ringing words: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

RENDERING UNTO CÆSAR

It is well to examine the history of the political forces which are thus attempting to make a dupe of the South and a tool of the church.

Applying the teaching that we should "render unto Cæsar the things that are Cæsar's and unto God the things that are God's," Thomas Jefferson put definitely into the statute of Virginia for religious freedom the principle of the complete separation of church and state—a principle subsequently embodied in the Constitution of the United States, with the view to freeing the conscience from further domination by fallible humanity. "Thomas Jefferson separated church and state with the sharp sword of truth that mere man might no longer profane the name of God to coerce the minds of His children. In this work he builded a monument that will endure as long as men love liberty, cherish conscience, and respect mental freedom." (Gov. Harry F. Byrd, of Virginia, in speech at the Thomas Jefferson League dinner, April 13, 1926.)

But even in newly liberated America men immediately arose who could not keep their hands off an instrumentality which seemed to them so readily adaptable to political purposes. Presumably believing, as did Saul of Tarsus when he slew Stephen, that he was serving a worthy purpose, Alexander Hamilton organized certain of the churches, in so far as he could, in support of centralization and of government by privileged classes.

On this and other bases the author of the Declaration of Independence challenged the first Secretary of the Treasury. Jefferson won a great popular victory over the forces of autocratic reaction—a battle as worthy to be remembered as Saratoga, Kings Mountain, or Yorktown. Thereafter, when Jeffersonian Democracy had administered for over a quarter of a century the golden mean of government in the golden age of honest and economical administration, demagogues perceived in the weekly or biweekly religious gatherings of worthy people the means to effect political purposes. Forthwith they seized the opportunity to gain place for themselves and power for their party by bringing about the economic and political subordination of the South under the guise of the support of a "moral cause." Thus they attached a part of the northern church to their political chariot. This "moral cause" was the antislavery issue, and when, in 1820, Jefferson saw the beginnings of this new, menacing, and unexpected combination of church and state, he predicted the sectional war which he fervently thanked God he would not live to see.

If Thomas Jefferson, the most distinguished of the early advocates of emancipation, foresaw this unhappy strife, so did temperate thinkers in the North. The Right Rev. John Henry Hopkins, of Vermont, wisely observed of the politically minded preacher that it was "by no means difficult to interest and gratify the audience when the supposed sins of others, which they are under no temptation to commit, are made the object of censure."

CAUSE AND EFFECT

Nothing seems clearer than that there would have been no armed conflict, begun on economic and political grounds, had it not been for this incessant abuse sounded from pulpit and forum. Many religious denominations were ripped in twain on sectional lines; and the northern branches were used by partisan leaders as political clubs—all in the name of morality and humanity! Recrimination was not lacking in the South; but, to a lesser degree—in the pulpit at least; for the ante bellum southern church was not generally contaminated with politics, and the diaries of the day show that the people rebuked those who profaned its spiritual mission.

With the advent of American independence, the Puritan theocracy had passed away; but the voice of intolerance was still heard in the land, recalling the exhortation of Governor Dudley, of Massachusetts, who had exclaimed:

> "Let men of God in courts and churches watch
> For such as would a toleration hatch
> Lest that ill egg bring forth a cockatrice
> To poison all with heresy and vice."

Are the people of the country to hear this harsh refrain taken up in the South? Are courts and churches, the forum and the pulpit, to be brought again into unholy union? Are the racial and religious animosities of the Middle Ages to be revived in repudiation of the tolerance of Washington, Adams, Jefferson, Franklin, Madison, Monroe; of Lee, Davis, Stuart, Jackson, Stephens, and all the defenders of the cause of local self-government and of civil and religious freedom?

In contradistinction to the political attitude of Bishop Nicholson, the spiritual view has been well stated by Bishop Charles Fiske, who recently declared:

"The church makes a great mistake in thinking that it can substitute for personal and individual righteousness a reform through outside force. Ministers make a grievous error when they substitute for pastoral zeal and moral teaching the legislative lobby and the political bloc * * * The true function of the church and the minister is to lift high the general moral ideals of the community. Ten years ago we had made such progress that most people regarded drunkenness as disgusting or pitiable. Now, we are in danger of relying on legislation to enforce sobriety, with the result that evasion of the law is regarded as a clever joke to be applauded rather than a crime to be condemned."

WHAT OF THE FUTURE?

If the southern people prove true to the faith of their fathers, they will not become a party to Federal compulsion after the manner of the direct-action abolitionists and of the Force bill groups, which have sadly misrepresented the best thought of the North. Rather, they will join hands with their liberal northern compatriots in a nation-wide effort to reestablish the principles of local self-government, as practiced throughout the golden age of the Republic under the leadership of the author of the Declaration of Independence and of the fathers of the Constitution, or their immediate successors.

To the standard of "local self-government," of "equal rights for all and special privilege to none," there will repair tens of thousands of the rank and file of those who have followed the reckless advocates of Federal control and centralization; for the American people are now feeling a growing repugnance to governmental meddling in private affairs; to the debasement of Federal courts; and to the constant increase of taxation in times of peace.

Thoughtful people everywhere are realizing that the selfish interests which have identified themselves with the Federal prohibition forces have effected a combination that is more of a menace than were the interests back of the saloons, even at the heyday of their power. It is now beginning to be understood that hundreds of thousands of bootleggers—necessarily inferior to the bartenders of old—are growing wealthy upon an outlawed trade based upon illegal imports, together with the output of millions of untaxed and unlicensed distilleries.

As the cost of Federal prohibition continues to mount skyward, the taxes that must come out of the pockets of the American people to support an ever-increasing army of enforcement officials will stagger the imagination—with the end of corruption never in sight; for a large number of the enforcement officials are now, and ever will be, subject to bribery. In fact, Federal enforcement has already contaminated, in greater or less degree, every governmental agency with which it has come in contact, from the Federal departments in Washington City to the United States Coast Guard—a body of heroic men never before touched by the breath of scandal.

If the South should prove recreant to its heritage, will it not be logical for the North to insist on the literal and absolute enforcement of the fourteenth and fifteenth amendments? The Lodge force bill was defeated by the narrow margin of 1 vote. Under such circumstances the South can not afford to turn its back on those elements of the North which have repeatedly saved its very civilization. The salvation of representative democracy under a Federal Republic lies in the application of the safeguards of the original Constitution and the Bill of Rights; for though conditions may change, the fundamental principles of representative democracy and the "inalienable rights of man" are eternal.

Local option was accomplished under the legitimate exercise of the police powers of the States reserved to them by the Federal Constitution. Local prohibition was primarily a police matter and involved the legitimate exercise of the police powers reserved to the States by the Federal Constitution. These local option laws are still on the statute books, and the South has the machinery in hand to regulate the liquor traffic to suit its local conditions.

The only approximate solution of present social problems, as in the past, lies in educational effort and in giving free play to the constitutional right of the people of each State to settle their own affairs, whether it be a matter of prohibition, of suffrage, of child labor, of education, of maternity bills, or of any other phases of governmental activity which were by the founders reserved to the States.

BY WAY OF SUMMARY

The statements above set forth represent neither an argument for prohibition per se nor an argument against it. Its purpose is to bring forward facts and conclusions based upon historical precedents and the fundamental beliefs of the founders of the Republic. It is a solemn warning directed against an increasingly dangerous tendency to overthrow the dual character of the Federal Government as established by the framers of the Constitution of the United States. This tendency happens to be more directly associated with the interpretation of the eighteenth amendment (the Volstead Act) and the evils flowing from its attempted enforcement than with any other socialistic or bureaucratic assaults upon the rights and privileges of local self-government.

There are those who believe that prohibition is wrong in principle; that it is essentially Mohammedan rather than Christian; and that enforced abstinence has no sanction in the moral code embodied in the Old and New Testament of Jew or Christian.

"Be not among winebibbers, among riotous eaters of flesh; for the drunkard and the glutton shall come to poverty." (Proverbs xxiii, 20–21.) This, they argue, is sound spiritual advice; but such exhortations were never embodied in the law or the commandments. In the New Testament may be found a remarkable illustration of both temperance and voluntary abstinence in immediate contact:

"John came neither eating nor drinking, and they say, he hath a devil. The Son of Man came eating and drinking, and they say, 'Behold a man gluttonous and a winebibber.'" (Matthew xi, 18–19.)

But with matters theological this thesis in support of the political faith of the founders has nothing to do; and the foregoing scriptural

excerpts are introduced merely by way of reference to the fact that certain politicians and theorists are continually striving to entangle the church in issues that are political and therefore without the sacred sphere and functions of the ecclesiastical mission.

The conclusions herein set forth have been almost wholly prepared by those who have favored local prohibition and have met with the approval of those who believe that the maintenance of basic principles underlying the structure set up by our Revolutionary forebears should receive our foremost care and consideration. They believe that in this observance lies safety, while deviations therefrom establish dangerous precedents, pointing to the ultimate overthrow of our form of government and the establishment of a Federal autocracy or supergovernment.

It has now become increasingly obvious to intelligent or well-informed people that Federal laws and regulations forced upon people against their will tend to create a widespread and growing disrespect for all authority. Again, if these regulations are sustained without protest from intelligent people, there will be no limit placed upon the power of the Federal Government in the matter of any kind of Federal legislation which may seem fitting to an organized group, and which may be passed in a time of excitement or of ill-considered agitation. A free people may unwittingly, by the acts of such organized bodies, lose their rights and liberties and become mere governmental "subjects"—a term actually used in the literature of the new reformers.

Federal prohibition is, therefore, but one of a number of actual or attempted assumptions by the Federal Government of powers that properly belong to the people of the States. The desperate methods employed in or advocated for its enforcement menace the most sacred rights and privileges which have descended to the people, not merely from the Constitution of the United States, but throughout the colonial struggle for self-government. These methods go even further and seek to violate certain provisions of Magna Charta, which were wrung from a tyrannical king centuries before the discovery of America! The rights thus menaced cover such matters as protection against confiscation of property without due process of law; the intolerable injustice of double or triple jeopardy for the same real or alleged offense; the sacrifice of the age-old Anglo-Celtic principle of trials by juries of one's peers or of the vicinage; and of improper search and seizure, wherein a man's house may no longer be "his castle" and as such held sacred against trespass or intrusion.

Upon the enforcement of legislation passed in the abnormal excitements of war times depends the passage of other regulations designed to govern the habits and customs of the people—and over 70 amendments to the Constitution of the United States are now pending in Congress. The power to amend, like the power to tax, constitutes the power to destroy, and each new amendment, with its constantly expanding Federal bureaus, not only heavily increases the cost of administering the Government but promotes further encroachments upon the reserved rights of the States in which lie the chief security of the people from tyranny and injustice.

One may not do better than to close with a quotation from Dr. J. G. De Roulhac Hamilton, professor of history at the University of North Carolina:

"When Thomas Jefferson, probably the wisest man, at long range, who appears in American annals, said that 'the natural progress of things is for liberty to yield and government to gain ground,' he proved himself a prophet. * * * Of all the achievements of the Anglo-Saxon in the development of government the one which has excited the most reverent admiration in the world at large and which has been most loudly extolled by those of Anglo-Saxon stock is the reconciliation of law and liberty through constitutional means; the notion, in other words, put into practical operation, that the citizen is possessed of certain rights, secure not only as against his fellow citizens but against the Government itself or any of its officers. The great principles which lay at the bottom of the system were established only after long generations, after centuries, indeed, of struggle and of bloodshed."

CALL OF THE ROLL

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	Heflin	Moses
Bayard	Dill	Howell	Neely
Bingham	Edge	Johnson	Norbeck
Blease	Edwards	Jones, N. Mex.	Norris
Borah	Ernst	Jones, Wash.	Oddie
Bratton	Fernald	Kendrick	Pepper
Broussard	Ferris	Keyes	Pine
Bruce	George	King	Reed, Mo.
Butler	Gerry	La Follette	Reed, Pa.
Cameron	Gillett	Lenroot	Robinson, Ark.
Capper	Goff	McKellar	Robinson, Ind.
Caraway	Gooding	McMaster	Sackett
Copeland	Hale	McNary	Schall
Couzens	Harreld	Mayfield	Sheppard
Cummins	Harris	Means	Shipstead
Curtis	Harrison	Metcalf	Shortridge
Simmons	Stephens	Wadsworth	Williams
Smoot	Trammell	Warren	Willis
Stanfield	Tyson	Watson	
Steck	Underwood	Wheeler	

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present. The Chair lays before the Senate the unfinished business, which is House bill 7893.

EXPENDITURES IN SENATORIAL ELECTIONS

Mr. NEELY. Mr. President, I ask unanimous consent to submit the resolution which I send to the desk and ask to have read.

The VICE PRESIDENT. Without objection, the resolution will be read.

The resolution (S. Res. 257) was read, as follows:

Resolved, That any United States Senator elect shall be deemed to be disqualified from holding a seat in the Senate if an amount in excess of $10,000 has been expended by such Senator elect, or by any person or persons for him with his knowledge or consent, in aid or support of the candidacy of such Senator elect, either in a primary election by which such Senator elect was nominated as a candidate for the Senate or in any general or special election in which such Senator elect is alleged to have been elected, except that money expended by such Senator elect to meet and discharge any assessment, fee, or charge made or levied upon him as a candidate by the laws of the State in which he resides, or expended for his necessary personal traveling or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether the amounts expended in aid or support of the candidacy of such Senator elect have exceeded the sum fixed by this resolution.

As used herein the term "person" shall be construed to include an individual, partnership, committee, association, corporation, or any other organization or group of persons.

Mr. NEELY. Mr. President, I request that the resolution be printed and lie on the table. I give notice that I shall call it up for consideration next Monday. I believe that the Senate ought to notify the Republican Party in Pennsylvania without delay that it will not permit anyone to occupy a seat in this Chamber who has spent more than $600,000 in debauching a State and purchasing his nomination.

The VICE PRESIDENT. The resolution will be printed and lie on the table.

Mr. BLEASE. Mr. President, I would like to ask the Senator from West Virginia in discussing his resolution on next Monday to take the trouble to answer the question what the Senate has to do with a party primary election.

Mr. REED of Pennsylvania. Mr. President, I would like the Senator from West Virginia also to discuss wherein lies the justice of adopting rules of conduct after the act, and whether he means to restrict the resolution to future elections or to have it apply retroactively.

Mr. NEELY. The resolution speaks for itself. It is not retroactive. It applies to those who may present their credentials in the future. If anyone in the Senator's State comes within the purview of the resolution by reason of anything he has recently done, so much the worse for Pennsylvania and so much the better for the people who desire to end political corruption.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

Mr. JONES of New Mexico obtained the floor.

Mr. McNARY. Mr. President, may I ask if the pending amendment is the one offered by the Senator from Georgia [Mr. HARRIS]?

The VICE PRESIDENT. The amendment of the Senator from Georgia has been withdrawn.

Mr. NORRIS. The Senator from Georgia withdrew his amendment. It is not pending.

Mr. HARRIS. I withdrew my amendment temporarily yesterday until I could perfect it after consultation with several other Senators.

Mr. McNARY. If the Senator from Georgia has withdrawn his amendment temporarily at least——

Mr. HARRIS. Yes; until the committee amendment is disposed of.

Mr. MCNARY. I desire to propose an amendment to the committee amendment and ask that it may be read at this time.

The VICE PRESIDENT. The clerk will read the amendment submitted by the Senator from Oregon.

The LEGISLATIVE CLERK. Insert at the proper place in the bill the words "except that the aggregate amount available for cotton, if necessary, shall be $75,000,000."

Mr. JONES of New Mexico. Mr. President, I have listened to the debate upon the question of farm legislation for a number of days. With the exception of expressions from one or two it seems to be the consensus of opinion that the farmers of the country are suffering distressful conditions. Yesterday afternoon one Senator undertook to read some figures indicating that the prices of farm products are now higher than they were before the war. The only logical conclusion which he could expect us to draw from the statement was that in his opinion there is nothing the matter with the agriculturalists of the country. But I do not agree to that proposition. I believe that the farmers of the country not only are not prosperous, but that the state of depression through which they are now going is such that they can not bear the burden much longer. Bankruptcy has engulfed many of them, and it promises to engulf many more unless some relief is afforded them.

We have been attempting legislation for the farmers ever since the war, or ever since 1920. At that time it was said that the farmers' ills came from deflation. A little later in 1921 and 1922 we were told that the farmer needed a protective tariff to protect him, and that that would cure all of the ills which he suffered. We had the emergency tariff act of 1921 and the general tariff act of 1922. I voted in favor of the emergency tariff bill; I voted to put high duties upon farm products in the general bill; but I wish to say in this connection that when I went before my people in 1922 I called attention to the course which I had taken in this body bearing upon their particular lines of activity. I said to them then that I did not believe that the emergency tariff law or the provisions of the general tariff law were going to be of very much assistance to them. I pointed out that as to wool and sugar they ought to receive some very substantial relief through the tariff which had been provided upon those commodities, but unfortunately even as to those commodities the farmers themselves have not received very great benefit.

One may take the market price of wool in Boston to-day and the price in London and he will find that there is not a difference in the price approaching the amount of the duty. Under the old Dingley law, when we were supposed to have a protective tariff upon wool, for a period of 16 years the difference between the prices of wool in London and in Boston did not vary over 1½ cents a pound on the average. Why that should be I am unable to state unless the wool purchasers of this country are in combination or in relation with each other, and, knowing that they have got to buy a certain quantity of wool from abroad, choose to buy it at a time when it will depress the market in the United States.

In the case of sugar we know that the beet-sugar factories control the price which they pay for sugar beets. I submit that the growers of sugar beets have received very little benefit from the tariff until recently, because of the fact that there is only one grinding factory in a given community, and each one makes its own price for the growers of beets. Only in the last year was there some rivalry in that respect between the beet grinders. One factory concerned undertook to enter the field of another, and the result from that was that the minimum price of beets was increased from $6 to $8 per ton. That, however, was not because of the tariff. But I voted for those tariffs; also for the tariffs on corn and wheat, and the tariffs on every other farm product, simply because if there could come any benefit to the producers in this country from the imposition of those duties I wanted to have it come.

The farmers of the country were taught to believe that benefit would result from the imposition of such tariffs. I remember one of the leaders who is now supporting the pending bill standing upon the floor and saying that he wanted to put a tariff upon everything so high that it would shut out all competition; and nearly every one of the Senators—there are two or three exceptions—who have spoken on the other side of this Chamber in support of the pending measure, in 1921 and 1922 were contending that the tariff was going to solve all of the farmers' problems. I did not believe it was so then; I am convinced now that it was not so; and the very Senators who then contended for that policy are now standing on the floor advocating this bill and saying that, notwithstanding the tariff, we have got to find something else to benefit the farmer.

So, Mr. President, it seems to me that we may discuss this bill upon two assumptions: First, that the condition of the farmer at the present time is not satisfactory—that he is in dire straits—second, that any relief which we may have attempted to afford him heretofore has not been effective. It seems to me that the time has come when we ought to consider the plight of the farmer on fundamental grounds.

If I understand economics as applied to business at all, it is true that when any industry is in a state of depression there are only two sources where one may look for the trouble: First, in the cost of production; second, in the market. If a man desires to remedy adverse conditions in his business he will apply himself to those two problems. He will ask himself can he reduce the cost of production and can he increase the market for his products, whatever they may be. Those elements are at the foundation of every consideration when one comes to undertake the betterment of any line of business.

We now find that the costs of production in this country are certainly much greater than have ever before been known. The farmer never previously had to pay anything like what he must pay to-day for the things which enter into his cost of production. It was stated on the floor of the Senate just a few days ago by the Senator from Idaho [Mr. GOODING] that the farmer was paying much more for farm implements to-day than he was paying before the war. In that connection the Senator from Idaho furnished figures which, I think, ought to be remembered by everybody who is considering this situation. He said:

> In 1914 the farmer paid $3.25 per 100 for horseshoes by the keg; to-day he pays $9.75 per 100. In 1914 he paid $12 per ton for blacksmith coal; to-day he pays $31 per ton. In 1914 he paid $8.50 for a 1-ton scraper; to-day he pays $18.50. In 1914 he paid $72.50 for a 4-row riding beet cultivator, fully equipped; to-day he pays $150.50. In 1914 he paid $16.50 for a 60-tooth steel harrow; to-day he pays $32. In 1914 he paid $125 for a 3½-inch tire wagon; to-day he pays $242.50. In 1914 he paid $75 for a 14-inch gang plow; to-day he pays $146.50; and in 1914 he paid $62.50 for a 5-foot mower, but to-day he pays $120 for the same type machine.

So much for the implements which the farmer must buy. If we consider his apparel, the clothing which he must buy for himself and his family, we know that its price has increased in the neighborhood of from 75 to 100 per cent. The price of the furniture in his house and everything which he must buy has increased by similar percentages. In addition to that, his cost of transportation has increased, and the cost of the distribution of his products to the consumers of the country has increased.

Mr. President, we turn now to the other factor in the equation, and we find that his markets have been, to a considerable extent, destroyed. It is common knowledge to all of us that that is so. I just happened to clip from a newspaper a day or two ago an Associated Press dispatch from the city of Paris, regarding conditions in France. I will quote it, as follows:

> FRANCE PLANS RATIONING FOODS IN BATTLE TO SAVE THE FRANC
>
> PARIS, June 8.—The period of "sackcloth and ashes" predicted some time ago by Joseph Vailleaux, former Minister of Finance, is upon France, and the public accepts it with resignation, but reluctance. It is connected with the battle to save France and it anticipates restrictions in the consumption of bread, meat, and other necessities.
>
> A committee of four ministers, which will manage the régime of restrictions, started its work to-day. The ministers will tread their way warily, for they realize they are on delicate ground and that increased tariff barriers will provoke reprisals abroad to the detriment of France's export trade; that restrictions carried too far will have bad effect on industries and frighten away tourists.
>
> Bakeshops, it is expected, will be closed on one day each week. Fancy bread and rolls will be prohibited, and flour, cakes, and pastry severely rationed. Butcher shops will close once and perhaps twice weekly.
>
> There are to be no bread cards, which it would take time and money to print and distribute. There may, however, be cards for articles imported in large quantities, such as gasoline, coffee, sugar, wool, cotton, and coal, notably British hard coal.
>
> A number of members of parliament are advocating the formation of a national restriction by addition to the present cabinet of leaders of other political groups in the capacity of ministers of state. They believe this would strengthen the Government's standing in the eyes of the country.

The PRESIDING OFFICER (Mr. WHEELER in the chair). The Senator's time on the amendment has expired. He has 30 minutes on the bill.

Mr. JONES of New Mexico. I will now take that time.

Mr. President, I have read that dispatch simply because it presents an acute situation in France. The condition that

exists in France obtains in great measure in the other countries of Europe. It was stated by a Senator on yesterday or the day before that the people of Europe were glad to get the meat and pork products of this country. They would be glad to get them if they were able to buy them, but that is the great difficulty. A great change has come over the business world by reason of the World War. It revolutionized and completely reversed the situation of the United States in its trade relations with the rest of the world. I appreciate the fact that it is hard for the farmers of this country to realize that their business, and the business of each individual one of them, is wrapped up in the business of the world. It is difficult to make them understand it when you are discussing the subject; and I apprehend that even in this Chamber there are few Senators who keenly realize the fact that the plight of the farmer is largely due to the condition of industrial Europe.

Before the World War we were a great debtor nation. We had really been growing from the time of the adoption of the Constitution up to that epochal period. The farmers of this country were engaged in doing a splendid job. To them is due the credit for developing this country. We did not have the money with which to build our railroads; we did not have the money with which to build many of our large industrial plants; so we borrowed money, and at the time of the World War the United States was indebted to the rest of the world in the sum of about $5,000,000,000. We had to pay interest upon that indebtedness. American tourists were still going abroad and spending money. That had to be paid for; and we paid for it largely through the exportation of agricultural products. Cotton was the one great outstanding product that went abroad to pay America's indebtedness to the rest of the world; the same thing is true of wheat, to a considerable extent; and so in that case there was a demand in the rest of the world for American farm products. Europe had been building up in an industrial sense, and depending upon the rest of the world for her food products and for many of her raw materials. America was furnishing to Europe those products, and it was that which enabled the farmers of this country to find a market abroad for what they had produced.

We owed annually a large sum of money in interest. We owed for shipping services large sums of money. We owed for our tourist expenses annually large sums of money; and a great many foreigners were doing work in this country, earning wages and accumulating money here so as to send it abroad to their families. Those bills were all paid, or principally paid, by the farmers of this country.

Now, let us look at the picture as it was painted by the World War. We are no longer a debtor nation. On the other hand, we have become the greatest creditor nation the world has ever known. The rest of the world to-day, aside from governmental indebtedness, owes to the United States something like eleven or twelve billion dollars. The annual interest charge upon this sum is about three-quarters of a billion dollars a year. In addition to that we have these governmental indebtednesses. We are trying to get some payment there. Now, I should like Senators to answer this inquiry: How can we expect to get paid by Europe under these circumstances? The payment for American products or indebtedness to the Government of the United States must be made in dollars; but how are Europeans going to get the dollars? Any economist will tell you that in international trade there is only one way under heaven by which one nation can possess itself of the currency of another nation, and that is by exchange of products of either goods or services.

It is true that the transaction may have several angles; but in the last analysis it comes back to the question of America on one side and the world on the other when it comes to buying American products or paying debts to the American Government. What did we do under the circumstances? We forgot for the time being that those countries already, in their trade with the United States, had sent to us all the gold they could accumulate. The United States to-day has about one-half of all the gold in all the world. The other countries, if they are to maintain the parity of their currency, must not only keep what they now have but they must in some way share that which the United States now has. That was the condition under which this foreign trade must be carried on. They have already sent us all the gold they can scrape together with which to pay us for our products and with which to pay us the indebtedness they owe us, and they can not go any further unless, perchance, we continue indefinitely the extension of credit. We have been doing that since the war. Aside from governmental transactions, we have loaned to the rest of the world about $11,000,000,000. Last year we loaned between a billion and a billion and a half dollars; and I say to my high-protectionist friends, who stand here as spokesmen for the industries of this country, that sooner or later they must recognize the situation which they themselves have brought about.

We export now of manufactured goods, ready for use, nearly $2,000,000,000 worth a year. How are those manufacturers going to be paid? Thus far this international trade of the United States has been bolstered up, as I have said, principally by the extension of credit. The time is going to come when the people of this country will no longer be willing to continue the extension of credit. Just a few days ago I read in the press an interview with the president of one of the principal locomotive concerns of the United States. He had made a trip abroad. When he returned, he was asked if he had made any sales while abroad. He said he had not. He said he could have sold any quantity of goods abroad if he had been willing to sell on credit. He said that he had done all of that that he cared to do; and so, my friends, the same thing will happen with the other manufacturing concerns of this country that is happening with the farmers to-day. They will be no longer willing to ship abroad the results of their hard labor and take in exchange only pieces of paper. These foreign bonds are being distributed over this country. The people have been taking them on the representation of international bankers and investment bankers. They are beginning to find out that as these bonds become due they are not going to be paid, but they will be asked to refund the bonds. Even the interest which is now due to the American holders of foreign bonds is being paid not in cash, but in additional bonds.

The United States Government claims that France has paid to the Treasury of the United States $112,000,000 on account of goods purchased by France immediately following the war; but there is another side to the transaction. The Government of France itself has borrowed in the United States $300,000,000 since that time; and the only result of the transaction is that the Treasury of the United States has transferred that burden to the extent of $112,000,000 to the American holders of French bonds. Nobody has been paid. All that we have been doing has simply resulted, as I have said, in our turning over our produce, the work of the laborers of this country not only in the factories but upon the farms, and getting in exchange nothing but pieces of paper. I say the time will soon be at hand when that must end. It can end only when this country is willing to take what is required in the settlement of international obligations, and that is, either the goods or the services of the foreigner.

That was the situation which we faced in 1920. We face that situation to-day; and instead of taking hold of the problem, trying to analyze it, find out the fundamental trouble, and afford a fundamental remedy, instead of doing the right thing, the Republican Party did precisely the wrong thing. At that time, as every one knows, manufactured products were higher than they had ever been before; and the Republican Party in that view of the case, under a pretended fright of the ghost of production of Europe, put up a higher protective tariff. It was not needed by the manufacturers of this country, but it did operate to prevent Europe from buying further in this market. It created almost an embargo, except for the extension of credits, upon the purchase by Europe of American farm products, or even of manufactured products. Europe needed the products of our farms and factories as she had never needed them before; she needs them to-day; but she is unable to buy and to consume simply because she can not acquire American dollars.

Senators, if you are in earnest about bringing relief to the farmer of this country, why do you not undertake to give him relief which will permanently better his condition, which will reduce his cost of production, and furnish him a market?

Mr. President, there is no question but what Europe produces to-day thousands of articles which the American people would like to have if they could be had at reasonable prices. They are of such character as would not materially interfere with a single legitimate industry in this country. There are thousands of such articles.

We have to-day a Department of Commerce, which is spending millions of money to find a market abroad for American products, but not one dollar does that department spend in order to find out a way whereby we can get our pay for such articles. It is my humble opinion that that department should devote at least one-half of its time to finding a market in America for such classes of goods as would not materially interfere with our manufacturing industries. I would not destroy any legitimate industry, but I do say that we have some industries in this country which should no longer be fostered to the extent to which they are being fostered.

Just a few days ago we saw the very humiliating spectacle of the President of the United States, through the flexible provision of the tariff law, raising the tariff upon straw hats produced abroad for nine and a half dollars a dozen or less from 60 per cent to 88 per cent. Why was that done? Was it on the theory of protecting an industry which ought to be maintained in this country at such cost? Apparently no thought was given to that question. It was simply decided that there was a certain commodity coming into the United States, and that some manufacturer here did not want it to come in.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from New Mexico yield to the Senator from Pennsylvania?

Mr. JONES of New Mexico. I yield.

Mr. REED of Pennsylvania. Does not the Senator know that that was done after an exhaustive inquiry by the Tariff Commission, and that both Democrats and Republicans on the commission agreed that the tariff must be raised or that industry would be absolutely demolished in the United States?

Mr. JONES of New Mexico. Mr. President, I read the report of the Tariff Commission and every member of it, and if the Senator from Pennsylvania would likewise read that report I think he would reach the conclusion that the tariff never should have been raised. I want to say this, furthermore, that if the people of this country can not make cheap straw hats with a 60 per cent duty they ought to go out of the business.

Mr. REED of Pennsylvania. Mr. President, does not the Senator know that the people who made those competitive straw hats in Italy were being paid 85 cents for a 12-hour day? Does the Senator want us to be reduced to that pass?

Mr. JONES of New Mexico. No, Mr. President, but we will not be. But may I say to the distinguished Senator from Pennsylvania also that at the very time that those people were making those hats they were in dire distress for food—food from America—for the cotton from America with which to manufacture their clothing, and by shutting off those straw hats you shut out a market for the wheat and the cotton of America.

That is what you are doing in the rest of the world. You are not stopping to think how you are going to get paid for these products. I think the Senator from Pennsylvania, with all of his intelligence and acumen, ought to realize that you can not sell the products of America unless you also buy foreign products.

That statement is echoed from one corner of this country to the other. It has been iterated and reiterated by some of the highest protectionists this country has ever known, but somehow or other it has not soaked into the minds of the American people.

So, when the Senator would shut out these cheap straw hats which the common people of this country would like to have, he may have been thinking of the 50 or 100 manufacturers of straw hats in this country, and when he did that thing he was entering into a proposal to destroy the market for the 10,000,000 people of this country who produce farm products.

Mr. REED of Pennsylvania. Mr. President, the Senator does not mean that the increase in duty was based on anything else than the difference in wage costs, does he?

Mr. JONES of New Mexico. I am not going into a discussion of the tariff to-day.

Mr. BRUCE. Mr. President, apropos of that subject, I just want to make one comment. I happen to know that a straw-hat manufacturer in the city of Baltimore pays $6 a day to his employees against the 80 cents a day which the Senator from Pennsylvania spoke of.

Mr. JONES of New Mexico. That question of labor is an interesting one, one which I have discussed time and again. It is not a question of the amount of wages you pay, but it is a question of the amount of product you get for the dollar which you invest in wages. I shall not stop to discuss that now. In fact, I imagine my time is nearly up.

Mr. President, it seems to me that if you want to afford relief to the farmers of this country you want to examine the farmer's costs and examine his market. The cost of transportation in this country has greatly increased through the high protective tariff, for nearly all the products that the railroads have to buy are protected. It is my humble judgment that we are guilty of almost a crime to the consumers of the services of the railroads because of the very high income taxes we impose upon those roads. The railroads are owned by the great masses of this country. They are taxed 13½ per cent on their net income, and that must all be paid before the limitation upon the returns to the stockholders of the railroads are to be considered.

These taxes are just as much one of the elements of the cost of transportation as any other element, and we ought to consider that. We ought to enable them to get what they buy at a lower figure, and in that way we would be able to reduce railroad rates.

Nobody wants to destroy the transportation systems of the country, but the rates are high. To my mind, on farm products they are decidedly too high. Instead of putting such high tariffs upon the farm products, let higher tariffs be put upon more expensive products.

The Congress expressed itself upon that question about two years ago, I think. The Tariff Commission is struggling with it now. Something should be done. But all along these lines we have to work.

I do not want any farmer in this country to believe that when I vote for the passage of this bill, as I intend to do, it is with the idea that it is a panacea for all of his ills. I believe nothing of the kind. I think it is a mere temporary makeshift. But as I see the problem, the farmers are in such dire straits that I am willing to do what I did when I voted for the tariff bills—I am willing to have it tried out, because if there is anything that can be done, it should be done for the benefit of these producers.

It is upon that theory that I shall act in voting for this measure. But I do not intend that my efforts in behalf of these downtrodden farmers shall then cease, and I do not believe the industrial interests of this country should feel that nothing more should be done. It is to the farmer that the credit is due for the upbuilding of the industries of this country. When the money was being borrowed to build the railroad systems the farmers of this country were paying the bills, and to get a mere glimpse as to how the farmer has been discriminated against you only have to ask yourselves the question, where is the wealth of the United States to-day? Is it among the farmers of the country?

If you want to find where the income taxes are paid, you look to New York, you look to Pennsylvania, you look to Ohio, and other industrial centers. Those centers, because they have been fed and clothed at cheap prices by the farmers of this country, and have been permitted by this Government to levy tribute upon the American people, have been enabled to gather to themselves the great untold wealth of America. When those industries say that nothing should be done for the farmer they should remember the things the farmer has done for them; they should understand that humanity will not recognize as an act of justice the biting of the hand that has been feeding them.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. CAMERON. Mr. President, I rise to make a brief statement on the so-called McNary-Haugen farm relief bill which is about to be acted on in this Chamber. Many of my able colleagues have preceded me and discussed thoroughly the various administrative and technical features of the legislation, and it is not necessary for me to attempt to rehash the voluminous arguments, pro and con, which have been made on this important legislation. In standing here I am attempting to represent the great State of Arizona, and especially to plead on behalf of more than a hundred thousand Arizonians engaged in agricultural pursuits for the enactment of the bill.

Our agricultural products are diversified, and some may be surprised to know that we carry on any extensive farming down our way, but nevertheless, through the good graces of our Government and the long years of hardship and sacrifice of our pioneers, we have carved out of the desert within our boundaries two of the greatest reclamation projects in the United States. Basically, the ills of agriculture are the same in all areas. The only question that we are debating is as to the cure. None that I know of have had the audacity to stand in this Chamber and say that agriculture does not need assistance and immediate relief.

In the weary weeks of this discussion, Mr. President, those who have desired to observe the trend of things have long since concluded, or at least I have, that the predatory interests with their usual tactics have so manipulated and maneuvered things with a vew of killing any agricultural relief, such as the bill now before us, and knowing, as I do, at first hand the situation which confronts my friends and neighbors in Arizona, and bearing in mind these selfish interests to which I have referred, it makes my blood boil to think of the adjournment of Congress with such an un-American situation and the fate of the farmers in a hopeless condition.

Mr. President, in dealing with the various legislative problems in the Congress I have tried to be fair with every industry of our country. I make particular reference at this time to the

refunding of our foreign debts. I voted for all these measures and in doing so I appreciated that we were either in charity or unselfishness giving millions, even billions, in relief to our foreign allies of the Great War. In doing that I did not lose sight of the fact that the burden of taxation was more than equally borne by the farmers of this country.

I recall the weary debates on the present tariff law. I recall the earnest attempts I made to protect in some adequate degree the agricultural products of my State. I recall the generous attitude of the Senate, with particular reference to the amendment which I introduced and which was approved, giving protection to the cotton industry of my State. Unfortunately the lower House failed to concur in that necessary relief.

I recall, Mr. President, at that time I called the attention of the Congress to the fact that in the days of the war Government representatives flocked to my State and urged the farmers to turn all their attention to the production of long-staple cotton, which was so necessary in the prosecution of the war. The farmers of my State rallied. Their alfalfa fields and flocks of cattle were put aside and all energies were directed to the raising of cotton, and thus the Government assumed a moral obligation. The farmers of my State were left helpless. Thousands were driven into bankruptcy and ruined, and they have spent the past few years in trying to retrieve what was left. And that is but an evidence, Mr. President, of the farmers in every section of the United States. To my knowledge, during the five years that I have sat as a Member of this Congress, not a single constructive, worthy measure has been enacted to help the plight of these deserving men and women. On the other side of the picture the industrial elements and all else have been thoroughly assisted by our Government. I think that it is now about time to give the farmer some assistance. He demands it and he will have it whether Congress will give it to him now or not.

I recall, as I stated, our generosity in the settlement of all these various questions, but, Mr. President, I do not recall the fulfillment on the part of the Government of the obligations which it owes to this great basic industry.

Mr. President, I also might mention at this point the recent example of the selfishness of various elements which is of so much concern to the farmers of my State, and that is to the long-and-short-haul legislation. Our request for the repeal of this discriminatory measure was turned down in an unmerciful fashion. Every time that we have sought relief we have received the cold shoulder. This measure, as I understand it, has the backing and the approval of the great farm organizations, leading economists, statesmen, bankers, even our distinguished Vice President of the United States.

No one can question his ability in analyzing economic questions. We all know, for instance, that the railroads are guaranteed a certain return on their investment. We all know the splendid condition of our industrial situation. We all know of the healthy finances of this country. Every industry is on its feet except agriculture and the livestock industry. I venture the assertion that the average farmer of the United States working from early morn until late at night, inclusive of all the members of his household, is not making 2 per cent on his investment. Agriculture is the oldest industry in existence. It is the most necessary. The people who make up this great industry are the most sturdy, the most sacrificing, the most worthy people of the earth. The Congress in years past has handed them nothing but sop. Their interests have been juggled and bled white by predatory wealth. They have never been recognized, but there is a day coming when they will rise in multitudes and assert themselves, and nothing will bring it about more quickly than such damnable methods as have been used to defeat farm relief in this Congress.

As for me, so long as I have a vote I am willing to take a chance on any legislation which they sponsor which receives the stamp of approval of such men as our Vice President, whether we call it an experiment or not. The legal phases have been touched by able constitutional lawyers of this body who have approved those features of the bill.

Mr. President, we have patiently listened for many weeks past to the debate on the various farm bills. In fact, the CONGRESSIONAL RECORD is full of this discussion. Talk is cheap, and, of course, it is the old method used by sinister interests to defeat meritorious legislation, especially in the closing hours of a Congress. There is no use for further discussion as I see it. Flights of oratory never solved any problem. In fact, I sometimes think that we all talk when we should be working, and that is the case at this time.

In the name of justice, in the name of common sense, I think we should assume responsibility, the Government should redeem the confidence of the people, and that we should pass this legislation.

Mr. BINGHAM. Mr. President, I ask unanimous consent that there be printed in the RECORD an editorial from the Chicago Evening Post bearing on the pending legislation, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

[From the Chicago Evening Post, Friday, May 28, 1926]

WHY FARMER BELL RESIGNED

We had a visit from Farmer Charles C. Bell, of Boonville, Mo., yesterday. He was on his way home after a trip East, and somebody, to whom we are grateful, suggested that he should drop in and see us.

Farmer Bell is well along in the later seventies, but you would never guess it if he did not tell you so himself. He is well known in his home State and, indeed, everywhere throughout the country where apples are grown and sold. He grows other things—corn among them—but apples are his specialty. He organized the International Apple Shippers' Association more than 30 years ago and was its first president. He has the best-equipped, though not the biggest, apple orchard in Missouri.

He has lived and farmed in Boonville since before the days of the Civil War, but he was born in Germany, where his father before him was born. His grandfather was a Scotsman, hailing from near Edinburgh. He moved to Germany and settled in Nassau, whence later, following the revolution, his sons emigrated to the United States, taking up land at the place where the Santa Fe trail begins.

Farmer Bell's father was one of seven men in his district who voted for Lincoln, and Farmer Bell enlisted in the Union Army when he was 15 years old. The Grand Army button is worn proudly in his lapel. He has a son who quit college to enlist in the American Expeditionary Forces back in 1917, counting it unbecoming a Bell to wait for the draft. He returned from the war captain of a battery of heavy artillery.

This brief sketch should establish Farmer Bell's right to talk about farming and Americanism and other matters. The Governor of Missouri named him a member of the Des Moines agricultural conference—the famous Corn Belt conference which backed the Haugen farm relief bill, with its subsidy and price-fixing features. Farmer Bell attended the conference, listened to the speeches, took part in the discussion, and resigned from membership.

"I resigned," said Farmer Bell, "because I don't believe in this price-fixing idea. I see no reason why the Government should give us farmers money for our surplus any more than it should give you money for the papers you have left over.

"As a farmer I have no trouble selling all my products at very fair prices as compared with the things I have to buy. There is plenty for everybody in this country if they will work to get it; but there's too much sport, too much football in our modern education. I can't use sports on my farm, but I pay good wages and give a comfortable living to men who know how to work.

"Of course, you can find farmers in the poorhouse, but it wasn't the farm that sent them there. Maybe they are blaming the Government because it didn't spoon feed them; but they ought to be blaming themselves because they didn't tend to the farming business. Most of them landed in the poorhouse by trying to get rich quick, speculating in land, or playing the bucket shops, or spending more than they made.

"The farmer who tends to his farming business can get along. He has to work, but that's what we're here for. The fact is some of them are jealous of the city folks; but I don't know why. I tell them, you go and look the city over; go and see how everybody is crowded up against everybody else, and you'll be glad you live on a farm. Why, I wouldn't give up the pleasure of seeing my apple trees in blossom and hearing the bees buzzing around the bloom for all you have in your city. I am pretty far on the road we all travel, but I can go out and work around among the trees, pruning them a bit, and enjoying the beauty of them, and come in and eat a square meal with a good appetite, and go to bed and sleep soundly, feeling I've done something worth while. At least, there'll be more apples for folks who like 'em.

"And let me tell you, the more apples I can grow the happier I am. I have no use for the ideas your Governor Lowden handed out to us at Des Moines. Why, he said: 'You farmers when there is a drought ought to pray the Lord not to send any rain. Rain means bigger crops and smaller prices and more work for you. Drought means smaller crops, bigger prices, and less work.' No, sir; that's a poor philosophy. It doesn't think about the other fellow. I'd sooner have a big crop—bigger the better—even if it means I must sell my apples for less than half what a short crop would bring me. I have the satisfaction of knowing that many a child can eat apples when plentiful and cheap who would have to go without them if the price was high.

"This calamity howling disgusts me. There never was a country and never was a time so good to live in as here and now. Yes, sir; I grow corn and I feed hogs, and I can get 13½ cents on the hoof for them, when I've seen the time that they brought only 4 cents dressed. Many's the dozen of eggs I've sold for 5 cents, and now I get 30; many's a pound of butter I've sold for 10 cents, and now I get four

times that price. In my boyhood days farm-loan money cost 10 per cent; now it costs 6 per cent. My voice isn't joining in any calamity chorus.

"All I ask the Government to do, State and National, is to give us more good roads, bridges, and cheap waterway transportation, and maybe a little lower rate of interest through the Federal farm-loan bank. I don't want any subsidies or price-fixing schemes. Why, I've been entitled to a pension for over 40 years and I've never drawn a cent of it. Father said to me: 'I'm proud of you because you enlisted in the Army when you were 15; but never let the name of Bell go on a pension roll unless you actually need it.' I've managed to do without it. I guess living a farmer's life in the open air has helped me keep my health and do my work. I might have had to disappoint father if I'd quit the farm and moved into one of your cities.

"What this country needs is that folks should rely more on their own capacity and lean less on the Government. Seems to me folks are getting afraid of work and want to be taken care of. You newspaper writers ought to say more about independence and enterprise and self-respecting labor; then the politicians could tend to their business and nobody would listen to them when they come around spreading discontent. Most of this fuss is made by politicians stirring up the farmers. If they'd leave the farmer alone, he could take care of himself."

Farmer Bell said he must be moving along. As the slim, erect, white-haired figure vanished through the editorial door we thought: "There goes the spirit that made America—and we must not let it go!"

EXECUTIVE SESSION

Mr. REED of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. WATSON. Pending the motion, I understand that we are to resume legislative session after the conclusion of executive business?

Mr. REED of Pennsylvania. That is my understanding.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two hours spent in executive session the doors were reopened.

RIVER AND HARBOR BILL

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, reported it with amendments and submitted a report (No. 1145) thereon.

RECESS

Mr. CURTIS. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Thursday, June 24, 1926, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate June 23, 1926

MEMBERS OF THE UNITED STATES TARIFF COMMISSION

Sherman J. Lowell, of New York, for the term expiring September 7, 1928.

Edgar Bernard Brossard, of Utah, for the term expiring September 7, 1932.

COLLECTOR OF CUSTOMS

Anthony Czarnecki, of Chicago, Ill., to be collector of customs for customs collection district No. 39, with headquarters at Chicago, Ill., in place of Clarence F. Buck, resigned.

APPRAISER OF MERCHANDISE

William H. Cruden, of Chicago, Ill., to be appraiser of merchandise in customs collection district No. 39, with headquarters at Chicago, Ill., in place of Joseph Carolan.

REGISTERS OF THE LAND OFFICE

William Ashley, of Idaho, to be register of the land office at Coeur d'Alene, Idaho. Reappointment. Term expires July 31, 1926.

John Widlon, of South Dakota, to be register of the land office at Pierre, S. Dak. Reappointment. Term expires July 31, 1926.

Edwin E. Winters, of Alabama, to be register of the land office at Montgomery, Ala. Reappointment. Term expires July 31, 1926.

PROMOTIONS IN THE NAVY

Lieut. Thomas G. Peyton to be a lieutenant commander in the Navy from the 18th day of March, 1926.

The following-named lieutenants to be lieutenant commanders in the Navy from the 4th day of June, 1926.

Armit C. Thomas.	Philip C. Morgan.
Romeo J. Jondreau.	Homer H. H. Harrison.
Julius C. Delpino.	Nathaniel M. Pigman.
Alexander S. Wotherspoon.	Joohn H. Campman.

Lieut. (Junior Grade) Dennis B. Boykin to be a lieutenant in the Navy from the 1st day of February, 1925.

Lieut. (Junior Grade) Daniel F. Worth, jr., to be a lieutenant in the Navy from the 7th day of June, 1925.

Lieut. (Junior Grade) Thomas T. Craven to be a lieutenant in the Navy from the 27th day of November, 1925.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of March, 1926:

Arthur S. Billings.
Herbert C. Behner.

Lieut. (Junior Grade) Frank A. Davis to be a lieutenant in the Navy from the 11th day of March, 1926.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 4th day of June, 1926:

Richard F. Whitehead.	Arthur F. Blasiar.
William S. Grooch.	Adolph H. Bamberger.
William N. Crofford, jr.	Vincent W. Grady.
Dolph C. Allen.	Roy S. Knox.
Samuel E. Kenney.	Satolli W. Hanns.
Castle J. Voris.	Joseph G. Pomeroy.
William H. Healey.	Phil L. Haynes.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 5th day of June, 1926:

Franklin B. Kohrs.	Jesse H. Carter.
Wendell G. Switzer.	Edward J. Milner.
Bern Anderson.	Harold L. Meadow.
Arthur DeL. Ayrault, jr.	

Ensign Gus R. Berner, jr., to be a lieutenant (junior grade) in the Navy from the 3d day of June, 1925.

The following named ensigns to be lieutenants (junior grade) in the Navy, from the 8th day of June, 1926:

Frank T. Ward, jr.	William L. Hoffheins, jr.
Laurence E. Hurd.	Kenneth D. Ringle.
Kenneth D. McCracken.	James H. Willett.
William H. Reddington.	Thomas B. Birtley, jr.
William V. O'Regan.	Edwin R. Peck.
William B. Ammon.	Samuel G. Fuqua.
Roland N. Smoot.	William R. Thayer.
Morris Smellow.	William T. Pearce.
Joseph T. Sheehan.	Edwin R. Peck.
Harry T. Chase.	Curtis S. Smiley.
Harold D. Krick.	Josephus A. Briggs.
Church A. Chappell.	James E. Fuller.
Gordon J. Crosby.	William M. Haynesworth, jr.
Daniel F. J. Shea.	Joseph J. Rooney.
Charles T. Coe.	Philip H. Ryan.
Paul F. Dugan.	Joseph L. Schwaninger.
Aaron P. Storrs, 3d.	John V. Peterson.
Thomas L. Turner.	Richard P. McDonough.
William K. Mendenhall, jr.	William H. Hamilton.
John C. Goodnough.	Murr E. Arnold.
Fred W. Walton.	William P. Burford.
Harry D. Felt.	George W. Lehman.
Herbert M. Wescoat.	Joseph H. Foley.
Francis M. Hughes.	Frank W. Parsons.
Charles R. Ensey, jr.	James R. Fell.
Stanley Leith.	Ralph B. McRight.
Robert A. Cook.	Edward S. Mulheron.
John W. King, 3d.	Richard M. Oliver.
Edward C. Loughead.	Harold H. Connelley.
Thomas C. Evans.	Albin R. Sodergren.
Albert C. Murdaugh.	Charles R. Pickell.
John G. Crommelin, jr.	Louis N. Miller.
Charles J. Nager.	Marion J. Duncan.
William P. E. Wadbrook.	John L. Brown.
Alfred C. Olney, jr.	Alvin D. Chandler.
Harry H. Keith.	William D. Anderson.
Richard Night.	Matthias M. Marple, jr.
Edward S. Pearce.	Philip R. Coffin.
Harold N. Williams.	Donald Weller.
Robert L. Dennison.	Marvin P. Kingsley.
Stanhope C. Ring.	Dominic J. Tortorich, jr.
Claude H. Bennett, jr.	John D. Shaw.
Louis H. Brendel.	Zeus Souceck.
Frank H. Bond.	John P. B. Barrett.

The following-named assistant naval constructors to be naval constructors in the Navy, with the rank of lieutenant commander, from the 5th day of June, 1926:

Frederick W. Pennoyer, jr.	Claude O. Kell.
Melville W. Powers.	Howard L. Vickery.
Charles F. Osborn.	Glenn H. Easton.

The following-named midshipmen to be ensigns in the Navy from the 3d day of June, 1926:

Claude W. Haman.
Roy B. Stratton.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 23, 1926

POSTMASTERS

CALIFORNIA

William C. Douglas, Red Bluff.

IOWA

Dell Johnson, Sidney.
Helene F. Brinck, West Point.

KANSAS

Robert C. Caldwell, Topeka.

MARYLAND

Edward M. Tenney, Hagerstown.

MICHIGAN

Frank O. Parker, Alma.
Gordon L. Anderson, Armada.
Albert W. Lee, Britton.

NEW JERSEY

Ross E. Mattis, Riverton.

OKLAHOMA

Earl T. Hull, Fargo.

WISCONSIN

William H. Zuehlke, Appleton.
Lloyd A. Hendrickson, Blanchardville.
Charles V. Walker, Bruce.
George S. Eklund, Gillett.
Emil H. Lang, Gleason.
Peter O. Virum, Junction City.
Harry V. Holden, Orfordville.
Lewis W. Cattanach, Owen.
James Kelly, Ridgeway.
Louis Baumgartner, St. Nazianz.
Maud E. Johnston, Spencer.
Ellen E. Hamberg, Winegar.
Aaron R. White, Wonewoc.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *June 23, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Enable us, our Father in heaven, to reach out past the things we can not understand to the God we trust. Arouse us to a freer and fuller, nobler and more loving devotion to Thee, for our times are in Thy hands. We thank Thee that we are passing under the hand of a miracle-working God. Teach us the significance of the opportunities of life. Direct us to serve the people. Let wealth bring ease to the poor. May the learned lift up the lowly and the strong stoop to the needs of the weak. Deeper than we have known, clearer than we have seen, light the flame of divine love upon the altars of our hearts. Waken in us the songs of praise and gratitude and manifest Thyself to those who find life a hardship and a difficulty. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its Clerks, announced that the Senate had passed without amendments bills of the following titles:

H. R. 10363. An act to reinstate William R. F. Bleakney in West Point Military Academy;

H. R. 10980. An act to authorize leasing for the production of oil and gas certain public lands in Carbon County, Wyo.;

H. R. 11802. An act to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery; and

H. R. 12207. An act authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following title:

S. 7. An act to reimburse the Truckee-Carson irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation, Nev.;

S. 1821. An act authorizing joint investigations by the United States Geological Survey and the Bureau of Soils, of the United States Department of Agriculture, to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom;

S. J. Res. 109. Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes; and

S. 4482. An act to increase the limit of cost of submarine tender *No. 3* and to authorize repairs and alterations to the U. S. S. *S–48*.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5353. An act to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876);

H. R. 9655. An act for the relief of Edward L. Duggan;

H. R. 10227. An act for the relief of Charles W. Reed; and

H. R. 10807. An act to provide for payment of the amount of a war-risk insurance policy to the beneficiaries designated by Lieut. Lewis Wesley Kitchens, deceased.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

S. 183. An act to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I.;

S. 2005. An act for the enlargement of the Capitol grounds;

S. 3012. An act to change the name of "the trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same;

S. 3028. An act to divide the eastern district of South Carolina into four divisions and the western district into five divisions;

S. 3545. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof;

S. 3978. An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes;

S. 4138. An act granting the consent of Congress to the State Highway Department of Georgia to construct a bridge across the St. Marys River;

S. 4221. An act authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia;

S. 4267. An act to extend the times for commencing and completing the construction of a bridge across the Pend d'Oreille River, at or near the Newport-Priest River road crossing, Washington and Idaho;

S. 4293. An act granting the consent of Congress to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct a bridge across the Missouri River;

S. 1119. An act to transfer jurisdiction over United States reservation No. 248 from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia;

S. 7. An act to authorize the cancellation and remittance of construction assessments against allotted Paiute Indian lands irrigated under the Newlands reclamation project in the State of Nevada and to reimburse the Truckee-Carson irrigation district for certain expenditures for the operation and maintenance of drains for said lands;

S. 1821. An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests;

S. J. Res. 109. Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes;

H. J. Res. 64. Joint resolution to secure a replica of the Houdon bust of Washington for lodgment in the Pan American Building;

H. R. 10980. An act to authorize leasing, for the production of oil and gas, certain public lands in Carbon County, Wyo.;

H. R. 12207. An act authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island;

H. R. 11802. An act to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery; and

H. R. 10363. An act to reinstate William R. F. Bleakney in West Point Military Academy.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, day before yesterday I secured unanimous consent to extend my remarks on a bill we then had before the House. I found, when I was ready to put my remarks in the RECORD, that I had two short clippings which I thought, perhaps, were not covered by my consent request. I ask unanimous consent to include them in my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SUBMARINE TENDER "NO. 3" AND U. S. S. "S-48"

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a bill which has just been reported from the Senate, Senate bill 4482, and pass the same. I will then move to lay a similar House bill on the table.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table Senate bill 4482 and consider the same. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (S. 4482) to increase the limit of cost of submarine tender *No. 3*, and to authorize repairs and alterations to the U. S. S. *S-48*.

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, has the House bill passed the House or has it simply been favorably reported?

Mr. BUTLER. It was unanimously reported by the Naval Affairs Committee, and I was instructed to join with my colleague, Mr. VINSON of Georgia, in pressing the bill to a conclusion. The Senate has passed an exactly similar bill, and it is an urgent one.

Mr. GARRETT of Tennessee. Is it a Union Calendar bill?

Mr. BUTLER. Yes; it is on the Union Calendar and has been there for several days. The Senate passed a similar bill yesterday.

Mr. BLACK of Texas. How much additional is carried in the bill?

Mr. VINSON of Georgia. I will state to the gentleman from Texas that this ship is being built in the navy yard at Puget Sound. It is one of the 1916 ships that was laid down in 1917, and they ask about $200,000 to finish the ship. As I say, this is being built in a Government navy yard, and if it were being built under private contract, of course, Congress would not have to appropriate this additional $200,000.

The other item in the bill is for reconditioning submarine *S-48*, which recently went on the rocks off the New England coast. It requires $1,080,000 to recondition that submarine.

Mr. CONNALLY of Texas. Why not construct a new one?

Mr. VINSON of Georgia. A new one would cost about $12,000,000, and we believe it is economy to repair this ship, which, as I say, went on the rocks off the coast of New England, and put it back in condition; otherwise it will go to the scrap heap and be sold as junk.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost of submarine tender *No. 3*, heretofore authorized, is increased from $4,800,000 to $5,000,000, and repairs and alterations to the U. S. S. *S-48* are hereby authorized to cost not to exceed $1,080,000.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

TREASURY SURPLUS

Mr. JACOBSTEIN. Mr. Speaker, I ask unanimous consent to place in the RECORD two newspaper articles bearing upon a bill which I am introducing to-day.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing two newspaper articles relative to a bill he is introducing to-day. Is there objection?

There was no objection.

Mr. JACOBSTEIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following articles.

The author of these two very instructive and illuminating articles is a student of public finance who has been delving into the financial statistics of the Treasury operations. His articles contain much valuable information and many shrewd and pertinent observations:

[From Rochester Democrat and Chronicle and Rochester Herald, published June 21, 1926]

HOLDS POTENTIAL SURPLUS JUSTIFIES NEW TAX SLASH—LARGE EXCESS THIS YEAR WILL BE AUGMENTED NEXT YEAR BY $350,000,000 TO $450,000,000

By William P. Helm, jr.

(Copyrighted, 1926, Article I)

WASHINGTON, June 20.—Immediate reduction in the Federal income tax appears warranted in the light of returns to the Treasury within the past six weeks. These returns indicate that when the current fiscal year closes nine days hence the Government at Washington will have collected during the 12 months more than $2,000,000,000 in income taxes, the greatest revenue of its kind since 1923.

They presage as well the collection of from $1,900,000,000 to $2,000,000,000 in income taxes at the present rates during the coming fiscal year, barring a sharp, sudden, and unexpected decline in the volume of American business, which is now running at full tide.

They forecast, in addition, a surplus in the Treasury at the close of the coming fiscal year—again barring a business slump and assuming that the short session of Congress practices the same sort of economy that has thus far distinguished the administration of President Coolidge—of from $350,000,000 to $450,000,000, which would be available for the further reduction of taxes.

The revised returns, which include the full statements of taxable earnings filed under the new law May 15 by thousands of heavy taxpayers, indicate further that the Treasury will take in during the single month of June more than $700,000,000—a figure unmatched in recent years.

On June receipts and expenditures alone, according to present indications, the Government will have a surplus amounting to not less than $350,000,000, swelling the current year's surplus to considerably more than $400,000,000. Out of that surplus, actual and prospective during the coming nine days, Secretary Mellon has been able to retire in full Treasury notes amounting to more than $333,000,000 without diminishing, because of such retirement, the balance in the general fund of the Treasury by so much as a single dollar.

Adjourning politics and discussing the cold figures, it would seem, on the face of this unexpectedly prosperous showing, that Congress would be justified in reducing taxes again within the present year.

Here are possible dispositions that could be made by Congress in reducing taxes with a surplus of $350,000,000 available in 1927:

Congress could remit 10 to 20 per cent of the amounts due on the September and December installments of the 1925 income taxes.

Individual income taxes for 1925 could be cut one-third or more.

Corporation taxes for 1926 could be cut from the present rate of 13½ per cent to 10 per cent.

Any one of these three methods would be justified by a $350,000,000 surplus.

DRIVE FOR SLASH BEGUN

This situation is well known to leading business interests of the country and a movement looking to tax reduction in 1926 is now well under way. It was inaugurated more than two months ago and is gaining headway as the volume of tax receipts mounts at Washington.

Until the Government closes its books for the fiscal year, somewhat more than two weeks hence, a precise estimate of what may be expected in revenue from the income tax during the coming fiscal year of 1927 can not be made. When the books are closed, however, the Treasury experts can determine with almost uncanny accuracy what income-tax collections will amount to during the remainder of the calendar year.

Experience has shown over a considerable period of time that income-tax collections from March to June, inclusive, constitute between 55 and 60 per cent of the total for the year. Those percentages are well established. They have worked accurately in the past and have been used at the Treasury in computing future yields.

With those percentages in mind an examination of the revenues in March shows the total to have been $504,000,000 from income taxes. Indications are that this sum will be exceeded by the June payments,

as Secretary Mellon has been advised that the preliminary estimates of the amount due the Government, filed under the new law in March, have fallen short of the actual swings, as disclosed by the full returns filed May 15. The June payments, now being counted, will have to include the shortages thus developed in March.

PREDICTION MAKES GOOD

It was with this rosy prospect in mind that Secretary Mellon announced his intention of retiring the $333,700,000 in Treasury notes maturing June 15 in full out of the current year's surplus. Secretary Mellon's announcement, by a coincidence, was made almost at the moment when administration leaders on Capitol Hill were decrying the likelihood of a $250,000,000 surplus this year, forecast three weeks ago by this correspondent.

Should Secretary Mellon's advance information be sustained, the Government may anticipate the collection of from $504,000,000 to possibly $525,000,000 via the income-tax channel this month. This, added to March collections, would place the total for the two months at from $1,008,000,000 to $1,029,000,000.

Considering, as well, April and May collections of income tax and applying the established 55 to 60 per cent rule, the Government may reasonably expect to collect from $900,000,000 to $1,000,000,000 in income taxes, including back taxes, between July and December next, both inclusive. This is more than the sum anticipated by Treasury experts under the old high rates when the Budget for 1927 was sent to Congress by President Coolidge last December.

That estimate contemplated collection of $1,880,000,000 in income taxes under the 1924 rates. Under the lower 1926 rates there is fair prospect that, notwithstanding the recent cut, the Government will take in $2,000,000,000 during the fiscal year 1927, beginning July 1 next.

NEAT SURPLUS POSSIBLE

Even so, under the old tax rates the Treasury experts anticipated a surplus of $330,000,000 for 1927. If the $120,000,000 additional were taken in under the new rates, the surplus obviously would be increased by that amount, or to $450,000,000, assuming, of course, that Congress continues to practice economy.

The necessity for economy will be stressed by President Coolidge, in all likelihood, in his address this week before the business organization of government. The President, as a conservative, is guided, of course, by the ultraconservative figures of the Treasury's experts. For four years, however, these experts have been underestimating Government revenues at the average rate of more than $400,000,000 a year.

They have undoubtedly underestimated the Government's revenues for the coming fiscal year. Either that or there has been a complete change of policy—the policy which has been so fruitful in holding down expenditures and creating large surpluses. With that policy few if any students of government finance have quarreled. Its wisdom has been demonstrated time and again. But regardless of its wisdom, the record stands with an average underestimate exceeding $400,000,000 annually.

[From New York Evening World, June 22, 1926]

WHY INDUSTRIES DEMAND TAX CUT—POINT TO GROWING TREASURY SURPLUS AS REASON FOR DROPPING CORPORATION LEVY FROM 13½ TO 10 PER CENT—AND THEY WANT IT TO APPLY ON THIS YEAR'S BUSINESS—SEE BETTER BUSINESS—CALL RELIEF A "RIGHT"

[Mr. Helm is a Treasury expert whose predictions of Treasury surplus have been confirmed in many instances. He has written a series of articles showing conditions which seemingly justify tax reductions. Below is his second article.]

By William P. Helm, jr.

The largest industrial interests in the United States are moving now and have been moving for the past two and one-half months to obtain an income tax reduction at the December, 1926, session of Congress. They are familiar with the possibilities for tax reduction and believe that the growing surplus should be devoted at once to tax relief rather than to further heavy public debt retirements.

What they want is a cut to 10 per cent in the corporation tax rate—at present 13½ per cent—and they want it on 1926 business. The statement of the Treasury's condition at the present time and the prospective surplus for the coming fiscal year entitle them to a further tax cut, in the language of the leader of the movement, on the ground that "relief from an undue tax burden is not a privilege but a right."

This movement originated April 7 last with the National Association of Manufacturers in a call for the appointment of a committee to consider the simplification and clarification of the present tax law and "further relief from the present rate." The call was addressed to about 15 of the leading organizations of producers and manufacturers in the country. A meeting was held April 27 at Washington, over which James A. Emery, general counsel of the National Association of Manufacturers, presided.

THE WORKING COMMITTEE

At that meeting there was appointed a committee of seven persons, representing the manufacturing, mining, lumber, petroleum, cotton manufacturing, boot and shoe, and automobile industries of the country, as a working committee on tax cooperation. While the committee was primarily to assist the newly created Joint Congressional Committee on Internal Revenue Taxation in obtaining the industries' views as to simplifying and clarifying the present tax law, the whole question of another tax reduction was not overlooked.

The industrial committee of seven consists of W. S. Bennett, of the National Lumber Manufacturers' Association; McKinley W. Kriegh, of the American Mining Congress; Fayette B. Dow, of the National Petroleum Association; J. C. Peacock, of the American Cotton Manufacturers' Association; R. P. Hazard, of the National Boot and Shoe Manufacturers' Association; H. H. Rice, of the National Autombile Chamber of Commerce; and James A. Emery, of the National Association of Manufacturers, chairman. Nathan B. Williams, of the Manufacturers' Association, is secretary.

The next development was an invitation, addressed by Mr. Williams to officials of 143 trade associations, representing many varied industries, for their views as to the proper action and procedure in accomplishing the purposes for which the committee was created. Replies to this invitation are still being received. It was mailed on May 28 from Washington.

In the meantime the spectacular rise in governmental revenues and the growing Treasury surplus, coupled with Mr. Mellon's retirement, out of current funds, of $333,700,000 in Treasury notes, focused the committee's attention sharply on the possibilities for further immediate tax reduction. This was reflected in a letter addressed June 9 to members of the committee by Mr. Emery, reading as follows:

"I beg to direct your attention to significant developments in the tax situation. It is not only apparent that the Federal Government will close the fiscal year June 30, 1926, with a surplus of not less than $350,000,000, but it is equally probable that the fiscal year 1927 will show, if anything, a larger surplus.

"Reduced rates on individual income and surtax have fully justified the assurance that they would produce a large revenue. The Secretary of the Treasury confirms the estimate of present surplus by announcing his intention of immediately retiring $333,000,000 in Treasury notes out of current funds, and presumably without lessening the balance in the general fund.

"The Treasury experts have always computed future yields upon spring and summer income-tax collections. Since the March collections totaled slightly more than $500,000,000, and the June collections are conservatively assured of exceeding this amount, the surplus for 1927 is fairly well indicated unless we either meet with an unanticipated business decline or an abandonment of the present policy of Federal economy. Neither contingency is probable.

"In the light of these facts we venture to urge the advisability of directing the attention of Congress through its joint tax committee, to the practical possibility of further tax relief. The December session could well grant immediate corporate relief.

"CALLS RATE DISCRIMINATION

"The corporation as a form of business suffers discrimination in rate and administration in comparison with the partnership and the individual. The corporate rate, unchanged since the war, was increased by the revenue act of 1926 to a maximum of 13½ per cent for 1927. This upon the theory that the abolition of the capital-stock tax would cause a loss of $90,000,000 per year in revenue.

"It must be evident from the prospective minimum Treasury surplus in sight that not only no increase in rate is necessary to provide revenue, but a reasonable application of the surplus in being, which in all likelihood will continue to grow, would justify a corporate rate for the calendar year 1926 of not more than 10 per cent, effective on 1926 business.

"It is to be remembered that the right to tax is the right to take and retain only that which is necessary for the support of Government. The relief of the citizens from an undue tax burden is not a privilege but a right. A continuing surplus of revenue justifies a steady demand for relief until revenue is reduced to the reasonable requirements of Government.

"I therefore request that the representatives of the various national industrial associations comprising the committee on tax cooperation will immediately signify their approval or disapproval of presentation to the next session of Congress and to the congressional joint committee on internal-revenue taxation, as opportunity affords, of a request for corporate-tax relief for 1927." (Copyright, 1926.)

THE DECLARATION OF INDEPENDENCE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on American independence in connection with the one hundred and fiftieth anniversary.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD on American independence. Is there objection?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, under leave to extend my remarks in the RECORD, and having in mind that this is the sesquicentennial celebration of the signing of the Declaration of Independence and that many communities throughout our country will on July 4 have celebrations, among them one at Jasonville, Ind., in my district, at which I have been invited to address them on the subject of American Independence. In that connection, I therefore place my observations in the RECORD:

American independence is one of the outstanding achievements of civil government and probably as a model to other peoples is our country's greatest contribution to human progress. Our independence goes back in history into England long before the days of Magna Charta; was in evidence in our colonial legislatures, continuing through the Continental Congress, and finally reaching a rich fruition in the Constitutional Convention of 1787.

The Second Continental Congress, composed of 56 Delegates selected by the Colonies, assembled in Independence Hall, Philadelphia, on May 10, 1776. The time was ripe and the sentiment was crystallizing for us to throw off the yoke of foreign domination and establish our own independence. Already Lexington and Bunker Hill had been fought, and as Patrick Henry had so eloquently declared to his Virginia colleagues:

> There comes down from North the clash of resounding arms. Our brethren are already in the field. Why stand we here idle? Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Almighty God forbid. I know not what course others may take; but as for me, give me liberty or give me death.

The patriotic passion of Patrick Henry, Thomas Jefferson, and others fired a flame in Virginia, as did that of Samuel Adams and others in the North. Virginia's delegation was instructed to stand for independence, and Richard Henry Lee offered the resolution, which John and Samuel Adams and others heartily supported. On June 11, 1776, the Congress referred it to a committee of five to draw up a formal declaration. Jefferson desired that Adams write the declaration, but Adams, Franklin, Sherman, and Livingstone, of the committee, all agreed that Jefferson, because of his learning and literary ability, should be the author. It was a wise selection, as Jefferson was probably the best-educated man of his day. Out of a soul that loved democracy, and inspired by his violin, which he played at intervals while writing, there came forth this masterpiece of democratic government. It is the world's greatest pronouncement of human liberty based upon popular sovereignty. It is the very highest essence of the Jeffersonian doctrine that governments exist for the benefit of the governed. It asserts the equality of men.

This declaration was adopted July 4, 1776, signed by the Members of the Congress, with John Hancock, the President, signing in such bold hand that King George III might read without spectacles. Some one cautiously remarked that they must all hang together in this venture, and Franklin, with his usual wit, added: "Yes; hang together or we shall all hang separately." Then the old liberty bell rang out the glad news, which completed the prophecy of the motto graven on its side, taken from Leviticus, chapter XXV, verse 10:

> Proclaim liberty throughout all the land unto the inhabitants thereof.

In every city and hamlet, in town halls and churches, the declaration was read. Washington proclaimed its inspiring passages to the Continental Army, and the people became fanatically enthused for the cause of liberty. It mounted to a tidal wave of patriotic passion, sweeping all before it, and resulted in victory to the cause of the Revolution.

In the preamble of this declaration is expressed with clarity and force man's relationship to government. It is the ultimatum of freemen to monarchy. It challenged the ancient creed that human rights descend from some exalted prince and substituted a new doctrine that—

> Men are created equal, and that governments derive their just powers from the consent of the governed.

Our Revolutionary fathers defied the autocrat, and with mutual pledges of their "lives, their fortunes, and their sacred honor" they for themselves and their posterity staked all for the cause of American independence. This is the heritage they bequeathed to us. We do well to honor them and hold sacred the product of their hands.

To fully appreciate American independence we must study the Constitution of the United States as the basic and fundamental scheme of government that carries out and makes effective the principles of the declaration. To-day these great twin charters of our democracy are preserved and enshrined together. In the Congressional Library the original copies of these two sacred documents are encased under glass and open for your inspection. Over them a policeman stands constantly to protect. They are preserved as the precious evidences of American ideals and traditions.

The Constitution proceeds on the Jeffersonian theory that all sovereignty of government belongs to the people. For centuries previous to the colonization of America, sovereignty, that ultimate authority which regulates human conduct, was claimed and administered by the monarch. In England limitations were placed upon the King, and Parliament was endowed with certain legislative powers. It was America's sublime achievement to rescue the whole field of sovereignty and restore its dominion to the people. This is the new dispensation of government. It is America's great discovery and her greatest contribution to the science of civil government.

Another American innovation in government is the arrangement under the Constitution called dual sovereignty. The States succeeded the Colonies and were in existence when the Constitution was adopted. The Confederacy had proved a failure. It was a time for action if credit was to be preserved, war debts paid, commerce regulated, a common defense maintained, and foreign relations established. So the framers of our Constitution preserved the States and created a Nation. Here we have two sovereignties coexistant over the same territory with the same citizenship.

Never before was such an arrangement attempted. Always before national sovereignty was considered supreme, but now we have a Federal Government with only limited and delegated authority. The residuary powers are reserved to the States and the people. We have worked out the twilight zones of action between States and Nation, and each operates under the Constitution within its limitations, each with due respect for the other's sovereignty. I am aware of the two schools of political thought sometimes designated as the "Strong centralized government plan" and the other the "State rights plan." There has been a recent drift toward the Hamiltonian theory of centralization. This seems almost inevitable with the increase of population, the obliteration of State lines in transportation, and the nationalization of industry and business. This development has its dangers in drifting toward tyranny and irresponsibility of bureaucracy. The expense, the inefficiency, the corruption, the favoritism, and the arrogant disregard of the rights of the citizen growing out of this present increasing army of Federal officers and agents, are conditions to be pondered. However, the need of legislative action to meet new conditions, which is so often ignored and neglected by the States, in fields in which they should act, now often forces the body politic to seek redress in the councils of the Nation. If States expect to retain their sovereignty they must exercise it for the preservation of the life, liberty, and happiness of the people.

I still cling to the belief of Jefferson that governments exist for the protection of the people. Governments are the servants of the people. Academic theory must not block governments' service to the people. In those fields being administered by the States and where the subject matter is local, it is a vicious policy to transfer control to the Federal Government. In those matters pertaining to general welfare, and which can best be administered by the National Government, and especially where relief is needed, and the States have refused or neglected to act, I am in favor of the Federal Government being given constitutional authority to act.

It becomes a question as to which sovereignty can the better and more economically serve. We have no favoritism as between States and Nation, but will extend priority to that sovereignty which can best serve the people. There must be no division in our loyalty, but with one flag and one Constitution there shall be no sections, no prejudice, no cleavage, but, rather, let us be united under one name, which shall embrace all—the name American.

The framers of the Constitution kept constantly in mind a government that should serve but not oppress the people. They builded a Government based upon a separation of powers. They decreed that no man or set of men should enact the law, set in judgment upon its violation, and also punish the violator. First, then, they created the three departments, so that each should be a check and balance upon the others. Then they established another innovation in the making of the court, the voice of the Constitution, the agency of last resort. Judicial supremacy in the Constitution is a preeminent achievement. It is a safeguard of the rights of the citizen. If any law is enacted, or any officer assumes to act contrary to the Constitution, a citizen can enter the courts as a litigant against his

Government and restrain any such unwarranted action. So the Supreme Court is the chart and compass of the ship of state and has guided her safely through waves and storms. May the court continue to shine undimmed as a lighthouse to keep our Nation off the rocks of anarchy and tyranny.

The Constitution proceeds on the theory that all sovereignty resides with the people and that the Federal Government has only such grants as are specifically given. The States have authority except where forbidden in Federal or State Constitutions. There is a field of action, however, in which no government shall trespass against the inherent rights of the people.

The denial of governmental action in these particulars is covered by the first 10 amendments, which is called the Bill of Rights. George Mason is generally accredited with being the father of these reservations. However, Jefferson, cooperating with Madison, urged their adoption in Virginia, along with the ratification of the original articles This nonsurrender of sovereignty is a crowning virtue of the Constitution. It preserves inviolate certain alienable privileges that are above governmental control. Freedom of speech, freedom of religion, right of assembly, trial by jury, writ of habeas corpus, freedom from unlawful searches, seizures, and military arrogance. All of these are the ancient common-law demands of Englishmen, and against which the Government shall not intrude. This feature of our Constitution heralds to the world the truth that government is the servant of the people and not the master.

One of the great precautions and outstanding provisions of the Constitution is the ultimate control of government by the suffrage of the people. This is the supreme check and balance of the whole scheme. The selection of the representatives and officers of government remains with the voter. Thus the ballot box is the vehicle of government. Responsive government therefore depends upon a responsive citizenship. If we would have good laws and better administration, it will depend on the citizen being as willing and anxious to go to the polls on election day as they are willing to go to the recruiting office in times of war. We are glad that Indiana holds the record for high percentage of voting. While most States run 50 per cent or below, Indiana tops the list with about 85 per cent of the qualified electors voting. Thus diligently performing the duties of citizenship by voting, coupled with a wholesome respect for our Constitution and the laws, and also a cheerful obedience to every law whether it suits us or not, is the hope of the Republic.

As the population increases and economic conditions are constantly becoming more complicated, it is not to be expected that there will be less law and regulation, but rather more legislation in order to control the situations. The problem is for legislation to keep abreast with invention, discovery, and development. Let us hope that through the coming years the philosophy of government remains sound; that the people nourish a wholesome spirit of legalism that will develop a finer liberty, based upon obedience and discipline. Monarchy in the Old World has broken down, and all eyes are turned upon America. Much depends upon our success with representative government. It therefore behooves us to be alert and circumspect in our political life. We must set ideals in politics that will frown upon and punish the use of money, liquor, and crooked methods that men are still using to lift themselves to places of power and responsibility. The corruption of primaries and elections are not to be tolerated. The influence of large cities and aggregations of capital must be made to understand that they are not to be permitted to muddy the fountains of representative government from which many desire to drink.

So the Declaration of Independence was written and the Constitution was formed, that we might have a Government that would protect and preserve the life, liberty, and happiness of a free people. I would not believe this one hundred fiftieth celebration complete without paying a tribute to Thomas Jefferson, the author of this greatest charter of human rights. Thomas Jefferson believed supremely in and was not afraid to trust the people. He is the father of democracy in America. His creed is indelibly stamped on our traditions, our laws, our customs, and our progress.

The Declaration of Independence both as a literary and political production has stood the test of a century and a half. It is immortal. Therein Jefferson gave us the most perfect expression of the political philosophy of a free people. Jefferson not only wrote the Declaration of American Independence; he urged the Bill of Rights to be added as a safeguard in the Constitution. He drafted the ordinance excluding slavery from the Northwest Territory. He associated education with popular government, founded the University of Virginia, and provided for sale of land in Northwest Territory for common schools and universities. He acquired by peaceable methods the Louisiana Territory, a rich empire filled with the democratic spirit. He wrote the statutes of Virginia for religious freedom. The accumulated honors bestowed upon him during a long life were member of the Virginia House, Governor of Virginia, Member of Congress, minister to France, Secretary of State, Vice President, and twice President of these United States. These preferments represent and mark a long, useful, and honorable career. Washington achieved greatness on the field of battle, John Adams by his voice in debate and as an advocate, Jefferson was preeminent in his constructive proposals of government as recorded by his pen. America thus by her democracy preempts the wisdom of her sons and weaves them into the fabric of her program of freedom and preserves their services for the welfare of generations living and those that are yet unborn.

This is the one hundredth anniversary of the death of John Adams and Thomas Jefferson, both of whom signed the Declaration of Independence and fought for the establishment of ideals set forth in that great charter. Through them and their colleagues America is a word synonymous with freedom and democracy.

So this one hundred and fiftieth celebration of the signing of the Declaration of Independence would not be complete without this further recognition of the service rendered to our country by its author. It must be celebrated in connection with the one hundredth anniversary of the death of Jefferson, which, by coincidence, falls on the same day.

Few men write their own epitaphs, but it was typical of Thomas Jefferson to do so. From the long inventory of achievements and honors bestowed upon him he selected three items by which he wished to be judged by his Maker and remembered by his fellow men. He discarded all official honors, which were many, and simply had inscribed on his tomb this very significant phrase:

> Here is buried Thomas Jefferson, author of the Declaration of Independence; and of the statutes of Virginia for religious freedom; and father of the University of Virginia.

He therefore considers most highly his accomplishments for freedom of government, freedom of religion, and freedom of education. In all of these matters he had in mind the uplifting of humanity, their welfare and happiness under a government of the people. These three supreme accomplishments of Jefferson are all nonpartisan.

We, therefore, honor the name of Thomas Jefferson, who was born an aristocrat, who lived, served his fellow man, and died bearing the distinction, as I believe, of being the greatest democrat in all history.

HORACE G. KNOWLES

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 978, for the relief of Horace G. Knowles, insist upon the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate bill 978, insist on the House amendment, and agree to the conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. UNDERHILL, VINCENT of Michigan, and BOX.

G. C. ALLEN

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 2188, for the relief of G. C. Allen, insist upon the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate bill 2188, insist on the House amendments, and agree to the conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. UNDERHILL, VINCENT of Michigan, and BOX.

LET THE PEOPLE RULE

Mr. EVANS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. EVANS. Mr. Speaker, under leave granted me I here insert a copy of a letter written by me to a constituent in Montana briefly setting forth my position on a question now pending before the Congress and the country.

The letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 27, 1926.

——— ———, *Butte, Mont.*

DEAR SIR: I beg to acknowledge receipt of your favor of recent date, and thank you for same. I note with interest your criticism upon my position on the prohibition question and your desire for a modification of the Volstead law.

No man is worthy to represent a great people in the Congress of the United States unless he is willing to subordinate his personal views, whatever they may be, to the views of his people as expressed at the ballot box.

I have repeatedly told people in Montana that before they were in a position to ask me to change my vote they must change their vote. If the Governor of the State of Montana or the mayor of the city of Butte or Anaconda, for instance, should refuse to do a certain thing for which the people had voted because, perchance, he did not agree with the people, he would be a fit subject for impeachment.

If in 1916 the people of the State of Montana had voted "wet" and within a period of two or three years I had come to Congress and voted "dry," you and thousands of others would have condemned me. You would have said I had betrayed the people, and justly so. On the other hand, if the people voted "dry" and I had come to Congress and voted "wet," thousands of others would have condemned me and said I betrayed the people, and their criticism would be meritorious and just.

Now, as it transpired, the people of Montana voted "dry," and accordingly I voted "dry." No fair-minded man can justly criticize me for my vote.

I do not believe a man has the right to guess the people have changed their minds on any question on which they have once voted until they have recorded that change by their vote. The last vote they cast on this question in Montana was for bone-dry prohibition.

It is their right and privilege to change that vote at any time, but until they have recorded such a change I do not see how reasoning people can ask their Representative in Congress, who has followed their verdict, to change his vote. I shall continue to follow any verdict of the people expressed at the polls, and, in my judgment, the man who will not is unworthy to represent a great people.

You speak of modifying the Volstead law to allow light wines and beer. If the Volstead law was modified, or even repealed, it would not bring back light wines and beer in Montana. The bone-dry law voted by the people would still be in effect there, and the principal effect of such a modification or repeal would be to transfer from the Government pay roll to the State and county pay roll a lot of enforcement officers.

Some months ago I saw in the Montana American, published in Butte, a statement to the effect that the Volstead law passed the House by only one vote, and that I had cast the deciding vote. Of course, such a statement is wholly out of accord with the facts. The Volstead law passed the House by a vote of almost 3 to 1—to be exact, 287 to 100. You will find a record of this vote in volume 58, part 3, page 3005, of the CONGRESSIONAL RECORD of the Sixty-sixth Congress. The RECORD can be found in any public library.

In a recent issue the Montana American says: "When President Wilson vetoed the prohibition bill and it became law over the Executive veto, the lower House was pretty evenly divided. In fact, it would have been a tie and the veto would have prevailed had not Congressman EVANS, of Montana, voted against the President. The motion to override the veto carried by 1 vote. Looking at it from a certain angle Congressman EVANS can be said to have made effective national prohibition by his solitary vote."

The vote on this proposition will be found in the CONGRESSIONAL RECORD, Sixty-sixth Congress, volume 58, part 8, page 7610. It shows the measure passed over the President's veto by 175 yeas to 55 nays, a little more than 3 to 1. The RECORD further shows Mr. EVANS, Montana, did not vote to pass the bill over the President's veto.

What confidence can be reposed in an editor who tells his readers, "The lower House was pretty evenly divided" when the RECORD shows the vote was more than 3 to 1?

Under such circumstances what excuse can be offered for the statement, "In fact it would have been a tie and the veto would have prevailed had not Congressman EVANS, of Montana, voted against the President" when the vote was 175 to 55, Congressman EVANS not voting? How can one reconcile his statement with the record when he says, "The motion to override the veto was carried by 1 vote," when the RECORD shows it carried by 120 votes?

What fair-minded reader will believe him when he says, "Congressman EVANS can be said to have made effective national prohibition by his solitary vote," when the RECORD shows Congressman EVANS did not even vote on the proposition?

I must leave to you and any others who may be interested in the question, the motive that prompts such statements.

I have written at some length, not by way of apology or excuse but only in recital of facts because of misinformation given out on the subject.

Very respectfully,

JOHN M. EVANS.

LEAVE OF ABSENCE

Mr. GAMBRILL. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from Maryland, Mr. LINTHICUM, may be excused for the rest of the week from attending the sessions of the House, on account of illness.

The SPEAKER. Is there objection?

There was no objection.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, the Committee on Indian Affairs having the call. The Clerk will call the committees.

Mr. HILL of Maryland. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. The gentleman from Maryland makes the point of order that there is not a quorum present. Evidently there is not a quorum present——

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 121]

Aldrich	Drewry	Lineberger	Robsion, Ky.
Allen	Eaton	Linthicum	Sabath
Andrew	Ellis	Luce	Sinclair
Anthony	Fenn	McKeown	Sproul, Kans.
Appleby	Fredericks	McLaughlin, Nebr.	Steagall
Bankhead	Freeman	McSwain	Stobbs
Beck	Fuller	Magee, Pa.	Strong, Pa.
Berger	Funk	Mansfield	Sullivan
Bixler	Furlow	Mead	Swartz
Blanton	Gallivan	Merritt	Swoope
Bloom	Garner, Tex.	Michaelson	Taylor, N. J.
Boies	Garrett, Tex.	Mills	Tilson
Bowles	Golder	Mooney	Tincher
Britten	Gorman	Morin	Tinkham
Brumm	Graham	Nelson, Me.	Tucker
Buchanan	Harrison	Nelson, Wis.	Tydings
Canfield	Hawes	Newton, Mo.	Valle
Carter, Calif.	Hawley	Norton	Vare
Carter, Okla.	Hersey	O'Connor, N. Y.	Wainwright
Cleary	Hudspeth	Oldfield	Walters
Connery	Johnson, Ill.	Parker	Warren
Connolly, Pa.	Johnson, Ky.	Patterson	Wason
Corning	Jones	Peavey	Welsh
Cox	Kahn	Peery	Whitehead
Cramton	Kearns	Phillips	Williams, Tex.
Davenport	Keller	Porter	Winter
Dempsey	Kendall	Prall	Wood
Dickstein	Kiess	Purnell	Woodrum
Doughton	Kindred	Quayle	Wurzbach
Douglass	Kvale	Rayburn	Yates
Doyle	Lea, Calif.	Reece	Zihlman
Drane	Lee, Ga.	Reed, N. Y.	

The SPEAKER. Three hundred and three Members have answered present, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. This is Calendar Wednesday, the Committee on Indian Affairs having the call. The Clerk will call the committees.

CLAIMS OF POTTAWATOMIE INDIANS

Mr. LEAVITT (when the Committee on Indian Affairs was called). Mr. Speaker, I call up the bill (S. 1963) authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims, and ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill (S. 1963) and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the treaty of February 27, 1867 (15 Stat. L. p. 531), or arising under or growing out of any subsequent act of Congress in relation to Indian affairs which said Citizen Band of Pottawatomie

Indians of Oklahoma may have against the United States, which claims have not heretofore been determined and adjudicated by the Court of Claims or the Supreme Court of the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit or suits shall make the Citizen Band of Pottawatomie Indians of Oklahoma party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the said Citizen Band of Pottawatomie Indians, approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees to be selected by said Citizen Band of Pottawatomie Indians. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Citizen Band of Pottawatomie Indians to such treaties, papers, correspondence, or records as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Citizen Band of Pottawatomie Indians, but any payment or payments which may have been made by the United States upon any such claim shall not operate as an estoppel, but may be pleaded as a set-off in such suit or suits, as may any gratuities paid to or expended for said Indians subsequent to February 27, 1867.

SEC. 4. The court shall join any other tribe or band of Indians that may be necessary to a final determination of any suit brought under this act. Upon the final determination of such suit or cause of action, the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys, not to exceed 10 per cent of the amount of the judgment, if any, recovered in such cause, and in no event to exceed the sum of $25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid out of any judgment that may be recovered, and the balance of such judgment shall be placed in the United States Treasury to the credit of the Indians entitled thereto, where it shall draw interest at the rate of 4 per cent per annum or be paid direct to the Indians, in the discretion of the Secretary of the Interior.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS OF THE CROW TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes, and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

Mr. SNELL. Mr. Speaker, it seems to me this is a rather important matter of administration of Indian affairs and ought to be explained. I do not think we should pass this bill by unanimous consent without any explanation whatever. I think the gentleman should certainly take some time and explain to the House what he is seeking to do by the passage of this bill; and I wish the gentleman would make the usual motion to go into Committee of the Whole so the bill can be explained.

Mr. LEAVITT. I withdraw my request, Mr. Speaker.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate bill 2868, with Mr. BEGG in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. LEAVITT. Mr. Chairman and members of the committee, this bill is one which should not require any lengthy explanation. The purpose of it is to allow the Crow Tribe of Indians to take specified claims into the Court of Claims for adjudication. The bill as it has been reported by the House Committee on Indian Affairs sets forth in detail the different treaties and acts of Congress under which these claims can be brought. It is not one of those wide-open jurisdictional bills such as we passed in other Congresses and which have brought, I am sorry to say, a certain amount of criticism on the Committee on Indian Affairs.

The present Committee on Indian Affairs of this Congress has adopted a different policy. This new policy is to report out these bills in a form definitely specifying certain treaties under which actions may be brought. It is for the protection both of the Indians and of the United States. The old form of bill, in which there was no specification, swamped the Department of Justice because it was necessary that they prepare their defense against anything, regardless of how far back in the history of the country the Indians, through their attorneys, might go. This has worked greatly to the disadvantage of those tribes of Indians for whom jurisdictional bills have not yet been passed, because it has raised a question and caused opposition to all of these bills.

Nothing is or can be more important to the development of the Indians of the western country than the passing of these bills, allowing the Indians to go into the Court of Claims and to have settled once and for all the question of whether or not they have certain amounts of money coming to them from the Government of the United States.

Mr. WINGO. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. WINGO. As I understand the gentleman, the present policy of the Indian Committee is that when there is an Indian tribe that wishes to go into the Court of Claims the committee restricts the action to a test of their rights under some specifically named treaty, so that the Department of Justice simply has to meet their claim under that treaty and not have to face a dragnet or a fishing expedition.

Mr. LEAVITT. That is the situation.

Mr. SNELL. Was it on account of the general law that so many claims got into the Court of Claims that it put the department back four or five years?

Mr. LEAVITT. It was not on account of the general law; it was separate laws for Indian tribes authorizing them to bring claims not under specific treaties.

Mr. SNELL. If those other laws had been framed similar to this there would not have been that congestion.

Mr. LEAVITT. There would not have been that congestion.

Mr. WINGO. The gentleman's bill that we are now considering would confine it to these specific questions under some specific provision of a treaty.

Mr. LEAVITT. There are two treaties.

Mr. WINGO. Do the treaties mentioned in the bill as to whether or not they are entitled to the money under these two issues presented to the Court of Claims? In other words, you confine the issues to these specific treaties submitted in the bill.

Mr. LEAVITT. That is true. If the Indians or their attorneys find that there are other matters that can be specified and upon which they have a reasonable claim, another bill can be introduced in Congress to determine whether they shall recover under those claims.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. CHINDBLOM. Is it the purpose that this bill shall be substantially the same in content and effect and carry the same terms as other bills?

Mr. LEAVITT. That is the policy of the Committee on Indian Affairs of the House.

Mr. CHINDBLOM. I want to call the gentleman's attention to the fact that the bill S. 1963, which we just passed in the House, provided for interest at the rate of 4 per cent per annum upon moneys placed in the Treasury of the United States to the credit of the Indians, while the present bill we are now considering carries interest at the rate of 5 per cent upon like amounts.

Mr. LEAVITT. The situation has to do with different tribes.

Mr. CHINDBLOM. Does the gentleman think that the United States should pay one rate of interest to one tribe and a different rate to another upon moneys belonging to those tribes placed in the Treasury?

Mr. HASTINGS. Under the treaty agreement with the Pottawatomies we pay 4 per cent interest, and that is why that provision was placed in that bill. If they recover anything and the Government retains the money and places it to the credit of the tribe for the benefit of the Indians, the Government pays 4 per cent.

Mr. CHINDBLOM. With reference to the Crow Indians, you allow them 5 per cent interest.

Mr. LEAVITT. That is the form of the bill passed by the Senate, and there was no reason for any change set forth by the subcommittee.

Mr. CHINDBLOM. Was there any consideration of the rate of interest by the committee?

Mr. LEAVITT. Yes, indeed; by the subcommittee.

Mr. CHINDBLOM. As I understand, the statute of limitations has run against these suits to be brought under the treaties. We are now creating a new right of action, and the old treaty would not govern as to the rate of interest. Does

not the gentleman think that in establishing this new policy as to suits to be brought in the Court of Claims, where the statute of limitations has run, we ought to establish a uniform policy for all of the Indian tribes?

Mr. LEAVITT. My belief is that 5 per cent interest on money belonging to the Indians, where we have had it for many years and the Indians have been trying to get into the Court of Claims, is not unreasonable unless contrary to treaties.

Mr. CHINDBLOM. The Government of the United States is going to pay this interest on money in the Treasury. In all probability the Government will invest that money in its own securities. We have few 5 per cent securities, and I hope we will not have permanently any 5 per cent securities in which the moneys of the United States may be invested.

Mr. LEAVITT. I suggest that when that portion of the bill is reached the gentleman may offer an amendment and let it be considered by the House.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. WILLIAMSON. Under the treaty between the Crow Tribe of Indians and the Government they are entitled to 5 per cent interest on all funds deposited in the Treasury to their account. If the Government had settled at the time the lands were taken away they would have received 5 per cent interest through all these years.

It is because of that fact, because of treaty obligations, that the rate of 5 per cent has been placed in this bill. Some of the bills carried 4 per cent and some 5 per cent. In other words, we have followed the rate which the Government has obligated itself to pay.

Mr. CHINDBLOM. But we are creating a new right for the Indians to bring suit in the Court of Claims. If they had the old right which has expired, then we would not need to pass this bill?

Mr. WILLIAMSON. We are creating no new rights, except in so far as removing the statute of limitations is concerned.

Mr. CHINDBLOM. Certainly. The statute of limitations now closes them off.

Mr. LEAVITT. That is not all that closes them off. What closed them off originally is the failure of the Congress to pass an act years ago to allow them to take their claims before the Court of Claims, without which act they are helpless.

Mr. WINGO. Mr. Speaker, if the gentleman will yield, it is not a new right. What you do is to give them the privilege of asserting rights that are fixed by treaty, some of them at 4 per cent and others at 5 per cent. You are not giving an additional right. You are simply saying that we will waive the statute of limitations and give them the privilege of going into court and having those rights adjudicated, and whether the treaty rate is 5 per cent or 4 per cent that rate is fixed by the treaty and not by anything that we do here.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. HILL of Maryland. Under the existing situation without this legislation all of these claims are barred by the statute of limitations, are they not?

Mr. LEAVITT. Yes. They are barred through the failure of Congress to pass such an act as this. The Indians have been the wards of the Government and are entirely at the mercy of Congress. Without the action of this Congress they are as helpless now as they have been in the past.

Mr. HILL of Maryland. I notice that section 2 of the bill provides:

> Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Crow Nation or Tribe party plaintiff and the United States party defendant.

That places a five-year statute of limitation on all of the matters dealt with in this particular bill.

Mr. LEAVITT. That is true.

Mr. HILL of Maryland. Are there any other matters pending between the Crow Nation and the United States except those taken up under this bill?

Mr. LEAVITT. None that I know of.

Mr. HILL of Maryland. Therefore, this bill gives to the Crow Nation an entire power of recovery of whatever they get under the various treaties and at the same time puts a five-year limitation upon it in order that the whole matter may be definitely cleaned up.

Mr. LEAVITT. That is the situation.

Mr. WINGO. Mr. Chairman, my attention has been directed to the necessity of putting the interest rates in the bill; that is, the interest rates that each treaty provides for, because under the organic act of the Court of Claims, it has been suggested to me by one who should be familiar with it that that bars allowing interest unless Congress specifically authorizes the court to allow interest. So, if you are going to permit a complete adjudication of their treaty rights under any treaty, then it is necessary for Congress to say to the Court of Claims that it is specifically allowed to permit the rate of interest specified by those treaties. That is the reason it is necessary to carry specific rates.

Mr. MADDEN. But suppose there is not any provision for interest in the treaty, then what?

Mr. WINGO. I am assuming that the reason for the different rates here is because these treaties fix the rate.

Mr. LEAVITT. That is the case as I understand it from the subcommittee.

Mr. WINGO. I assume the committee would not authorize a rate of interest where the treaty does not state it.

Mr. BLACK of Texas. The only reason for interest is because the United States is going to retain the custody of the money. This provides that the United States shall hold the money and that during the time it has the money it shall pay a certain rate of interest. Section 5 of this bill proposes a committee amendment to authorize the payment of attorney fees not to exceed 10 per cent.

Mr. LEAVITT. Not to exceed 10 per cent.

Mr. BLACK of Texas. I notice in most of these bills there is a further limitation that in no event shall the attorneys' fees exceed $25,000. Does not the gentleman think the bill ought to contain the same limitation, and, if not, why not?

Mr. LEAVITT. The situation with regard to this is different. It has been represented to the committee that the limitation of $25,000 has barred certain tribes of Indians from securing the kind of legal talent that is necessary to give them a real representation in the courts, and also we must take into consideration the fact that this in the form of a contingent fee, that the attorneys take these cases, meet their own expenses, go into the records, and that it is a matter sometimes of years. They take their chances on what they are going to get. The feeling of myself is that the Court of Claims can be depended upon in a case of this kind, particularly if representations are made, as we expect they will be, by the Bureau of Indian Affairs at the time the fees are determined to see to it that there is full protection to the Indians. At the same time that they will be able to secure the right kind of legal talent.

Mr. HASTINGS. That is the present policy of the Indian Affairs Committee, to leave the court to restrict not to exceed 10 per cent. It is purely a contingent fee.

Mr. LEAVITT. That is true. I will also state the Commissioner of Indian Affairs has placed himself on record as not being in any way opposed but favorable to it as being better for the Indians, for whose interest we are particularly looking out.

Now, I think, Members of the House, that I have covered the situation. I want in closing to make only this brief further observation, that the removal of the uncertainty from the minds of the different tribes of Indians as to what the Government owes them is a most essential and necessary thing for their development toward being self-reliant and self-supporting in every particular, as they must be as that part of the citizenship of the United States which the present laws intend they should be.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> *Be it enacted, etc.*, That all claims of whatsoever nature, including what is known as the River Crow claim, which the Crow Indian Nation or tribe or any branch thereof may have against the United States which have not heretofore been determined by a court of competent jurisdiction may be submitted to the Court of Claims for determination of the amount, if any, due said Indians from the United States under any treaty or agreement or law of Congress, or for the misappropriation of any of the property or funds of said Indians, or for the failure of the United States to administer the same in conformity with any treaty or agreement with the said Indians or any Executive order: *Provided*, That if in any claim submitted hereunder a treaty or an agreement with the Indians or any Executive order be involved, and it be shown that the same has been amended or superseded by an act or acts of Congress, the court shall have authority to determine whether such act or acts have violated any property right of the claimants and, if so, to render judgment for the damages resulting therefrom; and jurisdiction is hereby conferred upon said Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, to hear and determine all legal and equitable claims of whatsoever nature which said Indians or the River Crow Indians may have against the United States, it being the intent of this act to confer upon said Court of Claims full and complete au-

thority to adjust and determine all claims submitted hereunder, so that the rights, legal and equitable, both of the United States and of said Indians, may be fully considered and determined, and to render judgment thereon accordingly.

The committee amendment was read, as follows:

Strike out all after the enacting clause, on page 1, down to and including line 23 on page 2, and insert in lieu thereof the following:

"That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding lapse of time or statutes of limitations, to hear, adjudicate, and render judgment in any and all claims arising under or growing out of the treaty of Fort Laramie, dated September 17, 1851 (Second Kappler, p. 594), between the United States and the Crow Indian Nation and the treaty dated May 7, 1868 (15 Stats. p. 649), between the United States and the Crow Indian Nation, or arising under or growing out of the Executive order dated July 2, 1873 (First Kappler, p. 855), or any subsequent Executive order, the act of Congress approved April 5, 1874 (18 Stats. p. 28), or any subsequent act of Congress or agreement with said Crow Indian Nation, which said Crow Indian Nation or any branch thereof may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States; and jurisdiction is hereby conferred upon the said courts to determine whether or not any provision in any such treaty or Executive order has been violated or breached by any act or acts of Congress or by any treaty made by the United States with any other Indian tribe or nation, and if so, to render judgment for the damages resulting therefrom."

Mr. LEAVITT. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 3, line 11, strike out the figure "5" and insert the figures "15."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The Clerk read as follows:

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Crow Nation or Tribe party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Crow Tribe of Indians, approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Crow Indian Nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

SEC. 3. That if any claim or claims be submitted to said court it shall determine the rights of the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made by the United States upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as a set-off in any suit; and the United States shall be allowed credit subsequent to the date of any law, treaty, or agreement under which the claims arise for any sum or sums heretofore paid or expended for the benefit of said Indians, if legally chargeable against that claim.

The committee amendment was read, as follows:

Page 5, line 3, after the word "Indians," strike out the words "if legally chargeable against that claim" and insert in lieu thereof the words "including gratuities."

The commitee amendment was agreed to.

The Clerk read as follows:

SEC. 4. That if it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, agreement, or Executive order, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, or obtained lands from the Crow Indians for an inadequate consideration under mistake of fact, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the Unted States and shall annul and cancel all claim, right, and title of the said Crow Indians in and to such money or other property.

The committee amendment was read, as follows:

Page 5, line 7, after the word "order," insert "set forth and referred to in section 1."

The committee amendment was agreed to.

Mr. CHINDBLOM. Mr. Chairman, in line 14, page 5, I move to strike out the figure "5" and insert the figure "4."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 4, strike out the figure "5" and insert the figure "4."

Mr. CHINDBLOM. Mr. Chairman, we discussed this matter while the chairman of the committee, the gentleman from Montana, had the floor, and I am not disposed to go any further into it except to say in my view we are now creating a new right, or reviving a right of action which would be barred by the statute of limitations, and having fixed the rate of interest at 4 per cent in the preceding bill for the Pottawattamie Tribe of Indians I think we ought to be consistent and fix it at that rate for all tribes.

Mr. SNELL. What is the general rate paid to Indian tribes?

Mr. CHINDBLOM. I do not know.

Mr. LEAVITT. It depends upon the treaty.

Mr. SNELL. The gentleman from Montana says it depends upon the treaties with the various tribes.

Mr. LEAVITT. Mr. Chairman, the situation with regard to interest is one of keeping faith and agreement with these Indians. In the case of the Pottawattamie Indians, as stated by the gentleman from Oklahoma [Mr. HASTINGS], on all of their funds on deposit in the Treasury of the United States 4 per cent interest is paid in accordance with some other treaties, funds deposited under other rates. The Government has the alternative of paying this all out, if it wants to, to the Indians. That is up to the Congress, but if we are keeping their funds in the Treasury of the United States, as a matter of good faith we should pay them the rate of interest that exists according to our definite agreement with them, and I hope that the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced he was in doubt.

The committee again divided; and there were—ayes 5, noes 24.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian nation for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

The committee amendment was read, as follows:

Strike out all of section 5 and insert in lieu thereof the following: "SEC. 5. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by the said tribes or bands of Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes."

Mr. BLACK of Texas. Mr. Chairman, I have an amendment which I desire to submit to the committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 6, line 11, amend the committee amendment by adding after the word "recovery" the following: "And in no event to exceed the sum of $25,000."

Mr. BLACK of Texas. Mr. Chairman, we have already today passed a bill authorizing the Citizen Band of Pottawottamie Indians in Oklahoma to submit claims to the Court of Claims, and in that bill, in section 4, we provided that the attorney's fees shall be fixed by the Court of Claims and shall not exceed 10 per cent of the amount of the judgment. It also provides that in no event shall the attorney's fees exceed $25,000.

Also we have a bill on the calendar, which I suppose the chairman intends to call up, authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington

to present their claims to the Court of Claims, and section 4 of that bill provides that the attorney's fees shall be fixed by the court and shall not exceed 10 per cent of the amount recovered. It further provides that in no event shall the attorney's fees exceed $25,000.

Those being the provisions in these bills which I have named, I can not understand that there is any good reason why it should not be provided in the bill that we are now considering.

Mr. LEAVITT. The committee in the provisions has to do with the different amount of work that can be foreseen in the preparation and prosecution of these claims. In the case of the Pottawottamie Indians the matter is a small matter, and it is definitely known in advance from all that can be presented that it is a small matter. In the case of the Washington Indians I understand the situation is the same, so far as the amount of work required is concerned. In these other two cases the subcommittee of which the gentleman from South Dakota [Mr. WILLIAMSON] is the chairman, after considering fully all the testimony that was brought before the subcommittee and which may have been found in the hearings, felt that a limitation so small as that would operate to the disadvantage of the Indians by preventing their getting the kind of legal representation that they should have.

Mr. BLACK of Texas. I have the belief that if it were not for the attorney's fees involved we would not have so many of these Indian cases to be tried in the Court of Claims. I have always felt that way. I have always felt that Congress in a number of cases has allowed unreasonable and outrageous fees to be paid in these cases, and I call attention to the fact that because of this very reason the policy has arisen within the last few years to make the maximum fee that can be charged in any event $25,000. It is a wise policy and we should not abandon it.

And let me further call attention to the fact that the attorneys, in addition to this possible fee of $25,000, will be reimbursed for all necessary and proper expenses in the preparation and prosecution of the cases. They will be reimbursed for all that. But after they have received that reimbursement under the provision that I have offered they could not receive more than $25,000 as a net fee, and I think that is all that they ought to have.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. COLTON. I understood that it was practically the rule that the limit would be $25,000.

Mr. BLACK of Texas. It ought to be the rule.

Mr. COLTON. I will say that in a case arising in my State last year, involving a tremendous amount of work, the amount was limited to $25,000, and the bill did not pass because that amount was not acceptable. I have stated repeatedly that it would be no use in trying to pass a bill with a larger fee than $25,000.

Mr. BLACK of Texas. Feeling that we have a policy of that kind, I would not permit, so far as I can help it, this bill to pass without a record vote.

Mr. LEAVITT. The situation in regard to that is this: The gentleman is always present on Unanimous Consent day, and with the gentleman present on a Unanimous Consent day we passed a bill at this session for the Chippewa Indians of Minnesota, in which there was a provision allowing attorney's fees for a period of five years amounting to $30,000, and a limitation then on the recovery of $40,000. I should have stated $30,000 for two firms of attorneys, if there are two divisions of that tribe of Indians, so that there could be a total recovery there up to $100,000.

Mr. BLACK of Texas. I would not like to assume and would not assume responsibility for all the bills that pass on Unanimous Consent days. I try to look after them the best I can and to prevent any bad bill passing. Other Members of the House do the same, but nevertheless many bills get by that ought not to pass.

Mr. LEAVITT. I will say that the President signed that bill, and it is now a law.

Mr. WILLIAMSON. The subcommittee that has charge of these bills has given a great deal of thought and attention to the matter of attorney's fees. I want to say that at the opening of this session of Congress a special Subcommittee of the Committee on Indian Affairs was appointed to work out a definite policy as to the amount that should be allowed in the way of fees in cases involving Indian suits.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WILLIAMSON. That subcommittee finally reported back to the full committee, suggesting a provision, quite similar to the one found in the bill. In many of these cases the attorneys have spent years in investigation. If no recovery is made—and in some of these cases the recovery is not going to be very large—these attorneys will get very little in view of the services rendered. It seems to me that a contingent fee not to exceed 10 per cent is fair. If the services rendered do not justify a fee of 10 per cent of the recovery, I assume a smaller amount will be allowed by the court.

Mr. HILL of Maryland. If that is the case under the pending legislation, what would the gentleman think was a maximum amount of recovery upon which fees would be paid? How much money is involved?

Mr. WILLIAMSON. At the very outside in this case it might be $2,000,000. I doubt if the recovery will amount to that much.

Mr. HILL of Maryland. If they were entirely successful and got $2,000,000, the attorneys would get, in addition to expenses, a fee of $200,000.

Mr. BLACK of Texas. That could be done under the bill.

Mr. WILLIAMSON. I might say that even $200,000 on a recovery of $2,000,000 would not seem to be particularly excessive as an attorney's contingent fee, but let me say to the gentleman that I do not believe that the Court of Claims is going to allow 10 per cent unless the firm of attorneys can show that they have actually earned the money. They have to make a showing as to what they have done; they have got to make a showing as to the amount of service rendered, the amount of labor performed, the time spent, and all that sort of thing, and then the court will fix a fee in conformity with the services rendered not exceeding 10 per cent.

Mr. HILL of Maryland. Would it not be well to put in the proviso something to indicate to the court that they are not to allow a flat 10 per cent fee?

Mr. WILLIAMSON. The bill provides that the fee shall not exceed 10 per cent. It is up to the court to fix it.

Mr. HILL of Maryland. But that is not very clear.

Mr. BLACK of Texas. The reason I have raised the objection is that most of the bills we have passed recently embody a limitation of $25,000, and in addition to the $25,000 all the necessary expenses which have been incurred in the preparation and prosecution of the case are paid.

Mr. WILLIAMSON. Let me say to the gentleman from Texas that I believe the gentleman from Oklahoma [Mr. HASTINGS], of the Indian Affairs Committee, has had a good deal of experience with Indian litigation, and perhaps he can throw additional light on the subject.

Mr. LEAVITT. I will say that in the Sixty-eighth Congress there were four bills of this kind which were passed that contained that limitation, as I recall it, and it should also be stated that in the consideration of this bill before the whole committee and before the subcommittee there were representatives of the tribe of Indians present to state their belief and their desire with regard to this matter.

Mr. BLACK of Texas. That would not be very persuasive, because tribes of Indians have made contracts with attorneys in the past under which very large and unreasonable fees have been paid, and the Government goes upon the assumption that in these cases we should act, in a sense, as the guardian of these Indians and not allow these excessive fees to be paid.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. CHINDBLOM. I will say that I am in very thorough accord with the purpose of the gentleman, but it occurs to me that in a case as large as this, involving $2,000,000 in claims, it is possible you will not be able to employ competent attorneys when you limit the fee to $25,000.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. UNDERHILL. The whole policy followed by Congress heretofore has encouraged lawyers in the District of Columbia to hunt up and dig up these supposed claims and they are perfectly willing to take the chance of getting these large fees that have been paid in the past, even though it seems to be almost an impossibility to get them through.

Mr. BLACK of Texas. I may say to the gentleman that their invariable practice is to put in for a great big amount, an amount that no reasonable man could expect to recover.

The CHAIRMAN. The time of the gentleman from Texas has again expired. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chair being in doubt, the committee divided and there were—ayes 13, noes 20.

So the amendment to the committee amendment was rejected.

The committee amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I find that as a matter of good faith with the House I must correct a statement I made a short time ago with reference to the rate of interest in effect under agreements and treaties with the Crow Indians. I had taken my statement from the report of the subcommittee. The chairman of the subcommittee now informs me, from a study of the record, that the rate in force with regard to the Crow Indians is 4 per cent rather than 5 per cent, as I stated. Therefore, I must ask unanimous consent to return to section 4.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to return to section 4. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent that the proceedings taken on the amendment offered by the gentleman from Illinois [Mr. CHINDBLOM] be vacated.

The CHAIRMAN. The gentleman from Montana asks unanimous consent that the proceedings taken on the amendment offered by the gentleman from Illinois [Mr. CHINDBLOM] be vacated. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the figure "5" in line 14, page 5, and insert the figure "4."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 5, line 14, strike out the figure "5" and insert in lieu thereof the figure "4."

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States: *Provided*, That actual costs necessary to be incurred by the Crow Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Crow Tribe in the Treasury of the United States.

Mr. CHINDBLOM. Mr. Chairman, I offer an amendment, on page 7, in line 7, strike out the figure "5" and insert the figure "4."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 7, line 7, strike out the figure "5" and insert in lieu thereof the figure "4."

The amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be read a third time and was read the third time.

Mr. BLACK of Texas. Mr. Speaker, I move to recommit the bill with instructions to report the same back with an amendment, as follows:

On page 6, line 11, after the word "recovery," insert "and in no event to exceed $25,000."

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BLACK of Texas moves to recommit the bill to the Committee on Indian Affairs with instructions to that committee to report the same back forthwith with the following amendment:

"Page 6, line 11, after the word 'recovery,' insert the words 'and in no event to exceed the sum of $25,000.'"

Mr. LEAVITT. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to recommit the bill.

The question was taken.

Mr. BLACK of Texas. Mr. Speaker, I make the point there is not a quorum present and object to the vote on that ground.

The SPEAKER. Clearly, there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 65, nays 212, not voting 153, as follows:

[Roll No. 122]

YEAS—65

Abernethy	Goldsborough	McMillan	Shallenberger
Anthony	Hare	Madden	Somers, N. Y.
Aswell	Haugen	Milligan	Speaks
Bell	Hill, Ala.	Moore, Ky.	Stephens
Black, N. Y.	Hoch	Morehead	Stevenson
Black, Tex.	Huddleston	Oliver, Ala.	Strong, Kans.
Box	Jeffers	Oliver, N. Y.	Strother
Brand, Ga.	Johnson, Tex.	Peery	Summers, Wash.
Briggs	Kemp	Perkins	Taylor, W. Va.
Byrns	Kincheloe	Quin	Tucker
Celler	Kirk	Rainey	Underhill
Chapman	LaGuardia	Rankin	Vinson, Ga.
Connally, Tex.	Lanham	Reed, Ark.	Vinson, Ky.
Crisp	Lankford	Robinson, Iowa	Wright
Edwards	Larsen	Rouse	
Fulmer	Lyon	Rutherford	
Gasque	McLaughlin, Mich.	Schafer	

NAYS—212

Ackerman	Driver	Ketcham	Reid, Ill.
Adkins	Dyer	Kindred	Robsion, Ky.
Almon	Elliott	King	Rogers
Andresen	Eslick	Knutson	Romjue
Arentz	Evans	Kopp	Rowbottom
Arnold	Fairchild	Kunz	Rubey
Bachmann	Faust	Kurtz	Sanders, N. Y.
Bailey	Fish	Lampert	Sanders, Tex.
Barkley	Fisher	Lazaro	Sandlin
Beedy	Fitzgerald, W. T.	Leatherwood	Schneider
Beers	Fletcher	Leavitt	Scott
Begg	Fort	Letts	Sears, Fla.
Boies	Foss	Lindsay	Seger
Bowman	Frothingham	Little	Shreve
Boylan	Gambrill	Lozier	Simmons
Brand, Ohio	Garber	McClintic	Smith
Brigham	Gardner, Ind.	McDuffie	Smithwick
Britten	Garrett, Tenn.	McFadden	Snell
Browne	Gibson	McLeod	Sosnowski
Browning	Gifford	McReynolds	Spearing
Bulwinkle	Gilbert	McSweeney	Sproul, Ill.
Burdick	Goodwin	MacGregor	Stalker
Burtness	Gorman	Magee, N. Y.	Stedman
Burton	Green, Fla.	Magrady	Stobbs
Cannon	Greenwood	Major	Swank
Carew	Griest	Manlove	Swartz
Carpenter	Griffin	Mapes	Sweet
Carss	Hadley	Martin, La.	Taber
Chalmers	Hale	Martin, Mass.	Temple
Chindblom	Hall, Ind.	Menges	Thatcher
Christopherson	Hall, N. Dak.	Michener	Thurston
Clague	Hammer	Miller	Timberlake
Cole	Hardy	Montgomery	Tolley
Collier	Hastings	Moore, Ohio	Treadway
Colton	Hawley	Moore, Va.	Underwood
Cooper, Ohio	Hayden	Morgan	Upshaw
Cooper, Wis.	Hersey	Morrow	Vestal
Coyle	Hickey	Murphy	Vincent, Mich.
Crosser	Hill, Md.	Nelson, Mo.	Walters
Crowther	Hill, Wash.	O'Connell, N. Y.	Watres
Crumpacker	Hogg	O'Connell, R. I.	Watson
Cullen	Hooper	O'Connor, La.	Weaver
Darrow	Houston	O'Connor, N. Y.	Wefald
Davey	Hull, Tenn.	Parker	Weller
Davis	Irwin	Parks	Wheeler
Deal	Jacobstein	Pou	White, Kans.
Denison	James	Prall	Whittington
Dickinson, Iowa	Jenkins	Pratt	Williams, Ill.
Dickinson, Mo.	Johnson, Ind.	Purnell	Williamson
Dickstein	Johnson, S. Dak.	Ragon	Wolverton
Dominick	Kelly	Ramseyer	Woodruff
Doughton	Kendall	Ransley	Wyant
Dowell	Kerr	Rathbone	Yates

NOT VOTING—153

Aldrich	Appleby	Bacon	Berger
Allen	Auf der Heide	Bankhead	Bixler
Allgood	Ayres	Barbour	Bland
Andrew	Bacharach	Beck	Blanton

Bloom	Fuller	McKeown	Sumners, Tex.
Bowles	Funk	McLaughlin, Nebr.	Swing
Bowling	Furlow	McSwain	Swoope
Brumm	Gallivan	Magee, Pa.	Taylor, Colo.
Buchanan	Garner, Tex.	Mansfield	Taylor, N. J.
Busby	Garrett, Tex.	Mead	Taylor, Tenn.
Butler	Glynn	Merritt	Thomas
Campbell	Golder	Michaelson	Thompson
Canfield	Graham	Mills	Tillman
Carter, Calif.	Green, Iowa	Montague	Tilson
Carter, Okla.	Harrison	Mooney	Tincher
Cleary	Hawes	Morin	Tinkham
Collins	Holaday	Nelson, Me.	Tydings
Connery	Howard	Nelson, Wis.	Updike
Connolly, Pa.	Hudson	Newton, Minn.	Vaile
Corning	Hudspeth	Newton, Mo.	Vare
Cox	Hull, Morton D.	Norton	Voigt
Cramton	Hull, William E.	Oldfield	Wainwright
Curry	Johnson, Ill.	Patterson	Warren
Davenport	Johnson, Ky.	Peavey	Wason
Dempsey	Johnson, Wash.	Perlman	Welsh
Douglass	Jones	Phillips	White, Me.
Doyle	Kahn	Porter	Whitehead
Drane	Kearns	Quayle	Williams, Tex.
Drewry	Keller	Rayburn	Wilson, La.
Eaton	Kiefner	Reece	Wilson, Miss.
Ellis	Kiess	Reed, N. Y.	Wingo
Esterly	Kvale	Sabath	Winter
Fenn	Lea, Calif.	Sears, Nebr.	Wood
Fitzgerald, Roy G.	Lee, Ga.	Sinclair	Woodrum
Frear	Lehlbach	Sinnott	Wurzbach
Fredericks	Lineberger	Sproul, Kans.	Zihlman
Free	Linthicum	Steagall	
Freeman	Lowrey	Strong, Pa.	
French	Luce	Sullivan	

So the motion to recommit was rejected.

The following pairs were announced:

General pairs until further notice:

Mr. Aldrich with Mr. Canfield.
Mr. Graham with Mr. Carter of Oklahoma.
Mr. Tilson with Mr. Corning.
Mr. Luce with Mr. Mead.
Mr. Fenn with Mr. Doyle.
Mr. Eaton with Mr. Quayle.
Mr. Cramton with Mr. Gallivan.
Mr. Bowles with Mr. Rayburn.
Mr. Morin with Mr. Garner of Texas.
Mr. Wood with Mr. Mooney.
Mr. Connolly of Pennsylvania with Mr. Connery.
Mr. Carter of California with Mr. Buchanan.
Mr. Kiess with Mr. Sullivan.
Mr. Welsh with Mr. Lea of California.
Mr. Wurzbach with Mr. Lee of Georgia.
Mr. Andrew with Mr. Johnson of Kentucky.
Mrs. Kahn with Mrs. Norton.
Mr. Campbell with Mr. Blanton.
Mr. Freeman with Mr. Garrett of Texas.
Mr. Mills with Mr. Williams of Texas.
Mr. Vare with Mr. Bankhead.
Mr. Michaelson with Mr. Hudspeth.
Mr. Kearns with Mr. Bloom.
Mr. Merritt with Mr. Drane.
Mr. Taylor of New Jersey with Mr. Cleary.
Mr. Strong of Pennsylvania with Mr. Sabath.
Mr. Green of Iowa with Mr. Auf der Heide.
Mr. Porter with Mr. Harrison.
Mr. Bacharach with Mr. Allgood.
Mr. French with Mr. Steagall.
Mr. Patterson with Mr. Hawes.
Mr. Golder with Mr. Ayres.
Mr. Furlow with Mr. Sumners of Texas.
Mr. Reece with Mr. Howard.
Mr. Butler with Mr. Taylor of Colorado.
Mr. Hudson with Mr. Thomas.
Mr. Reed of New York with Mr. Tillman.
Mr. Sinclair with Mr. Bland.
Mr. Johnson of Illinois with Mr. Jones.
Mr. Swing with Mr. Warren.
Mr. Johnson of Washington with Mr. Tydings.
Mr. Curry with Mr. Bowling.
Mr. Kiefner with Mr. Whitehead.
Mr. Lehlbach with Mr. Linthicum.
Mr. Magee of Pennsylvania with Mr. Busby.
Mr. Free with Mr. McKeown.
Mr. Thompson with Mr. Lowrey.
Mr. Sinnott with Mr. Wilson of Louisiana.
Mr. Perlman with Mr. Collins.
Mr. Barbour with Mr. McSwain.
Mr. Fuller with Mr. Wilson of Mississippi.
Mr. Wason with Mr. Mansfield.
Mr. Wainwright with Mr. Montague.
Mr. Zihlman with Mr. Wingo.
Mr. Newton of Missouri with Mr. Cox.
Mr. Bacon with Mr. Woodrum.
Mr. William E. Hull with Mr. Douglass.
Mr. Davenport with Mr. Oldfield.
Mr. Taylor of Tennessee with Mr. Drewry
Mr. Dempsey with Mr. Kvale.
Mr. Ellis with Mr. Beck.
Mr. Updike with Mr. Peavey.
Mr. Vaile with Mr. Frear.
Mr. Esterly with Mr. Nelson of Wisconsin.
Mr. Roy G. Fitzgerald with Mr. Voigt.
Mr. Morton D. Hull with Mr. Berger.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the bill was passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS OF THE ASSINIBOINE INDIANS AGAINST THE UNITED STATES

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes.

Mr. MADDEN. Mr. Speaker, I think all of these bills ought to be considered in Committee of the Whole House on the state of the Union because of the possibility of their involving a large expenditure. On their face they authorize these Indians to prosecute their suits in the Court of Claims, but they result in the expenditure of a large sum of money. They ought to be considered in Committee of the Whole, where they can be discussed.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BEGG in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, of which the Clerk will read the title.

The Clerk read the title to the bill.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. LEAVITT. Mr. Chairman and Members of the House, the situation in regard to this bill is exactly that of the Crow jurisdictional bill that has just been passed. I do not feel it is necessary to repeat the explanation I made on the other bill in connection with this one. Unless there is some question to be asked by some Member of the House I will yield the floor, with the hope that this bill will also be accepted and passed by the House.

Mr. UNDERHILL. Will the gentleman yield?

Mr. LEAVITT. Certainly.

Mr. UNDERHILL. Is this the Washington bill, so-called?

Mr. LEAVITT. No; this has to do with the Assiniboine Tribe. It has reference to the same treaty of 1851 and the conditions of the bill are exactly the same as that for the Crows.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. LEAVITT. I will yield to the gentleman.

Mr. MOORE of Virginia. Can the gentleman tell us whether the Indian Bureau is growing or not in personnel and expenses?

Mr. LEAVITT. The Indian Bureau is spending more money at this time than it has in the past in connection with health and educational work. It is branching out in those activities. I will state in that connection that these jurisdictional bills which allow the Indians to take their claims into the Court of Claims will have a tendency to reduce the work of the Indian Bureau rather than to increase it, because it will remove the uncertainty regarding what these Indians have coming from the Government. That will be a long step toward making them self-supporting and self-reliant.

Mr. MOORE of Virginia. These bills providing for litigation in the Court of Claims have been passed from time to time for more than a generation.

Mr. LEAVITT. Not with regard to these Assiniboine Indians.

Mr. MOORE of Virginia. Why is it not possible to hurry this litigation and finally dispose of these treaty matters?

Mr. LEAVITT. I will state that the House Committee on Indian Affairs has given some attention to a general jurisdictional bill, which we hope to work out when we are not pressed by legislation as we are to-day, and do the very thing the gentleman from Virginia suggests. I am sure it ought to be done.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. LAGUARDIA. How much has been expended for the Indians each year?

Mr. LEAVITT. I can not give that information offhand, and it has nothing to do with this bill.

Mr. LAGUARDIA. I know that, but would it not be better for the Indians and the United States Government if we conferred citizenship on all of the Indians?

Mr. LEAVITT. The Sixty-eighth Congress, of which the gentleman was a Member, did confer citizenship on all of the Indians.

Mr. LAGUARDIA. Then why do we not close the Indian Bureau?

Mr. LEAVITT. The situation is that there are still Indians on some reservations who require the work of the In-

dian Bureau and who would be helpless in the hands of the surrounding white people and Indians of better education if they were relieved of all restrictions as to their property at this time. The work of the Indian Bureau and all of those interested in Indians should be toward building them up into self-supporting and self-reliant citizens.

Mr. LAGUARDIA. They were doing that when I was a boy out in Arizona 40 years ago.

Mr. LEAVITT. Yes, but the Indian problem started on the Atlantic coast and has been continually working west, and to-day parts of the West are exactly in the situation that once obtained on the Atlantic coast.

Mr. LAGUARDIA. I remember Indians 40 years ago who were as capable as they are to-day.

Mr. LEAVITT. I would be glad to add to the tribute to the Indians as to their wonderful capabilities and their high character.

Mr. COLTON. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. COLTON. Referring to these jurisdictional bills, do I understand that it is now the policy of the committee to fix the fee at $25,000 rather than to take into consideration all of the elements in the case and the work involved and try to determine what would be a just amount?

Mr. LEAVITT. Mr. Chairman, the policy of the committee is to consider each individual case with regard to fees upon its merits. As I understand, the gentleman asks this question because a jurisdictional bill was presented in the Sixty-eighth Congress setting the limitation that was a short time ago proposed by the gentleman from Texas [Mr. BLACK], the result being that that tribe of Indians were not able to secure the services of qualified attorneys, and therefore for the period of two years have been barred from the courts.

Mr. COLTON. That is the situation, exactly; and I am glad to have the chairman state what he has just now stated, because we have not been able to get any results looking toward a settlement of the Uinta Indian claims.

Mr. LEAVITT. In the Sixty-eighth Congress I was perhaps one of the strongest advocates of the limitation, but it is just such instances as that to which the gentleman refers that have convinced me that in certain cases that limitation operates to keep the Indians out of court, and therefore is entirely to their disadvantage. In other cases it is fixed.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. BURTNESS. The gentleman may have answered this question in the discussion of the other bill. What I want to ask is whether it is the policy of the committee before approving these jurisdictional bills to require that a sort of prima facie case be established before the committee by the proponents of the bill?

Mr. LEAVITT. That is the policy; yes.

Mr. BURTNESS. Or do you favorably report any jurisdictional bill that is proposed?

Mr. LEAVITT. This jurisdictional bill, in common with others that in this Congress have come before the House committee, was given to a subcommittee headed by the gentleman from South Dakota [Mr. WILLIAMSON], the committee's policy being to ask that they be confined to certain specified treaties or Executive orders or acts of Congress—something that the Department of Justice can take as a definite basis on which to prepare a defensive action.

Mr. BURTNESS. In other words, you do require a prima facie showing of some claim against the Government?

Mr. LEAVITT. That is the case.

Mr. BURTNESS. Obviously you can not pass upon the merits of it, but you require some proof.

Mr. LEAVITT. There was one bill reported upon which the decision was perhaps a hair-line decision, in which the question of doubt was resolved in favor of the Indians in the belief that that was the fair thing to do. But we have specified and amended the form in which bills have reached us in the belief that they would have been vetoed. We felt it was unjust and unfair to the Indians, rather than otherwise, to report any bill out in a form we felt sure would meet with a presidential veto. We have tried to conform to the reasonable provision that treaties be specified and that a prima facie case up to a reasonable point shall be made.

Mr. MADDEN. Is it the policy of the committee to grant the right to go into the Court of Claims on any claim that may be presented by any band or tribe of Indians?

Mr. LEAVITT. That is not the case. There are now pending before the committee a number of these jurisdictional bills. Some of them have passed the Senate and are now before a subcommittee. The policy of the subcommittee, I am informed and I know from experience, will be to scrutinize them very carefully. I know of one bill that has been held in that subcommittee all through this session, or practically all through it, with a demand made by the subcommittee that the specific treaties be set forth. As a subcommittee, it has refused to report that bill to the whole committee until that is done.

Mr. MADDEN. Is it the practice or the policy of the committee to go through the treaties themselves and ascertain what the obligations of the Government are under the treaty, if any, or is it the policy just to listen to these attorneys who represent the Indians and permit them to go to court irrespective of whether the committee thinks there is an obligation or not?

Mr. LEAVITT. The policy has been to present the bill to the Bureau of Indian Affairs and attempt to get from them what their records show may be treaties in existence, according to their records, and then the subcommittee gives consideration to the matter from that point on, taking all of the evidence it can get. I can not tell the gentleman whether it reads in full every treaty, but I am sure that the gentleman from South Dakota [Mr. WILLIAMSON], who is chairman of the subcommittee and has been a judge on the bench of South Dakota, goes into this to the point where he is satisfied there is at least a real claim on the part of the Indians. He is ably assisted by Mr. HASTINGS, of Oklahoma, and Mr. BRUMM, of Pennsylvania.

Mr. MADDEN. Is it the practice of the committee to report this class of bills in the face of an adverse report by the Interior Department?

Mr. LEAVITT. That has been done in one case, but not in this case.

Mr. MADDEN. I mean the general practice.

Mr. LEAVITT. No. It has not been, because we have felt that the bill ought to be in form before it is reported, even where we must resolve a substantial doubt in favor of the Indian. We are doing a greater favor to the Indian if we keep his bill in committee until these controverted questions are properly answered and the bill put in such form that it can be presented to the Congress and passed upon its merits and then signed by the President. In doing that we feel that we are doing a greater service to the Indians than we would be to report the bills out in a form sometimes demanded but which we feel sure would be defeated or vetoed.

Mr. MADDEN. I have not read the report upon this bill or upon any other, and I do not know how much detail the committee goes into in presenting the facts on which they base a request for legislation from the House.

But does the committee, as a matter of fact, go into the details sufficiently to enable the House or any Member of the House who is not a member of the Committee on Indian Affairs to learn anything about the merits of the pending case by a reading of the report?

Mr. LEAVITT. I think that the committee does go into it to that extent.

Mr. MADDEN. I mean does the report go into the case?

Mr. LEAVITT. I so consider it does, the report and the hearings together.

Mr. MADDEN. Would any Member of the House who was inclined to judge the question on the merits of the case be able to determine what the merits of the case from a reading only of the report?

Mr. LEAVITT. The report and the hearings; yes.

Mr. MADDEN. And the gentleman thinks that in order to have an intelligent understanding of the things submitted to us for consideration would require a reading of the hearings?

Mr. LEAVITT. Of course the report never gives all that is in the hearings.

Mr. MADDEN. Only a portion of it.

Mr. LEAVITT. But I hope it gives a sufficiently full understanding of the situation.

Mr. MADDEN. I wondered whether the committee felt there was sufficient obligation imposed on the committee to write the report in such a way as to enable a Member who has not time to read the hearings, and many Members here have not, to understand the case and vote upon it intelligently. Now, I am frank to say that I have never seen a report on one of these bills I thought I could get an intelligent conclusion from as to what I ought to do, and so I have adopted the policy of voting against all the bills because of the consideration we have had in the past.

I have no disposition whatever to do any injustice to anybody by voting against one of the bills. I should prefer to vote for them because of my desire to follow the committee; but it seems to me we never have had, and we are entitled to have, a comprehensive statement of everything that is involved in the case when we are undertaking to pass legislation, but we have not that. Now, there would not be any bill here if there was any law that authorized these people to go to court.

Mr. LEAVITT. No.

Mr. MADDEN. There ought to be some good reason why it is authorized. Of course, there is a reason perhaps in the minds of the committee, but how are we going to vote intelligently on it?

Mr. LEAVITT. Of course, I think that the report gives sufficient grounds in connection with the hearings, which hearings were short. If the House desires a more complete report on these bills in the future the committee would be very glad to comply with the request, but the situation is, as a general proposition, that the Indians being the wards of the Government and the statute of limitations having run, no Indian tribe can get its case before the Court of Claims without the passing of a jurisdictional act.

Mr. MADDEN. Of course, I realize that; and neither could the gentleman's case be asserted before the court without jurisdictional legislation.

Mr. LEAVITT. In my case, I am a white citizen of the United States and have always had all the rights of a citizen. The Indians up until the Sixty-eighth Congress were only partial citizens of the United States. Great numbers were and are still wards of the Government. The Government is the guardian of the restricted Indians and their fate in many ways is entirely in the hands of the Government. They are in a position, especially as tribes, where they have to depend entirely on the action of the Congress, and they have been knocking at the door of Congress with these claims for many years.

Mr. MADDEN. There are claims that are not Indian claims that have been knocking at the door of Congress since the foundation of the Government, and they are still knocking at the door, and while I am perfectly happy to see the same rights accorded to the Indians accorded to anybody else, and perhaps give a little better consideration to the fact of their being wards of the Government, there ought not to be any undue haste, it seems to me, in loading the courts up with litigation on claims of doubtful propriety, as I consider many of these claims.

Mr. LEAVITT. I will state that there has been none by this committee.

Mr. UNDERHILL. Will the gentleman yield?

Mr. MADDEN. I have not the floor.

Mr. LEAVITT. I would like to answer the question. It is because of the fact that bills of a much more general form than this were passed in previous Congresses.

Mr. MADDEN. The trouble is we have paid out many dollars that we should not have paid.

Mr. LEAVITT. And the fact the Department of Justice and the office of accounts have become crowded has brought about a feeling of opposition. As a matter of justice to the Indians, a great saving——

Mr. MADDEN. But does the gentleman think the Treasury of the United States is more fully safeguarded by the legislation which is proposed than by past legislation enacted?

Mr. LEAVITT. Undoubtedly; because in the case presented by this bill there are certain treaties under which these claims can be brought, and nothing else can be brought, so the Department of Justice in advance knows how to prepare its defense.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. UNDERHILL. I would like to say to the gentleman from Illinois [Mr. MADDEN] that the House has just refused to place a limitation on the fees that may be charged by lawyers in these various claim cases, and just as long as the House takes that attitude, these claim lawyers, or "ambulance chasers," as we call them, will continue to bring these bills before Congress. This bill, however, has a limitation put on it.

Mr. MADDEN. Of course, if there is any such legislation as will allow any lawyer in any case in which the United States is involved to go on with unlimited fees, that, of course, is unjustifiable.

Mr. UNDERHILL. We passed a bill for $2,000,000 and there is no limitation on the fee.

Mr. LEAVITT. There is there a 10 per cent limitation, I will say to the gentleman, and we left it to the Court of Claims to fix the exact and reasonable amount. In this bill the situation is the same. You have just heard the gentleman from Utah [Mr. COLTON] state that the old method has kept the Uintah Indians out of court, because under the limitation imposed in their case they have not been able to secure attorneys of sufficient standing to make success possible.

Mr. UNDERHILL. So far as lawyers are concerned who present these claims in Washington, they hunt up these claims and take their chances on getting a slice out of the claims they win, and nothing is lost.

Mr. LEAVITT. That has been true in some cases, no doubt.

Mr. KNUTSON. Is it not true that the Committee on Indian Affairs has held extensive hearings on all of these jurisdictional bills, and that the claims have been carefully scrutinized, and that the committee has refused to bring out these jurisdictional bills because it was held that the tribe did not have any just claim against the Government?

Mr. LEAVITT. Yes. We have felt in some cases that a showing has not yet been made.

Mr. MADDEN. I commend the gentleman's committee. That is as it ought to be. Is it true in every case?

Mr. KNUTSON. Is has been true in every case.

Mr. MADDEN. The gentleman said a moment ago that the committee had brought out a claim with an adverse report from the Department of the Interior.

Mr. KNUTSON. Yes. But that does not mean that the claim is without merit. Are we to follow the sayso of someone down in the department? If the tribes come before the committee and present a just case we will report out that bill for them.

Mr. LEAVITT. I will say in connection with the bringing of these claims that unfortunately it has been true in the past that some lawyers have been led to work up claims where perhaps a good claim did not exist, and it has brought about a situation where it is hard now to get a hearing for even legitimate claims. I have stated before that bringing actions for unreasonable amounts is unfair to the Indians, because it creates a doubt at the outset. But there are many reputable attorneys and we want to allow Indians who are entitled to come into court to get into court, and protect the Government at the same time.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. MOORE of Virginia. There is a prospect now that proceedings of this sort may go on for 50 or 100 years. Does not the gentleman think it possible, and if possible, does he not think it would be wise, to fix some reasonable limitation, and then for the committee to bring in an omnibus bill giving the various tribes of Indians the right, where there is a prima facie showing made, to go into court and adjudicate their claims, and end this business?

Mr. COLTON. Naming the tribes in the bill?

Mr. MOORE of Virginia. Yes; naming the tribes, of course, in the bill.

Mr. LEAVITT. I will say in that connection that until quite a recent period there was opposition in the department to an omnibus bill, which made it rather difficult to bring out a form that would be satisfactory to the Congress. My position in regard to that is this: That we should, just as quickly as we can form up a bill that will take care of all the different tribes and stop the necessity of their sending representatives or agents to Washington in connection with their claims, and within a reasonable period close the matter up.

There is a time limitation in these bills of five years in which the claims can be brought, and after that time the matter is closed except by further action of Congress. And I will say we are working in the committee and trying to give constructive thought to the entire problem of Indian legislation. We have had before us at this session over 180 bills, some of them, of course, duplications, and we have had to give consideration to many. There have been, I think, 49 bills reported out of the Committee on Indian Affairs that have passed both the House and the Senate, and many of them have become laws. But we feel that the time has come when, perhaps at the next session of Congress, our principal duty will be in connection with some of these constructive measures—not individual bills—that will take care of the problem, as we hope, in a much better way.

The CHAIRMAN. The Clerk will read.

Mr. LEAVITT. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

The CHAIRMAN. The gentleman from South Dakota is recognized for 10 minutes.

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, in view of the discussion that has taken place in connection with this bill, as well as some of the other jurisdictional bills that have already passed the House, I want to take a little time to discuss further the general attitude of the Committee on Indian Affairs and of the subcommittee in charge of these jurisdictional bills toward this character of legislation.

The first thing that I do as chairman of the subcommittee when one of these jurisdictional bills is referred to the subcommittee is to investigate, so far as time will permit, all the laws, treaties, Executive orders, and other matters relating to the particular tribe in question in order to ascertain, so far as possible, the character of claims likely to arise and the probable amounts involved. Having done this, I call the subcommittee together and proceed with the hearings. At these hearings we attempt to get at the nature and character of the claims and

laws and treaties for the alleged violation of which recoveries are sought.

We include in the bill only those laws, treaties, and Executive orders under which, it seems to us, the Indians have a legitimate claim. In this particular case, for instance, the Assiniboine Indians are seeking to recover under the treaties of 1851 and 1855 and subsequent laws, treaties, and Executive orders that may be in violation of these treaties.

Mr. MADDEN. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. The committee deals with the problem on this basis, if I understood what the gentleman said, that if there were a law enacted in conflict with a treaty, that would be a subject for adjudication. Is that right?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. Or if an Executive order were issued that was in violation of the terms of the treaty, that would create a subject for adjudication. Am I right?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. And that is the basis upon which these jurisdictional bills are proposed?

Mr. WILLIAMSON. Oh, no; not all of them.

Mr. MADDEN. I mean that is involved in them.

Mr. WILLIAMSON. That is not involved in all of them.

Mr. MADDEN. And unless that situation does arise is there ever a jurisdictional bill reported? If that question does not arise, a conflict between the treaty and the law, or a conflict between the treaty and the Executive order—if any of these things are involved in it, does the committee report bills?

Mr. WILLIAMSON. Oh, yes. We report out a bill in the event it is clearly shown that a treaty has been violated, but it does not have to be violated, necessarily, by another law, treaty, or Executive order.

Mr. MADDEN. That is only one element?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. I wish the gentleman would give us a typical illustration of what the violation of a treaty could be.

Mr. WILLIAMSON. I will give the gentleman as an illustration a bill which we had before the committee——

Mr. MADDEN. No; give us a typical illustration of what the violation of a treaty could be which would justify the committee in reporting a jurisdictional bill to the House. I think that is of more importance than it would be to give us an illustration of the conflict between an Executive order and a treaty.

Mr. WILLIAMSON. Our subcommittee has had under consideration a jurisdictional bill (H. R. 6726) involving the Shoshone Tribe of Indians. In that particular case the Arapahoe Indians were moved in upon a reservation belonging to the Shoshones. This reservation had been set aside by the treaty of Fort Bridges on July 3, 1868, for the sole use and benefit of the Shoshone Indians, and by its terms the United States expressly agreed that such reservation should be "set apart for the absolute and undisturbed use and occupation of the Shoshone Indians."

Mr. MADDEN. That is to say, they were moved in on lands that were owned by somebody else?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. That is, occupied by somebody else?

Mr. WILLIAMSON. Not only occupied by another tribe but where by specific treaty this tribe had been allotted a certain reservation having defined boundaries with the specific guarantee that no other Indian tribe should ever be permitted to come on their reservation without their consent. Despite these guaranties and against the protest of the Shoshones, the northern band of the Arapahoes, under military escort, was moved upon their reservation in the winter of 1877–78. To disarm the Shoshones they were promised that the Arapahoes were to be removed from there the following spring and placed upon a reservation of their own. In place of doing that, they left the Arapahoes where they had been placed, and they are still there and have been allotted. The Government has taken the lands which belonged to the Shoeshones and divided them with the Arapahoes. It would seem that this is a very clear case where the Shoshone Tribe ought to be permitted to go into the Court of Claims and assert their claim for compensation for the lands which were taken away from them. The lands in question were taken from them in defiance of the treaty and given to the Arapahoes.

Mr. MADDEN. I think that would be a good case.

Mr. WILLIAMSON. That is one illustration. In the particular case under consideration the Assiniboin Indians——

Mr. MOORE of Virginia. Let me ask the gentleman one question. How long has the Arapahoe case been pending?

Mr. WILLIAMSON. That has been pending ever since 1858. Now, as to the merits in this particular case. The Assiniboin Indians were given a reservation lying between the Missouri and the Yellowstone Rivers and the forty-seventh and forty-eighth parallels of north latitude involving a considerable acreage. They were also given certain hunting rights in the territory reserved for that purpose by the treaty of October 17, 1855 (11 Stat. L. 657). They have been deprived of these hunting rights, and much of their reservation has been taken away from them and given to other tribes or otherwise disposed of. They are now seeking to recover for the lands which have been taken away from them and for the loss of their hunting rights upon a certain reservation, which had been specifically guaranteed to them by treaty.

Mr. MADDEN. Can the gentleman describe how they were deprived of their hunting rights? In what way?

Mr. WILLIAMSON. They were deprived of their hunting rights by not being permitted to leave their own reservation for the purpose of hunting upon the reserve set aside for that object.

Mr. MADDEN. Did the committee enter into the question of what the value of the hunting rights would be before they decided to report a bill?

Mr. WILLIAMSON. In regard to that, I do not think it is the function of our subcommittee to enter into details to that extent. That is the function of the Court of Claims. It is for us to determine whether a right has been violated that ought to be adjusted. If we tried to ascertain the damage in every case, our job would be interminable.

Mr. MADDEN. The more time you spent, the less it would cost the Government and the more nearly perfect you would have your case.

Mr. WILLIAMSON. I do not think it would cost any less because eventually it would be up to the Court of Claims, upon the law and the evidence, to say what they are entitled to. I do not know whether these Indians will recover anything for their hunting rights. It will probably not be a very large amount.

The loss of these lands will involve the value at the time they were lost, and in most cases that was not over 50 cents to $1.25 an acre at the outside. Therefore, the recovery will be very reasonable and certainly not beyond what the Indians are entitled to recover.

Mr. LEAVITT. Will the gentleman yield?

Mr. WILLIAMSON. I yield.

Mr. LEAVITT. Is it not true that in one case where the claim was for $1.25 an acre, the allowance by the court was 19 cents an acre?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. Let me put this question to the gentleman from South Dakota, or rather, make this statement, if the gentleman will allow me——

Mr. WILLIAMSON. I yield.

Mr. MADDEN. There was a case before the Committee on Appropriations not long since, and I think it involved the Minnesota Indians. I am not sure about the name of the Indian tribe.

Mr. WILLIAMSON. I think that was the case of the Chippewa Tribe.

Mr. MADDEN. Back a number of years ago the Government bought the Indian lands and they paid them for the Indian lands at the price land was selling for at the time, as I recall.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. LEAVITT. Mr. Chairman, I yield the gentleman from South Dakota [Mr. WILLIAMSON] 10 minutes more.

Mr. MADDEN. Later on it turned out that, say 10 or 15 years afterwards, or perhaps 20 years afterwards, or whatever the number of years may have been, they had a commission appointed to ascertain the value of the lands. The commission did not begin to function until perhaps 20 years after the land was transferred from the Indians to the Government. The Government bought the Indian land. Then the question arose, notwithstanding the fact that the Government had paid the Indians the price, should there not be an adjudication on the basis of the existing value of the land, on the theory that interest was not paid on the amount involved. Then an investigation that was authorized went on to develop a state of facts which finally showed that the timber on the land was of greater value than it had been at the time of the sale; and, later on, the investigation went on to show the Government had the Indians' lands on the mere payment of $1.25 an acre; that the Government had had this land for a certain number of years and interest had not been paid for the time which elapsed between the purchase and the time of the adjudication. By the time they got through with the investigation it turned out that there was

more interest paid to the Indians on that purchase, several times over, than the total value of the land amounted to at the time of sale. Now, are any cases of that kind coming up here again?

Mr. WILLIAMSON. Of course, there may be cases where the interest will amount to as much as the original claim, because these claims have run for a great many years.

Mr. MADDEN. I do not know whether I stated the case I have referred to clearly or not.

Mr. WILLIAMSON. But the point is that these claims ought to have been settled when the lands were taken away from the Indians, and if they had been settled at that time this money would have been placed in the Treasury and the Indians would have received the rate of interest which we provide in these bills during all these years, and the Government will be no worse off now than it would have been if it had settled at the proper time.

Mr. MADDEN. In this case which I have referred to the Government did settle.

The bill did not allow the interest, but the adjudication which was authorized in the act produced the same effect, and in the adjustment of the matter the interest was allowed.

Mr. WILLIAMSON. I want to say that these bills do provide, "damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof." It is intended to amend the bill so as to read 4 per cent.

They are entitled to interest upon the claim. Let me say in connection with the jurisdictional bill which has been particularly criticized on the floor of the House from time to time, that that law happens to involve the Sioux Tribe of Indians in my State. I was not a Member of Congress at the time that jurisdictional bill was passed, but it was passed in general terms, with the result that the Sioux have brought a suit going back over a period of from 75 to 100 years and involving a multitude of claims. In order that the Government might properly defend in that suit it has had to put on a special force in the General Accounting Office, and your committee has already appropriated $50,000 to enable the Government to expedite the case, a fact which I very much appreciate. In view of this criticism and the pocket vetoes of the President of certain other bills couched in general terms the subcommittee has rewritten every one of these bills when framed in general language, with a view to meeting the objections raised, and at the same time being fair to the Indian tribes involved. The committee realizes that the only way the Indians can get relief is to make the bills specific, and the Indians themselves approve of the new plan.

I believe that both the subcommittee and the full committee are assuming the right attitude toward these bills. I may say to the gentleman from Illinois [Mr. MADDEN] that I personally think we should give all tribes of Indians having legitimate claims the right to go into the Court of Claims in order to get a final accounting and adjudication as between themselves and the Government, and the sooner that this is done the better it will be for everybody concerned.

Mr. MADDEN. I want to say to the gentleman and to the Members of the House who are now present that my purpose here this afternoon is to try to establish, if I may, through the Committee on Indian Affairs some policy that will stop the recurrence of the conditions I have just been describing and to prevent the necessity of appropriating $50,000 or $60,000 to employ clerks to prepare data in the trial of a case that has been authorized to go to the Court of Claims, and I hope what I have said may have sufficient weight with the committee to induce it in the future to so prepare what they bring in here that there will be a pretty clear understanding from the report of what the proposed legislation means. That is all I wanted to do.

Mr. WILLIAMSON. I believe this bill is in proper form and should become law.

The CHAIRMAN (Mr. PERKINS). The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Assiniboine Indian Nation or tribe may have against the United States, which have not heretofore been determined by a court of competent jurisdiction, may be submitted to the Court of Claims for determination of the amount, if any, due said Indians from the United States under any treaty or agreement or law of Congress, or for the misappropriation of any of the property or funds of said Indians, or for the failure of the United States to administer the same in conformity with any treaty or agreement with the said Indians: *Provided*, That if in any claim submitted hereunder a treaty or an agreement with the Indians be involved, and it be shown that the same has been amended or superseded by an act or acts of Congress, the court shall have authority to determine whether such act or acts have violated any property right of the claimants; and, if so, to render judgment for the damages resulting therefrom; and jurisdiction is hereby conferred upon said Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, to hear and determine all legal and equitable claims of whatsoever nature which said Indians may have against the United States, it being the intent of this act to confer upon the said Court of Claims full and complete authority to adjust and determine all claims submitted hereunder so that the rights, legal and equitable, both of the United States and of said Indians, may be fully considered and determined and to render judgment thereon accordingly.

With the following committee amendment:

Strike out all of section 1 following the enacting clause and insert: "That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all claims arising under or growing out of the treaty of Fort Laramie of September 17, 1851 (11 Stat. p. 749), between the Government of the United States and the Assiniboine Indian Nation, and other Indian nations therein specified; and the treaty of October 17, 1855 (11 Stat. p. 657), between the Government of the United States and the Blackfeet Indian Nation and other Indian nations therein specified; or any subsequent act of Congress or any treaty, Executive order, or treaty with any other Indian tribe or nation that violates any of the treaty rights of the Assiniboine Indian Nation which the said Assiniboine Nation or tribe may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States; and jurisdiction is hereby conferred upon the said courts to determine whether or not any provision in any such treaty has been violated or breached by any act or acts of Congress, or by any treaty made with any other Indian tribe or nation; and if so, to render judgment for the damages resulting therefrom."

The committee amendment was agreed to.

The Clerk read section 4, as follows:

SEC. 4. That if it be determined by the court of the United States, in violation of the terms and provisions of any Executive order, law, treaty, or agreement, set forth and referred to in section 1 has unlawfully appropriated or disposed of any money or other property belonging to the Indians, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Assiniboine Indians in and to such moneys or other property.

With the following committee amendment:

On page 5, line 3, after the word "agreement," insert the words "set forth and referred to in section 1."

The committee amendment was agreed to.

Mr. WILLIAMSON. Mr. Chairman, I find on looking up the treaty that it specifies that the interest to be paid on moneys belonging to the Assiniboine Tribe now in the Treasury of the United States is 4 per cent instead of 5 per cent. In order that the rate may conform to the treaty rights, I move that the figure "5" in line 8, page 5, be changed to the figure "4." Later on, when we come to section 8, I will offer the same amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 8, after the word "at," strike out the figure "5" and insert the figure "4."

The amendment was agreed to.

The Clerk read section 5, as follows:

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian nation for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

With the following committee amendment:

Strike out all of the section and insert the following:

"SEC. 5. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the

suit, to be paid to the attorneys employed by the said tribes or bands of Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes."

Mr. BLACK of Texas. Mr Chairman, I move to amend the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: On page 6, line 6, after the word "recovery," insert the following language: "and in no event to exceed $25,000."

Mr. BLACK of Texas. Mr. Chairman, the Secretary of the Interior, in suggesting certain amendments to the Committee on Indian Affairs, used the following language on page 3 of the report. He says:

Heretofore attorneys' fees have been limited in bills by the inclusion of the words "and in no event to exceed $25,000" in the section relating to such fees. Section 5, or the proviso thereof, of S. 2141 does not contain this limitation and the matter is being called to your attention for your consideration.

The amendment I have offered is the identical language with the amendment suggested by the Secretary of the Interior, and I submit that it ought to be adopted.

Mr. LEAVITT. Mr. Chairman, the situation is, of course, that the Secretary of the Interior in the report on the Senate bill used the words which have been quoted by the gentleman from Texas, but there is no recommendation there that the limit of $25,000 be placed in the bill. It simply calls the attention of the committee to the fact that that has been the policy. That, of course, is not an exact statement, for there have been bills passed without the limitation, four, as I recall it, in the Sixty-eighth Congress, and one in this Congress, where we did not have the limitation of $25,000.

I want to call the attention of the committee in that connection to the language found in the hearings before the subcommittee, in which this question is raised, and the Commissioner of Indian Affairs stated as follows:

Mr. BURKE (interposing). I did not mean to make any suggestion. I think I said to Mr. HASTINGS, in informally discussing the question, that if Congress adopts the plan contemplated by this bill, then the Court of Claims ought to have the right to fix the fee. This is the same language that was in the Creek jurisdictional bill. This language provides that the amount shall not exceed the amount stated in the contract. The jurisdiction conferred upon the Court of Claims should be to fix and determine the fee, with such limitation as Congress may name.

There is more of the discussion and we have in several places in the hearings before the Committee on Indian Affairs the opinion of the commissioner that the limitation in cases such as this, of not to exceed 10 per cent, with the Court of Claims charged with determining and fixing a reasonable fee, is sufficient to fully protect the rights of the Indians. In connection with that we must take the statement of the gentleman from Utah [Mr. COLTON] that in the case of the Indians in Utah a bill before the Sixty-eighth Congress fixing $25,000 as a contingent fee has prevented that tribe of Indians from securing legal services to present their case, which involves a number of treaties; that they could get no reputable attorney to undertake it. I hope this amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 8. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States: *Provided*, That actual costs necessary to be incurred by the Crow Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Crow Tribe in the Treasury of the United States.

With the following committee amendments:

Page 7, line 9, strike out the word "Crow" and insert "Assiniboine," and in line 11 strike out the word "Crow" and insert "Assiniboine."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. WILLIAMSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Page 7, line 1, strike out the figure "5" and insert in lieu thereof the figure "4."

Mr. WILLIAMSON. Mr. Chairman, this amendment has for its purpose exactly what the previous amendment I offered had. I propose making the rate of interest conform to the treaty rate.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

PAPAGO INDIAN RESERVATION, ARIZ.

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 3361) to purchase lands for addition to the Papago Indian Reservation, Ariz., and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill S. 3361, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill by title.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $9,500 is hereby authorized to be appropriated, out of any moneys in the United States Treasury not otherwise appropriated, to enable the Secretary of the Interior to purchase, as an addition to the agency reserve of the Papago Indian Reservation, Ariz., the south half of the southwest quarter of section 25, the north half of the northwest quarter of section 36, township 17 south, range 4 east, known as the Steinfeld tract; and the southeast quarter of the northeast quarter, the northeast quarter of the southeast quarter of section 35, the north half of the southwest quarter, the south half of the northwest quarter, and the southwest quarter of the northeast quarter of section 36, township 17 south, range 4 east of the Gila and Salt River meridian, known as the Tierney tract; in all, 440 acres.

The bill was ordered to be read a third time, read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DRAINAGE ASSESSMENT ON SHAWNEE INDIAN LANDS, OKLAHOMA

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 12390) to authorize the payment of drainage assessments on absentee Shawnee Indian lands in Oklahoma, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 12390, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill by title.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve such assessments, together with maps showing right of way and definite location of proposed drainage ditch approximately 3 miles in length connecting Little River Drainage Ditch No. 1 in Pottawatomie County, Okla., with Little River Drainage Ditch No. 2 in Cleveland County, Okla., upon the allotments of certain absentee Shawnee allottees as in his opinion fairly represent the allottees' pro rata share of the construction cost of the ditch.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against each of the allotments mentioned; and there is hereby authorized to be appropriated for such purpose, out of any money in the Treasury not otherwise appropriated, the sum of $1,200, this amount to be reimbursable from the rentals of the allotments mentioned, not to exceed 50 per cent of the amount of rent received annually, or from any funds belonging to the allottees in interest, in the discretion of the Secretary of the Interior.

SEC. 3. That in the event any of the allottees affected hereby shall receive a patent in fee to his or her allotment, before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

SEC. 4. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

With the following committee amendments:

Page 2, line 15, after the word "allotment," insert "or in the event the restrictions against alienation shall be otherwise removed therefrom."

Page 2, line 21, after the word "fee," insert "or other instruments."

Page 3, at the end of the bill, insert as a new section the following:

"SEC. 5. The word 'allotments' as used in this act shall be held to embrace any tract of land belonging to individual Indians and over which the Government has supervision or control, and the word 'allottees' shall be construed to include the owner of any tract of land affected by this act."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

UNALLOTTED IRRIGABLE LAND ON INDIAN RESERVATIONS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 12596) to authorize the leasing of unallotted irrigable lands on Indian reservations, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 12596, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill by title.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the unallotted irrigable lands on any Indian reservation may be leased for farming purposes for not to exceed 10 years with the consent of the tribal council, business committee, or other authorized body representative of the Indians, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. UPDIKE. Mr. Speaker, I move to strike out the last word. Mr. Speaker, I ask unanimous consent to proceed out of order for five minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. HASTINGS. Mr. Speaker, this is Calendar Wednesday and the call is with the Committee on Indian Affairs. I do not want to object myself, but I will give notice that if another such request is made I shall object.

The SPEAKER. Is there objection?

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, on last Monday on the call of the Unanimous Consent Calendar there was a bill on this calendar seeking to amend the census law pertaining to the census of tobacco, and when that bill was called, to my surprise the gentleman from Indiana, who is now asking unanimous consent, objected, not because he knew anything about tobacco, for he would not know the difference between a tobacco plant and a mullen stalk. But he objected, and the attorney for the Tobacco Trust was in the gallery. That was a bill which pertained to the welfare of thousands of tobacco growers in southern Indiana, the gentleman's own State, and in view of that, Mr. Speaker, I object.

Mr. UPDIKE. Mr. Speaker, I will say——

Mr. KINCHELOE. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. UPDIKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. KINCHELOE. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. UPDIKE. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. LEAVITT. I hope the gentleman will not insist on that.

Mr. UPDIKE. I withdraw the point of order.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS OF CERTAIN WASHINGTON INDIAN TRIBES

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 9270 and ask unanimous consent to discharge the committee from further consideration of the bill S. 3185, an identical bill, and consider the same in lieu thereof.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 9270 and asks unanimous consent that Senate bill 3185, an identical bill, be considered in lieu thereof. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 3185) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3185 with Mr. BEGG in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3185 which the Clerk will report.

The Clerk read as follows:

A bill (S. 3185) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims.

Mr. LEAVITT. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEAVITT. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. HILL], and the gentleman can yield of that time.

The CHAIRMAN. The gentleman from Washington is recognized for 20 minutes.

Mr. HILL of Washington. Mr. Chairman, the bill under consideration relates to the Indians of the Colville Indian Reservation in the State of Washington. I shall endeavor to make a clear and frank statement concerning the status of this proposed legislation. In the Sixty-eighth Congress I introduced a bill (H. R. 9160) covering the subject matter involved in the bill now under consideration. That bill passed the House and the Senate at the latter end of the second session of the Congress, but Executive approval was not given thereto and the Congress adjourned, and that Congress expired before the expiration of 10 days from the time the bill was presented to the Executive for action thereon, and hence it did not become a law. I introduced at this session——

Mr. UNDERHILL. Will the gentleman yield?

Mr. HILL of Washington. I will.

Mr. UNDERHILL. Will the gentleman go a little further and state whether he has any reason to believe that had there been more than sufficient time the President would have signed the bill?

Mr. HILL of Washington. I have no reason to believe it.

Mr. UNDERHILL. In fact, it has been intimated the President would have vetoed it if the time limit had not expired.

Mr. HILL of Washington. He might have vetoed it had the time required permitted such action. I am not endeavoring to present anything except the true situation.

Mr. UNDERHILL. One further word. There is no evidence in the report as to the reason which the President had for not signing the bill or from the department?

Mr. HILL of Washington. No; nothing whatever, but to supply the gentleman with that information, and in line with my purpose to make a frank statement, I shall read a communication which I received from the White House on the subject. Under date of March 21, 1925, the President addressed to me a letter as follows:

THE WHITE HOUSE,
Washington, March 21, 1925.

Hon. SAM B. HILL,
House of Representatives, Washington, D. C.

MY DEAR MR. HILL: Answering your inquiry as to H. R. 9160, authorizing the Washington Indians to sue in the Court of Claims, my conclusions were based on the feeling that it did not seem fair to the Government at this time to undertake to litigate claims of such ancient origin. It seems to me they rest under the general objection which justifies all statutes of limitation.

Very truly yours, CALVIN COOLIDGE.

The bill H. R. 9160, with reference to which the letter I have just read was written, was in the form that has been heretofore employed in the framing of jurisdictional bills.

In other words, it was a blanket form of bill. At the beginning of the present session of Congress the Committee on Indian Affairs considered the policy of requiring jurisdictional bills to specify the grounds upon which claims were based and recovery should be sought. In introducing the present bill, H. R. 9270, for which the Senate bill S. 3185 has been substituted for consideration, I complied with the requirements of the committee as to specifying the particular grounds upon which these claims are based, and that fact would perhaps make some difference to the Executive in his consideration of the proposition of approving or disapproving the present bill, although he states in his letter that the claim is old and should be governed by the rules applying in cases coming within the statutes of limitation.

I want to give you something of the history of the efforts of the Colville Indians in seeking the adjustment of their claims or their rights with the Government. They are not presenting claims in this bill based upon any treaty or statute granting them any right or recognizing in them any rights by the Government. There are some Executive orders and some statutes that incidentally might be referred to, but the bases of the claims are not treaties or statutes.

The Colville Indians, comprising a number of affiliated tribes and bands of Indians, occupied from time immemorial a section of country in the northeastern part of what is now the State of Washington. When the Hudson Bay Co. extended its operations to that part of the country, these Indians were there, and later on, as the white settlers filtered in from the East, these Indians were there in the occupancy of the lands to which they now claim their rights. When the Territory of Washington was created out of the original Oregon Territory in 1853, Isaac I. Stevens was appointed the first Territorial governor, and was constituted Superintendent of Indian Affairs for the Indians in that northwest country, embracing not only the territory now embraced in the State of Washington, but also that embraced in the State of Idaho and part of Montana.

In 1855 the Indians in that northwestern country were becoming somewhat restive. They were becoming jealous of their rights by reason of the fact that the white man was encroaching on their territory in such numbers as to the Indians presented the spectacle of a menace to their peaceful occupancy of that territory. They became somewhat restive, as I say, and were on the verge of war on many occasions, requiring the governor of that Territory to negotiate with them in the effort to keep them from the path of hostilities.

The Yakima Indians, the Walla Wallas, the Cayuses, the Nez Perces, and other tribes of Indians were showing a warlike spirit. The Colville Indians, in whose behalf this bill is presented, were at all times peaceable, and at all times friendly to the white man, and at all times seeking to get along peaceably and without any warfare. But by reason of the fact that these other Indian tribes were hostile, Governor Stevens turned his attention to them first, and in his capacity as Superintendent of Indian Affairs he sought to negotiate treaties with those tribes, and he did negotiate treaties with them, fixing the boundaries of their lands, fixing their rights in the treaties, and in a measure at least pacifying their restlessness.

But these Colville Indians, as I say, being peaceable and being friendly to the white man, were left until the last. They, with others, were summoned in council by the governor near the site of the present city of Walla Walla in that State, with the purpose of negotiating in a preliminary way a treaty fixing their territorial boundaries and their rights growing out of their use and occupancy of the land which they had occupied from time immemorial; and in 1855, in the month of June, when Governor Stevens was on his way to negotiate a treaty with the Blackfoot Indians in Montana, he called a council in Walla Walla with the Indians in that part of the present State of Washington, and among them the Colvilles, and he told them at that time that he was on his way to negotiate this treaty with the Blackfoot Indians, and that he would return in the fall, perhaps in September, and he designated a meeting place near the present city of Spokane, where he would meet the Indians and negotiate a treaty with them.

When he returned in the fall these Indians were there; the Colvilles were there, ready to meet and negotiate with Governor Stevens in order that their rights might be settled, as had been done in the case of the Nez Perces, the Walla Wallas, and some others. But, as Governor Stevens returned from his mission in what is now called Montana and reached the point where the conference was to be held, near Spokane, he found that the Yakimas had gone on the warpath. And so he did not have time to give this conference the deliberation required to negotiate a treaty, and he told these Indians that he would have to go on at that time but would come back and negotiate with them further when he had plenty of time for negotiation. These Indians were there, ready to negotiate, anxious to negotiate, to settle their property rights; but one event after another intervened, causing the postponement not only at that time but at the earlier period, and prevented at that time the negotiation of a treaty.

Now, I want to read to you a few excerpts from official documents in confirmation of what I have said in regard to this matter.

In the reports of explorations and surveys, Serial No. 758, date 1854, Thirty-third Congress, second session, Senate Document No. 1, Governor Stevens recommends:

2. The extinguishment of the Indian title—at least on the line of the road, and for the fertile valleys and regions in connection with it. * * * Generally speaking, all the Indians west of the mountains, both in Washington and Oregon, should be placed in reservation and the country opened to settlement. With prudence, judgment, and the display of a small military force, no difficulty will be experienced in accomplishing these arrangements, so essential to the construction of the road (p. 153).

* * * * * * *

With the exception of the district occupied by the Flatbows and Kootenaies, the remaining country north of the forty-seventh parallel is occupied by different tribes of the Selish or Flathead Nations (p. 411).

In 1855 it was the intention of Gov. Isaac I. Stevens to make a formal treaty with the Okin-e-kanes, Pilquouse, Colville, and other northern tribes. The Journal of Operations of Gov. Isaac Ingall Stevens, Superintendent of Indian Affairs and commissioner, kept by his secretary, James Doty, contains the following entry, May 19, 1855:

McKenzie came from the Spokane country and says that the Colville, Spokanes, and Cœur d'Alene Indians will meet Governor Stevens at the Cœur d'Alene Prairie upon such day as he may desire. With him came a Colville chief named Chee-qeche-can, or the Fool's Son, who is desirous to hear what Governor Stevens has to say to the Indians.

Several representatives from the northern tribes were present at this Walla Walla treaty, and general information regarding all Indian tribes was gathered by the commissioners and the general question of reservations and of consolidating all the tribes in the country was given some consideration and discussion. In Secretary Doty's journal, under date June 14, we find the following with respect to the proposed treaty with these northern tribes:

Agent A. I. Bolon with two men and an interpreter will with the two ox wagons transport the foods remaining here, designed for the Spokane council, to Walla Walla and then place them in store. Then take his supplies for the Nez Perce and Spokane in the wagons to Walla Walla, where the Nez Perce Agency supplies will be deposited, and that place be supplied with the Spokane goods, with which he will push on and form a camp near Antoine Plantes at a suitable point for holding a council when Governer Stevens shall return from the Blackfoot country.

Further, under date June 26, 1855, Mr. Doty records the following statement made by Governor Stevens at the Cœur d'Alene Mission en route to the Blackfoot council at Fort Benton:

I am now going to the Blackfoot country. There is not time to hold a council here. When I return, probably about the middle of September, I wish to meet in council at Antoine Plantes's place the Spokanes, Colvilles, Okin-a-kanes, and Cœur d'Alenes, and see if we can not make an agreement by which you will sell your lands and live upon a reservation. About this reservation and the treaty some of you heard at Walla Walla. We wish to make with you a treaty like those made with the Nez Perces and Yakimas and Cayuses, Umatillas, and Walla Wallas. You know what the Government has promised in those treaties and I need not enter into their particulars. * * * When I come to hold the council with you I will give you 8 or 10 days' notice, so that you may have time to collect at the council grounds, and I hope to see you all there.

The outbreak of the Yakima war changed Governor Stevens's plans. Hastening back from Fort Benton, a short council was held at Antoine Plantes's place on December 4, 1855, in the course of which Secretary Doty records the following:

Governor Stevens said: "* * * I think it is the best for you to sell a portion of your land and live on reservations, as the Nez Perces and the Yakimas agreed to do. I would advise you, as a friend, to do that, for I shall not say one thing to-day and another to-morrow; as your friend, I shall tell you what I think. If you say, 'We do not wish to sell,' it is also good, because for you to say. It is my business, as your friend, to protect you in your lands and rights, and that I shall do as well as I can.

"I do not think this is a proper time to talk about the land. When you talk about your lands you want time to think of selling it. I want time to think of it. We want to think together.

"You hear it from me what I have said to you in regard to your rights—that your rights are your rights, and you shall not be deprived of them.

"If you want to talk to me about your lands, I will hear you; but you must talk; you must not ask me. I wish to hear what you want. Why did I come here at all? Why did I not go direct to the Nez Perce country? I know the road well.

"Have you anything further that you wish to speak about? Do you want to speak about lands? Do you wish to point out lands you want the whites to have? I call on Garry to answer."

Garry was known as Chief Garry of the Spokane Indians.

Garry said, "All these things we have been speaking of had better be tied together as they are, like a bundle of sticks, because you are in a hurry. There is not time to talk of them. But afterwards you can come back, when you find time, and see us."

Governor Stevens said, "You hear Garry. What say the other chiefs? What is the feeling of the Cœur d'Alene chief about it?"

The Cœur d'Alene chief and the Colville expressed the same opinion as Garry.

Governor Stevens said, "Your decision is a good one. We need more time to make a treaty. I think that what Garry has said is good. Take some other time when we are not in a hurry and can talk it all over and endeavor to agree.

"Now, do not let your minds be troubled. I, your friend, say that your lands will not be taken from you. I will try and come to see you next year. Early in the year, if possible. I will try and come and talk with as many as I can. I want to know you all well and want you to know me well. Have no fears but we shall always be friends. Now, if any wish to speak more, I shall be glad to hear them."

No reply was made by the Indians other than signs and ejaculations expressive of approbation and satisfaction at what Governor Stevens had said.

And then at 4 p. m. the council was declared adjourned sine die.

Now, Mr. Chairman, that is the representation which Governor Stevens, as Superintendent of Indian Affairs, made to these Indians at that time, and the Indians were there ready, willing, and anxious to negotiate treaties. There was never any further negotiation. Shortly after this the Yakima Indian War broke out. From 1855 tho 1858 the Yakimas and other hostile Indians were on the warpath, but these Colville Indians were peaceable, were friendly to the whites, and even furnished them their own arms in order to help combat the warlike Indians with whom the United States Government was then at war. Because they were peaceable and because they were not giving any trouble they were neglected; they were not treated with and their rights were never protected in accordance with the promises of Governor Stevens to them. We find in the records and in the official reports of various superintendents in charge of the Colville Indians that these Indians were all the time anxious, ready, and clamoring for some kind of a treaty which would define their rights, their territory, and so forth.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. LEAVITT. Mr. Chairman, I yield the gentleman 20 minutes additional.

Mr. SNELL. Will the gentleman yield for a short question?

Mr. HILL of Washington. Yes.

Mr. SNELL. Do I understand from the gentleman's statement that there has never been any treaty with these Indians in regard to their lands?

Mr. HILL of Washington. There has never been a treaty, and I am seeking to give you the reason why there has not been any treaty. The Indians were willing and anxious to negotiate in accordance with the promises made by Governor Stevens, but one event followed after another which prevented the accomplishment of that desired end.

As I say, there was the Yakima Indian war; then came later the Nez Perces war; and then the discovery of gold in the country to the north, that caused a great inrush of people into that country, and many of them settled on the lands of the Indians. Then followed pretty closely the Civil War; and Governor Stevens, being a military man, attached to the Army, he was called back for service in the Civil War. He engaged in that war and was killed while so engaged, and hence he never did return to the Territory of Washington to carry out the work he had begun there.

The Colville Indians, at the time Governor Stevens was having these conferences with them, occupied a territory that embraced not only the present Executive-order reservation that was set aside for them, but all the land that they are now claiming compensation for, and in addition to that about three times as much more land that they are making no claim for whatever. Governor Stevens, at about the time he was holding these conferences with these Indians with a view of negotiating treaties with them, had a map prepared which showed the approximate territory occupied by all the Indians in that particular country, and the territory occupied by the Colvilles, as shown on that map, embraced about four times the territory that they are now claiming, including the present reservation.

On April 9, 1872, there was an Indian agent in charge of these Indians by the name of Park Winans. He had previously been a farmer for the Indians, and on April 9, 1872, through the recommendation of the Commissioner of Indian Affairs, the President of the United States, President Grant, issued an order setting aside certain territory as a reservation for these Indians. That territory embraced the lands that they occupied as their homes, lands in the fertile valley of the Colville River, and they had opened up small farms there. They were cultivating the land on a small scale, and they were getting into the industry of agriculture in a crude way. These lands had been their homes from time immemorial. They were on the east and south sides of the Columbia River. The reservation which President Grant established by Executive order embraced these lands, embraced the lands for which the Indians are now claiming compensation. This order was sent through the proper channels to this man Park Winans, who was the Indian agent at that time, but he kept the knowledge of that Executive order secret and kept it from the Indians. They knew nothing about the order, and he, with other scheming and conniving white men who sought to acquire the lands then occupied by the Indians, made misrepresentations to the President and secured a change in the territorial limits of that Executive order; in fact, a complete change of territory.

They secured an order from the President to transfer these Indians to the opposite side of the Columbia River and away from the lands they were occupying, and took them clear away from the lands they had built their homes upon, lands they had farmed, lands they had used for burial grounds, and lands upon which they had hunted and fished, and put them across the Columbia River into a barren, rough, rocky, cold region, where there was not sufficient land susceptible of agriculture to sustain them. This was done through the connivance and scheming of the Government's own agent there at that place, this man Park Winans.

In confirmation of this statement let me read again from the official record.

The reports of the Commissioner of Indian Affairs for the years 1873, 1874, 1875 disclose the situation as developed in the first years after the Executive order of July 2, 1872, creating the curtailed Colville Indian Reservation.

Now, bear in mind this Executive-order reservation embraced lands that were already included in the territory occupied by these Indians. It was simply a limitation of their territory rather than giving them something in exchange for something else. I read from the report as follows:

It will be recollected that the Colville Reservation proper, including the Colville Valley, was set apart by Executive order of April 9, 1872, and with the reservation the majority of the nontreaty Indians east of the Cascades in this territory were much pleased. But without consulting their interests or wishes, and even without their knowledge,

the Government being deceived as to the state of affairs, was induced to change the reservation by Executive order of July 2, 1872, to the west and north of the Columbia, east of the Okanagan, and bounded on the north by British Columbia as now constituted. The country embraced in this reservation was but little known to the whites.

Then, reading from a letter of John A. Simms, agent, October 20, 1873:

As soon as practicable I called the chiefs and headmen in council to ascertain (as instructed from your office) how they were pleased with the new reservation set aside for them by Executive order, and if they were willing to remove to it. The result of that council was made known to you in my special report of November 20, 1872. I will only add here that the tribes represented, viz, the Colvilles, Spokanes, Pend d'Oreilles and Lakes, were unanimous, as they still are, in their opposition to removing to the reservation north of the Columbia; their principal objections being, first, their great unwillingness to leave their own country; secondly, the reservation boundaries do not include their fisheries; thirdly, there are no root grounds on that side of the river, and an insufficiency of farming land whereby they could subsist themselves by agriculture. Until such time as they may be able to cultivate the soil, the different fisheries and root grounds now frequented by them must be their main source of subsistence.

As to whether or not their objections to the reservation are well founded, you will be able to decide from your recent careful and patient examination. For myself I am free to say that I deem the reservation, as now defined, entirely insufficient for the number of Indians belonging to this agency, and would give my reasons more in detail did I not know that you are now thoroughly acquainted with it, and in your report will set forth its merits and demerits more forcibly than I can possibly do.

At the council held here on the 11th and 12th of August by General Shanks and yourself, the Indians renewed their objections to the reservation, and asked that Colville Valley be given to them for a reserve. The propriety, of acceding to their wishes in that respect is now the all-important question, both to the Indians and the white settlers of the valley, which I hope will be eventually settled to their mutual satisfaction. For many reasons, which I shall soon make the subject of a special report, I would earnestly recommend that a commission be appointed to assess the value of the property of the white settlers of this valley with a view of its being set apart as an Indian reserve.

In other words, restoring to the Indians the land upon which they had built their homes and upon which they had lived for time out of mind.

Mr. PERKINS. Will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. PERKINS. Can the gentleman give us an idea of the number of these Indians at that time?

Mr. HILL of Washington. There were about 4,000.

Mr. PERKINS. And about how many are there now?

Mr. HILL of Washington. About 3,000.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. WILLIAMSON. I find these Indians in the State of Washington are very poor and have very small amounts of money in the Federal Treasury at the present time, and therefore we are compelled to now provide funds from the General Treasury for their support, education, care, and so forth. So that even if we do allow these Indians to recover and put them upon a self-supporting basis, eventually we will be no worse off than we are at the present time.

Mr. HILL of Washington. That is very true. The gentleman, however, is somewhat in error in a part of his statement. I want to touch upon that question of support contributed by the Government as well as the question of gratuities, and so forth, because the report of the Secretary of the Interior touches upon it.

This is the situation: These Indians were placed across the Columbia River up next to the Canadian line. This is a mountainous country with deep valleys, rocky, high peaks, with some valuable timber in the higher levels, but very little farming lands. It was not the home of very many of these Indians before the reservation was created and before they were forced over there through pressure of military power. They were, however, finally along about 1890, compelled to go over into this reservation, because the incoming white settlers kept crowding them out of their lands, and the Government, through its military forces, pushed them across the river into this sterile, barren, cold, comfortless region that the white man did not then want.

In 1890 a commission was authorized to treat with various Indian tribes of the country, including the Colvilles, to ascertain whether or not they would cede back to the public domain or for use as public domain, parts of their reservation. The commission visited the Colville Reservation, and in 1891 negotiated a treaty whereby the Indians agreed to cede the north half of this reservation that had been set apart for them through this Executive order for $1,500,000. In other words, they proposed to cede back to the Government one and a half million acres of land at $1 per acre, and this agreement was reported to the President, and he, in turn, sent it to the Congress for action thereon. In 1892 the Congress passed the act of July 1, 1892, and ignored this treaty into which the Indians had entered, and simply by the strong arm of its fiat restored the north half of this reservation to the public domain without any consideration to the Indians, except the act provided that the lands so restored to the public domain should be open to homestead entry upon the payment of $1.50 an acre in addition to the ordinary land-office fees, and that this $1.50 an acre should go into a separate fund, and out of that fund there should be paid money for the Indians—not to the Indians—but for their civilization and education. About $120,000 received, bear in mind, from the Indians' own lands as set apart to them in this Executive order was used for their benefit.

But the Congress in 1906, thinking better of the situation, recanting its former act, passed a law recognizing in part the treaty negotiated in 1891, in that they proposed to pay the Indians a million and a half dollars, as the agreement provided for. But it was only after the Indians had hired lawyers to come here and induce the legislation that it was secured. They had to pay out of that million and a half dollars $60,000 attorneys' fees to get the relief. The one and a half million dollars was for one and a half million acres of land that the President had set apart for their reservation, and that money, together with the $120,000 which came from their lands restored by Congress in 1892 to the public domain, is practically all the money the Government has ever paid to these Indians. It was their money in exchange for their lands, and no one can in good faith say that they have been paid so much on account by reason of the payment of these sums. With those qualifications the gentleman is correct. The Indians are poor. Practically their only financial resources are the proceeds of the sales of timber, and that comes in small annual payments, and out of the tribal fund thus accumulated is appropriated every cent of money that the United States expends for the administration of the affairs of that tribe of Indians. The Government does not pay a cent of the $30,000 a year which is appropriated out of their small stipend to maintain their agency. They have received some gratuities and some gifts from the Government, but none of great value. Take the $1,500,000 and the $120,000 from what the Secretary of the Interior's office says have been paid to these Indians and you will find that the amounts advanced to them by the Government are negligible.

I want to say to you without going further into details that these Indians have been treated unjustly simply because they have been the white man's friend. If they had gone on the warpath and caused trouble, as did the Umatillas and the Cayuses and other tribes, if these Indians had been warlike and treacherous, they would have had their reservation and treaties would have been made which would have settled their property rights.

Mr. BUTLER. Will the gentleman yield?

Mr. HILL of Washington. I will.

Mr. BUTLER. Are there any lawyers engaged in these claims?

Mr. HILL of Washington. One lawyer.

Mr. BUTLER. How much is he going to get out of it?

Mr. HILL of Washington. Not to exceed 10 per cent and in no case to exceed $25,000.

Mr. BUTLER. How long has he been working at it?

Mr. HILL of Washington. Four or five years; and how much longer he will have to work before he gets the case ready for presentation to the Court of Claims I can not say. It is a herculean task, for many of the old Indians have died, and it is more difficult as time goes on to get the evidence. That is one reason why the legislation should be passed as promptly as possible.

Mr. BRIGGS. Will the gentleman yield?

Mr. HILL of Washington. I will yield to the gentleman from Texas.

Mr. BRIGGS. I understand that all this bill does is to allow these Indians to go to the Court of Claims?

Mr. HILL of Washington. That is all.

Mr. BRIGGS. I assume that there is no serious objection to that?

Mr. HILL of Washington. If the Government is big enough to be just to its wards, there can be no objection. There has been some objection because the Indians do not base their claims on a treaty. They endeavored to make a treaty and it is not their fault that they do not have one.

Mr. BUTLER. Will the gentleman yield again? I am very much interested in this and always interested in anything that pertains to the Indians. Will the gentleman tell me wherein this bill differs from the one which the President vetoed?

Mr. HILL of Washington. The bill that the President vetoed was a blanket proposition which gave them a right to come into court and assert any claims that they might have, or any that they might think that they had against the Government.

Mr. BUTLER. This bill confines it to the treaty.

Mr. HILL of Washington. Not to the treaty; they could not secure any treaty.

Mr. HADLEY. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. HADLEY. Is it not a fact that the prior bill did not express any limitations, whereas the present bill limits the demands within the particulars to which I refer—fishing rights on the Columbia River and hunting rights on land east of the Rocky Mountains?

Mr. HILL of Washington. And certain lands of which they had been deprived.

Mr. HADLEY. There is express limitation in both those regards, which did not exist in the other bill, and the matter has never been before the President at all under the conditions stated in this bill.

Mr. HILL of Washington. It has not.

Mr. BUTLER. Does the Secretary of the Interior approve this?

Mr. HILL of Washington. He does not, and the Bureau of the Budget does not approve it. The Bureau of the Budget advises that it is in conflict with the President's financial program, which is tantamount to a disapproval.

Mr. SNELL. As I understand, the provisions of this bill are such that they will meet the disapproving views of the President to the bill when he had it before him and vetoed it.

Mr. HILL of Washington. I could not presume to say what the President had in mind, but it does meet the requirements of being specific as to the grounds upon which the claims are based. That is the rule required by the committee and suggested by the Secretary of the Interior.

Mr. BUTLER. In a word, why does not the Secretary of the Interior approve this bill?

Mr. HILL of Washington. The Secretary says that perhaps half of the amount of the claim has already been paid.

Mr. BUTLER. Will that question be settled in the Court of Claims?

Mr. HILL of Washington. Absolutely. The Secretary's report was prepared and then was submitted to the Bureau of the Budget for the bureau's reaction on it. I have in my hand a carbon copy of that report. The gentleman will notice rubbed out there in the carbon copy "however, in view of the showing made by the claimants," and so forth.

Mr. BUTLER. Who rubbed it out, I wonder?

Mr. HILL of Washington. It was rubbed out when it came into my hands.

Mr. WEFALD. The department did not recommend the other jurisdictional bills that have been passed here in full.

Mr. BUTLER. Oh, I do not compare one thing with the other.

Mr. HILL of Washington. Mr. Chairman, I want to read one paragraph of a report made by a commission composed of J. P. C. Shanks, T. W. Bennett, and H. W. Reed on November 17, 1873, to the Commissioner of Indian Affairs relative to the Colville Indians. It is as follows:

> The commission herewith incloses his report made them, together with a record of the council held with the Indians interested, who were present, and make both the record of the council held with the Indians interested, who were present, and the report of Mr. J. P. C. Shanks part of this report to you and ask your attention to both, as showing the condition of our Indian affairs along the line of British America and to the great injustice done to the peaceable Indians by the interested action of white men, and especially to the conduct of their ex-agent, Park Winans, in procuring a change of reservation through selfish motives, and to the more important fact that the reservation as now located is in a frigid and high latitude, where farming is impossible, while the lines of the reservation cut Indians off from the Columbia River and remove them from the Spokane River, the only sources from which they could procure a livelihood by fishing, game being nearly exhausted, so that they were without fish or game, and in a locality where farming is impossible, as proven by white men who having settled on the reservation abandoned the country on account of frost.

Mr. Chairman, I say that if there are any Indians in this country that are entitled to consideration by this Congress they are the Colville and affiliated tribes of Indians, and I submit that this bill should pass in order to do belated justice to these Indians. [Applause.]

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House without amendment, with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3185 and had directed him to report the same back to the House without amendment, with the recommendation that it do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

IMMIGRATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating therein an article from a New York newspaper on the subject of immigation.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by incorporating therein an article from a New York newspaper on the subject of immigration. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, under leave granted me this day I insert the following editorial which appeared in The Day, the national Jewish daily, of June 17, 1926.

The matter referred to is here printed, as follows:

AT THE ELEVENTH HOUR

In less than three weeks, United States will celebrate its one hundred and fiftieth anniversary of independence. This greatest document of the world's history, many Congressmen, we fear, have not read since they left school. But the words are still there, never to be erased—the inalienable right of a man to freedom and the pursuit of happiness.

Not the right of a citizen but the right of a man, because one can not become a citizen before he has been in our country for five years. But one can be a man with certain rights even before then.

And the right to have his wife and children with him is surely one of the most elemental rights to which every man is entitled.

Does Congress recognize these elemental rights? In the hands of Congress is the right to pass laws. It is the duty of the citizens to obey these laws. Laws may be good or bad ones, but it is always necessary that the lawgivers should retain the respect of the citizens; that a citizen should believe in the sincerity of his lawgivers; he should believe that the laws were passed in the best interest of the country. Many of our lawgivers, perhaps the greatest majority of them, deserve the confidence of our citizens, and they have it, no doubt. And still, somehow, the word "politician" has some sting to it in our American language. We are always suspicious of the "politician"; his word is not always taken seriously. His promises are never believed too much. His reputation may be made or marred in one day, by one act.

Why?

The action of the House and Senate with regard to its immigration bills suggests the answer. On the 7th of December Congress opened. The President in his message to Congress demanded certain privileges for the families of aliens on humanitarian grounds. On Thursday scores of bills were introduced in Congress, looking forward to the amelioration of the condition of women and children who are barred from this country by the present immigration law, in spite of the fact that their husbands and fathers are here. During the seven months that Congress is in session Mr. ALBERT JOHNSON, chairman of the Housing Committee, changed his mind many times. He made promises to individuals and delegations that some measure of relief will be given. To his own members of the committee he promised things as soon as the deportation bill will be out of his way. Now the deportation bill is out of the committee's hands. Some members of the committee voted for it in the hope that they were making room for a more constructive measure of relief that will make America seem, in the eyes of the world, more like a friend of the homeless women and children than like a policeman with a club in his hand. Public opinion supported the bill. Commissioner Curran of Ellis Island supported the bill. Secretary Davis supported the measure

stating on the 27th of February "that when dealing with immigrants one is not dealing with a sack of salt but with human lives"; and he strongly urged the unifying of families.

What did our Congress committee do? All the bills for relief of the wives and children of declarants were thrown overboard. They juggled with figures, called to their assistance the State Department, and behind its statement that the new bill would admit nearly a million immigrants, they hid their own brutal act toward helpless women and children.

Came the Wadsworth-Perlman amendment. An amendment that explicitly asked for the admission of 35,000 women and minor children whose husbands and fathers came legally to this country before the 1st of July, 1924. In the Senate on technical grounds Senator WADSWORTH's amendment was passed sine die, in the House Congressman PERLMAN'S amendment was tabled last Tuesday.

To be sure, three years later, when the present alien declarants will become citizens, the women and children will be admitted; in fact, they will be welcomed. But until then, as long as these men have only their first papers, their wives and children may starve; some of them may attempt suicide at the door of the American consul. We, members of the Immigration Committee, are not a party to it. Our ancestors came here when the doors of our country were wide open; we are prosperous. We have our wives and children near us; we can afford to talk about the sanctity of home and the nobility of family. These bills after all affect only foreigners.

Now the question arises, How can this impress 30,000,000 of our foreign-born citizens and citizens of foreign parentage? How can they reconcile such an attitude with the ideal of fair play of which every American is proud?

Friends of immigrants are in the habit of recalling on such occasions that America did not discriminate against foreigners, but it called them to the colors during the World War; that many foreigners have paid the supreme sacrifice on the battlefields of our country before they became citizens. We consider such an argument below our dignity. What the foreigners have done for America they did as a patriotic duty; one does not love America more because of the formal citizen papers. A man may be a true American from the first day he lands on our shores, just as he may be un-American living here for decades. We love America because we believe in her, because we believe our country will never fight an unjust fight and will not lift her hand against the weak and helpless.

And in the name of our faith in America do we appeal to the Members of the Congress committee at this eleventh hour. Clear yourselves of that implication; that you, the lawgivers of our greatest and strongest country, have not found enough power and enough courage to harbor these 35,000 women and minor children of your own citizens of to-morrow. Because a declarant of to-day is our citizen of to-morrow.

TREATY WITH SHAWNEE TRIBES OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 5218) to carry into effect the twelfth article of the treaty between the United States and the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians, proclaimed October 14, 1868, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 5218 and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill by title.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $463,732.49, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay said sum to the loyal Shawnee and loyal absentee Shawnee Tribes of Indians and to the persons composing said tribes individually or collectively, in accordance with the official findings, arbitration award, and report of the Secretary of the Interior made in pursuance of the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868 (15 Stat. L. p. 513): *Provided*, That out of said sum there shall be paid to the attorneys for said Indians the amount provided for in the contract between said Indians and said attorneys executed May 26, 1909: *And provided further*, That before payment of the amount hereby appropriated the business councils of the loyal Shawnee and the loyal absentee Shawnee Tribes of Indians and the individual beneficiaries or their legal representatives entitled to said awards shall execute in writing a receipt, release, and relinquishment of any and all claims of any nature which they may have against the United States and which shall be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and which shall be binding when executed on all parties thereto. The Shawnee Indian superintendent shall execute a release binding on all beneficiaries having no legal representative.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $463,732.49, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay said sum to the Indians of the Shawnee Tribe, and 13 Delaware Indians affiliated with said tribe, their heirs or legal representatives, in accordance with the official findings, arbitration award, and report of the Secretary of the Interior to Congress made in pursuance of the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868 (15 Stat. L. p. 513): *Provided*, That out of said sum there shall be paid to the attorneys for said Indians 10 per cent of the above amount in full satisfaction of their contract: *And provided further*, That before payment of the amount hereby authorized to be appropriated the Indian beneficiaries or their legal representatives entitled to said awards shall execute in writing a receipt, release, and relinquishment of any and all claims arising under the twelfth article of said treaty which they may have against the United States, and which receipt, release, and relinquishment shall be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and which shall be binding when executed and approved on all parties thereto. The Shawnee Indian superintendent and the council of the tribe at Shawnee, Okla., shall execute a release binding on all beneficiaries having no legal representatives."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868."

LEAVE OF ABSENCE

By unanimous consent, Mr. W. T. FITZGERALD was granted leave of absence for a few days, on account of serious sickness in his family.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I understand the Committee on Indian Affairs has no further bills to be brought up, and as the hour is rather late and the Committee on Territories are not ready to be called I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Thursday, June 24, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 24, 1926, as reported to the floor leader by clerks of the several committees:

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

601. A communication from the President of the United States, submitting an estimate of appropriation in the sum of $1,000 to pay a claim which the Acting Secretary of Commerce has adjusted under the provisions of the act of December 28, 1922 (42 Stat. 1066), and which requires an appropriation for its payment (H. Doc. No. 455); to the Committee on Appropriations and ordered to be printed.

602. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture for the fiscal year ending June 30, 1926, amounting to $114 (H. Doc. No. 456); to the Committee on Appropriations and ordered to be printed.

603. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Bureau of Indian Affairs, Department of the Interior, for the fiscal year ending June 30, 1926, amounting to $71,793.55, of which amount the sum of $5,000 is made payable from Indian tribal funds (H. Doc. No. 457); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BOX: Committee on Claims. S. 3462. An act for the relief of Homer H. Hacker; without amendment (Rept. No. 1529). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JACOBSTEIN: A bill (H. R. 13013) to provide for the refund to taxpayers of the surplus in the Treasury and to provide for the reduction of admission, automobile, and corporation taxes in the event of an anticipated surplus during the fiscal year 1927; to the Committee on Ways and Means.

By Mr. CRISP: A bill (H. R. 13014) to amend section 230 of the revenue act of 1926; to the Committee on Ways and Means.

By Mr. CELLER: A bill (H. R. 13015) to amend section 316 of the tariff act of September 21, 1922; to the Committee on Ways and Means.

By Mr. MORTON D. HULL: A bill (H. R. 13016) granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and sixth Street, in the city of Chicago, county of Cook, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Concurrent resolution (H. Con. Res. 36) authorizing investigation of District of Columbia government; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 13017) granting an increase of pension to Caroline A. McKnight; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 13018) granting an increase of pension to Mary E. Jones; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 13019) granting an increase of pension to Mary J. Grimes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13020) granting an increase of pension to Celicia E. Feaga; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 13021) granting an increase of pension to Laura E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13022) granting an increase of pension to Augusta L. Ballard; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 13023) granting an increase of pension to Andrew J. Gallion; to the Committee on Pensions.

By Mr. CLAGUE: A bill (H. R. 13024) granting a pension to Josephine W. Burnside; to the Committee on Pensions.

By Mr. CORNING: A bill (H. R. 13025) granting an increase of pension to Mary A. Waldie; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 13026) for the relief of Elizabeth Halstead; to the Committee on Claims.

By Mr. ESTERLY: A bill (H. R. 13027) granting an increase of pension to Caroline Schweimler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13028) granting an increase of pension to Harriet M. Frederici; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13029) granting an increase of pension to Adaline Yerger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13030) granting an increase of pension to Margaret Schlegel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13031) granting an increase of pension to Rebecca Steinberger; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 13032) granting a pension to Jacob Goodman; to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 13033) granting an increase of pension to Susan A. Brady; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 13034) granting an increase of pension to Mary C. Olson; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 13035) granting an increase of pension to Sallie Ann Barnes; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 13036) granting a pension to Andrea T. Bracken; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 13037) granting a pension to Mary A. Phillips; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 13038) granting a pension to Edgar C. Greene; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13039) granting an increase of pension to Sarah E. Scott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2784. By Mr. BARBOUR: Petition of residents of Tulare County, Calif., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2785. By Mr. BULWINKLE: Petition of citizens of Yancey County, N. C., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2786. By Mr. CARSS: Petition of citizens of Grand Rapids, Minn., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2787. By Mr. CLAGUE: Petitions of citizens of Redwood Falls, Minn., and Lakefield, Minn., requesting Congress to pass bill to increase pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

2788. By Mr. DRIVER: Petition signed by various citizens of the first congressional district of Arkansas in Oak Bluff Township, urging immediate action on Civil War pension bill; to the Committee on Invalid Pensions.

2789. By Mr. ELLIS: Petition of sundry citizens of Kansas City, Mo., urging that immediate steps be taken to bring to a vote the Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

2790. By Mr. FAIRCHILD: Petition urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2791. By Mr. FISHER: Petition of B. V. Griffin, Sam Johnson, and others, shown in attached petition, urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2792. By Mr. ROY G. FITZGERALD: Petition of W. P. Martin and 43 other business men and companies of Dayton, Ohio, urging passage of House bill 11 to permit fixing of resale prices; to the Committee on Interstate and Foreign Commerce.

2793. Also, petition of 52 voters of Hamilton, Ohio, praying for an increase in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2794. By Mr. GALLIVAN: Petition of Bay State Milling Co., Bernard J. Rothwell, president, 608 Grain and Flour Exchange, Boston, Mass., recommending early and favorable consideration of House bill 4539, with regard to establishment of standard weights and measures for wheat, rye, and corn mill products; to the Committee on Coinage, Weights, and Measures.

2795. By Mr. GARDNER of Indiana: Petition of Samuel Simpson and 21 other citizens of Lawrence County, Ind., urging immediate action on the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows, and also urging that the most hearty support on the part of our Senators and Representatives in Congress be accorded this legislation; to the Committee on Invalid Pensions.

2796. By Mr. GREENWOOD: Petition of George W. Osborne and 60 others, of Monroe County, Ind., asking action on bill to increase Civil War pensions of soldiers and their widows and dependents; to the Committee on Invalid Pensions.

2797. By Mr. HALE: Petition of 124 voters of Rochester, N. H., that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2798. Also, petition of citizens of Kingston, N. H., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2799. By Mr. HOGG: Petition of 84 members of Wayne Circle, No. 45, of the Ladies of the Grand Army of the Republic, for increase of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2800. By Mr. HOOPER: Petition of Mrs. Caroline E. Brown and 114 other residents of Kalamazoo, Mich., requesting immediate consideration of pending legislation to increase the rates of pension of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

2801. By Mr. KIRK: Petition of various citizens of the tenth district of Kentucky, requesting the passage of the Civil War pension bill now before Congress increasing the pensions of the Civil War veterans and their widows before the present Congress adjourns; to the Committee on Invalid Pensions.

2802. By Mr. KNUTSON: Petition of citizens of Verndale, Minn., urging the passage of Civil War pension bill; to the Committee on Invalid Pensions.

2803. By Mr. McLAUGHLIN of Nebraska: Petition of citizens of Valparaiso, Nebr., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2804. By Mr. MARTIN of Massachusetts: Petition of sundry citizens of North Attleboro and East Freetown, Mass., for the passage of the Civil War pension legislation; to the Committee on Invalid Pensions.

2805. By Mr. O'CONNELL of New York: Petition of the National Cooperative Milk Producers' Federation, favoring the passage of the Taber bill (H. R. 11768) to regulate the importation of milk and cream; to the Committee on Agriculture.

2806. By Mr. ROUSE: Petition of the Kentucky Pharmaceutical Association to Congress to withdraw the privilege of dispensing whisky from drug stores; to the Committee on the Judiciary.

2807. Also, petition of voters of Petersburg, Boone County, Ky., urging that a vote be taken in Congress on the Civil War pension bill; to the Committee on Invalid Pensions.

2808. By Mr. ROWBOTTOM: Petition of Mrs. Virginia Gordon and Mr. Oscar M. Wooldridge and others, of Evansville, Ind., asking that all pension bills increasing rates of pensions of Civil War veterans and their widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

2809. Also, petition of Julia A. Baldwin and Martha J. Welborn, of Stewartsville, Ind., and others of Stewartsville, Mount Vernon, and Poseyville, Ind., asking that all pension bills increasing rates of pensions of Civil War veterans and their widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

2810. By Mr. STEPHENS: Resolution unanimously adopted by the Forty-fourth Annual Encampment of the Ohio Division, Sons of Union Veterans of the Civil War, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2811. By Mr. VINSON of Kentucky: Petition of voters residing in the counties of Carter and Elliott, in the ninth congressional district of Kentucky, urging the passage before adjournment of Congress of a bill granting increases of pension to veterans of the Civil War, their widows and children; to the Committee on Invalid Pensions.

2812. By Mr. WATSON: Petition from residents of Montgomery County, Pa., favoring a bill for the relief of veterans and widows of the Civil War; to the Committee on Invalid Pensions.

2813. By Mr. WEFALD: Petition of 50 citizens of Bagley, Minn., praying that the House of Representatives and the Senate of the United States enact into law the bill reported by the Invalid Pensions Committee of the House to increase the pensions to old soldiers and widows of old soldiers of the Civil War; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *June 24, 1926*

(*Legislative day of Wednesday, June 23, 1926*)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Lenroot	Sheppard
Bayard	Ferris	McKellar	Shipstead
Bingham	Fess	McMaster	Shortridge
Blease	George	McNary	Simmons
Borah	Gerry	Mayfield	Smith
Bratton	Gillett	Means	Stanfield
Broussard	Glass	Metcalf	Steck
Bruce	Goff	Moses	Stephens
Butler	Gooding	Neely	Swanson
Cameron	Hale	Norbeck	Trammell
Capper	Harreld	Norris	Tyson
Caraway	Harris	Oddie	Underwood
Copeland	Harrison	Pepper	Wadsworth
Couzens	Heflin	Phipps	Walsh
Cummins	Howell	Pine	Warren
Curtis	Johnson	Ransdell	Watson
Dale	Jones, N. Mex.	Reed, Mo.	Weller
Deneen	Jones, Wash.	Reed, Pa.	Wheeler
Dill	Kendrick	Robinson, Ark.	Williams
Edge	Keyes	Robinson, Ind.	Willis
Edwards	King	Sackett	
Ernst	La Follette	Schall	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

PETITIONS

Mr. CAPPER presented a petition of sundry citizens of Emporia, Kans., praying for the passage of legislation prohibiting the employment of aliens in any branch of the United States Government, which was referred to the Committee on Immigration.

Mr. COPELAND presented a petition of sundry citizens of Brooklyn and vicinity in the State of New York praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

REPORT OF COMMITTEE ON INDIAN AFFAIRS

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (S. 4451) to authorize the payment of drainage assessments on Absentee Shawnee Indian lands in Oklahoma, and for other purposes, reported it with amendments and submitted a report (No. 1146) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8564) for the relief of Lewis J. Burshia (Rept. No. 1147);

A bill (H. R. 10540) authorizing an appropriation to revise, repair, index, and file various records in the office of the Superintendent for the Five Civilized Tribes at Muskogee, Okla. (Rept. No. 1148);

A bill (H. R. 11510) to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes (Rept. No. 1149); and

A bill (H. R. 11662) authorizing an expenditure of tribal funds of the Crow Indians of Montana to employ counsel to represent them in their claims against the United States (Rept. No. 1150).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAMERON:

A bill (S. 4507) for the relief of Sam Alexander; to the Committee on Military Affairs.

By Mr. PEPPER:

A bill (S. 4508) to authorize the President to appoint Azel W. McNeal a captain in the Quartermaster Corps of the Regular Army of the United States; to the Committee on Military Affairs.

By Mr. BUTLER:

A bill (S. 4509) for the relief of George C. Hussey; to the Committee on Military Affairs.

A bill (S. 4510) for the relief of Helen L. O'Brien; and

A bill (S. 4511) for the relief of Alfred S. Jewell (with accompanying papers); to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 4512) for the relief of Allen Farmer; to the Committee on Military Affairs.

INVESTIGATION OF THE COPPER INDUSTRY

Mr. CAMERON submitted the following resolution (S. Res. 259), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a committee of five Senators, to be appointed by the President of the Senate, is authorized to investigate the copper industry in the United States in all of its aspects, including production of copper, distribution of copper, and corporate organization in such industry. For the purposes of this resolution such committee is authorized to hold hearings and to sit and act at such times and places within the United States; to employ such experts and clerical, stenographic, and other assistants; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee shall be paid from the contingent fund of the Senate. The committee shall make a final report to the Senate as to its findings at the beginning of the second regular session of the Sixty-ninth Congress, together with recommendations for such legislation as it deems necessary.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On June 23, 1926:

S. 161. An act for the relief of Charles H. Willey;

S. 1023. An act authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy;

S. 1885. An act for the relief of James C. Minon; and

S. 2005. An act for the enlargement of the Capitol grounds.

On June 24, 1926:

S. 1728. An act for the relief of the owners of the steamship *San Lucar* and of her cargo;

S. 4223. An act to amend the act of June 3, 1920 (41 Stat. L. p. 738), so as to permit the Cheyenne and Arapahoe Tribes to file suit in the Court of Claims; and

S. 4344. An act to provide for the permanent withdrawal of Memaloose Island in the Columbia River for the use of the Yakima Indians and Confederated Tribes as a burial ground.

JOHN B. TREVOR

Mr. COPELAND. Mr. President, one of my constituents feels aggrieved by reason of an article which I had printed in the RECORD the other day. I ask unanimous consent that his letter to me and a short editorial article in the Progressive magazine regarding him be printed in the RECORD.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection? Without objection, it is so ordered.

The matter referred to is as follows:

NEW YORK, *June 21, 1926.*

Hon. ROYAL S. COPELAND, M. C.,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR COPELAND: My attention has been drawn by the Hon. ALBERT JOHNSON, M. C., chairman of the Committee on Immigration of the House of Representatives; to the fact, that on June 16, you requested permission to insert, and caused to be inserted in the RECORD of the Senate proceedings of that date, an article by David Maier published in the Progressive, a magazine printed in this city. The author of this article whom you characterize as an authority on the subject of immigration, embodied false and misleading statements respecting me and my activities in connection with the movement to restrict immigration into the United States, which demand correction.

I may say that such a correction and an unqualified apology were printed by the editor of the Progressive in the issue of that magazine dated June 15, 1926. A copy of this magazine embodying the said correction and apology was given to me in Washington on the morning of June 14—that is to say, it would appear reasonable to suppose, although you were unquestionably quite unaware of the fact, that other copies of this magazine were available in Washington two days before the insertion of the article in the CONGRESSIONAL RECORD to which I take exception. I merely mention this fact, because it may be that you will desire to inquire from the person who brought this article to your attention as to whether they were aware that the statements respecting me had been corrected and due apology made. Allow me to inform you as to the facts.

In the June 16 issue of the CONGRESSIONAL RECORD, on page 11350, the second paragraph reads as follows:

"He further shows that the leading part in this move is shared between ALBERT JOHNSON, chairman of the House Committee on Immigration, and John B. Trevor, who was in the British service during the war, was naturalized as an American five or six years ago, and is now chief adviser of Secretary Davis in the move to register aliens."

1. The statement that I was "in the British service during the war" is absolutely false. I was a commissioned officer in the United States Army and served until honorably discharged in June, 1919.

2. The statement that I was "naturalized as an American five or six years ago" is absolutely false. I am a native-born American citizen of American ancestry extending far back into the colonial period.

3. The statement that I am "now chief adviser of Secretary Davis in the move to register aliens" is too ludicrous to be worthy of serious discussion.

4. In so far as the paragraph embodying the statement, "the actual work of collecting the data and preparing the statistics is in the hands of individuals owing more or less recent allegiance to the British Empire and standing recorded in favor of a British-American union," may be regarded as referring to me, is wholly false. I have never in the past, nor do I now favor in any way whatsoever a British-American union, and above all, have no connection whatsoever with the committee representing the State, Commerce, and Labor Departments, intrusted with the compilation of statistics upon which the quotas by national origins will be based.

5. The statement that "the statistics for this system are being supplied by John B. Trevor, referred to above, an agent of the Carnegie Foundation," is wholly false. I am not, and never have been, an agent of the Carnegie Foundation. Although not material to this issue, I was requested some time after the passage of the immigration act of 1924, to write an analysis of that act for publication in one of its bulletins. In the appendix to this bulletin was inserted a reprint from the CONGRESSIONAL RECORD of statistics prepared by me, representing the national origins of the population of the United States. All the statistics which I have prepared at one time or another were prepared by me upon my own initiative and without any suggestion from any person whatsoever. I may add that as a matter of fact the national origins amendment proposed by Senator REED was introduced in the Senate, if my recollection is correct, on March 7, 1924, without my knowledge that he contemplated introducing such a measure, or any knowledge on his part, until after 4 o'clock that afternoon, when Senator Lodge handed him my "Preliminary study of the immigration problem," that I had prepared any statistics whatsoever bearing upon that subject.

6. You will observe in the article printed in the RECORD that Mr. Norman Hapgood is quoted as the authority for the false statements made respecting me and my activities, therefore, I inclose for your information a copy of the letter received this morning by my attorney, the Hon. N. A. Elsberg, which now shifts the responsibility for these statements to a person whose name he fails to state.

In conclusion let me say, as the only remedy a citizen possesses in respect to false and misleading statements printed in the CONGRESSIONAL RECORD, is an accord of the same publicity to an exposure of the facts, may I ask that the necessary steps be taken to secure reparation for the injury caused by the circulation of the false and libelous statements hereinbefore referred to. Unfortunately, as is well known, it is rare that a retraction and apology follow sufficiently close upon the original libel to give adequate redress to the injured party, but this case may serve a useful purpose in exposing the depths to which some opponents of the policy of restriction upon immigration into the United States will descend in order to influence Congress to change a law adopted for the protection of our political institutions and the maintenance of a high standard of living for the workers throughout our land.

Respectfully yours,

JOHN B. TREVOR.

P. S.: I inclose herewith a copy of the Progressive of June 15, in which the editor has published a correction and apology for the libels appearing in the issue of May 15.

J. B. T.

REGARDING MR. JOHN B. TREVOR

The Progressive is in receipt of information in regard to Mr. John B. Trevor, who supplied certain studies and statistical information on immigration used in the congressional debates, which calls for a correction of some comments on that gentleman's nationality and activities in connection with the matter of immigration. The basis for these comments was a signed statement by Mr. Norman Hapgood in the Hearst papers, to the effect that Mr. Trevor was an American citizen of only five or six years' standing, and that he was in the British service during the war. Information furnished by Mr. Nathaniel A. Elsberg to this paper since these comments appeared prove that an injustice was done to Mr. Trevor, which he hastens to correct. Mr. Trevor happens to be a native-born American citizen of American ancestry extending back into the colonial period. He was a commissioned officer in the United States Army and wore its uniform until honorably discharged. His activities in the war were those of such an officer and not those of a "spy" or secret-service officer.

As regards the statement that he was an employee or agent of the Carnegie Peace Foundation, Mr. Elsberg informs us that Mr. Trevor is a gentleman of independent means and was never so employed. The statistics referred to relating to the national origin and the population of the United States were compiled by him upon his own initiative and without the knowledge of the Carnegie Foundation. Subsequent to the passage of the immigration act of 1924, Mr. Trevor was invited by that organization to write an analysis of the act, and as an appendix to his article there was inserted a study of the population of the United States which had previously been printed in the CONGRESSIONAL RECORD. In view of these facts, the Progressive hastens to correct the erroneous impressions created by its comments and to express its regrets and sincere apologies to Mr. Trevor.

AMENDMENT TO COOPERATIVE MARKETING BILL

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to House bill 7893, the so-called cooperative marketing bill, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1963. An act authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims;

S. 3185. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to present their claims to the Court of Claims;

S. 3361. An act to purchase lands for addition to the Papago Indian Reservation, Ariz.; and

S. 4482. An act to increase the limit of cost of submarine tender *No. 3*, and to authorize repairs and alterations to the U. S. S. *S-48*.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendments of the Senate to the bill (H. R. 92) fixing postage rates on hotel-room keys and tags.

The message further announced that the House had agreed to the following concurrent resolution (H. Con. Res. 31), in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed, with illustrations, 10,000 additional copies of Senate Document No. 86, Sixty-second Congress, first session, entitled "Last Will and Testament of George Washington," of which 7,000 copies shall be for the use of the House of Representatives and 3,000 copies for the use of the United States Senate.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 2141. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes; and

S. 2868. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5218. An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868;

H. R. 12390. An act to authorize the payment of drainage assessment on Absentee Shawnee Indian lands in Oklahoma, and for other purposes; and

H. R. 12596. An act to authorize the leasing of unallotted irrigable land on Indian reservations.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 5353. An act to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876);

H. R. 9655. An act for the relief of Edward L. Duggan;

H. R. 10227. An act for the relief of Charles W. Reed;

H. R. 10363. An act to reinstate William R. F. Bleakney in West Point Military Academy;

H. R. 10807. An act to provide for payment of the amount of a war-risk insurance policy to the beneficiaries designated by Lieut. Lewis Wesley Kitchens, deceased;

H. R. 10980. An act to authorize leasing, for production of oil and gas, certain public lands in Carbon County, Wyo.;

H. R. 11802. An act to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery;

H. R. 12207. An act authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island;

S. 1963. An act authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims;

S. 3185. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims;

S. 3361. An act to purchase lands for addition to the Papago Indian Reservation, Ariz.; and

S. 4482. An act to increase the limit of cost of submarine tender *No. 3*, and to authorize repairs and alterations to the U. S. S. *S–48*.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

Mr. ROBINSON of Arkansas. Mr. President, I submit an amendment in the nature of a substitute for the pending committee amendment and ask that it be reported.

The VICE PRESIDENT. The clerk will read the proposed substitute.

Mr. McNARY. The Senator is merely asking that it be read and is not offering it at this time?

Mr. ROBINSON of Arkansas. I am offering it now.

Mr. McNARY. There is an amendment pending.

Mr. ROBINSON of Arkansas. What is it?

Mr. McNARY. I offered it yesterday, allocating $75,000,000 for use in connection with cotton.

Mr. ROBINSON of Arkansas. The Senator understands that repeatedly I have deferred proposing this substitute in order that he might perfect the committee amendment. It now appears that the committee amendment may not be perfected before the hour approaches when the five-minute limitation goes into effect. I thought it fair to the Senate at this time to propose a substitute for the committee amendment and to make a brief explanation of it.

Mr. McNARY. Very well.

The VICE PRESIDENT. The amendment of the Senator from Arkansas is in order.

Mr. McNARY. I would be very happy to withdraw the pending amendment if the Senator desires to offer his substitute now.

The VICE PRESIDENT. It is not necessary for the Senator from Oregon to withdraw his amendment to the committee amendment.

Mr. ROBINSON of Arkansas. Mine is a substitute. The Senator's amendment will have preference, because it is in the nature of a perfecting amendment.

The VICE PRESIDENT. The clerk will read the amendment in the nature of a substitute submitted by the Senator from Arkansas.

The CHIEF CLERK. In lieu of the committee amendment insert the following after line 11, on page 6:

SEC. —. That there is hereby created a body corporate and politic in deed and in law, by the name, style, and title of the Farmers Export Corporation (hereinafter called the corporation), to be composed of five persons (who shall be the directors first appointed as hereinafter provided).

SEC. —. That the capital stock of the corporation shall be $200,000,000, all of which shall be subscribed by the United States of America, and such subscriptions shall be called upon the vote of a majority of the board of directors of the corporation, at such time or times as may be deemed advisable. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000,000, or so much thereof as may be necessary, for the purpose of making payment upon such subscription when and as called. Receipts for payment by the United States of America for or on account of such stock shall be issued by the corporation to the Secretary of the Treasury, and shall be evidence of stock ownership.

SEC. —. That the management of the corporation shall be vested in a board of directors consisting of five persons, to be appointed by the President, four of whom may be selected from lists of five suggested respectively by the American Farm Bureau Federation, the Farmers Educational and Cooperative Union of America, the National Grange, and the National Council of Farmers' Cooperative Marketing Associations, and not more than one selection may be made from each list of five proposed by the above farm organizations. Two directors shall be appointed for terms of two years, two for terms of four years, and one for a term of six years. Before entering upon his duties each of the directors so appointed and each officer shall take an oath faithfully to discharge the duties of his office.

Except in the case of the directors first appointed, each director shall be appointed for a term of six years. Vacancies shall be filled in the same manner as original appointments, except that a person appointed to fill a vacancy shall be appointed for the unexpired term of the member whom he succeeds. Three members of the board of directors shall constitute a quorum for the transaction of business.

That the five directors of the corporation appointed as hereinbefore provided shall receive annual salaries, payable monthly, of $10,000.

That the principal office of the corporation shall be located in the District of Columbia, but agencies or branch offices may be established under rules and regulations prescribed by the board of directors.

SEC. —. That the corporation shall be empowered and authorized to adopt, alter, and use a corporate seal; to make contracts; to purchase or lease and hold or dispose of such real estate as may be necessary for the prosecution of its business; to sue and be sued; to complain and defend in any court of competent jurisdiction, State or Federal; to appoint, by its board of directors, and to fix the compensation of such officers, employees, attorneys, and agents as are necessary for the transaction of the business of the corporation, to define their duties, and require bonds of them and fix the penalties therefor; to dismiss at pleasure such officers, employees, attorneys, and agents; and to prescribe, amend, and repeal, by its board of directors, by-laws regulating the manner in which its general business may be conducted, and the rights, privileges, and powers granted to it by law may be exercised, and prescribing the powers and duties of its officers and agents.

SEC. —. That whenever the board of directors of the corporation shall be of the opinion that there exists, or soon will exist, a surplus above domestic requirements of wheat, corn, oats, rye, rice, cotton,

cottonseed, tobacco, beef cattle, and hogs of the United States, processed or in a natural state, and that the ordinary export banking or credit facilities are inadequate or unavailable to enable such surplus or surpluses to be sold for export or to be carried until they can be exported, or manufactured or prepared for export, the corporation shall be empowered and authorized to make loans, out of any funds in its possession, except the reserve fund hereinafter provided for, upon such terms not inconsistent with this act as it may determine, to any farmers, ranchers, or planters acting separately or in cooperative associations, within the United States, for the purpose of enabling them to export any of the surplus American agricultural products enumerated in this section or to any person or combination or group of persons without the United States; and to renew any such loan for not more than one year from the date thereof.

Every such loan shall be secured by such commercial security as the board of directors may approve. The interest charge on any such loan shall be determined by the board of directors at a rate which in their judgment will enable the corporation to meet all expenses, including the interest on its bonds. The corporation shall retain power to recall a loan or require additional security at any time.

That at no time shall the aggregate amount of all loans outstanding under the act exceed $1,000,000,000.

SEC. —. That the corporation shall be empowered and authorized to issue and have outstanding at any time its bonds in amount aggregating not more than four times its paid-in capital, such bonds to mature not less than one year nor more than five years from their respective dates of issue and to bear such rate or rates of interest as may be determined by the board of directors, and such bonds may be redeemable before maturity at the option of the corporation. Such bonds shall be a first and paramount floating charge on all assets of the corporation, and the corporation shall not at any time otherwise mortgage or pledge any of its assets. Such bonds may be issued at not less than par in payment of any loan authorized by this act, or may be offered for sale publicly or to any person at such price or prices as the board of directors may determine.

SEC. —. That all net earnings of the corporation not required for its operations shall be accumulated as a reserve fund; but such reserve fund may, upon the direction of the board of directors, be used from time to time in the purchase or redemption of any bonds issued by the corporation.

SEC. —. That any and all bonds issued by the corporation shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, and (b) graduated additional income taxes, commonly known as surtaxes, now or hereafter imposed by the United States upon the income or profits of individuals, partnerships, corporations, or associations. The corporation, including its franchise and the capital and reserve or surplus thereof, and the income derived therefrom, shall be exempt from all taxation now or hereafter imposed by the United States or any local taxing authority, except that any real property of the corporation shall be subject to State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed.

SEC. —. That the United States shall not be liable for the payment of any bond or other obligation or the interest thereon issued or incurred by the corporation, nor for any act or omission of the corporation, or of any director, officer, employee, or agent of the corporation.

SEC. —. That wherever practicable products purchased and exported as a result of a loan under the provisions of this act shall be shipped in vessels documented under the laws of the United States.

That whoever makes any statement, knowing it to be false, for the purpose of obtaining for himself or for any other person any loan under this act, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

Whoever willfully overvalues any security by which any such loan is secured shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

Whoever (1) falsely makes, forges, or counterfeits any bond, coupon, or paper in imitation of or purporting to be in imitation of a bond or coupon issued by the corporation; or (2) passes, utters, or publishes any false, forged, or counterfeited bonds, coupon, or paper purporting to be issued by the corporation, knowing the same to be falsely made, forged, or counterfeited; or (3) falsely alters any such bond, coupon, or paper; or (4) passes, utters, or publishes as true any falsely altered or spurious bond, coupon, or paper issued or purporting to have been issued by the corporation, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

The Secretary of the Treasury is authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into the custody of the United States marshal having jurisdiction on any person committing any of the offenses punishable under this section.

SEC. —. That the corporation shall make a report to Congress on the first of each regular session relating to the business transacted during the preceding fiscal year, stating as of the first day of each month (1) the total amount of capital paid in; (2) the total amount of bond issued; (3) the total amount of bonds outstanding; (4) the total amount of loans under this act; (5) a list of the classes and amounts of securities taken under this act; (6) the total amount of loans outstanding under this act; (7) a detailed statement of receipts and expenditures; and (8) such other information as may be hereafter required by either House of Congress.

That for the purpose of carrying out the provisions of this section there is hereby authorized to be appropriated the sum of $300,000 out of any moneys in the Treasury not otherwise appropriated.

Mr. ROBINSON of Arkansas. Mr. President, this amendment is in the nature of a substitute for the principal committee amendment about which the controversy in the Senate has been waged for several days. I, therefore, deem it fair to make a brief explanation of the substitute which I am proposing in order that the Senate may become familiar with its provisions and purposes.

The amendment or substitute authorizes the creation of what is termed a farmers' export corporation, managed by a board of directors, consisting of five members, who may be appointed by the President from a list suggested by the principal farmers' organizations. No attempt is made to make it mandatory on the President to confine his selection to such a list, for the reason that the power does not exist to compel him to do so.

The capital stock of the corporation, $200,000,000, as proposed by the substitute, is to be subscribed and paid by the Government. Bonds may be issued to an aggregate amount not exceeding four times the capital stock, or $800,000,000, and loans for the purpose of handling surplus farm products specified in the amendment may be made to an aggregate amount of $1,000,000,000, which is the amount of the capital stock multiplied by five. Loans may be made to farmers either acting separately or in cooperative associations. This feature of the amendment received extended consideration by those who collaborated in its preparation. Some doubt was felt whether the benefits of the amendment should be confined to cooperative associations. The conclusion was finally registered that loans might be made to farmers whether acting separately or in cooperative associations.

The amendment requires that the loans shall be made at such a rate of interest as, in the opinion of the board of directors, will pay interest on the bonds and also pay other expenses incident to administration, the measure also providing that the salaries shall be paid from the Federal Treasury. No attempt is made to fix the interest rate either on the bonds or on the loans, for the reason that it was deemed advisable to give the board the broadest practicable discretion in those matters, to the end that the act may be workable if passed.

One of the outstanding differences between the substitute and the committee amendment is that the substitute does not contemplate the levying of an equalization fee or any other charge or tax on production. I am unable to comprehend how a provision levying an equalization fee can receive the approval of the farmers of the United States when they have studied it and analyzed it.

I do not question the good faith or the intelligence of the very able gentlemen who have worked together in the preparation of the committee amendment which is commonly known as the Haugen bill; I know that they desire to do the effective thing and to do the just thing; but the power which it is contemplated by the committee amendment shall be exercised by the board is greatly beyond my ability to comprehend or to describe. At no time during modern history has any public authority attempted to exercise powers to the extent sought to be granted to the board in the committee amendment. There is no limit, and, perhaps, in the very nature of the provision there can be no limit intelligently fixed at this time, on the amount of the charge that may be levied. There is a safeguard against the improvident imposition of the equalization fee, but it does not contemplate voluntary action upon the part of the farmers themselves, probably for the reason it is known that such action can not be secured.

Of course, I imagine the framers of the committee amendment would not have thought of asking the Federal Government to authorize the farm board by law to levy a tax or other charge on every dollar of the products of the farmer whenever that board found conditions existing which justified such a levy without the consent of the farmers levied upon, if it had been believed in any practicable way their consent could be procured. Therefore, in order to make certain that the levy will be made and that no dissatisfaction or discontentment upon the part of

those who are called upon to pay it can interfere with the effective operation of the committee amendment, it is provided that whenever a certain state of facts is found to exist by the board that board may then vote to impose an equalization fee. I care not what it may be called; I care not whether it be designated as a tax or a charge for service, the essential principle underlying the objection to it is that it is sought to be levied by law against the consent or without the consent of those who are expected to pay the charge. It has unquestionably some of the aspects of a tax, but, whether it be regarded as a tax or not, the farmer is compelled to pay the equalization fee on every dollar's worth of his product whenever conditions fixed in the bill are found to exist by the board.

Mr. McNARY. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from Oregon.

Mr. McNARY. It occurs to me that, inasmuch as we have only about 35 minutes left prior to the limitation of debate, we ought to conserve those precious minutes. I think the Senator from Arkansas exhausted the time allowed him on the committee amendment a few days ago.

Mr. ROBINSON of Arkansas. Mr. President, I have not spoken on this amendment at all.

Mr. McNARY. I refer to the committee amendment. The Senator has exhausted his time on that, and I should think the Senator would devote himself to discussing his proposed substitute in the time allotted to him, as I think he has no time left for additional discussion of the committee amendment.

Mr. ROBINSON of Arkansas. Mr. President, I do not understand that I am denied the privilege of discussing my proposed substitute. I have risen a number of times in the Senate and waived my right to discuss the substitute or to present it, for the convenience of the Senator from Oregon.

Mr. McNARY. I have no objection to the Senator discussing the substitute; I think that is proper; but I think he has exhausted his time for the discussion of the amendment which is pending.

Mr. ROBINSON of Arkansas. I am discussing the substitute proposed by me; that is exactly what I am doing, and I can not intelligently discuss the substitute without comparing it with the committee amendment. I think the Senator is taking a portion of my time in an unwarranted manner. I may not be discussing the question before the Senate with that degree of intelligence which the Senator from Oregon would employ; indeed, I am prepared to admit that, since very few Senators, if any, can measure up to that high standard of intellectuality; but, Mr. President, I am attempting to point out wherein the substitute differs from the principal amendment, which is commonly called the Haugen bill, and I shall continue for just a few minutes to do that, and then I shall yield the floor in order that other Senators may have a fair division of the time which is available for debate.

I have not wanted to prolong this debate; I have sought in every way possible to bring about a vote on this bill at a much earlier day than it is going to be reached, and I do not appreciate the implication of the Senator from Oregon that I am wasting the time of the Senate in the present discussion.

Mr. President, I was discussing the equalization fee. I do not believe that the power exists in the Federal Government to levy such a fee, whether it be called a tax or a mere charge for service. If that power exists, I do not believe that it ought to be exercised against the consent or without the consent of the persons to be charged. That constitutes my principal objection to the committee amendment.

To illustrate the manner in which some farmers believe the Haugen bill will work, I wish to insert in the RECORD a statement which I have received from a very intelligent and high-minded Arkansas planter. I will not take the time of the Senate to read the statement, but will summarize it by saying that he suggests that this ought to be called a tax; that a tax of $10 a bale ought to be levied on every bale of cotton grown in the South during a period of five years, in order to create an adequate fund for the purposes of the bill, and then, in the next year a tax of 4 cents a pound ought to be levied on the production of cotton, in order to make certain that there will not be an overproduction.

Mr. President, that is the very gist of this bill. The equalization fee is in every sense of the word a tax on production, and it is a practicable and effective way of limiting production and correspondingly increasing prices. If it is desired to levy a tax of 10 cents a pound instead of 4 cents a pound, as suggested by the very intelligent and able farmer to whom I have referred, there could be prevented the production of a single pound of ordinary cotton in the United States, and if it is desired to levy an equalization fee sufficiently heavy it is possible not only to minimize or reduce production but absolutely to prevent it. Will Senators tell me that it is within the power of the Federal Government to impose that sort of a charge on the farmers of this Nation and to levy that kind of a tribute upon them? I understand fully that the purpose of the charge is to benefit them; but, if it is for their benefit, it is essential that it should be levied with their approval and their consent.

Mr. DILL. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from Washington.

Mr. DILL. I desire to get the Senator's understanding of the committee amendment regarding cotton as it is now.

Mr. ROBINSON of Arkansas. The Senator from Oregon [Mr. McNARY] will not let me talk about the committee amendment without aspersing either my intelligence or my character; but I gladly state that the committee amendment that is in the bill defers any equalization fee on cotton for at least three years.

Mr. DILL. But the amendment offered by the Senator allows up to $75,000,000, as I understand, to be used for cotton without an equalization fee.

Mr. ROBINSON of Arkansas. Yes; that is true.

Mr. DILL. What I should like to know is why cotton should be given that privilege and not wheat.

Mr. ROBINSON of Arkansas. The Senator from Oregon will explain that. Various explanations have been given.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. ROBINSON of Arkansas. Yes; I yield to the Senator.

Mr. NORRIS. In order to get a better understanding of the Senator's substitute, I desire to ask him if I am correct in my conclusion from an examination of it that in a nutshell it provides for a corporation which shall have authority to loan money to those who want to export the products named?

Mr. ROBINSON of Arkansas. Yes.

Mr. NORRIS. And it has not any other authority. Is not that the limit of its authority?

Mr. ROBINSON of Arkansas. That is the substance of the provision. It is comparable to the finance corporation. It has no power to levy any equalization fee against the farmer or producer.

Mr. NORRIS. It can not deal in products or anything of that kind?

Mr. ROBINSON of Arkansas. No; unless it does so through cooperative associations.

Mr. NORRIS. In that case the cooperative associations could do it?

Mr. ROBINSON of Arkansas. It is not the direct act of the corporation.

Mr. NORRIS. It simply loans money?

Mr. ROBINSON of Arkansas. It loans money for the purposes of the bill.

The VICE PRESIDENT. The Senator's time on the amendment has expired.

Mr. ROBINSON of Arkansas. Mr. President, I think I have probably consumed all my time; and I yield the floor with the request that there be inserted in connection with my remarks the statement to which I referred from the Arkansas Planter, and the provisions of the committee amendment which relate directly to the equalization fee, commencing with line 3 on page 17 and extending down to and including line 7 on page 21.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

BRINKLEY, ARK.

AN EXPLANATION OF THE HAUGEN AGRICULTURAL BILL NOW BEFORE CONGRESS

By T. T. Bateman

I will apply it to cotton and will take the 1925 crop as an illustration. Some time in September the Government estimated the crop at 13,500,000 bales, that put cotton to 26 cents per pound, and after the crop was gathered and we had made 16,000,000 bales, it declined to 18 cents—a loss of 8 cents per pound. Now, the Haugen bill provides for a tax levy creating a fund with which to buy up the surplus cotton and store it away until at such a time as we shall make a short crop.

Now, for illustration, if we had been able to have placed a tax of $10 per bale on the 1925 crop, this would have raised a fund of $160,000,000, with which amount we could have bought at 20 cents per pound, 1,600,000 bales, which would have reduced the crop to 14,400,000 bales, about the world's requirement, and this amount of cotton would easily have brought a price of 22 cents per pound, and have paid our 2 cents per pound tax back and left us with 1,600,000 bales as a profit.

There has never been a surplus of cotton in a series of any 10 years. Statistics show that overproduction of 10 per cent reduces the price of the commodity 30 per cent; for illustration, we will say,

in the next five years we make a crop of 15,000,000 bales each year, with a tax of $10 per bale would create a fund of $150,000,000 per year, and at 20 cents per pound we could buy and store away 1,500,000 bales each year, at the end of the five-year period we would have a surplus of 7,500,000 bales.

Now, to take care of this surplus by disposing of it the farmers or cotton raiser would be notified that his cotton was going to be sold the next year at whatever it would bring, and advised to govern themselves accordingly by reducing their acreage one-half, and in order to make the suggestion effective the tax to be increased to 4 cents per pound for that year's crop only; this surplus cotton sold for 20 cents per pound would make a fund of $750,000,000 to be paid back to the farmers, which would pay them back the $50 a bale they had paid out for this cotton, and in addition they would have made a big crop of feed for the next year.

Every Member from Arkansas, in fact the entire Congress should support such a measure.

T. T. BATEMAN.

PURPOSES OF EQUALIZATION FEE

SEC. 16. In order that the producers of each basic agricultural commodity may contribute ratably their equitable share to the equalization fund hereinafter established for such commodity; in order to prevent any unjust discrimination against, any direct burden or undue restraint upon, and any suppression of commerce in basic agricultural commodities and their food products with foreign nations in favor of interstate or intrastate commerce; and in order to encourage and stimulate the normal and usual current of foreign and interstate commerce in basic agricultural commodities—there shall be apportioned and paid as a regulation of such commerce an equalization fee as hereinafter provided.

DETERMINATION OF AMOUNT OF FEE

SEC. 17. Prior to the commencement of operations in respect of any basic agricultural commodity and thereafter from time to time the board shall estimate the probable advances, losses, and expenses to be paid in respect of the operations in such commodity and its food products. Having due regard to such estimates, the board shall determine and publish the amount for each unit of weight, measure, or value designated by it, to be collected upon the processing or the sale or other disposition of such basic agricultural commodity during the operations therein. Such amount is hereinafter referred to as the "equalization fee." At the time of determining and publishing an equalization fee the board shall specify the period during which the fee shall remain in effect.

PAYMENT AND COLLECTION OF FEE

SEC. 18. (a) During the operations in respect of any basic agricultural commodity and its food products, the equalization fee shall be paid, under such regulations as the board may prescribe, upon the processing or the sale or other disposition (as the board may determine) of the unit of such basic agricultural commodity, but no such fee shall be paid in respect of cotton or corn prior to three years from the date of the passage of this act, and no fee shall then be paid in respect of corn or cotton unless and until specifically authorized by an act of Congress.

(b) The board may by regulation require any person engaged in processing or in the purchasing of a basic agricultural commodity—

(1) To file returns under oath and to report, in respect of his processing or purchasing of such commodity, the amount of equalization fees payable thereon and such other facts as may be necessary for the payment or collection of the equalization fees;

(2) To collect the equalization fee from the producer and to account therefor; and

(3) To issue to the producer a serial receipt for the commodity which shall be evidence of the participating interest of the producer in the equalization fund for the commodity. The board may in such case prepare and issue such receipts and prescribe the terms and conditions thereof. The Secretary of the Treasury, upon the request of the board, is required to have such receipts prepared at the Bureau of Engraving and Printing.

(c) Every person who, in violation of the regulations prescribed by the board, fails to account for any equalization fee shall be liable for such fee and to a penalty equal to one-half the amount of such fee. Such fee and penalty may be recovered together in a civil suit brought by the board in the name of the United States.

EQUALIZATION FUND

SEC. 19. (a) In accordance with regulations prescribed by the board, there shall be established an equalization fund for each basic agricultural commodity, into which the equalization fees and the profits in connection with operations therein or in its food products shall be deposited.

(b) The board, in anticipation of the collection of the equalization fees, and in order promptly to make the advances agreed to be made and to provide for the prompt payment of the losses agreed to be paid and the salaries and expenses of experts, may advance to the equalization fund for any basic agricultural commodity, out of the revolving fund hereinafter established, such amounts as may be necessary.

(c) There shall be disbursed from the equalization fund the amounts agreed to be repaid by the board for losses, costs, and charges in respect of the operations in the basic agricultural commodity or its food products, and the salaries and expenses of such experts as the board determines should be payable from such fund. There shall be repaid from such equalization fund any amounts advanced in respect of the agricultural commodity, from the revolving fund hereinafter established, and remaining unpaid, together with interest on such amounts at the rate of 4 per cent per annum.

(d) When the amount in the equalization fund for a basic agricultural commodity is, in the opinion of the board, in excess of the amount adequate to carry out the requirements of this act in respect of such commodity and its food products, and the collection of further equalization fees thereon is likely to maintain an excess, the board may retire in their serial order as many as practicable of the outstanding receipts evidencing a participating interest in such fund. Such retirement shall be had by the payment to the holders of such receipts of their distributive share of such excess as determined by the board. The amount of the distributive share payable in respect of any such receipt shall be an amount bearing the same ratio to the face value of such receipt as the value of the assets of the board in or attributable to the fund bear to the aggregate face value of the outstanding receipts evidencing a participating interest in such fund, as determined by the board.

Mr. REED of Missouri. Mr. President, my duties elsewhere have prevented me from taking part in the discussion of this bill. In the brief time that remains before the five-minute rule comes into effect it is impossible to undertake a general discussion or a complete analysis of the measure. Particularly it is impossible to discuss the constitutional question involved from the authoritative standpoint.

In preliminary I remark that it has been my earnest desire to cooperate in the passage of a bill to relieve the present farm situation. I had argued myself into a waiver of several principles that I have heretofore adhered to which are of an economic character. I believe that a special emergency exists, and that special conditions for which the Government is responsible are chargeable with many of the farmer's ills. In that frame of mind I began the examination of this bill. Regretfully I have been forced to the conclusion that the amendment which is now directly under discussion will be inimical to the farmer himself; besides I entertain not the slightest doubt of its unconstitutionality.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. REED of Missouri. I will, but I must within a limited number of minutes state the case as I see it. I therefore request that Senators do not interrupt me unless they really want me to give them some light, and I hardly think I can give light to the Senator from Connecticut.

Mr. BINGHAM. The Senator is very kind in his remarks. I merely want to know whether, in referring to the amendment which the Senator is discussing, he refers to the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. REED of Missouri. I am referring to the amendment which proposes to set up the equalization fee, not to the amendment proposed by the Senator from Arkansas.

Mr. NORRIS. In other words, the Senator is discussing the committee amendment?

Mr. REED of Missouri. The committee amendment.

Mr. President, as a broad and general proposition it may be safely laid down that whenever government undertakes to interfere with the laws of trade and commerce, with the course of supply and demand, the result in the end is disastrous even to the industry sought to be benefited. There are exceptions on rare occasions where a temporary assistance may be rendered. That may be conceded, although I think the instances are very rare. Such an instance, it seemed to me was now present; and briefly let me state my reasons for that conclusion.

I remark first that for many years our Government has pursued the iniquitious and indefensible policy of denying to the people of the United States their natural right to buy where they choose and to sell where they desire. A policy of robbery under the guise and form of a tariff tax has been persisted in for many years, thereby the price of domestic manufactured goods as well as the price of imported manufactured goods has been increased not only upon all imported goods but upon the domestic product.

The principle embraced in the tariff is utterly vicious and indefensible. But the system exists.

Two things have happened. First, during the war the domestic manufacturer was allowed to charge the highest war prices he could extort, and in the charging he was aided,

abetted, and assisted by a law on the statute books which prevented purchases abroad where purchases were possible. Second, after the war was over the tariff was enormously increased at the demand of the special interests that were beneficiaries of the tariff. The tariff was thereafter increased for the express purpose of raising the price of every manufactured product of this country to every citizen of this country; and it had that effect, sir.

Nor is that all of the story. When the war was on, when the manufacturer of this country and the manufacturers of the world were permitted to charge the highest price they could extort, the farmer was singled out as the special victim of the Government. A gentleman was imported from England, Mr. Herbert Hoover by name, who promptly set himself to the task of depriving the farmer of the prices he could, unless interfered with, gain in the world market. Hoover in this wise usurped the authority he exercised. A law was passed which was intended to prevent hoarding and to prevent combinations monopolizing and controlling the markets of America.

In order to render this law effective, it was provided that all grain dealers and millers must take out a Government license. The intent was that through the licensing system a check could be kept upon the operations of the grain dealers, millers, and certain others and the evil practices referred to prevented.

But these laws did not authorize Hoover to fix the price of a single grain of wheat, ear of corn, or other products. That licensing power was vested in Herbert Hoover, this imported Britisher, this man who had lived out of our country for all of his adult life, and he proceeded to exercise it in this wise: He compelled every grain dealer and miller to take out a license. He then dictated to the grain dealer and the miller the exact price they should pay for wheat and certain other farm products. He told the grain dealers that if they varied from the prices he dictated he would revoke their licenses. He fixed the differential between the price paid by the grain dealer to the farmer and the price the grain dealer was to charge the miller. By such means he fixed the price of every bushel of domestic wheat and other farm products that came within his control.

Because it was feared that our country might be drained of its foodstuffs it was by law provided that nothing could be shipped abroad except under license of the President.

Accordingly there was set up a grain export corporation and no wheat could be sent abroad unless it was marketed through that corporation.

The export corporation then proceeded to fix the same price on products intended for export which Hoover had already fixed in the domestic market.

The result of these two orders was that both the export and the domestic markets were absolutely controlled by the arbitrary decree of Hoover. No farmer could sell his wheat in the United States except at the price Hoover fixed. No farmer could sell his grain abroad except at the price Hoover fixed.

The power thus exercised by Hoover was the result of pure usurpation in total disregard of his official duty and in violation of every principle of right. He proceeded to employ the licensing power granted for the mere purpose of preventing combinations so as arbitrarily to fix the price upon the products raised by the millions of farmers of the United States.

The farmer was compelled to market his wheat in this country at a price which at times was as much as $2 per bushel below the price wheat commanded in foreign countries.

At the close of its transactions, the export corporation turned over to the Government some $70,000,000 of profits it had made by taking the farmers' wheat and products at the prices arbitrarily fixed by Hoover and in turn selling it upon the foreign market.

A more damnable outrage was never perpetrated, and a more infamous abuse of authority never occurred beneath the American flag or the flag of any other free country.

Mr. Hoover sits to-day in the Cabinet of Calvin Coolidge. He has sat in other Cabinets to the disgrace of the high position he occupies and to the injury of the Republic.

What I have just said covers, in part, the outrages perpetrated upon the farmers during the war.

But, sir, you have been for years by positive law putting another indefensible outrage upon all peoples engaged in agriculture. You have imposed a tariff upon everything the farmer buys, thereby raising the price and enormously increasing his cost of living.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. The time of the Senator has expired.

Mr. REED of Missouri. How much time did I have?

The VICE PRESIDENT. Fifteen minutes.

Mr. REED of Missouri. I understood we had 30 minutes.

The VICE PRESIDENT. Fifteen minutes on each amendment.

Mr. REED of Missouri. I have not spoken on this bill at all.

Mr. ASHURST. Mr. President, I ask unanimous consent that the time of the Senator be extended to 1 o'clock. That courtesy has been shown to others.

Mr. McNARY. That will not be necessary. The Senator from Missouri has not heretofore spoken on the bill or the amendments, the time he would have being in the aggregate one hour, and the Senator is entitled to occupy that time.

The VICE PRESIDENT. The Senator has 30 minutes on the bill.

Mr. McNARY. Certainly.

Mr. ROBINSON of Arkansas. It will be necessary, in that case, to relax the limit that will go into effect at 1 o'clock, and I ask that that be done, because speeches will be limited to five minutes commencing at 1 o'clock.

Mr. NORRIS. I have no objection to that being done, but after 1 o'clock the Senator would not be entitled to it as a matter of right.

Mr. ROBINSON of Arkansas. That is what I say, that he is not entitled to it as a matter of law. I ask that the Senator from Missouri be permitted to consume the 30 minutes to which he would have been entitled under the original agreement unmodified.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. REED of Missouri. I am obliged to the Senator. I would not ask the courtesy, but as Senators know, I have been engaged with duties on a committee which have rendered my presence here impossible.

The effect of the various acts and laws to which I am referring was that during the war the farmer had to pay the top war prices for everything he bought, and he was obliged because of the arbitrary and illegal and infamous acts of Herbert Hoover to sell his properties at a price fixed by Hoover far below the level of war prices.

At the time the licensing bills were before the Senate, I warned the Senate and the country that Hoover would employ the licensing power to fix prices. I later repeatedly challenged the attention of the Senate and the country to the fact that Hoover was abusing the powers in the manner I have above indicated. I protested then even more vehemently than I am protesting now.

The indubitable facts I have briefly set up demonstrate that we have been robbing the farmer by law, and that we are robbing him by law to-day.

Because of these considerations I have felt we would now be justified in doing almost anything for the farmer which was not at absolute war with every principle of economics and sound sense, but the outrages perpetrated upon the farmer during the war and by the tariff during and preceding the war did not satisfy the greed of the beneficiaries of the tariff system.

After the war was over I sat with the Finance Committee of the Senate. I heard there the representatives of various protected interests declare in good straight English: "We won this election; we propose to have the results of the election, and we demand a tariff." In some instances it was demanded that a tariff of more than 100 per cent should be levied. Obsequiously we obeyed their orders. We bared our back to the whip and lash of organized capital. We surrendered to their outrageous demands.

The tariff was raised. It was raised for the specific purpose of maintaining war prices on manufactured products after the war was over. It was a villainy the effects of which were particularly visited upon the farmer.

By reason of tariff increases and combinations among American manufacturers the prices of manufactured goods which had existed during and were maintained after the war are still substantially maintained.

It follows that the farmer during all of these years has been and is now obliged to buy that which he consumes at war prices.

Upon the other hand, he has been compelled to sell his surplus upon the broken markets of Europe—the lowest markets of the world. The bankrupt peoples of Europe have not been able to buy even to the usual amount. Neither have these people been able to recoup their finances or gain money with which to buy the products of the American farmers, because when they have brought their products here to sell they have been confronted by a tariff law that was horse high, hog tight, and bull strong. Back of that tariff wall stands vast combinations of American manufacturers plundering the farmer.

Under these circumstances if a plan could be devised to recompense the farmer in some measure for the wrongs worked upon him I would be willing temporarily to abandon those policies which I believe ought to govern. I would be willing to take considerable sums of money from the Public Treasury and expend them in the furtherance of agriculture.

But, sir, what is the proposition we have before us as expressed in this particular amendment? I unhesitatingly declare that if it should be adopted and enforced it would within 30 days produce something akin to revolution, and that revolution would occur among the farmers themselves.

The newspapers have recently intimated that the Vice President has had something to do with framing this amendment, and, accordingly, we find in public estimation his name attached to the bill. It is now referred to as the "Dawes-McNary-Haugen bill." I pray God that the European "Dawes plan," of which we have heard so much, is not so rotten and impossible a thing as this amendment.

Picture to yourselves the import of this amendment and what will occur should it be adopted.

Hitherto, in their days of adversity, the farmers have been even supposed to be a very independent class of citizens. This bill takes from the independent farmers of the United States a free and open market and levies a forced tribute upon the products of their toil.

To illustrate: It says to Farmer Smith, "When you bring your grain to town and sell it on the market at the market price the money due you shall not be paid you in full. No matter where you may carry your wheat for sale, or to whom you shall sell it to, the purchaser must deduct from the agreed price whatsoever sum of money a Government board has declared shall be taken from the purchase price of the wheat."

If the agreed price is $1.50 per bushel and 100 bushels have been delivered, $150 is due. Instead, Farmer Smith is blandly told that he can not receive $150; that a sum fixed by a board shall be deducted and the amount deducted sent to that board. If it shall have fixed a charge of 20 cents a bushel, then Farmer Smith, instead of receiving $150 for his 100 bushels of wheat, will only receive $130, and $20 of his money will be taken from him and sent to the Government board to be used to recoup the losses others may have made in rearing grain.

"What is that board going to do with my money," says Farmer Smith.

The purchaser answers: "It is going to take your money and use it to make up the losses somebody else has sustained on his wheat."

Such a law takes away from the farmer his right as a free citizen to sell his grain in a free market. By such a law you make the farmer a serf upon the land he owns. You put shackles upon his industry. You levy a forced tribute upon his toil. You thus establish a species of agricultural slavery. Those who are responsible for such an infamy will have justly visited upon their heads the curse of an indignant and outraged people.

Those of you who think that by voting for such a measure you will gain the favor of farmers will be speedily disillusioned once the scheme is put into execution.

Here in front of me sits my friend from Wyoming—a great cattle dealer, who has given his life to that business. Will he pardon me if I employ him and his business in an illustration? He sends a trainload of cattle to town. They ought to bring a large sum of money. Is he free to sell them, to collect the money, and to place it in the bank? The answer must be "No," because a Federal bureaucrat declares, "You have no legal right to sell these cattle and to collect all of your money. Your right to sell the cattle is a privilege granted by the Government, and for that privilege the Government exacts a tribute; and it proposes to take a part of your money and turn it over to a board or bureau to distribute it according to its schemes and devices, but particularly for the benefit of some one who has been unsuccessful in the cattle business."

We talk of this being a free country. But we can not so regard it if the amendment now proposed becomes a law; for that amendment proposes to take from free men the right to sell without paying a tax for the privilege of selling. Nay, sir, this tribute can not be even dignified as a tax, because it does not go to the common and general weal. It is a tribute exacted by force and is to be handled by a board or commission which may, and in all probability will, waste it. In any event, it is money belonging to the farmer which is taken from him by force and turned over to others. Thus he is deprived of his property without process of law.

Mr. President, is it possible that such a bill can have any real backing in the United States Senate? We can not under any power of Government take the property of one man and give it to another. We can not take my money by forced tribute and give it to Smith or Jones or Jackson or Thompson. We can not take money from a successful farmer and use it to make up the losses of some unsuccessful farmer. We can not arbitrarily take the property of one citizen and transfer it to another without outraging every principle of the most sacred principles of the Constitution of the United States.

We are told that such a power is found in the interstate commerce clause of the Constitution. If, under the interstate commerce clause, we can take a small part of a citizen's property and confer it upon another person, we can take a larger part or all of it. If the interstate commerce clause is susceptible of that construction, then there is nothing left of the right of property. The assertions made are the most monstrous construction and distortion and misconstruction of the Constitution that has ever befouled the lips or defamed the intellect of man.

Sir, I have heard an argument here—will you let me drop into the vernacular—that makes me sick, sick all over and through and through. I have heard it whispered around that we should pass this bill—"put it up to Coolidge and make Coolidge veto it," and that that will "put Coolidge in bad with the farmer."

What an argument that is to come from men who are sworn to uphold the Constitution of the United States and to do their duty justly by all people! What an argument that is! But what an idiotic thing it is, for let me tell you, if I have an enemy in politics, I want him to do nothing better than to do a foolish thing and give me the opportunity of striking down that foolish thing.

First or last the people of the United States analyze and understand all great questions. First or last the people of the United States in the mills of their minds grind out the grist of truth. First or last they understand chicanery and discover fraud. The people of the United States, in the last analysis and after mature deliberation, are sound to the very core and there is no class of them sounder or saner or safer than the men who earn their living under the blue sky and wring their substance from the bosom of mother earth.

What have we come to in this body when men try to find a way to defeat the intent of the Constitution, when they endeavor by hook or twist to distort its sacred principles? What kind of legislators are we, if instead of seeking to defend the Constitution against all attacks we rather plot to undermine its foundations? Are we like moles to bore beneath it, like evil birds to fly around it, like burglars to break through its barriers? Are we to employ intellectual subterfuges and scholastic juggling to justify the crooked path of betrayal? Instead we should be standing with burnished shields and glittering swords to defend the great charter of liberty against all assaults.

Mr. President, I thank the Senate for its indulgence.

Mr. McNARY. Mr. President, I desire to state that the five-minute rule becomes applicable at this time, and I shall insist upon its strict observance throughout the day.

Mr. LENROOT. Mr. President, reference has been made to price fixing of wheat during the war, and the Senator from Missouri [Mr. REED] has undertaken to charge Secretary Hoover with responsibility for what was done in that respect. I think the Senate and the country ought to have the facts with regard to this matter, and they are briefly as follows:

On August 14, 1917, President Wilson appointed a committee of 12 gentlemen for the purpose of investigating a fair price and making recommendations to him. That committee consisted of Harry A. Garfield, president of Williams College, Williamstown, Mass., chairman; Charles J. Barrett, president Farmers' Union, Union City, Ga.; William N. Doak, vice president Brotherhood of Railway Trainmen, Roanoke, Va.; Eugene E. Funk, president National Corn Association, Bloomington, Ill.; Edwin F. Ladd, late a member of this body, then president North Dakota Agricultural College, Fargo, N. Dak.; R. Goodwin Rhett, president Chamber of Commerce of the United States, Charleston, S. C.; J. W. Shorthill, secretary National Council of Farmers' Cooperative Association, York, Nebr.; James W. Sullivan, American Federation of Labor, Brooklyn, N. Y.; L. J. Tabor, master Ohio State Grange, Barnesville, Ohio; Frank W. Taussig, chairman United States Tariff Commission, Washington, D. C.; Theodore N. Vail, president of the American Telephone & Telegraph Co., New York City; and Henry J. Waters, president Kansas State Agricultural College, Manhattan, Kans.

That committee made its report to the President, and I ask unanimous consent for the insertion in the RECORD of the report.

The VICE PRESIDENT. Without objection, it is so ordered. The report is as follows:

To the PRESIDENT OF THE UNITED STATES:

The undersigned committee has been asked by you to recommend the price which the Government should pay for the 1927 crop of wheat.

In its deliberations the committee has kept constantly in mind the three following factors:

First. The fact that the United States is at war.

Second. The need of encouraging the producer.

Third. The necessity of reducing the cost of living to the consumer.

The normal laws of supply and demand have been violently interfered with and Congress has undertaken to offset this disturbance by conferring extraordinary powers upon the President to stabilize prices. Each of the foregoing factors grow out of conditions which have received the careful attention of the committee. Chief among them are: That the wheat yield in a great and important section of the country has this year been below the normal; that over against this situation is the crying need among the whole body of the population, especially the wage earners; that the rising tide of costs shall be stayed and reduced as rapidly as possible, consistent with the welfare of the producer; that the Government is at the present time engaged in the great task of reducing and stabilizing cost of other staple commodities; that the wheat of the world is abundant for its needs, even disregarding the stores in Russia, but because of lack of shipping and war conditions the burden of supplying wheat to the allies and to neutral nations rests for the time being upon the United States and Canada.

Your committee has also considered the fact that the Government price for the 1917 wheat crop is in effect a continuing guaranty until the minimum price guaranteed by Congress for the crop of 1918 goes into effect (July 1, 1918). It has considered the relation of the 1918 minimum price guaranty to the price here recommended. It has also considered the effect which an early termination of the war would have upon the wheat markets of the world.

In reaching its conclusion the committee has been guided by the principles you have announced—that a fair price should be based upon the cost of production for the entire country, plus a reasonable profit. We have relied upon the cost estimates for the crop of 1917 furnished by the United States Department of Agriculture, checked by the results of our independent investigations and the evidence submitted to the committee by producers and their representatives.

The committee has considered the regulations recently established by the United States Food Administration Grain Corporation for the different grades of wheat through which all transactions in wheat are to be standardized and speculation to be entirely eliminated. Also that profits to the grain dealer, miller, and flour dealer have been regulated and reduced by the Grain Corporation, effecting a material reduction in the cost of flour.

In consideration of the foregoing facts and circumstances this committee respectfully recommends that the price on No. 1 northern spring wheat or its equivalent at Chicago be $2.20 per bushel.

Mr. LENROOT. On August 30, 1917, President Wilson, in accepting that report fixing the price of $2.20 per bushel for wheat, made a statement, and I ask unanimous consent to insert that statement in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The statement is as follows:

THE WHITE HOUSE,
Washington, August 30, 1917.

Section 11 of the food act provides, among other things, for the purchase and sale of wheat and flour by the Government, and appropriates money for the purpose. The purchase of wheat and flour for our allies—and to a considerable degree for neutral countries also—has been placed under the control of the Food Administration. I have appointed a committee to determine a fair price to be paid in Government purchases. The price now recommended by that committee, $2.20 per bushel at Chicago for the basic grade, will be rigidly adhered to by the Food Administration.

It is the hope and expectation of the Food Administration, and my own also, that this step will at once stabilize and keep within moderate bounds the price of wheat for all transactions throughout the present crop year, and in consequence the prices of flour and bread also. The food act has given large powers for the control of storage and exchange operations, and these powers will be fairly exercised. An inevitable consequence will be that financial dealings can not follow their usual course. Whatever the advantages and disadvantages of the ordinary machinery of trade, it can not function well under such disturbed and abnormal conditions as now exist. In its place the Food Administration now fixes for its purchases a fair price, as recommended unanimously by a committee representative of all interests and all sections and believes that thereby it will eliminate speculation, make possible the conduct of every operation in the full light of day, maintain the publicly stated price for all, and, through economies made possible by stabilization and control, better the position of consumers also.

Mr. Hoover, at his express wish, has taken no part in the deliberations of the committee on whose recommendation I determine the Government's fair price, nor has he in any way intimated an opinion regarding that price.

WOODROW WILSON.

Mr. REED of Missouri. Mr. President, I will take my five minutes right now. It is true that a board was created. It is true that they said what they thought was a fair price for wheat. It is also true that we forced a clause into the law permitting a minimum price. But the law did not authorize any man or men to fix a maximum price for wheat. No law ever fixed a maximum price for wheat and no authority was ever given to Mr. Hoover to fix the price.

Mr. LENROOT. Mr. President, may I correct the Senator? This price fixing was prior to the taking effect of that law enacted by Congress, which applied only to the crop of 1918.

Mr. REED of Missouri. It was merely an advisory thing. There was no word in the law authorizing anybody to fix the price of wheat. There was no word in the law authorizing Hoover to take the action he did take.

Mr. FESS. Mr. President, I had hoped that before the five-minute rule went into effect I might be able to present the substitute which I intend to offer. Not having had that opportunity, I simply want to state what it is and also to state that after the vote on the committee amendment I will offer it. That is the only time I can offer it under the present parliamentary status.

The substitute provides for a cooperative marketing commission. It is along the line of the suggestion of the Secretary of Agriculture. It has nothing to do with Government price fixing. It omits altogether the idea of the Government buying and selling. It has nothing to do with a Government subsidy, either in the form of a gift, a bonus, or a tax, sale or excise, and it does not interfere by a bureaucratic way with the channels of commerce. All it intends to do is to facilitate the cooperative marketing organizations now in existence with the possibility of increasing them. They now control about 30 per cent of all the grain that goes through the commercial channels.

Secondly, it intends to make easier facilities for credit whereby, through the cooperative marketing associations, those persons who can not get credit from the intermediate bank might be enabled to get it from the cooperatives which will be supplied by funds created here in the amount of $100,000,000.

If the proposal would be accepted, it would give us better control of the acreage and therefore do away with the danger of overproduction. In addition to that I am hoping that it will reduce the cost to the farmer. While it may not give him a higher price, he will get a greater proportion of the price which is paid by the consumer. In the case of the railroads, for example, while the railroads receive about the same amount that they received in 1920, the Senate knows that there has been a profit of about $1,246,000,000 in the five years due to savings in reductions in the cost of operation. That is what I am hoping we may be able to do in reference to the farmer, reducing the cost of operation to him by a wider application of machinery and power of farm work.

It also will give a wider synchronized control between production and demand that will enable the man who otherwise would be forced to throw his product upon the market when everybody is selling, to hold it until such time as the demand can absorb the market. In other words, the hope is that a part of the profits to the middlemen, or many of them, might be subserved to the producer without any additional expense to the consumer.

If the proposal is enacted into law, nothing of the sort that the Senator from Arkansas [Mr. ROBINSON] has suggested will take place. I had hoped that the proposed substitute of the Senator from Arkansas would be such that I could vote for it, but it provides for direct Government loans to individuals, which I think is dangerous. His substitute only deals with exportable surplus, which, of course, is not broad enough, for no one can tell when a farmer delivers his products what part of it is surplus exportable and what part of it is surplus that will not be exportable. Then in addition it builds up a debenture organization, the outcome of which no one can foretell. For that reason I can not give the support which I had hoped to be able to give to the Robinson substitute.

If the substitute which I have offered shall be accepted, it enlarges the cooperative marketing facilities and it only gives assistance to the farmer to help himself. It is sound economically. It is in line with what has been tried and proved successful. I can not offer the substitute before a vote is taken on the committee amendment because of the parliamentary situation. I want the Senate to understand that after the committee amendment is voted on I shall then offer my proposition as a substitute to the entire bill, which will, if adopted,

come before the House, where that body will get a direct vote on what was denied it some weeks ago.

Mr. GOODING. Mr. President, if there was any doubt as to the benefits of the committee amendment to the American farmer, the statement made by the Secretary of the Treasury and the statement made here by every Senator who is opposed to the bill, wherein they fear it will increase the cost of living, has dispelled and carried away that doubt. I do not agree with them, however, that it is necessarily going to increase the cost of living. It is going to increase the farmer's price, however. A measly little pittance of 1.6 cents is all the farmer gets out of the price of a loaf of bread. In 1923 the baker paid $5.84 for a barrel of flour. He sold it in his 10-cent loaves of bread for $28, leaving him $22.50 for his labor and investment.

In 1924 he paid $7.62 and he sold the 280 loaves of bread which they get out of a barrel of flour for $28, leaving him $20.38. If the increase in the cost of wheat which will be brought about by the bill to the American farmer was all passed on to the consumers of the country, it would be only a quarter of a cent on each 10-cent loaf of bread. Surely, the baker is making profit enough when he gets $20.38 for baking a barrel of flour into 280 loaves of bread.

We enacted a tariff law giving the American farmer 40 cents duty on each bushel of wheat. The Tariff Commission upon investigation found that the cost of production of a bushel of wheat on a farm in this country for the three years 1921, 1922, and 1923 was $1.40, and in Canada 92 cents a bushel, a difference of 48 cents. He increased the tariff on wheat from 30 cents to 42 cents a bushel. The American farmer has been getting on an average, since the President increased the tariff on wheat on the 6th of April, 1924, 12 cents a bushel more for No. 1 northern wheat at Mineapolis than was paid for the same grade at Winnepeg. At the same time the President increased the tariff on wheat he increased the compensatory duty on flour to the millers of the country from 78 cents a hundred pounds to $1.04 per hundred pounds. The millers passed that compensatory duty onto the people, and the people are paying the 42 cents duty on a bushel of wheat when they buy flour or a loaf of bread.

I want to say to the protectionists on this side of the Chamber that it is nothing less than another Schedule "K." You robbed the American woolgrowers for years with Schedule K, which was admitted upon this floor to be crooked, and this is just as crooked. The farmer has been getting but little benefit from the tariff of 42 cents a bushel on wheat; and if you think he is going to support your protective tariff law and at the same time permit the millers of the country to rob him, you are mistaken; he will break down your tariff wall and sweep it into the sea.

Mr. President, we must have honesty in tariff laws and honesty in Government. The great principle of protection is at stake in this issue and in this bill. All he is asking for is a square deal and nothing more. I want to say to my friends on both sides of the Chamber that the farmers have held thousands of meetings in this country in the last three years; they have agreed upon the bill that is now under consideration; it is of their own making, and if Senators shall vote for any substitute they will vote to destroy what the farmers are asking for. Why thrust down the throats of the American farmers something that they are not asking for and something that they do not want?

The VICE PRESIDENT. The time of the Senator from Idaho has expired.

Mr. HEFLIN. Mr. President, the Senator from Idaho is correct in the statement that this proposed legislation will not necessarily increase the price of grain to the ultimate consumer, but it will enable the farmer to get a better price. As the matter now stands, the speculators and millers so manipulate the market that they beat down the price of grain until they buy it and get it into their hands, and then they put the price of grain up, so that the products of grain are sold to the ultimate consumer for a higher price under that kind of manipulation.

The same thing is done with regard to cotton. The spinners frequently join in a bear raid upon the market with the speculators on the bear side; they combine and beat down the price of cotton until they get it in their hands and out of the hands of the producer. Then they commence speculating on the bull side of the market, the price of cotton goes up, and the spinner bases the price of his finished product upon the higher price of cotton and not upon the lower price that he paid when he got it from the farmer. The speculator made money in getting it away from the farmer at a low price; he has made money in beating the price of the cotton down; he has made money in bringing the price of cotton up in speculation; and he has made money in selling the "spot" cotton for a higher price than he paid for it. That is the way the matter works now.

Mr. President, the Senator from Washington [Mr. DILL] wants to know why cotton is receiving the consideration which is accorded it in this bill. That is easy to explain. Cotton has no tariff upon it; the production of this particular kind of cotton is purely an American industry. Gentlemen who boast of their love for American industries ought not to complain if they are able to help the great cotton industry. God Almighty has given us a monopoly in the production of short-staple white cotton. There is no such cotton as ours produced in any other spot on this earth; it can not be produced anywhere else.

Mr. DILL rose.

Mr. HEFLIN. I have only two minutes. I have not time to yield to the Senator from Washington.

Yet the producers of cotton in the United States are selling it to-day below the cost of production.

Mr. President, no man can defend his vote in withholding from the cotton producer the right to obtain a fair price and a living profit in the market place for his product. Why should cotton receive a special favor if any product is to receive it? Cotton unlocks the vaults of foreign countries and brings gold into our country when all other products fail. Cotton brings more gold into the United States every year than the world's annual output. If we destroy the crop of cotton for one year, you will take out of circulation more money than the capital stock of all the banks in the United States. Cotton is the only product every pound of which is converted into money and every dollar's worth of which contributes to the financial wealth of the United States; and yet the producers of cotton are selling cotton to-day below the cost of production.

Mr. President, I will support any reasonable measure that will enable the men who produce this white fiber that is demanded the world over to get money with which to hold it off the market until they can obtain a fair price for it; and I have no apology to make for such a course.

Mr. DILL. Mr. President, will the Senator from Alabama yield to me for a question?

Mr. HEFLIN. I will.

Mr. DILL. If cotton is such a monopoly as the Senator from Alabama has suggested and the South has such a monopoly of its production——

The VICE PRESIDENT. The time of the Senator from Alabama has expired.

Mr. DILL. Then I will ask the Senator from Alabama the question in my own time. If what the Senator has stated be the case, why should the bill provide that $75,000,000, if necessary, may be used to bolster up the price of cotton without an equalization fee, while wheat must bear an equalization fee?

Mr. HEFLIN. I believe in local self-government. The Representatives from the West are asking that that condition be placed upon them; the Representatives from our section are asking that it be not placed upon them. It is reciprocity. [Laughter.] If the Representatives of the West want that, we will give it to them, and if we can provide a fund that will help the cotton producers of another agricultural section we are willing to take that.

Mr. DILL. Why is not the Senator willing that the same treatment should be accorded to cotton as is proposed to be accorded to wheat?

Mr. HEFLIN. We do not produce wheat in abundance in our section——

Mr. DILL. In other words, the Senator from Alabama wants a subsidy for the thing which is produced in his own section of the country, but he wants the farmers of the wheat-producing sections themselves to bear the equalization fee?

Mr. HEFLIN. Not at all. There is a tariff on wheat, while cotton has no tariff, and the attempt is being made to base the equalization on the tariff, the benefit of which the Republican leaders have pretended the farmer received, although he does not get it. There is no tariff on cotton, and therefore cotton ought not to pay an equalization fee.

Mr. DILL. But the Senator from Alabama does not believe the tariff on wheat is of any value in the way of increasing the price of wheat, does he?

Mr. HEFLIN. Not at all.

Mr. DILL. Then, does not the Senator see the position in which those of us who come from the wheat section of the country are placed when we are asked to vote for a subsidy for cotton for three years without the equalization fee while the farmers in our section must bear the equalization fee?

Mr. HEFLIN. Not at all. We have a tariff on wheat in name, and we are going to enable the farmer to get a little out of it this time and see how it works. The Senator has heard Bob Taylor's story about the two negroes who owned a

cow on halves. One of them, who was always furnishing hay and meal and cottonseed for the cow, was called upon for more feed. The other negro said, "Don't we own that cow on halves?" The first negro said, "Sure we do. We owns that cow on halves, but you owns the feeding half and I owns the milking half." [Laughter.] "Well," said the other negro, "We are going to turn that cow around right now." [Laughter.]

Mr. DILL. The trouble with the Senator from Alabama is that he wants to have the milking half all the time.

Mr. HEFLIN. We merely want to get a little of the milk.

Mr. DILL. He is going to see to it that he gets all the milk.

Mr. WILLIAMS. Mr. President, I concur fully in the statement made by the distinguished Senator from Alabama. I, too, believe in local self-government and in reciprocity, and to that end I have introduced an amendment to the pending amendment, striking out lines 13 to 17, inclusive, on page 18.

I have offered that amendment so as to put cotton on identically the same basis as corn. Corn was in the same category with cotton until yesterday, when it was taken out and put in the same case with all other farm products. I offer this amendment in aid of the bill, and I call for the yeas and nays on the amendment.

The VICE PRESIDENT. The amendment before the Senate is the amendment of the Senator from Oregon to the committee amendment, which will be first voted on.

Mr. CARAWAY. Mr. President, I should like to say a word with reference to the amendment suggested by the Senator from Missouri. Everyone who knows anything about the bill or anything about farm products realizes that cotton in very large part is an export crop; more than 65 per cent of it must find a market abroad. We do not export corn; or if so, it is exported in such limited quantities as to be comparatively negligible. There is a tariff on corn; and since corn is domestically used, its price can absolutely be controlled up to as high a point as the tariff wall, because whenever there is a surplus, if some means can be found of taking that surplus off the market, the product can have the advantage of the domestic market up to the point of the tariff. Therefore there is a possibility under this bill of corn securing about 15 per cent protection. It is a domestic product; it has a domestic market; it has a tariff which prevents producers in foreign lands invading the domestic market, and therefore it is susceptible of procuring a very large benefit out of this bill. On the other hand, there is not any tariff on cotton, and it would be a perfectly foolish thing to put one on that commodity, because by far the larger part of the cotton crop is exported.

If the Senator from Missouri can see no difference between these two products, if he can not realize, despite his claim of discrimination in favor of cotton in this bill, that it is not as favorably treated as is corn, I shall not argue with him; but his amendment, with all due deference to the Senator from Missouri, is not offered in aid of the bill; it is offered with the expectation that it will defeat the bill.

Mr. WILLIAMS. Mr. President——

Mr. CARAWAY. I yield to the Senator from Missouri.

Mr. WILLIAMS. I agree with what the Senator from Arkansas has said with respect to conditions in the cotton business, but my objection was aimed rather at something else. I regard this as a clear subsidy.

Mr. CARAWAY. Oh, well, anyone who wants a reason for adding to the burden of those who get no benefit can always find one; but anybody who knows anything knows that a subsidy is a thing that the Government lends to the individual. It is just as much a subsidy, call it by any other name, if you desire, when a tariff is put on an article of which there is not produced an exported surplus. Therefore, to say that the proposal that cotton shall have no benefit but shall carry all the burden while corn shall have the benefit and shall carry none of the burden is in aid of an honestly administered agricultural bill may appeal to the Senator from Missouri but it does not appeal to anybody else. It is a political move. It may get votes. It has been presented over and over again for that particular purpose and argued for that reason, and that is the only reason it is offered.

Mr. WILLIAMS. Mr. President, will the Senator yield further?

Mr. CARAWAY. I yield to the Senator from Missouri.

Mr. WILLIAMS. Does not the Senator think that the inclusion of this paragraph was for the purpose of obtaining votes?

Mr. CARAWAY. I want to be entirely frank with the Senator from Missouri; I am not going to try to fool anybody about it, and I am not going to pretend that we are doing something for somebody else. It is true that cotton has not any tariff, that cotton is an export crop, that more than half of it must go abroad, and, therefore, it is problematical how much this bill may do for cotton, but in order to try it out we favor this provision.

The VICE PRESIDENT. The time of the Senator from Arkansas has expired.

Mr. JONES of Washington. Mr. President, this is one of the most important of all the measures that have come before the Senate in many years. It deals with one of the most difficult questions we have had to deal with in many years. I have been so busy with measures before my committee, day and night, that I have not had the opportunity to give it the study and consideration that I know it ought to have; and I feel that I must depend upon the committee that has had this question under consideration, just as we have to depend upon committees with reference to many matters.

The Committee on Agriculture and Forestry is composed of Senators who are just as able and just as patriotic as any other Senators on this floor. I know that they have been giving the agricultural problem study for many, many months, so I feel that any proposition they recommend to the Senate is entitled to my support unless it is clearly shown that they are wrong.

The amendment that is pending as the committee amendment is reported and supported by Republicans and Democrats. It is not a party proposition at all. It is opposed by Democrats and Republicans, so we must make up our minds as to what our duty is in the very best way we possibly can.

It is said that this proposal is unconstitutional. Some of the ablest lawyers in the Senate take that position; other Senators equally able take the position that it is constitutional. Unless a proposal is clearly unconstitutional I feel justified in supporting it, especially when it deals with a question so important as this. But few important measures have ever been passed that have not been opposed by able men on the ground of unconstitutionality—so it was with the postal savings act, the Parcel Post act, the Federal reserve act, the reclamation law, and others, but these laws are still in operation.

The able Senator from Virginia [Mr. GLASS] well said that much has been done to aid agriculture since the war. We have passed more legislation for the direct benefit of agriculture since the war than for any other industry. I have no doubt but that this legislation did aid agriculture. Its condition would have been worse than it is without the legislation.

Some of the great basic agricultural products are in a bad way. They are in a serious condition. The farmer faces a situation different from that in any other industry. He can not keep his products indefinitely. He must perform all the labor and go to all the expense necessary to mature his crops, and they may be destroyed overnight. If harvested, he does not know what he is going to get until he actually gets it, and this is often a bill for freight. One year he may have no crop and gets nothing, though prices are high. Another year he has a big crop, a large surplus, and then gets no price. If we can aid the proper carrying over of surplus crops from good years to bad, we will have gone a long way to aid the farmer. This is one of the great purposes of this bill.

Every industry in this country is interested in the prosperity of agriculture. If it long remains depressed all other industries will be badly affected.

It is urged against this legislation that it is a subsidy. Maybe so. If it means prosperity to this great basic industry, I have no hesitation in supporting it. I will support aid to build up a merchant marine, because I deem a merchant marine vital to the welfare of this country. I favor a protective tariff because I believe it vital to the prosperity of agriculture, to the success of manufacturing, and the steady and well recompensed employment of labor. If a subsidy will bring prosperity to agriculture, we can well afford to adopt it. Desperate situations require heroic remedies. The condition of certain lines of agriculture is desperate.

We must not overlook the fact that through direct legislative and administrative action the farmer was not permitted to get for his products during the war what he would have gotten otherwise. Labor got its high wages without limit, the manufacturer received high prices without limit, but the price of the farmer's wheat was fixed without his consent. This fact should be taken into consideration when seeking to aid him.

This may be considered as a heroic remedy; but if it is possible for the legislative body to find any remedy to meet the situation, it ought to do it.

I am satisfied that the committee has made an honest and earnest effort to meet in some degree the situation that confronts the agricultural interests of the country, and so I am

going to vote for its proposal. If that is not adopted, then I am going to vote for what may be considered as the next best thing.

I appreciate the fact that we can not get everything we want in the Senate. I know that we may not agree in every particular upon any one proposition, and that in order to do any important thing there must be mutual concessions. So, as I say, if this proposal is not adopted, I am going to vote for what may be considered as the next best proposal, so as to get the very best we possibly can to meet the situation that confronts the agricultural interests of the country.

I ask unanimous consent to insert an editorial from the Spokesman-Review touching upon one phase of the situation of agriculture growing out of action taken during the war.

The VICE PRESIDENT. Without objection, it will be so ordered.

The editorial is as follows:

DID THE WHEAT GROWER GET A SQUARE DEAL?

A Senator said the other day that American wheat growers did not get a fair deal when the Government fixed the price of wheat in 1917. The Yakima Republic erroneously answers that "as a matter of fact, the Government did not wring anything out of farmers, but fixed a price on wheat about three times as high as it had been."

As a matter of fact, the Government fixed a price that was less than the open market price at the time.

The United States Grain Corporation admits that, but defends the lower price by contending that the ruling higher price was speculative. The record is set forth in detail in a Government publication issued in May, 1925, The Stabilization of the Price of Wheat During the War and its Effect Upon the Returns to the Producer. We quote from that Government document:

"With settlement of the Chicago corner between the board of trade officials and the allied buyers, the price of wheat receded and stood at about $2.40 at Chicago, when the food control act was passed. (It had been around $3.)

"On August 30, 1917, after more than two weeks' consideration of all phases of this question, the committee voted unanimously to recommend to the President that, all things considered, they believed that $2.20 per bushel for No. 1 northern spring wheat represented a price which was fair both to the producer and the consumer. The President accepted this recommendation and instructed the food administration rigidly to adhere to it."

When the price was thus fixed the market price at Minneapolis was $2.70.

A further fact, and the food administration admits it, is that an important consideration in its fixing the price at $2.20 was the allaying of demands for cheaper bread in the big industrial centers of the country. The explanatory bulletin of the United States Grain Corporation, page 12, says:

"The American consumer was complaining bitterly, and at the time of our entrance into the war the Government was met with threats of serious strikes to secure wage adjustments."

Weigh the import of that. Organized workers in the war industries—the shipyards, munitions factories, etc.—were threatening to strike unless they were paid still bigger wages, and were trying to justify their threat with a plea that the cost of living was high. To appease these threatening workers they were given cheaper wheat.

Mr. SIMMONS. Mr. President, I hope the amendment offered by the Senator from Missouri [Mr. WILLIAMS] will not prevail.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. SIMMONS. I can not yield. I have only five minutes.

Mr. WILLIAMS. I simply want to know what the parliamentary situation is.

Mr. SIMMONS. I will take my seat and speak afterwards if I have to give away part of my time.

Mr. WILLIAMS. As I understand, the Senate is not considering the amendment offered by me.

The VICE PRESIDENT. The amendment before the Senate is the amendment offered by the Senator from Oregon [Mr. MCNARY] to the committee amendment.

Mr. SIMMONS. Mr. President, I understood that the amendment offered by the Senator from Missouri was an amendment to the amendment of the Senator from Oregon.

The VICE PRESIDENT. No; the amendment offered by the Senator from Missouri is an amendment to the committee amendment, as is also the amendment offered by the Senator from Oregon.

Mr. SIMMONS. I will not address myself to the Chair now if that is the case.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oregon [Mr. MCNARY] to the committee amendment.

Mr. LENROOT. I call for the yeas and nays.

Mr. ROBINSON of Arkansas. Let the amendment be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 20, at the end of line 4, after the word "necessary" and before the period, it is proposed to insert a comma and the words:

except that the aggregate amount available for cotton, if necessary, shall be $75,000,000.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oregon [Mr. MCNARY] to the amendment of the committee. On that the yeas and nays have been demanded. Is the demand seconded?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER]. Not knowing how he would vote, I withhold my vote.

Mr. RANSDELL (when his name was called). On this bill I have a general pair with the senior Senator from North Dakota [Mr. FRAZIER]. I transfer that pair to the Senator from Delaware [Mr. DU PONT] and vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], who is detained at his home by illness. I therefore announce my pair and withhold my vote. I assume that the Senator from North Carolina, were he here, would vote in the affirmative, as I would vote in the negative.

Mr. SIMMONS. I wish to announce that if my colleague [Mr. OVERMAN] were able to be in the Senate Chamber, he would vote "yea" upon this amendment. He is paired with the Senator from Wyoming [Mr. WARREN].

The roll call was concluded.

Mr. BINGHAM. My colleague [Mr. MCLEAN] is unavoidably detained. He is paired with the junior Senator from North Dakota [Mr. NYE], who, I understand, if present would vote "yea," and my colleague would vote "nay."

Mr. HARRISON. I desire to announce that the senior Senator from Nevada [Mr. PITTMAN] is necessarily absent. I will let this announcement stand for the day.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER]. He has a pair with the junior Senator from Michigan [Mr. FERRIS].

Mr. JONES of Washington. I desire to announce the necessary absence of the Senator from Vermont [Mr. GREENE] and the Senator from Illinois [Mr. MCKINLEY]. They are paired on this bill.

The result was announced—yeas 50, nays 33, as follows:

YEAS—50

Ashurst	Harreld	Mayfield	Simmons
Blease	Harris	Means	Smith
Bratton	Harrison	Neely	Stanfield
Broussard	Heflin	Norbeck	Steck
Cameron	Howell	Norris	Stephens
Capper	Johnson	Oddie	Swanson
Caraway	Jones, N. Mex.	Pine	Trammell
Copeland	Jones, Wash.	Ransdell	Tyson
Cummins	Kendrick	Robinson, Ark.	Underwood
Curtis	La Follette	Robinson, Ind.	Watson
Deneen	McKellar	Schall	Wheeler
George	McMaster	Sheppard	
Gooding	McNary	Shipstead	

NAYS—33

Bayard	Edwards	King	Shortridge
Bingham	Ernst	Lenroot	Wadsworth
Borah	Fernald	Metcalf	Walsh
Bruce	Fess	Moses	Weller
Butler	Gerry	Pepper	Williams
Couzens	Gillett	Phipps	Willis
Dale	Goff	Reed, Mo.	
Dill	Hale	Reed, Pa.	
Edge	Keyes	Sackett	

NOT VOTING—13

du Pont	Glass	Nye	Warren
Ferris	Greene	Overman	
Fletcher	McKinley	Pittman	
Frazier	McLean	Smoot	

So Mr. MCNARY's amendment to the amendment of the committee was agreed to.

The VICE PRESIDENT. Does the Senator from Missouri present his amendment to the committee amendment?

Mr. WILLIAMS. Yes, Mr. President, if I may do so now.

The VICE PRESIDENT. The clerk will read the amendment of the Senator from Missouri to the committee amendment.

The READING CLERK. On page 16, strike out lines 6 to 21.

Mr. WILLIAMS. I will not press that amendment at this time. I ask the clerk to read the other amendment I offer.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 18, line 13, strike out all down to and including line 17, being the words "but no such fee shall be paid in respect of cotton prior to three years from the date of the passage of this act, and no fee shall then be paid in respect of cotton unless and until specifically authorized by an act of Congress," so that as amended the section would read:

SEC. 18. (a) During the operations in respect of any basic agricultural commodity and its food products, the equalization fee shall be paid, under such regulations as the board may prescribe, upon the processing or the sale or other disposition (as the board may determine) of the unit of such basic agricultural commodity.

Mr. FESS. I ask for the yeas and nays.

Mr. SIMMONS. Mr. President, I suppose by implication at least the Senator from Missouri is in favor of imposing a fee upon cotton, which, as I understand, he holds to be unconstitutional, whether applied to cotton or anything else.

It is said there is a discrimination in favor of cotton brought about by the provision which it is sought to strike out. I want to say, on behalf of the cotton growers of the South and on behalf of myself—and I believe those who are cooperating with me feel the same way—if the wheat growers or the corn growers of the West desired to be treated exactly as this bill proposes to treat the cotton producers, there would be no objection to that course from the representatives of the cotton States.

A fee is imposed upon these other articles, as I understand, at the request of the farmers of the West, for reasons connected with the overproduction of their crops, and I have no objection to their having the benefit, if they think it is a benefit, of an equalization fee.

It is said that this is not only a discrimination in favor of cotton, but that it is a subsidy. I deny that it is a subsidy. Many measures have been passed establishing the right of farmers to borrow money, but in every instance it has been provided that they should borrow upon commercial security, and it is very well known that the farmer is not able to borrow sufficient money to finance his operations, certainly not sufficient to withdraw 2,000,000 bales of cotton from the market.

The purpose of this provision is simply to provide for loaning to the farmers of the South for the period of three years $75,000,000—not $75,000,000 in every year, but the total of $75,000,000 in three years, if needed, to be loaned by the Government for the purpose of enabling the farmers to withdraw the unneeded surplus of their crops, which, if marketed in certain years of large production, will inevitably reduce the price of their cotton to the low levels of the world prices. To protect them against that disaster they have asked the Government to make them this loan of $75,000,000, or so much thereof as may be necessary, to buy and withdraw in years of overproduction the unneeded surplus of cotton from the market until that surplus can be sold at a reasonable price and without disastrously affecting the cotton market.

To buy at what price? Not a fixed price but at whatever price cotton is selling for in the market on the day on which they buy it and hold it. Hold it how—as the property of the farmer? No; but as the property of the Government, furnishing to the Government therefore, one bale of cotton as security for every bale of cotton that it buys.

Is there any subsidy in that? It is loaning money upon security. Senators say it may not always be good security. It is the best security the farmers have to offer, and if the Government shall buy at the prices that obtain when cotton is low in the market by reason of an overproduction, the Government would hold the cotton so purchased until there was a short crop of cotton, until the world supply was not equal to the world demand, and would then put it upon the market. The Government would get not only the price for which it bought the cotton when it was low, but the sale would yield a profit represented by the difference between the price at which it was bought and that at which it is sold. There will be no loss in it.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. GOODING. Mr. President, it is said that for many years the cotton grower of the South has been producing cotton at less than the cost of production, furnishing the whole world with cotton for less than it cost the South to produce it. This Government ought to do what other governments are doing when they have a monopoly of the world supply of any commodity. They proceed to stabilize it in some way, and do not permit their own people to destroy themselves, as we do here every year when there is a surplus of cotton which must be dumped upon the market at ruinous prices, at less than the cost of production.

I want to say to the people of the South that the hope of agriculture of the West lies with the South, and if you will come across the aisle and join hands with the agriculturists of the West we will give agriculture in this country a living chance, the same rights and privileges that we are giving to industries.

We passed the Edge Act to permit the manufacturer to sell abroad more cheaply than at home without violating the Sherman antitrust law. When the cotton growers and the wheat growers ask to be allowed to do the same thing it is said it is unconstitutional, economically unsound, and that there is nothing right about it at all. It is all right for industry, but all wrong for agriculture.

I want to say to the Senators of the South, you have the greatest proposition ever offered to you in the history of this Government, an opportunity to get a fair price for cotton, an opportunity to make the cotton grower the master of what he produces, the same as the manufacturer is. It gives the same right to the wheat growers. The cotton growers have no tariff. If this bill becomes a law it will increase the price of cotton, and there is not a man on the other side who is going to vote for or against this bill who does not know that if the bill passes the price of cotton will gradually increase until it reaches what it was when it started to drop early in the year, somewhere around 22 cents a pound. Do not make any mistake about that. You have an opportunity to give the South a chance to go on and prosper in agriculture, as it ought to do.

You have increased the cost of production of the cotton growers and the wheat growers and of all other farmers in this country something like 100 per cent, and you have done it through legislation. You robbed the farmer in his prosperity through legislation. You increased the price of labor 100 per cent upon the railroads, and you increased the farmer's freight rate 100 per cent. But you do not want to pass any legislation that would bring him back, that would place him on the same level where you have placed industry and labor. Industry and labor are receiving and have had in the last few years the greatest prosperity they have enjoyed since the dawn of civilization.

If this country is to go on, and if its industries are to go on and prosper, if labor is to be employed, agriculture must be given a chance to come back.

I am talking now about the four principal commodities. You have taken care of the butter industry by an increase of tariff until producers of butter have a protection of 12 cents a pound at this time. You have taken care of other farm agricultural products through a tariff. There are four great agricultural products which can not be protected by a tariff, because we produce a surplus, and we must sell that upon the world market, which means the world's market price in America for wheat, cotton, hogs, and corn. Give us the same rights and the same privileges that you have given the manufacturer. That is all we ask. That is all the American farmer wants. He does not want a subsidy.

Mr. WILLIS. Mr. President, the Senator from Idaho, who has just spoken, is Frank, not only in name, but in speech. The coalition which he has just offered across the aisle is as interesting as his explanation of his provision is edifying. It will be an interesting thing to note whether the coalition into which he invites our friends across the aisle is to be carried out in this legislation.

Passing by that, and passing by the interesting historic sequence that will come if Senators across the aisle accept the invitation that is bodied forth in the speech of the Senator from Idaho, and embrace the idea which he now advances, which is that of paternalism gone mad—interesting as that is, it would not be half so interesting as to know the explanation and the answer the Senator from Idaho will give to the wheat producers of his State when they ask him as to why he has opposed this amendment.

Let us see how the matter will stand if the amendment proposed by the Senator from Missouri shall not be adopted. The Senator from Idaho will then be in the position of having to say to his wheat producer, "I was willing to vote for a tax upon you which you have to pay," and eventually he does have to pay it, no matter what is the interesting phraseology of the provision. The Senator from Idaho will have to say to his wheat producer, "I voted a tax upon you, but I, the newly appointed guardian of the cotton producers of the South, deferred that tax for three years as to them."

Mr. GOODING. Mr. President——

Mr. WILLIS. I can not yield because I have only five minutes.

It will be equally interesting to know what the Senator from Idaho and those who think with him upon the proposition will say to the corn growers when the farmer brings in his corn for sale and figures up the amount of it, let us say $100, and then the one to whom he sells it tells him, "But under the law which the Congress has passed, under the leadership of the Senator from Idaho, I have to take out so much of this money."

The farmer who raised the corn supposed it was his money, but the Senator from Idaho, not for the purpose of a tax, but for the purpose of taking a sum of money and giving it to somebody else to do something with, says "Mr. Corn Farmer, I voted to put a tax on you. It is proper. But because I am heading a coalition I said to the cotton producer of the South, 'You need not pay the tax for three years, and never unless the Congress shall subsequently enact a law so providing.'"

I should like to know what the Senators who live in the States which produce the corn and wheat will have to say when the question is propounded as to why they are willing to give favors to the producers of cotton which they are not willing to give to their own people. The only answer can be that it was necessary to carry out the terms of the coalition that this special favor should be given the cotton producers. I do not at all blame the cotton producers from the great South for receiving this largess at the hands of the Senator from Idaho. I do not criticize them at all. But I am curious to know what answer will be made to the men in the great corn and wheat producing States who are taxed under the bill in order that the cotton producers may go free of tax.

Mr. President, I do not believe this is wise or just, and I hope the amendment of the Senator from Missouri will be adopted.

Mr. WILLIAMS. Mr. President, I introduced two amendments. One of those amendments is to strike out the special provision relating to cotton. I moved to strike out that provision because I regard it as a subsidy.

The other amendment which I offered was one which would strike out the power of the board to fix prices. I think the price-fixing right of the board is uneconomic and unsound.

I have one proposition to make to the Senator from Idaho [Mr. GOODING] and to the Senators from the South who are in favor of retaining the provision in the bill. Would they vote for this amendment if it were all there were to the bill? If this were an independent bill and had no relation to any other feature of the proposed bill or the proposed amendment, and if it provided this subsidy for cotton as an independent legislative proposition, would they vote in favor of it?

Mr. GOODING. I would vote in favor of it. I do not agree that the cotton growers of the South shall furnish the world with cotton at less than the cost of production. Does that answer the Senator?

Mr. WILLIAMS. Not quite. It does not answer, because the proposition is not independent. It is dependent on other features of the bill.

Mr. President, the subsidy of cotton of $75,000,000 need never be repaid and cotton need never come within the provisions of the bill, because the bill itself provides that no fee shall then be paid at the end of three years in respect of cotton until and unless it be specifically authorized by act of Congress.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield the floor.

Mr. McKELLAR. Then, Mr. President, in my own time I will ask the Senator from Missouri a question. Did the cotton farmers in the Senator's own State, where a great deal of cotton is raised, ask the Senator to introduce his amendment?

Mr. WILLIAMS. I think that is a thoroughly unfair question.

Mr. McKELLAR. Why?

Mr. WILLIAMS. It is just as unfair as if I should ask the Senator whether the cotton growers of Tennessee are insisting upon him supporting it.

Mr. McKELLAR. I am satisfied they are all in favor of it. I am willing to take chances on it, anyway.

Mr. NORRIS. Mr. President, the questions propounded by the Senator from Ohio [Mr. WILLIS] are pertinent. I can give, and I am going to give, if I can do so within five minutes, the reasons why this is not nearly so important as Senators sometimes seem to think. I have said, and I say again, that if I had my way and were drawing the bill I would not put this provision in it, because it is not necessary. There are two ways in which the board, under the provisions of the bill, if it becomes a law, can put out its hand and help agriculture. One is to go into the market with this revolving fund and buy the produce and hold it, thus equalizing the market, and feed it out when there is no surplus. Another way is to put into force the equalization fee. They can do either one. If the bill passes with this provision in it, they can not utilize the equalization fee as to cotton. As it was originally drawn they could not have done it as to corn.

In my judgment, taking corn as an illustration, if the bill is enacted into law and the law remains in force 50 years, there will never be an equalization fee on corn, because there is a simpler way, I think, for the board to put it into operation. They will buy corn when there is an overproduction and hold it for a lean year. Statistics show that as a rule they would never have to hold it longer than a year in order not only to get their money back but to make a profit out of the transaction. The Senator said, "Why do you not defer it as to wheat?" Because we have a surplus of wheat every year, and we can not as a practical proposition hold from one year over to a lean year, because there will not be a year come without a surplus.

As to cotton, it is in between corn and wheat. Sometimes it would be necessary, if we bought cotton and had no equalization fee attached, simply to buy it on the market, and hold it off the market until there was a shortage of cotton and then feed it out. We might have to do that two years in succession. Very seldom would we have to go more than that length of time. We can not control those things. That is human nature. It has always been that way and I presume always will be.

All the bill does is to say that in cotton operations we can still operate as we probably will operate in corn if we ever operate in corn, and the belief is that it will not be a losing financial transaction. They will buy the cotton when there is an overproduction of cotton, and that will increase the price, it is true, that is paid for it, but they will buy it still at a less price perhaps than they would be able to sell it for when there was a short crop of cotton, and then hold it until there is a short crop and feed it out to the market and let it go in that way, and perhaps sell it at a profit.

There is one thing I have thought all the time that even the cotton men, who wanted the $75,000,000 proposition adopted, were making a mistake in asking for. I thought that provision ought not to be adopted because it will preclude operation. Without the levying of the equalization fee it might preclude the operation long enough so that the $75,000,000 would not be enough to carry on the transaction. When the speculator in cotton knows that in this board there is no more money to buy cotton, then he will come into his living again and enjoy the situation and make money by manipulation of the market.

Mr. President, you will find in the bill a provision for the return of the equalization fee. It has never been believed that it will ever be returned in the case of wheat. It can not be returned, because the wheat of one man will be mixed up with thousands of other producers of wheat, and every year——

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. NORRIS. I shall not be able to finish the explanation which I wanted to make.

Mr. GEORGE. Mr. President, within my five minutes I wish to make a statement not merely with reference to the pending amendment, but as to the bill. I hesitate in opposing the legislation, not because of the great merit of the legislation, as I see it, but I concede to my colleagues, of course, the ability to read into the bill what I am not able to find in it. My hesitancy arises from the fact that I am acquainted with farming conditions. I think I know them reasonably well in my section of the country. There is, of course, every possible personal inducement to favor any bill that is properly labeled a farm-relief measure. I am conscious of the fact that in the farm homes of America the message has gone that this is a farm-relief measure.

If I favored the bill, I should vote for the amendment offered by the Senator from Missouri [Mr. WILLIAMS], because if there is anything in the bill there ought to be an equalization fee fixed upon every basic agricultural crop covered in the bill. If there is no equalization fee placed on cotton, then we have opened the bill to a fatal objection. We have an appropriation out of the Treasury of the United States of $75,000,000 to the cotton farmers—that is, to the cooperative marketing associations. We have induced the cotton farmers to believe that the Government of the United States is in this bill standing behind their business, and they will enter the field of production and carry their production to the highest possible maximum. There is not a single restraining influence on cotton production save the imposition of a fee which will rise as production rises and will sink as production sinks. So when we take the fee off of cotton we open wide the inducement to increase production, and we will produce more of the thing that we say has made our problem—a larger surplus. This amendment is drawn upon the theory that the surplus fixes the price of the whole crop.

Mr. President, if I favored the bill I would think it wise to impose the equalization fee on cotton; but Senators who favor the bill can not afford to do it, because if the fee shall be applied to cotton they will get no southern votes. Therefore the postponement of the levy of the fee on cotton for three years, and then not unless Congress shall authorize it, is intended to secure votes for the bill.

Mr. President, I have said that I do not favor the bill, and I am therefore going to vote against the Senator's amendment, because, upon the best examination I could give to it, I have been unable to find a satisfactory reason upon which I would be willing to stand before an American court and insist that the bill was valid under our Constitution. I listened with great interest to the very able and learned speech of the senior Senator from Iowa [Mr. CUMMINS], but I must dissent from his conclusion, because I can not get my consent to exalt the interstate commerce clause of the Constitution not only above every other clause of the Constitution, but above the concept of liberty as we have known it in its full constitutional sense. So, Mr. President, I shall vote against the amendment.

The VICE PRESIDENT. The time of the Senator from Georgia has expired.

Mr. BRUCE. Mr. President, it is said of one of the ancients, Agelastus, that he was never seen to laugh except on one occasion, and that was when his attention was called to an ass eating thistles. I am prepared to say that if that man could come back to life and see a number of Democrats in this Chamber browsing on the provisions of this bill he would laugh again, and he would laugh long and lond. For years we have been claiming to be adherents of Jefferson and to share his views with regard to special legislative favors and subsidies, and to believe in all the other doctrines that help to make up the old, immemorial creed of the Democratic Party. But now what do we see?

A certain number of Democrats in this Chamber are coming forward with hods of mortar and brick to build still higher the Republican high-tariff wall. Not content with the present high tariff, they propose to add to it a monstrous subsidy. They will never be able to justify themselves. If any considerable number of them vote for this bill, they will find themselves in the same plight in which they have found themselves whenever they have listened to the economic fallacies of what I call the Bryan or the Brookhart West. The attention that has been given by our party to those fallacies has over and over again wrought our ruin; and I am prepared to state now, as I stated two years ago, and stated with forebodings which were fully justified by subsequent circumstances, that no boat into which I can be asked to step by the Bryan or Brookhart West can be wide enough for it and me.

The first effect of this bill, if it shall become a law, will be enormously to stimulate overproduction and to aggravate the very evils and mischiefs that it is intended to cure. The next effect, of course, will be to sink the price of wheat, for illustration, so low in the world markets that the expenses of the plan outlined by the bill will be more than any equalization fee could bear.

All the present woes of the wheat farmer are supposed to be due to the exportable surplus. Well, surpluses may be brought to an end by other means than artificial ones. As statistics which have been brought into this discussion show, the condition of the farmer is steadily becoming better. It is not true that it is becoming worse. It is becoming better; it has been becoming better ever since 1921. The general commodity index price has been going down, while the prices of agricultural products have been going up. As I said a few days ago, if we will just let the patient alone he will cure himself. Everybody knows, as one of the strongest advocates of this bill has admitted, that in about 15 years this country will be importing foodstuffs; it will not be producing enough foodstuffs for its own use.

The VICE PRESIDENT. The time of the Senator from Maryland has expired.

Mr. LENROOT. Mr. President, I should like to bring the Senate back for a moment to a consideration of the way in which the bill now reads with the amendment which has been adopted providing $75,000,000 to aid the producers of cotton. It reads:

> The board, in anticipation of the collection of the equalization fee—

And so forth.

That is, the board may provide $75,000,000 in anticipation of the collection of the equalization fee; but, unless the amendment of the Senator from Missouri shall be adopted, there will be no equalization fee provided which can be anticipated. I ask the question now whether, if we should not provide an equalization fee for cotton, the board would be warranted in advancing any sum at all for the purpose of aiding cotton? Assuming that it would be, and taking the construction evidently given by the Senator from Oregon, I want to follow the argument of the Senator from Ohio just one step further. What are Senators going to say to the wheat farmers and to the corn farmers and to the hog grower if this bill shall pass in its present form?

Mr. GOODING. Mr. President, will the Senator allow me to interrupt him?

Mr. LENROOT. I have only five minutes and can not yield to the Senator.

Mr. GOODING. I should like to answer the Senator's question now.

Mr. LENROOT. Mr. President, they will have to say to the farmers, "We voted for a subsidy out of the Treasury for the cotton grower, but we voted to compel the corn grower, the wheat grower, and the hog raiser to pay a tax under this bill." And it does not stop there, for assuming for the moment that the bill is constitutional, which I do not believe it is, it is proposed to assess the corn grower of the West, the wheat grower, and the hog raiser his share of the $75,000,000, to be paid out of the Treasury of the United States, to subsidize the cotton grower of the South.

Mr. President, how many votes would such a proposition receive on this side of the aisle if it were presented as an independent bill proposing to appropriate $75,000,000 for the benefit of cotton alone? I undertake to say it would not receive a single vote on this side of the aisle.

Now, it is being said it is not a subsidy; the Senator from North Carolina says it is a loan; but under the terms of the bill exactly the same operation is gone through in the case of cotton that is gone through as to every other agricultural commodity named. Under the terms of the bill the board can fix the price of cotton with the $75,000,000 fund, use it to pay the losses that are sustained in the selling of cotton abroad, and every dollar of it will be paid out of the Treasury of the United States.

I do not object to an appropriation out of the Treasury of the United States to assist agriculture; I do not object to an appropriation out of the Treasury of the United States to try out some of these experiments and demonstrate their soundness; but, Mr. President, I do insist that if we are going to do that we ought to treat all agriculture alike. If we are going to do that, we ought to make appropriations not only for cotton but for wheat and corn and cattle and hogs and dairying and every other form of agriculture. Yet unless this amendment shall be adopted Senators are saying by their votes, "We are willing to vote for a subsidy for cotton, but we are not willing to do it for any other kind of agricultural products."

Ah, Mr. President, I know there are some assumed leaders of the farmers who, in consultation with the friends of this bill, have succeeded in getting them to support this proposition, but I say to you, Mr. President, that the farmer back upon the farm, when he knows what you do, will repudiate your action.

The VICE PRESIDENT. The time of the Senator from Wisconsin has expired.

Mr. HEFLIN. Mr. President, the Senators who are so bitterly opposed to appropriating money in an emergency out of the Treasury to relieve the farmers in distress need to be reminded again that they sat here without opening their mouths and permitted Mr. Mellon to refund to the big taxpayers of the country a half billion dollars that ought not to have been taken out of the Treasury. Over $550,000,000 have been refunded, and I believe as I live and God reigns that $500,000,000 and more of it were tricked out and handed to the big taxpayers of the country that ought yet to be in the Treasury of the United States. Senators also forget that the Government gave lands worth hundreds of millions of dollars to the big railroad interests of the country to aid in building railroads.

The Senator from Missouri, a State producing nearly 300,000 bales of cotton last fall, wants to impose a tax upon the cotton producers of his State when no tariff whatever is levied upon cotton. He would put them in the same category with the wheat grower and the corn grower, when wheat receives a tariff and corn receives a tariff. He would impose upon the cotton producers this unfair equalization tax. When he and those with him are trying to hold down the cotton producers and prevent them from getting a better price for cotton they are destroying the purchasing power of the cotton producers and making it harder for them to pay a good price for the grain of his State, a good price for mules and a good price for meat. When Senators level their blows at distressed agriculture in the South they fight the producers of their own sections. The more money we get for cotton in the South the more we have to pay for mules and meat and bread and the more money the producers of those commodities will get. Senators are undertaking to do this because they know, if they can tie up in this bill this proposition and put a tax on cotton equal to the tariff given to grain that no southern Senator can afford to vote for the bill. That is why they are trying to do this thing.

Some of them say that we are "trading." How do you ever get a river and harbor bill through? When we come to your State, you say, "I will vote for the bill provided you will give us some help on a certain river." Another one will say, "I will vote for it if you will open up a certain channel in our State." All legislation is a matter of compromise. I do not hesitate to tell you, as a Senator from Alabama, that I feel that it is my duty to do everything that is honorable within my power to help relieve the cotton producers of my State from the clutches of the cotton speculators and gamblers of the country, and I am going to do that; and while I am doing it I am going to help the grain growers of the West, who have been reduced to a state of agricultural slavery under the reign of the Republican Party.

Mr. McNARY. Mr. President, I desire briefly to discuss the historical aspects in connection with this amendment.

When the bill was first prepared and offered for the consideration of the Senate Committee on Agriculture and Forestry, the language now in it referring to cotton was not there. After a prolonged hearing those interested in this great industry throughout the South came before the committee, representing great cooperative organizations, and asked that they be brought within the terms of the bill and that the equalization fee be not applied.

Mr. President, the cotton growers of the South were not thinking about a subsidy or asking for it, nor were they thinking how many of their Representatives in Congress would vote for this bill if this provision were contained therein. It is unfair for anyone, from whatever section of the country he comes, to liken the situation of cotton to that of wheat and hogs. Anyone who knows about this bill and the economics involved in it knows that there perhaps will be no losses in dealing with cotton. It is not on the same foundation, the same economic principles are not involved as are involved in the other basic agricultural commodities.

The board, when it once sets about its operations, will either acquire the surplus cotton by purchase or will make cotton the basis of a loan. By taking the cotton off the market and feeding it out in an orderly way, the world's prices of cotton will be stabilized. Consequently, over a course of years—we will say a cycle of three years—the amount of money advanced upon cotton, for which the board will require security sufficient to invite loaning the money, will be repaid under the provisions of this bill at 4 per cent per annum. Hence, those dealing with the subject should not put cotton in the same category as hogs and wheat, because it stands upon an entirely different foundation.

I have no doubt that this board of capable men, as they will be, dealing with the cotton situation in the South, will bring about a stabilization of world prices by loaning money up to a maximum of $75,000,000, which will bring about a more healthy condition in cotton, and there will be probably no losses whatsoever. Hence, what is the use of an equalization fee, or talking about the omission of an equalization fee as a subsidy?

Secondly, the Senator from Ohio [Mr. WILLIS] and the Senator from Wisconsin [Mr. LENROOT] either have not read the bill, or their construction of it is unfortunate. Should there be a loss in cotton, the wheat grower of the West or the hog raiser of the Middle West will not in any way be responsible for it, nor will it cost them one penny if the losses should be $1 or $75,000,000 or any other sum.

Mr. LENROOT. Will not the loss be payable out of the Treasury, and does not the bill say so?

Mr. McNARY. It will be payable out of the Treasury of the United States, but not charged against the wheat grower.

Mr. LENROOT. He is one of the people of the United States, is he not?

Mr. McNARY. I did not ask the Senator to yield to me.

Mr. President, when this board start to operate on a basic agricultural commodity they estimate the losses incident to that operation, each commodity therefore standing upon its own feet. If they estimate the loss at 11 cents a bushel on account of selling the surplus on the world market, and cotton through their operations should lose $25,000,000 a year, no portion of that loss of $25,000,000 will come out of the wheat producers of this country. If it is to be paid by any source or made up from any reservoir it comes from the Treasury of the United States.

Mr. LENROOT. And the wheat producer pays taxes, does he not?

Mr. McNARY. Oh, he pays taxes, of course. He pays taxes on his farm to maintain his schools and improve his roads; but the Senator from Ohio and the Senator from Wisconsin are evidently attempting to poison this situation by saying that there is a penalty upon the wheat grower and the hog raiser.

Mr. President, if it is perfectly clear, as it will be to anyone who has studied this problem, that there probably will be no losses in the operation as to cotton, there can be no subsidy; and the deferment of three years is to give ample opportunity for this board to determine whether, in advancing money to the cotton grower in order to steady his flow, a loss would be incurred.

The VICE PRESIDENT. The time of the Senator from Oregon has expired.

Mr. HOWELL. Mr. President, this bill is an experiment. It is one kind of an experiment for corn, wheat, and swine, and another kind of an experiment for cotton. I believe that cotton ought to bear the expense of this experiment so far as cotton is concerned; but if cotton will not bear it I do not propose to oppose this bill and thus aid in destroying an opportunity for us to have an experiment with reference to wheat, corn, and swine. Under no circumstances would I do that.

I think the method by which we are dealing with wheat, corn, and swine is best for wheat, corn, and swine. I do not think the method insisted on for cotton, as now provided in this bill, is best for cotton. I believe that in the end it will be disadvantageous to cotton not to pay its share and thus discourage indiscriminate production; but if the producers of cotton want that in this bill, I am willing, under the circumstances, that they shall have it. What I want is an experiment for the other products, that promises relief to agriculture, and hence if it is necessary to treat cotton as proposed I am for it; and I shall have no embarrassment in presenting my reasons for such attitude to my constituents.

I believe that this bill is a step in the right direction. It is not what I should like; it does not conform wholly to my ideas; but we must do something, and those opposing it here offer no remedy whatever except loaning more money to the farmer or to cooperative associations. The farmer has borrowed too much money already. What we want for the farmer is an opportunity to make more money. I believe that now is the time to try this experiment; and if you, who are opposing this measure, have no better constructive solution for the problem that is confronting agriculture, then you ought to support this measure, if you believe in equality of treatment between the various industries of the United States. Mr. President, I am opposed to this amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri [Mr. WILLIAMS] to the amendment of the committee.

Mr. WADSWORTH, Mr. WILLIS, and Mr. HEFLIN called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER]. I am informed that if he were present he would vote "nay." I therefore feel at liberty to vote. I vote "nay."

Mr. SIMMONS (when Mr. OVERMAN'S name was called). My colleague [Mr. OVERMAN] is detained from the Senate by illness. He has a pair with the senior Senator from Wyoming [Mr. WARREN]. If my colleague were present and permitted to vote, he would vote "nay."

Mr. RANSDELL (when his name was called). I have a pair on this bill with the Senator from North Dakota [Mr. FRAZIER]. I transfer that pair to the Senator from Delaware [Mr. DU PONT] and vote "nay."

Mr. WARREN (when his name was called). Again announcing my pair, I withhold my vote. If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the senior Senator from Illinois [Mr. MCKINLEY] is paired with the senior Senator from Vermont [Mr. GREENE] on this bill.

Mr. BINGHAM. My colleague [Mr. MCLEAN] is unavoidably absent. He is paired on this vote with the junior Senator from North Dakota [Mr. NYE]. If the Senator from North Dakota [Mr. NYE] were present, he would vote "nay," and if my colleague were present, he would vote "yea."

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness. He has a pair for the day with the junior Senator from Michigan [Mr. FERRIS].

The result was announced—yeas 35, nays 50, as follows:

YEAS—35

Bayard	Edwards	Keyes	Sackett
Bingham	Ernst	King	Shortridge
Borah	Fernald	Lenroot	Swanson
Bruce	Fess	Metcalf	Wadsworth
Butler	Gerry	Moses	Walsh
Couzens	Gillett	Pepper	Weller
Curtis	Glass	Phipps	Williams
Deneen	Goff	Reed, Mo.	Willis
Edge	Hale	Reed, Pa.	

NAYS—50

Ashurst	Gooding	McNary	Shipstead
Blease	Harreld	Mayfield	Simmons
Bratton	Harris	Means	Smith
Broussard	Harrison	Neely	Stanfield
Cameron	Heflin	Norbeck	Steck
Capper	Howell	Norris	Stephens
Caraway	Johnson	Oddie	Trammell
Copeland	Jones, N. Mex.	Pine	Tyson
Cummins	Jones, Wash.	Ransdell	Underwood
Dale	Kendrick	Robinson, Ark.	Watson
Dill	La Follette	Robinson, Ind.	Wheeler
Ferris	McKellar	Schall	
George	McMaster	Sheppard	

NOT VOTING—11

du Pont	Greene	Nye	Smoot
Fletcher	McKinley	Overman	Warren
Frazier	McLean	Pittman	

So Mr. WILLIAMS's amendment to the amendment was rejected.

Mr. McKELLAR. Mr. President, I offer an amendment to the amendment, which I ask to have read.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 18, line 17, after the word "Congress," insert:

The provisions of this act relating to cotton shall not be operative on and after three years from the date of the approval of this act unless hereafter authorized by act of Congress.

Mr. McKELLAR. Mr. President, that amendment is offered just to make it absolutely certain that at the end of three years the fund will not any longer be used. It is for the purpose merely of making it perfectly clear that the fund provided for cotton shall not extend beyond the three-year limit.

Mr. REED of Missouri. I want to ask the Senator, if cotton needs the attention of a wet nurse now, why will it not need it three years from now?

Mr. McKELLAR. That question answers itself, so we need not bother.

Mr. REED of Missouri. It is a good thing it does; otherwise it will not be answered.

Mr. WILLIAMS. I would like to ask the Senator from Tennessee a question. Would not his object be attained by striking out the words "unless and until specifically authorized by Congress," in line 16, on page 18?

Mr. McKELLAR. That may be, but I prefer to have it take this course, and I hope the Senate will agree to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. HARRIS. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. Add at the proper place in the bill the following:

That whatever preferential freight rates may or shall be granted and given on any one of the basic agricultural products mentioned in this act, or any other article of merchandise, a corresponding rate shall be given and granted to every other basic agricultural product, and the Interstate Commerce Commission and the Emergency Fleet Corporation are hereby directed and required to take such action as may be necessary for the enforcement of this section.

Mr. NORRIS. Mr. President, I thought we had an understanding the other day that the Senator from Georgia would not offer this amendment until after we had voted on the committee amendment.

Mr. HARRIS. Very well; I withdraw my amendment until the committee amendment shall have been voted on.

Mr. NORRIS. I am glad the Senator is willing to do that.

The VICE PRESIDENT. The question is on agreeing to the amendment, in the nature of a substitute, offered by the senior Senator from Arkansas [Mr. ROBINSON] for the amendment reported by the committee as amended.

Mr. NORRIS. Mr. President, I want to say just a word on the substitute. As I understand it, the substitute of the Senator from Arkansas to strike out the committee amendment simply provides for a method of loaning money to individuals, corporations, and partnerships for the purpose of enabling them to export the farm products named in the substitute. It is merely a provision to loan money, with the additional provision that the board provided for may issue bonds, and so forth.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly. I will be glad to be corrected if I am mistaken about it.

Mr. ROBINSON of Arkansas. The Senator is in part correct. The substitute provides what I deem to be an adequate fund to finance operations to handle the surplus when carried on with the approval of the board or cooperative associations or through other plans.

Mr. NORRIS. In other words, it provides that when the members of this board find that there is a surplus, or is going to be one, they may use this money to hold that surplus.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. LENROOT. Mr. President, I want to make just a word of explanation. I stated some days ago that I thought the friends of this committee amendment were entitled to a square vote upon that amendment. For that reason I will vote against all substitutes at this time. If the committee amendment should be defeated, there would be ample opportunity to vote upon the substitutes.

Mr. ROBINSON of Arkansas. Let me point out the fact that the substitute is in conflict with the committee amendment. If the committee amendment should be agreed to, it would be inconsistent and improper, if not impossible, to offer the substitute which I have proposed, and for that reason I am compelled to offer it now.

Mr. LENROOT. I merely wished to explain why I shall vote against it at this time. It is because, as I have said, that I think the friends of this amendment are entitled to a square vote upon it.

Mr. ROBINSON of Arkansas. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER]. In his absence, I withhold my vote.

Mr. SIMMONS (when Mr. OVERMAN'S name was called). Again announcing the absence of my colleague, I desire to say that if he were present he would vote "nay."

Mr. RANSDELL (when his name was called). Making the same announcement as heretofore made with reference to my pair, I vote "yea."

Mr. WARREN (when his name was called). Again announcing my pair, I withhold my vote.

The roll call was concluded.

The result was announced—yeas 39, nays 45, as follows:

YEAS—39

Bayard	Fernald	Mayfield	Shortridge
Bingham	George	Moses	Smith
Blease	Gerry	Pepper	Stephens
Bratton	Glass	Phipps	Swanson
Broussard	Goff	Ransdell	Trammell
Bruce	Hale	Reed, Mo.	Underwood
Caraway	Harris	Reed, Pa.	Wadsworth
Edge	Harrison	Robinson, Ark.	Weller
Edwards	Heflin	Sackett	Williams
Ernst	King	Sheppard	

NAYS—45

Ashurst	Fess	McKellar	Shipstead
Borah	Gillett	McMaster	Simmons
Butler	Gooding	McNary	Stanfield
Cameron	Harreld	Means	Steck
Capper	Howell	Metcalf	Tyson
Copeland	Johnson	Neely	Walsh
Couzens	Jones, N. Mex.	Norbeck	Watson
Cummins	Jones, Wash.	Norris	Wheeler
Curtis	Kendrick	Oddie	Willis
Dale	Keyes	Pine	
Deneen	La Follette	Robinson, Ind.	
Dill	Lenroot	Schall	

NOT VOTING—12

du Pont	Frazier	McLean	Pittman
Ferris	Greene	Nye	Smoot
Fletcher	McKinley	Overman	Warren

So the amendment of Mr. ROBINSON of Arkansas in the nature of a substitute was rejected.

Mr. WADSWORTH. Mr. President, I have listened to much of the discussion which has taken place on the bill. I have but a few observations to make.

I confess that the feature of the bill which appalls me—and I use that term advisedly—is that which involves compulsion laid upon thousands and thousands of American citizens in the conduct of their business and the disposition of those products which they have produced as the result of their toil. I can not give my support to any measure shot through as is this with that same element of nation-wide compulsion.

Here we find a proposal to set up at the seat of government a Federal agency which may publish a decree directed to every individual in the United States who raises wheat, to every individual who produces corn or hogs, and say to that individual, "You shall dispose of your products as we direct. If you desire to sell, then you must come to the purchaser and present them to him. If he is a processor as defined in this bill, that purchaser is forbidden to pay you the full value of your products. He is commanded by us, a Federal

agency, to withhold from you a portion of your earnings, to withhold that portion indefinitely, to withhold it for all time if need be." Presumably every citizen engaged in this business must yield to that compulsion or go out of business.

There is some interesting language in the fifth amendment of the Constitution with which I assume Senators are familiar. It is worthy of examination. I shall not discuss it. I try to visualize the hundreds of thousands of farmers in the country operating under this bill when finally they are called upon to subject themselves to this Federal compulsion. I try to visualize my own neighbors when confronted with this situation, a neighbor of mine hauling his wheat, some few hundred bushels or some few thousand bushels, to the local miller and finding that he can not take home with him the money which the wheat is worth, that some of it must be withheld, finding that he is no longer to be permitted to control his own property earned in the sweat of his brow, and that, no longer being able to control his own property, he is no longer the master of his destiny.

Mr. President, no government on earth, in my judgment, can ever acquire to itself power enough to enforce upon hundreds of thousands of its citizens a situation of that kind. It will be found, inevitably, when such a scheme is put into effect and the American citizen finds that he has lost control of his property—even to this slight extent, if, indeed, we may call it slight—that he will resist. The spirit of resistance will spread over the country, through the agricultural regions, step by step. Ways and means will be found to defy or evade the law, for liberty-loving people will not submit to it.

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mr. BINGHAM. Mr. President, I merely want to call attention to three or four most extraordinary features of this bill. Some of the friends of the bill may not have thought of them.

In the first place, on page 21, in section 21, of the bill, we find that under this bill it would be the duty of any governmental establishment in the executive branch of the Government, upon request by the board, or upon Executive order, to cooperate with and render assistance to the board in carrying out any of the provisions of this act and the regulations of the board. It requires that—

> The board shall, in cooperation with any such governmental establishment, avail itself of the services and facilities of such governmental establishment in order to avoid preventable expense or duplication of effort.

Mr. President, this means that the board may call upon the Army and the Navy of the United States, in order to avoid expense, to go into every part of the world to collect information. It may use transports, battleships, submarines, and destroyers to find out the cost of production, either domestic or foreign, of crops in all parts of the world, and it may use all the officers and soldiers of the United States Army to acquire crop statistics in this country. It seems to me that is a most extraordinary provision. Do we really want to use the Army and Navy this way?

On page 7 there is another extraordinary provision, granting most arbitrary power to an executive department of the Government. It provides that a member of the Cabinet, the Secretary of Agriculture, may not only designate the farm organizations and cooperative organizations in each district but that he shall designate the members of the farm advisory council and may also designate the number of votes to which each organization or association shall be entitled. In other words, if he likes an association, he can give it a lot of votes; and if he does not like it, he can give it very few votes. This is a most extraordinary provision. It shows a most extraordinary and childlike faith in the wisdom of the Secretary of Agriculture, now and hereafter.

Finally, on page 6, in the declaration of policy, if we will only take out the words "agricultural commodities" and make them read "oil and gasoline," we will have this proposed monopoly clearly shown. This is what the bill would do in that case:

> It is hereby declared to be the policy of Congress to enable producers of oil and gasoline to control a supply of such commodities sufficient to stabilize their markets against undue and excessive fluctuation and to distribute the benefits and costs thereof to all producers of such commodities; to minimize speculation and waste in marketing; to encourage the organization of producers of oil and gasoline into cooperative associations; to protect domestic markets against world prices; and to provide for the control and disposition of the surpluses of oil and gasoline for the purpose of promoting the orderly marketing of oil and gasoline in interstate and foreign commerce.

That sounds like monopoly.

Mr. CARAWAY. Mr. President, I would merely like to suggest that if we were to use the words "feeble-minded and battleships," it would read the same way. [Laughter.]

Mr. NORRIS. Mr. President, I am very glad indeed to get the contribution of the Senator from Connecticut, who has changed a couple of words and given us the exact situation as it exists to-day in regard to oil and gasoline. He said:

> It is hereby declared to be the policy of Congress to enable producers of—

The bill says "agricultural commodities," but the Senator from Connecticut says "oil and gas."

Why in the world none of us thought of it before I do not understand, but it has been for the Senator from Connecticut to call our attention to existing conditions with regard to oil and gasoline. They do all that now. They are combined and running the thing just according to the way we would like to see——

Mr. BINGHAM. Mr. President——

Mr. NORRIS. Oh, no, I can not yield, because I have only five minutes. Just because this bill undertakes to give the farmer some of the advantages of the fellows who have oil and gasoline.

Mr. BINGHAM. What about the Sherman antitrust law?

Mr. NORRIS. What about the Army? That is another thing the Senator from Connecticut mentioned. I have been wondering for years how these fellows in the Army and Navy killed time. The people are wondering what we shall do with our great Army in times of peace. The Senator from Connecticut has solved the proposition. [Laughter.] When the bill is passed the Army and the Navy are going to be helping the farmer. When the Army and the Navy and the Marine Corps, and all the other idle fellows who are drawing salaries from the Government, turn their attention to the assistance of agriculture and the farmer, according to the way the Senator from Connecticut has outlined it, we will certainly have peace, happiness, and prosperity for agriculture and for the Army and the Navy as well. [Laughter.]

Mr. UNDERWOOD. Mr. President, I have not yet spoken on the bill. I am glad my time is limited to five minutes, as I think I can state in that time why I am opposed to the bill.

The principle involved is one which I can not sacrifice in order to help the farmers of America or any other organization. The purpose of the bill in the last analysis is to put up the price of food products and products which go to clothe the people of the United States. If the price is put up somebody must pay the price, and, in the last analysis, those who will pay the price will be the toiling millions of American labor. The richest millionaire in America eats no more food than does the man who earns his daily bread by swinging a pick in the streets.

If I have any conception of the principle that has guided the great party of which I am a member from the beginning of the Government, it has been that the Government should shield the rights of the mass of the people and not utilize the great power of Government to foster organizations that may oppress those who must live by their daily toil. Now, it is beyond dispute that if by organization the price of the staple commodities of America is raised the cost of the contents of the dinner pail will likewise be raised.

Since I have been in Congress I have followed a principle and a plank that sought to reduce protective tariff duties in order to relieve the mass of the American people from the burdens of taxation that rested on them and to reduce the cost of their daily bread and other necessaries of life. When I had the honor to be the chairman of the committee that brought in the last Democratic tariff bill I practically wrote the iron schedule. I placed on the free list every commodity in which I was interested. It seems to me I would be recreant to that vote and recreant to the position of my party and myself at that time if I should now turn about, and instead of placing on the free list commodities which are for the relief of the mass of the people I should vote for a bill that seeks to tax the bread which goes into the mouths of the men who work in the factories and the foundries whose products I aided in putting on the free list.

Mr. GOODING. Mr. President——

Mr. UNDERWOOD. I have only five minutes. I ask the Senator to excuse me. I am merely expressing my viewpoint and not criticizing that of anyone else.

So that is the fundamental principle involved. It may be said that there must be combination behind the tariff wall in order to protect the products of somebody else; but that is the principle of the protective tariff. I do not criticize Senators who maintain it for passing the principle along; but the principle in which I believe, and the principle which I believe

is the shibboleth of my party, is that the strong arm of this great Government should not be used to foster combinations of any kind, should not be used to utilize the power of taxation to burden the mass of the American people. Believing that to be the correct principle, I can not give my vote to this bill.

Mr. NORBECK. Mr. President, we are getting nearer to the point, but one thing has been overlooked in all the discussion, and that is that the farmer is not a laborer.

The VICE PRESIDENT. The Chair can not recognize the Senator from South Dakota inasmuch as his time has expired on the committee amendment.

Mr. McNARY. I do not think the Senator from South Dakota has spoken on the committee amendment.

Mr. NORBECK. That is true. The Senator from South Dakota has not spoken on this amendment.

Mr. McNARY. He has not spoken on the amendment under the rule which became operative at 1 o'clock; he has not spoken to-day. That presents a new situation, Mr. President.

The VICE PRESIDENT. The Chair is of the opinion that the Senator from South Dakota has used up his time on the committee amendment as amended.

Mr. McNARY. Prior to this afternoon?

The VICE PRESIDENT. Prior to this afternoon.

Mr. McNARY. Does the Chair hold that after 1 o'clock a Senator who has exhausted his time heretofore is prohibited from speaking five minutes upon a pending amendment? Certainly it was understood——

Mr. HEFLIN. That was my understanding.

Mr. NORRIS. No, Mr. President.

Mr. CARAWAY. If the ruling of the Chair is correct, nearly everybody has violated the understanding.

Mr. NORRIS. I am not going to object to any Senator speaking, but certainly if the Senator used up his time on the bill under the first limitation he is not entitled to start over again on the new limitation.

Mr. ROBINSON of Arkansas. I think the Senator from Nebraska is entirely correct. The effect of the new limitation was to limit the addresses of those who did not avail themselves of the opportunity to speak prior to 1 o'clock. The limitation would not be very effective if it had the effect of permitting all those who have already spoken to speak again.

Mr. NORRIS. That is correct.

SEVERAL SENATORS. Vote!

Mr. SIMMONS. Mr. President, if that is the ruling of the Chair, the Senator from Arkansas and myself had used up our time previously to to-day and we had no right to speak this morning.

Mr. NORRIS. There were several requests made and granted for an extension of time.

Mr. ROBINSON of Arkansas. I spoke on an entirely new amendment, being the substitute which I have proposed.

The VICE PRESIDENT. The Chair holds that the Senator from South Dakota has exhausted his time and is not entitled to the floor.

Mr. SIMMONS. Mr. President, I was incorrect in stating that the Senator from Arkansas would be in the same category as myself, for his amendment had not been discussed at all.

Mr. COPELAND. Mr. President, I was very much interested in the remarks of the Senator from Alabama [Mr. UNDERWOOD]. He spoke of the effect this bill would have, if enacted into law, upon the food costs of the working millions. Mr. President, it is in part, because I am interested in making sure the working millions have work that I am interested in this bill.

There are in the city of New York a million needle workers. The products of their toil go into every town and community of America. Unless the farming communities of the West are able to buy, the needle workers in New York City can not be given employment.

We make in the State of New York furniture, rugs, and carpets; we produce the products of milk, such as cheese and tinned milk; we have all sorts of manufacturing industries; we make pumps and hardware, cameras and spectacles, tinware, paint, sash and blinds, men's apparel and women's wear, wagons and harness, canned goods, books and stationery, brick and tile, tires and autos, clocks, scales, and all manner of tools.

Mr. President, my approval of the pending bill is founded in part on the fact that there must be a sale for our products, and there can not be a sale for our products unless the farmers of the country have the wherewithal with which to buy those products.

We have the tariff law which gives a subsidy to every manufacturer. Through the various organizations of the labor groups they deal collectively with their problems and fix the price of labor, and I am glad they do. It can not be doubted, however, that through the operation of the tariff law and through combinations of labor the economic laws, the ordinary laws of supply and demand, are violated.

In view of all the circumstances, I am not going to look too closely, so far as I am concerned, upon the economic defects of this bill. I believe that in the interest of those who live in the cities and in the interest of those who toil in the crafts or upon the farm, this bill should be enacted into law if it has in it at all the promise of improved conditions on the farms of the Middle West and other agricultural sections. I take this stand in order that the agricultural products may be sold for a reasonable profit and the money obtained with which to buy the products of the cities.

Mr. GOODING. Mr. President, will the Senator yield for a moment?

Mr. COPELAND. I yield to the Senator.

Mr. GOODING. I wish to say that the American Federation of Labor has gone on record for the committee bill.

Mr. COPELAND. I know it has, and that action has been taken because the American Federation of Labor has generously and wisely recognized that those who toil upon the farms are entitled to consideration, just as the laboring men, through their organizations, have endeavored to gain benefits for themselves.

Mr. TRAMMELL. Mr. President, I offer an amendment to the committee amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 14, line 21, it is proposed to strike out the words "and/or its food products"; on page 15, line 1, to strike out the words "and/or its food products"; and on the same page, line 6, to strike out the words "or its food products."

Mr. TRAMMELL. Mr. President, on page 14, as indicated by the amendment which I propose, there is found a definition of basic agricultural commodities and then a definition of food products. Under the provisions of the committee amendment, as I construe them, they would apply to all of the products of the basic agricultural commodities, and the definition includes within its scope all food products of such basic agricultural commodities. In other words, unless I am mistaken, the relief proposed would not only go to the farmer who produces the wheat but it would reach the miller or the manufacturer of the flour; it would reach those who produce rolled oats, and, in the case of corn products, it would go to the miller, reaching the meal, reaching the grits, and corn flakes. So, in dealing with the question of the products of swine, it would reach to all the products of the packer.

I submit that if the bill will go that far, and the definition is capable of any such construction as would include such products as those to which I have referred—and it may be construed in that way—then we are going a great deal further than we should go.

I believe that we should take every reasonable step in the interest of the farmers of our country. That is why I supported the amendment which was offered by the Senator from Arkansas [Mr. ROBINSON]. His amendment proposed to take care of the situation caused by the surplus; it proposed to bring about orderly marketing. In reality the source of all the trouble of the farmers to-day is the question of taking care of the surplus and the question of orderly marketing. The Senator from Arkansas proposed by his amendment to offer that assistance.

If the provisions of this bill extend to all of the products of the basic agricultural commodities, it will give to the control of the farm board the question of stabilizing or practically fixing the price of flour, of meal, of grits, of canned meats, and every other food product that is derived from the basic agricultural commodities. I submit that no such provision is in the interest of the wheat and corn farmer, but is in the interest of the packers and the manufacturers.

Mr. FERNALD. Mr. President, if I may interrupt the Senator, would it not also include canned goods?

Mr. TRAMMELL. I mentioned canned goods. Of course, it would include all canned meats. The bill in its present form will enable the farm board, as far as its effect is concerned, to fix the price of practically every food product that goes on the table of the average family in this country, such as bread, meat, and all of the more necessary food products. The amendment I have offered proposes to strike from the bill the words "or its food products." The measure should limit the relief to the basic agricultural products, and it should not embrace such commodities as flour, meal, grits, all kinds of cereals, and all of the goods sold by the meat packers. Why legislation in the interest of the Armour Packing Co. and other packers?

The VICE PRESIDENT. The question is on the amendment of the Senator from Florida [Mr. TRAMMELL] to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is upon the committee amendment, as amended.

Mr. ROBINSON of Arkansas and other Senators called for the yeas and nays, and they were ordered.

Mr. SMITH. Mr. President, before this vote is taken I desire to state that on account of unavoidable circumstances I have not been able to hear the debate or to study the bill in its details; but I can not understand why, in a country such as ours, we should find it necessary to invoke the taxing power in order to bring relief to the agricultural interests of the country.

It seems to me, Mr. President, that there is embodied in the proposition of the Senator from Arkansas [Mr. ROBINSON] the principle that is in accord with the genius of our Government. We have ample means of obtaining the finances wherewith we can encourage farm organizations by granting them the amount of appropriation necessary at a rate of interest not allowed to others, in order that they may take care of the exigent surplus that may arise, and through these organizations and the advantage that would be given them by virtue of the lower rate of interest encourage the spirit of organization and cooperation.

No man in this body can question me as to my intent and my work for that class to which I belong. My home to-day sits in the midst of a cotton field. I can sit on my front piazza and throw a stone into a cotton field on either side. I have for a long time recognized that we must settle this problem through the farmer himself, with the proper and legitimate aid of the Government in seeing that his business is financed in a manner adapted to his peculiar occupation and circumstances.

Mr. President, there is one other principle to which I can not subscribe. God knows I wish I could. Farming is in a deplorable condition. The condition in my State is as bad as it ever has been in the history of farming; but I can not forsake the old doctrine under which I have been reared and which is the doctrine of the party to which I belong and vote to tax, through a tariff proposition, the rest of the American people to support us. I want us to have an equal chance; but in the last analysis this bill means that we are going to give to the foreign world our surplus at any kind of a price, and charge the American people that consume our products a price out of all proportion to what is paid by the foreigners for our products.

Mr. President, I want us before this session of Congress adjourns to formulate a bill by which the financing of the surplus may be done without imposing a tax, and without turning over to a corporation the power to say when, where, and how I shall sell my stuff, and at what price I shall sell it. Give us the means at such a rate of interest as to encourage us to get together and manage our own affairs.

Mr. President, I felt that it was my duty to say this much.

The VICE PRESIDENT. The question is on the committee amendment, as amended, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER]. I am informed that if he were present he would vote "nay." If I were at liberty to vote I should vote "yea." I withhold my vote.

Mr. NORRIS (when Mr. NYE's name was called). I desire to announce the unavoidable absence of the junior Senator from North Dakota [Mr. NYE]. He is paired with the Senator from Connecticut [Mr. MCLEAN]. If the Senator from North Dakota were present he would vote "yea" on this question, and the Senator from Connecticut would vote "nay."

Mr. RANSDELL (when his name was called). I have a pair with the senior Senator from North Dakota [Mr. FRAZIER]. I transfer that pair to the junior Senator from Delaware [Mr. DU PONT], understanding that he would vote on this measure as I intend to vote, and I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], who is ill at his home. I am informed that if present he would vote "yea," and if I were at liberty to vote I should vote "nay." I withhold my vote and observe the pair.

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the Senator from Illinois [Mr. MCKINLEY] is paired with the Senator from Vermont [Mr. GREENE]. They are both necessarily absent. If the Senator from Illinois were present he would vote "yea," and if the Senator from Vermont were present he would vote "nay."

The Senator from Delaware [Mr. DU PONT] is necessarily absent. If present, he would vote "nay."

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER]. He has a pair with the junior Senator from Michigan [Mr. FERRIS]. If my colleague were present, he would vote "nay."

Mr. NORRIS. I desire to announce the unavoidable absence of the senior Senator from North Dakota [Mr. FRAZIER]. He is paired with the Senator from Louisiana [Mr. RANSDELL]. If the Senator from North Dakota were present he would vote "yea" on this question.

The result was announced—yeas 39, nays 45, as follows:

YEAS—39

Ashurst	Gooding	McMaster	Schall
Bratton	Harreld	McNary	Shipstead
Cameron	Heflin	Mayfield	Simmons
Capper	Howell	Means	Stanfield
Caraway	Johnson	Neely	Steck
Copeland	Jones, N. Mex.	Norbeck	Tyson
Cummins	Jones, Wash.	Norris	Watson
Curtis	Kendrick	Oddie	Wheeler
Deneen	La Follette	Pine	Williams
Dill	McKellar	Robinson, Ind.	

NAYS—45

Bayard	Fernald	Lenroot	Smith
Bingham	Fess	Metcalf	Stephens
Blease	George	Moses	Swanson
Borah	Gerry	Pepper	Trammell
Broussard	Gillett	Phipps	Underwood
Bruce	Glass	Ransdell	Wadsworth
Butler	Goff	Reed, Mo.	Walsh
Couzens	Hale	Reed, Pa.	Weller
Dale	Harris	Robinson, Ark.	Willis
Edge	Harrison	Sackett	
Edwards	Keyes	Sheppard	
Ernst	King	Shortridge	

NOT VOTING—12

du Pont	Frazier	McLean	Pittman
Ferris	Greene	Nye	Smoot
Fletcher	McKinley	Overman	Warren

So the committee amendment as amended was rejected.

Mr. NORRIS. Mr. President, I offer as an amendment to the bill the committee amendment as perfected, with certain language stricken out of it. I do not intend to take the time of the Senate to talk about it, but I shall ask to have a vote. The language I propose to strike out is on page 18, reading as follows:

> But no such fee shall be paid in respect of cotton prior to three years from the date of the passage of this act, and no fee shall then be paid in respect of cotton unless and until specifically authorized by an act of Congress. The provisions of this act relating to cotton shall not be operative on and after three years from the date of the approval of this act, unless hereafter authorized by act of Congress.

Mr. ROBINSON of Arkansas. Mr. President, I understand that the Senator is proposing to submit again the committee amendment, with certain language stricken out of it.

Mr. NORRIS. Yes.

Mr. ROBINSON of Arkansas. The Senate voted on striking that language out, but I do not think that would affect the amendment now offered by the Senator.

Mr. NORRIS. I do not ask that the amendment be read again, but I am offering it in the form in which it was perfected, with all the amendments that were made to it, with the exception of the language which I have stricken out. Of course, if anyone insists, I will have the amendment read, but otherwise I shall not ask for that. I think everybody understands what I am offering.

Mr. ASHURST. On what page is it?

Mr. NORRIS. It is the same as it was before, except for the language I have asked to be have stricken out, which is found on page 18, commencing on line 13 and ending on line 17.

Mr. WATSON. Mr. President, will the Senator permit a question?

Mr. NORRIS. Certainly.

Mr. WATSON. My understanding is that the amendment the Senator now proposes is the committee amendment, omitting the words proposed to be stricken out by the Senator from Missouri [Mr. WILLIAMS], whose amendment the Senate voted down. The Senator from Nebraska now asks to have the committee amendment submitted to the Senate for a vote as if that language were out?

Mr. NORRIS. Yes; that expresses it exactly. I am offering again the committee amendment, as perfected by the amendments that were agreed to, with the exception of the language which I have read, which I have omitted from my amendment, and on that I ask for the yeas and nays.

Mr. REED of Missouri. Mr. President, I understand the parliamentary situation to be this: The committee amendment as finally submitted and just voted upon was pending. The junior Senator from Missouri, my colleague [Mr. WILLIAMS], offered an amendment to strike out the identical language which the Senator from Nebraska now seeks to have stricken out. The Senate rejected that amendment to the committee amendment. We have, therefore, voted to-day on that particular question. After having voted upon it, we voted upon and rejected the main proposition.

I raise the point of order that the matter contained in the Senator's proposition has been passed upon by the Senate and that, therefore, it can not be again brought before the Senate except upon a motion for reconsideration.

Mr. NORRIS. Mr. President, this is not bringing before the Senate the same proposition.

Mr. REED of Missouri. It is identically the same.

Mr. NORRIS. The amendment proposed by the junior Senator from Missouri was an attempt to strike out of the committee amendment, it is true, the same language to which I have referred, but my amendment is presented now, not for a vote in regard to the amendment of the Senator from Missouri, but for a vote on the committee amendment as though that language were not in it. That has never been voted on. We have never voted on the amendment in that form, and it is not subject to a point of order.

Mr. REED of Missouri. Mr. President, we voted not to take this language out of the committee amendment. We then voted not to adopt the amendment. Now the Senator proposes that we shall take the language out which we said we would not take out—and that is the only change he makes—and then asks us to vote on the proposition exactly as it would have been if we had accepted the amendment of my colleague. If those methods are to be pursued, you can change the form of a motion often enough to keep us here until next week voting on the same question.

Mr. NORRIS. We have never voted on the proposition included in my amendment. The Senate has never expressed itself on the committee amendment with this language stricken out of it.

Let me call the attention of the Chair to this fact: There would have been an opportunity to vote for an amendment identical with that I am now offering if the amendment of the junior Senator from Missouri had been agreed to. Then we would have had the language out, and we would have voted on the amendment with that language out; and if we had voted that down, I could not have offered it again. But that is not the condition which now confronts the Senate. We have voted on the committee amendment but once, and when we voted on it it had this language in it.

A question might be raised if I should omit something that was not material, that did not amount to anything, but everybody will concede that the language I have read is very material, and the Senate has never had an opportunity to vote on the committee amendment with that language excluded.

The VICE PRESIDENT. The Chair holds the amendment to be in order.

Mr. NORRIS. I ask for the yeas and nays.

Mr. BLEASE. I move to lay the amendment on the table.

Mr. NORRIS. I hope the Senator will not do that. We are not going to debate it.

The VICE PRESIDENT. The Senator from South Carolina moves to lay the amendment of the Senator from Nebraska on the table.

Mr. NORRIS. I hope the Senator will withdraw the motion.

Mr. BLEASE. I will withdraw it if the Senator's amendment is not going to be debated. If it is going to be debated, I will not withdraw it.

Mr. NORRIS. I ask for the yeas and nays.

Mr. BLEASE. I stand by my motion. I move to lay the amendment on the table.

Mr. NORRIS. I ask for the yeas and nays on the motion.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Florida [Mr. FLETCHER], and in his absence I withhold my vote.

Mr. RANSDELL (when his name was called). Making the same announcement previously made as to my pair and its transfer, I vote "nay."

Mr. WARREN (when his name was called). Making the same announcement as before, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 35, nays 47, as follows:

YEAS—35

Bayard	Fernald	McKellar	Smith
Bingham	Gerry	Mayfield	Stephens
Blease	Gillett	Metcalf	Swanson
Bruce	Glass	Moses	Trammell
Butler	Harris	Reed, Mo.	Underwood
Dale	Harrison	Robinson, Ark.	Wadsworth
Edge	Heflin	Sheppard	Weller
Edwards	Keyes	Shortridge	Willis
Ernst	King	Simmons	

NAYS—47

Ashurst	Fess	McMaster	Robinson, Ind.
Borah	Goff	McNary	Sackett
Bratton	Gooding	Means	Schall
Broussard	Hale	Neely	Shipstead
Cameron	Harreld	Norbeck	Stanfield
Capper	Howell	Norris	Steck
Copeland	Johnson	Oddie	Tyson
Couzens	Jones, N. Mex.	Pepper	Walsh
Cummins	Jones, Wash.	Phipps	Watson
Curtis	Kendrick	Pine	Wheeler
Deneen	La Follette	Ransdell	Williams
Dill	Lenroot	Reed, Pa.	

NOT VOTING—14

Caraway	Frazier	McLean	Smoot
du Pont	George	Nye	Warren
Ferris	Greene	Overman	
Fletcher	McKinley	Pittman	

So the Senate refused to lay Mr. NORRIS's amendment on the table.

Mr. REED of Missouri. Mr. President, I ask to have stated the question which is before the Senate, so that we may understand what we are voting on.

The VICE PRESIDENT. The question is upon the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. HEFLIN. Let it be read.

Mr. REED of Missouri. That is what I want to have reported.

Mr. NORRIS. Does the Senator mean that he wants to have the amendment read or just explained?

Mr. REED of Missouri. I mean that I want enough of the amendment read so that we may understand it. I do not mean that the Senator must have read the entire McNary amendment to the House bill. I want to have the proposition now made by the Senator from Nebraska so stated that we may understand it.

Mr. NORRIS. In the first place, the committee amendment to the bill, commencing with section 8, on page 6, line 12, has been defeated as it was perfected. We had several more or less important amendments added to it. I have offered it over again as it was perfected, with the exception that I have stricken out of it the words on page 18, commencing after the word "commodity," in line 13, and ending in line 17, reading as follows:

> But no such fee shall be paid in respect of cotton or corn prior to three years from the date of the passage of this act, and no fee shall then be paid in respect of corn or cotton unless and until specifically authorized by an act of Congress. The provisions of this act relating to cotton shall not be operative on and after three years from the date of the approval of this act unless hereafter authorized by act of Congress.

My amendment is to take the language of the committee as amended, with the exception of the language which I have just read, which is not included in my amendment.

Mr. WATSON. The words "or corn" were stricken out. Does the Senator mean to restore those?

Mr. NORRIS. No; all that language is stricken out.

Mr. WATSON. The Senator wants to have the whole clause stricken out?

Mr. NORRIS. In other words, it is the committee amendment without deferring the equalization fee. If my amendment is agreed to, wheat and corn and hogs and cotton will all stand on the same basis, without any deferring of the equalization fee.

Mr. REED of Missouri. Mr. President——

Mr. NORRIS. I yield to the Senator from Missouri.

Mr. REED of Missouri. As I understand the Senator, if his proposition is now accepted, it would mean that immediately upon the bill taking effect the equalization fee would apply to cotton and to corn, the same as it would to wheat?

Mr. NORRIS. Yes.

Mr. REED of Missouri. And the seller of cotton and the seller of corn will be obliged to come under the terms of the bill and pay the fee the same as the man who sells wheat?

Mr. NORRIS. There will be no difference between the producers of wheat and cotton and corn and hogs.

Mr. REED of Missouri. So that every cotton man now may understand that he is to help pay the freight. [Laughter.]

Mr. President, a parliamentary inquiry. Has the time limit on debate now expired or not?

The VICE PRESIDENT. The time limit on debate has expired.

Mr. HEFLIN. Mr. President, my time has not expired. [Laughter.]

The VICE PRESIDENT. The time limit of 30 minutes on the bill still holds good.

Mr. NORRIS. But any Senator who has utilized his time on the bill is not entitled to any further time. No Senator who has already consumed his time on the bill is entitled to consume it again, is he?

The VICE PRESIDENT. Any Senator who has used his time on the bill has no right to further time on the bill.

Mr. HEFLIN. The Senator from Nebraska has now offered a new amendment.

Mr. WATSON. Is not this a new amendment?

The VICE PRESIDENT. The Senator from Nebraska has offered an amendment. The time limit of 15 minutes applies to the new amendment.

Mr. HEFLIN. Then I have 15 minutes?

The VICE PRESIDENT. The Senator has 15 minutes.

Mr. HEFLIN. Well, then, may the Lord have mercy on the author of this amendment! [Laughter.]

The VICE PRESIDENT. The Senator from Alabama has 15 minutes on the amendment of the Senator from Nebraska.

Mr. HEFLIN. Mr. President, I do not think that I shall consume the 15 minutes. The Senate has already gone on record in opposition to the Williams amendment, which contained the same principle as that involved in the amendment of the Senator from Nebraska. The Senate voted down the Williams amendment, which sought to be unfair to the cotton producers of the country. The producers of cotton do not now have any benefit whatever under the protective tariff system. The grain growers of the country, the wheat producers, and the corn producers are included in the present tariff law. The cotton producers are in the same boat with the grain producers in that they are selling their products below the cost of production. There is no way under the present tariff law by which a tax or equalization fee may be fairly and justly imposed upon cotton.

The Senators from the cotton-growing States are joining hands with the Senators from the grain-growing sections. We are trying to unite our forces in order to grant relief to the grain growers of the West and to provide at the same time a revolving emergency fund to which the cotton producers may have access. I submit that the position of the Senator from Nebraska is unfair and is untenable. Why should the cotton grower be tied up with the grain producers, who are supposed to get benefits under the tariff law, and have imposd upon them the same kind of equalization fee which it is proposed to apply to the grain grower, who is supposed to have protection under the tariff system of the Republican Party?

I voted for this farm relief measure, but not because it is entirely to my liking. I voted for it as an emergency measure. I voted for it because it is the only thing, it seems, that we have any chance to pass to give relief to the farmers of the country, the cotton producers of the country as well as the grain producers of the country. I voted for the substitute of the Senator from Arkansas [Mr. ROBINSON] because it provided a revolving fund running from $250,000,000 to $1,000,000,000 from which the grain grower and the cotton grower could borrow to help take care of their surplus products. Failing to have that substitute adopted, I have voted for the McNary proposition, which provides a revolving fund of $75,000,000 for cotton and $75,000,000 for grain.

I have no apology to make for the position I have taken, but the position of the Senator from Nebraska [Mr. NORRIS] in wanting to tie cotton in with grain, when it is not on the same footing with grain, is not fair. Cotton has not been singled out for a special privilege, as grain has, under the protective tariff law. It stands by itself, with no protecting arm around it. The Senator from Nebraska, whose State produces no cotton, is unfair to the cotton producers of my State and my section of the country. He wants to put them in with the equalization fee provision when they have no tariff protection whatever.

Mr. President, I am reminded of the story of the negro tenant who rented a field from a white man. He planted it in corn and was to give the white man a fourth of the corn produced. When the negro gathered his small crop he had just three loads of corn. The landlord heard nothing from him and in due time he asked the negro tenant if he had gathered his corn. He said, "Yes, sir." The landlord said, "You know I was to get a fourth." Whereupon the negro tenant said, "Yes, sir; that's right; but there wasn't no fourth." The landlord said, "What do you mean?" "They was jes' three loads. If they had been four loads, you'd have got one; but there wasn't but three loads, so you ain't got none." [Laughter.]

Three loads of legislative products have already been gathered out of the fields of this Republican Congress. The international bankers got their load in the foreign debt settlements. The big eastern bankers got their load in the bank bill recently passed; and the big taxpayers got their load in the unjust refund of hundreds of millions of dollars. They have all gotten what they want out of this Congress. But there is no fourth load, and the distressed farmers of the country will get what they always get at the hands of the Republican Party—nothing. The other big interests have gotten theirs, and they are satisfied. But there is not going to be any "fourth load" for the farmers of the country. The three loads that have been taken out at this legislative session have gone to the big special interests, who are satisfied and have gone home; but those who are still clamoring here, it seems, are going to be told by this Republican Congress and this Republican administration that "there is not any fourth load."

I will tell the West how to get fair and righteous legislation out of Congress. Quit your subservience to the Republican Party. The greatest step they can take for deliverance from the bondage, from the agricultural slavery in which they find themselves, is to rise up and smite that party, hip and thigh, drive it out of power and send Democrats here who will work with southern Democrats. Southern Democrats are ready to cooperate with the West. To the agricultural people of the grain-growing States I say the cotton-growing States are ready to confer with you, to work with you, to work together in bringing relief to the toiling, distressed people of the South and West. The sooner you break the bonds of Republican rule and break away from your allegiance to the Republican Party the sooner your children will be delivered from the bondage into which that party has thrown them. Ninety-four per cent of your farmers are in bondage, mortgaged, almost hopelessly in debt, and here you are about to be driven away from the Capital of the Nation with nothing at the hands of that party to even give you hope.

Go back to your people; tell them that the Republican Party has been weighed in the balance and found wanting; that you found that party to be the enemy of the plain people; that the farmers, who toil and produce that which feeds and clothes the world, have no friends in the majority party at the Capitol; that they are "not at home," so far as he is concerned; they are ready to adjourn. Mark my prediction. We shall soon hear the cry, "Let us wind up and go home, now." Let these gentlemen go on their fishing trips; let them have their vacation while the farmer plods wearily along in his furrowed field, and upon his face a look of despondency and despair. What hope will he have for relief with the party in power that has turned its back on him and refused to hear his cry, the party that has turned him away empty handed and sorely disappointed while it hands out millions and hundreds of millions to the smiling, happy, big taxpayers who flourish like the green bay tree under the reign of the Republican Party? God help the people of the West to get the scales from their eyes; God help them to quit seeing through a glass darkly; God aid them in seeing the truth as it is, and strengthen their arms to break the chains that bind them to this "body of agricultural death," produced by the oppressive policies of the Republican Party.

Mr. GEORGE. Mr. President, I merely wish to say one word on the amendment offered by the Senator from Nebraska [Mr. NORRIS]. My whole reason for opposing this bill has been because of my steadfast belief that we have no constitutional authority to impose upon any set of producers the so-called equalization fee, whether it be regarded as a tax or as a fee fixed in the regulation of interstate commerce.

I have also believed it to be wrong to impose upon any set of farmers a fee upon their products against their will and their wishes. Back of this proposed legislation is the oft-repeated assertion that the cooperative marketing system has broken down because the farmers are not willing to enter into the cooperative marketing organizations of the country. I myself have said during the debate that I am a member of a cooperative marketing association. My membership in that association was taken in good faith; I yet believe in cooperative marketing; but I would be far from willing to commit myself to any measure that would force my neighbor into a cooperative association, whatever may be my belief in it, if he, in the exercise of the plain right of a plain American citizen, elected to remain out of it.

I said, Mr. President, and I say again, that this bill is bad, whether the fee be imposed immediately upon cotton or not; and I am surprised now that the southern Democrats, faced

with the facts in this case, seem to be surprised. I know that we were invited to vote for the bill because the equalization fee was postponed on cotton, and within 15 minutes after that proposal was voted down here is a proposal to put on southern cotton growers a fee upon every bale of cotton grown by them; and it is a proposal out of the West that but a little while ago invited a coalition between the southern farmer and the western farmer.

I have said from the beginning, and I say now, that any southern Democrat who takes one step on this road is committed in principle to the imposition of a fee upon every pound of cotton grown, and there is no logic that can avoid that conclusion. Though the proponents of the measure proposed to postpone the equalization fee on cotton, it has been plain that the proposal was but an empty gesture so far as southern cotton growers are concerned; that ultimately the fee would be imposed; ultimately our cotton would be taxed. For myself I will not renounce the political doctrine of my party of more than a century of time and enter upon a path here that leads inevitably to just what is now proposed—a tax upon every bale of cotton which is grown in the South; an equalization fee, if you please. I am surprised that the proposal comes so soon. Had the bill passed, I believed it would come next December; I knew it would come at some subsequent session of the Congress, but I am surprised that it comes so soon.

Why not eliminate cotton from the bill altogether? Why not leave that product alone and let southern Senators who this year face election meet their constitutents and argue this question out on the stump? But why should Democrats be surprised that on the very heels of the vote by which the measure is defeated there is presented a proposal to put a tax on cotton? If the Senator from Nebraska will continue to press the amendment, we shall soon know how many southern Senators really favor this proposal.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. President, I had not intended to say anything until the Senator from Georgia made his eloquent speech, but I take it there seems to be at least an insinuation in his remarks that there is some motive behind my motion that is not just right and that I am not playing the part squarely.

Mr. GEORGE. I did not mean that. If the Senator so understood me he is quite wrong.

Mr. NORRIS. Very well; I accept the Senator's statement.

Mr. GEORGE. I think the Senator is entirely honest and entirely sincere in believing that the equalization fee ought to be left on cotton.

Mr. NORRIS. Very well. Mr. President, I wish to say it face to face to the Democrats on this side, and particularly to the Senators from the cotton-growing States, that I find no fault with the man, whether he is from a cotton-growing State or any other State, who does not believe in the system here proposed. I am not even criticizing him. I concede that he is just as honest in his belief as I am in mine; I am willing to concede that there is some doubt all the way through as to this proposition; but, I think, if other Senators had listened to what I have listened to during the last five years they would be willing to take the chance for the down-trodden farmer.

However, I repeat I am not even criticizing the man who comes from a cotton-growing State and says, "I do not want this fee put on cotton." That is his right; that is his privilege, and I am not finding fault with him for taking that position, but it does not seem to me to be quite fair to say, "Let us put cotton in and give it the benefit and at the same time put the equalization fee on the products of the West and keep it off cotton. Stabilize cotton by the use of the equalization fee that comes from the Treasury of the United States, but do not call upon those who produce cotton to contribute anything to it." I am willing, however, even to accept that view, and I showed my willingness by defending as best I could the language of the committee amendment; but now that has been voted down. Some Senators said to me that they were against the committee amendment because it was unfair to everything but cotton, because it gave cotton an undue advantage. I did not think there was much in that contention, for the matter would have been under the jurisdiction of the farm board in any event, and whether the equalization fee were deferred or not, or even if it were not deferred, the board would not need to put it on if, in their judgment, they did not think it ought to be imposed.

They would not, under the bill, declare an emergency to exist as to cotton unless they were convinced that the majority of those who were producing cotton wanted action to be taken and the fee to be imposed, and the board will not do that if the amendment which I have offered shall be adopted. They will not do it as to corn; they will not do it as to wheat or hogs.

The amendment which is now presented puts every agricultural product on absolutely the same footing. There is not the exception that those from cotton-producing States wanted and which I myself was willing to give. The proposition is that cotton, corn, wheat, and hogs shall be put upon the same basis and left under the jurisdiction and control of the farm board. Is there anything unfair about that? It may all be wrong; Senators may be opposed to any equalization fee, and they have a right to take that position; they are conscientious and they may be right and I may be wrong; I concede all that; but no man can deny that under the amendment now presented every commodity is put on an equality; there is not any distinction made between agricultural products; they are all put on the same footing; they are all put under the control of the same board, and there is nothing unfair in the proposition. That does not mean, of course, that Senators have to support it, but it means, assuming that Congress shall deem the committee amendment workable and desirable, that there is nothing unfair in the way in which it now comes before the Senate.

I am surprised that any Senator now should say, "I will not favor this because it does not give cotton the preference that was given before." I do not believe they can justify that position before the American people. We have heard this very afternoon Senators on the floor demanding what other Senators would do when they went before the farmers of the West and were asked, "Why did you not put cotton on the same basis as wheat? Why did you give a preference to cotton and not to corn? Why did you defer the equalization fee on cotton and not on hogs?" I do not think there is much in that suggestion, because, after all, the whole matter is under the control of the farm board; it is all under the control of the instrumentality set up by the bill, and that instrumentality will not impose the equalization fee on anything unless they are convinced that the producers of the country want it put on. We have got to trust the board. If there is any way to curtail their authority and make it more definite, I should like to do it, but nobody is even contending that that should be done.

So I want to say to the Senator from Georgia and I want to say to the other Members of the Senate from the South that there is no ulterior motive in offering this amendment. You are classified here in just the same way that I am. I do not ask you to support it. We may all be classified wrongly, let me repeat, but we are classified in the same way. There is no difference. There is no preference. The cotton man and the corn man are put on the same level in this amendment. You had an advantage before. I do not think it amounted to much; I doubt whether it amounted to anything; but on paper it looked as though it amounted to something, and you know from what has been said here this afternoon that out on the stumps of the West that is going to be hurled into the teeth of men who are running for office, upon the ground that they have not been fair with their own people, and that they gave the cotton men a preference in legislation. I think it is easily answered. I think, when it is analyzed, that there is very little difference in it, because whether cotton is given a preference or not, whether corn or hogs or wheat are given a preference or not, there never will be an equalization fee on anything until the board puts it on.

This law is not self-executing. It will not go into operation of its own will. It requires the action of this board; and as some members of the board are going to be representative of cotton the equalization fee can not be put on cotton unless the cotton men on the board want it put on; and it is their duty to inform themselves, and, before they put it on, to ascertain that the cotton men want it put on. That applies to wheat, that applies to corn, that applies to hogs, under the amendment that I have offered. There is not any difference.

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. NORRIS. Yes.

Mr. HEFLIN. The Senator knows that the representatives of the corn and wheat belts asked that this fee be applied now, and that the cotton representatives asked that it be not applied now.

Mr. NORRIS. The equalization fee was deferred on cotton at the request of the cotton men. I concede that. I would have conceded it to the corn men if the corn men had wanted it, or to the wheat men if they had wanted it. The cotton men who were before us, with whom we consulted, believed that the fee ought to go on cotton just the same as on everything else.

They did not ask for the exception. The request for the exception came—and I am not criticizing it—from the Members

of the Senate from cotton States. I gave the reasons the other day. The reasons given were that this question had been agitated in the West; it had been talked about; there had been conventions; there had been conferences in these Western States, the corn States, and the hog States. There had not been such conferences in the South. It had not been agitated. It was more or less a new thing—at least, newer to them than it was to the West—and they said:

> We want a little more time. We want to take it up with our people. We do not want this done until they have had a chance to study it. We think it ought to be deferred just a little.

I thought that was a reasonable request; but when we did defer it we brought down upon our heads the criticism of our own people, often the criticism of Senators, who said: "You are not treating these agricultural products in the same way that you are treating others. You are giving the cotton men a preference"; and on paper it looked as though we were. As a matter of reality there was very, very little difference, because if no provision for deferring had been put in the bill—in other words, if it had read as the amendment I have offered reads—no equalization fee would have had to be paid on cotton until the cotton men wanted it.

So there is not any fear, there is not any danger, if the theory is right. There never was any use of putting in this deferring of the fee on cotton. It only brought criticism upon members of the committee and others who were trying to get the agricultural States together and get them to agree on something.

As far as I am concerned, I am ready to vote.

Mr. GOODING. Mr. President, if we were not facing a new civilization in America, and a new civilization, as far as that is concerned, in all the world, it would not be necessary to make an effort here to secure some farm legislation. If the cost of production were the same as before the war, the farmers would be able to meet their obligations, and some of them—the wheat growers and the cotton growers—would not be in the deplorable condition that they are in at the present time.

I am not going to vote for the amendment offered by the Senator from Nebraska. I can justify my action in voting to defer the equalization fee on cotton, because it does not occupy the same position in our own markets that wheat does with a tariff of 42 cents. All the wheat growers asked was that they be given the 42 cents a bushel that the Republican Party has placed on wheat, but that they have never had.

If this bill had passed, that is what they would have been able to get, and nothing more than that. They never would have been able to increase the price of a bushel of wheat more than 42 cents above the world market. Under present conditions wheat here in America has often been below the world market, and even with a tariff of 42 cents it is only on a parity with the world market to-day.

Mr. President, the farmers of the West through their organizations have offered to the South the greatest boon that could ever possibly come to the South, an opportunity to stabilize the great staple product of the South, the great agricultural product of the South, which means more to the South than all the rest of the agricultural products that are produced in the South. The South has refused it. I do not think I have to account to any Senator here for my vote, nor any other Senator to me, as far as they are concerned. They can answer back to their people and I can answer back to my people, justifying my action in voting to defer the equalization fee on cotton.

Mr. President, the Brazilian Government stabilized the price of coffee. Coffee is landed in New York for 17 cents a pound, and when it is roasted and put into a paper package it is sold to the American consumer at 65 cents a pound. The British Government stabilized rubber, and they agreed with the rubber manufacturers of this country on a price of 36 cents a pound for rubber; but the rubber manufacturers and speculators of America pushed up the price of rubber until it reached $1.10 a pound. The producers of rubber in India were not responsible for that. Since some part of it has been released on the market, rubber has gone down.

The cotton growers are in exactly the same position that the rubber producers of India were in or the coffee growers of Brazil. Whenever they get a bumper crop of cotton in the South they are destroyed. A great crop of cotton destroys them down there, until they can not meet their obligations. You have only to look at the charts upon the wall to see what the stabilization of cotton would mean. If this bill had passed, 5 years from now or 10 years from now you could draw a line as straight as an arrow across those charts, and you would not have those great peaks up there, running up to 42, 43, and 44 cents, and down again to 8 and 10 cents.

I am sorry for the South. It is up to them, however. They have defeated the greatest proposition that can ever come to them in any session of Congress, because they never can hope to get anything better than what has been offered to them by the farmers of the West. I say "the farmers of the West," Mr. President, because I know that they have gone back since this bill was reported to the Senate from the committee, and the farmers of Iowa, the farmers of Indiana, the farmers of Illinois, and the farmers of the whole West have come here and asked us to defer the equalization fee on cotton.

I am not alarmed about answering back to my people.

Then, Mr. President, there has come into existence in Europe to-day what is known as the German cartel. Practically all the great industries there are organized together, agreeing on prices, agreeing on territory, and it extends clear into this country. The Senator from Montana [Mr. WALSH] in his investigation of aluminum made the statement upon the floor of the Senate that the Aluminum Trust of America was organized beyond our own shores and reached over into Europe. So you have a new condition in America. This is the age of organization and combination. If you are going to refuse the farmer an opportunity to organize and sell his own products at a fair price upon the market, he has not a chance. He can not be prosperous with the increased cost of production you have forced upon him through legislation in these agricultural crops where the surplus must be sold abroad, which fixes the price in the American market.

I hope the Senators of the South will be able to go back and satisfy their people. There is no question about their honesty in this vote, but I think they erred in judgment as no men ever erred before.

Mr. President, the Tariff Commission in the investigation of the cost of production of a bushel of wheat in the northwestern territory—in the States of Minnesota, North and South Dakota, and Montana—reported that it cost $1.40 to produce a bushed of wheat on the farm in the Northwest. That was for the years 1921, 1922, and 1923.

In 1921 we produced 814,905,000 bushels of wheat. It cost the farmer $1.40 on the farm, and he sold it for $1.014 per bushel. He lost 38.6 cents a bushel on his crop of 1921, or $314,558,330.

In 1922 we produced in this country 867,598,000 bushels of wheat, and it sold upon the farm for 98 cents a bushel. The farmer lost, as was found by investigation by our own Government, 42 cents a bushel on the wheat crop of 1922, or $364,391,164.

In 1923 we produced in this country 797,381,000 bushels of wheat, and sold it upon the farm for 92.4 cents a bushel. That year the American farmer lost 37.6 cents a bushel, or $380,760,880.

In 1924 we produced 864,565,000 bushels of wheat, and the farmer sold it for $1.28 a bushel. That year he lost $101,789,964.

Altogether, for those four years, the American wheat grower lost $1,161,510,338. With all those losses, Mr. President, when Mr. Mellon's brother sailed for Europe something like two months ago, he made the statement, which was printed in the New York papers, "I notice that the price of wheat is coming down. That is as it should be"; yet at the same time the American farmer was losing millions of dollars in the production of wheat.

Then comes the Secretary of the Treasury, with a letter which has now become famous, and which will grow more famous when the American people understand it, in which he said that if this bill should pass it will increase the cost of living. Yet, as I stated before, as far as the wheat grower is concerned, out of a 10-cent loaf of bread the farmer gets the measly pittance of 1.6 cents, all out of a 10-cent loaf of bread. In spite of that it is said that this bill must not pass because it will increase the cost of living. It would increase the cost of farm products, but in my judgment it would not increase the cost of living. If you permit the farmers to organize so that they can do away with some of the 19,000,000 men who are trafficking in farm products, and who take $14,000,000,000 out of the $21,000,000,000 that consumers pay for farm products, you will be taking the only means, in my opinion, for the elimination of waste and duplication of service and profiteering and graft which must be eliminated if we are ever to reduce prices to the consumers in America.

If this amendment had been agreed to, it would not have done away with the wheat pit, I am sorry to say. They would still function. Every morning you would see wheat going up and down, depending upon some reports coming from Australia or other foreign countries that come in competition with our wheat, regardless of whether the reports were right or wrong. The bulls and the bears will still continue, even if this bill shall

be enacted, to gamble in the vital necessities of life. If the amendment had been adopted, however, you would have paralyzed the cotton exchange, as it should be. You would have stopped gambling in cotton to a large extent. You would have permitted the cotton growers of this country to become the masters of their own production, and in time, becoming the masters of their own production, having the responsibility upon them, they would bring about an orderly production of cotton. They would not destroy themselves by overproduction any more than the manufacturers destroy themselves. You might just as well try to organize the wind as to try to organize the farm population of this country, 36,000,000 of them, as there are, living upon the farms and in small communities, all interested in agriculture, unless you can first make the farmers of this country the masters of the prices of their own labor and of their own investment.

I intend to vote against this amendment. The situation has not changed with me. We had a subsidy on wheat—you can not call it anything else—of 42 cents a bushel, but the millers are not giving it to us. The record shows that we have been getting only 12 cents for the last 25 months, on an average. Yet, is there any doubt in the mind of anyone—and I want to ask it again—that the $1.04 a hundred, a compensatory duty to the millers on flour, is not passed on to the people?

Mr. NEELY. Mr. President, it is perfectly obvious that the farmers' alleged friends in this body are going to continue to talk and continue to prevent a vote on the pending bill until all the farmers in the country starve to death. The temptation to make a speech to the unusual crowd in the gallery is seductive, but to me it shall not be irresistible. I have contented myself to linger here for 23 days from morning till night hoping for an opportunity to cast another vote for the farmers. I have believed that they need legislation more than they need talk.

I have listened to many long-winded speeches on the bill. Some of my distinguished colleagues have spoken on it as many as twenty times, all professing to desire to give the farmer relief. If these statesmen are in good faith—and, of course, they are—will they not be good enough to demonstrate that fact by supporting a unanimous-consent request which I am about to submit to limit debate, so that no Senator may hereafter speak more than once or for more than one minute on the bill or any amendment thereto; and that the Senate continue in session until the bill shall have been passed? I beg those who are charmed with the sound of their voice, as Narcissus was infatuated with his image in the fountain—but that is not a happy illustration, because Narcissus did finally love himself to death, while these long-winded Senators never do talk themselves to death. They are deadly to others, but never to themselves. But I was about to beg the chronic orators of the Senate who are destitute of terminal facilities in the name of their professed loyalty to the farmers and their cause, if they will not forego the temptation to talk longer on the bill and let us vote immediately on the amendment of the distinguished Senator from Nebraska [Mr. NORRIS]. Senators, regardless of the way you intend to vote, do you not realize that every child in the gallery knows that it is idiotic for anyone to believe that any speech that might now be made in this body would change a single vote on this bill?

Senators, your countless, endless, rambling, and irrelevant speeches are not fooling the farmers; they are not even entertaining the audience in the galleries. Every Senator knows how he is going to vote, regardless of anything anyone may say, therefore in heaven's name will you not forego the temptation to make more speeches and utter more words and let us dispose of the business before the Senate?

Mr. President, I ask unanimous consent that, beginning now, all speeches on the bill and all amendments thereto be limited to one minute, and that the Senate continue in session until final disposition of the bill shall have been made.

The VICE PRESIDENT. Objection is heard, and the question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. HEFLIN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). Making the same announcement that I made before, I withhold my vote.

Mr. NORRIS (when Mr. FRAZIER's name was called). I desire to announce that the senior Senator from North Dakota [Mr. FRAZIER] is unavoidably absent. He is paired with the senior Senator from Louisiana [Mr. RANSDELL]. If the senior Senator from North Dakota were present, on this question he would vote "yea."

Mr. JONES of Washington (when Mr. MCKINLEY's name was called). I desire to announce that the Senator from Illinois [Mr. MCKINLEY] is paired with the Senator from Vermont [Mr. GREENE]. If present, the Senator from Illinois would vote "yea" and the Senator from Vermont would vote "nay."

Mr. NORRIS (when Mr. NYE's name was called). I desire to announce that the junior Senator from North Dakota [Mr. NYE] is unavoidably detained. He is paired with the senior Senator from Connecticut [Mr. MCLEAN]. If the junior Senator from North Dakota were present, he would vote "yea," and if the senior Senator from Connecticut were present, he would vote "nay."

Mr. SIMMONS (when Mr. OVERMAN's name was called). My colleague [Mr. OVERMAN] is necessarily absent, as I announced before. He is paired with the senior Senator from Wyoming [Mr. WARREN]. If my colleague were present, he would vote "nay" upon this amendment.

Mr. RANSDELL (when his name was called). I make the same announcement as before in regard to my pair and its transfer. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I am informed that on this question he would vote as I intend to vote. I therefore vote. I vote "nay."

The roll call was concluded.

Mr. MCKELLAR (after having voted in the negative). I have a pair with the junior Senator from Missouri [Mr. WILLIAMS], who is necessarily absent. I transfer that pair to the junior Senator from North Carolina [Mr. OVERMAN], and allow my vote to stand.

The result was announced—yeas 28, nays 52, as follows:

YEAS—28

Ashurst	Dill	McMaster	Pine
Cameron	Harreld	McNary	Robinson, Ind.
Capper	Johnson	Means	Schall
Copeland	Jones, N. Mex.	Neely	Shipstead
Cummins	Jones, Wash.	Norbeck	Stanfield
Curtis	Kendrick	Norris	Watson
Deneen	La Follette	Oddie	Wheeler

NAYS—52

Bayard	Fess	Lenroot	Shortridge
Bingham	George	McKellar	Simmons
Borah	Gerry	Mayfield	Smith
Bratton	Gillett	Metcalf	Stephens
Broussard	Glass	Moses	Swanson
Bruce	Goff	Pepper	Trammell
Butler	Gooding	Phipps	Tyson
Couzens	Hale	Ransdell	Underwood
Dale	Harris	Reed, Mo.	Wadsworth
Edge	Harrison	Reed, Pa.	Walsh
Edwards	Heflin	Robinson, Ark.	Warren
Ernst	Keyes	Sackett	Weller
Fernald	King	Sheppard	Willis

NOT VOTING—16

Blease	Fletcher	McKinley	Pittman
Caraway	Frazier	McLean	Smoot
du Pont	Greene	Nye	Steck
Ferris	Howell	Overman	Williams

So Mr. NORRIS's amendment was rejected.

Mr. LENROOT. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The clerk will read.

The legislative clerk proceeded to read the amendment, which was to add at the end of the bill new sections, as follows:

DECLARATION OF POLICIES

SEC. 8. It is hereby declared to be the policy of the United States to enable producers of agricultural commodities to control a supply of such commodities sufficient to stabilize their markets against undue and excessive fluctuations; to minimize speculation and waste in marketing; to encourage the organization of producers of agricultural commodities into cooperative associations; to protect domestic markets against world prices; and to provide for the control and disposition of the surpluses of agricultural commodities, for the purpose of promoting the orderly marketing of agricultural commodities in interstate and foreign commerce.

FEDERAL FARM BOARD

SEC. 9. (a) There is hereby established in the Department of Agriculture a board to be known as the Federal farm board and to be composed of 12 members, 1 from each of the 12 Federal land-bank districts, appointed by the President, by and with the advice and consent of the Senate.

(b) The Secretary of Agriculture shall be an ex officio member of the board.

APPOINTMENT AND QUALIFICATION OF MEMBERS

SEC. 10. (a) The terms of office of the appointed members first taking office after the enactment of this act shall expire, as designated by the President at the time of nomination, four at the end of the second year, four at the end of the fourth year, and four at the end of the sixth year, after the date of the passage of this act. A successor to an appointed member shall be appointed by the President, by and with the advice and consent of the Senate, for a term expiring six years from

the date of the expiration of the term for which his predecessor was appointed.

(b) Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Any member in office at the expiration of the term for which he was appointed shall continue in office until his successor takes office.

(d) Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and a majority of the appointed members in office shall constitute a quorum for the transaction of the business of the board. The approval or authorization of any matter by the board shall require the affirmative vote of a majority of the appointed members in office.

(e) Each of the appointed members shall be a citizen of the United States, shall not actively engage in any other business, vocation, or employment than that of serving as a member of the board, and shall receive a salary of $10,000 a year, together with necessary traveling expenses and expenses incurred for subsistence, or per diem allowance in lieu thereof, while away from the principal office of the board on business required by this act.

GENERAL POWERS OF THE BOARD

SEC. 11. The board—

(a) Shall annually designate an appointed member to act as chairman of the board.

(b) Shall maintain its principal office in the District of Columbia.

(c) Shall have an official seal which shall be judicially noticed.

(d) Shall make an annual report to the Congress.

(e) May make such regulations as are necessary to execute the functions vested in it by this act.

(f) May (1) appoint and fix the salaries of such experts and in accordance with the classification act of 1923 and subject to the provisions of the civil service laws, a secretary and such other officers and employees, and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding), as may be necessary for the execution of the functions vested in the board. All expenditures of the board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman.

(g) May take any and all steps and exercise any and all powers necessary to carry out the policy set out in section 8.

SPECIAL POWERS AND DUTIES

SEC. 12. (a) The board shall meet at the call of the chairman at least weekly, and at such other times as the Secretary of Agriculture or the chairman deems advisable.

(b) The board is authorized—

(1) To obtain from any available sources information in respect of crop prospects, supply, demand, current receipts, exports, imports, markets, transportation costs and facilities, prices of agricultural commodities, wastes or unnecessary costs in connection with the present method of marketing, costs of production of either domestic or foreign, or both, and economic, legal, and financial information in respect of the organization, progress, business methods, and cost of operations of cooperative associations in the United States and foreign countries.

(2) To disseminate any such information, or analyses or summaries thereof, from time to time, among cooperative associations and farm organizations in the United States.

(3) To advise cooperative associations, farm organizations, and producers in the adjustment of production.

(4) Upon its own initiative or upon petition of any cooperative marketing organization to call into conference cooperative marketing associations or cooperative pools engaged in handling of the same commodity or commodities, with a view to assisting in the organization of central or regional cooperative marketing associations who shall act as a common marketing agent either in the domestic or foreign markets for such commodity or commodities for the members of such cooperative associations or such nonmembers as it may determine to be in the interest of producers of such commodity or commodities. Such associations to be known as central marketing associations.

(5) To make advances to such central or regional associations with or without security and without liability on the part of its members to be repaid upon such terms as the Farm Board may determine during a period not exceeding 33 years.

CONTROL AND DISPOSITION OF SURPLUS

SEC. 13. (a) The board shall keep advised by investigations, from time to time, made upon its own initiative or upon petition of any cooperative association or farm organization, of the domestic and world prices and the existence or the probability of the existence of a surplus of any agricultural commodity or any of its food products.

(b) The board shall furnish, upon request, to any cooperative association or farm organization, or to any producers of any agricultural commodity, or to any person owning or controlling any of such commodity, its recommendations upon the disposition of such commodity, or any surplus thereof, and upon the available methods of financing.

AUDITS OF BOOKS AND ACCOUNTS OF BOARD

SEC. 14. The books and accounts of the board shall be audited at least once every year at such times and by such auditors as the board may direct. The report of such auditors shall be included in the annual report to the Congress.

COOPERATION WITH EXECUTIVE DEPARTMENT

SEC. 15. (a) It shall be the duty of any governmental establishment in the executive branch of the Government, upon request by the board, or upon Executive order, to cooperate with and render assistance to the board in carrying out any of the provisions of this act and the regulations of the board. The board shall, in cooperation with any such governmental establishment, avail itself of the services and facilities of such governmental establishment in order to avoid preventable expense or duplication of effort.

(b) The President may by Executive order direct any such governmental establishment to furnish the board with such information and data pertaining to the functions of the board as may be contained in the records of such governmental establishment. The order of the President may provide such limitations as to the use of the information and data as he deems desirable.

(c) The board may cooperate with any State or Territory, or department, agency, or political subdivision thereof, or with any person.

DEFINITIONS

SEC. 16. As used in this act—

(a) The term "person" means individual, partnership, corporation, or association.

(b) The term "United States" when used in a geographical sense, means continental United States.

(c) The term "cooperative association" means an association of persons engaged in the production of agricultural products as defined in section 1 of this act.

REVOLVING FUND AND APPROPRIATION

SEC. 17. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150,000,000 which shall be administered by the board in accordance with the provisions of this act to carry out the purposes expressed in section 8, and for expenses in the administration of the functions vested in the board by this act; the sum of $300,000 to be available to the board for such expenses (including salaries and expenses of the members incurred prior to July 1, 1927.)

Mr. MAYFIELD. Mr. President, it sems to me it is killing time unnecessarily to continue the reading of the amendment. No one is listening at all. We ought either to listen to the reading of the amendment or dispense with the reading. It seems to me it is an unnecessary consumption of time to continue the reading when no one is listening.

Mr. LENROOT. I should be glad to ask unanimous consent to dispense with the further reading of the amendment and to explain it briefly.

Mr. MAYFIELD. I think that ought to be done.

Mr. LENROOT. I ask unanimous consent to dispense with the further reading of the amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LENROOT. Mr. President, if I may have the attention of the Senate——

Mr. McNARY. Mr. President, does the Senator believe we can reach a vote on his substitute this afternoon?

Mr. LENROOT. I shall not take over 10 minutes. I shall not occupy all the time allotted to me. I would be glad if we could finish the bill to-night.

Mr. MOSES. Mr. President, in this connection I think it was very generally understood that the Senate was to continue in session to-day until the measure had been disposed of. I spoke to the leaders on both sides and to the Senator in charge of the bill this morning and that was my understanding.

Mr. McNARY. It was a hope that I expressed, but several Members do not want to remain longer in the Chamber.

Mr. WATSON. I would like to ask whether the Senator from Texas [Mr. MAYFIELD] is going to propose his amendment to section 15a?

Mr. MAYFIELD. I am.

Mr. NORRIS. There are several substitutes which are entirely new propositions. There is one now before us which was partially read. It seems to me if they are going to be debated, as they undoubtedly will be, unless the Senate wants to stay in session until late to-night, it will be impossible to dispose of all of them to-day.

Mr. MOSES. I see no objection to staying in session late to-night if we can dispose of the bill.

Mr. NORRIS. The Senator from Ohio [Mr. FESS] has another substitute in addition to the one now pending, and there is another one in regard to section 15a.

Mr. WATSON. If the Senator from Texas intends to press his amendment to section 15a there will be prolonged debate.

Mr. NORRIS. There is no use trying to do several things at once.

Mr. MOSES. All of the orators of the Senate know that the galleries are much more crowded at an evening session than at any other time, so why not go ahead to-night?

Mr. NORRIS. It so happens that there are a lot of patriots here who want to legislate, and do not care anything about whether the galleries are crowded or not.

Mr. MOSES. I have not observed that tendency to-day.

Mr. NORRIS. I think we ought to proceed in the proper way.

Mr. NORBECK. Mr. President, will the Senator yield to me?

Mr. LENROOT. I yield.

Mr. NORBECK. I merely wish to say that I want to offer an amendment which will be in the nature of a substitute for the amendment offered by the Senator from Wisconsin [Mr. LENROOT]. Whenever the matter is taken up I would really like to have the attention of the Senate for a few minutes, because I think I have a tangible thing which the Senate will agree to, although it will only take care of one year's crop.

Mr. MOSES. In other words, it carries the proposition beyond the elections of this year. [Laughter.]

Mr. LENROOT. Mr. President, I hope my time is not running during this colloquy.

Mr. BORAH. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LENROOT. I yield.

Mr. BORAH. It is perfectly apparent, if we are going to legislate intelligently in regard to this matter, that we can not finish the bill to-night.

Mr. McNARY. Mr. President, will the Senator from Wisconsin yield to me to make a motion?

Mr. LENROOT. I yield.

Mr. McNARY. I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. REED of Pennsylvania. Will not the Senator allow us to have an executive session first?

Mr. NORBECK. Will the Senator withhold that motion until I offer my substitute?

Mr. WATSON. Pending that motion——

Mr. ASHURST. I demand the yeas and nays. A motion to take a recess is not debatable.

The VICE PRESIDENT. The motion is not debatable.

Mr. ASHURST. I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll, and called the name of Mr. ASHURST, who responded in the negative.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REED of Pennsylvania. What is the question on which the Senate is proposing to vote?

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon that the Senate take a recess until 12 o'clock to-morrow.

Mr. REED of Pennsylvania. I understood the Senator to move that when the Senate concludes its business, it should take a recess until 12 o'clock to-morrow.

Mr. McNARY. My motion was merely to take a recess. The Senator from Pennsylvania expressed a desire to have an executive session, which I am willing to do. However, that can come after the vote on the pending motion.

Mr. ASHURST. I shall oppose a motion for an executive session until we finish the bill.

The Chief Clerk resumed the calling of the roll.

The roll call having been concluded, the result was announced—yeas 38, nays 46, as follows:

YEAS—38

Bayard	Gooding	McNary	Swanson
Borah	Harreld	Mayfield	Tyson
Bruce	Harris	Norris	Underwood
Capper	Howell	Pine	Walsh
Caraway	Johnson	Robinson, Ark.	Watson
Couzens	Kendrick	Robinson, Ind.	Weller
Cummins	King	Schall	Wheeler
George	La Follette	Shipstead	Willis
Gerry	Lenroot	Stanfield	
Glass	McMaster	Stephens	

NAYS—46

Ashurst	Curtis	Ferris	Jones, Wash.
Bingham	Dale	Fess	Keyes
Blease	Deneen	Gillett	McKellar
Bratton	Dill	Goff	Means
Broussard	Edge	Hale	Metcalf
Butler	Edwards	Harrison	Moses
Cameron	Ernst	Heflin	Neely
Copeland	Fernald	Jones, N. Mex.	Norbeck
Oddie	Reed, Mo.	Shortridge	Wadsworth
Pepper	Reed, Pa.	Simmons	Warren
Phipps	Sackett	Smith	
Ransdell	Sheppard	Trammell	

NOT VOTING—12

du Pont	Greene	Nye	Smoot
Fletcher	McKinley	Overman	Steck
Frazier	McLean	Pittman	Williams

So Mr. McNARY's motion to take a recess was rejected.

Mr. LENROOT. Mr. President, the amendment which I have now proposed can be explained in a very few moments.

Mr. NORRIS. Mr. President, may I interrupt the Senator? Has the amendment been read?

The VICE PRESIDENT. The reading of the amendment was dispensed with by unanimous consent and the Senator from Wisconsin is explaining it.

Mr. LENROOT. The amendment takes the board proposed by the committee amendment, which has been voted on, except that it provides that the President may appoint on the board one member from each land bank district, 12 in all, without any other restriction. He is entirely free in the appointment of the board except there must be 12 members, one from each land bank district. It provides the same special powers, and, with one exception, the same general powers as the committee amendment provided. The additional power reads as follows:

(g) May take any and all steps and exercise any and all powers necessary to carry out the policy set out in section 8—

Which is the section declaring the policy of the United States.

Then there is provision on page 5 for calling into conference cooperative marketing organizations for the purpose of assisting in the organization of central marketing associations. It provides further that the board may—

make advances to such central or regional associations with or without security and without liability on the part of its members to be repaid upon such terms as the farm board may determine during a period not exceeding 33 years.

It proposes to appropriate $150,000,000 to be used by the board in carrying out the policy expressed in section 8. In a word, Mr. President, it differs from the McNary amendment in that the board is not required to purchase any surplus; it is given very general powers; it is not to be permitted to levy any equalization fee of any kind; it is not to be permitted to restrict in any way the right of the citizen. There is no such question of constitutionality involved in it. It does, however, give the farm board $150,000,000 to aid agriculture in such ways as it may deem best. In other words, it would enable the board to make the loans that are provided in the Fess substitute and in the Robinson substitute; it would enable the board to do all the things that those measures permit the board to do; but in addition to that it would permit the board out of the $150,000,000 to try out for the time being and demonstrate some of these plans that have been proposed, of course, without any right to levy any tax or any assessment or any tribute of any kind upon the farmer. It is not confined to one class of agricultural products, but it covers agriculture generally.

Mr. President, I realize that in view of the present temper of the Senate it probably will not be adopted, but it does seem to me that if we are going to get anywhere in the solution of the agricultural problem we have got to do something more than theorize about it and present different plans that can not be agreed upon. It seems to me that if we appoint a board such as is proposed, such as was proposed originally in the committee amendment, of eminent men who will give their whole time and their whole attention to trying to find some solution of these problems and appropriate some money from the Treasury in order to assist them in doing it, we shall then approach a solution of the problem; and in so far as the board may find any plan that is practicable and that is sound, the Congress can thereafter legislate with reference to it so as to provide for some permanent solution.

Mr. BRUCE. Mr. President, may I ask the Senator from Wisconsin whether that does not involve a new delegation of legislative power?

Mr. LENROOT. No; it does not. It would involve a delegation of legislative power if there were any authority to control the right of the citizen in any way, but as it is it is nothing more than a lump-sum appropriation, such as we have made many times in the past, and concerning which there can, I think, be no possible question.

Mr. BRUCE. The limits within which that sum is to be expended do not seem to me to be very clearly defined.

Mr. LENROOT. They are not very clearly defined, but the proposal comes clearly within the rule of appropriations generally. There is hardly an appropriation which we pass in

which a broad discretion is not vested in the head of a department.

Mr. BRUCE. The board, it seems to me, would be a sort of roving commission.

Mr. LENROOT. Call it what you please; it is a commission to study the agricultural problem, and it is proposed to give it some money with which to do it.

Mr. GLASS. Mr. President——

Mr. LENROOT. Just a moment, please. It seems to me that the Government can well afford to spend $150,000,000, if necessary, if some solution that will stand both the test of the principles of economics and constitutionality can be found.

Mr. EDGE. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LENROOT. Yes.

Mr. EDGE. In what way does this proposal differ from the regulations that surround the administration of the War Finance Board in advancing money to agriculture?

Mr. LENROOT. It differs in no respect except that in the case of the War Finance Board it can only make loans. I am frank to say that I think one of the great difficulties in finding a solution with reference to the cooperative marketing problem is that there may be cooperative marketing organizations or a federation of cooperative marketing associations, but they may have no working capital, and the only way they can get capital is to borrow money upon securities. A cooperative marketing association can not be expected to do business successfully without working capital any more than a manufacturing corporation can be expected to do a successful business without any working capital.

My idea is that the Government could well afford to furnish that working capital—the margin between what a cooperative association can borrow and the value of the commodity with which it deals.

Mr. GLASS. Mr. President——

Mr. LENROOT. I yield to the Senator from Virginia.

Mr. GLASS. As I understand the brief explanation given by the Senator from Wisconsin, his proposed amendment differs from the substitute proposed by the Senator from Arkansas in that it makes a lump-sum appropriation from the Federal Treasury, which would probably be a gift to the agricultural industry, whereas the proposal of the Senator from Arkansas was to authorize the Government to subscribe to the stock of the corporation, but the Government was to get back its invested interest and to derive, if not a profit, certainly a recovery of the fund.

Mr. LENROOT. In a general way the Senator from Virginia states it correctly, but the distinction is just this: Under the substitute which was suggested, the corporation could do nothing but loan money, while under the substitute I have offered it could do that, and it also might furnish working capital or subscribe to the capital stock of a corporation and itself take the chances of loss. That is the difference.

Mr. GLASS. Could it not do more? Could it not give away the $150,000,000?

Mr. LENROOT. Well, it might do that, Mr. President, but——

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. LENROOT. I will yield in just a moment. It might do that, but my view is that for the emergency in which agriculture finds itself, if we treat all classes of agriculture alike, if we do not single out any one commodity, if we do not tax one man for the benefit of another, as the committee amendment did, not as a permanent policy, but for this emergency, if we can find through this means some solution of the agricultural problem, in so far as legislation may afford a solution, then we can well afford to spend the money that is proposed by this amendment. The effect of all the other proposals is to restrict the use of the money to loans, while my amendment goes further than that.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. McNARY. Mr. President, I thought the Senator indicated he would yield to me?

Mr. LENROOT. I yield first to the Senator from Oregon.

Mr. McNARY. I wish to ask the Senator from Wisconsin if his substitute would not confer authority upon the board to segregate the surplus, acquire it, sell it, and charge the loss up against the Treasury of the United States?

Mr. LENROOT. I think that it contains such a power. I want to be perfectly frank with the Senator and the Senate with reference to that. It is a question of power, of course. But at that it does not go any further than the Senator favored going with reference to the case of cotton. I appreciate that if the board were created entirely by Congress, as the committee amendment proposed, if the President were not free in the selection of the kind of men to be appointed, it would be a dangerous proposition, but the amendment leaves the President entirely free, except as to geographical location, to select the members of the board; and if that board, with the money provided, can find some solution, if it can provide some plan, and at the same time try it out and determine whether it is economically sound, then we will get somewhere.

Mr. NORRIS. Mr. President, for the purpose of securing information I should like to ask the Senator a question. Outside of the particular provision on page 4, which reads:

> Make take any and all steps and exercise any and all powers necessary to carry out the policy set out in section 8.

Is there anything in the suggested amendment that is not already contained in the bill to which it is offered as an amendment or in the law governing the Agricultural Department? In other words, it strikes me in reading over the amendment that all of the powers and duties outside of the one I have named are provided for either in the bill itself or in the present law.

Mr. LENROOT. What bill?

Mr. NORRIS. The bill to which it is offered as an amendment.

Mr. LENROOT. I am frank to say that we might make an appropriation of $150,000,000 to the Secretary of Agriculture to do practically the same thing.

Mr. NORRIS. Outside, then, of the particular provision to which I have called the Senator's attention, we would accomplish the same thing if we would increase the appropriation for the Agricultural Department, would we not?

Mr. LENROOT. We would not accomplish the same thing, no, for the reason that under this amendment there would be 12 men devoting their time and attention to the agricultural problem and trying to work out a solution, which would not be the case if the money were put under the control of the Secretary of Agriculture alone.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. I yield.

Mr. WALSH. I should like to ask the Senator a question for my own enlightenment concerning the amendment. If I have read it aright, it seems to me that it should be restricted and made very much more definite before it can meet with general approval. The central power, as I read the amendment, is found expressed in subdivision 5 of section 12, on page 6, which is—

> To make advances to such central or regional associations with or without security, and without liability on the part of its members, to be repaid upon such terms as the farm board may determine during a period not exceeding 33 years.

I suppose "to make advances" means to make loans. I never understood that it signified to make gifts. If that is correct, then it seems to me that the central idea is practically the same as the central idea in the amendment proposed by the Senator from Arkansas.

I should like information as to another point. I do not find in the amendment that such advances are to be restricted to cooperative marketing associations engaged in the marketing of farm products, but any kind of cooperative marketing association would fall under the provisions of this amendment. Cooperative marketing associations of copper producers could secure an advance under this provision, could they not?

Mr. LENROOT. It is barely possible; but, of course, the whole amendment relates to agriculture alone.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. WALSH. Mr. President, I think some restriction in the language in that respect will be absolutely essential.

Mr. LENROOT. I will modify my amendment by inserting the word "agricultural" before the word "cooperative," in line 22, page 5.

Mr. WALSH. Another thing, Mr. President, referring to subdivision (g) of section 11, at the bottom of page 4:

> May take any and all steps and exercise any and all powers necessary to carry out the policy set out in section 8.

The policy set out in section 8 is exactly the same policy as was set out in the amendment of the committee.

Mr. LENROOT. With one exception.

Mr. WALSH. Yes; with one exception. The committee thought that in order to carry out that policy it was necessary to exercise all of the powers granted in that amendment, and,

among other things, to impose an equalization fee upon those who should market the particular products. Of course, if the board should take that view of it, they would be entitled to impose the equalization fee under the provisions of this part of the bill; so wherein lies the difference between them? If I am incorrect about that, what limitations does the Senator place upon that very general language:

May take any and all steps and exercise any and all powers necessary to carry out the policy set out in section 8.

Mr. LENROOT. I am very glad to answer the Senator.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. LENROOT. May I answer that question in the Senator's time?

Mr. WALSH. I yield.

Mr. LENROOT. That would mean only the use of the money appropriated from the Treasury of the United States.

Mr. WALSH. But that is not the language.

Mr. LENROOT. I think that is the construction of the language.

Mr. WALSH. That is to say, in carrying out these powers it could not use any more than this $150,000,000.

Mr. LENROOT. Yes.

Mr. WALSH. But the question is, to what purpose would it apply the $150,000,000?

Mr. LENROOT. It would have a general power to apply that $150,000,000 in aid of agriculture. There is not any doubt about the broadness of that power; but it would have no power to levy any kind of a tax or assessment upon any class of agriculture.

Mr. GLASS. Mr. President, would it not have the power to apply the entire $150,000,000 to one given crop?

Mr. LENROOT. Oh, I suppose it would——

Mr. GLASS. It seems so to me.

Mr. LENROOT. But it is unthinkable that it would do so.

Mr. GLASS. Mr. President, I suggested a while ago that it could make a gift of the money, to which the Senator from Wisconsin assented. The Senator from Montana [Mr. WALSH] suggested that that was not entirely so, but it seems to me that it is. The language is:

To make advances to such central or regional associations with or without security and without liability——

Mr. WALSH. Mr. President, if the Senator will pardon me, I think that means that the liability would be on the association only and not on the individual members of the association.

Mr. GLASS. What is a liability upon an association which exculpates from responsibility the members of the association?

Mr. WALSH. Of course, that is the case with every corporation. If the association had a corporate existence, of course the individual members would not be liable except to the extent of their subscriptions to the stock.

Mr. GLASS. Perhaps it would not be an incorporated association, but a mere mutual association; and then, without security and without liability, it would amount practically to a gift.

Mr. NORBECK. Mr. President, I desire to offer an amendment in the form of a substitute to the amendment offered by the Senator from Wisconsin [Mr. LENROOT]. My mind goes back to the fact that the Government has an unsettled account with the wheat farmers for profits taken from him by the United States Grain Corporation during the Government monopoly on wheat, when wheat was reduced in price and the farmers were robbed of billions of dollars.

I have a letter from the Secretary of the Treasury showing that the profits to the Government were $56,000,000. This, together with 4 per cent interest, will make a sum large enough to pay an export bounty on our surplus wheat and corn, so as to give the farmer the benefit of the tariff for the 1926 crop. Certainly, the farmer is entitled to the return of his money.

If in addition the Government should pay the farmer the interest on the whole sum from which he was robbed by Government price fixing, the interest alone would be sufficient to pay the equalization fee on wheat, as I said the other day, for a thousand years.

Mr. President, the Haugen plan for agricultural equality has been defeated by the Republican East and the Democratic South. It received the votes of 23 Republicans and 15 Democrats. The Northwest and the West were almost a unit in favor of the bill, but the agricultural section of the South did not give the expected support. The East felt that it would increase the cost of living. And then we had endless arguments about the constitutionality, as we always have when important measures are pending in this body. The learned lawyers of the Senate are like the judges of the highest court; they divide and disagree. It has always been so and always will be.

The plan I have in mind is to make the limited fund available, and say to Secretary Hoover, "Do the best you can with it to bring the wheat and corn producers a fair price for this year's crop."

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Virginia?

Mr. NORBECK. Yes; if it does not cut my time short I shall be glad to yield.

Mr. GLASS. Do I understand the Senator to contend that the Government fixed a maximum price on wheat?

Mr. NORBECK. That is what it amounted to. The Senator is familiar with it.

Mr. GLASS. No; I do not concede that.

Mr. NORBECK. We know that one week the farmer would sell his wheat to the elevator and get $2.60, and the next week, after the Government plan had been adopted, the elevator paid less and the United States Grain Corporation admits it.

Mr. GLASS. May I ask if it is not a fact that at the minimum price of $2.20 established by the Government, and with no maximum price, the corn planters of the West abandoned 19,000,000 acres of corn land and put it in wheat in order to derive this price established by the Government?

Mr. NORBECK. The Senator is exactly right; and, what is more, they were told not to eat wheat, and they ate bran and corn because the Government said that was what it wanted them to eat. The wheat was needed for the Army and for Europe. The corn was more profitable for the farmer than wheat.

Mr. GLASS. They abandoned 19,000,000 acres of corn land and put it in wheat.

Mr. NORBECK. Yes; and they did it at a great loss to themselves, because they were told that wheat would win the war. The point I have in mind is that if that money could be set aside as a fund it would pay an export bounty equal to the tariff on this year's wheat crop and this year's corn crop.

I do not want to criticize the new plan suggested in the amendment offered by the Senator from Wisconsin, who proposes an appropriation of $150,000,000, to be spent under the direction of a new board, to study the farmer's problem, to encourage cooperation, to make loans of Government money, and so forth. But it is a discouraging thing to again hear this talk about Government loans and cooperation. Mr. President, there is nothing the western farmer suffers so much from as the lack of understanding of his problem by Congress.

FACTS ADMITTED

After a month's debate, some facts stand out clearly and are admitted. No one denies that the best balance ever attained between industry, agriculture, and labor, existed in 1913, when Wilson was inaugurated President. Business was good, labor was well employed, the farmer was getting a little wage and a little something on his investment. The Department of Agriculture announced, through Bulletin No. 746, that the farmer's annual average income in this period was $600, of which $200 was cash. This item was the wage for himself and family after necessary operating expenses had been paid. As to the $400, this is what he was charged with for the advantage of living on the farm—shelter, food, and water.

NOT HOPELESS

With the $200 actual cash income the farmer was the poorest-paid laborer under the flag, but he found it possible to support his family according to his standards and to give his children something of an education. His future was not hopeless. His sons were not seeking employment in automobile factories nor asking the Government for jobs at Washington. Agriculture had its attractions, and they were looking forward to the time when they could get their father's farm or buy a piece of land from a neighbor and make their permanent homes in the community of their birth.

A GREAT CHANGE TAKES PLACE

A great change has taken place, due to the interference with economic law by organized business, both big and small, as well as by organized labor. The Government encouraged or approved the changes made. The $2,000,000,000 increase in railroad wages, for which the Democrats are responsible, did not only make freight rates high but increased the cost of every article and every service. It established a new high price level. Manufacturing, trade, and commerce could pass the new costs along. The farmer could not. He became the shock absorber.

Labor did not profit much, because the increased cost of living absorbed most of his gain.

Taxes soon reflected the new price level. When it became necessary to pay school-teachers four times what they were paid formerly school taxes were necessarily four times as high. Other taxes were affected by the same general cause. Local taxes in our best agricultural States are now equal to almost half the rental value of improved farms. The farms became unprofitable. Land values have shrunk many billions of dollars the last dozen years on account of the higher cost of goods and service in farm operation. Farm mortgage indebtedness has increased threefold.

The old soldier found the value of his pension was only one-half. The value of a paid-up life insurance policy had been cut in two.

EFFECT ON URBAN PROPERTY

In the cities and the towns the reverse was the case. A business block that had cost $100,000 before the war was now figured on the new replacement cost and worth nearly $200,000. A $100,000 profit went to the owner of same. The farmer and the laborer did not share in this new wealth created by law.

REPORT OF INDUSTRIAL CONFERENCE BOARD

The recently published survey of the Industrial Conference Board of New York is illuminating. Two-thirds of the members are representatives of big business. Among others are the president of the Northern Pacific Railroad, the president of the International Harvester Co., the president of the General Electric, with bankers and business men, and only a sprinkling of farm representatives. The report covers the agricultural situation and does it fairly. The report has often been referred to in these debates, but no one questions its correctness.

We find from this report that the "current income" of the farmer of the Northwest Central States fell off 70 per cent during the deflation period of 1919, 1920, and 1921. This brought the South Dakota farmer's current income down from $669 to $150—the Nebraska farmer went down to $99.

The farmer of the East suffered much less. The New England farmer's income actually increased over 7 per cent. The high freight rate was not a burden to him. It protected him against competition. His market was not destroyed, neither was he deflated by forced liquidation.

The income of the nonfarming population throughout the United States was reduced only 3 per cent during this period. The earning of the skilled workman, who was getting $1,600, went down to $1,545; the thousand-dollar income went down to $970.

FREQUENCY OF FARM BANKRUPTCIES

Farm bankruptcies in our best agricultural States are ten times as frequent as before. Thousands of banks have closed their doors because the farmer could not pay. Tens of thousands of our old settlers have lost their all.

In the meantime, the average annual wages of industrial workers are $1,250; school-teachers, $1,300; Government employees, $1,500; and railroad workers, $1,600. Within the next few days each House of Congress will be called upon to say whether retired Government workers shall be paid $1,000 or $1,200 annually.

PURPOSE OF SUBSTITUTE AMENDMENT

The purpose of the substitute I am offering is to bring the farmer up to approximately one-half that of the railroad worker. It is not proposed he shall have that much in cash. I refer to his total income, including the advantage of living on a farm. It would, however, increase the earnings of the producer of wheat and corn by a couple of hundred dollars annually. Are we asking too much?

The price of $2 per bushel for wheat in ordinary times is a very good price, but in war time it became a joke when it took 9 bushels of wheat to buy a pair of shoes.

The Government reduced the price of wheat and held it down. Had they done the same with other commodities the wheat farmer would have no cause for complaining. They did not do this to cotton, to sugar, or to the products of the factory. The law of supply and demand regulated the others; but our own Government said the wheat farmer should not share in the advantages of a better market.

Wheat had reached the price of $3.45 per bushel May, 1917. The publication of the Government Grain Corporation explaining and defending their whole attitude admits the possibility that wheat might have gone to $5 a bushel in 1917 if it had not been for the Government price fixing.

Mr. President, there is no way of proving how much the wheat farmer lost by Government price fixing. The market broke when it became apparent that the price reduction was coming.

The quantity of wheat handled during the controlling period amounted to 2,183,629,000 bushels. If the loss to the farmer was $1 a bushel, and no estimate has been so low, the farmer was robbed of more than $2,000,000,000.

If, however, wheat would have in the open market gone to $4 a bushel and stayed there, the loss through Government interference would have been considerably over $4,000,000,000. If it would really have gone to $5 a bushel, as many believe, the farmer was robbed of more than $6,000,000,000 by his own Government during the controlling period. Four per cent interest on this sum would equal almost a quarter of billion dollars yearly, extending over a period of six years.

But, assuming that the figures are entirely too large and that the loss resulting to the farmer was only $1 a bushel, he was then robbed of $2,183,629,000, 4 per cent interest on this would be $87,345,160 annually.

Mr. President, the equalization fee required to give the wheat farmer the benefit of the tariff can be taken out of the interest of what the Government owes him.

The prevailing tariff on wheat is 42 cents; on corn 15 cents. An export bounty of 42 cents on the entire export for last year would only amount to $26,117,280.84 on wheat, and $3,344,579.25 on corn. In other words, a very small sum of money paid in the way of a bounty would give the farmer a fair price. That money is now in the Treasury. It is the farmer's money. Why not use it for that purpose?

The agricultural depression has created a condition where the farmer of the wheat and corn growing sections of the country receives in exchange for his labor less than half that received by transportation workers, factory, or Government employees.

The farmer's handicap is largely due to Government interference with economic law, such as labor legislation, restricted immigration, and the tariff, which has increased the price of manufactured goods and increased the cost of every service, as well as enlarged the tax receipt, so as to depreciate the exchange value of the farmer's labor.

The Government price fixing of wheat was in effect a price reduction for the benefit of other classes, for the Treasury of the United States, and for that of foreign nations—all at the expense of the American wheat farmer, who thereby suffered a loss of two to six billion dollars.

The Government monopoly, known as the United States Grain Corporation, handled 2,183,629,000 bushels at the reduced price; also failed to return to the farmer the full proceeds received from the sale of grain by retaining as a profit $56,858,000, which sum at 4 per cent compound interest for six years would now equal $71,944,524.15.

An export bounty of 42 cents per bushel on wheat exported during the 12 months ending May 31, 1926, would amount to $26,117,280.84, and 15 cents a bushel on the corn exported for this period would amount to $3,344,579.25.

This would give the corn and wheat producers the full benefit of the tariff for this year's crop.

Mr. President, I ask that this amendment, which I offer as a substitute for the amendment of the Senator from Wisconsin [Mr. LENROOT], be printed in the RECORD for the information of the Senate.

The Senator from Wisconsin proposes an appropriation of $150,000,000. My bill proposes a refund to the farmers of $72,000,000. The bills are not necessarily in conflict. I shall be perfectly willing to try to harmonize our bills, so that about $78,000,000 may be used for the purpose suggested by the Senator from Wisconsin. I do not want to be in the way of the Senator carrying out his plan, though I have but little faith in it, but it will be necessary for me to offer my plan as a substitute, for if he gets the $150,000,000 my proposition would, of course, be defeated. I am willing to compromise in this matter, but I am not willing to be pushed aside.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia object to the unanimous-consent request of the Senator from South Dakota?

Mr. NEELY. I did not hear the request.

The PRESIDING OFFICER. The request was to have the amendment of the Senator printed in the RECORD.

Mr. NEELY. I have no objection to that.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. NORBECK's amendment, in the nature of a substitute for the amendment of Mr. LENROOT, is as follows:

Amendment proposed by Mr. NORBECK to the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes

TITLE II

SEC. 201. In order to return to the farmers of the United States the amount of profit realized by the United States in the operation of

the United States Grain Corporation and in order to provide for each farmer, as nearly as possible, a price for wheat and corn which shall be equivalent to the world price for such commodities, plus the amount of tariff imposed upon such commodities, the Secretary of Commerce is authorized and directed to pay to each exporter, in accordance with the provisions of this title, a bounty upon wheat and corn exported from the United States to any place outside the United States at any time after 60 days after the passage of this act, if such wheat or corn was produced wholly within the United States during the crop year 1926 and has not previously been exported therefrom.

SEC. 202. (a) The amount of such bounty for wheat shall be 42 cents per bushel of 60 pounds, and for corn shall be 15 cents per bushel of 56 pounds, unless the Secretary of Commerce, after determining the exportable surplus of each such crop for the crop year 1926, finds that the amounts appropriated for this title for wheat or corn are insufficient to pay such bounties. In such event he is authorized to adjust the amount of bounty to be paid upon wheat or corn to an amount corresponding to the amount appropriated for such commodity.

(b) The payment of such bounty shall be made in such manner and subject to such regulations as the Secretary of Commerce may provide for the efficient administration of the provisions of this title.

(c) The Secretary may, if he deems it advisable in order to prevent undue speculation in wheat or corn, proclaim the amount of bounty to be paid upon wheat or corn at least 30 days prior to the date upon which payment of such bounty shall first be made.

SEC. 203. As used in this title the term "United States" means the several States and Territories, the District of Columbia, and the possessions of the United States, except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila.

SEC. 204. Any person who willfully makes any false or fraudulent statement in order to obtain the benefits of this title shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed $1,000, or by imprisonment not to exceed one year, or by both such fine and imprisonment.

SEC. 205. The Secretary of Commerce is authorized to make such regulations as may be necessary to execute the functions vested in him under this title, and may appoint and fix the salaries of such officers and employees, and make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, books of reference, and printing and binding) as may be necessary for the execution of the functions vested in him under this title.

SEC. 206. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $71,944,524.15, of which $500,000, or so much thereof as may be necessary, shall be available for the expense of administration of this title. There shall be available for the payment of export bounties on wheat the sum of $57,155,619.32, and for the payment of export bounties on corn, the sum of $14,288,904.83: *Provided*, If the Secretary of Commerce determines that the sum appropriated herein for export bounties on corn will not be required for such purpose, he may use the balance thereof in payment of export bounties on wheat.

SEC. 207. This title may be cited as the "Grain equalization act, act 1926."

HAS CONGRESS HELPED THE FARMER?

Mr. NORBECK. We are reminded that Congress has already extended its protecting arm over the downtrodden farmer, but the bill of particulars is not so convincing.

We are told that Congress has already placed a "dirt" farmer on the Federal reserve bank board. That was a fine thing for the lucky dirt farmer and a proper recognition of agriculture. No one can claim it was agricultural relief.

Five years ago Secretary of Agriculture Wallace advocated an intermediate-credit system so as to give the farmers longer time personal loans at a lower rate of interest. He said that a reduction of one-half of 1 per cent in interest rates would be as helpful to the farmers as a 20 per cent reduction on freight rates on agricultural products. A kind of an intermediate credit bill became a law. It had the united support of the Democratic and Republican leaders. My voice was the only discordant note in the Senate. Big things were claimed for it at that time, but only very small results are claimed now. It was helpful in a very limited way to cooperative-selling agencies, but certainly did not reduce interest rates. It was so limited that it was not a competitive factor.

The strained effort to charge the Government road-building program to this class of laws, that were called agricultural relief, fails for lack of support. Ninety per cent of the demand for the Federal aid highways came from the towns and the cities. I believe it was sound and progressive legislation, but it had very little relief to the farmers. But, why call it farm relief when it is not? Anyhow, this dates back to the Wilson administration. Let the Democrats call it farm relief if they like. Why should any Republican insist on giving it a new baptismal name?

The Republican tariff law was helpful in protecting the dairy and poultry producer, and more so the farmer who sells flax and wool. But no one should claim that this was the main purpose of the tariff legislation under the Harding administration, for the greater advantages went to the industrial sections of the country. The farmer is now asking that his part of the tariff be made effective. Is not his request reasonable?

TWO KINDS OF FARM RELIEF

There are two kinds of farm-relief bills pending. The one class would give the farmer a fairer price; the other would furnish him with more advice.

The purpose of the bill just read is to give him a little additional price for 1926. Congress can then take up the farm-relief problem seriously next December.

ADVICE FROM CONGRESS

Many Members of Congress have taken the farm problem seriously, but those who fall into the class of wanting to give more advice often make themselves ridiculous. They forget that the farmer has had long experience in his line of work and that he is putting the experience to use. The worst stumblingblock that the demand for farm relief has come up against is ignorance—ignorance of the industrial section, ignorance of those Members of Congress that are not familiar with the problems.

DIVERSIFY

The advice to diversify is like a patent medicine on the shelf; it is recommended frequently. South Dakota is often spoken of as a one-crop wheat-growing State, when the fact of the matter is that only 11 per cent of our products is wheat.

The farmer is advised to cooperate in the selling of his products. This is an old and established custom in the Northwest. Grain and livestock have for decades been sold through cooperative selling agencies.

The farmer is also advised to economize. This talk must be about his cash income, which in good times, preceding the war, reached the height of $200 annually.

We are told that farm values throughout the United States are too high. Members of Congress seem unwilling to recognize the well-established fact that farm land is now cheaper than it was before the war.

To those who desire to destroy the value of farm land entirely I want to say that it is not an unearned increment. The value is the result of poorly paid labor placed upon same by the owner for decades. The average value of a western farm is equal to 30 cents a day for such labor, placed at 4 per cent compound interest. If you want to talk about the unearned increment, tell us about the New York town site, which at one time sold for $24. Do not talk about the farms.

UNFOUNDED FEARS OF OVERPRODUCTION

I have talked to Members of this Senate, who are fearful that a fair price for farm products would lead to overproduction. This danger does not look big to me. There are many factors outside of the price that enter into the production, and the weather is only one. History shows that our large yields of wheat have as a rule been during the low-price periods and not the high.

There can be no great agricultural expansion in this country, for our good farm lands are all settled. There can be no increase in acreage of one crop except at the expense of some other crop. There are those who believe that intense cultivation and more liberal fertilizing will produce greater crops. I will say that this period is remote for the present. Prices of agricultural production will not pay for intense cultivation nor for high-priced fertilizers. Therefore, our exportable surplus will not become an additional problem, because it can not increase substantially as the result of a fair price.

FEARS OF THE EASTERN SECTION

The East, and especially New England, seem to be fearful that any agricultural relief means high-priced food. Answering this I would say the price to the consumer is not in dollar ratio to the price received by the producer. The spread between the two has been gradually getting wider. The farmer's price is multiplied by three before it reaches the consumer. The seven billion becomes twenty-one billion. Prices to the consumers are not based upon cost and a fair profit. The only limit in prices seems to be what the "traffic will bear."

Wheat has fluctuated greatly the last few years, but flour has cost about the same and bread remains stationary. Corn and oats have been high and they have been low, but cornmeal, corn flakes, and oatmeal retail at the same prices. Hides have had a good price and hides have sold for nothing, but the price of shoes does not reflect the changes. The middle-

men gets the difference. It is he who especially objects to the farmer's demand for a better price.

Even if the advanced price was passed on to the consumer, it would only be a half cent on a loaf of bread. Who can honestly say that the laboring man, who is getting several times the wage that the farmer is, would not be willing to pay this increased burden?

Who is willing to assert that 40 per cent of our population should wear rags in order that the others may be better dressed?

We have heard the argument that the farmer will survive even if he does not get any relief. Yes; thousands of them will survive. He manages successfully, works industriously, and lives economically. The farmers deny themselves not only the luxuries but many of the necessities of life, and in that way manage to make both ends meet. But why deny them a square deal? What excuse is there for it?

OUR COUNTRY'S PROSPERITY

We are so often reminded of the great prosperity of our country and of the fact that our standard of living is higher than that of any other people in the world. We are reminded that nowhere does labor secure as high a wage as here; but we overlook the fact that the man who follows the plow is a laborer as much as he who works in the office. We forget that the shepherd is as much of a laboring man as the laborer in the steel mill or the clerk in the office.

It is only a few years since industrial labor clamored for the 8-hour day. They asked for it and they got it. But a recent Government publication shows that about 80 different groups of organized labor are now working about 7½ hours a day. No one would dare to suggest the 8-hour day to industrial workers or Government employees. Would there be anything wrong about lifting the farmer's burden so that his day could be shortened also?

The recognition of property rights is one of the cornerstones of civilization. It has taken thousands of years of slow progress to establish this principle. No one believes now that the use of force is justifiable in taking property, but when the average man finds out what the law forbids, is done stealthily and by indirection, and that property is taken away from them by business combinations and unfair legislation, how long will he be the defender of the property rights of the other man?

The stability of this Government lies largely with the home owners. Radicalism belongs in the congested centers and not among home-owning farmers. Can you expect the farmer to protect the rights of others when his rights to a fair deal are denied? History shows that unfair advantages have not long been retained by anyone.

Business has been given special protection. So has labor. Favored legislation has put these classes upon stilts. The farmer still sells in a cheap world market and buys in a highly protected American market. He is down on the ground; but the man down on the ground can easily upset those who are on stilts. Why compel him to do it? If it is not best to bring others down to his general level, we must elevate the farmer sufficiently so that he will get at least half a wage for his long day's labor, compared to others who are working the short days.

Laws for the benefit of the whole country—for all classes—have been loyally supported by the farmer. He has never turned a deaf ear to the pleas of labor or the demands of business. He has believed that the returns of both should be liberal. His sympathy has especially gone out to those who have worked in the factory and the shop. Now, he is asking that justice may be meted out to him in his days of distress. Is it going to be denied?

Mr. NORRIS. Mr. President, I should like to suggest to the Senator from South Dakota that we are supposed to sit here and finish this bill to-night, and therefore we ought to have his substitute offered and read, because we shall have to vote on it before we vote on the amendment of the Senator from Wisconsin. It will not do any good to have it printed in the RECORD for information to-morrow.

Mr. NORBECK. I ask, then, that the amendment be read. May I add that all it proposes to do is to take this money which I believe belongs to the farmer and turn it over to the Secretary of Commerce and tell him to pay out these bounties, so as to carry the agricultural tariff to the farmer, so as to give him the benefit of the tariff. The farmer has not any complaint except interference with economic law, for which the Democrats are largely responsible; and the farmer says to the Republican Party: "What have you been doing during these five years since the Democrats quit?" The responsibility is on both sides of the Chamber.

The PRESIDING OFFICER. The Secretary will read the amendment, in the nature of a substitute, offered by the Senator from South Dakota.

Mr. WALSH. Mr. President, I have no objection to the clerk reading the substitute offered by the Senator from South Dakota; but it seems to me that it would be manifestly improper to attempt to dispose of this important matter simply upon the reading of the substitute from the desk, without any opportunity at all to study it. I think the situation has developed in such a way that we shall be obliged to take a recess.

Mr. CURTIS. Mr. President, I understood that a unanimous-consent proposition would be submitted to agree to vote to-morrow. If that is submitted, and either agreed to or otherwise, I should like then to have a short executive session and a recess.

Mr. NORRIS. Mr. President, let me say to the Senator that with the important propositions developed here that are in these substitutes, covering the entire situation, I am not going to agree blindly to vote to-morrow. I think if the matter takes its ordinary course until these things develop we will probably get through in an hour or two to-morrow. I do not want to agree to vote blindly, however.

Mr. CURTIS. Debate is now limited to 15 minutes on amendments, is it not?

The PRESIDING OFFICER. It is.

Mr. CURTIS. I understand, however, that a number of Senators have not exhausted their time on the bill.

Mr. NORRIS. No; I have not spoken on the bill myself.

Mr. NEELY. Mr. President, there are no fewer than 25 Senators who have not exhausted their time on the bill. Under the present arrangement, any Senator who wishes to offer amendments and prolong this debate for two or three days can do so.

I want to ask the Senator from Kansas if he will not submit a unanimous-consent request that when the Senate convenes next Monday it proceed without further debate to vote on this bill and all amendments, provided that will meet with the approval of the Senator from Nebraska?

Mr. CURTIS. I understand that there would be objection to that.

Mr. LENROOT. Mr. President, in view of the comments of the Senator from Montana [Mr. WALSH], I would like to make one further modification of my amendment, inserting the word "agricultural" before the word "commodity," in line 24.

The PRESIDING OFFICER. Without objection, the modification will be noted.

Mr. JONES of Washington. Mr. President, I suggest that, since we are not to complete consideration of the bill to-day, the Senator from South Dakota [Mr. NORBECK] have his proposed substitute printed.

Mr. NORBECK. If we are not to conclude the consideration of the bill to-day, I ask that my substitute be printed as an amendment, as well as in the RECORD.

The PRESIDING OFFICER. The substitute offered by the Senator from South Dakota will be printed as an amendment, and will also be printed in the RECORD.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 55 minutes p. m.) took a recess until to-morrow, Friday, June 25, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 24 (legislative day of June 23), 1926

UNITED STATES MARSHALS

Joseph F. Tondre, of New Mexico, to be United States marshal, district of New Mexico, vice Secundino Romero, whose term has expired.

Thomas J. Kennamer, of Alabama, to be United States marshal, northern district of Alabama. A reappointment, his term having expired.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenants with rank from July 1, 1926

First Lieut. Loren Donovan Moore, Medical Corps Reserve.
First Lieut. Arthur Brinkley Welsh, Medical Corps Reserve.
First Lieut. Eugene Wycoff Billick, Medical Corps Reserve.

First Lieut. Earle Glenn Goss Standlee, Medical Corps Reserve.
First Lieut. Charles Albert McDowell, Medical Corps Reserve.
First Lieut. Merritt Gartley Ringer, Medical Corps Reserve.
First Lieut. Cecil Walker Dingman, Medical Corps Reserve.
First Lieut. William Kreus, Medical Corps Reserve.
First Lieut. Robert Stephen Lilla, Medical Corps Reserve.
First Lieut. Reuel Edward Hewitt, Medical Corps Reserve.
First Lieut. Martin Eugene Griffin, Medical Corps Reserve.
First Lieut. Harold Ellis Rhame, Medical Corps Reserve.
First Lieut. Mack Macon Green, Medical Corps Reserve.
First Lieut. William Edward Shambora, Medical Corps Reserve.
First Lieut. Verner Ernest Ruedy, Medical Corps Reserve.
First Lieut. Charles Henderson Beasley, Medical Corps Reserve.
First Lieut. Hobart Dean Belknap, Medical Corps Reserve.
First Lieut. Clifford Albert Best, Medical Corps Reserve.

To be first lieutenants with rank from July 4, 1926

First Lieut. Emery Ernest Alling, Medical Corps Reserve.
First Lieut. Alvin Levi Gorby, Medical Corps Reserve.

To be first lieutenant with rank from July 6, 1926

First Lieut. La Fayette Parkinson Monson, Medical Corps Reserve.

To be first lieutenant with rank from July 9, 1926

First Lieut. George Ellis Armstrong, Medical Corps Reserve.

To be first lieutenant with rank from July 10, 1926

First Lieut. William Oscar French, jr., Medical Corps Reserve.

To be first lieutenant with rank from July 25, 1926

First Lieut. Bennie Arthur Moxness, Medical Corps Reserve.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

CAVALRY

Second Lieut. William O'Connor Heacock, Air Service, with rank from June 12, 1925.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be lieutenant colonels with rank from June 30, 1926

Maj. Albert Gallatin Love, Medical Corps.
Maj. Harold Wellington Jones, Medical Corps.
Maj. Mathew Aaron Reasoner, Medical Corps.
Maj. Henry James Nichols, Medical Corps.
Maj. Louis Hedven Hanson, Medical Corps.
Maj. Lucius Locke Hopwood, Medical Corps.
Maj. Charles Ernest Freeman, Medical Corps.

APPOINTMENT IN THE NAVY

MARINE CORPS

John Griebel, a citizen of New Jersey, to be a second lieutenant in the Marine Corps (probationary for two years) from the 26th day of June, 1926.

POSTMASTERS

ALABAMA

Charlie D. Hughes to be postmaster at Verbena, Ala., in place of Judson Strock. Incumbent's commission expired February 3, 1926.

ARIZONA

Charles W. Hicks to be postmaster at Bisbee, Ariz., in place of C. W. Hicks. Incumbent's commission expired October 11, 1925.

CALIFORNIA

Celine M. McCoy to be postmaster at Pismo Beach, Calif., in place of F. A. Lindley. Incumbent's commission expired June 5, 1926.

COLORADO

Annie Hurlburt to be postmaster at Norwood, Colo., in place of Annie Hurlburt. Incumbent's commission expired March 14, 1926.

FLORIDA

Alvin L. Durrance to be postmaster at Frostproof, Fla., in place of A. L. Durrance. Incumbent's commission expired March 2, 1926.

GEORGIA

John H. Pullen to be postmaster at Meigs, Ga., in place of J. H. Pullen. Incumbent's commission expired June 22, 1926.

Baxter Sutton to be postmaster at Rochelle, Ga., in place of Baxter Sutton. Incumbent's commission expired March 9, 1926.

Nathaniel O. Carter to be postmaster at Vidalia, Ga., in place of Julius Peacock. Incumbent's commission expired May 24, 1926.

ILLINOIS

Charles H. Collins to be postmaster at Casey, Ill., in place of C. H. Collins. Incumbent's commission expired May 3, 1926.

William L. McKenzie to be postmaster at Elizabeth, Ill., in place of W. L. McKenzie. Incumbent's commission expires July 10, 1926.

Mancel Talcott to be postmaster at Waukegan, Ill., in place of Mancel Talcott. Incumbent's commission expires July 10, 1926.

INDIANA

John E. Ward to be postmaster at Gas City, Ind., in place of J. E. Ward. Incumbent's commission expires July 26, 1926.

Claude B. Thomas to be postmaster at Moores Hill, Ind., in place of C. B. Thomas. Incumbent's commission expired April 29, 1926.

IOWA

James P. Hulet to be postmaster at Le Claire, Iowa, in place of R. G. Hulet. Incumbent's commission expired February 20, 1926.

Charles E. Lovett to be postmaster at Volga, Iowa, in place of M. L. Voshell. Incumbent's commission expired January 18, 1926.

KANSAS

Charles B. Doolittle to be postmaster at Centerville, Kans., in place of H. E. Hawkins. Incumbent's commission expired March 2, 1926.

KENTUCKY

David B. Ramey to be postmaster at Praise, Ky., in place of D. B. Ramey. Incumbent's commission expired April 7, 1926.

Samuel C. Hedden to be postmaster at Shelbyville, Ky., in place of S. C. Hedden. Incumbent's commission expired May 4, 1926.

LOUISIANA

Otis Waguespack to be postmaster at Vacherie, La., in place of Otis Waguespack. Incumbent's commission expired June 21, 1926.

Juliet H. Scheppf to be postmaster at Madisonville, La., in place of H. R. Rice, resigned.

MAINE

Roger S. McGown to be postmaster at Carmel, Me., in place of R. S. McGown. Incumbent's commission expires July 11, 1926.

Carroll M. Richardson to be postmaster at Westbrook, Me., in place of C. M. Richardson. Incumbent's commission expires July 11, 1926.

MASSACHUSETTS

Edward L. Diamond to be postmaster at Easthampton, Mass., in place of E. L. Diamond. Incumbent's commission expires July 11, 1926.

Edgar T. Brickett to be postmaster at North Cohasset, Mass., in place of E. T. Brickett. Incumbent's commission expires July 11, 1926.

MINNESOTA

Elvia R. Tucker to be postmaster at Richville, Minn., in place of E. R. Tucker. Incumbent's commission expires July 1, 1926.

Frank A. Sandin to be postmaster at Dunnell, Minn., in place of August Wenberg, deceased.

MISSISSIPPI

Hugh A. Sasser to be postmaster at Bogue Chitto, Miss., in place of F. E. Brister. Incumbent's commission expired February 17, 1926.

MISSOURI

Kossuth W. Blomeyer to be postmaster at Bloomfield, Mo., in place of J. S. Miller, removed.

NEW JERSEY

Jennie Madden to be postmaster at Tuckahoe, N. J., in place of Jennie Madden. Incumbent's position expires July 10, 1926.

NEW MEXICO

Ira Allmon to be postmaster at Estancia, N. Mex., in place of Ira Allmon. Incumbent's commission expired November 21, 1925.

NEW YORK

George M. Edsall to be postmaster at Nanuet, N. Y., in place of G. M. Edsall. Incumbent's commission expires July 19, 1926.

Edward J. Weidner to be postmaster at Bellport, N. Y., in place of J. N. Hawkins, resigned.

NORTH CAROLINA

Sadie M. Mullen to be postmaster at Huntersville, N. C., in place of S. M. Mullen. Incumbent's commission expires July 10, 1926.

OHIO

Katherine S. Bauer to be postmaster at Mogadore, Ohio, in place of K. S. Bauer. Incumbent's commission expired February 16, 1926.

PENNSYLVANIA

Myles D. Hippensteel to be postmaster at Nescopeck, Pa., in place of M. D. Hippensteel. Incumbent's commission expired January 5, 1926.

Samuel E. Crawford to be postmaster of Petrolia, Pa., in place of S. E. Crawford. Incumbent's commission expires July 11, 1926.

SOUTH DAKOTA

Arthur M. Hanson to be postmaster at Iroquois, S. Dak., in place of A. M. Hanson. Incumbent's commission expired March 24, 1926.

Mary J. Carr to be postmaster at Stratford, S. Dak., in place of M. J. Carr. Incumbent's commission expired October 8, 1925.

TENNESSEE

William S. Tune to be postmaster at Shelbyville, Tenn., in place of C. L. Shoffner. Incumbent's commission expired May 24, 1926.

TEXAS

Arthur R. Franke to be postmaster at Goliad, Tex., in place of E. F. Glaze. Incumbent's commission expired March 2, 1926.

John Thomman to be postmaster at Levelland, Tex. Office became presidential January 1, 1926.

VIRGINIA

William W. Middleton to be postmaster at Mount Jackson, Va., in place of L. B. Wolfe. Incumbent's commission expired March 1, 1926.

Ernest H. Croshaw to be postmaster at Stony Creek, Va., in place of E. H. Croshaw. Incumbent's commission expired February 10, 1926.

Jack F. Fick to be postmaster at Quantico, Va., in place of E. L. Perry, resigned.

WEST VIRGINIA

Archie N. Cook to be postmaster at Cameron, W. Va., in place of A. N. Cook. Incumbent's commission expired March 7, 1926.

Wesley A. King to be postmaster at Coalwood, W. Va., in place of M. M. King. Incumbent's commission expired May 29, 1926.

Clarence E. Brazeal to be postmaster at Maybeury, W. Va., in place of C. E. Brazeal. Incumbent's commission expired May 3, 1926.

Florence Bills to be postmaster at Williamstown, W. Va., in place of C. H. Ross. Incumbent's commission expired March 27, 1926.

Henry W. Rawson to be postmaster at McDowell, W. Va., in place of Roscoe Wilcox, removed.

WISCONSIN

Herman Jacob to be postmaster at Rib Lake, Wis., in place of E. J. McLeod, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 24 (legislative day of June 23), 1926

FOREIGN SERVICE

SECRETARIES IN THE DIPLOMATIC SERVICE

Randolph F. Carroll.
Laurence E. Salisbury.

APPOINTMENTS IN THE REGULAR ARMY

CORPS OF ENGINEERS

To be second lieutenants

1. Cadet William Clyde Baker, jr.
6. Cadet William Hunt Mills.
7. Cadet Keith Richard Barney.
8. Cadet Elvin Ragnvald Helberg.
9. Cadet Boone Gross.
10. Cadet Frank Xavier Aloysius Purcell.
14. Cadet Richard Wyman Pearson.
15. Cadet Charles Edward Martin.
18. Cadet Clerin Rodney Smith.
20. Cadet Parker Maynard Reeve.
23. Cadet James Norvell Krueger.
25. Cadet Donald Prentice Booth.
26. Cadet Arthur August Gerhart Kirchhoff.
41. Cadet John Colt Beaumont Elliott.

SIGNAL CORPS

2. Cadet William Livingston Bayer.
5. Cadet Francis LeRoy Ankenbrandt.
12. Cadet Raymond Coleman Maude.
17. Cadet William Preston Corderman.
24. Cadet Robert Kinzie McDonough.

CAVALRY

13. Cadet Samuel Wallace Van Meter.
16. Cadet Irving Arthur Duffy.
21. Cadet Harry Warren Johnson.
22. Cadet Rufus Leonidas Land.
39. Cadet Harold McClure Forde.
57. Cadet Wallace Hayden Barnes.
59. Cadet John Paul Doyle.
63. Cadet George Voegele Ehrhardt.
66. Cadet Malcolm Dudley Jones, jr.
69. Cadet Edward Lowe Rhodes.
79. Cadet Theodore Charles Wenzlaff.
82. Cadet John Lawrence Ryan, jr.
83. Cadet Egan Rowland Tausch.
90. Cadet Basil Littleton Riggs.

FIELD ARTILLERY

8. Cadet Herbert William Ehrgott.
29. Cadet Ralph Morris Osborne.
30. Cadet Norman Arthur Matthias.
32. Cadet Harlie Heston Parks.
40. Cadet William Alexander Walker.
43. Cadet Lewis Sherrill Griffing.
45. Cadet Thomas Francis Plummer.
46. Cadet Sidney Merrick Wheeler.
50. Cadet John Ensor Perman.
52. Cadet Earl Jerome Murphy.
61. Cadet Richard Walden Mayo.
64. Cadet Walter Clement Stanton.
67. Cadet William Peirce Ennis, jr.
70. Cadet Richard Keith McMaster.
75. Cadet Samuel Pickens Collins.
76. Cadet John Cline Strickler.
84. Cadet Alexander Randolph Sewall.
89. Cadet James Russell Wheaton.
94. Cadet Tyler Calhoun, jr.
96. Cadet Charles August Meny.
98. Cadet Robert Charles Ross.
99. Cadet Harry Purnell Storke.
104. Cadet William Evans Dean, jr.
110. Cadet Thomas Edward de Shazo.
111. Cadet Maurice Melville Condon.
118. Cadet Gabe Edward Parker, jr.
120. Cadet John Anthony McFarland.
122. Cadet Kenneth Perry McNaughton.

COAST ARTILLERY CORPS

11. Cadet Harold Anthony Brusher.
19. Cadet Fiorre John Stagliano.
36. Cadet William Edward House.
49. Cadet Robert Clifford Broadhurst.
73. Cadet Clair McKinley Conzelman.
77. Cadet Oscar James Levin.
91. Cadet Malcolm Hobson Harwell.
95. Cadet Richard Hanson Grinder.
102. Cadet Warren Milton Richardson.
108. Cadet Frank Freeman Miter.
113. Cadet Frederick Francis Scheiffler.
114. Cadet Virgil Richard Pogue.
116. Cadet Richard Edward O'Connor.
132. Cadet Clifton Coleman Carter.
142. Cadet Thomas Benjamin White.
148. Cadet Arthur Edwin Watson, jr.

INFANTRY

31. Cadet Lincoln Jones, jr.
33. Cadet Malcolm Raymond Kammerer.
34. Cadet Charles Daniel Sugrue.
37. Cadet James Roy Andersen.
38. Cadet Benjamin Easton Thurston.
44. Cadet Waldo Eugene Laidlaw.
48. Cadet Hamer Pace Ford.
51. Cadet George William Hickman, jr.
54. Cadet Harold Doud.
56. Cadet David Louis Van Syckle.
60. Cadet Leon William Johnson.
62. Cadet Earl Lewis Ringler.
65. Cadet Frank Sayles Bowen, jr.
68. Cadet Guy Beasley Henderson.
71. Cadet Francis Patrick Molloy.

72. Cadet Charles Dutton McNerney.
74. Cadet Henry Ross.
78. Cadet Edwin Howard Feather.
80. Cadet William Jesse Deyo, jr.
86. Cadet Paul Hamilton.
87. Cadet Charles Clifford Sloane, jr.
93. Cadet Roy Silverman.
97. Cadet Edwin James Van Horne.
100. Cadet Thomas Edward Pickett Barbour.
101. Cadet Joseph Halversen.
103. Cadet Marvin Westlake Peck.
105. Cadet George Albert Smith, jr.
106. Cadet Eugene Charles Smallwood.
107. Cadet James Robert Davidson.
112. Cadet Kenneth Frease March.
115. Cadet Robert Sylvester Nourse.
117. Cadet John Sieba Roosma.
119. Cadet Paul Churchill Hutton, jr.
123. Cadet John Harvey Kane.
124. Cadet Alvin Andrew Heidner.
125. Cadet Russell Potter Reeder, jr.
126. Cadet Merson Leon Skinner.
127. Cadet Charles Draper William Canham.
128. Cadet Edward Harold McDaniel.
129. Cadet Thomas Benton Gailbreath.
130. Cadet Willet John Baird.
131. Cadet Paul John Black.
133. Cadet Paul Leroy Carroll.
134. Cadet Edward Lyman Munson, jr.
136. Cadet Frederick Prall Munson.
137. Cadet Thomas Howard James.
138. Cadet James Arthur Willis, jr.
139. Cadet Wilson Turner Douglas.
140. Cadet John Robert Burns.
144. Cadet Robert Alan Gaffney.
145. Cadet Walter Young.
146. Cadet Thomas Randall Horton.
147. Cadet Roy Jacob Herte.
149. Cadet James Oka Wade.
150. Cadet Brookner West Brady.
151. Cadet Paul Avery Werner.
152. Cadet Harry McNeill Grizzard.

AIR SERVICE

4. Cadet Turner Ashby Sims.
27. Cadet William Murlin Creasy, jr.
28. Cadet Alfred Henry Johnson.
35. Cadet Robert Eugene Mousseau Des Islets.
42. Cadet Samuel Russ Harris, jr.
53. Cadet Holger Nelson Toftoy.
55. Cadet Edward Davis Raney, jr.
58. Cadet Shelton Ezra Prudhomme.
81. Cadet Benjamin Peter Heiser.
85. Cadet Prentice Edward Yeomans.
88. Cadet Charles Winchell McGeehan.
92. Cadet Henry Raymond Baxter.
109. Cadet John Prichard Woodbridge.
121. Cadet Morris Robert Nelson.
135. Cadet James Bell Burwell.
141. Cadet Marvin John McKinney.
143. Cadet William Benjamin Hawthorne.

POSTMASTER

MINNESOTA

Earl D. Cross, St. Cloud.

HOUSE OF REPRESENTATIVES

THURSDAY, *June 24, 1926*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Lord and our God, whose goodness crowns each succeeding day, unto Thee we lift our hearts in gratitude. Thy mercy is wider than our utmost need and extends to creation's bounds. Do Thou inspire us with the patience, the courage, and the satisfaction of a good life, and let Thy compassion veil our transgressions. Help us to pursue our tasks with sweet, obedient, unmurmuring toil, and may every impulse be softened by reflection. Unto all of us be as the shadow of a great rock in a world of toil and conflict. At the end of life's little day, claim us as Thine own. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE ECONOMIC RECORD OF THE CONGRESS SINCE THE REPUBLICAN PARTY HAS HAD CONTROL THE PAST EIGHT YEARS

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. THOMPSON. Mr. Speaker, eight years have elapsed since the war has ceased. Mr. Wilson had been elected President in 1912 through a split in the Republican Party. He had been reelected in 1916 because "he kept us out of war." The World War started in Europe in 1914. During the two years which followed, the politicians and big business had ample time to make plans for the capture of Congress and the presidency. It did not make much difference which party was captured, as arrangements had been made to control either party which proved successful in election—this in the interest of "Mammon." It was a paradoxical condition that Woodrow Wilson won without New York and the East. The stage had been set to elect Mr. Hughes in the East, but the sentiment of the women in California and the great Middle West responded to the cry, "He kept us out of war," and joined with the votes of the solid South. Thus the Democratic Party won.

The Sixty-fifth Congress was very close, not more than six or seven margin Democratic. The Republican Party was in the minority but supported Woodrow Wilson more consistently than did his own party after war was declared. It will be remembered, however, that no prominent Republican was appointed by President Wilson to have a part or parcel in the direction of men or the expenditure of money. In October of 1918, President Wilson called upon the country to send none but Democrats to Congress, and that was the year, regardless of this ultimatum, that I was elected to Congress for the first time.

President Wilson called the Sixty-sixth Congress into extraordinary session on May 19, 1919. Although the war had been over for six months, all the war-time laws were still in force, abridging the freedom of the press, freedom of speech, and freedom of lawful assembly. President Wilson possessed dictatorial powers over the lives, the liberties, and the property of the American people. The Wilson administration was continuing to make guns, powder, shells, and other war materials, to buy camp sites, and to build Army camps. Billions of dollars were spent in this way during the spring and summer of 1919, and hundreds of millions were being spent for war materials. The railroad, telephone, telegraph, and shipping lines were still under Government control and costing the American taxpayers about $3,000,000 per day. We were technically at war with the Central Powers. We had an immense Army scattered over the globe. We had nearly a million men and women in the civil employment of the Government. Appropriations to run the Government had not been provided for. The soldiers of all the wars were clamoring for relief. Prohibition, woman suffrage, and other important questions were pressing. All of these and many other important problems came up for solution before the new Republican Congress.

SAVED $940,000,000 ON APPROPRIATIONS

The appropriation bills for the fiscal year beginning July 1, 1919, had been passed by a Democratic House, but had not passed the Senate. The new Republican Congress took up and considered these same appropriation bills and passed them, but cut them down and saved the American taxpayers $940,000,000.

The Democratic Secretary of War called upon the Republican Congress to provide a standing Army of 576,000 men and provide universal compulsory military training for all of the able-bodied boys of America. This program would have cost the American taxpayers for the Army alone more than $1,000,000,000, or about $10 in taxes for every man, woman, and child in America. The Republican Congress refused to grant compulsory military training and cut down and reduced the Army to 125,000 men. This alone has saved the American taxpayers hundreds of millions of dollars.

The Republican Congress found nearly 1,000,000 men and women in the civil employment of the Government, costing the American taxpayer something like $1,000,000,000 per year. The Sixty-sixth, Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses, and the Republican administration cut out nearly a half million of these useless officeholders.

The new Republican Congress restored the railroad, telegraph, telephone, and shipping lines to their private owners and thereby saved the American taxpayers nearly $3,000,000 per day.

The new Republican Congress passed the resolution proposing to amend the Constitution to give to American women equal suffrage with men.

The same Congress passed over President Wilson's veto the prohibition-enforcement law, known as the Volstead Act.

SIXTY-SIXTH CONGRESS SAVES $2,500,000,000 MORE

We must bear in mind that the executive branch of the Government, the branch that does the spending, was in the hands of the Democrats during the whole life of the Sixty-sixth Congress. The executive branch of the Government submits estimates to Congress of the amount of money necessary to run the Government. The Wilson administration did this for the appropriations considered and passed by the Sixty-sixth Congress. The administration claimed it had to have the amount of money fixed in these estimates, but the Republican Congress cut out and reduced these estimates $2,500,000,000. That meant $25 of taxes for each man, woman, and child in America. It meant much to the taxpayers of America to have a Republican Congress hold the purse strings of the people at this time.

THE SIXTY-SEVENTH CONGRESS AND THE REPUBLICAN ADMINISTRATION

The end of the Sixty-seventh Congress marked the end of the first half of the Harding administration. These were two full years for the Republican Congress and the administration—two most remarkable years in the nature and extent of the problems considered and solved. In order to correctly visualize the accomplishments of the Congress and the administration it is necessary to consider the problems that confronted us on March 4, 1921. While more than two years had elapsed since the end of the war, yet we were technically still at war with our late enemy. There were discord and chaos at home, distrust and confusion abroad. We had just emerged from a period of such wanton waste and extravagance as this Republic had never before experienced.

Our national debt of $1,000,000,000 before the war had been increased to more than $26,000,000,000. Nearly 5,000,000 men were out of employment. Our own gold bonds were selling for 84 cents on the dollar. The high war taxes were still in full force. The oppressive war-time laws still ruled the country. Under the Underwood free trade tariff law our country was being made the "dumping ground" for the world. Discontent and distrust were everywhere present. Bankruptcy was threatened on every hand. The flood tide of foreign immigration had set in. The farming industry was paralyzed. The reaction of the world's greatest destruction of men, money, property, and government had set in. The Republican Party came on the scene after the storm and after the conflagration to clean up the wreckage. It has been said that it is quite as necessary for the Republican Party to follow a Democratic administration as it is for the ambulance to follow the battle to gather up the dead and wounded and clear away the wreckage. It was the task of the Republican administration to restore peace, bring order to our domestic and foreign affairs, reduce the burden of taxes, relieve the unemployment, restore the Government's credit, put the American farmers on their feet, revive the industries of the country, check the horde of foreign immigration, reduce the Army and Navy, provide for our disabled veterans, clear away the wreckage, and rebuild the industrial, social, and political structure of our country on a safe and sound basis. In undertaking this tremendous task we had to meet the active, persistent, and hostile opposition of our Democratic friends in Congress, whose mismanagement of the affairs of the Government had brought about these conditions, as well as a hostile Democratic press. The story of the accomplishment of these great aims of the Republican administration will compare favorably with any in the history of the Republic.

PROSPERITY WITH PEACE

It took a World War to bring prosperity to the Wilson administration. The war over, millions were idle, business paralyzed. The Republican administration, under its wise policies has brought prosperity to the land in peace time. Unemployment has disappeared. Billions have been paid on the debts created by the Democratic administration. Uncle Sam's note is worth 100 cents on the dollar, and the country is in the midst of one of the greatest eras of prosperity that it has ever known. We have the confidence and good will of all of the nations of the world.

REPUBLICAN ECONOMY—DEMOCRATIC WASTE

It is very amusing indeed to hear our Democratic friends in Congress and in the Democratic press say that the Republican Congress did not do anything and the Republican administration wasted the people's money. The Democratic administration, in wanton and reckless waste of the public money, far surpasses any administration in the history of the Republic. Up until the very day that the Democratic President left office, his administration was spending more money than the revenues of the country, and the first important step of the Harding administration was to put on foot a policy of rigid economy. The tax burden could not be lifted in any other way. The unthinking tell us of the "good times" of the Democratic administration. We submit that it is more popular to scatter the people's money all over the country than it is to pay the debts when once created. There was no prosperity in the Democratic administration until the World War came on. Until that time millions were out of employment. The sidetracks everywhere were filled with idle, empty cars. It took a World War to bring prosperity to the Democratic administration. Can we boast of a prosperity that was fished out of rivers of blood and a sea of tears? We spent more that $30,000,000,000 during the World War. Of course this vast sum turned loose made money plentiful everywhere, but we were simply borrowing from the future. We have been and are now paying, and shall continue to pay, for that brief period of so-called prosperity.

Our children, our grandchildren, and our great-grandchildren will be taxed for the Wilson prosperity. By way of comparison, let us notice the Democratic waste and the Republican economy. The Democratic administration expended, during the fiscal year 1919, $18,544,879,995. Only four and one-half months of this period was war, yet in one year the Democratic administration expended nearly five times as much as it cost the Union for four years of Civil War.

The net public debt August 31, 1919, was $25,478,592,113.25. On March 31, 1926, it was $19,595,799,144.98. In other words, since the Republican Congress and the Republican administration took charge of affairs, we have met all of the expenses of the Government and have reduced the public debt $5,882,792,968.27. Every sensible man and woman must confess that this is a record to be proud of, although it may not be as popular to pay the debts of the Nation as it is to borrow from the future and scatter money everywhere. The fact that the Wilson administration was making debts and piling up debts instead of paying them is why our gold bonds—"Uncle Sam's notes"—fell from 100 cents on the dollar to 84 cents on the dollar. The Harding administration reduced the Army and the Navy, cut off nearly 400,000 of useless officeholders, cut out every item of unnecessary expense, and put the Government on a sound business basis, and one of the great means to accomplish this purpose was the passage of the budget law, whereby the closest scrutiny is given to each item if expense of the Government. A Republican Congress passed this law while President Wilson was in office, but he vetoed it.

THE PROTECTIVE TARIFF

The Republican Congress passed a comprehensive protective tariff law. This was very necessary to protect the Nation's labor and industries. Every reasonable man approves the restriction of foreign immigration. So far as it is possible, the people of this country should run the railroads, mines, shops, factories, and farms.

One of the chief purposes in cutting out foreign immigration is to give employment to Americans; but this would mean little to American labor if we should adopt the policy of free trade and permit shoes, clothing, machinery, and agricultural products to be produced in foreign countries and dumped into our own country in competition with American labor and American capital. It would be better for us to permit the foreigners to come to this country and to produce the products here. Restrictive immigration and the protective tariff go hand in hand in protecting American labor. Every shipload of shoes produced in Europe and dumped into America takes that much employment from American shoemakers. Every shipload of cattle, sheep, and wool produced in Australia, South America, and Mexico and brought here, takes that much away from the farmers and the workers on the farms of America, and what is true of these products is true of any other product that can be produced in our own country. The Republican Party stands for the protection of American labor and American capital and has never been willing to put our workingmen and our industries in unfair competition with the cheap labor of foreign countries.

While many of our Democratic friends in Congress talk of free trade and tariff for revenue only, yet I have observed that most of them vote for a protective tariff when products from their own district or in their own State are involved. This proves to me the soundness of the policy of the Republican Party in favoring protection for the products of the entire Nation. Our Democratic friends talked long and loud that the Fordney tariff bill would kill our foreign trade.

The Fordney tariff bill has helped to reduce taxes. This country is receiving $548,521,791 per year in cash revenues paid into the Treasury. That was the sum realized for the year ended June 30, 1925. The total exports shipped to foreign countries under the Fordney-McCumber Tariff Act for the same period was $4,864,581,164.

One of the major sources of revenue of the United States Government is the customs collected under the tariff acts. The

Democrats in Congress assert as a rule that they believe in a "tariff for revenue only." The Republicans advocate a tariff for protection of American labor and industry as well as for revenue. The Democrats gave us a Democratic tariff which produced little revenue and no protection. The Republican Congress in 1922 gave us a Republican tariff which has produced a large increase in revenues, adding materially to tax reduction; has protected American labor, agriculture, and industry from cheap European labor; and has added greatly to the prosperity of the Nation.

In my own district in Ohio the sheep and wool men were raised from bankruptcy to prosperity by the Republican tariff. The beet-sugar factories were kept open, and the sugar-beet growers got more money for their crops because of it. The tariff of 1922 has put millions of dollars in the pockets of wool growers, sugar-beet growers, and farmers of the Nation and has helped to raise the wages and standard of living of all working classes.

As a revenue producer let us compare the Democratic tariff with that enacted by the Republican Congress in 1922.

Take three years' receipts from customs under each tariff act. You can take any three years you want to anywhere along the line. Just compare any Democratic tariff any time in our history with any Republican tariff in the same decade and note the difference. You can get the figures in any library in the land.

For convenience we will take three recent years under each system—the Democratic and the Republican systems:

Receipts under Democratic tariff

1917	$221,659,066
1918	254,517,904
1919	237,456,680
Total three years	713,633,640

Receipts under Republican tariff

1923	$566,663,978
1924	544,768,198
1925	570,829,000
Total three years	1,682,261,176

Three years' comparison

Under Republican tariff	$1,682,261,176
Under Democratic tariff	713,633,640
Gain under Republican tariff	968,627,536

There is a big idea here which every voter ought to get. The difference between the Republican tariff and a Democratic tariff has saved the taxpayers of this country nearly a billion dollars; to be exact, just $968,627,536 in three years. If this sum had not been collected in customs, it would have been collected by taxes of one kind or another. The Republican tariff has reduced taxes nearly a billion dollars for three years and it has helped to build up a prosperity which had been reflected on the farm and in the factory, and has raised the wages and standard of living of working men and women.

NATIONAL DEBT HAS BEEN REDUCED BY NEARLY SIX BILLIONS OF DOLLARS

A businesslike administration and an economical Congress has brought down the expenditures and reduced the national debt by magnificent amounts. A few years ago the people were staggered by the amount of the public debt. Predictions were freely made that such a stupendous sum could never be paid off. This feeling was reflected in the value of Government securities and United States bonds were sold far below par—as low as 84 cents on the dollar in fact.

A Republican Congress, elected in 1918, began cutting down expenses, reducing appropriations a billion dollars below the estimates. A wise Secretary of the Treasury has applied every possible dollar raised for the purpose and saved through the yearly surpluses to reduction of the public debt. More than $7,000,000,000 of short-time paper had been refinanced for long-time paper, and much of it at reduced interest rates. The price of bonds has gone up above par, and some of them even selling as high as $108 for a $100 bond. The Secretary of the Treasury is now able to sell bonds at an interest rate of 3¾ per cent interest. The credit of the United States is the best in the world.

No nation in all the world's history has ever made such remarkable showing in debt reduction as has the United States in the past six years.

Nearly $6,000,000,000 have been paid on the public debt since the Republican Congress came in on March 4, 1919.

Look at the figures. The public debt reached its peak on August 31, 1919, when it stood at $26,596,701,648.01. Giving it credit for the net balance in the general fund on that date left a net debt owed by the United States of $25,478,592,113.25.

Glance at these startling comparisons showing actual debt reductions:

Total debt reduction

Aug. 31, 1919, net debt was	$25,478,592,113.25
Mar. 31, 1926, net debt was	19,595,799,144.98
Total reduction	5,882,792,968.27

Debt reduction last year

Mar. 31, 1925, net debt was	$20,441,477,003.62
Mar. 31, 1926, net debt was	19,595,799,144.98
Last year's reduction	845,677,858.64

With all its alleged faults and shortcomings the Republican Party is the best party to trust with a national administration. It has the best business ability to run the greatest business enterprise of the world—the United States Government—and, of course, it must have men of big business vision associated with it. The executive branch is composed of men who are the agents and engineers of big finance and "big business," who lend alleged listening and sympathetic ears to the so-called "unseen government," such as the manager of the syndicated international bankers and other representatives of great wealth. They give orders to their agents of both parties. And yet who would say that such interests should not be represented in government? It is necessary to have them and their influence. Is not labor and its manifest and varied interests felt in the Government, too? And is it not a fact that labor and capital are pooling their interests and coming to a better understanding and securing results in legislation by cooperation rather than antagonism? In fact, both labor and capital seem to have coordinated in government. We have built up a bipartisan Government, some of whose laws are not "economically sound," yet produce economic effects, and in this legislation everybody participates except the farmer—the great agricultural interests of America.

The tariff is an economic law and has been a national pol... since the foundation of the Government. The second law that Washington signed after becoming the country's first President was a protective tariff law. It has been our policy for over a hundred years. It is a sound law and a wise one, the Democratic theory to the contrary notwithstanding.

The Republicans and Democrats lost their opportunities to unite the western farmers and the eastern manufacturers on the farm-relief issue when they permitted the defeat of the so-called Haugen farm relief bill. They permitted the grain exporters' lobby at Washington to override the interests of two and one-half million farmers whose welfare was tied up in that legislation. A handfull of private grain exporters was the lobby that turned the trick. And how was it done?

Senator Quinn, of the National Grain Dealers' Association, in a speech delivered in Denver, Colo., and published in the Price Current Grain Reporter of Chicago, told how it was done, as follows:

> There are not more than 15,000 to 16,000 grain dealers in this country, but there are 7,000,000 farmers besides the farmers' wives, and the politicians are always going where the votes are.
>
> When the McNary-Haugen bill was introduced a canvass of the House showed enough votes to pass it with 95 to spare. The National Grain Dealers' Association got busy, grain men gave freely of their time, and we had from 5 to 15 men in Washington all through the danger period. We met in the morning and each man was assigned to see certain Congressmen. In the evening each man reported the results of his interview.
>
> Before the vote was called every Congressman had been thoroughly canvassed, and we estimated that we had the bill beaten by a vote of 75. The following day's returns showed that it was beaten by 73.
>
> That is what an association can do.

THE ECONOMIC AND COMMERCIAL INDEPENDENCY OF THE PHILIPPINES AND THE UNITED STATES

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, the Committee on Interstate and Foreign Commerce of the House of Representatives recently made an exhaustive examination into—

> the control of production and exportation of certain essential raw materials and the effect of such control upon the commerce of the United States.

In the report of such committee, rendered March 13, 1926, and which was unanimous as to its historical and statistical data, the following statements and findings appear:

> That controls of either production or exportation which materially affect prices have been instituted by direct or indirect foreign governmental action as follows: The Government of Great Britain, through direction of its colonial office to its East Indian possessions over

rubber; the government of the State of Sao Paulo, Brazil, over coffee; the Government of Chili over nitrates and iodine; the Governments of Germany and France over potash; the Government of Egypt over long-staple cotton; the Government of Japan over camphor and at times over silk; and the Government of Yucatan, Mexico, over sisal.

* * * * * * *

Of rubber, nitrates, iodine, sisal, coffee, raw silk, and camphor, the United States consumes nearly half, and in some cases almost 75 per cent of the entire world's production.

* * * * * * *

The effect (of these controls) has been to increase the price which the American consumer must pay for several of these essential commodities to an unreasonable and exorbitant figure and in other ways to restrict the natural flow of adequate supplies.

* * * * * * *

There are some 70 other vital commodities which could be controlled by action of foreign governments and which the United States does not produce in sufficient quantities to satisfy its requirements. The substantial increase in the price of these Government-controlled commodities and the resulting enormous profits of some of these controls in the past is an encouragement for their establishment and extension over many other essential raw materials of international commerce, many of which can be controlled by the action of one or two governments acting in agreement. While it is popularly held that such Government controls must stimulate production outside the controlled area and thus defeat their own objects, yet the experience so far plainly indicates that this process is so slow that the world consumer in the meantime would be compelled to pay billions of dollars in exorbitant prices. To illustrate, it takes about eight years before a rubber tree can be brought into full bearing, and almost as long in the case of coffee or sisal.

* * * * * * *

Our rubber imports in 1925 were 888,478,385 pounds. Should the prices of November and December have been continued during the year 1926, rubber imports of like volume would have cost $897,363,169. The hearings showed that 18 cents was a fair average cost per pound. The plantation cost of our supply, therefore, was $159,372,565. On the basis of 36 cents, the fair announced price by the growers when the control was inaugurated, the scheme would have cost the American user a total of $318,745,131. But if the November-December price of $1.01 average was maintained, the American rubber purchaser would be paying $897,363,169, or $737,990,604 more than the production cost, and $578,618,038 more than its fair price. For every 10-cent increase per pound the cost to the American user of rubber will be raised by $90,000,000 this year.

* * * * * * *

Although it is impossible to state exactly what has been the increased price of coffee to the American public, it can be pointed out that the difference between the average import value of coffee in the United States in 1922 and 1925 was about 10 cents per pound, which amounts to about $135,000,000 on the annual coffee purchases of the United States. A substantial part of this advance is due to the operation of the Brazilian valorization scheme, since production costs have only slightly advanced in that time.

* * * * * * *

During 1913 the average price of sisal in New York was less than 5 cents, and in 1917 and 1918 the price was forced to more than 19 cents. The price at the present time is 9 cents per pound in New York. It has been conservatively estimated that in 1918, during the period of extraordinary high prices of sisal in the United States, the Mexican control of production and distribution cost the American farmer an extra thirty-five to forty million dollars. The present form of control, although less iniquitous than some previous forms, is costing the American farmer, according to fair estimates, between six and eight million dollars a year.

The committee, in discussing ways and means for relieving the American people of the enormous tribute now levied upon them because of these Government-controlled commodities, says, among other things:

The ultimate solution of the problem of foreign control of commodities essential to American industries and progress will unquestionably be for the United States to become more self-sufficient in their supply through endeavoring to produce these commodities for itself, either under its own flag or in suitable foreign countries which would agree not to interrupt free trading in them at any time.

Secretary Hoover, of the Department of Commerce, in a statement issued by him upon the same point, states:

We must build up free sources of supply for reasons which are much more far-reaching than the simple purpose of securing unobstructed supplies of raw materials for ourselves. If we can not secure such freedom in these materials, and if the world is to witness further extension of these controls over other commodities, we are confronted with a most appalling vision of future world relations. It will be a world in which governments are to be engaged in negotiating and "jockeying" to secure favored positions in the distribution of the very lifeblood of industry and the necessities of every-day life. It is useless for anyone to deny that great numbers of governments are thereby projected into such action or to assert that this does not lead governments into business upon a scale hitherto undreamed of. Such a control created by a government will sooner or later be dictated to by government officials. * * * Thus the state departments of governments are dragged into the bickerings and higglings of the market, with innumerable new frictions, which, unfortunately, we already witness to-day.

The best and most permanent cure for this threatening evil in the world is for us in our strength to demonstrate that we can secure freedom in our raw materials, and that thereby these controls can not succeed economically.

If nothing more comes of the present investigation than an illumination of the dangers which lie in these controls and an awakening of our people to the necessity of voluntary action in conservation and in development of procurement of independent supplies, it will have accomplished much, for it will serve notice upon these controls that our people will resist.

Of the specific articles enumerated by the committee as being already Government controlled, at least five of the most vital of them, i. e., rubber, coffee, sisal, camphor, and quinine are products of the Tropics and can not successfully be grown or produced in the United States. While the committee does not list "the 70 other vital commodities which could be controlled by action of foreign governments and which the United States does not produce in sufficient quantities to satisfy its requirements," it is to be presumed the great bulk of them are also products of the Tropics and not susceptible of growth in the United States.

In stressing the perils of these controls to American industry, however, and particularly the cutting off of essential supplies from tropical countries, the committee tells but half the story. Even if these foreign "monopolies" were altogether eliminated, we must face the fact that with a steadily mounting population throughout the world, more and more of these essential tropical food products and raw materials will be required to meet the "home demands" of the producing nations, who will eventually consume the bulk of such commodities themselves or "conserve" them for the future needs of their own peoples. As this transpires, the supply for export to nonproducing countries—where the demands therefor will also have increased—will correspondingly diminish with ever-growing scarcity and rising costs.

It is altogether plain, therefore, that unless the United States can insure a domestic and controlled supply of such products for its own account this developing situation will spell for it ever-increasing economic bondage to the caprice, the cupidity, or the domestic needs of competitor countries who control the sources of production. The trend is inexorable, and to ignore or belittle it is to play fast and loose with the progress, the welfare, and the future destiny of the American people.

Dr. E. B. Ball, of the Department of Agriculture, recently stated:

Statisticians have estimated that our population at the close of this century will be more than 200,000,000, and have placed the probable time in which we shall begin to import the staple foods at from 15 to 30 years. The real situation is, however, much more critical than these estimates would indicate. The United States is to-day a food-importing nation, measured in dollars—that is, we import more sugars, tea, coffee, spices, nuts, and tropical fruits than we export of wheat and meat.

Professor Pearl, of Johns Hopkins University, estimates that before the end of the century one-half the calories required to sustain the people of the United States will have to be imported, and says:

We are becoming more and more dependent upon the great undeveloped areas in tropical countries for our very existence.

Taking stock of these tropical domains of the earth, we find that 40.38 per cent, with area of 8,258,790 square miles, are independent; 59 per cent, with area of 12,167,980 square miles, are owned or administered by European powers, while but 0.62 per cent, or 125,992 square miles (including the Philippines), are owned by the United States. On the other hand, the consumption of tropical products by the United States is several times greater than that of any other nation, its present imports of such commodities aggregating well over $2,000,000,000 annually.

As heretofore noted, the Interstate and Foreign Commerce Committee of the House, in its attempt to suggest some means through which this growing menace to American industry and commerce could be averted, stated:

The ultimate solution of the problem * * * will unquestionably be * * * for the United States to produce these commodities for itself * * * under its own flag * * * or in suitable foreign countries which would agree not to interrupt free trading in them at any time.

Reflection will show the second alternative suggested to be altogether unreliable, inasmuch as it would hardly be possible to enter into a binding agreement of this sort with any foreign country extending over a long period of years. Reversing the proposed arrangement, suppose foreign interests wanted to grow or produce certain commodities in the United States, and as a condition precedent desired to enter into an agreement with this country not to interrupt free trading therein at any time, with whom would such an agreement be executed? Further, what officials or other aggregation of our Government would have authority to bind their successors and obligate the United States for an indefinite future? It is perfectly apparent no such agreement could or would be executed, nor is there reason to believe officials of other nations are empowered, or will be empowered, to compromise the rights of their people without time limitation and without regard for shaping circumstance. This being true, there remains but one method, and one only, through which the United States can definitely assure itself a permanent and unrestricted supply of essential tropical products and thus protect itself from the needs or impositions of foreign countries, and that is to grow or produce such products under its own flag.

While the future may witness shifts of dominion over various of the tropical territories now held by different powers, it is altogether unlikely that any further of such areas will come under United States sovereignty. The needs of the American people must be served and their interests safeguarded, if such be possible, by the tropical possessions now owned by the United States and under its control.

These include Hawaii, Porto Rico, and the Philippine Islands. As to Hawaii and Porto Rico, they have already been nearly developed to capacity and offer little opportunity for appreciable increase in production. There remains, therefore, the Philippine Archipelago, and the possibilities it affords to liberate the American people from paying an ever-increasing tribute to competitor nations whose foresight has given them a strangle hold on products essential to our welfare and prosperity.

Referring to the item of rubber in its report the House committee above mentioned says:

For the growing of rubber under the American flag the southern Philippines appear most suitable. Physical conditions are known to be excellent. Under the existing Philippine land laws the holdings of individuals or corporations are limited to about 2,500 acres. This condition could be altered by the Philippine Legislature or by the Congress of the United States, if it chose to change the basic law under which the islands are now administered.

Secretary Hoover, after stating that the increased price of rubber resulting from the British control "had penetrated to every household in the United States," says:

Therefore it is desirable that we stimulate in every way possible the production and the planting of rubber by our own nationals in territories which will not be subject to control. The possibilities of the Philippine Islands, of course, come first. They have the proper soil, and weather conditions, in the main are favorable. The legal restrictions on the holdings of land make it unfeasible at the present time for extensive cultivation, but perhaps that might be remedied.

A partial list of tropical products now imported by the United States, and which enter into the social and industrial life of our people, includes the following: Sugar and molasses, rubber and gutta percha, camphor, vegetable oils, desiccated and shredded coconut, copra, hemp, sisal and fibers of all kinds, tobacco and its products, hardwood timbers and cabinet woods, coffee, tea, cocoa, pine-apples, dyewoods and extracts, fruits and nuts, gums and resins, wood pulp, rattan, spices, quinine, indigo, kapok, pearl shells and buttons, sago, rice, sponges, tanbark, and so forth. Inasmuch as the Philippines now produce, or could produce if properly utilized, practically every one of these products, it is altogether desirable that a dispassionate inventory be taken not only of their possibilities in the way of quantity production, but also of the rights and interests of the United States in the premises.

There is a prevailing opinion that the title of the American people to the Philippines, and their right to utilize the resources of the islands, are subordinate to those of the Filipinos, and that the interests of the two peoples are somehow in conflict. This view, however, arises largely from a misconception of the historical background of the archipelago and of the true facts of the case. Briefly stated, the situation is this:

When Spanish sovereignty was extended to the Philippines in 1565, no "Filipino nation" was destroyed or supplanted, for none existed. The then inhabitants, numbering some 500,000, and occupying limited areas of the coastal plains, were split into numerous tribal groups, speaking different dialects, and constantly preying and warring upon each other. Equally with Spain, they were invaders of the islands, with no greater or different rights therein than their Spanish conquerors. The aborigines were the pigmy blacks, now known as Negritos, of whom possibly 30,000 are still extant.

In the exercise of her dominion Spain took over the unoccupied and unclaimed areas of the archipelago and administered them as crown lands for over three centuries. At no time, either then or later, were these lands ever owned, occupied, or claimed as the territory or patrimony of any Filipino tribe or body politic. In 1898 Spain ceded her sovereignty over the Philippines, including her property holdings therein, to the United States. By this cession these crown lands, comprising some 63,000,000 acres, or 80 per cent of the total land area of the islands, became and now are the property of the American people, and this under clearer title and more absolute right than apply to most of our domestic public domain. Less than 20 per cent of the lands of the islands are held or claimed in private ownership, and not more than 12 per cent of the total area is to-day under cultivation. Some 40 per cent of the archipelago, comprising the great southern islands of the group and the mountain Provinces of Luzon, is inhabited by Mohammedan Moros and pagans, the great body of whom never at any time came under Spanish control or influence. Only a negligible part of this territory is under cultivation, and remains, as from time immemorial, fallow and unproductive.

The Philippine group have a total area of about 115,000 square miles—about that of Italy. The area of the 11 major islands in the aggregate is greater than that of the New England States together with that of the State of New York. The island of Luzon, the largest of the group, is 74 square miles greater than the State of Ohio, and the island of Mindanao is 51 square miles larger than the State of Indiana.

The Philippine Forestry Bureau estimates there are over 60,000 square miles of forest lands in the islands, comprising both soft and hard woods, with almost unlimited quantities of minor forest products, such as rattan, dyewoods, paper pulp, gums, resins, fiber plants, and so forth. These forests are public property of the United States and can not be purchased by private interests. Lumbering operations are conducted under Government license or concession and upon payment of a forestry tax. The stand of timber is conservatively estimated at 200,000,000,000 board feet and is figured to be worth in Government revenue almost $400,000,000—this exclusive of the selling price of the timber and the value of the land itself when cleared. This forest wealth of the islands furnishes a tremendous reservoir from which to replenish the fast-diminishing timber reserves of the United States, particularly in hardwoods.

In Surigao, island of Mindanao, are iron-ore deposits estimated at over 400,000,000 tons, while on the adjacent island of Cebu are large seams of coking coal, making an ideal site for smelting operations. There are also other iron-ore deposits in the Camarines and Bulacan (Island of Luzon), running into millions of tons. Coal is found in quantity on the islands of Cebu, Polillo, and Batan, as also in southern Mindanao. In the latter field a semianthracite seam of some 10,000,000 tons has already been proven. Large bodies of copper ore exist in the Province of LePanto (Luzon), awaiting only transportation facilities to make them available. A gold mine is now being worked in the Province of Benguet (Luzon) which for proven richness is scarcely second to any in the world. Reports by expert geologists and surface showings indicate petroleum deposits in various parts of the archipelago. They occupy the same general belt as the proven oil fields of Borneo and Sumatra. Among other minerals already utilized and whose production can be readily expanded are asbestos, sulphur, salt, lime, bituminous rock, building stone, and so forth.

The Philippines to-day produce one-third of the world's supply of copra—the dried meat of the coconut from which the oil is extracted—even though native growers have exercised little care in the planting of their trees and in the harvesting and treatment of their product. This production is capable of almost unlimited expansion.

The United States is the most important market for Philippine coconut products. In 1924, according to the Commerce Monthly, this country took all of the coconut oil and 68 per cent of the copra shipped out of the Philippines. Coconut oil is used in the making of soap and its use has very much decreased the cost of soap to the consumer. Copra cake is a by-product of the coconut-oil industry and is particularly valuable,

not only as a fertilizer but as an important feed for cattle and poultry. During the last 10 years the exportation of this important product from the Philippines into the United States has increased very rapidly.

The islands have practically a world monopoly of the hard fiber—abaca—known as Manila hemp, which is used in the manufacture of rope and cordage. It is interesting to note that all of the rope and cordage used by the United States Navy is made from Manila hemp grown in the Philippines. This is one monopoly of tropical products that is now enjoyed by the United States, and which redounds greatly to the advantage of the Philippines. The shipments of hemp have increased from 70,000 tons in 1899 to an average of 145,000 tons from 1910 to 1914. Of this amount, one-half comes to the United States.

At the present time practically all of the sisal used in the world comes from Yucatan, Mexico. Sisal is used in the manufacture of binder twine and its price has a direct effect on the cost of production that the American farmer has to meet. Inexpensive binder twine is essential to the economical production of wheat and other grains, and is of the utmost importance to our farmers in the grain-producing States.

Recently it has been demonstrated that sisal can be grown successfully and cheaply in the Philippine Islands, particularly on the island of Bohol. The production of sisal in the Philippines can be expanded to meet the entire needs of the United States for an indefinite time, and such expansion would relieve the United States from the high prices for sisal exacted by the Yucatan monopoly.

It has been successfully demonstrated that camphor can be economically and successfully grown in the mountains of northern Luzon in the Philippine Islands. Camphor is an indispensable ingredient in the manufacture of celluloid, which, in turn, is absolutely indispensable in the manufacture of films used in the motion picture and camera industries. The United States is the greatest user of celluloid films in the world. At the present time practically all the camphor used in the world is grown on the island of Formosa, in Japan. The production of camphor can be easily developed to meet the entire future needs of the United States and the Japanese monopoly could thus be definitely broken and our celluloid and film industries given an independent source of the raw material so necessary to them.

In 1924 72 per cent of the articles exported from the islands went to the United States. In the order of their importance as to value, the principal products exported were sugar, hemp, coconut oil, copra, tobacco products, embroideries, maguey, lumber, copra cake, meal, and hats.

The following tables, prepared by the Department of Commerce of the United States, graphically illustrate not only the growth of Philippine imports and exports since American occupation but also the preponderant participation of the United States therein and what is promised for the future:

Philippine foreign trade, 1898–1925

[1 peso equals $0.50]

	Imports	Exports	Total trade	Excess of—	
				Imports	Exports
1898 [1]	₱10,762,000	₱10,331,000	₱21,093,000	₱431,000	
1899	38,386,000	29,693,000	68,079,000	8,693,000	
1900	49,728,000	45,980,000	95,708,000	3,747,000	
1901	60,325,000	49,007,000	109,332,000	11,318,000	
1902	66,684,000	57,344,000	124,028,000	9,340,000	
1903	67,623,000	64,793,000	132,416,000	2,830,000	
1904	59,155,000	58,299,000	117,454,000	856,000	
1905	60,101,000	66,910,000	127,011,000		₱6,809,000
1906	₱52,808,000	₱65,286,000	₱118,094,000		₱12,478,000
1907	60,908,000	66,196,000	127,104,000		5,288,000
1908	58,372,000	65,202,000	123,574,000		6,830,000
1909	62,169,000	69,849,000	132,018,000		7,680,000
1910	99,439,000	81,257,000	180,696,000	₱18,182,000	
1911	96,049,000	89,674,000	185,723,000	6,375,000	
1912	123,336,000	109,846,000	233,182,000	13,490,000	
1913	106,625,000	95,546,000	202,171,000	11,079,000	
1914	97,177,000	97,379,000	194,556,000		202,000
1915	98,624,000	107,626,000	206,250,000		9,002,000
1916	90,993,000	139,874,000	230,867,000		48,881,000
1917	131,594,000	191,209,000	322,803,000		59,615,000
1918	197,198,000	270,389,000	467,587,000		73,191,000
1919	237,278,000	226,235,000	463,513,000	11,043,000	
1920	298,876,000	302,248,000	601,124,000		3,372,000
1921	231,677,000	176,231,000	407,908,000	55,446,000	
1922	160,395,000	191,167,000	351,562,000		30,772,000
1923	174,999,000	241,506,000	415,505,000		66,507,000
1924	216,022,000	270,689,000	486,711,000		54,667,000
1925	239,466,000	297,754,000	537,220,000		58,288,000

[1] From August to December only.

Philippine foreign trade, 1898–1925—Continued

Source: Annual reports of Philippine Bureau of Customs, Department of Finance, Manila, P. I.

Trade of the United States with the Philippine Islands

[In United States dollars]

	Exports	Imports
Year ended June 30—		
1898	$127,804	$3,830,415
1899	404,193	4,409,774
1900	2,640,449	5,971,208
1901	4,027,064	4,420,912
1902	5,258,470	6,612,700
1903	4,038,909	11,372,584
1904	4,832,900	12,066,947
1905	6,200,620	12,657,904
1906	5,459,444	12,337,927
1907	8,661,424	11,510,438
1908	11,461,732	10,164,223
1909	11,189,441	9,433,986
1910	16,832,645	17,317,897
1911	19,723,113	17,400,398
Calendar year—		
1911	20,928,753	20,212,917
1912	24,685,931	22,437,356
1913	27,904,727	17,913,173
1914	22,797,400	23,611,809
1915	26,346,480	22,859,613
1916	22,775,491	34,162,081
1917	38,140,152	62,386,641
1918	52,975,672	85,926,717
1919	70,551,953	66,289,336
1920	99,829,994	112,951,409
1921	46,516,049	52,161,812
1922	43,298,142	61,747,494
1923	49,240,711	77,723,587
1924	59,518,715	97,088,444
1925	61,061,644	111,837,748

Source: Foreign Commerce and Navigation of the United States and Statistical Abstract of the United States.

Annual averages of Philippine trade during periods stated

[1 peso equals $0.50]

	Imports	Exports	Imports	Exports
1900–1909	₱59,787,000	₱60,887,000	$29,893,500	$30,443,500
1910–1914	104,525,000	94,740,000	52,262,500	47,370,000
1915–1918	129,602,000	177,274,000	64,801,000	88,637,000
1919–1921	255,944,000	234,905,000	127,972,000	117,452,500
1922–1925	197,720,000	250,279,000	98,860,000	125,139,500

Principal exports from the Philippine Islands

[1 peso equals $0.50]

	1905	1910	1915	1920	1921	1922	1923	1924	1925
Sugar	₱10,146,000	₱14,448,000	₱22,620,000	₱99,239,000	₱51,037,000	₱51,165,000	₱69,038,000	₱83,736,000	₱91,028,000
Abaca (hemp)	43,514,000	32,950,000	442,678,000	71,724,000	25,969,000	39,082,000	49,903,000	59,901,000	71,043,000
Maguey	344,000	405,000	1,070,000	2,738,000	1,849,000	2,973,000	4,182,000	5,845,000	
Cordage			190,000	1,373,000	919,000	1,099,000	1,498,000	2,189,000	
Coconut oil	2,000		5,641,000	46,538,000	32,103,000	31,469,000	28,133,000	37,622,000	39,640,000
Copra	6,489,000	21,278,000	22,223,000	7,435,000	26,147,000	28,206,000	38,494,000	30,704,000	31,737,000
Copra meal				2,393,000	1,209,000	2,435,000	1,798,000	3,427,000	3,397,000
Leaf tobacco	2,746,000	3,217,000	3,145,000	13,982,000	9,691,000	4,546,000	7,273,000	8,069,000	6,130,000
Cigars	1,785,000	5,520,000	4,115,000	25,442,000	6,426,000	11,602,000	12,340,000	10,809,000	12,088,000
Cigarettes	28,000	82,000	85,000	340,000	116,000	166,000	699,000	437,000	162,000
Embroideries			735,000	15,634,000	10,696,000	6,523,000	12,751,000	9,396,000	(1)
Hats	306,000	558,000	514,000	1,540,000	609,000	951,000	1,258,000	2,453,000	(1)
Lumber and timber		119,000	490,000	1,831,000	1,575,000	1,667,000	3,077,000	4,060,000	(1)
Gums and resins			267,000	870,000	187,000	145,000	296,000	344,000	(1)

[1] Not yet available.

Principal exports from the Philippine Islands—Continued

	1905	1910	1915	1920	1921	1922	1923	1924	1925
Wood manufactures			₱109,000	₱203,000	₱339,000	₱148,000	₱220,000	₱197,000	[1]
Fish and products			247,000	311,000	176,000	253,000	149,000	184,000	[1]
Fruits and nuts			49,000	176,000	205,000	81,000	178,000	215,000	[1]
Pearl buttons			161,000	546,000	246,000	419,000	523,000	672,000	[1]
Shells		₱428,000	614,000	419,000	204,000	287,000	217,000	330,000	[1]
All other domestic	₱1,322,000	1,959,000	1,568,000	3,342,000	2,061,000	3,998,000	6,633,000	8,288,000	[1]
Reexports	222,000	392,000	1,104,000	6,183,000	4,465,000	3,952,000	2,842,000	1,821,000	[1]
Total	66,910,000	81,256,000	107,626,000	302,248,000	176,231,000	191,167,000	241,506,000	270,689,000	₱297,754,000
Total United States dollars	33,455,000	40,628,000	53,813,000	151,124,000	88,115,000	95,583,000	120,753,000	135,344,000	148,877,000

[1] Not yet available.

Principal imports into the Philippine Islands

[1 peso equals $0.50]

	1905	1910	1915	1920	1921	1922	1923	1924	1925
Textiles, total	₱14,608,000	₱23,083,000	₱27,114,000	₱81,089,000	₱46,521,000	₱53,475,000	₱53,959,000	₱58,242,000	₱68,263,000
Cotton piece goods	13,654,000	20,970,000	17,282,000	50,142,000	25,464,000	34,409,000	33,256,000	35,343,000	40,298,000
Other cotton			6,523,000	19,217,000	13,395,000	12,281,000	13,014,000	14,037,000	14,898,000
Silk and manufactures	954,000	1,468,000	1,805,000	6,036,000	3,721,000	3,117,000	3,257,000	4,471,000	5,616,000
Wool and manufactures		645,000	529,000	3,141,000	1,645,000	1,337,000	1,747,000	1,596,000	2,321,000
Fibers and manufactures			975,000	3,553,000	2,296,000	2,331,000	2,685,000	2,795,000	5,130,000
Foodstuffs, total	20,184,000	28,831,000	31,354,000	63,015,000	44,778,000	34,628,000	41,973,000	56,336,000	58,680,000
Rice	13,492,000	11,982,000	13,449,000	16,330,000	6,649,000	4,604,000	7,413,000	18,526,000	12,826,000
Wheat flour	554,000	3,108,000	3,893,000	9,444,000	7,017,000	5,783,000	6,995,000	8,042,000	11,213,000
Meat products	2,016,000	3,770,000	3,442,000	5,245,000	6,256,000	4,623,000	3,745,000	4,265,000	5,129,000
Dairy products	794,000	1,940,000	2,200,000	6,358,000	4,325,000	3,925,000	4,864,000	5,597,000	5,810,000
Fish and products	510,000	1,346,000	832,000	5,706,000	2,966,000	2,835,000	3,970,000	4,222,000	4,985,000
Fruits and nuts		653,000	710,000	2,616,000	2,116,000	1,577,000	2,110,000	2,005,000	2,323,000
Vegetables	994,000	1,376,000	1,429,000	3,464,000	2,826,000	2,665,000	2,766,000	2,983,000	3,760,000
Tea, coffee, and cocoa		1,013,000	1,104,000	3,560,000	1,788,000	1,848,000	2,653,000	2,430,000	3,520,000
Wines and malts	1,348,000	938,000	631,000	1,266,000	1,565,000	823,000	918,000	958,000	1,044,000
Confectionery			229,000	1,054,000	794,000	190,000	255,000	455,000	511,000
Tobacco and products		449,000	794,000	3,720,000	4,301,000	2,480,000	2,351,000	3,011,000	3,664,000
Other foodstuffs	476,000	2,256,000	2,541,000	5,213,000	4,174,000	3,275,000	3,863,000	3,842,000	3,895,000
Iron and steel, total	5,155,000	11,119,000	8,860,000	44,431,000	43,529,000	15,209,000	17,392,000	24,094,000	27,920,000
Agricultural implements	[1]	[1]	103,000	1,426,000	700,000	31,000	132,000	142,000	260,000
Machinery	[1]	[1]	2,547,000	21,040,000	17,666,000	4,023,000	4,587,000	7,681,000	10,477,000
All other	[1]	[1]	6,210,000	21,965,000	25,163,000	11,155,000	12,673,000	16,271,000	17,163,000
Mineral oils	1,626,000	2,736,000	4,059,000	20,061,000	23,805,000	14,278,000	14,323,000	18,383,000	18,482,000
Paper and manufactures of	2,516,000	1,220,000	2,341,000	7,205,000	9,080,000	4,920,000	6,106,000	6,304,000	6,814,000
Automobiles, parts and accessories		[2] 633,000	1,317,000	10,882,000	7,459,000	1,407,000	2,775,000	4,530,000	6,794,000
Electrical goods	270,000	552,000	840,000	3,397,000	4,683,000	1,892,000	2,831,000	4,283,000	3,287,000
Chemicals, drugs, and dyes	2,207,000	1,256,000	1,731,000	4,384,000	3,349,000	2,946,000	3,295,000	3,582,000	4,017,000
Rubber manufactures, total		[3] 504,000	1,226,000	5,627,000	3,512,000	2,535,000	2,572,000	3,073,000	3,569,000
Automobile tires			632,000	4,040,000	2,186,000	1,597,000	1,659,000	1,955,000	2,418,000
Other			594,000	1,587,000	1,326,000	938,000	913,000	1,118,000	1,151,000
Perfumery and cosmetics		363,000	537,000	1,025,000	1,530,000	1,026,000	1,374,000	1,265,000	1,607,000
Soaps		338,000	902,000	1,377,000	711,000	719,000	787,000	936,000	1,012,000
Paints and varnishes		634,000	619,000	1,934,000	967,000	882,000	1,090,000	1,226,000	1,394,000
Leather and manufactures	1,074,000	2,242,000	2,550,000	3,130,000	1,786,000	1,564,000	1,706,000	2,448,000	2,954,000
Fertilizers				325,000	185,000	401,000	1,224,000	4,320,000	3,976,000
Coal	919,000	3,358,000	2,865,000	10,792,000	6,987,000	5,009,000	4,997,000	4,581,000	4,284,000
Instruments and apparatus not electric		733,000	346,000	1,014,000	1,218,000	462,000	633,000	833,000	904,000
Live animals	1,552,000	2,648,000	1,060,000	1,670,000	4,140,000	1,693,000	891,000	1,270,000	976,000
Wood and manufactures of		2,030,000	672,000	1,863,000	1,731,000	635,000	884,000	1,201,000	1,151,000
Metals and manufactures of	292,000	487,000	920,000	2,918,000	2,295,000	969,000	1,101,000	1,671,000	1,225,000
Glass and glassware	260,000	502,000	542,000	2,344,000	1,812,000	870,000	1,264,000	1,323,000	1,488,000
Cement	452,000	1,202,000	817,000	3,240,000	2,005,000	1,587,000	1,417,000	737,000	992,000
Motion-picture films			549,000	429,000	635,000	649,000	509,000	450,000	464,000
Total	60,102,000	99,438,000	98,624,000	298,877,000	231,677,000	160,395,000	174,999,000	216,022,000	239,466,000
Total, United States dollars	30,051,000	49,719,000	49,312,000	149,438,000	115,838,000	80,197,000	87,499,000	108,011,000	119,733,000

[1] Not separately stated. [2] Including tires. [3] Excluding tires.

Philippine trade by countries—Imports

[1 peso equals $0.50]

	1905	1910	1915	1920	1921	1922	1923	1924
United States	₱11,180,000	₱40,137,000	₱52,762,000	₱184,580,000	₱148,260,000	₱95,477,000	₱100,705,000	₱120,797,000
Canada	31,000	181,000	29,000	193,000	652,000	350,000	132,000	302,000
United Kingdom	10,212,000	12,932,000	6,522,000	110,380,000	8,597,000	6,539,000	8,369,000	11,168,000
Germany	2,872,000	4,559,000	484,000	694,000	1,250,000	1,579,000	2,925,000	4,225,000
France	1,798,000	2,292,000	1,502,000	3,841,000	2,465,000	1,425,000	1,640,000	2,299,000
Italy	384,000	321,000	302,000	211,000	156,000	155,000	270,000	361,000
Netherlands	234,000	392,000	295,000	435,000	406,000	479,000	550,000	823,000
Spain	3,943,000	2,994,000	1,838,000	1,476,000	1,311,000	1,012,000	1,107,000	1,308,000
Switzerland	1,090,000	1,151,000	1,586,000	1,830,000	1,815,000	1,386,000	2,661,000	3,265,000
Belgium	532,000	790,000	13,000	26,000	103,000	153,000	406,000	677,000
Norway		633,000	208,000	10,000	30,000	123,000	202,000	183,000
Denmark	12,000	117,000	127,000	103,000	87,000	46,000	184,000	98,000
Austria	199,000	278,000	38,000	23,000	26,000	38,000	48,000	232,000
Japan	1,665,000	5,288,000	7,435,000	32,178,000	21,270,000	17,206,000	16,109,000	18,088,000
China	5,722,000	5,153,000	4,662,000	21,487,000	18,904,000	13,085,000	13,541,000	13,901,000
Hongkong	453,000	1,180,000	405,000	1,074,000	1,238,000	270,000	854,000	864,000
British East Indies	3,818,000	2,113,000	1,512,000	5,740,000	2,585,000	2,613,000	3,642,000	3,183,000
Dutch East Indies	174,000	523,000	1,142,000	4,798,000	5,403,000	4,942,000	5,840,000	6,769,000
French East Indies	10,694,000	13,346,000	13,766,000	9,356,000	6,319,000	6,059,000	8,219,000	19,962,000
Siam		230,000	595,000	8,630,000	4,120,000	350,000	251,000	207,000
Australia	2,774,000	5,007,000	2,819,000	8,079,000	4,462,000	5,596,000	4,795,000	4,875,000
All others	2,314,000	191,000	614,000	3,832,000	2,206,000	1,513,000	2,459,000	3,659,000
Total	60,101,000	99,439,000	98,624,000	298,877,000	231,677,000	160,395,000	174,999,000	216,022,000

NOTE.—Data for 1925 by countries not yet available; total, ₱237,466,000.

Philippine trade by countries, exports

[In thousand pesos—1 peso equals $0.50]

	1905	1910	1915	1920	1921	1922	1923	1924
United States	₱29,681,000	₱34,483,000	₱47,306,000	₱210,433,000	₱100,714,000	₱128,223,000	₱170,094,000	₱194,628,000
Canada	21,000	103,000	93,000	1,814,000	584,000	1,970,000	187,000	666,000
United Kingdom	16,415,000	13,944,000	18,454,000	24,280,000	9,295,000	10,250,000	14,969,000	18,858,000
Germany	677,000	1,446,000	----------	2,094,000	6,179,000	6,355,000	3,707,000	5,269,000
France	4,446,000	15,376,000	11,108,000	1,987,000	5,347,000	3,095,000	5,559,000	4,715,000
Italy	136,000	1,307,000	2,870,000	453,000	312,000	829,000	1,599,000	2,854,000
Netherlands	107,000	586,000	574,000	6,857,000	10,454,000	5,191,000	4,914,000	3,374,000
Spain	3,324,000	3,971,000	5,184,000	11,403,000	8,237,000	6,456,000	9,730,000	8,910,000
Switzerland	3,000	142,000	195,000	61,000	60,000	124,000	154,000	61,000
Belgium	67,000	1,425,000	----------	787,000	616,000	1,034,000	2,183,000	2,464,000
Norway	----------	----------	----------	1,000	----------	1,000	96,000	118,000
Denmark	16,000	4,000	----------	----------	----------	3,000	3,000	1,000
Austria	789,000	619,000	----------	----------	327,000	260,000	272,000	16,000
Japan	1,302,000	535,000	7,560,000	14,886,000	13,825,000	11,759,000	15,390,000	12,544,000
China	1,847,000	1,481,000	2,243,000	4,428,000	5,150,000	4,701,000	2,396,000	5,989,000
Hongkong	5,608,000	2,266,000	6,943,000	12,886,000	8,908,000	5,395,000	4,392,000	4,508,000
British East Indies	1,291,000	2,090,000	2,153,000	3,905,000	2,789,000	1,946,000	1,643,000	1,754,000
Dutch East Indies	64,000	111,000	120,000	726,000	410,000	628,000	510,000	487,000
French East Indies	18,000	23,000	66,000	871,000	198,000	133,000	107,000	65,000
Siam	----------	31,000	47,000	104,000	77,000	115,000	90,000	101,000
Australia	987,000	991,000	1,118,000	2,121,000	1,374,000	1,510,000	1,451,000	1,301,000
All others	107,000	323,000	588,000	1,151,000	1,375,000	1,189,000	2,061,000	1,978,000
Total	66,910,000	81,257,000	107,626,000	302,248,000	176,231,000	191,167,000	241,506,000	270,389,000

NOTE.—Data for 1925 not yet available.

Principal commodities entering into trade of Philippine Islands and United States, 1924

I. VALUE OF ARTICLES IMPORTED INTO PHILIPPINES FROM UNITED STATES, 1924

Wheat flour	₱6,747,000
Automobiles and parts	4,481,000
Chemicals, drugs, etc	2,257,000
Cotton cloths	20,266,000
Other cotton	5,361,000
Electrical machinery and apparatus	3,902,000
Fertilizers	3,807,000
Fish and fish products	3,574,000
Rubber manufactures	2,853,000
Iron and steel manufactures	18,702,000
Leather manufactures	2,264,000
Meat and dairy products	5,225,000
Illuminating oils	5,425,000
Naphthas	3,638,000
Other mineral oils	4,678,000
Paper and manufactures	4,422,000
Silk and manufactures	1,908,000
Tobacco and manufactures	2,637,000
Total	120,797,000

II. VALUE OF ARTICLES EXPORTED FROM PHILIPPINES TO UNITED STATES, 1924

Copra	₱20,996,000
Copra meal	1,331,000
Cordage	1,187,000
Desiccated and shredded coconut	3,195,000
Hats	1,194,000
Abacca (manila hemp)	30,534,000
Lumber and timber	2,192,000
Coconut oil	87,256,000
Sugar	74,982,000
Cigars	8,840,000
Embroideries	9,356,000
Total, including all others	194,628,000

[NOTE.—The value of the Philippine peso is $0.50.]

Leading exports and imports of Philippine Islands

	1924	1925
Exports:		
Abaca (Manila hemp)	₱59,901,000	₱71,042,000
Sugar	83,736,000	91,028,000
Coconut oil	37,622,000	39,640,000
Copra	30,704,000	31,738,000
Copra cake	3,427,000	3,397,000
Cigars and cigarettes	10,546,000	12,251,000
Leaf tobacco	8,069,000	6,131,000
Other articles	37,468,000	42,527,000
Total	270,689,000	297,754,000
Imports:		
Iron and steel and manufactures	24,094,000	27,921,000
Cotton and manufactures, except cloth	14,037,000	14,898,000
Cotton cloth	35,343,000	40,298,000
Meat and dairy products	9,862,000	10,939,000
Automobiles, parts and tires	6,484,000	9,215,000
Wheat flour	8,042,000	11,224,000
Paper and manufactures	6,304,000	6,813,000
Leather and manufactures	2,448,000	2,953,000
Other	109,407,000	115,203,000
Total	216,022,000	239,464,000

[NOTE: The value of the Philippine peso is $0.50.]

Briefly summarizing the foregoing tables, it will be noted that in 1900, shortly following American occupation, the total import business of the Philippines was but $22,990,000, and the exports $24,864,000, or a total foreign commerce of $47,954,000. By 1925, under American administration, the value of imports had increased to $119,733,000 and the exports to $148,872,000, or a total foreign trade of $268,601,000.

The share of the United States in the total foreign trade of the islands in 1900 was 11 per cent, valued at $5,114,000. By 1905 the value had increased to $20,430,000 and the percentage to 32. In 1910 the trade of the United States with the islands totaled $37,310,500, or 41 per cent of the total; in 1915, $50,034,000, or 48 per cent; in 1920, $197,506,000, or 66 per cent; and in 1924, $157,712,000, or 65 per cent. The increase in the value of American participation in Philippine trade in 24 years has been nearly 3,000 per cent.

From the year 1916 the United States has taken more than half of Philippine export products, the percentage rising in 1924 to 72 per cent. Since 1915 more than half of Philippine imports have come from the United States. In 1924 American products accounted for 56 per cent of the total Philippine imports. The reciprocal free tariff between the United States and the Philippines has been an important factor in the development of trade between the two countries.

Over 80 per cent of the purchases of the United States from the Philippines consists of the islands' first four products, namely, sugar, abaca (hemp), coconut oil, and copra. Philippine exports of these commodities to the United States in 1924 totaled $81,884,500.

The Philippines are our largest market for cotton piece goods, and this commodity constitutes by far the most important import into the islands. Of the total importation of cotton piece goods in 1925, valued at $27,500,000, the United States supplied over $10,000,000 worth.

About 80 per cent of the iron and steel products purchased annually by the Philippines comes from the United States, as well as 80 per cent of the islands' imports of wheat and flour and about 70 per cent of the mineral oils imported. American automobiles, parts, and accessories monopolize the Philippine market. The imports for 1925 were valued at $3,397,000, as against a value of $2,265,000 in 1924, or a gain of 50 per cent. Other items shipped from the United States to the Philippines in 1924 to the value of over $1,000,000 each, in the order of their importance, were: Meat and dairy products, paper and manufactures, electrical appliances, fertilizers, canned fish, rubber manufactures, including tires, tobacco products, and chemical dyes and drugs.

Fully 70 per cent of the total importation of the foregoing products is represented by American manufactures.

The Philippines are now the third market of the United States in the Orient, being preceded only by Japan and China.

As will have been seen, the United States now receives the bulk of many of its tropical products from the Philippines. The following list, giving the ratio of imports from the Philippines to total imports of each of the commodities named, indicates the importance this source of supply has already assumed:

	Per cent
Sawed cabinet woods	80.4
Oil cake and oil-cake meal	95.3
Copra, not prepared	81.4
Coconut oil	99.9

	Per cent
Cigars and cheroots	66.1
Cordage of flax, hemp, or ramie	60.9
Hemp (abaca)	99.2
Buttons, pearl or shell	83.9

The increase in Philippine business under American rule, while very considerable as the figures show, has been but a tithe of what was possible, and of what might have been accomplished had investments been encouraged rather than obstructed. With rare exceptions the increase recorded has not been due to large investments, but rather to the preservation of public order by the United States, improved methods of cultivation under American direction, better highways built under American initiative, transportation and marketing facilities, and the stimulus of free trade with the United States. After the lapse of 26 years, the 63,000,000 acres of public lands ceded the United States by Spain remain practically untouched, with all their tremendous potentialities in food and other essential products still hermetically sealed from world uses and world needs.

Upon taking over the Philippines in 1899 most Americans regarded them simply as a field for altruistic attempts to qualify the Filipinos for self-government, and in no sense a trade asset to be utilized and improved on behalf of the American and Philippine peoples. They failed to recognize the altogether backward economic condition of the islands, or to appreciate that only through a development of the natural resources of the archipelago, and a very material increase in insular revenues and in the per capita wealth of the natives could self-government ever become a working reality. In other words, our Government centered its efforts upon the education and cultural uplift of the Filipinos and completely ignored other and absolutely essential factors of the equation.

This attitude was not unnatural. With abundant home resources and lacking at the time the spur which had driven other nations and other peoples to search the corners of the earth for food products and raw materials, Americans generally were largely without knowledge of world affairs or of anything transpiring outside our national boundaries. Prosperous and happy, we went our way believing we were the favored of earth and that the Lord would provide.

That epoch, however, has passed forever. To-day our producing classes, whether farmers or manufacturers, realize fully that the margin between profit and penury hinges upon an export market for surplus products, while our people generally have awakened to the fact that unless we have a permanent and controlled source of supply for essential food products and raw materials we are courting disaster.

In 1902, when the future needs of the American people were an unconsidered item, and the possibilities of the Philippines an unknown quantity, our Congress, in its organic law for the islands, limited the area of public lands which could be acquired therein by a corporation or other association of persons to 2,500 acres. This limitation was thereafter embodied in the corporation law of the islands, and, despite subsequent changes both in the needs and outlook of both the American and Philippine people, still remains in full force and effect. The Philippine Legislature, authorized to modify such limitation, refuses to do so, and the Congress of the United States, also authorized in the premises, has not given the matter serious consideration.

The consequences of this legislation were inevitable, and will continue just so long as such legislation applies. Whatever the desires of capital, or however satisfied it may be with the opportunities offered by the Philippines in the growing of rubber, sugar, hemp, coconuts, camphor, tobacco, coffee, sisal, and other staple tropical products, it can not and will not undertake the large overhead incident to such distant ventures with this limit of 2,500 acres upon its holdings. From the very nature of things, these tropical agricultural enterprises—if the output is to be at all commensurate with the risks involved—must be conducted with sufficient capital and with a skilled and high-salaried personnel.

A patent illustration of the penalty the American people are paying for the short-sighted policy inaugurated in 1902 is found in the present rubber situation. At intervals during the past 20 years American rubber interests have sought to undertake development in the Philippines. Their every proposition was uniformly thwarted, however, by the existing land laws and the attitude of the responsible authorities. The extra annual bill of from $300,000,000 to $500,000,000 now paid by American consumers of rubber measures the cost of our failure to exercise the foresight of the British in Malaya and the Dutch in Sumatra to develop a source of supply under our own flag. What now applies to rubber, coffee, camphor, quinine, and sisal, all of which can be abundantly grown in the Philippines, may well apply and doubtless will apply in due course to other tropical products for which we are now dependent upon foreign countries.

The only excuse for adopting this restriction upon land holdings originally, and the only possible excuse for its continuance, must be that it has ministered and will minister to the best interests of the Filipino people. Has it so resulted, or can it possibly do so?

The natural and logical effect of our intensive efforts to educate the Filipinos and to improve their situation through extending to them the comforts, privileges, and advantages of forward-looking peoples has been to increase their needs and wants and raise their standards of living and to throw a steadily mounting burden upon the insular treasury to meet the consequent inevitable demands for schools, hospitals, better roads, better public utilities, and those other things which have now become necessaries of life.

With the resources of the islands practically undeveloped, and the masses of the people poverty stricken, Government revenues have not kept pace with the steadily increasing requirements. To-day the total annual budget of the islands—to serve the needs of 12,000,000 of people occupying 115,000 square miles of territory—is but $35,000,000, or less than that of the city of San Francisco. The present per capita tax in the Philippines is less than $4—as against over $70 in the United States—and such tax can not be materially augmented under existing economic conditions. A million and a half Filipino children are without school facilities through lack of funds. There are a few scattered hospitals where there should be dozens, and Governor General Wood was recently compelled to ask the American public to contribute $1,000,000 to provide relief measures for the thousands of lepers now segregated on the island of Culion. A dearth of funds exists in every department of the Government, retarding or rendering impossible plans and projects looking to the material and social betterment of the Philippines peoples.

The issue presented is an economic one and should be treated and considered as such. Filipino politicians who oppose a development of the natural resources of the archipelago on the theory it will delay independence, are both selfish and shortsighted. To satisfy purely personal ends they would sacrifice the welfare and greatest good of the Filipino masses, while shutting their eyes to the patent fact that their obstructive tactics must postpone independence indefinitely.

The same forces which have increased the needs and wants and raised the standards of living of the Filipinos have necessarily operated to render any government by Filipinos impossible until they have become economically independent. This condition precedent can arise only through an intensive development of island resources and a very material increase in insular revenues.

A fact to be borne in mind is that the Filipinos can not possibly achieve this economic independence unaided. The great bulk of them are without capital and are lacking in initiative, industry, and worth-while business experience. They have little executive capacity or pioneer instinct, illustrated by the fact that some 60,000 resident Chinese now do more than 80 per cent of the interior merchandising business of the islands. Recently, when Chinese stores in Manila were closed for two days because of attacks upon them by Filipinos, the native population suffered for want of the ordinary necessities of life.

Theodore Roosevelt, in urging American preparedness during the late war, and commenting upon the disposition of certain persons in high authority to indulge in "fine phrasing" rather than action, said:

> This war is not to be won by rhetoric, but by stern men with weapons in their hands.

Equally can it be said that in this day and time, when the need and struggle for export markets and sources of supply for essential products are becoming increasingly desperate among the nations, it takes more than sentiment and oratory to support a government and provide for the well-being of its citizens.

The mere suggestion that legislation be enacted which would enable American capital to engage in rubber production in the Philippines has served to start a hue and cry in certain quarters that "the money interests propose to exploit the Filipinos." Coupled with this has appeared the suggestion that "Filipino farmers" undertake this development, and thus supply America's rubber needs without the intervention of large companies. A candid facing of the facts will show the absurdity of both contentions.

The rubber-growing territory of the Philippines is situated in Mindanao and adjacent islands. The total area of this island group is some 44,094 square miles, with an estimated population of 870,000, or less than 20 to the square mile. Of this area—largely inhabited by Mohammedan Moros—from 90 to 95 per cent still remains property of the United States. Of the 63,000,000 acres of Crown lands ceded the United States by Spain (practically all of which still remains undeveloped), well over one-half is in this Moro country.

A commission of rubber experts, appointed under the auspices of the United States Department of Commerce, after an extended examination of this particular territory, reported that at least 1,500,000 acres, capable of producing 70,000 tons of rubber annually, were immediately available, and combined conditions of soil, climate, transportation, and so forth, equal or superior to rubber lands in Sumatra and Malaya. Should this entire area of 1,500,000 acres (of public land) be utilized, with all it promises to the American people, it would constitute less than 1½ per cent of the total public domain of the islands. Should this area be doubled or trebled, as it well might be, the percentage of the whole would still remain insignificant.

Should the United States ever surrender its title and sovereignty over the Philippines, the reversionary interest in the Moro territory would be in the Moro peoples and not in the Filipinos of the northern islands. The Moros are a distinct people not only in religion but in physical type and mental outlook; they are favorable to the continuation of American sovereignty, and are willing and anxious to have their islands developed. It is inconceivable that the United States, in any grant of independence to the Christian Filipinos, would remotely consider including therein these Mohammedan peoples who are their hereditary enemies.

In the report rendered to the Secretary of War by Maj. Gen. Leonard Wood and ex-Gov. Gen. W. Cameron Forbes, October 8, 1921, being their findings as a "special mission on investigation to the Philippine Islands," it is said:

> The Moros are a unit against independence and are united for continuance of American control and, in case of separation of the Philippines from the United States, desire their portion of the islands to be retained as American territory under American control. The pagans and non-Christians, constituting about 10 per cent of the population of the islands, are for continued American control. They want peace and security. These the Americans have given them.

Mr. Nicholas Roosevelt, an associate editor of the New York Times, in a cable dispatch to that paper, January 24, 1926, referring to an interview just had by him with Dato Piang, outstanding Moro leader in the Cotobato Valley, Mindanao, said:

> The old man wanted to know why American capital did not come to Mindanao, saying Americans could rest assured that as long as he lived he would do everything to help them develop the country. Incidentally his views on Filipino politicians were freely expressed but could not be printed without exposing him to possible violent vengeance at their hands. Moro scorn for Filipinos is outmatched by the Filipinos' fear of the Moros.

We have the anomalous spectacle, therefore, of a small coterie of Filipinos in Manila blocking the utilization of public lands of the United States required for the needs of the American people, and this in direct opposition to the express desires of the Moros, the rightful occupants, who are urging the development of such territory by American capital and under American authority. It is as bizarre a situation as imagination can well conceive and could happen to no other people than Americans.

There are two sufficient reasons why any production of rubber by Filipino farmers, working independently, will prove altogether negligible. It takes from 8 to 10 years to bring rubber trees into bearing, at an estimated cost of from $150 to $200 an acre. Filipinos have neither the capital nor the disposition to meet these requirements. Moreover, even if so disposed, the hostility existing between them and the Moros would preclude any considerable number of Christian Filipinos undertaking farming operations in unsettled areas of Mindanao or other Moro islands.

The only hope of Filipino participation in rubber growing in the islands—with its certainty of rich rewards to them—is in connection with plantations financed by Americans. As laborers on these plantations, and through financial support and protection furnished them by the latter, opportunity would be afforded to develop small holdings for their own account on adjacent lands with a ready market for their product. This has been and is the practice followed in Sumatra and Malaya, where the output of these native holdings now bring lucrative returns to the owners.

According to estimates of the Rubber Association of America the world production of rubber in 1930 will be but 641,000 tons, as against an estimated consumption of 703,000 tons. A very considerable shortage, with a corresponding rise in prices, seems inevitable. The United States, as the principal consumer, will carry most of the burden. Present plantings will not relieve this situation—and possibly that of the years immediately succeeding—but they can, if systematically extended, prevent a perpetuation of the disastrous conditions which have resulted through America's failure to utilize the Philippines as a source of supply before its hand was forced.

If facts and figures mean anything, therefore, it is plain that this tying up of the great potential wealth of the Philippines for over a quarter century, has worked not only serious detriment to the Filipino peoples, but has resulted, and will yet result, in incalculable losses to the American people. However laudable the motives which may have inspired such policy, to further continue it in the light of existing conditions and experience would be unutterable folly.

As heretofore noted, the unanimous findings of the Interstate and Foreign Commerce Committee of the House, and the universal testimony of men whose judgment is entitled to weight, indicate that the American people are becoming more and more dependent upon foreign and competitor nations for essential tropical food products and raw material, with uncontrolled power in such countries to impose exorbitant if not prohibitive prices therefor. It is further found that the only certain method of warding off this growing menace to the economic security of the United States is to develop an independent source of supply under our own flag and under our own control. To meet this requirement the American people own in the Philippines some 63,000,000 acres of unoccupied and undeveloped public domain of the United States, suitable in every way for the growing of practically every tropical product known to commerce, and capable, if properly utilized, of largely supplying American needs for an indefinite future.

These 63,000,000 acres of public domain constitute 80 per cent of the total land area of the Philippines, and aside from being property of the American people there is little or no prospect of their utilization or development by Filipinos—certainly not within any such time as would furnish appreciable relief to our people and industries.

Failure on the part of our Government to encourage and make possible a development of these great areas may, and likely will, result in increased expenditures and other losses to the United States and its citizens running into billions of dollars. The security and welfare of 112,000,000 Americans and 11,000,000 Filipinos require that these lands owned by them be utilized and made productive. The interests of the two peoples in this regard are not in conflict, inasmuch as a development of Philippine resources would profit the Filipinos even more than it would the American people. Governor General Wood when recently asked whether the interests of the United States in the Philippines should take preference over those of the Filipinos replied that such choice was, fortunately, unnecessary, as any advantages which might accrue to the United States through utilizing the economic resources of the Philippines would accrue doubly to the Filipino peoples.

As we have seen, less than 12 per cent of the land area of the Philippines is now under cultivation, and less than 20 per cent is privately owned. In making it possible to utilize portions of the remaining 80 per cent no fear need be felt that the rights and interests of the Filipinos would be sacrificed. The United States can be relied upon to do them justice in the future.

To those who have imagined, or been led to believe, that some sort of imposition is being worked upon the Filipino peoples, a brief summary of the advantages which have accrued to them, and which they now enjoy under American sovereignty, may prove useful. These benefits include, among other things, our backing of their currency system, credit for bond issues, Chinese exclusion, protection of the United States Army and Navy, service and protection of American diplomatic and consular officers, free entry of island products to the United States, preservation of internal order, security from foreign aggression, and unrestricted access of Filipinos of all classes to the United States and its territories. All revenues collected in the islands are spent for the use and benefit of the Philippine people; not only this, but duties on Philippine imports entering the United States between 1902 and 1909—when 75 per cent of regular tariff rates applied—amounting to $3,650,000, were covered back into the Philippine treasury. Subsequent to 1909 all internal revenue taxes collected in the United States on Philippine products, aggregating $7,737,129, have also been turned into the insular treasury as a gift of the American people.

No contribution whatsoever is made by Filipinos to the United States Treasury for services rendered them. During the late war the Philippine people, secure in the might and power of the United States, pursued their course unmolested and unafraid and reaped rich profits from the prevailing high prices of island products. They bear no portion, however, of the tremendous burden in debt and taxes imposed upon the American people because of the part taken by the United States in that struggle.

The following schedule shows roughly the annual profits accruing to the Filipinos from American sovereignty, besides the right—enjoyed by no other Asiatics—of unhampered entry into the United States:

Saving of duty through free entry of Philippine products into the United States	$38,000,000
Pay and allowances of Philippine Scouts, now a charge against the United States	2,000,000
Other costs of Army, Navy, and fortifications	10,000,000
Filipinos in United States employ, pay and allowances	2,000,000
Earnings of Filipinos in United States and Hawaii, above what they could earn at home (26,000 at $100 each)	2,600,000
Proceeds of United States internal revenue	800,000
Value of exemptions from United States internal revenue	1,000,000
Value of exemption of bonds from income tax	300,000
Value of implied guarantee of bonds	2,700,000
Miscellaneous	600,000
Total	60,000,000

The aggregate of these savings and advantages to the Filipinos is greater by far than the total now collected in the Philippines through taxation. All such benefits would automatically terminate with American withdrawal, and with them would go the assured protection of a powerful Nation committed to the progress and well-being of the islands and their people.

Theodore Roosevelt, with his hold on realities, stated shortly before his death:

> The Mediterranean era died with the discovery of America; the Atlantic era is now at the height of its development. The Pacific era, destined to be the greatest of all, is just at the dawn.

As long ago as 1852, the prophecy was made in the United States Senate, by that far-seeing statesman, William H. Seward that—

> the theater of events in the great hereafter will be upon the broad expanse of the Pacific Ocean.

One of the most startling developments of the past 25 years has been the tremendous increment in American trade with the Far East, i. e., with Asia and Oceania. Amounting to about 5 per cent of the total foreign commerce of the United States in 1900, it is now approximately 21 per cent of the total, with even greater promise for the future. Exports to the Far East in 1925 amounted to $668,000,000, and imports to $1,369,000,000, or a total of $2,037,000,000. For the first time in the history of the United States imports from the Orient and Oceania exceeded those from Europe.

Coupled with the Panama Canal, our great Western ports, and the Hawaiian Islands and Guam, the Philippines furnish an incomparable vantage point from which the United States can play a leading rôle in the stirring drama now staging in the far Pacific. The countries and peoples of Asia are in a state of ferment, and whether we will it or not the Philippines have ceased to be a purely local question, to be resolved in terms of granting or withholding independence. The problem of their disposition is now tied up with the whole Far Eastern situation, and involves international relations and consequences which can not be ignored. Unwise or hasty action might well loosen forces and create reactions which would menace not only the peace of the Orient but of the world.

In case the American people, therefore, inspired by a mistaken altruism, should renounce their property and rights in the Philippines and sacrifice the economic opportunities there offered, together with all the islands promise as a strategic outpost for oriental trade expansion, would such action profit the Filipinos or would we be simply playing into the hands of competitor nations and further riveting our dependence upon them?

Sparsely inhabited themselves, the Philippines lie within the shadow of the most thickly populated countries of the world. With an area of 115,000 square miles, the great bulk of which is cultivable, the Philippines have a population of less than 12,000,000.

The Japanese Empire, excluding Korea and Formosa, with area of but 140,778 square miles, less than 17 per cent of which is cultivable, has a population of 60,000,000, which at the present rate of increase, will approximate 100,000,000 in 30 years. Java, with area of 48,503 square miles, has a population of 38,000,000. Six of the coastal Provinces of China, with area of 363,220 square miles, being those most nearly adjacent to the Philippines, have an estimated population of 170,000,000. As against about 100 persons to the square mile in the Philippines, Japan has 426, Java 780, and the coastal Provinces of China 467. Within a radius of 3,500 miles of Manila lives half the population of the globe.

As a consequence of the advantages and protection afforded by American sovereignty, the Philippine peoples have become unfitted for their former primitive existence, or to meet on even terms the unrestricted competition of neighboring orientals with lower standards of living and who surpass them in stamina, industry, and business ability. An independent Philippines could not exclude Chinese and Japanese, citizens of "fellow Asiatic nations," whose multiplied, land-hungry millions would early flood the islands and avail of their great potential resources in food and other products. If left to their own resources and devices the easy-going Filipino-Malays would be utterly helpless to withstand the forces, economic and political, which would inevitably break upon them. They would very shortly go to the wall, with every likelihood of losing their very identity as a people.

Nothing can be gained by blinking the facts. For the United States to abandon the Filipinos to this untoward fate after creating in them a taste and a desire for the comforts, the privileges, and the opportunities of a forward-looking people would have been to make American occupation of the Philippines a curse rather than a blessing, and to render futile any sacrifices of our interests predicated upon the alleged welfare and happiness of their inhabitants.

NEW IMMIGRATION QUOTA

Mr. BOIES. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a reprint from the New York Evening World of May 6, 1926, an article on the new immigration quotas and remarks thereon.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by printing an article from the Evening New York World on the subject of immigration. Is there objection?

There was no objection.

Mr. BOIES. Mr. Speaker, under leave to extend my remarks I insert the following:

[Reprint from New York Evening World of May 6, 1926]

NEW IMMIGRATION QUOTAS

Under the operation of the immigration law more than half the immigrants eligible to admission next year will come from Great Britain and Ulster, giving nationals of those countries an increase over the present law of almost 150 per cent. The quota from the Irish Free State will be heavily reduced.

The alleged purpose of the new law is "to preserve the old colonial stock," most of which came from Great Britain and Northern or Protestant Ireland, and to accomplish this end, basing immigrant quotas upon "national origin," the framers of the law have gone to the censuses of 1890 and 1910.

Even so, the table prepared by John B. Trevor, an expert on population, contains surprises that may astonish even the framers of the bill. Thus Italy will have an increase. Sweden a decrease of almost 66⅔ per cent. Germany will have a reduction of 60 per cent, and Russia will have an increase of almost 100 per cent. This can hardly contribute much to the happiness of Mr. JOHNSON, the chairman of the Committee on Immigration.

The law is deliberately intended for discrimination, and, despite the extraordinary recourse to the censuses of 1890 and 1910, it does not appear, according to Mr. Trevor's table, to have worked out as hoped. The Scandinavian countries, Germany, France, Belgium, the Irish Free State, and Switzerland are reduced, and Great Britain, Ulster, Austria, Russia, and Italy are increased.

The one thing the framers of the law have apparently achieved is to give Great Britain and Ulster more than half the immigrants to be admitted.

IS SCANDINAVIAN IMMIGRATION TO BE STOPPED?

The settlement of this question to a certain extent rests with the American voters.

Under the immigration law now in effect the total annual quota for all countries will be reduced from 164,667 to 150,000, beginning July 1, 1927. However, it is not this comparatively insignificant reduction of the quota, but rather the impending distribution of same between the various nations, which has caused such a sensation, not to say consternation, in Scandinavian circles in America.

When the first quota law went into effect after the close of the World War, Sweden was allowed 20,042 immigrants per year, Norway, 12,202, and Denmark, 5,619. Under the present immigration law, 9,561 Swedish, 6,453 Norwegian, and 2,789 Danish immigrants are entitled to admission during the fiscal year, based on 2 per cent of the number of Scandinavians who in 1890 resided in the United States. There is absolutely no protest against this annual quota or against its distribution on the basis of 2 per cent of the United States census of

1890. But under section 11 of the immigration law the distribution of the annual quota of 150,000 immigrants, beginning July 1, 1927, will be made on the basis of so-called national origin—a very uncertain and, therefore, arbitrary method, which, according to statistics, will reduce Sweden's quota to 3,072, Norway's to 2,053, and Denmark's to 945 per annum.

An analysis of this new quota distribution will show that the present quota of the Scandinavian countries will be reduced by about 65 per cent, or about two-thirds, while England's quota simultaneously will be increased 150 per cent and Russia's nearly doubled.

The following comparison between the present quota distribution, based on the census of 1890, and the new one, based on "national origin" and to become effective July 1, 1927, if this clause is not annulled by Congress, is illustrative:

	Present quota (1926) based on census of 1890	Estimated quota from July 1, 1927, based on national origin	Gain
NATIONS GAINING			
Great Britain and North of Ireland	34,007	85,135	51,128
Austria and Hungary	1,258	3,692	2,434
Italy	3,845	5,716	1,871
Russia	2,248	4,002	1,754
Total gain			57,187
NATIONS LOSING			
Sweden	9,561	3,072	[1] 6,489
Norway	6,453	2,053	[1] 4,400
Denmark	2,789	945	[1] 1,844
Germany	51,227	20,028	[1] 31,119
Irish Free State	28,567	8,330	[1] 20,237
Total loss			64,089

[1] Loss.

These figures show that Sweden, Norway, Denmark, Germany, and the Irish Free State will lose annually two-thirds of their present quotas in favor of England, Hungary, Austria, Russia, and Italy.

This is a direct appeal to the voters of Scandinavian descent to urge their Senators and Congressmen to vote for the retention of the present quota distribution. A written or personal request to our representatives in Congress now during their vacation time and before the elections this year may help bring about the desired result.

The Scandinavian voters also have a strong ally in the head of the United States Immigration Department. The United States Commissioner of Immigration recommends strongly in his annual report, of June, 1925, that the present quota distribution be continued and the new one rescinded, and he closes his recommendation with the following words: "The Immigration Department is of the opinion that the proposed change will lead to great confusion and result in complexities, and accordingly it is recommended that the pertinent portions of section 11, providing for this revision of the quotas as they now stand, be rescinded."

If the commissioner general's recommendation is not supported by the voters themselves, through their representatives in Congress, and if that portion of section 11 pertaining to the distribution of the quotas on the basis of national origin is not rescinded, then the immigration from the Scandinavian countries will dwindle from a total of 18,803 to 6,070 per year, or from 1,567 to 506 per month. Five hundred and six immigrants from Scandinavia per month, distributed over the 48 States, is such an insignificant number that Congress might just as well have forbidden all immigration from the Scandinavian countries. The result will be that American citizens of Scandinavian extraction will not be able to get relatives or friends over to this country except after years of waiting, and all our various institutions—societies, churches, schools, homes for the aged and for children—all that Scandinavian-Americans from the earliest times to this day have built up at great sacrifice, will crumble and slowly but surely die.

Citizens of Scandinavian birth should endeavor to have this new quota distribution annulled, unless they believe that the Scandinavian settlers, who together with the German pioneers in the western country have placed star after star in the American flag, are less useful and less desirable as prospective citizens than the Russians, Italians, and English, and find it just and proper that the lawmakers have made these latter nations a gift of about 60,000 immigration permits taken from the Scandinavian countries and Germany.

They, therefore, who do not wish to have their Scandinavian relatives and friends practically debarred from entering the United States, beginning July 1, 1927, should appeal to their Senators and Congressmen to actively support the recommendation of the Commissioner General of Immigration that the present quota distribution, based on the census of 1890, be retained, and that the new quota distribution, based on "national origin," be annulled.

MARYLAND AND THE PUBLIC BUILDINGS ACT—THE NEW APPRAISERS' STORES BUILDING IN BALTIMORE, $1,150,000—A NEW POST OFFICE FOR BALTIMORE, $4,237,000

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, the public building act has provided a proper method for the orderly building of necessary Federal public buildings throughout the United States. The public building act has reversed the old "pork-barrel" type of legislation, in which an unnecessarily fine post office was built in a town for which it was too big and by which an unnecessarily small customhouse was furnished in a city which needed enormously greater facilities. Under the new public building act the Treasury Department and the Post Office Department will provide public buildings in the same way that the Civil Service Commission provides for the personnel of the Government service, on a strictly nonpolitical basis.

There are two buildings in which Baltimore city is particularly interested. One is a very necessary new appraisers' stores in connection with the customs service in Baltimore. The imports through Baltimore have increased so enormously that this is absolutely essential. We also need a new post-office building in Baltimore, to meet the extremely great need of our Postal Service.

In the Sixty-eighth Congress I introduced a bill to provide an appraisers' stores building in Baltimore to cost not more than $1,150,000. The Treasury Department recommended this building, but, because of the proposal to have a public building act, it was not acted on by that Congress. On the first day of this Congress I reintroduced this bill, which is as follows:

A bill providing for the purchase of land for and the improvement of the appraisers' stores building in Baltimore, Md.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to acquire by purchase, condemnation, or otherwise, such additional land adjoining on the east the present site of the appraisers' stores at Baltimore, Md., as he may deem necessary, and to cause the building thereon to be wholly or partially demolished and rebuilt, enlarged, and improved for the better accommodation of the appraiser, and of other Government offices in said city, at a total cost not to exceed $1,150,000, including such new mechanical equipment as may be necessary in the appraisers' stores building; also all necessary changes in, extension of, or additions and repairs to the present mechanical equipment in the customhouse building, which may be incident to the enlarging, remodeling, extension, and repairs of the appraisers' stores, with which it is connected. The annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs to, or equipment of, such buildings, grounds, approaches, and mechanical equipment of such buildings. The provisions of law requiring 40 feet open space for fire protection shall not be applicable to such building as extended; or, in lieu of the foregoing, that the Secretary of the Treasury be, and he is hereby, further authorized and empowered in his discretion, to acquire by purchase, condemnation, or otherwise a suitable site and erect thereon a building, including fireproof vaults, elevators, mechanical equipment, and approaches, complete, for the use and accommodation of the appraisers' stores and other Government offices in said city at a limit of cost of $1,150,000.

In reference to the above building, after the passage of the public buildings act, I took up the matter with the Assistant Secretary of the Treasury in charge of such matters. I have to-day received from him the following encouraging response:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, June 23, 1926.

MY DEAR CONGRESSMAN: I have your letter of June 22, 1926, and two copies of H. R. 26, both in reference to the appraisers' stores building in Baltimore, Md., and in response to your request that the project be included in the next recommendation for appropriations under the public buildings act, permit me to advise you that the Treasury will give full consideration to the facts set forth by you in this connection.

On referring to the department's file on the appraisers' stores building, I find that the Office of the Supervising Architect is fully cognizant of the need there for additional space and that the situation, from descriptions contained in several reports on file, warrant the inclusion of the appraisers' stores building in the general survey which will be initiated as soon as funds become available.

It is expected that a comprehensive survey of public-building conditions will provide the Secretary of the Treasury and the Postmaster General with adequate data upon which to base their conclusions as to

the communities to be included, and a classification will be established based on such elements as will determine the respective merits and needs of the communities surveyed.

I appreciate your interest in this matter and hope that a general survey of the needs in the State of Maryland will show the appraisers' stores project to be an outstanding case and deserving of early action.

Sincerely yours,

C. S. DEWEY,
Assistant Secretary of the Treasury.

In reference to a new post-office building in Baltimore, I introduced a bill for this purpose in the Sixty-seventh, Sixty-eighth, and again in the Sixty-ninth Congress. The one introduced in this Congress is as follows:

A bill to provide for the erection of a new post-office building at Baltimore, Md., and for other related purposes

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire a site for a new post-office building at Baltimore, Md., and to erect thereon a suitable and commodious building for postal purposes.

SEC. 2. The Secretary of the Treasury is hereby authorized to enter into contracts for the construction and furnishing of said building, and there is hereby appropriated, out of moneys not otherwise appropriated, a sum not to exceed $4,237,000.

I took up the matter of the Baltimore post office with the Post Office Department, and I have every confidence that the needs of Baltimore in this respect will be taken care of in the near future under the general post-office building program to be approved under the public building act.

REVIEW OF CONGRESSIONAL SERVICE, SIXTY-NINTH CONGRESS, FIRST SESSION

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HASTINGS. Mr. Speaker, we have reached another milestone in the legislative history of the Nation. Congress will adjourn on July 3, 1926. Much important legislation has been considered and enacted. I greatly appreciate both the privilege and responsibility of representing the people of one of the splendid districts of Oklahoma. I desire to briefly review some of my efforts in their behalf and submit the same to their judgment and, as I hope, for their approval. To properly represent my district, attention must of necessity be given to the consideration of much local legislation and many departmental matters not required of Members of Congress from many of the other States. We have 33 Indian tribes in Oklahoma, and about one-third of the Indians of the United States live within our State.

I have given special consideration to the matters peculiarly affecting Oklahoma, and through speeches and correspondence and the press I am sure that the people of my district are familiar with the efforts I have made in their behalf and the attention I have given to correspondence, to departmental work, to local legislation, as well as the larger questions affecting the people of the Nation as a whole.

Our State is new, rich in natural resources, with its citizenship drawn from every State in the Union. I have done everything possible during the present session to encourage and further its development.

TAX REDUCTION LEGISLATION

One of the first subjects to engage the attention of Congress was tax reduction legislation.

The revenues collected and the payment of some of the interest and part of the principal due on our foreign debts were in excess of our expenditures and justified the reduction of the taxes. The money absolutely necessary to maintain the Government with rigid economy should be collected from the people, taking into consideration their wealth and their ability to pay. With this in view, I favor a graduated income tax, in the first place granting liberal exemptions to the man of small wealth and beginning with a lower tax upon the man of moderate income and exacting a larger per cent upon the larger incomes.

I voted for the tax-reduction bill and I made a speech for it during its consideration in the House, outlining my views on the principles of taxation. I voted to increase the exemptions in the income tax of from $1,000 to $1,500 on single persons and from $2,500 to $3,500 on the heads of families, and to repeal most of the excise or so-called nuisance and stamp taxes. I supported an amendment to graduate the tax on incomes in excess of $100,000. If the theory of a graduate income tax is sound, there can be no good reason why incomes in excess of $100,000 should not contribute a larger share of their profits to the support of the Government.

ECONOMY IN PUBLIC EXPENDITURES

One of the most important subjects before the people of the country to-day is the most rigid economy in all public expenditures, local, State, and Federal. A large part of the taxes, of course, are local. Comparatively few people pay any direct Federal taxes. Everyone, of course, pays a tariff tax.

The best way to reduce taxes is to reduce expenditures. I have consistently voted against all unnecessary tax burdens upon the people. I have favored appropriations for productive purposes that yield returns, such as agriculture, rural mail service, roads, and for like purposes, which I regard as investments; whereas I regard the excessive appropriations for the Army and Navy and for like purposes as nonproductive, and they should be closely scrutinized and reduced to the minimum.

The total expenditures of the Government during the first 15 months of Washington's administration amounted to $4,269,027. The appropriations for the coming fiscal year will aggregate $4,408,898,182.94. In other words, we spend a thousand times as much for the expenses of the Federal Government now as during Washington's administration.

The appropriations for the coming fiscal year for agriculture is $45,424,573, not including, of course, the $82,500,000 appropriated as Federal aid to roads, which will aggregate $127,924,573.

An additional authorization was passed which will add to the cost of the airplane service. The other appropriations for the coming fiscal year are as follows:

For the Interior Department	$226,332,918.00
Treasury and Post Office Departments	868,281,501.63
Navy Department	319,650,075.00
Agricultural Department	127,924,573.00
First deficiency, 1926	426,298,681.19
War Department	342,609,611.16
Independent offices	512,928,376.64
State, Justice, Commerce, and Labor Departments	79,963,851.90
District of Columbia	33,918,571.00
Legislative establishment	16,437,327.20
Second deficiency appropriation bill for 1926	50,822,696.22
Pension deficiency appropriation bill	10,730,000.00

To this amount should be added $1,393,000,000, estimated permanent and indefinite appropriations for interest on the public debt, sinking fund, and other miscellaneous, permanent, and fixed purposes. In addition to these direct appropriations other expenditures have been authorized in large sums, aggregating about one-half million dollars, for which Congress is obligated to make future appropriations.

I opposed and voted against the appropriation of $11,500,000 to take over the Cape Cod Canal project, which is only the beginning of the expenditure which is estimated to cost the Government $75,000,000, and other objectionable projects.

FOREIGN DEBT SETTLEMENTS

During the war we authorized loans to foreign governments in large sums. We pledged the people that these amounts should be collected in full. I voted against all settlements with foreign governments which canceled or remitted any part of them, principal or interest. I made an extended speech against the Italian debt settlement, which calculated on a 4¼ per cent interest basis, canceled $3,413,874,500. I also made a speech against and vigorously protested the French debt settlement which based on a 4¼ per cent interest basis, the amount of interest we pay on Liberty bonds, we lost or canceled or remitted $4,527,225,895.83.

On the settlements with the 13 foreign governments, calculated on a 4¼ per cent interest basis, we lost $10,705,618,006.90, and as compared with the British settlement (3–3½ per cent interest) we lost $5,675,494,006.10.

The following table shows: (1) countries which have funded debts, (2) date of agreement, (3) amount of funded principal, (4) interest to be received, (5) total to be received including both principal and interest, (6) total that would be received if settlement had been on British basis (3–3½ per cent basis), (7) total that would be received calculated on a 4¼ per cent interest basis, (8) total canceled on 4¼ per cent interest basis, and (9) the bottom line shows (a) the aggregate amount we are to receive from all 13 countries with which settlements have been made, principal and interest, being the sum of $22,143,539,993.10, (b) the amount we should have received based on the British settlement (3–3½ per cent interest basis, being $27,819,134,000, (c) and on a 4¼ per cent interest basis, the amount of interest which our Government pays on its Liberty bonds sold to the people, the proceeds of which were loaned to the foreign governments, we should have received $32,849,158,000, (d) and that we therefore lose on a 4¼ per cent interest basis the sum of $10,705,618,006.90:

Countries	Date of agreement	Funded principal	Interest to be received	Total	Total that would be received on British basis (3–3½ per cent interest basis)	Total that would be received on 4¼ per cent interest basis	Total canceled on a 4¼ per cent interest basis
Belgium	Aug. 18, 1925	$417,780,000.00	$310,050,500.00	$727,830,500.00	$1,041,597,000	$1,191,052,000	$463,221,500.00
Czechoslovakia	Oct. 13, 1925	115,000,000.00	[1] 197,811,433.88	312,811,433.88	252,890,000	327,854,000	15,042,566.12
Esthonia	Oct. 28, 1925	13,830,000.00	19,501,140.00	33,331,140.00	[1] 33,331,000	39,428,000	6,096,860.00
Finland	May 1, 1923	9,000,000.00	12,695,055.00	21,695,055.00	[1] 21,695,000	25,658,000	3,962,945.00
France	Apr. 29, 1926	4,025,000,000.00	2,822,674,104.17	6,847,674,104.17	9,708,825,000	11,474,900,000	4,627,225,895.83
Great Britain	June 19, 1923	4,600,000,000.00	6,505,965,000.00	11,105,965,000.00	[1] 11,105,965,000	13,114,172,000	2,008,207,000.00
Hungary	Apr. 25, 1924	1,939,000.00	2,754,240.00	4,693,240.00	[1] 4,693,000	5,538,000	834,760.00
Italy	Nov. 14, 1925	2,042,000,000.00	365,677,500.00	2,407,677,500.00	4,923,820,000	5,821,552,000	3,413,874,500.00
Latvia	Sept. 24, 1925	5,775,000.00	8,183,635.00	13,958,635.00	[1] 13,959,000	16,464,000	2,505,365.00
Lithuania	Sept. 22, 1924	6,030,000.00	8,501,940.00	14,531,940.00	[1] 14,532,000	17,191,000	2,659,060.00
Poland	Nov. 14, 1924	178,560,000.00	257,127,550.00	435,687,550.00	[1]435,688,000	509,058,000	73,360,450.00
Rumania	Dec. 4, 1924	44,590,000.00	[1] 77,916,260.00	122,506,260.05	107,488,000	127,122,000	4,615,739.95
Yugoslavia	May 3, 1926	62,850,000.00	32,327,635.00	95,177,635.00	154,651,000	179,179,000	84,001,365.00
Total		11,522,354,000.00	10,621,185,993.10	22,143,539,993.10	27,819,134,000	32,849,158,000	10,705,618,006.90

[1] Settlement made on British basis.

AGRICULTURE: EFFORTS AT FARM LEGISLATION

The farmers of the country, and particularly those in the West and Southwest, are in a depressed condition, and should be favored with sympathetic and helpful legislation. They have lost $13,000,000,000 in the past five years in exchange values of farm products and $17,000,000,000 in shrinkage of farm values. The purchasing power of their dollar in exchange value has declined to 60.3 cents. Cotton is below cost of production. They pay excessive freight rates, and, being a consuming class, pay excessive tolls to the eastern manufacturers. Almost half of the entire population in the United States is dependent upon the farmer, and the remainder are directly interested in the prosperity of the farmer, because the proceeds from his products go into the channels of trade and affect the business upon which the prosperity of so many depend, and finally all are dependent upon them for their food supply.

I was born and reared upon a farm. I own much farm land, and it is the principal industry of my constituents. While not a member of the Committee on Agriculture, I kept in touch with the bills pending before that committee and joined in every effort to secure beneficial legislation for the farmers at the present session. I made an extended speech in which I invited attention to the farmers' problems and urged the enactment of farm remedial legislation. I called attention to the fact that farmers need financial assistance. They need lower freight rates. They need a reduction of the tariff so that they will not be compelled to pay such high prices for everything they buy. They need assistance, particularly in the control and marketing of their surplus products, so that they will not be dumped upon a depressed market and thereby greatly reduce the local price. They need additional appropriations for Federal warehouses, and their cooperative associations should be sympathetically encouraged.

I favor the utilization of the plant at Muscle Shoals. Our Government during and since the war has spent large sums of money on it and it should be used in such a way as to compel the manufacture of the maximum quantity of fertilizer distributed to the farmers at a low cost to aid increased production.

During the consideration of the agricultural appropriation bill I supported increased authorizations for farm bulletins to supply information to farmers and for increased expenditures in combating all diseases of both plant and animal life.

FLOOD CONTROL

The Arkansas River traverses the eastern part of Oklahoma and its tributaries—the Illinois, Grand, Verdigris, Seminole, Canadian, Deep Fork, and others—drain practically every county in Oklahoma. We are deeply interested in the prevention of disastrous floods overflowing and rendering valueless great areas of land and at the same time destroying property aggregating in value exceedingly large sums.

We are making an effort to cooperate with the surrounding States and the Federal Government with the view of preventing these floods and protecting the property by impounding these waters at strategic points to be released for water power, irrigation, and navigation purposes. I have actively cooperated with those from the Western States and finally succeeded in securing an amendment to the rivers and harbors bill inserting the Arkansas River and its tributaries under a section authorizing a preliminary survey. This is only the first step toward the accomplishment of the larger purpose.

RURAL CREDITS

Upon my return to Congress during the present session I introduced a bill (H. R. 3860) as an amendment to section 15 of the act of Congress of 1916, authorizing the appointment of local agents to represent farm land banks in initiating and supervising loans to farmers in those localities where local associations have not been organized; or if organized, are not functioning properly.

I regard this as a very important amendment. It was approved by the members of the Farm Loan Board in a written report and in a hearng before a subcommittee of the Committee on Banking and Currency. It has been recommended by the presidents of all of the 12 farm land banks. It was strongly indorsed and favorable action urged.

Its enactment would greatly expedite action upon applications for loans, popularize the law, and enable loans to be made directly through agents having about the same power as the secretary-treasurer of a local loan association and about the same authority that an agent for a mortgage company has and will permit farmers to borrow money at from 5 to 6 per cent interest, payable upon the amortization plan, by adding 1 per cent interest applied to the reduction of the principal, which pays the principal in 36 years. This would enable the farmers to liquidate their present indebtedness and greatly assist tenant farmers in acquiring homes. Already under the 1916 law $1,228,869,639 has been loaned to farmers of the country.

I appeared before the subcommittee twice during the present session in support of this amendment. I made an extended speech on the floor of the House, emphasizing the importance of it. I was a member of the Banking and Currency Committee in 1916 and assisted in the preparation and the passage of the rural credits bill, approved July 17, 1916. This is a great piece of constructive legislation. I made an effort then to have this amendment adopted. In my judgment, with the adoption of this amendment the law would be made more workable and enable many more farmers to take advantage of its provisions.

ROAD LEGISLATION

Oklahoma was admitted to statehood on November 16, 1907. The eastern half was composed of lands formerly occupied by the Five Civilized Tribes. They had only recently been surveyed and allotted. Much of the lands were, and still are, nontaxable. The roads in this new country had not then been improved.

I took an active part in the enactment of the act of July 11, 1916, which was our first road legislation, and made a speech favoring it in the House. I have supported all subsequent appropriations for Federal aid to roads.

I introduced H. R. 4971, which provided that the "nontaxable Indian lands, individual and tribal," should be placed in the same class with the nontaxable unappropriated lands in the Western States. This bill finally became section 4 of the act of February 12, 1925, which is as follows:

SEC. 4. That section 11 of the Federal highway act approved November 9, 1921, as amended and approved by the acts of June 19, 1922, and June 30, 1923, is further amended by inserting after each place where the words "unappropriated public lands" occur, the words "and nontaxable Indian lands, individual and tribal."

It is very important to Oklahoma because of the large amount of nontaxable Indian lands and it authorizes the Government to pay a larger proportionate share of the cost of road construction.

I supported the bill, H. R. 9504, during the present session authorizing Federal aid for roads and for the coming two years, made a speech in favor of it, in which I included information showing the splendid progress Oklahoma was making in road building, the amount of money expended, and from what source derived.

RURAL MAIL

There is no service more important to the farmers than that of rural mail. This service was started in an experimental way in 1896. It has been extended to the remote parts of every county in the Nation. There are 45,397 rural-route carriers, and these and star-route carriers are depositing daily mail at the homes of the rural population.

This is a very important service. I have communicated with every postmaster and rural-mail carrier in my district, offering assistance and cooperation in bettering the mail facilities.

I voted for increased pay for postal employees and for the provision for the maintenance of equipment. As soon as the roads are in proper condition and the smaller streams bridged I hope to see rural routes so gridiron the second congressional district as to afford complete mail facilities to every rural community.

I have urged and supported increased appropriations for this service from year to year. The item in the post office appropriation bill for the coming fiscal year was increased from $88,350,000 to $105,600,000, of which amount $350,000 was made immediately available in order to install and expand all rural-mail routes favorably recommended. I have been active in installing village delivery in the smaller cities throughout my district.

SOLDIER LEGISLATION

I have always given sympathetic consideration to all legislation in the interest of ex-service men. I favored an extension of time for filing of their disability claims. I supported the provision making it conclusive that the contracting of tuberculosis within six years was of service origin.

I supported the provision two years ago authorizing an appropriation and an additional expenditure for hospitals throughout the country, which included the purchase of Hospital No. 90, at Muskogee, Okla. I assisted in securing an additional appropriation and aided in the negotiations for the purchase of the Municipal Hospital at Muskogee for the enlargement of the hospital previously purchased. This sale is will be made in a short time.
made in a short time.

Congress enacted some additional legislation during the present session making additional provision for hospitals, extending the time for conversion of insurance, and extending the time for vocational training, and liberalizing the law with reference to the filing of claims for compensation and other provisions in favor of ex-service men. It came up under a suspension of the rules when it could not be amended, nor could it be discussed in detail, and we were compelled to vote for it without change.

I supported the bill which liberalized the law and gave increased pensions to the Spanish-American War veterans. They had been discriminated against in all our pension legislation.

I have endeavored through an active correspondence and by personal calls to render every assistance to secure expeditious action upon all claims of ex-service men in my district, and many of them have been adjusted and compensation allowed.

There are many inequalities in the law that should be corrected by legislation, and I am sure that this will be done by Congress if an opportunity is given at the next session to discuss and amend legislation affecting ex-service men, not under suspension of the rules but under the general rules of the House, where the same may be amended and discussed in detail.

IMMIGRATION

During the consideration of the immigration bill two years ago I earnestly supported it and made a speech in favor of its enactment. The number of immigrants to be admitted was reduced to 161,184. In 1907, 1,285,349 immigrants were admitted. No person should be admitted who is not desirous of or capable of becoming a patriotic American citizen, obedient to our laws and loyal to our flag.

During the present session I supported amendments designed to strengthen the immigration laws and one that would expedite the deportation of those undesirable aliens guilty of violations of law amounting to a felony.

INDIAN LEGISLATION

The last Congress and the first session of this Congress have passed more Indian legislation than during the entire period of the past 25 years. Legislation of this character is beneficial to and greatly affects the people of Oklahoma because there are in all 33 tribes of Indians in the State.

a. JURISDICTIONAL BILLS

During the past Congress we passed H. R. 4457, which I introduced and reported, conferring jurisdiction upon the Court of Claims with the right of appeal to the Supreme Court of the United States to hear, determine, and adjudicate all claims which the Cherokee Tribe of Indians may have against the United States. I prepared, reported, and had passed H. R. 7913, known as the Creek jurisdictional bill. Similar bills were introduced by other members of the delegation for the Seminoles, the Choctaws and Chickasaws, the Delawares, the Wichitas and affiliated bands, the Ponca Indians, and many other tribes.

At the request of the attorneys employed to represent the tribes I introduced, and favorably reported House Joint Resolution 134, which was passed, permitting each of the Five Civilized Tribes to bring separate suits upon the various causes of action authorized to be brought under the jurisdictional bills so that any number of suits may now be brought without waiting until data are secured to include all causes of action in one petition. A suit under the Creek jurisdictional bill has been filed on behalf of the Creeks, also one on behalf of the Choctaws and Chickasaws, and other petitions are in course of preparation and will soon be filed and all of the claims of the Five Civilized Tribes may be finally adjudicated. There should be no objection to having an accounting rendered by the Government and suits tried in the Government's own courts with the right of appeal of either party to the Supreme Court of the United States.

b. APPROPRIATIONS FOR INDIAN SERVICE

The appropriation for the Indian Service is carried in the Interior Department appropriation bill and that for the superintendent for the Five Civilized Tribes is found in the lump sum appropriation of $850,000. In addition, $38,000 is provided for probate attorneys, $150,000 in aid of public schools in lieu of taxes not collected from nontaxable Indian lands, and $79,500 for the Sequoyah Orphan Training School, with the authority to convert the primary schoolroom building into a dormitory accommodating approximately 50 boys which will increase the capacity of the school to about 300. Additional appropriations were made for health work and many other bills of local importance were enacted.

c. CHOCTAW AND CHICKASAW PER CAPITA PAYMENTS AUTHORIZED

Congress, by an act of February 14, 1920, authorized the Secretary of the Interior to pay out such sums to the credit of the Choctaws and Chickasaws as were available for distribution annually without any additional legislation by Congress. The Secretary now has that authority.

I have repeatedly urged the sale of the coal deposits at public auction, after the same were advertised so as to secure the maximum price, and the money paid out per capita to the members of the tribe entitled thereto.

LEGISLATION TO QUIET TITLES

There was passed during the present Congress and approved on the 12th day of April, 1926, a bill commonly known as the bill to quiet titles to Indian lands among the Five Civilized Tribes, which I prepared and reported. It makes conclusive the jurisdiction of the county courts invoked by the full-blood heirs of deceased allottees in the approval of conveyances and will prevent much litigation as to these lands.

It puts into force the statute of limitation after a period of two years in all matters where restricted Indians are interested. It also provides for a notice and making the Government a party in all suits pending in State courts where restricted Indians are parties and making the final judgment binding on the Government. It will have the effect of quieting titles, prevent vexatious lawsuits, result in greater development, and as a consequence add value to lands in eastern Oklahoma.

CONSTITUTIONAL AMENDMENT

There is pending before the Judiciary Committee of the House a resolution (H. J. Res. 20) which I introduced proposing an amendment to the Constitution of the United States, permitting the President to veto any separate item of any appropriation bill passed by Congress. I made a speech upon a resolution of like tenor during my previous service in the House and corresponded with the governors of all of the States, and with one accord all of them recommended this amendment.

The necessity for the submission of this amendment grows out of the abuses of either holding up the consideration of appropriation bills in the Senate in the closing hours of Congress or forcing the acceptance of riders of doubtful merit. It would put an end to filibustering in the Senate to force such amendments on appropriation bills, because this amendment would give the President the power to veto any separate item.

Clearly this constitutional amendment is in the interest of economy. A similar provision is in most of the State constitutions recently adopted or revised. All of the governors commend it. No objections have been expressed to it in the House, except the reluctance to amend the Constitution.

RULES AMENDED

During my first years of service in Congress I found great difficulty in securing consideration of purely local bills after they had been favorably reported from the committees and were placed on the calendar.

It is not generally known and appreciated throughout the country that under the prior rules of the House there was no way to get consideration of a bill favorably reported from a committee except (1) by special rule, and this could never be secured with reference to local bills; (2) by call of the committee reporting the bill upon what is known as Calendar Wednesday, which may not be reached during the session; and (3) by placing the bill upon the Consent Calendar, subject to be stricken off upon the objection of a single Member of the House.

I prepared, introduced, and cooperated in having adopted an amendment to this rule requiring three objections upon the second call of the bill. This has worked a revolution in the House. It is the most important rule adopted in years. It has resulted in the House being able to secure consideration and action upon more local legislation than at any previous session. Everyone now approves the change in the rule.

SPEECHES

It is a physical impossibility for a Member to keep up with all the bills introduced and pending before Congress. He, of course, is expected to be familiar with those reported from the committees of which he is a member and every Member attempts to familiarize himself with bills of general importance throughout the entire Nation and with those which peculiarly affect his district and State. I promised my constituents that I would do this and I have tried to keep that pledge.

In addition to participating in general debates upon a large number of matters. I made a study of and made speeches on the floor of the House upon the following subjects:

1. Tax reduction legislation: (a) Views outlined on the principles of taxation; (b) increased exemptions on the small income-tax payers advocated and a collection of a larger percentage from those having the greater ability to pay.

2. Post office appropriation bill: Increase in the appropriation for rural mail service enlarged and importance of it emphasized.

3. Interior Department appropriation bill: (a) Items affecting the Indian Service and schools in Oklahoma analyzed; (b) expedition in the winding up of the affairs of the Five Civilized Tribes urged.

4. Foreign debt settlements: (a) Speech opposing Italian debt settlement showing the amount canceled to be $3,413,874,500; (b) speech opposing French debt settlement showing the loss to our Government of $4,627,225,895.83; (c) amount canceled in the 13 settlements, $10,705,618,006.90.

5. Tariff legislation: (a) No benefit to farmers; (b) Tariff Commission political football; (c) principles analyzed and discussed.

6. Civil service evaded and merit system disregarded: (a) Evils complained of in Texas by Congressman WURZBACH and in Mississippi by Congressman WILSON and others common in Oklahoma.

7. Speech in support of bill (H. R. 5406) urging surety bonds to protect all depositors.

8. Speech in support of an amendment (H. R. 3860) to rural credits bill providing for appointment of local agents for farm land banks.

9. Speech in support of increase of pensions for Spanish-American War veterans.

10. Speech in support of further Federal aid to roads: (a) Road building and road financing in Oklahoma explained; (b) nontaxable Indian lands considered in apportionment.

11. Speech analyzing and discussing in detail farm problems showing loss in exchange of farm values, shrinkage in value of farm properties, and the loss in individual farm products; remedies analyzed and discussed.

12. Speech in opposition to change of name of Sequoia National Park.

13. Speech urging generous and sympathetic legislation in behalf of ex-service men.

14. Many short speeches and remarks on various bills and pending amendments.

DEPARTMENTAL WORK AND CORRESPONDENCE

We invite attention to our familiarity with departmental work, and we have made an effort to give diligent attention to all departmental matters, attending to every detail, and I am sure everyone will be fair enough to agree that I have given prompt attention to all matters. Our rule is to answer every letter and telegram promptly the day it is received unless delay is occasioned in getting necessary information from or action by the departments. There are many requests and inquiries with reference to the approval and assignment of oil and gas leases forwarded to the department here, the removal of restrictions on Indian lands, the payment of accounts from restricted Indian funds, letters from ex-service men with reference to applications for compensation and hospitalization, applications for pensions and increase of pensions of soldiers of all wars, petitions for the establishment of rural mail routes, changes in routes and letters, petitions and telegrams with reference to innumerable bills introduced in Congress favoring proposed legislation, protesting against it or making some inquiry with reference to it.

NUMBER OF BILLS INTRODUCED

Attention is invited to the number of bills introduced, and in order that my constituents may know something of the number of bills pending in Congress with which a Member of Congress must keep in touch and familiarize himself, permit me to say there were introduced in the Senate during this session 4,549 bills and in the House 13,263 bills, and in addition to these a large number of resolutions. These are referred to appropriate committees and by them referred to the departments affected for report and later they are returned to the committees for consideration and report to their respective Houses and placed upon the calendar of the House. Each Member must make some examination and study of them and of the hearings and reports on the more important bills. Inquiries are made, however, of many bills introduced which have not at the time been reported upon by the committees.

COMMITTEE ASSIGNMENTS

I am a member of three committees: First, Committee on Indian Affairs; second, Committee on Education; and, third, Committee on Expenditures in the Post Office Department.

The first two of these committees hold many special as well as regular weekly meetings, and I have endeavored to attend every meeting of all committees and to take an active part in all matters coming before them for consideration, action, and report.

CONCLUSION

1. The record should be studied, and (2) the right of franchise exercised.

I have attempted to invite attention to and make this record of some of my activities during the present session of Congress peculiarly affecting the people of my district as well as the Nation as a whole for two reasons: First, because the people who commissioned me to represent them are entitled to know what their Representative has accomplished and his position on all public questions; and, second, in order to afford no opportunity for anyone to misstate my position on public questions. I have worked in entire harmony with the other members of the Oklahoma delegation in both the House and the Senate and have had their hearty cooperation, assistance, and active support.

I submit this work to the people of my district for their information and consideration, and with the confident hope that it will meet with their approval.

Every citizen of the Nation should carefully study the record of each Member of Congress in order to form a correct opinion as to his knowledge of conditions, his sympathy with the needs of the people, his ability, experience, and fitness to represent them, and should not fail or hesitate to exercise the right of franchise, both in the primary and general election. When every citizen—not 51 per cent of them—goes to the polls and votes for his best interests and that of his children, and not his prejudice, his views will be reflected in Congress.

PENSIONS

Mr. RUBEY. Mr. Speaker, I ask unanimous consent to proceed for four minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for four minutes. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Speaker, I am making this request for the purpose of getting some information. I am glad I have made it because of a report upon the passage of certain pension bills which has just come over from the Senate. On the 5th day of last April the Committee on Invalid Pensions reported a bill to this House providing for the increase of pensions of Civil War soldiers and their widows. Since that report was made and while it has been lying unacted upon, on the calendar, at least 10,000 veterans and widows of veterans have died. Now I want to know when we are going to take that measure up? And I want to say right here and now that I shall object to adjourning over any more Saturdays. Of course I realize the fact that the floor leader can make a motion to adjourn over, and that motion is usually carried, but it will not be carried without a roll call.

I think it is time for us to take up that bill and pass it, and I shall not only object to-day, but shall demand a roll call if the motion is made to adjourn over this coming Saturday.

Mr. HASTINGS. Mr. Speaker, if the gentleman has time will he state what are the principal features of it? What is the increase?

Mr. RUBEY. It gives to all the old soldiers $72 a month.

Mr. CHALMERS. No; $65.

Mr. RUBEY. And to widows, $50. The soldiers get $65, and when they get $72 now, in the new law they get $90.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. KINDRED. The gentleman is more or less a parliamentarian, and——

Mr. RUBEY. Very much less, so far as being a parliamentarian.

Mr. KINDRED. Does the gentleman believe there will be any opportunity to amend the pending measure either on the floor of the Senate or in conference with regard to taking care of 5,000 war veterans who are suffering from spinal-cord diseases which are alleged to have been caused by their own willful misconduct and who are now helpless dependents?

Mr. RUBEY. I am not informed as to the situation in those cases.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. BEGG. I have several letters—originals, not copies—that the gentleman wrote out to various people concerning the Spanish-American War veterans' bill, saying that the Republicans were not going to pass that legislation. The gentleman said that the Republicans would not pass it. However, it was passed. Why not write such letters now?

Mr. RUBEY. If I should write a letter to the other end of the Avenue and get an affirmative response I would know that the legislation I am talking about now would be enacted.

Mr. BEGG. The gentleman ought to be calm and not worry, and write out more letters, and tell what the Republicans are not going to do, and stir them up in that way.

Mr. RUBEY. I want to stir you gentlemen up now. I want to get this legislation. I want it enacted at once.

Mr. BEGG. Does the gentleman think that his letters were the reason why the Spanish-American War veterans' bill was passed?

Mr. RUBEY. Well, those few letters might have had some effect upon the gentleman from Ohio and perhaps upon some others.

Mr. BEGG. Possibly they did.

FREDERICK A. FENNING

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I wish to call the attention of the House to a very significant comment contained in the Evening Star of yesterday, to the effect that Justice Frederick L. Siddons, of the District Supreme Court, had resigned as chairman of the Commission on Public Welfare Legislation, a commission whose functions seem to be to influence Congress in the passage of certain legislative measures. I call your attention to this in connection with an obiter dictum statement of the same justice a few days ago in the case of Adolph Adler, an insane World War veteran, of whom Frederick A. Fenning was guardian, in which this same Justice Siddons went out of his way to say that there was no fraud shown to have been committed on the part of Mr. Fenning.

Mr. Speaker, I have the highest regard for the courts of this country. I can think of nothing more disastrous to the American people than for them to lose confidence in the judiciary.

But I submit, in all frankness, that that very connection disqualifies Justice Siddons from passing upon a single one of these cases, in which an attempt will be made to recover back to these unfortunate boys the money that has been unjustly taken from them. He ought to rescue himself, because his resignation shows that he held this position of high honor under the Commissioners of the District of Columbia.

In going out of his way, this same Justice Siddons says that in taking commissions on premiums on bonds, which Mr. Fenning is now returning, there was no evidence shown of fraud, or words to that effect. He has admitted the unlawful taking by the returning of those commissions.

Let me read you section 841 of the District Code of the District of Columbia, and permit me to say to you now that I know not what is behind these statements in the newspapers about an attempt to whitewash this matter, but, so far as I am concerned, what little influence I shall have in this body will be exerted to the limit to prevent the adjournment of Congress until this matter is cleaned up. [Applause.] Listen: Section 841 of the District Code reads as follows:

> Any executor, administrator, guardian, trustee, receiver, collector, or other officer into whose possession money, securities, or other property of the property or estate of any other person may come by virtue of his own office or employment who shall fraudulently convert or appropriate the same to his own use shall forfeit all right or claim to any commissions, costs, and charges thereon, and shall be deemed guilty of embezzlement of the entire amount or value of the money or other property so coming into his possession and converted or appropriated to his own use, and shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding 10 years, or both.

Mr. WINTER. Will the gentleman yield?

Mr. RANKIN. I have only five minutes.

Mr. WINTER. I just wanted to inquire what is the object of the gentleman's statement at this time?

Mr. RANKIN. My object is to impress upon the Congress of the United States what I have just stated, and to answer the insidious propaganda that has been going around in defense of this man Fenning, in order that we may reflect here the will of the American people in taking care of these insane, disabled World War veterans who have been plundered under the very dome of this Capitol. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for two additional minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. RANKIN. May I say, Mr. Speaker, that when a man, a lawyer, if you please, such as Fenning, at the very bar where that statute prevails, confesses that he has converted to his own use money of his wards' estates, he is estopped from coming into court and saying that he did not know the law, any obiter dictum statement of a judge to the contrary notwithstanding.

Every dollar in commission which this man has taken from any estate in which he collected a portion of the premium on the bond as a commission for himself—every dollar of those commissions allowed by the court should be returned to these boys. This thing is not going to be swept aside by any obiter dictum [illegible] by the way saying of any judge, but when these boys are [illegible]y deprived of the $100,000 or more that has been taken [illegible]om them for practically no services rendered, it will be done by a decision of the court of last resort. The members of the Supreme Court of the District of Columbia ought to take these cases up now and start proceedings to recover back to the estates of these boys these thousands and thousands of dollars in commissions that have been taken, along with those commissions on premiums on the bonds. [Applause.]

Mr. HERSEY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Maine asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HERSEY. Mr. Speaker, I do not rise to answer the denunciations of Judge Siddons and Commissioner Fenning made by the gentleman from Mississippi, who preceded me. I rise for the purpose of calling the attention of the House to certain proceedings taken in the Fenning case in order that we may proceed in a sane and judicial manner with our business.

This House has heard much during the present session about Commissioner Fenning upon the floor of this House by ex parte statement from those who have been interested in prosecuting him or persecuting him. At the close of a great many charges made upon the floor of this House, and long hours taken in statements without evidence against Commissioner Fenning, with no one to answer for him in his own defense, and after certain committees had partially examined into this matter, there came before this House 34 articles of impeachment made by the gentleman from Texas [Mr. BLANTON]. Those impeachment articles went before the Judiciary Committee of this House. We have spent weeks in taking evidence upon those impeachment articles. We are now engaged in executive session at the close of the hearings, hearings which contain almost 1,100 pages of closely printed evidence. We are making up our report for this House, and while we are so considering that report the gentleman from Mississippi has found it necessary this morning, on the floor of this House, to denounce a judge who stands high in this city and to insinuate that the Judiciary Committee is going to whitewash Fenning.

Mr. RANKIN. The gentleman is mistaken about that. I said that is what had been carried in the newspapers as to a whitewash. I did not insinuate that the committee was going to whitewash anybody.

Mr. HERSEY. Well, the gentleman called the attention of the House to some newspaper articles and what they said about this matter in connection with a whitewash of Fenning. I say the matter is not properly before this House. This House should keep their minds in the attitude of jurors—calm and quiet and unprejudiced—and nothing should be said about this matter in the House while it is in the hands of the proper committee. We will make our report, and when we do, it will then be time to discuss the matter. [Applause.]

Mr. RANKIN. I want to know whether it is a fact that that committee does not intend to make a report until next Thursday, when, as a matter of fact, there is a resolution before the Ways and Means Committee to adjourn this House on next Wednesday?

Mr. HERSEY. The gentleman will get no information from me as to what that committee will do. When we are ready to make our report we will make our report, and our report will deal fully with this case. Until that time any discussion of it is improper, and I am not going to discuss it.

Mr. RANKIN. Is it not a fact that you have no date set for a meeting for a week yet, or until next Wednesday or Thursday?

Mr. HERSEY. You are not going to get any information from me as to what my committee will do or what it will not do. We are in executive session and not in public session, and I think it is most improper for the gentleman from Mississippi to bring this matter before the House now or to discuss any part of the evidence before my committee. [Applause.]

POSTAGE RATES ON HOTEL-ROOM KEYS AND TAGS

Mr. KELLY. Mr. Speaker, I call up conference report on the bill (H. R. 92) fixing postage rates on hotel-room keys and tags and ask for its present consideration.

The Clerk read the conference report, as follows:

Following is the conference report:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 92) fixing postage rates on hotel-room keys and tags having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1 and to the title.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 1, line 6, after "hotel," insert "or steamship," and in line 5, after the word "explicit," insert the words "post-office address and"; and the Senate agree to the same.

M. CLYDE KELLY,
THOS. M. BELL,
Managers on the part of the House.

JESSE H. METCALF,
PARK TRAMMELL,
Managers on the part of the Senate.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield for a question?

Mr. KELLY. I yield.

Mr. TREADWAY. I would like to ask the gentleman from Pennsylvania the nature of the amendments that have been agreed to in conference differing from the original provisions of the bill as passed through the House.

Mr. KELLY. Mr. Speaker, the original bill passed by the House provided for special postage rates on hotel-room keys. The Senate added to hotel-room keys, steamship-room keys, but without providing that the post-office address should be contained on the tag. The amendment of the conferees is to make explicit the proposition that steamship-room tags must have the post-office address.

Mr. TREADWAY. Mr. Speaker, may I further ask if this is not the first time, so far as postal payments are concerned, that there has been an amendment of the law under which postage can be collected, the key being deposited, as I understand the phraseology of the bill, without the payment of any postage whatever and the amount due being collected from the hotel or steamship company upon the delivery of the key.

Mr. KELLY. Mr. Speaker, the passage of this bill will mean that the only class of mail matter that can be deposited without prepayment of postage will be hotel-room keys and steamship-room keys; that is true, as the gentleman has stated.

Mr. TREADWAY. Mr. Speaker, I think the bill is a very commendable one, and I trust the conference report will be accepted. [Laughter and applause.]

The conference report was agreed to.

LAST WILL AND TESTAMENT OF GEORGE WASHINGTON

Mr. BEERS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 31

Resolved by the House of Representatives (the Senate concurring), That there shall be printed, with illustrations, 10,000 additional copies of Senate Document No. 86, Sixty-second Congress, first session, entitled "Last Will and Testament of George Washington," of which 7,000 copies shall be for the use of the House of Representatives and 3,000 copies for the use of the United States Senate.

The resolution was agreed to.

NORTH DAKOTA MEMORIAL STONE IN THE WASHINGTON MONUMENT

Mr. BEERS. Mr. Speaker, I offer another privileged resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Pennsylvania offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 263

Resolved, That the exercises at the dedication of the North Dakota memorial stone in the Washington Monument, April 20, 1926, at 3 o'clock p. m., be printed, with illustrations, as a House document.

The resolution was agreed to.

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Oregon [Mr. HAWLEY].

THE FARMER, THE TARIFF, AND THE PUBLIC

Mr. HAWLEY. Mr. Speaker, at the time when the former thirteen Colonies in America were organized into a nation and a fundamental law was devised, the prevailing form of government, monarchial in character, was set aside and a new system was adopted—that of a government by the people for themselves.

Having set a political standard of a new kind, far above those of existing nations, they began to establish other standards on a corresponding plane, including economic independence and standards of living. Since the citizens had supplanted the monarch in the control of government, every citizen shared in the sovereign power. This was at that time an experiment in government, and economic independence was essential to its success. The country must become self-contained and its people self-supporting, dependent upon no other country for the essentials of life.

They set out on what was and is the great political adventure of the world. Its success has far exceeded the fondest expectations of its founders and utterly confounded the prognostications of its opponents in other countries who freely predicted its fall. In invention, in enterprise, in manufacture, in labor, in agriculture, in wealth, in all material progress, in standards of living, in opportunity, in mental and spiritual development, in efficiency, ability, and character our country and our people are unsurpassed, and I think I can safely say, also unequaled. Separated from the rest of the world by oceans, our country was a land apart. Washington and his advisers had the inspiration to make it economically independent that no foreign domination of any kind, political or economic, could interfere with the fulfillment of its destiny.

ECONOMIC INDEPENDENCE ESSENTIAL TO NATIONAL INDEPENDENCE

What is political independence? That a people be self-governing. What is economic independence? That a people be self-contained. Had the Revolution ended when political independence alone had been secured the result would have been partial. So those men who organized political independence in the Constitution also gave the country a charter of economic independence in the first general law Washington signed, and that was a protective tariff. Despite occasional departures from it, it is the historic policy of the United States in relation to foreign trade. For a long period this was a policy common to all parties. Later a new policy was initiated, called free trade; it was modified under the leadership of Carlisle to that of tariff for revenue; under Randall to tariff with incidental protection; under Underwood to a so-called competitive tariff. That is, the later trend has been from the designation of "free trade" toward the use of some name indicating protection, but such developments have included all the economic ills of free trade with none of the benefits of protection. This groping of our opponents discloses a lack of understanding of the genius of our country. I maintain that to the American people, economic

independence is as important as political freedom; and foreign domination of our economic life, based on lower standards of living, is as dangerous to us as any other form of foreign domination.

RESULTS OF FREE TRADE POLICY

Our people have in the last 40 years experienced the inevitable results of the adoption of the policy of free trade and its aliases, under Cleveland's second administration and under the Underwood Act in 1914, before the World War created a practical and effective embargo and after the war when the war conditions ceased to be effective, and prior to the enactment of the tariff act of 1922. And, what are these inevitable results? Always a lack of employment for millions, idle industries, depressed business conditions, low prices for agricultural products, and general distress. With what result? In both instances, when weary of the oppression of poverty, and of the domination of the foreigner in our markets, the people have anew intrusted the Government to the party whose economic policy is protection. And, then with what result? Renewal of business and industry, reemployment of idle wage earners by millions, better prices for agricultural products, general prosperity, and increase in the public wealth.

Let us consider concretely the effects of the latest alias of a free-trade tariff which have resulted within the memory of all voters now living. We may regard the misfortunes of our forebears with sympathy, but we view our own with alarm.

Now, the facts are susceptible of mathematical demonstration, and, as Jefferson wrote in the Declaration of Independence, "Let facts be submitted to a candid world." In presenting these facts I have taken the year 1921, the last full year under the Underwood Act, and 1923, the first entire year under the present tariff, to show the immediate beneficial effect of the latter act for purposes of comparison.

RESULTS FOLLOWING ENACTMENT OF PROTECTIVE TARIFF

When I began the preparation of these remarks I collected the official records and studied them for the purpose of ascertaining the story they might tell of the effect of the tariff act of 1922, from statistics which are compiled for the purpose of presenting the facts, without reference to whether they support or do not support any particular policy. The present tariff under the Republican theory should accomplish several very definite results, which I enumerate:

It should cause mills and factories to resume normal operations.

The cessation of all unemployment which was then prevalent.

End the industrial depression and restore business confidence.

Cause an increased demand for raw products for the purposes of manufacture.

Provide a market for the products of the field and farm, all of which were selling for poor prices, and give market to some products which at that time had none.

Increase the demand for and use of all manufactured products.

Cause especially an increased demand for agricultural products, with better prices to the farmer.

Reconstitute the American market as distinguished from all other markets.

Make that a rich and active market.

Give the American producer at least an equal opportunity in the home market.

Prevent unfair competition from abroad.

Retain here the profits of producers and the wages paid to labor, increasing the national wealth.

Sustain the American standard of living.

Increase the general welfare.

Now, as compared with the conditions prevailing when the Republican Party was again elected to direct public affairs, what do the statistics show?

Three chief factors important in the consideration of a protective policy are agriculture, industry, and labor. Low prices and no markets cause distress in agriculture; business depression and no markets cripple industry; and unemployment is the bane of labor.

FARMERS SELL FOR MORE AND BUY FOR LESS UNDER PRESENT TARIFF

Here is an illustration of the economic disadvantage of the operations of the Underwood Act in certain industries:

Year	Average number of wage earners employed	Total wages paid	Cost of materials used for manufacture	Total value of products
1919	9,041,311	$10,461,787,000	$37,232,702,000	$62,041,795,000
1921	6,946,570	8,200,324,000	25,336,617,000	43,653,283,000
Decreases	2,094,741	2,261,463,000	11,896,085,000	18,388,512,000

This table shows that under the Underwood tariff when the effects of the war were being felt in diminishing degree in the short space of two years, from 1919 to 1921, in certain lines of manufacturing industries more than 2,000,000 of wage earners lost their employment and wages in the enormous amount of over $2,250,000,000 and industry purchased nearly $12,000,000,000 worth less of products for manufacturing purposes. Wage earners have three prime needs: Food, clothing, and housing. Food and clothing come from the farms. The loss of wages to labor took also a part of his market from the farmer, with a consequent decline in farm prices, and for what article does the farmer pay more now than he did under the last Democratic tariff? The articles on the free list have declined in price less than those on the protected list. If the Democratic theory were true, the protected articles would have increased in price and the free-list articles diminished.

But the farmer not only benefited by the return to employment of 5,000,000 persons who again had wages to spend, he received material assistance in price and pocket by the increased demand created by the renewed activity of the concerns which process his products, buying the raw materials from him and making them available for human consumption and by preserving perishable products which would otherwise be a loss.

The following table shows the economic benefits of that accrued under the first calendar year of the present act in certain industries:

Year	Average number wage earners employed	Total wages paid	Cost of materials for manufacture	Total value of products
1923	8,778,950	$11,009,297,000	$34,699,718,000	$60,555,998,000
1921	6,946,570	8,200,324,000	25,336,617,000	43,653,283,000
Gains	1,832,380	2,808,973,000	9,363,101,000	16,902,715,000

That is, by 1923, after one year's operation, the present tariff act had caused such a revival of business that 1,832,380 workers were restored to the pay rolls, and labor was receiving an increase in wages of $2,808,973,000, and industry increased its purchases of materials for manufacture by $9,363,101,000. This recreated the purchasing power of labor and farm prices began to increase. The above is the story of certain lines of industry. What farm product does not sell for more now than it did before the Underwood Act was superseded by the present tariff act?

If there be added the increases of employment in the railroad repair shops and by Class I carriers the number of persons returning to employment in 1923 will be increased by 2,133,868, and the amount received in wages increased by $3,150,397,000.

INCREASED EMPLOYMENT AND WAGES UNDER PRESENT TARIFF

I give in detail below some of the industries for which the figures of increased employment are available and all of these show enlarged numbers and a greater amount received as wages with the single exception of the tobacco industry.

Gain in number of the average number of persons employed and the increase in wages paid in the industries named for the year 1923 over the 1921:

	Increase in persons	Increase in wages paid
Processing animal and vegetable products	74,251	$80,682,000
Textile mills and products	174,077	229,767,000
Making wearing apparel made from purchased products	16,841	33,827,000
Other articles made from purchased products	8,653	11,256,000
Crude iron and steel	170,700	342,403,000
Other iron and steel	150,137	250,959,000
Lumber and articles therefrom	131,685	162,465,000
Leather, raw	10,748	16,043,000
Leather, finished	53,726	58,175,000
Rubber products	33,762	58,471,000
Paper and pulp wood	15,383	24,448,000
Manufactures made from paper	19,000	23,945,000
Publishing and printing	23,742	52,009,000
Industries related to printing	2,392	5,665,000
Chemical and allied products	44,452	81,083,000
Industries using stone as a material	30,792	58,906,000
Industries using clay as a material	44,757	65,419,000
Glass and manufactures thereof	20,158	23,788,000
Metals, except iron and steel	83,680	136,379,000
Manufactures of tobacco, loss	3,648	441,000
Machinery except transportation equipment	245,681	421,269,000
Musical instruments	13,216	19,030,000
Transportation equipment	200,745	372,071,000
Certain miscellaneous industries	47,912	65,802,000
Railroad repair shops	105,245	101,012,000
Railroad employees of Class I carriers	198,243	240,412,000

IMPORTANCE OF INDUSTRIAL PAY ROLLS TO THE FARMER

I have been able to find detailed statistics for only a part of the labor employing and wage-paying services in the United

States. The above statements do not include labor of any kind engaged in the several branches of agriculture, in offices, stores, by cities, counties, States, the Federal Government, or any transportation, except Class I carriers, mines, personal services, garages, the building trades, in railroad maintenance, fishing, and shipping, and many other agencies aggregating a considerable total, so that the generally accepted number of about 5,000,000 as unemployed prior to the revival of business under the present tariff seems to be well authenticated. They show that industrial depression and unemployment were retired everywhere to the seclusion of the Democratic storehouse of unpleasant surprises.

The great body of wage earners in the United States are the most important market for farm products. A market consists of persons having products to sell, and of persons who need and intend to buy and have the money to pay. The addition to the pay rolls of certain manufacturing industries of 1,830,380 persons, with an increase in pay rolls of $2,808,973,000 was a very important matter to the farmers. What would have happened to prices of farm products had the industrial depression and unemployment of 1921 continued can not be told in detail in the absence of the actual continuance of the depression and unemployment, but former experience shows that farm prices would have gone much lower.

FARMER SELLS IN MARKET PROTECTED FOR HIS BENEFIT

In the discussion of the effects of the tariff two things must be borne in mind:

(1) What benefits have our people received?

(2) What losses have they escaped?

Some contend, contrary to the fact, that the farmer buys in a protected market and sells in a free trade and world market. The fact is he produces in a market protected for his benefit, and his protection in that market for his own products. What he sells abroad is sold under disadvantages, and some countries have provided special protection for their own people against him.

From 1919 to 1921 the number of persons employed in processing animal products decreased 52,586, the total wages paid to them were diminished by $60,750,000, and the cost of products purchased for processing was diminished $2,315,098,000; the number of persons employed in processing vegetables, grain, and other farm products decreased 48,793, the total wages paid diminished $21,094,000, and the cost of products processed diminished $1,523,639,000, and from 1919 to 1921 the total reductions were 101,379 wage earners, $81,844,000 in wages, and the cost of farm products purchased to be processed $3,838,737,000.

An important market for farm products, staple and perishable, is in the industries engaged in processing, canning, and otherwise preserving them and preparing them for use. Any decrease in the amounts paid for the farmers' products of course decreases his income, and an increase in the purchases increases his income, and by improving the market increases the prices he receives.

The following table shows how the numbers employed, the wages paid, and the amount of purchases of animal products alone decreased after the effects of the war disappeared and the operations of the Underwood tariff began to be felt:

Year	Average number employed	Total wages paid	Cost of the products processed by them
1919	217,208	$266,842,000	$4,909,289,000
1921	164,622	206,092,000	2,594,191,000
Decrease	52,586	60,750,000	2,315,098,000

And below is the similar table for grain, vegetable, and other products:

Year	Average number employed	Total wages paid	Cost of the products processed by them
1919	185,896	$156,775,000	$3,565,761,000
1921	137,103	135,681,000	2,042,122,000
Decrease	48,793	21,094,000	1,523,639,000

Combining the above tables as follows:

Year	Average number employed	Total wages paid	Cost of the products processed by them
1919	403,104	$423,617,000	$8,475,050,000
1921	301,725	341,773,000	4,636,313,000
Decrease	101,379	81,844,000	3,838,737,000

When purchases of farm products for the purpose of preserving them and making them ready for human consumption fell off $3,838,000,000, or 37 per cent of the total value of farm products of that year, the reason for the lack of markets and low prices to the farmers in 1921 becomes apparent.

DEPRESSED INDUSTRY MEANS LOSS OF FARMER'S MARKETS

But, to go further into detail in this question, from 1919 to 1921 the cost of livestock for slaughtering and meat packing diminished $1,914,732,000, and flour-mill and grain-mill products $805,371,000, or a total of $2,720,103,000. These reductions in the amounts paid for farm products for the purpose of processing in various forms corresponds to the decline in the prices of such products. They show a marked falling off of employment and a declining market, from which the farmer was a chief sufferer; that is, the figures show the paralysis due to the normal operations of a free-trade tariff on the farmer is to reduce his markets, the prices paid to him, and his total income, which reached a point $2,000,000,000 to $3,000,000,000 less than it since has been in 1923, 1924, and 1925.

The present tariff act came at a critical time—a further decline was impending. Previous tables show how industry and labor were benefited as well as the farmer. The following table shows how the farmer shared by the business revival and the return to employment of some 5,000,000 persons. The farmer must have a market for a very large part of his products, which primarily absorbs them for the purpose of preparing them in form for consumption. People do not eat wheat, corn, hogs, cattle, sheep, and so forth, as such. They must be converted into food products. The activity of the industries engaged in this are of great importance to him. How the concerns engaged in processing animal and vegetable products responded under the present tariff is indicated by the following table:

Year	Average number employed	Total wages paid	Cost of the farm products processed by them
1923	682,288	$795,583,000	$6,995,121,000
1921	608,067	714,901,000	6,067,917,000
Increase	74,251	80,682,000	927,204,000

That is, the number of persons engaged in these businesses increased 74,251, the total wages paid were $80,682,000 more, and the amount paid for farm products to be processed by them increased $927,204,000. A better market causes higher prices. A corresponding gain occurred in marketing other crops.

The plants engaged in processing farm products absorbed about 57 per cent of the total value of farm products for the year 1923, and the revival in the industries gave the farmer a better market and increased the prices he obtained, as will now be shown.

Though prices for farm products have made increases, the return to the farmer is still inadequate. He has benefited by the decline in prices of the articles purchased by him. Agricultural prices were nearly 27 per cent higher in 1925 than they were in 1921. The increase in the prices of farm products for 1923 over 1921 was 16 per cent and the decline in nonagricultural products was 2.4 per cent for the same period; that is, during the first year of the present tariff.

FARMER'S DOLLAR INCREASED IN VALUE UNDER PRESENT TARIFF

The purchasing power of farm products has increased from 1921 to 1925 by 18 per cent and the increase was steady for each year, while the purchasing power of nonagricultural products declined 8 per cent and the decline was likewise regular; that is, the protective tariff of 1922 has operated more for the benefit of the farmer both as to the prices received for, and the purchasing power of, farm products than it has for nonagricultural products. And this is a natural result, since the average rate of duty for nonagricultural products was lower in the 1922 act than in preceding protective tariffs, while that on agricultural products is higher. The Underwood tariff which preceded the present act had placed agricultural products on the unprotected list.

The following figures for convenience of reference are based upon the averages, or index numbers, for the period 1910–14, the five-year period before the World War, reckoning such averages of prices as 100. In the table below is shown the relative prices of agricultural products and those of nonagricultural products, compared with each other on this basis of 100 as a base common to both:

Year	Prices of farm products	Prices of nonagricultural products	Difference
1921	116	167	51
1922	124	168	44
1923	135	176	41
1924	134	162	28
1925	147	165	18

That is, the disparity of prices between those of agricultural products and the nonagricultural products decreased from 51 points in 1921 to 18 in 1925, or a decrease of 33 points. At this rate the disparity will not only disappear in a short time, but also there is a tendency for agricultural prices to exceed those of the nonagricultural when compared with the basic figures for 1910–1914.

The improvement in the agricultural situation under the present tariff is also shown in the relative purchasing power of agricultural products as compared with the nonagricultural, as based for the purposes of the comparison on the average purchasing power of each class for the period from 1910–1914, using the average for that period for each as the basis—that is, as an index figure of 100.

Year	Purchasing power of agricultural products	Purchasing power of nonagricultural products	Difference
1921	77	111	34
1922	82	110	28
1923	86	110	24
1924	88	107	19
1925	91	102	11

That is, the purchasing power of agricultural products increased 14 points from 1921 to 1925 while the purchasing power of nonagricultural products decreased 9 points during the same period. The disparity in the purchasing power of agricultural products as compared with nonagricultural products decreased from 34 points to 11 points in the same period and this decrease in disparity has been continuous.

This shows the same corresponding increase in the purchasing power as was found in the increase of prices for agricultural products, and the same corresponding decrease in the purchasing power of nonagricultural products as was found in the decrease of prices thereof.

TARIFF HAS PROFITED FARMER IN BOTH BUYING AND SELLING

That is, to state it again, the farmer gets more for what he has to sell and pays less for what he has to buy under the present tariff than he did under the Underwood tariff, which all the world knows.

Prices for agricultural products increased 31 points, and their purchasing power was enhanced 14 points from 1921 to 1925, while prices for nonagricultural products declined 2 points and their purchasing power 9 points during the same period. The disparity between the purchasing power of agricultural products and the nonagricultural is disappearing. While prices of agricultural products were increasing 31 points, those of the nonagricultural products did not hold their own, and while purchasing power of the former increased 14 points those of the latter diminished 9 points. Or in other words, prices and purchasing power of agricultural products have materially increased, the nonagricultural have steadily declined. There is reason to believe that the agricultural advantage will continue to increase.

The estimated value of farm products, comprising the net total for all producers, is as follows:

	Value	Increase over 1921
		Per cent
1921	$10,208,000,000	
1922	10,972,000,000	6.7
1923	12,382,000,000	20.6
1924	12,219,000,000	19.0
1925	13,031,000,000	26.9

PRICES OF FARM PRODUCTS INCREASE 27 PER CENT UNDER PRESENT TARIFF

The following table shows the increase in farm prices, the per cent increase, the wholesale prices at central markets, and the per cent increase, using the relative or index figures of the year 1921 as a base.

Year	Farm prices	Per cent increase over 1921	Wholesale prices	Per cent increase over 1921
		Per cent		*Per cent*
1921	116		124	
1922	124	6.9	133	7.1
1923	135	16.4	141	13.7
1924	134	15.5	143	15.3
1925	147	26.7		

The increase in farm prices over those for 1921 was for 1922, 6.9 per cent; for 1923, 16.4 per cent; for 1924, 15.5 per cent; and for 1925, 26.7 per cent. The increase in the value of all farm products over the year 1921 was 6.7 per cent for 1922, 20.6 per cent for 1923, 19 per cent for 1924, and 26.9 per cent for 1925. The per cent of gain in farm prices has been nearly the same as that of the increase in value of farm products; that is, quantities, prices, and purchasing power of farm products all increased. This increased value for his crops under the present tariff amounted to several billions of dollars over the prices prevailing under the Underwood Act. The present tariff not only stopped the sharp fall in farm prices that was taking place but actually started a material steady advance in them. Wages for farm labor advanced in 1923, 8.4 per cent, and for 1924, 9.1 per cent over 1921, but the total amount paid for such advances would be a very small per cent of the above increases. All of which shows that the farmer has been materially benefited by the protective tariff and that his condition is steadily improving, in comparison with other businesses, and rapidly approaching a parity with them.

It is evident from all of the above that the present tariff is operating to the material benefit of the farmer.

AGRICULTURAL PRICES INCREASE; MANUFACTURING PRICES DECLINE

My observations are that the present tariff has proven more beneficial to agriculture than to any other class of industry in this respect; that the improvement in its condition has been more marked, as shown by the increase in prices received and in their purchasing power. These have increased for agriculture, while in manufacture they have declined. The level of prices of manufactured products and their purchasing power is still somewhat higher than those for agriculture, when compared with the averages for the pre-war year of 1913 as a neutral base. But, as I have already shown, this disparity is steadily disappearing. Had the duties on agricultural products been higher in the present law than they are, the disparity might have disappeared more rapidly. If the present rates of duties on these products is too low, they should be increased to the amounts necessary. So far as rates of duty are concerned, all industries ought to be placed on an equality as their respective needs appear. This is the intent and purpose of a protective tariff. If, because of the peculiar conditions incident to agricultural production, owing to the weather the ravages of pests, and conditions over which the farmers have no control whatsoever, other relief should be provided; that relief should be given by legislation in addition to that afforded by the tariff.

I will now discuss the question of the American market for the farmer's products under a protective tariff, and the existence of such a market, and the benefit he derives from it.

The gross income of the farmer in 1925 exceeded $13,000,000,000, of which in excess of 85 per cent, or over $11,000,000,000, was consumed in the United States. His ultimate market is chiefly the wage earners and their families, the highest paid in the world, and with our manufacturing makes this the richest market in which to sell.

Free trade has always resulted in unemployment, with a direct adverse effect on the farmer. Who would profit if the economic structure of the United States, built up by the intelligent activity of generations, should be demolished. The farmers might live from the products of their soil in a meager way, but what about the 27,000,000 wage earners to whom a job is the opportunity to maintain a home, provide for their families, and educate their children—almost life itself?

For his crops, chiefly raw products, the farmer must find purchasers. His market is chiefly made for him by labor and by industry which employs labor, and is seven times more valuable to him than the foreign market. Farmers recognize this, and have been staunch supporters of protection, and I look for no change in their attitude.

In the year 1923 the farm value of agricultural products was $12,219,000,000, of which $1,487,225,000 was the farm value of cotton; deducting this amount the farm value of all other crops was $10,731,775,000, of which 91 per cent, or $9,766,000,000, worth was consumed here, and $966,000,000 sold abroad. This further illustrates the importance of the home market to the farmer.

On the other hand, the agricultural industry is a very large purchaser of the goods and services of others, normally amounting annually to a sum in excess of $10,000,000,000. It purchases some $6,000,000,000 worth of manufactured articles each year, which is about one-tenth the domestic production. A very large proportion of his purchases is, however, of articles on the free list. It supplies the raw materials upon which industry employing over one-half of our industrial employees depends.

PROTECTIVE TARIFF GIVES FARMER PRACTICAL MONOPOLY OF AMERICAN MARKET

Protective duties on agricultural products give the American farmers practically a monopoly of the American market for all their products not produced in excess of the domestic demand, and on those that are produced in excess a better price is paid than would otherwise prevail. While unusual conditions may cause exceptions the above is the general result.

In some parts of the United States and among the producers of certain crops therein, distress exists. But the distress does not extend to all sections or to all farmers in all sections. Recent discussion has directed attention to the situation as it affects wheat, corn, cattle, and hogs. Butter, I believe, had honorable mention. Hogs reached a new level in May when the average was $14 per 100 pounds at the peak of the market. As the hogs averaged 250 pounds, each was worth $35. They averaged 16 pounds heavier than last year. There has been a rising market in hogs since. This indicates that corn is going to market by the livestock route. The cattle industry in many sections, at least, is becoming optimistic; demand is apparently on a firm basis, prices show an upward trend, and even with high prices overproduction can not occur for several years.

SOME TANGIBLE BENEFITS OF TARIFF TO LIVESTOCK INDUSTRY

In the fall of 1925 a large grower of cattle in Iowa bought in Canada steers averaging 800 pounds, paying 4½ cents a pound. At that time steers of comparable quality were selling in the Chicago and Kansas City markets for 7½ cents per pound. After deducting the freight charges from Canada to our markets it is evident that the American cattle grower had an advantage of 1½ to 2 cents per pound as a result of the protective tariff.

Growers of sheep, from which the principal return is wool and lambs, are doing well. In 1920–21 lambs were worth, per hundred pounds, $8.46; in 1922–23, $10.38; and 1923–24, $10.01. Lambs increased in value for the market year of 1922–23, 22 per cent, and for 1923–24, 18 per cent over the prices for 1920–21. And the story of wool under the protective tariff is graphically given, as follows:

Year	Average United States farm price for unwashed wool per pound	Increase over 1921 price per pound	Per cent of increase over 1921 price
	Cents	*Cents*	
1921	16.4		
1922	29.8	13.4	82.7
1923	38.9	22.5	137
1924	36.9	20.5	125

The United States average weight of a fleece of wool in 1924 was 7.4 pounds; an increase of 21 cents per pound is $1.55, or much more than the possible tariff on the wool in the suit the farmer buys; in fact, more than the possible tariff on the wool in a $75 suit. The farmer has a protection of 16 cents per pound on the wool he sells as it comes from the sheep.

Those who grow sheep received for the wool alone from the above increases in price for the year 1923, $60,000,000; for 1924, $37,800,000 more than they would have received under the prices for 1921, the last full year of the Underwood Act. The advantage to the woolgrower is shown in another way by comparing wool Ohio one-quarter and three-eighths grades scoured, with the import value of clothing and combing wools.

Year	Average wholesale price of wool, Ohio one-fourth and three-eighths grades scoured	Import values	
		Clothing wool per pound	Combing wool per pound
	Cents	*Cents*	*Cents*
1921	50.8	22	20
1922	78.2	25	29
1923	97.9	37	38
1924	99.7	45	47

Farm prices of dairy products show an increase and the farm values of such products are growing. Not including milk consumed on the farms, the yearly values are as follows:

1922	$1,456,275,000
1923	1,851,534,000
1924	1,809,223,000

The country-wide farm prices of dairy products have increased also. The dairy industry has become the second largest farm industry in this country and is prospering under the present protective tariff.

Table showing farm values of wheat and corn:

Year	Wheat	Corn
1922	$873,412,000	$1,910,775,000
1923	735,993,000	2,217,219,000
1924	1,136,595,000	2,405,468,000

Farm value of food animals sold for market:

Crop years	Hogs	Cattle
1921–22	$832,000,000	$617,000,000
1922–23	949,000,000	724,000,000
1923–24	946,000,000	722,000,000
1924–25	1,211,000,000	709,000,000

That there is an American market for wheat under a protective tariff at prices better than the outside market is shown by the following statistics:

SOME TANGIBLE BENEFITS OF TARIFF TO AMERICAN WHEAT GROWER

Comparative average prices of wheat per bushel at Minneapolis as compared with such prices at Winnipeg, typical grades being considered, during the crop years as follows:

Crop years	Minneapolis	Winnipeg	Difference per bushel in favor of Minneapolis
			Cents
1921–22	$1.48	$1.30	18
1922–23	1.26	1.12	14
1923–24	1.24	1.00	24
1924–25	1.66	1.58	8
1925–26 (42 weeks)	1.68	1.51	.17

This is an illustration showing that there is an American price for wheat, which rules higher than the foreign market. Winnipeg and Minneapolis have the same opportunities for transportation to the world market. There must be an American market for wheat better than that elsewhere, or why else does the farmer get a higher price for it than the neighbor at our doors? Canada would gladly furnish us from her great areas of new lands, with lower costs of production, a tremendous quantity of wheat, and be thankful for the opportunity to do so. If the tariff were removed, what would prevent a flood of Canadian wheat from pouring into this country, to increase the surpluses which are already causing the farmer trouble and to depress the price he receives? Wheat grows in all parts of the world. I think we will do well to preserve for the farmer his great home market.

A further illustration of this fact is found in a study of the invoice value per bushel of wheat exported from in comparison with the import value per bushel of wheat entering the United States.

Year	Invoice value of wheat exported from the United States (per bushel)	Invoice value of wheat imported into the United States (per bushel)	Amount by which the American price was higher than the price of imported wheat
			Cents
1922	$1.25	$1.14	11
1923	1.18	.98	20
1924	1.42	1.00	42
1925	1.72	1.39	33

I am informed that the exports and imports were of comparable grades. When the foreign wheat was in the course of transportation it would seek the most profitable market naturally.

The invoice value of wheat exported from the United States was 11 cents higher per bushel than the invoice value of wheat imported into the United States in 1922, 20 cents higher in 1923, 42 cents higher in 1924, and 33 cents higher in 1925.

PROOF THAT FARMER GETS BETTER THAN "WORLD MARKET" PRICES

That is, the farmer in the United States continually gets a better price for his wheat than the farmers of competing countries, and that better price is due to the protective tariff. The nation-wide average farm price for wheat of all kinds and grades—that is, all wheat—according to the Department of Agriculture and the Department of Commerce was $1.302 per bushel in 1924.

Take the year 1924, for instance, when the export price was 42 cents higher per bushel than the import price, when the farm price was 30 cents higher than the import price, when the Minneapolis price was 24 cents higher than the Winnipeg price, the import price and Winnipeg price being the same, when the import price for the past four years is materially lower than the export price, it appears evident that some cause has operated to benefit the American farmer in his price. The tariff has been in effect on wheat for the last four years, and during these years he has had a decided advantage in price. When a foreign commodity year after year is sent to our market, the seller must find it more profitable to sell here than elsewhere. If that were not so, he would sell elsewhere. If he could find a better market for himself for the wheat he sells us, he would sell in that market.

Let me state this again: In 1924, the wheat crop of the United States was 872,673,000 bushels, the largest production in our history outside of three years under war-time stimulus. The farm value was $1,136,596,000 and the farm value per bushed was $1.302. The average production for the four preceding years was 828,228,000 bushels, so that the production for 1924 was 58,445,000 bushels above that average. The average consumption of wheat in the United States for 1923 and 1924 was 600,426,000 bushels. The average surpluses for these same years, subtracting the exports from the production, was 250,665,000 bushels of the domestic crop. Of the crop for 1924, 238,257,000 bushels were exported. If, then, in that year the import price was $1 per bushel, the Winnipeg price $1 per bushel, while the farm price for all wheat in the entire United States averaged $1.302 per bushel, or 30 cents above the import price and the Winnipeg price, it is evident that there was an American price for wheat which was 30 cents per bushel better to the farmer than the outside price, and that this American price was due to the protective tariff. I have taken the year 1924, as it is the latest year for which all the figures were available in the official publications. It is also to be remembered the amount of the domestic crop retained in the United States was 40,000,000 bushels above the average stated.

Under free trade the Canadian farmer received an average of 5 cents per bushel more for his wheat than the American farmer did. But under protection the American receives an average of 20 cents more per bushel than the Canadian farmer. That is, the American farmer is 25 cents per bushel better off under protection. This better price on a very small per cent of his wheat crop will offset the amount of tariff duties on the articles he buys, leaving all the rest a clear gain.

TARIFF BENEFITS GREAT VARIETY OF AGRICULTURAL PRODUCTS

As an instance of the importance of the present tariff to a single State, take California, producing fruits and nuts in variety, grapes, raisins, beans, and so forth, far distant from its principal consuming markets. Prior to the tariff act of 1922 all growers were in greater or less distress. Many of their crops had no market at any price. Immense quantities of products were thrown away. But under the operations of that tariff these crops are finding remunerative market. So throughout the country millions of the producers of agricultural crops are being yearly greatly benefited by the tariff. Free trade would injure all these by the loss of hundreds of millions of dollars and would not prove a benefit to those at present in distress. It never has.

The Southern States have brought into existence more than a billion dollars of wealth from cottonseed and peanuts since the enactment of the emergency tariff of 1921. Recently the governors of nine Southern States signed a petition opposing a proposed reduction in the tariff on vegetable oils, urging that if the duty be lowered the farmers of the country would have many millions of dollars taken from them.

Sugar is now retailing at 5 cents per pound, the lowest price since the World War. The fostering of production of beet and cane sugar in the United States is resulting, as always, in a reduction of the price to the consumer. In 1924 we produced 18.6 per cent of our domestic supply and from our possessions we obtained an additional 22.7 per cent, making a total of 41.3 per cent. This competition is proving effective, and when the American crop is on the market the prices to the consumer are lower. Instead of the tariff on sugar taking money out of the pockets of the American consumer by an alleged increase in price, it is actually saving them many millions of dollars, resulting from an actual lowering of the price due to the competition of the American sugar with the imported article.

Some are saying that the farmer buys in a protected market and sells in a world market; that is, in a free-trade market. Or, in other words, he sells in a cheap market and buys in a dear market. Let us hear the opinion of a neighbor.

Speaking in debate in the Canadian Parliament, G. B. Nicholson, member for East Algoma, said:

> From 1866 right down to the present day, taking their whole tariff on the average, the United States has been the most highly protected country in the world, and what have they accomplished under that policy? They have multiplied their population three and one-half times during that period, they have multiplied their industrial wealth almost one hundred times, and with what result? They have raised the standard of living to the highest level known in any country in the world, and their standard of wages is the highest of any country in the world. Their production of implements and of everything else that they produce is the lowest in cost of any place in the world. They sell their steel products in free-trade Manchester. Gentlemen all over this house have proclaimed that they can buy their goods cheaper in the United States than they can in Canada. Why? The United States is the most highly protected country in the world.

Canada is our second best customer.

WHOLESALE PRICES OF MANUFACTURED GOODS DECLINE UNDER PRESENT TARIFF

What wholesale prices are increasing as a result of the present tariff act? Name one.

The truth is that wholesale prices have been lowered, not increased, and the wholesale prices are the ones with which we must deal. There are very few articles whose retail price is directly affected by the rate of duty imposed. It is true that some dishonest dealers use the tariff as an excuse to arbitrarily advance retail prices. An instance is cited of a tailor who, following the enactment of the Payne-Aldrich tariff of 1909, charged a minister $5 more for a suit of clothes identical in every way with one he had purchased a year or two earlier while the Dingley tariff of 1897 was in force, and who claimed that such advance in price was due to the increase in the rates of the wool schedule. The minister, supposing the statement to be accurate, complained of the increase in the duties on wool and woolens, and was very much surprised when he was told that there was not a single increase in the entire schedule. As a matter of fact, there were only four changes in the wool schedule, and all of those were downward.

Manufactured articles of which the farmer is a purchaser declined in price from April, 1925, to April, 1926, according to the itemized official lists of wholesale prices. Of the 17 boot and shoe items, 4 were lower and 1 slightly increased; of the 26 items of cotton goods, 19 were lower and 1 slightly increased; of the metal items, all were lower; and of the 33 items of house furnishings, 30 were lower and 3 unchanged. The following table gives some details:

Per cent by which the wholesale price for April, 1926, was below that for April, 1925

	Per cent
Average of all cotton goods	10.6
Denims	12.0
Drill	16.0

	Per cent
Cotton flannel, colored	11.0
Cotton flannel, uncolored	9.0
Ginghams, Amoskeag	22.0
Ginghams, Lancaster	5.0
Print cloth	19.0
Sheeting	12.5
Men's underwear, cotton	6.6
Women's underwear, cotton	5.0
Average of all woolen goods	10.0
Clay worsted	12.0
Merino underwear	11.0
Women's dress goods	7.0
Yarns	16.0
Nails	5.2
Galvanized barbed wire	5.5

Democratic spellbinders elate their spirits when discoursing upon some alleged burden they say the tariff duties impose on the farmer in increased cost to him of articles he buys, while leaving the inference that the tariff is of no benefit to him. Suppose the farmer did pay more for certain articles because of the tariff, he has better markets and receives a better price for his products. An accounting will show that in dollars and cents he is the gainer. In their speeches the Democrats print lists of dutiable articles with rates of duty. They urge that these rates are added to the American price, whereas they are imposed only upon the invoice prices of foreign goods in order to prevent unfair competition with American goods.

Rates of duty are no part of the costs of production of American manufacturers, not part of his overhead, and not included in his costs of materials, except where he imports raw materials for manufacture, and in that case they are a very small part of the cost of such materials. Manufacturers' prices are determined by the competition met here. They use the most improved machinery and employ the most skillful and efficient labor in the world in order to keep these prices down. Since the manufacturer disposes of more than 90 per cent of his products here, the American market is nine times more important to him than the foreign. When he sells here, both the profits accruing remain here for the benefit of the stockholders who own the industries and the wages he pays go to American wage earners and to those from whom they buy. All this aids in increasing the wealth of the country and in making it a better market. Every city and locality make earnest efforts to secure the location of industries in them, principally for the sake of the pay rolls. Let me cite a few industries making important products as illustrative of the benefits to all.

PROTECTIVE TARIFF INCREASES DOMESTIC COMPETITION AND LOWERS PRICES

We use great and increasing quantities of steel. In order to be relieved of the high prices charged for foreign products a protective duty was imposed on imported steel articles, with the result that they are now produced here at lower prices to the consumer than elsewhere. The duties have been removed from part of them. The duties on others were retained at lowered rates to protect them against unfair competition from abroad. The aluminum industry was created under protection, and articles of aluminum can be bought here at prices lower than from abroad. The quality is better, which is a double saving, for a better article is cheaper than an inferior one even when the cost is the same. The same is true of the tin-plate industry.

The duty on manganese was bitterly opposed when the present tariff was framed, but the ferromanganese industry has grown to considerable proportions with independent producers, and sells its products more cheaply in a protected market than it could when under free trade. The list could be extended. In the absence of American competition we pay whatever price the foreigner asks, no matter how high, or go without the article.

The purpose of protection is to establish useful industries, create competition, provide pay rolls, and build markets. Despite what the Democrats would have the people believe, vigorous competition exists in this country establishing an American price for manufactured articles, which tends toward lower prices. Efficiency and mass production has given American industry its leadership in the world. It competes on the basis of price and quality.

I believe industry is entitled to prosper. What would we do without it? The man who is not in business to make money is not in business long.

The foreign producer is not a philanthropist. He does not plan to be a benefactor for our people. His one purpose is to make the maximum profit he can. Why should he not do so? This is illustrated by the fact that articles on the dutiable list have declined in price more than those of the free list.

Democrats desire the country to believe that the average farmer makes large and frequent purchases of the dutiable articles he uses. A large proportion in value of the articles purchased by the farmer are on the free list now. I submit a list of them. The farmer does not renew his limited stock of tools each year. Most of them are bought once in a lifetime. His machinery is on the free list. He does not buy foreign-made machinery because the American product is better and cheaper—made so by the protective tariff, though not now on the dutiable list. Nor does he refurnish his house more frequently than once in several years. His expenditures for clothing are not large.

I have given careful attention to the articles on the dutiable list, in the light of my knowledge and informaiton of what the average farmer will buy of such articles. Taking, then, into account whatever the farmer may pay as the result of a protective tariff on what he buys on the one side, and on the other the reduction in prices of manufactured articles due to the protective tariff, and the benefits he receives in increased prices for what he sells under protection, in my judgment the average farmer is materially benefited by the present tariff. I have gone into the last item extensively earlier in my remarks.

It is an interesting and informing exercise for anyone interested in the operations of the tariff to take the items on the dutiable list, select those of which the average farmer makes purchases, the quantities he will buy of each, the American cost of production of such articles, the import prices of the foreign competing articles, their comparative quality, compute the duties on such imported articles, consider the frequency with which each will be bought, how long each will be in use, and then apportion to a year its proper proportion of the duties so reckoned. The amount so allotted to the year will be very small. I will not have time to set out in detail the computations, but my observations above were based upon such study.

ARTICLES PURCHASED BY THE FARMER THAT ARE ON THE FREE LIST IN THE ACT OF 1922

Plows, tooth harrows, disk harrows, headers, harvesters, reapers, drills, planters, mowers, horse rakes, cultivators, threshing machines, cotton gins, wagons, carts, cream separators under $50, breeding animals, pedigreed, cinchona bark and a long list of chemicals, binding twine, borax, cement, chrome ore, coal, cobalt ore, cocoa or cacao beans, coffee, blue vitriol, tar, tea, barbed wire, wool used for carpets, copperas, gloves from leather of bovine species, guano, explosives except a few specially provided for, gunpowder, hones, whetstones, iodine, crude rubber, leather and products of leather usually used on farm, boots and shoes of leather, hand sewing and machine needles, oil cake and oil-cake meal, petroleum, kerosene, benzine, naphtha, gasoline, paraffin, pads for horses, crude phosphates, quinine, rennet, sheep dip, shingles, tapioca, turpentine, and lumber generally.

The above list is not exhaustive, as to print the free list of all the articles would take more space than I have.

Here is a partial list of farm products that were on the free list in the act of 1913, but which were placed on the protected list in the act of 1922 with the highest rates of duty ever imposed upon the imports of such articles:

Buckwheat, corn, eggs of poultry, many fruits fresh or prepared, lard, lard compounds, lard substitutes, fresh beef, fresh veal, fresh mutton, fresh lamb, fresh pork, bacon, ham, fresh milk and cream, swine, cattle, sheep, tallow, wheat, semolina, wool of sheep, rye, and potatoes.

This list includes his large crops. The duties on such products as were dutiable under the act of 1913 were so low that they afforded him no relief against foreign competition, as the farmers learned to their sorrow before the World War and after the war when its effects on prices were no longer felt.

Importance to agriculture of the home market:

Value of products produced in 1925 were—	
Agriculture	$13,031,000,000
Mining	5,318,000,000
Manufactures	60,556,000,000

That is, agriculture is 16.5 per cent of the total product of the United States in value and sells in the richest market in the world.

The output of manufactures increased in value from $43,000,000,000 in 1921 to $60,000,000,000 in 1923, or an increase of $17,000,000,000, a very considerable part of which increase went to the purchase of agricultural products for processing and to increased amount of wages paid to labor, which in turn consumes the products of the farms.

As in every other industry, only a portion of the farmers are in distress, being principally those who are engaged in producing commodities of which there is a great crop and a considerable surplus. Farming is not the only industry in the United States that is suffering from intensive competition in its own ranks in the home market. For illustration, the

cotton mills of New England are engaged in active contest with the cotton mills of the South.

Industrial enterprise as a whole has been prosperous, but not all individual concerns make profits each year. More than 40 per cent of the concerns doing business in corporate form closed their business years with serious deficits during 1922, 1923, and 1924. They have the same variable experience as the farming industry.

The following table shows the revival of business when it appeared certain that the Republican Party would be entrusted again with the conduct of the Government. The figures are those given in the corporation income-tax returns and include businesses, all kinds of which, as a whole, employ great numbers of wage earners:

Year	Corporations reporting net income			Corporations reporting net losses or deficits	
	Number	Net income	Tax paid	Number	Deficits
1921	171,239	$4,336,047,813	$701,575,432	185,158	$3,878,219,134
1922	212,535	6,963,811,143	783,776,268	170,348	2,193,776,356
1923	233,339	8,321,529,134	907,106,798	165,594	2,013,554,987
1924	234,741	7,580,289,689	881,190,113	180,962	2,224,478,723

The above table also shows that business enterprises suffer reverses as well as agriculture. In 1921, 52 per cent of the corporations suffered deficits; in 1922, 44 per cent; in 1923, 41.5 per cent; and in 1924, 43.5 per cent. The corporations are owned by the stockholders generally, who have invested their savings in them, and these stockholders, who number millions of our people, are dependent for their living in whole or in part upon the distributions the corporations are able to make.

The figures showing how many persons, partnerships, and other business concerns not organized in corporate form had deficits are not available. But these, located in every city, town, village, number many hundreds of thousands and probably had the same business experience.

The corporations making gains and those suffering deficits were not the same for every year. Some corporations were in the gain column each year, but many were one year in that column, and in another year in the deficit column, and vice versa.

Corporations engaged in manufacturing in all its branches had the experience indicated by the following table in 1921 as compared with 1923:

Year	Corporations reporting net income		Corporations reporting deficits		Net gain or loss for each year
	Number	Net income	Number	Deficits	
1921	37,030	$1,777,785,608	42,718	$1,898,831,377	[1] $121,045,769
1922	48,697	3,454,419,673	33,788	813,413,029	[2] 2,641,006,644
1923	53,795	4,271,899,449	31,404	701,011,681	[2] 3,570,887,768

[1] Loss. [2] Gain.

That is, there was a net loss in manufacturing in 1921 of $121,045,769, but in 1922 there was a net gain of $2,641,006,644, and in 1923 of $3,570,887,768.

Under a protective tariff the American market becomes rich, active, and prosperous. Under free trade or any of its aliases it suffers from anemia and poor circulation. The home market increases hand in hand with prosperity. It is both the result and cause of prosperity.

Duties are levied on import values as stated in the invoices and not on the retail prices of imported articles. They have no relation to the retail prices of domestic articles. Import values are those of the day on which goods, wares, and commodities leave the country of their origin. Wholesale prices are the prices most nearly related to invoice values that I have available and are in a general way comparable. From September, 1925, to October, 1926, employment in the manufacturing industries increased 6.4 per cent, wages increased 12.6 per cent, production was 24.8 per cent greater, while wholesale prices at central markets for all commodities, except farm products, declined. The per unit cost of manufactured articles generally, owing to increased production, was lessened and prices consequently fell. European writers call the combination of high wages and low prices in this country the economic wonder of the world. Comparing April, 1925, with April, 1926, all clothing materials have fallen 6.4 per cent, woolens and worsteds 10 per cent, cotton goods 10 per cent, and silks 7 per cent.

Whatever distress certain farming enterprises are now suffering is not due to the protective duties on manufactures, but dates back to the lack of adequate protection under the former free-trade experience.

AVERAGE RATES OF PRESENT TARIFF LOWER THAN IN FORMER TARIFFS

It is urged that the rates of duty in the present tariff are the highest ever known. But, according to official figures, the average ad valorem rates on imports under the four latest tariff acts are—

	Per cent
Dingley Act of 1897	25
Payne Act of 1909	20
Underwood Act of 1913	12
Fordney Act of 1922	15

That is, with the growing efficiency of American production lower tariffs afford the necessary protection. But it should be noted that while the average rate is lower in the 1922 act generally, the rates of duties on farm products were materially increased.

The protective-tariff policy is intended to protect the American producer of commodities of all kinds and all the persons interested in such production from unfair competition from abroad. It deals solely with sales made in the United States. It has no purpose to deal with sales of American-made goods when they are exported to other countries. There is no way by which we can extend the advantages of a protective tariff to cover sales made in foreign lands. Neither does the protective tariff propose to deal with conditions in the markets of this country when the question at issue does not arise from unfair competition from abroad. All industries at times find that their production exceeds the domestic demand, and market must be found for them elsewhere. But such sales do not come within the purview or scope of operation of a protective tariff. The Republican Party never has stated to the country that our tariff covers the sales abroad of excess products. When excesses occur, as is now the case in agriculture, and provision for their disposal becomes necessary to relieve a basic industry, that, in my judgment, should be effected by legislation independent of the tariff. The removal from our market of such surpluses will give to agriculture the needed relief.

The output of manufactured and mining products is determined by the will of man. But the output of agricultural commodities is largely determined by the vagaries of nature. According to the market, the miner and manufacturer can increase or decrease his output, or a manufacturer can standardize his products, reduce the variety, improve the quality, and so stimulate demand. This has been done in many instances. The varieties of car wheels have been reduced from 175 to 4; malleable chains from 2,044 to 820; clocks from 600 to 80; farm implements from 1,092 to 37; hammers, axes, and so forth, from 2,752 to 761; paper from 377 to 56; paving bricks from 66 to 7; pipe fittings from 17,000 to 610; stove parts from 2,982 to 364; toilet goods from 452 to 140; and so forth. This standardization greatly reduces the costs of marketing, and the risks of having quantities of goods left unsold.

The result is that the manufacturer, controlling his output, knowing his market, and informed of probable foreign competition and its cost per unit of output, can direct his activities so that the tariff will give him protection against unfair foreign competition. Even then, special conditions will arise where the manufacturer will not be able to meet the foreign competition, as is now the case in the manufacture of gray or unbleached cotton cloth. The New England manufacturer finds himself temporarily unable to meet the foreign cost, so he is buying gray cloth and making cotton prints from it. His circumstances permit of this change in the nature of his output. He is for the present at a disadvantage in making gray cloth, but Yankee ingenuity and enterprise will find the solution of the problem. The tariff was never proposed as a substitute for enterprise, management, use of improved machinery, or other methods which the unequaled acumen of American business enterprise has developed, but to encourage progress in manufacturing to the utmost for the purpose of establishing necessary industries, affording them a reasonable return, protecting them from unfair competition from abroad, and by inducing competition here to reduce the per unit cost of articles, while improving their quality. And this it does. Protection to our manufacturing industries has proven of the utmost value, and I believe they are entitled to it.

TARIFF SAFEGUARDS HOME PRODUCERS FROM CUTTHROAT COMPETITION

Many economists who do not admit the validity of a protective tariff in other respects agree that it is important in cases like these:

(1) The sudden dumping of quantities of goods on the American market at bargain-counter prices.

(2) Dumping of goods manufactured by industries subsidized by a foreign country for the purpose of enabling them to invoice their products at valuations at less than the real values—that is, costs of production—and intended to extend over a long period of time.

(3) Predatory price cutting where a foreign industry deliberately sets out to get the market away from an American industry, and getting it, to have a monopoly of it.

(4) Dumping, arising from inflation, which acts first on the foreign exchange rate, then on wholesale prices, then on retail prices, and finally on costs, which will enable industries in a foreign country, following the policy of inflation, to run goods into this country at prices ruinous to our enterprises.

(5) Sales of goods made under Government subsidy or concession. An illustration of this occurred recently when an American railroad bought 4,500 tons of steel rails from German manufacturers at prices the American manufacturers can not meet because the German Government gives bounties or makes concessions equivalent to bounties to manufacturers of steel sold for export. The German concerns also have the advantage of low-priced labor, while the American manufacturers pay the American standard scale of wages.

The above are instances of unfair competition.

Wages paid in German industries range from $7.50 to $10 for a week of 58 to 60 hours, and from these a 10 per cent tax is deducted. In Great Britain wages are one-third of those paid in the United States. Wages in France vary from 70 cents to 90 cents per day in departments having lowest wages, to $1.33 to $1.77 in those paying the highest, based on 23 occupations for October, 1925. The above all refer to wages paid to men. There are more than 1,250,000 workless people in England to-day, due to the decreased demand for her products.

High wages in this country have been accompanied by a higher standard of living of a healthy kind. This involves ownership of homes, automobiles, radios, better food, and clothes, and other living habits, which are difficult if not impossible to give up.

The best evidence of the importance of the protective policy to the well-being of our people and to the prosperity and progress of the Nation is to be found in the social, economic, industrial, and agricultural prosperity of the country during the past 40 years, by comparing the conditions that prevailed when the Republican Party has been entrusted with its administration, with the conditions that followed an elevation of the Democratic Party to power. Every voter ought to have a working knowledge, at least, of the recent economic history of his country. I will not have time to enumerate all the benefits and advantages resulting from the protective policy, and all the ills and misfortunes incident to free trade or its aliases. Progress can be made in civilization only when the standards of living of the community are being continuously raised.

THE GROWING BURDEN OF FARM TAXATION

Direct taxes on farm property, which averaged $265,000,000 in 1909–1914, and were estimated at $891,000,000 in 1924–25, show an increase of 236 per cent during the 15 years.

The most acute phase of this situation, however, developed during 1920 and 1921, when the total taxes paid on farm property rose from $596,000,000 to $848,000,000, or about 42 per cent, while agricultural income during that time dropped from $14,634,000,000 to $10,313,000,000, a decrease of 29.5 per cent. Such tax relief as has occurred since the war has been entirely by way of reduction in Federal taxation, while State and local levies have continued to increase from year to year, and in sufficient measure to offset the Federal reduction in the aggregate tax burden.

Reports from 16,182 farmers in 1923 showed that their taxes averaged 17.6 per cent on their net farm returns. Taxes in the last few years have consumed from 10 to 50 per cent of the net farm income in large sections of the country, and have been particularly heavy in the North and West. This increased burden on the farmers, which bears upon all the property they own, is, of course, not due to the tariff.

If the Democratic policies should again prevail with the economic conditions which resulted under Cleveland and under the Underwood tariff, with farm products on the free list, with wage earners out of employment, with mills and factories idle, with a general industrial and business stagnation, how will the farmers, especially, who pay local and State taxes on their land, who must bear a very considerable proportion of the burden of paying the interest and principal of the constantly increasing output of municipal securities, meet these demands? In such stagnation, the farm homes will be most injured.

FOREIGN TRADE HAS INCREASED UNDER EXISTING TARIFF RATES

The predictions of our opponents that the tariff act of 1922 would curtail our foreign trade have not been fulfilled.

Goods, wares, and commodities by calendar years

Year	Exports	Imports	Total foreign trade
1921	$4,485,031,000	$2,509,147,000	$6,994,178,000
1922	3,831,777,000	3,112,747,000	6,944,524,000
1923	4,167,493,000	3,792,066,000	7,959,559,000
1924	4,590,984,000	3,609,962,000	8,200,946,000
1925	4,909,396,000	4,227,995,000	9,137,391,000

Exports declined from 1921 to 1922 $653,254,000 and imports increased $603,600,000. The trade effects of the present act were operative in 1923, the act having been signed in the latter part of 1922. But under the present tariff both exports and imports have been much larger each year, as shown above, than for the year 1922, while in 1925 the exports had increased over 1922 by $1,077,619,000, the imports by $1,115,248,000, making a total increase in foreign trade over 1922 the large sum of $2,192,867,000.

So the preservation of our economic independence has greatly expanded our foreign trade as well as materially benefited every occupational class in our country. The tariff has fostered our foreign trade because it enabled our people to produce increased quantities of commodities to be sold abroad and to be able to buy increased quantities of foreign products. It increased the savings banks' deposits to $13,000,000,000, which is the property of some 15,000,000 of our thrifty citizens. The volume of business increased from $43,000,000,000 to $60,000,000,000, or $17,000,000,000, and it added largely to the public wealth of our country. While it increased the income into the Treasury paid from the profits made on the foreign goods imported from an average of $241,866,000 per year under the eight years' experience, or $284,804,000 for the four-year period of the Underwood Act to an average of $566,275,000 under the present act. The year 1922 is not included, as part of the year was under the Underwood Act and part under the present act. If we include the years of the war, 1915 to 1918, inclusive, the average of duties collected under the Underwood Act was $284,804,000, as the following tables show:

Statistical abstract 1924	Duties collected
1914	$283,719,000
1915	205,946,000
1916	214,214,000
1917	204,585,000
1918	170,964,000
1919	237,458,000
1920	325,646,000
1921	292,396,000
Average	241,866,000

If, however, we take only the year 1914 before the World War and the years 1919, 1920, and 1921 after the war, we have the following figures:

	Duties collected
1914	$283,719,000
1919	237,456,000
1920	325,646,000
1921	292,396,000
Average	284,804,000

Duties collected under the present tariff:

	Duties collected
1923	$582,764,000
1924	545,232,000
1925	570,829,000
Average	566,275,000

That is the duties collected have doubled, so further relieving the American taxpayers by the amount of such increase.

The following table shows the decline of American exports during the last years of the Underwood Act. Note the enormous reductions from 1920 to 1921:

Articles	Exports	
	1920	1921
Agricultural implements	$46,277,638	$37,478,190
Breadstuffs	1,079,107,701	748,015,627
Automobiles and parts	298,229,715	81,922,357
Cars and transportation devices	382,207,667	122,219,667
Coal	349,811,341	168,221,259

Articles	Exports	
	1920	1921
Copper	$133,429,272	$89,279,924
Cotton	1,136,408,916	534,241,795
Cotton manufactures	402,041,277	117,238,574
Explosives	56,846,698	4,962,554
Fish	31,504,507	15,950,501
Fruits	82,417,950	68,326,274
Glass and glassware	30,086,211	14,437,162
Manufactures of rubber	85,436,897	30,786,277
Manufactures of iron and steel	1,112,835,237	607,427,146
Leather and manufactures	190,318,659	80,595,012
Meat products	463,255,758	298,212,479
Dairy products	80,817,302	44,145,449
Naval stores	34,503,389	11,449,688
Mineral oil	549,357,212	384,224,542
Vegetable oils	59,005,308	28,465,200
Paper	89,072,289	49,494,822
Leaf tobacco	244,897,187	204,743,186
Tobacco and manufactures	43,161,730	20,966,363
Vegetables	32,784,416	19,451,883
Wood and manufactures	186,720,152	90,517,459
Wool manufactures	44,571,002	9,897,201

IMPORTANCE OF ECONOMIC INDEPENDENCE TO A PEOPLE POLITICALLY FREE

Economic or commercial independence means that this country is to be self-contained and self-supporting; that we shall raise or produce as nearly as possible all the things we need selling our surpluses abroad as occasion may require and importing such articles as at any given time we do not have the climatic conditions to produce, or which at such time we are not prepared to manufacture; that we reserve our domestic market for the products of our own people; that we establish and maintain standards of living becoming to a free people, of which every citizen is a sovereign, under conditions that make that standard ever rising; and that we advance our civilization.

What will it profit our people if under free trade or its various aliases we pawn our birthright and lose that distinction we have so long labored to attain, namely, better conditions of life, which are the soul of a people. We have set for ourselves the economic standards we esteem vital to our perpetuity. A mighty Nation, with a destiny to which no one can set the limit of attainment, must of necessity have a people strong in themselves and in the material advantages essential to their support. We were the first great representative government. Others have emulated our example in government by the people. We were the first nation to declare as uncompromisingly for economic independence and for those better standards of living requisite to the public welfare. We do not propose to abandon our political liberty and its ideals. We have been instrumental in causing other nations to rise toward them. Shall we now, as a concession to the party of opposition, yield our economic liberty that such party again may demonstrate its inefficiency in the conduct of public affairs and we descend to the economic status of other nations? Rather let us maintain our economic standards also and raise other peoples to them. We need have no fear from nations to whom economic life comes to mean what it does to our people. But our economic liberty, with all that that implies, is in danger every hour from people with lower standards.

"THE AMERICAN MARKET" GREATEST IN WORLD, DUE TO PROTECTION

What is the American market? The American market is a place in which national wealth has been increased from $88,500,000,000 in 1900 to an amount approximately $300,000,000,000 at this time, giving us capital to do business on a giant scale. It is a place where 113,000,000 of people are living better than elsewhere in the world; a nation able to stand the shock of the World War without a tremor and afford its allies aid in hitherto unbelievable amounts; the only great nation whose Government by freemen now rests firmly on its foundation. Here we produce yearly $78,000,000,000 of new wealth or wealth in new and usable forms, $13,000,000,000 from the industries depending on the soil, $5,000,000,000 from mines, and $60,000,000,000 from industry—and what is done with this annual output exceeding in value the public wealth of some other nations after deducting their indebtedness? Our people consume more than 90 per cent of the products of manufacture, 91 per cent of all products of the soil, except cotton, and including cotton, 85 per cent, and a considerable proportion of the mineral products. It is a market having an enormous purchasing power, in part for use and in part for saving; and is a market in which 27,000,000 of wage earners, exclusive of those employed in agricultural and public services, receive wages from three to eight times greater than those of other nations. The universal opinion of thoughtful men everywhere is that this truly magnificent result is founded on the protective tariff. Shall we imperil this handmaid of our liberties? Who digs at the foundation? A party, who in times past whenever in power, have brought upon our people a nation-wide distress which they were unable to relieve, from which the people turned to the Republican Party for relief and have never turned in vain.

The New York World, whose attitude toward a protective tariff is well known, in its issue for Christmas Day, 1925, under the heading of "Greatest era of prosperity enjoyed in the United States," said:

Uncle Sam awakened this morning to a Christmas Day of unprecedented prosperity. He will sit before a festive board creaking under the weight of the highest living conditions ever enjoyed by any people in all history.

ECONOMIC INVASION NO LESS DANGEROUS THAN POLITICAL INVASION

The Colonies which became the United States resisted the attempted domination of their business enterprises. Resistance to such domination became a material factor in forming a sentiment which led to the war of 1776 and to independence. Since that great day, the foot of the hostile invader has come in only to go out in haste. In pursuance of our policy to be free from foreign control in every respect, the first general law adopted under the Constitution was a tariff act for the protection of our industrious people. If we resist political invasion, why not economic invasion? Both are equally harmful to the liberties of our people. Protection has been the policy of statesmen, whose great names and illustrious services to the Union adorn the pages of our history as the stars the glittering firmament. But few times, and those to the sorrow and disaster of our people, has the economic hand of the foreigner been given opportunity to control our economic life and the standards of living. And, never has that been done by the Republican Party. The wise men of all parties in the past have upheld the policy of a protective tariff. For three score and four years the genius of the Republic, with the exception of a few scant and sorrowful years under Democratic control, has kept us a free people economically. We pay tribute to none. Washington's advice of continuing wisdom and permanent value counseling "entangling alliances with none but friendship to all" is as important to economic as to political entanglements. When in the convocation of the world older states and nations boasting their long struggles to attain their economic independence and to establish their own national standards of living, shall raise their voices and say "With a great price bought we this freedom," America shall lift her queenly head with the yet prouder answer, "But, I was freeborn." [Applause.]

During Mr. HAWLEY'S speech the following colloquies occurred:

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. HAWLEY. If it is a direct question.

Mr. CONNALLY of Texas. Did the gentleman vote for the Haugen bill the other day?

Mr. HAWLEY. I did not.

Mr. CONNALLY of Texas. The gentleman is seeking to justify his vote by saying that the farmer does not need any legislation.

Mr. HAWLEY. I am not. I will tell the gentleman what I purpose to do as I proceed. I can not go into that now.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAWLEY. I ask for 20 minutes more.

The SPEAKER pro tempore. The gentleman from Oregon asks that his time be extended 20 minutes. Is there objection?

Mr. CONNALLY of Texas. Reserving the right to object, I understand the gentleman's request is for 20 minutes in addition. Does the gentleman mean to say in the first portion of his speech that he has just concluded that the farmers' values have increased more rapidly in recent years than manufactured products?

Mr. HAWLEY. Does the gentleman mean the total output?

Mr. CONNALLY of Texas. I mean the relative value—prices.

Mr. HAWLEY. Yes.

Mr. CONNALLY of Texas. The gentleman contends that farm products have increased more rapidly in recent years than the price of manufactured goods and——

Mr. STRONG of Kansas. The gentleman from Texas does not want to make a speech in the time of the gentleman from Oregon?

Mr. CONNALLY of Texas. When I want any advice from the gentleman from Kansas I shall call for it. The gentleman from Kansas has got all he can do to attend to his own affairs without attending to those of the gentleman from Oregon.

Mr. STRONG of Kansas. That is what I thought with reference to the gentleman from Texas.

Mr. CONNALLY of Texas. Does the gentleman from Oregon mean to say that he proposes legislation to keep the farmers from profiteering in the increased value of his products over and above the manufacturers? What does he propose to do? Does he offer any legislation to remedy this condition and raising the tariff a little higher?

Mr. HAWLEY. I am simply presenting the facts as they have developed in recent years.

Mr. CONNALLY of Texas. And the gentleman proposes to mail them out?

Mr. HAWLEY. I do not know whether I will mail them to my constituents or not.

Mr. WEFALD. Further reserving the right to object, I would like to have the gentleman tell us, in view of this rosy story that he has been giving us, how much farm lands have increased in value on account of the tariff, and whether his remedy for farm conditions is to raise the tariff higher?

Mr. HAWLEY. I do not see that the question of farm lands has anything to do with the discussion of the tariff I am presenting.

Mr. WEFALD. I should think that it would have. If the tariff has increased the benefits of the farmer in his business, I think the value would increase the value of the farm land.

Mr. STRONG of Kansas. Would it increase the value of farm lands to put everything back on the free list like it was under the Underwood bill?

Mr. WEFALD. As it is no farm land can be sold to-day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WEFALD. How do the differences in price compare with the tariff on wheat?

Mr. HAWLEY. I shall answer that in a moment.

Mr. WEFALD. Is not the argument that the gentleman has just made a good argument in favor of the Haugen bill, that when the surplus is taken care of then the farmer can get a better price for local consumption?

Mr. HAWLEY. I may have something to say about the disposal of the surplus, but I state later on that the surplus and the foreign prices have nothing to do with the tariff.

Mr. GARBER. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GARBER. I assume that the gentleman takes the position that the American farmers are entitled to the home market?

Mr. HAWLEY. Yes.

Mr. GARBER. During the year 1925 there were imported into this country $1,050,000,000 worth of competitive agricultural products. What is the constructive remedy for that condition and to bring about the object the gentleman says he is supporting, giving the home market to the American farmer?

Mr. HAWLEY. If I undertake to answer that now, I shall not be able to accomplish what I am undertaking to do at this time. I would rather take that up at some other time, if the gentleman will permit.

Mr. GARBER. I suggest to the gentleman that I introduced a resolution requiring the Tariff Commission to investigate the difference between the cost of production at home and abroad and lay those facts before the President. That resolution was referred to the Committee on Ways and Means, of which the gentleman is a distinguished member. Has it been given any consideration?

Mr. HAWLEY. The Ways and Means Committee decided early in the session not to undertake a revision of the tariff at this time. There were scores of items presented, but it was impossible to undertake a wise revision of the tariff at this time.

Mr. HASTINGS. Has the gentleman any details that he is going to put in his speech with reference to how the protective tariff affects cotton?

Mr. HAWLEY. There is no tariff on cotton.

Mr. HASTINGS. I know that very well, but I thought perhaps the gentleman might have some reason why that would help the price of cotton.

Mr. GARBER. The imports show that one-eighth of the value of agricultural products in this country for sale during 1925 were imported. They were competitive agricultural products. Does not the gentleman think that is a situation which requires immediate constructive action?

Mr. HAWLEY. I wish the gentleman would take another time for that discussion.

Mr. WEFALD. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Briefly.

Mr. WEFALD. Would not the gentleman in this very fine speech also include a table of farm bankruptcies at the same time? It would fit in very nicely.

Mr. HAWLEY. I have no such table. It would be very interesting, undoubtedly. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has three minutes remaining.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for two additional minutes.

The SPEAKER. Is there objection?

Mr. HASTINGS. Mr. Speaker, reserving the right to object, I trust no one will object, because I am sure that we are all enjoying this statistical piece of humor. And I think the farmers throughout the country will enjoy it. If I did not have such extremely high regard for the gentleman from Oregon, I would say that he is the Mark Twain of the House.

Mr. JOHNSON of Washington. Oh, I think, on the contrary, that the gentleman from Oregon is placing facts and figures in the RECORD which will be of considerable value not only to the Members of the House but to the country at large. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HAWLEY concluded the delivery of his speech.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bills of the following titles in which the concurrence of the House of Representatives was requested:

S. 4059. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purpoes;

S. 4321. An act authorizing the construction of public buildings at West Point, Ga., and Lanett, Ala.;

S. 4403. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio; and

S. 4430. An act authorizing the Department of State to deliver to Hon. WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, and permitting him to accept the decoration and diploma presented by the Government of France.

The message also announced that the Senate had passed with amendments the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9655. An act for the relief of Edward L. Duggan;

H. R. 10807. An act to provide for payment of the amount of a war-risk insurance policy to the beneficiaries designated by Lieut. Lewis Wesley Kitchens, deceased;

H. R. 10227. An act for the relief of Charles W. Reed;

H. R. 5353. An act to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876);

S. 1963. An act authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims;

S. 3185. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims;

S. 3361. An act to purchase lands for addition to the Papago Indian Reservation, Ariz.; and

S. 4482. An act to increase the limit of cost of submarine tender *No. 3* and to authorize repairs and alterations to the U. S. S. *S-48*.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 5353. An act to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876);

H. R. 9655. An act for the relief of Edward L. Duggan;

H. R. 10227. An act for the relief of Charles W. Reed;

H. R. 10363. An act to reinstate William R. F. Bleakney in West Point Military Academy;

H. R. 10807. An act to provide for payment of the amount of a war-risk insurance policy to the beneficiaries designated by Lieut. Lewis Wesley Kitchens, deceased;

H. R. 10980. An act to authorize leasing, for the production of oil and gas, certain public lands in Carbon County, Wyo.;

H. R. 11802. An act to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery;

H. R. 12207. An act authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island; and

H. J. Res. 64. Joint resolution to secure a replica of the Houdon bust of Washington for lodgment in the Pan American Building.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4059. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812 and Army nurses, and for other purposes; to the Committee on Invalid Pensions.

S. 4321. An act authorizing the construction of public buildings at West Point, Ga., and Lanett, Ala.; to the Committee on Public Buildings and Grounds.

S. 4430. An act authorizing the Department of State to deliver to Hon. WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, and permitting him to accept the decoration and diploma presented by the Government of France; to the Committee on Foreign Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 537. An act for the relief of A. B. Ewing; and

H. R. 9833. An act to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said act.

SECOND DEFICIENCY APPROPRIATION BILL—FISCAL YEAR 1926

Mr. MADDEN, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 20, 1926, and June 30, 1927, and for other purposes, which was read a first and second time, and, with accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WINGO reserved all points of order on the bill.

MISS PAULINE BELL, CHAMPION SPELLER

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Speaker, the State of Kentucky has enjoyed a unique place in the history of the United States. It was the first State carved out of the wilderness west of the Allegheny Mountains. It was the early settlement of this State that enabled George Rogers Clarke and his band of pioneer patriots to use it as the base of his operations north of the Ohio River, which determined the Mississippi River instead of the Allegheny Mountains as the western boundary of the new Republic. During the War of 1812 it was the sharpshooters of Kentucky, with those of Tennessee, who enabled Andrew Jackson to win the glorious victory of New Orleans. In the Mexican War Kentucky furnished the historic character who scaled the walls of Chapultepec and planted the American flag above the palace of the Montezumas. [Applause.]

During the Civil War Kentucky furnished more than her quota to both the Northern and Southern Armies and rejoices in the fact that she gave to both sides the leaders in that great conflict in the persons of Abraham Lincoln and Jefferson Davis, to both of whom imposing monuments have been erected at the places of their birth. [Applause.]

Kentucky has given 36 governors to other States of the Union, and 14 Kentuckians have served in the Cabinets of Presidents of the United States. Six Speakers of the National House of Representatives were either born or lived in Kentucky. It was a Kentuckian who gave to the medical science and humanity the boon of anesthesia in the performance of surgical operations. The man who ran the first steam engine ever propelled on a railroad in the United States lived in Kentucky, and a Kentuckian wrote that immortal poem, The Bivouac of the Dead. A Kentuckian, Mrs. Cora Wilson Stewart, started a nation-wide campaign against adult illiteracy. Kentucky was the first State in the Union to establish a general system of common schools throughout the State and tax all the property of the people for its support, and no State within the Union in recent years has made greater strides in raising the standards of education than has the State of Kentucky. [Applause.]

But I did not arise to-day to recount the glories of Kentucky's past, brilliant and numerous as they have been, but rather to mention an incident revealing her present preeminence in the sisterhood of States. On last Thursday evening, here in the city of Washington, the Nation's Capital, was held a national spelling contest. This contest was participated in by representatives sent here by more than one-half the States in the Union. Those finally chosen to represent their respective States were selected after gruelling tests in the States, and districts, and reaching down to the local communities. The selection itself of any school boy or girl to represent a State in such a contest is an honor calculated to fill with pride any youth who attains it. Therefore, to win the honor of being the best speller among all these contestants is a distinction which can come to but few of the school children of the United States. [Applause.]

The contest to which I have referred was the second which has been held. Last year, when the first contest was held, the winner was a student from Louisville, whose name was Frank Neuhauser. In the contest held one week ago the winner of this national honor was Miss Pauline Bell, a 13-year-old school girl from Grayson County, Ky. [Applause.] Her training, I am told, thus far has been exclusively in a one-room, one-teacher school in the rural sections of Grayson County. This school is situated 5 miles from the nearest railroad station. It is reached over a dirt road and the young lady who captured this high honor has trudged her way to this country school house, over this road, in all sorts of seasons. [Applause.]

In winning this honor she not only distinguishes herself, but she adds unquestioned testimony to the historic fact that from the rural sections of her country have come a large proportion of the scholars, statesmen, and benefactors of our country. While the old-fashioned blue-book speller has been unused for almost a generation and lives now only in the tradition of a generation that is passing, the result of this contest emphasizes the important part that simple book, and others of its kind, have played in the fundamental education of our people. To be a good speller in these days of hasty and superficial education and thinking is a distinction in itself. To be the best speller in the Nation at the age of 13 years is so unusual a distinction that I feel justified in calling it to the attention of this House. As a Kentuckian, I rejoice that my native State has produced this girl, and that it produced the winner also in last year's contest. I trust that the winning of this high honor may be but the beginning of a long list of achievements on the part of both these worthy students, that will add further lustre to the glorious pages of Kentucky history. [Applause.]

THE BANKING BILL

Mr. MORTON D. HULL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MORTON D. HULL. To ask unanimous consent to be allowed half an hour to use in speaking on the subject of the conference report.

Mr. ABERNETHY. Mr. Speaker, reserving the right to object, I ask unanimous consent also to speak on this McFadden bill for 10 minutes in addition to the time that is allotted to the gentleman from Illinois.

Mr. McFADDEN rose.

The SPEAKER. That is not yet before the House. The Chair recognizes the gentleman from Pennsylvania.

Mr. McFADDEN. Mr. Speaker, reserving the right to object—I do not think I intend to object, but I do want to know from the gentleman that he is not going to make any motion during that time which will in any way affect the bill or conference report. I believe inasmuch as the bill is not yet before the House he will not have an opportunity to make such a motion?

Mr. MORTON D. HULL. I am only asking this time to use for the purpose of addressing the House, and I desire to be

heard on the bill only, and it will permit me to assign a portion of the time to Mr. BLACK of Texas.

The SPEAKER. There is nothing before the House at the present time.

Mr. MORTON D. HULL. I am asking for unanimous consent.

Mr. McFADDEN. I withdraw the objection.

The SPEAKER. The Chair thinks if the gentleman desires to speak on a certain bill it would be proper first to bring the bill before the House.

Mr. MORTON D. HULL. Many speeches have been made on this subject under unanimous consent before the bill was up.

Mr. McFADDEN. I will not object; the gentleman is entitled to speak.

The SPEAKER. The Chair will put the request. The gentleman from Illinois [Mr. MORTON D. HULL] asks unanimous consent that when the McFadden conference report is before the House that he be permitted to address the House for 30 minutes, with the understanding with the gentleman from Pennsylvania that he will make no motion affecting the conference report.

Mr. McFADDEN. That is not exactly the request of the gentleman. He presented, as I understood it, a unanimous consent for permission to address the House now.

Mr. MORTON D. HULL. I am perfectly willing to have time given when the bill is up.

The SPEAKER. The Chair did not understand that. Is there objection to the request of the gentleman from Illinois? The gentleman from Illinois asks unanimous consent now to address the House for 30 minutes on the subject of the conference report on the McFadden banking bill. Is there objection?

Mr. BEEDY. Reserving the right to object, Mr. Speaker, I understood the gentleman from Illinois to state that he was prepared to yield, if we granted that request, 10 minutes of the 30 to the gentleman from Texas [Mr. BLACK].

Mr. MORTON D. HULL. Exactly.

Mr. BEEDY. So that between the two gentlemen the 30 minutes would be consumed.

Mr. ABERNETHY. Reserving the right to object, Mr. Speaker, I desire 10 minutes on the subject. I hope the gentleman will make it 40 minutes instead of 30.

Mr. WINGO. Mr. Speaker, it occurs to me now that the proper procedure would be to go on in the regular order. Although I am one of the conferees on the bill, I was not advised until a few moments that there was to be a new proposal submitted to the House. Would it not be fairer to the Members of the House to have that new proposal submitted so that Members will have some idea as to when they are expected to vote? I want to see my friend have 30 minutes, but I have just suggested that we proceed in the regular way and have the proposal which is to be offered submitted to the House now. I have not seen it.

Mr. McFADDEN. Mr. Speaker, it seems to me that we might arrive at a solution of this difficulty on the motion of the gentlemen from Illinois by unanimous consent. He is entitled to be heard. So far as I am concerned, I am not going to object to his request, nor am I going to object to the request of the gentleman from North Carolina [Mr. ABERNETHY]. But I do want to expedite the passage of the measure, and I think if the House will agree to these two motions or requests it will expedite the business before the House.

Mr. MORTON D. HULL. Mr. Speaker, will the gentleman yield there?

Mr. McFADDEN. I will.

Mr. MORTON D. HULL. I think there is something in the suggestion made by the gentleman from Arkansas [Mr. WINGO], and if it is agreeable I will modify my request to conform to that suggestion.

Mr. McFADDEN. Mr. Speaker, I am not going to object to the unanimous-consent request which has been made. I do not want to enter into any bargain as to the division of the time on this bill. The House has been very patient heretofore and is entitled to have the matter settled.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. SNELL. Can the gentleman explain how much time he intends to take in that way? We have another matter to take up this afternoon, and we do not expect this to take the entire afternoon.

Mr. McFADDEN. I will say that I have yielded all the time I have, 45 minutes, to the gentleman from Maine [Mr. BEEDY]. I do not know of any other time that has been desired, except that the gentleman from Minnesota [Mr. NEWTON] suggested that he would like to have five minutes and the gentleman from Michigan [Mr. HOOPER] has suggested that he would like to have five minutes.

Mr. SNELL. That in all would amount to about two hours.

Mr. RAMSEYER. I understand the gentleman from Pennsylvania has announced that he has a new proposition to submit. Is he going to withdraw one proposition and offer a new one? Is that true?

Mr. McFADDEN. If the gentleman will wait until we get to that, I am sure he will agree to whatever motion I may make.

Mr. RAMSEYER. If the gentleman offers a new motion, of course his time will begin to run anew on that motion.

Mr. McFADDEN. It is not my purpose to use additional time in debating the change which I propose to make, which is a minor change. I am not going to ask for additional time outside of what has already been granted.

Mr. WINGO. I wish to assure the gentleman from New York [Mr. SNELL] and the gentleman from Pennsylvania [Mr. McFADDEN] that I shall not consent without a protest to occupy the position of an innocent bystander in this matter. It will cost the gentleman a good deal more time than I will ask. I am relying upon an agreement I had with the gentleman from Pennsylvania before he thought fit to repudiate it.

Mr. FAIRCHILD. May I ask the gentleman from Pennsylvania what opportunity will be given for debate on this new proposition?

The SPEAKER. The gentleman from Illinois [Mr. MORTON D. HULL] now asks unanimous consent to proceed for 30 minutes, with the understanding that the gentleman from North Carolina [Mr. ABERNETHY] shall have 10 minutes. Is there objection?

Mr. NEWTON of Minnesota. Reserving the right to object, I shall not object; but I should like to have five minutes in which to discuss a feature of this conference report.

Mr. WINGO. The conference report is dead; killed by one of its supporters.

Mr. NEWTON of Minnesota. I mean the subject matter of the discussion this afternoon. That would, perhaps, more aptly describe it.

The SPEAKER. Is there objection?

Mr. MORTON D. HULL. Mr. Speaker, I suggest to make it 45 minutes.

The SPEAKER. The gentleman modifies his request and makes it 45 minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois is recognized for 45 minutes.

Mr. MORTON D. HULL. Mr. Speaker and gentlemen of the House, I am not advised as to what the parliamentary situation will be, as it has been intimated that the gentleman from Pennsylvania [Mr. McFADDEN] will withdraw the motion which he made the other day. Whether he withdraws it or not, I want to register my opposition to certain amendments made in certain sections of the bill. I will refer particularly now to amendment No. 1, amendment No. 26, amendment No. 29, and amendment No. 30. They all have to do with the subject of branch banking.

I am very sorry that I can not go along with the proposed compromise contained in the late conference committee report, because it seems to me that the proposed conference committee report violated two fundamentals of a proper adjustment of this issue. It seems to me that a proper adjustment of this issue should contain provisions safeguarding us from the extension of branch banking in States not now permitting branch banking. It seems to me also that a proper solution of this question required a square deal toward all those banks now suffering from the competition of State banks doing a branch banking business; a square deal for National banks now suffering from that competition and safeguarding us in the future against the extension of branch banking in other States. Those seem to me to be the fundamentals of a proper solution of this problem.

The proposal which came from the late conference committee did not conform to either of these essentials. It renewed the invitation to legislatures in States not now permitting branch banking to change their laws. It encouraged banks, National and State, in States not now permitting branch banking to go to their legislatures and agitate for a change of State laws. It, therefore, did not protect us or safeguard us against the extension of branch banking in the future. Neither does it deal squarely with the National banks now suffering from the competition of State banks.

When it provided a limitation of 100,000 it said, in effect, we will give to banks in States now doing a branch banking business in cities of 100,000 or over a special privilege which we will deny to the national banks in these same States, which may be suffering from that same competition. The result is

that it could not possibly be in any sense a permanent solution of the problem or a solution of the problem which would endure for more than a very, very brief time. No solution of this problem which does not carry the element of essential justice to the large banks and the small banks can last for more than a minute.

Let me call your attention to some of the injustices which are done by this proposal to limit national banks in their right to have branches in States not now permitting branch banking to cities of 100,000 and over.

California is a branch banking State. Long Beach, Calif., has a population of less than 100,000. The great Bank of Italy, the Pacific Southwest Bank, and the Security Trust & Savings Bank, all large branch banking corporations, have branches in that city. The California National and the First National have no branches, and under the provisions of this proposed compromise could not have any branches. In Lawrence, Mass., a city of less than 100,000, the Bay State National Bank, a substantial bank, could have no branches. The Merchants Trust Co. has one branch.

In Lansing, Mich., the American State Savings Bank has two branches. This is a city of less than 100,000. The Capital National and the City National have no branches and could have none.

Johnstown, Pa., is a city of less than 100,000. Here we have a curious situation. The First National Bank, under a recent license, has a branch and three other national banks of substantial size have none and could have none.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. MORTON D. HULL. Yes.

Mr. WAINWRIGHT. If I understand what the gentleman is getting at, it is this: That this would not relieve the national banks in these smaller cities of the competition of State institutions from which they now suffer?

Mr. MORTON D. HULL. Yes. The professed purpose of the bill was to consider all alike and relieve all of these national banks from the competition of State banks now doing a branch banking business. The First National Bank has a branch and these three other national banks could not have branches.

In Columbus, Ga., the Columbus Savings Bank, a substantial bank located in a city of less than 100,000, has two branches, while the First, Third, and Fourth National Banks, all substantial banks, could have no branches.

There is no city in the State of Maine that has a population of 100,000. Portland is the largest city, the home city, I understand, of the gentleman from Maine [Mr. BEEDY], who is supporting this bill. The Casco Mercantile Trust Co. has four branches and the Chapman National Bank, I think, has one branch office, but the First National, the Canal National, and the Portland National have no branch banks and could have none under this bill.

Mr. BEEDY. As the gentleman has referred to me, will he not be courteous enough to yield for a simple question? Is the gentleman against branch banking or is he for it?

Mr. MORTON D. HULL. I will answer the gentleman's question.

Mr. BEEDY. The gentleman is on both sides of it now.

Mr. MORTON D. HULL. I am not on both sides. I am trying to tell you and any man who has an open mind that no solution of this problem can be a permanent solution and can not last at all unless it is a fair solution and that the two essentials of a fair solution are justice to the banks that are now suffering from branch banking and a safeguarding of the future. [Applause.] And, as I have shown, the gentleman from Maine is showing slight regard for the national banks in his own home town, which can not compete with a State bank in that same town which has four branches.

Now, there is another situation—the situation at Cleveland. The great Cleveland Trust Co., with over $200,000,000 in deposits, is a member of the Federal reserve system. It has the right to have branches and that right is confirmed by this bill, but the little city of Lorain, a contiguous city, a city of less than 100,000, has a national bank of 25 years' standing, and that national bank is foreclosed from having any branches and is subjected to the competition of the great Cleveland Trust Co., which has stuck branches right in its own town.

I do not want to occupy much time, but this is a question, I think, which looks a long way into the future.

It is not of so much importance whether a few more branch banks are permitted to establish themselves under the House form of the bill than would be established under the proposed compromise, because the proposed compromise could not last for a minute, and the proponents of it would be back here at the very next session asking for further concessions.

Mr. WAINWRIGHT. I am wondering if the gentleman has prepared himself to speak on the contiguous-territory provision in this compromise.

Mr. MORTON D. HULL. I have not really the time to speak of that. I know it would enlarge the banking privileges of the big city banks as against those of the small country banks enormously.

Mr. WAINWRIGHT. And permit them to go out into the country districts and compete with the country banks?

Mr. MORTON D. HULL. Yes. I have heard many men say here that they had consulted with the banks in their districts, and the banks in their district wanted them to vote in this way, and I have heard other men say that the banks in their districts wanted them to vote another way; I am pleading with you to consider another point of view. It is not a question of how the banks in your city want you to vote. It is a question of public interest. I am asking you to consider the public interest, to keep open the avenues of credit for young men of courage, vision, and character. The branch-banking system closes it to those who are not able to reach the head. It shuts out competitive and community banking, and when I see the great Bank of Italy, a California corporation, with over 100 branches, coming into the city of New York and picking up 20 branches in that city, I am concerned about its significance in the future.

I do not want to see branch banking spread all over this country, thereby becoming a continental proposition. I am comforted a little, perhaps, by the prophecies of the former Comptroller of the Currency, Mr. Dawes, who says on this subject:

> From time to time efforts have been made to substitute for the old machinery a system which might seem to be theoretically and technically more perfect. The frontal attacks of the proponents of foreign banking systems have invariably broken down without in any substantial manner permanently modifying or affecting the general principles of American banking. The genius of the American people for independence in matters of local self-government is thoroughly ingrained and will never succumb in any clean-cut issue where the choice rests between centralized control and personal and community independence.

Mr. Speaker and Members of the House, I hope when this matter comes to an issue you will vote down Senate amendments Nos. 1, 26, 29, and 30, if the proposal comes in a form so that you can act upon these amendments separately, and if they are contained in any motion which includes others I hope you will vote the motion down. [Applause.]

I yield, Mr. Speaker, 10 minutes to the gentleman from Texas [Mr. BLACK].

Mr. GOLDSBOROUGH. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER pro tempore (Mr. LEHLBACH). The gentleman from Maryland makes the point there is not a quorum present. Obviously there is not a quorum present.

Mr. HILL of Maryland. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 123]

Ackerman	Coyle	Kearns	Perlman
Aldrich	Cramton	Keller	Phillips
Allen	Davenport	Kiess	Purnell
Allgood	Doughton	Kunz	Quayle
Andrew	Douglass	Kvale	Rayburn
Anthony	Doyle	Lea, Calif.	Reece
Appleby	Drane	Lee, Ga.	Sabath
Arentz	Eaton	Lineberger	Schneider
Ayres	Esterly	Linthicum	Sinclair
Bankhead	Fenn	Luce	Smithwick
Beck	Fitzgerald, Roy G.	McDuffie	Sproul, Kan.
Berger	Fitzgerald, W. T.	McKeown	Steagall
Bixler	Fredericks	McLeod	Stobbs
Blanton	Freeman	Magee, Pa.	Strong, Pa.
Bloom	Fuller	Mead	Sullivan
Bowles	Funk	Merritt	Swoope
Bowling	Gallivan	Michaelson	Taylor, N. J.
Browning	Garner, Tex.	Mills	Thompson
Brumm	Garrett, Tex.	Montague	Tillman
Buchanan	Golder	Mooney	Tucker
Campbell	Graham	Moore, Va.	Tydings
Canfield	Green, Iowa	Morehead	Updike
Carpenter	Hawley	Morin	Vare
Carter, Calif.	Holaday	Nelson, Me.	Walters
Carter, Okla.	Hudson	Nelson, Wis.	Warren
Celler	Hudspeth	Norton	Welsh
Cleary	Hull, Tenn.	O'Connell, R. I.	Williams, Tex.
Collins	Johnson, Ill.	O'Connor, N. Y.	Wilson, La.
Connery	Johnson, Ky.	Oldfield	Wilson, Miss.
Connolly, Pa.	Jones	Patterson	Wood
Corning	Kahn	Peavey	Wurzbach

The SPEAKER pro tempore. Three hundred and five Members have answered present; a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. BLACK of Texas. Mr. Speaker, when the McFadden banking bill was before the House in February of this year, the principal controversy was that part of the bill relating to branch banking; in fact, about the only controversial features of the bill were those relating to branch banking. If it were not for that controversy, if the other provisions in the bill were embodied in a separate bill, I dare say the bill would have already passed the House and have become a law.

I supported the House bill when we had it in the House in February, because I thought it contained well-thought out, conservative, reasonable provisions on the subject of branch banking. These provisions were contained in four sections of the bill—sections 3, 7, 8, and 9.

Section 3 of the bill provided that a State bank might consolidate with a national bank under a national banking charter and the State bank might bring in its branches situated within the city of the domicile of the bank, but nowhere else.

Section 7 of the bill amends section 5155 of the national banking act dealing with the conversion of a State bank. The State bank is allowed to surrender its State charter, convert into a national bank, and bring in all of its branches located within the city of its domicile, but nowhere else.

Section 8 of the House bill amends section 5190 of the national banking act and permits—and I will say here it is the only permissive section of the bill as to national bank branch banking, all the other sections being restrictive in character—section 8 provides that national banks now holding national charters may establish branches within the city of their domicile in States which permit branch banking.

In all of these sections were embodied what were known as the Hull amendments. The Hull amendments divide the States into two divisions. First division, those States which at the very time of the approval of this act permit branch banking to their State banks. The other division consists of those States that do not now permit branch banking, but may permit it at some time in the future. The Hull amendments provide that the branch-banking features of this bill, the permissive features, shall apply only to those States in the first division, to wit, those which at the very time of the approval of this act permit branch banking.

In those States which do not at the time of the approval of this act permit branch banking to their State banks, no permission is given to national banks to establish branches, either now or in the future.

I may pause here long enough to say, however, that, of course, in a subsequent Congress, if in the meanwhile a State which does not now permit branch banking should change its laws to permit that privilege to a State bank, such future Congress could, if it desired, extend that same privilege to national banks located within that State. Doubtless it would be done.

Now, I submit that these four sections of the House bill embody three harmonious well-connected principles. First, they permit to national banks located in States that now permit branch banking the privilege of establishing branches confined wholly to the city of their domicile. The purpose of that is to enable them to compete with State banks. That is one thing. Then, another thing these amendments do is that they say all members of the Federal reserve system, both National and State, that come into the system after the approval of the act shall only bring in those branches that are located within the city of the domicile of the member bank.

Then, the Hull amendments, in order to discourage the spread of branch banking, restrict the provisions of the bill to those States where branch banking is now permitted. Those provisions which I have just detailed are in brief the House provisions on the subject of branch banking.

The Senate amendments, which the distinguished chairman of the committee, Mr. MCFADDEN, seeks to have us approve, would change the whole structure of the bill. Amendment No. 1 of the Senate does this: It would permit a national bank to consolidate with a State bank located anywhere in the State where the national bank is located, and permit the State bank to bring into the national banking system every one of its branches, even though they are located all over the State. Under that amendment—No. 1 of the Senate—the Bank of Italy in California, for example, could consolidate with a national bank in San Francisco and bring every one of its branches into the national-banking system.

Under amendment 26 of the Senate, which strikes out sections 7 and 8 of the House bill and writes a new section in lieu of both sections—under that amendment 26 the State bank could surrender its charter and take out a national-banking charter and bring in every one of its branches located anywhere in the State. Therefore, in view of the fact that these Senate amendments seek to destroy all the harmony of the House bill and make confusion worse confounded in the branch-banking situation, I intend to vote against the Senate amendments and adhere to the House bill as it passed the House. [Applause.]

Mr. ABERNETHY. Mr. Speaker, I am reminded in this connection of the patient who has a number of doctors working over him and the doctors have disagreed and the patient is likely to die as the result of the disagreement among the doctors.

I find myself as an average Member of the House very much at a loss to know how to vote as the situation now presents itself. I look over on this side and I find the Democratic membership of that great Committee on Banking and Currency at variance on the features of this bill. I look on the other side and find among the Republican membership of the Banking and Currency Committee the same division. So, as a man who does not understand banking—and I do not profess to understand it—the one thing I understand is when I go to put my note, properly secured, up to the cashier or the president and he lends me the money on the note—I do not profess to have the knowledge of banking that the gentleman from South Carolina [Mr. STEVENSON] has, but I do know as an average Member of the House that this bill is not what my State of North Carolina wants in its present form. We are getting along very well in my State. We have a great State and a great banking system. We have a dual system where the national banks are working in cooperation with the State banks. The State banks have branches. We have a wise corporation commission which regulates the State banks and we are getting along very well. What I do object to is that Congress, which has no jurisdiction, is undertaking in the name of and in the interest of national banks to force something on us by act of Congress that they have no right to do and which they ought not to do. That is the fundamental reason why I am opposing this bill. The bill as amended in the Senate, if allowed to stand, would be more favorable to my State than the House bill, and I find myself in this situation: The distinguished chairman of this committee agreed in conference to amendment No. 30 of the Senate, and now he makes a motion to disagree and go back to conference, and the Lord knows when they come back what we will have to vote on. I do not.

I do not think we ought to pass this legislation at this late day of the session. You do not know what it means. If you go back of this, all you know it is in the interest of the large banks in the big cities against the small banks in the small communities and the rural sections. For that reason I am opposed to the whole proposition. [Applause.]

Mr. NEWTON of Minnesota. Mr. Speaker, I regret to be compelled to differ in some respects with the gentleman from Pennsylvania [Mr. MCFADDEN] with reference to the matter that is now pending before the House. Here is the situation: When this bill was under consideration in the House it adopted a definite, consistent policy in reference to branch banking. One phase had to do with the question of banks with branches already established, and the other had to do with the establishment by national banks of branches in the future. The House failed or refused to take action legalizing branches that had been heretofore established, and prohibited the creation of branch banks in the future, regardless of the action of the States as to State bank branch banking.

This was the position of the House. The policy was consistent. It would have prohibited the continuance of branches now being maintained in several larger cities of the country, including my own city of Minneapolis. When the bill was under consideration in the House I made no effort to have the House, by amendment, meet this local situation, where during the war or thereabouts, two of our national banks each took over several branches.

They are each operating in the city three branches as the result of that action. They were small banks, and my recollection is some were State and some were national banks, and that the Comptroller of the Currency was consulted and either approved or acquiesced in the action. At that time our State laws did not prohibit State banks from conducting branches. However, there is some question as to the legality of these branches. This is apparently true of the situation in these other cities. To-day these branches in my city are used by depositors all over the city, to the extent of about 100,000 people. The total deposits run up to about $25,000,000. When the bill left the House it contained no provision legalizing this or any other similar situation.

The bill went over to the Senate, and the Senate changed that policy. They did not change it consistently. In reference to branches already established, they used different standards. On page 13 of the bill before us, in paragraph (a) they provide that national-banking associations which have continuously maintained and operated not more than one branch for a period of 25 years immediately preceding the approval of the act may continue to maintain and operate that branch, regardless of its legality when it was established. They permit a particular bank in a certain locality to be exempted from the general antibank provisions of the bill.

In so doing they took care of one local situation. They then proceeded to take care of another local situation by authorizing the establishment of branch banks under certain circumstances and conditions in cities of a certain size and also in a contiguous metropolitan area outside of the city limits. So that in at least two different instances the Senate, in a way more typical of that body than that of the House, set aside general principles, took care of these local situations, but failed to take care of others of a similar character. It is as inconsistent as it can be.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. NEWTON of Minnesota. I have only five minutes, but I yield for a question.

Mr. MADDEN. Would it not be possible under the motion pending, made by the gentleman from Pennsylvania [Mr. McFADDEN], the chairman of the committee, for a bank in a town of, say, 40,000 people to be refused the right to establish a branch, and yet under further language of the bill for a bank in the city of New York, if the limits of the city were spread out to the contiguous area, to be granted the right to establish a branch in this same city of 40,000 people?

Mr. NEWTON of Minnesota. That is my understanding of it.

The SPEAKER pro tempore (Mr. LEHLBACH). The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to proceed for three minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. That is the situation. The Senate changes the policy of the bill and then makes specific provisions to take care of specific localities, but fails to take care of another locality where the facts warrant it every bit as much as they would in the locality taken care of by the Senate bill.

Gentlemen, these situations ought to be treated alike. There is no reason at all for applying one rule to one and another and inconsistent rule to the other. If we are to lay down the rule in the House bill we should adhere to it. If exceptions are to be made as in the Senate bill they should be made on principle with the idea of treating every situation fairly. If we make an exception in one case we ought to make like exception in a similar case. If I have an opportunity I shall submit an amendment which will enable the House to pass on this question. Therefore, I ask the House to vote down the previous question so that the motion of the gentleman from Pennsylvania will be open to amendment. There is no reason whatever for excepting certain localities from this antibranch banking provision and making it apply to others. Let the law be uniform.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. SCHAFER. What will be the status of these banks if the gentleman's amendment is not presented and enacted into law?

Mr. NEWTON of Minnesota. Then the question of their legality would have to be determined in the courts; but as to those others that are taken care of in the Senate, their legality has been taken care of by the legislative body.

And if the House does not agree on the proposition, of course they can vote my proposition down. What I want to do is to present this in order that it may have a fair consideration. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MORTON D. HULL. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. HOOPER]. [Applause.]

Mr. HOOPER. Mr. Speaker and gentlemen of the House, in the very few minutes allotted to me I wish to voice as vigorously and as concisely as I can my opposition to that phase of the conference report which limits to cities of 100,000 the right to branch banking. When I voted for the McFadden bill as it came from the committee I did so with enthusiasm, because I believed it was the best for the banking community in which I live, that it was a liberalizing of the national banking system, and that it infused in the somewhat sluggish veins of that system the new blood of progressive legislation. It seems to me as I examine the phraseology of the conference report that instead of liberalizing the national banking system it has a positive tendency the other way. I live in a community where the city of Kalamazoo, with 54,000 inhabitants, and the city of Battle Creek, with 45,000 people, are situated in the midst of a rich agricultural community. They are strong and growing manufacturing cities. They are used to national banks, they believe in the national bank system, and national banks have had a tremendous influence in building up those communities. Now, we are placed in this position: Our cities are growing rapidly and are expanding, and the bankers are feeling the need in these communities of branching out in the same way the State banks are permitted to do. In our town of Battle Creek we have three great national banks having $30,000,000 in deposits. One bank, of which the head is one of the best and ablest bankers in Michigan—that bank already feels the need of expansion in competition with State banks. Under this provision it will be unable to do it. A town of 50,000 population to-day will be a town of 100,000 inhabitants in a few years, but in those intervening years they are going to feel with the utmost keenness the competition of the strong State banks in our midst. It is going to help the State banks; it is going to drive into the State banking column many of the national banks. It is going to build up the State banks at the expense of the national banks, and instead of liberalizing and strengthening the national banking system which has so greatly developed our manufacturing communities, it is going to have a withering and paralyzing effect upon them. This I consider is the great fault in the conference report. I do not know what the result may be, I do not know what the vote may be in this House, but I do firmly believe that it is a wrong policy, both for the present and for the future of the national banking system—that there should be concentrated in the greater cities of the Nation, cities of 100,000 population and more, national banks with their branches out of all proportion to those in the smaller communities. The smaller community, the city of 50,000 inhabitants, of 75,000 inhabitants, requires that its national banks be placed in a position where they can compete on somewhat equal terms with the strong State banks. [Applause.]

In saying this, I do not mean to deprecate the State banks, nor to hold in any but the highest regard their value and their service to the people. There is ample room both for the State banks and the national banks. But if the more liberal State laws permit State branch banking, and the less liberal national banking laws tend to discourage national bank branch banking, it is certain that the national bank, in the smaller community, suffers a great handicap in its competition with the other.

For instance, in my State of Michigan but two cities, Detroit and Grand Rapids, could enjoy the privilege of national-bank branches after the passage of the conference report and its enactment into law. This would shut out the prosperous and growing cities of Flint, Saginaw, Bay City, Lansing, Jackson, Kalamazoo, Battle Creek, Muskegon, and other cities which are growing by leaps and bounds. The State banks are already taking advantage of their opportunities and building branches in the thriving suburban places, where the building of factories and the increase of population warrants it. I tell you that with discouragement of this kind, many a national bank will give up its national charter and become a State bank. All this will weaken, not help, the national banking system in this country.

One of the leading bankers in southern Michigan, Mr. W. J. Smith, president of the Old National Bank of Battle Creek, who knows the banking situation in Michigan as well as any living man, writes me as follows:

> Branch banking is here to stay, and there should be perfect freedom in local communities. The men who are talking about limiting branch banks can not do so, because it is operating in many States now through the State banks, which are greatly in excess of the national banks. The only result is that national banks in cities like this, Battle Creek, would become State banks. * * * This bank has $11,000,000 of resources in a city of less than 50,000 population, and we could not remain in the system, because we could not meet the competition of State banks who are permitted unlimited branch banking in all cities.

This is the danger. Entry into the State bank system will lure from the national-bank fold many a strong national bank such as is the one of which Mr. Smith speaks. Banks, like individuals, will seek the lines of least resistance in securing and holding their business.

If we are prepared to scrap the national-bank system, this limitation will materially assist; but if, as do millions of the people of this Nation, we think that the national bank is too useful an institution to be allowed to dry-rot, then this limitation should be defeated.

I have tried, in this brief talk, to point out the unjust and discriminatory character of the proposed limitation. Feeling, however, that a vote against the conference report would put in jeopardy the work of the Banking Committee for the entire session, I shall reluctantly vote for the report, in the hope that the next session of this Congress may do away with the limitation, and permit branch banking to all national banks in those States where branch banking is legal.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to revise and extend by remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STRONG of Kansas. Mr. Speaker and Members of the House, I have always been an opponent of branch banking. During the seven years I have served on the Committee on Banking and Currency of the House I know all the members of that committee will bear me out in the statement that I have at all times and on every opportunity opposed branch banking. In three trips to Canada and two to California I had an opportunity to observe the working of the branch-banking system. I returned home each time more opposed to the branch-banking system than ever. When the McFadden bill came before our committee two years ago I joined with Comptroller Dawes in helping work out amendments opposing branch banking. The bill passed the House, but was defeated in the Senate. In this session it passed the House with practically these provisions. It went to the Senate, where the amendments were offered that caused the appointment of conferees, resulting in the compromises which we are now considering.

The bankers of my State have always been opposed to branch banking. I received a few weeks ago this communication, which I would like to have the Clerk read.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

FIRST NATIONAL BANK OF WICHITA,
Wichita, Kans., Friday, May 21, 1926.

Hon. JAMES G. STRONG,
Washington, D. C.

MY DEAR CONGRESSMAN STRONG: The Kansas Bankers' Association has to-day passed the following resolution:

The members of this association have observed with much interest the progress, and now keenly await the passage, of the McFadden banking bill now pending in the United States Congress. As at all times, so now and again, the Kansas Bankers' Association reaffirms its hostility to the principle of branch banking, and chiefly to that end petitions the Congress of the United States to pass the McFadden bill as passed by the Senate. The passage of this bill in that form would be the utmost reach of the Federal arm to stop the further spread of branch banking in the United States and would effectually terminate the branch-bank controversy.

Sincerely yours,

C. Q. CHANDLER.

Mr. STRONG of Kansas. In response to that letter embodying the resolution of the Kansas bankers assembled at Wichita I sent out copies of the House bill and copies of the Senate amendments and reports of the conferees, with also a comparison of the House and Senate amendments on the branch banking bill as made by the Comptroller of the Currency. I received a letter in reply, acknowledging receipt of the data that I sent, with this clause:

We have a correspondent and get as near the proper thing in the way of private advice as can be had from Washington, and in that way learn that it is impossible to pass the McFadden bill in the Senate with the Hull amendment. Personally it would not make any difference with us in regard to the Hull amendment. We will take the McFadden bill in any way we can get it.

Gentlemen, I am not a banker. I never owned a dollar's worth of bank stock in my life. My duty is to the people of my district and my State. I am not going to insist on my personal views in this matter. If the bankers of my State want the McFadden bill as compromised between the House and the Senate conferees, I am perfectly willing to abide by the result. The gentleman from Pennsylvania [Mr. MCFADDEN], the chairman of our committee, advises me that he can not get an agreement with the Senate to the House bill and that he has done the utmost that he can in the way of compromise; that to reject the compromise proposed will defeat the bill.

Therefore as the bankers of my State have expressed themselves in favor of accepting the agreement of the conferees rather than have the bill defeated, I shall accede to their wishes. It must be remembered that there are many provisions of the McFadden bill which the bankers throughout the Nation need and desire, and that as to branch banking it does contain restrictive features, though not as strong as I would like.

Mr. BACHMANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. McFADDEN. Mr. Speaker, I move a call of the House.

The SPEAKER. Does the gentleman from West Virginia insist on his point?

Mr. BACHMANN. Yes.

The SPEAKER. The Chair will count. [After counting.] One hundred and seventy Members are present, not a quorum.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Connecticut moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 124]

Ackerman	Cramton	Kearns	Quayle
Aldrich	Crosser	Keller	Rayburn
Allen	Curry	Kiess	Reece
Allgood	Davenport	Kunz	Reed, N. Y.
Andrew	Douglass	Kvale	Sabath
Anthony	Doyle	Lea, Calif.	Sinclair
Appleby	Drane	Lee, Ga.	Sosnowski
Arentz	Eaton	Lineberger	Sproul, Kans.
Bankhead	Esterly	Linthicum	Steagall
Beck	Fenn	Luce	Stobbs
Berger	Fitzgerald, Roy G.	McDuffie	Strong, Pa.
Bixler	Fitzgerald, W. T.	McKeown	Sullivan
Blanton	Foss	Magee, Pa.	Swoope
Bloom	Fredericks	Mead	Taylor, N. J.
Bowles	Freeman	Merritt	Tucker
Bowling	Fuller	Michaelson	Tydings
Brumm	Funk	Mills	Updike
Buchanan	Gallivan	Montague	Vare
Campbell	Garner, Tex.	Mooney	Walters
Canfield	Garrett, Tex.	Morin	Warren
Carpenter	Golder	Nelson, Me.	Welsh
Carter, Calif.	Graham	Nelson, Wis.	Williams, Tex.
Carter, Okla.	Hudson	Norton	Wilson, La.
Celler	Hudspeth	O'Connor, N. Y.	Winter
Cleary	Hull, Tenn.	Oldfield	Wood
Collins	Hull, William E.	Patterson	Woodrum
Connery	Johnson, Ill.	Peavey	Wurzbach
Connolly, Pa.	Johnson, Ky.	Perlman	Zihlman
Cooper, Ohio	Johnson, S. Dak.	Phillips	
Cooper, Wis.	Jones	Porter	
Corning	Kahn	Purnell	

The SPEAKER. Three hundred and twelve Members have answered to their names—a quorum.

Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The SPEAKER. The gentleman from Connecticut moves to suspend further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Pennsylvania [Mr. MCFADDEN] is recognized.

Mr. McFADDEN. Mr. Speaker, I call up the unfinished business, the bill H. R. 2.

The SPEAKER. The gentleman from Pennsylvania calls up the unfinished business, H. R. 2.

Mr. McFADDEN. I think I have already yielded my time to the gentleman from Maine [Mr. BEEDY]. If I have not done so, I do so now.

Mr. WINGO. Mr. Speaker, will the gentleman from Pennsylvania give his attention to me for just a moment?

Mr. McFADDEN. Yes.

Mr. WINGO. I understand the gentleman has a new proposition to submit to the House. In fairness to the House why does he not send it to the Clerk's desk and let it be read?

Mr. McFADDEN. I think that is a good suggestion. I will do so.

Mr. WINGO. I have not seen it.

The SPEAKER. Does the gentleman from Pennsylvania withdraw his motion?

Mr. McFADDEN. I withdraw the motion I have made and, for the information of the House, so that the matter may be before the House, I submit this compromise proposition. I

offer the following amendment as a matter of information at this time.

Mr. WINGO. I reserve a point of order on the gentleman's withdrawing his motion and also on the motion he now offers.

The SPEAKER. The gentleman from Pennsylvania offers a new motion, which the Clerk will report.

The Clerk read as follows:

Mr. McFADDEN moves that the House insist upon its disagreement to the amendments of the Senate Nos. 1 to 25 and 27 to 39, inclusive, and that the House recede from its disagreement to the Senate No. 26 and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"SEC. 5155. The conditions upon which a national banking association may retain or establish and operate a branch or branches are the following:

"(a) A national banking association may maintain and operate such branch or branches as it may have in lawful operation at the date of the approval of this act: *Provided*, That any national banking association which has continuously maintained and operated not more than one branch for a period of more than 25 years immediately preceding the approval of this act may continue to maintain and operate such branch.

"(b) If a State bank is hereafter converted into or consolidated with a national banking association, the said association may retain and operate such branches, if any, as were being maintained and operated by said State bank at the date of the approval of this act.

"(c) A national banking association may, after the date of the approval of this act, establish and operate new branches within the limits of the city, town, or village in which said association is situated if such establishment and operation are at the time permitted to State banks by the law of the State in question.

"(d) No branch shall be established after the date of the approval of this act within the limits of any city, town, or village of which the population by the last decennial census was less than 25,000. No more than one such branch may be thus established where the population, so determined, of such municipal unit does not exceed 50,000; and not more than two such branches where the population does not exceed 100,000. In any such municipal unit where the population exceeds 100,000 the determination of the number of branches shall be within the discretion of the Comptroller of the Currency.

"(e) In cases in which, under the provisions of this section, a national banking association is authorized to establish a branch or branches within the limits of any city, the population of which by the last decennial census exceeds 250,000, the Comptroller of the Currency shall have the discretionary power to authorize the establishment and operation of such branch or branches beyond the boundaries of said city as strictly defined by law; but only within the same metropolitan area as that in which the parent bank is situated: *Provided, however*, That he shall in no case authorize such establishment and operation except within the territory of a city, town, or village the corporate limits of which at some point coincide with the corporate limits of the city or town in which the parent bank is situated, when in his discretion he shall determine, after public hearing, that the banking needs of the inhabitants of said contiguous and urban territory require the establishment of such branch or branches; but no branch shall be established under the authority of this subsection in any part of a State to which the right of State banks situated in such city, to establish branches under the State law does not extend.

"(f) No branch of any national banking association shall be established or moved from one location to another without first obtaining the consent and approval of the Comptroller of the Currency.

"(g) The term 'branch' as used in this section shall be held to include any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State or Territory of the United States or in the District of Columbia at which deposits are received, or checks paid, or money lent.

"(h) This section shall not be construed to amend or repeal section 25 of the Federal reserve act, as amended, authorizing the establishment by national banking associations of branches in foreign countries, or dependencies, or insular possessions of the United States."

Mr. WINGO. Mr. Speaker, I make points of order against both propositions.

Mr. McFADDEN. Will the gentleman reserve his points of order?

Mr. WINGO. I will reserve both points of order.

The SPEAKER. What are the points of order?

Mr. WINGO. The ones I stated when the gentleman first offered his motion to withdraw. I am reserving a point of order against his right to withdraw the pending motion and I am reserving a point of order against the new proposal.

Mr. NEWTON of Minnesota. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. NEWTON of Minnesota. When will a demand for a division be in order?

The SPEAKER. Of course, a division would not be had unless a demand was made for it. The demand can be made at any time.

Mr. NEWTON of Minnesota. I should like to demand a division on that part of the motion——

The SPEAKER. The Chair thinks the demand would properly come when the vote is taken, but it can be made at any time. The gentleman from Pennsylvania is recognized for 45 minutes.

Mr. CHINDBLOM. Will the gentleman from Pennsylvania yield for a question?

Mr. McFADDEN. I will.

Mr. CHINDBLOM. I would like to ask the gentleman whether or not I understood the reading of the motion correctly.

Mr. McFADDEN. If the gentleman will pardon me, I am going to explain just what I think the gentleman is going to ask about. If I have not answered the gentleman after I have made my statement I shall be glad to answer him later on.

Mr. CHINDBLOM. Mr. Speaker, I wish to join in the reservation of points of order before the discussion begins.

Mr. WINGO. Before the gentleman begins his statement, will he yield for a question?

Mr. McFADDEN. I will.

Mr. WINGO. In your proposed (c), on amendment 26, do the words "such date," that are used last there, refer back to the first proposition; that is, the date when this amendatory act becomes effective?

Mr. McFADDEN. I think they do. I have not a copy before me, but I think they refer to that.

Mr. WINGO. Is that the same (c) as the so-called fourth print which we had, except to change the phraseology?

Mr. McFADDEN. I think it is; yes.

Mr. BEEDY. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. BEEDY. The situation is this: The time has been yielded to me and do I understand that I now yield it back to the chairman and that his time starts as of now?

The SPEAKER. The Chair knows nothing about that. All the Chair knows is that the gentleman from Pennsylvania is entitled to 45 minutes, to dispose of as he sees fit.

Mr. BEEDY. The record shows that that entire time has been yielded to me.

Mr. McFADDEN. If the gentleman will pardon me, the motion was withdrawn a little earlier in the proceedings, and as soon as I have completed this statement it is my purpose to yield to the gentleman from Maine. I do not want to take more than a few minutes of time at this time.

Mr. BEEDY. The time starts as of this moment? Is that correct?

The SPEAKER. The gentleman from Pennsylvania has 45 minutes.

Mr. McFADDEN. Mr. Speaker, I came into the House on Tuesday with a conference report upon this bill, to which the majority of the conferees had agreed. I did not bring in a full report, but in order to redeem my pledge to the House I withheld from the report amendment No. 26, which contains the branch banking amendments with reference to national banks and which embodies the compromise on the Hull amendments. The intention was to ask for a vote upon this conference report, as it contained all of the items upon which the conferees had agreed, except the branch banking provisions for national banks.

However, a point of order was made against three items in the conference report and a vote upon it was thereby prevented.

The motion which I have now introduced is in effect a restoration of the conference report without the items against which points of order were made. I am now, therefore, giving the House an opportunity to vote upon all of the items in the conference report which are not subject to a point of order.

I have thus complied with the spirit of the promise I made to the House in introducing this motion. The motion includes all of the items in disagreement between the House and the Senate, including amendment No. 26, which embodies the branch banking provision relating to national banks.

If the House votes "aye" on my motion, it will be a vote for the conference report, including the compromise on the Hull amendments. In other words, a vote in the affirmative will be a vote for the passage of the bill. If the Senate accedes to the action of the House, they will then have approved the agreement of their conferees to this compromise plan now before you, and the bill then goes to the President.

I wish to make it clear that I am not putting any new propositions before the House but am simply asking the House to do what would have been done Tuesday if the points of order had not been made.

Mr. Speaker, I yield the balance of my time to the gentleman from Maine [Mr. BEEDY]. [Applause.]

The SPEAKER. The gentleman from Maine is recognized for 42 minutes.

Mr. BEEDY. Numerous inquiries, coming from various Members of the House, clearly indicate to me that there is a general failure on the part of the House membership to understand either the provisions of the original McFadden bill, the Senate amendments, or the motion now before the House. This is not surprising. This legislation is highly technical.

The pending legislation is of supreme importance. It reaches to the very quick a nation-wide credit, that elemental and constituent part of our political and governmental life whose normal maintenance is indispensable—I say, I hope that no Member, in determining his position, will rely upon the broad or general assertions of anybody. Let us in this instance understand this problem each for himself. I think it will be helpful if we keep in mind the original objective toward which we started. I suggest to the Members of the House that we now take our bearings and head toward the port of original destination. What was it? The McFadden banking bill as reported to this House in the Sixty-eighth Congress, aside from certain technical amendments to the national banking act, sought two main objectives. It sought to remedy two evils that had sprung up in the banking world.

First it sought to check the further spread of state-wide branch banking. We members of the Committee on Banking and Currency thought at the outset and think now that no financial institution in any metropolitan center ought to be permitted to reach out its unrestrained hands and seize upon the credits of a State. Therefore, we provided in the original McFadden bill as introduced in the Sixty-eighth Congress that no State bank might come into the Federal reserve system unless it surrendered all its branches then in existence outside the city limits of the home bank. In other words, we fixed upon the city limits of the home bank in our efforts to check the spread of state-wide branch banking. In addition we provided that no State bank might consolidate with or convert into a national bank else it relinquished its right to branches outside the municipal limits of the home bank.

Mr. WINGO. If the gentleman will pardon me——

Mr. BEEDY. I am going to ask the gentleman not to interrupt. I forewent interrupting anybody here, except when personal reference was made to me.

Mr. WINGO. I simply want to correct an obvious error which the gentleman has made.

Mr. BEEDY. It will help me and I think the Members of the House if the gentleman will make a note of it and if I have made an error, correct me at the conclusion of my remarks.

Mr. WINGO. I wanted to help the gentleman.

Mr. BEEDY. The gentleman has always been very gracious to me, and if I have made an error I wish the gentleman would make a note of it and correct me at the end of my remarks without interrupting me in the midst of them.

Mr. WINGO. I wanted to correct the gentleman right here, because I am sure the gentleman always wants to be correct.

Mr. BEEDY. I think I understand what I am about, although we are all liable to error.

There was a second evil incident to and growing out of the first, which we sought to remedy. National banks were subjected to unfair branch-bank competition by State banks. Therefore, we next sought to put national banks on an equal competitive basis with State banks. We, therefore, gave to national banks the right to maintain branches. This branch banking privilege, however, we limited to national banks in cities, but only in those cities where State law permits branch banking.

We spurned all suggestions to run hither and yon with patchwork provisions to meet the peculiar needs of local communities. It was our aim to enact a law which should embrace a sound national and equitable banking policy; therefore, we held to a true course.

In aiming at the correction of these evils, in the imposing of restrictions upon state-wide branch banking, and in the granting of the branch banking privilege to national banks we treated all banks with impartial equality.

The McFadden bill, presented to the Sixty-eighth Congress, as we have seen, provided unequivocally for equal competitive conditions between State and National banks and placed a check upon the further spread of state-wide branch banking. And mark you this: This House committee never favored state-wide branch banking. It is not now and it never has been an issue on this floor. There is no state-wide branch-banking proposition involved in any legislative proposal pending in this House, although many assertions to the contrary have been made.

At the stage when we brought the McFadden bill to the floor of this House during the Sixty-eighth Congress the committee as a whole was entirely consistent. It had not then lost sight of the main objectives for which we were striving. However, upon presentation of this bill to the House at that time it had developed that certain State banks in the outlying districts of the city of Chicago had conceived—or I suppose I ought to state it accurately and say had misconceived—the necessity of writing into this bill a provision which should place this Federal Congress in the position of granting privileges of branch banking to some national banks while withholding it from others equally entitled to it. That proposition was never a tenable proposition. It was fraught with many evils. It was and is iniquitous and unsound. But the tempting inducement for this committee to abandon a broad national policy to indulge in patchwork legislation, responsive to purely local demands, was votes of the Members from Illinois in support of the McFadden bill.

Speaking for myself alone, I can say that before I had consulted with any bankers, uninfluenced by any clique or any locality, but moved by the consideration that the Hull amendments were inconsistent in principle with the original purposes of the bill, meeting a local rather than a national demand and necessitating discrimination as to national banks, I opposed them. From the moment these Hull amendments were accepted on this floor, accepted by the chairman, who in his anxiety for votes thought it best to yield to the demands of Illinois, from the time this House fell in with the viewpoint of the chairman [Mr. MCFADDEN] and voted for these Hull amendments, this bill has pursued a turbulent course.

Mr. STEVENSON. If the gentleman will permit——

Mr. BEEDY. I do not want to be discourteous——

Mr. STEVENSON. Well, I protest against the gentleman's mistake. The Hull amendments were in this bill when it was introduced and referred to the committee, and there was never an amendment of that kind written into it in this House. In the Sixty-eighth Congress, when the bill was considered, they were written into the bill in the House, but when the gentleman from Pennsylvania [Mr. MCFADDEN] introduced the bill in this Congress he introduced it with the Hull amendments in it, and the gentleman from Maine himself made a motion in the committee to strike out the Hull amendments, and upon the objection of the gentleman from Pennsylvania [Mr. MCFADDEN], the gentleman from Maine [Mr. BEEDY] did not do it.

Mr. BEEDY. I do not want to be discourteous, but the gentleman's interruption——

Mr. STEVENSON. I did not want the gentleman to make the mistake of hammering into this House, when we have absolutely no opportunity of replying, something that did not happen. I think the gentleman will admit that what I have said is true.

Mr. BEEDY. The interruption of the gentleman has demonstrated himself to be in error. Such interruptions are futile and unavailing. The gentleman is mistaken. My statement is correct. He has not followed me with accurate understanding. I stated at the outset that I was discussing the original provisions of the McFadden bill as brought to this House in the Sixty-eighth Congress. I trust the gentleman will not interrupt me further. I have given considerable thought to this problem. I shall not mislead or misstate the facts. Should I fall into error, the gentleman may correct me when I have concluded, and for that I will be grateful. I say that from the moment these amendments were introduced into this legislation confusion and misunderstanding as to the branch-banking policy involved in this bill ensued. From that moment this bill has been in continuous trouble. Its sponsors and managers have found it impossible to meet the necessities for national legislation while at the same time defending provisions inserted to meet peculiar local needs and to appease factions.

We are told that a vote for the Hull amendments is a vote against further spread of state-wide branch banking. Such an assertion is groundless in fact. Let us see whether I am right. What system of banks is it that has extended its branches until we are troubled with this problem of state-wide branch banking? Is it the national banks? No; it always has been and always will be the State banks. But the Hull amendments as before the House do not in any manner refer to State banks. They deal solely with the national banks. If they were in any way to affect the state-wide extension of branch banks they

must perforce deal with the State banks that have generated the state-wide branch bank movement. But they do not; they deal with the national banks. This was the first misunderstanding as to the force and effect of the Hull amendments, and many Members voted those amendments into the bill thinking they were voting against the extension of state-wide branch banking. They were misled. I challenge controversion of what I have now stated.

Mr. MORTON D. HULL. Will the gentleman permit me?

Mr. BEEDY. The gentleman is always so fair that I am constrained to yield.

Mr. MORTON D. HULL. The bill did provide with reference to State banks that were members of the Federal reserve system; they were to confine themselves to the provisions and limitations that were applied to national banks or give up their membership in the Federal reserve system.

Mr. BEEDY. The gentleman has not followed my statement with sufficient care to enable him to understand me accurately. What I said is this: The Hull amendments as now before this House in the pending motion do not deal with State banks in any manner. Does the gentleman deny it? He does not.

Now let us be clear about that, for many have been misled on that point. This is the third instance in the course of my remarks where an interruption has taken place which has proved the statements I have made to be correct and the interruption unjustified. Now, if gentlemen will refrain from further interruption, I shall be deeply appreciative.

We were warned, and are now warned, that if we strike these amendments from the pending bill we shall subject the State legislatures in 26 States to the dangerous influences of national-bank lobbies. Now, let us analyze that proposition. I contend the statement will not stand the test of critical analysis. Will any Member in this House tell me of one instance where a national bank has directly or indirectly approached any State legislature asking that a law be passed granting branch-banking privileges in any State? No such instance can be stated. It is the State banks who have uniformly sought State banking privileges.

Mr. STEVENSON. The gentleman has asked a question; now will he allow me to answer it?

Mr. BEEDY. If the gentleman can name a State?

Mr. STEVENSON. I say no——

Mr. BEEDY. Well, the gentleman need go no further.

Mr. STEVENSON. Because they are prohibited from having branch banks.

Mr. BEEDY. The answer of the gentleman is "no." Certainly! It is the State banks which go to the State legislature for branch-banking privileges, and the reason for it is easily seen. In States where national banks have no branch bank by State banks, those national banks have nothing whatever to gain by procuring the passage of a State branch banking law. On the contrary, they have much to lose.

The moment an antibranch-banking State changes its policy and legalizes State branch banking, that moment every advantage in the branch-banking privilege is with the State banks, which greatly outnumber the national banks. I suggest to the House membership that we have infinitely more to fear from the lobbies of innumerable State banks than we have from any lobbies of the national banks. The lobby which a State bank may muster as against the lobby which a national bank may muster is as Hercules to Hecuba.

The gentleman from Illinois [Mr. HULL] has been kind enough to call to the attention of the House the fact that when I vote for this compromise motion I must disregard the immediate interest of my own city of Portland, Me.; as he has made clear, I must say to my bankers whom equally with others I am here to represent—I must say, "Gentlemen, I endeavored as a member of the Banking and Currency Committee to help enact a sound and equitable national branch banking law. But under my oath of office I felt obliged to be controlled largely by national consideration." I believe that if the general interest is conserved by wise national policies, local situations will, in the long run, give us little trouble.

If we write these Hull amendments into permanent law—and such will be the effect of an adverse vote on this compromise measure—we shall hold out most alluring prospects to every State bank in every antibranch banking State. Under these Hull amendments State banks have only to induce their legislatures to permit branch banking and they—State banks—find themselves in exclusive control of branch-banking privileges. If you write these Hull amendments into law, one of two things must eventuate. Either the State banks will be standing at the open door of State branch-bank monopoly or the national banks in those States will be driven to the Federal Congress for relief. Why are national banks asking relief from this Congress to-day?

Think of it! It is as though the Hull amendments were to-day actually in effect in 22 States of this Union. Twenty-two States now permit branch banking by State banks. In these 22 States the national banks are in trouble. Perceiving their distress we set out to eradicate those very conditions which, strange and inconsistent as is the fact, the gentleman from Illinois [Mr. HULL], responsive to the demands of his own locality, asks us to force upon 26 other States by the approval of his amendments. If we are to heed his request, the Congress must be ready periodically to repeal the Hull amendments in part first in one State and then in another.

Mr. MORTON D. HULL. Mr. Speaker, will the gentleman yield?

Mr. BEEDY. I must ask the gentleman to excuse me. If it is true, as the proponents of this measure concede, that once the States permit state-wide branch banking by State banks, then the national banks are at a disadvantage, then why should we ever pass these Hull amendments when we must perforce repeal them to eliminate the injustice which flows from them?

I submit to this House that there is but one equitable and broad principle upon which every Member may stand in dealing with this branch-banking problem. It is the principle upon which we started in the original McFadden bill. It is the principle upon which I still stand, namely, wherever State laws permit branch banking to State banks, there the national law should permit the same privilege to national banks. Conversely, wherever the State law forbids branch banking to State banks, there the national law should forbid it to national banks. This principle is the embodiment of a sound, consistent policy. I commend it to this House.

What of the Senate amendments? Those amendments modified the original position of the House to this extent. They provide that when a nonmember State bank desires admission to the Federal reserve system it may bring in all its existing branches. They provide that when a State bank wishes to convert into or consolidate with a national bank it may bring in all its branches now in existence. In this respect the Senate amendments divest this legislation of its ex post facto characteristics. The Senate amendments confirm the stand of the House, however, by checking a further extenson of state-wide branch banking as follows. The Senate amendments provide that in future any nonmember State bank can only come into the Federal reserve system by abandoning all its branches outside of the city limits of the home bank. They place the same penalty on State banks which would convert into or consolidate with a national bank.

Mr. DAVEY. Mr. Speaker, will the gentleman yield?

Mr. BEEDY. I am sorry but I can not yield. Mr. Speaker, some people have expressed dissatisfaction with this compromise motion which limits the right of national banks to branch banks to cities of 100,000 population. You see, when we take the first misstep we pay the penalty. When a man marries a red-headed woman he might as well prepare himself for the advent into the family circle of some sandy-haired babies.

You married this Hull amendment without reserving to yourselves a sufficient period of courtship within which to scrutinize the features and determine the characteristics of your future wife. We entered upon the field of discriminatory legislation. Now you are confronted with the child of the Hull amendment. It too is discriminatory, but not in such vicious measure as its mother. It was born into the world because one compromise to appease a small faction necessitated another compromise to appease that larger body which demanded legislation responsible to national rather than local needs.

I now bring my speech to a close. Congress is a human institution. The pending proposal therefore is not perfect. It does not and can not in the nature of things suit everybody. We should vote for this compromise motion, however, and give the country much needed legislation.

I believe it to be the duty of the House to be guided by the needs of our national banks and Federal reserve system. I believe we should vote for the compromise measure and thus eliminate these pernicious Hull amendments. The Secretary of the Treasury says they ought to go out. The Federal Reserve Board says they ought to go out. The Comptroller of the Treasury says if they are allowed to thwart the enactment of this legislation he shall consider it no less than a national calamity. I submit these men are animated by the highest motives. They are concerned with

the enactment of the pending proposal because it will promote the well-being of banking interests which are nation wide. [Applause.] I yield the remainder of the time. Mr. Speaker, how much time have I remaining?

The SPEAKER. Twelve minutes.

Mr. DAVEY. Will the gentleman now yield?

Mr. BEEDY. I will.

Mr. DAVEY. I desire to ask the gentleman whether the gentleman maintains that the two original propositions to which he referred are now in the bill?

Mr. BEEDY. They are now in the bill.

Mr. DAVEY. To what extent?

Mr. BEEDY. Equal competitive opportunities are provided and a check is put upon state-wide branch banking.

Mr. DAVEY. Does this bill as it now stands prevent the further spread of branch banking?

Mr. BEEDY. I must now yield to my chairman. I yield the remainder of my time to the gentleman from Pennsylvania [Mr. McFADDEN].

Mr. WINGO. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes, and I assume that the gentleman from Pennsylvania would rather follow me, not to come out of that time?

Mr. McFADDEN. Yes.

Mr. WINGO. Mr. Speaker, I ask unanimous consent I may proceed for 10 minutes not to come out of the gentleman's time.

Mr. McFADDEN. With the understanding that that will not take me off my feet.

Mr. WINGO. No; the gentleman is to keep control of the floor.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to proceed for 10 minutes, not to be taken out of the time of the gentleman from Pennsylvania. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Speaker, I hope gentlemen will give me their attention. I have not been heard either upon the proposition which was abandoned—and I do not criticize the gentleman from Pennsylvania for abandoning it, because it would not stand the test on an analysis, and the proponents had to abandon it themselves—or upon this new proposition. I do not know what is in this new proposition. Do you, gentlemen? I know from a hurried reading that my friend from Maine [Mr. BEEDY] does not know what is in it. He has made an appeal for it, and yet it contradicts one part of his speech, because this proposal accepts Senate amendment No. 1 permitting state-wide branches to be brought into the national-bank system.

Gentlemen, I want to direct your attention to this. This is a technical question, is it not, gentlemen? As evidenced by the contradictory telegrams you have got, some bankers are confused on it, are they not?

Now, gentlemen, it is admitted that this question was thrashed out in the American Bankers' Association at meeting after meeting. It has been fully thrashed out, this identical question, in the Banking and Currency Committee of the House practically ever since I have been a Member of this House. I am the only man on the Banking and Currency Committee of the House who was there when this question first arose in 1913, when the Federal reserve act was then being written. Year after year the American Bankers' Association, made up of experts on banking, understanding this thing, had an acute division, and year after year the independent unit bankers of America put that association on record as against branch banking, and when, away back yonder, when the gentleman from Pennsylvania [Mr. McFADDEN] introduced his first bill, they could not get the American Bankers' Association to indorse that bill. But finally at Chicago two years ago the best banking minds in the American Bankers' Association, representing both sides of this controversy——

Mr. BEEDY. Mr. Speaker, do I understand the gentleman is speaking under a point of order?

Mr. WINGO. No, sir; I am speaking by unanimous consent.

I say at that convention the best minds, both the attorneys and the expert bankers, sitting across the table wrestled with this question, and what did they agree to? They made a compromise agreement. What is that compromise agreement? I have not the time to go into it in detail, but suffice it to say the compromise agreement was made by the American Bankers' Association, and notwithstanding what some of the leaders who bolted may now say it was regarded as the greatest achievement of that convention.

Now, what was that compromise? You can not go into it in detail; it is too technical, and you will not give me time. But I challenge any man to deny this, that the compromise known as the Hull amendments was embodied in the terms of the bill introduced by the gentleman from Pennsylvania [Mr. McFADDEN] at the beginning of this session of Congress, H. R. 2, known as the McFadden bill. It was the bill that was reported by the Banking and Currency Committee of this House. It was the bill that passed through this House after full debate. It is the bill that went to the Senate, and to-day, although I do not know what the gentlemen are following, I know the Senate action was dictated by the branch bankers, and the gentleman from Pennsylvania [Mr. McFADDEN] called day before yesterday as his chief witness my good friend Ed Platt, of the Federal Reserve Board, who in season and out of season advocates state-wide branch banking, and he is satisfied; he is leading his good friend, the gentleman from Pennsylvania, who abandons his own bill, the McFadden bill, joins the branch bankers, and does not know where he is going; he just knows he is on the way. [Laughter.]

Now let me ask the gentleman some questions, so that the House will know whether I have answered some of these Members' questions correctly or not. The McFadden bill, including the Hull amendments, was indorsed, as I say, by the American Bankers' Association. It passed the House twice. It differs from the McAdoo-Carter Glass-Pepper Senate probranch banking bill which the gentleman is now hugging to his bosom while he abandons the child of his other years. Now the McFadden bill had the Hull amendments in it, did it not?

Mr. McFADDEN. At which sesson of Congress?

Mr. WINGO. I am talking about this session of Congress, about this bill H. R. 2. When it passed this House it had in it the Hull amendments.

Mr. McFADDEN. Certainly. No one has denied that it did not.

Mr. WINGO. Let us see. You refused to live up to your agreement and give me time to offer an amendatory amendment. I hope the gentleman will give me a little time now. I asked the gentleman yes or no, and he proceeded to do what he usually does, try to befuddle the issue.

The McFadden bill, your child, for which I am fighting and which you have deserted, was indorsed by the American Bankers' Association and was passed by this House. As that bill passed the House, it confined branch banking to cities of the 22 States that now authorize branch banking. Let the gentleman answer yes or no. That is either true or not.

Mr. McFADDEN. I will answer in my own way.

Mr. WINGO. Every man that understands this bill knows that the answer is yes.

Now I will ask the gentleman another question. Let him "wabble on the gudgeon" again. The gentleman's proposition is what? As your bill passed the House without further action by Congress in 26 States—you say 27—national banks could not without further action of Congress have new branches. Is not that true? You can not deny it.

But with your (d) provision of the Senate bill which you now offer, which applies to these 26 nonbranch States, provides that without further action of Congress, but dependent solely on the future action of the State legislatures in these 26 States, national banks can have branches not permitted by the McFadden bill.

Do you understand that? You do, if you understand the lines that have been written for you, and which you read to this House. [Applause.] And yet the gentleman tells this House that this proposal of the Senate which he offers is an antibranch bank proposal, more restrictive as to branch banking than the McFadden bill. Under the McFadden bill a national bank can not have branches in Illinois. Does the gentleman from Pennsylvania deny that?

He dare not; but under the proposal he presents to-day branch banks are permitted without further action of Congress if State action hereafter permits not only to Chicago but the Chicago banks can go into contiguous cities and towns with as many branches as the comptroller will permit. Does the gentleman from Pennsylvania deny it? He sits silent. He can not deny it.

My friend from Maine [Mr. BEEDY] will not deny it, because he is frank about it. But under the plan they now offer, together with their contiguous territory provision, let me show you what they do. I assume, from a hurried reading of the proposal, that they still have that nigger in the woodpile and that little joker in the Senate bill, because I know these branch bankers, with three of the shrewdest lawyers in the country, have been hanging around this Capitol, and two of them have been keeping the doors to the Capitol "as slick as an otter slide," and I know that they will not propose any change that does not carry the contiguous territory joker. I repeat, under the McFadden bill as it passed the House national banks in Chicago could not set up new branches either within the city or the contiguous territory, but under this scheme here

proposed each Chicago national bank may have five branches in the city proper and as many branches in adjoining towns as the comptroller may permit.

Under the gentleman's proposal, if they should change the State law, and without any further action on the part of Congress, they could have 130 branches in the city of Chicago proper, and let me show you what could happen as to the outlying territory, territory outside of the city and contiguous territory, Oak Park, I believe, Evanston, and those other towns. There they could have just as many branches as the Comptroller of the Currency would permit them to have. We know that and that is what the Cook County Bankers' Association know, as was stated to us by a clean young fellow representing them. He was very frank and he did no pussyfooting or undercover work. I believe he represents 178 independent outlying banks of Cook County, and we know that if this proposal is adopted that in the course of time there will be enough branches established by the city banks of Chicago to drive out these independent bankers; like they have done in California.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Speaker, may I have five minutes more?

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. WINGO. Take in Kansas City, Kans., in Kansas City, Mo., and in St. Louis, Mo. I am advised—I do not know how true it is—that there are a number of outlying villages there. I have my information from the State delegations. Take Indianapolis. They have three or four outlying villages there. We will take Iowa. Des Moines has two or three.

I do not know how many Kansas City, Kans., has, but I understand it has two or three outlying villages that are contiguous. I know that St. Louis has a number of them, and Kansas City, Kans., has 5, I believe. Omaha has 8 or 10; Fort Worth has 10 or 12; Salt Lake City, Utah, has 6 or 8; and Milwaukee has 10 or 12. Now, gentlemen, the point is this: Under the McFadden bill as it passed the House none of those cities can, without further action on the part of the Congress, have branches even in the city proper. We attempted, under the Hull amendments, to check the spread of branch banking, and that is what would have happened if the McFadden bill as it passed the House had been adopted by the Senate. But under this new proposal, in every one of those cities, without further action on the part of Congress, what happens? The national banks can have so many branches in the city proper and in adjoining towns as many branches as the Comptroller of the Currency will permit.

Now, let us take the situation in New York. Just where does the Tammany leader line up to-day? You will find him lined up with the gentleman from Pennsylvania, with Ed Platt, Mr. McAdoo, CARTER GLASS, Giannini, and Andy Mellon. They are all lined up side by side. I do not know whether they have taken in Al Smith or not. But listen! The Tammany tiger, the New York bankers, can step over into Yonkers and eat up the Yonkers cat. The Yonkers gentleman in this House has found it out. They can step over into several more of those little towns, and one financial writer of New York estimated they could cover an area of 50 miles with their branches.

Now, my friend from Maine asks whether any national banker has gone to a State legislature and asked it to amend the law and permit State banks to have branches. No. That is the thing that has held this evil in check in these 26 States, because the national banks have used their power against the effort of State banks to have branches. But under your proposal what will happen? It will be to the interest of these national bankers that want state-wide branch banking to join hands with the big State bankers instead of fighting the proposition as they have in the past. They will join hands with the big State bankers and go to the legislatures of these 26 States and they will influence them into the adoption of branch banking, and if your proposal is adopted without any further action on the part of Congress, then they will spread branch banking into every State of the Union.

That is the reason why I am against the Senate proposal. But they say I have tried to kill the bill. Gentlemen, can any of you believe such a lie as that? I am fighting for the McFadden bill with the Hull amendments in it. I was against one proposition that I said I would not go on record for, but I aided in consideration and passage of the bill through the House.

The gentleman from Pennsylvania takes advantage of that and distorts a technical fact to accuse me of being against his bill. I challenge him to name the time when he fought for his bill in conference, and I challenge him to name the time when I was not fighting for it in conference. I am here to-day fighting for the McFadden bill as it passed the House, and I am against this hybrid bill, about which we do not know anything, this Giannini, Glass, Pepper, Mellon, Platt, McFadden last-minute substitute. [Applause.]

Gentlemen, vote for it if you want to with your eyes shut. Overturn the unanimous agreement of practical bankers who have studied this question if you want to; override 13 of the 21 members of the Banking and Currency Committee who agree with me; vote for this new proposal at this late hour, when men are differing about what the motion does and when there is a dispute as to what the substitute provisions are; vote for it if you want to, like blind pigs, but do not go back to your independent bankers and say you favored it by your vote but did not understand what it was, that you were just following the leader. Whose leader are you following? An ardent advocate of branch banking, who has fought the McFadden bill all the time. My position is plain in spite of the false misrepresentations sent out by the branch bank lobby. In conference I was loyal to the House and insisted on the House bill, the McFadden bill, while its author deserted it, went over to the branch bankers boot and baggage, and insisted there, as he does here, that you accept the branch bankers' proposals as sponsored by the Senate. I stand by the McFadden bill; he deserts it and offers the Senators' substitute. Now I want you to record where you stand, so there can be no further doubt about it. [Applause.]

Mr. McFADDEN. Mr. Speaker and gentlemen of the House, the remarks of the gentleman from Arkansas deserve no answer. I want to state, however, that I have stated the truth to you and have repeated on several occasions my answer to every real argument that the gentleman from Arkansas has made here this afternoon. I now reaffirm those statements. I do not take back one word I have said, because I have given you the facts, and I refer you to my speeches on the floor of the House last Tuesday, and also what I have said to-day, and to this further statement which I shall make before you have the opportunity of voting on this question. The gentleman from Arkansas is quite consistent in his position. He has been persistently against this measure both in the committee and on the floor of the House.

This compromise proposition does not take from the national banks in cities of less than 100,000 population any rights which they now have, but it does give to the national banks in the large cities in branch-banking States the right to have branches in order to meet the State bank competition. National banks do not now have the right to establish branches except in a limited way under an opinion of the Attorney General. One of the purposes of this bill is to clarify that situation.

The bill with the Hull amendments would have confined branch banking by national banks to the 22 branch-banking States, but in those States it would have permitted branch banking by national banks in cities having a population as low as 25,000. Under this limitation, national banks could have had branches in 199 cities. In the other 26 States the Hull amendments would have prevented national banks from having any branches at all.

The bill without the Hull amendments prohibits branch banking in the 26 antibranch-banking States, but the Hull amendments added a restriction which would prevent national banks from having branches in the cities in these States even after the State had become a branch-banking State. The proposition upon which the conferees have agreed would confine branch banking by national banks to a total of 44 cities in the branch-banking States upon the population as determined by the last census. It is only in these cities that it is necessary for the national banks to be given the power to meet the branch banking competition of the State banks.

Mr. BEGG. Will the gentleman yield for just one question?

Mr. McFADDEN. Yes.

Mr. BEGG. I will use the city of Cleveland as an illustration and base my question upon the situation there. There are a number of suburbs of Cleveland. Lakewood is one and East Cleveland is another. If the gentleman's amendment is passed, could a national bank in the city proper have a branch bank in Lakewood?

Mr. McFADDEN. It could; yes.

Mr. BEGG. Now, let me ask the rest of the question. Could a national bank in Lakewood have a branch in the city proper?

Mr. McFADDEN. It could; yes; if the population is in excess of 100,000.

Mr. MORTON D. HULL. How large a city is Lakewood?

Mr. BEGG. I do not know, but I would say about 80,000.

Mr. MORTON D. HULL. Then it has a population of less than 100,000.

Mr. MADDEN. Then it could not have such a branch.

Mr. BEGG. I do not like to interrupt the gentleman, but this is vital to me. Where is the equity or the justice in that situation, and I want the gentleman's explanation because I want to vote with the gentleman if I can.

Mr. McFADDEN. I have stated several times that the limitation in this bill is limiting branch banking to cities of 100,000 population. Lakewood is a suburb of Cleveland, Ohio——

Mr. BURTON. Will the gentleman yield?

Mr. McFADDEN. I can not yield any further, if the gentleman will pardon me.

Mr. BEGG. I do not want to interrupt the gentleman if he does not want to be interrupted, but I would like to ask the gentleman another question. Is not that putting a straight handicap on the Lakewood banker? In other words, is it not forcing the Lakewood banker into the city proper system?

Mr. McFADDEN. I do not think it is.

Mr. BURTON. If the gentleman will yield to me a moment, I think I can explain that situation.

Mr. McFADDEN. I yield to the gentleman.

Mr. BURTON. East Cleveland, Lakewood, and Cleveland Heights are virtually a part of the city of Cleveland, although under a different political jurisdiction, and all are anxious for the right to establish branch banks in those suburbs which constitute contiguous territory. In the very nature of the case it would be impossible for any bank in Lakewood or in Cleveland Heights or in East Cleveland to have a branch in the city of Cleveland. The competition would be so sharp, the clientele of the city bank would be so much larger that the only chance for branches would be out in Lakewood as a branch of a bank in the city.

Mr. BEGG. Could the Lakewood National Bank continue to live?

Mr. BURTON. There is not any national bank there.

Mr. BEGG. I am using that simply as an illustration.

Mr. McFADDEN. For the future, if any of the 26 antibranch-banking States change in favor of branch banking, national banks under this compromise proposition would have the right to have a limited number of branches in cities above 100,000 population. There are at present only a total of 23 such cities in these antibranch-banking States and the number of branches would be from 1 to 5 according to population. This motion preserves the status quo of existing legal branches of both State and national banks. The restrictive branch-banking policy of the bill begins from the date it is approved by the President. It would, therefore, permit existing lawful branches of State banks to be brought into the Federal reserve system and the national-banking system (as they can now be under existing law) and would permit those already in the Federal reserve system to remain there. For the future, the further extension of branch banking will be confined to the city limits in which the parent bank is located.

Mr. WAINWRIGHT. Will the gentleman give way for a very br f question?

Mr. McFADDEN. Yes.

Mr. WAINWRIGHT. Is not the contiguous-territory section of this bill merely put into it for the purpose of taking care of the Cleveland situation and possibly one other situation, without any question about the principle involved?

Mr. McFADDEN. I will say to the gentleman he is quite correct in that. It is a Cleveland and a Cincinnati, Ohio, matter.

There are some 235 additional offices permitted by the Comptroller of the Currency under the authority of an opinion of the Attorney General of the United States concerning the legality of which there is grave doubt. One of the effects of this bill will be to clarify this situation.

These additional offices are largely in the big cities. This particular bill affects that situation, because if we do not get legislation now the legality of the establishment of these offices or their future continuance is questioned, and the probabilities are if the quesiton is tested and the matter gets into the Supreme Court, they will be declared branches, and as branches they will have no legal right to exist under the law.

Mr. Speaker, I move the previous question on my motion.

Mr. WINGO. Mr. Speaker, I reserved points of order, but I want the House to vote on the proposition and therefore I withdraw all reservations and ask for a vote.

The SPEAKER. The gentleman from Pennsylvania moves the previous question——

Mr. NEWTON of Minnesota. Mr. Speaker, I ask for a division of the vote as to amendment No. 26; that is, with respect to receding and concurring on amendment No. 26. I would like to submit a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. NEWTON of Minnesota. The only way the motion of the gentleman from Pennsylvania [Mr. McFADDEN] can be amended is by voting down the previous question.

The SPEAKER. Yes. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. NEWTON of Minnesota) there were—ayes 215, noes 11.

So the previous question was ordered.

The SPEAKER. The gentleman from Minnesota demands a division of the motion.

Mr. NEWTON of Minnesota. Mr. Speaker, in view of the vote just taken and the fact that the motion can not be amended, I withdraw my demand for a division.

Mr. MORTON D. HULL. Mr. Speaker, personally while I would like the four amendments to be voted on separately, I think the question can be settled by voting the whole motion down and then instruct the conferees. [Applause.]

The SPEAKER. Is a division demanded?

There was no demand for a division.

Mr. STEVENSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STEVENSON. In case the motion of the gentleman from Pennsylvania should be voted down, will it be in order to have the conferees appointed and ask for a new conference?

The SPEAKER. If this motion is voted down a motion to further insist on the disagreement to the Senate amendments and ask for a conference will be in order.

Mr. STEPHENS. And to instruct the conferees.

The SPEAKER. Yes. The question is on the motion of the gentleman from Pennsylvania.

Mr. WINGO. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 197, not voting 115, as follows:

[Roll No. 125]

YEAS—118

Arentz	Foss	Martin, Mass.	Sweet
Ayres	Glynn	Michener	Swing
Bacharach	Hadley	Miller	Taber
Bachmann	Hale	Montgomery	Temple
Bacon	Hall, N. Dak.	Moore, Ohio	Thatcher
Barbour	Hardy	Morgan	Thompson
Beedy	Hersey	Murphy	Tilson
Bell	Hill, Md.	Newton, Minn.	Timberlake
Black, N. Y.	Hooper	O'Connell, N. Y.	Tincher
Boies	Houston	O'Connell, R. I.	Tinkham
Bowman	Hull, Tenn.	O'Connor, La.	Tolley
Boylan	Jacobstein	Oliver, N. Y.	Treadway
Brand, Ga.	James	Parker	Underhill
Brigham	Johnson, Wash.	Perkins	Updike
Burdick	Kelly	Prall	Upshaw
Burton	Kemp	Pratt	Vestal
Carew	Kindred	Quin	Vincent, Mich.
Chalmers	King	Ransley	Vinson, Ga.
Collier	Kirk	Reid, Ill.	Wason
Colton	Kurtz	Rogers	Watres
Cooper, Ohio	Lankford	Sanders, N. Y.	Watson
Cox	Larsen	Scott	Weller
Coyle	Leavitt	Shreve	White, Me.
Crisp	Lindsay	Smithwick	Whittington
Crosser	McFadden	Sosnowski	Wilson, Miss.
Cullen	McLaughlin, Mich.	Speaks	Wolverton
Darrow	McSweeney	Stalker	Wyant
Dempsey	MacGregor	Stobbs	Zihlman
Edwards	Magee, Pa.	Strong, Kans.	
Fitzgerald, Roy G.	Mapes	Strother	

NAYS—197

Abernethy	Cooper, Wis.	Garrett, Tenn.	Hull, William E.
Adkins	Crowther	Gasque	Irwin
Almon	Crumpacker	Gibson	Jeffers
Andresen	Davey	Gifford	Jenkins
Arnold	Davis	Gilbert	Johnson, Ill.
Aswell	Deal	Goldsborough	Johnson, Ind.
Auf der Heide	Denison	Goodwin	Johnson, S. Dak.
Bailey	Dickinson, Iowa	Gorman	Johnson, Tex.
Barkley	Dickinson, Mo.	Green, Fla.	Kerr
Beers	Doughton	Green, Iowa	Ketcham
Begg	Dowell	Greenwood	Kiefner
Black, Tex.	Drewry	Griest	Kincheloe
Bland	Driver	Griffin	Knutson
Box	Elliott	Hall, Ind.	Kopp
Brand, Ohio	Ellis	Hammer	LaGuardia
Briggs	Eslick	Hare	Lampert
Britten	Evans	Harrison	Lanham
Browne	Fairchild	Hastings	Lazaro
Bulwinkle	Faust	Haugen	Leatherwood
Burtness	Fish	Hawes	Lehlbach
Busby	Fisher	Hawley	Letts
Butler	Fletcher	Hayden	Little
Byrns	Fort	Hickey	Lowrey
Cannon	Frear	Hill, Ala.	Lozier
Carss	Free	Hill, Wash.	Lyon
Chapman	French	Hoch	McClintic
Chindblom	Fulmer	Hogg	McLaughlin, Nebr.
Christopherson	Furlow	Holaday	McMillan
Clague	Gambrill	Howard	McReynolds
Cole	Garber	Huddleston	McSwain
Connally, Tex.	Gardner, Ind.	Hull, Morton D.	Madden

Magee, N. Y.	Rainey	Shallenberger	Underwood
Magrady	Ramseyer	Simmons	Vinson, Ky.
Major	Rankin	Smith	Voigt
Manlove	Rathbone	Snell	Wainwright
Mansfield	Reed, Ark.	Somers, N. Y.	Weaver
Martin, La.	Robinson, Iowa	Spearing	Wefald
Milligan	Robsion, Ky.	Sproul, Ill.	Wheeler
Moore, Ky.	Romjue	Stedman	White, Kans.
Moore, Va.	Rouse	Stephens	Whitehead
Morehead	Rowbottom	Stevenson	Williams, Ill.
Morrow	Rubey	Summers, Wash.	Williamson
Nelson, Mo.	Rutherford	Sumners, Tex.	Wingo
Newton, Mo.	Sanders, Tex.	Swank	Winter
Oldfield	Sandlin	Taylor, Colo.	Woodruff
Oliver, Ala.	Schafer	Taylor, Tenn.	Wright
Parks	Schneider	Taylor, W. Va.	Yates
Peery	Sears, Fla.	Thurston	
Porter	Sears, Nebr.	Tillman	
Ragon	Seger	Tucker	

NOT VOTING—115

Ackerman	Cramton	Keller	Pou
Aldrich	Curry	Kendall	Purnell
Allen	Davenport	Kiess	Quayle
Allgood	Dickstein	Kunz	Rayburn
Andrew	Dominick	Kvale	Reece
Anthony	Douglass	Lea, Calif.	Reed, N. Y.
Appleby	Doyle	Lee, Ga.	Sabath
Bankhead	Drane	Lineberger	Sinclair
Beck	Dyer	Linthicum	Sinnott
Berger	Eaton	Luce	Sproul, Kans.
Bixler	Esterly	McDuffie	Steagall
Blanton	Fenn	McKeown	Strong, Pa.
Bloom	Fitzgerald, W. T.	McLeod	Sullivan
Bowles	Fredericks	Mead	Swartz
Bowling	Freeman	Menges	Swoope
Browning	Frothingham	Merritt	Taylor, N. J.
Brumm	Fuller	Michaelson	Thomas
Buchanan	Funk	Mills	Tydings
Campbell	Gallivan	Montague	Vaile
Canfield	Garner, Tex.	Mooney	Vare
Carpenter	Garrett, Tex.	Morin	Walters
Carter, Calif.	Golder	Nelson, Me.	Warren
Carter, Okla.	Graham	Nelson, Wis.	Welsh
Celler	Hudson	Norton	Williams, Tex.
Cleary	Hudspeth	O'Connor, N. Y.	Wilson, La.
Collins	Johnson, Ky.	Patterson	Wood
Connery	Jones	Peavey	Woodrum
Connolly, Pa.	Kahn	Perlman	Wurzbach
Corning	Kearns	Phillips	

So the motion of Mr. McFADDEN was rejected.

The following pairs were announced:

On this vote:

Mr. Fenn (for) with Mr. McDuffie (against).
Mr. Curry (for) with Mr. Wilson of Louisiana (against).
Mr. Hudspeth (for) with Mr. Kunz (against).
Mr. Connery (for) with Mr. Canfield (against).
Mr. Michaelson (for) with Mr. W. T. Fitzgerald (against).
Mr. Welsh (for) with Mr. Sinclair (against).
Mr. McLeod (for) with Mr. Dominick (against).
Mr. Andrews (for) with Mr. Sabath (against).
Mr. Campbell (for) with Mr. Nelson of Wisconsin (against).
Mr. Reed of New York (for) with Mr. Hudson (against).
Mr. Strong of Pennsylvania (for) with Mr. Peavey (against).
Mr. Ackerman (for) with Mr. Johnson of Kentucky (against).
Mr. Montague (for) with Mr. Dyer (against).
Mr. Allen (for) with Mr. Beck (against).
Mr. Reece (for) with Mr. McKeown (against).
Mr. Vaile (for) with Mr. Sinnott (against).
Mr. Dickstein (for) with Mr. Pou (against).
Mr. Carpenter (for) with Mr. Lee of Georgia (against).

Until further notice:

Mr. Mills with Mr. Gallivan.
Mr. Connolly of Pennsylvania with Mr. Steagall.
Mr. Eaton with Mr. Cleary.
Mr. Cramton with Mr. Lea of California.
Mr. Morin with Mr. Woodrum.
Mr. Bowles with Mr. Allgood.
Mr. Aldrich with Mr. Jones.
Mr. Graham with Mr. Bankhead.
Mr. Taylor of New Jersey with Mr. Linthicum.
Mr. Vare with Mr. Blanton.
Mr. Wood with Mr. Mead.
Mr. Luce with Mr. Bloom.
Mr. Kendall with Mr. Celler.
Mr. Merritt with Mr. Bowling.
Mr. Carter of California with Mr. Mooney.
Mr. Patterson with Mr. Browning.
Mr. Fuller with Mr. Doyle.
Mr. Purnell with Mr. Carter of Oklahoma.
Mrs. Kahn with Mrs. Norton.
Mr. Freeman with Mr. Rayburn.
Mr. Esterly with Mr. Thomas.
Mr. Frothingham with Mr. Garrett of Texas.
Mr. Davenport with Mr. Douglass.
Mr. Golder with Mr. Garner of Texas.
Mr. Anthony with Mr. Collins.
Mr. Wurzbach with Mr. O'Connor of New York.
Mr. Perlman with Mr. Drane.
Mr. Menges with Mr. Corning.
Mr. Kiess with Mr. Quayle.
Mr. Appleby with Mr. Warren.
Mr. Swartz with Mr. Sullivan.
Mr. Kearns with Mr. Tydings.
Mr. Sproul of Kansas with Mr. Williams of Texas.
Mr. Nelson of Maine with Mr. Kvale.
Mr. Funk with Mr. Berger.

The result of the vote was announced as above recorded.

Mr. McFADDEN. Mr. Speaker, I move to insist on the disagreement of the House to the Senate amendments and ask for a further conference.

The SPEAKER. The gentleman from Pennsylvania moves to insist on the disagreement to the Senate amendments and ask for a conference.

The question was taken, and the motion was agreed to.

Mr. MORTON D. HULL. Mr. Speaker, I would like to submit a privileged motion, that the conferees be instructed.

The SPEAKER. The Clerk will report the motion of the gentleman from Illinois.

The Clerk read as follows:

Motion by MORTON D. HULL: *"Resolved*, That the conferees on the part of the House to be appointed in respect to H. R. 2 be instructed to adhere to the provisions of said bill relating to branch banking as they appear in said bill as it passed the House of Representatives."

The SPEAKER. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. McFADDEN, Mr. KING, and Mr. WINGO.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to inquire of the gentleman from Connecticut, for the benefit of many Members, as to the program for the remainder of the week.

Mr. TILSON. Mr. Speaker, the deficiency appropriation bill was reported to-day. It is a very important bill, as we all know, carrying very many important items for the various activities of the Government. We think nothing should stand in the way of the consideration of this bill. We will begin it to-morrow and continue until it is finished.

Mr. GARRETT of Tennessee. I understand that there will be considerable general debate on that bill.

Mr. TILSON. I am not informed about that.

Mr. GARRETT of Tennessee. I happen to know that there are a great many requests for time.

Mr. MADDEN. I will say to the gentleman from Tennessee that the gentleman from Tennessee [Mr. BYRNS] has had many requests for time, and so have I. I think it would be better not to agree now on a time for general debate, but let it go on and close it up as soon as we can. I think that would be the most advantageous way, and then we may eliminate a lot of people who may not then want to debate.

Mr. GARRETT of Tennessee. It is not probable, then, that the bill will be concluded before the end of this week?

Mr. MADDEN. I do not think it could be. Let me say this: It took me three hours to-day in executive session to explain the bill to the members of the Committee on Appropriations. The bill affects every Member of the House in some way, in every State, particularly in connection with the building program. If there are proportionately as many questions asked about the bill in the House as there were in the committee, it will take some time.

Mr. GARRETT of Tennessee. Perhaps the House will catch it more quickly than the committee. [Laughter.]

Mr. MADDEN. Perhaps so.

Mr. BYRNS. Mr. Speaker, I have had numerous requests for time. As the gentleman from Illinois [Mr. MADDEN] says, I think if we could take this bill up to-morrow, with no definite agreement as to time except as to division of time, we can save time.

Mr. MADDEN. I think we will expedite it more in that way than by attempting to have an agreement on the amount of time now.

Mr. TILSON. Mr. Speaker, I think the gentleman from Tennessee and the gentleman from Illinois are correct about that. We will ask that the time be controlled by the gentleman from Illinois and the gentleman from Tennessee and be equally divided between the two sides.

Mr. MADDEN. Yes; that is what we will do to-morrow.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Friday, June 25, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 25, 1926, as reported to the floor leader by clerks of the several committees:

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

604. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, for the relief of McLennan County, Tex., amounting to $9,403.42 (H. Doc. No. 459); to the Committee on Appropriations and ordered to be printed.

605. A communication from the President of the United States, transmitting a communication from the Postmaster General submitting an estimate of appropriation in the sum of $4,002.05 to pay claims which have been adjusted and which require an appropriation for their payment (H. Doc. No. 460); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MADDEN: Committee on Appropriations. H. R. 13040. A bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes; without amendment (Rept. No. 1536). Referred to the Committee of the Whole House on the state of the Union.

Mr. JACOBSTEIN: Committee on Labor. H. R. 12263. A bill to create in the Bureau of Labor Statistics of the Department of Labor a division of safety; without amendment (Rept. No. 1537). Referred to the Committee of the Whole House on the state of the Union.

Mr. WRIGHT: Committee on Military Affairs. S. 4320. An act for the relief of the State of North Carolina; with amendment (Rept. No. 1539). Referred to the Committee of the Whole House on the state of the Union.

Mr. TILLMAN: Committee on the Judiciary. H. R. 3974. A bill granting a pension to the regularly commissioned United States deputy marshals of the United States District Court for the Western District of Arkansas, including the Indian Territory, now the State of Oklahoma, and to their widows and children under 16 years of age; without amendment (Rept. No. 1540). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 3999. An act to provide a parole commission for the District of Columbia, and for other purposes; with amendment (Rept. No. 1542). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on Printing. H. Con. Res. 31. A concurrent resolution to provide for the printing of 10,000 additional copies of Senate Document No. 86, Sixty-second Congress, first session, entitled "Last Will and Testament of George Washington" (Rept. No. 1534); ordered printed.

Mr. BEERS: Committee on Printing. H. Res. 263. A resolution to provide for the printing, with illustrations, of the exercises at dedication of North Dakota memorial stone, Washington Monument (Rept. No. 1535); ordered printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. S. 2090. An act for the relief of Alfred F. Land; with amendment (Rept. No. 1530). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 5449. A bill for the relief of James E. Westcott; without amendment (Rept. No. 1531). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 12780. A bill for the relief of the owner of the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko;* without amendment (Rept. No. 1532). Referred to the Committee of the Whole House.

Mr. MORIN: Committee on Military Affairs. H. R. 12936. A bill for the relief of Bert H. Libbey, alias Burt H. Libbey; without amendment (Rept. No. 1533). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 1842. A bill for the relief of John Costigan; without amendment (Rept. No. 1538). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. H. R. 13004. A bill for the relief of John G. Cassidy; without amendment (Rept. No. 1541). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and 1927, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HILL of Alabama: A bill (H. R. 13041) to limit the time in which payment hereafter made of pay, allowances, or other compensation to any officer or enlisted man of the Army, including adjunct forces thereof, can be questioned by the General Accounting Office; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 13042) to repeal certain paragraphs and provisions and clauses of the revenue act of 1926; to the Committee on Ways and Means.

By Mr. VESTAL: A bill (H. R. 13043) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United States during the World War; to the Committee on Patents.

By Mr. GRIEST: A bill (H. R. 13044) authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the battle of Brandywine and died in the military hospital at Lititz; to the Committee on the Library.

By Mr. JACOBSTEIN: Joint resolution (H. J. Res. 283) to permit wives and minor children of alien declarants to enter the United States as nonquota immigrants; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 13045) granting a pension to Adortha S. Carey; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 13046) granting an increase of pension to Margaret A. Shields; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 13047) granting an increase of pension to Annie Heaton; to the Committee on Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 13048) to correct the military record of Clayton R. Miller; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 13049) granting a pension to John M. Brown; to the Committee on Invalid Pensions.

By Mr. LEATHERWOOD: A bill (H. R. 13050) releasing and granting to the State of Utah and the University of Utah any and all reversionary rights of the United States in and to the grounds now occupied as a campus by the University of Utah; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 13051) granting a pension to Americus K. V. Hull; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 13052) granting a pension to Priscilla F. Graham; to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 13053) granting an increase of pension to Emma D. Murdick; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 13054) granting an increase of pension to Margaret Stephenson; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 13055) granting an increase of pension to Martha Perry; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 13056) granting a pension to J. W. Wilson; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 13057) granting a pension to John M. Deveraux; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 13058) for the relief of the Spencer Glove Co.; to the Committee on Claims.

By Mr. BOYLAN: Resolution (H. Res. 305) to pay additional compensation to the clerk of the Committee on Military Affairs; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2814. By Mr. BEGG (by request): Petition of sundry voters of Tiffin, Ohio, praying for the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2815. By Mr. BIXLER: Petition of sundry residents of Elk County, Pa., urging further relief for Civil War veterans and dependents; to the Committee on Invalid Pensions.

2816. Also, petition of sundry residents of Sharon, Pa., for the relief of Civil War veterans and dependents; to the Committee on Invalid Pensions.

2817. Also, petition of sundry residents of Stoneboro, Pa., for the relief of Civil War veterans and dependents; to the Committee on Invalid Pensions.

2818. By Mr. CARTER of California: Petition of 240 voters of Berkeley, Calif., urging that legislation be passed at this session granting increase of pensions to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2819. By Mr. CRAMTON: Petition signed by Cecil Arndt and 32 other residents of Tuscola County, Mich., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2820. By Mr. EATON: Petition of 66 voters of Trenton, N. J., for passage of Civil War pension bill; to the Committee on Invalid Pensions.

2821. By Mr. ESLICK: Petition of Mrs. Anna P. Carr and sundry others, urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2822. By Mr. GALLIVAN: Petition of the International Longshoremen's Association, Anthony J. Chlopek, president, 744 Bramson Building, Buffalo, N. Y., urging early and favorable consideration of the longshoremen's compensation bill, H. R. 12063; to the Committee on the Judiciary.

2823. By Mr. HAWLEY: Petitions of sundry members of Portland (Oreg.) High School Teachers' Association, favoring the passage of Senate bill No. 291, to create a department of education; to the Committee on Education.

2824. Also, petition of sundry citizens of Monmouth, Oreg., for Congress to take steps to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2825. By Mr. HERSEY: Petition of A. S. McPheters and 39 other residents of Orono, Me., urging passage of the Elliott pension bill; to the Committee on Invalid Pensions.

2826. By Mr. HOGG: Petition of Barbara Frietchie Tent, No. 16, National Alliance Daughters of Veterans, asking for increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2827. By Mr. JOHNSON of Illinois: Petition of sundry citizens of Jo Daviess County, Ill., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2828. By Mr. KETCHAM: Petition of 55 residents of Hopkins and vicinity, requesting relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2829. Also, petition of 64 residents of Watervliet, Mich., requesting relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2830. By Mr. KIESS: Petition of sundry citizens of Millport, Pa., favoring the passage of a bill to increase the pension of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2831. By Mr. KIRK: Petition of various citizens of Magoffin County, Ky., requesting the passage of the Civil War veterans' pension bill at the present session of Congress; to the Committee on Invalid Pensions.

2832. By Mr. KOPP: Petition of Harvey Long and 56 other citizens of Mount Pleasant, Iowa, asking that increased pensions be granted to the Civil War veterans and their widows; to the Committee on Invalid Pensions.

2833. By Mr. McKEOWN: Petition signed by Mrs. Eveline Mooney, R. B. Tullas, S. T. Tullas, Phil Haught, and sundry others, all citizens of Coal County, Okla., urging the immediate and favorable consideration of the Elliott pension bill; to the Committee on Invalid Pensions.

2834. Also, petition signed by J. L. Hull, Burt Stovall, Charles Carter, Bill Adair, J. W. Rice, John Rice, Edward Swengle, Irene Ellis, and J. H. Fowler, all of Seminole, Okla., urging the immediate and favorable consideration of the Elliott pension bill; to the Committee on Invalid Pensions.

2835. Also, petition signed Peter Smith, Ruby Sivadon, Mrs. G. T. Wright, R. R. Collins, and others, all citizens of Creek County, Okla., urging the immediate and favorable consideration of the Elliott pension bill; to the Committee on Invalid Pensions.

2836. By Mr. MAJOR: Petition of numerous citizens of Slater, Saline County, Mo., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

2837. By Mr. MOORE of Kentucky: Petition of Gilmon Flener and 128 others, urging immediate passage of Civil War pension bill; to the Committee on Invalid Pensions.

2838. By Mr. MURPHY: Petition of Hugh Miller and sundry others, favoring passage of general pension bill; to the Committee on Invalid Pensions.

2839. Also, petition of Mr. L. A. Buster and sundry others, favoring passage of general pension bills; to the Committee on Invalid Pensions.

2840. By Mr. NELSON of Wisconsin: Petition of 46 citizens of Boscovel, Wis., signed by Mary E. McCord and sundry others, urging immediate passage of the Civil War pension bill in order that relief may be accorded to the needy and suffering veterans and widows to be benefited under this act; to the Committee on Invalid Pensions.

2841. Also, petition signed by Mrs. Hannah E. Doylan, urging the immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2842. By Mr. O'CONNELL of New York: Petition of the American Association for Labor Legislation, urging the enactment of Senate bill 3170, the longshoremen's accident compensation bill, before the adjournment of the present session of Congress; to the Committee on the Judiciary.

2843. By Mr. PHILLIPS: Petition of sundry citizens of New Castle, Lawrence County, Pa., urging that immediate steps be taken by Congress to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2844. Also, petition of sundry citizens of Butler County, Pa., urging immediate steps be taken by Congress to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2845. Also, petition of sundry citizens of New Brighton, Beaver County, Pa., urging that immediate steps be taken by Congress to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2846. By Mr. RUBEY: Petition of sundry citizens of Belle, Mo., urging the passage of legislation increasing the pensions of the Civil War veterans and their widows; to the Committee on Invalid Pensions.

2847. Also, petition of sundry citizens of Lebanon, Mo., urging the passage of legislation increasing the pensions of the Civil War veterans and their widows; to the Committee on Invalid Pensions.

2848. By Mr. SANDERS of New York: Petition of Cora E. Loke and 42 other residents of Medina, N. Y., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2849. Also, petition of W. J. Welch, Charles L. Welch, B. E. Brophel, W. Clopton, James H. Fitzgerald, and R. G. Moses, all of Leicester, N. Y., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2850. By Mr. SINNOTT: Petition of numerous citizens of The Dalles, Oreg, in behalf of the Civil War pension bill; to the Committee on Invalid Pensions.

2851. By Mr. STRONG of Pennsylvania: Petition of sundry citizens of Kittanning, Pa., urging immediate enactment of the pending bill to increase the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2852. Also, petition of sundry citizens of Freeport, Pa., in favor of immediate enactment of the pending bill to increase the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *June 25, 1926*

(Legislative day of Wednesday, June 23, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Bratton	Capper	Curtis
Bayard	Broussard	Caraway	Dale
Bingham	Bruce	Copeland	Deneen
Blease	Butler	Couzens	Dill
Borah	Cameron	Cummins	Edge

Edwards	Howell	Norbeck	Shortridge
Ernst	Johnson	Norris	Simmons
Fernald	Jones, N. Mex.	Oddie	Smith
Ferris	Jones, Wash.	Pepper	Stanfield
Fess	Kendrick	Phipps	Stephens
George	Keyes	Pine	Swanson
Gerry	King	Pittman	Trammell
Gillett	La Follette	Ransdell	Tyson
Glass	Lenroot	Reed, Mo.	Underwood
Goff	McKellar	Reed, Pa.	Wadsworth
Gooding	McMaster	Robinson, Ark.	Walsh
Hale	McNary	Robinson, Ind.	Warren
Harreld	Mayfield	Sackett	Watson
Harris	Means	Schall	Weller
Harrison	Metcalf	Sheppard	Wheeler
Heflin	Moses	Shipstead	Willis

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, requested a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McFADDEN, Mr. KING, and Mr. WINGO were appointed managers on the part of the House at the further conference.

GRAIN FUTURES EXCHANGES

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, submitting in response to Senate Resolution 222 (by Mr. SHIPSTEAD, agreed to June 9, 1926), a report of the special investigation occasioned by the extreme fluctuations in the price of wheat futures during the early part of 1925, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

JOHN W. STOCKETT AGAINST THE UNITED STATES (S. DOC. NO. 134)

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting, pursuant to the order of the court, a certified copy of the findings of fact and conclusion filed by the court in the cause of John W. Stockett against the United States (Congressional case No. 15461), which was referred to the Committee on Claims and ordered to be printed.

PETITION

Mr. MOSES presented a petition of sundry citizens of Cornish, N. H., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. BUTLER, from the Committee on Patents, to which was referred the bill (H. R. 10774) to amend section 15 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, reported it without amendment.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11174) to amend section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), and for other purposes, reported it without amendment and submitted a report (No. 1151) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on June 24, 1926, that committee presented to the President of the United States the following enrolled bills:

S. 1963. An act authorizing the Citizens Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims;

S. 3185. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to present their claims to the Court of Claims;

S. 3361. An act to purchase lands for addition to the Papago Indian Reservation, Ariz.; and

S. 4482. An act to increase the limit of cost of submarine tender *No. 3* and to authorize repairs and alterations to the U. S. S. *S–48*.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 4513) granting a pension to Carl Enevoldsen (with accompanying papers); to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 4514) authorizing an appropriation of $150,000 for a plant experiment in the production of levulose from artichokes; to the Committee on Agriculture and Forestry.

By Mr. WADSWORTH:

A bill (S. 4515) to amend an act entitled "An act for the relief of the owner of lighter *Eastman, No. 14*," approved May 7, 1926; to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 4516) for the relief of John K. DeLoach; to the Committee on Military Affairs.

By Mr. COPELAND:

A joint resolution (S. J. Res. 121) to permit wives and minor children of alien declarants to enter the United States as nonquota immigrants; to the Committee on Immigration.

HOUSE BILL REFERRED

The bill (H. R. 12596) to authorize the leasing of unallotted irrigable land on Indian reservations was read twice by its title and referred to the Committee on Indian Affairs.

AMENDMENT TO COOPERATIVE MARKETING BILL

Mr. BRUCE submitted an amendment intended to be proposed by him to House bill 7893, the so-called cooperative marketing bill, which was ordered to lie on the table and to be printed.

NATIONAL-BANK BRANCHES

The VICE PRESIDENT laid before the Senate the action of the House of Representatives insisting upon its disagreement to the amendments of the Senate to the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PEPPER. I move that the Senate further insist upon its amendments and agree to the further conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. PEPPER, Mr. EDGE, and Mr. GLASS conferees on the part of the Senate at the further conference.

LAST WILL AND TESTAMENT OF GEORGE WASHINGTON

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives (H. Con. Res. 31), which was read:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed, with illustrations, 10,000 additional copies of Senate Document No. 86, Sixty-second Congress, first session, entitled "Last Will and Testament of George Washington," of which 7,000 copies shall be for the use of the House of Representatives and 3,000 copies for the use of the United States Senate.

Mr. PEPPER. Mr. President, informal approval of this measure has already been given by the Senate Committee on Printing at its last meeting. In view of that I ask unanimous consent for the immediate consideration of the measure which the Chair has just laid before the Senate.

The VICE PRESIDENT. Is there objection?

There being no objection, the concurrent resolution was considered and agreed to.

JAMES NEAL

Mr. COPELAND. Mr. President, I ask unanimous consent that the vote by which a bill, adversely reported day before yesterday from the Committee on Military Affairs (H. R. 2420) for the relief of James Neal, was indefinitely postponed, be reconsidered and the bill sent back to the committee.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. Mr. President, what is the bill?

Mr. COPELAND. It is a pension bill. I have conferred with my colleague [Mr. WADSWORTH], the chairman of the Committee on Military Affairs, and asked that it be sent back

to him in order that other evidence may be submitted, and he is agreeable to that course.

Mr. WATSON. Mr. President, we can not hear what the Senator is saying.

Mr. CURTIS. Will the Senator make the statement again, so that we can understand what it is?

Mr. COPELAND. This was a private relief bill which was considered by the Committee on Military Affairs, and an adverse report was brought in, which was adopted. I am asking for a reconsideration of that action in order that the bill may be recommitted to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, it will be so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, communicated to the Senate the intelligence of the death of Hon. CHARLES E. FULLER, late a Representative from the State of Illinois, and transmitted the resolutions of the House thereon.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 47) authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918.

ADDRESS BY SENATOR SIMEON D. FESS—FARM RELIEF

Mr. GOFF. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered before the State Bankers' Association of West Virginia, on June 23, 1926, by the junior Senator from Ohio [Mr. FESS].

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The plan of the Department of Agriculture is to develop marketing by the farmers themselves to the utmost degree. The farmers have had two primary difficulties in developing their own marketing systems. The first is the difficulty in securing initiative to set up such organizations. It is proposed under this plan that the Farm Board shall directly initiate such organization by getting farmers together and assisting them to establish such organization.

The second difficulty is to secure working capital with which to conduct such organization. Farmers can not secure large sums. This working capital is needed both to secure facilities and to provide that margin of capital necessary beyond what can be borrowed in the normal commercial way on commodities which they handle. In other words, the intermediate credit banks and the banking institutions of the country generally are prepared to loan, say, 80 per cent of the price of commodities, but it is necessary to provide a margin of 20 per cent. Therefore it is proposed to provide adequate capital to enable them to get started and to provide easy terms of repayment.

The following instance can be given as showing how it can be practically developed. To-day we have about 15,000 country or station elevators or warehouses. Practically all of the commercial grain of the country moves through these primary establishments. At the present time 4,000 or 5,000 of these elevators or warehouses belong to farm cooperatives or farmer-owned corporations. Some of these are already grouped up in associations. Each of them has to-day a local board of directors comprised of farmers who have already gained skill and experience in marketing grain. There is, therefore, already in existence, on the basis of five directors to each of these cooperatives, a body of some 25,000 farmers with experience in managing such concerns. They are carrying on the first stage of marketing fully 30 per cent of the entire grain of the country to-day.

If they could be assisted to erect a central grain-marketing organization to act on their behalf and under their own management, they would at once be controlling nearly 30 per cent of the grain movement. If such a concern were provided working capital, it could no doubt in a short time absorb the entire 5,000 of these country houses and thus come into control of a great majority of the grain stream of the country.

They need this capital—

1. To lease or acquire terminal facilities.
2. To assist in carrying mortgages on some of their country houses.
3. To loan to other groups of farmers to assist them to acquire local stations by purchase or lease.
4. To cover margins upon grain beyond that procurable from the intermediate credit banks and ordinary banks of the country.
5. For current expenses until the organization is in going order.

Such an organization could convert the grain business from a buyers' market into a sellers' market and secure the maximum price which the law of supply and demand permits. It could by pool and other arrangements amongst the farmers provide for holding the surplus grain until the market needs it. For instance, at the present time the country produces an insufficient amount of hard, high-protein wheats and has to import a certain amount from Canada. If these wheats were under control of such an organization they could be sold at a price which would bring to the farmer the full benefit of the tariff on wheat. At the present time they are receiving about 25 cents a bushel premium, and this premium could be lifted up to the full amount. They could engage in their own export business if they wish. Thus the organization would be built up on sound, safe lines, ultimately placing the farmer in entire control of his own market. Such combinations could be brought about amongst cotton cooperatives, livestock cooperatives, by which we would see over a few years the complete growth of farmer-organized and farmer-controlled marketing associations.

Such a plan is consonant entirely without institutions and does not involve the Government in buying and selling or supervision or responsibility, but builds up initiative of our own people.

One of the primary difficulties to-day of the farmer is that we have the farmers competing with each other to sell their commodities. Under such arrangements they would develop their selling into their own control and be able to deal on equal terms with the buying channels. I am convinced that the extra margin which they would obtain through economies, orderly marketing, and concentration of control would be greater than those which he would obtain under any fantastic scheme now proposed, by setting up any fictitious control over the law of supply and demand. They would be getting all there is to be had from the market, and no matter what scheme might be developed later on to strengthen this organization we would have competent organization to undertake it. We would have a body of men engaged in the business who could develop further plans on sound lines for the perfection of their organizations.

Briefly stated, the Fess amendment avoids the dangers of—

(1) Government price fixing;
(2) Government buying and selling;
(3) Government subsidy, sales tax, or excise tax; and
(4) Bureaucratic control of agricultural commerce.

It looks to a producers' organization for the purpose of—

(1) Better limitation of acreage to adjust production to a prospective demand at a fair price;
(2) Production costs lowered by collective effort, by a wider application of machinery and power to farm work;
(3) Widened distribution so as to better synchronize it with demand;
(4) Eliminating waste in marketing the commodity;
(5) Insuring to the producer some of the consumers' cost now absorbed by the middleman;
(6) Equalizing supplies between fat and lean years; and
(7) Increase of producers' bargaining power over products for which a premium is paid, such as hard wheat of protein value.

Along these definite and specific lines agriculture organized in the manner made possible and practicable by my amendment can draw within its own control the major and determining factors composing the surplus problem and can take a long and forward step in its solution.

Mr. Chairman, I can not give my approval to the so-called Corn Belt proposal for relief.

In a democracy where intelligent individual and collective thinking counts so much I am convinced that a Member of Congress is justified in addressing such bodies as this on questions commanding the attention of our national legislature.

Our Government has had a brilliant success in meeting and solving the problems inherited from the war. I mean not to speak on any of the questions already solved. Agriculture is one of the first industries to suffer and the last to find relief. This grows out of the character of the problem. The industry can not easily mark off the losses due to war inflation of prices and is slow in liquidation.

During the period of depression all sorts of remedies will be prescribed. Since 1921 Congress has enacted and the administration has applied at least 20 measures for agricultural relief.

There has been a gradual but steady recovery. However, the radical element in States like Iowa have pressed for favorable action upon what are regarded very serious proposals. These proposals are similar and grow out of similar conditions to the greenback agitation in 1879, the free-silver craze in 1896, and the populism in 1900. This agrarian movement, demanding McNary-Haugen legislation, is backed by bankers whose prosperity is wrapped up in the prosperity of agriculture. Their loans on inflated values which can not be realized make their situation acute.

This is true in spite of the fact that since 1921, when the purchasing power of the farmer's dollar was but 77, while of the nonagricultural dollar was 111, a differential of 34 points, there has been a gradual and steady trend toward equilibrium. In 1925 it was 91 to 102, or a differential of but 11 points. This disadvantage which agriculture is suffering should be remedied if it can be done. From the character of agriculture, its 6,000,000 farmers of all grades and condition, so individualistic, make the problem more difficult than other industries.

I am for fundamental relief measures for our farmers. I have supported every constructive measure proposed in their favor during the last many years But I am not for measures which will bring disaster and ruin to them. Measures have been proposed from time to time to this Congress which will do that very thing. Some of these measures have died out after a period of preliminary rush. Others of them have been brought forward again in new clothes. We have heard much of the "equalization-fee" plan. It is euphonic as a term and its exponents claim that it is simply the farmer assessing himself to secure stability in his prices.

I have no objection to this theory, and such theories make a strong appeal. But before I accept I wish to know how it is to be worked out, what its real expression is to be in legislation. I want to know if that legislation is practical, if it will actually benefit the farmer and will not bring him to disaster. I want to know whether it strengthens or whether it undermines our social and economic system. I want to know whether it is a disguise for Government price fixing, Government buying and selling of commodities, what the effect is going to be on agriculture itself, whether favorable or unfavorable. My conclusion is that this is a political bunco.

There have been three or four bills presented setting out the concrete proposals for the working of this equalization-fee plan—the McNary-Haugen bill of two years ago, the Haugen bill lately defeated in the House, and the McNary bill now before the Senate. They differ in many essentials, but apparently they do form the expression of the manner by which this is to be worked. These plans have been supported by the more radical of our farm organizations, and I must assume that they represent the expression of the method by which this equalization-fee plan is to be put into action.

Neither the McNary bill, now before the Senate, nor the Haugen bill, defeated in the House, was supported by the greatest of our farm organizations, the Grange, which organization has twice the membership of any other farm organization. They are not supported by our most important farmers' cooperative marketing associations, and the cooperative associations actually market nearly one-fifth of our entire agricultural production.

We see a good deal of noisy support through the firing of stimulated telegrams in batteries to Congressmen and Senators; and moreover, we must see some evidence of the country banker in those States where the banks are much overextended in loans and second mortgages. But in any event, apparently the McNary bill now before the Senate is the expression of the method by which this equalization plan idea is to be put across, and we can therefore well examine the plan in this form as the working machinery, and we can examine the other versions as throwing light on the intention as to this particular bill.

These proposals have received the powerful support of the Vice President and of ex-Govgrnor Lowden, and the Vice President has called in the advisory service of an eminent British economist. We were a few days ago instructed by the senior Senator from Indiana as to this expert's approval of this plan. I wish to call attention to the fact so far as I am aware no important American economist, either agricultural or otherwise, has been quoted in support of this measure. Suppose we took the head of the economics department of the 100 leading universities we would have 100 experts who are absolutely independent in mind and took their vote upon it. I dare say such a plebiscite would be resisted by its proponents. I was, of course, interested to know why an eminent British economist should be called upon to pass upon the question but a little thought indicates that this was easy to account for. I know of no better formulation of this than the quotation from the Washington Star of May 27, which I ask permission to read:

"GOOD FOR ENGLAND? YES

"In an address to the Senate on Tuesday, Senator WATSON, of Indiana, cited Sir Josiah Stamp, the eminent British economist, in support of the McNary-Haugen theory of relief for agriculture. Vice President Dawes had interested Sir Josiah in the American farm problem, and the statements quoted by Senator WATSON were from a communication addressed to the Vice President.

"The revised McNary-Haugen theory was embodied in the Haugen bill, which recently failed of passage in the House but which is still before the Senate in slightly modified form at the instance of Senator MCNARY. The Haugen bill, as it was voted on in the House, provided machinery intended to take care of crop surpluses by selling them abroad at a loss, the loss to be made up in the early years by a direct subsidy from the United States Treasury and later by the device of an equalization fee to be levied upon all producers of any given commodity.

"Assuming, for sake of illustration, that these crop surpluses were to be sold in England, we have a prospect which might well appeal favorably to any British economist. To begin with, the primary purpose of the project would be to increase the price of foodstuffs in this country above the normal supply-and-demand level. To accomplish this annual surpluses would be taken off the American market and sold abroad for whatever they would fetch. The exporting agency would, it is expected, receive less than it had paid for the exported commodities. Until such time as the equalization came into effect, after a period of years, these losses would be paid out of the Federal subsidy.

"From the interest point of the nonfarming American public, its taxes would be increased in order that the prices it had to pay for foodstuffs might be increased. Objectionable enough, if it ended there. But it would not end there. Dumping of American surpluses in Britain—for purpose of illustration—would tend to bring down the price of all foodstuffs there, with the inevitable result that the same device which gave the American people an artificially high cost of living would give the British people artificially low living costs.

"And the vicious circle thus set in motion would keep right on swinging. The artificially low cost of living would enable British industry to keep wages at an artificially low level and enable them to offer British goods in the world markets at artificially low prices. In the world markets they would meet American goods which had to be offered at artificially high prices made necessary by the artificially high American cost of living. The American goods, of course, could not be sold; American factories would have to curtail production, and American workers would lose part of their employment. Consequently, they would have to curtail their consumption of foodstuffs, so that the next year there would be a still larger surplus to be sold to England, to enable England still further to cripple American industry, and so on and on. In the end the enterprise would break down under its accumulating burden, and everybody in this country, including the farmer, would share in the resultant hardships.

"It is not surprising that Sir Josiah Stamp, eminent British economist, thinks the scheme an excellent one, but there is an imposing number of eminent American economists who are unable to see eye to eye with him."

The sympathetic attitude of a loyal subject of George V toward proposals that would tend to lower the world price of certain agricultural products is readily understood when it is recalled that in 1924 the value of British imports of tobacco amounted to $77,000,000; of corn, to $83,000,000; of wheat and flour, to $376,000,000; of beef and pork products, to $507,000,000; and of cotton, to $581,000,000.

I shall never support a measure which I believe will transfer the unemployment problem from England to the United States.

The measure before the Senate in short terms proposes the creation of a farm advisory council, four members from each of the 12 Federal reserve districts to be elected by farm organizations. It proposes that the members of this council for each of the Federal reserve districts shall nominate three men to the President of the United States from whom he shall choose one to be confirmed by the Senate, paid $10,000 per annum, the whole 12 of which shall comprise what is to be known as a Federal farm board.

This board, aside from advisory and statistical functions, is to undertake the most gigantic merchandising business ever known to history. The bill declares that cotton, wheat, corn, cattle, and swine are basic agricultural commodities. It provides that whenever the farm board finds that there is likely to be a surplus over domestic requirements in wheat, corn, cattle, or swine, and a surplus of cotton over the requirements of orderly marketing, then the board starts to operate. It operates by contracting with farm cooperatives, flour millers, the Chicago packers, or other manufacturers and dealers in foodstuffs to "withhold and remove" such a surplus.

If these contracts result in a loss on "removing or withholding," the losses are to be paid out of the "equalization fee." This fee is to be collected on "sale or processing" of any basic agricultural commodity.

Reduced to its plain terms this proposal is that certain agencies shall be contracted with to bid up the price of farm products in our markets to the level above the world price; that this surplus shall be dumped abroad upon the world's markets and the losses paid out of the equalization fund.

That is the method described in all of the explanations of the scheme, and in the report of the committee it refers to making good losses by sale abroad in making the tariff effective.

Before I enter upon a discussion of the economic fallacies of this plan I wish to call attention to some general questions in connection with it.

It provides for the creation of a board which shall act on behalf of and be clothed with the immense powers of the Federal Government but is not really selected either by the President or by Congress or by farm organizations.

It proposes for the first time in our history that an industry shall be singled out and shall be given the powers of the Government and shall be placed beyond the control of the Government. We do not have an Interstate Commerce Commission elected from railway presidents or a Federal Trade Commission from the presidents of big business. And we insist, and we must insist, that the people or their elected representatives in the person of the President and Congress, as the case may be, have control of this as well as all other activities.

It is not in the interest of the farmer that he invites the other industries of the country to set up special interest in the control of the functions of this Government. That is the complete realization of the syndicalist State. It is government by soviets.

I have said that this plan plunges this farm board, and thus the Government, into the most gigantic merchandising business in history. It is presumed to deal only when there is a surplus over the domestic demand. But there always is a surplus in wheat, cotton, pork products, and corn. Therefore, it will be a continuous operation covering exports of over $1,500,000,000 per annum in these commodities. And it must be handled under the act by contracting with somebody to do this job and then accounting for losses with purchases and sales under the direction of this Government agency—the Federal farm board.

Thus this plan plunges the Federal Government into the buying and selling of farm products on an infinitely larger scale than during the World War, for it is not wheat alone that is to be dealt in, but cotton, corn, hogs, and cattle. It means the building up of a bureaucracy of a myriad of Government employees, for an organization must be created that will let the contracts provided in this bill to all sorts of associations and private dealers and manufacturers whose job is to be to sell these commodities abroad and account for the losses on a business of gross value of $1,500,000,000 annually. Nor is the volume of exports the total measure of its operations; they are extended to cover all surplus. Moreover, no operation of this kind can be carried on without a considerable amount of dealing also in the domestic market. Our farm products are seasonal. If this agency would bid up these prices, they must carry masses of the domestic produce over season as well as the export surplus. Otherwise they can not maintain the price. Therefore this board will be engaged in the letting of contracts with hundreds of concerns involving the purchase and sale of upward of perhaps $3,000,000,000 per annum of agricultural products. It must mean the building up of a bureaucracy of Government employees to let these contracts to all sorts of associations and private dealers who are to sell these commodities abroad and account for the losses. Can anyone tell me that this process will not be filled with fraud and misrepresentation and incapacity?

We had such an experience with war contracts as to make our people loath to again see people engaged in an orgy of contracting on this scale and to engage upon it permanently. No one can tell me that when the Government lets contracts for the purchase and sale of agricultural commodities and, as the bill provides, with losses to be paid either from the Treasury or the equalization fee to be collected by the Treasury, that the Government is not engaged on a gigantic scale in the purchase and sale of commodities. I know that it is claimed that the Government will not be buying and selling commodities.

It is contended that farm cooperatives, manufacturing, and private dealers are to do the buying and selling, but is not the Government the responsible party under these contracts for the acts of these agents in buying and selling? Does it not have to determine the losses and therefore the character of their transactions? The act says it must determine the prices. It is nonsense to say that the Government is not doing it because it appoints an agent and enters into a contract with it.

It is contended that this legislation is not price fixing; and, as a matter of fact, in the bill before the Senate there is no statement as to the price at which these contracts are to be let. The only reference thereto being the statement under section 15 (f) as follows:

(1) No payment of losses shall be made unless the purchase or contract for the purchase is made at a price which in the opinion of the board is not in excess of a fair and reasonable price.

(2) No sale or contract of sale shall be made in respect of which a loss would be sustained unless such sale or contract is authorized by the board.

(3) Advances made by the board shall be payable on demand, whenever and to such extent as the board deems advisable, if the board finds that the market price in the principal markets of the United States for the basic agricultural commodity or its food products in respect of which the advance was made is in excess of a fair and reasonable price.

There is thus in the bill no limitation on this board as to the price to which it can not bid up commodities or the losses which it can not incur in dumping them abroad. There is no standard laid down for its actions, but, nevertheless, the board itself will have to determine some price. If it concludes that the price of hogs is too low, it will have to determine what is a fair price; it will have to instruct the Chicago packers what they will pay for hogs; it will have to enter into contract with these packers undertaking to pay any losses which they may incur in dumping the surplus broad. If this is not price fixing, I have never seen the operation defined.

There is another phase of this that is very interesting in interpretation of what it is proposed that this board shall do. You will recollect that in the original McNary-Haugen bill discussed here some two years ago there was a standard of price set up in the bill. Under that provision it was proposed to take the average wholesale price index of the country, as compared with pre-war, which to-day is, say, 152, pre-war being 100; and the price of the basic agricultural commodities was to be bid up so as to have that relative price, and any surplus was to be dumped abroad. This plan seems to have been entirely abandoned. One reason for it is, no doubt, the fact that soon after that time all commodities began to recover under the natural readjustments following the war, and some of them rose to higher levels than would have been obtained had they been fixed on the basis of the commodity index, and to-day the price of wheat is at 177, or 25 points above the average of the wholesale index.

In other words, since the time this scheme was originally put forward it has been found that the complaint of the wheat farmer based on the theory of that day has been cured, and, in fact, to reenact that standard of price control would reduce present prices of wheat. If we examine the bill lately debated and defeated in the House we will see that the proponents of these measures had shifted their base in making their standard of price fixing from the old commodity index basis. The new basis provided in the bill recently defeated in the House was that the price of these commodities was to be bid up to a level equal to the world price plus the tariff, plus the cost of transportation to our markets from the principal foreign competing countries; that is, if the price of corn is $0.93 a bushel in Liverpool, as it was a few days ago, and at the same time was $0.71 a bushel in Chicago, as it was at the same time, then we should take the Liverpool price, add the duty of 15 cents, which would bring it to 86 cents, add to this the cost of transporting the corn from the Argentine to our nearest port of entry—New York—which is about 20 cents per bushel, making a total of $1.06 a bushel, Chicago price, as against the price of 71 cents at that date. In other words, 35 cents a bushel higher than the present price, and a loss of 35 cents a bushel on exports.

Apparently, on hard wheat, which to-day is quoted in Liverpool at $1.86 per bushel, we would add 42 cents duty and, say, 20 cents from Canada to Buffalo—or, say, a total of $2.49 a bushel; and any surplus should be dumped abroad at a loss of 62 cents. This price level would permit imports even as against the tariff, so that they had to put in a provision making an embargo against any imports at all. But apparently the sponsors for this bill have now weakened, even on this proposed standard of price fixing. The Senate sponsors do, however, in their report on page 8, state that the object of this scheme before the Senate is to make the tariff effective on domestic consumption, so that apparently they have in mind that this board will conduct itself on these lines of tariff plus transportation, plus other things, even though it is not stated in the act, and indeed the board must have some standard, and I would not be surprised to see them use this apparently very beautiful one. There is a fallacy in this whole idea of the application of the tariff which I believe should be stated at once. The tariff has been built up over many years as a margin representing the difference in the cost of production within the United States and that of the most important competitive country. The tariff is not based on world price plus the tariff and transportation items, but is based on the differences in cost of production. A report some time ago by the Tariff Commission on the cost of producing wheat gave the cost in Canada at 90 cents a bushel and in the United States $1.32 for certain of the highest grades which were compared with the Canadian grades. The difference was 42 cents a bushel. Under the proposal set out in the lately defeated bill in the House, they would add 42 cents a bushel to the world price of wheat, which this grade at Liverpool is $1.87 per bushel, and they would also add this transportation nonsense, which amounts to 20 cents a bushel, thus bringing up the price to $2.49.

Now, the whole fallacy of this is that if you are going to add 42 cents a bushel it should be added to the 90 cents, which is the cost of production, and not to the world price plus all this transportation and tariff items. That would make the price about $1.32, according to the Tariff Commission's report, yet the price of these grades of wheat is to-day $1.66 per bushel.

If we were going to adopt this equalization fee plan and give it any standard of price upon which it is to be operated, then there must be some determination by Congress of the standard; instead of basing its operation on these fantastic ideas of commodity indexes or upon world prices plus tariff plus transportation, we should base it on the average cost of production and add the tariff thereto. I am not recommending this; I am only showing the utter fallacy of the whole of these proposals.

It is contended by these gentlemen that inasmuch as they are going to add these various amounts of the tariff and transportation of the world price, there will be no price fixing, as prices will rise and fall with the world price. Even if that were the case under this method of determining the price, it is price fixing, because this Government agency must determine what is the world price. It will have to determine it for every different quality of these agricultural staples and for every different product made out of them, and it must instruct its agents as to the prices at which they are to buy and sell. It can not make these determinations every moment of the day. Prices for every one of these things, these varieties of articles, varies every hour of the day—lard, bacon, pigs' feet, bristles, hides, oleo, oil, beef, and a thousand other things. This agency must determine some period for which a certain price will be paid for hogs, cattle, wheat, corn—and they must determine under this law what is a fair price at which each

of these products may be sold, and they must calculate the loss. If anyone can convince me that this is not price fixing, I will not believe my own eyes.

But the situation is likely to be even more difficult under the form of the plan now proposed to the Senate where there is no standard upon which price is to be fixed. Under the unlimited discretion given to this farm board in the bill we are discussing they will have to make a declaration of the price at which the Government will buy and sell. The reason for this is that no agency of the Government can secretly enter into purchases and sales. It must give every citizen the same opportunity, and therefore it must do its business publicly, and the moment it has published the price at which the Government is buying and selling, that is bound to be the price, because no one will try to compete with the Government. Again we arrive at price fixing, even under this modification of the plan.

I do not believe that the gentlemen who have proposed this plan have any idea as to what its actual working results will be when applied to the intricacies of trade and commerce. It, in effect, amounts to a guaranty of profits to every flour miller, every grain exporter, every meat packer, every butcher, every cotton dealer, and hundreds of other agencies throughout the United States. I have seen none of these gentlemen present in Congress opposing this bill. That their profits are guaranteed can be shown on very short analysis. Under this bill the Government, acting through the farm board, is going to contract to pay the losses off these gentlemen or somebody on the export of any surplus over domestic needs—consequently, if any of them in their domestic business find themselves with a surplus, they will either—

(a) Sell it on the domestic market and depress the price.

(b) Sell it to the board.

(c) Sell it to some one who has contracted with the board to buy it and export it.

Therefore, every dealer will go on dealing, daily making profits, knowing that if he has a surplus he can get rid of it without a loss. He is not likely to conduct his domestic business at other than a handsome profit. And even the gentlemen who export on behalf of the farm board and to whom the Government is paring their losses are not likely to wish to work for nothing.

But it is even more complex than this. The American hog is shipped to Chicago, there divided into 20 or more different products; some of these products from each individual hog are shipped abroad, while a number of the products are consumed at home. It is not as if you could select one out of every four hogs and say that the products of one would all go for export, but some part of these twenty-odd products of each hog will go abroad. When we come to determine the loss made on say 25 per cent of the lard exported, 2 per cent of the bacon from each hog, and calculate the bristles and the pigs' feet that are to be sold at home we have indeed entered on a perilous path, and it is not likely that the packer of hogs, having this privilege of shoving any surplus into export, is going to make the prices on the portion of the hog which he sells at home any lower than will give him a profit. Thus do we guarantee on one end and enter into a maze of trade relations on the other that are beyond calculation.

The same applies to our flour mills. We do not simply export 1 bushel of wheat out of 4. What we export is the low-grade flour not in demand amongst our own people and soft wheat. This low-grade flour is a by-product of all the flour milled in the United States. How is this board going to calculate its relation to the high-grade flour sold on the domestic market? Given that the flour miller can put any surplus onto this board or its agents for export at the expense of the Government, he will be able to make any profit he may denominate on his domestic business and we will find ourselves in the position of having to regulate the profits to be made by the packers, flour millers, cotton merchants on their domestic business or they will run into paths of profiteering and extortion.

Again, all this bears on the question of price fixing. It has been said there is no price fixing. The Chicago packers kill hogs to-day which reach the market three or four months hence. If we think that when he determines what his profit will be out of the domestic part of the hog as compared to the loss which he charges against the Government on another part of the hog which he is going to sell four months hence for export, and still think he will not fix the price, we are wrong.

And so I would like to ask where in our population are enough inspectors, detectives, and accountants to be found to keep track of the operations of these thousands of flour mills, these thousands of butchers and scores of importers and dealers who have the privilege of making their own price on domestic business because they can dump their surplus onto this board or its agents; and where are all of these officials to be found who will travel around the whole world to see that the goods sold abroad are in accordance with contracts and that the losses charged to the Government are honestly returned.

In the version of this plan two years ago, apparently it was recognized that these difficulties existed and it provided that the Government should take over and "process" as it is called, whenever it was necessary to carry out the act. At that time they talked of taking over the packing houses and the flour mills for the Government. All this was at least frank and was at least an attempt on their part to avoid the commercial maze in which they found themselves in any attempt to interpret how this plan would work. In the latest version of the business, however, they apparently intend to do all these things by contract.

I have already referred to many phases of this bill that would be disastrous to the farmer. There are some particular questions to which I would like to call attention.

Anyone who examines wheat production in the United States will find that it consists of three different products:

First. The high protein, hard wheats which are so much desired by the American bread eater and which we do not produce in sufficient quantity for our own consumption and have to import from Canada. These wheats receive a premium by virtue of the tariff protecting them from Canadian high-protein wheat. This premium varies from 25 to 30 cents a bushel.

Second. The soft wheats which are largely produced in Washington and Oregon and States east of the Mississippi. Of these we produce a surplus, and these are the wheats which we sent to export.

Third. The durum wheat, the majority of which is exported for special consumption in continental Europe.

Now, you will find that North Dakota and Kansas, who are the greatest producers of the premium wheats, have a production of about 11 and 14 bushels per acre, respectively. This compared with about 20 bushels per acre of soft wheat in Oregon. It is the premium on the hard high-protein wheats due to the tariff protection which makes this industry to-day in North Dakota and Kansas. It is the reward they receive for their superior quality product.

Now, we come to the application of this equalization fee, and we find that it is applied at so much per bushel without regard to quality. The price of all wheat will all be the same, for it will all be lifted to the tariff level. Therefore Kansas only gets a 30-cent further lift. Suppose, for instance, all these promises come true, that the extra price in the domestic market which would be given over the foreign market amounts to 60 cents a bushel in order to provide for a tariff plus transportation, which was mentioned as the price base in the Haugen version of this bill. Theoretically this still lifts the income of the farmer in Oregon and Washington about $12 per acre, or 60 cents on 20 bushels per acre, whereas it would lift the income of the farmer in Kansas $4.20, or 30 cents on 14 bushels, and in North Dakota about $3.30 per acre. The result would be an enormous stimulation of production of soft wheats which we do not require. And I would like the Kansas farmer to calculate what he gains after he pays the equalization fee. The whole benefit goes to the soft wheats.

But there is another calculation which could be entered into about wheat. Theoretically, suppose that we produce 800,000,000 bushels, and as has been pointed out by our mathematical friends, that we wish to export 200,000,000 bushels. Suppose that we are to lose 60 cents a bushel on the 200,000,000 exported, $120,000,000—which is supposed to be paid through the equalization fee by the farmer who raises the 800,000,000 bushels. Now, he is supposed to gain 60 cents a bushel on 800,000,000 bushels—$480,000,000. This looks like a fine transaction, but it is subject to some deductions.

First. One hundred million bushels for seed.

Second. About 30,000,000 bushels which he feeds direct to chickens, and off grades and such things.

Third. Wheat is only milled up to, say, 72 per cent as flour, and the remaining 28 per cent is in the form of mill feeds, which are consumed by the farmer.

So if we deduct the first and second items—130,000,000 bushels—from the 600,000,000, we have 470,000,000 bushels actually milled. Twenty-eight per cent of this goes back to the farmer—131,000,000 bushels—as mill feed, so that we have to add this 131,000,000 to the 130,000,000 which has already been used by the farmer as seed and direct feeding. We now have 261,000,000 bushels which the farmer uses out of the 600,000,000.

Now, the farmer himself is a large consumer of flour. In fact he consumes about one-third of all the flour consumed in the country, and this amounts to another 115,000,000 bushels, so that out of this 600,000,000 bushels the farmer himself is one way or another the consumer of 376,000,000 bushels, so that the benefits on this at the rate of 60 cents a bushel—$225,000,000—really comes out of his pocket. He also has to pay out, if this equalization fee is paid by him, the $120,000,000 loss on the export business. Now, then, if you add $225,000,000 to $120,000,000 you will get $345,000,000 on one side of his balance sheet and $480,000,000 on the other.

If you will go a little further and calculate who gets the profits of $135,000,000 after the smoke is all cleared away, you will find it is the soft-wheat farmer, while Kansas and North Dakota have lost out.

It is true that the dairy farmer pays the bills on all the mill feed. It may not be the same farmer as the wheat farmer that buys the mill feed. If it is not, it simply means a penalty on the dairy farmer for higher mill feeds.

The disastrous effect of this plan on the American farmer can be no better illustrated than by its working on corn and hogs. We are sure that the object of the plan is to lift the price of corn above world levels and to dump the surplus abroad. It is obviously no use buying a surplus and attempting to hold a perishable commodity like corn until a year of short production, because without elaborate processes of repeated drying and curing corn can not be held in storage for more than 12 or 18 months.

I have already shown that under the standard of price fixing in the Haugen bill corn would to-day be $1.06 a bushel at Chicago, whereas it would be sold in Canada for 35 cents a bushel less and the loss paid by somebody in the United States. And I would call attention of the Lake States, all of which are large producers of hogs, to the fact that corn can be transported from the Lake States to the Canadian Provinces for 2 or 3 cents a bushel, and that the obvious thing will be to build up the Canadian swine-feeding industry for export of pork products to Europe and we will destroy the American hog growers' business at once.

A study of our exports of pork products will show that our exports have decreased in the last five years by 400,000,000 pounds, while those of Canada, Denmark, and the Scandinavian States generally have increased by this much, and this is a proposal to sell feed to these competitors for less money than our own farmers must pay, and they expect them to compete in the same foreign markets for the sale of our surplus.

In the last crop we had an obvious surplus of 400,000,000 bushels of corn. This farm board would have had to declare a 400,000,000-bushel surplus. It would then want to export this surplus to get it out of the way. If we look into the foreign markets for corn we will find that the total world imports are about 200,000,000 bushels annually, of which about one-third goes from the United States. Now, if this farm board attempted to export an additional 400,000,000 bushels, it would obviously overwhelm and break the world price of corn, so that we might see corn abroad for 20 and 30 cents a bushel and the differential in favor of the foreign swine feeder increased from 35 to even 50 or 60 cents a bushel—and 35 cents increase of domestic over such a world price would be less than to-day's price.

Our swine growers estimate that it takes 10 bushels of corn to produce one hundredweight of hog. If there is a differential in favor of the foreign feeder of only 35 cents it means he has a differential in his favor of $3.50 per hundredweight, or nearly 30 per cent on the present price of hogs. If the differential rises to 50 cents under these prices, breaking foreign markets for the benefit of the foreign swine grower, it will have a differential of nearly 50 per cent in the price in his favor. So that the State of Iowa, the greatest hog-growing State in the Union, will find itself destroying its own market and transferring its greatest industry to foreign countries.

And there is a double action that would take place in this connection. The farm board would be bound to bid up the price of American hogs to some price above the world level, and, in addition to the advantage of the foreign swine grower by having cheaper feed, he would have the further advantage of the margin provided by the higher American domestic price for hogs generally, all of which leads one into a labyrinth that one can scarcely comprehend.

	Prices of mixed corn at—		
	Liverpool	Chicago	Spread
	Cents	*Cents*	*Cents*
Mar. 30	93¾	71¾	22
Apr. 7	97	71½	25½
Apr. 13	97⅜	72¾	24½
Apr. 20	97	73	24
Apr. 27	96	72½	23½
May 18	93½	71⅛	22⅜

Transportation division reports corn rates from Argentine to New York probably between 7 and 9 cents, or, say, 8 cents, per bushel.

One of the most vicious things that will flow from all this is stimulated overproduction. During the war we saw the wheat acreage increase from 55,000,000 to over 70,000,000 acres as a result of the Government's guaranty of $2 per bushel for wheat. Yet I have shown that this proposal, if put in action at the present time and if the standard of prices measured by the Haugen bill or by any scheme for tariff plus transportation, the price will be nearly $2.50 a bushel for our premium wheats. I have shown that the price of corn would be $1.06 a bushel. Can anyone tell me that under these circumstances we would not have constant overproduction?

The moment that we increase the production we increase the volume to be exported. We export this on markets already saturated, we break the world price, and we lower domestic price in the United States, no matter what the differential we put on it.

It is said that the farmer will have a check on overproduction because he will have to pay an enlarged equalization fee. But under this plan this only works after the event. The whole implication of the penalty to be imposed on the farmer by an enlarged equalization fee is that he must pay for his folly. But why lead him to commit folly in order that he may pay for it?

There is another fallacy in the idea that this equalization fee will ultimately curtail the farmers' operations and check overproduction. In the form of this bill put forward some years ago an attempt was made to levy the equalization charges upon the farmer direct. Elaborate provisions were made that if he sold any of his commodities he had to buy a check from the post office, etc., to show that he had paid his fee. It was quickly proved impracticable, because, for instance, the corn grower who sells his corn was asked to pay the equalization fee, whereas the corn grower who fed his corn to hogs was free from the payment of such a fee. It meant that 20 per cent of the corn which went into commercial transactions would have to pay the entire cost of dumping the whole surplus abroad, and if the commercial corn, usually estimated at 600,000,000 bushels, had to pay the dumping fee of 400,000,000 bushels surplus, it meant that the corn grower who did not directly feed his own hogs would be ruined. Altogether this plan of levying the fee on the farmer has been frankly abandoned in all later drafts of these bills.

It is now proposed to put it on a "processor," presumably upon the butcher, packer, flour miller, manufacturer of corn products, etc., and thus it becomes an excise tax on the manufactured product and at once becomes a charge on the consumer, but not on the producer.

Something could be said for the restraining effect of such an equalization tax if applied to the farmer direct, but an excise tax on the consumer will have no effect on the farmer.

I do not contend that consumers should not pay a right and proper price for farm products. I believe that they should, but if called upon to pay an excise tax for the purpose of assuring to the farmer a proper return on his farm it would be based on the cost of operating his farm and not upon the so-called world price plus tariff, plus freight rates, with all its speculative and vicious consequences.

There is still another phase of all this which has not been ventilated. Under this bill it is proposed to set up a farm board that shall declare fair prices at which contracts are to be made for purchase of agricultural products and it shall declare fair prices at which these shall be sold abroad and shall pay the loss on these dumping transactions outside the United States. This board is a Government agency and is sooner or later subject to political control. Its purpose is to fix prices on foodstuffs in the United States at higher levels than abroad.

It is my belief that every representative of the consuming and urban centers of the country would within 12 months establish his political platform on fair prices to the consumer. The consuming population in the United States is a vast majority as against the farmer. Sooner or later political power over these agencies will transfer itself to the consumer. Farmer's prices will be made not by his own agents as he proposes under these bills, but will be imposed upon him by the urban communities. The last thing the American farmer should want to do is to extinguish his individual independence in favor of political control of that phase of his business—that is most vital to him—the right to dispose of his product as he pleases.

Mr. President, I sum up my objections to this proposal briefly as follows:

There are methods by which genuine economic relief can be given to the farmer. In the past few Congresses 22 measures have been enacted looking toward farm relief. But this Dawes-McNary-Haugen plan will bring ruin instead. The theory is that the farmer shall pay an assessment which shall be devoted to bidding up domestic prices of corn, hogs, wheat, cattle, and cotton to some fixed level above world prices and dumping the "surplus" abroad at a loss.

All these commodities have a surplus over the domestic demand, the average annual exports amounting to about $1,500,000,000. The idea is that the farmer will gain because the major part of his product is sold at home and a minor part abroad. Regardless of the pleasant-sounding theory it is disastrously unworkable for the following reasons:

First. Under the bills proposed the farmers are to select a board, which the President is compelled to accept, which will be endowed with $200,000,000 or $300,000,000 working capital by the Federal Government and totally unrestrained powers to contract with cooperatives—flour millers, meat packers, and exporters—to buy at prices which this Federal board, at its own discretion, is to determine and sell abroad at any loss they determine, the loss to be made good by a tax they alone assess. The place where this tax, or "equalization fee," comes from is uncertain. It purports to be levied on the farmer, but as it is to be collected from the "processor" it will probably be passed on to the consumer. Such unlimited powers have never been delegated in all history to any industry, and if constitutional is a precedent which will sooner or later be claimed by coal, steel, and a host of other industries. It is in my view entirely unconstitutional, and for this reason the whole scheme will prove only a political bilk of the farmers.

Second. It means a bureaucracy on unparalleled scale buying and selling commodities. Our exports of the products enumerated are $1,500,000,000 per annum. It is proposed that the export of this surplus at a loss shall be contracted out by this Government agency

to thousands of millers, packers, and exporters who are to buy and sell the raw material or manufactured products abroad. Moreover, to bid up the hold-up prices on the domestic market some buying and selling must be done for domestic account because the products are seasonal and prices must be held up on domestic supplies pending exports. The total volume of buying and selling will far exceed $1,500,000,000. It is the most gigantic entry of the Government into business ever contemplated in peace—or even in war. It will be accompanied by tyranny over the farmer, by fraud, politics, and corruption.

Third. This is price fixing, because this Government agency must determine what price it will uphold on the domestic market and what price it will sell at abroad. The law says it must buy and sell at a fair and reasonable price. This is price fixing itself.

Fourth. It is a complete guarantee of profits to every miller, packer, and dealer without any regulation or restraint, because any one of these packers, millers, or dealers who have a contract to export can fix any profits he likes on domestic dealings, and then heave any left-overs onto the Government loss account. Even without a contract every one of these agencies which has a surplus in hand can force the Government agencies to buy and export it. Otherwise, if he dumps in the domestic market he will break the domestic price.

Fifth. It will ruin American animal industry because it is proposed to sell feed abroad at less prices than at home. Any swine grower or dairyman in Canada or Denmark will be given corn and mill feed at less prices than the American swine grower and dairyman—the loss in selling to him to be paid by a tax on the American farmer or consumer. This means that the "equalization fee" on hogs will need be increased in order to make good larger and larger deficits.

Sixth. The trouble with the agricultural industry to-day is overproduction, and this scheme will only stimulate more production of wheat and cotton and corn, hogs and cattle to be dumped in increased quantities on foreign markets and thereby break the world prices to lower levels. It is said that this will necessitate an increase in the equalization tax on the farmer in order to pay the increasing losses up to a point where he will restrain his production. But what gain does he get by deliberately going into a scheme by which he is to be impoverished to a point where he will quit producing?

Seventh. The ultimate political power in the country rests in the consumer. There are six of him to every farmer of any one of these products. Do you think that the urban population will not join with the farmers who grow other commodities and ultimately do the price fixing? The farmer who puts the sale of his product in a political agency is committing suicide.

Eighth. This is a proposition to sell food at a much higher price level to our own people than to foreigners. Thus can they better compete with us in markets of the world for our manufacturers. With the drying up of our foreign markets for manufactured goods we shall be plunged into unemployment, into business depression, and a shrinking of our home market for the farmer. His losses on the home market will be greater than all the "equalization fee" on his exports.

Ninth. Our farmers do need help. They need real help, not rainbows. These measures are not supported by the strongest farm organization in our country, the Grange. It is not supported by the practical farmers, who are represented by the great cooperative marketing associations. It is political bunk. It is a "lift yourself by your boot strap" theory of economics. There are methods of relieving the farmer, but first we must get rid of rainbow chasing. There are practical means of aiding the farmer in the marketing of his products. Such a proposal is before Congress and should be acted upon.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

Mr. BORAH. Mr. President, may I ask what amendment is pending?

The VICE PRESIDENT. The amendment of the Senator from South Dakota [Mr. NORBECK] to the amendment of the Senator from Wisconsin [Mr. LENROOT].

Mr. BORAH. I understood that the amendment of the Senator from Wisconsin was pending.

The VICE PRESIDENT. An amendment to the amendment of the Senator from Wisconsin has been offered and is pending.

Mr. WATSON. May it be reported?

The VICE PRESIDENT. The clerk will read the amendment of the Senator from South Dakota to the amendment of the Senator from Wisconsin.

The LEGISLATIVE CLERK. To the amendment offered by the Senator from Wisconsin:

In lieu of the language contained in the said amendment insert the following:

"TITLE II

"SEC. 201. In order to return to the farmers of the United States the amount of profit realized by the United States in the operation of the United States Grain Corporation and in order to provide for each farmer, as nearly as possible, a price for wheat and corn which shall be equivalent to the world price for such commodities, plus the amount of tariff imposed upon such commodities, the Secretary of Commerce is authorized and directed to pay to each exporter, in accordance with the provisions of this title, a bounty upon wheat and corn exported from the United States to any place outside the United States at any time after 60 days after the passage of this act, if such wheat or corn was produced wholly within the United States during the crop year 1926 and has not previously been exported therefrom.

"SEC. 202. (a) The amount of such bounty for wheat shall be 42 cents per bushel of 60 pounds, and for corn shall be 15 cents per bushel of 56 pounds, unless the Secretary of Commerce after determining the exportable surplus of each such crop for the crop year 1926 finds that the amounts appropriated for this title for wheat or corn are insufficient to pay such bounties. In such event he is authorized to adjust the amount of bounty to be paid upon wheat or corn to an amount corresponding to the amount appropriated for such commodity.

"(b) The payment of such bounty shall be made in such manner and subject to such regulations as the Secretary of Commerce may provide for the efficient administration of the provisions of this title.

"(c) The Secretary may, if he deems it advisable in order to prevent undue speculation in wheat or corn, proclaim the amount of bounty to be paid upon wheat or corn at least 30 days prior to the date upon which payment of such bounty shall first be made.

"SEC. 203. As used in this title the term 'United States' means the several States and Territories, the District of Columbia, and the possessions of the United States, except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila.

"SEC. 204. Any person who willfully makes any false or fraudulent statement in order to obtain the benefits of this title shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed $1,000, or by imprisonment not to exceed one year, or by both such fine and imprisonment.

"SEC. 205. The Secretary of Commerce is authorized to make such regulations as may be necessary to execute the functions vested in him under this title, and may appoint and fix the salaries of such officers and employees, and make such expenditures (including expenditures for rent and personal services at the seat of Government and elsewhere for law books, periodicals, books of reference, and printing and binding) as may be necessary for the execution of the functions vested in him under this title.

"SEC. 206. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $71,944,524.15, of which $500,000, or so much thereof as may be necessary, shall be available for the expense of administration of this title. There shall be available for the payment of export bounties on wheat the sum of $57,155,619.32, and for the payment of export bounties on corn the sum of $14,288,904.83: *Provided*, If the Secretary of Commerce determines that the sum appropriated herein for export bounties on corn will not be required for such purpose, he may use the balance thereof in payment of export bounties on wheat.

"SEC. 207. This title may be cited as the 'Grain equalization act, 1926.'"

Mr. WILLIS. Mr. President, a parliamentary inquiry. As I understand the situation, the Senator from South Dakota proposes to strike out and insert this language in place of the amendment offered by the Senator from Wisconsin. My inquiry is, would not an amendment intended to perfect the text of the amendment offered by the Senator from Wisconsin now be in order in preference to the substitute?

The VICE PRESIDENT. It would be in order.

Mr. WILLIS. I offer the following amendment to the amendment offered by the Senator from Wisconsin.

The VICE PRESIDENT. The amendment submitted by the Senator from Ohio to the amendment of the Senator from Wisconsin will be stated.

The LEGISLATIVE CLERK. To the amendment offered by the Senator from Wisconsin:

Strike out lines 2 to 6, inclusive, on page 7 and insert:

"SEC. 14. The financial transactions of the board, including the payment of the losses and profits under agreements entered into pursuant to this act, salaries and expenses of experts, and refunds on exportations, shall be audited by the General Accounting Office at such times and in accordance with such regulations as the Comptroller General of the United States may prescribe. The report of such audit or audits shall be included in the annual report to Congress."

Mr. WILLIS. Mr. President, I think I can explain the amendment in a moment so that it will be generally understood. It is the same amendment which was adopted to the McNary amendment so called. In other words, two or three days ago, when that question was before the Senate, the Senate decided that the audit ought to be had by the General Accounting Office rather than by independent officers who would be hired by the board.

That amendment was added to the amendment which was offered by the Senator from Oregon. That amendment in turn has been defeated, and I am now offering exactly the same amendment to which the Senate has already agreed to the amendment offered by the Senator from Wisconsin.

Mr. KING. Mr. President, will the Senator from Ohio yield to me?

Mr. WILLIS. I yield to the Senator from Utah.

Mr. KING. As I heard the amendment read, it seemed to deal with a matter which pertains to the so-called McNary amendment; that is, profits to be realized in the various transactions that were to be carried on. In view of the defeat of the McNary amendment, and there being no profit to be derived under the pending proposal, the amendment of the Senator from Ohio would seem to need to be changed.

Mr. WILLIS. If that be the case, I am perfectly willing to strike that out. I had not had an opportunity to go through the amendment offered by the Senator from Wisconsin. What I am trying to do is to provide a system of audits by the General Accounting Office.

Mr. KING. I am in accord with the purpose which the Senator has in view.

Mr. LENROOT. Mr. President, will the Senator from Ohio yield to me?

Mr. WILLIS. I yield to the Senator from Wisconsin.

Mr. LENROOT. Will the Senator be willing to modify his amendment so that it will read:

> The financial transactions of the board shall be audited by the General Accounting Office—

And so forth?

Mr. NORRIS. Mr. President, I think the Senator from Wisconsin and the Senator from Ohio ought to carry on their conversation where the Senate can hear what they say.

Mr. WILLIS. I think that is correct; but the Senator from Wisconsin is doing the talking.

Mr. NORRIS. The Senators in this part of the Chamber were unable to decide which Senator was doing the talking.

Mr. LENROOT. Mr. President, as the Senator from Utah [Mr. KING] indicates, the amendment as now framed is based really upon the amendment that was defeated. I now ask the Senator from Ohio whether he would not be willing to modify his amendment so that it will read:

> The financial transactions of the board shall be audited by the General Accounting Office—

And so forth?

Mr. WILLIS. Precisely. I accept the suggestion and shall so modify the amendment accordingly. That accomplishes exactly what I desire.

The VICE PRESIDENT. The question is on the amendment as modified to the amendment of the Senator from Wisconsin.

ROUNDUP COLLEGE OF PRICE FORECASTING

Mr. CARAWAY. Mr. President, since it has been determined that all the wisdom with reference to farm legislation resides in those who know least about the problem; that all patriotism rests in those who are least willing to accord other people their rights and who hold it is unthinkably wrong to violate the Constitution unless one does it in the interest of getting drunk, and that in that case it is entirely proper I want to introduce a resolution dealing not with that subject but with another.

There is to be an attempt now to sell the farmer a gold brick. He has bought a good many in his lifetime—a good many more than he is going to buy in the future. It is now desired to give the Secretary of Agriculture the power in some way or other to help the farmer find out how he can get more hopelessly in debt, and therefore be compelled to feed at correspondingly less return the people who do not work. There is a paper published in Chicago which is called the Roundup. The man who is its editor is named Pickell. He at one time was associated with a man by the name of Rosenbaum, or some other kind of a "baum," who wanted to deal with the farmers in elevator stock. This man is engaged in teaching a school. It is called "The School of Scientific Price Forecasting." Its purpose is to instruct those who are willing to pay him a certain fee how they can go into the "futures market" and beat the game of speculating in grain. He held one of his schools in June, this month, from the 9th, I believe, to the 13th. This rather interesting news item appeared in the Chicago Tribune of the 29th day of May. It is headlined—

> Jardine will talk.

Well, that is not news to people who know Jardine. But here is the item:

> William M. Jardine, the Secretary of Agriculture, has accepted an appointment as a faculty member of the Roundup School of Scientific Price Forecasting, which is to open a four-day session behind closed doors at the Congress Hotel, June 9. The Secretary will be here to conduct his class work on June 11.
>
> He is one of the 20 who are to teach scientific forecasting of grain markets to the 500 grain dealers, millers, bakers, doctors, lawyers, and men of other occupations who have paid in advance $50 apiece for the privilege of attending the four-day school. The students are coming from 44 States.

The first one of these schools was so successful that there is to be another. I wish to read what the other school is going to do. It is the College of Scientific Price Forecasting, and is to be held at Chicago in October and November of this year. I have not time to read it all, but it tells what was done in the June school, in which Mr. Jardine was to be one who was to teach how to beat the "rules" of the grain exchanges which he makes. The article to which I have referred is:

> The next college course will major in speculation.
>
> Instead of starting in with the theory and working back to practice with the result that the students get little or no practice during the term, we will start with trading at once and then we will work back to the reasons why the trades were made.
>
> No student will be accepted in this college who has not at least $1,000 to be used for speculative purposes. No pooling trades or joint trades of any kind will be made, but the student on the basis of the analysis of the market will make his commitments and then we will study the reasons why they were made.
>
> We will work from practice to theory.
>
> I will personally direct the study of all speculative operations.
>
> Those who contemplate taking the fall course must subscribe at once to the Pickell extension course of market analysis. They will be credited with the cost of the course on their tuition fee of $750. I want you to know just as much as possible about priceology so that you will know something about what is to be done before you start on the two months' course.
>
> This is positively the last college I personally propose to direct.
>
> You will understand at once that I am putting my work and myself to the acid test. When I tell you that you are going to speculate from the outset it is perfectly obvious that if 51 per cent are not successful I am a failure as a practical teacher of priceology. No school in the world takes such a risk as that. Therefore I shall pick my men for this school. I want quality men with ability. I prefer the older men. I am not anxious for young sons and will not accept them unless their fitness for speculation can be demonstrated.
>
> The average man is a fool to speculate.
>
> J. RALPH PICKELL, *Director.*

Such is the man to whom Senators who favor the substitute want to turn the farmer. The Secretary, who fixes the rules and regulations for the grain markets of America, behind closed doors is to teach men how they can beat those rules. He wants it understood that boys are not desired. He is going to teach the pupils how they can succeed as gamblers. And to inspire confidence that the pupils of the school will get their money's worth the statement is made that our school has the indorsement of the Secretary of Agriculture, who himself is to be one of our instructors. Who of the constitutional lawyers of the Senate—and all of them are, I admit—would believe that a judge who charged $50 or $100 or $750 to take a lawyer into his chambers and to tell him how to win a lawsuit before him was possessed of a character to be emulated? Yet here is the Secretary of Agriculture lending his name to and who has agreed for a consideration—I do not know what it is—to be one of the faculty of a school which is to teach pupils how to beat the market, the rules of which the Secretary of Agriculture prescribes.

Now, Mr. President, I wish to submit a resolution and to secure immediate consideration of it, if I may.

Mr. HEFLIN. Mr. President, I inquire of the Senator from Arkansas how much is charged for that course?

Mr. CARAWAY. The first course was $50 a pupil, and they had 548 pupils. They agreed to take 500, but evidently the advertising brought in the extra 48. The next school is limited to a thousand, and nobody is to be received unless he has a thousand dollars, because he is to speculate.

Mr. CURTIS. Mr. President——

Mr. CARAWAY. I yield to the Senator from Kansas.

Mr. CURTIS. I will ask the Senator if he has any evidence, other than the statement from which he has read, that Secretary Jardine was there.

Mr. CARAWAY. This notice was published on the 29th day of last May. The Secretary had to stay in Washington to help beat the farmers' bill, but he sent Doctor Duvel, who is in charge of the division of the Agricultural Department having to do with grain, to appear in his stead. Doctor Duvel was there and did make a speech.

Mr. CURTIS. Does the Senator know that he was there?

Mr. CARAWAY. I was not there myself, but I do know this publication said he was there. It is stated the Secretary could not go, but he sent Doctor Duvel, and Doctor Duvel did take part.

Mr. CURTIS. I am not questioning the Senator's statement, but I should like to get the facts.

Mr. CARAWAY. I understand that. I propose to ask the Secretary of Agriculture to give us such information as he may want to impart, and whether he thinks it is appropriate for him, as he is charged with making the rules, to pretend to teach somebody else how to win under those rules. I should like to know how much he received for this work, and to have whatever statement he may care to make with reference to it. I have taken some pains to verify the statement as to whether he was there or not. It was in the headlines of the Chicago Tribune that he was to come. I have information that at the last minute he could not come, but sent Doctor Duvel in his stead, who, it is said, knows as much about how to beat the grain exchange as Mr. Jardine himself knows. I wish to have the resolution read, and I ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read.

The Chief Clerk read the resolution (S. Res. 260), as follows:

Whereas the following item appeared in the Chicago Tribune of May 29, 1926:

"William M. Jardine, Secretary of Agriculture, has accepted an appointment as a faculty member of the Roundup College of Scientific Price Forecasting, which is to open a four-day session behind closed doors at the Congress Hotel June 9. The Secretary will be here to conduct his class work on June 11.

"He is 1 of the 20 who are to teach scientific broadcasting of grain markets to the 500 grain dealers, millers, bakers, doctors, lawyers, and men of other occupations, who have paid in advance $50 apiece for the privilege of attending the four-day school. The students are coming from 44 States"; and

Whereas the Secretary of Agriculture is by law charged with the duty of promulgating rules and regulations for the conduct of the grain exchanges; and

Whereas it is charged and believed that the rules and regulations governing the price of grain may be manipulated: Now, therefore, be it

Resolved, That the Secretary of Agriculture be, and he is hereby, requested to submit to the Senate—

First. When and for what length of time he has been connected with the said College of Scientific Price Forecasting.

Second. Is it possible for the Secretary of Agriculture to scientifically or otherwise forecast the future markets of grain on the exchanges.

Third. What information has the Secretary of Agriculture which will enable him to determine and forecast the prices of grain.

Fourth. Whether this information which he imparts secretly came to him by reason of his official connection as Secretary of Agriculture with the grain exchanges.

Fifth. Whether this information thus imparted is detrimental to the public good.

Sixth. What compensation he received for the services.

Mr. CARAWAY. Mr. President, in conclusion let me say that I have tried to tell the Senate all I know about this matter. I found the item in the Chicago Tribune. I ascertained from people in Chicago that the Secretary said at the last moment that he could not come, but Doctor Duvel did go. I have read the kind of school the man says he has conducted and expects to conduct. There are a lot of other interesting items here. He offers to take in all of you gentlemen who can pass his mental test. He says he wants somebody who has some skill at forecasting. He will give you six months' information on how to beat the grain market at $10 a month. After you have had some months of it, if you do not like it you can get the rest of your money back. He seems to have lived by his wits, if that be wits, for quite a while.

I took some occasion to try to find out whether he was a man pretty well known. I take it for granted that the Chicago Tribune would not have published this notice without some information that led the Tribune to believe that the notice that the Secretary was to be one of the instructors was true. I have, then, in the paper the statement that the Secretary did not come but sent Doctor Duvel. Doctor Duvel is in charge of the grain marketing division, as Senators know, under the bill to regulate the grain exchanges.

Mr. SIMMONS. Subordinate to the Secretary?

Mr. CARAWAY. Oh, yes; his expert.

Since some of you want to let the Secretary of Agriculture take entire charge of the farmer, I should like you to know what the Secretary's apparent connection is. All of us who know anything at all about it know that the stock markets are one of the instrumentalities for making the farmer a pauper. All of us who have thought much about it have decided that it could be manipulated; and Mr. Gates, who was at one time president of the Chicago Board of Trade—I believe that is what they call the stock market there—and a man of considerable ability, in his testimony before the committee said that under the old rules the market could be manipulated. I asked him if it could be manipulated under the new rules, and he said: "That is what we are trying to find out." I asked him if he liked the new law and he said no; he preferred the old law. I inferred from that that he preferred a market that he knew he could manipulate, though when I said that my good friend the Senator from Louisiana put in the RECORD a letter from Mr. Gates saying that I misrepresented him; but I quoted his testimony literally. I want now to get this information from the Secretary of Agriculture.

Mr. CURTIS. Mr. President, I think the Senate is entitled to the information, and so far as I am concerned I have no objection to the passage of the resolution.

Mr. CARAWAY. I thank the Senator.

Mr. CURTIS. The preamble should be stricken out.

Mr. CARAWAY. Very well.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That the Secretary of Agriculture be, and he is hereby, requested to submit to the Senate:

First. When and for what length of time he has been connected with the Roundup College of Scientific Price Forecasting?

Second. Is it possible for the Secretary of Agriculture to scientifically or otherwise forecast the future markets of grain on the exchanges?

Third. What information has the Secretary of Agriculture which will enable him to determine and forecast the prices of grain?

Fourth. Whether this information which he imparts secretly came to him by reason of his official connection as Secretary of Agriculture with the grain exchanges?

Fifth. Whether this information thus imparted is detrimental to the public good?

Sixth. What compensation he received for the services?

The preamble was stricken out.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

Mr. WATSON. Mr. President, what is the question before the Senate?

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio [Mr. WILLIS] to the amendment of the Senator from Wisconsin [Mr. LENROOT].

Mr. WILLIS. Let it be stated in the modified form.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment, as modified.

The CHIEF CLERK. The Senator from Ohio proposes to strike out the following lines on page 7:

The books and accounts of the board shall be audited at least once every year at such times and by such auditors as the board may direct. The report of such auditors shall be included in the annual report to Congress.

And insert the following:

The financial transactions of the board shall be audited by the General Accounting Office at such times and in accordance with such regulations as the Comptroller General of the United States may prescribe. The report of such audit or audits shall be included in the annual report to Congress.

Mr. WILLIS. I understand that that is agreeable to the Senator from Wisconsin.

Mr. LENROOT. Mr. President, before that amendment is agreed to, in view of the limitation of debate I wish to use this opportunity, while the amendment is pending, to discuss a little further the provisions of the amendment I have proposed.

Mr. BORAH. Mr. President, may I suggest to the Senator, if he is using his time to discuss the substitute, what is the necessity, in view of the simplification of the measure, for having a board of 12 men? I think it destroys efficiency; it destroys responsibility. A board of 12 men to administer a law like this, in my opinion, makes it impossible of administration as it ought to be administered if it is to be administered at all.

Mr. LENROOT. Mr. President, I am very glad to reply to that suggestion. The board of 12 men is the same as was provided in the amendment that has been defeated. The reason for it is that all sections of the country will be represented by this larger board; and I am very hopeful that with this board devoting their entire time to the agricultural problem they may work out some solution of the problem in so far as it can be worked out by legislation. I think a representative body of men such as is here proposed is much more likely to come to a conclusion that will be acceptable hereafter to Congress than a smaller board. That is my reason for urging a board of this size.

Mr. FESS. Mr. President, will the Senator yield for another question?

Mr. LENROOT. Just for a question.

Mr. FESS. In section 8 there is contained a declaration of policy, and then in section 17 the appropriation is made in order to carry out the purposes expressed in section 8.

Mr. LENROOT. Yes.

Mr. FESS. Is not that a direct participation of the Government in this business of buying and selling, the Government doing it?

Mr. LENROOT. Not necessarily; not at all; but I will say to the Senator that an amendment will be proposed, and that I shall not object to it, that would strike out section 8, and more particularly define what the board may do.

Mr. FESS. I would say to the Senator that I could not support the amendment if that section is in it.

Mr. LENROOT. Mr. President, I want to say at this point that I shall welcome any amendment that will help to accomplish what I, at least, have in mind in this amendment; and I want to repeat that the other amendments look only to the loaning of money, every one of them. I want a broader power than that in the board. I want the board to have power to use this money, if necessary, for the purpose of furnishing going capital to a cooperative marketing association for the purpose of enabling this cooperative organization to buy and market in an orderly way.

Mention was made of cotton the other day merely as an illustration. Wheat is another; corn is another; but if there is a liability in every case upon the part of that organization to return the money to the Government it would prevent many existing organizations from receiving any benefit, for the reason that they may have assets, and they would be unwilling to try this thing with their assets liable for it; but so far as doing the particular thing is concerned, if the board believe it is sound they would have the right to advance the money as working capital or subscribe to the stock of a corporation, if one was formed, without the necessity of a liability upon the part of the organization to return the money.

This is not proposed, as Senators well understand, as any permanent solution of the agricultural problem—not at all. It is intended for the purpose of trying out in an actual demonstration some things that the board may conclude are sound and will stand the test of economics; and then, if they be sound, Congress can later enact laws for the purpose of making them a permanent policy.

Now, the question is, Mr. President, Shall the farm organizations of this country be compelled to stand all the hazards of an experiment when they have little or no capital, when they can borrow money only upon security, warehouse receipts, or otherwise; or shall the Government assist in trying to find a solution, and demonstrate the soundness or the unsoundness in an experimental way of some of these plans?

Mr. President, I think the Government can well afford to hazard $100,000,000, if need be, for the purpose of finding some sound solution of the agricultural problem. I again say that any amendment that may be proposed to this substitute will be acceptable to me, provided it does one thing—leaves a larger discretion in this board than merely the loaning of money.

Mr. HEFLIN. Mr. President, before the Senator takes his seat, I would like to ask him this: Could not the Senator put an amendment upon his substitute that would allow societies of farmers, hay producers, or cotton-growers associations, or any other associations of farmers, other than the cooperative-marketing associations, to have the benefit of this legislation? I think the cooperative-marketing plan is the correct one, and I think that ultimately most of the farmers will be in it, but a great many are not in it now. Not over 10 per cent of the farmers in the South are in it now, and until they do see the wisdom and importance of coming into it, suppose they organize themselves into a cotton-growers' association or a hay-growers' association, or a farmers' union. Could such an association apply to this board and get money under this measure?

Mr. LENROOT. There is no limitation that would prevent them from doing so.

Mr. HEFLIN. If it is made clear that they could do that, I think that would help the measure.

Mr. WALSH. Mr. President, there are two matters I want to ask the Senator about. He suggested that under this substitute the Government could subscribe for the stock of one of these corporations.

Mr. LENROOT. I think the board could.

Mr. WALSH. Under what provision of the bill?

Mr. LENROOT. Under the general power of aiding agriculture, under section 8 as it stands, and under subdivision (g) of section 11.

Mr. WALSH. Under subdivision (g) of section 11? That is, it may take any and all steps and exercise any and all powers necessary to carry out the policy?

Mr. LENROOT. Yes.

Mr. WALSH. If that is the case, what is the use of subdivision 5 of section 12?

Mr. LENROOT. Only one. I do not believe that without express authority the board in making loans or advances would feel warranted in making loans for so long a period as 33 years. There is no other purpose.

Mr. WALSH. Another question. Is it the Senator's understanding that under subdivision 5 of section 12 the association, as such, to whom the advances are made, would not be answerable?

Mr. LENROOT. They would be if a loan were made under that particular provision, yes; if it were made in the way of a loan.

Mr. WALSH. That is what it contemplates?

Mr. LENROOT. That is one way; but that is only one way in which the board could act.

Mr. WALSH. That is what I mean, if they made a loan under the provisions of subdivision 5.

Mr. LENROOT. If they made a loan under the provisions of subdivision 5, then the association itself, but not the members of the association, would be liable.

Mr. WALSH. Of course, all these associations that are engaged in marketing must have some capital, and their capital would be risked.

Mr. LENROOT. They may have nominal capital, but many of them have, for practical purposes, no capital except what they can borrow.

Mr. WALSH. I do not know how a cooperative marketing association can do business without capital.

Mr. LENROOT. They do, as a matter of fact, upon either the credit of the members or credit obtained from the banks. The members put in their products, and in that way they furnish capital.

Mr. WALSH. A law was enacted some time ago authorizing cooperative associations to operate with capital, because it was represented at that time, as it seems to me must be assumed without any particular information about it, that they can not operate without capital.

Mr. LENROOT. They have no means in certain parts of the West of getting any capital, and this will furnish it; and that is one purpose of the measure.

Mr. WALSH. The point I am making is that under the bill offered by the Senator, any one of these associations to whom these advances are made practically pledges its own capital; that is, it assumes all the risk of the venture.

Mr. LENROOT. They do, if it is made in the way of a loan, but not otherwise.

Mr. WALSH. But if they make a loan the association becomes answerable for that loan.

Mr. LENROOT. That is true; but it is not limited, and that is the difference between this and all other bills. The power of the board is not limited to the making of loans. The board itself may take the hazard of the operation, instead of the

cooperative or farm association. That is the distinction between this and these other bills.

Mr. WALSH. Let me ask the Senator this question: Could the board make a loan—that is to say, make an advance—to the association or corporation without taking the obligation of the association?

Mr. LENROOT. Not a loan, because it would not be a loan if there were not an obligation, of course. The Senator knows that; that is so plain.

Mr. WALSH. I want to know just exactly what they can do and what the responsibility will be.

Mr. LENROOT. They could say to a cooperative association, "We will furnish the capital. It will not be considered a loan. There will be no liability, but we will furnish the capital and stand the hazard of loss in the operation."

Mr. REED of Missouri. And turn it over to somebody who is not a Government official in any way?

Mr. LENROOT. They could.

Mr. REED of Missouri. Mr. President——

Mr. LENROOT. My time is running.

Mr. REED of Missouri. I do not want to speak on the bill——

Mr. LENROOT. I want to repeat, I would not propose this, of course, as a permanent piece of legislation, but I do propose it as an experimental thing, in order to assist in finding some solution of the agricultural problem.

Mr. REED of Missouri. Mr. President——

Mr. NORRIS. Mr. President, if the Senator is through——

Mr. LENROOT. I am not through. Does the Senator from Missouri wish to ask a question?

Mr. REED of Missouri. I wanted to make a suggestion. We entered into a unanimous-consent agreement limiting debate to 30 minutes upon a bill that was pending. There is now brought in an amendment which is in substance and effect a new bill. It can not be discussed properly under that rule. I make the suggestion that by unanimous consent we set aside the limitation on debate on this bill, so that if we are to have entirely new measures presented we will have opportunity to discuss them.

Mr. LENROOT. This amendment has been pending since June 9.

Mr. REED of Missouri. It may have been, but it is the first time most of us have heard of it.

Mr. LENROOT. I discussed it on June 11.

Mr. REED of Missouri. The Senator himself has not time to discuss it. His time has practically expired, and he has not begun to present his case. If we are going to have entirely new propositions brought in, propositions that are radically different from the original bill, and not merely in perfection of it, changing the whole scheme of the bill, we ought to have the privilege of discussing them. I do not say that for delay.

Mr. LENROOT. My time is running.

Mr. REED of Missouri. I ask that this be considered as out of anybody's time. We are not taking it out of the Senator's time. It is a suggestion for the purpose of getting in shape to go on with this business. Least of all persons in this room do I want to delay proper discussion of and proper action upon this bill.

Mr. DILL. Does not the Senator think half an hour is long enough?

Mr. REED of Missouri. No. The Senator from Wisconsin has practically exhausted his half hour, and has not had time to discuss his bill at all.

Mr. DILL. I think he has discussed it considerably.

Mr. REED of Missouri. I suggest that we raise the limit to at least an hour by unanimous consent.

Mr. BRUCE. Mr. President, I regret very much to have to take such a position, but I can not enter into that unanimous-consent agreement.

The VICE PRESIDENT. Objection is made.

Mr. LENROOT. Mr. President, I only want to again call attention to what western Senators fully realize, the acuteness of the agricultural problem, the necessity of finding some remedy for it, if one can be found, and to urge, in view of the action that has been taken—and I think the action was correct so far as the proposition was concerned—that we ought not to be unwilling to spend some money out of the Treasury of the United States to find a solution, and we should not be unwilling to indulge in some experiments, if necessary, at the expense of the people as a whole, for the purpose of finding a solution.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. LENROOT. I yield.

Mr. McNARY. That raises with me a very curious and novel inquiry. The Senator would clothe this board with authority to make experiments——

Mr. LENROOT. Not in the way of levying any taxes.

Mr. McNARY. To determine various devices which might be favorable and profitable to the farmer. How would you operate in that way?

Mr. LENROOT. I suggested one way, and I can suggest another. I can suggest that assistance can be given for the purpose of purchasing a crop, not upon the basis suggested by the Senator's committee amendment, but upon the basis of market price. Something could be done to narrow the spread between what the producer receives and what the consumer pays, so that the farmer might get some of the benefit of that spread, instead of it all going to the middlemen. That is one thing that could be done.

Mr. McNARY. All right. Let us illustrate. The Senator comes from a great dairy country. This corporation would be given power and he would advise them to take up all the cheese, so-called Wisconsin Swiss cheese, the product of 1927, and peddle it out to consumers, in order to save the cost of distribution in the normal channels.

Mr. LENROOT. To save that, and the storage.

Mr. McNARY. Then the Senator would put the Government into the business of buying and handling, and selling direct to the consumer the products of agriculture.

Mr. LENROOT. No. The Senator can not scare me that way, because I think it was the Senator himself who pointed out that the bill he favored did very much that very thing in relation to cotton. I think it was the Senator himself—and I will verify it by the RECORD—who made the suggestion that the Government could do that.

Mr. McNARY. I said that without the equalization fee this board was empowered to loan upon substantial security.

Mr. LENROOT. No; I think the Senator also said "purchase."

Mr. McNARY. Look up the RECORD.

Mr. LENROOT. Very well. I can not quite understand the attitude of some Senators who are opposed to any legislation that provides for only loans, and who say they will do no farmer any good, and at the same time they object to any money being taken out of the Treasury to be used by a board for the purpose of aiding agriculture. I am utterly unable to understand the theory or the reason of gentlemen who take that position, especially when it is understood that this amendment does not propose to constitute permanent legislation, but that this is an endeavor to find some solution of the agricultural problem and to show a willingness to use some of the money of the people of the United States in ascertaining that solution.

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. LENROOT. I yield.

Mr. SIMMONS. I simply wanted to ask the Senator if he thought this proposition involved in any way a subsidy or bounty.

Mr. LENROOT. So far as power is concerned, it might for this year.

Mr. SIMMONS. If it does, the Senator will have to argue with quite a number of Senators on this side of the Chamber who insisted that the proposition offered by the Senator from Oregon involved a bounty and therefore they could not vote for it. I thought I saw in the proposition of the Senator the same evidences of a bounty that were pointed out in reference to the McNary bill.

Mr. LENROOT. Mr. President, in the present condition of agriculture, and for this year, when all crops have been planted, and where there can be no possibility of a surplus growing out of any action that might be taken, I am not so much worried about that. I have at no time during the debate taken the position that we did not have the constitutional authority to do these things. It is one thing to use money taken from one private individual for the purpose of paying it to another private individual, as was proposed in the committee amendment that was voted down. It is another thing, if there is a public purpose or if there is a moral obligation upon the part of the United States, to say that all the taxpayers of the United States shall contribute in paying for that public purpose or fulfilling that moral obligation, and I think the Senator from North Carolina appreciates the distinction.

Mr. SIMMONS. The argument as to subsidy was aimed not at wheat and the other products that were on the equalization-fee basis, but it was aimed at cotton, which for three years was to be upon the revolving-fund basis.

Mr. LENROOT. I am very glad the Senator did, but the vice of that proposition was that he proposed a subsidy to cotton and not to any other agricultural product.

Mr. SIMMONS. Then the Senator thinks if the subsidy goes all around it is all right?

Mr. LENROOT. If we are going to have it, one form of agriculture is as much entitled to it under every consideration as every other form of agriculture. However, so far as this is concerned, I have no idea that there will be either a subsidy or a bounty, but I do believe that it would afford a very much better opportunity for cooperative associations to make progress in putting their business upon a better basis to allow the Government to stand some of the expense in doing it.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). The time of the Senator from Wisconsin has expired.

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ASHURST. How much time has each Senator on the amendment proposed to the bill?

The PRESIDING OFFICER. The Chair is advised that each Senator will have 15 minutes.

Mr. ASHURST. I serve notice that hereafter I shall object to any Senator under any circumstances having his time extended. We lost the fight yesterday.

Mr. SIMMONS. Mr. President, I ask the Senator from Arizona if he will not modify that statement of his a little bit.

Mr. BRUCE. Mr. President——

Mr. SIMMONS. It seems to me—if the Senator from Maryland will permit me just a moment——

Mr. BRUCE. I think I will save the time of the Senator from North Carolina by saying that if the Senator from Arizona withdraws his objection I shall reaffirm it.

Mr. SIMMONS. Very well. I was simply going to say that while I thought it was right to hold Senators to the 15-minute rule, I do think the mover of an amendment ought to be given 30 minutes or he ought to have an opportunity to explain his amendment.

Mr. ASHURST. Whether he be the mover or not the mover, I shall strenuously object to any Senator being given more than 15 minutes.

Mr. NORRIS. Mr. President, I am speaking upon the motion of the Senator from Ohio [Mr. WILLIS] to amend the substitute of the Senator from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. President, I want to say to the Senator from Arizona that no one has violated the rule thus far.

Mr. NORRIS. I do not know of anyone who has done so.

Mr. ASHURST. I made no intimation that anyone had violated the rule. I was speaking prospectively, not in regard to anything which has occurred.

Mr. NORRIS. Mr. President, if the rule provides that Senators shall speak only once on an amendment, one or two Senators have already spoken twice on this one. I would like to have my time commence some time, but when it does commence I want to control it. I do not care whether it is now or later, but I am going to speak before the amendment is voted on.

The PRESIDING OFFICER. Is the Senator from Nebraska ready to proceed?

Mr. NORRIS. I am ready and have been ready for some time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. NORRIS. Mr. President, the Sentaor from Wisconsin [Mr. LENROOT], who offers this substitute, has had something to say this morning about the inconsistency of Senators who are objecting to loans or who are favorable to loans and object to other systems of regulation. He has called attention to the fact that one of the dangers here is the middleman. I remember that every bill which the Senate Committee on Agriculture and Forestry has brought in for the relief of agriculture has met with bitter opposition on the part of the Senator from Wisconsin. The first one we brought in, which was confined practically to the elimination of the middleman and was designed to bring together or more closely together the producer and the consumer and make the profits of the producer greater and the cost of the consumer less, met with a substitute which did not propose anything in the world but to loan some more money to the farmer out of the Federal Treasury, and it received the most ardent support of the Senator from Wisconsin.

The Senator from Wisconsin now comes with a substitute which provides in section 8, that being the first section of the substitute, as follows:

SEC. 8. It is hereby declared to be the policy of the United States to enable producers of agricultural commodities to control a supply of such commodities sufficient to stabilize their markets against undue and excessive fluctuations; to minimize speculation and waste in marketing; to encourage the organization of producers of agricultural commodities into cooperative associations; to protect domestic markets against world prices; and to provide for the control and disposition of the surpluses of agricultural commodities, for the purpose of promoting the orderly marketing of agricultural commodities in interstate and foreign commerce.

That is section 8 of the Senator's contemplated substitute, and it is the backbone. It is the only thing, as I read the substitute, that is not already provided for in the bill to which it seeks to become an amendment—already there or, if not there, already within the power of the Department of Agriculture. Then the Senator makes provision for the authorization of an appropriation of $150,000,000 to carry out the thing I have just read and appoints a board to do it. In substance, it really says: "*Be it enacted by the Congress of the United States*, That it is our desire that the farmers of America shall be prosperous, and we hereby appropriate $150,000,000 to make them prosperous, and we hereby appoint a lot of office seekers to spend the money in doing it." That is about all there is to the substitute. The Senator from Wisconsin ought to have offered the amendment to the migratory bird bill because, if it does anything, it simply provides for a safe haven of rest for a lot of lame ducks who will probably be looking for a place to light soon after the next general election. [Laughter.] The balance of the substitute contains in many instances language which is practically the same as the language of the bill, and in no case does it provide for anything new.

Mr. President, giving to every man credit for the very best of intentions, it seems to me that we must reach the conclusion that if we think we can relieve the distress of agriculture we must meet the things that make agriculture disastrous. We can not do it by glittering generalities. We can not put upon the statute books a statute which says that "Hereafter the farmers shall all be millionaires." It would not make them millionaires. It can not do anything of that sort.

We can not even fool the farmers, because every time so far since the war that a proposition has come forward in the Senate which does nothing to meet the contingency or does nothing to meet some of the difficulties, or try to meet the difficulties, we have been met with a substitute which would loan some money to the farmers. This substitute does not even do that. It does not give the money to the farmer. It gives it to a lot of officeholders, who are going to proceed to make more investigations and study the subject. It does not propose to meet a single contingency that confronts agriculture to-day, not a single one.

I am not criticizing the Senator from Wisconsin or the men who say these are contingencies which can not be met by law. I am conceding that he is perfectly honest and sincere in his contention. But I do contend that it is hypocrisy to the farmers of the country, although it is perfectly unconscious, I concede, to say to the farmer by a glittering general statement to be put on the statute books, "We are going to make you happy by appropriating a lot of money to appoint a lot of officeholders to study the farm question and then tell you all about it." The Agricultural Department has been doing that for years.

The administration bill, for which this particular substitute is an amendment, does that very thing and practically nothing else. I am not even belittling that. I concede that agriculture ought to be studied, but I am not willing to provide in one part of the bill for a lot of machinery to study the agricultural situation, although it has been studied and restudied and examined and reexamined until the time for study and speculation and experimentation has passed. Yet if there is anybody who thinks we can get something further by study I am willing that they should go on and study, but I am not willing in one part of the bill to provide for such study and for such examination and then in another part of the bill add another substitute like this one and provide that another set of men, at some more large salaries, with $150,000,000 more upon it, to do the same thing over and over again. We started out in the beginning by appointing a joint commission to study agriculture.

The Senator from Wisconsin was a member of it. It held extended hearings. I favored it. I am not complaining but what they did conscientious work, but nothing came of it as I understand it. Then President Harding had a commission. Then President Coolidge had a commission. He promised during the campaign that if elected he would appoint a commission, and he did it. I have called attention here to some of the secret correspondence, one letter from a member of his commission in which he said he could not afford to do anything while he was on that commission except what President Coolidge wanted him to do. Now we propose in this substitute to authorize the President to appoint another select commission.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. NORRIS. I will yield in a moment. He is going to select them, and if the commission he first appointed in redemption of his campaign pledge were so hidebound that none of them would dare say his soul was his own, but that he had to do just what the President wanted, what better may we expect of the commission which would be appointed without any limitation by the same authority?

I yield now to the Senator from Arkansas.

Mr. CARAWAY. I was merely going to suggest that the commission acted just like some Members of the Senate.

Mr. NORRIS. I want to repeat that honest men, students of the subject, are disagreed. First they will disagree as to whether there is a remedy, and then, if they agree there is a remedy, they will disagree as to what it shall be. I concede that, but there is no use, even though that be true, to duplicate machinery at large expense, to appoint a commission which would be under the control and subjection of the President of the United States and do what he wants them to do. There is no use in doing the same thing twice in different parts of the same bill. There is no use in providing for a lot of officers and spending hundreds of millions of dollars of the peoples' money to do something that has already been gone over, to do it twice, when it certainly ought not to be done more than once.

The amendment of the committee was the fourth attempt of the Committee on Agriculture and Forestry to bring here something which would be in their judgment a partial remedy. It has been turned down, and I am not questioning the good motives or the patriotic intention of any man who voted to turn it down. I concede his right to vote that way. But I do not believe that those who have voted it down should come in now with substitutes, substitutes of milk and water, substitutes which contain a broad provision like section 8, and then say, "We have rejected what the committee brought in, but here is a substitute that places on the statute books the wish of Congress that the farmer may be happy." I suppose everybody wishes him prosperity and hopes that he will be happy, but we will not emphasize it any and we shall not get any more votes if we put that expression in writing and engrave it on the statute books of the United States.

Mr. President, if I had time within the limits of this debate I would read the bill itself, running from section 1 to section 7, and then, if I had time, I would arrange to have printed in parallel columns with the bill the substitute introduced by the Senator from Wisconsin. It proposes to give to the board authority which on its face is the most unlimited authority that has ever been conferred; it is wider and goes further than the authority conferred upon the board provided for by the committee amendment. It provides that the board shall be appointed by the President of the United States, and every Senator here knows—and there is no use covering it up; we might as well talk plainly—that under that authority, which I would not vote to give to any board, President Coolidge could appoint a commission such as the one he appointed of which Secretary Jardine was a member, that would not do anything except what he wanted done. There would be nothing done by that board except what is contained in the remaining provisions of the substitute. Nobody would expect anything different; nobody would look for anything different. If this amendment should be adopted everybody knows that that would be the result; and all of the things enumerated after section 8 which the board would have the right to do would consist practically in its members drawing their salaries, appointing men to work for it, and paying them whatever salaries they think they ought to get; in other words, fixing up very nice and comfortable places for friends who need governmental support in order to make a living.

The study of agricultural question is already provided for in the bill itself, and an appropriation, which is quite large, is there authorized for that purpose. I can not turn to it just now, but I know there is such an authorization. It will take a good deal of money to carry that out. I doubt if any power of material value is conferred which the Agriculture Department does not already possess under the law, yet, if by the instrumentalities named in the bill itself the department can get any better information, I am willing that they should get it and I would not put a straw in the way of their developing anything along that line.

Mr. President, when this bill shall have been disposed of I am going to offer a resolution providing for the appointment of a committee that will be composed of men who are opposed to the committee amendment. I am going to do that in good faith. I am going to give those who have been shedding their blood for the dear farmer an opportunity to see what they can do.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. BRUCE. Mr. President, first of all, I desire to say that I was very glad to hear the announcement which the Senator from Nebraska has just made. I had some little conversation with him on that subject this morning. It seems to me that a distinct and practical purpose might be subserved if all these substitutes were swept aside by the appointment of a commission—a perfectly disinterested and judicious commission—to investigate the existing condition of agricultural distress in the United States and report to the present session of Congress as to how that distress can be alleviated, if it be capable of alleviation. I think that such a commission might prove to be a valuable one. There might be, for instance, two exponents of the agricultural interest on it, representing different points of view; there might be an economist and a general man of business on it; and there might be a trained lawyer on it, to look after the legal side of such questions as might arise in the deliberations of the commission. Constituted in that manner, I think real good might result from the investigations of such a commission.

Mr. SIMMONS rose.

Mr. BRUCE. Mr. President, I am very sorry, but I have no time to give to the Senator from North Carolina. I would gladly give some time to him, but I have not got it. If he will give it to me, I will give it back to him.

I agree absolutely with the criticisms of this proposed substitute of the Senator from Wisconsin [Mr. LENROOT] by the Senator from Nebraska [Mr. NORRIS]. It seems to me that the only effect of the substitute would be to give a sort of roving commission to the board created by it to wander hither and thither over the face of a chartless sea. The substitute starts out by declaring it to be the policy of Congress, among other things, "to protect domestic markets against world prices." What is that but the main object of the McNary amendment? Then the substitute goes on to state:

> And to provide for the control and disposition of the surpluses of agricultural commodities, for the purpose of promoting the orderly marketing of agricultural commodities in interstate and foreign commerce.

What is that also but one of the purposes of the McNary amendment?

Then after setting forth those declarations of policy and other declarations of policy equally as broad, the substitute goes on to say that the board created by the substitute "may take any and all steps and exercise any and all powers necessary to carry out" those declarations of policy.

I would infinitely prefer to see the McNary amendment go into effect rather than this substitute. Indeed, I think I would prefer to become a pupil of the College of Scientific Price Forecasting, of which the Senator from Arkansas [Mr. CARAWAY] spoke in the course of his remarks this morning.

The objects and purposes of the substitute are set forth in the most general, in the vaguest terms conceivable. I have no idea for one of having the fruits of the victory which I helped to win wrested from me in the very moment of triumph. So latitudinous are the powers with which the board created by this substitute is proposed to be clothed that, unless the imposition of an equalization fee be an exception, it could revive every single one of the fallacies that lurked in the McNary amendment. Surely the Senator from Wisconsin does not expect us at the very moment when we are rejoicing over our hard-earned victory to revert to all the discussion that went on over the McNary amendment. Surely he can not imagine that we propose after winning that victory to have it reduced to dust and ashes as soon as it has been achieved.

As the Senator from Nebraska says, the only practical effect of this substitute would be to give a purely camouflaged aspect to the idea of affording real actual relief to the farmer by creating an expensive board, with a compensation of $10,000 a year for each of its members, and with power to appoint a large number of appointees of one sort or another, and to spend no less than $150,000,000 of the people's money for purposes so uncertain that the Senator from Wisconsin did not even attempt to state specifically what they would be.

The McNary amendment at least has the virtue of setting forth explicitly the relief sought by it, however fallacious that relief may be. When we dealt with the McNary amendment we knew what we were dealing with; we were in a position to run out its concrete propositions through all their practical consequences, or imagined that we were, at any rate. Now we are asked to exchange the certainty of the experiments contemplated by the McNary amendment for the utter uncertainty of this substitute.

So far as I am concerned, as I am at present advised, I do not see that there is any relief to be brought to the farmer by any of the substitutes which have been offered. All of them have emanated from more or less partial and prejudiced sources. I say, as the Senator from Nebraska has suggested, and as I suggested to him before he spoke, let us have a commission composed of such men as Owen D. Young, two representatives of the highest standing in the agricultural field, such an economist as Mr. Taussig, former chairman of the Tariff Commission, and some lawyer of commanding ability and reputation, and let them investigate and study the agricultural depression that now exists in the United States, with all the powers of eliciting oral and documentary testimony with which they can be lawfully clothed. Then let them come in here during the present session of Congress—I make that one of the conditions of their appointment; let them come in here during the present session of Congress—and say whether there is any practical manner in which the present state of agricultural distress in the United States can be relieved.

I for one would be perfectly delighted to find that there was something that we could do for the farmer; nothing would give me more satisfaction than to help to lift some of the extraordinary burdens that now rest upon his shoulders, but there is something positively comical about the vagueness of this substitute. It was so vague that when the Senator from Wisconsin came to provide that the board should have the power to make advances, with or without security, out of the $150,000,000 appropriated by the bill, provided he was cautious enough to see to it that, no matter what sum might be advanced, the members of the board would incur no personal pecuniary responsibility by advancing it. That was, indeed, a prudent and circumspect provision under the circumstances.

The members of this board not being provided with any definite means whatsoever for deciding exactly what their duties are, I say that it was a highly prudential thing for the Senator from Wisconsin to provide that under no circumstances should they incur any pecuniary responsibility in connection with any advances that they might make.

The value that might attach to the report of such a commission as has been suggested is strikingly illustrated in the recent report on agriculture of the Industrial Conference Board. Every line of that report, which has been quoted so freely on both sides in the pending discussion, is instinct with ripe experience, with sanity, with conservatism, and with clear-sighted sagacity—every line of it. It is one of the most valuable contributions that has been made to any subject by any pamphlet during the time that I have been in the Senate, and if it were only stamped with an official character, if it had only emanated from a body of men clothed with official responsibility, I do not know but that it would be sufficient in itself to dispense with the necessity of any such commission as has been suggested by the Senator from Nebraska and approved by my own judgment.

If there is a commission, let it be of men of the caliber of the sponsors of that report, intellectual, moral, and economic. Let it be a commission that would command confidence throughout the country. I do not hesitate to say that I should like very much to see the members of the commission named in a bill by the Senate itself, if it could be legally done, because then I believe that the names of five individuals could be selected that would meet with the approval of both parties to the pending discussion.

I do not question the perfect sincerity of motive with which discussion has been conducted on both sides. I do not arrogate to myself any honesty of purpose or any integrity of conviction with reference to the questions involved in it that I am not willing to credit to my opponents in it. I have already received enough assurances to satisfy me that the two parties to the discussion could without any difficulty select five citizens of the United States that they believe would thoroughly investigate current agricultural problems from circumference to center and come in here with a report entitled in every regard to the respect of the people of the United States.

The other day the Senator from Idaho [Mr. GOODING] extended his hand across this aisle, and I for one rejected it, and I would reject it again, because my convictions are such that it was impossible for me in a political or economic sense to accept that hand in however friendly a spirit it might be tendered; but now I stretch my hand across this aisle, as the Senator from Nebraska [Mr. NORRIS] has stretched his hand across it, and say that there is no reason why all of us should not be able to give our support to the appointment of such a commission as has been suggested for the purpose of handling the questions, export and otherwise, that are involved in the debate that has revolved around the pending bill.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Robinson, Ind.
Bayard	Fess	Lenroot	Sackett
Bingham	George	McKellar	Schall
Blease	Gerry	McMaster	Sheppard
Borah	Gillett	McNary	Shipstead
Broussard	Glass	Mayfield	Shortridge
Bruce	Goff	Means	Simmons
Butler	Gooding	Metcalf	Smith
Cameron	Hale	Moses	Stanfield
Capper	Harreld	Norbeck	Stephens
Caraway	Harris	Norris	Swanson
Copeland	Harrison	Oddie	Trammell
Couzens	Heflin	Pepper	Tyson
Cummins	Howell	Phipps	Underwood
Curtis	Johnson	Pine	Wadsworth
Dale	Jones, N. Mex.	Pittman	Walsh
Dill	Jones, Wash.	Ransdell	Warren
Edge	Kendrick	Reed, Mo.	Watson
Edwards	Keyes	Reed, Pa.	Wheeler
Fernald	King	Robinson, Ark.	Willis

Mr. SIMMONS. I desire to state that my colleague [Mr. OVERMAN] is detained from the Senate by illness.

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from Ohio [Mr. WILLIS] to the amendment of the Senator from Wisconsin [Mr. LENROOT].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is upon the amendment of the Senator from South Dakota [Mr. NORBECK] to the amendment of the Senator from Wisconsin [Mr. LENROOT].

Mr. NORBECK. Mr. President, a parliamentary inquiry. What disposition was made of the amendment offered by the Senator from Ohio?

The PRESIDING OFFICER. It was rejected.

Mr. WILLIS. Mr. President, may I suggest that the amendment was agreed to, I think, by everybody. I think Senators voted under a misunderstanding. The Senator from Wisconsin accepted it, as I understood.

Mr. LENROOT. I accepted it, so far as I was concerned, but——

Mr. WILLIS. I thought there was a misunderstanding.

The PRESIDING OFFICER. Did the Senator from Wisconsin accept the amendment?

Mr. LENROOT. I had no power to accept it for the Senate. I did not accept it in that sense. I wanted a vote on it, because I wanted to debate it. I should be glad if the question could be again put on the amendment at this time.

The PRESIDING OFFICER. The Chair put the question, but will put it again. The question is upon the amendment proposed by the Senator from Ohio [Mr. WILLIS] to the amendment proposed by the Senator from Wisconsin [Mr. LENROOT].

Mr. NORBECK. Mr. President, I desire to avail myself of the opportunity to speak a moment on this amendment.

There are three questions pending, as I understand. One of them is the plan of the Senator from Wisconsin [Mr. LENROOT], which proposes a $150,000,000 fund to be used by a board with a great deal of discretion. I have another amendment, which is pending now as a substitute for that amendment, which provides simply that the money taken from the wheat farmers in the way of profit shall be returned to them as nearly as it is possible to do it. In returning it that money will be used to pay an export bounty on this year's crop. It will not increase production, or demoralize the market, or take a dollar out of the general taxpayers' fund, because it is the farmer's money, and his alone, that we are talking about.

Mr. BORAH. Mr. President, I should like to ask the Senator a question. As I understand the Senator's amendment, it is really designed to turn back to the wheat grower a certain fund which was collected from the wheat grower during the war. What I want to understand is, What are the facts about that fund? I have communicated with the department about it, and there seems to be a misunderstanding about it. What are the facts?

Mr. NORBECK. The facts are very well set out in a letter from Secretary Mellon to me, dated February 29, 1924, and printed in the RECORD of March 1, 1924, at page 3404. I ask that the letter be again printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 29, 1924.

MY DEAR SENATOR: Referring to your telephone inquiry of to-day with respect to the profits of the United States Grain Corporation, the Treasury does not have all the details of the matter, and you could probably obtain more complete data, if desired, by addressing Mr. Edward M. Flesh, president and treasurer United States Grain Corporation 42 Broadway, New York City, but I hope that the following will serve your purpose:

The Treasury's information is that substantially all of the profits of the grain corporation, and in fact some of its capital, have been used up in providing relief under two special acts of Congress, for part of which foreign obligations were received in payment. In this connection I am inclosing herewith a copy of the act approved March 30, 1920, authorizing the corporation to sell or dispose of flour then in its possession, not to exceed 5,000,000 barrels, for cash or credit and at such prices and on such terms and conditions as might be necessary to carry out the purposes of the act for the relief of the populations in countries of Europe or countries contiguous thereto suffering for want of food. For this flour the grain corporation received foreign obligations aggregating $56,858,802.49, face amount, a list of which is shown on the reverse side of the statement of the public debt for November 30, 1923. (Copy inclosed.)

I am inclosing also a copy of the act approved December 22, 1921, authorizing the expenditure from the funds of the United States Grain Corporation of a sum not exceeding $20,000,000, or so much thereof as should be necessary, to purchase in the United States and transport and distribute corn, seed grain, and preserved milk for the relief of the distressed and starving people of Russia and for spring planting in areas where seed grains have been exhausted. I understand that the expenditures made by the corporation under authorization of this act practically exhausted its remaining cash assets.

The $500,000,000 capital stock of the corporation, all of which was owned by the United States Government, has been reduced by repayments to the Treasury of $475,000,000, and the Treasury understands from the corporation that the remaining $25,000,000 of capital stock has since been retired in the course of liquidation, so that the corporation now has no stock outstanding. It is, in fact, in course of dissolution under the Delaware law, its charter having expired on August 16, 1922, and has practically no assets remaining.

You may also be interested in the President's Executive order of August 21, 1920, which provided in part as follows:

"The United States Grain Corporation (a governmental agency organized and conducted pursuant to Executive orders and proclamations of the President under said acts of Congress) shall pay and cover, or cause to be paid and covered, into the Treasury of the United States, as miscellaneous receipts, all amounts refunded by certain licensees of the United States Food Administration (a governmental agency organized and conducted pursuant to Executive orders and proclamations of the President, under said act of Congress approved August 10, 1917), in voluntary divestment of profits taken by said licensees during the 10 months which ended June 30, 1918, in excess of the maximum allowable profits fixed and determined under and pursuant to said act of Congress approved August 10, 1917, and the proclamation, Executive orders, and regulations thereunder * * *."

Under this order the United States Grain Corporation deposited in the Treasury cash to the amount of $7,078,988.55, which was covered into the Treasury as miscellaneous receipts.

From the above it will be apparent that in connection with the retirement of its $500,000,000 capital stock subscribed for by the Government the corporation has repaid to the Treasury $475,000,000, and for the remaining $25,000,000 has delivered $56,858,802.49 face amount obligations of foreign countries, whose economic conditions are such as to negative any expectation of early payment.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. PETER NORBECK,
United States Senate, Washington, D. C.

Mr. BORAH. Is this money now in the Treasury of the United States?

Mr. NORBECK. That is a matter on which there is dispute. There is no dispute that it is money that was taken from the farmer for the benefit of the Government. There is a good deal of argument as to just where those particular dollars now happen to be.

Mr. BORAH. I will wait until the Senator gets through. I do not want to intrude on his time.

Mr. NORBECK. I shall be glad to answer the Senator's question. Some $56,000,000 of profit were shown. Then this Government became generous on a number of occasions and said that starving Europeans were entitled to something. So we appropriated money, and, so far as the general public knew, it was money out of the Treasury to pay to starving Europeans. As a matter of fact, they dug into this farmer's wheat fund for that purpose. That does not alter the fact that the Government still owes this money to the farmers.

The trouble with this so-called general farm legislation is that it addresses itself to cooperative organizations, selling agencies, gives encouragement to them, provides for loans to them, but it does not reach that section of the country which suffered the worst distress. While there was a 48 per cent reduction in the farmers' incomes as a result of deflation, certain sections of the country were hit very lightly. Some were not hit at all. But in the great Northwest the reduction in the farmer's income was about 80 per cent.

Those people know their problem. It is not the same as the problem of the raspberry growers or the tobacco raisers. It is not a matter of marketing the cabbage from the patch so as to get it to the consumer. Getting the consumer and the producer nearer together is not impossible when you are dealing with goods that do not have to be fabricated. We hear about the cabbage heads that the farmer sells for 1 cent a head and which are retailed in the city 5 or 10 miles away for 10 or 15 or 20 cents. There is room for organizations to cooperate and get the buyer and seller closer together.

Mr. President, that problem does not apply to wheat. The farmer must lose control of his wheat the moment it reaches the market. The millman works it into flour, and it is sold as bread. The farmer can not get past the miller and reach the buyer of the loaf of bread and get himself closer to the consumer in that way.

A part of the wheat is not used at all in this country. It is exported and sold in the world market. What can cooperative organizations do toward stimulating those prices when this country produces such a small percentage of the world's supply of wheat? It is folly to talk about it. Our problem is an entirely different one.

Cooperation is not to be laughed at, but cooperation as far as possible has been practiced by our people for a generation. When there was a large spread between the price of the miller and the price at the primary market the cooperative elevators were formed, and they got in and handled wheat at a considerable saving. That has all been gone through. But there is no use going out and telling the farmers that through some cooperative association the price of wheat is to be stimulated through bringing the buyer closer to the farmer who produces the wheat. That is entirely beside the question.

The substitute I have offered provides that the Government shall as nearly as possible pay back to the farmers this $56,000,000, with some interest, and pay it in the form of an export bounty on this year's crop. Logically, it should only go to the wheat growers, but it is so hard to separate the one from the other that I have provided that a part of the money should be set aside for corn, because it takes such a small sum to dispose of the corn grower's interest and to give the corn grower as well as the wheat grower the benefit. It can be done without taking any money out of the Treasury except that which belongs to the farmers.

Speaking of the wheat farmer, a great many farmers in the Corn Belt produced wheat during the war and took their loss. They are not producing it now. They produced it because the Government asked them to, and it was an unprofitable crop. The wheat farmers are willing to divert a part of the money and have it paid to the corn growers, which is only a matter of justice, and it will relieve the prices on both these staples—corn and wheat.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio to the amendment proposed by the Senator from Wisconsin.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment proposed by the Senator from South Dakota in the nature of a substitute.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Goff	King
Bayard	Curtis	Gooding	La Follette
Bingham	Dale	Hale	Lenroot
Blease	Dill	Harreld	McKellar
Borah	Edge	Harris	McMaster
Broussard	Edwards	Harrison	McNary
Bruce	Fernald	Heflin	Mayfield
Butler	Ferris	Howell	Means
Cameron	Fess	Johnson	Metcalf
Capper	George	Jones, N. Mex.	Moses
Caraway	Gerry	Jones, Wash.	Norbeck
Copeland	Gillett	Kendrick	Norris
Couzens	Glass	Keyes	Oddie

Pepper	Robinson, Ark.	Simmons	Underwood
Phipps	Robinson, Ind.	Smith	Wadsworth
Pine	Sackett	Stanfield	Walsh
Pittman	Schall	Stephens	Warren
Ransdell	Sheppard	Swanson	Watson
Reed, Mo.	Shipstead	Trammell	Wheeler
Reed, Pa.	Shortridge	Tyson	Willis

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present. The question now before the Senate is the amendment in the nature of a substitute offered by the Senator from South Dakota [Mr. NORBECK] to the amendment of the Senator from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. President, I am very sorry the Senator from Nebraska [Mr. NORRIS] is not in the Chamber, and I am very sorry his temper this morning was such as to lead him into inaccuracy of statement, which I am sure would not have occurred under other conditions; but because of the personal references he made, I feel called upon to say a word with regard to his statements.

The Senator stated that I had never supported any legislation coming from the Committee on Agriculture. The fact is, as the RECORD will show, that I have supported all agricultural legislation that has been enacted since I have been a Member of Congress, some 17 years, first in the House and next in the Senate.

The Senator from Nebraska belittled the work of the Joint Commission on Agricultural Inquiry, of which I was a member. He said that nothing came out of it. Out of it came the intermediate credit bank bill, of which I had charge upon the floor of the Senate. That is now a law. It has been in operation something like three years, or a little less. Under it more than $250,000,000 has been loaned to agricultural cooperative associations, at a rate of 4½ per cent, up to last November, and at a rate of 5 per cent since that time. If that is not a substantial accomplishment for agriculture, I do not know what could be accomplished for agriculture.

The cooperative marketing law has been known as the bill of rights for cooperative organizations. There were some gentlemen who abandoned all hope of securing any such legislation. There are some of us, not members of the Committee on Agriculture and Forestry, who took it up, and as a result of our efforts it became a law and is upon the statute books to-day. I only say that in order that the RECORD may be kept straight in this connection.

Mr. President, I suggest that when the Senator from Nebraska [Mr. NORRIS] and the Senator from Maryland [Mr. BRUCE] join in opposition to a piece of agricultural legislation there is some presumption at least that there is some merit in that legislation. I realize that no legislation which has the active opposition of the Senator from Nebraska and his associates and the conservative East can have any chance of passing this body. That is the situation which we find to-day with reference to this matter. It goes too far to suit Senators like the Senator from Maryland and some Senators on this side of the aisle. It does not go far enough to suit some of the leading supporters of the McNary-Haugen bill. I, of course, appreciate that it is hopeless to expect favorable action upon any legislation which has the combined opposition of those two elements in this Chamber. That is the situation which confronts us this morning. If the Senate were in a better temper it might be otherwise.

The Senator from Maryland [Mr. BRUCE] exults over the victory secured last night. I do not exult over it. I am sorry we have not been able to find some solution for the agricultural question which will stand the test of the courts. The Senator from Maryland is quite content that nothing shall be done except investigate, and others on this side of the Chamber are resentful because their own plans have not carried in this body. In the meantime, Mr. President, the farmers who are looking for relief will suffer because of the attitude of a majority of this body.

Mr. NORRIS. Mr. President, I was called out of the Chamber for a moment and wish to inquire as to the parliamentary situation. Is the Norbeck substitute the pending question?

The PRESIDING OFFICER (Mr. KING in the chair). The Chair is advised that the question before the Senate is the amendment offered by the Senator from South Dakota [Mr. NORBECK].

Mr. NORRIS. It is offered as a substitute for the amendment of the Senator from Wisconsin?

The PRESIDING OFFICER. The Senator's statement is accurate.

Mr. NORRIS. Mr. President, there is an element in the proposition of the Senator from South Dakota [Mr. NORBECK] which it seems to me will appeal to the sense of justice, particularly of those who were here during the time when the price of wheat was controlled. We enacted a law fixing a minimum price for wheat. We enacted it as a war measure.

Mr. NORBECK. It became the maximum price.

Mr. NORRIS. Yes; I am going to refer to that. The law provided for a minimum price for wheat. We would not have enacted that law except we were confronted with what we believed to be a great emergency. The Government of the United States was in the war and a proclamation was given to all the people by the officials of the Federal Government that "food will win the war." No one doubted the truth of it. It was one of the important elements. "Food will win the war." We were taught in our own homes to eat as little food as possible, to use substitutes, in order that we might feed the soldiers of America and her allies on the battle fields of Europe. Food was one of the necessary elements. There went over the country a propaganda to the farmers of the West and the Northwest to raise wheat, because one of the most important items of food was bread. Men plowed up their fields which were in other crops and put them into wheat. They put into wheat land which was better adapted for something else, which they would not have planted or sown to wheat had it not been for the propaganda which was put on by the officials of our Government. "Raise more wheat" was the cry. So the farmers of the great Wheat Belt went to raising wheat. In some of the States where they had begun to diversify their agriculture they stopped diversification, they stopped the raising of hogs and cattle in some sections and put all their energies into the raising of wheat. They lost money on account of the fact that when the war was over it took them years to get back again to diversified farming.

Recognizing the fact that a man should not be required to put in a crop of wheat in the face of what might be peace before the crop matured and thus the bottom fall out of the price, we said by law, "We will fix a minimum price for wheat." That is as far as we went.

Mr. President, there was no idea that we were going to fix a maximum price. We never did by law fix a maximum price, but we fixed a minimum price under which the Government said, "If wheat falls below this price, we will make up the difference from the Public Treasury."

When it came to carrying out that law and it became necessary to license all kinds of men and to enter into all kinds of understandings and agreements under the law to carry it out, the way it operated was that the minimum price became the maximum price. Our executive officials bought wheat not only for the American Government but for our allies as well, so that they controlled the demand for wheat on the part of the world practically. One man in effect had in his hand the united world demand for wheat. The law provided that it should not go below a certain point and because he controlled the purchasers of wheat of the world he was able definitely to fix the price of wheat and he did. The farmers saw wheat held at what Congress had fixed as the minimum price. Wheat was not allowed to go above it and did not go above it. The governmental corporation which was organized to carry out the loan made profits. It does not account for the profits. Let no one get that idea, because wheat would have gone above $3 a bushel in the United States, and there is no doubt whatever about it.

Mr. NORBECK. Mr. President——

Mr. NORRIS. I yield to the Senator from South Dakota.

Mr. NORBECK. Wheat was $3.45 a bushel and the grain corporation admits that it might have gone to $5 a bushel.

Mr. NORRIS. It probably would, so that the farmers who raised wheat lost on wheat alone literally billions of dollars, besides the loss to which I have called attention on account of putting into wheat ground on which they otherwise would have grown profitable crops if they had used it for something else.

The suggestion of the Senator from South Dakota is to take not what the farmer lost, not to pay him back what he lost, but to take the profit which the Government made out of wheat, the cold dollars and cents which it made in the way of profit in buying up the farmer's wheat, and use it as an export bounty, and I have no doubt the effect would be to raise the price of domestic wheat.

Mr. BORAH. Mr. President——

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BORAH. I would be perfectly willing to vote to return to the wheat growers that which was taken from them in the way of a profit, but what I would like to know definitely is whether we would do it under this plan?

Mr. NORRIS. No; we are not doing that directly, as I understand it. I think that would be practically an impossibility. Nobody could tell definitely what the loss to the

American wheat farmers has been, but it would be away above the profits which the Government made out of the transaction.

Mr. BORAH. Perhaps I am misstating the fact. Are we actually returning or attempting to return the profits which the Government made and nothing more?

Mr. NORRIS. That is my understanding. The Senator from South Dakota has included in it corn. I do not think that ought to be included. I am sorry it is included because the Government did not control the price of corn. The law of supply and demand was allowed to take its course as to corn.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. WADSWORTH. I have not been able thus far to make a careful examination of the provisions of the amendment.

Mr. NORRIS. I will say to the Senator that I have not either. The Senator from South Dakota was appointed by me as chairman of a subcommittee of the Committee on Agriculture and Forestry, under a resolution of the Senate in the last Congress, to investigate and report to the Senate how much the wheat farmers of America have lost by this operation. He has never completed the investigation. It is a very difficult thing and perhaps impossible to find out just what the loss is. I myself have not had anything to do with the drafting of the amendment. The Senator from South Dakota, I have no doubt, can answer any question in relation to it.

Mr. WADSWORTH. My question is this—if the Senator will allow me——

Mr. NORRIS. I am willing, because it is only information I want. I am glad to yield to the Senator.

Mr. WADSWORTH. As I read the amendment in its first section, or section 201, Title II, it provides:

> In order to return to the farmers of the United States the amount of profit realized by the United States in the operation of the United States Grain Corporation, and in order to provide for each farmer, as nearly as possible, a price for wheat—

I am leaving out corn—

> which shall be equivalent to the world price for such commodity, plus the amount of tariff imposed upon such commodity, the Secretary of Commerce is authorized and directed to pay to each exporter, in accordance with the provisions of this title, a bounty upon wheat exported from the United States to any place outside the United States at any time after 60 days after the passage of this act.

How will that bounty payment ever reach the farmer?

Mr. NORRIS. This is the idea, and it seems to me that it is a matter that is plain. I may be entirely wrong. If the export bounty will raise the price of the surplus wheat that goes out, automatically the price of wheat all over the United States will come up to that level, as I understand it. I do not think there would be any doubt about that, though I may be wrong, of course.

Mr. WADSWORTH. I do not think it would operate in that way.

Mr. NORRIS. If we could take the surplus wheat in one year and remove it from the market, which would have the effect of a bounty, then our tariff wall would commence to operate as to wheat, and it would go to the height of the wall before outside wheat came in. That is my idea as to how it will work.

Mr. WADSWORTH. Does the Senator think the expenditure of $71,000,000 will accomplish that purpose?

Mr. NORBECK. Twenty-six million dollars would have done it this year.

Mr. NORRIS. It depends upon the surplus. It would not have taken nearly that amount this year. It would depend altogether upon the amount of surplus wheat we might have. I do not know, and nobody knows, how much that will be. There was a surplus this year. Can the Senator from South Dakota tell me in bushels?

Mr. NORBECK. It was between 50,000,000 and 60,000,000 bushels.

Mr. LENROOT. I think it was nearly 100,000,000 bushels.

Mr. NORBECK. No; because the figures for the last 12 months show that with the 42-cent tariff the exports would have amounted to $26,000,000 plus, so it could not have been the figure the Senator states.

Mr. NORRIS. I will say to the Senator from New York that it is uncertain; no one knows what the surplus is going to be. That would take care of it unless there were an enormous surplus, and I myself think it would more than take care of it.

Mr. WADSWORTH. I assume that if he were to pay $71,000,000, which he is authorized to pay by this amendment, or practically $72,000,000, plus the amount of the tariff at 42 cents a bushel, those two payments on every bushel of wheat exported within two months after the passage of such an act, added to the world price which the wheat would be worth in the world market in any event, would boost the price of export wheat to an extraordinary extent.

Mr. NORBECK. It would boost it to the extent of the tariff, the theory being that this will give the farmer the benefit of the tariff.

Mr. WADSWORTH. It would give the farmer more than the benefit of the tariff.

Mr. NORRIS. Mr. President, I wonder if I am correct in my idea that the amount is not definitely determined by this amendment. It seems to me that in order to have it work out properly it would be necessary to wait until it was known what the surplus was.

Mr. WADSWORTH. How would it be known within 60 days what the surplus was?

Mr. NORBECK. The provision is quite elastic. Action will not have to be taken within 60 days.

Mr. NORRIS. It can not definitely be determined unless the surplus is known, and that, of course, to some extent would have to be an estimate based on production, unless the figures could be given. I wish the Senator from South Dakota would strike out all reference to corn in his substitute. I think he would strengthen it and put it on a basis where, it seems to me, it could be defended with perfect logic.

Mr. WALSH. Mr. President, before that is done, I should like to inquire of the Senator from South Dakota from what source he derived the figures contained in the amendment proposed by him?

Mr. NORBECK. From a letter written by the Secretary of the Treasury, Mr. Mellon, about two years ago, which has been published in the RECORD, showing a balance of $56,000,000, to which has been added 4 per cent interest.

Mr. WALSH. Has that letter been read?

Mr. NORBECK. It has been printed in the RECORD again to-day, and I will hand it to the Senator so that he may read it.

The PRESIDING OFFICER (Mr. COPELAND in the chair). The question is on the amendment offered by the Senator from South Dakota.

Mr. HARRISON. I ask for the yeas and nays.

Mr. NORBECK. At the suggestion of the Senator from Nebraska, I ask permission to modify my amendment so as to allow the whole amount to apply to wheat instead of diverting a part of it to corn. This money came out of the wheat farmers, of course.

The PRESIDING OFFICER. Is there objection?

Mr. JONES of Washington. I understand the Senator from South Dakota has the right to modify his amendment.

Mr. NORBECK. I desire to strike out the word "corn" in order to allow the whole $72,000,000 to go to the benefit of the wheat producers.

The PRESIDING OFFICER. The proposed modification will be stated.

The CHIEF CLERK. It is proposed by the Senator from South Dakota in his amendment to strike out the words "corn, or corn."

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Dakota.

Mr. JONES of Washington. I understand the Senator can modify his amendment as he sees fit.

Mr. NORBECK. As so modified, I desire my amendment to be voted on as a substitute for the Lenroot amendment.

The PRESIDING OFFICER. It is understood that the amendment offered by the Senator from South Dakota is modified as he has suggested. The question now is on the adoption of the amendment as modified.

Mr. BORAH. Mr. President, I think we are voting in the dark on this matter to some extent. I myself certainly do not want to be placed in the position of indorsing the principle of a bounty to be paid on exports from the Treasury of the United States. If the vote is to place me in that position, I shall have to vote against the amendment. It is contended, so far as this proposal is concerned, that it is an exception, due to the fact that some $56,000,000 was made in the way of profit by the grain corporation during the war out of the wheat grower, and the purpose of this amendment is to redistribute, as nearly as may be done, that profit to the farmers from whom it was taken. I do not know whether this amendment will accomplish that or not, but am I correct in assuming, I will ask the Senator from South Dakota, that that is the specific purpose of the amendment, namely, to return, as nearly as practicable to the wheat growers, the profits which were made out of them during the war?

Mr. NORBECK. That is all that the amendment to the amendment is intended to do, together with interest computed at 4 per cent, though all the wheat farmers had to pay from 8 per cent to 12 per cent.

Mr. WILLIS. Mr. President, merely as a matter of accounting, I wonder where this fund is, or is there such a fund? If it be the accepted theory that there is such a fund, has it been covered into the Treasury? Perhaps the Senator can explain that.

Mr. NORBECK. There is no dispute as to this money being taken from the farmer. Where the particular dollars are now is another story.

Mr. WILLIS. That is exactly what I want to find out. This is tantamount to an appropriation out of the Treasury, is it not?

Mr. NORBECK. Of an amount equal to what the farmers had taken away from them by the grain corporation. I am not going into the question whether the Treasury must pay it or not, because that is another story entirely. If the grain corporation had the right to fix the price they would pay for wheat, and if wheat would have gone to $5 a bushel if it had not been subjected to Government price fixing, then the wheat farmers were robbed of $6,000,000,000. If, on the other hand, we use the figure $1.50 a bushel, to which the price was actually depressed, the farmers also were robbed of billions. But we are not considering those large sums; we are merely talking about the smaller sum that the grain corporation withheld in the way of profits from the farmer. First, they took his wheat, reduced the price, and held it there, which was something that was never done in the case of any commodity in the land except as to wheat; and, second, they reaped a profit of $56,000,000 and kept it.

Mr. WILLIS. Let me ask for information, is there any question at all about the grain corporation making this profit of $56,000,000? That was made, was it?

Mr. NORBECK. Absolutely. I have just read into the RECORD to-day a letter from Secretary Mellon, which was also printed in the RECORD several years ago, showing the profit which was made. I also have a little pamphlet put out by the same corporation, in which they say, on page 18:

> The net profits have been in excess of $50,000,000.

That is as near as they state the profit in this pamphlet.

Mr. WILLIS. Then, what did the grain corporation do with that money? Did they cover it into the Treasury?

Mr. NORBECK. It went into the Treasury.

Mr. WILLIS. And it is now proposed that there shall be an appropriation from the Treasury to the amount of this $56,000,000.

Mr. NORBECK. Exactly so.

Mr. WILLIS. Let me ask a further question. Inasmuch as this profit was made from their handling of the wheat, upon what theory does the Senator then proceed to divide it around and take some of the money that he thinks ought to belong to the wheat grower and give it to somebody else?

Mr. NORBECK. Simply for the purpose of helping the corn farmer. It would take very little to bring his price up, because the exports of corn are very small. However, because other Senators have insisted that the proposed substitute is weakened by including corn, I have modified it so as to provide that the amount stated shall be returned to the wheat farmers. So the substitute amendment now pending provides for the return of this whole sum in the shape of a bounty on wheat exported and eliminates corn.

Mr. WILLIS. The whole sum will go to the wheat grower?

Mr. NORBECK. Yes; because many Senators have objected to the corn feature. However, I myself think it ought to be there.

Mr. WILLIS. Then this is in fact a subsidy to the wheat grower?

Mr. NORBECK. To the wheat grower and no one else. It is an export bounty.

Mr. FESS. Mr. President, may I ask the Senator how are we going to ascertain who sold the wheat and how much of the wheat was sold under the fixed price?

Mr. NORBECK. The amount sold is reported by the United States Grain Corporation. As to who sold it, there is no way to determine.

Mr. FESS. Then how is it going to be returned?

Mr. NORBECK. Simply as I said before, it is to be returned, as nearly as possible, by stimulating the price of wheat by using this money to pay an export bounty. Those who raised wheat then and those who now are raising wheat will get the benefit of this small sum. Those who went broke and went out of the wheat business are out of luck.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. NORBECK. Yes.

Mr. HARRISON. I did not read the letter that was put in the RECORD. Was it from the Secretary of Agriculture?

Mr. NORBECK. No; it was from the Secretary of the Treasury. I have been passing it around the Chamber here for Senators to read. The Senator from Idaho [Mr. BORAH] has read it, and the Senator from Montana [Mr. WALSH] is now reading it. The letter shows plainly that some $56,000,000 in profits were taken from the wheat farmer.

Mr. HARRISON. In other words, the letter merely states the fact that so much money was made by the grain corporation?

Mr. NORBECK. Yes.

Mr. HARRISON. It does not approve or disapprove this proposal?

Mr. NORBECK. Oh, no; the letter is general, and, in any event, it is too old for that.

Mr. WALSH. Mr. President, the amendment submitted by the Senator from South Dakota proposes to pay a bounty to the producers of wheat to be paid in an amount equal to the amount of the profit realized from the grain growers by the United States Grain Corporation. If this money were actually in the Treasury of the United States as profit made by the United States Grain Corporation for the handling of the product of the farmers of this country, a question of very grave doubt would be presented which I should be glad to have resolved in favor of the amendment. The power of Congress to enact a bounty law was presented, as I told the Senate a few days ago, in connection with the bounty provision of the McKinley tariff act of 1890. That act provided for the payment of a bounty to the producers of sugar. The bounty was paid them for some years when the question of the validity of the act was brought up, and the Comptroller General ruled that the Congress had no power to enact a bounty law providing for the payment to domestic producers of a bounty out of the Treasury. That ruling came under review in an action brought by those claiming the bounty in the courts of the District of Columbia and was passed upon by the Court of Appeals of the District, which court coincided with the view of the Comptroller General that it was beyond the power of Congress to enact a law of that character.

The decision in that case, as rendered both by the court of appeals and by the Comptroller General, was founded upon three decisions of the Supreme Court of the United States, holding that it was beyond the power of the legislatures of the various States to pass bounty laws. One of those was a law of the State of Kansas under which cities were authorized to vote a contribution to any company which would establish manufacturing industries in or near a municipality. Another was a statute of the State of West Virginia. In that State vast quantities of coal are produced, and it was believed that a very powerful market could be developed for their coal by inducing manufacturers to come to that State and utilize the coal and that manufacturers could be induced to come by reason of the price of coal there; that is to say, they could secure cheap power.

The Legislature of West Virginia therefore authorized municipalities to loan sums to manufacturing establishments which would come in that neighborhood. That was held by the Supreme Court of the United States to be unconstitutional. Another statute of the State of Kansas was enacted for the purpose of promoting sugar factories, for the purpose of inducing the culture of sugar beets, and a bounty was offered to those who should produce the sugar. That was held unconstitutional by the Supreme Court of the United States; and upon the authority of those three cases the bounty act of 1890 was by the District of Columbia Court of Appeals held to be unconstitutional.

Mr. NORBECK. May I ask the Senator whether they were held unconstitutional because they conflicted with the State constitutions?

Mr. WALSH. No; they were held unconstitutional because they conflicted with a principle embodied in the State constitutions as well as in the Constitution of the United States, namely, that no man shall be deprived of his life, liberty, or property without due process of law; and it was argued that these statutes took the property of one man or set of men who contributed in taxes to the Treasury and turned it over to another private citizen.

Mr. NORBECK. The Senator will not contend that this is a parallel case of taking somebody else's money and returning it?

Mr. WALSH. That is just the point I was going to make. If this money were actually in the Treasury, derived from the farmers by this operation, I would feel that we might very justly take that particular money and appropriate it to this particular purpose, it not having been taken out of the general body of the taxpayers, but practically out of the same class of people to whom it is to be returned. The argument is that we can not by public taxation impose taxes upon the general community and upon all taxpayers, and put the proceeds of those taxes into the Public Treasury and then take it out of the Public Treasury and devote it to the private enterprise of any individual or class of individuals.

As I say, if this money were actually in the Treasury, I would feel that a distinction was drawn by that fact; but, as I read the letter of the Secretary of the Treasury, it is not in the Treasury. It has already been paid out for some other purposes; so that we must now take, not the money which was realized in the transactions of the grain corporation, but the money of the general taxpayers, and devote it to this purpose.

I read the letter of the Secretary of the Treasury, addressed to the Senator from South Dakota:

> Referring to your telephone inquiry of to-day with respect to the profits of the United States Grain Corporation, the Treasury does not have all the details of the matter, and you could probably obtain more complete data, if desired, by addressing Mr. Edward M. Flesh, president and treasurer United States Grain Corporation, 42 Broadway, New York City, but I hope that the following will serve your purpose:
>
> The Treasury's information is that substantially all of the profits of the grain corporation, and, in fact, some of its capital, have been used up in providing relief under two special acts of Congress, for part of which foreign obligations were received in payment. In this connection I am inclosing herewith a copy of the act approved March 30, 1920, authorizing the corporation to sell or dispose of flour then in its possession, not to exceed 5,000,000 barrels, for cash or credit, and at such prices and on such terms and conditions as might be necessary to carry out the purposes of the act for relief of the populations in countries of Europe or countries contiguous thereto suffering for want of food. For this flour the grain corporation received foreign obligations aggregating $56,858,802.49, face amount, a list of which is shown on the reverse side of the statement of the public debt for November 30, 1923. (Copy inclosed.)
>
> I am inclosing also a copy of the act approved December 22, 1921, authorizing the expenditure from the funds of the United States Grain Corporation of a sum not exceeding $20,000,000, or so much thereof as should be necessary, to purchase in the United States and transport and distribute corn, seed grain, and preserved milk for the relief of the distressed and starving people of Russia and for spring planting in areas where seed grains have been exhausted. I understand that the expenditures made by the corporation under authorization of this act practically exhausted its remaining cash assets.
>
> The $500,000,000 capital stock of the corporation, all of which was owned by the United States Government, has been reduced by repayments to the Treasury of $475,000,000, and the Treasury understands from the corporation that the remaining $25,000,000 of capital stock has since been retired in the course of liquidation, so that the corporation now has no stock outstanding. It is, in fact, in course of dissolution under the Delaware law, its charter having expired on August 10, 1922, and has practically no assets remaining.
>
> You may also be interested in the President's Executive order of August 21, 1920, which provided in part as follows:
>
> "The United States Grain Corporation (a governmental agency organized and conducted pursuant to executive orders and proclamations of the President under said acts of Congress) shall pay and cover, or cause to be paid and covered, into the Treasury of the United States, as miscellaneous receipts, all amounts refunded by certain licensees of the United States Food Administration (a governmental agency organized and conducted pursuant to Executive orders and proclamations of the President, under said act of Congress approved August 10, 1917), in voluntary divestment of profits taken by said licensees during the 10 months which ended June 30, 1918, in excess of the maximum allowable profits fixed and determined under and pursuant to said act of Congress approved August 10, 1917, and the proclamations, Executive orders, and regulations thereunder, * * *."
>
> Under this order the United States Grain Corporation deposited in the Treasury cash to the amount of $7,078,988.55, which was covered into the Treasury as miscellaneous receipts.
>
> From the above it will be apparent that in connection with the retirement of its $500,000,000 capital stock subscribed for by the Government the corporation has repaid to the Treasury $475,000,000, and for the remaining $25,000,000 has delivered $56,858,802.49 face amount obligations of foreign countries, whose economic conditions are such as to negative any expectation of early payment.
>
> Very truly yours,
>
> A. W. MELLON,
> *Secretary of the Treasury.*

That appears to be the fact with respect to the matter; so that really this, as I view it, is substantially a reproduction of the bounty act of 1890, held unconstitutional by the last authority to which it went; and I can not see how we can give it our approval.

Mr. NORBECK. Mr. President, I want to say to the Senator from Montana that I have come to realize that nearly every bill we pass has some element of questionable constitutionality. There are some things on which there is doubt. There was not any trouble about the Constitution when it was proposed to take the farmer's money and put it in the Treasury, and I hope there will not be any trouble in getting it out; but there may be. However, if the bill is unconstitutional, of course, it will be null and void. Therefore we will have done no damage to anybody nor any benefit.

Mr. WALSH. But the trouble about that is that we are authorizing the expenditure of this money for a purpose entirely unauthorized, and I do not see how we ought to undertake to do it.

Mr. NORBECK. There is that difference of opinion. We have been doing those things right along. It is as the Senator said the other day, "When the farmer wants anything, the Constitution does bob up and hit him in the face." I realize that, but I should like to take a chance on it. If the court sets it aside, it is dead; that is all.

Mr. WILLIS. Mr. President, I desire to ask a question of the Senator from South Dakota. I think I must have misunderstood his reply to my interrogatory of a few minutes ago. I understood him then to say that the amount proposed to be authorized to be appropriated was $56,000,000. I note that the amount provided in the bill is $71,000,000. Perhaps I did not hear all the Senator's statement. Will he explain that apparent discrepancy?

Mr. NORBECK. It represents 4 per cent compound interest on the money from the time the Government got it. The wheat farmer was paying from 8 to 12 per cent, but I did not use those rates.

Mr. WILLIS. The amount proposed to be authorized, then, is $71,000,000 instead of $56,000,000?

Mr. NORBECK. Yes; it represents the principal and interest.

Mr. WILLIS. One other question. I have not had time to read the Senator's amendment as carefully as I should like. There is no proposal in his amendment to get this profit back into the hands of the specific persons from whom it was taken, is there?

Mr. NORBECK. As nearly as practicable. If the Senator can suggest any nearer way to get it back to them, I shall be pleased to have the suggestion.

Mr. WILLIS. I would not want to undertake to do that just on the spur of the moment. It does not seem to me, though——

Mr. NORBECK. As I said a while ago, this is the nearest way I know of in which to pay it back to the wheat producer. The man who produced wheat during the war and is now producing it will get the benefit. The one who produced it during the war and has gone broke since is just out of luck. I do not know what we can do for him.

Mr. WILLIS. In other words, the Government, as the Senator contends, made money out of A during the war, and now the Senator proposes to pay that money back to B, on the theory that he is raising wheat now, whereas A was raising wheat then?

Mr. NORBECK. The idea is that we should not steal it all just because it is impossible to return it all to the proper owners. Let us do as good a job as we can in distributing it.

Mr. WILLIS. I get the Senator's viewpoint.

The VICE PRESIDENT. The question is on the amendment of the Senator from South Dakota [Mr. NORBECK] to the amendment of the Senator from Wisconsin [Mr. LENROOT].

Mr. REED of Pennsylvania. On that I call for the yeas and nays.

The yeas and nays were ordered and the legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, a parliamentary inquiry. Is this a substitute for the pending amendment?

The VICE PRESIDENT. It is a substitute for the pending amendment of the Senator from Wisconsin [Mr. LENROOT], offered by the Senator from South Dakota [Mr. NORBECK]. The Secretary will continue the calling of the roll.

The legislative clerk resumed the calling of the roll.

Mr. FERNALD (when his name was called). I have a pair for the day with the junior Senator from New Mexico [Mr. BRATTON]. On this question I understand he would vote as I am about to vote. I vote "nay."

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER]. I am informed that if he were here he would vote as I shall vote. I vote "nay."

Mr. RANSDELL (when his name was called). I have a pair with the senior Senator from North Dakota [Mr. FRAZIER]. Having been unable to arrange a transfer of that pair on this vote, I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I have no means of knowing how that Senator would vote, and I therefore withhold my vote.

The roll call was concluded.

Mr. McKELLAR (after having voted in the negative). I have already voted, but I have a pair with the junior Senator from Missouri [Mr. WILLIAMS], which I transfer to the senior Senator from West Virginia [Mr. NEELY] and allow my vote to stand.

Mr. TRAMMEL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness. He has a pair for the day with the junior Senator from Michigan [Mr. FERRIS].

Mr. UNDERWOOD (after having voted in the negative). I have already voted, but I have a general pair with the Senator from Massachusetts [Mr. GILLETT]. I note from the recapitulation of the vote that he is absent, and I therefore withdraw my vote.

The result was announced—yeas 16, nays 55, as follows:

YEAS—16

Ashurst	Harreld	La Follette	Norris
Borah	Howell	McMaster	Schall
Cameron	Johnson	McNary	Shipstead
Gooding	Jones, Wash.	Norbeck	Stanfield

NAYS—55

Bayard	Ernst	Keyes	Sheppard
Bingham	Fernald	King	Shortridge
Blease	Ferris	Lenroot	Simmons
Broussard	Fess	McKellar	Smith
Bruce	George	Mayfield	Stephens
Butler	Gerry	Metcalf	Swanson
Capper	Glass	Moses	Trammell
Couzens	Goff	Oddie	Tyson
Cummins	Hale	Pepper	Wadsworth
Curtis	Harris	Phipps	Walsh
Dale	Harrison	Reed, Pa.	Watson
Dill	Heflin	Robinson, Ark.	Weller
Edge	Jones, N. Mex.	Robinson, Ind.	Willis
Edwards	Kendrick	Sackett	

NOT VOTING—25

Bratton	Gillett	Overman	Underwood
Caraway	Greene	Pine	Warren
Copeland	McKinley	Pittman	Wheeler
Deneen	McLean	Ransdell	Williams
du Pont	Means	Reed, Mo.	
Fletcher	Neely	Smoot	
Frazier	Nye	Steck	

So Mr. NORBECK's amendment in the nature of a substitute for Mr. LENROOT's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin as amended.

Mr. WATSON. Mr. President, I move that the Senate now proceed to the consideration of House bill 12175, to amend the World War veterans' act, 1924, a bill reported from the Finance Committee and next on the program of the Senate for action.

Mr. WILLIS. What is the calendar number?

Mr. WATSON. It is Order of Business No. 1068, a bill having reference to veterans' relief. It has passed the House and has been reported favorably from the Senate Committee on Finance by the Senator from Pennsylvania [Mr. REED].

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Indiana.

Mr. ASHURST. I ask for the yeas and nays.

Mr. McNARY. Mr. President, I shall not oppose this motion; indeed, I shall support it. In my opinion, the only plan fashioned to relieve the farmer was defeated yesterday. After a thorough study, I can not see any merit in the substitutes that are now pending. The plan proposed by the Senator from Wisconsin [Mr. LENROOT] would give to the farmer a subsidy, a thing he does not want. The plan proposed by the Senator from Ohio [Mr. FESS] provides a loan of money to the farmer, a thing he should not have.

Having given consideration to the situation here, and having no faith in the remedies proposed, to which I have just referred, and not believing that it is possible to get any relief for the farmers at this session, from the manifestation of the Senate yesterday, and pledging this body that the cooperative marketing bill now before the House, which is to provide a division of cooperation in the Department of Agriculture, will be acted upon at this session of Congress, I shall heartily support the motion made by the Senator from Indiana.

Mr. FESS. Mr. President, there seems to be a very clearly defined wish on the part of Members on both sides of the aisle to do something for farm relief, and while we do not all agree on the proposal that has held the attention of the Senate for three weeks, there is a proposal that has not yet been offered to the Senate, because the parliamentary situation did not permit it until after we got a vote on the substitute, that has been offered by the Senator from Wisconsin. The country will take it that the effort to sidetrack the opportunity of voting upon that measure is the evidence of a desire to avoid giving any relief that is now within our reach.

I happen to know that there is a desire on the part of Senators on both sides of the aisle to vote for not only the cooperative marketing plan but also for the commission which will have the power to loan, not to farmers, as the Senator from Oregon has suggested—he evidently not having read the bill—but to loan to cooperative associations, which, through that agency, might be able to relieve the situation of the individual farmers.

This proposal has never yet come to a vote either in the House or in the Senate. In the House it was denied a vote because of a parliamentary situation where three bills were offered at once under a rule, a proceeding which could not have taken place under parliamentary procedure except by special rule, and in a contest the vote was not taken on the bill which I have introduced.

The same procedure is now undertaken by the enemies of the cooperative marketing association plan and of the farm commission plan. If the motion of the Senator from Indiana meets with the approval of the Senate, the chance for voting upon this measure will be denied us. There has been an understanding that I would offer this proposal just as soon as the parliamentary situation would permit it, and Senators have voted on measures with the understanding that they would have an opportunity to vote on the plan I have suggested, because they believe in it, and they believe it is workable. There is an effort now to deny to the Senate the opportunity to vote directly upon this measure.

I happen to know that this side of the Senate, as well as the other side of the Senate, has had a desire to do something to relieve the situation of agriculture. The bill to which I refer meets with the approval not only of the agriculturist, who is not willing to pay a subsidy, but it also meets with the approval of the Secretary of Agriculture, and I think that I am justified in saying that it meets with the approval of the administration.

We are responsible for legislation, and the Republicans in control, if they desire to take this method of obstructing a direct vote on a proposition, which would merely require a motion to concur in the House, can take that obligation. But if this motion should be voted down and the amendment, in the form of a substitute, which I shall offer, should be carried, the bill would go back to the House, and the only thing necessary would be a motion to concur in the Senate amendment. Thus the House would get an opportunity, which it has never had, to vote directly upon the cooperative marketing plan.

I want now to serve notice on the Republicans on this side that if they want to obstruct a direct opportunity to give relief to the farmers of this country it is within their power to do so by voting for the motion of the Senator from Indiana. But it seems to me it is very unwise to adopt this ruse and defeat a fair chance to vote in the Senate on a measure of this sort.

Mr. President, if this motion is carried it displaces, as every Senator knows, agricultural relief legislation, and although the Senator from Oregon says that he will give assurance that the cooperative-marketing feature in the proposed measure will be renewed, I say he can not give any such assurance. I give him assurance that if it is renewed then my amendment will be offered, but I have no assurance that it will be done. I am convinced absolutely that there is no desire to give an opportunity to the Senate to vote on any measure except the one which was defeated yesterday. If, because we can not have our own way, we are going to play the dog in the manger and not allow anybody else to offer an amendment here, let the men who father that proposal meet it as it comes.

Mr. WATSON. Which I am entirely willing to do.

Mr. ROBINSON of Arkansas. Mr. President, there are a number of amendments to the pending bill on which I would like to have the Senate vote. I have not the slightest objection to taking a vote on the amendment of the Senator from Ohio [Mr. FESS], although I feel morally certain that it would be rejected by an overwhelming vote. There are two amendments about which I would like to record the views of the Senate, which have not yet been discussed. One is an amendment proposed by myself, which I will insert in the RECORD with the

leave of the Senate, directing the Tariff Commission to investigate and report to the Congress rates of duty which will place the tariff on a competitive basis. I have believed all along that one of the most substantial forms of relief which can be afforded the American farmer is to reverse one of the underlying proposals in the Haugen bill and tear down the tariff wall which some are seeking to build higher and which many are seeking to maintain. This would be the effect of the amendment which I have proposed. The Senator from Missouri [Mr. REED] proposed an amendment which substantially, I believe, is the Underwood tariff act.

Mr. President, I realize that there is little probability of legislation on this subject during the present session. When the bill which is now proposed to be displaced was brought before the Senate by the Senator from Oregon [Mr. MCNARY], I reviewed the action taken by the body at the other end of the Capitol concerning a very similar proposal, and declared then that there was no likelihood of important legislation on the subject being enacted during the present session of the Congress. I am morally convinced that little or nothing will be accomplished by resubmitting proposals which have already been made and rejected by the Senate or by submitting new propositions which manifestly have little substantial support in the Senate.

Those who have proposed the bill which the Senator from Indiana [Mr. WATSON] proposes to displace insisted upon the passage of that measure. They thought it would afford or provide adequate and just relief. The Senate has reached a contrary conclusion and, in my judgment, a correct conclusion to the contrary. The proponents of that bill do not desire either the substitute offered by myself, and which was rejected by a narrow vote on yesterday, or the substitute offered by the Senator from Wisconsin [Mr. LENROOT], or the amendment proposed by the Senator from Ohio [Mr. FESS]. We could go on discussing these questions indefinitely. If further amendments are to be voted upon, I shall insist upon a vote on the amendment proposed by myself tending to reduce the tariff and a vote on the amendment proposed by the Senator from Missouri [Mr. REED], to which I have already referred.

But I do not believe that farm legislation can be enacted during the present session. I think that we will merely consume a considerable amount of time and reach no conclusion on the question. I would not have been willing to vote to terminate the discussion of the subject in the Senate if the motion had not been made and seconded by the leading proponents of the Haugen bill, the Senator from Indiana [Mr. WATSON] and the Senator from Oregon [Mr. MCNARY]; but since they have reached that conclusion and have made the motion, I shall support it.

Mr. President, I ask that my amendment may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment is as follows:

That for the purpose of assisting the Congress in reducing to a moderate or competitive basis such duties as may appear to be either excessive or prohibitive, the United States Tariff Commission is hereby directed to investigate and from time to time, as speedily as may be, report to the Congress what rates of duty, in the opinion of its members, substantially and approximately will equalize the conditions of competition in the principal markets of the United States between domestic producers and foreign producers of the principal competing countries, respecting articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, particularly including the following: Steel ingots; sheets of iron or steel; tubular products; table, kitchen, and household knives; razor blades; safety razors, pruning and sheep shears; scissors; nail and barber's clippers; pocket knives; hinges; padlocks; tinware; bathtubs, table, kitchen, and household utensils of aluminum; also textile machinery; automobiles; automobile tires; rubber manufactures; electrical machinery and apparatus; jute bags; cotton cloths; cotton blankets; cheaper woolen blankets; cotton suspenders; woolen suspenders; cotton gloves; men's cotton shirts; cotton-lace window curtains; cotton towels and sheets; knit fabrics and knit goods of rayon; woolens; wool socks; wool cloth (knit and not knit); table and kitchen articles of glassware; brick; asphaltum and bitumen; mechanic's tools not specially enumerated; sulphate of ammonia; paints, pigments, and varnishes; collar and cuff buttons; toothbrushes and paintbrushes; cheaper and coarser raw wools; glass table and kitchen utensils, pressed and unpolished; limestone; magnesite; saddlery and harness hardware; fountain pens; lawn mowers; broom handles; indigo; wood fence posts; hoop or band iron for baling cotton.

That said commission is hereby authorized to employ such additional experts, employees, and agents as may be required in the prompt performance of its duties under this section and may give priority to investigations, hearings, and reports herein directed over other work of the commission.

That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this section, the sum of $250,000, or so much thereof as may be necessary.

Mr. SHIPSTEAD. It is very clear that the Senate has reached a conclusion on the farm question. When we voted to kill the Haugen amendment yesterday we decided that for the present at least the Congress of the United States is willing that the American farmer shall continue to feed the world for less than the cost of production. Some of us have been endeavoring to obtain some kind of legislation which would compel the world to pay the American farmer for its board—at least pay him for the cost of production.

A great deal has been said about the legislation which has been enacted here in the past 50 years for the farmer, and it has been enumerated. The machinery of it has been explained. After all the explanation that has been made it is apparent that it is machinery constructed for the purpose of getting the farmer deeper in debt by loaning him more money. We are interested in building some kind of machinery that will pull the farmer out of debt. To do that he must get better prices. The Congress has refused to build such machinery. Simply loaning him money will not get him a better price. Simply conducting another investigation, as has been proposed by some of the amendments offered, will not throw any new light on the subject. We have been investigating agriculture for the past 50 years and I am amazed that Senators now are willing to admit they know nothing about it and want to start now upon a new investigation. The farmer has had plenty of advice. Everybody is giving him free advice. I want to get him a better price, a price high enough to put him on a level with industry.

I think the Congress can do no better than go to the country with the agricultural question and let the people of America decide at the polls whether they are willing to pay the farmer for their food or whether they are willing that he shall continue to feed the world for less than the cost of production.

The manufacturing centers are getting rich at the expense of the farmer by refusing to pay him a fair price for what they eat. So long as the people continue to elect men to Congress with that point of view the farmer will continue going bankrupt.

Mr. GOODING. Mr. President, I think I ought to say to the Senate that day before yesterday I placed in the RECORD a communication from the Committee of Twenty-two, which represents practically all the cooperative organizations in America—in the West, in the Northwest, and in the Southern States—in which they asked that any legislation which permitted only a loan to the farmers be defeated. I do not know why we should force down the throats of the American farmer something that he does not want and has not asked for. We have the intermediate credit act to-day, under which cooperative organizations can borrow money from the Government at 4½ per cent. They are perfectly satisfied with that and do not need any more loans or any subsidy of any kind from the Government. They are opposed to any of this legislation or the substitutes which have been proposed here to-day or in the past several days.

Mr. HEFLIN. Mr. President, the farm-relief legislation has probably met its doom. It has been murdered by the Republican Party. [Laughter.] Word came here two weeks ago that the President was opposed to it and that he would veto it, so the friends of the farmer in both Houses have fought against great odds. They have fought under tremendous difficulties, having been notified in advance that any measure looking to the relief of the distressed farmers of the country would be slaughtered if it reached the White House.

Later on, when it looked like we might get together and work out some plan, Mr. Mellon, the chief spokesman of the Republican administration and the mouthpiece of the big financiers of Wall Street, issued an edict that this legislation must be destroyed. He who comes out from Pennsylvania where recently a senatorial seat has been auctioned off, tells us that the proposed legislation is economically unsound.

Mr. REED of Missouri. Mr. President——

Mr. HEFLIN. I yield to the Senator from Missouri.

Mr. REED of Missouri. I call the Senator's attention to the fact that it went to the next lowest and worst bidder.

Mr. HEFLIN. Yes; they sold the seat to the next lowest bidder.

Mr. ASHURST. But the Senate will not confirm such a sale.

Mr. HEFLIN. I think the Senator from Arizona is right about it. I wonder if the American people yet realize that we

have reached the point in the history of this Government when certain special and sinister interests are organized for the purpose of hand picking and electing a majority of the Members of the Senate?

Certain Republican leaders have become so inoculated with the deadly virus of political corruption—money-controlled elections—that they have dared to defend the indefensible political corruption just recently uncovered in the Republican senatorial primary in Pennsylvania.

The able Senator from Missouri [Mr. REED] has the opportunity in exposing this crookedness and crime to do something of great value for the preservation of free institutions in America. They have made barter of the ballot and done other corrupt and reprehensible things that strike at the very foundations of free government in America. And yet Mr. Mellon, a member of the President's Cabinet, boldly defends those corrupt practices and he has also taken it upon himself to tell us that this legislation is unsound, economically unsound, and ought to be thrown into the waste basket.

The Senator from Ohio [Mr. FESS] has told us that he wants to do something for the farmer. I want to remind him that on yesterday he and his Republican colleagues did something "to the farmer." They struck him a body blow. They made it impossible for him to have relief legislation at this session. But I want to say to those on the other side of the aisle who are willing to fight and who are not ready to pull down their flag, who are really in earnest about aiding the farmer, that they should stand up and fight, because there are a few of us on this side of the Chamber who will fight with them.

Mr. President, I wish to remind Senators that when Republican deflation swept over the country and destroyed property values of the farmers to the amount of $26,000,000,000 I led the fight that drove Governor Harding from the Federal Reserve Board. He had been appointed as a Democrat from my State; but he betrayed his party, he betrayed his stricken chief, Woodrow Wilson, he betrayed his country by entering into a conspiracy with the Republican leaders and the financial masters of Wall Street, which brought about the worst money panic that ever cursed the country.

Who was the author of that panic. Let us see. A Republican in this body, the chairman of the Committee on Banking and Currency, the Senator from Connecticut [Mr. MCLEAN], offered an amendment to the Federal reserve act that opened the way into the bulwarks of the mighty banking system which had been created to prevent panics, the greatest system ever devised by the genius of man. The Senator from Connecticut, a Republican, offered that amendment in a Republican Senate, and it was adopted. It was offered in the House of Representatives by the chairman of the Committee on Banking and Currency there, a Republican, and it was passed through a Republican House. When it passed only a few seemed to have the foresight to understand just what trouble was coming. All kinds of deceptions were used to get it passed. It was said that the East was getting too much money, and it was desired to stop it; that it was desired to amend the law so that the rediscount rate might be increased.

The Senator from South Carolina [Mr. SMITH], the able champion of the cotton growers, pointed out that if that amendment were fastened upon the law it would produce a panic. It did produce a panic. It almost destroyed agriculture in America; it almost destroyed the cattle industry of the West. It drove many cattlemen into the market place and made them sell their mother herds. It drove the farmers into bankruptcy, until their lands were sold for taxes, and they are yet struggling under the terrible burden placed on their backs by that deflation brought about by the Republican Party.

When the storm was over the East was flourishing; it was making its millions and hundreds of millions. Where was the progressive interest rate applied? Not in a single instance was it applied in the East; but it was applied in the South and it was applied in the West, the two great agricultural sections of the country. What happened? Big, fine mules, for which the farmers of my State had paid $250 each to western mule raisers, would not sell for $20 in cash at the door of the courthouse of the county. Cotton that had sold for $150 a bale went down to $50 a bale. Wheat fell in price from $2.25 a bushel to 65 cents, and corn fell from $1.50 a bushel to 20 cents. Oh, Mr. President, the Liberty bonds which the farmers had bought to help win the war were taken from them. The sharks of Wall Street bought them for 80, 82½, and 85 cents on the dollar. They took them back to New York, after they got them all out of the South and all out of the West, and made over $400,000,000 profit on those transactions. That was a part of the fruit of the Republican deflation policy; and the farmers have not yet recovered from it. God bless these distressed and hard-pressed farmers! I am in sympathy with them. I should like to get away from here and take a much-needed rest, but I am willing to stay here and hold the Senate in session until the snow flies in order to grant relief to the farmers of the country.

Mr. President, I once saw the farmers of the West in their pride and power. I saw them when they stood up, princes in the kingdom of agriculture. I saw them when they owned their farms; when their homes and farms and personal effects were all free from debt. I saw them when their sons and daughters were growing up buoyantly and happily about them; and I have seen them when the hammer had fallen upon their property under mortgage, when the farm had been sold and all their personal property had gone. Two million of them have been driven out of the South and West into industrial pursuits, driven out of the occupations which they sought from choice into something that they must do from necessity or starve.

Mr. President, when that awful catastrophe of deflation was over, when the South had been stripped of its substance and the West had been robbed of nearly all it had, I saw a group in this body with myself amongst the number, the Senator from South Carolina [Mr. SMITH], Senator SIMMONS, of North Carolina, the Senator from Georgia [Mr. HARRIS], the Senator from Tennessee [Mr. MCKELLAR], and others of us working with a few Senators on the other side of the Chamber. We suggested that the Congress remain in session; that we revive the War Finance Corporation; that we put new life into it; that we supply it with funds to put into the banks in the West and in the South to help the crippled and broken farmers. Senators on the other side of the Chamber fought that. They said it was a wild vagary of the populistic mind. They wanted to adjourn; they tried to adjourn, but we defeated them in their effort to adjourn. We stayed here; we enacted that law; we revived the War Finance Corporation and did a great deal of good with it.

Senators, while you are thinking about your vacations, thinking about building up your political fences back home, I want you to think of a population in the agricultural sections whose citizens are unhappy, despondent, and almost desperate in the valley of despair. Let us not adjourn; for God's sake, let us stay here. If the bill in the shape in which we have voted on is not satisfactory to a majority, let us keep discussing propositions and voting until we get something that is satisfactory to the majority. What is the hurry about adjournment? Why should we want to run away and leave this great population of farmers of the United States—thirty-odd millions of people—in distress, leaving them still further to the mercy of the grain and cotton gamblers and the speculators who, at every marketing season, make their millions on the farmers' products? Why should we do that? Let us see if we can not get together; we should not become impatient; let us get together in an earnest and determined effort to work out a measure that we can agree upon.

I am going to say this before I sit down: If the agricultural masses have the sense which I think they have and the courage which they ought to have and which I believe they have, we are going to see a different situation on the other side of the Chamber after the next election. We are going to see some vacant places over there and over here new faces of Democrats who have taken the places of Republican Senators. Some of you play with farm legislation and fix for yourselves a pretty good record to go out and camouflage with. You are going to find this time that the camouflaging business will not work. The farmer is going to know your records. He is going to find out where you were when the motion to adjourn came up. He will find out where you were when the members of the Gideon band of the farmers wanted to secure legislation and were in earnest about it; he is going to find out where you were. He is going to find out who is on the Lord's side.

"A man can not serve two masters; he can not be for both God and Mammon." If you are for the farmer, you are not going to try to hurry this Congress out of the Capitol. If you are against the farmer and you have been trying to deceive him with all of your camouflaging business, you are going to hasten away, get your hook and line, and sit yourselves under a broad branching willow and fish and meditate; and if the farmer has the sense that he ought to have, he is going to fix you so that you can meditate the balance of your life. [Laughter.] And that is what he ought to do.

Mr. President, hurrying to adjourn, wanting to get away, and we have only reached the month of June, and Congress will not reconvene until December. We have from now until December. Would Senators on the other side be hurrying adjournment if the big eastern bankers were asking them to sit here until they could put through what they wanted to help them curtail credits and contract the currency whenever they wanted to beat down the price of agricultural products? No;

we would not hear a word from you about adjournment then. Do you suppose that if Mr. Mellon had not given back hundreds of millions of dollars to the big taxpayers who ought not to have received the money—money that should never have been taken out of the Treasury—do you believe you would be hurrying to adjourn? Not at all. You would say, "Let us stay here until these things are cleaned up."

If Congress had not disposed of the big debt settlements that the Republican majority put over, giving the international bankers and the other fellows their commissions, enabling them to make millions out of the American people, in addition to the billions given to foreign countries, would you be hurrying adjournment? Not a bit of it. But all of these matters are out of the way; those who write checks in large amounts for campaign contributions to the Republican Party to help buy elections are satisfied, and are ready for you to adjourn. But the farmer, who walks in the furrow of his field, bearing his burden in the heat of the day, has no influence with you, and you are ready to adjourn. God help the farmers of America and give them the sense and strength in the next election to put the political lash where it ought to be, on the back of the Republican Party. [Laughter.]

Mr. MOSES. Mr. President, I am sure the Senate has been stirred, as the galleries have, by the picture of hardship painted by the Senator from Alabama [Mr. HEFLIN] as he has described the difficulties under which he has undergone the work of this session; and I, too, sympathize with him, Mr. President, because I remember the caverns of silence into which he retreated as the revenue bill was under consideration; but now, sir, as the session draws to its close, and he has regained his voice, I welcome the challenge which he presents to us.

Mr. President, post-mortems have never interested me; but since the Senator from Alabama has sought to speak of the vote which was taken here yesterday, I want to call the attention of the Senate and of the country to the manner in which that significant vote was made.

Against relief for the farmer, as proposed in the measure which was defeated, there were 24 Republicans and 21 Democrats. For relief for the farmer, as advocated in this measure, there were 15 Democrats, 23 Republicans, and the entire membership of the Farmer-Labor Party, which votes with the Republicans upon the organization of the Senate. Therefore I feel justified in saying that the vote here yesterday was: Republicans, 24 for and 24 against; Democrats, 15 for and 21 against.

Mr. CARAWAY. Mr. President, the Senator from New Hampshire [Mr. MOSES] says he has taken no interest in post-mortems. I rather imagine he will have a more lively interest in that subject after the coming primary.

Of course, I do not want to deny any Senator an opportunity to put on his life preserver. However, I should like to say to the Senator from Ohio, who has made so much noise about having relief for the farmer, that nobody but Mark Antony ever got anything out of a funeral oration [laughter]; and nobody is being fooled, in the Senate or out of it, by these measures that are now being presented for a vote.

The measure before the Senate has ceased to be a bill for farm relief, but is now a measure for political relief. It gives the farmer nothing, and it will give these people less.

There is not any use in prolonging this farce. There is not a man on the floor of the Senate who does not know that there is not to be any relief for the agricultural situation; and when they talk about staying here and voting for these amendments it is not deceiving anybody.

My friend from New Hampshire thinks because there was one more Senator on his side who voted for the measure than voted for it on the Democratic side, that man's virtue is going to save him and the rest of them.

Mr. MOSES. Eight more.

Mr. CARAWAY. Well, eight will not do you any more good than one. Everybody has a right to his honest convictions, and I am not falling out myself with any Senator on this floor who believed that the measure was unwise and voted against it. The only thing I protest against is the reasons that were given.

I say, and I say it seriously, and I am willing to maintain it, that there was not an extended speech against this measure made by a Senator that did not disclose one of two things: First, that he had not read the bill; or second, that he was not willing to face it squarely. Every one of them gave a reason that was found nowhere within the bill.

What I want to say is this, and I shall say it, and then I am through:

A great number of farmers believed that this measure furnished them a measure of relief. They honestly believed it. They believe it to-day just as strongly as they believed it yesterday. Were they entitled to have their theory put to the test?

Some say it was unconstitutional. I do not know. I do not think so. If it was, the Supreme Court would say so, and that would end all agitation along that line. If it was constitutional, then the theory could be tried out. If it proved fallacious, these 40,000,000 people who are feeding and clothing the rest of the world at less than it costs them to produce the food and clothing would know that their theory was a fallacy, and they could turn to some other measure of relief.

Some Senators were unwilling for them to have the opportunity to try out their theory. They believed either that the farmers were selfish, as some of them said, and wanted to increase the cost of living to others for their own profit, or, as others insisted, that they were so devoid of intelligence that they did not know what they needed. It may be safe and sound to say to 40,000,000 people, "You are either a knave or a fool." I do not know. I know, however, that you will not convince them that they are by saying it.

I have heard it advocated here on this floor by Senators who oppose this measure that we ought to resubmit the eighteenth amendment because there was a substantial number of people who did not believe it was wise. They want the people to have a chance to pass upon it. They want the Supreme Court to determine what may be done under that law. They say: "Do not foreclose our right to get beer until the Supreme Court says we may not have it." Yet every one of those Senators foreclosed the right of 40,000,000 farmers to have some kind of relief. In other words, we now know that with certain people beer is sacred, but bread is not.

Everybody must stand on his own record. It does not do us any good to threaten each other here with what is to happen. In fact, if there were not the short session in December for some of these gentlemen to sing their swan songs I would agree that we ought to continue this session, but they will have three months next winter to explain that they made a mistake and the people found it out. I will prepare now to get in a sympathetic mood by that time. I could part with them to-day, however, without regret.

Mr. TRAMMELL. Mr. President, I would vote upon the question of taking up the veterans' measure in accordance with the motion made by the Senator from Indiana [Mr. WATSON] and concurred in by the Senator from Oregon [Mr. MCNARY] without uttering one word if I could yield to them what they apparently take unto themselves, that they are the only representatives of the farming interests within this body—they and those who are following them on the question of farm relief.

Analyzing the attitude of the Senators who desire now to discontinue any further consideration of the question of farm relief, we can not do otherwise than construe their position to be that no Senator is a friend of the farmer, no person believes in giving relief to our agricultural interests, unless he agrees with them on the dotting of every "i" and the crossing of every "t."

I have observed for a number of years in this body its membership; and I am confident, as far as my judgment goes, that there are dozens of Members of this body who are just as loyal to the farming interests and just as desirous of doing something for their relief as are the Senators who now propose to desert the ship and give no further consideration to this question. That is what the situation is, though. "You must vote for exactly what we want; you must accept it, or else we will not play in your back yard any more. We will adjourn this session of Congress without attempting to reach any conclusion at all upon farm legislation."

Senators who take that position may console themselves with the thought that they will get back home and be congratulated by the farmers; that the farmers will pat them on the back and say that they have rendered a wonderful service to them; but I do not think as a rule they will find that kind of greeting awaiting those who abandon the ship in its perilous hour and who say, "If we can not have it just as we wish, then we are to have nothing"; and yet that is the position of those who now desire a discontinuance of the consideration of this subject.

The amendment which is proposed by the Senator from Wisconsin [Mr. LENROOT] unquestionably, in my opinion, would afford a considerable degree of relief to agriculture in this country. Some of the salient features of the proposal being made by him are that the board provided for within its provisions will finance the surplus and encourage cooperation and bring about more favorable marketing conditions.

That might not be just what some of those who supported the Haugen bill want, but it certainly would be some degree of relief. It certainly would afford assistance in taking care

of the surplus and bringing about a better marketing system, and those are the very vital questions that Congress has been considering. So why decline to give consideration to the extent of even voting upon a proposal of that character?

Some other amendments which are pending are possessed of merit. Take the proposal which was made by the Senator from Arkansas [Mr. ROBINSON], which received a very substantial vote upon yesterday when considered. That amendment, standing alone and being voted upon as a proposition on its own merits, has not yet been passed upon by the Senate. It was passed upon only in contrast and in comparison with the Haugen amendment. We have not had a vote upon that question. It provides a very substantial sum for taking care of the surplus. It provides for advances to the farmers and certain loan privileges, and yet those who take unto themselves the "holier than thou" attitude, who make the contention that they only are the friends of the farmers and represent the farmers, desire to sidetrack the question of farm relief and not even vote upon that question.

I think, when you get back home, some of them will say, "We think it would have been a very nice thing if we could have had $150,000,000 to play with this surplus a little, if we could have gotten it, but you did not try to help us get it." Even those who preferred the plan which has been defeated will say: "While we preferred the plan that was defeated, you deserted the ship, and you were not willing to assist us in getting funds to handle the surplus crop of this country. You deserted the ship. You were not willing to assist in promoting cooperation among the growers. You got a little irritable and a little impatient, and just because you could not run the thing just as you wanted to, you said, 'No; we will not give any further consideration to it. We will adjourn and go home.'"

You mislead yourselves, you deceive yourselves if you think the farmers of this country are going to crown you as the friends of the farmers when because, forsooth, you could not get just exactly what you wanted, you abandoned their interests, you ceased any effort to try to get relief, and brought about the substitution of another measure, with the object of adjourning Congress within a few days.

I believe that one of the great questions to deal with is the question of surplus. Funds to keep the surplus off the market and to avoid dumping the surplus upon the market all at one time would certainly be a great assistance in affording relief to the wheat growers, the corn growers, and to the cotton producers of this country.

It does seem to me, from the sentiment as recorded in this body by a majority of the Senators, that if we would stay here and seek to work out the proposition we could afford some relief at least along that line. That is covered in a general way by the amendment which was offered by the Senator from Arkansas, and also in a general way by the amendment offered by the Senator from Wisconsin. I think it is very regrettable that Congress should adjourn, or that Congress should abandon consideration of this question, when there is a strong possibility that relief along this line, which I think would be very substantial, may yet be enacted, if Congress will only stay here and consider the proposition.

Mr. BRUCE. Mr. President, I would like to offer an amendment to this bill, to lie on the table, to be called up subsequently. It is an amendment providing for a commission to investigate and report on the present condition of agriculture.

Mr. BORAH. Mr. President, I understand the situation to be that the Senator from Indiana [Mr. WATSON] has moved to take up another bill, which, of course, would displace the farm relief bill. I presume the Senator from Indiana proceeded upon the theory that it is really hopeless to expect anything to come out of this session so far as farm relief is concerned.

I am inclined to agree with the Senator from Indiana, so far as any of these amendments which are proposed are involved, but I submit for his consideration, and for the consideration of others, the proposition of trying to come to an understanding and pass that portion of the pending bill about which there is no controversy—the cooperative feature—which came over from the House.

There are those who think that would be of very considerable help and of very great advantage to a number of people who are engaged in agriculture.

There is no controversy about that. As I understand, there is no opposition to it anywhere, and it does seem to me that it having come over from the House and having received the approval of the House, having received the approval of all parties here practically, we might dispose of that and let it become a law, and not wreck the entire proposition.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. LENROOT. I will say to the Senator that if that could be agreed upon, in order to accomplish that object I would be glad to withdraw my amendment.

Mr. BORAH. I think if all the parties concerned in these amendments would withdraw the amendments, we could pass that feature of the bill. I think it would be a very great mistake, in our haste and in the attitude of mind into which we have gotten by reason of this controversy, to go away and leave that practically finished legislation not in such shape that it could become a law.

Mr. JONES of Washington. Mr. President, may I suggest to the Senator that the Senator from Oregon assured us a while ago that the cooperative feature of this bill would be passed in the form of another bill. Yet, if that comes up independently in the future as a separate proposition, there will be no limitation as to debate upon it, and there will be no limitation as to the amendments that can be offered to it.

We now have a limit imposed by agreement with reference to debate and as to amendments which may be offered, so that we are in a better situation now to dispose of the cooperative matter than we would be if it should be taken up in the future without any limitation.

Mr. BORAH. Mr. President, it is a very simple matter. If those who are in charge of these amendments will withdraw their amendments, and let us vote at once upon the cooperative feature of this bill, we can accomplish something. It is perfectly apparent that we are not going to adopt any amendment of any considerable import, and therefore the proponents might as well withdraw the amendments.

Mr. ROBINSON of Arkansas. Mr. President, I am perfectly willing to proceed and to conclude the consideration of this bill in the regular way, and under the limitation the Senate has fixed, although that limitation restricts debate very narrowly. But I do not think it is practicable to enter into an arrangement by which Senators shall be denied the privilege of proposing amendments to any portion of this bill. That can not be done.

If the Senator who made the motion to proceed with the consideration of another bill desires to withdraw it, I have no objection to going ahead and voting on the amendments that have been presented or that may hereafter be presented, and to discussing them under the limitations we have effected.

I do not think it could be expected, after the Senate has consumed three weeks or a little more, that we would bind ourselves now not to make such proposals as we think would improve the bill as it passed the House. Nor do I want to be estopped from proposing the amendment that was voted on yesterday. I would be willing to take the vote without protracted debate, but I believe that amendment, the substitute which I offered for the Haugen bill, is valuable, and would be helpful.

I am not willing to agree to a proposal that we admit that we have simply wasted a little more than three weeks of the Senate's time, and that we are now going to accept without study a bill that was sent over from the House. Hardly a Senator has read that bill. The whole contest here has centered about the amendment which the committee reported, and which we have come to know as the Haugen bill. No consideration whatever has been devoted to the bill as it passed the House. If we take that up, we will take it up and discuss it, and such amendments as Senators desire to present will be presented.

I do not know that there is serious objection to the bill as it passed the House, but I would certainly not want to be bound to the passage of a bill which the Senate has not for a moment considered. There is no reason why we can not go ahead, if Senators think there is a chance to accomplish something useful, and thrash this matter out to the end.

I am willing to take up another bill if those who support the original proposition think it is useless to continue the issue; but I am not impressed with the suggestion that we simply admit that we have wasted three weeks of time and that we will now swallow whole a proposition that we have not studied, that we have not discussed, and which we may want to amend.

The best relief the farmer can have is through a reduction of the tariff, particularly where the rates are approximately prohibitive, as many of them are, and which vitally affect the American farmer and other consumers. I would like to fight that issue out. I would like to have those who have been paying tribute to the great industries of the country for years say whether they are willing to continue to do so.

My proposition in that particular does not involve directly the question as to whether a Senator shall vote from the standpoint of a moderate protectionist or from the standpoint of one who believes in tariff for revenue only. It does involve the question as to whether the great producing masses of this

country are willing to continue to lend their support to a policy and to a principle which not only does not and can not aid them, but which plunders and will continue to plunder them.

Mr. WATSON. Mr. President, I understand, then, that the Senator has no notion of withdrawing his amendment.

Mr. ROBINSON of Arkansas. I have no intention of withdrawing anything.

Mr. WATSON. And I have no notion of withdrawing my motion. I insist on my motion.

Mr. ROBINSON of Arkansas. Very well, Mr. President. The Senator from Indiana recognizes what I recognized three weeks ago, that the condition in the Senate is such, and the viewpoints of Senators are so conflicting, that there is no probability of practical and helpful farm legislation being enacted at this time.

I can not subscribe to the Haugen bill for the reasons I have stated here repeatedly. I feel that it would be an imposition upon the farmers, whom it is designed to help, for me to convert the taxing power of my Government into an instrumentality of oppression to the producers of this Nation.

I am not willing to levy tribute upon the man who goes forth and toils in the fields and produces the things without which our people can not live for the privilege of pursuing his avocation.

As stated yesterday by the senior Senator from South Carolina [Mr. SMITH], the fundamental principle in this Haugen proposal is that we shall use the money of the Federal Government and the power of the Federal Government to furnish foreigners surplus American farm products at the expense of American consumers. The proposal is to sell the surplus cheap to foreigners and raise the price arbitrarily to our own people. The principle is fundamentally wrong. It can not find justification either in common sense or justice.

Now, let those who believe that this is the only remedy, let those who are willing to perpetuate excessive tariff rates, let those who are willing to perpetuate excessive freight rates, let those who insist that the only way in which relief can be brought to the producers of farm products is by compelling them to pay a tax or charge upon their products take the responsibility for the defeat of legislation, if they choose to do so.

Mr. BORAH. Mr. President, if the Senator from Indiana insists upon the motion and the motion is agreed to, that ends farm legislation for this session, it seems to me, even that portion of it about which there is very little controversy. I prefer to follow the suggestion of the Senator from Arkansas [Mr. ROBINSON] and remain with the bill in the hope, that we will at least pass that portion of it about which there is no controversy. But if the motion of the Senator from Indiana prevails, we will not have it up again this session. If we should take it up, it would be in a worse condition than it is now, because there would be no limit on debate and no limit to the power of offering amendments. It means we are ending the matter without doing anything at all. It seems to me, therefore, that we ought to retain the bill for the present.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. HEFLIN. If it is opened up again without limitation of debate, it would be impossible ever to get a limitation affecting debate again.

Mr. BORAH. Yes; I presume so.

Mr. WATSON. Mr. President, I am opposed to further consideration of the measure at this time with the amendments which are pending.

I am opposed to the amendment proposed by the Senator from Wisconsin [Mr. LENROOT], first, because it is a direct subsidy from the Treasury lent without recourse and without security. When the farmers came to the House of Representatives and asked for legislation they at no time demanded a subsidy. They have insisted from the very beginning of the controversy to this hour that they demanded no subsidy. Their proposition was to lend money to the board which they set up, money from the Treasury, but every dollar of which was to be repaid by levying an equalization fee upon the producers of the particular crop to be dealt in at the time. At no time, from the beginning to this hour, has any one of the representatives of the farmers' institution demanded a direct subsidy from the Treasury. Not only that, but every one of those representatives in the city of Washington to-day has said to me directly that he is against the proposition submitted either by the Senator from Wisconsin [Mr. LENROOT] or by the Senator from Ohio [Mr. FESS].

I am against the amendment of the Senator from Wisconsin in the second place, because in reality it affords no relief to agriculture. The farmers do not want either one of those measures. Their representatives have been here from the beginning of the fight to the present time; indeed, they are in the gallery at this very moment. All anyone needs to do is to consult those representatives to find that they are not in favor of a single one of these amendments. If we have not given these men what they wanted, why should we attempt to force down their throats what they do not want?

Mr. BORAH. Why would it not be a good idea to consult our own judgment?

Mr. WATSON. I am consulting my own judgment. I have consulted my own judgment. From the beginning of this controversy to this hour I have consulted not only my own judgment but what I believed to be fundamental economic principles. Not only have I consulted some of the greatest economists in America, but likewise I have consulted the heads of these farm institutions who for years have given unremitting study to a solution of this complex problem. Are they to be relegated to the rear? Are we to give no heed to their advice? Are we to pay no attention to their demands? If, after they have given years of study to these problems, they come and ask for bread, are we, after refusing to give them bread, to turn about and offer them a stone instead?

Mr. MOSES. Mr. President, I beg the Senator not to overlook Sir Josiah Stamp.

Mr. WATSON. I am not overlooking Sir Josiah Stamp. I am not overlooking him because in an economic consideration of any question he may not be overlooked. Nor am I overlooking the other men who have given their best judgment to the study of this question and have pronounced in its favor.

But I am not here to debate that problem. I am here to say that I am opposed to further consideration of the question at this hour. Why? Because it involves the proposition submitted by the Senator from Arkansas [Mr. ROBINSON], and what is that? That we shall go into a debate of the tariff question. He wants to revise the tariff by offering an amendment to the pending bill. Where on earth would we be if we undertook to revise the tariff through the means of such an utterly impossible proposition, doubtless subject to a point of order, because being revenue legislation it must originate in the House.

Then another Senator wants to attach an amendment to the bill in the form of section 15a of the transportation act. We would involve ourselves in endless days of debate. For once my friend from Ohio [Mr. FESS] and I would be on one side of the question. There are many controversial propositions which would be thrust upon the Senate at this hour, and we all know they would not receive the consideration to which they are justly entitled. Thus the Senate would be dragged into days and days of debate, with no results worth while to the farmers of the country.

Not only that, but some of the representatives of the farmers' institutions have said that as far as they are concerned they do not care whether the cooperative features of the bill are passed or not, because, they say, if it passed it would be but a gesture in aid of farm relief, and that furthermore it would be charged to the farmer as another one of the 35 acts which have been recited here on the floor of the Senate as having been passed in the interest of agriculture, without accomplishing any beneficial results to the agricultural interests of the country.

Therefore, in the interest of the farmer, in the interest of agricultural legislation, in the interest of the situation which confronts us now in the Senate, I insist on my motion.

Mr. HARRISON. Mr. President, the Senator from Indiana has made the kind of speech that I expected him to make. When he made his motion to take up the war veterans' legislation and displace the agricultural bill, some of us thought it was because he was frightened at the prospect of a discussion of the tariff question. If he has become greatly frightened so quickly over the tariff question relating to the agricultural situation as he has now shown himself to be, I can assure him he will be on the run in the next few months.

Mr. WATSON. Mr. President, does the Senator really believe what he is saying?

Mr. HARRISON. If the Senator will bide his time with patience, I will even convince him, even though that is a very difficult task to perform.

Mr. WATSON. It certainly will be difficult on that subject.

Mr. HARRISON. Mr. President, I opposed the McNary bill. I opposed it contrary to the wishes of some of the representatives of a certain farm organization in my State. I opposed it notwithstanding some of the farmers of Mississippi may have had faith in it. I was against it because, as I stated once before upon the floor of the Senate, in my opinion it was unconstitutional, unsound, uneconomic, and contrary to my belief of party principle. So my opposition to the McNary bill was based upon very good grounds.

When the Senator from New Hampshire [Mr. MOSES] a moment ago rose and said that some paper in glaring headlines this morning said that "so many Republican Senators had voted for farm relief and so few Democratic Senators had voted for it," the Senator was but exercising the ingenuity of his talents rather than heralding what he believed to be facts. The real proposal, the one that would really have carried relief to the farmers of the country, was made by the distinguished leader on this side of the aisle, the senior Senator from Arkansas [Mr. ROBINSON], and in the vote on that proposition may I say in answer to the Senator from New Hampshire——

Mr. MOSES. Mr. President——

Mr. HARRISON. In one moment I will yield.

Mr. MOSES. The Senator is attributing to me language in the headlines of a newspaper. I quoted no newspaper. I gave only the result of my own research, and the Senator would do well to follow his own research instead of occupying so much time with the newspapers.

Mr. HARRISON. The Senator was one of those who voted against farm relief.

Mr. MOSES. I voted against the measure as presented for the same reason that the Senator from Mississippi did, as he just told us, because it was uneconomic, unsound, and against my party principle. [Laughter.]

Mr. HARRISON. Then we were agreed one time. The fact that the Senator from New Hampshire voted as I did was the one incident that made me doubt the correctness of my own position. On the real proposal that was offered, that of organizing a grain export corporation to take care of the surplus agricultural crops, the amendment offered by the Senator from Arkansas, there were 25 Democrats and 14 Republicans who voted for it, and against that proposal which, if it had received a few more votes, would have carried, there were 35 Republicans and only 10 Democrats. But that is no argument for or against the proposition.

Mr. MOSES. Oh, no, Mr. President!

Mr. HARRISON. I am simply offering it in answer to the suggestion proposed by the Senator.

Mr. MOSES. I understand the Senator resorts to a mathematical argument which in the last analysis has nothing to do with the question. In other words, most of the Democrats voted for the proposal advanced by the Democratic leader. That is all it comes to.

Mr. HARRISON. We were for it because it carried out the pledges of the Democratic Party as embodied in its last platform, and because it was constitutional, economically sound, and calculated to be of immeasurable benefit to agriculture.

Mr. MOSES. What?

Mr. HARRISON. It was constitutional.

Mr. MOSES. What was sound?

Mr. HARRISON. I decline to yield further to the Senator. But, Mr. President, the Senator from Indiana says that if his motion fails the tariff question might be discussed. It is embodied in the other amendment offered by the Senator from Arkansas [Mr. ROBINSON]. It ought to be discussed. There is no reason why the bill would take four or five days longer in that event.

The Senator knows that we can have little discussion here. We have already entered into a unanimous-consent agreement that on no amendment can any Senator speak longer than 15 minutes nor longer than 30 minutes on the bill.

Mr. WATSON. Mr. President, will my friend yield?

Mr. HARRISON. Certainly.

Mr. WATSON. What advantage would there be to discuss it? We could pass nothing. Does the Senator really believe——

Mr. HARRISON. If the Senator would vote like a great many of his party colleagues believe, and have expressed themselves, he would vote for the tariff amendment.

Mr. WATSON. Does the Senator really believe we could revise the tariff and have a revised tariff bill as an addition to the farm relief bill?

Mr. HARRISON. Of course we could, if we could obtain sufficient votes.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. HARRISON. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. We could instruct the Tariff Commission, which is the purpose of my amendment.

Mr. WATSON. To do what?

Mr. HARRISON. I will read it to the Senator.

Mr. WATSON. I am familiar with the amendment. Does the Senator think we can instruct the Tariff Commission to present an entire new schedule of tariff rates?

Mr. ROBINSON of Arkansas. To make investigation and report to the Senate which looks toward a reduction of the tariff. But the amendment itself does not reduce the tariff. It merely requires the Tariff Commission to make an investigation and report to the Senate, the purpose being to form the basis of legislation which the next Congress, being Democratic, will enact. [Laughter.]

Mr. HARRISON. Mr. President, the distinguished Senator from Idaho [Mr. GOODING], who has taken a very prominent part in this discussion, only yesterday employed this language:

> There are four great agricultural products which can not be protected by a tariff, because we produce a surplus, and we must sell that upon the world market, which means the world's market price in America.

He has gone so far as to say that if we can not pass the Haugen bill they are going to make an attempt "to tear down the tariff walls to throw the present protection on the industries of the East into the sea." That is no new proposition. I have here an agricultural periodical published by Mr. Wallace, a son of the distinguished ex-Secretary of Agriculture of the Harding administration. In a leading editorial, entitled "Protection for all, or none," he employs this language:

> If the administration still persists in defeating this legislation it seems probable that the farmers will be forced to join with the Democrats in a thorough campaign to demolish tariff walls.

Anyone reading the very eloquent speech of the distinguished Senator from Iowa [Mr. CUMMINS] must glean the idea that unless we equalize the tariff in this country the reformers of the West will stand for a reduction of the tariff on the protected manufactured interests of the East, and that is what ought to be done.

I voted against the bill, and one reason why was that it tried to commit me to a permanent policy of a protective tariff, something that I am against.

No matter how eloquently some few of my colleagues on this side of the Chamber may present the matter, they could not lead me into that pitfall. What right has a Republican to ask a Democrat who really has convictions upon the tariff to surrender all that he has ever stood for respecting that subject and vote for a measure that spreads the iniquity and perpetuates it in power? So, rather than follow that road, I chose to favor the very splendid amendment offered by the leader on this side [Mr. ROBINSON of Arkansas] to take care of the surplus in agricultural products. He has offered another amendment which provides for instructing the Tariff Commission to study the tariff rates upon a competitive basis and report to Congress just as quickly as possible, so that we can give additional relief to the farmers of the country. Those two amendments, drawn with care, represents at least a large part of the minority of this body. He mentioned in the amendment, among others, "steel ingots, which now bear a high and exorbitant tariff; sheets of iron or steel; table, kitchen, and household knives; pruning and sheep shears; scissors; pocketknives; hinges; padlocks; tinware; table, kitchen, and household utensils of aluminum, on which the Republican Party raised the tariff the last time without reason or excuse; textile machinery; jute bags—and there is where you could really help the cotton farmer instead of merely offering him a sop in order to get the southern vote—cotton cloths; cotton blankets; cheaper woolen blankets; cotton suspenders; woolen suspenders; cotton gloves; men's cotton shirts; cotton-lace window curtains; cotton towels and sheets; knit fabrics and knit goods of rayon; woolens; wool socks; wool cloth (knit and not knit); table and kitchen articles of glassware; brick; asphaltum and bitumen; mechanic's tools not specially enumerated; sulphate of ammonia; paints, pigments, and varnishes; collar and cuff buttons; toothbrushes and paintbrushes; cheaper and coarser raw wools; glass table and kitchen utensils, pressed and unpolished; limestone; magnesite; saddlery and harness hardware; fountain pens; lawn mowers; broom handles; indigo; wood fence posts; hoop or band iron for baling cotton.

And many other articles which are enumerated in the amendment, articles upon which a reduction of tariff duties would give some real relief to the farmers of the country. So the special representatives of farm organizations which have the distinguished Senator from Oregon [Mr. MCNARY] and the distinguished Senator from Indiana [Mr. WATSON] now doing their bidding and generously issuing statements to the press that they will go to the country on this one relief measure, let me say that there are some Democrats who will go to the farmers and show the fallacy of a protective duty on corn, of which we do not import as much as is raised in one county in Illinois. They will also show the fallacy of a duty on wheat. When a tariff was put on wheat it went down; when the President lifted the tariff still higher upon wheat, its price still went down. We will show to the farmers of the country how the leading expert in this body on the cattle industry and who

himself is at the head of a great cattle business sought to have that industry eliminated from the bill. We will show to the farmers of the country the iniquities of the protective tariff system, and that their relief must be sought by reducing the rates upon the protected industries and giving to them a market in the world. So in connection with this bill the amendment offered by the Senator from Arkansas should be considered. There should be more time to consider it than under the limitation of the rule which has been agreed to; but it can be considered; there can be an expression given here by Senators as to whether or not they want to give some relief to the farmers along that line.

I am opposed to the motion which has been made by the Senator from Indiana who wants to take up the veterans' relief bill. Every one knows that already we have entered into a unanimous-consent agreement to take up the veteran relief bill immediately upon the disposal of the pending measure. It is bound to come up. No one would vote for adjournment without the consideration of that bill. When the pending measure came up for consideration a few days ago I listened to the Senator from Oregon and the Senator from Indiana in their expressions to the Senator from Wisconsin and the Senator from Ohio to the effect that if they were allowed to have a vote first upon the committee substitute those Senators could then have a vote upon their substitutes. The only objection which was raised to that procedure was by the Senator from Arkansas, who said he wanted his amendment first considered. That amendment has been considered. Many of us on this side of the Chamber voted for it. While I am not for either of the other amendments, it is but fair play, it is but right to give Senators on the other side of the aisle or on this side of the aisle the opportunity to express by their votes whether or not they are for those substitutes. So, Mr. President, I am opposed to the motion which has been made by the Senator from Indiana.

Mr. WATSON. Mr. President——

Mr. HARRISON. I yield to the Senator from Indiana.

Mr. REED of Missouri rose.

Mr. WATSON. I wish to say before the Senator from Missouri begins that the Senator from Mississippi is not authorized to use my name in connection with any kind of an agreement to get a vote on either one of the amendments to which he has referred.

Mr. HARRISON. I withdraw that; but the impression over here was that if the committee substitute were first voted on, and it should be defeated, we should then vote upon the amendments offered by the Senator from Wisconsin and the Senator from Ohio. Indeed, the Senator from Wisconsin, in speaking upon the amendment offered by the Senator from Arkansas, said that he would vote against it, because he had given the impression, I think, to the Senator from Oregon that that Senator could have a separate vote first upon his substitute amendment.

Mr. LENROOT. Mr. President——

Mr. HARRISON. I yield to the Senator from Wisconsin.

Mr. LENROOT. I said I would vote against all substitutes, because I thought that the friends of the McNary amendment were entitled to vote upon it. It was not through any understanding, however, but was merely my own view of what was fair.

Mr. McNARY. That is correct.

Mr. REED of Missouri. Mr. President, George Rothwell Brown, who writes some very bright paragraphs for the Washington Post, a few days ago referred to the pending bill as a "bill for the relief of distressed politicians." The agonizing of this afternoon demonstrates pretty clearly that Mr. Brown was not far from the truth.

We have witnessed the performance of that troupe of celebrated actors who rush to the center of the stage each time the word "farmer" is mentioned. Loudly each proclaims himself the farmer's sole guardian and friend. Self-constituted and self-appointed, they demand that all the world shall look upon them as the annointed saviors of the agricultural class, and whosoever dares to differ from them is at once denounced as an enemy of the farmer, if, indeed, he be not a villain bent upon the destruction of civilization; and recently the charge has been embellished by a polite intimation that all opponents are drunk if not disorderly. I believe that every Member of the Senate is just as honestly desirous of seeing the farmers prosper as any of the gentlemen who declares himself the only "Horatius at the bridge" and "the only patriot in the land."

Mr. President, we differ regarding policies of government and economic principles, but we are not therefore unmitigated scoundrels.

Our Republican brethren have for years proclaimed the doctrine that the only way to make the farmer rich is to levy a tariff tax which will first make the manufacturer rich and by enriching him in some mysterious way, not as yet made plain, enrich everybody else. They have declared consistently that the purpose of the tariff is to shut out foreign competition, thereby raising the price of the American product and increasing the profits of the manufacturers. This policy, they said, was for the protection of infant industries and should be protected only long enough to enable the infants to stand alone, when we were told they could and would produce cheaper than even the foreign manufacturer and that thereupon the blessings of cheap production would inure to the benefit of all the people.

That policy was fastened upon the country. Prices were advanced, the people paid the freight, the infant soon became so powerful that it has never been dislodged; the infant is to-day a giant, no longer asking alms but demanding, as of right, Government largess. We no longer hear the cry, "Protect our infant industries." The manufacturers now boldly declare that they are entitled to have a tariff wall permanently erected for the purpose of maintaining high price levels and preventing all competition from abroad. So, instead of the benefit of cheaper goods coming from American production and competition, we have high prices for goods fastened upon us apparently forever or so long as the advocates of the protective theory remain in power.

And now comes the farmer, who has at last thoroughly aroused himself to the fact that his price levels are fixed by European prices and that from that condition there is apparently no escape. Accordingly it was proposed to him that his price level be raised to the price level created by the law that had been passed for the benefit of manufacturers. To accomplish that result various devices have been brought forward. At first it was proposed that a tariff should be levied upon corn and wheat and other agricultural products. Those of us who did not believe in these theories said that would give the farmer no benefit, because he was an exporter instead of an importer; but the laws were passed, and substantially the same men who have been urging this particular legislation were then insisting upon a tariff being levied upon farm products.

Their distinguished leader at that time, Mr. McCumber, made the startling statement upon this floor that a tariff of 25 or 30 cents levied upon Canadian wheat would raise the price of American wheat to its former lines which was about $1.25 per bushel higher than then existing price. According to his theory a tax of 25 cents on wheat shipped into this country would raise the price a dollar and a quarter. Of course, he failed to foresee that if the price were raised $1.25, about 100,000,000 bushels of wheat would be shipped into the United States the next day, the tariff would be paid, and the shipper would make an enormous profit.

The result was, of course, disappointing. The price of wheat went down. That scheme has absolutely gone on the rocks. And now, sir, what is proposed?

One proposition is to create a body of men who will buy up the export wheat, thereby raising the price of the wheat intended for domestic consumption. If that were done, and if the price were actually raised so that wheat raising became very profitable, the next year we would have a surplus much larger than we have this year. The next year the surplus would be still larger. In the end a surplus would be created so great as to break down the system. Such a result would work irreparable injury to the entire agricultural class.

Again, it is proposed to take from the Public Treasury a certain large sum of money and employ it to sustain prices; such a devise could at best afford only temporary relief; it probably would result in the planting of greater crops next year. It would only give us an increased evil next year. For such a catastrophy no remedy is proposed.

Here is the trouble with the entire situation. We years ago embarked upon the false economic theory that we could benefit the country by enacting a law artificially increasing the profits of the manufacturer. In a word, we have by a law excluding imports, plus the combinations of the American manufacturers back of that law, raised the price to all Americans, including the farmers, upon all manufactured products. To extricate ourselves from that dilemma we now propose to match the evil of the tariff law by another evil, one that is equally uneconomic and equally unjust. The remedy is as bad as the disease.

Let us diagnose the disease and get at its origin. The origin of the trouble is that we have by law created an artificially high market where the farmer must go to buy. That artificial market is higher than the market in which the farmer is obliged to sell. You had no right to artificially raise prices in the first instance. You said it was temporary, but you have made it permanent. The right way to relieve against the difficulty is to strike down the law that interfered with natural economic

law and thereby compel the farmer to pay high prices for all he must purchase.

Mr. President, I have offered an amendment to this bill, which may go out on a point of order. I was satisfied that if the McNary-Haugen amendment were adopted we would be dealing with revenues, and if the McNary-Haugen amendment could stand my amendment could stand. I have proposed as an amendment to reenact the Underwood tariff law. My amendment will not disturb the so-called farmers' tariff on wheat and corn. I let it stand, although I regard it as useless. I thus propose to begin reducing the burden upon the farmer by repealing the law which puts a burden upon him by increasing the price of everything he buys. In the end we must adopt that remedy if the farmer is to be given permanent relief.

Democrats, what has suddenly transformed some of you into high protectionists and induced you to suddenly embrace the evils you have for years denounced? When did we adopt the fallacy that the evil of tariff laws can be remedied by more tariff laws?

The trouble is with the laws that have been forced upon this country. Let us go back to the source of the trouble and strike down those laws and let the farmers of this country understand that there is something we can do. We can repeal the iniquitous tariff law which has created an artificial burden upon and fastened upon the farmers of this country. In my opinion, the farmers are beginning to understand and will insist upon an immediate and radical reduction in tariff taxes.

My amendment and that of the Senator from Arkansas are bound to fail in this body. How long will it be until we learn that the tariff is a tax, until we learn that somebody pays that tax, until we come to understand that the farmer has to pay his share of that tax, and that he must sell the surplus of his products in Europe upon an entirely different price level? Manifestly the thing to do is to reduce the tariff and give the farmer a fairer market in which to buy.

As I have indicated, I do not know whether the amendment I have introduced can be considered, since the McNary-Haugen amendment was defeated; but if that amendment had been sustained, as it dealt with revenues, we could have gone on and dealt with the entire subject. If this bill goes forward, however, I shall offer that amendment, but, Mr. President, what is the use? What is the use of staying here and discussing this question forever? I know that my amendment will not be accepted by this Congress. I offer it merely that I may express my views and give my colleagues who agreed with me an opportunity to express theirs. I know that if we pass any measure here under present conditions it will be a measure that will afford no substantial relief, and we might just as well abandon the proposition and go to something else.

As for these appeals to the country and the threats that have been held out, I have this to say:

It is my opinion that if the farmers of this country understand that it was proposed to take a toll from every bushel of wheat or corn, to take it from the farmers and put that toll into a fund to be used by some board or bureau, they never would have sanctioned that kind of proposition. I do not believe that the farmers of the country have reached the point where they want us to go into the Public Treasury and try to make up their losses; but if they did, and we made up their losses, we would only have greater losses to make up next year and the years following.

We must reach a solution of these problems which allows to the farmer an open market and a fair market, not only to sell in but to buy in, sir, and those of you who have been advocating a policy that was calculated to enrich the great manufacturers of the East will have ultimately, in my opinion, to abandon that policy, or you will have the farmer and many other classes of people constantly clamoring for a relief which you refuse to give.

So far as the Republican Party is concerned, it does not lie in their mouths to say that any proposition that has been made here is uneconomic. If you have the right to levy a tax to increase the profits of a manufacturer of Rhode Island or of Massachusetts, to raise artificially the price to the American people, you have the right to go into the Treasury of the United States and take every dollar out of it and distribute it broadcast everywhere and to everybody. Your excuse then was that you were going to do it just for a few days or a few years, as you now excuse these uneconomic and unsound propositions on the ground that they are temporary. The tariff evil, however, fastened itself upon our Government. Like a cancer it spread its roots to every part of the body politic, until it seems that cancer never can be eradicated until the great West and the South stand together in a demand for tariff revision. I am not in favor of postponing that issue so that we will get past the next campaign with the false pretense that we have done something that in our hearts we know will not work.

So I am in favor of going to some other business. The people of the country know where we stand; and if they do not know we will have to go back and tell.

Mr. LENROOT. Mr. President, I am inclined to agree with the views that have been expressed that with the present condition in the Senate there is no hope for any relief other than possibly the bill passed by the House. It is apparent that our friends on the other side of the aisle propose to go to the country, and particularly to the farmers, with the plea that the only way for them to obtain relief is to strike down the protective-tariff system in America.

Mr. President, I voted against the McCumber-Fordney law because I believed that many of its duties were excessive. I believe so still. But, Mr. President, it is one thing to have a tariff law that will protect undue and excessive profits and it is quite another thing to have a tariff law that will protect American labor, enabling labor in the United States to live according to American standards. The proposition of our Democratic friends is to strike down that very thing, making wages in America the same as they are in Europe to-day, because in no other way can the cost of manufactured articles in the United States be brought down to a world price upon those articles.

It is true that the farmer has to pay an increased price for everything that he buys because of the protective-tariff system, though not because of a tariff upon the things he buys, because nearly everything the farmer buys to-day is upon the free list. It is true, however, that the protective-tariff system has created a higher standard of wages, not only for the protected industries but it has become general, and for that reason the cost of those commodities is higher.

Mr. President, last year John L. Lewis, president of the United Mine Workers, wrote a book entitled "The Miner's Fight for American Standards," and in that book he showed that the purchasing power of a day's wage in the State of Pennsylvania was twice as high as that of a laborer in the same occupation in London, more than three times as high as that of a laborer in the same occupation in Germany, and nearly five times as high as that of a laborer in the same occupation in Austria.

Mr. FESS. Mr. President, will the Senator yield?

Mr. LENROOT. I yield.

Mr. FESS. I have figures here which show that the reductions in the prices from 1921 to 1926 are greater on protected articles than on articles on the free list. I hope the Senator gets what I mean.

Mr. LENROOT. Yes; I do.

Mr. FESS. The decline on clothing from 1921 to the spring of 1926 was 30 per cent; on household furnishings, 24.4 per cent; on sugar, 18 per cent. In other words, the decline in the prices of articles which are now protected is a greater percentage than of articles on the free list.

Mr. REED of Missouri. Mr. President, I do not want to interrupt the Senator from Wisconsin, but will he permit me to ask the Senator from Ohio if he claims that the decline in the price of sugar is due to the tariff? Does he not know that sugar has declined all over the world, and that its first big decline was down on the plantations of Cuba?

Mr. FESS. All I wanted to state was that the prices of articles that are now protected have declined a larger percentage than have the prices of articles on the free list, which certainly is a refutation of the statement of the Senator from Missouri.

Mr. ROBINSON of Arkansas. Mr. President, if the tariff makes a commodity cheap, why does the manufacturer insist on a high tariff?

Mr. LENROOT. This colloquy is getting quite aside from the point I was trying to make.

Mr. FESS. I wish the Senator from Wisconsin would answer the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Why does not the Senator from Ohio do so? I asked him the question.

Mr. LENROOT. I yield to the Senator from Ohio for that purpose.

Mr. FESS. The prices of articles produced in the United States are reduced through the competition of the producers, and if you protect an article to the point where it can be produced in the United States instead of in competition with Europe, then prices here will come down in cases lower even than the tariff on them. That is the history of the tariff in this country.

Mr. ROBINSON of Arkansas. The object of the protective tariff is to raise prices.

Mr. FESS. The object of the protective tariff is to protect the scale of wages in America, so that capital can fully invest in the employment of labor at a scale of wages to maintain the American standard of living, which is far above that of Europe. That is the purpose of the protective tariff.

Mr. LENROOT. Mr. President, it must be plain to everybody that if a commodity can be manufactured abroad and brought to this country at a lower cost than that for which it can be manufactured here, it will not be manufactured here, but will be manufactured abroad. That is a simple statement which I think every Senator will agree with.

I stood upon this floor and fought excessive tariff duties with my Democratic friends. So long as I am here I will stand against any duty that affords excessive or undue profits. But now it is proposed to strike down the system itself, which means that there is a desire to strike down all protection in this country by way of tariff duties.

Mr. WALSH. Mr. President, can the Senator refer to any Democratic tariff that did that?

Mr. LENROOT. No; I can not; because when you come down to practice, you do not practice what you preach.

Mr. WALSH. So that there is no fear of destruction of American industry through a Democratic tariff?

Mr. LENROOT. I do not know. You have never before had a situation where you are saying to the farmer that he has to sell at the world price, and "If you join us we will wipe out the tariff wall and enable you to buy at the world price." That is your proposition now.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LENROOT. I yield.

Mr. ROBINSON of Arkansas. With a view to cooperating with the Senators who, like the Senator from Wisconsin, do not believe in excessively high prohibitive tariffs, I framed this amendment, so as to provide that the rates suggested by the Tariff Commission should be designed to equalize the conditions of competition in the principal markets of the United States between domestic producers and foreign producers of the principal competing countries. I recognize the fact that no action could be secured whatever on such an amendment in the Congress as it is now constituted, unless those who believe in moderate protection should support the proposal. The amendment which I have suggested contemplates a reduction to a competitive basis.

Mr. LENROOT. Then the Senator does not agree with those of his colleagues who say that the farmer, being compelled to sell at the world price, should be permitted to buy at the world price.

Mr. ROBINSON of Arkansas. I do believe that one of the great difficulties under which the farmer is suffering is that he pays excessively high prices for many commodities which he consumes, and in some instances the tariff on those duties is as high as 200 per cent, commodities of common use by the consumers of the Nation, including the farmers. I feel—and I believe that the Senator from Wisconsin will agree with me—that it would result in a substantial relief if we should reduce the tariff on those commodities, in the hope that the reduction might be reflected, in part, at least, in the prices of the articles.

Mr. LENROOT. I will say to the Senator from Arkansas that I will favor in the future, as I have in the past, any reduction in the tariff that will leave the tariff sufficiently high to enable the American manufacturer to compete on a fair basis with manufacturers abroad.

Mr. ROBINSON of Arkansas. That is my proposal in this amendment.

Mr. LENROOT. But then we have gotten away entirely from the proposition that the Democrats are going to afford relief for the farmer, because the proposal of my friend from Arkansas now is on the basis of the real Republican theory of a protective tariff.

Mr. ROBINSON of Arkansas. Oh, no, Mr. President.

Mr. LENROOT. Oh, yes.

Mr. ROBINSON of Arkansas. I believe in the theory of a tariff for revenue, but I recognize the fact, as I said before, that as the Congress is now constituted a revenue tariff could not be adopted. But I would like to see substantial reductions made, because some of the rates on commodities are prohibitive.

Mr. LENROOT. I agree with the Senator.

Mr. ROBINSON of Arkansas. Some of them are so excessive that they enable the American producer of them to charge what I believe to be unreasonable prices for his products. I would like to do a practical thing, and reduce those tariffs. That is the proposal which I am making.

Mr. LENROOT. May I ask the Senator one other question? It has been prophesied here several times that the next Congress would be a Democratic one. The Senator says that in view of the way the present Congress is constituted he stands really upon the Republican theory. But where will my friend stand if there is a Democratic Congress as a result of the next election?

Mr. ROBINSON of Arkansas. I would advocate a tariff for revenue.

Mr. LENROOT. I thought so. That would mean the throwing out of employment of anywhere from 2,000,000 to 5,000,000 American workmen, and they would have no purchasing power. I would like to ask how that is going to help the farmer of the United States.

Mr. ROBINSON of Arkansas. Oh, Mr. President, no such things happened when the Underwood Tariff Act was in force. The country enjoyed a degree of prosperity almost unexampled in the history of the Nation. I know that some Senators are in the habit of justifying excessive and prohibitive tariff rates in the name of the American laborer and in the name of the American farmer. But the day is not far distant, I believe, when the farmer and the laborer will realize that they have been hoodwinked and that their real interest is to secure a reasonable tariff, which will permit competition in the markets of the United States.

Mr. LENROOT. But that is not a tariff for revenue only. That is a Republican tariff again that the Senator speaks of.

Mr. ROBINSON of Arkansas. I would be mighty happy to see such a tariff substituted for the tariff known as the Fordney-McCumber Tariff Act.

Mr. LENROOT. Then I take it, we are in this position, that if the Republicans do retain control of the next Congress we can look for the assistance of the leader upon the other side in making a real competitive tariff, without excessive profits.

Mr. ROBINSON of Arkansas. No——

Mr. LENROOT. Let me finish; but if the country should be so unfortunate as to have a Democratic Congress, then my friend would stand for a tariff for revenue only.

Mr. ROBINSON of Arkansas. Will the Senator yield?

Mr. LENROOT. I yield.

Mr. ROBINSON of Arkansas. If such a calamity, which can not reasonably be anticipated, in view of the record which this Congress has made, should occur, and a Republican Congress be returned to power, the Senator from Arkansas would hope for the cooperation of the Senator from Wisconsin in relieving the consumers of the Nation from the admittedly unjust and unreasonable burdens which the present law imposes upon them. I say admittedly, from the standpoint of the Senator from Wisconsin, because the last tariff bill was so bad that he as a Republican, could not even hold his breath and support it. He voted against it.

Mr. LENROOT. I did. I think it is plain, Mr. President, that the farmer may look for the assistance of our friends upon the other side of the aisle, unless there should be a Democratic Congress; but, if they should have the power to do so, they say they will stand for a tariff for revenue only, which means just one thing in effect, and that is a reduction of wages to every laboring man in the United States, thereby reducing his power to purchase farm products in the United States.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. LENROOT. I yield.

Mr. REED of Missouri. Does not the Senator concede that it might mean a reduction of dividends and profits and that it might mean that the American manufacturer might begin to sell his goods in America for the same prices at which he is now dumping them in Europe by the tens of millions of dollars worth?

Mr. LENROOT. So far as a tariff produces excessive profits, I have not only said but the RECORD will disclose that I have voted against duties which would afford excessive profits. But if a manufacturer in the United States can not make a given commodity as cheaply as it can be made in Europe, to say nothing about profits at all, what is going to happen to American laboring men?

Mr. REED of Missouri. Whenever the manufacturer can sell a large percentage of his products abroad, that is conclusive evidence of one of two things—either he can compete or he is robbing the people at home and giving the benefit of his protected industry to foreigners.

Mr. LENROOT. If he is able to do that, it is evidence only of an abuse of the protective-tariff system and not a proper use of it.

Mr. REED of Missouri. But that abuse exists.

Mr. LENROOT. Now I want to say one word with reference to this agricultural situation—and I am sorry the Senator from Indiana is not in the Chamber. If the Senator from Indiana correctly reflects the views of his associates, we are confronted with this situation: There is no relief that can be granted to the farmer of the United States, unless we can impose an equalization fee upon him; and if we have no power to do that under the Constitution of the United States, then the position of the Senator from Indiana is that there is no solution of the agricultural problem and that there is nothing that Congress can do for his benefit. That is inevitable.

Mr. NORBECK. Mr. President, there seem to be a great many things that Congress can do to them, but they are constitutional.

Mr. LENROOT. Mr. President, I do not agree with that contention, but that is the logic of the Senator from Indiana. Unless we can levy an equalization fee, there is nothing that can be done for them, he said. They are opposed to a subsidy; they do not want anything out of the Treasury, even though his associates have day after day stated that it is due to the action of the Government in the way of immigration and protective tariff laws that the farmer is in the position in which he finds himself to-day. If that be true, then the Government owes the farmer something, does it not? But the Senator from Indiana said, "No; that will not do; there can not be anything done for him, unless we impose an equalization fee upon him."

Mr. WATSON. To which the Senator from Wisconsin is opposed.

Mr. LENROOT. Conceding to the Senator from Indiana the same sincerity that I claim for myself——

Mr. WATSON. We all do that.

Mr. LENROOT. I have no more doubt of the unconstitutionality of the proposition than that I stand here.

Mr. WATSON. But they have asked for nothing from the Government except a loan and to set up the machinery. That is all.

Mr. LENROOT. They have asked for something, but Congress should do nothing except what some farm leaders ask for. In other words, we ought not to use our own judgment at all. Even though we could find some practical means of relief, we ought not to exercise it, because these farm leaders in the gallery have not asked for it. I undertake to say that there is not one farmer in a thousand in America, aye, not 1 farmer in 10,000 in America raising hogs who knows at this moment that the amendment which was voted down yesterday authorized an assessment upon him, proposed to take a sum of money out of his pocket and put it into the treasury of the beef packers for the purpose of paying the profits of the beef packers; that he does not know, not 1 in 10,000, that the bill authorized a contract with the miller compelling the wheat grower to pay the losses and the profits of the miller in granting the farmers relief.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. LENROOT. Certainly.

Mr. WATSON. Of course, I do not know how much of advertising there may have been of this scheme among the farmers of Wisconsin or any other State except my own. About my own State I do know. I know how many farmers belong to the different organizations that have to do with farming. I know about how many speeches were made. I know about how many farm papers are published, and I know about the number of subscribers. I know about how much the matter has been discussed generally and how frequently they have met. If the farmers are acquainted with any proposition that has been submitted to Congress in years, they are acquainted with this proposition. They were not only acquainted with it and entirely familiar with it, but decidedly in favor of it. Not only that, I will say to my friend, but they also passed resolutions all over Indiana in their various organizations stating that they were familiar with the situation in regard to cotton, that they knew it was entirely different from that relating to wheat, and that they were willing that the equalization fee on cotton should be deferred.

Mr. LENROOT. So the Senator from Indiana says that the farmers of the West did not ask for a subsidy and did not care for a subsidy, but they did ask, then, the Senator from Indiana to vote for a subsidy for the cotton grower of the South.

Mr. WATSON. No, not at all; and the proposition as they understood it, was not a subsidy directly voted to the cotton growers of the South.

Mr. LENROOT. If there are any losses, they are to come out of the Treasury.

Mr. WATSON. When the question was originally presented to the House of Representatives that was no part of it. It was afterwards injected by Members of Congress, and then the question came as to whether or not the whole bill should fail or have that new feature injected, and they said they would take the new feature rather than have it all fail.

Mr. LENROOT. So we are to understand that the farmers of the Northwest——

Mr. WATSON. I do not know about them.

Mr. LENROOT. The farmers of Indiana were opposed to any subsidy for themselves, but were willing to grant a subsidy to the cotton planters?

Mr. WATSON. I do not call that a subsidy. As formulated finally in the bill, I do not claim it was a subsidy.

Mr. LENROOT. They could purchase anything and sell it at a loss, could they not?

Mr. WATSON. But here is the point about it. There would have been no loss, in my judgment, and even the Secretary of Agriculture, in his testimony before the House committee, explicitly said that there would be no loss in the handling of cotton under these conditions.

Mr. LENROOT. Then why does the Senator call the substitute a subsidy?

Mr. WATSON. Because it provides for $150,000,000 to be voted right straight out of the Treasury with no hope of ever getting a dollar of it back.

Mr. LENROOT. Why not?

Mr. WATSON. How are we going to get it back?

Mr. LENROOT. Could not they have done the same thing with reference to cotton that the amendment proposed?

Mr. WATSON. But the equalization fee was to be levied.

Mr. LENROOT. No; there is no equalization fee on cotton.

Mr. WATSON. There was to be.

Mr. LENROOT. Not until Congress authorized it.

Mr. WATSON. Precisely, but there was an evidence of good faith that it would be imposed.

Mr. LENROOT. Oh, no; there was no such statement.

Mr. President, I am not going to take any further time of the Senate.

Mr. MAYFIELD. Mr. President, on yesterday I voted for the McNary amendment to the measure pending before the Senate, but I did not vote for it with the idea that the measure was the only method by which we could give relief to the farmers and stock raisers of the Nation. There are many ways by which we can give the relief that is desired. In my opinion we can give substantial relief to agriculture by adopting the amendment which has been offered to the bill by the Senator from Arkansas [Mr. ROBINSON], which calls for a reduction in the tariff. I have not the slightest doubt but that we can give real relief to the agricultural and stock-raising interests of the Nation by adopting the amendment which I have offered to the bill. My amendment provides for the repeal of section 15a of the transportation act of 1920.

The Senator from Indiana [Mr. WATSON] a few moments ago said that he had consulted with all the farm organizations which have representatives here in the city of Washington, and that none of these organizations favor any amendment which has been offered to the measure. In reply to that statement I wish to say that nearly every farm organization in the United States has spoken upon the Esch-Cummins law of 1920, and they have declared unequivocally in favor of a repeal of section 5a of that law.

During the Sixty-eighth Congress we passed what is known as the Hoch-Smith resolution, which requested, if it did not demand, the Interstate Commerce Commission to revise the rate structure of the country in order that the agricultural and stock-raising interests might have relief. What has the commission done? It has conducted hearings for many months, but no action has been taken. Section 15a of the transportation act absolutely freezes the rate tariffs which are now in existence, and we can not have any substantial reduction of freight rates on products of the farm and ranch until that section of the law has been repealed.

The Senator from Maryland [Mr. BRUCE] a few moments ago offered an amendment to the measure before the Senate providing for an investigation of the agricultural situation for the purpose of determining what relief should be given to this great basic industry. I desire to call attention again to the fact that in 1924 President Coolidge appointed an agricultural committee to investigate the condition of agriculture and stock raising in this country. Hon. Robert D. Carey, ex-governor of Wyoming, was chairman of that committee. Hon. W. M. Jardine, the present Secretary of Agriculture, was also a member of that committee. That committee, Mr. President, investigated fully and completely the condition of agriculture and published its report in the early part of last year. What did the President's committee say? Here is what it said, and oh, how I

wish that Republican Senators would listen to the report! I know there are some Senators on that side of the Chamber who do not like to hear section 15a mentioned, but I want to read to them what President Coolidge's committee said on that subject. Here is what it said:

> By reason of the horizontal changes in freight rates during recent years and of greater depression of prices of agricultural products than of those of other products during the same period, the raw products of agriculture are now bearing a relatively excessive cost for transportation. A special burden is laid upon the cattle industry by this situation. A serious emergency exists not only in freight rates but also in the lack of provision of interline rates and in routing arrangements. The conference wishes to emphasize at this time its conviction that while adequate service is essential, the welfare of agriculture also demands an early and thorough revision of the freight-rate structure to relieve the raw products of agriculture and livestock from their disproportionate share of transportation costs.

That is the recommendation of President Coolidge's agricultural committee. There can be no relief and the "special burden" from agriculture and the stock-raising industry of the country can not be relieved until section 15a of the Esch-Cummins law has been repealed.

Let me call the attention of the Senate to this further fact. Section 15a provides that when any system of railroads earns more than 6 per cent per annum, one-half of the excess profits shall go to the Government. The Congress has therefore enacted legislation which places the railroads upon a cost-plus operation basis and we are taxing the farmer, the stock raiser, the consumer, and the people generally in order to enable the railroads of the country to operate on a cost-plus basis.

We might as well look at this thing in a common-sense way. Whenever a railroad approaches the danger zone of 6 per cent what does it do? No railroad in this country is going to pay any excess profits to the Government if it can keep from doing it. So when it approaches the danger zone of 6 per cent and being compelled to pay one-half of its profits above 6 per cent to the Government, what does that railroad do? It begins to inaugurate a system of extravagance. It begins to devise every method possible to increase its maintenance, its renewals, and its repairs and therefore brings about a system of extravagance that increases its accounts and thereby lessens its earnings.

Let me briefly illustrate. The western district, for instance, embraces all that territory west of the Mississippi River extending to the Pacific Ocean. In 1911, 1912, and 1913 all of the railroads in the western district expended on an average $150,870,457 for maintenance of way and structures.

What did they do in 1923 under the operation of section 15 (a) of the transportation act? Class 1 railroads alone in that district spent for maintenance of way and structures $322,297,240 per annum, which was an increase of 113 per cent over what all of the railroads in that district spent for maintenance of way and structures during the three years I have mentioned.

Let me give another illustration. In the western district for the years 1911, 1912, and 1913 all of the railroads spent on an average for equipment the sum of $161,827,232 per annum. What did they do in 1923 under the operation of section 15 (a) of the transportation act? Class 1 railroads alone in the western district spent for that year for equipment the stupendous sum of $494,413,142, which was an increase of 205 per cent over what all of the railroads in that district spent for equipment on an average for the years 1911, 1912, and 1913.

A Senator told me the other day that when the Senate was considering the transportation act of 1920 the Senator from Connecticut [Mr. McLEAN] said: "If you enact section 15 (a) as it is written, the railroads will put gold smokestacks on their engines before they will ever pay any of their excess earnings into the Treasury of the United States." So long Mr. President, as this section of the law remains as it is there can be no reduction in the freight rates in this country. If we want to give the farmers and the stock raisers of the Nation substantial relief—relief that will come to them at once—adopt my amendment to the pending bill.

Mr. President, my amendment is one that is not unconstitutional. It is not revolutionary. It is not socialistic. It is not bolshevistic. What will the Senate do with it? Will the Senate vote the amendment down, and thereby become the guardians and the protectors of the railroads, or will they vote in favor of the amendment and give substantial and immediate relief to the farmers and the stock raisers of the country?

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Ohio?

Mr. MAYFIELD. I yield the floor, Mr. President.

Mr. WILLIS. I desire to ask the Senator a question. I have not had an opportunity to examine his amendment. I wonder what the chief provisions of his amendment are, if he will state them?

Mr. MAYFIELD. My amendment is embraced in just one line. It proposes to insert a new section, to be known as section 7 (a), providing for the repeal of section 15 (a) of the transportation act of 1920.

Mr. WILLIS. Just how does the Senator figure that that would bring the relief which he seeks?

Mr. MAYFIELD. Under the law as it stands to-day, section 15 (a) is not exactly a guaranty, but it gives the railroads the assurance and gives them the right to call upon the Interstate Commerce Commission to make rates that will yield them the standard return. What I wish to see, Mr. President, is that section 15 (a) shall be repealed, so that we can get away from the frozen freight-rate situation and then the Interstate Commerce Commission will be in a position to take up the rate structure of the country and to change it as it sees best, increasing some rates and reducing others. Let us, Mr. President, repeal this section 15 (a) of the transportation act of 1920 and return to the old, yet much-valued principle of railroad regulation, under which the Interstate Commerce Commission made reasonable and nondiscriminatory rates for the entire country. If Senators are really sincere in their desire to give relief—yes; immediate relief—to the farmers and stock raisers of the Nation, they will vote for my amendment. Let them explain to their constituents why they vote against it and yet claim with their lips only that they favor farm relief.

Mr. LA FOLLETTE. Mr. President——

Mr. REED of Pennsylvania. Will the Senator yield?

The PRESIDENT pro tempore. To whom does the Senator from Texas yield?

Mr. MAYFIELD. I yield the floor.

Mr. WILLIS. I have the floor, I understand.

The PRESIDENT pro tempore. The Senator from Texas had the floor and yielded to the Senator from Ohio for a question. The Senator from Texas having yielded the floor, the Senator from Wisconsin is recognized.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Wisconsin yield to me for a moment?

Mr. LA FOLLETTE. It is necessary for the Senate to recess at 5.30 o'clock under the unanimous-consent agreement, and I think it is perfectly obvious that we will not be able to have a vote on the pending motion this afternoon. I am very desirous of presenting a proposed amendment to the rules of the Senate and making a brief statement about it before the recess shall be taken.

Mr. REED of Pennsylvania. Will the Senator yield to me for a question before doing that?

Mr. LA FOLLETTE. If it will not take more than a very brief time, I will be glad to yield.

Mr. REED of Pennsylvania. Mr. President, the disabled American veterans are to-day finishing their convention at Atlanta. They have been told that there was a chance that the veterans' bill would be taken up by the Senate to-day. Is it not possible for the sake of those men for us to get a vote on the motion of the Senator from Indiana?

Mr. LA FOLLETTE. Mr. President, if the Senator will permit me, before addressing the Chair I made inquiry from a number of Senators as to whether or not it would be possible to get a vote on the pending motion this afternoon. I think the Senator knows that I would not stand in the way of a vote on the motion, but I have found that there is no possibility of a vote being taken before 5.30, and therefore I am very anxious before the recess to submit a resolution embodying a proposed amendment to the rules and to make a brief statement concerning it.

Mr. REED of Pennsylvania. I should like to appeal to the Senate to bring this motion to a vote now, so that we may know whether the bill to which I have referred may be taken up.

Mr. LA FOLLETTE. If the Senator desires to submit a request for unanimous consent that we may vote immediately, I will yield for that purpose.

Mr. REED of Pennsylvania. That is what I desire, Mr. President.

The PRESIDENT pro tempore. The question is on agreeing to the motion made by the Senator from Indiana.

Mr. WILLIS. Mr. President, I object.

Mr. FESS. I object.

Mr. CARAWAY. I ask for the yeas and nays.

Mr. WILLIS. Mr. President, the Senator from Ohio has been recognized on that question.

Mr. ASHURST. I ask that the roll may be called.

Mr. WILLIS. Mr. President, this question is debatable.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin yielded for the purpose of a unanimous-consent request to be proposed by the Senator from Pennsylvania as the Chair understood the situation.

Mr. LA FOLLETTE. I did yield for that purpose.

The PRESIDENT pro tempore. But under the circumstances there was no occasion for a unanimous-consent request, because the motion was already pending.

Mr. LA FOLLETTE. As I understood it, the request was for an immediate vote upon the motion without further debate.

The PRESIDENT pro tempore. Very well; the Senator from Wisconsin having yielded for that purpose, the Senator from Pennsylvania now proposes a unanimous-consent request that a vote be taken upon the motion offered by the Senator from Indiana immediately. Is there objection?

Mr. WILLIS. I object.

The PRESIDENT pro tempore. Objection is made; and the Senator from Wisconsin has the floor.

AMENDMENT OF RULES—ELECTION EXPENDITURES

Mr. LA FOLLETTE. Mr. President, the resolution which I send to the desk is a proposed amendment to the rules of the Senate. I do not ask to have it read in view of the brief time which remains before the recess.

The resolution (S. Res. 261) submitted by Mr. LA FOLLETTE, is as follows:

Resolution

Resolved, That the Standing Rules of the Senate are hereby amended by adding at the end thereof the following new rule:

RULE XLI

ADMISSION OF SENATORS

1. No individual shall be entitled to a seat in the Senate unless the following provisions have been complied with by such individual or on his account:

(a) There shall be filed with the Secretary within 30 days after the date of the general or special election for Senator at which the name of such individual was presented, a statement containing—

(1) A correct and itemized account of each contribution received by such individual or by his duly authorized campaign manager or campaign committee, from any source, in aid or support of his candidacy for nomination for Senator, or for the purpose of influencing the result of the primary, together with the name of the person who has made such contribution;

(2) A correct and itemized account of each expenditure made by such individual or by his duly authorized campaign manager or campaign committee, in aid or support of his candidacy for nomination for Senator or for the purpose of influencing the result of the primary, together with the name of the person to whom or on whose account such expenditure was made;

(b) Such statement shall be verified by the oath or affirmation of such individual, and in so far as it relates to contributions received and expenditures made by a duly authorized campaign manager or campaign committee, by the oath or affirmation of such campaign manager or the treasurer of such campaign committee, taken before any officer authorized to administer oaths.

(c) All expenditures made in aid or support of the candidacy for nomination of any such individual or for the purpose of influencing the result of the primary shall be made under the personal direction of such individual or through his duly authorized campaign manager or campaign committee. No expenditure shall be made for any purpose in connection with the candidacy for nomination of such individual except the following:

(1) For advertising in newspapers, magazines, and periodicals, in or on railroad cars, trolley cars, motor or other vehicles, or aircraft; or by means of banners, electric signs, motion pictures, wireless telephone or telegraph, or radio.

(2) For maintenance of headquarters and for hall rentals incident to the holding of public meetings, including expenses for music and other entertainments at such meetings, for the compensation of employees in such headquarters, telegraph or telephone charges, postage, expressage, and the preparation and printing of literature and the distribution thereof.

(3) For the personal subsistence and traveling expenses of such individual.

(4) For the subsistence and traveling expenses and compensation of public speakers and agents employed in arranging for and conducting political meetings.

(5) For payments required to be made pursuant to law by such individual to the State on account of such candidacy.

(d) (1) Expenditures in support of the candidacy of such individual shall not be made by such individual or by his duly authorized campaign manager or campaign committee in excess of the amount which may lawfully be made under the laws of the State in which such individual is a candidate, nor in excess of the amount which may lawfully be made under the provisions of this rule.

(2) Unless the laws of the State prescribe a less amount as the maximum limit of campaign expenditures, expenditures may be made in support of the candidacy of such individual up to (A) the sum of $10,000, or (B) an amount equal to the amount obtained by multiplying 3 cents by the total number of votes cast at the last general election in such State for all candidates for the office of Senator, but in no event exceeding $25,000.

(e) Such individual shall not directly nor indirectly promise or pledge the appointment or the use of his influence or support for the appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy.

2. As used in this rule—

(1) The term "contribution" involves a gift, subscription, loan, advance, or deposit of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution, and an indorsement of negotiable paper;

(2) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, and an indorsement of negotiable paper;

(3) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons; and

(4) The term "primary" includes a nominating convention.

3. There is hereby created a special subcommittee of the Committee on Privileges and Elections, to consist of three members of such committee, two of whom shall be members of the majority and one of whom shall be a member of the minority, to be elected by the Senate. No Senator shall be eligible to serve on such subcommittee whose term expires prior to the beginning of the term of any individual whose qualifications the subcommittee is to consider. Such subcommittee shall, prior to the seating of any individual as Senator, examine into and investigate the statements hereby required to be filed, together with all other matters bearing on the qualifications of any individual under this rule. All credentials of Senators elect, and all such statements shall be transmitted by the Secretary to such subcommittee immediately upon receipt of the same by him. For the purposes of this rule such subcommittee is authorized to hold hearings and to sit and act at such times and places; to employ such experts and clerical, stenographic, and other assistants; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such subcommittee shall be paid from the contingent fund of the Senate. Such subcommittee shall make a report to the Senate upon the qualifications of each individual under this rule upon the first day of the session of the Senate next following the election at which such individual was elected or voted upon (or, in case such individual was elected or voted upon while the Senate was in session at a special election to fill a vacancy, as soon as practicable after the statement hereby required has been filed if the Senate is in session), together with such recommendations as it deems advisable.

4. Blanks for all statements required under this rule shall be prepared by the Secretary, and copies thereof, together with a copy of this rule, shall be furnished, free of charge, upon application therefor, to the secretary of every personal campaign committee, to the secretary of every party committee, and to every candidate for nomination for a seat in the Senate.

Mr. LA FOLLETTE. Mr. President, this proposed amendment to the rules of the Senate provides, practically speaking, that the Senate shall establish a corrupt practices act to deal with primary elections of candidates for the United States Senate. I have presented the resolution because I believe that it affords the only solution of this grave problem which now confronts the Senate and the country and at the same time meets the decision rendered by the Supreme Court in the so-called Newberry case.

Mr. President, recent revelations of excessive campaign expenditures make it imperative for the Senate to take steps to limit such expenditures before the adjournment of the present session.

In the Newberry case the Supreme Court of the United States decided that Congress did not have power to enact legislation directly limiting expenditures in connection with primary elections. Since the date of that decision there has been no Federal legislation to control expenditures in primary campaigns, and many of the States have failed to enact effective corrupt practices acts to deal with the situation.

Thus an opportunity has been afforded for wealthy candidates or those backed by rich and powerful interests to attempt

to buy their seats in the Senate by the use of huge slush funds in the primary campaigns. In Pennsylvania alone the ascertained expenditures for the various candidates have already reached the staggering total of between $2,000,000 and $3,000,000. Such debauchery of the electorate means the eventual destruction of representative government in the United States.

I can not believe that the Congress is powerless to put an end to this scandal. I have consulted eminent constitutional authorities and I am convinced that the Constitution itself in Article I, section 5 provides a remedy. This section of the Constitution declares that—

> Each House shall be the judge of the elections, returns, and qualifications of its own Members * * *.

The Senate, therefore, has full authority to prescribe the qualifications of those who seek to be seated and thus place definite limitations upon their campaign expenditures. Under this section of the Constitution it may specify the maximum that each candidate shall expend and define the purposes for which such expenditures shall be made.

I have, therefore, introduced this resolution to amend the rules of the Senate so as to limit the amount of campaign expenditures in primaries and to prescribe the purposes for which such expenditures shall be made.

The resolution further provides for complete reports of campaign contributions and expenditures and for the certification by a subcommittee of the Senate Committee on Privileges and Elections that those who hereafter seek to be seated in the Senate are properly qualified in accordance with the terms of the resolution.

Mr. President, with all the power I possess I shall urge the passage of this resolution before the adjournment of the present session of Congress so that all candidates may be duly advised of the limitations which they must place upon their expenditures and the purposes for which money may be expended if they are to be seated in the United States Senate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a brief memorandum, which was prepared at my request by the legislative counsel, on the constitutional power of the Senate to adopt the resolution which I have submitted.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The memorandum referred to is as follows:

MEMORANDUM IN RE CONSTITUTIONALITY OF RULE PRESCRIBING QUALIFICATIONS FOR MEMBERS OF SENATE

This office has been requested to furnish material relating to the constitutional power of the Senate to adopt an amendment to its rules requiring any person claiming to be entitled to a seat in that body to conform to certain restrictions embodied in the rule. The restrictions are in the nature of a corrupt practices act applicable to the conduct of the claimant's campaign during the primaries.

Article I, section 5, of the Constitution provides that "Each House shall be the judge of the elections, returns, and qualifications of its own Members * * *." The Senate under this provision of the Constitution is the sole judge of the elections, returns, and qualifications of its Members. Story in his Commentaries on the Constitution, fifth edition, volume 1, pages 604–605, comments as follows upon this power:

"If lodged in any other than the legislative body itself, its independence, its purity, and even its existence and action may be destroyed or put into imminent danger. No other body but itself can have the same motives to preserve and perpetuate these attributes; no other body can be so perpetually watchful to guard its own rights and privileges from infringement, to purify and vindicate its own character, and to preserve the rights and sustain the free choice of its constituents."

See also, Burdick, The Law of the American Constitution, section 70, page 168, et seq.

The Senate in judging of the elections, returns, and qualifications of its own Members has adopted two methods of procedure:

(1) It has voted upon the question of the validity of the elections, returns, and qualifications prior to seating a candidate. Case of Philip F. Thomas (Senate Election Cases, S. Doc. No. 1036, 62d Cong., p. 333); case of Henry W. Corbett (Ibid p. 89); case of Matthew S. Quay (Ibid p. 107); case of Frank P. Glass (51st Cong. Rec. pp. 2864–2886; case of GERALD P. NYE (67th Cong. Rec. pp. 1008–1532).

(2) It has seated a Member and then voted to determine whether he was qualified and entitled to his seat. Case of Albert Gallatin (Senate election cases, supra, p. 157); case of REED SMOOT (Ibid. p. 928 ff.); case of William Lorimer (Ibid. p. 1002 ff., especially p. 1061); case of Smith W. Brookhart (67 Cong. Rec., pp. 6687 to 7144). For additional discussion of the constitutional power involved in determining election and qualifications of Members, see case of John Smith (Senate election cases, supra, p. 1172 et seq.), and the brief submitted by the Hon. Gilbert E. Roe in behalf of Senator Robert M. La Follette (S. Rept. No. 614, 65th Cong., p. 19 et seq.).

While the adoption by the Senate of the proposed rule might be said to have the indirect effect of controlling party primaries, it does not conflict with the decision in Newberry v. United States (256 U. S. 232), where a majority of the court, in holding that Congress had no power under the Constitution to control party primaries in designating candidates for the Senate, pointed out (p. 258):

"As 'each House shall be the judge of the elections, returns, and qualifications of its own Members, * * *' the National Government is not without power to protect itself against corruption, fraud, or other malign influences."

Mr. Justice Pitney, with whom Justices Brandeis and Clark concurred in part, could not agree with the majority in its conclusion that the Congress in its inherent power to regulate the manner of elections had no power to regulate primary elections. In his opinion Justice Pitney, in discussing the power which each House had to judge the elections and qualifications of its Members, and pointing out the logical difficulty which the majority encountered in sustaining its view, made the following statement (pp. 284–285):

"In support of a narrow construction of the power of Congress to regulate 'the manner of elections' of its membership, it is said there is a check against corruption and kindred evils affecting the nominating procedure in the authority of each House to judge of the elections, returns, and qualifications of its own Members; the suggestion being that if—to take a clear case—it appeared that one chosen to the Senate had secured his election through bribery and corruption at the nominating primary he might be refused admittance. Obviously, this amounts to a concession that the primary and the definitive election, whose legal separateness is insisted upon, are essentially but parts of a single process; else how could the conduct of a candidate with reference to the primary have legitimate bearing upon the question of his election as Senator? But the suggestion involves a fundamental error of reasoning.

"The power to judge of the elections and qualifications of its Members inhering in each House by virtue of section 5, Article I, is an important power, essential in our system to the proper organization of an elective body of representatives. But it is a power to judge, to determine upon reasonable consideration of pertinent matters of fact according to established principles and rules of law; not to pass an arbitrary edict of exclusion. And I am unable to see how, in right reason, it can be held that one of the Houses of Congress, in the just exercise of its power, may exclude an elected Member for securing by bribery his nomination at the primary, if the regulation by law of his conduct at the primary is beyond the constitutional power of Congress itself. Moreover, the power of each House, even if it might rightfully be applied to exclude a Member in the case suggested, is not an adequate check upon bribery, corruption, and other irregularities in the primary elections. It can impose no penal consequences upon the offender. When affirmatively exercised it leaves the constituency for the time without proper representation; it may exclude one improperly elected, but furnishes no rule for the future by which the selection of a fit representative may be assured; and it is exerted at the will of but a single House, not by Congress as a law-making body."

Whether the majority or minority opinion is relied upon, it has no binding effect upon the Senate in determining the qualifications of its Members, because the Supreme Court has no power to review the action of the Senate in refusing to seat a Member because he has, in the opinion of that body, disqualified himself, or to review as beyond its constitutional power any rules adopted by the Senate in order to notify candidates for that body what will be the necessary qualifications for admission to that body if elected. See Cooley, Constitutional Limitations, seventh edition, page 189, and cases there cited, holding that the decision of a legislative body upon the election and qualification of its own members is conclusive and not subject to review by any court.

It may be urged that the adoption of this rule will violate Article V of the Constitution, which provides that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." Such a contention was, for instance, urged in the minority report in the case of GERALD P. NYE. (S. Rept. No. 8, 69th Cong., 1st sess., p. 12. See also discussion in this case, 67th Cong. Rec. pp. 1461–1463.) In support of the contrary view it may be said that the Senate by the adoption of the rule is giving adequate notice to every State that unless the procedure in the primary election conforms to the requirements of the Senate rule a successful candidate for a seat in that body may be disqualified by the Senate for failure to comply with the rule. The promulgation of the rule will afford the State an opportunity to enact legislation (in the event that it has not already done so) sufficiently restrictive to comply with the requirements of the rule. The rule also imposes upon the candidate the obligation as an individual to conduct his primary campaign so as to come within the requirements of the rule. By setting forth the requirements for qualifications which the Senate intends to enforce no State need be deprived of its equal suffrage in the Senate; but, on the contrary, there should be fewer disqualifications because of the definiteness of the standard which the Senate proposes to enforce.

The State also is further protected against loss of equal suffrage in the Senate by the specific provision in the seventeenth amendment to the Constitution, which reads—

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct."

Respectfully submitted.

GLENN MCHUGH,
Assistant Counsel.

Hon. ROBERT M. LA FOLLETTE, Jr.,
United States Senate, June 24, 1926.

The PRESIDENT pro tempore. Without objection, the resolution will be received, printed, and referred to the Committee on Rules.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Indiana.

Mr. WILLIS. Mr. President, I do not think it is feasible or seemly to crowd this amendment to a vote at this time this evening. There are numerous Senators who have amendments pending. So far as I am concerned, I am unwilling to subscribe to the theory that because one type of farm-relief legislation advocated by certain Senators has failed therefore no other form of relief can be adopted.

Mr. CURTIS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. WILLIS. I do not yield the floor. I yield for a question.

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection?

Mr. BRUCE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. WILLIS. I yield to the Senator from Alabama for a question.

Mr. HEFLIN. Mr. President, a few days ago the Senator from Iowa [Mr. CUMMINS] submitted a resolution, which passed this body, calling for certain information in regard to the civil service. That information, I understand, has come to the Senate. I ask unanimous consent——

Mr. WILLIS. I do not yield for the transaction of business.

RECESS

The PRESIDENT pro tempore. The hour of 5.30 o'clock having arrived, under a unanimous-consent agreement previously entered into, the Senate stands in recess until 8 o'clock this evening.

The Senate thereupon (at 5.30 o'clock p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The VICE PRESIDENT. Pursuant to the order of the Senate heretofore entered, the Chair lays before the Senate House bill 10000, to consolidate, codify, and reenact the general laws of the United States.

CODIFICATION OF LAWS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10000) to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Sackett
Bayard	George	McNary	Sheppard
Bingham	Goff	Mayfield	Stanfield
Blease	Hale	Means	Steck
Bratton	Harreld	Metcalf	Wadsworth
Bruce	Heflin	Moses	Walsh
Butler	Howell	Pepper	Watson
Curtis	Jones, Wash.	Phipps	Willis
Ernst	Kendrick	Pine	
Fernald	King	Reed, Mo.	
Ferris	La Follette	Reed, Pa.	

The VICE PRESIDENT. Forty-one Senators having answered to their names, there is not a quorum present. The clerk will call the roll of absentees.

The legislative clerk called the names of absent Senators, and Mr. ODDIE, Mr. ROBINSON of Arkansas, and Mr. ROBINSON of Indiana answered to their names when called.

Mr. JONES of Washington. I wish to announce the necessary absence of the Senator from Illinois [Mr. DENEEN].

Mr. ASHURST. Mr. President, has a quorum been secured?

The VICE PRESIDENT. A quorum has not been secured. Only 44 Senators have answered to their names.

Mr. ASHURST. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. CAMERON, Mr. CAPPER, Mr. LENROOT, Mr. NORBECK, Mr. STEPHENS, Mr. TRAMMELL, Mr. BROUSSARD, Mr. KEYES, Mr. EDGE, Mr. HARRISON, Mr. MCKELLAR, Mr. SHIPSTEAD, Mr. EDWARDS, and Mr. WHEELER entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-eight Senators having answered to their names, a quorum is present.

Mr. CURTIS. Mr. President, I ask unanimous consent to dispense with further proceedings under the call.

The VICE PRESIDENT. Without objection, it is so ordered.

THE TARIFF

Mr. PHIPPS. Mr. President, I wish to give notice that to-morrow morning on the convening of the Senate I desire to address the Senate for a few minutes on the subject of the tariff.

PROPOSED DISMISSAL OF CERTAIN GOVERNMENT EMPLOYEES (S. DOC. NO. 127)

Mr. HEFLIN. Mr. President, this afternoon just before we took a recess I referred to some information called for by the Senate under Senate Resolution No. 239, which had been introduced by the senior Senator from Iowa [Mr. CUMMINS] in reference to the civil service. That information has been received, and I ask that it may be referred to the Committee on Civil Service.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESS BY SENATOR PITTMAN

Mr. KING. Mr. President, on the 24th instant the senior Senator from Nevada [Mr. PITTMAN] delivered a very able and interesting address at the commencement exercises of the College of the City of New York, June 24, 1926. I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. President, members of the faculty of the College of the City of New York, and fellow students, I am still only a student. This address can be considered no more than a study of the causes that affect governments for good or for evil and the duties and responsibilities of nationals and those who represent them.

In this age of materialism, when the ideal of happiness is based upon the accumulation of great wealth and the mind and body is driven at the highest tension in search of means to accomplish that ideal, it is difficult for us to study and analyze the causes and effect of the great events of history.

Only a century and a half ago, when a most remarkable group of statesmen assembled to lay the foundation for the greatest and most nearly perfect Government ever conceived by man, frail sailing vessels, buffeted by the storms of oceans, made personal communication and international commerce a slow, tedious, and hazardous task. On land transportation was limited to animal power. The practical utilization of steam had not been accomplished. The uses and benefits of electricity were unknown, and all the sciences save the science of government lay dormant in the mind of man.

Love of country then stirred the soul and good government was the ideal of statesman and citizen alike. And now behold the startling change that has taken place in the brief intervening period. All the sciences save the science of government have rushed forward with

magic speed. Ships of Titanic capacity, driven by steam and electricity, fed by liquid fuel that comes from the bowels of the earth, are rushed around the globe in less than 60 days.

The nations of the world are linked together in close and immediate touch by the telegraph, the cable, and the telephone, while wireless communications that speed through the air with the swiftness of lightning make neighbors of the remotest peoples of the earth. The report of an uprising in China, an earthquake in the South Sea Islands, a revolution in a remote government, a message from a ship of the air flying over the eternal ice of the North Pole, the speeches of statesmen and rulers in every country throughout the universe are communicated to us without the delay of even a day.

Is it a wonder that the imagination fails to visualize the progress of science. Yet this great progress of the material sciences serves by comparison to emphasize the world's criminal negligence of the science of government after 4,000 years of civilization. Two thousand years after Jesus of Nazareth laid down the perfect law for man's association with man we witnessed the most stupendous, terrible, and brutal war in all history.

Let us for a moment study the causes and effect of that war for the purpose of demonstrating the frailty of even the strongest of governments and the responsibilities of rulers and of the people for whom they govern. A hereditary prince, of consequence solely by virtue of the accident of birth, was assassinated by a patriotic fanatic in an insignificant Province of a far-off country. Immediately armies commenced to mobilize all over Europe, common sense disappeared, instrumentalities for peace were discarded for weapons of destruction.

Shells and shrapnel, liquid fire, poisonous gases, scythelike bullets of rapid-fire guns, bombs dropped in the night from airships and airplanes tore and maimed and murdered hundreds of thousands of the gallant soldiers of every gallant army. Defenseless cities were assaulted with all of these great instruments of destruction, and peaceful men, women, and children alike suffered the torment and misery and the death of war. Great areas were devastated, temples, cathedrals, works of art, and homes were ruthlessly destroyed. The accumulated surplus of the energy, skill, and labor of the world was consumed in the great conflagration. Peace throughout the earth was shaken, and men and women lost confidence in the teachings of Christ and many even in the wisdom of God.

And then the war ended. What was its aftermath? The autocratic imperial government of Russia was destroyed by bloody revolution and the tyrannical and barbaric communist government established.

Wilhelm, of Germany, once the most powerful of rulers, sneaked from his empire in the night, and his military supporters and the Junkers supinely slunk into seclusion. A turbulent and seething mass struggled and fought to establish government. Forces of monarchy, republicanism, and communism contended for power whilst the scales wavered in the balance. At last, over the ashes of militarism arose the Republic of Germany.

The Government of Austro-Hungary was dissolved and its territory divided up. The new governments, Austria, Hungary, Czechoslovakia, and Poland arose and in these countries monarchy was succeeded by democratic forms of government.

Turkey was practically driven out of Europe, and Greece for a time was given the power of a substantial nation.

Communism infiltrated through the Alps and anarchy pervaded Italy. The Kingdom became but a government in name and the rulers were without control. The parliament was unable to function. The parliamentary monarchy of Italy almost ceased to exist. A dictator arose. Mussolini, a printer by profession and socialist in doctrine, a common soldier, organized and led a revolutionary army under the name of Fascisti down the ancient ways of Italy into the gates of Rome and established a paternal and patriotic dictatorship.

France recovered back Alsace-Lorraine. There was no weakening in the patriotism of her people. There was no tendency toward revolution, and yet a great change has come over France. France suffered terribly. Her young men were slaughtered on the field of battle. One-tenth of her manhood was snuffed out as war casualties. Large areas of her most valuable territory were devastated. Her wealth was expended and the surplus of her frugality and labor was devoured by war. Her debts were enormous. Her people refused to be taxed, believing that the losses of France should be recouped through payments from Germany. Germany did not pay as was expected by France. The French Government to meet the emergencies issued fiat paper money. Her statesmen realized the danger of this unsound economic procedure, but the people would stand for nothing else. So to-day France is staggering under a financial debt that she can never pay, and her Parliament, divided into many blocs, will not agree on any practical plan of reconstruction. Parliamentary government has almost broken down in France, and it will break down unless the people can be made to understand their responsibility to the Government and can be induced to bear the burdens that must fall upon each citizen.

England, with her statesmen and her statesmanship and through the patriotism of her subjects, has carried on and yet England has suffered terribly. She has taxed her people to the utmost and they have paid. Her industries are at a low ebb and her population have remained to suffer from idleness and poverty.

The recent great strike in England was conclusive evidence of the serious condition that exists. There is no doubt that the Communist Party of Russia attempted to turn that peaceful economic revolution into a violent political revolution. Had the labor unions accepted the aid and advice of the Soviet Government, who may predict what might have been the outcome?

And peace is not yet in Europe. The whole of Europe is in poverty and distress. Its gold is gone. It can only purchase through its products and its labor. All of its commerce has been interrupted, all of its markets disturbed and some absolutely destroyed.

There is still the element of fear actuating the European national. Many feel that existence is a fight of the survival of the fittest. Serious efforts for the establishment of instrumentalities for reconstruction of existing relations and the adjustment of future difficulties have not succeeded.

Our country suffered too, but its sufferings were little by comparison with those of Europe. We were not in the war so long, the battles were remote from our territory and the wealth and great natural resources of our Nation could better stand the drain. But we deeply feel the effect of that war. We have felt the sting of death, and we have constantly with us the maimed and the helpless victims of battle.

We have been compelled to impose heavy taxes on our people to maintain our economic system. We are faced with a serious problem in seeking foreign markets for our surplus production. We are torn between contending emotions—our desire to aid the sufferers of other countries and our dread of being involved in foreign disputes. We long for peace and yet we fear the return of war. We are bitterly opposed to militarism, and yet we know that it is the duty of our Government to be prepared to defend our people. We long to aid our industries that have peculiarly suffered by reason of conditions abroad, and yet we hesitate to do those things that are subversive of the principles upon which our Government is founded.

It is true that our Government came out of the war unshaken. It demonstrated the power of a republic in peace and in war when backed by an intelligent and patriotic people. It did its part bravely, gallantly, and efficiently, without the taint of cowardice, injustice, or corruption. And yet there was a time when its very existence was threatened. Due to the peaceful policies established by our forefathers and the sentiment of our people, we made every effort to keep from being involved in the great struggle. We were forced into it. The Kaiser committed acts of war against us. Indeed, there was a condition of war when the declaration of war was made. It is well for us, as it is fortunate for our allies and the rest of the world, that we were forced into the contest when we were. Our soldiers arrived at the battle front just in time.

The French and English Armies were worn out and discouraged. Nothing but the fresh American soldiers could have prevented the success of the great German drive in the spring of 1918. With that success the war would have been over. Germany would have been victorious and the Kaiser would have been the dominating power of the Eastern Hemisphere. He would have had at his command the man power and the munitions of war of entire Europe. What alliances the Kaiser might have made against us in his moment of wild anger may only be surmised. It certainly was within the range of possibility. There is no doubt, however, that had the Kaiser won the United States would have been compelled to endure a long and savage struggle against an attempt upon her independence.

It was a serious crisis. It called for action, immediate action of the most intelligent and intense character. Through the statesmanship and vigor of the officers of Government and the bravery and patriotism of our people, we successfully responded to the emergency. What would have been the result had our Government been weak and vacillating?

These revolutionary and disastrous events force upon our minds the realization of the tyranny, impotency, and frailty of governments. We have seen and felt their effect. Our own patriotism challenges us to seek and study the causes. Obviously the war was a natural outgrowth of the unrestrained ambition and greed of European rulers. Great governments were mad with the craving for economic and commercial domination. Expansion and greater expansion of territorial domain obscessed all. The spirit of conquest inflamed the minds of the most powerful of these rulers. In the rich soil of these ruthless ideals militarism grew and flourished. Rivalry in the upbuilding of armies and navies was pursued with feverish haste. Centralization of power inevitably followed. The influence of the people of Europe on the conduct of their own governments was rapidly usurped by ambitious rulers, advised by small autocratic groups, and supported by military forces.

Democracy could not live in such an atmosphere. A military government requires a militant ruler. They were there. Rulers of governments so organized found it easy to precipitate wars to satisfy their dreams of world domination. That these conditions did exist we now realize, but the causes that led up to such governmental deterioration is more difficult of analysis and description.

Some of these governments had always been tyrannical not only in their intercourse with other nations but in their conduct toward their own subjects. Such nations through military power had kept their nationals in subjection, poverty, ignorance, and fear. Through these means they had destroyed in the great masses of their people the desire and the ability to participate in government. The intellectuals who sprang up among such peoples were blind to the true principles of democracy, were imbued with the same ambitious desire for tyrannical rule that possessed the tyrants against whom they fought. With all of their education these intellectuals sought to abolish tyranny with tyranny, to substitute for the influences of logic, reason, and persuasion the dagger, the bullet, and the bomb of the assassin. So when one tyranny was destroyed by bloody revolution an equally bloody and tyrannical government was substituted in its place.

The rulers of still other governments, while autocratic and tyrannical toward their own people, as well as toward the rest of the world, held the allegiance of their own subjects by securing prosperous internal conditions, promoting education, the advancement of the arts, and the sciences, and stimulating the spirit of industry and discipline. Yes; they went even further. They instilled into the minds of their subjects the same desire for conquest and aggrandizement that they themselves possessed. They taught their people to believe that they were superior to the rest of the peoples of the world and that the world would be better off and happier if it were under the domination of their government.

Such governments in their prosperity seemed ideal, but they were builded upon a false foundation. No autocracy, no matter how paternal it may be or what booty it brings to its subjects, can be trusted to unselfishly guard the best interests of a people. The results have demonstrated this. Those prosperous, contented people were led into a destructive war without their foreknowledge or consent, with the result that their husbands, brothers, and sons were slaughtered by the millions. To-day they are suffering in poverty, the aftermath of the inhuman war.

The people of a country must inevitably bear the burdens of a government, both in peace and in war, and they can trust themselves alone for the proper conduct of their government.

The nationals of still other governments were directly responsible for the impotency of their governments. They enjoyed broad powers of expression and control. They had parliamentary governments. They elected their representatives who made the laws that governed them and who determined the relations of their country with other countries. And yet such governments had degenerated until they had little influence for peace or strength for battle.

It is true that the ambition and greed of rulers brought the great cataclysm upon the world, but the subjects and citizens of those rulers can not escape their own responsibility for the acts of their rulers. It was through the ignorance, the selfishness, or negligence of the people that such rulers were able to rise, grasp, and hold the power that they so fatally wielded.

The deterioration of a people precedes the deterioration of their government. When people cease to understand the true principles of free government, when they lose appreciation for the power and value of honorable and just government, when they lose the desire to govern themselves, when selfishness and covetousness supersedes the higher ideals of life and banishes from the mind of man the love of country, when through ignorance or selfishness or cowardice a people become unworthy to govern themselves, they will then be governed by an autocratic power. That power may be benevolent or it may be brutal; it may be capable or it may be impotent; but in no case can it satisfy or long continue to exist. It is an unnatural form of government in this age and is but the outgrowth of chaotic conditions.

We can not remedy these conditions in other countries. Every people must work out its own salvation. Though evolution seems slow, yet even our brief history convinces us that the mind of man is surely evoluting to a higher plane. Unhappily, experience is individual, and the mistakes and sufferings of others rarely warn us against similar mistakes.

The pendulum of political life was ruthlessly dragged beyond the scope of its swing, and when it was torn from the hand that held it it was swung with equal violence to the other extreme. It is still oscillating with dangerous uncertainty, and when and how it may be adjusted to its normal movement the mind of man can not fathom.

We study these conditions because it is our duty to study them, and because there lingers in our breast the hope that we may to some extent profit by the unhappy experience of other governments and long delay, if not forever prevent, such disastrous occurrences in our own country. It is true that our Government was not shaken by the great political earthquake. It is true that the principles upon which our Government was founded were tried in the hottest furnace of all times and came out sound and shining. And yet, when we think of the great governments that compared favorably with our own Nation in wealth and prosperity that have lost all, their young men, their credit, their prosperity, their confidence, and even hope, we are warned that every government is fallible. As we study our Constitution and the eternal principles upon which our own Government was founded, our wonder and our admiration grows.

It was predicted by great foreign statesmen upon its organization that its life would be brief. They reminded us of the fact that only a strong, centralized government can defend itself against foreign foes. At its very birth it successfully defended itself against the then most powerful nation on earth. Again, but a few years later, in its childhood, it repeated the same gallant success. They contended that a dual form of State and Federal government must of necessity arouse conflicts that would mean disintegration. The conflict arose, but disintegration did not follow. They confidently asserted that the numerous immigrants coming to our shores from every nation would hold in their breasts the love of their own country and their own nationality, and that they could not be assimilated and that the tendency would be toward the death of patriotism.

The Great War has successfully answered this dogmatic assertion. Of course, there lived in the breast of every citizen of foreign birth a natural fondness for his native soil, but when the great call came they realized that this was their Government, that it had protected them, that it had given them opportunities, and that it was the best Government on earth, and they offered their lives gallantly and bravely in its protection.

They warned us that popular suffrage would result in representation by ignorant demagogues instead of tried and true statesmen. Their predictions have not come true. The representatives of the people in Government have been able, honest, and patriotic. And yet there are great students of political economy who profess to see deterioration even now, slowly but persistently, gnawing at the foundation of our Government. They call to our attention the fact that local self-government is rapidly being destroyed through the assumption by the Federal Government of the functions heretofore exercised by the States. They contemptuously point to the attempt of our Government to elevate the morals and habits of its citizens through proscriptive laws as an evidence of the weakening will power of the individual citizen. They place their fingers upon the black spots of corruption in high public office that only recently have been disclosed in our governmental life. They profess to see a deterioration in the ideals of our citizens. They say our citizens are losing their pride in participation in their own Government, that they are becoming negligent of the conduct of their public affairs, that selfishness is developing a disposition of unconcern, and that the greed for wealth has so permeated even the electorate that they are selling high offices to the highest bidder, that they may increase their luxuries with a few detestable dollars.

Whilst there may be some foundation for such criticism, it must be remembered that the faults of others are readily discovered, whilst the good remains obscured and is not taken into consideration by such critics. Our friends will not criticize us, however, and it is well therefore for us to weigh the criticisms of the disinterested.

We must admit, I regret to say, that the overpowering greed for money in this age, with its tendency to extravagance, luxury, and idleness, threatens the independence and the political solicitude of our electorate, which is absolutely essential to the continued existence of a representative form of government. Any government—and particularly a democracy—depends upon the character, ability, and patriotism of the officers of the government elected by the people. No government, no matter upon what principles it may be founded, can be better than its governors. If seats of power in government may be obtained through the influence of wealth rather than through the free, independent, and intelligent selection by the electorate, then autocracy will reign and democracy will exist only in name. And when that autocracy, if it ever arises, grasps the pendulum that regulates our political life and pulls it beyond its limit of movement the time will inevitably come, as it has in similar cases throughout all history, when another power shall arise in its anger and tear from the hand of autocracy the pendulum of fate and swing it back in the other direction until its normal functions are again destroyed. If there is any one thing that we have learned from history it is that one excess brings on another excess, that violent revolutions beget violent revolutions, that reaction is measured by action.

These things we must guard against with every power that God has given us and with every sacrifice that may be necessary. When we discover that there is some selfish class in our country that seeks to manipulate the instrumentalities of government for their own selfish profits and preferment, then we must eliminate that class from its governmental influence. We must watch and guard against the development of militarism, but with equal watchfulness we must see that unreasonable pacifism does not subject us to that supine lethargy that has made China the helpless victim of the rapacity and tyranny of many nations. We must recognize that in this age governmental isolation is practically impossible and it is therefore our duty to do all in our power, through cooperation and agreement with other nations, to remove the causes of war, to limit the effect of war, and to maintain the freedom of commerce and intercourse throughout the world. Of necessity our highest duty is to our own Government and our own people, and where cooperation with other governments endangers the

safety of our own Government and the peace and prosperity of our own people, that must be our limit. We must stop the drift away from local self-government toward the centralization of Federal power. Russia is governed by an army. Let it never happen that the United States is governed by an army of Federal officeholders.

I have no fear for the patriotism and intelligence of our people. We have the most intelligent and patriotic electorate in the world. It may be that our minds, like the minds of the people of the rest of the world, have been excited, disturbed, and disarranged by the great cataclysm that but recently enveloped us. This excitement will disappear. It is rapidly disappearing and as the mind clears our citizens will turn their eyes again toward the Constitution. They will study the words and deeds of our great forefathers. They will analyze the beauty and the justice and the freedom of our Government. They will revalue the great gift of free and equal suffrage. They will repel with contempt and righteous indignation every attempt through bribery or intimidation to induce them to forsake the great duty that has been imposed upon them and to sacrifice the sacred privilege that has been obtained through the blood of their forefathers. And when the true spirit has returned to our people, and it is returning rapidly, then our great Government will shake off the destroying tendencies that have attached themselves to the body corporate and again it will stand forth not only as the most vigorous and perfect government on earth, but one that will influence the lovers of freedom and justice everywhere, to the end that all governments will seek the high plane that we maintain.

PRINTING OF THE COMMERCE YEARBOOK

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 54) to provide for the printing of the Commerce Yearbook, reported it with an amendment.

MERCHANT MARINE PLANS

Mr. JONES of Washington submitted the following resolution (S. Res. 262), which was ordered to lie on the table:

Resolved, That the United States Shipping Board be, and it is hereby, requested to prepare and submit to the Senate not later than January 1, 1927, comprehensive and concrete plans for building up and maintaining an adequate merchant marine for commerce and national security (1) through private capital and under private ownership and (2) through construction, operation, and ownership by the Government.

CODIFICATION OF LAWS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10000) to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925.

Mr. PEPPER. Mr. President, at the request of the senior Senator from Kentucky [Mr. ERNST], the chairman of the select committee in charge of the pending bill, I offer the amendments which I send to the desk to the measure before the Senate, being House bill 10000. I suggest that only the first of them be read, as a word of explanation I think will indicate the propriety of omitting the reading of the other two

Mr. KING. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. PEPPER. I yield.

Mr. KING. Nothing in the request of the Senator from Pennsylvania, as I understand, implies the abandonment of the rule requiring the bill to be read, does it?

Mr. PEPPER. No, Mr. President. I am merely sending to the desk for proper consideration three proposed amendments, but I am making no suggestion with reference to the subsequent course of procedure.

Mr. KING. I did not want it to be understood that there was any waiver of the parliamentary rights of individual Senators, including the right which we have to have the bill read in its entirety and textually.

Mr. MOSES. Mr. President, does the Senator from Utah intend to object to the usual proposal that the formal reading of the bill shall be dispensed with?

Mr. KING. When that request shall be made we will determine what course to take.

Mr. MOSES. Without wishing to impinge at all upon the prerogative of the Senator in charge of the bill, I desire to say that I think that request should be made at once so that we may determine the position of the Senator from Utah.

Mr. PEPPER. Mr. President, I ask that the first of the three amendments be now read.

Mr. BLEASE. Mr. President, I should like to ask the Senator from Pennsylvania if these amendments have been agreed upon and if it is intended to amend the bill with new matter as its consideration proceeds.

Mr. PEPPER. Mr. President, before the first of the three amendments shall be stated, I will answer the question of the Senator from South Carolina as follows: In House bill 10000 as messaged to the Senate there was a provision which, if enacted into law, would have operated to make this bill the law of the land in respect to all the matter contained in it and would have operated to repeal all antecedent legislation. The first of the three amendments which I have just offered, if adopted, would have the following effect: It would substitute for the provision for enactment and repeal a provision merely setting forth the matter contained in the code as a systematic body of law for a convenient use in courts and elsewhere, providing that the volume shall be evidence of the law, but specifically providing that there shall be no repeal of antecedent legislation or enactment as new legislation of any of the matter in this code. In other words, if the amendment shall be adopted and the enactment of the bill as amended shall follow, the code will be evidential of the statutory law of the United States from 1789 to date but will not operate to work a repeal of the body of laws as it at present exists.

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from New Mexico?

Mr. PEPPER. I yield.

Mr. BRATTON. I understand paragraph (a) of section 2 to mean this: If an act was actually in force on the 7th day of December, 1925, but was omitted from this compilation, its validity would not be affected; it would be the law notwithstanding its omission?

Mr. PEPPER. That is correct, Mr. President.

Mr. BRATTON. Also, if an act was placed in the compilation which was not in force on that day and was wrongfully put in by the codifiers under the belief that it was the law, this bill, if enacted, will not give it any validity whatever; it will be a dead letter nothwithstanding it is found in the compilation?

Mr. PEPPER. That is correct, Mr. President. Both of the propositions laid down by the Senator are covered by subsection (a) of the amendment that has just been sent to the desk.

Mr. BRATTON. In the third case, if a provision is in the compilation substantially different from the original act, the original act controls, and the compilation must yield to it?

Mr. PEPPER. I take it that must be so, Mr. President, in virtue of the fact that the matter contained in the code is not enacted into law as such.

Mr. BRATTON. It is sought merely to bring the law forward and compile it for convenient reference, but does not repeal any existing law; it does not give validity to any nonexisting law, and it does not make any material changes in existing law?

Mr. PEPPER. I answer all those questions in the affirmative.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. It is true, however, that the amendment which is now proposed makes every provision in the code prima facie the law, and if a provision is inserted in the code that is in conflict with the law as it existed on the 7th day of December it will devolve upon anyone contesting the correctness of the provisions of the code to establish the fact that the code is in conflict with the actual law.

Mr. PEPPER. That is correct, Mr. President, or, to put it a little differently, if an error appears in the code in such fashion that something in it is in conflict with the provision of existing law, the production of the code would establish prima facie the existence of the law as therein erroneously stated, and it would become necessary for the persons desiring to correct the error to bring forward the original legislation.

Mr. ROBINSON of Arkansas. I do not make the suggestion as a valid ground of objection, because I think it is exceedingly desirable to have a compilation of what is believed to be the existing law, but I merely wanted to point out the fact that the presumption is that the code is correct, and if this bill shall be enacted it will devolve upon anyone contesting it to establish the contrary.

Mr. PEPPER. That is correct. It is evidence of what the statute law of the United States is, but it is evidence which is not conclusive and may be rebutted in the way the Senator has indicated.

Mr. BRATTON. Mr. President, will the Senator from Pennsylvania yield further to me?

Mr. PEPPER. I yield.

Mr. BRATTON. Doubtless the Senator has given much thought to this subject. I have not. I ask this for information. It is quite common in enacting compilations of this kind to state expressly that in cases of conflict between two or more provisions found in the compilation reference may be had in solving the conflict to the dates upon which the re-

spective statutes were enacted. Does the Senator from Pennsylvania think such a provision should be inserted in the enacting part of this compilation, or would the courts have the power to do that independently of any such provision in this enactment?

Mr. PEPPER. The committee had contemplated the necessity of some such provision in case the original plan had been followed of seeking the enactment of the code as a body of law. In that case the effect of simultaneous enactment of all the provisions would have rendered it important to safeguard the situation in the way the Senator has indicated. Under the present proposal, however, the matter contained in the code is not enacted into law at all. It is merely set forth under the authority of Congress for the convenience of its users, and is given an evidential effect, but in no way supersedes the existing law, or itself becomes law.

Mr. BRATTON. The Senator thinks, in view of the provisions contained in the proposed amendment, that such language with reference to conflicts is not necessary?

Mr. PEPPER. That was our thought, Mr. President; but we are quite open minded about it.

Mr. WALSH. Mr. President——

Mr. PEPPER. I yield to the Senator from Montana.

Mr. WALSH. I take it that it is the purpose of the Senator should the amendment which he has now tendered be adopted to offer further amendments striking out certain sections which were printed under order of June 2, 1926, being the general enacting and repealing clauses of the code or compilation, section 2 thereof, section 3, section 4, section 5, and so much of section 6 as is found on the last line of page 3, commencing with the word "Until," and the remainder of that section and the succeeding one?

Mr. PEPPER. The Senator is quite right. The amendments sent to the desk are printed, and I do not think the Senator has at hand a copy of them in the precise form submitted.

Mr. WALSH. Yes; I think I have both of them.

Mr. PEPPER. If the Senator will refer to the second page of the amendment, which is preceded by a Roman numeral "I," I think he will find that the various points he has in mind have been safeguarded. The effort has been, on the second page of the printed amendment, to cover all the changes made necessary by the substitution of the new plan for the old, namely, the substitution of an evidential statement of the law for a body of newly enacted law.

Mr. KING. Mr. President, so that I may not misunderstand the Senator, if he will yield, I understand that if this measure shall pass this evening, in whatever form contemplated, it does not become the law to the extent of superseding existing law.

Mr. PEPPER. That is correct, Mr. President. In effect, the Congress of the United States goes into the business of making a compilation of the law and the publication thereof; and the only legislative function that is performed in connection herewith, apart from authorizing the printing and distribution, is a provision that this body of statute material shall be accepted as prima facie evidence of the law in the courts and in the departments, and for other public purposes.

Mr. BRUCE. Mr. President, in other words, it is not the law, but prima facie evidence of the law.

Mr. KING. So that it would not preclude Congress, if later it is discovered that this compilation answers all purposes and is entirely satisfactory and is free from defects, from enacting it as a law?

Mr. PEPPER. Mr. President, in the natural course of events, if this volume subserves the purpose that we expect that it will, it will become the order of the day to repeal antecedent legislation and enact this as a code in the usual sense of the word; but at present, as explained by the Senator from Maryland, it is merely a formal and authoritative statement evidential of the law but not itself having the force of law.

Mr. KING. So that, to repeat—for which I crave pardon—Congress next winter or in a year from now or at any time, after being satisfied with the operation of it and that it is correct, could enact it as a statute, and it would then become the law of Congress?

Mr. PEPPER. That is quite correct, Mr. President; and I am very glad the Senator from Utah has called attention to that phase of the matter, because it is contemplated that in the distribution of this volume, if Congress shall pass this bill, the Public Printer shall annex a slip inviting careful and constructive criticism, to the end that just such a process as the Senator has in mind may hereafter be made operative.

Mr. WILLIS. Mr. President——

Mr. PEPPER. I yield to the Senator from Ohio.

Mr. WILLIS. What effect does the amendment offered by the Senator have on the language of the second paragraph on page 2 of that which is denominated "H. R. 10000," the smaller document that I hold? That language is as follows:

> The sections of this code shall be in force in lieu of corresponding provisions contained in acts passed prior to the 7th day of December, 1925, which, where substantially identical with the matter in this code, are hereby repealed.

Mr. PEPPER. Mr. President, answering the Senator's question, I will say that the effect of the amendment which has just been offered would be to strike out all of the matter contained in Chapter I and to substitute, immediately after the enacting clause, the matter which appears on the first page of the printed amendments.

Mr. WILLIS. Mr. President, let me be sure that I understand the Senator. His amendment proposes to strike out all of Chapter I. Where does that end? I can not tell from this document. On what page does it end? I have the amendment here.

Mr. PEPPER. Mr. President, I am not sure whether the Senator has the amendment which has been presented.

Mr. WILLIS. Yes; I have the amendment; but I also have another document that was laid on the desks of Members, entitled "H. R. 10000." It is a four-page document and purports to be that upon which we are to act, entitled "An act to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925." That is what is before us, as I understand. What I am asking the Senator is, How is this document affected by the amendment which he offers?

Mr. PEPPER. Mr. President, I think the document which the Senator has last referred to is a mere reprint, for the convenience of the Senate, of Chapter I as it appears in the large volume. In other words, the document last referred to by the Senator would have substituted for it the matter contained in the amendment which has been sent to the desk.

Mr. WILLIS. I present to the Senator a document and ask him whether it is proposed to substitute his amendment for that document.

Mr. PEPPER. Yes, Mr. President; it is, as I have indicated. The document handed me by the Senator from Ohio is a mere reprint, for the convenience of the Senate, of the exact matter contained in Chapter I of H. R. 10000 as it came from the House.

Mr. WILLIS. What is the matter now pending before the Senate? I thought it was the document that I presented to the Senator. What is it?

Mr. PEPPER. On the contrary, Mr. President, the matter now pending before the Senate is a proposal to substitute, by amendment, the matter contained in the document sent to the desk for the matter originally appearing in H. R. 10000, and reprinted in the document which the Senator holds in his hand.

Mr. WILLIS. Then, as a matter of fact, the Senator is proposing to substitute the document here, headed "Amendments," for the document which I have presented to him?

Mr. PEPPER. That is correct.

Mr. WILLIS. So this is really the document that is before the Senate at present, the document headed "H. R. 10000," is it not, and the Senator is proposing to amend by substituting this document for it?

Mr. PEPPER. If the Senator prefers to state it in that way——

Mr. WILLIS. That is the parliamentary situation?

Mr. PEPPER. The parliamentary situation is that there has been laid before the Senate H. R. 10000 in exactly the form in which it came from the House. That includes Chapter I thereof, which has been reprinted, for the convenience of the Senate, in a separate slip; and as a substitute for Chapter I, I have offered, at the request of the Senator from Kentucky [Mr. ERNST], the matter contained in the larger document which the Senator from Ohio holds.

Mr. WILLIS. Then I desire to ask the Senator a further question. I have examined this four-page document which is technically before the Senate, as I understand; and the Senator advises the Senate that the portion of section 2 which I read is all stricken out?

Mr. PEPPER. Yes.

Mr. WILLIS. So that there is no repeal proposed in the amendment which the Senator now offers?

Mr. PEPPER. The Senator is quite right. There is not only no repeal, but there is no enactment. The matter contained in the code is merely set forth with authority for convenient use, and the only legislative function that the Congress will perform in regard to it will be a declaration that the matter so set forth can be used for evidential purposes in the courts and elsewhere.

Mr. WILLIS. Then, as a matter of fact, it is not proposed to act on the 1,700-page document on which the Senator's hand now rests?

Mr. PEPPER. That is correct. It is not proposed to act upon it in the ordinary sense in which we act upon a measure presented for enactment into law. It is merely proposed to set forth the matter contained in this document with the authority of Congress and make it evidence for use in the courts and elsewhere.

Mr. WILLIS. Just as it might be said that right back of the Senator is a chart, and the Congress might pass a resolution saying that the chart—describing it—may be offered in evidence, but the chart itself is not made law. Am I correct in that?

Mr. PEPPER. I have not reflected completely on the analogy, but it occurs to me that it is an analogy. Certainly it is true that the matter contained in this code will not be the law of the United States, in virtue of the action of Congress, if the amendment now proposed is adopted.

Mr. WILLIS. But I understood the Senator to say, in response to an inquiry made by the Senator from Utah [Mr. KING], that the Congress could at any time if it desired, of course, take up the 1,700-page document and enact it into law, but that the action now proposed does not enact it into law.

Mr. PEPPER. The Senator has stated it very clearly.

Mr. WILLIS. Then let me ask the Senator another question. I was particularly interested in this. In the original document, the one that is technically before us, I find this language:

> Until July 1, 1927, but only until then, in case of any inconsistency between the provisions of any section of this code and the corresponding portions of legislation passed prior to the 7th day of December, 1925, effect shall be given for all purposes whatsoever to the earlier enactment.

That would make this document of 1,700 pages the law after July 1, 1927; but in the amendment that the Senator now offers that is stricken out, and it is not proposed to make it the law at any time?

Mr. PEPPER. That is correct, Mr. President. The section, or the part of the section, read by the Senator from Ohio is covered by the broad language of the amendment, which strikes out all of the first chapter excepting that which appears on the first page of the amendment sent to the desk.

Mr. WILLIS. I have another question. I dislike to take the Senator's time, but I want to get this information. Why did the Senator propose an amendment which is headed "chapter 4" in the large amendment entitled "Railroads." Just why is that particular amendment proposed?

Mr. PEPPER. That amendment is not proposed. It was intended to be proposed, but on further consideration it has not been proposed, and, at the request of the Senator from Kentucky [Mr. ERNST], I sent to the desk merely the first three amendments, not including the one to which the Senator from Ohio has last called attention.

Mr. WILLIS. I wondered whether this had led to the proposal. There has been brought to my notice an editorial in a reputable publication of this city, in which it is pointed out that there were in the original some important changes. This editorial states:

> The legislative representatives of the railway unions, looking into one matter which they understand and are vitally interested in, found that the law relating to inspection of locomotives had been changed a great deal and always for the worse.
>
> The proposed code omits the title and purpose of the law, often of supreme importance in construing the same.
>
> It changes the references to other laws and to sections of the same law.
>
> It changes the methods of filing and putting into effect safety regulations.
>
> It cuts the salaries of inspectors from $3,600 per year, as now, to $1,800 per year.
>
> All these changes weaken the law, and the cut in salaries destroys its effectiveness.

What does the Senator say as to that? Have those omissions or changes been corrected?

Mr. PEPPER. Mr. President, the best way I can answer the Senator is to say that the critics who brought forward the objections which the Senator has just summarized based their objections upon the proposition that the enactment as law of the matter contained in the code would have the complicating effect suggested in the criticism, but in view of the fact that the matter contained in the code is not to be enacted into law, the criticisms fall, because all that the code does is to embody in an orderly way the existing legislation, and makes no attempt to change it, to reenact it, or to repeal any of it.

Mr. WILLIS. Mr. President, the Senator perceives the point of my question. If those errors, if they were errors, were discovered by one investigation, with one object in view, I was wondering whether there might not be a good many others.

Mr. PEPPER. Every one of the things to which the Senator has called attention is a separate ground of debate as to whether the criticism is or is not well founded. But it is not necessary to give attention to that criticism, in view of the fact that the critics are, as I am authoritatively informed, satisfied that the change in the method of dealing with the code remedies the menace which they apprehended.

Mr. WILLIS. In other words, the Senator's answer specifically is this: That whatever these criticisms are, or whatever others there might be, they are met by the fact that it is not proposed to enact this into law at this time, but it is simply made evidentiary. Is that correct?

Mr. PEPPER. That is correct.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WALSH. I desire to supplement what was said by the Senator from Pennsylvania in answer to the inquiry addressed to him by the Senator from Ohio, by saying that the criticism made of this work referred to in the article to which our attention has been directed by the Senator from Ohio led some of us, when the matter was up some time ago, to question the wisdom of making this a real code of laws, with enacting and repealing clauses, which would wipe out, either presently or in the immediate future, all existing legislation, leaving this as the sole body of Federal law.

We conceived, as suggested by the Senator from Ohio, that there might be other discrepancies. The work is of a stupendous character, as everyone will appreciate, and it is reasonably to be expected that with the very best work—and I have no doubt it was done by men fully qualified for the work—with the very best of intentions, and the most diligent effort it is quite likely that some statutes would be overlooked—indeed, it is conceded that some have been overlooked—and that some of the reproductions might not be exact. Therefore it was suggested that rather than take chances of that character the enacting and repealing clauses should be modified so as to make this only a convenient compilation of the law.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. PEPPER. I have yielded to the Senator from Montana.

Mr. WILLIS. I desire to propound a question to the Senator from Montana.

Mr. PEPPER. Very well.

Mr. WILLIS. What I wanted to ask the Senator was this—because I value the opinion of the Senator from Pennsylvania, who is a great lawyer, and the opinion of the Senator from Montana, who is an equally great lawyer. Does the Senator from Montana agree with the Senator from Pennsylvania that this proposed action will result simply in the establishment of an evidentiary volume, if we may so call it, and that there is no action looking toward its enactment as a law, that the Congress, therefore, subsequently, if it desires, could enact this into law? Does he agree with the Senator from Pennsylvania on that?

Mr. WALSH. Yes. I agree with that. That is substantially correct. I was going to say that, as it was presented, the apprehension suggested in the editorial to which the Senator has directed our attention was entertained, and in order to meet that situation those interested in that part of the compilation prepared the draft to which the Senator has called our attention, and which has been printed under the head of "Title 45—Railroads," with a view to offer that as a substitute for what appears in this compilation. But in view of the change that is made, and it being now realized that the law as it now exists will continue to be the law, notwithstanding this enactment, which, as indicated, will be merely evidentiary, representatives of the labor organizations interested in this particular legislation are not desirous at all any longer of offering this as a substitute for what appears in the code or compilation, and have authorized me to say so on their behalf on the floor of the Senate.

Mr. SHIPSTEAD. Mr. President, has the amendment on the first page of the document been agreed to?

Mr. PEPPER. No. No step has been taken this evening, except merely to send to the desk the first three amendments which appear in the document which the Senator holds in his hand.

Mr. SHIPSTEAD. If this first amendment is agreed to, is not all of this matter that has now been in controversy taken care of in subsection (a), section 2?

Mr. PEPPER. Mr. President, we are very confident that that is the case. We believe that the first of the three amendments which have been proposed will meet all of the difficulties

that have been suggested, excepting two matters which are covered by the second and third amendments, and they were mere errors of omission in two of the titles of the book which we are now ready to correct by supplying what was accidently left out.

Mr. SHIPSTEAD. Just one more question. This amendment, if adopted, expresses as the will of Congress that it is not the intention of Congress to change any existing law, if I understand it?

Mr. PEPPER. That is correct.

Mr. SHIPSTEAD. And if a controversy should arise at any time in a court, the court would have to take cognizance of the will of Congress as expressed by this amendment?

Mr. PEPPER. So far as the law is concerned, it is absolutely unaffected by the passage of this bill, if it be passed.

Mr. SHIPSTEAD. With this amendment.

Mr. PEPPER. With this amendment. If that action is taken, the code will become evidential of the law, but only prima facie evidence, and, as has been already explained, the presumption can be overcome by producing the statutes as actually enacted by Congress.

Mr. WALSH. Mr. President, I desire to inquire of the Senator whether the matter which appears on page 2 of the later document—the amendments proposed by Mr. ERNST—has been offered, or whether only that which appears on page 1 is offered?

Mr. PEPPER. I sent to the desk all the matter contained on pages 1, 2, 3, and 4 of the document to which the Senator refers, offering all three of the amendments which appear first in the document, but suppressing the fourth amendment, for the reasons which the Senator explained in his answer to the Senator from Ohio.

Mr. WALSH. I have not been able to understand the import and significance of what appears at page 2. As I understand the Senator, that operates to excise what appears on pages 2 and 3 of the original document; that is, sections 2, 3, 4, 5, part of 6, and all of 7. But I do not understand why that so operates. It starts with the language, for instance—

In the heading "Title I—general and repeal provisions," strike out the words "and repeal."

But that is not in the document as printed.

Mr. PEPPER. No, Mr. President. The star print, from which the Senator is reading, is a perfection of the amendment as originally printed, so that it is only the star print to which the Senator need refer in considering the text of the amendment. I am going to take the liberty of laying on the Senator's desk H. R. 10000 as it came from the House, and I think with that before him it will be possible for him to see the significance of the amendment as offered.

Turning to the first page of H. R. 10000, it will be perceived that immediately after the enacting clause occurs the language, "Title 1. General and repeal provisions." We propose to strike out the words "and repeal," for the reason that the changes contemplated would eliminate all repealing matter in the bill.

In the second place, the elimination of the greater part of chapter 1 makes necessary a change in the chapter headings, which are seven in number in the original bill, but which are now reduced to three, and the third paragraph of the suggested first amendment merely strikes out the list of chapters and makes the necessary changes to conform typographically to what follows. Then, all the changes in 4, 5, 6, and 7 are merely changes in the numbering of sections and other mechanical matter, to carry into effect the changes produced by inserting after the enacting clause the matter which appears on the first page of the document.

Mr. WALSH. I ask the Senator whether it does not become necessary to strike out section 2 of title 1, section 3 of title 1, section 4 of title 1, section 5 of title 1, all of section 6 after the words "United States" where they occur the second time in that, and all of section 7.

Mr. PEPPER. I think the Senator is correct. I believe the amendment should be amplified the way he has indicated. I think that is a mere oversight in the drafting of the amendment.

Mr. WALSH. Then I move that the amendment offered by the Senator from Pennsylvania——

Mr. PEPPER. Mr. President, I am going to interrupt the Senator for one moment to ask him whether the fourth section of the amendment covers the matter which he has in mind? The language is "Strike out all after such list of chapters down to the chapter heading of Chapter II of title 1."

Mr. WALSH. I think that is too inclusive, because it seems to me that section 1 should remain, which reads:

These 50 titles are intended to embrace the laws of the United States, general and permanent in their nature, in force on the 7th day of December, 1925, compiled into a single volume as a systematic body of law under the authority of Congress and designated "The code of the laws of the United States of America."

Mr. PEPPER. May I ask the Senator whether he will not revise that opinion in view of the fact that the amendment now proposed is intended to exclude from the code all this matter setting forth the legal effect of the code, making the language of enactment immediately follow the enacting clause and precede the code, which will then consist merely of the matter beginning in Chapter II and subsequent chapters.

Mr. WALSH. I think perhaps the Senator is correct about that, but I inquire whether that portion of section 6 preceding the word "until" therein should not remain. It reads as follows:

The arrangement and classification of the several sections of this code and the insertion of section headings have been made for convenience and are no part of the law. The copies of the code of the laws of the United States printed at the Government Printing Office and bearing its imprint shall be evidence of the law as therein in all courts, tribunals, and public offices of the United States, at home and abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States.

So that it will not be necessary to go to the actual certified copy of the act in the office of the Secretary of State.

Mr. PEPPER. May I answer the Senator in this way, that the first part of what he has just read from section 6 we omitted from the amendment because it is a declaration that certain things are no part of the law, and inasmuch as we are now taking steps to set forth the code in such fashion that none of it will be law, we thought it unnecessary to provide that the section headings, and so forth, should not be a part of the law.

Mr. WALSH. That might be quite satisfactory, but still there is a succeeding section making the copy printed by the Government Printing Office, and bearing the imprint, evidence of the law.

Mr. PEPPER. That is covered by subsection (b) of the amended enacting clause.

Mr. WALSH. So it is. I find it entirely satisfactory.

The PRESIDING OFFICER. Is there objection to the adoption of the amendment offered by the Senator from Pennsylvania? Without objection, it is so ordered.

Mr. KING. Mr. President, it is very difficult to understand this bulky document, especially when we have never seen it and never had an opportunity to read it. I would like to ask the Senator from Pennsylvania if there is anything in the enacting clause which would convey the impression that it is an act and supersedes other laws and is to be accepted as a valid, subsisting, substantive act of Congress.

Mr. PEPPER. I think not. I think the language makes it clear that the effect of the code is what has been explained here this evening.

Mr. KING. The Senator thinks the amendment which he offers—and I take it that this is an amendment proposed by the Senator from Kentucky [Mr. ERNST]—in the language found on the first page of the proposed amendment clearly qualifies, if it needs any qualification, the enacting clause to indicate that it is not a permanent statute superseding existing law and riveting this upon the country as the only law of Congress?

Mr. PEPPER. That is the opinion of the committee, Mr. President. We hold to it very strongly. We believe that there is no fair possibility of misunderstanding.

Mr. KING. The reason why I am so particular about this is that when the bill came from the House a year or two ago and was referred to the Committee on the Judiciary, the work was devolved upon the able Senator from Kentucky [Mr. ERNST] to examine it. There were demands that we accept unchallenged the bill as it came from the House, and that it was to be unchallengable. The Senator from Kentucky laboriously and with great zeal and industry went through the record and discovered so many imperfections, fatalities, and venalities that it was of course quickly determined by the Senate that it should not receive the seal of approval.

Now, notwithstanding the care which evidently has been bestowed upon the present bill, it is obvious that there will be some errors, and I wanted to be perfectly sure that this is not fastened upon us as the law of the land superseding existing statute.

Mr. PEPPER. My answer to the Senator's last observation is the answer I have made before—that we have taken the utmost care to guard against the danger to which he has just pointedly called attention.

Mr. REED of Missouri. Mr. President, before the amendment is finally disposed of, let me say that I surely do not want to cavil about the matter, but I think the language that is taken out ought to be restored, by which I mean the express declaration that if there is any difference between the text as appearing in the so-called code and the various laws and acts here intended to be codified, that the text of the law or act shall govern. The Senator from Pennsylvania has worked on this matter and is a very profound lawyer, but I am not always willing to leave the question in such shape that we must have a profound lawyer to understand it. I would like to make it so plain that it can not be misunderstood. I think the amendment ought to be so drawn that the laws or acts as printed now in the statutes of the United States should be higher evidence than that which is contained in the code. I do not want to delay the matter a moment. I am earnestly in favor of getting the bill passed.

Mr. PEPPER. The committee are entirely of the same mind as the Senator from Missouri. It was only a question as to the way in which most effectively to attain this purpose. We thought that as long as no part of the code is enacted into law, it was not necessary to provide that in case of inconsistency between that which is not law and that which is law the law should govern. But if the Senator thinks that it would clarify the situation to retain the language which was originally proposed, I call his attention to it as it appears in the document which I hand him and which reads this way:

In case of any inconsistency, arising through omission or otherwise, between the provisions of any section of this code and the corresponding portion of legislation heretofore enacted, effect shall be given for all purposes whatsoever to such enactment.

Mr. REED of Missouri. I think that will make it safe.

Mr. PEPPER. I am authorized to accept that for the committee as a part of the amendment, provided on further consideration the Senator from Missouri still thinks it is necessary to provide that in case of a conflict between what is not law and what is law, the thing that is law shall control.

Mr. REED of Missouri. I recognize the fact that it seemingly ought not to be necessary to say that, but all lawyers recognize the fact that this may appear much plainer to us who discuss the matter and know its history than it may appear to some court. It may be remedied finally on appeal and the true construction reached.

The PRESIDING OFFICER. Without objection the vote by which the amendment was agreed to will be reconsidered and the amendment as modified at the request of the Senator from Missouri and concurred in by the Senator from Pennsylvania, will be agreed to without objection. It is so ordered. Does the Senator now desire to propose his second amendment?

Mr. PEPPER. I do, Mr. President, and may I suggest that it will not be necessary to read the second amendment or third amendment because each amendment merely inserts in the body of the code some statutory matter which by inadvertence was omitted in the first printing.

Mr. KING. Mr. President, may I inquire of the Senator if he is referring to the fourth amendment found on page 2 of the document entitled "Amendments Intended to be Proposed by Mr. Ernst"?

Mr. PEPPER. I had understood that the first amendment was inclusive of all matter appearing on the first and second pages following the Roman numeral "I" and that we were now proceeding, having adopted that amendment, to the consideration of the amendment marked by the Roman numeral "II" on the third page.

Mr. KING. I had supposed from the statement made by the clerk and my own deductions that the amendment heretofore adopted terminated with the words "sealing of instruments," on page 2, but if the Senator states that it includes the paragraphs 4, 5, 6, and 7, I have no disposition to challenge it.

Mr. PEPPER. That is my understanding.

The PRESIDING OFFICER. Is there objection to the adoption of the second amendment offered by the Senator from Pennsylvania?

Mr. KING. I do not quite understand the purpose of that amendment.

Mr. PEPPER. I can explain it very briefly and, I think, satisfactorily to the Senator. It may seem to the Senator remarkable that so important a statutory provision as that creating the office of legislative counsel should have been omitted in the preparation of the code; but it was omitted by oversight, and the oversight was discovered after the measure had passed the House. The amendment now proposed is merely to correct the inadvertent omission of the legislation on the subject of legislative counsel.

Mr. KING. Then as I understand the Senator, it merely supplements the huge volume upon the clerk's desk by the addition of the provision found on page 3?

Mr. PEPPER. That is correct.

Mr. KING. At the appropriate place in the volume?

Mr. PEPPER. That is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. WILLIS. Mr. President, I want to ask just there a question which is suggested by the inquiry made by the Senator from Utah. He says the amendment supplements the document of some 1,700 pages. I understood that we really were not acting upon that document at all.

Mr. KING. Perhaps that was an unfortunate expression. What I meant was that the large document upon the Secretary's desk presumably contains all existing law, but inadvertently, as I understand the Senator from Pennsylvania, the provision found in the pending amendment on page 3 was omitted and it will be inserted in the volume when it shall be printed?

Mr. PEPPER. That is correct. Answering the inquiry of the Senator from Ohio, I would say that no action which the Senate may take upon the pending amendment will have any effect one way or the other upon the ultimate action of the Senate upon the bill. This is merely a presentation of amendments in order to perfect the bill.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and the amendment is agreed to.

Mr. PEPPER. I suggest, Mr. President, that the Senate proceed to the consideration of the third amendment.

Mr. KING. Is that the amendment on page 4?

Mr. PEPPER. The amendment is on page 4.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed in title 12—banks and banking—to amend section 618 in the subdivision of chapter 6 entitled "Organization of corporations to do foreign banking" of said title by inserting after the words "ten times its paid-in capital and surplus" an additional paragraph as follows:

The capital stock of any such corporation may be increased at any time, with the approval of the Federal Reserve Board, by a vote of two-thirds of its shareholders or by unanimous consent in writing of the shareholders without a meeting and without a formal vote, but any such increase of capital shall be fully paid in within 90 days after such approval; and may be reduced in like manner, provided that in no event shall it be less than $2,000,000. No corporation, except as herein provided, shall during the time it shall continue its operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. Any national banking association may invest in the stock of any corporation organized under the provisions of this subdivision of chapter 6, but the aggregate amount of stock held in all corporations engaged in business of the kind described in this chapter shall not exceed 10 per cent of the subscribing bank's capital and surplus.

Mr. PEPPER. Mr. President, with respect to that amendment let me say that it is offered for a purpose precisely similar to the one that led to the offering of the amendment last preceding. In the preparation of the title "Banks and banking" half of a section was inadvertently omitted by a typographical or a clerical mistake. The effect of this amendment, if agreed to, would be merely to restore the half of the section that was omitted. I will say to the Senator from Ohio that this, like the other amendment, has no relation whatever to the final action to be taken on the bill

Mr. KING. May I inquire of the Senator if since the printing of the document, with such care as has been bestowed upon it by those who compiled it and by the Senators who had it in charge, these are the only omissions which have been discovered?

Mr. PEPPER. These are the only omissions that we have been able to detect.

Mr. KING. I congratulate those who did the work as well as the Senators who comprise the committee.

Mr. PEPPER. We do not flatter ourselves or imagine that there will not be other serious errors discovered, but these are the only ones that we have discovered to date.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The bill is before the Senate as in Committee of the Whole and is open to further amendment. If there be no further amendment to be offered, the bill will be reported to the Senate.

Mr. WILLIS. Mr. President, at this point I desire to submit one more question to the Senator in charge of the bill.

In view of the statement just made by the Chair that the bill is before the Senate as in Committee of the Whole and open to amendment, I want to be sure that there is to be no mistake about this matter. Is it the Senator's understanding that the document of 1,700 pages is the document that is now being acted upon when it is stated by the Chair in the usual and proper form that "the bill is now before the Senate as in Committee of the Whole and open to amendment"? In other words, is it proposed to enact that document of 1,700 pages? If so, a different situation obtains.

Mr. PEPPER. Mr. President, the situation is precisely that which was developed by the colloquy between the Senator from Ohio and me at an earlier stage of the discussion. The matter contained in the 50 titles—the matter, in other words, which accounts for the bulk of the document upon the Vice President's desk—is not matter which it is now proposed to enact into law. To use the illustration which the Senator gave a while ago, it is an exhibit annexed to a statutory enactment. The only thing that we are enacting into law is the statutory declaration as to what effect is to be given to that large document. We are not enacting the document as such; I take it that it is not necessary to read the document as such, to comply with the rules of the Senate. The enacting portion of this measure is that only which is of legal effect and which declares the status of the matter contained in the large volume.

Mr. WILLIS. Then when the Chair states the usual and correct form, as he has stated it, that the bill is before the Senate as in Committee of the Whole and open to amendment, it is not in the mind of the Chair or in the mind of the Senator that we are enacting this document? If not, what is the resolution, the bill, or other paper upon which we are acting?

Mr. REED of Missouri. Will the Senator from Pennsylvania let me answer that question?

Mr. PEPPER. I yield to the Senator from Missouri.

Mr. REED of Missouri. Mr. President, the Senator from Pennsylvania did me the compliment of asking my opinion a while ago in regard to one matter. Therefore, I venture to make a suggestion here. In my opinion, what we are doing is exactly this, and we could do it in this form: "*Be it enacted*, That the Congress of the United States hereby authorizes Document A"—if we call it that—"to be printed and distributed to the lawyers of the United States who see fit to pay for it; *And be it further enacted*, That the document shall be admitted as prima facie evidence of the law of the land; but in any case where there is a dispute between that document and the law of the land as elsewhere officially printed the official print shall govern."

All we are doing is authorizing the printing and publication of the document. That is what we get down to.

Mr. PEPPER. Mr. President, I take it, supplementing the very clear statement which has been made by the Senator from Missouri, with which I entirely concur, the thing that is open to amendment is not the matter contained in the 50 titles of the code but that portion which precedes the code and which is the legislation to which the Senator from Missouri has referred and as to which the Chair, as I understand, has made his statement.

Mr. WILLIS. And the Senator fully agrees with the interpretation now placed upon the proposed action by the Senator from Missouri?

Mr. PEPPER. Yes, Mr. President.

Mr. WILLIS. Very well; I have no objection, with that understanding.

Mr. LENROOT. Mr. President, I should like to ask a question.

Mr. PEPPER. I yield to the Senator from Wisconsin.

Mr. LENROOT. The House passed this entire document as a code, did it not?

Mr. PEPPER. The House passed the entire document and sent it to us as if it were a single bill.

Mr. LENROOT. Yes; and is not that the subject matter before the Senate at this time?

Mr. PEPPER. It would have been but for the adoption of the three amendments that have been agreed to to-night.

Mr. LENROOT. That can not change the parliamentary status.

Mr. PEPPER. It does not change the parliamentary status, but it changes the nature of the measure.

Mr. LENROOT. It changes the effect of what we do, perhaps, but the real thing before the Senate is that 1,700 page document.

Mr. PEPPER. That is correct, Mr. President. From the parliamentary point of view the situation is as stated by the Senator from Wisconsin; but the matter of substance, which, I think, is the thing to which the Senator from Ohio is addressing himself, is best set forth by the statement made by the Senator from Missouri [Mr. REED].

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. PEPPER. Mr. President, I am going to ask the indulgence of the Senate for a moment or so longer. The order of business immediately preceding House bill 10000 on the calendar is a bill ancillary to House bill 10000. It merely provides for the printing of the bill in the form in which it is now set up, and it modifies some of the provisions of the law in regard to distribution with which it would be difficult to comply in the case of a document of this character. So I ask unanimous consent that the consideration of House bill 11318 be included in the business of this session, to the end that I may send to the desk an amendment to that bill necessary to conform it to the changed situation produced by the changes we have made in the bill which has just been passed.

Mr. BRATTON. What is the calendar number?

Mr. PEPPER. The calendar number is 837.

The PRESIDING OFFICER. Is there objection to the immediate consideration of House bill 11318?

Mr. WALSH. I wish to make an inquiry of the Senator. That bill provides for the publication of this document?

Mr. PEPPER. It does, Mr. President. It provides for the printing of it; it provides for the preparation in parallel columns of reference tables, of cross-references, of indices, and of matter such as the Constitution of the United States, and so on, usually appended to codifications of this kind.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I should like to ask a question before proceeding with the consideration of the bill. I should like to ask the Senator from Pennsylvania whether, in view of the changed status of House bill 10000 from the position it occupied in the House, an amendment is not needed to the title? Of course, not having the document before me, I can not determine that question.

Mr. PEPPER. A change is necessary in the title, and I thank the Senator for calling my attention to it. A proposed amendment to the title is printed in the amendment which has been before us, but it was not acted upon.

Mr. KING. I suggest, Mr. President, we act upon that before taking up the new bill.

Mr. PEPPER. Mr. President, the Senator from Utah has done me the favor to call attention to the fact that in the process of amending the bill which has just been passed we failed to include and act upon the amendment relating to a change in the title.

The PRESIDENT pro tempore. Without objection, the amendment relating to the title will be agreed to.

The amendment to the title makes it read as follows:

To consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925.

Mr. KING. Now, Mr. President, let me ask the Senator one other question. Will this document be available for examination by Senators at an early date?

Mr. PEPPER. Yes; Mr. President, the amendment proposed to the ancillary act, the act that goes along with the large statute, is intended to provide for the printing and distribution of the large volume. It contains a provision that a copy of the document in its present form shall be made available to every Member of the Sixty-ninth Congress, and also that the measure when perfected by the inclusion of the indices and other reference matter shall be made available for distribution to the extent specified in the bill.

Now, Mr. President, I renew my request for the immediate consideration of House bill 11318.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11318) to provide for the publication of the Code of the Laws of the United States with index, reference tables, appendix, and so forth.

Mr. PEPPER. I ask unanimous consent, Mr. President, for the adoption of the amendment which I now offer.

Mr. WILLIS. Let the amendment be reported.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. PEPPER. Mr. President, may I ask the Senator from Ohio whether he means to call for the reading of the entire amendment? It is highly technical.

Mr. WILLIS. No. What I want to get at is this: I wish to find out what amendment the Senator is making in the title. It seems to me that is exceedingly important.

Mr. PEPPER. Mr. President, the amendment to the title as found on page 21, amendment No. 5, is as follows:

Amend the title of the bill so as to read as follows: "To consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925."

Mr. WILLIS. The Senator is proposing that amendment to the title of the measure already acted upon?

Mr. PEPPER. That is correct.

The PRESIDENT pro tempore. That amendment to the title has already been agreed to, the Chair will state to the Senator from Ohio.

Mr. WILLIS. Now, what is the amendment which the Senator from Pennsylvania is proposing to the bill now before the Senate?

Mr. PEPPER. Mr. President, I am merely proposing certain amendments of a purely technical nature.

Mr. WILLIS. I mean to the title?

The PRESIDENT pro tempore. There is no amendment now pending to the title. The title as amended has been agreed to.

Mr. WILLIS. Does the Chair refer to the bill now before the Senate?

The PRESIDENT pro tempore. The Chair does not understand that the amendment now pending is to the title of the bill before the Senate.

Mr. WILLIS. I wish to ask the Senator from Pennsylvania a question. House bill 11318 is now before the Senate. At the appropriate time—and I understand, of course, that the appropriate time is after the bill has been passed—he should offer an amendment to the title. That is evident if one reads the title, for, as it stands now, it reads:

To provide for the publication of the Code of Laws of the United States—

And so forth.

The Senator does not want the title to read in that fashion, does he, because the compilation is not a code of laws? We have been talking about that all evening.

Mr. PEPPER. I think the Senator from Ohio is quite right, and that the title of H. R. 11318 should be amended in such a way as to substitute for the words "code of laws" the amended title of H. R. 10000 as just adopted.

Mr. WILLIS. I think that is correct. I do not know about the form of it, but we ought to have that worked out, of course.

Mr. PEPPER. It is in the hands of the clerk. At the suggestion of the Senator from Ohio, I am glad to add to the amendment proposed to H. R. 11318 an amendment to the title.

The PRESIDENT pro tempore. May the Chair state his understanding of the parliamentary situation? Order of Business No. 838 having been passed, and the amendment to the title having been agreed to, it is now necessary to take up Order of Business 837, providing for the publication, and instead of considering it as carried on the calendar, without amendment, to provide for an amendment that shall make the title of the bill as quoted in the title of Order of Business 837 to correspond to the title as agreed to in Order of Business 838.

Mr. PEPPER. That is correct, Mr. President, as I understand it.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment to the title of Order of Business 837.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LA FOLLETTE. Has not the Senator from Pennsylvania offered an amendment to House bill 11318?

The PRESIDENT pro tempore. With reference to the title only, as the Chair understands.

Mr. PEPPER. Mr. President, I sent to the desk an amendment to H. R. 11318 which did not include an amendment to the title.

The PRESIDENT pro tempore. An amendment to the text?

Mr. PEPPER. It was an amendment to the text.

The PRESIDENT pro tempore. That amendment, then, will be stated.

Mr. PEPPER. And may I suggest that it is not necessary, unless it is called for, that that amendment be read——

Mr. WILLIS. I do not ask for it.

Mr. PEPPER. Because it merely makes those changes of a technical sort in House bill 11318 necessary to conform this ancillary bill to the changes that we have made in the principal bill.

The PRESIDENT pro tempore. Very well. Then, in order to have all the steps proper, the question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide for the publication of the act to consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925, with index, reference tables, appendix, etc."

Mr. KING. Mr. President, I desire to ask one question. I have not read this long bill, consisting of three or four pages. I desire to ask the Senator—and of course I will take his word for it—whether there is anything in the bill which we have just been considering, Order of Business 837, that will vitalize Order of Business 838, which we have just passed, and transmute it from a codification to a law and a substantive act of Congress?

Mr. PEPPER. Such an effect might have followed from the enactment of Order of Business 837, but for the amendments which were offered and adopted for the purpose of safeguarding the very point to which the Senator from Utah calls attention.

Mr. KING. I am satisfied with the Senator's statement.

THE CALENDAR

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the calendar is in order under Rule VIII.

Mr. CURTIS. Mr. President, I ask unanimous consent that we begin where we left off the other night, with Order of Business 586.

The PRESIDENT pro tempore. Is there objection?

Mr. BRUCE. Mr. President, are we not going to begin at the beginning to-night?

The PRESIDENT pro tempore. The Chair will state that unanimous consent has been asked to begin the call of the calendar under Rule VIII with Order of Business 586. Is there objection?

Mr. NORBECK. I object.

Mr. BRUCE. I object.

The PRESIDENT pro tempore. Objection is made. The Secretary will begin with Order of Business 193.

The first business on the calendar was the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes.

Mr. NORBECK. Mr. President, I want to say to the leader that I would have no objection to taking up the first bill on the calendar, but I do not want to spend the evening discussing that one bill, as we have spent so much time on it heretofore.

The PRESIDENT pro tempore. Senate bill 2607 is passed over.

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

AIR SERVICE OF THE ARMY

The bill (S. 3321) to increase the efficiency of the Air Service of the United States Army was announced as next in order.

Mr. WADSWORTH. I move that that bill be indefinitely postponed.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New York.

The motion to postpone indefinitely was agreed to.

BILLS PASSED OVER

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2839) for the relief of Capt. James A. Merritt, United States Army, retired, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

ADDISON B. M'KINLEY

The bill (S. 6) for the relief of Addison B. McKinley was announced as next in order.

Mr. KING. Let that go over.

Mr. ODDIE. I move that Senate bill 6 be taken up and acted upon.

Mr. KING. It will take some time.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada. [Putting the question.] By the sound, the "noes" appear to have it.

Mr. ODDIE. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. MEANS (after having voted in the affirmative). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Maryland [Mr. WELLER], and will let my vote stand.

Mr. STANFIELD (after having voted in the affirmative). I transfer my pair with the Senator from Tennessee [Mr. TYSON] to the Senator from Minnesota [Mr. SCHALL], and will let my vote stand.

Mr. FERNALD (after having voted in the affirmative). I transfer my pair with the Senator from New Mexico [Mr. JONES] to the Senator from Vermont [Mr. GREENE], and will let my vote stand.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Louisiana [Mr. RANSDELL]; and

The Senator from Missouri [Mr. WILLIAMS] with the Senator from Tennessee [Mr. MCKELLAR].

The result was announced—yeas 53, nays 5, as follows:

YEAS—53

Ashurst	George	McMaster	Shipstead
Bingham	Glass	McNary	Shortridge
Bratton	Goff	Mayfield	Stanfield
Broussard	Gooding	Means	Steck
Bruce	Hale	Metcalf	Swanson
Butler	Harreld	Norbeck	Trammell
Cameron	Harrison	Oddie	Wadsworth
Capper	Heflin	Pepper	Walsh
Curtis	Howell	Phipps	Watson
Edge	Jones, Wash.	Pine	Wheeler
Ernst	Kendrick	Reed, Pa.	Willis
Fernald	Keyes	Robinson, Ind.	
Ferris	La Follette	Sackett	
Fess	Lenroot	Sheppard	

NAYS—5

Bayard	King	Moses	Stephens
Blease			

NOT VOTING—38

Borah	Fletcher	McLean	Simmons
Caraway	Frazier	Neely	Smith
Copeland	Gerry	Norris	Smoot
Couzens	Gillett	Nye	Tyson
Cummins	Greene	Overman	Underwood
Dale	Harris	Pittman	Warren
Deneen	Johnson	Ransdell	Weller
Dill	Jones, N. Mex.	Reed, Mo.	Williams
du Pont	McKellar	Robinson, Ark.	
Edwards	McKinley	Schall	

So Mr. ODDIE's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6) for the relief of Addison B. McKinley, which had been reported from the Committee on Claims, with an amendment, on page 1, line 4, after the word "pay" to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Addison B. McKinley, of Reno, Nev., the sum of $6,000, as reimbursement for loss by the destruction of his dwelling house, located on the premises known as 901 Ralston Street, Reno, Nev., and for other property destroyed or damaged in connection therewith, on August 21, 1924, by an airplane belonging to the Post Office Department of the United States, operated by a United States Government pilot, while in discharge of said pilot's official duties.

The amendment was agreed to.

Mr. ODDIE. Mr. President, a similar bill has passed the House. I move that House bill 6405, which is identical with the Senate bill, except for a reduction of the amount, be substituted for the Senate bill and acted on.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada.

Mr. BAYARD. Does the Senator from Nevada say that it is exactly the same bill as the Senate bill?

Mr. ODDIE. Yes; except that the amount is reduced $1,000.

The PRESIDENT pro tempore. Has the bill to which the Senator refers been referred to the Committee on Claims? The Chair will address his inquiry to the Senator from Colorado [Mr. MEANS].

Mr. MEANS. Mr. President, the House bill, being an identical bill, with the exception of a difference of $1,000 in the amount, instead of referring it to the Committee on Claims, the Committee on Claims authorized the Senator from Nevada to move to substitute it, without its going to the committee. We have considered the effect of the bill, and the Senate bill is identically the same as the House bill, except for the reduction of the amount in the latter.

The PRESIDENT pro tempore. Then the first motion of the Senator from Nevada is that the Senate Committee on Claims be discharged from the further consideration of House bill 6405.

The motion was agreed to.

The PRESIDENT pro tempore. The question now is upon substituting House bill 6405 for Senate bill 6.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6405) for the relief of Addison B. McKinley, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Addison B. McKinley, of Reno, Nev., the sum of $5,000, as reimbursement for loss by the destruction of his dwelling house, located on the premises known as 901 Ralston Street, Reno, Nev., and for other property destroyed or damaged in connection therewith on August 21, 1924, by an airplane belonging to the Post Office Department of the United States, operated by a United States Government pilot, while in discharge of said pilot's official duties.

Mr. BAYARD. Mr. President, does the Senator from Nevada desire to explain this bill to the Senate?

Mr. ODDIE. I have already explained it on former occasions, but I shall be glad to make a brief explanation if it is desired.

The favorable report of the committee has been filed. It is on record. The matter has been carefully explained to the Senate heretofore. It involves an air-mail pilot who obtained permission from the Post Office Department authorities to fly his plane over the grave of a companion flier and friend who was being buried on that particular day. As he was dropping flowers on the grave from his plane, the plane fell and struck a house; the plane was destroyed, the flier was instantly killed, and the house and everything in it were completely destroyed by fire. The owner of the house is a very reputable, good citizen of Reno, Nev., where this happened.

He had put the savings of a lifetime in that house, which he had occupied just a few months before this accident happened. The house was not insured and its contents are a complete loss to him. With this amendment of the House of Representatives he will receive less than he actually put into the house if the bill shall pass.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Alabama?

Mr. BAYARD. I yield.

Mr. HEFLIN. If that is the case, why is the Senator moving to agree to the House amendment?

Mr. ODDIE. In order to expedite the matter. As the session is drawing to a close, I think it would be better to act on the House amendment rather than risk losing the bill.

Mr. HEFLIN. What is the amount he will get under this amendment?

Mr. ODDIE. Five thousand dollars. Under the original bill he would have received $6,000. It reduces the amount $1,000.

Mr. BAYARD. Mr. President, I should like to be heard before the bill is passed, and I would like to have the attention of the Senate.

The facts in this case are rather simple and they are rather sad. Here was a man who was a regular flier in the mail service, who asked permission to use a mail plane, Government property, for a purely private purpose; that is, to fly around during the funeral of another flier and drop flowers while the funeral service was going on.

At the time of this operation he was, by the permission of his superior officer, off duty, not in the Government service, yet he was using a Government plane, but not for governmental purposes. The whole thing, as far as he was concerned, and as far as the operation was concerned, was a purely private affair on his part, and continued to be so up to the time of his death and up to the time of the burning of Mr. McKinley's house.

What I want to bring to the attention of the Senate is that if we pass this bill we will establish the precedent that whenever anybody in a private capacity—and this man was acting in a private capacity—uses governmental property—and this was governmental property, though it is true he had permission to use it—the Government would stand back of anybody using governmental property for private purposes, and would make compensation for whatever damage might be done, if damage was done, in the course of the operation.

This was a very terrible accident. Mr. McKinley's house was burned up, through no fault of his own. But if we pass this bill, from now on there will be the precedent, which the Claims Committee will necessarily follow in making its reports on such matters, and which the Senate, I take it, will follow in favorable action on the bills. We will say to everybody, if we pass this bill, "If you, as a private citizen, by permission get the use of governmental property, and use it for private purposes, and you commit a tort upon any private person or upon his property, we will make recompense for any injury done." I think that is a very dangerous proposition, and I ask the Senate to pause and not to pass this bill, solely for the reasons I have given.

Mr. HEFLIN. Mr. President, before the Senator takes his seat I just want to ask him one or two questions. Was this a Government plane?

Mr. BAYARD. It was a Government plane, and the flier had the permission of his superior officer to use it for this purpose. It was a solely private purpose, and while he was using it he was not in the Government employ.

Mr. HEFLIN. Was he in the Government service?

Mr. BAYARD. He was an air-mail pilot.

Mr. HEFLIN. And it was a Government machine?

Mr. BAYARD. It was a Government machine, unquestionably.

Mr. HEFLIN. While operating a Government machine he destroyed this man's house and was killed himself by a Government machine. The Senator does not take the position that this poor citizen should have his house destroyed by a Government machine—it does not make any difference under whose permission it was taken out—and not be recompensed?

Mr. BAYARD. Let me make this suggestion to the Senator, and I think it is a perfectly fair simile. Suppose the Senator were in a governmental position where he had the use in his own right of an automobile, and some one came along and said, "Senator, I want to use your automobile to-night. May I do it?" The Senator is a Government officer, the automobile is a Government machine, the chauffeur who operates the machine is a Government chauffeur, paid by the Government. The Senator says, "Yes. Go ahead and use it to-night for your private purpose." The man goes out, and in the prosecution of his purpose he runs into somebody and kills him or hurts him. Does the Senator maintain that under those circumstances the Government would be responsible?

Mr. HEFLIN. Yes.

Mr. BAYARD. When that man was acting in a wholly private capacity?

Mr. HEFLIN. It does not make any difference; if he is using the Government machine, and somebody who has authority over it turned it over to him to use, the Government would be responsible. It ought to be held responsible in order that these machines shall not be taken out in this way.

Mr. McKELLAR. Mr. President, suppose the Senator owns a machine, and lets his chauffeur drive it at night, and the chauffeur runs into somebody. Does the Senator mean that he would not be held liable if some person were injured? The only difference between the Government and the Senator would be that under the law the Government may not be sued without its consent, but the Senator could be sued.

Mr. BAYARD. The Senator has not made a statement in consonance with the facts in this case.

Mr. STEPHENS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Mississippi?

Mr. BAYARD. I yield.

Mr. STEPHENS. I am addressing myself to the Senator from Nevada [Mr. ODDIE], if I may, with the permission of the Senator from Delaware.

Mr. BAYARD. I yield to the Senator from Mississippi.

Mr. STEPHENS. I find in this report two messages from Mr. Nelson, who was the commanding officer of the driver of this plane. He gave this man authority to use the plane, but later on he countermanded that authority, as I gather from a reading of the report. If so, what the Senator from Tennessee and the Senator from Alabama have said about the matter would have no application. I gather from what is said here that this man was later instructed not to operate this plane. I may be in error. That is why I am asking the question of the Senator from Nevada.

Mr. ODDIE. Mr. President, I think if the Senator from Mississippi will look over the report, he will see that the permission for this flight was granted, and that it was not revoked before the accident.

Mr. BAYARD. That is quite true; it was not revoked before the accident, but it was revoked by reason of the fact that the officer superior to the one who granted the permission revoked the permission, because the officer immediately superior to the flier had no right to give the permission in the first instance. The record shows that very plainly.

Mr. STEPHENS. He gave the flier an order not to use the plane.

Mr. ODDIE. In my opinion, in this case the Government was negligent. Negligence will be presumed on the part of those who were supposed to put the plane in proper order before it was flown, or on the part of the flier, who was a Government employee.

Mr. REED of Missouri. Mr. President, where does the Senator get the law that negligence will be presumed if a man falls in a plane and gets killed?

Mr. BAYARD. In addition to what the Senator has just said, the evidence in this case, as disclosed in the report, was as follows:

> From information obtained, it appears to be a certainty that the plane was in perfect condition in every respect and so operating, and that the accident in itself was not due to any fault in the mechanism or lack of proper attention given the plane prior to the flight. It might be said to be due to the pilot losing control of the plane, but considering his previous experiences and his wonderful record as a flier, it may well be considered as an unavoidable accident.

That does away absolutely with the theory presented by the Senator.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BAYARD. I yield.

Mr. REED of Pennsylvania. I see the force of the Senator's statement that the unauthorized use of Government property would not render the Government, or the owner of the property other than the Government, liable for misuse of that property. But does not the Senator think that this case is taken out of that class by the telegram of permission which was sent to this pilot to make the flight? As I read it on page 2 of the report it is—

> Permission granted for test flight as requested.

Mr. BAYARD. I think the flight was made in perfect good faith on the part of the flier.

Mr. REED of Pennsylvania. If his superior officer gave permission for a test flight, that was clearly an authorized use of the plane. Were the owner of the plane a private individual, who granted permission for a test, even although the test meant flying over a cemetery and dropping flowers, it would be held that the pilot was acting within the scope of his agency, would it not?

Mr. BAYARD. If we are to go by the exact language of those telegrams, perhaps the Senator is right. But it was distinctly understood that this whole operation, while it was called a test flight, as a matter of fact, was not a test flight. The testimony discloses that the pilot did not need to make any test at that time. The testimony further discloses the perfect condition of the machine. Everything was perfect as far as the Government operation was concerned, and it was

apparent that he was going out on this purely private undertaking to show his respect for the dead.

Mr. REED of Pennsylvania. I concede that that was his motive, but if his superior officer chose to make it a test flight, and to call it that, is not that in a sense bringing it within the scope of his authority?

Mr. BAYARD. He sent the telegram, I suppose, for the sole purpose of justifying his action. If the Senator chooses to read the whole report, he will find that the officer superior to the officer who gave the permission canceled it as soon as he found it out. But in the meantime the flight had taken place.

Mr. REED of Pennsylvania. I have discovered on page 3 of the report that he apparently tried to save his face after the accident happened and canceled the permission, and said:

Disregard my note; too plain.

Mr. BAYARD. My sole objection to the bill is that we would be setting up a very dangerous precedent, that is all. I have the greatest sympathy with Mr. McKinley, who lost his house, but I say that if we inaugurate such a procedure in cases of this kind, where Government property is used manifestly for purely private purposes, by a man acting in a purely private capacity, as this man was acting, we are going to be in trouble.

Mr. KING. Mr. President, may I ask the Senator from Pennsylvania whether, in a case of this character, he thinks there would be any liability? For instance, the Government employs individuals here who use automobiles to convey books, and so forth, which we have here, to the post office, and at night they place their automobiles in the garages furnished by the Government. Mr. A, who discharges that duty, places one of the automobiles in the garage and retires to his home. Some friend of his telephones him, "I would like to attend a funeral. May I use the Government automobile which is now in the garage, not in use? You are out. You are not connected with it." Mr. A says, "Yes; you may use it."

Mr. REED of Pennsylvania. That is not what happened.

Mr. KING. Would there be any liability on the part of the Government?

Mr. REED of Pennsylvania. Clearly not in that case. But that is not what happened. What happened in this case, to carry on the parallel, is that the chauffeur of the automobile called up his superior officer and asked permission to take the car out to go to a funeral, so to speak. The answer came back, "It is all right for you to take the car out for a test run." I think that if there were a civil owner of the property the case would go to the jury to say whether that did not constitute the chauffeur an agent for the employer in making the run.

Mr. REED of Missouri. Mr. President, that argument might technically be made. Technically the owner of the automobile had "put his foot into it," but not morally, not justly. That is to say, by saying to him, "You can take it out for a test," when as a matter of fact he knew he was going to take it out to go to a funeral, there might be created a condition where a jury might find against the defendant. But if as a matter of fact the automobile was to go to the funeral, the mere form of the privilege granted would not impose a moral obligation. We ought to deal with this question, it seems to me, if the Senator will pardon me just this word, not according to some technicality, because technically the Government is not liable at all.

Mr. REED of Pennsylvania. Really that is so. It is not liable unless we pass this bill.

Mr. REED of Missouri. But upon the ground either that the Government, in justice and in right, ought to pay this claim, or it should not.

Mr. REED of Pennsylvania. Let me put it to the Senator in this form: Here is an extremely dangerous machine being flown over a thickly populated community with the permission of the Government officials who have charge of it. I say that to authorize such a thing was just as clearly negligence on Nelson's part as it was negligence on the pilot's part to fly at a low altitude over a thickly built-up district. It is just as dangerous to do that as it would be to roll a lot of high-explosive shells around through the street. If the Government permits it, in all good conscience it ought to pay the damages.

Mr. REED of Missouri. Mr. President, I have not made up my mind which way I ought to vote on the question, but let me make a suggestion to the Senator. Suppose that one of the officers over at Fort Myer who has a Government automobile allows one of the soldiers to take that automobile to drive over to Washington and that soldier runs over a citizen and injures him. Is the Government to pay that bill, although the officer who allowed the machine to be used for that purpose in the first instance was really going beyond his authority? The officer who permitted this flying machine to be taken out for a private purpose was clearly going beyond his authority. If this case stood by itself I would say to pay the man the amount, but if it applies to flying machines, why not to automobiles?

Mr. REED of Pennsylvania. Simply because there is a different degree of danger involved in so doing. An airplane is dangerous in the hands of anyone, and in the hands of some people an automobile is likewise dangerous, and so we come on down to the wheelbarrow class which is not dangerous in the hands of anybody but a fool. But certainly with the extremely dangerous instrumentalties the Government has it owes a duty to its citizens to keep them in a safe place.

Mr. HEFLIN. Mr. President, this citizen who had his property destroyed was not at all at fault. He was not guilty of contributory negligence. His house was burned. The Senator from Nevada [Mr. ODDIE] has told us that he put into this home all the money he had in the world. Now, if the Government allows a plane to fall upon it and destroy it and then undertakes to deny this citizen the amount he has lost in the destruction of his home by virtue of a Government instrumentality, it seems to me it would be an awful mistake. The Government was erected for the welfare of the citizens. A citizen engaged in the peaceful pursuits of life has builded a house, providing himself and loved ones with a home, and has that home destroyed by a Government airplane. While being flown by a Government agent over a cemetery, dropping flowers on the grave of his dead comrade, the flier lost control of the machine and fell upon the house and paid for his own folly, if it was a folly in taking the machine out, with his life. He was killed.

The citizen, who was not disturbing anybody, who was there with his family in the home he had paid for, looked around in a few minutes and saw it dissolved in flame, all that he had had gone up in smoke and flame, not a cent left to his name, and his home destroyed.

To stand here and discuss technicalities about refusing to pay $5,000 in such circumstances when we have voted to give $500,000,000 to other people in refunds on account of their taxes is not right. Here is a good citizen who, without any fault upon his part, has had his home destroyed by the Government, and we quibble here for half an hour over the matter of paying him $5,000. I do not care if we do set a precedent by it. When Senators reach the point when they are not moved by common sympathy and sentiment for a citizen in a situation like this, it will be a poor day for this Republic.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, the bill (S. 6) for the relief of Addison B. McKinley will be indefinitely postponed.

RETIREMENT OF CERTAIN WORLD WAR OFFICERS

The bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. WADSWORTH and Mr. KING. Let the bill go over.

Mr. McKELLAR. Mr. President, I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

Mr. ASHURST. I demand the yeas and nays on that motion.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKeller	Robinson, Ind.
Bayard	George	McMaster	Sackett
Bingham	Goff	McNary	Sheppard
Blease	Gooding	Mayfield	Shipstead
Bratton	Hale	Means	Shortridge
Broussard	Harreld	Metcalf	Stanfield
Bruce	Harrison	Moses	Steck
Butler	Heflin	Norbeck	Stephens
Cameron	Howell	Oddie	Swanson
Capper	Jones, Wash.	Pepper	Trammell
Curtis	Kendrick	Phipps	Wadsworth
Edge	Keyes	Pine	Walsh
Ernst	King	Reed, Mo.	Watson
Ferris	La Follette	Reed, Pa.	Willis

The PRESIDENT pro tempore. Fifty-six Senators having answered to their names, a quorum is present. The question is upon agreeing to the motion of the Senator from Tennessee

[Mr. McKELLAR] that the Senate proceed to the consideration of Calendar No. 486, Senate bill 3027.

Mr. WALSH. Mr. President, I desire to submit a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WALSH. I inquire of the Chair if the bill had been reached in its regular order on the call of the calendar?

The PRESIDENT pro tempore. It had. The question is not debatable. The question is on agreeing to the motion proposed by the Senator from Tennessee that the Senate proceed to the consideration of Senate bill 3027.

Mr. ASHURST. On that question I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. STANFIELD (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. TYSON]. If he were present he would vote as I intend to vote, so I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. McKELLAR. I desire to announce the unavoidable absence of my colleague, the junior Senator from Tennessee [Mr. TYSON]. If he were present he would vote "yea," as it is his bill.

Mr. MEANS (after having voted in the affirmative). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Maryland [Mr. WELLER] and let my vote stand.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Virginia [Mr. GLASS];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN]; and

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Louisiana [Mr. RANSDELL].

The result was announced—yeas 50, nays 6, as follows:

YEAS—50

Ashurst	Goff	McNary	Sheppard
Bratton	Gooding	Mayfield	Shipstead
Broussard	Hale	Means	Shortridge
Bruce	Harreld	Metcalf	Stanfield
Butler	Harrison	Moses	Steck
Cameron	Heflin	Norbeck	Stephens
Capper	Howell	Oddie	Swanson
Curtis	Jones, Wash.	Pepper	Trammell
Edge	Kendrick	Phipps	Walsh
Ernst	Keyes	Pine	Watson
Ferris	La Follette	Reed, Pa.	Willis
Fess	McKellar	Robinson, Ind.	
George	McMaster	Sackett	

NAYS—6

Bayard	Blease	Reed, Mo.	Wadsworth
Bingham	King		

NOT VOTING—40

Borah	Fernald	Lenroot	Schall
Caraway	Fletcher	McKinley	Simmons
Copeland	Frazier	McLean	Smith
Couzens	Gerry	Neely	Smoot
Cummins	Gillett	Norris	Tyson
Dale	Glass	Nye	Underwood
Deneen	Greene	Overman	Warren
Dill	Harris	Pittman	Weller
du Pont	Johnson	Ransdell	Wheeler
Edwards	Jones, N. Mex.	Robinson, Ark.	Williams

So, the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. The Chair recognizes the Senator from Tennessee.

Mr. McKELLAR. I ask for the yeas and nays on the passage of the bill, Mr. President.

Mr. WADSWORTH. Mr. President——

Mr. HEFLIN. Have the yeas and nays been ordered?

Mr. KING. No; it is desired to talk about the bill.

Mr. WADSWORTH. I have no objection to the yeas and nays being ordered.

Mr. HEFLIN. Let us have the yeas and nays ordered, Mr. President.

Mr. McKELLAR. I have called for the yeas and nays.

The PRESIDENT pro tempore. We have not reached that stage in the proceedings.

Mr. HEFLIN. The Senator from New York said he had no objection to the yeas and nays being ordered.

The PRESIDENT pro tempore. Even in that case, there are certain steps to be taken before the yeas and nays are ordered.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. The Senator from Maine.

Mr. HALE. I should like to say before the bill is finally acted upon that I wish to propose an amendment which will include the Navy with the Army in the operation of the bill.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment. The Senator from Maine is recognized.

Mr. WADSWORTH. I thought I was recognized.

The PRESIDENT pro tempore. The Chair thought the Senator from New York gave way to the Senator from Maine.

Mr. WADSWORTH. Mr. President, this measure, I think, or one exactly like it, was presented to the Senate in the last Congress, having been reported from the Committee on Military Affairs, and it passed the Senate. So in that sense the question involved in the measure is not new before the Senate. I opposed it in the Committee on Military Affairs in the last Congress; I opposed it upon the floor of the Senate in the last Congress; I opposed it in the Committee on Military Affairs at this Congress, and I shall oppose it here and now.

Mr. President, this bill proposes to do two things, to one of which I have no objection whatsoever. The provision to which I have no objection is recited in general on page 3 of the bill, and provides, in effect, that those men who served as officers in the emergency forces during the World War and who received injuries rated less than 30 per cent and more than 10 per cent permanent disability shall be placed upon the honorary retired list in the War Department as a measure of honor and recognition of their services. To that, so far as I can see, there can be no objection.

The provision of the bill, however, which has aroused discussion and to which I object is the one under which any emergency Army officer of the recent war who has been injured to the extent of 30 per cent disability, instead of drawing compensation under the World War veterans' act, in accordance with the severity of his injury, shall be placed in a position to draw an amount of money from the Veterans' Bureau, to be sure, equal to 75 per cent of the pay of the grade which he occupied in the Army at the time he incurred the disability. It will be seen, therefore, that this proposal will place the injured officers in a separate class from the injured enlisted men, and treat them upon an entirely different basis. Instead of being compensated in accordance with the severity of their injuries they are to be compensated in accordance with the rank held by them.

A colonel will get more money from the Government in the way of compensation for his injury than will a lieutenant colonel with the same injury; a lieutenant colonel will get more than will a captain with the same injury; a captain will get more than will a first lieutenant with the same injury; a first lieutenant will get more than will a second lieutenant with the same injury; and a second lieutenant will get more than will an enlisted man with the same injury.

Mr. ROBINSON of Indiana. Mr. President, will the Senator from New York yield for a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. WADSWORTH. I yield.

Mr. ROBINSON of Indiana. Is not that perfectly true relative to officers and enlisted men of the Regular Army as it is organized at present?

Mr. WADSWORTH. I shall come to that.

Mr. McKELLAR. And whether they are injured or not?

Mr. WADSWORTH. I shall come to that. I claim that there is no analogy between the two cases.

Mr. ROBINSON of Indiana. If the Senator from New York will yield for just another question, is it not true if the enlisted men were placed on exactly the same basis as it is proposed to place the officers that 75 per cent of their pay would not really compensate them to the degree they are already provided for under the law?

Mr. WADSWORTH. That is perfectly true. That is why it is not proposed that they shall be placed upon the basis of rank and 75 per cent of the pay of their rank because they would get less. The purpose of this bill is to pay more money

to officers, and the retired pay schedule is being used as a device to double and treble the compensation of emergency officers for the injuries they have received.

Mr. ROBINSON of Indiana. Mr. President, will the Senator from New York yield to me for just one other question?

The PRESIDENT pro tempore. Does the Senator from New York yield further to the Senator from Indiana?

Mr. WADSWORTH. I yield.

Mr. ROBINSON of Indiana. Is it not just as fair for the emergency officer who was injured in the line of duty to be compensated at a rate of 75 per cent of his pay, as is provided in this bill, as it is for an officer of the same grade in the regular establishment to be so compensated?

Mr. WADSWORTH. I am coming to that point. I think there is no analogy between the two, though I know that many people do not agree with my contention.

Mr. President, this bill involves a question of profound importance, for it is here proposed to establish for the first time, as I understand, upon a broad scale the principle that the volunteers and the drafted men of all grades of the emergency army of the United States shall be paid, so far as enlisted men are concerned, in accordance with the degree of disability, but that officers of the emergency army of the United States shall with respect to the last war—and I assume, if this bill shall finally pass, with respect to all wars that are yet to come—be paid in accordance with their rank. So for the first time it is proposed to establish as between officers and enlisted men of the emergency or volunteer forces the distinction of rank, and I contend that in all our great wars, and certainly the last two or three generations, such a principle has never yet been accepted.

Mr. President, the fault I find with this kind of legislation is just this: Instead of disability being compensated by the Government in accordance with its severity it is to be compensated in accordance with rank. If a first sergeant loses his right arm, he receives from the Government something like $70 or $80 a month under the World War veterans' act.

If the emergency officers' retirement bill shall be enacted, a captain who has lost his right arm will receive from the Government, under this bill, three-fourths of his active duty pay, an amount something like twice as much as that received by the sergeant for exactly the same injury. If this proposed law shall be passed, a major will get about twice as much compensation for his injury as will a second lieutenant suffering from exactly the same injury, acquired in the same way, and perhaps in the same half hour on the field of battle. In other words by using the retirement pay schedules, as this bill proposes, as a basis for compensating for injuries, we are injecting into our pension system a series of class distinctions. Many men who served in the ranks, well educated young men, with good prospects, made just as great a sacrifice proportionately when they went into the service as did a number of those who were commissioned as officers. I do not see how we are going to defend a system which extends to the injured officer such tremendously greater compensation than is extended to the enlisted man.

I venture to say, Mr. President, if this bill shall ever become a law its provisions will come back to plague Congress in the future, for it will not stop with the emergency officers in the Army in the last war. It must inevitably extend to all the emergency officers who served in the Navy during the last war, not all of whom as yet, by any means, have been taken care of upon this principle; and it must embrace and take care of the volunteer officers of the Spanish-American War on the same principle. If we do it for one we must do it for all, and eventually, Mr. President, you will hear from the enlisted men themselves.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. WADSWORTH. I yield for a question.

Mr. KING. I desire to interrupt the Senator for a little more than a question, so I will not trespass upon his time.

Mr. WADSWORTH. I should like to continue, because I intend to take no more time than is sufficient to describe my own position.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to a question?

Mr. WADSWORTH. Yes.

Mr. REED of Pennsylvania. Has not the Senator already heard from the enlisted men in protest against this measure? I have heard from them.

Mr. WADSWORTH. I have heard not from the organized enlisted men but from many individuals. It is beginning to percolate. It is all very well to say that the enlisted men have no objection to it at this time, but the day is bound to come when they will protest against it before some future Congress and demand that they receive as much compensation as the officers for similar injuries. For many years our compensation or pension policy as applied to our emergency armies has operated to treat all men alike regardless of rank or grade. This bill may pass; it has passed the Senate upon two former occasions; but I venture the prophecy that should it become a law it will come back to plague the Congresses of the future.

One other feature of the situation should be noted. The World War veterans' act carries very wise provisions for financial aid for the widow and minor children of a disabled man after his death. I refer to the insurance feature in the World War veterans' act, with which Senators are all familiar. If the provisions of the World War veterans' act relating to compensation and financial aid to widows and children are no longer to be applied to disabled emergency officers, and if those officers are to get their compensation in the future in the form of retired pay, then their widows and children will have no protection. It must be remembered that, according to the retired-pay provisions of the law, the family of a retired officer get nothing after his death. I doubt if many of the emergency disabled officers thought of that. I fear that the prospect of doubling or trebling or quadrupling the compensation which they now receive has blinded their eyes to the inevitable, which is that when they get that compensation they get it only for their lifetime and their children and their widows will get nothing. They will have surrendered the insurance privilege.

One more observation; and I come now to the question presented to me by the Senator from Indiana [Mr. ROBINSON].

A good deal of confusion exists in the minds of many people in relation to the retirement system in the Regular Army and the Regular Navy; and, as a result of this confusion, a contention is made that the disabled emergency officers should have the same retirement privilege. There is really no analogy between the two. The retirement system in the Regular Army and Navy has been in existence for a good many years. Its primary purpose is to increase and maintain the efficiency of the active Army and Navy. It is to enable the Commander in Chief to relieve the Army and the Navy of the superannuated, and give a chance for the younger officers to come up, and guarantee, so far as possible, that the active Army and the active Navy shall be commanded by men fit to serve in the field, or fit to serve at sea. Primarily, it is in the interest of the efficiency of those forces; and it was found wise to establish such a system in order to persuade young men to give up their prospects of making money and go into the regular military service as a life career. The pay of regular officers is notoriously low. The law provides that they may be retired in their old age or in the event they are injured to such an extent that they can not perform active field duty.

Remember that distinction, Senators. A Regular Army or naval officer is put on the retired list, often much against his will, because a board of medical officers has found that he is no longer fit for active field service.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Tennessee?

Mr. WADSWORTH. I yield.

Mr. McKELLAR. Is that done when they are 30 per cent disabled? Is it not often done when they are not 30 per cent disabled?

Mr. WADSWORTH. The matter of percentages does not come into it at all; it is a question of the character of the injury.

Mr. McKELLAR. But I am talking about the practice. Where officers are anything like 30 per cent disabled, they are usually retired; are they not?

Mr. WADSWORTH. No, Mr. President; very often not. An officer may lose his hand and still be kept on the active list of the Regular Army or regular Navy, whereas if he has lost a hand and is subject to the World War veterans' act he will be rated at least 30 per cent disabled.

Mr. McKELLAR. Under the rule, I do not believe the loss of a hand is 30 per cent. I am not sure about that, but I think not.

Mr. WADSWORTH. If it is the more useful hand, I think it is. The Senator from Connecticut [Mr. BINGHAM] can prompt me on that. I am quite certain that it is 30 per cent. That, in turn, depends upon the character of the occupation in which the emergency soldier was engaged before he went into the war.

Mr. BINGHAM. Mr. President, will the Senator permit me to interrupt him?

Mr. WADSWORTH. I yield.

Mr. BINGHAM. Where all the fingers on the right hand are lost, no matter what the occupation, the disability is more than 30 per cent. Where all the fingers on the left hand are lost, in nearly every profession or occupation it is over 30 per cent, and in some it is 60 per cent.

Mr. WADSWORTH. Yes.

Mr. President, the law provides that regular officers may be retired in their old age, or in the event they are injured to such an extent that they can not perform active field duty. This assurance of protection for them in their old age or in the event they are incapacitated is in a very true sense a deferred payment. It is part of the contract which the Government makes with a young man when he goes into one of the regular services and agrees, presumably, to give up all opportunity to become a rich man in private life.

It should not be regarded purely as a pension. It is not a pension; it is deferred payment, and the final carrying out of a contract the primary purpose of which is the efficiency of the Army and the Navy. Rather, it is an element of their contract with the Government, in which they agree to serve for a certain amount of pay, present and deferred, and, logically, that pay must be computed in accordance with a combination of two elements, rank and length of service; and those two elements combined govern the pay, both active and retired, of Regular Army officers and regular naval officers.

Sometimes it happens that a young officer in the Regular Army is seriously incapacitated very shortly after his entrance into the service; and cases of that kind—there are only a few—are cited as arguments to persuade us that young emergency officers who have served in the emergency Army should receive exactly the same treatment. This argument is appealing until we realize the significance and intent of the retirement system for the regular services. These cases are exceptions which, in my judgment, go to prove the soundness of the rule.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. McKELLAR. The Senator said a while ago, as I understood him, that this bill would set a precedent in our pension legislation or retirement legislation.

Mr. WADSWORTH. In anything like our recent legislation.

Mr. McKELLAR. I find from a report of the Commissioner of Pensions that in our Revolutionary War a commissioned officer was given—

one-half of the monthly pay legally allowed at time of incurring said disability.

Mr. WADSWORTH. That is perfectly true.

Mr. McKELLAR (reading)—

But no pension shall be calculated at a higher rate than one-half pay of a lieutenant colonel.

Enlisted men were given $5 a month. In the War of 1812 a first lieutenant received $17, a second lieutenant $15, a third lieutenant $14, an ensign $13, noncomissioned officers, musicians, and privates $8; and so on in our Civil War, until recent years. At first——

Mr. WADSWORTH. At first, yes; and we have gotten well over it.

Mr. McKELLAR. When the number decreased very greatly we finally put them all upon the same basis.

Mr. WADSWORTH. I do not know at what time the number decreased.

Mr. McKELLAR. But for a long time lieutenant colonels and officers of higher rank got $30 a month, a major $25 a month, a captain $20 a month, a first lieutenant $17 a month, a second lieutenant $15 a month, and all enlisted men $8 a month. In other words, instead of this bill being a precedent the provisions of this bill are in exact accordance with legislation through our entire history, beginning with the Revolutionary War and coming on down to date.

Mr. WADSWORTH. Mr. President, this bill is in accordance with a policy abandoned by this country, I may say, in the interest of a democratic treatment of volunteer soldiers of the United States. The Senator from Tennessee knows that it is many a long year since officers of the Civil War got more money than enlisted men for the same injury.

Mr. McKELLAR. I will give the date in just a moment. I think perhaps it was since the Senator and I came to Congress, and while that seems like a long time I do not believe it has been, in the usual measurement of time. About 15 years ago, I think, the distinction was obliterated—in 1913, as I recall—but I will get the exact date and give it to the Senator.

Mr. BLEASE. Mr. President, will the Senator permit an interruption?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. WADSWORTH. I yield for a question.

Mr. BLEASE. The Senator used the word "democratic" just now. Did he use it in the general sense, or was he referring to a party?

Mr. WADSWORTH. I was using the word "democratic" with a small "d."

Mr. President, this is a matter of profound importance as a question of national policy. I am well aware that the American Legion has indorsed this bill.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. WADSWORTH. I yield.

Mr. REED of Pennsylvania. The Senator realizes that there was much dissent in the American Legion against it?

Mr. WADSWORTH. Yes; I do.

Mr. REED of Pennsylvania. It was approved only after a bitter contest.

Mr. MEANS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. WADSWORTH. I do.

Mr. MEANS. I should like to correct the Senator. There have been many statements made, with due deference to the Senator from New York, in which I apprehend he is mistaken as to the facts; but as to this particular matter there was very little dissension. I think out of a convention representing the entire United States and all the Territories not quite half of one State delegation only was opposed to it. That was the only dissension in the last convention, and five prior conventions indorsed this measure unanimously. There was an attempt to raise some dissension at the last convention, and not one-half of one State delegation alone protested. It was fought out, and the vote was almost unanimous again in favor of this legislation.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. WADSWORTH. I yield to the Senator from Tennessee for a question. I had not expected to use all the time, but if Senators ask me to I shall.

Mr. McKELLAR. I just want to call the Senator's attention to the date. I was mistaken. This was the policy of the Government down to June 5, 1920. In other words, the distinction was made even in the Spanish-American War, down to June 5, 1920. For a period from 1789 to 1920 the provisions of this bill have been in accordance with the policy of the Government.

Mr. WADSWORTH. Is the Senator sure of that? Were the pensions paid to the Spanish War officers on the retired-pay status?

Mr. McKELLAR. I will read to the Senator what it says:

The disabled emergency officers of the Spanish-American War continued to receive more than the disabled emergency enlisted men of this war until the act of June 5, 1920, when the enlisted men were granted the service pension with maximum payments of $30 a month.

Mr. WADSWORTH. And that is just what will happen about 20 years from now with the enlisted men if this bill goes through.

Mr. McKELLAR. If it is right, it ought to happen. I see no objection to it.

Mr. WADSWORTH. All right.

Mr. BLEASE. Mr. President, will the Senator from New York permit me to ask the Senator from Colorado a question?

Mr. WADSWORTH. Yes.

Mr. BLEASE. Was anybody besides officers in the convention the Senator has been talking about?

Mr. MEANS. Yes.

Mr. BLEASE. Were there any privates there?

Mr. MEANS. Oh, many, many, many of them! The American Legion is made up mostly of enlisted men. This matter has been fought out. I will say further, referring to the Disabled Veterans' League, which is in session now, of which the Senator from Pennsylvania [Mr. REED] spoke so eloquently, and of their desire that the legislation in regard to the Veterans' Bureau be taken up, that organization, composed mostly of enlisted men, time after time indorsed this bill, and have indorsed it at every session since the Disabled Veterans' League

was organized. I will go further. The Veterans of Foreign Wars, made up also of enlisted men, have indorsed it.

Mr. ROBINSON of Indiana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. WADSWORTH. I yield.

Mr. ROBINSON of Indiana. I was just going to suggest to the Senator from Tennessee that that policy has been continued by the Senate right up to the last session, because the Senate on February 20, 1925, passed this identical bill. It was also passed by the session of 1922.

Mr. WADSWORTH. I have stated that it passed twice before.

Mr. ROBINSON of Indiana. Even right up to the last session it continued to be the policy of the Senate.

Mr. WADSWORTH. For one, I have been in the minority here on this question in two other sessions. It is no news to me, nor to the Senator from Tennessee.

Mr. ROBINSON of Indiana. One other observation, Mr. President. The Legion considers this a part of its national policy at this moment, and is very much interested in having this particular bill enacted.

Mr. WADSWORTH. Mr. President, I concur in the Senator's last statement. This bill is a part of the program of the American Legion, and also of the Veterans of Foreign Wars, of which, incidentally, I am a member, as a former enlisted man, I may say.

But, Mr. President, my candid judgment is that a great number of the members of these organizations have not thought this thing out to its logical conclusion; and, for one, I can not agree with them. I respect their motives; I certainly respect their ideals, and I wish them every measure of success as patriotic organizations; but, frankly, I think that their action is based upon a mistaken conception of the proper policy for the United States to follow in the matter of pensions or compensation for injuries.

Some rather significant things were brought out in the hearing before the Military Affairs Committee. I have been hearing for three or four years that reserve officers of the Army and National Guard officers might very well request legislation at the hands of the Congress providing compensation for injuries incurred by them when on active duty in time of peace at training camps, for example, which are attended by reserve officers and National Guard units. In the discussion before the Military Affairs Committee that point was alluded to, and a question was asked of a very prominent and incidentally very efficient National Guard officer—who, incidentally, is now on duty with the General Staff of the Army, indicating his efficiency—as to whether he did not believe that the passage of this legislation would and should logically lead to the payment of retired pay to a reserve officer or a National Guard officer who was injured in time of peace when on active duty in a training camp, his injury being in excess of 30 per cent.

The answer instantly was "Yes"; and it is inevitable that that will follow, and we will have established in that event a distinction in time of peace in the training camps between officers and enlisted men injured in exactly the same fashion and in the same kind of way.

The enlisted ranks during the World War contained thousands and thousands and thousands of young men of fine education and the highest prospects. Thousands of them went into the ranks, without endeavoring to secure commissions. Many thousands of them were recommended for commissions just before the armistice for splendid service in France, but it was too late, and they did not get commissions. But in the last few days of the war they may have suffered injury on the field of battle in excess of 30 per cent.

One of the arguments back of this bill is that the officer is presumed to have sacrificed more than the enlisted man, and that therefore he should get twice or three times or four times as much compensation.

That is a dangerous rule to apply to an American Army. Consider two young men from a small town. They may be clerks in the little local country bank, side by side. One may be 22 years old at the outbreak of the war, and the other only 20. They both go in, but the boy who is 20 is not eligible for a commission. He goes into the ranks, and has his right arm blown off by a high explosive shell. The other boy, with exactly the same civilian prospects, making no more or no less sacrifice, goes to a training camp, and, being over 21, he gets a commission, and he has his right arm blown off by a high explosive shell. On what theory of democracy and fair and equal treatment will you give the second man twice as much compensation as the first?

We can not draw the line in the great emergency armies of the United States in time of war the way we draw it in the regular professional army in time of peace. There is a distinction between officers and enlisted men of the Regular Army in time of peace, and everybody knows it.

The officers of the regular Navy and the Regular Army presumably are graduates of Annapolis and West Point, and with respect to authority and the responsibilities they are to carry, they are, it may be said, worth more money—if we may use that reprehensible expression—than a poor enlisted man in the ranks of the Regular Army or aboard a battleship.

But you can not apply that rule to the armies of the United States in time of war, composed of millions of boys drawn from every walk of life, the farmer's son serving alongside the banker's son, the lawyer's son serving alongside the minister's son, the college graduate serving alongside the high-school graduate, and alongside the poor youngster who has not had any better advantages than a common-school education, and get Congress to say that those men shall be treated differently and in accordance with rank. I claim that would be destructive of sound policy, and that if we enact such a bill as this it will open a Pandora's box, sending forth evils and precedents which will come back to plague us here for all the days that Congresses may sit in the future.

I have made my protest against this measure on former occasions; I make it on this occasion; and if it should come up in the Senate on another occasion I shall repeat it.

Mr. McKELLAR. Mr. President, I desire to make just this statement with reference to the pending bill: It is a bill which my colleague [Mr. TYSON] has reported out; he is intensely interested in it, and, as everyone knows, has tried to get it up a number of times. He is unavoidably absent to-night, and as the bill will go over to a subsequent meeting of the Senate, he will be present when it is again taken up and will argue the matter himself.

DEATH OF REPRESENTATIVE FULLER, OF ILLINOIS

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The legislative clerk read the resolutions (H. Res. 306), as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 25, 1926.

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES E. FULLER, a Representative from the State of Illinois.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. CURTIS. Mr. President, for the junior Senator from Illinois [Mr. DENEEN] I submit the following resolutions and ask for their adoption.

The resolutions (S. Res. 263) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CHARLES E. FULLER, late a Representative from the State of Illinois.

Resolved, That a committee of six Senators be appointed by the President of the Senate to joint the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. CURTIS. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was unanimously agreed to; and (at 10 o'clock and 53 minutes p. m.) the Senate took a recess until to-morrow, Saturday, June 26, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *June 25, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our heavenly Father, Thy testimonies are wonderful and Thy mercy endureth forever. Thy infinite abundance transcends all human thought and human need. We thank Thee for such bountiful provisions which are bestowed upon us with all tenderness and love. Graciously help us to understand all problems which are uppermost in the minds of the people. In all our service may nothing be omitted that shall build up the great and traditional institutions of the Republic. To the frail, magnify Thy strength; to the erring, turn the eye of pity and compassion; and with us all, let weakness go and strength come. We are reminded of the slender thread of mortality. Again the silver cord is broken. O God, we tarry with bowed heads and tender hearts in memory of a colleague whose years were characterized with simplicity, sincerity, and honorable service to his country. At the close of the day, when we sit alone with our thoughts, grant us great peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

IRRIGATION DAM, WALKER RIVER, NEV.

Mr. LEAVITT. Mr. Speaker, I present a conference report for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2826) for the construction of an irrigation dam on the Walker River, Nev.

The SPEAKER. Ordered printed.

PENSIONS

Mr. ELLIOTT. Mr. Speaker, by direction of the Committee on Invalid Pensions, I desire to present a privileged report on the bill S. 4059.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes.

The SPEAKER. Referred to the Union Calendar and ordered printed.

TWO YEARS OF IMMIGRATION RESTRICTION

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Speaker, I should like to address myself to-day to the thought that the greatest service the United States of America can render to the rest of the world is the preservation of our Government; the maintenance in full vigor of our American institutions.

Not long ago it was very fashionable for speakers and writers to dwell upon the idea that America is under an obligation to assist in solving the problems of Europe. I want to present to this House and to the country the view that America has rendered a notable service to the Old World, and to the whole world, by faithfully providing for the welfare of the people of the United States.

It seems to me that benefits unnumbered, not only to ourselves, but to Europe and the world at large, have sprung from the efforts of American citizens to support and defend the citadel of American political and financial integrity during the eight years and more since the signing of the armistice.

IMMIGRATION LAWS PRESERVE AMERICA

In the preservation of America, in the effort to keep our country strong enough to render the world service marked out for her by destiny, not the least important measures have been the immigration restriction acts passed by Congress and approved by President Harding in 1921 and President Coolidge in 1924.

Consider the state of the world when the first of these laws was enacted! Then the armistice of 1918 was a little more than two years past. The decisions of the Versailles conference were creating wildest turmoil. The orgy of inflation and speculation, world-wide in 1919 and 1920, had ended with a dull and depressing thud. Those who could see faint rays of hope for future prosperity in Europe were few and far between. All others, or all who could obtain the price of steamship transportation, were storming American consulates, seeking permission to leave their war-torn homelands, bent on migrating to the one great land of opportunity, the United States of America.

POSTWAR IMMIGRANT TIDE

It is reasonable for us to believe that the movement of European peoples to the United States would have begun in full force before the years 1920–21 but for the single fact that facilities were not available. The war had cost the merchant marines of the world heavily. Ships had been destroyed or converted to martial uses. The movement of American soldiers and material from France alone required employment of a tremendous tonnage throughout 1919. But late that year, and early in 1920, the tide of migration to our shores set in.

During the fiscal year ended June 30, 1919, we admitted only 141,132 immigrants.

During the following fiscal year (1920) admissions leaped to 430,001.

In the year which ended June 30, 1921, despite the collapse of our postwar period of inflation, and even before it became apparent that we could or would recover from the woes of depression, we admitted immigrants to the staggering total of 805,228.

FIVEFOLD INCREASE IN TWO YEARS

The flood of foreigners, pouring into the country, as in the fiscal year 1920–21, is almost beyond our comprehension. Four-fifths of a million! A fivefold increase in two years! Small wonder, indeed, that the American people should take alarm, or that the American Congress should take prompt action.

During the winter of 1920–21 the House of Representatives responded to the situation by passing an immigration bill designed to exclude large numbers of immigrants. The Senate amended this bill so as to make it a numerical restriction. That is to say, by the Senate amendment the bill was changed from an exclusion measure to a percentage limitation. A barrier was raised, temporarily at least, to check the inundating flood.

TEMPORARY QUOTA LAW OF 1921

In its first year the temporary immigration act of 1921 reduced the influx of arriving aliens to 309,556, a falling off of 52 per cent from the previous twelvemonth. But the law was imperfect. Loopholes were discovered. Smart men began to find ways by which evasions could be practiced. The tide began to rise again, so that in the fiscal year 1923 the flow mounted to 522,919, and in the next year, 1924, it rose to 706,896.

PROSPEROUS AMERICA THE GOAL

Meantime conditions in Europe were improving but very slowly. America was growing more prosperous. The effects of the industrial depression of 1920–21 in the United States had practically disappeared, while in Europe they were still present. It became apparent that the temporary numerical limitation enacted in 1921 would have to be extended, and that its defects would have to be corrected. More and more the American public appreciated the importance of barring the gateways. It was clear that we could absorb a certain number of those who clamored for admission, but that the accommodation of all or even a major fraction of them, was out of the question.

Further, it became apparent that even with the barrier raised by the limitation act of 1921 the aliens who were coming to our shores were not our own kind of people. Thousands of them were women, children, and aged coming to be a burden, not a help, to those already here. Most of them were unsettled to the point of distraction by their war experiences.

DISCRIMINATION AGAINST OLDER STOCKS

There was a predominance of what we had come to recognize as the "new immigration." Swarthy peoples from the Mediterranean were outnumbering the Anglo-Saxon, Teutonic, Celtic, and Scandinavian elements. It was clear that a mistake had been made in the basis upon which the act of 1921 established its numerical limitation. There was a discrimination against peoples of the "old immigration" stocks, and in favor of the "new immigration."

The immigration act to which President Harding affixed his signature in May, 1921, authorized the admission of quotas of immigrants from the various countries of Europe. Quotas were allocated upon the basis of alien representation among the residents of the United States. Using the returns of the census of 1910, it was provided that in a single year there should be admitted 3 per cent as many English, Greek, Spanish, and other aliens as there were English, Greek, Spanish and other

foreign-born persons in the United States when the 1910 census was taken. Every nationality had its quota.

DIFFICULTIES UNDER TEMPORARY LAW

But inadequate provision was made for enforcement. No machinery was available by which to count the newcomers until they arrived at American ports of entry. The inevitable consequence, which soon became almost a scandal, was a scramble and rush on the part of those who sought admission while a particular quota remained unexhausted. Steamships raced across the lanes of the Atlantic. Confusion reigned. Ellis Island and other immigration stations were overwhelmed by conflicting claims of those who insisted on the "right" to enter.

Relief measures by administrative officials of the Government, later confirmed by Congress, became necessary. And in the meantime there were discovered so many ways and means by which the limitation could be avoided that the purpose of the act was practically defeated.

PERMANENT LAW ENACTED

The task of curing this intolerable situation fell upon Congress during the session which began in December, 1923. Everyone recognized the necessity for continuance of restrictive measures, but few students of the problem agreed as to what form corrective legislation should take. The Committee on Immigration and Naturalization of the House of Representatives, charged with responsibility in the matter, considered a dozen or more drafts of bills, modifying or discarding scores of legislative suggestions. At length, late in March, 1924, a perfected bill was reported, and on May 26, 1924, after amendment and passage in both House and Senate, the measure was approved by President Coolidge.

The new law became effective July 1, 1924. Instead of limiting admission of aliens to a number equal to 3 per cent of the foreign-born population of the United States, as of 1910, it fixed the limitation at a number equal to 2 per cent of the foreign-born population as of 1890. Thus the aggregate quota was reduced from 367,000 to 164,000.

RACING STEAMSHIPS MADE UNNECESSARY

The exempt status afforded to persons of European birth who had sojourned five years in a country of the Western Hemisphere was wiped out. The racing of steamships across the seas was made unnecessary by provision for issuance of "immigration visas" by American consuls abroad. The numerical restriction, instead of applying to persons on their arrival at our gates, was made applicable to the visa documents which they had to obtain at consulates before embarking.

PROPER EXEMPTIONS PROVIDED

Certain aliens, such as Government officials, visitors, seamen, and international traders, were removed from the status of immigrants and fixed in "nonimmigrant" status. Certain others, such as natives of countries of the Western Hemisphere, ministers, professors, students, and wives and minor unmarried children of citizens, were afforded "nonquota" status or exemption. Preferences were provided for citizens' parents, husbands, wives, and children, also to aliens skilled in agriculture.

BURDEN OF PROOF ON APPLICANT

At the same time exemptions loosely stated and difficult of interpretation in the act of 1921 were withdrawn. And, perhaps as important as any other single thing, there was written into the law a provision placing the burden of proof in all immigration cases on the alien seeking admission rather than on the Government.

NO EXCLUSION OF OCCIDENTALS

It should be understood that the immigration act of 1924 is not an exclusion statute except in so far as it applies to persons of oriental race. In its treatment of occidentals, it rears no absolute barrier. It merely defers the privilege of admission. By determining the number of persons of a particular nationality who may enter in a given period, it delays the entrance of all others of that nationality. It does not say that a certain German or Italian or Scandinavian may not enter the United States. Instead, it says he may enter in his turn after prior applicants shall have been accommodated.

EMIGRATION PRESSURE IN EUROPE

Every would-be immigrant of occidental race could be admitted next month under the terms of the act if there were fewer of them. It is the pressure of emigration in Europe even more than the immigration barrier erected by America that detains them.

ALL ORIENTALS BARRED

The one exclusion phase of the law applies equally to all orientals as "persons ineligible to citizenship." To be sure, only one oriental country was deemed to be vitally affected when the law was under consideration. But that country, Japan, had long enjoyed a species of favoritism in the matter. It occupied a preferred position, in that it was privileged, under the terms of a so-called "gentlemen's agreement," to send certain of its nationals to the United States, while all other orientals were excluded.

PREFERENCE TO JAPANESE ELIMINATED

The immigration act of 1924 merely wiped out the privilege accorded by the "gentlemen's agreement." It created no discrimination against the Japanese. On the other hand, it did away with the discrimination theretofore existing against orientals other than Japanese. In brief, it put the Japanese on a plane of equality with their fellows of the Far East. We now exclude with equal fairness all the yellow races, Japanese as well as Koreans, Chinese, Malayans, Hindus, Afghans, Siamese, Javanese. That this is just and equitable and consonant with sound national policy can not be disputed by any who fully appreciate the problems of the United States.

NEW LAW A SUCCESS

Mr. Speaker and gentlemen of the House, two years have passed since the immigration act of 1924 became operative. Its effects upon migration the world over have been positive. Its benefits to the United States have been so marked as to confound those who opposed its enactment. Its administration has been accomplished with an ease and smoothness unparalleled and unexpected. It deserves no important criticism from any who think in terms of America's welfare.

INFLUX REDUCED BY HALF

It is a noteworthy fact that the immigration act of 1924 has reduced the total influx of aliens approximately 50 per cent. But more important—aye, of transcendant importance—is the fact that the successful operation of the new law has put to an end, once and for all time, the idea that America was destined by Providence to be the asylum to which the distressed of all lands might repair. The asylum idea (some have called it the insane asylum idea) has been wiped entirely from the minds of thinking Americans.

MELTING POT MYTH EXPLODED

The myth of the "melting pot" has been exploded. Face to face with the inescapable fact that the United States can not find room, or houses, or food, for the surplus populations of the rest of the world, Americans have not hesitated to abandon the twin fallacies which seemed to mean so much a generation or two ago. We realize now, as we never realized before, that people who are unwanted in the lands of their birth have no "right" to an asylum here. We have come to appreciate at last the fact that our vaunted "melting pot" is choked with dross and incapable of pouring forth an undiluted Americanism.

A BALANCING OF RACIAL STOCKS

The intent of the framers of the immigration act of 1924 was that it should, in a measure, restore the racial balance of the people of the United States. Having regard for the fact that our country was founded by immigrants from the countries of Europe which for centuries struggled toward the light of liberty, which, indeed, had established the most liberal institutions then known, it was frankly intended that immigration of like kind should be least discouraged. Contrary to the belief of some, this intention was not put forward with the idea of discriminating against other racial stocks. Rather it was forced by recognition of the fact that American institutions are best appreciated by, hence safest in control of, those people who for generations have been practiced in the duties and obligations of free citizenship.

Freemen are not made in the twinkling of an eye. Striking the shackles from a slave does not at once invest him in the habiliments of the citizen born. A serf released from his serfdom still is a serf in mind, if not in body.

AMERICA A LAND OF FREEMEN

America was founded and preserved by men whose progenitors for centuries had been freemen. They knew the privileges of their state, but, more important, they appreciated their duties and responsibilities. Generations of struggle for liberty, generations of practice in the management of free institutions had bred in them those qualities of heart and mind which alone conceived and brought forth government of the people, by the people, for the people.

HOMOGENEOUS POPULATION OUR NEED

In the framing of our immigration law it was deemed essential that people of a kind like unto those founding fathers whom we delight to honor should be favored over others whose advantages in the world have been fewer or less. This is not to say that the more backward peoples are undesirable. We have not excluded them, and we shall not. But, frankly and fairly, we decline to be outnumbered or overbalanced by them.

We intend that as soon as possible America shall cease to be a polyglot boarding house; that eventually we shall become an homogeneous people.

KEEPING AMERICA AMERICAN

This is the essence of our immigration policy. It is the vital element in the immigration act of 1924. We are determined to keep America American by admitting fewer and better of what the Old World has to offer. We are determined to make America stronger; to preserve, in so far as we can, the institutions of liberty and equality that were created and held for us at such great cost of effort, toil, and struggle.

THE WAY WE SERVE THE WORLD

What could be more important to the world at large? How better can we serve the world than by providing thus for our own house? Certainly an America overrun by strange peoples from near and far, speaking many tongues, threatened hourly by diverse conceptions of liberty, tending toward no definite goal, crowded and harrassed by the jangling and clanging of a hundred ethnic, racial, and political animosities imported from abroad, would be an object of pity and of scorn throughout the universe. It would not, because it could not, render any substantial service to the people of other lands.

A UNITED COUNTRY

But an America united and strong, daily growing more closely knit together, guarding its gates well against the malcontents and the misfits of other nations, speaking one language, and intent on the preservation of liberty and prosperity within its borders, can and will become the pride of the world. Such an America will not neglect her obligations. Her service to the motherlands and fatherlands, and indeed to all the countries of the earth, will be the brightest glory of all recorded time.

TO INCREASE THE EFFICIENCY OF THE AIR CORPS

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill H. R. 10827, and ask that the statement be read in lieu of the report.

Mr. BLACK of Texas. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

[For conference report and statement see p. 12298.]

Mr. COX. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. COX. I make a point of order on amendment No. 30 of the report of the committee of conference upon the ground that the amendment is legislation, and particularly to that part of subsection (t) of amendment 30, which reads as follows:

> And the decision of the Secretary of the department concerned as to the award of such contract, the interpretation of the provision of the contract, and the application and administration of the contract shall not be reviewable, otherwise than as may be therein provided for, by any officer or tribunal of the United States except the President and the Federal courts.

The committee of conference in offering this amendment to the bill exceeds its authority, the matter referred to in subsection (t) not being in disagreement as between the two Houses of Congress.

Mr. JAMES. Will the gentleman yield?

Mr. COX. In just a second. And not being germane to the differences committed to the committee, and not being related or germane to the issues submitted to the committee, there being nothing in the original bill or any amendment thereto adopted by the Senate relating to the subject matter dealt with in the section of the report of the committee of conference to which this point of order is made.

Mr. JAMES. Has the gentleman read section 9 of the Senate bill?

Mr. COX. Section 9, I have not that before me. What part of section 9?

Mr. JAMES. All of section 9. That was in disagreement between the House and Senate, because the House disagreed to the Senate amendments, and what we have in amendment No. 30 is a compromise agreement to take the place of section 9.

Mr. COX. Can the gentleman point out anything in section 9 which is at all relating or akin to subsection (t) of section 10 of amendment No. 30 in the report of the committee?

Mr. JAMES. Yes. In all cases the decision of the Secretary of War shall be final and conclusive in the absence of fraud or collusion.

Mr. COX. That is my point of order, Mr. Speaker.

Mr. BLACK of Texas. Mr. Speaker, I make the further point of order that the conferees have not only legislated in this bill for the procurement of Army aircraft but have also legislated for the procurement of naval aircraft and have no jurisdiction whatever over that subject. There was nothing in the bill as it passed the Senate and nothing in the bill as it passed the House with reference to procurement of naval aircraft.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. VINSON of Georgia. I assume that the gentleman from Texas is not opposed to any provision of the conference report except the one which the gentleman from Georgia [Mr. COX] raised objection to?

Mr. BLACK of Texas. Well, I simply raise this objection, that amendment No. 30, as rewritten, involves very extensive provisions—30 paragraphs—a whole bill involved in that amendment, and I protest against the conferees undertaking to pass legislation in that sort of way. If all these provisions are to be enacted, they ought to have come before the House in a legislative way.

Mr. VINSON of Georgia. The gentleman from Texas will have ample opportunity to discuss each one of these amendments.

But let me call the attention of the gentleman and of the Chair to this, that under the rules of the House the Committee on Military Affairs is given jurisdiction relative to national defense, and it would be clearly in order for the Committee on Military Affairs to bring in a bill dealing with the national defense, which includes both the Army and the Navy.

Mr. BLACK of Texas. Does the gentleman contend that it is within the jurisdiction of the Committee on Military Affairs to bring in legislation as to the procurement of battleships——

Mr. VINSON of Georgia. Not at all——

Mr. BLACK of Texas. Submarines and naval aircraft?

Mr. VINSON of Georgia. The Committee on Military Affairs, I will state, Mr. Speaker, under the broad language of the rule, could bring in any legislation that deals with the national defense because of the very language of the rule establishing the Committee on Military Affairs, which gives it that jurisdiction. Of course, Congress in another rule delegates a certain amount of jurisdiction to the Committee on Naval Affairs, but the gentleman would not deny the proposition that the Committee on Military Affairs could bring in a bill providing for a secretary of national defense, which would take over both the Army and the Navy jurisdictions.

Mr. FROTHINGHAM. It was for that reason that the Speaker of the House referred that bill to the Committee on Military Affairs?

Mr. VINSON of Georgia. Exactly.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield to me?

Mr. VINSON of Georgia. I have not the floor. The gentleman from Texas [Mr. BLACK] has the floor.

Mr. BLACK of Texas. I yield to the gentleman if I have the floor.

Mr. WOODRUFF. I will say, Mr. Speaker, for the Committee on Naval Affairs that that committee has had under consideration the amendment introduced into this bill; that it held hearings on it in conjunction with the subcommittee of the Committee on Military Affairs, and it had hearings on this bill for days and weeks, and the two subcommittees and the two committees, the Committee on Naval Affairs and the Committee on Military Affairs, both agreed unanimously upon the exact language contained in this bill.

Mr. BLACK of Texas. Mr. Speaker, let me call attention to the fact that we do not legislate by committees in the House, and we have rules of the House which prescribe that the conferees shall not exceed their authority.

Now, neither the bill that passed the House nor the bill that passed the Senate has anything about the procurement of aircraft by the Navy, but this amendment No. 30 writes provisions that are very lengthy and deal with Army aircraft and naval aircraft. I submit that they are clearly subject to points of order.

Mr. CONNALLY of Texas. Mr. Speaker, the question before the Chair is not whether these committees have jurisdiction of this subject matter, and it is not whether the subcommittees have been deliberating over it, but the question is whether the matter against which the point of order is made was in disagreement between the two Houses; whether or not the bill as it passed the House or the Senate contained this provision or one substantially the same as that contained in the conference report. I simply want to make that suggestion in answer to the suggestions of some of these gentlemen that because the committees might have jurisdiction of the subject generally or had agreed upon it, it would be in order now for the conference committee to bring it in.

Mr. LAGUARDIA. Mr. Speaker, on the point of order made by the gentleman from Georgia [Mr. Cox] he states that amendment No. 30 is clearly legislation. Of course, it is legislation. This is a legislative bill. All that amendment No. 30 does is to effect a compromise on section 9, which was written in the bill by the Senate. Section 9 condenses the power and authority and provides only generally as to the method of procuring aviation equipment. Amendment No. 30 amplifies the provisions of section 9 of the Senate bill and goes into detail as to the method of procuring, the method of advertising, and gives certain discretionary powers to the Secretary in procuring aviation equipment.

As to the point raised, that it authorizes or legislates as to the purchase of aviation equipment for the Navy, it does not exactly or directly. It simply provides for a joint board, consisting of the Secretary of the Navy and the Secretary of War, to sit together and to acquire or purchase designs or equipment in the manner specified in amendment No. 30. It is no new legislation written by the conferees. It is absolutely germane to the bill, and it is nothing but a compromise of section 9 written into the bill by the Senate and amplifying and specifying in detail the provisions of section 9 in the various sections enumerated in amendment No. 30. It is clearly germane to the bill, and the conferees have not exceeded their power.

Mr. McSWAIN. Mr. Speaker, addressing myself first to the point of order raised by the gentleman from Georgia [Mr. Cox], I call the Speaker's attention to the fact that section 9 of the bill H. R. 10827, the bill that passed the House, when it reached the Senate had a provision inserted by way of an amendment of the Senate providing for the manner of purchasing aircraft, and the last sentence in that amendment of the Senate is to the effect that "in all cases in the purchase of such aircraft"—no doubt the Speaker has section 9 before him—"the decisions of the Secretary of War shall be final and conclusive in the absence of fraud or collusion."

Now, when the general subject of the purchase of aircraft comes into conference, in the matter of difference between the two Houses, there comes out of conference amplified language, more specific language, it may be, but still dealing with the subject of the purchase of aircraft and the finality and conclusiveness of the decision of the Secretary of the department concerned relating to the contract. So instead of using the mere language that the decision of the Secretary shall be final, it goes on to say in what particulars, to wit—I am reading from page 9 of the conference report, the latter part of paragraph (t), to which particular exception is taken by the point of order—

> And the decision of the Secretary of the department concerned as to the award of such contract, the interpretation of the provisions of the contract, and the application and administration of the contract shall not be reviewable.

The original language was:

> Shall be final and conclusive.

Whereas this paragraph provides that it—

> shall not be reviewable, otherwise than as may be therein provided for, by any officer or tribunal of the United States except the President and the Federal courts.

So that the broad and general language of the brief statement in the original bill is, in a sense, limited by particular reference to the features that would be subject to the final and conclusive decision of the Secretary of the department concerned in the bill as it comes out of conference. And let me say it is a phrase that is repeated in a number of places in the original bill.

Now, then, as to the jurisdiction of the committees, if the Speaker please, which was referred to by the gentleman from Georgia [Mr. VINSON], I call the Speaker's particular attention to the rule with regard to the committees and their respective jurisdictions. The rule provides that to the Committee on Military Affairs shall be committed not only the matter of the Army and the officers and enlisted men of the Army as well as the militia but also "all matters relating to the public defense." That is found on page 298 of the Manual, section 682. But when it comes to the jurisdiction of the Naval Affairs Committee its jurisdiction is not broad and its jurisdiction does not relate to national defense generally, but subdivision 13 of that same section relates to the increase or reduction of commissioned officers and enlisted men and their pay and allowances and "the increase of ships or vessels of all classes of the Navy." Of course, an airplane is not a ship or a vessel in the sense in which that language was used when that rule was framed, so that since aircraft is a weapon of defense and this Congress proposes to build or to buy aircraft in the interest of the national defense, the Military Affairs Committee will have jurisdiction of that question just as fully as the Naval Affairs Committee and, perhaps, more so.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. LAGUARDIA. The title of the bill is—

> To provide more effectively for the national defense by increasing the efficiency of the Air Corps.

Is not that correct?

Mr. McSWAIN. Yes.

Mr. LAGUARDIA. Now, amendment 30 provides for a new board, whereby the Secretary of War would sit in and consult with the Secretary of the Navy as to the type of patents and equipment purchased, and that is in order to avoid duplication, in order to have coordination and cooperation, which carries out the very purpose of this bill.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. HILL of Maryland. And is it not true, as the gentleman has pointed out, that under section 682 and under the words "the public defense," wherever there is a bill which is a joint thing and it applies to the public defense, but takes in the Navy, that that comes under the jurisdiction of the Military Affairs Committee.

Mr. McSWAIN. That is necessarily so; that whatever is of so broad a scope that it passes beyond the bounds of any one department engaged in conducting the national defense it must go to the Committee on Military Affairs.

Mr. COX. Mr. Speaker, answering the point made by the gentleman from South Carolina, which he has just discussed—namely, that subsection (t) is a mere amplification of section 9 of H. R. 10827—I would direct the Speaker's attention to the language of section 9, which is as follows:

> In all cases the decision of the Secretary of War shall be final and conclusive in the absence of fraud or collusion.

The iniquitous part of the report to which my point of order is more particularly directed is that part of section (t) which reads as follows:

> And the decision of the Secretary of the department concerned as to the award of such contract, the interpretation of the provisions of the contract, and the application and administration of the contract shall not be reviewable, otherwise than as may be therein provided for, by any officer or tribunal of the United States except the President and the Federal courts.

Section 9 of the bill, which the gentleman from South Carolina quoted, provides that the decision of the Secretary of War shall be final and shall not be reviewable at all; that is, the award shall not be reviewable at all. Amendment 30 of the report of the committee of conference, to which reference has been made, provides that the award shall be reviewable by the President and by the Federal courts.

I submit that is not an amplification of that part of section 9 under which the committee claims authority to make this report. It is not an amplification; it can not, in reason, be contended to be an amplification, because the bill provides that there shall be no review, and by the terms of the report of the committee there may be a review, to wit, by the President and by the Federal courts.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. COX. Yes.

Mr. VINSON of Georgia. Does the gentleman contend that if a bill says the affirmative, it is not in order to say the negative in conference?

Mr. COX. I contend——

Mr. VINSON of Georgia. The gentleman is arguing to the Speaker in support of his point of order that the Senate said it should not be reviewable and the conferees say it shall be reviewable——

Mr. COX. And that is legislation.

Mr. VINSON of Georgia. They have the right to legislate.

Mr. COX. Not at all.

Mr. GARRETT of Tennessee. Will the gentleman from Georgia permit me to interrupt?

Mr. VINSON of Georgia. Yes; with pleasure.

Mr. GARRETT of Tennessee. Does the gentleman from Georgia seriously insist that where the Senate and the House have agreed upon language, that it is then in order for the conferees, by dropping or inserting a word, to change completely the legislation upon which they have agreed?

Mr. VINSON of Georgia. No. The trouble about the statement of the gentleman from Tennessee is that the House had not agreed to it. The Senate asserted an affirmative proposi-

tion, and the conferees in conference have asserted a negative proposition; and I submit it is clearly germane to do that.

Mr. COX. Oh, no; not a negative.

Mr. VINSON of Georgia. That is exactly the contention of the gentleman.

Mr. COX. It is negatived by a positive declaration made in the report, to wit, that the award may be reviewed.

Mr. GARRETT of Tennessee. Let me say to the gentleman from Georgia, in order to keep the record straight, if I may, I was laboring under a misapprehension, and I did not want the gentleman's statement, under the understanding I had of it, to go unchallenged.

Mr. VINSON of Georgia. Yes. I may state to the gentleman from Tennessee that when the bill passed the Senate it said that the decision of the Secretary should not be reviewable except in a case of fraud. Now, the conferees come in, in disagreement, and they amend that by saying it shall be reviewable by the President and by the courts. I submit, with all deference to the argument of my colleague from Georgia [Mr. Cox], it is clearly within the rights of the conferees to do that.

Mr. COX. The gentleman does not contend that is a mere negative of the declaration in the bill?

Mr. LAGUARDIA. That is an amplification.

Mr. COX. It can not be an amplification. It is an amendment of it, and a material amendment, because the one says there shall be no review, whereas the other says a review is permissible and names the tribunals by which the review may be made.

Mr. LAGUARDIA. It says there shall be no review in the absence of fraud and collusion.

Mr. COX. Yes.

Mr. LAGUARDIA. It does not provide there is absolutely no review, but makes one exception, and that exception is where there is fraud and collusion.

Mr. COX. In your report you do not merely negative the assertion made in the bill that there can be no review, but you say there may be review and you name the tribunals by which the review shall be had.

Mr. LAGUARDIA. Taking care of the matter of fraud and collusion originally inserted in section 9.

Mr. COX. Not at all.

Mr. LAGUARDIA. That was the intention.

Mr. COX. It constitutes a material amendment which is outside of any question that was in disagreement between the two Houses of the Congress. There was no disagreement whatsoever in that respect.

Mr. LAGUARDIA. It carries out to a fuller extent the intention of section 9.

Mr. COX. Yes; but it is an effort on the part of the committee to legislate for Congress, purely and simply.

Mr. LAGUARDIA. No; I think it is simply an amplification.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. COX. Yes.

Mr. VINSON of Kentucky. I want to say to the gentleman from Georgia that section 9, to which the gentleman refers and quotes, was not in the House bill.

Mr. COX. That is true.

Mr. VINSON of Kentucky. That language was placed in the bill before the bill passed the Senate.

Mr. COX. But was not in disagreement as between the two Houses.

Mr. VINSON of Kentucky. Oh, yes; the reason it was in disagreement was because that language was not in the House bill.

The SPEAKER. The Chair is prepared to rule. The Chair does not think it necessary to consider the point made by the gentleman from Georgia, which is somewhat technical in its nature, but to take up the point of order made by the gentleman from Texas, which strikes broadly at the powers of conferees.

It may be true, as the gentleman from South Carolina argued, that if this were merely a question of jurisdiction, the Committee on Military Affairs might have power in the original instance, possibly, to report a bill such as this; but the question that arises is not one of committee jurisdiction but a question purely of the power of the conferees, and whether or not they have exceeded their power in this instance.

The rule is very well settled, passed on by a number of Speakers, as to the powers of conferees. It is well escribed in paragraph 539 of the Manual:

> The managers of a conference must confine themselves to the differences committed to them, and may not include subjects not within the disagreements, even though germane to a question in issue.

Therefore the question of whether or not this amendment is germane has nothing to do with the point of order as raised by the gentleman from Texas. The question is solely, Did the conferees go beyond the differences between the two Houses?

This bill is entitled "To provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes." There is nothing said in the bill, either as it passed the House or as it passed the Senate, with relation to aviation for the Navy. The conferees, therefore, in including in it matter relating to the Navy must have exceeded their powers, because they have departed from the exact differences that were before them in conference.

The Chair therefore sustains the point of order made by the gentleman from Texas.

EXPUNGING UNPARLIAMENTARY LANGUAGE FROM RECORD

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to strike from the RECORD remarks that I made yesterday which were unparliamentary.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, is the gentleman from Pennsylvania content to let the matter rest with the request to take that from the RECORD?

Mr. McFADDEN. I understand that under the rules of the House it is unparliamentary language. I would say in reply to the gentleman from Tennessee that the gentleman from Arkansas used unparliamentary language in reference to the gentleman from Pennsylvania. If the gentleman from Arkansas is inclined to withdraw those remarks, I certainly think that would be in order.

Mr. GARRETT of Tennessee. Will the gentleman indicate what remarks he refers to in the remarks of the gentleman from Arkansas?

Mr. McFADDEN. On page 11924, in the remarks by the gentleman from Arkansas, he says, in addressing me, "You refused to live up to your agreement." And further on, referring to the gentleman from Pennsylvania, he addresses me directly as "he," and further down he says, "Do you understand that? You do if you understand the lines that have been written for you and which you read to the House." Then, again, on page 11925 he refers in a challenge to me, the words being "I challenge him."

These words are clearly unparliamentary.

Mr. GARRETT of Tennessee. I think technically that is correct, but all that is a mere technicality. The gentleman from Arkansas referred to him in the second person instead of "the gentleman from Pennsylvania." That, of course, is a mere technicality which carries no sort of reflection on the gentleman from Pennsylvania.

Mr. McFADDEN. I will say that there was clearly a reflection in the statement that I had not carried out the agreement with the gentleman from Arkansas.

Mr. GARRETT of Tennessee. I was referring to what the gentleman just quoted.

Mr. McFADDEN. I have always tried to keep within the rules of the House and tried to be respectful to the Members of the House. The gentleman from Arkansas was very pointed. I have no feeling over the matter. I am simply trying to correct what apparently should be corrected as unparliamentary language.

Mr. WINGO. Mr. Speaker, reserving the right to object, the only thing the gentleman complains of that anyone would treat seriously is that I accused him of breaking his pledge. He did not deny it at the time. I did not say "the gentleman from Pennsylvania," and that technically was a violation of the rules of this House. The only thing the gentleman takes exception to is that I charged him with not keeping his pledge. The truth is—and the reason he did not deny it is—that the agreement was in this language:

> I want either to make a supplementary or amendatory motion, either myself or the gentleman from Illinois [Mr. HULL], whichever one I may decide. In other words, I want a run for my white alley.

That is the pledge that I referred to. On yesterday just before the time was reached where I thought he would keep that pledge—the day before I had indicated what my amendment would be—he came over and I reminded him of the pledge and the gentleman said he could not do that without losing control of the floor. I directed his attention to the fact that the reason I asked him that in his committee room last week was that I warned him that under the rule I could not do that except by his permission, and the only reason the gentleman gave to me that he could not keep that pledge was because he

would lose the floor. Those are the facts. Does the gentleman deny that?

Mr. McFADDEN. The gentleman just made the statement that I could not accede to his proposition because of that fact. I did not agree that the gentleman should make the motion.

Mr. WINGO. Does the gentleman think it is a reflection upon him to tell the truth? Was it not up to him, if he wanted to justify himself, to get up and explain to the House that he had to break his pledge or lose the floor? What right has the gentleman, after the House has adjourned, to take his remarks and deliberately insert something he would not have said in my presence on the floor, which is a violation of the privileges of the House, and which he confesses is unparliamentary? Gentlemen, that is the situation, and that is what I have to deal with in the Committee on Banking and Currency. I withdraw my objection, if the gentleman is satisfied. He knows my position. If he is satisfied with that action, if that is as far as he wants to go, that is for him to say.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McFADDEN. Mr. Speaker, I desire to make one further remark in connection with the assertion that there was a definite agreement here. I did not agree to any such motion as the gentleman has referred to.

Mr. WINGO. The gentleman agreed that I should offer an amendatory motion, did he not?

Mr. McFADDEN. The gentleman asked to make that motion.

Mr. SNELL. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair hears no objection.

Mr. WINGO. So far as the House is concerned, I am willing to let it rest at that, but not so far as the gentleman is concerned.

CREDIT TO CERTAIN CONTRACTORS

Mr. CHRISTOPHERSON. Mr. Speaker, I call up the conference report upon Senate Joint Resolution 47, authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918.

The SPEAKER. The gentleman from South Dakota calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to Senate Joint Resolution 47, entitled "Authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2.

C. A. CHRISTOPHERSON,
A. J. HICKEY,
FRED H. DOMINICK,
Managers on the part of the House.

ARTHUR CAPPER,
ROBT. N. STANFIELD,
PARK TRAMMELL,
Managers on the part of the Senate.

STATEMENT

Some of the contracts were entered into prior to September, 1917; others of them were not. The effect of the House amendment would be to destroy the intention and value of the resolution.

There is not involved the question of payment out of Government funds, but merely whether the Government shall proceed to collect amounts already paid to the various contractors.

The wage-adjustment agreement dated September 26, 1917, was subsequent to the date of some and prior to the date of other contracts of the United States with certain of the signatory manufacturers, and only a very few of the subsequent contracts referred to or incorporated the substance of such wage agreement. As to the few contracts incorporating the substance of the wage agreement, the General Accounting Office will allow credit for the payments in reimbursement of the increase of wages paid to the contractors as a part of the consideration for the leather products. The payments covered by the resolution were made to contractors whose contracts did not contain such stipulations and represent sums in addition to the contract price for the leather products.

It was assumed by the parties that the agreements would be applicable without reference thereto in the contracts, and it was upon this assumption that the payments were made.

The Comptroller General of the United States, Hon. J. R. McCarl, reports as follows: "It would appear, therefore, that the contracts, containing no reference to the agreement, which were entered into subsequent to the wage agreement, should be regarded, for the purpose of the resolution, as similarly situated with those entered into prior to the agreement."

C. A. CHRISTOPHERSON,
A. J. HICKEY,
FRED H. DOMINICK,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. LaGUARDIA. Mr. Speaker, I desire to ask the gentleman a question. How can the gentleman justify striking out the House amendment which specifically limited the adjustment of these contracts to those which were entered into before the labor agreement of September, 1917? The gentleman will recall that it was my amendment.

Mr. CHRISTOPHERSON. Mr. Speaker, the reason for that is this: There were certain contracts entered into prior to the wage agreement of September and certain contracts afterwards. This resolution relates only to the contracts that are on the same basis as those entered into before the wage agreement. Certain contracts after the September wage agreement were made upon the same basis as those prior, and did not take into consideration the wage agreement. Mr. McCarl made the statement that the payments involved relate only to contracts which are on the same basis as those made prior to the wage agreement; that those made after the September agreement which took into consideration the wage agreement are not involved; that the settlements made on those contracts were made according to the contracts, and not in accordance with the prior contract.

Mr. LaGUARDIA. Then there is no danger that a contract entered into subsequent to the labor agreement that increased the prices will receive a double benefit?

Mr. CHRISTOPHERSON. No; not according to Mr. McCarl's statement.

Mr. LaGUARDIA. The gentleman is sure of that?

Mr. CHRISTOPHERSON. Yes.

Mr. NEWTON of Minnesota. That only takes care of those where the contracts are identical, regardless of the date.

Mr. CHRISTOPHERSON. Regardless of the date.

Mr. LaGUARDIA. That is satisfactory to me.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. RUTHERFORD, for several days, on account of sickness in family.

To Mr. ALLGOOD, at the request of Mr. HILL of Alabama, on account of important business.

To Mr. McLAUGHLIN of Nebraska, for two days, on account of important business.

SPEECH OF HON. S. O. BLAND, OF VIRGINIA

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by my colleague, Mr. BLAND of Virginia, upon the occasion of the presentation by the Philippine people of a monument to the late Hon. W. A. Jones, long a Member of this body, erected at Warsaw, Va.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, which has been granted me, I submit an address by the gentleman from Virginia, Hon. S. O. BLAND, delivered on June 20, 1926, at Warsaw, Va., on the occasion of the presentation by the Philippine people of a mausoleum in memory of the services of Hon. William A. Jones, who until his death in 1918 was a Representative in the Congress of the United States from Virginia.

The address is as follows:

MONUMENT TO THE LATE W. A. JONES

For more than a quarter of a century, he, at whose tomb to-day we stand, served this district and this people. From 1890, when he was called to serve in the Congress of the United States, to the day of his death, this capable Representative wrought zealously, loyally, and well for the people who had chosen him to be their servant. He was at all times a faithful servant of his people. How well he served is best attested by the length of his service, the excellent record of his achievements, and the complete devotion of his constituents. Mr. Jones had a hold upon their affections that nothing could shake. They knew him; they loved him; they trusted him. They knew that at all times and under all circumstances he could be relied upon to do the right thing, that a superior intelligence would unite with sound judgment, and that his conscience would always be his guide. They knew that right, and not expediency, would be his rule of conduct, and that he would never trim his political sails to catch the passing breeze. They knew that in his political life his course would be determined always by the highest ideals and by the loftiest patriotism. With his constituents no concern ever existed that he would fail to bring righteousness and justice to bear upon the solution of all legislative problems. They gladly heard him and accepted his counsel. Where he went they knew that honor and wisdom pointed the way. Where he led they were glad to follow.

No part of America has produced more eminent men instinct with love of freedom than this narrow neck between the Rappahannock and the Potomac. Here men have thought great thoughts and done great deeds. Here the past is an inspiration and an example. Here devotion to duty, love of country, and heroic service and sacrifice have found their finest expression. Here names high on honor's rolls are household words. Here tradition and fact charm and lure with compelling force and yet with winsome grace. Wherever else political time-servers may exist, here public men must strive to become statesmen in the highest sense of that term, or be recreant to the high ideals and noble sentiments that have made this section immortal. Here, Wakefield and Stratford, the Washingtons and the Lees, are constant reminders that—

"Freedom's battle once begun,
Bequeathed by bleeding sire to son,
Though baffled oft, is ever won."

Here had been born the Father of his Country. Here had been reared he who, 150 years ago, in obedience to his native State, boldly submitted, in convention assembled, that these Colonies were, and of right ought to be, free and independent. Here had been nurtured the brilliant diplomat who in 1778 negotiated the treaty with France which assured our independence. Not far away there had been born and lived another great Virginian who, 150 years ago, had first collected in a great charter the fundamentals of a free people. Here had been born the greatest soldier of the English-speaking race who, by heroic service, splendid sacrifice, and glorious life added new luster to the name of Lee, of Virginia, and of your own Northern Neck.

The very air is vibrant with the memory of great events and great names. In such an environment, it is not strange that genius should grow to greatness. Mr. Jones was a true son of patriotic sires. He imbibed from earliest youth the ennobling traditions, the inspiring sentiments, and the lofty idealism of these people of the past. Descended from a line that had helped to mold and make a Nation, he devoted all of his splendid talents and great strength to the cause of freedom. He believed with all his soul that governments are instituted among men deriving their just powers from the consent of the governed. He sought to extend the frontiers of human liberty. He sought to carry to others that freedom which his illustrious ancestors had bequeathed to him. He became the champion of a deserving people in a distant land, and sought to give to them that freedom which worthy sires had given to him. To these distant people he rendered inestimable service. Tired, worn, harassed with pain, whenever opportunity offered he rose superior to physical ailments, and finally his indomitable will and courage won a great victory. It is appropriate that he should be revered by the Philippine people, and they have never omitted an opportunity to show for him their great affection.

Often it is said that peoples soon forget—that republics are ungrateful. Too often in the complexities of modern life, with its engrossing cares, its pressing demands, its present duties, its absorbing responsibilities and its tasks, this is true, but now and then the undying gratitude of an appreciative people finds lasting expression in some definite and tangible form. A great writer has said: "Gratitude is a fruit of great cultivation; you do not find it among a gross people."

It is indeed fitting that in this one hundred and fiftieth year of American independence, when this Nation remembers its Washington, its Jefferson, its Adams, its Hancock, its Marshall, its Henry, its Mason, and its Lees, that the Philippine people, in an enduring way, should remember with love and affection their great benefactor, champion, and friend who carried to them hopes and high resolves similar to those which as a Nation we this year celebrate.

The Philippine people venerate Mr. Jones, and we share in their veneration. The people of this district realize that Mr. Jones added new lustre to their renown, and they regard no tribute too great for him. They will ever feel an abiding love for these far-away people who have bestowed so much love and affection upon their son, and they will watch with pride and sincere affection that people's progress to a high destiny.

Senator Osmena, this handsome memorial will prove a tie that shall ever bind my people close to you and to your people, and as you honor him we loved and were proud to follow, so shall we ever honor you. Our hearts will ever beat in unison with yours.

Too great honor can not be done him at whose tomb to-day we stand. We love you for this, that you love him. We honor you for this, that you honor him. We are not unmindful that could his lips, now closed, speak once again your welfare and your prosperity would be among his first expressions. Carry back to your people the gratitude, the esteem, the good will, the love, and the unwavering confidence of these people who for nearly 28 years gave your benefactor, your champion, and your friend their support, and among whom his memory will ever live, as a statesman of equal rank with the greatest of this Nation, a public servant pure and undefiled, and a man uncorrupted and incorruptible. We are proud to have his name linked with that of your immortal patriot and martyr, Rizal. With you, as with us, the lustre of Mr. Jones's service will grow brighter with the passing years. May I, for this people and for my departed friend, express the hope that health, happiness, prosperity, and the blessings of liberty may rest upon you and your people through all the years that are to come.

THE LIQUOR PROBLEM AND LAW ENFORCEMENT

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Speaker, I want to offer a bit of advice on the liquor problem and on law enforcement with the best of intentions.

The first thing an honest man must do before he aligns himself either for or against any cause is to be posted on that question. In a democracy this is the most fundamental of all duties. Nothing else approaches it. The citizens rule. Uninformed citizens can not rightly decide anything. Misinformed citizens will decide unjustly. We must know the truth if the truth is to make us free. It may seem difficult for each one of us to have a reasonable working knowledge on every important question that affects our national life. It would be easier to just read the sporting page and the comic strips. But this is part of the price we pay for self-government. We do not belong to that group of whom it may be said:

Theirs not to reason why,
Theirs but to do and die.

We must reason. We can not reason unless we know the facts.

Against prohibition there has been one of the most carefully organized systems of propaganda that has been discovered. In the press, in magazines, in the conversation of many careless speakers one may hear of the failure of prohibition. You have all heard that "we are drinking more than ever." Let us take that for an illustration. How much did "we" drink under the license system? How much did it cost? Do you know that the transportation of the raw materials to breweries and distilleries and the distribution of the beer and whisky to the consumer was one of our most serious traffic problems in the license era? Do you believe such a traffic could be handled clandestinely by bootleggers' autos even if half the police officers were bribed to close their eyes to that close-packed procession of booze-laden machines necessary? Where is the drunkard, once a common sight on your street? Much of the false statements spread by the wets to break down dry morale can be exploded by asking a few simple questions like that.

But the law is being violated. You ought to know how serious those violations are, who is responsible for them, and how to stop them. You are a citizen ruler and your public servants should serve you. Do not live in a fool's paradise. Even the Bible condemns those who "cry peace, peace, when there is no peace." A corrupt and murderous group of outlaws are deliberately assailing our laws. We must know just what they are accomplishing and fight them.

Know your officials. Know the good ones as well as the bad ones. Give praise to the good and prison to the bad. Support the efficient and have the ineffective ones removed. Booze will corrupt government anywhere if allowed free hand. Bind your officials to honest service. Watch your officers and tell the truth about them; but tell the good as well as the bad. Do not

think that unwarranted gossip or second-hand suspicion is telling the truth.

Know the secondary results of prohibition. These are the indicators of its success or failure. Your savings banks, insurance companies, retail trade, home building, all tell a story about prohibition. Just as the butcher knows that John Smith is keeping his pledge because John Smith buys better meat and pays his bills, so our economists know that America is keeping her pledge of the eighteenth amendment because every business indicator tells the story.

Know the full facts thus, not as a silly Pollyanna or as a melancholy crepehanger, but as a citizen who intends that this shall be the land of the free, governed by its citizens, and not by the alien bootlegger.

But do not be satisfied by knowing. Act! You may think you are only one man, but have you ever read that "One man shall chase a thousand and two shall put ten thousand to flight"? One man in earnest can upset the world. It has been done. Even if you are only one man, be one man. But you need not be only one. Others will feel as you do. Unite your efforts with those who are working for the same end. Multiply yourself by union. You will count more as part of a regiment than as one of a mob. Organization means victory. It eliminates wasted effort. It focuses the full expended power on achievement. Join up. Neither be content with negative action. Be as active in telling the good news about prohibition as the wets are in spreading the bad. Fight as hard to get good laws as the wets fight to oppose them. Work for the appointment of dry officials as energetically as do the wets to get catspaws named.

Prohibition is the popular policy of government. It touches you intimately in every department of your life. Your health, your purse, your very life and liberty are involved in the issues bound up in this fight. No one can draft you for this war, but if you do not gladly enlist for God and country, then your desertion from the field will cancel one effective fighter and will aid the enemy just that much.

LEAKS IN PROHIBITION DAM

The dam of prohibition keeps out a whole Atlantic of liquor, but it does not keep it all out. No restrictive laws in license days ever won unanimous observance. Prohibition is not the exception to the rule that liquor is essentially lawless. The difference between conditions now and those before the adoption of the eighteenth amendment might be expressed thus: Violations of laws concerning liquor to-day are viewed as a scandal and the guilty are punished. Formerly they were viewed as common phenomena of our national life and were generally ignored.

Some of these leaks have reached large proportions. The Nation early realized that no King Canute could keep back the floods of illicit liquor merely by saying, "Thus far and no farther." The first dike was erected in the Volstead Act. It was not booze proof. No one expected it would be. Behind it were a lot of little pools of whisky and lakes of beer inside the dike. A whole army of busy rats gnawed at the dam and let a trickle through here and a little runnel there. Added together, these puddles and trickles amounted to a fair-sized total, enough to alarm those who realized that both morality and commercial prosperity were threatened by any collapse of prohibition.

Among the sensationally interesting leaks was that known as Rum Row. Always a romantic figure in literature, the smuggler aroused a larger attention than his actual achievements merited. Those achievements, however, were not petty. No one knows how much liquor he landed on our coast. Even admitting that only a small fraction of the stuff sold as "genuine smuggled goods—just off the boat" was really the product of some moonshine still, the Rum Row contribution was one of the serious elements in liquor's lawless activities.

A Coast Guard estimate of the volume of smuggled liquor was given at the hearing on the Coast Guard bill when Rum Row was at its height, when it was stated that direct shipments from Europe amounted to not less than 80,000 cases per month. While a mere bagatelle compared with shipments in license days, this quantity was a challenge to prohibition enforcement. St. Pierre, Miquelon, and the Bahamas made their additional contributions. With such a rift the prohibition dam could not keep the Nation dry. As a result of that exposé the Coast Guard was equipped with modern vessels and Rum Row became a thing of the past.

The moonshiner has been one of the stock characters of our southern novels for a century. The first laws imposing tax on liquor saw the birth of the moonshiner. He provided firewater for those who desired cheapness and "influence" in their drink, even in license States. No statistics ever tabulated his production, but it was sufficiently serious to annoy taxpaying distillers with whom he competed. Practically all the arguments used by the enemies of prohibition—especially those based on "personal liberty"—were invented by the old-time moonshiner. Sporadic raids in the mountain moonshine territory merely kept him alert. They hardly seriously touched the situation. No State in the Union was without its illicit stills. The broadest and most liberal liquor laws did not prevent the untaxed manufacture of intoxicants. Practically every penitentiary had inmates who had broken the liquor laws. Frequently they were serving a sentence because of murders committed in resisting the infrequent raids made by officers. Bloody and murderous as the liquor outlaws are to-day, they have been equally bloody and murderous through our history.

The criminal element provided outlet channels for these smuggled and moonshine liquors. Reckless, already at war with law and organized society, they did not newly take up a career of crime but simply transferred their activities from one branch of lawlessness to another. To those might be added those bartenders who found their acquaintance with a drinking public possessed a negotiable value. Many of them had conducted "blind-tigers" or "speakeasies" in the past. These formed the distribution department of illicit liquor.

The leakage from the liquors stored in bonded warehouses added to the bootleg supply in the earlier years of prohibition. Immense quantities were released on permits before enforcement machinery was properly organized. Thefts of confiscated liquor returned some of this to the underground traffic. "Split," with the usual adulterants, thus formed one of the earlier factors in law violations before a careful control of warehoused liquor closed that leak in the dam.

The breweries ran true to form. The lawless activities of the trade exposed in the investigations made by the Senate Judiciary Committee before prohibition, did not cease, but continued under the eighteenth amendment. The permission to make cereal beverages was abused by many. Instead of dealcoholizing their product, they sold it in many places at full strength and nearly as openly as in license days. Until the revocation of their permits, the imposition of almost confiscatory fines and penalties, and the padlocking of their premises brought this group of rebels to terms, full-strength beer was purchasable in most of the larger centers of the former wet States. In Pennsylvania, New Jersey, and New York City, the bribery and corruption accompanying the brewery lawlessness under prohibition was a public scandal.

The leak in the prohibition dam, caused by the diversion of alcohol, is probably the greatest and the most significant to-day. Treaties with other nations and the reequipment of the Coast Guard have reduced rum row to a small fraction of its former size. Smuggled liquor is becoming comparatively rare in the bootleg markets. The ease of detection of large moonshine still has kept the illicit distillery from producing any very large output. Small and cheap stills in slums and swamps provide trickling rills where once booze flowed in rivers. Both these sources are insignificant when compared with the quantities of alcohol which have been the principal source of the recent supply of illicit intoxicants.

At the hearing on the Cramton bill to centralize the prohibition enforcement activities, it was testified that 6,000,000 gallons of alcohol, supposedly released for legitimate medicinal or industrial purposes had been diverted to bootleg purposes. "Split" with the usual adulterants, this would provide 200,000,000 half-pint flasks of "hooch." Industrial alcohol has an advantage over both smuggled liquor and moonshine. It is cheaper than smuggled goods. It can be delivered openly in the neighborhood of the bootlegger, without the costly clandestine carriage of smuggled liquor.

It leaves less of a trail behind it in clues for the law officers. It is more potable than moonshine. Even when the denaturant has been imperfectly removed it is likely to contain less poisonous elements, or at least less immediately poisonous elements, than moonshine liquor. The redistillation needed to remove the denaturant does not leave waste products like the moonshine mash, whose disposal may arouse suspicion. These, with other factors, have made the diversion of alcohol the critical element in prohibition violations.

Fake medicine manufacturers, conscienceless producers of various commodities into whose manufacture alcohol enters, and brokers who pose as buyers of such products, thus covering the diversion of industrial alcohol which was never used in legitimate manufacture, are three of the significant figures in this diversion. To them might be added the venal physician who sells prescriptions for medicinal liquor and the retail druggist who has become a bartender in all but name. The old-time drug trade had a lofty, ethical standard. It early went on record against the alcoholizing of their profession. New men, many of them formerly connected with the liquor trade in

some States, have entered the drug business and find in alcohol permits sources of easy money. Such men, with the unscrupulous manufacturer who holds an industrial alcohol permit, are the present mainstays of the bootlegger. This breach in the dam of prohibition is the greatest to-day. Unless closed by effective regulation of the alcohol trade, it will cause more scandals than any other single situation in our national public life.

WHO IS TO BLAME FOR NONENFORCEMENT?

If prohibition is not enforced, then some one is to blame. Who is responsible? A majority of the American people caused the adoption of this new national policy; a still larger majority has approved the enactment of enforcement laws by both State and Nation. Public enemies of prohibition have been retired to private life by popular vote in the three primaries and three national elections since prohibition went into effect. The attitude of the Nation on the whole question is unmistakably clear and in favor of enforcement. Yet enforcement is not as successful as it either should be or could be. Who is blocking the wheels?

A whole group of men form the chain down which the buck is passed whenever it is sought to fix this responsibility. Each has some part in the blame as a link in the chain of criminality. Nearly every one of the types concerned is an important element in such liquor lawlessness as exists. But just one class are ultimately and essentially to blame. Without that class the others would be as Othello, their "occupation gone."

In the very forefront of the violators stands the man who makes the illicit liquor. If none was made, none would be consumed, naturally. The moonshiner, the redistiller of denatured alcohol, the compounder of strange and potent drinks, bears the burden of public condemnation. He seems to be the source from which spring our prohibition ills. From this unwholesome root grows the tree whose fruit is poisonous. But the guilt of the maker of "hooch," whether he be the moonshiner or the criminal industrial-alcohol user, is not the ultimate criminal who is the "primum mobile" of prohibition's violation.

The smuggler, whether he slips over the Canadian border with his truck load or anchors off the now vanishing rum row with his schooner full of cases, has been one of the stars in the antiprohibition tragedy. His wares were more desirable than those of the moonshiner. Except for the belief that they were smuggled goods, the products of the moonshine still would be generally unsalable. The publicity value and advertising given by rum row has meant much to the liquor outlaws of the country; but not even the smuggler, with all the romantic appeal with which fictionists have falsely vested him, is the indispensable element in lawbreaking.

The rum runner or go-between for the smuggler and bootlegger plays his important part in getting the hooch to the market. Facing peril of arrest, menaced by hijackers, he races through the night at breakneck speed. He is a comparatively minor cog, however, in the bootleg machine.

The bootlegger is generally pictured as the center of this lawless trade. He markets the goods. No matter how much was smuggled, manufactured, or transported, the trade would die if the bootlegger did not act as retailer. Against his illegal sale more laws, probably, have been adopted under various phases of liquor control or of prohibition, than against any other single type. And yet, not even the bootlegger is the "sine qua non" of the traffic in hooch.

Official corruption is not the large factor it was earlier in the enforcenment of prohibition. Many officers who were blind when this would suit the liquor forces' convenience have been retired. The careless, inefficient, or indifferent officer is being speeded up or faces the peril of dismissal. The officer with the itching palm is too rare to-day to be seriously considered among the important forces in liquor lawbreaking.

Chiminal manufacturers who divert industrial alcohol to beverage use are probably among the chief sources of supply for the illicit trade. Their contribution mounts to millions of gallons of hooch yearly. Manufacturers of extracts who use formulas which do not make their product unsuitable for beverage use have thus provided themselves with a lawless clientele. The fake medicine compounder, who introduces into the violation of national prohibition the alcoholic preparations with which he once flooded the dry States from some wet center is adding his portion to the country's wetness. Each of these plays his own part, more or less significant, but their guilt is only relative. Another type of man is ultimately more responsible than these.

The cynic, who sneers at every moral movement; the skeptic who doubts the value of all reform; the shallow jester who would mock at the most sacred things to raise a laugh; the vaudevillian who seeks the easy laughter from a gibe at prohibition; these encourage lawlessness, weaken the morale of many, and aid in creation of an atmosphere favorable to the liquor criminal. They are not stars but only supers in the play, however.

The wet press, with its distortion of truth, its suppression of the news about prohibition, its emphasis on the weaknesses rather than the strength of enforcement, and its sensational exploitation of antiprohibition propaganda, has linked itself in the same chain with the other abettors of liquor lawlessness. The influence of the wet press is far less than many feared. Its endorsement has defeated more than one candidate. In spite of its opposition, prohibition has steadily gained ground. It neither leads nor represents public opinion, generally. It is not one of the primary factors in lawlessness but it is one of the minor ones.

The scofflaw, for whom a special term was fashioned, belongs to the larger class from which the special type is drawn upon whom falls the ultimate responsibility for the failures of prohibition. Whether he drinks liquors stored before prohibition or buys bootleg booze, the man who puts his personal prejudices, his habits, his class customs, or his appetites above the law is fomenting anarchy. The idle rich and the I. W. W. are at one in their contempt for law which prevents them from getting what they want. All scofflaws are to blame for disrespect for law and contempt of orderly government.

The man who drinks the liquor is the one scofflaw who can not shift any part of his responsibility for violation of the law. The moonshiner, smuggler, rum runner, bootlegger, and all the rest of the lawless horde who enter into the manufacture or distribution of liquor are the servants of the man who drinks. He dissolves the pearl of freedom in a bottle of hooch. He treats the Constitution of the United States as a scrap of paper. The voice of the majority means nothing when his thirst opposes. Because of the market he creates and the profit he makes possible, industry faces handicaps, mercantile business feels the current of diverted capital, death rates mount, charity funds are impoverished, jails, asylums, and poorhouses filled.

The man who drinks is the direct cause of the piracy, murder, political corruption, and the scores of other crimes committed by those who purvey his liquor.

Judas Iscariot got 30 pieces of silver for his betrayal. The man who drinks gets nothing but the drink.

WHAT ABOUT THE OLD SOAK?

The Old Soak is the skeleton in the liquor closet. The finished product of the liquor traffic, he was never advertised by the friends of the business. The result of years of careful cultivation by brewers and bartenders, he was bitterly rejected by those to whom he might say, "You made me what I am to-day."

The Old Soak came from every class and condition of American life. Generally he came from the most social, friendly, and good-tempered element in our society. Because he was "hail fellow, well met," he found the booze trail was a primrose path of dalliance. Don Marquis in his play, "The Old Soak," has drawn the character with photographic accuracy. Kindly, cordial, witty, and gifted more than the average, the Clem Hawleys of actual life are fitted to become leaders of men. But they had the defects of their qualities. Booze got them, and they became "Old Soaks," suspected and distrusted even by their own families, too weak to resist temptation, too shallow to respond to life's challenges—mere ashes of what might have been.

The bums who thronged the old-time missions, the tramps who once dwelt in the jungle across the railroad tracks, the gay-eat and yegg, the utterly submerged groups who made up the "gaugers" who rolled the emptied beer barrels at freight stations in the hope of getting something with a kick in it—these are Clem Hawleys a stage lower in their descent.

No man ever started out with the ambition of being an Old Soak. He merely wanted a little excitement, a drink now and then. He wanted to see life. Too late he found himself seeing death instead. He wanted happiness and laughter and social joys. Instead, booze gave him sorrow and tears and condemned him to the society of outcasts.

It is hard to save the Old Soak. Booze has eaten out his backbone. When prohibition arrived there were 275 so-called "cures" which were trying to extract the alcohol from the Old Soak's system. Many of their patrons were recidivists. They were "repeaters." Some of them had been "cured" many times. There are only 27 of those institutions left to-day, and most of these keep their doors open only because they now major in some other treatments and conduct their "drink-cure" operations as a side issue.

The preprohibition hospitals had delirium-tremens wards for the Old Soak. Some of these were famous, as the psychopathic wards of Bellevue. They were crowded in the old days. To-day a case of true delirium tremens is comparatively infrequent.

The insane asylums knew the Old Soak. He complicated their problems. Some States tried to solve the puzzle presented by the alcoholic insane by establishing separate institutions for their care. Noteworthy among these States was Connecticut, with its fine institution at Norwich. The arrival of prohibition about the time the Norwich institution opened for what promised to be a big business put the new hospital practically out of business. There was such a decrease in alcoholic insanity that the State turned the institution into a hospital for mental disease, and only a rare alcoholic is treated there.

The decrease in alcoholic psychoses since prohibition is about two-thirds, with the foreign born or their children furnishing five times the ratio of native-born patients. The taint of alcohol from a beer-drinking or wine-drinking ancestry has its part in this ratio.

The Old Soak was the mainstay of the old bread line, which vanished with prohibition. He kept the Salvation Army busy caring for him and his family. He figured unseen in the tax lists to support the army of criminals, wastrels, insane, unemployed, and other flotsam on the sea of human life.

Prohibition can not save many of the Old Soaks. The licensed sale of liquor marred them too deeply. Like slaves who dread freedom, many of them hug their bonds and cherish their own degradation. Prohibition is halting the manufacture of more Old Soaks. Instead of providing an army of novice drinkers yearly, to-day we are training an army of abstainers.

Youth takes its occasional drink to-day in the spirit of adventure. It is theatrical about it. It wants to seem sophisticated. But it does not enjoy the taste nor the cost of the bootlegger's product. Besides, modern youth has so many interesting things to do that drinking is dull and stupid work. The radio, the auto, speed boat, airplane, athletics, and a host of really thrilling things are the playthings of modern youth. It has laid aside the bottle from which it has been weaned.

The Old Soak is often one of the strongest supporters of the prohibition cause. He is perfectly willing to be the last of his line. He knows the terrible cost of the liquor habit. He wishes the future generations to be free men and women. The brewer, distiller, and saloonist, and the owner of stocks in these enterprises may want to see beer and booze return. It would mean billions of dollars profit to them. But the Old Soak's face is set against this. His vote and his influence back the dry cause again and again. He can not break his own bonds but he wants to save others. Reverently one remembers a phrase from an ancient Book:

He saves others; himself He can not save.

The causes of liquor lawlessness are deep-seated and hard to eradicate. They are the fruit of the liquor traffic which we encouraged through 30 years of license. In that time we developed a host of liquor addicts, who were enslaved to drink. These toiled and died that the liquor barons might be rich. Multitudes of these are still in the chains of this habit. Many of them are trying to break their chains. When the eighteenth amendment was proposed, these victims of the drink traffic threw their strength to the movement which promised them releases from a degrading bondage. Prohibtion was not won by total abstainers alone but by the aid, as well, of men who found the temptation of the swinging door of the saloon more than they could resist. The terrible strength of the abnormal appetite for drink can not be shaken off in a day or in a year. Even as some of these fight to dethrone the tyrant alcohol, they fall a victim to its power. Let us cheer and not sneer as these men gallantly seek to save the coming generations from the power that has dishonored them. They may fall seventy times seven times but they arise, their faces to the foe, still fighting. They are living illustrations of the menace of the liquor traffic and its power to conquer men.

Too easily we forget the dangers of the days when drink was dominant. We need more widespread education on the dangers of alcohol. We must resume the teaching which we interrupted when the eighteenth amendment was adopted. Too many assumed that the fight was over. We must continue moral suasion. By pledge signing we must enlist a continued army of new recruits for this fight. In this work the Sunday school, with its religious and moral message to youth in the formative years of life, must lead.

We can trace the sordid trail of liquor not alone in the wrecked lives of individuals but in its effect upon the health of our political body. Public officials, schooled in the corrupt ways of liquor politics, are to-day hamstringing enforcement. When we read the tale of political corruption that has marked the liquor traffic we may well wonder at the success we have achieved in overthrowing this evil. From the city of New York we took the testimony that proved the boycotting, subsidizing, and corrupt activities of the brewers. The system which plotted these things is not yet dead. Like the proverbial snake, we have scotched, not killed it. Its head has been crushed, but its tail still wags; and ofttimes the tail and not the head controls a party's action. Four years are too short a time to cleanse the Augean stables of our public life of the slime accumulated through a century.

As citizens we must act through our primaries to secure the choice of men loyal to the Constitution. On election days we must vote; not after party lines but after principles. In every Sunday school and church we must display an honor roll, where a silver star tells of a citizen who has registered and a gold star tells of a citizen who voted. So long as half of those entitled to vote are stay at homes the church is slacking in its duty.

We must learn to vote intelligently and effectively. We can not blindly cast a party ticket with a partisan loyalty which gives our ballot to a crook. That is crooked politics. The higher patriotism means a vote for the right man with the right ideals, regardless of the party label. When the decent citizens of the Nation do that, then civic rottenness will be a memory only.

So long as prohibition was a moot question, unwritten in the law, many law abiding opposed it. It was debatable then. But when this social policy was written in the law, it was not open to debate. Then such men saw that the Nation faced one single problem: Can we enforce the law?

If once we admit that the law can not be enforced, any law, then we have admitted our bankruptcy. The law is the Nation's will. If we can not enforce that will, we are paralytic. The President of the United States, in his address to the governors' conference, October, 1923, said:

A government which does not enforce its laws is unworthy of the name of a government and can not hold either the support of its own citizens or the respect of the informed opinion of the world.

If the American people do not want a law, repeal is easy. There are legal methods of expressing opposition to any statute and of amending or repealing it. Laws are neither made nor repealed by minorities. Only a majority can write its will on the statute books. Those who assert that prohibition or any other law was "put over" by a minority are ignorant of our governmental system or else try to dupe their hearers. Behind the ratification of the eighteenth amendment was the overwhelming majority of the American people. Behind the enforcement of that amendment to-day there is a still greater body of sentiment. Opposed is a small but very vocal minority, moved by appetite in part; in greed for profit, in part; and by sentimentalism, in part.

The criminal liquor element, which has broken every law that ever tried to restrain it, has found it easy and profitable to break this law in many portions of the Nation. The weak and the vicious have been their customers. They have organized their criminal activities as no other criminal group has ever done. They reveal to us the volcanic underworld on which civilization is seated. Prohibition no more caused this criminality than any other law. But the national attention given to prohibition revealed the peril of the lawless element in our social life.

Against this lawless element the Nation is called upon to act, not that prohibition may continue, but that democracy and the right of the majority to rule may continue. The challenge has been thrown down. It can not be ignored. We must choose between allowing a constitutional measure to become a dead letter, repealing it, or enforcing it. The first two alternatives are ignominious confessions of defeat. To adopt either would admit that the criminals are our rulers. Either of these courses would pour oil on the flames of lawlessness. If one law must be repealed or ignored because outlaws organize against it, then no laws are safe. Civilization is the reign of law. Without laws, enforced impartially and earnestly, we have anarchy. Every human right for which this country has stood through her three centuries of magnificent history is at stake to-day in this contest between crime and law.

A mouse can scare an elephant. But no mouse can lick an elephant. The American Republic will not be terrified by the rodent tribe of parasites who threaten it to-day. Once public sentiment is really aroused, it will sweep onto the rubbish heap these enemies of organized Government. The problem, however, is to arouse that public sentiment. Honest, law-abiding men

and women do not willingly believe that they have in their neighborhood these social menaces nor can they credit the depravity of the liquor interests.

EFFICIENCY OF OUR AIR SERVICE

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, it is evident that the pending conference report will be adopted by this House with practical unanimity. The reasons for its adoption have been so fully and ably presented to the House by the distinguished gentlemen who have preceded me that I shall not detain the House with a reiteration of those reasons. I do wish to bring to the attention of the House the fact that when the bill passed the Senate it had been so mutilated and was so weakened by that mutilation that it could be scarcely recognized, and yet our conferees bring it to us to-day just as good and to all intents and purposes the same as when it passed this House. Our conferees won every point in conference, and I feel that they merit the congratulations of the House. Particularly do I believe that credit is due to the able, the energetic, the tireless, the courageous chairman of the House conferees, the gentleman from Michigan [Mr. JAMES], who is also acting chairman of the Military Affairs Committee. Nothing in this bill will do so much to encourage aviation in this country as will the provisions of what is known as amendment No. 30.

This amendment deals with the procurement of aircraft and aircraft material and has been ably explained by the gentleman from South Carolina [Mr. MCSWAIN]. It should be known as the McSwain amendment. It is practically word for word the same as the McSwain bill. This bill, bearing the name of the gentleman from South Carolina, was favorably reported several weeks ago by the Military Affairs Committee. Some months ago the distinguished gentleman from South Carolina began an exhaustive study of the subject matter of the bill. With that patient toil, unremitting labor, and vigilant research which ever characterizes his work, he set himself to the task of bringing forth such a bill. It was largely due to his efforts that a joint committee, composed of members from the Military Affairs Committee and the Naval Affairs Committee, was created and in the face of powerful opposition agreed upon the bill. As a tribute to him and in appreciation of his magnificent work the Military Affairs Committee reported the bill to the House bearing his name. Seldom it is that a bill of its significance and importance bearing the name of a member of the minority party is reported to this House by a committee, no matter which party may be the majority or which party may be the minority. The Military Affairs Committee has given this special recognition to the fine patriotism and devoted service of the gentleman from South Carolina and in honoring him it has honored the worthy Representative of a great Commonwealth and a great people.

STATEMENT OF MR. LEHLBACH WITH RESPECT TO CONFERENCE ON RETIREMENT BILL

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, on April 5, 1926, the Committee on the Civil Service reported H. R. 7, to amend the retirement act. On April 16, 1926, the Committee on the Civil Service of the Senate reported S. 786, substantially the identical bill. The report of the House committee was adopted by the Senate committee as its own.

The Bureau of the Budget made an examination of these bills, and it developed that their provisions would increase the cost of the retirement system to the Government about $17,000,000 annually, assuming the Government liability to be met in 30 equal annual payments. This method of amortization has been uniformly used in all the estimates.

The Director of the Budget reported to the President that such amendemnt of the retirement system at the present time would be contrary to the budgetary requirements of the Government. He subsequently submitted to the President a modified draft of the bills on the Senate and House calendar which limited the annuities to a maximum of $1,000, and reduced the percentage of contributions by the employees from 4 per cent, carried in the reported bills, to 3½ per cent. This bill did not increase the cost of the retirement system to the Government, and hence was within Budget limits. It was known that the President had no objection to the passage of such a bill.

The leadership of the House, set up by the majority and reflecting the purposes of the majority, have consistently cooperated with the administration in keeping legislation requiring substantial expenditures within Budget limits. With this policy I am in hearty accord.

For some time there has been an undercurrent of criticism and disapproval of the retirement system as it exists at present. There is apparently no way of ascertaining definitely what it is costing the Government and what it will cost the Government in the future. There is great apprehension that the present policy of paying annuitants with the contributions of the active employees will pyramid liabilities, which inevitably must be met by the Government, to stupendous proportions. No suggestions have been considered as to when and in what manner the Government should amortize this accrued and accruing liability. Complaints have been heard that the system resulted in inequities as between classes of employees. It became more apparent that an exhaustive study of the retirement problem should be made and a thorough revision undertaken. This view is held by substantially everyone who is in contact with the retirement system. A resolution to that effect has been introduced.

In view of this fact and in view of Budget requirements, those in control of legislation in the House deemed it inadvisable to give by special rule a privileged status to the bill on the calendar. Without such action it was apparent that the bill could not be reached in the ordinary course of business during this session of Congress.

The Committee on the Civil Service of the House deemed it extremely desirable that some legislation increasing the annuities of those retired or about to retire be enacted at this session instead of waiting for the survey and revision that was planned. Accordingly, the bill was recommitted to the committee and reported out in the form the Director of the Budget had recommended it to the President. After extensive consultations it was agreed that the Speaker recognize me to suspend the rules and pass the bill in return for my unqualified assurance that I would use every parliamentary means so to control any situation in which the bill might find itself that the Budget limitations would not be exceeded. Without this arrangement there was no possibility of legislation this session. The arrangement was known and approved by the majority membership of the House generally, and was known and approved by all who purported to be spokesmen for the various groups of employees. In order that there might be no misunderstanding or want of complete information as to the attitude of the House, I outlined it clearly and emphatically in my remarks on the floor when the bill passed.

The Senate substituted for the House bill the provisions of the bills earlier reported. The managers of the Senate have insisted on some modification of the House bill that would substantially enhance the cost of the retirement system to the Government. To this, in view of the attitude of the House and of the assurances I had given, the House conferees could not agree.

WHAT THE REPUBLICAN PARTY HAS DONE FOR THE WEST

Mr. COLTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address which I delivered over the radio a few days ago.

The SPEAKER. Is there objection?

There was no objection.

Mr. COLTON. Mr. Speaker, under leave granted me to extend my remarks I submit some remarks broadcast by me over the radio here in Washington on June 2, 1926, as follows:

Keeping in mind the doctrine of the greatest good to the greatest number, that government is best which governs least. A wise man once said: "Teach the people correct principles and they will govern themselves." By the same logic, that political party which embodies in its philosophy the principles of greatest individual freedom will naturally bring to the government it leads the greatest amount of liberty with all its accompanying blessings.

The Republican Party early in its history recognized that home building is the basic unit of all true civilization. Good homes produce a great nation. Soon after the birth of that great party a law was passed, signed by the immortal Lincoln, which has probably done more toward the building of the great West than any other one measure. I refer to the "homestead law," which has made it possible for a pioneer settler who pushed out beyond the frontier civilization to claim as his reward a piece of land which he could call home. The National Government at one time or another has owned more than 1,400,000,000 acres of land. The Government had always been liberal in passing title to its public lands, but it was not until 1862 and after bitter opposition that a definite policy of homesteading and consequently home building was adopted.

Ever since the day of the signing of the law the great country lying in the arid and semiarid sections of the United States has been engaged in fulfilling its manifest destiny of building good homes. And as good homes produce great people, so the West is now producing and will continue to produce great men and women. A contented home owner with his family around him is the Nation's best asset.

As the late Henry Grady eloquently said, "A citizen standing in the doorway of his home, contented on his own threshold, his family gathered about him, while the evening of a well-spent day closes in scenes that are dearest—he shall save the Republic when the drum tap is futile and the barracks are deserted."

If the party of which I speak to-night had given to this country no other law than the measure which made it possible for men to secure title to a tract of land on which they could earn a livelihood for their wives and families, it has justified its organization. Manhood in the West, with all that word means in its broadest sense, is inseparably connected with the result achieved in the passage of the homestead law. Hon. G. A. Grow, who did so much for its passage, speaking in the House of Representatives in 1852, said, "In a new country the first and most important labor, as it is the most difficult to be performed, is to subdue the forest and convert the lair of the wild beast into a home for civilized man. This is the labor of the pioneer settler. His achievements, if not equally brilliant with those of the plumed warrior, are equally if not more lasting. His life, if not at times exposed to so great a hazard, is still one of equal danger and death. It is a life of toil and adventure, spent upon one continued battle field, unlike that, however, on which martial hosts contend—for there the struggle is short and expected, and the victim strikes not alone while the highest meed of ambition crowns the victor. Not so with your hardy pioneer.

"He is oft called upon to meet death in a struggle with fearful odds, while no herald will tell the world of the unequal combat. Startled at the midnight hour by the war hoop, he wakes from his dreams to behold his cottage in flames; the sharer of joys and sorrows, with perhaps a tender infant, hurled with rude hands to the distant council fire. Still he presses on into the wilderness, snatching new areas from the wild beast, and bequeathing them, as a legacy, to civilized man."

History reveals that civilization had its birth in the cultivation of the soil. The home was established and became and has remained, the basic unit of our civilization. The foundations of progress and happiness were laid in the home.

Unfortunately history has dealt almost entirely with kings and rulers. Wars and difficulties between men and races have claimed the attention of the writers of the past. The plain people have been left in obscurity. And yet from that class have come most of our great characters. The story of the struggle of the race for better homes and true progress can only be imagined from the experiences that have come to us in our own pioneer struggles.

It was granted to the American people to lay the foundations of our national life in a new continent. Our life has been one of vigor and effort without which the manlier and better virtues can not be developed. The civilization we have developed is at once the marvel and, I may say, envy of the world. The success we have had in the past and which we confidently believe will be ours in the future should awaken within us a realization of the responsibility which is ours; and a fixed determination that under a free government a mighty people can thrive best when proper regard is given for the things of the body and the things of the soul. Only home-loving people can be depended upon to do this.

We talk much of our foreign problems, of our tax, and other financial problems, but the greatest problem for this or any other nation is that of the home. Our relations among ourselves is more important than our relations with other powers. We face perils which threaten the very existence of our national life. If our institutions are to endure, we must preserve our ideals of home.

The men and women who own their own homes, and therefore, to a large extent the people who till the soil, have hitherto made the foundation of lasting national life in every State of the Union. If the foundation becomes weak the whole superstructure is in danger of falling. Above any question of industrial life is the question of how our family life is being conducted. No wealth or splendor of material growth will make a people great unless their home life is healthy. Only those who appreciate home can realize what the homestead law has meant to the West.

When the hardy pioneers of the great arid country planted their first crops they found fertile lands, but insufficient rainfall to mature their crops. With the ingenuity characteristic of the Anglo-Saxon race they set about to give to the growing crops the needed moisture. I have the honor to come from a State which is the birthplace of irrigation among the Anglo-Saxon people. The pioneers of my State and of others of the West, however, soon found the late flow of the streams insufficient to provide and sustain the rapidly growing communities of that great section. Exhausting their own resources in supplying water they turned to the Government for help.

In 1902 the Government of the United States, under that great leader, Theodore Roosevelt, undertook to solve the problem of bringing, in a large measure, our two greatest natural resources together, namely, land and water. Roosevelt preached the doctrine that the reclamation and settlement of the arid lands would enrich every portion of our country. His was not a narrow vision. Instead of believing that the reclamation of arid lands would overstimulate production he saw that it would stimulate industrial production. His philosophy has proven to be correct. The products of irrigated lands are consumed chiefly in upbuilding local centers of mining and other industries and insures a variety of production, instead of an overproduction.

Since the organization of the Bureau of Reclamation in 1902 and the passage of the first reclamation act 24 projects, covering 3,000,000 acres, are under construction or operation, and the major works are aiding in serving an additional 1,100,000 acres under private canals that generally get stored water from the Government reservoirs. The money for this work has come chiefly from the sale of and royalties from the public lands in the very States wherein it is being used. More than 480,000 persons are living on farms irrigated as a result of the work of the Bureau of Reclamation. Towns and cities which furnish a market for the industrial centers of the East have sprung up as if by magic. Almost untold wealth has been added to the United States by reason of the great movement to reclaim the arid lands.

President Harding said, "The Federal Government has expended approximately $1,130,610,000 on river and harbor improvement. For the sums spent on harbors we have most beneficent results. The millions expended on inland waterways, on rivers, and canals have brought small returns because we have put them to no practical use." Not so with the $126,000,000 of public land moneys spent in reclamation. In addition to the millions of dollars of property added to the tax rolls the total crop value alone last year amounted to $77,608,880.

The great policy of conservation is inseparably linked with reclamation. Both of these policies were fostered and became grand realities under the matchless leadership of President Roosevelt. The guarding and protecting of our mountain forest lands, the preventing of overgrazing, and the consequent destructive erosion have not only protected the water supply but also have prevented the silting of our reservoirs.

Just as the Eastern States have their lakes, so the great dams; the Roosevelt, the Elephant Butte, the Pathfinder, the Arrow Rock, and now the Coolidge and others have created, and will create, a system of great lakes in the midst of the deserts of the West. With the erection of these dams has come the development of great power to be used in other industries.

We of the West are now looking forward with fond anticipation to the Government aiding us in the control and development of the Colorado River. It will enable us to reclaim our lands and at the same time give us the power for one of the greatest industrial centers of the world. This work will be but a continuation of the policy of conservation and reclamation.

By reason of the limited market for the people of the West and because of the limited transportation facilities it became necessary to get some means of linking the East and West together. Under the wise policies of the Republican Party it was made possible to build great transcontinental railways across the United States. And during the last few years we have been engaged in building great highway systems in all parts of the country. These roads now make it possible for all of the people to enjoy the wonderful scenic beauties of these United States.

The people who pushed out into the sections remote from water transportation early recognized and followed the doctrine of encouraging home industry. The money must be kept at home if the people are to prosper. That country with its boundless natural resources, unmeasured as it was in the diversity of its opportunities, found itself unable to engage in industries that were not protected from the cheap markets of the world. We could produce our wool only when we were not compelled to compete with the cheap labor of Australia and South America. These industries were vital to our existence. The Government has created the artificial stimulus which has enabled us to live. Without protection these great industries would have perished.

Great bodies of ore lie deep in our mountains, but we can only produce our lead when there is a tariff levied on foreign-produced lead equaling the difference between the cost of production at home and abroad. In Utah alone the production of lead annually is valued at approximately $75,000,000. The Republican Party gave the West this needed protection.

Potash, so vital to the great industry of agriculture, lies in untold quantities within the borders of my own State. We can not develop it while Germany is permitted to stifle the industry in its infancy. We are hopeful that the principle of protection will be extended to this mineral, and another achievement will thereby be added to the long list of the party of progress.

Beet-sugar factories have sprung into existence in nearly every Western State. Thousands of home builders have been made pros-

perous and happy through the raising of sugar beets. Do you think we could raise over a million tons of sugar beets in this country without a protective tariff? Surely, no one believes that.

It is estimated that the total investment for the production of beet sugar reaches nearly one-half billion dollars. Practically one-half of this amount would be wiped out of existence if the industry failed. It can not live without a protective tariff.

Beet-sugar production is essentially an agricultural industry. Eighty per cent of the people employed and 50 per cent of the capital invested are in agricultural processes. "Sugar beets are now almost universally purchased upon a sliding price scale based upon the market price of refined sugar." It will, therefore, be seen that the price of sugar is reflected in the price paid to the farmer for sugar beets.

There are beet-sugar factories in 17 States of the Union. The farm value of the sugar-beet crop was $53,000,000, or over $63 per acre, a high production compared with other farm crops. Over $10,000,000 was paid in wages to the employees of beet-sugar factories. The average annual value of imports of sugar beets was only about $100,000 during the five-year period 1920–1924, while the average annual value of imports of sugar was about $411,000,000.

The fortunes of hundreds of thousands of American citizens and taxpayers are dependent upon the beet-sugar industry in this country. In 1925 there were approximately 50,000 farmers growing sugar beets in the United States. Assuming an average family of 5 persons, this makes 250,000 persons directly dependent to a greater or less extent on the sugar-beet industry. The contract beet laborers and other hired farm beet laborers may amount to probably 150,000 more persons whose food, clothing, and shelter are dependent upon the maintenance of the beet-sugar industry. There were between 23,000 and 24,000 persons engaged in the beet-sugar factories. Counting 5 persons to the family, this amounts to 117,500 persons.

There are approximately 500,000 persons directly involved in this great industry, not counting the many thousands of other persons in towns and cities and other industries that are more or less dependent upon the beet-sugar industry.

In 1925 the quantity of sugar imported into the United States amounted to 8,865,190,000 pounds, of which 1,006,641,359 pounds were free and 7,859,147,841 pounds were dutiable. The value of the imported sugar was $244,247,932 of which amount $201,236,175 was for dutiable imports. The amount of duty paid on sugar was $138,810,830, which is the equivalent of an ad valorem rate on sugar of 68.58 per cent. The total duty collected on all imports of all merchandise in 1925 amounted to $551,852,989. The amount of the duties collected on imported sugar is therefore 25.008 per cent of the total amount of duty collected on all imports. The sugar duty is the most important source of income to the United States Treasury from customs duties. It is apparent that this importation of sugar being almost entirely from Cuba greatly affects the suger markets of the United States, and thereby the profits of the beet farmers and the beet-sugar manufacturers.

It has been estimated that a group of American financiers connected with Wall Street, New York City, own and otherwise control from 60 to 80 per cent of the total production of sugar in Cuba, and therefore, through regulation of supply and prices, exercise an unusual control of prices. They in reality are in such a strong position as to almost make the price of sugar. With such monopolistic tendencies in the control of imported sugar it is very doubtful whether in the long run American consumers of sugar would get sugar as cheap if the tariff were removed and the domestic industry put out of business as they do at the present time with the domestic industry acting as a check to the monopolistic control of the sugar market by the Cuban sugar interests. This control has been manifest by the Cuban sugar interests in 1920 and to a less extent in 1923, and may be expected to be made manifest at any time in the future when opportunity arises.

We hear much said these days about the high tariff. Reports of the United States Department of Commerce, Foreign Commerce and Navigation, 1924–25, show that the average ad valorem rates on dutiable imports were higher in the five-year period, 1910–1914, than were the average ad valorem rates on dutiable imports in any year since the passage of the Fordney-McCumber Act of 1922. The average ad valorem rate on dutiable imports for consumption for the five years, 1910–1914, was 40.15 per cent, while the average rates on dutiable imports for consumption, 1922, were 38.07 per cent; in 1923, 36.17 per cent; in 1924, 36.54 per cent; in 1925, 36.22 per cent.

The average ad valorem rates on total imports for consumption, whether the products were dutiable or free, was for the five-year average, 1910–1914, 18.33 per cent, while the average for 1922 was 14.68 per cent; in 1923, 19.18 per cent; in 1924, 14.89 per cent; in 1925, 13.70 per cent.

These percentages may be compared with the following percentages of ad valorem maintaining in the five years 1915–1919 and in the two calendar years 1920–21. The average ad valorem rates on dutiable imports for consumption, whether on the dutiable or free list, was for the five-year period, 1915–1919, 8.08 per cent; for the calendar year 1920, 6.38 per cent; and for 1921, 11.44 per cent.

Attention is called to the fact also that in 1925 there was a higher percentage of free imports than any other single year given, being only exceeded by the 1915–1919 average. This is a period in which the Underwood Tariff Act was in operation and the World War period. In 1925, 62.7 per cent entered free of duty and 30.69 per cent were dutiable. It must be remembered that although some of the specific rates in the Fordney-McCumber Act appeared at the time to be high because they exceeded the actual amounts the specific rates levied in previous tariff acts, the relatively high prices that have prevailed throughout the world since the war have made the duties in actual operation under the Fordney-McCumber Act relatively low even in comparison with the rates in the tariff act of 1909. The charge, therefore, that the rates of duty in the Fordney-McCumber Act are in general excessive or unusually high is not true, as shown by the facts here presented.

In the year 1925 the total domestic imports of merchandise amounted to $4,228,000,000, while the total value of merchandise exported amounted to $4,818,000,000. The excess of exports over imports, therefore, is $590,000,000. Both the imports and exports of the United States have steadily increased under the Fordney-McCumber Tariff Act. This shows that not only have the American industries prospered at home but our international trade has increased greatly, and we have taken a constantly increasing volume of imported merchandise. The United States is very liberal with foreign countries in questions of tariff, for it has taken two-thirds of all imports into the country free of duty and has also taken them in continually increasing volume.

The homesteaders, both on the public domain and the reclamation projects, are there because of the Republican Party. The stock raiser has been able to increase his flocks and herds and thereby add to his wealth because meats and wool have received protection. Great mining centers have sprung up, beet-sugar factories flourish in 17 States that would perish and decay were it not for the great protective tariff. I might mention every agricultural product. We have received from 12 to 25 cents more per bushel for our wheat than Canada because of our tariff.

I have had time to-night only to mention a few of the great industries which flourish because of the wise policies of the great party of progress, but these will be sufficient to show what that party means to the West.

Happy, contented homes are the bulwark of any nation. Under the beneficent policies of the Republican Party it has been possible to build in the West the best homes in the world. We will continue to aid in establishing good homes and in bringing prosperity, happiness, and, above all, in producing in our beloved country an enriched and splendid manhood well fitted for the leadership of the world.

THE MERCHANT MARINE

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by William S. Hill, commissioner of the Shipping Board, in the city of Minneapolis, which deals with shipping, rates, and agricultural conditions.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CHRISTOPHERSON. Mr. Speaker, under leave granted I extend my remarks by printing a speech of Hon. William S. Hill, commissioner of the United States Shipping Board, delivered before the Traffic Club of Minneapolis, Minn., on the subject of the American Merchant Marine and its important relation to agriculture.

SPEECH OF WILLIAM S. HILL, COMMISSIONER UNITED STATES SHIPPING BOARD BEFORE THE MINNEAPOLIS TRAFFIC CLUB, MINNEAPOLIS, MINN., JANUARY 15, 1926

THE MERCHANT MARINE

It is with pleasure that I appear before this body of men to talk to you about the American merchant marine. This is an age of specialization. No more can individuals live unto themselves and be prosperous and happy. A man creates some one thing needed by people at large or renders some peculiar service, either of which absorbs his time and energy, and is to him a business and a livelihood. The life of communities and of nations is the composite of the life of individuals and works out along similar plans.

To-day no nation can be independent of every other nation. Nations are becoming specialists. We will not argue which is the cause and which is the effect, but along with this specialization has gone a development and extension of transportation facilities all over the world.

No people have shown greater activity in this direction than have the people of this mid-western continent. Our great railroad systems form a network throughout this inland valley. We are connected up with the railroads that reach the seaboard ports of our country. And then we are done. Here our interest ceases. We lapse into an attitude of mind that tends to isolate us much to our own detriment.

This great inland valley is the largest food-producing section in the world. During our own Civil War, and during the generation that fought this war, agricultural development spread throughout this valley as if by the wave of a magic wand. This development is superficial; nevertheless we have always produced more foodstuff than we ourselves could consume. Our surplus we have sold in the central markets of our region, taken without question prices fixed in the world markets, and then promptly ceased to have any interest in the matter.

We are ten to fifteen hundred miles from the Atlantic seaboard. Up to the time of the Great War it was almost exclusively at the ports of this seaboard that our surplus was carried by our railroads. Here we ceased to be a self-sustaining Nation and were dependent on the shipping of foreign countries to transport our surplus into the world markets. But we people refused to have any interest in a transportation problem which was fifteen hundred miles away from us.

We have been keenly interested in railroad freight rates, but we have known nothing and cared nothing about ocean freight rates. This ignorance and indifference have cost the mid-western people many dollars. In this immediate region we are more interested in wheat perhaps than in any other one surplus product. And on no other product have we lost so much in ocean freight rates. In general, these rates are fixed by conferences, but grain rates are not thus fixed.

When we sell our wheat in a mid-west market center we are supposed to receive the world-market price minus the arbitrarily assumed freight charges from that center to Liverpool. This is all right from the market center to the seaboard. But in ocean shipping grain is good ballast. Very often a ship operator will cut his freight charges on wheat to a merely nominal value in order to obtain necessary ballast. But none of this cut comes back to us people of the interior. It has made fortunes for wheat speculators who have known about and understood ocean freight rates.

With the passing of the wooden clipper ships in the third quarter of the nineteenth century, the United States lost her prestige on the seas. Before the twentieth century was ushered in, we had practically ceased to have any merchant marine engaged in the foreign trade. Foreign ships were carrying more than 90 per cent of our export and import trade. As a nation, we were indifferent to this condition, and no section was more so than we people of the Middle West. That we paid excessive freight rates did not disturb us, for as a people we did not know it.

The jolt that partially awakened us from this indifference was the Great War. Foreign ships were taken off the trade routes and suddenly we found ourselves with facilities very much curtailed for carrying our surplus products into the world markets. Neutral nations, like Sweden and Denmark, put every ship they could spare, and that was at all seaworthy, into this trade. But they were a mere drop in the bucket. Ocean freight rates went up by leaps and bounds. Wheat rates rose from 7.7 cents per bushel in 1914 to 27.8 cents in 1915. Wheat rates continued to rise until in 1918 the rate was 136.7 cents per bushel. And yet terminal elevators were bursting with our surplus products, and wharves and docks were groaning under their stagnated load.

In 1916, the Shipping Board was created by act of Congress. The purpose of this board was to create a merchant marine to do our carrying trade, and to act as a naval reserve.

In 1917 we ourselves became involved in the war. The Shipping Board, under authority of Congress, created the Emergency Fleet Corporation whose immediate special business was the construction of ships. This construction was speeded up and the United States built ships with a celerity and efficiency never before equaled by any nation. And yet, when the armistice came only a small percentage of these ships were completed and in actual service.

Throughout our participation in the war, we had had to depend mainly on our allies to transport our armies and our supplies to the battle fields of France.

When the Great War closed the Government of the United States owned, completed and uncompleted, about 3,400 ships. Two thousand four hundred of these were fine steel ships, up to date in construction and equipment. About 1,000 of them were wooden ships that have proved not very practical.

This was America's opportunity. We had been given a lesson at an immense financial loss. Our ships alone built at high pressure speed, and with material at war-time prices had cost us in excess of $3,000,000,000. Should this money, now in the form of ships, become a total loss, or should we be equal to our opportunity and create out of this great fleet of modern vessels a real and efficient merchant marine. Congress was still feeling the jolt that war shipping conditions had given our country, and voted for a merchant marine. The result was the merchant marine act of 1920 giving to the Shipping Board members a regional character, and empowering the board to develop a merchant marine.

Nations everywhere had built ships, and ships were a drug in the market. The world's trade was demoralized, and shipping masters did not know where to take hold. So the Shipping Board began to organize lines of ships and to lay out routes of trade under the direct management of the Government. The regional representation of the board has made it possible for the ports on all coasts to receive consideration in the determination of these routes. The Gulf ports and the South Atlantic ports have at present better shipping facilities to foreign markets than they have had before for a half century. The very first ship load of cotton sent to foreign markets by the cooperatives of the South was carried in a Shipping Board vessel. These southern cooperatives have been quite successful in selling their cotton directly to foreign markets. Seventy-five per cent of their carrying trade is being done by Government ships.

When the Shipping Board began to study trade routes, we had no direct trade connection with South Africa. It was found that foreign shipping was charging an average of $23 a ton for American goods carried to these African ports, considerably more than was charged on similar European goods. The Shipping Board established a regular line to these ports, and now the average freight rate is $18 per ton.

This is only one instance of the practical instance of the Shipping Board in obtaining and maintaining reasonable ocean freights, the result being an increased market for American products, both manufactured and agricultural. If we count the average percentage of freight rates from American Atlantic ports to European ports in 1920 as 100, it is interesting to see how they have been reduced.

In 1921 the average rate to Great Britain was 60.7 per cent; in 1922 it was 31.7 per cent; in 1923 it was 25.3 per cent. In 1924 there was a slight rise to 27.5 per cent, and in 1925 to 29.8 per cent. Great Britain, the master shipper of the world before the war, is recovering, and is fighting hard to regain her pre-war supremacy. If we do not get behind our merchant marine and actively boost in every way we can, in another decade foreign ships will again be doing our carrying trade, for they are fighting hard for it.

Counting the average freight rate of all our export European trade as 100 in 1920, we find this average reduced to 24.3 per cent in 1925. The paramount influence that has brought about this reduction in rates is the existence of America's great fleet of vessels and the activities of the United States Shipping Lines. Ocean rates are at present as low as they were prior to the World War, which is more than can be said of any other form of transportation.

At present ocean freight rates are determined by conferences among shipping interests. The Shipping Board has a part in these conferences through its operating agents. Thus the merchants and shippers of the United States have a powerful factor present in the fixing of rates. Moreover, the Shipping Board has the power to veto a rate agreed upon if it is not to the interest of the public, and the ships of the United States are not bound by it. If shippers are dissatisfied with rates after they are fixed, they may lay their claims before the Shipping Board for determination. If these rates are found unreasonable, the shippers will receive relief through the Shipping Board.

If our merchant marine is again swept from the seas and again foreigners do more than 90 per cent of our carrying trade, again shall we pay rates fixed in conferences where we have no voice and from the injustice of which we shall have no appeal.

As an illustration, reference is made to a recent action of the Shipping Board in abrogating a tripartite conference in which the south Atlantic and Gulf ports felt they were being discriminated against by the third party to the conference, which was dominated by foreign interests.

Another activity of the Shipping Board which means much to us people of this great inland food-producing valley is the increase and development of ports.

The area of the United States is almost as great as that of Europe. But if you will compare the maps of the two countries you will see that Europe has many more major ports than we have. Our population is about 80 per cent less than that of Europe, but our ocean-borne commerce is only about 10 per cent less. Observation will show you well-established seaports near all the producing centers of Europe. We have to compete in the world markets not only with the cheaper labor of Europe, but this great interior has always had to compete with Europe's shorter and cheaper haul to the seaboard. This is an insidious handicap not fully sensed by the Middle West. A few days' time, more or less, a few cents per hundred difference in freight rates on a staple product may mean gain or loss to the American producer. It is recognized that the domestic price of foodstuffs is largely determined by the price obtained for our exportable surplus. If the farmer's return from his exported products were increased by reductions in ocean freight rates, as just mentioned, a corresponding increase would be reflected in the price received for such products in the domestic market. Such a saving would mean millions of dollars annually to the Middle West.

It is strikes and labor troubles in England that has turned to the United States some of her coal trade with the South American countries. She kept this trade as long as she could furnish the coal, because her haul from the mines to the seagoing vessel is short. The shorter and cheaper we can make this land haul for the products of this vast, interior region, the more prosperous we can be. One thing necessary to do this is a merchant-marine policy that will develop the ports most nearly contiguous to this region. A cursory study of the map of Europe will convince any fair-minded person that there is no

danger at present of an overdevelopment of our port system. For there are almost four times as many well-established ports in Europe as there are in the United States.

The completion of the St. Lawrence-Great Lakes waterway will greatly overcome our present disadvantage by bringing this great Middle West closer to the ocean and world markets. It will make three of our largest American cities and numerous smaller cities ocean ports.

I want to show you in another way why we people of this vast agricultural region are very much interested in a merchant marine.

In 1924 the value of agricultural products in round numbers was $12,000,000,000. Of this, $2,000,000,000 were realized from exports of these products. Then, upon the ocean-carrying trade depends 16 per cent of our income. Counted in bulk, or tonnage, the farmers of the country furnished 33 per cent of our export trade in 1924. But in monetary value of the total export trade, we bulked even larger yet. Of all this trade, agricultural products accounted for 46.6 per cent of the value—almost half in exchange value in the markets of the world.

Any industry that does as large a business as this in the foreign markets of the world must become actively interested in the transportation means for carrying on this business.

If we as a Nation are going to prosper and develop as we should we must continue to produce surpluses, not only in agricultural products but in manufactured products also. This means that world markets must be found, which means ocean transportation under the most favorable conditions must exist.

Most agricultural products are seasonal, and have their rush season for marketing. We farmers have learned to demand of the railroads a much larger number of cars for our transportation needs at some times of the year than at other times. We must learn, too, that ocean shipping must also be elastic in the same way to meet our seasonal demands. Congestion of grain products in railroad terminal elevators at the seaboard means stagnation along the railroads to the interior and consequent depression of prices at our inland marketing centers. This has ocurred time and again, but we have insisted that we can not be interested in something that is happening 1,500 miles away from us, and we think we are helping ourselves by abusing the market man nearer to us.

An adequate American merchant marine will largely do away with this cause for the depression of prices of agricultural products. With the development and equipment of more good ports along our coasts there will be a distribution of products so they may not collect in huge quantities at a few places.

With the regulatory power of the board over rates it is not likely there will be a very big, sudden jump of ocean freight rates at these seasons of heavier cargoes. This elasticity of shipping facilities is also necessary to the successful development of cooperative marketing systems. Cooperatives must be able to get ships when the markets are favorable, and get them without delay, or the opportunity may pass. Sometimes foreign ships will give us all we can ask for in this respect. But they are not bound to do it and will not do it when their own nationals need their services or when it will bring us into strong competition with these same nationals.

With an adequate American merchant marine this elastic demand can be met. Until we get it fully established Government aid will be required.

The question before America to-day is whether we are going to develop our own ocean-carrying trade or lapse back to pre-war conditions and depend on foreign countries to market our products.

If we do not want to go back to this condition of dependence in the competition to gain and hold our rightful place in the markets of the world, we must appreciate the necessity of actively supporting an American merchant marine. We are in competition with nations with long sea-faring experience. These nations have no vast interior region which contributes vast quantities to their export trade. In the main their people live near the seacoast and come in contact with the sea and its commerce if they are not actively engaged in it. It is said that in England there are scarcely any influential men, either in business or in politics, who are not directly interested in the shipping business of the country. A large number of the people are actively interested and all of the people know and love the fleets of England's ships, whether on the highways of commerce or guarding her supremacy round the world on which the sun never sets.

In all the countries of western European our competitors in this game of ocean commerce, the people are ship-minded. Ocean commerce enters into the thoughts of their economic life. It is only a continuation of their trade on land and is known and understood by them.

In any country the active support of all the people of all the country is necessary to the existence and prosperity of a merchant marine. It is not a sectional matter; it is a national matter. This is especially true of a great exporting country like ours. No one would be aroused more quickly and effectively than we mid-west people would be if England or France or Sweden, or even Canada, got possession and control of our railroads. Then let us think of our steamship routes as continuations of these same railroads, just as necessary to our economic welfare, and let us be just as zealous to develop them into a strong American merchant marine, worthy of the greatest exporting country in the world.

DEATH OF HON. CHARLES E. FULLER, OF ILLINOIS

Mr. MADDEN. Mr. Speaker, it becomes my very painful duty to announce to the House the death of my colleague, the Hon. CHARLES E. FULLER, of Illinois, a Member of the House for 24 years, one of the most distinguished citizens of the Nation. I shall content myself by saying nothing more at this time, but I offer the resolution which is now in the hands of the Clerk and will ask at a later day that a day and hour be fixed for memorial services, to afford an opportunity for Members of the House to tell the story of the life and work of our late distinguished colleague.

The SPEAKER. The gentleman from Illinois offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 306

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES E. FULLER, a Representative from the State of Illinois.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The question was taken, and the resolution was unanimously agreed to.

The SPEAKER. The Chair appoints the following committee.

The Clerk read as follows:

Mr. MADDEN, Mr. BRITTEN, Mr. KING, Mr. REID of Illinois, Mr. SPROUL of Illinois, Mr. JOHNSON of Illinois, Mr. RAINEY, Mr. IRWIN, Mr. CHINDBLOM, Mr. ELLIOTT, Mr. SOMERS of New York, Mr. SHALLENBERGER, Mr. WILLIAMS of Illinois, Mr. BEERS, and Mr. WHITEHEAD.

The Clerk read the additional resolution, as follows:

Resolved, That, as a further mark of respect, this House do now adjourn.

ADJOURNMENT

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Saturday, June 26, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 26, 1926, as reported to the floor leader by clerks of the several committees:

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To provide for the purchase or condemnation of property in the Reno subdivision, and adjacent thereto, for the purpose of improvement of street plan (H. R. 5015).

To provide for the acquisition of certain property in the District of Columbia for the park system of the District (H. R. 9343).

To provide for the acquisition of certain property in the District of Columbia for the park system of the District (H. R. 10506).

Authorizing the transportation of all miscellaneous refuse collected in the District of Columbia to the workhouse or reformatory tract near Occoquan, Va., and its disposition at that place (H. R. 10893).

Authorizing the extension of the park system of the District of Columbia (H. R. 11804).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

606. A communication from the President of the United States, transmitting a proposed draft of legislation for the Department of State, to be substituted for the draft of proposed legislation transmitted on May 19, 1926 (H. Doc. No. 387), making the appropriation "Conference on pollution of navigable waters," of $42,000, contained in the second deficiency act,

fiscal year 1925, approved March 4, 1925, available until June 30, 1927 (H. Doc. No. 461); to the Committee on Appropriations and ordered to be printed.

607. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1927, for the purchase of the Oldroyd collection of Lincoln relics pursuant to legislation approved May 11, 1926 (Public, No. 215, 69th Cong.), for that purpose, $50,000 (H. Doc. No. 462); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Invalid Pensions. S. 4059. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes; without amendment (Rept. No. 1544). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GLYNN: Committee on Military Affairs. H. R. 1133. A bill for the relief of John G. Pauley; with amendment (Rept. No. 1545). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 5548. A bill to correct the military record of Clarence G. Stonestreet; with amendment (Rept. No. 1546). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 6872. A bill to amend the military record of William F. Wheeler; without amendment (Rept. No. 1547). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 9738. A bill to correct the military record of Richard Brannan; with amendment (Rept. No. 1548). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13024) granting a pension to Josephine W. Burnside, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 13059) authorizing a loan of $10,000,000 to the Government of Porto Rico; to the Committee on Insular Affairs.

By Mr. GAMBRILL: Joint resolution (H. J. Res. 284) authorizing and directing the Postmaster General to investigate the facts regarding the use in the Postal Service of a certain invention, device, or instrument for the postmarking of mail packages and for the cancellation of postage stamps and to report on what would be an equitable compensation for such use during the life of the letters patent thereon; to the Committee on the Post Office and Post Roads.

By Mr. BRAND of Georgia: Concurrent Resolution (H. Con. Res. 37) authorizing the American Battle Monuments Commission to use American marble for monuments or headstones for graves for soldiers buried in France; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 13060) granting an increase of pension to Emily Baumberger; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 13061) for the relief of Anina Sorensen; to the Committee on Claims.

By Mr. FAUST: A bill (H. R. 13062) granting an increase of pension to Hannah J. Gibson; to the Committee on Invalid Pensions.

By Mr. FREDERICKS: A bill (H. R. 13063) for the relief of Charles Pettis, alias Charles Richmond; to the Committee on Military Affairs.

By Mr. MENGES: A bill (H. R. 13064) granting an increase of pension to Mary J. Herr; to the Committee on Invalid Pensions.

By Mr. TAYLOR of West Virginia: A bill (H. R. 13065) granting a pension to Stephen Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13066) granting a pension to R. S. Clay; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2853. Petition of the Department of Pennsylvania, Veterans of Foreign Wars, Seventh Annual Encampment, opposing any favorable action on the Welsh bill, which prevents the Government from aiding military training in all institutions except West Point and Annapolis; to the Committee on Military Affairs.

2854. By Mr. BARBOUR: Petition of sundry residents of Kern and Stanislaus Counties, Calif., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2855. By Mr. BOX: Petition of sundry citizens of Beaumont, Tex., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2856. Also, petition of sundry citizens of Harrison County, Tex., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2857. By Mr. CHINDBLOM: Petition of 55 citizens of Cook County, Ill., urging that immediate action be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2858. By Mr. CRUMPACKER: Petition of sundry citizens of Portland, Oreg., to Congress to take immediate steps to bring the Civil War pension bill to a vote; to the Committee on Invalid Pensions.

2859. By Mr. FAUST: Petition signed by sundry citizens of St. Joseph, Mo., urging immediate favorable consideration of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2860. Also, petition signed by many citizens of Maitland, Mo., urging immediate consideration of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2861. By Mr. HOOPER: Petition of Mrs. Etta Williams and 65 other residents of Hillsdale, Mich., requesting immediate consideration of pending legislation to increase the rates of pension of Civil War veterans, their widows and dependents; to the Committee on Invalid Pensions.

2862. By Mr. JOHNSON of Texas: Petition of I. L. Jones, of National Military Home, Kans., urging passage of Indian war veterans' pension bill now before Congress before the present Congress adjourns; to the Committee on Pensions.

2863. Also, petition of L. B. Caruthers, of Atascosa, Tex., urging passage of Indian war veterans' pension bill now before Congress before the present Congress adjourns; to the Committee on Pensions.

2864. By Mr. LETTS: Petition of sundry citizens of Clinton, Iowa, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2865. By Mr. UPDIKE: Petition of James S. Cochran, J. C. Stettler, William Allen, and others, of Indianapolis, Ind., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2866. By Mr. NEWTON of Minnesota: Petition signed by sundry citizens of Minnesota, urging the passage of the Pullman surcharge repeal bill; to the Committee on Interstate and Foreign Commerce.

2867. By Mr. O'CONNELL of New York: Petition of J. M. Moses, of the National Military Home, Kans., favoring the passage of House bill 12532, the Leatherwood Indian war veterans' pension bill; to the Committee on Pensions.

2868. Also, petition of Mrs. Louisa C. Michaelis, of 133 Palmetto Street, and 77 other residents of Brooklyn, N. Y., favoring the passage of the Elliott Civil War veterans, their widows, and dependents' increased pension bill; to the Committee on Invalid Pensions.

2869. By Mr. OLDFIELD: Petition of sundry citizens of Randolph County, Ark., urging the prompt enactment of House bill 4023, known as the Elliott pension bill; to the Committee on Invalid Pensions.

2870. Also, petition of sundry citizens of Cleburne County, Ark., urging the prompt enactment of House bill 4023, known as the Elliott pension bill; to the Committee on Invalid Pensions.

SENATE

SATURDAY, *June 26, 1926*

(Legislative day of Wednesday, June 23, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Keyes	Robinson, Ark.
Bingham	Fernald	King	Robinson, Ind.
Blease	Ferris	La Follette	Sackett
Borah	Fess	Lenroot	Schall
Bratton	George	McKellar	Sheppard
Broussard	Gerry	McMaster	Shipstead
Bruce	Gillett	McNary	Shortridge
Butler	Glass	Mayfield	Simmons
Cameron	Goff	Means	Stanfield
Capper	Gooding	Metcalf	Steck
Caraway	Hale	Moses	Stephens
Copeland	Harreld	Norbeck	Swanson
Couzens	Harris	Norris	Trammell
Cummins	Harrison	Oddie	Wadsworth
Curtis	Heflin	Phipps	Walsh
Dale	Howell	Pine	Warren
Deneen	Johnson	Pittman	Watson
Dill	Jones, N. Mex.	Ransdell	Willis
Edge	Jones, Wash.	Reed, Mo.	
Edwards	Kendrick	Reed, Pa.	

Mr. BLEASE. I wish to announce that the senior Senator from South Carolina [Mr. SMITH] has been called home on very important business and will possibly not return during the present session. His absence is required by important business at home.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

ONE HUNDRED AND FIFTIETH ANNIVERSARIES OF THE INDEPENDENCE OF VERMONT AND THE BATTLE OF BENNINGTON

The VICE PRESIDENT. Pursuant to House Joint Resolution 176, to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, the Chair appoints as commissioners on the part of the Senate the senior Senator from Vermont [Mr. GREENE], the junior Senator from Vermont [Mr. DALE], and the junior Senator from Connecticut [Mr. BINGHAM].

CONGRATULATIONS OF VENEZUELAN CONGRESS ON CENTENARY OF CONGRESS OF PANAMA

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Venezuelan Congress, a translation of which the clerk will read.

The Chief Clerk read as follows:

[Cablegram—Translation]

CARACAS (VIA HAITI), *June 22, 1926.*

To the PRESIDENT OF THE SENATE OF THE UNITED STATES OF NORTH AMERICA,
Washington, D. C.:

The Congress of the United States of Venezuela, inspired in the ideals of the Liberator, which are also those of the Venezuelan Government, through your high medium salutes as compatriots all the citizens of that Republic on the occasion of the first centenary of the Congress of Panama.

PEDRO EMILIO COLL,
President of the Congress.

The VICE PRESIDENT. The communication will lie on the table.

Mr. BORAH subsequently said: Mr. President, I ask the indulgence of the Senate for a moment. I do not think it will take any time. I submit the following resolution and ask for its immediate consideration.

The resolution (S. Res. 266) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate of the United States has received and noted with pleasure and hearty sympathy the message of congratulation of the Congress of the United States of Venezuela relative to the occasion of the first centenary of the Congress of Panama.

The Senate of the United States joins with the Congress of the United States of Venezuela in commemorating this notable event and expresses the hope that the friendly relation between the people of our two great governments will increase with the years.

FUNERAL OF REPRESENTATIVE FULLER, OF ILLINOIS

The VICE PRESIDENT. In accordance with the provisions of Senate Resolution 263, agreed to yesterday, the Chair appoints as members of the committee on the part of the Senate to attend the funeral of the late Representative CHARLES E. FULLER, of Illinois, the Senators from Illinois, Mr. MCKINLEY and Mr. DENEEN; the Senator from Massachusetts, Mr. GILLETT; the Senator from New Jersey, Mr. EDWARDS; the Senator from Arizona, Mr. ASHURST; and the Senator from Mississippi, Mr. STEPHENS.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Indiana [Mr. WATSON] to proceed to the consideration of House bill 1275, the World War veterans' bill.

Mr. WATSON. Mr. President, on yesterday evening at about 4 o'clock the President of the United States issued a statement, in which in substance he said that he favors the so-called Fess amendment to the pending measure or the passage of the Fess bill. I did not know at the time I made my motion that the President of the United States favored that or any other proposition. It had not been intimated to me that the President had stated to anybody that he favored any one of the propositions before the Senate. He has made the statement and while I do not favor the Fess amendment and shall not support it, believing that it does not measure up to the requirements or meet the demands of the situation, nevertheless, I certainly have no desire to prevent the Senate, by any act of mine, from having an opportunity to vote directly on the proposition in which he says he is interested and which he asserts he believes will help the situation. Therefore I withdraw my motion.

PETITIONS

Mr. SACKETT. I present a resolution adopted by the Kentucky Pharmaceutical Association, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Whereas the Congress of the United States has made the pharmacists the dispensers and purveyors of whisky over the protest of the organized druggists of the country; and

Whereas since the passage of the Volstead Act pharmacy has been overrun by former saloon keepers, ex-policemen, and other nonprofessions who have entered our honorable calling for the only purpose to dispense whisky in violation of law and for unlawful gain; and

Whereas the members of the Kentucky Pharmaceutical Association value the good name of the pharmacy and appreciate their responsibility to the public; and

Whereas the druggists of Kentucky recognize the need of higher-trained pharmacists and better-equipped drug stores and zealously guard the good name of the profession; and

Whereas a deplorable, demoralized condition has resulted to pharmacy from the foisting of the permit to dispense liquor upon druggists: therefore be it

Resolved, That the Kentucky Pharmaceutical Association in convention assembled earnestly petition the Congress of the United States to withdraw the privilege of dispensing whisky from drug stores and thereby relieve our honorable profession from the odium that has been cast upon us; that a copy of these resolutions be sent each Kentucky Member of Congress at Washington.

A true copy.
Attest:

J. W. GAYLE,
Secretary Kentucky Pharmaceutical Association.

JUNE 16, 1926.

Mr. MOSES presented a petition of sundry citizens of South Lyndeboro, N. H., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

THE COPPER INDUSTRY

The KING. I present the following telegram from the Utah Chapter of the American Mining Congress and ask that it may lie on the table and be read for the information of the Senate.

The VICE PRESIDENT. Without objection, the Secretary will read the telegram.

The Chief Clerk read as follows:

[Postal telegram]

SALT LAKE, UTAH, *June 26, 1926.*

Hon. WM. H. KING,

United States Senate, Washington, D. C.:

We are strongly opposed to Senator Cameron's resolution to have investigation of copper industry by senatorial committee. Any advantage to the copper industry of this country must come through increased foreign consumption and not through tariff, as domestic production so greatly exceeds domestic consumption that tariff could not help the industry. An investigation such as that proposed by Senator CAMERON would cause great expense to the Government and to the copper producers without disclosure of any facts or conditions not already known to the copper producers and to the public. The facts in the copper situation are more fully and widely known than is probably in any other industry, and we strongly insist that such an investigation would not help the copper industry in any way. We shall greatly appreciate your opposition to this resolution, and anything you can do to bring our views effectively to the attention of other Senators.

UTAH CHAPTER AMERICAN MINING CONGRESS.

Mr. KING. I wish to state that I share the views expressed in the telegram.

The VICE PRESIDENT. The telegram will lie on the table.

REPORTS OF COMMITTEES

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (H. R. 7011) for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate and Bertha E. Roy and Max A. Roy and J. M. Frost and J. J. Settegast and Emma Hellberg and Laura Lackner and F. W. Lackner, reported it without amendment and submitted a report (No. 1152) thereon.

Mr. GOFF, from the Committee on Claims, to which was referred the bill (H. R. 8174) for the relief of Ruth Gore, reported it without amendment and submitted a report (No. 1153) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 2632) for the relief of Mr. and Mrs. Charles Vanderveer (Rept. No. 1154);

A bill (H. R. 2633) for the relief of Anna Jeanette Weinrich (Rept. No. 1155); and

A bill (H. R. 11989) for the relief of Caleb W. Swink (Rept. No. 1156).

Mr. MEANS, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 814) for the relief of James L. Cardwell (Rept. No. 1157);

A bill (H. R. 817) for the relief of Sam Tilden (Rept. No. 1158); and

A bill (H. R. 9606) for the relief of L. J. Houghtaling (Rept. No. 1159).

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (H. R. 1692) for the relief of Agnes De Jardins, reported it without amendment and submitted a report (No. 1160) thereon.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 2021) to provide for weekly pay days for postal employees, reported it with an amendment and submitted a report (No. 1161) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9055) to regulate the practice of chiropractic, to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof, reported it with amendments and submitted a report (No. 1162) thereon.

REPORT OF THE FOREIGN RELATIONS COMMITTEE

Mr. BORAH. I ask permission to submit a report from the Committee on Foreign Relations to go to the Executive Calendar.

The VICE PRESIDENT. As in executive session, the report will be received and so referred.

FLUCTUATIONS IN WHEAT FUTURES (S. DOC. NO. 135)

Mr. NORRIS. From the Committee on Agriculture and Forestry I report a resolution providing for the printing of a communication from the Secretary of Agriculture. I send the resolution to the desk and ask unanimous consent for its present consideration.

The resolution (S. Res. 265) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the report of the Grain Futures Administration on the special investigation occasioned by the extreme fluctuations in the price of wheat futures during the early part of 1925, submitted in response to Senate Resolution 222, Sixty-ninth Congress, be printed, with illustrations, as a Senate document.

MAHONING RIVER VIADUCT

Mr. BINGHAM. I report back from the Committee on Commerce favorably without amendment the bill (H. R. 12642) granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio.

Mr. WILLIS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That the consent of Congress be, and it is hereby, granted to the board of county commissioners of Trumbull County, Ohio, and its successors in office, to construct, maintain, and operate a free overhead viaduct, together with the necessary approaches thereto, across the Mahoning River at a point suitable to the interests of navigation at Niles, Trumbull County, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHIP ISLAND MILITARY RESERVATION

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 4500) transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department, and I ask unanimous consent for its immediate consideration.

Mr. TRAMMELL. Mr. President, what is the request?

The VICE PRESIDENT. The request is for the immediate consideration of the bill.

Mr. WADSWORTH. The bill affects a piece of Government property lying near the city of Gulfport, Miss. Its passage is very much urged by the senior Senator from Mississippi [Mr. HARRISON].

Mr. TRAMMELL. It does not affect any of the reservations in my State?

Mr. WADSWORTH. Not at all.

There being no objection, the bill was considered as in Committee of the Whole was read, as follows:

Be it enacted, etc., That so much of the lighthouse reservation, Ship Island, Miss., as the Secretary of Commerce deems unnecessary for lighthouse purposes is transferred to and made a part of Ship Island Military Reservation under the jurisdiction and control of the Secretary of War, for disposition under the provisions of the act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TURPIN G. HOVAS

Mr. ROBINSON of Arkansas. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 8941) for the relief of Turpin G. Hovas, and I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Turpin G. Hovas, who was a member of Company A, Sixth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 8th day of May, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ROBINSON of Arkansas. I ask leave to have printed in the RECORD the House committee report on the bill which fully explains the justification for its passage.

There being no objection, the report of the House Committee on Military Affairs was ordered to be printed in the RECORD, as follows:

[House Report No. 806, Sixty-ninth Congress, first session]

TURPIN G. HOVAS

Mr. QUIN, from the Committee on Military Affairs, submitted the following report to accompany H. R. 8941:

The Committee on Military Affairs, to which was referred the bill (H. R. 8941) for the relief of Turpin G. Hovas, having considered the same, report thereon with the recommendation that it do pass.

Turpin G. Hovas was given a discharge without honor from the United States Regular Army.

Mr. Hovas was in the service four years. One morning, near the end of his second term of enlistment, he was drilling, and on account of being slightly intoxicated he was reported by his officer, a lieutenant, and was given a sentence of $30 and 30 days. The $30 was retained out of his regular pay, and before he could serve his 30 days in the guardhouse his term of enlistment expired, and he was discharged while still under sentence and serving that sentence in the guardhouse, and for that reason received a discharge without honor.

In a letter dated January 28, 1926, the War Department reports as follows:

"The records show that Turpen G. Hovas, borne also as Turpin G. Hovas, was enrolled May 3, 1898, and was mustered into the service as a private of Company M, First Texas Regiment of Volunteers, war with Spain, May 11, 1898, and that he was mustered out with the company and honorably discharged the service April 15, 1899, a private. He again enlisted May 9, 1899, at Bonham, Tex., for three years, and was assigned to Company A, Sixth United States Infantry, from which organization he was discharged without honor on May 8, 1902, a private, on account of being, at the expiration of his term of enlistment, in confinement undergoing sentence of a court-martial, and consequently not in a status of honor.

"The discharge without honor of this soldier having been actually carried into execution, it is now beyond the power of the War Department or of any executive officer of the Government to amend, modify, or set that action aside, or to now issue to the soldier an honorable discharge. His case is one in which the War Department is powerless to grant any relief."

Under date of March 13, 1926, the Secretary of War advised that the records of the War Department with respect to Mr. Hovas are as follows:

"It is shown by the official records that Turpin G. Hovas (name also borne as Turpen G. Hovas) was enrolled May 3, 1898, at Bonham, Tex., for two years. He was mustered in May 11, 1898, at Austin, Tex., as a private of Company M, First Texas Volunteer Infantry, and served therewith until April 15, 1899, when he was honorably mustered out with the company at Galveston, Tex., a private.

"The records also show that this soldier reenlisted May 9, 1899, at Bonham, Tex., to serve three years in the United States Regular Army. He was assigned as a private to Company A, Sixth United States Infantry; was in confinement awaiting trial from November 25, 1899, to June —, 1900, the offense for which he was in confinement awaiting trial not shown, and he was restored to duty without trial per telegraphic instructions acting adjutant general, fourth district, Department Visayas, dated Jaro, P. I., June 15, 1900. He was also tried by summary courts-martial and sentenced as follows: To forfeit $7, August 5, 1900; to forfeit $1, September 13, 1900; to forfeit $15 and be confined 10 days, November 24, 1900; to forfeit $10, November 24, 1900; to forfeit $10, July 8, 1901; to forfeit three months' pay and be confined three months, July 27, 1901; to forfeit $3, November 26, 1901; to forfeit $5, January 26, 1902; to forfeit one month's pay and be confined one month, February 7, 1902; and to forfeit $30 and be confined three months, April 19, 1902. Nothing has been found of record to show the nature of the offenses for which the soldier was sentenced by summary courts-martial.

"The soldier's term of service under his enlistment of May 9, 1899, expired May 8, 1902, and the records show that he was discharged without honor May 8, 1902, at Calivo, Panay, P. I., by reason of expiration of term of service, he being at the time in confinement undergoing sentence of court-martial dated April 19, 1902.

"The medical records show that during this soldier's period of service he was treated from July 12 to 15, 1898, for acute diarrhea; from August 1 to 4, 1898, for measles; from August 30 to September 7, 1899, for sprain right elbow, due to an accidental fall August 29, 1899; from October 19 to 24, 1899, for acute diarrhea; from December 21 to 22, 1901, for febricula; and from December 23, 1901, to January 12, 1902, for furuncula anterior aspect 1" phalanx second finger right hand; all in line of duty."

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EDGE:

A bill (S. 4517) for the relief of Patrick F. Cooney;

A bill (S. 4518) for the relief of John James Smith; and

A bill (S. 4519) for the relief of Claude William Longstreet; to the Committee on Claims.

By Mr. METCALF:

A bill (S. 4520) granting an increase of pension to Caroline M. Aldrich; to the Committee on Pensions.

By Mr. LENROOT:

A bill (S. 4521) to amend an act entitled "An act to limit the immigration of aliens into the United States, and for other purposes"; to the Committee on Immigration.

By Mr. GLASS:

A bill (S. 4522) granting a pension to Frank C. Forbes; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4523) for the relief of Frank Dixon; to the Committee on Naval Affairs.

INDICTMENTS OF NONRESIDENTS

Mr. HARRELD submitted the following resolution (S. Res. 264), which was ordered to lie over under the rule:

Resolved, That the Attorney General be requested to furnish to the Senate the number of cases brought by the United States in which citizens have been indicted outside of their own States and districts and taken to other States and districts for trial. Also, the number of indictments now pending against citizens in States and districts outside the State and district in which they reside and have a known residence. Also, the number of removal causes that have been tried or are now pending in which citizens have resisted or are resisting the attempts of the Department of Justice to take them out of their own States and districts for trial on criminal charges. That this information be furnished to the Senate as soon as the information can be assembled, but not later than the convening of Congress at the December session.

THE PROHIBITION QUESTION

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an open letter to the Alabama Dry and reply thereto by former Congressman Hon. Sydney J. Bowie, of Birmingham, Ala.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Is there objection to the request of the Senator from Alabama?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEAR MR. ALABAMA DRY: It is generally believed that you are actuated by the sincerest motives in your strong advocacy of prohibition. Your position is indorsed by the church and has come to take on the aspect of a religious tenet as well as a moral principle. You are firm in the faith and fortified by the fact that in Alabama, in the rural districts particularly, prohibition is successful. With faith and the facts on your side you may let the wet heathen rage, while you keep clear of any compromise with demon rum.

Sixty years ago there was another combination of facts, supported by sincere motives and largely indorsed by church influence. It was on moral principles that the best people in the North urged the passage of the fifteenth amendment to the Constitution, which gave the ballot immediately to the lately liberated slaves. The good people in the North had faith in the principles of liberty and equality in government. Moreover, the facts sustained them. They observed the results of suffrage without regard to race amongst them and the results were good. They acted on high principles, their morality was sound, their faith noble, their facts correct. Yet you know that the results of what they did caused immeasureable harm. In the first place, it put illiteracy in power and enforced a rule of ignorance which failed to provide schools, so that the result of that era has not yet disappeared from Alabama. It forced you to join with your neighbors and by subterfuge to negative the work of the amendment. You have lived in violation of the amendment. You have lived either in cynical or in hypocritical disregard of part of the Constitution—or perhaps oblivious to the whole matter. This amendment has done you immeasurable harm politically, and in the very matter in which it intended to help the negroes it has probably hurt them.

Perhaps the difficulty which rendered hateful in Alabama the good intentions of New England was that New Englanders assumed that what worked with them, under their conditions, would be equally effective in Alabama with its conditions. The makers of the Constitution evidently had a suspicion that some one would be tempted toward that mistake. They endeavored to limit the subjects on which

a majority of the States could force the minority to follow them. They tried to leave as many questions as they could in the hands of the States, so that each could settle matters in accordance with its conditions and the temperament and desires of its people.

But the good people who had the fifteenth amendment passed felt that their moral principle justified transgressing the sound political doctrine of the makers of the Constitution. With so high an aim as theirs was not any method permissible? And is not the passage of a mandatory law the shortest route to reform?

Is there anything in the history of the fifteenth amendment that suggests to you a parallel between it and the eighteenth? True, it was the North and East that thrust that amendment on the South. It is the South and West that now thrusts the eighteenth amendment upon the more urban parts of the country. You in a dry State being sure that prohibition is possible and right feel constrained to force your habits upon all other citizens of the United States whether or not they believe with you or live in similar conditions. Isn't it possible that the eighteenth amendment may lead to as much cynicism and hypocrisy in the cities as the fifteenth amendment did in the South? Isn't it possible that temperance will suffer as much from the eighteenth amendment as political liberty did from the fifteenth?

Would it not be worth while for you and your fellow citizens whose Representatives in Congress vote dry to please you to insist that these Representatives find out the results of the eighteenth amendment and report honestly to you? And report to what degree the law is being carried out and what it would cost to administer it effectively? They might even go further and discuss with you the reasons why the makers of the Constitution left such matters as prohibition to the States instead of to the Federal Government. They should explain to you the changed conditions which justify a departure from the precedents of Democratic Presidents from Jefferson to Wilson (who vetoed the Volstead Act), who have all opposed such encroachment by the Federal Government upon State rights and responsibilities.

Is Alabama more sober under Federal prohibition than it was under your own State administration?

Has Alabama's giving up its rights and responsibilities helped to make the whole country more sober?

Does Alabama's giving up its right on prohibition mean that she intends to give her citizens over to the supervision of Federal bureaus in other matters of similar nature?

These are important questions. Those who sincerely desire a sober Nation, as you do, need the facts. The means to sobriety are not a religious conviction of the evils of drunkenness, but an analysis of the most likely method of curbing it. It is particularly important that sincere believers in sobriety get the facts, because if they do not any change in the present condition will be in the hands of the blind wets, whose simple remedy of State option of wine and beer may be as obvious and as full of difficulties as complete prohibition has turned out to be.

Very truly yours,

The EDITORS.

BIRMINGHAM, ALA., *May 24, 1926.*

Editor WORLD'S WORK,
Garden City, N. Y.

DEAR SIR: Your letter addressed to the Alabama Dry published in your May number has been read. It would seem ungracious to take issue on anything so finely conceived and expressed as your letter and doubtless it has carried conviction to many on that account. There are some things, however, that I would like to suggest in the same spirit as yours.

First. I am a little weary of the comparison between the condition of the South immediately after the Civil War and its fight for the preservation of civilization itself, as noble and righteous a fight as a people ever made, with the whisky traffic, the vilest and most debauching thing that ever existed in any country. True, this is a favorite comparison, but it doesn't carry much conviction when examined.

Neither are you strictly accurate when, speaking of the fifteenth amendment, you say, "We have lived in violation of the amendment." That is where you and the Supreme Court differ. We do not live in violation of the fifteenth amendment. In 1901 when we came to reform our suffrage in our new constitution we had no difficulty with the fifteenth amendment. It was not an obstacle in our way. The difficulty we had to overcome was the provision in our own constitution, not in the Federal Constitution, which prohibited us from putting a property, or educational, or even a poll tax restriction on suffrage. That strictly was an Alabama provision which we had a right to remedy. It is a pity more States do not follow our example. There is really no reason why an intelligent person should object to the fifteenth amendment at this time. It was wrong when adopted because it was not legally adopted as a part of our constitution. The States of the South were not carried but counted for it. It was a rape, not an exercise of the power of amendment. Force doesn't constitute right. Fraud carries no moral sanction.

Neither is the assumption correct that the people of the prohibition States are trying to impose their views on the remainder of the States. It is just the other way round. If we were, we had the right because when the eighteenth amendment was adopted prohibition was already successfully in operation in most of the States of the Union and in nearly nine-tenths of its territory. It was in no sense an experiment and it had long been approved by a very large majority of the American people; in fact, by the required majority to make a constitutional amendment lawful. If more than three-fourths of the States, backed by more than two-thirds of both Houses of Congress, can not amend the Constitution, then we are not living in America to-day, but in Poland of long ago.

I supported the eighteenth amendment and still approve it. In a sense, I may not be concerned with the lives and habits of the minority who live in States that have not adopted prohibition, but I certainly do not want that small minority to interfere as they were doing with our right to control our own policy in that regard.

It is a fact which few seem to realize, but nevertheless a most pertinent one, that the legal process of a State dies at the State line and under the commerce clause of the Federal Constitution the liquor interests in the great distilling States persistently violated our laws and made them as far as they could a mockery. It is true that they could not cancel all the benefits, which the prohibition States derived from that policy, but they did their best and in so far as they were effective they set our laws and our policies at naught. They resorted to every device to the wit of man to get prohibited liquors into our territory. They even shipped it in coffins to make their protest effective in a matter of local policy, which we had the right to control. The distilling States had no power to stop this illicit traffic, but if they did they showed no disposition to do so. In this country there was no arm capable of stopping them entirely until the adoption of the eighteenth amendment.

The effect of that amendment was largely to amend the interstate commerce clause of the Federal Constitution, which permitted and protected the violation of a local policy by people who knew no obedience to any law that stood in their way. The Federal Government was the only agency in existence in this country that could amend the commerce clause. What the amendment did was to put the fires out of the distilleries and breweries, living in organized disobedience of local statutes lawfully enacted. If we had the approval of the constitutional majority in the United States we had the right to protect our local policy. We had the right through Federal amendment, if we could get it, to protect our States from this invasion of their rights. Our act was in self-defense, than which there is no higher right. The truth is that in matters of commerce this Nation is one unit. State lines are and always have been matters of imagination, in regard to commerce. The Nation must act as a unit, if action be effective at all in affairs of this kind.

The liquor interests never obey any law, even when saloons were licensed. They were in the same organized disobedience to the law then as they are now, and that was so everywhere. It will be so hereafter as heretofore if the eighteenth amendment is repealed or modified. It is the nature of the institution.

The only argument they ever made against prohibition was the difficulty of enforcement, and that was the result of their own lawlessness. When a gentleman drinks in moderation and is able to pay the price, I grant there is no particular harm done or problem created thereby. If we could constitutionally pass a law exempting certain nice gentlemen from its operation, I would say no particular harm would be done. But of course we know we can not do this. The point I make is that the problem is not there. The problem is with the great masses of working men and women, including in the South negroes, who are entitled to the protection of our laws and who we can and have benefited. The question of whether the Nation is benefited by our prohibition laws can not be solved by the number of higher-ups, who are able to violate it.

If you would want to know whether prohibition is making this country better, go into the homes of the laboring men or the men of moderate means and see the look of happiness on the faces and joy in the hearts of women and children who no longer are in fear of husbands and fathers coming home in the late hours of the night in a drunken and sodden condition. Go to any large plant in this country and find out how many of them were idle Monday and Tuesday and sometimes Wednesday, in whole or in part, because the laborers got drunk on Saturday night and could not sober up oftentimes until the middle of the following week. See if that condition has not been largely improved, indeed, almost entirely abated. Go ask the large employers of labor and see if they want the saloon returned to vex and demoralize their business. Go into the banks of the country—savings banks especially—and see the progress made since prohibition.

Some men say prohibition is an interference with their personal liberty. It may be so, and it may seem unnecessary in some instances, but do these men not owe a social obligation to the less favored classes to protect them and their families from pauperism and want?

But it is said nobody wants the return of the saloon. I deny that. The mass of the agitators want and will be satisfied with nothing else. Not even in Canada, reports to the contrary notwithstanding. We have tried it in many instances in this country, and people were in no humor to stand for the Government going in a business which the State had outlawed as to individuals.

If we got the dispensary system, it would only be temporary and would not cure the evil. Prohibition has done one good thing—it has convinced America that the saloon is a part of an evil system that should never return, and yet the only suggestion the opponents of prohibition or any of them can make is to put the Government instead of the individual in the whisky business. For my part, if the evil thing must be had at all, I would rather the individual be debauched by it than the Government.

Yours truly,

SYDNEY J. BOWIE.

REGULATION OF RADIO COMMUNICATIONS

Mr. DILL submitted an amendment intended to be proposed by him to the bill (H. R. 9971) for the regulation of radio communications, and for other purposes, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12208) granting the consent of Congress to Aurora, Elgin & Fox River Electric Co., an Illinois corporation, to construct a bridge across Fox River in Dundee Township, Kane County, and State of Illinois.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev.

AMENDMENT OF THE WORLD WAR VETERANS' ACT

Mr. PHIPPS obtained the floor.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Colorado yield to me to submit a unanimous-consent request which I believe will not lead to any discussion?

Mr. PHIPPS. With the understanding that in case it should the Senator would not press his request, I am glad to yield.

Mr. REED of Pennsylvania. I am glad to agree to that. Mr. President, under the present law all vocational training of disabled veterans must stop on June 30, which will be next Wednesday. That is the reason why it is important to secure early action on the veterans' bill. I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate now proceed to the consideration of House bill 12175, which can easily be passed to-day.

Mr. McNARY. Mr. President, I have conferred with the Senator from Pennsylvania as to the very extraordinary situation to which he has just referred. A number of Senators have expressed to me the desire that they may have a little further time in which to study and analyze the so-called Fess amendment or the Tincher House bill. In view of this situation, I shall not object to the farm relief bill being temporarily laid aside, as it will come back automatically at the conclusion of the consideration of the bill which has been suggested by the Senator from Pennsylvania, or it may be brought back at any time if the debate shall be unusually and unduly prolonged.

Mr. ROBINSON of Arkansas. Mr. President, I desire to ask the Senator from Pennsylvania a question. The bill to which he has referred is the one proposing to amend the World War veterans' act?

Mr. REED of Pennsylvania. Yes; as it comes to us from the House.

Mr. ROBINSON of Arkansas. I express the hope that the request of the Senator from Pennsylvania may be granted.

Mr. DILL. Mr. President, I think time is needed to consider further the amendments to the farm relief bill, and I should like, in connection with the measure referred to by the Senator from Pennsylvania, to have the privilege of having the radio bill considered following the consideration of the veterans' bill. The Senator from Pennsylvania referred to the need of legislation in behalf of the veterans, but there is also need for radio legislation in this country, and the House bill on that subject differs widely from the Senate bill. I think if the farm bill were laid aside for a day or two it would really be in the interest of action on that bill. I wonder, therefore, if the Senator from Oregon will not consent to let the radio bill be taken up in order on the program following the veterans' bill and that the farm relief bill may be laid aside until both of the other bills shall be disposed of? I will say that if the radio bill takes any considerable length of time, more than two days, I will not press it to final action.

Mr. McNARY. Mr. President, I have well in mind the importance of radio legislation, but it has a fixed status on the calendar.

Mr. DILL. So has the veterans' bill.

Mr. McNARY. That is true, but the peculiar situation indicated by the Senator from Pennsylvania as respecting the veterans' measure does not apply to the radio bill. I think we should start in on Monday and conclude the work on the farm-relief measure in some form or other. The Senator from Washington has heretofore procured the right to proceed to the consideration with the radio bill, and its status being entirely secure, I think that he ought to be content to wait until the farm relief bill shall have been disposed of. Therefore I must, on account of the matters which I have suggested, object to the arrangement which the Senator from Washington proposes.

Mr. DILL. I wish to remind the Senator that the trouble with taking up the farm relief bill on Monday is that the debate on the pending amendments will probably run through all of next week. Then if the radio bill shall be taken up and a motion for final adjournment finally shall come in, there will be no radio legislation because of the lack of time to consider it. It is almost certain, as the Senator probably realizes, that the difference between the farm bill as it will be passed by the Senate and the bill as it was passed by the House will be very slight, and that an agreement will be reached very speedily in conference. That is not true of the radio bill, in all probability, and it seems to me that we ought at least to make an effort to proceed with the consideration of the radio bill and ascertain whether any great amount of time for its consideration will be needed. That is why I want to couple the request for the consideration of the radio bill with the request of the Senator from Pennsylvania.

Mr. McNARY. I am really grieved that I can not consent to the arrangement suggested.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PHIPPS. I yield.

Mr. FESS. If the request of the Senator from Pennsylvania for unanimous consent shall be granted, the farm relief bill will come back automatically for consideration and nothing can interfere with it. With that understanding, I shall not object to the request; otherwise I would object. I am, with the Senator from Washington, a member of the committee which considered the radio measure, and I am interested in it just as he is, but we want a vote on the question of farm relief, and we want that bill taken up immediately after the veterans' bill shall have been disposed of.

Mr. DILL. Has the Senator any idea when we will get a vote on the farm relief bill?

Mr. FESS. I am hopeful we may get a vote very soon.

Mr. WILLIS. Mr. President, I submit a parliamentary inquiry, in order to clear up this situation. I request the attention of the Chair to the form of the unanimous-consent agreement affecting the radio bill, as follows:

Ordered, by unanimous consent, That the bill (H. R. 9971) for the regulation of radio communications be made a special order immediately following the disposition of H. R. 12175—

That being the veterans' bill.

The inquiry I submit to the Chair is this: If the agreement shall now be entered into for the consideration of the World War veterans' bill, under the unanimous-consent agreement already entered into, will not the radio bill then come up to the exclusion of the agricultural relief bill?

Mr. ROBINSON of Arkansas. Mr. President, I understand that the request is to lay aside temporarily the pending bill for the consideration of the veterans' bill. If that is the case the farm relief bill, as it is called, will come back before the Senate automatically. Of course, it could be displaced by a similar arrangement with respect to another bill, but unless some such arrangement shall be made the farm relief bill will come back automatically.

Mr. WILLIS. My contention is, if the Senator from Arkansas will permit me to interrupt him, that an arrangement has already been made for the consideration of the radio bill under the unanimous-consent agreement to which I have referred.

Mr. REED of Pennsylvania. Mr. President, we do not need to have any doubt about that, because I will make it part of my request for unanimous consent that at the conclusion of the consideration of the veterans' bill the Senate shall resume the consideration of the farm relief bill.

Mr. LENROOT. Mr. President, under the agreement the radio bill is merely made a special order, and a special order never displaces the unfinished business.

Mr. DILL. What will be the effect of granting the request of the Senator from Pennsylvania on the unanimous-consent agreement that now exists regarding the radio bill?

Mr. WILLIS. Mr. President, I should like to have the opinion of the Chair.

The VICE PRESIDENT. The Chair will hold that under the unanimous-consent agreement, unless the Senator from Pennsylvania shall make other provision in his request, it will be necessary to have House bill 9971, the radio bill, considered immediately following the consideration of the war veterans' bill.

Mr. WILLIS. I think that is correct.

Mr. REED of Pennsylvania. Then, Mr. President, I make it a part of my request that at the conclusion of the veterans' bill the Senate shall at once revert to the consideration of the farm relief bill.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, just a moment. I want added to that the modification contained in the present unanimous-consent agreement regarding the radio bill, that following the conclusion of the farm-relief measure the radio bill shall be taken up.

Mr. REED of Pennsylvania. I am willing to add that to the request.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

The Chair lays before the Senate House bill 12175. The Chair will state that there is now no limit to debate on the veterans' bill. The Senator from Colorado [Mr. PHIPPS] is entitled to the floor.

TARIFF POLICY OF THE REPUBLICAN PARTY

Mr. PHIPPS. Mr. President, the few remarks I desire to make, after the interruptions which have occurred, will not require very long, but, as I have reduced them to writing, I prefer to read them without being interrupted. At the conclusion of my statement I will be glad to endeavor to answer any questions which may be propounded.

How shall our present abundant national prosperity be continued? If we can find an answer to that question, Mr. President, a safe and sure one, we will have found something to rejoice the hearts of millions of American citizens from coast to coast, and from the Great Lakes to the Gulf of Mexico.

To my mind the answer is simple: Ascertain those things which have mainly contributed to our agricultural, commercial, and industrial greatness; discover those causes which have been responsible for our national prosperity, and then hold on to that which is good, conducting no experiments and taking no chances, but guiding our feet by the lamp of experience to greater plenty and increased power at home and throughout the world.

Even a cursory examination will show that the application of certain fundamental principles under a strong national administration has built up our existing prosperity, and that it can only be continued through the reelection of men committed to those principles and pledged to that administration. I have confidence that the unfailing common sense of the American people will answer the question aright next November.

The Republican Party has an unequaled record of achievement in the development of the country and the preservation of the integrity of its institutions; but in this campaign it will rest its case before the people upon the proof that prior to its assumption of power industrial conditions were in sad contrast to what they now are, that its principles are such in themselves as to create good times out of bad ones, that its record demonstrates that its principles did achieve this result, and that the aims of its opponents are such as to menace our prosperity if made effective by power.

There can be no question that in 1921 there were 5,000,000 of wage earners out of work in the United States, that agriculture and manufactures were languishing for lack of trade, and that Liberty bonds were selling at 85. Millions of dollars' worth of goods produced where labor was cheaper and where the American standard of living did not prevail were coming to our shores to compete with our unprotected industry. A million of immigrants a year had been coming to compete for a living as well. Both goods and immigrants were coming, not because of any reaction following the war, but because they sought the greatest market in the world. Just so the loss of this market to ourselves, because of lack of protection, had previously thrown a million workers out of employment from 1913 to 1914 and caused our greatest financial depression from 1893 to 1897.

However much those who advocate the principles of the Republican Party may differ as to details, they are united by the one certainty that a protective tariff sufficiently high to cover the difference between the cost of production here and abroad does enable our industries to meet foreign competition in a home market which buys 90 per cent of our total output, does therefore assure good business and wide employment and does maintain high wages and living standards, and that a fair restrictive immigration policy does lessen competition with our labor and thereby tend to increase wages. Protection conserves the interests of the producer of both labor and goods, with the result that he is enabled to sell in a high American market and at the same time to gain the purchasing power to buy in a high American market. In the even distribution of the benefits of protection the farmer, the laborer, the business man, the manufacturer, and those in the professions are alike remembered.

As the result of this policy allied with economy, who can doubt that our country is prosperous to-day? Unemployment is practically unknown, except for voluntary and seasonal causes. Great industrial advances have been made since the Republican Party returned to power in 1921. Our manufactured products have increased in value from $45,000,000,000 to $60,000,000,000 a year. The value of our farm crops has advanced from $7,832,000,000 to $11,500,000,000. The value of our mineral output has moved up from $6,017,000,000 to $8,439,000,000. The assets of building and loan associations leaped from $2,890,000,000 to $3,942,000,000. The value of newly erected buildings in 130 cities jumped from $1,602,000,000 to $2,959,000,000 per annum. Department-store sales, taking 1919 as the basis of 100, went from 110 to 125. The value of manufactured automobiles shot from $1,671,000,000 to $3,163,000,000 a year. Gasoline production swelled from 5,098,000,000 to 7,332,000,000 gallons annually. Our exports are more than five billions a year and exceed our imports by half a billion. According to the figures of the Federal Trade Commission, our national wealth has nearly doubled since the inauguration of President Harding in 1921. It is greater than that of the British Empire, France, Germany, and Italy combined.

Splendid as have been the results achieved by a tariff which has assured prosperity, they have been matched by the efforts of President Coolidge and a Republican Congress to eliminate waste, cut down expenditures, and remove heavy burdens from the taxpayers. By the strictest kind of economy, assisted greatly by the budget system adopted by the Republican administration after President Wilson had vetoed it, the total number of Government employees on the Federal pay roll in the District of Columbia was reduced from 90,559 at the end of the Wilson administration to 61,211 on April 30 last. In the same period the number of Federal employees throughout the Nation was reduced from 691,116 to 548,077. By the elimination of these employees, by doing away with overlapping bureaus and expenditures, and by withholding all but the most necessary appropriations, the totals of national expenditures were reduced from $6,141,000,000 during the last full year of the Wilson administration to about $3,500,000,000 in 1926. Incidentally, the personnel of the Army was reduced from 294,000 to 128,000, and that of the Navy from 200,000 to 90,000 men. As a result, the gross public debt of the United States was brought down by more than $5,000,000,000. To be exact, it was reduced from $25,482,000,000 on June 30, 1919, when a Republican Congress first began to function, to $20,063,000,000 on May 15, 1926. Liberty bonds long since went to par.

All of this, of course, made possible a reduction of taxes which benefited every man, woman, and child in the country. In five years the total reduction per annum has been $1,650,000,000, an amount far in excess of the entire expenditures of the Government before the Great War. How widespread the benefits from this have been is best illustrated by a comparison of the percentage of taxes on incomes of $3,000 and $4,000 and $5,000. In 1918 the married taxpayer with no other dependents, who had an income of $3,000, paid $60. Under the Republican act of 1921 he paid $20. Under the Republican act of 1924 he paid $7.50. Under the Republican act of 1926 he pays nothing at all. Under the revenue act of 1918 the married man without dependents and with an income of $4,000 paid $120. Under the Republican act of 1921 he paid $60. Under the Republican act of 1924 he paid $22.40. Under the act of 1926 he pays $5.60. Under the act of 1918 a married taxpayer with an income of $5,000 paid $180 on that income. In 1921 he paid $100. In 1924 he paid $37.50. In 1926 he pays $16.50. In contrast to this, in the case of a married taxpayer without other dependents, the taxation of the income begins in Italy at $40, in Belgium at $225, in France at $650, in

England at $1,125, and in the United States at $3,500. A similar taxpayer on an income of $3,000 pays in Italy $599.30, in Belgium $238.45, in France $348, in England $202.50, and in the United States nothing. The tax in this country runs all the way up to nearly 25 per cent in the case of a person who has an income of $1,000,000 a year. The entire reduction has had two highly beneficial effects. It has freed capital for investment in new enterprises, thus augmenting the ever-increasing volume of national prosperity; and it has, as the result of that increasing prosperity, of the lessening disposition to invest in tax-exempt securities or to evade the tax, and in spite of the reductions, increased the income and profits tax totals from $1,691,000,000 in 1923 to $1,761,000,000 in 1925.

Another chapter must be added to this Republican record of governmental financing which is undoubtedly the most remarkable in history, and this affects quite as much the man or woman who has helped bear the financial burden of the war. It has to do with the repayment to the United States of the moneys advanced by us to the allied governments during the war, amounting to $9,759,000,000. By means of the appointment of the World War Foreign Debt Commission arrangements have been made with 13 of those nations which had borrowed from us; in fact, all except Russia, which had repudiated her debt. The countries with which such agreements were made and the amounts to be paid to date, together with interest, are as follows:

Belgium	$417,780,000
Czechoslovakia	115,000,000
Esthonia	13,830,000
Finland	9,000,000
France (subject to ratification)	4,025,000,000
Great Britain	4,600,000,000
Hungary	1,939,000
Italy	2,042,000,000
Latvia	5,775,000
Lithuania	6,030,000
Poland	178,560,000
Rumania	44,590,000
Yugoslavia	62,850,000
Total	11,522,354,000

Each of these arrangements is based upon a capacity to pay on the part of the debtor, and payments are extended over a period of 62 years. The amounts do not represent complete repayment to the American people of all that was loaned to foreign nations by them through Liberty bonds during the war, but they constitute a very large proportion of it; and with the converting of the 4½ per cent Liberty issues into 3 per cent issues, as time goes on, the loss to the people will seem less and less. As a matter of fact, with this object in view, it is computed that 82 per cent of the original total and interest of the French debt will be paid. It is this achievement, for a time thought problematical, that so greatly adds to the Republican record of financing.

Certainly without the prosperity throughout the country engendered by a Republican tariff and Republican economies, not so much could have been done for the veterans who defended the flag in the great adventure of 1917 and 1918. It was the Republican Party which inaugurated the pension system, in accord with Lincoln's admonition to "bind up the Nation's wounds, to care for the widows and the orphans." It was that party also which established and organized the Veterans' Bureau, and it was that party which enacted into law the provision for adjusted compensation. Insurance, free hospital care, free vocational training, have been distributed with the generous care that befits the great Republic the veterans served so well. In 1926 something like $550,000,000 is being expended for the veterans of the Great War. Including the pensions given to the veterans of other wars as well, the total for all of our soldiers and sailors and marines of the past is about $770,000,000 annually. All told, the Republican administration has expended for them since 1921 approximately $4,000,000,000. Furthermore, it has done more for them than any other government has done for its veterans.

As the result of the protection thrown about him by Republican policies, the American wage earner enjoys higher wages, greater purchasing power, and therefore a higher standard of living than are enjoyed anywhere else in the world. This is best illustrated by a comparison with the wage scales of other lands. Machinists in this country receive $33.60 per week as compared to $13.97 in England. The metal trades receive $44.24 per week in this country as compared to $6.78 per week in Germany. Cotton-goods textile workers receive $17.76 per week as compared to $5.62 per week in Germany, $9.99 per week in England, and $8.64 per week in Sweden. Woolen-goods textile workers receive $26.40 per week as compared to $9.96 per week in England. Miners receive $57.90 per week in this country as compared to $16.92 in England. Pressmen in this country receive about $48 per week as compared to $33.48 in France. Average workers in the building trades in the United States receive $51.36 per week as compared to $7.14 in Germany. Thus, carpenters receive $55.64 per week in this country as compared to $24.46 in England, painters receive $59.04 per week in this country as compared to $17.33 in England, and plumbers receive $67.20 per week in this country as compared to $17.42 in England. In shoe factories the workers of the United States receive $21.05 per week as compared to $10.55 in England. In the United States farm laborers receive $47.87 per month without board, and $33.18 per month with board. In Denmark they receive $17 per month with board, and in Sweden $28 per month with board. At the same time retail prices, taking July, 1914, as the basis of 100, have now an index of 162 in the United States, 534 in Belgium, 866 in Czechoslovakia, 1,138 in Finland, 471 in France, 645 in Italy, 221 in Norway, 163 in Sweden, 163 in Switzerland, 174 in Great Britain, 155 in Australia, and 151 in India. Would the American wage earner vote to overthrow the prosperity which the Republican Party has assured to him?

In agriculture likewise the balance of advantage is all on the side of our farmer. I have already said that the value of his crops increased from $7,832,000,000 in 1921, at the end of the Wilson administration, to $11,500,000,000 last year. In other countries the farmer is still much of a peasant. Lack of machinery and buildings and of the purchasing power to buy them bind him closely to poverty and the soil. Here, as in the case of the wage earner, his standard of living is immeasurably higher. He lives rather than exists. His land values are high. He has buildings, machinery, an automobile. Compared to the European tiller of the soil, he lives in comfort. He is a business man, and, as in every other business, he has his good times and bad times—good times under a protective tariff and bad times under the lack of it. This is illustrated by the action of the Republican Congress, which, with its narrow majority in 1920, passed an emergency tariff bill placing import duties on the principal farm products. This bill met with the veto of a Democratic President, but promptly after the assembling of the new Congress it was reenacted and signed by a Republican President. Then the general tariff bill of 1922 was enacted, and included protective rates on all of the farm staples which had been subjected to ruinous competition of cheaply produced foreign staples. This was the first tariff bill which really extended a fair measure of protection to the produce of our farms.

A protective duty was placed upon the principal products the farmer has to sell, while no duty was levied on the articles mostly used by him. Thus on the free list the Republican Congress immediately placed lumber, brick, cement, fertilizers, binding twine, farm implements, cream separators, gasoline, kerosene, leather, boots, shoes, harness, coffee, and rubber. That the tariff was not made high otherwise is evidenced by the fact that 60 per cent of all imports are on the free list and that the rates are 12 per cent lower than those of the Payne Act and 20 per cent less than those of the Dingley Act. What was the result to the farmer? The purchasing power of the farmer's dollar has increased from 69 in 1921 to 89 in 1926, taking the year 1914 as the basis of 100. On the other hand, the index number of farm prices has increased from 116 to 147, a gain of 31 per cent, while the index number of nonagricultural commodities which the farmer has to buy has decreased from 167 to 165.

The prices of raw farm staple products have advanced markedly since 1921. Wheat went from $1.12 in that year to $1.61 in May, 1926; corn from 58 cents to 74 cents a bushel; oats from 34 to 42 cents a bushel; cotton from 15 to 21 cents a pound; potatoes from $1.10 to $1.21, and now $2.70 per bushel; beef cattle per 100 pounds from $5.44 to $6.26, and now $16; hogs per 100 pounds from $7.81 to $10.88, and now $13.06; and wool from 16 to 38 cents a pound. This year our farmers seem assured of bumper crops at good prices.

Would the farmer give up the protection he has received, especially in view of the fact that a Republican Congress is seeking to work out on a sound basis an extension of cooperative methods, and has already regulated grain exchanges, extended to the farmers $500,000,000 in rural credits through the War Finance Corporation, authorized cooperative marketing without conflict with the Sherman law, extended control over the packing industry, placed a farmer on the Federal Reserve Board, and increased the rate of interest on farm loan bonds so as to make them more easily marketable?

As abundant as our national prosperity now is, it did not spring out of nothing. On the contrary, it may be destroyed by the election of Senators and Representatives who are opposed to the policies which made this prosperity possible. A very brief review of the political history of the last 30 years will show this.

In 1896 Bryan had made the race for the Presidency on a proposal that we debase our currency and impair our credit by placing the country on a silver basis. This after four very hard years under a Democratic tariff for revenue only. McKinley and a protective tariff changed all this. So great did the consequent prosperity become that Bryan was again defeated in 1900, this time running on the pretense that the Republican Party was leading the country toward imperialism and that our flag should at once be hauled down in the Philippines.

In 1904 our prosperity was still so evident that, coupled with the popularity of President Roosevelt, the party was restored to power overwhelmingly. In 1908 Bryan had a new issue with which to beguile the voters. He proposed the Government ownership of railroads. Again he was overwhelmingly defeated. In 1910 dissension within the Republican Party between the Taft and Roosevelt wings was becoming apparent. It was urged by the Democratic congressional committee that the tariff was responsible for the high cost of living, and that if a Democratic Congress were elected the market basket of the average housewife would immediately feel the benefit. It cited 15 articles of the family table which totaled $8.28 in 1896 and stated that the same articles in 1910 footed $15.59. A Democratic House was elected, and in 1912, the Republicans being divided, a Democratic President and Senate were chosen as well.

How were the specious promises of 1912 kept? The very same articles in 1918 totaled $30.87, and in 1920 reached $38.55. This last tabulation is as follows:

Two pounds salt pork	$0.90
Five pounds pork chops	2.25
Five pounds pork ribs	1.40
Four pounds smoked shoulder	1.32
Two pounds sausage	.80
Five pounds lard	1.25
Five pounds corned beef	1.50
Four pounds butter	2.48
Two dozen eggs	1.30
One pound cheese	.45
One barrel flour	16.00
Four pounds chicken	1.80
Twenty-one pounds sugar	4.20
Two pounds steak	.90
Five pounds roast beef	2.00
Total	38.55

Here are the prices of the same articles to-day, after five years more of a Republican tariff:

Two pounds salt pork	$0.40
Five pounds pork chops	1.90
Five pounds pork ribs	1.25
Four pounds smoked shoulder	.92
Two pounds sausage	.50
Five pounds lard	.95
Five pounds corned beef	1.50
Four pounds butter	1.96
Two dozen eggs	.76
One pound cheese	.35
One barrel flour	10.00
Four pounds chicken	1.96
Twenty-one pounds sugar	1.36
Two pounds steak	.80
Five pounds roast beef	1.25
Total	25.86

The conclusion seems inevitable that while the farmer is receiving much more for his product than in 1921, the price to the ultimate consumer is less as the result of cooperative methods and the partial elimination of the middleman.

In 1916 the Democratic Party declared with great solemnity that it would keep us out of war, though President Wilson afterwards admitted that he had known all along that America must get into the conflict. In 1920, still trustful that the voter might be gullible, the Democrats urged that they would keep us out of all further wars by means of entrance into the League of Nations. The voter had become wary by this time, however, and Harding was elected by a majority of 7,000,000. In 1924 the Democratic Party announced that it was still in favor of the League of Nations and a tariff for revenue only, with the result that President Coolidge was elected by a majority of 7,200,000.

In this congressional election of 1926 the Democrats declare that the tariff is too high; that living is too high; that the farmer and the laborer are suffering; and that America does not go far enough in seeking to promote the "new world spirit" by joining with other nations in international enterprises, preferably the league, the latter in spite of the fact that a Republican administration called the first great disarmament conference. They appeal to the country, as in 1910, to turn out of power the Republican Party that has brought the tariff and prosperity; that has by wise economies led the Nation into new paths of greatness. Will the people be as gullible as in 1910 and 1916? I think not.

In opposition to the empty pretensions of the Democratic Party the Republican majority points to its record of unmatched achievement and to the very able, very honest, and very popular leader and director of its policies who now occupies the White House. Because of the common sense of the American people, which reacts to his common sense, I have no doubt that the Republican Party will be returned to power in both branches of Congress in order that it may continue unimpeded the spirit of the instructions given to it in the annual message of the President last December. He said:

> In all your deliberations you should remember that the purpose of legislation is to translate principles into action. It is an effort to have our country be better by doing better. Because the thoughts and ways of people are firmly fixed and not easily changed, the field within which immediate improvement can be secured is very narrow. Legislation can provide opportunity. Whether it is taken advantage of or not depends upon the people themselves. The Government of the United States has been created by the people. It is solely responsible to them. It will be most useful if it is conducted solely for their benefit. All its efforts would be of little avail unless they brought more justice, more enlightenment, more happiness, and more prosperity into the home. This means an opportunity to observe religion, secure education, and earn a living under a reign of law and order. It is the growth and improvement of the material and spiritual life of the Nation. We shall not be able to gain these ends merely by our own action. If they come at all, it will be because we have been willing to work in harmony with the abiding purpose of Divine Providence.

THE COPPER INDUSTRY

Mr. CAMERON. Mr. President, I desire to have read an article appearing in the April 24, 1926, issue of the Engineering and Mining Journal-Press, a technical journal published in New York City.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). The clerk will read.

The legislative clerk read as follows:

SENATOR CAMERON BLOWS OFF

Senator RALPH H. CAMERON, of Arizona, illuminates the April 9 issue of the CONGRESSIONAL RECORD with an extended appeal for a tariff on copper, a part of his address being reprinted in the last issue of the Engineering and Mining Journal-Press. Careful reading of the Senator's complete speech can not but impress one with the speciousness of his arguments. He dwells at length on the immense deposits of copper in Africa and South America, pointing out their alleged low cost of production as against the high cost of getting copper from the comparatively limited and low-grade deposits of the United States, where steam-shovel mining, one gathers, is practically unknown. The Chilean producer, he says, can deliver his copper in New York at an average cost price of 6 cents per pound. If he refers to the Chile Copper Co., the actual cost was 8 cents per pound, not including depletion, according to the latest annual report available, that for 1924. Katanga, he avers, should soon be able to deliver its copper in New York at a cost of 4.8 cents per pound. This will certainly be quite a reduction from the actual cost, which he gives for 1924, which was 10.4 cents per pound. "It is evident," he says, "that Katanga copper can be laid down in New York at less transportation cost than our domestic copper." Here, again, he must have vast economies in mind, for at present it costs something like 3 cents per pound to get Katanga copper from the smelter to the New York refinery. The cheap native labor, of course, receives attention. It would hardly be fair to readers of this journal to keep the following passage from them:

"There are millions of Belgian Kongo negroes available at wages that will not exceed 20 cents per day. The Kongo, with its reeking and soul-harrowing memories of enslaved labor, its jungle trails paved with countless sighing souls and trodden by the millions of forced tribute bearers of ivory and rubber in the past, are now to be used to gather copper for export to our domestic market.

"One can visualize the malachite green and azurite blue of the Katanga ore shot through with the cuprite red from the straining, sweating, and soul-racked bodies of impressed labor. On the one hand we can see the few palatial continental mansions of the masters and the countless African huts housing their downtrodden labor. In contrast thereto can be seen the hundreds of copper districts within our homeland, peopled by hundreds of thousands of our kin, in comfortable homes and amidst surroundings and opportunities befitting our advanced civilization."

Later on, Senator CAMERON fears that "two closely related domestic corporations"—meaning, probably, Anaconda and Guggenheim Bros.—controlling 53 per cent of the United States production and all of the Chilean production, will dominate the world and close down the United States high-cost mines and produce a maximum quantity to fill world wants from Chile. "There may exist," he says, "a possible corporate ambition within these two corporations that after merging

their equities, thereby directly controlling 85 per cent of the known copper reserves of the world, they will be able to dictate the price of copper. * * * The domestic copper miner views with alarm the power these dual controllers possess."

"The continued importation of cheap foreign-labor copper will destroy our domestic milling, leaching, and copper-smelting industries; * * * likewise many communities will be utterly destroyed." It is strange that no such effects are beginning to be noted; copper production from United States mines has been steadily gaining since 1921; present production is way beyond the pre-war level and is not far behind the war-time peak.

The Senator is clever in the choice of some of his statistics. "In 1913," he says, "we produced 1,224,500,000 pounds of copper; our domestic consumption was 812,000,000 pounds, or 67 per cent thereof. This left 412,000,000 pounds of domestic copper, or 33 per cent, available for export. In 1923 we produced 1,435,000,000 pounds of copper; our domestic consumption was 1,300,000,000 pounds, or 93 per cent thereof. This left 135,000,000 pounds of domestic copper, or 7 per cent, available for export."

So far, so good; but in 1924 the exportable surplus of the United States was much higher, being slightly over 400,000,000 pounds, and in 1925 it was more than 500,000,000 pounds, or well over what it was in 1913. Here, after all, is the essential fact. Admitting all that the Senator says is true, his remedy for the situation—a protective tariff—will be futile so long as domestic copper producers find it profitable to mine more copper than the country needs. Secure a copper tariff if you can, Senator; it will do no harm and the producers perhaps deserve help more than the lead producers do, for example, who have one. But don't fool the copper miners into thinking that it is going to help them any under present conditions.

Mr. CAMERON. Mr. President, the reason for my desiring to call the attention of the Senate to this article is that, due to the supposed heretofore high and unbiased standing of this publication in the realm of mining, its conclusions or attitude as to policies and persons are supposedly authoritative and unbiased.

This publication has seen fit to indulge in sarcasm and biased criticism, as I shall point out, in reviewing the subject matter of the remarks I made in the Senate on April 9, 1926, in discussing the necessity for a 6-cent tariff on foreign-produced copper.

This publication occupies a rather monopolistic field in the realm of mining engineering publications; hence, the only effective way I have of refuting its criticism of me is to review and answer same on the floor of the Senate.

My reason for not discussing comparative copper production statistics subsequent to the year 1923 was due to the nonpublication of such detailed copper production and consumption statistics and data by the Bureau of Mineral Statistics and Resources, Department of Commerce, prior to the delivery of my remarks on the copper tariff in the Senate April 9, 1926. An important basic domestic industry, such as the domestic copper-mining industry, covering 80 years of industrial activity, should only be analyzed and discussed by reviewing data pertaining to same compiled and published by a competent, an unbiased, and a most reliable agency.

Such an agency or assemblar of statistical information pertaining to our domestic copper-mining industry, namely, the Bureau of Mines, Department of Commerce, did not issue its annual bulletin entitled "Copper for 1924" until June 2, 1926; hence, no fair criticism could be directed against me if I remained within the realm of definitely known and reliable data.

However, the statistics for copper just issued by the Department of Commerce for the year 1924 gives the domestic production as 1,634,249,192 pounds of copper; the consumption as 1,354,742,564 pounds of copper—this left 279,506,628 pounds of copper, or 17 per cent of the total production, available for export, this being much less than the "slightly over 400,000,000 pounds" mentioned in the aforegoing article. Presumably, their quota of exportable surplus for 1925 will also be modified when unbiased and reliable domestic production and consumption data for 1925 is available.

The difference between the excess copper produced and the copper consumed domestically, for the five-year period, 1920–1924 (see p. 689, U. S. Statistical Abstract) equals 9.03 per cent of the total production. This is the percentage production available for export. It will be noted that it agrees very closely with the 1923 percentage ratio which is so caustically criticized aforegoing.

I reiterate that whereas we exported up to one-third of our total copper production prior to the World War, our exports now are approaching a minimum and for the five-year period, 1920–1924, they have only averaged 9.03 per cent. In other words, the domestic consuming market during this period was nine times more valuable to our domestic producer of copper than the export market.

The average price of copper for the last five years equals 13.7 cents. Hence a 10 per cent increase, namely, 1.37 cents, or a price of 15.07 cents, would not alone have accorded greater mine profits, but likewise have saved for probable future profits the past five-year exports.

Furthermore, when consideration is given to the fact that the average price of copper for the past 30 years, 1896–1925 (this period embraces 90 per cent of total copper production 1845–1925), equals 16.7 cents, the economic loss to our domestic copper-mining industry dependent is greatly magnified.

Attention will also be called to the fact that based on the general commodity index increase factors (p. 306, U. S. Statistical Abstract, 1924) domestic copper should be selling in excess of 20 cents per pound, and not 13.7 cents, further emphasizing the tragic losses endured.

In view of the foregoing it may be asked why this domestic mining journal has not bent its talent and energy toward aiding the domestic copper-mining industry, voicing indignant protest against the existing discriminatory conditions, giving wide publicity to the aforegoing factors of depression?

I presume I was also "clever" in the choice of the statistics I voluminously submitted as to the several times larger copper reserves, higher-grade ore, lower transportation and supply costs, likewise the cheap Indian and negro labor available when comparing South American and African copper reserves with our domestic poundage. A technical, unbiased, critical review of the statistics I submit is in order. A cheap, cynical, sneering comment, as the article denotes, does not refute the data outlined in my remarks.

On the premise that no domestic industry is entitled to protection if it has an "exportable surplus," as I infer from their criticism, evidently the domestic steel industry should be penalized through the removal of the tariff as against imported steel products, based on the plea that they always have a surplus in excess of domestic requirements. At times they produce at maximum production capacity, at other times only one-half thereof. Their average production rate since the tariff was established will average about 80 per cent of capacity production. Nearly all protected domestic industries are confronted with these variations of capacity production; nevertheless they have enjoyed uniform prosperity.

Even though a protected domestic copper-mining industry does traverse a variable cycle of capacity production it can expect the same degree of comparative wholesome economic prosperity enjoyed by our present protected varying capacity metal industries.

There is sufficient industrial intelligence within our domestic copper-mining industry, upon receiving protection, to make effective the same economic policies which were applied in effectuating prosperity within our present protected metal industries.

The copper miner is entitled to the same economic treatment accorded miners in the other protected metal industries. He believes that protection will cure his economic ills and his belief should be respected.

The copper miner is at least sincere in his appeal for protection. The forces opposing this appeal certainly have not the economic welfare of the domestic copper miner at heart, to say the least.

The cynical criticism indulged in by this technical journal against me for striving to secure protection for the domestic copper miner goes far afield from the realm of unbias. The venom displayed by it is emphasized when it indulges in ridicule and deviates from an analytical detailed rebuttal of the arguments I submitted.

The arguments I advanced should be viewed from the standpoint of aiding our domestic copper miner, not from the angle of international commercialism.

Of course, we of the so-called raw-resource West can well realize that the home-town journal of the dual controllers would rush to their defense. The importing-exporting atmosphere of New York City is not conducive to acquiring an unbiased equitable viewpoint as to protecting our domestic copper miner.

The domestic copper miner will have to traverse the road of opposition beset by these importing forces before he secures protection paralleling the opposition these forces directed against many of our present protected industries.

I presume a different viewpoint than mine would be inspired as to "Katanga labor" from reading on page 20, January 2,

1926, issue of the Engineering and Mining Journal-Press the following:

> While sitting at dejeuner at the Bruxelles Hotel one day we saw a hundred native prisoners, clad in striped yellow-black jerseys, file past in the street; they were chained in groups of six, after the style in which slaves used to be driven across the continent.

Surely my criticism of "Katanga labor" is no more illuminating or tragic than the words of their own contributing editor, who recently returned from Africa.

Evidently the Journal was not able to refute the greater comparative rail-haul cost for our domestic copper delivered in New York when compared with the lesser equivalent rail-haul cost of Katanga copper to New York upon completion of the Benguela Railroad, as set out in my April 9 remarks.

Likewise, they failed to point out that the Katanga ore could not be shovel-mined and leached at the per pound costs, as stated by me. If these costs are in error, their array of statistical experts should be able to controvert same.

I presume the domestic copper miner must sit complacently by until the Benguela Railroad is completed; likewise calmly await installation of improved metallurgical details before petitioning for protection—wait until the Andes Copper Co. production invades our domestic market; wait until the rest of the South American producers expand their production facilities.

Thus should our domestic copper miner await this catastrophic economic deluge, as pacifists would have us await invasion before organizing a national defense.

Why does not this domestic technical journal give thought toward solving the problems besetting our domestic high-cost copper areas, extend encouragement to develop our latent copper resources, show a sympathetic interest in behalf of our domestic copper miner.

The least they should do, in view of their Americanism, would be to maintain an attitude of neutrality—not indulge in journalistic abuse against those who are striving to maintain one of our basic industries.

The criticism they direct against a copper tariff to-day parallels their criticism of a few years ago against the copper miners, who were then desperately striving to make commercially available the porphyry copper deposits of the West.

The Engineering and Mining Journal in their issue of May 27, 1899, extended the following degree of sympathy to those who were developing the Utah Copper Co. deposit:

> It would be impossible to mine and treat ores carrying 2 per cent or less of copper at a profit under the existing conditions in Utah. * * * On the company's own showing, therefore, the more ore it has of the kind it claims the poorer it is.

Their cynical critical prophecy then regarding one of our present greatest domestic copper mines is quite similar, not alone in tone and flippancy but likewise in deductive finality, with their present-day criticism of the copper tariff.

I challenge the unbiased viewpoint of this journal when the question of protecting our domestic copper miner is involved. Their viewpoint is easily discernible by reading the editorial statement on page 673, April 24, 1926, issue, from which I quote the following:

> Undoubtedly, as we have often pointed out editorially, mining must henceforward be visualized as an international affair. The foreign subscribers to Engineering and Mining Journal-Press have increased without solicitation till they now number about one-third of the whole. The world will be none too large in the future for the mining industry, and operator, metal seller and buyers, and equipment manufacturer alike must consider their industry and their business in this light.

Surely the foregoing denotes unmistakably an international commercial viewpoint way beyond that of a "tariff for revenue" advocate. It is directly opposed to the policy of protecting our domestic industries. This policy of internationalism means letting down the bars of protection and admitting free of duty any and all products from the cheap-labor areas of foreign lands. Surely the advocate of such a policy can not be considered an unbiased critic when discussing protection for our domestic copper miner.

Their viewpoint can be termed economic communism and in its concepts parallels the doctrine of political communism as advocated by Bolshevik Russia—the end of both leads to disaster for the human element involved.

Realizing the foregoing viewpoint of the Engineering and Mining Journal-Press, the domestic copper miner will readily understand the motive actuating this internationally minded publication in directing their attack against me, and in consequence against all those who stand for an import duty on foreign copper produced by cheap labor.

Mr. President, I am also desirous to-day of submitting some observations as to certain specific phases pertaining to our domestic copper-mining industry. These phases, which I shall reanalyze in part, were discussed in the remarks I made April 9, 1926, upon this floor; but due to certain recent criticisms indulged in by those opposed to a copper tariff, it appears desirable to amplify same.

In the volume of criticism directed against the many arguments I submitted denoting the absolute necessity of protecting our domestic copper-mining industry, the most tenacious and, in fact, the only basic, definite rebuttal argument seriously advanced was that our domestic copper-mining industry must export copper in order to survive industrially.

These critics of a copper tariff have never attempted to prove that our domestic copper can successfully meet the competition abroad of foreign-produced copper which can be marketed, without loss, at a price one-half our domestic cost; neither have they discussed the menace now confronting the domestic copper producer who stands helplessly by unable to meet the competition of the peon labor foreign-produced copper which has now invaded our domestic market as well. Why do not these champions of free-trade copper point out in specific detail the unique reversible economic method whereby our higher-cost domestic copper is to displace the lower-cost foreign-produced copper not only abroad but within our domestic market as well?

While revealing the mystery of the foregoing economic paradox, they should also emphasize that no economic menace can confront our domestic copper producer even though his known domestic copper poundage is only 40 per cent of the foreign-owned supply.

An analysis should also be submitted by them denoting that the 50 per cent higher grade of the foreign porphyry copper ore reserve, when compared with our domestic porphyry grade, is a detriment, not a benefit, from a lower-cost standpoint.

They should also attempt to prove that the lesser transportation costs for ingoing supplies and outgoing copper enjoyed by the foreign copper producer—due to a less equivalent mileage haul plus utilization of cheap foreign bottomery—when compared with our domestic copper transportation costs, are likewise a handicap.

However, the imagination visualizes that their maximum urbanity and pleading supplication will stand revealed when they present to our domestic copper miner the rare benefit which will ensue to him through embracing internationally, both in the spirit of genuine friendship as well as untainted commercialism, his economic brother of the Andes and the brother from the Congo jungles!

As an Arizonian, I can well picture the dynamic end of it all when the foregoing plea to placate our unprotected copper miner is presented. It is the last presented aforegoing and it will always be the last touched upon by a champion of free-trade copper—for no amount of specious flattering sophistry will ever convince our domestic copper miner that he should be made an exception of—that he is not the equal of any and all his economic brothers, numbered by the millions, within our present protected industries.

EXPORTABLE SURPLUS

It should not be necessary to refute the premise that no domestic industry is entitled to protection for the reason that it may have an exportable surplus. If this theory were sponsored by protectionists, they should immediately place on the free list the products of our exporting wheat, cattle, hog, steel, zinc, lead, aluminum, brass, and fabricated copper industries, only to name a few thereof.

It is well known that one of the basic tenets of protection is to secure a fair, livable price for our product within our home market, regardless whether we have or do not have an exportable surplus.

No one can question, either, that even though a domestic industry is protected within its home market, nevertheless it is just as able to export its product as under a free-trade policy. Many of our present protected industries export any surplus they may have; there is no reason why a protected copper-mining industry can not do likewise if they so desire.

It is also well known that nearly all of our domestic industries are overwhelmingly dependent upon the protected home market and in consequence attempt to regulate their productive capacity to harmonize with domestic demand.

The metal industries can rigidly regulate their productive rate—the agricultural industry can not regulate, within fore-

seen limits, their productive rate, hence they are pleading for special protective legislation.

None of the exporting protected domestic industries are clamoring for free trade. Each and all of them are vitally interested in seeing that the tariff is made 100 per cent effective so far as their particular products are concerned.

The steel industry is protected, yet it varies exceedingly month by month, year by year, as to its productive capacity. In times of maximum demand it operates at full capacity, at other times, as in 1920, down to a 40 per cent basis. For the past 25 years it is estimated that the domestic steel industry has operated on an 80 per cent average maximum capacity basis; yet with all these variations nevertheless the steel industry has enjoyed uniform prosperity during that period. Despite a 100 per cent increase in transportation rates, likewise a 100 per cent wage increase, also a large tax increase, when comparing present-day costs with 1913, nevertheless the steel industry is enjoying excellent earnings due to receiving 50 per cent more for its product to-day than it received in 1913.

The tremendous earnings of the Steel Corporation, secured through supplying the vast industrial needs of our country, were obtained by fixing a price sufficient to compensate it for varying domestic consumption; likewise these rates may have embodied within them any theoretical losses it might assume to have suffered by not being able to compete abroad.

All other protected metals are selling much higher than their past 30-year average price. It certainly is rigidly fair to assume that copper, when protected, will at least sell at its average price, and I predict, when protection is rigidly effective, that it will sell in excess of this average.

I submit confidently that the domestic copper-mining industry, upon receiving adequate protection, will as surely regulate its productive capacity to harmonize with domestic demand and essential profits with the same degree of commercial efficiency exhibited by the paralleling present protected metal industries. The industrial intelligence within the domestic copper-mining industry is at least equal to that within any of the present protected industries. It should not be charged with lack of acumen now for not seeking and securing protection in 1922, for, as will be shown subsequently, this is directly attributable to subversive control factors then as well as now, in control of our domestic copper-mining industry.

Some subversive factor must certainly also operate within the "exportable surplus" zone likewise, as the following analysis denotes.

The domestic copper-mining industry is now, and has been for five years past, selling its product 18 per cent below its past 30-year average price. Its exports during the five-year period, 1920–1924, according to 1924 United States Statistical Abstract, have only averaged 9 per cent of the total production.

If the copper producer had obtained the average 30-year price of 16.7 cents instead of the 13.6 cents actually received, he would have secured the same amount of money for 81.4 per cent of this total five-year production.

This denotes that the copper producer made a forced economic gift of 18.6 per cent of the product of his industry, shared equally by not alone his economic domestic brother but by foreigners as well.

State or international communism does not even demand this degree of personal sacrifice; they at least advocate a reciprocal exchange of benefits!

Champions of free-trade copper have most zealously sponsored "exportable surplus" as the main issue involved.

The real issue involved, however, is solely one of absolute "free trade" as against "equitable protection," whether our domestic copper miner shall be impaled by the economic Congo spear, pierced by Andean arrows, or shall an economic barrier be erected to protect him from these foreign economic foes?

There is no "tariff for revenue" or "exorbitant tariff" or "tariff revision" issue involved. The issue is solely one of stark naked "free trade" against a livable protective tariff for our copper miner, whether 500,000 citizens shall be destroyed industrially or shall their industrial status be brought into rigid alinement with basic industrial justice?

COPPER PRODUCTION INCREASE OF CHILE AND BELGIAN KONGO

Due to the fact that certain champions of free-trade copper seem to minimize the menacing copper competition of Chile and Katanga, I have deemed it essential to discuss this in more explicit detail to-day than I did on April 9, 1926. Even a casual inspection of the data I have submitted denotes the deadly nature of this competition. The more these foreign copper production factors are analyzed the more rigid seems our conclusion that protection is all essential.

For years prior to 1912 the copper production of Chile only averaged about 9 per cent of our domestic production. Beginning with 1912, definite statements were first issued indicating that the vast Chilean poundages were commercially valuable.

For 1912 we note that the Chilean copper production was 91,815,000 pounds or 7.4 per cent of our domestic production of 1,243,268,720 pounds for that year. For 1923, the latest definite obtainable, we find that the Chilean copper production was 401,000,000 pounds, or 27.9 per cent of our domestic production of 1,435,000,000 pounds for that year.

This denotes a production ratio percentage increase of 377 per cent when comparing the foregoing ratio productions of Chile with that of our country.

The foregoing outlines a most menacing copper-production increase in the past decade, but when consideration is given to the fact that the Chile Copper Co. is increasing her productive facilities, likewise the production of 200,000,000 pounds annually from the Andes Copper Co. areas, we begin to realize the overwhelming menace of this competition.

It is also essential that we compare the production-rate increase of Belgian Congo, Africa, since 1912, for it is this country which embraces the enormously rich Katanga copper reserves. For years prior to 1912 the annual copper production of Belgian Congo never exceeded 5,500,000 pounds, a negligible quantity when compared with our domestic production.

For 1912 we note that the Belgian Kongo production was 5,500,000 pounds, or 0.45 per cent of our domestic production, 1,243,268,720 pounds, for that year.

For 1924, the latest definite obtainable, we find that the Belgian Congo production was 188,250,000 pounds, or 11.5 per cent of our domestic production, 1,634,249,192 pounds, for that year.

This denotes a production ratio percentage increase of 2,550 per cent when comparing the foregoing ratio productions of Belgian Congo with that of our country.

The foregoing certainly denotes a most startling increase since 1912, but a greater menace lies in the fact that Katanga is rapidly expanding her productive facilities and within a very short time will be able to lay down her copper at any port in the world at not alone one-half our domestic cost but in volume approximating at least one-half our total production.

Our domestic copper miner knows the foregoing destructive factors, and these form the basis of the anxiety that besets him now; likewise he realizes the economic ruin that surely confronts him if this deadly menace of oppressed-labor copper can not be prevented from entering our domestic market except on a parity cost basis with his product.

I submit that no basic metal industry during all our industrial history has ever been denied protection when confronted by economic factors so menacing as those now besetting our domestic copper-mining industry.

Realizing that even justice has been dispensed uniformly heretofore by Congress, I feel sanguine that the same degree of equity will be accorded us.

COPPER INGOT TERMED A RAW RESOURCE

If we continue to classify the electrolytic copper ingot as a so-called raw resource and on this premise deny it protection, then consistently you should forthwith place on the free list the steel ingot, the lead billet, the zinc slab, and the aluminum ingot.

The mining, smelting, and refining processes for copper are as involved, intricate, and highly technical from ore to ingot stage as for any of the foregoing highly protected metals.

It requires the most skillful of employees from mined ore to finished copper ingot. None of the employees within our present protected industries, whether within the agricultural, mining, or manufacturing subdivisions, can excel the capable efficiency displayed by the copper employee.

The hearings on general tariff revision, Senate Document 108, abound with the similarity appeal essence "accord me protection, but leave my raw resources on the free list." Nearly every domestic producer is a protectionist—yet to him he seems always encircled by raw resources that should be on the free list.

We find the representative of a $1,500,000,000 steel group pleading for a livable steel schedule, yet terming it perfectly ridiculous to protect his raw resources such as ferrosilicon, manganese, fluorspar, magnesite, lead, and zinc. In turn, we will also find the representative of American importers of fine steels bemoaning the protection demanded by our domestic steel producer.

We will find the representatives of the brass and copper fabricating industries meticulously presenting the most minute protective demands for their industry, and the only considera-

tion the copper ingot secured was the admission that it was on the free list, page 2048. They were too desirous, naturally, to have their raw resource, namely, copper, remain on the free list, and this influence was not alone powerful then, but is seemingly very powerful to-day.

We also note that the fabricating industry representative in 1921 referred to the electrolytic copper ingot as "the raw ingot"; that they were threatened with ruinous foreign competition—

in spite of the fact of the copper production of the United States, the American manufacturer and his European competitor are practically on a par in the cost of their material—

Likewise—

the export business is practically an unknown quantity—

That—

for all time foreign manufacturers have enjoyed labor costs so greatly below those prevailing in the United States that this alone gave them an insurmountable advantage—

And in closing their plea for an adequate tariff we find—

they ask only for such protection that will enable them to continue to pay liberal wages to their employees, secure a fair return on the capital invested, and retain the American market for American institutions.

The foregoing pleading supplication for protection suggests this to be a most opportune moment to analyze the posttariff exporting activity of this fabricating agency that so eloquently stated its inability to meet foreign competition—its inability to export its product. This pleader for "the American market for American institutions"; this altruistic manufacturing agency that constituted itself a zealous classifier of our domestic manufactured electrolytic copper ingot as "the raw ingot"; derisively branding it thus with no other intent and purpose than to keep it chained and anchored within the "raw resource" free list; greedily desirous of securing their "raw resources" from the cheap-labor copper areas of the world.

Who can challenge the premise that if a protected copper fabricator can export copper why can not a protected copper producer likewise do so, particularly if the following facts disclose that the fabricator actually exports twice as much copper as the producer?

We find for the years 1922, 1923, and 1924 that of the total domestic copper available for export, amounting to 467,685,373 pounds, we note that 296,979,285 pounds of copper was exported during this three-year period in the fabricated form of rods, insulated wire and cable, wire (except insulated), plates and sheets, pipes and tubes, and so forth. This fabricated export aggregate is equivalent to 63.5 per cent of all our domestic copper available for export during this three-year period.

The foregoing denotes that of the domestic copper available for export the "protected" fabricator who plead ruinous competition without a tariff exported more copper than the "free-trade" copper producer who had no one to plead in his behalf.

The fabricator received his protection, the copper miner with his "raw ingot" was left without, made to face the "insurmountable labor costs" of foreign lands.

You will also find the foil manufacturers of America protesting against the 50 per cent ad valorem protection accorded lead, their raw resource, under the Fordney bill, yet demanding increased protection for their manufactured product.

Endless parallelisms could be submitted confirming the relativity that resources bear in its relationship to the manufacturer. What is a raw resource for one is the finished product of a different manufacturer. Everything is relative, from a cost standpoint, within our industrial realm, and I maintain this relationship should not be denied the copper industry. Copper should not be discriminated against and left on the free list under the shallow, specious pretext that it is a raw resource, yet charging it protective tariff prices for everything that goes to make up its cost.

Our domestic copper-mining industry has just as definite a wage, supply, transportation, capital, and tax cost sequence to care for as any other industry within our country. Within the metal industry its outlay is only exceeded by the colossally valuable steel industry; it has no other near competitor. In fact, the value of its output is greater than the combined value of its three nearest competitors, namely, the lead, zinc, and aluminum industries.

In view of the fact that the lesser production value metals, namely, lead, zinc, and aluminum, have been accorded protection, no justifiable economic reason can be advanced for denying protection to the vastly more valuable copper-mining industry.

COPPER IS ENTITLED TO PROTECTION

In comparing the relationship of protected lead with unprotected copper, it may be of interest to note that the value of domestic copper mined annually is only exceeded by the value of one other domestic produced metal, namely, pig iron. The great disparity in average pound price between copper and pig iron, about 16 to 1, denotes very little comparative information can be obtained by discussing their economic relationship.

The other metals that approach copper in per pound value and gross annual production value are lead, zinc, and aluminum. It is of interest to compare the ratio value that these metals bear to copper likewise discuss their economic relationship.

Referring to consolidated data secured from the 1924 United States Statistical Abstract, we find that the gross value of domestic-produced copper for the five-year period, 1920–1924, exceeds by $60,000,000 the combined gross value of domestic lead, zinc, and aluminum metals produced during that period.

In consequence, from a basic value "key industry," or from any other economic standpoint, copper is certainly entitled to protection on the foregoing presentation of facts, its value being greater than the combined value of these other metals, all of which are protected.

The value of domestic-produced lead is the only one of these three comparative metals that approaches anywhere near the value of domestic-mined copper. For example, the combined value of lead produced for the five-year period, 1920–1924, equals $380,755,000. The value of copper produced for this period equals $841,000,000, the value of copper therefore being 220 per cent greater than the value of lead produced for this five-year period.

Referring to page 306, Statistical Abstract of the United States for 1924, we find the following:

Commodity	Index numbers, 1913=100		
	1922	1923	1924
Copper	85	92	83
Lead	132	168	188

Before proceeding with my discussion, I wish to state that scanning the index numbers of every domestic produced metal from iron to zinc of the 16 listed within division 5, page 306, copper is the only one below the 1913 level; likewise it is the only one that has persistently remained there throughout.

A casual inspection of the foregoing index factors denote the deplorable value condition of copper; likewise the accelerated value condition of lead.

Copper was left unprotected in framing the tariff act of 1922, while lead was accorded protection.

The average domestic price of lead for 30 years prior to 1922 was about 4.5 cents per pound. A duty of 2.125 cents was allowed, which equals 47.2 per cent ad valorem.

The average price of copper for the past 30 years, from 1896–1925, equals 16.7 cents per pound.

The average price of copper for the past five years, 1921–1925, equals 13.6 cents per pound.

The average price of copper for the past six months is 13.7 cents per pound.

The average price of copper to-day is 13.7 cents per pound.

In analyzing the foregoing factors, we find that copper is not alone at present selling 18 per cent below its past average 30-year price, but that it has persistently maintained this low level for the past five years—an unparalleled economic tragedy!

No commodity index of the hundreds listed from "farm products" to "building materials" within the 1924 Statistical Abstract compares with the economic misery accorded copper, the nearest being hides, another skinned product from the rural reaches!

In Senate bill No. 2018, introduced by me on January 4, 1926, a duty of 6 cents per pound is asked as against foreign produced copper.

The average price of copper for the past 30 years equals 16.7 cents per pound, hence a 6-cent duty equals 35.3 per cent ad valorem. This is 25.2 per cent less proportionately than the duty accorded lead under the 1922 tariff act.

The data submitted in my remarks April 9, 1926, denote that the foreign-copper producer will deliver his copper in New York at a cost of 6 cents per pound as against an average domestic cost of 12 cents per pound. Furthermore, the analysis submitted herein shows the deplorable condition of our domes-

tic copper mining industry. Furthermore, all other metals are protected.

These foreign menace production factors alone denote the absolute necessity for protecting our domestic copper-mining industry, but in addition every tenet of justice and equity denotes that copper should be accorded protection in order to place it on an economic parity with the present protected commodities.

If protection is not accorded the domestic copper-mining industry, Arizona of all the copper-producing States will suffer the most. We in Arizona are absolutely dependent upon the mining of copper; three-fourths at least of our poulation are dependent thereon. We produce nearly one-half of all the copper mined within our country. Everyone within my State—the miner, farmer, cattleman, sheepman, business man, professional man, railroad employee, and practically all others residing within Arizona are vitally interested in protecting our copper industry. In addition the copper-consuming citizens of our country will likewise be accorded protection if you permit us to supply our domestic market. Foreign producers in control of the rubber, potash, coffee, and other essential national necessities have exploited us callously; foreign producers may be expected to repeat their practices of the past and present if you permit the destruction of our domestic copper-mining industry.

DUAL CONTROLLERS AND THE COPPER TARIFF

It has been emphasized that the other important domestic copper-producing States aside from Arizona and Michigan are seemingly not very eager in demanding protection for our domestic copper-mining industry. Surely if protection was so all-essential, the controllers of the copper-mining industry within these certain States would be vociferously insistent in their demand for protection.

In replying to the foregoing I maintain that in most of those States the local copper miner does not as yet realize the menace of foreign copper competition, due to the local mines and smelters being so largely controlled by one or the other of these two domestic corporations, who together likewise control 100 per cent of the Chilean production and the vast Chilean copper reserves.

Attention will be directed to the fact that one of these two domestic corporations (herein termed "dual controllers") entered Chile about 15 years ago; the other purchased control of the Chile Copper Co. (which owns 65 per cent of the total Chilean copper reserve) less than five years ago. Hence this dual-control menace is of very recent origin, and its real menace was initiated when our largest domestic copper-producing corporation purchased control of Chile Copper Co. Their plea for acquiring this control will undoubtedly be that their economic plight, due to the high copper-production cost of their domestic controlled copper areas, conservatively estimated to be much in excess of 12 cents per pound before crediting any of their fabricating, timber, power, plus foreign mine profits (Cananea), demanded their securing control of this cheap labor, low transportation cost, enormous poundage, high porphyry grade ore reserve of Chile. Neither their economic plight nor an insatiable international profit ambition is proper justification for the destruction of so important a basic industry as our domestic copper-mining industry. No one will deny the efficiency of this organization within the economic realm; many will question, however, its right to destroy the domestic industry that gave it industrial birth.

The analysis which I shall submit is based on production statistics obtained from the general reports on copper for the years 1920 to 1923, inclusive, said reports being issued by the Department of the Interior, and for 1924 by the Department of Commerce.

In order to avoid the criticism directed against using data pertaining to an individual year, I have taken the very latest authentic available statistics and consolidated them for the five-year period, namely, 1920–1924. No later authentic and unbiased data are obtainable pertaining to our domestic copper-mining industry than those outlined in "Copper for 1924," by the Bureau of Mines, Department of Commerce, issued June 2, 1926.

I have summarized the various production factors and computed their percentage relationships; hence, in order to simplify the discussion and to avoid introducing voluminous compilations, I shall merely quote percentage ratios.

Of the total domestic copper produced for the five-year period 1920 to 1924, inclusive, we find 95.5 per cent thereof came from Arizona, Montana, Utah, Michigan, Alaska, New Mexico, and Nevada; also that 4.5 per cent thereof came from California, Tennessee, Colorado, Idaho, Oregon, Washington, Pennsylvania, Missouri, and undistributed.

The percentage ratio for each of the six States and Alaska aggregating the 95.5 per cent is as follows: Arizona, 42.3 per cent; Montana, 15.2 per cent; Utah, 12.3 per cent; Michigan, 11.6 per cent; Alaska, 6.1 per cent; New Mexico, 4.1 per cent; and Nevada, 4 per cent.

The foregoing denotes that the copper production of Arizona exceeded the combined production of Montana, Utah, and Michigan during the five-year period.

The dual controllers control copper mines within Arizona, Montana, Utah, Alaska, New Mexico, and Nevada.

The dual controllers mined 46.8 per cent of the total domestic copper produced during the five-year period, 1920–1924. It was also found that for 1924 they mined 50.5 per cent of the total domestic production. They also mined 55.6 per cent of the copper produced within the aforegoing five States and Alaska during the five-year period 1920–1924; this means that not to exceed 44.4 per cent was mined by the purely independent domestic copper producer.

Eliminating Territorial Alaska, which produced only 6.1 per cent of the total domestic production during the period 1920–1924, we shall confine our dual-control discussion to the five leading copper-producing States, namely, Arizona, Montana, Utah, New Mexico, and Nevada; said States having produced 77.8 per cent of the total domestic copper mined during the five-year period, 1920–1924.

During this five-year period, 1920–1924, we find that the dual controllers mined 52.7 per cent and the independent copper producer only 47.3 per cent of the combined production of Arizona, Montana, Utah, New Mexico, and Nevada. It was also ascertained that during the five-year period, 1920–1924, the dual controllers mined the following percentage ratios, namely, for Arizona, 23 per cent; Montana, 87 per cent; Utah, 88 per cent; New Mexico, 87 per cent; and 92 per cent of Nevada's total copper production. For the same period we find that the purely domestic independent—as distinguished from the dual controllers—producer mined the following percentage ratios; namely, for Arizona, 77 per cent; Montana, 13 per cent; Utah, 12 per cent; New Mexico, 13 per cent; and 8 per cent of Nevada's total copper production.

The foregoing authoritative data does unmistakably explain why the forces in control of the domestic copper-mining industry within the four important copper-producing States of Montana, Utah, New Mexico, and Nevada are not pleading for a copper tariff. Within these four States the dual controllers mined 88 per cent of all the copper produced during the five-year period 1920–1924. This is conclusive evidence as to the overwhelming control they exercise in these four States and hence no one need ask hereafter that if a copper tariff was so essential why these leading copper-producing States are not in the very forefront demanding same.

The cry within these dual controller States will not come from the manipulative internationalists who so effectively control the producers—the cry will arise from the copper miner who seeks a livable wage, the claim owner who desires development funds, the business man, home owner, in fact, all those who are solely dependent upon the maximum development of and who at heart are truly devoted to their State.

Referring again to Arizona's production, we note that 77 per cent of her total production for the five-year period, 1920–1924, was mined by the independent producer and only 23 per cent by the dual controllers. This will denote why the cry for a copper tariff arises from Arizona, joined in by the independent copper-producing State of Michigan and will also undoubtedly be joined in by the other independent copper-producing States of our country when aroused to the menace confronting their industry, for the independent producers of Arizona alone have mined 61 per cent of the total independent copper produced during the five-year period, 1920–1924, and this overwhelming control of the independent production denotes why she leads in the demand for a tariff—why she must carry on until her all-vital industry is protected. Proportionately the copper-mining industry is more vital to Arizona's economic welfare than the steel industry is to Pennsylvania, or the important relationship that the corn industry bears to Iowa's economic welfare.

No other State in the Union is so solely dependent on a single product—nearly every man, woman, and child within Arizona's boundaries are vitally dependent upon the mining of copper. Protection is the economic savior from our present woe and the horrors to come. When achieved Arizona will not alone acclaim this doctrine but will forever aid in maintaining same.

MANIPULATIVE CONTROL

What other basic domestic industry within our whole industrial realm, possessing the magnitude of our domestic

copper-mining industry, is controlled by an agency whose combined reserve values are in the ratio of 30 per cent domestically and 70 per cent foreign?

I challenge anyone to point out a parallel value phase within not alone the other metal industries of our country but likewise within the agricultural or manufacturing subdivisions as well. The domestic steel, lead, zinc, and aluminum metal industries have not this manipulative foreign producer control—the domestic producing or manufacturing wool and cotton industries are not subversive of foreign-control factors. The domestic packers tried this dual control by spending millions in Argentina, hoping thereby to secure vaster profits through domestic distribution of these cheap labor meat products, but they were checkmated by the tariff.

Who is there within our country openly championing this unjustifiable discrimination against our domestic copper mining inustry? What plea in equity can they advance to maintain this discrimination in face of the factors submitted by me?

Some say that by effecting more rigid economies along mining, metallurgical, and executive channels we may be able to survive. Do they answer this by pointing out that as we develop these more detailed efficient economies the keen-eyed American in control of these foreign copper areas will instantly adopt these as well? They talk of demanding lower taxes, lower transportation rates, and lower supply costs when these are not alone 100 per cent higher than 1913 but the tendency is ever higher. They do not dwell on the low wages paid the domestic copper miner—he who is engaged in one of the deadly hazardous occupations of our country. They do not dwell on the fact that he now secures only 40 per cent more in wages than he did in 1913, this in the face of the 128 per cent increase for all reporting domestic labor for 1924, as shown on page 317, United States Statistical Abstract; also compare the copper miner's paltry wage increase since 1913 with the all-commodity retail index, page 307, which is 71 per cent higher for 1924 than 1913.

I submit there is no answer in equity to this glaring discrimination, and having submitted these discriminatory factors in detail to Congress to-day and on April 9, 1926, I am sure that justice will be accorded our domestic copper miner—that this discrimination will be promptly eliminated by imposing the cost differential duty of 6 cents per pound as against foreign copper produced by the cheap and oppressed labor of foreign lands. In so doing you will check the manipulative control machinations of these calloused domestic internationalists whose plans demand profits regardless of the destruction wrought our domestic copper miner.

FOREIGN COMPETITION AS AGAINST PROTECTED COPPER

Due to copper being on the free list, it is impossible to point to specific examples as to what may be expected in the way of foreign competitions when and if copper is accorded protection.

It is of interest, however, to analyze the factors of foreign competition as against protected lead, the only metal that approaches the per pound price and gross annual production value of copper.

Within Senate Document 308 we find the criticism advanced that the 50 per cent ad valorem accorded lead under the Fordney-McCumber Act was prohibitive, hence would tend to embargo the importation of foreign-produced lead.

Referring to page 691, United States Statistical Abstract, 1924, we find that the maximum importations of lead come from Mexico. This is true both as to lead contained within ores and base bullion.

The importation of lead in ores from Mexico for 1922 was 14,400,000 pounds; for 1924 it amounted to 66,656,000 pounds, denoting an annual increase of 360 per cent in the short space of three years after the passage of the Fordney-McCumber tariff.

Base lead bullion importations for 1924 compared with 1922 denote a 190 per cent increase.

The foregoing increase in lead importations denote that foreign competition is immediately effective whenever the domestic price of lead exceeds the past 30-year average price of 4.5 cents prior to 1922. The ad valorem duty of 47.2 per cent accorded the lead miner only measured the difference in cost between domestic and foreign produced lead. Whenever the domestic price of lead exceeds its average base price, we note the immediate competition of foreign-produced lead.

I submit that even with a 6-cent duty, which only accords a 35.3 per cent ad valorem protection, that foreign competition will be immediately felt whenever the domestic price of copper exceeds its base price. The facts quoted in the foregoing prove this for lead, and it will undoubtedly operate parallelly as to copper.

It must be remembered that a 6-cent duty merely represents the difference in cost between domestic and foreign-produced copper.

Competition will certainly not be eliminated domestically when the foreign producer can enter our domestic market on a parity cost with our domestic copper producer.

The present free-trade copper policy overwhelmingly discriminates against the domestic producer, and its continuance can only be justified on the theory that it is more beneficial to our country that protection be accorded the foreign rather than our domestic copper producer.

DUAL CONTROLLERS AND THEIR FOREIGN PROFITS

It will be remembered that the mining profit that these dual controllers will obtain from their cheap-labor Chilean copper reserves is 6 cents per pound with copper selling at 12 cents. This denotes a mine profit of $2,700,000,000 on the 45,000,000,000 pounds contained within their present-known copper reserves.

This is a colossal sum, well worthy of the most painstaking effort on the part of even the most ambitious of international commercialists.

These dual controllers also dominate the brass and copper fabricating industries of our country and are most zealous in seeing that protection is accorded their fabricated products; likewise zealous that copper remain on the free list, thereby permitting unlimited importations of copper free of duty from their low-cost Chilean areas. Whatever mine investments they have in this country can easily be amortized out of their fabricating activities and the vaster mine profits available through utilization of the cheap labor of the Andes.

It should be further remembered, provided the plans of these dual controllers are not negatived by a copper tariff, and when they have ruined our domestic copper-mining industry, they will reap much vaster differential profits from their mining and fabricating activities, due to monopolistic control.

It is undeniable that the best interests of the consumers of our country can be best served by maintaining a domestic production of copper, thereby not alone checking this foreign monopoly control, but likewise sustaining a basic domestic industry; domestic competition will provide the consumers with reasonable-priced copper. This foreign monopoly may do so until our independent domestic production is destroyed. Then they will undoubtedly do as other foreign monopolists have done, namely, raise prices to extortionate heights.

We have 220 copper-mining districts, designated as such by the United States Geological Survey, within the United States. Very few of these have been thoroughly explored. Vast copper poundages will undoubtedly be found therein upon completion of exploration work.

Due to the high labor, supply, transportation, and tax costs within our country, capital can not be secured to explore these domestic copper areas as long as copper is kept on the free list. Without continuous areal development the domestic industry will decline, due to depleting the present known reserves.

The industrial supremacy of our country is not alone now dependent upon protection, but this doctrine is solely responsible for its industrial magnitude. Extending its beneficence to the domestic copper-mining industry will not alone retain the colossal sums these dual controllers seek in exchange for their cheap-labor copper, but likewise maintain uninterruptedly one of the very important and most essential of our basic industries.

WAGE LOSSES SUFFERED BY ARIZONA LABOR

The champions of free-trade copper do not dwell overly much on the wages lost to our domestic copper miners due to the past five-year 18 per cent below the average price received for our domestic-produced copper. The wages of the copper miner are regulated by the price of copper; hence, when low their wages are low, any marked increase in the price of copper is immediately reflected through an increase of wages.

This persistent low price of copper, which is distinctly attributable to its being unprotected, can best be understood by the copper miner if definite loss factors are submitted.

The consolidated domestic copper production for the five-year period 1920–1924 was 5,734,182,000 pounds (U. S. Statistical Abstract, 1924).

The average price for copper the past 30 years, 1896–1925, equals 16.7 cents per pound.

The average price for copper the past five years, 1921–1925, equals 13.6 cents per pound.

Referring to page 306, United States Statistical Abstract, 1924, we note that steel billets and lead during the five-year period 1920–1924 never dropped below—in fact, these will average about 50 per cent higher than the 1913 level. There is no question but that if protection had been accorded copper in

1921, its average price since would be much in excess of its average 30-year price.

However, assuming the minimum loss of only 3 cents per pound, the difference between the 30-year and the 5-year period average prices, as given aforegoing, we have a minimum total loss of $172,025,460 suffered by the domestic copper producer from 1920–1924.

Arizona produced 42.3 per cent of the foregoing copper, hence her loss for these five years equals at least $73,000,000. About half of the foregoing, or $36,500,000, was lost to Arizona labor alone. If copper had sold at only an average of 25 per cent above its 30-year price, or 21 cents per pound, it denotes a loss to Arizona labor aggregating about $85,000,000.

The foregoing denotes that Arizona labor has lost a minimum of about $600,000 per month the past five years due to copper selling below its average 30-year price.

If copper had sold at its very reasonable price, only 25 per cent above its average 30-year price, the loss to Arizona labor will amount to approximately $1,400,000 per month for the 5-year period.

The foregoing memoranda conveys an approximate idea as to the monetary loss suffered by Arizona copper labor alone during the past five years.

In order to forestall the statement that the domestic consumer secured the benefit of this labor loss, attention will be directed to the fact that the copper products used by the consumer are much higher to-day than their past 30-year average price. This labor loss differential was absorbed by the manufacturer, jobber, and retailer; the domestic consumer during the past five years has never received any benefit from this below average priced copper whether it went directly into products used by him, neither has it enabled him to secure lessened electric current or telephone service rates.

It would indeed be most interesting to have these champions of free-trade copper explain why the wage earnings rightfully belonging to Arizona labor aggregating hundreds of thousands of dollars per month, should be allowed to be diverted from him and into the already overflowing purse of these dual controllers.

CONCLUSION

I maintain that the facts submitted April 9, 1926, likewise to-day on this floor, confirm not alone the necessity of protecting our domestic copper-mining industry but that protection should be accorded forthwith.

You have uniformly cared for the myriad of industries that have sought protection and aid heretofore, and I am sanguine Congress will extend that beneficence to our industry.

Protection has been accorded our Arizona cattlemen and sheep growers, thereby saving them from the destructive competition of the cheaper meats and wool of foreign lands.

You saved the citrus and produce industry within the rich irrigated valleys of Arizona from the cheap cost products grown within the wonderfully fertile valleys of west coast Mexico and other foreign areas.

Funds have been loaned us to build the great Coolidge Dam; its impounded waters will bring into productive being one of the richest valleys in the world.

All this and more have you done in our behalf. We again acknowledge the aid you have accorded us and reiterate our appreciation.

Yet with all this, more than three-fourths of our people are beset with present woe and anxiety; likewise they are fearful of the future. Our copper miner sees most clearly the menacing competition of the Andes and the African jungles. The cheap copper from these oppressed labor areas is rapidly destroying not alone his livelihood but his home equities as well.

Surely a citizen that furnishes the valuable metal that transmits human thought and industrial energy is entitled to economic justice.

Likewise the domestic production of this metal is protectively essential, not alone during time of peace but vitally so if war should ever isolate us.

He is dying now industrially, and all that you can do for him—unless protection is accorded soon—will be to shatter the mine portals, thereby effectively and for all time seal within the industrial remains of our domestic copper miner.

Mr. President, I submit herewith in a condensed form certain transportation, labor, and other cost data. It has been difficult to secure details pertaining to subdivisional copper costs of the Chilean and Katanga areas. Extended inquiries have been made and much valuable data has been secured. Additional data will be forthcoming quite soon giving more corroborative minute cost details. However, the most important reliable data now possessed regarding transportation, labor, mining, leaching, and total copper costs pertaining to these foreign areas is herewith submitted. I feel sanguine that this data, in the minds of all unbiased persons, will fully corroborate the statements regarding foreign copper costs made by me on the floor of the Senate April 9, 1926, likewise to-day.

I ask unanimous consent that these tables may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the tables will be printed in the RECORD.

The tables are as follows:

Cost data—Water-haul cost (foreign bottoms) per ton of copper to New York from various Chilean-African and other foreign ports

[Data secured from transportation division, Department of Commerce, Washington, D. C., June, 1926]

Name of port		Distance in miles		Cost		
From—	To—	Water	Land	2,240 pounds	2,000 pounds	2,000 pounds land-mile
Antofagasta, Chile	New York	[1] 4,158	[1] 4,788	$5.75	$5.12	$0.106
Do	San Francisco	4,702	5,484	5.75	5.12	.095
Do	Seattle	5,549	6,386	5.75	5.12	.080
Do	Galveston	[1] 3,659	[1] 4,213	5.75	5.12	.121
Do	Liverpool [2]	[1] 6,813	[1] 7,845	6.25	5.58	.071
Do	Hamburg [2]	[1] 7,233	[1] 8,329	6.25	5.58	.067
Do	Havre [2]	[1] 6,778	[1] 7,805	6.25	5.58	.071
Do	Genoa [2]	[1] 7,368	[1] 8,484	6.25	5.58	.065
Do	Yokohama [3]	9,083	10,469	5.60	5.00	.048
Do	Shanghai [3]	10,019	11,537	5.16	5.50	.047
Valparaiso, Chile	New York	[1] 4,633	[1] 5,335	5.75	5.12	.095
Do	San Francisco	5,140	5,919	5.75	5.12	.086
Do	Galveston	[1] 4,152	[1] 4,781	5.75	5.12	.107
Do	Liverpool [2]	[1] 7,207	[1] 8,299	6.25	5.58	.067
Do	Havre [2]	[1] 7,258	[1] 8,358	6.25	5.58	.067
Do	Genoa [2]	[1] 7,840	[1] 9,033	6.25	5.58	.062
Do	Yokohama [3]	9,313	10,724	5.60	5.00	.046
Callao, Peru	New York	[1] 3,363	[1] 3,873	5.75	5.12	.132
Do	San Francisco	3,987	4,591	5.75	5.12	.111
Do	Seattle	4,774	5,498	5.75	5.12	.093
Do	Galveston	[1] 2,882	[1] 3,319	5.75	5.12	.154
Do	Liverpool [2]	[1] 5,937	[1] 6,837	6.25	5.58	.081
Do	Hamburg [2]	[1] 6,459	[1] 7,438	6.25	5.58	.075
Do	Yokohama [3]	8,555	9,851	5.60	5.00	.050
Do	Shanghai [3]	9,491	10,929	6.16	5.50	.050
Benguela, Africa	New York [3]	5,773	6,420	6.77	6.00	.094
Dar-es-Salaam, Africa	New York	8,331	9,597	7.27	6.48	.067
Do	Liverpool [1]	[3] 6,325	[3] 7,283	7.27	6.48	.088
Do	Hamburg [2]	[3] 6,690	[3] 7,707	7.27	6.48	.084
Beira, Africa	New York	8,290	9,550	7.27	6.48	.067
Do	Liverpool [2]	[3] 7,235	[3] 8,354	7.27	6.48	.077
Do	Hamburg	[3] 7,600	[3] 8,755	7.27	6.48	.074
Cape Town, Africa	New York	6,786	7,814	7.27	6.48	.082
Do	Liverpool [1]	6,080	7,001	7.27	6.48	.092
Do	Hamburg [2]	6,485	7,470	7.27	6.48	.086
Calcutta (pig iron)	New York	[3] 9,816	[3] 11,304	6.06	5.40	.047
Do	Liverpool [2]	[3] 7,935	[3] 9,141	5.33	4.76	.052
Do	Hamburg [2]	[3] 8,300	[3] 9,562	5.33	4.76	.049
Melbourne, Australia	New York	[3] 9,945	[3] 11,452	7.88	7.02	.061
Do	Liverpool [1]	[3] 11,084	[3] 12,764	8.48	7.56	.059
Do	Hamburg [2]	[3] 11,350	[3] 13,075	8.48	7.56	.057
New York, United States of America	Liverpool	3,167	3,578	5.50	4.90	.136
Do	Hamburg	3,648	4,201	4.50	4.02	.095
Do	Havre	3,192	3,676	5.50	4.90	.133
Do	Genoa	4,060	4,675	5.75	5.12	.109
Do	Buenos Aires	5,871	6,761	13.50	12.05	.178
Do	Yokohama	[3] 9,699	[3] 11,169	12.32	11.00	.098
Do	Shanghai	[3] 10,573	[3] 12,176	12.88	11.50	.094

[1] Via Suez Canal.
[2] Rates between these ports have been estimated.
[3] Via Panama Canal.

NOTE.—All rates same for refined and unrefined copper; except from New York, rates apply on refined copper.

Freight cost to New York from principal domestic copper-producing areas—per ton (2,000 pounds)

[Copper data secured from transportation division, Department of Commerce, June, 1926]

Freight cost to New York from—	All rail route		Rail and water route		
	Miles	Cost	Statute miles		Cost
			Rail	Water	
Butte, Mont	2,510	$12.50			
Butte, Mont. (via Seattle and Panama)			668	6,953	$15.09
Garfield, Utah	2,450	12.50			
Garfield, Utah (via San Francisco and Panama)			865	6,059	13.85
Ely, Nev	2,717	13.50			

Freight cost to New York from principal domestic copper-producing areas—per ton (2,000 pounds)—Continued

Freight cost to New York from—	All rail route		Rail and water route		
	Miles	Cost	Statute miles		Cost
			Rail	Water	
Ajo, Ariz.	2,783	$14.50			
Ajo, Ariz. (via Galveston)			1,371	2,180	$12.50
Douglas, Ariz.	2,478	14.50			
Douglas, Ariz. (via Galveston)			1,103	2,180	12.50
Hayden, Ariz.	2,810	14.50			
Hayden, Ariz. (via Galveston)			1,401	2,180	12.50
Jerome, Ariz.	2,684	14.50			
Jerome, Ariz. (via Los Angeles and Panama)			547	5,677	
Miami, Ariz.	2,640	14.50			
Miami, Ariz. (via Galveston)			1,077		12.50
Calumet, Mich.	1,357	11.80			
Calumet, Mich. (via Lake route)			413	935	10.60
Ducktown, Tenn.	1,152	10.80			

AN ANALYSIS OF FOREGOING TRANSPORTATION COST RATES

Mr. CAMERON. Mr. President, the foregoing water and rail transportation rates denote that freight costs from the loci of the Chilean copper poundage on copper to our domestic, European, and Orient ports are much less than the freight costs from the loci of our domestic copper poundage to these same ports.

The foregoing rates also denote that Katanga copper, upon completion of the Elizabethville to Benguela Railroad, can be delivered at New York, European, and Orient ports at less transportation cost than our domestic copper.

ANALYTICAL PROOF OF FOREGOING STATEMENTS

A. DOMESTIC COPPER FREIGHT COSTS

The rail cost from loci of domestic copper poundage to New York, 2,580 miles, equals $13.75 per ton (rate, 53 cents ton-mile). However, the Galveston rate of $12.50 per ton is the minimum for 90 per cent of our domestic copper production; hence, same will be taken. Therefore, freight cost to Liverpool or Havre, equals $17.40; to Hamburg, equals $16.52; to Genoa, equals $17.62; to Buenos Aires, equals $24.55; to Yokohama via New York, equals $23.50; to Shanghai via New York, equals $24 per short ton.

Our domestic copper refineries are nearly all situated on the Atlantic tidewater. In consequence, nearly all our domestic blister copper must be shipped east to be refined. Less than 20 per cent of our production is refined at Great Falls and Tacoma; about 10 per cent comes into the market as lake copper. Therefore, at least 70 per cent of all our annual copper production, as electrolytic copper, originates at or near New York; hence meets directly and initially the competition of the low wage, low transportation, low supply cost copper from the higher-grade ore areas of Chile. This will also hold true with reference to the Katanga area upon completion of the Benguela Railroad.

B. CHILEAN COPPER FREIGHT COSTS

The loci of Chilean copper poundage lies 173 miles rail haul from coast. Due to this short haul, assume rate 1 cent ton-mile; hence rail cost equals $1.73. The loci water haul distance equals 4,040 miles to New York; therefore, it is fair to assume the greater haul Valparaiso costs.

Therefore, the freight cost of Chilean copper delivered to New York, San Francisco, Seattle, or Galveston equals $6.85; to Liverpool, Hamburg, Havre, or Genoa equals $7.31; to Yokohama equals $6.73; to Shanghai equals $7.23 per short ton.

The foregoing freight costs denote the important strategic economic position of the Chilean copper poundage.

Chilean electrolytic copper can be delivered to any port in the world at much less transportation cost than our domestic copper.

This strategic economic position due to minimum transportation costs plus very cheap labor will also undoubtedly be utilized to fabricate copper products for our domestic market just as soon as the dual controllers have effectuated their plans of securing complete control thereof. This phase is not alone of vital interest to our domestic copper miner, but should likewise be of great interest to our independent copper and brass fabricator.

The elimination of domestic copper competition, through destruction of the domestic independent copper producer, means that the public, likewise the independent fabricator, can only secure copper from the dual controllers. These dual controllers are likewise fabricators and the belief is that they will retain their copper poundages solely and alone for their fabricating activities.

When this comes to pass it is quite certain that Chile, in the light of her nitrate monopoly export tax perquisites, will proceed forthwith to levy a copper export tax to harmonize with all the other monopolistic perquisites.

Our domestic consumers will pay most of this extortion for we consume one-half of the world's copper production. Our dual controllers will see to it that the Katanga competition does not disturb their monopoly. Katanga will probably be given the markets exterior to the United States.

C. KATANGA COPPER FREIGHT COSTS

Katanga copper is now being exported from Beira, Dar-es-Salaam, and Capetown. The freight costs to these ports are excessive, due to inefficient transportation facilities prevailing between them and Elizabethville. It is estimated that the short-haul line railroad from Elizabethville to Benguela, 1,100 miles, will be in operation by January 1, 1928. Assuming for this rail haul the same per ton-mile cost as for our domestic copper, we have 1,100 miles times 53 cents, which equals $5.83 per short ton, as the freight cost for Katanga copper delivered at Benguela, Lobito Bay, West Coast of Africa.

In scanning the tabulated rates it will be noted that the same rates prevail for Dar-es-Salaam, Beira, and Capetown to New York, Liverpool, or Hamburg.

The distance from Benguela to New York is much less than the distances thereto from any of these three other African ports; hence, a rate of $6 per short ton is assumed as fair between New York, Liverpool, or Hamburg.

It will be noted that the assumed Benguela ton-mile cost is greater than for any of the other African ports; in fact, it is believed that due to the cheap negro labor available that the Benguela rate to New York or European ports for ship cargo lots will not exceed proportionally the South American to Orient rates, or about $4 per short ton.

Therefore, the freight cost per short ton of copper should not exceed $11.83 from Elizabethville to New York, Liverpool, or Hamburg.

Summary of transportation costs

Delivered at—	Total copper freight costs, short ton		
	Domestic	Chilean	Katanga
New York	$12.50	$6.85	$11.83
San Francisco		6.85	
Seattle		6.85	
Galveston		6.85	
Liverpool	17.40	7.31	11.83
Hamburg	16.52	7.31	11.83
Havre	17.40	7.31	
Genoa	17.62	7.31	
Buenos Aires	24.55		
Yokohama	23.50	6.73	
Shanghai	24.00	7.23	

The foregoing tabulation effectively visualizes the lower transportation costs for Chilean and Katanga copper when compared with our domestic or export costs.

(2) MINE SUPPLIES

The cost of mine supplies is much less for the Chilean copper areas than for our domestic copper areas, due to not alone enjoying a less transportation cost but also utilization of supplies from the cheapest labor areas of the world. The foregoing will also be true as to the Katanga copper area upon completion of the Elizabethville to Benguela Railroad.

(3) LABOR COSTS

A. CHILEAN LABOR WAGES

The following Chilean labor cost data was secured from Bureau of Labor Statistics, United States Department of Labor, Washington, D. C., June, 1926:

The following table showing the average daily wages paid in the more important industries in Chile for the year 1924 is taken from the official bulletin issued by the Chilean labor office (Boletin de la Oficina del Trabajo), No. 22, year XIV, Santiago, 1924, p. 166. Although the above-mentioned publication did not specify as to whether these wages were paid in gold or paper pesos, it is assumed that the paper pesos were used, the average exchange rate of which in United States currency was $0.1054 for the year 1924. The conversions have been made on this rate.

Average daily wages in Chile for the year 1924, by occupations

Occupation	Paper pesos	United States currency
Lathe makers	$11.00	$1.16
Mechanics	11.00	1.16
Smiths	11.00	1.16
Braziers	11.00	1.16
Locksmiths	11.00	1.16
Molders	11.00	1.16
Electricians	10.00	1.05
Bricklayers	10.00	1.05
Carpenters	10.00	1.05
Drillers	10.00	1.05
Metal grinders	10.00	1.05
Miners	9.00	.95
Gas fitters and tinsmiths	8.00	.84
Bakers	7.00	.74
Truckmen	7.00	.74
Workers in the building industry	5.50	.58
Agricultural workers	3.00	.32

ANALYSIS CHILE LABOR COSTS

The foregoing Chilean labor wages are approximately one-fifth the wage scale prevailing within our domestic copper areas.

This Chilean wage scale visualizes most effectively the foreign-labor competition besetting our domestic copper mines. The only way that such oppressed and low-wage labor competition can be eliminated within our domestic areas is through the medium of an adequate protective tariff.

B. KATANGA LABOR WAGES

The following extracts taken from a digest of an article in the January 2, 1926, issue of Engineering and Mining Journal Press, entitled "South Africa Copper Region":

The two principal centers of activity are Elisabethville, the seat of administration, and Panda, 88 miles northwest, where a concentrator has been erected. The Lubumbashi smelter is near Elisabethville. Smelter employees number 3,300—300 whites and 3,000 natives. Each furnace is operated by 16 natives under a white foreman.

The Union Miniere has opened up 10 mines, of which the Star of the Congo was the first. The pit is 120 feet deep and 450 feet long and wide.

At Fungurume, 90 miles from Panda, a literal "mountain of ore" exists. Steam shovels are used for digging, but their efficiency is much impaired by the ignorance of the natives that control their operation. White men are placed on locomotives, but natives operate stationary hoists. As much as possible the work of the natives is done on piece system. Of the total cost of mining, only 20 per cent is for native labor. The natives are paid from 80 centimes to 1.75 francs (par 15.4 cents to 33.8 cents, present value 2.4 cents to 5.2 cents) per day, plus food, clothing, and housing. The average cost of these items is 8 francs (par $1.54, present value, 23.7 cents). The food ration per week consists of 15 pounds of mealie, 4 pounds of meat, 2 pounds of rice, 2 pounds of beans, 1 pound of peanuts or 1 pound of palm oil, a roll of tobacco, and a pinch of salt. The same ration is given to each wife and a half to each child. The Union Miniere employs 14,000 natives. The white employees are engaged for a period of three years, after which a holiday of six months is granted. Most of them are Belgians. The Union Miniere does not maintain the color bar; it encourages the native to learn how to become a skilled worker. In the Transvaal it is illegal to allow the native to do the work of an artisan.

At Luishia 180 young natives were being taught to do the work of carpenters and smiths. They make office furniture and window frames; they repair cars and boiler tubes. These "boys" are under contract for three years and start with a pay of 2.25 francs (par 43.4 cents, present value 6.7 cents) per day, plus food and hut. In their third year they receive 3.3 francs (par 63.7, present value 9.8 cents).

The Union Miniere by reason of its deposits of pitchblende and other uranium ores containing radium controls the world's market of this precious metal. It has killed American production and has made two of the American companies its selling agents. This company also produces cobalt and has tin deposits.

The Katanga as a mineral region ranks with the richest and most diversified ever exploited by man.

Excavation with native labor costs 25 cents per cubic yard.

Said digest was prepared by Bureau of Labor Statistics, United States Department of Labor, June, 1926.

ANALYSIS OF KATANGA LABOR COSTS

The foregoing cost data denotes that the Katanga miner receives about 5.2 cents per day plus food, clothing, and housing. His total emolument equals about 23.7 cents per day.

The apprentice carpenters and smiths receive a total of 1.5 cents more per day than the miners for the first year and 4.6 more per day during their third year.

The foregoing native wages are about one-twentieth of the wages prevailing within our domestic copper areas.

It is very evident that Katanga labor can not be termed "competitive labor"; its real designation is "slave labor."

The overwhelming menace of such labor competition as against our domestic copper miner can only be eliminated through the medium of an adequate protective tariff.

(4) KATANGA HYDROELECTRIC POSSIBILITIES

It is well known that there are vast hydroelectric possibilities within the Katanga area. In consequence its mines should be able to secure adequate electric power at minimum cost. In addition, during the exploration stage there is an ample supply of wood available for fuel purposes.

To confirm the foregoing, attention is directed to page 218, 1910 Transactions American Institute of Mining Engineers, from which the following is quoted:

8. TIMBER AND WATER POWER

At the present time wood is the universal fuel in the Belgian Congo, excepting for driving the locomotives of the Lower Congo Railroad." Nearly everywhere, except where the savanna is most characteristically developed, wood for fuel is abundant. For important mining operations, however, hydroelectrical installations will undoubtedly be used. Wherever the older folded rocks occur, waterfalls and rapids are common, and power can be developed in quantity very easily. * * * of all the continents, Africa will benefit most by the perfection of electrical smelting.

Attention will also be directed to the reference pertaining to the recent organization of a 75,000,000-franc company to develop hydroelectric power from Lufira Falls, to which reference will be made later on in my remarks.

(5) CHILE AND KATANGA COPPER COSTS

Criticism has been directed against the 6-cent per pound cost for copper delivered at New York, from the Chile and Katanga areas, as stated in my remarks, April 9, 1926. I shall in this analysis submit data confirming this cost.

We have at Ajo, Ariz., an oxidized body of copper ore mined by the New Cornelia Copper Co. This is the largest body of this type now being worked within the United States. Its copper poundage (see table within April 9, 1926, remarks) is only 5.2 per cent of the Chile Copper Co. poundage and 15 per cent of the Katanga poundage.

The New Cornelia Copper Co. has a daily leaching capacity of 5,000 tons per day; the Chile Copper Co. is now increasing its daily capacity to about 90,000 tons per day; the Union Miniere has under way a plan to leach about 5,000 tons of ore per day.

The New Cornelia Copper Co. leaches its ore with sulphuric acid, hauled from Douglas, Ariz., about 20 miles distant; the Chile Copper Co. also uses sulphuric acid to leach its ore, but its acid consumption is less, due to the available sulphuric acid present in their ore; the Katanga ore is also to be leached with sulphuric acid. The ore at each of these three mines is being shovel-mined with steam or electrically operated ore shovels.

The average grade of the New Cornelia oxidized ore equals 1.50 per cent; the Chile Copper Co. ore equals 2.12 per cent; the Katanga ore equals 6.69 per cent copper.

In scanning the cost records of the New Cornelia Copper Co. for the five-year period, 1921–1925, we find that the maximum production year was 1923. During this year the production equaled 38,367,718 pounds of copper, obtained from 1,805,322 tons of 1.532 per cent ore, the average being 5,000 tons of mined and leached ore per day. The average shovel-mined cost was 36.4 cents per ton of ore from pit to the mill. The leaching and other expenses at the mine was 96.8 cents per ton of ore. Taxes for the year, exclusive of Federal taxes, was 0.949 cent per pound. Freight on copper from Ajo to New York was 0.689 cent per pound. The average for refining, selling, and other expenses for the five-year period, 1921–1925, was 0.968 cent per pound. The total cost for 1923, from ore pit to electrolytic copper laid down in New York, was $1.975 per ton of mined ore.

Using the foregoing New Cornelia 1923 subdivisional cost factors we have the following comparative costs:

(A) CHILE COPPER CO. COSTS

With the average grade ore, 2.12 per cent, and a 90 per cent extraction we have 38.16 pounds of copper recovered per ton of ore mined.

Due to lower wages and lower supply costs likewise that Chile Copper Co. will mine and leach twenty times as much ore daily, it is fair to assume the New Cornelia costs.

Therefore, we find the cost of mining and leaching will equal 3.486 cents per pound. The cost of freight to New York will equal 0.343 cent per pound (see transportation cost subdivision). The cost of refining, selling, and other expenses will equal 0.968 cent. Hence the foregoing mining, leaching, freight, and refining costs amount to 4.797 cents per pound; the foregoing cost is for copper from ore pit to electrolytic copper laid down in New York, exclusive of taxes. If we add the high proportional American tax, exclusive of Federal taxes, paid by New Cornelia, which equaled 0.949 cent per pound for 1923, we have the total of 5.746 cents.

With a temporary remission of Federal taxes by Chile until monopolistic control has been established, whereupon an adequate export tax would be levied, we find that Chile Copper Co. can lay down its copper in New York, San Francisco, Galveston, or any European and Orient port for less than 6 cents per pound.

(B) KATANGA COPPER COSTS

With the average grade ore, 6.69 per cent and a 90 per cent extraction, we have 120.4 pounds of copper recovered per ton of ore.

It has been stated—see Katanga labor wages—that excavation with native labor costs 25 cents per cubic yard; this equals about 12.5 cents per ore ton.

It has also been stated—see Katanga ore-leaching details—that the expectation is to use half a pound of acid per ton of ore, this being much less than for the Ajo ore.

Katanga upon completion of the Benguela Railroad and development of the cheap hydroelectric power available plus its minimum labor costs will be able to shovel mine its ore cheaper than New Cornelia. However, we shall assume this cost, namely, 36.4 cents per tone of mined ore.

Assume, for comparative purposes, a leaching cost three times that of New Cornelia, and we have $2.90 per ton.

The total for mining and leaching therefore equals $3.26 per ore ton, or 2.71 cents per pound, for the 120.4 pounds of copper recovered.

The freight to New York—see transportation costs—will equal 0.60 cent per pound. The refining, selling, and other costs—same as for New Cornelia—will equal 0.968 cent per pound. Therefore the total cost per pound of copper from pit to electrolytic copper laid down in New York, exclusive of taxes, will equal 4.28 cents per pound. Adding to this the New Cornelia taxes, exclusive of Federal taxes, amounting to 0.949 cent, we have a total cost of 5.23 cents per pound.

If the Belgian Government remits Federal taxes, we find that Katanga copper can be laid down in New York for less than 6 cents per pound upon completion of the Benguela Railroad.

(6) KATANGA ORE-LEACHING DETAILS

Propaganda has been spread to the effect that the Katanga ore is difficult to treat, that large metallurgical losses are met with constantly, and therefore domestic copper competition from this area should not be taken seriously.

The best answer to the foregoing is to note what certain engineers have to say regarding the leachability of the Katanga ore.

The following extracts are taken from an article appearing in the February, 1924, issue of Mining and Metallurgy, published by the American Institute of Mining and Metallurgical Engineers.

The article is entitled "Copper operations in the Congo," by Archer E. Wheeler, consulting engineer Union Miniere du Haut Katanga, New York.

Copper operations in the Congo mean the operations of the Union Miniere du Haut Katanga, because there are no other copper industries there.

* * * * * * *

The concession, having Elisabethville in its southeastern end, runs about 250 miles northwest, with a width from 10 to 50 or 60 miles, having an area of about 8,100 square miles, in which territory the Union Miniere has the exclusive copper rights.

* * * * * * *

The territory in which the company operates is at an elevation of from 4,000 to 5,000 feet, and although it is only about 11 degrees south of the equator it has a most delightful climate. The temperature in the daytime, of course, is pretty high, but never like that in Arizona, and the nights are always cool.

* * * * * * *

In many places dolomite has apparently been leached out and replaced with malachite, which is by far the most important ore mineral of the district. * * * There are some sulphides. * * * They may later become important sources of sulphuric acid for leaching operations, which will probably be the ultimate method of treatment.

For treatment purposes the carbonate ores are divided into three classes—direct smelting, concentrating, and leaching. The direct smelting ores are any that carry enough copper to pay for treatment. Concentrating ores carry from 6 or 7 up to 15 per cent, or up to the lower limit of smelting ores, and are also of such character that they will release mineral when crushed. Leaching ores are in the nature of impregnated shales. * * * All of these ores can be leached, and the economic limit for leaching is much lower than for concentration or direct smelting. Moreover, the profit from the leaching of any of these ores, whether it is now classed as a direct smelting or as a concentrating ore, is much greater than is possible by either direct smelting or concentration.

* * * * * * *

The work now is all on the surface and largely by steam shovels. The idea of putting a steam shovel into 20 per cent ore is something of a surprise to an American engineer.

* * * * * * *

Developed ore * * * estimated 68,000,000 (metric) tons, containing 4,500,000 tons of copper, or an average of 6.62 per cent.

* * * * * * *

SULPHURIC ACID LEACHING ADOPTED

When I began my work with the Union Miniere my principal study was the treatment of low-grade ores. At that time they were treating nothing under 15 per cent, doing selective mining and putting such lower grade ores as it was necessary to mine on the dump.

The result of that investigation was a recommendation of sulphuric-acid leaching, which was adopted by the directors, and I was told to draw plans for that plant. * * * Conditions were very difficult at that time; * * * doubtful about getting the material for a leaching plant, * * * so concentration was proposed, and finally a concentrator was built at Panda, and is now operating.

The concentrator was designed for a nominal capacity of 3,600 metric tons a day; it is actually operating at a rate of 4,000 to 4,500 tons per day. It takes ore of 7 to 10 per cent and makes concentrate carrying 20 to 26 per cent, the tailings run 4½ to 5½ per cent, and are impounded for future treatment. Recovery is only 45 to 60 per cent. * * * The finer concentrate is separated from the coarse; part of it is now being sintered and then to the blast furnaces, and a part is smelted in a reverberatory furnace, one of which has recently been put in operation. This is of some interest, in that it is a reducing operation, smelting metallic copper direct from the ore.

The company's production began in 1911 with an output of about 1,000 metric tons.

* * * * * * *

The ultimate process will undoubtedly be leaching; in fact, the company has never, since 1916, when it first adopted that plan in principle, gone back on that decision. It adopted concentrating merely for expediency and continued its smelting operations.

That leaching plant will be whatever they want to make it as to capacity. The ores are there. It will profitably treat anything down to 3 per cent, and it will treat any of the prevailing classes of ore with a greater recovery and at less cost than any other method. We can make an extraction of 97 to 98 per cent, according to the grade of the ore, and the final recovery depends upon the care exercised in washing the tailings.

* * * * * * *

As further corroboration of the foregoing, there appears within the January 2, 1926, issue of Engineering and Mining Journal Press regarding Union Miniere leaching details the following:

* * * * * * *

The expectation is to use half a pound of acid per ton of ore.

* * * * * * *

Three electric furnaces are used principally to reduce cobalt-copper ores, making a copper-cobalt-iron alloy which is sent to Antwerp for refining. At the time of our visit two of these furnaces were reducing a 25 per cent copper concentrate, getting a 97 per cent metal and a 2 to 3 per cent slag. The energy consumed in this operation is 700 kilowatt-hour per ton of copper produced.

* * * * * * *

Nevertheless, the mines will not be on a proper footing, and can not be exploited satisfactorily, until the more adequate metallurgical equipment now under construction has been provided. Here I may make note of the fact that the equipment is defective partly because it was assembled hurriedly during the war at a time when it was extremely important to produce copper for the making of munitions; in short, the technical efficiency of the plant was sacrificed, measurably, to the urge for aiding the great cause to which Belgium was so courageously committed. (Nor, I may add, is rich ore conducive to technical precision of method.)

* * * * * * *

* * * but even more tinged wth sadness is the fact that the greens are made of pulverized slag containing 3 per cent of copper. Even to a pseudometallurgist like myself it was positively tragic to play the little innocent white ball over slag so rich in copper.

* * * * * * *

Power is to be developed at the falls of the Lufira River. The ore may require agitation before leaching, on account of its clayey ingredients, and this may entail larger vat capacity, as well as a greater consumption of power, than either at Ajo (New Cornelia Copper Co., Arizona) or Chuquicamata (Chile Copper Co., Chile).

[NOTE.—The company names inserted by R. H. C.]

* * * * * * *

The new leaching plant is expected to yield 30,000 to 35,000 tons of copper per annum, and this plant is to be trebled in due course, so that eventually 100,000 tons of copper is to be obtained by leaching, with as much more by concentration and smelting. The refinery now being built at Hoboken, near Antwerp, is to treat 40,000 tons of metal per annum. * * * The Belgians look upon the Union Miniere as a national undertaking, which in part it is financially, and they do not seek assistance outside their own people.

* * * * * * *

In analyzing the foregoing statements we are arrested by the following points:

First. That there seemingly is no question but that the most efficient and low-cost method for treating the Katanga ore is by leaching the ore with sulphuric acid, the same method as used by the Chile Copper Co. and the New Cornelia Copper Co.

Second. Mr. Wheeler states that the plant capacity can be whatever size desired. "The ores are there." In the last article quoted aforegoing we note that they even now are contemplating an output aggregating 400,000,000 pounds of copper per year. Considering their enormous reserves, also the high grade of the ore, 6.7 per cent, likewise the ease of mining same, this present contemplated output whenever desirable can readily be increased to 900,000,000 pounds per year.

Third. Mr. Wheeler states that 3 per cent ores can be profitably leached, with a 97 per cent extraction. With copper at 13 cents—the prevailing price for 1924—we have a gross value of $7.57 for a 3 per cent ore. Assuming that the profit of this 3 per cent ore offsets the additional freight and selling costs, due to the increased copper poundage of the higher-grade ore, we find for the average 6.7 per cent Katanga reserve ore a cost of 5.82 cents per pound, based on a 97 per cent extraction.

This cost compares with the deductive cost of 5.23 cents per pound derived when comparing the New Cornelia copper cost with the probable Katanga copper cost.

This cost likewise compares with the 6-cent cost stated by me in my April 9, 1926, remarks.

(7) DATA PERTAINING TO CHILEAN COPPER AREAS

The following information is the most recent I have been able to obtain as to the Chilean copper areas. It was secured from the Engineering and Mining Journal-Press:

* * * * * * *

CHILE COPPER CO.

(January 16, 1926, p. 125)

This construction program initiated in 1923 was practically completed during 1925. This program provided for the "round out" of the plant so as to assure an annual capacity of 240,000,000 pounds of copper. Early in 1925 additional plant extensions were decided upon. These extensions will increase the capacity to 350,000,000 pounds annually. Construction work under this latter program has been carried on, and it is expected that the new equipment will be ready for operation in the early part of 1927.

* * * * * * *

The Andes Copper Mining Co., a subsidiary of Anaconda, is engaged upon a construction program at Potrerillos. A metallurgical plant is being built and preparations for opening the mine are under way, about 5,000 men being employed. It is expected that operation on a production basis will take place in the early part of 1927.

* * * * * * *

The Braden Copper Co. had another good year and will make about the same production in 1925 as was made in 1924. * * * The company mined 4,223,856 tons of ore, averaging 2.84 per cent copper, in 1924.

* * * * * * *

(May 22, 1926, p. 869)

Incidentally, a potential producer is Anaconda's child, Andes copper, which should be ready to contribute 190,000,000 pounds in 1929 and part of that in 1927.

* * * * * * *

The foregoing denotes that the Chile Copper Co. is now increasing its annual capacity about 50 per cent, namely, to 350,000,000 pounds of copper.

Also, that a production of 190,000,000 pounds of copper per year will soon be forthcoming from the Andes Copper Co. area.

With Braden Copper Co. now producing 190,000,000 pounds, we are now confronted with an annual production of 730,000,000 pounds from the Chilean copper reserve.

They can readily expand this production 50 per cent, or to 1,100,000,000 pounds annually whenever desirable, as stated in my April 9, 1926, remarks.

It is absurd to claim that all this increased Chilean production is for any other than our domestic market. Africa's huge production increase will more than care for Europe's requirements.

The large importation increase from Chile the past decade affords ample evidence as to the route this increased production will take. It will flow into all our domestic ports with ever-increasing volume unless checked by an adequate tariff.

(8) DATA PERTAINING TO KATANGA COPPER AREA

The following information is the latest I have been able to secure regarding operations within the Katanga copper area. It was obtained from the Engineering and Mining Journal-Press:

* * * * * * *

(January 16, 1926, pp. 127, 128)

In 1925 the Belgian Congo was first as a world producer of radium, second as to diamonds and cobalt, third as to copper, and about twelfth as to gold.

* * * * * * *

On January 1, 1925, there were 11,539 whites in the colony, of whom 6,857 were Belgians.

* * * * * * *

Congo, like other African colonies, needs better transportation, and of the $50,000,000 derived from the Belgian bonds floated in the United States in June approximately one-half was to be advanced for the construction or improvement of public works.

* * * * * * *

The Union Miniere du Haut Katanga * * * produced somewhat over 90,000 metric tons of copper in 1925, an increase over the 1924 production of 5 per cent.

* * * * * * *

The increasing importance of the company, particularly during the last year, has drawn the attention of the copper world to its operations.

* * * * * * *

On January 1, 1925, the reserves were 74,686,600 tons of ore, averaging 6.69 per cent copper, equivalent to 4,998,000 tons of metal. The staff numbers 1,350, and 14,000 blacks are employed, 50 per cent being Rhodesian natives.

* * * * * * *

In 1924 most of the copper was shipped via Beira, but about one-tenth went out of the colony by Dar-es-Salaam.

* * * * * * *

In February, 1925, new securities were issued, netting the company about $7,500,000. This money will be used in erecting leaching works * * * and furnace plant * * *. Work was started on these in 1925. To generate hydroelectric power at Lufira Falls to run these works, the Societe Generale des Forces Hydroelectriques du Katanga, capital 75,000,000 francs, was formed in November. The capital interested is closely allied to that in the Union Miniere. In 1924 the Union Miniere paid a dividend of 150 francs per share, 138 francs free of income tax.

* * * * * * *

The shares of the Tanganyika Concessions, which holds a subtsantial interest in Union Miniere, during 1925 advanced decidedly in the stock market, due in part, it is said, to American buying. Incidentally, Americans are reported to have bought some Union Miniere shares. In March the former company increased its capital by an issue of 2,000,000 shares, 1,500,000 of which were offered to old stockholders at 22s. each. The money received was to be used in constructing the Benguela railroad and to take up its proportion of the new Union Miniere shares issued at the same time. In July, for the first time, the ordinary shares received a dividend (1s. a share).

The Societe Generale Metallurgique de Hoboken, which refines much of the metallic product of Katanga, increased its capitalization from 28,000,000 to 40,000,000 francs in 1924, the Union Miniere continuing its large interest therein.

* * * * * * *

(May 29, 1926, p. 884)

* * * * * * *

The electrolytic copper refinery in erection at Ooleh (Belgium) by the Societe Generale Metallurgique de Hoboken, in conjunction with

the Union Miniere, will have a capacity of 80,000 metric tons per annum.

* * * * * * *

Owing to the increasing employment of machinery, the number of workers employed does not increase in proportion to the production; in 1925 the production of copper was 90,000 metric tons and the number of natives employed totaled 14,000, compared with 30,000 metric tons of copper and 12,000 natives in 1921.

* * * * * * *

It appears from the foregoing that conditions are excellent within the Katanga area—ample funds are available for building leaching works, hydroelectric plant, Benguela railroad, and refineries; dividends were also paid.

It will also be noted that Americans are reported to have acquired shares of the Union Miniere and the Tanganyika Concessions companies. This denotes that these foreign copper companies will undoubtedly also have associated with them some of the leaders of our domestic copper-mining industry. Our domestic copper miner can expect such American investors to oppose his demand for an adequate tariff protection. It will be most interesting to note the degree and the form of the opposition manifested by these investors to a copper tariff. Just how far they are willing to go in crushing our domestic industry in order to obtain maximum profits from their oppressed foreign labor area investments.

It is not believed that they will exercise restraint or maintain an attitude of neutrality as foreign investors should. It is probable that their identity as leaders will stand clearly revealed when they openly champion the policy of free-trade copper, which as a policy can only benefit the destroyers of our domestic copper-mining industry.

(9) DOMESTIC FABRICATED COPPER VALUES

Fabricated copper products are protected. This industry does not meet unrestricted foreign competition. Their raw resource, namely, copper, is on the free list.

Extended data will not be submitted as to the great increase in all fabricated products to-day when compared with their value 30 years ago. I shall merely present the increase of certain foundational details—such as wire, sheets, and so forth—not the fabricated products more directly used by the consumer.

Referring to Engineering and Mining Journal-Press, page 183, January 23, 1926, we find the following:

* * * * * * *

Brief financial records of the leading wire and brass companies showed that their profits were, without exception, far above those of most copper producers.

* * * * * * *

A tabulation of the differential between the price of crude copper and the price of wire, sheets, and other copper and brass products, taken from Mining Journal-Press quotations over a term of years, gave an indication of what the manufacturing profits must be. "For instance, beginning with 1912, the differential on sheets for each succeeding year was as follows: 5¾ cents, 7½, 7¼, 5¾, 7⅜, 16, 8, 14, 10⅝, 8½, 7¾, 7⅝, 8¼, 8⅛, and on January 12, 1926, 8⅜ cents. The current differential on wire was 2⅛ cents, though the manufacturing cost was said to be about 1 cent. The spread on copper bottoms was 18⅜ cents.

(10) COPPER SHARE VALUES

The value of an industry is represented in the share values of the leading companies operating therein.

It is of interest to note the buoyant tone of foreign copper shares and the gloom surrounding our domestic copper shares:

(A) FOREIGN COPPER SHARES

Taken from Engineering and Mining Journal-Press, page 750, May 1, 1926:

OPPORTUNITIES IN BRITISH COPPER SHARES

The speculator who wishes to indulge his fancy in copper shares must turn to the new African fields, says the Statist, a London financial paper. The Tanganyika and Rhodesia areas are undoubtedly destined to become ultimately challengers of the United States' supremacy among copper producers of the world. The Union Miniere output for 1925 was slightly lower than the 1924 production, but this is not to be taken as evidence of an incipient decline. The company's ore reserves have as yet scarcely been touched; they have been calculated at nearly 5,000,000 tons of copper. Any increase in the dividends paid by this company will be reflected in an appreciation of the shares of Tanganyika concessions, which is largely interested in the Belgian company.

Two Rhodesian companies, whose shares should appeal as speculative lock-ups, are the Bwana M'Kubwa and the Kafue Copper. The former has proved the existence of a very large body of low-grade ore on its properties. * * * The Kafue Co. owns properties in northern Rhodesia. * * * Prospecting work has been carried on over areas adjoining the company's properties and would seem to indicate the existence of valuable bodies of ore.

(B) DOMESTIC COPPER SHARES

Taken from Engineering and Mining Journal-Press, page 154, January 23, 1926:

* * * * * * *

In the annual review number of Mining Journal-Press—the issue of January 16, 1926—was published the usual tabulation of mining-stock prices during the last year, and for the first time the net change for the year was also included. Of 52 copper companies, the share quotations of 41 were less on December 31, 1925, than on the same date of 1924, only 11 being quoted higher. This does not indicate much optimism by investors as to a marked improvement in the copper market and, compared with the prices of industrial securities, shows a marked aversion to invest in the stocks of copper producers as a group. Quite a different story is exhibited by the lead and silver-lead groups, in which 17 stocks show an increase and only 7 declined, though the price of lead was 9¼ cents at the end of 1925, compared with 9.70 cents a year before. Apparently no serious reaction is expected to affect this group. Gold mines also seem to be well considered, for of 25 companies the shares of 19 advanced during the year. The continued favorable development of the northern Ontario mines helped this group. In the straight silver group the shares of 7 companies advanced and those of 5 declined, and of the iron and steel companies, 9 were considered more valuable and 8 less so. All the shares of the specialty group, embracing asbestos, sulphur, vanadium, diamonds, and platinum advanced, and of the mining, smelting, and refining companies, advances were registered in seven out of the eight companies in the group. Plainly, custom smelters are expected to do well.

Copper companies, therefore, are the only ones in which the investing public is disappointed. It has hoped for fancy prices too long, and too many interviews have been printed in which some president or chairman says the European demand must soon be enormous; that domestic demand is unprecedented; that stocks are insignificant; and that higher prices must of necessity result within the next six weeks. "The price should be firmly at the 15-cent level in 30 days" is a favorite expression, and yet the fireworks never explode.

* * * * * * *

The foregoing article emphasizes the lethargy within our domestic copper-mining industry when compared with all the other metal-mining and metal-fabricating industries. All these other domestic metal industries except gold and silver are protected. Copper is the only metal on the free list.

(11) DECLINE OF THE DOMESTIC COPPER-MINING INDUSTRY

It is very evident that something serious has happened within our domestic copper-mining industry the past decade.

Arizona produces about as much copper as all the other States combined. Hence a study of her economic factors should convey an idea as to actual conditions within the other copper-producing States.

The following data obtained from the Engineering and Mining Journal-Press, page 736, May 1, 1926, will convey an idea of the serious decline within the copper areas of Arizona the past few years:

TWENTY MINES ON TAX ROLLS OF ARIZONA

In 1912 there were 82 producing mines on the tax rolls of the State of Arizona. Many of these mines are now worked out and closed. Other mines are unable to operate at the present price of copper, and some of them have been closed for five or six years.

In 1918 there were 46 producing mines on the tax rolls of the State. The producing mines in the various counties have decreased as follows:

	1912	1926
Cochise County	16	7
Gila County	12	5
Greenlee County	7	1
Maricopa County	2	0
Mohave County	10	0
Pima County	15	3
Pinal County	6	2
Santa Cruz County	3	0
Yavapai County	9	2
Yuma County	3	0

This reduction in the number of mines does not tell the whole story. Of the mines now operating, four have not paid dividends since 1920. Three have not paid any dividends since 1919. One of the largest companies in the State has paid only two dividends since 1921 and another of the large companies has paid only three dividends of 50 cents each per share since 1920.

The foregoing conveys an idea as to the depression within the developed copper areas. When consideration is given to the fact that hundreds of our undeveloped copper districts are virtually abandoned—no explorations being carried on therein—the real seriousness of the situation stands revealed.

Money can not be obtained to explore these potentially valuable areas, hence no new ore reserves are being developed.

This domestic development money is seeking the vaster profits within the cheap-labor areas of South America and Africa, claiming that our domestic copper, due to higher wages, higher transportation and supply costs, plus a lower grade product (ore), can not compete with the foreign product.

The foregoing high-cost factors are undoubtedly true as to our domestic copper-mining industry, yet equivalent high-cost factors universally prevail within all the other important industries within our homeland.

The basic reason for our industrial supremacy is due to protecting domestic industry within our home market, thereby compensating for this higher cost differential—maintaining domestic industries—not permitting their destruction through unlimited importations, duty free, of the cheap-labor products of foreign lands.

Our domestic copper miner is not seeking to tear down the economic barrier now encircling and protecting millions of his industrial brothers; all he seeks is equality and justice. He is pleading for protection, thereby permitting him to survive industrially.

SUMMATION

The foregoing cost details for the Chile and Katanga copper areas undeniably prove—

(1) Lower transportation cost than our domestic cost for copper delivered not alone to our domestic ports but likewise all foreign ports.

(2) Lower transportation cost for supplies, likewise much cheaper cost supplies than for supplies used within our domestic copper areas.

(3) Vastly less labor cost when compared with the labor cost prevailing within our domestic copper areas.

(4) Less mining cost, due to a lower wage, supply, and transportation cost, plus higher grade of ore mined.

(5) Less leaching cost, due to a lower wage, supply, and transportation cost, plus higher grade of ore treated.

(6) That all these principal subdivisional low-cost factors denote that Chilean and Katanga copper can be delivered at New York at a cost price not to exceed 6 cents per pound.

(7) That Chilean and Katanga copper can be delivered in any European port at 6 cents per pound.

(8) That our domestic copper, which costs about 12 cents per pound at New York, as outlined in my April 9, 1926, remarks, and more than this delivered at European ports, can not compete either within our domestic market or abroad with this low-cost foreign-produced copper.

CONCLUSION

In view of all the foregoing factors, plus the factors outlined in my April 9, 1926, remarks, there is no question but that the Chilean and Katanga reserve copper poundage, upon completion of efficient operating facilities, can produce 2,000,000,000 pounds of copper per year, deliverable at New York or any foreign port at a cost not to exceed 6 cents per pound.

This statement means that our domestic copper, which costs about 12 cents per pound to produce, can not meet either foreign or domestic competition under the foregoing cost and greater production conditions whenever these foreign producers desire our markets.

Attention will also be directed to the fact that these foreign producers have already taken over the foreign market and are rapidly—not too rapidly, however, in order to avoid the open hostility of our purely independent domestic copper producers—invading our domestic market as well.

The independent copper producer, operating under this foreign manipulative economic handicap, is doomed, and nothing but immediate efficient protection will permit him to survive industrially.

I challenge these dual controllers and any other champion of free-trade copper to submit an analytical detailed rebuttal of the foreign cost and production factors which are rapidly destroying our purely independent copper producer, as cited by me to-day, also on April 9, 1926.

It would indeed be most interesting to review any answer they might attempt to offer in reply thereto.

ROUND-UP COLLEGE OF PRICE FORECASTING (S. DOC. NO. 136)

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of Agriculture, which will be read.

The legislative clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, June 26, 1926.

The honorable the PRESIDENT OF THE SENATE.

SIR: In response to Senate Resolution 260, based upon a news item in the Chicago Tribune, I make the following report:

At no time have I been connected in any capacity with the College of Scientific Price Forecasting.

Mr. J. Ralph Pickell did extend an invitation to me to speak at his school on June 11, and my office tentatively accepted in connection with a proposed trip I had planned to Chicago at that time. In finally considering this proposed trip I found that my work was such that it could not be undertaken, and, on June 1, all tentative invitations incident to it were canceled.

I am not at all familiar with the announcements made relative to this engagement. As stated, I have never had any connection whatsoever with this school, and am not aware that the tentative acceptance of the invitation had caused me to be listed as a member of its faculty. I have never met Mr. Pickell and have never accepted a cent from him.

It is my understanding that this school was established several years ago for the purpose of studying price trends and statistical methods of forecasting prices. I am informed that it has no connection with the grain exchange. Had I fulfilled the canceled engagement I would have discussed the statistical work of the Department of Agriculture, the regulation of grain marketing under the grain futures act, and the reforms in grain marketing adopted by the several grain exchanges during the past year at my suggestion, the details of which were worked out in cooperation with officials of this department. This information is of public interest and of a character which the Department of Agriculture is eager to get before all persons in any way interested in grain marketing.

I do not believe that it is possible for the Secretary of Agriculture to forecast the future markets of grain, nor does he have information which would make this possible, and had I accepted the invitation to speak at this school I would not have attempted to discuss this topic.

Respectfully,

W. M. JARDINE, *Secretary.*

The PRESIDING OFFICER. The communication will lie on the table and be printed.

Mr. CARAWAY. Mr. President, I did not hear the first part of the communication of the Secretary of Agriculture which has just been read. Of course, I do not know anything about the Secretary's connection with the school, other than as it was carried in reputable newspapers. It was used, without question, to induce people to subscribe to the course and pay their money; and at the last minute the Secretary said he did not go, but Doctor Duvel did.

I will read a paragraph in The Round-up, a paper I have in my hand, without any knowledge of the character of the publication or the man who edits it. I take it for granted, however, that the Secretary was not without information that his name was being used as a member of the faculty of this school. I am sure the Secretary of Agriculture will not say that he was not made acquainted with the fact that he was being held out as a member of the faculty. I am sure that somebody would have informed him if he had had no connection with it.

In this article that I shall read, published in this paper of June 19, 1926—a publication issued at Chicago, entitled "The Round-up"; J. Ralph Pickell, editor; a weekly magazine of commodity forecasts specializing in grain, on page 21 I find this:

F. M. Russell, assistant to the Secretary of Agriculture, wrote me May 26 in respect to the address of the Secretary to be made to the students as follows: "As it stands now the Secretary plans to arrive in Chicago at 9 o'clock on the morning of June 11. In view of this fact I imagine that 11 o'clock would be a suitable time [for his address]. This would give us a two-hour leeway." At the last minute the Secretary found he could not come, but Dr. J. W. T. Duvel, grain exchange supervisor, United States Department of Agriculture, did come, and he did address the students on the evening of June 11, and he did tell us why the Secretary himself was unable to come.

I shall, of course, leave each to draw his own inferences. Before I conclude I should like to have the communication that was read.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield; yes, sir.

Mr. SHIPSTEAD. This Mr. Duvel is the man in charge of the grain administration?

Mr. CARAWAY. Why, of course.

Mr. SHIPSTEAD. Whose business it is under the law to see to it that there shall be no manipulation of prices?

Mr. CARAWAY. Oh, I would not say that. That was presumed. Doctor Duvel, as I understand—and I recall very well when he appeared before the Committee on Agricul-

ture and Forestry—is the man in charge of this part of the powers granted by Congress to the Secretary of Agriculture to regulate grain markets—I do not know that I want to use the word "regulate"—to formulate the rules and regulations and to supervise the activities. He has the right to prescribe the rules and to prescribe the manner in which grain speculators should keep their books and conduct their business.

Mr. SHIPSTEAD. And enforce the law as enacted by Congress.

Mr. CARAWAY. The Secretary is charged with it, and Doctor Duvel is his agent.

The Secretary said, in his reply:

Mr. J. Ralph Pickell did extend an invitation to me to speak at his school on June 11, and my office tentatively accepted in connection with a proposed trip I had planned to Chicago at that time. In finally considering this proposed trip I found that my work was such that it could not be undertaken, and on June 1 all tentative invitations incident to it were canceled.

I feel sure that the Secretary knew about this, because I do not think that a news item under a headline like that which appears in the Chicago Tribune of May 29, in which it was announced that the Secretary had become a member of the faculty of this school, that he would impart this information to certain pupils who had paid $50 apiece in advance, and that this information was to be imparted to them behind closed doors escaped the Secretary's notice.

It was used, without question, to induce people to become pupils in that school, because they were to be told by the Secretary of Agriculture himself that there were means of defeating or evading the rules, and make successful speculation possible. The Secretary says that on June 1 he withdrew his tentative acceptance. His invitation came from Pickell, this man who was a promoter of this school in gambling in grain. The Secretary says that he was to address these students, who were brought there to be shown how to "beat the game" on the exchange, the regulation of which the Secretary had prescribed. He says:

I am not at all familiar with the announcements made relative to this engagement. As stated, I have never had any connection whatsoever with this school, and am not aware that the tentative acceptance of the invitation had caused me to be listed as a member of its faculty. I have never met Mr. Pickell, and have never accepted a cent from him.

It is my understanding that this school was established several years ago for the purpose of studying price trends and statistical methods of forecasting prices. I am informed that it has no connection with the grain exchange. Had I fulfilled the canceled engagement, I would have discussed the statistical work of the Department of Agriculture, the regulation of grain marketing under the grain futures act, and the reforms in grain marketing adopted by the several grain exchanges during the past year at my suggestion, the details of which were worked out in cooperation with officials of this department. This information is of public interest and of a character which the Department of Agriculture is eager to get before all persons in any way interested in grain marketing.

If it is a matter of public interest, I wish to ask the Secretary why he was to deliver his speech to people who had paid $50 each to be permitted to hear him, and that behind closed doors.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. CURTIS. Does not the Senator assume too much in that?

Mr. CARAWAY. No; I do not.

Mr. CURTIS. May it not be a mistake that the Secretary knew of a fee being charged, and knew that the lecture was to be behind closed doors?

Mr. CARAWAY. I think not. This school had been going on, the Secretary says, for some time, so he knows about the school. On the 29th day of May, 1926, there appeared in the Chicago Tribune a story which I read into the RECORD on yesterday and which appears on page 11937.

The story was, in effect, that the Secretary of Agriculture was one of 20 members of the faculty of this Round-up College for Scientific Forecasting of Grain Prices, and that he would appear and teach his class on the 11th; that the class would consist of 500 men—grain brokers doctors, lawyers, and other folks; that the school was to be conducted behind closed doors in the Congress Hotel; and that these men had paid $50 each in advance as tuition. That was published under rather large headlines, and I submit that that matter did not fail to come to the attention of the Secretary of Agriculture. In the first place—though I may be in error about it, because I am not familiar with newspaper ethics, and sometimes I have been entirely unable to understand them—I take it for granted that the paper would not have published the article without having some responsible foundation. It went all these days without any denial. I am perfectly willing to be more than fair with the Secretary of Agriculture, because I think he is entitled to whatever reputation he has left.

It seems to me, in the first place, to be unthinkable that the newspaper would have published that if it had not had some assurance of its accuracy. It is unthinkable that that newspaper, friendly to the administration, would publish a statement that the Secretary of Agriculture, one of the President's Cabinet members, was to appear in a school of this kind and teach, if it had no foundation.

This item which I read before the Senator from Kansas came in appears in this publication, called "The Round-up." I am not familiar with the publication, but it says that—

F. M. Russell, assistant to the Secretary of Agriculture, wrote me May 26 in respect to the address of the Secretary to be made to the students as follows—

If that is not true, the Secretary knows it is not true. He has the files, certainly, in his own office, which he could see—

As it stands now, the Secretary plans to arrive in Chicago at 9 o'clock on the morning of June 11.

That is the date at which it was advertised that he would teach his course to these budding gamblers, behind closed doors, these would-be gamblers who had paid $50 each in advance for the privilege of being told how to manipulate the grain market, which has been robbing the producers of this country for half a century. Continuing from the letter of the Assistant to the Secretary of Agriculture:

In view of this fact, I imagine that 11 o'clock would be a suitable time. This would give us a two-hour leeway.

That is the end of the quotation. Then the article continues:

At the last minute the Secretary found he could not come, but Dr. J. W. T. Duvel, grain exchange supervisor, United States Department of Agriculture, did come, and he did address the students on the evening of June 11, and he did tell us why the Secretary himself was unable to come.

All that information, including the fact that Doctor Duvel addressed the students, may have been unknown to the Secretary of Agriculture. It may be that he was held out to be a teacher in a school whose purpose was to teach people how to gamble on the grain exchanges and "beat the game," in the language of the street. It was so advertised in large headlines in one of the leading newspapers in America. It never has been denied. At the last minute he did not go, but Doctor Duvel did go, and the fact that he was connected with it was used in the first place to procure students, without question, and in talking about the success of that school, and saying that pupils were so pleased with it.

In this magazine appeared a double-page statement that they were going to have another school. The advertisement was headed:

Three-day June school, Chicago, 1927, June 9, 10, 11, 1927.

They were going to limit the pupils this time to 1,000, Pickell basing his right to be thought to be the greatest teacher of gambling in the world because of his success in the June school. I want again to call attention to what appears on page 26 of the magazine:

College of Scientific Price Forecasting, Chicago, October–November, 1926.

I am skipping some of the things, but he says:

If you have not made your tentative reservation for this course, write me now. Do not send any money.

During the June school just concluded 27 of those present met in a special session with me, attesting their purpose to attend the fall college.

I told them precisely the same thing I am going to tell you.

The next session will be just as different from any previous school as the June school was different and infinitely better than any we have ever held before.

Then he assures all prospects that this is to be a gambling school, and none can enter unless he has a thousand dollars, and younger sons are not wanted:

We want men who are men, and if we can not teach you to beat the game more than 51 per cent, we are a failure, and we are willing to put our reputation to the test.

If the Secretary finds it convenient to ignore all those facts, and stand on his indefinite reply, I shall accept his reply.

All I know about him is what his friends have said about him, and what they have said about him was that they were not surprised when they read the article.

Mr. President, I shall conclude my remarks with reference to the Secretary of Agriculture by repeating what I said a moment ago, that if he is satisfied to pretend that he had no information as to how his name was being used, if he wants to rest his reputation and shake what little confidence yet remains in the grain exchanges by letting it stand at that, I shall permit him to do so. But it strikes me that if he were not accepting a place as instructor in that school, and did not authorize his name so to be used, he would demand of Pickell and of the Chicago Tribune an explanation. The country ought to know, and I think possibly the Secretary will find it would have been wise to have told them. He does not seem to be at all astonished, or does not seem to be at all offended, that this man held him out as an instructor in his school, a school of the character described. With that, however, I am through.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On June 24, 1926:

S. 970. An act for the relief of Th. Michaelsen; and

S. 3055. An act for the relief of Lawford & McKim, general agents for the Employers' Liability Assurance Corporation (Ltd.), of London, England.

On June 25:

S. 44. An act for the relief of Alice M. Durkee;

S. 45. An act for the relief of Yvonne Therrien;

S. 248. An act for the relief of the Central National Bank, Ellsworth, Kans.;

S. 492. An act for the relief of Swend A. Swendson;

S. 1119. An act to transfer jurisdiction over the United States reservation No. 248 from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia;

S. 1631. An act for the relief of Capt. Edward T. Hartmann, United States Army, and others;

S. 1662. An act for the relief of Francis Nicholson;

S. 1726. An act for the relief of the Atlantic & Caribbean Steam Navigation Co.;

S. 1747. An act for the relief of the estate of Henry T. Wilcox;

S. 1821. An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests;

S. 1828. An act for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy;

S. 3049. An act for the relief of Mrs. M. McCollom, Margaret G. Jackson, and Dorothy M. Murphy;

S. 3200. An act to confirm the right, title, and interest of the Peoples Investment Co. (Inc.), of the State of Louisiana, in certain lands; and

S. 4482. An act to increase the limit of cost of submarine tender *No. 8*, and to authorize repairs and alterations to the U. S. S. *8*–48.

On June 26:

S. 7. An act to authorize the cancellation and remittance of construction assessments against allotted Paiute Indian lands irrigated under the Newlands reclamation project in the State of Nevada and to reimburse the Truckee-Carson irrigation district for certain expenditures for the operation and maintenance of drains for said lands;

S. 3545. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof;

S. 4138. An act granting the consent of Congress to the State Highway Department of Georgia to construct a bridge across the St. Marys River;

S. 4267. An act to extend the time for commencing and completing the construction of a bridge across the Pend d'Oreille River, at or near the Newport-Priest River road crossing Washington and Idaho; and

S. 4293. An act granting the consent of Congress to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct a bridge across the Missouri River.

EXPENDITURES IN ILLINOIS PRIMARY ELECTION

Mr. CARAWAY. Mr. President, the country has been shocked by the enormous expenditures made in the recent Pennsylvania primary. Charges of corruption have also been made concerning the Illinois primary election. The committee of the Senate now engaged in these investigations are rendering a most valuable service.

I have been told that in Illinois not only were vast sums of money used but positions of public trust were debauched to procure contributions and influence votes.

Recently the mayor of Chicago appeared before a committee of the Senate to defend the reputation of his city against the charges of corruption and crime which were being made by Chicago citizens of influence, some of whom were in public office. Some rumors that have come to my ears have led me to believe that the conditions in Chicago have their root and foundation in the political practices that prevail and control in that city.

I have made some investigation of the political methods and practices that exist in Illinois, and if my information is correct, this body ought to be advised of the facts and take cognizance accordingly.

I was somewhat impressed with the Illinois situation in 1920, when Frank O. Lowden was governor, with a fine and high type of business organization about him. Opposed to him was "Big Bill" Thompson, then mayor of Chicago, and a bunch of professional politicians, including Len Small, Fred Lundin, and Frank L. Smith. The anti-Lowden gang succeeded in making Small the Governor of Illinois, just missed making Smith their United States Senator, and Thompson and Lundin became chief patronage dispensers.

Governor Small made Smith the chairman of the public utilities commission, the most powerful body in the State, with jurisdiction over billions of dollars of property employed in the public service. The present senior Senator from Illinois was the head of one of the largest utility corporations in the State, and Samuel Insull was the real utility monarch, who is reputed to have poured millions into primary and election campaigns in the last few years. I am told that his contributions have not been always made willingly, but as he operated utility properties with a gross income of over a hundred million dollars a year, he found it more profitable to "come across" whenever he was asked than to refuse to pay and take the chance of losing millions in decreased rates at the hands of unfriendly public officials.

I have been astonished to learn that the successful senatorial candidate in the recent Illinois Republican primary held on to his job as chairman of the utilities commission throughout his primary campaign and will do likewise during the campaign for the election this fall.

Small, with the aid of his Chicago crowd, including the State's attorney of Cook County, of which Chicago is the seat of government, the Chicago Sanitary District, whose board is appointed by the governor's Chicago machine, was reelected Governor of Illinois in 1924, notwithstanding the supreme court has decided he owes the State over a million dollars in interest on funds which he had collected and retained on State money he had unlawfully used for his own gain while it was in his custody as the treasurer of the State. I have been told that money was one of the chief commodities of trade and commerce in Illinois during the recent Republican senatorial campaign. The unsuccessful candidate is charged with the expenditure of a million dollars, and the successful candidate it is claimed distributed at least twice as much.

It is openly charged that being chairman of the utilities commission, the successful candidate received enormous contributions from the heads of the public utilities of the State; that Samuel Insull, either individually or through his utility organization, contributed over $500,000; I have heard that a man named Messer—and, incidentally, I think he is the fat-frying member of the party of my distinguished friend, the senior Senator from Massachusetts [Mr. BUTLER], chairman of the Republican National Committee—claiming direct authority from Insull, offered nearly a hundred thousand dollars in advertising to the foreign newspapers of Chicago in return for their supporting Smith for Senator. I have been told they declined to sell out, but I want to know the truth about it. It is said that contemporaneous with the issuance of orders by the utilities commission affecting certain public utilities large contributions flowed into the Smith campaign war chest; that a utility deal involving about twenty millions of property drew from the interested bankers, E. H. Rollins & Sons, more than a hundred thousand dollars into the hands of Allen Moore, Smith's campaign manager.

I want the committee to compel Allen Moore to tell how much he received in contributions to Smith's campaign fund and from whom he received it, and what connection these people had with Illinois public utilities. I want to know how much money was given to John Walker and Frank Farrington, the men who are said to have handled the labor vote in Illinois; I

want to know how much was spent in maintaining the palatial headquarters in the Congress Hotel in Chicago, which it is said were conducted on the scale of a national campaign, with traveling representatives going out all over the State displaying great quantities of currency, freely used to get votes.

I want to know whether the charge is true that an army of State pay rollers and a like army of Federal jobholders deserted their offices and at public expense went out into the highways and byways of Illinois to nominate a candidate for United States Senator. If it is true, as charged, that John Flanigan boasted of lining up the railroads and public utilities, many of whom he represented, to contribute to a senatorial primary fund, we want to know it as a part of our information in determining the course of railroad legislation in this body.

We want to know the truth concerning the operations of the Crowe-Barrett-Thompson-Small-Lundin-Smith combination to control Illinois politics.

We want to know who paid for all the newspaper advertising and billboard advertising, and what it cost.

A man by the name of Dan Schuyler is said to have spent vast sums to collect votes in the so-called colored wards and foreign-language groups in Chicago. I find only a few years ago this man Schuyler was under indictment for making false income-tax returns; that his real defense was that the money he was shown to have received from Insull and other corporation heads were really only contributions to the Thompson-Crowe-Barrett-Lundin campaign fund. Under a Republican attorney general the indictment against him was dismissed. If he is still engaged in the same business we want to know it. I understand the public utilities and railroads are his best clients, and yet he seldom appears in court or before any public tribunal.

It is charged that Governor Small's tax commission functioned very efficiently in the recent primary.

Also, that the use of money was not confined to the men. I am told Allen Moore's secretary, a man named Barnes, sent out checks to individual men and women of from $100 to $500, inviting them to visit the imposing headquarters in Chicago, and awed by the promise of easy money they sallied forth with vast sums to organize, organize, organize.

In the home county of the unsuccessful candidate it is claimed Moore's agent, named Lon Palmer, said he had unlimited funds and made displays of cash that called forth unusually heavy outpouring from the other side.

I believe it will be a good thing for Illinois, and especially for Chicago, if even part of the charges of corruption that are made are true, that the people become informed.

It is said the Republican Party in Chicago is a joke. It is simply a case of which faction has the most money. I do not want to see the Democratic candidate for Senator in Illinois laboring under the unfair disadvantage of competing with a Republican adversary who, under the Small régime, hangs onto the chairmanship of the commission which passes on all security issues and fixes the rates for all the utilities of the State, and who by reason of his position has it in his power to raise vast contributions of his public-service corporations. The opportunity for corruption can not be denied. We want the committee to find out how much it has been used. The people want all the facts.

THE LESSON OF THE CANTALOUPE

Mr. MAYFIELD. Mr. President, in this morning's Washington Herald there is an editorial entitled "The Lesson of the cantaloupe," which portrays so clearly and so truly the agricultural problem which confronts us in this country that I am going to read it into the RECORD. It reads as follows:

THE LESSON OF THE CANTALOUPE

Americans—chiefly eastern city folk—are now eating daily more than 3,000,000 luscious cantaloupes, the bulk of which come from California's famous Imperial Valley. It is worth our while to study the cantaloupe for a moment.

The grower, after seven months in raising it, during which he has had to carry overhead costs, pay irrigation fees, buy seed, fertilizer, and tools, and hire labor, can not move it unless he first guarantees the cost of crating, hauling to the railroad, packing, loading, freight, and commission man's share.

The commission man gets 15 per cent of what the retailer pays, which means he is paid a commission not only on what the grower gets, but also on the freight rate and on other handling costs. The higher the unnecessary intermediate expenses the greater his commission.

What does the grower get?

A standard crate contains 45 cantaloupes. It costs the retailer about $3.50. Of that $3.50 the commission man gets 52½ cents, loading costs 28 cents, the crate costs 20 cents, and the freight costs $1.40½, which leaves to the grower less than 2½ cents for the melon for which you pay 12½ to 25 cents.

Not one farmer in ten in Imperial Valley will make a living wage this season on cantaloupes. He is beaten down while you, the consumer, are beaten up during the food's march from farm to table.

A strong Federal-controlled cooperative marketing association could—and if wise would—reduce these intermediate tolls, thus giving the farmer more while making the consumer's price no higher, if not less.

Mr. President, that is the whole story of our agricultural problem in a nutshell. Last year the consumers of the Nation paid $21,000,000,000 for American farm products while the producers received only $7,000,000,000. The problem which confronts us, the problem which we must solve, is to enact some kind of legislation which will narrow this spread that exists between the producer and the consumer. So far as I am concerned, I am willing to stay here all summer working on legislation if we can possibly get together to enact a measure which will give the farmer more than $7,000,000,000 for his products and at the same time reduce the amount which the consumers of the Nation are compelled to pay.

AMENDMENT OF WORLD WAR VETERANS' ACT

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12175) to amend the World War veterans' act, 1924, which had been reported from the Committee on Finance with amendments.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Without objection, it is so ordered.

Mr. REED of Pennsylvania. I further ask unanimous consent that when the consideration of the bill is completed as in Committee of the Whole the clerk, without further motion, be authorized to correct any changes which may be necessary in section numbers.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will proceed to read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Finance was, on page 4, after line 15, to strike out:

The President is hereby authorized, in his discretion, to transfer to the jurisdiction of the United States Veterans' Bureau the tuberculosis hospital facilities of the Battle Mountain Sanitarium and the northwestern branch of the National Home for Disabled Volunteer Soldiers, and to transfer to the National Home for Disabled Volunteer Soldiers any facilities of the United States Veterans' Bureau not needed for hospital purposes but which are suitable for domiciliary purposes.

The amendment was agreed to.

The next amendment was, on page 5, line 11, after the word "*Provided*," to strike out "That where in the opinion of the director any guardian, curator, conservator, or other person is acting as fiduciary in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the wards, the director is hereby authorized to refuse to make future payments in such number of cases as he may deem proper: *Provided further*," so as to read:

SEC. 2. That section 21 of the World War veterans' act, as amended, is hereby amended to read as follows:

SEC. 21. (1) That where any payment under this act is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian, curator, or conservator by the laws of the State of residence of claimant, or is otherwise legally vested with the care of the claimant or his estate: *Provided*, That prior to receipt of notice by the bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: *Provided further*, That for the purpose of payments of benefits under Title II hereof, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State of residence of the claimant, the director shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

The amendment was agreed to.

The next amendment was, on page 6, line 17, to strike out "who, in the opinion of the director, is not properly executing the duties of his trust or," so as to read:

(2) Whenever it appears that any guardian, curator, conservator, or other person is not in the opinion of the director properly executing the duties of his trust or has collected or is attempting to collect fees, commissions, or allowances that are inequitable or are in excess

of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then and in that event the director is hereby empowered by his duly authorized attorney to appear in the court which has appointed such fiduciary and make proper presentation of such matters to the court: *Provided*, That the director in his discretion may suspend payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showing the application of such payments for the benefit of such minor or incompetent beneficiary.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to strike out:

(3) All or any part of the compensation or insurance, the payment of which is suspended under section 21 of this act as amended, may, in the discretion of the director, be paid temporarily to the person having custody and control of the incompetent, and all or any part of the compensation of any mentally incompetent inmate of an institution may, in the discretion of the director, be paid to the chief officer of said institution, to be properly accounted for and to be used for the benefit of such incompetent or inmate, or may in the discretion of the director, be apportioned to wife, child, or children, or dependent parents in accordance with regulations: *Provided*, That any part of such compensation or insurance which has not been apportioned may upon order of the director be held in a special account in the Treasury of the United States to the credit of such person, to bear interest at the rate of 4½ per cent compounded annually; such interest to be paid from the appropriation for military and naval compensation.

The amendment was agreed to.

The next amendment was, on page 9, line 24, after the word "same," to strike out "or" and insert "and may detail not more than 2 per cent of such professional personnel," so as to read:

SEC. 6. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 33, and to read as follows:

"SEC. 33. The director, in his discretion, may provide courses of instruction for the professional personnel of the bureau and may detail employees to attend the same and may detail not more than 2 per cent of such professional personnel to attend professional courses conducted by other than bureau agencies, and such employees in addition to their salaries shall be entitled to the payment of expenses incident to such detail, including transportation.

The amendment was agreed to.

The next amendment was, on page 10, line 25, after "(female)," to strike out "or women assigned to the Medical Department of the United States Army who served in base hospitals overseas," so as to read:

SEC. 7. That section 200 of the World War veterans' act, 1924, approved June 7, 1924, as amended, is hereby amended to read as follows:

"SEC. 200. For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct.

Mr. SHIPSTEAD. Mr. President, I send to the desk a substitute amendment for the committee amendment which has just been stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Minnesota will be stated.

The CHIEF CLERK. On page 10, line 25, in lieu of the committee amendment it is proposed to insert the following:

or women, citizens of the United States, who were taken from the United States by the United States Government and who served in hospitals overseas, or women of the Army Signal Corps who served with the American forces overseas.

Mr. SHIPSTEAD. Those words should be inserted after the word "female," in line 25, page 10.

The CHIEF CLERK. In other words, it is proposed to strike out the words "or women assigned to the medical department of the United States Army who served in base hospitals overseas," and to insert the words just read.

Mr. REED of Pennsylvania. Mr. President, I suggest to the Senator from Minnesota [Mr. SHIPSTEAD] that he modify his amendment to the amendment in that part of it which refers to women in the Signal Corps so as to make it read "women, citizens of the United States, who served with the Signal Corps."

Mr. SHIPSTEAD. Is not that the language which is in the amendment?

Mr. REED of Pennsylvania. I think not as applying to the latter portion of the amendment.

Mr. SHIPSTEAD. I inserted the provision as to women in the Signal Corps at the request of the Senator from Iowa [Mr. STECK]. I understood that he had consulted the Senator from Pennsylvania, and that that language was satisfactory to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. If the language were limited to "women, citizens of the United States," I would not have the same objection to it.

Mr. SHIPSTEAD. Very well, I accept the modification suggested by the Senator from Pennsylvania.

Mr. COPELAND. Mr. President, I favor the amendment to the amendment suggested by the Senator from Minnesota. The first portion of it involves 76 women who were assigned to the various base hospitals. They acted there as registrars, laboratory assistants, dietitians, and stenographers. The second clause of the amendment offered by the Senator from Minnesota involves 256 women who were taken from this country to serve abroad and rendered efficient service at telephone operators.

I am particularly interested in the women who served at the base hospitals. I had opportunity to know what their work was. When they went over they expected that they were to be militarized. They were subject all the time to military discipline, and in every sense endured the hardships, privations, and dangers of war. I trust that the amendment proposed by the Senator from Minnesota will be accepted by the committee.

Mr. REED of Pennsylvania. Mr. President, it is only fair to say that up to the present time resistance has always been offered to including any civilian in the benefits of the World War veterans' act. I realize the good service that was rendered by the 86 young women who went over to Europe and served in the base hospitals. Although they were not enlisted, they served there very faithfully and did good work. The telephone girls who were taken to American headquarters abroad also served well; I can see the reason for sympathy with their claim; but if we start this process, if we get away from the relief of the enlisted personnel and begin to take in civilians who did a little of the work over there, there is no telling where we shall stop. France was full of Y. M. C. A. workers, of Red Cross workers, of social entertainers, and people of that sort, all civilians doing a good work; it was most laudable work; but they were not fighting. I think we are embarking on a dangerous course when we depart from the principle of affording relief to those who were strictly in the Military Establishment. Most of the nurses abroad were enlisted in the Army Nurse Corps and in the Navy Nurse Corps; they have always been taken care of just as have the men. While I should like to take care of these young ladies, I think it is only fair that I call attention to the danger of indefinite expansion of these privileges and to the inclusion of the other civilians who worked in connection with the Army.

Mr. COPELAND. Mr. President, I would not for a moment reflect upon any soldier, either officer or private, who served in the World War, but many of those who enlisted never saw fighting, never saw active service in the ordinary military sense; they were assigned to do clerical work, important work, which had to be done. In exactly the same sense these young women who went over and served at the base hospitals did work which had to be done, which was a vital and essential part of the work of "winning the war"; and, Mr. President, had these young women not been there to render that service, enlisted men or officers of necessity would have been required in order to take care of those important offices and to perform that important work. So I am sure that Senators, when they give consideration to the merits of the case, will treat this small group of 76 women according to their just deserts. I notice the Senator from Pennsylvania said 86.

Mr. REED of Pennsylvania. I thought the number was 86, but perhaps the Senator from New York is correct.

Mr. COPELAND. Well, we will say that about 80 women rendered this service. They suffered the privations, they were

lodged in many instances in unsuitable quarters, and incurred all the dangers that enlisted men and officers who were assigned to a little different work than that of active service had to endure. So I certainly hope that Senators will take the view that these women should be given the consideration which the men have been thought entitled to receive.

Mr. SHIPSTEAD. Mr. President, I see the force in the argument of the Senator from Pennsylvania, but these girls in the Signal Corps, I am informed, thought they were in the military service, and after the war was over they were given membership in the American Legion, because the members of the American Legion assumed all the time that they were a part of the military force. They performed in large part the same kind of work that would have been done by the enlisted men in the Signal Corps of the Army. The women who worked in the base hospitals worked under the same standards as those in the enlisted corps of nurses. I should be the first one to uphold the contention of the Senator from Pennsylvania that those who work purely in civilian organizations, such as those enumerated by the Senator from Pennsylvania, should not come under the same provisions of the law as the enlisted personnel.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota as modified. Is there objection?

Mr. REED of Pennsylvania. I ask for a division.

Mr. COPELAND. Let us have a division.

Mr. WADSWORTH. Mr. President, I ask that the question be divided, and that a vote be taken first on that portion of the amendment of the Senator from Minnesota which relates to the women who served at the base hospitals overseas as distinguished from that part of the amendment which relates to the women who served as telephone operators.

The PRESIDING OFFICER. The Senator from New York requests a division of the question. The vote, therefore, will be taken on the first branch of the amendment to the committee amendment proposed by the Senator from Minnesota, which will be stated.

The CHIEF CLERK. In lieu of the committee amendment, it is proposed to insert the following:

or women, citizens of the United States, who were taken from the United States by the United States Government and who served in base hospitals overseas.

The PRESIDING OFFICER. The question is on agreeing to the first clause of the amendment.

The first clause of the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the second clause of the amendment to the amendment.

The CHIEF CLERK. It is also proposed to insert:

or such women, citizens of the United States, who served with the Army Signal Corps with the American forces overseas.

Mr. WADSWORTH. Mr. President, I know that comparisons are invidious, but if we are going outside of the ordinary conventional field as described by the Senator from Pennsylvania, I think we should do so at least with great care. There is no doubt in my mind that all the women who worked in the telephone centrals at Paris and at Chaumont in France, the latter being the general headquarters of the American Expeditionary Force, did efficient work, but I think it can be said that normally they lived the life of telephone operators much as it is lived here. Their hours upon occasions may have been longer, but it seems to me they are not quite in the same class as those who worked in the hospitals with the sick.

Mr. SWANSON. Mr. President, will the Senator permit a question?

Mr. WADSWORTH. Yes.

Mr. SWANSON. How many women are included in the category last referred to by the Senator?

Mr. WADSWORTH. I think about 250.

Mr. SWANSON. As to those who were ordered to serve and who served at the base hospitals, we have already adopted an amendment that they shall be included. If those in the other category were ordered to Paris or elsewhere, why should they not also be included? They were subject to orders; it was not left discretionary with them where they would or would not go. I have an idea that those who were kept in Paris felt like they were being discriminated against.

Mr. REED of Pennsylvania. Mr. President, that is just the point; they were not subject to orders in the same sense as the others. They could quit at any time they did not like their job or their hours, and some of them did quit. They were, in a sense, like the workers in the canteens in the big camps, who, if they did not like the work, could quit, as many of them did.

Mr. SWANSON. They were not subject to orders?

Mr. REED of Pennsylvania. They were not subject to compulsory orders.

Mr. SWANSON. If they were in Paris, they could not be ordered to a camp?

Mr. REED of Pennsylvania. No; and they could not be court-martialed for refusing to go.

Mr. SHIPSTEAD. Mr. President, I should like to ask the Senator from New York a question. I am informed that some of these girls were killed by the fire of the enemy.

Mr. WADSWORTH. Mr. President, I have no information to that effect. I would not deny the statement, although I have never heard of such a case.

Mr. SHIPSTEAD. I am told that two of them were killed by the fire of the enemy, and that very often while in the telephone stations they were under fire.

Mr. WADSWORTH. I am not competent to answer the question, although I will say that I have never heard of such an instance. Perhaps the Senator from Pennsylvania knows about that.

Mr. REED of Pennsylvania. Mr. President, I am informed by the Veterans' Bureau authorities that they know of no such case. When the representatives of these women came before the committee in the House to urge their inclusion they made no reference to any such incident, and I can not imagine how there could have been such a case, except possibly in the same way that any person in northern France might have been hurt by airplane bombs. All civilians were subject to that peril.

Mr. SHIPSTEAD. I may have been misinformed. I offered the second part of the amendment at the request of the Senator from Iowa [Mr. STECK], who was compelled to leave on a train, and I was very glad to do it. I am not familiar with the circumstances except from what the Senator from Iowa told me very earnestly, and he said he had been informed that two of them were killed in action by the enemy's fire.

Mr. REED of Pennsylvania. Mr. President, unquestionably they were not killed in action.

The PRESIDING OFFICER. The question is on the second clause of the amendment proposed by the Senator from Minnesota to the amendment of the committee.

The second branch of the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

Mr. SHIPSTEAD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Minnesota will state it.

Mr. SHIPSTEAD. If I am not misinformed, the first part of the amendment I offered was adopted.

The PRESIDING OFFICER. It was adopted. The question now is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was on page 13, line 13, after the word "binding" to strike out "on the General Accounting Office" and insert "for all purposes," so as to read:

SEC. 8. That paragraph (1) of section 201 of the World War veterans' act, 1924, approved June 7, 1924, be amended to read as follows:

"(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service and does not leave assets which, in the judgment of the director, should be applied to meet the expenses of burial and funeral and the transportation of the body (the decision of the director to be binding for all purposes), the United States Veterans' Bureau shall pay the following sums: For a flag to drape the casket, and after burial to be given to the next of kin of the deceased, a sum not exceeding $7; also, for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $100 to cover such items and to be paid to such person or persons as may be fixed by regulations."

Mr. SWANSON. Mr. President, was unanimous consent given to consider the committee amendments first?

Mr. REED of Pennsylvania. It was. Then we can go back to consider individual amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 15, line 1, before the word "shall," to strike out "or the organic loss of speech," so as to read:

SEC. 9. Paragraphs 3, 7, and 10 of section 202 are hereby amended to read as follows:

"SEC. 202. (3) If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month: *Provided, however,* That the permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total, permanent disability: *Provided further,* That the compensation for the loss of the use of both eyes shall be $150 per month, and that compensation for the loss of the use of both eyes and one or more limbs shall be $200 per month."

Mr. KING. Mr. President, may I make an inquiry of the Senator from Pennsylvania? In case a person applies for compensation, and is rated as totally disabled, and subsequently he is restored to health, or partially restored, is there then a reexamination and a readjustment?

Mr. REED of Pennsylvania. That is always possible. Any rating can be corrected at any time the proof shows it is too low or too high.

Mr. KING. It does not fix the status, then, indefinitely?

Mr. REED of Pennsylvania. Oh, no. It does not mean a permanent service pension, regardless of recovery.

Mr. KING. One other question, although it is not germane to the matter under discussion. I should like to ask the Senator whether any effort has been made in this proposed legislation to effectuate reforms in the administration of the law; and I refer particularly to reforms in cutting down expenses, in the reduction of the personnel?

I propound the inquiry because I have had perhaps eight or nine letters during the past month apropos of this proposed legislation in which complaints were made because of the alleged superfluous number of employees, because of the very ornate quarters which have been obtained and are maintained in many cities—quarters which are larger than necessary and more costly than necessary, quarters in the most expensive office buildings in some of the cities—and complaints because of the alleged superfluous number of employees in the States as well as here in Washington.

My own opinion is that the administration of approximately $450,000,000 at a cost of nearly $50,000,000 is discreditable to the Veterans' Bureau. I think there is too much waste and too much extravagance and too much inefficiency in the administration of the large appropriation which Congress makes. It ought to be administered for not more than $20,000,000 instead of between $40,000,000 and $50,000,000.

I desire to know whether the committee have gone into this subject and whether they have attempted in this bill to effectuate some reforms in the administration of the Veterans' Bureau.

Mr. REED of Pennsylvania. The committee have gone into it, not only now but each year in the past; and we realize that a very considerable amount of this administrative expense is necessitated by the large personnel in the hospitals. There are at present 51 Veterans' Bureau hospitals in active operation. We have 27,000 hospital beds at this moment under bureau care. Most of the personnel is employed in those hospitals. A very considerable part of the personnel also has been employed in connection with vocational training. That effort, I am glad to say, is now disappearing, and the personnel in that branch of the activities will be greatly reduced after the end of this month.

There is nothing in this bill that directly applies to such personnel. We make no effort to cut them down to an arbitrary number; but with the gradual increase in permanency of compensation settlements, a smaller number of physicians is required to examine these veterans. Instead of being examined every few weeks, they are examined only once in 18 months after they get a permanent rating. That further answers the Senator's question as to whether a man who is restored to health would be discovered and his compensation cut down. That periodical examination does detect such cases; but the number of temporary ratings is much diminished, the number of permanent ratings is much increased, and that in itself means a much smaller number of doctors.

As far as the personnel in the district officer goes, at present the Budget Bureau have been bearing down very hard on the director. Last year he returned out of his appropriation, unused, a sum upward of $30,00,000, and every effort is being made by General Hines to keep those extravagancies out of the administration of the bureau.

That is answering only in generalities, but the field is such a wide one that I can not answer in any other way.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. HEFLIN. Mr. President, I was called out of the Chamber a short time ago, and I observe that the clerk has read past page 5. There was a provision in section 21, subdivision (1) of that section, which the House placed there, reading as follows:

Provided, That where in the opinion of the director any guardian, curator, conservator, or other person is acting as fiduciary in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the wards, the director is hereby authorized to refuse to make future payments in such number of cases as he may deem proper:

I observe that the Senate committee has stricken out that language. We might just as well face this issue. I do not intend that Congress shall adjourn, if I can help it, until some action is taken upon the case of Mr. Fenning.

Mr. Fenning is guardian for more than 100 of these poor, unfortunate ex-service men. I am told by those who have participated in the investigation conducted by Congressman RANKIN, of Mississippi, and other Members of the House that these boys out in St. Elizabeths Asylum are thrown into wards with tramps and criminally insane persons, and that they are not properly cared for, and that Mr. Fenning visits them about twice a month and spends only about two hours seeing over a hundred unfortunate men.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HEFLIN. I yield to the Senator.

Mr. BRATTON. In view of the action taken by the House touching this matter, coupled with the fact that its action might result in this body having to sit as a court of impeachment, where each Member of this body would sit as a presiding judge and should be entirely impartial, without having expressed any opinion one way or the other in advance, and the fact that the question the Senator is now discussing may bring about general debate upon it, does not the Senator think that we should refrain from discussing it until we know what part the Senate may be called upon to play?

Mr. ROBINSON of Arkansas and Mr. SHIPSTEAD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield; and if so, to whom?

Mr. HEFLIN. I yield first to the Senator from Arkansas for a moment.

Mr. ROBINSON of Arkansas. Mr. President, I am unable to understand why the Senate should strike out the language referred to by the Senator from Alabama. The language as contained in the bill does not specify any individual guardian. It is general and in my opinion quite proper language, assuming that cases may exist where one person acts as guardian in such a number of instances as to make it impracticable or impossible for him to perform effectively and satisfactorily the functions of his guardianship.

Just think what the reverse of the proposition in the language stricken out by the Senate committee means! The language stricken out is to the effect that if the Director of the Veterans' Bureau finds that any person, curator, conservator, or guardian is acting as fiduciary in such a number of cases as to make it impracticable for him to do his duty as guardian, curator, and so forth, the director may refuse future payments in such number of cases as he may deem proper. How can any Senator object to that safeguard? Who wants to insist, here or anywhere else, that professional guardians, men who make their living, make a profit by acting in fiduciary capacities, shall be assured the right to continue to serve in cases where they can not properly perform the duties of a guardian?

I challenge any Senator to give a sound or sane reason for striking out that language, independently of the Fenning case or any other individual case. Shall the Senate of the United States vote that where a professional guardian has assumed so large a number of cases that he can not do his duty, can not conserve the estate intrusted to him, and can not take proper precautions for the protection of the person of the unfortunate veteran intrusted to his care, he shall have the right to go ahead

and make money through his guardianship? Why, the proposition is revolting to every sense of reason and justice.

Mr. GEORGE. Mr. President, will the Senator pardon me?

Mr. HEFLIN. I yield to the Senator from Georgia.

Mr. GEORGE. The committee thought that if the guardian had so many wards that he could not discharge his duty with respect to any one of them, that was not only a legal but a good ground for the revocation of his letters of guardianship.

Mr. ROBINSON of Arkansas. Yes. How could the committee, then, think that it would not be a good ground for the Director of the Veterans' Bureau—who, by the law that we passed, is the guardian for every one of these veterans—to refuse to make payments?

Mr. GEORGE. If the Senator will pardon me, the committee thought that it was a better policy for the Congress to recognize the validity of the appointments made by the duly established tribunal, and that in place of the director of the bureau summarily revoking letters of guardianship so far as any payments to be made by him were concerned, it would be much better for him to go into the court and have these guardianships revoked.

Mr. ROBINSON of Arkansas. Yes, Mr. President; but the language which the bill contains, and which the Senate committee seeks to strike out, assumes the existence of a state of facts which makes it impossible for the guardian to perform his functions.

Mr. GEORGE. That may be true, but we thought that if that were true it was still better to recognize what the committee thought to be the sounder and better policy.

Mr. ROBINSON of Arkansas. That raises the Fenning case. That brings to the attention of the Senate the facts from which no doubt this provision inserted by the House originated, the case of a man who is a Commissioner of the District of Columbia, and who, at the same time, is a professional guardian for wards of the Veterans' Bureau. In spite of the sentimental considerations and the patriotic considerations that underlie the case of every man who is a ward of this Government under the law involved in this amendment, we have an instance of a Commissioner of the District of Columbia acting as a professional guardian for wards of the Veterans' Bureau, making money out of their misfortune. It is not the case of a man who is willing to make a sacrifice and render service and to receive a reasonable compensation for it, but the case of a man who goes out and solicits the opportunity.

Mr. GEORGE. If the Senator will pardon me, I would no more be willing to condone that sort of conduct than the Senator, even if the man were the guardian of but one patient.

Mr. ROBINSON of Arkansas. I know that.

Mr. HEFLIN. Mr. President, will the Senator from Arkansas permit me, in that connection, to say that Mr. Fenning has in his hands now more than $700,000 belonging to these unfortunate soldiers.

Mr. ROBINSON of Arkansas. I have heard that; and the feature involved in this amendment is that the House provision strikes directly at the wrong. It gives an executive officer of the Government the power to protect these wards, and for my part I am going to move a reconsideration of the vote by which this amendment was agreed to, unless the Senator from Alabama does so, and have a record vote on it. If the Senate wants to register its opinion that in cases where one person, a professional guardian, assumes such a large number of cases that he can not do his duty, he may still have the approval of the Congress of the United States in his practice, it can do so; but it will go on record as being in favor of it.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I have concluded.

Mr. McKELLAR. I just wanted to say that I saw in the newspapers that this guardian, Mr. Fenning, had paid back fees or charges that he had unlawfully collected, and the courts had permitted him to do so without removing him. It does seem to me that something ought to be done, if that is true.

Mr. ROBINSON of Arkansas. Mr. President, I have to leave the Chamber in a few minutes, and if the Senator from Alabama will pardon me I would like to say one more word.

I did not want to discuss the Fenning case, for reasons which suggest themselves to every Senator, but I do want to say this, that I think under the circumstances it was proper for the House to insert the provision under discussion; that no harm can come to any interest or person this Congress is charged with the responsibility of protecting if we retain that language, and I am not willing to commit myself by voting against the House provision for the proposition that a professional guardian of wards of the Veterans' Bureau may be protected in his office when it is admitted that he can not perform the functions of his office.

Mr. REED of Pennsylvania. Mr. President——

Mr. ROBINSON of Arkansas. I wish to make a motion to reconsider the vote by which this amendment was agreed to, unless the Senator will consent to another vote upon the amendment.

Mr. REED of Pennsylvania. Of course I will consent to it, but I would like to have the floor for about two minutes to explain why the committee made this amendment.

We feel exactly as the Senator seems to feel about the impropriety of one man loading onto himself a great number of guardianships which he can not properly look after. We are all in agreement about that. But we also felt that it is not right for the Congress to go too far into the province of the separate States. At the present time the reason why Mr. Fenning has all those guardianships is that the Veterans' Bureau has no standing to go in and protest against it.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. In just a moment.

Mr. ROBINSON of Arkansas. Will the Senator yield right at that point?

Mr. REED of Pennsylvania. I will change my intention of completing the sentence.

Mr. ROBINSON of Arkansas. Just at that point.

Mr. REED of Pennsylvania. I am glad to yield.

Mr. ROBINSON of Arkansas. My information is that the retention of this House language will give the Veterans' Bureau a standing and enable it to protect the veterans against the practices which are implied in the charges against Mr. Fenning.

Mr. REED of Pennsylvania. And the Senator will doubtless be firm in that opinion if he will not listen until I have an opportunity to speak.

Mr. ROBINSON of Arkansas. Why does the Senator say that? I always listen to him. I do not think there is anyone here who listens to the Senator from Pennsylvania with more pleasure than does the Senator from Arkansas who is now addressing the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I thank the Senator.

Mr. ROBINSON of Arkansas. Sometimes the Senator from Arkansas has his ignorance illuminated, and he is informed by the statements of the Senator from Pennsylvania. Other times one is astonished by the declarations of the Senator from Pennsylvania, but always one is entertained by the expressions of the Senator.

Mr. REED of Pennsylvania. I appreciate that, Mr. President, and, of course, I am not sure which of those phenomena is going to occur now.

Mr. ROBINSON of Arkansas. Perhaps that is what gives interest to the discussion now in progress.

Mr. REED of Pennsylvania. It adds certainly to the resemblance to horse racing, but I think this time the Senator is going to get some information.

Quite seriously, we are in full agreement with what the Senator has said about the impropriety, but we did not think it was right to have the Veterans' Bureau usurp the authority of the State courts which appoint these guardians. What we have done has been to adopt the House language, which the Senators will find on the following page of the bill, which gives the director authority to go into these courts of appointment whenever he finds anything to take exception to in the conduct of a guardian, gives him standing to interplead, as it were, and ask the removal or the surcharge of the guardian.

Mr. CARAWAY. Mr. President, will the Senator permit an interruption?

Mr. REED of Pennsylvania. It is a question of State rights, and we simply did not want to intrude too far.

Mr. CARAWAY. I think everybody was of the same mind with respect to the finding made in the Fenning transaction.

Mr. REED of Pennsylvania. I was, I know.

Mr. CARAWAY. I do not think any self-respecting man can approve anything that Fenning did in connection with those matters. I am astonished that anybody should ever at any time have offered any word of palliation. It seems to me to be the most unthinkable thing that a man here in the Capital of the Nation should take advantage of those unfortunates, who more than died for their country, who gave their minds.

I wanted to say that I do not think the Veterans' Bureau is entitled to a whitewashing in the matter. It did have the right to appear before the auditor and protest against the allowance of fees, because it took that course, and brought about a decision under which Fenning is reluctantly now returning the commissions he collected on the insurance policies. I think the Veterans' Bureau is chargeable with the grossest neglect of its wards.

Another thing—and I very much dislike to say it—I think a judge of the Supreme Court of the District of Columbia, a man with whom I served in the House, has sullied his reputation for all the rest of his life because of his actions in connection with this case. I have not heard a single citizen anywhere excuse the failure of the Veterans' Bureau to take any step to protect the unfortunates in its charge. I have not heard anybody attempting to excuse the conduct of Fenning, and I have not heard a word of commendation, to put it as strongly as I may, of the position of one of the judges of the Supreme Court of the District of Columbia.

Everybody who has ever had any experience, who has any personal knowledge of Doctor White, the man in charge of St. Elizabeths, knows the kind of man he is. I have been curious all my life to know why Ananias and Sapphira should have been struck dead and so-called experts allowed to live. I refer to experts who go into court and swear for a consideration.

The whole matter is revolting and disgusting. Whenever anyone guilty of these offenses is asked about them he says, "You ought to have made the law so that I could not steal. Congress is to blame, because you did not make it impossible for me to do wrong."

That has been the excuse of every one of them. That is the answer of the Veterans' Bureau; that is the answer of the justice of the Supreme Court of the District of Columbia; that is the answer of Doctor White; that is the answer of Fenning. When we catch them red-handed they say, "You ought to have made the law so that I could not have been corrupted, and therefore I shift the responsibility." That is their only defense.

Mr. REED of Pennsylvania. Mr. President, we are all agreed that these things should not go on. I must say, as far as the Fenning case goes, that the audits of his accounts show them all to be in good order.

Mr. CARAWAY. Good order! The money in Fenning's pocket and the patient in the asylum!

Mr. REED of Pennsylvania. I am not defending it; I am merely trying to state the case accurately.

The question before the Senate is, How shall we remedy these things? Shall the court which appoints a guardian remove him on complaint of the Veterans' Bureau, or are we going to give some kind of superpower here to the director at Washington to override practically the appointments of the State courts? I am disturbed about the clash between Federal and State authority.

Mr. CARAWAY. May I suggest to the Senator that that is not a clash between State courts and Federal courts. As far as the record shows, it all happened right here.

Mr. REED of Pennsylvania. I understand that about Fenning; but there may be another Fenning turned up in Arkansas or some other State.

Mr. CARAWAY. No; God never created two like that.

Mr. DILL. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. DILL. The Senator says that we do not want to interfere with these courts, but the Senator knows that the Congress can not reach the courts but the Congress can reach the director if he does not protect these people in his charge.

Mr. HEFLIN. It makes no difference who appoints them.

Mr. DILL. The history of the matter shows that the courts did not protect them, and therefore Congress ought to, by this legislation.

Mr. REED of Pennsylvania. In this legislation we give the director authority to go into any State court, and we provide for the payment of the necessary expenses and fees in doing so. We thought—perhaps the Senate will disagree with us—that that was as far as we ought to go in the recognition of the independence of the several States in the appointment of conservators and guardians.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. HEFLIN. I yield to the Senator.

Mr. SHIPSTEAD. The chairman of the Judiciary Committee is not here, but there is before the Judiciary Committee a concurrent resolution passed by the House providing for an investigation of the conduct of St. Elizabeths Hospital by the Comptroller General of the United States. Is any member of the Judiciary Committee here able to give me information as to what action the Judiciary Committee has taken upon that resolution?

Mr. HEFLIN. The House committee, as I understand it, has not finished its work.

Mr. SHIPSTEAD. I am referring to House Concurrent Resolution No. 26, now before the Judiciary Committee. It has been there for some time, and I am asking whether any member of the Judiciary Committee here now can furnish information as to whether any action is expected to be taken by the Judiciary Committee.

Mr. HEFLIN. I do not know, Mr. President, but I have gotten the impression, I am sorry to say, that there is an attempt here to whitewash Mr. Fenning, and I do not intend that it shall be done. I do not care whether I am to sit as a judge in this case or not. I am willing to take a chance now and wait for subsequent developments in that matter. It might be I would go so far in this case that I would excuse myself if he were to be tried by the Senate.

But I want to do justice by these men who are in the asylum. Some of them, I am told, are not insane, but they have money and that money is being used to loan out at interest, and Mr. Fenning has over $700,000 of it. Not only that, but he makes bonds for himself as guardian and has the company, which he represents as agent, make the bonds. He gets his commission from the company on the bonds so made and takes it out of the pockets of these unfortunate boys in the insane asylum. Not only that, but if one of them dies they buy the burial robes and casket from an undertaking establishment in which Fenning owns stock.

Mr. President, I do not know this man Fenning. I never saw him. But I do know that I have a duty to discharge with reference to these boys whom I helped to call from the peaceful pursuits to go away to fight for my country and the liberty of the world. As the junior Senator from Arkansas [Mr. CARAWAY] has said, they gave more than their lives; they gave their minds; and now they are out here thrown into wards with tramps and criminal insane. This one man, having over 100 of them in his charge, goes out twice a month to visit them. What can a man do in that way talking to more than 100 of these boys? Can he cheer them up and say a word of comfort to them and try to do something to benefit them in a two-hour visit twice a month?

Let us see what he is getting for that service. Here is one case of Edgar William Barber. He has collected from him since 1920, $1,249. Here is John A. Beazley. He has collected from him since June, 1921, $1,262. Here is Logan G. Becktell. He has collected from him since 1920, $1,253. Here is Frank Bekart. He has collected from him since 1920, $1,211. Here is Felix Bialkowski. He has collected from him since 1920, $1,091. Those are just a few of the cases.

It is said that this man has grown rich out of this sort of work. Am I to sit here and permit Congress to adjourn and let somebody whitewash this thing in order to say that there was nothing wrong? Forbes stole the funds of the disabled soldiers to the extent of millions of dollars. Here is an instance in the Capital of the Nation where Members of the House who heard the testimony say this man Fenning is guilty of doing the very same thing. Here we have the language of the House put in the bill. The House has been considering this matter. They may have thought it was well to safeguard the boys in the future from such a thing, and so they put that language in the bill. I think it ought to stay in the bill. As the Senator from Arkansas [Mr. ROBINSON] suggests, there is no harm it in.

I would favor putting a provision in the bill that no man could be guardian for more than five, and not more than 10 under any condition. He has no business being permitted to go into this sort of thing in a wholesale way, making thousands of dollars out of these unfortunate boys, holding over half a million dollars of their funds, making his own bonds and getting a commission on them, and compelling these unfortunates to pay the commission. Senators, we have a duty in this matter, in this legislative situation, without regard to what may come hereafter.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HEFLIN. I yield.

Mr. JONES of New Mexico. I merely want to suggest to the Senator from Alabama that no member of the committee wishes to condone anything the Senator from Alabama has been condemning. The committee did not think that its proposal would have that result. If I may call attention to the second paragraph of the same section, I think the Senator from Alabama will agree that such a situation is properly cared for, or at any rate we have gone as far as we would go under any ordinary circumstances. If the Senator will permit me, I would like to read what the committee left in the bill, as found on page 6:

(2) Whenever it appears that any guardian, curator, conservator, or other person is not in the opinion of the director properly execut-

ing the duties of his trust or has collected or is attempting to collect fees, commissions, or allowances that are inequitable or are in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then and in that event the director is hereby empowered by his duly authorized attorney to appear in the court which has appointed such fiduciary and make proper presentation of such matters to the court: *Provided*, That the director in his discretion may suspend payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showing the application of such payments for the benefit of such minor or incompetent beneficiary.

Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment or removal of any guardian, curator, conservator, or other person legally vested with the care of the claimant or his estate, or in connection with the administration of such estates by such fiduciaries, when such payment is authorized by the director.

That is all new legislation. It was intended, if Senators please, to perform the very function which the Senator from Alabama is advocating. It was to give to the director the means whereby he may go into the proper tribunal in the District of Columbia or anywhere else and show that any guardian is not performing his duty or is not faithful to his trust. When, in his view, whether through multiplicity of guardianships or otherwise, he is not fit to perform his duty, the director can go into court and present that fact to the court and have the situation remedied.

I agree with the Senator from Alabama that what is stricken out there is another remedy. It is simply an additional remedy. But I think Senators will, upon reflection, realize that the committee is not indorsing anything of a disreputable character, that this was not done in mere haste or for mere sentiment to get away from some aspersions upon an individual. The committee did not act in that wise, but we thought that the other provisions of the bill amply protected everyone of these wards, and so far as I am concerned I still think so.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield.

Mr. McKELLAR. I want to ask the Senator if perhaps this provision which was stricken out has not brought about the peculiar situation existing in the city of Washington with which we are all familiar. Ordinarily, I will say to the Senator in a perfectly frank manner, the provisions about the power of the court would be entirely satisfactory to me, but as I understand the situation this particular guardian, about whom complaint is made, has admitted that he has received fees to which he was not entitled in many of these cases. I think I saw a statement that there were 93 cases in which he admitted he had received compensation and fees to which he was not entitled, and had gone before the court and returned them in all those cases. If that is true and, if the courts have retained an unsafe guardian who admits that he is unsafe, who has collected fees which he says he should not have collected from those wards, I think this additional remedy ought to be put in the bill and the director of the bureau should have the right therein provided for.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Alabama yield to the Senator from Pennsylvania?

Mr. HEFLIN. Certainly.

Mr. REED of Pennsylvania. I just want to offer this thought. Striking out the language in the House text means that the unfaithfulness of the guardian will have to be tried out in the local court.

Mr. McKELLAR. Yes.

Mr. REED of Pennsylvania. If we leave the House language in the bill, the question of his unfaithfulness would have to be tried here in Washington before the director. It does not make any difference in the Fenning case; it is just as easy in one as the other. But when we take a case that arises in Tennessee or California, it is going to be a great expense to the trust estate to have the guardian come all the way here to Washington to prove that he is all right.

Mr. McKELLAR. As I understand it, there is no complaint anywhere in the country except here in Washington, and evidently the House had this case in mind when they put in this provision. I am a great believer in courts, of course, but since we have a court which retains an unfaithful guardian who comes in and confesses that he is unfaithful and confesses that he has taken the money of his wards, and permits that guardian to pay back the money and does not remove him, I think it would be the part of wisdom to have this additional provision in the bill.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arizona?

Mr. HEFLIN. I do.

Mr. ASHURST. I believe that the provision should be retained. I hope on reconsideration it will be retained for this reason: I am not charging any court with collusion, but suppose the court were in collusion, this provision would give to the Director of the Veterans' Bureau lawful authority to decline to make payments to the guardian, which guardian he suspected was in collusion with the court. I think it quite a necessary provision.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. HEFLIN. I yield.

Mr. SWANSON. As I understand the difference between the amendment reported by the committee and the House language, it is this: In the case where the director is satisfied, on account of the number of cases, or the conduct of the guardian, that it is improper for him to continue as such guardian on account of his inability to perform the duties in a proper manner, he can suspend the payments at once. The Senate committee proposes to eliminate that summary proceeding on the part of the director who is the guardian of these people, and compel him to go into court with all the delays incident to court procedure, and to let the matter be presented and the court determine whether or not the relief shall be immediatly applied or not.

It seems to me the language of the provision which the committee has stricken out on page 6 emphasizes that point. It seems to me that the House language is offered for this reason: We have created a director to look after the interests of the soldiers. He knows the cases. It prevents professional guardianships. If the court on account of favoritism—and courts have shown favoritism, because they are not superior to other people—appoints one man as guardian of hundreds of people, the director can immediately suspend payment if he is satisfied the court has made a mistake.

The Senate committee provision simply requires, in a case where that situation arises, that the director shall go to the court and contend with all the delay incident to court procedure. It does not vitiate the fee and it does not give immediate relief, but compels them to meet all the delays of court procedure in order to remove such conditions as exist in the Fenning case.

I can not see why the Director of the Veterans' Bureau should not have the right to say in the Fenning case, which is a case of professional guardianship granted by favoritism and influence, that there are too many cases for one man to handle and that no one man can take proper care of that number of cases. Pending that, the director is authorized to refuse to make such future payments as he may deem proper. Why? Because he does not believe the guardian can give his personal supervision to the case; he does not believe he can take care of his ward properly. The Senate amendment simply permits them to go to court, with all the delay incident to court proceedings, present the facts in court and leave to the court which appointed the guardian to determine whether the court had acted wisely or not. It seems to me if it is desired to obtain proper and prompt relief for the veterans that the House language ought to be retained.

Mr. HEFLIN. Mr. President——

Mr. JONES of New Mexico and others addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield; and if so, to whom?

Mr. HEFLIN. I yield, first to the Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, the reason for the committee action was because of conditions generally in the courts throughout the Nation. We had no objection to remedying the situation here in the District of Columbia. I desire to make the suggestion to the Senator in charge of the bill that in line 11, on page 5, after the word "That" there be inserted the words "as to cases arising in the District of Columbia," so that it will read:

Provided, That as to cases arising in the District of Columbia where in the opinion of the director—

And so forth.

Mr. REED of Pennsylvania. I should be very glad to accept that amendment.

Mr. JONES of New Mexico. Will the Senator from Alabama be willing to accept the amendment?

Mr. SWANSON. So far as I am concerned, I do not recall that there has been any scandal in relation to this matter anywhere except here in the District of Columbia.

Mr. ROBINSON of Arkansas. Mr. President, pending the inquiry of the Senator from New Mexico [Mr. JONES], I desire to ask a question. The Senator from Pennsylvania, and, perhaps, the Senator from New Mexico, are both familiar with the administration of estates. Are there other instances than those which have arisen in the District of Columbia where professional guardians have gone out and solicited the right to control the estates and persons of wards of the Veterans' Bureau; who have gone into the business of making money out of the handling of the estates and of the persons of these unfortunate wards of the Government? If there are, I should say that this same provision ought to be applicable generally; but, if the difficulties which have appeared are confined to the District of Columbia, I think the Senator from New Mexico has offered an excellent suggestion, to which we may very properly agree.

Mr. HEFLIN. Then, Mr. President, I ask unanimous consent that the vote by which this amendment was adopted be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED of Pennsylvania and Mr. SWANSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama [Mr. HEFLIN] has the floor. Does he yield; and if so, to whom?

Mr. HEFLIN. I yield, first, to the Senator from Virginia.

Mr. SWANSON. Mr. President, I do not believe a similar condition exists elsewhere——

Mr. REED of Pennsylvania. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED of Pennsylvania. The Senator having the floor made a request which was granted, and then I addressed the Chair.

Mr. HEFLIN. But the Senator from Virginia desires to make a statement.

Mr. REED of Pennsylvania. I do not understand that the Senator from Alabama still has the floor.

Mr. HEFLIN. The Senator from Virginia wished to ask me a question, and I yielded to him for that purpose.

Mr. SWANSON. There is plenty of time.

Mr. REED of Pennsylvania. Will not the Senator from Virginia, before he proceeds, let me say a word in reply to the Senator from Arkansas [Mr. ROBINSON]?

Mr. SWANSON. I simply desire to say that I do not believe a condition similar to that which exists in the District has been disclosed anywhere else, and the condition here is largely due to the proximity of St. Elizabeths Hospital.

Mr. REED of Pennsylvania. Mr. President, there have been three other bad cases. One such case occurred in Baltimore, where a man who was guardian of several men embezzled payments of $40,000. The Veterans' Bureau prosecuted him, and he has been convicted and sentenced to the penitentiary. There was another case in New York of a professional guardian who got too many cases. There was another case in California of a professional guardian who did just what Mr. Fenning is blamed for doing. That is why we wanted to give the director power to go into court and object to those cases.

Mr. ROBINSON of Arkansas. If that be true, is not——

The PRESIDING OFFICER. The Senator from Alabama [Mr. HEFLIN] has the floor.

Mr. HEFLIN. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Pennsylvania [Mr. REED] has just suggested that there have been at least three other cases where abuses have occurred. That being true, it would undoubtedly be proper to retain the provision, although proceedings under it would necessarily be somewhat cumbersome; but with the insertion of the amendment proposed by the Senator from New Mexico I should be satisfied with the retention of the House provision.

Mr. HEFLIN. Now, Mr. President, I hope the Senator from New Mexico [Mr. JONES] will propose the amendment which he has suggested.

Mr. JONES of New Mexico. On line 11, page 5, after the word "That," I move to insert the words "as to cases arising in the District of Columbia," so that it will read:

Provided, That as to cases arising in the District of Columbia where, in the opinion of the director, any guardian, curator, conservator, or other person is acting as fiduciary in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the wards, the director is hereby authorized to refuse to make future payments in such number of cases as he may deem proper.

Mr. HEFLIN. In view of the amendment suggested by the Senator from New Mexico, I hope the House provision will be restored, and I move that the proviso be adopted as amended.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I yield.

Mr. GEORGE. The Senator from Alabama can not continue to hold the floor, Mr. President, on the motion now before the Senate. I make the point that I am entitled to the floor. I raise that point of order.

The PRESIDING OFFICER. The Chair will hold that under a strict observance of the rules the Senator from Alabama has lost his right to the floor, and if the Senator from Georgia insists the Chair will recognize him in his own right.

Mr. GEORGE. I do not wish to take the Senator from Alabama off the floor.

Mr. HEFLIN. I do not object to the Senator proceeding. I was going to yield to him anyway.

Mr. GEORGE. Mr. President, I wish to say something about this amendment.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. GEORGE. Mr. President, it strikes me that there has been a great deal of emotionalism displayed here about a very simple matter, and I wish to say something about it.

It is quite true that when a guardian embezzles the funds of his ward or for any other reason ought not to continue as guardian, we may feel a righteous indignation against that guardian; but it is quite a different thing to override the established tribunals of the country because of a particular case or because of a flagrant abuse that may have been brought to light with respect to a particular case and to reject a principle written in the law that is consonant with sound policy.

There is not a shadow of doubt that the Congress, appropriating money for the disabled veterans, may safeguard that money; and there is not a shadow of doubt that the Director of the Veterans' Bureau may be given authority to appoint a guardian for the ward or to withhold the payment of money to the guardian if for any reason he finds that the guardian is commercializing the infirmities and the afflictions of the ward. Congress has that power, undoubtedly, but it seemed to many members of the committee that it was a sounder policy to recognize the validity of the appointment of a guardian by the State of Virginia or the State of Alabama or the State of Georgia or the District of Columbia and allow the director of the bureau to go into the court and bring to the attention of the court any irregularity or any misconduct upon the part of the guardian.

Mr. SWANSON. Mr. President, will the Senator yield to me for a minute?

Mr. GEORGE. I yield.

Mr. SWANSON. As I understand, under the House provision if the director is satisfied that the money of the ward is not being properly spent and the ward is not being given proper care, he is not empowered to remove the guardian; he has no authority to do that; but simply withholds the money.

Mr. GEORGE. He revokes pro tanto the guardianship, because he withholds the property that the guardian is entitled to receive.

Mr. SWANSON. He withholds the money, so that it can not be misappropriated pending the decision of the court, and then he goes into court and states the facts, and the court has the power then to remove the guardian. When the director is satisfied that the money is being improperly applied or improperly used and that degree of care which should be exercised is not being exercised by the guardian he may withhold the money, and then the other provision applies, and he goes into court and states the facts; but in the meantime he does not allow the guardian to use or appropriate the funds of the ward. Is not that the proper interpretation?

Mr. GEORGE. Not at all.

Mr. SWANSON. In what respect is it wrong?

Mr. GEORGE. If this provision remains in the bill and the Director of the Bureau desires to do so, he may virtually destroy the guardianship if he withholds the property of the ward.

Mr. SWANSON. Mr. President——

Mr. GEORGE. If the Senator will pardon me, I will say that there was no thought of Fenning on the part of the committee, but there was the thought that the committee did not want to try Fenning. That is all; and there was the thought that the committee did not want to give the Director of the Bureau

here the authority to override a court in Virginia, for instance, merely because a bad case had arisen in the District of Columbia.

Now let me say to the Senator from Alabama and some of the other Senators who have grown heated, no doubt, because a bad case has arisen, and therefore a sound policy, in my judgment, is about to be sacrificed, that one of the Members of the House who was most active in the prosecution of Fenning appeared before the committee and suggested that this very provision in the bill was going quite too far.

Mr. President, I wish to make myself perfectly clear. I concede that the Congress has the perfect right to empower the Director of the Bureau or any official charged with the administration of the funds virtually to override a State court; indeed, Congress might not require the payment of the money to a guardian at all; but Congress did require that before any of these funds could be paid out by the director there should be a duly constituted guardian to receive them. Who appoints the guardian? The State court, of course, and in the District the court of appropriate jurisdiction. Therefore when we require that the payment be made to the duly appointed guardian, we thought that the sound policy was to recognize the authority of that guardian and to make the appeal to the court rather than to vest in the bureau here the power virtually to revoke, certainly pro tanto, the letters of guardianship issued to the guardian.

If Congress wishes to have the funds paid directly to the ward or to the afflicted veteran or to some relative of the veteran, or if Congress wishes to make of the bureau a guardianship court, with the authority and the necessary machinery to administer the funds, all well and good, and, candidly, it might be better to do it in that way; certainly it would have been better to have done it in that way in a particular case if the charges in that case are true.

But the committee had no possible desire in any way either to shield or protect the alleged misconduct of a particular guardian here or one in San Francisco or one in New York or one at some other point, all of those cases having been brought in an informal way to our attention.

In conclusion, I wish to say that it is simply a question of what is the best public policy. If the money appropriated for the benefit of these wards is to be paid over to the guardians, is it better that the court appointing the guardians shall have the right to control him, or is it better to vest that power here in a bureau in Washington? The question will not be settled right if we are going to settle it with reference to a particular case that is in the public mind, a case which, I candidly admit from the reports which I have read, ought to fall under the most severe condemnation.

Mr. ASHURST. Mr. President, the able Senator from Georgia [Mr. GEORGE] has defended the committee. I believe that the committee was attempting, and will in the future attempt, to guard the interests of disabled ex-service men as truly as any other Senators. That is not the question. The committee's justice, its humanity, are not impugned; it is a question of construction of language, and to my mind this language was employed by the House.

Suppose a judge in a State should continue to appoint as guardian a man who already had more wards than he could care for. Then, and in such a case, under this language the director could withhold payment from such guardian thus appointed.

Mr. HEFLIN. Mr. President, will the Senator permit me to interrupt him right there?

Mr. ASHURST. I yield.

Mr. HEFLIN. And he could prevent the payments being made without costing the soldier a dollar for going into court.

Mr. DILL and Mr. GEORGE addressed the Chair.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Arizona yield; and if so, to whom?

Mr. ASHURST. I believe the Senator from Washington rose first.

Mr. DILL. I desire to suggest in that connection that this fear about the State courts is hardly justified. These men are not wards of the State. They are wards of the Federal Government.

Mr. GEORGE. Mr. President, I hope the Senator will not make that statement.

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. ASHURST. I yield now to the Senator from Georgia.

Mr. GEORGE. I do not like to hear disabled veterans, unfortunate veterans, referred to as wards of the Federal Government.

Mr. DILL. What term would the Senator employ?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Washington?

Mr. ASHURST. I do.

Mr. GEORGE. They are veterans of the World War.

Mr. DILL. Under whose care are they, then?

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. ASHURST. I yield further to the Senator from Georgia.

Mr. GEORGE. Let me answer the question.

Mr. ASHURST. I can not yield for a colloquy.

Mr. GEORGE. I am not going to enter into any colloquy.

Mr. ASHURST. Then I yield.

Mr. GEORGE. I meant simply to answer the Senator; that was all. I would have done so already had I been permitted. The act of Congress requires the payment of the money which we appropriate to a duly appointed guardian. That is the language of the act; and therefore the man is the ward of the State court.

Mr. DILL. The Senator says he is a ward of the State court. I do not care whether he is a ward one way or the other. The fact remains that these men are taken care of at the expense of the Federal Government; and if any State court in its action fails to protect these men, then I think Congress ought to provide that the man who is under the direction of Congress, namely, the director, should protect them.

I am not particularly touchy about the word "ward." If that does not suit the Senator from Georgia, some other word can be used; but the point I desire to make is that these men are under the Federal Government, not under the State government.

Mr. ASHURST. That is quite true.

Mr. President, I know the record of my learned friend from Georgia. I know his loyal service to the ex-service men. In some of my various visits to the Veterans' Bureau I have seen him there; I have had the privilege of appearing before the various boards with the Senator from Georgia; so he need not have the slightest concern. His record of faithful service to the ex-service men is unimpeached. Nobody is pretending to impeach him or any other member of the committee. But here is the question:

Assume that a State court inveterately appoints guardians who are unable to take proper care of their wards. This provision simply empowers and authorizes the Director of the Veterans' Bureau to refuse payment to such guardians who have already more cases than they can care for.

The Senator spoke of some Senators growing emotional. I do not think anybody has done so, but this is a subject which profoundly interests all. Let us review some past history.

The able Senator from Pennsylvania [Mr. REED] was chairman of a committee which brought to light the maladministration of the affairs of the Veterans' Bureau as conducted by Mr. Forbes. Mr. Forbes was arrested and convicted, and is now incarcerated in the penitentiary at Leavenworth, Kans. A movement is on foot to secure a parole or a pardon for Mr. Forbes. I now read to the Senate a letter I wrote yesterday replying to a request that I sign a petition for a parole for Mr. Forbes. I omit the name of the gentleman to whom the letter is addressed, but I will show the letter to any Senator who wishes to see the same. The letter is as follows:

JUNE 25, 1926.

DEAR SIR: Yours of June 23 received requesting me to recommend the parole of Col. Charles R. Forbes, now incarcerated in the United States Federal Penitentiary at Leavenworth, Kans.

Replying, will say that I can not indorse an application for clemency for this man. Whilst I do not believe in revenge or reprisal, I am bound to say that Colonel Forbes richly deserved the punishment inflicted upon him.

Colonel Forbes foully betrayed one of the most sacred trusts ever committed to an American; he squandered millions of dollars of the moneys which Congress appropriated to aid sick and disabled ex-service men in recovering their health, and his scandalous maladministration of the office of Director of the United States Veterans' Bureau constitutes one of the most sordid chapters in the annals of Government. His corrupt conduct brought an immense amount of unnecessary distress and misery to many of our ex-service men.

I refuse to indorse his application for parole.

Respectfully yours,

HENRY F. ASHURST.

Mr. President, Senators are going to be besieged to sign an application for clemency for Forbes.

I am content with the amendment proposed by the Senator from New Mexico [Mr. JONES]. I regret that the committee feels that it should defend itself so vigorously upon this matter.

I wish we could have proceeded to reconsider the amendment and adopt the provision as the House passed it.

I now answer the question propounded by the Senator from Minnesota [Mr. SHIPSTEAD], who asked if there was present any member of the Judiciary Committee who could advise him as to House Concurrent Resolution 26, which proposes to authorize an investigation of the administration of St. Elizabeths Hospital for the Insane. In reply to the Senator I will say that the resolution is pending before the Committee on the Judiciary. It was brought to my attention to-day by the senior Senator from Texas [Mr. SHEPPARD], and I hope that on next Monday the committee will authorize the favorable report of that concurrent resolution; but I suggest an amendment to that concurrent resolution so that this committee shall have the power and authority to proceed to the various Federal prisons and there investigate the conditions as to tubercular ex-service men confined therein.

In response to the inquiry of the Senator, I hope he will propose an amendment so that the committee may go to Atlanta, Ga., and investigate the Federal prison there, and to Leavenworth, Kans., and investigate the conditions of the Federal prison there, and ascertain what, if any, tubercular ex-service men or otherwise disabled ex-service men are being maltreated.

Mr. McKELLAR. Mr. President, I want to call the attention of the Senate to the present law which leaving out this provision will repeal. The present law is—

And provided further, That the director, in his discretion, may suspend such payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showng the application of such payments for the benefit of such minor or incompetent beneficiary.

While that is not quite as broad as the present provision, it is in the law now; and, of course, the provision that is offered in its stead here is not revolutionary. As I say, it is not quite as broad, but even that will be repealed if we leave out the provision that has been stricken out by the committee. It does not give the director the right to suspend payments under those circumstances.

Mr. BRATTON. Mr. President, is not the exact language that the Senator has read from existing law set forth on page 6, beginning at line 14?

Mr. GEORGE. Substantially so.

Mr. McKELLAR. That is another proviso.

Mr. GEORGE. That is the one just read, except that a few words are stricken out.

Mr. BRATTON. It is the same language.

Mr. McKELLAR. Apparently the striking out of those words—no doubt it was not intended that way; I do not mean to charge that it was intended that way—will have the effect of depriving the director of any real control over the Fenning case.

Mr. SWANSON obtained the floor.

Mr. GEORGE. Mr. President, will the Senator allow me to make a statement?

Mr. SWANSON. Yes; I yield for a minute.

Mr. GEORGE. If the Senator from Tennessee will notice, the provision of the old law is in substance retained in this amended bill. That provision is for the suspension of payments. The language that was stricken out by your committee gives to the director the authority to refuse to make future payments in such number of cases as he may deem proper.

Mr. McKELLAR. They are both future payments.

Mr. GEORGE. Yes; but one is a mere suspension, and the other is a refusal.

Mr. SWANSON. Mr. President, everybody in the Senate knows that the members of this committee are friendly to the World War veterans. The Senator who has charge of this bill gallantly served in the war. He has been generous in his treatment of the veterans. He has been fearless in exposing his own administration for gross derelictions in connection with the administration of the fund. Everybody knows that the Senator from Georgia and the Senator from New Mexico have been earnest and determined in their efforts to take care of the soldier's property; but that does not alter the fact that there is a difference of opinion here as to policy.

The effect of the Senator's amendment is that if the director ascertains that a man has 200 wards, and is not properly taking care of them, not properly supervising them, not properly making expenditure of their money, and it is wasted and improperly used, the director can not suspend the payment of it but must continue making the payments until the court determines the matter.

This language of the House provides that when the director is satisfied that anyone has too many wards, so that he can not properly attend to them and properly supervise the expenditure of the money, is simply a professional guardian, the director can suspend future payments in a certain number of cases, and then he is compelled to go to court and present the matter to the court, and the money is withheld until the court determines whether the man is a proper guardian and whether he is properly administering his guardianship.

The position I take is that it is but proper, when money is being wasted, when wards are not having proper supervision, and when they are not having proper treatment, to see that the money shall be withheld until the court determines whether the waste shall continue or not.

Not to stop that would be to continue the waste, the inattention, conduct such as was exhibited here in the Fenning case, until, with the slow delays of court procedure, it shall be ascertained whether or not it is proper to appoint a new guardian.

I say that this is an effective way to accomplish the results desired. The old law in a limited way did this, but this is to prevent professional guardianship, and with this law on the statute books I do not believe we would have, in any more of the courts of the United States, professional guardians appointed to take care of hundreds and hundreds of these soldiers, in order to make money for themselves, and not to give proper attention to the veterans.

This is no reflection on Mr. Fenning. If the conditions do not exist such as are provided for in the House language, he is not criticized. It applies only under certain conditions, and if the conditions do not exist, the guardian could promptly go into court and demand the payment of the money by decree of the court, because no conditions exist to justify the withholding of the money.

Further than that, the director is authorized to go into court and present the facts. I do not believe we ought to have any squeamishness about passing a law to make impossible the continuance of conditions such as were disclosed in the Fenning case, on account of a fear that it might be considered a reflection on him.

We are not here to protect Mr. Fenning, nor are we here to asperse his character. We are considering legislation to take care of the veterans, to see that the guardians appointed are honest, that they are proper guardians for the veterans, that the money is not wasted, and that these poor dependents have the supervision they ought to have. All we do is to direct the head of the Veterans' Bureau to withhold the money, to keep it from waste, until the court can determine whether the guardian is properly exercising his functions or not.

Mr. GEORGE. Mr. President, the Senator has not read the language of the bill very carefully.

Mr. SWANSON. What part of it prohibits that?

Mr. GEORGE. The Senator repeats that all that is provided is that the director may withhold temporarily. That is the old law.

Mr. SWANSON. It provides that he is authorized to refuse to make payments in such cases as he may deem proper.

Mr. GEORGE. He is authorized outright to refuse to make future payments in such a number of cases——

Mr. SWANSON. As he thinks proper.

Mr. GEORGE. That is to say, he can discharge a man from some guardianships.

Mr. SWANSON. No.

Mr. GEORGE. Oh, yes; that is provided. If there be 50 guardianships, he may discharge him in 40.

Mr. SWANSON. Take the case of Mr. Fenning, for example. The director says, "Mr. Fenning can be guardian in 10 cases. We will withhold in 40." Then, under the language appearing on page 6, wherever he exercises that authority and goes into court he presents the case, and the court determines it.

Mr. GEORGE. That is the old law.

Mr. SWANSON. All the new law does is that it lets him withhold payments in cases where he thinks the money is being wasted, whether it is 10 cases or 40 cases.

Mr. GEORGE. There is no need to have any confusion about it. The question here is a question of sound policy, and I am perfectly willing to concede that the Senator from Virginia may be right on the question of policy. But that is not the policy which has heretofore been adopted. If we are going to recognize the State courts, it seemed to your committee that the sounder policy was to go into your courts for your remedy. Under the House provision the Director of the Veterans' Bureau is simply given the authority, in effect, to revoke so many guardianships as he in his discretion should determine.

Mr. SWANSON. The Senator is entirely wrong. He does not revoke the guardianship. He simply withholds the payment in a certain number of cases.

Mr. GEORGE. If the Senator will permit me, he does not withhold it; he may refuse—under the language on page 5—to make future payments in such number of cases as he may deem proper.

Mr. SWANSON. That is true.

Mr. GEORGE. That is not a mere suspension; he is given the authority to refuse.

Mr. SWANSON. Where he refuses to make payments, under the language on page 6, subdivision 2, he is required to go into court——

Mr. GEORGE. Oh, no.

Mr. SWANSON. And present the facts to the court for determination.

Mr. GEORGE. That is the existing law, and refers to misconduct. The subsequent section, which the Senator is now reading, refers to a mere failure to discharge duty on the part of the guardian. This section relates to multiplicity of guardianships.

Mr. SWANSON. It provides that—

Whenever it appears that any guardian, curator, conservator, or other person is not in the opinion of the director properly executing the duties of his trust or has collected or is attempting to collect fees, commissions, or allowances that are inequitable or are in excess, etc.

If the director says the guardian is improperly executing his duty on account of having a hundred cases, when he should have but 10, he withholds the money, and it is his duty to go into court.

Mr. GEORGE. Yes; if he is not executing his duty for any reason. But the House provision was manifestly aimed—and I am not quarreling with the intent, for it may be a wise policy—at an evil which was found to exist in some cases, to wit, a multiplicity or a commercializing of guardianship practice over these unfortunate veterans, and it authorizes, really, a revocation of the guardianship.

Mr. SWANSON. No; there is no revocation. It simply provides for a withholding of the money. The director goes into court and says, "This man is not properly exercising his function, because he has 200 cases where he can take care of but 20," and the director withholds the money; and when he does that and charges that the guardian is improperly executing the duties of his office he is bound to go into court, and the court will hear the case. If the court will not remedy the matter and decree whether he ought to continue to pay the money or not to pay it, he could refer the matter to Congress. I, for one, will never vote that there shall be commercial guardians, with three or four hundred wards under them, simply to make money for the guardians, who can not properly take care of the wards.

Mr. McKELLAR. Mr. President, the Senator from Georgia said a number of times that under this provision the director would have the authority to revoke guardianships. There is not a scintilla of authority in this act for that statement.

Mr. SWANSON. It simply provides that the director may withhold the money, and then he is compelled to go to court.

Mr. ROBINSON of Arkansas and Mr. WADSWORTH addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Virginia yield?

Mr. SWANSON. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. When I was called out of the Chamber I understood that a tentative agreement, at least, had been reached——

Mr. WADSWORTH. I was going to ask what is the pending question.

Mr. ROBINSON of Arkansas. To restore the language of the House on page 5, with an amendment suggested by the Senator from New Mexico making that language applicable to the District of Columbia. I think that is a satisfactory adjustment of this controversy.

Mr. SWANSON. It is satisfactory to me, because I do not believe the practice legally exists anywhere else except in the District of Columbia.

Mr. WADSWORTH. Will the Chair not state the question?

The PRESIDING OFFICER. The present occupant of the chair was not in the chair when this question arose, but he is advised that the first question is on agreeing to the committee amendment on page 5, beginning in line 11, striking out the first proviso.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment offered by the Senator from New Mexico to the House text, on page 5, line 11, after the word "That," to insert the words "as to cases arising in the District of Columbia."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 15, line 1, after the word "eyes," to strike out the words "or the organic loss of speech," so as to make the paragraph read:

SEC. 202. (3) If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month: *Provided, however,* That the permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total, permanent disability: *Provided further,* That the compensation for the loss of the use of both eyes shall be $150 per month, and that compensation for the loss of the use of both eyes and one or more limbs shall be $200 per month: *Provided further,* That for double total permanent disability the rate of compensation shall be $200 per month.

The amendment was agreed to.

Mr. COPELAND. Mr. President, may I direct the attention of the Senator in charge of the bill to line 8, on page 15. Would the Senator be willing, after the words "and who has been hospitalized," to omit the language "for a period of one year" and add "for such time," on the theory that where there was an advanced case of tuberculosis, which might be perfectly apparent to the director, hospitalization would do the case no good and he would not have to require that person to stay a year in the hospital before getting the benefits of this very wise section.

Mr. REED of Pennsylvania. Mr. President, that paragraph is exactly the same in this bill as it is in the present law. It has worked very well. If the case is so severe, as the Senator indicates, undoubtedly the rating would be one of temporary total disability. If it is not so severe as to be utterly hopeless, then in our opinion at least one year of attempted cure at the Veterans' Bureau hospital is indicated.

Mr. COPELAND. I fully agree with that proposition, and if it is a provision under which an advanced case would be taken care of as temporarily totally disabled, I have no objection.

Mr. REED of Pennsylvania. I think undoubtedly that is the case under the present statute.

Mr. DILL. Mr. President, I was not in the Chamber when action was had on some of the amendments; I was forced to be away. What was done with the amendment on page 10? Was that amendment agreed to, or was the subsequent amendment adopted?

Mr. REED of Pennsylvania. That amendment was disagreed to, and an amendment to the language stricken out by the committee was adopted, so that it now reads as the clerk will report.

Mr. DILL. I simply wanted to take care of those women. If that was done, I am satisfied.

The PRESIDING OFFICER. The Senator withdraws his request to have the amendment read.

Mr. EDWARDS. I wish to offer an amendment——

The PRESIDING OFFICER. The Chair is obliged to advise the Senator that the Senate is now considering committee amendments. The Senator will withhold his amendment until the committee amendments have been passed upon.

The next amendment was, on page 15, line 14, before the word "temporarily," to strike out "not less than," so as to read:

That any ex-service man shown to have a tuberculous disease of compensable degree, and who has been hospitalized for a period of one year, and who in the judgment of the director will not reach a condition of arrest by further hospitalization, and whose discharge from hospitalization will not be prejudicial to the beneficiary or his family, and who is not, in the judgment of the director, feasible for training, shall, upon his request, be discharged from hospitalization and rated as temporarily totally disabled, said rating to continue for the period of three years:

The amendment was agreed to.

The next amendment was, on page 15, line 22, after the words "by the," to strike out "bureau" and insert "Government of the United States"; and on page 16, line 1, before the words "per month," to strike out "$30" and insert "$20," so as to read:

(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the

director to be insane, the compensation for such person shall thereafter be $20 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person.

The amendment was agreed to.

The next amendment was, on page 16, after line 10, to insert:

All or any part of the compensation, of any mentally incompetent inmate of an institution, may, in the discretion of the director, be paid to the chief officer of said institution to be properly accounted for and to be used for the benefit of such inmate, or may, in the discretion of the director, be apportioned to wife, child, or children, or dependent parents, in accordance with regulations.

Mr. REED of Pennsylvania. I may say, in explanation of the amendment, that it is in the present law, and we are merely continuing it in this section.

Mr. ASHURST. I have an amendment to offer to the committee amendment.

The PRESIDING OFFICER. The clerk will report.

The CHIEF CLERK. On page 16, after the word "regulations," in line 17, insert:

That any ex-service person shown to have had a tuberculous disease of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further,* That no payments under this provision shall be retroactive and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date.

Mr. ASHURST. Mr. President, I shall, if not interrupted, require but a few minutes to explain this amendment. I introduced it on June 9 and it has been printed. It proposes to pay a compensation of $50 a month to ex-service men who have had a tuberculous disease of compensable degree, but who in the judgment of the Director of the Veterans' Bureau have reached a condition of complete arrest of the disease.

I shall compress and compact my argument as much as may be. Let it be remembered that in dealing with tuberculosis there is not only a medical but a social-economic aspect which sometimes baffles physicians. In the case of the amputation of a limb, for example, once the stump is healed the degree of disability is determinate or at least determinable. In the case of tuberculosis the reverse is true, for the reason that tuberculosis is not a self-limiting disease or injury, but is a chronic inflammatory condition which may go on for many years and may be marked by alternate periods of activity or quiescence. A person afflicted with tuberculosis, in what we term in the nomenclature of the Veterans' Bureau "a compensable degree," means that certain segments of one lung, or even both lungs, have been affected, that there has been cough, expectoration, or hemorrhage; and that such afflicted or affected segment of the lung is either encysted and walled about, or that a portion of the lung is entirely removed and a scar remains. If we could see conditions we would probably find a great scar on the lung somewhat similar to a scar on the surface of the body. Therefore we say such a man has been afflicted with tuberculosis of a "compensable degree" and is an "arrested case." That is to say, the actual progress, the ravage of the disease is "arrested," but the person has not been restored to full vigor.

The imponderable which appears and which baffles physicians is that it is almost impossible to determine the exact extent of the disability throughout life. For example, there are certain occupations in which the arrested case can not engage by reason of this previous involvement and material permanent impairment of the lung. Therefore it must be obvious that his earning capacity is reduced, because there are many, many occupations in which he can not engage. Such occupations are quite numerous and I shall not take the time to mention them all.

I have here a vast deal of data upon this subject. At this particular time let me read from the same. I shall identify it later:

If a patient who has completed such a course of treatment and who has been discharged as "arrested," is again placed under unfavorable or inadequate conditions as to mode of life and subjected to stresses of ordinary life, the disease again may light up or become reactivated and invade new areas of the lung. Many of them suffered from relapse during the first two or three years after they were declared arrested, some after five or seven years, and even later, and only a portion of them survived the 20 years after discharge. Many of them died as a result of subsequent relapses. Thus the records of Trudeau Sanitarium at Saranac Lake, which has been in operation longer than any other in this country, show that of all the patients discharged 80 per cent had died of tuberculosis after 20 years. It must be emphasized, however, that all were not discharged as "arrested" cases of tuberculosis.

In view of the fact that a man who has suffered from a tuberculous disease of a compensable degree is impaired and his earning capacity reduced, I ask the Senate to adopt this amendment, which will provide that he shall be paid $50 a month; it is not retroactive in any sense and commences on the date of the passage of the bill or at the date when his disease reaches the process or period of arrest.

I have received from the Director of the Veterans' Bureau a statement as to the cost of this amendment, and inasmuch as it would be of no value as evidence to have it inserted without reading it, I crave the indulgence of the Senate while the clerk reads the same.

The PRESIDING OFFICER. Without objection, the document offered by the Senator from Arizona will be read.

The Chief Clerk proceeded to read, as follows:

JUNE 17, 1926.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR ASHURST: Receipt is acknowledged of your letter of June 11, 1926, transmitting copy of proposed amendment to H. R. 12175 to provide for payment of compensation of $50 per month for those ex-service men who have had tuberculosis of a compensable degree and who, in the judgment of the director, have reached a condition of complete arrest of the disease. You request an estimate of the cost of this amendment during the next 10 years.

On March 31, 1926, there were 18,256 cases of tuberculosis rated at less than 50 per cent, the monthly compensation for these cases being $295,870. Assuming these cases to be inactive, to rate all of them at 50 per cent permanent partial would cost $912,800 a month, representing an annual increase of $7,403,160. In addition to the above-mentioned cases there are approximately 7,975 cases of inactive tuberculosis on which compensation payments have been discontinued for the reason "less than 10 per cent." If these cases actually be of the arrested type under the present schedule, when it has been completely applied, they will receive a minimum rating of at least 10 per cent, costing, therefore, $957,000 per year. To rate these same cases at a 50 per cent minimum would cost $4,785,000 per year, or an increase over what they may receive under the existing schedule of $3,828,000. The total estimated net increase in cost, therefore, for rating arrested tuberculosis at 50 per cent permanent partial is $11,231,160. It is, of course, possible that the above figure of 7,975 cases of tuberculosis now rated at less than 10 per cent is a maximum figure, in that upon reexamination many of these cases might show that there never had been clinical findings of tuberculosis and, therefore, would not be rated at a compensable degree. It is, however, impossible to determine to what extent the above figure might be discounted.

Mr. ASHURST. I ask Senators to especially listen to this last paragraph, because it is a powerful argument.

The Chief Clerk resumed and concluded the reading, as follows:

For your information, you are further advised that the bureau is now proposing, upon its own motion, to further revise the new rating schedule to provide for a minimum of 25 per cent permanent partial for arrested tuberculosis. It is estimated that such a revision in the rating schedule to be made by the bureau will involve increased net expenditures totaling $3,361,860, which amount may well be deducted from the foregoing total of $11,231,160, giving a net cost of the proposed amendment to provide for payment of compensation of $50 per month for arrested tuberculosis of $7,869,300.

It is most difficult to estimate whether this cost would continue over the next 10 years, since such a cost can be determined with any degree of accuracy only as time goes on. It seems probable that there would not be any material change in the above estimated annual costs over the period in question, although a trend downward would probably be observed.

Very truly yours, FRANK T. HINES, *Director.*

Mr. ASHURST. Mr. President, I hope the Senator in charge of the bill will let the amendment go to conference. I know that the Senator is not oblivious to the situation. He has given abundant evidence of the fact that he has studied this question. I do not know whom the conferees will be. I assume the able Senator from New Mexico [Mr. JONES] will be one of them, but whomever the conferees be, I have absolute confidence that they would give the amendment a most thorough investigation, and if any doubts exist they would be resolved in favor of the ex-service man.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New York?

Mr. ASHURST. I yield.

Mr. COPELAND. I assume the amendment offered by the Senator from Arizona is substantially the same as that introduced by the Senator from New Jersey [Mr. EDWARDS]?

The PRESIDING OFFICER. The Chair desires to make a statement in fairness to the Senator from New Jersey [Mr. EDWARDS] as well as the present occupant of the chair. The Chair did an injustice to the Senator from New Jersey which he very much regrets. The Senator from New Jersey offered an amendment a few moments ago, but at the suggestion of the Chair he withheld it, it being the understanding of the Chair that it was an amendment offered to the bill and not to the committee amendment. He has since learned that the amendment intended to be proposed by the Senator from New Jersey was an amendment to the committee amendment. The Chair makes the statement in justice to the Senator from New Jersey.

Mr. ASHURST. Mr. President, I introduced my amendment on June 9. The Senator from Tennessee [Mr. TYSON] introduced a similar amendment on June 16. I did not know of the amendment proposed by the Senator from New Jersey.

The PRESIDING OFFICER. The Chair simply wanted to express his regret that he had done an injustice in declining to recognize the Senator from New Jersey.

Mr. EDWARDS. I am much more interested in having the amendment acted on and agreed to than I am in obtaining credit for its authorship. I am not the author of it. It was handed to me and I was requested to introduce it, and I have done so because I think it is a good amendment. I assume that all consumptive and tubercular patients who entered the Army were free of tuberculosis when they entered the Army and they became sick from being in the Army. The medical authorities of the country, so far as I can learn, have never found one to be absolutely cured so they could say he was cured. The disease might break out anew at any time. While I was very strongly opposed to a bonus for the soldiers of the United States, I was willing and am willing to pay the last dollar in the Treasury to the sick men.

Mr. ASHURST. Mr. President, I am encouraged and gratified to have the able support which the statement of the Senator from New Jersey furnishes. Of course, the Chair did not wittingly do an injustice to the Senator from New Jersey or anyone else. The radiant and amiable personality of the present occupant of the chair [Mr. WILLIS] would make it impossible for him wittingly to do an injustice to anybody.

My amendment is almost a rescript of the Johnson bill that was reported favorably to the House three or four months ago by the House committee. I am glad that the Senator from Tennessee [Mr. TYSON], the Senator from New Jersey [Mr. EDWARDS], and I, without any conference among ourselves, reached the same conclusion as to this question. It is a circumstance arguing for the truth and the justice of the amendment when various Senators, without conferring with one another, reach the same conclusion upon the subject. I introduced my amendment on June 9. The junior Senator from Tennessee [Mr. TYSON] introduced his amendment, almost of the same purport and effect, on June 16.

It was the intention of the junior Senator from Tennessee to press his amendment; but he was called away upon a very important matter—and it must indeed have been an extremely important matter to call him away when a bill of this character was pending. However, he did me the honor to send to me (by his secretary) a speech which he had prepared in support of his amendment, and also some very copious data which he had secured on the subject. I ask leave to have inserted in the RECORD, at the end of my remarks, the speech which the Senator from Tennessee [Mr. TYSON] would have delivered had he been able to be present, together with the interesting and pertinent data on the subject, which he collected.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it will be so ordered.

[The speech and data, prepared by Mr. TYSON, are printed at the end of Mr. ASHURST's speech.]

Mr. ASHURST. Mr. President, the junior Senator from Tennessee [Mr. TYSON] did me the honor thus to encourage me, and he said, in a pleasant way, that he would have given the speech to his own colleague the senior Senator for Tennessee [Mr. MCKELLAR] to read because he thought his colleague could handle it much more eloquently than I could, but he knew that I had already introduced my amendment. That was the reason why he did not hand the speech to his colleague. However, he paid his colleague the compliment, as I said before, of declaring that his colleague could have handled the matter better than I could; and I agree to that statement.

Mr. MCKELLAR. Mr. President, that is the first time I ever knew my colleague to make a misstatement of fact.

Mr. JONES of New Mexico and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arizona yield; and if so, to whom?

Mr. ASHURST. I first yield to the Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, I should like to call the attention of the Senator from Arizona to a circumstance of which I am sure he has actual knowledge. Is it not a fact that tubercular patients who go to places in the Southwest for treatment, after they have been "cured," as it is "termed," feel that they must still reside in that section of the United States?

Mr. ASHURST. Mr. President, what the able Senator from New Mexico has pointed out is absolutely true.

Mr. BRATTON. Mr. President, will the Senator from Arizona yield to me?

Mr. ASHURST. I now yield to the junior Senator from New Mexico.

Mr. BRATTON. Mr. President, is it not also true that those men can not return to the ordinary vocations of life which require physical or mental exertion and thereby be enabled to earn a livelihood because if they do so the disease again becomes active and life is shortened by it?

Mr. ASHURST. That is an accurate statement.

Mr. BRATTON. So that those men are required to live in that section of the country without support from the Veterans' Bureau; and if they return to their former calling or profession the disease is no longer arrested but becomes active and life is shortened.

Mr. ASHURST. Mr. President, I have been reinforced by the statements of the two Senators from New Mexico; and, in other words, the "arrested cases" of tuberculosis, in the nomenclature of the Veterans' Bureau, mean very much more than in ordinary language we think they mean. A man may have an arrested case of tuberculosis, but he is precluded from entering into many fields of activity; he can not survive in many situations. As set forth in the statistical matter which I have sent to the desk, a large number of them find that the disease recurs. I have already trespassed too long on the patience of the Senate, and I now ask for a vote.

SPEECH OF SENATOR LAWRENCE D. TYSON

Mr. TYSON. Mr. President, in his address to the American Legion National Convention at Omaha, Nebr., on October 6, 1925, President Coolidge, in speaking of the domestic problems confronting our Nation at and since the close of the World War, said:

> The chief of these [problems] was the care and relief of the afflicted veterans and their dependents.

To this view of our duty to the disabled I believe we all subscribe. How well or how poorly that duty may have so far been performed is of more than passing interest, but I shall not undertake to discuss that question at this time—suffice to say that it has been of tragic interest to many and through faults attendant upon the administration of any law some errors were made and some men have been denied that care and solicitude to which they were entitled. There has been generally a commendable spirit of liberality on the part of Congress in the care of the disabled, and I believe a sincere effort to meet the problems in a nonpartisan manner—about $3,000,000,000, the President tells us in that address, has already been expended by Government agencies in the care of the disabled ex-service men—but, Mr. President, it is the care of the disabled that constitutes the "chief domestic problem" arising out of the war, and the cost of that care to which he is entitled is one of the incidents of the problem.

Having due regard to that phase, however, and believing that in the course of years the amendment which I have proposed will prove less expensive to the Government than the plan now pursued I have offered the following amendment to H. R. 12175:

> That any ex-service person shown to have had a tuberculous disease of a compensable degree, who, in the judgment of the director, has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month for a period of five years: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization as provided under the second subparagraph of section 202 of the World War veterans' act of 1924: *Provided further,* That no payments under this paragraph shall be retroactive and the five-year period shall commence to run from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever is the later date.

Mr. President, reference to the last report of the Director of the Veteran's Bureau shows that on June 30, 1925, there were then 9,160 tubercular war veterans in hospitals (Table 40) of whom 8,416 had a compensable disability, and that tuberculosis was the disabling cause of 21.7 per cent of all compensable cases (p. 20). There were at that time 45,839 cases on which tuberculosis was the major disability, of whom 9,161 were rated permanently and totally disabled, and 14,824 were rated temporary total. In other words, says General Hines, 52 per cent of all compensable tuberculosis cases were rated totally disabled and drawing compensation either in the sum of $80 or $100 per month, determined by the permanency of their rating.

Of all tubercular cases rated less than totally disabled, 44 per cent were receiving ratings from 10 to 20 per cent representing cases, in a large measure, that had become inactive, or "arrested" as termed in this amendment.

This amendment provides that for a period of five years after discharge from treatment with an "arrested" case of tuberculosis the patient shall receive the sum of $50 per month as compensation. It is designed to give to those men who are now trying to live on the reduced compensation paid to an "arrested" case of tuberculosis some measure of assurance that there will be no recurrence of that dread disease because they are forced to eke out supplementary existence, although ailing in body, depressed in spirit, and eternally facing the fear of a reactivity of their disease.

It is designed to care for those 9,161 veterans now totally disabled, when and if they be so fortunate as to recover even partially and their troubles become allayed, while life yet lasts.

It is designed to give that assurance to all these 45,000 and more tubercular veterans, so necessary to mental state of a tubercular victim, in order for him to respond to treatment with any degree of certainty to the affecting of a cure.

One of the greatest handicaps to the tubercular victim is mental. And a great amount of money being spent by the Veterans' Bureau is being spent in the treatment of veterans who have at different times been discharged from hospitals with arrested or apparently arrested cases, and who, when forced to face the problem of earning a living, have broken under the strain, become reactive, and have been forced to seek readmission to a hospital, and then, in a further weakened condition, in their own words, "chase the cure" all over again.

This has, to my mind, proven far more expensive and will continue to prove more expensive to the Government than would the amendment which I have proposed, and yet this expense is not, as I have said, the problem, but only an incident to the problem.

Mr. President, these views are not mine solely. The Veterans' Committee of the House recently held extensive hearings on the proposed amendments to the World War veterans' act, and in every bill seriously considered, except the bill H. R. 12175, the amendment which I have proposed was embodied.

The Veterans' Committee of the House of Representatives first gave consideration to H. R. 4474, a bill sponsored by the ex-service men's organizations, hearings extending over a period of several weeks were held on the proposed amendments to the veterans' act. This bill contained a provision similar to that proposed by this amendment.

For some reason, however, H. R. 4474 was not reported by the committee, but the bill was rewritten and came forth as H. R. 10240, and was reported favorably by the committee on March 11, 1926, and this bill contained a provision similar to my amendment except that it carried the sum of $35 per month instead of $50, and in the report of the committee accompanying this bill we note the conclusions of the committee in the following language (sec. 13, p. 4 of H. Rept. 515):

> Section 9 of the bill amends section 202, first by providing in arrested cases of tuberculosis a minimum rate of compensation of $35 per month for a period of five years. In view of the residual latent disability in cases of tuberculosis and the danger of reactivation, your committee was of the opinion that these men should be allowed a greater amount of compensation than the average case during the period immediately following the time their disability reaches the condition characterized as "arrested." It is during this time that the danger of reactivation is most imminent, and the committee thought that by allowing these men a sufficient amount to permit them to gradually resume their occupations without stress or strain that in the end the purpose of this legislation would be more thoroughly accomplished and an actual saving result to the Government. It is not proposed to make this proviso retroactive.

The American Legion has a national legislative committee and a national rehabilitation committee here in Washington, and those committees have received a mandate from the national convention of this organization directing them to use their efforts to have such provisions written in the law.

There is at Johnson City, Tenn., one of the largest hospitals of the Government, the entire facilities of which is set apart for the treatment of tubercular patients.

The officials in charge of this hospital are men eminent in their profession, and especially familiar with the problems of the tubercular veterans. I desire to insert at this point a letter from the former director and the assistant director, who is now director at this hospital, bearing directly on the problem of caring for "arrested" tubercular patients:

NOVEMBER 24, 1925.

Senator L. D. TYSON,
Washington, D. C.

MY DEAR SENATOR TYSON: On the basis of our experience, both with the civilian and military aspects of tuberculosis, we feel that the inclosed memorandum covers the question of permanent rate of compensation for the veterans disabled by tuberculosis.

As far as the financial aspects of the problem are concerned we do not feel that we are in position to make an accurate analysis with the facts at our disposal. The inclosed tabulation is based largely upon impression and would call for closer scrutiny and examination by those who have access to more detailed statements concerning the disbursements and who at the same time are more expert in auditing and analyzing such statistical material. It stands to reason, however, that if repeated medical examinations for rerating are eliminated, that some of the present overhead administrative expenses could be materially reduced, and the procedure in connection with hospitalization, medical treatment, and compensation could be much simplified.

Very respectfully,

DAVID TOWNSEND,
Major, Associate Medical Director and Superintendent.
WALTER C. KLOTZ,
Colonel, Medical Director and Superintendent.

ARGUMENT IN FAVOR OF PERMANENT RATE OF COMPENSATION IN THE CASE OF VETERANS DISABLED BY TUBERCULOSIS

THE MEDICAL AND SOCIAL-ECONOMIC ASPECTS

1. In the case of an amputation, for example, the degree of disability is determinate once the amputation stump is healed. In the case of tuberculosis, however, we are dealing with a disability which is not determinable, for the reason that tuberculosis is not a self-limiting disease or injury but a chronic inflammatory condition, which may go on for many years and may be marked by alternating periods of activity or quiescence. Under the hygienic régime, laid down for patients in tuberculosis hospitals and sanatoriums, marked improvement in general health may be expected. The diseased areas in the lungs become inclosed or surrounded by new scar tissue, and the local symptoms of cough, expectoration, or hemorrhage disappear. In from one to three years under favorable circumstances the disease becomes "arrested." In other words, to all appearances and as far as medical examinations can determine the patient is well.

2. If, however, a patient who has completed such a course of treatment and who has been discharged as "arrested" is again placed under unfavorable or inadequate conditions, as to mode of living, and subjected to stresses of ordinary life, the disease may again light up or become reactivated and invade new areas of lung tissue. If we trace larger groups of patients who have been discharged as arrested from standard and established institutions, we find that only a small portion of these were able to go back to work and continue at work for any continuous period. Many of them suffered from relapse during the first two or three years, some after five or seven years or even later, and only a portion of them survived the 20 years after discharge. Many of them died as a result of such subsequent relapses. Thus the records of Trudeau Sanatorium at Saranac Lake, which has been in operation longer than any other in this country, show that of all patients discharged 80 per cent had died of tuberculosis after 20 years. It must be emphasized, however, that not all were discharged as "arrested," a number having failed to remain until treatment was completed.

3. The records of the national sanatorium at Johnson City, Tenn. (Mount Branch, National Home for Disabled Volunteer Soldiers), show considerable number of patients who have been readmitted as second, third, or even more times. Some of these did not complete treatment at times of previous discharge, but had been discharged as "against medical advice," absent without leave, or for disciplinary reasons. However, we have met with where patients sought readmission who had been discharged as "arrested," who had taken up vocational training or had gone back to work and who had suffered relapse of their former tuberculosis disease. [NOTE 1. These figures for readmission are shown in the attached statistical tabulation. It is unfortunate that more exact information is not available at the moment as to the various reasons and causes for readmission.]

5. The facts cited emphasize the important question of relapse in tuberculosis patients discharged from institutions as arrested. It is this tendency to relapse that has made the satisfactory reestablishment of the arrested tuberculosis patient such a difficult one. It is a problem that has interested many tuberculosis workers and its solution has been the subject of numerous discussions and conferences. This pertains not only to ex-service patients, but also to civilian tubercular patients. Up to a certain point the ex-service patient has had an advantage as compared to the civilian patient in so far as there has been no limit as to the time he may receive treatment and hospital allowances. In cases of relapse he can always be readmitted for further treatment, whereas the civilian patient is often forced to leave and discontinue treatment on account of financial considerations or the limit of time that he may remain an account of the limited number of beds, waiting list, or other reasons. However, as far as permanent rehabilitation is concerned the ex-service man is subjected to very similar limitations. If discharged as "arrested," present provisions only allow him compensation for six months after discharge unless he is taking vocational training.

6. If the ex-service man disabled by tuberculosis is to receive proper indemnity or protection on account of his tuberculosis disability, present provisions are inadequate. Because he has reached the stage of "arrest," he is by no means restored to a condition of full working capacity or even to training under a full daily schedule. Unless he continues to live under favorable conditions, he is almost certain to suffer relapse. In other words, because he has been discharged from the hospital as "arrested," he has not been restored to the point where he can compete with the full standard, unhandicapped, nontuberculosis individual. He may not reach this point for three years, perhaps not in five years, possibly he may never reach it.

7. It is obviously difficult to arrive at any quantitative estimate of this permanent potential disability. It will naturally differ widely. This makes it difficult to arrive at any exact amount of compensation that ought to be granted to offset this potential disability. In the case of disabled veterans there must necessarily be one standard for all. Previous social or financial conditions can not be considered. It follows necessarily that no matter what amount is determined on, that it may be adequate for some who are accustomed to a lower scale of living and who may be permanently arrested, while it must necessarily be too low for others whose demands are higher and who at the same time may not reach the same proportion of working capacity or productivity. However, there are a number of statistical data that might offer a basis for a permanent rating that would be adaptable to the average. (It has been estimated by different authorities that the average value of the arrested sanatorium patient is about 50 per cent in the labor market.) In other words, his capacity is about half of what it was before he developed his disability.

8. Insurance actuaries and statisticians estimate that the average expectancy of life of discharged tuberculosis patients discharged from sanatoria is diminished about one-half. Thus Picken, a British insurance actuary, in discussing pensions for tuberculous British ex-service men, stated that while the expectancy of life for the average period of men in service was 30 years, it was only 14 years for those discharged from tuberculosis sanatoria as arrested. He is of the opinion therefore that all tuberculous ex-service men should be granted minimum permanent pension of 50 per cent.

9. Dublin, statistician of the Metropolitan Life Insurance Co., states that on the basis of sanatorium statistics studied by himself that the death rate among patients discharged as apparently arrested was eight to ten times the normal rate for given age in those cases that had been originally classified on admission as moderately advanced, while it was thirty or forty times the normal for the given age in those classified as far as advanced on admission. [NOTE 2. Some insurance companies will not insure "arrested" cases of tuberculosis except after a period of years following the point of arrest. Other companies will not accept "arrested" cases of tuberculosis on even a "substandard" basis.]

10. We can accept it as proven therefore that the "arrested" tuberculosis patient is very definitely a substandard risk; that he can not under ordinary circumstances resume full-time work for a number of years; that his earning power and working power are reduced; that in order to protect himself agninst relapse he must provide himself with better living conditions as to location and character of dwelling, as to food, as to clothing for protection, and must choose work under favorable environmental conditions.

11. In the face of such vocational handicap and more or less permanent potential disability, with a very definite risk of relapse during at least 20 years, a permanent rating of at least 50 per cent would be only a fair offset to the diminished production capacity and diminished expectation of life. There may be serious objections to such a scheme of permanent rating from a social point of view. It may be pleaded that it might lead to a life of idleness and take away the incentive to become physically and industrially rehabilitated; that in some instances the lack of occupation might lead to such habits as drug addiction. At the same time such undirected or misdirected idleness may itself be a prolific source of relapse.

12. As a corollary of what has been stated above, it can not be emphasized enough that the discharged "arrested" tuberculosis ex-service man will need medical supervision and guidance for many years, if not as long as he lives. There should be afforded full provision and facilities for reexaminations in dispensaries and clinics. The man should be followed up by public-health visiting nurses. The medical indications of the problem have not been met when the patient leaves the sanatorium. If such educational influences are available for the man and his family after he is discharged, they may help him observe the rules of healthy living, which he is supposed to have learned at the tuberculosis hospital and some of the sociological errors that have followed other wars may be obviated. A permanent compensation will become a useful supplement to any income the patient may derive after he has reached a degree of physical rehabilitation that will permit him to follow a useful occupation by enabling him to provide more favorable living conditions in order to maintain life and health.

13. However, it is a question whether a 50 per cent rating would be adequate for the first two or three years after discharge as "arrested." A more liberal allowance ought to be granted during this readjustment period while the man is attempting to reestablish himself, provided he is making reasonable efforts to become reestablished. It is to be noted especially that continuation of good health after discharge depends largely upon the man himself.

14. It is realized that with full compensation on an out-patient status and a permanent minimum rating for the completely reestablished case, a very compresentive system of medical aftercare and nursing supervision ought to be provided. However, a permanent rating would obviate considerable overhead administrative expense, and the money thus saved might well be applied toward furnishing an adequate follow-up nurse service, which would constitute an important factor in the general education of the people in matters of health and home hygiene.

15. It is taken for granted that hospitalization and institutional treatment will be available at any time that serious relapse or reactivation occurs. Hospitalization should be held out as a benefit and privilege and not as a necessary condition for continuance of compensation. But if optional, it should under no circumstaces be merely a domiciliary provision, with unlimited privilege of furlough or readmission after absence without official leave. Admission to a Government tuberculosis hospital or sanatorium should only be on the basis of active treatment, subject to proper medical supervision and control, with conformity to medical regulations and cooperation with the medical staff, along the lines of accepted civilian institutions, that comply with the standards of the American Sanatorium Association. Finally it must be accepted that there have probably been frequent errors in diagnosis in the past, owing to conditions under which examinations were necessarily conducted and many cases mistaken for tuberculosis were really due to other conditions. Permanent rating should therefore be applied only to those cases where a diagnosis rests upon sound and indubitable clinical evidence or to such patients as were under treatment for tuberculosis, at or after some such provisions should become effective.

16. To sum up briefly, a permanent rating should assure prolongation of life as in most instances it will enable the individual to devote a part of his efforts to support himself and thus allow him to devote the rest of his efforts and resources toward maintaining health and preserving life.

WALTER C. KLOTZ,
Medical Director and Superintendent.

Appended to this letter from former Director Klotz and Major Townsend, who is now director, is the report of the National Sanatorium on the question of admissions and readmissions for the year ending September 30, 1924. I desire to read that report. It is as follows:

REPORT FOR YEAR ENDING SEPTEMBER 30, 1924

NATIONAL SANATORIUM, *Johnson City, Tenn.*

There were 1,497 admissions during this period. Of these 918 were original admissions and 590 readmissions.

Four hundred and seventy-five were readmitted one time during the year ending September 30.

Ninety-six were readmitted two times during the year ending September 30.

Seventeen were readmitted three times during the year ending September 30.

One was readmitted four times during the year ending September 30.

One was readmitted five times during the year ending September 30.

Of the 590 above patients readmitted during the year ending September 30, 1924, 286 had been readmitted prior to October 1, 1923, as follows:

One hundred and forty-six had been readmitted two times prior to October 1, 1923.

Seventy-six had been readmitted three times prior to October 1, 1923.

Twenty-four had been readmitted four times prior to October 1, 1923.

Twelve had been readmitted five times prior to October 1, 1923.
Twelve had been readmitted six times prior to October 1, 1923.
Twelve had been readmitted seven times prior to October 1, 1923.
Three had been readmitted eight times prior to October 1, 1923.
One had been readmitted nine times prior to October 1, 1923.

The status of these 590 readmitted cases on discharge prior to October 1, 1923, was as follows:

Apparently arrested	122
Against medical advice	80
Absent without official leave	240
Disciplinary reasons	38
Transferred to other hospitals or home treatment	37
No tuberculosis National Home for Disabled Volunteer Soldiers' regulations	12
Dropped or at request	61
Total	590

It will be noted that of the 1,497 admissions to the sanatorium during the year, 590 of these were readmissions, having been treated before. Four hundred and seventy-five had been readmitted one time during the year ending September 30, 1924, 96 were readmitted two times, 17 three times, 1 four times, and 1 five times during the year.

These facts, Mr. President, show how futile it is to expect a man afflicted with tuberculosis to go out into the world, face the problems of earning a living, while he yet harbors the germs of this disease.

Of these 590 cases of readmissions, 286 of them had been readmitted prior to October 1, 1923, one of them as many as nine times, and a great number of them four or five times, showing all too clearly that an "arrested" case of tuberculosis is neither in a mental or physical state to withstand the strife and at the same time entertain even a reasonable degree of hope to recover from his disease.

These men, Mr. President, who faced the terrors of war, carry with them its ravages, and for them peace has brought no victory.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arizona.

Mr. COPELAND. As I understand, the purpose of the amendment presented by the three wise men, the Senator from Arizona [Mr. ASHURST], the Senator from Tennessee [Mr. TYSON], and the Senator from New Jersey [Mr. EDWARDS]——

Mr. ASHURST. Mr. President, will the Senator from New York yield?

Mr. COPELAND. Yes.

Mr. ASHURST. I do not know just what the Senator means when he says "wise men." I do not like the way he looks at me. Mr. President, had I the time and opportunity I should have consulted the Senator from New York, and I am now fully confident, without consulting him, that he is for the amendment.

I have read his newspaper articles for years, and he is the one Senator here from whom I have received encouragement upon this subject at all times. I therefore hope that there was no sarcasm in the words "three wise men." I make no pretensions to wisdom.

Mr. COPELAND. Mr. President, in spite of what the Senator has said about the looks of the Senator from New York and his reference to my articles, for which I will forgive him at once, I think that the Senator from Arizona and the other Senators mentioned are wise, because, if I understand correctly the purpose of this amendment, it is to provide relief for the veteran who has had tuberculosis and who has been "apparently cured." I put the words "apparently cured" in quotation marks because when once a person has had tuberculosis it demonstrates his susceptibility to the germ and the probability, or at least the possibility, that there may be a recurrence of the disease; and stress, fatigue, worry, anything which would cause debilitation and lowered resistance in the case of a person who has once had tuberculosis would be likely to cause the latent germs to become active. If I understand the purpose of this amendment, it is to provide a little relief so that the wolf will not be at the door all the time, and that there may be open the choice of some profession or vocation, with less earning power perhaps, but involving less effort, less fatigue, and less worry. If that is the case, I can see that the Senator from Arizona was well characterized as one of the three wise men.

Mr. ASHURST. Mr. President, let me say, and without flattery, that the Senator from New York has in just two minutes by the clock said in compact and delicious phrase what I took about half an hour trying to say. I thank him.

Mr. REED of Pennsylvania. Mr. President, of course we all sympathize with the men who have been disabled by tuberculosis, but the question which is presented to us is whether Congress wants in this wholesale way, without seeing the patient, to diagnose the case and prescribe the degree of disability. At the present time the new rating schedule provides for a minimum disability rating of 25 per cent, and from that on up to a hundred per cent, in accordance with the facts in each particular case. These men are examined by the best specialists obtainable. The medical council which General Hines has called to his aid to consider this very amendment has reported to him that it is of the opinion that any person who has a recognizable case of tuberculosis has a permanent handicap of not less than 25 per cent. So that is the minimum. It used to be 10 per cent, but they raised it, after continued study, to 25 per cent. If the case has been very severe, if a great deal of the lung tissue is involved, much more than in the average case, then the examining specialists have authority to recommend a rating as high as 100 per cent. That is the way it ought to be. We ought not to establish a rule of thumb without seeing these men. It is not fair to the men and it is not fair to the Government, and if we do it here, then just so surely as we sit here they will be along next year wanting an arbitrary rating by Congress on discharged neuropsychiatric cases, and Congress will have to undertake to say just how much a man who has had acute melancholia and apparently has recovered has been handicapped in his vocation.

Much depends upon the particular occupation of the man. The clerk who works in a sanitary, well-aired office is no worse off than before from the standpoint of fresh infection; he is no more likely to get a fresh tubercular infection than is a man who never had the disease; while, on the other hand, a man who has once had tuberculosis and has to return to some employment that involves a lot of dust, such as grinding tools in a machine shop, is very likely indeed to have a new tubercular infection within a very short time, and for that vocation his handicap is much greater than 50 per cent.

Mr. ASHURST. Mr. President, will the Senator yield for a question?

Mr. REED of Pennsylvania. Gladly.

Mr. ASHURST. I should like to have the Senator tell the Senate does he disagree with the statement made by the Senator from New York [Mr. COPELAND]?

Mr. REED of Pennsylvania. I could not hear it, although I tried to do so.

Mr. ASHURST. I ask that the reporter may read it.

Mr. REED of Pennsylvania. I thought it was confidential; I could not hear a sound on this side of the aisle.

Mr. ASHURST. I believe if the Senator from Pennsylvania would have the official reporter read what the Senator from New York said it would convince him that this amendment ought at least to go to conference.

The PRESIDING OFFICER. Does the Senator from Pennsylvania desire to have the official reporter read?

Mr. REED of Pennsylvania. I would be glad to send for the notes if they are at hand.

Mr. COPELAND rose.

Mr. REED of Pennsylvania. Perhaps the Senator from New York will repeat what he said.

Mr. COPELAND. Mr. President, let me say to the Senator from Pennsylvania that any person who has once had tuberculosis, even though he is put down as an alleged cured case or an arrested case, is peculiarly susceptible to recurrence of the disease. As I understand this amendment, the purpose of it is to give this man some relief, so that he is not under the necessity of chasing the wolf from the door, that he may take some occupation which perhaps will not give him so much return in the way of salary in order to piece out his income and relieve him of this danger which comes from fatigue and from worry and from other causes which lower the vitality.

Mr. REED of Pennsylvania. That is just what we do now, and that is why they put in the minimum rating of 25 per cent; and if his vitality seems to be less than that of the ordinary cured case they have authority to increase it, on the circumstances of that case, up to 100 per cent. Twenty-five per cent means $25 per month; 100 per cent means $100 per month.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Yes.

Mr. LENROOT. Can the Senator state what the minimum is in a case that is in any degree active?

Mr. REED of Pennsylvania. If it requires hospitalization it is "temporary total," and carries $80, plus family allowances.

Mr. LENROOT. Does the Senator know what the minimum is where it is not a case of hospitalization?

Mr. REED of Pennsylvania. I should have to look at the rating schedule. I am informed that if it is an active tuberculosis it is ranked as "temporary total" in all cases.

Mr. LENROOT. Wherever it is active in any degree? That is what I am after.

Mr. COPELAND. Mr. President, if I may say so to the Senator from Pennsylvania, I do not understand that the Sen-

ator from Arizona is talking about an active tuberculosis, no matter how mild it is.

Mr. REED of Pennsylvania. Oh, no; I know he was not, but the Senator from Wisconsin asked the question.

Mr. LENROOT. What I wanted to know was whether there was any minimum in active cases that would be less than the amount proposed in the Senator's amendment.

Mr. COPELAND. Let me ask this question of the Senator from Pennsylvania: Suppose a veteran has had tuberculosis, and he is now reported as cured, or apparently cured, or arrested. Does he draw any compensation?

Mr. REED of Pennsylvania. Absolutely. There is a minimum of 25 per cent of permanent disability—that is, a minimum of $25 a month—if he is pronounced absolutely and completely cured.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. LENROOT. May I ask whether that is a recent regulation?

Mr. REED of Pennsylvania. That is recent.

Mr. LENROOT. I thought so.

Mr. REED of Pennsylvania. The bureau started with a minimum of 10 per cent, and their awards ranged all the way from 10 up to 40 or 45 per cent. I am speaking now of arrested cases.

Mr. LENROOT. Yes.

Mr. REED of Pennsylvania. Then, when this agitation began to come from the tubercular hospitals of the bureau and these amendments began to be presented asking for 50 per cent minimum, the director called together a body, as he describes them, of eminent specialists in the various fields of medicine, who, in the capacity of a consulting council, assist the director in deciding important questions of medical policy. He got, I think, the best experts in the country on tuberculosis, and after long study they reported to him their verdict in a single sentence:

> For the purposes of the Veterans' Bureau, the committee is of the opinion that any person who had a recognizable tuberculosis has a permanent handicap of not less than 25 per cent.

Mr. ASHURST. Mr. President, will the Senator yield for a question?

Mr. REED of Pennsylvania. Gladly.

Mr. ASHURST. Do I understand the able Senator to say that at this time and heretofore ex-service men who have had a tubercular disease of a compensable degree and who are called "arrested cases," are and have been receiving a compensation of $25 a month?

Mr. REED of Pennsylvania. No, Mr. President. The minimum was $10 a month, and that has ranged according to the facts of the particular case up as high as $45 a month, but the average probably was not over $25. Now, however, the average will be much more than $25, because of this change in the rating schedule. May I say also that the director tells me that the change in the rating schedule I have described entails an annual increase of cost of $3,361,000?

Mr. EDWARDS. Mr. President——

Mr. REED of Pennsylvania. I yield to the Senator from New Jersey.

Mr. EDWARDS. I should like to ask the Senator whether these men that get 10 per cent now are not called before the Veterans' Bureau and their compensation canceled?

Mr. REED of Pennsylvania. No, Mr. President; under the new schedule that can not be done.

Mr. EDWARDS. How long has this new schedule been in effect?

Mr. REED of Pennsylvania. It has just been put into effect this spring. The men now getting $10 will immediately get $25.

Mr. EDWARDS. What becomes of the men who have been discharged as cured, practically, who are not really cured?

Mr. REED of Pennsylvania. If their record shows that they ever had tuberculosis, and it is passive now and arrested, they get the minimum of $25. If it is active, they get $80.

Mr. EDWARDS. It can not help but show that they have had tuberculosis, because the Senator says the greatest experts have examined them and they have been sent there for tuberculosis; so, consequently, they all have had tuberculosis. Is not that so?

Mr. REED of Pennsylvania. Even the best cured of them is entitled to $25.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Gladly.

Mr. COPELAND. If the arrangement now in the bureau is as stated by the Senator—and of course it is—there can be no possible difference of opinion between the Senator from Arizona and the Senator from New Jersey and the Senator from Pennsylvania except as to the amount. These experts said that the amount should be not less than 25 per cent, and of course that might mean that it could be 40 or 50 per cent; but the only point now in the amendment, as I see it, is whether or not there should be a minimum of $50 a month. That is the only point now left in the amendment.

Mr. REED of Pennsylvania. That is the question—whether we are going to override the judgment of the council of doctors who passed on the question.

Mr. COPELAND. Mr. President, the council of doctors have not said that the amount is 25 per cent.

Mr. REED of Pennsylvania. Yes; they have.

Mr. COPELAND. Not less than 25 per cent.

Mr. REED of Pennsylvania. That is what I mean.

Mr. COPELAND. Not less than 25 per cent, which might well mean that it is 30 per cent or 40 per cent; but the question is now, as I see this amendment, whether or not it is worth while for the Senate to give thought to the removal of anxiety and worry from the minds of these men.

Mr. REED of Pennsylvania. That is what the Veterans' Bureau wants to do.

Mr. COPELAND. I have no doubt about that.

Mr. REED of Pennsylvania. I think it is very unwise for us to try by general legislation to prescribe the degree of disability of particular individuals from particular diseases.

Mr. ASHURST. Mr. President, will the Senator yield for a question?

Mr. REED of Pennsylvania. I yield.

Mr. ASHURST. That is done in all other instances, is it not?

Mr. REED of Pennsylvania. Not by legislation; no. The only exceptions are those men who are so horribly mutilated that we have put it beyond doubt that they are permanently and totally disabled—the blinded men, the men who have lost two arms and two legs, and that sort of thing.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Gladly.

Mr. GERRY. How long has that new rating been in operation?

Mr. REED of Pennsylvania. It just went into effect this spring.

Mr. GERRY. And that will operate from now on?

Mr. REED of Pennsylvania. Yes. The law was changed in 1924 to require the establishment of a rating schedule according to the pre-war occupation of the disabled man. They have been working on that for nearly two years. They issued it last autumn, I think. Now they have corrected it in this respect, and the correction and the rating schedule as a whole are both now in effect.

Mr. GERRY. Does the Senator remember the exact date? Was it a month ago?

Mr. REED of Pennsylvania. The decision was made more than two weeks ago, and the definite change was put into effect just about two weeks ago, since the 1st of June.

Mr. EDWARDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from New Jersey?

Mr. REED of Pennsylvania. I yield.

Mr. EDWARDS. Is it possible for the Veterans' Bureau to reduce this now, if they want to, by regulation and return to the 10 per cent?

Mr. REED of Pennsylvania. Oh, yes, Mr. President; it is possible for them to change anything in the rating schedule.

Mr. EDWARDS. Then why should we not fix it so as to provide that these men shall get at least $25?

Mr. REED of Pennsylvania. Because there are literally thousands of items in the rating schedule. It has been very ably made. I do not think there is the slightest danger of their reducing this after they have raised it on all this consideration.

Mr. EDWARDS. I understood the Senator to say that this rating was put together by men who knew their business and were trained in this work.

Mr. REED of Pennsylvania. That is right.

Mr. EDWARDS. They were trained in the work when they fixed the amount at 10 per cent, were they not? Now they realize that they made a mistake, and they have raised it to 25 per cent. We think it should be raised to 50 per cent.

Mr. REED of Pennsylvania. But they did not make a mistake. They allowed the facts of each case to control, and they did control so that the average was over 25 per cent. Now, for the sake of giving the men that assurance and that repose of mind of which the Senator very properly speaks they have increased the minimum to 25 per cent. That does not mean that in every case there is that handicap, probably, but it is necessary to give them that assurance.

Mr. EDWARDS. But it does mean that they can change it whenever they feel like it.

Mr. REED of Pennsylvania. Yes; but that is true of any discretionary power.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. LENROOT. I should like to ask the Senator whether he can give us any information as to what percentage of arrested cases are receiving the minimum?

Mr. REED of Pennsylvania. I think I have those figures here somewhere.

On March 31, 1926, there were 18,254 cases of tuberculosis rated at less than 50 per cent, the month's compensation for these cases being $296,870. Assuming these cases to be inactive, to rate all of them at 50 per cent, "permanent partial," would cost $912,000 a month, an increase of $7,400,000.

The Senator did not ask me for the money figures——

Mr. LENROOT. That is all right.

Mr. REED of Pennsylvania. But it happens that that information comes with the other.

In addition to the above-mentioned cases, there are approximately 7,975 cases of inactive tuberculosis on which compensation payments have been discontinued for the reason "less than 10 per cent."

All those, of course, are going to be taken care of by this change which has been made.

If these cases actually be of the arrested type, under the present schedule when it has been completely applied they will receive a minimum of at least 10 per cent.

That has been changed. It would now be at least 25 per cent.

Mr. LENROOT. May I ask the Senator whether the first figure of 18,000 comprises arrested cases?

Mr. REED of Pennsylvania. I think it does. That is my impression.

Mr. LENROOT. How many active cases have we?

Mr. REED of Pennsylvania. I beg the Senator's pardon; the 18,254 cases do not include the inactive cases.

Mr. LENROOT. Then the Senator is very much mistaken as to the cost of this amendment.

Mr. REED of Pennsylvania. The cost of the amendment I take as given by the Director of the Veterans' Bureau to be about $7,000,000. The cost of the change in the rating schedule already made is something over $3,360,000. Those figures are given me by General Hines.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. ASHURST. The Senator from Pennsylvania adverted briefly to the fact that the rate of compensation or the amount of compensation an arrested case would receive was uncertain; that is, it is a sliding scale, and subject to change. That, if the Senator please, is one of the very things the amendment seeks to remove.

Here is an arrested case. The man seeks employment. He is unable to cope with many of his fellows because of his debilitated condition, because of the involved condition of the lung, although apparently it is healed. He takes a position at $60 a month. He says: "I will take this position, I will accept this offer—it is all I can get—and my $50 a month will," to use the phrase of the Senator from New York, "piece out my income. I can not earn $75 a month, although I am an arrested case. I can not do certain work." Now the sword of Damocles is hanging over him all the time. He takes the situation. He does not know at what hour, certainly he does not know at what quarter of the year, this change is to come, this order from the Veterans' Bureau at Washington, reducing his $50 a month to $25 or to $10.

Mr. WADSWORTH. Not to $10. It could not be reduced to $10.

Mr. ASHURST. Reducing it to $25; I accept that suggestion. It is the very uncertainty that inheres in the situation that I am trying to escape. That is the explanation as to why I have made, you might say, a Procrustean bed of fixity upon which the soldier can figure:

He says:

I am an arrested case. I can get $50 a month from the Government. I can earn $75 elsewhere. Therefore my income is $125, and I feel secure.

With this uncertainty in the bureau, however—and I am not charging the bureau with any maladministration, because I think we now have every reason to be proud of the administration of the Veterans' Bureau; it is doing a stupendously great work in a splendid way—the soldier, nevertheless, far removed from the bureau, feels that he ought to have certainty, feels that he ought to be sure at the end of each month what his income is. He may have a family depending upon this $50 a month which he receives as an arrested case; and, as I say, all of a sudden, like a blast, there comes to him the notice that hereafter he will be reduced very much in his compensation. He can figure from no definite basis; and when the Senator from Tennessee said that it was indeed quite uncertain, that it was a sliding proposition, he put his finger on the very abuse we are trying to remedy.

That is all I have to say.

Mr. DILL. Mr. President, I desire to ask the Senator a question about the totally disabled ex-service men of whom he spoke a moment ago. Under the present rating and under the present law, what does the Government do for an ex-service man who is totally disabled but who can not prove that disability to be due directly to his military service?

Mr. REED of Pennsylvania. It depends on the type of his disease. If it is a mental disease, or if it is tuberculosis, and if there were symptoms of it before January 1, 1925, it is conclusively presumed to be due to military service. If, on the other hand, it is some other disease, which turns up after discharge from the service, and there is no evidence that the service caused it, then all the Government does for the veteran is to give him free hospitalization, and, under an amendment in this pending bill, gives him clothing while he is in the hospital.

Mr. DILL. I recall that in the bill considered one or two years ago there was a provision to pay him $10 a month, and that was stricken out. I wondered if by any system anything had been done to remedy that. I understand the Senator now to say that they give him clothing.

Mr. REED of Pennsylvania. Clothing is added.

Mr. DILL. Does the Senator think that is enough for a man who is totally disabled, and who served in the war, and who for any cause not directly his own is now totally disabled?

Mr. REED of Pennsylvania. I do not know. It is a great problem how far the Government owes it to a man who once served in the Army to protect him against all the ills of existence. I do not feel that the Government owes me any obligation to fix my teeth and treat my colds, and that sort of thing, for the rest of my life.

Mr. DILL. The Senator knows we take care of the disabled of every other war to that extent.

Mr. REED of Pennsylvania. Yes; we give them disability pensions. Later on, I am afraid we will get to that for the World War veterans.

Mr. DILL. I will say to the Senator that I think we ought to do something for the totally disabled men who served in the war, unless it can be shown that their present condition is due to some act of their own.

Mr. REED of Pennsylvania. We are doing a lot for them now. I do not believe there ever was so generous a system of taking care of veterans. We are speaking of tubercular men. If a man was in the Army 10 days or a week back in the fall of 1918, and was perfectly healthy as far as anybody could see, and developed the first cough of tuberculosis in the fall of 1924, we say, "That is due to your brave service in the World War. You are to get $80 a month until you are cured, and hospitalization and family allowances and all the rest of it." That is pretty generous.

Mr. DILL. If he is totally disabled, he is certainly entitled to it.

Mr. REED of Pennsylvania. Of course, we are sorry for him, but there are lots of other deserving citizens we ought to be sorry for.

Mr. DILL. But the other deserving citizens were not led to go into the war.

Mr. BRATTON. Mr. President, I would like to ask the Senator from Pennsylvania how long it has been the rule of the bureau that where a man has served in the Army and has either a mental debility or is suffering from tuberculosis he is compensated at not less than 25 per cent?

Mr. REED of Pennsylvania. It is not the 25 per cent rule. I say the presumption is, if he got it before January 1, 1925, that he got it from his service, and then the degree of his disability is ascertained by the circumstances of the particular case.

Mr. BRATTON. I understand that from now forward a man will be paid at not less than 25 per cent if he has tuberculosis to any extent.

Mr. REED of Pennsylvania. Provided it was due to the service or appeared before January 1, 1925.

Mr. BRATTON. Let us assume this—and I have a concrete case in mind when I propound the question to the Senator. A man was received into the Army presumptively sound. He served and was discharged as totally disabled from tuberculosis. He was paid from time to time; at one time his compensation being $100 per month, predicated upon a rating of

total disability. That was decreased from time to time, and finally discontinued entirely. What right has that man under the new rule that is to be followed in the future?

Mr. REED of Pennsylvania. Under the change in the rating schedule he would get a minimum of $25 a month.

Mr. BRATTON. That rule operates prospectively only. It is not retroactive?

Mr. REED of Pennsylvania. No; it is not retroactive.

Mr. BRATTON. Mr. President, I hope this amendment will be adopted. Those of us who live in the southwestern part of the country, where the climate is peculiarly adapted to the treatment of tuberculosis, necessarily come in contact with a great many ex-service men who are suffering from that disease. Naturally, we have incurred a great sympathy for them. The mental strain under which they live from day to day must be great because they may be haled before the board at any time and be reexamined, have their status changed, and their compensation reduced or discontinued entirely. They do not know what their income will be in the future. It may be increased or it may be decreased. They suffer from a disease which necessarily renders them incapable of following hard labor or undergoing great mental strain, because that disease is no longer inactive when they do so. It becomes active as a result of either of those two things.

Those men in the southwestern part of the country must remain there. They can not return to the East, else they shorten life. If they remain in that section of the country, away from their former homes and the firesides, among strangers, so to speak, burdened with that mental strain which they should not bear, of course the results inevitably are uninviting and unsatisfactory.

I have in mind a concrete case, where a man from my State enlisted and was accepted in the Army. I refer to Joe S. Duran, of Santa Fe. He was accepted as being sound and was discharged as being totally disabled. He was declared to be suffering from tuberculosis. The officials of the Army, acting upon the advice of physicians of the Army, made those two adjudications. They first adjudicated him to be sound. This was done when he was accepted. It later adjudicated him to be totally disabled from tuberculosis. He was paid from time to time by the Veterans' Bureau. His compensation was reduced on certain occasions. My observation among the men out in that section of the country has been that whenever a change is made in their compensation, it is always downward. I have yet to see a single case where the compensation has been increased, as the result of a physical examination. Such cases may exist, but they have not come under my observation.

The compensation of this man was finally discontinued. I understand it was upon the theory that his disease was below 10 per cent, and was not of service origin. That is my understanding of the case.

Mr. REED of Pennsylvania. I do not see how that latter part could be possible, because there is a presumption of soundness at enlistment, and the discharge for tuberculosis establishes necessarily that the disease was of service origin.

Mr. BRATTON. It should do it, but it is like the man being in jail. This man is off the payroll and the bureau refuses to compensate him.

Mr. WADSWORTH. Was not that for the reason that they alleged him to be less than 10 per cent disabled?

Mr. BRATTON. That may have been one reason. I understand they say it is not shown that his tuberculosis is of service origin or due to service origin. He has sought repeatedly to have his compensation reinstated. The legislature of the State which I have the honor to represent in part passed unanimously a resolution asking Congress to pass a bill directing the bureau to carry him upon its rolls at a total-disability rating.

In addition to that, the American Legion of the State passed a similar resolution unanimously. He has submitted to the bureau certificates from private physicians showing that he is suffering from tuberculosis. I know him personally. I have talked with him a number of times, and he has every evidence of a man suffering from tuberculosis. It seems to be in an advanced stage. Yet he can not receive a dime from the bureau and has not received a dime now for several years, because the bureau continues to say that his disability is less than 10 per cent. He was reexamined recently by the regional office and the same report was made. I am unable to understand how that conclusion has been reached.

I have introduced a bill, and have asked the committee to consider it, directing the bureau to carry that man on its rolls. The committee has not seen fit to report upon the bill one way or the other. I hope that this amendment will be adopted. These men are peculiar in kind. There are none others like them, and when they are compelled to live from day to day under the strain that they may be called into the regional office at any time, be reexamined, and have their compensation increased or decreased—it is always subject to fluctuation—that brings about a mental strain that is not conducive to good health or helpful to those men. It is positively injurious to them and should not be allowed to continue.

They should be relieved from that strain. They should have the assurance that the Government of the United States will pay them a fixed sum. The one case I have in mind, and to which I have adverted, would be sufficient inducement for me to support this amendment enthusiastically if I did not have others in mind. I hope the amendment will be agreed to.

Mr. REED of Pennsylvania. I want to submit a request for unanimous consent. It is that when the Senate concludes its business to-day it take a recess until 12 o'clock on Monday.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and that order will be made. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. ASHURST] to the amendment of the committee.

Mr. ASHURST. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. TYSON's name was called). The junior Senator from Tennessee [Mr. TYSON] is unavoidably absent. If he were present, he would vote "yea."

The roll call was concluded.

Mr. McKELLAR (after having voted in the affirmative). I have a pair with the junior Senator from Missouri [Mr. WILLIAMS], which I transfer to the senior Senator from West Virginia [Mr. NEELY], and allow my vote to stand. I am authorized to state that if the senior Senator from West Virginia [Mr. NEELY] were present he would vote "yea."

Mr. WARREN. I transfer my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the senior Senator from Kentucky [Mr. ERNST] and vote "nay."

Mr. STANFIELD (after having voted in the affirmative). I have a general pair with the junior Senator from Tennessee [Mr. TYSON]. I understand that if he were present he would vote "yea." I will therefore allow my vote to stand.

Mr. REED of Pennsylvania (after having voted in the negative). I have a general pair with the senior Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from Pennsylvania [Mr. PEPPER] and let my vote stand.

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. McLEAN], who is unavoidably absent. I transfer that pair to the junior Senator from Iowa [Mr. STECK] and vote "yea."

Mr. SIMMONS. I desire to announce that my colleague, the junior Senator from North Carolina [Mr. OVERMAN], is detained from the Senate on account of illness. He is paired with the senior Senator from Wyoming [Mr. WARREN]. If my colleague were present, I am confident that he would vote "yea."

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness. He has a general pair with the junior Senator from Delaware [Mr. DU PONT].

Mr. JONES of Washington. I wish to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Colorado [Mr. MEANS] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 47, nays 20, as follows:

YEAS—47

Ashurst	Ferris	La Follette	Robinson, Ind.
Blease	George	Lenroot	Schall
Bratton	Gerry	McKellar	Sheppard
Broussard	Glass	McNary	Shipstead
Cameron	Gooding	Mayfield	Shortridge
Capper	Harreld	Norris	Simmons
Caraway	Harris	Oddie	Stanfield
Copeland	Harrison	Pine	Swanson
Couzens	Johnson	Pittman	Trammell
Dale	Jones, N. Mex.	Ransdell	Walsh
Dill	Jones, Wash.	Reed, Mo.	Watson
Edwards	Kendrick	Robinson, Ark.	

NAYS—20

Bingham	Fernald	King	Reed, Pa.
Borah	Fess	Metcalf	Sackett
Butler	Goff	Moses	Wadsworth
Curtis	Hale	Norbeck	Warren
Deneen	Keyes	Phipps	Willis

NOT VOTING—29

Bayard	Gillett	Neely	Tyson
Bruce	Greene	Nye	Underwood
Cummins	Heflin	Overman	Weller
du Pont	Howell	Pepper	Wheeler
Edge	McKinley	Smith	Williams
Ernst	McLean	Smoot	
Fletcher	McMaster	Steck	
Frazier	Means	Stephens	

So Mr. ASHURST's amendment to the amendment of the committee was agreed to.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Finance was, on page 17, line 10, after the word "furnish," to strike out "out-patient treatment and," and at the beginning of line 15, before the word "not," to strike out "contract surgeons and contract dentists," so as to read:

(10) That all hospital facilities under the control and jurisdiction of the bureau shall be available for every honorably discharged veteran of the Spanish-American War, the Philippine insurrection, the Boxer rebellion, or the World War suffering from neuropsychiatric or tubercular ailments and diseases, paralysis agitans, encephalitis lethargica, or amœbic dysentery, or the loss of sight of both eyes, regardless whether such ailments or diseases are due to military service or otherwise, including traveling expenses as granted to those receiving compensation and hospitalization under this act. The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, not dishonorably discharged, without regard to the nature or origin of their disabilities.

Mr. COPELAND. Mr. President, may I ask the Senator from Pennsylvania why the words "out-patient treatment" were stricken out?

Mr. REED of Pennsylvania. Because if they were left in it would mean that any man who ever served in the World War could get all of his doctoring done for him without going to a hospital.

Mr. COPELAND. Of course, I can see the advantage of that.

Mr. REED of Pennsylvania. I should think the Senator might.

Mr. COPELAND. The Government is maintaining several such doctors.

Mr. REED of Pennsylvania. The Government now gives its patients treatment for disabilities due to war service, but it does not seem right that we should give them treatment for all miscellaneous ailments that may come up hereafter.

Mr. COPELAND. May I also ask the Senator a further question about the amendment in line 15? Why were "contract surgeons and contract dentists" stricken out?

Mr. REED of Pennsylvania. Because they were not commissioned.

Mr. COPELAND. They do not have to pay for their treatment, anyhow.

Mr. REED of Pennsylvania. The section as it now stands allows free hospitalization to any veteran suffering from any disease as long as there is surplus space in Government hospitals. The effort was to use contract surgeons and contract dentists, and we did not think there was any necessity for it.

The amendment was agreed to.

The next amendment was, on page 18, after line 11, to strike out the following proviso:

Provided, That where any such deductions have heretofore been made, the Director of the United States Veterans' Bureau is hereby authorized and directed, out of any current administrative appropriations, to reimburse such veterans in an amount equal to such deductions.

The amendment was agreed to.

The next amendment was, on page 18, line 19, after the word "purposes," to insert "the act of February 28, 1861, as amended by the act of February 2, 1909, relative to the Government Hospital for the Insane in the District of Columbia," so as to make the additional proviso read:

Provided further, That the act of May 4, 1898, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes," the act of February 28, 1861, as amended by the act of February 2, 1909, relative to the Government Hospital for the Insane in the District of Columbia, or any other act, in so far as they are inconsistent with the provisions of this section, be, and they are hereby, modified accordingly.

The amendment was agreed to.

The next amendment was, on page 19, line 1, after the word "possessions," to strike out "or Territories," and in line 2, after "States," to insert "and in Alaska," so as to read:

In the insular possessions of the United States and in Alaska the director is further authorized to furnish hospitalization in other than Government hospitals.

The amendment was agreed to.

The next amendment was, at the top of page 20, to strike out in lines 1 and 2 the following words:

SEC. 11. That section 209 of the World War veterans' act, 1924, proved June 7, 1924, is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 20, line 3, after the word "Sec.," to strike out "12" and insert "11," and at the beginning of line 5, to strike out "repealed" and insert the following:

SEC. 209. That no compensation shall be payable and that (except as provided by subdivision (10) of section 202 hereof) no treatment shall be furnished unless a claim therefor be filed in case of disability within five years after discharge or resignation from the service, or, in case of death during the service, within five years after such death is officially recorded in the department under which he may be serving: *Provided, however*, That where compensation is payable for death or disability occurring after discharge or resignation from the service, claim must be made within five years after such death or the beginning of such disability.

The time herein provided may be extended by the director not to exceed five years for good cause shown. If at the time that any right accrues to any person under the provisions of this title such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases.

So as to make the section read:

SEC. 11. That section 209 of the World War veterans' act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 209. That no compensation shall be payable and that (except as provided by subdivision (10) of section 202 hereof) no treatment shall be furnished unless a claim therefor be filed in case of disability within five years after discharge or resignation from the service, or in case of death during the service, within five years after such death is officially recorded in the department under which he may be serving: *Provided, however*, That where compensation is payable for death or disability occurring after discharge or resignation from the service, claim must be made within five years after such death or the beginning of such disability.

"The time herein provided may be extended by the director not to exceed five years for good cause shown. If at the time that any right accrues to any person under the provisions of this title such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases."

The amendment was agreed to.

Mr. WALSH. Mr. President, I inquire what action was taken in regard to the amendment at the top of page 20 striking out section 11?

The VICE PRESIDENT. The amendment was agreed to.

Mr. REED of Pennsylvania. It was agreed to so hurriedly that I ask that it may again be laid before the Senate.

The VICE PRESIDENT. Without objection, the vote by which the amendment was agreed to will be reconsidered. The question is on agreeing to the amendment striking out lines 1 and 2 on page 20.

Mr. WALSH. Mr. President, the section of the act repealed puts a period to the time when proof can be made of the service origin of the disability. My attention is called to the matter by a communication from a Member of the House who writes about a distressing case out at Walter Reed Hospital, the service man involved being in a most deplorable condition and unable to make proof of the service origin of his disability, although it seems to be beyond question by reason of the provisions of section 206. This communication is from the secretary of Mr. HAWES, a Member of the House, and he writes me as follows:

Dying of cancer of the throat and with three months at the longest to live, a deserving veteran of the World War made me promise him to-day that I would bring his case to your attention. His name is August Dabrowski, and his case comes to the Senate almost from his deathbed. He would appeal to you in person, but for several years has been unable to speak due to his affliction.

It appears that there was no record, as is required by section 206, of his treatment for the infection with which he is now afflicted. He has lost his power of speech. His trouble is now carcinoma of the larynx; that is, cancer of the larynx. An attempt was made for a long time to prove the service origin, but without avail. Finally, there being no record of his treatment in the hospital records, the surgeon who treated him was located in the State of Pennsylvania. He furnished an affidavit that during the period of the soldier's service he treated him for an acute infection of the larynx, which seems to establish the service connection. For a long time the disagnosis

baffled the skill of every surgeon who attempted it. Now this man seems to have proved the service origin, but, under the provisions of section 206, he finds himself unable to make the proof. The time is limited within which proof of service origin can be made.

I appreciate perfectly well that to repeal this provision and to allow proof of service origin to be made 10, 15, or 20 years after the close of the war, without any record whatever of having been treated for the infection during the period of service, would probably open the door to abuses of all kinds; but I inquire of the Senator in charge of the bill whether it would not be possible to extend this period a little while at least to cover possible cases of this character?

Mr. REED of Pennsylvania. The Senator is speaking, I think, of the case of Mr. Dinowitz?

Mr. WALSH. No. This is the case of a man whose name is Dabrowski.

Mr. REED of Pennsylvania. I have heard of that case before. It seems to be a case that excites great pity, and there is every reason why we should help that man. I understand he developed cancer about two years after he was discharged from the service and that for a long time he was unable to show that it had any service connection whatever. There was nothing that led the doctors to think that the service had anything to do with it. In 1924 we passed the World War veterans act, and we provided that at any time within two years from its passage any man could come in and prove service connection. We thought then we were pretty generous, because that allowed proof at any time up to June, 1925; and it also allowed service connection to be presumed if the soldier developed tuberculosis or mental disease at any time up to January, 1925, and it was conclusive if there was any official record of his illness during service. We thought that was generous; but I see that it is not sufficient for the case of the man of whom the Senator from Montana speaks.

I should be glad to agree to the enactment of some special law in his favor. However, we have got to be on our guard against malingering, and that is the only reason for retaining section 206 and section 209. Most of the men with whom we are dealing are honest and fair, and they are not trying to dead-beat their Government, but, as in every other great group, there are bound to be a few fakers and a few liars, and against them we must take precautions. I should be glad to agree to some amendment or the addition of a special section which would take care of this case without letting down the bars entirely.

Mr. SHIPSTEAD. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH. I wish first to read a few paragraphs of this letter, which indicate the serious character of the question which is presented. The letter reads:

Dabrowski, born in St. Louis, a volunteer, served 14 months, over a year, in France. He suffered from a throat affliction while in the service. A shoe worker by trade he resumed his occupation after discharge and continued to work until he lost his voice in 1924.

The doctors did not know the nature of his trouble, some insisted he had tuberculosis. About a year ago a specialist after months of treatment pronounced his disability as carcinoma of the larynx and this has since been verified.

When he filed his claim for compensation, which was within the time limit, he stated he had been treated while in the service. The Veterans' Bureau did not advise him the records of the War Department failed to show this treatment.

He came to Walter Reed Hospital several months ago for treatment and was sent to me. I appeared before the rating board in his behalf and they denied him compensation because the report from The Adjutant General failed to show the treatment.

That was under section 206.

The medical officer who treated him was Maj. Frank Richard Nothnagle, of Chester, Pa. I secured his name from Dabrowski, his address from the War Department, and wrote him. He replied immediately with a lengthy affidavit showing treatment for five months for chronic laryngitis. When I filed this affidavit the Veterans' Bureau admitted service connection, but added they could not consider it as it was filed after June 7, 1925.

So the bureau apparently concedes the service origin of the serious affliction with which the man is now troubled, but the proof having come in after 1925 and no hospital record having been made, they very properly ruled that they could not award any relief.

Mr. SHIPSTEAD. Mr. President, if the Senator will yield, I desire to ask him to look at lines 17 and 18, on page 23, and tell us whether or not he thinks the discretion given the director in those lines would make it possible for a case like this to be taken care of?

Mr. REED of Pennsylvania. I think clearly it would do so. The only question is about the limit of the extension. May I suggest to the Senator that we might compromise the matter without opening up the door to future frauds by amending the original section 206 and changing the words "one year" so as to read "two years" in line 17. That will clearly go past the period within which this man's proof was furnished and take care of him; and yet it will not stretch out into the future to allow other cases of malingering.

Mr. WALSH. I do not understand the suggested amendment of the Senator from Pennsylvania.

Mr. REED of Missouri. I do not think it will cover the case at all.

Mr. REED of Pennsylvania. Yes, it will, because the soldier already has furnished his proof, and two years from the date of the enactment of section 206 would run up to June 7, 1926.

Mr. REED of Misosuri. Yes; it would cover this one case; but this says, "two years after the date of discharge."

Mr. REED of Pennsylvania. I beg the Senator's pardon. If he will look at line 17—I should have called his attention to the line—he will find that it says "or where within one year from the approval of this act." The act was approved June 7, 1924.

Mr. SHIPSTEAD. On what page is that?

Mr. REED of Pennsylvania. On page 22. I am reading from the House draft, which shows the text of section 206. Inasmuch as they completely repealed it, of course it does not appear in the Senate draft. Here is the way the old law read:

SEC. 206. That no compensation shall be paid for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except as provided in section 200 of this act—

That is, the five-year presumption in the case of tuberculosis—

and except where there is an official record of the injury during service or at the time of separation from active service, or where within one year from the approval of this act, satisfactory evidence is furnished the bureau to establish that the injury was suffered or aggravated during active service.

Then follow provisions in regard to official records.

Mr. REED of Missouri. When was the act from which the Senator is reading approved?

Mr. REED of Pennsylvania. The act from which I was reading was approved June 7, 1924.

Mr. REED of Missouri. So that limitation has now run?

Mr. REED of Pennsylvania. The period of one year expired more than a year ago, but if now we amend that section of the World War veterans' act of 1924 to make the time for furnishing proof to two years from the approval of that act instead of one year, it will more than take care of the time within which this man furnished his proof to the bureau.

Mr. WALSH of Montana. I think that would reach the case.

Mr. REED of Missouri. That may reach the one case, but I want to discuss the question from a broader standpoint than one isolated case. I quote from section 206 of the act which was passed in 1924:

That no compensation shall be payable for death or disability which does not occur prior to or within one year after the discharge or resignation from the service, except as provided in section 200 of this act—

Which I understand is limited to tubercular cases.

Mr. REED of Pennsylvania. And mental cases.

Mr. REED of Missouri. And mental cases. The section continues:

And except where there is an official record of the injury during service or at the time of separation from active service, or where within one year from the approval of this act, satisfactory evidence is furnished the bureau to establish that the injury was suffered or aggravated during active service. Where there is official record of injury during service compensation shall be payable in accordance with the provisions of this title for death or disability whenever occurring, proximately resulting from such injury.

Under the provisions of that section no person who is not already in can get in for the purpose of furnishing the proof that is necessary to be furnished in order to receive compensation.

Mr. WALSH. Unless there is a hospital record of his disability.

Mr. REED of Missouri. Certainly, unless there is a hospital or service record—I mean to include that in my statement.

The rights under that section have already expired except where there is a hospital or service record.

Mr. REED of Pennsylvania. Mr. President, may I interrupt the Senator there?

Mr. REED of Missouri. Certainly; I yield.

Mr. REED of Pennsylvania. To clear the doubt, let me say that under section 206 if there was in fact a disability during service or within a year after discharge that can be proved at any time.

Mr. REED of Missouri. I read again:

No compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except as provided in section 200 of this act, and except where there is an official record of the injury—

And so forth.

Mr. REED of Pennsylvania. If he suffered his disability in the service or if it developed in service or developed a year afterwards, then the limitations do not apply at all.

Mr. REED of Missouri. I understand that; but it must have developed in the period fixed by this law, and if it did not develop during that time he is cut off, regardless of any evidence that he may be able to produce showing, as in the case cited by the Senator from Montana, a subsequent development of the disease. In the case cited by the Senator from Montana an affidavit was at last secured which formed the connecting link in that particular case. When the right to recover is cut off there is no use in giving the right to prove.

The House bill, which it is now proposed to reject, struck out section 206; so that if the law stands as the House bill would put it, a man can prove that his disability originated from exposures of the war, and he may do so whether there is any hospital record in the department or not. If we accept the proposition of the Senate committee, we strike out section 206 altogether, so that we will be left, as I understand, in this situation—that no man can now recover who has not, within the time and under the limitations fixed in section 206, proven his case. Is not that a correct statement, I ask my colleague?

Mr. REED of Pennsylvania. The House planned to repeal section 206. We struck out the repeal, so that section 206 remains in force.

Mr. REED of Missouri. Exactly; and under section 206 no matter how clearly a soldier can prove that his disease originated in the service and because of the service, unless there is a hospital record there to back him up he can recover nothing.

I am informed by men who were in the service and by men who have been giving attention to the care of these men who are now sick that there are many cases where a disease has developed where there was no hospital record and where it can now be satisfactorily established that the ailments existing had their origin in the war. I think we ought to leave this matter wide open for a question of proof. These boards are sufficiently careful; and if they are not, it is our fault for having bad boards; and in my judgment an arbitrary statute of limitations upon the character of injuries received in this war is a mistake. The burden of proof—as has been suggested by my friend, Captain MILLIGAN, of the House of Representatives, who sits here—is always upon the claimant. He must prove the connection. He must prove it by a preponderance of the evidence. A decision rendered against him by a board appointed by the Government to protect the Government is final. I think the House was right on this proposition when it struck out section 206 and left the proposition so that any man who can trace his disability to his service and establish that disability and its connection by a fair preponderance of the evidence, so that he convinces one of these Army boards, is entitled to present his case and to have judgment in his favor if he makes out a good case.

Mr. SHORTRIDGE. Mr. President, has the Senator before him the language of section 206?

Mr. REED of Missouri. Yes.

Mr. SHORTRIDGE. Will the Senator have the kindness to read it?

Mr. REED of Missouri. Certainly. The language of section 206 is this:

That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except as provided in section 200 of this act—

Which applies to tubercular cases and to mental cases—

and except where there is an official record of the injury during service or at the time of separation from active service, or where within one year from the approval of this act—

And that time has expired—

satisfactory evidence is furnished the bureau to establish that the injury was suffered or aggravated during active service. Where there is official record of injury during service compensation shall be payable in accordance with the provisions of this title, for death or disability whenever occurring, proximately resulting from such injury.

Mr. SHORTRIDGE. So that if there be no record he may not recover under any circumstances?

Mr. REED of Missouri. Exactly; although physicians may be absolutely certain that the disease originated in the service.

We ought not to put the bar of an absolute statute against men who must prove their case before they can recover. A statute of limitations is tolerable in business transactions; and I know that the Senator from Pennsylvania just as earnestly desires to protect with honesty and fidelity the rights of these men as any other man in this Chamber. I could not for a moment question that position; but a statute of limitations is always a harsh thing. It has resulted in many a dishonest debtor escaping his obligations. It is tolerable only because of the fact that time may obliterate evidence; and, therefore, balancing one injustice against another possible injustice, we say that after a given time A does not have to pay even his promissory note. In this case, however, we are confronted with an entirely different situation. These men were taken from their homes and put into the war. Many of them were men of limited experience. Many of them were too proud to go to a hospital when they should have been there. The gamer they were the more likely they were to cling to the idea that they wanted never to lose a day in the marching column; and so undoubtedly many of them did not call for medical service when others, no worse afflicted but perhaps wiser, did call for medical service.

Then we have another situation. These boys had been away from their homes, their loved ones. Service after the war was actually ended became intolerably irksome, and every one of them wanted to get out. There was a rule that you could not get out if there was anything the matter with you; and so by the thousands, and undoubtedly by the hundreds of thousands, they deliberately said there was nothing the matter in order to get out and get home; and I do not blame them a bit for it either. Thus we have the situation that hospital records were frequently not made, and we have the situation that in many instances men knowing they were sick got out by saying: "I am all right; let me go home." I know of such instances.

There is another thing to consider, and I beg that Senators will consider it. There were tens of thousands of men who served their country in the Federal Armies during the great rebellion who took a special pride in the fact that they had never taken a dollar of pension or a dollar of compensation, some of them with legs off, some of them with arms off, some of them with their eyes gone, or one eye gone—perhaps no blind instance can be cited—who took a pride in saying: "I have never called on my Government for a cent. I served it, gave it my time and gave it the risk of my life and limb, and I have never asked or received a dollar." That is a pretty fine spirit, and it ought not to be penalized. So in this war there were undoubtedly thousands and tens of thousands of men who knew they had been injured, and who have not made claims because of the spirit to which I have just adverted. But the time may come when adversity is at their door, and when they must ask the Government for compensation; and I do not want a statute of limitations to say to a gallant fellow of that kind: "Your case is closed, and you will not be heard, no matter how great the evidence or how overwhelming the proof may be." So I think we had better go back to the language of the House, and let these men have their day in court without the absolute bar of a statute of limitations confronting them.

The case cited by the Senator from Montana so fittingly illustrates what may happen that it might well be taken as conclusive of this matter; but I am advised by men who have given much of their time generously to looking after disabled veterans that there are many cases of hardship that will be worked if we accede to the request of the committee.

I believe the committee have been sincere about this; I believe that they want to stop dishonest claims; but, so far as I am concerned, I would rather pay a hundred dishonest claims than to deny aid and succor to a single gallant man who has lost his health in the service of his country.

Mr. REED of Pennsylvania. Mr. President, it is fairly evident that it is not going to be possible to finish the consideration of the bill to-night. The Senator from Oregon [Mr. MCNARY], who has charge of the farm bill, and who has it within his power at any time to call us back to the regular order, tells me that he is willing that we should have a reasonable time on Monday to conclude the consideration of this bill.

Mr. REED of Missouri. Let us go on to-night and finish this bill.

Mr. REED of Pennsylvania. Therefore, I move that the unanimous-consent agreement be carried out, and that the Senate now take a recess.

Mr. WADSWORTH. Mr. President, it is probable that I shall not be able to be here on Monday, and I am bold enough to ask unanimous consent to propose two amendments at this time. They will take but a very, very brief explanation. It is necessary for me to propose them to this bill. I have already consulted the Senator in charge of the bill, and I am quite certain that he has no objection to them.

I ask unanimous consent, therefore, in spite of the order entered earlier, to offer the following amendment. I can explain it in a few moments.

The VICE PRESIDENT. The Clerk will read the amendment.

The CHIEF CLERK. Insert after line 19, on page 15, the following additional provisos:

Provided further, That in addition to the compensation above provided the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services, including payment of court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and shall be furnished with such supplies, including wheel chairs, artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary, which wheel chairs, artificial limbs, trusses, and similar appliances may be procured by the bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: *Provided,* That nothing in this act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service.

Provided further, That where any person entitled to the benefits of this paragraph has heretofore been hospitalized in a State institution the United States Veterans' Bureau is hereby authorized to reimburse such person, or his estate, where payment has been made to the State out of the funds of such person, or to reimburse the State or any subdivision thereof where no payment has been made for the reasonable cost of such services from the date of admission.

Mr. REED of Pennsylvania. I am quite satisfied with that amendment. It seems to me to be a fair one.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WADSWORTH. I offer one other amendment, which I will be glad to explain.

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. Insert on page 17, line 17, after the word "disabilities," the following proviso:

Provided, That any and all laws applicable to women who belonged to the Nurse Corps of the Army after February 2, 1901, shall apply equally to members of the Army Nurse Corps who served under contract between April 21, 1898, and February 2, 1901, including all women who served honorably as nurses, chief nurses, or superintendent of said corps in said period.

Mr. WADSWORTH. Mr. President, the present law with respect to pensions and benefits applies to members of the Army Nurse Corps who have served in these wars. That includes pensions and eligibility for domiciliary care in a soldiers' home.

A portion of the National Soldiers' Home Branch at Danville, Ill., has been set aside and is used for the domiciliary care of these nurses. It turns out, however, that through some error or omission the contract nurses who served during the Spanish-American War, while eligible for pensions for disabilities incurred in that service, are not eligible for admission to that home, and the purpose of this amendment is to make them eligible.

It should be remembered that during the Spanish-American War there was not established in the Army an Army Nurse Corps. In those days nurses served by contract. They were under military discipline, just as they are now. They performed exactly the same kind of service as members of the Army Nurse Corps performed during the World War, and they are entitled to pensions now. But through some omission they are not entitled to the domiciliary care at the National Home for Disabled Volunteer Soldiers, and the purpose of this amendment is to make them so eligible.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, I desire to give notice that on Monday I shall ask for a reconsideration of the vote whereby the amendment at the top of page 19, striking out the words "or Territories" and inserting the words "and in Alaska," was adopted.

SHIPMENT OF FIREARMS THROUGH THE MAILS

Mr. PHIPPS. Mr. President, as I am leaving the city, I wanted to ask a minute or two for the consideration of House bill 4502, declaring pistols, revolvers, and other firearms capable of being concealed upon the person nonmailable and providing penalty. It is a bill in which the Post Office Department is very much interested. The purpose of the bill is to prevent the shipment of pistols and revolvers through the mails. It seems that the department has been made the means of not only distributing firearms but collecting the money for the sale of pistols and revolvers, which go into the hands of undesirable people, even in States where there are local laws prohibiting the sale of pistols unless a permit has first been received.

Mr. McNARY. Has the Postmaster General reported favorably upon the bill?

Mr. PHIPPS. He has.

Mr. WADSWORTH. What is the bill?

Mr. PHIPPS. It is to prevent the shipment of pistols and revolvers through the mails. The department is very anxious to have the bill enacted into law. It has passed the House. This is a House bill.

Mr. REED of Pennsylvania. Does it prevent shipment through the mails to any State?

Mr. PHIPPS. To any State through the mails. The report on the bill is quite short. If it is desired to have it read, I will ask to have the clerk read it.

Mr. CAMERON. Mr. President, I must object to the immediate consideration of the bill. I have received quite a number of letters and telegrams about it, and there will be quite a little discussion on it. Therefore I object to its consideration at this time.

VOTE ON THOMAS F. WOODLOCK'S CONFIRMATION

Mr. BLEASE. Mr. President, I have a short resolution I want to offer, and I shall ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read as follows:

Resolved, That it is the sense of the Senate that any Senator, upon being requested to do so, may state how he voted on any confirmation in executive session.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. REED of Pennsylvania. What is the request?

Mr. BLEASE. For immediate consideration.

Mr. REED of Pennsylvania. Let the resolution be read.

The Chief Clerk again read the resolution.

Mr. REED of Pennsylvania. I think the resolution had better go over.

Mr. BLEASE. Mr. President, I will state that my reason for asking for immediate consideration of this resolution is that my colleague [Mr. SMITH] is now in a campaign in South Carolina. I do not care to state all the circumstances, because I am not taking any part in that campaign, but he is being accused of casting a ballot on a confirmation, and it is not fair to him. It is a case the Senate knows all about, involving old man Taylor's nomination. I said to my colleague, "Go home and tell how you voted." I will not tell the Senate the balance I told him, but I could tell them. He said, "No; I have been here 17 years and a half, and I have never done that, and I do not expect to do it."

I do not think it is right for the Senate to keep his mouth tied up in that way, although I am not supporting him, and I may say I am not supporting any of his opponents. But I do not think it is right to put a man in such a position in his own State when a committee report is here practically saying that a man has the right to say how he voted, and when I think that all that is necessary to bring this matter up is for the Senate to vote that a man has a right to tell how he himself voted if he says nothing about anybody else.

I want it distinctly understood that I am taking no part in the South Carolina fight; but I do not think it is right to hold the senior Senator from South Carolina in that position. If the Senate does not pass this resolution, I propose to wire to the papers of South Carolina and tell them how my colleague did vote. I will take the consequences.

Mr. REED of Pennsylvania. I do not want to ask that the resolution be referred to the Committee on Rules, but I do think it ought to go over until Monday.

Mr. REED of Missouri. May I suggest to my friend from South Carolina that perhaps he could get unanimous consent that his colleague in this particular instance be permitted to state how he voted on this particular matter.

Mr. BLEASE. That is all I want. I make that request, that the senior Senator from South Carolina [Mr. SMITH] have the right to state how he voted on the Woodlock nomination.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered. Does the Senator withdraw the resolution he offered?

Mr. BLEASE. Yes; I withdraw it.

SEQUOIA NATIONAL PARK

Mr. SHORTRIDGE. Mr. President, I ask unanimous consent to call up House bill 9387, to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park.

At the time this bill was introduced in the House, I introduced a like bill in the Senate, which has been favorably reported, and is to be found on the calendar, being Order of Business No. 1013. If this unanimous consent is granted, Senators will put me under additional obligations; and if the House bill is acted on favorably and passed, then we can indefinitely postpone the Senate bill.

Mr. KING. Mr. President, let me ask the Senator a question? The Sequoia National Park is a lovely park, which has served and will serve a useful purpose. It is known throughout the world as the Sequoia Park. Why give it a hyphenated name, with all due respect to any person, whether Lincoln, or Jefferson, or Hamilton, or anyone else? It does seem to me that there is no necessity for changing the name. If the proposed boundary is approved by the Secretary of the Interior, I have no objection to that part of the bill being acted on; but it does seem to me that we are a little too anxious to change names and without any reason. I hope it is not necessary to change the name.

Mr. SHORTRIDGE. Mr. President, may I answer in a few words only? Of course, that question arose in the House; but after discussion it was decided to add the word "Roosevelt" to the name, which is now "Sequoia National Park." When the bill came over to the Senate and was before the Senate committee, the same discussion arose, naturally, and there were those who indulged in the thought just now expressed by the Senator from Utah.

Of course, Senators are familiar with the word "Sequoia," the name of a great Cherokee chief. I may add that there was some little discussion over the spelling of the word. There were those who thought that the old spelling should be retained rather than that the modern spelling should be followed. We know how it came about that the name was chosen. To those great trees which pierce the sky the name Sequoia was given, and the park has since been known as the Sequoia National Park.

Mr. KING. I want to ask the Senator what Mr. Roosevelt had to do with that park.

Mr. REED of Pennsylvania. Mr. President, will the Senator from California yield?

Mr. SHORTRIDGE. I yield.

Mr. REED of Pennsylvania. A number of Senators have left the Chamber, some of them with engagements which they could not cancel, and they left on my assurance that we would stick to the veterans' bill until a recess was taken. It does not seem fair to them to be taking up bills now by unanimous consent on which they might have strong views.

Mr. SHORTRIDGE. Mr. President, inasmuch as the House passed this bill, inasmuch as the Senate committee reported it unanimously, and inasmuch as it couples two great names together, I can not understand why Senators upon a moment's reflection will object. I can not understand why the Senator from Utah objects to associating the name of a great American, the late President Roosevelt, with the name of a great native American, the Cherokee chief, Sequoia.

They will stand together. Their names will be associated together. The fame and the achievements of neither will be dimmed or minimized. There were those who thought that adding the name Roosevelt would in a sense submerge the name of the great Cherokee chief, but I do not think that will be the result. I hope Senators will permit the bill to be now considered and passed.

Mr. McKELLAR. Mr. President, will the Senator permit me to suggest an amendment to the effect that the park be called the Wilson-Roosevelt-Sequoia Park?

Mr. SHORTRIDGE. Oh, Mr. President, if the Senator——

Mr. REED of Pennsylvania. Mr. President, I renew my motion that the Senate take a recess——

Mr. SHORTRIDGE. Mr. President, I have the floor. I have sat here to-day with Christian patience and listened to Senators and I have not objected to like requests. Indeed, if I may say so, I do not recall that I have ever objected to a like request.

Mr. REED of Missouri. Mr. President, I do not rise to object. I merely wish to inquire what the particular affinity is between Roosevelt and Sequoia? How does the Senator connect them up? [Laughter.]

Mr. SHORTRIDGE. At this hour I am not disposed to indulge in levity or any attempt at wit or to get into controversy with my friend. I do not say that through any braggadocio or through any fear. Individually, if I may state my view in a word, I see no necessity for coupling these two names together; but others desire it and I have no objection. We can not add to the fame of either of those men.

Mr. REED of Missouri. I am for the bill because California wants it, but I would like to have reasonable cause to offer for linking those two names.

Mr. KING. Mr. President, the Senator having made his eloquent address, I think perhaps we had better dispose of the measure some other day. I object.

Mr. SHORTRIDGE. I have not attempted to make an eloquent or any other kind of address, and have made none. I have not attempted anything but to ask respectfully for immediate consideration of the bill. If the Senator from Utah objects to it, be it so.

The VICE PRESIDENT. Objection is made.

WALKER RIVER DAM, NEV.

Mr. ODDIE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House, including the amendment to the title of the bill, and agree to the same.

TASKER L. ODDIE,
SAMUEL M. SHORTRIDGE,
Managers on the part of the Senate.

SCOTT LEAVITT,
CARL HAYDEN,
Managers on the part of the House.

Mr. KING. Will the Senator from Nevada explain what the disagreement was?

Mr. ODDIE. There were some minor amendments made by the House. I moved that the Senate disagree to the House amendments and request a conference with the House. We found, however, owing to the pressure of time, that it was better to give way to the House.

Mr. KING. Does it change the responsibility of the Government or increase the obligations of the Government?

Mr. ODDIE. It lessens the obligations of the Government.

Mr. KING. Is it a unanimous report?

Mr. ODDIE. It is.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

RECESS

Mr. REED of Pennsylvania. I move that the unanimous-consent agreement previously entered into be carried out and the Senate take a recess until 12 o'clock on Monday.

The motion was agreed to; and the Senate (at 6 o'clock and 3 minutes p. m.), under the order previously entered, took a recess until Monday, June 28, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, *June 26, 1926*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We hallow Thy name, our blessed Lord, for it is the name above all other names in heaven and in earth; we therefore pause in Thy holy presence. Do Thou bear and be patient with us, O God. Create in us clean hearts and renew a right spirit within us, that we may move forward to larger and better attainments. May we fully realize that the world has

no lasting honors for those who seek only fame, while those who forget themselves to serve the needs of others are often immortalized in the lives and destinies of those who come after. Guide us by Thy law, rule us by Thy love, and direct us in the path of duty. May the angel of Thy mercy, bounty, and goodness encamp round about us and make all events conspire to serve our country and our fellow men. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 6405. An act for the relief of Addison B. McKinley.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 11318. An act to provide for the publication of the Code of the Laws of the United States, with index, reference tables, appendix, etc.; and

H. R. 10000. An act to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925.

The message also announced that the Senate had further insisted upon its amendment to the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon and had ordered that Mr. PEPPER, Mr. EDGE, and Mr. GLASS act as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution in which the concurrence of the House of Representatives was requested:

Senate Resolution 263

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CHARLES E. FULLER, late a Representative from the State of Illinois.

Resolved, That a committee of six Senators be appointed by the President of the Senate, to join the committee appointed on the part of the House of Representatives, to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now take a recess until 12 o'clock meridian to-morrow.

The message also announced that the Senate had passed without amendment House concurrent resolution of the following title:

House Concurrent Resolution 31

Resolved by the House of Representatives (the Senate concurring), That there shall be printed, with illustrations, 10,000 additional copies of Senate Document No. 86, Sixty-second Congress, first session, entitled "Last Will and Testament of George Washington," of which 7,000 copies shall be for the use of the House of Representatives and 3,000 copies for the use of the United States Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8941. An act for the relief of Turpin G. Hovas;

H. R. 12642. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio.

The message also announced that the Vice President had appointed Mr. GREENE, Mr. DALE, and Mr. BINGHAM members of the United States Vermont Sesquicentennial Commission on the part of the Senate pursuant to the provisions of House Joint Resolution No. 176, establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill of the following title when the Speaker signed the same:

H. R. 6405. An act for the relief of Addison B. McKinley.

IRRIGATION DAM ON THE WALKER RIVER, NEV.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the conference report on the bill S. 2826 and move the adoption of the same.

The SPEAKER. The gentleman from Montana calls up the conference report on the bill S. 2826, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev.

The SPEAKER. The Clerk will read the conference report.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House including the amendment to the title of the bill.

And agree to same.

SCOTT LEAVITT,
CARL HAYDEN,
Managers of the part of the House.

TASKER L. ODDIE,
SAMUEL M. SHORTRIDGE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The Senate recedes from its disagreement to the amendments of the House and leaves the measure in the same form it passed the House.

SCOTT LEAVITT,
CARL HAYDEN,
Managers of the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

TAKING THE OATH

Mr. WOODYARD appeared before the Speaker's rostrum and the oath of office was administered to him by the Speaker.

BRIDGE ACROSS THE FOX RIVER, ILL.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12208, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 12208, with Senate amendments, and agree to the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12208) granting the consent of Congress to the Aurora, Elgin & Fox River Electric Co., an Illinois corporation, to construct a bridge across the Fox River in Dundee Township, Kane County, and the State of Illinois.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

SECOND DEFICIENCY BILL, 1926

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, and pending that, Mr. Speaker, I would like to ask the gentleman from Tennessee [Mr. BYRNS] if we can agree upon the time for general debate. We had a sort of understanding day before yesterday that we would let the debate run for a while.

Mr. BYRNS. That is my understanding.

Mr. MADDEN. Then I ask unanimous consent, Mr. Speaker, that no time be fixed for general debate, but that the time be equally divided between the gentleman from Tennessee [Mr. BYRNS] and myself, until we can see how long it will take to dispose of it.

The SPEAKER. For the time being the gentleman from Illinois asks unanimous consent that the general debate be equally divided, one half of the time to be controlled by the gentleman from Tennessee [Mr. BYRNS] and the other half by himself. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13040. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13040, with Mr. HAWLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13040, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I yield 30 minutes to the gentleman from Maryland [Mr. HILL].

The CHAIRMAN. The gentleman from Maryland is recognized for 30 minutes.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, it is an unexpected pleasure to open the debate on the second deficiency appropriation bill, appropriating in all $43,372,065.34. There is no source of information open to the House of Representatives which gives a better insight into the general workings of the Federal Government than the appropriation bills, and there are no particular types of appropriation bills that are more interesting in studying the functions of the Federal Government than are deficiency appropriation bills. I think that anyone who is interested in an orderly study of the development of the functions of the Government will find that the printed hearings of the Appropriations Committee, and especially on the deficiency bills, furnish a very marvelous storehouse for research.

This particular bill, the second deficiency appropriation bill, contains a number of very interesting and very important items. The chairman of the Appropriations Committee, the gentleman from Illinois [Mr. MADDEN], has a habit of going very much to the bottom of all Government situations when the question of appropriation comes up.

The pending second deficiency appropriation bill, as I have said, expends over $43,000,000. It includes a multitude of governmental activities. It contains, for instance, an appropriation of $15,000 for the fire-protection system for the quarantine station at Baltimore, Md. It contains an appropriation of $250,000 for aircraft in commerce. It contains $100,000 for the improvement of the Forest Service in national forests. It contains increased appropriations for the Federal penitentiaries, made necessary by the increased and widened scope of the activities of the Federal Government. It contains an appropriation of $2,700,000 more for the Coast Guard vessels, made necessary by national prohibition. It also contains the following two items: (1) For the construction of military posts and (2) for the attempted enforcement of the national prohibition act. These appropriations are as follows:

MILITARY POST CONSTRUCTION FUND

Military post construction fund: For construction and installation at military posts of such buildings and utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary, as authorized by the act approved May 4, 1926, payable from the military post construction fund created by section 4 of the act approved March 12, 1926, without reference to sections 1136 and 3734, Revised Statutes, including also the employment of a technical expert at per diem rates not in excess of those paid for similar services elsewhere and as may be fixed by the Secretary of War without regard to the provisions of the act of Congress entitled "An act for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923, and amendments thereto, or any rule or regulation made in pursuance thereof, $2,250,000, to remain available until expended: *Provided*, That in addition to the amount herein appropriated the Secretary of War is authorized to enter into contracts for the purpose of carrying into effect the said act of May 4, 1926, to an amount not in excess of the unappropriated balance in the military post construction fund at the time when such contracts are made, but not exceeding $3,520,000.

INTERNAL REVENUE SERVICE

For expenses to enforce the provisions of the national prohibition act and the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the revenue act of 1918, and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the act of May 26, 1922, known as the narcotic drugs import and export act, including the same objects specified under this head in the Treasury Department appropriation act for the fiscal year 1927, $2,686,760.

There are a great many matters in this present appropriation bill which I should like very much to discuss and I also have the very rare and unusual privilege of having plenty of time in which to discuss them, but there are a number of other gentlemen to speak who have made very careful studies of certain aspects of this bill, and, therefore, I shall touch only briefly on two particular phases of it.

I want to speak for a few minutes on two things which are not, apparently, very closely allied, but, as a matter of fact, which are very, very noteworthy when we consider the fundamental principles of this Government.

I want to say a few words to you on the subject of the appropriation for the War Department—that is, the appropriation of $2,250,000 for the military post construction fund—and then I also wish to say a few words to you in reference to the facts disclosed at the hearings on the subject of the appropriation of $2,686,760 as extra money needed for 1927 for the attempted enforcement of the national prohibition act in this one year.

It may not seem to you on the face of it that the attempted enforcement of prohibition and the building of barracks for national defense are very closely coordinated, but they go down to the very fundamentals of the principles on which this Government is founded.

This Government was founded for the sole purpose of creating an agency which could look out for the general welfare of all of those particular republics that merged a portion of their sovereignty into the new central government. The National Government was founded for the sole purpose of taking care of certain delegated things. There never was a document more carefully drawn than the Constitution. It was drawn with the definite purpose of only turning over to the Federal Government the sorts of things that the States could not properly operate for themselves.

Now, in this present appropriation bill by taking these two items, the one item of $2,250,000 for building barracks for the national defense and the item of $2,680,760 for attempting to enforce the national prohibition act, you have an illustration of the proper function of the Government and you have an illustration of an improper function of the Government, which shows a centralization and a taking over of the duties of the States by the Federal Government, which the whole theory of the Constitution was devised to prevent.

I am not going to make a speech on the general subject of prohibition. It is a question which is very much in the public mind, but I do want to say a few words about what this experi-

ment in national prohibition is leading to on the part of the National Government, as set forth in the pending bill.

In the first place, there is definitely appropriated $2,250,000 on account of authorized total expenditures of $5,770,000 for the permanent housing of the defense troops of this Nation. Every Chief of Staff of the Army and every Secretary of War for the past 40 years has urged the abolition of useless frontier posts and the concentration of the defensive forces of this country into logically placed defense areas, and since we adopted the national defense act this country for the first time has adopted a rational principle of defense and has divided the country into nine corps areas. This Congress did a very good piece of constructive work when it passed a bill, the Wadsworth-Hill Act, in this session creating the permanent Army post construction fund, which at the present time has in it potentially and actually about $28,000,000.

You recently passed your authorization for the expenditure of $5,770,000 for barracks, and I am very glad to see that the money is now being actually appropriated in this pending bill, so that there may be immediately started permanent and proper barracks in the corps area training centers and other mobilization points which have been created as an immediate necessity in case this country ever has to defend itself again. I am very glad to see that the money is now actually being appropriated which will authorize in a very short time the beginning of the construction at Camp Meade of soldiers' barracks—the appropriation being $410,000—to take the place of the miserable shacks which are there at the present time, and which, in one case, caught fire and almost burned up a number of soldiers, and which, in another case, were so rickety that the men had to be ordered out of them for fear they would fall down. I am also glad to see that the quarters at the Edgewood Arsenal are now being definitely and actually appropriated for to the extent of $90,000. I want to congratulate this House of Representatives on having put into concrete law a definite theory of location and development of barracks and posts in this country entirely in accord with the theory of national defense. That is a proper function of this Government.

But then we come to another item in this bill of a totally different sort. I am not arguing the merits of prohibition, per se; I am not discussing the question whether State prohibition is a good or bad thing, but I am calling to your attention the direct result of the first experiment in national prohibition, the first experiment that was ever made in having the Federal Government take over the local police laws of the State.

We hear in this country a great deal about "law enforcement" and we hear in this country a great deal of discussion about amendments to the Volstead Act or possible amendments to the eighteenth amendment to the Constitution.

Of course, under our oaths as officers of the Government, it is our duty to do all we can to see that all the laws of the United States are enforced; but there is a shibboleth which goes back and forth throughout this land, and when some people speak of "law enforcement" they do not mean the enforcement of all the laws of the United States. They do not mean the enforcement of the act of 1874, for example, which was put on the books for the purpose of carrying out and making vital the provisions of the fourteenth and fifteenth amendments to the Constitution. The act of 1874 is just as vital and just as alive at the present time as it ever was. I happen to know personally about it, because in 1912, as United States district attorney for Maryland, I prosecuted and convicted three election supervisors in Maryland for deliberately disfranchising the negroes, as negroes, of their votes.

I only cite this as an illustration of one of the laws of the United States which no one who talks for "law enforcement" considers or in any way takes up as part of their shibboleth. It, the enforcement act of the fourteenth and fifteenth amendments, is one of the great laws of the United States. The statute books of the Federal Government are full of laws at the present time which are not enforced and which nobody attempts to enforce, and when a certain group of people in this country talk about "law enforcement," they mean nothing except the enforcement of the Volstead Act under the eighteenth amendment. Now, gentlemen, how long are you going to continue to attempt——

Mr. MADDEN. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. MADDEN. The gentleman does not think law enforcement is confined to that law, does he?

Mr. HILL of Maryland. I will say to the gentleman that after reading the very able questions which the chairman of the committee put to General Andrews, I am inclined to think that the only thing that some people who are attempting to enforce laws think about is this particular question.

Mr. MADDEN. Of course, when those questions were being propounded the only thing before us was this law, and there was not anything for him to say except as to this law.

Mr. HILL of Maryland. I think the chairman asked very pertinent and very relevant questions.

Gentlemen, this subject is a subject of such wide and far-reaching interest that when one starts on a discussion of the relation of the Constitution to the theory of the eighteenth amendment it goes back into the whole history of our Government. I only want to take two or three minutes to call attention to certain things in this law. Most of you here voted for every appropriation that has been asked for by the Prohibition Unit of this Government.

Mr. BOYLAN. Will the gentleman yield?

Mr. HILL of Maryland. I yield to the gentleman.

Mr. BOYLAN. Could the gentleman give us approximately the amount that has been appropriated so far by this Congress for the enforcement of prohibition?

Mr. HILL of Maryland. I would like the attention of the chairman of the committee for a moment. Will the gentleman from Illinois permit me to ask him a question?

Mr. MADDEN. Yes, indeed.

Mr. HILL of Maryland. The gentleman from New York [Mr. BOYLAN] has asked how much money has been appropriated so far for the attempted enforcement of the eighteenth amendment by this Congress——

Mr. MADDEN. I am not able to say exactly, but I would say about $2,000,000 the first year, and then it ran up to about $4,000,000 the next year, and if I recall, about $6,000,000 the next year, $9,000,000 the next year, and ten million and odd dollars the next year, and altogether the annual bill now is about $28,500,000.

Mr. HILL of Maryland. Twenty-eight million five hundred thousand dollars, exclusive of the Department of Justice.

Mr. LAGUARDIA. And exclusive of the Coast Guard.

Mr. HILL of Maryland. Yes; exclusive of the Coast Guard.

Mr. MADDEN. And that item for the Coast Guard is about $13,000,000?

Mr. LAGUARDIA. Yes.

Mr. HILL of Maryland. Now, gentlemen, on top of that sum this bill proposes over two and a half million dollars more.

Now, what is the purpose of this appropriation? I expect to vote for this bill because what we have got to do is to go through the motions of attempting to enforce a law which can not be enforced, in order to show it can not be enforced, but what are we doing here?

We are about to create a Federal spy system to spy on State officers and State courts, a novelty in Federal practice. We are about to create a beer squad to inspect the one-half of 1 per cent breweries. We have already given power of inspection by putting on a one-tenth of 1 cent tax per gallon——

Mr. MADDEN. If the gentleman will permit me to amplify my answer of a moment ago, those figures include enforcement of the narcotic law as well.

Mr. HILL of Maryland. Yes.

This bill also provides for a new inspection force called the industrial alcohol inspection force. General Andrews says that there has been created a new crime against the Government, to wit, the crime of taking industrial alcohol and denaturing it, and apparently they have devised schemes now by which they can denature anything. General Andrews testified before a subcommittee of the Senate that they could take alcohol which was literally poison and which was used to put in the radiators of automobiles, and they could so "renature" it, or so de-denature it, or so rectify it at the present time, that it became perfectly harmless when made into these rotten, illicit liquors that are made in the back alleys of this Nation.

In addition, there are numerous other squads which General Andrews says are necessary. I want to call the attention of the committee to the "beer" squad. It was thought that when prohibition had been in force the length of time it has been that there would have been a cessation of demand for these beverages. General Andrews, on page 513, of the hearings, estimates that the consumption a year of beer, illicit, high-power beer, is about 100,000,000 gallons and he wants to stop that. He also estimated, in answer to the question of the chairman of the committee, that the industrial alcohol diverted to bootleg purposes amounts to about 15,000,000 gallons a year.

According to the bulletin put out last year by the Federal Council of Churches, the figures run very much more than that, but there is an admitted condition of that sort existing in the country.

Now, what is the ambition of General Andrews as disclosed by the hearings? General Andrews's ambition is this: He says

that if you appropriate this $2,500,000 more and give him these various squads of investigators, he will be able to do what?

He says he will be able to drive away illicit bootleg liquor from the street and into the homes.

On page 508, he says:

The CHAIRMAN. And what do you think will be the effect of that?

General ANDREWS. It will eliminate, first, the source of supply for the illegitimate traffic in liquor, and will probably turn the bootlegging industry to illegitimate distillation as the source of supply. That is what I expect.

The CHAIRMAN. Then, what will happen?

General ANDREWS. Then I am asking for the right to get search warrants on the basis that we have evidence that a private dwelling is being used as a commercial distillery, and if we get that law, we will make it pretty hard for them to distill their source of supply. If we succeed in turning the industry away from that source of supply, then, ultimately, we will get it back on the basis where every man will make his own whisky in his own home for his own consumption.

Gentlemen, I do not think we can realize too deeply what that form of testimony means. There is the prohibition enforcement officer who admits that under national prohibition the best he can do is to drive this rotten strong drink off the streets and create a condition in which every man will make his own whisky in his own home for his own consumption.

I want to call attention to a very different picture.

Thomas Jefferson said, or Madison said, that the great founders of this country believed in true temperance. I am not talking about the merits of State prohibition, I am talking of the constitutional theory of local police in relation to the Federal Government.

Jefferson said, or perhaps it was Madison, that a nation where wine was used was a temperate nation; that a nation where strong drink was used was an intemperate nation; and the whole group of Federal fathers of this country were absolutely for the substitution, by persuasion and by encouragement, of mild beverages, beer and wine, for the colonial equivalent of the rotten stuff which is corrupting the country at the present time and which, according to General Andrews, is being driven back to be made in the homes.

I have here an article or statement from a book by a mayor of New York, Philip Hone, 100 years ago. He kept a diary and in his diary he refers to a visit he made to the first United States Senator from Maryland in March, 1830. I think you gentlemen should see what true temperance meant among the founders of this Nation as compared with conditions under the constitutional provision at the present time. I therefore read an extract from the diary of the mayor of New York, in which he said:

I paid this morning a visit, which I have long been wishing for, to the venerable Charles Carroll, only surviving signer of the Declaration of Independence. He will be 94 years of age next September. His faculties are very little impaired, except his sight, which within the last few months has failed a little and deprived him of the pleasure of reading at all times, which he has heretofore enjoyed.

He is gay, cheerful, polite, and talkative. He described to me his manner of living. He takes a cold bath every morning in the summer, plunging headlong into it, rides on horseback from 8 to 12 miles, drinks water at dinner, has never drank spirituous liquors at any period of his life, but drinks a glass or two of Madeira wine every day, and sometimes champagne and claret, takes as much exercise as possible, goes to bed at 9 o'clock, and rises before day.

The first Senator of the United States from Maryland, Charles Carroll of Carrollton, began his service March 4, 1789. He enjoys the almost unique distinction of having resigned November 30, 1792, nearly five years before the expiration of his term, which was, by the terms of his election, March 4, 1797. The first Senator from Maryland lived and died in what is now the third congressional district, in that portion of the district known as the third ward. Including him, there have been 49 Senators from Maryland since the foundation of the United States. Can anybody imagine Charles Carroll of Carrollton advocating the eighteenth amendment to the Constitution? Can anyone imagine Washington, or Jefferson, or Madison advocating such an amendment? Carroll was also the last surviving signer of the Declaration of Independence. He never used spirits in his life. He was an example of true temperance, as he was one of the foremost examples of the willingness to sacrifice everything for American freedom. That is the type of Senator Maryland wants—a man fearless, willing that every element of the people should know his position on all public questions, and withal, temperate.

There is the first United States Senator from Maryland at the age of 94 plunging into a bath, and riding 12 miles a day, drinking temperate beverages such as Madeira, champagne, and claret, and doubtless, like Washington, "small beer," and never touching the national drink of the American people of to-day, namely, alcohol and water mixed with coloring and some flavor.

Now, one thing more. I want to show you one of the things for which this appropriation is to be made.

On page 529—and I am talking now not against the appropriation, for we have got to try the experiment, we have got to spend the money until we get back to the theory that the National Government is to control national matters and the local governments are to control local matters.

Here is the question that the chairman asked:

The CHAIRMAN. That is what I mean by local courts. You believe that the organization of the force you are suggesting will enable you to clarify the atmosphere to such an extent as to confine the cases which you will have to bring into court to the great fundamental problems?

General ANDREWS. To the major cases; yes, sir. That is well put.

Now, you want to know how this under-cover organization will assist us in doing that?

The CHAIRMAN. Yes.

General ANDREWS. When we find, for instance, that where we have put up to the local authorities the question of the enforcement of the law locally, and that in a certain county or a certain State law violations have become rampant, there are just two things to be done. Shall we go in and do that local police work? I say that we should not. We would send under-cover investigators there, and no one would know anything about it, but some day they would be presented to the grand jury with evidence which would result in the indictment of those officers responsible for law enforcement in that State or county, and who have been conniving actively with law violators.

The CHAIRMAN. In other words, you will be able to disclose conspiracies in which those officials may enter for the purpose of preventing the enforcement of the prohibition law.

General ANDREWS. Yes, sir; you are right. In that way we will encourage and make more popular the proper function of the local law officials. That will be the result, when they realize that there may be working right in their towns Federal under-cover agents who will expose them in conspiracy cases.

Mr. Chairman, I know that a lot of people think that every time I get up on the floor of the House of Representatives I speak about prohibition.

Mr. COLE. Well, the gentleman does, does he not?

Mr. HILL of Maryland. No; I do not. This is the first time that I have spoken at length on the subject of prohibition at this session of Congress, although I have spoken many times on other matters that, like prohibition, tend to destroy State rights and home rule. I have one more word to say about it, and that is all. Contrast these two things. Here is the appropriation of $2,500,000 for the housing of troops for national defense, a legitimate and proper function of this Government under the original foundation. Here is the appropriation of over $2,500,000, a large part of which is to provide a crowd of spies by which the Federal Government can detect the delinquencies and alleged conspiracies and criminal actions of State officers in violating this national prohibition act. Here is how a large part of your money is being spent by a Federal under-cover organization. What would Charles Carroll of Carrollton, what would Washington, Jefferson, and Madison have said if the Federal Government had proposed to have an "under-cover organization" such as you are appropriating for here, a Federal spy system on the sovereign States!

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. DENISON. What does the gentleman think the Federal Government ought to do, if anything, when those conditions exist, where State officials are conspiring to help violate the Federal Constitution and Federal laws?

Mr. HILL of Maryland. When you have a condition where the State officials are not enforcing the law, and where they are so corrupt that it requires an "under-cover squad" of spies on the part of the Federal Government, then we ought to pause and consider whether the experiment of having the Federal Government take over the local State police rights is a wise thing or not.

Mr. DENISON. But we are not up to that point yet. We now have this provision in the Constitution, and we have this law of Congress. When the Federal Government officials charged with the administration of the law find that condition to exist, what ought they to do, and what would the gentleman do?

Mr. HILL of Maryland. What the gentleman would do would be this: If I had to do with a law which was so generally violated by the State authorities that the Federal Gov-

ernment had to come in and prosecute the State authorities. I would realize that the Federal Government—and I would realize it gracefully—should retire from the field of endeavor which the Federal Government improperly entered.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. LAGUARDIA. Is not the converse also true? Have not the States the same privilege of employing under-cover men to discover corruption and graft upon the part of the officials of the Federal Government—and they will find a lot of it there?

Mr. HILL of Maryland. I think that is a very interesting situation. Here is the great Government of the United States, and then the separate governments of each of the 48 States. The Federal Government employs "under-cover men" to find corruption in the State officials, and the several States employ "under-cover men" to find corruption amongst the Federal officials. That is a splendid condition of affairs, is it not? To contemplate the possibility of the future danger of such a condition appalls one.

Mr. DENISON. Does the gentleman from Maryland believe that the Federal Government ought to enforce the prohibition law?

Mr. HILL of Maryland. I believe the Federal Government has——

Mr. DENISON. Oh, will the gentleman answer the question.

Mr. HILL of Maryland. But that question is not a straight question?

Mr. DENISON. I think that is a pretty straight question.

Mr. HILL of Maryland. Oh, no; it is the same as the old question of asking a man whether he has stopped beating his wife when we know that he had never beaten his wife.

Mr. DENISON. Does the gentleman believe the Federal Government ought to enforce prohibition?

Mr. HILL of Maryland. That is exactly the same as if I should say to the gentleman, Have you stopped drinking bootleg liquor? when I know that he never drank it.

Mr. DENISON. Is the gentleman going to answer my question, whether he believes the Federal Government ought to enforce the law or try to enforce it?

Mr. HILL of Maryland. Yes. I have been brought up in this theory of government. If I see a drowning boy and I know perfectly well he can not be saved, I suppose I would be fool enough to go out and drown myself in an effort to save the boy. Yes; I believe in saving the drowning boy. In the same way I believe that you have got to go through the motions of attempting to enforce the law; but I say to my colleague that we are a rational group of men, and when the time comes that we are down to the position where we have to employ spies on the State police and other officers for this purpose, we have reached a point of danger the contemplation of which is appalling. I say to the gentleman there never before existed in the Federal Government a condition where the Government had to keep a special band of spies to spy on State officials.

Mr. DENISON. Oh, the Federal Government employs this so-called underground squad to detect robberies of the mail and any other violation of the postal laws and things of that kind than we have from the very beginning.

Mr. HILL of Maryland. No. That had not to do with the officials of the States.

Mr. DENISON. And we do the same thing to detect the counterfeiters.

Mr. HILL of Maryland. No! They are not State officials. The gentleman is a very able constitutional lawyer and I want to ask him this question. Did the gentleman ever know of a case in the history of this Nation before—and I do not ask this in a trivial spirit—in which the Federal Government found it necessary to employ a large, well-organized force of men for the purpose of detecting criminal actions on the part of State officers?

Mr. DENISON. I do not know of any case of that kind at the present time, because as a general rule the State officers cooperate with the Federal Government in enforcing the Federal laws. But it just happens that there are localities in this country where the State officials are not in sympathy with the prohibition law, and they are conspiring to help violate it. That is a situation that has arisen only in recent years, apparently, and having arisen, what ought the Federal Government to do?

Mr. HILL of Maryland. The gentleman has made a very frank statement of that. He says that this is the first time that condition has arisen.

Mr. DENISON. The first that I know of.

Mr. HILL of Maryland. I think the gentleman is right. I do not think any of us know of any condition similar to that. When we find for the first time in the history of this Nation a condition of that kind, then I say we would better coordinate it with the constitutional discrepancy contained in the eighteenth amendment. [Applause.] The basis of government is the enforcement of its laws. When there exists one law out of a thousand that so differs from all others that the Federal Government must create a spy system for the sole purpose of watching State officers, there must be something very wrong with that one law.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BYRNS. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. ARNOLD]. [Applause.]

Mr. ARNOLD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. ARNOLD. Mr. Chairman, gentlemen of the committee, the first session of the Sixty-ninth Congress is fast drawing to a close. I think it was generally conceded when we met here last December that the most vital problem to be solved by the Sixty-ninth Congress was the agricultural problem.

Relief for agriculture was considered of vital importance when the two great political parties of this country submitted their case to the voters of the country as a jury in the general election in 1924, each asking that it be commissioned as the agency through which to carry into effect its platform pledges. That jury decided that the Republican Party should be so commissioned and thereby placed the responsibility on it. The two major parties declared their position on agriculture in their platforms as follows:

The Democratic Party pledges itself:

> To stimulate by every proper governmental activity the progress of the cooperative marketing movement and the establishment of an export marketing corporation, or commission, in order that the exportable surplus may not establish the price for the whole group.

And, further:

> To readjust the tariff so that the farmer and all other classes can buy again in a competitive manufacturer's market.

The Republican Party, in its platform declaration, says:

> The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to assure its prosperity and success.

The administration, with the powerful influence and prestige of the executive department in molding legislation and directing its course, is likewise in complete control of both Houses of Congress, with a safe working majority on the floor of the two Houses and of every legislative committee of both bodies. On the first day of the present session of this Congress, over the opposition of the minority, it amended the discharge rule of this House, thereby hermetically sealing the door of every legislative committee room and making it impossible for the House of Representatives to discharge a recalcitrant committee and recall from it the consideration of legislation intrusted to it and on which it would not report, unless a majority of the House petitions and votes to discharge it. This in effect pillories the right of the House to discharge a committee and consider legislation on its merits on the floor of the House without the sanction and approval of the administrative forces.

On the 21st of December last on this floor I called the attention of this House to the unfortunate plight of agriculture and the situation existing throughout the agricultural sections of the country, and predicted then that the rumblings in the offing would break into a furious storm unless something was done to relieve agriculture from its unfortunate plight.

Stressing the demand for agricultural relief, I called upon those in authority to bring to the floor of the House legislation that would relieve the farmer of the economic handicap the Fordney-McCumber tariff law placed him under and enact legislation that would place him on an equal footing with industry. Later, on the 20th day of February last, on this floor I again called the attention of the House to its neglect to heed the demands of agriculture, and called particular attention to the action of the Corn Belt committee and the executive committee of the American Council of Agriculture, in conference at Des Moines, Iowa, December 21 to 22, 1925, voicing the sentiment of the united farm organizations of the West, representing something like 4,000,000 farmers, in which they took issue with the President of the United States in the statements made by him in his speech before the American Farm Bureau Federation at Chicago last fall. At that time he attempted to soothe the growing unrest in the Middle West by assuring the farmers that their ills were more imaginary than

real, and that the existing Fordney-McCumber tariff was of "great benefit to agriculture as a whole."

By permission of the House, I will insert the resolution adopted at that conference in reply to the President's labored effort to convince the agricultural West that the existing Fordney-McCumber tariff rates were a panacea for the farmer's ills, as the resolution, considered and adopted by men who know, clearly and concisely sets forth the real underlying causes of the present unfortunate plight of agriculture:

We do not concede that the existing Fordney-McCumber Act is "of great benefit to agriculture as a whole." On the contrary, the staggering burdens imposed upon the consumers of the country through this act fall as heavily upon the farmer as upon any other class—on the one hand, the farmer pays his full share of the heavy tariff tribute upon practically everything he buys, while on the other hand the price of his great surplus commodities is fixed in the world markets. The living standard of organized industry and labor is the highest and most generous any nation has ever known, while the living standard of the farmer is rapidly becoming that of the world farmer. And, therefore, what virtue has the boasted home market? At this hour this home market is offering the Corn Belt farmer 55 cents and 60 cents per bushel for his corn, when it cost him more than twice this much to produce it. Also we hope we will be pardoned for our skepticism when we refuse to become elated over reference to certain articles that are on the free list, such as farm machinery, binder twine, etc., in which lines our American manufacturers dominate the world markets and therefor control the domestic price.

If the existing tariff is such a boon to agriculture, then how can the fact be explained that, although this tariff has been in operation for five years, agriculture is at this hour staggering on the brink of complete collapse? With all due respect to the President, we desire to say that the farmers of this country know the source of their difficulties—they know that on the one hand they are carrying the heavy burdens of the protective system and sustaining the generous wage scales of organized labor, while on the other hand they are meeting world competition which industry and labor refuse to meet; and in these premises we demand of the Sixty-ninth Congress that it enact legislation that will assure the same degree of equality for agriculture that industry and labor have so uncompromisingly demanded and received for themselves. If it is not unsound to fix prices on steel, textiles, and other similar commodities by protective legislation, then why is it unsound to fix them for agriculture by the same process? If it was not unsound to vouchsafe the Adamson law to organized labor, then why be so horrified at specific legislation for the Nation's great basic industry? If it was wise on the part of Congress to stabilize our banking system through the Federal reserve act and our transportation system through the Esch-Cummins Act, then why not indulge the same solicitude for the 40,000,000 people who live upon the farm and whose purchasing power is so vital to our myriad mills and factories?

Finally on this score we desire to say to Congress that the time has come when it must choose between one of two alternatives—if industry insists that it can not exist without the tariff, then Congress must take agriculture in on the deal. And failing to do this, it should not blame the farmers of the United States if they invoke the principle that self-preservation is the first law, and if thus they should declare open war upon the protective system. And in saying this we will not forget the real friends of agriculture in Congress in the days to come.

In this connection we desire to remind the farmers of the South that the time has come when corn, wheat, cotton, livestock, and tobacco should make common cause and when we should fight our battles side by side. We do not ask for special privilege or subsidies—we ask only that Congress shall assure to the farmer a dollar of the same purchasing power as the dollar it has so freely granted to industry and labor.

And verily the man or set of men who deny this heartfelt plea of agriculture assume a frightful responsibility. Already hundreds of thousands of farmers have been sold out by the sheriff, while many thousands of others will suffer a similar fate before relief can possibly come. Already more than 2,000 rural banks have been forced to close their doors, while the shadow of insolvency is hovering over hundreds of other banks which only a little while ago were the pride of their communities. Therefore let those who by plausible pretext seek to minimize the troubles of the farmer pause before it is too late—let them have a care lest their attitude not only assure the final and complete collapse of agriculture but also a condition of affairs which in the not distant future will bring distress to every great industrial center.

It can not be controverted that the security and independence of the American Nation depends upon a well-balanced equilibrium between the food-producing public and our various commercial and industrial activities. These commercial and industrial activities may prosper temporarily with an unhealthy agriculture, but their prosperity can not be permanent and sustained unless agriculture, the basic industry of America, is in a healthy, prosperous condition. That agriculture is not now in a healthy, prosperous condition and has not been during the past five years we have but to refer to some innocent but convincing figures given us by some of the Government departments.

Let me call your attention to the reports from the Department of Agriculture as to the purchasing power of the farmer's dollar measured with other trades and industries. We are advised by the Agricultural Department, through its present and former Secretary, that in 1919 the purchasing power of the farmer's dollar was 112 cents. In 1920 it had declined to 96 cents, in 1921 to 84 cents. In 1922 it arose to 89 cents, in 1923 it declined to 61.3 cents, in 1924 it was 62.4 cents, and in 1925 it had reached the low level of 60.3 cents, the lowest level it had reached during the past 35 years.

Let me further call your attention to some figures taken from the reports of the Federal Farm Census as to the values of farm lands and farm buildings.

In 1920 it is given as $63,000,000,000, while in 1925 it is given as $46,000,000,000, a decline of $17,000,000,000, or 30 per cent.

From the same source as to the value of horses, mules, cattle, and swine:

In 1920 it is given as $8,200,000,000, while in 1925 it was valued at $5,200,000,000, a decline of $3,000,000,000. An average loss of $2,000,000,000 per year was sustained on the price of crops compared to the standard price the farmer was receiving before the war for the five-year period, amounting to about $10,000,000,000, making a total depreciation from 1920 to 1925 on the items mentioned of $30,000,000,000.

How about the entire wealth of the Nation during the same time? In 1920 it was estimated at $290,000,000,000, while in February, 1926, the Department of Commerce estimated it at $350,000,000,000, or an increase of $60,000,000,000. Certainly, if these figures prove anything, a gain of $60,000,000,000 in general wealth and during the same time a loss of $30,000,000,000 in agricultural wealth, they prove that other industries are profiting at the expense of agriculture. They prove that our economic structure is decidedly out of balance and is of such serious nature that remedial relief is necessary. Agriculture will continue in a demoralized state until something is done to revive it and restore it to a plane of equal opportunity.

In 1920 the farmers were told that what they needed was higher tariff schedules, and with that end in view the emergency tariff law was passed, effective the latter part of 1921. The farmer's condition did not improve by the operation of the emergency tariff, and in 1922 the present Fordney-McCumber tariff law was enacted which the farmers were told would stem the tide of growing adversity and be a panacea for all their troubles. In spite of this promised relief the purchasing power of the farmer's dollar continued to decline and farm values continued to shrink. His indebtedness continued to mount or remain stationary at best. This should convince any man that instead of a high, protective tariff being a boon to agriculture, its actual operation has the opposite effect and proves to be a detriment.

It ought to be clear to any man that a protective tariff on farm commodities can be of no benefit to any country where a surplus is produced that must be disposed of in a foreign market. In the case of all such commodities the competitive world prices not only affect and govern the price of the exported surplus but it establishes the price for that portion of such products sold in home markets for home consumption. The Liverpool price of wheat determines the Chicago and Minneapolis price. Twenty per cent of our basic farm products must be marketed abroad and the price of this 20 per cent fixed by foreign competitive markets determines the price of the 80 per cent sold and consumed at home.

This places the farmer in the unfortunate position of having the price of the commodities he sells controlled by world markets and obliges him to pay prices for the things he buys for use on his farm, things to eat and wear, artificially enhanced by the existing tariff rates. That is an economic handicap that can not be overcome by advice or good will, and mere words of sympathy and good cheer that are handed out to the farmers of the country will not serve to remedy the handicap under which agriculture is now struggling, nor restore the balanced equilibrium that must exist between agriculture and industry if America is to bloom into her fullest greatness of a well-balanced, self-sustaining Nation.

The tariff enables the American manufacturer to inflate the prices of his products made and sold in America to the amount of the tariff on such article without competition from abroad. The manufacturer is protected against foreign competition on everything he sells in America and enjoys a distinct American price. Not so with the farmer.

The European countries have been our chief markets for our agricultural products sold abroad. They are recovering from the effects of the war slowly and have little money with which to buy our products. They have commodities they would like to exchange for our agricultural products but they must scale our tariff wall before they can land their products on our shores. Transportation costs and tariff duties must be added to the price of their commodities when sold here. As a result they are establishing trade relations with other countries where tariff barriers do not interfere with the barter and exchange of their commodities for those of other countries. By this policy of our Government our foreign trade is hampered and impeded and the outlet for our surplus agricultural products limited. The farmer bears the brunt of this restriction of foreign trade on account of the fact that his surplus when not marketed abroad is left to accumulate and congest domestic markets which drives his prices downward.

The American Farm Bureau estimates that the gross cost to the farmer by way of added costs on the things he must necessarily purchase is $426,000,000 a year. The farmer receives some benefits from the tariff, estimated by the same organization to be $125,000,000 a year. But on the whole transaction it amounts to a net loss of $301,000,000 per year to the American farmer. In other words, for every dollar the farmer gets through the operation of the tariff it costs him four.

It is net results that concern men, and anyone knows that any transaction wherein it costs $4 to make $1 is a losing proposition and in the end will bankrupt any man or any business.

The present existing tariff schedules being the source of much of the farmer's difficulties, the best policy would be to remedy his ills by striking at the root of the chief economic disturbance rather than apply antidotes to counteract the effect of the disturbance. If a stream of running water is polluted by a condition upstream, the best way to have pure water is to remove the cause of pollution rather than let the cause remain and seek to counteract its effect by a purification process.

So far as the farmer's ills are concerned, a readjustment of the present tariff schedules will to a large extent accomplish that purpose. If we do not, then the only alternative is to put props of special legislation under agriculture which will be equally as effective for agriculture as manufacturers now enjoy by the tariff schedules so as to place agriculture and industry on a common level of opportunity. If we are to enact special legislation, we should not discriminate, but legislate fairly and equitably for all interests alike, and especially should this apply to the farmers, as agriculture is the basic industry in America, the foundation stone upon which our industrial greatness and prosperity must rest.

The farmers of the country are the chief consumers of the products of the American manufacturers. A narrow policy that will enable the manufacturer to profit at the expense of agriculture limits the farmer's purchasing power and will ultimately, through the adversity of the farmer, destroy his purchasing power. With his purchasing power destroyed, the products of the manufacturer will largely accumulate on the shelf and warehouse, curtailed production and unemployment will follow, and in the end adversity will likewise be the lot of all. I believe in equality and exact justice to all, and if a high, protective tariff system is so firmly entrenched in our economic structure that it must be continued, then common justice requires that we should not let it continue at the expense of agriculture, but we should do something for agriculture that will place it on a common level with corresponding advantages.

The cooperative marketing bill passed early in the session, creating a division in the Department of Agriculture where advice and counsel can be handed out to men who are engaged in marketing through cooperative associations will be of some benefit but it will not remedy the ills. There is entirely too great a spread between what the producer gets for his commodity and what the consumer pays for the same commodity. Each farm being a unit of production within itself, and the farmers so widely scattered and interests so diversified, it is difficult, indeed, to successfully market farm products through cooperative marketing systems. It will require a long time to perfect effective marketing agencies, but much has been accomplished along this line and encouragement should be offered to this end. Freight rates should be readjusted in the interest of agricultural products. Millions could be saved the farmers of the country by a readjustment of freight rates. This would enable him to put his products on the market at a great saving and procure the necessary limestone and fertilizers to maintain and build up the fertility of his soil at a greatly reduced outlay.

The so-called Haugen bill was fostered and advocated by practically all of the farm organizations of the country, but the whole power and influence of the administration was directed against the bill and it went down to defeat largely through the clever attacks and onslaughts of the very interests of the country that have been the chief beneficiaries of the present monopolistic Fordney-McCumber tariff law.

It is interesting to note that the solid vote of the New England States, New Jersey, New York, and 19 out of 27 votes cast by the Pennsylvania delegation were against this bill. The administration, with all the power and influence at its command, sought to defeat it. It accomplished its purpose.

With tariff beneficiaries it is all right when legislation raises prices to the consuming public of manufactured articles and all wrong when it raises prices of agricultural commodities. I have no quarrel with big business because it is big so long as it is fair and honest; but when it demands that for itself which it is unwilling to give to the farming interests of the country, then I submit it shows an indefensible selfish spirit which can not be justified, and I take issue with it.

The administration, while fighting the demands of the American farmer, with eyes focused on Wall Street and peoples across the sea, sponsored a bill to approve an agreement entered into by the Secretary of the Treasury, wherein the indebtedness of the Italian Government to this country was extended for a period of 62 years, with an average rate of interest of four-tenths of 1 per cent. Had interest been figured on a 4¼ per cent basis, the rate that our Government now pays on most of its outstanding bonds, and the amount that must be paid by the American taxpayer in retiring our national debt, our Government would have received $3,413,874,500 more than is to be paid under the agreement made and approved. The settlement amounted to a cancellation of over 75 per cent of the debt and interest. If the total amount Italy is to pay us under the agreement were applied to interest alone, it would fall short $1,006,197,000 of paying the interest that would be due, figured on a 4¼ per cent basis, and in addition to that a cancellation of the entire principal due us June 15, 1925, of $2,042,000,000.

A few days later another agreement, sponsored by the Secretary of the Treasury and the present administration, wherein the debt of France to this country is to be settled at 47.2 cents on the dollar, based on interest on deferred payments at 4¼ per cent, came up for approval. This likewise covered a period of 62 years, with an average rate of interest at 1.64 per cent.

If interest had been figured at 4¼ per cent our Government would have received $4,627,225,895.83 more than is to be paid under the agreement made. The principal of the French debt June 15, 1925, was $4,025,000,000, so it is readily seen that the agreement cancels the entire principal and $602,000,000 more that we should have received in interest alone. The effect of this settlement is a cancellation of 52.8 per cent of the French debt and interest to this country—more than half.

Settlement of the English debt to this country was supposed to be a liberal settlement, as interest was based on 3 per cent for the first 10 years and 3½ per cent thereafer. Had the Italian settlement been made on the same basis as the English settlement, our Government would have received from Italy $2,516,142,500 more than it will receive under the agreement approved. Had the French settlement been made on the same basis as the English settlement, our Government would have received from France $2,861,150,895.83 more than it will receive under the agreement approved by the House. I voted against the Italian and French debt settlements.

To settle with Italy at less than 25 cents on the dollar and with France at less than 50 cents on the dollar, with the deplorable conditions existing throughout the agricultural sections of the country as they are to-day, is contrary to my sense of justice. It is commonly reported through the public press that the settlements with the Italian and French Governments cleared the way for huge loans by Wall Street interests to the Italian and French people at a high rate of interest, thereby enabling them to reap rich rewards for negotiating the loans.

In 1924, in Cleveland, the Republican Party adopted a platform in which they say in reference to foreign debts:

> In fulfillment of our pledge in the national platform of 1920, we have steadfastly refused to consider the cancellation of foreign debts. * * * We stand for settlement with all debtor countries similar in character with our debt agreement with Great Britain.

Pledges made in party platforms should be more than mere promises to be broken at will as pie crust. It is not fair to the people to get their votes on solemn declarations of principles, and then when clothed with the power and authority their votes give repudiate the solemn pledges made to secure that

authority. It savors too much of obtaining votes by false pretenses.

But I want to confine myself more directly to the farm problem.

Gentlemen, agriculture is suffering to-day largely from the effect of the economic handicap imposed on it by special legislation for other interests, and as long as conditions remain as they are we can not hope for any real agricultural improvement. If we want really to legislate for the benefit to agriculture we must seek the fundamental trouble, and upon investigation we will find, as I have already stated, that this disparity of relations between agriculture and industry is due largely to three important things that need attention—tariff and freight readjustments and better marketing facilities. The foremost and most important of all these propositions demanding attention is the present existing tariff schedules. [Applause.] Relief for agriculture has been debated loud and long in this House. It has been debated long and loud in the body at the other end of the Capitol, and up to this good hour nothing has been done. A few days ago the Secretary of the Treasury, whose voice has doubtless been heard by some, but was not heard by the public until he had addressed a letter to the chairman of the Committee on Agriculture of the House, stated his position. In that letter he says to the chairman of the Agricultural Committee that the bill that was considered by the House at that time was "economically unsound," and that it would raise the price of food commodities to the consuming public. Now, the country well knows, and we all know, the obstructive forces opposing farm relief and the sponsors for legislation that brought the American farmer largely to the place where he is to-day. [Applause.] The interests that tell us that it will raise the price of food to the consuming public advocate and foster and are the chief beneficiaries of the highest protective tariff bill that was ever foisted upon the American people, and which raises the price of all protected articles to the consuming public of America. Gentlemen, it seems to me that it is time the American people were taking stock of the situation and make some sincere effort to solve this condition that has brought about this disparity of relations between agriculture and industry.

It seems strange that the interests that oppose this legislation because they say it will raise the price of foodstuffs to the consuming public at the same time demand and have legislation which operates to that end in the commodities they produce. Tariff beneficiaries are empowered to levy a tribute on the consuming public amounting to from two to four billion dollars a year. Under the Esch-Cummins law the Interstate Commerce Commission is delegated the authority to levy tribute on the shippers of the country to enable the railroads to earn 5½ per cent net and one-half per cent additional for improvements; and should they earn in excess of 6 per cent net, one-half of such excess earnings may be taken as tribute from the shippers of the country and applied to the upbuilding and rehabilitation of the weak roads of the country. Such legislation is pronounced economically sound, but when the farmers come to Congress asking for relief they find the doors locked and are denied relief on the theory that to grant them the relief asked for would increase the price of foodstuffs and their requests are economically unsound. We hear a great deal of talk nowadays about the American protective system. Yes; we have an American protective system, but it seems indeed strange that the American protective system can only be made applicable to some favored interests and not be made applicable to all interests. Of course the reason is clear. When special privilege is extended to all alike it ceases to be special privilege, and the favored ones find themselves without an advantage—the very thing they do not want. Gentlemen, the trouble is fundamental. We may talk about legislating in the interest of the farmer; we may apply antidotes for the relief of the farmer; but just so long as we permit the disturbing cause to remain just that long will the agricultural interests be coming out at the little end of the horn. [Applause.]

Congress at the last session directed the Interstate Commerce Commission to make a careful study and to devise some plan whereby a reduction in freight rates might be made to the shippers of agricultural commodities; nothing has been accomplished along that line. There came from the White House on yesterday advice to the other end of the Capitol that to relieve agriculture a law should be enacted whereby the cooperatives of this country could borrow from the Government money to carry on their business. Gentlemen, let me say this to you again: It is not credit that the farmers of the country are requesting. So far as the cooperative associations are concerned, they can borrow money so long as they have the credit, and if they have not the credit the Government will not loan to them anyway. We might apply antidotes of that kind, and antidote after antidote; and yet, unless we strike at the fundamental disturbances, we will find that agriculture will continue to remain in its unfortunate plight. What the farmers are demanding, and what they are entitled to, is equality for agriculture.

Let me tell you this, gentlemen: It is a very, very short-sighted policy indeed that says to the American people, "We will permit some men to prosper at the expense of others; we will permit some interests to prosper at the expense of the others."

The administration and the Congress owe it to the agricultural interests of the country to give it the promised relief. Our duty has not been performed until that has been done. I am unwilling that Congress should adjourn until the promises made to the farmers of the country—that agriculture would be placed on an economic equality with industry and commerce—shall have been fulfilled, and cast my vote against adjournment. We owe it to agriculture, to the country, and to ourselves to do simple justice to the people in the great agricultural sections of the country. It means in the end a well-balanced national life, a lasting, permanent, self-sustaining national life, in which peace, happiness, contentment, and prosperity will be the common lot of all. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. TINCHER].

The CHAIRMAN. The gentleman from Kansas is recognized for 10 minutes.

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, the gentleman from Illinois [Mr. ARNOLD], who just preceded me, made some statements concerning agriculture that I want to answer. To my mind there is no question but there is an agricultural problem, and I have said that on the floor of the House a number of times; but to say that since 1921, the time when agriculture was at its lowest ebb, the party in power, the Congress of the United States, regardless of party, has done nothing for agriculture, can only be answered successfully by figures. If the picture drawn by the gentleman from Illinois, indicating as he would have it appear that that spread between the farmer and industry was gradually growing wider, that it was being extended, then his argument would be sound. To my amazement and surprise, throughout the debates on the farm-relief measures which have been debated in this House and over the radio recently, I have heard the value of the farmer's dollar fixed all the way from 61 cents prior to the war down to 40 cents. The farmer is having enough trouble without having any false figures shoved in his face every five minutes. The truth is that the gap between the farmer and industry is gradually being closed, so that to-day, compared with the figures of 1921, the farmer's dollar has a purchasing power of 94 cents as against sixty-odd cents; so that to-day the nonagricultural dollar, instead of being worth $1.20, is worth $1.02; so that to-day the spread is less than it has been since the depression came.

I say in all fairness it is time that the American farmer have the figures instead of just loose statements. Oh, you say, "The Fordney-McCumber tariff law was a law in favor of everybody else than the farmer." I made the assertion on this floor a few weeks ago that the price of nonagricultural products had been reduced since the enactment of that law and that the price of agricultural products had been increased. I was laughed at by some of my friends, who said, "If that is true, it would be all right." I invite to your attention to what to my mind is the clearest and most authentic and concrete and accurate analysis of that situation which was ever placed in the CONGRESSIONAL RECORD, the speech made by the distinguished gentleman now in the chair [Mr. HAWLEY], proving every assertion that we made. I tell you, folks, it is time we quit quarreling now. We have all had our fling. We have all had our little remedies to propose, and have talked of them and advocated them.

Let me give you an illustration. You say to me, "I am a farmer." I say to you, "Plant this." You say, "No; I will not plant that; that is as bad as cockleburrs." I say to you, "If you do not plant that, you are not a farmer's friend." You tell me to go to thunder.

Now, that has been going on for months. Now, some people are so narrow that they say, "We will go home and do nothing until 1928 for the farmer, because we could not have what we wanted." Seven million majority of the American people intrusted to Calvin Coolidge the responsibility of being Chief Executive of this Nation for four years, regardless of whether you believe in him or not. He says this morning boldly, "You give me this law. Mr. Peek, Mr. Murphy, Mr. Hirth, of Mis-

souri, your law has failed to pass. I am for farm-relief legislation. Give me this law." And the Secretary of Agriculture said to our committee, "I will be here when you come back in two years. If it does not work, then repeal it." I say it will work. I say that the American Congress ought to give them the relief asked for.

Some measures are defeated. Some are not. There is a farm problem. No man who appeared before the Committee on Agriculture went as far as the distinguished gentleman who has just sat down [Mr. ARNOLD]. He said the loan to the cooperatives will not help. Every witness that testified before the Committee on Agriculture said that to permit the cooperatives to take the surplus off the market would help. That was not the quarrel. They said it would not go far enough. The two Houses of Congress, a majority of both parties in Congress, have said, "We will not go on that other trail. We will not travel it."

Now, men, the farmer has some rights. We may differ and we may be enthusiastic about a pet scheme. But we have no moral, no legal, and no representative right to deny the American farmer relief simply because we are afraid some one will get some advantage out of it.

In my opinion, the remedy indorsed by the Secretary of Agriculture is the thing that will cure the proposition. It is a thing which Chester Gray, representing the Farm Bureau Federation, said was the best orderly marketing bill he ever saw. It is a proposition which no farm organization denounced or criticized, except to say it did not go far enough. Just because some men sent here or who came here say, "We will have our plan or nothing," is no reason why this Congress should adjourn without keeping the pledge made to the American farmer as contained in both political platforms.

We did not promise to tax him; we promised no such thing as is contained in certain measures, but we did promise legislation calculated to take care of the surplus. The men in charge of administering the executive branch of this Government for agriculture say we have that measure; the President has sent word that that measure ought to pass, and before any man can legitimately criticize the Chief Executive of this Nation for being against the farmer he should at least give him a chance to administer the law which he says will remedy the evils that now exist as to the American farmer.

Mr. DENISON. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. DENISON. Does not my friend from Kansas believe that if we should refuse to adjourn and should give that bill or a similar bill serious consideration we could pass it?

Mr. TINCHER. Yes; and I think other bodies ought to refuse to lay things aside; they ought to pass them. I think we ought to be fair with the farmer as well as with ourselves. We may disagree. My goodness, friends, there is nothing unusual about that. That has been the success of our country, in that we have disagreed, fought, and scrapped, and in that way we have been able to keep down the things that were bad and eventually get the things which were good.

But there is a farm problem, and it ought to be solved. We have tried one thing, and it could not get the votes. It was denounced by both parties, and it was voted down by a majority of both parties, and for two or three men—who do not have the votes, or, anyway, the sanction of their people to represent them here—to get in the gallery and be pointed out as the men who say they will have no farm legislation unless they can have what they want, men who do not farm, is all wrong, and I hope the American Congress is not ready for that kind of dictation. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MADDEN. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. GORMAN].

Mr. GORMAN. Mr. Chairman, during the next few minutes I am going to speak upon the subject of prohibition. In doing so, I am not going to quote the opinions or findings or statistics of other persons who have given the subject of prohibition their serious thought and earnest investigation.

These remarks I am going to give expression to are the result of my own examinations into the effects of the eighteenth Federal amendment and its enforcing machinery, the Volstead Act.

Before the eighteenth Federal amendment became a part of the Constitution of the United States, for a period of seven years I was a letter carrier in the city of Chicago. The routes I traveled were in those sections of the big city commonly called "workingmen's neighborhoods." The old open saloon was as common as the neighborhood meat market or grocery store. I saw plenty of drinking in the saloons of those days. It was confined to the men almost entirely, and to a limited extent it existed among youths who were arriving or had lately arrived at manhood. I never saw a woman drink in those saloons, with the exception of the saloon keeper's wife, who, in tending bar, would join with the customers in a round, although some of the neighboring women would drop in to get a can or pitcher of beer to be drunk at home. As to young women, I never saw one of them enter a saloon to get a drink.

The people were simple in their ways and tastes, law-abiding, and industrious, with here and there an occasional loafer who refused to work and idled his time in drinking.

The husband and father would send for his can of beer when he arrived at home after a hard day's work at the factory or mill and on Saturday afternoon and on holidays he would join his neighbors in the nearby saloon, generally referred to as the workingmen's club. No great number of the people there indulged in whisky. Beer or "pivo," as it was otherwise called, was the common drink of the people. In the saloon there was hilarity produced by the effect of the drinking, but it was a happy, contented hilarity, with now and then a brawl. Of course, there were cases of drunkenness and neglected homes, of wives who felt the brutal blows of drunken husbands and little children who suffered the pangs of hunger and the need of clothes. But those cases were the rare exceptions, so rare, indeed, as to make them appear distressful out of entire proportion to their actual distress and numerous out of all ratio to their real numbers. They were the extreme cases which caused the sympathy of the human heart to go out to them and to demand for their redress the stamping out of the saloon.

Taken by and large, the people, poor by birth and rearing, attached to employments which invited only the common and uneducated classes, lived in a circle of constant labor and even of drudgery, to which the only ingredient to add happiness and contentment came from quaffing wholesome and stimulating beer at the close of each day's work.

They were, nevertheless, an ambitious people, their ambition being best revealed by their burning desire to give their numerous children an education. The near-by public school, though large and spacious, was always overcrowded, and there were no students in attendance there except the workingmen's children.

I became familiarly acquainted with all the people on my route. I knew the fathers and the mothers, the children already weaned from school and at work, the children still attending classes, and those who were yet too young for books. I could call them by their first as well as their last names, and the uniform of the letter carrier was ever a favorite guest in their homes. I could point out the people who drank beer, those who drank whisky, and those who did not drink at all. I could tell you those who drank to excess and spent their earnings in the saloon, the while their homes were neglected and their families suffered, and those, saving and frugal, who put aside a little for the rainy day or for the house that was going to be built.

Within recent weeks I spent several days in a revisit to the scene of my former work. In those poor workingmen's neighborhoods where I served as a letter carrier I made many inquiries about the people who resided there when I delivered their mail. A little above eight years have elapsed since I was their letter carrier, which naturally resulted in many changes caused by marriage, death, and removals. Notwithstanding, there were scores of the old familiar faces to greet me and to give an account of the changes time had wrought among them and their neighbors. I made thorough inquiries about them, and I will state what I learned from those good people and much of what I was able to see for myself.

The open saloons had mostly disappeared, but many of the old ones with the same proprietors and some in changed hands were operating as soft-drink places, coffee shops, lunch counters, "speak-easies," soda-water fountains, and cigar stores, with plenty of strong drinks to be purchased by those who were known to the sellers. A crop of bootleggers, young and old, male and female, had sprung up to take care of the wants of those who were not sufficiently supplied by home brew or by the saloons in disguise. The moderately drinking people of my days—yea, the temperance people—are transformed into heavy drinkers. The beer drinkers of then now drink poisonous liquids of all sorts labeled whisky, gin, brandy, and what not. In this orderly community as I knew it there is now much crime. Theft, especially of automobiles, is common, and just a few weeks before I revisited there an atrocious tragedy was committed. A moonshine-crazed idiot killed his sleeping wife and son. An "idiot" the neighbors called him, but plain, simple, hard-working Joe, I knew him to be, made mad by poisonous moonshine when Volstead took away his beer.

Young boys and girls in the days I traveled there, now grown into early manhood and womanhood, instead of drinking beer in their own homes, as was the custom of their parents, now drink poison at house parties, dances, cabarets, and else-

where. There is more drunkenness among these young people to-day than there was among the adults of eight years ago when I worked in their midst. The girls who do not drink strong liquors are rare exceptions, and they all whiff that eternal companion of drink, the cigarette. As to the young men, there seem to be no exceptions. They all drink, and they get stupidly drunk from the rotten stuff they drink. Other vices have come among these plain folks as a result of strong drinking. Indulgence in intoxicating liquors at their dances, parties, and other gatherings has produced immoral and suggestive dancing among them, and a combination of both drinking and dancing has brought on an aggravated immorality.

The old lady standing in front of the house or sitting on the front steps, as she did when I delivered her mail, but older now and deeper furrows tracing her honest face, is still there to answer the mailman's whistle. With a shrug of the shoulder and tears gathering in her eyes, she slowly answers the question of "where is that bright eyed, pretty little girl of yesteryear?" as though she were mourning over the casket of her kin. The crude response is that "She has gone wrong." Following up this fragment of sad information, after repeated questioning, the old lady says it was booze and gin, the boy with the flask on his hip and the little girl who dared to take a drink. It was not the story of one little girl or two, but the story of many little girls. These youths have answered Volstead's verboten with a dare, then an adventure, and now remorse.

How much longer, oh, how much longer will the slaughter of the innocents go on to satisfy the stubborn Volsteadian pride of those who are so blind that they will not see?

My friends, these simple people are no better off since prohibition. They are worse off. For the most part, they were a temperate people before prohibition. Now they are a community of drinkers. They make their own home-brew and they distill their own booze—strong, vile, and unaged concoctions that are destructive to the membranes of the human body. They drink it now with glee and noise because the law says they can not drink it. They feel smart and happy in evading the law, and with noise, laughter, shouting, and quarreling they advertise to the world their violations of the law. Intoxicating liquor is the forbidden apple in the garden of paradise and they are going to possess it at any cost.

I asked scores of these plain people what they thought about prohibition, whether or not it had improved their conditions, if they were better off physically and financially than they were in the old days before prohibition, and they all replied, without exception, that their conditions now are worse than they were in the days when they were permitted by law to have their good, wholesome beer. They say that prohibition does not prohibit—it merely has increased the price and decreased the quality of what they drink. It has made it difficult and almost impossible to get good, wholesome beer, so now they drink the vile stuff labeled whisky, gin, brandy, and wine. There was some drunkenness among them before prohibition, but nowadays they do not get drunk—they get drugged from the poison they take into their system under the guise of drink.

Mr. Chairman, my investigations have not been limited to the scenes I have already described.

I have visited numerous dance halls, cabarets, and high-class hotels where receptions are held. I have gone to many house parties and other social gatherings. I have visited the good places only; that is, those places which enjoy a good reputation among the public. I have visited them in Washington, in Chicago, in New York, in San Francisco, and in scores of smaller cities. It is the same sordid story, differing only in degree, in detail, and in scene. The young man carries it in the flask or in a wrapped-up bottle. He parks it under the table or in some other convenient place when he arrives. He sends for a bottle of ginger ale—dry ginger ale preferred—or White Rock Water if his brand is labeled "Scotch," pours out a highball for his lady and a highball for himself. This operation he repeats between dances and while they eat until his visible supply of liquor is gone. Then, in a maudlin condition, he and the pretty young girl start for home, embraced in vulgar love as they were while dancing on the floor. What happens next the police will tell, or the obituary notices, or the sequel may be buried forever in heaving bosoms, or the protecting angel hovering over them may have sheltered them against the sins of the flesh and the accidents of the world.

Yea, prohibition has glorified drinking. It has passed its curse on to the children without lifting its mantel off the shoulders of their elders. It has made bums out of good, respectable people and millionaires out of bums. It has bridged the chasm between the otherwise law-abiding and the lawbreakers. They meet on a common ground; the one to purchase forbidden liquor and the other to sell it.

The youth who does not bring liquor to the dance or party is looked down upon and the girl who does not drink it is shunned. The one must produce it for the next affair or select a different lady for his partner and the other must drink it or stay at home. Prior to prohibition I never saw a young girl take a drink at a dance or a party or in any public place, nor a young man bring it there. The odor of liquor on their breaths would have made them instant outcasts of society. To-day they are hero and heroine of the drink. They openly boast of their tipsy condition of the night before. They have coined a new language to express their transgressions of Volstead. They refer to the stuff which they drink as having a high kick or conversation in it and call it by a variety of names. They refer to their maudlin condition as being "tight," "ginned up," "corned," "pickeled," and "scotched."

Last summer my wife, a friend, and I took a long automobile trip from Chicago to the western coast. We were gone two months and traveled 9,000 miles. We went as far south as Mexico and as far north as Vancouver. On account of my previous employment in the Postal Service we were cordially received by the post-office clerks and letter carriers everywhere we stopped. I made inquiries from those employees, especially from the letter carriers, about prohibition, how it is being accepted by the people and the extent to which it is being violated. The best-informed men on this subject, in my opinion, are the letter carriers. They go to all the homes and places of business in the performance of their work. They know the real conditions of life better than any other class of people. If there are intoxicating drinks being made, they know who are making them. If liquor is being sold, they know where it can be bought. From them I heard many frightful tales of the evil and suffering prohibition has caused. They pointed to many communities where the saloon had been abolished and drinking of hard liquors had almost entirely disappeared long before the Volstead Act. Since prohibition hard liquor has made its reappearance and is being consumed in large quantities. They speak about the quality as being vile and the drinkers being drugged from it. They told the same story about the prevalence of drink among young people, both boys and girls, its presence at dances and parties, and the usual woes that follow from its use. There can be no doubt about it that prohibition, as it is, is the curse of the United States. It is slowly but surely destroying the moral and physical fiber of the future fathers and mothers of America. It is breaking down respect for all law by open and notorious violation of this one law. It is making police courts out of the court rooms where once dignity, decorum, and a high standard of ethics prevailed, the Federal courts of the United States.

As a social experiment, prohibition is a failure. It was foredoomed to failure because the law did not grow out of the custom of the people. A people can not be legislated good. They must be taught good in the impressionistic years of early childhood, at the mother's knee, and then, through the various stages of life, as they progress.

No one will deny that temperance is a virtue. No one will deny that temperance is for the well-being of the human race. It is temperance we should aim for, and in the interests of real temperance and to protect the health and morals of our children the Volstead Act must be changed. In its place a law should be enacted which will encourage temperance. Such a law as will permit the manufacture and sale, under well-regulated conditions, of 2.75 beer, would be the best contribution the United States could make to the cause of real temperance. This is the scientific standard adopted by Denmark and approved by its various temperance societies. It is the standard of beer consumed by the people of Denmark with no drunkenness, and it has decreased the appetite for strong liquors. It was the standard adopted by the United States during the World War for the purpose of preserving foodstuffs. It was accepted by the people, and it did not result in increased consumption of hard liquor.

If the people know that they can obtain a good, wholesome beer, the thrill of breaking the law will have disappeared. Two and seventy-five hundredths beer has been pronounced to be good and wholesome and of sufficient alcoholic content to satisfy the thirst by such well-known authorities as Max Henius, of the Wahl-Henius Institute of Consulting Chemists, and Adolph Dirian, of the Monarch Beverage Co., one of the foremost brewmasters of America, both of them business men of the city of Chicago. They say it is palatable and will be satisfying to the people as a good brand of wholesome beer. To adopt this standard of 2.75 beer is worthy of a trial. No one can authoritatively say that it will fail until it is given a

trial. Some such modification as this is necessary to change the mass thinking on the subject of prohibition. It will have a tendency to stop the agitation and unrest among the people. It will divert their minds from the subject of prohibition and induce them to indulge in thinking about other things in life. It will decrease the drinking of poison which now circulates under the names of whisky and gin. It will decrease violations of the law. It will restore respect for the law. It will take the subject of prohibition out of politics where it has been thrust by the Volstead Act with such hurtful results as to determine the election of judges on the bench, lawmakers, law enforcers, and administrative officers.

It is within the power of the Congress to define 2.75 beer as a scientific standard and within the confines of temperance.

Let us all face the facts and pull together. Let us put aside personal prejudices. Let the dry extremists and the wet extremists meet on this common ground. Legislation is ever the result of compromise and adjustment. Let both sides compromise a little and adjust the standard of prohibition so that the people of the United States who desire it may have 2.75 beer in the place of the poison they are now consuming. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield 25 minutes to the gentleman from New York [Mr. BOYLAN.]

Mr. BOYLAN. Mr. Chairman and gentlemen of the committee, on March 30, 1926, the Committee on Foreign Affairs held a hearing, and at that hearing an address was made by Hon. Alfred J. Talley, of New York, which I will read:

STATEMENT OF HON. ALFRED J. TALLEY, FORMERLY JUDGE OF THE COURT OF GENERAL SESSIONS OF NEW YORK CITY, 165 BROADWAY, NEW YORK

Mr. TALLEY. Judge Morgan J. O'Brien and myself have been delegated by the Catholic clubs, representing the Catholic Club of the City of New York, to appear here and express the sentiment of the membership of the club. The Catholic Club is made up of leading business and professional men of the city of New York, membership 700, and represents, I am able enough to say, Catholic sentiment of the city of New York. In what we have to say in connection with this matter now engaging your attention we are representing the sentiment of the Catholic laity for whom only we speak throughout the city of New York.

The chairman properly asked for facts with regard to Mexico. I am summarizing rapidly what we understand to be the facts which justify the citizens of this country to appear before this committee upon this resolution.

The present constitution of 1917 of Mexico was never submitted for adoption to the Mexican people. It was imposed by military convention controlled by Carranza. Before the United States gave recognition it asked Mexico if it would grant religious toleration. Mexico answered that it would and abide by the constitution of 1857. Carranza arbitrarily suspended that constitution and imposed the constitution of 1917, which destroys all religious toleration. Under it, and I am summarizing rapidly now, the church may not hold property; priests nor ministers, even natives, may not vote nor teach nor enter a primary school; no trial by jury is given to priests or ministers of any religion. No minister or priest may criticize the laws of the country. Mexican charitable institutions, hospitals, orphanages, seminaries are all under control of the State. The State legislature may state the number of priests allowed to function within the State, and I am informed that in one of the States with a population of 60,000 it was ordained within the last few weeks that only 12 ministers of religion should be permitted to minister to the spiritual needs of those people. One of the gentlemen asked if all religion was not stamped out. I do not know of any more effective way to stamp out all religion than by that precise method in conjunction with these other things that I am enumerating.

Priests and bishops and ministers never are allowed to meet together. The right of assembly is denied. Foreign-born clergymen have been summarily driven out—202 already; also foreign-born nuns have been driven out. Native religions are deprived of home and schools. In addition, schools generally have been made atheistic.

On the question of recognition by this Government of another government there is a very apt letter published only Sunday in one of the New York papers. I am about to read from a letter of former Secretary Root, in answer to a communication addressed to him by Ivy Lee, seeking to awaken interest in the question of the recognition by this country of Russia, and one of the things that he complains of in this article was the Chamber of Commerce of New York.

The article referred to is as follows:

I think the action of the chamber of commerce was right. The recognition of one government by another is not a mere courtesy. It is an act having a definite and specific meaning, and it involves an acceptance by the recognizing government of the principles, purposes, and avowed intentions of the recognized government as being in conformity with the rules which govern the conduct of civilized nations toward each other. For the United States to recognize Russia would be to publicly acknowledge that the avowed purpose of the present Russian Government to overthrow by force our system of government is consistent with international friendship. Of course, that would be a lie, and it is always unwise for a nation to govern its action by anything but the truth, as it understands the truth.

The immediate effect of such a course would be to give great encouragement and strength to the communist doctrines professed by the Russian Government and to make it seem to all the world that the Government of the United States regards as negligible the differences between the principles underlying American institutions and the theories which support the dictatorship of the proletariat. Such a course by the Government of the United States would not only give respectability and credit to those who are carrying on the communistic propaganda in the United States, but it would tend to the demoralization of public opinion throughout the United States among the people, who would see that our Government makes no difference between the two views of liberty and order.

Now, gentlemen this Government of ours has as its fundamental tenet that the Congress shall make no law respecting the establishment of religion or prohibit the free exercise thereof, nor prohibit free speech, the right of the press, nor the right of the people to peaceably assemble and petition the Government for redress of their grievances.

Mr. FISH. You are looking for precedents? You have asked us to do something, to withdraw our recognition?

Mr. TALLEY. Yes.

Mr. FISH. It will be very difficult, from my point of view, for us to take any such step without a precedent. You have read this letter of Mr. Root. If I remember aright, most of the Catholic countries of Europe—Italy, Austria, and others—all recognize to-day Bolshevik Russia. We want some precedent for this action.

Mr. COLE. You mentioned this denial of the right to trial by jury as one of the reasons for breaking off relations. Is it not true that the right of trial by jury is denied in Italy at the present time?

Mr. TALLEY. I was aware of that fact. I was assistant district attorney of New York County. I have tried an escaped Italian who committed a crime, and we had him tried in Italy, by a jury in Italy.

Mr. VAILE. Trial by jury is largely an Anglo-Saxon institution.

Mr. TALLEY. The only reason I read this letter is because by analogy it is quite appropriate to reason that freedom of conscience and the free exercise of religious belief must be granted to citizens. We can not, to use the language of Secretary Root, "give respectability and credit" to other people's institutions that do not require those things as of fundamental importance, and they should understand that no nation may deny those rights to its own citizens, necessary to American citizens, and at the same time be recognized by this Government.

The question of the resolution that Senator Boylan has offered to meet this situation is one that requires serious thought, because of the possible lack of precedent, but let me say this to you, if I may be permitted to take the time. I have no precedents immediately before me on the action of Congress in the matter of denial of religious freedom in any country, but State papers show that this country has been alive at various periods in its career on denial of religious liberty by other nations of the world.

Let me submit the following which in that light may be regarded as somewhat precedent:

Mr. Seward, Secretary of State, in a letter to the Right Rev. Horatio Potter, on November 23, 1866, with reference to religious freedom in Japan, stated:

"You yourselves are no doubt aware that our religion was in a flourishing state there about two centuries ago; that large numbers of Japanese had become converted to it; that consequently the priests of other religions became alarmed at its progress, when, owing to the imprudence or as some suppose the arrogance of the Christian divines, the Japanese rulers, lay and clerical, caused them and their converts to be attacked and massacred, whereby Christianity was at once as it were extirpated. The same penal laws against it to which you refer were then enacted and remain in force to this day. * * *"

This letter indicates that Mr. Seward was offering the good offices of the United States to Japan in order to induce it to lessen the hardships inflicted on the Christian religion in that country, and that Great Britain was exercising a similar function.

On December 8, 1876, Mr. Fish, Secretary of State, in a letter to Mr. Adee, chargé at Madrid, stated:

"Upon the 23d of November, Sir Edward Thorton called upon me and stated that he was instructed by Lord Derby to read to me, and if I desired it to leave with me a copy of an instruction bearing date October 28, which had been addressed to Mr. Layard, Her Majesty's minister at Madrid, touching religious toleration in Spain, and that Lord Derby expressed the hope that the Government of the United States might instruct its representative at Madrid to make representations in a similar sense to the Government of the King. I transmit herewith a copy of this instruction, which was given me by Sir Edward Thornton."

It will be observed that the English Government was taking up directly with Madrid this question of religious toleration in Spain.

In his letter Mr. Fish refers to article 11 of the constitution of Spain with reference to the rights of Protestants. The letter then continues:

"Mr. Layard is instructed to speak in this sense to the Spanish minister of foreign affairs and to lose no opportunity for impressing upon the Spanish Government the deep interest with which the question of religious liberty in Spain is regarded by Her Majesty's Government and by all classes of Her Majesty's subjects."

Then Mr. Fish, on his own account, states:

"The question had been presented to this Government before Sir Edward's interview with me, and I have appreciated the delicacy of making representations to a foreign state concerning religious freedom within its own borders, as Lord Derby appears to have done. While, therefore, it is not deemed advisable to instruct you to make any remonstrances, or to prefer any formal or official application concerning the steps that have lately been taken in Spain on the question, you are instructed to act in concert with Mr. Layard. Her Majesty's minister, in the sense in which he is instructed by Lord Derby, and to take occasion to speak in a similar sense to the minister of state, impressing upon him the deep interest which the question of religious liberty in Spain excites in the United States, and the strong hope that the steps lately taken by the Spanish Government with reference to religious freedom and toleration may not be followed by others of a more retrograde character, and that the rights which the minister of state admits are secured to Protestants by the eleventh article of the constitution may be entirely respected, and that the United States rely upon the Spanish Government to promptly and firmly suppress any attempt from any quarter to infringe upon these right."

Mr. Fish's letter is very illuminating and very helpful on this question as to the stand which the United States then thought was proper and appropriate to take.

Mr. O'CONNELL. What is the date of Secretary Fish's letter.

Mr. TALLEY. December 8, 1876. Mr. Adee was then at Madrid.

There is a letter written by Mr. Frelinghuysen, Secretary of State, to Mr. Astor, minister to Italy, March 4, 5, and 29, 1884, in relation to the threatened sale of the American College at Rome under the decision as to the real estate of the propaganda and the prompt and friendly action of the Italian Government in complying with this request, but I have not that letter before me.

I also find that Mr. Hay, Secretary of State, on February 28, 1900, took up with Portugal the question of rights to religious freedom under its constitution.

Mr. Adee, Acting Secretary of State, on July 29, 1895, in a letter to Mr. Eustis, our ambassador to France, in reference to adverse legislation concerning the so-called Mormon Church of Latter Day Saints having been forbidden to hold religious services without special license from the President of the Republic of France, stated:

"So long as polygamy was maintained as a doctrine and practiced as a fact by the Mormon Society this Government refused to intervene in any way to protect them against hostile regulations or legislation of countries where they might be located. But it is asserted that they have now entirely abandoned polygamy. They profess to inculcate doctrines of the highest morality and promotive of good citizenship and loyalty to established government. The doctrine of entire freedom of religious belief and practice, prevailing both in the United States and in France, should, in the opinion of the department, entitle these people to the same rights as any other religious society, provided they have actually renounced their polygamous tenets and do in fact practice and promote principles of morality and virtue.

"Assuming this to be true of them, it is hoped that the license desired by them may be granted by the French authorities."

This letter indicates what our department has done in the past to alleviate the hardships inflicted on the religious lives of those residing in foreign countries.

Mr. Day, Secretary of State, in a letter to the Reverend Mr. Strong, dated June 3, 1898, being with reference to the laws and rules of South American Republics, first, with reference to religious liberty of missionaries; second, religious liberty for native Christians who dissent from the Roman Catholic faith; and, third, the fullest civil liberty for foreigners and native-born Protestants, especially by the legalization of marriages performed by others than the Roman Catholic clergy, stated:

"The standing instructions of the department to the representatives in that quarter, supplemented by special instructions from time to time as cases arise, have been directed to securing for American citizens the same right to pursue their vocation of preaching and teaching, if such practices are lawful in the country of their residence as any other American professional men or merchants have to pursue their calling. On the whole, the success of the efforts of our diplomatic and consular officers in this direction has been gratifying." * * *

Mr. Hay, Secretary of State on September 1, 1899, in a letter to Mr. Bridgman, minister to Bolivia, stated:

"You are requested to examine and report upon the present condition of the legislation of Bolivia in regard to liberty of conscience and teaching enjoyed by foreigners and as respects the status of aliens contracting marriage according to other rites and codes than those of the established church.

"If in the course of your examination you shall deem the ascertained facts to warrant you in so doing, you are authorized to make such discreet representations in the proper quarters, by way of friendly but earnest suggestion, as may conduce to the desired end."

There is some further correspondence between the State Department and other parties relative to this matter that indicates the mission was successful, for in a letter addressed to President McKinley by the Rev. John Lee, chairman of a committee appointed by the Chicago Methodist ministers' meeting to make efforts to bring about larger religious liberty in Bolivia, Ecuador, and Peru, the Reverend Mr. Lee states:

"While the committee rejoices that Peru has already adopted 'a marriage law more consonant with the general practice of modern nations,' it would be more than pleased if the kindly offices of the United States Government would be exercised in securing in Bolivia, and especially in Ecuador, what has already been secured in Peru."

Hannis Taylor, in his work on International Public Law, well states the moral rule in section 429 and section 430.

Mr. FISH. They cover situations somewhat similar to this to-day. It is very valuable to have all these letters in the record.

Mr. TALLEY. There are many other instances.

Mr. BOYLAN. Judge Morgan J. O'Brien is the next witness.

STATEMENT OF HON. MORGAN J. O'BRIEN, NEW YORK CITY

Mr. O'BRIEN. I have listened to Mr. Talley's statement. He is chairman of our committee, and he has presented it so fully that I will not detain the committee further. I am very much obliged for giving me this opportunity to say that I would merely repeat what Mr. Talley has very much better said.

STATEMENT OF REPRESENTATIVE JOHN J. BOYLAN

Mr. BOYLAN. Mr. Chairman and gentlemen of the committee, to-day the Washington Post carried a dispatch from the city of New York stating that exiled priests from Mexico were herded among pigs on a ship. The refugees who arrived at the port of New York yesterday stated that they were taken from their homes without a chance to take any of their possessions with them and were herded on shipboard and deported from the country.

Mr. Chairman and gentlemen, the time for temporizing with the present Mexican Government has passed. When an outlaw points a pistol at your head you do not argue with him. You do one of two things; you submit and hand over your valuables or you try to take his gun from him. Mexico, not so much by constantly recurring outrages against American citizens and seizures of American property, as by adoption of a constitution at variance with international honor and the deepest instincts of civilization, has grieviously offended against all those who subscribe to our own constitutional guaranty of freedom for the pursuit of life, liberty, and happiness. Further argument with Mexico, I am convinced, will prove fruitless; it is time to act, and in a way that will assure Mexico of our determination to protect American rights and citizens.

We can no more negotiate with Mexico or continue friendly relations with that country than we could with Russia. The two nations are on a par as far as their attitude toward the fundamental rights of humanity are concerned. It is time our official attitude toward Mexico became that which has characterized our relations with the soviet. For eight years we have refused to recognize the Trotski-Lenin régime because we look on Russia as an international outlaw, in fact and law; yet during much of that same period we have maintained diplomatic relations with Mexico, although its constitution of 1917 places it in the same category with Russia. It needs only a cursory analysis of the Mexican constitution to reveal the similarity, particularly as regards the two nations' attitude toward religion, freedom, property, and education. We have heard much of article 27, which confiscates American property held by our capitalists, but there are other articles of that constitution little known in America but equally iniquitous and much more offensive to the deepest instincts of humanity. I propose to discuss a few of them before I finish, and believe you will agree with me that the United States should take the lead in marking Mexico as the soviet of the Western Hemisphere.

I do not mean to attack or criticize the Mexican people, for they are merely pawns in the hands of selfish politicians. Furthermore, it is perhaps natural that a people suffering every few years from revolutions inspired by foreign interests should, when the chance comes, set up an intensely nationalistic instrument as the law of the land. I do not quarrel with them on that score. But they can not expect other nations to hold out the hand of friendship in the face of a constitution which disregards the international code generally prevailing among the family of nations. If Mexico prefers a bolshevistic constitution and radical government to the fellowship of the other nations of the world, that is Mexico's affair. But I do maintain that the United States should make clear to the Mexican Government that we can not longer continue diplomatic relations on any such basis as that necessitated by the limitations of the Mexican constitution of 1917.

As a matter of fact, our recognition of the Obregon government in 1917 was a mistake; all our troubles with Mexico have proceeded out

of that fact. Let us admit it; better still, let us look the thing squarely in the face, admit our error and correct it. Until Mexico revises her present constitution in certain vital respects, establishes a government of law and order and ceases to offend against everyday considerations of decency, the United States should withdraw the recognition extended prematurely in 1917. In my opinion this is the only course open to us, not only for our own honor and protection but also for the best interests of Mexico. Such an act on our part may bring the present insolent government to its senses and cause revision of a document which, as it stands now, is a challenge to American traditions and institutions. And I say this with the greatest consideration for the struggling people of Mexico, who are more to be pitied than punished. It is the self-seeking politicians who would suffer, rightfully so, if our moral influence were withdrawn.

You have heard a great to-do concerning article 27 and its bearing upon American owners of land and mineral rights, but you have not heard of other provisions in the 1917 constitution which are even more iniquitous than article 27, bad as that is and significant of the present attitude of the Mexican Government. It must be remembered that the constitution of 1917 was not framed by the Mexican people, but by a small group of self-appointed leaders. It is time the American people understood the real purport of the instrument under which the Mexican people live and the Mexican Government conducts relations with foreign nations, including the United States.

Under that document there is no such thing as religious liberty, untrammeled culture, education, or freedom of worship in Mexico. All these things, like the mineral subsoils, are the sole possession of the state. A man can not worship God as he pleases, think as he wishes, or live his own life. The constitution does not permit it. Exercises of religious worship, places of prayer, ministers and priests, educators and nuns, their property and their liberty, all are subject to the whim of the Government. Inhibitory regulations surround each individual in his relations with his God, whether it be the God of the Protestants, Catholics, or Jews. As in Russia, an intense spirit of nationalism inflamed by radical politicians has supplanted the Christian spirit. The church, the school, the meeting place—those three institutions upon which our own Government is founded—have been taken over by the Government and made subordinate to the State.

It is under such provisions as these that churches have been invaded, sanctuaries violated, ministers, priests, and nuns expelled, and every canon of decency flouted. Denials of this state of affairs by brazen Mexican officials are mere evasions. Despite the strictest kind of a censorship over news coming out of Mexico, the New York Times of March 2 carried the following dispatch from Mexico City:

"El Universal reports that more Catholic schools are being closed in various States of the Mexican Republic. The newspaper quotes a telegram from the State of Tepic, where the closing of a school caused a small riot. The telegram said that tranquility seems to have returned after the riotous acts of yesterday, when the officials were saved from the townsmen by federal forces.

"The townsmen objected when 12 men entered the Church of the Sacred Heart of Jesus, throwing statues into the street.

"El Universal prints a telegram from Vera Cruz, saying that the Josefino College and the Asylum of Vera Cruz and the Siervas of Maria Convent were closed. The report also said that 200 of the pupils at the asylum were orphans who receive instructions and are given a home there.

"A telegram from Cordoba says the police closed the Asylum Maria, forcing the Sisters of Charity to leave the building, and reported that 42 small orphans were left without bread or shelter."

Why, gentlemen, the present Mexican Government seems to have forgotten what to me is the most appealing of the Master's sayings:

"Suffer the little children to come unto me, and forbid them not: for of such is the kingdom of God."

I want to read a few of the provisions of the constitution of 1917 affecting the right of religious worship. First, however, in order that you may consider these in the light of our own constitutional guaranties of religious liberty, let me read what our own Constitution has to say on this point:

"Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievance."

There is the American idea of religious liberty, freedom of speech and of the press. I can give the Mexican idea merely by reading a few articles from their constitution.

Article 130 says that—

"The Federal authorities shall have power to exercise in matters of religious worship and outward ecclesiastical forms such intervention as by law authorized. All other officials shall act as auxiliaries to the Federal authorities."

The intervention of the State in church affairs—and is there anything more sacred than a man's religious beliefs and means of expressing them—goes so far as to prevent the formation of religious orders. Here is what article 5 says on this point:

"The law, therefore, does not permit the establishment of monastic orders, of whatever denomination, or for whatever purpose contemplated."

The very acts of worship are submitted to official scrutiny. One can not give thanks to God for his daily bread without interference, for here is what article 24 provides:

"Every religious act of worship shall be performed strictly within the places of public worship, which shall be at all times under governmental supervision."

Think of it, gentlemen. If a crimson sunset seen from a lonely hill brought an involuntary breath of adoration for the Creator of the Universe from some fervent Christian in Mexico, he would be guilty of violating this article of the constitution, for it provides that all acts of worship must be performed within bounds of a church and under government supervision.

No religious institution, irrespective of creed, has the legal capacity to acquire or own property. It all belongs to the State, which has confiscated all such property and will seize all churches in the future. Article 27 covers this question in detail. Here it is—

"ART. 27. The religious institutions known as churches, irrespective of creed, shall in no case have legal capacity to acquire, hold, or administer real property or loans made on such real property; all such real property or loans as may be at present held by the said religious institutions either on their own behalf or through third parties shall vest in the nation, and anyone shall have the right to denounce property so held. Presumptive proof shall be sufficient to declare the denunciation well founded. Places of public worship are the property of the nation, as represented by the Federal Government, which shall determine which of them may continue to be devoted to their present purposes. Episcopal residences, rectories, seminaries, orphan asylums, or collegiate establishments of religious institutions, convents, or any other buildings built or designed for the administration, propaganda, or teaching of the tenets of any religious creed shall forthwith vest, as of full right, directly in the nation, to be used exclusively for the public services of the Federation or of the States, within their respective jurisdictions. All places of public worship which shall later be erected shall be the property of the nation."

But here is the most damning provision of all. It is article 130 and outlines the status of ministers and priests:

"ART. 130. Ministers of religious creeds shall be considered as persons exercising a profession and shall be directly subject to the laws enacted on the matter.

"The State legislatures shall have the exclusive power of determining the maximum number of ministers of religious creeds, according to the needs of each locality. Only a Mexican by birth may be a minister of any religious creed in Mexico.

"No ministers of religious creeds shall either in public or private meetings, or in acts of worship or religious propaganda, criticize the fundamental laws of the country, the authorities in particular, or the Government in general; they shall have no vote nor be eligible to office, nor shall they be entitled to assemble for political purposes."

This same article 130 prohibits free instruction or freedom of the press. It says that all instruction must be secular and that—

"no religious corporation or minister of any religious creed shall establish or direct schools of primary instruction."

Studies carried on in institutions devoted to the education and training of preachers of the gospel shall be given no credit in official institutions. Any infraction of this last provision bars the student from ever obtaining the professional honors he seeks.

Here are the restrictions upon the press and the right of peaceable assemblage:

"No periodical publication which either by reason of its program, its title, or merely by its general tendencies is of a religious character shall comment upon any political affairs of the nation, nor publish any information regarding the acts of the authorities of the country or of private individuals, in so far as the latter have to do with public affairs.

"Every kind of political association whose name shall bear any word or any indication relating to any religious belief is hereby strictly forbidden. No assemblies of any political character shall be held within places of public worship."

And to cap all these outrageous restrictions, which read like something out of the Dark Ages rather than a product of only a few years ago, is this:

"No trial by jury shall ever be granted for the infraction of any of the preceding provisions."

There you have the constitution of the country to the south of us, though it might well be the constitution of the soviet. It is little wonder that the Most Rev. Michael J. Curley, Archbishop of Baltimore, in a recent address had this to say concerning conditions in Mexico and our Government's studied silence in the face of such persecution of American citizens and preachers of the word of God:

"I can not imagine any conditions worse than those in Mexico for the past 10 years as far as real freedom is concerned. To us of this country religious freedom is a very sacred thing, and forms the very

corner stone of our national edifice, finding expression in the constitution of every State and in our National Constitution as well.

"From the days of Carranza and Villa the Catholic Church in Mexico has been persecuted with the one purpose of destroying it altogether. Fundamental decencies held in high honor by men of every nation, whatever their religious faith may be, were outraged and violated. The indignities heaped upon Catholic sisters in Mexico by the brutalized soldiers of the men named above, were something that should bring a blush to the face of any decent man. The age-old sanctuaries of the country were desecrated; the bishops and priests were forced to fly, some of them escaping from the country disguised as street scavengers. Whilst all that was going on, there was never a word of protest, as far as I remember, from this country of ours, which, in the days of Huerta, took a very immediate and imperious interest in the affairs of Mexico amounting to a practical dictation of who might or might not be the recognized president of the nation. But not one word was ever said in any official way about the violation of fundamental human rights perpetrated at that time.

"Ever since that day, the same nefarious warfare has been carried on against freedom of religion. Churches have been closed; ministers of religion have been chased from the country like criminals; Catholic schools have been banned, and the men and women, who dedicated themselves to the teaching of morality, are being driven from the land. Whilst all this is being done for the purpose, we are told, of reforming Mexico, immorality and vice have free rein even to the point of spreading their destructive effects across our own American border.

"Despite all this, our Government has given full recognition to Mexico, and that country occupies an honored place in the person of its representatives in the Capital City of our Nation. In other words, we have taken Mexico to our national arms, as we have the finest nations of the earth. It seems strange to me that in spite of this recognition and international amity, we are still silent about the conduct of the nation close to us, whom we call "friend," and whom we recognize as such. I am not asking for any governmental protection, but I am interested in our own national atitude toward fundamental decencies. Perhaps it may be explained by saying that fundamental decencies are no longer such where their violation is carried out in the persecution of Catholics.

* * * * * * *

"Our American Government is silent and that silence is interpreted as consent to the sacrilegious outrages now being perpetrated by the robber government to the south of us. That silence has been our outstanding feature of every administration during a decade of years. Some official of the State Department stated recently that this country can not afford to meddle in religious strife in other countries. There is no question of religious strife. It is a question of our giving full recognition to a government and seeming approval to its course in its diabolical persecution of those who adhere to the age-old faith of Catholicism. We have admitted Mexico and its government into our circle of international friendship. Have we no responsibility then for the conduct of the men who are basking in the sunshine of our official smiles and who at the same time are bent on destroying human rights and trampling on fundamental human decencies held in honor by all men of real character and worth?

"Our experience in the past justifies our coming to the conclusion that we have little to expect from this or any other administration when it is a question of the persecution of Catholics. As I write this, 40 Sisters of the Visitation are on their way from Mexico City to Mobile, Ala., led by an American lady, Mother Semple. They have not the wherewith to pay traveling expenses. The Government that fostered the dives on the Mexican side of the border has ordered them into exile. Will that Government tell the people of this country what was their crime? This instance is but one of a thousand, one link in a chain of cowardly robber acts that stretches back through the years. When some clerk in an official department of our Government service declares, in his rôle of spokesman, that all that is none of our business, then will he kindly tell us how or why we become so excited in our condemnation of Mexican laws on land tenure that are confiscatory, modeled as they are on the legislation of Russia, the real inspirer of the present-day Mexican Government? Has the spirit of materialism so seared our national soul that the finer and nobler things of life no longer make any appeal to us? Have we reached the point in our growing greatness where we are eloquent in our defense of oil-land rights, but tongue-tied and expressionless in standing forth as champions of religious freedom and fundamental decencies?

* * * * * * *

"Since the above address was made we have been informed by the press that the order of the Mexican Government sending non-Mexican ministers of religion into exile has been canceled. I have not the slightest confidence in the sincerity of that gesture. The Mexican constitution and laws confiscating all church property to the State are still there. That confiscation is now an accomplished fact. The hampering of religious freedom has been carried on for years as a settled policy by that Government. There is another feature of the whole affair which is worthy of note: It is the studied discrimination evidenced by the Mexican worthies in their treatment of Catholic and Protestant religious agencies. The latter were and are left free to carry on their work of proselyting. In fact, they are welcomed, aided, and abetted in their work by Mexican authorities, whilst all the engines of persecution are trained on the old church.

"It will be of interest to watch the development of things from now on. Leopards do not easily change their spots. The Mexican representative in Washington has had the boldness to come out with a sweeping denial of the existence of any religious persecution in Mexico. He must imagine that we are a Nation of morons. Old World diplomacy has been defined as the 'fine art of lying.' In that school the finest diplomat is the one who can write 50 pages on a subject and say nothing. An axiom of such diplomacy is 'deny facts, though they be ugly and stubborn.' The Mexican representative must be a man of the old school. He denies facts. But facts are facts, despite 10,000 loud denials. Religious persecution is a fact in Mexico."

* * * * * * *

Mr. Chairman, in view of all these facts I believe that it is the duty of our Government to withdraw its recognition of Mexico until such time as the Mexican constitution is amended along the paths of decency, righteousness, and justice.

In addition, on May 17, 1926, I introduced a resolution in the House (H. Res. 269), which reads as follows:

Resolved, That the Secretary of State is hereby authorized and directed, if not incompatible with the public interest, to furnish to the House of Representatives at the earliest possible date such data and information as he may have in respect of the expulsion from Mexico of the Most Rev. George J. Caruana, a citizen of the United States, who was visiting in Mexico and who in no way violated any of the provisions of the constitution of that country by exercising his ministerial office.

In reply to this resolution I have here a letter signed by the Hon. Frank B. Kellogg, Secretary of State, in answer to the resolution, as follows:

DEPARTMENT OF STATE,
Washington, May 28, 1926.

MY DEAR MR. PORTER: I have received your letter of May 24, 1926, in which you were good enough to furnish me with a copy of House Resolution No. 269, which has been introduced by the Hon. JOHN J. BOYLAN, House of Representatives, authorizing the Secretary of State, if not incompatible with the public interest, to furnish to the House of Representatives such information as he may have in respect to the expulsion from Mexico of the Most Rev. George J. Caruana, a citizen of the United States.

In reply I desire to inform you that Ambassador Sheffield telegraphed under date of May 12 that Archbishop Caruana had informed him of the receipt of notice on the afternoon of the 12th instant that he must leave Mexico within six days. The ambassador further reported that in accordance with telegraphic instructions from the department sent to him on April 30 he would intercede on behalf of the archbishop. Under date of May 13 the ambassador telegraphed that he had interceded with the Mexican minister of foreign affairs on behalf of the archbishop and that the minister had promised to make an investigation and advise the ambassador.

The ambassador reported in a telegram dated May 15, noon, that he had just received a memorandum, dated the 13th instant, from the foreign office, stating that the archbishop had been invited to leave the country. A further telegram received from the ambassador, dated May 17, 10 a. m., stated that Archbishop Caruana left Mexico City for Washington via Laredo on the night of the 16th instant.

The department has taken a deep interest in this case, and while Ambassador Sheffield was interceding with the Mexican foreign minister I made appropriate representations on behalf of the archbishop through the Mexican ambassador at this capital. I regret the outcome of these efforts, but I feel that everything has been done which this Government could consistently do in the circumstances to prevent the expulsion of the archbishop.

My letter to you of March 2, 1926, contained various provisions of the Mexican constitutions of 1857 and 1917 and of the laws of 1859 and 1874 with regard to the church and clergy of Mexico, which you may desire to show to Mr. BOYLAN.

I am, my dear Mr. PORTER,
Very sincerely yours,

FRANK B. KELLOGG.

In conclusion, Mr. Chairman and gentlemen of the committee, I would say that in my opinion it should be held by all of us that American citizens are entitled to the same measure of respect, to the same measure of protection from our Government in foreign countries as they are in our own country. What does our flag amount to if it does not carry with it respect or if it does not protect the citizen of our country no matter where he may be? We all love its glorious stripes and bright stars, each one of them representing a sovereign State, but with it all, what beneficial influence will it have upon our citizenship if it does not protect them? Our Government is a

strong and a stable government. It is noted throughout the world for its achievements. We are looked upon as leaders; but if we are going to permit little countries to harass our citizens and to take away from them the rights which are justly theirs while traveling in foreign climes, who will respect us; who will respect our glorious emblem? Are we going to permit little nations to flaunt us; are we going to permit them to say our authority is without effect? I do not think we are. I think you will all agree with me in holding that every American citizen should be permitted to exercise the right of religious freedom while traveling just as we accord to the residents of every country who come here the right of religious freedom. We make no pretense to disbar a teacher of religion on account of the quota law. Strict as our immigration law is, we permit admission as a nonquota immigrant teachers of a religious faith, no matter what faith they profess, which speaks well for the intelligence of our beloved country. So it is we should demand that our citizens while domiciled in a foreign country should have equal privileges and rights for the exercise of their religious faith, no matter what it may be, and that they be not deported or thrown over the border like common criminals merely for exercising the religious principles in which they believe.

I appeal to the American Congress and through them to the American people to have our citizenship properly safeguarded not only here but abroad, that they may be protected by our banner—that splendid banner which represents the greatest liberty of the individual, the greatest liberty of opinion—a free press and religious tolerance. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. LAGUARDIA]. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, in a letter written to Mrs. Ella Boole, national president of the Women's Christian Temperance Union, by Gen. Lincoln Andrews yesterday, he says:

> Our experience so far has shown that individuals are misled by ridiculous newspaper and political statements.

I will now present to this House a ridiculous and political statement made by General Andrews in his capacity as Assistant Secretary of the Treasury while testifying before the Committee on Appropriations of the House. The Assistant Secretary of the Treasury has made some extraordinary statements and has given the committee definite assurances about what he will do if we will give him the money he has asked for.

This bill carries an item of $2,931,010 to be given to the Prohibition Enforcement Unit. This, in addition to the $10,635,685 contained in the regular appropriation bill for 1926–27 and the $24,083,140 appropriated for the coast guard. Ordinarily an item of $2,931,010 in these days of big appropriations would cause little or no sensation. This item and the facts surrounding the justification of this appropriation is not only startling but sensational in the highest degree. The Assistant Secretary of the Treasury, Brigadier General Andrews, has made some extraordinary statements and has given the committee definite assurance as to what he will do if we give him this money. It may be that General Andrews is doing the best that he can with an impossible law. Yet I can not understand how this man in his official capacity can hawe two distinct different personalities. Gen. Lincoln C. Andrews is a distinguished and gallant soldier. His record for courage, gallantry, loyalty, and intelligence is second to none who ever wore the uniform. As an officer of the United States Army he has rendered brilliant and conspicuous service. He was picked at one time to be instructor of cavalry tactics at the Military Academy at West Point when cavalry was the most strategic and important branch of the Military Establishment.

Anyone who has ever come in contact with General Andrews as a soldier has nothing but the highest praise for him. But what has happened to this man? It is a different man entirely who appears before the Appropriations Committee. General Andrews would sooner have been shot than to make the statements and the promises which he made to the Committee on Appropriations to a superior military officer or staff. Instead of the gallant, brilliant Cavalry officer studying his problems, terrain, calculating the forces required for his mission, and reporting the facts as fully and truthfully as he would as a soldier, we find the typical cringing officeholder seeking to please his boss, the administration, the Budget Lord, the Committee on Appropriations, the drys, and the wets. He strives for law enforcement without unduly disturbing the lawbreakers.

Gentlemen, what have we here before us? I read only from the Assistant Secretary's testimony before the committee, the officer charged with the enforcement of the prohibition law, and what do we find? Mr. Andrews says the Prohibition Unit is going to stop the sale of beer permanently by Christmas. Not only that, but out of this $2,931,010 they are going to stop the manufacture and sale of illicit whisky permanently. Where? All over the United States? Oh, no. Apparently prohibition was not meant for the whole United States. What does the Prohibition Unit intend to do? It is going to take only a small territory—and you will find the testimony on pages 506, 508, and 511 of the hearing—that territory north of the Potomac straight to the Mississippi and east of the Mississippi north. The rest of the country may brew beer to their heart's content, manufacture hooch, bootleg, and moonshine with little, if any, interference on the part of the United States Prohibition Unit. Not only that, but on page 508 Mr. Andrews gives positive assurance that neither the whisky squad nor the beer squad provided for in this bill will carry on any activities in the States of Florida, Georgia, Texas, and California. Just why these States were specifically mentioned, although the bulk of the States south of the Potomac and west of the Mississippi are contained in this area, I do not know, other than to give assurance to certain members on the committee who were questioning him as to where these new squads are to operate.

Now, gentlemen, let us understand each other. Is this a national law equally applicable to all the people in the United States or is it a law applicable only to one section of the country? Mr. Andrews says that he is going to take his beer squad and divide it—I have here a map illustrating Mr. Andrews's plans—one squad will operate in Philadelphia, one in Jersey, one in New York, and the fourth in New England. Only in this territory he says he is going to stop the brewing of beer. While he includes as the territory where these special squads created by this bill will operate he gives positive assurance that they will not carry on their activities south of the Potomac or west of the Mississippi. So you have the States of Maryland, Delaware, Virginia, West Virginia, Kentucky, the southern part of Illinois and the southern part of Indiana and Tennessee, North Carolina, South Carolina, Missouri, Alabama, Georgia, Florida, Texas, and all of the country west of the Mississippi free to brew beer, free to still, free to drink, while these special expert squads will be operating in the territory mapped out by the prohibition department. Gentlemen, why this discrimination? Why special squads for 4 States and no squads for 39 States.

Mr. BYRNS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BYRNS. The gentleman does not mean to intimate that the committee was influenced by that?

Mr. LAGUARDIA. No; absolutely not. It was only after the most painstaking examination by the chairman of the committee that the country is enlightened as to this shocking information.

Is Mr. Andrews so naïve as to say that in these 39 States there is no brewing of beer? Does he think that this Congress is going to believe that there is no violation of law in these 39 other States? No distilling of whisky? Then they say that in New York, Pennsylvania, and New Jersey there is opposition to the prohibition law. Of course, there is no opposition to the prohibition law in these other States where the prohibition law is not enforced and, of course, the people of these other States are not opposing the prohibition law when the Assistant Secretary of the Treasury, the head of the prohibition enforcement department, states that he will confine his activities to a certain limited, specified area including only nine States.

Mr. MADDEN. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. MADDEN. The gentleman does not wish to convey the idea that General Andrews said that he was going to leave certain sections of the country without enforcement?

Mr. LAGUARDIA. I have the pages of the hearings marked here on this map. Page 501, page 508, page 511. Read the testimony. He gave the committee assurance that he would use the squads only in this territory that he calls the wet territory north of the Potomac and east of the Mississippi.

Let me show you how extremely ridiculous, how absurd the present prohibition program is. The Assistant Secretary testified before the committee that he is going to practically stop the unlawful importation of liquor into the United States and asks for additional men. Any other person but General Andrews, who might be inexperienced, could possibly make a mistake in calculation as to the number of men necessary to vigilantly and effectively carry on border-patrol work. General Andrews can not possibly make a mistake on this for the reason that his whole training, his schooling, his experience, and his work as an instructor of Cavalry tactics is of the very same nature. If there is one man in the United States who by education, training, and experience knows how many men are necessary to guard a given area, it should be General Andrews. It therefore becomes extremely difficult to understand why

he gave such ridiculous testimony before this committee which can be nothing else than intentionally misleading. His demand for men and what he states he will accomplish is so ridiculous that a boy scout in his first year could check up its absurdity. Now look what General Andrews says; his testimony on border patrol starts on page 518 and continues on, and I take my figures entirely from the Assistant Secretary's testimony. He wants 235 more men. He states on page 518:

The CHAIRMAN. Give us the form of your organization there, and the cost, and what area on the border they propose to cover.

General ANDREWS. This will take all the borders of the United States, both land and sea, and there are 235 patrolmen at $1,800 a year, making a pay roll of $423,000.

The CHAIRMAN. These are what you call patrolmen?

General ANDREWS. Yes.

The CHAIRMAN. Are they on foot or horseback?

General ANDREWS. They are mostly in automobiles or small boats—automobiles on the land borders and small boats on the water fronts. They are all to be commissioned as customs patrolmen.

Then again he says, I want to make clear just what General Andrews represented to this committee:

General ANDREWS. In making a study this year as to the number of men necessary to close the border pretty effectually, we have allocated so many men to each customs district around the whole border, and that was one of the reports that indicated the great need for these additional patrolmen.

As I say * * * so it is not solely to stop liquor and narcotics that these men will function. They will probably more than pay for themselves in added revenue to Government through customs collections, because it will be their function to turn everything into the port, so that it will have to pay its duty as it crosses.

Mark you, he is not only representing that he will stop liquor with these 235 men, but also undertakes to have them look after customs. Before we analyze the distribution of this new force, the General, no excuse me, not the General, because the General would not make such an absurd calculation, the Assistant Secretary of the Treasury states definitely all through his testimony that he needs 235 additional patrolmen. There is a big difference between 235 additional patrolmen and 235 additional men. General Andrews knows that, but Assistant Secretary of the Treasury Andrews does not so testify. He is getting here just 78 additional patrolmen, not 235. As everyone knows patrol duty must be carried on 24 hours of the day, so that if 235 additional patrolmen are needed he should have asked for 705 additional men, because working day in and day out on this kind of work no man can stand more than an 8-hour shift. So that all his explanation of what he will do with 235 men, the Assistant Secretary of the Treasury has forgotten that which of course the General knew, that he needs three times the number of men that he requires number of patrolmen. Now to come before a committee of Congress and to so testify as to let the word go out to the country that all liquor importations into the United States are going to be stopped can not have been unintentionally misleading.

I charge that it was absolutely misleading, and I charge further that the distribution of the forces are such as not only to make unlawful importations possible but to facilitate them and that hundreds of thousands of gallons of liquor will be imported into the country even though after we make this appropriation and notwithstanding the assurances given by the Assistant Secretary of the Treasury.

Now gentlemen, if you will follow the Assistant Secretary's testimony, starting on page 520, and follow the map which I have prepared you will see how utterly ridiculous are the provisions of the plans made by the Assistant Secretary of the Treasury. No instructor of Cavalry tactics could possibly have made innocently such an egregious, enormous, and monumental blunder. He states that for this Atlantic—what he calls the Atlantic coast—the Maine district, he now has 9 customs patrolmen and 23 agents. The service there, he says, is satisfactory and therefore he will add none of the new men to this district. This district, by the way, starts with the southern part of Maine, up the Atlantic coast, then northwest into Canada, then southwest to the New Hampshire boundary, a frontage of 666 miles on the Atlantic coast and right on the Canadian boundary, and this territory is going to be covered by 23 agents, who will be busy also in the interior of the State, and 9 customs patrolmen. General Andrews is the only person in the United States who could possibly and earnestly and seriously believe that these 31 men can cover 666 miles on the Atlantic coast and the Canadian border and prevent importation of liquor. Thirty-one men means about eight men at a time covering 666 miles.

His next district takes the New Hampshire-Vermont-Canadian border. This is a frontier line of 129 miles. He now has there 20 custom patrolmen and 12 prohibition agents, and he intends to add 6 of these new patrolmen. Let me call the attention of the House to the numerous villages right along the New Hampshire-Canadian border and the 38 men, which means about 12 men working at a time you are going to stop liquor coming in on 129 miles of frontage, assuming that these men devote all of their time to border patrol and none of their time in the interior on violations of the law. That is not all.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MADDEN. Does the gentleman think that the Assistant Secretary did not ask for enough money?

Mr. LAGUARDIA. Of course not. I am coming to that. The department does not intend to ask for enough; it would not dare.

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. I have only 30 minutes.

Mr. HERSEY. I want to speak about Maine.

Mr. LAGUARDIA. But I have already spoken about Maine.

Mr. HERSEY. I know the gentleman has, and he has said that there were not enough men in the Prohibition Unit to look after Maine on the border between Maine and Canada. I want the gentleman to understand that our State officers assist the Federal officers there.

Mr. LAGUARDIA. Is that so?

Mr. HERSEY. Yes. The same is not true of the State of New York.

Mr. LAGUARDIA. Let me tell the gentleman from Maine what the Chief of the Prohibition Unit thinks about State officers. He says that he does not trust them, that he can not do anything with them, and he asks us to appropriate money so that he may establish a squad of under-cover men to check up on these State officers. While the gentleman from Maine insists that the State officers are doing this work, the Chief of Prohibition says he needs this lot of new men because the State officers are not doing the work.

His next district takes in part of the New York-Canadian border along the St. Lawrence River from the Vermont line down to Oswego, covering 259 miles. He has there 29 custom patrolmen now; he is going to add 9 men, which makes 38; about 13 patrolmen on duty all of the time to cover 259 miles of Canadian border along the St. Lawrence in New York State, and he has the audacity to say that no liquor will be brought in if we give him these additional men.

The next district covers about 129 miles along Lake Ontario and New York State, where there are now six custom patrolmen. Mr. Andrews, if we give him four more patrolmen there, is going to make it so tight that not one bottle will get into the State from Canada. Ten patrolmen, mark you, which means three men on a shift covering 129 miles on Lake Ontario-Canada-New York border, to make the State of New York dry!

His next district covers New York, a bit of Pennsylvania, Ohio up to about Cleveland, I believe along Lake Erie where he has now 5 patrolmen, 11 prohibition agents, and he says he is going to assign 4 of these new patrolmen, making in all 20 men with big cities in the interior. If all of these men abandon the violation work entirely in the interior, devote their time entirely to the coast work, 20 men, three shifts is about 7 men in a shift for 185 miles along Lake Erie, just beridden with ports, cities, towns, and villages.

His next district, which includes Sandusky from about Cleveland up to the Michigan border along Lake Erie, is about 110 or 111 miles. He has no men there and he says that he will stop all illegal importations of liquor by assigning 10 of these new patrolmen on that district; that is 3⅓ on duty at one time to cover 110 miles on lake ports along the State of Ohio on Lake Erie, and you expect to get no liquor in.

Let me make it clear why I divide these patrolmen into three shifts. If they are all on duty at the same time they naturally must take their sleep all at the same time and their meals all at the same time. If that happened, bootleggers will comfortably bring in their wares when these men would be off duty and asleep. If there is to be a constant watch and a constant patrol, these patrolmen being only human and working every day in the week, allowance must naturally be made for sufficient time to rest, eat, and sleep. So the best that can be done keeping constant watch is to divide the force by three as anyone who has had any policing or military experience well know.

The next district is along the Michigan border of Lake Huron and Lake Ontario, 600 miles of lake front Canadian territory. There now are 3 agents there and 60 custom patrolmen. General Andrews intends to add 37, making 100 men all told, which means 33 men on duty at all times covering 600 miles along two of the Great Lakes, with hundreds of cities, ports, harbors, and villages all along these two lake fronts, and 33

men are going to prevent liquor from coming in along lake fronts of 600 miles.

The next district starts on the Wisconsin border, takes part of Lake Superior lake front, and then along the Canadian border to the North Dakota line, 380 miles of Canadian border. There are now 5 custom patrolmen there, and he is going to add 5 more of these new men, making 10 men in all. Ten patrolmen, three on duty all of the time covering 380 miles along the Canadian-Wisconsin and Michigan border, to keep all liquor out.

The next district is the North Dakota district along the Canadian border, 296 miles, and there are 12 patrolmen now there, but liquor is coming in now, says prohibition chief, so he is going to add 3 more of the new men, making 15 in all. That will be five men on duty at all times covering 296 miles, and not a drop of whisky will cross Canada into Dakota, guarantees the Assistant Secretary of the Treasury.

The next district is 555 miles along the Montana-Canadian border. There are no men there now, whisky is coming in, but the department is going to stop it. Fifteen of these new patrolmen provided for in this bill are going to be assigned to the Montana district, which means five men on duty at all times, covering 555 miles, and not a drop of illicit liquor will find its way into the great State of Montana from Canada, according to this program.

Then, Mr. Andrews's testimony is vague as to just how he is going to cover the border from the Montana line to Idaho and Washington, but he says the Seattle district is bad. He now has 17 customs patrolmen there and is going to add 15 of these new men. That is 32 men in all. Now, if they do nothing else, that is about 11 men on duty at all times, all hours of the day and night to prevent liquor coming in from Canada into Seattle, and gentlemen, if you just look at that map there, it is simply black with towns, ports, harbors, villages, and places along the water front where it is the easiest thing in the world to bring liquor in, and it is expected that we should believe that 32 men, 10 men guarding it at all times, will stop the importations that are now coming in at that part of the country.

From this point on we find that in Portland, State of Oregon, along the Columbia River, there are 11 prohibition agents doing patrol work, according to the testimony of the Assistant Secretary of the Treasury. Therefore, no men are to be assigned, so that we have there 575 miles of Pacific coast, the whole Columbia River, covered by 11 prohibition agents, and the head of the Prohibition Unit has the audacity to come before the committee and say they are doing excellent work and no more men are needed to prevent the importation of liquor in that territory. Gentlemen, to be frank, I do not believe that statement. I do not hesitate to say that anyone who will state that 11 men covering the city of Portland and the Columbia River territory with her 575 miles of coast in that immediate territory is sufficient to prevent liquor from coming in is deceiving nobody but himself, if he believes himself or if he makes such a statement seriously.

There seems to be no provision to guard the coast from Portland, Oreg., down to San Francisco. No liquor is expected to enter there; just look along the map, gentlemen, and see all these towns, ports, cities, yet no men there at all. But he is going to put 15 men at San Francisco and 15 men at Los Angeles to cover the great port of San Francisco with its hundreds of vessels coming in daily and its 775 miles of coast on the Pacific. Do not forget, gentlemen, that California is one of the States which was specifically mentioned by the Assistant Secretary that will be free from the operation of the new whisky and beer squads. Then we come down to Los Angeles and, of course, the people around Los Angeles do not drink, they do not like liquor around there, so the whole southern part of California, contained in this 775 miles, is going to be guarded and liquor is going to be kept out by 15 of these new patrolmen. Gentlemen, can any serious-minded man urge such a proposition?

Mr. BYRNS. Of course, General Andrews can utilize only such men as he has at his disposal. What is the gentleman's position? Does he think he ought to have more men? Does he think he is not trying to enforce the law?

Mr. LAGUARDIA. I am coming to that. I think that General Andrews should have said what is absolutely true. He should have said, "Gentlemen, with these 235 men that you have given me I am unable to do anything. With these 30 men in California—and let them work eight hours a day each, because it is necessary to have a constant watch—I have only 10 men attempting to watch a coast line of 775 miles, and it can not be done." That is what he should have said.

The Assistant Secretary does not tell us what he has along the coast of Arizona, but he says he is not going to put any more men there. So we have 370 miles along the Arizona-Mexico border unaccounted for and, of course, that means, according to official assurance, that no liquor comes in from Mexico via Arizona. Beat that one if you can.

Then we have 929 miles along the Mexican-Texas border, but Texas is one of the States that is not going to be molested by the new squads; therefore 12 patrolmen are going to be located at El Paso, 4 men on duty at all times, together with 12 men at San Antonio, 9 patrolmen there now and 3 additional new men, making 24 at El Paso and San Antonio, covering a 929-mile stretch between Texas and Mexico, and that is expected to prevent liquor from coming in from Mexico.

Mr. SPEAKS. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment. I will ask our friend, Mr. TILSON, who saw military service on the Mexican border, if he would attempt to patrol 925 miles of border on the Mexican border or Texas boundary with 25 men, 8 men on duty every hour of the day—a stretch of 929 miles, with booze coming in by machine, by burro, by automobile, and by every conceivable known manner of transportation? Of course it is an invitation to bootleggers. The gentleman from Tennessee asks me what I would do. I will tell you. If I were a prohibition enforcement agent, I would come before this committee and say, "Gentlemen, if you expect me to keep booze out of this country, and if I am going to keep prohibition enforced in this country, you have got to give me a force of 250,000 men."

Mr. SPEAKS. Will the gentleman yield for a brief question?

Mr. LAGUARDIA. Yes; briefly.

Mr. SPEAKS. It will be brief. The gentleman from New York seems to derive much satisfaction from trying to discredit the law-enforcement intentions and abilities of General Andrews. Now, what I wish to ask the gentleman is this: Will not the public interests be better served and the attitude toward the law observance more generally improved by the general's efforts to faithfully perform his trying duties, even though they may not be all that is desired, than will follow from the recent nation-wide publicity given by the gentleman from New York to his plan for successfully violating the letter and spirit of the prohibition law, and which has doubtless encouraged many persons to engage in lawlessness who without this exhibition and urging might have been good citizens and obeyed the law?

Mr. LAGUARDIA. Let me say to the gentleman from Ohio so the gentleman will get it right——

Mr. SPEAKS. I am getting it right absolutely in accordance with the facts.

Mr. LAGUARDIA. What he did was this. Under the ruling of the department——

Mr. SPEAKS. Well——

Mr. LAGUARDIA. Let me answer the question. The gentleman took the ridiculous ruling of the department which permitted the Pabst Brewery, the Anheuser Bush Brewery, the Schlitz Brewery, and a lot of other breweries I can not remember, to put out a malt extract containing 3.76 per cent of alcohol and others containing 4.16 on the market. The gentleman then took a bottle of near beer, poured it into a glass, and drank that. That shows how ridiculous the law is. If 2.75 beer can be obtained in two bottles, why not let the people get good 2.75 beer and end this impossible law.

Then we come to the Gulf of Mexico, and we find 400 miles of coast in the State of Texas that is going to be covered by 10 of these patrolmen, making 3 on duty at all times covering 400 miles of Gulf of Mexico coast and the 3 men will keep all liquor from being imported from the West Indian Islands and Central and South America. What a sham!

The next stretch is 350 miles which will be covered by 12 men at New Orleans. Of course, everyone knows that New Orleans is a very dry city with its numerous towns, ports, villages, and cities along the coast of Louisiana. With the West Indies trade 12 men, divided into three shifts of 4 each, will be able to successfully patrol and guard 350 miles of Gulf front! If this is not an invitation to import liquor, I do not know what it is.

Then the next district covers 950 miles around Florida. This 950 miles of the east coast and west coast of Florida is to be covered by a total force of 25. A shift of 8 men is to prevent all liquor coming in from the West Indies or other ports in the various hundreds of small ports in the west and east coast of Florida. And you expect us to be serious about this proposition.

Then the Treasury Department's plans take us to the Atlantic coast. From Philadelphia down the Chesapeake along the Atlantic coast for 890 miles down to the north end of Florida there are five men on duty at present, and two additional men will be added at Charleston. So that from the north line of Florida up to Philadelphia, about 890 miles, is going to be covered by seven men, two and one-half working at a time all along the

coast of Virginia, North Carolina, South Carolina, Georgia, and part of Pennsylvania, according to the plans to keep liquor from entering via Atlantic ports.

Then the Assistant Secretary makes this startling statement: That he has two excellent men in Baltimore, and that these two men in Baltimore are doing such efficient work there that he is not going to detail any of these new men there. All the rest of his statement is just about as accurate as that. Dry, bone dry, Baltimore, where two men, according to the Assistant Secretary of the Treasury, are keeping all liquor from coming in. These two excellent men working on 12-hour shifts each will guard that whole Maryland coast. [Laughter and applause.]

Then he jumps to the New York district, and from New York to Baltimore, 206 miles, he is going to add 15 men—mark you, this takes in all of Long Island, all of Connecticut, all of Rhode Island, and all of the Atlantic coast. Fifteen men working five in each shift will guard this enormous coast along the Atlantic.

He then assigns his last 10 men to Boston, and they will take care of all the New England coast up to the point from which we started.

Now then, gentlemen, that we have gone around the map with the head of the prohibition department anyone who wants to be fair about this matter must admit that liquor will not be kept out of the country. In order to keep liquor out of the country, as I said before, it would require a force of not less than 250,000 men. If we are to have prohibition, enforce the law. The Treasury Department with a ridiculous plan, such as Mr. Andrews explained to the committee, seemingly does not intend to enforce the law, and I maintain that the very sponsors of this law would not dare to enforce it. It would cost a hundred million dollars to commence to enforce the law in this country and to keep liquor out entirely. Let us do that, and then let us see when the people can get no liquor and nothing to drink what our dry friends will say and do. Let us enforce prohibition and see if the American people really want prohibition. Ah, I see my genial colleague from New York [Mr. BOYLAN] sitting before me. They ridicule us, Mr. BOYLAN, for being opposed to the prohibition law, perhaps we would not be if there were no attempts to enforce the law in our State. We believe that this law should be enforced equally in every State and appropriate money for enforcement in every State, and not exclude the so-called dry territory. No wonder certain parts of the country are strong for prohibition, considering the partiality of the enforcement of the law.

Mr. CROWTHER. What is the burden of the gentleman's song. Is the gentleman mad because we are getting this money spent in our territory in New York and that nobody else is getting it? The gentleman should remember that our governor vetoed the concurrent jurisdiction legislation that was necessary, the State enforcement act, and therefore we need more men there.

Mr. LAGUARDIA. Of course we need more men. I am just saying, let the law be enforced alike in every locality and in every State, and we will soon find out if New York is any more wicked or any more wet than any other State.

Gentlemen, the Assistant Secretary, Mr. Andrews, testified at length before the committee as to the extent of the manufacture of beer. He estimates that at least 100,000,000 gallons of beer was being brewed. Whether he limits the 100,000,000 to that small portion of the country where he intends to enforce the law, or whether some of the 100,000,000 is being brewed in the 39 States which are not to be molested by the beer squads, he does not make clear. At any rate it is clear that Mr. Andrews finally admits that beer in the State of Pennsylvania is being brewed. Why, I have been trying to get this information from the Treasury Department for some time. If Mr. Andrews had any information from his own records and from his own department concerning the manufacture of beer as he testified on May 17, then it is hard to reconcile the letters of May 12 and June 3 from the Treasury Department to the Judiciary Committee in response to House Resolutions 255 and 274. I charge that willful misstatements of facts are contained in the Treasury Department's letters of May 12 and June 3, 1926, addressed to the chairman of the House Committee on the Judiciary. In Resolution 255 I made specific inquiry concerning the output, violations, and fines of a certain brewery. In reply, under date of May 12, it was stated that the Treasury Department could not furnish this information without the necessity of conducting an investigation outside of the department. Yet the very information that I was after Mr. Andrews, who signed the letter of May 12, had in his possession at that time, as is plainly revealed by his testimony before the committee. In my Resolution 274, where I make specific inquiry as to what information was not within the knowledge of the department or in its possession, the knowledge of this very same information which the Assistant Secretary testified to on May 12 was denied in the department's letter of June 3. When I had Mr. Britt, chief counsel of the Prohibition Unit, on the stand and asked him about this particular case, he had a faint knowledge of it, but promised to send me information. This was, mark you, on June 18, 1926. This was before the Committee on Alcoholic Liquor Traffic of the House. The distinguished gentleman from Idaho [Mr. SMITH], a member of that committee, is present and will bear me out. I received a letter on June 18 from the Director of Prohibition in which finally the department admits that I was correct in the inquiry contained in my resolution concerning the amount of fines assessed against this particular brewery, which amounted to over $269,000. Let me read the letter:

TREASURY DEPARTMENT,
BUREAU OF INTERNAL REVENUE,
Washington.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LAGUARDIA: Mr. Britt, chief counsel of this unit, has informed me of your request for certain data relative to the Howell & King Cereal Beverage Manufacturing plant at Pittston, Pa., and in compliance with your request I submit the following facts, which, as I understand it, are the points which you desire covered:

A criminal information was forwarded by this unit to the United States district attorney, together with a plea for injunction on February 21, 1924, and on March 19, 1925, a plea of nolo contendere was entered against the company, covering the violations of December 6, 1923, and February 1, 1924, and a fine of $1,200 was imposed.

A final injunction was entered on October 12, 1925, with the consent of the defendants, closing the premises for a period of nine months; but this injunction was afterwards so modified as to allow the manufacture of ice cream and kindred products.

All personal property of the company, including intoxicating liquors, materials, articles, and paraphernalia was seized November 10, 1923, and libel was prepared and presented to the United States district attorney.

On May 27, 1926, a tender of the sum of $10,000 in compromise of the civil liability of the company was rejected. A proposed assessment of $269,912 is now pending a determination. This office has no means of knowing what part, if any, of this will finally be held to be a valid assessment.

If any other information is desired relative to this case, I shall be glad to furnish it, to the extent of the records.

Very truly yours,

JAMES E. JONES,
Director of Prohibition.

The point I desire to make is this: If negotiations were pending to settle these fines and penalties against this brewery for $10,000, and the letter admits that on May 27 the $10,000 was tendered, why did the department deny this fact on June 3? If the department says that it had no knowledge of this fact on May 5, when I introduced House Resolution 255, how is it that I knew it and that everyone else in Pennsylvania knew about it at the time. I dare say that the $269,000 penalties and fines were not settled for $10,000 on May 27 solely on account of House Resolution 255, but it was common knowledge that the brewery was operating along that time. Are we not to expect accurate statements of facts from the department? Is the House of Representatives not entitled to accurate statements of facts in response to a resolution of inquiry? Is a Member to lose the privileged status of his resolution under the rules by a mere letter containing misstatement of facts from a department? I protest against the action of the Treasury Department in misstating the facts in these two letters. I do not care how acute the political situation in the Secretary's home State might have been at the time.

So in reply to the gentlemen who have asked me what I would do, and in reply to the gentleman from New York [Mr. CROWTHER] and to the gentleman from Ohio, General SPEAKS, I will say that when I learned of the wholesale violations of the prohibition law in the State of Pennsylvania and in other States I took proper legislative action by introducing a resolution of inquiry to obtain the facts from the department in order to file proper charges against the officials responsible. And I will say that I was blocked by the department's own attitude and action in dodging and refusing to give information which it had but stated that it did not have.

I have filed formal charges with the Department of Justice of a violation of section 3679 of the statute. I brought the attention of the Department of Justice to the taking of 350 cases of liquor in the custody of Federal officials away from the very Federal building in Indianapolis. These charges have been verified, but it strikes me that every time any effort is made to get real enforcement in certain places very little as-

sistance—I will say no assistance or cooperation—can be obtained from the Treasury Department. Yet Mr. Andrews is writing letters that he is putting all his energies into enforcing the law. What kind of an enforcement is it when he boastfully assures us that in certain territory and in many States these special squads will not be assigned and will not operate?

Mr. MADDEN. Is it not but fair to say of General Andrews that he was not giving assurance to anybody except to state the fact that he was going to enforce the law?

Mr. LAGUARDIA. He said he would put no men in the States I have mentioned. Even the chairman suggested "north of the Ohio River?" And he said, "Oh, no; not north of the Ohio River; north of the Potomac."

Mr. MADDEN. I want to do justice to the gentleman to say to the committee and say to the gentleman and to the House that I do not think he intended to make the statement he made in a way that was calculated to impress the committee with any policy in order to influence the committee.

Mr. LAGUARDIA. It is a sort of left-handed log-rolling proposition on the part of Mr. Andrews, let me say.

Mr. MADDEN. There was nothing of that sort in the mind of the committee. The committee is thoroughly in favor of the enforcement of the act.

Mr. LAGUARDIA. Then, will the committee divide this money equally among the States? Gentlemen, do not criticize us as being against this law; you gentlemen coming from States where the Government officials say they will not enforce the law in your States. In this prohibition enforcement give the Treasury the money, and stop the booze coming in at Seattle, and at Portland, and along the Pacific coast 575 miles. Stop it coming in from Mexico. Look at Florida, 950 miles of coast, with 129 men. Stop it all over.

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HERSEY. Does the gentleman take into account the fact that the Coast Guard and the revenue officers are added to this force?

Mr. LAGUARDIA. Yes. But the gentleman knows—he comes from a coast State—that the Coast Guard fleet, if it is watching the Jersey coast it can not protect the Florida coast at the same time. The bootleggers know where the fleet is operating.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. May I have five minutes more?

Mr. MADDEN. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from New York is recognized for five minutes more.

Mr. SNELL. How many men will it take?

Mr. LAGUARDIA. At least 250,000 men. I was talking with a General Staff officer to-day. This is serious, gentlemen. Let us be frank about it. Do not swallow such twaddle as General Andrews's testimony, that he is going to stop the importation of liquor with these few men. We have a law on the statute books but do not officially announce it and say that it will be enforced on only four points in the northeast of the country.

Mr. MADDEN. I would like to qualify that statement a little by adding this to it: All the money that has been asked for has been given. They can not say they have not the money. He has had all he asked for.

Mr. LAGUARDIA. Exactly, Mr. Chairman. They do not want to stop the importation at certain points. Let us be frank about this thing. As long as liquor is coming in and as long as the territory in these 39 States is going to have as much liquor as it wants, you are going to have people saying it is all right. Let me say to the gentleman from Iowa [Mr. GREEN] that it is all right for Iowa, but it is not good for New York.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GREEN of Iowa. Let me say to the gentleman that we enforced the law in Iowa when the States around us were against it, so that we did not need the men you are speaking about. The gentleman has talked about being frank, but he has not made a frank statement.

Mr. LAGUARDIA. Will the gentleman from Iowa say there is no liquor consumed in Iowa?

Mr. GREEN of Iowa. No, no.

Mr. LAGUARDIA. There is your answer.

Mr. GREEN of Iowa. But let me say to the gentleman that we are getting along pretty well.

Mr. LAGUARDIA. But the gentleman admits that liquor is consumed in Iowa?

Mr. GREEN of Iowa. Yes; and always will be. Gentlemen are all the time talking about liquor and saying that the liberty of the people is being taken from them because they can not have wine and beer.

Mr. LAGUARDIA. Let me say to the gentleman that the per capita consumption of alcohol in the State of Iowa is equal to that of the per capita consumption in any other part of the country.

Mr. GREEN of Iowa. The gentleman does not know anything about it, and he has no way of getting statistics to show that.

Mr. LAGUARDIA. They make a lot of hard cider there.

Mr. GREEN of Iowa. No; I think the gentleman is mistaken.

Mr. LAGUARDIA. Well, how about corn liquor? Iowa is a great corn country. Is not a great deal of corn liquor made there?

Mr. GREEN of Iowa. Very, very little, I can assure the gentleman.

Mr. LAGUARDIA. How does the gentleman know that?

Mr. GREEN of Iowa. Because we have men there who enforce the law, and we are not like you are in New York, where your State authorities will not cooperate.

Mr. LAGUARDIA. I will take the gentleman up on that. If you want to enforce the law in New York, why did you make such a farce of it and put 15 men on to keep liquor out of that State and to patrol the whole coast?

Mr. GREEN of Iowa. The gentleman knows there are more men than that.

Mr. LAGUARDIA. All right. Say you have 150. How are you going to keep liquor out? It would take 15,000 to patrol the border and the coast of New York.

Mr. GREEN of Iowa. Now the gentleman is getting somewhere near it.

Mr. FISH. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. FISH. I would like to ask my colleague how these appointments are to be made—these new appointments under General Andrews?

Mr. LAGUARDIA. This is good; and I am glad the gentleman reminded me of it. Mr. Andrews says he is going to take them from the civil-service list, and that is all very good; but he is going to go into the Army and get "noncoms." Now, take a man who has been in the Army most of his life and put him into the Prohibition Unit, and he is going to be helpless for a couple of years. He will not know what it is all about. He is going to take these men who have had nothing but Army experience and who do not know anything about the ways of politicians, in Pennsylvania, for instance, and other States. He expects to put them on the force to keep liquor out of the country.

Mr. FISH. I refer to the prohibition agents and not to the men higher up. How are they to be chosen?

Mr. LAGUARDIA. He says he is going to get "noncoms" from the Army.

Mr. FISH. The gentleman comes from New York City, and it may be very interesting to the House if he would tell us how the last dozen agents were appointed in New York City—how they were appointed and on whose recommendation they were appointed?

Mr. LAGUARDIA. The gentleman knows I have been excommunicated from political circles of late and I do not know. They do not consult me.

Mr. FISH. My information is that the last 9 or 10 agents appointed all came from New York City and were appointed on the recommendation of the wet district leaders.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MADDEN. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. FISH. My understanding is that the last dozen or so of agents who were appointed in New York were appointed on the recommendation of the wet district leaders. Can the gentleman answer as to whether that is true?

Mr. LAGUARDIA. Well, you can expect anything from the Treasury Department. Let me say this to the gentleman: What can you expect when the Secretary of the Treasury was formerly a whisky distiller himself?

Mr. FISH. For the information of the gentleman and for the House I am going to read the names that have been handed to me of the men who have recently been appointed, within the last few months in New York City.

Mr. LAGUARDIA. Just a moment, please.

Mr. FISH. May I give the gentleman this information?

Mr. LAGUARDIA. All right.

Mr. FISH. The names read as follows, and I read the last names: Buschette, Manzella, Junkers, Thurwaldson, Cohen, and Benoff. Those are the men who have been appointed to enforce this law in New York City within the last few months.

Mr. LAGUARDIA. Of course, the gentleman can not judge of a man's caliber by his name.

Mr. FISH. Not the caliber at all, but I can judge whether they have a tendency to enforce it somewhat by the names and somewhat by the recommendations.

Mr. LAGUARDIA. Oh, no; not by names. What can a little agent do, and what will he do, when he hears about the primaries in the State of Pennsylvania, the home State of the Secretary of the Treasury, where the breweries were wide open and the saloons were wide open for political purposes and these breweries and these bootleggers were supporting dry candidates? [Laughter.] The Treasury Department must have known of the operation of the breweries in the State of Pennsylvania. Why, they were wide open during the last primaries. The breweries were operating, and beer was flowing as fast as the law of gravitation would permit it to come out of the kegs. [Applause and laughter.]

Gentlemen, in conclusion let me say that sooner or later we must admit that prohibition laws as they stand to-day are simply impossible of enforcement. The quicker that we will be frank about it, and the quicker that we get together and amend the laws, the quicker we will have real temperance in this country and put a stop to the graft, corruption, disobedience of law, and the waste of millions of dollars of public funds. One glance at the map that I use here to-day with wet country all around us, with a bootleg industry organized, systematized, established, should be sufficient to convince any fair-minded man or woman of the impossibility of enforcing this law unless we so modify it as to get the cooperation and the help of the great mass of American people. At the proper time I shall offer an amendment increasing this border patrol force and give the department enough men to make at least a serious attempt to keep liquor out. I do not believe in announcing publicly that the law is being enforced, when as a matter of fact it is not being enforced. The very program of the department is an invitation and a notice to wholesale bootleg importers as to how, where, and when to get their liquor into the country. I do not understand how any supporter of the law can approve such a program. When we complain, they say, "Oh, he is a wet." Well, I would like to hear any dry dispute the fact that the program as outlined by the chief of the prohibition department can not and will not keep liquor out of the country. I am for modification of the law, but I am not for winking at the law and pretending to be for it and making it possible for wholesale importations of liquor and limiting the Federal beer squads to four States of the Union. That is not enforcement in any sense of the word. New York is no better and no worse than any other State in this regard.

There is as much per capita consumption of alcohol in dry Kansas, dry Maine, dry Iowa, as there is in wet New York, wet New Jersey, and wet Rhode Island. We are not satisfied with existing conditions, while other States are. We protest against this law, while other States that are not being molested perhaps are contented. As long as the law is on the statute books I shall insist upon its enforcement. If it costs millions and millions, the money must be appropriated. If the Government can not afford to spend the money the people should know it. If spending millions and millions we can accomplish no results, the people should know that. If after trying, as we have been doing for the past six or seven years and find that we are up against a human impossibility, let us be sensible, amend the Constitution, and pass a sane law which will create a temperate Nation of law-abiding people [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BYRNS. Mr. Chairman, I yield to the gentleman from Ohio [Mr. CROSSER] such time as he desires.

HOME LOAN BILL

Mr. CROSSER. Mr. Chairman and members of the committee, the poet, Montgomery, expressed a beautiful sentiment in the lines:

> His home, a spot on earth supremely blest,
> A dearer, sweeter spot than all the rest.

The importance of the home to the welfare of any nation, in fact to the very life of a nation, is so well understood as to require no discussion. The more universal is the home instinct of the people of any country, the higher is its standard of morals. Although, without owning a house, one may establish a home, nevertheless the ownership of the place which one regards as home develops a feeling of self-confidence and self-respect which can be gained from almost no other experience in life. It would seem, therefore, to be admitted that whatever may be done to encourage the ownership of homes by our people will improve the standards of American life. Heretofore, however, it has been almost impossible, or possible only by the most extreme sacrifices, for those depending on their meager earnings to procure for themselves houses in which to establish homes. Even if by the greatest economy they are able to save a little money for the purpose, they are always compelled to borrow a large part of the money necessary to purchase a house. The high rate of interest which must be paid for the use of the money and the cost of procuring the loan add greatly to the burden of the person striving to have a home of his own.

Knowing how hard it is for the ordinary man to borrow money, it is a common thing for the banker to insist upon a grossly unreasonable profit from those who must have a loan. It is true that in every State of the Union laws have been passed prohibiting those lending money from charging more than a certain rate of interest. In Ohio, for example, if no specific agreement is made about the rate of interest which is to be paid to the lender for the use of money, the law allows him 6 per cent. The money lender may expressly provide in the agreement for the payment of interest at the rate of not more than 8 per cent, and that is the highest rate of interest which the law of Ohio permits anyone to charge for the use of money.

For many years, however, the professional money lender has succeeded in evading the law which prohibits the collection of interest in excess of 8 per cent. He accomplishes his purpose by charging what he calls a "bonus" for getting the loan for the person desiring to borrow money. At the beginning of this practice the professional money lender, who is generally a banker, would explain to the person asking to borrow money that the bank had refused the loan, but that he might be able to get the loan somewhere else if the person desiring to borrow the money would pay him for his services. Almost always, of course, the applicant for the loan would agree to pay the amount named for the services. The amount charged by the lender would be from 10 per cent to 30 per cent of the amount of the loan. If the lender thought that the borrower, rather than pay more than 10 per cent bonus, would do without the money or go somewhere else for it, his charge for his services would be 10 per cent, or even a little less, but if the borrower was compelled to have the money the lender charged him often as much as 30 per cent for getting him the loan. Now, as a matter of fact, the loan was actually made by the banker himself, and he merely had the note and mortgage made to someone else and then assigned to the real lender by the person to whom the note and mortgage had been made in order to evade the law prohibiting him from charging an excessive rate of interest.

The practice has now become so common, however, that the professional money lender does not take the trouble to explain to the borrower that he is charging him a commission ranging from 10 per cent to 30 per cent for his services in getting the borrower the money. The borrower of the present day is bluntly told that the interest on his loan will be so much and that the bonus will be so much. The result of all this is that the person struggling to buy a house to be used as a residence invests in his house, when all is said and done, only part of the money which he borrows. If it becomes necessary for him to sell his house, he must generally lose at least the amount of the bonus, for that amount is not paid for material or labor for the house. As already explained, the payment of the bonus has the effect also of increasing the rate of interest paid by the person on the money actually borrowed and invested in the house. If, for example, a man should borrow $1,000 and be charged 20 per cent bonus, he would receive only $800 which would actually be used for the purchase or construction of the house. If the note for $1,000 should provide for 8 per cent interest, which is the highest rate that the law permits, then he would pay $80 per year interest on the note. Since, however, he would receive in cash only $800, that would mean that he would pay $80 per year for the use of $800, or, in other words, he would pay 10 per cent to the money lender, or 2 per cent more than the law permits him to charge. Not only would the borrower be compelled to pay the 2 per cent in excess of the lawful rate, but he would also pay the 15 or 20 per cent or even 30 per cent bonus, which represents no value in his house.

It would seem that all right-thinking people should be opposed to this practice and that something should be done to stop it. In recent years the building and loan companies have been a real help to the people. They have enabled many persons to get homes who could not manage to get them otherwise. With the building and loan companies which have been doing business fairly and according to law there is no complaint. Some method should be adopted by the Government, however, to prevent the greedy money lender from evading the law by charging most excessive interest and thereby discouraging the praiseworthy efforts of the people to own their own homes.

Some time ago I introduced H. R. 5581, entitled:

A bill to provide capital at reasonable rates of interest in order to promote the establishment and ownership of homes by the people of the United States.

This bill follows the plan of the farm loan act. That plan was adopted for two reasons: First, because it overcomes the objections of those timid people who, before supporting a measure, must always know that the same thing has been done before, either here or somewhere else; second, because the farm loan act itself has been a great success and has helped the farmers greatly.

I was told a few days ago by a prominent citizen of Nebraska that not only had the farm loan act made it possible for farmers to procure loans on reasonable terms, but that the act had resulted in the reduction of the interest rate charged by the privately owned banks of the State. When the private banks found that the farm-loan banks were lending money to farmers on reasonable terms, they were compelled to lower their rate of interest in order to get any business. No one would now propose to abolish the farm-loan banks, and even a suggestion that we should abolish them would be met by a storm of protest. There are 6,500,000 farms in the United States, but there are more than 24,000,000 families not living on farms, and these 24,000,000 families require homes.

I am glad that the Congress passed the farm loan act which so greatly helps the farmers of the country to borrow money conveniently and at a reasonable rate of interest, but I insist that the families not living on farms should be given the same kind of help to enable them to establish homes. I do not propose in the bill which I have introduced to give the home builder something for nothing. I do claim, however, that the Government should do everything possible to make sure that the people of this land, who are earnestly striving to establish homes, should get real value for the money which they spend for that purpose. To insist upon this is not to propose charity for anyone. I claim that it is necessary for the welfare and strength of the Nation itself. One writer has said:

The strength of a nation, especially a republic, is in the intelligent and well-ordered homes of the people.

That statement is true.

No good reason can be given why this measure should not be passed promptly. It is no reason at all to say that it is in advance of the time. That same argument has been made against every proposal to enact laws for the purpose of abolishing different forms of injustice. Regardless of how Members feel about this question, at the present moment, it is absolutely certain that before long a law of this kind will be passed. Why then delay? Let us take action at once, and thereby render to the American people a service of great value. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HILL].

Mr. HILL of Alabama. Mr. Chairman, the House is now considering the deficiency appropriation bill to which there is no opposition while waiting for the Senate to finish its schedule of business. All the bills on the Senate's schedule of business have already been passed by the House and it is generally accepted that as soon as the Senate completes its schedule of business within the next few days Congress will adjourn.

I have just sent to the Clerk's desk a request for a leave of absence for my colleague from Alabama [Mr. ALLGOOD] on account of important business. The distinguished gentleman is entitled to this leave. He has earned it. For three years I have been his colleague in this House, and, as an Alabamian, I have watched with pride his magnificent work. I have rejoiced in his high courage that has stood like a rock in the storm. I have admired his unremitting toil. I have been glad as his fine ability has marked his career in this House with accomplishments for his people and carried him into the esteem and the appreciation of its membership. As an ex-service man who at the Cleveland national convention of the American Legion was privileged to serve on the committee that fashioned the Veterans' Bureau as we have it to-day, I have seen him put through claim after claim and render valiant service to our disabled comrades. I have watched this farmer boy, now full-grown man, start at the bottom in this House, as all who come must, marshal his experience with the wealth of information he had garnered as commissioner of agriculture of Alabama, fight the farmers' battles, and win his way to a position of authority on farm legislation. Friend of the toiler, champion of the masses, patriot ever in his country's cause, he has gone home to a great and grateful people to receive from them the gladdening response: "Well done, thou good and faithful servant." [Applause.]

Mr. BYRNS. Mr. Chairman, I yield 30 minutes to the gentleman from the Philippines [Mr. GUEVARA].

Mr. GUEVARA. Mr. Chairman and gentlemen of the committee, another important contribution to the existing literature regarding the Philippine Islands was furnished by the gentleman from New York [Mr. BACON] in his remarks extended in the CONGRESSIONAL RECORD of June 11, 1926. He has made certain statements regarding the relationship existing between the inhabitants of the rich and fertile island of Mindanao, commonly called Moros, and the Christian Filipinos of the island of Luzon and Visayan, and has arrived at the conclusion that the only remedy for the evils which he states exist in this relationship, resulting, as he says, from the present system of government of the islands, lies in separating the country inhabited by the Moros from political relationship with the rest of the islands and placing it directly under the control of the United States.

The reasons advanced by the gentleman which induce him to arrive at this conclusion are, briefly, as follows:

1. That the Moros are essentially a different race from the Filipinos; that for hundreds of years there has existed bitter racial and religious hatreds between the two; and that complete union of the Filipinos under one government is distasteful to the Moros, who would prefer a continuance of the American sovereignty.

2. The terms of an agreement entered into between Brig. Gen. John C. Bates purporting to represent the United States, the Sultan of Sulu, and certain other Moro officials, under which the Sultan recognized for himself and his subjects the sovereignty of the United States and the protection of this Government, in return for which recognition of certain rights was accorded to the Moro people.

3. The lack of true representation on the part of the Moros in the Philippine Legislature, their judges, prosecutors, and constabulary being at the present time Filipinos, in contrast to conditions existing prior to 1913.

4. The claim that the public peace was duly preserved prior to 1913, but that subsequent to that time, and especially since 1916, ill feeling between Moros and Filipinos has increased, leading to frequent conflicts and bloodshed.

With all deference to the gentleman from New York, I wish to take issue with these statements which he has made.

It has frequently been asserted on the floor of this House, both by the gentleman from New York and others, that those living in the Philippine Islands who belong to the Mohammedan faith are of a different race from the Christians who live in the northern part of the islands. In fact, however, such is not the case; both Mohammedans and Christians are of the same racial stock, homogeneous in character, the term "Moro" being used in a popular sense to distinguish those of the Mohammedan faith from their brothers. Noted historians of past and present centuries are unanimous in their conclusions that the Filipinos, whether Christian, Mohammedan, or Igorot, are one people. They differ, of course, in religious belief and to a certain extent in the degree of civilization to which they have attained. These differences in religion and civilization are the natural result of the political situation which the Filipino people have been forced to endure for the last 300 years. Nations which have held dominion over the islands have always been successful in arming Filipinos who have been brought beneath their dominion to assist in subduing those still in rebellion. This occurred during the period of Spanish sovereignty and it happens at the present time. The most effective way to subjugate a people is first to divide them against themselves. Such a policy may not be ideal but it is extremely effective. The self-interest of the dominant power is for the time being placed above every other consideration. This is the attitude and intent of those who are now striving to instill in the minds of Americans the belief that there is a racial distinction between the Moros and the Christian Filipinos despite their common history of more than 400 years past.

The Filipinos who inhabit the Moro country have, it is true, no elective representatives in the Philippine Legislature. I speak for the entire body of Christian Filipinos in saying that I sincerely wish that the Moros might be enfranchised with the same political rights as those enjoyed by the rest of their fellow countrymen and that they might be permitted to make their own choice of their representatives in both houses of the legislature. It is not, however, within the power of the Philippine Legislature to grant this privilege. This power rests solely in the hands of the Congress of the United States. Since the beginning of American sovereignty in the islands the Congress has at all times seen fit to establish a special form of government for the inhabitants of the Moro country, though placing them under the jurisdiction of the Philippine government. Hence it is wholly unfair to assert either directly or by implication that the Christian Filipinos deny or would wish to deny to their Moro brothers any of the political liberties now enjoyed by them. I pledge my support and that of the Christian Filipinos in favor of enfranchising the Moros, with the right to elect their own provincial governors. I feel sure that if the Philippine Legislature were empowered to do so it would immediately grant to the Mohammedan Filipinos the right to elect their own governors and legislators. Since, however, the sole power to accomplish this result is vested in the United States Congress, I would heartily approve an amendment to the present organic law of the islands which would enfranchise the Moros and permit them to elect their own legislators and governors with precisely the same freedom of choice as that now enjoyed by the Christian Filipinos. The gentleman from New York has asserted that the Mohammedan Filipinos wish American governors. If so, they could certainly choose such governors if given the ballot. Such a course would be completely in harmony with American principles of government and also with the principle advocated in the interests of justice and fair play.

The adoption of such legislation would also do away with the charge that has been made that the Christian Filipinos claiming the right of self-determination themselves have no hesitation in forcibly imposing their will upon the defenseless Mohammedans of the same race. This charge is indeed strangely misleading. Under the present system of government as provided in the Jones law the Governor General of the Philippine Islands is the only one having authority to appoint officers for the government of the Moro Provinces, and he it is who also has the power to appoint senators and representatives for these Provinces to the Philippine Legislature. If the qualified Moros have not been intrusted with positions of responsibility in the government it is not our fault, but that of the official who by law holds the appointing power.

The appointed senator and representatives for the Moro Provinces are enjoying in the legislature all the rights and privileges of those elected by popular votes. The Mohammedan Filipinos appointed by the Governor General to membership in the senate and house of representatives are serving on important committees of the legislature. Therefore no one can charge that the Christian Filipinos are depriving the Mohammedans of the opportunities to act in behalf of those whom they represent.

Great stress has been laid upon the terms of an agreement which was entered into between Brig. Gen. John C. Bates and the Sultan of Sulu and other Moro officials. The Sultan of Sulu so called in fact has no standing as a sovereign before any nation, and his only claim to the title of "sultan" at the time of this agreement or at any other time rested in the fact that he arrogated it to himself. Furthermore, on March 21, 1904, President Roosevelt abrogated this agreement because of the recognition which it gave to polygamy and also because the Sultan failed to preserve order in Sulu. Hence any attempt to predicate obligations on the part of the United States as a result of the agreement must fail since the agreement itself ceased to exist by virtue of President Roosevelt's action. Furthermore General Bates was at no time the constitutional representative of the American people authorized to make pledges of such a character on their behalf.

Whatever value of any sort may at any time have attached to the so-called Bates agreement it is certain that the Congress of the United States, on behalf of the American people and by virtue of its constitutional authority, made a solemn pledge in the preamble of the Jones law on August 29, 1916. This congressional action superseded whatever had occurred previously and definitely set forth the attitude of the American people toward the Filipinos. A pledge of this character must be sacred both to the American people and to their representatives. It has always been America's stand as evidenced by her participation in the World War that powerful as well as weaker nations must respect treaties and fulfill the obligations arising therefrom. I trust it may not be out of place for me at this point to remind the gentleman from New York, who is so deeply concerned regarding the unauthorized pledge of General Bates to the Mohammedan Filipinos long since abrogated, that it is high time to bear in mind the sanctity of the pledge made to the entire Filipino people in the preamble of the Jones law.

It is true that from time to time during past centuries there have been isolated regional disturbances among the Filipino people. During all history, however, peoples have contended in arms against each other but hatreds temporarily resulting therefrom do not continue indefinitely. England and Scotland fought for years, yet to-day are in absolute peace and closest harmony under one flag and one sovereign forming the keystone of the British Empire. Great Britain and France, in spite of centuries of strife, were united in their effort against the common foe during the Great War. The Filipino people to-day, whether Christian or Mohammedan, are inspired by the single thought of the welfare of their common country. Surely, the American people will not adopt a policy regarding the Philippines similar to that which has subjected Poland to such misery in the past! In the treaty of Paris the territorial and political boundaries of the Philippines over which the American people were to exercise their sovereignty were clearly defined; and in the Jones law, in which the solemn pledge of this Nation was stated as to the political future of the islands, these boundaries were also definitely set forth. The obligations assumed by the United States apply to the entire Filipino people and not to any particular portion of them. The Philippine problem is an American responsibility and its just solution an American obligation. The pledge of the United States as to the ultimate destiny of the Philippines is one that in justice can not be divided.

The territorial dismemberment of the Philippines is against the traditional policy of the United States. This nation fought for its territorial integrity and will never initiate or consent to the territorial disintegration of any country, and much less of the Philippines. This is the hope and faith of the Filipino people.

It has been stated that conditions in general in the islands during the period from 1903 to 1913 were markedly superior to those existing during the period from 1913 to the present time. With all due respect and regard for the gentleman making this statement, and also for the officials in control of the Moro provinces during the period from 1903 to 1913, I desire to insert in the records the following figures concerning public instruction, sanitation, roads and highways, and the preservation of order:

TABLE NO. 1.—*Number of encounters of United States Army from 1903 to 1913, and the constabulary from 1914 to 1923, against the Moros; number of casualties and their yearly average*

	Encounters	Casualties	Average encounter per year	Average casualties per year
From July 15, 1903, up to December, 1913 (a period of 10 years.)	152	1,565	20	208
From January, 1914, up to Oct. 1921 (a period of about 8 years)	20	373	3	63
From Oct. 16, 1921, up to 1923 (a period of almost 2 years)	25	163	9	89

TABLE NO. 2.—*Partial expenditure for the promotion of public sanitation, public highways, public education, and yearly aid of the Philippine Government to the Moro Provinces—Agusan, Bukidnon, Cotabato, Davao, Lanao, Sulu, and Zamboanga*

[From the Reports of the Insular Auditor of the Philippines]

Year	Sanitation and inspection	Maintenance and upkeep of public highways	Public education	Aid from insular government
1903 to 1913	(1)	(1)	(1)	(1)
1914	₱39,683.99	₱69,364.50	₱133,304.48	₱101,912.99
1915	91,862.46	69,490.41	187,558.13	176,460.77
1916	(1)	115,338.74	(1)	128,656.27
1917	109,850.62	196,563.34	334,825.01	281,506.15
1918	114,680.24	205,972.01	339,816.29	1,812,134.15
1919	123,372.87	196,750.35	150,879.62	1,724,947.97
1920	134,248.13	153,970.76	176,093.32	1,486,669.97
1921	124,321.83	234,930.20	164,179.89	1,148,036.01
1922	155,379.36	335,576.01	143,692.39	935,507.71
1923	143,382.30	301,983.42	156,207.74	754,965.05
1924	179,149.05	437,749.53	219,702.19	1,509,011.87

[1] No data available.

NOTE.—A peso of the Philippines is equivalent to 50 cents currency of the United States, or half a dollar.

TABLE No. 3.—*Number of schools in operation, number of teachers, attendance, and enrollment since 1903 to 1924*

[From the Annual Reports of the Director of Education of the Philippines]

School year	Number of schools in operation	Number of teachers	Average daily attendance	Annual enrollment
1903-4	49	69	1,582	2,114
1904-5	53	89	2,033	3,617
1905-6	57	94	2,021	4,235
1906-7	58	86	2,842	5,140
1907-8	60	86	2,675	4,646
1908-9	57	96	2,900	4,862
1909-10	57	93	2,791	4,895
1910-11	54	93	3,013	5,042
1911-12	60	99	3,807	6,427
1912-13	72	116	4,535	7,568
1913-14	80	125	5,396	8,615
1914-15	153	311	(2)	[1]14,800
1915-16	182	371	9,913	16,865
1916-17	(2)	(2)	(2)	(2)
1917-18	304	778	16,114	26,121
1918-19	374	968	19,953	34,268
1919-20	507	1,049	31,163	47,467
1920-21	624	1,367	39,801	57,398
1921-22	702	1,340	46,443	63,984
1922-23	701	1,471	46,675	65,007
1923-24	699	1,541	46,485	66,077

[1] Report of the Governor General of the Philippine Islands, 1914.
[2] No data available.

According to these figures, the administration of the Moro Provinces during the period from 1903 to 1913, inclusive, suffers by comparison with that from 1914 to 1921, inclusive; and this period from 1914 to 1921 shows better conditions than those existing from 1921 to date.

Retrogression in the administration of the Moro Provinces to those conditions existing prior to 1913, as advocated by the gentleman from New York [Mr. BACON], would be a blow to the progress accomplished in that part of the Philippines.

No mention whatever has been made regarding the massacre of Mount Daho, which aroused indignation on the part of the American people. Aside from this reference, I have no desire to make any comment on the massacre of Mount Daho. It is but fair to all parties concerned to leave to history the verdict on that important event. Let posterity pass judgment on those who participated in it.

The gentleman from New York has discussed at some length the fundamental antipathy which is supposed to exist between Christians and Mohammedans. It is a mater of regret that so delicate a question has been thus brought to public attention. Religious liberty exists in the Philippine Islands and is fully guaranteed by laws enacted by the Philippine Legislature. No instance can be cited where anyone in the islands has been molested on account of his religious belief. We are fully aware that true political freedom is impossible without religious liberty; this principle is indeed the corner stone of all free communities. The Filipino people respect alike the Mohammedan, the Catholic, the Protestant, and all others irrespective of their religious attitudes. They know full well that this question is and must always be outside the sphere of governmental action. We esteem the man and woman within our confines for their usefulness to the community and not for their religious belief. The doors of our homes are open to all men alike and this sentiment of mutual tolerance is now universal among the Filipino people. Any attempt to excite religious prejudice among millions of people of whatever beliefs is surely to be regretted. Broad statesmanship and true Americanism must condemn such a course. The Turks during the World War attempted to call to their standard the whole Mohammedan world. This proved a failure, for the spirit of this age is not such that a religious issue can overshadow or have any part in deciding the political welfare of nations. Throughout hundreds of years millions of lives have been sacrificed for the realization of this truth, but it is now firmly rooted in the hearts of mankind.

There is not now nor will there be any religious strife between Christian and Mohammedan Filipinos. The few Christian Filipinos who have been appointed governors in some of the Moro Provinces have strictly refrained from interfering in any way with the religious beliefs of the Mohammedan Filipinos. The senator and representatives appointed by the Governor General to represent the Moro Provinces in the legislature were allowed to take the oath of office upon the Koran, in accordance with their own religion. This will show that religious differences between the Mohammedan and Christian Filipinos are not in any way an obstacle for a mutual understanding and brotherhood among them.

From certain sources the statement is frequently issued throughout this country that the Philippine Legislature has proven a complete failure. While these critics of the Filipino people offer no evidence in support of this contention, it is worth while in answer to their statements to quote the words of the former President of the United States, Hon. William Howard Taft, who, on account of his intimacy with conditions in the islands while governor and Secretary of War, is especially well qualified to speak on this matter. In his report on the Philippines and their political future with special reference to the policy which has been pursued there, he said as Secretary of War in charge of the affairs of the islands the following words:

> The conditions in the islands to-day vindicate and justify the policy. It necessarily involves in its ultimate conclusion, as the steps toward self-government become greater and greater, the ultimate independence of the islands; although, of course, if both the United States and the islands were to continue a governmental relation between them like that between England and Australia, there would be nothing inconsistent with the present policy in such a result.

Later he said:

> Thus far the policy of the Philippines has worked. It has been attacked on the ground that we have gone too fast, that we have given the natives too much power. The meeting of the assembly and the conservative tone of that body thus far disclosed makes for our view rather than that of our opponents.

These official statements were made in 1907, but it would be exceedingly strange if the Filipino people have retrogressed since that time.

As to the assertion that the Filipino legislature composed of Christian Filipinos has neglected its duty toward the Moro Provinces, I wish to call the attention of the House to the fact that in 1914 the sum of 204,523 pesos was appropriated as a contribution to the expenses of the government of these Provinces. Later the legislature appropriated the sum of 1,000,000 pesos for primary schools in the Moro Provinces; and many other statistics showing similar appropriations could be furnished as evidence of the care and regard which these Provinces have been accorded.

The most responsible leaders of the Mohammedan Filipinos have acknowledged the keen interest which has been taken by their Christian fellow countrymen in the welfare and advancement of the Moro Provinces. For example, Senator Hadhi Butu, for 20 years prime minister to the Sultan of Sulu, made the following statement on February 28, 1920:

> I can assure you that the people of Sulu are entirely satisfied with the actual state of affairs, and always will be so if the government of Sulu should be entrusted to Filipino hands. Those of Sulu prefer that the governor of the Province should be a Filipino, because if a Moro were nominated he might be partial in his administration. My people wish for and are in conformity with independence (of the Philippines), and when that is conceded I can assure you that nothing will happen between the Moros and the Christians; not only now, while the majority of the Moro race is uncivilized, but also when the Moros shall have embraced civilization.

Mr. Frank Carpenter, ex-governor of the Department of Mindanao and Sulu, who served under the administration of ex-President Taft and the succeeding Governor Generals of the Philippines, in his report on March 26, 1918, said:

> Law and order now obtain throughout Mohammedan Philippine territory, but popular compliance and cooperation are as yet only tentative and easily lost. They may be firmly established only in the course of time and by constancy in the present policies of responsible authorities in Manila, conscientiously and correctly executed by local officers who establish themselves in the hearts of the people through invariable kindness, respect for local customs, religious ceremonies, and faith, absolute honesty, and justice in both official and private relations.
>
> Neither Mohammedan nor pagan Filipino has national thought or ideals. They are now yielding to a policy of attraction directed at them as substantive Filipinos, and if they do not come directly into increasing and eventual absolute homogeneity with the highly civilized Filipino type the fault will be of the latter. The more intelligent leaders of these Mohammedans and pagans have a glimmer of light as to the advantages and necessity for unity on a more comprehensive basis, without religious distinctions, approximating national existence.
>
> * * * * * * *

And further he said:

> The Mohammedans are beginning to realize that the Christian Filipinos holding government offices are rather devoting their time to the fulfillment of their duties for the benefit and welfare of all the inhabitants under their control, regardless of the religious beliefs of the latter. * * *

These are but a few excerpts from the many writings of responsible Americans regarding the Philippines which could be cited as against the affirmations of those who have visited the islands for two or three months only, yet who seem to feel that they have acquired a complete knowledge of the Filipino problem and its solution.

Disintegration of the territory of the Philippine Islands can serve no useful purpose but, on the other hand, will greatly complicate a fair and proper adjustment of the present situation. I am confident that this Nation will not follow any suggestion for the adoption of a measure which "would retrace our steps to 1913."

Progress and not retrogression will be the watchword of the United States in its dealings with the Philippine Islands. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman and members of the committee, this deficiency bill carries two important items for the benefit of communities in the State of Arizona, one of them in the sum of $637,000 and the other item in the sum of $50,000 for river-front work on the Colorado River along the Yuma reclamation project.

I am glad, indeed, to see these items in the bill as I think it entirely appropriate that the Government should assume responsibility for the flood problem on that river. I say this notwithstanding the fact that Arizona is the only one of the seven Colorado River Basin States which has refused to cooperate with her sister States by ratifying the Colorado River compact, and by her refusal has made impossible thus far the permanent development which would completely remove this flood menace in the entire lower basin.

These items, approaching $700,000 in amount, are made necessary because this Arizona community, like other communities in the lower basin, has heretofore been, and now is, dependent upon the construction and maintenance of levees for their protection against the flood waters of this river. The levee system on this river is an insecure and undependable as well as an expensive method of controlling the floods.

In the first place, the levee system can not be depended upon because of the violent fluctuation of the river itself, it varying from 2,000 second-feet in low season to 150,000 to 200,000 second-feet in high-water seasons. The flood waters come from the melting snows on the plateaus and high mountains of Wyoming, Utah, and Colorado. The height of the water in the river in flood season is not dependent alone upon the amount of precipitation in the drainage area, but upon the rapidity with which the snow melts. It depends much upon the weather. You can have a snowfall of less than the average and yet you can have a very destructive river if the summer heat hits the snow early for a prolonged hot spell and sends it down the river all in a short period of time.

The river brings down an immense quantity of solid material each year which it deposits in its lower basin channel. In low flow, when the current is slow, this silt is dropped on the bed of the river and slowly chokes up its channel. Then, if high water comes suddenly before the river has had time to scour out its bed, the flood waters are very likely to overtop its banks.

In the second place it is nearly impossible to stabilize the river bed in a fixed channel, because the whole country through which it is running is delta land. The soil came there with the water in the form of silt and it readily dissolves again in the water and floats away. This soil is unable to withstand the erosion that would come from any considerable current washing against it. Therefore, even with levees too high for the river to top and with the levees rock revetted to prevent erosion, the river sometimes scours out its own bed deep enough to permit it to undermine the levees and cause them to tumble in and wash away.

I am calling your attention to this situation now because half the flow of the Colorado River has been pouring through a break, one-half mile long, in the levees below Imperial Valley. It has inundated to date approximately 30,000 acres of land. The photographs and newspaper clippings, which I placed upon the bulletin board, tell the story for themselves. Fortunately for us that land is in a foreign country and not in our own United States; but this is a mere accident. The break could have happened higher upon the river and the flood then would have been into the Imperial Valley in the United States.

The break this time came 30 miles below the international boundary line and just over the Hog Back that separates Imperial Valley from the Gulf of California, so that the water after it had gotten out of the river bed flowed west and south in the direction of the Gulf. Had the break in the levee happened at a point 10 or 15 miles nearer the boundary line the flood would have been on the northern side of the Hog Back and the flow of the waters would have been northward and back toward the Imperial Valley, and with only one set of levees between it and 60,000 people and all they possess and 400,000 acres of the most fertile farm lands in the world.

Another fortunate thing is that the break happened when the river was only at 65,000 second-feet. It reached its peak shortly after the break with a flow of 73,000 second-feet. If the river had been what it has been in many years, 150,000 second-feet or 200,000 second-feet, as it was once, even though the break was where it did occur, the quantity of the flood waters would have been such that it would have been bound to have turned north toward Imperial Valley because the greatest slope is toward the north; the fall of the land into Imperial Valley is a greater drop than the fall toward the Gulf of California by more than 3 to 1.

So I am here to sound a warning of the necessity of taking prompt action to permanently curb and control this river before a concurrence of events happens where the break would be at a more vital place and where the river would be at a greater flood, which would probably result in a terrible catastrophe, destroying an entire community. These breaks have happened before and they are bound to happen again unless we move to prevent them.

In 1905–6, for 18 months, the entire river flowed into Imperial Valley and created the inland Salton Sea, which remains to this day as a reminder of the millions of dollars of damage the river did at that time.

In 1914 Volcano Lake Levee was breached and for days more than 10,000 cubic feet of water per second flowed through the levee into Imperial Valley, doing many thousands of dollars of damage.

In 1916 the flood waters were 2 feet deep in the streets of the city of Yuma, Ariz., threatening its destruction.

In 1918 the Ockerson Levee, which had originally been built by the Government and later repaired by the Imperial irrigation district, was breached in two places. The flood water, however, was successfully turned westward into Volcano Lake, but not until after several thousand acres of land had been inundated.

In 1919, before the river was turned into Pescadero Cut, the levees were again breached and 4,000 acres of land inundated before the opening could be closed.

In 1922 the river broke into Polo Verde Valley, inundated 30,000 acres, including the town of Ripley, destroying much property, and doing a large amount of damage.

In 1925, with only 50,000 second-feet of water in the river, it undermined the levees in two different places and destroyed several hundred feet of river-front protective works.

Friends, there is just one thing certain about the Colorado River, and that is its uncertainty. In its present uncontrolled condition no man knoweth the day or the hour or the place where it will attack.

The course in which the river has been flowing is the last depression leading to the Gulf. The silt which the river is carrying into that depression will fill it, according to engineers' estimates, in seven or eight years. Then, the natural tendency of the river will be to swing northward toward the Imperial Valley, with ruin facing that community. It is going to be a race between the Government engineers and the river to see whether the engineers get it under control before it gets into Imperial Valley. I have been sympathetic to the discussion that has gone on here in days past to find a solution for the farm problem, and I voted to do something for the farmers who are threatened with the loss of their profits after the year's work was done. I want to tell you that the problem that confronts the people living in the lower Colorado basin is also a farm problem. But their problem is not merely to find a way to save the profits on their year's work, but to save their life earnings, their homes, everything they possess as well as the community in which they live.

The United States Government engineers have worked out a solution for this problem which is to impound the flood waters in one great dam in the Boulder Canon of the Colorado River. That would not only solve the flood problem but would turn a natural menace into a national asset whereby it will be possible not only to solve the problem of making safe the communities in the lower basin of Arizona and California but to insure the return to the United States of the entire cost of the works together with 4 per cent interest thereon within a period of 50 years, and thereafter continue to earn dividends for the people.

Mr. ARENTZ. Will the gentleman yield?

Mr. SWING. I will.

Mr. ARENTZ. It is regrettable that the gentleman has not a fuller House this afternoon to whom he can tell the story of the lower Colorado River. It is very important not only to the people who live in the valley but to the Northern States tributary to the Colorado River which has this lifetime catastrophe held over their heads. Not only that, but it will settle the legal difficulties that are sure to arise along the Colorado River as well as save the lives of those who are menaced by the flood waters.

Mr. SWING. What the gentleman says is absolutely true. There are half a dozen problems that will be solved by the enactment of the legislation now pending only one of which I am addressing myself to now. For instance, there can be no more developments anywhere in the Colorado River Basin because the low flow of the stream has all been put to beneficial use. No new project can be started without coming up against a court injunction issued at the instance of those who have already put the water to a beneficial use. The bill now before Congress settles the disputes between six States and makes possible new development for their mutual benefit. Not only that, but it will leave the door open for Arizona to come into the friendly family of States whenever she gets ready to and allows her to participate in the benefits on the same basis as the other six States do.

Mr. MANLOVE. Will the gentleman yield?

Mr. SWING. Yes.

Mr. MANLOVE. From the way you have explained it, I feel that this is a matter of great concern for the whole country, and not one merely for the States in the Colorado River Basin. Although my State will not benefit directly, I want you to know that I am deeply interested in your problem.

Mr. SWING. I thank the gentleman for his friendly expression of interest.

The engineers who have given a lifetime study to this problem have recommended this solution to the Congress. The Secretary of the Interior has indorsed their recommendation. Secretary Hoover, who was appointed by President Harding to make a special study of the problem and to act as the Federal representative on the Colorado commission, has given it his backing, and President Coolidge himself, after going into the matter thoroughly, has recommended its enactment. The Committee on Irrigation and Reclamation has considered it carefully, and I have reason to believe that the committee early in the next session will report the bill favorably for action by the House.

But the point I am trying to make, and the impression I want to leave with you, is that the river has given us a warning—a timely warning, I hope—and we should act in this matter while there is time to act in an orderly and businesslike way, instead of waiting until the catastrophe is upon us and then rush helter-skelter and in a haphazard manner spend many times the amount of money we need to accomplish the thing we want done. If we are going to act at all, let us act before great damage is done, before millions of property have been destroyed, before lives have been lost, perhaps, and before great communities have been wiped out of existence. The people who live in the lower basin appeal to Congress as the only agency that can solve this problem, because it involves an international question, because it involves an interstate question, because it involves the Federal problem of flood control and the Federal problem of reclamation.

In the name of these 100,000 people—good, honest, American citizens—in the name of these people who have labored and created thriving American communities, I appeal to you to act, to act while there is yet time to save them and their homes. And if we act wisely and promptly we may prevent a great catastrophe being charged up to our indifference, our neglect, and our delay. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield now to the gentleman from Ohio [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, ladies, and gentlemen of the House, I did not intend to express myself on our foreign debt settlements except by my vote. I had hoped to support all these proposed settlements if possible. In view of the criticisms received from some quarters, I feel, in fairness to the good people who have sent me here and in fairness to myself, that my vote should be explained. My attitude toward the settlement of our foreign debts was well known throughout my district. I have not broken my pledge to my people; I have kept my promise. In the brief three years' time that I have had the privilege of serving as a Member of this great law-making body I have tried to square my vote with my conscience and best judgment at all times. As a Representative of the American people I consider my first duty to them. I would not utter an unfriendly word toward, or intentionally do an injustice, to a friendly nation. I could not convince myself that the taxpayers of my country or district desire that I vote for debt settlements releasing foreign governments from a large part of their obligations. I tried not to be swept from my feet by sentimental arguments, but endeavored to solve these questions with a cool and deliberate judgment, free from prejudice or sentiment. These great problems concern not only the people of the debtor nations but all the people of the United States. After carefully listening to the debate and studying the questions involved, I honestly believe that the settlements negotiated with the Kingdom of Italy and the proposed settlement with France are unjust and unfair to the American taxpayers and not in accordance with the capacity or ability of those nations to pay.

During and after the late World War our Government loaned several billion dollars to foreign nations. We should not forget that our Government borrowed from our people the money which we loaned these Eureopean nations, and that we must repay this money, principal and interest. We must redeem our Liberty bonds, which were issued for the money we borrowed to make these loans. In the last analysis every dollar of our foreign debts that we remit or cancel must be paid by the Government of the United States, which means that the people of the United States will be taxed to make up the amounts lost by these gigantic gifts to our foreign debtors. In making the loans a contract of payment was made, and I believe that contract should be kept with the same faith that the law of this country demands of individuals. Contracts between nations ought to be as strictly kept as among individuals.

The amount of the Italian debt was $2,042,000,000; the present worth or cash value of the settlement to our people is $538,000,000, or a virtual cancellation, or gift, of $1,500,000,000 to Italy. The settlement with Italy granted a virtual cancellation, in my opinion, of 75 per cent of the debt which they owe us. Under the terms of the settlement the Italian Government will pay us no interest for five years, while the people of our country are glad to borrow money at from 6 to 10 per cent interest. I have heard much sympathy expressed for the taxpayers of that country, and others. Is it not time that the American taxpayer should also be considered? I wonder if the American people fully realize how generous this Congress has been to some of our foreign debtors, and at the expense of the American taxpayers? Our people will never approve this gigantic gift to the Italian Government at their expense—once they fully understand it. We have canceled as much as 75 cents on the dollar in some instances. In fairness and in justice to the American taxpayers should we cancel 75 per cent of the debt of any country? Our generosity will result in a greater tax burden being placed on the backs of our now overburdened American taxpayers.

We loaned Italy $1,600,000,000 of the taxpayers' money of this country. This amount, with interest that has accrued, makes the debt now $2,042,000,000. Under the terms of the settlement for the first five years, or until 1930, no interest is charged against the Italian debt or the Italian taxpayer. During that time only $5,000,000 a year is to be paid us on the principal. The Italian Government gets $16,000,000 in German reparations this year, or three times as much, and more, than she pays us. During the next five years they pay us $25,000,000, and they get from German reparations a total of $134,000,000. From 1930 to 1940 they pay us one-eighth of 1 per cent interest; from 1940 to 1950 one-quarter of 1 per cent; from 1950 to 1960 one-half of 1 per cent; from 1960 to 1970 three-quarters of 1 per cent interest, and from 1970 to 1980 1 per cent interest, and for the last seven years 2 per cent interest. This makes an average of forty-two one-hundredths of 1 per cent interest per annum that they are to pay us. I deny that that is the full capacity of the Italian Government to pay.

During the five years I have mentioned Italy does not pay us any interest and only pays $5,000,000 per year on the principal, while our taxpayers, during the five-year period, must pay $400,000,000 on this same debt in interest or in taxes. May I ask again, is that a fair settlement to the American taxpayers? Our people will think more about these things than this Congress has done. I voted against the settlement because I am not going to do the taxpayers of America an injustice if I know it. With the dire distress in my country and district, especially in the farming and mining communities, I do not believe that one-third of my people are any more able to pay their taxes than are the people of Italy to pay their taxes. It seems that this term "capacity to pay" is only applied to our foreign debtors—if we do not pay our taxes in America they grab our property and sell it without asking any questions or how much "capacity" we have. I think Italy could have taken some of the war reparations she receives and pay it to the taxpayers of this country who loaned them in

time of need. Our people have as much trouble in meeting their taxes, which are now coming due all over the country, as the people of some of our foreign debtors. I believe this is the wrong policy. We are reducing the burdens of the people of other nations, but adding to the burdens of our own people.

We were asked to cancel three-quarters of the Italian debt, which means an additional tax burden amounting to approximately $7,000,000 for the American taxpayers in each of the 435 congressional districts of the United States. The terms of this settlement will transfer that amount of taxes from the Italian taxpayers to the people of every congressional district in our country. The friends of the settlement have stated that about 25 cents on the dollar represented the full capacity of Italy to pay. The only question considered was the present capacity of Italy, based on the present facts—not upon future facts but upon present conditions in that country. They have described the destitute condition of the Italian people; let us not forget that there is also destitution among some of the patriotic American people who contributed to the Liberty loans and who must pay the additional taxes for every dollar that we cancel. The money which our Government loaned to Italy was borrowed from our people. I am sure that the many patriotic business, professional, laboring men, and farmers in my district who subscribed to the various Liberty loans until it hurt, will not be given a chance to settle their debts in accordance with their capacity to pay. Our farmers borrowed from our Federal Government under the farm loan act; they are expected to pay; many of them are now unable to pay. Their mortgages are being foreclosed and their homes sold, yet I do not hear one word about settling with the tax burdened American farmers in accordance with their capacity to pay.

It is passing strange that the Italian Government can pay the banking house of J. Pierpont Morgan, of New York City, and other international bankers, 8 or 9 per cent and large commissions, on a loan which they have negotiated amounting to $100,000,000, and yet they pay our Government only one-eighth of 1 per cent interest. Over $600,000,000 of the money we loaned Italy was borrowed from us after the close of the war. Why should we consider for a moment the cancellation of any part of that amount borrowed after the armistice? I do not believe the Government of Italy is bankrupt; they make no such claim. Many figures have been presented showing the capacity and incapacity of that country to meet the terms of the settlement. Italy and France were debtor nations before the war. Italy met the situation by sending her laborers out into the world. Many of them came to the United States of America where we, as Americans, believe in a living wage. They secured this wage and they have followed the practice of sending a great part of it back to their mother country.

It has been estimated that the amount returned to Italy by her laborers in this country is, approximately $150,000,000 annually. The tourists of the world for many years have gone to Italy to gaze upon the grandeur of that great nation and have freely spent their money. Italy receives from $150,000,000 to $200,000,000 annually from tourists. Many new industries have been developed and all indications point to the future prosperity and greatness of that kingdom.

She has a great shipbuilding industry; she has a great silk industry; she has a population of over 40,000,000 people; and her national estimated wealth is approximately $35,000,000,000 to $40,000,000,000. She will receive several million dollars annually from war reparations. With unlimited water power her industrial development is assured. Italy, under the settlements made with England and the United States, will have an external debt of approximately $1,210,000,000. If you take the indebtedness of this country—Federal, State, and local—and add to it what is to be saddled on our taxpayers through these foreign debt settlements, our indebtedness would be $40,000,000,000. Our people pay more than three times the amount of taxes paid by the people of Italy. The people of Italy are paying approximately the same amount they paid during the war. Our taxes have been increased approximately three times since the war, as compared with those of Italy.

In voting against the Italian debt settlement, I did not vote against Italy or her citizens, but voted for America and her citizens, including every naturalized Italian citizen. I voted against adding to the tax burdens of our own people. Our debt to Europe has been paid. We sent 2,000,000 of our boys over there. We raised 4,500,000 men for the Army and Navy for the purpose of prosecuting the war. We furnished and financed virtually $9,500,000,000 worth of supplies, not only for the Allied governments, but helped feed their civilian population. We took their "demand notes," bearing interest at 5 per cent, for the money we loaned them as per agreement. We entered the great World War to vindicate America's honor; we saved the Allies from defeat—we went to their rescue in the hour of need. After the war ended and peace came, we did not ask or claim any of the spoils of war. We received no reparations or territory. The war had cost us $24,000,000,000, omitting these allied loans amounting to $9,500,000,000. France took her $5,000,000,000 of war reparations. Many of the European nations extended their domains and made rich territorial gains and wealth.

Our American people played an honorable part and our American taxpayers have a perfect right to ask an honest settlement and fair payment from our foreign debtors. We have their solemn written obligations to repay the money they borrowed from us. We have not tried to exact the full amount. We were willing for some concessions to be made to all of our allies in the World War. We are only asking our foreign debtors to pay to the American Government the money that we must pay to those from whom the Government borrowed this money. Italy has the ability to keep a large army of approximately 220,000 men in active service, with an air force and secondary army, which brings the entire military force of that country up to approximately 5,680,000 men. France is maintaining an army of over 700,000 men. She has been spending millions of dollars in carrying on an unwarranted war. It is not fair that the American taxpayers should shoulder this additional burden while European nations spend their money on large armies and navies that endanger the peace of the world.

Before the late World War the great nations of Europe had been preparing for war; all were ambitious for supremacy and power; all had armed to the teeth and furnished themselves with every modern instrumentality of destruction. At the close of the war those who were victorious took their share of the spoils. America did not ask for anything. These settlements are only the first step in the scheme by international bankers for the ultimate cancellation of our foreign debts. Those who favored cancellation of these debts have already made a splendid start, in my opinion. These settlements are not settlements but only the first step toward ultimate cancellation of all our European war debts. Those who favored cancellation will attempt to reopen these settlements and make additional reductions in the future; this agitation for complete cancellation will be continued.

Prof. Irving Fisher, noted economist and professor of economics at Yale University, has shown the true character of the French and Italian debt settlements from a banking standpoint. His statement is to the effect that the bulk of our war debts have been really canceled and that the French and Italian terms are for but 42 and 21 per cent of the debts they owe us, respectively. Discounted at 5 per cent, the interest which they agreed to pay, his statement shows that the present worth or cash value of the French payments, which are to be extended over 62 years, is only $1,695,000,000—42 per cent, or a trifle more than two-fifths of the $4,025,000,000 France owes us. France is granted a cancellation of 58 per cent of her debt. We will receive 42 cents on the dollar under the terms of the French settlement.

According to Professor Fisher, the present worth or cash value of the Italian debt of $2,042,000,000 discounted at 5 per cent is $432,600,000, i. e., only 21 per cent of the principal. Italy has 79 per cent of her debt canceled, and the average rate of interest which she is to pay us on her debt is only four-tenths of 1 per cent; that of France is 2.4 per cent. Is that a fair settlement?

We are receiving less from these two countries than they borrowed from us after the close of the war. It has been estimated that under the terms of the Italian debt settlement we are placing an additional and unjust tax of $14 on every man, woman, and child in the United States, or approximately $70 on the average American family.

Under the settlements negotiated with 11 European nations we have canceled or remitted more than $3,025,000,000, which means an average additional tax burden of $28.33 on each man, woman, and child in the United States, or about $141.65 on the average American family. If we are going to cancel these interallied war debts in whole or in part, why not say so openly and candidly? Why should we put over settlements which are in effect cancellations without telling the American people what we are doing? Why camouflage and conceal the real truth from the American taxpayer? Our action will encourage the militaristic policy of European nations. If our high financiers and international bankers would stop loaning them, they would make an honest effort to settle with our Government. Nations should be just before they are generous.

I have no apology to make for my vote on our foreign debt settlements. Taking advantage of an unjust newspaper article concerning my vote on the Italian debt settlement, much unfair

propaganda has been spread over my district against me. Mr. Chairman and gentlemen, you can not deceive the American people. I shall earnestly try to perform my duty to the people. I have been threatened with defeat in the coming elections for voting as I did. I have tried at all times to square my vote with my conscience and my best judgment. A congressional honor and mantle becomes one of dishonor and shame when purchased at the price of the sacrifice and surrender of independent political thought and manly self-respect. I do not believe the taxpayers of my district, if they fully understand these settlements, are in any frame of mind to make these large donations to our foreign debtors. I am perfectly willing to leave the result of my vote with every fair-minded voter and taxpayer of my congressional district, and I honestly believe they will approve my action. I protest, with my voice and vote, against this additional tax burden on the American people. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. UPDIKE].

Mr. UPDIKE. Mr. Chairman and Members of the House, first of all I want to express my appreciation to the distinguished gentleman from Illinois [Mr. MADDEN], whose ability and leadership in this House I respect very highly. I was somewhat reluctant to take the floor of this House and call the attention of the Members to the fact that before we adjourn this session of Congress it seems to me that we should give consideration to the Elliott bill for the further relief of the veterans of the Civil War, their widows, and orphans. [Applause.] I have a great deal of respect and confidence in the leadership of this House, and only after due deliberation on my part and only after I am convinced that Congress is about to adjourn without taking up this important legislation did I decide to express myself upon the matter.

If there ever was a class of veterans, widows, and orphans who need the attention of their Government at this time, it is the Civil War veterans. [Applause.] Most of them have passed their eightieth birthday, and most of them are permanently disabled and unable to depend upon themselves for their livelihood. The commander of a great army who fails to care for his troops and treat them properly in time of an actual emergency will always lose and fail to function properly in time of battle; and if a government is to function properly and have men who are willing to sacrifice for her and defend the emblem of her sovereignty she must in turn show her willingness to sacrifice and take care of her noble warriors and defenders in time of peace. [Applause.]

Mr. MANLOVE. Mr. Chairman, will the gentleman yield?

Mr. UPDIKE. Yes.

Mr. MANLOVE. It may be of interest to some of the Members of this House to know that the distinguished gentleman from Indiana [Mr. UPDIKE] now addressing the House was one of the gallant soldiers who fought in the trenches of France in the World War. He sustained almost 100 wounds. He lost 3 inches in height by reason of having his backbone shot out. He is one of America's outstanding heroes. [Applause.]

Mr. UPDIKE. Mr. Chairman, we who were fortunate enough to serve this great country on the battle fields of France during the World War have a sympathetic understanding for the men who fought in the Civil War, and we are being taken care of as rapidly as the Government can, especially the disabled, and, of course, you all know the suffering we went through during the great strife; but when you think of the conditions under which the Civil War veterans fought and how marvelously they responded and, again, when you consider after that great war was over they were neglected and some of them were forced to beg in the streets in order to keep body and soul together, and when you consider that they did not receive compensation for the injuries received in the service, as the boys of the late war; and, further, they were never given a bonus and never asked for any for their services, what gentleman would say that these old fellows, who have given up the early opportunities of their lives, just because they have lost some of their usefulness, should be turned away to die without proper care? I am sure this would not be in accord with the spirit of Americanism or the spirit of the American people, who have always stood for fair treatment and justice to all. [Applause.]

Mr. Chairman, the thing that I am concerned about is that when you consider that only a few weeks ago this House passed a bill in 20 minutes under a suspension of the rules authorizing the expenditure of $165,000,000 for the building of new public buildings in the United States, of which I have no criticism to make, and want to say frankly I voted for and supported the bill because I knew the necessity of the same, yet we are about to deny the expenditure of a few million dollars for the old soldiers of the Civil War, who stood by this Government and sacrificed their blood in the preservation of this Government nearly 61 years ago, when they are only asking the right to a fair and just pension for the remaining years of their lives, which everyone will agree can not exceed five or six years.

My argument is that the membership of this House should be given the opportunity to decide whether we are going to stand by these poor old men, and I dare say, if given this opportunity, the answer would be unanimously in favor of its passage.

Now, gentlemen, let us honor and respect the dead, but let us not forget the living. Let us wash our hands by this act of justice as we see it in this bill. Let us pay our honest debt of gratitude to those who are deserving and to those who need and will appreciate it, and forever promote and stimulate a new spirit of patriotism in the souls of our future generations. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield 35 minutes to the gentleman from Georgia [Mr. UPSHAW]. [Applause.]

THE FUTURE OF THE DEMOCRATIC PARTY—DEMOCRACY "UNDEFEATED BY DEFEAT"

Mr. UPSHAW. Mr. Chairman, before the curtain falls on this session of Congress, I am yielding to an impulse of loyalty to my party and my country to submit some observations for vacation contemplation concerning "The future of the Democratic Party—Democracy undefeated by defeat."

It is related that when the city of Toulon rebelled against the victorious forces of the new Republic of France and declared its loyalty to the boy king, a young artillery lieutenant named Napoleon Bonaparte was called into consultation. Studying the map carefully he finally placed his finger upon the fortified citadel above the city and said, "Toulon is there."

"Very well," said his superior officer, "go forward on that assumption." And the daring young genius laid his plans, and seizing upon a stormy night, scaled the heights, stormed and captured the fort, and when Toulon saw the tricolor of France waiving above the fort next morning, she lifted the white flag of surrender.

Napoleon had sensed and compassed the situation. The destiny of Toulon was bound up in the mastery of the armed fort.

If somebody were to ask me to diagnose the Democratic debacle of November 4, 1924, I would point to that smoldering heap of dust and débris one time known as Madison Square Garden and say, "November 4 was there." And when I passed that scene of folly and slaughter a few nights ago, I looked on it with something of happy acquiescence and said: "All right, old spot, you will never again sow the seeds of disaster to the party I love so well." Verily, Madison Square Garden and that fatal November 4 are inseparable in our melancholy memories for evermore!

In approaching, as Henry Grady used to say, "with a sense of consecration" a discussion of "the future of the Democratic Party," we must deal in courteous but faithful frankness concerning the elements that entered into the last two presidential defeats—the last one, especially, when there was originally no reason for such a result. Some of our best Republican friends would say, in the frankness of cloakroom fellowship, "Well, I'll confess this looks like a Democratic year." And upon my word they said it even after the nomination of the Cleveland convention.

And we might as well look the facts straight in the face; no man can properly weigh Democratic assets without also discussing Republican liabilities. The impartial historian will be compelled to record what we can say now without partisan bitterness—that the Republican Party went into the last presidential campaign with a fearful handicap. In addition to the fact that three Cabinet officers had been forced to resign as the result of an almost national protest, and another high official, almost the equal of a Cabinet officer, had been driven from office under a tragic cloud, five years of unredeemed pledges to World War veterans, and the colossal economic burden of an iniquitous tariff that makes the rich richer and the poor poorer—all these terrific handicaps plied themselves into a seemingly insurmountable barrier across the path of the Republican Party on its way back to the White House.

The Republican leaders faced their stupendous task, to say the least, with anything but radiant optimism. It was no small matter to go before the country with practically the unanimous opposition of the soldier vote of the Nation. Right or wrong—that is not the question now—but everybody knows that the Republican majority played with the soldiers' bonus for five weary years. If it was right, it should have been passed in 30 days; if it was wrong, it should have been promptly repudiated as a party or national policy. But the party hesitated, vacillated, equivocated—and finally "fabricated" on the question. [Laughter.]

The Republican platform declared for it, and President Harding, three days before his election, affirmed his purpose to

support it; and yet, when a tombstone bonus was finally passed after five years of winking at the soldier vote out of one eye and at Wall Street and "big business" out of the other, President Coolidge vetoed it with the declaration that "patriotism is dead," if such a measure is indorsed.

AFRAID TO MOVE

The whole hesitating, vacillating, equivocating procedure makes me think of the poor fellow down at Columbus, Ga., who had spent all of his living for years trying to cure himself of indigestion. Finally his old grandmother, who had a homemade remedy for every ill, said to him: "Sam, I know you have been having lots of trouble with your 'innards.' If you will take this egg, Sam, and swallow it whole without breaking the shell, it will cure you, Sam; but remember, you must not break the shell before you git it down in your insides; then, Sam, the operation of your digestive organs on the shell will make 'em so tough that they can chew up anything you chew down." [Laughter.]

After great pesteration, perturbation, and strangulation Sam managed to get that egg down just before it choked him to death; and as it fell from that part of his anatomy that connected his corpus with his caput and lodged in the cavity below it grew bigger every minute. He felt that Stone Mountain had been lifted from its eternal foundations and planted within his internal regions. [Laughter.]

His eyes stood out on stems, his breath grew shorter and faster. "Why don't you move off? Maybe it will help your feelings," said a friend standing by. "I'm afraid to move," said Sam. "Afraid of what?" shouted his impatient friend. And Sam replied: "I'm afraid if I move it will break; and if I don't move, I'm afraid the blamed thing will hatch!" [Laughter.]

That was the attitude of the Republican Party on bonus legislation—afraid to move toward the bonus lest Wall Street would break their campaign purse, and afraid if they did not move the soldiers and their millions of friends would pulverize them at the next election.

Thus, too, did the President hesitate and equivocate on the sugar investigation, pursuing the policy of "watchful waiting" until the election was over, and thus again did he hesitate and actually abdicate on the question of the klan.

"This is the third time I have written you, Mr. President, for your position on this klan question," wrote a colored leader in New York; "We negroes have supported the Republican Party for more than 50 years, and we have a right to know how you stand on this here Ku-Klux Klan."

But Calvin Coolidge shut his lips and shook his head. And then a "Hoosier" patriot grew rantankerously impatient. "We've simply got to have an expression from you, Mr. President, on this klan question. Indiana hangs in the balance."

And then "that little bit of Vermont granite," as Raymond Robins called him, found a voice, and that cautious voice said, "Bascom, you are my secretary; you answer that."

And the wise and genial Bascom wrote:

MY DEAR MR. BLANK: I have your letter to the President. His position is so well known on this klan question—

Goodness gracious, how on earth did it become known? For he had never told a soul—

I count it unnecessary to make any deliverance upon it. I will say this, however, that he does not belong to the klan and is opposed to some of its methods.

I have the honor to be, sir,
Your obedient servant,

BASCOM SLEMP,
Secretary to the President.

Or words to that effect. But, the presidential candidate, never a word! [Laughter.]

THAT WILY MOHAMMEDAN PRIEST

All of which made me think of that canny Mohammedan priest who came out from his cloister, after the manner of his kind, bowed and salaamed to his audience, and said: "Know all men what I shall say?" "Yes," they said, "We know," and he answered: "Well, if you already know, I will not tell you."

Back into his cloister he went and soon returned, and bowed again and said: "Know all men what I shall say?" "Nay," they answered, "we do not know." "Then," said the wily priest, "if you do not know, you haven't sense enough to know if I were to tell you." And he went back into his cloister.

Whereupon the congregation agreed among themselves that next time one side of the aisle would answer "Yea" and the other side would say "Nay." And when the priest returned and salaamed again, he asked: "Know all men what I shall say?" One side answered "Yea" and the other, "Nay, we do not know." And then Calvin Coolidge Mohammed naïvely replied: "Let those of you who do not know, ask those who do know—I will tell you nothing." [Laughter and applause.]

And thus the presidential candidate kept so quiet on the Klan that he evidently got the blessing of the Imperial Wizard and carried the Klan vote in every doubtful State; and then he opened his mouth so wide before the Holy Name Convention here in Washington that he got the blessing of the Pope. [Laughter and applause.]

Shades of political smoothness and shrewdness, thy habitat is among the rocks and rills of New England, and thy name is Calvin Coolidge! But, be it remembered that it was after the nomination of that shrewd scion of Plymouth Rock that our frank Republican friends would good-naturedly make all sorts of confessions in these cloak rooms.

"You win this time," said our genial foes. "We win this time," said our hopeful friends, "if—if—if the national convention don't kick over the bucket in New York." But, oh, my countrymen, you know the tragic story!

"What was the matter?" so many mournfully said. And the answer has come to me from all sections of the Nation, "Too much Madison Square Garden, and too much radio broadcasting of the hoots and howls of Bowery hospitality." This is no fairy tale; this is not merely the simpering whine of defeat; it is the solemn record of tragic history.

WILL DEMOCRACY LEARN THE LESSON?

My chief concern now is this: Will the Democratic Party learn the lesson? I ask this question, not in a captious spirit but with a deep and burning desire to help my party learn.

All over the country I have heard honest, earnest, patriotic people say: "I heard the proceedings of that New York convention. Day after day and night after night my family and neighbors sat around the radio and heard hisses greet the name of a former Cabinet officer who for six years during the Nation's greatest trial handled $40,000,000,000 without a stain upon his hands. We heard hoots and catcalls greet and drown the name of a great Christian statesman, seer, and prophet who had been 30 years before the American people without a fleck upon his name; and we said as we sat around that patriotic fireside, "If that is Democracy, we do not want it."

And here is the incontestable logic of facts:

For the first time in a generation the American voter failed to rebuke and repudiate the party that put a high protective tariff on the tables and on the backs of the American people. I remind you that when the Dingley tariff was enacted and the people began to pay the bill they retired the Republican Party at the next national election. I remind you that when the McKinley tariff bill was passed and the people began to feel its teeth they not only retired the Republican Party but the good McKinley himself went down in defeat.

I remind you again that when the Payne-Aldrich tariff was put into law and the people felt its high-priced burdens upon their purses and their homes political disaster overtook the Republican Party on the first Tuesday in November.

This plain recital is not made in partisan bitterness, but is the faithful chronicle of events in the economic and political history of the United States. What then?

The Fordney-McCumber tariff is just as vicious from the standpoint of the high cost of living as the Dingley, McKinley, and Payne-Aldrich tariffs were. Why did not the American people visit the same condign punishment on the party that perpetrated it? There is but one answer, and that answer is found in Madison Square Garden. The people—the plain, simple, God-fearing people—said: "Down with our dollars—forgotten are our revenues in an hour like this. We are willing to pay more for our clothes and pay more for the food we eat and the tools we handle if we must swallow Madison Square Garden in order to save a few dollars."

That is the logic of history. "But, ah," answers some stalwart Democrat, "you forget that we gave an attractive platform to the people—safe in economics and wholesome in national ideals, and we nominated for President one of the most brilliant and stainless men ever presented to the American people by any political party!" [Great applause.] Why did not such a combination win?

My answer is ready. "Too much Madison Square Garden! Too much radio!" The people, the plain, everyday sort of American people, with a regnant conscience and a consuming love of home and righteousness, were not able to see platforms or platitudes or powerful personalities in standard bearers. They looked beyond them all and said with the master of Concord philosophy: "What you are speaks so loud I can not hear what you say!" This is Democracy's lesson, written in ashes, in tears, and almost in blood. And I say it reverently—God help my party to hear and heed! [Applause.]

THE NATION NEEDS DEMOCRATIC IDEALS

Thomas Jefferson would not have recognized the party he founded if he had looked through the lens of Madison Square Garden. And the American masses, likewise looking through that lens with Jefferson, failed in that recognition, and the governmental tragedy before high Heaven is the fact that the American people need the economic ideals of Jefferson enacted into law. "Equal rights to all; special privileges to none." You can not beat that as a practical program of economic legislation. [Applause.]

And it is nothing less than the brazen robbery of the toiling masses; it is nothing less than the desperate despair of that great Jeffersonian truth which refuses by legislation to make the rich richer and the poor poorer, to see that great governmental truth shrouded and clouded in the fumes of beer kegs and liquor barrels. This is no pessimistic, puritanical dogma. It is the twice-registered verdict of the American masses.

WHAT OF THE FUTURE?

What of the future, if any, of the Democratic Party? I answer in the paraphrase of what Adoniram Judson, the great missionary to Burma, wrote when his supporting friends back in America became impatient because conversions were so slow. Tediously translating the Bible into the Burmese tongue and translating its saving, regenerating truth with his own heroic life while he toiled seven years for his first convert, that great apostle of light and life who with William Carey, of England, fringed the southern shores of oriental paganism with the beauty and glory of our conquering Christianity, wrote back to his anxious friends: "The future is as bright as the promises of God."

I answer: The future of the Democratic Party is as bright as the shining path of conquering truth, if its titular heads and the rank and file of the Democratic masses are willing to "clean house," not only in platform platitudes, but in the personnel of its leadership and its affiliations.

A BLUE PRINT FOR DEMOCRATIC SUCCESS

I frankly believe that I hold in my hand a blue print for Democratic success, not only at the next national election but for many succeeding elections. Let the Democratic Party rededicate itself to the vital, basic principles of its illustrious founder. Let it seek no party alliance with any set or section that will consider for one moment any surrender of principle for the sake of campaign expediency. Let it never perpetrate another pitiful, inane straddle like both the Cleveland and New York platforms concerning the "enforcement of all law," but let it be brave enough to hit the crime that is palpable in its constitutional defiance, recognizing the startling fact that the enemies of decent, sober, constitutional Americanism are blasting at the very foundations of our Government and challenging the very soul of the Nation itself, and let the Democratic program both in platform and in candidate demand the strict observance and enforcement of the eighteenth amendment and its supporting statute, not in glittering generalities but by specific declaration; not by cringing innuendo and indirect inference but with a ringing, unequivocal pronouncement that will hearten the God-fearing masses of America and electrify the watching world! [Applause.]

This militant program will win for the Democratic Party, and nothing else will.

Nay, nay, says the timorous Democratic soul, with his ears and eyes blinded by tom-toms and beer fumes from the great "wet" metropolitan centers—we will lose New York and New Jersey, Rhode Island, Connecticut, and Maryland if we thus declare our party as sober and as conservative as the Constitution of our country! I answer without hesitation, equivocation, or fabrication that we want New York, but we want New York sober! [Applause.] We want New Jersey, but we want a State that does not glory in two United States Senators, one a Republican and the other a Democrat, each vieing with the other for the crown of greater "wetness." We want Maryland in the Democratic Party, but we want a State that does not glory in the fact that it has never joined its sister Commonwealths in supporting the eighteenth amendment to the Constitution of our country. [Applause.]

And so, if the Democratic donkey ever expects to graze again on the refreshing verdure of the White House lawn he must not stop too long in the big "wet" pastures just mentioned; for if he does, some blind wet politician, caring more for local success than national victory, will load him down with beer kegs and whisky bottles and some "damp" fool candidate will jump astride his back and ride him to a brewery instead of the White House. [Laughter.] Frankly, we covet the Democratic fellowship of our colleagues here who help us in some of our economic battles, but if they ride the Democratic donkey next time they will have to "run and jump up." We can not stop long enough to imperil our journey with luggage which the American people have constitutionally declared shall never again enter the White House of this Nation. [Applause.]

If, however, some blinking captain of Democratic expediency forgets the lessons of San Francisco and New York, when a servile surrender to "wet" counsels spelled two successive defeats—if he, I say, reminds us of the size of the electoral vote of New York and Pennsylvania, I answer that while "wet" New York and "wet" Pennsylvania are big, "dry" America is bigger. [Applause.] And the fiat is written in millions of happy, redeemed American hearts and homes—written, I tell you, on the "burnished ceiling" of the American sky, that no party or candidate that surrenders one inch or atom on this great moral, ethical, and economic question shall ever again be trusted with the reins of government. [Applause.]

EXPEDIENCY DOES NOT DESERVE SUCCESS

Any party or candidate that exalts campaign expediency above a great moral or constitutional principle does not deserve to win. The heroes of history, whose names pierce the ages as they pile themselves upon them, never took counsel with ethical evasions and moral cowardice.

The party of Jefferson faces an even greater opportunity than it did before going to the New York convention. The party in power is greatly weakened from a lack of unity of purpose and legislative achievement. While three Members of the Cabinet have not gone out, such election scandals as Illinois and Pennsylvania have just revealed have shocked the moral sense of the Nation.

I have always contended that there is as much liquor in the Republican Party as there is in the Democratic Party, but hitherto the Republicans have been smart enough to get away with it. [Laughter.] But now no more will the Democrats be cited as holding the "king bees" of wetness within their borders. The poor old G. O. P. elephant, battered, begrimed, and befogged, offers no bantering challenge to the frisky emblem of our Democratic devotion. [Laughter.]

Oh, for a constitutional, sober, militant democracy, too clean and honest to jockey with timeservers, and too broadly and loyally American to demand that an acceptable standard-bearer must come from some doubtful "wet" State up North, whose cardinal qualifications of fitness hinge only on his imaginary vote-getting possibilities—a democracy so all-embracing in its Americanism that its Jeffersonian principles are not hampered by the latitude of birth or the longitude of application! I salute such a triumphant democracy as "undefeated by defeat"—a democracy so all-sufficient in its own dynamic essence as to hold the economic hope of the emancipated masses of America. [Applause.]

I remind you, in conclusion, that the Democratic Party has won only one Presidential election since the Civil War when the Republican Party was not divided, and that was Woodrow Wilson's second election, when the universal dread of war held us and swayed us at the polls.

That division is here again. The very stars in their courses seem to be fighting for our future—if we will only put moral stamina and spiritual considerations above the clash and clatter of material contentions.

At the funeral of that stainless and far-sighted Democrat, William J. Bryan, a brilliant but "damp" New York Democrat leaned over and said to me, with something of a grim smile on his face: "I have only one thing against you." "I know what it is," I answered, and then looking toward the great Commoner's flower-laden casket, I said: "But you will have to agree that he and I have been as conservative as the Constitution of our country, and that we have practiced what we have preached." "Oh, yes," he said solemnly; "that is true."

And yet that man is one of those leaders who hope, since Mr. Bryan's death, to dominate the next national convention with the "liquorized" ideals which that great leader fought so bravely and so long.

BRYAN'S DEMOCRACY STILL LIVES

Stay, not so fast, my Democratic comrades, for I swear by the Constitution which he helped to make sober, and by the American flag which he helped to make stainless before the eyes of our children and the eyes of the restless, staggering world, you shall not trample with unholy feet upon the "vocal dust" in William J. Bryan's grave. [Applause.] If one blast from his clarion horn was worth 10,000,000 men while he lived, then that new-made grave in Arlington will wake 10,000,000 God-fearing patriots to defend the deathless principles for

which that great Gladstone of America lived and wrought and died. [Applause.]

It was his lofty ideal that the party that he loved so well should never be the guardian of the defiant liquor traffic, which he helped to outlaw, and it was his great economic dream that his party of human emancipation should build American solidarity, not by protecting the master of wealth at the top, so he could take care of those below, but rather to protect the humble citizen in his worthy aspirations, so he could grow and develop into economic independence; for Bryan believed with Henry Grady when, in his greatest of all speeches at the University of Virginia, he declared concerning those who would build a rich government out of a poor people:

> These men, were they intrusted with the management of the solar system, would shred these planets into the sun, and little reck that they had kindled a conflagration that presaged eternal night.

[Applause.]

The future of the Democratic Party is "writ where stars are lit" if its fundamental Jeffersonian doctrine of "equal rights to all and special privileges to none" shall be allowed an untrammeled march to victory, but its "place in the sun" above the White House of the Nation will be forever eclipsed unless it purges itself of that influential leadership which would barter constitutional integrity and national righteousness for the political favor of the great un-American centers of America. [Applause.]

Because I love the party of my fathers and believe in its deathless mission to my country that I love even better; because I love my Southland, beneath the beauty of whose arching skies I rejoice to have been born; and because I am proud of the enriching contribution which the South and its loyal political guardian through many trying years have made to the building of this Nation, I plead and pray for my party's complete regeneration, knowing that the great God-fearing masses of America are positively hungering and thirsting for a ringing utterance in platform and candidate that will thrill with moral majesty. With such an utterance of constitutional Jeffersonian Democracy, the future will be "like the path of the just, that shineth more and more unto the perfect day." [Applause.]

Mr. MADDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. MANLOVE].

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. MANLOVE. Mr. Chairman and gentlemen of the committee, had the great American heart-poet, Henry Wadsworth Longfellow, left to the world only one contribution, his "Psalm of Life," he would have been recorded in the pages of time as a benefactor of all mankind. It is indeed inspiring to contemplate the thought so beautifully expressed in that verse:

> Lives of great men all remind us
> We can make our lives sublime,
> And, departing, leave behind us
> Footprints on the sands of time.

Oftentimes I wonder how many of those whom we now call "great" were so acclaimed while in life. History records that too often the brilliancy of genius has been clouded to those who in their everyday walks of life were thrown into close proximity therewith.

With this in mind, I take pleasure in again calling the attention of my colleagues to the fact that we have in our presence one who has given to our Nation a contribution which will stand out as a beacon light of patriotic thought so long as time shall last—for here, on at least one spot of the earth's surface, a government of the people, by the people, and for the people shall live forever.

I refer, as you may well conclude, to the distinguished Clerk of the House of Representatives, Hon. William Tyler Page [applause], the author, and quote his inspiring donation, "The American's Creed":

> I believe in the United States of America as a government of the people, by the people, for the people, whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.
>
> I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

I want to say to my colleagues to-day that, notwithstanding the remarks that have been made claiming inadequate enforcement of law, there never was a time in the district from which I come, a wonderful part of the country, when the people more ardently loved their country, supported its Constitution, obeyed its laws, respected its flag, or stood more ready to defend it against all enemies either from within or without.

I am not familiar with conditions in the more populous centers, but I take pleasure in stating that the beautiful city of Joplin, Mo., which is my home, is to-day probably the cleanest, with the most law-abiding citizenship, of any city in its size in the United States. [Applause.]

Everywhere throughout my district the people are happier and more contented than ever before.

I come to-day as the Representative of the people of that great district to compliment and thank the author of "The American's Creed," who has given to us an inspiration like this. In order that the world may better understand the soul of our fellow man, I ask permission to insert as a part of my remarks an address delivered by Mr. Page upon the occasion of the graduation at the James Ormond Wilson Normal School in the city of Washington on the evening of June 24, 1926, as follows:

> Gentlewomen, your technical training is ended; your practical experience now begins. The superstructure of character is to be reared upon the foundation now laid. You are to do and to be. In whatever sphere your ambitions or destiny may place you there you still will be a unit in society and a responsible entity. There can be no escape for you from an inherent obligation of stewardship.
>
> You will be molders of thought and of public opinion. You have not been brought to your present estate to become mere hewers of wood and drawers of water; nor to that class of women who can not do what they are told to do; nor to that other class who can not do anything else.
>
> How shall you be guided and how shall you guide others?
>
> In one of the Apocryphal books it is written, "Nothing is so much worth as a mind well instructed."
>
> These words to the average person presuppose a developed intellect only. But education must fit for life work and therefore must include religion, must include some knowledge, at least, of the Bible and of the rudiments of religious teaching. Religious education is the great need to-day. Secular education alone produces a lopsided entity.
>
> It is computed upon reliable authority that in so-called religious homes there are over 20,000,000 young people between the ages of 5 and 25 who attend no Sunday school, including 12,000,000 boys and girls of school age. In New York City alone there are 860,000 in public schools, and only 260,000 in the Christian and Jewish Sunday schools, and this is probably typical of the large cities in America. What is the result? It is that crime and immorality is increasing among the young. How can this be offset? It would seem that it could be offset by a greater number of young people being brought within the power and influence of religious teaching. Because we have the testimony of Judge Fawcett, of New York City, to the effect that in the five years he has been on the bench as a judge he has had 27,000 boys before him for sentence and not one of them was an attendant at Sunday school.
>
> Into your care and keeping in the formative period of their lives will be intrusted not only the minds of boys and girls but their immortal souls and bodies as well, a tremendous responsibility which belongs first to the home and secondly to the church. You can not displace the family life and its influence, but you can supplement it and in part supply its lack, if need be. You can not take the place of the constituted authority of church, but you can be its collaborator and coworker. And thus you may become, as you ought to become, the third, but not the least important side of the triune influences—the home, the church, and the school that mold and train and shape the destinies of the young. Boys and girls of to-day, with unparalleled material advantages and facilities, are more amenable than ever before to strong, virile leadership, and with avidity will respond readily to that reasonable presentation of serious truths which will appeal to the best that is in them. Successfully, however, to build character as well as intellect, you must be to them a living example of what home and church have done for you; in short, a model.
>
> A people is but the attempt of many
> To rise to the completer life of one;
> And those who live as models for the mass
> Are singly of more value than they all.
>
> Keep but the model safe.
> New men will arise to study it.
>
> To-day you are at the gateway of life. It is as though you stood, ticket in hand, at yonder railroad station from whence roads lead in all directions. I bid you look up at the inscription above the entrance, writ in large words, and from them take courage and make high resolve:
>
> "Let all the ends thou aimst at be
> Thy country's, thy God's, and truth's
> Be noble and the nobleness that lies in other men—sleeping but
> Never dead—will rise in majesty to meet thine own."

This nobleness is a thing of the heart, and in essence is that reflex of the divine which finds expression in doing the will of Him in whose image we are made.

Paul, a Roman citizen and yet a Jew, who sat at the feet of Gamaliel, whose secular education was complete, whose knowledge of the religion of the Pharisees was incomparable, the world's foremost human preacher of the Christian religion, tentmaker, judge on the Jewish supreme court, apostle to the Gentiles, had this nobleness of heart which overcame all obstacles and made him a great molder of thought and an architect of character.

To the youthful Timothy he prescribed a formula, and I commend it to you for your study, for your own guidance, and to pass on to those who will come under your influence and direction. It is this—

Let no man despise thy youth; but be thou an example of the believers—

In word.
In conversation.
In charity.
In spirit.
In faith.
In purity.

Now, let us briefly analyze this advice of the great St. Paul to his brother in the faith—the youthful Timothy.

Youth was to be no excuse or handicap, so long as Timothy was an example of the believers. The world was watching this youth as it will watch you. He must be a pattern, a copy, something to emulate—an example of the believers worth while following. As a believer he must have a definite belief, must hold fast to that which was good, that which was true and tried and proved by experience; in short, he must have a creed, a "form of sound words."

Then he must be an example "in word." He must guard that unruly member, the tongue—not be a babbler, not given to the use of slang or of the vernacular, or to idle talk and gossip—but to choose his words, to read standard books, and absorb them and take them for his own. We are reminded in an old proverb that—

The spoken word is your master,
The unspoken word your slave.

'Tis better to "talk in silence" than to be a spendthrift of one's tongue, for "talkers are no good doers, be assured."

What the world needs to-day is more mediation and less agitation, more consecration and less controversy.

Next, he must be an example "in conversation." Now, this word "conversation" undoubtedly has a different meaning than mere informal talk. Paul uses it in another place when he wrote "your conversation is in Heaven." And when we come to trace its real meaning we find it really means "citizenship." "Your citizenship is in Heaven." How much better is this meaning. He would have young Timothy be a good citizen on earth by reminding him that he had also a citizenship in Heaven—a dual relationship. That we owed allegiance to Cæsar and to God. Not that these were two duties, but one. He must render unto Cæsar his things for God's sake.

As a believer he had a duty to the world in which he lived and to the powers by which that world was governed; he must not make religion an excuse for being careless in respect of any earthly duty, in regard to his family, his church, his country, or his business. The claims of Cæsar and of God are consistent.

We are commanded to do both—"render unto Cæsar the things that are Cæsar's and unto God the things that are God's."

The private duty to God is rarely inconsistent with public duty. The secular and religious duty in this life can no more be separated than can the body and the soul as an entity. They are one as the sea is one, yet separate only as the billows of the sea are separate. Our citizenship is twofold, that of earth and of Heaven, in the performance of whose duties they become one duty, submitting to every ordinance of man for the Lord's sake.

Be an example "in charity" is the next specification. This word "charity" must not be confused with almsgiving, itself a commendable thing. But here it has that greater meaning, "love."

Love is kind and suffers long,
Love is meek and thinks no wrong.

The love that comprehends brotherhood, that is forgiving, tolerant, slow to anger. In short, to "be in love" with our fellows, to live in an atmosphere of kindly affection—to love one another with a pure heart fervently. "In spirit." The example should be deep, not superficial, not showy, but natural, flowing out of a well-rounded life unconsciously, a living truth, reflecting the power of God's Holy Spirit—a dynamic force and an imperceptible influence for good upon the lives of others.

"In faith"—faith in God and in His promises. Faith also in your fellows—not suspicious, but trustful, steadfast.

The faith. Clinging to the eternal verities—the faith once delivered to the saints—not blown about by every wind of doctrine, not yielding to man's speculation, but holding fast to God's revelation.

And finally, an example "in purity." Purity of mind, heart, and body. Entertain good thoughts and crowd out the weeds of impurity. Sanctify your bodies in chastity and make them fit temples for the Holy Spirit.

Thus as an example your own youth or the youth of those who will come under your influence will not be despised by any man and you and they will grow upon this foundation in grace and in knowledge and in favor with God and man.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Missouri yields back five minutes.

Mr. BYRNS. Mr. Chairman, I yield to the gentleman from West Virginia [Mr. TAYLOR] 10 minutes.

The CHAIRMAN. The gentleman from West Virginia is recognized for 10 minutes.

Mr. TAYLOR of West Virginia. Mr. Chairman and gentlemen of the committee, at this particular time I desire to call your attention to H. R. 12702, introduced by me a short time ago, being a bill to provide free transportation to World War veterans who desire to attend the American Legion convention at Paris in 1927.

I distinctly recall the dark days of 1917, and how anxious we were that our boys should go overseas to help save the world for democracy. I remember how thrilled we were when the news first came that 50,000 men were on the high seas en route to France. We were not content to send this number alone. Seemingly countless other thousands were sent across until we had 2,000,000 or more on the soil of France, and there, with their comrades in arms, they stopped the onrush of German troops and freely offered themselves as a sacrifice upon the altars of world democracy.

Next year, when this great convention of the American Legion is held, thousands of these men who sacrified in 1917 and 1918 will want to go back to meet and mingle once more with their comrades of former years. The passing years since the great conflict have not dealt kindly with many of these and a large number will find that the trip they are now so fondly planning will be prohibitive because of the cost, unless a grateful Government comes to their relief in the passage of this bill.

We have ships and transports which are idly cruising without any definite goal. In my opinion, it would be a grateful thing for this Government to send these men to France again, this time on a mission of peace. Let them visit Paris, let them meet and mingle again with the poilus of France and with the men from every State in this Union who will be in attendance. Let them visit again the battle fields which they made famous and pause beside the grave of a "buddy" where the poppies grow. I believe that such a visitation would tend to a better understanding between the two nations and that there would be woven into the warp and woof of our national being the thread of a better understanding between France and the United States.

Before many of our soldiers were sent overseas in 1917 there were great misgivings as to the ability of our Government to transport a sufficient number of men within the required time. The process of evolving a transportation system was somewhat slow. We lacked training in this regard. The art or the knowledge of transporting men gained by experience during war should not be lost. We should "keep our hand in," so to speak, by sending these soldiers of former years abroad again. It is only by being prepared in this regard that we could hope to avoid the mistakes of 1917 and 1918. The experience gained would be far more valuable than could probably be secured by cruises of our transports and ships in other directions. I believe that this thing could be done for our ex-service men with little or no additional cost.

I am not officially advised as to the attitude of American Legion officers with respect to this legislation. I understand that some months ago the matter of transportation was intrusted to a committee known as the France travel committee. How far they have gone in working out plans for the trip I do not know, but I do know that I have heard from hundreds of the ex-service men and members of the American Legion in several States, and they are enthusiastic over the proposed legislation. I believe that when we return here next December we will have had sufficient interest aroused to approach this subject intelligently and that the bill can be speedily enacted into law if the men themselves so desire. The bill was referred to the Committee on the Merchant Marine and Fisheries, and copies of it are available. It is so short that I give it here:

Be it enacted, etc., That the President of the United States is authorized to provide, upon such terms as he may prescribe, for the transportation, upon such Government-owned ships as he may deem to be suitable for such purpose, from such ports in the United States to such ports in France, and return, as he may designate, of individuals

who were members of the military or naval forces of the United States during the World War and who desire to attend the American Legion convention at Paris in 1927, such transportation to be without expense to such individuals, and meals in transit on such ships to be furnished to such individuals at cost.

I sincerely hope that every Member of the House will give this bill some study, and I am quite sure that your constituents who are ex-soldiers of the World War will be writing you concerning it. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back five minutes.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAWLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, and had come to no resolution thereon.

Mr. MADDEN. Mr. Speaker, there have been a very great many requests for time on the pending bill, but a good many of the gentlemen to whom time has been allotted are not here, and that is the reason why we are rising so early. But I want to say on behalf of the committee that we are going to ask unanimous consent that we may be allowed to meet on Monday at 11 o'clock, and we give notice now that whether the time promised to anybody is used or not, on account of their absence this afternoon, we will close debate at 5 o'clock on Monday afternoon and we want to finish the bill by 5 o'clock on Tuesday afternoon. We are not going to extend the debate under any circumstances unless the House itself votes to compel us to do it. [Applause.]

HOUR OF MEETING

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet on Monday at 11 a. m.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-night it adjourn to meet on Monday at 11 a. m. Is there objection?

There was no objection.

CONSOLIDATION AND CODIFICATION OF THE GENERAL AND PERMANENT LAWS OF THE UNITED STATES

Mr. ROY G. FITZGERALD. Mr. Speaker, I move to take from the Speaker's table H. R. 10000, a bill to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Ohio moves to take from the Speaker's table H. R. 10000, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio.

Mr. RAMSEYER. Mr. Speaker, I think the gentleman who is in charge of the bill ought to tell us something about the Senate amendments; and I doubt the propriety of taking up the bill at this time, with so few Members present. We certainly ought to know what the Senate did to this codification bill.

Mr. ROY G. FITZGERALD. Mr. Speaker, there are three amendments to which I desire to call the attention of the House. Two of these amendments are matters which were inadvertently omitted in the preparation of the code. They were supplied by the House committee to the Senate and there incorporated in the bill.

The amendment which would most interest the House is the amendment which strikes out the entire first title of the code and substitutes other language for it. This amendment strikes out the reenacting and repealing provisions and provides that the code shall be evidential only. The bill as it passed the House provided that the code would on July 1, 1927, replace absolutely all the general and permanent laws in force December 7, 1925. As amended by the Senate this codification now becomes simply an evidential document. It is an authoritative statement by Congress of what the law is presumed to be and it shall be considered as such by the courts of the United States and all officials as prima facie evidence but as prima facie evidence only of the law.

It does not, as did the bill in the House, reenact any of the laws, nor does it, as the bill as passed by the House, repeal any of the laws. The law remains exactly as it is, but this codification is stamped by Congress officially as the collection in convenient form of the law, prima facie evidence only of that law, and always subject to the original statutes.

This amendment was imposed upon the House and the committee of the Senate by the Senate. Without this qualification or amendment it would have been impossible, apparently, for this bill to pass the Senate because the scope of this work is so large and the chance for error is so great that with all the safeguarding provisions which the House has introduced into Title 1, there was still felt apprehension of danger from error, even with the provision for postponement of its taking effect to July 1, 1927, which would permit a session of Congress for the correction of errors to intervene. The Senate felt that still the danger was too great to assume the responsibility of passing a bill of this magnitude and having it absolutely replace all the laws of the United States as was done by the Revised Statutes in 1874.

I believe this gives us a framework on which we can perfect the code and will supply the great need of the bench and bar and the people of the country, and it is certainly a wonderful advance and the culmination of over 25 years of effort and the expenditure of over one-half million dollars.

Mr. RAMSEYER. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Certainly.

Mr. RAMSEYER. As the gentleman knows, I have followed the work of the committee for a number of years with a great deal of interest, both during the time when Colonel LITTLE was chairman of the committee and since the gentleman from Ohio has taken charge, and I know that both Colonel LITTLE and the gentleman from Ohio, who is now speaking, have done a great deal of very fine work. I should like to ask the gentleman a few questions, the first of which is this: There are some private compilations of the United States statutes. I think the West Publishing Co. has one.

Mr. ROY G. FITZGERALD. Yes.

Mr. RAMSEYER. The only difference between such a private compilation and the one which the gentleman is now presenting, is that this codification of the law, if taken into court with reference to any particular section of the code, would be taken as prima facie evidence that that is the law. To be absolutely certain about what the law is, you would still have to go through the numerous statutes at large and prove up what the law is; that is, if any question should arise as to that particular section that you are presenting to the court being the law, then you would have to bring in the acts and prove it up.

Mr. ROY G. FITZGERALD. The gentleman is correct.

Mr. RAMSEYER. Does the gentleman think that with the codification in its present state that possibly after a few years of experience with it, if it should turn out that the work is accurate, it would then be possible to pass a law declaring it to be the law of the United States, and that therein probably would be the greatest value of the codification as it is now or as it will be by the passage of this bill?

Mr. ROY G. FITZGERALD. Mr. Speaker, in reply to the gentleman from Iowa, I can say that is exactly what we hope will take place. Either officially or unofficially, if time shows that this work can be relied upon, it will become more and more the exemplification of the law of the United States. The senior Senator from Utah last night asked the same question in the Senate, and the Senator from Pennsylvania, in charge of the bill, said that it is the hope, as time shows the code to be a correct and complete statement of the law, that there will be more chance of both branches of Congress passing an act which will cause the code officially to supersede and positively repeal all other legislation.

I may say for myself and for the committee that has studied this question, we have other ambitions. You see a code bill before you a foot thick, with 1,700 and some pages; but, of course, the leaves are printed on one side only, because the bill is from prints from the type and no plates have been made. Nearly one-half of it, I believe, is taken up with useless matter. When I say that I call your attention to certain of its titles which are filled with repetitions, which are filled with statements of obsolete matter, but they are the law and have never been repealed. You will find there provisions for the decoration of officers in the Indian campaigns. You will find there provisions in regard to Indian agents and many things which have been done away with and no longer exist in the United States. If this committee, of which I have the honor now to be chairman, retains the confidence of the House, it is our intention to present from time to time different titles of this code with real revisions, so that the obsolete matter may be cut out and the law may be stated tersely and clearly.

Mr. RAMSEYER. The last codification was in what year,

Mr. ROY G. FITZGERALD. The codification was in 1874, and a second edition with the errors corrected was published in 1878. That is the last codification we have had.

Mr. RAMSEYER. The gentleman knows that in some of the States there are laws requiring codification of State laws every 10 years. I think in some of the States they have a codification commission that works on it all the time. Has the gentleman or his committee thought of something similar with respect to the Federal laws? From 1876 to 1926 is altogether too long a time to leave the laws uncodified. Our Federal laws ought to be codified at least once every 10 years.

Mr. ROY G. FITZGERALD. The gentleman is entirely correct, and this committee has had in mind to propose to the House and to the Congress a method whereby there may be a sort of continuous codification of the law. That is, a sort of machinery set up whereby the different bills introduced and passed by the Congress may be made to fit into the framework of the code, so that a new edition may be published every five years or so, which will keep the code in a condition whereby there will be little excuse not to know what the law of the United States is.

Mr. RAMSEYER. I think what the committee has done has been a great work, and if the gentleman could bring about something in the line of his suggestion I think it would be a still greater achievement; and I hope he and his committee will keep at that until something along that line is accomplished. Now, one more question. The gentleman has spoken of the Senate amendments and has explained one amendment. How many Senate amendments are there, and what is their nature?

Mr. ROY G. FITZGERALD. I will call attention to one on page 2. It seems almost impossible, as was said last night in the Senate, that the matter should have been overlooked, but in the arrangement of the material by inadvertence the original law and the amendment providing for the legislative counsel were omitted from the code. This was discovered and has been included. The other is in Title 12, Banks and Banking. Part of the paragraph was left out which relates to capital stock of certain corporations. It supplies a deficiency which was discovered and called to the attention of the Senate committee and they have incorporated it in the code.

Mr. RAMSEYER. Is that all?

Mr. ROY G. FITZGERALD. All except the amendments made essential by reason of the change as to the force of the code which I have explained. There are a lot of incidental amendments, mere corrections, where the words "said code" have been replaced by the words "such act." This occurs in several different places but more frequently in the bill I am about to bring up, which provides for the publication of the code. The title is changed. As the bill passed the House it was to consolidate, codify, and "reenact." This amended title is to consolidate, codify, and "set forth." There are several incidental amendments of no force outside of perfecting the text to carry out the amendments.

Mr. RAMSEYER. I shall not object or in any way interfere with the passage of the bill. I wish to congratulate the gentleman and the committee in accomplishing as much as they have.

Mr. MADDEN. Will the gentleman yield?

Mr. ROY G. FITZGERALD. I will.

Mr. MADDEN. I think this is a long step in the right direction. I would like, if it is not considered impracticable or impertinent in one who knows nothing about the law, to suggest that the practical effect of what has been done, if followed up, would result in a very short time in getting a codification of the laws which could be presented as the laws of the land in cases before the court. I suggest that the committee on codification of the laws codify and improve and reenact as far as the committee can, or bring to us a codification of such laws as they can, once in every Congress. They can bring in from this code enough corrected matter during the session of each Congress so that it could complete the work, in my judgment, in three Congresses. Then they would be up to date, and from that time on it would be an easy matter to proceed and keep it current.

Mr. ROY G. FITZGERALD. In reply to the gentleman from Illinois, it is the desire and hope and idea of the committee. We are met with many practical difficulties that one who is not familiar with the work can not realize. The success of this code, if it is a success, is a sort of an accident. Why? Because the House years ago appointed a commission. That commission worked years and years and spent something like $300,000, and no code ever came from it. We are all familiar with the efforts in recent years of the attempt to enact a code. The stream of legislation is flowing constantly on. It would take me an hour to illustrate the different propositions and the difficulties which arise in a codification of this kind. The Senate has a special committee, and the matter was referred to that committee. There seemed to be a deadlock between the House and Senate, although the House had passed in three successive Congresses what was known as the Little bill to codify the laws and followed the codification procedure of the Revised Statutes of 1874.

That is, they burned their bridges behind them and reenacted that as a law, replacing all other laws. The Senate would not give the Little bills consideration because they thought there were deficiencies and defects in the bills. Undoubtedly they were right. In the code of 1874 there were about 250 errors discovered afterwards, and yet that bill was passed in the Senate in about 40 minutes and with less discussion than we have had here. And the Senate was justified. It was a monumental work and was of immeasurable value to the people of the United States.

I said this success is a sort of accident. We had a meeting of the committees of the two Houses, and there were brought into cooperation two great law-publishing houses of the United States, whose selfish interests should be against the success of this code, the West Publishing Co., of St. Paul, Minn., which has expended thousands upon thousands of dollars in preparing their own idea of a code of laws of the United States, annotated, and the Edward Thompson Co., their competitors, who had also published a splendid work in many volumes, setting forth their idea of the code of laws of the United States, with annotations. The Senate appropriation was $10,000. Senator PEPPER, of Pennsylvania, and Senator ERNST asked the presidents of these different companies whether or not they would oppose the Congress in its efforts to codify the laws in an official way. They took a high and patriotic view of the situation and expressed their willingness to cooperate, something they had never done before, and performed this service of taking the Little code and rearranging the material in a modern way, and checking it with their own great works, and prepared a codification which brings it up to the commencement of this Congress. They undertook to do that for this $10,000, and they have spent over $30,000 and have had 11 lawyers at a time at work on this matter, with something like 30 to 40 experts and clerks and other workers.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. ROY G. FITZGERALD. Certainly.

Mr. TILSON. Under the direction of the gentleman's committee and a like committee of the Senate a monumental work has been done here, I am quite sure, but the gentleman realizes that in the use of such a work as this an index is an absolute necessity. What has been done toward, or what may we expect in the future in the way, in an index of this work, so that it may become readily useable?

Mr. ROY G. FITZGERALD. I have that provided for in the bill H. R. 11318, which I wish to call up immediately after this is disposed of.

Mr. O'CONNOR of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. O'CONNOR of Louisiana. In view of the fact that there has been stricken from the enacting clause the word "enacted," does the gentleman really believe there is any court in the country who will accept that codification as prima facie evidence of the law?

Mr. ROY G. FITZGERALD. It so states that it shall be received.

Mr. O'CONNOR of Louisiana. Notwithstanding the gentleman has clearly shown that he does not want it to be regarded as an enactment of Congress?

Mr. ROY G. FITZGERALD. Yes. There is a clear distinction between the bill as it passed the House and as it comes from the Senate, and there is a clear distinction between the Revised Statutes in the seventies, and the bill as it passed the House, and this bill as it comes from the Senate. In the seventies they absolutely burned all bridges behind them, with saving provisions with respect to pending litigation.

In the bill as it passed the House—and this provision was inserted at the request of the Senate—the code was not to take effect absolutely to replace the general laws of the United States in force December 7, 1925, until July 1, 1927, allowing a period of time to elapse for scrutiny of the work and for corrections in the next session of Congress should they be found necessary. The Senate was not satisfied with even that. The Senate felt that the great magnitude of the work and the danger that might flow from errors demand that it receive a scrutiny over a considerable period of time, and in the meantime that it be received only as prima facie evidence of the law.

Mr. O'CONNOR of Louisiana. I noticed in the Senate proceedings of last night that it was stated there was not a suffi-

cient number of copies extant to meet the requirements of the Senators present. If that report be true, has the gentleman in mind anything with reference to the printing of a sufficient number to meet the requirements of the Members of Congress?

Mr. ROY G. FITZGERALD. In the Senate, although there were but one or two copies of the entire bill, there was printed a number of copies sufficient for every Senator to have one, embodying the first title of the code as it passed the House, and embodying the amendments proposed in the Senate. The bill, which provides for the publication in which the floor leader is interested, was printed in the same way. All these were printed and distributed some time in advance of consideration by the Senate.

Mr. TILSON. Mr. Speaker, referring to the question that the gentleman from Louisiana [Mr. O'CONNOR] has asked, is not the confusion in connection with the word "reenact"? It was proposed in the original bill as it passed the House to reenact all laws included there.

Mr. ROY G. FITZGERALD. And to repeal.

Mr. TILSON. And to repeal anything to the contrary. The intention here is not to reenact anything or repeal anything, but simply to enact; and there is enacting language here in the enacting clause to make this prima facie evidence of what the law is.

Mr. O'CONNOR of Louisiana. I will say to the floor leader the situation I had in mind was this, that the attorney for the defendant might rise up and question whether or not the codification contained the law, and the prima facie rule would be set aside and the burden of proof would be upon the defendant to produce the original law.

Mr. ROY G. FITZGERALD. If the law in Louisiana is as it is in Ohio, when a man questions anything which has prima facie force, the burden would be on him to maintain his contention.

Mr. O'CONNOR of Louisiana. Of course, generally that would be the rule, but not under this so-called enactment.

Mr. ROY G. FITZGERALD. That is the effect which we propose and hope to see accomplished. The language is apt enough to accomplish the purpose.

Mr. TEMPLE. Does not this enact that the court shall receive it as prima facie?

Mr. ROY G. FITZGERALD. Yes.

Mr. O'CONNOR of Louisiana. I do not want to continue the discussion; it strikes out from the enacting clause the words usually setting forth the idea.

Mr. TEMPLE. The enacting clause is not stricken out. It is there, and it is provided in the enacting clause and what follows it that the court shall receive this as prima facie evidence.

Mr. ROY G. FITZGERALD. I perhaps may not have made myself clear. The amendment refers merely to the title, the word "reenact" in the title being changed to "set forth." The laws are "set forth" not "reenacted." The enacting clause is preserved, but its scope is restricted so that the statements in the code are presumptuous of the law, but these presumptions are not conclusive.

The SPEAKER. The question is on the motion of the gentleman from Ohio to concur in the Senate amendments.

The question was taken, and the motion was agreed to.

CODE OF LAWS OF THE UNITED STATES

Mr. ROY G. FITZGERALD. Mr. Speaker, I move to take from the Speaker's table and concur in the Senate amendments and pass the bill (H. R. 11318) to provide for the publication of the Code of Laws of the United States, with index, reference tables, appendix, and so forth.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 11318) to provide for the publication of the Code of Laws of the United States, with index, reference tables, appendix, and so forth.

The Senate amendments were read.

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAMSEYER. Is this bill on the Union Calendar?

The SPEAKER. The Chair presumes it is on the House Calendar.

Mr. RAMSEYER. It is only a question of procedure as to whether it should be called up by unanimous consent or not.

Mr. MADDEN. Anything making a charge against the Treasury must be on the Union Calendar.

The SPEAKER. The question involved was whether the amendments would have to be considered in the Committee of the Whole House. The Chair is not aware——

Mr. RAMSEYER. All the interest I have in it is to see that it is put through right.

The SPEAKER. The Chair is informed the amendments of the Senate are merely modifications of the House bill.

Mr. ROY G. FITZGERALD. And adds nothing to the expense?

The SPEAKER. It is merely a change of language.

Mr. MADDEN. We considered it in the Committee of the Whole and these are merely amendments.

The SPEAKER. The Chair thinks it would not be necessary to consider it in the Committee of the Whole House. The question is on agreeing to the motion of the gentleman from Ohio to concur in the Senate amendments.

The question was taken, and the motion was agreed to.

A motion by Mr. ROY G. FITZGERALD to reconsider the vote by which the two bills were passed was laid on the table.

ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House, under its previous order, adjourned until Monday, June 28, 1926, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 28, 1926, as reported to the floor leader by clerks of the several committees:

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To provide for the acquisition of certain property in the District of Columbia for the park system of the District (H. R. 9343).

To provide for the acquisition of certain property in the District of Columbia for the park system of the District (H. R. 10506).

Authorizing the transportation of all miscellaneous refuse collected in the District of Columbia to the workhouse or reformatory tract near Occoquan, Va., and its disposition at that place (H. R. 10893).

Authorizing the extension of the park system of the District of Columbia (H. R. 11804).

EXECUTIVE COMMUNICATIONS

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

608. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on partial survey of the Tennessee River and its tributaries (H. Doc. No. 463); to the Committee on Rivers and Harbors and ordered to be printed.

609. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department for the fiscal year ending June 30, 1927, amounting to $7,500 (H. Doc. No. 464); to the Committee on Appropriations and ordered to be printed.

610. A communication from the President of the United States, transmitting a supplemental estimate of appropriation to provide home care for dependent children in the District of Columbia for the fiscal year ending June 30, 1927 (H. Doc. No. 465); to the Committee on Appropriations and ordered to be printed.

611. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year 1926, to remain available until June 30, 1927, for Moores Creek National Military Park, amounting to $3,000 (H. Doc. No. 466); to the Committee on Appropriations and ordered to be printed.

612. A letter from the Secretary of War, transmitting a partial report from the Chief of Engineers in regard to abandonment or curtailment of river and harbor projects (H. Doc. No. 467); to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LUCE: Committee on the Library. S. J. Res. 113. A joint resolution authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C., with amendment (Rept. No. 1551). Referred to the Committee of the Whole House on the state of the Union.

Mr. GLYNN: Committee on Military Affairs. H. R. 9912. A bill approving the transaction of the adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the adjutant general of the State of Oregon and the State of Oregon from accountability therefor; with amendment (Rept. No. 1555). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. S. 3615. An act for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age; with amendment (Rept. No. 1556). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GLYNN: Committee on Military Affairs. H. R. 1141. A bill to correct the military record of John Dewitt Marvin; with amendment (Rept. No. 1549). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. S. 68. An act authorizing Dominic I. Murphy, consul general of the United States of America, to accept a silver fruit bowl presented to him by the British Government; without amendment (Rept. No. 1550). Referred to the Committee of the Whole House.

Mr. VINCENT of Michigan: Committee on Claims. S. 545. An act for the payment of damages to certain citizens of New Mexico caused by reason of artificial obstructions to the flow of the Rio Grande by an agency of the United States; without amendment (Rept. No. 1552). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. H. R. 11542. A bill for the relief of James M. Winston; with amendment (Rept. No. 1553). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Millitary Affairs. H. R. 12038. A bill to correct the military record of Edward Delaney; without amendment (Rept. No. 1554). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEAVITT: A bill (H. R. 13067) granting the consent of Congress to the State of Montana, or Roosevelt County, or McCone County, in the State of Montana, or either or several of them, to construct, maintain, and operate a bridge across the Missouri River at or near Wolf Point, Mont.; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER: A bill (H. R. 13068) to amend section 9, cotton manufactures, of the Fordney-McCumber tariff act of 1922; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: A bill (H. R. 13069) to establish the Olympic National Park in the State of Washington; to the Committee on the Public Lands.

By Mr. MILLER: A bill (H. R. 13070) granting the consent of Congress to Henry L. Gray and Elbert M. Chandler, their successors and assigns, to construct, maintain, and operate a bridge across Lake Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: Resolution (H. Res. 308) to provide for the printing of additional copies of hearings held before the Committee on Ways and Means of the House of Representatives on the bill (H. R. 10820) for the return of alien property; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 13071) for the relief of Alfred S. Jewell; to the Committee on Claims.

By Mr. ARNOLD: A bill (H. R. 13072) granting a pension to Frances M. Funk; to the Committee on Pensions.

By Mr. AUF DER HEIDE: A bill (H. R. 13073) granting an increase of pension to Eliza Heinemann; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 13074) granting an increase of pension to Susannah Swing; to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 13075) granting a pension to William E. Quinn; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 13076) granting an increase of pension to Margaret K. Beal; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 13077) granting an increase of pension to Cornelia B. Bacon; to the Committee on Invalid Pensions.

By Mr. DAVEY: A bill (H. R. 13078) granting an increase of pension to Annie E. Curtis; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 13079) granting a medal or other recognition to Arnold Irish, former quartermaster sergeant, Company C, Ninth Infantry, United States Army, at Balangiga Samar, P. I., September 28, 1901; to the Committee on Military Affairs.

By Mr. ESTERLY: A bill (H. R. 13080) granting an increase of pension to Sarah Wenrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13081) granting an increase of pension to Elizabeth Heffelfinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13082) granting an increase of pension to Susan Dubson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13083) granting an increase of pension to Sarah Matilda Troxell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13084) granting an increase of pension to Susan Achenbach; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 13085) granting an increase of pension to Eliza Jane Woods; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 13086) granting an increase of pension to Maryette Vaill; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 13087) for the relief of the First National Bank of Santa Maria, State of California; to the Committee on Claims.

By Mr. HASTINGS: A bill (H. R. 13088) granting a pension to Patterson McGeehan; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 13089) granting a pension to Allie Carpenter; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 13090) authorizing the President to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps, United States Army; to the Committee on Military Affairs.

By Mrs. KAHN: A bill (H. R. 13091) for the relief of Ellen B. Monahan; to the Committee on Claims.

By Mr. KELLY: A bill (H. R. 13092) for the relief of Barton H. Newell; to the Committee on Claims.

Also, a bill (H. R. 13093) granting a pension to Mary Murray; to the Committee on Pensions.

By Mr. LEAVITT: A bill (H. R. 13094) granting an increase of pension to Arminda J. Orcutt; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 13095) renewing and extending patent 925301 to James H. Colgrove; to the Committee on Patents.

By Mr. McFADDEN: A bill (H. R. 13096) granting an increase of pension to Olive E. Hinds; to the Committee on Invalid Pensions.

By Mr. MILLS: A bill (H. R. 13097) for the relief of Leonora Simons; to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 13098) granting an increase of pension to Mariah C. Legge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13099) granting an increase of pension to Sarah J. Prame; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 13100) granting an increase of pension to Hannah L. Welch; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 13101) granting an increase of pension to Ann Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13102) granting an increase of pension to Margaret A. Peterson; to the Committee on Invalid Pensions.

By Mr. STROTHER: A bill (H. R. 13103) granting a pension to John Maynard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13104) granting a pension to Martha A. McCallen; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 13105) granting an increase of pension to Katherine S. Lutesinger; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 13106) granting an increase of pension to Mary Cook; to the Committee on Invalid Pensions.

By Mr. TOLLEY: A bill (H. R. 13107) granting a pension to Sarah Williams; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 13108) granting an increase of pension to Sallie Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13109) granting an increase of pension to Lyda Lynk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13110) granting a pension to Ella I. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13111) granting a pension to Clarinda McKelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13112) for the relief of Benton W. Landrum; to the Committee on Military Affairs.

By Mr. MACGREGOR: Resolution (H. Res. 307) to continue the employment of the three session telephone operators from July 1 to November 30, 1926, inclusive; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

2871. By Mr. ADKINS: Petition of sundry retail dealers of the counties of Macon and Champaign, State of Illinois, indorsing the Capper-Kelly resale price bill (H. R. 11) now before Congress; to the Committee on Interstate and Foreign Commerce.

2872. By Mr. ARNOLD: Petition of sundry citizens of Alma, Ill., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2873. By Mr. BACHMANN: Petition of the Croatian Fraternal Union of America, Lodge No. 595, opposing any efforts to control the foreign-born worker; to the Committee on Immigration and Naturalization.

2874. By Mr. BARKLEY: Petition of 125 citizens of Kentucky, requesting the immediate enactment of pending legislation increasing Civil War pensions; to the Committee on Invalid Pensions.

2875. By Mr. BECK: Petition of sundry citizens of Camp Douglas, Wis., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2876. By Mr. BRUMM: Petition of sundry citizens of Gordon, Pa., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2877. Also, petition of sundry citizens of Frackville, Pa., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2878. By Mr. BULWINKLE: Petition of several churches and organizations of Catawba County, N. C., opposing any modification of the existing prohibition laws; to the Committee on the Judiciary.

2879. By Mr. CHAPMAN: Petition of various and sundry citizens of Frankfort, Franklin County, Ky., urging the immediate consideration and passage of Civil War pension bill; to the Committee on Invalid Pensions.

2880. By Mr. COYLE: Petition of sundry citizens of Saylorsburg, Pa., indorsing the bill granting increases of pensions to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

2881. By Mr. DARROW: Petition of 38 residents of Philadelphia, Pa., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2882. By Mr. DAVENPORT: Petition of sundry citizens of Utica, N. Y., asking for the immediate consideration of the Civil War pension bill; to the Committee on Invalid Pensions.

2883. By Mr. EATON: Petition of 65 voters of Trenton, N. J., and vicinity, urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2884. By Mr. ESLICK: Petition of Silla Doughty and others, urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2885. By Mr. FORT: Petition of sundry citizens of Orange, N. J., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2886. By Mr. GALLIVAN: Petition of Boston Typographical Union, No. 13, John O. Battis, secretary-treasurer, 819 Province Building, Boston, Mass., recommending early and favorable consideration of the longshoremen's accident compensation bill (S. 3170); to the Committee on the Judiciary.

2887. By Mr. GREENWOOD: Petition of George Everett Howerton and 13 others, of Vincennes, Ind., urging passage of pension legislation, increasing pensions for soldiers of Civil War and their dependents; to the Committee on Invalid Pensions.

2888. Also, petition of Perry H. Easton and 21 others, of Sandborn, Ind., for increase of pensions of soldiers of Civil War and their dependents; to the Committee on Invalid Pensions.

2889. Also, petition of Sebree H. Reeve and 17 others, of Edwardsport, Ind., asking increases of pensions for soldiers of Civil War and their dependents; to the Committee on Invalid Pensions.

2890. By Mr. HOGG: Petition of 82 voters of Albion, Noble County, Ind., asking for increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2891. By Mr. HOOPER: Petition of Mayor Charles C. Green and 81 other residents of Battle Creek, Mich., requesting immediate consideration of pending legislation to increase the rates of pension of Civil War veterans, their widows and dependents; to the Committee on Invalid Pensions.

2892. By Mr. KEARNS: Petition of sundry citizens of Greenfield, Ohio, requesting action on the Civil War pension bill; to the Committee on Invalid Pensions.

2893. By Mr. KNUTSON: Petition of M. C. Lambeth, of Texas, asking that immediate action be taken on pension bills for the relief of Civil War veterans and veterans of the Indian wars; to the Committee on Pensions.

2894. Also, petition of sundry citizens of Kelliher, Minn., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2895. By Mr. KOPP: Petition of Anna Griffin and 24 other residents of Riverside, Iowa, asking that increased pensions be granted to the Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

2896. By Mr. LINEBERGER: Petition of M. J. Henney and over 100 other citizens of Los Angeles, Calif., urging passage of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2897. Also, petition of Ida T. Allen and sundry other citizens of Gardena, Calif., urging passage of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2898. Also, petition of A. R. Nisbet and approximately 75 other citizens of Glendale, Calif.; also petition of Mrs. Elizabeth Herman, chairman, and more than 100 others, of Pasadena, Calif., urging passage of bill for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2899. Also, petition of W. M. Peek and about 25 citizens of Long Beach, Calif., urging passage of bill for relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2900. By Mr. McREYNOLDS: Petition of sundry voters of Monroe County, State of Tennessee, in support of the bill for increase in pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2901. Also, petition of sundry voters of McMinn County, State of Tennessee, in support of the bill for increase in pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2902. By Mr. MARTIN of Massachusetts: Petition of sundry citizens of Fall River, Mass., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2903: By Mr. MILLS: Petition of sundry citizens of New York City, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2904. By Mr. MURPHY: Petition of sundry citizens of Harrison County, Ohio, in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2905. By Mr. O'CONNOR of New York: Petition of 35 citizens of the city of New York, urging legislation in behalf of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

2906. By Mr. O'CONNOR of Louisiana: Petition of sundry citizens of New Orleans, La., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2907. By Mr. PORTER: Petition of sundry citizens of Pittsburgh, Pa., praying the passage of legislation granting an increase of pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2908. By Mr. RAMSEYER: Petition of sundry citizens of Ottumwa, Iowa, urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2909. By Mr. REECE: Petition of various citizens of New Tazewell, Tenn., urging action on Civil War pension bill at the present session of Congress; to the Committee on Invalid Pensions.

2910. Also, petition of various citizens of Shouns, Tenn., urging action on Civil War pension bill at the present session of Congress; to the Committee on Invalid Pensions.

2911. Also, petition of various citizens of Luther, Tenn., urging action on Civil War pension bill at the present session of Congress; to the Committee on Invalid Pensions.

2912. Also, petition of various citizens of Sevier County, Tenn., urging action on Civil War pension bill at the present session of Congress; to the Committee on Invalid Pensions.

2913. By Mr. SHREVE: Petition of Mrs. Annie Titus and about 50 other citizens of Waterford, Pa., asking for immediate consideration of legislation on the Civil War pension bill; to the Committee on Invalid Pensions.

2914. By Mr. SIMMONS: Petition of sundry citizens of Amherst, Nebr., asking for pension legislation for veterans of the Civil War, their widows and orphans; to the Committee on Invalid Pensions.

2915. By Mr. SINCLAIR: Petition of Mrs. J. D. Benson and 45 others, of Kenmare, N. Dak., urging the passage of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2916. By Mr. TOLLEY: Petition of 21 citizens of the town of Hardwick, Otsego County, N. Y., requesting the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2917. By Mr. VINSON of Kentucky: Petition of sundry voters of the city of Maysville, in the ninth congressional district of Kentucky, urging the passage before adjournment of Congress of a bill for the relief of veterans of the Civil War, their widows, and children; to the Committee on Invalid Pensions.

2918. Also, petition of sundry voters of the city of Cynthiana, in the ninth congressional district of Kentucky, urging the passage before adjournment of Congress of a bill for the relief of veterans of the Civil War, their widows, and children; to the Committee on Invalid Pensions.

2919. By Mr. VOIGT: Petition of sundry citizens of Sheboygan, Wis., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2920. By Mr. WINGO: Petition of certain citizens of Logan County, Ark., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

2921. By Mr. WYANT: Petition of sundry residents of Trauger, Pa., urging passage of Elliott bill (H. R. 4023); to the Committee on Invalid Pensions.

SENATE

MONDAY, *June 28, 1926*

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 10000. An act to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925;

H. R. 11318. An act to provide for the publication of the Code of the Laws of the United States, with index, reference tables, appendix, and so forth; and

H. R. 12208. An act granting the consent of Congress to Aurora, Elgin, & Fox River Electric Co., an Illinois corporation, to construct a bridge across Fox River in Dundee Township, Kane County, and State of Illinois.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 6405) for the relief of Addison B. McKinley, and it was thereupon signed by the Vice President.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Hale	McNary
Bayard	Deneen	Harreld	Mayfield
Bingham	Dill	Harris	Metcalf
Blease	Edge	Harrison	Moses
Borah	Edwards	Heflin	Neely
Bratton	Ernst	Howell	Norbeck
Broussard	Fernald	Johnson	Norris
Bruce	Ferris	Jones, N. Mex.	Oddie
Butler	Fess	Jones, Wash.	Overman
Cameron	George	Kendrick	Pepper
Capper	Gerry	King	Pine
Caraway	Gillett	La Follette	Pittman
Couzens	Glass	Lenroot	Ransdell
Cummins	Goff	McKellar	Reed, Mo.
Curtis	Gooding	McMaster	Reed, Pa.
Robinson, Ark.	Shortridge	Trammell	Weller
Robinson, Ind.	Simmons	Underwood	Wheeler
Sackett	Stanfield	Wadsworth	Willis
Schall	Steck	Walsh	
Sheppard	Stephens	Warren	
Shipstead	Swanson	Watson	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

REPORTS OF COMMITTEES

Mr. GOODING, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 11376) to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of the Interior, reported it without amendment and submitted a report (No. 1163) thereon.

Mr. CAMERON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2691) to repeal the first proviso of the act entitled "An act granting certain public lands to the city of Phoenix, Ariz., for municipal park and other purposes," approved March 3, 1925, reported it without amendment and submited a report (No. 1164) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 597) for the relief of Morgan Miller, reported it without amendment and submitted a report (No. 1165) thereon.

Mr. CUMMINS, from the Committee on the Judiciary, to which were referred the following bills and resolutions, reported them severally without amendment:

A bill (H. R. 10058) to authorize notaries public and other State officers to administer oaths required by the United States;

A bill (H. R. 11946) to increase the clothing and cash gratuity furnished to persons discharged from prisons;

A concurrent resolution (H. Con. Res. 26) directing the Comptroller General of the United States to investigate the administration of St. Elizabeths Hospital since July 1, 1916, and for other purposes; and

A resolution (S. Res. 71) directing a select committee to be appointed by the President of the Senate to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office.

Mr. CUMMINS also, from the Committee on the Judiciary, to which was referred the bill (H. R. 8835) to amend section 1112 of the Code of Law for the District of Columbia, reported it with an amendment.

He also, from the same committee, to which was referred the bill (H. R. 8128) to punish counterfeiting, altering, or uttering of Government transportation requests, reported it with amendments.

BILLS INTRODUCED

Bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. BUTLER:

A bill (S. 4524) to admit free of duty and for remission of duty on certain bells for carillon purposes; to the Committee on Finance.

By Mr. NEELY:

A bill (S. 4525) granting a pension to Olive May Cooley; and

A bill (S. 4526) granting an increase of pension to Emma J. Lee; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4527) for the relief of Guy Boggers (with accompanying papers); to the Committee on Finance;

A bill (S. 4528) to amend an act entitled "An act to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honer roll," and for other purposes; to the Committee on Military Affairs.

By Mr. BINGHAM:

A bill (S. 4529) to increase the membership of the National Advisory Committee for Aeronautics, and for other purposes; to the Committee on Commerce.

By Mr. ODDIE:

A bill (S. 4530) amending sections 11 and 21 of the Federal highway act, approved November 9, 1921, amending paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," prescribing limitations on the payment of Federal funds in the construction of highways, and for other purposes; to the Committee on Post Offices and Post Roads.

REGULATION OF RADIO COMMUNICATIONS

Mr. ROBINSON of Arkansas submitted sundry amendments intended to be proposed by him to the bill (H. R. 9971) for the regulation of radio communications, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL

Mr. WILLIS submitted an amendment intended to be proposed by him to House bill 13040, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 45, after line 13, insert the following: "The Secretary of the Navy is hereby authorized to enter into contract for the procurement of the rigid airships described in paragraph 1, section 2, of an act (Public 422) authorizing the construction of certain aircraft for the Navy, approved June 24, 1926, subject to the limitations as to cost and other provisions contained in said act."

Mr. CAMERON (for Mr. McKINLEY) submitted an amendment proposing to pay $1,000 to William H. Gehman for services rendered the Senate or committees thereof, intended to be proposed by him to House bill 13040, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

INDIAN AFFAIRS—PRINTING OF LAWS AND TREATIES

Mr. HARRELD submitted the following resolution (S. Res. 267), which was referred to the Committee on Printing:

Resolved, That the manuscript of the laws, agreements, Executive orders, proclamations, and so forth, relating to Indian Affairs, prepared under Senate Resolution 57, be printed as a Senate document; that 50 additional copies be printed for use of the Senate Committee on Indian Affairs; 50 additional copies for use of the House Committee on Indian Affairs; and 100 additional copies for use of the Indian Office and Indian agencies.

EXPENDITURES IN SENATORIAL ELECTIONS

Mr. NEELY. I submit a resolution, which I ask may go over under the rule and be printed.

The resolution (S. Res. 268) was read and ordered to lie over under the rule, as follows:

Resolved, That any United States Senator elect shall be deemed to be disqualified from holding a seat in the Senate if an amount in excess of either $10,000, or the amount (in no event exceeding $25,000) obtained by multiplying 3 cents by the total number of votes cast in the State of the residence of such Senator elect at the last general election for all the candidates for the office of United States Senator has been expended by such Senator elect, or by any person or persons for him with his knowledge or consent, in aid or support of the candidacy of such Senator elect, either in a primary election by which such Senator elect was nominated as a candidate for the Senate, or in any general or special election in which such Senator elect is alleged to have been elected; except that money expended by such Senator elect to meet and discharge any assessment, fee, or charge made or levied upon him as a candidate by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether the amounts expended in aid or support of the candidacy of such Senator elect have exceeded the sum fixed by this resolution.

As used herein the term "person" shall be construed to include an individual, partnership, committee, association, corporation, or any other organization or group of persons.

AMENDMENT OF WORLD WAR VETERANS' ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12175) to amend the World War veterans' act, 1924.

Mr. REED of Pennsylvania. Mr. President, I want to make a statement about the legislative situation with regard to the veterans' bill. The unfinished business is the farm bill. The veterans' bill is now before the Senate by unanimous consent. As Senators will see by the calendar, we have already entered into a unanimous-consent agreement that immediately after the farm bill is disposed of we will take up the radio bill, and yet if a single Senator demands the regular order the farm bill will have to be taken up, and I would then see scant chance for the passage of the veterans' bill now before the Senate.

If individual Senators with the best of motives are going to persist in adding amendments to the bill which will greatly increase its cost, I am very much afraid that some Senator will resent it to the point of demanding the regular order and displacing the bill. On Saturday the amendment of the Senator from Arizona [Mr. ASHURST], establishing a $50 minimum for arrested cases of tuberculosis, added to the cost of the bill more than $7,000,000, according to the figures which he put in the RECORD.

It was suggested by the Senator from Missouri [Mr. REED] that section 206 of the World War veterans' act be repealed, which would abolish all limitations on the time of filing proof and would allow men to come in 10 or 20 years after the close of the war and say, "I am now for the first time disabled, and it is due to my original war service of 20 years ago." There may be particular cases which would justify such extravagant enactment, but I beg Senators to consider whether it is not better to take care of them by special act than by breaking down all the barriers which have been put in the law to protect the Government from malingering.

If we are going to break down all these barriers, the cost to the Government will be almost incalculable. General Hines estimates that to abolish the limitations in section 206 would cost us over $1,100,000 next year, and it is safe to say that the majority of those added cases would not be deserving cases.

I want to beg the Senate that it will consider most soberly the condition and not offer expensive amendments to the bill. I know what the appeal is. There are heartbreaking cases which come in, and we want to take care of individual cases. All of us want to do that; but let us be careful about destroying the whole framework of the law in the effort to take care of particular veterans.

Mr. President, may I ask what is the pending question?

The VICE PRESIDENT. The amendment of the committee, page 20, to strike out lines 1 and 2, in the following words:

SEC. 11. That section 206 of the World War veterans' act, 1924, approved June 7, 1924, is hereby repealed.

Mr. REED of Pennsylvania. The Director of the Veterans' Bureau estimates that to repeal section 206, as was done by the House text, would cost $671,000 this year and $1,182,000 next year.

Mr. ROBINSON of Arkansas. Mr. President, I desire to offer an amendment to the House text so as to extend the limitation in section 206 three years from the time of the approval of the veterans' act of 1924. If the Senator from Pennsylvania will yield to me for that purpose, I will offer the amendment now.

Mr. REED of Pennsylvania. I think that would be in order as a substitute for the committee amendment which is now before the Senate.

Mr. ROBINSON of Arkansas. Then I will offer it in that way. It would be necessary to amend the House text, which I think is in order, before striking out the provision. I think it is in order either way. I offer the amendment which I will state, as I have not yet prepared it to hand to the clerk. In lieu of the House text, lines 1 and 2, page 20, insert the following:

SEC. 11. That section 206 of the World War veterans' act, 1924, approved June 7, 1924, be, and the same is hereby, amended to read as follows:

"That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except as provided in section 200 of this act, and except where there is an official record of the injury during service or at the time of separation from active service, or where within three years from the approval of this act satisfactory evidence is furnished the bureau to establish that the injury was suffered or aggravated during active service. Where there is official record of injury during service compensation shall be payable in accordance with the provisions of this title for death or disability whenever occurring, proximately resulting from such injury."

The only change I make in the existing law is with respect to the limitation. "One year" is changed to "three years."

Mr. REED of Pennsylvania. I think that is very much better. It would take care of cases of hardship which have already turned up, and at the same time it would not discard wholly the wise limitation now in the law.

Mr. ROBINSON of Arkansas. The effect of it is to give some time yet, until June 7, 1927, in which cases like those discussed in the Senate a day or two ago may be relieved.

Mr. DILL. Mr. President, I do not care which of the two Senators answers this question, but under the present law are not the veterans of the Civil War and of the Spanish-American War given rights which are taken away from the World War veterans?

Mr. REED of Pennsylvania. No; the veterans of those wars are given service pensions.

Mr. DILL. I know, but have they not the right to come in previous to obtaining service pensions, and show that they received injuries during the war and recover on that account?

Mr. ROBINSON of Arkansas. The amendment does not take anything away from the veterans, but, on the contrary, it gives them the right which has expired by limitation under the war veterans' act.

Mr. DILL. That is the Senator's amendment?

Mr. ROBINSON of Arkansas. Yes.

Mr. DILL. I am speaking of the amendment to strike out the House text. As I understand it, if the Senate committee amendment shall stand as brought in by the committee the veterans would be estopped hereafter from coming in and showing that their disability was due to any condition except as officially recorded.

Mr. ROBINSON of Arkansas. Yes; because section 206 provides a limitation which has already gone into effect, and if the Senate amendment as reported by the committee be agreed to, that section would remain in force, whereas the House provision struck it out and would virtually abolish the limitation; but the amendment which I propose in lieu practically of both provisions is to extend the limitation for another year.

Mr. DILL. Mr. President, I, of course, favor the amendment of the Senator from Arkansas in preference to that reported by the Senate committee. The point I wanted to get clear was whether previous to the granting of service pensions in the case of soldiers of other wars it was not the custom to permit the ex-service man to show that he was injured or that his disability was due to something that had happened even though it was not of official record.

Mr. REED of Pennsylvania. Yes; I believe that was so with the earlier pension acts; but, of course, it has ceased to be of importance, because now they all get service pensions.

Mr. DILL. Then I wondered why we should establish a more severe rule against the ex-service men of the World War than was in force against the ex-service men of the Spanish War and of the Civil War previous to the granting of service pensions.

Mr. REED of Pennsylvania. It is because we are giving these men more liberal treatment in the way of compensation, of hospital advantage, of training, and otherwise than we have ever given to the veterans of any previous war.

Mr. DILL. That is true, of course, as to the men whose injuries are established, but it is not true as to those who maintain that their condition was brought about by their service in the war, but as to whom there is no official record of any particular injury.

Mr. REED of Pennsylvania. The greater the liberality the greater must be the safeguards. That has been the philosophy of this character of legislation since the original war risk insurance act.

Mr. DILL. Of course, there is no liberality in the case of the soldier who is shut out. We may be more liberal with the other men, but we are not being more liberal with those who are shut out by this proposal of the Senate committee to strike out the House amendment.

Mr. REED of Pennsylvania. If the soldier's injury or supposed injury has not resulted in 10 per cent disability before June 7, 1927, the probabilities are very strong that his disability did not originate in his war service.

Mr. NORRIS. Mr. President, I have listened with a great deal of interest, as I always do, to what the junior Senator from Pennsylvania [Mr. REED] has said. I know that with his analytical mind he can resolve a proposition into its elements and always succeed in making it plain. I can not, however, bring myself to the attitude where I feel justified in establishing a statute of limitations against a soldier's claim if he is able to prove that his claim was of service origin, even though there is no record of the department in regard to it. Without being an expert, I think it is generally known that some of the methods of warfare employed in the late war, resulting in physical injury to the soldiers, never existed in any preceding war, and that due to such methods some injuries lie dormant, scientific men being unable to tell just exactly how long a soldier may be injured without the injury being evidenced by any outward disability. It may be occasioned by a gas attack or to the use of some other new device in scientific warfare and the soldier only becomes aware of it years after he is discharged.

I know that as to soldiers returning from war that there is always an anxiety to get home, an anxiety to get out of all; they are anxious to get back into civil life, and if they have a slight injury which may be apparent to them but of no particular consequence, being in circumstances where they are not in need of help or assistance, in their anxiety to get away they rather conceal the injury than expose it. I have known of a good many instances of that kind.

I remember after the close of the war talking with a man who was at that time a member of this body, who had a son in the war who had just come back. He was telling us of a difficulty his son had with his eyes, and how he had refused to say anything about it; how he had, in fact, tried to conceal that there was any such trouble.

It was not then of great importance; I do not know that it ever developed into anything serious; but I was particularly interested in the case, because I knew of a case of a Civil War veteran who likewise when he was a young man had an injury to his eyes which he attempted to conceal in order to get away and avoid the delay of examination, and so forth, in which case later on the injury developed into a serious malady which resulted in his total blindness. He had great difficulty in proving service origin as there was no record of his injury. He did prove its service origin by an abundance of proof, but it required years of time to do it. If there had been a complete limitation, it would have shut him out. It does not seem to me, Mr. President, when we are talking about the difficulties of proving service origin that there ought to be any limitation. Regardless of the fact that it may prove expensive, I know that we can not put dollars in the way of justice.

Mr. DILL. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. DILL. Will not a statute of limitations inevitably bring about a demand for service pensions much earlier and force such legislation much earlier than if we allow the men to prove that their disabilities are due to the service?

Mr. NORRIS. I believe it will, I will say to the Senator.

Mr. DILL. I think such a demand is growing now, and unless we make some provision whereby these men who are now disabled and have no official record of the injury can be cared for by the Government the demand for service pensions will become such that we can not resist it; and it will come much sooner.

Mr. NORRIS. I thank the Senator; but I wish to refer to one other remark made by the Senator from Pennsylvania, and that is that we could take care of special cases by private bills. That is one answer to it; but to my mind it is not a satisfactory answer. We ought to avoid private legislation as much as we can. We all know that many things creep into private legislation which, if run down, would perhaps in many cases show our action to be unjustifiable; but for the want of time, for the want of opportunity to investigate, we always resolve the doubt in favor of the soldier or the widow by a private bill. If we invite private legislation by circumscribing the general legislation with statutes of limitation and other technical statutes, we are only increasing the burden in another field where we do not have the same opportunity to get the facts which we have in this way.

Mr. HARRISON. Mr. President, I merely wish to say a word or two in response to what the Senator from Pennsylvania said a moment ago when he admonished the Senate about amendments being offered and time being taken up in the consideration of this measure. It must not be forgotten that the veterans' organizations, together with the Veterans' Bureau, in considering legislation that is needed at this time, prepared a bill carrying an appropriation of $39,000,000. They requested that amount to take care of the needs of the disabled soldiers. The committee of the House reported a bill, however, that only carried an appropriation of $21,000,000, thus lopping some $18,000,000 from the amount which the veterans' organizations said was necessary. After that bill was reported somebody got very busy—the leaders of the party that controls in the other House or someone else still higher up—said that the proposed legislation could not be passed if it carried that amount of money and consequently the figures were revised and an appropriation provided amounting to between $7,000,000 and $12,000,000. I think the proposal as reported by the Finance Committee carries some $12,000,000. So it is necessary that certain amendments be offered, and it is quite likely that some further discussion should be had touching these items if the needs of the soldiers are to be taken care of and we are to carry out the recommendations of those looking after the case and in charge of the veterans' agencies.

It seems to me that the discussion so far has been quite wholesome, even including the criticism which was expressed on Saturday against one of the Commissioners of the District of Columbia. Such discussion as that ought to clarify the atmosphere. I hope that amendments designed to carry out the recommendations of those in charge of the veterans' organizations will be offered and that we may vote upon them, and that every cent that is needed to take care of the requirements of these men will be written into the law. I do not care that certain leaders who are planning the legislation say that the appropriations shall not go beyond $12,000,000; if it is necessary to take care of the needs of the ex-service men to appropriate $39,000,000, we should not hesitate to appropriate it. So, I hope that the admonition expressed by the Senator from Pennsylvania will have little weight in deterring Senators from offering such amendments that they think will be helpful to this proposal.

Mr. REED of Pennsylvania. Mr. President, it occurs to me from some of the things that have been said on the floor that

Senators may not understand the present situation about the proof of disability. At the present time any man who was disabled to the extent of 10 per cent while in the service or within a year after discharge from the service may prove his claim at any time; there is no limitation as to him. Furthermore, any man who had an official record made of his injury—not disability but injury—either during his service or at the time of his discharge may prove his claim at any time. It does not have to be on his discharge. If he was treated in any hospital here or in France, there is no statute of limitations against the proof of his claim. Furthermore, if he became insane or had a nervous disease or mental disease at any time before January 1, 1925, or if he developed symptoms of tuberculosis before January 1, 1925, there is no limitation on the proof of his claim. All we are trying to do is to protect the Government from those hypochondriacs who in the years to come will blame everything on their military service, although there is no record of any wound or illness while they were in the service, although there is no record of it on examination at the time of their discharge, although they showed no tubercular or mental symptoms for six years after they left the service, and although there was no proof furnished before June 7, 1927.

We do not want to dissolve in tears at the very first mention of veterans' legislation, and suspend our intelligence on the subject. We all know that if a man was gassed, as the Senator from Nebraska has indicated, he was treated by somebody, somewhere, either at a first-aid station or at a base hospital or somewhere in France. If any such injury was incurred by a man in the service, there are records of it; and this section does not bar it. What it attempts to bar are these late-coming cases who never before this time have had the slightest symptom of disability due to service.

Mr. ROBINSON of Indiana. Mr. President, as I understand this measure, when it came from the House there was no limitation fixed at all. A service man could come in at any time and ask for his day in court, and the burden of proof was entirely on the service man. It was necessary for the service man to make his case. If he was successful, then the Government would recognize his claim, of course.

I am unable to see how the Government could be injured by adopting the measure as it came from the House. I am unable to see how the Government itself could figure with such nicety how much this would cost the Government next year or in the years to come, unless the Government should tacitly admit that there are a number of deserving cases that would come before the Government that would cost this amount of money.

Mr. President, it seems to me that if a service man should come into court or before a board at any time in the future and prove conclusively—the burden being on his shoulders to make the proof—that any disability under which he was now laboring was due entirely to his service for the United States, that man ought to receive attention. Personally I follow the reasoning of the Senator from Mississippi and that of the Senator from Washington in the suggestion that there ought to be no limitation placed on a soldier's right to come in and have his day in court, and if it costs some money the Government will have to pay it. If it is just and righteous, the Government ought to pay it.

So I am inclined to believe that the bill was better as it came from the House than this amendment would tend to make it; and I am certain that as the bill passed the House it was in the form that the service men desired to have it. Therefore I think the Senate amendment probably has not improved the bill.

Mr. NORRIS. Mr. President, I desire to say just a word further because of what the Senator from Pennsylvania has said, and because of what I omitted to say when I had the floor a few minutes ago.

The fact comes back to this, as I understand—that the attempt of the committee is to put on a statute of limitations as to evidence. There never will be a time, as I understand the Senator from Pennsylvania, when an application can not be made under the law; but the proof will have to be of the Federal records, and if that proof was not made the man is not allowed to file other proof.

I want to refer again to the young returned soldier of whom I spoke a while ago, with whom I had a conversation together with his father, who is having difficulty with his eyes. I neglected to state that this young man had an appointment the next day after this conversation at which he was going to be examined by a specialist here in the city of Washington with regard to his eyes. His father was quite well fixed. They did not need pensions or anything of that kind. The father was tickled to death to have his boy back, and the boy was delighted beyond expression to get home again with his family. I remember talking to him with his father and told him that I thought he had made a serious mistake; that he would have done better to delay his coming home for some time and have his examination made by the proper physicians in the Army; that he was wrong when he rather concealed his difficulty. His reply was that he did not need any pension; he was anxious to get home; he did not want any money from the Government, and so on, as thousands of them feel.

I know that the Senator from Pennsylvania tells the exact truth when he says there will be a great many people who will try to get compensation or pensions who are not entitled to them, but we must always remember that the burden of proving service origin is on them, and I would rather that some of them should slip through, I would rather that there should be mistakes made in their favor, than to have some one of merit lose because of his inability to prove service origin.

Take this young man of whom I speak. I do not know whether there will be any difficulty or whether there is any difficulty now in his case; but assume that there will be, when he gets to be an old man he will be confronted with the fact that he can not prove it by any documentary evidence of the United States. I will be dead; his father is already dead; the specialist who treated him here will not be alive; and it will be almost an impossibility to prove that that difficulty was of service origin. It may be that it was not. I do not know. Perhaps he would have had the same difficulty if he had not gone to war, but this happened just on his return. He had not been here two days when this incident happened. A statute of limitations might cut out many worthy cases.

After all, the matter is in the hands of the officials that pass on it to act as judges. The burden of proof is on the ex-soldier who wants to establish his claim to prove that it is of service origin. It is common knowledge, however, that there are many such cases of which there is no official record. It has always been so in every war. It was so in thousands of cases in the Civil War, when soldiers who had been away from home for a year or two in their anxiety to get back would do anything rather than delay their return a day or an hour. They were not thinking of getting something in the future. They were not thinking of the day that might come when they would be old and unable to support themselves or their families, when it might be important that they had made a record when they were young men showing that whatever difficulty they might have had was of service origin.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to the House text proposed to be stricken out by the committee.

The amendment was agreed to.

The VICE PRESIDENT. The question now is upon agreeing to the amendment of the committee proposing to strike out lines 1 and 2 on page 20.

The amendment of the committee was agreed to.

Mr. BINGHAM. Mr. President, on Saturday I gave notice that I should move to reconsider the votes by which two amendments were agreed to on page 19.

I move to reconsider the vote whereby the words "or Territories," in line 1, page 19, were stricken out; also the vote by which the words "and in Alaska," in line 2, were put in.

My reason for so moving is that the bill as amended at present cuts out the Territory of Hawaii, which is not an insular possession, but is one of the Territories of the United States. The bill as originally drawn, as it came over from the House, included the Territory of Hawaii. The people in the Territory of Hawaii are very proud of the fact that Hawaii is not one of the insular possessions but has a Territorial status. I hope the votes may be reconsidered. I am sure the committee had no intention of cutting out the Territory of Hawaii.

Mr. REED of Pennsylvania. The committee did not mean to cut out Hawaii. We have no objection to the reconsideration.

The VICE PRESIDENT. Without objection, the vote whereby the amendments on page 19 were agreed to will be reconsidered. The question is on agreeing to the amendments.

The amendments were rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 21, line 7, after the word "payments," to insert: "in the event of death in the service," so as to read:

SEC. 212. This act is intended to provide a system for the relief of persons who were disabled, and for the dependents of those who died as a result of disability suffered in the military service of the United States between April 6, 1917, and July 2, 1921. For such disabilities and deaths no other pension laws or laws providing for gratuities or payments in the event of death in the service shall be applicable.

The amendment was agreed to.

The next amendment was, on page 21, at the beginning of line 20, before the word "be," to insert "hereafter," so as to read:

Provided, however, That the laws relating to the retirement of persons in the regular military or naval service shall not be considered to be laws providing for pensions, gratuities, or payments within the meaning of this section: *And provided further,* That compensation under this title shall not be paid while the person is in receipt of active service or retirement pay, this proviso to be effective as of April 6, 1917. Titles II and IV of this act shall not be applicable to any disability or resultant death in the service if such disability occurred as a result of service prior to April 6, 1917, or after July 2, 1921: *Provided, however,* That the schedule of ratings provided by section 202 (4) of this statute shall hereafter be applicable to disabilities occurring as a result of service prior to April 6, 1917, or after July 2, 1921, wherever a person has an accrued right to compensation under section 602 of the World War veterans' act, 1924."

The amendment was agreed to.

The next amendment was, on page 22, line 13, after the word "within," to strike out "one year" and insert "120 days," so as to read:

SEC. 300. In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department protection for themselves and their dependents, the United States, upon application to the bureau and without medical examination, shall grant United States Government life insurance (converted insurance) against the death or total permanent disability of any such person in any multiple of $500, and not less than $1,000 or more than $10,000, upon the payment of the premiums as hereinafter provided. Such insurance must be applied for within 120 days after enlistment or after entrance into or employment in the active service and before discharge or resignation.

The amendment was agreed to.

The next amendment was, on page 23, line 4, after the word "within," to strike out "one year" and insert "120 days," so as to read:

Provided further, That each officer and enlisted man of the Coast Guard who is serving on active duty at the time of the passage of this amendatory act, or who subsequent thereto enters the Coast Guard Service, shall be granted insurance in accordance with the terms of this section upon application within 120 days of the passage of this amendatory act, or date of enlistment or entry into the Coast Guard, whichever is the later date, and before retirement, discharge, or resignation.

The amendment was agreed to.

The next amendment was, at the top of page 24, to strike out the following section:

SEC. 15. That section 301 of the World War veterans' act, 1924, approved June 7, 1924, as amended March 4, 1925, is hereby amended to read as follows:

"SEC. 301. Except as provided in the second paragraph of this section, not later than July 2, 1927, all term insurance held by persons who were in the military service after April 6, 1917, shall be converted without medical examination into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, 20-payment life, endowment maturing at age 62, five-year level premium term, and into other usual forms of insurance, and for reconversion of any such policies to a higher or lower premium rate in accordance with regulations to be issued by the director, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each, and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

"All term insurance shall cease on July 2, 1927, except when death or total permanent disability shall have occurred before July 2, 1927: *Provided, however,* That the director may by regulation extend the time for the continuing of yearly renewable term insurance and the conversion thereof in any case where on July 2, 1927, conversion of such yearly renewable term insurance is impracticable or impossible due to the mental condition or disappearance of the insured.

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided: *Provided,* That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"The insurance except as provided herein shall be payable in 240 equal monthly installments: *Provided,* That when the amount of an individual monthly payment is less than $5, such amount may, in the discretion of the director, be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid up, and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per cent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided.

"If no beneficiary within the permitted class be designated by the insured as beneficiary for converted insurance granted under the provisions of Article IV of the war risk insurance act, or Title III of this act, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments: *Provided,* That no payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government life insurance fund.

"The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for 36 months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for 36 months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. This section shall be deemed to be in effect as of June 7, 1924."

The amendment was agreed to.

The next amendment was, on page 28, after line 2, to strike out the following section:

SEC. 16. That section 303 of the World War veterans' act, 1924, approved June 7, 1924, and amended March 4, 1925, is hereby amended to read as follows:

"SEC. 303. If no person within the permitted class be designated as beneficiary for yearly renewable term insurance by the insured either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured or survives the insured and dies prior to receiving all of the 240 installments or all such as are payable and applicable, there shall be paid to the estate of the insured the present value of the monthly installments thereafter payable, said value to be computed as of date of last payment made under any existing award: *Provided,* That all awards of yearly renewable term insurance which are in course of payment on the date of the approval of this act shall continue until the death of the person receiving such payments, or until he forfeits same under the provisions of this act. When any person to whom such insurance is now awarded dies or forfeits his rights to such insurance, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments of the insurance so awarded to such person. For the purpose of this proviso an award shall be deemed to be in the course of payment from the date the right to payment accrued: *Provided further,* That no award of yearly renewable term insurance which has been made to the estate of a last surviving beneficiary shall be affected by this amendment: *Provided further,* That in cases when the estate of an insured would escheat under the laws of the place of his residence the insurance shall not be paid to the estate, but shall escheat to the United States and be credited to the military and naval insurance appropriation. This section shall be deemed to be in effect as of October 6, 1917."

Mr. REED of Pennsylvania. Mr. President, I think a word of explanation ought to be given there. Section 15 of the House bill provided for an extension of one year in the time within which World War insurance might be converted into permanent

form. It also provided for a new form of converted insurance on the five-year level premium plan, the cheapest one on which insurance can be obtained. We have stricken that out of the bill as it passed the House because exactly the same provisions were enacted into law in a bill passed more than a month ago, and that bill has been signed by the President, and is now the law. These provisions were not stricken out because of any disagreement with the purport of the section.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 29, line 12, after the word "Sec.," to strike out "17" and insert "14"; in the same line, before the word "section," to insert "the last proviso of," and after line 14 to strike out:

SEC. 304. In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with an application for reinstatement, in whole or in part, of lapsed or canceled yearly renewable term insurance or United States Government life insurance (converted insurance) hereafter made may be approved if made within one year after the passage of this amendatory act or within two years after the date of lapse or cancellation: *Provided*, That the applicant's disability is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the World War: *Provided further*, That the applicant during his lifetime submits proof satisfactorily to the director showing that he is not totally and permanently disabled. As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance, where the requirements as to the physical condition of the applicant have not been complied with, or, for the reinstatement of the United States Government life insurance (converted insurance), the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest at the rate of 5 per cent per annum, compounded annually, on each premium from the date said premium is due by the terms of the policy: *Provided further*, That where within one year of this amendatory act all of the requirements for reinstatement of yearly renewable term insurance under this section are complied with, except the payment of unpaid premiums with interest, and proof satisfactory to the director is furnished showing the applicant is unable to pay such premiums with interest or some part thereof, the application may be approved, and the amount of unpaid premiums with interest as provided in this section shall be placed as an interest bearing indebtedness against the insurance, such indebtedness to bear interest at the rate of 5 per cent per annum, compounded annually, to be deducted in any settlement thereunder.

Mr. JONES of New Mexico. Mr. President, on considerable reflection I have become much interested in this provision, and I desire to call the attention of Senators to just what it means.

The principal part of the proposal is that which is stricken out. The stricken out part was inserted by the House solely for the purpose of inserting the third proviso, which appears on page 30, line 16. That is the new matter which was inserted by the House, and that matter was to take care of certain classes of cases.

Under the first part of section 304 a disabled veteran who has permitted his insurance to lapse may renew it without physical examination, provided he pays up the amount of the premium which should have been paid, together with 5 per cent thereon compounded annually. In that way he can restore his rights under the insurance policy.

This proviso, which was inserted by the House, was intended to take care of those disabled veterans who have not the money with which to renew their insurance. The Senate committee proposes to strike out that provision. I hope Senators will consider the effect of what is proposed to be done. I have become thoroughly convinced that the recommendation of the committee in this respect is wrong. It seems to me that in the last analysis it overturns the underlying principle of all of the war insurance.

When the insurance act was passed, back in 1917, it was enacted for the purpose of enabling the soldiers to make some provision for their wives and their children, their fathers and their mothers, if dependent upon them for their support. In order to do that it was generally stated that the Government would assume all of the hazards of insurance occasioned by the war, that the Government would take care of that.

We have here a class of veterans who entered the war, who took out their insurance under the provisions of the law which we passed, and who became disabled. After their disability they were compelled, through lack of sufficient financial resources, to let their insurance lapse, and they are still in the same financial condition. We of the Finance Committee, by this recommendation, would say to them that we are no longer concerned as to them.

Mr. President, I do not believe it is right that we shall do that. I believe there is the class of disabled ex-service man to whom we ought to lend our first efforts, to take care of them—men who are not only disabled but who have wives and children, dependent fathers and mothers, and have attempted to provide for them by taking out their insurance. Now they are disabled by reason of their entrance into the war, they are no longer financially able to take care of their insurance premiums, and thus continue a provision for the benefit of their loved and dependent ones. Are not those the very people who should receive our first concern?

The House recommended that in those circumstances these insurance premiums should be calculated at a rate of interest of 5 per cent, compounded annually, and that the total expense should be deducted from the face of the policy at the time of permanent disability or death. I know that this would cost the Treasury money. I am told that it would cost about $15,000,000. But it is stated that the measure provides a real saving to the Treasury.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I yield.

Mr. ASHURST. Let us see if we understand the proposal of the House. It is that when a policy has lapsed, we will say, for five years, and the soldier wishes to reinstate or renew the same, on the unpaid premiums he would be charged interest at the rate of 5 per cent per annum, compounded annually, and that would be deducted from the avails of the policy in case of permanent disability or death.

Mr. JONES of New Mexico. The Senator understands the proposal aright. It must be shown, further, that the ex-service man is not able to pay the premium.

Mr. McKELLAR. Mr. President, would that be regardless of how long the insurance was kept in effect? In other words, suppose a soldier had paid his premiums for only two years, or three years, or six years, as the case may be. Would he have the right, regardless of the number of years he had paid the premiums, to take advantage of this measure?

Mr. JONES of New Mexico. He would, and I may say that the same soldier now has the right to renew his insurance provided he makes payment of the premium. So this would do nothing additional for that man that is not done for the man who is able to pay.

Mr. President, this whole insurance scheme was not founded upon any scientific basis at all. We expected to provide a means whereby soldiers entering the war could provide for those who were dependent upon them, and that the Government should take the risk. Now, these men, who actually suffered under the risk, who are disabled physically, are now financially unable to pay their premiums, and can not keep up their policies, and unquestionably all these conditions were brought about because of their entry into the war.

The more I have reflected upon this matter, the more keenly I feel concerning it. The House inserted the provision in the bill at the request of the American Legion. The American Legion is still insisting upon it. But whether they are insisting upon it or not, does not the inner consciousness of every Senator here, his sense of right and justice, impel him to insist upon it, and thus enable these poor, unfortunate, disabled soldiers to make some provision for their wives and children or the dependent fathers and mothers?

Mr. KING. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I yield.

Mr. KING. I inquire of the Senator, for information, whether, if the policy for which he is contending shall be adopted, it means that those who are not disabled, who are not drawing compensation, will have their premiums paid by the Government; and if not, why not? If they are not disabled, but claim they are unable to get work or are unable to meet their payments, are we to discriminate in favor of some classes as against other classes? I ask for information.

Mr. JONES of New Mexico. There is only one discrimination here. Every disabled man can renew his policy now on the payment of the premium, no matter how long the policy has been lapsed, provided he adds to the premium 5 per cent, compounded annually. All this does is to take care of the man who is disabled in body and who is unable to pay the premium; that is all.

Mr. KING. Let me inquire further: Suppose A and B and C have been paying their premiums conformable to law, and in four or five or six years from now they claim to be disabled, or claim inability, because of poverty, to meet the payments. Is it the plan of the Senator to have the Government keep those payments up for them?

Mr. JONES of New Mexico. I am not planning anything except what is suggested in this proviso; and if the Senator will read it he will see that that is so.

Mr. KING. Will the interpretation which the Senator places upon the proviso accomplish what my question would indicate?

Mr. JONES of New Mexico. I may say that there is a limitation here as to when these policies may be renewed, that that must be done or or before July 2, 1927.

Mr. KING. But where they have lapsed we are now by legislation permitting renewal, and I presume that later on we will have curative legislation so that those whose policies lapse may come again knocking at the door of Congress.

Mr. JONES of New Mexico. I realize the vivid imagination of the Senator from Utah——

Mr. KING. It is not vivid. Is it not a fact that we are doing it now?

Mr. JONES of New Mexico. And the keen prophecies with which he attacks a good many problems here in the Senate. I do not know what Congress will do in future years, and I am not concerned about that. I assume that Congress in future years will do the right as it sees it at the time, and the only question before us is whether we are willing to do the right now, confronted with the conditions with which we are confronted. This is the only thing with which we are confronted now, and I appeal to the distinguished Senator from Utah, who has a tender heart, as I know, to consider the plight of these men who went out into the war and who took advantage of this insurance because they had some loved ones or dependents whom they desired to protect. They did everything they could in order to protect them. Now, when they have suffered disability, when they have met the misfortunes of war, when they have been unable to earn a living and to provide money wherewith to pay the premiums, shall we set aside the tender-hearted things for which they provided when they took out their insurance in the first place? I do not believe that on consideration Senators will do it.

Those are the very people for whom we should legislate. They have been in the war. They have become disabled. Their disability has prevented them from restoring their finances and has prevented them from paying the premiums and protecting their loved ones. Let us come to their rescue.

Mr. REED of Pennsylvania. Mr. President, Congress has already appreciated the force of that argument. We have already provided in section 305 of the World War veterans' act that where any veteran carrying insurance is disabled and has permitted his premiums to fall into arrears and has subsequently died or become totally disabled so that his insurance would mature if alive there shall be automatic reinstatement of that insurance as if during the time of his original partial disability he had received his compensation and had applied it to the payment of the insurance. Senators will find on page 31 of the bill which is now before them that section 305 is quoted again.

As to the disabled men, they are already adequately taken care of, but what the provision we have stricken out proposes to do is to allow anybody, disabled or not, to come along five years or so after his policy has lapsed, when he has deliberately refused to pay the premium, and say to the bureau, "All right, reinstate my policy. I will not pay you a cent now, but you can charge up my back premiums, which I have deliberately refused to pay, against the principal of my policy." Any insurance company which undertook to do business on such a basis as that would be headed for bankruptcy.

Mr. WALSH. Mr. President, is not that taken care of by the proviso on page 29, which reads:

> *Provided*, That the applicant's disability is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the World War.

Mr. REED of Pennsylvania. That is the provision that disabled men may reinstate without regard to the fact that they can not pass the medical examination, the reinstatement which is now allowed to a man who is not permanently and totally disabled, but just partially so. The reinstatement is permitted to him in spite of his bad health if he pays up his back premiums. It is a very liberal provision, but a proper one. If he is totally disabled he does not have to pay any premium. Instead of that the Government pays him on his policy right away and reinstates his policy as if he had paid his premium. But the proviso which we have stricken out deals with the healthy man.

Let me show the Senate what would happen. A year from now all outstanding insurance will be what is known as converted insurance, calculated on sound actuarial principles, with an adequate reserve fund held by the Treasury in trust to take care of every obligation of the Government thereunder. That is a trust fund. It does not belong to us. It belongs to all the policyholders. Here it is proposed to admit new beneficiaries to that trust fund without the contribution by them of a single cent to the fund itself. We strike that out because we feel that it is practically theft from those men who have kept up their premiums and have contributed to this vast fund which the Treasury holds for the payment of those policies.

It is utterly unsound financially. We have given these men every privilege that any old-line life-insurance company gives them, and we have given them rates lower than any insurance company in the world. We have assumed, as the Senator from New Mexico properly said, all of the extra hazards of the war. No man has paid a cent on that account. I appeal to the Senate to let us continue to administer these billions of dollars in the trust fund on sound principles. We must not depart from them or we are headed for disaster.

Mr. JONES of New Mexico. Mr. President, I am quite sure the Senator from Montana [Mr. WALSH] does not understand just the necessity for the legislation. Section 304, as it exists in the present law, does take care of certain classes of disabled service men. The first part of that section reads:

> In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with—

That is, other than the requirements as to the physical condition of the applicant—

> an application for reinstatement, in whole or in part, of lapsed or canceled yearly renewable term insurance or United States Government life insurance (converted insurance) hereafter may be approved if made within one year after the passage of the this mandatory act or within two years after the date of lapse or cancellation: *Provided*, That the applicant's liability is the result of an injury or disease, or an aggravation thereof, suffered or contracted in the active military or naval service during the World War: *Provided further*, That the applicant during his lifetime submits proof satisfactory to the director showing that he is not totally and permanently disabled. As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance, where the requirements as to the physical condition of the applicant have not been complied with, or, for the reinstatement of the United States Government life insurance (converted insurance), the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest at the rate of 5 per cent per annum, compounded annually, on each premium from the date such premium is due by the terms of the policy.

That is existing law. It takes care of the disabled man who shows that he is not totally disabled, but has the ability to make back premium payments, no matter for what time, together with interest at 5 per cent compounded annually. The proviso which was added by the House is to take care of the same class of ex-service men who are unable to pay those premiums. That is all. They are not taken care of anywhere else.

The Senator from Pennsylvania said that they were taken care of in section 305. I fail to find anything in section 305 which takes care of them. I do find this provision in section 305:

> Where any person has heretofore allowed his insurance to lapse, or has canceled or reduced all or any part of such insurance, while suffering from a compensable disability for which compensation was not collected and dies or has died, or becomes or has become permanently and totally disabled and at the time of such death or permanent total disability was or is entitled to compensation remaining uncollected, then and in that event so much of his insurance as said uncollected compensation, computed in all cases at the rate provided by section 302 of the war risk insurance act as amended December 24, 1919, would purchase if applied as premiums when due, shall not be considered as lapsed, canceled, or reduced.

I submit that has no reference whatever to the class of disabled ex-service men about whom I have been talking. There are that class who were not taken care of, and the question before the Senate is whether they shall be taken care of or not. I propose, if the proviso is adopted, to offer an amendment to the provision to section 305, where it reads:

> *Provided*, That insurance hereafter revived under this section—

And I propose there to insert—

> or under the third proviso in section 304, by reason of permanent and total disability or by death of the insured, shall be paid only to the insured, his widow, child or children, dependent mother or father, and in the order named unless otherwise designated by the insured during his lifetime or by last will and testament.

That simply means that as to the disabled men who have become financially disabled as well as physically disabled, who have tried, through life insurance, to take care of their father, their mother, their wife, or their children, we are going to let the Government of the United States carry that insurance, pay the premiums, with 5 per cent interest compounded annually, and deduct the payments from the face of the policy when it shall become due. Could we do less for these people, and are they not the very ones whom we had in mind when we devised this scheme of war-risk insurance? Have we kept faith with such men unless we protect them? Let us not say that we are going to withhold a few paltry dollars and through that act break our faith with these men who served their country in the time of stress and who suffered the misfortunes of war.

Mr. KING. Mr. President, if I understand the position of the Senator from New Mexico—and I confess that I do not, though I rose a moment ago for information which, perhaps because of my lack of understanding, I did not obtain—I am going to appeal now to the Senator from Pennsylvania [Mr. REED] to make further explanation of what I understand the proposed amendment to be.

As I understand it, the Government of the United States, under the proposition of the Senator from New Mexico, is to pay out of the funds of the Government the premiums from year to year whenever the insured is unable financially or physically, or both, to meet not only the arrears of the past but any arrears of the future. If that is true, of course, we would have no fund. If 90 per cent of the people carrying policies are unable, because of financial difficulties, to meet their premiums, and may have them advanced, they will have them advanced, and pretty soon we would have no fund, and as death invades the ranks, as it does, the time will soon come when we will have no fund out of which to meet the insurance when death has ensued and demands are made for the payments of the policies.

If I understand the position of the Senator, it is not only unsound but I think it is unfair. It destroys the fund itself, as suggested by the Senator from Pennsylvania. I may be mistaken, and I ask the Senator from Pennsylvania if the proposition of the Senator from New Mexico is substantially this, that all ex-service men who now carry insurance if they aver that they are unable to carry the insurance are to have it carried for them by the Government. If they are disabled, they are to have the Government carry it; if their disability is purely financial, the Government will make the advancement. Is not that the proposition of the Senator?

Mr. REED of Pennsylvania. That is the way I read the amendment.

Mr. WALSH. Mr. President, I should like to see whether I can state the proposition with accuracy. Under the existing law if the disabled man dies or becomes permanently disabled the amount of his delinquent payments may be paid and then the insurance is restored.

Mr. KING. Does the Senator from Montana mean physical disability or financial disability?

Mr. WALSH. Well, he has not paid his premiums, and he has not paid his premiums because of his disability. Now he comes forward and he is ready to pay the premiums; he has been able some way or other, either through his own efforts or through the contribution of friends, to raise the money with which to pay the delinquent premiums; but here is another man who is disabled to a compensable degree; he has himself to support and he has his family to support, but he has not the money to pay and he can not raise money enough to pay his delinquent payments. We restore the insurance to the man who is able in some way or other to dig up the money to pay his premiums, but the poor devil who is not able to get the money through his own efforts or through the kindness of his friends has got to suffer the loss of his insurance. Have I stated it accurately?

Mr. REED of Pennsylvania. I think that is not exactly accurate. If the Senate will bear with me while I try to state the present situation about reinstatement, I desire to say that any healthy man who has allowed his insurance to lapse can come in and get it reinstated upon having a physical examination and paying two months' back premiums.

Mr. JONES of New Mexico. Two years' premiums.

Mr. REED of Pennsylvania. He must pay only two months' premiums. If he is healthy he practically takes out a new contract of insurance with that single penalty. If he is disabled, and his disability is due to war service, under section 304 as it now stands without the House amendment, he can by the payment of the back premiums with interest. If he is permanently and totally disabled not only is his insurance automatically reinstated for such time as he was previously disabled and defaulted, but the Government begins at once to pay it because total disability constitutes one of the maturing events of the policy.

The House provision which the committee report to strike out, and which the Senator from New Mexico [Mr. JONES] would restore, would provide that any man, healthy or sick, whatever be the cause of his disability, could have his policy reinstated without the payment of a cent merely by the bookkeeping entry against his account of the premiums in arrears with accumulated interest to date.

Mr. JONES of New Mexico. Mr. President, I do not believe the Senator from Pennsylvania interprets that proviso correctly. Section 304 deals with those who are not able to pass a physical examination in order to renew their insurance.

Mr. REED of Pennsylvania. It is broad enough to cover all men who are well.

Mr. JONES of New Mexico. I do not think so, because, if the Senator will pardon me, the section starts out by stating:

> In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with.

The other provision which is inserted by the House is only a proviso to the main proposal, and therefore the terms of the proviso must be limited to those persons who are not able to comply with the physical examination.

Mr. REED of Pennsylvania. The section is broad enough to cover all men, well and sick.

Mr. JONES of New Mexico. I disagree with the Senator from Pennsylvania as to that.

Mr. REED of Pennsylvania. But there is a proviso which exempts from the physical examination those men who have service disabilities. It is not restricted, although the House may have meant to restrict it to those who are disabled.

Mr. WALSH. That feature of it can be easily taken care of if instead of the word "the," in line 21, on page 30, we insert the words "any such," so as to read:

> And proof satisfactory to the director is furnished showing any such applicant.

That will be an applicant who has complied with all the rules and regulations except the requirement as to his physical condition.

Mr. JONES of New Mexico. Mr. President, the analogy of the Senator from Pennsylvania would lead to an absurdity, because the proviso immediately preceding does enable those who are able to pay to have their insurance renewed without physical examination, and it contains limitations there relating back to the very first part of that section, and the other proviso can only be construed as doing precisely the same thing. However, if the Senator from Pennsylvania has any misapprehension about it, the suggestion of the Senator from Montana would certainly take care of it.

Mr. REED of Pennsylvania. Mr. President, that was only an incident. I think the Senator from Montana has made a useful suggestion which would limit this only to men who are financially or physically unable; but the proposition itself is unsound. If the disability of these men is connected with the war we compensate them to the extent of that disability under the very liberal provisions of title 1. If the disability is not connected with the war but is due to some subsequent illness or accident, why should we give the ex-service man free insurance? It would impeach the soundness of the whole scheme of insurance that we have set up. It would be a nice charity; we would all be glad to see it granted, but it would be utterly unsound financially.

Mr. JONES of New Mexico. May I inquire of the Senator from Pennsylvania if the whole scheme of this insurance was not intended to take care of just such men as these?

Mr. REED of Pennsylvania. Absolutely not.

Mr. JONES of New Mexico. We did not enter into any scientific insurance scheme involving the building up of an insurance fund with a reserve, according to the old tontine-insurance system, or anything of that kind, for the purpose of making it carry itself. What we did was to provide a scheme whereby disabled soldiers through this insurance system might be able to take care of their loved ones and those dependent upon them. Now, we are denying it to them simply because they can not pay a few dollars of insurance premiums.

Mr. REED of Pennsylvania. Mr. President, the war-risk insurance was a temporary device; it always was intended to lapse on the 30th day of June, 1926. If we had continued the temporary term insurance indefinitely it would have bankrupted the United States Government. Up to the present time the premiums collected on all those policies amount to less than $450,000,000, while the disbursements amount to nearly $750,000,000, and are growing at the rate of over $100,000,000 a year.

We have got to stop it. We are continuing it for one year by the special act of which I spoke, which allows conversion during the next 12 months; but if there were no limitations on it, when that great class of young men begin to arrive at the age when death occurs among them more frequently, I tell you that no process of taxation yet devised in the United States would carry the burden.

This provision which the House put in the bill is the first wedge in the soundness of the converted-insurance scheme, and without that converted-insurance plan I assure the Senate the whole thing would break down of its own weight. Up to date the converted insurance is based on sound lines, giving these men insurance at cost. If we are going to give men insurance for nothing, then we have got to increase the premiums on the men who are paying, or else the fund is going to become insolvent.

Mr. JONES of New Mexico. Mr. President, the Senator from Pennsylvania makes another suggestion which I can not allow to go by without some reply. He refers to the fact that there must be some payment in order to get the benefit of this insurance. Fellow Senators, have not these men paid? Did they not pay when they entered the war and when they suffered the misfortunes of war? Did they not pay in their health, pay in their lifeblood, through the wounds which they received? Talk to me about pay in these circumstances! I still believe there rests in this great body enough of humanity to take care of these men who have paid, not in a few paltry dollars but in that which is worth more to many of them than the untold wealth of the world.

Mr. President, I ask unanimous consent that the vote may be taken on the three amendments, as they all relate to the same question. The amendment on line 12, page 29, was put in there because of the striking out of the main portion of the section. As to the amendment on page 31, I will inquire of the Senator from Pennsylvania whether he desires that amendment to remain in the bill whether the other remains in or not?

Mr. REED of Pennsylvania. Mr. President, the amendment on line 4, page 31, was put in merely to meet the new situation created by the new type of term policy. What we meant to limit was the old type of term policy.

Mr. JONES of New Mexico. Then, whether the other amendment is inserted or not, the Senator from Pennsylvania would like for that amendment to remain in the bill?

Mr. REED of Pennsylvania. Yes; and there is no inconsistency whatever.

Mr. JONES of New Mexico. I was under that impression.

The PRESIDENT pro tempore. Then, does the Senator from New Mexico modify his request?

Mr. JONES of New Mexico. Yes. I ask that the amendment on line 12, page 29, and the portion of the House bill proposed to be stricken out be voted on at the same time.

Mr. REED of Pennsylvania. May I suggest that the quickest way of getting the exact question decided would be to have a separate vote on the amendment of the committee to strike out the proviso beginning on line 16, page 30. That is what the Senator wants retained in the bill.

Mr. JONES of New Mexico. That is it.

Mr. REED of Pennsylvania. If the Senate wants to sustain the Senator from New Mexico, then we can rapidly shape up the section.

Mr. JONES of New Mexico. Then I ask that the next amendment to be considered by the Senate be the one commencing in line 15.

Mr. REED of Pennsylvania. It is line 16, I think.

Mr. JONES of New Mexico. It is line 15 in the print which I have.

The PRESIDENT pro tempore. The Senator from New Mexico requests unanimous consent for a vote upon the amendment beginning in line 16, page 30, prior to voting upon the amendment in line 12 on page 29.

Mr. JONES of New Mexico. In the print I have it is line 15, page 29. I do not know what print the clerk at the desk may have.

Mr. REED of Pennsylvania. On line 15, page 29, is the language that is now in the law.

Mr. JONES of New Mexico. That is what I refer to. I would rewrite section 304 as the House rewrote it, or, in other words, disagree to the committee amendment beginning in line 15 on page 29 and extending to the colon on line 3, page 31. Before taking a vote I suggest the absence of a quorum.

Mr. KING. Mr. President, before that is done may I ask the Senator a question?

The PRESIDENT pro tempore. Before the roll is called the Senator from Utah is recognized.

Mr. KING. I wish to understand definitely, if I may, the position taken by the Senator from New Mexico. I ask the Senator now for information if his motion does not contemplate, first, that all ex-service men who are suffering from disabilities resulting from their service who have defaulted in the payment of their insurance premiums shall have those payments made and deducted from the policy.

Mr. JONES of New Mexico. That is the plan.

Mr. WALSH. He must also establish that he is unable to pay.

Mr. KING. Well, yes—unable financially, I suppose.

Mr. JONES of New Mexico. He must be disabled.

Mr. WALSH. He must be disabled, and he must be financially unable to pay.

Mr. KING. Second, those persons who are suffering from disabilities not at all traceable to the war, who are sick or have developed some ailment, and by reason of that disability have been unable to meet their payments, are to have their arrears paid.

Mr. JONES of New Mexico. No. The proviso in this section is—

> That the applicant's disability is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the World War.

Mr. KING. Let me understand it. The Senator's amendment does not, then, provide and can not be so construed as to renew the insurance and to pay the arrears in behalf of ex-service men who have voluntarily or because of their poverty allowed their premiums to lapse, and who may now, because of physical disabilities or because of poverty, be unable to pay the arrears, and yet whose disabilities are not traceable at all to any military service?

Mr. JONES of New Mexico. If the Senator will pardon me for a résumé of the conditions, I think they are these:

First, that the person whose policy is to be reinstated is not able to pass a physical examination for the purpose of getting the ordinary privilege of restoring his policy; second, that disability must have arisen by reason of an injury or disease, or an aggravation thereof, suffered or contracted in the active military or naval service during the war; third, that the applicant during his lifetime submits proof satisfactory to the director showing that he is not totally and permanently disabled, because if he is totally and permanently disabled he is taken care of otherwise in the bill.

> As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance, where the requirements as to the physical condition of the applicant have not been complied with, * * * the applicant shall be required to pay all the back monthly premiums which would have become payable * * *, together with interest at the rate of 5 per cent per annum, compounded annually.

The next proviso is that if he is one of that class and the director finds that he is unable to pay these premiums, then those premiums shall be charged up against his policy and deducted from it when it shall mature; that is all.

Mr. KING. Take a case like this: An ex-service man takes out a policy, and by reason of negligence or because he lost his job he has not kept up his payments. May he be reinstated now?

Mr. JONES of New Mexico. This refers only to the disabled veteran.

Mr. KING. I am not saying whether he is disabled or not.

Mr. JONES of New Mexico. If he is disabled——

Mr. KING. But suppose he is not?

Mr. JONES of New Mexico. Then this does not relate to him. This has nothing to do with that kind of a veteran.

Mr. KING. Suppose he never took out a policy at all?

Mr. JONES of New Mexico. Then it does not relate to him.

Mr. KING. It relates only to those who have taken out policies and who are suffering now from disabilities traceable to the war?

Mr. JONES of New Mexico. Traceable to the war and who are suffering financial inability.

Mr. WALSH. Mr. President, I understood the Senator from Pennsylvania to say that under the provisions of this bill, if a man were suffering from some disability so that he was not able to pass the physical examination, though his disability had no connection whatever with his service, he would come in under this provision.

Mr. REED of Pennsylvania. I should think so; yes, Mr. President.

Mr. WALSH. Well, now, is that the case?

Mr. REED of Pennsylvania. As the law now stands, we will assume that a man has a 10 per cent disability, due to his war

service, that would prevent his reviving his insurance or getting new insurance. The law as it now is provides that that shall be disregarded, and he shall be accepted for new insurance quite regardless of his wartime disability.

Mr. WALSH. But upon payment of the back premiums with 5 per cent interest?

Mr. REED of Pennsylvania. Yes. The effect of this new provision would be that if that same man, 10 per cent disabled, was nevertheless a wanton spendthrift, and could not save his money or pay his premiums, this would entitle him to reinstatement by merely charging up those back premiums against the face of the policy. I appeal to the Senate not to put it in, in spite of all the sympathetic feelings we may have toward these men. Can we not see that the committee is doing its utmost for these men; that we are not opposing these things because we are not in sympathy with the needs of the veteran? If, however, we build up such a bill here as the Senate is building up, either it will never come out of conference, or it will fail before it ever gets to conference.

Mr. WALSH. Mr. President——

Mr. REED of Pennsylvania. I was not addressing that to the Senator.

Mr. WALSH. I was merely directing the attention of the Senator to the fact that under this proviso, which of course must be read in connection with what precedes it, a man must be disabled, and his disability must be traceable to his service. We have first the fact that he is suffering from some disability, and that disability is traceable to the service.

Mr. REED of Pennsylvania. And may be fractional, may be only 10 per cent.

Mr. WALSH. Yes. We also have the fact that he is unable to meet his payments; he is unable to raise the money to restore his insurance. Now, it is true that his financial inability may not have any relation whatever to the disability which he suffered in the service, but at the same time he is disabled, and his ability to earn is to that extent reduced; and it would seem to me as though it is the exceptional case to which the Senator is referring.

Mr. REED of Pennsylvania. But, Mr. President, he is getting compensation from the bureau for the disability.

Mr. WALSH. True, he is getting compensation from the bureau; but I take it that in determining that we have figured upon what he could live on, rather than the amount that it would be necessary for him to pay in order to keep up his insurance.

Mr. REED of Pennsylvania. The insurance premiums are very small at present.

Mr. JONES of New Mexico. And, Mr. President, if I may add this further suggestion to that of the Senator from Montana, those doles to which the Senator from Pennsylvania has just referred apply to every ex-service man, whether he ever took out any insurance or not; but we are dealing with men who undertook to provide for their loved ones and dependents and have become unable to do so. They took the initiative in the beginning, and now they are unable to go further, simply for the lack of a few dollars. I submit that it would be a sad commentary upon the Senate and the Congress to turn down these men simply on a plea to save a few paltry dollars.

Mr. REED of Pennsylvania. Mr. President, let me tell the Senator that there were 4,684,922 applications for war-risk insurance. The men who undertook to provide for their dependents were not exceptional. Practically every man in the Army did it. They do not deserve any special credit for it, because practically the whole Army was insured. Every man in my regiment carried war-risk insurance to the limit allowed by the law. It was universal; so that we do not need to single out these policyholders as men of peculiar thrift and consideration. They all did it.

The PRESIDENT pro tempore. The Senator from New Mexico asks unanimous consent that prior to voting upon the amendment proposed by the committee in line 12 on page 29 a vote shall be had upon the amendment proposed by the committee, beginning on line 15 of page 29 and extending to the middle of line 3 on page 31. Is there objection?

Mr. REED of Pennsylvania. Mr. President, I shall have to call attention to one thing there. I think we can shape up the agreement; but on page 29, line 22, the word "amendatory" was inserted by the House in the present law; and I will ask that the agreement contemplate a separate vote on that word—it has nothing to do with the question raised by the Senator—after the other has been voted on.

Mr. JONES of New Mexico. Mr. President, it is true that the insertion of the word "amendatory" there was a separate amendment in the House to the present law, but it was done for the very purpose of giving these people a little time after the passage of this act, and not the act of 1924. If we strike out the word "amendatory" there it would simply leave it of no avail whatever.

Mr. REED of Pennsylvania. No; the Senator is looking at the wrong page. I have no objection to the word "amendatory" on page 30, line 17, but I do object to it on page 29, line 22. It occurs in the proviso that the Senator has been talking about, and it belongs there properly, but it ought not to be stuck in the first page of the section.

Mr. JONES of New Mexico. Then, Mr. President, if we do not put in the wording "amendatory act" we will deprive those people of the right to renew their insurance now.

Mr. REED of Pennsylvania. Not at all.

Mr. JONES of New Mexico. Why not?

Mr. REED of Pensylvania. They can still do it if they do it within two years after the lapse of their policy. We gave them a year in which to do it after the World War veterans' act was passed, and we provided that for the future they should have two years after the lapse.

Mr. JONES of New Mexico. I understand that; but I have reference to the disabled veteran who is able to pay, and whose insurance has already lapsed for more than two years.

Mr. REED of Pennsylvania. He has had his chance to revive.

Mr. JONES of New Mexico. He has had his chance; that is true; but why not give him another chance if he is willing to pay his premiums now with 5 per cent interest compounded annually?

The PRESIDENT pro tempore. Is there objection to the unanimous-consent proposal advanced by the Senator from New Mexico? The Chair hears none; and, the Senator from New Mexico having suggested the absence of a quorum, the Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	King	Robinson, Ind.
Bayard	Fernald	La Follette	Sackett
Bingham	Ferris	Lenroot	Schall
Blease	Fess	McKellar	Sheppard
Borah	George	McMaster	Shipstead
Bratton	Gerry	McNary	Shortridge
Broussard	Gillett	Mayfield	Simmons
Bruce	Glass	Metcalf	Stanfield
Butler	Goff	Moses	Steck
Cameron	Gooding	Neely	Stephens
Capper	Hale	Norbeck	Swanson
Caraway	Harreld	Norris	Trammell
Couzens	Harris	Oddie	Wadsworth
Cummins	Harrison	Overman	Walsh
Curtis	Heflin	Pepper	Warren
Dale	Howell	Pine	Watson
Deneen	Johnson	Pittman	Weller
Dill	Jones, N. Mex.	Ransdell	Willis
Edge	Jones, Wash.	Reed, Pa.	
Edwards	Kendrick	Robinson, Ark.	

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment proposed by the committee beginning on line 15, page 29, of the printed bill, running to the middle of line 3 on page 31.

Mr. JONES of New Mexico. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the junior Senator from New Hampshire [Mr. KEYES]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. GEORGE (when his name was called). I have a pair on this question with the senior Senator from Colorado [Mr. PHIPPS]. In his absence, not knowing how he would vote, I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. GLASS (when his name was called). I transfer my general pair with the senior Senator from Connecticut [Mr. MCLEAN], who is unavoidably absent, to the junior Senator from New York [Mr. COPELAND] and vote "nay."

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry. Is not the question before the Senate the approval of the House language, which the committee struck out?

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. REED of Pennsylvania. There was a unanimous-consent agreement, proposed by the Senator from New Mexico, under which we should first vote on the retention of the language which was the committee report to strike out.

Mr. JONES of New Mexico. In order to do that we vote against the committee amendment.

Mr. REED of Pennsylvania. That is not the way the unanimous-consent agreement was stated.

Mr. JONES of New Mexico. Certainly, it was.

Mr. MOSES. Mr. President, I stated the unanimous-consent request. As the unanimous-consent request was put before the Senate it was that instead of voting first upon the amendment contained in line 12, page 29, we should vote upon the amendment beginning with line 15, on page 29, and continuing to the word "thereunder" in line 3, on page 31. Therefore a vote "yea" is to sustain the committee, and a vote "nay" is to sustain the contention made by the Senator from New Mexico.

Mr. REED of Pennsylvania. I think the Senate did not understand the question, and I give notice now that I shall challenge the roll call as soon as it is completed. To save time, I ask unanimous consent that the roll may be called afresh.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MOSES. If there is any question about how the unanimous-consent request was laid before the Senate, I ask for the reading of the reporter's notes, because I do not intend to stand here, after leaving the chair, subject to the imputation of having wrongly stated the unanimous-consent request.

Mr. REED of Pennsylvania. I am not making any imputation against the Senator. I suppose the fault is due to my own stupidity, if there is fault, but I thought a vote "nay" would sustain the committee, and I have so advised many Senators. I ask unanimous consent that the roll may be called afresh.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

Mr. REED of Pennsylvania. A parliamentary inquiry. Will a vote "yea" sustain the action of the Finance Committee?

The VICE PRESIDENT. A vote "yea" will sustain the actiton of the committee.

The Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the junior Senator from New Hampshire [Mr. KEYES]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. GEORGE (when his name was called). I have a pair on this question with the senior Senator from Colorado [Mr. PHIPPS]. In his absence, not knowing how he would vote, I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. GLASS (when his name was called). I transfer my general pair with the senior Senator from Connecticut [Mr. MCLEAN], who is unavoidably absent, to the junior Senator from New York [Mr. COPELAND] and vote "nay."

The roll call was concluded.

Mr. MCKELLAR (after having voted in the negative). I have already voted, but I recall that I have a pair with the junior Senator from Missouri [Mr. WILLIAMS] which I transfer to the junior Senator from Montana [Mr. WHEELER] and allow my vote to stand.

I wish to announce that the junior Senator from Tennessee [Mr. TYSON] is unavoidably absent from the Senate to-day on important business.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague, the senior Senator from Florida [Mr. FLETCHER] on account of illness.

Mr. STANFIELD. I have a general pair with the junior Senator from Tennessee [Mr. TYSON]. Not knowing how he would vote, I withhold my vote.

Mr. GILLETT (after having voted in the affirmative). I transfer my pair with the Senator from Alabama [Mr. UNDERWOOD] to the Senator from Vermont [Mr. GREENE] and let my vote stand.

Mr. JONES of Washington. I wish to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Colorado [Mr. MEANS] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 29, nays 43, as follows:

YEAS—29

Bayard	Fernald	King	Steck
Bingham	Fess	McNary	Wadsworth
Borah	Gillett	Metcalf	Warren
Bruce	Goff	Moses	Watson
Cummins	Gooding	Pepper	Willis
Curtis	Hale	Pine	
Deneen	Harreld	Reed, Pa.	
Ernst	Jones, Wash.	Sackett	

NAYS—43

Ashurst	Edwards	Lenroot	Schall
Blease	Gerry	McKellar	Sheppard
Bratten	Glass	McMaster	Shipstead
Broussard	Harris	Mayfield	Shortridge
Butler	Harrison	Neely	Simmons
Cameron	Heflin	Norris	Stephens
Capper	Howell	Oddie	Swanson
Caraway	Johnson	Overman	Trammell
Couzens	Jones, N. Mex.	Pittman	Walsh
Dale	Kendrick	Robinson, Ark.	Weller
Dill	La Follette	Robinson, Ind.	

NOT VOTING—24

Copeland	George	Norbeck	Smoot
du Pont	Greene	Nye	Stanfield
Edge	Keyes	Phipps	Tyson
Ferris	McKinley	Ransdell	Underwood
Fletcher	McLean	Reed, Mo.	Wheeler
Frazier	Means	Smith	Williams.

So the committee amendment was rejected.

The next amendment of the Committee on Finance was, on page 29, line 12, after the word "That," to insert the words "the last proviso of," so as to read:

That the last proviso of section 304 of the World War veterans' act, 1924, approved June 7, 1924, is hereby amended to read as follows.

Mr. REED of Pennsylvania. Mr. President, in view of the action just taken by the Senate, the Senate should disagree to the committee amendment on page 29, line 12.

The amendment was rejected.

Mr. REED of Pennsylvania. The amendment on page 31, line 4, is a mere recognition of the fact that yearly renewable term insurance is the old temporary form and that a new kind of permanent-term insurance has been provided, a converted-term insurance policy, which has just been put into effect. Therefore, I presume there will be no objection to the amendment proposed by the committee on page 31, line 4.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 31, line 4, before the word "term," insert "yearly renewable," so as to make the last proviso read:

And provided further, That no yearly renewable term insurance shall be reinstated after July 2, 1927.

The amendment was agreed to.

The next amendment was, on page 31, line 6, after the word "Sec.," to strike out "18" and insert "15"; on the same page, line 10, before the word "canceled," to insert "has"; and on page 32, line 1, after the word "insurance," to strike out "revivable" and insert "hereafter revived," so as to make the section read:

SEC. 15. That section 305 of the World War veterans' act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 305. Where any person has heretofore allowed his insurance to lapse, or has canceled or reduced all or any part of such insurance, while suffering from a compensable disability for which compensation was not collected and dies or has died, or becomes or has become permanently and totally disabled and at the time of such death or permanent total disability was or is entitled to compensation remaining uncollected, then and in that event so much of his insurance as said uncollected compensation, computed in all cases at the rate provided by section 302 of the war risk insurance act as amended December 24, 1919, would purchase if applied as premiums when due, shall not be considered as lapsed, canceled, or reduced; and the United States Veterans' Bureau is hereby authorized and directed to pay to said soldier, or his beneficiaries, as the case may be, the amount of said insurance less the unpaid premiums and interest thereon at 5 per cent per annum compounded annually in installments as provided by law: *Provided,* That insurance hereafter revived under this section by reason of permanent and total disability or by death of the insured, shall be paid only to the insured, his widow, child or children, dependent mother or father, and in the order named unless otherwise designated by the insured during his lifetime or by last will and testament."

Mr. JONES of New Mexico. Mr. President, the amendment to the text of the bill to which I had reference in my statement regarding beneficiaries under the renewable insurance, is an amendment to the bill, but if the Senator from Pennsylvania has no objection I suggest that now we might amend the text of the bill on page 32, line 2, after the word "section," by inserting the words "or under the third proviso of section 304," so that beneficiaries under the renewable insurance, such as we have now decided in favor of, shall be only the father, mother, widow, or children.

Mr. REED of Pennsylvania. That would be retroactive and would deprive many people who have vested rights under policies which have been revived by disabled veterans of payments which are now currently received, and would in my judgment work a very great injustice.

Mr. JONES of New Mexico. I do not think the Senator from Pennsylvania is right about it, but if he opposes the amendment I shall not insist upon it.

Mr. REED of Pennsylvania. I think it would be wholly unfair.

Mr. JONES of New Mexico. I withdraw the amendment.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 32, after line 7, to strike out the following:

SEC. 19. That a new section be added to the World War veterans' act, 1924, approved June 7, 1924, to be known as section 308, to read as follows:

"SEC. 308. Wherever yearly renewable term insurance or United States Government life (converted) insurance lapses or has lapsed for the nonpayment of premiums, and the insured forwards or has forwarded to the United States Veterans' Bureau, not later than the last day of the month following the month for which the unpaid premium is or was due, an amount sufficient to reinstate the insurance under bureau regulations heretofore or hereafter issued, the director of the bureau is hereby authorized and directed to reinstate such insurance whenever it is shown to his satisfaction that the insured was at the time of the making of the remittance in the state of health required by bureau regulations.".

Mr. McKELLAR. Mr. President, I send to the desk a substitute for the committee amendment.

The VICE PRESIDENT. The substitute submitted by the Senator from Tennessee will be stated.

The CHIEF CLERK. On page 32, after line 7, insert the following:

That a new section be added to the World War veterans' act, 1924, approved June 7, 1924, to be known as section 308, to read as follows:

"SEC. 308. Wherever yearly renewable term insurance or United States Government life (converted) insurance has heretofore lapsed for the nonpayment of premiums, and the insured has forwarded to the United States Veterans' Bureau, not later than the 7th day of the month following the month for which the unpaid premium was due, an amount sufficient to reinstate the insurance under bureau regulations heretofore or hereafter issued, the director of the bureau is hereby authorized and directed to reinstate such insurance whenever it is shown to his satisfaction that the insured was at the time of the making of the remittance in the state of health required by bureau regulations."

Mr. McKELLAR. The only difference between that and the House text is the words "has heretofore" instead of "lapses or." It makes it in the future rather than in the past, and it reduces the time to 7 days instead of 30 days. I think the Senator from Pennsylvania has no objection to the amendment.

Mr. REED of Pennsylvania. The amendment offered by the Senator would have no retroactive effect?

Mr. McKELLAR. No.

Mr. REED of Pennsylvania. It will take care of a couple of cases of great hardship, and I think there is no objection to it.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to. Without objection, the amendment as amended is agreed to.

The next amendment of the Committee on Finance was, on page 32, after line 23, to strike out the following:

SEC. 20. That a new section be added to the World War veterans' act, 1924, approved June 7, 1924, to be known as section 309, and to read as follows:

"SEC. 309. Where any person allowed his insurance to lapse and died prior to collecting the $60 bonus provided by the act of February 24, 1919 (40 Stat. L. p. 1151), then and in that event his insurance shall not be considered as lapsed during such period as said uncollected bonus would, if applied to the payment of premiums when due, equal or exceed the same, and the United States Veterans' Bureau is hereby authorized and directed to pay to his beneficiaries under said policy the amount of said insurance, less the premiums and interest thereon at 5 per cent per annum, compounded annually, in installments, as provided by law."

Mr. GEORGE. Mr. President, I hope the committee amendment will not be agreed to. The provision which is proposed to be stricken out by the committee simply provides that where any person has allowed his insurance to lapse and has died prior to collecting the $60 bonus provided by the act of February 24, 1919, then in that event his insurance shall not be considered as lapsed during such period as said uncollected bonus would, if applied to the payment of premiums when due, equal or exceed the same; that is to say, the provision in the House bill, which it is now proposed to strike from the bill, provides simply that where the Government was, as provided in the act of February 24, 1919, owing the soldier a sum of money equal to or in excess of the sum of money due by the veteran on his insurance, his insurance shall not be held to be lapsed.

I wish to call attention to the fact that for quite a while the insurance contract, in such cases, was recognized as being valid; that is to say, where the bonus due the veteran was equal to the amount or in excess of the amount due by him on his policy, the insurance was held to be valid, and actual payments were made to the beneficiaries in such cases for a number of months. Then it was ruled, in response to a holding by the Comptroller General, that the insurance had, in fact, become lapsed because there was no authority to apply unpaid or uncollected bonuses to the premium.

There is another matter that I think may be taken into consideration. There are no very large number of these cases. They are all closed cases. It is not a provision that will operate prospectively; it applies to cases that are closed and can apply to but a limited number of cases; exactly how many cases may be involved can not be certainly stated, but former Representative Rhodes, of Missouri, made a diligent personal examination of the cases that would be affected by this provision in the Bureau, and he offered his testimony to the effect that only 58 cases would fall under the provision if the House language of the bill should be accepted by the Senate.

It is true that the director has estimated that possibly 250 cases, in round numbers, might arise; but suppose there should arise 500 or 600, or suppose there should arise the total number of cases in which the bonus remains uncollected, is there any just ground upon which the Government can refuse to credit the soldier with the sum of money due him by the Government itself?

Mr. President, it has been suggested that the $60 is a mere bonus, a gratuity; that it is not an obligation standing upon the same footing of other obligations due by the Government to the soldier, for instance, as for pay due the soldier. Whether it was an obligation which the Government was bound to admit in the first instance is not the question here involved. When we passed the law giving to the soldier the $60 cash bonus it became his property, and he was entitled to have it. If he did not receive it in money, but if at the same time the sum of money due him was sufficient to discharge the total amount due by him on his insurance, then, in equity and in good conscience, the Government ought to be willing to do what municipal law requires to be done in ordinary transactions between men and make an application of the sum due by the Government to the obligation due by the soldier to the Government.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. Yes; I yield.

Mr. REED of Pennsylvania. Does the Senator interpret this section to apply only to those soldiers who died after the passage of the act of February 24, 1919—the act that gave them the $60 bonus? I do not so interpret the House language. It would apply to any soldier who died without collecting the $60 bonus, whether he died before or after the passage of the act.

Mr. GEORGE. Mr. President, I do not know that it would apply to those who died prior to the passage of the act.

Mr. REED of Pennsylvania. If it did apply to those who died prior to the passage of the act, the Senator can not fairly say that the Government owed them the $60 when they died?

Mr. GEORGE. That would be true, Mr. President. My interpretation of the language of the proposed act is that it would be applicable to those soldiers who died prior to collecting the $60 bonus provided by the act of February 24, 1919, and therefore that it has application only to those who died after the passage of the act, but without having collected the money due them.

Mr. REED of Pennsylvania. Then will the Senator be willing to insert, after the word "died," on page 33, in line 2, the words "after February 24, 1919, and prior to," so as to limit it to those who died after the passage of the bonus act?

Mr. GEORGE. Mr. President, so far as the particular cases I have in mind are concerned, I would be quite willing to accept the amendment and let the matter go to conference.

Mr. REED of Pennsylvania. I shall be glad to save anything I can out of the wreckage of this bill. If we can put those words in, it would at least be more consistent.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I think that is what the language is intended to express. I do not think it is intended to apply to the case of a soldier who died prior to the passage of the $60 bonus act.

Mr. REED of Pennsylvania. I have moved to amend the House language by inserting, on page 33, line 2, after the word "died," the words "after February 24, 1919, and."

Mr. ROBINSON of Arkansas. How will it then read?

Mr. REED of Pennsylvania. If so amended, the language would then read:

Where any person allowed his insurance to lapse and died after February 24, 1919, and prior to collecting the $60 bonus provided by the act of February 24, 1919—

And so forth.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The question is on agreeing to the amendment as amended.

Mr. NORRIS. Mr. President, I should like the attention of the Senator from Georgia [Mr. GEORGE] as well as that of the Senator from Pennsylvania [Mr. REED]. The amendment of the Senator from Pennsylvania proposes to amend the House text of the bill. The committee amendment proposes to strike out all of the House text, and should it be adopted the amendment just suggested by the Senator from Pennsylvania would go out with the remainder of the language. What we should do in order to accomplish what those Senators have agreed to is, first, to agree to the amendment offered by the Senator from Pennsylvania and then to reject the committee amendment. Should that be done, it would leave the House language stand as amended.

Mr. REED of Pennsylvania. I do not understand that there has been any agreement on it.

Mr. NORRIS. Probably there has been no agreement, but we can not accomplish anything by agreeing to the amendment of the committee, because that is to strike out all of the House text, including the language just put in on the motion of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. The Senator from Nebraska is clearly right as to that. In order to accomplish what the Senator from Georgia wishes, we shall have now to disagree to the committee amendment of the House text.

Mr. NORRIS. Exactly.

Mr. President, I wished to call the Senator's attention to that because it seemed from the manner in which the Chair was putting the question that he was going to say, Without objection, the committee amendment is agreed to, as amended; but the committee amendment has not been amended. It is the House text that has been amended. The committee amendment proposes to strike out all of the House text, and if we agree to the committee amendment it would have just the same effect as though we never had agreed to the amendment to the House text, because the committee amendment is to strike out all of the House text.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. ROBINSON of Arkansas. No, Mr. President.

Mr. NORRIS. The committee amendment has not been amended.

Mr. ROBINSON of Arkansas. The question is on agreeing to the committee amendment; but the committee amendment should be rejected in order to effectuate the arrangement which has been made.

Mr. SWANSON. Mr. President, the House provision was amended. We have a right to amend a House provision which the committee reports to strike out before we act on it. The House text having been amended, the question is, Shall we agree to the committee amendment proposing to strike it out? If Senators agree with the contention of the Senator from Georgia, they should vote "no."

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

Mr. ROBINSON of Arkansas. No, Mr. President; that is not right. If the Chair will pardon me, under the rules of the Senate it is in order to perfect both the House provision and the committee amendment. What the Senate did was to perfect the House provision, thereby changing the language in the House bill. Then, in order to keep that language in, it is necessary to reject the committee amendment which proposes to strike it out. So the question is on the committee amendment, not as amended, because we have not amended the committee amendment, but we have amended the House text. In order to keep the House language in the bill, as we have amended it, it is only necessary to reject the committee amendment, so the question is on the committee amendment, and those who want to carry out the arrangement just effectuated should vote "nay," and reject the committee amendment.

The VICE PRESIDENT. The question may be put in that way, but the Chair thinks that the House text was amended by means of an amendment to the amendment. However, for the purpose of clarifying the matter, the Chair will put the question on agreeing to the committee amendment.

Mr. GEORGE. May the amendment to the House text be stated?

The VICE PRESIDENT. The amendment to the House text will be stated.

The CHIEF CLERK. On page 33, line 2, after the word "died," it is proposed to insert the words "after February 24, 1919, and," so that it will read:

Where any person allowed his insurance to lapse and died after February 24, 1919, and prior to collecting the $60 bonus provided—

And so forth.

Mr. ROBINSON of Arkansas. The committee amendment strikes all that out, and if we want to keep it in we should vote against the committee amendment.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. SIMMONS. Mr. President, I understood the Senator from Georgia to have the floor.

Mr. GEORGE. No, Mr. President; I do not intend to say anything more.

Mr. SIMMONS. Mr. President, I wish the floor just for a few moments.

Mr. ROBINSON of Arkansas. I suggest to the Senator that he allow the amendment to be acted on.

Mr. SIMMONS. Very well; I will withhold my remarks until action may be taken on the amendment.

Mr. GEORGE. Mr. President, I should like to say that I have been trying to get hold of a copy of the law, but I have not been able to obtain it since the proposed amendment has been offered; but I am going to ask the Senate to disagree to the committee amendment and to stand by the House language, for this reason: My impression is, but I am not able to verify it, that the act of February 24, 1919, was made retroactive; that it reached back and provided a bonus for men who were discharged. If that is true, it may be possible that some of those men died between the date of their discharge and the date of the actual passage of the act; but the act itself when passed took care of those men from the date of their discharge and not from the passage of the act.

Mr. REED of Pennsylvania. Mr. President, that could not have been the case, because under the bonus act of February 24, 1919, the bonus could be paid only to the man himself; it could not be paid to his heirs, executors, or administrators, even if he died after that date. It has so been held uniformly; so that it could not have applied to those who had already died.

Mr. GEORGE. If that be true, then there is no necessity for the amendment which the Senator has suggested. I have not been able to have the act brought in so that I could examine it and ascertain whether it was retroactive.

Mr. REED of Pennsylvania. At the rate which we are going the Senator will have time to have that and many other acts brought in before we finally finish the bill, and he can reserve the right to a separate vote on the question in the Senate.

Mr. HARRISON. Mr. President, the Senator from Pennsylvania doubtless will be one of the conferees on this bill.

Mr. REED of Pennsylvania. I hope not.

Mr. HARRISON. If the Senator's construction is correct, then of course it would be all right to insert the language he has suggested; but if his contention is not correct, then it should be eliminated. The Senator, I assume, in conference would stand for its elimination if his construction is not correct.

Mr. REED of Pennsylvania. Mr. President, if I have secured an amendment by a misstatement of the law, of course I should not try to keep it in, but that does not mean to imply that I am for this action which the Senate has taken. I think that the committee was right in striking out this whole section, but there is no use arguing that now.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. SIMMONS. Mr. President, just a word before we vote on that.

The VICE PRESIDENT. The Senator from North Carolina is recognized.

Mr. SIMMONS. Mr. President, I wish to indorse the statement made by the Senator from Georgia with reference to this section in the bill as it came to us from the House. The proposition is a very simple one. As I understand, if the Government has not paid a soldier the compensation due him and his policy has lapsed, that compensation can be applied, and under the proposal is to be applied, to the payment of his premiums for the purpose of reinstating his insurance.

The proposition here seems to me to be entirely upon all fours with that principle that we have written into the bill. If, for any reason, the soldier has not collected his bonus at the time of his death, and his policy has lapsed, the amount due him by the Government on his bonus shall be applied to the payment of the premiums, and if it is sufficient to reinstate it then it is reinstated; otherwise it is not reinstated. That is all that is involved in this; and if the soldier was entitled to have this done with reference to his compensation that had not been paid,

he ought to be entitled to the same thing with reference to his bonus which he has not collected.

We had quite a little controversy about this provision of the House bill in the committee. It was thrashed out there with some little elaboration; and by a narrow majority of one in the committee the House language was stricken out. It seems to me, Mr. President, that it is so just a principle that it ought to be retained in the bill; and I trust that the Senate will reverse the action of the committee which struck out this provision for the benefit of the soldier who has not collected his bonus, to the end that he may receive it and, if it is sufficient to do so, have his insurance reinstated. The provision ought to be retained in the bill, and I therefore trust that the action of the committee in striking out this provision will not be sustained.

Mr. REED of Pennsylvania. Mr. President, just a word before the vote is taken. I should like the Senate, or those Members who are here, to understand just what they are asked to do.

To put back the House language means that where the United States owed $60 to a man who died in the spring of 1919 after letting his insurance lapse, instead now of paying him the $60 to which by the letter of the bonus law he was not entitled, we are going to pay him all the face value of the insurance that that $60 would have bought, on the theory that if he had had the $60 he would have spent it to keep the insurance alive.

To be perfectly consistent, in the next Congress we ought to revive the insurance of any man who has died with $60 owing to him from any source, on the theory that if he had had the $60 he would have bought himself the insurance. If we had tried now to amend the original bonus act by giving him the $60 to which by the letter of the law he was not entitled, if we had liberalized that act and given him the $60, that would be one thing; that would be doing justice among the four and a half million men that were concerned in the transaction; but to multiply that $60 now by the factor that makes it $10,000 of insurance—in other words, to give him $10,000 now because he did not get $60 then—is letting sentimentalism run mad.

Mr. President, since I came to the Senate I have had the honor of being in charge of the legislation that has been before this body for disabled soldiers. I have tried to handle it sympathetically. I have certainly managed to secure for them substantial increases in their compensation, in their insurance privileges, and their vocational training rights; but I have never seen the recommendations of the committee so recklessly ignored as they have been in the handling of this bill. I want to say to the Senate that they must think that the disabled veterans of the United States are a pack of fools if they think they are going to be deceived by the action of the Senate in overloading this bill so as to make it impossible of passage. Those men know the motives that lead Senators to weigh down this bill with one amendment after another that adds tremendously to the expense; that will give a million dollars to take care of one deserving case and a hundred that are not deserving. Those men know the motives that animate Senators to put such an amendment in this law, and they are not going to be grateful to the Senators that have helped to wreck this bill in the way that it has been wrecked to-day.

Mr. SIMMONS. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. REED of Pennsylvania. I shall be glad to answer it.

Mr. SIMMONS. I wish to ask the Senator about this matter; I do not think there is any doubt about it, but there may be: If a soldier should die without collecting the insurance that was due him, would not that compensation under the law be applied to bring about a reinstatement of his lapsed insurance?

Mr. REED of Pennsylvania. Under section 305, if a soldier dies, and if compensation for disability was due to him and unpaid, that section provides for an automatic reinstatement.

Mr. SIMMONS. An automatic reinstatement, because the Government happened to owe him that money at the time he died?

Mr. REED of Pennsylvania. Precisely; and may I tell the Senator how that has worked out?

Mr. SIMMONS. Let me ask the Senator another question. Would not that do exactly what he said a little while ago? By the application of, we will say, $60 or $100 to a lapsed policy, it would restore that policy; and in that case we would, for $100, be incurring an obligation to pay the entire insurance policy?

Mr. REED of Pennsylvania. Precisely.

Mr. SIMMONS. And is not this the same case? The Government owes this $60 bonus. It has not been collected; but that does not affect the question of its being due by the Government.

The soldier was entitled to it if he had demanded it, just as he was entitled to his compensation if he had demanded it; but for some reason he did not collect his compensation and it is allowed to him to reinstate his policy. In the other case he did not demand it and died, but it is not allowed to him to reinstate his policy. Why that discrimination? Why that difference?

Mr. REED of Pennsylvania. For the very good reason that many of these men died before any bonus act was passed. They were not entitled to the $60 when they died.

Mr. SIMMONS. The amendment which the Senator proposed a little while ago, and in which the Senator from Georgia at first acquiesced, would remedy that; would it not?

Mr. REED of Pennsylvania. No, Mr. President; because if the man died the right lapsed. The right was personal to him. In no case was it payable to his representatives or heirs or relatives. It was a personal right to him. It was extinguished at his death; and what we are saying here now is that the right shall not be extinguished by death, but shall inure to the benefit of his relatives after his death.

Mr. SIMMONS. But, if the Senator will pardon me just a minute, all this resolves itself finally into this: If at the time the soldier died there was $60 due him as bonus, and that $60 will be sufficient to reinstate his policy, it is to be so applied; but if it is not sufficient, then his policy is not reinstated.

Mr. REED of Pennsylvania. It is reinstated to the extent that $60 will do it, and in practically every case that will do it.

Mr. SIMMONS. To some extent?

Mr. REED of Pennsylvania. To the full amount.

Mr. SIMMONS. If it will do it to the full amount, then he is entitled to the full amount.

Mr. REED of Pennsylvania. On that opinions can fairly differ.

Mr. ASHURST. Mr. President——

Mr. REED of Pennsylvania. Will the Senator permit me just to give an illustration of how this generosity works out?

We stand here and we talk about the brave boys in the trenches and their weeping mothers at home, and nobody has greater appreciation than I of the heroism they showed or of the sacrifice that those relatives at home made; but, Senators, let me tell you how it works out.

Under section 305 a young Greek boy, we will say, in our Army dies of the "flu." At the time compensation was due him for a couple of months' disability. He has no wife or children or mother or father here, but over in Greece there is an aunt or a stepsister or some relative whom he never saw in all his life and who never saw him; and those people come over here by their lawyers—they do not even come in person—and they have the insurance revived; and at the present time the United States is paying millions of dollars each year in insurance under this constructive revival section to relatives all over Europe who never saw or cared about or heard from the soldier for whose death a grateful country is paying them.

Millions of dollars a year are being paid in that way. The addition of a provision in the present bill to limit such payments in the future to near relatives is estimated by the director to save $827,000 in the next year on new cases alone.

In our desire to do justice to these close relatives and to these disabled men, we have gone so far as to make ourselves a perfect grab bag for a lot of relatives in Europe who do not deserve anything. Surely we ought to stop and think how far these things reach.

Mr. ASHURST. Mr. President, will the Senator submit to an interruption?

Mr. REED of Pennsylvania. Yes; gladly.

Mr. ASHURST. The able Senator, I believe, when he reflects upon the situation, will see that he has not done justice to the Senate.

The particular section under discussion is on page 33, is it not?

Mr. REED of Pennsylvania. Yes; that is right.

Mr. ASHURST. The Senator drew some severe strictures upon some Members of the Senate and said that he feared the effect of their action would be to destroy or wreck this bill.

Mr. REED of Pennsylvania. I am afraid it will.

Mr. ASHURST. How may we destroy and wreck a bill because, forsooth, we are simply insisting upon the House language, when the House language in this provision was drawn by the Director of the Veterans' Bureau? I insist, upon responsible authority, that the language under discussion here on page 33 was drawn in the Veterans' Bureau, yet the Senator says that because, forsooth, we carry out the wishes and suggestions of the director and because we argue for the House provision we are about to wreck the bill.

Mr. REED of Pennsylvania. Very good. Now, let me reply to the Senator from Arizona.

Mr. ASHURST. Have I stated the facts?

Mr. REED of Pennsylvania. I think not.

Mr. ASHURST. Then I want to be advised.

Mr. REED of Pennsylvania. At page 265 of the House hearings on this bill General Hines spoke as follows about this provision:

This would affect insurance in practically the same way as retroactive or increased compensation. It would bring into being insurance which has lapsed, on the theory that if this bonus had not been collected that the veteran would have paid premiums and reinstated his insurance. For the reasons that I have given quite elaborately, this is another case of mixing compensation and other features with insurance contracts, and for that reason I must oppose it.

Mr. ASHURST. Will the Senator indulge me further in order to correct my statement?

Mr. REED of Pennsylvania. Certainly.

Mr. ASHURST. In view of what the Senator has read from the hearings, my statement, of course, that this provision was drawn in the Veterans' Bureau, would have no application. I was informed by responsible men—and they probably were misinformed—that this was drawn in the Veterans' Bureau.

Mr. REED of Pennsylvania. I am informed by Mr. Roberts that the language was prepared in the Veterans' Bureau, but the purport of it met with their disapproval; so we are both right. That is usually so.

Mr. ASHURST. We will compromise on that; but the Senator is so fair in debate and he is always so able that I do not think he needs to take an undue advantage. I doubt if the Senator ought to say that because a number of Senators insist upon retaining the language employed by the House of Representatives, the other body of Congress, which must raise the revenue, we are trying to wreck the bill. I hope the Senator will not insist on such a statement.

Mr. REED of Pennsylvania. I did not say that; but I say that to restore all that is stricken out of the House bill, and then to add a lot of Senate amendments on top of it, will, I am afraid, give us a result that neither the House will accept nor is there any possibility of getting it through.

Mr. ASHURST. I think the able Senator from Pennsylvania will be a conferee. He has been successful as a lawyer and successful in the Senate. This bill will not be wrecked if the able Senator from Pennsylvania really wants it to reach a safe harbor. It will only be wrecked if and when he proves to be an unfaithful captain of the ship carrying this bill. If he stands by the wheel this bill will never be wrecked.

Mr. REED of Pennsylvania. The Senator puts a pretty heavy responsibility on my navigating ability.

Mr. ASHURST. The able Senator can bring this bill safely into port and make it a law, if he wishes, because he has the ability to do so. He knows the ex-service men and their condition as well as any other Senator does, if not better, because with valor he served with them, and the Senate is expecting him to bring this bill safely to port, and not let it be wrecked. He has the capacity, he has the opportunity to pass this bill into law, and if it be wrecked he must bear the blame.

Mr. REED of Pennsylvania. And not the Senators who have put amendments on it?

Mr. ASHURST. We will be with the Senator and will back him up.

Mr. REED of Pennsylvania. I will be glad to have somebody share the blame with me.

Mr. SIMMONS. Mr. President, I do not think the Senator is quite just in characterizing the efforts of some Senators here to amend this bill as indicating that they are engaged in a program that might wreck the whole system. The Senator certainly does not use that language with reference to the members of the Finance Committee who disagree with him about this and one or two other amendments.

Mr. REED of Pennsylvania. Mr. President, I am talking of the Senate collectively, and not about any individual, of course.

Mr. SIMMONS. I want to say for myself that in the committee I disagreed very seldom with the junior Senator from Pennsylvania, who had this matter in charge before the committee as chairman of the subcommittee. The services of the Senator from Pennsylvania in behalf of the war veterans of this country can not be overestimated or overstated. He has labored in season and out of season in their behalf, and I am quite sure the Senator himself would not approve of anything in this bill which he thought was to the unjust disadvantage of the veterans. He is actuated by the highest motives, I am sure. But I thought in the committee, as I think here, that the Senator was wrong about this particular amendment. It was one of the few on which I disagreed with him, and one of the few about which I disagree with him here, but I felt very strongly about this in the committee, as I feel very strongly about it now that it is upon the floor of the Senate.

I recognize, as the able Senator has stated, that possibly some would get the advantage of this provision in the bill as it passed the House who are not entitled to it. That is true probably of most of the provisions of the bill. But because some who are unworthy of it and some to whom we do not wish to grant the benefit may get the advantage of it is not a sound reason why we should deny the benefit to those who are worthy and those to whom we wish to grant it.

It was testified in the committee, and at that time not questioned even by General Hines himself, that the number of veterans who would receive benefit under this provision is very limited. The number was estimated in the committee at 60. General Hines thought it would exceed that number, but he himself indicated that the number who would be benefited would be few.

Mr. President, I think there would be a miscarriage of justice if this provision is not preserved. I think the class of veterans who are taken care of by this provision of the bill as it passed the House would, if the provision should be eliminated, be discriminated against in favor of another class of veterans equally worthy, but no worthier than they.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was rejected.

Mr. REED of Pennsylvania. Mr. President, in conformity with the action just taken, I ask that we go back to line 2 on page 32, and after the word "section," insert the words "and section 309," because I am sure that the Senate does not wish the insurance revived under the section just put into the bill to go to any more distant relatives than as provided as to back payments of compensation.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment of the committee.

The next amendment was, on page 34, after line 8, to insert the following additional section:

SEC. 18. The director is hereby authorized to construct and maintain on hospital reservations of the bureau garages for the accommodation of privately owned automobiles of employees at such hospitals. Employees using such garages shall make reasonable reimbursement therefor. Money received from the use of such garages shall be covered into the Treasury of the United States as miscellaneous receipts.

Mr. COUZENS. I think the Senator ought to explain the extent to which money is to be employed for this purpose, and the plan under which it is to be expended.

Mr. REED of Pennsylvania. Mr. President, that amendment was inserted at the request of General Hines. I thought I had his letter before me, but he explained in his letter that the Comptroller General had ruled that the appropriations for the construction of hospitals have been held by the Comptroller General not to be broad enough to permit the construction of shelters for automobiles owned by the employees of the hospitals, that it is not proposed to furnish such shelters gratis, but to rent them to employees, and in such a way that the Government will receive the full income the investment authorizes. I have not heard of any estimate of the amount he proposes to spend, but as there are 52 hospitals in all, and as the sheds are very simple in design, I should not think it would run into much money, and it will be a source of revenue.

The amendment was agreed to.

Mr. REED of Pennsylvania. May I, on behalf of the committee, offer one further amendment to accord with what has already been done? It will come on page 33, line 17. As Senators will notice, the House and the Finance Committee of the Senate are in agreement about extending the time for vocational training. It has been found by General Hines that these trainees who are carried over the end of the fiscal year will not, as the law now stands, be entitled to the two months' additional training pay that all prior trainees have received, and in order to correct that, and give future graduates the same training allowances that have been received in the past, I move to amend that section by inserting in line 17, after the word "and" the words "except as provided by section 404 hereof," so that it will read:

That no vocational training shall be granted after June 30, 1926, and, except as provided in section 404 hereof, no training allowance shall thereafter be paid—

And so forth.

Mr. WALSH. Mr. President, I have a word to say about the amendment now offered by the Senator from Pennsylvania.

I had proposed to offer an amendment which I sent to the desk some time ago, as a substitute for this section, reading as follows:

Notwithstanding the limitation dates in the preceding sections of this title, any person who has entered training under section 400 of this act and whose training shall not have resulted in employ-

ability on or before June 30, 1926, and who shall, subsequent to June 30, 1926, in the opinion of the director, be in need of additional vocational training to overcome the handicap of an existing service-connected disability not the result of his own willful misconduct which prevents successful employment in any occupation for which he is otherwise qualified and trained, shall be provided with such additional vocational training as may, in the opinion of the director, be necessary to render him employable and shall receive while following such training the maintenance and support allowance provided by sections 401 and 404 hereof.

I am induced to offer this by a letter from a constituent who is now taking training, to which I shall refer immediately. My amendment continues:

Further, any veteran otherwise eligible for training under section 400 who, by reason of a service-connected disability, was unable to enter training on or before June 30, 1925, and who, in the opinion of the director, is in need of vocational rehabilitation to overcome the handicap of an existing service-connected disability not the result of his own willful misconduct, shall be furnished by the bureau, where vocational rehabilitation is feasible, such course of vocational training as the bureau shall prescribe and provide, and shall receive while following such training the maintenance and support allowance provided by sections 401 and 404 hereof.

This last part particularly commends itself to me, because I know of cases of men who have been confined in tuberculosis hospitals practically since their discharge and who have been cured, as far as that unfortunate condition can be cured, and who have not yet been in a physical condition to take training. They should not, it seems to me, be denied the opportunity to take vocational training if, in the judgment of the director, the vocational training ought to be accorded them.

Mr. REED of Pennsylvania. As the Senator's amendment is practically a substitute for what the committee has done in section 406, I am going to ask him to let me complete the committee's recommendation as to that section, and then we can vote on his suggestion.

The VICE PRESIDENT. The Senator has the right to do that, and his motion will take precedence over the motion of the Senator from Montana.

Mr. REED of Pennsylvania. In line 24, on page 33, after the word "act," I move to insert the words "and may be paid the maintenance and support allowance provided by sections 401 and 404 hereof." Then let a period be inserted and the first word of the next sentence, the word "for," be commenced with a capital letter.

Mr. COPELAND. Mr. President, I want to speak about this amendment. May I ask the Senator if the amendment which he offered to line 17, together with the amendment which has just been offered, would permit a man to enter law school now?

Mr. REED of Pennsylvania. No; it would only permit him to complete his course if he is now in law school.

Mr. COPELAND. And there would be no opportunity for him to enter now?

Mr. REED of Pennsylvania. No.

Mr. COPELAND. For instance, here is a sentence from a letter I have received:

I have a son who is a disabled war veteran who wants to attend law school at Cornell. He needs the assistance which would come from this source.

I take it from the letter that the man has been disabled and has had some sort of vocational training and is just now able to enter law school, but he would not be able to do it as the bill is now amended.

Mr. REED of Pennsylvania. If he has already been getting training, it is to be presumed that he has had as much training as he is entitled to receive. I do not believe the bureau would give him the ordinary collegiate course with a view to having a subsequent law-school course on top of it. Ordinarily they would put him in training for some objective that could be reached within a shorter time than that.

Mr. COPELAND. If this young man is now at law school, he would be permitted to go on two years?

Mr. REED of Pennsylvania. Until two years from the present time.

Mr. COPELAND. Has the Senator given consideration to the question of further admission to special schools?

Mr. REED of Pennsylvania. Yes; I have. The problem of vocational rehabilitation is one of the hardest problems connected with veterans' relief. Many men have ambitions that are far beyond their ability. They are given training for a particular objective, and it is found by their instructors that they simply have not the mental capacity to reach employability in those occupations.

Mr. COPELAND. They are not unlike the so-called normal boys in that respect.

Mr. REED of Pennsylvania. They are just like a lot of Senators I know. Then they change their objective and try for something else. There are cases in which men have changed as often as eight times, and the bureau, I think, has been too liberal in allowing them to do it. It results always in disappointment and distress to the man himself, but the bureau has erred on the side of generosity.

Many of the men have taken fine advantage of the vocational training we have offered them, and when I criticize the efforts I do not mean to criticize all the men. There is one of them whom Mrs. ROGERS had here in Washington the other day. Perhaps the Senator saw him. His eyes had been destroyed and both his arms had been blown off by a hand grenade. He is brave, fine, and courageous. He has taught himself to operate a typewriter with the stumps of his arms in spite of the fact that he has no sight, and he can write a very much better letter on the typewriter than any of us could. The bureau sent him to law school, and he graduated with distinction from the law school early this month. We can not see a man like that without having well up in us gratitude and appreciation for what the country has tried to do, and we have got to keep our minds on these men and not remember the "panhandlers" who take first this training and then that in order to get the maintenance allowance of $100 a month which we gave them. It has been a great success in many cases. Of course, it has failed in others, but I am very glad we did it. The necessity of ceasing it, of course, is obvious, because it has been hideously expensive and it is becoming less and less productive of good results.

Mr. COPELAND. I applaud the lofty sentiments of the Senator and indorse all he has said. May I ask one further question about the addition made in line 17? Just what does it mean, "except as provided by section 404"?

Mr. REED of Pennsylvania. When a man finished his vocational training, he could not instantly, of course, go into employment. He had to have time to look around to see what he could do. We provided by law two years ago that when he finished his training he should be given two months' training allowance in addition. Practically his living was paid for the next 60 days, so he might look around and get himself placed. The law read previously that no training allowance should be paid after June 30, 1926. We are extending the courses of training to certain men now in training, but the director called attention to the fact that these men could not get the extra two months' allowance unless we put in this exception.

Mr. COPELAND. I thank the Senator for the information.

Mr. WALSH. Mr. President, I am inclined to think the condition I have in mind is sufficiently taken care of by the section as it reads, except that condition referred to in the latter paragraph of the amendment offered by me; but I want to call the attention of the Senator to a letter which was sent to me and ask if the conditions are taken care of by section 406 as it now reads. The letter is as follows:

I am a United States Veterans' Bureau trainee from Miles City, Mont., who was placed in training in Chicago. My rehabilitation date was April 30, 1926, with two months of bonus pay, which carries me as far as there are any provisions for at the present time. I need at least six months more of training before I can make a living salary at the vocation in which I am being trained. As I understand the bill which passed the House, it states that six months more of training will be given those men in placement training on June 30, 1926, who need it to round out their training. I understand the order to rehabilitate a number of the men on April 30 with two months' bonus pay came from Washington, D. C. It was explained to the men that it would give them just as much money and give them 60 days in which to get themselves into something. All these men, and a number are not fully trained, have 60 days in which to appeal their case. I think that this should be watched, so that we will not be discriminated against by any adverse decision by the Veterans' Bureau regarding the clause designating the men in placement training June 30, 1926. I am being trained in mechanical dentistry, and the doctor I am with and the Government field man under whose supervision I am both agree that I need six months more of intensive training. I think that the bill should read "all men not fully trained who have not lost the right to appeal" instead of "men in training June 30, 1926."

It will be observed that the provision carries the benefits only to those who are then actually in training. Apparently some of those who were in training ceased to be in training a short time ago, and they would not be able to avail themselves of the provisions of the act.

Mr. REED of Pennsylvania. I think the point is very well taken, but Mr. Roberts tells me that the Veterans' Bureau has

telegraphed to all its divisional offices that where men have need of further training or have appealed on the ground that they do, there should be a suspension of action, so that they will be taken care of under this language. The bureau has been familiar with this language, which was in the House bill, and with the passage of the provision in mind has telegraphed to suspend action in all such cases, so that they will be technically within the wording of the section.

Mr. WALSH. It is the opinion of the Senator that that will operate to have them in training at the date fixed?

Mr. REED of Pennsylvania. I think so. They would not be discharged from training.

Mr. WALSH. Then I offer the second paragraph of the amendment offered by me, printed on June 17, to be inserted immediately after section 406, page 34, after line 2, as follows:

Any veteran otherwise eligible for training under section 400 who by reason of a service-connected disability was unable to enter training on or before June 30, 1925, and who, in the opinion of the director, is in need of vocational rehabilitation to overcome the handicap of an existing service-connected disability not the result of his own willful misconduct, shall be furnished by the bureau, where vocational rehabilitation is feasible, such course of vocational training as the bureau shall prescribe and provide, and shall receive while following such training the maintenance and support allowance provided by sections 401 and 404 hereof.

I trust the justice of this will appeal so strongly to the Senator having charge of the bill that he will offer no objection to it.

Mr. REED of Pennsylvania. The same suggestion was submitted to the Finance Committee and was debated by them at considerable length. I am speaking not only for myself, but for them, when I say that the provision of the House bill seemed preferable to the provisions of the suggestion.

Mr. WALSH. I did not understand that that part was covered in the House text at all.

Mr. REED of Pennsylvania. The House text does not let new entries into training. It simply allows the completion of courses of training which are now uncompleted.

Mr. WALSH. Quite so, but does it not appear quite just to the Senator that in the case of a man who by reason of his disability has been unable to take vocational training and where it is still going on and schools are in operation, so that it is feasible to give him training there while they are in operation, that he ought not to be denied it?

Mr. REED of Pennsylvania. We felt that this has been the most expensive and least successful branch of veterans' relief and that we ought to stand by the limitations of time which were originally incorporated. Of course, there always will be some cases of apparent hardship, but the committee felt that it was dangerous to abandon the limitations now fixed. As in the case of any statute of limitations, we always do injustice in some cases, but they are better taken care of by special bills.

The VICE PRESIDENT. Does the Senator from Montana desire to offer his amendment?

Mr. WALSH. I do not desire to press it against the opposition of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I thank the Senator.

Mr. SWANSON. Mr. President, I desire to offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 12, line 3, after the word "disease," insert the words "spinal meningitis"; on page 12, line 10, after the word "disease," insert the words "spinal meningitis"; and on page 12, line 13, after the word "disease," insert the words "or spinal meningitis."

Mr. SWANSON. This involves a case which was called to my attention by the Director of the Veterans' Bureau, General Hines. There are five other cases like it. A young soldier served in France. While in France in service he had influenza. A short time after leaving there he contracted influenza again. Then he had pneumonia. That was followed by spinal meningitis, from which he died. Under the law, if he had pneumonia subsequent to having spinal meningitis, it would have been conclusive, and his widow and family would have been able to recover, but the law is such that no presumption arises except from pneumonia. The Director of the Veterans' Bureau states that there would be a very nominal amount involved, and there are only five other cases like it. I hope the Senator will accept the amendment, as no cases like this can arise in the future. It is impossible to recover otherwise. I think the five cases stated by the director should have the right proposed by the amendment. In this connection I ask permission to print in the RECORD the letter from the Director of the Veterans' Bureau to which I have referred.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

HON. ROYAL C. JOHNSON,
House of Representatives, Washington, D. C.

MY DEAR MR. JOHNSON: In accordance with your request, the legislative representative of the bureau has interviewed Mrs. Martin Williams, widow of the late Martin Williams, who died December 30, 1922, as a result of spinal meningitis.

The facts in the case are that the above-named ex-service man had "flu" while in France. Subsequent to his discharge he was again a victim of a "flu" attack which developed into pneumonia. Spinal meningitis followed the pneumonia and the claimant died. While spinal meningitis is one of the so-called neuropsychiatric diseases, the existence of which prior to January 1, 1925, raises a presumption of service origin or aggravation under the World War veterans' act, that presumption is not made conclusive as is the presumption with reference to tuberculosis. The form of spinal meningitis which follows virulent diseases, such as pneumonia or typhoid fever, is recognized as a sequela of the first-mentioned acute conditions. In these cases the bureau has held that in view of the fact that the spinal meningitis is the result of the pneumonia or typhoid fever, etc., the presumption of service origin is rebutted.

Mrs. Williams is interested in having either the neuropsychiatric presumption made conclusive or, if this is too broad, in having those cases of spinal meningitis which existed prior to January 1, 1925, conclusively presumed to have been incurred or aggravated in the service.

But five cases are of record which would appear to be affected by the above provision if it is restricted to spinal meningitis, and, therefore, it is estimated that the cost of a provision so restricted would be nominal.

Very truly yours,

FRANK T. HINES, *Director.*

Mr. REED of Pennsylvania. Mr. President, I have not had time to investigate the amendment as thoroughly as I should like, but I shall offer no objection to it.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. DENEEN. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 31, after line 15, insert the following:

SEC. 19. The Secretary of the Treasury is hereby authorized, in his discretion, to amend the contract executed by the Treasury Department for the construction of the Edward Hines Junior Hospital at Broadview, Ill., so as to comply with the memorandum signed by contractors February 19, 1920, and with the deficiency act of March 6, 1920 (41 Stat. L. pt. 1, ch. 94, p. 503).

Mr. DENEEN. The memorandum referred to appears in a letter of Secretary Mellon in the hearings before the House committee. The amendment was submitted to the Secretary of the Treasury, as follows (p. 27):

Will your people agree to sell the site and complete the buildings known as the Broadview Hospital, Chicago, Ill., according to the revised plans and specifications, for $3,000,000, minus the $73,770.87, plus an amount sufficient to cover any increases in wages and cost of materials over the schedules prevailing in the market in Chicago October 16, 1919, found by the Supervising Architect, with the understanding that the absolute final cost, including said sum of $73,770.87, shall not exceed $3,500,000, with the further understanding that the cost of the project shall be reduced by such amount as may result from cheapening expedients agreed upon?

This memorandum was submitted as a basis for the contract. In the contract a provision was inserted as follows:

Any deductions from the price stipulated in this contract for the work complete, embraced herein, shall be deemed to be a deduction from said $2,926,229.13, and also from said upset price of $3,326,229.13.

Mr. REED of Pennsylvania. Mr. President, would the Senator from Illinois be willing to put that into the RECORD? I can say to him that I understand the chairman of the House committee has no objection to the amendment which the Senator has offered, and, so far as I can learn, the Treasury Department thinks it is just, as does the Veterans' Bureau. So I would be satisfied to put it into the bill, and let it go to conference.

Mr. DENEEN. Very well. Then, there is no occasion for further explanation.

Mr. WALSH. Mr. President, will the Senator from Illinois tell us, in brief, just what this is and what it is all about?

Mr. DENEEN. Mr. President, this amendment involves the sum of $43,730.34. The upset price did not cover the amount of the expenditure by the contractor. The extra amount instead of being $500,000 was $620,444.47. The extras ordered amounted

to $106,776.82. The deductions for the cheapening expedients amounted to $150,307.16. The saving, as I have said, was $43,730.34. This was deducted, first, from the contract price and again from the upset price. Mr. Hines desires to submit the matter to the Secretary of the Treasury, with the view of having him amend the contract, if the facts warrant.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. STECK. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The LEGISLATIVE CLERK. On page 34, after line 15, it is proposed to insert the following:

SEC. 23. That the first paragraph of section 4 of the World War veterans' act, 1924, be, and the same is hereby, amended to read as follows:

"SEC. 4. There is established an independent bureau under the President to be known as the United States Veterans' Bureau, the director of which shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the United States Veterans' Bureau shall receive a salary of $12,000 per annum, payable monthly."

Mr. STECK. Mr. President, just a word of explanation, section 4 of Title I of the World War veterans' act is the section which, among other things, provides for the salary of the Director of the Veterans' Bureau. His salary is fixed at $10,000. The amendment, if adopted, would increase the salary to $12,000. I understand the Senator in charge of the bill is willing to accept the amendment.

Mr. REED of Pennsylvania. Mr. President, last year the Finance Committee approved the proposition contained in the amendment, but it has not been before the committee this year. However, I do not know of any change of sentiment in the committee on the subject. The Director of the Veterans' Bureau handles a large amount of money and has about as great responsibility as has the head of any department. It did not seem to us last year that the salary of $12,000 was too much. I hope the amendment proposed by the Senator from Iowa will be adopted.

The VICE PRESIDENT. Without objection, the amendment proposed by the Senator from Iowa is adopted. The Chair hears none. The bill is before the Senate as in Committee of the Whole and is still open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. REED of Pennsylvania. I move that the Senate insist upon its amendments, ask for a conference with the House on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

HOUR OF MEETING TO-MORROW

Mr. CURTIS. I think we can save time if we agree that when we conclude our business to-day we shall take a recess until 11 o'clock to-morrow morning. I therefore ask unanimous consent that such an order be made.

The VICE PRESIDENT. Without objection, it is so ordered.

BRIDGES ACROSS THE TOMBIGBEE RIVER, ALA.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

Mr. BINGHAM. Mr. President, will the Senator withhold his suggestion for a moment?

Mr. McNARY. I withdraw the suggestion for the present.

Mr. BINGHAM. Mr. President, at the suggestion of the senior Senator from Alabama [Mr. UNDERWOOD], I desire to report from the Committee on Commerce favorably, each with an amendment, House bills 12314, 12537, 12313, and 12538, providing for the construction of bridges over the Tombigbee River, in the State of Alabama.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. UNDERWOOD. Mr. President, I wish to ask unanimous consent for the present consideration and passage of the bridge bills just reported by the Senator from Connecticut. They are in the usual form. The only change made in the bills is an extension of the time from 5 to 10 years, after which the bridges may be acquired by condemnation, because they are to be constructed in a community where there is a great deal of water but where there are very few inhabitants. When the bridges shall have been constructed, they will afford transportation into Mobile, Ala., and will open the way for the people living above to get to that city. The bills, I understand, have been unanimously reported by the committee.

The VICE PRESIDENT. Is there objection to the consideration of the bills? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12314) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala. The amendment of the Committee on Commerce was, in section 2, page 2, line 11, before the word "years," to strike out the word "five" and to insert "ten," so as to read:

If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12537) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala. The amendment of the Committee on Commerce was, in section 2, page 2, line 11, before the word "years," to strike out the word "five" and to insert the word "ten," so as to read:

If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12313) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.

The amendment of the Committee on Commerce was, in section 2, page 2, line 13, before the word "years," to strike out the word "five" and insert the word "ten," so as to read:

If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12538) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee

River at or near Gainesville, in the county of Sumter, Ala. The amendment of the Committee on Commerce was, in section 2, page 2, line 11, before the word "years," to strike out the word "five" and insert the word "ten," so as to read:

If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOE BURTON COURSEY

Mr. HARRISON. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 6087) to reinstate Joe Burton Coursey in West Point Military Academy. I called the bill up during one of the night sessions, but the Senator from Michigan objected.

Mr. McNARY. Mr. President, I have suggested the absence of a quorum, but yielded to the Senator from Connecticut.

Mr. HARRISON. I hope the Senator will allow me to have the bill considered and acted upon at this time.

Mr. CURTIS. I hope the Senator will do that. The bill went over on a previous occasion.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized to reinstate Joe Burton Coursey as a cadet in the United States Military Academy in the class of 1927: *Provided*, That such reinstatement shall not operate to increase the Corps of Cadets at said academy as now authorized by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF WORLD WAR VETERANS' ACT

Mr. McNARY. I now suggest the absence of a quorum.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Virginia?

Mr. GLASS. Will the Senator yield to me to make a motion to reconsider the vote by which the World War veterans' bill was passed?

Mr. McNARY. I yield to the Senator from Virginia.

Mr. GLASS. Mr. President, I wish to enter a motion to reconsider the vote by which the World War veterans' bill was passed. I enter the motion because in my absence there was put on the bill without dissent an amendment appropriating a large sum of money out of the Federal Treasury on account of the Edward Hines Junior Hospital in Chicago. If the motion to reconsider shall be agreed to, I wish to present some considerations to the Senate why no such amendment should be added to the bill.

Mr. REED of Pennsylvania. Mr. President, can we not act on that right away?

Mr. GLASS. I ask unanimous consent for the immediate consideration of the motion.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia to reconsider the votes whereby the amendments to House bill 12175 were ordered to be engrossed and the bill ordered to a third reading, read the third time, and passed? The Chair hears none, and it is so ordered.

Mr. GLASS. Now, Mr. President, I ask unanimous consent to reconsider the vote by which the amendment to which I have referred was inserted in the bill.

Mr. BINGHAM. Mr. President, I presume the Senator from Virginia would not want to do that without the presence in the Chamber of the Senator who offered the amendment.

Mr. GLASS. I am perfectly willing that the matter shall go over until to-morrow. Indeed, I would prefer to have it go over.

Mr. REED of Pennsylvania. I hope it may be considered right now. The Senator from Illinois [Mr. DENEEN] has been sent for.

Mr. GLASS. Very well, I will await the return to the Chamber of the Senator from Illinois.

Mr. KING. Mr. President, while awaiting the return of the Senator from Illinois I desire to challenge attention to the amendment incorporating section 18; and now that the bill is before us, I think the parliamentary situation is such that I can offer a motion to disagree to the committee amendment. The committee amendment is as follows:

SEC. 18. The director is hereby authorized to construct and maintain on hospital reservations of the bureau garages for the accommodation of privately owned automobiles of employees at such hospitals. Employees using such garages shall make reasonable reimbursement therefor. Money received from the use of such garages shall be covered into the Treasury of the United States as miscellaneous receipts.

Mr. McNARY. Mr. President, a parliamentary inquiry. I still have the floor, I think. I had suggested the absence of a quorum, but withheld the point at the request of one or two Senators. Now, I understand the Senator from Virginia [Mr. GLASS] has moved to reconsider the vote by which the veterans' bill was passed.

Mr. REED of Pennsylvania. The vote has been reconsidered.

Mr. McNARY. May I inquire what is the parliamentary situation?

The VICE PRESIDENT. The votes whereby the amendments were ordered to be engrossed, the bill ordered to a third reading, read the third time, and passed have been reconsidered, and the question now is on the motion of the Senator from Virginia to reconsider the amendment with reference to the Edward Hines Junior Hospital.

Mr. GLASS. It was suggested that we should not proceed with the matter until the return of the Senator from Illinois. I see that Senator is now present.

Mr. KING. I yield the floor, then, until the matter referred to by the Senator from Virginia has been disposed of.

Mr. GLASS. Mr. President, I was not present in the Chamber when the Senator from Illinois [Mr. DENEEN] offered his amendment to this bill. I ask that the amendment may be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 34, after line 15, it is proposed to insert a new section, as follows:

SEC. 19. The Secretary of the Treasury is hereby authorized, in his discretion, to amend the contract executed by the Treasury Department for the construction of the Edward Hines Junior Hospital at Broad View, Ill., so as to comply with the memorandum signed by the contractors February 19, 1920, and with the deficiency appropriation of March 6, 1920 (41 Stat. L., pt. 1, ch. 94, p. 503).

Mr. GLASS. Mr. President, that amendment to the bill proposes an additional payment to the contractors of this hospital of something in excess, I believe, of $50,000. I will inquire of the Senator from Illinois as to the exact amount.

Mr. DENEEN. The amount is $43,730.34.

Mr. GLASS. Mr. President, the amendment, if adopted, will simply give $43,730.34 out of the Federal Treasury to the contractors of the hospital. I do not wish to delay the Senate by a review of this matter; but any Senator who will examine the record will, I think, see that, in the judgment of the Treasury Department, both when I happened to be Secretary of the Treasury and later when Mr. Houston was Secretary of the Treasury, the contractors had already received nearly a million dollars in profits on this hospital.

When the Committee on Appropriations reported what was regarded as the final amount in order to expedite the completion of the hospital, the chairman of the Committee on Appropriations, Mr. WARREN, stated explicitly that that was the very last dollar that should ever, with his consent, be appropriated out of the Public Treasury to these contractors.

Mr. REED of Pennsylvania. Does this go to the contractors, or to Mr. Edward Hines?

Mr. GLASS. To whomever it may go, it ought not to go. It ought to stay in the Federal Treasury. It ought not to go to Mr. Edward Hines, who wrecked a speedway pavilion and

took the steel products and improvised a hospital, claiming to be giving $1,500,000 to the Government; he had to employ an attorney to come here to Washington and persistently urge both Houses of Congress to accept what he was pleased to term a "gift." It was not a gift to the Federal Government of a single, solitary dollar. On the contrary, by the proved computations of the Supervising Architect of the Treasury——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. GLASS. I will.

Mr. ROBINSON of Arkansas. I have some recollection concerning the transaction of which the Senator is now speaking; and I recall that in that period immediately following our entry into the war the Government of the United States, acting through officers in the War Department, invited and encouraged the immediate construction of hospitals under contracts which had not been finally approved or executed by the Secretary of War; that after a large number of subordinates in the War Department had approved the Hines contract, and action upon it had been withheld by the Acting Secretary of War—Mr. Baker himself, the Secretary, being then at the battle front in Europe—an officer in the department solicited $100,000, on the representation that he would have the contract duly executed by the War Department if that sum was paid to him. He justified his demand for $100,000 on the ground that he was in the real-estate business in Chicago, that he was a dollar-a-year man in the War Department, and that by virtue of these two facts he was entitled to receive a fee out of the transaction.

The attorney for Mr. Hines refused to pay the $100,000, and the contract was not at that time finally approved by the Secretary of War. I myself introduced a resolution of investigation, and a special committee of the Senate was appointed to investigate the matter; and all the facts which I have detailed, and many other facts and circumstances, were brought to light, showing that the construction of this hospital was entered upon by Mr. Hines at the invitation and solicitation of officers in the War Department; that while it was true that the contract never had been formally executed or approved by the highest authority in the War Department, it had been approved by a large number of subordinates.

At the time this difficulty arose the hospital was already in process of construction, and a large amount of money had been expended. Subsequently Congress, by specific legislation, instructed the War Department to accept that contract and go forward to its completion.

There were other circumstances which I now recall that made the transaction a very peculiar one. There was a wooden shack which was being used as a hospital near the city of Chicago which was totally unfit for use and dangerous to the inmates of the hospital, and it was proposed by some influences in the War Department and outside to continue to use that hospital. The evidence before the select committee to which I have referred showed that the Hines hospital was cheaper than any other hospital that had been constructed when the cost was compared with relation to the number of beds provided in the hospitals; that it was the most modern, best-equipped, and up-to-date hospital, as well as the cheapest hospital, that the Government of the United States had secured among the very large number that were provided. The evidence, I think, also shows that Mr. Hines contributed approximately a million and a half dollars to the construction of this hospital.

The contention, as I understand it, is that in the writing up of the contract a provision was inserted which deprived him of the right to receive approximately $43,000 under the terms of the law and under the agreement on which the contract itself was actually based. If that is the fact, I do not think the Government ought to be niggardly in the settlement of this claim. I do not think the Government ought to withhold the $43,000, if it is true that Mr. Hines contributed something like a million and a half dollars to the construction of this hospital.

I thank the Senator from Virginia.

Mr. GLASS. Mr. President, neither would I think that the Government should hesitate a moment to appropriate this $43,000 if it were true that Mr. Hines had given the Government a million and a half dollars, or anything like a million and a half dollars. My recollection of the whole transaction—and the record here reveals it—is that the Supervising Architect of the Treasury computed that Mr. Hines was receiving nearly a million dollars in excess of the actual cost to him of the construction of this hospital—to be explicit, $650,000.

Mr. LENROOT. Mr. President, will the Senator yield at that point?

Mr. GLASS. I yield.

Mr. LENROOT. I have in my hand the hearings and a letter from the Secretary of the Treasury upon the subject, if I might read a paragraph upon that subject.

Mr. GLASS. Yes.

Mr. LENROOT (reading)—

> The superintendent of construction representing the Treasury Department during the erection of Edward Hines, Jr., Hospital states in a report dated January 18, 1922, on file in the office of the Supervising Architect of the Treasury Department, that he "had an opportunity, through the examination of the pay roll and bills for materials, and other sources, to know the approximate cost to the said Shank Co. for the completion of this contract over and above the contract price, and that said amount in excess of the contract price was not less than $1,800,000."

Mr. ROBINSON of Arkansas. Then it was $1,800,000 instead of $1,500,000?

Mr. LENROOT. No; this was $1,800,000 in excess of the contract price, which was $3,000,000, and then the final upset price was $3,400,000. The Secretary states:

> It is represented, and this department has no reason to doubt the statement, that the loss in completing this contract was borne by Mr. Edward Hines.

Mr. GLASS. Mr. President, the Congress appropriated the sum of $3,000,000 either to purchase this hospital, then being constructed out of the wreckage of the old Chicago Speedway track and pavilion, and offered to the Government, or to have plans and specifications drawn for the building outright of a modern hospital at a cost not to exceed $3,000,000. While, under the advice of the Public Health Service and of the Supervising Architect of the Treasury, we were engaged in making plans and specifications for a new modern hospital not to exceed in cost $3,000,000, and to provide even a greater number of beds than would be available if this transformed speedway proposition were accepted, Congress was induced to deprive the Secretary of the Treasury of all discretion in the matter and made it mandatory upon him to enter into a contract with Mr. Hines for the purchase at $3,000,000 of this particular hospital, the construction of which Mr. Hines had begun out of the material of his wrecked grandstand and speedway. Later Mr. Hines, through his attorney, positively declined, as will appear from the record, to sign the contract that Congress directed to be made with him until an additional appropriation of $400,000 was made by the Congress; and I read from the RECORD when the additional appropriation was made.

Senator Thomas interrupted the chairman of the Appropriations Committee and said:

> I wish to ask the Senator whether this additional appropriation of $400,000, making a total of $3,400,000, will represent all the moneys to be invested in this building and grounds? In other words, does the $3,400,000 complete the project?
>
> Mr. WARREN. It does.
>
> Mr. THOMAS. Will the Government hereafter be compelled to make other appropriations to finish the building?
>
> Mr. WARREN. I will say to the Senator that I would not be standing here saying one word about that hospital if the committee had not had that brought in such shape that it is an absolute closure, and the $400,000 is intended more as an insurance than a possible expenditure; but the contract they have agreed to sign, and the only contract which the present Secretary of the Treasury—

Who was Mr. Houston—

> says he will sign, will cover that, so that there can be no contingency whatever on account of God, man, or the elements which shall prevent the completion of the building on the part of the contractors and former owners inside of the $3,400,000.

Mr. President, as I have stated, by careful computation of the Supervising Architect and his assistants at the Treasury Mr. Hines, in the last analysis, was thus receiving $650,000 more than this hospital was actually worth. This is the most extraordinary case that has ever come to my attention. Here was a gentleman pretending to make the Government of the United States a "gift" of a million and a half dollars by way of donating a hospital which he says cost $5,000,000 but which the Government experts said could be duplicated for about $2,750,000. Mr. Hines found it necessary to employ an attorney and to use the most inconceivable methods to induce the Government to accept this so-called gift of a million and a half dollars! After the assurance from the chairman of the Appropriations Committee, which I have just quoted to the effect that not another penny should be expended on this account, here comes, six years afterwards, a claim for $43,000 additional! It was laid before the proper committee of the House of Representatives and rejected, and my information is—I do not under-

take to say it is accurate—that the same claim was presented here to the proper committee of the Senate and rejected; and now it is sought to be put on as a rider to the Veterans' Bureau bill.

It is my conviction that Mr. Hines has gotten hundreds of thousands of dollars more out of this project than he was properly entitled to, and he is certainly not entitled to this $43,000 additional.

Mr. CARAWAY. Mr. President, the amendment is presented to this bill in the hope of compelling us to accept it rather than deny sick soldiers their just consideration, is it not?

Mr. GLASS. That has been the situation all through the transaction. We either had to delay hospital facilities for wounded soldiers or grant these exactions.

Mr. WALSH. Mr. President, the amendment offered authorizes the Secretary of the Treasury to alter certain contracts which have been entered into. Will the Senator tell us what the alteration contemplated is, and why it is necessary to alter the contracts?

Mr. DENEEN. Mr. President, I can explain that, but I have not the floor.

Mr. GLASS. I yield to the Senator for any explanation he may want to make.

Mr. DENEEN. Mr. President, may I proceed to explain Mr. Hines's position?

Mr. GLASS. I yield.

Mr. DENEEN. The contention of Mr. Hines is as follows: That the contract was entered into on a basis of $3,000,000, less architect's fee, amounting to $73,770.87. A provision was made "to cover any increases in wages and cost of materials over the schedules prevailing in the market in Chicago October 16, 1919, found by the supervising architect, with the understanding that the absolute final cost," including said sum for architect's fee, $73,770.87, should not exceed $3,500,000.

An amendment for that amount was introduced and passed, but was modified in conference. The upset price was reduced from $3,500,000 to $3,400,000. In the contract that was drawn there was a provision as follows:

> Any deductions from the price stipulated in this contract for the work complete embraced herein shall be deemed to be a deduction from said $2,926,229.13—

That was $3,000,000, less architect's fees.

> and also from said upset price of $3,326,229.13.

The amendment seeks to avoid having the $43,730.34 deducted both from the contract price and from the upset price.

Mr. WALSH. But, Mr. President, the proposition is to amend this contract.

Mr. DENEEN. To amend the contract.

Mr. WALSH. Why should not the contract be carried out just exactly as the parties entered into it?

Mr. DENEEN. I will state, if the Senator will give me an opportunity, the contention of Mr. Hines.

The contention is that this matter was overlooked when they signed the contract, and they were not aware of the fact the deduction was to be made from both the contract price and the upset price. The rest of the provision, in order to make this clear, is as follows.

Mr. WALSH. May I interrupt the Senator?

Mr. DENEEN. Yes.

Mr. WALSH. If there was a mutual mistake in the making of this contract, is it not possible to have this matter corrected by appropriate proceedings in the Court of Claims?

Mr. DENEEN. I do not know the history of this matter. I am reciting the facts as stated in Secretary Mellon's letter.

Mr. WALSH. The contention is that the contract as it was actually written up did not conform to the contract which the parties actually intended to make.

Mr. DENEEN. That is the contention of Mr. Hines.

Mr. WALSH. In other words, there was a mistake in the transcribing of the contract. But that is a proper matter for investigation by a court in a suit to modify the contract to conform to the agreement entered into.

Mr. DENEEN. The amendment seeks to give to the Secretary of the Treasury the power to go into it, and then use his discretion as to whether an error was made in deducting the amount as stated.

The increased cost for labor and material amounted, not to $400,000 but to $620,455.47, so Mr. Hines states. The deductions amounted to $150,370.16, from the cheapening expedients used. The additions amounted to $106,576.82.

The Secretary of the Treasury states, as was related by the Senator from Wisconsin, as follows:

> The superintendent of construction (representing the Treasury Department during the erection of the Edward Hines, jr., Hospital) states, in a report dated January 18, 1922, on file in the Office of the Supervising Architect of the Treasury Department, that he "had an opportunity through the examination of the pay roll and bills for materials and other sources to know the approximate cost to the said Shank Co. for the completion of this contract over and above the contract price, and that said amount in excess of the contract price was not less than $1,800,000."

I have been furnished a statement to the effect that the cost for the completion of the contract over and above the contract price was not $1,800,000 but $2,100,000.

Mr. WALSH. Let me inquire of the Senator of what consequence to us is it to know what the price was? The only question, it seems to me, is, What was the contract? If he has been paid according to the contract, why come to Congress for anything more? If it is contended that the transcribed contract did not conform to the agreement that was entered into, that is a subject for reformation of the contract by a court. Why not go to the Court of Claims and have the contract re-formed?

Mr. DENEEN. The department had to do with this, and it should have an opportunity to make the corrections by amendment. The Court of Claims could pass only on the contract, which this amendment seeks to amend.

Mr. GLASS. Mr. President, I am perfectly confident that had I the time to assemble the testimony and the facts with respect to this matter, the Senate would not dream of appropriating this further sum of $43,000 to these contractors. But I was called into the Chamber from a committee hearing with the information that it had been done in an amendment to the Veterans' Bureau bill.

Three several committees of Congress have resisted this claim and turned it down, and I call attention to the fact that at the very last House hearing on the matter counsel for this contractor, a former Member of Congress, made the statement that the additional $400,000 which was appropriated to expedite the completion of this hospital, as the chairman of the Appropriations Committee of the Senate said, was more as an assurance that it would be hastened to completion in order to take care of wounded veterans rather than a supposition that it would be used. At that very hearing the attorney for this contractor said that this additional appropriation would not involve one cent of increased cost over the $3,000,000, but was a mere insurance.

This attorney was asked by a member of the committee this question:

> Do you mean to say this amendment does not increase the appropriation at all?

The attorney responded, "Not one penny." Yet a month afterwards he comes before Congress for a further increase of the appropriation.

This claim has been turned down every time it has been presented to the committees of Congress, and only recently by a committee of the House and a committee of the Senate. It does seem to me that it should not go into this particular bill.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me to ask a question of the Senator from Illinois?

Mr. GLASS. I yield.

Mr. ROBINSON of Arkansas. I understand that the basis of this amendment is that the contract was not actually executed in conformity with the agreement that had been entered into and to the law that authorized the agreement. Is that correct?

Mr. DENEEN. The contention is that the contract should have been based on a memorandum which appears in a letter of Secretary Mellon on page 27 of the hearings, and that the contract does not follow the memorandum submitted.

Mr. ROBINSON of Arkansas. If there is an issue of fact respecting the subject matter of this amendment it might be very well to refer it to the Court of Claims for adjudication of the facts. I am sure that there would be nothing unfair to the Government or to the claimant in that course, and I am going to make the suggestion for the consideration of those who are interested in it that that course be taken.

Mr. GLASS. That would be perfectly agreeable to me.

Mr. ROBINSON of Arkansas. I do not know what view of the matter the Senator from Illinois would take, but I think that the controversy could be referred in the form of a special bill, which I am sure could be promptly disposed of, authorizing the Court of Claims to investigate the facts and make a finding which would constitute the basis for an appropriation. That would occasion delay, but inasmuch as it is necessary for this veterans' bill to pass promptly I am rather of the opinion that that would be the better course to pursue.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. GLASS. I yield.

Mr. LENROOT. The trouble comes in ascertaining the intent of Congress in reducing the appropriation $100,000, the contention on one side being that that $100,000 reduction was because of changes made in the specifications that brought it down. In carrying out the contract they deducted the same $100,000 again. I am frank to say I do not think the Court of Claims would take that into consideration, because I do not think there is any evidence the court could consider.

Mr. ROBINSON of Arkansas. I had not understood that was the specific basis of the controversy.

Mr. GLASS. As a matter of fact the original contract was for but $3,000,000.

Mr. LENROOT. The original contract was for $3,000,000.

Mr. GLASS. And Mr. Hines and his attorney positively refused to sign that contract. It was presented to them over and over again. Then, as a final effort to expedite the construction of the building in time to take care of the soldiers, the Congress increased it to $3,400,000, and the statement was then made by the chairman of the Committee on Appropriations, as it was made by the attorney of Mr. Hines, that that was the last penny that would be involved in the matter.

Mr. ROBINSON of Arkansas. Mr. President, I am satisfied that the statement that has been made, I think by the Senator from Virginia, during the course of this debate, that the result of this transaction, the construction of this hospital, was a profit of a million dollars, or a profit of any sum, to Mr. Hines, is an error. I am sure that not only is that inaccurate but that it is true that the net result of the transaction to him would be a loss of about $1,400,000. In that sense I do not feel that the Congress ought to be parsimonious in dealing with an item of this sort. But if there are questions of fact involved in the determination of the amendment, I should think it might be very well to have a court investigate the facts.

Mr. GLASS. If I could feel about the matter as the Senator from Arkansas does, of course I would raise no issue here; but I am not alone in saying that the construction and sale of the hospital to the Government involved a large profit to Mr. Hines. My successor at the Treasury Department, Mr. Houston, examined into the matter more in detail than I had had an opportunity of doing. His conclusion was, upon the advice of his technical officials and his supervising architect, that Mr. Hines had received a profit out of the transaction. The Appropriations Committee of the Senate felt that that might be so, and the chairman of that committee made the statement which I have just read, that the increase of the appropriation by $400,000 intended to expedite the construction of the hospital should not be regarded by the Senate as an outright appropriation of $400,000 for the purpose but only as an insurance that within that outside limit the hospital might be completed for the use of the soldiers. He gave his assurance then and there that not another penny should be appropriated for this purpose.

This matter is not new to the committees of Congress. This very claim itself has been presented to committees in the other House and to committees in the Senate and has not been allowed. If it is a just claim, I am perfectly willing it should be allowed, but in view of all the circumstances it ought not to be engrafted on this Veterans' Bureau bill. We ought to have some opportunity to consider it fairly.

Mr. LENROOT. Mr. President, I think the whole trouble is a misunderstanding of the facts, although the facts are quite clear. In the first place, Mr. Houston, Secretary of the Treasury, made a proposition to Mr. Hines in these words:

> Will your people agree to sell the site and complete the buildings known as the Broadview Hospital, Chicago, Ill., according to the revised plans and specifications, for $3,000,000, minus the $73,770.87, plus an amount sufficient to cover any increases in wages and cost of materials over the schedules prevailing in the market in Chicago, October 16, 1919, found by the supervising architect, with the understanding that the absolute final cost, including said sum of $73,770.87, shall not exceed $3,500,000, with the further understanding that the cost of the project shall be reduced by such amount as may result from cheapening expedients agreed upon?

They were willing to enter into the contract, allowing $500,000 by way of insurance for increased cost of material and wages but with the contract price of $3,000,000. That was the authorization which came to Congress. In conference, however, that $3,500,000 was cut down to $3,400,000, and according to the letter by Mr. Good, who was one of the conferees, the $3,400,000 was arrived at by their agreement that deductions amounting to $100,000 should be made, but still leaving the sum of $500,000 as insurance to cover possible increases in wages and material. This grew out of the fact of the increases in costs between the time in 1919 when they entered upon the work and the time the completion was authorized.

Mr. GLASS. But the contract signed by the constructors was for $3,400,000 at the outside limit, and the testimony before the Appropriations Committees of both Houses was that it would not even require the $3,400,000 to complete the hospital. The chairman of the Senate Committee on Appropriations said to the Senate that the additional $400,000 might be regarded rather as insurance of the completion of the hospital than a necessary expenditure.

Mr. LENROOT. If the $43,000 should be allowed, they still would be within the limit of $3,400,000.

Mr. GLASS. Oh, no.

Mr. LENROOT. Oh, yes.

Mr. GLASS. Oh, no.

Mr. LENROOT. I am certain of that. They have received payments of $3,279,998.79, and the $43,000, if allowed, would bring it within $3,400,000.

Mr. GLASS. Why was it not allowed under the contract?

Mr. LENROOT. Because the claim is that they made deductions first in conference, reducing it from $3,500,000 to $3,400,000, and then again made the same deductions from the $3,400,000. There is where the controversy arises.

Mr. GLASS. But if $3,400,000 was available to meet the terms of the contract, why has it not been paid?

Mr. LENROOT. Because they claim that all of those deductions, amounting to $150,100, had theretofore been made by the conference committee. They would be entitled to more than that. As a matter of fact, their claim is that it was $600,000 for additional labor and material, but they could not ask for more than the total of $3,400,000. They have fallen $43,000 short of the $3,400,000.

Mr. DENEEN. Mr. President, will the Senator yield?

Mr. LENROOT. Certainly.

Mr. DENEEN. This is what happened. In the contract a provision was inserted, which is found on page 28 of the hearings, as follows:

> Any deductions from the price stipulated in this contract for the work complete, embraced herein, shall be deemed to be a deduction from said $2,926,229.13, and also from said upset price of $3,326,229.13.

Mr. GLASS. This is a proposition to authorize the Secretary of the Treasury to alter the terms of the contract, and it seems to me most unreasonable to have it authorized on the floor of the Senate without any report from a committee which has investigated the matter. If the money is due these people, which I certainly think it is not, I am willing to vote to pay it, but we should not undertake here, on a bill of this nature in the open Senate without one particle of testimony, without the report of a committee, to accept such an amendment. I hope the Senate will not agree to it.

Mr. LENROOT. I think the Senator would be correct if this were an ordinary appropriation, but it does nothing more than authorize the Secretary to make an amendment of the contract, the amount not to exceed $3,400,000, because the only alteration to be made will be in the phrase the Senator from Illinois [Mr. DENEEN] speaks of, a deduction from the upset price, when the contention is that there had already been a deduction here in Congress of $100,000 of that sum.

Mr. GLASS. And yet the fact remains that these gentlemen have never been able to convince a committee of Congress that they are entitled to the money, but repeatedly it has been attempted to graft it on some other bill, either an appropriation bill or a bill of this nature.

Mr. LENROOT. This is the first time I have heard of it.

Mr. GLASS. It is not the first time it has appeared, and the Senate should not be asked to do it in this way. I call for the yeas and nays on the adoption of the amendment.

Mr. JONES of New Mexico. Mr. President, I hope the Senator from Illinois will withdraw the amendment. Certainly the Senate has not time now to digest the merits of the claim. We do not know what the facts are. On one side it is understood that a certain state of facts exists, and on the other side a totally different state of facts. If I should be called upon to vote on the proposition I should have to vote against the amendment, because I do not understand it and because other Senators do not understand it. It is certainly contrary to the practice of the Senate to settle a claim against the Government by legislation on a bill of this kind. Clearly it is a matter which some committee of the Senate should consider. Some committee of the Senate should take the testimony and digest it and let us have the facts found by the committee.

Far be it from me to try to deprive Mr. Hines or anybody else of anything to which he is legitimately entitled. From remarks made here I am inclined to believe that somebody at least, in his behalf, honestly believes that he is entitled to it. But coming up in this fashion I should have to vote against the amendment and thereby I might be doing an injustice

simply because I am ignorant of the absolute facts. I hope the Senator from Illinois will withdraw the amendment.

Mr. DENEEN. Mr. President, I desire merely to make a very brief statement. The matter could not be referred to the Court of Claims because there is no question about the contract as is. The amendment proposes to amend the contract to make it in harmony with the memorandum upon which it is based. I have no objection to sending the matter to the Committee on Appropriations for investigation and for a report.

Mr. JONES of New Mexico. I would suggest that it go to the Committee on Claims.

Mr. DENEEN. I would prefer, if agreeable, to have it go to the Committee on Appropriations. The Committee on Appropriations understands the matter. They had had hearings on it and are familiar with it. The statements I made have been based on a letter of the Secretary of the Treasury which is incorporated in the hearings.

Mr. GLASS. It would be entirely agreeable to me to have it go to the Committee on Appropriations.

Mr. DENEEN. I think it should go to that committee because the Committee on Claims knows nothing about it. With that understanding I will withdraw the amendment.

Mr. GLASS. That would be entirely agreeable to me.

The VICE PRESIDENT. Does the Senator from Illinois withdraw the amendment?

Mr. DENEEN. Yes; I withdraw the amendment.

Mr. KING. Mr. President, there is an amendment to which I wish to call the attention of the Senate for just a moment. I was interrupted by the Senator from Virginia [Mr. GLASS] as I was calling attention to new section 18 added to the veterans' bill which is now under consideration. That provision would authorize the construction of garages for hospitals where they may be desired. There may be some reason justifying that course, but I submit that it is very unwise for us to enact anything of the kind until it has been fully investigated. I will state in a word or two the reason why I think so.

Applications have been made by a number of departments, to my knowledge, to have the Government build garages for their employees. A number of individuals working in the Post Office Department, and some working in other departments, have been to see me to ask the Government to furnish garages for their machines. Persons working in the Agricultural Department have made the same request. It may be that it would be well for the Government to furnish garages for all its employees. I express no opinion for the moment upon that question, but certainly if we build garages for one bureau or organization or department we will be compelled to build garages to house thousands and thousands of cars. It seems to me that it is unwise, until we have further evidence, for us to establish such a precedent.

I am perfectly willing that the matter shall be investigated, as doubtless it will be, by the Budget Bureau. It may be that a general policy will be suggested for adoption by the Senate, but I submit to Senators that it is unwise now for us to say that we will build garages for the employees of the Veterans' Bureau, because immediately demands will come from other departments of the Government. I suggest that we disagree to the amendment. The matter should be considered by the Bureau of the Budget and by other executive departments, and then when we meet in December, if it is a wise thing, legislation can be enacted to take care of it.

I ask the Senator in charge of the bill to permit us to disagree to the amendment, and then ask the executive departments and the Bureau of the Budget to investigate the matter, so that we may have a uniform policy with respect to Government employees in that regard.

Mr. JONES of New Mexico. Mr. President, I see the chairman of the committee is busy, and I will say that the subcommittee of the Committee on Finance did consider that, and the amendment is not nearly so broad as the Senator from Utah [Mr. KING] would indicate.

Mr. KING. I read the amendment a few moments ago; I read the entire section, and it relates to those employed at the hospitals.

Mr. JONES of New Mexico. Yes; it reads:

SEC. 18. The director is hereby authorized to construct and maintain on hospital reservations of the bureau, garages for the accommodation of privately owned automobiles of employees at such hospitals. Employees using such garages shall make reasonable reimbursement therefor. Money received from the use of such garages shall be covered into the Treasury of the United States as miscellaneous receipts.

So here is a peculiar situation. These hospitals are on property of the United States; many of them, at least, are located at points where there are no facilities other than those provided by the United States. This amendment would require compensation to be paid by the employees for the use of the garages, and it was estimated that ultimately they would not cost the Government anything.

Mr. REED of Pennsylvania. May I say, Mr. President, that at a great many of the hospitals garages are already built? It is just recently that the Comptroller General has held that a garage was not a proper part of the hospital to be built out of the appropriation. Of course, as the Senator suggests, no new garages can be built without the approval of the Budget Bureau. It will take a special appropriation in each case to do so.

Mr. KING. Can not garages be built out of funds already appropriated?

Mr. REED of Pennsylvania. I think not. I think a special appropriation will be required in each case.

Mr. KING. Mr. President, I wish to say to the Senator from New Mexico that in the Public Health Service the same situation exists. There are also hospitals in this city, under the control of the District of Columbia, in connection with which appeals have been made that we furnish garages, where the same situation exists; the employees have no place for their cars and they think the Government ought to make provision to care for them. I submit that the precedent proposed to be established here will come home to plague us.

Mr. JONES of New Mexico. Mr. President, I agree with the Senator from Utah that this probably would open the door to a very big problem. It is one of which personally I have often thought. I have often felt that Congress ought to establish a garage here for the use of Senators, but we have not as yet done that. However, I think the time is coming when something must be done; otherwise the streets will be blockaded with cars belonging to employees and which are necessarily used by them. Senators could not perform their duties here unless they had some such means of transportation. Just how far we should go at this time in establishing these facilities I am not prepared to say; I entertain some of the doubts which the Senator from Utah has expressed; but it is a problem which we should face. In inserting the new section here we considered that the circumstances were somewhat different than those which ordinarily exist.

Mr. KING. Let me suggest, then, to the Senator from New Mexico, as well as to my friend from Pennsylvania, in view of the fact—which the Senator says is a fact, and I think he is correct—that there is no appropriation available, and we will have to provide an appropriation, which can not be done until the December session, probably in an appropriation act in January next, that we strike this amendment out. The Budget Bureau can then make its recommendation, and in the appropriation bill which will come up in December or January we can take care of the situation.

Mr. REED of Pennsylvania. Mr. President, I am not willing that the passage of the bill should be jeopardized by this amendment with which the beneficiaries of the bill are not the least concerned, with grave danger that if consideration of the bill goes on much longer some Senator will call for the regular order and the bill can not pass at this session. So I am not going to resist the amendment any longer. I am willing to leave the question of its adoption to a vote of the Senate.

Mr. KING. I hope that the amendment may be disagreed to.

The VICE PRESIDENT. The question is on the motion to reconsider the vote by which the amendment was agreed to.

The motion was agreed to.

The VICE PRESIDENT. The question now is upon agreeing to the amendment.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The VICE PRESIDENT. Without objection the motion asking for a conference with the other House on the bill and amendments formerly agreed to will be considered as now standing. The Chair will appoint as conferees on the part of the Senate the Senator from Pennsylvania [Mr. REED], the Senator from Utah [Mr. SMOOT], and the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. Mr. President, I ask that the name of the senior Senator from New Mexico [Mr. JONES] be substituted for my name as a conferee on the part of the Senate. The Senator from New Mexico was on the subcommittee which considered the bill and is much more familiar with it than am I.

The VICE PRESIDENT. The Senator from North Carolina having asked to be excused from serving on the conference committee on the part of the Senate, the Chair appoints in his stead the Senator from New Mexico [Mr. JONES].

CALL OF THE ROLL

Mr. MCNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fernald	Lenroot	Schall
Bayard	Ferris	McKellar	Sheppard
Bingham	Fess	McMaster	Shipstead
Blease	George	McNary	Shortridge
Bratton	Gerry	Mayfield	Simmons
Broussard	Gillett	Metcalf	Stanfield
Bruce	Glass	Moses	Steck
Butler	Goff	Neely	Stephens
Cameron	Gooding	Norbeck	Swanson
Capper	Hale	Norris	Trammell
Caraway	Harris	Oddie	Underwood
Copeland	Harrison	Overman	Wadsworth
Couzens	Heflin	Pepper	Walsh
Cummins	Howell	Pine	Warren
Curtis	Johnson	Pittman	Watson
Dale	Jones, N. Mex.	Ransdell	Wheeler
Deneen	Jones, Wash.	Reed, Pa.	Willis
Dill	Kendrick	Robinson, Ark.	
Edge	King	Robinson, Ind.	
Edwards	La Follette	Sackett	

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

CORN SUGAR

Mr. CUMMINS. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate bill 481 affecting corn sugar. I wish to move to concur in the House amendments. It will not require more than five minutes to dispose of the matter. I have been informed the Senator from Arizona [Mr. ASHURST] desires an opportunity to speak for possibly five minutes upon it, but otherwise it will not require a moment.

Mr. JONES of Washington. Mr. President, I will have no objection to the consideration of the House amendments, with the understanding that the Senator from Iowa will not object to an amendment which I intend to propose.

Mr. CUMMINS. Mr. President, I have said to the Senator from Washington that I would accept his amendment; that is, move to concur with an amendment. I think that I have composed every other difficulty which exists in the Senate with regard to this bill.

Mr. BROUSSARD. Mr. President, will the Senator from Iowa object to stating what is the amendment to which he has agreed?

Mr. CUMMINS. I am going to accept the amendment proposed by the Senator from Washington.

Mr. BROUSSARD. But what is that amendment?

Mr. ASHURST. What is the amendment?

Mr. CUMMINS. I will explain it in a moment.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 481) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, amended August 23, 1912, March 3, 1913, and July 24, 1919, which were to strike out all after the enacting clause and insert:

That paragraph "fourth" of section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, is amended to read as follows:

"Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That confectionery, frozen products, products of the bakery, meat, or meat products shall not be deemed to be misbranded under the provisions of this act for failure to declare the presence of sucrose, dextrose, maltose, or levulose: *And provided further*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases."

And to amend the title so as to read: "An act to amend section 8 of the food and drugs act, approved June 30, 1906, as amended."

Mr. CUMMINS. Mr. President, the bill does a little something for the farmer.

The VICE PRESIDENT. The Senator from Washington will state his amendment.

Mr. JONES of Washington. In line 19 of the copy which I have before me I move to strike out the words "frozen products" and insert "ice cream and similar frozen desserts."

The VICE PRESIDENT. Is there objection?

Mr. CUMMINS. I accept the amendment.

Mr. ASHURST. Mr. President, I shall try to confine myself to the five-minute limitation. There is now no law which would prevent the sale of corn sugar under its rightful name, to wit, dextrose.

Ordinary sugar known, of course, to all American households is sucrose. Sucrose comes from sugar cane and sugar beets. Some sucrose, or sugar, is obtained from the maple tree and some from the palm tree.

Dextrose may be, and surely is, very acceptable in many households, and indeed, dextrose has many uses; but dextrose is not sucrose. Dextrose is not sugar as we have come to know sugar. Dextrose has only about one-half the sweetness of sugar. I suspect if this bill becomes a law that when the housewife buys "sugar" which she thinks has a certain percentage of sweetness she may occasionally get dextrose, which contains only one-half the sweetness; and this bill, if it becomes a law, would permit the transportation in interstate commerce of dextrose, although it may be marked as sucrose. Have I stated the facts?

Mr. CUMMINS. No; the Senator is wrong.

Mr. ASHURST. I wish to be corrected. I assert, then, that this bill would permit the shipper of dextrose to ship the same without branding it as dextrose. Is that correct?

Mr. CUMMINS. No; that is not correct. This bill as originally introduced provided that food products could be sweetened or preserved with corn sugar, which is dextrose, or with levulose, which is fruit sugar, without branding; but when it reached the House the House struck it all out and provided that confectionary, frozen products—and "frozen products" has now been changed by assent to "ice cream and other similar frozen desserts"—products of the bakery, meat, or meat products shall not be deemed to be misbranded if corn sugar is used in their preparation.

Mr. ASHURST. In other words, if the products he mentions are transported in interstate commerce, under this bill it would not be necessary to mark them as having been sweetened with dextrose. Is that true?

Mr. CUMMINS. These particular products.

Mr. ASHURST. Under this bill these particular products need not be marked as having been sweetened with dextrose. As a matter of principle every consumer is entitled to know what it is he is buying. I am in favor of correct and informative labeling. It is a fundamental right which the consumer possesses to know what he is buying. I am not quarreling with dextrose, but it is not sugar. Giving to dextrose its full credit—and it is really the product of cornstarch—it is not, and no amount of juggling with labels can make dextrose sucrose or sugar, which is a product of the cane and of the beet. Sucrose and dextrose have entirely different qualities and each has a different usefulness and a different value. A housewife buys a cake. She believes that it is sweetened with sugar, when in reality it may be sweetened with dextrose.

Mr. CUMMINS. Why should the housewife buy confectionery more than anybody else?

Mr. ASHURST. Now, I do not wish to occupy too much of the time of the Senate. Dextrose is a relatively new substance, it is somewhat in the process of development. It has not been used for any great length of time and we are not proceeding here under the clear light of experience. There is no limit as to the amount of corn sugar or dextrose which may be sold in interstate commerce at the present moment; if it be sold for what it actually is. It is only when dextrose is proposed to be sold or shipped as sugar or sucrose that its sale or transportation is restricted. There is a difference between sugar and dextrose.

Before sugar enters the blood and before the process of metabolism commences, the sugar is subjected to digestion. Dextrose, as I am informed, may enter the blood without digestion. Dextrose may be injected into the blood by the medium of a horse syringe. That is one of the qualities of dextrose, but sugar must be digested.

I shall now read to the Senate an editorial from the Washington Post published in this city under date of June 21, 1926.

Mr. NEELY. Mr. President, will the Senator yield to me?

Mr. ASHURST. Yes.

Mr. NEELY. The object of the bill is to permit manufacturers to sell food products sweetened with an inferior corn product under the false pretense that such products have been sweetened with cane sugar.

Mr. ASHURST. This bill attempts to make dextrose into sugar by labels.

Mr. NEELY. In other words, dextrose or corn sugar is a wholesome food provided it is injected into the system with a horse syringe.

Mr. ASHURST. Dextrose is a food; it has its values and its uses, but it is not sugar. Let me read the editorial:

Despite all opposition, much of it from those who assert that it will weaken the pure food and drugs act, the House has passed the corn

sugar bill, which permits the unlabeled use of sucrose, maltose, dextrose, or levulose in confectionery and food.

Promoters of the measure declare it is harmless and will help agriculture. Opponents of the bill say it is mischievous and injurious, and seeks to alter the pure food laws.

The report of the House committee states that at the present time we are consuming about 14,000,000,000 pounds of sugar annually, and producing in continental United States only about 2,000,000,000 pounds; and "obviously it is a good American policy to make as much of the sugar we consume as possible."

Opponents of the bill declare that the purpose of the bill is "to deceive the public by representing that the people are getting 100 per cent cane sugar when they are not." One member of the House says that the bill "is the entering wedge of an attempt to tear down the pure food and drugs law."

"Corn sugar," so called, contains only 55 per cent of the sweetening quality of cane or beet sugar. The buyer of confectionery and food containing unlabeled corn sugar instead of real sugar would be swindled to the extent of 45 per cent on this item of his purchase.

The fact that the bill permits this product to wear a mask is proof that the scheme is a fraud. The Senate should make short work of this plan to rob the consumer.

Mr. CUMMINS. Mr. President, the bill now before the Senate was drawn by the pure-food bureau of the Department of Agriculture. It has its unqualified approval.

I do not intend to enter upon any scientific discussion of the merits of dextrose or maltose or levulose; but it is perfectly absurd that anyone should claim that the bill would be injurious to anybody, except it might deprive the Sugar Trust of a few dollars of its enormous profits.

Mr. BROUSSARD. Mr. President, I do not understand that those charged with the administration of the pure food act favor this bill. On the contrary, they are very much opposed to it.

When this measure was proposed, my colleague and I and the Members of the House from our State got a good many requests for explanation of what the bill was intended to accomplish, and requests that we should oppose it. It is very properly brought up at a time when the agricultural relief bill is before us. The condition of the farmers has been discussed here at some length. If anyone is interested, by referring to the reports of the Secretary of Agriculture and the reports of the Department of Commerce it will be found that for the last few years sugar has been the cheapest food, and is selling now below any other agricultural product as compared with the pre-war price of 1913, with the single exception of cattle on the hoof. In other words, when our people go on the market and trade their sugar for other agricultural products, they must give as many as three to one, as compared to the 1913 prices, for wheat and for other agricultural products.

It was for that reason that our people are very much interested in the bill. They know, of course, that corn sugar is not 55 per cent as sweet as sucrose, as stated by the editorial of the Washington Post, but it is only 40 per cent as sweet. They know or they fear that that sugar might interfere with their market, with which I very greatly disagree.

Whenever we mention sugar here, many people erroneously believe we are part of the Sugar Trust; and although we are selling our product away below the cost of production we prefer to remain silent unless the tariff on sugar is touched, and then we must, in self-defense, speak out. I would prefer, even though the American people got only 40 per cent of the value of sucrose, that all of the surplus corn be transformed into dextrose, because it would exclude from this market large quantities of foreign sugar, and would bring into our ranks here friends to fight for a duty on sugar; and that is the position I have taken.

I am not acceding to what is claimed for dextrose. As a matter of fact, if anybody knows anything about dextrose, he will find that cellulose is the chief constituent part of it. Dextrose can be made out of paper or wood paper or straw. Anything that contains cellulose can be made into dextrose. I think the friends of this measure should have limited the amendment to the pure food law to dextrose from corn, and should not have opened the door wide to all the materials from which dextrose can be manufactured.

We can take the bagasse of our sugar cane, the fiber of the sugar cane, after we have completed making sucrose, and we can make dextrose out of it just as good as the corn-sugar people make, and it may open the market for us for a by-product; but I wish to say that I think it is inadvisable to amend the pure food law. If you do it for one industry, others will be asking for it.

I have given you now the advantages which I claim will be reflected to my people engaged in this industry; but as a general proposition I do not think it is a safe thing to do to amend the pure food law so as to permit the selling of dextrose, which is only 40 per cent as sweet as sugar, in competition with sugar without specifying that it is corn sugar.

Mr. KING. Mr. President, will the Senator yield?

Mr. BROUSSARD. I yield.

Mr. KING. The Senator means, I presume, that he thinks it unwise to amend the pure food law so as to permit the sale of this product under false pretenses—that is, by not properly labeling it, not properly characterizing it?

Mr. BROUSSARD. I am not charging that. When I referred to the amendment, I was referring not particularly to this but to any amendment of the pure food law which would permit anyone to put his product on the market without labeling it properly.

I may say this: There is not a grain of sugar that is sold from the cane that is not marked "cane sugar"; and all of the beet sugar, I believe, or a great deal of it—I am not sure about that—is marked "beet sugar." Every pound of our sugar is labeled "cane sugar"; so much so that we have maintained a price 20 points over beet sugar in open competition on the market, and we continue, of course, to label it "cane sugar." When we put it into preserved fruits, we say, "Sweetened with cane sugar," and the people who buy it pay more than they do for beet sugar.

I am not opposing this bill, but I merely wanted to make this statement. I am not trying to prevent the corn people from making all the corn sugar they can make and finding a market for it. I think if they get any business it might help us sometimes, and I would like to have them help us.

Mr. COPELAND. Mr. President, I think no man in America deserves greater credit for what he has done for the people than does Doctor Wiley. When he started out with his campaign for pure food and insisted on the pure food laws which now prevail he had an uphill road, but he accomplished a great work. I do think, however, that in this particular matter Doctor Wiley is unduly exercised, as I think some Senators here are. There is not a single thing about corn sugar which is detrimental to the human system. Before sucrose can be assimilated it has to be converted by the body into dextrose.

Mr. BROUSSARD. What is the effect of the eating of sucrose; what chemical change takes place in the stomach before it becomes dextrose, and what effect has that on the system?

Mr. COPELAND. If the Senator fears that has any harmful effect——

Mr. BROUSSARD. No; it has a beneficial effect.

Mr. COPELAND. It has a stimulating effect.

Mr. BROUSSARD. It produces heat and gives energy; and if you take the sucrose instead of dextrose, as the Senator from Arizona has described it, you get heat and you get energy.

Mr. COPELAND. Mr. President, I want to say to the Senators from Arizona and from West Virginia that they need have no anxiety about the detrimental effect, or possible detrimental effect, of this sugar upon the human system, because if the Senators will take the report of the House committee they will find testimonials from everybody, from the Mayos to the smallest users in this country.

Mr. ASHURST. Mr. President, I am making no assault upon corn sugar or dextrose. If a family or if a person wishes to use it, very well. It has its use, and, as my able friend says, it is nourishing and subsisting and all that. But the point is, why allow a bill to pass whereby innocent people, people who can not investigate the subject, will be buying dextrose, or corn sugar, when they think they are getting cane or beet sugar?

That is the only question here. I could not enter into a discussion with the able Senator as to the effect upon the metabolism between dextrose and sucrose, because I do not know enough about it. It is simply a question of whether we shall put the American people in the position of buying one substance when they think they are getting another; that is all.

Mr. COPELAND. So far as competition with cane sugar is concerned, corn sugar will never be a competitor where sweetness is a consideration. I agree fully with what the Senator has said. But there are a great many uses of sugar, for instance, where the sugar is used as a preservative, where it is of equal value with cane sugar.

Mr. ASHURST. Then why not let it be labeled "Sweetened with dextrose"?

Mr. COPELAND. Because that immediately raises the question in the mind of the housewife, Is this an inferior product?

Mr. ASHURST. I would have the same objection if cake or confectionery were sweetened with saccharine, which is three

to five hundred times sweeter than sugar but which is not a food. Am I correct about that?

Mr. COPELAND. Yes.

Mr. ASHURST. If there were a proposition here to provide that confectionery or cake could be sweetened, or that other foods could be sweetened, with saccharine, which is three hundred times sweeter than sugar, I would say that the product ought to be labeled "Sweetened with saccharine."

Mr. COPELAND. Mr. President, I will follow the Senator in the proposition that if sugar is to be used, the kind of sugar should be designated, which is just as true of sucrose as it is of dextrose. The Senator from Utah has said it would be a fraud to use dextrose without labeling it. It is no more a fraud to use dextrose than it is to use sucrose. We have simply been in the habit of using sucrose.

Mr. BROUSSARD. Mr. President, the Senator is a physician. Is dextrose as good as sucrose for the human system?

Mr. COPELAND Yes.

Mr. BROUSSARD. Why not sell it under that name?

Mr. COPELAND. I am perfectly willing, so far as I am concerned, to have it sold under that name.

Mr. BROUSSARD. It always has been sold under that name. Why does the Senator advocate a change in that custom?

Mr. COPELAND. Here is the practical thing about it. We are trying to help the farmer. Enormous quantities of corn are raised in this country, most of which never leaves the county where it is raised. It is fed to animals.

Corn oil is in great demand, but as a by-product, or as a part of the manufacture of corn oil, a tremendous amount of corn sugar develops. If there could be found a sale for the corn sugar, then greater quantities of corn oil could be sold and greater demand would be had for the corn.

I do not know how sincere Senators are, how anxious they are to help the farmer, but I know, from the scientific standpoint, that there is no possible objection to the use of glucose or corn sugar, and I am convinced that if we did permit the bill which the Senator from Iowa has presented to become a law there would be a greater demand and a greater sale for corn, and I doubt exceedingly the wisdom of putting anything in the way of the passage of such a very meritorious measure.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. COPELAND. I yield.

Mr. KING. Would the Senator be willing, in order to help those who produce cottonseed and cottonseed oil and olive oil to have oleomargarine sold without labeling it as oleomargarine in order to help the people of the South? If it is merely for the purpose of helping some person at the expense, perhaps, of deceiving the public, can the Senator defend it in morals?

Mr. COPELAND. I will say to the Senator from Utah that the cases are not parallel at all. Butter fat contains certain elements which are known as vitamins, which are not contained in the seeds of cereals or the seeds of cotton, and I would say that it was decidedly a fraud upon the welfare and the health of the people of the United States if those articles were to be permitted to be sold as butter. But this is an entirely different proposition. Nobody contends, except our dear friend Doctor Wiley, that corn sugar would hurt anybody. On the other hand, every scientist I know of in America and in the world says that dextrose is just exactly as good as sucrose. Therefore it is an entirely different proposition from that proposed by the Senator.

Mr. KING. There is no one, scientist or otherwise, who claims that oleomargarine is other than wholesome for public use. Many say that in many respects it is better than butter. I do not know enough about it to express an opinion, but it has served a useful purpose, it is used by thousands of people, and any disadvantages it may have in some respects are compensated for by advantages in other respects.

Now, the Senator says that there is a distinction, since it lacks some vitamins. Yet he urges that we sell as sugar a substance that is only about 40 per cent of the sweetness of sugar. I have no objection to the sale of this product, but I think that the people are entitled to know just what the product is.

Mr. COPELAND. Sweetness is not nourishment.

Mr. KING. It is not a question of nourishment at all.

Mr. COPELAND. When you talk about oleomargarine and cottonseed products and coconut-oil products you are talking about putting into the human system something which will digest, but which will not do for the human system what butter will do. Therefore it would be a fraud upon the public to permit the sale of those products as butter when they have not the qualities of butter. On the other hand, the only thing that can be urged against corn sugar is that it has not the sweetness that sucrose has. As I said a little while ago, corn sugar can never compete with cane sugar when it comes to the matter of sweetness, but so far as wholesomeness and nourishment are concerned, corn sugar is the equal in every sense of sucrose, whether made from the cane or from the beet.

Mr. WILLIS. Mr. President, I desire to have inserted in the RECORD a statement from the July number of Bee Culture relative to corn sugar.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Bee Culture for July, 1926]

"CORN SUGAR" BILL PASSED BY HOUSE

The "corn sugar" bill, as amended by the House Committee on Interstate and Foreign Commerce, was passed by the House of Representatives on June 17, there being 175 votes for the bill and 131 against it, thus completing another step in a most disgraceful piece of destructive legislation. The next step will be that of sending it to conference with the Senate, that body having passed a bill identical with the original Cole bill late in January. The Senate bill is broader in its scope, legalizing the use of corn sugar in any other food as a sweetener or preserver without so declaring on the label, while the bill just passed by the House would legalize misbranding only in certain important groups of food, namely, "confectionery, frozen products, products of the bakery, meats, or meat products." The differences in the two bills will, therefore, have to be harmonized in conference before being submitted to the President for his signature.

According to authorities in the Bureau of Chemistry in charge of the enforcement of the pure food law, the Senate bill would legalize the adulteration of honey with "corn sugar," so that a mixture of corn sugar and honey could be labeled "honey" and the authorities at Washington would be powerless to stop such deceptive practice. The House bill does not legalize the adulteration of honey, but confines deception to the above-mentioned groups.

The avalanche of letters from beekeepers protesting against the original "corn sugar" bill resulted, as mentioned last month, in the abandonment of the original Cole bill, and made it nesessary for the "corn sugar" people to select the groups of foods mentioned above for adulteration. While this was a partial victory for beekeepers, the editor believes that if this bill as amended is agreed upon in conference with the Senate and signed by the President, it will be a severe blow to the beekeeping industry since it can not help but destroy confidence in the truthfulness of labels and the working of the pure food law.

It will be extremely difficult for beekeepers to explain to the public that this new measure legalizes the adulteration and misbranding of only certain groups of foods and does not apply to honey. Beekeepers who have had much experience in marketing honey know how difficult it is to convince many people that the honey offered on the market by this country is pure even under the pure food law as it is at present. This will be increasingly difficult when this destructive legislation becomes a law. Furthermore, having gained permission to adulterate and misbrand a limited group of food products it can not be expected that the "corn-sugar" people will cease their efforts toward tearing down the entire structure of the pure food law. The group of food products mentioned in the bill covers a large portion of the diet of the American people, so that it will not be necessary to go much further to nullify completely the workings of one of the most beneficent laws of the land.

Some have criticized this journal for making so much "fuss" about the "corn sugar" bill on the ground that there was no danger of the lawmakers of a great and intelligent nation passing a bill intended to tear down the pure food law. Perhaps this feeling on the part of many prevented their writing again to their Senators and Representatives in response to our appeal last month. If only 23 more Congressmen could have been induced to vote against the bill, it would have been defeated in the House. This shows the effects of the protests sent in by beekeepers and others. The bill passed the Senate in January without opposition and without a record vote.

The fact that Congressman COLE succeeded in obtaining a special rule by which the "corn sugar" bill was taken out of its regular order on the House Calendar and brought up in the House before Congress adjourned is an indication of the power of the influence promoting the bill. This came as a surprise to many experienced lawmakers who thought this would be impossible.

Just what the effects of this law will be on the already difficult problem of marketing honey is difficult to tell. It is certain that our marketing problem will become more difficult, and it will be necessary to put more effort and money into advertising than would have been necessary otherwise. It may even become necessary to market more of the Nation's crop of honey in the comb, since the public has greater confidence in the purity of comb honey than in the purity of extracted honey. It will be remembered that the rapid change from comb honey production to extracted honey production since the passage of the pure food law in 1906 is largely a result of the greater confidence in the purity of extracted honey brought about by the pure food law. Since

this confidence will be destroyed to a large extent if the "corn sugar" bill becomes a law, beekeepers may be compelled to turn again to comb honey.

There is still a ray of hope that an agreement may not be reached when the bill goes to the Senate for conference, or that it will be vetoed by the President when submitted to him. However, since the "corn sugar" people have shrewdly featured this bill as a farm relief measure, great pressure will be brought to bear upon the President in an effort to compel him to sign it. Since there is but little hope that this vicious piece of legislation will not become a law, beekeepers may as well prepare for the worst and immediately plan the most aggressive honey advertising campaign the country has ever had in an effort to overcome the evil effects of this disgraceful legislation.

Mr. KING. I want to ask the Senator from Iowa whether he insists upon considering this bill to-night? In my opinion we will not get through with it this evening. I think he ought to let it go over until to-morrow.

Mr. CUMMINS. Of course, Mr. President, the time is rapidly approaching when we must dispose of it, or it will go over for the session.

I do not know that I have any right to ask for a continuation of the consideration of the bill to-night, under the unanimous-consent agreement, but I do say that the farmer has just as good a right to call his product "sugar" as the Senator from Louisiana has or as the Senator from Utah has. There is no law that proclaims sucrose as sugar and that denounces dextrose as not sugar. That is simply the opinion of a subordinate in the Department of Agriculture, rendered long ago. While I very freely admit that dextrose in the form of corn sugar is not as sweet as cane sugar, cane sugar is not as sweet as levulose, cane sugar is not as sweet as honey, cane sugar is not as sweet as a good many other things that may be produced.

Mr. BROUSSARD. Mr. President, will the Senator yield for a question?

Mr. CUMMINS. I understand perfectly that every man who is interested immediately in the production of cane sugar or beet sugar might find himself opposed to this bill, but I do not want to see the opposition put upon the ground that it is harmful, or that it is a fraud to use it.

Mr. BROUSSARD. Will the Senator yield for a question?

Mr. CUMMINS. Certainly.

Mr. BROUSSARD. Does not the Senator believe that those charged with the administration of the pure food laws of the United States are better qualified to find a definition for sucrose and dextrose than is the Congress of the United States?

Mr. CUMMINS. I am not going into that subject.

Mr. BROUSSARD. But the Senator is discussing that subject.

Mr. CUMMINS. I understand that there has been an opinion of a subordinate in the Department of Agriculture in which he holds that nothing is sugar unless it comes from sucrose. I understand an opinion of that kind has been rendered, but we are dealing with the same department, through the substitute for this bill, and it says that there is nothing to be feared in the way of deception, or adulteration, or anything of that kind. If the Senator is willing to take the opinion of the food department in one instance, why is he not willing to take it in another?

Mr. BROUSSARD. The food department is not defining sucrose.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McKELLAR. What is the status of the proposed bill?

The VICE PRESIDENT. The question is on the motion to concur with an amendment offered by the Senator from Washington.

Mr. KING. Mr. President, I understood that unanimous consent was asked for the consideration of the action of the House.

Mr. CUMMINS. I made a motion to concur in the amendment of the House, and the Senator from Washington moved to concur with an amendment, which he offered and which was accepted.

The VICE PRESIDENT. If the regular order is demanded at any time, the farm relief bill will be laid before the Senate.

Mr. KING and Mr. McKELLAR demanded the regular order.

COOPERATIVE MARKETING

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is House bill 7893.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

Mr. McKELLAR. Mr. President, before we go any further I want to make a statement. I think it was Saturday when the Senator from Indiana [Mr. WATSON] withdrew his motion to proceed to another measure. The purpose of that withdrawal was to permit a farm bill in which the President was interested, and which the President had recommended, to be voted on. We had all day Saturday and we have had part of to-day in which the bill might have been considered and voted on.

Instead of any of the farm propositions being voted on, in the form of the substitutes submitted by the Senator from Wisconsin [Mr. LENROOT] or the Senator from Ohio [Mr. FESS], we have laid them aside temporarily and proceeded with the veterans' bill. The veterans' bill has been disposed of, and now we are having other bills brought up or conference reports of some kind. I am perfectly willing that a vote shall be taken on the President's proposal or the proposal of the Senator from Ohio [Mr. FESS] or the proposal of the Senator from Wisconsin [Mr. LENROOT], or any other proposal submitted by a Senator who has voted against the farm legislation and who has a proposal to take back home with him, but I am not willing for the farm bill to be made a buffer——

Mr. CURTIS. Mr. President——

Mr. McKELLAR. Just one moment. I am not willing for this bill to be made a buffer for other legislation or in opposition to other legislation. I want to say to Senators that I am not going to make the motion now, but I am going to give them this afternoon, or if they want to go on with it to-night they can do it, and I am going to give them a reasonable time to-morrow, and if they do not vote on the proposals with reference to farm legislation I am going to move to take up the river and harbor bill.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. McKELLAR. In just a moment. I want to be perfectly fair and frank about it. I am perfectly willing for the farm proposals to be voted on, though I think the farm bill has been defeated. I believe the end came last Friday when we voted on one of the farm propositions. It has been defeated and there is not going to be any farm legislation at this session.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. McKELLAR. In just a moment. If Senators want to make a show with reference to it, I am willing for that to be done. I am quite willing to vote on it.

Mr. CURTIS. Mr. President——

Mr. McKELLAR. In just a moment. I want to say that after giving Senators a reasonable time to have a vote on the farm proposition, I am going to move to take up the river and harbor bill, and thereby displace the so-called farm legislation.

I yield now to the Senator from Kansas.

Mr. CURTIS. Mr. President, I thought the Senator from Tennessee was here when I asked unanimous consent that when the Senate concluded its business to-day it take a recess until to-morrow at 11 o'clock. It was the general opinion that the veterans' bill had taken up so much time that no one was ready to go on this evening with the other bill. We hoped to get through with several little matters this evening and then meet at 11 o'clock to-morrow morning and take up the farm bill.

Mr. McKELLAR. Just one moment. There is not a Senator here who does not know the proposals which have been made. They are thoroughly familiar with them. There is no reason in the world why we can not have a vote on the farm proposal this afternoon. All the talk that may be had from now until final adjournment is not going to change a single vote in the Senate, in my judgment.

Mr. CURTIS. Mr. President——

Mr. McKELLAR. Just one moment. I will yield to the Senator, but I have the floor and I have something to say. I want to say that there is no reason in the world why we should not vote this afternoon on the farm bill, but if we do not vote this afternoon we are going to vote to-morrow or I am going to give the Senate an opportunity to vote on a motion to take up the river and harbor bill. Now I yield to the Senator from Arkansas.

Mr. CARAWAY. Does not the Senator know that it takes a right smart little while to adjust a life preserver? Why does he want to throw people into the water without giving them an opportunity to adjust their life preservers?

Mr. McKELLAR. I know it takes a little while for those people who have been so vociferously against the farm bill to put on their life preservers. The Senator from Arkansas is right about that. We have had two whole days in which they could do it, however. I am willing to give them further time,

but I want to give them fair notice that if we do not vote to-morrow on the farm bill or some of the substitutes which have been proposed, I shall move to take up the river and harbor bill, in which I think nine-tenths of the Senators are interested.

Mr. WILLIS obtained the floor.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. WILLIS. I yield to the Senator from Wisconsin.

Mr. LENROOT. I think the situation, perhaps, is quite accurately stated by the Senator from Tennessee [Mr. MCKELLAR], and in view of that situation and for the purpose of expediting the votes I desire to withdraw the amendment which I have proposed.

The VICE PRESIDENT. The amendment submitted by the Senator from Wisconsin is withdrawn.

Mr. MCKELLAR. Mr. President——

Mr. WILLIS. Mr. President, I have the floor and I desire to make a statement. Other Senators have made their statements and I desire to make one.

Mr. NORRIS. Mr. President, a parliamentary inquiry. What is the question pending since the Senator from Wisconsin has withdrawn his amendment?

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to amendment.

Mr. NORRIS. I wish to inquire whether those Senators who are taking up the time of the Senate now have exhausted their time under the limitation of debate which is agreed to? If they have, I call for the regular order.

Mr. WILLIS. What I was about to observe was that the Senator from Tennessee——

Mr. NORRIS. The Senator from Ohio has already spoken on the bill, and he is not now entitled to the floor.

The VICE PRESIDENT. The Senator from Nebraska is correct.

Mr. CURTIS. Mr. President, when the unanimous-consent agreement was entered into to recess until 11 o'clock to-morrow morning the Senator from Ohio [Mr. FESS] took it for granted that nothing would be done this evening on the farm bill. He wants to propose his amendment and have it voted on. Being assured that nothing would be done on the bill under the unanimous-consent agreement entered into, he left the Chamber and expects to propose his amendment to-morrow morning. There are half a dozen little matters which can be disposed of this evening, and as soon as they are out of the way I expect to ask for a short executive session if the Senator from Ohio will yield to me.

The VICE PRESIDENT. The Senator from Ohio has exhausted his time on the bill. The Senator from Ohio has not the floor.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. The Senator from Kansas has the floor.

Mr. CURTIS. I yield to the Senator from North Carolina.

CALEB W. SWINK

Mr. SIMMONS. I ask unanimous consent for the present consideration of Calendar No. 1192, the bill (H. R. 11989) for the relief of Caleb W. Swink.

There being no objection, the bill was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem after December 15, 1926, in favor of Caleb W. Swink, Concord, N. C., Treasury notes, series B–1925, Nos. 7164, 7165, 7166, and 7167 in the denomination of $500 each, and No. 25349 in the denomination of $1,000, issued June 15, 1922, and matured December 15, 1925, with interest from the date of issue to the date of maturity at the rate of 4¾ per cent per annum, without presentation of the notes, the said notes, together with coupons due December 15, 1922, to December 15, 1925, inclusive, attached, having been lost, stolen, or destroyed while in the possession of the Cabarrus Savings Bank, of Concord, N. C.: *Provided*, That the said notes shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons thereof which shall have been previously presented and paid: *Provided further*, That the said Caleb W. Swink shall first file in the Treasury Department a bond in the penal sum of double the amount of the said notes and the interest which has accrued thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury with condition to indemnify and save harmless the United States from any loss on account of the Treasury notes hereinbefore described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2826. An act to investigate and determine the feasibility of the construction of an irrigation dam on Walker River, Nev.;

H. R. 10000. An act to consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925;

H. R. 11318. An act to provide for the publication of the act to consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925, with index, reference tables, appendix, etc.; and

H. R. 12208. An act granting the consent of Congress to Aurora, Elgin & Fox River Electric Co., an Illinois corporation, to construct a bridge across Fox River in Dundee Township, Kane County, and State of Illinois.

POSTAGE RATES ON HOTEL ROOM KEYS AND TAGS (S. DOC. NO. 137)

Mr. METCALF submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 92) fixing postage rates on hotel room keys and tags having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1 and to the title, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 1, line 6, after "hotel," insert "or steamship," and in line 5, after the word "explicit," insert the words "post-office address and"; and the Senate agree to the same.

JESSE H. METCALF,
PARK TRAMMELL,
Managers on the part of the Senate.

M. CLYDE KELLY,
THOS. M. BELL,
Managers on the part of the House.

CLAIMS OF THE CROW TRIBE AGAINST THE UNITED STATES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes, which were, on page 1, to strike out lines 3 to 9, inclusive, and lines 1 to 23, inclusive, page 2, and insert: "That jurisdiction be and is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding lapse of time or statutes of limitations, to hear, adjudicate, and render judgment in any and all claims arising under or growing out of the treaty of Fort Laramie, dated September 17, 1851 (2 Kappler, p. 594), between the United States and the Crow Indian Nation and the treaty dated May 7, 1868 (15 Stat. p. 649), between the United States and the Crow Indian Nation, or arising under or growing out of the Executive order dated July 2, 1873 (1 Kappler, p. 855), or any subsequent Executive order, the act of Congress approved April 15, 1874 (18 Stat. p. 28), or any subsequent act of Congress or agreement with said Crow Indian Nation, which said Crow Indian Nation or any branch thereof may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States; and jurisdiction is hereby conferred upon the said courts to determine whether or not any provision in any such treaty or Executive order has been violated or breached by any act or acts of Congress or by any treaty made by the United States with any other Indian tribe or nation, and if so, to render judgment for the damages resulting therefrom"; on page 4, lines 3 and 4, after the word "Indians," to strike out "if legally chargeable against that claim" and insert "including gratuities"; on page 4, line 7, after the word "order," to insert "set forth and referred to in section 1"; on page 4, line 13, to strike out "5" and insert "4"; on page 4, to strike out lines 21 to 25, inclusive, and lines 1 to 6, inclusive, page 5, and insert:

"SEC. 5. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by the said tribes or bands of Indians, or any of them, and the same shall be included in the decree and

shall be paid out of any sum or sums found to be due said tribes"; and on page 5, line 21, to strike out "5" and insert "4."

Mr. WHEELER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

JEFFERSON DAY ADDRESS BY SENATOR COPELAND

Mr. SWANSON. Mr. President, to-day is the one hundred and fiftieth anniversary of the presentation to the Congress of Jefferson's report with the first draft of the Declaration of Independence. In commemoration of this event the Jefferson Foundation had its meeting of a week's celebration to be known as Jefferson Week. At this meeting to-day on the grounds of the Sesquicentennial in Philadelphia, Jefferson's gig was presented to the Jefferson Foundation and the Jefferson Day address was delivered by the junior Senator from New York [Mr. COPELAND]. I ask unanimous consent that the address may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. COPELAND'S address is as follows:

Senator COPELAND. We are met here to-day to celebrate the one hundred and fiftieth anniversary of the presentation to the Continental Congress of the first draft of the Declaration of Independence. On June 7, 1776, acting under instructions from the Williamsburg convention, the delegates from Virginia presented resolutions declaring that the "United Colonies are, and ought to be, free and independent States."

On June 11 the Congress referred the Virginia resolutions to a committee of five. The members of the committee were John Adams, Dr. Benjamin Franklin, Roger Sherman, Robert R. Livingston, and Thomas Jefferson.

Mr. Jefferson was requested by the committee to prepare a formal document for presentation to the Congress. He did this, and upon the approval of his colleagues he reported it to the House 150 years ago to-day. On June 28, 1776, it was read and ordered to lie on the table.

On July 1 Jefferson's report was referred to the Committee of the Whole. It was debated during the 2d, 3d, and 4th days of July, and on the evening of the 4th the Declaration of Independence was adopted by the Congress.

On that night the old Liberty Bell spread the glad tidings, verifying the prophecy engraved on its side:

"Proclaim liberty throughout all the land unto the inhabitants thereof."

After Jefferson's death there was found among his papers a drawing of a tombstone and the words which he wished inscribed upon it. I never read these words without being impressed by their appropriateness. They express better than could any other language the spirit and the achievements of Thomas Jefferson.

He desired to have inscribed upon his tombstone this sentiment:

"Here was buried Thomas Jefferson. Author of the Declaration of American Independence, of the Statute of Virginia for religious freedom, and father of the University of Virginia."

Here we have epitomized the creed of Thomas Jefferson: He believed in political freedom. He believed in mental freedom. He believed in religious freedom.

The Declaration of Independence proclaimed political and social freedom for the people of our country. As a result of this formula has come freedom for almost all the peoples of the earth.

The University of Virginia was the first educational institution to permit free election of studies on the part of the student. Jefferson's ideas of freedom and personal liberty would not permit him to countenance the hard and fast requirements of the old system of education. What he originated in the University of Virginia is now the practice in almost every university in the world.

Jefferson could not endure intolerance. He believed that no man should be discriminated against because of his race or creed. His declaration for religious freedom has been written into the constitution of every State in the Union. No true American can fail to applaud Jefferson's principles of personal liberty in all things relating to religion.

No nation could long survive a reversal of Jefferson's doctrine. Liberty in all things political, liberty of mind and conscience, liberty in religion—these were the priciples which governed the life and acts of Thomas Jefferson. God's hand is seen in the choice of this man to write the Declaration of Independence. Founded upon this declaration of human rights, buttressed by the original Constitution, and capped by the Bill of Rights expressed in the 10 amendments to the Constitution, we have a fortress impregnable against assault and enduring as the ages.

No wonder our country has grown to greatness. It is chief among the nations. So long as it maintains for its own guidance the principles of the Declaration of Independence and the Constitution, America will remain the outstanding government of all times. So long as we stay true to the teachings of Thomas Jefferson, nothing can stay our progress.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 13 minutes p. m.), under the order previously entered, took a recess until to-morrow, Tuesday, June 29, 1926, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 28 (legislative day of June 23), 1926

COLLECTOR OF CUSTOMS

Joseph L. Crupper, of Alexandria, Va., to be collector of customs for customs collection district No. 14, with headquarters at Norfolk, Va. Reappointment.

COAST AND GEODETIC SURVEY

AID, WITH RELATIVE RANK OF ENSIGN IN THE NAVY

Claude Augustus Billingsley, of Colorado, vice F. A. Smith, promoted.

Percy Levy Bernstein, of Mississippi, vice C. F. Ehlers, promoted.

Vawter Morton Gibbens, of Colorado, vice F. G. Johnson, promoted.

UNITED STATES CIRCUIT JUDGE

Daniel H. Case, of Hawaii, to be circuit judge, second circuit Territory of Hawaii. A reappointment, his term having expired.

UNITED STATES ATTORNEY

Tilmon A. Lancaster, of Tennessee, to be United States attorney, western district of Tennessee, vice S. E. Murray, whose term has expired.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lieut. Col. Roger Stanley Fitch, Cavalry, from June 24, 1926.

TO BE LIEUTENANT COLONELS

Maj. Bowers Davis, Infantry, from June 24, 1926.
Maj. John McEwen Pruyn, Infantry, from June 25, 1926.

TO BE MAJORS

Capt. William Arthur Snow, Corps of Engineers, from June 23, 1926.
Capt. Thomas Dewees Finley, Infantry, from June 24, 1926.
Capt. Elroy Sandy Jackson Irvine, Corps of Engineers, from June 25, 1926.

TO BE CAPTAINS

First Lieut. Silas Warren Robertson, Cavalry, from June 23, 1926.
First Lieut. Donald Van Niman Bonnett, Infantry, from June 23, 1926.
First Lieut. William Henry Johnson, Infantry, from June 24, 1926.
First Lieut. Ernest Andrew Reynolds, Quartermaster Corps, from June 25, 1926.

TO BE FIRST LIEUTENANTS

Second Lieut. William Edmund Waters, Field Artillery, from June 18, 1926.
Second Lieut. Joseph Kennard Bush, Infantry, from June 18, 1926.
Second Lieut. Orlando Clarendon Mood, Infantry, from June 21, 1926.
Second Lieut. John Oliver Kelly, Coast Artillery Corps, from June 23, 1926.
Second Lieut. Bert Nathan Bryan, Infantry, from June 23, 1926.
Second Lieut. Harvie Rogers Matthews, Infantry, from June 24, 1926.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

First Lieut. Francis William Farrell, Infantry, with rank from September 29, 1925.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 28 (legislative day of June 23), 1926

COLLECTOR OF CUSTOMS

Anthony Czarnecki to be collector of customs, Chicago, Ill.

APPRAISER OF MERCHANDISE

William H. Cruden to be appraiser of merchandise, Chicago, Ill.

REGISTERS OF THE LAND OFFICE

William Ashley at Coeur d'Alene, Idaho.
John Widlon at Pierre, S. Dak.
Edwin E. Winters at Montgomery, Ala.

APPOINTMENTS BY TRANSFER IN THE ARMY

Victor Vaughan Taylor to be major, Adjutant General's Department.
David Lee Hooper to be captain, Corps of Engineers.
Kenneth Crawford Strother to be second lieutenant, Infantry.

PROMOTIONS IN THE ARMY

William McKendree Lambdin to be colonel, Finance Department.
Claire Raymond Bennett to be lieutenant colonel, Quartermaster Corps.
Charles Holmes Cunningham to be major, Corps of Engineers.
William May to be captain, Infantry.
Paul MacKeen Martin to be first lieutenant, Cavalry.
Creswell Garrettson Blakeney to be first lieutenant, Field Artillery.
Louis Jeter Tatom to be first lieutenant, Signal Corps.

POSTMASTERS

DELAWARE

William L. Parker, Millsboro.

GEORGIA

William D. Lynn, Collins.
Marion W. Hudson, Dallas.
Frank Summerour, Duluth.
Samuel K. Hogue, Hapeville.
Minnie M. Roberts, Pinehurst.

ILLINOIS

Charles E. Olds, Albany.
Elizabeth Widicus, St. Jacob.
John E. Hughes, Toledo.

INDIANA

Leslie L. Konkle, Versailles.
Willard Logan, Walton.

MAINE

Willis H. Allen, Columbia Falls.

NEBRASKA

Virgil E. Barker, Newport.

NORTH CAROLINA

William D. Holland, Dunn.
Sion D. Johnson, Pittsboro.

PENNSYLVANIA

Edward F. Anderson, Austin.
Otho H. Tavenner, Berwyn.
John E. Anthony, East Berlin.
W. Stans Hill, Williamsport.

WEST VIRGINIA

Charles L. Pinckard, Berwind.
Thaw Stewart, Dunbar.
John W. Kastle, jr., Martinsburg.
Mattie L. Moran, Mullens.
Joseph E. Virgin, Raleigh.
Edward E. Reyburn, Vivian.

HOUSE OF REPRESENTATIVES

MONDAY, *June 28, 1926*

The House met at 11 o'clock a. m., and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, with the break of the day Thou art with us, and when the sunlight dies out of the skies Thou art still at our sides. With a tender heart and with a discriminating sense of duty may we live this day. If chastened with the thought of limitation, move toward us with generous help. In earthly work and in earthly ill take our hand, and may we know the truths that are so often hidden from the wise. Lord of heaven and earth, be gracious unto our beloved country. We praise Thee for our wonderful traditions symbolized in the music of the liberty bell. Preserve Thou the eternal in our heritage and let the obsolete fade away. May our fellow citizens from border to border be priests of intelligent tolerance and Christian charity. May they remain the guardians of the flame of living truth and hand it undimmed to the guardians of to-morrow. Amen.

The Journal of the proceedings of Saturday, May 26, 1926, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4500. An act transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev.

The message also announced that the Vice President had appointed Mr. MCKINLEY, Mr. DENEEN, Mr. GILLETT, Mr. EDWARDS, Mr. ASHURST, and Mr. STEPHENS members of the committee on the part of the Senate to attend the funeral of Charles E. Fuller, late a Representaitve from the State of Illinois, pursuant to the provisions of Senate Resolution 263.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4500. An act transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 6405. An act for the relief of Addison B. McKinley.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10000. An act to consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925;

H. R. 11318. An act to provide for the publication of the act to consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925, with index, reference tables, appendix, etc.;

H. R. 12208. An act granting the consent of Congress to Aurora, Elgin & Fox River Electric Co., an Illinois corporation, to construct a bridge across Fox River, in Dundee Township, Kane County, and State of Illinois; and

S. 2826. An act to investigate and determine the feasibility of the construction of an irrigation dam on Walker River, Nev.

ADDRESS OF HON. J. N. TINCHER, OF KANSAS

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks made by the gentleman from Kansas [Mr. TINCHER] over WRC radio station last Saturday evening.

Mr. BLACK of Texas. Of course, it is nonpartisan?

Mr. TILSON. I assume from the source from which it emanated that it is nonpartisan, although I have not had the leisure yet to read his remarks throughout.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend in the RECORD some remarks made by the gentleman from Kansas [Mr. TINCHER] over the radio last Saturday evening. Is there objection?

Mr. LOWREY. Reserving the right to object, I would like to ask the gentleman from Connecticut to assure us that they do not contain anything about the tariff.

Mr. TILSON. I should not like to make any pledges of that kind without having fully read them.

Mr. LOWREY. As they come from the gentleman from Kansas I assume that they are free from anything of that sort, and I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, under leave granted to extend my remarks in the RECORD I insert a radio address of Hon. J. N. TINCHER, of Kansas, delivered from WRC, Washington, D. C., June 26, 1926:

FARM RELIEF

Ladies and gentlemen of the radio audience, I am not unmindful of the high honor of being selected by the leader of the House of Repre-

sentatives to-day to close the radio debate between the two great political parties in behalf of my party. This is the second time that I have spoken to you this season. The Congress is about to adjourn. Our party has carried out more of the platform pledges upon which President Coolidge was elected than were ever carried out by the first session of a Congress after a presidential election. More of the pledges will be carried out, in my judgment, before adjournment.

The big question to be settled within the next few days is the question of farm relief. On last Saturday night our party was represented by a gentleman who spoke in favor of the so-called Haugen bill. Since that time the Senate has, by a decisive majority, defeated that measure. The so-called Haugen bill was originally called the Peek plan, being the plan originated by a man named Peek, who was, until he failed in business, engaged in the manufacturing of farm implements. The plan involves the levying of a tax, or fee, upon agricultural production, for the purpose of controlling or dumping the surplus and controlling the domestic price. The plan has been voted upon by both Houses of Congress and defeated in both Houses by a majority of both political parties. The percentage of the vote for and against was almost the same in each party. There was an honest difference of opinion among the Members of both Houses as to whether this plan would operate as a remedy for the evils existing in agriculture. Personally, I opposed the bill, though coming from a purely agricultural State. I opposed it on but one theory and that was that it was impractical. I am not an economist, in the true sense of the word; do not claim to be, but being familiar with the business of farming and producing food products, I was convinced that the bill would operate as a detriment instead of a benefit to agriculture. There were those that opposed it on constitutional grounds, on the theory that it was economically unsound, and upon the theory that it would afford an excuse for an increase in the cost of living, without any corresponding benefits to the producer.

Personally I did not reach a consideration of any of the last-mentioned grounds, because I became convinced that it would injure agriculture and not help it. That being my opinion it was not necessary from my standpoint to give serious consideration to the other points.

Assuming that agriculture is sick and that there is an agricultural problem it has been my judgment from the beginning that we should treat it in an orderly manner. First, we should ascertain the cause. Many causes have been suggested. Among others the suggestion has been made that the protective tariff contributed to the disparity between the price of agricultural products and the price of nonagricultural products. That, however, is not the case. The answer could be made in detail, as was done by Congressman HAWLEY in a speech he made on the floor of the House this week, but time will only afford me the opportunity of answering that charge with the statement of fact that since the date of the passage of the Fordney-McCumber tariff law there has been no increase, but a decrease, in the price of nonagricultural commodities. Second, that since the passage of the Fordney-McCumber tariff law there has been an increase in the price of practically all agricultural commodities. The exact figures are startling. I am sorry that time does not permit me to give them to you in detail, but I hope everyone within this audience will procure and read a copy of the speech made by Representative HAWLEY giving these details.

I will only take time to say that at the time the Fordney-McCumber tariff law took effect the purchasing power of the industrial dollar, based on the period before the war, was $1.21; that the purchasing power of the agricultural dollar was 69 cents, and that there has been a gradual closing of that gap until to-night the purchasing power of the agricultural dollar is 94 cents and that of the industrial dollar is $1.02. I know that you have had other figures repeated to you over the radio, but the figures I am giving you are correct and can be verified at the departments.

I want you to bear with me a moment in an attempt to ascertain the cause of any farmer's ills that exist to-night. The real cause was the inflation during the war. Because of the inflation of land values Iowa has a farm-mortgage indebtedness of $1,098,970,000. The average total value of all the crops produced in Iowa over a period of five years is $508,600,000. It takes 13 per cent, in round numbers, of that amount to pay the interest on the farm-mortgage indebtedness. This is not saying anything of the taxes on the land, improvements, or local taxes. Compare that, if you will, with Ohio's farm-mortgage indebtedness of $210,760,000, but with an average annual production of $304,617,000. You will find that Ohio has to pay out only about 3.56 per cent of the total value of her crops to pay the interest on her farm-mortgage indebtedness, a difference of nearly 10 per cent in favor of Ohio. No other State is in any such condition as Iowa. A few are in bad condition. Montana running 10 per cent, and Wisconsin and Minnesota more than 8 per cent, and from that on down, until we have North Carolina, where it takes only eighty-seven one-hundredths of 1 per cent to pay the interest on the farm-mortgage indebtedness. To make the proposition plain, a man can not afford to own land in Iowa. They have a fictitious value on it, have it mortgaged on that valuation, and can not produce crops sufficient on it to pay interest on the mortgages and live. Land in Iowa producing wheat or corn will produce but little, if any, more than land in some of our Western States, and still they have the problem of having the land mortgaged on the basis that it is worth ten times as much as they ask for land in our Western States per acre. I am not criticizing Iowa. I am calling attention to a fact. Iowa has a fertile soil, and has the reputation of being a sure-crop State, but if a man wanted to enter upon the business of agriculture to-day, basing the prospects upon the same conditions that he would enter on any other line of business, he would not purchase land in Iowa. He would not try to farm there, simply because of the fact that the other States have so much advantage over it. Iowa has been well advertised. The same papers that carry the stories of their calamities and bank failures and farm failures carry the most extravagant advertisements concerning the fact that Iowa is the place to locate, seeking to bring people there for the purpose of farming.

I represent the southwest 32 counties in Kansas. They are harvesting wheat now. Many a field of wheat to-day is selling for as much per acre as the assessed value of the land. There are localities in my district where men bought land last year that will sell the wheat crop this year for enough to pay for the land in its entirety. So you will see that it was perhaps hard for me, thoroughly familiar with conditions in my district, to fully appreciate and understand the demands upon the Members of Congress from Iowa.

The so-called Haugen bill, as it was defeated in the Senate, carried a straight-out subsidy on cotton for three years, after which time there could be no fee levied upon cotton without further action of Congress, while it provided that the board should have the power to levy a fee upon the wheat sold from the beginning.

I think the farm problem, or farm sickness, can truthfully be said to have been caused by overinflation during the war. I think our country is to be complimented upon the fact that we have been the most successful in our reconstruction laws of any country in the world. To tear down the laws that we have passed as a program of reconstruction would, in my judgment, be the worst calamity that ever befell our country.

Since the defeat of the Haugen bill in the Senate there has been a movement initiated by the lobbyists that have been here all winter demanding that they have this equalization fee, or tax on production, or nothing; that the Congress not attempt to do anything for agriculture; that they would carry to the people the demand that the next Congress place a tax upon production. Up to that stage the President of the United States, elected by several million majority to administer our laws during this great period, had taken no part directly, but on Friday afternoon in no uncertain language he called the attention of the Congress and the country to the fact that he was in favor of carrying out the platform, not only of our own political party but of both political parties, and enacting legislation in the form of what is known as the Fess substitute, which would, according to the testimony of the legislative representative of the American Farm Bureau Federation, produce orderly marketing.

Now, remember, there are two lines of thought. One is to put the Government in business, take the surplus off the market, and dump it; levy a fee on production. That plan has been defeated. The other plan is for the Government to furnish an agency through which it will be possible for the farmers, themselves, to market in an orderly manner their production, and it is believed by those of us that are in favor of this plan that it will work to the advantage of the farmer in that it will not only produce orderly marketing, but will enable the farmer to have orderly production. This plan will enable the American farmer to avoid the serious depression that comes in prices, with the disorderly, or seasonal, marketing that we have in vogue to-day. It will not injure the consumer, because the consumer pays to-day for the farm products of America, based on the peak price, and not on the depressed price. It remains to be seen whether Mr. Peek, formerly of Illinois, connected with the manufacturing of farm machinery, who says he is representing the committee of 22, and Mr. Hirth, publisher of a farm paper in Missouri, will be able to enlist in their demand that there be no legislation until they write it, and O. K. it, sufficient votes in the two houses of Congress to prevent the legally elected, qualified, and acting officers of the United States from having a law that they think will close the gap entirely between agriculture and industry. It is to be hoped that our Democratic friends will not play politics with so vital a question. Personally, I believe that their leaders are too big, and too wise, and too honest to defeat the legislation. The Secretary of Agriculture, Mr. Jardine, has testified before the committees of Congress that the plan will work, and that he is willing to take the responsibility for its trial, and that he can cure the evils that exist in agriculture if the law is passed. The President has asked the Senate to pass it. If it passes the Senate, it will pass the House, in my judgment, by an overwhelming vote. It can't pay Iowa's debt, but it can terminate the disparity that there is between agriculture and industry. It makes available funds, not to loan to farmers direct, but to arrange with organizations of farmers to take off the market the surplus, hold it, and market it in an orderly manner. It is not a subsidy.

There is precedent for it in our own country. It was a success when administered, as it was, under the war finance act. If the

administration is permitted to have the law, and it fails, the blame will be upon them. If they are not permitted to have the law, the blame will rest upon the heads of irresponsible lobbyists, and those that seek to play politics with so great a problem as the farm problem.

In closing I want to say that I am proud to be a member of the Republican Party, the party that has always met the problem with which it was confronted, and has never renunciated a principle for which it stood. If there are those in the radio audience that want to engage in agriculture, in that the prospects are so good that any disparity between agriculture and industry will be closed, I suggest in all seriousness that if you are not satisfied where you are, and you want to move, quit reading the paid advertisements in the Iowa newspapers about what a great place that is, and come out to Kansas. Buy yourself a farm; if you haven't got the money, but it on time. We have lots of virgin soil, and this year the crop on a lot of that land is paying the original cost of the land. There is more disparity between the price of farm land to-night than there is between industry and agriculture, and the land can be bought in the State of Kansas now on the low ebb of that disparity. This is true of many Western States. It might be a little hard for Congress to pass a law that will work exact justice for the consumer and pay a good, round income on ordinary land with a market value of $500 or $600 an acre. The high market value of land will come legitimately, and right, whenever consumption exceeds production. That is an economic fact, which can not be disputed.

ADDRESS OF HON. M. A. ROMJUE, OF MISSOURI

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to have extended in the RECORD the remarks of my colleague, M. A. ROMJUE, of Missouri, delivered over the radio on last Saturday night, June 26, 1926.

The SPEAKER. Is there objection to the request of the gentleman from Misosuri?

There was no objection.

Mr. DICKINSON of Missouri. Mr. Speaker, under leave granted me to extend my remarks, I insert the following address made over the radio by the Hon. M. A. ROMJUE, of Missouri, on June 26, 1926:

OUR THEORY OF GOVERNMENT

Ladies and gentlemen of the radio audience, I believe it was Solomon who said, "All things are double, one against the other," which is equivalent to saying there are two sides to everything, and so there are. Joy counterbalances sorrow; heat contrasts cold; love yields to hate; darkness to light, and Republicanism, my friends, in a party sense, in times of dire distress and dissatisfaction among the subjects over which it rules must yield and give way to the beneficent power, influence, and service of Democracy.

In our theory of government there is a dual system that makes us a most potent Nation. There are the rights and powers of the States, balanced against those of the Nation as a whole, constituting a more powerful government for the safety and security of the rights, liberties, and privileges of the citizen. And in our system there must always be two dominant political parties, the one serving as a check upon the other, and there must be a swinging away from the one to the other, at intervals, which will always be determined by the failure of the party in power to render, as a servant of the people, that which is their just due. And that interval or period at which the shifting of power and control from one party to the other will with a certainty be determined when it is apparent that the party in power becomes so intoxicated with its own authority over the masses as to cause it to wholly or in a large measure neglect to serve the people, who constitute the source of its authority. Measured by this invariable standard, may we take stock of the present political situation in the United States. On March 4, 1919, the Republican Party came into complete control of both branches of Congress, and that party acquired the Presidency and a complete majority in both branches of Congress in the election of 1920.

We are now in the seventh year of that Republican control, and during that time what has developed, what conditions confront the American people? When once we have surveyed the ground and taken stock of the events that have transpired, will we with a faith in American institutions that we have withhold that praise or censure that is appropriately due? The right to a full and complete understanding of the American Government and its principles, and the right of the American citizen, however humble he may be, to have the Government machinery managed in the interest of every class of its citizens, without fear or favor, is an indisputable right. And when those in power, vested with authority in the conduct of government, whether consciously or unconsciously, withhold from the whole people that which is specially granted to the privileged few, there certainly remains to the many the right to change the administrators of the law in a constitutional and statutory manner. The right to chastise with the ballot is one of the highest and most sacred privileges of the citizen.

A political party dedicated to a proper service of the public will promptly challenge and punish infractions of the law, and the titular head of any political party will not remain silent when in the opinion of a reasonably prudent man there is cause for complaint.

There seems to have developed two well-defined tendencies during Republican rule within the last few years.

First. A tendency to suppress or smother the development of facts in cases that in the minds of many seem to indicate improprieties and obnoxious methods of handling public affairs; and, secondly, to many there appears to be an administration "deaf ear" when appeal is made by a group less able to make its potency felt than others—for instance, the farmer and St. Elizabeths war veterans.

Is there a Republican in either branch of Congress to-day who will announce to the public their approval of the conduct of Secretary Fall in the handling of Teapot Dome? If not, why not?

Has any Republican of national prominence any criticism to offer against the method pursued by the Republican Party in disposing of the Teapot Dome oil reserve?

No! There is an ominous silence. No such voice has yet been heard. Why not? The fact is that after much effort and demand from representatives of the Democratic Party civil litigation was compelled to be started when it became apparent that nothing would otherwise be attempted; but with that a general chorus was set up by the Republican press throughout the country stating, "too much time was being spent in investigation." The purpose of such propaganda was in the opinion of many to lull the unsuspecting public to sleep.

The public may be caught off guard occasionally and led into a semiconsciousness, but there is sure to come a sudden awakening when the rights and interests of the public are too long neglected.

The Republican Party and the membership in general thereof seems to have delegated the right to speak and express opinion for the party to the one man, who for the most part has remained silent. With the powerful Republican Party halting for some time and the titular leader silent, a growing and rising tide of dissatisfaction and discontent among the agricultural sections of the United States has been developing, and so when the Sixty-ninth Congress met last December a portion of the Republican press announced that the American farmer was so prosperous that it was then doubtful whether legislation in his behalf would be sought or desired.

The proverbial silence near the inception of the Sixty-ninth Congress was broken long enough to give assurance to the farmers of the country that their problem was one that could only be remedied by themselves and that they would have to work out their own case. Then there soon followed the long historic battle, ever growing hotter and hotter, fierce and more bitter, with the present administration set against what was considered the farmers' program.

Notwithstanding the Republican press announcing the farmer was so prosperous that relief legislation would probably not be sought, there soon came a severe rumbling in the Middle West, and the Iowa Republican primary burst with fury and protested its determination to no longer pay tribute under the high protective tariff law to the special interests of certain sections and at the same time carry upon their shoulders the extra burdens that had been imposed upon them by high tariff, legislative legerdemain. Then, as the Republican political ship seemed to be scuttling, with the apparent determination to choke to death once for all the farmers' program, the political management of the present Republican administration seemed to halt for a moment. Then followed the famous pronouncement of Secretary Mellon, of the President's Cabinet, that the farm relief sought by the farm block "must not pass."

I now propound to my radio audience, must a principle of legislation be invoked in behalf of aluminum and denied to agriculture? Will the Fordney-McCumber tariff law be permitted by the American electorate to stand to succor some special interest and yet governmental assistance be denied to the less powerful?

A practice, it seems to me, has grown up in this administration both startling and stupefying when a large section of the country, which has no special claim to power or privilege, desires to obtain relief from distress, whether caused by artificial means or otherwise, instead of procuring such relief or redress wholly through the customary channels, it has apparently become the rule to lay the problem before the Secretary of the Treasury for his blessing or rebuke. In the last few years the farmers of the Middle West and Northwest section of the United States have shifted from a position of prosperity under the last Democratic administration to one of distress and shrunken values under the present administration. Will the farmers of the United States accept with complaisance the verdict of Mr. Mellon on this subject? The farmers' program has been met with a flat refusal from the present Republican administration. Will the farmer turn the other cheek for a presidential stroke?

I believe in constitutional government. I believe in the free and full exercise of the functions of government in its every branch. I can not bring myself to the conclusion that Congress should pass or refuse to pass any proposed legislation—only because it has or does not have the approval or disapproval of some bureau—or even the favor or disfavor of the Secretary of the Treasury.

When the President assembled Congress last December he asked that body to take up the tax bill, which had largely been worked out

prior to the meeting of Congress, and one of the first acts was to return many millions of taxes to the big business interests of the country. Contrast that pre-session activity in the interest of one class with the postponement of the claims and grievances of the farmer and the veterans of St. Elizabeths Hospital. How grudgingly their cause seems to be heard and considered.

I appreciate and love our Government. I believe in its constitutional powers and vitality, but I submit whatever party is in power, favors ought not to be granted to the few and withheld from the many. But if a class is preferred, those not within the preferred class have the right to have the preference withdrawn or to be brought to a level with those preferred.

I believe that Congress should legislate and not pass or withhold legislation at the nod of the Secretary of the Treasury, with presidential approval, and that it is at least undesirable, in my opinion, under our form of government, to have any Secretary of the Treasury who is the custodian of the public's money, to be so interested in local partisan politics to such an extent as to persuade him to put large sums of money, although it is his own, into such political contests as the Pepper-Vare-Pinchot contest. It is a performance, which, in my opinion, that can but meet with disapproval under our form and theory of government, and certainly, as I view it, an undesirable activity.

The policy of the Republican Party nationally during the last few years has been—

First. To voluntarily contribute to the enrichment of the special manufacturing interests by the levy of a high tariff, causing the great mass of people, including the farmer, to pay money out of their pockets by reason of that tariff into the pockets of the favored few. At the same time the relief desired by the farmer has been steadily and stubbornly refused to him.

Secondly. While there has been a reduction in national taxes on large incomes, which includes, in part, the incomes of the same favored few, at the same time, under the State Republican administration in my own State and some other States as well, while the national administration is refusing the farmer relief from his depressed condition, the State administration has increased his taxes and made them much higher on his land.

How long will the Republican farmers of the United States continue to enjoy the consideration they are getting? In the last national campaign a Republican slogan was "Elect Mr. Coolidge and avoid chaos and confusion."

With an overwhelming majority in Congress the Republican Party finds itself divided and split. The President determined to go one way, the Vice President the other, the Republicans in both House and Senate driving both ways at the same time, some of them wanting to help the farmers and some wanting to help the President. It is a tug of war, and the rope is about to break. Let us hope that the end of "chaos and confusion" in Republican management is near at hand and that somehow by some party, preferably the Democratic one, wrongs may be righted and rights be not wronged.

AIR CORPS OF THE ARMY

Mr. SNELL. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Mr. SNELL, from the Committee on Rules, submits the following report to accompany House Resolution 309, providing that notwithstanding previous action of the House relative to the conference report on the disagreeing votes of the two Houses on the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, immediately upon the adoption of this resolution the House shall consider said conference report without the intervention of points of order against the same.

The SPEAKER. Referred to the House Calendar and ordered printed.

THE MANIA FOR MULTIPLYING LAWS

Mr. TILSON. Mr. Speaker, if the House really wishes for a nonpartisan speech I think I can provide one if the House will permit me to extend in the RECORD some remarks that I made the other day before the Yale Law School Alumni Association.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend in the RECORD an address made by him before the Yale Law School Alumni Association. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, under leave granted to extend my remarks, I insert the following address which I delivered before the Alumni of Yale Law School, at New Haven, Conn., on June 21, 1926:

Mr. TILSON. In my judgment, the one tendency now visible in our American governmental life that is most dangerous to the stability and perpetuity of our institutions in the mania for laws and more laws. If ever what we call "liberty" fails, and any form of despotism, either of the many or the few, comes to the people of this country, it will be more on account of this tendency than any other.

The time-honored idea of a lawyer was one "learned in the law." I presume that most of us here to-day at some time in our lives, probably soon after graduation, would have laid some claim to this distinction. Having spent a large part of my life in an atmosphere of law-making, where I have witnessed a great mass of legislative enactments added to the body of American law under my immediate observation, and being cognizant of the countless statutes, ordinances, and regulations made by State legislatures, and by town, city, and county law-making agencies in the same period, I marvel at the superhuman intellect of anyone who can honestly claim to be "learned in the law" under conditions as they exist to-day. Judge-made law is necessarily increasing as the number and complexity of human relations increase, but the worst offenders in this direction are legislative bodies. Taking the two together, it would seem sometimes that the world itself can scarcely contain the volumes that must be written in order to embody them all.

I recall the story of a young man in Tennessee many years ago who was ambitious to be admitted to the bar and confided his ambitions to an old practitioner. "What do you know about the law?" inquired the old lawyer. "I know pretty nearly all of it," said the boy. "I have read the Revised Statutes through three times." The old lawyer laughed. "Yes, and when the legislature meets in January it will probably repeal most of what you know."

The tendency toward a multiplicity of statute laws is universal and no legislative body is free from it. So far as the Federal Government is concerned, it is largely due to the extension of Federal activities into new fields, such as income taxes, estate taxes, prohibition, and the regulation of business in numberless different ways. Government bureaus are given power to make regulations which are often more voluminous and complex than the law itself, and in general the demand in the cure of all real or fancied human ills by legislative enactment. A halt in this direction should be called, at any rate long enough to give lawyers time to catch up with at least reading, if not digesting, the legislative output.

I have referred to the fact that the bumper crops of new laws during nearly a score of years have come under my immediate observation, but do not understand that this orgy of legislation has proceeded with my unqualified approval. It has been only a comparatively short period that I have been in a position to aid materially in retarding the flow of Federal laws, but the record will bear me out in saying that I have done my bit to limit the congressional output. The present House of Representatives, of which I have the honor to be the majority leader, has to a considerable degree dammed the flood of proposed new laws; but meanwhile Congress, and especially "the leaders," have been damned daily for failure to continue the process of trying to reform everything and everybody by law.

I like to think of the old farmer who was elected to his State legislature and on the first day of the session arose in his place and moved that "We do now adjourn for good." His friends rushed over to reason with him. "What do you mean," they remonstrated, "by moving to adjourn now? Why, we've only just met." "I know we've just met, and that's why I want to adjourn," said the old fellow. "I think we have too dern many laws already."

The old farmer states a lamentable fact, and at the same time expresses my own legislative views. This has been a part of the philosophy that has guided me as majority leader of the present House, and when the work of the session is done it will probably be said with truth that the most important work I have done during the session has been in the direction of preventing the passage of bad or unnecessary laws.

"The Budget," a publication issued some years ago by what was known as the National Budget Commission, stated that at that time there were approximately 100,000 legislators in the United States. National, State, and municipal, and that each year they enacted more laws than were enacted annually before the war in Great Britain, France, Germany, Austria Hungary, and Italy added together. This same publication stated that there were at that time more than 2,000,000 laws and ordinances in force in the United States.

Bad or unnecessary laws are not only unwise and hurtful in their effect on the people, but they cost money and cause burdensome increases in taxation. The purpose of most of these laws is to remedy public and private ills by the establishment of boards, commissions, and bureaus with regulatory powers, adding at the same time to the great mass of regulations, to the number of persons on the public pay roll, and to public expense. According to recent statistics every 10 persons engaged in private enterprise in the United States are supporting on the average of one person depending for his or her living on public funds. The number of laws is constantly increasing and the number of public employees increases in equal if not greater ratio.

It is estimated that in 1925 the annual pay roll of public employees in the United States, Federal, State, and all political subdivisions, totaled $4,300,000,000. Adding to this the cost of pensions, annuities, and so forth, to veterans and superannuated employees, who total about 900,000 persons, and the cost of supporting about 500,000 indigents and criminals in almshouses, charitable institutions, and prisons, the total is swelled to around $5,140,000,000, or somewhat more than 50 per cent of the total expense of all government in the United States.

The rapidity with which governmental activities are increasing is well evidenced by the increase in the cost of all government, Federal, State, and municipal, in the period from 1890 to 1922, a period of 32 years, during which time government costs outstripped the growth in population by more than five to one. In the same period the purchasing value of the dollar decreased approximately 50 per cent, but even allowing for this decrease the increase of cost has been more than two and one-half times as fast as the increase in population. In 1890 the cost of all government in the United States was approximately $900,000,000 and in 1922 it was approximately $9,500,000,000, an increase of ten to one, and during that period the population increase was on a ratio of approximately two to one.

In the Federal Government alone during the last six years, that is, since the war, considerable progress has been made in deflating the business of government, but unfortunately the curve of governmental expenditures has again become an ascending one. The State, county, and other governmental agencies have constantly shown a tendency to proceed rapidly in the same direction in which they have been traveling since 1890.

The mania for new laws that cost the people enormous sums and accomplish so little good, to a considerable extent grows out of the desire of active minority groups of our people to regulate everything and everybody. They wish to hasten the millennium and reform the world by law. They are our best people and do not deny it. Many of the most insistent for laws and more laws are the loudest in their profession of Christianity, but they seem to have given up the hope of bringing "peace on earth, good will to men," by moral suasion and look to the policeman to make people good by force, and the jail to keep them so. If I understand human nature aright such a plan will never work. Law and force have no place in the domain of conscience and religion. To those who believe that it can be done in this way I can do no better in answering and in closing my remarks than to quote these sound and memorable words of St. Paul: "If righteousness shall come by law, then Christ is dead in vain."

SECOND DEFICIENCY BILL, 1926

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13040. The question is on agreeing to that motion.

Mr. MADDEN. Pending that, I would like to ask the gentleman from Tennessee [Mr. BYRNS] if he will agree to close general debate at 5 o'clock this afternoon? I want to say to the gentleman from Tennessee that I will try to limit the time on this side to two hours. That will leave him four hours.

Mr. BYRNS. I appreciate the liberality of the gentleman, and I cooperate with him on all these occasions so far as time is concerned. I appreciate his desire to close debate. Why not have it understood that we will close debate when we come to the first paragraph, when we will rise?

Mr. MADDEN. I will agree to that so long as it is understood that we close to-day.

Mr. BRYNS. Yes; when the committee rises.

Mr. MADDEN. Let us continue on the debate with the understanding, Mr. Speaker, that it will close when the committee rises to-night.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the debate on this bill be closed to-night.

Mr. MADDEN. When the committee rises to-day.

Mr. HILL of Maryland. Just the beginning of the bill will be read?

Mr. MADDEN. We will read one paragraph and then rise.

Mr. HOWARD. Reserving the right to object, Mr. Speaker, I would like to see if I understand. What would the gentleman do if the committee should not be in the mood to rise to-night?

Mr. MADDEN. We are anxious to rise.

Mr. HOWARD. I know, but we are confidently expecting something to come over from the Senate.

Mr. MADDEN. Then we will rise for a moment, and then go back to committee, to do what it pleases.

Mr. HOWARD. With the understanding that the House will do what it pleases I will have no objection.

The SPEAKER. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13040, the second deficiency bill, 1926, with Mr. HAWLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of H. R. 13040, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. BYRNS. Mr. Chairman, I yield 12 minutes to the gentleman from New Mexico [Mr. MORROW].

Mr. MORROW. Mr. Chairman and members of the committee, I am going to discuss briefly to-day the Indian question. This, in my opinion, is one of the important questions before the American people. The Indian problem has been a problem since the settlement of Jamestown in 1607. It has been a problem since the establishment of this American Government in 1789 down to the present time. That the Indians are not a disappearing race is true. The Indians in the United States to-day number perhaps as many as when Columbus discovered this country. There are to-day one-third of a million of Indians in the United States, scattered throughout every State in the American Union. Oklahoma has 120,000, the greatest number of Indians of any State, and the State of Delaware has 5, the lowest number of any of the States. This problem is one which ought to be determined.

In 1832 the Bureau of Indian Affairs was established in this Government for the purpose of settling and determining the Indian problem, civilizing the Indians, and making them a part of the Government. This bureau has been in existence 94 years. The Indian problem is to-day just as far from being solved as it was a century ago, with the exception of a few of the Eastern States, where the Indian has become assimilated. The time, in my opinion, has arrived when the Indians should become citizens of the State in which they reside. The Indian schools ought to be under State control. You are appropriating at every session of Congress, even in the appropriation bill now under consideration, thousands and thousands of dollars, yea, up into the millions, to take care of the Indian situation.

Here are a few of the figures showing the appropriations for the various years. Going back to 1870 the appropriation was $713,733. In 1880 it was $4,714,948; in 1890, $6,083,851; in 1900, $7,749,951; in 1910, $11,868,159; in 1920, $11,132,397; and in 1925, $12,070,220.

I want to say to you that the Indian problem, in place of decreasing and coming nearer a solution, is becoming more involved and the expenditures are increasing each year. There ought to be a time when this problem should be determined, and there ought to be a period in which the Indian, as I said, should become a citizen of the State in which he resides and take part in the affairs of the State. That period, it appears, has not yet arrived, although the Congress at the last session declared the Indians citizens of the United States. However, it was only a partial conferring of citizenship.

I want to speak particularly of the Navajo Indians in my State, Arizona, and in the State of Utah. The Navajo Indians, as you heard from the floor of this House about two months ago, were very dependent Indians and that this Government, by making certain appropriations reimbursable, was taking advantage of funds of those Indians. Let us see what the Navajo people have and who they are.

The Navajo Indians migrated from the extreme Northwest and located in that portion of the United States now known as Arizona and New Mexico in the early part of the fourteenth century. They were found there by the Spaniards as early as 1539 occupying the territory that had been formerly occupied by another prehistoric race, who had developed, as it is shown by the ruins, a high degree of civilization. The Navajo Indians had been a warlike tribe for 180 years and were at war with the United States and with Mexico until the years 1863 and 1864, when a final campaign against the Navajos was conducted by the famous Kit Carson as colonel of the First Regiment of New Mexico Volunteer Cavalry with Brig. Gen. James H. Carleton. After several expeditions, which culminated in an attack upon the Indian stronghold in Canyon de Chelly, the major portion of the tribe surrendered and were taken as prisoners of war to Bosque Redondo in New Mexico. They were held as prisoners of war for a period of four years. They longed to return to the Navajo Reservation and they sued for peace. The Government entered into a treaty with the

Navajo Indians and returned them to their reservation; they were granted 3,064,320 acres of land on the borders of New Mexico and Arizona. To-day that land is in an oil-developing territory. These Navajo Indians are destined to be, in my opinion, the richest Indians in the entire United States. Just recently a sale and lease of these lands for oil purposes was made. Three years ago the sale and lease of a portion of these reservation lands was made. One tract of land which then sold for $1,000 has just recently been resold, a one-half interest in the same, for $3,500,000. These Indians are receiving this year from royalties upon oil a half million dollars; this is according to current reports.

What else are they receiving? I want to give you this idea, so that Congress will know that in a short time the Indians will be in a position to repay the Governemnt for the appropriations made for them. The Navajo Indians own 1,000,000 head of sheep. There are about 31,500 Navajo Indians. They own more sheep upon their reservation than all the sheep contained in New England and New York combined. The Navajo Indians own 100,000 head of cattle and horses. They have personal property representing $15,000,000.

There was a great hue and cry by some Members in this Congress because the Navajo funds were charged $100,000 for the building of a bridge to the entrance of their reservation, known as the Lees Ferry Bridge, in Arizona across the Colorado River, and also another bridge at Bloomfield, N. Mex. It was stated that because that amount of their funds was to be a charge against these Indians they were being deprived of their funds, since the amount was reimbursable to the Government. I now want to show you the exact revenue derived from their different properties during the past fiscal year.

At the time this debate occurred I did not have the data and could not present the figures, but since then I have had them compiled, and I will give you the value of the products of the Navajo Indians for the fiscal year 1925.

They received from the production of wool, $519,040; cattle, $399,460; silver work, $182,976; rugs or blankets, $591,979; sheep, $1,063,550; beadwark, $50,000; pinon nuts, $619,320; beef hides, $1,200; skins and pelts, $34,903; farm products, $11,311; baskets, $625; belts, $15; labor, $50,000; a grand total of $3,524,379 for the year 1925.

This did not include the royalty received from their oil lands, which will run to the sum of one-half million dollars. What I desire to call to the attention of the Members of Congress is the fact that the time has come when the Indian should take his place as a citizen of this Government in the State in which he is located.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORTON D. HULL. Mr. Chairman, may I ask that the gentleman yield the speaker a minute more, so that I may ask a question?

Mr. BYRNS. I yield one minute to the gentleman.

Mr. MORTON D. HULL. The gentleman in the very first part of his speech gave some figures about the appropriations. Are those appropriations all out of public funds or do they represent appropriations out of funds of the Indians?

Mr. MORROW. I presume a great many of them are reimbursable funds. What I was trying to show was the expense of the department for the different years; that is, the amount that has been expended. Of course, no doubt, a great deal of that is reimbursable.

Mr. MORTON D. HULL. What I wanted to bring out was that it was not out of the Public Treasury.

Mr. MORROW. Not all of it.

Mr. MADDEN. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, so much has been said relative to the failure of this Congress to pass coal legislation that I desire to call particular attention at this time to the details of the bill introduced by the chairman of the Committee on Interstate and Foreign Commerce [Mr. PARKER], which, in my opinion, should have been reported out of the committee and passed at this session. It is not denied that the reason this bill was not reported was the result of the activities and influence of powerful interests directly connected with coal mining.

Mr. HOWARD. Will the gentleman yield?

Mr. TREADWAY. If the gentleman will kindly allow me to continue, I will be glad to yield after completing my remarks.

Mr. HOWARD. But the gentleman understands it is a pretty serious charge he has just made.

Mr. TREADWAY. I am making no charges, but making a statement that is very well understood and known.

Mr. HOWARD. I apprehend the gentleman may have at least a basis for the statement.

Mr. TREADWAY. Very good; I will be very glad to take up the details of it with the gentleman at a later time, if I have the time.

In remarks I made on the subject of coal on January 21, 1926, I stated:

> The President has asked for it, and there is something subterraneous, something wrong, if we can not get at the bottom of this matter.

At that time the subtle hand of the opposition was kept in the dark and worked as I intimated. Later on, after the anthracite strike ended, the chairman of the Committee on Interstate and Foreign Commerce announced that hearings would be held on the subject. During these hearings the opposition came into the open. Evidently the interests had become sufficiently frightened that this Congress would pass coal legislation that they decided upon another method. Officials of various organizations, all having a personal interest in coal mining, appeared before the committee in opposition to any legislation. Members of Congress representing coal-producing sections took a similar position. In spite of all these protestations, at the conclusion of exhaustive hearings, with Secretary of Commerce Hoover as one of the final witnesses, the chairman of the committee introduced on May 17, H. R. 12209, which at that time was thought could be promptly reported and passed. Again the subtle influences of those having direct interest in coal production became active and the bill failed of a favorable report. On June 17, in the colloquy with the gentleman from New York [Mr. FISH], the gentleman from Pennsylvania [Mr. WYANT] made this statement:

> I might state to the gentleman at this time that there are 20 other States interested in this coal business, and I want to say to him here and now that the coal operators of these 20 States have been treated like bootleggers on the floor of this House for the past five years, and the Representatives of those States are prepared hereafter to see to it that the men engaged in the coal business receive fair treatment on the floor of the House.

This seems to me as rather an open confession of the attitude of the Members from coal-producing sections, whether bituminous or anthracite. It reminds me of the famous expression accredited to the late Cornelius Vanderbilt relative to the interests of the public.

One of the results of the movement to influence public opinion has been the receipt by Members of numerous letters principally from retail coal dealers. The argument is that the industry should be left alone to work out its own salvation. Unfortunately, that is exactly what has been happening over a long period of years with the result that the consuming public has been habitually gouged. This plaintive cry that is being heard sounds as though the coal industry was a new one—an infant in swaddling clothes, deserving of careful nursing. The only new part in connection with the industry is an effort to obtain justice for the consuming public.

It would almost seem as though this bill must have something in it very fatal to coal production to cause such extended and intensive opposition. It is, therefore, for the purpose of enlightening the House and the country as to exactly what the bill is that I desire to analyze it at this time. It will be seen that the purpose of the bill is to protect the Government and the public from shortages of coal and have necessary facts available in the event of an emergency, for immediate use if Congress deems further legislation necessary. The Bureau of Mines is made the agency for securing this information which it shall publish from time to time. The information desired consists of statistics in respect of the production, storage, transportation, distribution, free-on-board-mine prices, margins of profit of owners, operators, terms and conditions—including royalties and rentals—of leases or other contracts in respect of the operation or use of coal lands or strip pits, supply and demand, grades of coal, corporate organization and control, trade and labor practices and agreements, and the wage rates and earnings, working conditions, and living costs of miners.

The paragraph I have just read is quoted practically verbatim from the first section of the bill.

Under section 2, the Secretary of Commerce is authorized to require, under oath, any person to file with the Bureau of Mines such reports as may be necessary to carry out the provisions of this act, and states a penalty for failure to file. Under section 3, Government departments are required to furnish such information as may be available to the Bureau of Mines. The records and documents of the United States Coal Commission would also be transferred to the custody of the Bureau of Mines. Section 5 authorizes the President to direct the Secretary of Labor to act as mediator or appoint proper persons to act as a board of mediation, in order to preserve

or restore industrial peace in the coal industry. Section 6 amends section 6 of the act of September 22, 1922, whereby the President is authorized to declare by proclamation that emergency exists in the production of coal. When such proclamation is made, the provisions of this act amending the act of 1922 comes into effect and remains in effect only until the President declares by proclamation that the emergency has ceased. I am astonished that there is opposition to a bill as conservative in its provisions as this one is. I do not hesitate to say that it is not as strong in its provisions as I would like to have seen drawn. It, however, provides a portion of the machinery recommended by the President in his two messages whereby he will not continue powerless to act in case of emergency.

That part of the bill authorizing the Bureau of Mines to secure information and make the same public from time to time is all the permanency established by the bill, and therefore is the portion to which the coal interests so seriously object. Why? The fact that they are called upon to furnish information which an agency of the Government can make public shows the need of at least this much legislation in the interest of the consuming public. If, as we have been so many times told, the coal industry is impoverished and there are no profits to the owners of coal mines, why this dread and fear of confiding to the Federal Government and their own customers such knowledge as they themselves have and by which the consumer could be convinced of the justice of the prices charged them?

Again, the friends of soft-coal industries have frequently asked, "Why not confine your effort for legislation to anthracite?" which is acknowledged to be in monopoly and which affects the domestic welfare of New England and New York. There are two obvious answers why bituminous coal should be included in any suggested legislation. First, the expiration of the Jacksonville agreement in 1927, and second, the manner in which bituminous owners took advantage of the public during the last anthracite strike. I will not take the time to go into the details of either of these questions.

Permit me now to refer to another side of the efforts that have been made for legislation on this subject. The Massachusetts press some two weeks ago carried an article that certain members in Pennsylvania of my political faith had threatened to go into the first Massachusetts district during the approaching campaign for the purpose of endeavoring to cause my defeat. The story seemed so out of keeping with proprieties of campaigning that I considered it a joke until I was reliably informed of the authenticity of the story. Let me say that if such movement is contemplated, a most cordial hospitality awaits the visitors. As host, I should be delighted to place every possible facility within my power at their command, furnishing hotel accommodations, transportation, places in which to conduct meetings, proper publicity, and all the opportunities of meeting people that can be devised, and if any additional inducement is necessary, I will also provide transportation from any part of Pennsylvania. If this invitation should be accepted, I am quite confident it would not be necessary for me to remain at home during the campaign in order to secure reelection, and therefore I would be at liberty to accept a return invitation to go to Pennsylvania in order to inform the people there quite fully as to the injustice of the mining acts of the State and of the iniquity of the export tax whereby the State of Pennsylvania enriches its treasury to the extent of $10,000,000 annually at the expense of anthracite consumers in other States. And further, explain where the Girard Trust, a supposedly philanthropic charity, is supported by anthracite consumers, as well as other details of the coal industry which are not publicly proclaimed by the people in Pennsylvania. In this way, a pleasant exchange of courtesies could be brought about, and my visit to the Keystone State would probably be as welcome as would that of the distinguished Representatives who may volunteer their adverse services in my campaign.

In conclusion, let me say that the failure of the passage of the Parker bill at this session is unfortunate; but there is another session yet to be held and other sessions of Congress itself. Great progress has been made on this important subject. The United States Coal Commission made its report about three years ago. It was only during the past year that this report was printed. For at least two years suggested legislation has been before the Committee on Interstate and Foreign Commerce. No hearings were held until March of this year. Only recently has the opposition of the operators appeared in the open, so that we can feel satisfactory progress toward eventual legislation. While the curtain is being run down on the scene for this session, the stage is set for running it up at the beginning of the session in December.

I have stated several times that I should oppose adjournment sine die until some action was had on this subject. Should the expectations of the leaders that final adjournment is possible within a few days not be realized, I shall renew my efforts to urge that a bill be reported from the committee, and, failing of this, will offer a bill from the floor when the suspension of rules would make it in order to do so.

Mr. BOYLAN. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. BOYLAN. May I ask the gentleman, who is a distinguished Member of this House and has great power on account of being a member of the steering committee, why he did not use his wonderful powers in getting the President to send a message to the Congress, as he did in relation to the farm bill, and then something would be done?

Mr. TREADWAY. I will say to the gentleman that the efforts of himself and his colleagues on the Democratic side to prod the President into further action on this subject does not seem to me to be called for. We know that the President has twice strongly and seriously recommended legislation on the subject of coal; and if we can not follow his advice on those two recommendations, we will not follow it on three recommendations. We are to blame, not the President.

Mr. CONNALLY of Texas and Mr. LAGUARDIA rose.

Mr. TREADWAY. I yield to the gentleman from Texas.

Mr. CONNALLY of Texas. The gentleman from Massachusetts is regarded very justly here on the floor as being one of the outstanding representatives——

Mr. TREADWAY. I will ask the gentleman to cut out the bouquets.

Mr. CONNALLY of Texas. As being one of the outstanding representatives of business and the sanctity of property and individual rights. Does the gentleman in his speech indicate that he thinks Congress ought to pass a bill to make the coal people, in case they do not see fit to do so voluntarily, submit to an investigation of their books and profits? Does the gentleman advocate such a procedure as that?

Mr. TREADWAY. I do.

Mr. CONNALLY of Texas. Would the gentleman agree to a procedure of that kind in the case of the manufactured articles of New England?

Mr. TREADWAY. The questions are not parallel in any sense.

Mr. CONNALLY of Texas. I did not ask the gentleman that.

Mr. TREADWAY. Effort is being made by a committee of the other branch of Congress to-day in order to get the books of the people selling coal in the District of Columbia. The dealers are practically defying a committee of the Senate.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CONNALLY of Texas. I ask unanimous consent that the gentleman may have five additional minutes.

The CHAIRMAN. The Chair does not have control of the time. The House has already delivered the control of the time into the hands of the gentleman from Illinois and the gentleman from Tennessee.

Mr. MADDEN. I yield the gentleman two additional minutes.

Mr. MURPHY. Will the gentleman yield?

Mr. CONNALLY of Texas. Let me ask the gentleman how many coal mines he has in his district?

Mr. TREADWAY. I have a great many thousands of coal-consuming people. I am not interested in the mining of coal; and further I want to say to the gentleman from Ohio [Mr. MURPHY]——

Mr. CONNALLY of Texas. The gentleman misunderstood me.

Mr. TREADWAY. That representing, as he does, the coal miners, I can not see why this information that the Parker bill calls for would in any way prevent employment for his constituents.

Mr. MURPHY. Will the gentleman yield?

Mr. CONNALLY of Texas. The gentleman has yielded to me, and I want to finish my question. As I understand it, the gentleman has no coal in his section of the country?

Mr. TREADWAY. But we want to have it there.

Mr. CONNALLY of Texas. And the gentleman believes in regulating the coal mines?

Mr. TREADWAY. I do, for the benefit of the coal consumer.

Mr. CONNALLY of Texas. The gentleman has factories in his section, but he does not believe in the regulation of those factories.

Mr. TREADWAY. There is no comparison of the two things. One is a natural product and a public utility and the other is a private industry. In addition, they are thoroughly regulated by our State laws, so far as methods and conditions of employment are concerned.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. LAGUARDIA. Will this information which the operators will be compelled to give to the bureau be sufficient so that the Government may make an actual physical valuation of these properties?

Mr. TREADWAY. I think that is the intention of the clause in the Parker bill, because there are various descriptions and, as the gentleman knows from reading the bill, it goes into minute details. As I have said, that is one of the principal reasons the operators object to putting their cards on the table and accepting the Parker bill. They realize there is good reason for concealment from the Government and the public.

Mr. LAGUARDIA. And that is the reason for putting it in the bill?

Mr. TREADWAY. The reason for putting it in the bill is that we ought to know all about the conditions under which we are buying the coal.

Mr. MURPHY. The gentleman from Massachusetts knows that there is already in existence a report 6 inches in thickness on the coal industry.

Mr. TREADWAY. I know there is; and we want to legislate upon it.

Mr. MURPHY. We do not need any more investigation.

Mr. TREADWAY. But we want to legislate upon that investigation.

Mr. MURPHY. You want to make the burden a little harder on the small miner.

Mr. TREADWAY. We want to legislate on that very report the gentleman refers to. [Applause.]

Mr. BYRNS. Mr. Chairman and gentlemen, before I proceed to discuss some of the provisions of the deficiency appropriation bill now pending I wish to very briefly refer to the speech made by the President several days ago before the so-called business meeting of the Government employees. As you are aware, the business meeting is held semiannually and is always addressed by the President and the Director of the Budget.

The speech of the President was remarkable in that he abandoned his former claim of administrative economy for the purpose of relieving the people of some of their present tax burdens and adopted the phrase "constructive economy," which, of course, can mean anything, depending entirely on the viewpoint of the administration and those making the expenditure. The reason for that shift from the claim of administrative economy to that of "constructive economy" is, of course, obvious. If, as the President said, the expenditures of this year will exceed the expenditures of last year in the sum of $89,000,000, and that notwithstanding the fact that $35,000,000 less is to be paid in interest on the public debt and $18,000,000 less on Civil War pensions, then such a large increase can be readily explained as "constructive economy." And it seems to be assumed that the people should be satisfied with such a simple and clear explanation.

If, as is true, the appropriations for this session will amount to more than $4,400,000,000, which is more than has been appropriated at any session of Congress since 1921, and which is over $150,000,000 more than was appropriated at the first session of Congress after Mr. Harding became President, and over $250,000,000 more than was appropriated at the last session of Congress despite the automatic reduction of many millions in interest on the public debt and Civil War pensions, then the simple explanation that it is a "constructive economy" should, of course, satisfy the people.

If at the request of the President the Cape Cod Canal on the rock-bound coast of Massachusetts is to be purchased from influential stockholders who have lost money on the investment, and is in the future to be maintained by the Government at an annual cost of $25,000,000 or $30,000,000; if the per diem of Government employees has been increased from $4 to $7 and $8 a day at annual cost in the future of nearly $2,000,000; if it is to cost the huge sum of $350,000 to put a new roof on the White House; if it is to cost nearly $15,000,000 to construct a bridge across the Potomac which is not needed for commercial purposes; if the Government is spending $110,000,000 on naval aviation and over $80,000,000 on Army aviation in the next few years; and the Comptroller General, the auditing officer directly representing Congress, is to be expressly denied the right to audit the accounts or pass on or interpret the contracts—if all these things are to be done and others that might be mentioned without regard to whether some of them are absolutely needed or not, and if needed, whether the cost is too high, then the explanation that it is "constructive economy" is, of course, all satisfying.

And the administration and the propagandists who have so assiduously tried to fool the people into the belief that this is an economical administration beyond all others can continue to whoop it up over the country that this is an economical administration. What matters it if the words "constructive economy" may be used to cover a multitude of sins of waste and extravagance. Why, one partisan newspaper writer was so astounded at the President's admission that $89,000,000 more would be spent this year than last year that he calmly attributed it to the increased cost of the Shipping Board and the War Finance Corporation, when according to the Budget these two agencies will cost $13,000,000 less than they did last year.

Newspapers mold public opinion; they are the source from which the people get their information as to current events and facts, and reliable, trustworthy newspapers which are, of course, desirous of publishing the true facts and which do not wish to mislead the people should tell all such correspondents that they must either inform themselves or quit writing on the subject.

I am thankful to be able to say that all correspondents are not in this class, but there are some, and they have been continuously putting out just this sort of stuff in their effort to make the people believe, regardless of the facts, that this administration is preeminently an economy administration over and above all preceding administrations.

I noticed in a newspaper of last Friday that the President and some of the Republican leaders conferred over the alarming probability that the control of Congress might be lost to them this year on account of the failure to give the farmers relief, and that it was decided to pitch the coming campaign upon the claim of economy and tax reduction. The President has given the cue. It is not to be administrative economy but constructive economy, which, as I have said, can be applied to any old increase, and of whatever kind. The President called attention, and I think very properly, to the ever-increasing cost of State and municipal government. He truly said that this is a condition which must have serious attention, if business is to continue to thrive, but perhaps it did not occur to him that the governors of the States would no doubt explain the great increase in their expenditures as constructive economy, just as he seeks to justify the steady increase each year under his administration and the increase in the cost of the city of Washington, which is governed by his appointees, and which has increased in cost as great as and even to a greater proportion than the municipalities of the country.

Appropriations reflect not only the cost of government but they also reflect economy in administration, and the fact that we have appropriated over $150,000,000 more at this session than was appropriated at the first session of Mr. Harding's administration, notwithstanding the fact that $161,000,000 less will be required for next year for interest on the public debt and $54,000,000 less for pensions, gives some indication of how the cost of the Federal Government is constantly increasing. The President has himself given the test of a progressive administration. He says:

> More work and better work for a smaller outlay of the money of the taxpayers is the real test of a progressive administration.

Let us apply this test to his administration. The first full fiscal year of the present Chief Executive was 1924. The expenditures for that year, exclusive of post-office expenditures, which will amount to over $700,000,000 this year, were $3,506,000,000 in round numbers. In 1925 the expenditures were $3,529,000,000. In the present year, 1926, they will be, according to his own statement, $3,618,000,000. He says that "it may be possible"—note the word "possible"—to hold down expenditures next year to $3,600,000,000. That is, of course, exclusive of post-office expenditures. But do not forget that each year the expenditures of interest on the public debt and pensions are decreasing by several million dollars. These items alone will be $32,000,000 less next year than they are this year, according to the Budget. Therefore, if this hope of the President is fulfilled, the expenditures next year for other purposes will be larger than those for this year.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. DAVIS. In enumerating the tax burden, would it not be appropriate also to call attention to the billions of dollars of indirect taxation through the Fordney-McCumber Act?

Mr. BYRNS. Absolutely; and I am very glad the gentleman made that suggestion, because I think it is a very pertinent one. It is estimated that this tariff takes something like $4,000,000,000 each year out of the pockets of the consumers of this country for the special benefit of the protected classes.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. DENISON. Will the gentleman's statement about the amount of pensions decreasing be absolutely accurate if we pass the bill to increase the pensions of the Civil War veterans?

Mr. BYRNS. Of course not, so far as any increase by an additional law is concerned. I am speaking now solely from the Budget figures as presented to Congress.

Mr. DENISON. The probabilities are that we will pass that law before we adjourn.

Mr. BYRNS. I do not know. Of course, if we do, it will add to the increased expenditures and burdens of the people just to that extent. I noticed a statement that it would amount to $33,000,000. I do not know whether that is correct or not. Lest there be those who will seek to hold Congress rather than the administration responsible for this increase of expenditures, let me say here, as I have said many times before, that there has been no session of Congress since the Budget was established when less has not been appropriated than was asked by the President in his estimates.

The President further said in his speech:

> We can not anticipate further appreciable reduction in the total annual expenditures for the business of the Government. Our main chance comes in debt reduction—

And so forth.

I am quite sure that the use of the word "further" on the part of the President was an inadvertence, because while unintended by him it naturally gave a wrong impression to those who read the speech in the newspapers and the many thousands who heard it over the radio, because there has not been a reduction, as I have just shown you by the figures themselves, under the present Chief Executive's administration; and therefore his use of the phrase "further reduction," was unfortunate.

It is not surprising that the President does not compare the present expenditures with those of the preceding years of his own administration, which I submit would have been the fair thing to do. On the contrary, he harks back again to the year 1921 and says that the expenditures are something like $2,000,000,000 less this year than they were in that year, a year when we were just emerging from the World War, and when the people had a right to assume that their Government would at some time get back to normal. I have had occasion heretofore to refer to this comparison and its unfairness, but since the President has seen fit to again indulge in it, I am going to ask your indulgence while I briefly refer to some of the differences between the expenditures of this year and those of 1921.

I went into it somewhat at length on February 4 in some remarks I submitted to the House, which appear in the RECORD of that day. Among other things I said if the President was going back five years to make a comparison, why not go back seven years to 1919, when there was a reduction of $12,000,000,000 in expenditures over the preceding year and under a Democratic administration? Of course, no one for one moment would pretend that the Democratic administration was entirely responsible for such a large reduction of expenditures made possible by the gradual passage from war-time expenditures to those of peace times. But by the same token the President can not to-day take credit for these automatic reductions which were made from the expenditures of 1921. Why, gentlemen, briefly, I do not want to take your time to go too fully into the matter. We had a demobilization of the Army and Navy at that time. It had not been fully demobilized, as you know, and the result was that in 1921 there were spent a total of $1,751,988,000 by the Army and Navy.

We are going to spend this year something like $689,594,000, and there is a reduction of over a billion dollars; and no one, of course, can claim any credit for such reduction. The railroads had not fully recovered from the effects of having been taken over during the war as a war necessity, and it was necessary for the Government in 1921 to continue to give its aid and support to those railroads which were then coming out from the control of the Government, and there was an expenditure on railroad administration of $730,711,000 in 1921, whereas this year it is estimated that only $7,209,000 will be expended. Is the President and his administration entitled to any credit for that automatic saving? In 1921 the United States Grain Corporation, which was organized as a war necessity for the purpose of stabilizing the price of wheat, and for other purposes, was in existence. There was expended in that year $90,353,000 and this year nothing. In 1921 the interest on the public debt was a billion dollars. This year it is $820,000,000, or a difference of $180,000,000. Civil War pensions were $260,611,000 in 1921. This year they will amount to $210,056,000. In 1921 the Emergency Fleet Corporation, a war agency of the Government, cost $130,723,000. In the present year it is estimated it will cost $39,690,000. These six items amount to $2,197,000,000, in round numbers, more than the $2,000,000,000 referred to in his speech. They are automatic savings, and indubitably show that the cost of Government to-day for peace-time operations is greater than it was in 1921. The Director of the Budget—and I want to hurry along—undertakes to compare the number of Government employees at this time with those upon the day the armistice was signed.

I esteem the Director of the Budget very highly; he is a splendid gentleman and one for whom I have the greatest possible respect, but how ridiculous that is. He says he excludes the postal employees, and that there were 656,672 employees in 1918 on the day the armistice was signed, and that there are 246,413 at the present time, a reduction of 410,253, and by inference at least he takes very great credit for the administration and Budget for that reduction, but he does not tell you that the Democratic administration within two years after the armistice was signed reduced the number of employees more than 33⅓ per cent. [Applause.]

When the Democratic administration ended there were 597,482 employees upon the Government roll, including post-office employees. On December 31, 1925, 4½ years later, there were 548,077. On June 30, 1923——

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BYRNS. In a moment—June 30, 1923, after Mr. Harding's death in the August preceding—there were 548,531 employees upon the Government roll. December 31, 1925, two and one-half years after, there were 548,077 employees upon the roll, a difference of 450, and that in the space of two and a half years. In addition to that, let me tell you that this deficiency bill pending before us to-day contains new positions in the Government amounting to more than 1,400. And those new positions are created under this bill in compliance with the estimates and the requests submitted by the President through his own Budget.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield there?

Mr. BYRNS. I yield.

Mr. JOHNSON of Texas. I want to ask if it is not a fact that at the time the Democratic Party went out of power the war activities had not ceased, and that many of the employees that were then on the pay rolls were necessarily there because the conditions a short time after the close of the war required that they should be there and they could not be dispensed with?

Mr. BYRNS. That is quite true; the gentleman is correct.

Now, gentlemen, having said that much relative to the speech of the President, I wish to talk to you just a little while about the deficiency bill, and with reference to just one particular item carried in it. The gentleman from Illinois [Mr. MADDEN], the distinguished chairman of the committee, will explain it at length, and I am not going to undertake to do so, because he can do so much better and more clearly than I can. I have often said that the gentleman from Illinois is a real economist, and in the interest of the Treasury I regret that there are not more like him in the administration at the present day.

This bill carries, as recommended by the committee, a total of $43,372,065.34. Of that sum, $34,072,929 is to be added to the appropriation for 1927, because the items are supplemental to the appropriations made in the regular annual supply bills for next year. The balance, which amounts to $9,299,236.34, is to be charged to the fiscal year 1926 and prior years as deficiences. If the resolution passed a few weeks ago carrying $10,730,000 for immediate needs of the Pension Office is considered as a part of this bill, then it will amount to $54,102,065.34.

Now, there is only one particular feature of this bill which I wish to discuss at this time, and I want to do so as briefly as possible, and that is the estimates submitted and appropriations recommended for the Federal Institution for Women. You gentlemen will remember that two years ago this month Congress passed a bill providing for the construction of a Federal Institution for Women who had been convicted of crime in our Federal courts. The idea was that the institution should be a model institution. It was not to be the old kind of penitentiary, with cells and walls, but cottages were to be provided for these women, and they were to be given the benefit of some training, which it was hoped would serve to reclaim them in after life or after their terms of service in the penitentiary had expired.

I am sure we all agreed to that. I do not think there was any opposition to that bill. We are all anxious to see such an institution provided. It was necessary, because up to this time the Federal Government has had no institution for the detention of women who have been convicted of crimes in the Federal courts except the general institutions and penitentiaries over the country.

That bill was supported by the Federation of Women's Clubs, splendid women, who had their hearts in the matter and who are anxious to see everything done that is possible, just as you and I are anxious to see it done, to reclaim these women who have fallen into crimes.

A year ago, or a little more, estimates were submitted in the regular way to the Budget for the construction of that institution. But before I mention that, let me say it was left with the Attorney General and, I think, some other officer to select the place. I think there was a place out in Colorado—Fort Logan—already belonging to the Government that might have been available. But 200 acres of land down here near the little town of Alderson, W. Va., was offered to be donated if the institution was constructed at that place. The Attorney General located it there. As soon as it was located the necessity arose for the purchase of more land, and possibly the fact that more land had to be purchased may have had something to do with the donation of the first 200 acres, because it was testified that the 200 acres which were donated are not tillable, and that an additional 300 acres was purchased for $48,000; 130 acres of fine tillable ground and about 200 acres subject to cultivation.

This institution is to have a maximum capacity of 500 inmates. So they came before Congress with their estimates. They said, "We are going to erect buildings, and we want about $1,950,000 for the erection of those buildings and the completion of the institution."

By the way, those who appeared before the committee were Mrs. Willebrandt, Assistant Attorney General, who seems to be in charge for the Attorney General; Doctor Harris, a lady who has been selected by Mrs. Willebrandt as superintendent of that institution; Mr. White, the superintendent of prisons; Mr. Simon, representing the Architect's office; and Mr. Beattie, representing the Department of Agriculture.

Now, they said:

> We are going to have a superintendent's residence, for instance, which will cost $15,000. We are going to have receiving and classification buildings, $110,000, and an administration building, $40,000—

And so on, down the list.

Congress appropriated on March 4, 1925, $909,000 and authorized contracts to be made for $172,000. There were no limitations in the law as passed by Congress as to what any particular item of construction would cost. Of course, it was impossible for Congress to fix the absolute cost of a building to house hogs, or cattle, or horses, or even persons. Something must be left to the judgment of the administration.

So this work was started. What did they do? They made contracts under the first appropriation without coming to Congress or to your committee; contracts, in all instances, for buildings to cost far beyond the amount which they represented when they came to us in March, 1925.

I want to say to you, my friends, that as long as I have been upon the Appropriations Committee—and I choose my words—this is the most amazing evidence of indifference to the Treasury of the people which has come to my attention, and I think I will prove it before I get through. The surprising thing to me is that the President of the United States should have approved these later estimates as submitted to your committee and to Congress.

Let us take up the superintendent's residence first. I told you that the original estimates a year ago were $15,000 and your committee, when it made this appropriation, understood, as it had a right to understand, that no more than the amount represented to your committee would be expended on a residence away down there in the hills of West Virginia for the superintendent, who is an unmarried lady, and her housekeeper to occupy. But what have they done toward binding Congress and tying your committee hand and foot? They have entered into a contract for, and begun the construction of, a superintendent's residence to cost $36,485, many times more costly than half the people of the United States can afford to live in and those people, many of whom have far less comforts than the convicts, have to provide the taxes and revenues to pay for an extravagance of this kind. Then, in addition to that, they are going to spend $4,500 in furnishing that magnificent and palatial residence to be occupied, as I say, by this lady—and she is an estimable lady, Doctor Harris, a lady of fine intelligence and vast experience in this sort of work—and a housekeeper.

They said in explanation that the President is to appoint a board of five prominent people throughout this country and they will be coming down there in an advisory capacity and for the purpose of looking over the institution from time to time, and it is necessary to have a place to put them. So we are in the attitude of building a $36,485 residence down there in the hills of West Virginia and paying $4,500 to furnish it in order to provide a place for two or three people to sleep, perhaps, for a night four or five times a year, when they go down there to look over the institution. Your committee suggested that there was a hotel in Alderson, a little village 2 miles away, but they said the accommodations at that hotel were not very good. Then this was suggested to them: You are spending $87,963 for an administration building in which you are going to have some rooms; you propose to spend $50,000 for a staff building for the purpose of housing your employees; why could you not let them sleep there for the few nights they might be there? They said, in effect, "Oh, no, they are distinguished people; they are outstanding people in this work and, of course, being selected by the President it is important to have a house of this character in order to provide for them."

Now, I told you it was to cost $4,500 to furnish that house, and I want to read to you some of the items of furniture for this magnificent and palatial home. The estimates as submitted called for two million, six hundred and forty-odd thousand dollars for the institution. That was to be the total cost of the institution, which they told us a year ago was going to cost a little over $1,000,000—a raise of $700,000—and taking into consideration the maximum number of women prisoners, that is $5,250 per capita to provide an institution where these women may be confined and serve their sentences. It is a great deal more money per capita than this Congress has ever voted for the care and maintenance of distressed, diseased, and wounded war veterans. I want to read you these items in connection with the furnishing of the superintendent's residence. Dining room, $450; tableware, $350; library and living room, $775; vestibule, hall, and reception room, $315; kitchen, pantry, hall, and porch, $750; house matron's room and bathroom, $240; porches, $90; second-floor hall and bath, $80; superintendent's room and sleeping porch, $550; three bedrooms at $300 each, or a total of $900; making a grand total of $4,500.

Now, what proportion of the taxpayers of this country, who have to work daily in order to provide not only for their support but to provide the revenues with which to carry on your Government, have anything like a home furnished as that is going to be down in the hills of West Virginia?

But that is not all. I told you they proposed to construct cottages for the inmates. They are going to have about 30 rooms in each of 11 cottages. Those cottages are to cost $60,000 apiece. They are to have rooms in the cottages 7½ by 9½ feet, and it is to cost to furnish each room for one of these women—each one being assigned a single room—$70. Then they are going to have on the first floor of each cottage a reception hall and a large reception room elegantly furnished. Then in each cottage they are going to have three different employees—a matron and an assistant matron and a woman employee for all kinds of work. Then they are going to have a receiving and classification building, which has already been contracted for, at $110,960.

It so happened that while these hearings were in progress I had read in a Nashville, Tenn., newspaper an account of the contract which had been let by Alvin C. York, the World War hero, in the mountains of Tennessee, in the district of my colleague [Mr. HULL], for a building to educate the boys and girls in his section.

He contracted for a building which was to be 276 feet by 75, two stories, with 20 classrooms, officers' rooms, a gymnasium, to be of brick trimmed with limestone, with a 60-foot tower, the building, furnishings, and equipment to cost $100,000. There are no such means of transportation there as there are down here on the Chesapeake & Ohio Railroad, and yet here is a building which is not to be 276 by 75 but 65 by 173 and is to cost $110,960. I told those who appeared in the hearings that it was a very clear illustration of how the Government funds were being wasted. York has regard for the funds donated by his patrons. Those in charge of the construction of this institution seem to have none for the funds of the people.

But that is not all. They said in addition to the receiving and classification building, which is necessary because they have got to have a place to receive these women when they come and classify and examine them, they must have an administration building. They told us last year they were going to spend $40,000 on it. They have now contracted for a building to cost $87,963. In addition to this, there are cottages which I have already mentioned that will cost $971,286. They have an assembly hall and a school building, which is to cost $115,000, for these 500 women who have been sent there for violations of Federal statutes. They have a hospital, which is to cost $90,000; vocational shops, $44,540; a staff house, which is a building to house the employees—and by the way, they

are going to have 67 employees down there with these 500 women—and this building was to have cost $50,000.

Then they have an item of roads and walks on this farm of 500 acres. They had to have walks, of course, around these cottages and the settlement there, and then they wanted some roads on the farm; not roads for general travel but roads for the purpose of getting over the farm and cultivating it. How much do you reckon they wanted for that? One hundred and fifty-five thousand dollars to build roads and walks on a 500-acre farm.

Mr. DAVIS. I understood my colleague to say that the pro rata cost of this institution was something over $500 per inmate.

Mr. BYRNS. No; $5,250 per capita, which is more than we have ever spent on the housing of any disabled war veterans.

But the worst feature, and the one that appeals most to me because I happen to have been raised on a farm and I think I know something about farming—and by the way, if a farmer spent one one-hundredth part of what they propose to spend down here on this 500-acre farm, he would be bankrupt before six months had expired.

It is not any wonder, gentlemen, that the farmer is in distress. It is not any wonder that the farmer finds it hard and almost impossible to make a living on his farm, because the farmer in the last analysis largely has to pay just such appropriations as these, and it is appropriations like these that make it necessary in the opinion of many for him to have a subsidy. [Applause.]

Let us now take up the farm program, and this was planned by Doctor Beattie, of the Agricultural Department, who testified before us. How much do you reckon they wanted for their dairy? Three thousand four hundred dollars was to be spent in providing about 30 dairy cows. They proposed a calf barn—a feed and calf barn as they called it—which was to cost $20,000. In addition to that they estimated for a dairy barn which was to cost $15,000; a bull barn to cost $2,700; a milk house to cost $14,000; dairy equipment, $950; making a total of $52,650 which they estimated was necessary to take care of a dairy herd which was to cost $3,400. But that is not all——

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. BYRNS. Certainly.

Mr. MOORE of Virginia. Does not the gentleman think that matters of this sort call for a motion to recommit the bill?

Mr. BYRNS. We did not allow all these estimates. The committee cut them as much at it could. I am going to show the gentleman before I get through where we cut this bill just as much as we could. I am speaking now of the estimates of the President and not of the appropriations. I thought I had made that clear. I am speaking of the estimates submitted to the Committee on Appropriations, which the committee has cut so far as it could, consistent with the contracts that have been made.

I want to say to the gentleman that I reluctantly support the appropriations which have been recommended in this bill, because I think that the chairman and the committee have cut them to the very limit that they possibly could, because, as I have explained, many of these contracts or most of them have been let, work has progressed, and obligations have been incurred. I am criticizing the administration, and more particularly the Department of Justice, for creating these obligations without first letting Congress know that they were going to increase the sums which they had represented a year ago would be by no means so large and thus giving Congress a chance to pass on the matter.

Mr. ESLICK. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. ESLICK. The gentleman spoke of the estimates as submitted calling for fifty-odd thousand dollars for this dairy. Who submitted those estimates?

Mr. BYRNS. Oh, the President of the United States is responsible for these estimates. They came up in the usual way.

Now, what more? They are going to spend about $1,800 or something like that in buying chickens, so they said they must have eight brooders, costing $2,600, and eight colony laying houses, to cost $3,600.

Then they are going to spend $800 for swine and they proposed to build a piggery, as they call it, for the brood sows. That piggery, according to their original estimate, was to cost $7,000.

Mr. McREYNOLDS. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. McREYNOLDS. What they call a piggery is called a hogpen down in Tennessee.

Mr. BYRNS. Yes; but you would hardly call a $7,000 building a hogpen, so they call it a piggery.

Mr. McREYNOLDS. The President approves of these estimates, does he?

Mr. BYRNS. Just as much as he approves of other estimates when they are sent up.

Mr. McREYNOLDS. This is constructive economy.

Mr. BYRNS. I think the gentleman's statement is correct. It can not be called administrative economy, but I can see how somebody might say that it was constructive economy, leaving it to every individual to put his own construction on it.

Mr. DENISON. Will the gentleman yield?

Mr. BYRNS. I will.

Mr. DENISON. Do I understand the gentleman to contend that these obligations were incurred improperly?

Mr. BYRNS. Not in violation of law, but I do say, and say it positively, that the Department of Justice did not keep faith with the Appropriations Committee when it undertook to raise the estimates and made contracts in a far greater sum than they represented to your committee when they first appeared.

Mr. DENISON. Their action was not illegal, but the gentleman contends that they were unwise and that they did not keep faith with Congress. In view of that fact, should not Congress refuse to appropriate the money?

Mr. BYRNS. If you want to cease work on that institution, if you want to cut it out after the contract has been made and the contractors have the obligations—but they will be here next session claiming losses on account of machinery and the material purchase, and I dare say it would cost more to get out from under the contracts than it would to go on and complete them.

Mr. DENISON. The gentleman thinks the cheapest way out is to go ahead?

Mr. BYRNS. I think so.

Mr. OLDFIELD. Will the gentleman yield?

Mr. BYRNS. I will yield to the gentleman.

Mr. OLDFIELD. I do not understand why it is not a violation of law for these people to exceed their estimates and the appropriations up to that time for carrying on this work. If there is no way to stop what the gentleman is outlining, a statute ought to be enacted in haste, as quickly as possible, to prevent a recurrence of such a thing.

Mr. BYRNS. The President could have stopped this if he knew it, but the law passed placed no limitation on the expenditures, assuming that the administration, of course, would exercise economy, and that the Department of Justice would exercise economy in making the expenditures. Now, they get a part of the money, and notwithstanding the fact that we were told a year ago that the superintendent's residence would cost $15,000, they make a contract for $36,485. Congress's hands are tied, because the contractor has got the contracts and has started the building. What are you going to do? This is one of several. The contracts have been made. Congress can refuse to appropriate more money, but the result will be that we will have a lot of unfinished buildings and a lot of damage claims of contractors.

Mr. OLDFIELD. I assume that the President and the Director of the Budget could have stopped this, but the President and the Director of the Budget are not in the habit of stopping such things. They are in the habit of bragging about something they did not do. We ought to have a law as quickly as possible to prevent the recurrence of such things in the future.

Mr. BYRNS. No law, I will say to the gentleman, was violated. There were no limits fixed, and those in authority took advantage of that fact to start on a program as costly as money would construct. Now, they are to have 12 work horses, and how much do you think they are to spend for a building to house those work horses?

Mr. OLDFIELD. All that the Appropriations Committee will stand for.

Mr. BYRNS. Eight thousand five hundred dollars. The committee asked them if there was not a frame building on this farm. They said yes, an old frame building, but they did not think that would do. How much would it cost to put that in shape? Well, a thousand dollars. I expect that is an excessive estimate. The chairman asked Doctor Beattie if he was building this for himself, if he was appropriating his own money, if he would put up an $8,500 building to house these work horses, or would he make the frame building do, and he said he would use the frame building. That is one of the buildings which had not been contracted, and the committee promptly reduced the cost.

Mr. OLDFIELD. I want to ask the gentleman if he and the gentleman from Illinois [Mr. MADDEN] and the other 33 members of the Appropriations Committee can not find some way

to stop such outrageous things as the gentleman has just told us about?

Mr. BYRNS. I think we have cut out some of it—all that was possible under the circumstances and conditions now existing.

Mr. MADDEN. We have cut out some of it.

Mr. OLDFIELD. You ought to have cut out all of it.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. OLIVER of Alabama. When you analyze the real trouble you are bound to conclude that the mistake was made in giving too general authority in reference to this project, and if Congress had known at the time the act was passed that this sort of ambitious program was contemplated and would be carried out in the absence of some limitation, then a limitation would have been placed upon it.

Mr. BYRNS. I am sure of that.

Mr. OLIVER of Alabama. But, of course, Congress depended upon the Executive to stop any abuse of a general power.

Mr. BYRNS. Absolutely; and that is one of the reasons for submitting these remarks here to-day. It is to show Congress that in the future when we pass laws authorizing construction we had better not rely too strongly upon the executive department if we desire to save money to the Treasury.

There are other items of expenditure, and when I say "expenditure," I mean the proposals which were submitted. There was a 10-car garage, which was to cost $14,754. There is a root cellar and garden service building, I suppose for the storing of their potatoes and turnips and things of that kind. Of course, we must realize that with 500 women there they will have to have considerable stores, but it struck me that $20,000 was an outrageous price with which to build a root cellar and garden service building. Then there is a plant-propagating house for $15,000, and a cannery and butcher shop, $15,000; power house and equipment, $116,000; laundry and equipment, $42,732; a storehouse to cost $25,882; farm buildings, $79,400. I have already referred to some of these farm buildings.

I mentioned a while ago that $36,485 was to be expended for the superintendent's residence. Colonel Casey came before us on another matter, and, as you know, he is a highly competent construction engineer in the quartermaster service of the Army. I have always thought, and I think most of you gentlemen have thought, that if there were any extravagant people in the Government they were to be found in the Army and Navy. Colonel Casey decidedly does not belong to that class.

I asked Colonel Casey what he could construct this kind of a building for, a two-story brick building, with a reception hall, living room, and dining room, and kitchen, housekeeper's room, dressing room for servants, with a garage, all on the first floor, and above that four bedrooms. I asked him if he were going to construct that sort of a building for a general in the Army how much it would cost. He said he could easily put it up for $12,500. Here they spend $36,485 for the same character of building.

The Committee on Appropriations recommended the annual appropriation bill for the Army, and it carries for the next year the following provision for the construction of officers' quarters at Army barracks as a limitation on the appropriation for that purpose:

Provided, That no part of the said sum shall be expended for the construction of quarters for officers of the Army except in case of emergency with the approval of the Secretary of War, in which case the total cost, including the heating and plumbing apparatus, wiring, and fixtures, shall not exceed in the case of quarters of a general officer the sum of $8,000, of a colonel or officer above the rank of captain, $6,000, and an officer of and below the rank of captain, $4,000.

Some one asked what the committee had done. We were confronted with these estimates of $2,600,000 and over for this institution. I felt no more outraged by their size than did the chairman or any other member of the committee, and I was no more anxious than was the chairman or any other member of the committee to reduce these estimates just as much as it was possible to reduce them; but we were confronted with the fact that contracts for these large buildings had been made, obligations had been incurred, the Government had been put in a position where if it stopped the work it would be liable in a claim for damages, and there was nothing to do except to go on and complete the work. But the committee did greatly reduce every estimate where contracts had not been let.

The estimates for these farm buildings, like the stables and the barn for the calves and cows and the piggery, and all of them, were cut to the bone. Five thousand dollars which was estimated for two silos was cut to $1,000. Your committee went over those estimates, and where contracts had not already been made they undertook to exercise their own judgment and cut them as much as they felt they could under the circumstances, and we have brought in this appropriation with a reduction of $225,000 from the estimates as submitted by the President for the erection of these buildings.

I have taken more time than I intended, but that is just a sample, as my colleague from Tennessee [Mr. REYNOLDS] said, of what I suppose is intended by the words "constructive economy."

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. O'CONNOR of Louisiana. While it may not be pertinent to the subject under discussion, does the gentleman think that the same economy will be shown in the construction of the $50,000,000 worth of buildings in the city of Washington as was shown in the construction of these buildings which he has discussed?

Mr. BYRNS. I do not know. That will be under different supervision. I hope more economy will be shown there.

Mr. MOORE of Virginia. Does the gentleman recall what was estimated as to the surplus at the end of the present fiscal year at the time we had the tax bill under consideration? What did the prophets say it would be, about?

Mr. BYRNS. I have forgotten the figures at that time, but the President said in December it would be $262,000,000. He now says it will be $390,000,000. The estimate was much lower when the tax bill was under consideration than the December figures.

Mr. MOORE of Virginia. Three hundred and ninety million dollars—very much more than was estimated at the time we had the tax bill under discussion?

Mr. BYRNS. Yes.

Mr. MOORE of Virginia. Does my friend know whether it is contemplated to postpone the favoring of a further reduction of taxes until we are on the verge of a national election?

Mr. BYRNS. I would not want to hazard a guess, for I do not know, but if I had to guess I would say it will be postponed until such time, especially from what the President says in his recent speech. Now, the gentleman will remember the President says the surplus this year will be $390,000,000, and in the same paragraph he says $350,000,000 of that comes from a collection of back taxes levied prior to 1920. In other words, if it were not for the assets that came over from a Democratic administration they would not have $390,000,000, but $40,000,000 surplus this year.

Mr. MOREHEAD. Will the gentleman yield?

Mr. BYRNS. I will.

Mr. MOREHEAD. I was just wondering what crime one would have to commit in order to have the privilege of being sent to this institution?

Mr. BYRNS. I should think a good many would like to have even a part of its comforts. [Applause.]

Mr. MADDEN. Mr. Chairman [applause]——

The CHAIRMAN. The gentleman from Illinois.

Mr. MADDEN. Mr. Chairman and gentlemen, I would like to be notified when I have used 45 minutes. The time is scarce and as there are a good many applications for it, I want to conserve it as much as I can.

I commend the statement made by my colleague about the extravagant proposed cost in connection with the construction of the proposed prison in West Virginia. I want to say that we did not leave undone anything we could do to cut out the waste. We think we have a paragraph on this subject now that can be justified, and we believe we have safeguarded every avenue of approach to the Treasury in connection with the West Virginia prison for women.

The Committee on Appropriations, in the preparation of the bill, started hearings on the 21st day of April. In order to prevent congestion in the last days of the session, the Bureau of the Budget was asked to transmit the estimates for the bill as rapidly as they were approved by the President so that the committee might take them up as soon as possible and keep its work as nearly current with the submission of estimates as might be possible. This was done. Submission of estimates has continued from the latter part of April until this very hour. A total of 128 different documents were transmitted containing estimates up to the time the bill was closed for hearings on June 18. Since that date 13 more documents have come in, making 141.

The largest single estimate, the public buildings estimate, did not come to the committee until the middle of June and hearings were started on the $15,000,000 involved on June 15 and

were concluded on the 17th on those items and finally concluded on the bill on June 18. Final consideration by the subcommittee was concluded on the 19th and the bill reported to the House on June 24. On the hundreds of items involved, the printed hearings cover 1,222 pages and 3,264 pages of manuscript.

The committee has given the bill the most careful and painstaking consideration that was possible. The total of the estimates submitted is $46,883,349.72. The total recommended in the bill is $43,372,065.34. The reduction in the estimates is $3,511,284.38.

The total of the bill is divided as follows: For the fiscal year 1927, $34,072,929. For 1926 and prior years, $9,299,136.34.

The 1927 amount involves two classes of items: (a) Those due to new laws or treaties, and (b) those not due to new laws or treaties but emergent in character.

The 1927 items due to new laws or treaties are as follows:

Public building	$13,987,810
Military post construction	2,250,000
Refund of automobile and cigar taxes	5,250,000
Coast Guard cutters	1,000,000
District Jail	275,000
Rock Creek and Potomac Parkway	600,000
Commercial aviation	625,000
Coolidge Dam, Ariz	725,000
Institution for Women at Alderson, W. Va., completion	1,509,300
Foreign Service buildings fund	435,000
Artillery target range, Vermont	200,000
Exposition, Seville, Spain	200,000

The 1927 items not due to new laws or treaties but to an emergency character, are as follows:

Executive Mansion	$375,000
Oil lease prosecutions	100,000
General Accounting Office, additional personnel	150,000
Southern California forests	100,000
Naval aviation	260,000
National prohibition act	2,688,760
Customs Service	505,055
Army subsistence	1,999,390

The sum of $9,299,136.34 is divided approximately as follows:

Judgments, audited claims, damage claims, and other claims settled under statutes	$3,169,674.64
Postal Service, out of the postal revenues, current operating expenses, and audited claims	2,724,021.37
United States courts and penitentiaries, current expenses of maintenance and operation	751,723.98
Colorado River front work and levee system, reimbursement to reclamation fund for 1926 and prior years, as required by law	687,336.00
All other items for all departments, deficiencies, or supplemental, for 1926 and prior years, approximately	2,000,000.00

It is not my purpose to enter into a detailed explanation of all of the items in the bill. They are too numerous, but I do want to say something about the larger items that are recommended.

First, the prosecution of the suits to cancel leases of certain oil lands and cancellation of contracts under the act of February 8, 1925, for which $100,000 is carried.

I want to say that this is the third $100,000 that has been appropriated for this object, and I want to say further that Mr. Roberts and former Senator Pomerene, the two men in charge of these two prosecutions, have laid everything in their possession before the Committee on Appropriations. We believe that the work done up to this hour has been such as to commend these two men to the confidence of the Government and the American people. We believe that they have done everything humanly possible to carry the lawsuits that have been placed in their charge to a successful conclusion, and if they can not bring them to a successful conclusion with the work they have done and with what they propose to do, I doubt if success would be possible through any other source.

The sum of $375,000 is recommended for repairs to the Executive Mansion. I want to say in this connection that for several years it has been clear to everyone who knows that there has been serious danger from a break in the roof of the White House; that the trusses on which the roof rests are wood, and they have spread and rotted to such an extent that it will not be safe to let the repairs go longer; and the committee, after having given careful consideration to the question not only at this session but at previous sessions, concluded that the hour had arrived when, as a matter of safety, if for no other reason, this work must be done.

Congress recently passed a law providing for uniforms for the police and fire departments of the District of Columbia. The Commissioners of the District under that act decided that the collar, necktie, shirt, and shoes of the men are parts of the uniform, and our committee decided that those particular things must be eliminated from the uniform and purchased by the men in the fire department and on the police force at their own expense.

The purchase of uniforms will cost the Government $75 per annum per man, and if the policy adopted by the commissioners were to be put in force it seemed to the committee that there would have to be several clerks employed to keep a record of the requisitions to be made for the purchase of uniforms from time to time, because it was clear that under the method proposed you would have to have a separate account for every one of the 1,100 policemen and firemen. We have asked the local government to continue to make a further study of the problem until next fall, and with a view to closing up the question as to whether or not we shall add $75 per annum, which is the cost of the uniform, to the salary, and thereby eliminate the cost of maintaining accounts, or whether we will adopt some new device by which we can do the work of distributing uniforms without any additional cost to the Treasury.

Under the item of $600,000 for the acquisition of new land to connect Potomac Park with Rock Creek Park, I may say that that work has been in progress since 1913, and this $600,000 will be the last expenditure, as we are told, to make the connection complete.

It is proposed under an act of Congress to build a new jail, or to add to the jail already existing. The sum of $300,000 was requested for that purpose, and the investigation that your committee made leads to the conclusion that $275,000 would be sufficient.

You also enacted a law requiring the construction of bathing pools. While it is clear from the investigation made by the Committee on Appropriations that there is not very much unanimity as to where the pools shall be located, some thinking that these pools ought to be distributed throughout the city among the centers of population, others thinking that they ought to be down on Potomac Park, and still others thinking that they ought to be at one place and others that they ought to be at another, on account of the uncertainty and this difference of opinion it was finally concluded, with the consent of the Director of Public Buildings and Public Parks, to disallow the appropriation for the time being until a thorough survey can be made, with a view to reaching a conclusion that will be satisfactory to all concerned and for the best interests of the community.

We have provided here an appropriation of $100,000 for fire fighting in the national forests. We did that on one condition only, and that was that the people who own land adjacent to the national forests will contribute a like amount. We provide that no part of this $100,000 shall be expended until the money to be contributed by the individuals or the communities is in the hands of the Federal authorities.

We have made provision for civil aviation for the Department of Commerce, for the carrying into effect the act of May 20, 1926, to encourage and regulate the use of aircraft in commerce, in the sum of $540,000, of which $250,000 is for general expenses of administration, inspection, licensing, and so forth, under the act, and $300,000 is for the establishment of aids to air navigation, the equipment of additional air-mail routes for day and night flying, and the construction and operation of the necessary lighting, radio, and other signaling and communicating structures and apparatus. The act placed in the Secretary of Commerce the power to license, to regulate, to inspect, to cancel licenses, and to see that no one is permitted to operate airplanes except those who are qualified.

It also provided for turning over to the Secretary of Commerce not only the control of the existing airways and their lighting, radio operation, and all that goes with the necessary safety devices in the operation of commercial aviation, but also provided for the transfer from the Post Office Department the existing airways and the existing personnel, as well as the existing appropriations, so that in the future all airways for the operation of commercial aviation throughout the United States will be under the jurisdiction of the Secretary of Commerce.

The principal items under the Interior Department relate to the Bureau of Indian Affairs, for which a total of $917,385.16 is recommended. Of this sum $725,000 is for the continuation of work on the Coolidge Dam on the Gila River, near San Carlos, Ariz. The sum of $450,000 was requested in the 1927 Budget, to be included in the regular Interior Department bill, but was eliminated from that bill pending the conclusion of negotiations between the Government and the Southern Pacific Railroad Co. over the removal of the tracks from the reservoir site. The successful conclusion of these negotiations with the railroad company in the interim warrants the appropriation of $450,000, with an additional sum of $275,000 at this time to continue the work on the dam.

There is an item of $687,336 recommended to reimburse the reclamation fund for all costs incurred prior to June 30, 1926, and paid from the reclamation fund, for the operation and maintenance of the Colorado River project, in accordance with

section 16 of the rivers and harbors act approved March 3, 1925.

Now, as to the Federal prison for women in West Virginia, to which the gentleman from Tennessee [Mr. BYRNS] called particular attention. For this institution for women at Alderson, authorized under the act of June 7, 1924, there is recommended the sum of $1,509,300 to provide for the completion of the construction and the complete equipment for the accommodation of not less than 500 inmates. An initial appropriation for commencing work was granted in the deficiency act of March 4, 1925, in the sum of $909,100, and in addition a contract authorization was granted of $172,000. The amount granted in the bill is $225,100 less than the amount requested in the Budget estimates. The total cost of the institution, including the sums herein and heretofore appropriated, will aggregate $2,418,400, or a per capita outlay of $4,836, exclusive of the larger part of the site. The committee in eliminating the $225,100 from the Budget estimates has specified the purposes for which the money is to be expended and reduced the estimated amounts for certain of the buildings, the construction of roads and walks, and a number of minor items of equipment, and so forth.

The amounts recommended should provide a modern and model institution entirely within the purposes contemplated in the act of June 7, 1924, and even with the sums recommended the per capita outlay will be in excess of that expended per capita for many of the finest hospitals erected for the care of war veterans. Provision is made in the appropriation for a 10 per cent exchange of amounts, a reappropriation of the unexpended balance of the $909,100 heretofore granted, and a direction to the Attorney General that the amount in the bill, plus the previous appropriation, shall provide an institution complete in every respect for the accommodation of not less than 500 women. It is the opinion of the committee that this can and should be done and that the total sum of $2,418,400 is the very maximum that should be expended for an institution of this size and this character.

I want to say that I do not approve, neither does any other member of the committee approve, of the action of the department in letting contracts for buildings which were not on the first year's program and in excess of what we were told and what we think would be an adequate sum to pay for buildings for the purposes for which these buildings are to be employed. The committee found itself in the embarrassing situation of having had a contract let for $36,000 for the building for the superintendent's house after we were told it was to cost $15,000. There was nothing left to do except to carry out the contract or to repudiate it. The belief was that the contractor was an innocent party to the transaction and that we ought not to punish him for the shortcomings of others. So we allowed the building to proceed, but we have restricted the expenditures on every other building in connection with the creation of the establishment, and we have provided in this bill that the Attorney General himself, over his own signature, must authorize all expenditures in connection with the construction of this women's prison in West Virginia.

We believe that in cutting off $225,000 we have eliminated all that could properly be taken out and yet create an institution adequate to meet the future needs. We believe we have not hampered in any way the construction of a proper institution for the care of the unfortunate women of the country, but we insist that every proper economy shall be exercised by every department of the Government, not only in connection with this institution which we are now creating, but in connection with every other governmental activity.

We do not believe the Committee on Appropriations is merely a rubber stamp. It is sometimes said by people in administrative authority, and sometimes even said by Members of the House to the committee and to the chairman of the committee that the mere enactment of an authorization for a given activity is a mandate to the committee to act immediately without further consideration.

I doubt if Members of the House would agree with the committee if they should act and bring matters in here without any more consideration than just the authorization. If the committee were to consider all laws as mandates there would not be any need of a Committee on Appropriations. Congress has cut $4,275,000,000 from the requests of administrative officials for appropriations since the war closed. Congress has cut approximately $360,000,000 from the requests of the administrative officials since the Budget act went into effect, and if we had not done that, no one could have made the reduction in the public debt that has been effected. The annual interest on the public debt has been reduced by over $200,000,000. This could not have happened if we had granted all the appropriations that were requested, and neither could the tax reduction have come about if we had continued to appropriate up to the demands. We do not want to be considered as rubber stamps, and while we serve in this place we want the independent attitude of research and of determination, with the right to conclude on the facts in the case irrespective of whether authorization legislation has been enacted or not.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CONNALLY of Texas. I want to express my entire approval and agreement with what the gentleman from Illinois has just said with reference to the real work of himself and of the members of the committee on behalf of economy. I think they are entitled not only to the thanks of the Congress but to the thanks of the whole country; but the whole country can not give those thanks unless they know the facts and know the truth, and I wish the gentleman from Illinois would put the facts in such shape that the gentlemen in the press gallery, who ordinarily are very industrious about taking down what happens in Congress, will let the country know that the House of Representatives is the real agency of economy in this Government, and that since the institution of the Budget it has cut off of administrative estimates $360,000,000. I hope the gentleman will put the facts in such shape that the press at least for once will tell the country that the much-abused hound dog that everybody wants to kick about—the Congress—is the real economical branch of this Government. [Applause.]

Mr. MADDEN. We have no desire for any special commendation, but we want the privilege of doing the work——

Mr. CONNALLY of Texas. The gentleman wants the commendation that the facts carry on their face, does he not?

Mr. MADDEN. Of course, and I did not say that in answer to the gentleman. We have no desire for any special commendation. All we want to do is to exercise whatever intelligence we have, whatever integrity we may possess, and whatever industry we may think proper to devote to the consideration of the public business with a view to reaching conclusions on the facts, irrespective of what anybody may think about the facts.

My own notion is that this committee ought to be considered the agency of the taxpayers. It seems to me it is the only agency in the Government where the taxpayer has a real chance, and we have considered ourselves his spokesmen. We propose to continue to consider ourselves as such until you tell us that you have no further use for us. Then when you have not, we can join the masters of the servants out in the open, and when our opinions are no longer needed to be expressed here or if they are to be restricted, for one I want to go back home where I can stand as the equal of every other person in the line and express my opinion without any official visa. [Applause.]

Mr. McLAUGHLIN of Michigan. Will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. McLAUGHLIN of Michigan. I heartily approve what the gentleman from Texas said about the work the Congress has been doing along the line of economy, but my recollection is that at the close of the last Congress the statement was made——

Mr. MADDEN. I can not yield for any discussion of this matter, because I only have a short time.

Mr. McLAUGHLIN of Michigan. I am not going to discuss it. My recollection is that at the close of the last Congress the gentleman from Illinois made a statement to the effect that the total of our reduction in appropriations below the estimates of the Budget was about $360,000,000, and now the gentleman is using the same amount. Does that mean there have been no reductions or economies in this session of Congress?

Mr. MADDEN. We have not completed our work and I am not stating the facts until I can make a complete statement. I expect at the close of the session to ask unanimous consent that the gentleman from Tennessee and myself may be able to submit a review of what has been done in this session and in any other session that he may think proper to approach. We have made reductions. This bill alone, I want to say to the gentleman from Michigan, reduces the estimates $3,511,000.

Mr. CONNALLY of Texas. The gentleman from Michigan is in error.

Mr. McLAUGHLIN of Michigan. I thought perhaps we had gone far enough so the gentleman could make the statement now.

Mr. MADDEN. I would like very much to reserve whatever statement I may make until I have the figures complete.

Mr. CONNALLY of Texas. The gentleman from Michigan is in error. The last statement made by the gentleman two years ago did not say $360,000,000. The figure at that time was $345,000,000.

Mr. MADDEN. There will be several million dollars saved in this session.

The national prohibition question is before us in this bill in connection with the item of $2,686,760, which is recommended for the enforcement of the national prohibition act. It is to be added to the appropriation of $10,635,685 heretofore made for that purpose. At the time the regular appropriation for the fiscal year 1927 was made, the reorganization of the prohibition forces under the direction of Assistant Secretary Andrews had not been completed. He came before us at this time with a completed program which calls for 905 more men, adding to the present force of 3,697 and making a total of 4,603.

The appropriation recommended was $244,250 less than General Andrews requested. That does not mean that we are not in favor of the enforcement of the act at all, but, on the other hand, it means that we are not allowing for the use of any more money than they need under the calculations that we were called upon to make. For example, they asked for $2,900,000 for the year. We find they could not assemble the men they proposed to employ for more than an average of 11 months, so we have taken one month's allowance off the total to be employed for this purpose for 1927.

The sum of $5,250,000 is included to enable the Bureau of Internal Revenue to refund automobile and cigar taxes in accordance with sections 1204 and 1205 of the revenue act of 1926. Of this sum it is estimated that $4,250,000 will be required for the refund of cigar taxes and $1,000,000 will be required for the refund of automobile taxes. The total refund involved for automobile taxes is estimated at $3,000,000, and $2,000,000 of this amount will be refunded to dealers by adjustments of credit taken by manufacturers on their monthly tax returns, and $1,000,000 of the amount will be refunded in cash by this appropriation.

Now, I come to an item that interests everybody in the House, the public building item. The total amount recommended for public buildings is $14,156,466. Of this sum $168,656 is included for miscellaneous items of construction, repair, and equipment of public buildings already in existence and not involved in the construction program under the new public buildings act.

The amount recommended under the public buildings act of May 25, 1926, is $13,987,810. Of this latter sum $3,196,000 is recommended for the commencement of work on projects under section 3 of the act, $4,031,000 for projects under section 5 of the act outside the District of Columbia, and $5,575,000 for projects under section 5 in the District of Columbia, and $1,185,810 for administrative expenses.

Under section 3 of the act the limit of cost on 69 projects authorized in the 1913 act is increased by $15,000,000. The total limit of cost under the 1913 act aggregated $7,743,921. The additional limit of cost of $15,000,000 authorized in section 3 provides a new total limit of cost for the 69 projects of $22,743,921.

Due to ambiguity in section 3, which says that the $15,000,000 authorization should be in addition to the total appropriation heretofore made of $5,020,421, the committee recommends a paragraph making the $15,000,000 authorization an addition to the total limit of cost heretofore fixed. This will make it clear that the estimated limit of cost for the entire 69 buildings as raised by the act should be $22,743,521, as clearly contemplated by section 3, instead of $20,020,421 as the wording of the act would seem to require unless amended.

There is included in the bill specific recommendations for contract authority, new limits of cost, and appropriations for 22 of the 69 projects.

There is also recommended under section 3 of the public buildings act specific estimated maximum limits of cost for 43 more of the 69 projects authorized therein. Appropriations for these 43 projects are now available in sufficient amounts to start work under the new limits of cost, and authority is given the Secretary of the Treasury to enter into contracts for the full cost.

The limits of cost recommended on the 22 projects, namely, $12,058,552 plus the limits of cost fixed on the 43 projects, namely, $5,570,400 makes an aggregate limit of cost of the 65 of the 69 projects of not to exceed $17,628,952. This latter sum deducted from the $22,743,921, the aggregate maximum limit of cost as estimated under section 3 leaves an unallotted limit of cost of $5,114,969.

Four projects of the sixty-nine are not included in the bill either for new appropriations or fixing the limit of cost. They are as follows: Seattle, Wash.; Juneau, Alaska; Malden, Mass.; and San Pedro, Calif. Seattle was recommended for an appropriation of $500,000 and a new limit of cost of $3,200,000. Juneau has available now $133,500 and was recommended for an additional appropriation of $75,000 and a new limit of cost of $727,500. The committee has eliminated these two items. In the case of Seattle no determination has been reached as to what should be done in that city, and in the case of Juneau the committee believed that the limit of cost suggested was excessive considering the Government's needs in that Territory.

It eliminated Seattle because there was nobody in the Treasury Department who could tell what they were going to do with the money. They know they need the building and the facilities for the public business there, and we are satisfied they need them, but we were not able too get any intelligent replies to the queries made by the committee with sufficient accuracy to enable us to recommend the appropriation. So in all these four cases we provide that there shall be reserved out of the $15,000,000 provided in section 3 of the public buildings act a sufficient sum to provide for the ultimate needs of Seattle, Juneau, Malden, and San Pedro, but before any money is to be appropriated out of that reservation we require a survey to be made by the Treasury and Post Office Departments which will enable them to make a report to the Congress at the beginning of the next session, giving all of the details of the needs, all of the information as to what is proposed under the needs, and requiring them to make a complete recommendation as well as a complete statement of all the facts before any money is to be appropriated at all. I believe that everybody who has had any part in this study of the problems of these four places is agreed that the conclusions reached by the Committee on Appropriations are wise and that these conclusions are satisfactory to them.

There is not a single appropriation made in this bill for any building anywhere, except in the District of Columbia out of the $50,000,000, which has not been authorized by a prior act. The bill carries appropriations where appropriations are needed, and appropriations are only needed in 22 of the 69 cases, because what appropriations do exist are not sufficient to enable them to proceed with the work without additional funds. In the 43 cases that I have referred to they have a sufficient amount of money on hand under existing appropriations so that they may be able to go on and let the contracts for the completion of the buildings and await the further action of Congress for more appropriations without embarrassment.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HUDSON. There is one item for administration of $1,000,000 about which I would like to inquire.

Mr. MADDEN. That includes the operation of public buildings and everything.

Mr. HUDSON. Under the Supervising Architect?

Mr. MADDEN. Yes.

Mr. HUDSON. And not under the Postal Department?

Mr. MADDEN. Yes. The Supervising Architect has all the public buildings and all of the custodial service. This provides also for the employment of 246 aditional experts, draftsmen, architects, builders, inspectors, all of whom must be technical men, and to be added to the existing force, and that calls for quite a large sum of money.

Mr. HUDSON. And in all of these cases you are waiting for surveys before appropriations are made?

Mr. MADDEN. Not in the 69 cases.

Mr. HUDSON. No; in the other cases in the future they will depend upon the surveys.

Mr. MADDEN. I will say that there will be a survey made during the coming summer in respect to the existing needs for public buildings throughout the country and a report made to the Congress at the next session indicating, I suppose, a preferential list based on the needs of the country.

Mr. KETCHAM. And this appropriation of something over a million dollars is to provide the necessary force to do that?

Mr. MADDEN. The force to be used in making the survey will be building inspectors to be employed by the Supervising Architect's Office, supplemented by the post-office inspectors, a large number of whom are already on the pay roll. The two together will be able to expedite the matter. First, the postal inspectors will be used to ascertain the needs of the Postal Service, and the other inspectors will be used to ascertain the character of plans that will have to be made in connection with the buildings in order that they may be able to make recommendations as to cost.

Mr. HUDSON. So that we can say to our constituencies that these growing cities with their needs will have adequate attention from these two departments?

Mr. MADDEN. There will be an adequate survey made, and I want to say to the gentleman from Michigan and to others interested that the survey that we have partially made indi-

cates a woeful lack of accommodations. Take, for example, cities of 500,000, 400,000, 300,000, 200,000, 100,000, and 50,000 population, and many of them have not any buildings, and all that will be shown completely in the survey that will be proposed

Mr. KETCHAM. Is the gentleman now talking in terms of population or in terms of postal receipts?

Mr. MADDEN. In terms of population; but the postal receipts will follow the population. I am just illustrating the situation.

Mr. KETCHAM. Most of the cities that have 100,000 population are already provided with buildings.

Mr. MADDEN. They may be, but not provided adequately. Of course, that does not apply to them at all; it applies to all.

Mr. HASTINGS. I wanted to ask the gentleman whether the gentleman thought that the survey would be com. eted so that part of the report would be made by next December?

Mr. MADDEN. My understanding is it is to be completed entirely and reported to the Congress.

Mr. HASTINGS. So that the committee would have in its possession information upon which to make provisions for new buildings not heretofore provided for at the next session of Congress?

Mr. MADDEN. Yes; of course, the intention is to provide for new buildings out of the $100,000,000 that has been allotted to the country at large outside of the District of Columbia, and the survey will be made with a view to having the facts which will enable us to legislate intelligently.

Mr. HASTINGS. Is any of this money in this deficiency bill taken out of the $100,000,000 so called?

Mr. MADDEN. Yes; there is a little, but it is all due to former acts.

Mr. HASTINGS. But none except that due to former acts provided for?

Mr. MADDEN. Not a dollar.

Mr. HASTINGS. So that there are distinctly no new projects provided for beyond the District of Columbia——

Mr. MADDEN. Absolutely none; not one. We had only one for $20,000 at Seattle, where it was requested that we buy a building used as an assay office which was under option, and the option was about to expire, and it was stated that we ought to buy it. A little later on we found the option had expired and had been renewed for another year, and we took that out of the appropriating class so we could say with a clear conscience that in an emergency case like that we did not provide for it in this bill.

Mr. HASTINGS. So that Members of Congress, including myself, may assure their States that there has been no discrimination against them in this respect?

Mr. MADDEN. There is absolutely none; not a dollar not authorized by previous law except in the District of Columbia.

Mr. HASTINGS. I understand it.

Mr. RAMSEYER. This survey is to be made jointly by the Treasury and Post Office Departments?

Mr. MADDEN. Yes.

Mr. RAMSEYER. Is it not true the $100,000,000 will be used chiefly to furnish postal facilities?

Mr. MADDEN. Of course, that is the intention. Now, the estimates for buildings outside the District of Columbia under the $100,000,000 program I just want to explain a little further. It contemplated nine projects, with estimates of appropriation to commence work on them aggregating $4,051,000. Of this sum the committee recommends $4,031,000 for eight of the projects, which have been authorized in prior years, the other $15,000,000 being authorized in 1913.

Mr. LOZIER. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. LOZIER. I notice in a number of instances the United States Government has entered into the leasing from property owners for post-office buildings, or annexes, for a rental in excess of 10 per cent of the value of the property. To illustrate, at Dallas——

Mr. MADDEN. I do not yield for a speech. I have a lot of stuff here which I desire to give to the House.

Mr. LOZIER. One word.

Mr. MADDEN. Make it a question.

Mr. LOZIER. Does the gentleman think it is good policy for the Government of the United States to pay for rental of a post office at Dallas, a parcel-post annex, $59,900 a year on property the total value of which when completed is but slightly in excess of that amount, or at a rate of 4 per cent on $1,500,000?

Mr. MADDEN. Here is the situation in respect to these things. The Post Office Department needed terminal buildings in a great many places throughout the country, Dallas, Tex., being one of these places, and Kansas City was another place, and I do not know whether St. Joe was another, but some small places were on the list, in New York, Illinois, and everywhere. There was no special effort being made except to meet existing needs, and Congress passed an act authorizing the Post Office Department to make leases 10 or 20 years, and 10 per cent rent of the building of this class is not a high rent, as Government buildings have to be specially erected for a given purpose and could not be used for anything else in nine cases out of ten. There is a great deal of deterioration, and the leases are for a short time. The people who built the buildings have to pay taxes, and costs have increased greatly. Sometimes they may be paying what seems to be a high rent, but I went all through this thing when Mr. Burleson was Postmaster General, and I want to say he was a good Postmaster General. [Applause.] He and I went all through this thing with a fine-tooth comb, and we cut here, there, and everywhere to come within a reasonable cost. But the facilities must be had. What are we going to do? We could not handle any mail in the streets or in the gutter. You could not handle them in the back yard of some residence, but you have to have facilities. Now we have got them. The Government is trying to do it as economically as it can, but rents are high to-day and the cost of buildings are higher than they were then. The representative building cost now is 180 as compared with 100 per cent back yonder.

Of course rents will be higher on the basis of 180 than on the basis of 100. I do not know the details of all these things, but I know about these particular cases. I do not assume any responsibility for what the administrative side of the Government does. I keep myself as free as I can to commend them when they ought to be commended and to criticize them as harshly as I feel like criticizing them when they ought to be criticized. I am not connected with anybody connected with the administration now or at any other time. I am here as the representative of the American people and their spokesman, and I speak for the House while I occupy the position I am now in, no matter what the politics involved may be.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. MADDEN. Yes.

Mr. MOORE of Virginia. In addition to the lump-sum authorization of $100,000,000 outside of the District of Columbia, has the gentleman any information which will enable him to conjecture how much more will be needed to erect buildings and improve buildings that need improvement?

Mr. MADDEN. I will not undertake to say, but it will be a very large amount. We will spend the $100,000,000. We are using the $15,000,000. We are using $34,550,000 of the $50,000,000 for work in the District of Columbia, on which we are proposing now to appropriate about $5,575,000 as an initial appropriation. Under it we are proposing to put up an internal-revenue building at a cost of $7,950,000, and we propose to put up two buildings for the Agricultural Department: one to connect the two wings down there in the Mall and another one a complete office building. We are proposing to put up an archives building, with a million feet of file space, and when that building is completed and the files can be moved from the offices which they now occupy, these files will release 400,000 square feet of office space in the buildings where the files are stored to-day, which will be equivalent to a building nearly as large as the Treasury Department. We are also proposing under this bill to make an initial appropriation for a building for the Department of Commerce at a cost of $10,000,000, with floor space of a million square feet.

I want to call the especial attention of the House to the fact that the Agriculture Department alone here is now occupying 47 different buildings, and all the other departments are occupying buildings in proportion to their importance. Of course the thing to do is to relieve that congestion as soon as we can, and to provide space now in the buildings that are to be erected to take out of existence the payment of rent everywhere throughout the District.

Mr. BUSBY. Mr. Chairman, will the gentleman yield there?

Mr. MADDEN. Yes.

Mr. BUSBY. The annual expenditure that may be made out of the $100,000,000 provided is limited to $15,000,000 a year. I want to know if the Committee on Appropriations has gotten into the facts far enough to see whether or not the $15,000,000 a year will cover the program such as ought to be proceeded with in furnishing public buildings?

Mr. MADDEN. I am frank to say to the gentleman that we did not go into that, because we were more concerned about getting this bill in here and providing the means whereby you can begin the 69 buildings already authorized.

Mr. BUSBY. But from a general survey I believe the gentleman stated that the buildings, compared with former days, would be in the ratio of 180 to 100?

Mr. MADDEN. Yes.

Mr. BUSBY. I think the figures from the Bureau of Labor were 207 to 100.

Mr. MADDEN. I think it is about 180.

Mr. BUSBY. With the further fact in view that Mr. Whittemore suggested that you would spend about $15,000,000 a year up to 1914; does not the gentleman think that $15,000,000 a year now will be too small?

Mr. MADDEN. I think it may turn out to be, and we will consider that when we get the facts.

Mr. CHALMERS. The gentleman has already covered the question I desired to ask him in regard to a Federal survey throughout the country.

Mr. MADDEN. Yes. That is in process now.

I want to thank the committee for its courteous attention to me. [Applause.]

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] is recognized.

Mr. BYRNS. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. FLETCHER].

The CHAIRMAN. The gentleman from Ohio is recognized for 15 minutes.

THE TREASON OF INDIFFERENCE

Mr. FLETCHER. Mr. Chairman, ladies and gentlemen of the Congress, there is one perplexing issue of outstanding personal importance to every Member of Congress.

That the issue to which I refer—the antisocial attitude of the nonvoter—extends beyond the self-interest of the individual Member of Congress and deeply concerns those interested in the welfare of the Nation was forcefully presented by the distinguished Speaker of this House, Mr. LONGWORTH, in his impressive address recently delivered for the graduating class of New York University.

Then, only the other day the spokesman for the White House, President Coolidge, himself broadcasted a statesmanlike appeal warning citizens of the country of the danger to our Government in the epidemic of sleeping sickness that seems to paralyze the voting conscience of increasing millions of Americans at election time.

SLEEPING SICKNESS OF THE NONVOTER

The treason of indifference on the part of the nonvoting millions is the challenge of the hour to the advocates of the two-party system of Government who believe that the success of democracy depends upon the rule of the majority.

There are 435 of us in this House representing our districts in the third-highest elective office within the gift of the American people.

For the past seven months we have been in Washington earnestly engaged in the enterprise of legislating for all the people, and yet, according to every estimate I have been able to find, approximately only one-half of the people took enough interest in sending us here to vote either for us or against us.

WHAT OF LIBERTY?

Some of the Members of Congress were sent here by the vote of less than two-fifths of the qualified electorate of their districts.

If the perpetuity of self-government under a democracy depends upon the rule of the majority, then what is the answer when the majority no longer shows the slightest interest in self-government and permits the affairs of the Nation to be directed by officials chosen by a decreasing minority?

If eternal vigilance is the price of liberty, then what of liberty when half the people are no longer vigilant?

A CHALLENGE TO OUR NATIONAL PRIDE

There was a time when America proudly boasted that she led the world in the voting loyalty of her citizens. It is not consoling to our self-respect to be reminded now that we have fallen far behind the rest of the world.

There is a challenge to our patriotism and to our national pride in the humiliating comparison between our voting record and the voting record of the nations across the sea.

While in 1923 our voting record approximated only about 50 per cent and often less, the voting record in Italy was 64 per cent.

Over a period of 20 years Australia has made an average of somewhat better than 70 per cent.

In Canada the year of 1921, in the vote for the members of the lower house of Parliament, a little more than 70 per cent of the voting population participated.

HUMILIATING COMPARISON

The year of 1920 in Germany the vote reached 75 per cent of the total electorate, and it is estimated that in 1924 the vote in Germany was increased to 82 per cent.

The electorate in Great Britain is maintaining an average of 60 per cent better than ours.

France and America both passed through the carnage of revolution. Hundreds of thousands of men died in the French and American Revolutions that the citizens of America and France might enjoy the privileges of political liberty.

Do Americans appreciate their blood-bought liberty as do the people of France? Let us hope that the degree of appreciation is not entirely expressed in the fact that while only 50 per cent of the voters in the United States take advantage of their right to vote, 84 per cent of the voters of France express their interest in their Government by going to the polls.

THE MORON NONVOTER

Were time available I could present astonishing statistics revealing by congressional district and by State the appalling indifference of the nonvoting millions of political slackers.

Mathematics is not a dramatic science, but the figures and the compilations of statistical percentages that brand the nonvoting slacker of being guilty of the treason of indifference are figures and percentages more than dramatic; they rise to the height of tragedy.

Since we must unanimously admit that the nonvoting menace exists, then we owe it to ourselves to inquire what are the causes of the nonvoter's mental attitude of unconcern.

Among all varieties of the demagogue that spawn in a democracy there is perhaps no demagogue so crude in hiding the obvious fact that he is a demagogue as the vote slacker who blatantly bawls aloud his devotion to what he calls Americanism while he still refuses to prove his Americanism by doing his duty on election day.

INDIFFERENCE OF THE EDUCATED

Since such self-confession must be humiliating, then why do many people stultify themselves by deserving the reproach such demagogue behavior invites?

The social psychologist answers by reminding us that a large percentage available for classification with the type to which I have just referred are, of course, merely adult, flag-waving morons handicapped by inherited mental incapacity to think their way to a political conviction, and therefore allowance must be made for them.

But what about the millions of vote slackers who have intelligence? What excuse do the college and university trained men and women offer as an alibi for shirking their suffrage responsibility? I find that many of these do not vote because they look upon politics and the politician with contempt.

The geniuses, the highly educated, and the intellectually superior who excuse themselves from voting on the postulate that politicians are inferior types are not altogether consistent, or they would demonstrate their sportsmanship by running for office themselves.

THE NONVOTING SNOB

I know of no process available for reducing an intellectual nonvoting snob to his normal dimensions more quickly or more effectively than for him to get into politics and come to Congress.

"Democracies do not encourage advancement to leadership of intellectual men," exclaims certain nonvoters when giving you their alibi for remaining at home on election day. There is some evidence, of course, that democracies are inclined to be suspicious of men of leadership.

Democracies really ought to make it safer for more men of brains to enter politics. Too many little minds can not operate a big government successfully.

INTELLIGENCE OF OUR PRESIDENTS

Doubtless there is too much of a tendency in democracies to place on the dull brow of mediocrity the crown of political distinction and follow a programless leader whose hypothetical greatness is a mythical and deliberate creation evolved from partisan fairy tales skillfully devised by press-agent propagandists for purposes so obvious at times as to seem almost grotesque were it not for their saving grace of comedy.

It may be all true enough, as some of my cynical nonvoting friends contend, that with a few striking exceptions even our Presidents have not been so outstanding in mental attainment as to alarm those who live in dread of being dominated by an aristocracy of intelligence.

EUGENICS AND THE BALLOT BOX

But taking the common run of Presidents as they have passed in and out of the National Capital since the foundation of the Republic I hazard the guess that they will measure up fairly well to the level of most of the congenital figureheads that have occupied thrones under monarchies as monarchies have been wobbling along since 1776.

History ought to be a fairly conclusive answer to those who talk of democracy in terms of despair and who insist it is impossible to get highly intelligent leaders under our present system of government.

Compare hereditary monarchs with elected presidents since the first monarchy was superceded by a democracy, and it is difficult to see wherein the system of royal eugenics is more efficient than the ballot box when it comes to getting a ruler with brains.

WOMEN THE GREATEST SURPRISE

Perhaps the greatest surprise contributed by those who automatically disfranchise themselves by not voting is in the alarming percentage of nonvoters among the women.

Not long ago President Coolidge, apparently amazed at the indifference among nonvoting women, plead with their national leaders to begin a crusade to persuade more women to exercise their suffrage right.

When Dr. Anna Shaw, Frances E. Willard, Susan B. Anthony, and so many other fighting pioneers faced public scorn and endured humiliation and martydom to secure for women the right to vote, then why do such vast multitudes of women persistently snub the ballot box?

The chambers of commerce across the Nation, the American Legion, a great organization led by John Hays Hammond, and a vast number of other groups are getting ready for a coast-to-coast and Lakes-to-the-Gulf drive to round up the nonvoters for the coming election.

WHAT IS THE ANSWER

The sincere purpose of these well-meaning crusaders is commendable, but there is little to be gained in a national drive to round up the delinquent nonvoters for the purpose of stampeding them to the polls until we first investigate and find out why they do not go in response to the urge of their own volition. So, what is the answer?

Appropriating, rewriting, and presenting in my own way a few observations contributed by the talented and investigating mind of another, the answer is that the private citizen to-day has come to feel rather like a deaf spectator in the back row. He knows he ought to keep his mind on the mystery of government off there at the State and National Capitals, but he can not quite manage to keep awake. He knows he is somehow affected by what is going on in politics. Rules and regulations continually, taxes annually, and wars occasionally, remind the average citizen that he is being swept along by great drifts of circumstance.

DOES NOT KNOW WHAT IT IS ALL ABOUT

Yet these public affairs are in no convincing way his affairs. They are for the most part invisible. They are managed, if they are managed at all, at distant centers, from behind the scenes by unnamed powers. As a private person the average citizen does not know for certain just what is going on politically or who is doing it or where he is being carried.

No newspaper reports the average citizen's environment so that he can grasp it; no school has told him how to imagine it; his ideals, often, do not fit with it; listening to speeches, uttering opinions, and voting do not, he finds, enable him to govern it. He lives in a political world he can not see, does not understand, and is unable to direct.

CAN NOT CONTINUE IN THE RÔLE OF CHANTICLEER

In the cold light of experience the average citizen knows that his sovereignty is a fiction. He reigns in theory but in fact he does not seem to govern. Contemplating himself and estimating his actual accomplishments in public affairs, contrasting the influence he is supposed, according to democratic theory to exert, with what he does actually exert, he is compelled to say of his so-called sovereignty what Bismarck said of Napoleon III, "At a distance it is something, but close to it is nothing at all."

When during an agitation of some sort—say, a political campaign—Mr. Average Citizen hears himself and some millions of others described as the source of all wisdom and power and righteousness, the prime mover and the ultimate goal, and as he listens to the harangue his egotism refuses longer to be flattered and the remnants of sanity left in him protest. He can not all the time play Chanticleer, who was so dazzled and delighted because he himself had caused the sun to rise.

GETTING INSIDE THE NONVOTER'S SKIN

When the average private man and woman have cut their political eyeteeth, have lived through the romantic age in politics, and are no longer moved by the stale echoes of its hot cries; when finally they are sober and unimpressed, their own part in public affairs begins to appear to them a pretentious thing, a second rate, an inconsequential. You can not move them with a good straight talk about service and civic duty, nor by waving a flag in their faces, nor by sending a Boy Scout after them to make them vote.

Thus does Walter Lippman, in his fascinating volume, The Phantom Public, help us to get inside the nonvoter's skin and feel and think as the nonvoter feels and thinks.

Some day, maybe, the politicians will have sufficient vision to cooperate with the social psychologist in the universities of the land and with their great laboratories of research for the analysis of the human personality available will begin where Walter Lippman leaves off and ascertain for us by scientific processes the now obscure and disguised reasons for the antisocial behavior of the nonvoter.

BREAKING DOWN THE VOTER'S MORALE

Already we know that selfish and contemptible men in high places for ulterior purposes of their own have occasionally deliberately broken down the voter's morale by broadcasting infamous slander of untruth concerning the Representatives in Congress.

Only a little more than two years ago one of the most powerful industrial leaders of the country denounced the Members of Congress in such terms of belittlement as to give the impression that the voters had sent to Washington a group of incompetent, irresponsible blatherskites. The story of this notorious traducer of the chosen representatives of the people was a front-page feature in every metropolitan newspaper in the United States. At that time Congress had refused to do what this particular peevish old plutocrat wanted done.

THE DAMAGE IS DONE

A few months ago the old fellow came out with an inspired interview claiming this present Congress to be composed of statesmen of the highest order and lauding the Sixty-ninth Congress as one of the most efficient in the history of the Republic.

Yet with a few exceptions this Congress which the great man now perfumes with the rose-water spray of his superlative approval is composed of the very same men whom he denounced a little over two years ago. The difference is this: Congress in the present session happened to do something that pleased the old fellow's senile fancy.

But the damage has been done. His former statement of misrepresentation and unjustifiable denunciation has already added to the cynicism of the indifferent voter and helped to increase the number that will have to be stampeded in a round-up drive if they go to the polls next fall.

CAMPAIGN METHODS BEWILDER VOTER

The nonvoter's mental attitude of indifference is partly due to the nerve-racking appeals for his support and the campaign assaults made on him just before election.

Many voters become mentally so blinded and bewildered by the smoke screen and the poison barrage of misrepresentation with which nation-wide propaganda squads assault the masses in political campaigns that in sheer self-defense many confused voters lapse into a state of political coma until election is over.

An occasional newspaper with an ax of its own to grind so opinionizes the news or so dramatizes an editorial mood that the misled voter, later learning the truth, revolts, develops an attitude of cynicism and suspicion that finally evolves into a state of chronic unconcern and another good citizen is added to the army of nonvoting slackers.

From the standpoint of devitalizing and breaking down the voter's morale, the journalistic demagogue, because of reaching the larger number of people, is a menace even more reprehensible and more dangerous to the security of the Nation than is the mouthing, flag waving, slobbering demagogue who takes the stump in a political campaign and with his bromidic twaddle and his partisan clap-trap appeals to the emotions, the intolerance, and the prejudices of the muddle-minded mob.

OVERLOADING THE VOTER

The commendable craze for dragging people to the polls to vote against their will is not going to get us anywhere unless the conscripted voters know why they are voting and what they are voting for.

But how can the average citizen know how to vote intelligently when eight men and one woman—nine candidates in all—six or seven of whom the voters never heard of, are now running for governor in one State? What is the reluctant and dumfounded voter going to do when he finds himself in the voting booth with a ballot a foot long containing names of candidates who are total strangers to him, confronted by a list of amendments he has never seen before and on all of which he has five minutes to make a decision?

A voter would have to be an intellectual Sandow to vote intelligently on the complicated propositions that we put up to him to-day.

SOME REMEDIES

Remedies for the nonvoting evil are as numerous as they are fantastic, and include such proposals as the shorter ballot; reduction of election days; four-year terms for all officers, including Congress; an elimination of county and State elective offices by substituting commissions and the appointive selection of personnel; elimination of undesirable candidates by requiring candidates to pass a civil-service examination, including intelligence tests, information tests, and mental hygiene tests similar to those now being used by well-organized industries and by colleges and universities everywhere as admission requirements; devise some simplified form of the school republic plan and make it part of the curriculum of the public schools so the students will come out of school educated in the science of government and with a trained interest in politics; legislation to make voting compulsory—these and many other suggestions have at different times been offered as possible solutions of the nonvoting problem.

But after all phases of the nonvoting menace in this country have been considered the final solution rests with the voters themselves.

93,000 TRUCKS FILLED WITH MONEY

Our forefathers fought the Revolutionary War to kill forever the unjust system of taxation without representation. Little did those Revolutionary pioneers dream that millions to-day would invite taxation without representation by voluntarily disfranchising themselves.

If the money which the politicians and Government officials spend in running this Government for one year were all converted into silver dollars and loaded into 1-ton trucks, it would take ninety-three thousand nine hundred and eighty-three 1-ton trucks to transport it.

If the trucks were lined up, each loaded with 1 ton in silver dollars, there would be a line-up of 142 trucks to the mile, making a procession 661.8 miles long.

If we could get the nonvoting taxpayer to stand on his porch and visualize that outfit parading past his house, carrying the $3,529,000,613 of the taxpayers' hard-earned money which the politicians spend in running Mr. Nonvoter's Government for him, it might not be so difficult to arouse him from his lethargic state of suspended animation on election days.

THE SHAME OF PENNSYLVANIA

I am sure we all feel sorry for the people of Pennsylvania in this tragic hour of their deep humiliation. But were Mellon, Pepper, Pinchot, Vare, and all their bought-and-paid-for voters disguised as "watchers" the only corruptionists in Pennsylvania at the last primary election?

What have the several hundreds of thousands of nonvoters been doing in Pennsylvania for the last 25 years? Let the Senate investigating committee call in a few witnesses from the nonvoting army and inquire why by their conspiracy of indifference they assisted indirectly in the Pennsylvania primary debauch. The Senate can not retain its self-respect and seat VARE. But excluding VARE from the Senate will not stop the political stench in Pennsylvania while the voters remain in their present state of indifference.

Senator REED'S investigating committee ought to inquire how it happened that in the presidential election of 1922 Pennsylvania sent a pair of Republican Senators to Congress who, according to George Wheeler Hinman, jr., received the approval of only two-fifths of the voting population of the State.

GOVERNMENT OF THE MANY BY THE FEW FOR THE MONEY

The total vote in the 1922 congressional election in Pennsylvania was 22 per cent below that cast in 1920. Yet Valley Forge is in Pennsylvania, where soldiers bled, starved, and froze to death that the people of Pennsylvania and of the Nation might have the right to vote. Gettysburg is in Pennsylvania—Gettysburg, where Lincoln immortalized the hope that a government of the people, for the people, and by the people might not perish from the earth. Were Lincoln to return to Gettysburg to-day and see the nonvoters by their indifference conspiring with Mellon, Pinchot, PEPPER, VARE, and all their hordes of hirelings, the great emancipator would in humiliation behold Pennsylvania as having degenerated into a government of the many by the few for the money—an infamy which is partly the result of the nonvoters' conspiracy of unconcern. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired. The gentleman from Tennessee [Mr. BYRNS] is recognized.

Mr. BYRNS. Mr. Chairman, I yield five minutes to the gentleman from Florida [Mr. SEARS].

The CHAIRMAN. The gentleman from Florida is recognized for five minutes.

Mr. SEARS of Florida. Mr. Chairman and colleagues, I shall only take three or four minutes of your time, and I would not do it if I did not believe that the question involved is important enough to justify me in doing so.

Some time ago we passed an act allowing the widows of ex-service men a certain compensation, provided they filled out certain blanks and filed their application with the Government. When I voted for that bill little did I believe that the departments or any branch of the Government would make a rule that the application would have to be filed in Washington before the death of the service man or the widow could not receive the benefit.

Since last August, 1925, or prior thereto, I have been trying to secure for Mrs. Alvin R. Hill, widow of the late Alvin R. Hill, the compensation which my colleagues and myself intended that she should have; and I repeat I certainly intended when I voted for that bill that she and others in a similar situation should have it.

The facts are that her husband died on or about the 26th day of July, 1924, and her application was not received in Washington until July 30, or four days after her husband's death.

This good widow in going through the papers of her husband discovered that he had prepared and made out the blanks, with the exception, as I recall, of putting his finger print on them, and that he delayed doing this until he could go to town and have his finger print properly placed on the application. By affidavits and by all the proofs required I have shown to the department that it was the intention and the desire of the husband to comply with the law, but now the widow is estopped from getting that compensation.

It would be amusing to you, if it were not tragic and almost dramatic, to know that the War Department in passing on that claim when I took it up with them said it was a just claim and that it should be paid, but I would have to go to the Veterans' Bureau.

From the War Department I went to the Veterans' Bureau and the Veterans' Bureau said it was a valid and a just claim and the widow of this ex-service man should receive the money, but I would have to go back to the War Department. I went back to the War Department and then I was told that the Comptroller General had ruled that unless these papers were on file in Washington at the time of the death of the husband the widow could not receive the compensation.

A similar case was carried to the District Court of the District of Columbia and I waited for a year or more for that case to be decided. The court held that the papers, under the law and under the rule, did have to be in Washington.

Now, as I said, and I want to repeat again, it was not my desire or my intention, nor do I believe it was the desire or intention of my colleagues, to have any such construction placed on that law.

Mr. DENISON. Will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. DENISON. Is the gentleman familiar with the bill known as the Green bill, reported by the Committee on Ways and Means?

Mr. SEARS of Florida. I am getting to that. I think I am familiar with it.

Mr. DENISON. I was wondering whether this case would be covered by that bill?

Mr. SEARS of Florida. The reason I am calling your attention to this matter to-day is because some months ago I was told by the members of the Committee on Ways and Means—and I am not violating any confidence—that a bill correcting this error or this wrong construction, and giving to widows of these ex-service men what we intended they should have, would be reported out.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. BYRNS. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. SEARS of Florida. Mr. Chairman, since my return from Florida I have been told that the bill will not be reported out because there are objectionable features in the bill, and I want to suggest to the Ways and Means Committee that they get together and cut out any or all objectionable features, if there are any, and report out a simple bill dealing with this one proposition so that Mrs. Hill can get the compensation which I believe every Member of this House will agree she is entitled to.

I want to call your attention also to the case of Mrs. Mary R. Rice, of Maitland, Fla., a similar case, except that she did not discover her husband's papers until about six weeks or two months after his death. Affidavits have been filed showing that

the papers had the ex-service man's signature attached to them, showing that the witnesses are bona fide and that the ex-service man intended to send these papers to Washington, but sickness intervened and he could not send the papers to Washington. Now, through no fault on their part, these good women are being deprived of their money. While we are talking farm relief, while we are talking rivers and harbors—and talk is about all that we are indulging in—I sincerely trust Congress will pause just for a moment to give to these good widows, and similar cases may exist in your districts, that relief to which they are entitled. Mr. Chairman, my sole desire is to secure relief, if possible, for those entitled to same, and I trust it will not be considered as criticism of anyone.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. SEARS of Florida. Mr. Chairman, I ask unanimous consent that the correspondence in these cases be placed in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

[Case of adjusted compensation of Mrs. Ruby Jasper Hill, widow of Alvis R. Hill, deceased. Veteran's death occurred July 26, 1924, and application received July 30, 1924, and the case of Mrs. Mary R. Rice, Maitland, Fla., widow of Frank Edward Rice. Same as Alvis R. Hill, except veteran's death occurred December 7, 1924, and application was not filed until February 11, 1925. Had partly completed and signed the required application form October 13, 1924, but was drowned December 7, 1924, without mailing or filing same]

UNITED STATES VETERANS' BUREAU.

Hon. W. J. SEARS,
House of Representatives,
Washington, D. C.

MY DEAR MR. SEARS: Receipt is acknowledged of your communication of May 5, 1925, relative to the adjusted-compensation claim of the above-named veteran.

Your are advised that the War Department has informed this bureau that an investigation is being made relative to the date of receipt of the veteran's application in order to determine whether the veteran's application was filed prior to his death. You are also advised that a recent decision by the Comptroller General has been made to the effect that an application not on file in the War Department before the veteran's death will be held to be an invalid application.

Inasmuch as the veteran's application was certified to this bureau as a valid application, the bureau accepted the same and submitted the case for payment, but the same was returned because of the aforementioned irregularity. The matter of determining the validity of an application rests with the War Department as that department is given jurisdiction under section 302 of the World War adjusted compensation act.

It is, therefore, suggested that future communications relative to this claim pertaining to the validity of veteran's application be directed to the adjusted compensation branch, Adjutant General's office, Washington, D. C.

A copy of this letter is inclosed for your use.

Future communications relative to this claim for adjusted compensation should refer to A-1 548 934.

For the director: CHARLES E. MULHEARN,
Assistant Director.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, August 6, 1925.

Hon. W. J. SEARS,
Representative in Congress,
Kissimmee, Fla.

MY DEAR MR. SEARS: With further reference to my letter of July 21, 1925, in reply to your letter of July 16, 1925, in regard to the application for adjusted compensation of the late Alvin R. Hill, the case has received the careful consideration of the War Department.

Under the provisions of the joint regulation of the Secretary of War and the Secretary of the Navy, made pursuant to section 302 (d) of the World War adjusted compensation act, the application of the late Mr. Hill is a valid one, and after computing his service, as prescribed in section 305 of the said act, certification of the claim was made to the Director of the United States Veterans' Bureau in accordance with section 303 (a) of the act. Further action in the case, as prescribed in section 303 (b) of the act, rests with the Director of the United States Veterans' Bureau.

I am inclosing a copy of the act with the section cited marked, which I trust will make clear the action taken by the War Department.

Sincerely yours,

LUTE WAHL,
Brigadier General, Acting The Adjutant General.

UNITED STATES VETERANS' BUREAU,
Washington, August 17, 1925.

Hon. W. J. SEARS, M. C.,
Kissimmee, Fla.

MY DEAR MR. SEARS: Acknowledgment is made of your communication of recent date inclosing a copy of a letter directed to you from The Adjutant General's office in reference to the adjusted compensation of the above-named deceased veteran.

You are advised that the Comptroller General has ruled that any application not actually received in the War Department before the veteran's death is not a valid application and consequently can not be approved for payment to the beneficiary concerned. In view of this decision by the Comptroller General, this bureau is unable to take any further action on the claim until such time as this type of case may be affected by remedial legislation.

A copy of this letter is inclosed for your use.

Future communications relative to this claim for adjusted compensation should refer to A-1, 548934.

For the director: CHARLES E. MULHEARN,
Assistant Director.

OCTOBER 19, 1925.

MRS. RUBY JASPER HILL,
Poulan, Ga.

DEAR MADAM: Please be referred to your claim as beneficiary of the adjusted service certificate issued to Alvis R. Hill, a veteran of the World War, now deceased.

Since the issuance of the certificate upon which your claim is based the Comptroller General of the United States rendered a decision, on September 2, 1925, in the case of Carl Hunley, which held that an application for the benefits of the adjusted compensation act, in order to be valid, must have been filed with the War or Navy Departments some time before the death of the veteran. Such decision made invalid any certificate based upon an application which was received after the death of the veteran.

The facts in your case show that the veteran died on July 26, 1924, and that his application for adjusted compensation was not received by the War Department until July 30, 1924. Therefore your claim, in accord with the decision of the Comptroller General, must be disallowed.

In connection with this notice of disallowance you are advised that the adjusted compensation act makes provision for payment of the veterans' adjusted-service credit to his dependents in cases wherein veterans have died before filing valid applications. The dependents who may be entitled to the benefits are as follows, and preference is given in the order named: (1) Widow or widower, if unmarried; (2) children; (3) mother; (4) father. A widow or widower is presumed to have been dependent upon the veteran upon showing that she or he was married to the veteran and that they lived together as man and wife. A child of the veteran is presumed to have been dependent if the child was under 18 years of age at the time of the death of the veteran. A mother or father in order to be entitled to the benefits must show that she or he was dependent upon the veteran at the time of the latter's death. Blank applications for dependents may be obtained from the War or Navy Departments.

For the director: CHARLES E. MULHEARN,
Assistant Director.

Mr. MADDEN. Mr. Chairman, I yield two minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I think my friend from Florida is unduly alarmed about the situation. I have a bill which has already been reported by the Ways and Means Committee which covers the matters he referred to so far as I heard the cases explained by the gentleman. At least, the bill will cover the last matter just mentioned. It is my intention on the first suspension day to ask recognition of the Speaker and move to suspend the rules and pass that bill.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SEARS of Florida. I am not unduly alarmed, but this poor man died in 1924, and I am simply anxious, not alarmed, and I want to thank the distinguished chairman of the Committee on Ways and Means for telling me he is going to pass the bill.

Mr. GREEN of Iowa. I can not tell the gentleman I am going to pass the bill.

Mr. SEARS of Florida. I think the gentleman will if he gets it up.

Mr. GREEN of Iowa. But I expect to get it up, and I believe it will meet with the approval of the House and receive the two-thirds vote that will be necessary to pass it.

Mr. HASTINGS. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HASTINGS. I want to know whether this kind of a case is covered by the gentleman's bill, where a widow has remarried, where there are no children, and where the next in line would be an aged mother. Would the gentleman's bill cover that sort of a case?

Mr. GREEN of Iowa. Well, I could not answer that just at this moment, but I am inclined to think it would cover such a case.

Mr. HASTINGS. There is prima facie evidence as to the dependency of the widow or minor child, but not as to the parent.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MADDEN. Mr. Chairman, I yield 15 minutes to the gentleman from North Dakota [Mr. BURTNESS].

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, I desire to-day to call your attention to the bill which I introduced on the opening day of this Congress known as H. R. 124, a bill for stabilizing the buying power of money.

I firmly believe that the great need of our country and of the world is the general stabilization of business conditions. I do not refer to the various schemes that have been adopted by some countries fixing the price of various commodities, such as rubber in Great Britain, coffee in Brazil, nor to any proposals that may have been suggested in this country for either stabilizing or fixing prices of any commodities here. Such schemes and proposals must stand or fall upon their own merits, and I do not intend to discuss them. They constitute an entirely different subject.

The stabilization to which I refer is stabilization not of individual prices but of the commodity price level—the buying power of money. If the average of commodity prices remains unchanged, the average buying power of money necessarily remains stable. Stabilization means the elimination of the uncertainty which for long periods ties the hands of business and which at all times imperils enterprise.

It means—

As some one has said—

the introduction of the element of certainty, than which nothing is more important.

Perhaps at no time in the history of our country has the necessity of stabilization been more apparent than in the period beginning with the World War and down to the present time. I will not now enter into details as to the price levels which have existed from time to time in this country. You are all more or less familiar with them. History tells us of the inflation which occurred during the Civil War, and that beginning with 1873 prices fell gradually until about 1896. In other words, during that time—1873 to 1896—gold gradually became more valuable, for a given quantity of gold would buy more commodities. Toward the close of that period there was a tremendous feeling in the agricultural sections that prices were too low, that gold was too valuable, that there was not a sufficient amount of money in circulation, and so forth. From 1896 to 1914 prices of commodities gradually increased, gold became less valuable, and we all recall the general criticisms made with reference to the high cost of living and kindred contentions, many finding their way even into party platforms. The World War then came on and there was an unprecedented increase in price levels. This increase continued after the war ended, and then we had the well-known deflation which ruined numberless farmers and business men throughout the Nation. We have since experienced again a substantial inflation of prices, and no one can predict with any degree of certainty as to what the future will bring.

It might not be out of place to give two or three illustrations which emphasize the evils of fluctuations in the value of a dollar. Assume an individual who placed $100 in a savings bank in 1896 at 3 per cent compound interest, and who has left it and all accumulations in the bank up to the present time. Ordinarily we would assume that such a person has effected a saving. The contrary, however, is more nearly the truth, for the fact is that if such person would withdraw the accumulated savings to-day and convert them into the general run of commodities he would not get as much for the accumulated amount as he could have purchased with the original $100 in 1896. This illustration applies with equal force to all persons who retired when the price level was low with a competency then deemed sufficient, but who have later found that due to the decrease in the value of the dollar their savings have in fact been cut in two. So much for the difficulties of what may be termed the creditor class in times of rising prices.

While it is true that the debtor classes may in a general way be benefited by a period of rising prices, they will suffer similarly when prices commence to fall. This was well noticed particularly in the agricultural sections of the country during the deflation period which occurred in 1920 and which became worse with the succeeding years of 1921, 1922, and 1923. We need only recall to mind farmers residing within our own districts who borrowed money during the World War or within a year or two thereafter, converted such money into property of some kind, and then found when they had to pay the same amount of money back in 1922 or 1923 that they had to repay money which to them was twice as dear as that which they had borrowed.

Alternate periods of inflated and deflated prices always result in taking property from one class of our citizens and turning it over to another class. Fluctuations such as have occurred from time to time during the last half century can not help but leave a trail of destruction of property and blasted hopes in their wake.

So much by way of outstanding reasons why stabilizing the buying power of money is of tremendous importance to the average citizen whether he belongs to the creditor class or the debtor class. What is the fundamental theory upon which the bill which bears my name (H. R. 124), is based? It is upon the simple theory of effecting stabilization by means of changing the weight of the gold bullion dollar to counteract accordingly the changes from time to time in the actual value of gold itself as measured by its true value—its buying power in other commodities. It is simply a recognition of the fact that gold, like any other commodity, may vary in value, hence in value from time to time, depending upon its supply, the cheapness with which it may be obtained, and other economic causes.

Mr. GRIFFIN. Will the gentleman yield there?

Mr. BURTNESS. Yes; briefly.

Mr. GRIFFIN. May I ask if the gentleman's proposal is not practically an attempt to use commodities as a basis of exchange? Does it not resolve itself into that?

Mr. BURTNESS. As stated, it simply takes into consideration the fact that the actual value of gold is only the amount of general commodities that can be purchased with it, and so from one point of reasoning it might approach the thought the gentleman has in mind.

Mr. GRIFFIN. I take it the gentleman wants to emphasize a fact, which he believes, that gold changes in value.

Mr. BURTNESS. Exactly.

Mr. GRIFFIN. The general opinion of bankers and financiers is that gold remains stable and standard and that it is the commodities that alter in value.

Mr. BURTNESS. Of course, anyone who has given any consideration to the subject knows that gold changes in value the same as anything else. The true test of the value of gold is the amount of commodities in general that a given piece will buy; not the amount of any one specific commodity it may buy, but its exchange value for all general commodities properly weighted.

Mr. GRIFFIN. If the gentleman will yield further, I imagine his proposal is somewhat similar to the suggestion to change the length of the yardstick in linear measure.

Mr. BURTNESS. Not at all. A yard, a foot, an inch is constant, hence a proper measuring stick. A gold dollar is not constant in purchasing power as used at present. This proposal is to get a "yardstick" as constant as in linear measure, one that does not change in the only use to which it is put, that is, in its exchange for other commodities—in its buying power.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. BURTNESS. I regret I can not yield further just now.

The suggestion of stabilizing the purchasing power of money by regulating the weight of gold behind each dollar is by no means a new thought or idea, but is one which has been discussed by leading economists for decades. In an article written in the North American Review in 1879 Simon Newcomb used the following language:

> The main point is that there is no reason why a standard dollar containing a fixed weight of the precious metals should remain of invariable value, but that, on the contrary, we have every reason to suppose that its value does fluctuate. * * * That a standard of value with the use of which no such thing as general fluctuations in price should be possible is one of the greatest social desiderata of our day no one will deny. * * * All we want is a dollar of uniform value as measured by the average of commodities. * * * The most obvious method of attaining the object is to issue a paper currency, which shall be redeemable not in gold dollars of fixed weight but in such quantities of gold and silver bullion as shall suffice to make the required purchases.

I want to make it clear that the plan for a stabilized dollar that I am sponsoring is not an echo of any other measure before this or any previous Congress. It was the first workable plan ever formulated in this country and is still the most complete. Mr. Newcomb failed to elaborate his suggestion into a workable plan, but in 1896 the same idea occurred to a Western student of the problem, Dana J. Tinnes, now a resident of Grand Forks, N. Dak. Mr. Tinnes, an able economist, developed

Newcomb's idea into a wholly practicable plan which is embodied in my bill.

I, like others, had casually watched the rise and fall of the buying power of money and noted its evil effects. As already stated, for a long time before we entered the World War there had been general complaints of the increasingly high cost of living, which complaints grew tremendously in volume after 1915. By May, 1920, the buying power of our dollar had sunk to 40 per cent of what it was in September, 1915, and the air was full of outcries against those supposed to be guilty of a new crime, "profiteering." Every merchant who sold his goods on the basis of their replacement costs was called a "profiteer," though no producer was blamed for raising the price of his product as the market price advanced. When "deflation" came prices lost in 14 months three-fourths of what they had risen in the preceding five years, and the epidemic of bank failures, business failures, and farm bankruptcies began.

Like most other people, I realize that it would have been well if the commodity price level had not been permitted to rise, and later that, having risen and having remained high during the time the vast public and private indebtedness of the country had been entered into, it had not been permitted to fall. But, presumably, officials and most of the rest of us did not clearly see how that rise and fall could have been prevented. It was during the deflation period that I became acquainted with this plan. The more closely I examined it the more convinced I became that it is a practicable sound money plan. It is not a proposal to overturn or to interfere with established rules and usages of trade and finance but to make business under those rules safer and fairer and to assist progress along right lines by eliminating this main factor of uncertainty.

Mention stablization of buying power to the average person and he naturally infers that it is proposed to fix the prices of all commodities, as certain prices were fixed during the war period. For he knows that with all prices fixed, the buying power of money could not change. But he knew also that governmental price fixing on such a scale would be impracticable, because it would interfere with the operation of the economic law by which available supply is adjusted to effective demand. It does not at once occur to him that the problem is approachable from the other side.

This indirect control through price fixing of individual commodities is not the only nor the proper method of stabilizing the dollar. I am convinced that the right and only practicable method is that proposed by Professor Newcomb and developed by Mr. Tinnes. When we speak of regulating the weight of the dollar we mean of the bullion dollar; that is, of the weight of gold in which each dollar is redeemable.

There will be no gold coins to be reminted, as some may fear, when changes are made in the mint rate. Gold coins have long been out of general circulation and there remains no good reason for coining them. Nine-tenths of the gold in the Treasury is in bars marked with their weight. All the gold sold by the Treasury for use in art and manufacture is in bars. The manufacturers, for example, from whom jewelers, dentists, and sign writers get their gold buy it in bars. Also all the gold used in settlement of international trade balances passes by weight. Paper currency is, in effect, redeemed whenever bar gold for any purpose is purchased from the Treasury. With gold coins no longer circulating, the only meaning "redemption in gold" can have is redemption in the weight of gold shown by the current mint rate.

Regulation of the gold-bullion dollar, then, by means of sufficiently frequent adjustments of the mint rate is all that is needed in any solvent country to prevent change in the commodity price level. The perfected index number constructed by this bill and therein called the market gage scientifically gauges the daily tendencies toward change in the wholesale-market level. These tendencies are immediately blocked by proper adjustment of the mint rate, thus preventing change in the retail level and so stabilizing the buying power of the consumer's dollar. Since such tendencies toward change develop daily, nothing less than daily adjustments can give stability.

Mr. STEVENSON. Will the gentleman yield?

Mr. BURTNESS. I can not yield for lack of time.

Mr. STEVENSON. I just wanted to ask if the gentleman is advocating Professor Fisher's plan?

Mr. BURTNESS. I will say in response to that question that this plan in its broad, general aspects is somewhat similar to the so-called Fisher plan, but in its details is very different and stands upon its own merits. Naturally, I think it a much better proposal. The objects intended to be reached are the same, and both are based upon the theory of preventing price fluctuations by varying the weight of gold in the dollar.

The fundamental propositions on which the market-gauge plan is based are stated by Mr. Tinnes as follows:

That in their buying power all our money and credits used as media of exchange vary directly with change in the dollar of redemption for which they are demand duebills.

That, therefore, to increase the gold weight of the dollar will increase the buying power of all trade media reckoned in dollars, and thereby lower the price level; and to lessen the gold in the dollar will lower their buying power, and so raise the price level.

That, retail prices being based on wholesale, tendencies toward change in the retail level may be measured each day by comparing the day's wholesale prices of all commodities with those of the preceding day and averaging their deviations.

These assumptions being sound, the price level and the dollar may be held stable by blocking, by prompt adjustments of the dollar's weight, all tendencies toward change before they affect the retail level.

Even with this plan in effect, it will still be essential that convertibility be maintained. An overissue of Government notes, like an overissue of notes by an individual, will lessen their acceptability and so undermine their parity with gold. The currency volume must still be kept within the limits of convertibility. And even within those limits it is desirable that violent fluctuations of the currency-credit supply be prevented, for while it is true that the results of inflation or contraction would be less serious than with our present fixed-weight dollar, such fluctuations would at least cause changes in the weight of the bullion dollar greater than would otherwise be needed.

The plan, it will be seen, is based not on any questionable or complicated theory. Most business men to whom it has been explained readily grasp its essential features. They know that the Government already measures price-level fluctuations and publishes price index numbers monthly. It is but another step to a daily market gage, based on data wired daily to Washington as weather reports are wired. Most of them are sound-money men, who see that the value of currency is derived from and is therefore proportionate to the value of the gold in which it is redeemable. They see also that, this being true, the value of the dollar can be controlled by regulation of its weight; that any tendency toward change, whatever its cause, can be blocked by counterbalancing change in the mint rate. With these two points clear, that the price level can be scientifically measured and that the value of money can be controlled by regulation of its weight, the scheme becomes logically acceptable and there remains but the study of its details.

This is not the time for a detailed explanation of the bill, but I would like to call your attention to its main feature, the market gage. Invention of price index numbers some fifty years ago made possible at least a rough demonstration of the fact that the precious metals are not constant in their value. But the crudities of the earlier index numbers, some of which were but simple averages of unweighted and almost unrelated figures, made general recognition of their importance rather slow. In Newcomb's time and later more attention was paid to the unreliability and deceptiveness of price index numbers than to means of perfecting them. A prominent British authority declared that in measurements of the price level a large number of prices "is needless and may even be detrimental." Also it was boldly asserted that all price index numbers, weighted or unweighted, gave practically the same results. Now, while it is likely that the movements of the prices of a few commodities—straws in the wind—would usually show the general market tendency, it is clear that no correct measurements of wholesale price averages could be made without taking into account all commodities on the wholesale market and weighting each in proportion to its market importance. This our market gage does. Actual stabilization of the buying power of money was impossible with crude index numbers, for frequent scientific measurements of price tendencies are necessary if such tendencies are to be controlled.

Since the buying power of money is to be stabilized through prevention of change, the price stage existing at the time stabilization takes effect should be the mark to which the wholesale price level is thereafter to be held. Most index numbers take as their base of reference the price average for a year or term of years. But to stabilize on any other than the then current price level would cause a change at the start more or less disturbing to business. By simply making permanent the existing price level, as we propose, such disturbance is wholly avoided, and stabilization of the dollar, even at the start, appears in its true light as not change but prevention of change.

Let me use an illustration: Your timepiece divides the day into 24 hours. If you find it trying to put more than 24 hours into the day, you slow it down; if it lags, you speed it up. When the first clock was constructed, skeptics may have doubted the possibility of making the hour hand travel exactly twice around the dial in 24 hours. They may have seen no reason why it should move at that precise rate. But the

clock maker wanted only to know that the hand would travel fast or slow according to its adjustment. He could and did regulate it by noting at frequent intervals the error either way and correcting it. And that is all we need to know, that change in the weight of the gold dollar alters its buying power over other commodities. Knowing this, we have only to note daily the tendencies toward change in its buying power, whatever their cause, and make the adjustments indicated by such measurement. Any slight error not immediately corrected will be taken up by a later adjustment. Like the hourly electrical adjustment of clocks to Naval Observatory time by the Western Union, these slight frequent corrections will be thought of not as change but as prevention of change.

The whole process of dollar stabilization will probably involve no more work and expense than do the daily weather reports, but the benefits therefrom will be incalculably greater. Our market gage dollar will not be a different dollar. It will be our present money—redeemable in gold as now. It will not be fiat money. This reform will interfere neither with banking nor with general business except as it will make both safer. Men can still speculate if they choose on individual commodities, but it will take the involuntary gamble out of business. Bankers, merchants, producers, and the public in general will be protected against unforeseeable risks. It will not cause the least ripple on the surface of business. How can it when it is not change but insurance against change—insurance that costs us nothing? It will make production, merchandising, and finance fair games in which skill, experience, and industry will not be cheated out of just rewards by unforeseeable changes in the buying power of the unit in which prices, wages, incomes, and wealth are measured. It is error proof and as fair as an adding machine. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. BURTNESS. Mr. Chairman, I ask unanimous consent to extend my remarks by including a sketch of the bill, together with the form of the weekly bulletin that would be used in its operation.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURTNESS. Under leave to extend my remarks, I attach a brief sketch of the bill H. R. 124, and also a sample of the proposed weekly bulletin, showing schedule and daily adjustments, a publicity safeguard against fraud and error:

SKETCH OF THE BILL

SECTION 1

Since, if fixed in weight, the gold dollar with its paper and credit proxies will be unstable in buying power, this bill makes the dollar subject to weight adjustment by the guidance of an accurate gauge of the wholesale price level.

SECTION 2

Monetary standard division created. Duties, to collect trade and price data, compute the market gauge daily, and adjust the weight of the bullion dollar thereby. Quarterly reports of sales by all firms selling goods at wholesale.

SECTION 3

Construction of the market gauge schedule. All goods on the wholesale market are included, each weighted according to its market importance.

SECTION 4

Daily collection of price data in wholesale markets by M. S. D. agents. Prices are telegraphed to the M. S. D. Few prices change daily. Their collection and the calculation of the mint rate for the day involve less work than the collection and handling of daily weather reports.

SECTIONS 5 AND 6

Metric weights used. Weight of the bullion dollar adjusted at 2 a. m. daily. The new mint rate is effective at once, before the mint and the markets open for the day. This bars overnight speculation. M. S. D. bulletin showing all adjustments issued weekly, a publicity safeguard.

SECTION 7

Gold coin and silver dollars retired. All gold and all silver (except minor silver coins) to be minted into bars marked with their weight in grams and milligrams. Minor silver coins have long been weighed in grams. Gold in foreign-trade settlements always goes by weight.

SECTION 8

All United States currency to be replaced by a new issue of legal-tender Treasury notes redeemable on demand.

SECTION 9

Treasury notes are given 100 per cent backing. Half of this is specie, four-fifths of which must be gold and one-fifth of which may be silver at its current market price reckoned in gold. The other half is interest-bearing United States bonds, which may be sold as needed to keep the specie reserve at 50 per cent of the notes outstanding. In case the specie exceeds 55 per cent, with general prices tending to decline, additional notes will be issued to equal such excess and bonds purchased therewith.

SECTION 10

Free coinage of gold. Treasury authorized to purchase silver on the market as needed for auxiliary redemption use.

SECTION 11

Treasury notes are redeemable on demand in gold bullion at the current mint rate or, at the option of the applicant, in silver at its current market price. In emergencies the Treasury may redeem in silver at its current market price reckoned in gold. This is equivalent to redemption in gold.

SECTION 12

Weighting revised four times a year and the entire schedule yearly.

Monetary standard bulletin

[The initial mint rate, 1.672 grams (gold bullion) equals 25.8 grains, the present weight of the gold dollar. At 2 a. m., each day, the current rate is multiplied by the newly calculated market gauge to get the new mint rate which is announced at once. This bulletin, containing the M. G. schedule and all adjustments, is published weekly]

MARKET GAGE SCHEDULE

Daily adjustments, week of.....1926.

Commodities and markets	W	Q	Monday opening		Monday close		Tuesday close		Wednesday close		Thursday close		Friday close		Saturday close	
			P	PQW	P	PQW	P	PQW	P	PQW	P	PQW	P	PQW	P	PQW
Copper	0.010		13.00		13.00		13.00		13.00		13.00		13.00		13.00	
Ingot, New York (hundredweight)		0.0769		0.010		0.0100		0.0100		0.0100		0.0100		0.0100		0.0100
Iron-steel	.035		25.00		24.50		24.50		24.50		24.50		24.50		24.50	
Steel billets, Pittsburgh (ton)		.040		.035		.0343		.0343		.0343		.0343		.0343		.0343
Coal	.045		4.00		3.90		3.90		3.90		3.90		3.90		3.90	
Bituminous, Pittsburgh (ton)		.250		.045		.0438		.0438		.0438		.0438		.0438		.0438
Corn	.02		.50		.50		.48		.48		.47		.49		.48	
No. 3, Chicago (bushel)		2.000		.02		.0200		.0192		.0192		.0188		.0196		.0192
Wheat	.045		1.50		1.50		1.50		1.49		1.48		1.49		1.50	
No. 1 Northern, Minneapolis (bushel)		.6667		.045		.0450		.045		.0447		.0444		.0447		.045
Cotton	0.05		16.00		16.00		15.40		15.40		15.50		15.40		15.40	
No. 1 Middling, New Orleans (hundredweight)		.0625		.05		.050		.0481		.0481		.0484		.0481		.0481
Sugar	.035		7.69		7.60		7.58		7.63		7.58		7.58		7.58	
Granulated, New York (hundredweight)		.130		.035		.0346		.0345		.0347		.0345		.0345		.0345
Cattle	.06		9.00		9.60		9.70		9.70		9.70		9.70		9.70	
Steers, Chicago (hundredweight)		.1111		.060		.064		.0647		.0647		.0647		.0647		.0647
All other commodities, 70 per cent (total, 100 per cent)				.70		.70		.70		.70		.70		.70		.70
New market gauge				1.00		1.0012		.9996		.9995		.9989		.9997		.9995
Current mint rate				1.672		1.672		1.674		1.673		1.672		1.671		1.670
New mint rate						1.674		1.673		1.672		1.671		1.670		1.669

Explanations: Column W, weighting—the relative wholesale trade in each. Q, quantity—$1 worth of each. P, market prices. PQW (P times Q times W), the market gage components. The list of commodities and the dollars worths in column Q are revised once a year, column W quarterly, and columns P and PQW daily. All goods on the market are to be listed. Only eight are here shown.

Mr. BYRNS. Mr. Chairman, I yield 25 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and gentlemen, I am going to talk about "unfinished business"; that is, the unfinished business of this House, of party promises unfilled.

When we began this session of the Sixty-ninth Congress we were regaled with glowing promises of legislation to be accomplished. The platform of the Republican Party, as well as the President's message, outlined certain grand projects for the amelioration of the economic conditions of the country.

Specifically, the President's message contained many promises. Among these were action on the farm-relief problem, on the coal question, the humanization of the immigration laws, and the settlement of the Muscle Shoals tangle.

Not one of these questions has been definitely settled.

REAPPORTIONMENT

But the most striking thing about the President's message was his failure to touch upon the most vital question affecting the welfare of the Nation; namely, the question of the reapportionment of congressional seats. That, in my opinion, is the most important issue which confronts the American people to-day. Millions of citizens in the United States are unrepresented, or improperly and unjustly and inequitably represented, because of the failure of this administration, or the steering committee of the dominant party, to enact a reapportionment law as required by the peremptory mandate of the Constitution.

I am sometimes amused by some of our friends on the left complaining of the alleged failure to enforce the fourteenth amendment. That point is very often raised on this floor. It is charged that in certain sections of the country the fourteenth amendment is not enforced. Let me call your attention to the fact that the second section of the fourteenth amendment mandatorily requires a reapportionment of congressional districts every 10 years after each decennial census. We are now in the sixth year after the Fourteenth Census has been taken, and no attempt whatever has been made to accomplish a reapportionment, except the abortive attempt made by my friend from California [Mr. BARBOUR]. He was evidently not supported by his party, for he was obliged to make his effort to bring out his own bill for reapportionment upon the contention that he was entitled to bring it up under a question of privilege. A point of order was raised. Our genial and able Speaker evaded the responsibility of passing upon it, however, although there were many decisions to sustain Mr. BARBOUR's contention, and handed it over to the tender mercies of this House, which, influenced, perhaps, by many diverse and conflicting motives, overwhelmingly refused to consider the Barbour motion at that time.

Personally, I believe that the point of order was well taken and that it was properly sustained by the House. Reapportionment is undoubtedly entitled to privileged consideration, but I take it that the fair interpretation of the law is that the "subject" is entitled to privileged status and not "the bill of a particular member." A bill reported by the Census Committee is undoubtedly entitled to privileged status, but where the committee fails to act the remedy is not to try to dig out of the committee one particular bill, where it has under consideration a dozen or more, but to move to discharge the committee from the consideration of all of them and put them all on the calendar together for such further action as the House might care to take.

Why is reapportionment so important? A few figures will explain the situation. In 1910 the population of the United States was 91,972,266. In 1920 the population of the United States was 105,683,108. There was an increase of population of 13,710,842.

With the unit of representation fixed by the apportionment of 1911—211,877—that would give us 65 additional Members of this House, assuming that we used the same ratio. But no matter what the ratio is there is a glaring inequity in the representation of many States and cities of this country to-day that ought to be corrected.

For instance, there are Representatives elected to this House where the total votes cast in the entire congressional districts was under 10,000 electors, including women.

On the other hand, there are districts in the United States where there are 200,000 voters and over, which only have the right, under the existing apportionment, to elect one Representative. In other words, the voting power of the elector in some States is 20 times that of its potentiality in other States. What are these districts? The tenth district of California has an electorate of 214,705. The sixth Michigan has 202,896. The tenth Missouri has 201,164.

Then there are seven States that have between 150,000 and 200,000 electors. The ninth California district has 187,819. The second district of Illinois has 152,102.

Mr. WINTER. Will the gentleman yield?

Mr. GRIFFIN. I will.

Mr. WINTER. Does the gentleman refer to the number of votes cast or the total electorate?

Mr. GRIFFIN. The total of votes cast in these districts.

Mr. WINTER. The total qualified voters?

Mr. GRIFFIN. Not by any means. That is another disparity. Fifty per cent of the qualified voters in the United States do not exercise the right of franchise. Even in my own State in the senatorial election of 1922 less than 50 per cent of the qualified electors exercised the right of franchise.

Mr. SEARS of Florida. The gentleman means the citizenship and not the voters.

Mr. GRIFFIN. No; I mean the electorate who actually vote.

Mr. SEARS of Florida. Did the gentleman say there are over 200,000 electors in one district?

Mr. GRIFFIN. Yes; voters.

Mr. WINTER. I want to say that Wyoming ranked first of all States in the proportion of qualified voters exercising their right of franchise in the election. In the last election it was 70.8 per cent of the qualified voters. [Applause.]

Mr. GRIFFIN. I will applaud that myself. In the sixth Illinois district there are 171,206 voters. The seventh Illinois, 197,260. In the tenth Illinois, 157,929. In the seventh district of Indiana there are 157,000. In the fifth district of Missouri, 174,942.

Then there are 15 States that have between 100,000 and 150,000 electors participating in the congressional elections.

Fifteen congressional districts having between 100,000 and 150,000 voters

Third district of Illinois	130,751
First district of Michigan	113,417
Thirteenth district of Michigan	108,273
Fifth district of Minnesota	116,104
Third district of New Jersey	111,806
New Mexico	111,662
First district of New York	130,189
Second district of New York	117,847
Twenty-third district of New York	120,200
Twenty-fourth district of New York	111,630
Twenty-eighth district of New York	108,467
Thirty-fifth district of New York	108,670
Third district of Ohio	117,960
Ninth district of Ohio	106,180
Fourteenth district of Ohio	122,565
Third district of Oklahoma	106,736
First district of Oregon	114,758
Sixth district of West Virginia	113,636

In all there are 25 States having over 100,000 electors casting their votes for one representative, whereas in many of the States the representation is accomplished by less than 10,000 electors.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. BARBOUR. That same inequality applies to the election of a President of the United States, does it not?

Mr. GRIFFIN. Yes; indeed it does.

Mr. BARBOUR. The electors are based upon the number of Representatives and Senators, and in many districts a voter exercises three or four times the power in electing the President that a voter in another district exercises.

Mr. GRIFFIN. That is correct. So much for that. Yet nothing has been done. That is a part of the unfinished business.

THE COAL PROBLEM

Next let us look into the coal question. The lessons taught by the last coal strike will not soon be forgotten. The consumers are impressed with the fact that such a crisis should never occur again. I believe it is fair to say that the net result of the strike has been to drive deep into the minds of the people the conviction that the strike was an utterly malicious and unjustifiable venture in profiteering. The consumers are also satisfied that there was no warrant whatever for the strike, and the opinion is by degrees permeating the public mind that the strike was deliberately contrived in order to help the operators dispose of surplus stocks and, incidentally, to help the soft-coal operators.

Color is lent to this implication by the fact that when we consider that all the employees wanted was an increase of 20 per cent for the miners and $2 a day extra for the yard men. When we consider that that increase would only involve a gross increase in the cost per ton to the consumer of from 50 cents to $1, there is no other conclusion or implication possible than that the operators understood this situation exactly, and undertook to goad the miners into a protest in the form of a strike.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. MURPHY. Surely the gentleman does not want the RECORD to show that it is his opinion that the coal miners of the anthracite coal region were willing to starve their children and women just to please somebody else in the coal business?

Mr. GRIFFIN. Oh, no; the gentleman misunderstands me. I did not say the miners, I said the operators.

Mr. MURPHY. The miners are the ones who are suffering.

Mr. GRIFFIN. I know, and the miners did not bring the strike upon themselves. They made a modest demand for about 20 per cent increase, and the yard men demanded $2 additional per day. The point I want to drive home is this, that it would have paid the operators, it would have paid the people of the United States, if the concession to the miners of this advance of wages had been made, because the net result would have only increased the price of coal $1 per ton, an advance I am sure the consumers would have gladly paid.

Instead of paying $1 more per ton, we were lucky if we could get any at all and then had to pay double the normal prices. Then they told us that we had the opportunity of buying soft coal, but we were balked again—the soft coal immediately went up from $4 to $15 and $16 a ton.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

BITUMINOUS COAL

Mr. MURPHY. I am sure the gentleman wants to be fair to the soft-coal interests. I come, as the gentleman knows, from a soft-coal district, and our soft-coal miners are in distress now. There was no time when you could not get soft coal on board cars at the mines at a reasonable price all during the strike period. I would like to see you gentlemen representing the eastern districts separate this coal question——

Mr. GRIFFIN. The gentleman will have to pardon me, but my time is running and I have some other matters to cover. I am impressed with what the gentleman from Ohio has said, and I myself think the culpability was not all at the mines. I know that there were certain intermediaries between the mines and the consumers which accounted for the vast increase in the price of coal; but, nevertheless, I am convinced that the men operating the mines, both hard and soft coal, could easily have gotten together and foreshadowed the result that a strike, with all of its evil consequences and hardships, would mean and could have agreed upon some settlement with the miners. They could have foreseen that because they had the same situation precisely in 1923. The whole thing was thrashed out by the Coal Commission, and I want to read at this point the recommendation of the Coal Commission in their report of July 5, 1923. They said:

The President of the United States should be authorized by act of Congress to declare that a national emergency exists whenever, through failure of operators and miners in the anthracite industry to agree upon the terms of employment, or for any other reason, there is a suspension of mining operations seriously interrupting the normal supply of anthracite fuel in interstate commerce; and to take over the operation of the mines and the transportation, distribution, and marketing of the product, with full power to determine the wages to be paid to mine workers, the prices at which the coal shall be sold, and, subject to court review, the compensation to be paid to the land mine owners.

That is the report of the Coal Commission.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. MURPHY. That speaks of anthracite coal, does it not?

Mr. GRIFFIN. Absolutely. Do not worry about soft coal.

Mr. MURPHY. Just leave our soft-coal fellows alone, and let those who want to insist on having a certain kind of coal settle their own differences.

Mr. GRIFFIN. I have nothing against the soft-coal operators. They sold the soft coal cheaply enough at the mouth of the mine, but one thing is certain, the people of Washington had to pay $15 a ton for it.

Mr. TREADWAY. If the gentleman will yield at that point for one inquiry. Is there any special reason why two kinds of coal should be differentiated when the soft-coal men took advantage of the strike to advance the prices to such a point to the New England and New York consumers during the recent anthracite strike? Are they not both in league together?

Mr. GRIFFIN. I do not want to go into that phase of the matter. That is something the gentleman from Massachusetts and the gentleman from Ohio can settle between themselves.

Mr. DENISON. I will say to the gentleman from Massachusetts they are not in league.

Mr. MURPHY. I want to emphasize, and say——

Mr. TREADWAY. But the results prove the gentleman is mistaken.

Mr. GRIFFIN. Do not drag me into this dispute, I have nothing to do with it. All I wanted to do was to point out this, that the Coal Commission in July, 1923, made certain recommendations. Then the President himself on December 8, sent a message to this Congress, which was read here, in which he makes this recommendation practically along the same line as the recommendation of the Coal Commission. He says:

At the present time the National Government has little or no authority to deal with this vital necessity of the life of the country. It has permitted itself to remain so powerless that its only attitude must be humble supplication. Authority should be lodged with the President and the Departments of Commerce and Labor, giving them power to deal with an emergency. They should be able to appoint temporary boards with authority to call for witnesses and documents, conciliate differences, encourage arbitration, and in case of threatened scarcity exercise control over distribution, making the facts public under these circumstances through a statement from an authoritative source would be of great public benefit. The report of the last Coal Commission should be brought forward, reconsidered, and acted upon.

That is the President's recommendation last December. Now, after I had read the report of the Coal Commission in July, 1923, I prepared a bill modeled upon the statute under which President Wilson took control of the railroads, a simple plan, and introduced it immediately after the President's message was read on December 8, 1925. The body of it was in these words:

House Joint Resolution 51

Resolved, etc., That when an emergency exists in the mining and transportation of coal, endangering the public health, through the suspension of operation in the mines, thus lessening the normal supply of coal and impairing the free and normal operations of industry and transportation, the President shall be, and he hereby is, authorized to take temporary control of any and all mines, in the localities affected, and proceed with the mining and distribution of coal until the emergency has passed.

I assumed that the President would or should have been glad to have received this authority, especially since he asked for it in his message.

I have been patiently waiting ever since for some sign from the Committee on Interstate and Foreign Commerce that they were willing to give him that power or believed that the President was in earnest when he asked for it.

FARM RELIEF

The next unfinished business in this present Congress is the farmers' relief. Now, this is what the Republican platform said:

The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to assure its prosperity and success——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS. I yield the gentleman five additional minutes.

The CHAIRMAN. The gentleman is recognized for five additional minutes.

Mr. GRIFFIN. Mark the language in your platform, gentlemen. You promised to place the agricultural interests of America on a basis of economic equality with other industries to insure their prosperity and success. How are you going to do that—place the farming industry upon the same equality with the others?

REDUCTION OF THE TARIFF

You could have helped the farmer by reducing the tariff on manufactured products so as to put him on the same plane with his competitors. The farmer complains that he buys in a protected market and sells in an unprotected market—and that is conceded. Now, of course, you would not think of reducing the tariff. It is against all precedent. You would have to make an avowal of repentance; you would have to wear sackcloth and ashes; you would have to confess your past sins. That, of course, you would not do. But here is something you might have done.

Mr. WILLIAMSON. Will the gentleman yield for a question?

Mr. GRIFFIN. Yes.

Mr. WILLIAMSON. Does not the gentleman know that Jackson, one of the heroes of the Democratic Party, was a protectionist?

Mr. GRIFFIN. What has that got to do with this? Jackson is a long time dead. You might have reduced railroad freight rates, although such methods would have necessitated a complete change of economic front. It would amount to a confession of past economic errors. Now, how can you put the American farmer on the same plane with his competitors so as to give him a square deal? You might reduce the tariff on manufactured articles that enter so largely into his life and the needs of his industry.

Mr. TREADWAY. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. TREADWAY. Why should we make any such reduction when all American prosperity has been under the protective tariff?

Mr. GRIFFIN. That is an unwarranted deduction on the part of the gentleman.

Mr. TREADWAY. We have proved that.

Mr. GRIFFIN. I will not assent——

Mr. TREADWAY. Well, we do not exactly ask assent; but, notwithstanding, facts are facts, and prosperity has come under the Republican protective tariff.

Mr. GRIFFIN. We refuse to assent to the deduction. The facts show the contrary. Your tariffs do not seem to help the farmer out of his present plight. If the tariff is good for one class, it ought to be good for all. If it is not good for all classes, then it is special class legislation and that should be anathema in a Republic.

Mr. DENISON. Will the gentleman yield?

Mr. GRIFFIN. Yes; I yield.

Mr. DENISON. I will agree that perhaps if we repealed the protective tariff it might put the rest of the country into the same condition as the farmers are in, but we do not want to do that. The farmers are in a bad condition, and we do not want to put the rest of the country in the same condition as the farmers by a reduction of the tariff. [Applause on the Republican side.]

Mr. GRIFFIN. I want to refer also to the reduction of freight rates.

Mr. TREADWAY. The gentleman, of course, wants to leave the tariff issue.

Mr. GRIFFIN. No. The interpolation of the gentleman from Illinois can stand. He confesses that the tariff has not helped the farmers.

REDUCTION OF FREIGHT RATES

The disclosure has been made that the railroad rates on Canadian wheat are only half the American rates. The Washington Farmer, published at Seattle, Wash., made that startling disclosure. The announcement stirred the Department of Commerce to make a study of the subject. The result of the inquiry made, it appears, by Mr. A. Lane Cricher, acting chief of the transportation division, is to admit the charge, but he tries to extenuate the fact by a labored, specious argument.

First he pleads the famous Crow's Nest Pass agreement of 1897, under which the Canadian Pacific Railway received a subsidy of 3,630,000 acres as a land grant, the remission of customs duties on supplies and material used in construction, and the further remission of all taxes on a certain section of the railway forever.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. I ask for five minutes more.

Mr. BYRNS. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from New York is recognized for five minutes more.

Mr. GRIFFIN. Note the plausible pretext given for the difference in the rates on the Canadian railroads. First, that they had a land grant of several million acres. But he utterly forgets the tremendous land grants that were given to the Northern Pacific Railroad.

RAILROAD SUBSIDIES

The Northern Pacific was given a free grant of 40,000,000 acres of land along the line of its railroad. The Northern Pacific constructed its entire road for $70,000,000, and it appears in the hearings of Congress that they received from the sale of these 40,000,000 acres of land $136,118,553. In other words, they received enough out of the free land that was given to them to build their railroad and put $66,118,553 in their pocket. [Applause].

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. GRIFFIN. Yes.

Mr. NEWTON of Minnesota. While the Northern Pacific received a land grant, neither the Great Northern nor the Chicago, Milwaukee & St. Paul nor the "Soo" received any such grant, so that only one of the four transcontinental roads received a land grant.

Mr. GRIFFIN. That is another story. They received other grants that counterbalanced the inequality.

Mr. NEWTON of Minnesota. Oh, no; the gentleman is in error.

Mr. GRIFFIN. I do not think the gentleman can prove that.

What do these figures show? They show that it pays to build a railroad in the United States. You get the land free, sell the land, build the road, and put $66,000,000 in your pocket.

And it is well to remember that the Northern Pacific was not the only beneficiary of this Nation's extraordinary generosity to railroad corporations.

I am indebted to the compilation of the gentleman from Missouri [Mr. LOZIER] in his speech in this House on May 20 for the following facts and figures, and I hereby tender to him my sincere thanks for his zealous and painstaking study of the situation.

RAILROAD LAND GRANTS

It appears, from the figures he then presented to the House, that between September 20, 1850, and March 3, 1871, Congress passed 83 acts under which the railroads received, as a bounty or subsidy, approximately 286,000,000 acres of land. This means 437,500 square miles and is equivalent to ten times the area of Virginia or six times the area of the New England States.

I summarize a few of the railroad corporations which were the beneficiaries of these tremendous grants of land:

	Acres		Acres
Texas Pacific	18,000,000	Southern Pacific	9,520,000
Union Pacific	12,000,000	Northern Pacific	47,000,000
Kansas Pacific	6,000,000	St. Paul & Pacific	4,723,000
Central Pacific	11,000,000	Atlantic & Pacific	42,000,000

In addition to the subsidies of lands the Government practically underwrote the construction of the railroads by giving them bonds on the basis of from $16,000 to $48,000 per mile. The railroads sold these Government bonds, thus receiving approximately sufficient to cover the cost of the Pacific railway systems. The Government was, of course, liable for the principal and interest of these bonds, which it paid, the understanding and agreement being that it would be reimbursed. But the railroads in many instances defaulted. From a statement of the United States Treasury issued January 31, 1926, the amount of $3,474,671.50 was still due the United States from the central branch of the Union Pacific Railroad on account of Pacific railroad aid bonds issued under the act of July 1, 1862, and subsequent acts.

These figures show that the American railroads have no less reason to be indulgent to the American farmer than are the Canadian roads to the Canadian farmer.

There are just two ways of helping the American farmer; first, reduce the tariff; second, reduce freight rates. These remedies will give the farmer adequate relief without resorting to a subsidy, a nostrum utterly inconsistent with the principles of sound political economy. [Applause.]

Mr. MURPHY. Mr. Chairman, I yield five minutes to the gentleman from South Dakota.

The CHAIRMAN. The gentleman from South Dakota is recognized for five minutes.

Mr. WILLIAMSON. Mr. Chairman and gentlemen, I am sorry that most of the Democratic Members have left the House and that I have only five minutes. I therefore ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. WILLIAMSON. Mr. Chairman, the action of the Senate last week in voting down the Haugen-McNary plan of agricultural readjustment puts the final stamp of disapproval upon that measure by this Congress, but it does not put an end to the agitation for farm-relief legislation. Until the farmers are given a square deal and granted equality of opportunity with those engaged in nonagricultural pursuits, their representatives here will continue the fight. Ultimately agriculture must be given the same effective protection and aid as have been given to business and industry. Here in the House we have fought for four years for the principles embodied in the Haugen bill, because these principles seemed to constitute the best solution so far proposed and because they have been the most generally approved and supported by the farmers themselves.

The proposal as first voted upon in the Senate deferred the operation of the equalization fee on cotton for three years and at the end of that period it could only attach by action of Congress. In place of requiring cotton to pay its own way with wheat, corn, cattle, and hogs, it was given a preferential status and allowed a $75,000,000 appropriation out of the Federal Treasury in order to get the support of the South for the relief sought by agriculture generally. Even with this concession, as will appear from an analysis of the vote, it was not possible to line up the agricultural South for the only bill that promised anything definite and immediate in the way of better prices for farm products.

An examination of the RECORD discloses that 23 Republican, 15 Democratic, and 1 Farm-Labor Senators voted for the

Haugen-McNary proposal as perfected in the Senate, making a total of 39. Twenty-four Republicans and 21 Democrats, a total of 45, voted against the measure.

Senator NORRIS, of Nebraska, then submitted the identical proposal, with the exception of the language giving preferential treatment to cotton as an amendment to the House cooperative marketing bill. With this language out, cotton would be required to pay its proportionate burden of disposing of its own surplus. Upon this amendment the vote was as follows: For the amendment: Republicans, 20; Democrats, 7; Farm-Labor, 1; total, 28. Against, Republicans, 26; Democrats, 26; total, 52.

It thus becomes apparent that we can not depend upon the agricultural South to join hands with us of the Middle West to work out the problem along the lines which we believe to be the most helpful and practical. The Haugen bill is bottomed upon giving the farmer the full advantages of the protective tariff upon surplus farm products by segregating that surplus. Unless the surplus is removed as a factor in domestic sales it will tend to force the domestic price of such products downward to a point approximating the foreign level. Either the South must be converted to the protective principle or we must look to the industrial East for recruits.

AGRICULTURAL PROSPERITY ESSENTIAL TO NATIONAL PROSPERITY

The East will finally do that which it thinks will be in its own best interest. I am one of those who believe that the East can not be permanently prosperous unless agriculture throughout the Nation is lifted to a plane of prosperity fairly comparable with other lines of business. In support of that let me call your attention to the findings of the National Industrial Conference Board. After calling attention to the fact that the agricultural population of the United States constitutes approximately 30 per cent of the whole, the report proceeds:

> Agriculture is a determining factor in our economic welfare.
>
> It normally exerts a purchasing power for nearly $10,000,000,000 worth of goods and services of other groups annually.
>
> It purchases annually about a tenth of the value of the products of our manufacturing industries.
>
> It supplies materials upon which depend industries giving employment to nearly half of our industrial workers.
>
> It pays indirectly about two and a half billions in wages of urban workers.
>
> It supplies about an eighth of the total tonnage of freight carried by our railroads.
>
> Its products constitute nearly half of the value of our exports.
>
> It pays in taxes one-fifth of the total cost of government.
>
> The capital invested in it in 1919 more than equaled that invested in our manufacturing industries, mines, and railroads combined.
>
> It represents about a fifth of our national wealth and normally contributes about a sixth of the national income.
>
> Since it supplies not only the food for our industrial workers but about a third of the materials of our industries and a market for a large part of their products, it forms the basis of our industrial prosperity.

It seems to me that it is perfectly obvious that an industry that is such a tremendous factor in our economic life can not long be permitted to suffer great economic inequality and hardship without eventually dragging other industries down to its own level.

AGRICULTURE ENTITLED TO SAME AID AND PROTECTION AS BUSINESS

I know that there are those who believe that the present inequality will right itself without any aid from the Government. It might but for the artificial stimulus given to other business, but if we are to maintain an American standard of prosperity for other business by Government aid and protection, we must also do it for the farmer or bring all to his general level by striking the artificial props from under business and industry. If this is done, we all must inevitably revert to European standards.

But, it is protested, business is the father of its own prosperity, and the farmer has only himself to blame for the condition in which he finds himself by reason of his failure to exercise ordinary business judgment and foresight. Let those who so contend—and they are legion—answer the following: Could American industry survive the repeal of the tariff, or, if it survive, could it maintain its present prosperity? Could American labor maintain its present standard of living—earnings as represented by purchasing power and savings—if the tariff and restrictive immigration laws were repealed? Could our banking structure avert recurring financial panics if the Federal reserve system were abolished?

LOSSES AND INCREASING PRODUCTION COSTS

When we think of the predicament of the farmer our minds are apt to revert to 1920. Within a few months of that year prices of agricultural products tumbled from their lofty pedestal to the lowest levels, with relation to the prices of other things, that they had ever occupied in the history of the country. The 1920 crop sold below the cost of production while the farmer was obliged to pay war prices for everything that he bought. The losses sustained by agriculture were of the most appalling character. The total deflation suffered by the industry has been variously estimated at from $7,000,000,000 to $8,000,000,000. Hundreds of thousands of well-to-do farmers were financially wrecked. In their wake came thousands of closed banks and bankrupt merchants in the agricultural section, resulting in the loss of tens of millions of dollars in savings of those who up to that time had survived the shock.

If the deflation of 1920 were an isolated phenomenon, it might be passed over with some degree of complacency, but a study of farm economics seems to indicate a steady decline in agriculture since 1890. The per capita acreage of improved land has declined continuously since that time and is now about the same as it was in 1850. There has also been a decline in the per capita acreage of lands in crops since 1900, and it is now below what it was in 1880. Up until 1900 the loss in acreage was made up by increased production per acre, but there has been no improvement in this respect since. On the contrary, production costs have mounted and soil depletion has been steadily going on.

Since 1913 the tax burdens of the farmer has rapidly increased. In that year he paid $308,000,000. In 1921 he paid $746,000,000; in 1922, $799,000,000; and in 1923, $845,000,000. During the past two years it has remained somewhat stationary, declining slightly in some States and increasing in others. The tax in many cases is in excess of the rental value of the land.

Between 1910 and 1920 the value of farm lands and buildings increased in value 90.6 per cent. During the same period mortgage indebtedness increased 147.7 per cent. By 1925 farm mortgage indebtedness had reached the stupendous total of $8,500,000,000, which represents about 42 per cent of the total farm values of the country. There has been a corresponding growth of the interest load, which has increased 54 per cent in relation to farm value since 1914.

MALADJUSTMENT IS CHRONIC

From the above data, and much more which is available to every student of the question, it would appear that the depression and maladjustment of agriculture are chronic. The disease is deep-seated and something besides nostrums must be found and applied. Low prices over a long series of years have resulted in increasing tenantry, rapid depreciation of buildings and other farm equipment, and soil exhaustion. With these bald facts staring them in the face there are yet those who either will not see or who appear willing to drive the farmer into peasantry. The moral and spiritual loss which such a situation would bring about to the Nation is beyond calculation.

UNFAIR ATTITUDE OF BIG BUSINESS

It is incumbent, therefore, upon every patriotic citizen to give some heed to the solution of the problem. The condition of the farmer is not "self-inflicted" as is contended by the New York Commercial, one of the organs of big business and which is just now busy defaming South Dakota.

The Washington Post is another millionaire organ whose editorial columns do not show the slightest appreciation or understanding of the farm problem. It refuses to recognize the agricultural situation and unceasingly condemns every effort suggested by the farmers for their relief. The following paragraph with reference to the Haugen bill appearing in one of its editorials on May 4 is typical of its diatribes, cartoons, and gibes:

> If such proposals were made in behalf of any manufacturing industry the country would howl from one end to the other. But it is urged in behalf of agriculture that it is a "basic industry," upon which the whole country depends. Therefore, what would be an inexcusable raid on the Treasury in favor of a special interest, if consummated for a manufacturing industry, is described as a necessity and a proper proceeding when consummated in favor of agriculture.

Yet these same publications and their ilk demanded a high protective tariff for the benefit of industry; relief for the war contractors; donations of billions to foreign countries by cancellation of debts; relief legislation for railways; and a ship subsidy; and it is not of record that they have denounced the Interstate Commerce Commission for permitting excessive freight rates on farm products. But the moment the farmer proposes something that might aid him he is denounced as seeking class legislation and as a "Populist in everything but whiskers."

Let me say to these organs, and all others sharing their views, that the American farmers are not a bunch of fools, nor is the proverbial resignation of the peasant one of their characteristics. If it is necessary to their own salvation, they will find

means of dealing with big business when it seeks to grow fat upon and at the expense of agriculture. Anyone who believes the Middle West, or any other farm section, for that matter, is so stupid that it does not know enough to strike back at manifestly unfair treatment may have occasion to rue his self-complacency.

PROBLEM ONE OF MARKETING

The problem, as I see it, is primarily that of marketing. The present marketing structure does not give the farmer a fair price and overcharges the consumer.

B. F. Yoakum, former railway executive and one of our foremost students of farm marketing, states that it costs $15,000,000,000 to market farm products for which the farmer receives only $7,500,000,000. The solution he proposes is a "national cooperative marketing association" created by law and financially backed by the Government, through which, as he conceives it, the producers will be put "in a position to control their production from the time it leaves the farm until it reaches the consumer's table." That such an organization, properly manned, organized, and financed, could accomplish much good can not be doubted. His proposal is defective in that it has no machinery through which the exportable surplus of any commodity can be disposed of so as to permit the balance to rise to a point where the domestic price would equal the foreign price of the product plus the amount of tariff. This the Haugen bill seeks to do.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield there?

Mr. WILLIAMSON. Yes.

Mr. MANSFIELD. Is it not a fact that the Yoakum plan is substantially the same as that in the Aswell bill?

Mr. WILLIAMSON. Yes. Under present conditions a 10 per cent surplus of farm products fixes the price of from 30 to 60 per cent of all crops sold. That is one of the problems that can not be ignored under a protective system, which has been the policy of this Government, with few lapses, ever since its foundation.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. WILLIAMSON. May I have two additional minutes?

Mr. MADDEN. I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from South Dakota is recognized for two minutes more.

Mr. WILLIAMSON. Were it possible for the farmers to create a pool sufficiently large and well financed, with the necessary storage facilities, it is clear that they could control the domestic price of the product pooled and maintain it at a price just below the foreign price plus the tariff. Or, if it were possible to control the amount of production so as to supply only the American market, the same thing could be done, but manifestly both are quite impossible. The size of the yield of any given crop is dependent more upon weather conditions than acreage, hence to attempt to reduce production for any given year to a consumption basis might mean starvation for our people in a bad year. In a former speech in this Chamber I called attention to the fact that over a series of years production closely approximates consumption. The farm problem will be solved when a means, within the control of the producers, is found by which the market can be fed according to demand.

The manufacturer can do this as he has the means of quickly increasing or decreasing his output. Under the Webb-Pomerene Act he may also combine with others for the purpose of disposing of a surplus above domestic demand abroad. He is therefore able to stabilize the price of his output so as to avoid the violent fluctuation to which farm products are and always will be subject under present marketing conditions.

LOANING SCHEME NOT WANTED

No additional loaning scheme, in my judgment, either to the farmers or their cooperatives, will solve the problem. The intermediate credit banks are now equipped to finance the sound cooperatives to an unlimited extent, at low rates of interest and for such time as may be required.

It is not our business to force down the throats of the farmers a scheme about which they have not been adequately consulted and of which their leaders disapprove.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMSON. I regret that I can not yield just now.

The CHAIRMAN. The time of the gentleman from South Dakota has again expired.

Mr. WILLIAMSON. May I have one minute more?

Mr. MADDEN. I yield one minute more to the gentleman.

Mr. WILLIAMSON. If the best minds of the country, outside of agriculture, will join with the best minds engaged in agriculture, a plan can be worked out that will insure the farmer a just and reasonable price for what he produces and that will at the same time be fair to the consumer.

There is usually more than one way to solve a given problem. If the Democratic representatives of agriculture in this House will not join with us in the Haugen measure because they want to make an issue of the tariff, let us see if we can not work out some other plan in which they will join, or upon which we can secure the united support of our own party. It is our business, in connection with farm leaders and others, to solve the problem. It can be done if we but set our heads to it, and the matter should not be delayed longer than is absolutely necessary in order to arrive at a sound basis of farm marketing. [Applause.]

The CHAIRMAN. The time of the gentleman from South Dakota has again expired.

Mr. GARBER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD, including a recent address delivered by the Assistant Secretary of Agriculture.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to revise and extend his remarks in the RECORD, including an address recently delivered by the Assistant Secretary of Agriculture. Is there objection?

Mr. CONNALLY of Texas. Mr. Chairman, reserving the right to object, may I ask the gentleman on what subject?

Mr. GARBER. Upon the subject of agriculture.

Mr. CONNALLY of Texas. Does the gentleman's speech and the address favor the Haugen bill or the Fess bill?

Mr. GARBER. Both.

Mr. CONNALLY of Texas. Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARBER. Mr. Speaker and Members of the House, the National Farm School Conference recently held in New York City was an important event for agriculture. The school is open to all and is accomplishing a great work for the industry. Appreciative of the school and in recognition of its great work, many prominent educators appeared and delivered addresses, among the most important of which was the one delivered by our Assistant Secretary of Agriculture, Renick W. Dunlap. His address is so informative as to the fundamentals of agriculture and its relationship to all other lines of industry as to deserve its publication in the RECORD. The Assistant Secretary is performing a valuable service to the Government and the country in letting the public know what the Department of Agriculture is doing for the promotion of farming along practical and progressive lines.

The address is as follows:

ADDRESS OF ASSISTANT SECRETARY OF AGRICULTURE RENICK W. DUNLAP BEFORE THE NATIONAL FARM SCHOOL CONFERENCE UNDER AUSPICES OF THE NATIONAL FARM SCHOOL, HOTEL BILTMORE, NEW YORK CITY, AT 11.30 A. M., JUNE 2, 1926

It is certainly a pleasure to me to meet and address a group of sound but progressive business men, leaders in industrial and commercial life, who for 30 years have taken a concrete interest in agricultural education. I am always glad to meet people who are concerned with education as applied to farming and rural life. It is a special source of gratification, however, to find this interest among men whose everyday life is remote from both the school and the farm. It speaks well for American business and is a happy omen for our national future when business men concern themselves with education, the essential source of our progress, and with agriculture, our most far-reaching and vital industry. The breadth of view and purpose here manifested is inspiring to every forward-looking citizen.

While I am a graduate of a State educational institution, and in my official life have been especially associated with governmental and State institutions, I have a deep appreciation of the place that the privately endowed school or college occupies in our educational system. Private institutions have a long and honorable history. It would be impossible to-day to carry on the process of education in anything like its present form through publicly supported schools alone. The demand for education is rapidly increasing. Every institution which helps to meet this demand is performing a public service.

Moreover, the privately supported institution can devote itself to a special field of work in a way that a publicly supported institution can not. In the complex life of to-day specialization is more and more demanded. A school such as yours, setting before it a definite goal, that of preparing city boys—and in the future, I understand, city girls also—for farm life, makes for itself a unique place in our educational scheme.

As I understand the work of the National Farm School, it conforms to the best educational practice. It endeavors before admitting an applicant to find out whether he is fitted for precisely what the school has to give. It combines farm operations, farm projects, and classroom

work. It aims to develop not only ability in agriculture and allied fields but sound character, good citizenship, and breadth of view. In connection with the latter group of aims, I am especially impressed by the nonsectarian character of the institution. Although the school was founded by a Jewish rabbi and has been supported and attended largely by Jewish people, it imposes no religious tests nor does it endeavor to teach the student any specific form of belief. It encourages the student to hold to the faith of his choice. This, it seems to me, is an example of tolerance which may well be commended to Americans whatever belief they may profess. In this school of yours you are making not only good farmers but good Americans.

Apart from the specific features of your institution, upon which I congratulate you, the school illustrates, it seems to me, a tendency which ought to be more widely encouraged than it is. That tendency is directed to free movement of the population between the country and the city. There are those who do not believe in such movement, who believe in the doctrine of "once a farmer always a farmer" and "once a city man always a city man." They point to certain European countries in which farming is an inherited occupation in families for untold generations. In those countries the farmer wears a distinctive garb, indicating often not only his occupation but the particular Province from which he comes. There is a farming class and an urban class. Nobody moves from one to the other and there is no intermarriage between the two. Here and there, of course, is an exception to the general rule, but it is extremely rare.

Here in the United States I do not believe we want such a situation. Our Government and our society have been built up on the idea not that we are conscious members of special classes and nationalities but that we are all American citizens. We are all interested together in the welfare of the Nation and we are all concerned to see that everyone in the Nation obtains a square deal. The setting of definite class limits would mean an end to this point of view.

We have had in the past the freest sort of movement between country and city. A large proportion of the leaders in our various fields of activity were brought up in the country. They have contributed the sturdiness and initiative that are developed in life on the farm.

In recent years, especially before the agricultural depression, there has been a tendency of city boys to undertake farming and rural work closely allied to farming, such as rural teaching and preaching. In the agricultural colleges of the East the proportion of boys brought up in the cities has been very large, in some cases overwhelming.

I look with satisfaction upon this intermingling of farm and city, and I congratulate your institution and every other institution maintaining a similar point of view, upon your efforts in this direction. I do not mean that we need a greatly increased number of farmers. We do need, however, the freest possible movement between country and city and between city and country. Every boy and girl should have the right to prepare for the occupation for which he or she is best fitted. No one should have to stay in the city just because he was brought up there, or remain in the country merely because his parents live on a farm. The boy who loves farming should have the opportunity to be a farmer whether he was brought up on a farm or not. The greatest unhappiness in life comes from getting into wrong occupations, occupations for which one is unfitted. The greatest happiness, on the other hand, is found in work for which the individual is fitted and which he thoroughly enjoys. It is in such, too, that he is of the greatest usefulness to his community, his nation, and the world.

Furthermore, it is of distinct value to farming communities to have city-reared people come in, just as it is of value to the city to have country reared people enter upon life there. The boy or girl brought up in a city has had the opportunity to mingle with hundreds of other boys and girls. He has learned to cooperate. He can contribute to his community that spirit of cooperation which is so important to the progress of agriculture. Farmers must work together. They are working together to a remarkable degree. Their cooperative organizations last year marketed one-fifth of all the agricultural products of the United States. The progress of cooperation not only in marketing but in other fields will be greatly hastened by the influence of tactful men and women who in youth have become imbued with the cooperative spirit.

In particular, I feel that Jewish boys and girls, who constitute the vast majority of your graduates, may make a definite contribution to rural life. Their scientific ability, their business skill, and their other fine qualities are needed in American agriculture. Many members of the Jewish race, a larger number than probably most persons realize, are to-day engaged in farming in the United States.

Jews have been and are prominent also in scientific and other fields related to agriculture. David Lubin, the founder of the International Institute of Agriculture, was a Jew. I could mention the names of many Jews at work in the experiment stations of this country. Some of these are graduates of the National Farm School. I am certain that the further entrance of able, educated Jewish young men and women into farming and into the agricultural sciences will be of marked value.

In addition to the numbers of graduates whom you are sending into agriculture and allied sciences and industries, you will have always, as every institution of agricultural education has, a group of graduates who finally decide upon other occupations. You should not regret these or consider them as in any sense a loss. They will carry with them into whatever occupation they enter an understanding of agriculture and a sympathy with its purposes and problems which are bound to be of value to the country. Farming is our basic industry. With six and one-fourth million farmers in the United States, agriculture employs a larger number of persons than does any other single industry. Farmers constitute the largest single market for the products of manufacture. The capital investment of the average farm owner is greater than that of the average town business man with whom he trades. Not only must our finished products be sold to farmers, but an overwhelming proportion of the raw products on which American manufactures are based comes from the farms. Dislocation of agriculture means dislocation of our entire national economy.

The realization of this fact will come home much more clearly to every community if there are in it some leaders who are familiar, through experience or training, with the problems of agriculture. They will aid in developing that mutual understanding between city and country which is necessary for the progress of both. County and city are alike essential to our national development, and it is essential that they work together—not at cross purposes—for the national welfare.

To these ends the National Farm School is making real contributions. It is sending into agriculture men practically prepared for it. It is stimulating freedom of movement between rural and urban life. It is promoting understanding of agriculture on the part of all groups in the population. In the continuation of this significant work I wish you abundant success. You are serving agriculture and the Nation.

Mr. BYRNS. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. HOWARD]. [Applause.]

Mr. HOWARD. Mr. Chairman and gentlemen, over at our hotel last night, sitting out on the front gallery, was a magnificent galaxy of statesmen, and the topic of conversation was largely the subject of changes which they had witnessed during their lifetime in the public service. Of course, I being a young fellow, could not go back very far with them, and yet I, in my brief career, have been able to discover some remarkable changes.

Mr. Chairman and friends, I often think that when these radical changes are coming in our American life it is easy to go back to some of the old boys who wrote for the edification, the comfort, and the pleasure of people long ago, and there find a suggestion of just what is happening in our own country now. For instance, I take it that every American schoolboy is familiar with the lines of Goldsmith. You know, he said something about—

> Ill fares the land, to hast'ning ills a prey,
> Where wealth accumulates and men decay.

Mr. Chairman and gentlemen, I believe that when that fellow wrote those lines he had a prescient eye, and that he was looking right down through the years to Pennsylvania. [Applause.] Wealth has accumulated in Pennsylvania, and men have decayed in Pennsylvania. Why, Mr. Chairman, I remember the time when I was a little boy hearing my elders say that any average, healthy black man under 40 years of age was worth $1,000 in slavery days, and he would sell for that much in the market, but now we come down here to Pennsylvania and see white men selling for $10 a head. [Laughter and applause.]

Mr. MURPHY. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MURPHY. What does the gentleman mean when he says men are decaying in Pennsylvania?

Mr. HOWARD. Why, they are asking too much for their votes, most of them. [Laughter.] I do not know much about Pennsylvania, but I was talking with a friend of mine, Jim Gibberson, and he was over there not long ago when the administration primary was being held. He told me that down on one street corner he heard some music. He heard a gentleman talking and occasionally singing. He thought it was a Salvation Army meeting, and Jim, being of a religious frame of mind, wandered down that way and arrived there just in time to hear the last verse of one of those dear old Christian hymns of ours. You all remember it, and I think the general name of it is, "Abide With Me."

Mr. MADDEN. Onward Christian Soldiers.

Mr. HOWARD. No; that is still a good song, but not sung in politics since Teddy died. [Laughter.] I think Jim said it was Abide With Me. Jim got down there just in time to

hear that Mellonite evangelist singing the last verse of it. He had a whole lot of fellows up in front of him. Jim supposes he may have sung the verses literally true to the text before he got there; he could not testify as to that; he could only testify to that which he knew. Jim arrived there just when the singing orator got down to the last verse. He had a great row of men lined up in front of him, and he walked back and forth in front of them until he got down to the last line of the last verse, and then he went up close to them with a roll of money in his hand, and Jim said the song ran something like this—

Change and decay in all around I see,
Take this $10, friend, and vote for me.

[Laughter and applause.]

Jim came away then and did not tell me any more about it, but the press reports were pretty full of it, and if you want to know any more than that I suggest you read the Senate investigation committee's record, because it will be printed pretty soon.

There have been so many changes. When I was a boy there was a saying that is not good any more. There was a saying in American life that two things were absolutely unchanging and inescapable. One of them was death, and the other was taxes. I guess that still holds good as to death. I think it does. But it is not true now as to taxes. If anybody understands the Mellonite language and has the proper approach he can go to the United States Treasury and get his taxes back again. [Laughter.]

Speaking of changes, I remember the time when we had a different language in this House. I was not here then as a Member, but I was camping around here. I heard some language in this House this morning. I heard a distinguished gentleman say——

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HOWARD. Oh, yes; I yield.

Mr. WILLIAMSON. Will the music to that song be in the RECORD in the morning so we can practice it?

Mr. HOWARD. I have never known one of these reporters to make an error with reference to anything I have said. [Laughter and applause.] I take it for granted it will be there, and if the gentleman will sing it out on the prairies of his own home State and get those people as well acquainted with it as they are in Pennsylvania, there will be both a cyclone and—I will not say that—but there will be a cyclone in North Dakota in November.

Mr. MADDEN. The gentleman is from South Dakota.

Mr. HOWARD. It all used to be South Dakota.

Mr. BURTNESS. Oh, no.

Mr. HOWARD. Mr. Chairman and friends, I have observed some changes, too, with reference to the attitude of men's minds, and we do not have to go so far back to discover the particular change of which I speak. I remember that less than a year ago a very, very distinguished personality in the affairs of the United States went out to Chicago and made a speech on the farm subject. In that speech, oh, I think the gravamen of it was that the farmer would have to work out his own salvation, but the man who made that speech has now changed his mind. I talked with DICKINSON about it, and DICKINSON tells me that now the administration is going to give the farmer relief whether he wants it or not. It is going to give it to him in the form of the Fess bill. The farmer does not want the Fess bill, but the administration is going to give it to him anyhow, going to force him to take it. Oh, I can see a mental picture of Doctor FESS and Doctor TINCHER gathered about the bedside of the patient, and there is wet nurse Jardine, bottle in hand, ready to force the poor farmer to swallow a dose of Cape Cod oil manufactured in the Armour laboratories. It is a sad picture. I hope the farmer will not have to take the nasty dose, but it looks to me very much as though he was going to be compelled to take it. Oh, that is a most remarkable change of mind in just a few short months.

I listened to my friend from New York a while ago talking about the coal situation, and he got over on to the subject of railroad rates and railroad land grants and the cost of the building of these land-grant railroads.

Mr. Chairman and gentlemen, I think it perhaps might be interesting even to such erudite personalities as your own to give you a suggestion about how things have changed out in the land-grant railroad section of the country. You know if you go out there now you will discover that the foothills to the Rocky Mountains begin way out in Wyoming. Well, I had occasion to have the problem looked up at one time, and I discovered that the foothills to the Rocky Mountains do not begin in Wyoming at all. You know in those days Credit Mobilier and the other boys who were building the Pacific Railroad were advanced by the Government a little matter of $16,000 a mile while they built through the plains country, and just as soon as they got to the foothills they were advanced $32,000 a mile, and upon looking up the record I discovered that the foothills to the Rocky Mountains begin at North Bend, Nebr., 450 miles east of the actual foothills in Wyoming. That is a remarkable change, and we are talking now about changes. That is a most remarkable change in just a little while.

Somebody says he does not understand how these western railroads could have profited out of receiving those barren lands out there as gifts. Oh, I hope anybody who has ever had very much sympathy for the land-grant railroads will remember what the gentleman from New York told us just a little while ago—how one particular railroad got all the cost of its road back out of its Government lands, with a profit of $60,000,000.

Yet they tell us they can not reduce freight rates. The fact of the matter is they do not want to reduce them. Whom do I mean when I say "they"? I mean the owners of the American railroads, generally. Who are the owners of the American railroads? My friends, there is one great organization which I will term, and I think correctly so, "the Morgan-Mellon group of international bankers." Those folks own the American railroads. We have had some little experience with them in trying to accomplish improvement of our western rivers for navigation purposes. Men tell me that there is no conflict between river navigation and railroad navigation. Why, the conflict is instant. The business of the Morgan-Mellon syndicate is to make profit out of its railroad investment. Water transportation is cheaper than railroad transportation. Plenty of water transportation reduces railroad profits. It is easy. A man does not have to study the science of railroad management in order to understand that. I think it perfectly easy.

Now, Mr. Chairman and friends, I promised to consume a long time here this afternoon in behalf of——

Mr. MURPHY. The gentleman has done well.

Mr. HOWARD. I am not through yet. I promised to consume a good while. I was about the only non-Mellonite present over there, and the ranking member of the committee on our side was about exhausted for material, and he knows that whenever he gets in trouble he can always call on me and I will go to the rescue as far as I can.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HOWARD. I do not know that I have splendidly served him this afternoon, but I do know that I have occupied his time. [Laughter and applause.]

Mr. MADDEN. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. of Minnesota. Mr. Chairman, this bill contains an appropriation of $50,000 to cover a portion of the expense of making a survey of a chain of lakes upon the boundary waters between the State of Minnesota and the Dominion of Canada.

Mr. CONNALLY of Texas. The gentleman means between the United States and Canada.

Mr. NEWTON of Minnesota. Between the United States and Canada and also between the State of Minnesota as one of the United States and Canada.

Mr. CONNALLY of Texas. The gentleman does not want Minnesota to take care of this appropriation.

Mr. NEWTON of Minnesota. The State of Minnesota would be better off if there was no occasion for the appropriation. This survey is being carried out as the result of a reference by the two Governments to the International Joint Commission on February 24, 1925. The reference calls generally for an investigation and report on the practicability of regulating the levels of the waters of Rainy Lake and the lakes connecting on the east, the providing of storage and reservoir facilities, an estimate of their cost, the interests affected, and the nature and extent of the benefits received.

Mr. Chairman, I want to direct the attention of the members of the committee to this map which shows the northern portion of the State of Minnesota and the southern portion of the Province of Ontario, in the Dominion of Canada. This country here, lying north of Lake Superior, south of the Canadian border and east of the Mesabi and Vermilion Iron Range is what we in Minnesota call the Arrowhead Country. Within its confines and adjoining the Canadian border, is the Superior National Forest, consisting of one and one-quarter million acres. If my recollection is correct, this national forest was established during the administration of that great conservationist and lover of the outdoors, Theodore Roosevelt. Directly north of this and immediately adjoining these northern boundary waters is the Quetico Provincial Forest.

Gentlemen, this country I have just indicated on the map here—and this includes both sides of the border—is one of the finest tracts of natural forest and water country that can be found in our country to-day. Up to this time it has been kept free of the railroad, the automobile, and other evidences of our highly industrialized civilization. The water-power and timber interests have encroached, but only to the western frontier on Rainy Lake and on Namakan Lake. The country east to a point where these waters connect with Lake Superior, including this stretch of the forest primeval and this chain of many links of connected deep fresh-water lakes abounding in fish, is free from railroads, dams, excepting those made by the beaver, and public highways. In my judgment, it should remain that way.

Furthermore, this natural forest of pine and birch, with its chain of lakes and channels, is within not to exceed 48 hours' journey of 25 per cent of the people of the United States. What an advantage this is to the citizen who, loving his native land, wants to see a small portion preserved in somewhat the same condition it was in during the early days.

Here is Duluth [indicating on the map]. How do you enter this region? From two ways. From Duluth to Ely, on Lake Vermillion at the tip of the Iron Range, is one way. If so, you would then travel from Ely in an easterly direction until you reach the divide at or about what is known as North Lake. The waters east of North Lake flow into Lake Superior, while the waters west flow into Rainy Lake, then by Rainy River into the Lake of the Woods, and then north until they finally reach Hudson Bay.

The other way is by taking an equally fine, but more scenic highway from Duluth and traveling in an easterly direction instead of almost due north as you would by making the trip from Ely. If you take this latter route, you would travel along the Scenic Highway, which follows the rock-bound shore of Lake Superior for about 125 miles, until you reach Grand Marais. From thence you travel north about 35 miles over the old Gun Flint Trail until you reach the boundary waters. You will then see a wooded lakeland equaled by few and excelled by none in all America. As I have said, immediately adjoining on the north is the Quetico Provincial Forest of Canada, comprising several millions of acres of timbered lakeland covered with virgin timber. This natural park south of the border is a territory of about 125 miles long and 50 miles wide. It is an untouched wilderness, covered with pine forests, dotted with lakes and streams, and it abounds with big game. In fact, on both sides of the border this whole country is an almost untouched and unvisited wilderness and possesses all the wild charm which nature gives. The nearest railroad point is International Falls, somewhat to the westward of the region which I shall describe. There are no wagon roads, houses of settlers, homesteads, post offices, or hamlets of any kind in all this region, excepting stations of the United States foresters of the Superior National Forest. After you once strike the lakes travel is wholly by canoe or small boat. In some instances travel is exclusively by canoe. This region is also one of the few places remaining in America where moose are still to be found in abundance.

This is also a historical region. Over these boundary waters were paddled the canoes of the early French discoverers and later the French voyageurs. As a water travel playground in a primeval forest it stands without a peer in America to-day. Again let me emphasize the fact that it is within not to exceed two days' journey of 25 per cent of the entire population of this country.

Mr. Chairman, suppose for a few minutes you journey with me, starting north from Grand Marais, over the old Gunflint Trail until we reach the boundary waters. On the way up the Gunflint we exchange our car for a canoe at Hungry Jack Lake. There we proceed to the Bear Skin Lakes, then to Clearwater, where we obtain a guide. Then we proceed westerly through a chain of lakes and channels with occasional portages for about 150 miles until we reach Rainy Lake. At the north, as we journey, throughout, is the Quetico Forest or Park. Included in its confines is Hunters Island. A trip around it will afford in itself, at least, a 30-day canoe trip. On the south of us, during the entire journey, is the Superior National Forest. As I have said, the only highways are the lakes and channels and the only means of conveyance is the canoe. We use a canoe, for it is light enough to carry over long rough portages and can be floated on deep or shallow water. It is typically American, when in the early days long journeys would have been impossible without it.

Among the lakes that we will touch on our way westerly are Rose, South, North, Gunflint, Magnetic, Clove, Granite Bay, Gneiss, Kwynipe, Saganaga, Sturgeon, Cypress, Knife, Birch, Bailey Bay, Basswood, Crooked, Iron, Battle, La Croix, Loon, Little Vermilion, Sandpoint, Namakan, and Rainy. Then, if we should desire to proceed further, we could continue down the Rainy River even a longer distance, until we reached the Lake of the Woods, many miles west of International Falls. We would find numerous other lakes on the journey to Rainy Lake, lying both north and south of these boundary waters. They are connected by channels or are accessible by portage. All of them abound in fish. Moose will be seen daily on the journey, especially in the fly season.

Travelers familiar with the beauties of the Hudson, Lake George, the St. Lawrence, and the Thousand Islands unite in saying that the beauty in this region surpasses that to be found in the beautiful regions I have just referred to. I have here several photographs showing some of these lakes, and especially two or three of the beautiful rapids and waterfalls. I also call attention to a photograph of Kettle Falls after its beauties were destroyed by the dam which you now see constructed at that place. Surely, there is no man here who desires to see these beautiful rapids and waterfalls, such as Saganaga Falls, Curtain Falls, and Rebecca Falls, despoiled in this fashion. Some of the lakes have a shore line that is sandy, while the shore of others is rock-bound, ragged, and irregular. Several of the lakes, notably La Croix, which extends in an irregular line about 35 miles east to west, are blessed with numerous small rock-bound and timbered islands. There are literally hundreds of these small islands. They rise abruptly out of the water and are covered with pine, hemlock, and various hardwoods. In size these islands will range from less than an acre to several acres. I am sure you will, upon seeing them, agree with me that for natural virgin beauty this region can not be surpassed, and for accessibility to a large number of people this region can not be equaled. Look at these small photos of Lake La Croix. They give you some idea, although a very inadequate one, of the beauties of these small timbered rock-bound islands. I call your attention to the fine stand of Norway pines. There they stand majestically, pointing straight up toward the heavens. And, my friends, so I could go on, in an attempt to depict something of the beauties of this region.

Certainly this natural beauty spot should be preserved, not only for us, but for our children and their children, that they may know what natural America had. Strange to say, an effort is now being made to dam these waters for the purpose of using them for great storage reservoirs for the generating of hydroelectric power. If the effort is successful, this beautiful stretch of country, which I have so inadequately described, will be despoiled. Why? Merely for the purpose of developing 25,000 horsepower, for it appears that in 1920 certain timber, pulpwood, and power interests located at International Falls, on the Rainy River, petitioned the Canadian Government to construct dams for the purpose of generating hydroelectric power. In brief, the proposal calls for the construction on these waters of a series of dams, from a few feet in height to one reaching the height of 82 feet. For example: There is proposed an 82-foot dam on Little Vermilion, two dams are to be constructed on Lake La Croix, and several other dams are proposed on the lakes and channels which I have mentioned, but which lie farther east of Lake La Croix. It is, of course, difficult to accurately estimate the effect of these dams upon these waters and the adjoining country. Only a careful, conscientious survey by competent engineers, who are alive to the situation and who are sympathetic to the cause of true conservation, can answer the question. However, I think it can be said that the probable effect would be to convert all of these boundary waters lying east of this 82-foot dam on Little Vermilion into a great big mill pond. Thousands upon thousands of acres of the Superior National Forest would be flooded and the numerous islands I have referred to would be submerged. Most of the portages would be gone forever. The rapids and waterfalls which I have so inadequately described would be obliterated. Millions of feet of virgin timber, including those Norway pines, would be destroyed, and beautiful shore lines would be wiped out.

Mr. WILLIAMSON. And that will mean that you will make a lot of mud flats out of what is now a beautiful forest and recreation ground?

Mr. NEWTON of Minnesota. The gentleman is correct. There is nothing more desolate looking than a great forest partially submerged by water. Sportsmen and engineers estimate that the increase in the levels of these lakes would range all the way from several feet up to 50 feet. One can imagine what this increase in the level would do to lakes like Lake La Croix. When the dam was constructd at Kettle Falls some years ago not only were the rapids and waterfalls destroyed, but the adjoining forest, which is part of Superior National Forest, was covered with water.

Mr. Chairman, if evidence is now needed as to just what will be done, let me call attention to a formal proposal submitted to the International Joint Commission at the hearings held last fall at International Falls. These proposals were made following several years' investigation, study, and consideration by the proponents of the plan. The suggestion for the damming of these waters, then and there submitted to the commission, called for the substantial raising of the lake levels to such an extent as to flood thousands of acres of land lying north and south of the boundary. I mention some of them specifically, as follows:

Namakan, 1,311 acres will be flooded in Canada and 4,471 in the United States.

La Croix, 3,830 flooded acres in Canada and 5,300 in the United States.

Crooked Lake, 1,555 flooded acres in Canada and 1,585 in the United States.

Saganaga Lake, 5,920 flooded acres in Canada and 2,350 in the United States.

Gentlemen, bear in mind that these figures are the estimate submitted by the proponents who are asking for the construction of these dams and for this industrial development. Surely they would be careful not to overstate the number of acres to be flooded.

These are boundary waters. They are subject to control by Canada and the United States. By treaty arrangement in 1908 Canada and the United States created what is known as the International Joint Commission, composed of an equal number of Canadians and Americans, to which questions of control of boundary waters can be referred for investigation and recommendation. In this particular case the original application for this development was made in Canada in 1920, notwithstanding the fact that the proposal was by American interests. As near as I can ascertain, in attempting to arrive at a settlement with the Dominion of Canada in reference to the levels of Lake of the Woods, our Government was induced into making an agreement in reference to these waters, which lie a good many miles east of Lake of the Woods.

Mr. MADDEN. Of course, the thing to be done under the appropriation in this bill is to authorize a survey to be made to ascertain a certain line of facts, these facts to be turned over to the International Boundary Commission, upon which they are to reach certain other conclusions, and as a result of the conclusions reached they are to negotiate further with Canada and the regulation of the water levels.

Mr. NEWTON of Minnesota. Yes; that is right.

Mr. MADDEN. And that takes years to complete.

Mr. NEWTON of Minnesota. Yes; and I know that the gentleman, as the able chairman of this Committee on Appropriations, and I know that the membership of the House, as I have come to know it during the past seven or eight years' service here, do not want to take any chances of having this beautiful tract of virgin timber destroyed for the purpose of developing additional water power.

Mr. MADDEN. The waterpower that will be developed does not amount to a great deal, and of that, Canada will get 2,600 horsepower and the United States but 700.

Mr. NEWTON of Minnesota. Yes; we would get the little end of it.

Mr. MADDEN. Canada always gets the best of the thing in a waterpower deal.

Mr. NEWTON of Minnesota. Exactly, we would get the worst of it here.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. MANSFIELD. Is it the intention to have Canada cooperate in the cost of the work?

Mr. NEWTON of Minnesota. If it comes to the treaty-making stage, yes. Here is a strange thing. We are appropriating $50,000 here, and we will later be asked to appropriate a still further sum of money.

Mr. MADDEN. That will be $40,000 more.

Mr. NEWTON of Minnesota. Ninety thousand dollars, which the Government is going to expend in making a survey in order to ascertain whether or not this thing should be done. If the questions are answered as the proponents would like and the work is done, it will be done only for the interest of private concerns. It will not be in the public interest. Therefore, we have the Government in the position of expending $90,000 or $100,000 in a matter where, if the project is put through, it can only benefit private concerns and will be highly detrimental to the public interests.

Mr. MADDEN. I think it is only fair, however, to say here that we are bound to do it now under the treaty.

Mr. NEWTON of Minnesota. It is true we have given our word to the Canadian Government and thereby committed our Government to submitting the question for investigation and report. This investigation should be a most thorough one. Those making it should understand that the purpose is merely to ascertain the facts. They should also understand that Congress does not look with favor upon a development of this kind, if there is any chance, whatever, that the development will destroy to any extent the beauties of a region like this. One of the purposes of these remarks of mine to-day is to give notice to the executive branch of our Government that Congress wants this question most sympathetically kept in mind while the investigation is under way.

Mr. Chairman, I may also say that another purpose is to notify the executive branch of the Government that if it should again be asked to do something of a similar character, either in this region or elsewhere, that it should at least require the private interests who will be benefited to take care of all the expense, including that of the Government, in making the investigation.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. WILLIAMSON. Is the land there covered with deciduous or pine-tree timber?

Mr. NEWTON of Minnesota. Largely the latter. On the Canadian side it is all virgin pine with a scattering of birch. Some of the islands are covered with virgin pine and birch. I have already exhibited a photograph of a fine stand of Norways on Lake La Croix. There is a good deal of virgin timber on the south side of these lakes in Superior National Forest. There would have been much more, of course, if it had not been for the fact that forest fires have in times past made heavy inroads, but there is still a lot of virgin pine in the Superior National Forest, which adjoins these boundary waters.

Mr. MADDEN. And does the gentleman say that this survey runs from Rainy Lake down Rainy River to Lake of the Woods?

Mr. NEWTON of Minnesota. No; the survey from Rainy Lake to Lake of the Woods was covered in a previous bill.

Mr. MADDEN. That is correct.

Mr. NEWTON of Minnesota. This takes in territory from Rainy Lake eastward. Mr. Chairman, it would be the greatest kind of a mistake to permit the industrializing of this region and the despoiling of this remaining bit of America as it once was. We in America need this region as it is. This will be more true for the generations to come. We and they will need it far more than these great business interests need this additional water power. And I am not underestimating the worth of these great business interests to State and Nation. I think our State Department made a great mistake in entering into any such agreement, but having made it, it ought to be carried out, but in making the investigation we ought to see that it is done by men who are thoroughly alive to what is contemplated and who will go about their investigation in an attitude of sympathy toward the cause of conservation.

I note from the hearings that the State Department says that the State of Minnesota represented that the State itself was interested in this project. Until this matter came out in the public press about one year ago the people generally in the State of Minnesota knew nothing about the fact that anything of this kind was contemplated. So far as I can ascertain, the interests of the State of Minnesota lie in preserving this region in all of its natural and virgin beauty.

Mr. VESTAL. I think I understood the gentleman from Illinois [Mr. MADDEN] to say that it is necessary to have this survey because of some treaty arrangements.

Mr. MADDEN. Yes.

Mr. NEWTON of Minnesota. That is, we entered into negotiations with the Canadian Government for the purpose of finding out whether it was practicable to put in these dams and stabilize the levels to a certain height; and we have given our word to that extent.

Mr. VESTAL. Does the gentleman believe that if they do have these surveys that this is going to happen, that we will have these dams built? I do not think they ought to be built at all.

Mr. MADDEN. This does not provide for the building of dams, but for a survey and then decide later what we are going to do about it.

Mr. VESTAL. Congress will have the right to decide on that proposition?

Mr. MADDEN. I am not sure about that.

Mr. VESTAL. Will it be decided by the commission?

Mr. MADDEN. Perhaps. The speech of the gentleman from Minnesota, as I take it, will give notice that we are advised of the situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Will the gentleman yield me five additional minutes?

Mr. MADDEN. I do not know whether I can or not, but I will try to take it from the other men. I yield the gentleman five additional minutes.

Mr. NEWTON of Minnesota. Mr. Chairman, at this point I want to insert a copy of the questions which were submitted by the two Governments to the International Joint Commission.

Question 1. In order to secure the most advantageous use of the waters of Rainy Lake and of the boundary waters flowing into and from Rainy Lake, for domestic and sanitary purposes, for navigation purposes, for fishing purposes, and for power, irrigation, and reclamation purposes; and in order to secure the most advantageous use of the shores and harbors of both Rainy Lake and the boundary waters flowing into and from the lake, is it, from an economic standpoint, now practicable and desirable, having regard for all or any of the interests affected thereby, or under what conditions will it become thus practicable and desirable—

(a) To regulate the level of Rainy Lake in such a manner as to permit the upper limit of the ordinary range of the levels to exceed elevation 1,108.61, sea-level datum?

(b) To regulate the level of Namankan Lake and the waters controlled by the dams at Kettle Falls in such a manner as to permit the upper limit of the ordinary range of the levels to exceed elevation 1,120.11, sea-level datum?

(c) To provide storage facilities upon all or any of the boundary waters above Namakan Lake?

Question 2. If it be found practicable and desirable thus (1) to regulate the level of Rainy Lake, and or (2) to regulate the level of Namakan Lake and the waters controlled by the dams at Kettle Falls, and or (3) to provide storage facilities upon all or any of the boundary waters above Namakan Lake—

(a) What elevations are recommended?

(b) To what extent will it be necessary to acquire lands and to construct works in order to provide for such elevations and of storage, and what will be their respective costs?

(c) What interests on each side of the boundary would be benefited? What would be the nature and extent of such benefit in each case? How should the cost be apportioned among the various interests so benefited?

Question 3. What methods of control and operation would be feasible and advisable in order to regulate the volume, use, and outflow of the waters in each case in accordance with such recommendations as may be made in answer to questions 1 and 2?

Question 4. What interests on each side of the boundary are benefited by the present storage on Rainy Lake and on the waters controlled by the dams at Kettle Falls? What are the nature and extent of such benefits in each case? What is the cost of such storage and how should such cost be apportioned among the various interests so benefited?

Following the submission of these questions, the commission held public hearings last September at International Falls. I have referred to that in part already. At these hearings, the proponents denied that the dams would injure the beauties of the region. In fact, they claimed just the reverse. Of course, it is perfectly obvious to anyone that any commercial development of the region would utterly spoil it for recreational purposes, even if the levels of the lakes and channels were not materially raised. However, the sportsmen who have traveled over that country, are unanimous that the construction of these dams would so raise the lake levels as to utterly destroy adjoining timber, obliterate beautiful shore lines and submerge waterfalls and rapids, islands and portages. These men believe that no impartial engineer can be found who will not agree with what sportsmen have said about this.

This appropriation will enable engineers from the commission to commence a survey of this region this summer. Like action will be taken by the Canadian Government as to the territory lying north of the border. The probabilities are that the investigation will not be completed this year. Additional moneys will have to be forthcoming as the chairman of the Committee on Appropriations has already indicated, and when the commission has included its investigation, as I understand it, further opportunity will again be afforded all parties interested to be heard.

Following this, the commission will then make a report to the two Governments. If this report is adverse, I take it that will end the matter. If it is favorable, it then becomes a subject for consideration by the respective State Departments of the two Governments. If they should be favorable and should decide to permit this unthinkable thing to be done, a treaty would be negotiated for that purpose. Just as soon as the terms had been mutually agreed upon the proposed treaty would be submitted to the Canadian Parliament and the United States Senate for ratification. Therefore it seems apparent that if the commission should look favorably upon this, and if, following that, the State Department should likewise do so, that it would be up to the other branch of this Congress to pass upon the question of whether or not we should enter into an agreement of that character. It would certainly appear as if the House of Represetatives would be practically powerless and without jurisdiction. In fact, the House would be outside the question entirely.

Mr. MADDEN. We will not be outside, because, even if it should go that far, we would be in control of the appropriations to protect the rights of the United States.

Mr. NEWTON of Minnesota. I thank the gentleman for what he has said. But, Mr. Chairman, I have confidence that the Army Engineers who are assigned to the task of making these surveys will approach their task keenly alert to the dangers of permitting anything of this kind to be done. I have confidence in the International Joint Commission. I believe that if they will personally go up into that country, that they will never acquiesce in any development program such as has been proposed. Mr. Chairman, the expression here this afternoon is unanimous that those concerned in the making of this survey and in reporting thereon to the two Governments should consider the great public interest in the preservation of this great natural playground. [Applause.] The great bulk of the membership here are men who love the outdoors and who want this spot preserved.

Ye who love the haunts of nature,
Love the sunshine of the meadow,
Love the shadow of the forest,
Love the wind among the branches,
And the rain shower and the snow storm,
And the rushing of great rivers
Through their palisades of pine trees

protect this last vestige of what may very well have been a part of Hiawatha's playground.

We ought to keep intact this old historic trail which was used so much by the early discoverers and voyageurs. We ought to keep this region free from public highways and the speeding automobile. We ought to leave it so that you can take your boy up there and show him these majestic pines and these beautiful fresh-water lakes, abounding in fish. We ought not sacrifice the public good upon the altar of private interests. Gentlemen, this region should be preserved in its natural virgin beauty for future generations. [Applause.]

Mr. Chairman, I appreciate the attention that I have received. I have been somewhat hurried, but I do not like to ask for further time, but for fear that I may have omitted something, I ask leave to revise and extend the remarks that I have just made. [Applause.]

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Minnesota. I yield back what time may remain.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. MADDEN. I yield sufficient time to the gentleman from Illinois to make a unanimous-consent request for extension of remarks.

Mr. IRWIN. Mr. Chairman, I would like to have the privilege of revising and extending my remarks on the subject of the relief of soldiers of the Civil War and their widows.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. IRWIN. Mr. Speaker and Members of the House, I am not going to take up the time of the House, but I am going to merely trespass a very few moments on your patience in a short discussion of legislation for the relief of the Civil War soldiers and their widows. I am sure this matter has been forcibly brought to the attention of every Member in this House the past few days by the hundreds—yes, thousands—of petitions which have found their way into the congressional hopper, sent in from every section of the United States, praying that relief be given Civil War veterans and their widows. In my humble judgment if this Congress adjourns without paying heed to the prayers of the thousands of old soldiers and widows it will make an unpardonable mistake. Now, let us get right down to the facts and figures and convince ourselves that if we do not grant their relief now it will not be necessary to grant it in some future Congress because many of the old soldiers and their widows will not be here much longer to enjoy the benefits of this proposed legislation.

On May 1, 1926, there were 110,000 Civil War veterans and 229,000 widows of Civil War veterans left, and of that number about 60 per cent of these veterans were receiving $72 per

month on account of their physical condition owing to the infirmities of age requiring the attention of some one else to take care of them, not being able to take care of themselves. The average age of the old soldier is now over 80 years, and the records in the Pension Department show that they are dying at the rate of over 2,000 per month; so, my friends, you can easily figure out for yourselves how much longer these old men and women are going to be here to accept this meager stipend that this great Government of ours is giving monthly in return for what they did for us over 60 years ago. I think you will agree with me when I say that under the present pension law the monthly allowance to the veteran of $50 per month and the widow $30 per month is entirely inadequate, as they have already reached the age where they can not help themselves and must rely on some one else to help them. Oh, yes; I know that the Government has established and maintains soldiers' homes, where the old veterans and their wives and widows of veterans are placed and taken care of, but I would like to appeal to the membership of this House, how many of you would want to see your old veteran father or mother sent to an old soldiers' home? I am not speaking disparagingly of these homes. They are certainly splendid institutions, but I want to say the old men and women in the private home, no matter how humble, is far more happy and contented than in the best-regulated public institution on earth. I would like to ask every Member of this House to pause and reflect how many appeals you have received from your constituents in your district to pass this legislation in this session of Congress. Stop and reflect for a moment how many private pension bills you have introduced in this session and how many you have gotten through. Now, my friends, let us put an end to those bills; let us put an end to the occasion and necessity of introducing private pension bills by passing a bill in this Congress giving veterans and widows of veterans a just pension that will partially take care and give them a greater measure of comfort and pleasure for the few remaining months of their earthly existence. In conclusion I want to say we are told the Treasury of the United States is in a healthy financial condition; that there will be a healthy surplus at the close of the fiscal year, June 30. We even read in the press the possibility of another tax cut in the second session of the Sixty-ninth Congress. We materially reduced the income tax at the beginning of this session; we reduced the normal tax on all income-tax payers; we raised the exemption of single men from $1,000 to $1,500 and married men from $2,500 to $3,500. They have received consideration. Now we owe the veterans consideration, and we have the money to pay, so let us not adjourn this session until this humane legislation is passed.

Mr. BYRNS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BOYLAN]. [Applause.]

Mr. BOYLAN. Mr. Chairman and gentlemen of the committee, on Saturday last while I listened with great interest and respect to the speech of my colleague from Georgia, in which he suggested what kind of food the Democratic donkey should eat if it wishes to reach the promised land at the other end of the Avenue, I dissent from his opinion as to what that sustenance should be. Furthermore, I seriously question Mr. UPSHAW'S right to assume the spokesmanship of the great Democratic Party, now or any other time. Neither on the subject of prohibition nor anything else can one single individual sitting here as a Democrat assume to warn and caution and threaten and cajole the Democratic Party on what its future course should be. In fact, should the time come when our party gives heed only to one man, representing one small community and discoursing on a subject upon which he is admittedly interested in several ways, it will indeed be a donkey, neither Democratic, wet or dry, or anything else.

It was unfortunate Mr. UPSHAW should make his dry appeal at a time when most of us are indignant at the Federal Government's latest plan for enforcing prohibition. He arose to speak for a bill which would permit the prohibition bureau to send its officials and unknown snoopers into my State and yours as spies on our elected and appointed officials. When I cast my vote for a New York State or city official, I do not qualify it with the thought that Federal officials, in whose selection I have had no voice, should enter my State and establish a supergovernment. New York, I maintain, and any other State in the Union, has the right to elect its own officials; if they prove unfit, New York has the right to defeat them should they seek office again. But the Federal Government has not the right, and never can have, to enter my State with the avowed purpose of stabbing our officials in the back. That is not democracy; it is czarism. Yet Mr. UPSHAW condones it.

Twenty-nine States are to be more or less exempt from this supergovernment; 19 are to have in their midst this Federal machine, eating up public funds while it performs espionage on the people who contribute those funds. Gentlemen, if you are sincere prohibitionists, you representatives from those 29 States, you should beware how you aggravate the population of 19 of the largest, strongest, and vital States of the Union. My friend from Georgia, who seems to enjoy these departures from democratic standards and ideals, should ponder this thought. Let him and his dry brethren continue to swear allegiance to the Anti-Saloon League, to this kind of a supergovernment, and the day will come when they will regret their excess of zeal. For as sure as day follows night, repeal of all these odious laws will follow this program. The sane people of my colleague's own district, right-thinking people throughout the country, are beginning to realize that a law which necessitates such foul abortions of democratic principles has no place in the Constitution of the United States.

As for me, I accept Mr. UPSHAW'S challenge with another. He asks that the Democrats pursue a dusty, dry trail to White House meadows. I ask that the Democratic Party pursue a sane and temperate course, as it has all down the years of American history, and I, for one, would prefer defeat after defeat should we make this fight on these high principles, than a victory won in the hollow, deceptive, and ostrichlike manner proposed by my colleague. The Democratic Party can survive many defeats; it can not survive victory along the lines mapped out by my Georgia friend. I would prefer an honest defeat on the one issue vital to democracy—personal liberty—than a Georgian victory which would be followed by years of exile into the desert.

To paraphrase Patrick Henry: "Give me liberty or give me defeat."

The Democratic Party must be honest with itself. It must decide these problems in its councils, not according to prejudice and bias. I am confident that when the time comes, sane views and honest opinion will prevail. When they do, the Democratic donkey will again thrive on the dew off the White House lawn—all the more sustaining, perhaps, because the grass is a little wet.

The gentleman referred several times to Thomas Jefferson, yet he knows that Jefferson favored a low tax on beer and wines, in order to reduce the use of ardent liquors and to promote temperance. In his speech the gentleman used the words Bowery hospitality. His taste in referring to the hospitality of our city is, indeed, questionable, especially when the unanimous opinion of visitors from all sections of the country was that the hospitality of the city of New York was both bountiful and whole hearted. Perhaps the fact that the gentleman had his lightning rod out, but that he was not favorably considered as a candidate, caused his sneering reference to the hospitality of our great city. [Applause.]

Mr. Chairman, I yield back what time may remain.

Mr. BYRNS. I yield 15 minutes to the gentleman from Massachusetts [Mr. GALLIVAN]. [Applause.]

Mr. GALLIVAN. Mr. Chairman, civilization is almost in mourning. Mexican Jacobins have pronounced the sentence of death practically on all the churches in that country. They have determined to tear out of the very hearts of Mexican society every trace of religious ideas which do not conform to their constitution literatim. The spectacle of these churches in the rags of poverty, starving, and with but a breath of material life remaining fills the devout among the Mexicans with terror as would an awful apparition at night to one whose conscience was distressed by remorse for a crime committed.

In every other country of the civilized world true religious freedom is respected and maintained by the civil power of the state. In my judgment it is an abominable crime in a people born to liberty as are the people of America.

It is the law of my country.

Such is the answer which we receive from those who are defending the present Government of Mexico when we protest against what is one of the most violent outbreaks of persecution to which religion as such has been subjected in modern times.

Not only Mexicans, but some Americans, even in high places of responsibility, thus appeal to the sanctity of law and would justify the Government of Mexico in denying the fundamental rights of free men, freedom of conscience and worship and education; too lazy and too indifferent to examine and know the facts for themselves, they are satisfied to reecho the empty claim of the Mexican Government that law is supreme and may not be questioned by those upon whom it is imposed, but must be enforced at all cost.

Let us hear what a group of noble Mexican women have to say. The superiors of 36 associations of Catholic nuns engaged in education and benevolent services in Mexico, addressing the Archbishop of Mexico, declared:

Our consciences cry out in alarm. We feel that, under the pretext of prudence we are being led to the brink of an awful abyss, at the foot of which misery and even degradation await us. We have pretended that in our schools only lay instruction is imparted. We have erased the names of our institutions, substituting others, because even these may not contain any evidence of religion. We have removed the sacred images from our parlors and reception rooms. We have transformed our chapels into social halls and, what is even worse, we have taught our pupils to conceal the fact that they are being taught religion, and that they recite a brief prayer at the opening of class. We have forbidden them to have a catechism of Christian doctrine or any other symbol of religion among their school equipment. We have, in short, taught our pupils to deny the truth, and if we go on thus we will tear out by the roots from their tender hearts their Christian faith and manhood.

We have prepared with our sisters to undertake the hardships of an effective and open fight. We long for the opportunity to sacrifice everything, even our very lives if that be necessary, to accomplish the amendment of those articles of the constitution which oppress and enslave our holy mother, the Church, and her ministers, whether national or foreign, who, with untiring zeal and self-denial, are laboring for the salvation of souls in our country.

Yet the Mexican Government asks the public to believe that it is engaged in a great work of national regeneration. Even as Carranza, in 1914, when he found it impossible for the revolutionary chiefs to work in harmony, proclaimed to the world that it was necessary and profitable, for military reasons, for him to abandon Mexico City and permit it to be ruthlessly devastated; so now, President Calles asks us to believe that, when he confiscates churches, denies to the churches their very corporate existence, to the clergy their rights as free men, and to the people freedom of worship and education; all of this is necessary for the success of the work of national regeneration, which, under the constitution of Mexico, as President, he is bound to carry on.

For well nigh 15 long years, the story of Mexico has been the story of a nation in travail. Awful mistakes have been made, shocking crimes have been committed in the name of the law. It behooves us, however, not to condemn a cause because of the man into whose hands leadership, for a while, has fallen. It behooves us, rather, to study and subject that cause to keen objective analysis and thus determining the right and wrong of it, know that reason and morality and not human passions are the foundations upon which our conclusions stand.

To know that the Government of Mexico is absolutely denying these principles to-day, and advocating a political doctrine with which no American can agree, it is sufficient to read the present constitution of that country.

It is known as the constitution of 1917. No need here to state that it has never been adopted by the Mexican people. It was imposed on them through a military committee called by President Carranza.

That constitution does not permit any church to hold any property of any kind. Section 2 of article 27 reads:

The religious institutions known as churches, irrespective of creed, shall in no case have legal capacity to acquire, hold, or administer real property or liens made on such real property; all such real property or loans as may be at present held by the said religious institutions, either on their own behalf or through third parties, shall vest in the nation, and anyone shall have the right to denounce property so held. Presumptive proof shall be sufficient to declare the denunciation well-founded. Places of public worship are the property of the nation, as represented by the Federal Government, which shall determine which of them may continue to be devoted to their present purposes. Episcopal residences, rectories, seminaries, orphan asylums, or collegiate establishments or religious institutions, convents or any other buildings built or designed for the administration, propaganda, or teaching of the tenets of any religious creed shall forthwith vest, as of full right, directly in the nation, to be used exclusively for the public services of the federation or of the States within their respective jurisdictions. All places of public worship which shall later be erected shall be the property of the nation.

Mr. BOYLAN. Will the gentleman yield?

Mr. GALLIVAN. I will.

Mr. BOYLAN. Is it not a fact that all of these churches, schools, and hospitals confiscated by the Government were provided for by private funds?

Mr. GALLIVAN. That is absolutely true.

Some may say the maintenance of religious liberty and liberty of education in Mexico is no concern of the Government of the United States. It may be no concern of the United States to see to it that one religion is favored above another, but it certainly is the concern of the United States that a foreign country allows to the nationals of the United States, who are legally within its borders and who violate no law of that foreign country, liberty to exercise their religion and liberty to educate their children in the religious belief they chose. If an American citizen lived in Mexico—one of our ambassadors, for example—it is the duty of the United States Government to see to it that he may exercise his religion therein and have the means of exercising it; the guidance of the minister of God for himself and his children; the attendance of a minister of his religious faith at his burial—in such a foreign country. And historically and traditionally the United States Government has, because of its peculiar relations to Mexico, because its support of one government against another therein has been a deciding factor—a definite interest in the granting of fundamental human rights; liberty of contract; liberty of the press and of assembly; liberty of religion and of education in Mexico, by Mexico to Mexican citizens. [Applause.]

As long ago as 1826 President John Quincy Adams wrote to the congress of South American countries then assembled at Panama:

And lastly, the Congress of Panama is believed to present a fair occasion for urging upon all the new nations of the south the just and liberal principles of religious liberty, not by any interference whatever in their internal concerns, but by claiming for our citizens whose occupations or interests may call them to occasional residence in their territories the inestimable privilege of worshiping their Creator according to the dictates of their own consciences.

In 1915 the Senate of the United States requested the then Secretary of State to secure assurances from the Carranza government, recognition of which was then in question, that the said Government, if recognized by the United States, would grant religious liberty to all its (Mexico's) citizens.

The Mexican Government recognized our right to make the inquiry, and its confidential agent—practically its then secretary of state—wrote to the Secretary of State under date of October 8, 1915, assuring him the constitutionalist government of Mexico would respect religious liberty. The United States Senate accepted this statement, and the Carranza government received recognition.

It is only of late years—since the appointment of the Payne-Warren commission—that this traditional interest of the United States Government, in recognition of fundamental human rights, has been abandoned. And one of the worst features of such abandonment is the implicit confession, which it entails, that our forefathers were wrong when they considered human and spiritual rights at least as important as material and commercial ones.

It has been said that our State Department has protested the expulsion from Mexico of the citizens of the United States because of their religious beliefs. But such protest has been little more than a gesture. In the case of Mother Semple and of Mr. Philips, an Episcopalian minister, and of the Mormons, Mexico said:

You may stay if you will abandon the teaching of religion and the exercise of your religious faith.

No man with a conscience would accept that. All these were really driven out of Mexico because Mexico would not grant religious liberty. [Applause.]

I am sorry to stand in this place and say that the protests of our State Department have not availed and the State Department and apparently the administration now in power have thrown up its hands. [Applause.]

Listen, my colleagues, to a story of persecution and deportation of holy men and women from that benighted country in this year of our Lord:

A BILL OF PARTICULARS

The following is a brief list of well-authenticated facts which, taken together, make up the history of the churches under Calles during the period, February 12 to March 12, 1926, as told in the daily press of Mexico City:

February 12: A special federal bureau is created to administer church property to be seized. It is estimated that the value of property to be seized will exceed $11,000,000 Mexican.

Police officers are instructed to renew their vigilance and take summary action against Catholics.

February 10: Romeo Ortego sent to all law officers throughout the Republic instruction to enforce the antireligious clauses of the constitution, that steps be taken to transfer to government ownership all property of the clergy, and ordering them to exercise special zeal and energy in suppressing any members of the hierarchy or clergy, or any laymen who, in association with others or acting individually, took any part in a public protest or in any other manner opposed the carrying out of the constitution of the Republic. (El Universal, February 11, 1926.)

These instructions were reissued two days later, with special reference to Catholics. (El Universal, February 12, 1926.)

February 13: Calles wires instructions to local authorities to enforce articles 3, 27, and 130 of the constitution.

February 15: Governor of Potosi banishes, without a hearing, three foreign priests, at the same time ordering all foreign priests to leave.

February 16: The Governor of Pueblo issued an order reducing the number of priests from 330 to 273; ordering all convents and schools to comply with the constitution or close within 48 hours; prescribing that no religieuse may wear the habit or other religious symbol in school; and ordering the closing of all chapels existing in any schools.

February 17: One hundred and fifty-six Catholic schools in the federal district are ordered closed. Some of these are boarding schools, where orphans receive free board and clothing and shelter along with their education. No provision is made to care for these little ones.

February 17: Secret-service agents of the Government seized the college of the Sisters of St. Teresa, at Mixcoac, and ordered the sisters and their pupils out. This college had 750 paying students, of whom 250 were boarders, and in addition 100 orphan girls were educated free.

February 17: The College of San Jose, in Mexico City, was closed. The teachers, not Mexicans, entrained for Vera Cruz to leave the country.

February 17: The College of Savinon, in Tacubaya, was closed and the teachers, who were foreigners, were deported.

February 17: The College of Guadalupe, in Tacubaya, conducted by laywomen, was closed. This school was supported by donations received from a Mexican lady of Michoacan. It had more than 100 boarding pupils and gave free instruction to 200 day pupils.

February 17: The order closing all college and school chapels was enforced throughout the State of Michoacan.

February 17: The Governor of Guadalajara ordered all Catholic schools to close. The orphanage at Guadalajara, housing 100 boys, was closed by order of the governor. The Catholic hospital at Guadalajara was closed by order of the governor.

February 18. The Catholic schools at Guadalupe, D. F., were closed and many thousands of pupils deprived of instruction. Some of the schools were boarding schools and received orphans without charge. No provision was made by the authorities for these orphans.

February 18: The cloisters of the Sisters of the Blessed Sacrament and of the Capuchins at Guadalupe were entered by the police, the nuns driven out, and the cloisters closed.

February 18: Fathers, representing more than 6,000 pupils of the Catholic schools, presented a petition asking the Government to reopen the Catholic schools in Mexico City. The petition states that the public schools have no room to accommodate these pupils.

February 18: A private Catholic hospital at Jalisco was closed by the police. It was under the charge of the Brotherhood of St. John and not of priests; these brothers were shipped to Mexico City under arrest.

February 18: At Torreon, in the State of Durango, all the Catholic schools and some of the churches were closed by the police. The fathers of the pupils protested on the ground that the public schools were inefficient and overcrowded.

February 18: The Governor of Potosi deported all foreign priests under armed escort lest they might escape. The governor refused to hear the appeal of the priests that the constitution only prohibited them the exercise of their ministry, but did not authorize their deportation. These priests took refuge in the Spanish consulate and were later given one day to settle their affairs on condition they would then leave willingly.

February 20: In Ciudad Victoria, capital of the State of Tamaulipas, the schools were ordered closed within 24 hours.

A Catholic orphan asylum at Victoria was closed and the orphans driven to the street.

February 20: Tejeda, Minister of Government, declared the Government would not desist from its work until every Catholic school in Mexico had been closed.

February 20: The Archbishop of Michoacan, in an appeal to the Ministry of Government in charge of matters pertaining to public worship, declares that the situation of the Catholics has become intolerable. That even the little liberty granted by the constitution is being openly violated by the arbitrary actions of the police, who, with no written instructions from any authority, have closed ecclesiastical seminaries, normal and commercial schools, and a large number of primary schools which were complying strictly with the law, together with orphanages, asylums, and charitable institutions, with no regard for the rights of the interested parties or for the welfare of the inmates.

In the name of many thousands of pupils and their parents, and of more than 800,000 Catholics of his archdiocese, the archbishop besought the minister to restore things to the condition in which they had been before the provisions of the constitution had been violated by the police, or that, at least, the Catholics be given a hearing and allowed to defend their claims in the regular courts of justice.

February 21: The Governor of Pueblo issued new instructions to all municipal authorities ordering them to suppress all religious communities of men or women.

February 21: Three foreign priests were ordered deported from San Pedro, Coahuila, and the parish was left without a priest.

February 21: A home for old men, supported by Mrs. Escandon, was suppressed. The hospital conducted in connection with this home was one of the best in all Mexico.

February 21: A private chapel, built and endowed by Madame de Escandon, in Mexico City, was closed. Madame de Escandon appealed to the courts.

February 23: The Union of Stevedores, from Vera Cruz, presented a resolution to Calles commending his persecution of religion.

February 23: Calles reprimanded Governor Almeida, of Chihuahua, for being lax in executing the laws against religion. This governor had allowed five days for the closing of the Catholic schools in his State.

February 23: The Governor of Nayarit, with great brutality, closed all the Catholic schools at Tepic.

February 23: A branch of the Anticlerical Federation was established at Tepic. Thomas B. Corona, State superintendent of schools, was the chief organizer.

February 23: The municipal authorities of San Cristobal, acting under orders from the Governor of Chiapias, notified the rector of the Ecclesiastical Seminary that his institution must close at once.

February 23: The authorities at Cosamaloapan refused to allow the priest, who is Spanish, to officiate and closed the church.

February 23: Acting under orders of police commissioner, Gen. Roberto Cruz, the police of Mexico City took possession of the parish Church of the Holy Family and closed it permanently as a house of worship. Great numbers of the people opposed this action of the Government. The police were, with great difficulty and some bloodshed, able to get control over the riotous multitudes. In explaining this incident the Minister of Government claimed that on February 18 he had notified the pastor of this and other churches which had failed to apply for a license to operate places of public worship that unless they did this within three days the churches conducted by them would be seized by the Government and permanently closed, and that the action of the police on the 24th was in pursuance of this notice. This incident gave rise to numerous protests, which the Government authorities treated with contempt.

February 24: President Calles issued telegraphic instructions to all State authorities calling upon them to enforce the anti-religious clauses of the constitution, threatening to summarily dismiss from the public service any officer who failed to act with energy at once in this matter.

February 24: The Minister of Government sent out a warning to all churches in Mexico that unless they complied at once with the rule requiring that they be specially licensed as houses of public worship they would be summarily seized and closed, as had been the parish Church of the Holy Family in Mexico City.

February 25: Throughout the Republic parish priests are called upon to show their license for operating a house of public worship, and in case a license does not exist the church is summarily closed.

In many places this action results in violence and some deaths occur as a consequence of the rioting.

February 26: Portes Gil, Governor of Tamaulipas, refused permission to open a Protestant church at Tampico on the grounds that the minister was not Mexican by birth.

February 26: The Orphan Asylum of St. Joseph was suppressed at Colima. Pious families offered the hospitality of their homes to the little orphans, who would otherwise have remained without shelter.

February 26: A private boarding school for girls at Colima was closed because the parents refused to send their girls to be educated under a school supervised by the Government.

February 26: The bishop's residence at Colima was confiscated.

February 26: The Knights of Columbus Hall at Colima was confiscated.

February 26: All private schools and convents at Tacambaro, in the State of Michoacan, were taken possession of by Federal troops.

February 26: Two Catholic and two Protestant schools were suppressed at Ciudad Juarez.

February 26: The Orphan Asylum of the Sacred Heart was closed at Ciudad Juarez.

February 28: A party, under the leadership of Adam Moreno, assaulted the parish church at Tepic, in the State of Nayarit. The people flew to the defense of their church. The representatives of the Federal Government and the State police commissioner were both severely beaten up and their followers driven from the church.

February 28: The Secretary of State, in charge of matters pertaining to public worship, issued a statement in which he declared:

> The Federal Government will not let up in its determination to enforce the law until every minister of religion regardless of his creed and without distinction has complied.

The Secretary then adds that action having now been taken in every State of the Republic—

> we have heard of not one protest and have observed no evidence of disapproval, which clearly demonstrates that our work is along lines demanded by the people.

This was only a few days after the receipt of the protest of the Archbishop and 800,000 Catholics of Michoacan and is an impudent denial of the right of Catholics to be heard by the Government of Mexico.

In spite of the boast of the minister, only 11 of the 28 States which compose the Mexican Union had on this date adopted any form of enforcement law regulating religious worship under article 130. In two States—Guerrero and Chihuahua—the legislation introduced was defeated, and in 15 States no action was taken.

February 28: The schools of Parral, in the State of Chihuahua, were closed and no provision made for the education of the children who had attended them.

February 28: A Protestant school, known as Progress College, was closed in Chihuahua by the police because it was conducted under religious auspices.

March 1: The Orphan Asylum of St. Joseph was closed by the police at Vera Cruz and the sisters were told that they might no longer remain in Vera Cruz unless they ceased wearing their religious habit.

March 1: The Sisters of Charity have up to the present commanded the respect of all classes in Mexico and have not been molested in their work of charity. At Vera Cruz, however, the authorities advised the Sisters of Charity that they must cease wearing the religious habit.

March 1: The municipal authorities at Vera Cruz decided to hold as an accomplice in crime anyone who, residing in the vicinity of any school or convent, failed to notify the government of every breach of the constitution committed in the same.

March 1: The private chapel of the Sisters of Charity at Vera Cruz was ordered closed.

March 1: The Governor of the State of Vera Cruz, in a circular to the municipal authorities, threatened with summary dismissal and criminal prosecution all who failed in their duty to close "convents, seminiaries, schools, and hospitals," or who failed to expel foreign sisters or priests.

March 1: In the town of Cordoba the municipal police seized the orphan asylum conducted there by the Sisters of Charity. The sisters and the orphans were turned into the street and the institution closed.

March 2: The same Adam Moreno, and Torres Maldonado, who had, a few days before, been driven out of the cathedral church at Tepic by the people, at the head of a large number of followers, assaulted the parish church at Jalisco. Again, the people assembled to defend their rights. The correspondent of El Universal reports that there were some wounded in the fighting and that the agent of the Federal Government lost his life. Rafael Sanchez Lira, State commissioner, instructed the police to take what steps might be necessary to subdue the opposition and charged them, especially, to place under arrest any priests whom they might find in the church. The agents of the Federal Government called for reinforcements and it is said that summary punishment was administered to those who had sought to defend their church. These facts were all reported as items of current news in El Universal.

March 3: Three agents of the Government were killed by the people of Nayarit who refused to allow their churches to be inventoried and taken over by the Government.

March 3: The Governor of the State of Potosi signed and published a law reducing the number of priests in the State from 95 to 25, allowing 1 for each township, excepting Matehuala and Santa Maria, where the number allowed is 2, and the State capital, where the number allowed is 10.

The Catholics at once protested against this law on the ground that it was a violation of the constitution because the number allowed was not in accordance with the religious needs of the State.

March 4: At Chihuahua, the Catholic people organized a public parade of protest against the antireligious conduct of the Government. The governor sent the police to break up the demonstration. In the rioting several persons were seriously wounded.

March 5: The State governor, without having given any notice of his intention, ordered the closing of the theological seminary, at Oaxaca, a school conducted in the same city by the Knights of Columbus, and two other important private schools.

A school conducted in connection with the Protestant Church in the same place was not disturbed.

When the people protested against this manifest partiality, they were repressed by the police; rioting ensued, and troops had to be employed to restore order.

March 5: Protests from all over Mexico began to flow into the Government. One, signed by 4,000 people of Merida, Yucatan, demands that Congress take steps at once to amend the Federal Constitution.

March 5: The Bishop of Colima, in a dignified brief, protested against the reduction of the number of priests in his diocese from 65 to 20.

March 6: The Governor of Vera Cruz served notice, through the municipal president, on the Bishop of Papantla that hereafter there shall be only one Catholic bishop in the State and ordered the Bishop of Papantla to cease functioning as a bishop in the State.

March 6: The Cathedral Church of Holy Cross was closed at Papantla by order of the municipal president.

March 9: In the city of Zamora the protests of the people were overruled by the municipal authorities and the private schools were closed.

March 9: The Knights of Columbus Hall at Zamora was seized by the police and closed.

March 9: The headquarters of the Young Men's Catholic Association of Mexico, at Zamora, was closed.

March 9: The residence of the Catholic Bishop at Zamora was seized.

March 9: The chapel of the "Servants of Mary" was closed at Zamora.

March 9: In spite of the fact that there are 25,000 Catholics at Jalapa, the State capital of Vera Cruz, only two churches were allowed to remain open for public worship with only three priests to minister in them.

March 9: At Rio Verde, in the State of Potosi, some 4,000 Catholics marched to the office of the municipal government and filed a personal protest against the persecution of religion. The president refused to receive their protest and called out the military to fire on the petitioners.

March 9: J. D. Dale, a Baptist preacher, was arrested at Tampico for having exercised his ministry, being a foreigner. The Rev. Mr. Dale was ordered deported.

March 9: The State Legislature of Tamaulipas passed a law reducing the number of priests from 85 to 12. There are 600,000 people in the State and most of them are Catholics.

March 10: The Governor of the State of Vera Cruz rejected the petition of the people of Papantla demanding that the State legislature reconsider the law suppressing the diocese of Papantla and banishing the bishop on the grounds that this was a matter not within his jurisdiction.

March 12: The Protestant Institute at Saltillo was ordered closed because it was conducted by American clergymen for whom it was unlawful to engage in primary educational work in Mexico.

March 12: Headquarters of a Catholic labor union at Guadalajara were closed; the building and furniture were confiscated.

This account of atrocities could be extended, but enough has been said to give the reader a fair picture of conditions which resulted from the orders issued during February and March of the present year. Every incident here mentioned has been taken from the secular daily press of Mexico City. The story is far from complete. Information from private sources show that acts of violence and serious rioting occurred and continue to occur throughout the 11 States in which the antireligious laws are being enforced. Officials of the State and National Governments have refused to hear the protests that have been made and, in most of the States where an attempt has been made to enforce these laws, a kind of deadlock between the people and the Government has been

reached, the people refusing to obey the antireligious orders pending action by the Government on their protests.

April 26: The State of Morelia, which took its name from the Catholic priest who, with Hidalgo, fought for the independence of Mexico against Spain, went into mourning as a protest against the closing of the churches and schools by the Government.

April 24: Secretary Kellogg assured a committee of laymen from Philadelphia that the United States Government will keep vigilant watch over the course of events in Mexico, especially with regard to the treatment of foreign priests.

April 25: One hundred and forty-six private schools of the district of Mexico protested against regulations of the secretary of public instruction.

April 23: Aurelio Manrique, representing El Porvenir, of Monterey, at the Pan American Congress of Journalists, declared in an interview given to a Washington reporter and cabled to Mexico City that Calles had entered upon a campaign of persecution against religion, and that this was a political error, because neither the church nor the clergy are a social disturbance in Mexico. This Manrique is a political revolutionary, a radical socialist, and not a Catholic.

April 19: Barron's Weekly, in an editorial, condemns the land law recently issued by Mexico under authority of Clause I, of section 27, of the constitution of 1917, because of its retroactive character.

April 7: The American ambassador in Mexico City appeals to the Mexican Government to give armed protection to the Hydroelectric Power Co. and the Five Mines Co., both American concerns in the State of Jalisco.

April 1: The Oil and Gas Journal, in a review of the conditions in Mexico, states that the American oil men returning from the convention in Mexico City are much discouraged.

June 1: General Escobar, who had taken the field for the purpose of rescuing Mr. C. C. Braden and Mr. J. C. Gallagher, American mining men who had been kidnaped two weeks before, reported that these two men had been released and that he had defeated the bandits in a sharp engagement.

May 31: The Minister of Industry gave out a statement to the effect that up to the present no foreign oil company had actually ceased operations or begun the dismantling of its plants in Mexico.

June 1: Th eamparo proceedings of the Mexican Land Security and of the Richmond Petroleum Co. were closed against these companies by the Mexican courts. The Richmond Petroleum Co. is a Mexican representative of the Standard Oil Co., of California.

June 2: J. W. Shanklin, an American employed on an estate known as Patrero Vieja was rescued from bandits who tried to kidnap him. Patrero Vieja is in the State of Vera Cruz. Shanklin was one of five American citizens who had been kidnaped and all of whom were able to get away from the bandits.

June 3: The Wall Street Journal in an editorial commenting on the Mexican situation, makes the following statement:

> The files of El Universal and Excelsior, two of Mexico's leading newspapers, for the past five years show banditry, robbery of paymasters, and occasional train robberies, all flourishing occupations in Mexico. Early last week an attack was made on an oil company at El Aguila, buildings were burned to the ground, provisions and money taken, and two Americans, namely, Briggs and Greeley, were captured and held for ransom, making six Americans thus kidnaped during the past few days.

June 9: It was announced that new regulations intensifying the persecution of religion in Mexico would be promulgated on July 15, imposing severe penalties on priests who would publicly criticize the acts of the Government.

During the month of June there is evidence in the Mexican papers to the effect that the public revenues have fallen off considerably; that there is a danger of collapse in Mexican exchange. The Government has announced a program of retrenchment.

June 10: Richard Dawson, an American, was killed at Mochis. The State Department instructed the American consul at Mazatlan to investigate. Dawson was a native of Chickasha, Okla.

June 12: Americans arriving at Nogales, Ariz., are strong in their affirmation that Dawson was murdered.

June 14: The Washington Star reported that Dean Peacock, of the Episcopal Church, continued to abstain from functioning as a clergyman and that such services as were being conducted are being conducted by lay readers.

June 22: A mob assembled before the American consulate in Mexico City shouting, "Down with the Americans!" A heavy rain assisted the police in dispersing the mob.

June 23: An American school, known by the name of Modelo, at Torreon, was ordered closed by the municipal authorities. Dudley Fros, the American consul at Torreon, protested, requesting that two days be allowed so that the graduation exercises under way might not be interfered with. The charge against the school was that it had not been complying with the provisions of the constitution and that not all the instruction imparted in this school was laical.

The municipal president in his reply to the consul states that he had no intention of confiscating the property of the American owner of this school building but only of closing the school because in it religion was taught and because the teachers had failed to comply with the provisions of the constitution.

June 24: The Wall Street Journal states in an editorial that an American citizen can not technically comply with the provisions of the Mexican constitution compelling all foreigners to waive their nationality and diplomatic protection with regard to their Mexican investments.

June 24: Natividad Garza, an American citizen and an immigration officer, reported that he had been detained by Mexican officials at Matamoros. Ramon Longoria, another immigration officer, was detained at the same time at Matamoros. He was taken before a Mexican judge. Garza was found in a semiconscious condition, with a broken arm and wrenched shoulder. He declared that a Mexican judge there had subjected him to torture in his cell in Matamoros, and after failing to give him any information concerning the killing of Guerra sent him across the river. D. W. Brewster, chief inspector of the United States Immigration Service, has not yet made public his report on this case.

February 20: Ralph E. Brown, of the Church of the Latter Day Saints, was ordered to leave by the municipal authorities of Tula de Allen, Hidalgo, and following Mormons from Ozumba, Mexico, were given 10 days by the municipal authorities in which to leave.

IMMIGRATION

Now, some one may ask why we should interfere at all in this situation.

It is surely evident enough that we of the United States should do all in our power to maintain good will with the countries of Central and South America. Selfish considerations, such as trade and commercial relations, would lead us to do this. We must do all on our part to live in peace with the nations of the world. This has been our official and explicit protest in every speech or message sent by our Presidents to our own people or addressed to other nations. There is a definite movement in Central and South America organized against us and branding us as the Colossus of the North. This movement has been kept from growing because of our determined effort to preserve good will. For example, the United States has given the favor of free immigration to the citizens of Central and South America, and those countries have in turn given free entry to our citizens.

But now, because of the disturbed state, economic and social, in Mexico, her citizens are coming in greater numbers across our border. As a consequence, there is a growing demand that immigration from Mexico be curtailed. This can not be done except by curtailing, creating a quota for everyone of the countries of Central and South America.

To show how far this movement has gone it is but necessary to state that Senator BORAH, chairman of the Senate Committee on Foreign Relations, has but recently introduced a bill in the Senate which would enforce restriction of immigration for all these countries, and thus do much to impair the good will now existing between us and them, and which it is so vitally necessary to maintain.

Will you listen while I read a pathetic appeal from a shepherd to his flock?

PASTORAL LETTER OF THE RIGHT REV. JOSE DE JESUS MANRIQUEZ Y ZARATE, BISHOP OF HUEJUTLA

MARCH 10, 1926.

Venerable Brethern and Beloved Children:

* * * * * * *

Down with the Catholic Church forever in Mexico is the cry that has gone forth from the Jacobins. To root her out and destroy her no barrier must be allowed to stand in the way of the flood which is to engulf the old civilization of Christianity. The foundations of the ancient edifice must be undermined, the columns of granite, her ornament and her support, must be blasted. And we must do all this, not kindly and considerately, but cruelly, implacably, with a fury like that of the storm which carries to destruction in an instant the mighty works of human genius.

"Within a few days, a few years at the most, Catholicism in Mexico will have passed into history, and Mexico will be the first trophy of our supreme victory.

"To make sure of our work, let us cut off the Mexican Church from all intercourse and contact with the churches of other lands; let us drive out with excess of force the alien priests; let us strike with a

fist of iron all religious orders; let us banish God absolutely from the school; let us throw bishops and priests into dungeons and prisons; let us spread everywhere the reign of terror."

Thirty days have not been allowed to pass, and already with Jeremias we cry out: "The city of the church, but recently filled with people, is deserted, because many of her sons have been seized with fear. She weeps all the night through. The tears flow in streams down her cheeks. No one who loves her is there to console her. Her friends have all abandoned her and become her enemies. Draped in mourning are the roads of Sion, because there is no one to go to her feasts. Broken down are her gateways, her priests are wailing; filled with sadness her virgins are torn from their cloisters. Bitterness and desolation fill her soul. Her enemies have laid their hands upon her, they would throttle her and bind her with iniquitous laws. They who hated her have grown rich by despoiling her. Her enemy has spared to her nothing of that which she loves most, she has seen her priests driven from her sanctuaries and her temples desecrated by the feet of her persecutors."

The crimes of Jacobinism are being committed with a ruthlessness that is incredible. Truly, we fail to understand how the civilized peoples of the earth have been able to view unmoved outrages committed with such defiance, outrages committed not only against the dignity of a people, but even against all civilization itself. We can but be filled with profound indignation when we see that, while in Europe and the United States there has been a marked reaction toward Catholic principles following the hecatomb of the war, the people of Mexico, which has suffered even more than the rest of the world through her revolutions, still groans under the lash of despotism and is now to be strangled anew by a Jacobinism which defies the world.

Civilization is not the attribute nor the heritage of a single people, but of humanity, and he who attacks civilization commits a crime of transcendent importance. The scandalous banishment of foreign priests for no other reason than that they were the ministers of Catholic worship; their violent expulsion from the national territory, without allowing to many of them even the time necessary for the simplest preparations, to some not even time to seize their hats, is a mockery of international law.

In every other country of the civilized world true religious freedom is respected and maintained by the civil power of the State. Is it possible that alone in Mexico, a Catholic country, brute force, unrestrained, is to be permitted to fall upon the temples as upon dens of crime and the priests who serve them driven from them with whips? Ah, no. It is an abominable crime, above all in a people born to liberty, as are the people of America.

In other nations not Catholic convents and religious houses are allowed to exist. Certainly our enemies will not claim that England and the United States are backward countries in any sphere of human activity. Nevertheless in Mexico alone are convents and religious houses looked upon as an insurmountable obstacle to the national progress and prosperity.

The Catholic schools: Who will question the right of Catholic parents to provide a Catholic education for their children? When was the church ever denied the right to found and conduct seminaries in which to train her ministers? In Mexico practically all the Catholic schools have been closed. If any has been permitted to remain open, this has alone been possible by the abandonment of their legitimate program and an abject submission to the absurd program of lay education. Ecclesiastical seminaries have been closed with much show of force and violence—among others, that of Tulancingo, a few days ago.

But that which in the present crisis is fraught with most far-reaching danger, and which we call in an especial manner to the attention of the civilized peoples of the world, is the violent and unrestrained attack on the freedom of thought, an attack at which even Jacobinism has balked up to now. In every other nation of the world to-day, with the exception of Mexico, the free expression of ideas is permitted in every field of human research. Above all, and everywhere, men are guaranteed the sacred and inalienable right of defending themselves by an appeal to intelligence and in the sphere of thought. The Government of Mexico, after overwhelming us with outrages in that which we hold most sacred—our Catholic religion—blessed heritage come down to us from our forefathers; after violating our most beloved mother, the Catholic Church, it now has the effrontery to deny us the use of speech in her defense; it would seize out of our hands the revenging pen, the terrible sword of thought, of public opinion, before which tyrants tremble and the thrones of despots crumble. Well known to all the people of Mexico and even to the outside world, the instructions sent out by the civil government of Mexico to all governors in the national territory ordering them to keep a strict watch over the acts of the bishops, the priests, and the Catholic institutions, to the end that in case any of these issue a cry of indignation against the vandalism of the official Jacobins, or in any manner disapprove the public or private criminal acts of the Government, the responsible parties be haled into court and made to suffer the extreme penalty of the so-called laws.

In view of these conditions, it is no longer possible for me to remain silent. I would deserve to be called a coward if I, who have defended the cause of the church on less solemn occasions, failed to fly to her support at a time like this when her very life is in danger—her very existence menaced in our country. Our mother is in the claws of the wolves who are tearing here member from member—how shall we fly to her rescue—availing ourselves of our only weapon—the terrible sword of our voice? As a bishop I have at hand none of the instruments of war, but my word is feared by the enemy more than a squadron equipped for battle. The word of a bishop is the word of truth, and the truth is most feared by those whose work is based on lies and deceit.

* * * * * * *

I have deliberately put off for some time the task of taking up my pen in defense of truth and justice, because I feared lest the heat of passion might warp my thought and that I might be led to make statements which had best remain unsaid.

* * * * * * *

My friends tell me that even now my act is impudent, that I am exposing myself to the wrath of tyrants. God will it be so. Far better for me to incur the wrath of men than the displeasure of God. Far better it is to confess God bravely before men than to be denied by Him on the last day. I fear not the dungeons nor the rifles of assassins; I fear only the judgment of God.

I denounce, I condemn, and I abhor each and every crime which the Government of Mexico has during my days perpetrated against the Catholic Church, especially, and above all, its ill-disguised purpose to root up and destroy once and for all time the Catholic Church in Mexico.

I denounce with indignation not only articles 3, 5, 27, and 130 of the so-called constitution of Queretaro, but I denounce and I abhor each and every law, each and every precept, issued in violation of the law of God, the rights of men, or the teachings of holy church.

It means nothing to me that a law be fundamental, organic, or what not, of to-day, yesterday, or to-morrow, if it is a violation of those rights. With regard to those measures, which are a violation of the dignity of man, as are many of those which, in its madness and infernal fury against Catholicism, the Government is taking, I denounce them all with indignation—not as a pastor of the church of Jesus Christ, which I am, although unworthy, but simply as a citizen having intelligence to know and value my rights and dignity as a free man.

* * * * * * *

The intervention of civil governments in religious matters is nothing other than an assault of brute force on the insurmountable fortress of right. Never can the church, nor can civilization, tolerate such an assault, even when they are cleverly clothed in the disguise of the fundamental laws of the land. The orders of a government, of whatsoever category, do not become laws by the mere fact of their being inserted in the codes, but by the justice and right upon which they are founded. The Government can not justify its attack upon the church by appealing to the law or the constitution of our country. Such dispositions are without force as laws and are nothing else than an assault upon the sacred rights of individual man and of humanity. It can never explain away to the right-thinking peoples of civilized countries its assaults on the institutions of the church by an appeal to the constitution, if it is understood as it should be understood, that the so-called Mexican constitution of 1917, at least in so far as it refers to religious matters, has never been submitted to the people of Mexico for approval. On another occasion I showed that true sovereignty is an attribute of the people, and that no government, whatever be its form, is anything else than the delegate of the people whom it governs and upon whom it directly depends for its authority. Who could ever believe that the Mexican people, Catholic by tradition, known even as one of the most devout peoples in all Christendom, has conferred upon its delegates the power and authority to deprive it of the inheritance which it cherishes above all else. Therefore when the Catholics of Mexico, and especially when the bishops and priests of Mexico, refuse to comply with the articles of the constitution they can not justly be charged with disregard for the law or for the institutions of the country, because the duty to obey presupposes a command that is just and reasonable, and the precepts referred to are not only unjust, they are an assault upon the most sacred rights of man and of society.

The Minister of Government declares that the Mexican people, especially the lowly, are in full accord with the present persecution and demands that the laws be enforced. We defy the minister to go before a truly popular plebiscite so that he, and the whole world with him, may once and for all convince themselves of how the Mexican people feel on these matters. Indeed, the minister has already admitted his defeat by resorting to armed force to suppress the opposition which his acts are arousing.

* * * * * * *

The seizure and closing of the churches with the seal of public authority is but another assault on religion. By what right does the law take possession of ecclesiastical property at its own discretion? When and from whom has it authority to confiscate to its use the churches which the people have consecrated to the worship of God?

But even more odious is the effort of the Government to reduce the church to the rôle of a dependency of the state, and her priests to that of agents of the Government. What else than this can signify the fact that the Government has of late been requiring that a license be obtained for conducting public worship, or the conditions which are being placed by the public recorder on the administration of the sacraments of baptism and matrimony? And, finally, by what right does the Government interfere with the appointment of pastors? What can all this mean than a denial of all ecclesiastical authority and an absolute denial of the corporation rights of the church?

The Jacobins tell us they are not attacking religious teachings, but only the clergy which is given to unpatriotic intrigues. They can not attack the church as they are doing, dominate her, and reduce her to a servile compliance with their will and leave religion intact. * * *

It is only necessary that Mexican Catholics understand fully these artifices to be convinced that I can not in any manner, not under any concept, comply with the requirements of the Government in a matter of this nature.

Nor does the Government deceive itself, nor is it convinced, because a small number of parish priests, obscure and seeking only tranquility for themselves, may have complied with the regulations in matters of public worship, that it has trampled over the church of Mexico. No, no, so long as it fails to bend the columns of granite, which are the bishops, and I placing my faith in God and our Lady of Guadalupe, pray and trust this may never happen—the triumph of Jacobinism, never more than temporary and local, will only move to inflame more and more the ardor of our Catholic faith and hasten the final victory and complete triumph of right over the enemies of Jesus Christ.

Venerable brethren and beloved children, do you need further evidences of the wicked plans of the Mexican Government against the Catholic religion in our unfortunate country? You need but examine the latest decrees issued by the Secretary of Public Education relative to private schools; you need but know the open and brutal persecution against the seminaries and Catholic high schools, a persecution which is in violation even of the constitution, and from which none have been exempted. Article 3, of the so-called constitution of 1917, had left to us at least a mote of educational liberty, the right to conduct such institutions and to teach religion in them. But now the agents of the Jacobins have fallen with a mailed fist on the seminaries and have closed by main force even these last bulwarks of Christian thought. What notion does the Government of Mexico have of the Catholic Church? Has it forsooth failed to grasp the fact that religions are based on principles and that these can be learned only in the school?

I denounce the late tyrannical acts of the Government as being not only an attack upon the most sacred interests of Catholicity but as a denial of the inalienable rights of Mexican society in the purely natural order. Granting, for argument, that the Jacobin officials might by some misfortune succeed in their attempt to sow the seeds of their doctrine in the sacred precincts of the consciences of the Mexican people, not even then could any Government of Mexico for long impose, in the brutal manner now being practiced, a purely lay system and lay institutions on the Mexican Republic. * * *

Civil government, even in matters of natural order, does not of any right which derives from itself exercise any control over education. Only when the parents fail in their duty, and only in so far as they fail, is the civil authority justified in establishing schools. Its power in this respect is secondary and supplementary and therefore it may not introduce novelties and reforms in its schools without having religiously and accurately ascertained what is in the will of the parents in whose place it is acting. Ministers of public education who in our day are assuming a control that is absolute and independent of the will of the parents, of all teaching and education, are committing an assault not on Christian civilization alone but on the sacred natural rights of man.

Let not the minister or anyone else get the notion that in advancing these principles I am advocating the teaching of the Catholic religion in the public schools. I know only too well that the people of Mexico are divided in their religious convictions and that many, by reason of their irreligion or pagan motives of interest, would contend for an atheistic education. The only desire and the only demand of the Catholics is that they be given real freedom in educational matters, independent of Government intervention, not only in high schools but in all schools of every grade. A like liberty we demand in matters of worship and in all matters concerning the field of action which is rightfully the mission of the Catholic Church.

Nor do I stand alone in my attitude on education. Not only the theologians and the teachings of the Catholic Church but modern statesmen worthy of the name, as well, stand with me in this matter. Who would have thought it? Even the most noted leaders of the liberal movement of the early part of the last century are among my supporters. I will quote one of them, whose doctrines should be well known to the minister. Burlamaqui, in his Elements of Natural Law, published in Paris in 1920, says, on page 199: "I would have all education absolutely free, without intervention by the authorities, which always govern badly when they govern much." Education being thus free, the students and their parents would be free to select the teacher of their choice. If they make an evil selection they would be free to change and select another. The teacher would be free to select his own texts. * * * I might cite others along the same lines, but it would ill become me to assume the rôle of learning in times like these, which demand a more vigorous exposition of our position as Catholics.

They are not satisfied with the complete suppression of religion in the schools, with the arbitrary closing of many temples consecrated by the people to the worship of God; they are not content with having reduced the church to the state of a mere dependency of the state; for, even with this all accomplished, Catholic citizens are still able to teach the principles of their faith in the sanctity of their own homes, console one another in the bosom of the family, and keep burning the light of faith in the interior of their temples. Not even this last vestige of liberty, not worthy of the name, is to be conceded to the Catholics of Mexico. Only a few days ago we have read in the public press an announcement that Mr. Adalberto Tejada, minister of government, has addressed to all the executive offices of the Federal Government, over which he presides as president of the cabinet, a circular directing them to submit a list of all the Catholic employees in these offices, giving their names and their positions and their ratings. In this circular the minister directs that should any Catholic employee have taken part in any protest against the acts of persecution recently committed by the Government personally, or have publicly done so by hanging mourning on the front of his home, the same be summarily dismissed from the service as being hostile to the program of the Government. The same press announces, further, that orders have been given to the secret police of the ministry of government that it maintain strict vigilance over all the acts of Catholics employed by the Government, especially the girls, to the end that these be summarily dismissed should there be any report that they have taken part in any protest against the acts of the Government.

And, finally, venerable brethren and beloved children, I demand of you, what does all this signify if not that a deliberate attempt is being made to do away altogether with the Catholic Church in Mexico? Does it indeed not signify even that the constitution of 1917 and the sacred rights of man guaranteed by it are being openly violated? What difference is there between the persecution now being waged in Mexico and that of Nero and Caligula in ancient Rome?

* * * * * * *

Shall we, Catholics of Mexico, do nothing in the face of conditions so sad and unfortunate? Can we look unmoved while her enslaved unnatural children outrage our common mother and seek to destroy her life? Where is the indignation of the clergy? Shall it not cry out against the despots who, supported only by brute force, have closed the doors of the temples and banished the priests—some to foreign lands and others to lives of misery? Above all, where are the pastors, the born leaders, the standard bearers of the cause of God Almighty? Shall we lack even the courage to lift our voice to condemn these attacks on Jesus Christ and His church? Shall we hesitate to expose to the world the infernal machinations with which the children of darkness are preparing to tear out in our beloved Mexico the very roots and foundation stones of Christian civilization?

In an interview recently published in the press of the United States, the President of the Republic makes the statement that religious persecution in Mexico is due to the fact that the Catholic clergy is mixing in politics in a manner unheard of in the United States. The President of the Republic lies. It is precisely the fact that we have refused to take part in the fundamental political problems and activities of our country; that is, not in the politics of the "ward-heeler" and the "petticoat" politician, by which individuals rise to be the representatives of citizens to whom they are not even known, but in the politics which deal with principles, with the great problems of society, upon the solution of which depend the peace, the happiness, and the welfare of a people. Because of this very refusal to play a part of this criminal omission, we are now allowed to suffer the anger of Divine Providence, of which our persecutors are nothing else than the instruments.

* * * * * * *

The President has declared, further, that the enforcement of the antireligious provisions of the constitution has not resulted in a problem of any importance, but that the opposition has been limited to a few protests accompanied by more or less disorder, in which women played the leading part, and that men enough had not been enlisted even to act as leaders and organizers. The President lies in making such a statement.

In conclusion, beloved children, I beseech you to walk in the way where I will lead you, that you go to martyrdom even, if this be necessary, in the cause of Jesus Christ and His church. Have no fear of men who, after all, can deprive you only of the life of the body; fear none but Him who has power to cast the soul into the flames of hell. Fear not death for, even when our nature trembles with anguish at the sight of it, our faith in God can do all things and it will abide with those who profess Jesus Christ. Let us ever be mindful of the words of our Divine Lord: "When men hate you and overwhelm you

with outrage for my name, glorify and rejoice because your crown will be great in heaven." Let us not forget the words of the apostle, full of cheer and hope for the faithful followers of Jesus: "One moment of tribulation, one moment of anguish earn for us the eternal crown of glory."

The arm of the Lord is not shortened and He will, if necessary, bring us consolation in the agony and terror of death. Remember the divine consolation which our fathers enjoyed in the furnaces of fire, before the savage beasts, and in the arena of the Roman circus. I pray God that we may not be tempted beyond our strength and that He may make up for our deficiencies by the power of His omnipotence.

Remain firm, my beloved children, in prayer and in the profession of your faith, which has come to us clean and unsullied from our fathers. And you, priests of the church, truly the leaders and chiefs of God's people, be true pastors of the flock entrusted to you. Never flee before the wolf who would devour your sheep; stand bold in the face of every danger; and, above all, allow none of the fold intrusted to your care to be lost.

Let us all prepare ourselves for the life of the catacombs, for the life of sacrifice and of immolation. Let the women, young and old, clothe themselves in mourning, reviving at the same time, at their firesides, the purity of the customs of our forefathers. No immodest dancing, no immoral motion pictures, no dangerous conversations, nor flirting, nor coquetry; far from us all thought of pleasure and enjoyment when our common mother is in tears. Let the boys go to their flag with a will; but let them go more often than ever to the church to ask God's blessing for our mother in this, the day of her tribulation. Let the young men arm themselves with Christian knowledge and courage to fight the battle of the Lord. Let fathers of families not fail in their duty to teach the principles of Christian faith to their sons; let every home become a sanctuary, every conscience a temple of the true God; persevere in your instance on all occasions that the provisions of the constitution which destroy our liberty of education be repealed. If one school is closed, open another; if a schoolhouse is torn down, build another, and if, in your poverty, you are not able to build, set up tents and fail not in your duty to provide civil and religious education for your children, even if the shade of the trees is the only shelter for the school.

If we do but this, the chastisement of the Lord will cease, the awful tempest now breaking upon us will be calmed and, at last, we shall see in the horizon the light of a new day in which all Mexicans, united by the bonds of a common faith and of a common love, will raise their voices to our Father in Heaven, singing a canticle of praise and of eternal thanksgiving as did the Christians of old when, for the first time, they emerged from the catacombs and were allowed to view again the sun of liberty.

JOSE DE JESUS, *Bishop of Huejutla.*

MEXICAN PROPAGANDA IN THE UNITED STATES

The present Mexican Government is maintaining and spreading throughout the United States propaganda seeking to defend its theories of government, which include the right of the President of Mexico to send anyone, even a citizen of Mexico, out of the country, without a trial or a hearing; the denial to any minister of the gospel of the right to trial by jury or by judge; the doctrine of the supreme autocracy of the State, not only in civil but in religious and educational matters. Such doctrines are the explicit negation of our own theories of government.

The Government of Mexico, through the office of its consul general in New York, has published and is widely circulating a pamphlet, published by the Academy Press of New York, entitled "The Church Problem in Mexico."

The Mexican consul general, at New York, Mr. Arturo M. Elias, is sending out on official stationary of the Government of Mexico and under the immediate direction of the Mexican Government, a manifest forgery—a supposed photostat of the entry sheet of Archbishop Caruana, an American citizen, into Mexico. The photostat states Archbishop Caruana declared he was a Protestant. Archbishop Caruana, at the time of his entry, showed his United States passport and his health certificate, which states that he is the Bishop of San Juan, P. R.

The Mexican Government's officials here have, of course, access to the press of the country because of their official position.

In newspaper, magazine, popular lecture platform, Mexican representatives such as Señor Puig, Señor Elias, are carrying on propaganda in defence of the principles of the present Mexican Government, which means, de facto, against the principles of our own Government.

Some may say the maintenance of religious liberty and liberty of education in Mexico is no concern of the Government of the United States. It may be no concern of the United States to see to it that one religion is favored above another, but it certainly is the concern of the United States that a foreign country allow to the nationals of the United States, who are legally within its borders and who violate no law of that foreign country, liberty to exercise their religion, and liberty to educate their children in the religious belief they choose.

In 1915 the Senate of the United States requested the then Secretary of State to secure assurances from the Carranza government, recognition of which was then in question, that the said Government, if recognized by the United States, would grant religious liberty to all its (Mexico's) citizens.

The Mexican Government recognized our right to make the inquiry, and its confidential agent—practically its then secretary of state—wrote to the Secretary of State, under date of October 8, 1915, assuring him the constitutionalist government of Mexico would respect religious liberty. The United States Senate accepted this statement, and the Carranza government received recognition.

Under the constitution of Mexico any studies a candidate for the ministry may make in preparing himself for the intelligent administration of his office shall never count for any academic degree. His office is discredited; his person is discredited; his studies are discredited. Article 130 reads:

Under no condition shall studies carried on in institutions devoted to the professional training of ministers of religious creeds be given credit or granted any other dispensation of privilege which shall have for its purpose the accrediting of the said studies in official institutions. Any authority violating this provision shall be punished criminally, and all such dispensation of privilege be null and void, and shall invalidate wholly and entirely the professional degree toward the obtaining of which the infraction of this provision may in any way have contributed.

That constitution prohibits any minister of the gospel from inheriting any property of any kind from any individual, either for himself or as a trustee, unless the individual giving the bequest is related by blood to him within the fourth degree. Article 130 reads:

No minister of any religious creed may inherit, either on his own behalf or by means of a trustee or otherwise, any real property occupied by any association of religious propaganda or religious or charitable purposes. Ministers of religious creeds are incapable legally of inheriting by will from ministers of the same religious creed or from any private individual to whom they are not related by blood within the fourth degree.

No trial by jury is allowed for the minister of the gospel who offends any of these so-called religious provisions of the constitution. Article 130 reads:

No trial by jury shall ever be granted for the infraction of any of the preceding provisions.

No religious orders such as characterize in our country the Catholic Church or the Episcopalian or the Methodist or the Salvation Army are allowed under that constitution; nor are organizations such as the Knights of Columbus or the Young Men's Christian Association or the Young Women's Christian Association nor institutions such as St. Vincent's Hospital or St. Luke's Hospital or the Presbyterian Hospital or the Fifth Avenue Hospital allowed to hold property, to function. Article 5 reads:

The law therefore does not permit the establishment of monastic orders, of whatever denomination or for whatever purpose contemplated.

Article 27, part 3, reads:

Public and private charitable institutions for the sick and needy, for scientific research, or for the diffusion of knowledge, mutual-aid societies or organizations formed for any other lawful purpose shall in no case acquire, hold, or administer loans made on real property unless the mortgage terms do not exceed 10 years. In no case shall institutions of this character be under the patronage, direction, administration, charge, or supervision of religious corporations or institutions, nor of ministers of any religious creed or of their dependents, even though either the former or the latter shall not be in active service.

The conditions under which religious services shall be held, by whom they shall be held, the arbitrary directions as to all these details are immediately under the Federal Government of Mexico; all other officials are only auxiliaries in these matters to the federal authorities.

Article 24 reads:

Every religious act of public worship shall be performed strictly within the places of public worship, which shall be at all times under governmental supervision.

Article 130 reads:

The federal authorities shall have power to exercise in matters of religious worship and outward ecclesiastical forms such intervention as by law authorized. All other officials shall act as auxiliaries to the federal authorities.

The constitution provides that only such ministers shall officiate as have been so designated by the legislature of the particular State, and no foreign born may minister. Article 130 reads:

The State legislatures shall have the exclusive power of determining the maximum number of ministers of religious creeds, according to the needs of each locality. Only a Mexican by birth may be a minister of any religious creed in Mexico.

Criticism of, or even comment on, any of these provisions by any religious publication is prohibited. Article 130 reads:

No periodical publication which either by reason of its program, its title, or merely by its general tendencies is of a religious character, shall comment upon any political affairs of the Nation, nor publish any information regarding the acts of the authorities of the country or of private individuals, in so far as the latter have to do with public affairs.

That constitution prohibits a minister of religion from teaching in any primary school, whether the school be public or private. Article 3 reads:

No religious corporation nor minister of any religious creed shall establish or direct schools of primary instruction.

Any school erected for the teaching of religion shall ipso facto become the property of the Federal Government and in all matters, curriculum, teachers, etc., shall be under the direction of said Federal Government. Cf. article 130.

No minister of religion nor a religious corporation is allowed to initiate or maintain any institution for scientific research. Article 130.

Here is an interesting letter to our President:

APRIL 23, 1926.

His Excellency, the Hon. CALVIN COOLIDGE,
President of the United States, Washington, D. C.

DEAR MR. PRESIDENT: We, the undersigned members of the administrative committee of the National Catholic Welfare Conference, representative of the bishops, clergy, and laity of the United States, respectfully manifest to Your Excellency our grave concern, the distress and anxiety we feel, because of the injury and the growing danger to our own country and to international good will upon this hemisphere caused by the present conduct of the Government of Mexico.

The distress we feel is not simply our own; through numberless petitions from organizations of our own religious faith, and through petitions from those not of our faith, the increasing critical nature of the situation has been brought home to us.

There is no need to rehearse here the provisions of the present Mexican constitution which wipe out every vestige of religious liberty and deny to every priest or minister of the gospel, of any and every denomination, the inalienable rights of a free man. The result has been the setting up on this continent of a government that explicitly denies the principles which we believe are the very life of our country. And the agents of that Government of Mexico are disseminating those principles through the public press and through their own propaganda literature.

Political opponents of the said Government have been driven into our own country or have taken refuge therein. Their presence is not conducive to peace.

The disturbed conditions, brought about in great measure by misgovernment in Mexico, have driven thousands of Mexicans across the border into our own country. Up to the present we have promoted good will with the Latin-American Republics by favorable immigration laws. The increase in Mexican immigration has already intensified a demand for a modification of our immigration laws with regard to Mexico and the countries of Central and South America. Of itself such agitation endangers the good will which we earnestly wish to stand as a bond between ourselves and those countries.

We have a unique and special relation to Mexico because of the positive steps our Government has taken at different times in history to support or deny support to this or that government in Mexico.

We are conscious of the limitations of the influence of one Government upon another and the courtesies of diplomatic relations. We know and wish to give public appreciation of the constant effort which our own Government has taken to voice and to advance American principles whenever suitable opportunity presented itself. We know of the deep interest of Your Excellency and the other high officials of the Government in the individual cases that have been brought before you and of the measures within legitimate influence you have taken to ameliorate the condition of American citizens who have suffered in Mexico from religious persecution. We petition a continuation of those good offices and of your watchful interest.

We write in no spirit of criticism; nor do we make any unwarranted demand. We wish to present with every emphasis our grave anxiety concerning the conditions consequent upon the present conduct of the Mexican Government in its persecution of religion.

We need not add that we possess nothing but sympathy and love for the Mexican people. We rejoice in their national aspirations, in their every effort to promote their economic and social betterment, their union, and development as a nation. But, conscious of the growing importance of the problem to ourselves as a Nation, we submit our mind to you, confident that you will do all in your power to aid in the solution of this problem. And our own efforts will continue to be directed to the end that the same principles that have resulted in the blessings of freedom to us may be accepted by other nations and thus one further bond of common life be sealed among the peoples of this Western Hemisphere.

With sentiments of deep esteem,
Respectfully yours,

EDWARD J. HANNA,
Chairman, Archbishop of San Francisco.
AUSTIN DOWLING,
Treasurer, Archbishop of St. Paul.
P. J. MULDOON,
Vice Chairman, Bishop of Rockford.
JOSEPH SCHREMBS,
Bishop of Cleveland.
EDMUND F. GIBBONS,
Bishop of Albany.
THOMAS F. LILLIS,
Bishop of Kansas City.
PHILIP R. MCDEVITT,
Bishop of Harrisburg.

JUNE 4, 1926.

Hon. FRANK B. KELLOGG,
Secretary of State, Washington, D. C.

YOUR EXCELLENCY: Because of the public interests affected by the conduct of the Mexican Government relating to my recent entry into country and residence there during the period between March 4, the date of my entry into Mexico, and May 16, the date of my departure from Mexico City, en route to the United States, I believe it to be important that I file with you a brief record both for the purpose of avoiding any confusion or misunderstanding which might arise as to the facts and in the hope that my protest may serve in some way to clarify the situation in which American citizens are placed in Mexico, because of the laws and administrative procedure adopted by the Federal Government of that country.

I am aware that the incidents which arose as a consequence of my visit to Mexico have been brought to the attention of your excellency by the American ambassador to Mexico. I do not, therefore, consider it necessary that for the present purpose I enter into detail and will limit myself to the briefest possible recital of the essential facts.

I am a citizen of the United States. I have served as a Catholic priest both in the insular possessions and in continental United States. In 1918, I was given commission as a chaplain in the United States Army. Under this commission, I served during the World War.

On the 4th day of March, 1926, I entered Mexico through the immigration station at Laredo. At the time of my entry, the Mexican Government had not repealed its immigration law of December 22, 1908. An inquiry at the Mexican Embassy in Washington had resulted in assurances that there was nothing either in the Mexican constitution or in the laws or regulations of Mexico which could interfere with the entry of an American clergyman into that country at that time. I, of course, was aware of the provisions of the Mexican constitution which prohibit me, as an American citizen, to function as a clergyman in Mexico.

The American passport which I exhibited to the immigration authorities of the Mexican Government at Laredo showed clearly that I was a clergyman, and the medical certificate which I exhibited to the health authorities at the same time showed with equal clearness that I was the "Right Reverend Bishop of Porto Rico."

In going to Mexico I had no intention of performing any function proper to the profession of a clergyman. In order fully to comply with the constitution and laws of Mexico I had, in so far as was possible, divested myself of my clerical profession. The fact that I had exercised this profession was a matter in which the Government of Mexico could not be properly interested, especially in view of the assurances received from the Mexican ambassador at Washington prior to my departure from that city. Therefore, in reply to the immigration official at Nuevo Laredo I did not mention the fact that I was a clergyman in listing my professional titles. The information I gave him covered every activity in which I intended to engage while in Mexico, and, taken in connection with the documents exhibited by me at the time, was a full and complete statement.

Two weeks after my entry into Mexico I was summoned by the Secretario de Gobernacion and required to show reasons why I should not be deported as an alien clergyman. The government made the absurd claim that they had no record of my having entered through a regular immigration office, and supported this claim by exhibiting the loose-leaf daybook in which the agent at Nuevo Laredo had recorded the entry of aliens during the early days of March, 1926. Required

thus, to prove the regularity of my entry into Mexico, I had no difficulty. It at once was apparent that the daybook record, as exhibited by the Mexican Government, contained no record of others who had entered at the same time as I had and was, therefore, incomplete. I insisted that the record was incomplete, with the result that a page, not at first exhibited, was produced and was found to contain the record of my entry.

I placed all the facts before the government and apparently satisfied the minister that the charge was not founded in fact and, on March 23, the public press of Mexico City and of the United States printed a statement purporting to be from the Ministry of Government, to the effect that I would not be molested during my stay in Mexico, provided I complied with the provisions of the Mexican constitution.

I have so complied, even with those provisions of the Mexican constitution which deny to an American citizen who is by profession a minister of religion the rights which are granted the members of other professions in the Republic of Mexico and which are derogatory of the rights which in the United States are conceded to belong by nature to free men and the exercise of which is not denied to the citizens of Mexico residing in the United States.

On May 12 Señor Francisco M. Delgado, chief of the division of secret service of the Secretario de Gobernacion, called at my residence. He showed me a document addressed to himself. This document was in the form of a ministerial decree in which the Secretario de Gobernacion stated that the President of Mexico had ordered my expulsion from Mexican territory on the grounds that at the time of my entry into Mexico I had made false declarations with regard to my "birth, profession, and religion," and that since that time and while residing in Mexican territory I had functioned as a clergyman (ejercido el culto) in violation of article 130 of the constitution of Mexico. This document bore date of May 10, 1926, and ordered me to depart from Mexican territory within six days. By indorsement on the back of this document, signed by both myself and Señor Delgado, I acknowledged its receipt and reserved all rights regarding the facts upon which the charges were based. This indorsement further stated that a copy of the document would in due course be supplied to me by the Mexican Government. This copy has not been supplied as promised, and I am unable to submit it in support of this protest. I consulted with the American ambassador, and feeling that any appeal made by me would be useless, I decided to comply with the order rather than subject myself to be physically deported.

Since my arrival in the United States I have been astonished by published reports which indicate that the Government of Mexico has sought to justify its action in thus expelling me from Mexican territory under pretense that I did not comply with the law of Mexico. At the present time there is a statute in Mexico which prohibits the entry into that country of any alien whose profession is one which the said alien may not exercise in Mexico, and the Secretario de Gobernacion stated in an interview to the press of Mexico City that this clause refers especially to ministers of religion. The same law grants to the President of Mexico absolute and final discretion to deport summarily any alien whose presence in Mexico he considers undesirable. This law, however, was not promulgated at the time of my entry into Mexico. It was promulgated on April 19, 1926, and its transitory clause states that it shall go into effect on the 1st day of June, 1926.

I have noted that in a statement handed to the public press your excellency considers that the American ambassador and the Government of the United States have done everything possible, within the limitations of international courtesy and propriety, to protect my person and defend my interests which have been placed in jeopardy in Mexico.

Without departing from that deep respect which I justly feel toward your excellency, personally, and for the high office which your excellency holds, I can not accept the above statement as satisfactory.

Neither the constitution or the laws of Mexico justify my expulsion from that country. The action of the Mexican Government is a flagrant violation of an assurance given by its officers to the American ambassador to Mexico that no American citizen will be expelled from Mexico until after the United States Government has been given an opportunity to consider the facts upon which the proposed expulsion is based. This obligation was not lived up to in my case in spite of the fact that, in writing, I had insisted that Señor Delgado supply a copy of the ministerial decree of May 10. The American Government was not given an opportunity to review the facts, and I can but insist that it thus became the duty of your excellency to take whatever steps may have been proper to insure faithful compliance by the Government of Mexico with this duty of courtesy which had been freely accepted by it.

Clergymen of foreign nationality, both American and others, are permitted by the Government of Mexico to continue to reside in that country. Some of these are known even to be exercising their profession, regardless of the constitution and laws which prohibit their doing so. No special or peculiar considerations have been advanced by the Government of Mexico to justify its discrimination against me, and, as an American citizen, I deem it my duty to bring to the attention of your excellency and to protest against this failure on the part of the Government of the United States to insure for its citizens just and fair treatment from the government of a country with which we maintain relations of friendship.

I bring these facts to the attention of your excellency and of the Government of the United States because my observation convinces me that, under the present Government of Mexico, citizens of the United States having legitimate interests in Mexico and obliged by these to reside in that Republic, are being denied the rights which it is customary for one government to concede to the citizens of another friendly nation, and because I feel that the protection of our citizens and their legitimate interests in Mexico calls for a policy and action more precise and more energetic than was exercised by my Government in my case, and for such further use as your excellency may deem proper.

Respectfully submitted.

GEORGE J. CARUANA.

[From The Christian Century of June 24, 1926]

MEXICO'S CONSTITUTION AND RELIGION

On page 818 of this issue there will be found a translation of the portions of the Mexican constitution which refer, directly or indirectly, to religious affairs. The translation was prepared by a competent scholar, and issued by the Government Printing Office at Washington under the approval of Dr. L. A. Rowe, director of the Pan American Union. It comes as near, therefore, to being an official version as any rendering in English can be. The Christian Century prints these sections as of great documentary importance. It is probable that the discussion of Mexico's conduct in regard to churches, church schools, ministers, and missionaries is just beginning. Recent action directed against Episcopal clergymen suggests that the hand of the Government, which has been laid so heavily on Roman Catholic ecclesiasts, will now be laid with almost equal severity on the clergy of other communions. The Mexican Government will probably do what it can to convince the world that it means to deal impartially by all religious groups. If this discussion keeps on growing it may lead to international complications of the first importance. In this event, it will be well for Americans, before commenting, to have given careful attention to the document which is, by this printing in our pages, made available.

MEXICAN CONSUL FLOODS UNITED STATES WITH PROPAGANDA; ITS FALLACIES REVEALED

By N. C. W. C. Legal Department

WASHINGTON, D. C., June 21, 1926.—That the office of the consul general of Mexico at the port of New York is preparing to engage in propaganda on a large scale against the Catholic Church of Mexico is apparent from the releases which have recently been issued by that office to the public press.

An article by Jack Starr-Hunt, English editor of Excelsior, a daily paper of Mexico City, printed in the New York Herald-Tribune of June 16, 1926, announces that the Government of Mexico has prepared a pamphlet which is an attack upon the Catholic Church and the Catholic people of Mexico, and that an edition of 10,000 copies of this pamphlet has been prepared by the Government of Mexico for distribution at Chicago during the Eucharistic Congress. This pamphlet will contain an explanation by the Mexican Government of the deportation of foreign priests, along with other chapters explanatory of the clauses of article 130 of the Mexican constitution of 1917, which are the authority under which the Government of Mexico seeks to justify its campaign against religion.

Within the past month the consul general of Mexico in New York has given wide distribution to a pamphlet entitled "The Church Problem in Mexico." This pamphlet is printed by the Academy Press, identified with the publishers of the socialist New York Call; it contains a foreword by Señor Manuel Prieto, who is acting consul general of Mexico, in which Mr. Prieto points out the fact that the American public is without detailed knowledge of the facts concerning the problems by which the people of Mexico are at present confronted. For the alleged purpose of supplying this deficiency in the knowledge of the American public, the consul general reprints in his pamphlet a statement on The Church, taken from a little book entitled "The Social Revolution in Mexico," the author of which is Prof. Edward Alsworth Ross, of the University of Wisconsin.

AUTHORITIES CITED ARE QUESTIONABLE

This book is, as Professor Ross points out in the preface, not a book "about Mexico, but only about certain aspects," and of these the consul general selects only one—Professor Ross's discussion of the church problem—with which to enlighten American public opinion. Professor Ross lays no claim whatever to authority as a historian of the Catholic Church or of the Mexican people. His discussion is based on the most casual kind of observation and, as he points out, the book was not written as a contribution to the knowledge "of those who know Mexico," but as a contribution by one "who knows what will slake

the curiosity of those who have never been in Mexico." Professor Ross further admits "thousands know more about this subject than I do." Certainly this estimate which the professor makes of the merits of his own book should have caused the consul general of Mexico to hesitate in reprinting the chapter on so important a subject as the church problem in Mexico.

Professor Ross being a sociologist, it is natural that his book should contain a diagnosis of the general social problem of Mexico. The title of the chapter in which this discussion appears bears the significant caption "The sickness of Mexico." In this chapter, Professor Ross has the following to say:

> In the eyes of the sociologist, Mexico is a sick society—very sick. I am taking here the point of view of the twentieth century, not of the seventeenth. To Louis XIV or Czar Nicholas I or Metternich or King Bomba of Naples, Mexico would appear to be quite well. But, in the light of the democratic ideas which, spreading out from the American Revolution and the French, have gone resounding and triumphing in the world until democracy bids fair to govern the ideals of humanity, Mexico is prostrated by a complication of diseases from which it is not at all certain she can recover by her own unaided efforts.

STATEMENTS THREE YEARS OLD USED

The second part of the pamphlet issued by the consul general of Mexico is a reprint of a discussion of the church problem of Mexico from a book entitled "Mexico—An Interpretation," by Carleton Beals. Mr. Beals, in the preface of this book, describes himself as a kind of adventurer who visited Mexico for the first time in August, 1918, and traveled by foot and horseback where trains were not available. He claims to have visited 15 of the 28 Mexican States, living for a time with Indians. He visited Villa districts in Chihuahua and Durango, and passed through Zapata's kingdom at a time when these men were in open arms against the Carranza government.

Mr. Beals says that he was employed in various capacities as a writer of propaganda literature and as a teacher by the Government of Mexico. He gives credit for much of the material appearing in his book to Mr. Robert Haberman, a communist agitator formerly residing in the State of New Jersey, who was at one time active in organizing a communistic government for the Mexican State of Yucatan, and at present is employed by the government of President Calles. He also gives credit to Luis N. Morones, president of the Mexican Federation of Labor, who is Minister of Trade and Industry under the Calles government. Since he had admitted those sources of information we need have little further doubt of the character of Mr. Beals's contribution to the literature on the Mexican problem.

The consul general quotes only that chapter of Mr. Beals's which deals with the church.

It is to be noted that both of these books from which the Mexican consul general quotes were written before 1923, and therefore before the entrance of Calles into power and before the intensification of the persecution of the church in Mexico which has resulted in the present crisis.

To reprint statements of this sort as a justification of the acts of the Government of Mexico in 1926, when the laws under which the church is asked to function in Mexico are entirely different from those which were enforced at the time these chapters were written, can be characterized only as an attempt to mislead public opinion.

STUPIDITY IN CARUANA CASE

Of a similar character are two statements issued to the public press of the United States by this same consul general. Both of these have to do with the recent expulsion of Archbishop Caruana, the apostolic delegate to Mexico. In the first of these letters the consul general characterizes the mission of the archbishop as an "attempt to interfere" with the "activities of the Government of Mexico by the hierarchy of the church." He says this is not the first time in recent years that Mexico has expelled an apostolic delegate. He mentions the case of Monsignor Fillippi. He does not, however, refer to the more recent case of Monsignor Cimino, who went to Mexico after the government of President Obregon, represented by Mr. Saens, who is at the present time Minister of Foreign Relations in the cabinet of President Calles, had formally consented to receive him and to allow him to reside in Mexico. Finding no reason whatever for expelling Monsignor Cimino, the Mexican Government took advantage of the visit which the prelate was obliged to make to the United States for reasons of health to prevent his readmission into Mexico, thus, in a cowardly manner, refusing to comply with the obligation which it had formally assumed toward the Holy See and the apostolic delegate to Mexico.

The second of these statements is dated June 9, 1926, and together with it the consul general issued what he alleged to be a photostatic copy of the record made by the immigration official of the Mexican Government at the time Archbishop Caruana entered Mexico through Nuevo Laredo. The alleged copy purported to be evidence that Archbishop Caruana declared to the immigration authorities of Mexico that he was of a Protestant religion. The consul general makes no effort to prove the authenticity of this copy. The photostat shows clearly that the original from which it was made was never signed by either Archbishop Caruana or by the immigration official, who are the parties interested, and from the character of the statements made in it there is no doubt whatever that Archbishop Caruana is justified in denouncing it as a lie.

The consul general, in the concluding paragraph of this statement, says that he is issuing it "in the interest of a healthful understanding between the people of my country and the United States." Certainly, these attempts to mislead public opinion in the United States can not conduce to anything but an intensification of the ill will which at present characterizes the relations between the people of the two countries.

NATIONAL CATHOLIC WELFARE CONFERENCE ISSUES PAMPHLET

The issuance by the National Catholic Welfare Conference of a pamphlet dealing with the church problem in Mexico at this time is extremely appropriate. The pamphlet of the National Catholic Welfare Conference is up to date in its subject matter. It deals with the laws which are at present being enforced in Mexico and with the acts which are being committed by the present administrators of those laws. This bulletin is a moderate, dignified effort to present to the American public a fair statement of the present-day conditions in Mexico and has for its purpose the clarification of the situation and the enlightenment of public opinion to the end that there may be brought about by the people of our country and those of Mexico a better understanding of the problems which are common to both and the solution of which is being rendered more difficult, if not impossible, by the flood of misstatements such as those above referred to.

Mr. BYRNS. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. BLACK].

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, Mr. H. G. Wells, in finishing up his book, the Outline of History, puts a query like this:

> Why is it that the world, after about 500 years, has so advanced since the old days on the mountain tops of Mexico, when men took the living hearts of men and offered them as a sacrifice to the sun god?

The United States should understand that the very people that the officials of Mexico are trying to drive out, the religious, are responsible for such advance, because those men and women saw to it that Mexico was brought up to a civilized standard. Its present governing politicians are driving out of Mexico people with notions of God, and are substituting in Mexico to-day atheism, anarchy, and sovietism. What is the use of suppressing the teaching of evolution in Tennessee when Mexico is permitted to drive the spiritual concepts out? Can we who say "In God we trust" afford to have on our southern border a nation that has rejected that slogan, a nation which wants no thought of God in its confines?

I say to the American people to-day, it is time that we inquire more closely into our foreign relations. Our leaders are pusillanimous, and every time we get into a conference with foreigners on an international question we are set back internationally and our prestige is lessened. Thus, in the naval disarmament conference we made ourselves a second-rate navy power. We find that every time we enter an international conference we are beaten down.

Here the other day the British got possessions in Panama, and our administration told the American people that the concessions obtained by the British had nothing to do with rubber growing. Porras, the former President of Panama, said that the property which the British got was good rubber property, but that the British were not going to use it for the production of rubber. Substantially what they did was to chase from Panama prospective American producers of rubber. The British do not want any more rubber grown.

It is time for America to look out for its rights. Here is the great United States, with only the Philippines to look to for rubber growing, with rather a questionable jurisdiction over the Philippines. We should devote ourselves more closely to South America. We should extend our jurisdiction by harmonious arrangements clear down to the Panama Canal. The present situation is a dangerous situation for America when Great Britain can go in and take big tracks of land in Panama—Panama which owes everything to us—and proceed to

police it. The British Government has helped British contractors to get within 15 and 35 miles of the Panama Canal. Meanwhile here we stand back and do not know what to do. I say it 's time in this country that we had another Jackson, that we had another Roosevelt—not politicians, not philosophers, but doers and executives—men who carry the flag and carry the country with it. [Applause.] Here the British are about to inflict another rubber restriction on us, as though they had not made enough money already. But no. They go at the same time into Panama and withdraw from rubber development property that would be most profitable to us if American business could rely on American officials and go in there.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. GILBERT. There is practically no rubber in the Philippines. The probability is that the island of Mindanao is suitable for the production of rubber. Would it not be better for us to foster agreeable friendships and make rubber production profitable on our own hemisphere than attempt to exploit the Philippines for that purpose?

Mr. BLACK of New York. That is what I think. But our administration has allowed the British to cut off all our hopes in Panama. They have now two vast possessions, valuable with rubber possibilities and mineral possibilities, for 10 years, and then they can annex in perpetuity two tracts, and our administration and State Department just get nervous about it.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. O'CONNOR of Louisiana. In view of the fact that the British own nearly all the coast north and south in the vicinity of the Panama Canal, why get excited?

Mr. BLACK of New York. The only thing that would get the administration excited would be the occupancy of the White House by the British. In one of their Middle East plantations we find that one company with a capital of £35,000 last year earned a profit of £65,000. We find all of them in the last few years making increased dividends, and now they announce another restriction scheme, and our State Department and our Department of Commerce do nothing to remedy the situation.

On the other hand, American manufacturers who have heavy inventories on their hands, great numbers of casings and great numbers of tubes, have refused to sell them at a reduced price to the American consumer, and our Department of Commerce is not calling attention to the situation.

Mr. MADDEN. Will the gentleman yield?

Mr. BLACK of New York. Surely.

Mr. MADDEN. Does the gentleman assume to say that the Government of the United States should enter upon the production of rubber in any place, or is he willing to assume that the people who are engaged in the rubber business ought to do that?

Mr. BLACK of New York. I am willing to assume that the people who are engaged in the rubber business should do it, and I will say that those who are engaged in the rubber business would do it if they thought the United States would give them any kind of military and diplomatic protection. But they do not trust your Government under present conditions, and they refuse to go ahead and put capital in insecure places.

Mr. MADDEN. Where does the gentleman get that information?

Mr. BLACK of New York. Because they have already fooled around in Panama. American interests have fooled around in Panama for five years and they did not dare go ahead.

Mr. MADDEN. I think that is a very foolish statement for the gentleman to make.

Mr. BLACK of New York. No; it is not a foolish statement.

Mr. MADDEN. Yes; it is a foolish statement.

Mr. BLACK of New York. Why is not American capital going into the Amazon country to-day? It is because it can not trust the American Government like British capital can trust the British Government. You wanted us to go into the World Court and you voted for it last year. In the Wimbledon case, a precedent for the court, the World Court passed upon the status of the Panama Canal, and in the Wimbledon case the court said the Panama Canal has an international status and they deprived us of our sovereignty there, and there is not a peep out of anybody in the Department of State. All you can do is to get some gentleman, like the distinguished gentleman from Illinois [Mr. MADDEN], to get up and say it is foolish to make any remarks against our own Government and say that, of course, they will protect everybody. This administration of yours does not even protect its own Senators at primaries, and that being so how could you expect it to protect business men in foreign countries?

Mr. MADDEN. Has the gentleman had a primary fight lately?

Mr. BLACK of New York. No; but if the gentleman has he can win on a 2-cent stamp and will not need $2,000,000.

Mr. MADDEN. How many 2-cent stamps did the gentleman say?

Mr. BLACK of New York. Just one will be enough.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. FAIRCHILD. I want to suggest that my colleague clearly indicate whom he means and not say "you." The RECORD will not indicate whom he means by "you."

Mr. BLACK of New York. I like you well enough to let you out of the Republican Party for the time being. I will give you absolution.

Mr. FAIRCHILD. If my colleague from New York will obey the rules of the House and say "the gentleman from" and indicate him, we can know just the man he means.

Mr. BLACK of New York. That is the trouble with the Republican Party. They are more upset about good manners, etiquette, and good form than they are about substantial things. They "yessed" Mr. Balfour and they bowed to him so much when he was here that he was able to put it over on us as to the disarmament conference, and he did that so well that when he got back to Great Britain he insisted upon becoming a lord, and he became a lord, because of what he did over here, when he scrapped the American fleet. Good form is all right and etiquette all right, but the American people care more about substantial things. It was considered good form to give money in Pennsylvania, and it was said it was just like giving money to a church, but the people do not care about form, etiquette, and good manners when it comes to considering substantial things. The real thing that the American people want to know is where your heart is. The American people and the common people do not care how many manners you have, but the time is coming, now that the Government is stepping into the field of morals, when the Government is going to step in and tell the people what manners they should have, how to hold their knives and forks, and that they must not eat peas with a knife, and other things like that. However, so far the people are not upset about manners, but they are upset about the real things, and you will be really serving your people better—I mean the gentleman partly from Westchester and partly from the Bronx—if you attend to those real things, and he will be serving his people better than he has in the past, although he has not done badly.

Mr. FAIRCHILD. I am glad my colleague has given me absolution.

Mr. BLACK of New York. You can take it back with you—"you" again—and see what you can do with it, but I will say better things for the man who runs against you.

Now, the American manufacturers last year got Mr. Hoover and the distinguished gentleman from Connecticut, the majority leader, to introduce a resolution going after the British rubber planters, and at the same time the manufacturers here raised tire prices. They raised the tire prices five times last year because they said rubber was going up. In July, for a time, rubber went to $1.21, for an hour or two, and then Hoover and the gentleman from Connecticut got excited and said the British were gouging us out of $700,000,000. Our tire bill last year was $429,000,000, out of which the British got about $300,000,000. Our manufacturers made a price advance in October, and that was a fictitious price advance, because the dealers understood there was no price advance to them, and that was done, first, so that the people would think they were getting something at a discount; and, secondly, when Mr. Hoover got excited, the American people thought there was going to be an advance again, and the manufacturers made a 10 per cent decrease which really never went into effect, because it was a reduction from a price that did not exist.

Now, I say to the American people and to the Republican Party, that has control of the Department of Commerce: Tell your friends, the tire manufacturers, to disgorge.

They have great earnings on their books; they have great earnings in their banks; they have tires on their shelves; they have what you people gave them, an investigation that you did not know what to do with after you started it. Now, do something for the people. Here is a fine opportunity.

You will not do anything for the farmers; you will not do anything with respect to coal; but here is an opportunity to do something about tires, and I ask the distinguished gentleman from Connecticut [Mr. TILSON], an authority on rubber, the gentleman who introduced the resolution, to call upon the tire manufacturers who were anxious to get his resolution to come

through now—rubber is down; profits and inventories are high; cut tire prices for the American people. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Chairman, the subject I wish to speak on is reclamation. For a number of years I have been interested in that subject because a great portion of the better lands in America are either too dry or too wet for them to be converted into farms.

The attention of the country for several years has been directed to the dry lands of the West. I have studied very carefully the reclamation laws beginning back with the desert land law of 1877. This law was followed by the Carey Act of 1894, the second act enabling States to enter into the reclamation business. In 1902 we had our Federal reclamation law enacted by Congress whereby the projects were outlined and supervised by the Department of the Interior. After the World War, in 1918, Congress passed an act authorizing the expenditure of $100,000 to make a survey of overflowed and swamp lands that might be reclaimed for farm purposes.

Reclamation naturally divides itself into three heads:

First. That of reclaiming lands through irrigation, by supplying water to arid or semiarid sections of the country which have the natural fertility to produce splendid crops but which are wholly deficient in a necessary supply of water.

Second. Lands classed as swamp or overflow lands, which for that reason are undependable for farm purposes, although they are of the finest quality for producing crops.

Third. Cut-over or stump lands.

The first class—desert or semidesert lands—comprise such a large portion of the 17 Western States that they have received considerable attention, with a view to reclaiming them by irrigation, for the settlers who have gone to that part of the country.

DESERT LAND ENTRY ACT, 1877

In 1877 Congress passed an act known as the desert land entry act which applied to "all lands, exclusive of timber lands and mineral lands, which will not, without irrigation, produce some agricultural crop," in 11 Western States and Territories.

This act did not provide that the Federal Government should assist financially the irrigation work in the section mentioned. It merely gave a person the privilege of filing an entry on lands on making a payment of 25 cents per acre on not exceeding 640 acres, on condition that he file an affidavit with the register of land that he intended to reclaim these lands by irrigation within three years. During that three years he was required to spend each year an average of $1 per acre on irrigation and improvements on his tract of land. Within four years he was required to make proof that he had irrigated and improved his land to the extent of $3 per acre. If he failed to do this, he would lose to the Government the land and the 25 cents per acre paid at the outset, together with all improvements made upon it. If he made the improvements required, the Government issued a patent conveying the land to him on payment of an additional $1 per acre to the Government.

It was found that this method in a sparsely settled section of the country worked very slowly because of the tremendous amount of work and expense involved in providing sufficient dams and canals to supply water for irrigation purposes.

Many of the Western States, desiring to participate in developing their arid areas, which were mostly covered by a small growth of sagebrush because of lack of rain, although the soils were capable of producing splendid agricultural crops if properly watered, sought and obtained authority from Congress to take an active part in promoting irrigation work.

CAREY ACT, 1894

In 1894 what was known as the "Carey Act" was passed by Congress. It provided that—

To aid the public-land States in the reclamation of the desert lands therein, and the settlement, cultivation, and sale thereof in small tracts to actual settlers—

The Government was empowered on—

application of the State to contract and agree * * * binding the United States to donate, grant, and patent to the State free of cost for survey or price such desert lands, not exceeding 1,000,000 acres in each State, as the State may cause to be irrigated, reclaimed, and occupied, and not less than 20 acres of each 160-acre tract cultivated by actual settlers within 10 years.

This is the authority under which most of the development has come in irrigation in the Western States. You will note that the Federal Government offers no financial assistance to this method of reclamation. It merely proposes to patent to the State, under very stringent restrictions and exacting requirements as to irrigation, development, settlement, and so forth, an amount of land which was about one-fiftieth of the area of the ordinary Western State. States were permitted to make sales of this reclamation land at a price that would cover only the expense of reclamation, together with operating expenses and interest on the unpaid expenditure.

FEDERAL RECLAMATION ACT, 1902

A third method for irrigation or reclamation was provided by Congress in what is known as the reclamation act of 1902. This act provides that—

All moneys received from the sale and disposal of public lands in—

Seventeen Western States, beginning July 1, 1902, including certain commissions and fees pertaining to these lands—

shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury, to be known as the reclamation fund, to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures provided for in this act.

The reclamation fund referred to was to be a continuous revolving fund and to be used in reclaiming lands for agricultural purposes in the 17 States referred to.

The reclamation act of 1902 contained a great number of sections. It provided:

The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying this act into full force and effect.

By this provision the Federal Government retained full control and supervision of all irrigation projects constructed with the aid of the reclamation fund.

All construction charges for irrigation, dams, canals, and ditches, together with operating expenses, were required to be paid by persons who entered lands lying within the irrigation project as follows:

Any person making water-right application or entry shall pay into the reclamation fund 5 per cent of the construction charge fixed for his land as an initial installment, and shall pay the balance of said charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent until the whole amount shall have been paid.

PENALTIES FOR FAILURE TO PAY ASSESSMENTS

Heavy penalties are provided for landowners in irrigation projects who fail to pay their assessments promptly.

If any water-right applicant or entryman shall fail to pay any installment of his construction charges when due, there shall be added to the amount unpaid a penalty of 1 per cent thereof, and there shall be added a like penalty of 1 per cent of the amount unpaid on the first day of each month thereafter so long as such default shall continue.

The reclamation act also provides—

And no water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any charge for operation and maintenance, or any annual construction charges and penalties * * * and if he be a homestead entryman, his entry also shall be subject to cancellation and all payments made by him forfeited to the reclamation fund.

Lands belonging to the Government and not entered by any person had the construction and maintenance charges apportioned to them and charged against them so that when they were sold by the Government these charges were paid by the purchaser, along with the price of the land, into the reclamation fund.

LANDOWNERS COMPELLED TO SELL LAND

Another interesting feature of this law is that where an individual already owned a large tract of land which was afterwards incorporated into an irrigation project he was required, under the law, and compelled—

to agree to dispose of all lands in excess of the area which he—

The Secretary of the Interior—

shall deem sufficient for the support of a family upon the land in question, upon such terms and at not to exceed such price as the Secretary of the Interior may designate; and if any landowner shall refuse to agree to the requirements fixed by the Secretary of the Interior, his land shall not be included within the project if adopted for construction.

Another section of the law relating to the quantity of land "sufficient for the support of a family" provided that the

Secretary of the Interior might fix the amount at as low as 10 acres to the family, and in no event at more than 160 acres.

This gave the Federal Government the right to limit a landowner to own not more than 160 acres; also the right probably to require him to sell all of his land except 10 acres, or it would refuse to furnish him water from the irrigation project.

LIEN RETAINED BY GOVERNMENT

The reclamation act of 1902 provided a very stringent method whereby persons owning land in reclaimed areas were required to reimburse the reclamation fund with every dollar expended from the reclamation fund, as follows:

Every patent and water-right certificate issued under this act shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims, or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgagee, lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with 8 per cent interest and cost.

I have gone rather fully into the main features of the irrigation laws under which the Western States have been operating, so that the nature of their provisions and workings can be clearly understood.

The average cost in the Western States of reclaiming lands by irrigation is slightly less than $60 per acre, this amount being expended in constructing dams, canals, and ditches incident to completing the irrigation plant. The average annual operating and maintenance expense is about $3.30 per acre.

RECLAMATION FUND

Some persons who have given little thought to the subject of reclamation and who have taken less time to investigate and to learn something of the nature of the laws under which it has been carried on have believed and asserted that immense sums of money have been paid out by the Federal Government on western reclamation projects without any thought of its return into the National Treasury. Such is not the case, as has been demonstrated by the provisions heretofore referred to by me.

Very little money has been expended out of the Treasury for this purpose aside from the reclamation fund. The total amount of the reclamation fund is $151,000,000. The reclamation fund was started in 1902 and was obtained from the following sources:

From the sale of public lands in 17 western States	$107,165,000
Royalties from public oil and mineral lands in these States	23,710,000
Loan from the Treasury (which is being repaid at the rate of $1,000,000 per year)	15,000,000
Special appropriations from the General Treasury	5,127,000

A total of 28 reclamation projects have been built under the reclamation act. Four of them have failed and have been abandoned, to the loss of the landowners and the Government. Twenty-four are yet being operated with varied success.

RECLAIMING OVERFLOW LANDS

The question of draining and reclaiming overflow lands is not a new one. It has received much consideration. Shortly after the World War, when our Government was making a survey of lands that might be available for allotment among the World War veterans, an appropriation for the United States Reclamation Service for the year 1919 was made by Congress appropriating $100,000 to be used in investigating lands requiring drainage.

An extensive investigation was made of overflowed lands in all of the Southern States. It would be interesting to refer particularly to my State, Mississippi. In it there is a total of 29,675,000 acres. The lands are classified as follows:

	Acres
In crop	8,100,000
Unimproved lands in farms	9,500,000
Lands in merchantable timber	5,500,000
Cut-over lands	13,500,000
Swamp lands	3,000,000
Overflow lands	2,750,000

In other words, about one-tenth of the area of the State is swamp land and another one-tenth is overflow land, showing two-fifths of the State in need of drainage.

Louisiana and Arkansas, being near the mouth of the Mississippi River, are very similarly situated and have large areas needing drainage.

The drainage work begun in 1919 was followed by an act in 1924 authorizing an appropriation of $100,000 to reclaim arid and semiarid, swamp, and cut-over land, as follows:

SUBSEC. R. That there is hereby authorized to be appropriated from the General Treasury the sum of $100,000 for investigations to be made by the Secretary, through the Bureau of Reclamation, to obtain necessary information to determine how arid and semiarid, swamp, and cut-over timberlands may best be developed.

This Congress, under that authorization, made an appropriation of $15,000,000—

For investigations to be made by the Secretary of the Interior, through the Bureau of Reclamation, to obtain necessary information to determine how arid and semiarid, swamp, and cut-over timberlands in any of the States of the United States may be best developed.

I appreciate very thoroughly, after studying the reclamation laws and the conditions to which they relate in the Western States, the situation confronting the people who have gone there and reclaimed deserts and made splendid, fertile farm areas of them and have developed sections and cities in those sections which pay a tremendous amount of return to the Government in the way of taxes. There are other lands—overflow lands—particularly in my section of the country, that are just as fertile and just as fine as the lands in the irrigated areas. I believe this reclamation fund, which is a revolving fund, should be used to reclaim overflow lands and thereby greatly benefit the people owning them as it has the people to whose lands it has been applied.

Mr. COLTON. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. COLTON. The gentleman understands, though, that the fund is replenished and kept up from the revenues derived from the lands in those public-land States.

Mr. BUSBY. I understand that from the beginning of the fiscal year 1901 the proceeds from the sale of all of the public lands in 17 Western States were turned into what was known as a "reclamation fund." Since that time the revenues derived from oil leases and certain other small amounts from sources just mentioned were turned into that fund, until we have had placed in that fund from those sources something like $151,000,000. That constitutes the reclamation fund.

Mr. COLTON. If the gentleman will pardon me, the royalties from coal and oil constitute a very large part of the fund.

Mr. BUSBY. Yes; $23,710,000, to be exact.

Mr. COLTON. Yes; a large part of the fund has come from such royalties.

Mr. BUSBY. The Secretary of the Interior says that the trouble with making collections on the reclamation projects, about which there has been serious complaint, is that the laws of recent years permitted the people to believe that they did not have to pay these assessments to the Government promptly, and that in many instances where the people were entirely able to meet the payments they deferred making them until threatened with foreclosure by the Secretary of the Interior.

Mr. ARENTZ. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. ARENTZ. In these projects, like in all new problems, mistakes were made, and about four years ago a point was reached where there had to be a charge-off, or write-off, owing to the mistakes that were made by the engineers. A project starts that is going to cost, say, $5,000,000, and will serve 60,000 acres of land. By the time they get through they find it has cost $8,000,000 or $10,000,000, and there will only be about 35,000 acres of land, resulting in increased cost to the settler. The result is the settler was overburdened, and the bill recently passed, the charge-off bill, takes from the shoulders of these western reclamation projects some $18,000,000 or $20,000,000.

Mr. BUSBY. I appreciate that situation, and am thoroughly familiar with it; and in addition to the mistakes of the engineers, some of the land did not turn out to be as productive as they thought it would be, and it had to be abandoned as a part of the project because of lack of fertility. This charge-off lessened the reclamation fund that much.

What I had in mind, however, was this: With the beginning of the Sixty-eighth Congress the name of the Committee on Irrigation was changed to the Committee on Irrigation and Reclamation, showing a kindly attitude of Congress toward considering overflow and swamp land for reclamation as well as desert land.

I find that the membership of this committee—in fact, everyone who thinks on the subject seriously—realizes the fertility of the land overflowed is as much to be appreciated as the fertility of the land which has not a sufficient supply of water. These funds for reclamation, the $151,000,000, have come from

the sale of public lands, and I am glad to find that the attitude of gentlemen who have studied this subject is to urge legislation, with the idea of extending reclamation to include overflow and swamp lands as well as arid lands——

Mr. TILSON. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. TILSON. I am very much interested in the gentleman's statement about these overflowed lands. There can be no doubt that they are very fertile; but what about the practicability of reclaiming those lands? Would it not be so extremely expensive that it would be practically prohibitive?

Mr. BUSBY. That is the practical question to be solved. There is no question about its ultimately coming. The needs of the country will develop to a point where the necessity of more production will dictate to the Government that these lands be reclaimed.

Mr. COLTON. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. COLTON. I am interested in the gentleman's statement and agree with all that he has said, but I want to submit this observation. There are lands in my western country that it would pay to reclaim now, and others that would have to be deferred. That is the condition we have in the West.

Mr. BUSBY. I think that is true. You have reclaimed, independent of the Federal Government, something like 18,000,000 acres, while with the assistance of the Federal Government 2,000,000 additional acres have been reclaimed. In my particular county I think there are 11 drainage districts organized under State drainage laws.

Mr. GRIFFIN. I think that the gentleman comes from a wet district.

Mr. BUSBY. In some particulars, but it does not seem to affect anybody in the New York way. I say that facetiously, because I come from a hill district, but there are acres of bottoms of very fertile land that have not been reclaimed by the people who own these lands because they are not financially able to reclaim them. There are river bottoms 3 or 4 miles wide, in which splendid lands are overflowed by streams when they get out of their banks. This makes the land impracticable for cultivation without drainage. The reclamation fund should be used to lend aid and assistance to drain these projects, which are too expensive to be reclaimed by local people, just as was done under the 1902 reclamation law relating to arid and semiarid lands.

Mr. ARENTZ. Will the gentleman yield?

Mr. BUSBY. I will.

Mr. ARENTZ. The hearings on the Bankhead bill introduced in the Sixty-seventh Congress in 1921 went very fully into the reclamation of overflowed lands, and reclaiming southern cut-over lands. I think the committee in its hearings heard a great deal about the possibility of lands in the South being reclaimed, and I fully agree with the gentleman in his statement that something must be done to urge developing these cut-over and overflowed lands in the South. I would be interested in looking into the matter more than we have already.

Mr. BUSBY. I am calling attention to it for the purpose of suggesting that this is a splendid field for study. In my State of Mississippi there is the Yazoo Delta known far and wide—known in every section of the country because of its splendid fertility. In every part of my district, in every section of my State, and of the South there are fertile creek and river valleys which would overflow and ruin crops if not drained, but which if drained could be converted into dependable, productive farms of the best types.

The reclamation fund, containing more than $150,000,000, as has been pointed out, was derived from the sale of national assets.

The advantage afforded the user of this fund for reclamation is that he does not have to pay interest on the amount expended in constructing his irrigation project or on the amount used in digging his drainage canal until the annual construction and maintenance charges become due.

After the annual installment becomes due and payable he is required to pay a reasonable interest on the overdue assessment and is also assessed a heavy penalty for failure to pay promptly the amounts as they come due.

However, if there is an advantage to those interested in irrigation in having access to this fund, this advantage should likewise be passed along to persons interested in reclaiming overflowed land by drainage.

So I say to you that I believe it to be the duty of our Government to provide some proper and reasonable system with a view to lending assistance to the owners of overflowed lands as it has assisted reclamation projects in the West, and help those owners by some reasonable method to reclaim those fertile lands that will produce abundantly, if relieved of the overflows to which they are now subjected. [Applause.]

The CHAIRMAN. The time for general debate is exhausted. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, namely—

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAWLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13040, the second deficiency appropriation bill, and had come to no resolution thereon.

SITTING OF WAYS AND MEANS COMMITTEE DURING RECESS OF CONGRESS

Mr. GREEN of Iowa. Mr. Speaker, by direction of the Committee on Ways and Means, I ask unanimous consent that that committee be permitted to sit during the intermission between the adjournment of this session of Congress and the convening of the next.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, will the gentleman inform us what the committee will probably be studying during that time?

Mr. GREEN of Iowa. It is the purpose of the committee to take up the matter of the disposition of the alien property and the matter of American claims. Various bills have been submitted to the committee during this session, and upon them the committee has come to no resolution. It is expected that the committee will prepare a committee bill and have it ready to submit to the Congress at the opening of the next session. I will say that this is done by the unanimous action of the committee.

Mr. GARRETT of Tennessee. A committee bill upon the alien property matters?

Mr. GREEN of Iowa. Yes.

Mr. GARRETT of Tennessee. And upon any other matters?

Mr. GREEN of Iowa. There has been no other matter spoken of.

Mr. GARRETT of Tennessee. Does the gentleman think it probable that we might have another tax reduction bill?

Mr. GREEN of Iowa. I do not think it is. Seeing that the newspapers did not give out the figures which I gave to the correspondents, I might say that during the next fiscal year, when the last bill gets into more complete operation, there will be something like $250,000,000 in taxes taken off that have not appeared in the last fiscal year's report.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ADDRESS OF HON. ROSS A. COLLINS, OF MISSISSIPPI

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a radio address delivered by my colleague, Mr. COLLINS, on June 23, 1926.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, under leave granted me to extend my remarks I insert the following address delivered June 23, 1926, over the radio through station WCAP by my colleague, Mr. COLLINS, on the subject of Farm Relief:

FARM RELIEF

Ladies and gentlemen, the present plight of the farmers of the United States is one that does not readily appeal to the average urban citizen, for when he goes to the store or market to purchase the products of the farm he has to pay a price which seems to him sufficiently high to compensate the farmer for raising them. He fails to consider that the price he is paying is not the price the farmer receives. Not by one-half or even one-fourth. Many sales have occurred since the farmer sold them and toll is taken from every transaction. In fact, the price that the farmer receives for his crops are so small that he is barely able to exist and hence there is the greatest unrest among them. This is not a problem that simply concerns farmers therefore. It concerns all of us who wish the preservation of sound national economic living.

We must realize that our agricultural population buys $6,000,000,000 worth of goods and services of other industries annually. The farm supplies the materials upon which depend industries giving employment to nearly one-half of our industrial workers. The farm supplies about one-fifth of the total tonnage of freight carried by the railroads. Farm products constitute nearly one-half of the total value of our exports. Farms and farm property represent more than one-fifth of our total national tangible wealth and contributes about one-sixth of the total national income. The total capital invested in agriculture in 1921 at current values amounted to $65,000,000,000 as compared with $44,000,000,000 invested in the manufacturing industries. Inasmuch as the farming population constitutes nearly one-third of our total population, it is a vast reservoir of future citizens and justly claims weighty consideration in the management of the affairs of the Nation. Discontent among so large a part of our population is bad not only in itself but the serious impairment of the buying capacity of such a large part of our population affects all of us and therefore the problem is not one confined to agriculture but concerns all classes of citizens. We can not curtail the purchasing power of one-third of our people and still have general prosperity.

To emphasize the serious disabilities of the farmer let me call your attention to the fact that his earnings are less than that of any other class. To be exact, according to the National Industrial Conference Board of New York, the farmer's earnings were $730 on the average for 1924, while the average for wage earners in manufacturing industries during the same year was $1,256 and $1,572 for transportation workers and $2,141 for clerical workers and each worker in all other lines had a general wage of $1,415. In other words, the farmers' average yearly wage is about half that of other workers. His living expenses which include food, fuel, and housing, according to this board, amounts to $630 per annum. This leaves him only $100 and out of this he must make principal and interest payments on his farm, if he is buying one, his insurance, medical bills and a thousand and one calls that are made on his purse.

This is the picture that agriculture presents, and it is even worse than this. Hence, it is a duty of the Nation to face this problem and undertake as best it can to ameliorate it. The farmer can not help himself to any great extent, so the Government must come to his rescue. There is plenty of precedent for this. The Government has helped the railroads, not only by freely loaning money to them—some times on worthless security, money that in many instances will never be repaid—but the railroads have had their rates raised by a Government agency high enough to yield them around 6 per cent and over. The Government has helped the manufacturers by providing a tariff to keep out foreign-made goods. Other instances without limit can be detailed. Suffice it to say that our Government has been generous to a degree with our industries so why deny relief to agriculture when it is sick and languishing. The Government has even gone further than this. It has extended relief to foreign countries. Billions of dollars have been loaned to other nations. Many of these loans were refunded recently and large parts of them virtually canceled. And many loans that have been refunded will never be paid. Certainly with this as a precedent, agriculture should not be denied reasonable governmental relief. Thirty-five per cent of our people certainly deserve as fair treatment at the hands of our Government as do the whole people of a foreign nation. Credit was extended to other nations so that they might get on their feet. Credit should be extended to the American farmer for the same reason. If it is wise and sound business to come to the rescue of the foreigner so that he can become a buyer again, certainly it is equally wise to help cure the same ills now afflicting an American industry.

Three different bills have been before Congress at this session for the relief of the farmer. The Tincher bill, the Aswell bill, and the Haugen bill.

The Tincher bill provides a fund of $100,000,000 to be loaned to cooperative marketing associations so as to enable them to finance themselves in marketing their commodities. These loans are to be made so as to cover from 85 per cent to 90 per cent of the value of the commodity on which the loan is made. A board is created to carry out the provisions of the act and the board is selected by the President from a list of 36 persons that are first selected by certain farm organizations.

The Aswell bill is a cooperative marketing bill. It creates a permanent marketing association large enough in scope, adequately financed so as to enable the farmer to reach both foreign and domestic markets. It proposes a system reaching out beyond the small cooperative organizations and establishes connections between the ultimate consumer in this country and foreign countries with the producer. It creates interstate zone organizations and local associations likewise, the important point in it being that it provides for a separate commodity organization for each commodity.

A corporation is created to carry out the proposed provisions of the act. It is not a Government institution but a farmers' corporation created under a Federal charter with a board of directors chosen by agricultural organizations.

The Haugen bill deals with surplus production and undertakes to control surpluses by buying them and disposing of them outside of the United States, the idea being that a surplus necessarily lowers the price and if the surplus is removed the price will naturally rise. The measure provides further that the minimum price in the United States and to be paid by citizens of the United States for the six commodities, which are termed basic commodities, to wit: Cotton, wheat, corn, butter, cattle, and swine, shall be the world price at the principal foreign competing market of the commodity, plus transportation costs from such world market to the United States and plus the tariff duty on such commodity.

To illustrate, if the world price of wheat is $1 and the transportation cost is 13 cents and the tariff is 42 cents, then the minimum price of wheat in the United States is $1.55. It provides for an appropriation of $375,000,000 to take care of estimated losses for the first two years of operation, divided as follows: $100,000,000 for cotton; $250,000,000 for other basic commodities; and $25,000,000 for nonbasic commodities; but the $25,000,000 for nonbasic commodities are to be used for loan purposes only. Losses will occur because the agricultural commodities will be bought by the administering board at the enhanced American price and sold in foreign countries at the world price. After two years an equalization fee is provided, which is to be collected from that part of these basic agricultural commodities that goes into commerce, and these equalization fees will and must be sufficiently large to take care of all losses to be sustained on sales of surpluses in foreign countries. On corn, the equalization fee will be on from 5 to 10 per cent of the crop, because only this amount of the corn gets into commerce. On wheat, butter, cattle, and swine the equalization fee will be on a larger part of the crop, because a larger percentage of wheat, butter, cattle, and swine go into commerce; while on cotton the equalization fee will be levied on every bale, because all cotton goes into commerce.

A board is created to carry out the provisions of the act and is selected in the same way as the board provided for in the Tincher bill.

The Tincher bill and the Aswell bill could be consolidated and made into an excellent measure.

Farmers cooperative organizations should receive governmental encouragement and help. In 1922 the American farmer received $7,500,000,000 for the food products he raised, and the American consumer paid $22,500,000,000 for them, or three times as much as the farmer received. Three million wholesalers, retailers, and jobbers took toll out of these transactions, and, of course, the railroads were paid their large hauling charges. Some effort on the part of the Government should be made to help farmers reduce these terrific marketing costs. The farmer should receive at least half of the amount the consumer pays for his products.

While some of the cooperative marketing organizations of the country have been more or less successful, in the main they have been terribly handicapped because they had not sufficient funds at their disposal to take care of the needs of the members of their organizations. In other words, the farmer needs money and he can get more money by selling his crop when it is produced than he can by loans from cooperative organizations or from existing financial channels, and hence his crop is usually put on the market during certain short seasons. It is not marketed in an orderly manner and it naturally follows that the price is lowered because of this. If he were able to borrow 90 per cent of the value of his crop at low interest rates, he could hold part of it off the market until the price was large enough to justify him in disposing of it. In other words, the farmers themselves could control crop surpluses without the need of a Government agency, and there would be no overproduction, which would certainly be the case if the Government shouldered the losses by buying surplus production. Of course, a hundred million dollars, the amount carried in the Tincher bill, will not be enough to take care of agricultural loans. Five hundred million dollars at least ought to be provided to start on, and a separate agricultural loan system independent of present financial systems should be created, so as to provide all classes of loans to these farm organizations, short-time loans as well as long-time loans. These loans should not be limited to the year or season in which the crop is raised, but should be made so that the crop could be orderly marketed, and the surplus withheld from the market if necessary. If a crop could be orderly marketed in three to six months, then loans should be for three to six months; but if there was a large surplus, and it was necessary to carry over to the next season a part or all of the surplus, then loans should be extended so as to enable these farm organizations to do this. Some change should be made in our present warehouse legislation, so that the farmer might be enabled to warehouse his own farm products on the farm without the necessity of paying large warehouse fees.

Of course, the present tariff has unjustly discriminated against the farmer. It has largely helped to bankrupt him, and he is never going to be prosperous as long as he is required to sell his products in the world market and buy his needs in a protected market. The tariff law has been largely responsible for decreasing the purchasing power of the farmer's dollar from $1.01 to 60 cents. A reduction downward

of tariff rates will do more to ameliorate the condition of the farmer than any other law that the Congress could pass.

Makeshifts and unwise experimental legislation, like the Haugen bill, which recognizes and gives approval to existing high-tariff rates, can never successfully operate, and if adopted as law will bring our agricultural population to a depth of poverty that so far he has never reached.

Let us instead follow sane methods—those that have been tried in the past and found workable. Let us concentrate our thought and attention on the problem and work out a measure that will furnish the farmer genuine and workable relief.

EXTENSION OF REMARKS

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a speech recently made on the Soldiers' Home bill which I introduced, including certain important resolutions dealing with the matter.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by incorporating therein certain resolutions regarding a speech he made recently. Is there objection?

Mr. UPSHAW. Mr. Speaker, they are pertinent to the legislation.

Mr. SNELL. Mr. Speaker, reserving the right to object, I have no objection to the gentleman extending his own remarks, but I do object to an extension which will include any outside matter.

The SPEAKER. The gentleman from New York objects.

DEDICATORY ADDRESS—ZACHARY TAYLOR MAUSOLEUM

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein an address which I delivered recently at the dedication of the Zachary Taylor mausoleum erected in Jefferson County, Ky., in accordance with the act of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker and Members of the House, under leave accorded me I now extend in the CONGRESSIONAL RECORD the address delivered by me on May 31, 1926, in Jefferson County, Ky., near Louisville, in dedication of the Zachary Taylor mausoleum there erected in the Zachary Taylor burial grounds. The mausoleum was constructed by the War Department at a cost of $10,000. At the last session of Congress I had the honor to introduce and to secure the enactment of a measure authorizing the appropriation of the indicated sum for the construction of the mausoleum, and providing for the acceptance by the War Department of these burial grounds and certain contiguous lands as a national cemetery, to be forever maintained as such.

Col. J. R. R. Hannay, commanding officer of the United States quartermaster depot at Jeffersonville, Ind., had supervision of the construction of the work, which was performed under contract. The mausoleum is a structure of dignity and beauty, colonial in type, and is built of the finest Indiana (Bedford) limestone, with granite base; and also with marble sarcophagi, in which have been placed the remains of Gen. Zachary Taylor, the twelfth President of the United States, and those of his wife, Margaret Taylor.

Colonel Hannay presided at the dedicatory exercises.

DEDICATORY ADDRESS

Colonel Hannay, ladies, and gentlemen, I am sure that all of us here to-day are deeply grateful that the hour has finally come when the Government of the United States has made amends for three-quarters of a century of neglect of one of its noblest sons by the erection of this beautiful memorial and by making provision for the conversion of this sacred site into a national cemetery. I know how greatly thrilled must be the hearts of these devoted ladies of the Louisville Outdoor League, because their long-cherished dream of all this has at last come true. All honor to them for their patient and persistent efforts in behalf of this patriotic enterprise. Honor and praise, also, to Colonel Hannay, who, as the War Department's representative, has had supervision of this construction. He has performed his task well. It is likewise appropriate to commend the contracting firm, the Peter & Burghard Stone Co., of Louisville, for its faithful and satisfactory performance of the contract for the construction of this memorial.

And if you will pardon the personal reference, may I not also add that I am very grateful for the fact that in the Congress of the United States, as your Representative, I have been able to secure the enactment of the measure which has made this result possible. For years I, too, had noted and deplored the Nation's cruel neglect of the great hero who sleeps here. I saw, as you also saw, the rude vault wherein the remains of himself and those of his beloved wife had been permitted to rest for 75 years, and I pledged myself to do all within my power to cure that neglect.

And now the mausoleum has been completed, and into the lovely sarcophagi which it contains the sacred dust of "Old Rough and Ready" and that of his devoted spouse have been transferred. Formal conveyance to the United States of these burial grounds and of the adjacent tract of 15 acres, which is to be purchased by the State of Kentucky, agreeably to enactments of the general assembly of the State at its recent session, should now follow, in accordance with the act of Congress referred to. The whole of these lands—about 16 acres—will thereupon constitute the Zachary Taylor National Cemetery, to be forever kept and maintained as such by the War Department; and, as such, adequately beautified and improved. Colonel Hannay has already formally submitted recommendations for these permanent improvements at a cost of about $36,000.

I have urged that these recommendations be accepted, and I am very glad to be able to advise you that the War Department has accepted them as being appropriate, and in turn has submitted request in the usual way for an appropriation in that sum for such purposes. These improvements will consist of a keeper's lodge or residence, to be built of native stone, and other needed structures; also, roadways, walks, plantings, and the like. In addition, the Zachary Taylor Memorial Lane Committee of the Outdoor Art League has in mind the planting of a double line of trees from the main thoroughfare yonder to these burial grounds; these trees to line the roadway through the national cemetery grounds to this spot, the same to constitute a beautiful memorial avenue.

When these plots are thus converted into a national cemetery and these projected improvements are made, we shall have here, indeed, in these beautiful blue-grass uplands a memorial place appropriate to the character and service of him whose memory we honor to-day. This spot thus maintained, and adorned by the noble granite shaft here, erected years ago by the State of Kentucky in honor of General Taylor, and by this lovely mausoleum we dedicate to-day, will forever constitute a sacred, patriotic shrine to which untold thousands of our fellow citizens from all over our broad land, in the years to follow, for uplift and inspiration, will come.

In an address of this character it is well to recount something of the life and deeds of the individual in whose honor the ceremonial is held. Permit me, therefore, to present, as briefly as I may, a general review of the life and deeds of Zachary Taylor. We are now paying the tribute of love and esteem to one of Kentucky's noblest sons, to one of the Nation's most illustrious soldiers.

Zachary Taylor, the son of Col. Richard Taylor, was born in Orange County, Va., on September 24, 1784. He was connected by ties of blood and marriage with some of the most distinguished families of Virginia—the Madisons, Lees, Barbours, Pendletons, Conways, and others. He was of the sturdiest colonial and Revolutionary stock, and in one line was descended from Elder William Brewster, the spiritual leader of the Mayflower Colony. His father held a colonel's commission throughout the Revolutionary War, and served with valor and distinction. He was with Washington during a portion of the Revolutionary conflict, and fought with the American troops at the Battle of Trenton. In the year 1785 he removed from Virginia to Kentucky and thereupon acquired a substantial body of these fertile and picturesque blue-grass lands embracing these burial grounds. Here, in what was then frontier country, infested by Indians and sparsely settled, he made his permanent home. His son, Zachary, was therefore only a year old when he was brought to Kentucky, and here he grew into rugged youth and manhood.

Colonel Taylor, the father, became famed as an Indian fighter in Kentucky, then widely known as the "Dark and Bloody Ground." He was one of the framers of the first constitution of the State, and served as a member from Jefferson County in both branches of the Kentucky Legislature. He also served as a member of the various electoral colleges which voted for Jefferson, Madison, Monroe, and Clay for the Presidency.

It will thus be seen that Zachary Taylor's father was a man of force and character, and one who was held in the highest esteem by his fellow countrymen, and who as soldier and statesman rendered distinguished service.

In this wild and undeveloped Kentucky region young Zachary grew up. Educational advantages were necessarily very scant, but he imbibed or inherited from his father the latter's unquenchable, patriotic ardor, and the qualities of energy, sturdiness, resourcefulness, and courage. What he may have failed to receive from institutions of learning was more than offset by what he acquired in the experiences gained by him in this early environment, in contact with his father and other brave and hardy Kentuckians of that day, and face to face with the stern necessities of frontier life. His father having been a soldier of distinction in his country's service, it was but natural that young Zachary should indulge the ambition to follow in his father's footsteps. In the year 1808, when he was 24 years of age, he was appointed a lieutenant in the United States Army and embarked upon a military career of 40 years that shall forever impart luster and glory to American arms. Early in 1812 Lieutenant Taylor was promoted to a captaincy, and in June of that year the Nation's second war with Great Britain was declared. Thereupon, with only 50 soldiers he successfully defended Fort Harrison, in the Indiana region, near what is

now Terre Haute, against the assaults of 400 Indians. For the brave and distinguished service thus rendered he was given the brevet rank of major. This is said to have been the first brevet rank ever bestowed in the history of our Army. Later he was sent against and destroyed the Indian forces in this section.

From 1815 to 1832 Captain Taylor was stationed at various points in western territory, and prior to 1832 he was made a lieutenant colonel. In that year he was placed in command of the regular troops sent against the Indians in the Black Hawk War. He conducted a campaign which culminated in the Battle of Bad Axe, which he won, and with this success the war ended. He was thereupon promoted to a full colonelcy and remained on duty in the Northwest, where he served with his accustomed honor and efficiency. At the outbreak of the Seminole War in Florida in 1836 he was sent to that region and placed in command of the American troops there. On Christmas Day, 1837, he fought and won the bloody Battle of Okeechobee and ended the Seminole War. For his services in this campaign he was given the brevet rank of brigadier general. Upon the close of the Seminole War he was assigned to the command of the First Department of the United States Army, with headquarters at Fort Jessup, La. He thereupon made his home at Baton Rouge.

International storm clouds again formed to mar the skies of American peace. Great events were taking place in the vast regions of the Southwest. Texas in 1836, under the leadership of indomitable American settlers, had declared itself a republic, altogether independent of the Government of Mexico, of which country hitherto it had formed a part, and it was admitted to the Union in March, 1845. Mexico, unwilling to accept the situation thus presented, gave unmistakable evidence of her intention to combat it. In consequence General Taylor in that year was sent to Texas with instructions from his Government to protect American interests if Texas accepted the terms of annexation providing for her admission into the Union, which acceptance Texas made. General Taylor went to Corpus Christi on the west side of the Nueces River. He was ordered to repel, as an act of hostility, any crossing of the Rio Grande by Mexican soldiers. In March, 1846, he moved his forces to the Rio Grande.

The events which thence transpired are well known to all. They constitute one of the most glorious chapters in our American military history. The irrepressible conflict between American and Mexican forces was on. The American troops under the skillful and valorous command of General Taylor, only 2,000 in number, on May 8, 1846—opposed by 6,000 Mexicans, the flower of the Mexican Army—won the bloody Battle of Palo Alto. This splendid victory was followed by that of Resaca de la Palma on the following day. In both these engagements the losses sustained by the Mexicans were of the heaviest character.

These two victories brought the greatest enthusiasm throughout the United States. The brevet rank of major general was conferred on General Taylor because of them. He continued his successful marches, and on May 18, 1846, with his forces he occupied Matamoras in old Mexico. Thereupon, in June, 1846, Congress conferred upon him the rank of major general. He was obliged to wait at Matamoras several months for reinforcements needed to enable him to go forward to Monterey, the Mexican stronghold, which was held by 10,000 Mexican soldiers, and had a population of 15,000 civilians. During this time General Taylor was made commander in chief of all of the American forces in Mexico. Finally he marched on Monterey, and with only 6,000 men invested and attacked the city. This was on September 21, 1846. After several days of stubborn conflict General Taylor and his forces, on September 24, captured the city and took possession of it. Here he remained for a season. In November, 1846, by order of his Government he was required to send nearly all of his regular troops to join General Scott for the campaign begun by the latter at Vera Cruz and extending to Mexico City. In fact, General Taylor remained at Monterey with only 450 regulars and less than 6,000 raw recruits. In the meantime General Santa Ana, with 20,000 Mexican troops, was at San Luis Potosi. The latter was President of Mexico, and was in command of the Mexican forces during the Mexican War. He was accounted by the Mexican people as their greatest military leader.

The fact that General Taylor was so greatly overmatched in forces under his command, with most of his troops untrained and unskilled men, and the further fact that he was in the interior of enemy country and far removed from American territory and American aid in the way of supplies and troops, rendered his position a most precarious one; but throughout his career as a soldier he had faced just such situations as was thus presented. Whatever the odds might be, he never hesitated to attack when opportunity permitted. His readiness to attack the enemy under any and all conditions, and his uniform successes, earned for him the nickname of "Old Rough and Ready." By this designation he became endeared to the American people, because they saw in its application the splendidly courageous, sturdy, and resourceful traits which had enabled him to win his various victories in the teeth of the most overwhelming odds.

It was therefore characteristic of him not to await attack by Santa Ana. Instead he marched with his army of about 6,000 raw troops and a mere handful of regulars to Buena Vista, where he knew Santa Ana would attack him, and where Santa Ana with his vastly superior forces did attack him. Here on February 22 and 23, 1847, the fateful Battle of Buena Vista was fought and won. It was one of the most sanguinary struggles in all of the Mexican struggle. From time to time during these two awful days the fortunes of war varied. At times it seemed that the American forces would be overwhelmed, but the cool courage and resourceful skill of General Taylor, supplemented by the deathless bravery of the Kentucky and other troops under his command, finally changed impending defeat into glorious victory. Colonels McKee, Clay, and Hardin fell in action. McKee and Clay, the latter the son of Henry Clay, were Kentuckians. Colonel Hardin, formerly a Kentuckian but later of Illinois, commanded Illinois troops in this bloody conflict. Colonel McKee commanded the Second Kentucky Regiment. General Taylor was to be seen in every part of the battle field, in the thick of danger, and once was shot through his coat. As so often before, he, like Washington, in the midst of scenes of carnage, seemed to bear a charmed life.

Bloody Buena Vista was thus won, but at the most frightful cost of American blood. To the American people the intelligence of this triumph brought mingled joy and sorrow—joy because of the magnitude and character of the victory, and sorrow because so many of America's bravest and best had fallen. The losses inflicted on the Mexican Army were of an overwhelming character. General Taylor maintained his headquarters at Monterey, without further serious military action, giving protection to the country he had conquered. In November, 1847, he left Monterey and returned to the United States. In the meantime General Scott, with the aid of his own army and the regular troops supplied by General Taylor, made his successful advance upon Mexico City, and on September 14, 1847, captured that last stronghold of the Mexican nation.

By this capture the war was ended. Peace was declared on February 2, 1848. It is not necessary here to discuss the causes for the Mexican War or the issues involved. Certainly it has been best for our own country and for the world at large that, as a result of this war, the tremendous southwestern domain, now constituting the States of California, Utah, and Nevada, and the greater portions of Colorado, New Mexico, and Arizona, forever passed from Mexican control into the Federal Union.

General Taylor returned to his home at Baton Rouge and was acclaimed throughout the United States as the popular hero of the Mexican War. The two dominant political parties, the Democratic and Whig, both wished to nominate him for the Presidency. While he had never taken any active part in politics, his sympathies had always been with the Whigs; and he counted himself a member of the Whig Party. In consequence, in the Whig Convention of 1848, over a field of illustrious Whig candidates, including Clay, Webster, and General Scott, he was nominated for the Presidency, and with him on the ticket was placed Millard Fillmore as a candidate for the Vice Presidency. The Democratic candidates were Cass and Butler. The popular tide, which had brought about the nomination of General Taylor, continued without abatement and swept him and Fillmore to victory by the electoral vote of 163 to 127 votes cast for the Democratic candidates.

During the campaign, with characteristic modesty, General Taylor disclaimed a profound or detailed knowledge of legislative matters; but with the thoroughgoing Americanism and sound common sense which were native to him, he made general declarations of policy and purpose that satisfied the American people of his fitness for the high office of the Presidency. It had been his expectation and hope, when his career as a soldier was ended, to retire to the bosom of his family and to pass the remainder of his days in quietude and peace. He had only permitted himself to be considered as a candidate for the Presidency because of the overwhelming insistence of his countrymen that he should permit himself thus to be considered. His celebrated letter of April 12, 1848, to Capt. J. S. Allison, sets forth his attitude concerning this matter, and his views upon public questions, in the broadest and most patriotic manner possible. Great truths are compactly summarized in this communication, and it gave to the country at large the amplest confirmation of their faith in General Taylor's patriotic spirit and purpose. It is to be doubted whether in all of our political history, there has been pressed into such small space a better statement of great principles which should guide statesmen and rulers, than that which is set forth in this letter. Permit me to quote therefrom he following:

"I have consented to the use of my name for the Presidency. I have frankly avowed my own distrust of my fitness for this high station; but having, at the solicitation of many of my countrymen, taken my position as a candidate, I do not feel at liberty to surrender that position until my friends manifest a wish that I should retire from it. I will then most gladly do so. I have no private purpose to accomplish, no party projects to build up, no enemies to punish—nothing to serve but my country.

"I confess, while I have great cardinal principles which will regulate my political life, I am not sufficiently familiar with all the minute details of political legislation to give solemn pledges to carry

out this or that measure. One who can not be trusted without pledges, can not be confided in merely on account of them.

"I shall engage in no schemes, no combinations, no intrigues. If the American people have not confidence in me, they ought not to give me their suffrage. If they do not, you know me well enough to believe me, when I declare I shall be content. I am too old a soldier to murmur against such high authority."

On March 4, 1849, General Taylor resigned from the Army and thereupon was inaugurated as the twelfth President of the United States. In the conduct of his administration, his appointments to public office, and the policies by him approved indicated his sound judgment and sterling Americanism. He also gave further evidences of his ability to serve his country as its Chief Executive with the same high skill and patriotic spirit which had distinguished his 40 years of service as a soldier, but the hardships which for so long a period he had known in field and camp from one end of the land to the other, and in far-away Mexico, finally took their inevitable toll of health and strength. On July 9, 1850, after a service of a little more than 16 months in the Presidency, he passed into deathless sleep. He was mourned by the Nation, and his memory shall be cherished by the American people so long as they may admire and esteem the virtues which so greatly distinguished him, and so long, also, as they may hold in regard the deeds of those who, in glorious triumph, have fought the battles of their country and won imperishable glory for American arms. Sincerity, self-control, simplicity, industry, unfaltering courage, resourcefulness, firmness, kindness, and unswerving patriotism constituted a composite of character which made of him a great man and a popular hero, and these qualities carried him forward and upward in every undertaking of his life. He was a great soldier, one of our greatest; and a splendid citizen, one of our finest and best. His was a career of unbroken successes, and these successes were usually won in the face of overwhelming odds. All in all, he was one of the strongest, sturdiest, and noblest of all the sons of our great Republic. As Americans we are proud of his history, and as Kentuckians we are pleased to believe that in this Kentucky atmosphere, and in this Kentucky environment, there is something which contributes to the production of characters of this type; although in the light of the fact that great sons and daughters have sprung from other soils and from other environments of our common country, we make no claim of exclusiveness in this regard. Zachary Taylor was, indeed, the product not only of Kentucky, but of the American Nation and of American institutions.

Upon his death President Taylor's interment was in Washington, but because of his oft-expressed wish that he should finally sleep with his beloved kindred here in this old burial ground established by his father, his remains were hither brought and placed in yonder simple tomb. There, together with those of his beloved spouse, they have ever since remained undisturbed, until recently, when upon the completion of the memorial we now dedicate they, together with those of his wife, were placed therein. And here, we trust, they may forever remain, safe and secure under the protection of the Government he so long and effectively served, and mantled by the love of a great people whose destiny he so greatly helped to shape.

TIRE PRICES

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to insert in the RECORD a speech delivered by me last Friday night before the Greater New York Tire Dealers' Association.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my speech made before the Greater New York Tire Dealers' Association at the Hotel Pennsylvania, New York City, on June 25, 1926:

SPEECH OF CONGRESSMAN LORING M. BLACK BEFORE THE GREATER NEW YORK RUBBER TIRE DEALERS, JUNE 25, 1926, AT THE HOTEL PENNSYLVANIA

The rubber question has become of serious international moment and naturally is engaging the attention of our politicians. Politics to-day is mostly concerned with economic controversies instead of purely political civic matters as in the past. We have been confronted with the differences between radicals and conservatives, and lately with the relation of producers and distributors. To-night I understand that we are to take up the cases of the consumers, dealers, and manufacturers in the rubber tire industry.

My first duty is to the consumer, because everybody is a consumer of all commodities, while classes of consumers are the distributors and producers of commodities. Happily in the present instance the consumer and the dealers have a joint interest, and I take it that I best help the consumers by affording whatever aid I can to the dealers.

There is another side of the rubber question I must touch on briefly to give a background for my argument—that is, the history of the planters in their dealings with the manufacturers.

The great Para rubber-producing fields are in the middle East—Ceylon, India and Burma, Malaya, North Borneo, Sarawak, and Brunei, which are all under British control, French Indo-China, and Netherlands India, all these territories having under cultivation about 4,296,000 acres of rubber. Then, of course, there are the wild rubber fields of the Amazon which as a business proposition are becoming negligible in competition with the eastern field. Sixty-nine per cent of the eastern field is British, 29 per cent Dutch, and 2 per cent French.

Of the total area planted in the middle East two-thirds are owned by European and American capital. The native ownership is growing.

The Department of Commerce shows the investment as divided in this table.

Great Britain	$505,000,000
Netherlands	130,000,000
France and Belgium	30,000,000
Japan	42,000,000
United States	32,000,000
Shanghai	14,000,000
Denmark	11,000,000
All other, including native-owned areas	112,000,000
Total	876,000,000

The cost of planting and developing an acre of rubber to the producing stage runs from $200 to $400.

Sir Henry Wickham in 1876 obtained in Brazil some seeds of Hevea Brasiliensis (Para rubber), germinated them in Kew Gardens, and sent them to the Far East. The development of the eastern plantation production has been startling, running up from 174 tons in 1905 to 386,703 long tons in 1924. The entire world production of rubber in 1924 was 414,703 long tons—a long ton being 2,240 pounds. There were 380 tons of rubber produced in 1840 and about one-half million in 1925 of all classes.

In 1910 when rubber went over $3 a pound, naturally the planters intensified their developments. It taking about 10 years for the development of a maximum yield, in 1921 there was a production beyond demand and a fall in prices to an average for plantation ribbed smoked sheets to 16.3 cents a pound spot.

The colonial secretary appointed a committee headed by Sir James Stevenson, which recommended a graduated scale of exports be adopted. This fixed as a criterion the production of 1920. Of course, the actual production was greater than the 1920 standard—so now when we have 100 per cent in release, there is still about 13 per cent withheld. The Singapore and other legislative counsil, on the advice of the colonial office, adopted the restriction scheme for November 1, 1922.

Since then the average New York price of spot rubber has been—

1923	$29.45
1924	26.20

During the first half of 1925 the average price was below 45 cents. In July it reached $1.21 for part of a day. There is some question about averages, but it seems to have been about 65 cents for the year. Mr. Hoover, before the House committee, estimates it as 73 cents. Mr. Sieberling says 70 cents.

India Rubber Review for June, 1926, has in an article the following interesting statement:

"SPOT AND ACTUAL PRICES COMPARED

"The Rubber Association of America has compiled some very interesting data comparing average spot rubber prices with the average declared rubber values for as far back as 1920. The average declared value figures are taken from customs receipts as compiled by the Department of Commerce. Figures for May are not yet available."

Year	Average declared value per pound	Average spot price per pound
1920	$0.43	$0.35
1921	.17	.16½
1922	.15	.17
1923	.27	.30
1924—January	.24	.25⅞
February	.25	.25¾
March	.25	.22⅝
April	.24	.22½
May	.23	.19⅞
June	.22	.18⅞
July	.21	.24
August	.20	.26⅛
September	.21	.27⅝
October	.23	.31⅛
November	.25	.34⅜
December	.27	.37⅛
1925—January	.30	.36¾
February	.33½	.36
March	.34	.41
April	.34	.43⅝
May	.36½	.58⅜
June	.38	.77⅝
July	.46	1.03½
August	.53	.83
September	.62	.88⅞
October	.64	.98
November	.66	1.04¾
December	.72	.98⅞
1926—January	.76	.78⅞
February	.79	.61⅞
March	.74	.58¾
April	.63	.50¼

At the beginning of the Stevenson plan the fair price fixed was 36 cents a pound. The British claim that our manufacturers and theirs could have bought at this price, but that our people hoped the plan would fail and rubber would drop. It seems that brokers and speculators were wiser than manufacturers and were able to run up the price. A factor little thought about is that during the running of the plan there has been a rise in exchange.

The India Rubber World has the following comment to make on exchange as a factor:

"RISE IN EXCHANGE AND THE PRICE OF RUBBER

"It is interesting to note how much of the rise in crude rubber prices can be attributed to the advance in sterling since November 1, 1922, the date at which the Stevenson restriction plan became effective in regulating the exportable allowance of British controlled plantation rubber. On that date sterling was at 90 per cent of par, value $4.38, with ribbed smoked sheets quoted at 22¾ cents spot in New York City. On April 1, 1925, sterling was at 98 per cent of par, value $4.77, and New York spot ribbed smoked sheets were at 41½ cents. The advance of exchange between the dates named was 39 cents; in other words, the value of a penny rose from 1.825 cents November 1, 1922, to 1.945 cents April 1, 1925. The London spot price of rubber was 20¾ pence on the latter date.

"The total advance in spot ribbed smoked sheets in New York between November 1, 1922, and April 1, 1925, was 18¾ cents a pound. Of this sum, 2½ cents represents the advance in sterling value between these dates.

"The advance in sterling naturally benefited the British exporter and likewise all importers of merchandise who purchased exchange at a low rate and used it at a higher one. Importers of rubber were no exception. Some of them made more money on exchange than on rubber, and many manufacturers profited thereby.

"The Stevenson plan has no reference to rates of exchange. All countries engaged in international commerce benefit by the return of the pound to par. While America pays more for her rubber with sterling at par, she receives more for her wheat and cotton. Increased prosperity of the wheat and cotton growers means increase of their purchasing power, consequently stimulation of sales of automobiles and greater demand for tires, tubes, and many lines of rubber goods at better prices."

I am not concerned just now with the wisdom of the American manufacturers in 1922, nor with the policy of the scheme. It undoubtedly saved the rubber plantations and was probably justified then. The new restriction is a plain gouge.

David M. Figart, author of "The Plantation Rubber Industry in the Middle East," has protested against the proposed restriction scheme, as follows:

"AMERICA AND RUBBER RESTRICTION

"Restriction has taken on a new lease of life. If the price of rubber averages below 1s. 9d. (about 42 cents) for the quarter beginning May 1, 1926, the quantity of rubber which may be exported from British colonies at the minimum duty will be reduced from 100 per cent of standard production, as at present, to 80 per cent. This is a drastic change from the former conditions, under which there would have been 10 per cent additional releases, instead of a decrease, so long as the price averaged above 1s. 6d. (36 cents), and 5 per cent additional releases when the price averaged between 1s. 3d. (30 cents) and 1s. 6d.

"The departure from the rules on February 1, 1926, created a precedent under which any change can henceforth be made at any time. From the consumer's point of view this action produces a serious situation."

What I am interested in is the effect of the old plan on our manufacturers, dealers, and the public. The planters have made a great deal of money during the Stevenson plan, some of which must, of course, be charged off to prior losses.

The United States Department of Commerce shows the following as the profits of the plantations:

Net profits

Years	Number of companies	Planted acreage	Capital issued	Net profits		
				Total	Per planted acre	Per cent of capital
1909	17	28,829	£1,539,500	£626,120	£21.7	41
1910	28	46,819	2,218,869	1,183,519	25.3	53
1911	34	70,538	3,922,835	1,148,076	16.3	29
1912	42	85,937	4,675,309	1,377,949	16.0	29
1913	44	93,352	4,817,441	974,193	10.4	20
1914	47	98,031	5,108,842	955,248	9.7	19
1915	49	101,795	5,266,754	1,694,312	16.6	32
1916	50	106,215	5,401,818	2,155,593	20.3	40
1917	50	110,339	5,417,818	1,900,286	17.2	35
1918	51	115,379	5,817,101	882,736	7.7	15
1919	51	118,595	6,143,153	1,823,490	15.4	30
1920	51	122,045	7,760,820	641,610	5.3	8
1921	52	126,569	8,285,572	417,109	3.3	5
1922	52	130,966	8,344,456	516,008	3.9	6

In the above table, as soon as a company began earning profits it was included for every subsequent year, regardless of the fact that it might afterwards have made a loss. Thus the column "Net profits" is arrived at by adding all the net profits together and deducting from that total the total of all the losses made for the corresponding year.

During the period of 14 years average profits ranging from 5 per cent to 53 per cent earned on the issued capital; in only three years did they drop below the 15 per cent standard; the average for the whole period was 26 per cent. This high earning power was demonstrated in spite of the fact that much of the area was either immature or had not yet reached the full-bearing stage, because the industry was still so young. The average profits earned during this period were more than three and a half times the issued capital.

DIVIDENDS ON ISSUED CAPITAL

The dividends declared during this same period showed wide variations from year to year, as is seen below:

Dividends paid on issued capital

Years	Number of companies	Issued capital	Dividends		Number of companies paying dividends
			Total	Per cent of capital	
1909	17	£1,579,500	£493,771	31	17
1910	27	2,295,944	1,059,352	46	26
1911	30	3,764,068	1,128,178	30	30
1912	37	4,327,759	1,231,832	28	37
1913	40	4,543,096	750,464	17	38
1914	41	4,612,818	876,392	19	38
1915	47	5,062,437	1,360,087	27	47
1916	49	5,301,818	1,585,375	30	48
1917	49	5,301,818	1,166,696	22	46
1918	49	5,647,078	1,023,134	18	45
1919	51	6,143,153	1,583,951	26	51
1920	51	£7,760,820	£212,353	3	21
1921	51	8,216,057	228,724	3	22
1922	51	8,273,853	456,228	6	46

The London Times for May 27, 1926, and June 3, 1926, contains the following interesting articles on the rubber profits of planters:

"RUBBER-PLANTATION PROFITS FOR 1925

"A group of three of the older established Malayan rubber companies which have issued their reports—Lanadron, Ledbury, and Cluny—have all secured large increases in profits for 1925. As will be seen from the following comparison of the results of the two larger companies, costs were appreciably lower:

	1925	1924	1923
Lanadron:			
Crop	1,241,406 pounds	1,020,081 pounds	1,098,150 pounds.
Sale price	2/2.93d. per pound.	1/3 23d. per pound.	1/1 13d. per pound.
Cost (f. o. b.)	7.92d. per pound.	9.13d. per pound.	9.95d. per pound.
Net profit	£101,730	£27,755	£18,633.
Dividend	£90,000 (25 per cent).	£27,000 (7½ per cent).	£18,000 (5 per cent).
Ledbury:			
Crop	594,181 pounds	480,511 pounds	475,452 pounds.
Sale price	2/2.97d. per pound.	1/2.55d. per pound.	1/0.83d. per pound.
Cost (f. o. b.)	8.41d. per pound.	9.11d. per pound.	7.59d. per pound.
Net profit	£49,354	£14,052	£11,712.
Dividend	£48,870 (45 per cent).	£13,575 (12½ per cent).	£8,145 (7½ per cent).

Of other results, those of the Simo, a small Javanese company, were remarkable. On a capital of £35,000 the company earned a net profit of £65,484, and the dividend for 1925 is 150 per cent, against 40 per cent for 1924.

RUBBER MARKETING CONDITIONS

The passing of boom conditions in the crude-rubber market has still left rubber producers in the fortunate position of being able to derive a profit of about 1 shilling per pound on the sale of spot rubber, while, allowing for forward contracts, their average profit margin must be well above this level. The great prosperity which has succeeded the years of depression has enabled producers to effect a change in their selling methods, and the larger London stocks now existing are to a considerable extent held by producers themselves; in past years stocks have usually been controlled by second or third parties. Producers are financing these stocks out of the exceptionally large profits they have made, and the development implies an attempt by the growers to obtain a greater measure of control over the actual marketing of the commodity, their avowed objective being a more stable price for rubber in the neighborhood of 2s. to 2s. 6d. Many leading producers consider that the changed methods have prevented the price from falling still further during the decided lull recently experienced in the rubber market. London stocks are now just under 20,000 tons. It seems probable that, so far as the level of stocks is a factor in determining the course of rubber prices, producers will not regard a rising tendency as a reason for modifying their present policy regarding stocks until London stocks approximate 35,000 or 40,000 tons, a level which is very generally regarded as calculated to promote more stable conditions in the rubber market.

But the American manufacturers have not fared badly during the restriction.

Let us first consider the earnings of the nine small listed companies—Hood, Miller, Kelly-Springfield, General, Ajax, Lee, Seiberling, Boston Woven Hose, and Mason. Their total profits for 1925 are about $14,000,000. This was divided as follows:

Hood	$2,910,151
Miller	3,533,201
Kelly-Springfield	1,452,577
General	1,843,299
Ajax	1,005,069
Lee	300,209
Seiberling	1,244,967
Boston Woven Hose	966,000
Mason	576,585

The five big listed tire companies made a profit of $65,831,289, divided as follows:

Goodyear	$21,005,898
United States	17,309,870
Firestone	12,800,000
Goodrich	7,106,616
Fisk	7,608,905

So the listed American manufacturers made in 1925 about $80,000,000. Manufacturers in the Akron district had sales over 1924 amounting to $109,000,000, having sold in 1925 $473,556,200 worth of goods.

Comparative 1924 and 1925 statements indicate that 1925 was a profitable year for our rubber products.

Rubber and tire companies' sales and net profits for 1924 and 1925 compared

Company	Close of fiscal year	Total sales, 1924	Total sales, 1925	Sales gain in 1925	Net profits, 1924	Net profits 1925
General	Nov. 30	$13,152,000	$18,700,000	$5,548,000	$1,500,000	$1,843,299
Seiberling	Dec. 31	7,352,137	10,569,522	3,217,385	1,013,622	1,244,967
Lee	Dec. 31	12,586,370	12,742,585	156,215	[1] 234,472	[1] 300,209
Firestone	Oct. 31	85,610,004	125,597,998	39,597,994	8,196,689	12,800,412
Goodyear [3]	Dec. 31	138,777,719	205,999,829	67,222,110	12,161,540	21,005,898
United States	Dec. 31	172,214,353	206,473,737	34,269,384	9,086,035	17,309,870
Miller	Dec. 31	(4)	(4)		2,216,878	3,533,201
Fisk	Oct. 31	52,946,531	74,900,373	21,953,842	3,136,604	6,108,905
Mason	Dec. 31	10,350,838	9,436,567	[1] 917,271	[5] 309,001	[6] 165,960
India	Dec. 31	3,021,767	4,600,121	1,578,354	419,451	471,476
Mohawk	Dec. 31	3,413,731	5,182,788	1,769,057	343,656	580,169
Goodrich	Dec. 31	109,817,685	136,239,526	26,421,841	8,822,504	12,744,447
Kelly-Springfield	Dec. 31	[1] 7,255,746	9,895,844	2,640,098	[1] 1,525,749	[1] 1,452,577
Dayton	Dec. 31		5,290,435		349,000	439,757
Corduroy	Dec. 31	2,630,101	2,930,582	300,481	219,529	235,918
Ajax	Dec. 31	[1] 1,284,286	1,764,566	480,280	664,128	1,005,069

[1] Loss.
[2] Profit.
[3] Figures show total sales of Akron Goodyear Co., and all subsidiaries, but net profit figures given are for Akron company exclusively. Sales of Akron company were $106,026,109 in 1924 and $169,476,112 in 1925.
[4] Annual sales figures not announced. Latest Miller sales figures announced were $29,188,523 in 1923.
[5] Profit for 1924 before interest on mortgage bonds.
[6] Mason net profit for 1925 after all charges.
[7] Figures are gross income, total sales figures not available.

The India Rubber World of March 1, 1921, shows that Goodrich in 1919 had a profit of $3,000,000, and in 1925 the reports give the company profits of over $7,000,000. The India Rubber World of March 1, 1921, show Goodyear with an estimated deficit of $34,000,000 on December 31, 1920, and the company made $21,000,000 in 1925. Restriction took effect November 1, 1922.

Firestone had a profit of $1,245,163 in 1920 and $12,800,000 in 1925.

So, while the big manufacturers are complaining of the planters, we must bear in mind that their own position is pretty strong.

Mr. Hoover thinks that the British in 1925 gouged us out of $700,000,000, but his own bureau shows our total rubber bill was only $429,000,000. A letter to the New York Times from John F. Fowles, dated January 11, 1926, indicates that the British only collected from us $297,000,000. He says:

"Our total importations from all countries and of all grades was:

Plantation	Tons
British restricted area	245,600
Dutch East Indies (on a dry basis)	189,000
Other	30,000
Total	464,600
Wild	
Brazil, Central America, Africa, etc	38,400
Total	503,000

"Now, of this 'British' rubber we took only 184,200 tons, and even figuring all this as high-grade plantation (although it was all grades) at an average of 72 cents, we find a total gross value of only $297,000,000, whereas the British are charged with extorting from us $700,000,000."

The Journal of Commerce for December 29, 1925, makes the following statement about imports:

"The total for the first 11 months of this year is placed at 799,463,705 pounds, valued at $364,665,478, as against 676,828,026 pounds, valued at $158,309,034, for the corresponding period of last year, making an increase of 122,635,679 pounds in quantity and $206,356,444 in value."

The India Rubber and Tire Review of June, 1926, makes the following comparison of our cotton exports and rubber imports:

"RUBBER IMPORTS COMPARED WITH COTTON EXPORTS—COTTON EXPORTS VALUES MORE THAN PAY OUR CRUDE RUBBER BILL

"Although crude rubber in 1925 was the largest single item of American import trade, the United States exports of cotton for the same period were sufficient in value to pay our rubber import bill in full, to pay for all our raw silk imports in 1925, and also to pay nearly 95 per cent of our coffee import bill.

"Rubber imported into the United States last year had a value of $429,705,014, while cotton exported from the United States in 1925 was valued at $1,059,751,151. For the first three months of 1926, however, the value of rubber imported was almost up to the value of cotton exported. The total rubber import value for this quarter per period was $201,651,902, as against cotton export values of $208,705,705. In March rubber imports were $70,589,381, and topped cotton exports, which were valued at $65,761,497.

"The following interesting tables, compiled from Department of Commerce reports, show the relative values of our rubber imports and cotton exports for 1925 and for the first quarter of this year:

Value of cotton exports and rubber imports for 1925 and first quarter of 1926

	Cotton exports	Rubber imports
1925		
January	$136,915,000	$22,406,756
February	104,076,238	18,532,115
March	95,576,215	25,162,943
April	60,904,455	24,874,562
May	41,978,913	30,311,754
June	27,998,178	26,855,883
July	26,922,126	33,701,728
August	41,494,061	39,834,348
September	97,439,995	36,686,013
October	176,184,602	50,027,338
November	140,396,188	56,271,963
December	110,396,649	65,055,868
Total for 1925	1,059,751,151	429,705,014
1926		
January	82,511,054	72,328,151
February	60,433,153	58,733,370
March	65,761,497	70,589,381
Total three months	208,705,705	201,651,902

The volume of our cotton exports last year was 4,384,000,000 pounds as against 3,482,500,000 pounds in 1924.

Hoover omitted in his calculations to make allowances for inferior grades of rubber imported at discounts up to 20 per cent.

To-day we find the manufacturers with large earnings back of them and reduced crude charges. They have allowed this year a 10 per cent reduction to dealers. Rubber has fallen far below this on a percentage basis. They have on hand as of March 31, 1926, 9,114,578 casings, 14,550,799 inner tubes, and 219,551 solid and cushion tires. Dealers have 2,056,472 casings, 3,839,799 inner tubes, and 50,230 solids and cushions. These inventories are heavier than last year and

are due to high prices and official suggestion to the public not to buy. Prices must come down. They have been too high, considering crude prices and rubber content of tires. They are too high because of supply on hand and the strong position of manufacturers due to earnings.

It is difficult to obtain accurate data on rubber content in tires. The Bureau of Standards shows that the so-called rubber in tire is a rubber compound with crude rubber being from 40 to 60 per cent of the mixture, the other ingredients of which are sulphur, zinc oxide, gas black, reclaimed rubber, and other chemicals.

So in a 14-pound high-pressure tire there is about 4 pounds of virgin rubber. Granting an increase in the price of rubber last year of 60 cents, the most that could be added therefor to the price of a tire would be $2.40. Hoover's conservative figures show manufacturers added $5 to this.

In May and June of 1924, when crude rubber was lower, the Baltimore Sun states: The average quotation of the stock of eight tire companies was $13. In the last three months of last year, when they were complaining about the British planter, the average of the same stocks went up to $47.

The committee created by the Tilson resolution did not go into our manufacturers' profits, so that I have labored under bad conditions to get some notions of tire rubber content and prices.

A rubber chemist has given me the following analysis:

JANUARY 11, 1926.

Prior to the advance in crude rubber the amount of actual rubber used in a 32 by 4 cord tire amounted to about 6.57 pounds in the standard makes. This amount of crude rubber is made up in the following manner:

Thirty-two by four cord tires, total weight about 20 pounds.

Sixty per cent of this 20 pounds is compounded rubber, 40 per cent fabric.

This 60 per cent, amounting to 12 pounds, consists of various compounds in the tread, side walls, carcass, and bead, of which rubber is component part.

Compound content	Pounds
Tread and side wall (80 per cent)	9.6
Carcass (15 per cent)	1.8
Bead (5 per cent)	.6
Total	12.

Rubber content	Pounds
Tread and side wall (50 per cent)	4.8
Carcass (90 per cent)	1.62
Bead (25 per cent)	.15
Total	6.57

Since the advance in crude rubber manufacturers are using reclaimed rubber. Mostly in the tread and side-wall stock it is estimated that the standard tire makers are now using about 40 per cent of crude rubber in this and some manufacturers as low as 30 per cent.

At the average price prior to the advance of 25 cents per pound, the actual cost of the crude rubber in this tire amounted to $1.65, and the cost to-day, with rubber at 90 cents per pound and reclaimed stock at 15 cents per pound, the total all-rubber cost is $5.20.

This is a table which shows how the consumer has been affected by the increase in the cost of a 32 by 4 cord tire:

Cord tire 32 by 4: Prior to first price advance, $14.75 to dealers; $19.91 to public.

After last price advance, $23.75 to dealers; $32.06 to public.

Amount of rubber in average 32 by 4 cord tire, 6.57 pounds.

Cost of rubber at average of 45 cents per pound, $2.95 (crude).

Cost of rubber at average of 90 cents per pound, $4.90 (crude).

SUMMARY

Cost of rubber in tire increased	$2.95
Price to dealer increased	9.00
Price to public increased	12.15

Advances in tire prices during 1925 began during the month of May and up to the present time have been advanced five times, namely, May, June, July 1, July 10, and October 17.

Cord tire prices

	Manufacturers to dealers	Approximate retail price
Before the advances beginning in May were as follows:		
30 by 3½	$9.25	$12.49
32 by 4	14.75	19.91
33 by 4½	19.50	26.33
34 by 5	23.00	31.05
After last increase of Oct. 17, 1925:		
30 by 3½	14.75	19.91
32 by 4	23.75	32.06
33 by 4½	32.00	43.20
34 by 5	40.00	54.00

Although the manufacturers insisted that the cost of crude rubber was responsible for the five advances in tire prices last year, that does not seem to be the case, according to a prominent leader in the tire industry. The Daily Rubber Trade of December 14, 1925, carried this statement:

"DECLARE TIRE SALES LEAD OTHER YEARS—O'NEIL, GENERAL TIRE PRESIDENT, LOOKS FOR RECORD OUTPUT IN 1926—CRUDE PRICE NOT IMPORTANT

"AKRON, OHIO, December 14.—Although Akron rubber manufacturers had agreed to cut down production to the lowest possible level during the latter months of the year, the month of December is seeing greater production than any other December in the history of rubber manufacturing, according to views here.

"W. O'Neil, president of the General Tire & Rubber Co., holds an optimistic outlook for record production in 1926, stating that their firm along with other Akron tire companies are making plans for the biggest year ever known to pneumatic-tire manufacturing.

"Speaking of the crude-rubber market, he claims that efforts to lower the price on crude rubber by artificial means are folly. 'Tire manufacturers have reached a point where they are entirely indifferent to the price they must pay for rubber.'"

The Wall Street Journal of December 25, 1925, gives the following opinion of the situation:

"Demand for tires and other manufactured rubber goods has been so heavy for immediate delivery, however, that production has been abnormally high during the final quarter. Business so far this month has broken previous records for December in the tire industry.

"COST OF RUBBER DISREGARDED

"Convinced that high-priced rubber is here to stay, the manufacturers are no longer worrying particularly over the cost. It has been demonstrated that the market can not be depressed by artificial means."

However, as many tire makers claimed they should get higher prices because of higher crude-rubber prices, they ought to give lower tire prices with lower crude prices. Crude rubber has dropped 50 per cent since the last tire increase of October, 1925, but tires have been cut only 10 per cent.

With rubber at present prices, the people should be getting the best tires most cheaply. With the present statistical position, that tire prices must be reduced is inevitable.

Crude rubber statistics at the end of May showed 64,360 tons on hand and in transit, an increase of 9,110 tons over April. Consumption during May was 29,335 tons as compared with 32,700 tons during April, a decline of 3,365 tons. London stocks are 22,664 tons as of June 21, compared with figures of 5,424 tons a year ago that date.

In addition to this, there are the stocks to be considered in the primary markets. These figures clearly show an improved condition, as far as the available supplies of crude rubber are concerned.

In the manufacturing end of the industry there are well over 20,000,000 casings and 14,000,000 tubes on hand at the present time. Shipments from factories have not been equal to production, and recently production tickets for the month of June were decreased approximately 45 per cent. This was brought about not only by the backward season but the fact that tire dealers began to realize that prices of tires were out of proportion and wisely adopted a hand-to-mouth policy.

Due to the fact that tire prices had been guaranteed to jobbers up until July 1, manufacturers did not dare cut their price because of the necessity of rebating tire dealers. With the tremendous inventory which they carry at the present time material reductions in prices must come. With jobbers wisely continuing their policy of close purchases and not stocking up, this can be brought about.

With a third of a year's supply on hand at the present time and the retail business as dull as it has been, is it possible for tire manufacturers to continue carrying this inventory? Regardless of whether they reduce their production or not their first move must be to rid themselves of their stock. A 10 per cent reduction is certainly no inducement, when we consider that prices were raised last year 60 per cent on the grounds that their crude rubber prices were so high.

Is it not reasonable to expect with a 40-cent market, a reduction of 30 to 40 per cent? The tremendous profits which factories made last year as shown by the above figures prove conclusively that the public and tire dealers were forced, through conditions which existed, to pay through the nose for tires. Last year was the most successful year any of the companies experienced since 1920.

Tire dealers must realize that the solution of bringing about to-day's tire prices rests entirely with them. Crude rubber is available in sufficient quantities. There is no need of fearing a shortage. Stop buying tires in quantities. Carry only such stocks as you need. Do not prove gullible and fall for stories about shortages in crude rubber and the inability to produce sufficient tires to meet the demand. Remember the inventory which exists and which must be disposed of before the end of the year. Purchase on a hand-to-mouth basis. Buy

no more. There is no need for tire manufacturers to make the exorbitant profits which they did last year.

You gentlemen are the contact between the public and the producers. You bear the burden of the complaints. Undoubtedly prices must be lower. You can not lower them, but you can force the manufacturers. I think you should organize a committee, wait on the manufacturers, and ask that cards be placed on the table.

Business men resent our intrusions, but when our customers, the public, insist on service, we give it to them, though it involves investigations of American business. I think the trade had better straighten itself out with the public, instead of having Government power exerted.

Our officials are not without blame in the situation. They should have made real efforts to encourage American production of rubber in Panama, the Philippines, and South America. American business genius can develop rubber. The United States Rubber Co. owns 80,659 acres of rubber property in Sumatra and 22,484 acres on the Malayan Peninsula. This is through its control of the General Rubber Co., which Poor's Manual for 1924, page 1328, says is the owner of the largest rubber plantation in the world.

We have permitted the British to get concessions in Panama over rubber-producing country. Of course, they do not intend to produce, but intend to prevent us producing. They police this property and are at points as close as 15 miles to the Canal Zone. No matter how they got there and what American official is responsible for their presence, we should force them out.

The administration claims that the Panama concession to the British is not for rubber purposes, but it is rubber property, no matter what our officials say, for former President Porras, in a statement to-day to the Herald-Tribune, says the Darien property conceded is capable of rubber production. The British, of course, do not intend to produce rubber there, but they want to hold it so that our people can not develop it. The British do not want to stimulate production; they want to restrict it.

We in politics are not anxious to hurt our own business people. We have cut taxes for business. I for one am willing to cooperate so that it will better serve the public and be in a stronger position against foreign business encroachments.

THE TRIUMPH OF DEMOCRACY, BY HON. JAMES M. BECK

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein a speech made by the Hon. James M. Beck at the D. A. R. Convention Hall to-day upon the subject of patriotism.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. ARENTZ. Mr. Speaker, in accordance with the consent granted me, I insert in the RECORD the following address of Hon. James M. Beck, formerly Solicitor General of the United States, entitled "The Triumph of Democracy," delivered at the official opening of American Independence Week, under the auspices of the Daughters of the American Revolution, at Memorial Continental Hall, Washington, D. C., June 28, 1926, as follows:

We are met this morning to inaugurate in this city the commemorative festival known as independence week. It is an impressive thought that such a celebration is taking place throughout the length and breadth of this great Nation. However divided the American people may be upon many questions of public policy, to-day they are one in paying a tribute to the immortal founders of the Republic. In doing so they not only recognize a debt to the dead but an imperative duty to the unborn. The imagination would indeed be dull if it were not stirred by the reflection that to-day 100,000,000 of people, constituting the most powerful Nation of the modern world and potentially one of the most powerful of all time, are now forgetting for the moment the vivid and vital day, in which they are privileged to live, to recall that other day, 150 years ago, when a little group of 55 men, after debating the question with meticulous care, created a new Nation and dedicated it forever to the cause of human freedom. The flame then lit on that little altar in Independence Hall still illuminates the world.

Well might Mirabeau say that, "tried by its standard of liberty, every government in Europe [of that day] was divested of its sanction." To the masses of men in every part of the world, struggling to escape from the house of bondage and into the promised land, the great declaration has been as a pillar of cloud by day and a pillar of fire by night. To use the inspired language of Richter, this little group of heroic men "lifted the gates of empires off their hinges, turned the stream of the centuries into a new channel, and still governs the ages."

Well did Tom Paine say in his stirring manifesto, Common Sense, to which the event we celebrate owes almost as much as to Jefferson's inspired declaration:

"We have it in our power to begin the world over again. The birthday of a new world is at hand, and a race of men, perhaps as numerous as all Europe contains, are to receive their portion of freedom from the event of a few months."

Prophetic as was the author of Common Sense, he did not and could not appreciate the full implications of his statement that "the birthday of a new world is at hand." Although the fathers little perceived it, the greatest revolution in the history of human thought and social conditions was then in progress. While the imagination of men has taken the Fourth of July as the central fact of the American Revolution—even as the imagination of the French people has taken the fall of the Bastile as the beginning of the French Revolution—yet to both incidents a wholly disproportionate significance has been attached. Both were only stirring scenes in an epic drama. The declaration did not create us a people. We were a great people before it was adopted, and we would have been a great people if it had never been adopted. Declarations, constitutions, and governments do not create peoples, but peoples create governments and ordain constitutions.

France did not begin its great career with the fall of the Bastile, and the attempt of the French convention to revise chronology by declaring the date of its constitution the year "one" proved abortive. The American Commonwealth antedated the United Colonies and, later, the United States of America. It began with the landing of the first English pioneers upon the coasts of Virginia.

As such, the American Republic is the noble child of the greatest revolution in human thought of an earlier age, namely, the Renaissance. It was born in the "spacious days of Queen Elizabeth" and came into being through the same great impulse that gave to the world Frobisher and Raleigh, Drake and Spenser, Sidney and Coke, Bacon and Shakespeare. Never did human imagination rise to greater heights, and the finest flower of its genius was the birth of democracy in the New World, of which the American Revolution was but a single, although a very noble, chapter. Of Plymouth Rock, which shares the glory with the shores of Virginia of the great adventure, a New England poet has well said:

"Here on this rock, and on this sterile soil,
Began the kingdom, not of kings, but men;
Began the making of the world again.
Here centuries sank, and from the hither brink,
A new world reached and raised an old world link,
When English hands, by wider vision taught,
And here revived, in spite of sword and stake,
Their ancient freedom of the Wapentake.
Here struck the seed—the Pilgrims' rooflese town,
Where equal rights and equal bonds were set;
Where all the people, equal-franchised met;
Where doom was writ of privilege and crown;
Where human breath blew all the idols down;
Where crests were naught, where vulture flags were furled,
And common men began to own the world!"

In the eighteenth century humanity was in labor, and of that mighty travail a twin birth resulted. One was industrial and the other was spiritual, one the birth of the machine and the other the birth of democracy. Twin children are not more inseparably united. While heroic souls in England, France, and America were valorously fighting for greater freedom for the masses Watt was developing his steam engine and Ramsey and Fitch were applying it to transportation. The dynamic power of man was about to be increased a thousandfold. The day was coming when he would outfly the eagle in the air, outswim the fish beneath the surface of the waters, and speak with the rapidity of light itself. Like Prometheus, man was about to storm the hitherto inaccessible ramparts of Divine power, and, measured by dynamic strength, he was about to become a superman.

It was inevitable that such an infinite expansion of physical power should be accompanied by a struggle for greater freedom. No two facts in all history are of more tremendous and inestimable importance, or of more pregnant consequence to the future—for good and ill—than the seemingly indefinite expansion of man's dynamic power and his invincible demand for the full right to pursue his own true and substantial happiness. The democracy of the hand and the democracy of the soul are in the last analysis but one manifestation of the same unconquerable spirit, whose ultimate claim is that man shall be in truth as well as in theory "master of his soul and captain of his fate."

De Tocqueville, that extraordinarily keen and prophetic intellect, well said nearly a century ago:

"The gradual development of the principle of equality is a providential fact. It has all the chief characteristics of such a fact; it is universal, it is durable, it constantly eludes all human interference, and all events as well as all men contribute to its progress. Would it be wise to imagine that a social movement, the causes of which lie so far back, can be checked by the efforts of one generation?"

I have said that the Declaration of Independence did not constitute us a people; it is equally true that it did not constitute us a Nation. Complete sovereignty as a Nation began with the first shots of the "embattled farmers" at Concord Bridge. Months before the Declaration of Independence the Colonies had to a greater or less extent

become independent and assumed full sovereignty. The Declaration of Independence simply recognized an accomplished fact, and its purpose was not to initiate a new Nation but to justify its existence to the world.

This does not lessen either its dignity or nobility. On the contrary, its dominant purpose, when rightfully conceived, ennobles the great declaration and has given its due place as one of the noblest documents in the annals of statecraft. The American Nation could have contented itself either with facts that spoke more eloquently than words, or at least with the formal proposal of Richard Henry Lee, which had been adopted on July 2 and which declared "that these united Colonies are, and of a right ought to be, free and independent States." This resolution had been proposed as early as June 7 by Richard Henry Lee, under instructions from the mother Commonwealth of Virginia, and its passage was then so certain that on June 9 a committee of five was appointed to draft a declaration to the world of both the existing fact and its moral justification. This committee consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston. To Jefferson was assigned the immortal honor of drafting the declaration, and it is to his undying glory that that declaration, with a few changes by Franklin and John Adams, was his inspiration.

What, then, was the purpose of the Declaration of Independence? As clearly set forth in its noble preamble, it was an appeal to the conscience of the world in support of the moral justification of the Revolution. It commences, "When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another * * * a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

Possibly no state paper ever contained a nobler sentiment than this. It assumed that there was a rule of right and wrong that regulated the intercourse of nations as well as individuals. It believed that there was a great human conscience which, rising higher than the selfish interests and prejudices of nations and races, would approve that which was right and condemn that which was wrong. This approval was more to be desired than national advantage. It constituted mankind a judge between contending nations, and, lest its judgment should temporarily err, it established posterity as a court of last resort. It placed the tie of humanity above that of nationality. It solemnly argued the righteousness of the separation at the bar of history, solemnly prefixing its statement of grievances with the words "In proof of this let facts be submitted to a candid world," and finally concluded its appeal from the judgment of the moment to that of eternity, in the words "Appealing to the Supreme Judge of the world for the rectitude of our intentions."

The great Declaration was more than an eloquent plea for the favorable judgment of the world. Another great purpose was to give to man new title papers to liberty. For thousands of years man had lived under conditions which justly provoked the cynical remark of Rousseau, with which he began his immortal book, "Man is born free and is everywhere in chains." Prior to the middle of the eighteenth century the conception of the sovereignty of the people was almost unknown. Even in France, where the ideas of liberty were then germinating, the people had so little conception of their own rightful sovereignty that, 13 years after the Declaration of Independence and at the beginning of the French Revolution, the only claim that the French people made was that they should share equally with the clergy and the nobility in the constitution of the legislative body. In 1789 that body had not been convened for over 150 years and there was no novelty in Louis XIV's arrogant boast, "L'état, c'est moi."

The state was conceived as a sacred institution which existed apart from the people and had its sanction not in their will but in some inherent claim. In nearly every nation the fountain head of all power and justice was an hereditary monarch, whose power was absolute except as he graciously gave immunities to the people, which were called "liberties." Even in those nations where the soil had been broken and the seeds of liberty implanted the utmost claim of the masses was for some participation, by the grace of the king, in the legislative councils of the nation. A few inspired spirits, like Locke, Burlamaqui, Montesquieu, and Rousseau, were suggesting the then wholly revolutionary idea that in the origin of human society sovereignty had originally rested with the people, and that it was only by their consent, given by a mythical social contract, that the state, as a separate entity, had been created and its sovereign power vested in an hereditary king. The mighty shadow of the greatest of the Cæsars still rested upon the earth and a century and a half ago Cæsarism was the political religion of nearly every people.

Even the men of the Revolution at its beginning fully accepted this theory of government. Until the Declaration of Independence the foremost spirits of the Revolution insistently claimed that they had no quarrel with the King, to whose intervention in their behalf they appealed as suppliants, but solely with the Parliament. It was not until Jefferson drafted the declaration that the American people divested themselves of this idea that there was a "divinity that doth hedge a king." It is noteworthy that the declaration says nothing whatever about the Parliament and even refrains from mentioning it by name, and that this terrific indictment was preferred against a stupid and obstinate king.

If the declaration to-day gives us a quickened pulse, it is not because of the counts of the indictment against the misrule of George the Third, but because Jefferson, at heart an idealist and with all the enthusiasm of youth, challenged this universal conception as to the nature of government and asserted in eloquent phrase the sovereignty of the people.

He drew for all mankind, without distinction to race, condition, or creed, a title deed to liberty, so broad and comprehensive that "time can not wither nor custom stale" its eternal verity. As with the blast of a mighty trumpet, the declaration asserts that all men are created equal; that they have a right, as the gift of God and independent of government, to life, liberty, and the pursuit of happiness; that governments derive their just powers from the consent of the governed; that the people have the inherent right to alter or abolish their government when it has ceased to answer their necessities, thus constituting the people the first and only estate. These far-reaching principles satisfy the highest ideals of liberty.

By the much-quoted and much-misunderstood axiom, that "all men are created equal," Mr. Jefferson did not mean either a natural equality or even an equality of natural opportunity, for either would contradict the common observation of men. He was simply defining the province of government, and he was contending that all men were politically equal and that the Government, therefore, should not give to any man an artificial and law-made advantage over another. "Equal and exact justice to all men, special privileges to none." When asked 50 years later and 9 days before his death to write a sentiment for the forthcoming fiftieth anniversary of the Declaration—the day of jubilee on which, by a singular coincidence, he was destined to die—he wrote:

"The eyes of men are opened and opening to the rights of man. * * * The mass of men are not born with saddles on their backs nor a favored few booted and spurred, ready to ride them legitimately by the grace of God."

In the noble preamble Jefferson was not attempting to discuss a form of government. The Declaration of Independence is no more a treatise on the science of government than the book of Genesis is of natural science. Jefferson's only purpose was to hold up to the imagination of men the great ideals of liberty. He was not appealing to the reason of men, as much as to their imagination. Many of the eloquent phrases in the preamble can be as little reconciled with existing realities as some of the Beatitudes with practical Christianity. It can be said of liberty, as George Eliot, in the great climax to Romola, finely said of justice that it "is not without us as a fact, but only within us as a great yearning."

Shortly before his death, Jefferson said:

"This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular or previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion."

Due to this fact, few, if, any, political documents have more profoundly influenced the struggling masses throughout the world. It remains the classic definition of democracy, if not of liberty, and its noblest echo was the speech of Abraham Lincoln over the new-made graves at Gettysburg, when, inspired by Jefferson, he solemnly said that "government of the people, by the people and for the people shall not perish from the earth."

It is no mean event, therefore, in the annals of mankind that brings us together to-day to recall in grateful memory the great event of a century and a half ago. Speaking in the Capital of the Nation, it is interesting to note that, if a great Virginian, Thomas Jefferson, drafted the declaration, yet no one supported it more eloquently than John Adams, of Massachusetts. Each became a subsequent President of the United States, and there is beauty in the fact that, precisely 50 years later and almost at the same hour on July 4, 1826, Thomas Jefferson and John Adams, great yoke fellows in the struggle for liberty, were gathered to their fathers. Each had been a storm center of a political conflict which, in the intensity and virulence of its spirit, has had few equals in our history. Time healed the scars and a mellow age soothed the asperities of political strife, and few incidents in our political history are more beautiful and pathetic than the affectionate intercourse of these two venerable sages in their later years. If each of them had his temperamental defects, yet each of them had great and noble qualities.

While each has a great claim to our affectionate remembrance, yet as we especially commemorate the Declaration of Independence and as that was largely the work of Thomas Jefferson, we naturally consider him more to-day than his great rival in fame.

It would be interesting to contrast what the Declaration of Independence would have been, if Franklin, Hamilton, or Marshall, instead

of Jefferson, had been its draftsman. Franklin would have restricted it to a utilitarian discussion of the advantage to foreign nations of assisting in the creation of a new government and thus weakening the power of the British Empire. He would have invested it with a touch of humor which would have caused the whole world to laugh. Hamilton or Marshall would have restricted the declaration to an analytical statement of the constitutional principle involved in taxing the colonies without the consent of the local legislatures. Jefferson, although a lawyer, forgot his law books and with a flaming imagination wrote the gospel of liberty. An ardent soul, his was also a great intellect. No one of his time, with the exception of Franklin, ever gave so much of a life to intellectual pursuits. From early boyhood until his latest hours, he remained the unwearying and zealous student of the great subjects which challenge the attention of the human intellect. A valued correspondent of four great colleges, the successor of Franklin as president of the American Philosophical Society, he crowned his most useful life by founding the ancient and honorable University of Virginia upon lines so broad and catholic as to anticipate many of to-day's most valued improvements in education. Art, music, literature, history, politics, science, agriculture, philosophy, religion, all engaged his thoughts, and when his great library, which in the days of his poverty he was compelled to sell to the Government, was transported to Washington, it required 16 wagons, and it was found that they were written in many languages and comprised in their sweep nearly every department of intellectual activity.

Here was a man who could supervise a farm, draw the plans for a mansion or a public building with the detail of a capable architect, study nature like a scientist, make useful inventions, play a Mozart minuet on the violin, ride after the hounds, write a brief or manage an intricate law case, draft state papers of exceptional importance, and conduct correspondence with distinguished men in many languages upon questions of history, law, ethics, politics, science, literature, and the fine arts.

How did he, the student and recluse, become, in the apt language of one of his contemporaries, "the most delightful destroyer of dust and cobwebs that his time has ever known"? I find that secret primarily in his sturdy optimism, in the fact that he believed in the work which he attempted to do, in his own ability to do it, in its significance in the predestined advancement of humanity, and in the ability and disposition of his fellow men to follow a true leader. He believed passionately in the people. In that lay his strength.

We must not flatter the dead, and it would be such flattery to say that this very great man did not have his defects or to claim that all the actions of his life were altogether admirable. It is enough to say that, taking him for all in all, weighing the admirable with the less admirable, his life was a benefaction to mankind.

It would be equal flattery to claim that Jefferson was the "Father of democracy." "There were great men before Agamemnon" and there were great democrats long before Thomas Jefferson. The Elizabethan dramatist, Dekker, said of Christ that he was "the first of gentlemen," and it could be added that the gentle Teacher of Nazareth, who loved the plain people and sympathized with their sorrows, was the first and greatest of democrats. Jefferson was like that noble idealist of Rostrand's fancy, Chanticleer. While his clarion voice, of which the great Declaration was the noblest note, did not cause the sun of democracy to rise, it did proclaim in the eighteenth century more truly than any other human note the "reddening morn" of the present democratic era.

As one of his most engaging biographers, Parton, has well said:

"He defended the honor of the human intellect when its natural foes throughout Christendom conspired to revile, degrade, and crush it. He enjoyed his existence and made it a benefaction to his kind."

I am tempted, if only briefly, to discuss the more interesting question as to the present state of democratic institutions. When the greatest war of history had ended and the roar of the last gun on the long battle line had died away in distant echoes, it seemed, indeed, that Jefferson's political faith had received its most impressive vindication that "government of the people, for the people, by the people" had been vindicated, and the world had been made "safe for democracy." Not in a thousand years had there been such a dissolution of ancient forms. Crowns had fallen "thick as autumn leaves that strew the brooks of Vallambrosa." Hohenzollern had followed the Hapsburgs and Romanoffs into the night of exile. Ancient dynasties perished; kingdoms fell and empires of a thousand years vanished into thin air. Indeed, as President Wilson passed through Europe and the masses arose to acclaim him with vociferous enthusiasm, it seemed as if the existing governments of even the victorious nations were crumbling.

And then a mighty change came over the world's dream of democracy. A reacton, swift and terrible, against parliamentary government, through which alone institutional democracy can function, swept over the world like the shadow of a huge eclipse. To-day everywhere throughout Europe there is a remarkable trend toward a form of government which is not dependent upon parliamentary majorities.

It is a curious paradox that this does not necessarily mean a revolt against democracy in its ultimate meaning, for a government can be democratic, if it is of the people, even though it is not by the people. Mallock in his book, The Limits of Democracy, accuses Lincoln of tautology in speaking of government "of and by the people," but such is not the fact. A people may themselves authorize a dictatorship, and, if so, it as truly represents democracy in its sanction as a parliamentary majority, which too often represents the minority.

But while a dictatorship may be democratic in the source of its authority, it is never democratic in its machinery, and it is by the method of government, rather than by its sanction, that men commonly judge whether a government is democratic or undemocratic. Thus judged, many dictatorships in Europe are undemocratic, just as Rome was undemocratic when, probably with the consent of the majority of the people, all power was concentrated in Julius Cæsar.

Human progress moves in a constant series of ascending and descending curves, or, to change the metaphor, its forces are at times centripetal and at times centrifugal. Man has throughout all history passed through a ceaseless cycle of integration and disintegration. Every age that has been marked by the concentration of power in the hands of a few has been followed by a redistribution of that power among the many and, in turn, every democratic movement, when it has spent its force, has been succeeded by a period of integration.

Take English history. The autocracy of William the Conqueror was followed by the comparative democracy of Magna Charta, and that was, in turn, succeeded by the absolutism of Edward the First, only, in turn, to be supplanted by the democracy of the peasants' revolt. When that had spent its force, there came the absolutism of the Tudors, only to be followed by the execution of Charles the First and the democratic Commonwealth. Then came the restoration, and later the absolutism of the Georges, only to be followed by the chartist movement, in turn succeeded by the early Victorian reaction toward absolutism. In our time democracy in England has triumphed in the virtual destruction of the political power of the Crown and the House of Lords.

No present fact is more significant than the reaction in many nations against democracy and in favor of one-man power. It matters not whether the one man be called a czar, emperor, king, or dictator—the essential fact is his power. To-day many of the oldest nations of Europe are in the grasp of dictators. The revolt is not against democracy as a social ideal, but against the inefficiency and venality of parliamentary institutions.

At no time within the memory of living man has Lincoln's ideal of a government of and by and for the people been more openly denied and flouted. The World War revealed, as in a vast illumination, the fact that democracy as a governmental institution is not workable, unless there be a people, who are politically capable of self-government. The founders of our Nation recognized this. Washington, Franklin, and Hamilton all said that the success of popular government depended less upon its form than upon the moral and intellectual capacity of the people. If they fail to take an intelligent interest in their government, and if they are unprepared to show the spirit of self-restraint, which I have elsewhere called "constitutional morality," there can be no successful democracy. Let us not lay the "flattering unction to our souls" that we have finally and completely solved the great problem of popular government. It is still, to use the words of Lincoln, "an unfinished task," and to it the living, from generation to generation, must still dedicate themselves, for, truly, "eternal vigilance is the price of liberty."

In this connection, it must always be remembered that a democratic government, as any form of government, is but a means to an end, and not, in itself, an end. It must be judged by its fruits. It is not necessarily a final truth, but may prove to be only an inspiring prophecy. President Wilson's eloquent call to arms that "the world must be made safe for democracy," while most effective for its immediate purpose, incorrectly assumed that democracy was an end, of which the world was simply the means, whereas, in truth, the welfare of the world is the end and democracy is but the presently accepted means. Even as the greatest of all teachers said that the "Sabbath was made for man and not man for the Sabbath," we can say that democracy is made for man and not man for democracy.

Our political philosophy has changed the divine right of a king to the divine right of King Demos, and one theory is as untenable as the other. The right of a majority, often mistaken, to impose its will upon the minority, who are only too often in the right, is not by divine ordinance but is only based upon the purely utilitarian consideration that the common welfare requires a temporary subordination of the minority to the majority in the interests of peace. Law is only the reasoned adjustment of human relations and its authority consists only in its reasonableness and service to the common weal. If democratic institutions should prove more prejudicial to the common welfare than other forms of government, to it will come the stern challenge of the great woodman, "Why cumbereth it the ground?"

Moreover, all forms of government must depend upon the character, or as Aristotle expressed it, the "ethos" of the people. It was well said by Lord Morley, one of the most scholarly publicists of our day, that "the forms of government are much less important than the force behind them. Forms are only important as they leave liberty and law to awaken and control the energies of the individual man."

I fear that the founders of the Republic recognized this more clearly than we of this later generation. Even after the adoption of the Constitution—the best form of government that the wit of man has yet devised—Washington, on February 7, 1788, wrote that it would only be effective "as long as there shall remain any virtue in the body of the people," and on the last day of the convention Franklin said:

"There is no form of government but what may be a blessing to the people, if well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other."

Were Franklin alive to-day, he would see an extraordinary verification of his prophecy in current European developments, where great, historic peoples, who are also liberty loving, have willingly acquiesced in the despotism of a dictator rather than endure further the incapacity of parliamentary government that will not function.

In weighing the political institutions of a democracy in the scales of a candid judgment, care must also be taken to distinguish between the ponderables and the imponderables. Judged simply on the ponderables, the judgment on democracy, as a form of government after a century and a half, would not be wholly favorable. Its inefficiency, wastefulness, and, at times, venality shock the judgment.

The believer in democracy is only comforted by the reflection that undemocratic governments have also been wasteful, inefficient, and dishonest, and have added tyranny to these vices. Possibly the most repellant feature of democratic institutions is the coarse flattery of the mob that, by degrading manhood, tends to destroy true leadership. With the destruction of the representative principle, the average politician becomes a mere flatterer of the many and sometimes even of the minority, who, under the party system, hold the balance of power. To a democratic age the spectacle is repellant of that Gallery of Mirrors in the Palace of Versailles, where 3,000 courtiers would crowd upon the so-called Sun King to crave the servile honor of handing His Majesty his napkin at dinner. But in a democracy 300,000 politicians equally become the obsequious flatterers of King Demos. To flatter the many is no more creditable than to flatter a king.

When, however, the imponderables are taken into consideration it is easier to defend democracy, for its theory satisfies the noblest aspirations of men. It not only educates them but gives them hope.

Referring to that great democrat, Abraham Lincoln, Lowell finely said in his classic address on democracy:

"Democracies have likewise their finer instincts. I have seen the wisest statesman and most pregnant speaker of our generation, a man of humble birth and ungainly manners, of little culture beyond what his own genius supplied, become more absolute in power than any monarch of modern times through the reverence of his countrymen for his honesty, his wisdom, his sincerity, his faith in God and man, and the noble humane simplicity of his character."

Again, Mr. Lowell, himself an intellectual aristocrat but a democrat by instinct, well said:

"The democratic theory is that those constitutions are likely to prove steadiest which have the broadest base, that the right to vote makes a safety valve of every voter, and that the best way of teaching a man how to vote is to give him the chance of practice. For the question is no longer the academic one, 'Is it wise to give every man the ballot?' but rather the practical one, 'Is it prudent to deprive whole classes of it any longer?' It may be conjectured that it is cheaper in the long run to lift men up than to hold them down, and that the ballot in their hands is less dangerous to society than a sense of wrong in their heads."

Let us to-day remember that democracy is something more than a form of government—it is a great spirit. Whatever may be said in this temporary ebb tide of democracy as to the fate of parliamentary institutions, democracy as a social ideal is as dominating and beneficent to-day as it has ever been. The equality of man, properly interpreted, is still our ideal, but we mean thereby not an enforced equality, which would standardize man to the level of mediocrity, but, in its last analysis, his right to inequality.

In other words, the inalienable right of man to pursue his own true and substantial happiness, as proclaimed in the great declaration, means his right to be unequal, for there can be no career open to talent or any natural justice if each man is not entitled to the fair fruits of his superior skill and industry. Social democracy asserts the right of every man to make the best of his life and wars eternally against any form, whether it be of hereditary privilege or class legislation, that would handicap a man in the competition of life. This great conception of a "career open to talent," as Napoleon expressed it, or of "the square deal," to use Theodore Roosevelt's effective expression, remains the most dominant and vitalizing influence in life to-day.

To it we owe the greatness of the Republic. The fact that every man has a right, free from governmental interference, to make of his dead self the stepping stone to a higher destiny gives to the masses that hope which has made us the most virile Nation that the world has ever known. In many other lands a man is forever identified with his class or caste. Once a coal miner, he and his children and his children's children can never hope to be anything else. Thus lacking an incentive to achievement, he sullenly identifies himself with his class and is deaf to the calls of social justice.

In America the democratic spirit gives to every man the hope of rising. To this we owe our illimitable energy and our inexhaustible strength. It is the great imponderable of the subject; and while there is much in democratic institutions to-day which, judged by the ponderables, would cause our faith to waver and our minds to be clouded with despair, yet, judged by this great imponderable, we know that the march of man wherever democracy has led him is steadily forward. He may at times sink into a "slough of despond" or a morass of difficulty, but that eternal hope which the spirit of democracy has planted in his breast gives him the strength to struggle out of the morass and march resolutely forward to the "delectable mountains." Such was the spirit of Washington, Jefferson, Franklin, and Lincoln, and it is this invincible faith, triumphing over fear, that has made them the great leaders of the American people. As long as democracy can produce such leaders it vindicates itself.

I fear I have detained you far too long, but I can not refrain before concluding from recognizing the fact that democracy has hitherto had its most effective and noblest expression in the Constitution of the United States. It is true that that great charter is not in method wholly democratic. On the contrary, it marked a salutary reaction against the extreme claims of democracy. Its essential spirit was finely expressed by Edmund Burke when he said:

"Liberty, to be enjoyed, must be limited by law, for law ends where tyranny begins, and the tyranny is the same, be it the tyranny of a monarch or of a multitude—nay, the tyranny of the multitude may be the greater, since it is multiplied tyranny."

While the Constitution does set limits to the power of the majority and to this extent negatives the extreme claims of democracy, yet, as it was adopted by the American people and has now been maintained by them for over 140 years, that Constitution, with its salutary restraints upon majority rule and its defense of the rights of the individual, is broad-based upon the general will and is, therefore, in the truest sense of the word democratic. If its benign government is not in all respects by the people, it is yet of the people and for the people, and it is significant that in all the violent changes of this changing world our form of government has been the most stable. It has been in the past and will increasingly be in the future the model for democratic governments, and upon its maintenance and perpetuity the future of democratic institutions may possibly depend.

Let me recall the proud prophecy of John Bright, one of the noblest Democrats of our time:

"I see from the east unto the west, from the rising of the sun to the going down thereof, in spite of what misled, prejudiced, unjust, and wicked men may do, the cause of freedom still moving onward; and it is not in human power to arrest its progress."

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business in order next Wednesday be dispensed with.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I understand that is agreeable to the committees that would have the call on that day.

Mr. TILSON. Yes. I have conferred with the gentleman from California [Mr. CURRY], who is the chairman of the Committee on the Territories, and I have a letter from Mr. KIESS, who is the chairman of the next committee in order.

The SPEAKER. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m., in order that there may surely be time enough in which to finish the deficiency appropriation bill.

Mr. MADDEN. Mr. Speaker, I hope that that request will be granted, because in the consideration of a bill of 100 pages no one can tell what interruptions may occur.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that on Wednesday next, following the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Kentucky [Mr. GILBERT] may have 40 minutes in which to address the House upon matters relating to the District of Columbia.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. STEVENSON, for five days after to-day.

ANNIVERSARY OF THE BATTLE OF BENNINGTON

The SPEAKER. Pursuant to House Joint Resolution 176, establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance, the Chair appoints as members of the commission Mr. WASON, Mr. BRIGHAM, and Mr. CONNERY.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m), in accordance with the order heretofore made, the House adjourned until to-morrow, June 29, 1926, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 29, 1926, as reported to the floor leader by clerks of the several committees:

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To provide compensation for employees injured and dependents of employees killed in certain maritime employments, and providing for administration by the United States Employees' Compensation Commission (S. 3170).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

Expressing the adherence of Congress to the doctrine of nonconfiscation of private property of enemy nationals (H. Con. Res. 34).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

613. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1927, amounting to $100,000 (H. Doc. No. 468); to the Committee on Appropriations and ordered to be printed.

614. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment, Office of the Architect of the Capitol, for enlarging the Capitol grounds, amounting to $1,331,958.37 (H. Doc. No. 469); to the Committee on Appropriations and ordered to be printed.

615. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1926, amounting to $4,000 (H. Doc. No. 470); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 309. A resolution providing for consideration of the conference report on H. R. 10827, a bill to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes; without amendment (Rept. No. 1557). Referred to the House Calendar.

Mr. CURRY: Committee on the Territories. S. 3928. An act authorizing the designation of an ex officio commissioner for Alaska for each of the executive departments of the United States, and for other purposes; with amendment (Rept. No. 1565). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 1595. A bill for the relief of Fannie Kravitz; with amendment (Rept. No. 1558). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8739. A bill for the relief of Lim Toy, of the city of Boston, Mass.; without amendment (Rept. No. 1559). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 11852. A bill for the relief of M. Tillery and Mrs. V. D. Tillery; without amendment (Rept. 1560). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 3064. An act for the relief of the Capital Paper Co.; without amendment (Rept. No. 1561). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 780. A bill for the relief of J. S. Corbett; without amendment (Rept. No. 1562). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 2720. A bill to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover; without amendment (Rept. No. 1563). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 12903. A bill for the relief of Abraham H. Tompkins; without amendment (Rept. No. 1564). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MacGREGOR: A bill (H. R. 13113) to give preference to articles of the growth, production, and manufacture of the United States; to the Committee on the Judiciary.

By Mr. WOOD: A bill (H. R. 13114) authorizing and directing the Secretary of the Treasury to carry into effect the terms of the contract entered into by the Greek Government and the Government of the United States under date of February 10, 1918; to the Committee on Ways and Means.

By Mr. JAMES: A bill (H. R. 13115) to increase the membership of the National Advisory Committee for Aeronautics, and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of Indiana: A bill (H. R. 13116) to amend section 9 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922; to the Committee on Military Affairs.

By Mr. VESTAL: A bill (H. R. 13117) for copyright registration of designs; to the Committee on Patents.

By Mr. BOYLAN: Joint resolution (H. J. Res. 285) authorizing the selection of a site and the erection of a pedestal for the statue or memorial to Thomas Jefferson, in the city of Washington, D. C.; to the Committee on the Library.

By Mr. GIBSON: Joint resolution (H. J. Res. 286) providing that permanent markers for graves of American soldiers shall be of American stone; to the Committee on Foreign Affairs.

By Mr. MORTON D. HULL: Resolution (H. Res. 310) requesting information from the Comptroller of the Currency as to licenses to national banks; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 13118) granting a pension to Pearl B. Nichols; to the Committee on Pensions.

By Mr. AUF DER HEIDE: A bill (H. R. 13119) for the relief of Matilda Klopping; to the Committee on Military Affairs.

By Mr. BRAND of Ohio: A bill (H. R. 13120) granting an increase of pension to Artie Cain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13121) granting an increase of pension to Harriet E. Tobin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13122) granting an increase of pension to Mary B. Peterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13123) granting an increase of pension to Alice W. Eastman; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 13124) granting an increase of pension to Mary E. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13125) granting an increase of pension to Caroline C. Fehr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13126) granting an increase of pension to Sarah Sauerwine; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 13127) granting an increase of pension to Almira A. Mitchell; to the Committee on Invalid Pensions.

By Mr. FURLOW: A bill (H. R. 13128) granting an increase of pension to Ada A. Williams; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 13129) granting an increase of pension to Julia E. Leming; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13130) granting an increase of pension to Harriette Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13131) granting an increase of pension to Lillian E. Allen; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 13132) granting an increase of pension to Isabel Cubbage; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 13133) granting a pension to Mary Knight; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 13134) granting an increase of pension to Elise Maschmeyer; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 13135) granting a pension to Adelaide C. Young; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 13136) granting a pension to Mary Augusta Nichols; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 13137) granting an increase of pension to Rebecca Richmond; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 13138) granting an increase of pension to Elizabeth Alexander; to the Committee on Invalid Pensions.

By Mr. SWARTZ: A bill (H. R. 13139) granting an increase of pension to Josephine M. Jackson; to the Committee on Invalid Pensions.

By Mr. TYDINGS: A bill (H. R. 13140) granting an increase of pension to Annie E. Porter; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2922. By Mr. ANTHONY: Petition of sundry citizens of Denison, Kans., asking increased pensions for veterans of Civil War and their widows; to the Committee on Invalid Pensions.

2923. Also, petition of sundry citizens of Mayetta, Kans., asking increased pensions for veterans of Civil War and their widows; to the Committee on Invalid Pensions.

2924. Also, petition of sundry citizens of Hiawatha, Kans., asking increased pensions for veterans of Civil War and their widows; to the Committee on Invalid Pensions.

2925. Also, petition from citizens of Holton, Kans., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2926. By Mr. ARENTZ: Petition of Nevada Council, No. 978, Knights of Columbus, calling on the United States Government to protest against tyranny of Mexico with reference to expulsion of Archbishop Caruana from that country; to the Committee on Foreign Affairs.

2927. By Mr. ARNOLD: Petition from citizens of Effingham, Ill., requesting the passage of the Civil War pension bill at an early date; to the Committee on Invalid Pensions.

2928. Also, petition from citizens of Oblong, Ill., urging the passage of the Civil War pension bill before adjournment; to the Committee on Invalid Pensions.

2929. By Mr. BLAND: Petition of citizens of Chincoteague, Va., urging early action on the Civil War pension bill; to the Committee on Invalid Pensions.

2930. By Mr. CELLER: Petition of citizens of Brooklyn, N. Y., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2931. By Mr. CHAPMAN: Petition of Charles Porter, William Crawford, Mrs. Louise Edwards, Mrs. Lillian Fisher, and 1,500 other citizens of Paris, Bourbon County, Ky., urging the immediate consideration and passage of Civil War pension bill; to the Committee on Invalid Pensions.

2932. By Mr. CONNALLY of Texas: Petition of sundry citizens of Texas, urging the immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2933. By Mr. CROWTHER: Petition of citizens of Fort Johnson, N. Y., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2934. By Mr. DRANE: Petition signed by John S. Sargent and sundry others, urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2935. By Mr. DENISON: Petition of various voters of Franklin County, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2936. Also, petition of various voters of Valier, Franklin County, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2937. By Mr. DOWELL: Petition of citizens of Des Moines, Iowa, and vicinity, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2938. Also, petition of citizens of Des Moines, Iowa, and vicinity, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2939. By Mr. HALL of Indiana: Petition of Mrs. Olive Morris and 52 others, of Marion, Ind., for enactment of relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2940. Also, petition of William Frank and 17 other voters of Waltz Township, Wabash County, Ind., for an act giving relief to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2941. By Mr. HARDY: Petition of voters of Crowley County, Colo.; Mr. Martin Pickering, of Olney Springs; and 33 other signers, in favor of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2942. By Mr. HAUGEN: Petition of 45 voters of West Union, Iowa, urging the immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2943. By Mr. HAWES: Petition of citizens of St. Louis County, Mo., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2944. By Mr. HUDSON: Petition of citizens of Ingham County, Mich., urging prompt action on the Civil War pension bill; to the Committee on Invalid Pensions.

2945. Also, petition of the Sons of Union Veterans of the Civil War, of Michigan, urging the passage of House bill 4023; to the Committee on Invalid Pensions.

2946. By Mr. JOHNSON of Illinois: Petition of sundry citizens of Freeport, Ill., urging immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2947. By Mr. KNUTSON: Petition of sundry citizens of Sauk Center, Minn., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2948. By Mr. McCLINTIC: Petition of sundry citizens of Ludey, Okla., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2949. By Mr. MacGREGOR: Petition of citizens of Buffalo, N. Y., in favor of the bill to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2950. By Mr. MAJOR: Petition of citizens and voters of Springfield, Greene County, Mo., urging the prompt passage of the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their dependents; to the Committee on Invalid Pensions.

2951. By Mr. MANLOVE: Petition of 21 citizens of Moundville, Vernon County, Mo., urging the passage of legislation in favor of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2952. By Mr. NELSON of Wisconsin: Petition signed by Mary E. Blanchard and others, of Fenimore, Wis., urging immediate enactment into law the Civil War pension bill; to the Committee on Invalid Pensions.

2953. By Mr. O'CONNELL of New York: Petition of the American Wholesale Grocers' Association, favoring the modification of the antitrust laws; to the Committee on the Judiciary.

2954. By Mr. RAGON: Petition of 61 citizens of Havana, Ark., and 22 citizens of Watalula, Ark., favoring the passage of the Elliott Civil War veterans' and widows' increase pension bill; to the Committee on Invalid Pensions.

2955. By Mr. ROBINSON of Iowa: Petition of members of Polk County, Iowa, Farm Bureau Federation, favoring enactment into law of Senate bill 7893; to the Committee on Agriculture.

2956. Also, petition of sundry citizens of Black Hawk County, Iowa, favoring enactment into law of Civil War pension bill; to the Committee on Invalid Pensions.

2957. By Mrs. ROGERS: Petition of Mr. and Mrs. Joseph Pope, of Hudson, Mass., and other residents of Clinton, Berlin,

and Hudson, Mass., requesting prompt and favorable consideration of the bill to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2958. By Mr. ROWBOTTOM: Petition of Nancy Skapps, Lucinda Hale, and others, of Newburg, Ind., asking that bills granting increases in rates of pensions of Civil War soldiers and widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

2959. Also, petition of Edwyn E. Watts, secretary pro tempore, Johnny Butler Camp, No. 228, Division of Indiana, Sons of Union Veterans of the Civil War, of Princeton, Ind., asking that bills granting increases in rates of pensions of Civil War veterans and widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

2960. By Mr. SCOTT: Petition of citizens of Boyne City, Charlevoix County, and Gaylord, Otsego County, Mich., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2961. By Mr. SEGER: Petition of 26 citizens of Paterson and Passaic, N. J., and vicinity, favoring the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2962. By Mr. SHREVE: Petition of Mrs. Julia A. Higley and 50 citizens of Townville, Crawford County, Pa., and vicinity, asking for immediate consideration of the Civil War pension bill; to the Committee on Invalid Pensions.

2963. By Mr. SPEAKS: Petition of 50 citizens of Columbus, Ohio, urging the passage before adjournment of Congress of a bill granting increase of pension to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2964. By Mr. STROTHER: Petition of various citizens of Logan County, W. Va., asking that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2965. Also, petition of various citizens of Kimball, W. Va., asking that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2966. Also, petition of various citizens of Wayne County, W. Va., asking that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2967. By Mr. SWARTZ: Petition of citizens of the nineteenth congressional district of Pennsylvania, in favor of the Elliott pension bill; to the Committee on Invalid Pensions.

2968. By Mr. SWING: Petition of certain residents of California, urging immediate action by Congress on the Civil War pension bill; to the Committee on Invalid Pensions.

2969. By Mr. THOMPSON: Petition of voters of the fifth congressional district of Ohio, urging the immediate enactment of Civil War pension legislation; to the Committee on Invalid Pensions.

2970. Also, petition of Ohio Division, Sons of Union Veterans of the Civil War, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2971. By Mr. THURSTON: Petition from the residents of the eighth Iowa district, urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows, and thus partly repay the living for the sacrifices they have made for our country; to the Committee on Invalid Pensions.

2972. Also, petition from residents of the eighth Iowa district, urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows, and thus partly repay the living for the sacrifices they have made for our country; to the Committee on Invalid Pensions.

2973. By Mr. TINKHAM: Petition in favor of proposed legislation on behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2974. By Mr. VARE: Petition of various voters of Philadelphia, Pa., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2975. By Mr. WATRES: Petition of sundry citizens of Scranton, Pa., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2976. By Mr. WINTER: Petition of sundry citizens of Tremont County, Wyo., urging the passage of Civil War pension bill; to the Committee on Invalid Pensions.

2977. By Mr. YATES: Petition of Mrs. Sadie Barnard, 607 West Empire Street, Bloomington, Ill., and 48 other citizens of Bloomington, Ill., urging the passage of the Civil War pension bill for the relief of aged veterans and widows; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *June 29, 1926*

(Legislative day of Wednesday, June 23, 1926)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	La Follette	Sackett
Bayard	Fernald	Lenroot	Schall
Bingham	Ferris	McKellar	Sheppard
Blease	Fess	McMaster	Shipstead
Borah	George	McNary	Shortridge
Bratton	Gerry	Mayfield	Simmons
Broussard	Gillett	Metcalf	Stanfield
Bruce	Glass	Moses	Steck
Butler	Goff	Neely	Stephens
Cameron	Gooding	Norbeck	Swanson
Capper	Hale	Norris	Trammell
Caraway	Harreld	Oddie	Tyson
Copeland	Harris	Overman	Underwood
Couzens	Harrison	Pepper	Wadsworth
Cummins	Heflin	Pine	Walsh
Curtis	Howell	Pittman	Warren
Dale	Johnson	Ransdell	Watson
Deneen	Jones, N. Mex.	Reed, Mo.	Wheeler
Dill	Jones, Wash.	Reed, Pa.	Williams
Edge	Kendrick	Robinson, Ark.	Willis
Edwards	King	Robinson, Ind.	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On June 26, 1926:

S. 1160. An act for the relief of Immaculato Carlino, widow of Alexander Carlino;

S. 3028. An act to divide the eastern district of South Carolina into four divisions and the western district into five divisions;

S. 3361. An act to purchase lands for addition to the Papago Indian Reservation, Ariz.;

S. 3978. An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes;

S. 4221. An act authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia; and

S. J. Res. 109. Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes.

On June 29:

S. 3012. An act to change the name of "The Trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same.

CLAIMS ALLOWED BY THE GENERAL ACCOUNTING OFFICE (S. DOC. NO. 138)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, in compliance with law, schedules of claims amounting to $293,847.22, allowed by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of law; which, with the accompanying papers, were referred to the Committee on Appropriations and ordered to be printed.

CLAIMS ADJUSTED BY THE SECRETARY OF THE TREASURY (S. DOC. NO. 146)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a letter from the Secretary of the Treasury, submitting an estimate of appropriation, in amount $1,580.84, to pay claims which he has adjusted under the provisions of the act of December 22, 1922 (42 Stat. 1066); which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DEFICIENCY ESTIMATES, DEPARTMENT OF JUSTICE (S. DOC. NO. 145)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting defi-

ciency estimates of appropriations for the Department of Justice, fiscal years 1924 and 1925, amounting to $2,415; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS RENDERED BY THE COURT OF CLAIMS (S. DOC. NO. 144)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, in compliance with law, a list of judgments rendered by the Court of Claims and requiring an appropriation for their payment, in total amount $3,146,846.78; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DANIEL J. CAMPAU (S. DOC. NO. 143)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, record of a judgment rendered against the Government by the United States District Court for the Eastern District of Michigan under authority of law—under the War Department, final decree rendered May 7, 1926, in favor of Daniel J. Campau; no costs or interest allowed, in amount $2,506.79; which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS RENDERED BY THE UNITED STATES DISTRICT COURT UNDER SPECIAL ACTS (S. DOC. NO. 142)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, records of judgments rendered against the Government by the United States district court under special acts of Congress—under the Navy Department, $17,695.92; under the War Department, $303,974.84, in total amount $321,670.76; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS RENDERED BY UNITED STATES DISTRICT COURTS

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, records of judgments rendered against the Government by the United States district courts under the provisions of law, and requiring an appropriation for their payment—under the War Department, $600; under the Navy Department, $3,829.91; in total amount, $4,429.01; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 141).

The VICE PRESIDENT also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, records of judgments rendered against the Government by United States district courts—under the Navy Department, $44,884.08; under the Treasury Department, $400; under the War Department, $5,984.12; in total amount, $51,268.20; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 140).

The VICE PRESIDENT also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, judgments rendered against the Government by United States district courts under the provisions of law—under the Navy Department, $1,110,633.62; under the War Department, $534,056.31; in total amount, $1,644,689.93; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 139).

PETITIONS AND MEMORIALS

Mr. COPELAND presented a petition of sundry citizens of the State of New York, praying for the prompt passage of the so-called alien deportation bill, which was referred to the Committee on Immigration.

He also presented the memorial of the principal chiefs of the Seneca Nation of New York, remonstrating against the passage of legislation regulating hunting and fishing on the Allegheny, Cattaraugus, and Oil Spring Indian Reservations in the State of New York and praying the observance of their ancient treaty rights and for justice under the Federal laws and Constitution, which was referred to the Committee on Indian Affairs.

Mr. JONES of Washington presented a petition of sundry citizens of Puyallup, Wash., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

Mr. SHORTRIDGE presented petitions numerously signed by sundry citizens of Alameda, Azusa, East San Diego, Fresno, Glendora, Los Angeles, Redlands, Sierra Madre, San Diego, San Anselmo, San Bernardino, Sherman, Van Nuys, Venice, and Yountville, all in the State of California, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

He also presented resolutions of the Ramona Parent-Teacher Association, of Alhambra; the Lenox Community Club of Women, of Inglewood; the Parent-Teachers' Association of the Irvington Intermediate School of Huntington Park, and the Alameda District Federation of Women's Clubs, of Berkley, all in the State of California, favoring the passage of legislation to create a Federal department of education, with a secretary in the President's Cabinet, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by St. Francis Assembly, Fourth Degree Knights of Columbus, of San Francisco, Calif., protesting against the passage of legislation to create a Federal department of Education, with a secretary in the President's Cabinet, which was referred to the Committee on Education and Labor.

PEARL RIVER BRIDGE, MISSISSIPPI

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 12467) granting the consent of Congress to the Jackson & Eastern Railway Co. to construct, maintain, and operate a railroad bridge across the Pearl River in the State of Mississippi, and I submit a report (No. 1166) thereon.

Mr. STEPHENS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole; and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Jackson & Eastern Railway Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Pearl River at a point suitable to the interests of navigation near and south of waterworks plant of the city of Jackson, State of Mississippi, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Jackson & Eastern Railway Co., its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAKE WASHINGTON BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 5810) granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island, in the same county and State, and I submit a report (No. 1167) thereon.

Mr. JONES of Washington. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 2, at the end of line 5, to strike out the period and in lieu thereof to insert a comma and the words "and subject to the conditions and limitations contained in this act"; and on the same page, beginning with line 6, to strike out the remainder of the bill and in lieu thereof to insert the following sections:

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Washington, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to

exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Washington under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The said John F. Kenward, his successors, and assigns shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said John F. Kenward, his successors, and assigns shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said John F. Kenward, his successors, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REPORTS OF THE CLAIMS COMMITTEE

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 452) for the relief of Richard Riggles, reported it with an amendment and submitted a report (No. 1168) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (H. R. 5789) for the relief of the estate of J. A. Galloway, reported it without amendment and submitted a report (No. 1169) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the enrolled bill (S. 2826) to investigate and determine the feasibility of the construction of an irrigation dam on Walker River, Nev.

MUSCLE SHOALS HEARINGS

Mr. NORRIS. Mr. President, from the Committee on Agriculture and Forestry I report a concurrent resolution which I understand from the printing clerk is necessary in order to have some additional copies printed of the hearings on Muscle Shoals. The copies of the hearings are entirely exhausted, and continual applications are coming in for them. I ask for the immediate consideration of the resolution.

The VICE PRESIDENT. The Clerk will read the resolution.

The Chief Clerk read the resolution (S. Con. Res. 24), as follows:

Resolved by the Senate (the House of Representatives concurring), That in accordance with paragraph 3 of section 2 of the printing act, approved March 1, 1907, the Committee on Agriculture and Forestry of the Senate be, and is hereby, authorized and empowered to have printed 1,000 additional copies of the hearings held before said committee during the Sixty-eighth Congress on the bills (S. 139, S. 2372, S. 2747, S. 3214, and H. R. 518) relative to the completion of Muscle Shoals.

Mr. HEFLIN. Mr. President, I would like to ask the Senator from Nebraska about what it will cost to print the thousand copies?

Mr. NORRIS. I told the Senator from Alabama or some one on yesterday that it would cost $1,000. I notice in reading the resolution that it calls for 1,000 copies. I do not think it will cost $1,000, but I can not give the information. I think I had the number to be printed and the cost mixed up in my mind.

I will say to the Senate that I have no more interest in the matter than anyone else; if the Senate does not want to have additional copies of the hearings supplied, very well; but the copies are exhausted and the clerk of the committee tells me that we are continually having requests for additional copies. It is a matter for the Senate to determine. The hearings, of course, print both sides of the proposition. I think myself, on account of the importance of it, that we ought to have additional copies printed.

Mr. HEFLIN. Mr. President, I shall not object to the resolution, but I want to serve notice now that I shall insist on the Muscle Shoals matter being disposed of. There are propagandists in Washington who are drawing thousands of dollars a year which they collect from various interests. They get contributions from the people in the Tennessee Valley by telling them what they are going to do for Muscle Shoals. They are living here in luxury. There are probably a dozen or more of them.

I think the question ought to be disposed of so the farmers can begin getting cheap fertilizer at Muscle Shoals and the Government can get something out of the power to be distributed down there. Before the Senate adjourns, if we are not going to take up the Muscle Shoals matter at this session, I want to have an understanding that we will fix a day certain in December when we will take it up, because I want it disposed of and I think the country wants it disposed of. I want to stop these grafters and propagandists who raise money to attack and slander any Senator who interferes with their efforts to prevent action on the Muscle Shoals matter. They do not want the Muscle Shoals property disposed of. They want to keep it before Congress and keep themselves feeding and fattening on the money they collect from various interests. They get thousands of dollars every year that way. They spend it in various ways. They use some of it to have certain newspapers in Washington, in Alabama, and elsewhere to misrepresent and slander any Senator who tries to dispose of the Muscle Shoals properties in a way that will take care of the interests of the Government and the interests of the farmers of the country. They have used some of these funds to pay for newspaper attacks upon me in my State and here at the Capital.

It would be interesting to know just how much money these propagandists have collected in the name of Muscle Shoals during the last eight years. I am satisfied that they have collected more than a quarter of a million dollars. I want to see Muscle Shoals put to work distributing cheap power and making cheap fertilizer for the farmer.

Mr. JONES of Washington. Mr. President, I understand that the Joint Committee on Printing can authorize additional copies where the cost is not in excess of $200, and that the Senate can order printing without a concurrent resolution if the cost does not exceed $500. I do not know myself as to the cost, and I see no member of the Printing Committee here. I suggest that the matter go over until some member of the Committee on Printing may be spoken to about it.

Mr. NORRIS. The resolution itself was drawn by the clerk of the Committee on Agriculture and Forestry, at the suggestion of the clerk of the Committee on Printing, and I supposed it was in accordance with law. If under the law the resolution has to go to the Committee on Printing, I have no objection to that course. The Senator from Ohio [Mr. FESS] has just informed me that it is required by law.

The VICE PRESIDENT. The Chair will advise the Senator from Washington that the Senator from Pennsylvania [Mr. PEPPER], chairman of the Committee on Printing, and the Senator from New Hampshire [Mr. MOSES], a member of the committee, are present.

Mr. JONES of Washington. I suggest that the resolution be referred to the Committee on Printing.

Mr. NORRIS. I have no objection to that reference.

The VICE PRESIDENT. The resolution will be referred to the Committee on Printing.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KING:

A bill (S. 4531) authorizing and directing the Secretary of the Treasury to carry into effect the terms of a contract entered into by the Greek Government and the Government of the United States under date of February 10, 1918; to the Committee on Finance.

By Mr. COPELAND:

A bill (S. 4532) granting a pension to Sarah Wilson; to the Committee on Pensions.

AMENDMENTS TO THE FARM LOAN AND AGRICULTURAL CREDITS ACTS

Mr. TRAMMELL (for Mr. FLETCHER) submitted an amendment intended to be proposed to the bill (H. R. 9268) to amend the agricultural credits act of 1923, which was ordered to lie on the table and to be printed.

He also (for Mr. FLETCHER) submitted an amendment intended to be proposed to the bill (H. R. 9269) to amend paragraph 2 of section 7 of the farm loan act, which was ordered to lie on the table and to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. HARRELD submitted an amendment proposing to appropriate $10,000 for recopying, repairing, rebinding, indexing, and otherwise preserving valuable old records and papers in the office of the Superintendent for the Five Civilized Tribes at Muskogee, Okla., etc., intended to be proposed by him to House bill 13040, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PROPOSED AGRICULTURAL LEGISLATION AND ITALIAN DEBT SETTLEMENT

Mr. ASHURST. Mr. President, I have received a letter from The Arizona Daily Star, one of the metropolitan daily newspapers published in Arizona; the letter is signed by Mr. William R. Mathews, the general manager of that paper, and reads as follows:

THE ARIZONA DAILY STAR,
Tucson, Ariz., June 25, 1926.

Senator HENRY M. ASHURST,
Senate Office Building, Washington, D. C.

DEAR SENATOR ASHURST: I am astounded to read that you voted for the McNary agricultural relief bill. I am astounded that you voted for a pernicious piece of class legislation that would permit our surplus agricultural products to be sold to the workers of Europe for less than the same products would be sold to the workers of this country. I am astounded to realize that you are in favor of subsidizing one class of people at the cost of another class. Government price fixing on world commodities has never proved successful and much of the ills of the farmer of to-day are due to the overstimulation of production during the war, when there was a shortage in food production, caused by a high arbitrary price fixed by the Government. This bill, if it had been passed, would simply have stimulated more production of agricultural products, and in the end the farmer would have been much worse off than ever before, while the rest of us would be paying the bill.

If you are sincere in your efforts to help the farmer, how do you account for your vote against the Italian debt settlement? Surely you realize that Italy is one of our biggest purchasers of wheat, and with her debt to us unsettled, together with that of France, the purchasing power of both nations would be seriously impaired. If you are sincere in your efforts to help the farmer, I believe you should work actively for the ratification of the French debt settlement along the lines suggested by Secretary Mellon. Once that debt is settled France would be in a much stronger position to buy more of our agricultural products and much more of our copper, which, as you know, is quite vital to Arizona.

I don't believe the voters of Arizona would vote quite so enthusiastically in the future as they have in the past if they knew that you voted for a piece of legislation that would tax them to make it possible for 100,000 more Iowa farmers to live in southern California without working, and the same applies to your work against the settlement of the European debts.

Yours very truly,

WM. R. MATHEWS,
General Manager The Arizona Daily Star.

Mr. FESS obtained the floor.

Mr. CAPPER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. FESS. I yield.

TRAFFIC CONTROL IN THE DISTRICT OF COLUMBIA

Mr. CAPPER. Mr. President, I desire to call up the conference report on the disagreeing votes of the two House on the amendments of the Senate to the House bill 3802, which is known as the District of Columbia traffic bill.

The VICE PRESIDENT. The clerk will read the report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) entitled "An act to amend the act known as the 'District of Columbia traffic act, 1925,' approved March 3, 1925, being Public, numbered 561, Sixty-eighth Congress, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and agree to the same.

ARTHUR CAPPER,
FREDERIC M. SACKETT,
WILLIAM H. KING,
Managers on the part of the Senate.

F. N. ZIHLMAN,
CHARLES L. UNDERHILL,
RALPH GILBERT,
Managers on the part of the House.

Mr. ROBINSON of Arkansas. Mr. President, what is the effect of the agreement entered into by the conferees on the part of the two Houses?

Mr. CAPPER. Mr. President, under the conference report the House of Representatives recedes from its disagreement to all the amendments of the Senate except amendment numbered 1, and a. to that amendment the Senate recedes. Amendment numbered 1 was to the first section, which gives the traffic director some control over pedestrians and horse-drawn vehicles, which he did not have before. It was the unanimous opinion of the members of the conference committee of both Houses that what the traffic director is asking in that particular is not unreasonable and is in line with the regulations in all other large cities. The proposed legislation recognizes that the pedestrian has the right of way on all streets except where the traffic devices and traffic officers are in control.

Mr. ROBINSON of Arkansas. Mr. President, for the present I object to the consideration of the conference report.

Mr. DILL. Mr. President, I wish to say a few words about this conference report. Will the Senator from Arkansas withhold his objection to the consideration of the report for a moment?

Mr. ROBINSON of Arkansas. I withhold my objection to the consideration of the report.

Mr. DILL. Mr. President, I wish to explain the real meaning of this conference report. The Senator from Kansas [Mr. CAPPER] has stated that it proposes to give to the director of traffic "some control over horse-drawn vehicles and pedestrians." The truth of the matter is that if the report shall be agreed to it will give him absolute control—not "some control," but absolute control.

When this conference report shall have been adopted we shall have taken the final step whereby the traffic director will be permitted to spend $350,000 in this city for new lights to be put upon the streets of the city, and to make it possible to arrest everybody who crosses the street when those lights happen to be turned for traffic in the opposite direction. That will be true not only as to the business districts, but all through the different parts of the city where such lights are to be set up. I am informed that they are to be set up all the way from the Capitol on Pennsylvania Avenue to the Key Bridge; they are to be set all the way on Massachusetts Avenue down to the Union Station; and they are to be set up on Sixteenth Street out to Newton Street. This proposed legislation grows out of other legislation that was enacted by the last Congress.

Mr. McKELLAR. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. Yes.

Mr. McKELLAR. I desire to ask why does not the traffic director put gates across the streets? Does the Senator not think the director of traffic could keep the people out of the way a little better and a little cheaper if he should do that?

Mr. DILL. I think he could under the legislation existing and proposed. This proposed legislation, in large measure, is absolutely opposed to every American principle governing legis-

lation. It authorizes the Commissioners of the District of Columbia to make laws regarding traffic in this city and to put people in jail for their violation. Those commissioners hold a position in the Government that nobody seems able to define. One of them, Mr. Fenning, has been committing acts such that if any Member of Congress had committed them, I think, he would be removed from his seat in Congress, and I think he should be; but we are told that it is not known whether Mr. Fenning is the kind of Federal officer who can even be impeached.

Nobody seems to know what can be done with him. So the matter is delayed, and he continues in office. We have turned over to men in these positions the power to legislate over the daily life of the people in this great city, who are helpless. Members of Congress are, in effect, members of the city council; and yet most of us pay no attention to the affairs of the city. We merely pass a general law authorizing the commissioners to do these things.

Somebody has suggested that the traffic regulations of the city of Washington should be a model for the other cities of the country, and the traffic director seems to have taken that suggestion seriously, when the truth is that the conditions in the city of Washington are not similar to the conditions in any other great city in this country. Why do I say that? For the simple reason that there are only about two hours in the morning and two hours in the afternoon when there is a congestion of traffic in Washington; during the remainder of the time there is very little congestion of traffic.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. McKELLAR. Does that account for the fact that some of our streets are closed except for one-way traffic a part of the time and the other part of the time may be open to traffic, so that nobody on earth can tell anything about it?

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Oregon will state his parliamentary inquiry.

Mr. McNARY. I understood the Senator from Arkansas [Mr. ROBINSON] objected to the immediate consideration of the conference report. If so, I ask for the regular order.

The PRESIDENT pro tempore. The Chair understood the Senator from Arkansas to withhold his objection.

Mr. ROBINSON of Arkansas. I did so at the request of the Senator from Washington.

Mr. DILL. I wanted to make some remarks about the conference report.

The PRESIDING OFFICER. The Chair understands the regular order is demanded.

Mr. DILL. Then I shall claim the floor in order that I may complete my statement.

Mr. McNARY. Mr. President, I do not want to demand the regular order if the discussion will end in a few moments.

Mr. FESS. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. McNARY. I appreciate that; but I rose to a parliamentary inquiry. Having this bill in charge, I think I should have something to say as to when the regular order will ensue.

The PRESIDENT pro tempore. Does the Senator from Oregon ask for the regular order?

Mr. McNARY. Yes; unless the conference report can be disposed of in a few moments.

Mr. FESS. I yield to the Senator from Washington.

Mr. DILL. Mr. President, the Senator from Tennessee [Mr. McKELLAR] started to ask me a question about the closing of streets to one-way traffic. Under the amendment to the law embodied in this conference report authority is given to close any street or to make any street a one-way traffic thoroughfare. The commissioners have absolute power over all the streets of the city, and it is proposed to give them absolute power over pedestrians of the city. All they have to do is to meet and pass a regulation and that becomes the law, and then everybody in the city is helpless, because the commissioners are given the power so to act. And now it is proposed to give them the power to use $350,000 from the fees to be collected from automobile permits in this city to set up lights to be used to control the traffic, as it is called, despite the fact that outside of four hours—two hours in the morning and the two in the afternoon—there is hardly any congestion.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. DILL. I yield to the Senator from New York.

Mr. COPELAND. There is not any well-regulated city in the country that has not somebody in control of traffic who can establish one-way streets and determine the speed at which vehicles may travel on the streets. I think what has been done by the District Committee in that matter of formulating a traffic law under which appropriate rules may be made will make for safety and the saving of human life. I am frankly out of sympathy with the position of the Senator from Washington on the subject.

Mr. DILL. I did not expect the Senator to agree with me, but that does not change the fact that the statements I have made are true and that it is proposed to give these men power to spend this money to tie up traffic rather than move it.

I am not going to continue this discussion; I merely wanted to register my protest against this kind of legislation, and to state further that the proof of its weakness, the proof of the wrong principle which it contains, is found in the fact that when the committee of conference agreed to this report the director of the traffic felt called upon to issue a statement that he was not going to use the power given regarding horse-drawn vehicles. This should be a government of laws and not of men. The traffic director may change his mind, or we may get some other man in that position, and we ought to have legislation under which no man could abuse the power bestowed instead of legislation that will enable an official to be a benevolent despot.

Mr. JONES of New Mexico and Mr. CAPPER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. I yield to the Senator from Kansas.

Mr. CAPPER. Mr. President, the bill as reported by the conference committee has the approval of the people of Washington. The traffic council here, which is made up of the Automobile Association, the Business Men's Association, and the Federation of Citizens' Associations, and the District Commissioners have been in conference here for weeks on this bill, and all have agreed on it as now presented to the Senate and the House, and agreed upon by the conference committees of both Houses. It is in line with the conditions and regulations and rules prevailing in every other city of 500,000 people throughout the United States.

Mr. DILL. Mr. President, the Senator does not want to make the statement that every other city has a control such as is proposed to be given in this bill when he knows that every other city does not have it.

Mr. CAPPER. I wish the Senator from Washington would point out how we can have traffic regulation unless the traffic department is given some control of pedestrians as well as of horse-drawn vehicles.

Mr. DILL. The Senator knows that in most other cities such control as is proposed in this bill is not given.

Mr. CAPPER. The automobile users of this city are not objecting to this bill in any particular. It has all been agreed upon.

Mr. JONES of New Mexico. Mr. President——

Mr. CAPPER. I ask for the adoption of the conference report.

Mr. ROBINSON of Arkansas. Mr. President, I object to its present consideration.

The PRESIDENT pro tempore. Objection is made.

COOPERATIVE MARKETING

Mr. McNARY. I ask for the regular order.

The PRESIDENT pro tempore. The regular order is demanded, and the Chair lays before the Senate the unfinished business, which is House bill 7893.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Ohio [Mr. FESS], who is entitled to the floor.

Mr. FESS. Mr. President, I now offer Senate bill 4462 as an amendment to the pending bill. If the Senate would care to dispense with the reading of it, I will take a very brief time to explain it; otherwise, if the Senate wants it read, it will take some time.

Mr. NORRIS. I should like to make an inquiry of the Senator if he will permit me. He says now that this is an amendment. Is it a substitute for the entire bill?

Mr. FESS. Yes.

Mr. NORRIS. It strikes out all after the enacting clause and inserts a new bill?

Mr. FESS. Yes.

Mr. NORRIS. I desired to obtain that information.

Mr. McNARY. Mr. President, as I understand, the Senator from Ohio some weeks ago offered an amendment known as the Jardine plan or the Tincher bill of the House.

Mr. FESS. No; it has never been offered.

Mr. McNARY. Perhaps it was only a threat, although I thought it had been offered.

Mr. FESS. No.

The PRESIDENT pro tempore. It was printed and ordered to lie on the table, but was never formally proposed.

Mr. McNARY. Then, at this time, if I am correctly informed, the Senator from Ohio desires formally to offer a substitute for the amendment which was defeated some days ago.

The PRESIDENT pro tempore. The Chair understands that the amendment is offered in the nature of a substitute for the entire bill.

Mr. FESS. It is offered as a substitute for the entire bill and includes in it the cooperative features of the House bill reported by the Senator from Oregon. I am offering it with this point in view—that if it shall be accepted, then it will make possible in the House a motion to concur, and one motion is all that will be necessary to bring a direct vote in the other body. For that reason I have inserted in my amendment the cooperative-marketing feature of the Senator's bill, the original House bill.

Mr. McNARY. Then the bill offered as a substitute includes sections 1 to 7 of House bill 7893, which I introduced earlier in the session of Congress, and which passed the House?

Mr. FESS. Yes; that is the idea, in order to bring it to simplicity in the other body.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio that the reading of the amendment be dispensed with?

Mr. COUZENS. I should like to have the amendment read, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the amendment will be read.

Mr. BRUCE. Mr. President, has the Senator from Ohio altered the printed bill?

Mr. FESS. Yes; it is altered by changing the salaries of the commissioners from $12,000 to $10,000, and eliminating the feature which says that the loan may be secured or unsecured, and adding a feature requiring the accounts to be audited by the Comptroller General's office.

Mr. NORRIS. In that form, has it been printed?

Mr. FESS. No; it has not been printed in that form.

Mr. NORRIS. All right.

Mr. McNARY. Mr. President, I desire to address another inquiry to the Senator from Ohio. When the cooperative feature of the bill as embodied in House bill 7893, sections 1 to 7, inclusive, was before the Senate, it was amended in two particulars—one by removing the words "naval stores and agricultural products," and the other by inserting the words "and others," which gave a broader scope to the knowledge to be acquired and disseminated by cooperatives. Have those amendments been followed out and included in this bill?

Mr. FESS. Those items that were in the cooperative bill are not in this.

Mr. McNARY. One was added to and the other was taken from the bill. This bill conforms to the bill as amended on the floor of the Senate, does it?

Mr. FESS. It does. It omits those items.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert the following:

That the Secretary of Agriculture is hereby authorized and directed to establish a division of cooperative marketing, with suitable personnel, in the Bureau of Agricultural Economics of the Department of Agriculture, or in such bureau in the Department of Agriculture as may hereafter be concerned with the marketing and distribution of farm products. Such division shall be under the direction and supervision of the Secretary of Agriculture.

SEC. 2. The division shall render service to associations of producers of agricultural products, and federations and subsidiaries thereof, engaged in the cooperative marketing of agricultural products, including processing, warehousing, manufacturing, storage, the cooperative purchasing of farm supplies, credit, financing, insurance, and other cooperative activities. The division is authorized—

(1) To acquire, analyze, and disseminate economic, statistical, and historical information regarding the progress, organization, and business methods of cooperative associations in the United States and foreign countries.

(2) To conduct studies of the economic, legal, financial, social, and other phases of cooperation, and publish the results thereof. Such studies shall include the analyses of the organization, operation, financial, and merchandising problems of cooperative associations.

(3) To make surveys and analyses, if deemed advisable, of the accounts and business p ctices of representative cooperative associations, upon their request; to report to the association so surveyed the results thereof; and, with the consent of the association so surveyed, to publish summaries of the results of such surveys, together with similar facts, for the guidance of cooperative associations and for the purpose of assisting cooperative associations in developing methods of business and market analysis.

(4) To confer and advise with committees or groups of producers, if deemed advisable, that may be desirous of forming a cooperati association and to make an economic survey and analysis of the facts surrounding the production and marketing of the agricultural product or products which the association, if formed, would handle or market.

(5) To employ qualified commodity cooperative marketing specialists to summarize and analyze information acquired and distributed by the Department of Agriculture concerning crop prospects, supply, demand, current receipts, exports, imports, and prices with respect to agricultural products handled or marketed by cooperative associations.

(6) To promote the knowledge of cooperative principles and practices and to cooperate, in promoting such knowledge, with educational and marketing agencies, cooperative associations, and others.

(7) To make such special studies, in the United States and foreign countries, and to acquire and disseminate such information and findings as may be useful in the development and practice of cooperation.

SEC. 3. The Secretary of Agriculture is authorized, in his discretion, to call advisers to counsel with him and/or his representatives relative to specific problems of cooperative marketing of farm products or any other cooperative activity. Any person, other than an officer, agent, or employee of the United States, called into conference, as provid i for in this section, may be paid actual transportation expenses and not to exceed $10 per diem to cover subsistence and other expenses while in conference and en route from and to his home.

SEC. 4. Persons engaged, as original producers of agricultural products, such as farmers, planters, ranchmen, dairymen, nut or fruit growers, acting together in association, corporate or otherwise, in collectively processing, preparing for market, handling, and marketing in interstate and/or foreign commerce such products of persons so engaged, may acquire, exchange, interpret, and disseminate past, present, and prospective crop, market, statistical, economic, and other similar information by direct exchange between such persons and/or such associations or federations thereof, and/or by and through a common agent created or selected by them.

SEC. 5. The Secretary of Agriculture may make such rules and regulations as may be deemed advisable to carry out the provisions of this act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and may call upon any other Federal department, board, or commission for assistance in carrying out the purposes of this act; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law and make such expenditure for rent, outside the District of Columbia, printing, telegrams, telephones, books of reference, books of law, periodicals, newspapers, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere; and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $225,000, to be available for expenditure during the fiscal years 1926 and 1927, and the appropriation of such additional sums as may be necessary thereafter for carrying out the purposes of this act is hereby authorized.

FARMERS' MARKETING COMMISSION

ESTABLISHMENT

SEC. 6. There is hereby established a commission to be known as the farmers' marketing commission (hereinafter in this act referred to as the commission), and to be composed of seven members, as follows:

(a) The Secretary of Agriculture; and

(b) Six members (one to be designated as chairman) appointed by the President, by and with the advice and consent of the Senate.

APPOINTMENT AND QUALIFICATIONS OF MEMBERS

SEC. 7. (a) The term of office of the appointed members first taking office after the enactment of this act shall expire, as designated by the President, two at the end of the second year, two at the end of the fourth year, and two at the end of the sixth year, after the date of the enactment of this act. A successor to an appointed member shall be appointed by the President, by and with the advice and consent of the Senate for a term expiring six years from the date of the expiration of the term for which his predecessor was appointed.

(b) Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Any member in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

(d) The appointment of the members shall be made with due regard to the knowledge and experience of (1) one appointee in the production and cooperative marketing of livestock, (2) one in the production and cooperative marketing of grain, (3) one in the production and cooperative marketing of dairy products, (4) one in the production and cooperative marketing of cotton, (5) one in the production and cooperative marketing of tobacco, and (6) one in the production and cooperative marketing of fruits, vegetables, and poultry.

(e) Each of the appointed members shall be a citizen of the United States, shall not actively engage in any business, vocation, or employment other than that of serving as a member of the commission, and shall receive an annual salary of $10,000, payable monthly, together with actual and necessary traveling and subsistence expenses while engaged away from the principal office of the commission on business required by this act.

(f) Vacancies in the commission shall not impair the powers of the remaining members to execute the functions of the commission, and a majority of the appointed members shall constitute a quorum for the transaction of the business of the commission.

GENERAL POWERS OF THE COMMISSION

SEC. 8. The commission—

(a) Shall maintain its principal office in the District of Columbia.

(b) Shall have an official seal which shall be judicially noticed.

(c) Shall make an annual report to the Congress.

(d) May make such regulations as are necessary to execute the functions vested in it by this act.

(e) May (1) appoint and, in accordance with the classification act of 1923, fix the salaries of a secretary and such experts and, subject to the provisions of the civil service laws, such other officers and employees, and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the commission and as may be provided for by the Congress from time to time. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman.

SPECIAL POWERS AND DUTIES

SEC. 9. (a) The commission shall meet at the call of the chairman at least weekly, and at such other times as the chairman or the Secretary of Agriculture deems advisable.

(b) The commission is authorized—

(1) To keep continuously advised upon agricultural, commercial, financial, and legal matters which, in the opinion of the commission, affect interstate or foreign commerce in agricultural products or derivatives or fabrications thereof.

(2) To determine by surveys made upon petition by any cooperative marketing association whether there exists or may exist during the ensuing 12 months a surplus in excess of normal domestic requirements of any agricultural commodity handled by such association and report its findings.

(3) Upon its own initiative or upon petition of any cooperative marketing association, to call into conference cooperative marketing associations engaged in the handling of the same commodity or commodities with a view to assisting in the organization by such cooperative associations of a national or regional duly incorporated cooperative marketing association, to act as the common marketing agent of such cooperative associations, in the interest of the producers of such commodity or commodities.

(4) Upon its own initiative or upon petition of any cooperative marketing association handling a surplus commodity to confer and advise with such association with respect to—

(a) The disposition and marketing of such commodity, including agricultural, commercial, financial, and legal matters which, in the opinion of the commission, affect interstate or foreign commerce in such commodity.

Mr. REED of Missouri. Mr. President, I inquire if the copy being read from the desk is different from the copy that is printed?

Mr. FESS. Yes; I have made four changes. One of them is that which was just read, inserting the words "its own initiative or upon."

The Chief Clerk resumed the reading, as follows:

(b) The holding of conferences between such association and one or more other cooperative marketing associations handling such commodity, and/or nonmember producers of such commodity upon the production of such commodity during the ensuing 12 months in order to secure the volume of production required in the public interest.

(c) The negotiation of agreements between such association and one or more other cooperative marketing associations handling such commodity, and between such association or associations and nonmember producers of such commodity providing for the establishment of pools, exchanges, special funds, or other cooperative undertakings in prevention or disposition of a surplus of such commodity.

(5) To make loans to any cooperative marketing association, or to any cooperative association created by two or more of such cooperative marketing associations to act as a common agent in marketing any agricultural commodity. Such loans may be made to assist in the orderly marketing of the products of such associations or for the acquirement of properties and facilities, or for both, or for any purpose not in conflict with the intent and purposes of this act, and upon such terms and conditions as the commission may prescribe, subject to the following conditions and limitations:

(a) In the making of loans the commission shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.

Mr. SIMMONS. Mr. President, may I ask the Senator whether any change has been made in subdivision (5)?

Mr. FESS. In line 16, after the word "be," the words "either secured or unsecured and may be" are stricken out, so that the loans are to be made upon terms and conditions the commission may prescribe.

Mr. JOHNSON. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. JOHNSON. What is before us now? Is it the proposed amendment that has been regularly filed and is upon our desks, or is it the amended proposed substitute that is being read by the clerk?

The PRESIDENT pro tempore. The Senator from Ohio proposes an amendment in the nature of a substitute which, in the main, follows the printed form of Senate bill 4462. But the Senator from Ohio is exercising his undoubted right to perfect the amendment before it shall be submitted; and the text, with the variations from the text in the hands of Senators, now being read from the desk represents the perfection which the Senator from Ohio has made to his amendment.

Mr. JOHNSON. It is unnecessary that those amendments should be passed upon?

The PRESIDENT pro tempore. They do not have to be, because the amendment as a whole is now being stated.

Mr. WALSH. Mr. President, I ask if the change referred to is the only one made in subdivision (5)?

Mr. FESS. Yes.

Mr. LENROOT. The word "requirement" should be "acquirement."

Mr. FESS. The striking out of the words to which I have referred is the only change I have made.

Mr. JOHNSON. In line 18 there is the word "requirement." That ought to be "acquirement," as a matter of good English.

Mr. FESS. Yes; that is true. I ask unanimous consent to make that change, because the language has already been read.

The PRESIDENT pro tempore. That may be done without unanimous consent.

Mr. FESS. As I understand it, the President pro tempore stated the situation correctly, that this amendment had not yet been proposed, and that I had the right to make any modifications I cared to before it was submitted.

The PRESIDENT pro tempore. The Chair has so stated.

Mr. FESS. In reply to the query of the Senator from Montana, I propose to offer an amendment to subdivision (b).

The PRESIDENT pro tempore. The right of the Senator from Ohio to perfect is continuous until the amendment has been acted upon.

Mr. WALSH. I was referring simply to the first part, the introductory part, of subdivision (5).

Mr. FESS. That is the only change.

Mr. WALSH. Then I ask that that part be reread by the clerk as it now stands.

The PRESIDENT pro tempore. The introductory portion of subdivision (5) beginning on line 12, page 10?

Mr. WALSH. Yes.

The PRESIDENT pro tempore. The clerk will read.

The Chief Clerk read as follows:

(5) To make loans to any cooperative marketing association, or to any cooperative association created by two or more of such cooperative marketing associations to act as a common agent in marketing any agricultural commodity. Such loans may be made to assist in the orderly marketing of the products of such association or for the acquirement of properties and facilities, or for both, or for any purpose not in conflict with the intent and purposes of this act, and upon such terms and conditions as the commission may prescribe, subject to the following conditions and limitations:

(a) In the making of loans the commission shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.

Mr. McKELLAR. Mr. President, I want to ask the Senator whether subdivision (a) does not substantially restate the part that is left out in line 16?

Mr. FESS. I do not think so.

Mr. McKELLAR. The words proposed to be stricken out are "either secured or unsecured." Under subdivision (a) there would be required only "a reasonable prospect of repayment." That would, by inference, allow the commission to lend the money in any way it chose, either secured or unsecured. Indeed, it is a suggestion to the commission, probably, to some extent, to lend it unsecured.

Mr. NORRIS. If the Senator will yield, I want to suggest to the Senator from Tennessee that the striking out of the words "either secured or unsecured" does not, in my humble judgment, change the legal effect of the language one iota.

Mr. McKELLAR. Not a particle.

Mr. ROBINSON of Arkansas. I agree with the statement of the Senator from Nebraska.

Mr. FESS. Mr. President, I ask unanimous consent that the amendment I have offered in subsection (b), at the top of page 11, be read instead of the language here, because it provides for an amortization system, and this is rather a weak statement.

The PRESIDENT pro tempore. The clerk will proceed with the reading of the amendment as perfected.

The CHIEF CLERK. In lieu of lines 1, 2, 3, 4, and 5, at the top of page 11, insert the following:

(b) That in case other or additional provisions for repayment are not prescribed by the commission, any association receiving a loan shall provide for the repayment thereof by imposing an amortization charge in a manner approved by the commission on the commodity marketed by or through the association which will, in the judgment of the commission, during a period not exceeding 33 years, repay such loan, including interest thereon.

The amendment as printed proceeds:

(c) That any association receiving a loan shall submit such reports of its transactions and audits of its accounts as the commission may prescribe, but such information shall not be disclosed by the commission or any member or employee thereof except upon a demand of Congress or an order of a court of competent jurisdiction.

SEC. 10 (a) That for the purpose of making loans in accordance with the provisions of this act there is hereby authorized to be appropriated, to be available until expended, the sum of $100,000,000. All expenditures and use of the money appropriated shall be made by and under the authority of the commission.

(b) That for the expenses in the administration of the functions vested in the commission by this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be available to the commission for such expenses incurred prior to July 1, 1927.

SEC. 11. There is hereby established in the Treasury a fund to be known as the Farmers' Marketing Commission loan fund, and all amounts repaid or collected upon loans made by the commission shall be converted into such fund and are reserved, set aside, and appropriated to be available, until June 30, 1963, for the use of the commission in making such loans as provided for in this act.

At this point the amendment is modified by inserting the following proviso:

Provided, That an accounting for all loans fund transactions shall be made to the General Accounting Office at such times and in such manner as it may prescribe.

Mr. McNARY. Mr. President, may I ask the Senator from Ohio if this is not the amendment which was proposed to the committee amendment and adopted?

Mr. FESS. It is. That is the reason why it has been inserted. It seemed to be the desire of the Senate to accept that amendment.

The PRESIDENT pro tempore. The Chief Clerk will continue the reading of the proposed substitute.

The Chief Clerk continued the reading, as follows:

DEFINITIONS

SEC. 12. As used in this act—

(a) The term "agricultural products" means agricultural, horticultural, viticultural, and dairy products, livestock, and products thereof, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce.

(b) The term "surplus commodity" means an agricultural commodity in respect of which a surplus has been determined as provided in section 9.

(c) The term "cooperative marketing association" as used herein means any association of producers that is operating in accordance with the act of February 18, 1922, entitled "An act to authorize associations of producers of agricultural products" (chap. 57, 42 Stat. L., p. 388).

COOPERATION WITH EXECUTIVE DEPARTMENTS

SEC. 13. (a) Any governmental establishment in the executive branch of the Government is authorized to act as agent of the commission in the administration of functions vested in it by this act. The commission may, in cooperation with any such governmental establishment, avail itself of the services and facilities of such governmental establishment in order to avoid preventable expense or duplication of effort.

Mr. NORRIS. Mr. President, if I may be permitted to interrupt, I would like to call the attention of the Senator from Connecticut [Mr. BINGHAM] to the fact that this enables the commission to get the Army and the Navy into this business.

The VICE PRESIDENT. The clerk will continue the reading.

The Chief Clerk continued and concluded the reading, as follows:

(b) The President may by Executive order direct any such governmental establishment to furnish the commission with such information and data pertaining to the functions of the commission as may be contained in the records of such governmental establishment. The order of the President may provide such limitations as to the use of the information and data as he deems advisable.

(c) The commission may cooperate with any State or Territory, or department, agency, or political subdivision thereof, or with any person.

RESERVATION TO RIGHT TO AMEND

SEC. 14. The Congress of the United States reserves the right to alter, amend, or repeal the provisions of this act.

SEPARABILITY OF PROVISIONS

SEC. 15. If any provision of this act is declared unconstitutional or the applicability thereof to any person, commodity, or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provisions to other persons, commodities, and circumstances shall not be affected thereby, and nothing contained in this act is intended, nor shall be construed, to modify or repeal any of the provisions of the act of February 18, 1922, entitled "An act to authorize association of producers of agricultural products" (chap. 57, 42 Stat. L., p. 388).

SHORT TITLE

SEC. 16. This act may be cited as the "agricultural act of 1926."

Mr. BRUCE. Mr. President, if there is no objection, I would like to have page 11 reread down to section 11. There were a good many interruptions while it was being read, and I confess I did not catch the exact drift of it.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read the part of the amendment indicated.

Mr. FESS obtained the floor.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to his colleague?

Mr. FESS. I yield.

Mr. WILLIS. Before my colleague begins his address I want to ask what his idea is as to the matter of audit? He will remember that when the other bill was before us we made an amendment in that regard. Is that amendment included in the Senator's amendment?

Mr. FESS. The same amendment offered by my colleague, and which was accepted on the other bill, has been included.

Mr. WILLIS. It is included in what has been read?

Mr. FESS. It is.

Mr. WILLIS. Very well. That is satisfactory.

Mr. FESS. Mr. President, I do not care to take very much time on the amendment. I take it that it is pretty generally understood. The mechanics of it are that instead of offering the farm commission, which is the nugget of the bill, as an amendment to the House bill, which was the cooperative-marketing feature, in order to simplify operations in the other House I included the cooperative-marketing plan, or the main features of it, in my substitute and offered the cooperative-marketing feature and the farm-commission feature as one proposal. That makes it possible for the House to consider a motion to concur in the amendment and get a direct vote upon it if they so desire. That is the purpose of putting it in this shape rather than offering the farm-commission plan as an amendment to the House bill.

I found it necessary, as I thought, to make some modifications which have already been pointed out. There are some proposals which have been made to me, which will be made later on, that I should like to hear discussed before they are accepted.

The cooperative-marketing idea has been adopted and, I rather think, has been accepted by the country as a substan-

tive constructive plan of allowing the producer to get more of what is paid by the consumer. In other words, I do not think there has been so much concern that the consumer is not paying enough for the product raised on the farm; in fact, there is a good deal of objection to the high cost of living; but the trouble has been that the producer has gotten such a small percentage of what the consumer has to pay. It would seem that there must be some trouble in getting products from the producer to the consumer. There is too great a spread between what the consumer has to pay ultimately and what the producer gets in the onset. If we could relieve that situation, it would be a distinct advantage.

There has been an effort to do it. In 1922 we finally, after years of agitation, passed the cooperative marketing association act. I have looked over the vote on that measure. I do not recall any measure that seemed to have a greater unanimity of support than that one. It was not offered as a partisan proposal, and whether it had been or not it was not regarded in the final vote as a partisan proposal. In the House all the Republican Members except 34 voted for it. In the House 85 per cent of the Democrats voted for it. But when it came over to this body the vote was remarkable. It received but one dissenting vote in the Senate, and that was on the other side of the aisle. It is not necessary for me to read the names of those who voted for it, simply because every Member, Democrat and Republican, with a single exception, supported it, which makes it a measure of almost complete unanimity in support. That was four years ago. The date of the vote was February 8, 1922.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. LENROOT. The history of that bill was, as the Senator will remember, being a Member of the House at the time, that there was a big contest extending over two years. The bill died in conference at one session of Congress because of Senate amendments which the House would not accept, and finally it was passed in 1922 under the circumstances stated by the Senator.

Mr. FESS. Yes. I recall that in the discussion in the other body there was great opposition until the provision was put in giving the Secretary of Agriculture some authority over what might be considered violations of the antitrust act.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. FESS. Certainly.

Mr. NORRIS. When the Senator speaks about the vote, he does not have reference to the amendment he has offered here, does he?

Mr. FESS. Oh, no.

Mr. NORRIS. He is referring to the original bill?

Mr. FESS. To the cooperative marketing plan.

Mr. NORRIS. Yes; that is, the one which by his amendment the Senator would eliminate?

Mr. FESS. Oh, no.

Mr. NORRIS. Oh, it is the old act?

Mr. FESS. Yes; the old cooperative marketing act. I mention this to indicate that the efforts to facilitate cooperative marketing received the unanimous vote of this body with a single exception. The proposal which is now before the Senate is a reaffirmation of the principle, with an enlargement upon the cooperative marketing feature to create a division of cooperative marketing in the Agricultural Department in Washington, whose function will be to asssemble a body of information upon which wiser direction can be had. There seems to be a general desire for that part of the bill. I suppose that part of the bill, if it stood alone, would not meet any opposition at all either in this body or the other body.

But we add to it an additional feature, which is the farm commission with power. I think that feature is not only a concrete constructive advance on the cooperative marketing plan, but I believe it is the one thing which will enable cooperative marketing to be a success. In the four years since the cooperative marketing act was passed there has been very remarkable progress, so much so that to-day there are not less than 15,000 cooperative marketing associations throughout the country. There is, according to the Secretary of Agriculture, a membership of at least 2,000,000. There are also from 4,000 to 5,000 farmer-owned elevators which are now incorporated, which stand as an entity under the law and doing business. They deal in about $2,000,000,000 worth of commercial business coming from the farmers, which is a very large percentage of the business which is now carried on. Besides there would be at least 25,000 actual farmers connected in an official way with these cooperative marketing associations.

Mr. EDGE. Mr. President——

Mr. FESS. I yield to the Senator from New Jersey.

Mr. EDGE. Did the original cooperative bill, passed in 1922, carry any Federal appropriation?

Mr. FESS. It did not. There are two ideas in the bill which we here propose—I mean advanced features of the bill. One is to further facilitate cooperative marketing. If the 25,000 already identified with the marketing of farm products could act through some central agency so that the central agency could speak for not only the 25,000 but the additional number which would certainly be added to it if the proposal is successful, we would then be able to convert what we now call a buyer's market into a seller's market. If there is any possibility of doing that, we will have solved the problem. Where 6,500,000 on the farms are all acting without reference to what the others are doing, and when the product comes to harvest it is thrown on the market all at once, we have a buyer's market. The seller can not say what he shall receive. He takes whatever he can get. Then when it is disposed of and he has the small amount which he gets from it the price later goes up, and the very thing he sold would be resold at a handsome profit, for he was wholly unable to help himself. What we are trying to do is to bridge that chasm from the time of harvest, when he is forced by the exigencies of his livelihood to dispose of his product and turn it into cash, and thus break the market and make a low price, to the time when it is resold in four or five or six months' time, when it commands a handsome profit. If we can accomplish that, we will have done a real concrete service for the agriculturists of the country.

This proposal looks to that ability. In addition to centralizing the marketing facilities and putting them under an organization which may speak for the farmers of the country, we would also be under the necessity of further financing the marketing association.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FESS. I yield.

Mr. McNARY. Will the Senator advise the Senate what proportion of the agricultural producers of the country are now members of the cooperative organizations?

Mr. FESS. The Secretary gave me figures to the effect that there are 2,000,000 members of the cooperative marketing associations. If there are 6,500,000 farmers, that would be about 33⅓ per cent.

Mr. McNARY. I do not like to dispute the figures of the distinguished Secretary of Agriculture, but in all the hearings which have been held before the Committee on Agriculture and Forestry we have never had stated more than 15 to 20 per cent as the number who belong to the cooperative organizations, few of whom belong to cooperative organizations which are incorporated under State laws. There have been a lot of fly-by-nights which existed for a few days or a few weeks or possibly a few years.

Then I want to ask the Senator a further question. Whatever the number may be, what is the annual aggregate gross production of those members of cooperative organizations of the products handled by them annually?

Mr. FESS. My information is that 30 per cent of the commercial grain is handled by cooperative marketing organizations.

Mr. McNARY. I am not talking about commercial grain. The Senator has included everything from raising frogs to raising grain. I am talking about what is their proportion of the aggregate gross production of the country?

Mr. FESS. I do not have the figures and I do not know.

Mr. McNARY. I do know, and I have the figures. They have never been challenged. The average production of all agriculture in America is between $10,000,000,000 and $12,000,000,000. Cooperative marketing organizations, such as are known, produce $2,000,000,000 of that $12,000,000,000.

Mr. FESS. Two billion five hundred million dollars, the Secretary stated. Those are my figures of a month ago.

Mr. McNARY. Does the Senator contemplate loaning to any producers other than those who are members of cooperative organizations?

Mr. FESS. We do not loan to any producer. We loan to the cooperative associations. That is a situation which has been misrepresented from the beginning in reference to this bill.

Mr. McNARY. Oh, Mr. President, I understand the bill and——

Mr. FESS. I have the floor. Will the Senator please wait until I have made my statement? It has been stated time and again that this is nothing more than a proposition to loan more money to the farmers. The men who make that statement either have not read the bill or else make it for some ulterior

purpose. The bill does not propose to loan any money to any farmer and never intended to. It means simply to facilitate the credit of the marketing corporation, and they must be in a position to do the business as a corporation or there is no loan made to them.

Mr. McNARY. Mr. President, will the Senator yield again?

The VICE PRESIDENT. The Senator's time on the amendment has expired. He has 30 minutes on the bill.

Mr. NORRIS. Mr. President, a parliamentary inquiry. Has the Senator from Ohio used his time on the bill?

The VICE PRESIDENT. The Senator from Ohio has used 15 minutes on the amendment. He now has 30 minutes on the bill.

Mr. FESS. I yield to the Senator from Oregon.

Mr. McNARY. Mr. President, no one has ever claimed that this bill should it become a law would assume to provide for loaning money to individuals as such, but the loaning of money to cooperative organizations, whose life and blood consist of individuals, is loaning money and providing credit for producers.

Mr. FESS. Mr. President, the Senator from Oregon knows that the suggestion that when money is loaned to a corporation it is loaned to individuals is not borne out by the facts.

Mr. McNARY. When money is loaned to a cooperative marketing association, which agency handles the commodities of the producers in the aggregate, it is loaned for the benefit of the members who are individual producers, and it is quibbling to contend otherwise.

Mr. FESS. It is the loaning of the money to a corporation which is facilitating marketing.

Mr. McNARY. It is quibbling to say that the money does not go to the benefit of the individual members who compose the cooperative organization.

Mr. FESS. It is not quibbling.

Mr. REED of Missouri. Mr. President, on the question of the membership I wish to ask the Senator from Ohio if he has deducted from the aggregate of that membership those members who are already in a state of revolt in nearly every farm organization and who are refusing to market their products through such organizations? I remind him of those organizations that have removed the obligations of the contracts they have made in order to give their members some relief. That situation is very general.

Mr. FESS. Mr. President, I put into the RECORD the other day the figures as to the growth of cooperative marketing associations from 1922 up to the present time. Those figures show that in most of the States such associations have increased as much as 200 per cent. If there has been a revolt against them, it does not show in those figures.

Mr. REED of Missouri. Mr. President, I do not know where the Senator from Ohio got his figures; it is always important to know that; but I do know that it has been proven that the condition I have just referred to is very widespread. Most of those organizations are staggering to their fall.

Mr. FESS. I have no information that would lead me to concur in the statement of the Senator from Missouri. On the other hand, I do have the figures which I placed in the RECORD, and until they shall have been disputed with evidence they must stand.

Mr. REED of Missouri. But whose figures are they that are to stand?

Mr. FESS. They come from the Agricultural Department of the Government, and if there is any higher authority than that the Senator is privileged to give it.

Mr. REED of Missouri. I undertake to say that those figures are utterly unreliable.

Mr. LENROOT. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I yield.

Mr. LENROOT. I should like to have the Senator's view as to the personal liability of members of cooperative associations for these loans.

Mr. FESS. There is no personal liability that I can see. The cooperative marketing association is the liable unit. When the money is returned, when it is returned, it is not returned by the individuals, but it is returned by the association that borrows the money. It is said that is quibbling. If that be quibbling, then there is no difference between the holding individuals composing a corporation liable and holding the corporation itself liable.

Mr. LENROOT. Is the Senator from Ohio certain that under the laws of the various States in all cases there is no personal liability upon the part of members of cooperative associations?

Mr. FESS. I do not know what the State laws provide in reference to that.

Mr. NORRIS. Will the Senator from Ohio yield to me?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. FESS. I will yield for a question.

Mr. NORRIS. I wish to ask the Senator a question in reference to the provision of his proposed substitute, which has not been printed but which was read by the clerk.

Mr. FESS. Does the Senator refer to page 11?

Mr. NORRIS. Yes; I refer to page 11, subsection (b). That particular provision has to do with——

Mr. FESS. It deals with amortization.

Mr. NORRIS. It has to do with the repayment of the loans.

Mr. FESS. Yes.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I will yield to the Senator from Arkansas as soon as the Senator from Nebraska, to whom I have just yielded, shall have concluded.

Mr. ROBINSON of Arkansas. Very well.

Mr. NORRIS. I wish to ask the Senator from Ohio if the method of repayment there provided for in his amendment is the only method by which the loans are to be repaid?

Mr. FESS. The commission which makes the loans will specify the method.

Mr. NORRIS. It will not necessarily have to follow the method which is outlined in the amendment?

Mr. FESS. I should judge that the commission would respect the method of amortization.

Mr. NORRIS. I now have the Senator's amendment before me. It provides:

> That in case other or additional provisions for repayment are not prescribed by the commission, any association receiving a loan shall provide for the repayment thereof by imposing an amortization charge—

That shall run over a period, as I remember the reading, of 33 years.

Mr. FESS. Yes; the period is 33 years.

Mr. NORRIS. If the loans are going to be repaid in the manner provided for in the amendment, it must follow that any association borrowing money in order to repay it must live at least 33 years, and that it must levy an assessment upon its members with which to make the repayment.

Mr. FESS. The loans will be paid during the time the associations are in existence, but they do not have to exist for 33 years in order to do that.

Mr. NORRIS. If such associations should not live for 33 years and should not have levied a sufficient amount to pay back the loans, how would the Government get it back?

Mr. FESS. It would be the same as with any other corporation.

Mr. NORRIS. In that case, I presume, the loan would be lost.

Mr. FESS. This is a mere statement of how long it would take completely to pay back the money.

Mr. NORRIS. Yes; but it is a method provided by which they shall pay it back.

Mr. FESS. Yes.

Mr. NORRIS. And it seems to me——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Ohio yield to me now?

Mr. FESS. Yes; I yield.

Mr. ROBINSON of Arkansas. Mr. President, I do not think it would be fair to attempt to discuss this amendment in the time of the Senator from Ohio; but, in connection with the inquiry of the Senator from Nebraska, I undertake to characterize the provision at the top of page 11, as it is now in the Senator's amendment, as the most extraordinary, exceptional, unjustifiable, and unreasonable offer of legislation that ever was submitted to the Senate of the United States, and I shall attempt to show that in my own time.

Mr. FESS. Mr. President, there has been a statement made to the effect cooperative associations are dying or discontinuing their operations and that they are not favorable to a further enlargement of their activities. I have a telegram here, which I will read, as follows:

> The Alabama Farm Bureau Federation indorses your Fess-Tincher bill.
>
> EDWARD A. O'NEAL, *President.*

I have another telegram, which reads:

> Morning papers report your plan and President's statement. We heartily indorse this sound constructive program, which will be of lasting benefit to agriculture because it develops permanent organization and will tend to coordinate work of numerous cooperatives already formed. We urge favorable action at this session because

principles embodied in this plan are in our judgment supported by vast majority farmers who are organized in cooperative business associations but who have not been articulate in expressing their opinions at Washington. For your information Federated Fruit Growers is national cooperative federation with shipping associations and members in about 40 different States. Departments Agriculture and Commerce are familiar our operation. During past two months expressions from this membership have been made covering such wide territorial spread as to indicate national sentiment, and it is based on this survey that we offer hearty indorsement and support of your plan.

FEDERATED FRUIT & VEGETABLE GROWERS,
ARTHUR R. RULE, *General Manager.*

Mr. NORRIS. Mr. President, may I ask the Senator a question about those telegrams?

Mr. FESS. The Senator may.

Mr. NORRIS. I should like to ask the Senator as to the telegram from the Farm Bureau of Alabama and the one from the Fruit Growers' Association, whether the officials of the organizations sending those telegrams had been furnished by the Senator with a copy of this new provision which he has inserted on page 11 and which has never as yet been printed. Did they know there was such a provision in the bill when they indorsed it?

Mr. FESS. I presume that the Senator knows that I have no knowledge of what prompted these people to send the telegrams.

Mr. NORRIS. The Senator knew about this new provision and I wish to find out whether the Senator was more confidential with these advisers than he was with the Senate as to what was going to be in his amendment when he offered it.

Mr. FESS. The Senator is always ready, I will not say with his innuendoes, but his inferences. What I have offered here as to amortization affords a workable plan, and the Senator might have voted for the bill if I had not put it in, but that does not mean anything to me.

Mr. NORRIS. The Senator is mistaken; that is not the only fatal thing in the proposal. There are many other fatal things, but that is a fatal thing. However, I should like to ask the Senator if the plan of amortization he now advances has ever been suggested in a committee of the Senate or of the House or any organization of farmers anywhere in the United States and has met their approval?

Mr. FESS. Mr. President, the Senator from Nebraska is on record—and it is a long-standing record—in favor of the cooperative-marketing plan, but, because this bill has not come from his committee and he belongs to a group that seems to take the position that if they can not have their way they are going to be against everything, he is picking fault with the plan of amortizing these loans which is provided by the amendment. We are trying to make a provision whereby the loans may be repaid, and, for that reason, I struck out the provision that they might be made secured or unsecured. Now, I wish to say to the Senator from Nebraska——

Mr. NORRIS. The Senator has in the proposal that very provision.

Mr. FESS. Mr. President, I do not yield. I have the floor. I wish to say to the Senator from Nebraska that he has had a fair chance in this body and in the other body to secure the adoption of the plan which was brought forth from his committee, and now there seems to be a desire on the part of those who are acting in sincerity, as much as is the Senator from Nebraska, to vote for something else.

Mr. NORRIS. I do not question that.

Mr. FESS. The other plan was not so drawn as to meet their approval.

Mr. NORRIS. I concede all that; the Senator need not argue that to me.

Mr. FESS. The Senate has voted that plan down; the House voted it down. Here is a plan that merely enlarges the cooperative-marketing feature for which the Senator from Nebraska in season and out of season has stood, but he now seems to argue that the cooperative-marketing system is a failure and everything he said before was in reality false.

Mr. NORRIS. No.

Mr. FESS. I do not think that measures up to the senatorial standard.

Mr. NORRIS. The Senator must give me the credit in opposing his proposal that I gave him when the situation was reversed.

Mr. FESS. Mr. President, who has the floor?

The VICE PRESIDENT. The Senator from Ohio has the floor.

Mr. NORRIS. I will ask the Senator if he will yield at that point?

Mr. FESS. The difficulty is that I only have a brief time.

Mr. NORRIS. I will not criticize the Senator at all if he will not yield. I will get some time of my own before we get through.

Mr. FESS. Mr. President, another telegram reads:

On behalf New Hampshire Farm Bureau and farmers this region they express approval and urge passage of your farm-relief proposal. Believe it most helpful to cooperative marketing in all sections of the country.

G. M. PUTNAM,
Member Board of Directors American Farm Bureau Federation.

I have not asked that there be any word sent to any Senator, and especially not to myself, for such messages do not have the influence upon me that a good many people think they may have; but these have come in, and I submit them in reply to the suggestions that there is not anything in the amendment that meets the approval of farmers.

This, Senators, is the one constructive advance in cooperative marketing. If the Senate, which voted unanimously for cooperative marketing, wants to take the position that it was mistaken, that everything that was proposed at that time and supported by evidence was faulty and that all Senators made a mistake, then I can see consistency in Senators voting against enlarging upon it.

If, however, cooperative marketing is an agency and a facility that has been of value to the farmer, then this one constructive advance, which enables them to get on their feet and to enlarge their activities to the extent of wholly controlling the selling market, it seems to me will be favored by every Senator who supported cooperative marketing, unless they say that cooperative marketing is a failure, as was suggested by the Senator. I do not know that he meant that it is a failure. He said that there were a great many who were dissatisfied with it and are withdrawing from it. Of course, if we made a mistake in 1922, and it is better that six and a half million people act in helter-skelter fashion, with no concentrated effort, with no central agency speaking for them, if it is better to let them go hither and yon and compete with one another and cut one another's throats in competition than to organize them in cooperative facilities to handle the products of the country, why, then, vote against this bill, because it would be useless to enact it if that were true; but I do not assume that that is true, Mr. President.

Mr. McNARY, Mr. REED of Missouri, and Mr. ROBINSON of Arkansas addressed the Chair.

The VICE PRESIDENT. To whom does the Senator yield?

Mr. FESS. I yield to the Senator from Oregon.

Mr. McNARY. Mr. President, I quite agree with the thesis of the Senator from Ohio. I have had some personal experience, covering a good many years, with cooperative organizations, and I stand here ready to defend them if attacked, provided they are properly managed. I wish to get away from the thesis, however, and I want the author of the amendment to analyze it. I should like to propound a question or two which I think very important from my understanding, at least, of the Senator's amendment. May I have that privilege?

Mr. FESS. The Senator has that privilege.

Mr. ROBINSON of Arkansas. Mr. President, I desire to submit a parliamentary inquiry. What is the limit upon the address of the Senator from Ohio?

The VICE PRESIDENT. Thirty minutes on the bill and 15 minutes on the amendment.

Mr. FESS. My time will soon be over.

Mr. ROBINSON of Arkansas. The Senator has consumed much more than 45 minutes. I do not care to raise any question about that, however.

The VICE PRESIDENT. The reading of the amendment did not come out of the Senator's time.

Mr. ROBINSON of Arkansas. The Senator began speaking to the amendment at 15 minutes after 12 o'clock by the clock in front of me; but I do not care to raise the question.

Mr. LENROOT. He is speaking on the bill now.

Mr. ROBINSON of Arkansas. Very well. I do not care to raise the question.

The VICE PRESIDENT. The Chair is informed that the Senator from Ohio started at 12 o'clock.

Mr. McNARY. I have no desire to obtrude myself if the Senator's time is exhausted. May I ask if the Senator has any further time?

The VICE PRESIDENT. The Chair is informed that the Senator from Ohio has until a quarter of 1.

Mr. McNARY. I desire to know from the Senator if the board which is provided for in this amendment will make loans to cooperatives other than those dealing with agricultural surpluses?

Mr. FESS. The theory of the amendment is to permit loans to be made to cooperative associations dealing in agricultural products. It would include surpluses that are exportable and surpluses that are not exportable.

Mr. McNARY. Then I understand that this board can loan upon all agricultural commodities that are grown, irrespective of whether there is a surplus in the domestic market above domestic requirements.

Mr. FESS. I assume that that might be true. However, the board would not be likely to make the loan——

Mr. McNARY. Is not that the exact fact, as can be interpreted from the language in the Senator's amendment?

Mr. FESS. I am rather of the opinion that it will permit loans to cooperatives dealing in agricultural products.

Mr. McNARY. Has the Senator any doubt in his own mind about the meaning of his amendment? If so, we should make it more accurate by amendment.

Mr. FESS. The purpose of the amendment is to deal with the marketing of agricultural products.

Mr. McNARY. Yes.

Mr. FESS. And it is not necessarily limited to exportable surpluses. It probably will not be utilized except by handling the surplus; but there is any amount of surplus that is not exportable, and that is one feature that I do not like in the bill of the Senator from Arkansas.

Mr. McNARY. Then I want to know whether the Senator proposes that his substitute shall in any way attempt to solve the troublesome problem of surpluses of basic agricultural commodities?

Mr. FESS. Oh, yes; it is all-inclusive. It would include surpluses, both exportable and nonexportable, if it does not include more than that.

Mr. McNARY. Very well. Let us take wheat as an illustration. Over a period of about 15 years there has been an exportable surplus of 150,000,000 bushels annually. Under this amendment how would this machinery be set in operation to take care of that exportable surplus of grain in order to raise the domestic price, and who would pay the losses incident to selling the exportable surplus on the world market?

Mr. FESS. The cooperative marketing agencies that would have charge of the marketing of this surplus can hold it, if they so desire, until the demand will absorb the supply. That is one of the very purposes of it.

Mr. McNARY. Very well. Let us take an illustration. Then this commission which the Senator's amendment organizes and which is given, without any restrictions whatsoever, $100,000,000 out of the Treasury of the United States, could go out into the market and buy up, through these cooperatives, the exportable surplus, which is estimated at 150,000,000 bushels, and hold that back until the next year or some other and more favorable time?

Mr. FESS. It could hold it until the demand would absorb the supply.

Mr. McNARY. The domestic demand or the world demand?

Mr. FESS. Both.

Mr. McNARY. And both operating together would absorb the surplus?

Mr. FESS. That is the only way in which it can be done. If it can not be done in that way, it can not be done at all.

Mr. McNARY. Does the Senator believe that there would be any losses incident to this very large operation?

Mr. FESS. There is a provision for amortizing these loans.

Mr. McNARY. Pardon me; I will discuss that with the Senator in a moment. Does the Senator believe that there would be any losses incident to this very large operation in wheat?

Mr. FESS. If there is any loss, it will be the loss of the people that are dealing in it.

Mr. McNARY. I am asking what is the opinion of the Senator? Does he believe that there will be any loss?

Mr. FESS. There may be or there may not be. The Senator can not tell and I can not tell.

Mr. McNARY. Pardon me for being so doubtful. If there is a loss, against whom is that loss charged?

Mr. FESS. The people who suffer the loss.

Mr. McNARY. That is, these cooperatives?

Mr. FESS. The cooperatives.

Mr. McNARY. Then the money comes out of the Treasury of the United States and is lost?

Mr. FESS. How does the Senator say it comes out of the Treasury and is lost?

Mr. McNARY. They are operating with money out of the Treasury. The first loss comes out of the Treasury. That loss must be repaid to the Government by the members of these cooperatives. That is the way that thing operates, and the Senator knows it if he knows anything about this amendment.

Mr. FESS. Who makes the contract?

Mr. McNARY. Oh, the Senator is geting back to where it means nothing to me. I am trying to confine the Senator to an explanation of the terms of his own amendment.

Mr. FESS. That is the difficulty. If it does not mean anything to the Senator——

Mr. McNARY. I say to the Senator in the best of good nature that loss will follow from selling the surplus abroad. That loss must first come out of the Treasury of the United States. Secondly, that loss must be absorbed and made up by the members of these various cooperatives. What will happen? These cooperatives will not go down through the years carrying the loss incident to increase of price on the domestic market when only 20 per cent of the farmers and producers belong to the cooperatives and the great advantage goes to the 80 per cent that are not in the cooperatives. That is the way that will operate.

Mr. FESS. Under the present system who loses?

Mr. McNARY. Everybody loses and nobody gains under the provisions of this amendment.

Mr. FESS. I see. The Government here proposes to set up a farm commission. It will be authorized to loan to the amount of $100,000,000 as a maximum. That is a revolving fund. There is established in the Treasury a loan fund, and that loan fund is replenished by the sales, and out of it will be taken care of the losses. It is the cooperative associations that will lose.

Mr. McNARY. Why, certainly.

Mr. FESS. And they are responsible for what they do.

Mr. McNARY. Certainly.

Mr. FESS. And if their security is not good the commission will not loan, just the same as the Government will not loan.

Mr. McNARY. That raises the point that I thought we would reach after a while. The Senator says now that this is simply a reenactment of the War Finance Corporation; that this board will not loan any money unless it is upon adequate security. I wondered if that would finally come out. The measure originally provided that it should loan without security——

Mr. FESS. The measure provided just like other measures that we have already enacted, and I took out that provision because I do not think loans ought to be made in that way.

Mr. McNARY. Not by any means. In the intermediate credits bill it is provided that the board can not make a loan for an amount in excess of 75 per cent of the market value of the collateral that is provided as an evidence of the indebtedness. Here there is no limitation upon the amount that can be loaned.

Mr. FESS. That is, the intermediate bank is limited in the amount it can loan.

Mr. McNARY. Certainly. There is no limitation whatever here.

Mr. FESS. No; but it is that margin that is not covered and can not be acquired by the marketing associations from the banking institutions or the intermediate credit banks that we wanted to cover, and if we do not find a way to cover that we can not solve the problem.

Mr. McNARY. Then I will ask the Senator another question. He says there will be no loss, because these cooperatives will demand adequate security for the money that is loaned. Is that the present view of the Senator?

Mr. FESS. I said the commission, not the cooperatives. The commission will demand security. They are the body that loans.

Mr. McNARY. They will demand adequate security?

Mr. FESS. And not the cooperatives.

Mr. McNARY. No; no. I appreciate that, but I say the commission will demand adequate security of these cooperatives before it loans them money?

Mr. FESS. I should think so.

Mr. McNARY. That is what I should think, too, Mr. President. Then, if that is true, we have added nothing to the legislative literature now upon the statute books.

Now, Mr. President, I desire to ask just one further question.

Mr. GLASS. Mr. President, may I submit a question to the Senator from Oregon?

Mr. McNARY. Yes.

Mr. GLASS. If the War Finance Corporation, operated by a financial genius, with a revolving fund of $500,000,000, could not cure this situation in six years, how may it be expected that a new and inexperienced commission with a stated fund of $100,000,000 can do it?

Mr. McNARY. That is a very pertinent inquiry.

Now, Mr. President, there is one other question I want to ask.

On page 10, line 23, there is a provision that is rather extraordinary. It reads:

In the making of loans the commission shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.

Does the Senator interpret that to mean that the commission shall require adequate security or that it shall use all reasonable diligence in ascertaining that there is a probability that the debt will be paid?

Mr. FESS. That is the favorite term of the Senator from Oregon. It is the reasonable item that is written into the transportation act.

Mr. McNARY. Is the Senator satisfied with that? What I want to ascertain from the Senator is this: I do not want to quarrel, and I hope I am always good natured.

Mr. FESS. The Senator is not quarreling.

Mr. McNARY. We have started upon this theory: The Senator says now that even though there is no demand that the security shall be adequate, there will be no loss because the commission shall require security. That is the Senator's position about it?

Mr. FESS. The Senator did not say that the commission shall require security.

Mr. McNARY. What did the Senator say?

Mr. FESS. I assume that the commission will be satisfied that any loan that is made will be sufficiently secured to justify the loan.

Mr. McNARY. Very well. Then will the Senator accept an amendment striking from his amendment the provision on page 10 which I have just read?

Mr. FESS. No; I will not. The Senator from Ohio takes the same position that the Senator from Oregon took on his bill, that there has to be some leeway left to the commission. Whenever we would ask the Senator from Oregon a specific question he always parried it by saying: "Oh, well, the commission has to have some latitude in this thing"; but now, because the same thing is in this bill in regard to security it seems to be the subject of a great deal of trepidation.

Mr. McNARY. The Senator from Oregon had a bill that any one could read and interpret, and I am trying to get the Senator's view of his proposal.

Mr. FESS. The Senator from Ohio is not responsible for the ability of Senators to interpret.

Mr. McNARY. I am interested in the question of the amortization fee.

The VICE PRESIDENT. The time of the Senator from Ohio has expired.

Mr. FESS. I ask unanimous consent to insert in the RECORD an editorial from the New York Herald-Tribune of yesterday.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Herald-Tribune, Monday, June 28, 1926]

FAIR PLAY FOR THE FARMER

President Coolidge was building for the future when he published his appeal for the passage of the Fess farm relief bill following the Senate's rejection of the McNary-Haugen bill. Economically the McNary-Haugen project is impossible. Neither House of Congress is willing to pass it. The President himself would veto it. It represents a cheap kind of political offensive, similar to the offensive which defeated the Coolidge-Mellon tax reforms in 1924 and which petered out after those reforms were overwhelmingly indorsed by the country. If sound farm relief legislation is sidetracked now it will be had at another session. So far the farm bloc in Congress has simply blocked farm relief.

It is hard to cure politicians of the habit of playing politics. To the great credit of the Democratic Party in the Senate, 22 minority Senators were recorded against the McNary-Haugen bill and only 18 for it. That shows the economic cleavage in the party. But on the political side enough Democrats now seem disposed to join with the McNary-Haugen Republicans to prevent any rational and workable farm relief legislation at this session. The object of this strategy is to keep alive a division in the Republican Party and to make the administration a target of resentment this fall in the few disaffected Western States.

This is the same strategy as lay behind the Democratic-La Follette alliance two years ago and forced a third party presidential ticket into the field. But the Democrats suffered more from that diversion than the Republicans did. They were hampered by a coalition into which they had entered insincerely because of misjudged political expediency.

The Fess bill, practically the same as the Tincher bill, meets the belief of the country that a helping hand should be extended to agriculture. The problem of a wheat export surplus is, in the main, one of overproduction and defective marketing facilities. It can not be solved by selling the surplus at the taxpayer's expense, thus aggravating overproduction instead of checking it. But better cooperative marketing would help. If the surplus can be held down and then disposed of by large-scale handling and expert financing, the wheat grower will soon enjoy the benefits of a normal home market and the ample protection that there is in existing tariff rates.

The right process is one of constructive aid, in which the Government would play a sane economic rôle. The Fess bill represents legitimate Federal assistance. It reflects the friendly spirit of the country toward a temporarily embarrassed industry. The extremists who for personal and political reasons refuse to accept anything short of the McNary-Haugen measure are doing the farmer no real service. They are simply working for political advantage, as the tax extremists thought they were doing in 1924. They are standing on a platform built to last only over the 1926 election.

The President's statesmanship, on the contrary, is reasoned and farsighted. He stands for fair play for the farmer. He wants to see the farming industry as a whole strengthened by common-sense legislation. He puts aside trickery and demagogy. He is willing to have a show-down, to submit his case to the people. In the long run the wheat farmers themselves will discover that Government assistance within economic laws and reason is of greater and more lasting benefit to them than any fallacious and self-defeating nostrum like the proposed McNary-Haugen experiment ever could be.

Mr. ROBINSON of Arkansas. Mr. President, I want to bring to the attention of the Senate the provisions in the Fess amendment relating to loans to cooperative associations, the method of securing the same, and the method of requiring the repayment of the loans.

I said a few moments ago that the security provisions of this amendment are very exceptional and, in my opinion, unreasonable. There can be little doubt that if the amendment becomes law and the commission puts into effect the provisions to which I am now referring it will result in the complete destruction of the cooperative associations which attempt to submit themselves to the processes of the legislation.

Let me explain in the few moments which I am permitted to speak on this amendment the reasons for that declaration.

At the bottom of page 10 is subparagraph (a), which reads as follows:

In the making of loans the commission shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.

Who ever before heard of the Congress enacting legislation relating to loans the basis for which is that there must be a "reasonable prospect of repayment." The usual requirement is that security shall be taken for the loan in some form so as to make it reasonably certain that the loan will be paid.

I pass over that provision, however, and call attention to the succeeding one. Paragraph (b) as it was originally written reads as follows:

That in case other or additional provisions for payment are not prescribed by the commission any association receiving a loan shall provide for the payment thereof, including interest thereon, in a manner approved by the commission, during a period not exceeding 33 years.

The proposal was to make loans to the cooperative associations for a period of 33 years; but the Senator from Ohio, after a conference with some one last night, has inserted the following provision, for which I do not believe any Senator on this side of the Chamber can afford to vote:

(b) That in case other or additional provisions for repayment are not prescribed by the commission, any association receiving a loan shall provide for the repayment thereof by imposing an amortization charge, in a manner approved by the commission, on the commodity marketed by or through the association which will, in the judgment of the commission, during a period of not exceeding 33 years repay such loan, including interest thereon.

Mr. FESS. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. What is the legal effect of that provision?

Mr. CARAWAY. That is an equalization fee by another name.

Mr. ROBINSON of Arkansas. It is another form of equalization fee. The difference is that in this case the amortization fee is presumed to be paid by members of the cooperative associations.

Mr. FESS. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield.

Mr. FESS. To avoid the implication that there was a conference last night, the Senator would be glad to know that the junior Senator from Kansas [Mr. CAPPER] introduced a bill on April 17, and I took those exact words from it.

Mr. ROBINSON of Arkansas. Mr. President, I am glad the Senator from Ohio acquits himself of the responsibility for that provision.

Mr. REED of Missouri. Or of thinking of it first.

Mr. ROBINSON of Arkansas. And he amazes us by stating in the same breath that he got it from that friend of the farmer, that Senator who "farms" the farmer with such notable success, the Senator from Kansas [Mr. CAPPER].

The legal effect of this language is to impose a mortgage on the commodity dealt in by the cooperative associations, to the amount of the amortization fee, for a period of 33 years. Think of it! Nearly all the States permit chattel mortages on crops for supplies for the year in prospect, or for the current year. Most of them forbid mortgages for succeeding years. But this is a proposal, solemnly presented by the Senator from Ohio, by which it is sought to mortgage the crops of the growers of the staple American farm products for a period of 33 years.

Mr. President, corn unplanted, 33 years unplanted; rice that may never be cultivated; wheat that may never be harvested would have this burden imposed by an act of the Congress of the United States. What would be the inevitable result if this measure were agreed to? The $100,000,000 which would form the basis of the proposed 33-year mortgage on the staple farm crops of the United States would be taken up by the cooperative associations and expended in their activities during a single year.

The cotton cooperative association and others would take this money and spend it, and if they employed it in exporting a surplus and incurred losses, as would certainly be expected, from the discussions that have been in progress here since the bill has been before the Senate, every dollar of the $100,000,000 would have disappeared within a single year, or within two years, and the crops of the farmers of the United States would be mortgaged for 32 years to come. The result would be that the members of the cooperative associations would retire from them and others would refuse to join them. The cooperative associations make their contracts extending over a period of five years, and under their contracts the members can retire at the end of the five years, or they may join in a new contract. But this proposes to make a legislative cooperative contract for 33 years and mortgage the crops of the farmers of the United States to secure this advance of $100,000,000, which may or may not be providently expended.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield.

Mr. REED of Missouri. The farmers who were induced to sign those contracts for five years, and who found that they were losing money and sought to withdraw, and have gone on the open market to sell their own products, have time and again been sued and damages recovered by the members of these associations, so that it is no idle statement to say that the members who join these associations may find themselves mulcted in damages for the repayment of this fund.

Mr. ROBINSON of Arkansas. In one instance at least one of the most prominent cooperative associations sold a staple farm product for future delivery and lost a large amount of money by reason of the losses on their contracts. It is perfectly clear to me that no farmer would join a cooperative marketing association if he knew that in doing so he had to promise that the product of his toil and soil should be pledged for the payment of an amortization fee, the amount of which would be dependent entirely upon the success or failure of the activities of the association.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield to my colleague.

Mr. CARAWAY. And for which he never received one dollar in benefit, because the fund had been used up and no one then could go into the association without becoming liable for a debt of somebody else.

Mr. ROBINSON of Arkansas. Certainly. The result would be that in a year or two the hundred million dollars would have been employed, there would be a mortgage on the crops of the members of the cooperative associations for a period of 32 years, and new members would refrain from coming in, because they would naturally be unwilling to pay another man's debt. If you want to kill cooperative associations, if you want to put a heavier burden upon those that are already embarrassed, and if you want to make it impossible for them successfully to operate, pass the Fess amendment.

I undertake to say that in the legislative history of this country there never was such a proposition submitted here. The only distinctions between the equalization fee in the Haugen bill and the amortization fee in the Fess substitute are, first, that the latter is to be paid by the members of the cooperative associations, and therefore it is assumed to be voluntary. There is another difference. The Haugen equalization fee contemplated that the crop or the portion of the crop which was submitted to the process for which the fee was charged should bear the burden; that is, excepting cotton. Of course, cotton was to get benefits without bearing any burden. But this amendment proposes to impose an equalization fee, which can not be determined in advance, on the products of the farms of the United States, and the natural result will be that if a cooperative association undertakes to avail itself of the Fess amendment, the members who are in it probably will retire and others will refuse to join. So that the measure can not work, and if an attempt is made to work it by a cooperative association, it will result, in all probability, in the breaking up of the association.

Mr. CARAWAY. Mr. President, there is nothing to keep it from imposing this amortization fee upon the very product handled by the association.

Mr. ROBINSON of Arkansas. It is to be levied on the commodity dealt in by the cooperative association. Every bushel of rice, every barrel of wheat, every pound of cotton, that passed through a cooperative association, will pay a tribute, in the form of an amortization fee, for a loan that may or may not have been advantageous to the association.

Of course, that provision was put in the measure in order to make some one believe that the Fess amendment contemplates security for the loans that are to be made to the cooperative associations. What would the security be worth? If a member of a wheat cooperative knew that by growing some product not dealt in by his cooperative association he could escape mortgage for 33 years on his prospective products, he would fail to grow wheat, and that, of course, would tend to reduce the production of wheat. But the bill is wholly unworkable, for the reason that it places a burden on the industry without affording a corresponding benefit.

Mr. REED of Missouri. Mr. President, if it will not trench on the Senator's time——

The VICE PRESIDENT. The time of the Senator from Arkansas has expired.

Mr. REED of Missouri. May I have the floor for just three minutes then?

The VICE PRESIDENT. The Senator from Missouri is recognized.

Mr. REED of Missouri. In addition to what the Senator from Arkansas has said——

The VICE PRESIDENT. The Senator from Missouri should remember that he can speak only once on the amendment under the unanimous-consent agreement. The Senator is entitled to 15 minutes, but if he uses only 3 minutes, then he loses the rest of his time.

Mr. REED of Missouri. I shall try to relieve the Senate of a part of my time.

In addition to the criticism of the Senator from Arkansas of this remarkable paragraph (b) I call the attention of the Senate to its peculiar language. First we find paragraph (a) providing that—

> in the making of the loans the commission shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.

That has already been commented upon and it means one of two things. It either means that we are going to have a contract made which means something and which will bring repayment, in which event the language ought to be specific and require that particular thing, or it means that the commission can loan the money in any way it pleases and for any time it pleases; and after all it is not expected that security shall be taken, but the money shall be doled out without any adequate security or adequate assurance of return. I think the latter construction is the correct one, and in that construction I think we are aided by the first clause of paragraph (b):

> That in case other or additional provisions for payment are not prescribed by the commission, any association receiving a loan shall provide for the repayment—

by this amortization plan. Let us see what can be done under that clause treated by itself. The amortization plan is only fixed upon the scheme if the commission has not adopted some other plan. Accordingly the commission can adopt any other plan it sees fit. It can loan the money without any kind of security. It can loan the money without any reasonable chance of its return. It can loan the money for any period of time it sees fit. It can loan it for 100 years if it wants to do so. It is another and a different plan than the amortization plan. So the proposal amounts to this: "Gentlemen, you can go ahead and do whatever you please in whatever way you

please and make any rules you please, and loan the money in any manner or form you please, and you have full liberties to do it; but if you do not do anything, if you sit silent and make no other rules, then the amortization plan comes in."

Mr. MOSES. Oh, no, Mr. President. There is always one fixed rule here. The loan must be made in secret.

Mr. REED of Missouri. I accept the amendment. Think of a man drawing a contract in which it is provided that if the obligor of the contract does not do anything else that he wants to do, then he shall do a certain thing. That becomes laughable. The truth is, Mr. President, the whole thing becomes laughable.

The Senator from Ohio [Mr. FESS] said everybody ought to be for this proposal of his because every Senator except one had voted for the act February 18, 1922, which he said was a farmers' cooperative act. It does not bear any more resemblance to this proposal than the planet Mars bears to a potato bug sitting on a vine waiting for its dose of paris green.

Mr. FESS. Mr. President, will the Senator yield?

Mr. REED of Missouri. I will yield when I finish this statement. The act of February 18, 1922, is a short, simple proposition. In section 1 it is provided that persons engaged in the production of agricultural products, and so forth, may act together in associations, cooperative or otherwise, with or without capital stock, in processing and preparing for market and in marketing their own products. That is all. They did not need that in an act of Congress at all, for they could have done it anyway, except that some one thought that possibly by pursuing this course they might be held to come in conflict with the Sherman antitrust law.

The second section provides that if these associations are so conducting themselves as to monopolize trade or trade prices unduly, the Secretary of Agriculture may call them to account. What has that to do with this scheme? What resemblance does it bear to this plan? It contemplates the mere right of associations to organize and to proceed to market their products on their own account and at their own risk, and then there is a clause providing that if they undertake to monopolize the market or raise the prices unduly they may be called to account by the Secretary of Agriculture.

Mr. FESS. Mr. President, will the Senator yield now?

Mr. REED of Missouri. I yield now to the Senator from Ohio.

Mr. FESS. The substitute which was offered by the Senator from Arkansas [Mr. ROBINSON] provided, on page 4, that all loans shall be made to any farmers, ranchers, or planters, acting separately or in cooperative associations, and so on, upon such security as the board of directors may approve. The Senator from Missouri, as I remember, voted with his colleague for that proposal.

Mr. REED of Missouri. Certainly, upon such security as they should approve, which means that if they perform their duty they will take proper security.

Mr. FESS. That is precisely the same as in the proposition which I have submitted.

Mr. REED of Missouri. But it provides for repayment, and contemplates repayment.

Mr. ROBINSON of Arkansas. And it does not provide that there shall be a reasonable prospect for repayment, thereby implying that the usual precautions in taking security may not be exercised.

Mr. REED of Missouri. Yes. Mr. President, I yield the floor.

Mr. EDGE. Mr. President, I do not claim to be an expert on farm legislation, neither am I in the slightest degree unsympathetic with the problem. I do, however, in a modest way claim to be fairly familiar with the usual accepted rules of business, and I do not differentiate, in discussing business, the problem of marketing agricultural products. In fact, I am inclined to the opinion that perhaps it has been because of a lack of business application, to a great extent at least, that some of the difficulties confront us which we are trying now earnestly to solve.

We have had two viewpoints expressed in the debate this morning as to the effectiveness of the cooperative association plan. The Senator from Oregon [Mr. MCNARY] has spent much time in successful efforts extending over a period of years to help alleviate the situation. He expresses the opinion that cooperative associations are helpful. I believe he is correct. I can not understand why they would not be helpful, especially in view of the fact that cooperative associations dealing in agricultural marketing problems are permitted a leeway not enjoyed by industrial combinations. In other words, they are not under the operation of the Sherman Act. They are permitted to establish pools, and in the bill now before us the term is used distinctly, "to establish pools." I have not opposed that legislation when in one form or another it was before the Senate, because I recognize that the scattered units of farming activities, as compared to the more concentrated, developed condition of other industry, entitles agricultural combinations or cooperative associations to rather liberal treatment, and in this particular we have certainly given them liberal treatment.

As I understand the measure before us, it is an effort to assist in applying the same general policy which is applied by a selling agency of a manufacturing concern to market the overproduction which frequently occurs among manufacturers, in order to market the overproduction which more frequently occurs in agriculture. I do not know why it is not worth trying. If the cooperative associations are a benefit—and I accept that viewpoint—certainly they will be able to operate more effectively if they have capital or additional capital. I understand now that their capital is almost entirely raised through contributions from the members.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. GOODING. The cooperatives can borrow from the intermediate credit banks.

Mr. EDGE. Yes; I appreciate that.

Mr. GOODING. They can borrow any amount if they have the security, or on their crops to the extent of 70 per cent of their value.

Mr. EDGE. I appreciate that, but I am speaking of capital and not of borrowed money. There is quite a distinction between capital and borrowings, as the Senator well knows.

I do not see any reason why we should assume that a commission set up under the terms of the bill would not use reasonable precaution in advancing any funds to cooperative associations for the purpose of marketing surplus products.

The Senator from Ohio [Mr. FESS] placed his finger exactly upon the fundamental difficulty. I think it is generally agreed by all schools of thought on the question that the great spread between the producer and the consumer is that difficulty. It is generally admitted that the consumer is paying a large price, generally speaking, for food products. Yet at the same time it is admitted that the actual producer, the farmer, is not receiving his share of that price. If selling agencies and other combinations in industry, permitted under the rather drastic restrictions of the Sherman Act, can help alleviate the situation there as they do, then I can not see why with the additional opportunity, the additional privileges which cooperative associations, representing agriculture, have, they should not be able to take advantage of the information supposed to be assembled under the provisions of the first section of the bill and assist in cutting down the wasteful, uneconomic spread between the citizen who raises the product and the consumer who finally buys it in the public market.

I do not know how they are going to solve that problem in any other manner, and my support of this substitute amendment is fundamentally because of the elementary consideration that some way must be found to cut down that almost unexplainable difference between the price received by the farmer and the price paid by the consumer. Cooperative associations through their opportunities to cut down expenses of marketing can readily put aside a sinking fund or provide for "amortization," if that is preferred. The whole idea and object of their cooperation must be to cut down marketing expenses or their formation would be a useless gesture. Therefore, with proper management, knowing their business as we assume they must know it, they must be able to cut down the expenses of marketing the crops, which, of course, in the ordinary course would pay the loans that would be advanced by the Government.

I do not know why we should assume here that a commission set up under the terms of this amendment would not use ordinary common sense and business judgment in the distribution of the loans. It seems to be assumed that all its activities will be conducted on an uneconomic scale. A remark was made during the debate this morning that the War Finance Corporation, with a sum of a half billion dollars, I think, at their command, had not settled the agricultural problem. True, they did not settle it, but they did a great deal toward alleviating it; they helped in various parts of this country at a time when help was most necessary and saved many a situation. They did not solve the great problem with a half billion dollars, and probably would not have solved it with many other half billion dollars. Why should those who represent the great agricultural interests of the West be reluctant to accept this additional help? Certainly, agricultural interests do not have to take the money unless they think that they have some way in which they can make good use of the money. It is surely a step in the right direction. We are trying to find some method to relieve the situation. A bill was prepared, which was

debated for weeks in both branches of Congress, but finally failed to receive the approval of either branch. That is water over the dam. Either we must try something else or we must close the doors and say there is absolutely no chance for relief for the great agricultural interests of the country.

I do not think for one moment that the passage of the pending substitute will solve the question, neither do I assume that the Government necessarily is going to lose $100,000,000 if it shall advance loans through a commission to be set up in Washington, which presumably will be constituted of men who will naturally protect the interests of the Government. On the other hand, I do think it will do some good toward solving this problem. Why refuse this help? How can we go back to our homes and say that there is only one possible scheme that can ever offer any relief? So far as I am concerned, I would not care if the entire $100,000,000 were lost, and I do not believe any other citizen of the country would care, if it should, in adequate proportion, relieve the situation.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER (Mr. STECK in the chair). Does the Senator from New Jersey yield to the Senator from Idaho?

Mr. EDGE. I yield.

Mr. GOODING. I want to say to the Senator from New Jersey that the farmers believe that this is merely a proposal to divert him from the real problems of agriculture that must be settled before he can have relief. This would not give the farmer anything.

Mr. EDGE. I appreciate the sincerity of the Senator from Idaho and his earnest efforts to try to reach a solution of the problem; but the indisputable fact is that the very measure in which he showed such intelligent interest has been defeated and we must either attempt to devise some other plan that seems to offer relief or we must admit that there is not any relief.

The Senator has reminded me by his interruption of the fact that in the debate a few days ago he referred to the so-called Edge Act, which I had the pleasure of sponsoring six or seven years ago, immediately following the war. I think the Senator made the statement at that time that the Edge Act had been passed in the interest of the manufacturers in order that they might export or market their surplus products abroad. The Senator is entirely mistaken about that. As a matter of fact, the so-called Edge Act was passed mainly in the interest of the farmer and was used mainly by the farmers. The greatest development under that act was down in the city of New Orleans, La. A combination of bankers in seven or eight Southern States organized and raised a capital, as I recall, of $7,000,000, paid in, and through that financed the exportation of hundreds of millions of bales of cotton. Generally speaking, the only reason to-day, as I am informed, that that act is not in general use throughout the country is because of the poor credit of Europe.

Mr. GOODING. The farmers never sell in Europe for less than they sell at home, except when they are forced to do so. Including freight, they have always sold for more in the European market than they have in the American market.

Mr. EDGE. In answer to that suggestion, Mr. President, all of the plans which have been proposed have been designed naturally to help market the surplus abroad.

Mr. GOODING. The Senator surely can not show how there is any advantage to the wheat grower from the so-called Edge Act. The wheat grower always has to take a fixed market price, published in the newspapers every morning, both as to our own market and the market at Liverpool, so there is no chance for him to take advantage of exports under the Edge Act at all.

Mr. EDGE. What we are trying to relieve, to some extent, is what the Senator has referred to as the surplus, and whether it be wheat, cotton, manufactured articles, or what not. Of course, in a way exports must be financed because of the poor credit abroad. That was the design of that act, and it referred to any commodity that was generally exported.

Mr. FESS. Mr. President——

Mr. EDGE. I yield to the Senator from Ohio.

Mr. FESS. The Senator, referring to the danger of the loss of the loan, made the statement that it would not disturb him very much if we should lose it all.

Mr. EDGE. Yes.

Mr. FESS. The provision for amortization is one simply looking to additional security if the commission so requires. That is rather going to the ultra conservative side to avoid losses. If it were thought wise to strike it out and lose the advantage of that security against losses, we could strike it out. The provision for amortization only looks to additional security against loss of the loan in case it is thought wise to employ it.

Mr. EDGE. I thoroughly understand that, and I see no objection to having the amortization plan together with other plans available for furnishing security. After all is said and done, loans would only be made, I assume, under recognized rules, such as value as reflected in inventories, and the moral risk would be taken into consideration, just as any bank or other loan agency naturally follows certain rules. As I have said before, the assumption that the farm board would take unnecessary risks is not justified by anything that has occurred. I repeat, in view of the acute condition that exists, and which we all know to exist, in the case of agriculture, I would not worry a great deal—and I am sure a large majority of the citizens of this country would not worry—if the entire hundred million dollars were absorbed if such a sum would relatively help the situation and bring the cooperative organizations into a line of activity that would be parallel with the sales agencies of the large manufacturing producers, and that would gradually cut down the spread between the producer and the consumer. There, in my judgment, is where our energies must be directed; there we do not find a parallel in industry, generally speaking, and there, in my judgment, we must depend not on Congress but on the representatives of the industry itself, the members of the cooperative associations. There has not been a word uttered in this debate against the substitute proposed by the Senator from Ohio which, in my judgment, would justify a vote against at least trying out the plan which it proposes.

Mr. LENROOT. Mr. President, much of the debate this morning upon the part of the proponents of the amendment of the Senator from Ohio has been designed to prove that there would be no loss to the Treasury by reason of the operation of the amendment if it should finally be enacted into law. Mr. President, I am afraid that the amendment is so restricted that it will be of very little benefit to the farmer. I do not see how it can do any harm, and, for that reason, I would support it; but I do not believe that the amendment in any way reaches the heart of the problem of the farmer.

Speaking solely from the standpoint of the cooperative organizations, if they are to be successful there must be a central marketing cooperative organization formed of federations of many units. I do not believe that such a central marketing organization can be successful unless it has a working capital, any more than any manufacturing corporation can be successful unless it has a working capital. Under existing agricultural conditions it is impossible for the farmers to provide that working capital, and I think the Government ought to provide that working capital, at least by way of experiment, rather than merely to loan the money based upon the same conditions upon which a banker would make a loan to a customer.

The amendment proposed by the Senator from Ohio does not provide for supplying working capital upon the same basis that a manufacturing corporation secures working capital. To make the analogy, how long would a manufacturing corporation exist if it were provided that it must pay from 4 to 6 per cent interest upon its working capital and then pay back the entire capital within a period of two, three, or four years, or even amortize it upon a basis of 33 years? In other words, under the plan proposed not only are dividends required from the very start, but the payment in part at least of the working capital is also required. It will be too great a handicap to enable the central marketing organizations to succeed. If they are to succeed they must have working capital without any terms for repayment provided either by the farmers themselves or by the Government; and in the acute agricultural situation which we have it seems to me that the Government ought to provide that working capital, at least to the extent of demonstrating by experiment whether or not a central marketing organization can be put upon its feet and given the same chance to succeed that a corporation has. The amendment of the Senator from Ohio does not give it the same chance, because no working capital is provided; it is all borrowed money, every penny of it. They can borrow now 75 per cent upon security through the intermediate credit bank system.

Mr. FESS. Mr. President, will the Senator yield?

Mr. LENROOT. Yes.

Mr. FESS. I do not see how there is any possible way of securing the working capital that the Senator has in mind unless the marketing association is a corporation for profit, out of which it can pay interest on the capital.

Mr. LENROOT. Mr. President, there could be an understanding that if it was successful, in time to come, without a continuing liability for repayment, the working capital might

be repaid, or, in other words, subscribed by the farmers, just exactly as in the case of the farm loan credit system. The Government provided the capital in the first instance. It was later provided by the farmers themselves, and the Government has been repaid nearly all of the capital that it has furnished. In that case it was not a loan. We provided the capital upon which every farm land bank did business.

Mr. FESS. If the corporation doing the business of marketing should do it upon a profit that would be paid to the incorporators or the stockholders, I fear that the farmers would think that it was a corporation that was making profit out of them, and it would not go far.

Mr. LENROOT. I want to say to the Senator, in response to that, that I would not be concerned with the return of any part of this $100,000,000 to the Treasury of the United States.

Mr. FESS. In other words, while it could not be obtained from the farmer on that basis, the Government might make that contribution?

Mr. LENROOT. Yes; and we could well afford to make that contribution if we could demonstrate the soundness and workability of a system of central marketing associations. Then we could thereafter have capital furnished by the farmers themselves, where they would be unwilling to subscribe to it to-day.

Mr. GOODING. Mr. President——

Mr. LENROOT. I yield.

Mr. GOODING. I should like to ask the Senator if he agrees with the Senator from Ohio that it is possible to help the wheat growers through this bill in any way at all?

Mr. LENROOT. Mr. President, I am not at all certain but that it would be. Thirty per cent of the country elevators in the United States are now controlled by farmers' organizations themselves. If that percentage could be doubled, the cooperative organizations could control to some extent the flow of the wheat, so that there would be no such thing as dumping upon the market at any time. I am frank to say to the Senator that no such scheme would accomplish what he sought to accomplish through the McNary-Haugen bill; but some benefit could be received by the farmer if he had a system of orderly marketing.

To illustrate, right now, at this very time, I am told wheat has been harvested in Oklahoma, wheat is being harvested in Texas, and it is flowing to Gulf ports, and there is such a glut of wheat in the Gulf ports to-day that the freight rates have increased 10 cents a bushel; and that is costing the farmers of Oklahoma and of Texas just 10 cents a bushel to-day, whereas if an orderly marketing system were provided they would be just 10 cents a bushel better off than they are to-day.

Mr. FESS. Mr. President, will the Senator yield?

Mr. LENROOT. I yield.

Mr. FESS. And not only the increase in transportation but the flow of the entire product at once beats down the price.

Mr. GOODING. Mr. President, how would the Senator, with $100,000,000, take care of any part of the wheat crop?

Mr. LENROOT. I have never contended that a hundred million or a hundred and fifty million dollars is going to solve the problem; but if we could show the farmer how it is possible to conduct successfully a central marketing organization, and furnish the capital in the first instance to demonstrate it, then we shall have shown the farmer how the farmer can help himself.

Mr. GOODING. But this amendment does not provide for the solution of the wheat problem.

Mr. LENROOT. No; I understand it does not.

Mr. GOODING. Then how can it possibly help the wheat grower? That is what I want to know.

Mr. LENROOT. I am very frank to say that in voting for this amendment I do not do it with any idea that any great benefits are going to flow from it, because I think the fatal defect so far as very great benefit is concerned is that it looks to getting back into the Treasury of the United States every dollar that goes out of the Treasury of the United States, while, as I have said before, I think that in the circumstances with which we are now confronted we could well afford to spend $100,000,000 or $150,000,000 out of the Treasury of the United States for the purpose of helping to put central marketing cooperative organizations upon their feet. They have not had a chance to-day to establish themselves successfully, as manufacturing corporations do, for the very simple reason that everything we propose to do is based upon a loan, with repayment of principal with interest; and we can not expect them to be successful upon that basis any more than we would expect a new manufacturing corporation to be successful, just starting in business, with a provision that it must pay interest upon the capital, which is equivalent to a dividend, from the very beginning of its business, and then pay back the capital itself.

Mr. GOODING. Mr. President——

Mr. LENROOT. I yield.

Mr. GOODING. I know of no wheat association that tried to hold its wheat and steady the market but that sooner or later has gone broke. I am familiar with the Northwest wheat growers' associations which undertook to do that and they lost millions. I know of no one that has been successful among the wheat growers, so far as that is concerned, in their effort to improve the condition of wheat along that line.

Mr. LENROOT. One great trouble with all great cooperative organizations up to this time is that it has not been recognized, and it must be recognized if they are to be successful, that they must have efficient management. They must be willing to pay salaries for that efficient management in the same way that other industries are willing to pay salaries for efficient management. With all due respect to the farmer, we can not expect a farmer who has had no business experience to manage a $50,000,000 proposition successfully any more than I could, and I could not do it.

Mr. FESS. Mr. President, will the Senator yield?

Mr. LENROOT. Yes.

Mr. FESS. I am interested in the Senator's statement that we can not succeed if we provide for repayment.

Mr. LENROOT. It is a great handicap in succeeding.

Mr. FESS. If that is true, then any proposal to make a plan along this line self-suppporting would be futile.

Mr. LENROOT. Oh, no. If the farmers could or would subscribe this capital, it could succeed; but they are not going into it as an experiment. They are not going to subscribe in the first place. With the present acute condition of agriculture, they have not the money to do it; but if we successfully establish these associations with the help of the Government subscribing the capital in some cases, then the farmers will have such confidence in it that they themselves will take care of it in the future.

Mr. FESS. One more question: Does not the Senator believe that a central marketing agency could work such economies in the business that it would be a source of real profit to the individual member of the cooperative, so that, after all, the saving would be an increase in the cash balance that he would enjoy?

Mr. LENROOT. I should be hopeful that that would be done. It would be much more likely to be done if there were not this liability staring him in the face all the time to pay dividends upon the capital and pay back the capital within a short period.

My whole point is that under the conditions that now exist the Government could well afford to spend $100,000,000 or $150,000,000 in helping to establish some sound plan that would be of benefit to agriculture, and for that reason we ought to go further than this amendment goes. However, as I said in the beginning, I can not see any possible harm that the amendment can do. I am not at all afraid, as is the Senator from Idaho [Mr. GOODING] apparently, that anyone will regard this amendment as a solution for the agricultural problem.

Mr. GOODING. No; the Senator misunderstood me in that. What I said was that this is an effort to divert the farmer from the real issue, and he will be told, of course, that his problems have been settled, and he knows that they have not been settled.

Mr. LENROOT. He will not be told so by me, I assure the Senator.

Mr. GOODING. No.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. HEFLIN. Mr. President, I rejoice that this Republican sham battle will soon be over. I have tried to be of service to the farmers in this matter and have done what I could to secure legislation that would be of real benefit to them, but I can not vote for the miserable makeshift now pending in the Senate.

Those of us who really want farm relief, who are really in earnest, and who are willing to carry on this fight, ought not to surrender now. If we are going to adjourn, if those in power have determined upon that course, let us organize and get ready for the session which meets early in December. Let us come back and renew the fight and carry on until we do something worth while in the way of farm relief. The farmer's trouble is fundamental. Something has got to be done to take the grain gambler and the cotton gambler off the backs of the grain producers and the cotton producers. Something has got to be done to provide financial arrangements that will enable them to hold their produce off the market until the price will

yield a profit. The amendment which is now pending, providing $100,000,000, is not a revolving fund to take care of grain and cotton, but it is a makeshift which proposes to open it up to the farmers who produce anything and everything. There is no provision for furnishing an adequate amount for aid to the wheat growers and the cotton producers. They are the ones that especially need help at this time. All that this measure will do, if it is passed, is to deceive the farmer until after the fall election, or certainly until after the Republican primaries.

I am reminded of a story of a wall that stood along a sidewalk in a certain city. The property on which the wall stood belonged to a very wealthy man. The wall had a large crack in it. It got wider and wider, and one end of the wall beyond the crack commenced to lean a little toward the sidewalk, and people complained about it and urged those in authority to have the man who owned the property fix the wall so that it would not be dangerous to people who walked along the sidewalk. And how do you suppose he fixed it? Why, he pasted paper over the entire wall and covered the crack and reported that he had fixed the wall, and he added: "You will not see any crack in the wall when you walk along there now."

Mr. President, while the break in the wall was temporarily covered, the crack was still there. It will be nothing short of a shame for Senators to go upon record favoring this thing and then go out and say that they have voted for a real farm-relief measure. The purpose of those who oppose any real farm-relief legislation, but who are disturbed lest the farmers should punish them at the polls, are now seeking to deceive the farmer into believing that they have given him farm-relief legislation. They ought not to do that, and we ought not to permit the farmers of the country to be fooled in that way. They are entitled to fair treatment at the hands of Congress. We ought not to accept this makeshift, surrender, disband, and go home claiming that we have passed a real farm-relief measure. You have voted down and defeated a measure that provided $75,000,000 for cotton producers and $75,000,000 for grain growers.

Now, you come with a proposition of a hundred million, just a little over half of the $150,000,000 that you have a chance to get. It is to be divided between potato producers, onion growers, cabbage producers, barley producers, rice producers, sugar-cane producers, beet producers, and corn and cotton producers, and every other producer under the sun. It is intended to fool all of them and make them think that they can come up and get a handful of benefits.

Mr. McNARY. Mr. President, will the Senator yield for an observation?

Mr. HEFLIN. I yield.

Mr. McNARY. Do not forget the bee producers, and do not forget that Ohio produces more honey than any other State in the Union.

Mr. HEFLIN. The bee producer! If these gentlemen go out from here with this makeshift and claim that they have done something for the farmers, they will get stung at the next election by something worse than a bee [laughter], and they ought to be.

As I sat here this morning I heard the able Senator from New Jersey [Mr. EDGE], the splendid and genial Senator from New Jersey, advocating this measure and calling it farm relief, while the Senator from Oregon [Mr. McNARY], whom I know to be a friend of the farmer, and the Senator from Idaho [Mr. GOODING], and others who voted as I did for another measure, standing here and protesting against this miserable makeshift and saying that it is a gold brick offered to the farmers of the country. But the Senator from Ohio [Mr. FESS] and the Senator from New Jersey [Mr. EDGE] stood in solid phalanx, the two of them, championing the cause of the farmers of the West and of the South, with the farmers of the West against the bill and with the Senators from the West, in the main, against the bill, and with the Senators from the cotton-growing South against the bill; but the Senator from New Jersey [Mr. EDGE] and the Senator from Ohio [Mr. FESS] are just trying to force upon us this beautiful and splendid thing in the way of farm relief, and we do not seem willing to take it.

Oh, Mr. President, they say it is economically sound. Well, it may be, but I can not understand that it has any relief in it for the farmers at all. It is a miserable makeshift, hoisted up in front of a situation that looks gloomy to those who have destroyed the opportunity for farm relief in this Chamber.

Let the farmers know the truth, and we should not be a party to an arrangement that will deceive them. I will not play politics on any question where human rights are involved. I love the Democratic Party. I am a Democrat from hat crown to shoe sole, but I would not play politics for my party at the expense of human beings in distress. I try to vote in this Chamber regardless of whether a bill is offered by a Democrat or a Republican, on its merits, to stand by the principle that is involved in it, to either favor it or oppose it upon that ground; and I do not intend that this thing shall be camouflaged so that the people will be deceived by it. As I said the other day, 95 per cent of the farmers are mortgaged and the property of many of them has already been sold under the hammer for taxes. They are almost hopelessly involved in debt; an election is coming on, and Senators are seeking to get away to some summer resort where they can discuss ways and means for saving the hide of the Republican Party in the November elections while the farmer and his problem are forgotten. These things are the things uppermost in their minds.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. BRUCE. I just wanted to ask the Senator from Alabama, in view of the fact that he evidently contemplates a renewal of this agricultural legislation at the next session of Congress, whether he does not think it would be a good thing to arrange to have a commission appointed for the purpose of investigating the present state of agricultural distress in the United States, to report as to just how it might be alleviated? That would not interfere with the permanent relief the Senator has in mind at all.

Mr. MAYFIELD. Mr. President——

Mr. HEFLIN. Mr. President, I was just going to say to the Senator that as a member of the Committee on Agriculture I have been attending hearings for the last four years, and I have heard the testimony of farmers of the West and of the South, and I have seen them shed tears as they told us of their farm troubles. I know their condition. The Senate knows their condition. The House knows their condition. The administration knows their condition. The mortgage records throughout the West and the South disclose their unfortunate condition. The tax-sale notices posted at every courthouse in the country disclose their terrible condition. The want and poverty seen in tens of thousands of their homes disclose their dreadful and deplorable condition.

No; do not let us hold up legislation until we can appoint a commission to come back and tell us of a situation which we already know exists throughout the country.

Mr. BRUCE. It is not my idea at all to hold legislation up. The Senator contemplates the idea, of course, of legislation for the relief of the existing agricultural distress being brought up at the next session of Congress in case all the propositions now pending shall be defeated, and undoubtedly legislation of that sort will be brought forward at the next session of Congress. It seems to me that in the interim it would be well to appoint a commission to study the state of agriculture throughout the country and to render a report at the next session in time to pass legislation.

Mr. HEFLIN. Of course, for those who are not informed on the question it might be a good way to get information for them; but if I know a man is dead, I do not have to have anybody go and look at him and come back and tell me that he is dead.

Mr. BRUCE. Still sometimes miracles of resuscitation have been performed.

Mr. HEFLIN. I say that the farmers have been deceived, imposed upon, and greatly impoverished by the Republican Party, and the facts of that party's miserable record ought to be laid bare to the country.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. MAYFIELD. In reply to the question propounded by the Senator from Maryland with reference to appointing a commission to investigate the questions affecting agriculture I would like to say that in 1924 President Coolidge appointed a conference, which made a very thorough investigation of agriculture. Ex-Governor Carey, of Wyoming, was the chairman of that commission. The present Secretary of Agriculture, Mr. Jardine, was a member of the commission. That commission made a most thorough and searching investigation of agricultural conditions in this country, told of the deplorable conditions existing, and recommended a thorough revision of the rate structure of the country, to the end that the Interstate Commerce Commission might give immediate relief to the agricultural and stock-raising interests of this country. I have introduced an amendment to the bill now pending which would repeal section 15a of the transportation act of 1920, that section of the law which freezes the rate structure of the Nation. If that amendment shall be adopted, the Interstate Commerce

Commission can give relief to those interests we are trying to relieve.

Mr. BRUCE. With great respect for the Senator from Texas, I think that is just another nostrum. He may be entirely right and I may be entirely wrong, but let me call the attention of the Senator from Texas——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HEFLIN. My time has about expired, and I yield the floor.

Mr. McKELLAR rose.

Mr. BRUCE. Mr. President, I want to say this to the Senator from Texas, if he will give his attention just for a moment, that some good results did follow from the recommendation of that commission, because it produced the Hoch-Smith bill, which gives the Interstate Commerce Commission far more latitude and discretion in fixing rates on agricultural products than it ever had before. That was a measure of real and substantial relief.

Mr. MAYFIELD. I will say to the Senator from Maryland that under the Hoch-Smith——

The PRESIDING OFFICER. The time of the Senator from Alabama has expired. The Chair recognizes the Senator from Tennessee.

Mr. McKELLAR. Mr. President, how in the name of Heaven any Senator who voted against the McNary-Haugen bill on the ground that it was economically unsound can support this bill is beyond my power to understand.

A more thoroughly economically unsound bill could hardly be imagined than the Fess bill. This bill proposes to lend a hundred million dollars to farm cooperatives on any security the borrower may offer or, if they have not any security, without security, and that is provided for in the following provision of the bill:

> In the making of loans the commission shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.

Mr. President, I want the attention of the Senator from Ohio [Mr. FESS] a moment. Does the Senator from Ohio consider this provision an economically financially sound proposition?

Mr. FESS. That is just as sound as the provision in the Robinson proposal for which the Senator voted.

Mr. McKELLAR. I am not asking that. I did not vote for that. The Senator is evading the question. Is this provision, in his judgment, an economically sound provision?

Mr. FESS. It is.

Mr. McKELLAR. If the Senator feels that way, then the Senator should have voted for the Haugen bill, for he could have voted on his views as to what is economically sound for any bill.

Mr. President, we all know what this Fess bill is. It is an effort to get the farmers of this country to believe that the majority in this Congress are undertaking to help them. They are doing no such thing, and I have some evidence here that I want to call to the attention of the Senate at this time.

Mr. President, here is a telegram addressed to me, dated Memphis, Tenn., June 28, 1926, which I read, as follows:

> The Memphis Agricultural Club, composed of agricultural leaders, farm journal editors, and leaders in business allied with agriculture, by unanimous vote to-day authorized sending you this telegram. The administration has defeated all efforts at genuine farm relief legislation. Its indorsement of the Fess and Lenroot amendments are inadequate and unnecessary to solution of problem. Cooperatives already have ample credit facilities.

We all know that is true:

> We hope all insincere efforts from all quarters that evade recognition of surplus or equalization fee will meet your opposition. The farmers will not be satisfied with less than a genuine effort to deal with their problems.
>
> FRANK D. FULLER, *Secretary.*

Here is another telegram from Covington, Tenn., dated to-day.

Mr. FESS. Will the Senator state from whom those telegrams came?

Mr. McKELLAR. It says "Memphis Agricultural Club, composed of agricultural leaders, farm journal editors, and leaders in business allied with agriculture."

Mr. FESS. Those farmers live in Memphis, do they not?

Mr. McKELLAR. Oh, no. They are from all over that entire section. I read another one from Covington, Tenn.:

> Vote against Fess bill. 'Tis a sop to Cerberus only.
>
> D. W. RUFFIN.

I also received the following telegram:

> MEMPHIS, TENN., *June 28, 1926.*
>
> Hon. K. D. MCKELLAR,
> *Washington, D. C.:*
>
> Tennessee farmers are profoundly grateful for your support of the McNary bill. The administration, through its powerful influence, opposed and defeated the McNary and Haugen bills. Theirs is the responsibility for the failure of real farm-relief legislation sought by organized and united agriculture in their support of the Haugen and McNary bills. Nothing less than a sincere and honest attempt to deal with the farm commodity surplus will satisfy the farmer. He will despise anything less as an unworthy sop for his vote. We earnestly hope that you resist with all your influence all efforts by the administration as typified in the Fess and Lenroot amendments as insincere efforts to deal with so vital a problem.
>
> R. S. FLETCHER, Jr.

Mr. President, I believe that these telegrams speak the sentiment of farmers throughout the country. I do not believe they want this insincere proposition to pass. I believe that they realize just what we all realize, that the Fess bill is an effort to save the face of the present administration. I learn from the public press that administration leaders are picking off one by one those Senators who have heretofore stood by the farmer and getting them to vote for this miserable makeshift; this meaningless makeshift. Is it true that Senators who have studied the question and have heretofore stood by the farmer are going to be picked off by the administration, or are they going to stand by the farmer to the end? Are they going to let representatives of the administration dictate to them, lobby with them to get their votes, and then cast their votes against the interests of the farmer, or are they going to stand by the farmer? The roll call on this Fess bill is going to tell.

I do not know what Senators are going to do. I do not know how many of them have the manhood to stand up for the farmers of their State. If they have the manhood it is going to be proved whenever we have the vote. If they are really and truly for the farmers of the country as they claim to be, then they are going to stand by their votes of the other day on the McNary-Haugen bill; but if they are not the farmers' friends, if they are merely hunting for political preferment, if they want political backing in high places, they will be picked off by the administration just as the newspapers say they are being picked off. I understand there are a number who have been picked off since last Saturday. The newspapers so state. I am wondering how many are going to admit by their vote that they are being picked off? We have been fighting here for wheat in the interest of the wheat farmer of the West. What are the friends of the wheat farmer going to do?

It is said that some of our Democratic friends are going to vote for the proposal. I understand that some of them, who declared the McNary-Haugen bill was economically unsound, are going to vote for this proposal as an economically sound measure. I can not believe it. I can not believe that any Senator who voted against the McNary-Haugen proposition because it was economically unsound will for a moment think of voting for a proposition of this kind, which is tremendously more economically unsound than the McNary-Haugen bill as offered in the Senate. Of course, we all know that this administration substitute is the most economically unsound of any proposal that has been submitted. Its author or sponsor, Mr. FESS, must know it, notwithstanding his statement that he believed it was sound. I think too much of his mental attainments to believe he was serious when he said it was economically sound. He must have been just a little excited when he made the statement.

Mr. President, I hope we will have a vote to-day. I hope all the sincere friends of the farmer will stand by him. This is the acid test. If Senators belong to the enemies of the farmer, they will be picked off and vote for the interests, but if they are the friends of the farmer they are going to defeat the proposal submitted by the Senator from Ohio.

Mr. CAPPER. Mr. President, I desire to offer an amendment to the substitute submitted by the Senator from Ohio [Mr. FESS].

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 5 strike out lines 19 and 20, and beginning on line 21 strike out all of section 6 and insert in lieu thereof the following language:

FARM ADVISORY COUNCIL

SEC. 6 (a). There is hereby established a Federal farm advisory council (hereinafter referred to as the council), to consist of three members from each of the 12 Federal land-bank districts. The members of the council from each district shall be elected by bona fide farm organizations and cooperative marketing associations in such district at a convention of representatives of such organizations and associations, to be held at the office of the Federal land bank in such

district or at such other place in the city where such Federal land bank is located to which the convention may adjourn.

(b) The Secretary of Agriculture shall annually, with the advice of such farm organizations and cooperative marketing associations as he deems to be representatives of agriculture, (1) fix the date on which such conventions shall be held, (2) designate the farm organizations and cooperative marketing associations in each district eligible to take part in such conventions, and (3) designate the number of representatives and the number of votes to which each such organization or association shall be entitled. In the case of farm organizations and cooperative marketing associations having members in more than one district such organizations and associations shall certify to the Secretary of Agriculture the district in which they shall cast all of their votes, and such organizations and associations shall not vote in conventions in other districts. The Secretary of Agriculture shall mail, at least 30 days prior to the date on which a convention is to be held, to each organization and association eligible to participate in such convention notice of the date and place of such convention. The conventions first held after the date of the enactment of this act shall be held within 60 days after such date. The Secretary of Agriculture shall prescribe uniform regulations for the procedure at such conventions and for the proper certification of election of the members of the council.

(c) The term of office of each member first elected shall expire one year from the date of his election, and the term of office of all successors shall expire one year from the date of the expiration of the preceding term. Any member in office at the expiration of the term for which he was elected may continue in office until his successor takes office.

(d) The members of the council shall serve without salary, but may be paid by the farmers' marketing commission (established in section 6b and hereinafter referred to as the commission) a per diem compensation of $20 for attending meetings of the council. Each member shall be paid by the commission his traveling expenses to and from the meetings of the council and his actual expenses while engaged upon the business of the council.

SEC. 7. The council shall—

(a) Meet as soon as practicable after the enactment of this act and select a chairman, secretary, and such other officers as it deems necessary.

(b) Recommend to the President 18 individuals eligible under subdivisions (d) and (e) of section 7 for appointment to the commission.

(c) Meet thereafter at least once a year at a time and place designated by the Secretary of Agriculture or upon call of the Secretary.

(d) Nominate to the President three individuals eligible, under subdivisions (d) and (e) of section 7, for appointment to the commission to fill any vacancy occurring in the commission.

(e) Submit to the commission such recommendations and cooperate with the commission in such manner as the council deems most effective to carry out the purposes of this act.

FARMERS' MARKETING COMMISSION ESTABLISHMENT

SEC. 8. There is hereby established a commission to be known as the farmers' marketing commission (hereinafter in this act referred to as the commission) and to be composed of seven members, as follows:

(a) The Secretary of Agriculture; and

(b) Six members (one to be designated as chairman) appointed by the President, by and with the advice and consent of the Senate, from the individuals recommended, as provided in section 6 (a): *Provided, however,* That if from the individuals thus recommended by the council the President should find, in his judgment, that it is impossible for him to make satisfactory choices for appointment, he shall request of the council additional recommendations; and, after such second recommendations have been made, if he should still find it impossible to make satisfactory choices, he may, in his discretion, appoint others who are duly qualified under section 7 of this act.

Mr. CAPPER. Mr. President, the amendment is supported by a large number of cooperative associations and other farm organizations who do not like the method of selection for membership of the Federal marketing commission as set up in the substitute offered by the Senator from Ohio [Mr. FESS]. My amendment would give the farm organizations a voice in the selection of the commission and would remove, as far as can be, the possibility of a politically appointed commission.

Mr. FESS. Mr. President, will the Senator from Kansas yield?

Mr. CAPPER. Certainly.

Mr. FESS. As I understand it, there is no effort to nominate to the President, but to recommend?

Mr. CAPPER. Merely to recommend.

Mr. FESS. I think the word "nominate" is used. If so, it ought to be changed to "recommend." I also understand that the amendment of the Senator from Kansas provides for a council without pay, except expenses.

Mr. CAPPER. That is correct—a farm advisory council. The council is called for the purpose of making recommendations to the President for appointment as members of the Federal marketing commission to be appointed by him.

Mr. FESS. Is the council limited to that purpose, or is the council also permitted to make recommendations to the Department of Agriculture?

Mr. CAPPER. It can make other recommendations, but the naming of a list of representative farmers for appointment by the President is the chief purpose of the council created under the amendment.

Mr. FESS. I had understood from a talk with the Secretary of Agriculture that he thought an agricultural council, with which the responsible agricultural heads might consult from time to time, would be rather advisable. He spoke about that. The Senator's amendment provides for such a council?

Mr. CAPPER. It does. The suggestion came originally from Mr. Holman and other representatives of cooperative and other farm organizations. It has the approval of the Secretary of Agriculture.

Mr. FESS. I will say to the Senator that I can see no objection in the degree that it gives the advantage of a council which represents a wide area of agricultural country and also does not bind the President under the law to appoint anyone whom they might recommend, which to me would be very offensive for the simple reason that, as everybody knows, representatives who might be in Washington, who might be representing some particular line of legislation, if they could say who should be appointed and the President had no leeway would easily make it a self-appointing proposition, which I would not think of supporting. But this is not giving the authority entirely to the farm organization except to recommend to the President and if he finds in the recommendations a desirable membership for the board he could appoint them, otherwise he could go outside of the recommendations.

Mr. CAPPER. The amendment provides for a convention of the representatives of the various farm organizations and cooperatives in each of the 12 Federal land districts. Each convention is to submit a list of three names to the President from which he can select members of the council.

Mr. FESS. I understand the President has some leeway.

Mr. CAPPER. Yes; he will have a list of 36 from which to make his selections, which will give us a marketing commission that really represents the wishes of the farmers.

Mr. MCNARY. Mr. President, will the Senator from Kansas yield to me?

Mr. CAPPER. Certainly.

Mr. MCNARY. Is not this same provision contained in the committee amendment which we voted on and defeated last Friday?

Mr. CAPPER. Yes; I think it is.

Mr. MCNARY. Is it not precisely the same as that provision contained in the committee amendment?

Mr. CAPPER. I have not compared the two amendments.

Mr. MCNARY. Is it not the same general idea?

Mr. CAPPER. Yes; it is substantially the same.

Mr. WILLIS. Mr. President, a parliamentary inquiry. In view of the inquiry of my friend from Nebraska [Mr. NORRIS] on a former occasion I want to know just how much time I have. I am entitled to 15 minutes on the amendment under the agreement, I believe.

The PRESIDING OFFICER. The Senator from Ohio is entitled to 15 minutes on the amendment.

Mr. WILLIS. That is very much more time than I desire. I want only time to say a brief word before a vote is had upon the amendment. I have not had an opportunity to examine the amendment submitted by the Senator from Kansas [Mr. CAPPER] to the amendment. I have great confidence in his representations and his thought upon agricultural problems, and from what I have heard of the reading of the amendment, and his statement concerning it, I am inclined to favor the amendment.

However, I rose particularly to express a brief word of dissent to the sentiments that were expressed by the Senator from Tennessee [Mr. MCKELLAR]. I regret to note that he is at present not on the floor of the Senate. I dislike to have the Senator from Tennessee or any other Senator attempt to classify those who may think differently upon this question, and to assert that all the friends of the farmer were for the bill which was defeated the other day and that the enemies of the farmer are for this substitute.

I think that is an altogether unjustifiable conclusion. I have not counted them, but I rather suspect that there are as many farmers in the State which I in part represent as there are in the State of Tennessee, and I rather suspect that they are as good farmers as are the farmers in the great State of Tennessee. I certainly am as much interested in the welfare of the farmers of Ohio as is the Senator from Tennessee inter-

ested in the welfare of the farmers of Tennessee; but, as I viewed it, the bill which was before us would not in the long run have been in the interest of the farmers of Tennessee or in the interests of the farmers of Ohio. I therefore opposed it.

However, I dislike the attitude that is assumed by my friend in suggesting, in effect, that inasmuch as the particular bill which was voted on recently was defeated by the enemies of the farmer, and the bill was supported, as he alleges, by all the friends of the farmer, it is, therefore, perfectly idle to talk about any other bill or any other proposition; and that, therefore, the advocacy of any measure subsequent to the defeat of the particular bill which, as my friend alleges, was supported by the friends of the farmer, proceeds not necessarily from an improper motive but is based upon the idea of deceiving the farmer. I think that position is unjustified. I do not know that the amendment offered by my colleague will solve this problem; but I do know, as one tremendously interested in the question of agricultural relief, that I am unwilling to say that because some one amendment has been defeated, therefore, the Senate is utterly powerless to take any other step or to favor any other measure of relief.

Let me say further that it seems to me that the amendment which has been offered by my colleague has a number of merits, one of which is that it at least attempts, and I believe successfully, to apply the remedy to the real disease universally recognized by those who have attempted to diagnose this case. It is generally recognized that the American farmer is a good producer. The difficulty that has been asserted and reasserted and reiterated time and again is that there is too much of a spread between the price which the consumer has to pay and the price which the producer is able to obtain.

Mr. McKELLAR. Mr. President, will the Senator from Ohio yield to me?

Mr. WILLIS. I yield to my friend from Tennessee.

Mr. McKELLAR. I want to call the Senator's attention to the following words in the pending amendment:

(a) In the making of loans the commission shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.

Does the Senator from Ohio consider that economically sound?

Mr. WILLIS. Mr. President, I have heard so much discussion in recent weeks about the phrase "economically sound" that I am not real certain that I now know what that phrase means. Because so many things have been asserted to be "economically sound" that, in my judgment, do not have that quality, it is possible that I may misunderstand the term.

Mr. McKELLAR. I believe the Senator from Ohio knows something about it; and I will again ask the Senator, knowing what he does about the term "economically sound," if he believes that provision of the amendment to be economically sound.

Mr. WILLIS. Mr. President, I am perfectly frank to say to my friend that I have given that very thought some attention. It is not entirely satisfactory to me. I wish it were possible to state it in better form; but I am unwilling, simply because——

Mr. McKELLAR. Mr. President——

Mr. WILLIS. Just a moment; I want to finish my statement. Simply because I am not satisfied with a phrase, I am unwilling, therefore, to say this whole proposition is wrong and is not worthy of consideration. It seems to me if we all will be perfectly frank with each other, if we are to enact any legislation, either this amendment or the bill which was defeated, we shall be making an experiment. We have got to trust something to the administrative capacity of those who will have charge of this matter.

Mr. McKELLAR. The Senator from Ohio, then, feels as though in voting for the amendment he is taking a long chance on its being economically sound?

Mr. WILLIS. I would not express it exactly in that way, but I think that we are taking a chance. I think it is an experiment. I think the situation that has developed in this country in recent years—without attempting at this time to go into the causes of the situation that exist—is one which requires some degree of experimentation within as careful lines as can be drawn. I believe that the pending amendment, which has been offered by my colleague, is a reasonable attempt to solve the problem; and, for my part, I am willing to have that attempt made.

Mr. McKELLAR. Mr. President, I am glad to have the frank statement of the Senator from Ohio that he does not believe that this provision of the amendment is economically sound.

Mr. WILLIS. I beg that my friend will not put that language in my mouth. The phrase "economically sound" is one that is taboo with me; I decline to use that phrase.

Mr. McKELLAR. I understand the limitations. The Senator from Ohio does not want to admit it, but he really thinks it?

Mr. WILLIS. I do not admit that at all.

Now, Mr. President, I want to proceed with what little I have to say. I was just about to say, when my good friend from Tennessee interrupted me, that it seems to me one of the merits of this amendment is that it, at least, attempts to remedy what everybody admits to be a wrong, and that is the tremendous spread of prices between the consumer and the producer. I believe that the ultimate solution of this difficult agricultural problem lies in the direction of cooperative marketing. The farmers whom I have known—and I have known a good many thousand of them—are successful as farmers; they raise good crops; they raise a good crop of wheat; they have some good colts to turn off on the market; they have some fat hogs to sell and some wool to market; but their trouble is, and has been for a long time, that they are dependent too much upon somebody else in the fixing of the prices of their commodities; in other words, it is a question of marketing.

I believe, Mr. President, therefore, that legislation that is directed at the seat of the difficulty, that undertakes to encourage cooperative marketing in this country, that undertakes to help the farmer in marketing his products and to enable him to realize some of the profits which otherwise would go to others, will be a benefit to the farmer, in that it will give him a larger price for that which he produces, and in the long run will be a benefit to the consumer, because it will ultimately reduce the price which he has to pay.

Therefore, because this amendment seeks—and I think in a very reasonable way—to solve this problem of cooperative marketing, and to help those who are now engaged in the solution of the problem, I am willing to make the experiment; and I am utterly unwilling to be put in the class of those who say that because some particular bill or some particular amendment that they like was defeated, therefore nothing at all can be done for the farmer, and that everybody who insists that some other effort shall be made is an enemy of the farmer. I repel that suggestion, and assure the Senate that those of us who feel inclined to support this amendment are as deeply interested in the welfare of the farmers as are those who supported the amendment which was recently defeated.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. WILLIS. I yield.

Mr. CARAWAY. The Senator thinks the farmer really does not know what kind of legislation he wants?

Mr. WILLIS. I do not express any opinion as to that; but I will say in response to the inquiry that I decline to admit what some Senators—not my friend, but some other Senators—have asserted. They have spoken upon this floor with great positiveness as to what the farmer wants, all the while looking up into the gallery and into the faces of two or three men who affect to speak for the American farmer. I claim that there is not anybody sitting in the gallery now, or has there been while this debate has been going on, who is authorized to say definitely what the American farmer wants; and, so far as I am concerned, I resent the idea that we are to enact legislation upon the nod and beck of anybody sitting in the gallery.

Mr. FESS. Mr. President, will the Senator yield to me for a moment?

Mr. WILLIS. I yield to my colleague.

Mr. FESS. So far as the Ohio farmer is concerned, in the degree that we have heard from him, I should like to ask my colleague whether he has had any suggestion that we should vote for the McNary-Haugen plan or against the particular plan now before us? I should like to have the opinion of the Ohio farmers, so far as the Senator has been able to obtain it.

Mr. WILLIS. Mr. President, I am very glad that question has been propounded. I answer it as definitely and as directly as I may. I have a rather large correspondence, and I wish to say that I have had in all that correspondence of thousands of letters only one letter from an Ohio farmer asking me to support the proposition upon which we voted recently. On the other hand, I have had telegrams from farm organizations in Ohio very strongly opposing that proposition.

Mr. CARAWAY. Mr. President——

Mr. WILLIS. I yield to my friend from Arkansas.

Mr. CARAWAY. Therefore the Senator voted against it.

Mr. WILLIS. Not "therefore"; but that is one reason. [Laughter.]

Mr. CARAWAY. I was trying to get the Senator's position.

Mr. NORRIS. Mr. President, I am speaking upon the amendment offered by the Senator from Kansas [Mr. CAPPER]. It has never been printed, but has been read from the desk. I heard the Senator from Oregon ask the Senator from Kansas if it was the same as the portion of the committee amendment that was defeated the other day, but the Senator from Kansas was unable to say, and so I suppose the Senator from Kansas either has not read the amendment which he has offered or he has not read the committee amendment which he helped to report to the Senate.

That reminds me that it is not a question of what the farmer wants; that is not the question presented here; but it is a question of what the administration wants; not what is good for the farmer, but whether it is good politics for the administration. That is the secret of it all. I resent the suggestion, so far as it applies to me, and so far as it applies to any others who are with me that I know about, that because the committee amendment was rejected, therefore we say other amendments should be rejected or that we are peeved. I wish to say that the suggestion is without foundation; there is not anything to it. I am tired of Senators yelling here from one day to another, "You are against this proposition because we were against yours." I deny that.

Mr. FESS. Mr. President, will the Senator yield?

Mr. NORRIS. Yes; I yield.

Mr. FESS. I think that suggestion has come from the numerous statements of the newspapers referring to conferences which were held by friends of the McNary bill, in which they agreed there would be no vote for anything else since that was defeated.

Mr. NORRIS. I know nothing about that. I have not attended any caucus. I am getting my information from what is said on the floor of the Senate by both Senators from Ohio this afternoon in their insinuations, if not by direct statement. It does not follow, however, that we are compelled to swallow anything that comes up here that has not even been printed, and take the word of somebody as to what this means or what that means in the way of amendment—an amendment that is going to solve a difficulty that is nation-wide, that has attracted the study of men all over the United States to try to solve an admittedly difficult problem. I said when I was defending the committee amendment that while it was the outcome of months and years of labor, I found no fault with the man who believed it unconstitutional or economically unsound.

I do say, however, that it comes with poor grace from the men who are fighting that kind of a proposition to come in now with a proposition to settle this whole thing by an amendment that has never yet been printed, that Senators have never had the privilege of reading; an amendment that it would seem, from what I have said about the pending amendment, might be as good as the Ten Commandments for all I know; but the man who offered it was not able to say that it was the same, as far as it went, as the amendment of the committee.

Why, Mr. President, what are we here for now? The Senators who defeated the committee amendment—and they had a perfect right, an honorable right to do it—say "Here we are. We have something—we do not know just what it is, it has not been printed yet; let the Secretary read it—that solves all the troubles and the ills of mankind"; and we are supposed to vote for it because the administration is for it, the Secretary of Agriculture is for it, and we are to submit to him and let him lead us around by the nose and follow anything that he proposes even without reading it.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. SHIPSTEAD. Does the Senator know whether the Secretary of Agriculture has written a letter yet on the economic soundness of it?

Mr. NORRIS. The Senator from Kansas said, in offering the amendment, that he understood it was approved by the Secretary of Agriculture.

Mr. SHIPSTEAD. I meant the Secretary of the Treasury, Mr. Mellon.

Mr. NORRIS. Oh, I do not know.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. NORRIS. I yield.

Mr. CARAWAY. I believe the Senator said that we were asked to approve what the Secretary of Agriculture wanted without reading it. That was the Senator's suggestion?

Mr. NORRIS. Yes, sir; that was what I said.

Mr. CARAWAY. I want to ask the Senator whether he does not think that it would be a good deal easier to approve it without reading it?

Mr. NORRIS. It would not hurt the conscience quite so badly, probably, if we approved it without reading it; and that is a good way to take our medicine. We regulars know that that is true. Sometimes it hurts like everything if you understand a proposition, if you have studied it yourself for months and for years, to have to vote for something that is contrary to everything you believe in, and that you think has been repudiated by your study. So, if you do not know what the medicine is, it is a good deal easier to take it sometimes than if you do know. This amendment is sugar-coated from the fact that it has not been printed, and therefore we can say it does not hurt, it does not taste bad, because we do not taste it at all.

Mr. President, has a man who has been trying, even though he may be an ignoramus and a fool, to do the best he could, devoting practically all his time looking into the various propositions for the solution for the agricultural difficulty, a right to say here that he is opposed to voting for something that has not even been printed, that nobody understands? Has he a right to do that without being charged with being "sore" or being mad because he did not have his way some other day? Is that the way we are going to legislate in the United States Senate?

Here is a proposition contained in the amendment of the Senator from Ohio about the payment of the money that shall be loaned to cooperatives running over a period of 33 years, paid by a system of amortization, never proposed before until it was read from the desk, not printed.

Mr. FESS. Mr. President, will the Senator yield?

Mr. NORRIS. I will yield in just a moment. Have we a right to question it? Have we a right to say: "That is not the way to legislate"? Have we a right, if we get a carbon copy of it, as I have it on my desk here, the first time I ever saw it, to criticize it, without somebody saying: "Oh, you want your own way, and you do not want anybody else to have his"?

Mr. FESS. Mr. President, will the Senator yield?

Mr. NORRIS. I will yield in a moment, and I will not forget the Senator either if he will just keep his shirt on a little while.

Mr. FESS. I thank the Senator.

Mr. NORRIS. Mr. President, let us take the amortization proposition. One hundred millions dollars is to be loaned to a cooperative organization. As the Senator pointed out, let us apply it to wheat, where we have a surplus product every year averaging 150,000,000 bushels of wheat for the last 15 years. There is a loss on every bushel of surplus wheat every year that somebody must pay. You can not buy that wheat and hold it until next year and depend upon a shortage. Let us see how it will operate.

Here are about one-fourth or one-fifth of the farmers in a cooperative organization. They take the money from the Treasury of the United States. They buy this wheat and hold it off the market. They hold it off the next year; they hold it off the next year. They never will get rid of it unless they throw it on the world market and take what they can get for it. There must be a loss. Every student of that question knows it. Everybody who has studied the farm question, so far as wheat is concerned, knows that there is a loss; there must be, and somebody must pay it. In this case it is paid by a loan.

Now let us see how it will operate. It might raise the price of wheat when they bought it and held it off the market, but they would have the wheat. When they sold it they would lose it, and they would come on to the farm organization that borrowed the money to pay the loss; but the man who is outside of the farm organization got the benefit of it. In no way is he responsible for a penny of the loss. What would happen? Why, the men who bore the burden would suffer the loss. The men who were outside, who got all the benefits, would suffer no loss. Do you suppose you can keep up a cooperative organization with that kind of a burden hanging over it? Why, they would go like geese, like sheep, to get out of the farm organizations, because when they are outside they get the benefit, and they bear none of the burden; and that is just what this amortization scheme would mean. It would mean, in my judgment, the ruin of cooperation.

It might be, Mr. President, if we could study this proposal, if we could analyze it, it we could take it before a committee, as we do other matters of legislation, and have a study made of it, study it ourselves and work it over and mull it over in the weary hours of the night for months, that we might modify it and make it work; but you can not do it by coming in at the last day and saying, "Here we have a new proposition."

The original bill here is a proposition to help cooperatives. I do not think it will do much good, but I do not think it will do any harm. It may help some, and everybody has been for

it. The committee had hearings on it. They reported it here with a favorable recommendation. We want to pass it; but last Friday, at 15 minutes after 4, the President changed his mind about it. It was his bill. It was an administration bill. It is one that the records already show the administration has been for. It was not objected to by anybody; and when we are just ready to pass it the administration changes its mind and has this amendment offered by the Senator from Ohio, the great farmers' friend. If you doubt it, just read the three-day speech that he made against the committee amendment. He showed there his friendship for the farmer. He was opposed to anything of this kind; but when this change of heart comes over the administration, lo and behold, this farmers' friend is selected as the medium by which the voice of the administration can be laid before the Senate; and we are asked now to discard what we have been told during all this Congress the administration wanted, put this in its place, substitute this for it; and perhaps if we do not vote to-day there will be another change of heart, and to-morrow we have some other great farmer, some other Greek bearing gifts to the farmer, presenting an amendment here for our consideration and for our vote at the eleventh hour, just before we are to pass finally upon the bill.

Mr. FESS and Mr. CARAWAY addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nebraska yield, and if so, to whom?

Mr. NORRIS. I first yield to the Senator from Ohio.

Mr. FESS. Mr. President, in reference to the amendment offered that the Senator did not know about, I want to call his attention to the fact that that amendment has been before his committee for three months. It was referred to it on April 17.

Mr. NORRIS. All right; I will take that up. We have before our committee thousands of bills, hundreds of them that I never read. If I did, and there were 36 hours in every day and I utilized the whole 36, I would not be able to read them all. There are absolutely tons of literature that come to that committee that I can not read. I do not take up a bill unless it comes from some source that I think is going to back it up, unless it comes from some Senator who is going to try to pass it.

Mr. FESS. This came from the Senator from Kansas [Mr. CAPPER].

Mr. NORRIS. If it comes from somebody who is introducing it only for political effect, or perhaps for some other reason which may be thoroughly justified, and who gives it no attention, I do not look it up. I do not know whether it is there or not.

Mr. FESS. The Senator from Kansas [Mr. CAPPER] is the author of this amendment.

Mr. NORRIS. All right. The Senator from Kansas [Mr. CAPPER] is the author of more bills than any other Senator in this body, and he has introduced more bills that he has not read than any other Member of this body. [Laughter.] The Senator from Kansas is a good, conscientious man, the medium through which a good many men speak, because of the wide publicity that anything he puts his name to will get. The very fact that he was unable to tell when asked the question, whether this amendment was the same as the other amendment that came from his own committee, was rather a strong indication that we have before us now an illustration of an amendment offered by him which he has not read.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. NORRIS. I will yield in just a moment.

I want to say, Mr. President, that I am speaking on the Willis amendment. I do not want to use the time that I still have on the bill, so I desire to have my attention called to the fact when I have exhausted the 15 minutes, because I may have further use for that time.

The VICE PRESIDENT. The Senator has had 15 minutes on the Capper amendment.

Mr. NORRIS. Has my time expired?

The VICE PRESIDENT. The Senator's 15 minutes has expired on the Capper amendment. He has 15 minutes now on the Fess amendment.

Mr. NORRIS. I will not use my 15 minutes on the Fess amendment until the Capper amendment is disposed of.

Mr. JOHNSON addressed the Senate. After having spoken for 15 minutes——

The VICE PRESIDENT. Will the Senator suspend? Under the provision of the unanimous-consent agreement the Senator can speak 15 minutes on a pending amendment, and his time has expired.

Mr. JOHNSON. I have spoken upon the amendment of the Senator from Kansas.

The VICE PRESIDENT. There is but one pending amendment, the amendment of the Senator from Kansas. Therefore the Senator would not have 15 minutes at this time on any other amendment.

Mr. JOHNSON. Have I not 15 minutes on the substitute offered by the Senator from Ohio?

The VICE PRESIDENT. The Senator will have, when it is pending.

Mr. JOHNSON. It is pending now, and has just been subject to an amendment.

The VICE PRESIDENT. The Senator has spoken 15 minutes on the pending amendment, the amendment offered by the Senator from Kansas.

Mr. JOHNSON. If my time is up, I will cease.

The VICE PRESIDENT. The Chair is so informed by the clerks at the desk.

Mr. ROBINSON of Indiana. Mr. President, would not the Senator from California have some time on the bill?

Mr. JOHNSON. No; I have consumed the time I had on the bill.

The VICE PRESIDENT. The Senator will have 15 minutes on the Fess amendment.

Mr. JOHNSON. I will take up the thread of my discourse then.

Mr. McNARY. Mr. President, it is rather unfortunate to have the rule destroy the continuity of the Senator's speech. I ask unanimous consent that temporarily the pending amendment offered by the Senator from Kansas [Mr. CAPPER] be laid aside.

Mr. BRUCE. Why?

The VICE PRESIDENT. The purpose is to give the Senator from California 15 minutes more.

Mr. FESS. Mr. President, I ask unanimous consent that the Senator from California——

Mr. JOHNSON. No; I do not wish to avail myself of that courtesy; but if the amendment be laid aside, I would have 15 minutes to speak to the other amendment.

Mr. McNARY. By that method we would not be establishing a precedent which would provoke us in the future.

Mr. FESS. If it is temporarily laid aside and the Senator makes a 15-minute speech, will the amendment then come back immediately?

Mr. McNARY. Yes. I ask unanimous consent——

Mr. BRUCE. I really think that after we prescribe limitations we ought to live up to them.

Mr. JOHNSON. I quite agree with the Senator.

Mr. BRUCE. I always listen with great pleasure to the Senator from California when he makes a speech, but the rule was applied to me the other day by the Senator from Nebraska [Mr. NORRIS].

Mr. McNARY. Let me explain to the Senator from Maryland——

Mr. BRUCE. To be perfectly frank, I am moved in the interest of the general public. It is my desire to get away from Washington as soon as it comports with public interest for us to leave. If we are going to prescribe limitations and then disregard them, I do not know just what the result will be.

Mr. McNARY. Do I understand there is objection made to the request?

The VICE PRESIDENT. Does the Senator from Maryland object?

Mr. BRUCE. I dislike to object. At the same time I think I ought to do so.

Mr. McNARY. I want to know if the Senator does indeed object?

Mr. BRUCE. I object.

The VICE PRESIDENT. Objection is made.

[Mr. JOHNSON's entire speech appears beginning p. 12202 of to-day's RECORD.]

Mr. CARAWAY. Mr. President, I have thought that we take too seriously the pending amendment. I do not believe that anyone who has read it is for it. I can say that without being discourteous to the Senator from Ohio [Mr. FESS], because his discussion of the measure showed that he himself was not familiar with it. The truth about the matter is that it came here not for the benefit of the farmers. It is not a farm-relief proposition at all, but it is for the benefit of those Senators and the administration who defeated farm legislation the other day. I think we ought to be patient with them, and I am. The only objection that I have is that some Senators, consciously or otherwise, are trying to take away from the author of the measure the credit which is due him.

The Secretary of Agriculture went further than the Senator from California [Mr. JOHNSON] indicated in speaking of the Secretary of Agriculture wanting a "set-up." Of course, I

realize that he got one vote by that. The Senator from New Jersey [Mr. EDGE] interpreted that word to mean there was beer in it, and the "set-up" got the Senator. But if the Senator from New Jersey would read the Secretary's testimony he would find that the "set-up" is one like Armour had. That was a "set-up" which the Grain Corporation tried to "set up" to some of the farmers whereby they undertook to sell for $26,000,000 some $3,000,000 worth of old, discarded elevators. They had the "set-up" which the Secretary of Agriculture wanted to "set up" for the farmer, and it got the vote of the Senator from New Jersey and got the speech of the Senator from Ohio. One did some good and the other did not.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. CARAWAY. Certainly.

Mr. EDGE. I suggest that the Senator enlarge on that statement. It was rather deep.

Mr. CARAWAY. Oh, it is just as deep as a mug of beer! [Laughter.]

The Secretary of Agriculture has been sending out, under the farm extension department of the Agricultural Department, telegrams to its field agents, I am informed, and I think my information is accurate, urging them to get in touch with farm organizations to send telegrams here to the Senate to pass this "set-up." I believe the Secretary said he was trying to find out something for himself. If that was his purpose, God knows he needs the information, and I do not know that I ought to object to it. In view of the fact that some Senators said that the Government had no constitutional power to levy taxes for money to be used to help the farmers, I am curious to know how they are going to sanction the use of public funds by the Secretary of Agriculture to send telegrams at Government expense to get information from farm agents out in Tennessee and Kansas and other places to aid legislation. I thought, of course, that the information which came to him was to be sent to Senators who could be influenced by that sort of information.

I have in my hand a copy of a telegram which came from Illinois:

> The executive committee of the Ford County Farm Bureau on the 5th of this month passed a resolution asking Sam Thompson, of the Illinois Agricultural Association, to assist in an appeal to President Coolidge to bring about the resignation of Secretary of Agriculture Jardine.

I do not think the Secretary of Agriculture paid for this telegram. [Laughter.]

> The reason for asking Jardine's resignation is because this organization believes that Secretary Jardine is not properly representing the farmers of the Middle West in agricultural legislation and because of the fact that he has permitted his name to be used in connection with the Round-Up College, which they believe is insincere. They believe the methods which this college proposes to teach are not scientific relative to price forecasting. Members of the bureau have been advised that they have nothing to do with the Round-Up College by a bulletin which has been issued by the executive committee.

I hope the Senator from Ohio [Mr. FESS] will accept an amendment to his substitute providing that the Secretary may take over the Round-Up College for scientifically forecasting the price of grain, since we are to get the farmers in the grain market. That is why the Secretary of Agriculture stated he wants a "set-up" like Armours. Armour played the market very successfully sometimes, and sometimes unsuccessfully. If he insists on putting the farmers into the future market, I appeal to the Senator from Ohio to let us take over the college which will teach the farmer how to forecast scientifically the future market. That would be the wisest piece of legislation that could be engrafted on the Senator's amendment.

This is the college in which the Secretary of Agriculture was held out to be one of the instructors, and which he in his letter in which he said he did not have any connection but expressed no curiosity as to why his name was so used; and in his uncandid letter said that he canceled his tentative agreement to appear on the program on the 18th day of June, when he knew that he had sent his expert to represent him on the 11th of June. I want to tell Senators what this Round-Up College did. This is the one in which the Secretary of Agriculture taught:

> The News. By Old Hank Home Brew. Th' general public ain't got sense enough to learn how to make a left-hand turn with an automobile. No wonder it loses its money trying to speculate in grain futures. However the folks that came to the big June school ought to be successful—now that we have shown them Howe!

The big June school was the one in which the Secretary was to be one of the instructors. I hope I will be taken entirely serious when I ask the Senator from Ohio to include this school in his "set-up," because evidently it will be the most successful part of the "set-up."

Mr. ROBINSON of Indiana. Mr. President, I would like for just a few moments to analyze the amendment which has been proposed by the junior Senator from Ohio [Mr. FESS]. I am somewhat surprised that the amendment should have been offered by the Senator from Ohio for the reason that throughout the greater part of two days the Senator made a speech, from which I understood him to take the position that there is no farm problem in the United States. I understood the Senator from Ohio to say substantially that this is only a passing craze. I understood the Senator from Ohio to say that if we would just have gumption enough to let the farmer alone, this condition will all pass over and he will be all right in a little while. So I was surprised to hear the Senator's statement this morning to the effect that the proposed amendment would remedy the farmer's ills and the great American farm problem.

I have studied the amendment to some extent as it has been proposed by the Senator from Ohio. The so-called Fess amendment provides for a farmers' marketing commission, to be composed of six members, all of whom could be selected from the same section of the country without any regard to important regional and national agricultural interests. They could all be chosen from the same section. Notwithstanding the fact that a larger investment is represented in the agricultural industry than in manufacturing and transportation combined, a commission of only six members is provided. The Interstate Commerce Commission is composed of 11 members, and it deals only with a part of the transportation business. Other boards are authorized to deal with the labor phases of transportation, for instance. To deal exclusively, mark you, with tax appeals a board of 15 members has been provided, so it would seem that a board of only six men is entirely inadequate to deal properly with all the phases and conditions of a business much larger and tremendously more complex than manufacturing and transportation combined.

I think it can readily be seen that a board of 12 members, as provided for in the McNary amendment, one from each of the land-bank districts and each selected from a panel of three chosen by the agricultural interests themselves, would be much more efficient.

There is no provision in the so-called Fess amendment giving the marketing commission any power or suggesting any method to make the tariff effective or to efficiently deal with the agricultural surplus.

Section 9, paragraph 1, relates to powers and duties. I will try to take up the amendment of the Senator from Ohio section by section. Section 9, paragraph 1, reads as follows:

> To keep continuously advised upon agricultural, commercial, financial, and legal matters which, in the opinion of the commission, affect interstate or foreign commerce in agricultural products or derivatives or fabrications thereof.

Mr. President, it will be readily seen that the powers and duties to be conferred upon the commission in this paragraph are only those now exercised by the Bureau of Agricultural Economics of the United States Department of Agriculture and the Bureau of Foreign and Domestic Commerce of the United States Department of Commerce, so that there is clearly no advantage in this paragraph. There are already agencies to look after that work.

Paragraphs 2 and 3 of the same section read as follows:

> To determine by surveys made upon petition by any cooperative marketing association whether there exists or may exist during the ensuing 12 months a surplus in excess of normal domestic requirements of any agricultural commodity handled by such association and report its findings.
>
> Upon its own initiative or upon petition of any cooperative marketing association, to call into conference cooperative marketing associations engaged in the handling of the same commodity or commodities with a view to assisting in the organization by such cooperative associations of a national or regional duly incorporated cooperative marketing association, to act as the common marketing agent of such cooperative associations in the interest of the producers of such commodity or commodities.

It will be noted that these two paragraphs recognize that there is a real problem as to the agricultural surplus and suggest two things to be done: One, ascertain and declare when a surplus above domestic requirements exists or is imminent, and, two, advise existing cooperative marketing associations to set up an additional cooperative association to deal with the matter. How would this work out?

Mr. President, suppose that according to the commission's survey there would be a probability in any year that a surplus

would be produced of 100,000,000 bushels of wheat in that year. In that event the commission could do only one thing, namely, call together the wheat pools and farmers' elevators and suggest that they organize an additional cooperative association to handle wheat; whereupon it might be assumed the aforesaid wheat pools and farmers' elevators would accept this advice and organize a cooperative association and provide it with reasonable capital. What would then be done with the 100,000,000 bushels of surplus wheat? How could the tariff be made effective?

The new cooperative might begin to assemble the wheat of its member cooperatives in large quantities and sell it abroad in world markets. In that event, domestic prices would probably rise above the level of world prices. What would the cooperative do then? Continue to sell its members wheat for export at world prices, while nonmembers of cooperatives were selling their wheat at higher domestic prices, resulting from that operation? Of course, this could not last long. The whole plan would soon collapse.

Or again, the newly created cooperative might undertake to remove the surplus wheat by storage.

Suppose a new cooperative created under the so-called Fess amendment should begin functioning and undertake to handle the entire amount of surplus wheat by storage. Of course, an enormous sum of money would be required in order to make partial payment to cooperative members and to assume the costs and risks of storing and withholding. If it sold its wheat abroad at world prices and paid its members domestic prices that were higher, its capital would be quickly dissipated; there can be no question about that. And if it borrowed money from the farmers' marketing commission, as proposed by the Fess amendment, that would rapidly disappear also. In such event it would mean disaster to the cooperatives and their members and the public money would be misused; there would be no chance of getting it back.

How would it work in the case of cotton? Suppose there were 4,000,000 bales of carry-over cotton on hand and the prospective yield were 15,000,000 bales, with a probable consumption of 14,000,000 bales during the ensuing year; what could the commission do? It could not suggest a big national cooperative to represent the State cooperatives for the States cooperatives already have such an organization, known as the American Cotton Growers' Exchange.

Would this exchange be advised to remove the surplus cotton from the market? It could not do this because it has not the money with which to buy the surplus and it could not afford to hold the cotton of members off the market, for they must have their money.

If the commission offered to loan the exchange money to buy and store the surplus in order to improve the price level, it would be refused for the reason that under the amendment as written the exchange itself would have to bear any loss that might be incurred, and if the Government undertook to bear that loss it would amount to a plain subsidy, which is not definitely authorized by the bill. The commission's offer, therefore, would be refused, for if it were accepted nonmembers of cotton cooperatives would profit more than the members and the latter would, of course, withdraw from further cooperation, and the cooperatives would be destroyed.

This has all been thoroughly considered and the cotton cooperatives all say that they can not afford to borrow money from the Government to stabilize the cotton market, bearing the costs themselves, while the benefits would go to all producers alike.

Let us continue further this analysis. Paragraphs 4 and 4a read as follows:

> Upon petition of any cooperative marketing association handling a surplus commodity to confer and advise with such association with respect to—
>
> (a) The disposition and marketing of such commodity, including agricultural, commercial, financial, and legal matters which, in the opinion of the commission, affect interstate or foreign commerce in such commodity.

Mr. President, this language is self-explanatory. The farmers of the country do not need additional advice. They have received that from every direction, and there is already an army of experts in the Departments of Agriculture and Commerce provided for under existing laws. What the farmer desires is not more advice, but a fair price for his commodities, to the end that he may receive a reasonable return on his capital and for his labor.

Subsection b suggests that the farmers of the land should advise each other. It reads as follows:

> The holding of conferences between such association and one or more other cooperative marketing associations handling such commodity, and/or nonmember producers of such commodity upon the production of such commodity during the ensuing 12 months, in order to secure the volume of production required in the public interest.

The VICE PRESIDENT. The 15 minutes of the Senator on the amendment have expired. The Senator has 30 minutes on the bill.

Mr. ROBINSON of Indiana. Mr. President, I think I will require about 10 minutes more.

Suppose under this clause of the bill a conference, in which the cooperatives themselves, their members and nonmembers are to advise each other, were called in the fall to decide how much wheat should be produced in the United States during the following year to serve the "public interest."

Representatives from wheat pools, big national wheat cooperatives, farmers' elevators, and nonmembers of cooperatives would attend. How would the convention determine the size of the wheat crop for the next year?

Under the bill it should be large enough to serve "the public interest." Would that mean just what is required for the domestic market or should some be produced for export, and if there is to be a surplus production for the export trade, how much should that surplus be? What would the world price probably be next year? How much wheat would be produced by Russia, Rumania, and the Argentine next year? How would the convention answer these questions?

When they were all advising among themselves how would they decide these questions? As my friend from Minnesota [Mr. SHIPSTEAD] suggests, how would the convention answer these questions? They are all together in such a conference as is provided for in the so-called Fess amendment; they are advising among themselves in this conference, and these are a few of the questions they have to decide.

Again, how many acres should be planted? What acreage should be in the hard-wheat belt? How much in the soft-wheat belt? How many acres should be planted in the spring-wheat belt? And what should be planted in the white-wheat belt?

Suppose the proposed farmers' marketing commission should advise those attending the conference to allot acreage for next year on the basis of last year's acreage; suppose it were decided to adopt this plan; what about the nonmembers of cooperatives, and who would be charged with the responsibility of seeing that they carried out their part of the arrangement?

Mr. President, suppose after careful deliberation it should be decided by this conference, after advising together, that 50,000,000 bushels should be raised for the export trade and the balance for home consumption, and then the season next year happened to be exceptionally good, climatic conditions excellent, and a surplus of 150,000,000 bushels were produced, as a result of which the world price would be far below the American cost of production, because of large production elsewhere. What, then, would or could the commission do to make the wheat tariff effective in equalizing the domestic price, to provide for the difference between the cost of production here and abroad? These are all questions suggested by the bill itself; they are written in the bill; they glare at you; between the lines you see them staring you in the face; and they all go to the point of showing that no real relief could be expected from a measure of this kind.

Mr. President, let us consider the matter from another angle. Suppose the production should fall far below normal, due to untoward seasonal conditions, and there were a domestic shortage, so that much wheat would be imported. The domestic price would, of course, rise under the operation of the tariff. There would be a shortage in wheat. Under such conditions those who had obeyed the commission's recommendations and reduced their acreage would be penalized. That is easily seen, is it not? Those who had followed the commission's recommendations and reduced their acreage would be penalized, while those who operated independently of the commission would receive all the benefits.

Mr. President, still continuing the analysis, subsection (3) reads as follows. This is interesting:

> The negotiation of agreements between such association and one or more other cooperative marketing associations handling such commodity and between such association or associations and nonmember producers of such commodity providing for the establishment of pools, exchanges, special funds, or other cooperative undertakings in prevention or disposition of a surplus of such commodity.

Mr. President, if this means anything, it would suggest that under the supervision of the marketing commission cooperative associations are to enter into contracts with nonmembers to establish pools and sell their produce together. Well, if this were done, Mr. President, the nonmembers would immediately

become members. But it would, of course, be thoroughly impracticable for the cooperatives to enter into a contract with the many thousands of nonorganized members to sell their wheat jointly. According to this clause in the so-called Fess amendment, cooperatives and nonmembers now meet together and make agreements to pool their interests and sell their products in common. Why, Mr. President, is it not as plain as anything can be that if this took place the nonmembers would become members of the cooperatives? Of course, it is entirely impracticable and can not possibly be brought about, and I assume the author of the amendment knows that to be true.

Mr. SHIPSTEAD. Mr. President——

Mr. ROBINSON of Indiana. I yield to the Senator.

Mr. SHIPSTEAD. Under that arrangement the Armour Grain Co. and Julius Barnes and other speculators who have been making money out of the farmer for years could get the benefit of this $100,000,000 of Government money, could they not?

Mr. ROBINSON of Indiana. Answering the Senator's question, I do not see why anybody would be estopped from coming in and making deals of that sort.

Mr. GOODING. And get rid of their elevators.

Mr. ROBINSON of Indiana. Yes; as my good friend from Idaho said. Of course, it would be highly and thoroughly impracticable for the cooperatives to enter into a contract with the many thousands of nonorganized members to sell their wheat jointly. Such a proposed agreement would not only be impracticable, but it would also be unlawful—it could not be done—for under the Capper-Volstead law cooperatives are limited to the handling of not more than 50 per cent of the products of nonmembers; so, of course, we should not write into the law, I assume, something that is itself unlawful.

Mr. SHORTRIDGE. Mr. President——

Mr. ROBINSON of Indiana. I yield to the Senator from California.

Mr. SHORTRIDGE. Manifestly, if that provision were adopted, it would be lawful.

Mr. ROBINSON of Indiana. Mr. President, it all depends upon what the clause in the law might be in reference to the repeal of other laws in conflict therewith.

Mr. SHORTRIDGE. It would be an implied amendment or repeal.

Mr. ROBINSON of Indiana. That all depends upon the construction of the law, with which the Senator from California has had much experience, much more than I have myself—the construction of laws and the conflict of laws. There frequently is a great question in a case of that kind. I do not care to go so far afield as to discuss that at this time. I would rather leave that to the Supreme Court.

Mr. SHORTRIDGE. It is an implied repeal of the law.

Mr. ROBINSON of Indiana. I say to my good friend the Senator from California that I prefer to leave that to the Supreme Court. I do not care to argue the whole subject of the conflict of laws at this point in the discussion.

Mr. President, if there is anything in this amendment that would do any good for the farmers you would expect to find it in the loan part of the bill. Let us see how that works out.

Paragraph 5 and subparagraphs (a) and (b) read as follows. Now, this is the thing that is to cure all of the farmers ills:

> To make loans to any cooperative marketing association, or to any cooperative association created by two or more of such cooperative marketing associations to act as a common agent in marketing any agricultural commodity. Such loans may be either secured or unsecured and may be made to assist in the orderly marketing of the products of such associations or for the acquirement of properties and facilities, or for both, or for any purpose not in conflict with the intent and purposes of this act, and upon such terms and conditions as the commission may prescribe, subject to the following conditions and limitations.

Mr. President, in fairness I think I ought to suggest that according to my information the word "unsecured" has been stricken out of the proposed amendment.

> (a) In making of loans the commission shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.
>
> (b) That in case other or additional provisions for payment are not prescribed by the commission any association receiving a loan shall provide for the payment thereof, including interest thereon, in a manner approved by the commission, during a period not exceeding 33 years.

The answer to this part of the bill is that cooperative marketing associations are now able to get all the credit needed for their current marketing supplies from commercial banks and the intermediate credit banks; but they can not afford to borrow funds with which to manage the surplus, charging the expense and risk to their own members, while all benefits would go alike to members and nonmembers of cooperative associations. That would seem to be perfectly plain.

I assume it is not necessary to argue this point, as I have been able to find no deviation of opinion among managers of cooperative associations on this question.

As I understood the testimony of Secretary Jardine before the House committee, the hundred-million-dollar fund proposed would be used in some manner or other to enable cooperatives to deal with the surplus. But how? Silence is the only answer. I expected the able Senator from Ohio [Mr. FESS], the author of this amendment, to say something with reference to the modus operandi, how this thing would work, how it would assist in the control and regulation of surplus; but not a word of analysis, only a thesis with reference to the need of legislation.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. I gladly yield to the Senator.

Mr. NORRIS. If the amendment is enacted, it will not be called upon to work until after the next election; and that is an answer to it all.

Mr. ROBINSON of Indiana. Mr. President, there is an intimation in the amendment itself that inadequate security might be accepted. Of course, Mr. President, if the commission should administer the law with laxity, the fund would immediately become a subsidy, for it would be used to pay losses in dealing with the surplus; while if it is to be administered strictly according to the language used in the bill, it can never be employed by cooperatives in regulating the surplus. That is a plain statement of fact.

Mr. HOWELL. Mr. President——

Mr. ROBINSON of Indiana. I yield to the Senator from Nebraska.

Mr. HOWELL. Is it not a fact that any attempt to deal with the surplus under voluntary cooperation is mere speculation? In other words, there is a liability to loss; is there not?

Mr. ROBINSON of Indiana. That is bound to be true.

Mr. HOWELL. Such being the case, the speculating merely in wheat alone and attempting to put up its price might result in the loss of this whole $100,000,000 in a single crop year.

Mr. ROBINSON of Indiana. That is true. Certainly it would be in the realm of speculation if the Government of the United States furnished the money without any security, and cooperatives took the money without any security and entered into something that was entirely untried. There is no question about it, and of course that would not be economically sound. I mention this because the Senator from Ohio was so thoroughly insistent that only legislation be enacted that would be economically sound.

It is impossible to imagine that any part of this fund could ever be used to make the tariff on agricultural production effective, nor could it be employed to absorb losses resulting from an effort to establish American prices higher than world prices.

This fact was admitted by the senior Senator from Wisconsin [Mr. LENROOT], who said that he could see no chance for farm relief here, or words to that effect—substantially that, Mr. President—but he was going to vote for it anyhow. There you are. Neither would the fund be available for cotton cooperatives to purchase and store carry-over stocks, and the money would not be borrowed by them from the commission for that purpose.

It is apparent, therefore, Mr. President, that the loan fund provided in this amendment does not reach any of the problems at present confronting American agriculture. Suppose the cooperatives could and would attempt to use this fund to purchase, store, or export a surplus of their production; the amount would be entirely inadequate. The wheat surplus varies from a hundred and fifty million to two hundred million bushels each year, and that would require large sums of money; the cotton surplus las year was in excess of two and a half million bales, valued at more than $200,000,000; then there were the surplus corn and livestock products, making a sum tremendously in excess of the total fund provided in this amendment.

Mr. President, the agricultural interests of the country are not concerned about borrowing more money. They have already, in many instances, borrowed more than they can repay under present conditions. What they desire is an opportunity to receive better prices for their production, to the end that they may have a fair return on their capital and labor. The so-called Fess amendment does not begin to meet the problem, nor is it even a gesture in that direction. It would, in my judgment, bring no benefit to the farmers of America. It would in no sense contribute anything toward a solution of their problem. The farmers themselves do not desire it, and I shall therefore vote against it.

Mr. FESS. Mr. President, I will take only a short time, in the time allotted me on the Capper amendment, to make some reference to the statements made by the Senator from Cali-

fornia. He made the statement that this bill put the Government in business, and used the expression "agencies for buying and selling," and also stated that it really did nothing more than that, and quoted from a statement of Secretary Jardine to establish his point.

I made the statement then, and I now repeat it, that there is no phase of Government business in the proposal now before us, and the statement of the Senator, where he said the cooperatives are agents of the Government, and that therefore it is the Government, through its agents, doing business, is not established; it is not sound in fact. The cooperatives are not agents of the Government. The cooperatives are independent corporations, farm-owned corporations, with no relationship whatever to the Government, and when the Government agency, which is the farm commission, loans to these independent corporations, that does not mean that the independent corporation, the borrower, is in any way related to the Government.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. JOHNSON. The Senator is familiar with the testimony Secretary Jardine gave?

Mr, FESS. Yes.

Mr. JOHNSON. Does the Senator know in relation to what subject it was being given?

Mr. FESS. As I remember, it was in reference to the cooperative marketing bill.

Mr. JOHNSON. No, Senator; it was in reference to the Tincher bill.

Mr. FESS. That is the cooperative marketing plan.

Mr. JOHNSON. Was he not describing exactly what would transpire under the Tincher bill?

Mr. FESS. Mr. President, I want to hold the Senator to this particular proposition. The bill which I have introduced has nothing to do with Government in business.

Mr. JOHNSON. Very well. The bill the Senator introduced and which came to our table, in relation to the making of loans, is substantially identical with the Tincher bill.

Mr. FESS. Substantially, with a few items changed.

Mr. JOHNSON. It is substantially the same as the Tincher bill, and upon the Tincher bill and those features of it Jardine was testifying.

Mr. FESS. Yes; but Jardine was speaking then for the cooperative marketing associations and not for the Government.

Mr. JOHNSON. He was speaking upon the Tincher bill and stating what would transpire under it.

Mr. FESS. But when he said "We want to do so and so," he spoke for the cooperative marketing associations, using "we" in connection with the cooperative marketing associations, and not in connection with the Government.

Mr. JOHNSON. He was speaking of what the Government would do, and what would transpire under the Tincher bill.

Mr. FESS. Mr. President, I want the Senator's attention to this. I hold in my hand the farm loan act. The farm loan act authorizes the organization of farm loan associations, and to the farm loan associations money can be loaned by the Farm Loan Board. I want to know whether the Senator would say that because the farm loan board will permit loans to be made to farm loan associations, that is the Government in business, that the farm loan board is in business when it loans to the farm loan associations.

Mr. NORRIS. Mr. President——

Mr. FESS. That is precisely on all fours with this proposal.

Mr. NORRIS. Will the Senator yield there?

Mr. FESS. So that if my measure puts the Government into business when it loans through the commission to farm cooperatives, which are independent, then the farm loan board puts the Government in business when it loans money for the benefit of agriculture.

Mr. NORRIS. Will the Senator yield?

Mr. FESS. I yield.

Mr. NORRIS. All that being true, that these corporations can borrow money through the farm loan board, if the Senator is right that the only object of his amendment now is to enable them to do the same thing, what is the use of it? If they can already do it, why authorize it to be done again?

Mr. FESS. The cooperatives can not secure sufficient loans under the intermediate bank credit system.

Mr. NORRIS. Why?

Mr. FESS. Simply because they are not organized to do it.

Mr. NORRIS. Why do they not organize to do it?

Mr. FESS. They can not under the law.

Mr. NORRIS. They can not be organized to do it under that law, as well as they could under this?

Mr. FESS. No. The commission to be formed under this measure is authorized to loan to farm cooperatives in the form of a revolving fund that runs up to $100,000,000.

Mr. NORRIS. If there is any difference, then, it is only because this authorizes them to make loans running for a longer term?

Mr. FESS. There is that difference.

Mr. NORRIS. Then why not amend the law, and, if they ought to run for a longer term, let them run for a longer term.

Mr. FESS. The Senator is not holding to the point.

Mr. NORRIS. I am trying to hold the Senator to the point.

Mr. FESS. Will not the Senator allow me to have my time? I am insisting that the measure that is before the Senate now has nothing to do with Government price fixing, nothing to do with Government buying and selling, nothing to do with Government subsidies and taxes and sales; but the farm cooperative associations are to act like the land-bank associations, to borrow in the interest of marketing.

Mr. NORRIS. The Senator has put up a straw man and knocked it down. I have not claimed any of the things he has alleged, but he has claimed——

Mr. FESS. I am speaking of what the Senator from California said. Will the Senator permit me to have my time? I have said nothing about what the Senator from Nebraska said. I asked the attention of the Senator from California, who insisted that this was the Government in business, and read a long statement——

Mr. NORRIS. And the Senator denied that.

Mr. FESS. Certainly, I denied it.

Mr. NORRIS. He denied it, and he is denying that he said——

Mr. FESS. There is not a single basis of fact to support that statement.

Mr. NORRIS. I have not disputed the Senator.

Mr. FESS. I am not going to yield further.

Mr. NORRIS. I do not want the Senator to misrepresent me.

Mr. FESS. I have not said anything as to what the Senator said.

Mr. NORRIS. I have not said the Senator did.

Mr. FESS. Then I can not misrepresent him.

Mr. NORRIS. But the Senator——

The VICE PRESIDENT. The Senator from Ohio has the floor.

Mr. NORRIS. Will the Senator yield to me?

Mr. FESS. I can not misrepresent the Senator if I say nothing about what he said.

The VICE PRESIDENT. Senators must speak one at a time.

Mr. NORRIS. Will the Senator yield?

Mr. FESS. No; I will not yield.

Mr. NORRIS. Very well.

Mr. HOWELL. Mr. President——

Mr. FESS. I can not yield just now. What I am trying to get at is the dogmatic statement of the Senator from California, in which he held that this bill put the Government in business. I insist that if this measure puts the Government in business——

Mr. JOHNSON. Will the Senator yield?

Mr. FESS. Then the Government is in business in the degree that it loans through the farm-land banks.

Mr. JOHNSON. The Senator is quarreling with the author of the bill. He is quarreling with Secretary Jardine, and Jardine's testimony; not with me. I simply quoted Jardine.

Mr. FESS. I have no brief for Jardine. Mr. President, I had not intended to go any further, but the Senator from California is speaking for a great constituency. I saw in the RECORD some time ago a statement coming from California. I have now a statement from Mr. C. C. Teague, president California legislative committee, president of the California Fruit Growers' Exchange, and the California Walnut Growers' Association, representing 65,000 people in cooperative associations. In this long telegram he urges favorable support of the bill that is now before us; and in the closing paragraph, after having said that they did not support the Haugen bill, said this—

> On the other hand [the bill] proposes to assist and encourage in every proper way the organization and development of farmers' cooperative marketing associations.

That is the whole thing. That is the purpose of the bill, and we have held to it from start to finish that that is its purpose. It is "to help finance the making of crops and the carrying of surpluses, to assist in gathering statistics of production and consumption, and in short to do everything that a government should do to help the farmer."

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. FESS. That comes from California.

Mr. JOHNSON. Will the Senator yield for a moment?

Mr. FESS. I yield.

Mr. JOHNSON. It is because this measure will actually ruin and destroy cooperative associations that I oppose it, and these individuals had no conception of what they were talking about when they wired in regard to the matter. I understand full well the propaganda that developed that sort of telegram. I spoke of it the other day. I will speak of it again in the brief time I may have.

Mr. FESS. Mr. President, I can understand fully the possibilities of what the Senator says. I do not allow these telegrams that come in to have undue influence upon my vote; it makes no difference where they come from. However, it seems to me that the cooperatives ought to know something about whether this proposal will be for their benefit or not, while the Senator says they do not know; and on the other hand, that the cooperatives will be destroyed by this proposal. I do not think the Senator is justified in that statement; and there is no offense in my saying that, of course.

The Senator from Nebraska harangued us on the basis that this amendment which was read to-day had not been printed. That amendment, which looks to the amortization of loans which will be made as some sort of security that they will be paid on the basis that the business is self-supporting, was taken bodily from the original Capper bill, introduced in this body, and referred to the Committee on Agriculture on the 17th of April. Whether it was considered or not, it has been before that committee, it was printed three months ago, and it is not a sufficient alibi to say now that it should be opposed because it has not been printed. On the other hand, if it were thought that it is better not to make any provision for amortization, but to run the risk that there may be an unpaid loan through the cooperatives, if it is better to do that, then let the friends of legislation strike that provision out. I am not at all particular about the amortization feature being retained in the bill, but I thought it was sounder to make provision by which losses would be minimized if not entirely prevented. For that reason I submitted the amendment thinking it was the better plan, and that all Senators would respond to it as a better security for the repayment of these loans that are made to cooperatives. My position is this: That if cooperative marketing is wise, it should be assisted, and this is the only plan than has yet been submitted, beyond the purely voluntary agreement to get together, where the Government steps in and gives, in the form of a loan, some assistance to cooperatives, in that if there are cooperatives sufficient now to market 30 per cent of all the commodities in the channels of commerce, suppose we could treble or quadruple it, or even double it, would it not be a distinctive advance for the benefit of the farmer if the Government would, through loans, make it possible for the cooperative-marketing associations to establish a central agency and turn the buyer's market into a seller's market?

Mr. President, I can not be deeply concerned about what is going to be done with this amendment. I am deeply concerned that we get a vote on it, and I appeal to my Democratic friends, who have as fine a record on farm rehabilitation, especially as a minority party, as could well be written on the statute books. We all admit that it is the function of a minority in legislation to oppose the proposals by the majority, and while, since 1921, during the period when we first began to rehabilitate agriculture, the Republicans have had control of both branches of Congress, and also of the Executive, yet the minority did not take any advantage on the basis of party advantage and resist to the point of defeat of the measure, and I hope they will not do it in this case.

The VICE PRESIDENT. The time of the Senator from Ohio has expired.

Mr. GOODING. Mr. President, I send to the desk a short article which appeared in the Evening Star of yesterday and ask that it be read.

The VICE PRESIDENT. Without objection the clerk will read.

The Chief Clerk read as follows:

[From the Evening Star, Washington, D. C., June 28, 1926]

G. O. P. BLAMED BY FARMERS—IOWA FARM BUREAU HEAD SAYS VOTERS RESENT MAKESHIFT PROPOSALS

DES MOINES, June 28.—President Charles E. Hearst, of the Iowa Farm Bureau Federation, to-day informed President Coolidge that farmers of the Midwest charged the administration "with full responsibility for failure to keep the promise made to our people" in 1924 when the Republican Party pledged itself to economic equality of agriculture and industry.

In a telegram sent to the President and a statement issued here, Mr. Hearst described farm relief proposals still pending in Congress as makeshifts and proposals "to hand the farmers legislation that will be inadequate and in no way meet the requirements of the greatest present-day national problem." He charged defeat of the McNary-Haugen principle to a group which he said was now enjoying the advantages of the protective system and was unwilling to permit extension of that system to include agriculture.

Mr. Hearst said his plans already were under way for a renewal of the farm relief fight.

His message reads:

"Reports by western newspapers of your stand on agricultural legislation in favoring the Fess amendment to the cooperative marketing bill is sincerely regretted by our citizens generally and our farmers in particular.

"This proposal does not address itself to the fundamental requirements necessary to rehabilitate the agricultural industry.

"The agricultural problem has been given the most searching investigation and painstaking consideration by the most capable and practical analysts familiar with the situation studying it from every angle, and they protest against the proposal to hand the farmer legislation that will be inadequate, ineffective, and in no way meet the requirements of this the greatest present-day national problem.

FARMERS RESENT SUBSTITUTION

"The farmers resent the defeat of the practical, effective proposal for adequate farm relief and the substituting in its stead of ineffective, inadequate measures that do not squarely meet the problem and which they consider a makeshift.

"The farmers are convinced that the definite pledge of economic equality of agriculture with other industry made in 1924 is not being kept, and charge the administration with the full responsibility of the failure to keep this promise to our people."

Mr. Hearst issued a statement saying the defeat of the McNary-Haugen measure had served only to intensify the demand for such a bill.

Mr. GOODING. Mr. President, a few days ago I placed in the RECORD a petition from practically all of the cooperatives in the West and the South, and one or two organizations in the East, protesting against the Tincher bill, which, to my mind—and I think this is true of all the friends of agriculture—is a very much better measure than the one proposed now by the Senator from Ohio [Mr. FESS]. I want to say to my friends from New England that whenever the manufacturing industries of the East come to Congress all practically agreed on some legislation, if I am in the Senate, so far as I am concerned, and I think this is going to be true of all the western and mid-western Senators, we are not going to try to drive something down your throats against which they all protest. When the farmers come here and ask for some legislation and eastern Senators refuse to give it, I want to know in a spirit of fairness why they should insist upon pushing down their throats something they do not want and something for which they have not asked? Why not leave it to the farmer? He will settle the problems in the next election.

Not only the American farmer but the bankers and business men in the agricultural States of the country are now for the first time taking up the farmer's problem. They have begun to realize how the bankers in the agricultural States suffer whenever agriculture suffers. The 2,500 bank failures in the United States during the last six years, practically all in the agricultural States, testify to the fact that the bankers as well as agriculture have suffered. The farmer is no longer fighting his fight alone. The farmer of the country is fighting against conditions as they exist to-day. He knows that he can not go on under present conditions, which have been brought about by legislation. The farmer who produces that part of the surplus which is sold in foreign markets, where he is forced to take the foreign market price for the American cost of production, knows that he can not go on and be successful in agriculture unless something is done in the line of legislation so that he can get the American price for what he produces here at a cost which has been forced upon him.

We have increased freight rates through legislation by 100 per cent. We have increased labor by legislation 100 per cent.

Mr. BRUCE. Mr. President, may I interrupt the Senator?

Mr. GOODING. Does not the Senator know that that brought about an increased cost to the American farmer? I yield to the Senator from Maryland.

Mr. BRUCE. I deny that freight rates have been increased 100 per cent. I have denied that three different times in the Senate on the strength of testimony formerly taken by the Interstate Commerce Commission and never refuted.

Mr. GOODING. The facts are that they were increased more than 100 per cent.

Mr. BRUCE. Fifty-four and a fraction per cent.

Mr. GOODING. Then they were decreased something like 10 per cent. On some commodities there was a decrease of a little more than 10 per cent, but in the East and West, the North and South, in every part of the country, through the

horizontal increases in freight rates, at one time we had a full 100 per cent increase. The farmer, in other words, has paid through the increase in freight rates more than $3,000,000,000. Not only did legislation, as has been stated, increase the freight rates and the price of labor, but the Congress even went so far as to fix the hours of a day's labor on the railroads through the Adamson bill, which carried all down through the lines of industry, all of which the farmer had to meet. That is what the farmer is complaining about. He has had a condition forced upon him of an increased cost of production amounting to practically 100 per cent which he can not pass on to the people.

Everybody knows, so far as the marketing of wheat is concerned, that we can not improve present conditions of marketing wheat at all. The great corporations which deal in wheat, so far as the cost of marketing is concerned, do it about as cheaply as it can be done.

What the American wheat grower must have if he stays in the business is the full benefit of a protective tariff, which he is not getting.

Again, I want to say to my friends on this side of the Chamber, if we are going to have a protective duty on the manufactured article, we will have to give to the farmers of the country an honest protection on wheat, which is not being done at the present time. Out of the 42-cent tariff on wheat which has been given, he has been getting only a little over 12 cents a bushel since the present increase of the tariff on wheat from 30 to 42 cents. At the same time we increased the duty on flour from 78 cents a hundred to $1.04 a hundred, and since 1923 the millers have passed that compensatory duty on to the people. The price of a barrel of flour in Chicago has been raised $2.65 since 1923.

Is there any question of doubt in the mind of any Senator or anyone else that the American people are paying in the purchase of flour the full duty of 42 cents a bushel on wheat? It is as crooked as Schedule K. After a quarter of a century it was admitted upon the floor of the Senate that Schedule K was indefensible and crooked and had practically wrecked the Republican Party in one campaign. So crooked was it and so ashamed were Republicans of Schedule K that they did not defend the tariff question for years. I say to them again if they are going to attempt to give to the millers of the country $1.04 compensatory duty and the farmers get no part of it at all, it is going to break down the great principle of protection.

I believe I am the strongest protectionist in the United States Senate. That has been said of me, and I have not yet changed my views. I think the tariff question will become more important to the American people through the increased cost of production in this country and lessening of the cost of production in foreign countries than it has ever been before in the history of the Government. Senators can not defend the tariff or the principle of protection if we are going to permit the millers of the country to rob the American people and not give to the farmer anywhere near what he is entitled to.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from Idaho what rate of duty he would put on wheat?

Mr. GOODING. Forty-two cents is not the difference in cost of production between the United States and Canada. The cost of production of a bushel of wheat on a farm in this country, delivered to the railroad station, is $1.40 a bushel, and in Canada it is 92 cents a bushel. This is not even the competitive tariff that our Democratic friends say they are willing to stand for; and upon that basis the farmer is not getting more than a small proportion of the protection to which he is entitled.

Mr. SHORTRIDGE. My question—and it is a proper question and proper to answer—was and is, Does the Senator think any rate of duty placed upon wheat would be adequate to benefit the American wheat producer?

Mr. GOODING. Last year we only produced 665,000,000 bushels of wheat; just barely enough for our own consumption. The farmer should have received the full duty of 42 cents on a bushel of wheat; but when we have a surplus there is no chance for the farmer to get much benefit out of a protective tariff on wheat unless we pass a bill similar to the one that has just been defeated. That is the only way it can be made effective. That is the only way we can help the American wheat grower. Any man who studies the production of wheat in this country must understand that sooner or later the American farmer, so far as the grower of wheat is concerned, is coming to the end of all things. Through the misfortunes of a great drouth which occurred in Canada in 1924, which cut down the supply of wheat for the world something like 200,000,000 bushels, the American farmer got a fair price for his wheat. Then through the misfortunes of our own farmers in some parts of the country in 1925, although there was an acreage planted practically equal to this year's acreage, we only had 666,000,000 bushels of wheat last year. The farmer who did have a wheat crop got a fair price, and for the first time in many years got 5 cents more than the cost of production, because last year he received $1.45 a bushel.

But wheat has fallen below the average price of last year by something like 30 cents a bushel, and to-day the wheat market, according to the Tariff Commission's report—and it was a unanimous report to the President—is 25 cents below the cost of production delivered at a railroad station. That is what the farmer has to meet.

In 1910 we produced in this country 635,000,000 bushels of wheat. That was an average crop; it might be called a normal crop. Now we are producing somewhere between 800,000,000 and 850,000,000 bushels of wheat a year, with the exception of last year, when the drouth came. The Secretary of Agriculture states that we shall produce something over 800,000,000 bushels of wheat this year. We are already harvesting wheat; so probably his forecast is reasonable. What is going to become of the American wheat grower?

The PRESIDING OFFICER (Mr. CAPPER in the chair). The time of the Senator from Idaho on the pending amendment has expired. The Senator has 30 minutes remaining on the bill.

Mr. NEELY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NEELY. Has limitation of debate on the pending amendment been set aside?

The PRESIDING OFFICER. It has not.

Mr. NEELY. How much time has the Senator from Idaho consumed?

The PRESIDING OFFICER. The Senator from Idaho has 30 minutes remaining on the bill. His time on the pending amendment has expired.

Mr. NEELY. Has not the Senator from Idaho spoken upon the bill two or three times?

Mr. GOODING. I have not spoken on the bill since a time limitation was placed upon debate, I will say to the Senator from West Virginia. I am clearly within my rights.

Mr. NEELY. I was just wondering if there was any way by which we can limit this debate so that we may get a vote by the 4th of July.

Mr. GOODING. Mr. President, I refuse to yield at this time.

So we are going to produce 800,000,000 bushels of wheat this year, practically 150,000,000 bushels more than we produced last year. That is going to be dumped on the world markets.

In 1910 Argentina produced 146,000,000 bushels of wheat, while in 1925 she produced 215,000,000 bushels. In 1910 Canada produced 130,000,000 bushels of wheat—just a little more than its own consumption—but in 1925 Canada produced 417,000,000 bushels of wheat.

In 1910 Russia produced 836,000,000 bushels of wheat and exported 230,000,000 bushels of wheat. Russia was a great factor before the World War in feeding the world, but since the war, as everyone knows, Russia has not been exporting very much wheat. However, she is coming back. Russia's production of wheat for 1925 was 661,000,000 bushels. I figure that Russia is going again to become a factor in feeding the world. With Russia dumping her surplus wheat upon the world, with France having increased her production of wheat from 253,000,000 in 1910 to 329,000,000 in 1925, with Italy having increased her production of wheat from 153,000,000 bushels in 1910 to 241,000,000 bushels in 1925, what is going to become of the American wheat grower, unless we shall give him a chance to get the benefit of the tariff, which is a competitive tariff; that is all; indeed, it is not even that.

Therefore, Mr. President, so far as cooperative marketing is concerned, it can not help the American wheat grower in any way at all. I hope that we may pass the House bill that came over here. It will do all for cooperative marketing that any bill can do.

Now, I want to call the attention of the Senator from Ohio [Mr. FESS], who, I think, has occupied as much time as has any other Senator on the floor of the Senate, to some things that he said when he was discussing the bill a few weeks ago. He said that the agitation in behalf of the McNary-Haugen bill was not different from the silver craze, the Populist craze, or the greenback craze. This is exactly what he further said:

> As those proposals came and went, so will this one come and go, for it deals with the same problem, and the remedy is exactly the same.

Evidently the Senator from Ohio has changed his mind; evidently he has discovered that there is a real farm problem that has to be met. I hope he has. However, the proposal he

offers does not meet the situation at all and is not acceptable to the American farmer.

I want to call the attention of the Senator from Ohio for just a moment to the bank failures that have occurred in his own State. From 1909 to 1920 Ohio had 30 bank failures. For the six years from 1920 to 1925 Ohio had only eight bank failures.

The great agricultural State of Iowa from 1909 to 1920—a period of 10 years—had 11 bank failures, and for the past six years the State of Iowa had 179 bank failures. Is that strange? I am talking now about Iowa, and I want to remind the Senator especially that during the period of years from 1909 to 1920, when Iowa had only 11 bank failures, the industrial East had more bank failures than had the agricultural States. Since that time, however, we have had bank failures in the agricultural States by the hundreds, and yet the Senator from Ohio said there was no difference between the farm problem of to-day and the farm problem of the past, when there were adversities and wreck and ruin of industries.

Mr. FESS. The reason for the difference in the number of bank failures. The number of banks according to population is considerably less in Ohio than in Iowa.

Mr. GOODING. I am talking about the population.

Mr. FESS. In other words, there are more banks according to the population in the West than in our State. Then again our State did not sell land at such inflated prices as did Iowa. Therefore, the average mortgage is much less and loans are not nearly so risky. That is my understanding.

Mr. GOODING. I had handed me the other day—I have not placed them in the RECORD but if the Senator will care to have them in the RECORD I can do so—the figures as to several farm failures in Ohio, some of them in the Senator's own county.

Mr. FESS. We do have them.

Mr. GOODING. Oh, yes; they occur in the Senator's State.

Mr. FESS. We have had unfortunate people there just as in other States.

Mr. GOODING. But there has been so much prosperity in the East during the war and since the war that it has carried the banks along; they have not been affected in the East. There never has been a time in the history of America when the great industries have known the prosperity they are enjoying to-day or when labor received such a high price as it is receiving at the present time, and has received for a number of years past; and yet, at the same time, there has never been a time when agriculture has suffered such a great loss as it has suffered during the past few years, starting with the deflation brought about by the Federal Reserve Board.

I wish to continue reading figures as to bank failures, because they tell a most interesting story.

Missouri, which is a great agricultural State, had only 10 bank failures from 1910 to1920, whereas during the past 6 years from 1920 to 1925 it has had 91 bank failures.

The much-talked-of State of North Dakota only had 4 bank failures during the 11-year period from 1909 to 1920; but starting with 1920 and continuing through 1925 there were 276 bank failures in that State. It would be well for the Senator from Ohio to get this information into his system, so that he may know there is a real farm problem when he discusses the question again.

Mr. FESS. Mr. President, will the Senator yield for a question?

Mr. GOODING. Yes; I yield.

Mr. FESS. Did the bank failures occur before or after the Non-Partisan League secured control of North Dakota?

Mr. GOODING. The Non-Partisan League had nothing to do with bank failures there.

Mr. FESS. It had not?

Mr. GOODING. Not at all. The Non-Partisan League was fighting against the same kind of robbers that all the farmers are fighting against now. What the farmers are fighting against is the present method of speculating in the necessities of life on the exchanges. That is the fight, and do not make any mistake about it.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. GOODING. I yield.

Mr. McMASTER. Mr. President, in reply to the Senator from North Dakota I will say that for some time Iowa had many more bank failures than did North Dakota, and if the Non-Partisan League caused the bank failures in North Dakota, did it cause the bank failures in the State of Iowa?

Mr. GOODING. Or in South Dakota.

Mr. FESS. It was not called by the same name there, but there was the same situation precisely under a different name.

Mr. GOODING. If the Senator had ever studied what was done in North Dakota in the case of what is called grade B wheat, which was a little bit shriveled, and how they took it from the farmer and robbed him and paid him no price at all for it, and then mixed it with flour and sold it as first-class flour, he might understand why there was a Non-Partisan League in North Dakota.

However, the Non-Partisan League never was a factor in politics in South Dakota, and in that State there were only 15 bank failures in the 10 years from 1910 to 1921, while in the last 6 years, from 1920 to 1926, there were 207.

During the period from 1909 to 1920 there were only 6 bank failures in Nebraska, while during the last six years there have been 114.

In Kansas during the 11-year period from 1909 to 1920 there were 7 bank failures, while for the six years from 1920 to 1926 there were 87. In Montana there were only 5 bank failures between 1909 and 1920, whereas there were 176 between 1920 and 1925; in Oklahoma from 1909 to 1920 there were only 5 bank failures, while between 1920 and 1926 there were 162. In Idaho there were 9 bank failures between 1909 and 1920, and 59 between 1920 and 1926.

Arizona did not have any bank failures in the period from 1909 to 1920, but had 26 in the period from 1920 to 1926.

In South Carolina, where there is no Non-Partisan League, and where there is only one political party, there were only 2 bank failures in the period from 1909 to 1920, whereas there were 67 in the period from 1920 to 1926.

There is no nonpartisan league in Texas, I will say to the Senator from Ohio, and yet in Texas, while there were only 15 bank failures in the period between 1909 and 1920, there were 123 in the period between 1920 and 1926. So the bankers of the agricultural States are interested in this problem and are going to help on the side of the American farmer. He is asking us to defeat the amendment now proposed; he has been refused what he wants, and he does not want any of the measures now being proposed and will not take any of them, and if you vote them in the bill you will vote them in over his protest. If we will just let matters stand now and have enough respect for the American farmer to let him alone, and go back to the people and fight it out, and when we come back in November some Senators may entertain very different ideas, so far as the farm problem is concerned.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from the assistant chief of the Bureau of Agricultural Economics of the Department of Agriculture showing the retail prices of white bread in England, France, and the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF AGRICULTURAL ECONOMICS,
Washington, D. C., June 28, 1926.

Hon. FRANK R. GOODING,
United States Senate.

DEAR SENATOR: In answer to your request for retail prices of white bread in England, France, and the United States, we submit the following prices, quoted from the International Labor Review for May, 1926, and the Bureau of Labor Statistics, Washington, D. C.:

Retail price of bread (white) per pound about February 1, 1926

City	Date	Equivalent in cents per pound
London	Feb. 1, 1926	4.9
Paris	do	2.9
Philadelphia	Feb. 15, 1926	9.4
United States	do	9.4

It may be pointed out that the French Government requires that 8 per cent of other flour be mixed with wheat flour for bread and also that "common bread" in France is made from flour, yeast, water, and salt.

Very truly yours,
NILS A. OLSEN,
Assistant Chief of Bureau.

Mr. GOODING. Mr. President, the letter shows that on February 1, 1926, a pound of white bread in the city of London cost 4 cents and 9 mills, in Paris 2 cents and 9 mills, and in the United States, on an average, 9 cents and 4 mills. Yet both in England and in France a higher price for wheat is paid than in the United States.

Mr. MAYFIELD obtained the floor.

Mr. McNARY. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. McNARY. Is the pending amendment the one offered by the Senator from Kansas [Mr. CAPPER]?

The PRESIDING OFFICER. It is.

Mr. SHORTRIDGE. Mr. President, will the Senator from Texas yield to me for a moment?

Mr. MAYFIELD. I yield to the Senator from California.

Mr. SHORTRIDGE. Mr. President, I have a number of telegrams from my State of California in respect to the amendment offered by the Senator from Ohio [Mr. FESS]. I will read one and ask permission to have the others printed in the RECORD without reading. The one which I will read is as follows:

SARATOGA, CALIF., *June 28, 1926.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Believe Fess amendment to agricultural bill will greatly assist farm cooperatives, so urge you to vote for and support same.

R. V. GARROD,
State President Farmers' Union.

I ask that the others may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the telegrams will be printed in the RECORD.

The telegrams referred to are as follows:

SAN FRANCISCO, CALIF., *June 28, 1926.*

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.:

We unite with California cooperative associations in favoring Fess amendment to agricultural bill and urge your support of this measure as best bill for agricultural interests of California and very vital to cooperatives affected.

CENTRAL CALIFORNIA BERRY GROWERS' ASSOCIATION.

LOS ANGELES, CALIF., *June 28, 1926.*

SAMUEL M. SHORTRIDGE,
Senate, Washington, D. C.:

We earnestly ask your support of the Fess bill.

CALIFORNIA MILK PRODUCERS' ASSOCIATION,
T. H. BRICE, *Secretary.*

SAN FRANCISCO, CALIF., *June 28, 1926.*

Senator SAMUEL M. SHORTRIDGE,
Senate Office Building, Washington, D. C.:

Correcting night letter; should be Fess bill.

POULTRY PRODUCERS OF CENTRAL CALIFORNIA.

SAN FRANCISCO, CALIF., *June 28, 1926.*

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.:

California Bean Growers' Association, representing large number California farmers, earnestly bespeaks your consideration Fess amendment to agricultural bill.

C. L. DANLY, *Secretary.*

SAN FRANCISCO, CALIF., *June 28, 1926.*

Senator SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.:

Believe Fess bill, up for vote to-day, will be of tremendous assistance to agricultural interests. Strongly urge your favorable consideration and vote on this measure.

CALIFORNIA CATTLEMEN'S ASSOCIATION.

SACRAMENTO, CALIF., *June 28, 1926.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Strongly urge you vote in favor Fess bill on cooperative marketing now before Senate. Believe this measure of benefit to agriculture generally.

CALIFORNIA FRUIT EXCHANGE.

SACRAMENTO, CALIF., *June 28, 1926.*

Senator SAMUEL M. SHORTRIDGE,
Senate Office Building, Washington, D. C.:

Since McNary bill elimination we strongly urge your vote for Fess bill.

R. H. TAYLOR,
Executive Secretary Agricultural Legislative Committee.

FRESNO, CALIF., *June 28, 1926.*

Hon. SAMUEL M. SHORTRIDGE,
Senate Office Building, Washington, D. C.:

Understand that Fess amendment comes to vote to-morrow, Monday, afternoon. Ralph Merritt in Yosemite Valley attending Development Association meeting has just passed out word to me suggesting I communicate to you that the Fess amendment has the full support of himself and Sunmaid and other cooperative marketing organizations. It can mean much to us in the satisfactory working out of California farmers. Mr. Merritt and those of us in positions of responsibility in connection with the farmer organizations hope that you will vote for the Fess amendment.

HARRY M. CREECH.

SAN FRANCISCO, CALIF., *June 28, 1926.*

Senator SAMUEL M. SHORTRIDGE,
Senate Office Building, Washington, D. C.:

After carefully considering all farm-relief legislation proposed, we have decided that the Tincher bill deserves support, and we respectfully ask you to support the measure. Our association is composed of 2,500 members.

POULTRY PRODUCERS OF CENTRAL CALIFORNIA.

LOS ANGELES, CALIF., *June 28, 1926.*

Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.:

We are a marketing association owned by about 15,000 dairymen, and are kindly asking you to support the Fess bill, which is to be voted on to-day.

CHALLENGE CREAM AND BUTTER ASSOCIATION.

SAN DIEGO, CALIF., *June 28, 1926.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Strongly urge your support Fess cooperative marketing bill.

SAN DIEGO POULTRY ASSOCIATION.

LOS ANGELES, CALIF., *June 28, 1926.*

Senator SAMUEL M. SHORTRIDGE,
Senate Office Building, Washington, D. C.:

California Avocado Association urgently requests your support of Fess bill.

GEORGE B. HODGKIN,
Secretary California Avocado Association.

SAN FRANCISCO, CALIF., *June 28, 1926.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

We understand Fess bill to be voted on to-day in Senate. This bill will greatly assist woolgrowers and other farm products. We strongly urge that you give this bill your earnest consideration and vote for its passage.

CALIFORNIA WOOL GROWERS ASSOCIATION.

SAN FRANCISCO, CALIF., *June 28, 1926.*

Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.:

The California cooperative canneries and its nine affiliated associations most earnestly urge the adoption of the Fess amendment to the agricultural bill and ask your support of same. We feel this legislation of vital importance and necessity to the agricultural interests of California and the Nation.

CALIFORNIA COOPERATIVE CANNERIES,
By VERNO CAMPBELL, *General Manager.*

SAN FRANCISCO, CALIF., *June 28, 1926.*

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.:

We strongly urge your support for the Fess bill, which we understand is up to-day. Our legislative committee unanimously indorsed this bill recently, and its passage will be particularly helpful in view of the defeat of the McNary bill.

RICE GROWERS ASSOCIATION OF CALIFORNIA.

OXNARD, CALIF., *June 28, 1926.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

We believe the Fess-Tincher bill will provide some facilities assistance needed by agriculture, and accordingly urge your support of this measure.

CALIFORNIA LIMA BEANS GROWERS ASSOCIATION.

PETALUMA, CALIF., *June 28, 1926.*

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.:

California cooperatives, through the agricultural legislative committee, unanimously indorse Tincher bill. We therefore request your support.

PETALUMA CHAMBER OF COMMERCE

Mr. STEPHENS. Mr. President, I have not discussed this measure; so I simply want to ask that there be inserted in the RECORD a telegram I have received on this subject.

The PRESIDING OFFICER. Without objection, the telegram will be printed in the RECORD.

The telegram is as follows:

MEMPHIS, TENN., *June 28, 1926.*

HON. HUBERT D. STEPHENS,
Washington, D. C.:

The Memphis Agricultural Club, composed of agricultural leaders, farm-journal editors, and leaders in business allied with agriculture, by unanimous vote to-day authorized sending you this telegram. The administration has defeated all efforts at genuine farm-relief legislation. Its indorsement of the Fess and Lenroot amendments are inadequate and unnecessary to solution of problem. Cooperatives already have ample credit facilities. We hope all insincere efforts from all quarters that evade recognition of surplus or equalization fee will meet your opposition. The farmers will not be satisfied with less than a genuine effort to deal with their problems.

FRANK D. FULLER, *Secretary.*

Mr. MAYFIELD. Mr. President, the Senate has been debating farm legislation since June 1, and it now appears that we are going to have a final vote upon that important question this afternoon.

The McNary farm-relief amendment to the bill pending before the Senate was defeated, as I recall, by six votes. The Robinson substitute for the McNary amendment was likewise defeated by six votes. The Lenroot amendment was withdrawn, and therefore was not voted upon. I have just finished making a poll of the Senate, which shows that the Fess amendment will also be defeated.

When that amendment has been defeated, Mr. President, the Senate will then have defeated every important amendment that has been offered to the House bill except the amendment presented by myself, which repeals section 15a of the transportation act.

The distinguished Senator from Maryland [Mr. BRUCE] has an amendment pending, the purpose of which is to create a commission to investigate agricultural conditions, and to make its report to the succeeding Congress. I have time and time again directed the attention of the Senate to the fact that President Coolidge appointed a committee in 1924 to make an investigation into the agricultural conditions of our country. That report was released for publication in the early spring of last year. It contained a great many very important recommendations.

The most important recommendation made by that committee was that a radical reduction be made in the transportation charges affecting agricultural products and livestock. It is true that the Sixty-eighth Congress passed the Hoch-Smith resolution, which directed the Interstate Commerce Commission to revise the freight rates on livestock and agricultural products; but in my humble opinion the Interstate Commerce Commission has its hands tied, and its hands will continue to be tied until section 15a of the transportation act is repealed.

A few days ago I received a letter from Mr. Claude A. Brown, a wholesale distributor of fruits and vegetables, of Jacksonville, Tex., in which he indorses my amendment. His letter shows that he understands so clearly the workings of section 15a of the transportation act that I am going to read into my remarks an extract or two from his letter.

Mr. Brown says:

> During the last three years the increase in tonnage has been phenomenal and the efficiency of operating railroads has very greatly increased, yet the reports of the railroads made to the Interstate Commerce Commission very seldom exceed the 5¾ per cent as set forth in the transportation act. * * * The railroads are building enormous facilities in various parts of the country and leasing them to manufacturers mostly for storage purposes. As you know, they are doing this for the purpose of investing their returns as expenditures in order that they will not have to pay any excess profits to the Government. These improvements are useless so far as being essential for maintenance of transportation facilities. Another move on the part of the railway executives is to go into various parts of the country and secure the services of influential business men to act in the capacity of directors. These men, of course, do not render the railroads any service in the management and operation of the railroads, but are secured for the sole purpose of creating influence in behalf of the railroads. They are fighting against odds, however, because agriculture can not carry much longer the tremendous burden which it has been carrying since the passage of the transportation act of 1920.
>
> A 10-year-old school boy knows the injustice of the exorbitant freight rates charged on agricultural products. It costs an average of 30 cents a bushel in southwest Texas to grow onions, and the average freight rates to the principal markets are 80 cents per crate. The production cost of lettuce in California—

I regret that the Senators from that State are not in the Chamber, so that I can direct their attention to this matter—

> is around 50 cents per crate, while the freight and refrigeration charges to the consuming territory is $1.50 per crate. Unless the freight rates on agricultural products are reduced at least 25 per cent, the railroad properties of the Nation will present a pitiful picture within a few years, because agriculture can not live under the exorbitant freight rates which it is now bearing. Of course, the people of the United States will be the victims, as transportation is the most essential agency in business. The main issue in the coming presidential campaign, in my opinion, will be the transportation question. I certainly trust that your amendment will be adopted by the Senate.

Mr. President, I desire now to direct the attention of the Senate to an important fact with respect to the Kansas City Southern Railroad in my State.

The Kansas City Southern Railroad owns 539 acres of land on the waterway at Port Arthur, Tex. This land cost the Kansas City Southern Railroad $7.15 per acre, or a total of $3,834. The land is occupied by its port facilities. What is it doing in its reports to the Interstate Commerce Commission? This railroad is setting up in its reports this land at a valuation of $2,359,452, or about $4,660 per acre; and then it claims that under the operation of section 15a of the transportation act it is not enabled to earn 5¾ per cent, which is the standard return guaranteed to the railroads under that section of the law.

So that is the situation in this country, Mr. President. Here is a railroad that has 539 acres of land that cost a total of $3,854, and in its report to the Interstate Commerce Commission it says that that land is worth for rate-making purposes $2,359,452, or $4,660 per acre, and therefore it is not able to earn the standard return of 5¾ per cent on that valuation.

Mr. NORRIS. Mr. President, will the Senator give us again the name of that railroad?

Mr. MAYFIELD. The Kansas City Southern Railroad.

Mr. President, we had just as well face this situation, because it is going to confront us until we have the courage to repeal section 15a of the transportation act of 1920, which for the first time in the history of this country placed the railroads on a cost-plus basis of operation. When we do that, the Interstate Commerce Commission can readjust the rates of the country, and will be in a position to give the agricultural and stock-raising interests of the Nation the relief to which they are justly entitled.

Mr. WHEELER. Mr. President, I have hesitated to speak upon this bill, knowing that few votes would be changed at this time in this Chamber.

I was very much in favor of seeing the so-called McNary-Haugen bill enacted. It was defeated and this amendment offered by its foes. I could not let this opportunity pass without saying just a word with reference to the agricultural situation in the West.

The statement was made the other day by the Senator from Maryland [Mr. BRUCE] that the agricultural West had already been treated too well, and particularly the Northwest. He said that the farmers of the Northwest ought to quit raising wheat, or in substance that, and that they ought to go into diversified farming. That policy has been advocated by those who were opposed to farm legislation throughout the Northwest for many years. It has been advanced only by those who are, however, totally unfamiliar with the situation that really exists there.

The reason why the farmer of the Northwest can not go into diversified farming to any extent is because of the fact that they have such high freight rates and because of the fact that they have no local markets. The farmers of the Northwest and the Middle West are not asking for more loans. They are so heavily in debt at the present time that they are unable to pay the indebtedness that now exists.

I hold in my hand a statement by one of the news agencies of Washington, which I understand is reliable. This article states that—

> This plan for Government loans to cooperatives from a $100,000,000 revolving fund involves the idea of a new kind of credit based not on mortgages or property of the cooperatives, not on general commercial credit of the cooperative as a going concern, but on an assumption, midway between mortgage loans and commercial credit, that loans can be secured by amortization. Out of the proceeds of sale of each unit

a small fixed sum would be set aside for amortization of the Government loan. It really amounts to a loan secured by a sales tax on the transactions of the borrowing cooperative.

Then it goes on to tell where the idea originated. It says:

This idea is supposed to have originated a year or two ago by men connected with the cooperative marketing of grain, notably, Gray Silver, president of the Grain Marketing Co., the cooperative which took over several private grain businesses in Chicago and then failed to raise sufficient capital from farmers and bankers to insure continuation.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WHEELER. I yield.

Mr. SHIPSTEAD. Is the Senator aware of the fact that the securities commission of the State of Illinois issued a ruling prohibiting them from selling stock in the State of Illinois on the ground that they were swindling the public?

Mr. WHEELER. Yes; my understanding is that not only the State of Illinois but several other States which have "blue sky" laws forbade the sale of the stock of this company to the farmers of their States on the ground that it was in violation of the "blue sky" laws, and was in effect a swindling organization. I was going to get to that in just a moment.

The idea then was "sold" to Mr. Jardine and Mr. Hoover, who tried to convince Mr. Coolidge on it. He was not convinced for a long time, but Mr. Mellon got to studying it from the point of view of the hard-boiled banker. Mr. Mellon is said finally to have come to the conclusion that it was sound. This swung Mr. Coolidge last week into active espousal of the plan, and subsequently the President had almost daily discussions with Senator FESS, who thought the proposition through on the basis of both merit and politics (he is a good tactician, and has a remarkable knowledge of the psychology of his fellow Senators).

This statement is sent out by the Kiplinger Washington Letter to bankers and business men throughout the country.

Let me say that an examination of this bill will disclose that in section 5 it is proposed that this commission appointed by the President of the United States, which Mr. Jardine and Mr. Hoover will undoubtedly control, may rejuvenate, so to speak, this cooperative marketing plan, which was originated first by Mr. Armour and by Manny Rosenbaum, together with Gray Silver, and which later had the approval of Herbert Hoover and Secretary Jardine.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. SHIPSTEAD. Their main business was that of selling a lot of Chicago elevator companies to the farmers. They started out to collect the money from the farmers by selling stock. Finally the State of Illinois was compelled to take action, because the Illinois Agricultural Association brought it to the attention of the State authorities, and they stopped them from selling the stock.

According to the testimony of Mr. Jardine, which was read by the Senator from California this afternoon, he still has in mind the idea of buying elevators, and somehow, in some way, getting enough money to make a "respectable first payment." The law of Illinois and of other States having stopped them from getting this money from the farmers, on the ground that they were swindling the farmers, the next step seems to be to come to the Government of the United States to get enough money, as Mr. Jardine says, "We may have to buy some elevators," and get enough money from the Treasury of the United States to make a respectable first payment to those who are selling them the elevators.

Mr. WHEELER. Of course, as I was going to say, the only purpose of this bill, in my judgment, is simply to put through the deal that Armour and Manny Rosenbaum had set up for the farmers, this cooperative marketing association having failed to sell the elevators to the farmers of the Middle West and the Northwest. The farmers refused to be taken in by this economically sound idea of Mr. Hoover and Mr. Jardine. These same gentlemen come to Congress and under the guise of legislation for the benefit of the farmers seek to unload on the Government, because it means just that. It means that they will come to this board and that they will borrow something like $22,000,000 to $26,000,000 under section 5 of this amendment and start up this cooperative marketing so as to relieve the banks of Chicago and to relieve Armour and Manny Rosenbaum.

I submit that that is all there is to this amendment. The distinguished Senator from Ohio says that this proposition is economically sound. Of course, anything is economically sound in the view of the Senator from Ohio and the administration which seeks to relieve the bankers of Chicago, Armour & Co., or Manny Rosenbaum of a lot of worthless elevators, just as the same administration is seeking to buy from the Belmont estate the fish canal up in Massachusetts.

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. SIMMONS. In reading this bill I came across language in subsection 5 which seemed to be foreign to the bill, and I was very much puzzled at the reason for incorporating it. It provides "and may be made to assist in the orderly marketing of the products of such associations or for the acquirement of properties and facilities."

I could not understand why those last two provisions were incorporated in the bill. They seemed to have no connection with it. I had a suspicion that there was something concealed and that they were put in there for some definite purpose. Now I understand the Senator to mean by what he has stated that by reason of that provision, the words "for the acquirement of properties and facilities," the board would be authorized to advance money to buy up the property of this bankrupt concern.

Mr. WHEELER. Surely. They would be authorized under this amendment to loan twenty-two to twenty-six million dollars to this Cooperative Grain Co. for the purpose of acquiring these elevators, which are now owned by Armour and Manny Rosenbaum and to complete the transaction they tried to put across about a year or two ago.

Mr. NORRIS. As I understand the Senator, there is a real Teapot Dome concealed beneath this.

Mr. WHEELER. Mr. President, I will say to the Senator that I think this is just as nefarious a deal as the Teapot Dome was, if we put across this bill under the guise of trying to assist the farmers in their troubles. The only people who are going to be assisted under this amendment will be Armour and Manny Rosenbaum, and those who are connected with them.

Mr. NORRIS. And Gray Silver.

Mr. SIMMONS. Mr. President, I think the Senator has done a distinctive service in clearing up this tangle, and explaining to the Senate exactly what was meant by the injection of those provisions in this bill. They are utterly irrelevant.

Mr. WHEELER. I submit to the Senator that no one could read the testimony of Mr. Jardine before the committee, when he talked about the "set-up," and spoke about the same kind of a set-up that was proposed by Armour and those people, and could observe the interest that was taken by Mr. Jardine and Mr. Hoover and Mr. Gray Silver in trying to get this bill through, without becoming convinced that the purpose of section 5 is to have the board go out there and take over these elevators, which are practically useless. They tried to sell them to the farmers, and the farmers refused to buy. Several States prohibited the sale of stock in the elevators because of the fact that it violated the blue-sky law.

Mr. SHIPSTEAD. Mr. President, Mr. Gray Silver was the man who was selected to put this deal over on the farmers a little over a year ago.

Mr. WHEELER. Yes.

Mr. SHIPSTEAD. I am informed that Mr. Silver has been here to-day lobbying Senators for this very same proposition.

Mr. WHEELER. I have no doubt about it, although I will say that Mr. Silver has not seen me about it.

I also desire to read into the RECORD a statement sent out by William H. Settle, president of the American Farm Bureau Federation, in which he says:

"If there has been any doubt in the mind of anyone as to where President Coolidge stands on the matter of farm legislation," said a statement given out to-day by William H. Settle, president of the Indiana Farm Bureau Federation, "that doubt has been removed by his recent statement to the Congress urging the passage of the Fess bill in the Senate, which is the original bill introduced in the House, known as the Tincher bill."

The PRESIDING OFFICER. The time of the Senator from Montana on the pending amendment has expired. He has 15 minutes additional.

Mr. WHEELER. I have further time on the bill and also on the amendment. I continue the reading:

Practically every large cooperative marketing association and farm organization of any note already has gone on record in opposition to this legislation. No one who has studied farm cooperative movements or farm legislation will be deceived by this effort. It is apparent that the President has no idea that this bill will be passed, but having opposed all constructive farm legislation he now makes a gesture to the farmers of the country which even eastern political writers admit is purely political. If such legislation as the Fess bill is enacted into law, it would give the large grain interests of the country a strangle hold on the farmers' grain such as was never dreamed of before.

All who assisted me in defeating the efforts of the grain merger known as the Chicago Grain Marketing Co. need have no doubt as to the real purposes of this legislation. The brains that promoted the Grain Marketing Co. are the brains that are promoting the Fess-Tincher legislation. Farm leaders and State securities commissions of different States having prevented the farmers from falling into these promoters' net and financing the movement, these promoters now come at us from a different angle and are asking the Government not only to finance the project but also to legalize it. Matty Rosenbaum, Gray Silver, Herbert Hoover, and Secretary Jardine must originate a scheme far more clever than this before the American farmer will be deceived. The Fess bill will not excuse the administration for the defeat of constructive agricultural legislation.

I submit, Mr. President, that the president of the Indiana Farm Bureau has stated the case much better than I could state it, and for that reason I desired to read it into the RECORD.

I think this Fess amendment should be defeated. It is not what the farmers of this country are asking for. They are not asking, I repeat, for more loans or for more money. They are asking simply that they be given an opportunity to get prices for their products which will compensate them for raising them. I sincerely hope the Fess amendment will be defeated.

Mr. WALSH. Mr. President, in the course of a colloquy to-day between the Senator from Ohio and the Senator from Nebraska I understood the Senator from Ohio to say that this bill is necessary because the cooperative marketing associations are unable to secure from the intermediate banks the funds necessary to finance their operations.

Mr. FESS. No; Mr. President, the Senator misunderstood me. I said that the intermediate banks would not loan beyond 75 per cent, while there is a margin of about 25 per cent that the farmers cooperative associations could not secure unless this organization permitted it.

Mr. WALSH. I received to-day a letter from a director of the Montana Grain Growers' Association, which operated for five years, and then had to go out of existence. He perhaps can tell us rather definitely about that. I asked him for his views about the Fess bill, and he wrote as follows:

Your telegram received and answered. We had a Montana wheat growers' association here with about 10,000 members. I was one of the directors. It was operated for five years and then quit with about $140,000 in the surplus fund. We paid 75 per cent of the market price to the farmers on delivery, balance when wheat was sold. We borrowed the money from the Federal bank at a low rate of interest, so what is the use of these two bills you speak of? We had no trouble in borrowing money. The grain men and board of trade outfit were continually doing all they could to make our members dissatisfied, and they finally got most of our members to break their contracts.

It seems almost impossible to keep the farmers organized, and the only hope I can see is either to have the Government do something to increase the price of farm products or else lower the tariff on other products. The President is not winning any favors by taking the attitude he is pursuing. He seems to think the industries of the East should hog the whole thing. We would rather see any bill defeated that will not benefit us, even to defeating any so-called bill to relieve the farmers by loaning them money at a low rate of interest; yes, loaning them money at no interest. How can they ever pay the principal back when they can not get the cost price for what they raise? We do not want to borrow money to put in a losing business. We are willing to work and raise food for the people, but we want cost price and a small profit for our work.

So that apparently there is no need for further provision for loaning money to the cooperative associations to carry on their business.

Mr. BRUCE. Mr. President, I only want to take a moment further. I had a personal experience once which illustrates the impression left upon my mind by the amendment of the Senator from Ohio. I was sitting in my law office one day when a young man came in whom I knew very well, a young man who had always borne a very good reputation and had excellent social standing. He said, "I am in trouble." I said, "What sort of trouble are you in?" His face wore a perplexed look. Scratching his head as he spoke, he said, "I gave a fellow a check on a bank where I did not have any funds." I said, "Why in the world did you do that?" "Well," he said, "he dunned me so hard I had to give him something!" I think that is about the relation in which the Senator from Ohio stands to the American farmer. [Laughter.]

Mr. BINGHAM. Mr. President, I desire to take just a few moments to state why I shall vote against the amendment. I fear that I can not do it in two minutes, as my genial friend the Senator from Arkansas [Mr. CARAWAY] suggests, but I shall try.

In the first place, it is a long and complicated measure, authorizing the expenditure of $100,000,000, and has never been reported by a committee or carefully considered by it. Our method of transacting legislative business is to send all important bills to a committee and have them there considered, and come before us with the report of the committee.

In the second place, the bill creates a new division or bureau, and I am constitutionally opposed to any more bureaus or divisions or commissions in the Government. It seems to me we have enough now. There is no reason why in section 2 the word "division" should not be changed to "Secretary of Agriculture." If necessary we should authorize the Secretary of Agriculture to do the things which are here authorized to be done by a division.

In the third place, it creates a new commission, and if there is one thing we have been hearing from the country and from our constituents it is that there are to-day too many commissions in the Government. This amendment creates a new commission of five high-salaried officials.

In the fourth place, it gives the commission too much power. It gives them the power which belongs to Congress to make rules and regulations. It gives the commission the extraordinary power of fixing the salaries of a secretary and of its experts. This is a matter which the Congress has always saved to itself and regarded itself as peculiarly fitted to pass upon, in view of the fact that it represents the taxpayers of the country.

Finally, it gives the commission the power to negotiate agreements providing for the establishment of pools, which seems to me a most extraordinary provision and which actually puts the Government in business.

Finally, it puts the Government into the business of furnishing credit in large quantities to compete with present organizations which are prepared to furnish credit on a proper foundation and on proper security.

Therefore I am opposed to the amendment offered by the Senator from Ohio, and I trust it may not pass.

MANY SENATORS. Vote! Vote!

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kansas [Mr. CAPPER] to the amendment of the Senator from Ohio [Mr. FESS].

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on agreeing to the substitute submitted by the Senator from Ohio [Mr. FESS].

Mr. JOHNSON resumed and concluded the speech begun by him on the amendment of Mr. CAPPER to the amendment. His entire speech is as follows:

Mr. President, "it is the old army game"—this amendment for the farmers of this land. This amendment, sir, is designed, not, of course, by its author, but designed generally, sir, to harvest and garner the crop of farmer votes this year; and after November, to point the farmer to the fact that he was at fault in not having the kind of legislation that he ought to have from the Congress of the United States.

The amendment presented by the Senator from Ohio has all of the vices and none of the virtues of the amendment that was defeated day before yesterday, or a couple of days ago, by this body. This substitute that is thus offered by the Senator from Ohio he very delicately and artistically touches to-day until we stand palpitating and doubting in the face of the most brutal problem the American people have ever had to face.

This amendment of his he does not explain at all. What the workings of it shall be he does not tell this body in any way, or in any fashion. Fortunate are we that we know its progenitor, and that we may turn to the testimony of the Secretary of Agriculture before the House committee upon a similar measure, and ascertain exactly what is attempted to be done by a measure such as has been presented here.

Let me first congratulate the Senator from Ohio. Let me congratulate his able colleague. Let me, indeed, congratulate my New England friends here who are at last converts in the Congress of the United States to this Nation going into business, stabilizing markets, price fixing, and generally doing a merchandising business, for it is exactly that which the Secretary of Agriculture, the protagonist of this bill and its proponent, says that it is sought to do by the measure.

I read very hastily Secretary Jardine's testimony. I read it so that Senators may see with what clarity he paints the picture, so that they may realize how this phrase of ours, which we mouth so whenever we fear to take a step forward, and whenever, haltingly and doubtingly, we turn backward—this phrase "economically unsound"—may be utilized upon any occasion.

This is what Secretary Jardine says a scheme such as this is designed to do: I read from page 1308 of the testimony of the Secretary given to the House committee:

Secretary JARDINE. Of course, we would first have to have a farmer-controlled organization to handle a greater portion of that crop. We have to have storage facilities at terminal points; we have to have connections at the line elevators reaching out into the country; we have to have the same kind of a set-up a private agency would have.

Running through his testimony constantly is the talismanic word "set-up." Just what he means by "set-up" I do not know, but that there is some legerdemain in the phrase is obvious, if you read Secretary Jardine's testimony, because constantly he is referring to the "set-up" that the particular organizations must have in order to transact business and get money from the Government of the United States.

After he gets the "set-up," Secretary Jardine says:

We would have to organize a grain-marketing company. The Government is putting in its money and it could approve the set-up and, after approving the set-up, it could furnish them the money.

How plain it is! It is just as plain as mud. After the set-up was furnished and the Government approved the set-up, then the Government would lend its money. You see how it is, do you not? It is a glorious scheme thus presented by the Secretary of Agriculture, "economically sound."

Now, mark the clarity of his expression:

Maybe we would decide we had to buy some elevator space; maybe we would find that we could get it at a bargain.

Just think of it! There is economic soundness for you. We would try an experiment to find out what the farmers of this country wanted, and upon which much would depend. But maybe we could buy some elevator space at a bargain, and in order to be economically sound, then, according to the phrase, it may be, he said:

The best thing for us to do is to buy our storage space. Some one has to have a payment down.

Ah, there is wisdom for you. "Some one has to have a payment down."

We can not get all of that money from the farmers; we can not handle the wheat situation by going out and asking the farmers for subscriptions.

"Somebody has to have a payment down." We can guess who will make the payment, I think. It will be old Uncle Sam. These gentlemen who are horrified into conniption fits at the thought of a subsidy are providing just exactly that thing by this measure, and doing practically nothing else. The Secretary continues:

That is the only way we have of getting it now. The cooperatives may have this money either to buy the elevator or to run it, and then we have to have money so as to engage in this merchandising business.

Just think of it! Oh, how much I have heard these gentlemen on this floor talking of individual initiative. How I have seen them rise in scorn and tell these poor western folk of the idiots they were and how economically unsound were their doctrines, when they desired to have the Government do anything that the Government could well and profitably do. But Mr. Jardine, and our friend from Ohio now are going to take us into this merchandising business and, quoting now again from Mr. Jardine—

And give the farmer back a reasonable first payment on his wheat.

Then Mr. Jardine says:

Get that, a reasonable first payment on his wheat.

"Get that," Mr. Jardine says, not I—

Get that. We are going to give the farmer a reasonable first payment on his wheat, instead of making him wait 15 months as he has to do to-day. We would have this board—

The board of our Senator from Ohio—

on the job. This board is going to find the most likely outlets possible for this wheat. We have our contacts with the consumers abroad; we will have our contacts with the agencies that grind wheat into flour. We are going to look to every means of expanding and widening our market. That—

Says he boastfully, and rightfully boastfully—

That is merchandising.

The Government of the United States, under the substitute of the Senator from Ohio, is going into the merchandising business. Wonderful, wonderful, wonderful!

Mr. FESS. Mr. President, will the Senator yield?

Mr. JOHNSON. I am not going to if I have to yield in my limited time.

Mr. FESS. The Senator has two amendments to speak on.

Mr. JOHNSON. Go on quickly, if you please, with the question.

Mr. FESS. Where in the bill——

Mr. JOHNSON. I am reading of a bill similar. I am not saying the Senator's bill is in all particulars so, but the principle involved is exactly the same.

Mr. FESS. What I mean to say is that this substitute does not put the Government into merchandising.

Mr. JOHNSON. Ah, but it does exactly that thing, and we will come to that in a moment.

Mr. FESS. Let us find out where it is.

Mr. JOHNSON. We will show you shortly. That is exactly what you intend to do, because if you do not intend to do that then you intend a mere stipend, a mere tribute, a mere bonus, to be given to the men who are engaged in agriculture in this land. If you are not going to take care of the only problem the farmer has to-day, what are you going to do by this measure?

Mr. FESS. Will the Senator yield?

Mr. JOHNSON. Yes; I yield for a question.

Mr. FESS. Wherein does the substitute put the Government into any kind of business, other than to loan to the cooperatives?

Mr. JOHNSON. You are going to have the Government lend money, and keep a supervisory power over its borrowers. You are going to have that money devoted to stabilizing prices and to take care, indeed, of the surplus in the various industries that are affected. If the Senator's amendment is not going to do that sort of thing, it is not going to do anything at all.

Mr. FESS. Does the farm-land bank go into business when it loans money?

Mr. JOHNSON. That is a different proposition entirely.

Mr. FESS. No; this is the same proposition.

Mr. JOHNSON. Because the Senator's bill deals with the idea of the surplus. It says in so many words, "If shall be ascertained," in so many words, "The design is to take care of that surplus."

Mr. FESS. Through the cooperatives, but not by the Government.

Mr. JOHNSON. Ah, but what are they? I am not saying that it is the Government itself that is to do the thing through Washington alone; but when the agents of the Government, the cooperatives, receive the money from the Government, they are going to do exactly what Mr. Jardine in his testimony said they were going to do.

Mr. FESS. Will the Senator yield further?

Mr. JOHNSON. I will yield just once more, because my time is very limited.

Mr. FESS. Mr. Jardine does not say that the Government itself goes into business, but the Government, through an agency, will loan money to cooperatives, which have no relationship with the Government; and that is on a parity with the loans that are made by the farm-land banks, and this amendment does not put the Government into business.

Mr. JOHNSON. In substance, sir, that is exactly what this measure does; and if it does not do that sort of thing, it does nothing. It is absurd, it is worse than absurd, to say to me that an agency shall be established by this bill, that it shall have charge of a hundred million dollars, that it shall give of that hundred million dollars to cooperative associations for a distinct purpose, that it shall maintain its supervisory power over those cooperative associations, and that those cooperative associations shall deal with the surplus crops of the various industries that are affected by the bill, and then say that the Government has nothing to do with the entry into business of the agents and the representatives of the Government under the circumstances detailed.

Of course the Government, through its agents, the cooperative associations, its borrowers, over whom it maintains its control, continues in that activity.

Mr. FESS. Mr. President——

Mr. JOHNSON. Pardon me; I can not yield further.

Mr. FESS. How does the——

Mr. JOHNSON. Just a moment. I am not going to yield to the Senator further.

The VICE PRESIDENT. The Senator from California has the floor.

Mr. JOHNSON. I have a very limited period of time in which to speak, and I will not yield to the Senator now. I will yield to him at the conclusion of my remarks, if there is any time left.

Mr. FESS. I will take my time on another amendment to answer the Senator.

Mr. JOHNSON. I will be delighted to have the Senator do that. Then, why is he bothering now?

Mr. FESS. Because I do not want the Senator to get away from that statement.

Mr. JOHNSON. The Senator took three long days upon one measure that was pending here. He took three long days, as was his right. He has taken 45 minutes to-day, and I have, by the clock, a half hour upon this proposition. The Senator ought to be willing, if he has further time, to occupy it in presenting his views, as I am occupying this half hour in presenting mine. There is nothing that is intended to be discourteous to the Senator in what I have said. It is merely a matter of limitation of time that makes the demand upon me and requires me to act in the fashion I do act.

Mr. FESS I will not interrupt the Senator again.

Mr. JOHNSON. I thank the Senator.

Secretary Jardine said further:

That is merchandizing. That is price stabilization; and then the fact that we have our own set-up and are looking after the interests of the producers will have a wonderfully stimulating effect on the price of wheat.

Then he adds, in the latter part of his testimony, on page 1309, the following——

[At this point Mr. JOHNSON's time expired, and he resumed his speech when the next amendment was pending.]

Mr. JOHNSON. Mr. President, I beg Senators to bear with me for a very few moments because, by reason of my delusion that I had 30 minutes to speak, I was cut off with 15 minutes and had to conclude very abruptly. I want to make plain what I was saying at the time I had to cease and when I was interrupted by the Senator from Ohio.

Mr. President, I ask permission to print in the RECORD the provisions of the Tincher bill, which I here present, and the provisions of the particular Fess bill which was laid before us, so as to demonstrate the similarity, not only the similarity but the fact that they were identical, and then I wish the Senate to know that the Secretary of Agriculture in testifying before the House committee was testifying upon the very provisions of the Tincher bill which are the very provisions of the substitute offered by the Senator from Ohio in relation to the loaning of money, the acquisition of facilities, and the like.

The VICE PRESIDENT. Without objection, it is so ordered.

The matters referred to are as follows:

TINCHER BILL

(5) To make loans to any cooperative marketing association, or to any cooperative association created by two or more of such cooperative marketing associations to act as a common agent in marketing any agricultural commodity. Such loans may be either secured or unsecured and may be made to assist in the orderly marketing of the products of such associations or for the acquirement of properties and facilities, or for both, or for any purpose not in conflict with the intent and purposes of this act, and upon such terms and conditions as the commission may prescribe, subject to the following conditions and limitations:

(a) In the making of loans the commission shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.

(b) That in case other or additional provisions for payment are not prescribed by the commission, any association receiving a loan shall provide for the payment thereof, including interest thereon, in a manner approved by the commission, during a period not exceeding 33 years.

(c) That any association receiving a loan shall submit such reports of its transactions and audits of its accounts as the commission may prescribe, but such information shall not be disclosed by the commission or any member or employee thereof except upon a demand of Congress or an order of a court of competent jurisdiction.

FESS BILL

(5) To make loans to any cooperative marketing association, or to any cooperative association created by two or more of such cooperative marketing associations to act as a common agent in marketing any agricultural commodity. Such loans may be either secured or unsecured and may be made to assist in the orderly marketing of the products of such associations or for the requirement of properties and facilities, or for both, or for any purpose not in conflict with the intent and purposes of this act, and upon such terms and conditions as the commission may prescribe, subject to the following conditions and limitations:

(a) In the making of loans the commission shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.

(b) That in case other or additional provisions for payment are not prescribed by the commission, any association receiving a loan shall provide for the payment thereof, including interest thereon, in a manner approved by the commission, during a period not exceeding 33 years.

(c) That any association receiving a loan shall submit such reports of its transactions and audits of its accounts as the commission may prescribe, but such information shall not be disclosed by the commission or any member or employee thereof except upon a demand of Congress or an order of a court of competent jurisdiction.

Mr. JOHNSON. I proceed to read one brief extract from Secretary Jardine:

I am looking at this over a period of years. Now, then, the loss is going to be greatest the first year, if we have a loss. If luck breaks our way, we will not have any loss. We may not make it up the second year; we may be in the hole the second year. We may even be in the hole the third year, but all the time we are developing our institution, and once in a while we are going to have breaks. Something is going to break our way when we have a shortage instead of a surplus, when we can dispose of this carry over that we are trying to keep off the market to stabilize prices and to have orderly flow.

Just think of it! We are going to have a lot of luck some time maybe with $100,000,000 of the United States of America. Now and then we are going to get the breaks, and when we have the luck and when we get the breaks then perhaps, maybe, as the Secretary said, we will go on and conduct business under the Fess amendment and we will do the farmers some good.

What nonsense to assert that any such measure as this is going to be of any benefit to the farmers of this land. What arrant nonsense to say that when a great problem faces human beings and starvation seems their lot we are going to aid them if we have a lot of luck and if we get the breaks and sometimes some things indefinite and mysterious happen. Think of it! Under this amendment that is how we are going to aid the farmers of the land.

I wish to insert in the RECORD some other excerpts from Secretary Jardine's testimony, in one instance in which he said the Government perhaps will sustain the loss. I ask permission to do that.

The VICE PRESIDENT. Without objection, it is so ordered.

The excerpts are as follows:

Secretary JARDINE. Well, I said in my statement we could conceive of a situation where human beings would err and that the Government might sustain a loss, but I do not admit——

The CHAIRMAN (interposing). And the loss would fall on the Government?

Secretary JARDINE. Oh, yes, certainly; but I do not admit that, not over a period of years. I think good merchandising will take care of it.

The CHAIRMAN. I do not think losses can be avoided in every instance.

Secretary JARDINE. No; we would have to take that chance. This is a little more liberal loan than any other, and naturally we may lose some years, but as in the case of the War Finance Corporation, I do not think we will lose any money over a period of years. (Testimoney, Secretary Jardine, p. 1343.)

Mr. ASWELL. How is the Government going to get the money out of the storage facilities you are going to buy?

Secretary JARDINE. In the first place, we are going to do a merchandising business. (Secretary Jardine, testimony, p. 1316, House hearings.)

Mr. JOHNSON. Just a few words about cooperatives. Much has been said. I know the story of cooperatives perhaps as well as any man on the floor of the Senate. It was under the régime when I was Governor of the State of California that cooperatives were brought to their highest activity and to their greatest scientific development. It was under that régime when Harris Weinstock, one of the ablest men we had in the State in dealing with market conditions, a man of marked ability, of indefatigable industry, and great vision, that we brought cooperatives to their present standard. We did it under the protection and fostering care in part of the State of California and in part because of necessities and circumstances surrounding the marketing of our products. The State aided some, and some of themselves attained their present perfection. Those cooperatives, of course, we maintain and protect.

But the propaganda which has come from the city of Washington, from the administration itself, which has gone into the State of California, has told those cooperatives in so many words that if we passed the McNary-Haugen bill we would destroy the cooperatives in California. Ah, that statement was made, sir, either ignorantly or willfully to deceive, for there is not a thing in the McNary-Haugen bill that by the ghost of a possibility of a chance in any way or in any fashion

could have injured or destroyed or affected at all any cooperative operating now in the State of California.

But what will this Fess bill do to the cooperatives generally? I speak not of those in our State which are firmly intrenched and which are now governing themselves in the fashion they are. What will it do? Why, is it not obvious to Senators? Money is to be loaned by the Government to cooperatives. The cooperative is to stabilize prices, to engage, as the Secretary of Agriculture said, in merchandising, to acquire facilities, to get terminals, to take over elevators, to do the very thing that may be essential, to increase prices, to take care of the carry-over from year to year, and to deal with the surplus. What is the result? Somebody must foot the bill. Who will foot that bill? Not the United States Government unless we continue to pour our stipends and our loans and our bonuses and our tributes into the cooperatives. The members of the cooperatives themselves will have to foot the bill by assessments. Then what? The selfish man in the cooperatives will be sick of the assessments levied and will get out, and the man outside of the cooperatives will profit by what the cooperatives are endeavoring to do, and he will stay out. So that this bill, instead of aiding the cooperatives, will be a distinct injury and a distinct harm to them.

I ask permission to insert in the RECORD an excerpt from the testimony of Mr. Kilgore before the House Committee, and two excerpts from the testimony of Mr. Gray upon that particular proposition.

The VICE PRESIDENT. Without objection it is so ordered.

The excerpts are as follows:

Now, if the cooperatives have got to carry that surplus as cooperatives, get that much of a loan on it from commercial concerns, and be responsible for it and keep up the interest on it, and then the Government comes in and loans them 35 per cent so as to represent the total value of that and it is taken off the market and there is a loss on it, unless the Government is going to take care of that loss, then the cooperatives have to bear all of that loss. (Kilgore testimony, page 1383, House hearings.)

We do not understand that loans proposed to be made to cooperative associations from the revolving fund could be used, if necessary, for absorbing losses; but that they would have to be repaid with interest and that an assessment on members of cooperative associations must be made, if necessary, to make good any losses, thus placing upon the members of cooperative associations the entire cost of stabilizing the market without corresponding benefit to the members. This proposed assessment on members would have the effect of driving them out of the cooperative associations and preventing other growers from coming in. (Kilgore testimony, page 1380, House hearings.)

Mr. JONES. In other words, the outsider would get all of the benefit of the bill so far as the increase in price is concerned, and the insider would carry the load?

Mr. GRAY. Substantially. That is the way it would work out in practical effect. (Testimony, Gray, page 1367, House hearings.)

I said a while ago, I felt this bill, in its operation, would be a detriment to cooperative marketing. That is the very reason back of the arguments we have been proposing in support of the bills we have been contending for; through levying the equalization fee, to be assessed on every producer, or on his commodity, as it flows through the trade channels, the outsider, the nonmember, is made to bear his part of the cost of getting rid of, merchandising, processing, exporting, or what not of his surplus, as well as the insider, or member. I do not believe it will stimulate cooperative marketing. But under the bill we have been advancing, there will be an inducement to come inside of the cooperative, rather than, as in this bill, an inducement to stay outside of the cooperative. (Testimony, Gray, page 1367, House hearings.)

But any time we try to maintain in this country a market on our tariff-protected commodities that is higher than the world price there is going to be a loss that has to be recouped somewhere. If the cooperative associations attempt it themselves, they start on a course that will lead to their own destruction, because they have to penalize their members, while a man outside is able to sell at the competitive prices they have helped to establish and escape the inconvenience, costs, and losses of so doing. (Testimony, Davis, p. 1390, House hearing.)

The Tincher bill does not meet the requirements because any successful attempt that is made to control surpluses, and to stabilize prices by controlling them, has to be done with the entire risk or loss and the entire expense and inconvenience of deferred payments, etc., borne by the product itself. (Testimony, Davis, p. 1390, House hearing.)

Mr. JOHNSON. Now, sir, just one more word. My parents may have done me a great injustice in not having me born in a log cabin upon a farm. I am sorry I am not in the category of many of our friends here, and our friend from Ohio. I was not born on a farm. I make no pretense, sir, to that extraordinary affection for the man who toils upon the soil which I have heard upon this floor again and again expressed. From a detached standpoint, from the point of view merely of rendering such service as I can to a harrassed and to a long-suffering part of the people of the country, this problem presents itself to me. It is not with that deep affection which characterizes the Senator from Ohio [Mr. FESS] nor, indeed, with that vision which has come to some of the Senators here who have been serving not the farmer of the land but the politics of a political party that this question engrosses me. When a political football is made of the prayers of these people who have been suffering in our land, when a great policy is dictated by opportunism and expediency we have done the grossest and the wickedest thing that a Congress could do.

Mr. President, a few moments ago the Senator from Ohio read with some degree of satisfaction a telegram which was a bit of propaganda from the State of California and from cooperatives there. I do not object to that because long ago propaganda which had developed in the fashion that propaganda was developed ceased to affect me. But I have just been handed another telegram, and in order that I may add to the gaiety of the occasion and please the Senator from Ohio, I read that telegram. It is dated to-day, Columbus, Ohio, and reads as follows:

I agree with you fully that Fess amendment is worse than Tincher bill. Is an insult to the intelligence of the American farmers. It ought to be decisively defeated and its sponsors repudiated. I will fight it to the last ditch and prefer nothing to this attempted whitewash and political sop. I will be glad to issue statement to press at once. I hope that your lines hold firm and no compromise will be made. To accept this glaring subterfuge would be to accept defeat for all time.

CHAS. V. TRUAX,
Director of Agriculture, Member
Committee of Twenty-two.

Mr. SHIPSTEAD. Mr. President, finally and in conclusion I want to say a word in behalf of the dignity of the Senate. The other day when we defeated the committee amendment we drew and quartered the American farmer. To-day he was to be buried under the fragrant smell of the flower called the administration's cooperative marketing bill. I want to protest against the levity of the Senator from Ohio who insists upon staging a comedy upon this solemn occasion by bringing in this amendment after Jardine and Andy Mellon and Herbert Hoover and all the satellites of the administration have all winter been accusing us of proposing something that was economically unsound, something that would put the Government in business, something that would give a Government subsidy to agriculture, something that was class legislation, and after all this oratory that has been expended attacking men who challenge the entire country to produce something more economically sound than the committee amendment, now comes the Senator from Ohio with this proposition. It can be characterized as nothing but a farce and a comedy, and I protest against the lack of good taste manifested in having such a comical sketch presented at the funeral of the American farmer.

Mr. FESS. I ask for the yeas and nays on my amendment.

Mr. HARRELD. Mr. President——

MANY SENATORS. Vote! Vote!

The VICE PRESIDENT. The yeas and nays are demanded and sufficiently seconded.

Mr. HARRELD. Mr. President——

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll, and Mr. ASHURST voted in the negative when his name was called.

Mr. HARRELD. Mr. President——

The VICE PRESIDENT. The roll has been called and a Senator has answered on the roll call.

Mr. HARRELD. I think no Senator has answered.

The VICE PRESIDENT. The Senator from Arizona [Mr. ASHURST] has voted. The clerk will proceed with the calling of the roll.

Mr. JONES of Washington. Mr. President, the Senator from Oklahoma was addressing the Chair before the roll call started.

Mr. HARRELD. I was addressing the Chair all the time.

Mr. REED of Missouri. Mr. President, I saw the Senator from Oklahoma [Mr. HARRELD] standing and addressing the Chair. Indeed, he stood on the floor and addressed the Chair at the same time the Senator from Minnesota [Mr. SHIPSTEAD] attempted to get the eye of the Vice President. He was on his feet addressing the Chair while others of us were shouting for a vote. I am sure the Vice President did not see him, but I submit that, under the circumstances, the Senate ought, by unanimous consent, to allow him to speak under the rule.

Mr. McKELLAR. I ask unanimous consent that the Senator from Oklahoma may proceed.

Mr. HEFLIN. Mr. President, I am going to object. Ample time has been given to discuss this matter. Some Senators will not stay here—and many have not been here all day. I do not propose that I shall stay here throughout the day and that other Senators may come in just before we are ready to vote and adjourn at the end of the day, delay a vote after the call of the roll has been commenced.

Mr. NORRIS. I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. My point of order is that the Senator from Oklahoma [Mr. HARRELD] was addressing the Chair when the Chair ordered the roll call to proceed, and under the rules of the Senate he is entitled to recognition. I am as anxious to vote as is any other Senator, but those are the facts.

The VICE PRESIDENT. The Chair is informed that what the Senator from Nebraska has stated is the fact; and under those circumstances the Senator from Oklahoma will be recognized. The Chair now recognizes the Senator from Oklahoma.

Mr. BORAH. Mr. President, will the Senator from Oklahoma yield to me in order to make a parliamentary inquiry?

Mr. HARRELD. I yield to the Senator from Idaho.

Mr. BORAH. I wish to ask the Senator in charge of the bill, in case the amendment of the Senator from Ohio shall be defeated, will that leave an opportunity to vote upon the cooperative feature of the bill which the Senator has presented?

Mr. McNARY. I will say to the Senator from Idaho that it will do so.

Mr. HARRELD. Mr. President, I desire to offer an amendment. I wish to move to strike out subsection (5–b) of section 9 at the top of page 11. That is the section applying to the amortization provision. My reason for making this motion is this: I believe in cooperative organizations; but it is my judgment that the adoption of this provision would be a death blow to cooperative organizations, because when any cooperative organization shall borrow a considerable sum of money under this amendment and shall execute papers in accordance with this provision for the repayment of that money over a period of 33 years, it means that after that time not a single individual who is engaged in the occupation of producing that particular commodity will ever join the cooperative association, because he would then become, in a way, liable for that indebtedness. In my judgment, the adoption of that section would be destructive of the cooperative movement, and that is the reason why I have moved the amendment.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. HARRELD. I yield.

Mr. FESS. That provision was inserted merely as a precaution. Indeed, I thought, and I think it is the sense of those who favor the amendment, that there ought to be some assurance against loss. However, I am not averse to the amendment proposed by the Senator from Oklahoma, and, so far as I am concerned, I will accept it.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oklahoma [Mr. HARRELD].

The amendment was rejected.

The VICE PRESIDENT. The question now is on the amendment proposed by the Senator from Ohio [Mr. FESS].

Mr. FESS, Mr. NORRIS, and others called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the junior Senator from New Hampshire [Mr. KEYES]. I am informed that if he were present he would vote "yea." If allowed to vote, I should vote "nay."

Mr. NORRIS (when Mr. FRAZIER's name was called). The senior Senator from North Dakota [Mr. FRAZIER] is necessarily absent. He is paired with the Senator from Louisiana [Mr. RANSDELL]. If the senior Senator from North Dakota were present, on this question he would vote "nay."

Mr. HARRISON (when his name was called). On this vote I am paired with the senior Senator from Wisconsin [Mr. LENROOT]. If he were present he would vote "yea," and if I were at liberty to vote, I should vote "nay."

Mr. NORRIS (when Mr. NYE's name was called). I desire to announce that the junior Senator from North Dakota [Mr. NYE] is necessarily absent. He is paired with the Senator from Connecticut [Mr. McLEAN]. If the junior Senator from North Dakota were present, on this question he would vote "nay."

Mr. RANSDELL (when his name was called). I have a pair with the Senator from North Dakota [Mr. FRAZIER], and therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. CURTIS (when Mr. SMOOT's name was called). I am requested to announce that the Senator from Utah [Mr. SMOOT] is absent on account of illness. Were he present, he would vote "yea."

The roll call was concluded.

Mr. GEORGE (after having voted in the affirmative). On this question I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I am advised that if present he would vote as I have voted. Therefore I will allow my vote to stand.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER]. He has a general pair with the junior Senator from Delaware [Mr. DU PONT].

Mr. JONES of Washington. I desire to announce that the Senator from Colorado [Mr. MEANS] is paired with the Senator from South Carolina [Mr. SMITH].

I also wish to announce that the Senator from Illinois [Mr. McKINLEY] is necessarily absent. If present, he would vote "yea."

The result was announced—yeas 26, nays 54, as follows:

YEAS—26

Butler	Fess	Jones, Wash.	Wadsworth
Capper	George	Metcalf	Warren
Curtis	Gillett	Moses	Weller
Dale	Goff	Neely	Williams
Deneen	Hale	Sackett	Willis
Edge	Harreld	Shortridge	
Ernst	Harris	Stanfield	

NAYS—54

Ashurst	Edwards	McNary	Sheppard
Bayard	Fernald	Mayfield	Shipstead
Bingham	Gerry	Norbeck	Simmons
Blease	Glass	Norris	Steck
Borah	Gooding	Oddie	Stephens
Bratton	Heflin	Overman	Swanson
Broussard	Howell	Pepper	Trammell
Bruce	Johnson	Pine	Tyson
Cameron	Jones, N. Mex.	Pittman	Underwood
Caraway	Kendrick	Reed, Mo.	Walsh
Copeland	King	Reed, Pa.	Watson
Couzens	La Follette	Robinson, Ark.	Wheeler
Cummins	McKellar	Robinson, Ind.	
Dill	McMaster	Schall	

NOT VOTING—16

du Pont	Greene	McKinley	Phipps
Ferris	Harrison	McLean	Ransdell
Fletcher	Keyes	Means	Smith
Frazier	Lenroot	Nye	Smoot

So the amendment of Mr. FESS was rejected.

Mr. ROBINSON of Arkansas. Mr. President, I desire to offer an amendment to the bill. On page 6, after line 2, I move to insert the matter which I send to the desk.

I will state that this is the amendment that was offered as a substitute for the so-called Haugen amendment, the principal committee amendment. I have no disposition to discuss the terms of my amendment again. I shall be content, if other Senators are, with a vote on the amendment.

The amendment of Mr. ROBINSON of Arkansas was, on page 6, after line 2, to insert:

SEC. —. That there is hereby created a body corporate and politic in deed and in law, by the name, style, and title of the Farmers Export Corporation (hereinafter called the corporation), to be composed of five persons (who shall be the directors first appointed as hereinafter provided).

SEC. —. That the capital stock of the corporation shall be $200,000,000 all of which shall be subscribed by the United States of America, and such subscriptions shall be called upon the vote of a majority of the board of directors of the corporation, at such time or times as may be deemed advisable. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000,000, or so much thereof as may be necessary, for the purpose of making payment upon such subscription when and as called. Receipts for payment by the United States of America for or on account of such stock shall be issued by the corporation to the Secretary of the Treasury, and shall be evidence of stock ownership.

SEC. —. That the management of the corporation shall be vested in a board of directors consisting of five persons, to be appointed by the President, four of whom may be selected from lists of five suggested respectively by the American Farm Bureau Federation, the Farmers Educational and Cooperative Union of America, the National Grange, and the National Council of Farmers' Cooperative Marketing Associations, and not more than one selection may be made from each list of five proposed by the above farm organizations. Two directors shall be appointed for terms of two years, two for terms of four years, and one for a term of six years. Before entering upon his duties each of the directors so appointed and each officer shall take an oath faithfully to discharge the duties of his office.

Except in the case of the directors first appointed, each director shall be appointed for a term of six years. Vacancies shall be filled in the same manner as original appointments, except that a person appointed to fill a vacancy shall be appointed for the unexpired term

of the member whom he succeeds. Three members of the board of directors shall constitute a quorum for the transaction of business.

That the five directors of the corporation appointed as hereinbefore provided shall receive annual salaries, payable monthly, of $10,000.

That the principal office of the corporation shall be located in the District of Columbia, but agencies or branch offices may be established under rules and regulations prescribed by the board of directors.

SEC. —. That the corporation shall be empowered and authorized to adopt, alter, and use a corporate seal; to make contracts; to purchase or lease and hold or dispose of such real estate as may be necessary for the prosecution of its business; to sue and be sued; to complain and defend in any court of competent jurisdiction, State or Federal; to appoint, by its board of directors, and to fix the compensation of such officers, employees, attorneys, and agents as are necessary for the transaction of the business of the corporation, to define their duties, and require bonds of them and fix the penalties therefor; to dismiss at pleasure such officers, employees, attorneys, and agents; and to prescribe, amend, and repeal, by its board of directors, by-laws regulating the manner in which its general business may be conducted, and the rights, privileges, and powers granted to it by law, may be exercised and prescribing the powers and duties of its officers and agents.

SEC. —. That whenever the board of directors of the corporation shall be of the opinion that there exists, or soon will exist, a surplus above domestic requirements of wheat, corn, oats, rye, rice, cotton, cottonseed, tobacco, beef cattle, and hogs of the United States, processed or in a natural state, and that the ordinary export banking or credit facilities are inadequate or unavailable to enable such surplus or surpluses to be sold for export or to be carried until they can be exported or manufactured or prepared for export, the corporation shall be empowered and authorized to make loans, out of any funds in its possession, except the reserve fund hereinafter provided for, upon such terms not inconsistent with this act as it may determine, to any farmers, ranchers, or planters acting separately or in cooperative associations, within the United States, for the purpose of enabling them to export any of the surplus American agricultural products enumerated in this section, or to any person or combination or group of persons, without the United States; and to renew any such loan for not more than one year from the date thereof.

Every such loan shall be secured by such commercial security as the board of directors may approve. The interest charge on any such loan shall be determined by the board of directors at a rate which in their judgment will enable the corporation to meet all expenses, including the interest on its bonds. The corporation shall retain power to recall a loan or require additional security at any time.

That at no time shall the aggregate amount of all loans outstanding under the act exceed $1,000,000,000.

SEC. —. That the corporation shall be empowered and authorized to issue and have outstanding at any time its bonds in amount aggregating not more than four times its paid-in capital, such bonds to mature not less than one year nor more than five years from their respective dates of issue and to bear such rate or rates of interest as may be determined by the board of directors, and such bonds may be redeemable before maturity at the option of the corporation. Such bonds shall be a first and paramount floating charge on all assets of the corporation, and the corporation shall not at any time otherwise mortgage or pledge any of its assets. Such bonds may be issued at not less than par in payment of any loan authorized by this act, or may be offered for sale publicly or to any person at such price or prices as the board of directors may determine.

SEC. —. That all net earnings of the corporation not required for its operations shall be accumulated as a reserve fund; but such reserve fund may, upon the direction of the board of directors, be used from time to time in the purchase or redemption of any bonds issued by the corporation.

SEC. —. That any and all bonds issued by the corporation shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, and (b) graduated additional income taxes, commonly known as surtaxes, now or hereafter imposed by the United States upon the income or profits of individuals, partnerships, corporations, or associations. The corporation, including its franchise and the capital and reserve or surplus thereof, and the income derived therefrom, shall be exempt from all taxation now or hereafter imposed by the United States or any local taxing authority, except that any real property of the corporation shall be subject to State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed.

SEC. —. That the United States shall not be liable for the payment of any bond or other obligation or the interest thereon issued or incurred by the corporation, nor for any act or omission of the corporation, or of any director, officer, employee, or agent of the corporation.

SEC. —. That wherever practicable products purchased and exported as a result of a loan under the provisions of this act shall be shipped in vessels documented under the laws of the United States.

That whoever makes any statement, knowing it to be false, for the purpose of obtaining for himself or for any other person any loan under this act, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

Whoever willfully overvalues any security by which any such loan is secured shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

Whoever (1) falsely makes, forges, or counterfeits any bond, coupon, or paper in imitation of or purporting to be in imitation of a bond or coupon issued by the corporation; or (2) passes, utters, or publishes any false, forged, or counterfeited bonds, coupon, or paper purporting to be issued by the corporation, knowing the same to be falsely made, forged, or counterfeited; or (3) falsely alters any such bond, coupon, or paper; or (4) passes, utters, or publishes as true any falsely altered or spurious bond, coupon, or paper issued or purporting to have been issued by the corporation, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

The Secretary of the Treasury is authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into the custody of the United States marshal having jurisdiction on any person committing any of the offenses punishable under this section.

SEC. —. That the corporation shall make a report to Congress on the first of each regular session relating to the business transacted during the preceding fiscal year, stating as of the first day of each month (1) the total amount of capital paid in; (2) the total amount of bond issued; (3) the total amount of bonds outstanding; (4) the total amount of loans under this act; (5) a list of the classes and amounts of securities taken under this act; (6) the total amount of loans outstanding under this act; (7) a detailed statement of receipts and expenditures; and (8) such other information as may be hereafter required by either House of Congress.

That for the purpose of carrying out the provisions of this section there is hereby authorized to be appropriated the sum of $300,000 out of any moneys in the Treasury not otherwise appropriated.

Mr. HEFLIN. I call for the yeas and nays on the amendment of the Senator from Arkansas.

The VICE PRESIDENT. If the amendment is the same amendment that the Senator offered the other day, it would not be in order until the bill gets into the Senate.

Mr. ROBINSON of Arkansas. Oh, yes, it would. It is in order as an amendment to the bill itself. I offered it heretofore as a substitute for the committee amendment. I now offer it as an amendment to the bill.

Mr. HEFLIN. I call for the yeas and nays.

Mr. HOWELL. Mr. President, I offer as a substitute for the amendment of the Senator from Arkansas the amendment which I send to the desk.

The VICE PRESIDENT. The Chair understands that the amendment offered by the Senator from Nebraska is in the nature of a substitute for the amendment of the Senator from Arkansas. The amendment will be stated.

Mr. HOWELL. Mr. President——

Mr. ASHURST. Mr. President, a parliamentary inquiry. Has the amendment been printed?

Mr. HOWELL. The amendment has been printed, and is in the clerk's hands.

Mr. ASHURST. Another parliamentary inquiry: Has the amendment been read?

Mr. HOWELL. The amendment has not been read.

Mr. MOSES. Mr. President, another parliamentary inquiry. There are two amendments proposed by the senior Senator from Arkansas, as I understand. I should like to inquire from the Chair which one is offered at this time?

Mr. ROBINSON of Arkansas. I stated that I offered the amendment heretofore as a substitute for the principal committee amendment.

Mr. MOSES. That is to say, the amendment beginning "In lieu of the committee amendment insert the following after line 11 on page 6"?

Mr. ROBINSON of Arkansas. Yes; but the words "in lieu," and so forth, have been stricken out, because they are not pertinent now.

Mr. MOSES. Yes; but the subject matter is the same?

Mr. ROBINSON of Arkansas. The subject matter is the same.

Mr. HOWELL. Mr. President, prior to having the amendment read I should like to make a short statement as to the character and purpose of the amendment.

Mr. WATSON. Let it be read first.

The VICE PRESIDENT. Will the Senator state whether this amendment is a substitute for the whole bill or a substitute for the amendment of the Senator from Arkansas?

Mr. HOWELL. It is a substitute for the amendment of the Senator from Arkansas.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. According to its terms, it is an amendment to the bill.

Mr. HOWELL. As I understand, the Senator from Arkansas has offered an amendment that is also an amendment to the bill.

The VICE PRESIDENT. If the Senator from Nebraska offers his amendment as an amendment to the bill, then the question is upon the amendment of the Senator from Arkansas. If he offers his amendment as a substitute for the amendment of the Senator from Arkansas, then the amendment of the Senator from Nebraska has precedence in voting. The question is, Is the amendment of the Senator from Nebraska a substitute for the amendment of the Senator from Arkansas or is it an amendment to the bill?

Mr. HOWELL. I offer an amendment to the bill as a substitute for the amendment of the Senator from Arkansas.

The VICE PRESIDENT. Then the question is on the amendment of the Senator from Arkansas.

Several Senators called for the yeas and nays.

Mr. WARREN. Let the amendment be read, and then we will know something about it.

The VICE PRESIDENT. Will the Senator from Arkansas state where his amendment is to be inserted in the bill?

Mr. ROBINSON of Arkansas. I stated when I presented the amendment that it is to be inserted on page 6, after line 2.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arkansas.

Mr. BROUSSARD. Is this the war finance amendment?

Mr. ROBINSON of Arkansas. This amendment is modeled after the act creating the War Finance Corporation. It is, of course, not identical with it.

Mr. DILL. I call for the yeas and nays.

The VICE PRESIDENT. The yeas and nays are demanded.

Mr. HOWELL. Mr. President——

The VICE PRESIDENT. The Senator from Nebraska.

Mr. HOWELL. May I ask if my substitute is ruled out of order?

The VICE PRESIDENT. The vote will be taken first on the Robinson amendment and then on the amendment offered by the Senator from Nebraska.

Mr. HOWELL. But have I not a right to offer a substitute for the amendment? If the amendment of the Senator from Arkansas is adopted, my amendment then will not be adopted.

Mr. ROBINSON of Arkansas. Mr. President, may I make a suggestion to the Chair?

The VICE PRESIDENT. The amendment of the Senator from Nebraska is to the entire bill, as the Chair understands. The amendment of the Senator from Arkansas is to a portion of the bill.

Mr. ROBINSON of Arkansas. The Senator from Nebraska can easily modify his amendment so as to make it conform to the rule, and if he does that he would be entitled to offer it as a substitute for the amendment which I have proposed.

The VICE PRESIDENT. If the Senator from Nebraska desires to make it a substitute for the amendment of the Senator from Arkansas, he will change the form in which it has been handed to the Chair. It will then take precedence over the amendment of the Senator from Arkansas.

Mr. HOWELL. Very well. As I understand, Mr. President, the body of the bill, the original bill, or that portion of it which preceded the McNary amendment, will remain, and this is in substitution for that portion of the bill which was reported by the committee. I have not had an opportunity to examine the Robinson amendment, and I should like to do so.

The VICE PRESIDENT. The committee amendment went out.

Mr. HOWELL. Mr. President, with the appropriate change in the language of the amendment that I have offered, I now offer it as a substitute for the amendment offered by the Senator from Arkansas.

The VICE PRESIDENT. The substitute commences on page 6, after line 2. The question is on the amendment, in the nature of a substitute, offered by the Senator from Nebraska to the amendment offered by the Senator from Arkansas.

Mr. JONES of Washington. Mr. President, I desire to ask the Senator from Arkansas if he would have any objection to inserting on page 4, line 8, after the word "tobacco," the word "fruits"?

Mr. ROBINSON of Arkansas. I have no objection to that amendment. I modify the amendment so as to include the word "fruits," at the suggestion of the Senator from Washington.

Mr. HOWELL. Mr. President, prior to the reading of the substitute, I wish to submit a short statement as to the purpose thereof.

The substitute is practically identical with the amendment offered by the committee, as amended on the floor of the Senate prior to its defeat, with this exception: All commodities except wheat are eliminated from the bill so far as an equalization fee is concerned. However, the bill deals with all commodities, and provides a loan fund of $150,000,000 therefor, not over one-half of which can be loaned to cotton cooperatives, and not over one-half to cooperatives in connection with other products.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. HOWELL. I yield.

Mr. BORAH. Do I understand that the amendment which the Senator is now offering is the same as the Haugen bill, with the exception that everything except wheat is to be eliminated from the equalization fee?

Mr. HOWELL. Yes, sir.

Mr. BORAH. Why does not the Senator eliminate wheat, then, and thereby remove all the legal propositions which are involved in it?

Mr. HOWELL. I will address myself to that feature of the substitute shortly.

I wish to have it clearly understood that this is the McNary-Haugen proposal, so far as the equalization fee is concerned, applied only to wheat. Then it provides a loan fund, in addition to $50,000,000 allotted for this experiment with wheat, to be utilized in loaning to cooperatives, $75,000,000 to cotton cooperatives, and not more than $75,000,000 to other cooperatives. In other words, it is a combination of the ideas set forth in the bill of the Senator from Wisconsin [Mr. LENROOT] and the bill of the Senator from Ohio [Mr. FESS], with the wheat feature of the McNary bill included, and it is further provided that the experiment shall terminate in three years.

Mr. President, as a result of the operations of the United States Grain Corporation there was a surplus of some $76,000,000. Twenty million dollars of that surplus in the form of food, by direction of Congress, was presented to Russia. In other words, that amount of food supplies on hand was given to the Russians. Fifty-six million dollars of that surplus was practically given, $25,000,000 to Austria and the remainder to Hungary and one or two other countries; I think $3,000,000 to Armenia.

In other words, as a result of the Government's operations in grain, there was a surplus of some $76,000,000, and the surplus would be in the Treasury now were it not for the fact that it has been distributed in the manner stated. The Treasury, until recently, did hold as a part of this surplus fifty-six million and some odd hundred thousand dollars of securities of Austria, Hungary, Armenia, and Czechoslovakia. Part of these securities have been refunded as the result of the action of the refunding commission and Congress.

I want to call attention to this fact, that this $76,000,000 belonged in equity to the grain farmers of the country. It was the profit made out of transactions in their grain, and they ought to have had the money, but they did not get it. The Government used it for other purposes.

What I propose is this, that we take $50,000,000 of that virtual surplus and use it in an experiment with the equalization fee plan, the experiment to continue for three years, as provided. We will thus have an opportunity to determine the constitutional question respecting an equalization fee. There is a division here in the Senate, there is a division in the House, as to the constitutionality of this proposed method of procedure.

No one of the proponents of this plan will ever be satisfied until the courts pass upon the matter. By including wheat, and financing this wheat experiment with $50,000,000 that really belongs to the grain farmers, we will secure a reference to the courts promptly and have a decision as to its constitutionality. Let us have the question settled, because otherwise it will be constantly recurring here, like Banquo's ghost.

Mr. President, I wish now to go on and state further the purpose of this amendment. If this equalization fee is held to be constitutional, then there will be an opportunity to determine the question of the workability of the plan, with wheat alone; and if those here who believe that it is unworkable are right, that will end the matter. If it is workable, we will and should know the fact.

Would it not be better for the country to settle this question by such an experiment? All the progress we have made in this country is largely the result of experiment. Why should we refuse to allow the grain farmer to experiment with an equalization fee, especially when he would be using money that in equity belongs to him?

Let us settle for once and all time the question of the feasibility of this plan. That can be done by adopting this amendment.

What further would such action do? It would do practically, as I understand, what the amendment offered by the Senator from Arkansas [Mr. ROBINSON] would do, so far as loans are concerned. I do not believe in bonuses. I do not believe we should adopt any plan in aid of the farmer that has not the possibility of permanency and final success. Any attempt to stake the farmer with an appropriation, so as to enable him to bull the market, without some plan for his paying the expenses, would be flying in the face of Providence. There would be no outcome but failure with such a plan as that.

Therefore I am urging the adoption of this measure, amended as I propose, so that we can try out this wheat experiment. The bill provides specifically for the termination of the experiment in three years. As I have stated, the second feature of the bill is that it provides $150,000,000 for loans, $75,000,000 for cotton. It must be recognized that cotton is upon an entirely different basis, so far as marketing is concerned, compared with wheat, cattle, and hogs. We raise and control the cotton surplus of the world. There is a possibility of valorization in connection with cotton, and this bill provides $75,000,000 for such an experiment.

Mr. President, the substitute also provides $75,000,000 for loans to cooperatives in connection with other products. Therefore it is a combination of one feature of the McNary-Haugen plan and the features outlined in the Lenroot and Fess amendments.

Here is an opportunity to settle several questions once and for all. If we adopt this plan we can once and for all settle the constitutionality of an equalization fee, the workability of the idea, and of the practicability of valorization in connection with cotton.

If we can try these two experiments and at the same time afford such aid as may be deemed proper by the farm board in connection with products other than wheat and cotton, it certainly will be to the advantage of agriculture.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired. The question is on the amendment of the Senator from Nebraska [Mr. HOWELL] to the amendment of the Senator from Arkansas [Mr. ROBINSON].

Mr. HOWELL's amendment was, on page 6, after line 2, as a substitute for the amendment offered by Mr. ROBINSON of Arkansas, to insert:

DECLARATION OF POLICY

SEC. 8. It is hereby declared to be the policy of Congress to enable producers of agricultural commodities to control a supply thereof sufficient to stabilize their markets against undue and excessive fluctuations; to distribute the benefits and costs thereof in respect of wheat to all producers of wheat; to minimize speculation and waste in marketing such commodities; to encourage the organization of producers into cooperative associations; to protect domestic markets against world prices; and to provide for the control and disposition of the surpluses of agricultural commodities, for the purpose of promoting the orderly marketing of such commodities in interstate and foreign commerce.

FEDERAL FARM ADVISORY COUNCIL

SEC. 9. (a) There is hereby established a Federal Farm Advisory Council (hereinafter referred to as the "council") to consist of five members from each of the 12 Federal land-bank districts. Four of the members of the council from each district shall be elected by the bona fide farm organizations and cooperative associations in such district at a convention of such organizations and associations, to be held at the office of the Federal land bank in such district or at such other place, in the city where such Federal land bank is located, to which the convention may adjourn. One of the members of the council from each district shall be appointed by the Secretary of Agriculture.

(b) The Secretary of Agriculture shall annually, with the advice of such farm organizations and cooperative associations as he considers to be representative of agriculture, (1) fix the date on which such conventions shall be held, (2) designate the farm organizations and cooperative associations in each district eligible to participate in such conventions, and (3) designate the number of representatives and the number of votes to which each such organization or association shall be entitled. The Secretary of Agriculture shall mail, at least 15 days prior to the date on which a convention is to be held, to each organization and association eligible to participate in such convention, notice of the date and place of such convention. The conventions first held after the date of the passage of this act shall be held within 45 days after such date. The Secretary of Agriculture shall prescribe uniform regulations for the procedure at such conventions and for the proper certification of election of the members of the council.

(c) The term of office of each member first elected or appointed shall expire one year from the date of his election or appointment, and the term of office of all successors shall expire one year from the date of the expiration of the preceding term. Any member in office at the expiration of the term for which he was elected or appointed may continue in office until his successor takes office.

(d) The members of the council shall serve without salary, but may be paid by the Federal Farm Board (established in section 11 and hereinafter referred to as the "board") a per diem compensation not exceeding $25 for attending meetings of the council. Each member shall be paid by the board his necessary traveling expenses to and from the meetings of the council and his actual expenses while engaged upon the business of the council.

DUTIES OF COUNCIL

SEC. 10. (a) The council shall—

(1) Meet and organize as soon as practicable after the passage of this act and select a chairman, secretary, and such other officers as it deems necessary.

(2) Nominate to the President 3 individuals from each of the 12 Federal land bank districts eligible for appointment to the board.

(3) Meet thereafter at least twice in each year at a time and place designated by the Secretary of Agriculture, or upon a petition duly signed by a majority of the members of the council at a time and place designated therein.

(4) Nominate in accordance with the provisions of section 11 three individuals to fill any vacancy occurring in the board.

(5) Submit to the board such recommendations and cooperate with the board in such manner as the council deems most effective to carry out the purposes of this act.

(b) The individuals to be nominated to the President for appointment to the board from any district shall be selected by the members of the council from such district.

FEDERAL FARM BOARD

SEC. 11. (a) There is hereby established in the Department of Agriculture a board to be known as the Federal Farm Board and to be composed of 12 members, 1 from each of the 12 Federal land bank districts, appointed by the President, by and with the advice and consent of the Senate, from the individuals nominated by the council.

(b) The Secretary of Agriculture shall be an ex officio member of the board.

APPOINTMENT AND QUALIFICATIONS OF MEMBERS

SEC. 12. (a) The terms of office of the appointed members first taking office after the passage of this act shall expire, as designated by the President at the time of nomination, four at the end of the second year, four at the end of the fourth year, and four at the end of the sixth year, after the date of the passage of this act. A successor to an appointed member shall be appointed by the President, by and with the advice and consent of the Senate, from the individuals nominated, as provided in subdivision (d) of this section, for a term expiring six years from the date of the expiration of the term for which his predecessor was appointed.

(b) Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Any member in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

(d) Whenever a vacancy occurs in the board or whenever, in the opinion of the chairman of the board, a vacancy will soon occur in the office of a member from any Federal land bank district, he shall notify the council thereof and request that the council nominate three individuals from such district qualified to fill such vacancy. Upon receipt of such nominations he shall submit their names to the President as the nominees for such vacancy.

(e) Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and a majority of the appointed members in office shall constitute a quorum for the transaction of the business of the board. The approval or authorization of any matter by the board shall require the affirmative vote of a majority of the appointed members in office.

(f) Each of the appointed members shall be a citizen of the United States, shall not actively engage in any other business, vocation or employment than that of serving as a member of the board, and shall receive a salary of $10,000 a year, together with necessary traveling expenses and expenses incurred for subsistence, or per diem allowance in lieu thereof, while away from the principal office of the board on business required by this act.

GENERAL POWERS OF BOARD

SEC. 13. The board—

(a) Shall annually designate an appointed member to act as chairman of the board.

(b) Shall maintain its principal office in the District of Columbia.

(c) Shall have an official seal which shall be judicially noticed.

(d) Shall make an annual report to the Congress.

(e) May make such regulations as are necessary to execute the functions vested in it by this act.

(f) May (1) appoint and fix the salaries of such experts and, in accordance with the classification act of 1923 and subject to the pro-

visions of the civil service laws, a secretary and such other officers and employees, and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding), as may be necessary for the execution of the functions vested in the board. All expenditures of the board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman.

SPECIAL POWERS AND DUTIES

SEC. 14. (a) The board shall meet at the call of the chairman or the Secretary of Agriculture or a majority of its members.

(b) The board is authorized—

(1) To obtain, from any available sources, information in respect of crop prospects, supply, demand, current receipts, exports, imports, markets, transportation costs and facilities, prices of agricultural commodities, wastes or unnecessary costs in connection with the present method of marketing costs of production either domestic or foreign or both, and economic, legal, and financial information in respect of the organization, progress, business methods, and cost of operations of cooperative associations in the United States and foreign countries.

(2) To disseminate any such information, or analyses or summaries thereof, from time to time, among cooperative associations and farm organizations in the United States.

(3) To advise cooperative associations, farm organizations, and producers in the adjustment of production in order to secure the maximum benefits under this act.

CONTROL AND DISPOSITION OF SURPLUS

SEC. 15. (a) The board shall keep advised by investigations, from time to time, made upon its own initiative or upon petition of any cooperative association or farm organization, of the domestic and world prices and the existence or the probability of the existence of a surplus of any agricultural commodity or any of its food products.

(b) The board shall furnish, upon request, to any cooperative association or farm organization, or to any producer of any agricultural commodity, or to any person owning or controlling any of such commodity, its recommendations upon the disposition of such commodity, or any surplus thereof, and upon the available methods of financing. Whenever the board is of opinion that the provisions of this act exclusively applicable to wheat should be made applicable to any other agricultural commodity, it shall submit its report thereon to Congress.

(c) Whenever the board finds, first, that there is or may be during the ensuing year a surplus above the domestic requirements for wheat and/or its food products, and, second, that a substantial number of cooperative associations or other organizations representing the producers of wheat are in favor of the commencement by the board of operations in such commodity and/or its food products, then the board shall declare its findings and commence such operations: *Provided*, The board shall not commence operations in wheat and/or its food products unless the members of the board, representing land-bank districts which in the aggregate produced during the preceding crop year for wheat (according to the last available statistics of the Bureau of the Census) more than 50 per cent of such commodity, vote in favor thereof. Such operations shall continue until terminated by the board.

(d) During such operations the board shall assist in removing or withholding the surplus of wheat and/or its food products by entering into agreements with cooperative associations engaged in handling such commodity or its food products, or with a corporation or association created by one or more of such cooperative associations, or with persons engaged in processing such commodity or its food products, for the following purposes:

(1) The payment out of the equalization fund for such commodity, as hereinafter established, of the amount of losses, costs, and charges of any such association, corporation, or person arising out of the purchase, storage, sale, or other disposition of such commodity or its food products or out of contracts therefor, if made after such agreement has been entered into and if made in accordance with the terms and conditions thereof; and

(2) The payment into such equalization fund for such commodity of profits of any such association, corporation, or person, arising out of such purchase, storage, sale, or other disposition or contracts therefor; and

(3) The making of advances out of such equalization fund to any such association or corporation for financing the purchase, storage, sale, or other disposition of wheat and/or its food products in order to assist in removing or withholding the surplus of wheat and/or its food products.

(e) If the board is of the opinion that there is no such cooperative association capable of carrying out any such agreement, the board may enter into such agreements with other agencies.

(f) If the board is of the opinion that there are two or more cooperative associations capable of carrying out any such agreements, the board, in entering into such agreements, shall not discriminate unreasonably against any such association and in favor of any other such association.

LOANS

SEC. 16. The board is authorized, in accordance with such regulations as it may prescribe, to make loans out of the revolving fund to any cooperative association engaged in the purchase, storage, and/or marketing of any agricultural commodity, for the purpose of assisting such cooperative association in controlling the surplus of such commodity in excess of the requirements for orderly marketing. The aggregate amount of loans out of the revolving fund shall not exceed at any one time the sum of $150,000,000. The aggregate amounts loaned on account of cotton shall not exceed at any one time the sum of $75,000,000, and the aggregate amounts loaned on account of all other agricultural commodities shall not exceed at any one time the sum of $75,000,000. Such loans shall be repayable upon such terms and conditions as the board may prescribe.

PURPOSES OF EQUALIZATION FEE

SEC. 17. In order that the producers of wheat may contribute ratably their equitable share to the equalization fund hereinafter established for such commodity; in order to prevent any unjust discrimination against, any direct burden or undue restraint upon, and any suppression of commerce in wheat and its food products with foreign nations in favor of interstate or intrastate commerce; and in order to encourage and stimulate the normal and usual current of foreign and interstate commerce in wheat—there shall be apportioned and paid as a regulation of such interstate and foreign commerce an equalization fee as hereinafter provided.

DETERMINATION OF AMOUNT OF FEE

SEC. 18. Prior to the commencement of operations in respect of wheat and/or its food products and thereafter from time to time the board shall estimate the probable advances, losses, and expenses to be paid in respect of such operations. Having due regard to such estimates, the board shall determine and publish the amount for each unit of weight, measure, or value designated by it, to be collected upon the processing or the sale or other disposition of wheat during the operations therein. Such amount is hereinafter referred to as the "equalization fee." At the time of determining and publishing an equalization fee the board shall specify the period (not later than three years after the passage of this act) during which the fee shall remain in effect.

PAYMENT AND COLLECTION OF FEE

SEC. 19. (a) During the operations in respect of wheat and/or its food products, the equalization fee shall be paid, under such regulations as the board may prescribe, upon the processing or the sale or other disposition (as the board may determine) of the unit of wheat.

(b) The board may by regulation require any person engaged in processing or in the purchasing of wheat—

(1) To file returns under oath and to report, in respect of his processing or purchasing of such commodity, the amount of equalization fees payable thereon and such other facts as may be necessary for the payment or collection of the equalization fees;

(2) To collect the equalization fee from the producer and to account therefor; and

(c) Every processor or purchaser who, in violation of the regulations prescribed by the board, fails to account for any equalization fee shall be liable for such fee and to a penalty equal to one-half the amount of such fee. Such fee and penalty may be recovered together in a civil suit brought by the board in the name of the United States.

EQUALIZATION FUND

SEC. 20. (a) In accordance with regulations prescribed by the board, there shall be established an equalization fund for wheat, into which the equalization fees and the profits in connection with operations therein or in its food products shall be deposited.

(b) The board, in anticipation of the collection of the equalization fees, and in order promptly to make the advances agreed to be made and to provide for the prompt payment of the losses agreed to be paid and the salaries and expenses of experts, may advance to the equalization fund for wheat, out of the revolving fund hereinafter established, such amounts as may be necessary.

(c) There shall be disbursed from the equalization fund the amounts agreed to be repaid by the board for losses, costs, and charges in respect of the operations in wheat or its food products, and the salaries and expenses of such experts as the board determines should be payable from such fund. There shall be repaid from such equalization fund any amounts advanced in respect of the agricultural commodity, from the revolving fund hereinafter established, and remaining unpaid, together with interest on such amounts at the rate of 4 per cent per annum.

AUDITS OF BOOKS AND ACCOUNTS OF BOARD

SEC. 21. The financial transactions of the board, including the payments of the losses and profits under agreements entered into pursuant to this act, salaries and expenses of experts, and refunds on exportation, shall be audited by the General Accounting Office at such times

and in accordance with such regulations as the Comptroller General of the United States may prescribe. The report of such audit or audits shall be included in the annual report to the Congress.

COOPERATION WITH EXECUTIVE DEPARTMENTS

SEC. 22. (a) It shall be the duty of any governmental establishment in the executive branch of the Government, upon request by the board, or upon Executive order, to cooperate with and render assistance to the board in carrying out any of the provisions of this act and the regulations of the board. The board shall, in cooperation with any such governmental establishment, avail itself of the services and facilities of such governmental establishment in order to avoid preventable expense or duplication of effort.

(b) The President may by Executive order direct any such governmental establishment to furnish the board with such information and data pertaining to the functions of the board as may be contained in the records of such governmental establishment. The order of the President may provide such limitations as to the use of the information and data as he deems desirable.

(c) The board may cooperate with any State or Territory, or department, agency, or political subdivision thereof, or with any person.

DEFINITIONS

SEC. 23. (a) As used in this act the term "processing" means milling for market of wheat or the first processing in any manner for market (other than cleaning or drying) of wheat not so milled, and the term "sale or other disposition" means the first sale in the United States of wheat for milling or other processing for market, for resale, or for delivery by a common carrier—occurring after the beginning of operations by the board in respect of wheat and/or its food products.

(b) The term "sale or other disposition" does not include—

(1) The transfer to a cooperative association for the purpose of sale by such association on account of the transferor.

(2) The transfer of title in pursuance of a contract entered into before, and at a specified price determined before, the commencement of operations in respect of wheat and/or its food products. In case of the transfer of title in pursuance of a contract entered into after the commencement of operations in respect of wheat and/or its food products, but entered into at a time when, and at a specified price determined at a time during which, a particular equalization fee is in effect, then the equalization fee applicable in respect of such transfer of title shall be the equalization fee in effect at the time when such contract was entered into and such specified price determined.

(c) The term "person" means individual, partnership, corporation, or association.

(f) The term "United States," when used in a geographical sense, means continental United States.

(g) The term "cooperative association" means an association of persons engaged in the production of agricultural products, as farmers, planters, ranchers, dairymen, or nut or fruit growers, organized to carry out any purpose specified in section 1 of the act entitled "An act to authorize association of producers of agricultural products," approved February 18, 1922, whether or not such association is qualified under such act.

REVOLVING FUND AND APPROPRIATION

SEC. 24. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000,000, which shall be administered by the board and used as a revolving fund, in accordance with the provisions of this act.

(b) For expenses in the administration of the functions vested in the board by this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000, to be available to the board for such expenses (including salaries and expenses of the members and the per diem compensation and expenses of members of the council) incurred prior to July 1, 1927.

SEPARABILITY OF PROVISIONS

SEC. 25. If any provision of sections 8 to 27, inclusive, is declared unconstitutional or the applicability thereof to any person, circumstance, commodity, or class of transactions is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons, circumstances, commodities, and transactions shall not be affected thereby.

SHORT TITLE

SEC. 26. This act may be cited as "The Federal Farm Board Act of 1926."

DURATION

SEC. 27. The provisions of sections 8 to 25 of this act shall be inoperative after three years from the date of the passage of this act, and all operations by the board, unless otherwise specifically authorized by Congress, shall terminate at such time, except that such provisions may remain operative for such additional period as the President shall by Executive order designate solely for the purpose of enabling the board to adjust, settle, liquidate, and wind up its affairs.

Mr. HOWELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). Making the same announcement as on the previous vote, I withhold my vote.

Mr. GEORGE (when his name was called). On this vote I have a pair with the senior Senator from Colorado [Mr. PHIPPS], and in his absence, not knowing how he would vote, I withhold my vote.

Mr. RANSDELL (when his name was called). I am paired with the Senator from North Dakota [Mr. FRAZIER]. In his absence, I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following pairs:

The Senator from Colorado [Mr. MEANS] with the Senator from South Carolina [Mr. SMITH];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from North Dakota [Mr. NYE].

Mr. HARRISON (after having voted in the negative). I find I have a pair on this vote with the senior Senator from Wisconsin [Mr. LENROOT]. In the absence of the Senator from Wisconsin, not knowing how he would vote, I withdraw my vote.

Mr. CURTIS. I wish to announce the necessary absence of the Senator from Delaware [Mr. DU PONT]. If present, he would vote "nay."

The result was announced—yeas 22, nays 55, as follows:

YEAS—22

Cameron	Johnson	Neely	Schall
Capper	Jones, Wash.	Norbeck	Shipstead
Cummins	Kendrick	Norris	Stanfield
Gooding	La Follette	Oddie	Wheeler
Harreld	McMaster	Pine	
Howell	McNary	Robinson, Ind.	

NAYS—55

Ashurst	Dill	King	Simmons
Bayard	Edge	McKellar	Steck
Bingham	Edwards	Mayfield	Stephens
Blease	Ernst	Metcalf	Swanson
Borah	Fernald	Moses	Trammell
Bratton	Fess	Overman	Tyson
Broussard	Gerry	Pepper	Underwood
Bruce	Gillett	Pittman	Wadsworth
Butler	Glass	Reed, Mo.	Walsh
Caraway	Goff	Reed, Pa.	Warren
Couzens	Hale	Robinson, Ark.	Weller
Curtis	Harris	Sackett	Williams
Dale	Heflin	Sheppard	Willis
Deneen	Jones, N. Mex.	Shortridge	

NOT VOTING—19

Copeland	George	McKinley	Ransdell
du Pont	Greene	McLean	Smith
Ferris	Harrison	Means	Smoot
Fletcher	Keyes	Nye	Watson
Frazier	Lenroot	Phipps	

So Mr. HOWELL'S amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. MOSES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. MOSES. What amendments are now pending?

The VICE PRESIDENT. The amendment of the Senator from Arkansas is now pending.

Mr. MOSES. Mr. President, in view of the votes which have been taken in the Senate recently, it is evident that no affirmative action may be had upon any of the embroidery which one wishes to add to this measure. Therefore I move that all pending amendments be referred to the Committee on Agriculture.

Mr. BRUCE. Mr. President, I hope the Senator will not press that motion. I have an amendment on the table that I propose to call up, and I think it will lead to no discussion.

Mr. MOSES. If I may say to the Senator from Maryland, the effect of my motion would be to bring the Senate back to the first seven sections of the bill as it passed the House and came to the Senate. It is my opinion that those seven sections may be adopted by the Senate, and, therefore, there will be no further action between the two Houses and this vexed question of agricultural relief may be disposed of.

Mr. BRUCE. My amendment contemplates the appointment of a commission to report at the next session of Congress.

Mr. MOSES. I understand the motion I have just made is debatable. Therefore Senators who wish to discuss it may go forward and bring on the argument which they have in support of their various amendments. I do not wish to be disingenuous with any of my colleagues. I have in mind the

pending amendment, the amendment with reference to the powers of the Tariff Commission, to which amendment other amendments will be offered. I have also in mind the amendment proposed by the Senator from Texas [Mr. MAYFIELD]. I think the whole subject matter involved in all of those amendments should properly be referred to the committee and let the Senate get down to what——

Mr. MAYFIELD. Mr. President——

Mr. MOSES. In just a moment.

Mr. MAYFIELD. Will the Senator yield?

Mr. MOSES. I wish to complete my statement. I think it is advisable, in view of the conditions, that the Senate should get down to what the late Woodrow Wilson would call "the bones of the situation," which are the first seven sections of the bill before us, upon which we probably can get an agreement. I realize that my motion is debatable, but must insist upon it for the time being at least to see what the debate brings forth.

Mr. UNDERWOOD. Mr. President, I rise merely to ask the Senator from New Hampshire a question. He proposes by his motion to refer all pending amendments to the committee from which the bill was reported. He of course recognizes the fact that we can not refer to the committee an amendment which has not been presented.

Mr. MOSES. Oh, yes, indeed; I recognize that fact.

Mr. UNDERWOOD. If we refer the present amendment to the committee there is nothing in the rule to prevent any Senator from again offering an amendment of substantially the same kind.

Mr. MOSES. I understand that, too, but I also understand if my motion prevails that we probably can, by following votes, refer all the amendments to the committee.

Mr. UNDERWOOD. But why not vote on them?

Mr. MOSES. We have seen to-day a debate in the Senate upon an amendment the substance of which was not known to the Members of the Senate until it was read from the desk, and the debate which followed it shows the temper of the Senate, as I think, conclusively, with reference to any attempt to change the text of the bill as it came from the House. I frankly say to the Senator from Alabama that my purpose is to make a short cut in order that we may dispose of this vexed subject of agricultural relief and get to the point where we may contemplate final adjournment.

Mr. ROBINSON of Arkansas. Mr. President, I move to lay on the table the motion of the Senator from New Hampshire, and on that I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). Making the same announcement as on the previous vote, I withhold my vote.

Mr. GEORGE (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. PHIPPS]. On this motion I do not know how he would vote. Therefore, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. RANSDELL (when his name was called). I have a pair with the Senator from North Dakota [Mr. FRAZIER]. Not knowing how he would vote on this question, I withhold my vote. If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I wish to announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from North Dakota [Mr. NYE]; and

The Senator from Colorado [Mr. MEANS] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 40, nays 38, as follows:

YEAS—40

Ashurst	Glass	McKellar	Simmons
Bayard	Gooding	McNary	Stanfield
Blease	Harris	Mayfield	Steck
Bratton	Harrison	Neely	Stephens
Broussard	Heflin	Norris	Swanson
Bruce	Johnson	Overman	Trammell
Copeland	Jones, N. Mex.	Pittman	Tyson
Cummins	Jones, Wash.	Reed, Mo.	Underwood
Edwards	Kendrick	Robinson, Ark.	Walsh
Gerry	King	Sheppard	Wheeler

NAYS—38

Bingham	Edge	McMaster	Shipstead
Borah	Ernst	Metcalf	Shortridge
Butler	Fernald	Moses	Wadsworth
Cameron	Fess	Norbeck	Warren
Capper	Gillett	Oddie	Watson
Couzens	Goff	Pepper	Weller
Curtis	Hale	Pine	Williams
Dale	Harreld	Reed, Pa.	Willis
Deneen	Howell	Sackett	
Dill	La Follette	Schall	

NOT VOTING—18

Caraway	George	McLean	Robinson, Ind.
du Pont	Greene	Means	Smith
Ferris	Keyes	Nye	Smoot
Fletcher	Lenroot	Phipps	
Frazier	McKinley	Ransdell	

So Mr. MOSES's motion to refer the amendments was laid on the table.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Arkansas [Mr. ROBINSON].

Mr. ROBINSON of Arkansas. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the junior Senator from New Hampshire [Mr. KEYES]. Not knowing how he would vote, I withhold my vote, although if permitted to vote, I should vote "yea."

Mr. GEORGE (when his name was called). Making the same announcement with reference to my pair with the Senator from Colorado [Mr. PHIPPS], I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. HARRISON (when his name was called). On this vote I am paired with the senior Senator from Wisconsin [Mr. LENROOT]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. KING (when his name was called). On this vote I am paired with the senior Senator from Illinois [Mr. MCKINLEY].

Mr. RANSDELL. Making the same announcement as previously made in regard to my pair, I withhold my vote. If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I wish to announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from North Dakota [Mr. NYE]; and

The Senator from Colorado [Mr. MEANS] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 26, nays 51, as follows:

YEAS—26

Ashurst	Edwards	Kendrick	Stephens
Blease	Gerry	Mayfield	Swanson
Bratton	Glass	Neely	Trammell
Broussard	Harris	Pittman	Tyson
Caraway	Heflin	Reed, Mo.	Wheeler
Copeland	Jones, N. Mex.	Robinson, Ark.	
Dill	Jones, Wash.	Sheppard	

NAYS—51

Bayard	Ernst	McNary	Shortridge
Bingham	Fernald	Metcalf	Simmons
Borah	Fess	Moses	Stanfield
Bruce	Gillett	Norbeck	Steck
Butler	Goff	Norris	Underwood
Cameron	Gooding	Oddie	Wadsworth
Capper	Hale	Pepper	Walsh
Couzens	Harreld	Pine	Warren
Cummins	Howell	Reed, Pa.	Watson
Curtis	Johnson	Robinson, Ind.	Weller
Dale	La Follette	Sackett	Williams
Deneen	McKellar	Schall	Willis
Edge	McMaster	Shipstead	

NOT VOTING—19

du Pont	Greene	McKinley	Phipps
Ferris	Harrison	McLean	Ransdell
Fletcher	Keyes	Means	Smith
Frazier	King	Nye	Smoot
George	Lenroot	Overman	

So the amendment of Mr. ROBINSON of Arkansas was rejected.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. ROBINSON of Arkansas. I offer the amendment which I send to the desk to be inserted after line 11, on page 6.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The CHIEF CLERK. On page 6, at the end of line 11, it is proposed to insert a new paragraph, as follows:

That for the purpose of assisting the Congress in reducing to a moderate or competitive basis such duties as may appear to be either excessive or prohibitive, the United States Tariff Commission is hereby directed to investigate and from time to time, as speedily as may be, report to the Congress what rates of duty, in the opinion of its members, substantially and approximately will equalize the conditions of competition in the principal markets of the United States between domestic producers and foreign producers of the principal competing countries, respecting articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, particularly including the following: Steel ingots; sheets of iron or steel; tubular products; table, kitchen, and household knives; razor blades; safety

razors; pruning and sheep shears; scissors; nail and barber's clippers; pocket knives; hinges; padlocks; tinware; bathtubs; table, kitchen, and household utensils of aluminum; also textile machinery; automobiles; automobile tires; rubber manufactures; electrical machinery and apparatus; jute bags; cotton cloths; cotton blankets; cheaper woolen blankets; cotton suspenders; woolen suspenders; cotton gloves; men's cotton shirts; cotton-lace window curtains; cotton towels and sheets; knit fabrics and knit goods of rayon; woolens; wool socks; wool cloth (knit and not knit); table and kitchen articles of glassware; brick; asphaltum and bitumen; mechanics' tools not specially enumerated; sulphate of ammonia; paints, pigments, and varnishes; collar and cuff buttons; toothbrushes and paintbrushes; cheaper and coarser raw wools; glass table and kitchen utensils, pressed and unpolished; limestone; magnesite; saddlery and harness hardware; fountain pens; lawn mowers; broom handles; indigo; wood fence posts; hoop or band iron for baling cotton.

The said commission is hereby authorized to employ such additional experts, employees, and agents as may be required in the prompt performance of its duties under this section and may give priority to investigations, hearings, and reports herein directed over other work of the commission.

That there is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this section, the sum of $250,000, or so much thereof as may be necessary.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas.

Mr. MOSES. Mr. President, if we may have a vote on the amendment without debate, I shall not make the motion which I have in mind; otherwise, I shall move to lay the amendment on the table.

Mr. SWANSON. Mr. President, I ask unanimous consent to have inserted in the RECORD an address made by the Senator from Arkansas [Mr. ROBINSON], the Democratic leader, on the amendment just read.

Mr. MOSES. I make no objection to that; and in view of the fact that we may have a vote without debate I shall not make my motion.

The VICE PRESIDENT. Without objection the request of the Senator from Virginia is granted.

The address is as follows:

SPEECH OF SENATOR ROBINSON OF ARKANSAS

This amendment, directing the Tariff Commission to investigate and report to the Congress what rates of duty will equalize the conditions of competition in the principal markets of the United States between domestic producers and foreign producers, respecting articles grown or produced in the United States and like or similar articles produced in competing foreign countries, may with propriety be incorporated in the bill, whether the original committee amendment, known as the Haugen bill, or some substitute for it is agreed to.

The proposal to reduce tariff rates where the same are either excessive or prohibitive to a competitive basis challenges the approval of those who are committed to the policy of protection, but who at the same time are not willing to abuse the taxing power to enable American producers of trust-controlled commodities to levy tribute from the consumers. It is a substantial and necessary measure for adequate and permanent relief to those engaged in agriculture and is based on sound economic principles.

If this amendment should become law and be carried out, it would reduce by an enormous amount the costs which the farmers of the Nation are compelled to incur in growing their products. Great farming States like Nebraska, Iowa, Ohio, Indiana, Kansas, the Dakotas, Washington, Oregon, Idaho, and the Southern States receive no such results from the present tariff law as to justify their representatives in seeking to fasten its exactions more firmly on the public. It is to the interest of these States to reduce the tariff, as must plainly appear from an analysis of the manufacturing industries in operation in the farming States.

MANUFACTURING IN NEBRASKA

The principal manufacturing industries of Nebraska in the order of the value of their products include:

1. Slaughtering and meat packing.
2. Flour.
3. Butter.
4. Cars, railway and repair shops.
5. Newspaper and publishing.
6. Foundry and machine shops.
7. Book and job printing.
8. Automobile repairing.
9. Confectionery and ice cream.
10. Food preparations.
11. Poultry killing and dressing.
12. Coffee roasting and grinding.

It is apparent that where poultry dressing, coffee roasting, and automobile repairing are among the principal manufacturing industries of a great State that the principal effect of the tariff is to increase the cost of the partly manufactured supplies. This is applicable to supplies like steel, aluminum, and brass, and to the machinery and textiles used in Nebraska factories. By the increase in these costs the purchasing power of Nebraska farmers and the profits of her manufacturers are actually reduced.

The census of 1920 showed 36,521 wage earners in the factories of Nebraska. Of these approximately 10,122 were in slaughtering and meat packing; a little over 6,000 in the construction and upkeep of steam-railroad equipment in the State; 1,627 in bakeries; 2,476 in newspaper printing, job printing, etc.; 1,134 in automobile repairing; while 607 were making ice cream and candy.

Nebraska ships $1,000 worth of merchandise to Europe to where she would import $1 worth. It is ridiculous to imagine that the present tariff is helpful to the manufacturers of Nebraska.

This State is fairly representative of manufacturing in the agricultural States of the West generally, including Kansas, the Dakotas, Washington, Oregon, and Idaho, and of the Southern States, except the steel interests in Alabama and the cotton mills in certain other Southern States.

IOWA

Iowa is also representative of a number of States with respect to manufacturing, including Minnesota, Wisconsin, and Missouri. Her principal industries are the following:

1. Slaughtering and meat packing.
2. Butter.
3. Food preparations.
4. Cars and railway shop repairing.
5. Glucose and starch.
6. Flour.
7. Newspapers and periodicals.
8. Bread and bakery products.
9. Foundry and machine shops.
10. Engines, steam, gas, and water.
11. Lumber and planing mills.
12. Confectionery and ice cream.
13. Poultry killing and dressing.
14. Washing machines.
15. Brick and tile.
16. Cement.
17. Canning and preserving.
18. Patent medicines.
19. Rubber tires.
20. Agricultural implements.
21. Automobile repairing.
22. Gas and by-products.
23. Buttons.
24. Book and job printing.
25. Coffee roasting and grinding.

This table shows that in Iowa, as in Nebraska, slaughtering, butter making, food preparations, flour, ice cream, poultry dressing, and coffee roasting are among her principal manufacturing industries.

Of Iowa's 25 leading industries only glucose and agricultural implements are directly affected by the tariff. All the rest are detrimentally affected by the increase in the cost of their machinery and materials, except where they are able to pass these excess costs to the consumers.

Glucose, representing 6 cents of labor in converting corn into a dollar's worth of glucose at the factory selling price, is an illustration of corrupt protection. The American cost is as low as any, as is proved by the exportation in 1920 of $10,000,000 worth, under the low tariff of 15 per cent then in force, as against $5 of imports, and $6,662,000 exported in 1921 as against imports of $142. The tariff is now 50 per cent for no explicable reason.

Agricultural implements are on the free list. Iowa has several great factories. These factories pay for the steel they use as if it were made in Europe and imported at European prices plus ocean freights of 23 cents per hundred pounds, plus the tariff of 28 per cent.

"Pittsburgh plus" was abolished by the courts, but here is "Europe plus" with a vengeance. It makes our farming implement manufacturers pay 50 per cent more for steel than their foreign competitors.

We are the greatest exporters of steel in all the world.

Indiana may be taken as typical or illustrative of the great Northern agricultural States, including Ohio and Illinois. They constitute an empire in themselves. They embrace one-seventh of the population of the United States and produce one-tenth of the Nation's agricultural products. They also manufacture one-fifth in value of the total manufactured products of the United States, and employ one-fifth of the Nation's wage earners.

It is interesting to note how the tariff affects the manufacturers of these States.

MANUFACTURING IN INDIANA

1. Iron and steel.
2. Slaughtering and meats.
3. Automobiles.
4. Cars, steam railway.
5. Foundry and machine shops.
6. Flour.
7. Automobile bodies and parts.
8. General railway repair shops.
9. Furniture.
10. Electrical machinery.
11. Agricultural implements.
12. Glass.
13. Bread and bakery products.
14. Butter.
15. Rubber tires.
16. Newspapers and periodicals.
17. Canning and preserving.
18. Lumber.
19. Paper and pulp.
20. Clothing, men's.
21. Engines, steam, gas, and water.
22. Structural ironwork.
23. Planing-mill products.
24. Cement.
25. Gas and gas-work's products.
26. Book and job printing.

As in the States farther west, we find among the leading industries slaughtering, flour, bakery products, butter, newspaper printing, canning and preserving, and job printing.

Of the 10 principal industries in Indiana, only the first, iron and steel, and the tenth, electrical machinery, are helped by the tariff, and a few of her machine shops that make things that might be imported except for the tariff. This last would not include general foundry and machine-shop products and automobile parts, which constitute most of the output of Indiana foundries and machine shops.

A careful analysis will disclose that the conditions in all these great agricultural States would be greatly improved by substantial reductions in the tariff. The policy of the present law is disastrous in the extreme to farmers. It compels them to pay high prices for what they consume and to accept low prices for what they produce. The logical and sensible method is not to violate sound economic principles by attempting to make it to the interest of the farmer to maintain high tariffs. The true and direct course is to permit him to purchase what he consumes in a competitive market.

Just how foolish it is for a farming community to support the policy of higher protective or prohibitive tariff duties appears when the manufacturing industries of the Southern, the Western, and Northwestern States are compared with those of Connecticut.

MANUFACTURING IN CONNECTICUT

It is quite to be expected that Connecticut is committed unalterably to a tariff policy which has proved subversive to farming districts. Connecticut is more or less typical of Massachusetts, Rhode Island, New Jersey, Pennsylvania, and, in less degree, New York.

An interesting compilation is furnished from the census of 1920 concerning manufacturing in Connecticut:

Industries and per cent of tariff	
1. Brass, bronze, and copper	45
2. Cotton goods	42
3. Foundry and machine shops	30
4. Silk goods	55
5. Hardware	40
6. Electrical machinery	40
7. Ammunition	30
8. Rubber tires	10
9. Woolen goods	70–105
10. Hats, fur-felt	40
11. Plated ware	40– 60
12. Boots and shoes, rubber	25
13. Corsets	77
14. Worsted goods	70–105
15. Machine tools	30
16. Steam fittings	45
17. Bread, bakery products	Free.
18. Suspenders, garters, etc	35– 55
19. Typewriters	Free.
20. Firearms:	
Muzzle-loading	25
Breech-loading	75
21. Needles, pins, etc	45
22. Iron and steel forgings	25
23. Paper and pulp	10– 40
24. Tools	30
25. Clocks, alarm clocks	130
Kitchen clocks	130
Other clocks	25– 75
26. Ordnance and accessories	40
27. Iron and steel	28
28. Knit goods	50– 65
29. Wire	30
30. Cutlery and edge tools:	
Edge tools	40
Cutlery	100–220

These figures tell their own story. The tariff rates relating to Connecticut industries are surcharged with profits.

How slow we all learn. So long as the West and South accept and their representatives vote for tariffs like the present, agriculture will be at a disadvantage compared with the manufacturing industries of the East.

Our exports of two and one-half billion dollars' worth of manufactured products annually shows what eastern manufacturers can do in meeting world competition.

The United States exports more of domestic manufactured products than any other nation, having surpassed Great Britain for the first time in 1925.

It is important that the tariff in its relation to farm relief be observed with clear vision. A revision of the tariff with the facts on the table will lower the cost of living at least four billion dollars—some economists say five. It will save the farmers more than one and one-half billion dollars annually.

Mr. ROBINSON of Arkansas. I ask for the yeas and nays on the amendment.

Mr. CURTIS. I offer the amendment, which I send to the desk, to the amendment which has been proposed by the Senator from Arkansas.

The VICE PRESIDENT. The amendment proposed by the Senator from Kansas to the amendment of the Senator from Arkansas will be stated.

The CHIEF CLERK. In the amendment of the Senator from Arkansas it is proposed to strike out lines 1 to 5, inclusive, and in line 6 the words "principal competing countries," and to substitute in place thereof the words:

That for the purpose of assisting Congress in its consideration of duties on imports the United States Tariff Commission is hereby directed to investigate and from time to time, as speedily as may be, report to the Congress what rates of duty, in the opinion of its Members, should be increased in order to protect American agriculture and industry from foreign competition and what rates may be reduced without injury to American agriculture and industry.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas to the amendment of the Senator from Arkansas.

Mr. MOSES. I ask for the yeas and nays, Mr. President.

The yeas and nays were not ordered.

Mr. MOSES. I call for a division.

The VICE PRESIDENT. A division is called for.

Mr. BORAH. I should like to know before I vote what would be the effect of the amendment proposed by the Senator from Kansas to the amendment of the Senator from Arkansas.

Mr. CURTIS. Mr. President, the only change proposed by my amendment to the amendment submitted by the Senator from Arkansas is that it requires the Tariff Commission, in reporting on questions as to duties on imports, to state whether or not the duty is high enough, and if it is not high enough, to recommend an increase, and if the duty is too high to recommend a reduction; in other words, it takes both sides of the question instead of merely one side of it.

Mr. WATSON. Mr. President, may I ask the Senator from Kansas a question?

Mr. CURTIS. Certainly.

Mr. WATSON. Does the amendment of the Senator from Kansas to the amendment of the Senator from Arkansas refer to agricultural products only?

Mr. CURTIS. No; my amendment to the amendment includes both agricultural and manufactured products.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Kansas [Mr. CURTIS] to the amendment of the Senator from Arkansas [Mr. ROBINSON]. [Putting the question.] The Chair is unable to determine how the Senate has voted.

Mr. MOSES. I call for a division.

Mr. ROBINSON of Arkansas. Let us have a record vote on the amendment to the amendment. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GEORGE (when his name was called). Making the same announcement as to my pair as on the previous roll calls, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. HARRISON (when his name was called). Making the same announcement as to my pair as heretofore, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. KING (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. McKINLEY], and therefore withhold my vote.

Mr. RANSDELL (when his name was called). Making the same announcement with regard to my pair as heretofore, I withhold my vote. If privileged to vote, I should vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following pairs:

The Senator from Colorado [Mr. MEANS] with the Senator from South Carolina [Mr. SMITH];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Connecticut [Mr. McLEAN] with the Senator from North Dakota [Mr. NYE].

Mr. GERRY. I wish to announce the pair of the Senator from New Hampshire [Mr. KEYES] with the Senator from Michigan [Mr. FERRIS].

The result was announced—yeas 47, nays 31, as follows:

YEAS—47

Bingham	Edge	Jones, Wash.	Robinson, Ind.
Borah	Ernst	Kendrick	Sackett
Broussard	Fernald	McMaster	Schall
Butler	Fess	McNary	Shipstead
Cameron	Gillett	Metcalf	Wadsworth
Capper	Goff	Moses	Warren
Couzens	Gooding	Norbeck	Watson
Cummins	Hale	Norris	Weller
Curtis	Harreld	Oddie	Wheeler
Dale	Howell.	Pepper	Williams
Deneen	Johnson	Pine	Willis
Dill	Jones, N. Mex.	Reed, Pa.	

NAYS—31

Ashurst	Gerry	Overman	Steck
Bayard	Glass	Pittman	Stephens
Blease	Harris	Reed, Mo.	Swanson
Bratton	Heflin	Robinson, Ark.	Trammell
Bruce	La Follette	Sheppard	Tyson
Caraway	McKellar	Shortridge	Underwood
Copeland	Mayfield	Simmons	Walsh
Edwards	Neely	Stanfield	

NOT VOTING—18

du Pont	Greene	McKinley	Ransdell
Ferris	Harrison	McLean	Smith
Fletcher	Keyes	Means	Smoot
Frazier	King	Nye	
George	Lenroot	Phipps	

So the amendment of Mr. CURTIS to the amendment of Mr. ROBINSON of Arkansas was agreed to.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON] as amended.

Mr. ROBINSON of Arkansas. Mr. President, I do not intend to detain the Senate for a long discussion.

The amendment of the Senator from Kansas [Mr. CURTIS], which has just been agreed to, converts the proposal which I have made and submitted to the Senate into a protective-tariff measure. Of course, that was the object of the Senator from Kansas. I had offered the amendment to test the good faith of those Senators who have been saying from time to time that if they could not get agriculture in a position where it might receive the benefits of the protective tariff, if the protective tariff could not be made effective for agriculture they would tear down and destroy the wall of protection which had been built up around American industry. With substantial unanimity they have voted to instruct the Tariff Commission to report what rates particularly applying to the commodities which farmers are compelled to consume will adequately protect American industry. In that view of the matter no relief can come to agriculture by the adoption of this amendment as modified.

Mr. MOSES. Mr. President, I also intend to vote against this amendment, but not for the same reason as that expressed by the Senator from Arkansas, to whom I may say, in paraphrased language of the Scripture, that I had not thought to find in Israel or elsewhere a Democrat so without guile as he.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. MOSES. Yes.

Mr. ROBINSON of Arkansas. If it would not be improper to do so, I should like to say that this is another case of the devil quoting Scripture. [Laughter.]

Mr. MOSES. To the advantage, may I say, Mr. President, of his opponents. [Laughter.]

The Senator from Arkansas well knows from repeated votes in this Chamber that the majority of Members of the Senate believes in a protective tariff, and has so voted more than once in all the varied votes which were taken upon the schedules of the tariff bill now in operation.

I have listened with some irritation to some portions of the discussion which has taken place here during this session in connection with the measures proposed for agricultural relief. I want to state now my opinion, based upon facts, that if the agricultural schedules in the existing tariff law are not satisfactory it is due wholly to the spokesmen of the farmers in this body.

We can remember, many of us, how in the summer of 1922, after having met in the modest cottage of the Senator from Kansas overnight, or in the still more modest marble palace of the late Senator from Illinois overnight, the spokesmen for that group came here each day to tell us what we should put into the tariff bill in order to protect the agricultural communities. We put in those provisions, and now they come in and tell us that they do not work. If so, it is their own fault.

Mr. REED of Missouri. Mr. President, at the end of the amendment just adopted I propose the following amendment, which I will read in connection with the amendment of the Senator from Kansas, which I will read as a prelude.

The amendment of the Senator from Kansas is:

That for the purpose of assisting Congress in its consideration of duties on imports the United States Tariff Commission is hereby directed to investigate and from time to time, as speedily as may be, report to the Congress what rates of duty in the opinion of its members should be increased in order to protect American agriculture and industry from foreign competition and what rates may be reduced without injury to American agriculture and industry.

To that I propose to add:

Be it further enacted, That any private person or the occupant of any office who shall attempt to control the decision or finding of said board or any of its members by any promise of reward, by appointment or by continuance in office, or by any threat of removal from office of any of the members of said board, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $10,000 or by imprisonment for not more than one year, or both such fine and imprisonment. Such prosecution may be brought at any time within five years after the commission of the offense charged.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Missouri.

Mr. BROUSSARD. I should like to have the amendment read from the desk.

Mr. REED of Missouri. Mr. President, I offer that amendment in all seriousness.

Mr. BROUSSARD. Will the Senator——

Mr. REED of Missouri. Mr. President, I have not yielded the floor.

The VICE PRESIDENT. The Senator from Missouri is entitled to the floor.

Mr. REED of Missouri. Mr. President, if we are to have these great powers vested in a board—powers not merely to determine facts but to draw conclusions for the Congress of the United States—it is highly important that the board should be free to render its decisions without let or hindrance of any man, and without that board's judgment or opinion being controlled by any promise of continuance in office, which is in substance and effect a bribe offered to the person who holds the office, and no matter by whom that promise is made it is nevertheless in its nature and substance a bribe, or by any threat of removal from office, because any such threat of removal from office is an attempt to control the judgment of the sworn officeholder, and is in its effect and substance a species of blackmail levied upon the officeholder.

Mr. GLASS. Mr. President, may I interrupt the Senator?

Mr. REED of Missouri. Yes.

Mr. GLASS. As a general proposition I think the Senator's proposed amendment is all right, but I am wondering if it is at all germane.

The amendment proposed by the Senator from Kansas and adopted by the Senate suggests, if it does not direct, a raising of the tariff. Can the Senator from Missouri conceive that it is necessary to promise anybody an office or anything else to get the present Tariff Commission to raise the tariff?

Mr. REED of Missouri. No, Mr. President.

Mr. GLASS. Therefore I do not think the Senator's amendment is germane.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. REED of Missouri. If I am not going to yield too much of my time.

Mr. REED of Pennsylvania. Just one little, short question. Does not the Senator know that we have been investigating the Tariff Commission these past months, and that we have not yet found any case where anybody tried to influence any commissioner with any such promise or threat? Is not the Senator tilting after windmills?

Mr. REED of Missouri. Well, perhaps it is a windmill, although its reputation in the past has been that of a very silent windmill.

Mr. REED of Pennsylvania. Now we are beginning to localize the trouble. I might say that the high official to whom the Senator refers has not yet been shown to have committed any of the offenses indicated in the amendment.

Mr. REED of Missouri. Very well. That is hardly a question.

Mr. ROBINSON of Arkansas. Mr. President, I merely want to say that I do not think the evidence submitted to the select committee on the Tariff Commission justifies the conclusion expressed by the Senator from Pennsylvania. The record shows that while the sugar case was pending before the Tariff Commission a member of the Tariff Commission who was insisting upon prompt action on that case was charged with an alleged violation of the law in that he had delivered lectures at some university or college, the law requiring him to devote his entire time to the duties of the commission; and while that charge was pending, with an opinion from the Attorney General that it was a very grave violation of the law that justified the commissioner's immediate removal by the President, the President called that commissioner before him and a suggestion was made, according to the report and memorandum made at the time by the commissioner, that it would be well to delay action on the sugar case.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield further?

Mr. REED of Missouri. I can not, in my limited time, give much more time away. How much time have I?

Mr. BORAH. Mr. President, let us take a recess, and discuss this matter at the proper time in a proper way. The Senator has suggested here a proposition which may have local and particular application, but he has suggested a principle which is very important, in my opinion, and ought to be enacted into law. It ought to be the law of this country, not because of any particular matter but as a general principle that anyone who would undertake to influence these boards or control the boards ought to be in some way made amenable to law for doing so. We create boards day after day and year after year, upon the theory that we are creating independent bodies which will give the public the benefit of their services and their judgment. If they are going to be controlled, they ought not to be created.

Mr. REED of Pennsylvania. And, similarly, they ought not to be accused of it without proof.

Mr. BORAH. No; but if we pass a general law we are accusing nobody. We are simply enacting a principle.

Mr. REED of Missouri. Mr. President, so far as I am concerned, I have made no accusation. I made a reply to my distinguished namesake from Pennsylvania——

Mr. ROBINSON of Arkansas. Kinsman.

Mr. REED of Pennsylvania. I thought the Senator was named for me.

Mr. REED of Missouri. Which might be taken as an intimation that I had certain charges in mind. I am putting this amendment upon a great deal broader ground than that.

If we are to create boards and authorize them to find facts upon which legislation is to be founded, and if we are to take the precaution, as we have, to insist that these boards shall be bipartisan in their character, in order that we may have a fair representation on both sides, and if the people are to rely for their legislation upon the facts thus ascertained, it is of the highest importance—nay, it is of vital importance—that such boards should be as free in their action from official or private interference as the courts of our land.

Mr. WILLIAMS. That seems to me to be quite vital, and there are other boards to which the amendment should apply.

Mr. REED of Missouri. Mr. President, it ought to apply to all boards. There is no case that comes before the Supreme Court of the United States once in 10 years, in my opinion, that may be as important, in the amount of finances involved, as may be involved in a simple submission of facts by this tariff board.

It has been charged that efforts have been made to influence the judgment of that board. I am not called upon to affirm or to deny the truth of those charges, but the fact nevertheless is that even if the board has not been tampered with, if an effort has not been made to control their decisions, if influences have not been brought to bear upon them, it ought to be a crime for any man, whether he is President of the United States or is a private individual, to undertake to coerce the decision of that board, or undertake to procure a decision by a promise of reward.

Mr. CURTIS. Mr. President, if the Senator will yield, so far as I am concerned, I am willing to accept his amendment.

Mr. REED of Missouri. Very well. Let us put it on.

The VICE PRESIDENT. The question now is on the amendment offered by the Senator from Arkansas, as amended.

Mr. FESS. I ask for the yeas and nays.

Mr. WALSH. Mr. President, I think we ought to understand what we are voting on. The proposed amendment was hurriedly read, and has not been printed. I have been endeavoring to get it and say a word with respect to it. I do not know what has become of it. I refer to the amendment offered by the Senator from Kansas [Mr. CURTIS].

The VICE PRESIDENT. The amendment is on the clerk's desk, and will be sent to the Senator.

Mr. WALSH. Mr. President, it will be recalled that the amendment tendered by the Senator from Arkansas requested the Tariff Commission to give certain facts to the Congress. No opinions were asked of them. They were asked to give the difference between the cost of production of certain articles at home and abroad, just a pure matter of calculation. No opinions were asked of them as to that, but what we are asked now to do is as follows:

> That for the purpose of assisting Congress in its consideration of duties on imports, the United States Tariff Commission is hereby directed to investigate and from time to time, as speedily as may be, report to the Congress what rate of duty, in the opinion of the members, should be increased in order to protect American agriculture and industry.

They will not report to us any facts at all. They will give us their opinion as to how much the rates ought to be increased. Certainly the Congress of the United States does not intend to surrender to the Tariff Commission that duty imposed upon it by the people. The Tariff Commission can be authorized, unquestionably, to ascertain and report facts to the Congress, but bear in mind the question is, "What rates may be increased in order to protect American agriculture and industry from foreign competition?"

As stated by the Senator from New Hampshire, no one has been heard here to say that the duties on agricultural products imposed by the tariff act of 1922 are not high enough. The argument here is that, however high they may be, they are of no value.

Who is there in this body who wants to have the tariff on these agricultural products increased in order to protect American agriculture? Why should we have any information on that? I ask the Senator who has so ably conducted this bill, even to defeat, the Senator from Oregon, if, in his opinion, the farmers of this country would like to have the Tariff Commission make an inquiry as to whether the rates upon agricultural products ought to be increased?

Mr. McNARY. Mr. President, I can not speak for the farmers. I do know they would like to have the rates that now subsist made effective.

Mr. WALSH. Of course. None of them have asked that the rates on agricultural products be increased. I proceed with the reading:

> Then what rates may be reduced without injury to American agriculture and industry.

Not any facts upon which the Congress, if the Congress desires to do so, can act intelligently in reducing the rates, if the rates are to be reduced, but what rates, in their opinion, can be reduced without injury to American industry. That is what we would ask the Tariff Commission to do in this matter, and the information we are actually requesting. I can not believe that the Senate of the United States is going advisedly to adopt any such amendment as this.

Mr. NORRIS. Mr. President, the debate on this amendment might well have taken place before its adoption. I do not know now how the amendment, together with the original proposition of the Senator from Arkansas, when put together in the order in which they will appear, would read. If the Senator from Montana is correct, and we have only adopted an amendment such as he has suggested, it is meaningless, and I do not think it would hurt anything, but it certainly would not do any good. But as I understand it, the original proposition offered by the

Senator from Arkansas directed certain investigations to be made. I was in sympathy with that, and believed in it, as I heard the amendment read.

Now, the Senator from Kansas offers an amendment, and that amendment, it is true, as the reading by the Senator from Montana shows, calls for an opinion upon the part of the Tariff Commission. As far as I am concerned, I do not care whether they express any opinion or not, if they report the facts. I do not regard it as one of the duties of the Tariff Commission to express an opinion so much as to gather facts and report them to Congress. But even if they are asked to express an opinion, if the substance of the direction included in the amendment of the Senator from Arkansas is still intact, then good would come out of the amendment. If, as the Senator from Kansas said when he offered it and was asked for an explanation of it, both sides would be reported, I would like to see that done. I do not care whether a man claims that a higher duty on something would protect agriculture or that it would not, whichever side he might be on, I am willing that the evidence should be developed, and that it should be returned to Congress.

Mr. WALSH. Mr. President, the Senator from Nebraska has an entirely different view about the matter from my own.

Mr. NORRIS. That may be.

Mr. WALSH. I had understood that the amendment offered by the Senator from Kansas was in effect a substitute.

Mr. NORRIS. Oh, no; I do not understand it so.

Mr. WALSH. I will ask, then, that the amendment of the Senator from Arkansas as amended by the amendment of the Senator from Kansas be read from the desk.

Mr. NORRIS. I do not want that to be taken out of my time. I am willing that that should be done, but I have a few more words to say on the general proposition.

Mr. President, I am not going to engage in a tariff debate. I know that there are probably no two Senators in this Chamber who will agree upon what particular duty should be levied upon the various articles included in tariff schedules. It would be of no benefit if we engaged in that kind of a debate. But the truth, and the evidence, and the facts, no matter whether you believe in a protective tariff that is sky high, or believe in free trade, should not stagger you, or cause you any annoyance. We ought to be ready to face the truth, no matter what it is.

I was in favor of and believed in a reduction in tariff schedules on very many of the items included in the last tariff bill. I do not believe that the farmer is getting so much benefit from the tariff. I think he is getting some, and one of the objects of the bill that I have advocated, and which the committee reported in the shape of an amendment, was, as I understand it, to give the farmer the benefit of whatever tariff might exist, whether it was a tariff for revenue or a tariff for protection. Even though we disagree as to what the tariff should be, there ought to be no disagreement on the proposition that all citizens ought to share its benefits alike; and that was the object of the legislation.

I think the farmer's condition could be relieved to quite an extent by a lowering of a great many of the tariff schedules. For several years I believed, at least while the present tariff has been in force, and while it was before the Senate, that the schedules as a rule were too high, and I opposed them. But I am unwilling for anyone to put me in the attitude of saying that because I voted for or supported the Curtis amendment as it has been agreed to I am opposed to the right kind of an investigation being made by the Tariff Commission. I am not. It may be that I have not fully understood the effect of the Curtis amendment, which has been agreed to. There is at least a misunderstanding to begin with between the Senator from Montana and me. He thought it was a substitute for the other amendment. That illustrates that the Senate of the United States is not following a judicial course, at least, in the legislative proceedings now going on.

We have been in session since 11 o'clock this morning. It is now 7 o'clock in the evening. We have had eight hours of continuous session. This amendment was offered from the floor of the Senate without even having been printed, and it is not surprising, even though we take to ourselves considerable intellect and ability, and when we try to legislate and vote upon amendments under those circumstances, that we make mistakes. Maybe we have made one in this instance. I have not yet been convinced that we have, but I confess that the reading of the amendment did not give to me as full an understanding as I would have been able to get if this amendment had been printed and if I had had an opportunity to examine it, and put the two amendments together and see how they worked together. The Senate had no opportunity to form an opinion as to how the amendment would read if agreed to.

I know when it was offered I expected the Senator from Arkansas to agree to it at once, but from the statement that was made I thought it would go in without any debate and without any division. Perhaps we would have all been deceived, and perhaps I have been deceived as it is.

I believe the Tariff Commission ought to be directed to make an investigation. I want them to make it. I am in favor of their doing it. More than that, I think that the amendment offered by the Senator from Missouri is proper and that it ought to be applied not merely to the Tariff Commission, but to every other commission. I know the time, and Senators will remember the time, in years past when influences from high sources have been brought to bear upon the Interstate Commerce Commission as I think they have been upon the Tariff Commission. There were often Members of the Senate who believed, at the time this question was first agitated here—and I have heard them say—it was the duty of the President and the duty of a Senator to urge the Tariff Commission on in any way they thought ought to be done. I think this particular commission has, in effect, whatever the motive might have been, been made almost worthless. It has been packed, if I may put it that way without charging to anyone any intention to violate the law.

It ought to be made emphatic by law that it is the duty of everybody, high and low alike, without any exception, to keep his hands off the Tariff Commission, the Interstate Commerce Commission, and the Federal Trade Commission to the same extent that everybody concedes hands ought to be kept off the Supreme Court of the United States. Their action is very often more important than the action of the Supreme Court of the United States. Their official action often affects every citizen, every taxpayer, every home, and every fireside in the land, and they ought to be free to do what under their oaths they think they ought to do without the hard hand of coercion coming down upon them from any source on earth. That is the reason why I shall favor the amendment of the Senator from Missouri as offered. I think if it can be shaped so as to be general and make it apply to every commission it ought to be done, and they all ought to be included.

Now, if the Senator from Montana has the amendment, I yield for its reading.

Mr. WALSH. I have scanned it now, and I think that the two do not work together.

Mr. NORRIS. That may be. Without yielding further I want to make this suggestion to the Senator from Montana and also to the entire Senate: There are a great many other amendments which are very important and which are going to be offered, one in particular by the Senator from Texas [Mr. MAYFIELD]. If I understand his amendment I am going to support it. I believe in it. But for the reasons I have given, that the amendment in the shape in which it now is, offered as it was without being printed and the delay which is going to come in the ligitimate debate on the other amendments which may follow, I suggest to the Senate that we now cease our work for to-day and take a recess until noon to-morrow.

MANY SENATORS. Vote! Vote!

Mr. WALSH. Mr. President, it would be utterly useless to take a vote on this amendment in the shape in which it is. For instance, if the Senator from Kansas [Mr. CURTIS] will give me his attention, it reads:

> Strike out lines 1 to 5, inclusive, and in line 6 the words "principal competing countries."

That must refer to lines 1 to 5 and line 6 on page 2, but what appears on page 1 is not stricken out at all.

Mr. NORRIS. Mr. President, the Senator has called attention to enough to emphasize the thing I have said. If our so-called leaders are not going to do it I am going to test the Senate. I move that the Senate take a recess now until 12 o'clock noon to-morrow.

Mr. MOSES. On that I demand the yeas and nays.

Mr. NORRIS. Yes; let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GEORGE (when his name was called). I have a general pair with the Senator from Colorado [Mr. PHIPPS]. Not knowing how he would vote I withhold my vote.

Mr. RANSDELL (when his name was called). Making the same announcement as previously made in regard to my pair with the Senator from North Dakota [Mr. FRAZIER], I withhold my vote.

The roll call having been concluded, the result was announced—yeas 16, nays 60, as follows:

YEAS—16

Blease	Cummins	King	Tyson
Borah	Fernald	Norris	Walsh
Broussard	Howell	Shipstead	Wheeler
Copeland	Jones, N. Mex.	Stephens	Willis

NAYS—60

Ashurst	Ernst	La Follette	Sackett
Bayard	Fess	McKellar	Schall
Bingham	Gerry	McMaster	Sheppard
Bratton	Gillett	McNary	Shortridge
Butler	Glass	Mayfield	Simmons
Cameron	Goff	Metcalf	Stanfield
Capper	Gooding	Moses	Steck
Caraway	Hale	Neely	Swanson
Couzens	Harreld	Norbeck	Trammell
Curtis	Harris	Oddie	Underwood
Dale	Harrison	Pine	Wadsworth
Deneen	Hollin	Reed, Mo.	Warren
Dill	Johnson	Reed, Pa.	Watson
Edge	Jones, Wash.	Robinson, Ark.	Weller
Edwards	Kendrick	Robinson, Ind.	Williams

NOT VOTING—20

Bruce	George	McLean	Phipps
du Pont	Greene	Means	Pittman
Ferris	Keyes	Nye	Ransdell
Fletcher	Lenroot	Overman	Smith
Frazier	McKinley	Pepper	Smoot

So Mr. NORRIS's motion was rejected.

Mr. ROBINSON of Arkansas. Mr. President, I wish to move to reconsider the vote by which the amendment of the Senator from Kansas [Mr. CURTIS] was agreed to. Pending the motion, I desire to make a parliamentary inquiry. I understand the amendment of the Senator from Missouri [Mr. REED] which was agreed to was adopted as an amendment to the bill.

The VICE PRESIDENT. No; it was adopted as an amendment to the amendment of the Senator from Arkansas [Mr. ROBINSON].

Mr. ROBINSON of Arkansas. The action of the Senate in agreeing to the amendment of the Senator from Kansas should be reconsidered, for the reason that the amendment does not couple up with the provision of which it was intended to become a part. I assume that the Senate does not want to do an inconsistent or a foolish thing.

As stated some moments ago, I think that the rates of tariff, particularly as they respect the commodities mentioned in the amendment which I offered, some of them being excessive, some of them being prohibitive, many of them being as high as 200 per cent, and a few as high as 300 per cent, should be investigated with a view to reduction. The Senate has adopted the amendment offered by the Senator from Kansas, which, as I will proceed to show, does not combine with the provision which he sought to amend.

Mr. WALSH. Mr. President, since I have made an examination of it I am able to state for the information of the Senate just what the situation is.

Mr. WADSWORTH. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. WADSWORTH. As I understand it the Senator from Arkansas has moved to reconsider the vote by which the so-called Curtis amendment was agreed to. I raise the point of order that that can not be done until the Senate retraces its steps, the first step being to reconsider the vote by which the amendment of the Senator from Arkansas [Mr. ROBINSON] was defeated.

Mr. ROBINSON of Arkansas. The Robinson amendment has not been voted on. The Robinson amendment has been beautifully emasculated by the amendment of the Senator from Kansas, but there has been no vote or attempt to vote on the Robinson amendment.

Mr. REED of Pennsylvania. Mr. President, I make the point of order that the Senator from Arkansas can not move to reconsider as he voted in the negative on the adoption of the Curtis amendment.

The VICE PRESIDENT. The point of order is well taken.

Mr. ROBINSON of Arkansas. I concede that the point of order is well taken, but the motion will be made.

Mr. HOWELL. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the junior Senator from Nebraska.

Mr. HOWELL. Mr. President, I move to reconsider the vote by which the Curtis amendment was adopted. I did not fully understand the purpose of the amendment offered by the senior Senator from Arkansas [Mr. ROBINSON]. I think the information called for by his amendment should be available to the Senate and therefore I move, as I have stated, a reconsideration of that vote.

Mr. WALSH. Mr. President, this is the parliamentary situation: The Senator from Kansas [Mr. CURTIS] moved to strike out lines 1 to 5, inclusive, and in line 6 the words "principal competing countries" from the amendment offered by the Senator from Arkansas [Mr. ROBINSON]. He did not say on which page he offered the amendment. There are three pages of the amendment. It is quite obvious from the context that the amendment of the Senator from Arkansas was a proposal to strike out lines 1 to 5, on page 2. That would leave lines 1 to 4, on page 1, in, and the amendment would then read in this way:

That for the purpose of assisting the Congress in reducing to a moderate or competitive basis such duties as may appear to be either excessive or prohibitive, the United States Tariff Commission is hereby directed to investigate—

I now read from the Curtis amendment to the amendment of the Senator from Arkansas:

That for the purposes of assisting Congress in its consideration of duties on imports the United States Tariff Commission is hereby directed to investigate and from time to time, as speedily as may be, report to the Congress what rates of duty in the opinion of its members should be increased in order to protect American agriculture and industry from foreign competition and what rates may be reduced without injury to American agriculture and industry—

Then the amendment of the Senator from Arkansas continues:

respecting articles wholly or in part the growth or product of the United States and of like or similar articles—

And the remainder of the Robinson amendment, making it a perfectly senseless thing.

Mr. REED of Pennsylvania. Mr. President, is it not obvious that what the Senator from Kansas meant to do was to strike out the first four lines of the amendment of the Senator from Arkansas on page 1, and the first 5 lines on page 2, and insert the words which were read by the clerk at the desk? Had we not better correct it by unanimous consent instead of retracing our steps and wasting time?

Mr. WALSH. Let me call attention to the fact that if we start in with the Robinson amendment with the word "respecting" in line 6 all the remainder of it is perfectly senseless.

Mr. BUTLER. Mr. President, I assume, as has been suggested by the Senator from Pennsylvania [Mr. REED], that the amendment submitted by the Senator from Kansas [Mr. CURTIS] was intended to read in this way: Strike out line 1 to 4, inclusive, on page 1, and lines 1 to 5, inclusive, on page 2, and in line 6, on page 2, to strike out the words "principal competing countries," and substitute in place thereof the words as indicated in the amendment of the Senator from Kansas. It seems to me that for clarity and reasonable treatment of the subject, as has been suggested by the Senator from Pennsylvania, it would be proper by unanimous consent to frame the amendment in the way in which I have indicated.

Mr. WALSH. Let me inquire of the Senator from Massachusetts, then, what should we do with the remainder of the amendment? After we substitute for the language stricken out of the amendment offered by the Senator from Kansas it will continue:

respecting articles wholly or in part the growth or product of the United States—

And so forth and so forth.

Mr. BUTLER. That seems to me, Mr. President, to be entirely consistent with the amendment suggested by the Senator from Kansas.

Mr. WALSH. Not at all.

Mr. BUTLER. Because it involves an investigation of those subjects "respecting articles wholly or in part the growth or product of the United States," and so forth.

Mr. WALSH. Let us see how it would read. If the suggestion of the Senator from Massachusetts be accepted it would then read in this way:

That for the purposes of assisting Congress in its consideration of duties on imports the United States Tariff Commission is hereby directed to investigate and from time to time, as speedily as may be, report to the Congress what rates of duty in the opinion of its Members should be increased in order to protect American agriculture and industry from foreign competition and what rates may be reduced without injury to American agriculture and industry respecting articles wholly or in part the growth or product of the United States and of like or similar articles—

And so forth. Can the Senator from Massachusetts make any sense of that?

Mr. BUTLER. It is perfectly consistent; it is merely a substitution for the language of the Curtis amendment for the words included in the original amendment.

Mr. BLEASE. Mr. President——

Mr. BUTLER. I ask unanimous consent that the amendment as agreed to shall read as follows——

Mr. ROBINSON of Arkansas. Mr. President, I ask the attention particularly of the Senator from Missouri in the time of the Senator from Massachusetts. I think every Senator realizes the situation, and unless the Senator from Missouri objects, I am going to ask leave to withdraw the pending amendment, so that the Senate may continue with its business.

Mr. BUTLER. That is, the entire pending amendment?

Mr. ROBINSON of Arkansas. Yes.

Mr. REED of Missouri. I do not object to the suggestion of the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Very well, Mr. President. Then I ask unanimous consent, in view of the situation that has arisen, and in order that the Senate may proceed with its business, to withdraw the amendment for the present.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. REED of Missouri. Mr. President, of course, that does not withdraw the amendment to the bill which I offered, which is entirely independent.

The VICE PRESIDENT. The Senator from Missouri is wrong. His amendment was to the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. REED of Missouri. My amendment was to be added after the amendment offered by the Senator from Kansas. I did not offer to amend his amendment; I did not offer to do anything except to insert the language which I indicated.

The VICE PRESIDENT. The amendment of the Senator from Kansas has already been agreed to.

Mr. REED of Missouri. Certainly, it has been agreed to; and having been agreed to, I offered to insert at the end of that amendment, which was merely a matter of place, the language which I have indicated. Mr. President, I move——

The VICE PRESIDENT. The Chair is informed that before that can be done the vote will have to be reconsidered.

Mr. REED of Missouri. Mr. President, we can settle that when we get the RECORD. I move that the Senate proceed to the consideration of House bill 11616, commonly known as the river and harbor bill.

Mr. WILLIS. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. WILLIS. By unanimous-consent agreement the Senate has already determined that when it finishes this bill it will proceed to the consideration of the radio bill.

Mr. ROBINSON of Arkansas. Mr. President, referring to the point of order, let me say that the pending bill has not as yet been disposed of and we may recur to it again. It is in order, therefore, to proceed to the consideration of another bill.

Mr. WILLIS. I desire to be heard on the point of order.

Mr. BLEASE. I call for the regular order.

Mr. REED of Missouri. Mr. President, we can not make progress in this way.

The VICE PRESIDENT. The motion of the Senator from Missouri is in order.

Mr. MAYFIELD. Mr. President, if the Senator from Missouri will yield, I wish to say that I have offered an amendment to the agricultural bill proposing to repeal section 15a of the transportation act. Many Senators who are candidates for reelection to the Senate have expressed the desire to vote on that amendment before they go home; they want to go on record on that amendment, and I hope the Senator will not press his motion, but will let me call up my amendment and secure a vote on it.

The VICE PRESIDENT. The motion of the Senator from Missouri is debatable.

Mr. WILLIS. I desire to be heard on the motion.

The VICE PRESIDENT. The Senator from Missouri has the floor. Does he yield to the Senator from Ohio?

Mr. WILLIS. I desire to be heard on the motion.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from South Carolina for the purpose of calling for a quorum?

Mr. REED of Missouri. I have not yielded at all to anybody.

Mr. JOHNSON. Will not the Senator yield for the purpose of recessing until to-morrow?

Mr. REED of Pennsylvania. Mr. President, if the Senator from Missouri will yield to me to suggest an amendment to his motion, I should like to move to amend his motion so as to take up the radio bill.

The VICE PRESIDENT. The motion is not amendable.

Mr. NORRIS. Mr. President, a point of order. Has not the point of no quorum been suggested?

The VICE PRESIDENT. The Senator from Missouri did not yield to the Senator from South Carolina for that purpose.

Mr. SWANSON. Mr. President, the point of no quorum may be made at any time, and a Senator can not even speak unless there is a quorum present.

Mr. ROBINSON of Arkansas. Mr. President, in all fairness to the Senator from Missouri, he has the floor, and unless he yields for the purpose of suggesting the absence of a quorum he can not be taken off the floor.

Mr. SWANSON. I differ entirely with the Senator. The point of order of a lack of quorum can be made at any time.

Mr. ROBINSON of Arkansas. Not without the consent of the Senator having the floor.

Mr. SWANSON. I maintain that it can.

The VICE PRESIDENT. The Chair has ruled that the Senator from Missouri has the floor.

Mr. REED of Missouri. Mr. President, I thought when I offered the motion the Senate was probably in a humor to lay aside the farm relief bill and to take up another measure. We seem to be in an interminable mixup, but it appears that Senators do not want at this moment to take up the river and harbor bill, and, therefore, I withdraw my motion and let matters proceed as they may.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. MAYFIELD. I call up my amendment and ask for a vote on it.

The VICE PRESIDENT. The clerk will read the amendment offered by the Senator from Texas.

The CHIEF CLERK. On page 6, after line 11, it is proposed to insert the following as a new section:

SEC. 7a. That section 15a of the interstate commerce act, as amended, is hereby repealed.

Mr. MAYFIELD. I ask for the yeas and nays.

Mr. HEFLIN. Let us have the yeas and nays.

Mr. CUMMINS. Mr. President, it will take some time to debate this amendment.

Mr. MAYFIELD. It is a question which has been debated for a long time. I will be satisfied with a yea-and-nay vote on it.

Mr. CUMMINS. Mr. President, before the yeas and nays are ordered, I desire to be heard on the amendment.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa has the floor.

Mr. HEFLIN. I rise to a parliamentary inquiry. How much time can each Senator have now upon the amendment of the Senator from Texas?

The VICE PRESIDENT. Fifteen minutes.

Mr. CUMMINS. Mr. President, inasmuch as——

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I yield for a question.

Mr. COPELAND. Mr. President, I think we ought to adjourn or recess now, and let the Senator from Iowa go on in the morning. It is a crime against humanity to keep the Senate here in session any longer; and I ask for unanimous consent——

The VICE PRESIDENT. The Senator from Iowa yielded for a question.

Mr. CUMMINS. I yield for a question.

Mr. COPELAND. I ask if the Senator will request that a recess be taken and that he may go on to-morrow. It is utterly ridiculous for us to proceed further to-night.

Mr. HEFLIN. I call for the regular order.

The VICE PRESIDENT. The Senator from Iowa has the floor.

Mr. CUMMINS. Mr. President, since 1920 there have been constantly pending before the Interstate Commerce Committee bills to repeal section 15a. That committee has held hearings throughout at least four of those years, and there have been accumulated volumes of testimony on the subject, both for the repeal and against the repeal. I will venture to say that there is not a Member of the Senate who has ever read that testimony. I doubt whether there is a Member of the Senate who has ever read a single word of that testimony, with the exception of the members of the committee. The committee has declined repeatedly to make a report to the Senate in favor of the repeal of section 15a. Apparently, the Senator from Texas—who, I know, is perfectly sincere with regard to this matter—having failed to lift the farmers of the country from the bankruptcy into which they have fallen, is anxious to send the railroads there to keep them company.

Mr. President, how many of you have read section 15a? I know that the Senator from Texas has discussed it on two or three different occasions, but from his discussion of the

subject I did not recognize the section as I understand it to be and as everybody understands it to be who knows anything about it. I venture to say that if section 15a is repealed and the repeal is attached to this bill as an amendment, what remains of the bill will have no chance of concurrence in the House of Representatives; and if the President is as courageous and as intelligent as I believe him to be, it would result, of course, in a veto of the entire measure. The repeal of this section can not result otherwise than in an increase of freight rates and in a less efficient service. Those are the inevitable effects of the repeal of section 15a.

What does it do?

When we passed the transportation act we were met with this difficulty: There were some of the railroads which had, during the time that the Government operated and controlled the railroads, received abundant compensation, more than adequate compensation. There were some of the railroads which everybody admitted had received very much less than adequate compensation; for it so happened that the compensation which followed taking possession of the railroads by the Government was based upon the average net operating income during the three preceding years. With some of the railroads, that furnished very ample compensation. With some of them, it furnished very inadequate compensation. So, during the course of the 26 months during which the Government operated the property, and during which it lost $1,200,000,000 in that operation, some of the railroads were well sustained; some of them were not; some of them were prosperous, and some of them were very unprosperous. Ninety per cent of the traffic carried by the railroads was and is competitive traffic. From 85 to 95 per cent of all the traffic carried in the United States is what is known as competitive traffic—that is, in which the shipper had the option of selecting one of two or more transportation lines upon which to carry his commodity to the market.

If section 15a had not been made a part of the law, the Interstate Commerce Commission would have had this problem presented to it:

Shall the rates be fixed upon the cost of operation of the most prosperous roads or shall they be fixed upon the cost of operation of the less prosperous roads? If the former had been the rule adopted—and I do not know what the Interstate Commerce Commission would have done under those circumstances—every unprosperous road, and that means more than 100,000 miles of our total mileage, would immediately have been driven out of business. They could not have continued operation for six months. If, on the other hand, the rates had been adjusted upon the basis of the earnings of the less prosperous roads, then the other class would have earned an inordinately large and excessive income.

Section 15a was drawn to meet that situation. It provided that the Interstate Commerce Commission should take the railroads as a whole or divide them into such districts as it believed they should be divided into, and ascertain tentatively the value of the roads as a whole or the value of the roads in the several districts into which the country might be divided, and adjust rates so that upon the properties as a whole there would be a fair return. That is all there is in section 15a; and a repeal of that section, in my judgment, would result in the commission fixing rates upon competitive traffic that will fairly support the railroads as a whole or the less prosperous roads as a whole. That means an increase in freight rates and it means also that the richer roads will earn an excessive income.

Mr. President, I am not anxious to see 100,000 miles or more of the railway mileage of the United States abandoned, as it would be abandoned if rates were adjusted upon the basis of the earnings of the greater railroads; nor am I anxious to see the railway rates increased in order to meet the necessities of the smaller properties. I did not dream that the Senate would seriously consider taking up the transportation act for amendment in a respect in which we have accumulated more than a thousand pages of testimony of which the Senate is absolutely ignorant, and necessarily so. It could not have examined this testimony, and had no reason to do so until a report had been made by the Interstate Commerce Committee.

Mr. President, I am amazed that this attempt should be made. To me it is the last word in injustice and unfairness. It might just as well be proposed as an amendment to any other bill pending here. Unfortunately we have not yet advanced the rules of the Senate so as to require that amendments shall be relevant or material or germane to the subject matter of the bill; and until that time comes the Senate can protect itself from an effort of this sort only by using its good common sense.

If I were to attempt to review all the testimony that has been offered to the Interstate Commerce Committee both for and against this amendment I could not do it in 4 hours, much less in the 15 minutes which, under the unanimous-consent agreement, I am permitted to occupy. I very sincerely hope that this desperate resort will not receive the favor of the Senate of the United States.

Mr. HOWELL. Mr. President, I suggest the absence of a quorum.

Mr. BLEASE. I was about to do the same thing.

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Shipstead
Bayard	Fernald	McMaster	Shortridge
Bingham	Fess	McNary	Stanfield
Blease	Gerry	Mayfield	Steck
Borah	Gillett	Metcalf	Stephens
Bratton	Goff	Moses	Swanson
Butler	Gooding	Neely	Trammell
Cameron	Hale	Norbeck	Tyson
Capper	Harreld	Norris	Underwood
Caraway	Harris	Oddie	Walsh
Copeland	Harrison	Pine	Warren
Couzens	Heflin	Ransdell	Watson
Cummins	Howell	Reed, Mo.	Weller
Curtis	Johnson	Reed, Pa.	Wheeler
Dale	Jones, N. Mex.	Robinson, Ark.	Williams
Deneen	Jones, Wash.	Robinson, Ind.	Willis
Dill	Kendrick	Sackett	
Edge	King	Schall	
Edwards	La Follette	Sheppard	

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Texas [Mr. MAYFIELD].

Mr. MAYFIELD. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. RANSDELL (when his name was called). I have a pair with the senior Senator from North Dakota [Mr. FRAZIER]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE] and vote "nay."

The roll call was completed.

Mr. HARRIS. I desire to announce that the junior Senator from Georgia [Mr. GEORGE] is absent on official business. He is paired with the senior Senator from Colorado [Mr. PHIPPS]. If the junior Senator from Georgia were present, he would vote "yea."

Mr. NEELY. On this amendment I am paired with the senior Senator from Illinois [Mr. MCKINLEY]. I am not informed as to how he would vote if he were present. I therefore withhold my vote.

Mr. BLEASE. I have a pair with the senior Senator from New York [Mr. WADSWORTH], who is absent. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. HARRELD (after having voted in the negative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], who is not present. I transfer that pair to the senior Senator from Pennsylvania [Mr. PEPPER] and allow my vote to stand.

Mr. TRAMMELL. I wish to announce the absence of my colleague [Mr. FLETCHER] on account of illness. He has a general pair with the junior Senator from Delaware [Mr. DU PONT].

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from North Dakota [Mr. NYE];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Colorado [Mr. MEANS] with the Senator from South Carolina [Mr. SMITH];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Michigan [Mr. FERRIS]; and

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER].

Mr. MOSES (after having voted in the negative). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. I am informed that that Senator has not voted. Is that correct?

The VICE PRESIDENT. The junior Senator from Louisiana has not voted.

Mr. MOSES. In that event, being unable to obtain a transfer, I withdraw my vote. Having voted it is well understood how I would vote if I were permitted to do so.

The result was announced—yeas 30, nays 38, as follows:

YEAS—30

Ashurst	Gooding	La Follette	Shipstead
Borah	Harris	McKellar	Stephens
Bratton	Harrison	McMaster	Swanson
Capper	Heflin	Mayfield	Trammell
Caraway	Howell	Norbeck	Walsh
Curtis	Johnson	Norris	Wheeler
Dill	Jones, N. Mex.	Pine	
Gerry	Kendrick	Sheppard	

NAYS—38

Bayard	Edwards	McNary	Stanfield
Bingham	Ernst	Metcalf	Steck
Butler	Fernald	Oddie	Tyson
Cameron	Fess	Ransdell	Underwood
Copeland	Gillett	Reed, Mo.	Watson
Couzens	Goff	Reed, Pa.	Weller
Cummins	Hale	Robinson, Ind.	Williams
Dale	Harreld	Sackett	Willis
Deneen	Jones, Wash.	Schall	
Edge	King	Shortridge	

NOT VOTING—28

Blease	George	Means	Pittman
Broussard	Glass	Moses	Robinson, Ark.
Bruce	Greene	Neely	Simmons
du Pont	Keyes	Nye	Smith
Ferris	Lenroot	Overman	Smoot
Fletcher	McKinley	Pepper	Wadsworth
Frazier	McLean	Phipps	Warren

So Mr. MAYFIELD's amendment was rejected.

Mr. HARRIS. Mr. President, I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. Add at the proper place the following:

That whatever preferential freight rates may or shall be granted and given on any one of the basic agricultural products or any other article of merchandise, a corresponding rate shall be given and granted to every other basic agricultural product; and the Interstate Commerce Commission and the Emergency Fleet Corporation are hereby directed and required to take such action as may be necessary for the enforcement of this section.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Georgia [Mr. HARRIS].

The amendment was rejected.

Mr. HOWELL. Mr. President, I offer the following as an amendment, to be known as sections 8 and 9 of the pending bill.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. Add two new sections, as follows:

SEC. 8. That wherever in the interstate commerce act, or any amendment thereof, or in the transportation act, 1920, or in any other law, the Interstate Commerce Commission is authorized to establish and prescribe maximum or minimum, or maximum and minimum, or maxima or minima, or maxima and minima, rates, fares, or charges, joint, proportional, individual, or otherwise, its authority and powers in respect to such rates, fares, and charges shall be, and they are hereby, limited to establishing and prescribing only maximum rates, fares, or charges, and minimum individual, joint, or proportional rates, fares, or charges: *Provided, however,* That this act shall not be construed as preventing or forbidding the Interstate Commerce Commission from establishing and prescribing such rates, fares, and charges, individual, joint, proportional, or otherwise, as will prevent the unreasonable advantages, preferences, prejudices, or undue, unreasonable, or unjust discrimination, mentioned and provided for in sections 6, 13, and 15 of the interstate commerce act as amended by the transportation act, 1920, approved February 28, 1920.

SEC. 9. All acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. HOWELL. Mr. President, prior to 1920 any railroad in the country could file a schedule of rates below the maximum, and as a consequence the prevailing rates in the country were below the maximum rates. For decades the railroads attempted to maintain those rates at maximum through illegal agreement. They attempted by voluntary cooperation—of course, it had to be under the hat, as any such action was contrary to the Sherman antitrust law—to maintain the prevailing rates at the maximum; that is, by gentlemen's agreements. They found they could not do it. They found they were confronted with unrestricted competition, and yet there are only 1,800 railroad corporations in the country. These 1,800 railroad corporations were confronted with the same kind of competition that our 6,300,000 farm operators are confronted with—unrestricted competition.

In 1920 they came to Congress and said, "Relieve us from this situation. We must have compulsory cooperation in railroad rates; otherwise we are ruined. We can not maintain the prevailing rates at the maximum. We want you to get behind our gentlemen's agreements." And Congress did so. The thing the railroads had been attempting to do for decades contrary to the Sherman antitrust law they came here and prevailed upon Congress to do, and that is one reason why railroad rates are so high in the country to-day. That is one of the reasons for the situation which confronts us in the western country. That is the reason why we have to pay the freight rates which we are paying. When the Interstate Commerce Commission now makes a rate, that is the rate, and there is no lower rate. If a railroad attempts to schedule a lower rate the officials are in danger of going to jail.

Mr. CUMMINS. Mr. President——

Mr. HOWELL. We need some relief for the farmer in the middle western country. We are away from water competition. To-day we have to pay the rates fixed by the Interstate Commerce Commission, and no railroad can cut under those rates without the permission of the Interstate Commerce Commission. I now yield to the Senator from Iowa.

Mr. CUMMINS. I only want to correct the history stated by the Senator from Nebraska. The Senator from Nebraska was not in the Senate at that time, and therefore he has been led into an error. The railroads did not ask for authority to the Interstate Commerce Commission to fix minimum rates. The Interstate Commerce Commission recommended to the House of Representatives that authority be given to that body to fix minimum rates in order to prevent certain cases of discrimination which the commission was otherwise powerless to remove. That is the history of the insertion of the minimum-rate clause in the transportation act. The railroads did not propose it at all.

Mr. HOWELL. Mr. President, prior to 1920 we had lower rates than we have now. We had rates which were below the maximum. To-day the rates are maximum in every case. I say without hesitation that whereas the Interstate Commerce Commission and the State railway commissions and the public-service commissions of the various States were originally devised to prevent rates higher than the public should pay, and were opposed by the public-service corporations and the railroads, that to-day the Interstate Commerce Commission and the public-service commissions of the various States are the sanctuaries of the public-service corporations and the railroads.

If Senators wish to relieve the middle western country, they should adopt my amendment. If they want to do something for the farmer, they must give the railroads an opportunity to make lower rates if they see fit to do so. If the Baltimore & Ohio Railroad scheduled a train out of Washington for Chicago every night, and if for days and days they did not have a passenger aboard when they left Washington at the rate fixed by the Interstate Commerce Commission, and if they then reduced that rate $10 to induce somebody to travel on their trains, the railroad officials might go to jail.

Mr. CUMMINS. The Senator from Nebraska is mistaken about that. The railroads can make any rates they please. The Interstate Commerce Commission have not fixed minimum rates. I do not know that they have not done it in any instance, but they have not in many instances at least. The Senator from Louisiana [Mr. RANSDELL] is not present at the moment, but he would confirm my statement that the reason why the Interstate Commerce Commission wanted authority to fix minimum rates was in order to save water transportation from the inroads of rail transportation.

Mr. HOWELL. It is a notorious fact that Henry Ford wanted to reduce the rates on coal from West Virginia to Toledo and Detroit, that he made an application to the Interstate Commerce Commission for that purpose, and that the Interstate Commerce Commission in a decision held, that whereas the road might be able to make such lower rates, yet the commission could not allow it because such rates would interfere with the production of coal in the territory of some other railroad. That is a notorious fact.

Time and again the Interstate Commerce Commission have refused to approve a lower rate filed by some railroad company. Some two years ago when we in the West were confronted with a serious situation respecting wheat and certain other agricultural products, we went to the railroads and begged them to afford us a lower rate on wheat to the seaboard, to come to our assistance in that way. I remember distinctly that officials of the Union Pacific Railroad expressed their very great sympathy for our situation, but insisted that unless all the railroads agreed to the lower rate, the only way the reduction could be made, under the law, would be by filing a complaint and having hearings upon the subject before the Interstate Commerce Commission.

Mr. President, the greatest step toward socialism in the United States was taken when Congress fixed minimum rates for the railroads. They eliminated competition absolutely. I defy anyone to afford a better definition of socialism than to

state its object. Its object is to relieve all mankind of the strain of competition. In short, the very foundation stone of socialism is noncompetition. The foundation stone of individualism is competition, every man for himself and the devil take the hindmost. We have relieved the railroads of all competition in rates. If we had the power to do so under the Constitution and did as much for every other human activity in the United States, we would have the noncompetitive form of society, and that is socialism. Socialism is not coming up from the bottom. Socialism is coming down from the top. There is nothing so delightful for a beneficiary as a bit of socialism in an individualistic social system. Such a bit of socialism is a monopoly. We in business all agree, at times, to the delights of a monopoly. Who would not like to have a private monopoly? The purpose of a monopoly is to be able to fix, unhampered by competition, our charges for the service we propose to render. That is a delightful way to do business.

Every monopoly is an island of socialism in the economic sea. All that is necessary is to have enough of such islands and we have socialism. If we want to strike a blow for competition, if we want to strike a blow for individualism, if we want to do something for the farmer in the Middle West, out in that great section of the country, let us take this step. Let us retrace our steps back, prior to 1920. Let us say to the railroads, "If you see fit, you can lower rates at any time." They did it then. A weak railroad seeking a choice bit of business would make a lower rate, and then its competitor would resort to reprisals, and what was the consequence? The prevailing rates were below the maximum. Now we have nothing to do but to pay the maximum, and it makes no difference how much money the railroad is making.

The Burlington Railroad and the Union Pacific, out in our country, are enjoying enormous returns. Consider the dividends they are paying. The stock-market reports show Union Pacific at 152 and 153, paying 10 per cent dividends. Its 4 per cent preferred stock is nearly par.

Consider the Atchison, Topeka & Santa Fe Railroad and the dividends it is paying. And yet, Mr. President, the Western roads are asking now for an 11 per cent increase in freight rates. They are asking for 11 per cent, but have intimated they will be satisfied with 5 per cent. It is reported that the Interstate Commerce Commission is about to afford them this increase notwithstanding the agricultural situation existing in the middle western regions. Congress has thought of the railroads. Congress, through the Interstate Commerce Commission, has fixed their rates so as to afford a handsome return upon the capital invested and a fair wage to their employees; but when we, here, during the last few days have begged Congress to do something for the farmer, we have been refused.

The VICE PRESIDENT. The Senator's time on the amendment has expired.

Mr. HOWELL. Mr. President, I have a half an hour on the bill. I have not used up all of my time.

The VICE PRESIDENT. Has the Senator spoken once on the bill?

Mr. HOWELL. I have been speaking on the amendment, and now I am speaking on the bill.

The VICE PRESIDENT. The Senator has 30 minutes on the bill.

Mr. HOWELL. Mr. President, I would not take the time of the Senate at this hour were it not because of the importance of this proposal. We have stood by the railroads; we have protected their capital; we have protected the wages of their employees; but we do nothing for the farmer.

Mr. BORAH. Mr. President, may I suggest to the Senator that he is presenting a proposition here which is worthy of being considered as a separate matter and in the form of a bill? It is very wide-reaching, it seems to me, and, as the Senator says, it is a matter of tremendous importance. It is impossible for us to debate it, and very likely impossible for us to vote on it intelligently. The Senator is a master of the subject; he has spent a vast amount of time upon the matter; but he is presenting it to the Senate here at a time when we have not time under the rule and have not time otherwise to consider it. I think the Senator's proposition is of such stupendous importance that it is almost impossible to consider it at this time.

Mr. HOWELL. Mr. President, the remarks of the senior Senator from Idaho are pertinent. I will admit that I ought not to bring this matter up at this time; but this is the second Congress in which I have introduced this bill that I now offer as an amendment, and I have never been able to get the Interstate Commerce Committee to give it consideration. The only times it will ever be before the Senate is when I am able to present it as an amendment, as in this case.

Mr. BORAH. If we had unlimited time, Mr. President, the Senator would be entirely correct in his position; but consider, for instance, the position of one like myself. I have not any possible opportunity to know the ramifications of the proposition. I am very much interested in what the Senator is saying, but the more he discusses it the bigger the question grows.

Mr. HOWELL. Mr. President, I will ask the distinguished Senator from Idaho if he does not think there is some excuse for a Senator offering an amendment at such an hour and to such a bill when he is unable to have the subject matter favorably considered by the committee?

Mr. BORAH. I was not offering any suggestion in criticism of the Senator, but rather in defense of myself. I would not under any possible circumstances be able to vote in any way on this proposition except "no," because, when in doubt, I always vote "no," and generally I am voting "no."

Mr. HOWELL. I regret very much, Mr. President, that such an important matter as this I should be compelled to bring up at such an hour and under such circumstances, but I feel that the people of this country ought to be reimpressed with what has been done for the railroads and that the farmer ought to realize anew that his dollar invested in a farm has no such sacredness as a dollar invested in a railroad; that the labor which he puts in on his farm from sunup until sunset will not be requited, so far as Congress is concerned, in the way that labor is rewarded in the industrial activities of our country.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. The Senator from Nebraska has the floor. Does he yield to the Senator from South Carolina?

Mr. HOWELL. I yield merely for a question.

Mr. BLEASE. In view of the suggestion of the Senator from Idaho [Mr. BORAH] as to the importance of this matter, I think the Senator from Nebraska should have a quorum present; and if he will permit me to do so, I will suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Nebraska yield for that purpose?

Mr. HOWELL. I yield.

The VICE PRESIDENT. The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	La Follette	Sackett
Bayard	Fernald	McKellar	Schall
Bingham	Fess	McMaster	Sheppard
Blease	Gerry	McNary	Shipstead
Borah	Gillett	Mayfield	Shortridge
Bratton	Goff	Metcalf	Stanfield
Butler	Hale	Moses	Swanson
Cameron	Harreld	Neely	Trammell
Capper	Harris	Norris	Underwood
Copeland	Heflin	Oddie	Walsh
Couzens	Howell	Pine	Watson
Cummins	Johnson	Ransdell	Williams
Curtis	Jones, N. Mex.	Reed, Mo.	Willis
Dale	Jones, Wash.	Reed, Pa.	
Deneen	Kendrick	Robinson, Ark.	
Dill	King	Robinson, Ind.	

The PRESIDING OFFICER (Mr. STANFIELD in the chair). Sixty-one Senators having answered to their names, a quorum is present. The Senator from Nebraska will proceed.

Mr. HOWELL. Mr. President, I wish to call the attention of the Senate to the fact that we have not only defeated the agricultural bill and any possibilities of relief which it may have promised to the farmer but, although we have endeavored to enact legislation that would enable corn sugar to be used by a baker in making pies without it being necessary for him to label the pastry, "This pie is made with dextrose and not with sugar," we have not been able to pass that bill, and its passage seems unlikely.

The senior Senator from Iowa [Mr. CUMMINS] asked to-day that the Senate concur in an amendment of the House of Representatives to the bill which passed the Senate some time ago authorizing the use of dextrose and levulose—corn sugar and fruit sugar—on the same terms as ordinary sugar, but finally the regular order was called for, and it would appear that there is no chance for the measure during this session of Congress.

What is dextrose? Sixty per cent of all the food which we absorb must be transformed into dextrose before we can take it into the system. Sucrose, ordinary cane sugar or beet sugar, may be said to be one-half levulose and one-half dextrose. When it is taken into the system the first step in digestion breaks up the sucrose into equal parts by weight of dextrose and levulose.

And yet, Mr. President, it was virtually urged on the floor of the Senate to-day that a baker making a loaf of bread using dextrose instead of sucrose should be sent to jail if he sold it

without labeling it, "Dextrose is used in this bread instead of sugar."

Mr. President, up to 1923 it had not been practicable to produce dextrose commercially in granulated form; but finally the Bureau of Standards, after most brilliant research work, solved the problem, and to-day 200,000,000 pounds of dextrose are being sold annually in this country. Corn, of all our crops, is the most favorable source of dextrose. Twenty-seven pounds of dextrose can be made from a bushel of corn. As a food, it is equal pound for pound to cane sugar or beet sugar. The only difference is that its sweetness is only about 50 per cent that of sucrose or ordinary sugar.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. HOWELL. Certainly.

Mr. NEELY. And that is the source of the objections to the measure that the Senator from Iowa presented yesterday. I usually find myself in accord with the positions taken by the Senator from Nebraska on matters of legislation; but I can not concur in his opinion that we should pass the bill providing that corn sugar may be sold under the false pretense that it is cane sugar.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. HOWELL. Certainly.

Mr. WALSH. I inquire how much time the Senator has left?

The PRESIDING OFFICER. The Senator has until 8.46 o'clock.

Mr. WALSH. He has 15 minutes on the amendment offered by himself?

The PRESIDING OFFICER. He has used his time on the amendment and is talking on the bill.

Mr. WALSH. I understood that the Senator had exhausted his time on the bill.

Mr. HOWELL. No; I have not spoken on the bill since the limitation was placed upon debate.

Mr. President, the bill that was passed by the Senate does not provide that dextrose can be sold as sucrose. It does not provide that corn sugar can be sold as cane sugar or beet sugar. All the bill provides is that if you use dextrose in ice cream you do not have to label the ice cream as containing dextrose; that is all; that you do not have to label a bit of cake, "This contains dextrose"; that you do not have to label a pie, "This contains dextrose." Under this bill dextrose can not be sold as sugar. It must be marketed as dextrose.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska further yield to the Senator from West Virginia?

Mr. HOWELL. I do.

Mr. NEELY. What is the objection to labeling the product as being sweetened with dextrose instead of cane sugar? Is it not the purpose of the bill to induce people to buy something that has been sweetened with dextrose which they would not buy if they did not believe it had been sweetened with cane sugar?

Mr. HOWELL. Mr. President, is it at all likely that a baker would buy dextrose and utilize it in his pies and cakes unless it was advantageous to his wares? He would have to use twice as much dextrose as sucrose to obtain the same sweetness. He knows the facts. He buys corn sugar as dextrose and uses it as dextrose; why, then, should he be compelled to label his tarts, "This pie contains sugar, but that sugar is dextrose and not sucrose?"

Mr. NEELY. In order to protect the public against the purchase of dextrose as sugar, when the former is only half as sweet as the latter.

Mr. HOWELL. But the same baker could use honey in making cakes.

Mr. NEELY. Yes; but in the matter of sweetness how does honey compare with sugar?

Mr. HOWELL. Honey is about half levulose and half dextrose.

Mr. NEELY. How does honey compare with cane sugar, weight for weight, as a sweetening material?

Mr. HOWELL. About 50 per cent of honey by weight is but 50 per cent as sweet as sucrose, the remaining 50 per cent is 75 per cent sweeter than sucrose.

Mr. NEELY. Then, honey is much sweeter than corn sugar, pound for pound?

Mr. HOWELL. Yes; but sweetness does not determine a sugar. There are about 20 different sugars. One of these sugars is sucrose. It is obtained largely from cane and beets. It has monopolized the term "sugar." No law has ever been enacted ordaining that sucrose is entitled to the use of the word "sugar" to the exclusion of all other sugars—not at all—but an official in the Department of Agriculture has held that sucrose is sugar and that dextrose is dextrose.

Mr. NEELY. And that to sell a product that is sweetened with dextrose without labeling it accordingly is to violate the pure food law against the misbranding of goods?

Mr. HOWELL. A baker is not required to label his product "This is sweetened with sucrose," but they do require that he put upon the product "This is sweetened with dextrose."

Mr. President, there is only one question involved here; and I am not questioning the motive of the Senator from West Virginia. I have been trailing this matter for the past year. The whole opposition to the use of corn sugar in canning, for which it is better than ordinary sugar as its osmotic pressure is 30 per cent greater than ordinary sugar, comes from the cane-sugar interests.

Mr. NEELY. Will the Senator yield once more?

Mr. HOWELL. I have just a few moments, Mr. President.

Mr. NEELY. How does the cost of dextrose compare with the cost of sucrose or cane sugar?

Mr. HOWELL. Dextrose and sucrose are selling for about the same price, or perhaps dextrose is a little less; but what they are afraid of is this:

We are using 14,000,000,000 pounds of sugar a year. We are producing within the country only 2,000,000,000 pounds. We are importing from Cuba and from other sources outside continental United States about 12,000,000,000 pounds of sugar. Through a development of the production of dextrose and levulose we can supply every bit of that sugar ourselves and afford another crop for the farmer. What we are doing is to take an initial step—a step to rid corn sugar of a prejudice that will retard its use. The great sugar interests have been intriguing Congress—I am not reflecting upon any Member; I am simply stating a fact so far as the sugar interests are concerned—they have been telling the honey producers that "the first thing you know they will be making honey out of dextrose, and the bee will be put out of business." They are now urging via the Pacific coast that we cut out the term "frozen products."

Mr. NEELY. Mr. President, if the Senator will permit a further interruption——

Mr. HOWELL. I have only a few moments.

Mr. NEELY. Of course, the Senator knows that a Democrat from West Virginia could not be interested in protecting the Sugar Trust or any other trust. Personally, I am interested in the legislation only as a consumer and as a friend of the consumers.

Mr. HOWELL. The Senator understands that I am not impugning his motives. I have been able to discern, however, a propaganda worked up by the sugar interests, and you can see what is at stake, Mr. President. Levulose, as you know, can be produced from artichokes, the easiest-grown vegetable known. The Bureau of Standards also has devised a commercial process of crystallizing levulose from an aqueous solution, something never done before. As a consequence the farmer is to have another cash crop, through growing artichokes for the production of levulose. We can ultimately produce all of the sugar that we use in this country, and that is what is frightening the sugar interests. They say, "We have to meet the competition of dextrose now; we may have to meet the competition of levulose; we must bestir ourselves," and they are. Yet, Mr. President, with these possibilities for the farmer, and after defeating to-day the relief he has asked for, we will not even allow his corn sugar to be used in a pie without having it labeled "dextrose."

Corn sugar is being used to-day, Mr. President, in pies, cakes, and ice cream, and for the curing of meats; however, it is admitted by the Department of Agriculture that if they enforced the law they would be obliged to send a lot of these bakers, ice-cream makers, and packers to jail.

Mr. FESS. Mr. President, I am interested in what the Senator is saying. Is the Senator's objection to labeling it on the ground that it would create a prejudice against it, or why?

Mr. HOWELL. What I say is that if a baker sees fit to use dextrose in making pies, he should not have to label every pie that happens to have dextrose in it, "This pie contains dextrose and not sugar." Dextrose is a sugar just as much as sucrose is a sugar, but sucrose has monopolized the term "sugar," and an official in the Department of Agriculture has held that if you use any other kind of sugar than sucrose you can not use the term "sugar"; you must label the product with the particular sugar's technical name; but when it comes to sucrose they can call it sugar, and no label is necessary.

Mr. President, I have called attention to these facts to show that there is evidently not the least intention on the part of Congress to do anything for the farmer. We will not lower

his freight rates. We have fixed minimum freight rates at the maximum. We will not even allow his corn sugar to be utilized without a prejudicial label. You will not grant him compulsory cooperation, even to the extent of a three-year experiment to the end of controlling the price of his wheat.

The PRESIDING OFFICER. The Senator has exhausted his time.

Mr. COPELAND. Mr. President, a little while ago I tried to have the Senate adjourn, but it did not want to do so. Senators have now had dinner, and we have plenty of time, and I will continue the corn-sugar discussion.

Mr. WATSON. Mr. President, I would like to ask whether the Senator is an advocate of sucrose, or dextrose, or glucose. [Laughter.]

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. COPELAND. For what purpose?

Mr. REED of Pennsylvania. For a question.

Mr. COPELAND. Certainly.

Mr. REED of Pennsylvania. The Senator knows that some of us are very much embarrassed by having engagements that we had hoped to keep; that we had not expected to have a night session; and while we would be very much interested in his observations on sucrose, his popularity would even be increased, impossible as that may seem, if he would be relatively brief.

Mr. COPELAND. Mr. President, I am quite overwhelmed by the kind things which have been said to me by the Senator from Pennsylvania. If we can really get a vote on this bill and go home, I will yield the floor in a minute.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HOWELL].

The amendment was rejected.

Mr. SHORTRIDGE. Mr. President, I offer the following amendment, which has been printed, and I ask the clerk to read it.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. Insert after line 5, page 5, the following:

That for the purpose of aiding and facilitating the sale and distribution of farm and food products from producer to consumer growers, individually or through cooperative associations, or both, may contract with commercial handlers of such products for the raising of funds to be used in the advertising of such products. Cooperative associations and commercial dealers in such products may insert in their purchase or membership contracts with producers a provision authorizing them to make deduction from the purchase price of such products a pro rata amount of such fund chargeable against such producer. Any advertising fund so raised shall be expended under the direction of a committee to be named by such cooperative associations, producers, and commercial handlers. A majority of such committee shall be producers divided equitably between members and nonmembers of cooperative associations.

Mr. HOWELL. Mr. President, I am sorry to detain the Senate, and I shall conclude my remarks shortly.

I had the privilege last year of visiting Central Africa, where the English are developing a Nordic colony under the Equator. In Kenya colony there are some 2,500,000 natives and about 10,000 whites. I found that the whites were living very much as our colonists did 150 or 200 years ago up and down the Atlantic seaboard, depending upon cheap negro labor.

The whites complained that although there were so many natives in the country, they could not get them to work. I asked, "How much do you pay them?"

The answer was, "Three dollars a month and 2 pounds of corn meal a day."

"Who fixes the price?" I inquired.

They said, "We settlers get together and fix the price."

Twelve English shillings a month and 2 pounds of corn meal a day. That is about 3½ to 4 cents additional. My informant added, "We ought to have compulsory labor here." He meant that the natives ought to be compelled to work six months of the year. That was the law in Tanganyika, the colony to the south, before the war. In other words, the whites feel—not all—that labor should be compelled to work and at low wages, so that their civilization may develop and be maintained in Central Africa.

I hold in my hand two editorials from the Washington Evening Star of the 25th instant. Both appear in the first column on the editorial page of that issue. The first is headed, "The farm-relief defeat," and reads in part:

Now that both houses of Congress have rejected the Haugen farm relief bill, the Senate yesterday having practically shelved the measure by a six-vote majority, there is no occasion for further maneuvering to put this undesirable, unsound project before the President * * *.

The other editorial reads:

* * * A nation composed entirely of financiers would be impractical. While a financier may be of great social value in formulating methods of distribution, he personally produces neither pork nor potatoes. Civilization is still awaiting the correct coordination between the brain and the hand. * * *

Demands for farm relief are based in large degree on the natural desire of the toiler to exchange his lot for that of the financier. The toiler is absolutely essential and must be held to his task. * * *

Such are the quotations from these editorials. That last sentence is a brutal truth. But that is what the attitude of Congress means, "The toiler must be held to his task," just as those natives in Africa must be held to their task of working in the fields for $3 a month and 2 pounds of corn meal a day. It is the decree of Congress that just that way the farmer out in the West must be held to his task, working from sun-up until sunset. Practically every other industry is cared for; the railroads, the manufacturing industries, all, but, as the Star implies, the agricultural toiler must be held to his task, right here in the United States, unrequited though his labor be.

That is what we are doing. We are holding the farmer to his unrequited task and, Mr. President, Congress can not avoid its responsibility. The Star has told a brutal truth, that should startle every Member of Congress, and that will sink deep in the minds and hearts of the people out in the great West, suffering as they are under present industrial discriminations.

Mr. SHORTRIDGE. Mr. President, just a word. This proposed amendment is intended to remove any doubt as to the validity or legality of certain contracts, which indeed are being entered into by the cooperative marketing societies. I have submitted it to the Senator from Oregon, and he has no objection to it. I understand the House committee, which considered the proposition, is entirely in its favor. I ask that it may be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California [Mr. SHORTRIDGE].

The amendment was rejected.

Mr. HARRIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. Add at the proper place in the bill the following:

The Interstate Commerce Commission is hereby directed, as long as the Pullman surcharge remains in effect, to credit all amounts received by the railroads from this surcharge to the reduction of rates on farm products.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. HARRIS].

The amendment was rejected.

Mr. HARRIS. Mr. President, I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. Add to the bill new sections, as follows:

SEC. —. That it shall be unlawful for any carrier subject to the interstate commerce act to publish, demand, or collect for the transportation by railroad or partly by railroad and partly by water of export wheat, corn, or cotton (including such transportation for concentration, storage, and export) any individual, joint, or proportional rate, fare, or charge in excess of 50 per cent of the individual, joint, or proportional rate, fare, or charge published, demanded, or collected for such transportation on the date of the passage of this act, if such wheat, corn, or cotton is to be exported from the United States in vessels owned by the United States and operated by the Emergency Fleet Corporation.

SEC. —. No individual, joint, or proportional rate, fare, or charge shall be published, demanded, or collected for the transportation in vessels owned by the United States and operated by the Emergency Fleet Corporation of wheat, corn, or cotton exported from the United States in excess of 50 per cent of the individual, joint, or proportional rate, fare, or charge published, demanded, or collected for such transportation on the date of the passage of this act.

SEC. —. This act shall become effective upon the expiration of 60 days from its passage.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. HARRIS].

The amendment was rejected.

Mr. TRAMMELL. Mr. President, I think we have killed the evening already in considering the various amendments to this bill. I believe that the river and harbor bill is of a great deal of importance and nothing would be accomplished by further consideration of the farm-relief measure, in my opinion. I am going to make a motion to take up House bill 11616, the river and harbor bill.

Mr. WILLIS and others addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. TRAMMELL. I do not yield the floor, and I will not yield unless some Senator wants to ask a question.

Mr. WILLIS. I want to ask the Senator a question.

Mr. TRAMMELL. I will yield just for a question.

Mr. WILLIS. I wanted to ask the Senator whether he thought the consideration of his motion at this time would be in harmony with the unanimous-consent agreement already entered into, and which has been published on our calendar for many days. That unanimous-consent agreement is as follows:

Ordered, by unanimous consent, That the bill (H. R. 9971) for the regulation of radio communications be made a special order immediately following the disposition of H. R. 7893.

The PRESIDING OFFICER. Both the Senator from Ohio and the Senator from Florida have used all their time on the bill.

Mr. WILLIS. I was asking the Senator a question. I was not speaking on the bill.

Mr. TRAMMELL. I make the motion.

Mr. WILLIS. I ask to be recognized on the motion.

Mr. SWANSON. Mr. President, I suggest to the Senator from Florida that the pending bill will be passed in 5 or 10 minutes, and that he merely give notice that as soon as the bill is disposed of he will make his motion. It will probably be stronger if he does it in that way.

Mr. TRAMMELL. It is a question whether it would be any stronger or not. I find that a great many Senators are always ready to come forward with a suggestion of that sort. I know that the river and harbor bill is an extremely important measure, and I think it ought to be considered at this session.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Washington?

Mr. TRAMMELL. I yield.

Mr. DILL. The Senator knows that the radio bill has been made the regular order immediately following the disposition of the farm bill. I do not want to fight the river and harbor bill, but the radio bill has been on the calendar for a long while and the legislation is necessary. I do not think it will take very long to dispose of it. I hope the Senator will not press his motion.

Mr. KING. Mr. President, the Senator from Maryland [Mr. BRUCE] several days ago offered an amendment and addressed himself to the Senate in regard to it. He was called from the Chamber this evening and asked me, if he was unable to return, to tender the amendment in his behalf. I do so now and ask that it may be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. Add at the proper place in the bill the following additional section:

SECTION —. That the President be, and he is hereby, empowered to appoint a commission of five persons to investigate the present state of agricultural distress in the United States, and to report thereon to the present Congress, with such recommendations as it may deem proper; and that each of the members of said commission shall receive for his services a compensation at the rate of $10,000 per annum, payable in equal monthly installments.

SEC. —. That said commission shall be empowered, in accordance with provisions of law relating to the Federal classified service and subject to the authority of the Personnel Classification Board, to appoint, at such reasonable rates of compensation as it may determine, such stenographic or other assistants as it may deem necessary for the proper execution of its task; and shall also be empowered to hold hearings, summon witnesses, and to elicit any testimony, oral or documentary, that it may deem relevant to its inquiry.

SEC. —. That to provide for the compensation of said commission, and its staff of assistants, and for its other expenses, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any sums in the Treasury not otherwise appropriated.

Mr. KING. I ask for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment tendered by the Senator from Utah in behalf of the Senator from Maryland.

Mr. TRAMMELL. Mr. President, I have not occupied any time to-day, but I have remained here just the same as other Members of the Senate have remained. Most of us voted to hold a night session. At first I was inclined to vote against the proposition, but that seemed to be the will of the majority, and I did not want to be contrary in the matter.

I am serious about the question of taking up the river and harbor bill. I know there has been an underground current here for the last day or two with a view to defeat the consideration of that measure at the present session. Of course, the excuse is that we are tired and ought to adjourn Congress.

I am going to oppose any final adjournment until we have had consideration of that measure. It is a matter in which the people of the country generally are interested. The question of the improvement and development of our harbors as it affects the cost of transportation is of general interest. We are talking about agriculture here. The agricultural interests of the country are very materially interested.

I know that consideration of the river and harbor bill is going to be objected to until we get through with the radio measure, but when are we going to get it up? I object to the adjournment of Congress so we can go home and have a good, easy time after having been here only six or seven months, when neglecting to pass upon this very important measure. I want to urge Senators to consider the idea and to look with favor upon fixing some time when we may consider the river and harbor bill and not have it carried over until December. The only reason why it is to be carried over is because there are some Senators opposed to it. If only a minority of Senators are opposed to it, why should a majority of Senators fold their hands and desert the ship and allow them to force the measure over until December?

I shall not urge that the motion be taken up at the present time, as I realize that Senators are anxious to dispose of the pending farm-relief measure.

The VICE PRESIDENT. The question is on the amendment tendered by the Senator from Utah [Mr. KING] in behalf of the Senator from Maryland [Mr. BRUCE].

The amendment was rejected.

Mr. BLEASE. Mr. President, I suggested in a short talk I made——

The VICE PRESIDENT. The Senator from South Carolina has used his time on the bill.

Mr. BLEASE. I have not used any time on the amendment.

The VICE PRESIDENT. There is no amendment pending, and the Senator has no time on the bill.

Mr. BLEASE. I was just about to call attention to the fact that I have an amendment which has not been presented.

The VICE PRESIDENT. If it has not been presented from the floor and if the Senator now presents it from the floor, that may be done, and the Senator will have time on such an amendment.

Mr. BLEASE. The only solution the farmers are going to get of their problem is found in the amendment which I offer. I knew it all the time. Both parties, Democrats and Republicans, have been camouflaging and they know it. I offer a solution for the ills and troubles of the farmer.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. Strike out all after the enacting clause and insert:

From and after the passage of this act it shall be unlawful for any railroad company, steamship company, or other common carrier to charge on any farm products more than one-twentieth of the selling prices of said farm products for transporting the same from any one point to another within the United States. That said selling value heretofore mentioned shall be determined at the point where the said farm products are disposed of.

Mr. BLEASE. Mr. President, we have discussed here for several days what we are going to do for the farmers when I really do not believe anybody thought we would do anything for them. I think that has been generally understood since the time we started consideration of the measure. We have been playing politics. The Democrats have offered their part and the Republicans have offered their part, and all of them have been voted down. Now we are going to get ready for the general election and submit to the country this potpourri—I guess we might call it—and let the people work it out the best way they can.

There are but two ways to help the farmer: One is by a reduction of the tariff and the other is by a reduction of railroad rates. Let us adopt this amendment and say to the railroads of the country that we propose to see that they deliver agricultural products from the man who raises them to the consumer at a fair and reasonable rate. As I said the other

day, we go down to the Senate restaurant, and they give us a little bit of an ear of corn about 4 inches long and charge 20 cents for it. We come back up here and talk about corn sugar, and I understand there are people downstairs some place talking about corn liquor. [Laughter.] I guess before they get through they will be talking about everything known to the world to fool the farmer. The whole session for the last several days has been nothing in the world but an effort to fool him. We have done it to perfection. I think it is time to offer the farmer some real relief. If we let the farmers of the West and the South and of the other parts of the country have a fair opportunity, when he raises his produce, to send it to the man who consumes it at a reasonable railroad rate, the consumer can buy it at a less price than it costs to-day, and at the same time the producer will receive a fair price for his product.

I respectfully submit the amendment to the Senate as a solution which will at least give some benefit to the man we have been talking about here for three weeks, trying to make him believe he is going to get something when we knew all the time that the little ball was not under any of the three little shells.

Mr. JONES of New Mexico. Mr. President, I am under obligation to present for the RECORD a communication from the Interstate Commerce Commission. The other day when we were discussing the question of reduced freight rates on export farm products I put into the RECORD a table of such rates which had been furnished to me by the Interstate Commerce Commission. I am in receipt of a letter from the Secretary of the Interstate Commerce Commission stating that the tabulation which was furnished to me was hurriedly prepared and that a mistake had been made in the insertion of one of the terminal points in the list of figures which was given to me. Without reading it, I ask that the letter from the secretary of the Interstate Commerce Commission may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, June 24, 1926.

Hon. A. A. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR JONES: I have a copy of the CONGRESSIONAL RECORD for Tuesday, June 22, 1926, and note the insertion therein of my letter to you of June 15, at page 11762, and a statement prepared in the section of tariffs setting out export and domestic rates on miscellaneous commodities as of June 15, 1926.

My attention has been directed to the statement showing the tabulation of certain rates as applying to Boston, beginning with the rate on grain from Chicago, shown as 38 cents domestic and 30½ cents export under what is the third block of the statement.

In making up this statement in the section of tariffs it was prepared in separate sections, and this was a sheet to be headed "New York"; but it is possible that in the assembling of the sections of the work that the ditto designation was used for this sheet, thus continuing the rates under the application running to Boston. I, therefore, desire to call your attention to the fact that, beginning with this rate on grain from Chicago to Boston (38 cents) and running down through this block including feathers from Cincinnati, $1.08½ domestic and 82 cents export should have been shown as applying to New York instead of Boston.

I am writing you with regard to the clarification of the statement in order that it may not appear that the tabulation reflects a maladjustment on what appears to be a duplication of rates to Boston. You will note that this statement was furnished you under pressure and that it was assembled in haste, which, no doubt, accounts for the inclusion of this duplication.

Respectfully,

G. B. MCGINTY, *Secretary.*

Mr. JONES of New Mexico. While we are dwelling upon the subject to some extent I desire to call attention to a letter which I received this morning from the Washington Farmer, of Spokane, Wash., regarding railroad rates. It seems that the question was taken up for consideration by the editor of the publication with the Secretary of Commerce, and while they had some little disagreement as to the tonnage of wheat in Canada which reached the coast terminal points for export, yet the fact appears that the railroad rates in Canada on wheat to the Pacific coast and the Atlantic coast were just about one-half of those charged for transportation in the United States. That question was presented to the Secretary of Commerce, and while the Secretary of Commerce himself did not answer the communication it was answered by his assistant, who said he was authorized to answer. I shall read the letter which the assistant to Mr. Hoover directed to this newspaper, the Washington Farmer, of Spokane, as follows:

Secretary Hoover has asked me to acknowledge the receipt of your letter of recent date regarding freight rates on American western roads as compared with Canadian rates. I have had this matter investigated and inclose herewith the memorandum of our transportation division in the premises.

HAROLD PHELPS STOKES,
Assistant to Mr. Hoover.

In the newspaper is published the memorandum which was furnished. There is some controversy between the transportation department of the Interstate Commerce Commission as to some statements which have been made by the editor of the publication regarding the tonnage which was carried in Canada on these roads; but it was recognized that there was a vast difference between freight rates in Canada and the United States. In the same article a remedy, I take it, has been suggested which is intended to be the expression of the Department of Commerce. With the indulgence of the Senate I will read a paragraph. It says:

The Tariff Commission has had the entire matter under consideration for some time, and in a study estimated that the eastbound transportation costs of this country are 8.84 cents higher than in Canada. Of this amount 5.33 cents is the average rail rate differential. The commission, however—

That is, the Tariff Commission—

reached no decision at the time of the hearings, due to a split vote as to whether transportation costs should be considered a part of marketing costs. The Attorney General has since decided that these costs must be included. The matter is at the present time again being deliberated by the commission—

The Tariff Commission—

and it is thought that the decision reached will call for an increased tariff on Canadian wheat.

Mr. President, that is quite in keeping with what seems to be the doctrine of the so-called regular Republicans of this body. It is insisted by them that if present tariff duties are not high enough they should be made a little higher. When we framed the general tariff bill of 1922 the tariff on wheat was put at 30 cents a bushel, and still the wheat farmer was not satisfied; he still was not prosperous. So the matter was presented to the President of the United States under the flexible provision of the tariff act, and he added another 12 cents per bushel, making the duty 42 cents. Now, we find that there is a difference in the cost of transportation of wheat in Canada as compared to the cost in the United States, and, in order to solve that problem, a little more tariff is going to be asked for.

Mr. President, it has not been many years since there was a well-known remedy advertised throughout the country as a panacea and cure for all the ills of the human system. That remedy, I believe, was called Peruna; and, no matter what the ailment, a dose of Peruna should be taken; if one had a cold or a fever he should take Peruna,, and if one dose did not do the work another dose should be taken, until after having a sufficient number of doses the patient would not give a darn what troubled him. [Laughter.] That is just the situation of the Republican Party with respect to the tariff. If a business, whatever it may be, is not prosperous just give it a little tariff, and if it still is not prosperous give it a little more tariff.

Mr. President, I think the time has come when the farmers of this country especially are willing to acknowledge the fact that the tariff is not a panacea for all their ills and for the depression under which their business is suffering. I think the time has come when they realize that even the remedies proposed by this bill and the various amendments to it which have been voted down would not be adequate. I voted for them because I was willing to try experiments, but I never once thought that they would cure all the ills suffered by the farmer. The time has come, in my judgment, when the farmers of the country must realize that the fundamental reason for their plight is that the costs of production are too high and foreign markets have been destroyed, and all of these things largely because of the Republican tariff.

I ask unanimous consent that the letter and article to which I have referred may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

THE WASHINGTON FARMER,
Spokane, Wash., June 24, 1926.

Hon. ANDRIEUS A. JONES,
United States Senate, Washington, D. C.

DEAR SIR: You will be interested, I am sure, in what the United States Department of Commerce has to say regarding the disclosure made by the Washington Farmer that the freight rates on wheat in Canada are only about half as much as the rates charged the American farmers.

Upon receiving the article published by us, Secretary Hoover put one of his experts to work on the problem. His statement is printed on the inclosed sheet from the Washington Farmer of this week. This statement is also published in the Oregon Farmer and the Idaho Farmer, which, with the Washington Farmer, are included in the Pacific Northwest Farm Trio.

It would appear that the Canadian Government believes that farmers and farming are especially important to the development of their country and is acting on that belief.

Thanking you for the interest you have already taken in this matter, I remain,

Very truly yours,

EDWIN A. SMITH, *Managing Editor.*

[From the Washington Farmer]

CANADA DRIVES GOOD BARGAIN FOR FARMERS—HOOVER PUTS EXPERT TO WORK ON THE WASHINGTON FARMER'S AMAZING DISCLOSURE THAT CANADIAN WHEAT GROWERS GET FREIGHT RATES HALF THOSE CHARGED BY AMERICAN RAILROADS

When the Washington Farmer made its amazing disclosure that Canadian wheat growers are enjoying freight rates which, mile for mile, are but one-half those charged by the American railroads on grain hauls east, and but little more than half on westbound shipments, it stirred things up at Washington, D. C.

Our articles were republished in the CONGRESSIONAL RECORD, Members of Congress made inquiring speeches, the Interstate Commerce Commission made an explanatory statement, and now Secretary of Commerce Hoover is looking into this discrimination against our wheat growers.

The following note from Harold Phelps Stokes, assistant to Mr. Hoover, is self-explanatory:

DEPARTMENT OF COMMERCE,
Washington, June 10, 1926.

The WASHINGTON FARMER,
Spokane, Wash.:

Secretary Hoover has asked me to acknowledge the receipt of your letter of recent date regarding freight rates on American western roads as compared with Canadian rates.

I have had this matter investigated, and inclose herewith the memorandum of our transportation division in the premises.

HAROLD PHELPS STOKES,
Assistant to Mr. Hoover.

We print herewith that statement in full, and invite from our readers a careful reading. They will find that it is an admission of the facts and an attempt to explain them. It opens with the frank admission that "there is no doubt that the statement made in the Washingon Farmer, to the effect that grain freight rates in this country are higher than similar rates on the Canadian Pacific Railway is correct."

And the upshot of the explanation is that the Canadian Government drove a better bargain with the Canadian railroads, for the benefit of Canadian grain growers, than our Government has driven with the American railroads.

It is further explained that the Canadian Government was generous to the Canadian Pacific in land grant and subsidy.

But the United States Government has been generous with our transcontinental lines.

The Northern Pacific, for instance, was given a free grant of 40,000,000 acres, 15,000,000 more than the Canadian Pacific received for its main line; free right of way, and other valuable gifts.

The late Secretary of Agriculture Wallace, in a letter to President Coolidge, February 19, 1924, said:

"The total gross receipts of the Northern Pacific to June 30, 1917, from the sale of the lands from its grant amounted to $136,118,533. The cost of constructing the (original) road did not exceed $70,000,000. The sale of lands has more than paid for the cost of constructing the original railroad."

The explanation from Secretary Hoover's department, given below, questions the accuracy of the statement that 5,873,286 tons of grain and grain products were hauled by the Canadian Pacific Railway to Vancouver during 1925. Our statement was made on authority of Hon. James R. Robb, Canadian minister of finance, who told the Canadian Parliament that if the Canadian grain growers had been made to pay the higher freight rates that are charged on the American roads, it would have cost them in 1925, $17,926,271 more than they had to pay. The statement that nearly 6,000,000 tons went to Vancouver may have been an inadvertence of the reporter's. What Mr. Robb probably said was that the Canadian Pacific hauled east that much grain in 1925. But whether the bulk of it went east or west has no bearing on the big admitted fact that our growers pay much higher freight rates.

Now that we have had our say we give space to the following explanation from Mr. Hoover's expert:

DEPARTMENT OF COMMERCE,
Washington, June 8, 1926.

There is no doubt that the statement made in the Washington Farmer to the effect that grain freight rates in this country are higher than similar rates on the Canadian Pacific Railway is correct. It should be borne in mind that the Government supplied the Canadian Pacific Railway with a very definite consideration for the lower rates, and that the present rates are the same that were in use in 1897. The accuracy of the statement that 5,873,286 tons of grain and grain products were hauled by the Canadian Pacific Railway to Vancouver during 1925 is questionable.

There are several reasons for this existing rate situation. In the eastbound rail movement from the wheat-producing Provinces of Canada to the shipping points on the Lakes all traffic falls under the "Crows' Nest Pass agreement of 1897." This was an agreement between the Government and the Canadian Pacific Railway, under which the railway company was authorized to construct a line from Lethbridge through the Crows' Nest Pass into British Columbia. The Canadian Pacific was given a subsidy of $3,630,000, a land grant, custom duties on supplies for the particular section of the railway were remitted, and all taxes on that section of the railway were remitted forever.

In return the company agreed, among other things, to reduce the then-existing rates to the Lakes by 3 cents per 100 pounds. This reduction was effected in 1899, and in spite of advanced costs of operation these reduced rates were in operation until July, 1919. Under an act passed by the Canadian Parliament of that year this agreement was abrogated for the three years ended July 5, 1922. The new Government did not extend the suspension of the agreement, and on July 7, 1923, the eastbound grain rates of 1899 to Fort William and Port Arthur were reestablished.

While these rates are required of the Canadian Pacific Railway, they must, through necessity, be met by the Canidian Government Railway lines which are in competitive operation. The westbound movement was not affected by this agreement, and much higher rates prevailed on shipments to the west coast.

In the meantime the Pacific coast merchants claimed that rate discrimination was being made in favor of eastbound shippers. The Government ordered an investigation, and as a result, on September 15, 1925, the western and eastern grain rates were equalized. For example:

	Miles	Old rates, cost per bushel	New rates, cost per bushel
		Cents	*Cents*
Calgary to Fort William	1,343	0.15	0.15
Calgary to Vancouver	648	.13½	.90

The Tariff Commission has had the entire matter under consideration for some time and in a study estimated that the eastbound transportation costs in this country are 8.84 cents higher than in Canada. Of this amount 5.33 cents is the actual rail rate differential. The commission, however, reached no decision at the time of the hearings, due to a split vote as to whether transportation costs should be considered part of marketing costs. The Attorney General has since decided that these costs must be included. The matter is at the present time again being deliberated by the commission and it is thought that the decision reached will call for an increased tariff on Canadian wheat.

It was stated in the article that during 1925 approximately 5,873,286 tons of grain and grain products were hauled by the Canadian Pacific Railway to Vancouver. Available reports for the crop year 1924-25, which can be favorably compared with the railway traffic movement for the calendar year 1925, disclose that there were approximately 6,000,000 tons of grain and grain products hauled in the eastbound traffic and 1,000,000 tons in the westbound movement. During the calendar year 1924 approximately 2,000,000 tons were exported through the port of Vancouver, according to a consular report received in this division. It is accordingly believed that the statement of a 5,800,000-ton movement into Vancouver during 1925 is incorrect.

In conclusion, it might be pointed out that the Government supplied the Canadian Pacific Railway with very definite considerations for these lower rates, such as the original land grant, a subsidy of $3,630,000, and remission of taxes forever on this section. The case of the Canadian National Railway's voluntary observance of these rates on com-

petitive lines is self-argued by its balance sheet. This statement during the past has shown a net loss annually which has been assumed by the Government. In 1925 this amounted to $50,000,000.

A. LANE CRICHER,
Acting Chief, Transportation Division.

[Cries of "Vote!" "Vote!"]

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Carolina.

Mr. NEELY. Mr. President, I ask unanimous consent that all debate on the pending bill be limited to one minute to each Senator and that no Senator shall speak longer than that between now and the final vote. I ask that that question be put.

The VICE PRESIDENT. Is there objection? The Chair hears none, and, without objection, it is so ordered. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. BLEASE].

The amendment was rejected.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed, as follows:

Be it enacted, etc., That when used in this act the term "agricultural products" means agricultural, horticultural, viticultural, and dairy products, livestock and the products thereof, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce.

SEC. 2. The Secretary of Agriculture is hereby authorized and directed to establish a division of cooperative marketing with suitable personnel in the Bureau of Agricultural Economics of the Department of Agriculture or in such bureau in the Department of Agriculture as may hereafter be concerned with the marketing and distribution of farm products. Such division shall be under the direction and supervision of the Secretary of Agriculture.

SEC. 3. (a) The division shall render service to associations of producers of agricultural products, and federations and subsidiaries thereof, engaged in the cooperative marketing of agricultural products, including processing, warehousing, manufacturing, storage, the cooperative purchasing of farm supplies, credit, financing, insurance, and other cooperative activities.

(b) The division is authorized—

(1) To acquire, analyze, and disseminate economic, statistical, and historical information regarding the progress, organization, and business methods of cooperative associations in the United States and foreign countries.

(2) To conduct studies of the economic, legal, financial, social, and other phases of cooperation, and publish the results thereof. Such studies shall include the analyses of the organization, operation, financial, and merchandising problems of cooperative associations.

(3) To make surveys and analyses if deemed advisable of the accounts and business practices of representative cooperative associations upon their request; to report to the association so surveyed the results thereof; and with the consent of the association so surveyed to publish summaries of the results of such surveys, together with similar facts, for the guidance of cooperative associations and for the purpose of assisting cooperative associations in developing methods of business and market analysis.

(4) To confer and advise with committees or groups of producers, if deemed advisable, that may be desirous of forming a cooperative association and to make an economic survey and analysis of the facts surrounding the production and marketing of the agricultural product or products which the association, if formed, would handle or market.

(5) To acquire from all available sources information concerning crop prospects, supply, demand, current receipts, exports, imports, and prices of the agricultural products handled or marketed by cooperative associations, and to employ qualified commodity marketing specialists to summarize and analyze this information and disseminate the same among cooperative associations and others.

(6) To promote the knowledge of cooperative principles and practices and to cooperate, in promoting such knowledge, with educational and marketing agencies, cooperative associations, and others.

(7) To make such special studies, in the United States and foreign countries, and to acquire and disseminate such information and findings as may be useful in the development and practice of cooperation.

SEC. 4. The Secretary of Agriculture is authorized, in his discretion, to call advisers to counsel with him and/or his representatives relative to specific problems of cooperative marketing of farm products or any other cooperative activity. Any person, other than an officer, agent, or employee of the United States, called into conference, as provided for in this section, may be paid actual transportation expenses and not to exceed $10 per diem to cover subsistence and other expenses while in conference and en route from and to his home.

SEC. 5. Persons engaged, as original producers of agricultural products, such as farmers, planters, ranchmen, dairymen, nut or fruit growers, acting together in associations, corporate or otherwise, in collectively processing, preparing for market, handling, and marketing in interstate and/or foreign commerce such products of persons so engaged, may acquire, exchange, interpret, and disseminate past, present, and prospective crop, market, statistical, economic, and other similar information by direct exchange between such persons, and/or such associations or federations thereof, and/or by and through a common agent created or selected by them.

SEC. 6. The Secretary of Agriculture may make such rules and regulations as may be deemed advisable to carry out the provisions of this act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and may call upon any other Federal department, board, or commission for assistance in carrying out the purposes of this act; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law and make such expenditure for rent, outside the District of Columbia, printing, telegrams, telephones, books of reference, books of law, periodicals, newspapers, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $225,000 to be available for expenditure during the fiscal years 1926 and 1927, and the appropriation of such additional sums as may be necessary thereafter for carrying out the purposes of this act is hereby authorized.

SEC. 7. That if any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby, and nothing contained in this act is intended, nor shall be construed, to modify or repeal any of the provisions of the act of February 18, 1922 (ch. 57, 42 Stat. L. p. 388).

Mr. McNARY. I move that the Senate insist on its amendments, and ask for a conference with the House on the bill and the amendments, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and Mr. NORRIS, Mr. MCNARY, and Mr. SMITH were appointed conferees on the part of the Senate.

BATTLE OF FORT MOULTRIE—WASHINGTON LIGHT INFANTRY

Mr. BLEASE. Mr. President, I ask permission to insert in the RECORD an editorial from the News and Courier of Charleston, S. C., of June 28, 1926, on the Battle of Fort Moultrie, and an article in the same paper on the Washington Light Infantry.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

THE DAY WE CELEBRATE

The Battle of Fort Moultrie was fought nearly a week before the adoption of the Declaration of Independence. On the same day that the battle took place, Thomas Jefferson, at Philadelphia, presented the draft of the declaration. Edward Rutledge was the head of the delegation from South Carolina. John Rutledge, his brother, was at the head of the government in South Carolina. The South Carolinians at Philadelphia were in grave doubt as to the course they should pursue. They hesitated to attach their signatures to the document that was to sever all ties with the mother country. They did not know whether their people would sustain them and their state of mind is illustrated by the fact that they waited until July 9 before they "found courage to write to President Rutledge" inclosing "some occasional resolutions and a very important declaration which the King of Great Britain has at last reduced us to the necessity of making."

It was August 2 before an express arrived in Charleston bringing the first news of the Declaration of Independence. The news was received "with the greatest joy," but there is no assurance that it would have been so received if the Battle of Fort Moultrie had not been fought and won in the meantime. In South Carolina, says General McCrady, "so strong was the love of the old country, so great was the pride of being a part of the British dominion, and entitled to the glories of her history, that many shrank from an explicit recognition and declaration of the fact that the colonies were indeed independent States, no longer a part of the old country." If the British had been victorious at Moultrie public opinion in the colony might well have swung strongly to the Crown with far-reaching results not only here but on the whole course of the revolution. The importance of the engagement lay in its implications. General McCrady has given us a temperate and enlightening assessment of what the battle meant.

"Excluding Lexington, which ushered in the war, and Yorktown, which ended it, the Battle of Fort Moultrie must rank," he says, "with the three most complete and decisive American victories of the Revolution. It was the first absolute victory. The next was Saratoga, and the third the culmination of the long series of smaller affairs at Kings Mountain. Bunker's Hill was a gloriously fought battle, and did much to establish the first confidence of the Americans in the efficacy of their own ability and valor; but the military advantage of the struggle lay with the British. Princeton and Trenton were brilliant military strokes, which did much to revive the falling spirits of the time, but besides this were productive of no decisive or lasting results. The victory of Fort Moultrie in its moral aspect was as valuable to the cause as Bunker Hill, but it was far more so in the consequences which followed and the advantages it secured.

"At Bunker Hill the American troops had exhibited the highest qualities of valor and steadfastness, but the object of their struggle was not attained—the position was ultimately abandoned. At Fort Moultrie they had fought with no less valor and fortunately with brilliant success. They had not only resisted but utterly defeated the supposed invincible British Navy. The little log fort had withstood the broadsides of some of the largest vessels in His Majesty's service, but the material results were far greater. The expedition which so confidently set out to crush and subjugate the southern colonies was utterly defeated, and these colonies were relieved for three years from invasion, to remain a source of strength and supply to their friends at the north while the war raged there. The victory at Saratoga put an end to the grand strategy by which the New England States were to be cut off and permanently separated from the others, thus it was confidently believed practically to end the war. The culminating victory at Kings Mountain recalled Cornwallis from the further prosecution of his victorious career, and put an end to the grand movement by which the war was to be carried 'from South to North,' and gained time for the coming of the second French fleet. The battle of Fort Moultrie was the first of these great achievements and victories, nor was it the least brilliant of them."

In the years that followed the Revolution "Carolina Day" became the day of days in Charleston, keeping alive memories of Fort Moultrie and its heroes. The annual celebrations, brilliant affairs they were, continued down to the breaking out of the War between the States; and it was a very striking thing that the year that marked their revival, the year of the centennial of the battle, should have been the year of South Carolina's redemption from the terrible misrule under which its people had suffered for nearly a decade.

On the day following the centennial pageant the News and Courier, congratulating the Palmetto Guard and all Charleston upon its success, continued: "And we congratulate the whole country upon the vast stride made yesterday toward that goal of union and peace which good men and true, the Nation over, earnestly and constantly desire. When McLean, of New York, and Noyes and Wilder, of Massachusetts, can join with Trenholm and Bonham, of South Carolina, and Mercer, of Georgia, in the declaration that the bitterness of the past years must be buried out of sight; when such loyal gentlemen, always true to their principles and convictions, unite with Kershaw in a parade that a Hampton commands; when from Carolinians and Georgians and New Yorkers and Bostonians swells the cry that this is our country, and the country of our children, as it was the country of our fathers; when, in public, the soldiers of either side avow their respect for the soldiers who did battle against them—it is not too much to say that in this Charleston, for certain, and throughout the circles of which our honored visitors are centers, the opportunity of the demagogue is gone, the reign of the agitator is at an end, and the moment of true and lasting reconciliation is at hand." This was written while the cheers of a great celebration were still echoing, but it did not overstate the case. As in 1776, so in 1876, the moral consequences of the day were tremendous. There followed the Hampton movement, a movement which had been hanging in the balance but which on this occasion gained an impetus which may well have been responsible for its subsequent success.

Truly if in Charleston and in the Palmetto State we are to have any day that is peculiarly our own, any day set apart for honor and remembrance, this is the day. It is associated above any other with the glories and inspirations of our past.

W. L. I. TO CARRY FOUR FLAGS TO-DAY—THE EUTAW ONE OF THEM—RESERVE COMPANY TO APPEAR IN BALL BUTTON UNIFORMS OF OTHER YEARS

In the parade this morning the Washington Light Infantry will carry four flags, the American, the Eutaw, the flag of Washington's headquarters recently presented at Valley Forge, and the Courtenay colors.

The reserve company, under Capt. T. T. W. Flint, will wear the old ball button uniforms with bearskin shakoes, while the active company, under Capt. William H. Hawkins, will wear the prescribed olive drab. The active company is in the National Guard of South Carolina.

This company recently took part in the sesquicentennial parade in Philadelphia, as a member of the Centennial Legion, the Eutaw flag being the official standard of this legion, composed of historic commands from the 13 original States.

Through the years, the W. L. I. has performed much service as the following brief record demonstrates:

1824: The company was designated, with the "Fusileer Francaise" as a special guard of honor to escort the Marquis de Lafayette while in Charleston, S. C.

1836: The company was engaged in the Seminole Indian War in Florida.

1846: The company's volunteers, under one of its lieutenants, formed the nucleus for the gallant company from Charleston in the famous Palmetto Regiment which achieved so much renown and planted on the walls of the City of Mexico the Palmetto flag.

1860: This company furnished three full companies, the casualties in which were 113 dead besides many scarred and maimed for life. And to-day there stands in Washington Square, Charleston, a granite shaft 45 feet high, placed there by the company, bearing the names of those heroic dead.

1866: This company, after the Civil War, formed what was called "The Washington Light Infantry Charitable Association" to assist the families of those of the Washington Light Infantry who had fallen or were disabled in the late struggle, and with holding a fair over $8,000 was realized. To-day this fund amounts to $18,000, the interest from which is dispensed each year in annuities to the needy of the not-forgotten dead.

1875: The company braved the adverse criticism of their fellow citizens by participating in the celebration of the centennial of the Battle of Bunker Hill, upon invitation received, being the first of the ex-Confederate commands to march under the Stars and Stripes as the flag of a reunited country.

1876: The Washington Light Infantry as a member of the Centennial Legion, which organization was formed by a representative company from each of the original thirteen States, paraded in Philadelphia July 4, and had the distinction of being selected as the color company of the legion, and bearing by appointment the famous Revolutionary banner, the Eutaw flag, whose custodians this company has been for the past 99 years, having received it from the hands of the widow of Col. William Washington, whose troop flag it was, on the fifty-second anniversary of the Battle of Lexington, April, 1827.

1916: This company as Company B, Second South Carolina Infantry, answered the call of President Wilson for patrol duty on the Mexican border, near El Paso, Tex.

1917: In the World War overseas, in the One Hundred and Fifth Ammunition Train, Fifty-fifth Field Artillery Brigade, Thirteenth Brigade; engaged in battles of St. Mihiel, Meuse-Argonne, and defense of Toul.

1926: The company is making its sesquicentennial parade as a member of the Centennial Legion as color company.

The flag commonly known as the Eutaw flag, now in possession of the Washington Light Infantry, of Charleston, is a relic of the Revolutionary War.

It formerly belonged to Col. William Washington, who was a cousin of Gen. George Washington, and whom John Randolph in one of his speeches in Congress compared to "The Sword of Marcellus." He served at the Battle of Lexington; afterwards coming to South Carolina, served under General Morgan as a cavalry officer, distinguishing himself by his persistent pursuit of the British officer, Colonel Tarleton, who was harassing the colonists, and by his successful efforts against Tarleton won for his banner the sobriquet "Tarleton's Terror."

The origin of the flag is surrounded by a halo of romance. When on a hasty visit to his fiance, Miss Jane Elliott, daughter of Col. William Elliott, whose home was a large plantation estate near Charleston, S. C., he mentioned that he did not have a flag for his troop. Seizing her scissors, she cut from the end of a rich damask curtain this square of crimson silk, saying, "Let this be your flag." To Colonel Washington it was a gift without price, and thereafter until the close of the war it waved in the forefront of every battle in which his command was engaged.

This banner was borne at the gallant charge at Cowpens, S. C., on the 17th of January, 1871, at Hobkirk Hill, and again at Eutaw, S. C., where in triumph it floated to the joyous notes of the bugle which proclaimed the retreat of the enemy from South Carolina.

At the close of the war Colonel Washington preserved it as a loved memorial, and at his death left it in possession of his widow. This venerable matron, the daughter of one patriot and the widow of another, in the decline of her days, on the 18th of April, 1827, the fifty-second anniversary of the Battle of Lexington, committed it as a sacred deposit to the keeping of the Washington Light Infantry with this short but expressive charge: "That as it had never known dishonor it would never be tarnished in their hands."

The flag is now 145 years old and has been in the custody of the Washington Light Infantry for the past 99 years and cherished by them as a precious relic.

Borne only on high occasions, it was displayed at the centennial of the Battle of Bunker Hill, 1875, and at the centennial of the Declaration of Independence at Philadelphia, 1876; at the centennial of the surrender of Cornwallis at Yorktown, 1881, and at the sesquicentennial of the taking command of the American Army by Gen. George Washington, May 23, 1925, at Philadelphia, in parade with the Old Guard State Fencibles celebrating the event.

Having been in existence for nearly a century and showing many signs of wear, it was quilted in 1874 upon a similar piece of crimson silk in order that it might be preserved, if possible, for another hundred years.

The flag is kept in a bank vault and is never on display except under the especial care and command of a commissioned officer of the Washington Light Infantry; it is never taken from nor redeposited in the bank vault except in the presence of an officer of the company with a witness.

REGULATION OF RADIO COMMUNICATIONS

The VICE PRESIDENT. Under the unanimous-consent agreement, the Chair lays before the Senate House bill 9971.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9971) for the regulation of radio communications, and for other purposes, which had been reported from the Committee on Interstate Commerce with an amendment.

EXPENDITURES IN SENATORIAL ELECTIONS

Mr. CURTIS obtained the floor.

Mr. NEELY. Mr. President——

Mr. CURTIS. I yield to the Senator from West Virginia to make an announcement.

Mr. NEELY. Mr. President, I ask unanimous consent that immediately after the Senate shall convene on Thursday, the 1st day of July, I may be permitted to address the Senate on Senate Resolution 268 and the recent primary election in the State of Pennsylvania.

Mr. REED of Pennsylvania. I will have to object to that, Mr. President.

Mr. NEELY. Then I give notice that I will discuss the question at that time without the permission of the Senator from Pennsylvania.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 9 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 30, 1926, at 12 o'clock meridian.

TUESDAY, *June 29, 1926*

HOUSE OF REPRESENTATIVES

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord God, lead us into the secrets of that wisdom that quiets doubts and gives the heart joy and confidence. Spare us from groundless fears and anxieties, and may our labors be a delight and not a drudgery. Preserve us from a hurried life of wear and friction, and bless us with a sweet and restful assurance that bestows the riches of Thy peace. Whatever ability, power, or influence we possess, may they be so used that we shall make the world our debtor. Oh, may the welfare of all become the supreme law of our land, so that all institutions shall stand on the love and loyalty of all citizens. Amen.

The Journal of the proceedings of yesterday was read and approved.

SECOND DEFICIENCY BILL, 1926

Mr. MADDEN. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13040.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13040, with Mr. HAWLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13040, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1926, and June 30, 1927, and for other purposes.

The CHAIRMAN. When the committee rose last night the first paragraph of the bill had been read. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

To pay the widow of Harry I. Thayer, late a Representative from the State of Massachusetts, $10,000.

Mr. ANTHONY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, after line 9, insert a separate paragraph, the following: "The foregoing appropriations shall be disbursed by the Sergeant at Arms of the House."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For payment to Warren Worth Bailey for expenses incurred as contestant in the contested-election case of Bailey against Walters, audited and recommended by the Committee on Elections No. 2, $2,000, to be disbursed by the Clerk of the House.

Mr. ANTHONY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, after line 5, insert the following:

"For payment to Anderson H. Walters for expenses incurred as contestee in the contested-election case of Bailey against Walters, audited and recommended by the Committee on Elections No. 2, $2,000, to be disbursed by the Clerk of the House."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Clerk to the Speaker's table, $400; clerk to the Committee on Ways and Means, $600; clerks to the Committees on the Judiciary, Accounts, and Claims, at $420 each; superintendent of the House document room, $450; special employee in the House document room (Joel Grayson), $560; in all, $3,270.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 11989. An act for the relief of Caleb W. Swink.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 6087. An act to reinstate Joe Burton Coursey in the West Point Military Academy;

H. R. 12175. An act to amend the World War veterans' act, 1924;

H. R. 12313. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.;

H. R. 12314. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.;

H. R. 12537. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.; and

H. R. 12538. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 12175) to amend the World War veterans' act, 1924, had requested a conference with the House thereon, and had ordered that Mr. REED of Pennsylvania, Mr. SMOOT, and Mr. JONES of New Mexico as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgments in claims which the Crow Tribe of Indians may have against the United States, and for other purposes.

SECOND DEFICIENCY BILL, 1926

The committee resumed its session.

Mr. ANTHONY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, after line 20, insert a new paragraph:

"For 41 pages, including 10 pages for duty at the entrances to the Hall of the House, at $3.30 per day each, and three session telephone operators, at the rate of $100 per month each from July 1, 1926, until the end of the first session of the Sixty-ninth Congress, so much as may be necessary is appropriated."

The question was taken, and the amendment was agreed to.

Mr. ANTHONY. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, after line 20, insert as a new paragraph:

"The unexpended balance on June 30, 1926, appropriation of $3,000 for the fiscal year 1925, for the employment of competent persons to assist in continuing the work of compiling, codifying, and revising the laws and treaties of the United States, is continued and made available during the fiscal year 1927."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

JOINT COMMITTEE ON PRINTING

Biographical Directory of the American Congress: To enable the Secretary of the Senate to pay upon vouchers approved by the chairman or the vice chairman of the Joint Committee on Printing for collecting information, editing, copying, and preparing manuscript for preservation for a revised edition of the Biographical Directory of the American Congress, $10,000, to remain available until June 30, 1927.

Mr. ANTHONY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 9, after the year "1927," insert "and to be disbursed by the Secretary of the Senate, and such parts of this sum as the chairman or vice chairman of the joint committee directs may be paid as additional compensation to any employee of the United States."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The appropriation of $800 for payment to Charles C. Allen for extra services as messenger on night duty during the first session of the Sixty-eighth Congress, contained in the "second deficiency act, fiscal year 1924," is reappropriated and made available for payment to the executrix of his estate.

ARCHITECT OF THE CAPITOL

Mr. ANTHONY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 5, after line 12, insert "enlarging the Capitol grounds: For carrying out the purposes of the act entitled 'An act for the enlargement of the Capitol grounds, approved June 23, 1926,' including not exceeding $500 for incidental expenses for the fiscal year 1927, $1,331,958.37, to be expended under the direction of the Vice President, the Speaker of the House of Representatives, and the Architect of the Capitol."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the General Accounting Office under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922, as fully set forth in House Document No. 296, Sixty-ninth Congress, $78.85.

Mr. ANTHONY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Kansas offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 8, after line 26, insert the following: "Oldroyd collection of Lincoln relics: To enable the commission created hereby to cary out the purposes of the act entitled 'An act for the purchase of the Oldroyd collection of Lincoln relics,' approved May 11, 1926, fiscal year 1927, $50,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

TARIFF COMMISSION

For all printing and binding for the Tariff Commission, fiscal year 1926, $6,820.76.

Mr. ANTHONY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 9, line 3, after the sum "$6,820.76," insert the following: "to be available until June 30, 1927."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Not to exceed $4,000 of the appropriation of $1,000,000 for repairs to streets contained in the District of Columbia appropriation act for the fiscal year 1927 shall be available for resurfacing Twelfth Street SW., between E Street and the railroad.

Mr. ANTHONY. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The gentleman from Kansas offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 12, line 16, after the word "railroad," insert the following: "and not to exceed $3,500 of such appropriation shall be available for paving Belmont Road NW., Massachusetts Avenue to Tracy Place."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INDUSTRIAL HOME SCHOOL FOR COLORED CHILDREN

The appropriation of $2,000 contained in the District of Columbia appropriation act for the fiscal year ended June 30, 1925, for furniture and furnishings for a new cottage at the Industrial Home School for Colored Children is hereby made available for such purposes until June 30, 1927.

Mr. ANTHONY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Kansas offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 17, after line 14, insert "Board of Public Welfare: Home care for dependent children: To carry out the purposes of the act entitled 'An act to provide home care for dependent children in the District of Columbia,' approved June 22, 1926, including not to exceed $10,000 for personal services in the District of Columbia, in accordance with the classification act of 1923, fiscal year 1927, $75,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, I am very glad to see that this matter of child welfare legislation has finally reached the stage of appropriation. I personally strongly advocated a separate board to handle the matters pertaining to children in the District of Columbia, but the legislation finally worked out I hope will prove adequate and satisfactory. The appropriation in this bill is, of course, only supplementary, but I feel that the whole matter of the care of dependent children has been satisfactorily worked out by Congress for the District of Columbia.

The immediate supplemental and deficiency appropriation which we are considering is as follows:

BOARD OF CHILDREN'S GUARDIANS

For maintenance of feeble-minded children (white and colored), fiscal year 1926, $10,000.

For board and care of all children committed to the guardianship of said board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, with authority to pay not more than $1,500 each to institutions under sectarian control and not more than $400 for burial of children dying while under charge of the board, fiscal year 1926, $24,000.

I had the pleasure last Saturday of opening the general debate on this second deficiency appropriation bill, and I then discussed quite fully the appropriation for the military posts

construction fund and the appropriation for the undercover spies in the Prohibition Unit. There are, therefore, only a few matters I wish to discuss at the present time. Some one may ask for a vote on the appropriation for the Prohibition Unit, which includes the undercover spies. In the House of Representatives there are a great many Members who are strongly in favor of reasonable modification of the Volstead Act, who feel it their duty, however, to vote for any and all appropriations for prohibition, no matter how improper. It is therefore to be noted that no vote on such an item as this appropriation item is a test of the strength in the House of Representatives of those who favor modification of the Volstead Act for wine and beer to be sold under proper circumstances.

The progress of modification has made great strides in this House. A committee of 60 Representatives has conducted the fight for modification, and when this question comes squarely before the House for a vote in the next session there will be considerably over 175 Members ready to vote for making the Volstead Act grant to all classes of our people the same rights. I desire to call attention to the situation in the House, as expressed by the work of the unofficial committee on modification of the Volstead Act. The following is the membership of this committee in this House:

HOUSE OF REPRESENTATIVES, SIXTY-NINTH CONGRESS, THE COMMITTEE ON MODIFICATION OF THE VOLSTEAD ACT (UNOFFICIAL)

Oscar L. Auf der Heide, New Jersey; Victor L. Berger, Wisconsin; Loring M. Black, jr., New York; Sol Bloom, New York; Henry L. Bowles, Massachusetts; John J. Boylan, New York; Fred A. Britten, Illinois; George F. Brumm, Pennsylvania; John F. Carew, New York; Emanuel Celler, New York; William E. Cleary, New York; William P. Connery, jr., Massachusetts; James J. Connolly, Pennsylvania; Parker Corning, New York; Thomas H. Cullen, New York; Samuel Dickstein, New York; John J. Douglass, Massachusetts; Charles J. Esterly, Pennsylvania; Lawrence J. Flaherty, California; Thomas A. Doyle, Illinois; Leonidas C. Dyer, Missouri; James A. Gallivan, Massachusetts; Stephen W. Gambrill, Maryland; Benjamin M. Golder, Pennsylvania; John J. Gorman, Illinois; Anthony J. Griffin, New York; Florence P. Kahn, California; Oscar E. Keller, Minnesota; John J. Kindred, New York; Stanley H. Kunz, Illinois; Fiorello H. LaGuardia, New York; Florian Lampert, Wisconsin; Frederick R. Lehlbach, New Jersey; George W. Lindsay, New York; J. Charles Linthicum, Maryland; Clarence MacGregor, New York; James M. Mead, New York; Charles A. Mooney, Ohio; John M. Morin, Pennsylvania; C. A. Newton, Missouri; Mary T. Norton, New Jersey; David J. O'Connell, New York; James O'Connor, Louisiana; John J. O'Connor, New York; Frank Oliver, New York; Nathan D. Perlman, New York; Anning S. Prall, New York; John F. Quayle, New York; Harry C. Ransley, Pennsylvania; Adolph J. Sabath, Illinois; John C. Schafer, Wisconsin; George J. Schneider, Wisconsin; Andrew L. Somers, New York; John B. Sosnowski, Michigan; A. E. B. Stephens, Ohio; C. D. Sullivan, New York; Millard E. Tydings, Maryland; Edward Voigt, Wisconsin; Royal H. Weller, New York; and John Philip Hill, Maryland, chairman.

On May 26, 1926, the Committee on Modification of the Volstead Act (unofficial) met for the purposes set forth in the following notice of the committee meeting:

MAY 18, 1926.

MY DEAR COLLEAGUE: Yesterday the Committee on the Judiciary of the Senate reported favorably Senator GOFF'S bill (S. 4207) to amend and strengthen the national prohibition act, and the act of November 23, 1921, supplemental thereto, and for other purposes.

I inclose you herewith the committee print of the above bill.

The proponents of this bill will make every effort to bring it up as soon as possible in the Senate; and if the Anti-Saloon League is successful, it will also be brought up in the House.

The inclosed bill greatly extends the iniquities of the Volstead Act. It must be fought whenever it comes before the House. It proposes to amend and therefore opens up the whole question of amendment of the Volstead Act.

There will be a meeting of this committee at 4, House Terrace, the Capitol, next Wednesday, May 26, at 10.30 a. m., for the purpose of (1) making plans for preventing the passage of S. 4207 and (2) of agreeing upon a modification of the Volstead Act, which may be offered as an amendment to S. 4207 or a similar House bill.

Before the subcommittee of the Senate Judiciary Committee there were proposed three outstanding forms of modification of the Volstead Act:

(1) H. R. 67, providing that "each State shall for itself define the meaning of the words 'intoxicating liquors' as used in section 1 of Article XVIII of the amendments to the Constitution of the United States, and each State shall itself enforce within its own limits its own laws on this subject."

(2) H. R. 11050, providing for the repeal of the Volstead Act and the substitution of the following therefor: "The manufacture, sale, or transportation of distilled alcoholic liquors within, the importation thereof into, or the exportation thereof from the United States and all Territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

(3) H. R. 11057, providing to amend the Volstead Act "by striking out the words 'containing one-half of 1 per cent or more of alcohol by volume' and the words 'containing more than one-half of 1 per cent of alcohol by volume' wherever they appear in said act and inserting in lieu thereof the words 'intoxicating in fact.'"

This committee will meet in executive session next Wednesday to consider agreeing on one of these bills or on its own redraft of any one or of all three of these bills, or on any other form of modification it may desire, with the purpose of offering said committee bill as an amendment to S. 4207, and for the further purpose of permitting any Members of the House who are not members of this committee to file this committee's modification bill.

Sincerely yours,

JOHN PHILIP HILL.

The action taken by the Committee on Modification of the Volstead Act at that time is set forth in the following confirmation of its action reported to its members:

MAY 26, 1926.

DEAR COLLEAGUE: This committee met this morning at 10.30 in accordance with the call of May 18. Various proposed plans of modification of the Volstead Act were discussed in executive session.

It was decided that this committee favors modification of the Volstead Act, as follows: "The Federal act to enforce the eighteenth amendment is hereby modified so that the same shall not prohibit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating as determined in accordance with the laws of the respective States."

I was authorized to appoint a subcommittee from the members of this committee who are also members of the Judiciary Committee of the House to draft and report back to this committee a bill modifying the Volstead Act along the above lines. I have appointed Representatives DYER, PERLMAN, GORMAN, and WELLER.

Sincerely yours,

JOHN PHILIP HILL.

A bill is now being drafted for the Committee on Modification of the Volstead Act and will be presented at the next session of this Congress.

One can not speak of modification of the Volstead Act without thinking of the position taken in this regard by the State of Maryland, which has caused it to be called "The Maryland Free State." I think it will be interesting to the membership of the House to hear read a brief quotation from an article by Mr. Hamilton Owens, the editor of the Baltimore Evening Sun, in the March issue of the American Mercury. This is a most interesting article and should be read in full, but I desire to have read for the information of this committee the following very brief extract:

Before the legislature met, the Maryland Court of Appeals had handed down a decision holding that there was no obligation upon the officials of Maryland to enforce the national Volstead Act. That decision put a double burden upon the Anti-Saloon League, and at the same time gave courage to the embattled wets. The bill "putting Maryland into the Union" was the chief item on the dry agenda. Since in Maryland, as in most other States where there is a large city, the farmer's vote is worth about two or three times that of the city man, the country delegates, which is nearly equivalent to saying the Anti-Saloon League delegates, were greatly in the majority in the lower house. So they passed the dry bill without delay. But in the senate the fight was hotter. The wets were slightly outnumbered, but they were possessed of superior strategists. The whole State watched a fight in which every devious device known to the political mind was brought to bear. While the political parsons held prayer meetings in the lobbies, logs were rolled, and deals made in the committee rooms. The bill was twisted, turned, amended, committed, brought out, and recommitted. In the midst of this manoeuvering, JOHN PHILIP HILL came over from Washington and joined the wet side. Somewhere, somehow, somebody slipped into the bill a provision calling for a referendum on the measure. This was a challenge that the Anti-Saloon League, knowing the temper of Baltimore city, could not afford to accept. The wets triumphantly voted for the amended bill. The drys voted against it, and it was killed. Thus was finally born the Maryland Free State, and thus the cause came into being.

The Maryland Free State stands on prohibition as on all other matters, on the fundamental principles of the Constitution. We in Maryland believe in local government for city, county, and State on local matters. We do not believe that the purely local matters should be regulated from Washington, any more than we believe that the affairs of the United States should be regulated by the League of Nations sitting at Geneva. We call the Maryland Free State so because we believe in local freedom. We stand for the principles of America first—no World Court, and local self-government for city, county, and State. [Applause.]

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

To enable the commission created by section 22 of the public buildings act approved March 4, 1913 (37 Stat. p. 885), to continue the acquisition of lands for a connecting parkway between Potomac Park, Zoological Park, and Rock Creek Park, fiscal years 1927 and 1928, $600,000, to be paid from the special fund created by the act approved February 2, 1925, entitled "An act making an adjustment of certain accounts between the United States and the District of Columbia."

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. TREADWAY. I wish to ask a question in reference to this item just read, Rock Creek and Potomac Parkway Commission. I would like to ask the chairman of the committee whether or not that work is expected to progress rapidly to completion, to connect the two parks? This matter has been before Congress for a long period of years without a great deal of accomplishment. I take it that with this large appropriation it is expected that the work will progress so that the two parks will be directly connected by the boulevard in the near future.

I would like to ask also, if I may, whether the plan contemplates an opportunity to reach that boulevard from Massachusetts Avenue as it passes from one park to the other?

Mr. ANTHONY. I will say to the gentleman that the plan of development has not all been worked out yet. Whether it will involve a method of reaching this boulevard from Massachusetts Avenue, I do not know. But I will state to the gentleman that the amount of $600,000 here will purchase approximately 12 acres of land on the basis of its assessed value, and the purchase of this land will enable the commission to carry out the project to completion.

Mr. TREADWAY. May I further ask, Mr. Chairman, in whose hands the decision as to whether or not an entrance will be made from Massachusetts Avenue will be left for final determination, and when it may be expected that the plans will be sufficiently matured so we may know whether such an entrance will be provided? There is now, as the gentleman, of course, knows, an opportunity to get from Massachusetts Avenue to the park roadway over a horseback route, which seems to me could very readily be made into an entrance from Massachusetts Avenue to the boulevard itself.

Mr. ANTHONY. As the gentleman knows, the proposed parkway is much below the grade of Massachusetts Avenue, and undoubtedly there will have to be considerable work done to enable direct communication from Massachusetts Avenue to this new parkway. The entire jurisdiction in this case lies in the hands of the Park and Planning Commission, in conjunction with Colonel Grant, the engineer officer in charge of the parks of the District. It would be my idea, I will say to the gentleman—Massachusetts Avenue being such a main artery of traffic—that the Park and Planning Commission would undoubtedly give careful study to such a connection as the gentleman suggests.

Mr. TREADWAY. I thank the gentleman for the information. No doubt the proper authorities will recognize the desirability of including this entrance in their plans. I withdraw the pro forma motion.

The pro forma amendment was withdrawn.

The Clerk read to page 22, line 15.

Mr. ANTHONY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 22, after line 14, insert as a new paragraph the following:

"For carrying into effect the act entitled 'An act for the relief of John Milton Pew,' approved June 10, 1926, fiscal year 1926, $114."

The committee amendment was agreed to.

The Clerk read as follows:

BUREAU OF ENTOMOLOGY

For an additional amount for investigations of insects affecting southern field crops, including insects affecting cotton, to enable the Secretary of Agriculture to meet an emergency caused by the appearance of the Thurberia (wild cotton) weevil in stands of cultivated cotton, including personal services and other expenses connected therewith in the District of Columbia and elsewhere, fiscal year 1927, $10,000.

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 22, line 23, strike out "$10,000" and insert "$35,000."

Mr. HAYDEN. Mr. Chairman, I am compelled to disagree with the Committee on Appropriations with respect to the amount of this appropriation. The amendment I have offered increases the amount to $35,000, which is the sum recommended by the Bureau of the Budget as transmitted to Congress by the President in a supplemental estimate on June 5 of this year.

The common cotton-boll weevil probably originated in Mexico or Central America and first appeared in the United States near Brownsville, Tex., in 1892. In the past 34 years it has spread into 12 States where cotton is grown, and the direct loss from this insect is conservatively estimated at $200,000,000 each year.

In 1912 a native variety of boll weevil was discovered not far from Tucson, Ariz., occurring on the Thurberia plant, a wild cotton which has a scattered growth in the mountains and along the washes leading down from the mountains in that vicinity. Very little cotton was then grown near Tucson, but since that time the area planted to that crop has gradually increased until about 15,000 acres was planted last year. Wherever the cultivated cotton is located near the wild cotton it has been demonstrated that the Thurberia weevil will readily transfer to the cultivated plants.

Upon the wild cotton, its natural host plant, the Thurberia weevil reproduces but once a year and can live during periods of drought for three years in a state of suspended animation. Upon cultivated cotton this weevil will produce several generations in a single season, just as does the ordinary boll weevil. The two insects look alike and are undoubtedly of common origin, the proof of which is that they will interbreed, but the Thurberia weevil is a much more dangerous pest.

The mortality of the ordinary boll weevil is very high. The average survival over the winter is only about 2½ per cent, while 75 per cent of the Thurberia weevils live over from one season to another. This is explained by the fact that the Thurberia weevil seals itself up in a cell during the period of hibernation, while the larger number of the ordinary weevil leave the fields to seek shelter during the winter in woods, hedges, and other places where conditions for their protection are more favorable.

Hot, dry weather during the summer exercises a tremendous control over the ordinary weevil, but the Thurberia weevil, which has learned how to live in an arid climate, thrives on summer heat. Careful and repeated tests by the Bureau of Entomology have shown that the Thurberia weevil can stand 20 degrees more heat than the ordinary weevil and will rapidly multiply under such conditions.

The ordinary boll weevil first feeds on the squares or the fruit buds and will attack the boll only when the squares become comparatively scarce. The Thurberia weevil prefers the boll first, last, and all the time. The principal means of combating the ordinary weevil in the South is to grow a variety of cotton which will mature a reasonable crop of bolls before the insect has become abundant enough to eat up the squares and transfer to the bolls. The habits of the Thurberia weevil destroy the possibility of securing good results from that system of planting.

The fact that the Thurberia weevil hibernates within the boll, sealed up in a cell, makes it ideally adapted to be transported long distances by water. The weevil, unprotected by any covering, will live 10 days under water. In the experiments that were conducted all of them did not die until 21 days after they were submerged. Sealed inside of a cotton boll they can travel hundreds of miles in a flowing stream.

Fortunately for the rest of the country, the Santa Cruz River spreads out on the desert and sinks into the ground. Only in years of exceptional rainfall does any water from the Santa Cruz reach the Gila. The infestation of cultivated cotton in the Santa Cruz Valley above Tucson is therefore not so great a menace to the cotton growers elsewhere in Arizona as it otherwise might be.

The most alarming fact that has been developed is that the Thurberia weevil has been found on wild cotton in the mountains near San Simon, Ariz., about four miles from cultivated cotton fields. The San Simon wash drains into the Gila River near Solomonville, and there are many cotton fields below that point in Graham County. If this insect pest is once established there the infected bolls could readily be carried down the Gila to Florence and Casa Grande and on to Yuma. The Imperial Canal now has its heading on the Colorado

River below Yuma, so that it will be entirely possible to introduce the Thurberia weevil into the cotton fields of the Imperial Valley by bolls floating in the water used for irrigation.

The statements that I have made are all based on the authority of the trained entomologists of the Department of Agriculture, every one of whom is convinced that the Thurberia weevil is a most dangerous menace to the cotton crops now grown in west Texas, New Mexico, Arizona, and California, which are now free from damage by the ordinary boll weevil. In addition, they all agree that this weevil, if permitted to spread over all of the cotton-growing States, would be practically uncontrollable. These same scientists asked for help from Congress to resist the Mexican boll weevil when it first crossed the Rio Grande, but their appeals fell upon deaf ears, with the resulting loss of billions of dollars in the last quarter of a century.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. JOHNSON of Texas. May I ask when this boll weevil first made its appearance; this typical boll weevil of the arid West?

Mr. HAYDEN. This boll weevil was first found in 1912 on a wild cotton plant called Thurberia, which is akin to the ordinary cotton plant except that it is a perennial. The plant forms a small boll about the size of a man's thumb, which contains seeds but no lint.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HAYDEN. I yield.

Mr. MADDEN. Arizona tried to put in a quarantine, and the courts of Arizona held they could not do it. The Government of the United States is now proposing to put in the quarantine, and we have an appropriation in this bill of $35,000 to enforce it. We have $17,500 more that is available for this purpose—$10,000 in this bill and $7,500 in the Agricultural bill, all of which can be used for the further investigation and eradication of the Thurberia boll weevil.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. What Arizona wants is to have the Federal Government cut the bushes on which this boll weevil propagates at the expense of the taxpayers of the United States. We feel that if these bushes are going to be cut Arizona should cut them, and we ought not to furnish money here out of the Treasury of the United States to do the physical work in Arizona which the people of Arizona themselves ought to do, and for that reason the amendment of the gentleman ought not to pass.

Mr. HAYDEN. There are two ways of attacking this menace; one is to destroy the insect, and the other to destroy the plant upon which it lives. Congress is appropriating large sums of money every year, and millions of dollars are being spent by the cotton growers of the South in an attempt to destroy the boll weevil.

If the Mexican boll weevil could have been prevented from coming into the United States—if that menace had been met at the Rio Grande just as we have stopped the pink bollworm from coming from Mexico—the agriculture of the South would have been saved at least $200,000,000 a year. Here is an insect which is much worse than the common boll weevil, an insect that will do infinitely more damage, which has been discovered in the isolated mountain ranges of southern Arizona. The Bureau of Entomology of the Department of Agriculture is not sure that it is possible to completely eradicate the bush upon which the Thurberia weevil feeds, but they ask for enough money to make an experiment to see if such a plan is feasible.

Gentlemen should realize that the eradication of the Thurberia plant is but one line of investigation which the Department of Agriculture proposes to undertake with this money. Congress is asked to appropriate $35,000 to be used in various ways to accomplish the best results.

What is $35,000 to meet a national menace when it is a part of an appropriation bill like this, which carries a total of $43,000,000? It is so small a sum of money that when the Department of Agriculture can get the item past the hard-boiled Budget and convince the President that the expenditure is wise, this House should not hesitate to grant the request. Why should Congress pare the cheese so thin and give only $10,000 instead of $35,000? Why allow the Department of Agriculture to "pass the buck" to Congress? If the Thurberia weevil gets loose it will be necessary to appropriate many hundreds of thousands of dollars, not to speak of the great losses which the cotton growers of the country will suffer.

Congress should give the Agricultural Department, whose scientists tell us this weevil is a real menace, all the money requested, and that is all I am asking in this amendment. I seek nothing more than the amount which has been regularly estimated for by the Budget.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. GREEN of Florida. Does the gentleman think this $35,000 would be worth more to the people of the United States as a whole than the $34,000 that the bill provides for the housekeeper of the institution referred to in the bill?

Mr. HAYDEN. I shall not make comparisons because they are sometimes odious. My amendment deserves approval upon its own merits.

The experts of the Bureau of Entomology frankly say that they do not know exactly how to meet this situation. They want $35,000 to be expended in research work in order to find out. If it is demonstrated that the best way to destroy the Thurberia weevil is to go up into the mountains of southern Arizona and eradicate the wild cotton plants upon which the insect lives, then Congress should provide the necessary funds, just as we have, to eradicate the barberry bush and other plants.

I sincerely hope the amendment will prevail.

Mr. ANTHONY. Mr. Chairman, the Committee on Appropriations made a very exhaustive study of the boll weevil situation in Arizona and reached the conclusion that it has provided a sufficient amount of money to meet the situation. The House should understand that in addition to the $10,000 provided in this paragraph for carrying on the fight against the boll weevil there still remains unexpended out of former appropriations $7,500 available for the work, and in the next paragraph to be read there is an appropriation of $35,000 for work in carrying out the quarantine to be put into effect against the Arizona boll weevil.

I call attention further to the fact that the amount of money provided here in this measure to carry on the work of eradication of the wild cotton-boll weevil is much larger in proportion than the appropriation for the eradication of the boll weevil in other places. The committee believes that the amount of money is ample to cope with the evil which the gentleman from Arizona has so eloquently explained.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken, and the amendment was rejected.

Mr. HAYDEN. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Page 22, line 23, strike out "$10,000" and insert in lieu thereof "$20,000."

Mr. HAYDEN. Mr. Chairman, I feel so keenly the merits of this proposal that I have offered a second amendment providing for $20,000, which is the absolute minimum amount that should be appropriated. The very best experts of the Federal Government have testified that the Thurberia boll weevil is a national menace. If nothing more than 15,000 acres of cotton land in Arizona were involved, the argument made by the gentleman would appear to be sound and logical, but even those cotton growers of my State are entitled to the same consideration as other American farmers receive from the Federal Government. The fact is that the cotton grown in the Santa Cruz Valley enters into interstate commerce and can be shipped in any direction. It is therefore possible to infest cotton in all parts of the country. If the Thurberia weevil gets into the fields of the South, it will be practically impossible to grow cotton anywhere in the United States.

Mr. ANTHONY. Does not the gentleman from Arizona think that $35,000 is sufficient to quarantine and prevent the spread of this wild cotton weevil, and does the gentleman want us to enter into a policy of going into all of the canyons and up into the mountains to find every one of these wild cotton plants and cut them out by the roots? If you embark on that policy, it is going to involve an awful amount of work. It would involve an immense amount of labor.

Mr. HAYDEN. No quarantine can be 100 per cent effective. There is always danger that the insect pest may escape. The Department of Agriculture now asks for money for study and research to determine the character and habits of this insect and to eradicate it at its source.

Mr. ANTHONY. The department said they wanted to use the money to eradicate the wild cotton bushes.

Mr. HAYDEN. That may be the best way to solve the problem.

Mr. ANTHONY. That would be an interminable task and we thought we would start it with this appropriation, and if it was successful this year we would go further.

Mr. HAYDEN. The Secretary of Agriculture will report the result of the investigations and then we will know how to proceed. At the present time he has asked through the Budget for $35,000, and Congress should at least appropriate $20,000 in accordance with his request.

Mr. ANTHONY. The committee used its judgment as to the amount of work that could be done with the appropriation we give them and we decided that that amount would be sufficient for the present.

Mr. HAYDEN. The gentleman's committee must assume that responsibility. The failure to provide a sufficient sum of money rests with the Committee on Appropriations.

Mr. ANTHONY. If we appropriated $100,000 we could not eradicate all the wild cotton plants.

Mr. HAYDEN. All that I have asked is that Congress appropriate the amount asked for by the Department of Agriculture and allowed by the Budget.

Mr. BLACK of Texas. Mr. Chairman, I rise to support the amendment offered by the gentleman from Arizona [Mr. HAYDEN]. When the pink boll worm first appeared in Texas from across the border in Mexico it looked like it was going to be a serious menace to the whole cotton industry of the South. The Department of Agriculture took vigorous and effective steps, not only to quarantine against the spread of the pink boll worm into other regions but to eradicate it in the regions where it was at work. One of the methods of eradication was to establish non-cotton zones where during a period of years no cotton was to be grown at all. Some said that was a foolish thing for the department to do, but Congress had the wisdom to inaugurate the policy and to appropriate the necessary money to be spent on the part of the Federal Government, and the Texas legislature did its part and the work has been very effective.

The pink boll worm no longer seems to be a serious menace to the cotton-growing industry. I take issue with my good friend from Illinois [Mr. MADDEN] that the eradication of this pest is purely a local matter for the State of Arizona. I do not think that is correct. It is a matter in which the Nation is vitally concerned. The insect should be vigorously combated.

Mr. MADDEN. I did not say eradication. I said removal of the bushes.

Mr. BLACK of Texas. That is one of the methods of eradication. I do not know what other methods they intend to use in expending the money, but the Department of Agriculture has said that they need $35,000 to make an effective fight against this menace to the cotton industry, and I submit that it would be little enough for us to do to appropriate $20,000 for that purpose. I intend to vote for the amendment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken; and on a division (demanded by Mr. HAYDEN) there were—ayes 38, noes 50.

So the amendment was rejected.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAYDEN. Mr. Speaker, under the permission granted me to extend my remarks in the RECORD, I desire to print certain extracts from the testimony of various officials of the Department of Agriculture before the House Committee on Appropriations. The necessity for a careful, scientific investigation of the menace to cultivated cotton from a new variety of boll weevil discovered on the Thurberia wild cotton plant was first presented to Congress at a hearing held on November 20, 1924. An estimate had been submitted through the Bureau of the Budget for $12,060 for a serious study of the location and habits of the wild cotton weevil to be made during the fiscal year ending June 30, 1926. The Committee on Appropriations reduced the amount by $4,560 and allowed $7,500 to be expended for that purpose. The following is an extract from the hearing held at that time:

BUREAU OF ENTOMOLOGY

STATEMENT OF MR. B. R. COAD, IN CHARGE OF SOUTHERN FIELD CROPS INVESTIGATIONS

Mr. MAGEE. Now we will proceed to the next item on page 219, for investigation of insects affecting southern field crops, etc.

Doctor HOWARD. The chief of that section, Doctor Hunter, was not able to be here. I will ask Mr. Coad to talk about that.

Mr. BUCHANAN. How much is the item for the Arizona cotton weevil?

Mr. COAD. That item amounts to $12,060.

Mr. MAGEE. There was quite a material increase allowed in connection with this year's bill over that of 1924, $60,000 or more. What was that for?

Mr. COAD. Various lines of work with the cotton boll weevil proper, as distinguished from this Arizona weevil, which is another branch of the same family, a very close relative.

COTTON WEEVIL CONTROL IN ARIZONA

Mr. BUCHANAN. Will you need all this money for the next year?

Mr. COAD. We feel that we do. We have two distinct problems that have rather thrust themselves upon us this year, and after the work that we have done on them this season we are firmly convinced of the need of what we have requested.

The Arizona cotton weevil in itself is not strictly new—that is, it was discovered in 1913, occurring on a wild cotton plant in the mountains of Arizona, and was soon shown to be nothing but a geographical variety of the ordinary boll weevil that was adapted to conditions quite different from those where the ordinary boll weevil thrived. The preliminary studies then showed that it would transfer its attention to cotton whenever opportunity developed, but no cotton was being planted where this occurred. In the last few years the extension of cotton cultivation in that section of Arizona, primarily around Tucson, has brought the cultivated cotton close enough to where the wild cotton occurs for the weevil to transfer its attention. In the past two years this weevil attacked the cultivated cotton. The department recommended a noncotton zone as a safeguard for the remainder of the industry. The State authorities attempted to put this into effect, and of course ran into legal difficulties, and we had some very interesting trials out there during the course of the season—injunction suits, and so on.

The pest is really very dangerous in two ways. In the first place, there is no boll weevil in this Arizona-California cotton development at the present time. It is a very productive section, making large yields of fine-quality cotton, and it has been possible to keep the ordinary weevil out by quarantine regulation and by the natural barriers which intervened. The damage which would be done directly in those sections would be very great, of course, but even more serious than that from our viewpoint of a national problem is this: The boll weevil has been unable to thrive in the arid sections of Texas and Oklahoma. Probably two-thirds of the cotton acreage in Texas, and a very fair proportion of Oklahoma, has been practically immune to weevil damage for years. In a wet season it will extend out that way, but with dry weather they are forced back again, and as a result Texas has become the dominating State in cotton production. It is producing over 4,000,000 bales out of 10,000,000 or 12,000,000 bales that we have been getting during the last few years, and a large portion of that is due to the fact that the acreage in Texas has been shifted where the weevil is not injurious or less injurious.

Mr. BUCHANAN. The acreage in Texas has also increased.

Mr. COAD. Yes, sir; that is so, and people have come in there from other States.

We have an insect that is thriving in Arizona where the rainfall is about 8 inches a year, and where, as some say, the evaporation is 8 feet a year, or something to that effect, but it is a form of weevil thoroughly adapted, apparently, to the conditions under which cotton is now escaping the weevil in Texas. It can do a vast amount of damage out there.

Mr. BUCHANAN. If you have a dry-weather weevil and a wet-weather weevil, you are in a bad fix. During the wet year the wet-weather weevil will eat the cotton up, and during the dry year the dry weevil will eat it all up.

Mr. COAD. What we have in mind there, in the first place, is a delineation of the exact limits of spread of that weevil. We have never had an opportunity to survey where it occurs and where we must guard against it, and then the further study as to the possibility of the best means of quarantine there and the possibility of eliminating the menace by going into those mountains and wiping out both the food plant and the weevil. It has a comparatively limited distribution now.

Mr. BUCHANAN. You can not do that without legislation from the State of Arizona.

Mr. COAD. I think that Arizona would be very much inclined to take such steps, but they are more or less placing the burden of responsibility for recommendation, etc., on the department.

Mr. BUCHANAN. I do not suppose they want you to assume responsibility when they feel that they are right.

Mr. COAD. They ask us to tell them whether they are right or wrong.

Mr. BUCHANAN. Is this Arizona weevil like this other one in form and shape?

Mr. COAD. It is hard to tell the difference; in fact, they interbreed readily. I have taken the two forms to the same place and they crossbred readily. You can take a couple of them and look them over, and you will see that they have certain distinct characteristics by which you can group them.

Mr. BUCHANAN. Where is this weevil working?

Mr. COAD. Anywhere from 1,200 to above 7,000 feet.

Mr. BUCHANAN. Does this come from Mexico?

Mr. COAD. Yes, sir; the two originated from the same parent stock, and they have separated, one of them following the mountain region northward along the western border of Mexico, and the other followed around the eastern coastal region.

Mr. BUCHANAN. That would have one indication, that our wet-weather weevil got gradually into the southern section of the dry belt.

Mr. COAD. Except for two things, and one of them is the factor of time, the other being the influence of the artificiality of cultivation to which the present weevil is subjected; and it may have some definite effect on the trend of adaptation. Certainly it has taken hundreds of years, as far as we can guess, for these two to separate and acquire these different characteristics. In that country it is a problem of a great deal of excitement; in fact, they were having lawsuits and everything of the sort when we were out there over the recommended quarantine, and they consider it no mean problem in Arizona.

Mr. BUCHANAN. How much cotton does Arizona raise?

Mr. COAD. I do not recall, Mr. BUCHANAN.

Mr. BUCHANAN. It raises only a small amount, does it not?

Mr. COAD. No, sir; I do not think so.

Mr. BUCHANAN. It is long-staple cotton?

Mr. COAD. It raises somewhere around 400,000 bales.

Mr. BUCHANAN. It is long-staple cotton, is it not?

Mr. COAD. Not all of it.

Mr. BUCHANAN. It must have increased.

Mr. COAD. By that I include all the arid sections overlapping into California and New Mexico. It is all the same character of production.

Mr. BUCHANAN. Is this weevil in California?

Mr. COAD. No; there is only one of the Arizona cotton districts that we know so far which has this weevil.

Mr. BUCHANAN. That is what you want this increased appropriation for? What do you expect to do?

Mr. COAD. One thing is to survey the extent and distribution of this weevil, and the extent to which it occurs in any other district; outline definitely the mountains that are infested and see whether or not it is possible to attempt direct eradication of the weevil.

Mr. BUCHANAN. You have to determine the amount of territory infested?

Mr. COAD. Yes, sir; and at the same time we want to begin to accumulate information on how this weevil behaves under the conditions of cotton cultivation there on an experimental basis, of course.

Mr. BUCHANAN. If he has the same bill this cut has [indicating] and he puts his egg inside, and it heals up, it is impossible to kill him.

Mr. COAD. It is the same activity. I was out there myself in 1914. I planted cotton about 2 miles from the nearest wild cotton field, not fields, just individual plants, scattered along the wash. I had about a quarter of an acre, and by mid season I had a very nice infestation of what would look like Texas weevil work.

Mr. BUCHANAN. Did you say that that was in 1914?

Mr. COAD. That was in 1914; yes, sir.

Mr. BUCHANAN. You think that it was the same weevil?

Mr. COAD. Oh, yes.

Mr. BUCHANAN. You just discovered him last year.

Mr. COAD. Oh, no. It was discovered in 1913. I went there in 1914 to investigate it, but the cultivated cotton was not planted anywhere near these mountain ranges at that time where the weevil worked, and it has only been transferred to cultivated cotton during the last few years. It has become an acute problem now rather than a latent one.

Mr. BUCHANAN. You do not think that this appropriation without the increase is sufficient to enable you to make that survey?

Mr. COAD. No, sir.

Mr. BUCHANAN. That is all you can do, I suppose?

Mr. COAD. We have not only the survey in mind but we need more than that to complete the study, as far as we can, of this insect, its possibilities and potentialities; for example, it has one habit which differs at present from the southern weevil; instead of going to the woods to hibernate, it lives over in a cell, which it makes in the hard cotton boll, a very hard cell, and in that country it is an adaptation to the arid conditions. It can not emerge from its cell until it gets enough rain to soften, and if there is no rainfall for two or three years, if the weevil came out, it would starve. It is something that happens up in those mountain sections occasionally, but the problem is whether or not it would adhere to this cell hibernation habit in cultivated cotton. It is very doubtful, but if it would, control would be very simple by the winter clean-up, but that is something on which we can not take the risk.

Perhaps encouraged by the cut in the appropriation made by the Committee on Appropriations, the Budget Bureau decided to recommend further reductions in the money to be expended for investigations of southern field crop insects. The estimates for the fiscal year ending June 20, 1927, were decreased $20,440, all of which was to be taken from the boll-weevil item. It was very fortunate that Congressman BUCHANAN, of Texas, became convinced that this appropriation should not be reduced, and upon his advice $7,500 was made available for a further study of the Thurberia weevil. The testimony relative thereto taken on December 28, 1925, is as follows:

SOUTHERN FIELD CROP INSECTS

Mr. MAGEE. Now, take up the item on page 226, southern field crop insects:

"For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, etc., and the cigarette beetle and Argentine ant, $235,000."

The estimated appropriation for 1927 is $235,000; appropriated for 1926, $255,440, a proposed decrease of $20,440.

EFFECT OF PROPOSED DECREASE

Mr. BUCHANAN. How much of this cut of $20,440 will come off of the weevil item?

Mr. COAD. All of it.

Mr. BUCHANAN. All of it?

Mr. COAD. Yes, sir.

Mr. BUCHANAN. Will that hamper your work any, or retard it?

Mr. COAD. It means the eliminating of some of our work in South Carolina, and it is something we dislike very much to do. It also means reducing some of our work on machinery, the way we have decided to allot it. We have a complicating factor in this Arizona weevil problem that has become more acute this year than ever before. We had a special appropriation providing an increase for that last year of $7,500.

Mr. BUCHANAN. That is the dry-land boll weevil?

Mr. COAD. Yes. But that amount is not nearly ample to cover the problem we have out there and it has been necessary to use some of our general cotton-insect funds in fighting that weevil. It cropped up again this season in certain new localities in the areas of cultivated cotton in the West and very nearly slipped through into the El Paso district in Texas.

Mr. BUCHANAN. You mean the dry-land weevil?

Mr. COAD. Yes.

Mr. BUCHANAN. You say it very nearly slipped through. What do you mean by that?

Mr. COAD. The Texas authorities were permitting the shipment of seed to El Paso for milling from some of the sections where we had not been able to make surveys and where we thought the weevil did not occur. It happened only a few cars had been prepared when our inspectors got around to it and found a heavy infestation in the fields where this cotton was grown. It probably means we are going to have to consider Federal quarantines as well as State quarantines, particularly owing to the fact that in this infested district there are several main highways that go north of the regular routes of transportation, carrying laborers back and forth from the cotton areas of west Texas into the cotton areas of Arizona and offering a chance to bridge over that territory without coming through the El Paso section.

THE BOLL WEEVIL IN NATIVE WILD COTTON

Mr. BUCHANAN. Has it increased to amount to anything in Arizona?

Mr. COAD. The weevil, of course, as you know, occurs normally in the wild cotton plant.

Mr. BUCHANAN. The native wild cotton?

Mr. COAD. The native wild cotton.

Mr. BUCHANAN. And you do not know how long it has been there?

Mr. COAD. Why, evidently for generations. So far, it has been found on this plant only in two counties, at the southern end of the State, which occur around two or three of the larger cotton-planting areas. The wild cotton plant does occur in other sections and we are still checking up to find if the weevil is on there, and that work is not complete. As long as the cultivated cotton is kept a reasonable distance away from the wild cotton, we have no transfer, no attack; but, as soon as they begin to stretch out toward the line of the mountains with cultivated cotton, the transfer occurs.

Mr. BUCHANAN. Have you found this weevil on any domestic cotton?

Mr. COAD. Yes, sir.

Mr. BUCHANAN. Does it work in the same manner as our brand, the old boll weevil, upon the square?

Mr. COAD. The great difference there is that it prefers the boll to the square.

Mr. BUCHANAN. The other prefers the square to the boll?

Mr. COAD. Yes.

Mr. BUCHANAN. Does this new weevil also puncture the square?

Mr. COAD. It will puncture the square in the absence of bolls.

Mr. BUCHANAN. It is something like the other weevil in that, only the other weevil punctures the square in preference to the bolls.

Mr. COAD. Yes. The great problem now is to get your boll set past the weevil and this one will let your square alone as long as he can puncture the boll. To check up the actual effect on the cultivated cotton, we planted an acre out in the middle of a desert this year and introduced a few weevils and have been studying their behavior.

Mr. BUCHANAN. You mean you planted an acre of domestic cotton?

Mr. COAD. Yes.

Mr. BUCHANAN. What is the percentage of destruction on that?

Mr. COAD. I have not the final figures on that.

Mr. BUCHANAN. Do you think they can puncture as many bolls as the other weevil punctures squares?

Mr. COAD. On that acre there was approximately, I think, 70 per cent of the bolls that were attacked by the weevil.

Mr. BUCHANAN. This dry-land weevil punctures the bolls and the other one punctures the squares?

Mr. COAD. This one will puncture bolls that would be safe from the other weevil in that they were mature beyond the point of damage.

Mr. BUCHANAN. One punctures the square and the other punctures the boll, and both together they pull up the stalk and spit in the hole?

Mr. COAD. Yes; making a bad combination. The most dangerous situation with reference to the western beetle is the possibility of it getting into the arid regions of Texas where our ordinary weevil has not been able to thrive, on account of the dry weather.

Mr. BUCHANAN. The question in my mind is it has been there always, probably, ever since the wild cotton plants have been standing there; it has not spread much, and I do not see why it should spread now unless there is more communication between the two places. Do the people go up in these mountains where that wild cotton is?

Mr. COAD. Well, there has been no opportunity for spread. This wild cotton plant is one that is fighting a losing struggle with existence; it is not very abundant at any one point and follows only the waterways of the mountains; that is, the dry washes. It runs from away up, 7,000 feet in the mountains, out through the foothills and in some places into the desert, down to elevations as low as 1,200 feet. While there is just this string of isolated plants, the infestation has been holding its own on those. These ranges are not like we have in the East here, continuous ranges, but are separated by long stretches of desert, with no travel or traffic through them, and it is only in the last few years when they started planting cultivated cotton out into the foothills that there has been a chance for this weevil to transfer onto the cultivated cotton and then to multiply and move out.

Mr. BUCHANAN. How much would it cost; would it be very expensive to undertake a systematic campaign to destroy that wild cotton?

Mr. COAD. That is an experiment we have under way out there now. Of course, the present emergency is met by a series of quarantines, regulatory measures, and so on; but, as a permanent proposition, that will some day fail, of course.

STATE COOPERATION

Mr. BUCHANAN. I do not suppose the State is doing anything toward control?

Mr. COAD. The State is doing a great deal; the State is very active in cooperation with our work.

Mr. BUCHANAN. Does this cut affect that work on the dry-land weevil any?

Mr. COAD. No, sir. That only affects it in one way. We are actually having to devote more money to this insect than was appropriated especially for it, and it makes the cut even more serious in our regular boll-weevil work.

As a result of the first year's work in the cotton fields of the Santa Cruz Valley, Ariz., and in the adjacent mountains the responsible officials of the Department of Agriculture became convinced that the Thurberia weevil is a dangerous menace to the entire cotton-growing industry of the United States. A conference was called by the Federal Horticultural Board, which took place in Washington on June 1, 1926, at which the following-named persons were present:

C. L. Marlatt, chairman; M. B. Waite, member; J. E. Graf, member; R. C. Althouse, assistant to the chairman of the board; HENRY F. ASHURST, United States Senator, Arizona; Oscar C. Bartlett, State entomologist, Phoenix, Ariz.; R. E. Butler, Tucson, Santa Cruz, Cochise Chambers of Commerce, Tucson, Ariz.; RALPH R. CAMERON, United States Senator, Arizona; T. P. Cassidy, entomologist, Tucson, Ariz.; B. R. Coad, Bureau of Entomology, Tallulah, La.; Frank E. Curley, attorney, Tucson, Ariz.; C. B. Doyle, Bureau of Plant Industry, Washington, D. C.; Henry M. Eaton, representing West Texas Chamber of Commerce, Washington, D. C.; William Ellsworth, Safford, Ariz.; S. P. Fletcher, president Graham County Farm Bureau, Safford, Ariz.; B. F. Fly, all organizations, Yuma, Ariz.; William A. Glassford, Arizona Pima Cotton Growers, Phoenix, Ariz.; S. W. Grier, Tucson Chamber of Commerce (Pima Farms Co.); S. H. Hastings, ranchman, Phoenix, Ariz.; CARL HAYDEN, Member of Congress, Arizona; T. H. Kearney, Bureau of Plant Industry, Washington, D. C.; K. F. Kellerman, Bureau of Plant Industry, Washington, D. C.; R. E. McDonald, entomologist, Austin, Tex.; Dr. Elwood Mead, commissioner, Bureau of Reclamation, Department of the Interior, Washington, D. C.; J. H. Montgomery, quarantine inspector, Gainesville, Fla.; Walter Peteet, secretary National Council Cooperation, Washington, D. C.; F. S. Puckett, Federal Horticultural Board, Houston, Tex.; E. R. Sasscer, entomologist, Washington, D. C.; Thomas G. Shearman, attorney, Department of Agriculture, Washington, D. C.; L. M. Scott, quarantine inspector, Washington, D. C.; J. L. Webb, Bureau of Entomology, Washington, D. C.

Following this conference the Secretary of Agriculture submitted a request for additional funds to the Director of the Budget, which was approved by him and transmitted to Congress by the President in the following form:

[House Document No. 423, 69th Cong., 1st sess.]

BUREAU OF ENTOMOLOGY

Communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Bureau of Entomology amounting to $35,000, and also a draft of proposed legislation affecting an existing appropriation of the Federal Horticultural Board, both for the Department of Agriculture, for the fiscal year ending June 30, 1927

THE WHITE HOUSE,
Washington, June 7, 1926.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress a supplemental estimate of appropriation for the Bureau of Entomology amounting to $35,000, and also a draft of proposed legislation affecting an existing appropriation of the Federal Horticultural Board, both for the Department of Agriculture, for the fiscal year ending June 30, 1927.

The details of this estimate and the proposed legislation, the necessity therefor, and the reasons for their submission at this time are set forth in the letter of the Director of the Bureau of the Budget transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, June 5, 1926.

SIR: I have the honor to submit herewith for your consideration, and upon your approval for transmission to Congress, a supplemental estimate of appropriation for the Bureau of Entomology amounting to $35,000, and a draft of proposed legislation affecting an existing appropriation of the Federal Horticultural Board, both for the Department of Agriculture, for the fiscal year ending June 30, 1927:

"SUPPLEMENTAL ESTIMATE

"General expenses, Bureau of Entomology, southern field-crop insects: For an additional amount for investigations of insects affecting southern field crops, including insects affecting cotton, to enable the Secretary of Agriculture to meet an emergency caused by the appearance of the Thurveria (wild cotton) weevil in stands of cultivated cotton, including all objects of expenditure specified in the act making appropriation for the same purposes for the Department of Agriculture for the fiscal year 1927, approved May 11, 1926..... $35,000

"PROPOSED LEGISLATION

"Not to exceed $35,000 of the $300,000 appropriated for the eradication of the pink bollworm of cotton by the act making appropriations for the Department of Agriculture for the fiscal year 1927, approved May 11, 1926, is hereby made available for the establishment of a quarantine to prevent the spread of the Thurberia weevil, under the Federal plant quarantine act of August 20, 1912, as amended, including employment of persons and means in the city of Washington and elsewhere, cooperation with the State, and for all other necessary expenses."

The estimate and proposed legislation submitted herewith are to enable the Secretary of Agriculture to meet the emergency caused by the appearance of the Thurberia weevil in stands of cultivated cotton in Arizona. The Thurberia weevil is similar to the weevil which has for many years infested the cotton crop of the South and which has been known by the common name of "cotton boll weevil." While comparatively little is known of the Thurberia weevil at present, it has been proven that it is a much hardier insect and will survive conditions under which the ordinary cotton weevil can not exist.

The funds provided by this estimate and proposed legislation will be used for investigation and control or eradication of this insect and also to prevent its spread into surrounding and adjacent States. Further details with regard to the situation caused by the Thurberia weevil are set forth in the letter of the Secretary of Agriculture transmitted herewith.

The above estimate of appropriation and the proposed legislation affecting an existing appropriation are required to meet an emergency which has developed since the transmission of the Budget for the fiscal year 1927, and their approval is recommended.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

The PRESIDENT.

On June 8, 1926, a hearing was held before the Committee on Appropriations, after which the committee agreed to the transfer of $35,000 from the appropriation theretofore made for control of the pink bollworm to be used for enforcing a proposed quarantine. However, only $10,000 was recommended by the committee to be appropriated for further investigations

of the Thurberia cotton boll weevil. The testimony taken on that date is as follows:

INVESTIGATION OF THURBERIA WEEVIL IN ARIZONA

STATEMENTS OF DR. C. L. MARLATT, ASSISTANT CHIEF AND CHAIRMAN FEDERAL HORTICULTURAL BOARD; MR. B. R. COAD, IN CHARGE OF COTTON INSECT INVESTIGATIONS; AND MR. W. A. JUMP, BUDGET OFFICER

The CHAIRMAN. You have an item before us of $35,000 under general expenses, Bureau of Entomology, southern field-crop insects:

"For an additional amount for investigations of insects affecting southern field crops, including insects affecting cotton, to enable the Secretary of Agriculture to meet an emergency caused by the appearance of the Thurberia (wild cotton) weevil in stands of cultivated cotton, including all objects of expenditure specified in the act making appropriation for the same purposes for the Department of Agriculture for the fiscal year 1927, approved May 11, 1926."

What is the situation here, and where is it? I wish you would make us a comprehensive statement as to just what this is, what it means, why you are asking for this money, and what the particular emergency is that requires it. Tell us where the money is going to be used, the purposes for which it is going to be used, and how it is to be used, in detail.

Mr. COAD. We have a two-sided item, as you will notice, one providing for legislation to make it possible to carry out certain quarantine regulatory measures. The other item provides for an additional fund the be used in meeting the situation in the field other than as to regulations.

The CHAIRMAN. Tell us what the $35,000 is wanted for and where it is to be used.

Mr. COAD. That is to be used——

The CHAIRMAN (interposing). Give us a full statement about it. You have not started in right. Tell us what it is about and what caused the emergency.

Mr. COAD. This insect has been known in southern Arizona, occurring in the mountains in the wild cotton plants for a number of years, and there was an indication that it would transfer to the cultivated cotton whenever cotton culture extended close enough to it. That has developed only in recent years.

The principal infestation is around Tucson, Ariz., extending through the Tucson Mountain ranges up and down the valley called the Santa Cruz Valley.

Last year they planted about 15,000 acres of cotton in the valley. In the late winter we found the infestation occurring on that cotton practically throughout the entire acreage. We were still in some doubt as to just how much of a menace this would be, and we had started certain researches and investigations on that under an item in the agricultural bill which provided $7,500 two years ago.

This work has been carried through the winter. We have found that this insect is not only as dangerous as the real cotton boll weevil, but we think it is much more dangerous. The two are so closely related that, while we have named this a subspecies or variety, there is really nothing but an environmental difference between them. In structure it is almost impossible to distinguish it from the ordinary boll weevil, and the two insects are of common origin, undoubtedly. This insect has been living for ages on this wild cotton in the mountains out there and has become adapted to very extreme conditions. The ordinary weevil is held in check in considerable degree through the dry, hot weather. We have an area in west Texas, for example, that produces over 2,000,000 bales of cotton a year where the ordinary weevil does not operate at all. It can not stand the hot weather. However, we find this Arizona weevil can stand about 20° higher temperature than the ordinary boll weevil can. We also find that instead of surviving the winter, as we call it, with a 2½ per cent survival, it goes through, or has gone through this past winter, with a survival of over 75 per cent. It has another bad habit from its association with the Thurberia plant of preferring the boll or fruit to the bud. Producing cotton under those conditions depends upon what can be wrested from the weevil. The ordinary weevil has a preference for buds, and the effort is made to obtain more than a sufficient supply of them for the weevil until so that enough will escape and grow bolls past the point of damage. These points have convinced us that this Thurberia weevil is, for the western arid region, the most serious pest we have encountered.

The CHAIRMAN. How many acres of cotton land are there in that section of the country to be cultivated?

Mr. COAD. I can give you the cotton production there for this past year. It was something like two and a half million bales.

The CHAIRMAN. Do you mean in Arizona?

Mr. COAD. No, sir; not in Arizona, but in the area threatened by this weevil.

The CHAIRMAN. What territory does that comprise?

Mr. COAD. Southern California, Arizona, New Mexico, and western Texas.

The CHAIRMAN. I understood you to say that this weevil could not stand the Texas climate.

Mr. COAD. No, sir; the southern cotton-boll weevil can not stand the west Texas climate; but this one can. The greatest menace is that this insect may be allowed to get out of Arizona.

The CHAIRMAN. What steps do you propose to take?

Mr. COAD. For the immediate present, of course, the first step is to provide regulations for stopping the movement of any product that might transmit or carry it.

The CHAIRMAN. Would you stop the movement of cotton?

Mr. COAD. We would stop the movement of cotton and cotton products, except after fumigation, but before we can work that situation out very thoroughly we must know the complete distribution of the weevil in nature and also in the cultivated cotton. We have followed that plan and are now scouting to determine that; but on the present basis there will be at least three years' work to do, and it is exceedingly important that we expedite that work. Then, there is another possibility, and that is that some permanent solution can be worked out on the basis of some form of control, possibly extending even to a clean-up of the wild plant or of the weevil in nature. Our scouting operations do not show how much of the territory is now involved or whether that is physically possible.

The CHAIRMAN. How much territory is affected, as you understand it now?

Mr. COAD. There are parts of three counties infected.

The CHAIRMAN. This new pest has been found in parts of three counties?

Mr. COAD. Yes, sir.

The CHAIRMAN. It has been confined to those three counties up until now?

Mr. COAD. Yes, sir.

The CHAIRMAN. Is cotton produced in that territory?

Mr. COAD. They have cotton on those 15,000 acres in that area or in those three counties.

The CHAIRMAN. To what extent has cotton in that territory been affected?

Mr. COAD. This was the first year of the infestation, and the infestation generally has been comparatively light and scattering. The heaviest damage reported is approximately 8 per cent of the crop in the cultivated fields this year.

The CHAIRMAN. Was that 8 per cent of the crop destroyed altogether?

Mr. COAD. Yes, sir; it prevents the production of the potential crop.

The CHAIRMAN. This is the first year they have destroyed it?

Mr. COAD. This past year the damage has not been so much. The whole idea is to simply obtain the facts on that area. It is simply a question of stepping in now while we still have time to prevent its multiplication.

The CHAIRMAN. What makes you think you can stop its spread?

Mr. COAD. We do not know that we can.

The CHAIRMAN. You have not stopped it at other places?

Mr. COAD. We have not had this insect before. This is more closely related to the pink bollworm problem than any other.

The CHAIRMAN. You propose to give this problem the treatment that you are now giving the pink bollworm problem?

Mr. COAD. If the preliminary investigations show that is feasible, we will approach it in much the same way—that is, by a clean-up, or a noncotton area, so as to wipe it out.

The CHAIRMAN. You have not wiped out the other pest, have you?

Mr. COAD. It is found in only this one place——

The CHAIRMAN. I am talking about the pink bollworm.

Mr. COAD. The pink bollworm has been cleared out of all inland sections of the United States, so far as we know.

The CHAIRMAN. You are maintaining a quarantine against the pink bollworm now?

Mr. COAD. Yes, sir.

The CHAIRMAN. All over the country?

Mr. COAD. There is a quarantine surrounding the infested area along the Rio Grande River, where we can not have a clean-up.

The CHAIRMAN. Why not?

Mr. COAD. It is subject to constant reinfestation from the Mexican side of the river.

The CHAIRMAN. What would you do about that if you were given this money?

Mr. COAD. We are doing nothing with that under this item at all. That is an entirely distinct problem. I was merely pointing out the analogy between the problems.

The CHAIRMAN. What is the use of giving you the money for this, if you can not do anything with the other problem?

Mr. COAD. Our problem in Arizona corresponds very closely to the problem of the pink bollworm at inland points, where we have cleaned it up—that is, where this same procedure has been followed.

The CHAIRMAN. You say that, being close to the Mexican border, there is a reinfestation by the pink bollworm, or that there is a likelihood of reinfestation on this side?

Mr. COAD. We would not be subject to reinfestation, so far as this weevil is concerned.

The CHAIRMAN. Not even from Mexico?

Mr. COAD. Yes, sir.

The CHAIRMAN. Why not?

Mr. COAD. So far we have no record of it occurring there.

The CHAIRMAN. You said it came from across the border, did you not?

Mr. COAD. No, sir; I was referring to the pink bollworm.

The CHAIRMAN. Then you think that if the committee recommends this appropriation, and the House authorizes it, you will be able to meet the situation that exists down in that cotton belt?

Mr. COAD. It is really not sufficient money to admit of a clean-up campaign there, but it is sufficient for the proposed study now to find out what the problem really amounts to. If it comes to the question of actually attempting to eradicate the insect, that is something for future consideration and which will probably involve hundreds of thousands of dollars.

The CHAIRMAN. I thought you said you had made a study of it.

Mr. COAD. No, sir; we have this study under way, but that is going on only to the extent of $7,500. That is not sufficient for the work we should do.

The CHAIRMAN. What has been the result of your studies up to now?

Mr. COAD. We have been working out the area of distribution, and we have made findings in cultivated cotton.

The CHAIRMAN. You have found beyond question that the pest is there?

Mr. COAD. Yes, sir.

The CHAIRMAN. What other proof do you want?

Mr. COAD. We will prove further just where it is.

The CHAIRMAN. You said you knew it was in three counties.

Mr. COAD. We know that it is in three counties, but there is a great deal of unscouted territory outside of that that we have not been able to go into. It is a slow process to work this out.

The CHAIRMAN. What will you do? Will you send out scouting parties?

Mr. COAD. Yes, sir.

The CHAIRMAN. If you get this money, you will send out scouts?

Mr. COAD. Yes, sir.

The CHAIRMAN. How do you ascertain where it is?

Mr. COAD. In scouting in nature the present system is to use a Ford truck as headquarters. That is a very inaccessible country. They drive out as far as they can go, and then they take the canyon or washes in the mountains and work them through in rotation, foot by foot, and mapping the exact occurrence and abundance of the plant and the weevil.

The CHAIRMAN. Then what do you do?

Mr. COAD. Fortunately we have only found this insect in these ranges in certain canyons. We find them at the very bottom of the canyon wash, where these is an underground supply of water. That makes it possible to systematically work up the distribution. Then, if we find that it does not extend over too much territory, eradication may be considered; and, even if it does, having that knowledge, we need only to watch the washes for its occurrence, because it is carried from these places principally by drainage. During the brief periods of the rush of water, following rains, these insects are washed along.

The CHAIRMAN. Is it in the canyons simply because this cotton is there?

Mr. COAD. It is being moved out all the time; and the fact that the cotton happens to be planted in there gives it an opportunity to live.

The CHAIRMAN. That gives it an opportunity to stay here and live?

Mr. COAD. Yes, sir. Here [indicating] is some ordinary boll-weevil material that I will exhibit to you. This [indicating] is the ordinary cotton-boll weevil put in for comparison, and this [indicating] is the boll of the wild-cotton plant. Normally it opens, but this weevil, when it attacks the boll, seals it up, the weevil remaining intact on the inside. As the boll falls off the plant it may be carried by the water down the washes to the drainage districts below. We find that this weevil can survive complete submergence in the water for 21 days. You have here [indicating] the form in which it appears in the cultivated cotton. It still retains that sealing habit. There is a probability of our being able to do a great deal of work on the system of sterilizing the cotton, as we call it—that is, by heating the cotton at the gins and killing the weevils at the gin. As to the area infected, here is a map of the scouting area in this portion of Arizona. Here [indicating] is Tucson.

The CHAIRMAN. Do they raise cotton right in and around that area?

Mr. COAD. Cotton is raised in a belt starting at Nogales, running up the valley to a point here [indicating]. There is a gap at present between this new cotton area and the big Salt River Valley area of nearly 100 miles. However, the Coolidge Dam project is opening, and they will put cotton culture in there, making continuous cotton culture all the way through. The area we are placing under quarantine is shown by this line here [indicating]. Of course, that is a comparatively large area. As you understand, the cultivation is only in the narrow belt along the river valley; but in that belt at present there are about 15,000 acres of cotton. The infestation is heaviest in the cultivated cotton at this end [indicating between Tucson and the Mexican border], which is about the principal source of supply, and decreases as we go up. There is a possibility that we may be able to clean up the plant and weevil in these ranges. [Indicating the ranges bordering the Santa Cruz Valley.]

Mr. ANTHONY. Do you mean that you will clean up this wild-cotton plant?

Mr. COAD. Yes, sir.

Mr. ANTHONY. How do you do that?

Mr. COAD. We have under way a preliminary plan of killing the plant by means of chemicals, explosives, etc. It has a vigorous rooting system and a bad habit of sprouting up.

The CHAIRMAN. Is the plant prolific and widely spread?

Mr. COAD. It does not spread much. You may find a colony of, perhaps, 5 to 10 or 100 plants; 100 plants would be a large colony. Then you may go a hundred miles before you see any other plants. The plant is fighting a losing battle in nature and decreasing anyway.

The CHAIRMAN. If you are given this $35,000, what will you do with it?

Mr. COAD. We will continue to expand this experimental method of clean-up. If the scouting work seems to indicate that there is any possibility whatever of confining it in that particular area, we will do that. We will clean up a small portion of the area, perhaps a canyon or so, and will utilize the methods that the preliminary tests show most feasible. Ultimately, we will find the method that is most feasible and practicable as to cost, the idea being that by means of the scouting work we can make a fairly accurate estimate of what it will cost to make a clean-up.

Mr. BYRNS. This appropriation and the proposed legislation carry $70,000.

The CHAIRMAN. The estimate is $35,000.

Mr. BYRNS. The proposed legislation authorizes the use of $35,000 out of the regular appropriation for the eradication of the pink bollworm.

Mr. COAD. Yes, sir.

Mr. BYRNES. Is it the understanding that you have not enough money in the regular appropriation for southern insect infestations to use for this purpose, or do you have any authority to use it?

Mr. COAD. Here is the point: The legislation authorizing the use of existing funds relates to the activities of the Federal Horticultural Board, and this supplemental appropriation relates to the activities of the Bureau of Entomology, which is a purely research organization. We have already taken from the appropriation for cotton insects every cent they could possibly spare, even to the extent of reducing some of their other work.

Mr. BYRNS. I was wondering why, if this pest has been known so long and the injury has been apparent so long, there should have been any delay about requesting an appropriation in the regular appropriation bill.

Mr. COAD. The cultivated cotton infestation has only taken place within the last year. Before that everything we had was guesswork. We thought that it would injure cotton, but were not sure. It has been only since we have carried out those preliminary investigations that we found it would survive the winter. There was considerable doubt about that.

Mr. BYRNS. They had never grown cotton in that particular territory until last year?

Mr. COAD. No, sir; there had been a little cotton in the upper valley; that was not subject to infestation.

Mr. BYRNS. There was no cotton growing up there?

Mr. COAD. That is largely new development. There was an effort made to raise a rubber plant up there. It was an experimental area.

The CHAIRMAN. Why did you not ask for this in the regular annual bill?

Mr. COAD. This question was not before us at that time.

The CHAIRMAN. When did you discover this situation?

Mr. COAD. The infestation in cultivated cotton was not found until the survey was finished in December.

The CHAIRMAN. It was discovered in December?

Mr. COAD. Yes, sir.

The CHAIRMAN. The annual appropriation bill was passed long after that.

Mr. COAD. Here is the point as to that: It took us several months to work out the distribution, and we were still in doubt as to whether this weevil could survive the winter in cultivated cotton.

The CHAIRMAN. Why not wait on this until the next annual appropriation bill, to give you an opportunity to make a better study of the problem, and give our committee a better chance to determine whether you are justified in asking the money?

Mr. COAD. That would give one year longer for the weevil to get ahead of us.

Mr. BYRNS. As I understand it, they have just commenced to grow cotton in this section, or just commenced it last year, and this weevil exists only in that certain section.

Mr. COAD. Yes, sir.

Mr. BYRNS. Now, they are just commencing the production of cotton right up there in the midst of this weevil, and, instead of coming here and asking for an appropriation to take care of something which you say is liable to involve hundreds of thousands of dollars——

Mr. COAD (interposing). The State of Arizona attempted to meet that by putting in a noncotton zone in that section, but it was found that the law under which they promulgated the zone was unconstitutional, and they were left helpless.

Mr. BYRNS. As I understand it, this weevil is confined to this one section, where they planted 15,000 acres in cotton last year. They were trying to grow cotton right in the midst of this pest.

Mr. COAD. They planted it last year.

Mr. BYRNS. If that is going to involve the United States Government in the expenditure of hundreds of thousands of dollars in order to stamp it out, it seems to me they should be required to grow something else.

The CHAIRMAN. It seems to me that you should give this committee a chance to study the problem. You submit to us something that involves an entirely new plan, and there ought not to be any demands made on us that we are not able to investigate fully.

Mr. JUMP. We have the duty to protect those other States right away. We ought to protect Texas, Oklahoma, California, and the others endangered.

The CHAIRMAN. You can protect them without this money.

Mr. JUMP. We would have to have a quarantine in order to do it.

The CHAIRMAN. You have a quarantine now.

Mr. JUMP. The quarantine is about to be promulgated, but we ask that not to exceed $35,000 of the appropriation for the eradication of the pink bollworm be made available for its enforcement.

Doctor MARLATT. Mr. Chairman, we have presented here two propositions. One is a quarantine proposition, in which we are simply asking authority to use money which you have already appropriated for the pink bollworm eradication work.

The CHAIRMAN. To extend the quarantine?

Doctor MARLATT. To extend the quarantine to this pest. That, of course, involves no additional appropriation but simply authority. The other is the proposition which Mr. Coad has been describing, which involves research and investigational work to supplement the quarantine work. That work is necessary in order to make it possible to carry on the quarantine work intelligently. That work must also be the basis for field control, or perhaps clean up or eradication of the pest altogether.

The CHAIRMAN. If those two things are dependent upon each other, then you should not get this other fund, it seems to me, until the question has been studied by the department and by the committee.

Doctor MARLATT. I would like to point out a phase of the situation which I think has been overlooked. This is a new pest in this arid region of the West, including Texas, Arizona, and through to California. We have what we realize is a new pest, and if it escapes from the rather restricted valley of the Santa Cruz, which is just beginning to grow cotton, it may involve the huge cotton industry of the Salt River Valley project, which is not now infested with the weevil. We have also the Yuma project to protect, and another project which is now under consideration. Those three projects have involved and will involve the expenditure of enormous amounts of Federal money, and if this weevil should get into the cotton grown under those projects it might not be possible to produce enough cotton to return the cost of the irrigation. The weevil might well destroy much of the value to the Nation of those projects. We want to protect those investments. We have those three projects to protect, and at the same time the State of California has a right to be protected, as well as New Mexico and Texas.

The CHAIRMAN. Why did you not bring this question before the committee having charge of the annual appropriation bill instead of submitting it for this deficiency bill?

Doctor MARLATT. Mr. Coad has just brought out the fact that the full menace to cotton was not then known.

The CHAIRMAN. He said they had the knowledge last December. If you had the information last December, you had plenty of time to bring it before the committee considering the estimates for the regular bill.

Mr. COAD. This question has been discussed twice, or in the last two bills, with the House Subcommittee on Agriculture, and they have allowed us $7,500.

The CHAIRMAN. They did allow that?

Mr. WASON. That was allowed in the regular bill.

Mr. COAD. That was on this basis, that the situation was not sufficiently urgent to justify a larger expenditure.

The CHAIRMAN. Do you think that it is sufficiently urgent to justify you in coming in here with a deficiency estimate?

Mr. WASON. The $7,500 appropriated was what the department asked.

Mr. BYRNS. As I understand it, this appropriation is made necessary, in your opinion, because of the fact that they have commenced to grow cotton in this valley to which you have referred, and it would not be necessary if they had not commenced the growing of cotton there?

Doctor MARLATT. If the Federal Government had control of it, a simple solution of the matter would be to prohibit the growing of cotton in that valley. We have no such authority as that. The State of Arizona did, in effect, undertake to establish a noncotton-growing zone there a year ago, but a certain group of men who were interested in land sales and development in there, got an injunction in the Federal court on the basis of lack of State authority to declare such zone.

The CHAIRMAN. That is no reason why the Federal Government should be called upon to spend a lot of money, because of the land speculations of these men.

Doctor MARLATT. There was a rush for planting cotton there. We wish to safeguard the movement of cotton out of that immediate district, but also to protect from invasion areas much farther away. We want to prevent the spread of the weevil to the Salt River and Yuma projects, and if we let it go for a year it may get into those two valleys.

The CHAIRMAN. You can put a quarantine on.

Doctor MARLATT. We can if we have the money.

The CHAIRMAN. If we give you authority to use this money for the purpose, you can put on your quarantine; you can get along without the other appropriation until you come around next year.

Doctor MARLATT. We ask authority to do the quarantine work out of the pink boll weevil fund simply to avoid asking for additional money for that feature, but we can not take from that one fund money to do both pieces of work.

The CHAIRMAN. If you had the money now, or the facilities with which to execute the quarantine to make it effective, could you prohibit the shipment of cotton from this valley?

Doctor MARLATT. Yes, sir; we could control movement of cotton products absolutely.

The CHAIRMAN. That is all you need the money for; that is, to execute the quarantine?

Doctor MARLATT. We would immediately control the movement of cotton from there.

Mr. BYRNS. This would not absolutely guarantee that the pest would not spread beyond the borders of Arizona.

The CHAIRMAN. If not, you do not need money for quarantine purposes.

Mr. JUMP. It would not be an absolute guaranty by any means, but it would be the best effort we could possibly make.

Doctor MARLATT. We have not the funds now to do the research work necessary for the proper determination of the quarantine. For instance, a quarantine would involve the surveys already discussed to make sure that the whole field of danger was covered. If that were not done the quarantine might be wasted effort.

The CHAIRMAN. If you are given the money you are asking for the enforcement of the quarantine, what will you do with it?

Doctor MARLATT. The quarantine regulations are already drafted.

The CHAIRMAN. How will you spend the money?

Doctor MARLATT. We will immediately prohibit the movement of cotton from Arizona, except under conditions of disinfection. We will expect the State of Arizona to supplement the Federal quarantine by a State quarantine.

The CHAIRMAN. Inasmuch as the State of Arizona wanted to take steps to prevent the spread of this pest, if you are given the authority asked for here to enforce the Federal quarantine, that will enable them to enforce the State quarantine.

Doctor MARLATT. Yes, sir. Then we will require the compression and disinfection of the cotton moving out of this district, and will prohibit the movement of such cotton products as cottonseed, hulls, etc. We will also provide for a clean-up of railroad cars that have been fouled with such material. In that way we will endeavor to prevent any artificial spread of this pest.

Mr. BYRNS. In the meantime, you have $7,500 with which you can proceed with the investigation.

Doctor MARLATT. Yes, sir.

Mr. BYRNS. Suppose you take $35,000 from the pink bollworm fund for this purpose; how will that affect the pink bollworm work? Will it be restricted?

Doctor MARLATT. We hope it will not. We have looked upon the pink bollworm appropriation somewhat as an emergency item. We have turned back to the Treasury larger or smaller sums, depending on the necessities of the year, and we have a record of having turned back very considerable sums in the past from that appropriation.

Mr. BYRNS. Therefore, from your present information, to take $35,000 from that appropriation will not interfere with the work in connection with the pink bollworm?

Doctor MARLATT. I hope it will not. In presenting that to the Budget I indicated that I hoped to be able to use $35,000 to carry out the necessary quarantine work with the Arizona weevil without hurt to the pink bollworm project.

The CHAIRMAN. This provides for not to exceed $35,000?

Doctor MARLATT. For the quarantine?

The CHAIRMAN. Yes.

Doctor MARLATT. The quarantine will involve the inspection and handling of a good deal of traffic that moves out of and through the infested district in Arizona, and it will mean the employment of a good many inspectors.

The CHAIRMAN. This provides for not to exceed $35,000?

Doctor MARLATT. This provides for work that will be done with such cooperation as the State will give, and the State will give considerable cooperation.

QUARANTINE REGULATIONS

* * * * * * *

The CHAIRMAN. When you put that quarantine into effect out there, that, of course, would automatically stop the growth of cotton, would it not?

Doctor MARLATT. No; this quarantine is merely to safeguard the movement of cotton from the district.

Mr. BYRNS. If they can not move it, they will not grow it?

Mr. JUMP. They will move it under those conditions. But if we establish this quarantine out there, with the money we have asked from the pink bollworm appropriation, conditions within the State of Arizona will get steadily worse unless there is provision of extending the investigational work on the weevil.

The CHAIRMAN. You will have to go to the committee which has the time to study that thing in connection with the annual appropriation bill and ask them to give you more money.

Mr. JUMP. If we do nothing more than place a quarantine we will have a badly confused situation which would be extremely dangerous to all the surrounding States where the cotton crop is susceptible to the infestation of this weevil.

The CHAIRMAN. Why did you not present this case before?

Mr. JUMP. It was not as critical as it is now. We have discussed it in a general way with the other committee. We knew the weevil was there and secured an increase of $7,500 for research work on the regular appropriations, but did not have the present emergency then.

The CHAIRMAN. There are not any more weevils there now than before, are there?

Doctor MARLATT. During the past year we have had 15,000 more acres in cultivation.

Mr. BYRNS. This has been made critical for the reason that certain landowners or farmers have proceeded to grow cotton on the borders of this mountain region where this wild cotton grows. If they had not started that, you would not have to ask for this appropriation?

Doctor MARLATT. I presume not.

Mr. BYRNS. If this quarantine stops that, then it is entirely possible that you will not need any money?

Doctor MARLATT. I doubt if the quarantine will stop that.

The CHAIRMAN. You do not know any more about that than we do?

Mr. JUMP. It does not seem probable.

Doctor MARLATT. The authority of the Federal board does not extend within the State at all, and the State has not the authority to stop the growth of cotton there.

The CHAIRMAN. We are not asking you to do that. We are trying to protect the Federal Treasury from an invasion.

Doctor MARLATT. The Federal plant quarantine act requires us to provide for the movement.

The CHAIRMAN. For the quarantine. You have the right to quarantine?

Doctor MARLATT. But there will be cotton there, and we are required under the law to protect its movement, where it can be safely done. That is in the provisions of the act.

The CHAIRMAN. We are not putting any embargo on you. You are asking us to give you the right to spend $35,000 to enforce quarantine?

Doctor MARLATT. We have a very serious situation. Here is a new pest which is threatening the success of big irrigation projects on which the Government is spending millions of dollars. We do not want to have these projects jeopardized in a year because we can not carry out this protection.

Mr. BYRNS. Here is the situation as I gather it from the statements that have been made: If you spend this $35,000 which you are asking for, you will protect the cotton growing out there on the edge of this infested region. If you stop the growing of cotton there by quarantine, then you protect millions of bales of cotton grown in these other sections of Arizona, New Mexico, and Texas.

The question in my mind is whether or not the Government should go ahead and spend this $35,000, with the possibility of having to spend millions of dollars because a few people are undertaking to grow cotton down there right in the midst of this weevil which is destroying their cotton.

Doctor MARLATT. We are not looking to the expenditure of millions of dollars; we are looking to the saving of millions in losses.

Mr. BYRNS. But we may have to spend hundreds of thousands of dollars.

Doctor MARLATT. If we fail to take hold of this situation now, when it should be taken hold of, we may have next year no proposition to make at all. If this pest gets into the Salt River Valley, through failure to make proper field investigations, it will get into California and west Texas, and that will be the end of the matter. That is the outcome that we are hoping to avoid.

The CHAIRMAN. Why did you not bring it up to the committee last fall? You knew about it then. Why do you wait until Congress is about ready to adjourn, and then submit it to a committee which has not the time to study the matter and see whether this is justified?

Doctor MARLATT. We have done our best, Mr. Chairman; I have dug into my own appropriation, which I did not need to do to take care of the cost as far as possible. But this new survey and research work is necessary if we are going to make good, and if we do not make good there will not be any problem to work on later on.

Mr. WASON. But the chairman's question is this: When did you first know that this weevil was there?

Doctor MARLATT. We knew that that weevil was in the mountains for several years. As a matter of fact, it is what we call "native" to that region. It has nothing to do, in its origin, with the Mexican boll weevil in Texas. But the important point is that it has only been known within a month that the Thurberia weevil can survive in cotton over winter. We have been conducting investigations. The weevil comes down from the mountains and has infested the cotton, and we have only known within the last month that this emergency is as great as it is.

The CHAIRMAN. What I want to [illegible] in your minds is that you have not been exactly frank with us. The question was of just as much importance last December as it is now.

Mr. JUMP. It was very important, but it was not as critical as it is now, by any means.

The CHAIRMAN. You had the question before the committee, which had plenty of time to consider it, and you did not present it.

Mr. JUMP. We did not then have the critical situation which is present now.

The CHAIRMAN. I am in favor of giving you the right to quarantine, but you say that will not do any good unless you get this money.

Doctor MARLATT. I am afraid it will mean that we will be working on inadequate information as to conditions outside of the area now scouted, and where we ought, very possibly, to be doing something also.

The CHAIRMAN. You can take the quarantine now and then present this case, with all the facts that relate to it, in connection with the annual appropriation bill.

Mr. COAD. I might say in discussing this with the other committee, we still had an expression of doubt as to whether this weevil would thrive on cultivated cotton. The big question was the one as to whether or not it would survive the winter on cotton where it can not remain in the cell, as in the case of the Thurberia plant. There was some doubt about that. That is something that has only been determined within the last 30 days. It was determined by taking the weevils that were on the cotton last summer and carrying them through the experience of hibernation this last winter. After that was completed the full danger was established. We did not have a complete case on it before.

The Clerk read as follows:

CONTINGENT EXPENSES

For all printing and binding for the Department of Commerce, including all of its bureaus, offices, institutions, and services in the District of Columbia and elsewhere, except the Patent Office and the Bureau of Mines, fiscal year 1926, $30,000, to be available until June 30, 1927.

Mr. TYDINGS. Mr. Chairman, I move to strike out the last word. As I recall it, when the general appropriation bill was passed, the Department of Commerce was allowed an extra appropriation for printing of some two or three hundred thousand dollars over what it had before. Is that correct?

Mr. MADDEN. That was due to the consolidation of the Bureau of Mines and the Patent Office with the Department of Commerce. Whatever the increase was, it was due to that transfer of these activities to the Department of Commerce.

Mr. TYDINGS. I notice that the Secretary of Commerce asks for an appropriation for printing and binding of $1,400,000, whereas, in round numbers, in 1924 the appropriation was for about $600,000. That was an increase of 250 per cent.

Mr. MADDEN. Let me tell the gentleman this: Up to that time he did not have the Patent Office. Of course, the printing and binding in the Patent Office is enormous. Patents can not be issued until they are printed. We even have a very large sum for printing and binding in this bill for the needs of the Patent Office.

Mr. TYDINGS. I thank the gentleman. I understand where part of it goes; but, looking at some of the reports that are put out by the Department of Commerce now, I notice one on

how an Indian ward spends her money. It appears she bought a fur coat for $300. This fact was circularized through all of the newspapers through the country. There was another report about toy balloons, or the importation of toy balloons. When we consider the vast number of employees necessary to compile that information and get it out to the public and the utter worthlessness of the information, it seems to me a sheer waste of money to give for printing and binding any more appropriation than that contained in the general appropriation bill.

I am sorry that I have not it here with me, but the list for one day put out by the Department of Commerce is about that high and deals with the subject as to how an Indian ward spends her money and the importation of toy balloons, and many other things. Some of these have substance to them and some are very valuable, but when they go into every realm of the activities for publicity purposes, it seems to me we ought to sit down on any further appropriation to the Department of Commerce for printing and binding.

Mr. MADDEN. I wonder if the gentleman knows that the printing bill for the Patent Office alone amounts to $900,000 a year in the course of this legitimate business of issuing patents.

Mr. TYDINGS. I am not quarreling with the legitimate expenses of the Patent Office, but why in the world the experts and the employees of the Government should go to the trouble of telling how an Indian ward spends her money and how many toy balloons were imported into America last year seems to me to be going beyond the realm of the proper activities of the Department of Commerce.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. TYDINGS. Yes.

Mr. BEGG. Does the gentleman know that there are a good many thousand people employed in the United States making toy balloons? It is one of our legitimate industries.

Mr. TYDINGS. Certainly I know that.

Mr. BEGG. Why are they not entitled to that information just as much as the manufacturers of any other nonnecessity?

Mr. TYDINGS. And I ask the gentleman what useful purpose the information about the importation of toy balloons and a pamphlet upon this has to serve in running the Government?

Mr. BEGG. It serves the information to the manufacturers as to the volume of competition they have, and they stand in no different attitude from the manufacturers of any other line that is not a necessity.

Mr. TYDINGS. Does the gentleman approve, then, of employing the numerous Government employees to work out such pamphlets?

Mr. BEGG. On toy balloons?

Mr. TYDINGS. And how many people who make toy balloons ever see one of these pamphlets after it is printed?

Mr. BEGG. I have two very large factories in my district that do nothing else but that, and they make good money for themselves and keep up good homes and help to keep up good communities.

Mr. TYDINGS. Even granting that the gentleman is correct, how about the pamphlet which deals with how an Indian ward spends her allotment?

Mr. BEGG. I suspect that that has a good deal of interest to some gentleman's colleagues from Oklahoma, although it would not be of interest to me.

The CHAIRMAN. The time of the gentleman from Maryland has expired. The Clerk will read.

The Clerk read as follows:

BUREAU OF LIGHTHOUSES

Light Station, Cleveland, Ohio: To enable the Secretary of Commerce to provide suitable quarters for the lighthouse keepers in the city of Cleveland, Ohio, including the purchase of necessary equipment and the rental of temporary quarters for the lighthouse keepers, as authorized by section 1 (item 13) of the act entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and increase the efficiency of the Lighthouse Service, and for other purposes," approved May 22, 1926, $50,000.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent to go back to line 18 on page 24 and to offer at that point a committee amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

On page 24, after line 17, insert as a new paragraph the following: "To pay claims for damages to or losses of privately owned property adjusted and determined by the Department of Commerce under the provisions of an act entitled 'An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case,' approved December 28, 1922, and fully set forth in Document No. 455, Sixty-ninth Congress, $1,000."

The question was taken, and the amendment was agreed to.

Mr. CROSSER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 25, line 2, after the figures "1926," strike out the figures "$50,000" and insert in lieu thereof "$60,000."

Mr. CROSSER. Mr. Chairman, the bill providing for the sale of the old lighthouse residences in Cleveland passed this House and Senate and was signed some months ago. This does not provide any new appropriation.

Mr. MADDEN. Oh, yes; this money goes into the Treasury, but it does appear in the appropriation.

Mr. CROSSER. Let me explain the facts. What is actually proposed here is to sell the present lighthouse property which is located near the union depot in such quarters as are really unsuitable for residence purposes for the lighthouse keepers. The property now in use will probably sell for $75,000 or $80,000. The Bureau of Lighthouses desire that part of the proceeds of the sale of the old property be used to build new residences and for other equipment necessary for the lighthouse keepers. They say that they require $60,000. This bill reduces the estimate of the department from $60,000 to $50,000. I ask leave to extend my remarks by incorporating the memorandum from the Commerce Department on this subject.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. CROSSER. It would take too long to read it now. I want to emphasize the fact that this money which is taken for the building of these lighthouse keepers' residences will be obtained from the sale of property that they now have there, but which has become unsuitable because it is surrounded by factories. The people occupying these old dwellings are subject to a great amount of dirt and noise.

These men are required to be on duty night and day. They are required to sleep there and it is not very comfortable to be sleeping near railroad trains with all their noise and dirt. Therefore they need these new dwelling places. They are not asking for more money than will be derived from the sale of the property now in use. In fact it will take much less money than will be received from the sale of the old property. It looks like an appropriation of money, although the money will come out of the proceeds of the sale of the old property. The Lighthouse Bureau says it is not inclined to go on with the sale of this old property if it can not have the $60,000 required for new buildings. Now, to estimate the cost of the different items required in the construction of new dwellings and boathouse, the department estimates $10,000 for the site—and I think that is a reasonable amount—two double dwellings, four persons to a dwelling, at $19,000 each, making $38,000, and a boathouse, $20,000; other equipment and rental for temporary quarters, $2,000, making a total of $60,000. I do not believe that these estimates are unreasonable when one considers the cost of building.

The memorandum referred to above is as follows:

DEPARTMENT OF COMMERCE,
BUREAU OF LIGHTHOUSES,
Washington, June 28, 1926.

Memorandum with reference to quarters for lighthouse keepers in Cleveland, Ohio

With reference to House Document No. 425, Sixty-ninth Congress, first session, transmitting supplemental estimate of $60,000 for quarters for lighthouse keepers in Cleveland, Ohio, and to the second deficiency bill (H. R. 13040, p. 25, line 2) appropriating $50,000 for this purpose, the following information is furnished:

The present keepers' dwellings, which accommodate four families, are situated in the midst of the wholesale business district of Cleveland, occupying a site that is more valuable and suitable for business purposes, and because of the smoke and dirt and close proximity to a large freight terminal warehouse are far from desirable from a residential standpoint. These men are required to be on duty at night, and for efficient performance of their work should be housed in a less noisy and disturbed district, and it is considered urgent that this condition be remedied as soon as possible. Furthermore, the keepers' dwellings and equipment should be located at a point from which the aids to navigation under their care can be under closer observation. Cleveland Main Light, formerly exhibited on this site, was discontinued at the opening of navigation in the spring of 1893. These keepers care for 7 lights, 3 fog signals, and 1 gas buoy in the approaches to Cleveland, which in 1925 had a marine traffic of over 10,500,000 tons, valued at $157,000,000, and in addition over 600,000 passengers.

The value of the present property is estimated to be in excess of $75,000, whereas the needs of the Lighthouse Service can be better

provided for at a cost of not exceeding $60,000. This legislation, therefore, will result in a saving to the Government, better supervision and operation of aids to navigation in this harbor, improvement in living conditions for the keepers, and advantage to the city of Cleveland.

It will not be practicable for the department to take steps for the sale of this property until other quarters are provided for the keepers, because of the necessity of rendering continuous service.

The appropriation recommended is authorized in the sum of $60,000 by the act approved May 22, 1926, section 1, item 13.

In a letter dated March 26, 1926, the Director of the Bureau of the Budget advised this department that the legislation authorizing an appropriation of not exceeding $60,000 would not be in conflict with the financial program of the President. While the matter was pending in Congress this legislation received the consideration and approval of the House Committee on Interstate and Foreign Commerce and the Senate Committee on Commerce. Because of the recent date of the authorizing legislation, the submission of the present estimate could not have been foreseen in preparing the regular estimates for this fiscal year.

The estimate presented to and approved by the Bureau of the Budget for $60,000 was a very close figure based on construction costs of several years back. From accurate information and estimates, it is our opinion that it would be unwise to take steps to dispose of the present property with only $50,000 in view for the construction of new quarters. The sale of the present property for $75,000 would leave a margin of saving of $15,000 even if the full $60,000 were appropriated.

The present property has a frontage of 122 feet, with a depth of 170 feet. According to information obtained from the county auditor's office, the assessed value of this land is $69,040, to which should be added at least $15,000 on account of the existing buildings. Reliable information indicates that property in this vicinity is worth about $600 per front foot, or a total of $73,200.

The work proposed under the estimate of $60,000 is as follows:

Purchase of site	$10,000
Two double dwellings, at $19,000 each	38,000
Boathouse	10,000
Other equipment and rental of temporary quarters	2,000
Total	60,000

The size of the new lot will depend on price and location of what is available, and it is proposed to construct thereon two double brick dwellings, furnishing each family with four bedrooms and three living rooms, including kitchen, with other reasonable facilities. Each dwelling will contain approximately 60,000 cubic feet, or 30,000 cubic feet per family, at an estimated unit cost of approximately 32 cents per cubic foot. The boathouse will be on another tract on the water front, and will be needed to care for the station boats now exposed to weather, collision, and molestation. These boats are necessary, as all the lights are located on breakwaters and may be reached only in this manner. The remainder of the estimate will provide for other equipment and rental of quarters authorized by the act of May 22, 1926.

J. S. CONWAY,
Acting Commissioner of Lighthouses.

Mr. ANTHONY. Mr. Chairman, the committee deemed the estimate that came before the committee for the purpose of constructing new quarters for lighthouse keepers and employees at Cleveland was too high. It showed the cost per cubic foot would be 56 cents, and the cost of public construction already authorized averages about 40 per cent per cubic foot on estimates furnished by other departments of the Government. So that the entire amount was reduced $10,000 in order to bring it within what we believed was reasonable bounds.

Now, in providing new lighthouse facilities at Cleveland the items are: Land, $10,000; boathouse, $10,000; two double dwellings, $38,000; contingencies, $2,000; making $60,000 all told. The cost per cubic foot of construction, as I said, is 56 cents. The committee believes it can be done at 40 cents and that the reduction of the total amount is entirely reasonable.

Mr. BURTON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BURTON. First, Mr. Chairman, it must be borne in mind that if the $60,000 is not required the balance will be turned back into the Treasury. I have nothing to guide me in my opinion except the opinion of the Department of Commerce. The Assistant Secretary, in a letter yesterday, says:

DEPARTMENT OF COMMERCE,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, June 28, 1926.

Hon. THEODORE E. BURTON,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: In reply to your letter of June 26, asking for information relative to the proposed appropriation of $50,000 carried in the second deficiency bill for the construction of new quarters for the lighthouse keepers at Cleveland, Ohio, I am inclosing herewith a memorandum from the Acting Commissioner of the Bureau of Lighthouses, which shows the situation as the department views it.

It would be extremely inadvisable to proceed with the sale of the present property with only $50,000 in view for the construction of the new quarters as indicated in this memorandum.

Very truly yours,

J. WALTER DRAKE,
Assistant Secretary of Commerce.

It is to be noted that the act authorizing the sale of the old lighthouse and the purchase of the new, approved May 22 last, fixes the amount at $60,000. It is to be noted also that the Budget Bureau has authorized $60,000, and in view of the situation it seems to me the amount as estimated by the Department of Commerce and approved by the Budget should be the amount included in this bill.

Mr. BYRNS. Mr. Chairman, I think it is unfortunate that construction for the Government costs very much more than it costs private individuals. Congress has placed limitations on items of construction wherever it can do so. The Army bill for next year provides a limit on the Quartermaster General in the construction of quarters for officers, including heating and plumbing apparatus, wiring, and fixtures. In the case of a general officer the limit is placed at the sum of $8,000; in the case of a colonel or officer above the rank of captain it is limited to $6,000 for his detached dwelling in the barracks, and for an officer of or below the rank of captain, $4,000.

Here is a proposition submitted by the Department of Commerce for two double dwelling houses to house four families at a cost of $38,000, and as the gentleman from Kansas [Mr. ANTHONY] said, the committee thought that 60 cents per cubic foot was entirely too much. I do not think, if you will read the hearings, that you will find it was very seriously insisted upon by Doctor Putnam, the head of the service. I think they could without any particular difficulty put up these residences for less money and in accordance with the act of Congress in the case of other and even more important officers.

Mr. BEGG. Are they going to build on the same ground or on different ground?

Mr. BYRNS. On different ground.

Mr. BEGG. Does not that account for the difference in the comparison the gentleman uses, if he is familiar with the location at all? If it is in the neighborhood of the depot at Cleveland——

Mr. BYRNS. I am not talking about the acquirement of land. I am talking about the construction of the buildings, and it does not matter whether it is in one section or another. Just because you are going to sell the present quarters, and the Government is going to get some money into the Treasury, is no reason why the Government should appropriate more than is required.

Mr. CROSSER. The gentleman, of course, does not claim that this will take all of it, and still less that it will take more? It will probably bring as much as $80,000.

Mr. BYRNS. But suppose it does bring $80,000, that is no reason why the Government should put up dwelling houses that cost more than quarters for a general of the Army. If it can be done with less money, and if money can be saved to the Treasury of the United States, we ought to save it.

Mr. MADDEN. Sixty-six cents a cubic foot for this class of building is an outrageous price.

Mr. WINGO. My recollection is that these very expensive and handsome Federal reserve bank buildings that we authorized cost 46 or 47 cents a cubic foot.

Mr. CROSSER. When they were built?

Mr. WINGO. Those authorized for Detroit and one other place at this session of Congress.

Mr. MADDEN. I believe it was 46 cents.

Mr. CROSSER. These must be very well constructed buildings. They have to be down near the water, and they must be built in such a way that they will stand the weather and storms and everything else.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. CROSSER. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 12, noes 24.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Absentee Shawnee allottees, Oklahoma: For payment of assessments upon the allotments of certain Absentee Shawnee allottees for a drain-

age ditch connecting Little River drainage ditch No. 1 in Pottawatomie County with Little River drainage ditch No. 2 in Cleveland County, Okla., fiscal year 1927, $1,200, to be expended and reimbursed under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. HASTINGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 30, after line 3, insert a new paragraph as follows:

"For recopying, repairing, rebinding, indexing, and otherwise preserving records and papers in the office of Superintendent for the Five Civilized Tribes, Muskogee, Okla., $10,000."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order against the amendment.

Mr. HASTINGS. Mr. Chairman, in support of this amendment permit me to say that H. R. 10540, which has passed the House, provides for an appropriation of $10,000 for this specific purpose. Let me say, furthermore, that the bill has been reported in the Senate and is on the Senate Calendar. As soon as it is reached in the Senate there is no question but what it will be passed.

There is a long report from the Secretary of the Interior accompanying H. R. 10540 which justifies this appropriation. Some of these records are extremely old, and they run back for 25, 30, and 40 years. Some of them are old tribal records which were taken into the office of the Superintendent for the Five Civilized Tribes some 25 years ago, but the records themselves are some 50 years old. The report of the department indicates that land titles in many cases are based upon these old records and that the courts all over the eastern part of Oklahoma send to the superintendent's office for the purpose of having these records transcribed and certificates made from them for use in the trial of lawsuits.

It is a very important appropriation and it is a small item. It is an emergency matter and I want to impress its importance upon the House. I sincerely trust the gentleman from Kansas will not insist upon his point of order.

Mr. ANTHONY. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. ANTHONY. Does not the gentleman think that this matter can go over until the next appropriation bill is considered, at which time the money could be made immediately available and still serve the same purpose?

Mr. HASTINGS. That might be satisfactory, but, as I understand, these records are extremely old and the necessity for this work upon these old records has been impressed upon me for the last two or three years, and particularly at this time.

Some of these records are almost illegible, and the report of the department indicates that they are tattered, torn, and almost illegible, so that it is difficult to make a transcription of them. I sincerely trust the gentleman will permit the amendment to be adopted.

Mr. MADDEN. Mr. Chairman, there is no law authorizing this and it is subject to a point of order. I do not think we ought to allow it to pass. I do not think it is important that it should be done at this time, and it is merely a question of whether or not the work is done this year or next year. It is not an emergency; it is not a deficiency, and it can be provided for in the regular annual bill if it is deemed desirable.

Mr. HASTINGS. Mr. Chairman, just one word more and then I am through. I thought I could appeal to the good nature and good humor of the gentleman from Illinois. I thought this matter was of enough importance to present it to the Committee on Appropriations and I really think it is an emergency. There is one thing I did not say to the gentleman when I was before his committee, a thing which I think justifies me in presenting it to the House at this time. I do not believe I sufficiently impressed this point upon the committee: That some of these are old tribal records that run back 75 or 100 years. They were transferred to the office of the Superintendent for the Five Civilized Tribes; they have been used during all of this number of years and some of them are in exceptionally bad condition.

Mr. MADDEN. I will accept the amendment.

Mr. HASTINGS. I thank the gentleman very much.

Mr. ANTHONY. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. ANTHONY. My attention has been called to the fact that in the amendment offered by the gentleman there is no fiscal year named. Would the gentleman have any objection to naming the fiscal year 1927?

Mr. HASTINGS. I would certainly have no objection to that.

Mr. Chairman, I ask unanimous consent to modify my amendment by adding, just before the amount of money, the words "for the fiscal year ending June 30, 1927."

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment offered by Mr. HASTINGS: On page 30, line 3, insert a new paragraph as follows:

"For recopying, repairing, rebinding, indexing, and otherwise preserving records and papers in the office of Superintendent for the Five Civilized Tribes, Muskogee, Okla., for the fiscal year ending June 30, 1927, $10,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Coolidge Dam across canyon of Gila River near San Carlos, Ariz.: For construction of the Coolidge Dam across the canyon of the Gila River near San Carlos, Ariz., as authorized by the act of June 7, 1924 (43 Stat. pp. 475, 476), and under terms and conditions and reimbursable as provided in said act, fiscal year 1927, $725,000: *Provided*, That said sum shall be available for acquiring rights of way and other purposes provided for in said act.

Mr. ANTHONY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Kansas offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. ANTHONY: On page 31, after line 9, insert the following:

"Santa Ysabel Reservation, Calif.: For the purchase of land and payment of expenses incurred in connection therewith as authorized by the act entitled 'An act to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor,' approved June 3, 1926, fiscal year 1927, $25,000.

"Crow Indian children, Montana: For surveys and other expenses connected with the allotments authorized by the act entitled 'An act to allot lands to living children on the Crow Reservation, Mont.,' approved May 19, 1926, fiscal year 1927, $5,000, payable from tribal funds of the Crow Indians.

"Northern Cheyenne Reservation, Mont.: For expenses of making the tribal roll, compiling list of lands, surveys, and classifications, and all other expenses connected with the allotments authorized by the act entitled 'An act to provide for allotting in severalty lands within the Northern Cheyenne Indian Reservation in Montana, and for other purposes,' approved June 3, 1926, fiscal year 1927, $27,500.

"Reno Indian Colony, Nev.: For the purchase of land in accordance with the act entitled 'An act to authorize the Secretary of the Interior to purchase certain lands in Nevada to be added to the present site of the Reno Indian Colony, and authorizing the appropriation of funds therefor,' approved May 10, 1926, fiscal year 1927, $4,300.

"Dresslerville Indian Colony, Nev.: For carrying out the act entitled 'An act to provide for an adequate water-supply system at the Dresslerville Indian Colony,' approved May 17, 1926, fiscal year 1927, $5,500.

"Gagnon & Co. (Inc.): For carrying out the act entitled 'An act for the relief of Gagnon & Co. (Inc.)', approved May 29, 1926, fiscal year 1926, $3,592.

"O. H. Lipps: For payment to O. H. Lipps in accordance with the act entitled 'An act for the relief of O. H. Lipps,' approved May 29, 1926, fiscal year 1926, $901.55."

The committee amendment was agreed to.

The Clerk read as follows:

DEPARTMENT OF LABOR

BUREAU OF IMMIGRATION

For refund to Domingo J. Milord of $500 furnished as security on bond that Magdalena Pons Roca, a native of Cuba, admitted temporarily to the United States at the port of Key West, Fla., July 31, 1924, should not become a public charge, which amount was inadvertently deposited in the United States Treasury to the credit of miscellaneous receipts September 17, 1924, fiscal year 1926, $500.

Mr. MADDEN. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 43, after line 17, insert the following: "For compensation of the additional Assistant Secretary of the Navy authorized by section 4 of the act approved June 24, 1926, fiscal year 1927, $7,500."

The committee amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, recently, during the services in this Chamber upon the life, character, and public services of the late John E. Raker, I mentioned briefly 12 important acts of Congress, all enacted during the 13 years that Judge Raker and myself had served together in this body. I mentioned these acts as having been the principal ones in the vital change of our Government. I named these acts as:

The direct election of Senators; the Federal reserve act; the graduated income tax; the Adamson Act; the selective service act, meaning the right to make other similar drafts if necessity should warrant; national prohibition; national suffrage for women; the system of Federal aid for the States; the Budget system; the Esch railway regulation and guarantee act; the beginning of the regulation of such things as aviation, the radio, motion pictures, and so forth; the immigration restriction act.

The remarks made upon that occasion have brought me quite a bit of mail, and a great number of inquiries from Members for the dates, and an elaboration of these particular enactments; and to-day, Mr. Chairman, I shall elaborate my statements somewhat, giving the dates of these principal enactments.

Mr. MADDEN. I think that will be very helpful.

Mr. JOHNSON of Washington. We, as Representatives in Congress, are the instruments through which the people change their Government. If we are busy and working under pressure and strain—as we usually are—the days merge one into another, and we do not have time to stop to note the great fundamental changes. One day we vote on some momentous piece of legislation that changes our structure for all time. The next day we vote for an act to add 10 sections to a forest reserve, or to correct the record of a veteran of our wars, or perhaps to provide for the labeling of milk bottles in the District of Columbia.

I have noted 12 great acts. There are others, or course; but these are the ones which, to me, seemed to have brought about the greatest changes. All were brought about by great legislative struggles in both House and Senate. I shall name them again—all enacted within the last 13 years.

1. Direct election of Senators (act of 1914, followed by a constitutional amendment).
2. Federal reserve act (1913, to provide a system of liquid currency).
3. Graduated income tax, 1913.
4. Federal interest in organized labor in interstate commerce, as shown in Adamson Act, 1916.
5. The draft (exercise of the Government's right to require any man or class of men to serve in time of war. This right, having been tested, will be extended whenever necessary to the drafting of capital, labor, and property), 1917.
6. National prohibition, 1919.
7. National women suffrage, 1920.
8. Federal aid to State activities, beginning 1916.
9. Budget system, 1921.
10. Esch-Cummins railway regulation and guarantee, 1920.
11. Regulation of aviation, the radio, the telephone, and the motion picture, beginning about 1920 and some still pending.
12. Immigration Restriction Act, 1924.

This last was a reversal of a policy which had existed from the beginning of our Government. We were an asylum; we are no longer an asylum for very good reasons.

These legislative enactments—there are others, but I have not had the time to search the records—give an idea of how this great free Government of the United States of America—a Government of the people, by the people, and for the people—is ever advancing; how it bends to the voice of the people; how the voice of the people is the voice of God, and why it is to-day the greatest and most successful experiment in Government ever attempted.

But ours is a very young Government. It may go too fast! It may overreach itself! When we have come to be 117,000,000 people we can not move as we did when we were fewer.

I mentioned the selective service, or draft act, as bringing about a fundamental change. I did not mention the declaration of war in 1917, and all of the tremendous legislation brought about by entry in the World War. Those were hard days in Congress, but war is incidental to the struggle of nations for existence.

Gentlemen will notice that I included as the eighth item the extension of the plan of Federal aid to States—now generally called the "50-50 plan." That plan is often spoken of as beginning with the good roads act of 1916, and that was the first, perhaps, of the "50-50's." But the question of Federal aid to States is not quite so new. It runs back to our beginning under the Constitution, and even before. It took three forms, as follows:

1. Direct donations or gratuities to the States for specific purposes.
2. Direct donations or gifts to the States for specific purposes, but upon condition that the State receiving the donation carry out the condition in the grant.
3. Direct donations or gifts to the States for specific purposes, upon condition that the State carry out conditions in the grant, and where one of the conditions required the matching of the Federal gift by at least an equal sum by the State.

Under the first plan Federal land grants were made for educational purposes, internal improvements such as the building of roads, bridges, canals, erecting of State capitols, and other State public buildings.

The second plan was commenced during the days of the Civil War with the passage of the Morrill Act of 1862, wherein land grants were made to the States upon condition that the State use the gift in the establishment and maintenance of an agricultural school. This was followed in 1887 by the Hatch Act, whereby each land-grant college provided for in the Morrill Act was given a certain additional sum conditioned upon the establishment of an agricultural experimental station.

THE ORIGINAL FIFTY-FIFTY

The third plan was first put into effect in 1911. This plan involved the matching of the Federal grant of money by at least a like sum from the State. The idea was that this method would tend to stimulate greater activity on the part of the States. Among the Federal-aid acts which have been passed and which embody this general principle of the matching of Federal funds are the following:

The Weeks law for forest-fire prevention. Act of March 1, 1911.

The Smith-Lever Act for agricultural extension work. Act of May 8, 1914.

The good roads act. Act of July 11, 1916.

The Smith-Hughes Act for vocational education. Act of February 23, 1917.

The Chamberlain-Kahn Act for the suppression of venereal disease. Act of July 9, 1918.

The industrial rehabilitation act. Act of June 2, 1920.

The Federal highway act. Act of November 9, 1921.

The Sheppard-Towner or maternity and infant welfare act. Act of November 23, 1921.

The Clarke-McNary Act for the protection of forest lands, etc. Act of June 7, 1924.

Mr. Chairman, I shall not endeavor to speculate as to the future. Centralization of government is bound to be debated more and more, but even those who oppose centralization are likely to clamor more and more for Federal aid until, lo and behold, we shall have so weakened the States as to create an alarming situation.

The Clerk read as follows:

Administrative expenses, World War adjusted compensation act: The unexpended balance of the appropriation of $450,000 for administrative expenses, World War adjusted compensation act, contained in the second deficiency act, fiscal year 1924, approved December 5, 1924, shall remain available until June 30, 1927.

Mr. ANTHONY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: On page 44, after the year "1927," in line 15, insert a comma and the following: "And shall also be available to cover obligations incurred for such administrative expenses during the period from July 1, 1926, to the date of the approval of this act, inclusive."

The amendment was agreed to.

The Clerk read as follows:

For maintenance, repair, and operation of aircraft factory, air stations, fleet, and all other aviation activities, testing laboratories, and for overhauling of planes, fiscal year 1927, $260,000, to be added to and made a part of the appropriation "Aviation, Navy, fiscal year 1927," contained in the naval appropriation act for such fiscal year.

Mr. DAVEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DAVEY: On page 45, line 13, after the word "year," strike out the period, insert a semicolon, and add the following: "*Provided, further,* That the Secretary of the Navy is hereby authorized to enter into contract for the procurement of one or both of the rigid airships authorized by the act approved June 24, 1926, entitled 'An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith,' subject to the limitations as to cost and other provisions contained in said act."

Mr. DAVEY. Mr. Chairman, the purpose of this amendment is to expedite the building of one or both of the dirigibles which were authorized in the naval aviation bill passed this spring and approved by the President last Thursday.

I would like to call the attention of the committee to the further fact that the authorization which is sought in this amendment does not take the money out of the Treasury any sooner than it would be taken if we waited until the next regular appropriation bill. Presumably, in the course of natural events, there will be an appropriation for the beginning of these dirigibles in the next regular appropriation bill. In the meantime, it will take six or eight months to prepare the detailed plans and specifications before a contract can be let, which means that if we wait until the regular appropriation bill, it will be a year and a half at least before a contract can be let; in other words, before they will be ready to let the contract.

Now, assuming that it is the purpose of Congress, as defined in the naval aviation bill, to build one or both of these great dirigibles, and assuming that there will be provision for it in the regular appropriation bill next winter, this amendment does not interfere with that program. It merely gives the Secretary of the Navy the power to contract, which provides the encouragement that is needed by this particular industry to stay in existence.

I would like to call the attention of the committee to a further important fact—important to the Government. The Goodyear-Zeppelin Corporation, a subsidiary of the Goodyear Tire & Rubber Co., has been in existence for two or three years and represents the faith and enthusiasm and patriotic hobby of President Litchfield. He has brought together from Germany an unusual corps of technical experts under Doctor Arnstein, who appeared before the Naval Affairs Committee. This organization has been carried along for two or three years at an expense of a quarter of a million dollars.

It so happens that Mr. Litchfield himself is very much in earnest about the proposition, but the directors of the company are not very sympathetic. The thing I fear is that unless they get some reasonable encouragement the technical organization available for service to the Government will be disbanded. In other words, if we wait until the regular appropriation bills are passed, it will be a year and a half before a contract can be entered into.

If this amendment is adopted, it will be six or eight months before a contract can be made, during which time the detailed plans and specifications will be prepared.

Here is what concerns me chiefly: This organization, the only one in the country prepared to build a giant dirigible, has no assurance from the Government that they will get the contract even at the end of a year and a half, and there would be no economic justification for maintaining an expensive organization to serve the Government without any assurance that they would get the contract at the end of that long period of uncertainty. If this amendment is passed, they may have the assurance in six or eight months, and they would be justified probably in maintaining this expensive technical organization long enough to find out whether the Government would give them the contract.

Mr. FRENCH. Mr. Chairman, may I ask the gentleman a question?

Mr. DAVEY. I will yield.

Mr. FRENCH. May I ask the proponent of the amendment—if I understood his amendment—that it leave to the Secretary of the Navy the determination of whether or not he will enter into a contract for one or two dirigibles?

Mr. DAVEY. That is correct.

Mr. FRENCH. Does the gentleman undertake in his amendment to limit the cost?

Mr. DAVEY. It leaves it subject to the limitation in the act authorizing the dirigibles.

Mr. FRENCH. The act provides that each dirigible shall not exceed in cost $4,500,000. Would the gentleman be in favor of a ship that cost $4,500,000, or one that would cost $2,500,000, or one that would cost $2,000,000?

Mr. DAVEY. That is within the discretion of the Secretary of the Navy. And I want the committee to understand, further, that if the amendment should pass there is no assurance that the contract will go to my constituents, for that is within the discretion of the Secretary of the Navy.

Mr. FRENCH. The gentleman would turn over to the Secretary of the Navy the entire question of cost, limited only to the amount indicated in the authorization bill that was recently signed. Does the gentleman have any idea as to the capacity in cubic feet that the dirigible, or either of them, would be?

Mr. DAVEY. May I answer in this way? The Congress, through the naval aviation bill, has already decided to build one or two of these giant dirigibles with approximately 6,000,000 cubic feet capacity. This merely rests upon the law passed this spring from the Naval Affairs Committee, which presumably defines the policy of Congress in this matter.

Now, I would like to bring out another matter if the gentleman will allow me. This I have from one of high rank on the Naval Affairs Committee, that a large dirigible is of greater value from a military standpoint than a scout cruiser, because it costs only about one-third of the cost of a scout cruiser, and, secondly, it only takes 30 or 40 men instead of 200, as in the scout cruiser. Its range of vision is admittedly greater than that of the scout cruiser and probably represents a military value of five or six times that of the scout cruiser.

Mr. FRENCH. Mr. Chairman, the answers to the questions I have asked, together with the preliminary statements that the proponent of the amendment makes, indicate that at this time there is no definite plan that has to do with the cost of the dirigible, or the size, or the details of construction that must be worked out before a dirigible should be begun.

Mr. DAVEY. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. It is a good deal like starting work upon the basement of an expensive house without having the architect's plans for the superstructure. We would not do that. So, then, we have an amendment that follows within a week the authorization of the dirigibles; we have an amendment that is uncertain in its terms as to the amount of money that it will place as a charge upon the Treasury; we have an amendment that provides for a program that has not been worked out by the Navy Department, that has not been considered by the Bureau of the Budget, that has not been submitted to Congress by the administration, that has not been the subject of inquiry by the committee of the Congress that is charged specifically with the responsibility of inquiring into the reasons or justifications for a program such as that suggested by the amendment.

What is the situation to-day touching the question of the building of dirigibles? Less than a week ago the measure was signed that authorized the two dirigibles. We have at this time experiments going on at Lakehurst with a dirigible—the *Los Angeles*—of something like 2,000,000 feet capacity, experiments that are being conducted with the special object in view of determining certain factors that will enter into the construction of one or both of the dirigibles to which the gentleman's amendment pertains. Those experiments ought to be carried to a conclusion before a program shall be adopted definitely by this Congress. Those experiments have to do with the structure, with the strength of the materials to be used, with the air pressure upon the different parts of the craft, with many of the factors that concern economies and efficiency of a dirigible of the size of that which is proposed by the gentleman and authorized a week ago by the Congress.

More than that, it is only a matter of a few weeks since the naval appropriation for the coming year was approved by the President. In that bill were carried appropriations for tests and a cooperative experimentation in a metal type of lighter-than-air craft. If that test shall be successful it may revolutionize the entire question of materials used in lighter-than-air building. We do not know. That experiment will be well under way by the time this Congress shall convene next winter.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. I trust the gentleman from Idaho will not get it into his head that the metal type which is to be used, for which $300,000 were appropriated for experimental purposes, will keep the Navy Department from following up the known type of Zeppelin, because the engineers testified that they would never contemplate, even if the metal type proved to be a success, the construction of one as large as a 6,000,000 cubic feet craft, and I will say to the gentleman that I think the committee will agree with him on this matter, and that we should get a vote upon it and make progress with the bill.

Mr. FRENCH. The gentleman must recognize that we ought to have the benefit of that experiment before we authorize the expenditure of large sums of money.

Mr. VINSON of Georgia. I trust that the gentleman's committee next December will not hold up the expenditure for the Zeppelins awaiting the experiments on the metal-clad ship, because they are entirely two different propositions. I hope before the gentleman reaches a conclusion along that line he will read the testimony. He will there see that it is never the intention of the metal-clad people to try to construct one along the lines of the Zeppelins.

Mr. FRENCH. It is not my purpose to anticipate what the committee will possibly do at the next session of Congress touching lighter-than-air craft. I simply bring forward to-day these two thoughts, that we are to-day experimenting on a fabric type of ship at Lakehurst, and we have hardly begun on the experiment on a lighter-than-air ship of metal type. Surely we ought not at this time to authorize the construction of a building program without a limit of cost other than that fixed in the general bill, and without the benefits of the experiments that are being made. Further than that, may I say that the committee charged with the responsibility of shaping the appropriation bill initially has had no opportunity of considering the question through holding hearings, or going into the success of the experiments that have been made, or of passing judgment upon the basis of the facts disclosed through an inquiry calculated to bring out the opinions of the officers of the department that is most concerned.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. DAVEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAVEY. Mr. Chairman and gentlemen of the committee, there is one point brought out in the remarks of the gentleman from Idaho [Mr. FRENCH] that I think ought to be cleared up, and that has to do with this question of the so-called metal covered dirigible. In the first place, the metal-clad ship is entirely experimental. They do not even know how they will get the gas into it yet. It is so far in the field of experimentation that they do not know whether they will be able to do anything with it at all. In the next place if the metal-clad ship proves to be a success, according to the testimony of its own proponents before the Naval Affairs Committee, it will be perhaps 8 or 10 years before they will be able to demonstrate that they can build a metal-clad ship similar in size and carrying power to the known type of dirigible. In other words, according to their own testimony, they are now proposing to build a metal-clad ship of 200,000 cubic feet capacity and the next step will have to be perhaps one of 500,000 cubic feet capacity.

After demonstrating that one of 500,000 cubic feet capacity is successful, if they do, they must go the next step higher, taking two or three years for each successive experiment, and it will be a matter of 8 or 10 years before they can possibly demonstrate anything in reference to the metal-clad ship. In the meantime the fabric-covered ship is the only known quantity in the field of dirigibles. The gentleman who is in charge of the technical organization of the Goodyear Zeppelin Co., brought over from the parent company in Germany, has himself produced over 100 dirigibles of this type, and therefore in the field of dirigibles there is a thoroughly known demonstrated type, which Congress through the naval aviation bill has determined to build after exhaustive hearings. Now the gentleman from Idaho suggests that we wait until the experiments with the metal-clad ship are completed before we determine what we are going to do in reference to dirigibles.

If we wait for that, it will be a matter of 8 or 10 years before we can undertake anything at all, and, according to the law passed this spring, the Navy Department is required to start proceedings on one ship prior to July 1, 1927. It is absolutely impossible, physically impossible, for us to learn anything about the metal-clad ship before we decide to do something with the regular type of dirigible. They can even complete and demonstrate the little experimental one in time. Another thing that ought to be brought out is this, that probably if the metal-clad idea is ever incorporated in a large dirigible, it must be on a basis of the present-known demonstrated type. Why, we have in connection with the metal-clad type a very serious practical problem, and that is they have not yet demonstrated how they are going to get the gas into it.

Mr. MADDEN. Is the gentleman's statement from his personal knowledge?

Mr. DAVEY. It is from the testimony of experts who presumably know their business. In other words, it is a practicable problem to get air out of a rigid ship that is nondeflatable and to get the gas in; whereas, with the present-known type of dirigible, they have the internal gas bags that fill the great airships, and they are rolled up and deflated, and the gas is pumped in in a perfectly easy, natural way.

The CHAIRMAN. The time of the gentleman has again expired. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

POST OFFICE DEPARTMENT

OUT OF THE POSTAL REVENUES

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Post Office Department under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922, as fully set forth in House Documents Nos. 301, 346, and 421, Sixty-ninth Congress, $5,983.39.

Mr. FRENCH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 23, strike out the word "and" and after the number "421" insert the following: "and 460"; and in line 24 strike out the sum of $5,983.39 and insert in lieu thereof the sum of $9,985.44.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Payment to Mrs. Margarethe Murphy: For the payment to Mrs. Margarethe Murphy, widow of George Herbert Murphy, late consul general of Zurich, Switzerland, one year's salary of her deceased husband, who died of illness incurred while in the Consular Service, fiscal year 1926, $9,000.

Mr. FRENCH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 49, after line 11, insert: "Payment to Mrs. Lilly O. Dyer; For payment to Mrs. Lilly O. Dyer, widow of the late Francis H. Dyer, formerly consul at Coblenz, one year's salary of the deceased husband, who died of illness incurred while in the Consular Service, and authorized by the act approved June 25, 1926, the fiscal year 1926, $4,000."

Mr. BLACK of Texas. Mr. Chairman, I reserve a point of order to make this inquiry. Has an act of Congress been enacted authorizing that expenditure?

Mr. FRENCH. Yes; it merely follows out the law.

Mr. BLACK of Texas. I knew there were several bills of that kind pending and had passed the House, but I was not sure any had passed the Senate. Unless the act that authorized the payment has been passed, of course, we have no legal authority to appropriate the money.

Mr. FRENCH. This particular act was approved June 25, 1926.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Interparliamentary Union: The unexpended balance of the appropriation for expenses of the Twenty-third Conference of the Interparliamentary Union is hereby made available for the payment of expenses, aggregating $1,008.37, incurred for printing furnished in connection with such conference contrary to the provisions of the act of March 1, 1919, and section 3709 of the Revised Statutes.

Mr. FRENCH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 50, after line 19, insert as a new paragraph the following: "Territory of Hawaii: To reimburse the following fire insurance companies the amount paid by them on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in such Territory in the years 1899 and 1900: Royal Insurance Co., $25,100; Trans-Atlantic Fire Insurance Co., $9,500; Prussian National Fire Insurance Co., $2,870; North German Fire Insurance Co., $8,000; Hamburg-Breman Fire Insurance Co., $10,450; Liverpool and London and Globe Insurance Co., $6,900; New Zealand Insurance Co., $6,025; Fireman's Fund Insurance Co., $9,250; National Fire Insurance Co. of Hartford, Conn., $4,150; Caledonian Insurance Co. of

Edinburgh, Scotland, $750; North Prussia Mercantile Insurance Co., $3,000; in all, fiscal year 1926, $85,975, as authorized by the act approved June 18, 1826.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BULWINKLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the last word.

Mr. BULWINKLE. I do so for the purpose of inserting in the RECORD a statement showing the differences on the bill H. R. 12175, the veterans' bill, as it passed the House, and as it came from the Senate.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Following is the statement referred to:

1. Amendment to section 4, increasing the director's salary from $10,000 to $12,000.

2. Amendment to section 200, including spinal meningitis as one of those diseases conclusively held to be of service origin where entitled to 10 per cent degree rating prior to January 1, 1925.

3. Amendment to section 202 (3), granting $50 per month for arrested cases of tuberculosis.

4. Amendment to section 202 (6), authorizing reimbursement of State hospitals for care of ex-service men prior to bureau taking over their care.

5. Add new section authorizing erection of garages and reimbursement from employees for same.

CHANGES IN HOUSE PROVISIONS

1. Amendment to section 21, authorizing the director to restrict number of wards one guardian can act for, restricted by Senate to the District of Columbia.

2. Amendment to section 33, authorizing the bureau to provide courses of instruction and to send professional employees to school restricted by Senate so that not more than 2 per cent of the professional personnel can be sent out to schools.

3. Amendment to section 200, including for the benefits of the act women assigned to the medical department of the United States Army who served overseas, restricted by the Senate to women citizens of the United States who were sent overseas by the War Department and who served in base hospitals over there.

4. Amendment to section 201, in regard to burials. Where House made the decision of the director as to assets binding on General Accounting Office changed to read "binding for all purposes."

5. Amendment to section 202 (7), regarding insane without dependents changed by Senate so that man only has to be maintained by the Government for six months and not by bureau (this makes the provision applicable to men in soldiers' homes). Also reduced amount in House bill from $30 to $20, as now in the law.

6. Amendment to section 206, extending time for filing proof of service origin to June 7, 1927. House removed time limit.

7. Amendment to section 209, extending time for filing claims three (3) years. House removed time limit.

8. Amendment adding a new section (308), which provided that if man remitted premium in month following grace period and was killed before furnishing health statement director could waive examination requirement if man was in required state of health. Senate restricted this to seven (7) days following grace period.

9. Amendment to section 406, language clarified so as to permit payment of two (2) months' training allowance following rehabilitation as provided by section 404.

PROVISIONS ELIMINATED BY SENATE

1. Amendment to section 10, authorizing President to transfer to the Veterans' Bureau certain tuberculosis facilities of Battle Mountain Sanitarium and the Northwestern Branch of National Home for Disabled Volunteer Soldiers.

2. Amendment to section 21 (3), to allow director to pay temporarily suspended payments to the chief officer of an institution or to the claimant or to his dependents.

3. Amendment to section 202 (3), organic loss of speech made $150 a month.

4. Amendment to section 202 (10). 1. Out-patient treatment for veterans of all wars without regard to nature or origin of disabilities. 2. Hospitalization without regard to nature or origin of disabilities for contract surgeons and contract dentists. 3. Retroactive payment by bureau to persons from whose pensions have been deducted sums for hospitalization.

5. Section 301, extension of period for conversion of insurance. This section covered in public law of the present Congress.

6. Section 303, covered by Comptroller General's decisions and no longer necessary.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOREIGN SERVICE BUILDING FUND

For the purpose of carrying into effect the provisions of the "foreign service building act, 1926," and for each and every object thereof, including the initial alterations, repair, and furnishing of buildings heretofore acquired under specific authorization of Congress for the use of the diplomatic and consular establishments in foreign countries, $435,000, to remain available until expended.

Mr. FRENCH. Mr. Chairman, on page 53, line 23, I move to strike out the word "building" and insert the word "buildings," plural.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Idaho.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 53, line 23, strike out the word "building" and insert in lieu thereof the word "buildings."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FRENCH. Then I ask unanimous consent, Mr. Chairman, to correct the heading in line 21, so that the plural word "buildings" will appear.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to correct the heading in the manner indicated. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 53, line 21, strike out the word "building" and insert in lieu thereof the word "buildings."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONFERENCE ON OIL POLLUTION OF NAVIGABLE WATERS

The appropriation of $42,000 made by the second deficiency act, fiscal year 1925, approved March 4, 1925, for the purpose of defraying the expenses of a conference of maritime nations to be held at Washington, in accordance with the authorization in Public Resolution 65, approved July 1, 1922, to consider the adoption of effective means for the prevention of oil pollution of navigable waters, shall remain available for the purposes specified in said deficiency act until June 30, 1927.

Mr. FRENCH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Idaho offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 57, line 3, after the word "act," insert "and for any further conference or conferences on this subject in Washington and elsewhere, including preparations therefor and expenses in connection therewith."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSULAR BUILDING, AMOY, CHINA

The appropriation contained in the second deficiency act, fiscal year 1925, approved March 3, 1925, "for the construction in accordance with the act approved February 17, 1911, of a consular building or buildings at Amoy, China, fiscal year 1926, $20,000, in addition to the unexpended balance of the appropriation of $300,000 for the acquisition of embassy, legation, and consular buildings and grounds, contained in the act entitled 'An act making appropriations for the Diplomatic and Consular Service for the year ending June 30, 1922,' approved March 2, 1921," shall remain available until June 30, 1927.

Mr. FRENCH. Mr. Chairman, on page 57, line 6, I move to strike out, after the word "March," the figure "3" and insert the figure "4."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 57, line 6, strike out the figure "3" and insert the figure "4."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 57, line 16, insert as a new paragraph the following:

"International Road Congress: To enable the United States to accept membership in the permanent association of International Road Congresses, $3,000, and for the expenses of participation in the meetings of the congress and of the executive committee in the calendar year 1926, including travel and subsistence, $5,000; in all for the year 1927, $8,000, as authorized by the public resolution approved June 18, 1926."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Refunds to railroads for interest collected: For refunds to such railroads as made payments of interest, that were covered into the United States Treasury, on overpayments made by the United States under sections 209 (g) and 212 of the transportation act, as amended, to be settled and adjusted by the General Accounting Office, fiscal year 1926, $48,852.83, to remain available until June 30, 1927.

Mr. BLACK of Texas. Mr. Chairman, I make a point of order against the paragraph just read.

The CHAIRMAN. The gentleman from Texas makes a point of order against the paragraph just read.

Mr. MADDEN. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded, and the paragraph goes out. The Clerk will read.

The Clerk read as follows:

OFFICE OF TREASURER OF THE UNITED STATES

For an additional amount for personal services in the District of Columbia in accordance with the classification act of 1923, fiscal year 1927, $15,000.

Mr. WATSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. WATSON. Is this in accordance with the new system of paying the postmasters?

Mr. MADDEN. Yes. They are paid by check.

Mr. WATSON. How many?

Mr. MADDEN. All the post offices within certain large cities. It transfers the making of the checks and the cashing of the checks to the office of the Treasurer. This is done to avoid the danger of robbery, and so on. It saves $100,000 over and above the cost of the work in the Treasury Office.

Mr. WATSON. I knew it must save something, otherwise the gentleman would not have made the appropriation.

Mr. MADDEN. It will save $100,000 a year.

The pro forma amendment was withdrawn.

The Clerk read as follows:

INTERNAL REVENUE SERVICE

For expenses to enforce the provisions of the national prohibition act and the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the revenue act of 1918, and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the act of May 26, 1922, known as "The narcotic drugs import and export act," including the same objects specified under this head in the Treasury Department appropriation act for the fiscal year 1927, $2,686,760.

Mr. GALLIVAN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GALLIVAN: Page 59, line 23, strike out the figures "$2,686,760" and insert in lieu thereof the figures "$2,500,000: *Provided*, That no part of this appropriation shall be used for so-called under-cover work."

Mr. GALLIVAN. Mr. Chairman, I have not used any time during the session, and therefore I ask unanimous consent to proceed for 15 minutes.

Mr. MADDEN. Mr. Chairman, I object.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. GALLIVAN. Mr. Chairman, we have hundreds and thousands of decent American citizens out of work. They hear there is going to be an examination for a civil-service job and the first question asked of them is: Have you ever been arrested? Have you ever been in jail? And if they tell the truth they are barred from taking the civil-service examination.

In this bill an appropriation of $2,686,760 is recommended, $183,000 of which is for under-cover work. What happens? The minute the doors close on a man who makes his exit from Sing Sing or Moyamensing or Charlestown Prison, in my home State, or Atlanta or Leavenworth, he hies his way to the prohibition office and he says, "I am just the fellow you want for under-cover work." They say, "Is that so? Have you a record?" He says, "You bet I have; I have just served my bit!" "What have you done?" "Oh, I have committed murder, rape, or arson." They say, "You are the fellow we want for under-cover work." He says, "You bet I am; I know every crook in the country who is dealing in bootlegging." They say, "You are just the fellow we are looking for," and this ex-convict goes through as is for $3,600 a year, while the veteran in the hospital, who gave his all for humanity, gets 68 cents a day to live on; and these birds who have put on a badge and a pair of wings in the same hour get $10 per day. Glory to God, where are we getting Federal officials for this work? From the sewers, from the jails, from the penitentiaries, and from the State prisons. Do you want to have to spend the people's money for the prize crooks of America and give them a Roman holiday? Why, Representatives in Congress, it is just one step from Atlanta's prison to the Mayflower Hotel in Washington at Government expense! The under-cover man has his fingerprints in the Department of Justice and all his fingers and both hands in the appropriations for prohibition enforcement. He is the stool pigeon de luxe of the Anti-Saloon League. I repeat, he gets an official badge and a pair of wings in the same hour, if you pass that appropriation.

Now, I ask any man in this House who is listening to me when and where he ever found me, a member of this committee, voting against appropriations for law enforcement? Ever since prohibition has been the law of the land I have been a member of the subcommittee which provides the money to enforce it, and I have never yet made a speech against that appropriation except when they asked me to spend the people's money for this kind of crooked work, and as long as I am here I will take my stand, if I am able, and I shall ever and always oppose my committee, with which I have been in everlasting harmony since I have been a member of it, now 11 years, when they report appropriations for the hiring of stool pigeons. [Applause.]

Think of it! Three thousand six hundred dollars a year for the fellow who has just come out of jail and goes into the Prohibition Unit to turn up his brother crook who served in the same prison with him, got out a little bit ahead of him and got a bootleg connection! He gets $10 a day and God knows how much for expenses. God knows how much whisky he drinks and God knows how much he steals to sell to others. He is a crook and he can not get away from being a crook, but the prohibition department throws its arms about him when he has established the fact that he has a criminal record, and they say to him, "You are just the man we want."

How do I know? I attended every meeting on the original appropriation bill. I came here on November 15, before Congress met last year, and I sat with my committee day in and day out, and I heard every word of testimony from General Andrews and Prohibition Commissioner Jones and all the others. They admitted before our committee that they hired crooks and that they paid for under-cover evidence. They admitted this before our committee when we were preparing the original appropriation bill in November.

You will remember how I told you from this spot about the prohibition agent who spent $1,400 of the people's money in staging a banquet at the Mayflower Hotel. He brought loads of liquor with him and bribed a couple of poor "saps" who were on the pay roll of the Mayflower Hotel with liquor, and when his liquor ran out he got them to introduce him to a bootlegger, who brought enough liquor in to supply 13 persons, invited to a banquet at the Mayflower Hotel, at Government expense. The only ones arrested were the two "saps," and when a jury of men here in the District heard their case and these two employees were put on trial, they were acquitted, with the jury in private session but five minutes. But $1,400

of the people's money was spent, and Chairman MADDEN asked the Prohibition Commissioner, "Do you propose to keep that fellow on the pay roll?" He said, "No; we do not!"

He is still on the pay roll. The man who spent $1,400, with wine, women, and song, at the Mayflower Hotel, is still on the pay roll despite the fact that the distinguished chairman of the Committee on Appropriations asked the Prohibition Commissioner, "Do you propose to keep him on the pay roll?" They sent him to Chicago, where he spent $1,100 raiding a club which had a yacht down on the lake, out in the gentleman's own city—the Fishermen's Club. I do not want to say that the distinguished gentleman, who belongs to everything worth while in Chicago, was ever a member of the Fishermen's Club, but the bird who lived in luxury at the Mayflower Hotel went out there and got membership in the Fishermen's Club and then spent $1,100 before he pulled his raid, and most of his vouchers—I will not say all of them—as they came into the Prohibition Department were for entertaining women, "for appearances sake," at $25 a night. Think of it, men of America! Do you have to do that to enforce the law of the land? Do you have to pay $25 a day and $25 a night for a prohibition-enforcement agent to entertain a woman, I repeat, in order to enforce the law of the land?

Of course, you men did not hear this stuff, because you did not sit in my committee during those days in November and December when we were preparing the original appropriation for the enforcement of prohibition, but read the record and you will learn about it. Read the record of those hearings and you will know I am telling nothing but the truth, the whole truth, so help me God! [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MADDEN. Mr. Chairman, there is no evidence in the record of the hearings here or any other place that ex-penitentiary inmates are employed by the Prohibition Enforcement Unit of the Government to enforce the law. There is no evidence here that a man must be a crook to be so employed.

Mr. GALLIVAN. Will the gentleman yield?

Mr. MADDEN. All you have to do is to read the statement made by General Andrews, read it carefully, and you will ascertain from him that he is determined in the cleanest way to enforce the law. I apprehend it is no part of our business to obstruct the enforcement of the law. On the contrary, I believe it is our obligation as sworn officers of the Government to see to it that there is no discrimination on the part of any administrative officer, so far as we can prevent discrimination, in the enforcement not only of every amendment and of every line of the Constitution of the United States, but of every act passed as a result of the authority granted by the Constitution of the United States. [Applause.]

The appropriation proposed here is to provide means, and to place those means at the disposal of the enforcement officers of the Government, to enforce the law. [Applause.]

Mr. GALLIVAN. Will the gentleman yield?

Mr. MADDEN. Yes; I yield to the gentleman, of course.

Mr. GALLIVAN. The gentleman recalls the evidence given before our committee last fall when we were preparing the main bill. The gentleman remembers that General Andrews admitted he had crooks on the pay roll?

Mr. MADDEN. I do not remember that.

Mr. GALLIVAN. You did at the time. You will recall that in this connection he said, "We have to hire them." [Cries of "Regular order!"]

Mr. MADDEN. The gentleman is asking me if I remember and I say I do not remember.

Mr. GALLIVAN. The gentleman never forgets.

Mr. MADDEN. Whatever may have happened at the time, I do not remember, but I do remember that I am here as a Representative of the Government of the United States, charged with a serious public responsibility. I remember that in the discharge of that public responsibility I am endeavoring to obey the law. I do remember that the most important obligation that is imposed upon us here is to obey and enforce the law. [Applause.] I do remember that as a citizen of the United States I would be ashamed to say that I was not in favor of obeying and enforcing the law.

Mr. GALLIVAN. Will the gentleman yield for a question?

Mr. MADDEN. Of course. [Applause.]

Mr. GALLIVAN. The gentleman will realize that these men who are trying to interrupt me with their applause, some of whom take a drink on the sneak, forget that I am asking for an appropriation of two and a half million dollars to enforce the law. I am asking you to give them two and a half million dollars to enforce the law. I am asking you to knock out only $166,000 to prevent ex-murderers, ex-rapists, and ex-burglars from getting on the pay roll. [Cries of "Regular order!"]

Mr. MADDEN. Wait a moment. Mr. Chairman, I do not yield for a speech.

I do remember, Mr. Chairman, that the Treasury Department, through General Andrews, the Assistant Secretary of the Treasury, charged with the enforcement of the law, came before the Committee on Appropriations with a valid case. He showed beyond doubt that they needed two million and nine hundred thousand and some odd dollars for one year's services of nine hundred and some odd men. We showed from the evidence in the case that they would not be able to utilize the total number for the entire year, and we reduced the amount he asked for by one-twelfth. But to reduce that amount further would be to say that we are not in favor of the enforcement of the law. We are in favor of the enforcement of the law if the recommendation of the Committee on Appropriations is to be ratified, and you say by your votes here this afternoon whether you believe that we have done our duty; and if you say you believe we have done our duty in presenting this recommendation to you for $2,686,000 for the enforcement of the law, you will say that the money ought to be appropriated and that we are doing our duty; nothing more and nothing less. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GALLIVAN. I ask for a division.

The CHAIRMAN. The gentleman from Massachusetts asks for a division.

Mr. GALLIVAN. I will withdraw that request.

Mr. BLACK of Texas. I renew the demand for a division.

The committee again divided; and there were 15 ayes and 86 noes.

So the amendment was rejected.

Mr. GALLIVAN. I hope they all take the pledge after that vote. [Laughter.]

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 59, line 23, strike out the figures "$2,686,760" and insert in lieu thereof "$102,686,760."

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, the purpose of the amendment is to carry out the suggestion of the chairman of the committee that the law shall be enforced without discrimination, without fear, and without favor, in accordance with our duty to enforce the law. If gentlemen will follow the testimony given before the committee by the Assistant Secretary of the Treasury, he will find that he provides for so-called alcohol squads and beer squads to operate only in four points of the United States—Philadelphia, New Jersey, New York, and New England. I submit that the law is not a sectional law. The law is one that should be equally enforced. It is a national law, to be enforced all over the country. In order to carry out our sworn duty, so well pointed out by the distinguished chairman of the committee, we want to establish alcohol and beer squads in the 39 other States. The gentleman who represents the Treasury Department also stated that he is keenly desirous to stop the unlawful importations of alcohol into the country and in establishing these border patrols, but there is insufficient funds provided to do so. I want him to establish real border patrols all along the Atlantic, Canada, Pacific, and Mexico and not a farce and an invitation to bootleggers to import alcohol into the country from all points on the coast and borders. He has 15 agents in San Francisco and 15 at Los Angeles to keep out unlawful imports of liquor over 500 miles of Pacific coast land and from Texas to Mexico over 779 miles. He is going to keep out the importations of liquor with 24 men. On the whole coast of Florida, east and west coast, over 400 miles, he is going to keep liquor from being imported with 25 men, 8 men working on a shift all the time. That is worse than a farce. Any man that will stand up and say that they can keep liquor out of Florida with 25 men is not telling the truth. It can not be done. Apparently it is not intended to be done.

I have offered an amendment for $102,000,000. That is sufficient as a starter for this year. That amount will enable the beginning of real coast and border patrol. My amendment will permit the department starting a real vigilant and effective liquor blockade. By next year, when we meet here next session, you will have a sufficient basis, so that in 1927-28 they will be able to have a real border patrol that will really stop

alcohol importations over the border, and that it is estimated will cost at least four or five hundred million dollars a year.

Of course you boys are all sincere. I know you want prohibition agents in your State; you want them snooping around your home, such as this bill establishes for New York, New Jersey, and Massachusetts, and part of Pennsylvania. Now, show your sincerity. Here is your chance. Vote for my amendment and give the department the power, give them the money, with which to enforce the law. Then we will see how many real drys in favor of prohibition there really are. My amendment would get the beer squads in Kansas and——

Mr. STRONG of Kansas. We do not need them in Kansas.

Mr. LaGUARDIA. Oh, I know the gentleman is sincere in wanting to stop beer drinking in Kansas; you have beer in Kansas; you drink beer in Kansas.

Mr. STRONG of Kansas. I do not drink beer.

Mr. LaGUARDIA. Oh, I say "you." I mean the people of Kansas.

Mr. SCHAFER. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. SCHAFER. I do not know what the gentleman's amendment covers—I have just come in—but does it contain a provision which would prevent a Senator or a Member of the House from going out on the Chautauqua circuit for the Anti-Saloon League?

Mr. LaGUARDIA. My amendment would provide sufficient funds to the Treasury Department to enforce the law equally all over the country. If there is to be enforcement in the Northeast let there be enforcement in the Southwest, Middle West, Pacific coast, and all over the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. BOYLAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 59, lines 7 to 23, inclusive, strike out all.

Mr. BOYLAN. Mr. Chairman and gentlemen of the committee, I have the greatest respect for the chairman of the Committee on Appropriations. I think he is one of the outstanding men in this House, but I think there is a time when we ought to stop. We have already appropriated approximately $28,000,000 for the enforcement of prohibition, and if we add $10,000,000 for the cutters for the Coast Guard Service it will bring it up to about $38,000,000; and then adding two and a half million dollars more it will mean that we appropriate over $40,000,000 to enforce one law. What about the other laws that are on our statute books? I do not hear anybody crying out loudly to enforce them. Why does not somebody suggest the appropriation of $40,000,000 to enforce some other law that is violated daily?

Then another point comes up. You are going to pay these undercover men, and you want additional funds with which to pay them. If you want to be really consistent and do something, you should hire another gang of men to watch these undercover men; and then if you want to carry out the plan to its logical end, hire another gang to watch the second gang, because there is no question that you would have to go the entire length of the rope.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. BLACK of New York. Does the gentleman not think it would be cheaper to put in cash registers? Then these people could watch one another.

Mr. BOYLAN. Even then you could not find out where they spent the money, because the records of the Prohibition Department show that within the past year nearly a thousand men have been removed, and for what? For failing to support the prohibition law or enforcing it, by seeing that the requisite emoluments came to them individually. I think we ought to stop somewhere. One way to stop is to cut out this entire section in order that this $2,600,000 be not appropriated. I am sure that you will get just as much enforcement without these under-cover men as you will with them. I think the entire thing is subversive of our system and theory of government. It is supposed that every man's home is his castle. No longer will it be his castle. First, there are the prohibition men to break into it, and then the under-cover men to come after them, and then a series to come after them, and the Lord knows who will follow the last ones. I think it breaks down the very integrity of the American home. Nothing is sacred any more from the eyes of the seeking, inquisitorial prohibition agents. It seems as if our country is going along on one track, as though we have no other aspiration in life than to declare whether we are wet or dry. I am sure that the $40,000,000 spent in the enforcing of prohibition could be used to good advantage as a starter to help the suffering farmers of the West, and I would be willing to vote to rescind the $40,000,000 appropriated for prohibition enforcement and give the money to help our suffering farmers. Furthermore, the money could be well used in giving increased pensions to the veterans of the Civil War, who need the money badly, and give greater compensation to the World War veterans, together with better hospitalization, and in a thousand other ways that would be beneficial to the people of our country and not expended in the pursuit of a fetish that everybody should be sober. No matter what happens to him, so long as he is sober all is well. He may need food, he may need coal, and the Lord knows he did not have much coal last winter, but that does not make any difference. We do not care what he needs, whether he needs food or coal, so long as he is sober. By all means have him sober. That is the one and only test and criterion of the American Congress.

I think it is time that we got away from this sort of thing. We are all big enough to realize the important problems confronting us and to act upon them. Let us do something constructive, something substantial. I am sure the people of our country will then appreciate our efforts in their behalf, and I trust you gentlemen will vote with me for this amendment. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 11, noes 70.

So the amendment was rejected.

The Clerk read as follows:

PUBLIC BUILDINGS, SITES, AND CONSTRUCTION

Under section 3 of the act approved May 25, 1926, Athens, Tenn., post office, etc.: Toward the construction of a suitable building for the accommodation of the post office and other Government offices, $15,000; and the Secretary of the Treasury is authorized to enter into contracts for the entire estimated cost of such building for not to exceed $90,000.

Mr. KINCHELOE. Mr. Chairman, I move to strike out the last word. I do this for the purpose of getting some information from the chairman of the committee. The chairman realizes that since the public building bill was passed appropriating $100,000,000 for the construction of various post offices throughout the United States there has been a general interest all over the country, especially where the sites were bought under the act of 1912. Have the Secretary of the Treasury and the Postmaster General adopted any policy as to the expenditure of the $100,000,000 for the various post-office buildings?

Mr. MADDEN. We are giving them the money in this bill to make a complete survey of the country so that they may be able to ascertain just what the needs are in every location, including the cities where sites have been purchased, and they will be required to make a complete detailed statement of the country's needs by locations at the next meeting of the Congress.

Mr. KINCHELOE. The reason I ask this is that I happen to have a site, not only in my district, but in my home city, Madisonville, Ky., a city of 10,000, bought in 1916, under the act of 1912. It is a growing city, and the site is worth two and a half times the money that the Government paid for it. In that post office there are six or seven rural route mail carriers, six city carriers, and six or eight employees. It is a second-class post office. Could the gentleman give any idea whether a post office of that class will eventually be included in the $100,000,000 appropriation?

Mr. MADDEN. They will be. Provision is made that not to exceed $5,000,000 may be expended in any one State, in any one year, and that each State shall be given certain preferential consideration each year according to its urgencies, and it will not make so much difference about the size of the place as it will about the urgency of the case.

Mr. KINCHELOE. Well, will that survey be made in the next year?

Mr. MADDEN. This bill carries the money and it becomes immediately available, and the survey will begin at once.

Mr. KINCHELOE. The reason I ask is that my home city, Madisonville——

Mr. MADDEN. It will cover the whole country.

Mr. KINCHELOE. Is the largest town in Kentucky to-day, so far as I know, that has not a public building, and I was wondering if it would be taken care of.

Mr. MADDEN. I think it will be, sir.

The Clerk read as follows:

Decatur, Ala., post office: For reimbursement to those, or their legal representatives, who contributed toward the cost of constructing the post office of two stories, as first planned, instead of as originally contracted for, in accordance with the authority contained in the act approved May 4, 1926, fiscal year 1926, $5,656.

Mr. SEARS of Florida. Mr. Chairman, I move to strike out the last word. Mr. Chairman, recently we passed the public building bill authorizing the appropriation of $165,000,000, $50,000,000 of which was to go to the District of Columbia. I am not complaining, because I believe the Capital of this country should have the finest buildings in the world. I simply want to call the attention of the committee to the fact that in the fourth congressional district of Florida there are now 16 cities that are entitled to and should have and must have public buildings which are not now taken care of. I hope at the next session of the Congress, because of the wonderful growth and the wonderful influx of people from the North, East, and West into that great State, they will appreciate the congested conditions down there. The Post Office Department has cooperated with me, and I have endeavored to cooperate with them, but unless we get buildings we can not give the service.

At Key West, Fla., ever since 1915 we have had the site for a building but no appropriation. At my own home town of Kissimmee we have owned a site ever since 1913, and we only have a small inadequate rented building. Certainly something should be done to give those people the relief to which they are entitled. About two years ago I called the attention of the Post Office Department to the fact that Miami, by an expenditure of $20,000—now authorized by law, I believe; and if I am wrong, I hope the chairman of this committee will correct me—could complete the open temporary construction there now, and I tried to get them to do so, and thereby double the size of the addition at the Miami post-office building. They practically told me that would be done, but recently I have been down at Miami, and nothing has been done. The mail sacks are out in the open, where the rains can beat in on the mail, and the employees have to work out in the rain, and I sincerely hope that the Post Office Department will see that the $20,000 now authorized will be spent at Miami and also that like sums at Orlando, Fla., and other cities will be made and give the citizens at least some relief until an adequate public buildings bill can be passed. At West Palm Beach, Fla., we are paying something over $11,000 a year rent now, as I understand it, for a post-office building. Certainly the Government, when it can borrow money at 3 per cent, can save money by making an appropriation sufficient to build a building at West Palm Beach and also at other cities where post-office buildings are absolutely necessary.

My colleagues will remember some years ago we passed in the House a public buildings and grounds bill, but that bill died in the Senate. In that bill there was an appropriation of $61,000 to buy a site at West Palm Beach, Fla. Under the guise of economy, and because of a filibuster, the bill was defeated. It will now cost $75,000 or $100,000 to buy a site at West Palm Beach, Fla. You therefore see how much the taxpayers lost at the above city because of the failure to pass said bill. The above also applies to Kissimmee and other cities in the fourth congressional district of Florida. There is no district in the country where the mail is more congested, where there is more confusion, where the department has been subject to more trouble and expense than the fourth congressional district of Florida. Mr. Chairman, I am having returned to me mail, answers to letters I have received, and I imagine those good people down there imagine I am not attending to my duties because they do not get a reply. It is not the fault of the employees, but it is the fault of new clerks being sent in there, and because of inadequate buildings and crowded and congested conditions.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

OFFICE OF THE ADJUTANT GENERAL

Administrative expenses, World War adjusted compensation act: The unexpended balance on June 30, 1926, of the appropriation of $3,600,000, administrative expenses, World War adjusted compensation act, 1924 and 1925, is continued and made available until June 30, 1927.

Mr. FRENCH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Idaho offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 79, line 15, after the year "1927," insert "and shall also be available to cover obligations incurred for such administrative expenses during the period from July 1, 1926, to the date of the approval of this act, inclusive."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Incidental expenses of the Army: Not to exceed $15,000 of the appropriation for incidental expenses of the Army, contained in the War Department appropriation act for the fiscal year 1927, shall be available for transfer to the Bureau of Standards for tests and experimental development work and scientific research required by the Quartermaster Corps of the Army.

Mr. FRENCH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 81, after line 9, insert as a new paragraph the following: "Army transportation: Not to exceed $225,000 of the unexpended balance of the appropriation, 'Army transportation, 1926,' is continued and made available during the fiscal year 1927 for the purchase or construction of a ferryboat."

Mr. LAGUARDIA. Mr. Chairman, that is subject to a point of order.

Mr. MADDEN. No; it is not subject to a point of order. They have two ferryboats down at Governors Island carrying their people across and carrying the freight across from one side to the other. One of these ferryboats has been in the service for a great many years and is obsolete. The other one never was just what it ought to be, and under the requirements of the law this boat has to be out of commission three or four days every month for examination of its boilers and washing the boilers and having other things done that are necessary. You have got to have a substitute boat to take its place. We carry 66,000 people a month across the ferry from Governors Island, people who have business there, and also more than 4,000 tons of freight, if I recall, and all that; and to have the place without the necessary facilities is to say that you can not transact any business.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. We made them save this money out of other things in order to give it to them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Roads, walks, wharves, and drainage: For the improvement and repair of roads upon the Fort Canby Military Reservation, Wash., fiscal year 1927, $4,984.

Mr. FRENCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Idaho offers a committee amendment, which the Clerk will read.

The Clerk read as follows:

Page 81, after line 19, insert as a new paragraph the following: "For carrying into effect the act entitled 'An act authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of $9,403.42 compensation for the appropriation and destruction of an improved public road passing through the military camp at Waco, Tex., in said county, by the Government of the United States on June 9, 1926, fiscal year 1926, $9,403.42.'"

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Memorial to Virginia Dare: For the erection of a tablet or marker at Sir Walter Releigh Fort on Roanoke Island, N. C., to Virginia Dare, as authorized by the act approved May 29, 1926, fiscal year 1927, $1,500.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Rhode Island.

The Clerk read as follows:

Amendment offered by Mr. O'CONNELL of Rhode Island: Page 81, after line 24, add a paragraph to read as follows:

"Memorial to Roger Williams: For the erection of a tablet or marker at or near the spot in the present city of Providence where Roger Williams first landed in the State of Rhode Island, $1,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Memorials for Revolutionary battle field at White Plains, N. Y.: For the erection and maintenance of tablets or markers upon the battle field of White Plains, N. Y., to indicate the position of the Revolutionary Army under command of General Washington, as authorized by the act entitled "An act for the erection of tablets or markers upon the Revolutionary battle field of White Plains, State of New York," approved May 18, 1926, fiscal year 1927, $2,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. It is quite appropriate that this appropriation should be made for this tablet, but I hope the committee will ask the War Department to have their officials in New York learn the history of the Battle of White Plains and the dates, so that when a real estate company wants to pull off a publicity stunt they will not turn out a regiment of infantry, tanks, aviation, and artillery in order to stage the Battle of White Plains and at the same time advertise the sale of lots at so much per square foot.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WAINWRIGHT. I very much sympathize with what the gentleman is saying.

Mr. LAGUARDIA. The gentleman knows that took place.

Mr. WAINWRIGHT. I know what took place, but that was not, as was reported, a repetition of the Battle of White Plains but it was another engagement which occurred farther down the road.

Mr. LAGUARDIA. But the dates were wrong and the location was wrong and everything else was all right.

Mr. WAINWRIGHT. But it had no relation whatever to the Battle of White Plains itself.

Mr. LAGUARDIA. But it would not be a bad thing to inform the War Department that we do not expect them to turn out a regiment and stage a demonstration as a publicity stunt for real estate companies. I am sure the gentleman agrees with me about that.

Mr. WAINWRIGHT. The War Department certainly should not be criticized for the occurrence.

Mr. LAGUARDIA. But they turned out the troops for it, and they admitted they were wrong.

Mr. WAINWRIGHT. The War Department, possibly, was imposed upon, but I do not think it at all fair to say that the War Department lent itself to any such scheme.

Mr. LAGUARDIA. But they actually did.

Mr. WAINWRIGHT. As I happen to know, no people were more indignant than were the officials of the War Department when they found out what had been done.

Mr. LAGUARDIA. Nevertheless it took place, and it made the Army the laughing stock of the country. Such things should not be done by the War Department.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Scott Field, Ill.: For completing the acquisition of a right of way under the authority contained in the act approved February 28, 1920, fiscal year 1926, $452.50.

Mr. FRENCH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Idaho offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. FRENCH: On page 83, after line 15, insert a new paragraph, as follows:

"Harrisburg Real Estate Co.: For payment to the Harrisburg Real Estate Co., Harrisburg, Pa., in accordance with the act entitled 'An act for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa.,' approved June 18, 1926, fiscal year 1926, $32,270.90."

The committee amendment was agreed to.

The Clerk read as follows:

VICKSBURG NATIONAL MILITARY PARK

For resurfacing and paving in accordance with plans and specifications to be approved by the Secretary of War, of the approach road, now owned by the United States, extending from the northern limits of the city of Vicksburg, Miss., at Washington Street, north to the entrance of the Vicksburg National Cemetery, fiscal year 1927, $50,000: *Provided*, That no part of this appropriation shall be expended until the State of Mississippi or the county of Warren, of said State, has obligated itself in writing to the satisfaction of the Secretary of War that it will accept title to and maintain said road under the provisions of the act approved March 3, 1925 (43 Stat. p. 1104), immediately upon the completion of such improvements as may be made under this appropriation.

Mr. ABERNETHY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ABERNETHY: On page 85, after line 17, insert:

"Moores Creek National Military Park: For every expenditure requisite for and incidental to the examination, survey, marking boundary and battle lines, and preparation of plans for the improvement of Moores Creek National Military Park, N. C., as authorized by the act approved June 2, 1926, fiscal year 1927, $1,500: *Provided*, That no part of this appropriation shall be expended until title to the lands to be embraced in such park has been vested in the United States."

Mr. FRENCH. Mr. Chairman, on behalf of the committee I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAWLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MADDEN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, read a third time, and was read the third time.

Mr. TYDINGS. Mr. Speaker, I move to recommit the bill (H. R. 13040) to the Committee on Appropriations with instructions to amend the bill in the manner indicated in the amendment and to report the same forthwith.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TYDINGS. I am.

Mr. MADDEN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TYDINGS moves to recommit the bill to the Committee on Appropriations with instructions to that committee to report the same back forthwith with the following amendment:

"Page 59, line 7, strike out all of line 7 and all the paragraph following down to and including the period on line 23."

The SPEAKER. The question is on the motion to recommit offered by the gentleman from Maryland [Mr. TYDINGS].

The question was taken; and on a division (demanded by Mr. TYDINGS) there were—ayes 7, noes 68.

Mr. TYDINGS. Mr. Speaker, I object to the vote because it does not disclose a quorum present, and I ask that the roll be called.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will bring in the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 31, nays 246, answered "present" 1, not voting 152, as follows:

[Roll No. 126]

YEAS—31

Auf der Heide	Dickstein	Griffin	Lampert
Black, N. Y.	Esterly	Hill, Md.	Lindsay
Boylan	Gallivan	Irwin	Linthicum
Carew	Gambrill	Kindred	MacGregor
Cullen	Gorman	LaGuardia	Mead

Mooney	Schafer	Stephens	Voigt
Norton	Schneider	Tinkham	Weller
Quayle	Sosnowski	Tydings	

NAYS—246

Abernethy	Driver	Kelly	Sanders, N. Y.
Ackerman	Eaton	Kerr	Sanders, Tex.
Adkins	Edwards	Kincheloe	Sandlin
Allen	Elliott	King	Scott
Almon	Ellis	Kopp	Sears, Fla.
Andresen	Eslick	Kurtz	Sears, Nebr.
Andrew	Evans	Lankford	Simmons
Anthony	Fairchild	Lazaro	Sinnott
Arentz	Faust	Leatherwood	Smith
Arnold	Fenn	Leavitt	Snell
Aswell	Fish	Little	Speaks
Ayres	Fletcher	Lowrey	Spearing
Bachmann	Fort	Lozier	Stedman
Bacon	Foss	Lyon	Strong, Kans.
Bailey	Frear	McClintic	Strong, Pa.
Barbour	French	McDuffie	Strother
Barkley	Fulmer	McFadden	Summers, Wash.
Begg	Furlow	McLaughlin, Mich.	Sumners, Tex.
Bell	Garber	McLaughlin, Nebr.	Swank
Black, Tex.	Gardner, Ind.	McMillan	Taber
Bland	Garrett, Tenn.	McReynolds	Taylor, Colo.
Bowman	Gasque	McSwain	Taylor, N. J.
Box	Gibson	McSweeney	Taylor, Tenn.
Brand, Ga.	Gilbert	Madden	Taylor, W. Va.
Brand, Ohio	Glynn	Magee, N. Y.	Thatcher
Briggs	Golder	Magrady	Thomas
Brigham	Goldsborough	Major	Thompson
Browning	Goodwin	Manlove	Thurston
Bulwinkle	Graham	Mansfield	Tilson
Burdick	Green, Fla.	Mapes	Timberlake
Burtness	Green, Iowa	Martin, Mass.	Tincher
Burton	Griest	Menges	Tolley
Busby	Hadley	Michener	Tucker
Byrns	Hale	Miller	Underwood
Campbell	Hall, Ind.	Milligan	Updike
Cannon	Hall, N. Dak.	Montague	Vaile
Carpenter	Hammer	Montgomery	Vestal
Carss	Hardy	Moore, Ky.	Vinson, Ga.
Chalmers	Hare	Moore, Ohio	Vinson, Ky.
Chapman	Hastings	Morehead	Wainwright
Christopherson	Haugen	Morgan	Warren
Clague	Hawes	Nelson, Mo.	Wason
Cole	Hawley	O'Connor, La.	Watres
Collier	Hayden	Oldfield	Watson
Collins	Hersey	Oliver, Ala.	Weaver
Colton	Hickey	Parker	Wheeler
Connally, Tex.	Hill, Ala.	Parks	White, Kans.
Crosser	Hill, Wash.	Peery	White, Me.
Crowther	Hoch	Porter	Whittington
Crumpacker	Hogg	Pratt	Williams, Ill.
Curry	Holaday	Quin	Wilson, La.
Darrow	Hooper	Ragon	Wilson, Miss.
Davey	Houston	Ramseyer	Wingo
Davis	Howard	Rankin	Winter
Dempsey	Huddleston	Rathbone	Wolverton
Denison	Hudson	Reed, Ark.	Wood
Dickinson, Iowa	Hull, Tenn.	Reed, N. Y.	Woodrum
Dickinson, Mo.	James	Robinson, Iowa	Wright
Dominick	Jenkins	Rogers	Wyant
Doughton	Johnson, Ind.	Romjue	Yates
Dowell	Johnson, Tex.	Rowbottom	
Drewry	Kearns	Rubey	

ANSWERED "PRESENT"—1

Murphy

NOT VOTING—152

Aldrich	Doyle	Larsen	Robsion, Ky.
Allgood	Drane	Lea, Calif.	Rouse
Appleby	Dyer	Lee, Ga.	Rutherford
Bacharach	Fisher	Lehlbach	Sabath
Bankhead	Fitzgerald, Roy G.	Letts	Seger
Beck	Fitzgerald, W. T.	Lineberger	Shallenberger
Beedy	Fredericks	Luce	Shreve
Beers	Free	McKeown	Sinclair
Berger	Freeman	McLeod	Smithwick
Bixler	Frothingham	Magee, Pa.	Somers, N. Y.
Blanton	Funk	Martin, La.	Sproul, Ill.
Bloom	Garner, Tex.	Merritt	Sproul, Kans.
Boies	Garrett, Tex.	Michaelson	Stalker
Bowles	Gifford	Mills	Steagall
Bowling	Greenwood	Moore, Va.	Stevenson
Britten	Harrison	Morin	Stobbs
Browne	Hudspeth	Morrow	Sullivan
Brumm	Hull, Morton D.	Nelson, Me.	Swarts
Buchanan	Hull, William E.	Nelson, Wis.	Sweet
Butler	Jacobstein	Newton, Minn.	Swing
Canfield	Jeffers	Newton, Mo.	Swoope
Carter, Calif.	Johnson, Ill.	O'Connell, N. Y.	Temple
Carter, Okla.	Johnson, Ky.	O'Connell, R. I.	Tillman
Celler	Johnson, S. Dak.	O'Connor, N. Y.	Treadway
Chindblom	Johnson, Wash.	Oliver, N. Y.	Underhill
Cleary	Jones	Patterson	Upshaw
Connery	Kahn	Peavey	Vare
Connolly, Pa.	Keller	Perkins	Vincent, Mich.
Cooper, Ohio	Kemp	Perlman	Walters
Cooper, Wis.	Kendall	Phillips	Wefald
Corning	Ketcham	Pou	Welsh
Cox	Kiefner	Prall	Whitehead
Coyle	Kiess	Purnell	Williams, Tex.
Cramton	Kirk	Rainey	Williamson
Crisp	Knutson	Ransley	Woodruff
Davenport	Kunz	Rayburn	Woodyard
Deal	Kvale	Reece	Wurzbach
Douglass	Lanham	Reid, Ill.	Zihlman

So the motion to recommit was rejected.

The following pairs were announced:

On the vote:

Mr. Dyer (for) with Mr. Canfield (against).
Mr. Sullivan (for) with Mr. Cramton (against).
Mr. Connolly of Pennsylvania (for) with Mr. Tillman (against).
Mr. O'Connell of New York (for) with Mr. W. T. Fitzgerald (against).
Mr. Mills (for) with Mr. McKeown (against).
Mr. O'Connor of New York (for) with Mr. Murphy (against).
Mr. Connery (for) with Mr. Stalker (against).
Mr. Celler (for) with Mr. Shreve (against).
Mr. Doyle (for) with Mr. Perkins (against).
Mr. Cleary (for) with Mr. Rutherford (against).
Mr. Sabath (for) with Mr. Larsen (against).
Mr. Corning (for) with Mr. Butler (against).
Mr. Kunz (for) with Mr. Patterson (against).
Mr. Morin (for) with Mr. Hudspeth (against).
Mr. Oliver of New York (for) with Mr. Reid of Illinois (against).
Mr. Vare (for) with Mr. Crisp (against).
Mr. Bloom (for) with Mr. Nelson of Wisconsin (against).
Mr. Perlman (for) with Mr. Upshaw (against).
Mr. Douglass (for) with Mr. Lee of Georgia (against).
Mr. Ransley (for) with Mr. Blanton (against).
Mr. Newton of Missouri (for) with Mr. Carter of Oklahoma (against).
Mr. Prall (for) with Mr. Brown (against).
Mr. Somers of New York (for) with Mr. Wefald (against).

General pairs until further notice:

Mr. McLeod with Mr. Johnson of Kentucky.
Mr. Kiess with Mr. Bankhead.
Mr. Beers with Mr. Martin of Louisiana.
Mr. Aldrich with Mr. Cox.
Mr. Johnson of Illinois with Mr. O'Connell of Rhode Island.
Mr. Britten with Mr. Drane.
Mr. Kendall with Mr. Pou.
Mr. Johnson of Washington with Mr. Fisher.
Mr. Kiefner with Mr. Rayburn.
Mr. Lehlbach with Mr. Morrow.
Mr. Free with Mr. Garner of Texas.
Mr. Merritt with Mr. Bowling.
Mr. Luce with Mr. Jacobstein.
Mr. Freeman with Mr. Allgood.
Mr. Welch with Mr. Jones.
Mr. Purnell with Mr. Buchanan.
Mr. Reece with Mr. Kemp.
Mr. Sweet with Mr. Lanham.
Mr. Treadway with Mr. Moore of Virginia.
Mr. Wurzbach with Mr. Rainey.
Mr. Carter of California with Mr. Garrett of Texas.
Mr. Johnson of South Dakota with Mr. Rouse.
Mr. Chindblom with Mr. Greenwood.
Mr. Cooper of Ohio with Mr. Deal.
Mr. Michaelson with Mr. Harrison.
Mr. Gifford with Mr. Jeffers.
Mr. Ketcham with Mr. Shallenberger.
Mr. Frothingham with Mr. Whitehead.
Mr. Knutson with Mr. Smithwick.
Mr. Magee of Pennsylvania with Mr. Williams of Texas.
Mr. Zihlman with Mr. Steagall.
Mr. Sinclair with Mr. Stevenson.
Mr. Stobbs with Mr. Berger.
Mr. Swing with Mr. Kvale.
Mr. Underhill with Mr. Beck.
Mr. Temple with Mr. Peavey.

Mr. MURPHY. Mr. Speaker, I voted no, but I have a general pair with Mr. O'CONNOR of New York. I therefore withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AIRCRAFT

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The Clerk read as follows:

House Resolution 309

Resolved, That notwithstanding previous action of the House relative to the conference report on the disagreeing votes of the two Houses on the bill H. R. 10827, immediately upon the adoption of this resolution the House shall consider said conference report without the intervention of points of order against the same.

Mr. SNELL. Mr. Speaker, this resolution, if adopted by the House, simply provides that the conference report on the bill H. R. 10827, commonly referred to as the aircraft bill, will be in order for consideration at this time.

Since the passage of the original bill, H. R. 10827, there were two bills reported out by the Naval Committee and the Military Affairs Committee that were exactly the same and related to the program of aircraft by the Army and the Navy Departments. The bills were unanimously reported and, as far as I know, unanimously approved by all experts in the Navy Department as well as by a majority of the Members in the House. The Rules Committee had granted a special rule for

the consideration of these bills, but before we had time to take them up the Senate passed the original aircraft bill, and they made so many amendments to it that it was thought by members of the committee that those amendments were broad enough to cover everything in the other two bills.

But, as a matter of fact, they did not cover the bill that came from the Naval Committee. They tried to take care of the Navy program in the same way they took care of the Army program by bringing it in in the conference report, which was rightfully ruled out of order.

As far as I know, there is no opposition to either one of these bills on the part of the great majority of the membership of the House, and they have the approval of the executive department. I trust that the rule will be adopted and the conference report considered at this time.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes. The statement has been read once, and I ask that the reading be omitted.

Mr. SCHAFER. I object.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 9, 10, 15, 16, 19, 21, 22, 23, 24, 25, and 26, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "That the Chief of the Air Corps, at least two brigadier generals, and at least 90 per cent of the officers in each grade below that of brigadier general shall be flying officers: *Provided further*, That in time of war 10 per cent of the total number of officers that may be authorized for the Air Corps for such war may be immediately commissioned as nonflying officers: *Provided further*, That as soon as a sufficient number can be trained, at least 90 per cent of the total number of officers authorized for the Air Corps for such war"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "*Provided further*, That any officer who is specifically recommended by the Secretary of War because of special qualifications other than as a flyer may be detailed to the Air Corps for a period longer than one year, or may be permanently commissioned in the Air Corps, but such officers, together with those flying officers who shall have become disqualified for flying, shall not be included among the 90 per cent of flying officers"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "*Provided*, That all officers of the Air Corps now holding any rating as a pilot shall be considered as flying officers within the meaning of this act: *Provided further*, That hereafter in order to receive a rating as a pilot in time of peace an officer or an enlisted man must fly in heavier-than-air craft at least 200 hours while acting as a pilot, 75 of which must be alone, and must successfully complete the course prescribed by competent authority: *And provided further*, That in time of war a flying officer may include any officer who has received an aeronautical rating as a pilot of service types of aircraft and also"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "any officer"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following:

"Enlisted men of the fourth, fifth, sixth, and seventh grades in the Air Corps who have demonstrated their fitness and shown that they possess the necessary technical qualifications therefor and are engaged upon the duties pertaining thereto may be rated as air mechanics, first class, or air mechanics, second class, under such regulations as the Secretary of War may prescribe. Each enlisted man while holding the rating of air mechanic, first class, and performing the duties as such shall receive the pay of the second grade, and each enlisted man while holding the rating of air mechanic, second class, and performing the duties as such shall receive the pay of the third grade: *Provided*, That such number as the Secretary of War may determine as necessary, not to exceed 14 per cent of the total authorized enlisted strength of the Air Corps, shall be rated as air mechanics, first class, or air mechanics, second class."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following: "the Secretary of War is hereby authorized to assign, under such regulations as he may prescribe, officers of the Air Corps to flying commands, including wings, groups, squadrons, flights, schools, important air stations, and to the staffs of commanders of troops, which assignment shall carry with it temporary rank, including pay and allowances appropriate to such rank, as determined by the Secretary of War, for the period of such assignment"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following:

"SEC. 5. Air sections of the General Staff. That section 5 of the act entitled 'An act for making further and more effectual provisions for the national defense, and for other purposes,' approved June 3, 1916, as amended, be, and the same is hereby, amended by adding the following paragraph at the end thereof:

"That for the period of three years immediately following July 1, 1926, there is hereby created in each of the divisions of the War Department General Staff an air section to be headed by an officer of the Air Corps, the duties of which shall be to consider and recommend proper action on such air matters as may be referred to such division."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following: "That during the period of seven years immediately following July 1, 1926, any appointment as Chief of the Air Corps shall be made from among officers of any grade of not less than 15 years' commissioned service, and from those who have demonstrated by actual and extended service in such corps that they are qualified for such appointment; and as assistants from among officers of not less than 15 years' commissioned service of similar qualifications"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the numeral proposed by the amendment of the Senate insert the following: "8"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following: ", and the number of enlisted men now authorized by law for the Regular Army is hereby authorized to be increased by 6,240: *Provided*, That the increase in the number of officers and enlisted men herein authorized shall be allotted as hereinafter provided"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert

the following: "is hereby authorized to be increased by 6,240 enlisted men"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"The President is hereby authorized to submit to Congress annually estimates of the cost of carrying out the five-year program authorized herein: *Provided*, That a supplemental estimate for the fiscal year ending June 30, 1927, may be submitted to cover the cost of the first annual increment."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"SEC. 9. That section 5a of the national defense act, as amended, be, and the same is hereby, amended by adding at the end of said section 5a the following:

"'To aid the Secretary of War in fostering military aeronautics, and to perform such functions as the Secretary may direct, there shall be an additional Assistant Secretary of War who shall be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be fixed in accordance with the classification act of 1923.'"

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"SEC. 10. (a) That in order to encourage the development of aviation and improve the efficiency of the Army and Navy aeronautical matériel the Secretary of War or the Secretary of the Navy, prior to the procurement of new designs of aircraft or aircraft parts or aeronautical accessories, shall, by advertisement for a period of 30 days in at least three of the leading aeronautical journals and in such other manner as he may deem advisable, invite the submission in competition, by sealed communications, of such designs of aircraft, aircraft parts, and aeronautical accessories, together with a statement of the price for which such designs in whole or in part will be sold to the Government.

"(b) The aforesaid advertisement shall specify a sufficient time, not less than 60 days from the expiration of the advertising period, within which all such communications containing designs and prices therefor must be submitted, and all such communications received shall be carefully kept sealed in the War Department or the Navy Department, as the case may be, until the expiration of said specified time, and no designs mailed after that time shall be received or considered. Said advertisement shall state in general terms the kind of aircraft, parts, or accessories to be developed and the approximate number or quantity required, and the department concerned shall furnish to each applicant identical specific detailed information as to the conditions and requirements of the competition and as to the various features and characteristics to be developed, listing specifically the respective measures of merit, expressed in rates per cent, that shall be applied in determining the merits of the designs, and said measures of merit shall be adhered to throughout such competition. All designs received up to the time specified for submitting them shall then be referred to a board appointed for that purpose by the Secretary of the department concerned and shall be appraised by it as soon as practicable and report made to the Secretary as to the winner or winners of such competition. When said Secretary shall have approved the report of said board, he shall then fix a time and place for a public announcement of the results and notify each competitor thereof; but if said report shall be disapproved by said Secretary, the papers shall be returned to the board for revision or the competition be decided by the Secretary, in his discretion, and in any case the decision of the Secretary shall be final and conclusive. Such announcement shall include the percentages awarded to each of the several features or characteristics of the designs submitted by each competitor and the prices named by the competitors for their designs and the several features thereof if separable.

"(c) Thereupon the said Secretary is authorized to contract with the winner or winners in such competition on such terms and conditions as he may deem most advantageous to the Government for furnishing or constructing all of each of the items, or all of any one or more of the several items of the aircraft, or parts, or accessories indicated in the advertisement, as the said Secretary shall find that in his judgment a winner is, or can within a reasonable time become, able and equipped to furnish or construct satisfactorily all or part, provided said Secretary and the winner shall be able to agree on a reasonable price. If the Secretary shall decide that a winner can not reasonably carry out and perform a contract for all or part of such aircraft parts, or accessories, as above provided, then he is authorized to purchase the winning designs or any separable parts thereof if a fair and reasonable price can be agreed on with the winner, but not in excess of the price submitted with the designs.

"(d) After contract is made, as authorized by any provision of this section, with a winner in such design competition for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories in accordance with his designs and payment is completed under said contract, and after the purchase of and payment for the designs or separable parts thereof of a winner, as authorized herein, with whom a contract shall not have been made for furnishing or constructing aircraft, aircraft parts or aeronautical accessories in accordance with his designs, then in either case any department of the Government shall have the right without further compensation to the winner to construct or have constructed according to said designs and use any number of aircraft or parts or accessories, and sell said aircraft or parts or accessories according to law as condemned material: *Provided*, That such winner shall, nevertheless, be at liberty to apply for a patent on any features originated by him, and shall be entitled to enjoy the exclusive rights under such patent as he may obtain as against all other persons except the United States Government or its assignee as aforesaid.

"(e) The competitors in design competition mentioned in this section shall submit with their designs a graduated scale of prices for which they are willing to construct any or all or each of the aircraft, aircraft parts, and aeronautical accessories for which designs are submitted and such stated prices shall not be exceeded in the awarding of contracts contemplated by this section.

"(f) If the Secretary of War or the Secretary of the Navy shall find that in his judgment none of the designs submitted in said competition is of sufficient merit to justify the procurement of aircraft, aircraft parts, or aeronautical accessories in accordance therewith, then he shall not be obligated to accept any of such designs or to make any payment on account of any of them. If the Secretary of the department concerned shall decide that the designs submitted by two or more competitors possess equal merit, or that certain features embodied in the designs of any competitor are superior to corresponding features embodied in the designs of any other competitor and such features of one design may be substituted in another design, the said Secretary shall in his discretion divide the contracts for furnishing and manufacturing the aircraft, parts, or accessories required, equitably among those competitors that have submitted designs of equal merit, or he may select and combine features of superior excellence in different designs in such manner as may in his judgment best serve the Government's interests and make payment accordingly to the several competitors concerned at fair and reasonable prices, awarding the contract for furnishing or constructing the aircraft, parts, or accessories to the competitor or competitors concerned that have the highest figures of merit in said competition.

"(g) In case the Secretary of War or the Secretary of the Navy shall be unable to make contract as above authorized with a winner in said competition for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories covered by the whole or part of the designs of such winner, or shall be unable to agree with a winner in the competition on a reasonable purchase price for the design of such winner with whom a contract may not be made, as aforesaid, he may retain such designs and shall advertise according to law for proposals for furnishing or constructing aircraft, or parts or accessories, in accordance with such designs or combinations thereof as aforesaid and, after all proposals are submitted, make contract on such terms and conditions as he may consider the best in the Government's interests, with the bidder that he shall find to be the lowest responsible bidder for furnishing or constructing the aircraft, parts, or accessories required, but the said Secretary shall have the right to reject all bids and to advertise for other bids with such other and different specifications as he may deem proper.

"(h) If within 10 days after the announcement of the results of said competition, any participant in the competition shall make to the Secretary of War or the Secretary of the Navy a reasonable showing in writing that error was made in determining the merits of designs submitted whereby such

claimant was unjustly deprived of an award, the matter shall at once be referred by the Secretary of the department concerned to a board of arbitration for determination and the finding of such board shall, with the approval of the said Secretary, be conclusive on both parties. Such board of arbitration shall be composed of three skilled aeronautical engineers, one selected by the said Secretary, one by the claimant, and the third by those two, no one of whom shall have been a member of the board of appraisal in that competition.

"(i) Any person, firm, or corporation that shall complain that his, their, or its designs hereafter developed relating to aircraft or any components thereof are used or manufactured by or for any department of the Government without just compensation from either the Government or any other source, may within four years from the date of such use file suit in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture after the date of this act.

"(j) Only citizens of the United States, and corporations of which not less than three-fourths of the capital stock is owned by citizens of the United States, and of which the members of the boards of directors are citizens of the United States, and having manufacturing plants located within the continental limits of the United States shall be eligible to be awarded any contract under this section to furnish or construct aircraft, aircraft parts, or aeronautical accessories for the United States Government, except that a domestic corporation whose stock shall be listed on a stock exchange shall not be barred by the provisions of this section unless and until foreign ownership or control of a majority of its stock shall be known to the Secretary of War or the Secretary of the Navy, as the case may be, and no aliens employed by a contractor for furnishing or constructing aircraft, or aircraft parts, or aeronautical accessories for the United States shall be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials without the written consent beforehand of the Secretary of the department concerned.

"(k) The Secretary of War or the Secretary of the Navy may at his discretion purchase abroad or in the United States with or without competition, by contract, or otherwise, such designs, aircraft, aircraft parts, or aeronautical accessories as may be necessary in his judgment for experimental purposes in the development of aircraft or aircraft parts or aeronautical accessories of the best kind for the Army of the Navy, as the case may be, and if as a result of such procurement, new and suitable designs considered to be the best kind for the Army or the Navy are developed, he may enter into contract, subject to the requirements of paragraph (j) of this section, for the procurement in quantity of such aircraft, aircraft parts, or aeronautical accessories without regard to the provisions of paragraphs (a) to (e), inclusive, hereof.

"(l) The manufacturing plant, and books, of any contractor for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department, or such part of any manufacturing plant as may be so engaged, shall at all times be subject to inspection and audit by any person designated by the head of any executive department of the Government.

"(m) All audits and reports of inspection, made under the provisions of this section, shall be preserved by the Secretary of War or the Secretary of the Navy, as the case may be, for a period of 10 years, and shall be subject to inspection by any committee of Congress, and the said Secretaries shall annually make a detailed and itemized report to Congress of all of the departments' operations under this section, the names and addresses of all competitors, and of all persons having been awarded contracts and the prices paid for aircraft purchased and the grounds and reasons for having awarded such contracts to the particular persons, firms, or corporations, and all such reports shall be printed and held subject to public distribution.

"(n) Every vendor of designs to the War Department or the Navy Department under the provisions of this section, and every contractor for furnishing or constructing for the War Department or the Navy Department, or both, aircraft or aircraft parts or aeronautical accessories, shall deliver to the Secretary of War or Secretary of the Navy, or both, when required by either or both, a release in such form and containing such terms and conditions as may be prescribed by the Secretary of War, the Secretary of the Navy, or both, of claims on the part of such vendor or contractor against the United States arising out of such sale or contract, or both.

"(o) All or any appropriations available for the procurement of aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department shall also be available for payment of the purchase price of designs and the costs of arbitration as authorized by this section.

"(p) Any collusion, understanding, or arrangement to deprive the United States Government of the benefit of full and free competition in any competition authorized by this section, or to deprive the United States Government of the benefit of a full and free audit of the books of any person, firm, or corporation engaged in carrying out any contract authorized by this section, so far as may be necessary to disclose the exact cost of executing such contract, shall be unlawful, and any person, firm, or corporation that shall, upon indictment and trial, be found guilty of violating any of the provisions of this section shall be sentenced to pay a fine of not exceeding $20,000, or to be imprisoned not exceeding five years, or both, at the discretion of the court.

"(q) In the procurement of aircraft constructed according to designs presented by any individual, firm, or corporation prior to the passage of this act, which designs have been reduced to practice and found to be suitable for the purpose intended, or according to such designs with minor modifications thereof, the Secretary of War or the Secretary of the Navy, when in his opinion the interests of the United States will be best served thereby, may contract with said individual, firm, or corporation, at reasonable prices for such quantities of said aircraft, aircraft parts, or aeronautical accessories as he may deem necessary: *Provided*, That the action of the Secretary of War or the Secretary of the Navy in each such case shall be final and conclusive.

"(r) A board to be known as the patents and design board is hereby created, the three members of which shall be an Assistant Secretary of War, an Assistant Secretary of the Navy, and an Assistant Secretary of Commerce. To this board any individual, firm, or corporation may submit a design for aircraft, aircraft parts, or aeronautical accessories, and whether patented or unpatentable, the said board upon the recommendation of the National Advisory Committee for Aeronautics shall determine whether the use of such designs by the Government is desirable or necessary, and evaluate the designs so submitted and fix the worth to the United States of said design, not to exceed $75,000. The said designer, individual, firm, or corporation, may then be offered the sum fixed by the board for the ownership or a nonexclusive right of the United States to the use of the design in aircraft, aircraft parts, or aeronautical accessories and upon the acceptance thereof shall execute complete assignment or nonexclusive license to the United States: *Provided*, That no sum in excess of $75,000 shall be paid for any one design.

"(s) The terms 'winner' or 'winners' as used in this section shall be construed to include not more than three competitors having the highest figures of merit in any one competition.

"(t) Hereafter whenever the Secretary of War, or the Secretary of the Navy, shall enter into a contract for or on behalf of the United States, for aircraft, aircraft parts, or aeronautical accessories, said Secretary is hereby authorized to award such contract to the bidder that said Secretary shall find to be the lowest responsible bidder that can satisfactorily perform the work or the service required to the best advantage of the Government; and the decision of the Secretary of the department concerned as to the award of such contract, the interpretation of the provisions of the contract, and the application and administration of the contract shall not be reviewable, otherwise than as may be therein provided for, by any officer or tribunal of the United States except the President and the Federal courts."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"SEC. 11. Under such rules and regulations as he may prescribe the President is hereby authorized to present, but not in the name of Congress, a medal to be known as the soldier's medal, of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Army of the United States, including the National Guard and the Organized Reserves, shall hereafter distinguish himself, or herself, by heroism not involving actual conflict with an enemy.

"No more than one soldier's medal shall be issued to any one person; but for each succeeding deed or act sufficient to justify the award of the soldier's medal the President may award a suitable bar, or other suitable device, to be worn as he shall direct."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"SEC. 12. Under such rules and regulations as he may prescribe, and notwithstanding the provisions of section 14 of this act, the President is hereby authorized to present, but not in the name of Congress, a distinguished flying cross of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Air Corps of the Army of the United States, including the National Guard and the Organized Reserves, or with the United States Navy, since the 6th day of April, 1917, has distinguished, or who, after the approval of this act, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight: *Provided*, That no person shall be eligible for the award of the distinguished flying cross for any act performed prior to November 11, 1918, except officers or enlisted men who have heretofore been recommended for but have not received the congressional medal of honor, the distinguished service cross, or the distinguished service medal and except those officers or enlisted men who displayed heroism while serving as instructors or students at flying schools. No more than one distinguished flying cross shall be issued to any one person, but for each succeeding act or achievement sufficient to justify the award of a distinguished flying cross the President may award a suitable bar or other suitable device to be worn as he shall direct. In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the cross or the bar or other device presented to such representative of the deceased as the President may designate, but no cross, bar, or other device hereinbefore authorized shall be awarded or presented to any individual whose entire service subsequent to the time he distinguishes himself has not been honorable."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the language proposed by the amendment of the Senate insert the following:

"SEC. 13. Each enlisted or enrolled man to whom there shall be awarded the distinguished flying cross or the soldier's medal shall be entitled to additional pay at the rate of $2 per month from the date of the act of heroism or extraordinary achievement on which the award is based, and each bar, or other suitable device, in lieu of the distinguished flying cross or the soldier's medal, as hereinbefore provided for, shall entitle him to further additional pay at the rate of $2 per month from the date of the act of heroism or extraordinary achievement for which the bar or other device is awarded, and said additional pay shall continue throughout his active service, whether such service shall or shall not be continuous."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the numeral proposed by the amendment of the Senate insert the following: "14"; and the Senate agree to the same.

W. FRANK JAMES,
JOHN PHILIP HILL,
HARRY M. WURZBACH,
PERCY E. QUIN,
JOHN J. MCSWAIN,
Managers on the part of the House.

J. W. WADSWORTH, Jr.,
HIRAM BINGHAM,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House on the bill H. R. 10827 state with reference to the amendments of the Senate as follows:

On No. 1: Agreed to with an amendment, provides that the Chief of the Air Corps, at least two brigadier generals and at least 90 per cent of the officers in each grade below that of brigadier general shall be flying officers, but in time of war the 10 per cent of nonfliers out of the total number of officers that may be authorized for the Air Corps for such war may be immediately commissioned; however, as soon as fliers can be trained the ratio of at least 90 per cent fliers to 10 per cent nonfliers must be reestablished.

On No. 2: Agreed to with an amendment, provides that officers who may possess special qualifications other than as fliers may be detailed to the Air Corps or permanently commissioned therein upon the specific recommendation of the Secretary of War, but that such officers, together with those flying officers who shall have become disqualified for flying, shall not be included among the 90 per cent of flying officers in each grade below that of brigadier general provided in amendment No. 1, thus insuring that there shall be at least 90 per cent effective flying officers in the Air Corps at all times except during the early stages of a war.

On Nos. 3 and 4: Agreed to with amendments, clarify the definition of a flying officer, and establish a standard in time of peace for all pilots of heavier-than-aircraft similar to that established in H. R. 9690 for similar ratings in the Navy. These amendments also provide that in time of war a flying officer may include any officer who has received an aeronautical rating as a pilot of service types of aircraft and also any officer who has received an aeronautical rating as an observer.

On No. 5: Strikes out language that is in conflict with language in section 6 of this bill. This language was carried over from section 13a of the national defense act which section 2 of this bill is designed to replace, but is now no longer necessary, in view of the additional language placed in section 6 of this bill.

On No. 6: Provides with regard to the use of enlisted pilots in tactical units of the Air Corps that the provision shall be applicable in time of peace only, as sufficient experience has not been gained to warrant establishing this principle in law for time of war.

On No. 7: Agreed to with an amendment, provides for the four (4) lower grades of enlisted men in the Air Corps to receive ratings as air mechanics, first class, and air mechanics, second class, when they possess the necessary technical qualifications therefor and are engaged upon the duties pertaining thereto, and when so rated shall receive the pay of the second and third grades, respectively. Not to exceed 14 per cent of the total authorized enlisted strength of the Air Corps are to be so rated. This matter of mechanics' ratings was considered worthy of special consideration in the Air Corps as it involved the safety of men's lives as well as the preservation of most valuable Government property.

On Nos. 8, 9, and 10: Agreed to with amendments; provide for a limited number of officers of the Air Corps to receive temporary higher rank, including pay and allowances appropriate to such rank, when assigned to certain special duties, and for this temporary rank to be limited to two (2) grades above the permanent rank of the officer concerned. The last amendment simply clarifies the language.

On No. 11: Agreed to with an amendment; provides for the next three (3) years following July 1, 1926, for the creation of air sections in the War Department General Staff to be headed by an officer detailed from the Air Corps. This is necessary in order to take care of the present shortage of officers of suitable rank and qualifications for membership on the General Staff. It is estimated that sufficient Air Corps officers will be available in three years to place this branch on a parity with other branches in this respect and thus remove the necessity at that time for this special provision.

On Nos. 12, 13, 17, and 34: Simply affect the numbering of the sections.

On No. 14: Agreed to with an amendment; provides for the appointment of the Chief of the Air Corps for the next seven (7) years to be made from among officers of any grade of not less than fifteen (15) years' commissioned service who have demonstrated by actual and extended service in the Air Corps that they are qualified for such appointment. This is necessary because flying ability is one of the chief requisites for an officer to properly fill the office of Chief of the Air Corps. Also because of the provisions of the national defense act and the shortage of officers under that act with flying ability, it is considered necessary to change the requirements from those prescribed at the present time. It is believed at the end of seven (7) years, however, there will be sufficient officers in the Air Corps with flying ability and other qualifications to remove the necessity for this special provision.

On Nos. 15 and 16: Were agreed to as the subject matter of the two sections regarding encouragement of commercial aviation, and the establishment of prohibited areas is covered in the civil aviation bill, approved by the President, May 20, 1926. This, therefore, makes unnecessary a repetition of that legislation in this bill.

On Nos. 18, 19, and 20: Agreed to with amendments, merely clarify the language of the personnel section of the five-year program as passed by the House.

On Nos. 21 and 22: Agreed to with amendments, permit 90 per cent of Air Corps Reserve officers to be placed on active duty for any period of a year or less, and 10 per cent for a period of two years or less, in order that they may have an opportunity to qualify as pilots.

On Nos. 23, 24, 25, and 26: As agreed to make minor changes in the bill.

On Nos. 27 and 28: Agreed to with amendments, provide that the five-year program shall become effective July 1, 1926, as agreed upon by the House, the same date that the House and the Senate agreed upon for a similar air program for the Navy, and authorizes the President to submit the necessary estimates to cover the cost.

On No. 29: Agreed to with an amendment, provides for an Assistant Secretary of War to assist primarily in the performance of functions with regard to military aeronautics, but he may be given such additional functions as the Secretary of War may direct. It is believed that the Secretary of War should not be restricted in the assignment of duties to this assistant, nor should it be determined by law except in a general way. The creation of this office for an additional Assistant Secretary is in accordance with the recommendations of the President's Aircraft Board.

On No. 30: Agreed to with an amendment, covers very thoroughly the subject of procurement of aircraft, aircraft parts, and aeronautical accessories. It is the result of thorough study made by the House Military and Naval Affairs Committees and will not only encourage the aircraft industry but permit the purchase of aeronautical matériel in a much more satisfactory manner than can now be done under the present law, and at the same time it completely safeguards the interests of the Government. The language of this amendment is almost identical with that of H. R. 12471 (by Mr. McSWAIN) and H. R. 12472 (by Mr. VINSON of Georgia), reported favorably by both the Committees of Military Affairs and Naval Affairs of this House. These two bills represent the labors of a subcommittee of said committees in almost daily conference and hearing for several weeks and are fully explained by Reports No. 1395 and No. 1396, respectively.

On Nos. 31, 32, and 33: Agreed to with amendments, provide for a soldier's medal and a distinguished flying cross, and for enlisted men $2 per month additional pay for each such award. The necessity for a soldier's medal has long been felt in the War Department to reward acts of heroism not involving actual conflict with an enemy, and the necessity for a distinguished flying cross where acts of heroism or extraordinary achievement are accomplished while participating in aerial flights, is at once apparent when considering such accomplishments as the round-the-world flight and the flight to the North Pole. It is the practice now in the case of an enlisted man who receives the distinguished service cross to award him additional pay at the rate of $2 per month. A similar provision is carried in this bill.

W. FRANK JAMES,
JOHN PHILIP HILL,
HARRY M. WURZBACH,
PERCY E. QUIN,
JOHN J. McSWAIN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. BLACK of Texas. Mr. Speaker, this involves amendment No. 30, which is lengthy, and introduces new matter into the Senate and House bill. Will the gentleman yield to some Member to explain amendment No. 30.

Mr. JAMES. I will yield five minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Speaker, in order to make it plain just how we approached this problem I should go back and say that since the armistice there have been 24 separate and independent investigations for the purpose of trying to ascertain what was wrong with aviation in the Army and Navy. You remember this House appointed a special committee known as the "Lampert Committee," that made an exhaustive inquiry extending through months and covering thousands of pages of printed matter, and among the 23 separate recommendations of that committee was one to the effect that the general laws regulating the manner of procuring aircraft, to wit, by advertising to the world for bids and letting the contracts for the purchase to the lowest cash bidder be eliminated, so that in purchasing aircraft an officer of the Government with an officer of the aircraft company, without any previous notice to anybody, could sit down in a room in the presence of nobody else and draw up a contract.

A few months later the President appointed an aircraft board, known as the Morrow Board, which reaffirmed that recommendation.

Gentlemen will remember that on several occasions I have taken the floor here and bitterly inveighed against that particular proposition and have warned the House of the dangers of following the recommendations of these committees with regard to that particular proposition, and when the Navy's five-year air program was under consideration I offered amendments to the bill which are in heart and substance the bill which was later unanimously reported by both the Naval Affairs Committee and the Military Affairs Committee of this House, and which constitute the change known as amendment No. 30 of this conference report.

Here is the sum and substance of the whole proposition: We have all heard complaint, bitter complaint, against what are called in popular parlance the "flying coffins" of the Army and the Navy, and the excuse has been that this deficient aircraft has been due to the fact that they, the Army and Navy, were obliged to take the planes offered at the lowest cash dollar, irrespective of their quality, irrespective of their efficiency, irrespective of their safety, irrespective of the ability of that plane to perform either in time of peace or in time of war. Now, the whole sum and substance of this proposed change in the law is this: That we have exchanged for the lowest cash dollar of the price of purchase, we have changed this basis and standard, and we have adopted a measure by which to award the contract to the highest quality of efficiency and performance in accomplishing that which an airplane is intended to perform. So that we have shifted from the basis of a low-dollar plane to that of a high-performance plane. Gentlemen say all right, but how is one going to ascertain which plane gives the highest performance and who is going to be vested with the discretion of determining that very important, and at the same time very difficult, question of the highest quality of performance? That discretion necessarily is vested in the head of the department which has the responsibility. He who is responsible for doing the thing must have the power by which to accomplish the thing sought to be done. So that it rests with the Secretary of War or the Secretary of the Navy, as the case may be.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. JAMES. Mr. Speaker, I yield 10 minutes more to the gentleman.

Mr. McSWAIN. A brief recital of the legislative history of this particular provision might be informing. When this proposition of accomplishing the recommendations of the Lampert committee and of the Morrow Board came before the Military Affairs Committee, the committee was practically evenly divided upon the question. I think the vote was 11 to 10. The matter was not included in the aircraft 5-year program bill and was supposed to be reserved for later action.

It was left out of the Navy aircraft five-year program proposition and in order to get the committee together, so that we might have something to come before this House, having the combined recommendation and judgment of both committees, the Military Affairs Committee voluntarily, without any authority from this House, appointed a subcommittee of five to act with a subcommittee of five from the Naval Affairs Committee, and these two committees met day after day for weeks taking additional testimony, consulting in free conference with experts of the Navy and the War Departments, and conferring with one another. When we started out it seemed as though we were as far apart as the north pole from the south pole. The records will show that my friend from Georgia [Mr. VINSON] and I in the hearings that were had were approaching the subject from entirely different angles, and it seemed to me that I would never be able to get on a common platform with him and be able to stand here and sign the same report word for word and letter for letter. His report from the Committee on Naval Affairs and the one that I signed from the Committee on Military Affairs are identical. But we did get together and I think I can explain all the long provisions of the 15 or 16 sections with this thought. Rather than eliminate publicity, rather than cut out competition and bidding, as was the recommendation of the Lampert and Morrow committees, we have not doubled it merely, but we have multiplied it by at least 10, so that now the light is to be turned on from every angle. It is true that there is discretion in the Secretary to decide which is the lowest responsible bidder, which one can best build the aircraft for the safety of the lives of the men who are to fly them in time of peace and time of war.

Mr. GRIFFIN. But you eliminated that.

Mr. McSWAIN. The discretion still rests with the Secretary of War to decide that question, and there is publicity from the very first proposition of inviting competition in the matter of design contest, competition in the building and construction contract, and there is light turned on in this, that if a single competitor in a design contest can make a satisfactory and reasonable showing that there has been injustice in the award, then the Secretary orders an arbitration and three disinterested arbitrators pass upon the question. Of course, that must be confirmed by the Secretary, because he is responsible.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. GRIFFIN. Did not the reports of these various investigating committees show conclusively that there was favoritism in the granting of contracts for aircraft and air materials?

Mr. McSWAIN. I do not think that either of those committees studied that question at all. Personally, I have always thought that there was, and that was the angle from which I approached this whole question. I have sought to build up the bill in such a way that favoritism can not be practiced unless somebody goes to the penitentiary for doing so. [Applause.]

Mr. GRIFFIN. As I recollect the findings of the committees, the War Department entered into an arrangement with the two great aircraft producers, Curtiss and the Wrights, and presented them with an endowment of several hundred million dollars for questionable patents which they had sold Great Britain for $30,000,000.

Mr. McSWAIN. Let me recommend to the gentleman that he read the reports of those two committees again, because, of course, they did not deal with that question at all.

Mr. GRIFFIN. It does seem to me, if the gentleman will permit, this gives a very dangerous and unprecedented authority to any Secretary of War to permit him to make purchases of aircraft material in a developed industry like aircraft production without competition.

Mr. McSWAIN. I understand the gentleman's point of view, and I had the same point of view, but I submit that this bill here safeguards and protects this Government against graft, and at the same time it protects the aviators who are to go miles in the air against the possibility of having unfit and inefficient aircraft in which to fly. [Applause.]

Mr. BYRNS. Right there on that point I have the greatest confidence in the gentleman's judgment, and I would like to ask the gentleman, or some other member of the conference committee, to tell us why it was necessary to provide in the conference report that the Secretary of War and the Secretary of the Navy should have exclusive authority to pass upon and interpret the provisions of the contract, and to deny, by so doing, the Comptroller General of the United States the power and authority to interpret those contracts. In other words, if the gentleman will pardon me——

Mr. McSWAIN. Certainly.

Mr. BYRNS. The effect of that, as I consider it, is this: That it really denies the Comptroller General the authority to audit th accounts.

Mr. McSWAIN. All right.

Now, I have safeguarded in my humble and feeble efforts, as far as I could as a member of the conference committee, the Government's interest in that respect from every angle of this. This bill gives the Comptroller General not only the right to audit the contract but the plant. The Attorney General or any department of the Government gets a chance to send men there to go over that aircraft plant to see how many pounds of this, that, and the other are used in constructing and how much time, and also audit the books and ascertain the true costs.

Mr. BYRNS. But when you say the Comptroller General shall have no authority to pass upon or interpret the contract, are you not in effect depriving him of the power to audit?

Mr. McSWAIN. Oh, maybe so, as I understand that; but here is the proposition. If we are assured that the Navy Department and the War Department will be honest, then we are as safe in their hands as we are in the hands of the Comptroller General. Listen. Of course, we will assume they are just as honest, but in this law we have proposed to make them honest or put them in the penitentiary if they are dishonest. I put teeth in this where there never were teeth there before.

Mr. BYRNS. If the gentleman will yield further.

Mr. McSWAIN. Yes.

Mr. BYRNS. I do not think it is a question of honesty on the part of members of the Cabinet, the Secretary of War, or the Secretary of the Navy, but here is the Comptroller General who has been delegated by law to do this work and holds a peculiar relation to Congress, the appropriating body. He has a force for that purpose. The Secretary of War and the Secretary of Navy do not personally audit accounts or interpret contracts. Now, pursuing the matter further I want to say to the gentleman—and if his time expires I am sure it will be extended—my fear is this: Only the other day the House passed a bill taking from the Comptroller General certain powers to audit, and so forth, in reference to the Internal Revenue or Customs Service. Now we are asked to take from the Comptroller General the authority vested in him by law with reference to contracts carrying nearly $200,000,000. It seems to me that it is just an effort upon the part of these departments with whom the Comptroller General is not very popular—their attitude is a real compliment to him—I say, it seems to me that it is the purpose of these various departments piece by piece to eliminate his authority and finally to emasculate the Budget law, and I do not think Congress ought to stand for it, because the Comptroller General was delegated by the Budget law as in a sense the personal representative of Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS. I ask that the gentleman's time be extended five minutes.

Mr. JAMES. I yield the gentleman two additional minutes.

Mr. VINSON of Georgia. Will the gentleman permit me to ask him a question?

Mr. McSWAIN. Make it brief, please.

Mr. VINSON of Georgia. I would like to ascertain from the gentleman from Tennessee, in whose judgment I have confidence, who would be better qualified to pass upon a contract—the man who made it or a third party who has nothing to do with it?

Mr. BYRNS. The Comptroller General has nothing to do with making the contract, but when it comes to a legal interpretation of what the contract means, as to whether the contract shall do this or that, I take it the Comptroller General, who is the legal authority and who has a legal force, is better fitted and more capable to pass upon it than the Secretary of War or the Secretary of the Navy.

Mr. VINSON of Georgia. The Comptroller General is not the legal authority. Does not the gentleman know that? That is the very thing that the Comptroller General has been doing, asserting his right when it is the legal authority of the Department of Justice to do that.

Mr. BYRNS. That is the contention of the Navy Department and of the War Department, but I have not yielded to that contention, as the gentleman evidently has, because the Comptroller General is the legal authority to pass upon contracts and audit claims, and there is no appeal from him. That is the reason why the departments want to get out from under him, because he is independent of them and will not listen to them in construing contracts and passing upon their accounts.

Mr. McSWAIN. In reply to what the gentleman from Tennessee says, I want him to understand that I am not one of those who have any criticism to make of the Comptroller General. I feel down in my heart just as the gentleman from Tennessee does. But we have not taken away any power from the Comptroller General, because it is reserved to the President, or any department, in express language, and the President can designate the Comptroller General to go in the factory as his special agent and find out everything with reference to the contracts.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two minutes more.

Mr. McSWAIN. Two minutes.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Now, of course, gentlemen, some of you find trouble here. I want to say in all candor and sincerity that I have found trouble; but when 10 men get together every man out of the 10 can not have his own way, and I was only one out of 10.

Listen: What have we saved you from? If you will read section 9, as it passed the Senate, you will see. We have saved you from the recommendations of the Lampert committee and of the Morrow committee, which would, if adopted, as I say, have closed the doors and let nobody know who was going in, and what they are doing in there, and what they are going to sign. Here is what the Senate voted to put in. Here is what we escape from by reason of the fact that we insert in conference the provision that "in all cases the decisions of the Secretary shall be final and conclusive in the absence of fraud." So that we pulled something out of the fire.

Gentlemen, when we came here in December there was an organized program to put the Morrow recommendation over.

The War Department was behind it, and the Navy Department was behind it, and the White House was behind it. Every power and influence seemed behind it. A few little fellows, however, have stood at Thermopylae and have brought in here a bill that will promote aviation and stimulate inventive genius, and put this country foremost, in my humble judgment, over all the world in the development of the aircraft industry to come. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired. The question is on agreeing to the conference report.

Mr. GRIFFIN. Mr. Speaker, I ask that the gentleman from Michigan [Mr. JAMES] yield the gentleman from South Carolina [Mr. MCSWAIN] two additional minutes to answer some questions.

Mr. JAMES. I yield the gentleman two additional minutes.

Mr. GRIFFIN. On page 14 of the bill I notice in section 9 the following language:

> That in placing contracts for any or all of such material preference shall be given to contractors who maintain engineering and design staffs of reasonable size and keep them active.

Does not the gentleman consider that this is an unfair and excessive power to put into the hands of the Secretary of War?

Mr. MCSWAIN. The gentleman is reading from the Senate bill. That is what we saved you from.

Mr. GRIFFIN. Is that language I have just read excluded from the Senate amendment in the conference report?

Mr. MCSWAIN. Yes.

Mr. SCHAFER. The conference report creates a new Assistant Secretary, does it not?

Mr. MCSWAIN. It does.

The SPEAKER. The time of the gentleman from South Carolina has expired. The question is on agreeing to the conference report.

The question was taken; and there were on a division (demanded by Mr. SCHAFER)—ayes 148, noes 3.

Mr. SCHAFER. Mr. Speaker, I object to the vote. There is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifty-five Members are present—not a quorum. As many as favor agreeing to the conference report will, when their names are called, answer "yea." Those opposed will answer "nay."

The question was taken; and there were—yeas 256, nays 12, not voting 162, as follows:

[Roll No. 127]

YEAS—256

Abernethy	Curry	Hammer	McMillan
Ackerman	Darrow	Hare	McReynolds
Adkins	Davey	Harrison	McSwain
Allen	Davis	Hastings	McSweeney
Almon	Dempsey	Haugen	MacGregor
Andresen	Denison	Hawes	Magee, N. Y.
Andrew	Dickinson, Iowa	Hawley	Major
Arentz	Dickinson, Mo.	Hickey	Manlove
Arnold	Dickstein	Hill, Ala.	Mansfield
Aswell	Dominick	Hill, Md.	Mapes
Auf der Heide	Doughton	Hill, Wash.	Martin, La.
Ayres	Douglass	Hoch	Martin, Mass.
Bacharach	Drewry	Hogg	Mead
Bachmann	Driver	Hooper	Menges
Bacon	Eaton	Houston	Michener
Bailey	Edwards	Howard	Miller
Barbour	Elliott	Hudson	Montgomery
Barkley	Esterly	Hull, Morton D.	Mooney
Begg	Evans	Hull, William E.	Moore, Ky.
Bell	Fairchild	Irwin	Moore, Ohio
Black, N. Y.	Faust	James	Morehead
Boies	Fenn	Jeffers	Morgan
Bowman	Fitzgerald, Roy G.	Jenkins	Morrow
Boylan	Fletcher	Johnson, Ind.	Murphy
Brand, Ga.	Fort	Johnson, Tex.	Norton
Briggs	Foss	Kearns	O'Connor, La.
Brigham	Frear	Kerr	Oldfield
Britten	French	Ketcham	Oliver, Ala.
Browning	Fulmer	Kincheloe	Parker
Bulwinkle	Furlow	Kindred	Parks
Burdick	Gallivan	King	Peery
Burtness	Gambrill	Kopp	Porter
Burton	Garber	Kurtz	Pratt
Butler	Gardner, Ind.	LaGuardia	Purnell
Byrns	Garrett, Tenn.	Lampert	Quayle
Carew	Gasque	Lankford	Quin
Carss	Gibson	Lazaro	Ragon
Chalmers	Gilbert	Leatherwood	Ramseyer
Chapman	Glynn	Leavitt	Rankin
Christopherson	Golder	Lehlbach	Rathbone
Clague	Goldsborough	Lindsay	Reed, Ark.
Cole	Goodwin	Linthicum	Reed, N. Y.
Collier	Gorman	Little	Robinson, Iowa
Colton	Green, Fla.	Lowrey	Robsion, Ky.
Connally, Tex.	Green, Iowa	Lyon	Rogers
Cox	Griest	McClintic	Rowbottom
Crosser	Griffin	McDuffie	Rubey
Crowther	Hadley	McFadden	Sanders, N. Y.
Crumpacker	Hall, Ind.	McLaughlin, Mich.	Sanders, Tex.
Cullen	Hall, N. Dak.	McLaughlin, Nebr.	Sandlin
Scott	Summers, Wash.	Tilson	Watres
Sears, Fla.	Summers, Tex.	Tincher	Watson
Sears, Nebr.	Swank	Tolley	Weller
Seger	Swartz	Tydings	Wheeler
Simmons	Swing	Underwood	White, Kans.
Sinnott	Taber	Updike	White, Me.
Snell	Taylor, Colo.	Upshaw	Whittington
Sosnowski	Taylor, N. J.	Vestal	Williams, Ill.
Speaks	Taylor, Tenn.	Vincent, Mich.	Wilson, La.
Spearing	Taylor, W. Va.	Vinson, Ga.	Wilson, Miss.
Stedman	Temple	Vinson, Ky.	Wingo
Stephens	Thatcher	Voigt	Winter
Strong, Kans.	Thomas	Wainwright	Wolverton
Strong, Pa.	Thurston	Wason	Wright

NAYS—12

Black, Tex.	Cannon	Huddleston	Nelson, Mo.
Box	Collins	Lozier	Romjue
Busby	Eslick	Milligan	Schafer

NOT VOTING—162

Aldrich	Ellis	Lee, Ga.	Sinclair
Allgood	Fish	Letts	Smith
Anthony	Fisher	Lineberger	Smithwick
Appleby	Fitzgerald, W. T.	Luce	Somers, N. Y.
Bankhead	Fredericks	McKeown	Sproul, Ill.
Beck	Free	McLeod	Sproul, Kans.
Beedy	Freeman	Madden	Stalker
Beers	Frothingham	Magee, Pa.	Steagall
Berger	Funk	Magrady	Stevenson
Bixler	Garner, Tex.	Merritt	Stobbs
Bland	Garrett, Tex.	Michaelson	Strother
Blanton	Gifford	Mills	Sullivan
Bloom	Graham	Montague	Sweet
Bowles	Greenwood	Moore, Va.	Swoope
Bowling	Hale	Morin	Thompson
Brand, Ohio	Hardy	Nelson, Me.	Tillman
Browne	Hayden	Nelson, Wis.	Timberlake
Brumm	Hersey	Newton, Minn.	Tinkham
Buchanan	Holaday	Newton, Mo.	Treadway
Campbell	Hudspeth	O'Connell, N. Y.	Tucker
Canfield	Hull, Tenn.	O'Connell, R. I.	Underhill
Carpenter	Jacobstein	O'Connor, N. Y.	Vaile
Carter, Calif.	Johnson, Ill.	Oliver, N. Y.	Vare
Carter, Okla.	Johnson, Ky.	Patterson	Walters
Celler	Johnson, S. Dak.	Peavey	Warren
Chindblom	Johnson, Wash.	Perkins	Weaver
Cleary	Jones	Perlman	Wefald
Connery	Kahn	Phillips	Welsh
Connolly, Pa.	Keller	Pou	Whitehead
Cooper, Ohio	Kelly	Prall	Williams, Tex.
Cooper, Wis.	Kemp	Rainey	Williamson
Corning	Kendall	Ransley	Wood
Coyle	Kiefner	Rayburn	Woodruff
Cramton	Kiess	Reece	Woodrum
Crisp	Kirk	Reid, Ill.	Woodyard
Davenport	Knutson	Rouse	Wurzbach
Deal	Kunz	Rutherford	Wyant
Dowell	Kvale	Sabath	Yates
Doyle	Lanham	Schneider	Zihlman
Drane	Larsen	Shallenberger	
Dyer	Lea, Calif.	Shreve	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Madden with Mr. Crisp.
Mr. Cramton with Mr. Montague.
Mr. Mills with Mr. Warren.
Mr. Shreve with Mr. Corning.
Mr. Morin with Mr. Buchanan.
Mr. Newton of Missouri with Mr. Larsen.
Mr. Kelly with Mr. Blanton.
Mr. Dyer with Mr. Lea of California.
Mr. Michaelson with Mr. Bloom.
Mr. Reid of Illinois with Mr. Carter of Oklahoma.
Mr. Dowell with Mr. Shallenberger.
Mr. Smith with Mr. Rutherford.
Mrs. Kahn with Mr. Tucker.
Mr. Gifford with Mr. Connery.
Mr. Graham with Mr. Drane.
Mr. Wood with Mr. Woodrum.
Mr. Yates with Mr. Hayden.
Mr. Wyant with Mr. Kunz.
Mr. Hersey with Mr. Somers of New York.
Mr. Ransley with Mr. Weaver.
Mr. Aldrich with Mr. Lee of Georgia.
Mr. Beers with Mr. O'Connor of New York.
Mr. Stalker with Mr. Prall.
Mr. Connolly of Pennsylvania with Mr. Canfield.
Mr. Vare with Mr. Celler.
Mr. Perkins with Mr. Tillman.
Mr. Perlman with Mr. Sullivan.
Mr. Ellis with Mr. Hudspeth.
Mr. Coyle with Mr. Doyle.
Mr. Brand of Ohio with Mr. O'Connell of New York.
Mr. Campbell with Mr. Hull of Tennessee.
Mr. Anthony with Mr. Cleary.
Mr. Sproul of Illinois with Mr. Sabath.
Mr. Thompson with Mr Bland.
Mr. Fredericks with Mr. McKeown.
Mr. Hardy with Mr. Oliver of New York.
Mr. Magrady with Mr. Wefald.
Mr. W. T. Fitzgerald with Mr. Nelson of Wisconsin.
Mr. Holaday with Mr. Kvale.
Mr. Tinkham with Mr. Browne.
Mr. Vaile with Mr. Peavey.
Mr. Sproul of Kansas with Mr. Schneider.

The result of the vote was announced, as above recorded.

On motion of Mr. JAMES, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

EXTENSION OF REMARKS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting petitions from Civil War veterans and sons of veterans in behalf of increased pensions.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing petitions from Civil War veterans and sons of veterans in behalf of increased pensions. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, how long are the petitions?

Mr. MORGAN. There are about half a dozen names signed to the petitions.

Mr. SNELL. I think, Mr. Speaker, I will have to object to petitions going into the RECORD. I have an office full of them and several others have. I think for the present I shall have to object.

FARM LEGISLATION

Mr. DAVIS. Mr. Speaker, on May 14 I obtained unanimous consent to revise and extend remarks I made on preceding day on farm legislation. The time has expired and I ask unanimous consent that the time be extended.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time for extending his remarks on farm legislation be extended. Is there objection?

There was no objection.

[The House in Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.]

The CHAIRMAN. Does the gentleman from Tennessee [Mr. DAVIS] desire to offer an amendment at this time?

Mr. DAVIS. Mr. Chairman, I have a perfecting amendment which I desire to offer to the McLaughlin amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Page 1, line 4, of the amendment, after the word "commodity," insert the words "and a majority of the producers thereof."

* * * * * * *

The CHAIRMAN. The Chair will hear the gentleman from Tennessee upon the point of order that this is substantially the same as the amendment offered by the gentleman from Minnesota which has just been voted down.

Mr. DAVIS. Mr. Chairman, as I understood it, the amendment offered by the gentleman from Minnesota [Mr. NEWTON] was directed to a sufficient number of cooperative associations or other organizations to represent a majority of the producers of a given commodity. My amendment, if adopted, would provide as follows as read into the McLaughlin amendment:

That a substantial number of cooperative associations or other organizations representing the producers of such commodities and a majority of the producers thereof are in favor of the commencement by the board of operations in such commodity, etc.

In other words, my amendment has reference to the sentiment prevailing among the producers generally, those in and those out of farm organizations, whereas the amendment proposed by the gentleman from Minnesota deals alone with the organizations and provides that if a sufficient number of the organizations that represent a majority of the producers shall be in favor thereof the law shall become operative.

Mr. NEWTON of Minnesota. The gentleman has correctly stated the difference between the two amendments.

The CHAIRMAN. The Chair overrules the point of order.

Mr. DAVIS. Mr. Chairman and members of the committee, this is the first time I have had occasion to say anything on the floor upon this very important legislation. I represent almost strictly an agricultural district. I think I fully appreciate the very unsatisfactory condition of agriculture, and I am sincerely in favor of taking such course as will best promote the important agricultural interests, and employing my best judgment I shall pursue that course which I deem best for the farming interests. I hope that the Haugen bill may be perfected so that I can vote for it. The amendment which I have in mind in my opinion would not only not impair the usefulness of the Haugen bill but on the other hand would increase its usefulness and effectiveness and render it more popular in the final analysis and operation of the law if enacted. The amendment which I offer simply provides that the board shall ascertain to the best of its ability not only that a substantial number of farm organizations favor the producers of a certain commodity being brought under the provisions of the bill but also that a majority of the producers of such commodity are in favor of that action being taken. Now it is suggested with some force that it is impossible to definitely ascertain how a majority of the producers of a certain commodity stand upon the proposition. Of course it can not be determined with mathematical accuracy. Neither can it be determined with mathematical accuracy whether there is or is going to be a surplus. There are other discretions given to the board under this bill action upon which must depend upon an investigation and the best judgment which they can apply. But I respectfully submit if there is a substantial majority of the producers of any commodity in favor of coming in under the provisions of the bill it will not be a difficult matter to ascertain with reasonable certainty that sentiment; and if there is only a minority of the producers in favor of it, or if the sentiment pro and con is so equally divided that this board would be unable to determine whether there was a majority in favor of it, I respectfully submit that from the standpoint of the friends of the bill and from the standpoint of the farmers themselves it would be a very unwise thing indeed, to bring the producers of the commodity in under the provisions of the bill. There is nothing that would render this bill more odious and more quickly destroy its usefulness and bring about its repeal than to undertake to impose its provisions upon the producers of any commodity against the wishes of a majority of such producers. We are conferring upon this board very extraordinary powers, but because of the conditions of agriculture I am willing to go further than I would feel like going if I were to determine it alone upon economic grounds, governmental grounds. But let us see what we are doing.

The Congress in delegating to a board of 12 men the right to impose this equalization fee, when we know its operation and its effect is nothing more or less than a species of tax, and the only condition which we prescribe, the only restriction upon the imposition of the operation of the law and the operation of this equalization fee, is that the board shall find that a substantial number of farm organizations or other organizations shall be in favor of it.

Mr. MANLOVE. Will the gentleman yield?

Mr. DAVIS. For a question.

Mr. MANLOVE. The thing that occurs to my mind now is with the language of the gentleman's amendment as inserted in this amendment to the bill, by what method is the farm board going to be able to ascertain if a majority of the producers are in favor of it?

Mr. DAVIS. I will state to the gentleman that, of course, their finding would necessarily mean the exercise of their conscientious judgment and opinion.

And I wish to state to the gentleman from Missouri that, while I had this amendment prepared for some time before any discussion of this feature of it, I was preparing another amendment somewhat changing the phraseology, and I ask consent of the committee, if the chairman please, to withdraw my amendment so as to propose an amendment at the end of the McLaughlin amendment, after the words "food supplies," as follows:

And the board is satisfied that a majority of the producers of such commodity are in favor of such action.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to withdraw the amendment and to offer the one which the Clerk will report.

There was no objection.

The Clerk read as follows:

At the end of the McLaughlin amendment, after the words "food supplies," insert:

"And the board is satisfied that a majority of the producers of such commodity are in favor of such action."

Mr. MANLOVE. That would leave it in the discretion of the board?

Mr. DAVIS. That would leave it to the best judgment of the board as to the sentiment of the producers of any commodity.

Mr. MOREHEAD. Will the gentleman yield?

Mr. DAVIS. I will.

Mr. MOREHEAD. I desire to credit the gentleman with the best of intentions, but I know of no corporation, and that is what we assume when we undertake to establish these organizations, that would make it possible to transact business by appealing to all the stockholders or a majority of them.

No railroad company, no packing company, no banking company, or any other company could do that and remain in operation.

Mr. DAVIS. In the first place, the gentleman from Nebraska does not state an analogous case. In the second place, my amendment does not require or imply a referendum or consulting each and every producer, but it simply provides in

effect that before applying the provisions of this bill, including the imposition of an equalization tax, with respect to any commodity, the board shall employ such sources of information as may be at their command to fairly ascertain the sentiment of the producers of such commodities, and shall act accordingly. If there is anything like a strong sentiment one way or the other among such producers that fact could be reasonably ascertained without any great difficulty. On the other hand, if there should be such a division of sentiment that the board could not satisfy themselves as to how a majority collectively stood on the proposition that in itself should be sufficient ground for declining to make the law operative with respect to such commodities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. DAVIS. There are certain other provisions in this bill which should be eliminated or changed, not only in the interest of the more efficient and successful operation of the plan but also in order to smooth the passage of the bill.

For instance, all references to the tariff should be eliminated from the bill. In the first place, it is manifestly unnecessary and unfair to try to commit us Democrats to a policy of a high protective tariff in order that we may vote for farm-relief legislation. This bill should be strictly nonpartisan and the references to the tariff have no place whatever in the bill. In the second place, the so-called "tariff yardstick" is arbitrary, unscientific, unfair, and inequitable. It can not apply at all to cotton or to tobacco, such as we produce, nor to certain other commodities which may be dealt with under the provisions of the bill. It would be infinitely better to substitute for such provisions as a yardstick for the price of the commodity sought to be attained to provide that operation should begin with respect to a commodity, when desired by the cooperatives and the producers of such commodity, and when the market price thereof is below a fair price, or below the cost of production plus a fair profit, or below the average price level of all commodities, or it could be left to the discretion of the board.

The Dickinson bill did not employ the tariff as a yardstick or contain any reference to the tariff; the same is true with respect to the revised Senate bill, which was agreed upon and submitted by the farm leaders. I am informed that the farm leaders generally do not favor the tariff yardstick. Not only do the Democrats naturally favor the elimination of the tariff references, but many of the Republican Members who are sincere friends of farm relief are in favor of such elimination. However, the gentleman from Iowa [Mr. HAUGEN] himself and a few other Republicans have steadfastly opposed its elimination. They simply want us to pull their chestnuts out of the fire; they represented to their farmers that the tariff duties on farm products would bring the farmers prosperity, and, it having failed utterly to do so, they want to bolster the tariff and justify their position in this bill. They are apparently willing to sacrifice the welfare of the farmer in order to further their own political ends. No pride of authorship or personal interest should be permitted to defeat farm aid legislation. In my opinion, if the amendments to the bill which I suggest are adopted, the bill will pass; otherwise it will be defeated. If the author of this bill and his lieutenants are sincerely in favor of farm relief legislation, they should certainly be willing to make concessions which will insure the passage of the bill and at the same time improve the bill from the standpoint of the farmers.

As a matter of fact, the present deplorable condition of agriculture is largely due to the operation of the Fordney-McCumber Tariff Act, which has contributed more than all else combined to the reduction in the purchasing power of the farm dollar. The prices of all farm products have been deflated, but the prices of manufactured articles have been maintained at almost war levels because of the fact that the Fordney-McCumber Tariff Act practically prevents the competition of foreign manufactured goods, and the American manufacturers generally prevent competition among themselves through the means of monopolies and combines. The farmers are compelled to sell in the world market, but are compelled to buy in a highly protected market. They, both as producers and consumers, are unfairly victimized by special legislation and favoritism to other classes fostered by the party now in power.

Of course, the logical and sensible way to aid agriculture and increase the purchasing power of the farmer's dollar would be to greatly reduce the tariff rates on farm products and upon at least the necessaries of life which the farmers are compelled to buy. In other words, the most natural and most effective relief would be to remove the cause of the farmers' troubles rather than to employ a palliative or antidote. However, as there is no possibility of such a course being pursued under the present administration and while the Republican Party is in power, I am in favor of such other reasonable measures as may be possible of enactment to relieve the deplorable condition of agriculture.

Furthermore, I do not believe that the benefits and appropriations provided in this bill should be extended to processors and manufacturers of food products, especially in view of the fact that the authorized appropriations are to be greatly reduced, and in view of the further fact that the bill does not provide that equalization fees shall be paid by such processors and manufacturers. The prices at which the packers and millers and other manufacturers of food products sell bear no just relation to the prices at which the farmers sell the raw products. Not only should this bill be solely for the relief of the farmers, but the packers and millers and other manufacturers of food products should have no voice or control in the operation of the provisions of the bill. I am unable to conceive why such provisions were ever injected into the bill, and I sincerely hope that they may be eliminated. If retained, the processors and manufacturers of food products should certainly be required to pay the equalization fee. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has again expired. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. DAVIS] to the amendment offered by the gentleman from Nebraska [Mr. MCLAUGHLIN].

The question was taken, and the amendment to the amendment was rejected.

Mr. DAVIS. Mr. Chairman and Members of the committee, under leave granted me to extend my remarks, I beg to submit the following additional observations:

My prediction that unless the bill was changed as I suggested, as did others, has been fulfilled, and the Haugen bill has been defeated. My desire to do whatever I could for the relief of agriculture was so intense that I voted for the Haugen bill in spite of the objectionable features, but there were many who voted against the bill who would not have done so but for those objectionable features. Not only President Coolidge and Secretary Jardine and other administration leaders did all they could to defeat the bill, both in the House and the Senate, but Secretary Mellon threw his powerful influence against such legislation in a statement which he issued and which was given wide publicity. One of the reasons urged against the proposed legislation by Secretary Mellon was that—

it provides higher agricultural prices at the expense of the rest of the people.

This is exactly what a protective tariff does. In fact, every argument made by Secretary Mellon against farm-aid legislation applies with even greater force to a protective-tariff system, and yet he is strongly in favor of a high tariff for the aid of manufacturers. He has lectured the farmers for asking what he and his associates have demanded and secured. By reason of the high tariff rates on aluminum products he is one of the greatest beneficiaries under the Fordney-McCumber Tariff Act. Steel, aluminum, and other products sell abroad, freight paid, cheaper than they sell in this country, and yet Secretary Mellon thinks this perfectly all right. Secretary Mellon, President Coolidge, and other administration leaders are unwilling to help the farmers organize and protect their prices, but, according to their philosophy, it is perfectly all right to permit and help manufacturers to do the same thing.

Another matter which has greatly militated against the farmer is the high railroad freight rates on agricultural products as well as on other necessaries of life, and yet the Interstate Commerce Commission has been so packed in favor of "big business" that it is quite evident that at least a majority of the members of that commission have no sympathy with the plight of the farmers and are not concerned in even according them simple justice.

The administration prates much about the present prosperity. This country is only prosperous in spots and among certain classes. The so-called present prosperity is all right for certain favored interests, but it is exceedingly hard on the farmers and the consumers generally. The very prosperity of which they boast is largely a product of the unfair treatment and discrimination against the farmers.

It is quite evident that any substantial relief for agriculture depends upon the result of the elections this fall and that any permanent relief depends also upon the results of the elections

in 1928. It remains to be seen whether the farmers will employ the voting power which they possess and help to elect officials who will be willing to accord them the consideration to which they are justly entitled.

ADDRESSES OF HON. KNUD WEFALD, OF MINNESOTA

Mr. CARSS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made by my colleague [Mr. WEFALD] on the farm situation, and also an address delivered by him at the Norwegian Centennial in Minneapolis on June 8, 1925.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD by printing addresses delivered by his colleague [Mr. WEFALD]. Is there objection?

There was no objection.

Mr. CARSS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following remarks of my colleague the gentleman from Minnesota [Mr. WEFALD]:

HOW THE FARMER IS "PROTECTED" BY THE TARIFF

Mr. WEFALD. Mr. Speaker, "by a vote of 45 to 39 the Dawes-McNary-Haugen bill was defeated in the Senate yesterday." So ran the comment in the newspapers one morning. There is much significance for the Middle West in these words. Coming so soon after Secretary of the Treasury Mellon's pronouncement to the effect that the principles underlying the Haugen bill were not "sound," it clears the atmosphere in the West. It means that there will be few Mellon-Coolidge Republicans from that part of the country in the next Congress. The West will not take the Mellon view of the farm situation. The West believes that a man must be of sound mind in order that his word shall carry any weight when he pronounces any doctrine as being unsound. The West has long believed that Mr. Mellon is money mad, and his recent utterances upon the justification of corruption and a money orgy in the recent Pennsylvania primary campaign have convinced those who were previously not quite ready to believe this. No sane man with any regard for the opinions of church people would justify such wholesale scandal and degradation as has come to light in Pennsylvania by saying that money contributed toward such a purpose by way of campaign contributions was spent for as holy a cause as money given to the church. The church has often been slandered and slurred, but seldom so brazenly slandered by a man who occupies such a high and exalted a public position. The church will stand, however, when the Mellon gold will be scattered in the dust. The slam on the church was also a slam on the farmer, the downtrodden, and the struggling who seek consolation in the church.

The three wise men who put the Haugen bill up to Mr. Mellon for an analysis should from this floor analyze the Mellon answer for the benefit of the western farmers. The burden of his song was that the Haugen bill seeks to make the tariff effective for the farmer, but this can not be done, for to his mind farming and manufacturing are as far apart as the poles and fundamentally different. Says Mr. Mellon, "Farming differs from most industries in that the output largely fixes the price, whereas in manufacturing the price largely controls the output." There you have it, Mr. HAUGEN. It can not be changed.

The tariff gives the manufacturer a chance to fix the price on his goods and by being able to fix the price he is enabled to control the output. Could the manufacturer not fix the price he would be hopelessly unable to control his output, and he would be fixed just as the farmer is now. But Mr. Mellon has some hope for the farmer. He says, "I believe there is a large field for the improvement of our farm condition in the improvement of world conditions."

Then he goes on to tell what the present Republican administration has done for the farmer. "It is in the real interest of the American farmer that the American Debt Commission has negotiated settlements with the debtor nations clearly within their ability to pay," and he further on says, "It does represent a great constructive work and one which the administration has now practically concluded."

What a consolation it must be to American farmers who do not get their debts funded, who are required to pay to the last cent and to the last drop of blood to know that our European debtors have effected settlements that will lift from their shoulders half of their debt to America and place that debt burden so lifted upon the shoulders of the American taxpayers! And to think that this was done in the interest of the American farmers!

Through the whole analyses of the Haugen bill Mr. Mellon speaks only as the tariff-protected industrial magnate and as the investment banker whose heart is in Europe, speaks because there is a great, new field for exploitation. He would never have known of the Haugen bill nor heard of a farm crisis if the three western leaders had not taken it into their heads to have our modern King Midas lay his hands upon the Haugen bill so that it might be transmuted into gold.

But he had no blessing for the orphan from the Corn Belt. If he had blessed it, that would have hurt the fat boys who are nursed by the tariff, the mother of monopoly. How can he be expected to bless the Haugen bill, he who was the father of the present high protective tariff law, designed only for the protection of industry! While the farmers since the coming into control of the Republican Party under Mr. Mellon as czar have lost over $30,000,000,000, the corporations of America under the ægis of Mr. Mellon, through high protective tariff and tax laws and administration of tax laws, are said to be evading surtax payments on probable undivided profits of $30,000,000,000.

Personally, Mr. Mellon has fared well in these matters. To mention but one of his many tariff-fostered financial darlings, the Aluminum Trust. This is said to have grown from an original cash investment of $20,000 until now, through reinvestments, its capital and surplus is more than $110,000,000. During the four years of Mr. Mellon's régime refunds and abatement of taxes have totaled more than $1,500,000.

Why should he have any sympathy for the farmers who have been going broke all the time, while he and the rest of the 2 per cent of the population of the United States have been piling up the billions?

The eyes of the world will be upon the farmers of the West until the next election is over. The New York Herald-Tribune, commenting on the fact that none of the three men who asked Mr. Mellon's opinion of the Haugen bill did publicly answer his criticism, said that the farmers "took their licking lying down." I predict that this will not happen. The farmers will strike back next November—there will be a mid-western group here that will hold the balance of power and who will exercise that power without regard to party. The farmer, having failed to get relief from the Republican Party, by having extended to them tariff protection along the same lines as industry, will have to join hands with the Democrats, if they offer a sane program in taking away from monopoly its undue advantage.

The Republican Party, just the same, sets out to preach more tariff to the farmer. The distinguished gentleman from Oregon, Mr. HAWLEY, made a remarkable speech on the blessings of the tariff for the farmer on this floor, June 24, and the Hon. Mr. BEGG, of Ohio, made a fully as startling speech over the radio, which was inserted in the CONGRESSIONAL RECORD for June 18. I wish to touch on one of these two speeches, which will be very likely spread as Republican campaign documents.

The farmers like strong statements, but only an imagination like that of the gentleman from Ohio would dare to try to hypnotize them as he does.

I quote from the RECORD part of his remarks:

"If the tariff is not benefiting the farmer, why is it that under free trade Canadian wheat outsells American wheat an average of 5 cents a bushel, while under the present tariff American wheat outsells Canadian wheat an average of 20 cents a bushel? That makes a differential in favor of the tariff of 25 cents. Who gets it? The man who produces the wheat or the farmer, and any farmer who sold a thousand bushels of wheat last fall received 25 cents per bushel more for it, or a total of $250. To-day he has $250 more assets than he had one year ago directly due to the tariff.

"Now, let us take wool, which is one of the standard products of the farm. The average price of wool under free trade is not above 15 cents per pound, while the average price of wool of the same grade under the Fordney-McCumber tariff law has been 40 cents a pound. That makes a differential of 25 cents a pound in favor of the tariff, and, again, the farmer who sold 1,000 pounds of wool has $250 more in the bank than he would have had under a Democratic administration if they had lived up to their former record of free wool.

"Now, let us consider cattle. I will take the concrete example offered by the chairman of the Committee on Agriculture of the House, Mr. HAUGEN. Last fall he went to Canada and purchased 800-pound steers at 4½ cents a pound and shipped them to his farm in Iowa to feed. At that time the same grade of steer was selling in Chicago and Kansas City markets for 7½ cents. Why was it, I ask you, that steers in Canada were 4½ cents and in Chicago they were selling for 7½ cents? The answer is simple. The tariff is from 1½ to 2 cents per pound, and the freight from Canada down to these markets makes up the difference. Now, my question is, Who gets the difference between 4½ cents and 7½ cents if it is not the farmer who grew the steers? So any farmer in the United States who sold 10 head of steers weighing from 800 to 1,000 pounds received last fall $20 per steer more than he would if there had been free trade, a difference of $200.

"One could go on indefinitely, almost, with farm products protected by the present Fordney-McCumber tariff and show an advantage in farm prices directly chargeable to the tariff. The little item of eggs on the farm has a 5-cent duty per dozen; in fact, practically every product produced on the farm is protected. But when we add the total of just the three items discussed in detail you will find that the farmer is better off by $700 because of the tariff.

"I will submit to my listeners that any 80 acres of land in the United States that is strictly agricultural can produce what I have mentioned."

The gentleman from Ohio makes the positive statement that "any 80 acres of land in the United States that is strictly agricultural" can produce for sale in one year 1,000 bushels of wheat, 1,000 pounds of wool, and 10 steers.

This struck me as a wonderful speech, and I began to study to find out how true it could be. Ohio sends great men to Congress. Ohio is a great State and a great farm State, but I never knew any 80 acres of land that could produce like this. I began to look it up, and I find that in the year 1924 the yield of wheat in Ohio was 16.8 bushels per acre, in 1923 it was 18.2, in 1922 it was 14 bushels, and in 1921 it was 12.4 bushels, making an average of 15.35 bushels per acre for the four years. On the basis of this yield it will take 65 acres to produce 1,000 bushels, even in Ohio. This leaves 15 acres of the 80-acre farm for a place for the buildings, pasture, and acreage for production of forage crops. The weight per fleece of wool in Ohio was 7.3 pounds in 1923 and 1924 and 7.4 pounds in 1921. To produce 1,000 pounds of wool there it will take about 150 sheep.

I was curious to know what amount of land it would take to feed this number of sheep and 10 steers, so I addressed an inquiry to the Department of Agriculture on this and other questions, and I received a reply bearing on this question as follows:

"With reference to the question regarding the number of acres of pasture required to carry steers and sheep, it is difficult to make a general statement. Taking southeastern Ohio as a specific locality, it can be estimated, roughly, that 100 acres would provide pasturage for 150 sheep and 50 to 75 acres for 10 steers. Of course, this statement is subject to the variations of local conditions."

According to this information it would take from 200 to 240 acres to produce the wheat and pasture the sheep and steers that Mr. BEGG thinks can be produced on 80 acres. How many acres additional it will take to raise hay and feed for winter feed I leave to the farmers who heard the radio speech to figure out.

Having made such a wrong guess in one direction, it follows that he is wrong in other directions.

The gentleman from Ohio states that the farmer selling 1,000 bushels of wheat gains on account of the tariff schedules under the Fordney-McCumber law to the extent of $250. The Agriculture Yearbook for 1924 gives cost of production of wheat in Ohio and sales value of wheat per acre in 1923. The sales value was $21.51 and the net cost per acre was $23.74, a net loss of $2.23 per acre, and this was in a year of better than average crop—namely, 21 bushels per acre. Whatever the wheat farmer gains by the tariff he loses on the operation of his farm to produce the wheat, and he goes in debt for the pleasure of raising it. The gentleman from Ohio figures a tariff gain for the American farmer over the Canadian farmer of 25 cents per bushel. There is no such gain for the American farmer. There is rarely any difference between Minneapolis and Winnipeg prices on wheat, and the price of wheat constantly stays below the tariff level by nearly the full amount of the tariff as disclosed by market prices. Farmers are always paid much less than terminal market prices and railroad freight charges are higher in the United States than in Canada. On June 21, this year, July wheat closed at Minneapolis at $1.49½ and at Winnipeg at $1.49¾. On June 24, the Minneapolis cash price was $1.54 for No. 1 northern wheat, and the Winnipeg price the same day was $1.51⅝ for the same grade. Had on that day the American farmer received the benefit of the full tariff protection and freight charges the Minneapolis price would have been $2.10 per bushel. Based on the tariff protection extended to industry that taxes the farmer to the full amount of tariff and freight, the farmer, instead of being protected to the extent of $250 on the sale of 1,000 bushels of wheat, is losing about $500 by not obtaining the tariff protection due him and by having to pay the tariff tax to everybody else.

The American farmer does not gain 25 cents a pound on wool on account of the tariff. The tariff on wool in the grease is 12 cents per pound; most wool sold by farmers is of this kind. On washed wool it is 18 cents. It is inconceivable how the farmer, through the tariff, gains more than the amount of the tariff. Such has not been intended, anyway. The most the farmer can expect here is the increase in price to the extent of the tariff. The many dealers and middlemen absorb any differences in price over and above the tariff protection, and most of the time dealers and middlemen eat heavily into the tariff protection also.

The business of wool raising has not been such a profitable business as the Republicans would make us believe. The high protective tariff is based upon the difference in cost of production between the United States and the rest of the world. In 1919 the Tariff Commission investigated the cost of raising wool. The average United States cost for production per pound of wool was $0.4503, including interest and $0.3723 excluding interest. In Argentina, a wool-producing country, the production cost of wool was 17⅞ cents per pound, in the grease, less, including interest. The tariff protection is 12 cents per pound, between 5 and 6 cents less than actual difference in production costs. The tariff on wool is effective sometimes—once in a while—for that reason the woolgrower must be better off than the wheat grower, but the woolgrower has not rolled in wealth, as Mr. BEGG and other Republican leaders would have us believe.

For about a year after the passage of the tariff act of 1922 the difference between Boston and London prices was about the difference of the tariff plus freight. In 1923 there was a slump and the price difference fell below the tariff level. The price received by American growers in 1924 and 1925 was 5 to 6 cents per grease pound, or 10 to 12 cents per scoured pound less than in 1923, and for the greater part of this time the difference between Boston and London prices was substantially less than the duty. This is gathered from the "Tariff on Wool," by Mark A. Smith. In June and July the domestic and foreign price was substantially the same. For the year 1925, while the domestic price ran stronger in the latter half of the year, the difference in favor of the domestic price averaged about 10 cents higher than the foreign price, but 2 cents lower than the tariff protection.

The Republican tariff experts in Congress seem to have a habit, handily, to confuse the price of washed wool with that of wool in the grease, for the edification of the farmers, to make a good, strong showing for the tariff and the Republican Party. All the statistics on the price of wool are misleading. The wool tariff was designed primarily for the wool manufacturers; incidentally it helps the farmer, but the farmer does not get the quoted Boston prices by a long way. The tariff schedules on woolen manufactures are effective. There is little fluctuation in the price of such goods, but the price of wool depends on prosperity and demand in the woolen manufactures. When there is no wool coming in, domestic prices tip downward, and when wool is re-exported from here the domestic price sags.

The gentleman from Ohio has miscalculated again. It is doubtful if the farmer has received much benefit from the tariff on wool that has not fallen as a crumb from the table of the woolen manufacturer.

The gentleman from Ohio also considers cattle. He takes for his illustration the story told on the floor of the House last winter by the gentleman from Kansas [Mr. TINCHER], in which he depicted how the gentleman from Iowa [Mr. HAUGEN] beat the tariff in order to gain the benefit of the tariff. This is the story that helped kill the Haugen bill, for Mr. TINCHER made the credulous ones believe that if everybody were as shrewd as Mr. HAUGEN there would be no corn crisis in Iowa. The illustration used by the gentleman from Ohio has no point. Mr. HAUGEN had corn to feed and went to buy cattle to feed it to. He went to Chicago, but did not like the price, $7.50, at Chicago. So he sets out to find some place where he can buy cheaper, and finds that in Canada he can buy at $4.50. Adding the tariff of $1.50 per 100 pounds, the steers cost him $6 per 100 pounds. He buys and ships the steers to Iowa, and when freight is paid, 58 cents per hundredweight from Winnipeg to Chicago, the steers cost $6.58. With the additional charges for freight, etc., to bring the steers to Mr. Haugen's farm, they cost as much as if he had bought steers in Chicago, but he has a delightful experience of seeing the country and discovered that the tariff on cattle worked both ways, if we shall believe Mr. TINCHER, who first told the story. First, it is high enough to keep cattle out of the United States from other countries, and thereby raises the price to the farmer. Secondly, it is low enough to allow the farmer to ship in steers that he can feed his corn to and get the start over his neighbors who do not know about this wonderful scheme. Not a word has been said about how Mr. HAUGEN profited by his investment, except Mr. BEGG says he made $20 per steer on the buy, and he thereby concludes that in a mysterious way, unbeknown to the farmer, on every steer a farmer sells by reason of the tariff there is a $20 bill put into his pocket which the farmer puts into the bank. I have shown here that Mr. HAUGEN made nothing on his cattle transaction except the thrill it gave him to think he could beat the tariff.

In this House sits a real dirt farmer, who, besides, is an intelligent and broad-minded man, Mr. MENGES, of Pennsylvania. From a speech made by him on May 20, 1926, I take the liberty to quote to show just how the tariff on cattle puts money into the pocket of the farmer. Last November, due to information sent out by the Department of Agriculture, he bought cattle to feed.

I quote from Mr. MENGES's speech:

"I thought it was a good time to buy a bunch of cattle and feed into them low-priced corn, and I did. I paid $8 a hundred for those cattle in the market in my neighboring city of Lancaster. I turned them over to my farm and fed them, and I want to leave it to the cattlemen here as to the result. We increased the weight from 840 to 1,224 pounds, or nearly 400 additional weight on every steer. I leave it to the cattlemen if that is not a fair increase. We started in the 1st of December to feed them, and fed them until the beginning of May, so that they gained nearly 3 pounds a day.

Well, I had to sell the cattle; they had to get off the farm because I had not the labor to keep them there. It was necessary to put the crops in and I had to sell the cattle, and what do you think I got? I got exactly what I paid—$8 a hundred. They cost me $124.40 a head just for the grain and hay and feed, with nothing for the labor, and I sold them for $96.46 a head. Now, do not you think it is time I had a redeemer? [Laughter and applause.]

"I want every farmer in this Nation to have a chance to look up in the future and say, 'I know that my Redeemer liveth.'" [Applause.]

From this I gather that the steers' weight, 840 pounds apiece, bought at 8 cents a pound. They cost Mr. MENGES $67.20. He fed each one "grain, hay, and feed" that cost $124.40, making the cost to Mr. MENGES of each steer (not counting labor) $191.60. He sold them at

$96.46 a head, which means that Mr. MENGES lost on each steer he fed, $94.96.

This raises a question I would like to have explained—why does the tariff work for the benefit of Mr. HAUGEN and not for Mr. MENGES?

To sum up, I admit that the tariff would benefit the farmer if it was made effective. This we asked to have done in the Haugen bill, but we were turned down hard. Instead of a farmer gaining $700 by reason of tariff protection in the raising of 1,000 bushels of wheat and the production of 1,000 pounds of wool and 10 steers, the farmer loses, because the tariff does not function, on the wheat at least $500, on the steers, according to Mr. MENGES's figures $949.60, besides six months of hard labor. On the wool the profit is problematical so we can state the proposition in round figures and say that, instead of the farmer making $700 as the distinguished gentleman from Ohio maintains, he loses $1,500, due to a tariff protection that does not function and does not protect. This is more in keeping with the real farm situation and squares up more closely with the statistics on bankrupt farmers and busted banks in agricultural communities.

The farmers want no more of such tariff that does not protect. They demand a readjustment that will take away protection for monopoly and extend the helping hand to those who need it.

Mr. CARSS. Mr. Speaker, under leave granted me to-day, I insert herewith the following speech prepared by Hon. KNUD WEFALD, of Minnesota, for the Norwegian-American Centennial Celebration held at the State fairgrounds, Minnesota, June 8, 1925.

The matter referred to is here printed, as follows:

THE LAND WE FOUND

We who celebrate during these days are a branch of the great Norøna family. The inheritance that we brought with us when we came to this land had been laboriously built up and garnered out of the lean but sacred soil of Norway.

From time to time, down through the ages, there were young and adventuresome men who could not find a proper field for their activities there at home, so they struck out to seek new lands, found new homes, and to carry Norway's honored name over the earth. When they left the old nest they exercised good judgment as to where they settled; if the soil was good and the country fair they would fight a desperate fight to gain possession of it; once in possession they never relinquished their hold. Some founded kingdoms in Ireland; others took earldoms in England; early they took the Scotch isles and got a firm foothold on the north and west coast of Scotland. Norsemen founded the Dutchy of Normandy, from where again they conquered the Kingdom of England. They were the leaders and the initiators of the crusades. Italy saw the prowess of Norman warriors when, returning from the Holy Land as pilgrims, a handful of them chased the Saracens out of the land.

Wherever the Norsemen came they put their impress upon the country. Heathen as they were, such men had never been seen before; they defied men and the gods; they struggled with fate; yet in the end they calmly resigned themselves to the decrees of fate. Whether such men won or lost they stood out apart from the rest. First they put the defenses of the country in order, next they organized trade and commerce and delved into the peaceful pursuit of the people they were cast among, in keen competition in every field of endeavor. They were pupils and teachers at once. Truthfully we can say with the poet Vinje that they taught the French to fight and find the worth of chivalry and the English to write poetry and love the sea. At the same time they learned the milder ways of Christianity and the peaceful pursuits of industry.

But those men from Norway, that boldly struck out into the unknown to find new lands that were uninhabited and settled them with people of their own blood, inhospitable as these lands were, they were the men that wrote the headline to the greatest chapter of the history of modern times, "Free America."

With swords they wrote it upon the stony soil of Norway. Haughty and proud men wrote it with the sword when they made their stand against Harald the Hairfair and said, "We will know no masters; we will be free men." Out in the mists of dreamland they sailed and found Iceland, settled it, built it, and made it a republic, the home of poetry, the seat of dreams. To some of the Icelandic chiefs even the light restraint of the Icelandic Republic was irksome; so Greenland came to be found and settled. The memory of the homeland beckoned, the wealth, the fame, the glory of the homeland grew apace. So impatient become Leif, son of Erick the Red, to meet King Olav Trygvason, whose fame filled all the north, that he did what no man ever had done before, he sailed in a straight line across the Atlantic Ocean to Norway, not intending to stop in at Iceland and the other northern isles on the way, as had been customary up until that time. Going home to Greenland again with the friendship of King Olav and with the King's priest to carry the message of the "White Christ" to that utmost corner of the earth, he again set out in a straight line across the ocean, for strengthened in his new faith he had more courage still. He was the first ocean sailor and the boldest man that ever sailed a ship.

Storm tossed he battled with the waves for a long time and was driven so far south that he came upon the mainland of America. The time had come when men's eyes should behold the promised land. There was nothing of the accident in the finding of America. In his mysterious way God had decreed that the land that was to be "the land of the free" should be first seen and found by free men; that the "home of the brave" should have its soil first trodden by the bravest of the brave. Free men's desire to be free drove them into the unknown West. It does not seem mysterious that the first stepping stone on the way from the Old World to the New should be the stony island Republic of Iceland nor that the gates that opened into the "land of plenty" should be the icebergs of Greenland. When, during these festivities, we consider ourselves a part of the Norøna family, when we know that Leif and his men in their day were more Norse than we are to-day, we might well say that "we found this land."

The Norse struck out west to find land, to found homes, to live, to die, to be themselves, not to exploit nor to find shorter trade route, not to bring the silks nor the spices of the Orient home to make life more luxurious. They were pushing the boundaries of the earth farther out into the unknown.

Well might Lief be called the "Lucky" who found the land where luck dwells.

The most wonderful stories of the saga's are those which tell of the settlements in Vinland. The facts of the story are varnished over with fable in order that the truth should keep better and be more fascinating. Thorfin Karlsefne was the first homesteader in America of white men; no covered-wagon story was ever so interesting as was his and the other homesteaders, nor were there ever any stories more full of action. The first white child born in America was born to them, and they put the first white person into an American grave. Surely our kinfolks found this land.

That these settlements did not become permanent were due to natural causes. The voyage to Vinland was a dangerous one; not all of those who started out to go there got through. Iceland and Greenland could not spare many of their number for such a colonization. The Norse in the homeland had other great things to accomplish. First, to unite and build their own country. They could much more easily attain wealth and fame by going into the service of their kinfolks that were busy building new thrones in the richer countries of Europe; then came the crusades and they had to be along there.

With the close of the Viking period the Norsemen had performed their mission as a race of explorers and as the harbingers of a new age; they had awakened France and the British Isles to new life and had given these countries so much of their strong, red blood that Norway had no more to give. It had given strength to the world, but now it began to tear its own house down; it bled in internal strife and its best men slew each other. Then came pestilence and decay with the resultant poverty and lack of ambition; evil days fell upon Norway and its possessions as well. Providence could not use these men any further in its scheme to build the model country in the New World. Like Moses, they had seen the promised land, but like him they should not lead the multitude in there. Yet they were allowed to retain the vision of it and allowed to show the way to a new race of men, men with much of their own blood in them, men who should become the next world conquerors—the English.

There was a faint flicker of the old-time Norse spirit of adventure just before its dark and long night set in. The last expedition to Greenland and Vinland was led by Didrik Pining and John Skolp and was fitted out in Norway in 1472. Two Portuguese noblemen were with them and they bear historical testimony to the fact that they came as far south on the mainland of America as Newfoundland. This was just 20 years before Columbus set out from Palos and 24 years before John Cabot set out from Bristol on the voyage that took him to the mouth of the St. Lawrence River. For more than a hundred years before the sailing for the New World of Columbus and Cabot, Englishmen had sailed on Iceland to buy fish. Pining's expedition had left by way of Iceland. It does not require much imagination to surmise that knowledge of the New World came into England by way of Iceland.

We are not now celebrating for the purpose of taking any honors away from others nor to ask any especial honors for ourselves or for men of our race, but when we take stock of ourselves we bring historical facts out in the daylight.

Speaking as representatives of the Norøna family, as apart from Anglo-Saxon, Germans, or others, we can truly say that we found this land.

About the time of Pining's expedition to America the Danish King of Norway mortgaged the Hebrides, the Shetland Isles, and the Orkneys to the King of Scotland and they were thereby forever lost to Norway. The dark night settled thick and fast over Norway. The people went to sleep, politically, intellectually, and culturally, only to wake up to national and racial consciousness in 1814.

Our second finding of America was different.

Individual adventuresome Norsemen had from time to time found their way to America, especially in the settlements of the Hollanders,

but also in the English settlements, but it was first with the sailing of the "Sloop folks" that we again began to rediscover America.

Slowly Norway again began to have surplus strength to give to others and the God that down through the centuries in such a mysterious way had allowed the Norse to do great deeds, to help build up great countries, and help found enduring governments, had decreed that this the most beautiful land he had ever created and where he intended to let men fashion the noblest government that men's minds would ever conceive, should not lack that strength of character in its fiber or in its moral make up that Norse blood would give it.

And so we came from mountain and from valley, from the sea. Came from the ice and the snow of the northland, out of the darkness of the polar night and out of the smiles of the midnight sun. Our new land welcomed us.

We came with the physical strength of the bear, ready and willing to do a day's work, was it ever so hard. Came with a brain that was clear and rested after a sleep of four centuries; came imbued with the principles of liberty, because our own liberty was so new found; of justice, because we had, like others, suffered injustice and of equality because we all were poor. We could understand the Declaration of Independence as soon as it was read to us. We came full of hope, full of faith in God, ready and willing to obey the laws of the land, to build it, and to defend it. We came not proud and haughty, like when our forebears of old came into other lands to levy tribute; but yet we came with heads erect, with confidence in ourselves and in our ability to carve out for ourselves homes in the wilderness and eventually a position in the social structure of the State on a par with the best of those that had come here before us.

We did not expect to find a "paradise"; we came not in search of "the fortunate isles"; we came to eat our bread in the sweat of our brow, and we have honestly done so. We have paid the full price for every foot of land that we own, for every honor we have attained, for all we have, for all we are.

It is so pleasant, however, to-day to remember that the gates were thrown wide open for us and that we were asked to step right in.

When we came here in numbers, our kinfolks, the English, Scotch, Irish, Germans, French, and the Swedes, had been here for years. The Vinland that Leif had found and that Karlsefne had made an attempt to settle, but had left as untouched by the hand of man as they found it, had become a great country, teeming with strength and hope and youth. A new Nation had arisen that were destined to become the most powerful among the nations of the earth, a Nation that had built a Government that stood foursquare upon the cornerstones of truth, liberty, justice, and equality, a Government that should shame the governments of the Old World and under which should grow up a new social order, by which the powers of government should flow to the Government from the people and the blessings of government flow back to the people again, contrary to the ideas of government in the Old World, where the fallacious notion had prevailed that the king was ordained as ruler from on high in order that he might exploit the people.

Greater and more far reaching in its consequences than the finding of America was the finding of this new theory of government, but this new theory of government could only be discovered in America. It had been sealed with the blood of the men that so boldly had proclaimed it. Only the fertile soil of America could sustain it in the days of its greatest trial. The young Hercules of the West had defied the mother country and fought it to a finish, as England when she finished her mission in bringing up the coming master of the world until he became of age, baptized him in blood.

That was accomplished before we came here; it cost us nothing; I often wonder if we realize what a gift we received when we were invited to come in and share the blessings that were bought with the blood of the revolutionary fathers. When we find it a task to keep the flame of liberty burning as it should, I wonder if we realize what it cost those men to light it in the first place.

Rawboned, courageous men and gentle and patient women had pushed the frontier of civilization, in spite of savages and other dangers, across the Alleghenies and into the fertile plains when we came. And we went West.

When I speak of the land we found I think of it as that part of the land that we have settled, that we own, and that we are primarily responsible for the welfare of, more so than any other part of the country. This is not the place to tell of its limitless natural resources, of its millions of people, of its gold and its treasure, of its wide domain, of its limitless possibilities, its inventive genius, nor of its financial sway over the world to-day.

We are full of wonder when we see the skyscrapers of our big cities, and we feel proud of the inventive genius of America that could conceive the idea and could furnish the strength to rear the habitations of man higher than the tower of Babel. We can feel the magic spell of California and Florida with their everblooming summer, and we are proud that these earthly paradises are part of our land, but they are no part of the new Normandy that we are building, they are not in the zones where our people are best fitted to dwell and to do their best. On the plains of the Mississippi Valley and in the adjoining States most of us have settled.

The old spirit of adventure that drove our kinsmen of old out and away from home awoke in us again. Out in the vanguard of civilization they saw us for years and that was where the country needed us. The freedom of the frontier appealed to us—deep, black soil had always fascinated men of our race, possibly because the soil of the homeland was meager. We were more individualistic than perhaps any other people that came to these shores; we needed more room than others. The factory was no place for us; the mine did not appeal to us. To our mind such work was only for the slave or for the unfortunate ones. Westward we swarmed, ever westward, and in the wide expanses of land that became ours we have had a chance to ripen into citizenship in our own way. Lucky indeed have we been!

While we have tried our hand at any kind of honest labor that came our way, farming became our chief calling. From the little Kendal colony we went to Fox River, to Muskego, to Jefferson Prairie, to Koshkonong, on and on where soil was to be had upon which grain will grow as the fruit of honest toil. We have made the country bloom and blossom like the rose. To-day farm homes of Norsemen in America are places of abode that might well be envied them by people of almost every other land. Now we are becoming rooted in this land; our hardest pioneering work is over; soon we will have time to reflect on what we have accomplished and to speculate on what is to come. We have been in work up above our ears. After a little we will begin to sing of home, of the beauty of this land of ours, of the grandeur of its moral victories and achievements.

What can be fairer than a summer day in Minnesota or in Wisconsin or in Iowa or in the Dakotas? What sight is there in the world that at the same time holds in it beauty, hope, wonder, and sentiment like the prairie when on a summer day it rolls on, boundless as the ocean, when its silken waves of growing grain in the changing play of light and shadow out of the amber and gold of sunrise into the misty blue of night? Yet has no man or no woman among us been able so far to paint in song or story these scenes so that they have gripped our hearts. But the time will come when we shall sing of home with the warmth that Ivar Aasen sang, when we shall through art interpret our land and our people's deeds and aspirations as well as it has even been done in the land we came from, where they have not had to break so much new soil or build as many new homes as we have built since we came here.

The Western Plains States will be our second home; from here will our descendants spread over the whole land, for this is the heart of the country. Here we have our greatest holdings. No people listed in the census as being of foreign stock own as much of American soil, in proportion to their numbers, as do we. There are in our country to-day more than 50,000 farmers born in Norway; about 44,000 of these are farm owners, and they own nearly 11,000,000 acres of farm lands, or more than four times all the land in crop and wild meadow in Norway at the beginning of this century. Only the Germans own more land than we do, but they are three times as many as we are. We own more acres in Minnesota, North Dakota, and Montana than people of any other nationality. We come second in Wisconsin and in South Dakota, third in the State of Washington, and fifth in Iowa. We own acres in every State in the Union except in Delaware. According to the census figures, the average Norseman's farm here is worth about $15,000. This, of course, does not take account of debt nor of after-war deflation of values; but it is evident that we own a goodly share of America's virgin soil.

The free homestead act appealed especially to the Norsemen, and from the time that this law came into operation dates our heaviest immigration into this country. The 160 acres has been the goal of the Norseman, but the Norse farmer has exceeded his ambition. The average Norse farm here to-day is 240 acres. The day laborer, the "husmand," the impoverished farmer, came here from Norway and obtained a farm of his own, a farm among the best in the world, on condition that he should be a good citizen and help bear the burden of building up the country. The price in money that he paid was only nominal as long as there were free acres to be had. That he has made good and paid the full price of citizenship is attested to by the fact that the Chief Executive of this Nation has graced these festivities with his presence and voiced the appreciation of our Government.

Indeed, has this second viking exodus from Norway, the greatest one that ever occurred, been a wonderful period in the life of our race. Upon the prairies of America live now as many Norsemen as among the mountains of Norway. From now on it will be a close race between them to see who accomplish the bigger and the better things. While racially the same, we are now two separate and distinct people; our task is not to try to fashion this land more and more like Norway, which in the beginning we thought it was our duty to do, but to make it more unlike any other country, a country for others to fashion after, a country that shall attain the ideal.

There were not so many of us here when Lincoln called on the people to come to the defense of the Constitution, but we were among the

first to answer the call; they said of us that we fought with reckless daring. We have shirked no obligation or no call to battle since. Yet so far we have, perhaps, received more than we have given. We did not find this land only to take and to receive, but to give as well. Now we have material wealth, and we have freely given of it when called on; we might give of that until it becomes exhausted, but we shall yet have boundless and limitless love and devotion to give to our country. For we have come into possession of the land that God showed men of our race and let them tell the world about. He kept us out of it for eight centuries in order that when we reached it we should love it the more. Surely no people in history ever had reason to bear stronger love to the country that they found, the country of their choice.

Ten thousand years from now when history speaks of the share that the Norse had in the finding and settlement of America, it may read about like this: "Of white men, Leif was the first one that found it, Karlsefne was the first homesteader, Snorre the first child born there; later men from Norway settled in the heart of the country and found good homes there."

EXTENSION OF REMARKS—CONFERENCE REPORT ON H. R. 10827

Mr. JAMES. Mr. Speaker, I ask unanimous consent that all Members of the House have five legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. The gentleman from Michigan asks unanimous consent that all Members may have five legislative days in which to extend their remarks on the conference report just agreed to. Is there objection?

There was no objection.

Mr. VINSON of Kentucky. Mr. Speaker and gentlemen of the House, at this time we have under consideration the conference report on the Army air bill, H. R. 10827. Upon a former day we discussed the provisions of this measure as it passed the House. In the main, the conference report preserves the integrity of the measure as it passed the House, and it is not my purpose to discuss the various features contained in the original bill. We will direct our attention to section 10 of this bill as it was agreed upon in conference, which is substantially the language agreed upon by the Joint Subcommittee of the Committee on Military Affairs and the Committee on Naval Affairs in measures which were introduced on May 27, 1926, by the gentleman from South Carolina [Mr. McSWAIN] and the gentleman from Georgia [Mr. VINSON]. The bills were H. R. 12471 and H. R. 12472, respectively, and were identical in language except that the former affected the policy of the War Department whereas the latter pertained to the Navy Department. These measures were considered by the full committees to which they were referred and were unanimously reported to the House for passage by the gentlemen who introduced them.

Subsequently the Committee on Rules held hearings upon them and granted a rule for their consideration. After the granting of the rule, on account of the nearness to the end of the session it was thought best to put these measures on as amendment to the Army air bill (H. R. 10827) in conference, and by coupling up the two departments, War and Navy, we to-day consider H. R. 12471 and H. R. 12472 in all substantial respects as section 10 of the Army air bill (H. R. 10827) as reported to the House by its conferees.

We will discuss this section as it applies to the War Department, but should state that it will have the same application to the Navy Department, which is one of the strong reasons for such or similar legislation.

THE HISTORY OF THE BILL

Since the signing of the armistice, with characteristic perseverance patriotic men have been endeavoring to throw the searchlight of truth upon our aircraft situation. There have been since the close of the war more than 21 major investigations and studies of this subject. Charges have been made by gentlemen having official status in the Government and those in civil life. Hundreds and hundreds of witnesses have testified upon the various aspects of the subject; thousands and thousands of pages of testimony written; many recommendations made. Before this Congress convened there had been little if anything done by way of legislation to obviate just criticism in which our country found itself in respect of aviation.

Heretofore on this floor I have paid my respect and tribute to the President's Aircraft Board (Morrow Board) and to the select committee of this House commonly known as the Lampert committee. This country is in their debt. Their work has been and will continue to be of tremendous benefit to all students of this problem. The work of the Lampert committee was particularly comprehensive. They took some 3,500 pages of testimony; they studied this problem for more than 11 months; and the recommendations of this committee, as well as those of the Morrow Board, certainly have been helpful to those of us engaged in the preparation of this legislation. Of course, the reports of these boards did not submit the form of legislation. They made the diagnosis of the disease and submitted the matter to Congress to prepare the medicine.

The Committee on Military Affairs held hearings over a period of months upon the general subject of aviation and its relation to the other armed forces. But these hearings were mainly concerned with the increase of our air forces both in equipment and personnel. The committee could not, because of the time element, give all this period to the particular subjects of design and procurement.

It was thought best to have joint hearings before the Committees on Naval Affairs and Military Affairs upon a bill changing the existing law as to the procurement of new designs and aircraft therefrom. Many days were spent in these hearings. The testimony was confined to the betterment of conditions affecting designs, the encouragement of inventors, and the procurement in quantity production. All viewpoints were presented. Everyone appearing before this committee conceded that the existing laws pertaining to design and procurement were so inflexible that the Government could not readily obtain the best to be had in aircraft, and all recognized the need to stimulate not only the industry in this country but the inventive genius of our land. As was usual, there was practically unanimity relative to the condition of the patient, but the prescription had yet to be written and the medicine prescribed.

This responsible task was intrusted to a smaller group of men who composed a joint subcommittee of the two committees aforesaid, with five members from each committee. The chairman of the Naval Affairs Committee [Mr. BUTLER] designated the following gentlemen to this important assignment: Mr. VINSON of Georgia; Mr. STEVENS, of Ohio; Mr. COYLE, of Pennsylvania; Mr. WOODRUFF, of Michigan; and Mr. GAMBRILL, of Maryland; and the chairman of the Committee on Military Affairs [Mr. JAMES] appointed Mr. WAINWRIGHT, of New York; Mr. FROTHINGHAM, of Massachusetts; Mr. GARRETT of Texas; Mr. McSWAIN, of South Carolina; and myself.

Immediately upon creation of this joint subcommittee we entered upon our duties. We had at our disposal the entire forces of the War and Navy Departments. Representatives from the office of the Judge Advocate of the Army and Navy were present throughout our sittings; these gentlemen kept us constantly informed of the legal side involved. Supply officers from both the Army and Navy were at all times present, presenting the practical side of the problem. Inventors of distinction impressed upon us the conditions under which they had attempted to function in the days gone by. Representatives from the air forces of the Army and the similar branch of the Navy sat in with us. Toward the conclusion of our deliberations General Patrick gave us the benefit of his views upon the subject. The Secretary of War and the Secretary of the Navy appeared before the joint subcommittee expressing their views on various phases of the proposed legislation.

Draft after draft was prepared, carefully considered, attacked from all the angles we could conceive; sometimes shot to pieces beyond repair; at other times patched up to be the center of renewed attack. In short, a most conscientious effort has been made by this joint subcommittee, representing all points of view on the subject, to arrive at legislation which will, it is hoped, effectually benefit the Government in its air strength and the industry which must be kept alive.

Subsequent to the introduction of the bill in the House and the report of the committee filed, the Secretary of War and the Secretary of Navy have given further careful consideration to these measures and have expressed their approbation thereof in letters submitted to the respective committees.

It is but proper that a word of appreciation should be recorded relative to the handiwork of the acting chairman of our committee, Mr. JAMES, in the preparation of this bill. As the chairman of our committee he was active in the initiation of the idea to designate the joint subcommittee to undertake the preparation of this legislation. While not a member of the joint subcommittee during the last two weeks he actively participated in the drafting of the bill. Early in the action of the joint subcommittee, so violently opposed were the views held by the members of the joint subcommittee that it seemed that the storm of discussion had blown into a hurricane and that the different points of view could not be reconciled. His calm, steady hand did much toward continuing the efforts to submit legislation of this character. I feel that it is fitting that his service in this connection should be noted and appreciated.

It is hoped that the proposed legislation will mark a new era in the history of aviation in America. If it does, the efforts of FRANK JAMES aforesaid should always be remembered, but the reward that goes with duty well performed should not be confined alone to the legislation prepared by the subcommittee, but it also comes from his splendid fight for improved conditions in the Air Corps growing out of his labors in the preparation of the five-year building program, to which this subcommittee bill was attached in conference. In the quietude of the conference room, away from the public's gaze, the gentleman from Michigan [FRANK JAMES] fought a most courageous fight for the improvement of conditions in matters pertaining to aviation. He fought a grim, desperate fight. Backed with a clear knowledge of his subject and conscious of the right, he maintained the dignity of the House and preserved the integrity of the Army air bill. His work as acting chairman of our committee stamps him as one of the strong men of the House.

THE PURPOSE OF THE BILL

In the eight years preceding 1916 our Government had purchased only 59 airplanes. Shortly thereafter the war came upon us, and naturally we had no opportunity to consider well-defined plans for the future of the aircraft industry. Naturally the policy then was: "Get planes and get them now." Since the war every student of the subject has realized that we have no policy that will either permit the departments to obtain the best in aircraft or to stimulate the genius of the country; there is nothing in the existing law that permits any encouragement to the industry, rather it tends toward the destruction of it.

It is commonplace to state that the art of flying and the aviation industry is in its infancy. No one will contradict that statement. Since the war, there has been a stupendous impetus in the art; in the future, it will advance in enormous strides. But, in this stage of its development, we have been pursuing the same course in the purchase of our planes as if it were a fully developed art. The existing law is inflexible, and under its operation the departments have no discretion in the manner in which our aircraft must be procured (and by aircraft in this discussion I include aircraft parts and aeronautical accessories). The existing law relative to the subject of purchase of our aircraft is interwoven with and builded upon the statutes which relate to the purchase of all other material and supplies for the Government. One may inquire why the same rules of law governing in such matters would not be applicable in respect of aircraft. There is a material difference. In the matter of supplies, we have a standardization. In aviation, standardization has not arrived, and, as yet, does not exist. It is a changing art; an art in which the best to-day is mediocre to-morrow.

I attempted to discuss the vital importance of aircraft in time of war in a speech delivered May 6th of this year, so I will not, at this time, discuss in detail the necessity of aircraft to this country. I am proceeding upon the assumption, which, in my opinion, is incontrovertible, that it is essential to this country's welfare to keep pace with the world in development of its aircraft and that it is mandatory to have an aircraft industry in this country that can present to us, after reasonable explanation, our war-time needs in this respect.

The purpose underlying this measure is to permit our Government to secure the most highly developed types of aircraft obtainable, and, what may be even more important in time of national stress, to encourage the inventive minds of our country and the industry itself. These ends are sought by the removal of certain legislative restrictions in which the Government finds itself entwined in the purchase of its aircraft. We are setting up new machinery for this purpose. The liberalization of the existing law relative to aircraft procurement has been deferred, due probably to some extent to the hesitancy, inherent more or less in us all, to make a change. It is the dread of the new. The demagogue might assert certain principles of economics might have been laid aside in order that the industry might receive benefit. We respectfully challenge the accuracy of such charge, but, assuming it, for the sake of argument, to be true, it would be well justified in the instant case, in virtue of the fact that a stable aircraft industry is essential in the defense plan of this Nation; and particularly would it be justified now in virtue of the weakened condition of this industry.

THE AVIATION INDUSTRY

In the early part of 1919, the American Aviation Mission, of which Benedict Crowell, then Assistant Secretary of War, was chairman, was sent to Europe to make a study of the air problems. They visited France, Italy, and England. After exhaustive study at home and abroad, on July 19, 1919, they submitted to the Secretary of War, a very pretentious report. In the very beginning of the report we find a most startling statement. It is—

Ninety per cent of the American industry created during the war has been liquidated. Unless some definite policy is adopted by the Government, it is inevitable that the remaining 10 per cent will also disappear.

Further in their report we find:

That no sudden creation of aerial equipment to meet a national emergency already at hand is possible. It has been proven within the experience of every nation engaged in the war that two years or more of high-pressure effort have been needed to achieve the quantity production of aircraft, aircraft engines, and accessory equipment. * * *

Later, in April, 1923, the Lassiter Board made a very clear study of the air problem, including the industry end of it, and they said in part:

The aircraft industry in the United States at present is entirely inadequate to meet peace and war requirements; it is rapidly diminishing, and under present conditions will soon practically disappear. It depends for its existence almost wholly upon orders placed by governmental services. * * * The development of commercial aviation must be depended upon, at least for the immediate future, if this industry is to be kept alive. Should a national emergency confront this country within the next few years, the Air Service would not be able to play its part in meeting it.

It was to this statement of the report of the Lassiter Board to which the Lampert committee referred in this statement:

That contracts given to aircraft builders have not resulted in excessive profits, but, on the contrary, the aircraft industry, dependent on Government contracts, has been liquidating and going out of business to such an extent that the statement in the Lassiter Board report that "it (the aircraft industry) is rapidly diminishing under present conditions and will soon practically disappear" is justified.

At this point it might be well to insert the findings of the Lampert committee relative to the condition in which the industry has arrived at its present weakened condition. We submit that this measure proposes to rectify, to some degree, the conditions referred to as (b), (d), and (e) thereof. The statement of this committee is as follows:

The committee found unanimity of opinion from all sources—military, naval, commercial, and industrial—that the aviation industry is an essential part of national defense and must be maintained. The committee finds as follows:

(1) That the aviation industry in the United States has dwindled and is dwindling; and that the principal causes of the weakness of the industry are as follows:

(a) Lack of continuity in Government orders.

(b) Losses on Government contracts, both experimental and production.

(c) Direct competition by Government plants.

(d) Failure to recognize and protect design rights.

(e) A destructive system of competitive bidding.

(f) Discouragement of enterprise and individual efforts as the result of more than 20 investigations of various sorts in a period of eight years.

(g) Lack of confidence and mutual understanding among contractors themselves.

(h) Failure of the industry to develop commercial and export trade.

This brings the condition of the industry down to December, 1925, but we have even later evidence of the serious condition in which we find the industry to-day. We will quote from the testimony of Mr. MADDEN, chairman of the Committee on Appropriations, before the joint committee which was considering this particular subject on the 21st day of April, 1926. In part Mr. MADDEN said:

Our aircraft industry to-day is just a shell. It has no substance, and the reason that it has no substance lies in the policies which have been followed by our Army and Navy purchasing authorities under the restrictions of existing law. I do not blame the Army and Navy for carrying out those policies. We perhaps are as much to blame as they, though I am sure that they have not exercised the foresight and the vision that I sometimes think they should.

* * * * * * *

In the face of this sort of treatment of the aircraft industry in England our treatment of the aircraft industry in the United States is, it seems to me, rather unusual. Here we have a struggling industry, a mere shadow of what we ought to have, existing, I might say, in spite of the Government—and I wish to interpolate here that if there is any one thing in which the Government should exercise a wise influence it

is in the development of our aircraft service, to keep it up to the standard of the aircraft service of other countries.

* * * * * * *

We really wish and need an aircraft industry in the United States, not particularly for what it may do for us in peace time, because we do not really need it in time of peace so much, but for what it may do for us in time of war.

In the days gone by it has been popular to charge that the concerns manufacturing aircraft have been in collusion with corrupt purchasing agents in both the Army and Navy. It was such charges that brought into existence the Lampert Committee, but their findings of fact did not substantiate these accusations. In their exhaustive search into this question they found that there had been no corruption in either the Army or Navy of the officers controlling the purchase of aircraft; they found that instead of vast profits being made in the manufacture of aircraft quite the reverse was true. We have already noticed what their views were relative to the languishing condition in which to-day the industry finds itself.

THE BILL

This is new legislation. It is the adoption of a new policy, which, it is hoped, will permit the departments to procure both highly improved types in design, and the quantity production required to fill our needs therefrom. We submit this measure as a stimulus to the inventive genius of the country and which we believe will be of benefit to the industry.

Performance, rather than price, is the foundation stone upon which this proposed legislation is builded. In the matter of design, the fullest competition which our minds could evolve, is provided. A monetary incentive is provided the designing talent and the inventive genius of our Nation, together with the reasonable certainty that proper recognition will be given his efforts. In our judgment, the interests of the Government relative to the most of the aircraft produced is fully protected.

COMPETITION IN DESIGNS

(Subsection a to g, inclusive)

We are aware of no better manner in which to discuss the workings of these sections than to assume the case that would put the machinery in motion.

A new design is desired by the Secretary of War. It is necessary for the department to advertise when the design competition will be held. The advertisement shall be for a period of 30 days in at least three of the leading aeronautical journals, and in such other manner as the Secretary may deem advisable. Of course, the kind of aircraft and the quantity desired is contained in the advertisement. All persons interested receive identic information as to the conditions, requirements, and specifications. There must be listed specifically the respective measures of merit, expressed in rates per centum, to be used in determining the merits of the design. These measures of merits must be adhered to throughout this entire competition. The competitors submit their designs in sealed communications which must be kept intact until 60 days from the expiration of the advertising period shall have elapsed. With the designs there must be submitted a graduated scale of prices for which they will construct such aircraft, or any part thereof. It shall also contain the price to the Government of the design should purchase be desired.

A statement of the procedure to this point makes it obvious that favoritism to any appreciable extent will be eliminated. The measures of merit, the grades which must be given to the features involved, determine beyond question the justice of the award, which will now be discussed.

The day for opening the bids arrives. The designs are referred to a board appointed by the Secretary of War, who grade the papers in accord with the measures of merit heretofore referred to. As soon as practicable, they shall report to the Secretary. The time is fixed when, after notification, the competitors may appear and hear the public announcement of the result. In this announcement the percentages awarded to each of the features of the design submitted, as well as the price therefor, is made public.

In the event the Secretary of War deems it advantageous to the Government, the new design may be forthwith put in actual production. There are three ways under this machinery in which the new design may be reduced to the finished product.

In the first place, if the competitor is capable of manufacturing, within a reasonable time, the aircraft design, and a reasonable price therefor can be agreed upon, the Secretary may contract with the winner of this competition for the aircraft, or any separable part thereof. In no event shall the contract price exceed the amount submitted in the bid.

Should it happen that the designer can not produce the finished product the Secretary is authorized to purchase from him the design in question for the use of the Government, provided a reasonable price can be agreed upon.

However, a case may arise in which the designer and the Secretary are unable to agree upon a reasonable price for the design. In that event this legislation would authorize the Secretary to retain and use the design and to advertise for bids and let the contract for the construction of the aircraft in accordance with the design to the lowest responsible bidder. In the event this latter method is pursued, we would have secured for the Government that which they desired in the way of the new type. Also, we have provided the means whereby the inventor will be taken care of and compensated, which we will consider later on.

PURCHASE FOR EXPERIMENTAL PURPOSE

(Subsection k)

This is a change from the existing law. It would permit the purchase for experimental purpose of aircraft either at home or abroad. We submit that this is a signal development of the aircraft obtainable for our Government, a signal step in the history of air development in this country.

In virtue of this section aircraft may be procured for experimental purposes. It would permit the skilled minds of this country to keep apace with the strides of the world in aviation; furthermore, it presents the opportunity for American genius not only to become familiar with the most advanced types known but even to improve upon them.

In the event that the Secretary should determine that the type purchased under this section is that which is desired, either in its original state or after improvements may be suggested, he may, in his discretion, contract for the production of this plane under competitive conditions with manufacturing concerns located within the continental United States and subject to the further conditions found in section 6 of this bill.

DESIGNS REDUCED TO PRACTICE

(Subsection q)

This section of the bill changes existing law; it enlarges the scope of procurement. This section would authorize the Secretary, when in his opinion the best interests of this Government would be served, to contract for quantity production of aircraft upon designs submitteed to him which had been reduced to practice and found suitable for the purpose intended.

In order to make ourselves clear, we will assume a hypothetical case under existing law. A manufacturing establishment has developed the design of an airplane and from this design has constructed the finished product. This particular plane far surpasses any known type. It may have 25 miles per hour more speed than any existing plane; it might have a ceiling of 5,000 feet more than any existing plane. Naturally the Government is highly desirous of purchasing it. Under existing law it can not do it. Under existing law it can not contract for quantity production of it. There is only one course open to the Government. It must take this particular plane, dissect it, work up its specifications that bring about these marked results, and advertise to all the industry for the construction of this plane. The design of this plane, together with the cost of production, may stand its owners several hundred thousand dollars; but, in the competition which ensues, the manufacturing concern which did not develop it does not have to consider the development costs in the bid which it submits to the Government. The history of aviation in this country is full of cases of this character in which the originator of the superior plane fails in not being able to submit the lowest price. With this procedure in vogue, it has happened that the plane when constructed by the stranger to its origination does not have the performance of the designer's own plane. With such a condition prevailing, it is not strange that there is little or no incentive to the industry to develop a new design and reduce it to actual practice.

It is the purpose of this section to obviate this condition and to permit the Secretary to contract for quantity production when the new design has been reduced to practice and meets his approbation. The Secretary is charged with the responsibility of purchasing these planes at a reasonable price. In this way, we submit that the Government again secures the best obtainable, and protects the originator of the advanced idea.

COMPENSATION FOR DESIGN RIGHTS

(Subsections l and r)

At the present time, there is no cause of action for the taking of a design right. The Lampert committee was most emphatic in their objections to the Government taking valuable design rights of individuals and permitting them to be used by others

without compensation. One of the reasons which they assign for the present condition of the industry is this policy which has been pursued by this Government. In the language of this committee, there has been a "failure to recognize and protect design rights."

It is the thought of your committee that the designers would be protected in their efforts to improve the art of aviation. It may be difficult to establish to the satisfaction of the court that they are entitled to compensation for the use by the Government, but certainly the difficulty in proving their case should not be a conclusive argument against the remedy. The complainant must prove his case.

In this bill, we set up two modes whereby compensation may be obtained from the Government for the use and manufacture of such design rights. In section 5 thereof, a complainant may within four years from the date of such use institute an action in the Court of Claims. The compensation herein allowed is limited to the use of the design after this bill becomes law. In the bill as reported from the committee, the forum for this relief was in either the Federal Court of the District of Columbia, or in the District Court of the United States for the district in which the claimant resides. The conferees thought that this would incur too much trouble and expense in behalf of the Government in defending such litigation and they selected the same forum in which claims for compensation growing out of the use of patented articles by the Government may be bought.

Relating to designs, another remedy has been offered. In section 14 of the bill, a board composed of the Assistant Secretary of War, and Assistant Secretary of the Navy, and an Assistant Secretary of Commerce shall evaluate designs for aircraft submitted to it and determine whether the use thereof by the Government is desirable or necessary. Authority is conferred upon them to pay any sum, not in excess of $75,000, for any one design to the said designer for the ownership or the nonexclusive right of the United States to the use of the design.

This latter section, in our opinion, will dispense with considerable litigation and presents a fair method in which matters of this kind may be adjusted.

AUDITS

(Subsection l)

We provide that the plant and books of any contractor furnishing or constructing aircraft for the Government shall at all times be subject to inspection and audit by any person designated by the head of any executive department of the Government. These audits and reports of inspection shall be preserved for a period of 10 years, and shall be subject to inspection by any committee of Congress.

In virtue of this inspection and audit the department can be fully advised relative to the manufacturing costs. With this information he certainly should be in position to determine what would be a reasonable price for the aircraft purchased and thereby protect the Government against excessive profits and, incidentally, protect the contractor against financial ruin. Several companies have been forced out of business because of huge losses sustained on governmental contracts.

ANNUAL REPORT OF THE SECRETARY

(Subsection m)

The Secretary shall annually make a detailed and itemized report to Congress of all of the department's operations under this act. He must set forth names and addresses of all competitors and of all persons having been awarded contracts, together with the price paid therefor and the reasons for his awarding such contracts to such persons. It is the thought of the committee that such provision will be an added reason for the very best execution of the proposed legislation.

MISCELLANEOUS SECTIONS

We have endeavored to discuss what we consider to be the major sections of the bill. There are several others which are closely related to the primary purpose of the bill. They clearly show on their face their purpose without need of elaborate elucidation.

It is not our purpose to minimize their importance, but, as we view it, they are ancillary to the major purposes heretofore discussed. We will discuss these sections at this time.

Subsection h (Arbitration). In the event a reasonable showing of error in the announcement of the design competition is presented to the Secretary, then a board of arbitration is set up to determine whether the error actually exists. The decision of the arbitration board shall be subject to the approval of the Secretary and will in no wise upset any contract made in conformity with the original announcement. It is thought that this machinery will cause the closest possible scrutiny of the designs submitted.

Subsection j (American ownership and control of the manufacturing plants). Only manufacturing plants located within the continental limits of the United States which are owned by citizens thereof, or if a corporation, not less than three-fourths of its capital stock is owned by citizens thereof, are eligible to secure any contract under this act. Further, it requires the board of directors to be composed of citizens of the United States.

In the case of a corporation and the ownership of its stock, the Secretary must have knowledge of the status.

A further provision herein forbids any aliens engaged in this character of work to have access to the plans and specifications of the work under consideration or to participate in a contract trial.

Subsection n (Release of claim). The vendor of designs and any contractor under the provisions of this act are required to execute a release of any and all claims against this Government arising out of the sale or the contract aforesaid.

Subsection o (Appropriations). This section provides that all appropriations made for the procurement of aircraft or the components thereof shall be available for the payment of the purchase price of designs and the costs of arbitration herein authorized.

Subsection p (Collusion in competition). This is a penal statute and makes it an offense for anyone by collusion, understanding, or arrangement, express or implied, which deprive the Government of the benefits of full and free competition provided for in this act.

FAILURE TO PERMIT FULL AUDIT

Likewise, the deprivation of the Government of the benefit of a full and free audit of the books of any person receiving a contract under this act, so far as may be necessary to disclose the exact cost of executing such contract is made unlawful.

The penalty for the violation of either of the foregoing paragraphs is a fine not exceeding $20,000 or imprisonment not exceeding five years, or both, in the discretion of the court.

LOWEST RESPONSIBLE BIDDER

(Subsection t)

We will quote it in full:

Hereafter whenever the Secretary of War or any chief of bureau of the War Department duly authorized by him shall enter into a contract for or on behalf of the United States, said Secretary or chief of bureau is hereby authorized to award such contract to the bidder that the Secretary or chief of bureau shall find to be the lowest responsible one that can satisfactorily perform the work or the service required to the best advantage of the Government's interests; and the decision of the Secretary of War as to the award of such contract, the interpretation of the provisions of the contract, and the application and administration of the contract shall not be reviewable, otherwise than as may be therein provided for, by any officer or tribunal of the United States except the Attorney General and the Federal courts.

Subsection s defines the terms "winner" or "winners" mentioned in the act to be not more than three competitors having the highest figures of merit.

IN CONCLUSION

This section, affecting the policy to be pursued by the War and Navy Departments, bears the approbation of the Secretary of War and the Secretary of the Navy. However, it should be stated that subsections h and p, which relate to arbitration procedure, and the penal section, respectively, are not enthusiastically received. Even with their views upon these particular sections, they heartily indorse the bill as a whole. The members of the joint subcommittee, as well as the members of the full committee, have worked assiduously upon this proposed legislation. We offer it to you in the best of motives. We submit it to the House for passage.

Mr. HILL of Maryland. Mr. Speaker, on January 19 the Military Affairs Committee of the House began hearings on a "department of defense" and "unification of the Air Service." These hearings began with H. R. 46, a bill to reconstitute the War Department as it originally existed by the restoration to it of all those defense functions now carried on by the Navy Department, to reorganize the War Department as thus reconstituted, to change the name of such department to the department of defense, and for other purposes. I introduced this bill on the opening day of this Congress, such bill being the amplification of a similar measure which I proposed in the Sixty-eighth Congress, as the result of hearings on the subject of air defenses before the Committee on Military Affairs of the House.

The hearings thus began on January 19 were continued to March 9, and covered the whole subject of national defense, with special reference to reorganization of the Air Service.

The result of these hearings, which occupied nearly 1,400 pages, and which take up all recommendations made by the Lassiter Board and various other air boards, since the war, was H. R. 10827, providing for a five-year building program for the air forces of the Army and creating the Air Corps of the Army.

This bill passed the House, and after certain amendments by the Senate a conference committee was appointed, which sat for several weeks in almost daily session in order to perfect the law for air defenses of the Army of the United States.

The conferees on many occasions sat throughout the day. The managers on the part of the Senate were Senator WADSWORTH, Senator BINGHAM, and Senator SHEPPARD. The managers on the part of the House were Representatives JAMES, WURZBACH, QUIN, MCSWAIN, and myself. The conference went over fully all question involved, and I think that the House should know the most useful work that was done by the acting chairman of the House Military Affairs Committee [Mr. JAMES], who was chairman of the House managers, and by Senators WADSWORTH and BINGHAM. The House should also know what was done in the conference by Mr. MCSWAIN, with especial reference to procurement of aircraft. A few days ago the Senate passed the conference report, and when you pass it this afternoon, as you undoubtedly will do, you will complete the legislation on the air defenses of the United States. It is not necessary to place before you at this point the whole of the conference report, but I think it will be of value to call particularly to your attention the statement on behalf of the managers of the House, which is as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House on the bill H. R. 10827 state with reference to the amendments of the Senate as follows:

Amendment No. 1, agreed to with an amendment, provides that the Chief of the Air Corps, at least two brigadier generals and at least 90 per cent of the officers in each grade below that of brigadier general shall be flying officers, but in time of war the 10 per cent of nonflyers out of the total number of officers that may be authorized for the Air Corps for such war may be immediately commissoned; however, as soon as flyers can be trained the ratio of at least 90 per cent flyers to 10 per cent nonflyers must be reestablished.

Amendment No. 2, agreed to with an amendment, provides that officers who may possess special qualifications other than as flyers may be detailed to the Air Corps or permanently commissioned therein upon the specific recommendation of the Secretary of War, but that such officers, together with those flying officers who shall have become disqualified for flying, shall not be included among the 90 per cent of flying officers in each grade below that of brigadier general provided in amendment No. 1, thus insuring that there shall be at least 90 per cent effective flying officers in the Air Corps at all times except during the early stages of a war.

Amendments Nos. 3 and 4, agreed to with amendments, clarify the definition of a flying officer and establish a standard in time of peace for all pilots of heavier-than-air craft similar to that established in H. R. 9690 for similar ratings in the Navy. These amendments also provide that in time of war a flying officer may include any officer who has received an aeronautical rating as a pilot of service types of aircraft and also any officer who has received an aeronautical rating as an observer.

Amendment No. 5 strikes out language that is in conflict with language in section 6 of this bill. This language was carried over from section 13a of the national defense act which section 2 of this bill is designed to replace but is now no longer necessary in view of the additional language placed in section 6 of this bill.

Amendment No. 6 provides with regard to the use of enlisted pilots in tactical units of the Air Corps that the provision shall be applicable in time of peace only, as sufficient experience has not been gained to warrant establishing this principle in law for time of war.

Amendment No. 7, agreed to with an amendment, provides for the four lower grades of enlisted men in the Air Corps to receive ratings as air mechanics, first class, and air mechanics, second class, when they possess the necessary technical qualifications therefor, and are engaged upon the duties pertaining thereto, and when so rated shall receive the pay of the second and third grades, respectively. Not to exceed 14 per cent of the total authorized enlisted strength of the Air Corps are to be so rated. This matter of mechanics' ratings was considered worthy of special consideration in the Air Corps as it involved the safety of men's lives as well as the preservation of most valuable Government property.

Amendments Nos. 8, 9, and 10, agreed to with amendments, provide for a limited number of officers of the Air Corps to receive temporary higher rank, including pay and allowances appropriate to such rank, when assigned to certain special duties, and for this temporary rank to be limited to two grades above the permanent rank of the officer concerned. The last amendment simply clarifies the language.

Amendment No. 11, agreed to with an amendment, provides for the next three years following July 1, 1926, for the creation of air sections in the War Department General Staff to be headed by an officer detailed from the Air Corps. This is necessary in order to take care of the present shortage of officers of suitable rank and qualifications for membership on the General Staff. It is estimated that sufficient Air Corps officers will be available in three years to place this branch on a parity with other branches in this respect and thus remove the necessity at that time for this special provision.

Amendments Nos. 12, 13, 17, and 34 simply affect the numbering of the sections.

Amendment No. 14, agreed to with an amendment, provides for the appointment of the Chief of the Air Corps for the next seven years to be made from among officers of any grade of not less than 15 years' commissioned service who have demonstrated by actual and extended service in the Air Corps that they are qualified for such appointment. This is necessary because flying ability is one of the chief requisites for an officer to properly fill the office of the Chief of the Air Corps. Also because of the provisions of the national defense act and the shortage of officers under that act with flying ability, it is considered necessary to change the requirements from those prescribed at the present time. It is believed at the end of seven years, however, there will be sufficient officers in the Air Corps with flying ability and other qualifications to remove the necessity for this special provision.

Amendments Nos. 15 and 16 were agreed to as the subject matter of the two sections regarding encouragement of commercial aviation, and the establishment of prohibited areas is covered in the civil aviation bill, approved by the President May 20, 1926. This, therefore, makes unnecessary a repetition of that legislation in this bill.

Amendments Nos. 18, 19, and 20, agreed to with amendments, merely clarify the language of the personnel section of the five-year program as passed by the House.

Amendments Nos. 21 and 22, agreed to with amendments, permit 90 per cent of Air Corps Reserve officers to be placed on active duty for any period of a year or less, and 10 per cent for a period of two years or less, in order that they may have an opportunity to qualify as pilots.

Amendments Nos. 23, 24, 25, and 26 as agreed to make minor changes in the bill.

Amendments Nos. 27 and 28, agreed to with amendments, provide that the five-year program shall become effective July 1, 1926, as agreed upon by the House, the same date that the House and the Senate agreed upon for a similar air program for the Navy, and authorizes the President to submit the necessary estimates to cover the cost.

Amendment No. 29, agreed to with an amendment, provides for an Assistant Secretary of War to assist primarily in the performance of functions with regard to military aeronautics, but he may be given such additional functions as the Secretary of War may direct. It is believed that the Secretary of War should not be restricted in the assignment of duties to this assistant, nor should it be determined by law, except in a general way. The creation of this office for an additional Assistant Secretary is in accordance with the recommendations of the President's Aircraft Board.

Amendment No. 30, agreed to with an amendment, covers very thoroughly the subject of procurement of aircraft, aircraft parts, and aeronautical accessories. It is the result of thorough study made by the House Military and Naval Affairs Committees and will not only encourage the aircraft industry but permit the purchase of aeronautical matériel in a much more satisfactory manner than can now be done under the present law, and at the same time it completely safeguards the interests of the Government. The language of this amendment is almost identical with that of H. R. 12471 (by Mr. MCSWAIN) and H. R. 12472 (by Mr. VINSON of Georgia), reported favorably by both the Committees of Military Affairs and Naval Affairs of this House. These two bills represent the labors of a subcommittee of said committees in almost daily conference and hearing for several weeks and are fully explained by Reports No. 1395 and No. 1396, respectively.

Amendments Nos. 31, 32, and 33, agreed to with amendments, provide for a soldier's medal and a distinguished flying cross and for enlisted men $2 per month additional pay for each such award. The necessity for a soldier's medal has long been felt in the War Department to reward acts of heroism not involving actual conflict with an enemy, and the necessity for a distinguished flying cross where acts of heroism or extraordinary achievement are accomplished while participating in aerial flights is at once apparent when considering such accomplishments as the round-the-world flight and the flight to the North Pole. It is the practice now in the case of an enlisted man who receives the distinguished service cross to award him additional pay at the rate of $2 per month. A similar provision is carried in this bill.

W. FRANK JAMES,
JOHN PHILIP HILL,
HARRY M. WURZBACH,
PERCY E. QUIN,
JOHN J. MCSWAIN,
Managers on the part of the House.

As the culmination of all investigation and all interest that has been taken in air defense since the war, this Congress has passed three air bills, one for aviation in the Department of Commerce, one for Navy aviation, and the pending measure. Mr. JAMES, the acting chairman of the Military Affairs Committee of the House, in 1919 was chairman of the subcommittee of the Military Affairs Committee of the House for air defense. The particular bill should be considered by him one of his most valuable contributions to the national defense of the country. Under the three air bills enacted by this session, including this one, the recommendation of the Morrow report for an Assistant Secretary of War, Assistant Secretary of the Navy, and Assistant Secretary of Commerce in charge of air coordination, has been effected. I at first opposed the addition of these secretaries, but I came to realize that the coordination thus effectuated means a large step toward the ultimate unification of all of the defenses of the United States under one department of defense.

I consider that the principles contained in H. R. 46 have been very largely effectuated by what this Congress has done for the air defense of the United States, and I desire to congratulate the House and the Senate committees on the production of the bill which, in a few moments, will become law through the pending conference report.

The air defenses of the United States are made certain by these bills, and the encouragement of commercial aviation is made secure. In the next session I hope we shall pass a bill for a vital and effective council of national defense, but this bill provides all needed air defenses for the Army.

Mr. JAMES. Mr. Speaker, for a period of approximately four months, starting the middle of December, 1925, the House Military Affairs Committee has held hearings in an effort to determine the proper legislation that should be passed by Congress at this time to increase the efficiency of the air forces of the Army. These hearings were very extensive and considered principles of national defense and the organization of the defense forces at considerable length. Everything from a department of national defense to leaving the air forces on their present status was discussed.

The consideration at this time of the idea of a department of national defense was rejected by the committee by a vote of only 11 against 10. In fact, all bills that had been suggested, from whatsoever source, were rejected by the committee and it proceeded to formulate its own bill. On May 5, 1926, the House passed the committee bill with only a couple of amendments. On June 2, 1926, the Senate passed this bill, but with several amendments. After much discussion among the conferees appointed by the House and by the Senate and a final agreement on the report to be made, the Senate agreed to the conferees' report on June 22, 1926, and the House agreed to the conferees' report on June 29, 1926.

The bill as finally agreed to contains 14 sections and embodies practically all of the recommendations made by the President's Aircraft Board, together with certain other legislation which seemed appropriate at this time

CHANGE OF NAME

Section 1 of the bill changes the name from Air Service to Air Corps, for the purpose of avoiding confusion of nomenclature between the name of the Air Service and certain phases of its duties. The President's Aircraft Board stated:

> The distinction between service rendered by air troops and their auxiliary rôle and that of an air force acting alone on a separate mission is important.

COMPOSITION OF AIR CORPS

Section 2 deals with the composition of the Air Corps and is designed as a substitute for section 13a of the national defense act. Except for the change from one to three assistants to the Chief of the Air Corps there is no change in the basic strength of the Air Corps as prescribed in the national defense act. The organization of the strength authorized is changed so as to permit the formation of bands. It is very desirable that at the larger Air Corps stations bands be authorized; and although the five-year program authorized in section 8 of this bill does not carry any bands in the limited number of personnel provided, it is nevertheless believed desirable that the authority exist for their organization should any reorganization of the Air Corps make available the required personnel.

FLYING OFFICERS

The national defense act expresses in a somewhat negative manner the number of officers who may be nonflyers in the Air Service. To express this in a positive manner "that at least 90 per cent in each grade shall be flying officers" is much to be preferred. Furthermore, the wording of the national defense act does not carry out the probable intent that was desired when it was passed, in that, instead of having "not more than 10 per cent of officers as nonflyers" the wording really excludes 90 per cent of those who failed to qualify as flyers.

It is highly desirable, however, that in so far as possible all officers of the Air Corps shall be flyers, and consequently the legislation prescribes "that the Chief of the Air Corps, at least two brigadier generals, and at least 90 per cent of the officers in each grade below that of brigadier general, shall be flying officers." The legislation is, however, designed "to insure that the commissioned personnel of the Air Corps shall be properly qualified flying officers, by giving the officers of the Army an opportunity to so qualify" and not permitting them to "remain detailed to the Air Corps for a period in excess of one year or be permanently commissioned therein unless they qualify as flying officers." However, if an officer is a technical expert in some line properly affecting the Air Corps, the Secretary of War may detail him to the Air Corps irrespective of his flying ability so long as the number of nonflyers authorized is not exceeded. The President's Aircraft Board stated with regard to the transfer of officers from other branches to the Air Corps: "Such officers, of course, should qualify in flying."

This provision of the law is particularly important, because in time of peace it is necessary to build up a service, if possible, of 100 per cent flyers, for the first requirements of the next war will involve combat in the air, and a highly trained and skilled personnel must be available. Nonflying positions can be far more readily filled and, furthermore, can be far more efficiently administered by officers who for one reason or another have become unfit for flying duty, although they may have rendered excellent service as flyers. It would be a great mistake to encourage the influx of a large number of officers in the Air Corps who had no desire to learn to fly, who in many cases might have a great fear of the air, and who without aerial experience would be considerably handicapped in the administration of the positions to which they might be assigned.

It is a fundamental principle in military organizations that officers in direct command shall be versed in the principal activities of the unit which they command. In the case of flying units this is recognized by the national defense act when it prescribed, "Flying units shall in all cases be commanded by flying officers." In the Infantry we expect officers to be able to shoot a gun and fire a pistol; in the Artillery officers must know the fundamentals of firing fieldpieces; in the Cavalry we surely expect officers to be able to ride a horse; no less now should we expect officers of the Air Service to be flying officers.

It takes a year to train an officer to be a flying officer. It is hoped to shorten this time during an emergency to five months. It is in time of peace, however, that training of the regular establishment must bring its officers to the maximum possible efficiency. The famous Lassiter Board, whose findings were approved by the Secretary of War in the spring of 1923, stated, "We can not improvise an air service, and yet it is indispensable to be strong in the air at the very outset of a war." This at once dictates that the peace establishment of the Air Service must, if possible, be 100 per cent flying officers in order that at the very outset of a war, even within the first few days, we should be strong enough in the air to "get the jump" on our enemy.

This Lassiter Board also stated, "Should a national emergency confront this country within the next few years, the Air Service would not be able to play its part in meeting it." This is due to two deficiencies: First, lack of flying personnel; second, lack of sufficient equipment. A well-trained air force, though small, is the greatest possible insurance a country can have against foreign aggression.

Marshal Foch has said, "The potentialities of aircraft attack on a large scale are almost incalculable, but it is clear that such attack, owing to its crushing moral effect on a nation, may impress public opinion to the point of disarming the government, and thus becoming decisive." General Groves, an English officer, said, "Those not in close touch with the enormous progress in aviation since the armistice are inclined to underestimate air power and are prone to judge it by the pin-prick air raids of the past."

President Coolidge is quoted as having said, "The development of aircraft indicates that our national defense must be supplemented, if not dominated, by aviation." It is clear that world authorities recognize the potential striking force of the airplane, but it must also be clear that without personnel trained to the highest possible state of efficiency as flying officers in time of peace, this country is liable to be on the defensive in the air instead of on the offensive, and thus lose its opportunity to bring a possible speedy termination to the war. There is little place for nonflyers in a peace-time air service,

except that they be men who have outlived their usefulness as combat flyers and their flying experience has made them the more valuable in administrative positions.

This proviso now encourages officers of the Army to qualify as flying officers and, furthermore, requires that when they are detailed to the Air Service they shall start this flying training immediately. It is not expected under peace-time conditions that officers who may desire to transfer to the Air Service will care to be nonflying officers or, in other words, not versed in the principal activity of the corps to which they propose to transfer. Surely those officers who transfer to the Air Corps and are going to fill positions of great responsibility in command of flying activities would want to be flying officers. When Mr. Perkins, the chief investigator of the Select Committee of Inquiry into Operations of the United States Air Services, appointed by this House, was before the House Military Affairs Committee he stated:

The man who is flying through the air ought to be commanded by some one who has flown and who knows what a difficult thing that is.

In order, however, to train the greatest number of officers of the Army, of all grades, as flying officers the legislation provides for the maximum number of officers on this status within the total authorized for the Air Corps.

NONFLYING OFFICERS

With regard to the nonflying officers that it is possible to secure under this bill, it is clear that they shall be kept to the minimum and not in any case exceed 10 per cent, except during the initial stages of an emergency when the number of nonflyers may be increased above this percentage, but the proportion reestablished as soon as a sufficient number of flyers can be trained. The War Department figures for nonflying officers required in time of war are shown in the following table. It is evident that the requirements for nonflying officers in time of peace will never exceed 10 per cent, and in view of the fact that it is practically axiomatic that flying officers are more valuable in the Air Corps than nonflyers, it is the evident intent of Congress to keep the number of nonflyers to a minimum.

Statement of officers of the Air Service in W. D. G. M. plan classified as flyers and nonflyers

Unit of installation	Nonflying officers	Flying officers	Total officers
Units for theater of operations	862	12,331	13,193
Units of the zone of the interior	1,407	7,232	8,639
Overhead of the zone of the interior			
Overseas garrisons and reinforcements	83	1,327	1,410
Total	2,352	20,890	23,242

NOTE.—The above figures do not include replacements.
Submitted.

J. K. PARSONS,
Colonel, G. S., Chief Mobilization Branch, G–3.

DEFINITION OF FLYING OFFICER

That there may be no mistake as to what Congress means by a flying officer, a definition has been incorporated in the language of the act. A flying officer is "one who has received an aeronautical rating as a pilot of service types of aircraft," and then we have gone a little further to show exactly what we mean by a pilot. He must have had "at least 200 hours while acting as a pilot, 75 of which must be alone, and must successfully complete the course prescribed by competent authority." This definition applies in time of peace, and a flying officer may include in time of war "one who has received an aeronautical rating as an observer."

In time of war, of course, under the urgency of the situation, a flying officer might be one who has been trained only as an observer, but who naturally has had many hours of flying experience in order to receive his observer's rating. The definitions of flying personnel contained in H. R. 9690, the Navy bill recently passed by the House, contemplate a total flying time of not less than 200 hours in the air, 75 of which must be alone. It is thus seen that the requirements for flying officers in both the Army and the Navy are practically the same.

When it is considered that it is indispensable to be strong in the air at the very outset of a war, all officers of the Air Corps should, if possible, be pilots of service types of aircraft.

FLYING UNITS COMMANDED BY FLYING OFFICERS

The provision that "flying units shall in all cases be commanded by flying officers" appears in the national defense act and is repeated in this bill. The President's Aircraft Board stated with regard to this matter, "All must conceive the justice and propriety of putting only experienced flying men in the immediate command of flying activities."

FLYING PAY

The provision incorporated in section 2 of the bill with regard to flying pay clarifies very considerably the former legislation which has been passed on this subject and shows clearly that it is the intent of Congress that flying pay shall only be granted when officers or enlisted men are required to fly "by orders of competent authority" and when they actually "do participate in regular and frequent aerial flights." A similar provision is carried in section 6 of the bill to cover all other governmental activities than the Army where flying pay is granted.

ENLISTED PILOTS

The use of enlisted pilots in certain positions in the Air Corps, such as alternate pilots in the larger types of machines, where two pilots are required, is a principle which has been recognized to such an extent that tables of organization for the various units of the Air Service are now undergoing revision so as to include a number of enlisted pilots. Furthermore, there are other duties in the air, such as aerial gunners, radio men, and so forth, which can be performed by enlisted experts in this line of work. It would greatly enhance the value of these men to the service if they could also be trained as pilots. In fact, it has been a recognized principle for some time that practically every man, both commissioned and enlisted, who goes into the air should be a pilot, the principal pilot becoming a casualty would not necessarily mean under these conditions the destruction of the plane and the probable loss of lives to the other occupants of the plane.

The insertion of the phrase "in time of peace" with reference to the number of enlisted pilots employed in the Air Corps is very desirable. It might be practicable to secure in time of war not less than 20 per cent enlisted pilots, but it might cause considerable embarrassment to the successful prosecution of a war to have to use them. However, this is a contingency upon which experience is lacking; and since this country does not have the system of universal service prevalent in France and some other countries, where higher-caliber men may be secured in enlisted positions, it would seem that the legislation should be restricted to time of peace.

AIR MECHANICS

At the present time the Air Service suffers a very great loss in expert enlisted mechanics, because after they have been educated at the technical school of the Air Service and acquired valuable experience in the maintenance of aircraft, they are attracted to positions in civil life which offer much greater remuneration than they can obtain in the Army. This loss to the Air Service is so serious as to be one of the possible causes for casualties to flying personnel.

It is, therefore, very appropriate that this Congress has provided some recognition for the skill and ability of enlisted men in the maintenance of aircraft. The granting of ratings as air mechanic, first and second class, with the pay of the second and third grades, respectively, although in many instances not meeting the high rates of pay offered in civilian occupations, will provide at least in part an appropriate corrective measure for this situation at the present time.

The report of the Select Committee of Inquiry into the Operations of the United States Air Service recommended—

that additional compensation necessary to secure an adequate number of competent mechanics to maintain airplanes in efficient operation be provided; that such mechanics should be relieved of routine military duties.

A War Department study made on the same subject states:

This question is one of vital importance in that it is almost impossible to retain the services of competent mechanics when every one of them well knows that as soon as he acquires a reasonable degree of efficiency in his work he can get out of the Army and earn two or three times his pay in the automotive industry.

The Secretary of War when appearing before our committee on May 10, 1926, stated in part:

I think it is important that some plan be worked out by which mechanics can be paid an adequate sum in the Air Service * * *. I think that this is particularly important, however, in the Air Service where the safety of the flyers themselves depends upon having experienced mechanics (p. 45).

It is to be noted that this provision of the bill is simply an authorization and permits the Secretary of War to rate enlisted men as air mechanics up to a total of 14 per cent of the total authorized strength of the Air Corps. It is believed that this provision will serve to hold expert mechanics in the Air Corps and that the additional cost will be saved many times over by the reduction in the loss of air craft and the prolonging of its life through better care. Reduction in the loss of lives of

flying personnel can not be calculated in dollars and cents, and the decrease in schooling required and administration entailed in constantly securing replacements for men who find it more attractive outside the Army will be an additional saving to the Government.

Some comment has been made about a provision of this sort causing enlisted men to receive more pay than officers. It is felt that this comment is not appropriate, and in substantiation the following is quoted from the hearings held in 1922 on the pay bill. This is the opinion of a board composed of members of the several departments affected by the pay bill:

> It should be noted that in establishing the pay schedule for enlisted men and warrant officers no particular attention was paid to the fact that the highest-grade enlisted man and the warrant officer receive more pay than the junior second lieutenants. It is considered that the pay schedules for officers and enlisted men and warrant officers are based on very different principles, and the pay of a second lieutenant, who is just starting his career in the commissioned service, bears no relation to the pay of an enlisted man of the first grade and a warrant officer, who are completing their careers in the enlisted service.

The following letter received from the Chief of Air Service on the subject of air mechanics is of interest in connection with this portion of the legislation:

JUNE 22, 1926.

Hon. W. FRANK JAMES,
Acting Chairman House Military Affairs Committee,
House of Representatives, Washington, D. C.

MY DEAR MR. JAMES: As per your request by telephone with regard to the last provision of section 2 of H. R. 10827 concerning the rating of enlisted men as air mechanics, I believe the establishment of this principle in law and the authorization for rating the four (4) lower grades of enlisted men are most valuable provisions at this time. The necessity for additional pay was recognized by the Lampert committee in one of its recommendations. The need for such a provision has been felt for a long time, and an especial necessity for these ratings does exist in the Air Corps, where not only valuable Government property is a consideration but the safety of men's lives is at stake. I am confident the proper administration of this provision will save to the Government many times its cost.

Very truly yours, MASON M. PATRICK,
Major General, Air Service, Chief of Air Service.

TEMPORARY RANK

Section 3 of the bill provides for temporary rank to be given in cases of command duty or staff duty where the rank of the Air Corps officer is not commensurate with the position filled, but limits this temporary rank two grades above that of the officer's permanent commission. There is at present a surplus of somewhat over 100 first lieutenants in the Air Corps and a shortage of approximately an equal number of captains. There is no way under the law at the present time of filling the vacancies in the grade of captain with the surplus in the grade of first lieutenant. The provision of temporary rank in the Air Corps bill will have a tendency to remedy, at least in part, this situation. The President's Aircraft Board carried a recommendation for temporary rank, and it is hoped that this provision will help to adjust the problem that the Air Corps at present phases where there is a great shortage of officers in the senior grades. Unfortunately, the attrition in the Air Corps is many times greater than that in any other branch of the Army and the casualties suffered by the Air Corps are almost equal to the total of those suffered by all the other branches combined. This temporary rank proviso may not prove to be the final solution of the problem when the study called for by section 4 of the bill is submitted by the Secretary of War.

CORRECTION OF THE PROMOTION LIST

Section 4 of the bill calls for an investigation and study of "the alleged injustices which exist in the promotion list of the Army" and the furnishing of this study to Congress at the beginning of the next session.

For several years the War Department has recognized injustices that have existed on the single promotion list among the junior Air Service officers. In fact, in 1922, a board appointed in the War Department, headed by General Shanks, reported:

> The Air Service is the only branch or arm of the service which is adversely affected as a corps by the promotion situation.

And somewhat later another board in the War Department, headed by Colonel Woodward, recommended:

> A change of the promotion list positions of Air Service officers by crediting them with all of their candidate service in excess of 90 days. That was the normal period for candidates of other branches.

The Secretary of War stated to the Military Affairs Committee that injustices did exist and that he hoped some solution might be found in order that they might be rectified during the present session of Congress. Accordingly, a study was made by the War Department General Staff, which brought to light a number of other injustices on the single promotion list which should, perhaps, also be considered at the same time as those to the junior Air Service officers.

The principal cause of the injustices which exist to the officers of the Air Corps on the single-promotion list is the fact that their average period of training was nine months, as compared with three months for other branches, and their position on the promotion list is determined by the length of commissioned service. Consequently officers of the Air Corps having the same length of service, including training-camp service, as officers of other services find themselves several hundred files lower on the list.

There is another cause which I mentioned above, and that is the high rate of attrition among the officers of the Air Corps on account of casualties resulting from the occupation in which they are engaged. The last five years shows an average of nearly one-half of the casualties on the active list of the Army occurring in the Air Corps. It is hoped that the study made by the War Department will bring forth some solution to this problem which will be satisfactory to all concerned. The temporary promotion provided by section 3 will not correct this situation. Either a separate promotion list or some system of temporary promotion carrying the officers of the Air Corps as running mates with other officers of equal service, including training-camp service, appears to be the only method so far presented of solving this knotty problem.

There are about 400 Air Corps officers adversely affected. This is a larger group of officers than we find in any other branch in a similar situation, and it is hoped that some solution may be found in the near future.

AIR SECTIONS ON GENERAL STAFF

The President's aircraft board recommended:

> It seems desirable to give to aviation some special representation on the General Staff. * * * We therefore recommend that the Secretary of War create administratively in each of the five divisions of the War Department General Staff an air section * * *.

The President's Aircraft Board further stated:

> This plan may seem inconsistent with one of the fundamental principles of the General Staff, namely, that no member represent any particular service. We think the good to be gained, however, justifies departure from the general rule.

Since the organization of the Air Service as a separate branch in 1920, there have been a very small number of officers who have completed the course at the Army War College and thus became eligible for assignment to the War Department General Staff. In fact the representation on the staff has never exceeded three Air Service officers although the proportion for the Air Service is much higher. There are 93 officers on the War Department General Staff. At present three of these are from the Air Service. Three more will be detailed during the present calendar year. It is believed, however, that by July 1, 1929, a sufficient number of Air Corps officers will have graduated from the Army War College to always have available a sufficient number eligible for the War Department General Staff so as to give the Air Corps its proper representation. Until that time the creation of air sections in the General Staff are required to take care of the situation.

The following correspondence on this subject from the Secretary of War, The Adjutant General, and the Chief of Air Service will serve to explain more fully the necessity for this provision:

WAR DEPARTMENT,
Washington, May 4, 1926.

Hon. W. FRANK JAMES,
House of Representatives, Washington, D. C.

Dear Mr. JAMES: In accordance with your telephone request, through Major Hammond this date, I am sending herewith a copy of the administrative action of the Chief of Staff which establishes the air sections in the several divisions of the General Staff.

Trusting that this will give you the information desired, I am,

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

JANUARY, 15, 1926.

Memorandum for The Adjutant General:

Subject: Provision for incorporation of Air Service personnel in the War Department General Staff.

The recommendations of the board appointed by the President of the United States on September 11, 1925, to make a study of the

best means of developing and applying aircraft to national defense includes the following:

* * * * * * *

(3) It seems desirable to give to aviation some special representation on the General Staff. There has not as yet been opportunity for many aviation officers of suitable rank to be qualified for membership on the General Staff. We therefore recommend that the Secretary of War create, administratively, in each of the five divisions of the War Department General Staff an air section, to be headed by a General Staff or acting General Staff officer detailed from the Air Corps (Air Service); such section, under the same supervision as other sections of its division, to consider and recommend proper action on such air matters as are referred to the division.

To accomplish this it may be necessary to waive in these instances some present qualifications for membership on the General Staff. This plan may seem inconsistent with one of the fundamental principles of the General Staff; namely, that no member represent any particular service. We think the good to be gained, however, justifies departure from the general rule. Obviously the men designated for such staff positions must be of a temper of mind to appreciate not only the special needs of aviation, but the needs of the Army as a whole.

* * * * * * *

In accordance with the recommendation stated above, the Secretary of War directs that there be created in each of the divisions of the War Department General Staff an air section, the duties of which will be to consider and recommend proper action on such air matters as may be referred to such divisions.

J. L. HINES,
Major General, Chief of Staff.

JANUARY 27, 1926.

Memorandum for the Chief of Staff:

Subject: Provision for incorporation of Air Service personnel in the War Department General Staff.

Reference is made to your memorandum dated January 15, 1926, to The Adjutant General on the above subject (OCS 9643–154).

The contents of the above memorandum have been noted and made of record in this office and, as contemplated therein, selection has been made of Air Service personnel for duty with the War Department General Staff.

ROBERT C. DAVIS,
Major General, The Adjutant General.

JUNE 16, 1926.

Hon. W. FRANK JAMES,
Acting Chairman House Military Affairs Committee,
House Office Building, Washington, D. C.

MY DEAR MR. JAMES: I have been in conference with Gen. Fox Conner, Deputy Chief of Staff, with regard to section 5, air sections of the General Staff, contained in H. R. 10827, as passed by the House of Representatives on May 5, 1926, and which the Senate struck out when passing this bill.

If the House conferees decide that it is necessary to legislate on this matter, General Conner and I both feel that it would be advisable to place a time limit on this section, so as to make it effective only until such time as there are sufficient officers of the Air Corps eligible for detail on the War Department General Staff to maintain a proper representation of air officers in that body. After careful consideration it is believed that three years will suffice to bring about this condition, and it is therefore suggested that line 21, on page 6, read as follows: "Until July 1, 1929, there is hereby created, etc."

Very truly yours,

MASON M. PATRICK,
Major General, Air Service, Chief of Air Service.

JUNE 22, 1926.

Hon. W. FRANK JAMES,
Acting Chairman House Military Affairs Committee,
United States House of Representatives, Washington, D. C.

MY DEAR MR. JAMES: With reference to your telephonic request regarding section 5 of H. R. 10827, air sections of the General Staff, I believe that the proposed legislation, as finally agreed upon by the conferees, will best serve the present situation. It will be three years before a sufficient number of Air Corps officers become eligible for the War Department General Staff to maintain a proper representation in that body, and at that time it appears that there will be no further need for this special provision of law. Furthermore, having these air sections headed by officers of the Air Corps will carry out the recommendation of the President's Aircraft Board in this respect.

Very truly yours,

MASON M. PATRICK,
Major General, Air Service, Chief of Air Service.

FLYING PAY FOR OTHER THAN REGULAR ARMY

Section 6 clarifies the language of the pay act with regard to the extra pay for the flying risk and incorporates similar language to that included in section 2 for the Regular Army, making it mandatory that personnel be detailed by orders of competent authority and that they actually do participate in regular and frequent flights.

This section also increases the number of officers of the Regular Army other than the Air Corps who may be placed upon the flying status. It is necessary that flight surgeons and the special technical experts from the Signal Corps, Engineer Corps, and Ordnance Department particularly go in to the air in the performance of the work in connection with the Air Corps. The limitation to approximatly 60 carried in the old law has now been increased to approximately 120.

The provision of flying pay for National Guard officers has also been changed so as to permit the National Guard officers to draw this form of drill pay when they have completed the required time in the air, even though the balance of their organization may perform drill at another time. This, then, permits National Guard officers to fly during the day and their organizations to drill during the evening or during inclement weather.

The President's Aircraft Board stated with regard to flying pay:

Considering the extra hazardous nature of flying, we believe that the principle of extra pay for flying should be recognized as permanent in time of peace. The administration of the provision for flying pay should be such that it will be paid only where the duties on which an officer is engaged may reasonably require flying or where necessary to keep him in training for future flying.

CHIEF OF THE AIR CORPS

Section 7 of the bill provides for the next seven years for the special appointment for the Chief of the Air Corps. The national defense act prescribes that chiefs of branches shall be appointed from among officers of the grade of colonel and from among those who have demonstrated by actual and extended service in the branch or on similar duty that they are qualified for the appointment. There are only two colonels in the Air Corps eligible for appointment. It therefore is the intent of this provision that the President shall have a much greater number from whom to choose in making his selection for the Chief of the Air Corps. The wording of the provision now follows closely the wording of the national defense act, except that it permits the appointment of the chief to be made from officers of any grade of not less than 15 years' commissioned service. By section 2 of the bill the Chief of the Air Corps is required to be a flying officer. This provision now makes approximately 60 officers eligible. They are as follows:

Air Service officers—commissioned service to June 30, 1926

(22 years or more)

	In service since—
Maj. Gen. Mason M. Patrick	July 1, 1886
Brig. Gen. James E. Fechet	July 25, 1900
Col. Chalmers G. Hall	June 11, 1897
Col. Theo. A. Baldwin	Sept. 13, 1898
Lieut. Col. Harry Graham	Sept. 1, 1900
Lieut. Col. Clarence C. Culver	Apr. 3, 1900
Lieut. Col. Ira F. Fravel	Aug. 6, 1900
Lieut. Col. William E. Gillmore	Feb. 2, 1901
Lieut. Col. Frank P. Lahm	Feb. 18, 1901
Lieut. Col. Charles H. Danforth	July 31, 1901
Lieut. Col. Roy C. Kirtland	Aug. 30, 1901
Lieut. Col. Arthur G. Fisher	Apr. 30, 1901
Lieut. Col. John H. Howard	Oct. 12, 1901
Lieut. Col. Seth W. Cook	July 7, 1901
Lieut. Col. Benj. D. Foulois	July 9, 1901
Lieut. Col. John A. Paegelow	July 1, 1901
Maj. James A. Mars	June 11, 1903
Maj. Jacob W. S. Wuest	June 11, 1903
Maj. Henry C. Pratt	June 15, 1904
Maj. Gerald C. Brant	June 15, 1904

(15 to 21 years' service)

Maj. Archie W. Berry	Feb. 13, 1905
Maj. Wm. N. Hensley	June 13, 1905
Maj. Ira A. Longanecker	Jan. 26, 1906
Maj. Frank M. Andrews	June 12, 1906
Maj. Oscar Westover	June 12, 1906
Maj. Henry B. Claggett	June 12, 1906
Maj. Jacob E. Fickel	Feb. 28, 1907
Maj. Rush B. Lincoln	Feb. 28, 1907
Maj. Augustine W. Robins	June 14, 1907
Maj. Henry H. Arnold	June 14, 1907
Maj. Barton K. Yount	June 14, 1907
Maj. Wm. C. McChord	June 14, 1907
Maj. John D. Reardan	Jan. 21, 1908
Maj. Lawrence W. McIntosh	Feb. 14, 1908
Maj. Harold Geiger	Feb. 14, 1908
Maj. Henry H. C. Muhlenberg	Feb. 14, 1908
Maj. John F. Curry	Feb. 14, 1908
Maj. James E. Chaney	Feb. 14, 1908
Maj. Horace M. Hickam	Feb. 14, 1908
Maj. Alfred H. Hobley	Feb. 14, 1908

	In service since—
Maj. Albert L. Sneed	Feb. 14, 1908
Maj. Walter R. Weaver	Feb. 14, 1908
Maj. John N. Reynolds	Sept. 28, 1908
Maj. Robert N. Coker	Sept. 28, 1908
Maj. Frank M. Kennedy	Sept. 28, 1908
Maj. John H. Pirie	Oct. 1, 1908
Maj. Robert E. Goolrick	Oct. 5, 1908
Maj. Jacob H. Rudolph	Sept. 28, 1908
Maj. Frederick L. Martin	Oct. 3, 1908
Maj. Jenner Y. Chisum	Oct. 18, 1908
Maj. Delos C. Emmons	June 11, 1909
Maj. Arnold N. Krogstad	June 11, 1909
Maj. Thos. D. Milling	June 11, 1909
Maj. George H. Brett	Aug. 29, 1911
Maj. Walter H. Frank	June 15, 1910
Maj. Wm. C. Sherman	June 15, 1910
Maj. Frank D. Lackland	Feb. 25, 1911
Maj. Herbert A. Dargue	June 13, 1911
Maj. Harrison H. C. Richards	June 13, 1911
Maj. Ira A. Rader	June 13, 1911
Maj. Leo A. Hefferman	June 13, 1911

This is a particularly important part of the Air Corps bill as it must be obvious that a chief selected from among officers "who have demonstrated by actual and extended service in such corps that they are qualified for such appointment" would undoubtedly be the best kind of a chief to have. It will do a great deal to boost the morale of the Air Corps to always have an officer who is an actual flier. This has been amply demonstrated in the service of General Patrick, who at the age of nearly 60, learned to fly and pilot his own machine in order that he might be the better fitted to administer the corps of which he has been chief.

The following letter from the Chief of the Air Service with regard to this provision is quoted:

JUNE 22, 1926.

Hon. W. FRANK JAMES,
Acting Chairman House Military Affairs Committee,
House of Representatives, Washington, D. C.

MY DEAR MR. JAMES: In compliance with your telephonic request for my opinion with regard to section 7 of H. R. 10827, appointment of the Chief of the Air Corps, as agreed upon by the conferees, I am thoroughly satisfied that this will accomplish a most important purpose. At the present time there are only two officers in the Air Corps who might qualify for appointment as Chief of the Air Corps under the provisions of the national defense act. This new provision will permit the President a selection from somewhat over 60 officers at the present time, which number will increase during the period that this provision is effective. I believe that at the end of seven years there will be sufficient officers available in the Air Corps to remove the necessity for a continuance of this legislation.

Very truly yours,

MASON M. PATRICK,
Major General, Air Service, Chief of Air Service.

FIVE-YEAR PROGRAM

Section 8 sets forth a five-year development program for the Air Corps. Over three years ago the Lassiter Board met in the War Department and recomended a 10-year program, and that legislation be secured for making it effective. This program was never submitted to Congress for this purpose. It has been evident, however, to the War Department and to the several boards that have met that a development program for the Air Corps is most desirable.

In his message to Congress at the beginning of this present session, the President stated:

We must have an air strength worthy of America.

Also:

Aviation is of great importance, both for national defense and commercial development.

This Lassiter Board stated:

We can not improvise an Air Service and yet it is indispensable to be strong in the air at the very outset of a war.

And again:

The committee finds our Air Service to be in a very unfortunate and critical situation.

And then this remarkable statement:

Should a national emergency confront this country within the next few years, the Air Service would not be able to play its part in meeting it.

In writing about the Lassiter Board recommendations to the chairman of the House Military Affairs Committee on March 2, 1926, the Secretary of War said that—

the project as now revised by the War Department contemplates a five-year program which would eventually provide the Air Service with 1,650 Regular Army officers, 550 reserve officers on active duty, 2,200 airplanes, including those on order, and 15,000 enlisted men, including 500 flying cadets.

The five-year program as outlined in this revised project has been approved by me and will be the one toward which the War Department will work during the next five years to the extent that appropriations are made available.

PERSONNEL

It is the intent of Congress to increase the personnel strength of the Air Corps by 403 officers and 624 enlisted men so as to bring the commissioned and enlisted strength up to 1,650 regular officers and 15,000 enlisted men, including flying cadets. Authority is granted by the bill for the President to effect this increase by increasing the Regular Army or by making reallotments of the strengths of the various branches.

Authority is also contained for having 550 regular officers on active duty. This will provide for the creation of a real fighting reserve, and it is hoped, furthermore, to overcome many of the personnel difficulties now facing the Air Corps by permitting these reserve officers to be on active duty.

EQUIPMENT

The bill authorizes the Secretary of War to equip and maintain the Air Corps with not to exceed 1,800 serviceable airplanes, with replacements of approximately 400 annually. The airplanes contemplated in this program are as outlined in the following table:

Airplanes contemplated under five-year project Air Service

	Active	On order	War reserve	Total
Pursuit	420	105	54	579
Bombardment	161	40	24	225
Attack	89	22	6	117
Observation	414	104	26	544
Transport	41	10	----------	51
Training	547	137	----------	684
Total	1,672	418	110	2,200

It is hoped that the number of airplanes authorized will provide for a real fighting air component and that a large number of these planes will be allotted to units which may be able to take the field on the first day of any future emergency.

METHOD OF INCREASE

The program is to become effective this year, and the President is authorized to submit the necessary estimates for carrying out the program. It is interesting to note in this connection that the percentages of national defense budgets devoted to aviation in foreign countries are as follows:

	Per cent
France	10
Great Britain	15
Italy	17
Japan (excluding naval and civil aviation)	1½

In comparison with this the United States is devoting 7 per cent.

ASSISTANT SECRETARY OF WAR

Section 9 provides for an Assistant Secretary of War whose primary function will be in fostering military aeronautics. This official will be most valuable in seeing that the intent of Congress is carried out in the five-year development program and in coordinating the activities of the Air Corps with other aviation activities of the Government. The President's Aircraft Board stated:

We foretell that such an official properly used could be the means of promoting close cooperation between aviation and the other parts of the Army. In the matter of procurement he could be especially useful.

The President's Aircraft Board also felt that the Assistant Secretary of War, together with the Assistant Secretaries provided for the Department of Commerce and the Navy Department—

could perform in a continuous way from year to year by investigation and recommendation a substantial service to aviation.

PROCUREMENT OF AIRCRAFT

Section 10 goes rather extensively into the method of procurement of aircraft. There has been considerable difficulty and dissatisfaction in the past with regard to procurement methods for aircraft, and it is in an effort to correct this situation that this subject has been incorporated in this legislation. The select committee of inquiry recommended as follows:

Congress should at once pass a law permitting the procurement of of aircraft engines and aeronautical instruments and accessories with-

out requiring competitive bidding under restrictions that will promote the best interests of the Government.

This section of the bill, it is believed, will not only permit the procurement of aircraft in a much more satisfactory manner but will completely protect the interests of the Government in this matter.

This section of the bill was worked up by five members of the Military Affairs Committee and five from the Naval Affairs Committee, who sat and held hearings in joint session for several weeks. It is essentially the same as H. R. 12471, introduced in this House by Mr. McSWAIN. With regard to this particular bill, and consequently with regard to this section 10 of the Air Corps bill, the following letter from the Secretary of War is quoted:

WAR DEPARTMENT,
Washington, June 14, 1926.

Hon. JOHN M. MORIN,
Chairman Military Affairs Committee,
House of Representatives,

DEAR MR. MORIN: The report on H. R. 12471, a bill to encourage the development of aviation and secure advancement of Army aeronautics, and for other purposes, forwarded to you by the Acting Secretary of War under date of June 10, 1926, is fully concurred in by me.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

There is also quoted a letter from the Assistant Secretary of War, who in the War Department is charged with matters of procurement and who was acting as Secretary of War at the time he wrote the letter:

WAR DEPARTMENT,
Washington, June 10, 1926.

Hon. JOHN M. MORIN,
Chairman Military Affairs Committee,
House of Representatives.

DEAR MR. MORIN: In compliance with the request of Hon. W. FRANK JAMES, acting chairman of your committee, I am pleased to submit the views of the War Department upon H. R. 12472.

The War Department has taken considerable interest in this proposed legislation, hearings before your committee and subcommittee having been attended by the Secretary of War and several representatives of the department. The text of the bill as printed has been carefully studied and I have read with interest the printed report of your committee upon the measure. The amendments recommended in the committee's report are merely clarifying and can not be said to materially alter the text of the bill as originally printed.

The subject of the proposed bill as stated in the preamble thereof is to encourage the development of aviation and secure the advancement of Army aeronautics. The procurement of the best types and quality of aircraft to meet the needs of our national defense, and at the same time to reduce so far as possible the hazards of military flying, as well as to stimulate the aircraft industry of the United States, are the predominating purposes to be served by the enactment of this legislation.

The applicable provisions of existing law on this subject are too voluminous to recount in this letter other than to say that at the present time the procurement of aircraft and aircraft accessories is comprehended within the mass of law now upon our statute books relating generally to the procurement of matériel for the Government.

The changes that will be brought about in existing law by the enactment of the proposed legislation may be outlined as follows:

Inventive genius in the creation of new designs for aircraft and their accessories will be stimulated by the competition in design provided for in the bill, in which the awards are based upon merit of design rather than on cost of production or cost of design. This principle also is carried into the quantity production (secs. 1, 13, and 16) of aircraft by discretionary powers given to the department head. This feature is most desirable from any standpoint.

The purchase of unpatentable design rights is permitted and thus adequate reward to competent designers is authorized. This feature alone is a valuable addition to existing law in the development of the aircraft industry and also from the War Department's point of view.

The proposed legislation in general is designed to give legal effect to the principal recommendations of the President's Aircraft Board relating to the procurement of aircraft. The War Department is in hearty accord with these principles.

Your attention is invited to the provisions of the bill providing for legal remedies on the part of competitors and contractors in the district courts of the United States. These provisions seem to be sharp departures from the policy followed in the past, but it is not believed to be the function of the War Department to comment upon them. There is one provision in the bill, namely, that providing in certain cases for arbitration (sec. 4 of the bill), which it is believed is unsound in principle for the reason that it seems to take the settlement of an administrative question out of the hands of the department head who is by law held responsible. While the War Department would favor seeing this provision deleted from the bill, I am constrained to say that its retention, if insisted upon by the Congress, in all probability will not create insurmountable difficulties to the administration of the bill generally.

I am pleased, therefore, to state that the War Department is in favor of the proposed legislation, subject to the remarks above, provided the same be enacted without substantial alterations; that is to say, if sections 7 and 16 of the bill which grant the department head discretionary powers in quantity procurement of aircraft and procurement of aircraft and designs for experimental purposes should be deleted or substantially altered, thus making the provisions of section 1 of the bill exclusive, there would be great objection to section 1 of the bill. In other words, taking all of the provisions of the bill together, excepting only the one providing for arbitration (refraining from commenting upon the judicial provisions as noted above), I believe their enactment into law will be found to be of great benefit to the War Department in its procurement of aircraft, and also to the industry at large.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

Sincerely yours,

HANFORD MACNIDER,
Acting Secretary of War.

An additional letter from the Secretary of War is quoted:

WAR DEPARTMENT,
Washington.

Hon. W. FRANK JAMES,
House of Representatives.

DEAR MR. JAMES: Complying with your request for report on sections 10 to 10(t), inclusive, of the conference committee print of June 19, 1926, H. R. 10827, Sixty-ninth Congress, first session, I am pleased to advise you that those sections as they appear are satisfactory to the War Department, and I recommend that they be enacted into law.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

The following is a letter from the Chief of Air Service:

JUNE 22, 1926.

Hon. W. FRANK JAMES,
Acting Chairman House Military Affairs Committee,
United States House of Representatives, Washington, D. C.

MY DEAR MR. JAMES: Complying with your request by telephone for comments concerning section 10 of H. R. 10827, as agreed upon by the conferees, dealing with the procurement of new designs for aircraft and of aeronautical matériel, I believe that this will be of benefit to the military services. It will insure that the industry is kept posted with regard to orders placed by the Army and Navy for aeronautical matériel. It will also protect the manufacturer and designer, while at the same time it will completely safeguard the interests of the United States.

Very truly yours,

MASON M. PATRICK,
Major General, Air Service, Chief of Air Service.

SOLDIER'S MEDAL

Section 11 of the Air Corps bill provides a soldier's medal and is available for all Army personnel. The need for such a medal has been apparent for some time in order that acts of heroism not involving actual conflict with an enemy might be properly awarded. This provision authorizes a medal which is similar to the one now granted in the Navy.

DISTINGUISHED-FLYING CROSS

By section 12 of the Air Corps bill a distinguished-flying cross is provided for acts of heroism or extraordinary achievement while participating in an aerial flight. Medals undoubtedly have a great influence upon morale, and in the case of acts of heroism or achievement performed in the air there must not only be taken into consideration the act itself but the constant danger and risk to life that surrounds the performance of the act. It is therefore felt that the distinguished-flying cross provided in this bill will do much toward morale and providing recognition where it is deserved.

EXTRA PAY FOR ENLISTED MEN RECEIVING AWARDS OF MEDALS

By section 13 of the Air Corps bill enlisted men receiving either the soldier's medal or the distinguished-flying cross are authorized to receive the $2 extra per month, which it is now customary to give in the case of awards of the distinguished-service cross.

REPEALING CLAUSE

Section 14 is simply the normal repealing clause.

GENERAL

The following letters with regard to the general merits of the Air Corps bill are considered valuable to complete the record.

JUNE 22, 1926.

Hon. W. FRANK JAMES,
Acting chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. JAMES: I have given careful consideration to the conference committee print of H. R. 10827, "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," and am pleased to inform you that I find myself in general accord with the agreement reached by the conferees as set forth therein, and with the bill as a whole.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

JUNE 22, 1926.

Hon. W. FRANK JAMES,
Acting Chairman House Military Affairs Committee,
United States House of Representatives, Washington, D. C.

MY DEAR MR. JAMES: In compliance with your telephone request concerning H. R. 10827, a bill primarily to increase the efficiency of the Air Corps of the Army, I am thoroughly satisfied that when this measure becomes a law it will do much for national defense and very materially increase the efficiency of the Air Corps. It contains many excellent provisions and is evidently the result of a most thorough and complete study of the subject. It is hoped that this measure will be passed and that its provisions will be made immediately effective.

Very truly yours,

MASON M. PATRICK,
Major General, Air Service, Chief of Air Service.

IMMIGRATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of immigration.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject of immigration. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker and Members of this House, I propose by this speech to point out to you briefly the history of immigration and what Congress has done to our immigration policy, beginning prior to our 1921 laws and including the permanent act that was passed by Congress in May, 1924.

Prior to 1921 we all know that a different policy of immigration was pursued, namely, to allow able-bodied men, women, and children to enter this country who were morally and physically fit and who would not become public charges. As a result of this policy our country is now the greatest Nation in the world.

In 1921 we proposed a quota policy of 3 per cent of the nationals in the United States, based upon the census of 1910, and although we drifted away from our original scheme, nevertheless it was a workable policy and it greatly restricted immigration and gave us the following number of immigrants:

Country or region of birth	Year ended June 30, 1924, quota	Year ended June 30, 1923, quota	Year ended June 30, 1922, quota
Albania	288	288	288
Armenia (Russian)	230	230	1,589
Austria	7,342	7,451	7,451
Belgium	1,563	1,563	1,563
Bulgaria	302	302	302
Czechoslovakia	14,357	14,357	14,282
Danzig, Free City of	301	301	301
Denmark	5,619	5,619	5,694
Esthonia	1,348	1,348	
Finland	3,921	3,921	3,921
Fiume, Free State of	71	71	71
France	5,729	5,729	5,729
Germany	67,607	67,607	68,059
Great Britain, Ireland	77,342	77,342	77,342
Greece	3,063	3,294	3,294
Hungary (including Sopron District)	5,747	5,638	5,638
Iceland	75	75	
Italy	42,057	42,057	42,057
Latvia	1,540	1,540	
Lithuania (including Memel and part of Pinsk region)	2,629	2,460	
Luxemburg	92	92	92
Netherlands	3,607	3,607	3,607
Norway	12,202	12,202	12,202
Poland (including eastern Galicia and part of Pinsk region)	30,977	31,146	25,827
Portugal (including Azores and Madeira Islands)	2,465	2,463	2,520
Rumania	7,419	7,419	7,419
Russia, European and Asiatic (excluding Barred Zone)	24,405	24,405	34,284
Spain (including Canary Islands)	912	912	912
Sweden	20,042	20,042	20,042
Switzerland	3,752	3,752	3,752
Yugoslavia	6,426	6,426	6,426
Other Europe (including Andorra, Gibraltar, Liechtenstein, Malta, Monaco, and San Marino)	86	86	86
Palestine	57	57	56
Syria	882	928	906
Turkey (European and Asiatic), including Smyrna region, and Turkish-Armenian region for 1923	2,654	2,388	656
Other Asia (including Cyprus, Hedjaz, Iraq (Mesopotamia), Persia, Rhodes, and any other Asiatic territory not included in the Barred Zone; persons born in Asiatic Russia are included in the Russian quota)	92	81	81
African	104	122	122
Egypt	18		
Atlantic islands (other than Azores, Canary Islands, Madeira, and islands adjacent to the American continents)	121	121	65
Australia	279	279	279
New Zealand and Pacific islands	80	80	80
Total	357,803	357,803	356,995

The act of 1921 was extended up to 1924 by an act of Congress when the committee pursued a further restriction, and in May, 1924, proposed a new theory of fixing the quota back to the census of 1890 for future immigration, instead of the census of 1910.

The committee, by debating the 1890 census as a quota basis for future immigration instead of the 1910 census, had the hope thereby to equalize the number of rapidly breeding people of southern and eastern Europe with the slowly breeding people of northern and western Europe.

By permitting more people from northern and western Europe to come here, we will eventually have an evenly balanced foreign population and happiness will reign supreme. In short, we must have more Nordics, more people with blue eyes, blond hair, and long stature.

By the adoption of the 1890 census Congress hoped to increase the number of Nordics and decrease the number coming from eastern and southern Europe to be admitted, and under the 1890 census the following table gives us the number to be admitted:

Country or area:	
Afghanistan	100
Albania	100
Andorra	100
Arabian Peninsula	100
Armenia	124
Australia, including Papua, Tasmania, and islands appertaining to Australia	121
Austria	785
Belgium	512
Bhutan	100
Bulgaria	100
Cameroon (proposed British mandate)	100
Cameroon (French mandate)	100
China	100
Czechoslovakia	3,073
Danzig, Free City of	228
Denmark	2,789
Egypt	100
Esthonia	124
Ethiopia (Abyssinia)	100
Finland	471
France	3,954
Germany	51,227
Great Britain and Northern Ireland	34,007
Greece	100
Hungary	473
Iceland	100
India	100
Iraq (Mesopotamia)	100
Irish Free State	28,567
Italy, including Rhodes, Dodekanesia, and Castellorizzo	3,845
Japan	100
Latvia	142
Liberia	100
Liechtenstein	100
Lithuania	344
Luxemburg	100
Monaco	100
Morocco (French and Spanish Zones and Tangier)	100
Muscat (Oman)	100
Nauru (proposed British mandate)	100
Nepal	100
Netherlands	1,648
New Zealand (including appertaining islands)	100
Norway	6,453
New Guinea and other Pacific islands under proposed Australian mandate	100
Palestine (with Trans-Jordan, proposed British mandate)	100
Persia	100
Poland	5,982

Country or area—Continued.	
Portugal	503
Ruanda and Urundi (Belgium mandate)	100
Rumania	603
Russia, European and Asiatic	2,248
Samoa, western (proposed mandate of New Zealand)	100
San Marino	100
Siam	100
South Africa, Union of	100
South West Africa (proposed mandate of Union of South Africa)	100
Spain	131
Sweden	9,561
Switzerland	2,081
Syria and The Lebanon (French mandate)	100
Tanganyika (proposed British mandate)	100
Togoland (proposed British mandate)	100
Togoland (proposed French mandate)	100
Turkey	100
Yap and other Pacific islands (under Japanese mandate)	100
Yugoslavia	671
Total	164,667

Area	Annual quota	
	Number allotted	Per cent of total
Northwestern Europe	140,999	85.6
Southern and eastern Europe and Asia	21,847	13.3
Africa, Australia, and New Zealand and other Pacific islands	1,821	1.1
Total	164,667	100.0

It will therefore be seen that the so-called Nordics are permitted an annual quota of 140,999 out of 164,667, leaving the balance the difference for 39 nations.

Congress admits that it is discriminating against southern and eastern Europe. Congress practically declared the people from southern and eastern Europe inferior, and by the passage of this immigration act it has practically placed a stamp of approval in favor of the Nordic races as against the whole world.

During the quota year of 1923–24 there came to the United States the following number of persons:

To New York	116,129
To Massachusetts	36,374
To Illinois	33,722
To Michigan	36,374
To New Jersey	23,943
To Pennsylvania	37,515

Does the cry against immigration come from these States? Decidedly not. In fact, statistics show that where the immigrant settled the city or country prospered. Out of the number of immigrants during the quota year of 1923–24 which I have enumerated we find that the number of males and their professions are as follows:

Members of various professions	15,056
Architects	1,136
Electricians	2,600
Professional engineers	3,302
Musicians	967
Teachers	2,058
Physicians	646
Literary and scientific persons	460
Sculptors and artists among them	226
Skilled workmen, including a large number of traders, among them miscellaneous	100,339
Laborers	62,144
Farm laborers	19,152
Farmers	12,000
Servants	38,283
Total	160,578

Those men were an asset to this country. It can not be said they were undesirable. It can not be said that because they came from southern and eastern Europe they were weakening the structure of America.

It has been claimed that the immigrant has reduced the standard of living which prevails here. This is likewise untrue. Those who live amongst immigrants, as distinguished from those who write about them for the purpose of establishing a thesis, know that almost from the moment of their landing they begin to establish themselves and shape their lives according to the standard mode of living.

There has been a further unjustifiable charge and contention that there is in this country an undigested mass of alien thought and alien sympathy which breeds racial hatred. This, as other figures of speech, can not bear analysis. This does not mean that they are opposed to the land in which they live and in which they earn their livelihood, where they have established a permanent home for themselves and their children.

When they left their country, they severed all political relations with foreign countries. Do any considerable portion of them expect to leave our shores? Certainly not.

Were the Puritans of New England, the Cavaliers of Virginia and Maryland, the Knickerbockers of New York, the Quakers of Pennsylvania, or the Scandinavians of the Middle West, with their undigested mass of alien thought and alien sympathy, a menace to this country? They were not.

All students of American history know very well that our majestic Republic has been built up by a mingling of many races including those which are being discriminated against to-day as undesirables.

The Italians, the Jews, the Poles of Russia, the Lithuanians, and Bohemians, have mingled and fused with the early immigrants, namely, the English, the Scotch, and the Irish, and the Scandinavians.

While the melting pot has not yet completed its amalgamated process, who shall say that America has lost any of her superiority because of the inter-racial transplanting and inter-racial transfusion?

What a country this would be if the quota law was enforced during the time Columbus entered this country.

What a country this would be if Marconi were returned when he came to this country in excess of the quota, or Tesla, with his wireless telegraphy and electrical inventions. What would happen if Steinmetz was barred from entering this country because of the quota act or because he came from southern Europe? And who by these contributions have justified the wisdom of admitting the Jews and eastern Europeans in this land of ours. The president of one of the largest construction companies—Thompson-Starrett—was once a poor immigrant boy, coming from the land which is now being discriminated against. He is Louis J. Horowitz.

In 1776 there were some 4,000 Jews in the United States who generally aided the Americans in the Revolutionary War.

Haym Saloman, a Polish Jew, loaned his great fortune to help the Colonies at a critical juncture.

Columbus came with Jews to America 128 years before the *Mayflower*, who brought to Plymouth its political and religious refugees from England, who gave to America its spirit, its truth, and its freedom.

If there is anyone who doubts or questions the value and the contribution made to America by the races and people of southern and eastern Europe, he has but to spend a few days in a typical New England industrial center.

In Worcester, Mass., for instance, there are 37 nationalities at work in its various factories, creating the wealth of that thriving city; and what is true of Worcester is true of all of New England's industrial centers of population, with her humming mills and busy factories.

I have referred only briefly to the contributions made by the immigrants of southern and eastern Europe in the field of creative arts. I believe it is conceded by the keenest and deepest students of sociology that these peoples, because of their tradition and by virtue of their temperament, can and will and are supplementing our material development with creative production in the artistic realm.

The cultured of our people in New York enjoy and admire the world-famous Jewish violinists, pianists, vocalists, and actors.

Dr. Leopold Auer, most famous of violin teachers, has his studio in New York.

Rubin Goldmark is president of the Bohemians, which is the largest and strongest of the world's clubs of musicians. His symphonic compositions are played by the world's great orchestras, and artists from all parts of America seek his studio for lessons in harmony and composition. In Puritan meeting houses the fiddle was thought an instrument of Satan's. Our Anglo-Saxon stock has crying need for the sobbing violins of virtuosi from southeastern and southern Europe and for all their wonderful arts: Zimbalist, Elman, Heifetz, Kreisler, De Pachmann, Godowsky, Rachmaninoff, Caruso, Gigli, and Bonci.

Russia sent us Stokowski, who gives to Philadelphia the most brilliant of all orchestras.

Naturally and instinctively we think of patriotism as the highest expression of Americanism. In the great hour of an emergency or national crisis all people of all races and religions are tested by the call to arms and by the service and self-sacrifice on the battle field, if need be. Anyone familiar with the devotion and heroism of our boys in the recent war must admit that no single race had a monopoly on heroism.

I commend to those who are infected with the germ of the Nordic superior race theory, their beautiful and effective story of the eight American soldiers, by Samuel McCoy, which I shall take the liberty to quote:

The heroism of the eight Americans whom I am about to name was duplicated in every one of the hundreds of regiments which were

sent from America to serve in France. I name these eight men merely because their war records happen to be before me at the moment and because much has been said of late in regard to the proper qualifications for American citizenship.

Each of these men was awarded the distinguished-service cross. Twenty thousand men who fought in the same division to which they belonged, all acquitted themselves with honor in the face of danger. A thousand men of the division were singled out to appear in the divisional citations for feats of heroism performed in that campaign. But these eight were ranked even higher than all these. They were of the handful who won the distinguished-service cross, a decoration awarded only "for extraordinary heroism in action."

The first man, a sergeant, in the assault launched against the seemingly impregnable Hindenburg line, "although twice wounded, refused to leave the field, but remained with his platoon, exhibiting magnificent courage and bravery until he was wounded a third time. His devotion to duty set a splendid example to the men of his company."

The second man, a corporal, in the same fearful fire of the enemy, "was an advance scout for his platoon. The platoon was temporarily halted by machine-gun fire from a section of the enemy trench in their immediate front. He rushed through the heavy enemy fire to the trench, and at the point of his rifle compelled 12 of the enemy to surrender. He then signaled for the platoon to advance."

The third, also a corporal, "left shelter, went forward, under intense machine-gun fire, and carried a wounded officer to safety. In accomplishing this mission he was severely wounded."

The fourth, a private, first class, "when the advance of his battalion was checked by heavy machine-gun fire, went forward, and two other soldiers, under heavy fire to reconnoiter the enemy positions. By effective rifle fire they drove the gunners from two machine-gun nests into a dugout nearby, which they captured, together with 35 prisoners, including 3 officers.

The fifth man, also a private, "after being severely wounded by shrapnel, took shelter in a shell hole somewhat in advance of his company, from which he had become separated in the fog and smoke. He saved the lives of four of his wounded comrades, who were occupying the shell hole, by throwing live grenades which had been tossed into the shell hole by members of his own company in the rear into the enemy's lines.

The sixth, a private, "under heavy shell and machine-gun fire, left the shelter of his trench, and going forward under a thick smoke screen, single-handed captured between 30 and 40 prisoners. Three weeks later, in a second battle, after the advance of his company had been stopped by strong, hostile machine-gun fire, he, with three comrades, advanced far ahead of the front line to attack an enemy position located in a large farmhouse. By skillful maneuvering in the broad daylight they covered all entrances to the house and forced the surrender of the entire force of the enemy, numbering 36 men and 2 officers. During the exploit they killed 2 of the enemy who attempted to take cover in the cellar."

The seventh, a private, "exhibited exceptional bravery by leaving shelter and going into an open field, under heavy machine-gun and shell fire, to rescue wounded soldiers."

The eighth man, also a private, "while the advance against the Hindenburg line was at its height, seeing an American machine gunner exposed to the enemy, ran to his assistance. On the way he was seriously wounded, but continued on, reaching the position and using his body to shield the gunner while the latter poured a fire into the enemy. He was wounded three times, finally losing consciousness, but after his wounds were dressed he insisted on leaving the field unaided."

The names of these eight American soldiers, all of whom are still living, are John N. F. Bilitzki, Lonnie J. Moscow, Aloizy Nagowski, Isaac Rabinowitz, Epifanio Affatato, Wasyl Kolonoczyk, Daniel Moskowitz, and Antony Sclafoni.

Having disposed of the racial ethnic argument used by the restrictionists to justify the closing of the door of the United States, let me pass on to another phase of the question. The restriction act of May 19, 1921, was enacted as a postwar reconstruction measure.

We had an army of unemployed, and as a temporary expedient we tightened up on our restrictive features. But that emergency is passed. Less than several years ago, when we were on the upward swing industrially, captains of industry and farmers were demanding the complete abandonment of all restrictive legislation on immigration. The cry went out that there was imminent danger of a labor shortage, seriously handicapping the industrial and the agricultural development of our Nation. What has happened since then to justify swinging to the other extreme? The passage of the 1924 act based on the census of 1890 is very evident as a discriminatory bill, as pointed out.

We have abandoned the policy laid down by the founders of this Republic, which policy, so far as immigration is concerned, made possible the greatest development ever witnessed by any people and by any nation in history.

I was designated as a member of the Immigration Committee in the Sixty-eighth Congress, and remain such a member of the same committee in the Sixty-ninth Congress.

I have carefully studied the immigration problem without any prejudice and without any foreign sympathy but purely from the standpoint of a representative of the American people and what in my opinion would be best for this country.

I find that during the course of my experience as a member of this great Immigration Committee that the members constituting this committee are men of great learning and intelligence, but yet they have not and do not fully grasp the situation and the conditions that confront certain sections of the United States. This, I presume, is due to the little time a Member has in the course of his duties in Congress to further study his people, their environment, and the surrounding home life, as a result of which when a Member representing a large city community proposes a workable liberalization policy of immigration, it may be looked upon with suspicion by the colleague coming from a southern or other part of the country, he believing that the proposed claim suggested by the Member representing the city district is furthering a measure to bring more labor into the United States. On the other hand, this may not be the intention at all, but may be purely an act of humanity and to bring about a better understanding of each restrictive policy on immigration and to unite the families of those people who are in the United States and who, as a result of statutory requirements, can not become citizens of the United States for a number of years. However, if these people were to apply for citizenship to-day, they could pass the tests and thereby be enabled to apply for visas for their wives and minor children, so that they may emigrate to this country and join their relatives.

During the present session of Congress there came before the Committee on Immigration several organizations who opposed the uniting of families as nonquota immigrants, but suggested that they be given a preference within the quota. It is surprising that some people will talk about preference in the quota, which means almost nothing, except to the ordinary American it would mean that a preference comes first, but in reality the quota under the act of 1924 is so small that in certain countries it would take years—not one or two, but perhaps five years or more—before the preference would amount to anything.

How can a wife and minor child interfere with any labor problems in this country, and why should the United States not allow a man who has been permanently admitted and of good moral character to bring in his wife and minor children exempt of any quota? This is strictly a humane measure. It tends to bring a better and higher standard of morality and, in my opinion, would be more advantageous to the prospective future citizen.

Who can honestly and justly advocate the separation for many years of a family? Yet that seems to be the case from sections of the country that have never had dealings with immigration direct and that do not know anything about the type of men and women but about whom they write and speak.

The President of the United States, in his message to Congress on December 8, 1925, said:

> While not enough time has elapsed to afford a conclusive demonstration, such results as have been secured indicate that our immigration law is on the whole beneficial. It is undoubtedly a protection to the wage earners of this country. The situation should, however, be carefully surveyed, in order to ascertain whether it is working a needless hardship upon our own inhabitants. If it deprives them of the comfort and society of those bound to them by close family ties, such modifications should be adopted as will afford relief, always in accordance with the principle that our Government owes its first duty to our own people and that no alien, inhabitant of another country, has any legal rights whatever under our Constitution and laws. It is only through treaty, or through residence here, that such rights accrue. But we should not, however, be forgetful of the obligations of a common humanity.
>
> * * * We ought to have no prejudice against an alien because he is an alien. The standard which we apply to our inhabitants is that of manhood, not place of birth. * * *

What has Congress done to follow this recommendation and the recommendation of the many millions of Americans who join in the President's message?

The uniting of families brings about better citizenship and a better-class of people who will grow up with their newly adopted land. Why Congress should be guided by the influence of certain organizations in the United States who hold a whip over the heads of some Members of this great House of Representatives who fear political destruction is beyond me to conceive. I should venture to say, that if these various Members of Congress in their respective States would place

the question before their own constituents as to whether or not families of permanent residents in the United States and future citizens should be united, I have no doubt in my mind but that they would change their form of policy and their form of vote. I believe and have much faith in our American people, but the fact remains that they do not get the proper information. Some of them are led to believe that the uniting of families would completely open our doors to immigration and would allow in thousands and millions of immigrants, which is not a fact and never was supported by the most liberal in Congress.

I believe in a restrictive policy of immigration and I do not believe in allowing to come here more than we can absorb, but where no injury could come to any of us—and in fact would help bring about a better spirit in patching up separated families—who can deny that right?

It is only necessary for me to make a slight reference to the testimony of a number of declarants, who appeared before the Committee on Immigration on or about the 16th day of February, 1926, which testimony will be found in the hearing entitled "Admission of Relatives and Soldiers," No. 69.1.9.

In this instance the committee came into close contact with the new immigrants, and had an opportunity to cross-examine each declarant individually. To relate all their testimony would burden the reader, and I will therefore just confine myself to a very few brief questions and answers. It must also be borne in mind that these declarants although only here between one and two and one-half years, can speak the English language understandingly.

The first one, Joseph Danowsky, in this country about two and one-half years, has a wife and two children in Europe. He states, "I wrote to my wife and children on the other side and also sent them the flag of this country and told them it was the American flag. One of my children answered me that it was very nice and would like to be where it is and learn the English language and become Americans":

By Mr. DICKSTEIN:

Q. All you are seeking is to have your wife and children come into this country? Is not that the point?

By Mr. Danowsky:

A. Yes; and to get a real education, to be a good American boy and girl.

Part of the testimony of Phillip Reiss, another declarant, who appeared before the committee, is as follows:

By Mr. DICKSTEIN:

Q. How long are you in this country?—A. Two years and eight months.

Q. What do you average a week?—A. $55.

Q. Can you support your wife and children?—A. Yes; I have a home for a year.

Q. Without a wife?—A. Yes.

Q. You say you make $50 a week. Are you prepared to give your wife a good home?—A. Yes.

The other declarants, who appeared before the committee, made statements of a similar nature to the questions which were asked of them and they gave the impression of being men of good character. They came into this country through the quota process and are able to pass the examination for citizenship to-day if the statutes permitted it. All they requested was that they be given the right to bring in their wives and minor children in exemption of the quota, so that they may live a cleaner, happier, and more respectable life with the same equal rights as offered other men.

Can Congress therefore close its ears and deny them the right to bring in the dearest members of their family? How can the restrictionists answer this question?

NATIONAL ORIGIN SCHEME

To the existing confusion with reference to the enforcement of the immigration act of 1924, there will be added the difficulty in ascertaining the status of every alien by the new feature which goes into effect July 1, 1927, and written into the act of 1924, as follows:

SEC. 11. (b) The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

This new method of computation is without precedent in the traditions of American lawmaking. Under the provisions of this so-called "origin scheme" quoted above, after July 1, 1927, three members of the President's Cabinet are given the right to decide the national origin of the population of the United States in 1920. The alleged statistics of which the law of 1924 is based do not exist in fact; are built on carefully made and skilfully spread falsehoods and prejudices, presented to the Immigration Committee of the Senate when the distinguished Senator from Pennsylvania [Mr. REED] insisted upon its incorporation in the act of 1924 the so-called "origin provision," and the House naturally fell for it. When the bill was passed in the House originally this provision was not included. Not until it got to the Senate was it attached to the bill by the distinguished Senator from Pennsylvania.

At that time both the Director of the Census, Mr. Steuart, and Doctor Hill, who appeared before the managers, declared that they would be obliged to adopt arbitrary methods to arrive at the proper basis upon which allocation would be based. This provision, which is to go into effect July 1, 1927, limits the number of European immigrants to 150,000 annually, and from the tabulation prepared by the proponents of this scheme and utilized on the floor of the House by Mr. VAILE, of Colorado, then a member of the Immigration Committee, and in the conference meeting by the conferees, through the efforts of this distinguished Senator I speak of from Pennsylvania, reduced to actual understandable figures—not upon any scientific basis at all—a limitation of 150,000 for all the countries of Europe.

The following table of permissible immigration is shown below as they were submitted on the floor of the House:

Quotas

Nationality or country	Present law	2 per cent of 1890 with minimum of 100	National origins under the 150,000 limit proviso
Albania	288	100	100
Armenia	230	100	100
Austria	7,342	990	1,840
Belgium	1,563	509	260
Bulgaria	302	100	100
Czechoslovakia	14,357	1,873	1,320
Danzig	301	223	100
Denmark	5,619	2,782	1,092
Esthonia	1,348	102	221
Finland	3,921	145	498
Fiume	71	100	100
France	5,729	3,878	2,763
Germany	67,607	50,129	22,018
Great Britain and Ireland	77,342	62,458	91,111
Greece	3,063	100	536
Hungary	5,747	488	1,259
Iceland	75	100	100
Italy	42,057	3,889	5,878
Latvia	1,540	117	253
Lithuania	2,622	302	444
Luxemburg	97	100	100
Netherlands	3,602	1,637	2,669
Norway	12,205	6,453	2,433
Poland	30,979	8,872	4,509
Portugal	2,465	474	275
Rumania	7,419	631	386
Russia	24,405	1,792	4,002
Spain	912	124	141
Sweden	20,042	9,561	3,707
Switzerland	3,752	2,081	781
Yugoslavia	6,426	735	602
Other Europe	86	125	100
Palestine	67	100	100
Syria	882	100	162
Turkey	2,654	100	119
Other Asia	92	100	100
Africa	104	100	100
Egypt	18	100	100
Atlantic Islands	121	100	134
Australia	279	120	100
New Zealand	80	100	100
Total	357,801	161,990	150,903

At that time I bitterly opposed this scheme and made a speech against it on May 9, 1924, in which I attacked this so-called "origin scheme," but it seems little attention was paid to my protest. Nobody seemed to be familiar with it, but nevertheless they accepted the report of the House managers, who knew just as little about it. Now that the law is going into force the voice of the people is heard against it, and rightfully so. It is a law which will bring about a most hopeless confusion in the entire scheme of immigration; and no matter how complicated the law may be to-day and how unjust it may be to the alien who seeks admission into the United States, it is nothing compared to what it will be when this so-called "origin scheme" goes into effect.

The writing into the law of this provision was a new departure from our immigration policy in the history of our country. It is a brand-new scheme of dividing the world into

friendly and unfriendly races. It will undoubtedly result in a decided cleavage amongst the alien population of the United States into races which are considered good and races which are considered inferior. What the basis for the division is is almost impossible to ascertain, if we take into consideration statistics and such other material before us. It is the most arbitrary division of peoples and nationalities which the world has as yet seen.

I am not aware that there is any satisfactory yardstick which can, in view of our present knowledge of races and nationalities, determine at a moment's notice an individual race or origin. A study of the European nations will clearly show that none of them can boast of uniform racial origin. All European races have been the result of a long process of mixture of nationalities and races, so that a Briton of to-day may have as much Irish blood in him as he has Scotch or English. How it will be possible to ascertain that a person is purely Irish or English or Swedish or German has not yet been shown in the scheme that is to take effect in July, 1927.

In practical operation it has been figured that the bulk of the new immigrants will come from Great Britain and North Ireland. The Irish Free State has been cut from the present quota of 28,567 to a quota of 8,330. The increase in the quota of Great Britain and North Ireland is 34,000 to 85,135, and I predict that the figure will be 91,111, as I stated on the floor of the House in my speech in opposition to this "origin" proposition in May, 1924. How in the world can anybody determine whether a person is of north Irish or south Irish extraction is beyond my comprehension.

Who brought about this "national origin" scheme? In making a thorough examination, we find that paid agents of the Carnegie organization, having secured appointments as unpaid officials of the United States Government departments, being in the Government service, under these conditions, and while under the pay of the Carnegie Endowment, and with its powerful backing, were thus enabled to work out the law passed in 1924, which provided for this so-called "origin" provision and which the distinguished Senator from Pennsylvania accepted as accurate. As a matter of fact, the principal officials of the Carnegie organization admit its responsibility for the 1924 immigration law, and its agents also admit that they were employed by the Carnegie organization for this purpose.

I could go on and on to show the unjustness and the slur upon the good people of this country by such a scheme, but one need not go very much further to establish one's case after reading the three tables I have set forth above, and which will convince you beyond a shadow of doubt that a certain group of individuals who enjoy luxury and who know of no hardships are seeking to make America Nordic and are going to extremes at the expense of the American people and against those who have helped to build America.

I hope at the next session of Congress to remove the stain that has been on the statute books of our country and which are contrary to every tradition of America.

SPEECHES DELIVERED AT THE STATE RALLY OF 2,000 OHIO DEMOCRATS IN COLUMBUS, WEDNESDAY, JUNE 2, 1926

Mr. DAVEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including the addresses of certain gentlemen at a Democratic meeting in Columbus two or three weeks ago, including the former Secretary of the Navy, Senator KING, the State chairman, and myself.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by publishing the addresses of some Democrats. Is there objection?

Mr. HOWARD. Mr. Speaker, reserving the right to object, I did not hear distinctly.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by publishing the addresses of certain Democrats.

Mr. HOWARD. That seems reasonable.

The SPEAKER. Is there objection?

There was no objection.

Mr. DAVEY. Mr. Speaker, under the leave granted I insert the addresses delivered at the State Democratic rally in Columbus, Ohio, June 2, 1926, by Hon. T. E. Dye, chairman Democratic State executive committee; by Hon. Josephus Daniels, Secretary of the Navy in the Cabinet of President Wilson; by Hon. WILLIAM H. KING, United States Senator from Utah; and by Hon. MARTIN L. DAVEY, Member of Congress for the fourteenth Ohio district. The addresses are as follows:

ADDRESS OF HON. T. E. DYE, CHAIRMAN DEMOCRATIC STATE EXECUTIVE COMMITTEE

Your excellency, Governor Donahey, distinguished guests and fellow Democrats, this great outpouring of men and women, representing practically every county of the State, to do honor to a distinguished Secretary of the Navy from North Carolina and the great Senator from Utah, the cradle of beautiful Salt Lake, is characteristic of the militant Democracy of Ohio.

Let me assure you, Mr. Secretary and Mr. Senator, that we boys and we girls are not related either by blood or political ties to a certain other group of Ohio citizens who called themselves "we boys," better known as the "Ohio gang," and who now are so conspicuous by their absence in any political gathering.

Sirs, when you have returned to your homes let us hope that you may have been impressed with the fine citizenship of this great Commonwealth. Be assured that not only the men and women comprising the Democratic Party, but also the great mass of independent thinking Republicans have been humiliated and are determined to blot out the stain on Ohio's fair name not only by punishing the guilty, but also by returning to private life men in high position who have tried to shield them by resorting to the mongrel family for emblems of purity for comparison. Friends, can it be possible that the senior Senator from Ohio, the purifier of Newbury, has been wrongly interpreted, that after all he did not seek to elevate in his famous hound's tooth oration, but rather to classify, knowing old dog Tray's propensity to gorge himself on viands repulsive to decent citizens. Democratic candidates for United States Senate, please take notice, have a heart.

I want to take this opportunity to appeal to the Democratic men and women present—when you return to your respective homes lose no time to cooperate with your fellow Democrats to fill your tickets with men of quality, men of character for every office within the gift of your respective counties, particularly legislative candidates. In senatorial and congressional districts give us men, real red-blooded men. If you leaders will lead, if you will become enthusiastic your enthusiasm will be infectious and good men will respond to your appeal. We must be willing to sacrifice and to serve, we must be unselfish and untiring in our efforts; never was the stage set prettier for the Democrats in Ohio than it is to-day. We have elected 8 governors out of the last 10, and each succeeding administration has brought new honor and glory to the Democratic Party in Ohio.

In 1910, under the gallant leadership of that great statesman, the dean of Ohio's Democracy, Hon. Judson Harmon, we elected a legislature in both branches and a full complement of State officers, and we delivered the goods to the people of Ohio.

Under the leadership of Governor Harmon's successor, the little giant from the Miami Valley, Hon. James M. Cox, we placed Ohio in the forefront of the States of the Nation in progressive and humane laws for the common man, and while there has been a relaxing on the part of the great body of voters for legislative and minor offices in the past eight years, the masses are again aroused and fully realize that they had placed a herculean task on the shoulders of Ohio's present distinguished governor, Vic Donahey.

Let me say to you now, without preference or prejudice, that whomever the party selects for its standard bearer this fall that candidate will go to the people with an appeal to give him a legislature and State officers who will cooperate and with our pledge that we will give them an administration of which they can well be proud.

The stage is set, the curtain is drawn; are we going to give the people a show befitting the dignity of a great party, or are we going to strew the State with political corpses? It is in our hands, fellow Democrats; let's be men, let's defend our share of the present administration, conscious of the fact that it is human to err but firm in the faith that our servants have done the right as God has given them the light to see the right.

We know from experience in our own household that it is hard to always keep every member in the straight and narrow path. I have had a close-up view of the present administration for the past 20 months, I know that each and every department under Democratic rule has vied with the other to excel in their service to the people of this great State, and I defy Granny Crabbe, attorney general, or any of his satelites to show wherein the present administration has wilfully or intentionally abused the trust imposed in it. I do not make this statement in defense of any candidate for office at this time but in defense of the Democratic Party.

It is my hope to see our party in Ohio builded on so firm a foundation that it can never again be said that our governor is bigger than the Democratic Party. Ohio has many sons that are destined to shine, Simon-pure Jeffersonian Democrats, Christian gentlemen, broad in mind, keen of instinct, leaders of men, leaders in business acumen. Men who believe governments were made for men, not men made for governments, men who believe that our Government is a big business institution and should be run as such.

It is now my pleasure to introduce one of the outstanding Ohio men of this type. One who has been growing rapidly in northern Ohio for the past 10 years, who served a Republican city as mayor for 6 years, and who is now serving a third term in Congress from a Republican district. It gives me great pleasure to introduce Hon. MARTIN L. DAVEY, Congressman from the fourteenth district, to the Democracy of Ohio.

ADDRESS OF HON. MARTIN L. DAVEY, MEMBER OF CONGRESS, FOURTEENTH OHIO DISTRICT

To the men and women of Ohio Democracy, perhaps I may be pardoned for telling this gathering of coworkers in the great cause for which we stand, why I am a Democrat. As the apostle said, "Let us give a reason for the faith that is in us," and I would like to relate to you the historical facts and the reasoning which have made me a Democrat from deliberate choice.

I was not born a Democrat. My good old father was an independent in politics. My mother's people happened to be all Republicans. I am engaged in business, in fact, there is where I make the money I spend in politics, and undoubtedly the larger proportion of the people with whom we do business are Republicans. My home county, and every other county in my congressional district, is normally Republican. So the easy course for me, if I merely wanted to secure and hold public office, for the sake of the office, and if I wanted to do the thing politically which would be likely to help my business most, would be to join the Republican Party and accept the benefits of the easy road.

But there is something about it that appeals to me in a deeper and more fundamental sense than mere temporary political success and the fleeting honor that goes with it. My immediate inspiration is the romance surrounding the life of my good old father, who came to America 53 years ago as a penniless immigrant and carved out a name and a place for himself in this country by virtue of the opportunities and the conditions that exist here. Granting that he had a genius for doing the things that he did, yet it is only fair to say that America made him possible. And I might go even further and say that America made us all possible. I have a feeling of deep gratitude to my native country and its institutions that gave me my all, that provided in its very foundations the opportunities and the possibilities which I crave. It is all the more significant to me that these things were possible in spite of the fact that I came from the people and had no advantages of wealth or aristocracy to aid.

When you and I speak of America we do not mean the vast expanse of land nor the majestic mountains nor the mighty rivers. We do not even mean the unsurpassed natural wealth that God Almighty put here as a storehouse upon which mankind might draw. These things have been here for countless centuries. The physical world does not change. The same glorious sun shone upon the wondrous mountains and fertile valleys of America 10,000 years ago that shines to-day. The same brilliant stars twinkled in the nighttime in bygone ages. The same moon spread her silvery luster over the earth in the beginning of time as it does to-day. For thousands of years the mighty rivers have continued to flow to the sea. Towering trees have adorned the surface of the earth for so long that man can not tell, and for countless centuries flowers have bloomed and the birds have sung their sweet songs and the winds have made sweet music through the treetops.

While the physical world has remained unchanged, great things have taken place in the progress of the human race. We go back for centuries and we see the masses of mankind as the unrewarded and unconsidered slaves of selfish masters. And then there began to work in the human consciousness and undefined and perhaps incoherent force—a groping after something better. Gradually, and by very long processes, mankind wrested from unwilling lords and kings and rulers the beginning of liberty. Step by step the human race moved forward, led by daring and courageous spirits who aspired to the advancement of the race, and ofttimes they paid a tragic price for their defiance of the established order. It was the spirit of liberty and democracy working in the souls of men, always groping through the darkness toward the rising sun.

Finally, there was established here in America, as a result of the centuries of human advancement, an entirely new system and philosophy of government. It was born of the blood and suffering of the pioneers. It was dedicated to human liberty and equal rights. It proclaimed to the world a new philosophy that all men should have an equal opportunity, no matter what might have been their origin.

And yet, in the very beginning of this Republic, there developed a struggle for supremacy between two opposing philosophies—one advocated by Hamilton and the other by Jefferson. Hamilton was at heart a monarchist. He believed that all government should be run for the benefit of the rich and powerful, and I think he believed it honestly. He had no faith in the masses. He would have given them nothing except the crumbs from a benevolent aristocracy. He would have made of this country not only a monarchy, but he would have grafted on it the curse of social castes and the blighting influence of titled nobility. He would have made the Federal Government supreme not for the benefit of the people, but to rule them in the interest of the masters. Hamilton did not even favor the American Constitution, and he accepted it only because he found that it was impossible to get anything more nearly to his liking.

The titanic struggle that took place in the early days of this Republic, a century and a quarter ago, is one of the greatest romances of human progress in all history. It must be that God gave Thomas Jefferson to America, and put into his noble soul the philosophy of government and the spirit of liberty that became the foundation of our Nation.

And God must have given to Jefferson a marvelous courage and a spirit of self-sacrifice adequate to meet the demands of a situation charged with great possibilities for the future of the race.

The story of Jefferson's life and service is so inseparably interwoven with the America that we know and love that it challenges the thought and spirit of our citizenship for all time. Think of this man, born of aristocratic lineage, with all that wealth and social position could give him; think of this man at a time when the spirit of aristocracy and wealth temporarily held sway and defied the elemental purpose of democracy. Jefferson might very easily have chosen for himself the path of luxury and social preferment and political advancement among those of like birth. Many another man in similar circumstances would have done so, but the great Jefferson breathed the spirit of democracy, felt the heart throbs of the great common people, turned his back on the things that were his by birth, and took up the battle for human rights and popular government.

Jefferson believed in the masses. It was his conviction that no just government could rest upon any other foundation than that of popular satisfaction and support. His philosophy was not one of force, exercised by an all-powerful Federal Government, but one built upon the solid foundation of popular approval. He was the great apostle of democracy in its noblest and truest sense. The political battle which was waged under his magnificent and courageous leadership was probably the most important thing that has happened in America, not even excepting the wars that have been fought to establish America and maintain her national integrity. If Jefferson had failed, the America that we know and venerate would probably never have existed, although perhaps it may be fair to say that the spirit of liberty is irresistible and might some day have asserted itself. At least the happy day when democracy should rule would have been postponed for a long time, and we would have had here in this land a Nation made up of millions of people ruled by a strong Federal Government that had no thought for the people themselves, but gave every consideration and all the benefits of government to the rich and powerful. There would have been no great opportunity for you and me. The places which we enjoy to-day we have in abundant measure because a noble and courageous soul, in the person of Thomas Jefferson, led a movement and a battle of human progress that established democracy as the fundamental basis of American civic and political life.

What is democracy, that sacred principle that has been the greatness and glory of America? It is that system and philosophy of government which guarantees to the children of all Americans an equal right to success and advancement, to prosperity and happiness. It proclaims to all men that the child of the most lowly shall have no barrier placed in his way by law or caste or custom. It beckons with outstretched hands, with like force and meaning, to the farmer boy in the far away prairies, to the son of the struggling mechanic, and even to one who toils way down in the mines, or to the child of adversity in the great cities, and bids him rise and partake of the blessings of this land of freedom and opportunity in full measure, according to his natural endowments and the effort which he is willing to give for his advancement.

This principle is so fundamental in America and has contributed so much to our greatness and our national well-being that it is worthy of the utmost devotion of a great people who have been its beneficiaries. That principle must be preserved in America in all of its virgin strength and fineness so that we may continue to enjoy a land of freedom and opportunity in a very real and full sense.

I believe in Democratic government. I believe in the masses of the people. Jefferson was their great advocate, and his philosophy has justified itself over and over again. The masses are more nearly right than their traducers. There is a great soul in the common people, a great God-given instinct to judge things by their true values. They may err at times, but nearly always through false leaders. But the masses work out their philosophy over a period of time in terms of truth and justice and human right.

Here let me tell a simple little story that illustrates my conception of democratic America. It is the story of a little home, somewhere in the interior of the country. There are only two rooms in this house. One is used as a bedroom and the other as a combined living room and dining room. There are no carpets on the floors, just three or four very inexpensive rugs. There are no lace curtains at the windows. Two pictures only adorn the walls. One is a picture of George Washington crossing the Delaware, and the other is the picture of a pansy bed.

The house is clean but the furniture is very simple, just a few inexpensive pieces. In the living room is a large cook stove that serves for heating purposes also. There are a table and a few chairs, with a desk at one side of the room and a sideboard at the other, both of which show unmistakable signs of the family adversities.

Here and there one may see cracks in the walls, because this home was crudely made by its owner who could afford nothing better. There are flowers in the yard and plenty of fresh vegetables in the garden, but it takes only a glance to see that this is a home of poverty, softened it is true by intelligence and cleanliness and the love of beauty in nature.

One day there is born to this family a son, who can not know the luxuries of life in his growing years, nor the advantages of wealth and social position. From his cradle days to young manhood, he grows in the rugged environment of struggle and adversity. The day comes when he is about to leave home to go out into the great world, to him unknown, and make his way in this land of freedom and opportunity.

As he is about to leave to face the battle of life in the unknown and uncharted field, where the mettle of men is severely tested, his mother takes his hand in hers that is wrinkled and worn with toil, and speaks to him, as follows:

"My son, I want to give you a message to take with you in your struggle for place and recognition in this, our America. We have endured great and unceasing poverty. We have been unable to provide you with any of the luxuries, and only the barest necessities of life. We can not give you social position with which to start your life. We can give you none of the advantages of wealth. We have been able, by great effort and sacrifice, to provide you with a good education that is made possible by the public-school system of this country. You have a good mind and good health. You have inherited energy and ambition.

"But, my son, you and I both ought to thank God that you were born in America, this great land of freedom and democracy and equal opportunity, a land in which there is no social caste and where there is no barrier against the children of the most lowly. There is no place within the gift of the American people that is not open to you in full measure if you are worthy of it. There is no high station in the business life of this country to which you may not aspire. There is no honor or reward in the professions which you may not rightly seek, and properly hope to attain, if you have the determination and the capacity to justify it. In spite of the humbleness of your beginning, and the lowly station from which you start, this great, wonderful America, with its democracy and its liberty and its equal opportunity, is of itself a priceless regal heritage. Go! And may God bless you in your struggle for the rewards that America alone makes possible!"

This little story tells in its way the whole basic philosophy of our country. It is a thing which has inspired us as a people to greater progress and achievement than anything in the history of man. It is not the story of a physical America but of a great human force—a people and a philosophy of government.

There is something about this spirit of democracy that stirs the soul of man. It is, I think, a spiritual force. Through all the long history of human struggle there was this same irreconcilable conflict between the theory of the Hamiltons, who could conduct all human affairs for the benefit of the favored few, and the Jeffersons, who would make of government and society the servant of the masses for their protection and advancement. God give us the wisdom to see its meaning and its significance. God give us courage and nobility of purpose to maintain the fight for its preservation and upbuilding, so that we may pass on to our children a really great and worth-while America—worthy of us and a noble ancestry.

ADDRESS OF HON. JOSEPHUS DANIELS, SECRETARY OF THE NAVY IN THE CABINET OF PRESIDENT WILSON

Mr. Toastmaster, ladies and gentlemen of the Democratic hosts of Ohio, I count it a genuine privilege, as the country is emerging from the deadening of conscience in a period of static normalcy, to greet the militant Democracy of a great Commonwealth which has won 8 out of the 10 last gubernatorial elections. It is a pleasure also to break bread with the indomitable Democracy of Ohio, and to join with your distinguished party leaders, including the unbeatable Buckeye Governor, Vic Donahey, whose administration has done more to secure real economy and has talked less about it than a certain much bepraised enough, needs a diagram to point out the excuses for the mounting costs of peace-time government.

There is need for a change in government at Washington, because instead of government of the people and by the people and for the people, we have to-day a well-oiled Federal Government—I am not now speaking of Teapot Dome—in which privilege, to quote Senator Dolliver of another administration, "knows what it wants and how to get it."

It is too soon now—and will be until after the November election—for Democrats to be picking out the winning candidate for 1928. If we carry Congress, the country will look to the Democrats to name the next President, and Democrats from ocean to ocean will unite to put an end to factionalism that has aforetime jeopardized success. But if it is too soon to discuss candidates, the time is ripe to discuss policies and principles.

THE TWO-THIRDS RULE

The hour has struck for the Democratic Party to rid itself of the body of death, popularly known as the two-thirds rule. It is a misnomer. It should be called the one-third rule. It operates for no good purpose. It is a big stick that can be used to enable a handful of delegates to thwart the will of the majority. In the old days—to be exact, in 1832—militant politicians invoked it to carry out their purposes, and were later "hoist by their own petard." It has not often operated to defeat the will of the majority. But just so long as it is possible for 366 delegates in a convention made up of 1,098 delegates, to defeat the will of 733, just so long is it a possible menace.

Even if this rule did not conceal the possibility of minority veto, the fact that it is the only place in American politics and government in which the majority does not prevail, shows it to be both undemocratic and un-American. In its practical workings it enables "the favorite son" candidates, by holding firm, to make a mesh of the rule which sifts out the really big men. It tends to force the nomination of a candidate who is more available and more acceptable than one who is the embodiment of great causes. There was a day when the unknown man, with no enemies, was the ideal candidate. That may still work well in constituencies for the candidate of a party with a certain fixed majority of the voters. No Democrat has been elected since the war of the sixties, however, who could not both hold the vote of his party and attract a large independent vote. The growing number of independent voters, therefore, makes it increasingly important for the Democratic Party to be delivered from a rule that puts a premium on mediocrity.

The day the two-thirds rule goes to the scrap heap, to which it is now headed, that day should the unit rule also go into innocuous desuetude. They were born in the same atmosphere, and it is fitting that they should be sepulchred as twin enemies of the easy ascertainment and acceptance of the rule of the majority.

A TEXT FROM JEFFERSON

I am going to take a text to-day for my political sermon, a text, which, it seems to me, is as much needed at this hour as when it was uttered 125 years ago. You will find my text in the Democratic political bible—that is to say, the inaugural address of Thomas Jefferson, delivered on March 4, 1801. In choosing a Jefferson utterance as my text I am not partisan, for I recall that Lincoln said: "The principles of Jefferson are the definitions and axioms of free society." After enumerating some of the blessings enjoyed by his countrymen, which called for gratitude and "acknowledging an adoring and overruling Providence," Mr. Jefferson asked: "With all these blessings, what more is necessary to make us a happy and prosperous people?" and he answered in the memorable words of my text:

"Still one thing more, fellow citizens—a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuit of industry and improvement, and shall not take from the mouth of labor the bread it has earned, and this is necessary to close the circle of our felicities."

I make bold to say that so much wisdom as to government, outside of Holy Writ, has not been compressed by any man, living or dead, in one brief sentence. If every trace of the written Constitution of the United States, incorporating the Bill of Rights—the sheet anchor of the instrument—and the Declaration of Independence, by some cataclysm should be destroyed, and if Elliott's Debates and Hamilton's and Madison's notable discussion of the Constitution—if these should all be lost to posterity, every necessary right and duty of government and liberty of the citizen could be constructed from this almost inspired sentence in which Jefferson summed up the whole civic duty of man and the assurance of free government. It is at once a chart of freedom and a mandate to governing bodies.

For several generations it has been the habit of his admirers and detractors to magnify this or that saying of Jefferson found in some casual letter or some other statement, often taken out of its context, and to hold up the fragment of his philosophy to the emulation or the condemnation of his countrymen. Every philosopher or idealist toys with new ideas, expresses horseback opinions upon them, and delights in throwing out suggestions for debate and discussion. In vain will you look for any subject, from drafting the Declaration to the simplest detail of improvement of agriculture, which the versatile sage of Monticello did not touch upon in his voluminous writings. There was no excursion into the philosophies or explorations such as he enterprised when Lewis and Clark reached the shores "where rolls the Oregon," or any possible dream of achievement by his country; into the philosophies or exploration, such as the Louisiana Purchase, which did not call forth his vitalizing enthusiasm. There was no faith in the capacity of the average man to which he did not hold steadfast in a day when government of the people was hardly conceived of, even by those who fought in the hope that in some far-off day it might bless their descendants.

In these days there is much emphasis upon "the frugal government" to which Mr. Jefferson gave high place, and to the practice of his precepts he gave no mere lip service. People of all political parties have approved the utterances of President Coolidge for economy in public expenditures. He came into office after the waste of war—the only way to spell war is w-a-s-t-e—and after such debauchery and exploitation and stupidity as to drive members from his Cabinet and send to prison the recreant almoner of the people's gratitude to the defenders of democracy in the World War. It was not as easy to deflate public expenditures as it had been to practice too hasty a policy of deflation following the failure of America to lead in stabilization after the

armistice. There were those who wished to "carry on" in increased military and other expenditures.

Mr. Coolidge's preaching of economy was hailed by all who had resented the failure of the Republican Congress in 1918–1920 to follow Mr. Wilson's recommendation of large tax reduction. When you hear peans of praise for tax reduction by the Coolidge administration—too long delayed—I beg to remind you that on May 19, 1919, when the Republican Congress met in extraordinary session, President Wilson urged an immediate reduction of war taxation. A Democratic Secretary of the Treasury pointed out that reductions could be wisely effected at once. But there was no reduction of expenditures or decrease of taxation by the legislative branch of the Government which came under Republican control after the November election in the 1918 debacle. Why the delay? The Republican Congress did not conceal its purpose. Its policy, determined upon by political expediency, was to let the people groan under war taxes until after the election of 1920. They believed that by such partisan course they could deceive the people and persuade them that the way to relief was in a Republican victory. They understood that American voters, disillusioned and shell shocked, could be stampeded into change. Their political assessment of popular turning from idealism proved to be accurate.

While acknowledging the value of much good preaching, and some, but belated, good practice of economy by Mr. Coolidge, the country has now come to see after a period of propaganda and acceptance of inspired statements by the spokesman, whoever he is, that there has been much more talk of "a frugal government" than of realization of the sort of administration Jefferson proclaimed and put in operation. It has been more noticeable in the breach than in the observance.

The cost of administration of Federal Government in peace times has steadily risen in the period when an army of press agents have been dinning into the ears of the people that economy to the bone has been inaugurated at Washington. No one expects to conduct government in this era of high prices upon the economical plane that prevailed in the administrations of Grover Cleveland or the pre-war period under Wilson. But they do expect, when all the virtues have been relegated to the scrap heap except economy, which has been crowned as the first and only commandment, that there shall be some fruits to show for the showers of promise and proclamation. The test of whether the promise to the ear has been kept to the hope is to eliminate all expenditures made necessary by war and contrast the regular expenditure of such years as 1914, 1915, and 1916 with those of 1924, 1925, and 1926. When the armistice was signed Wilson at once decreased expenses by $12,000,000. It was necessary. Nearly all the expenses decreased since Wilson were likewise necessary when war expenditures were no longer required. The country expected real economy. Instead what do we have? In a recent statement Congressman BYRNS, of the House Appropriations Committee, after a careful comparative study gave figures which show that the boasted economy to the bone is more a poise or a gesture than an accomplished fact.

"Since 1924," says Representative BYRNS, "the cost of the Federal Government has been steadily increasing despite all claims to the contrary." The Federal expenditures have increased $2,060,227,115 since 1916, the last pre-war year of the Wilson administration. Not only have expenses increased but not counting the increases due to the war debt, sinking fund, and interest, the expenses of the Veterans' Bureau and the Shipping Board, annual expenditures have increased $1,751,686,975. These comparative figures are for 1916 and 1925.

Not long ago the President said:

"Federal expenditures, which then amounted to $5,538,000,000 for that fiscal year, 1921, it is now estimated will be cut down to $3,619,000,000 for this fiscal year. This is a saving of $1,919,000,000."

To which Mr. BYRNS answers with the following figures, which show that but for the natural decrease in war-time expenditures the Coolidge-Harding administration would have increased expenditures $278,000,000 and more if the Congress had not of its own motion cut the President's Budget estimates.

Mr. BYRNS gives these natural decreases, as follows:

Reduction in Army and Navy expenditures, $1,062,394,000; reduction from cost of operating railroads, $723,502,000; reduction in cost of United States Grain Corporation, $90,353,000; reduction in payment of war debt and interest, $180,000,000; reduction in Civil War pensions by deaths, $50,555,000; reduction in Emergency Fleet Corporation, $91,033,000. Total, $2,197,847,000, and adds:

"These six items amount to $2,197,847,000, or $278,000,000 more than the $1,919,000,000 reduction in which the President takes such great pride and which he credits to 'constructive economy.' Will anyone contend for a moment that either the administration or the Congress is entitled to the least credit for these reductions?"

Two enlightening sets of figures which Mr. BYRNS has compiled on the economy propaganda of the Coolidge administration show the increase in the cost of the President's own personal branch of the Government and the increase in the number of Government employees since 1916.

The cost of the executive establishment has increased 150 per cent since the Republican administration came in and 40 per cent since Coolidge became President. Executive office expenditures have increased as follows:

Fiscal year 1921, last year of Wilson administration, $197,341; fiscal year 1922, $206,926; fiscal year 1923, $349,380; fiscal year 1924, first Coolidge year, $450,952; fiscal year 1925, $411,898; fiscal year 1926, $483,007.

"The following table, according to the report of the Civil Service Commission," says Mr. BYRNS, "shows the number of employees on the Government rolls:

"July 1, 1917, 438,057; November 11, 1918, 917,760; July 1, 1920, 691,116; July 1, 1921, 597,482; July 1, 1922, 560,863; July 1, 1923, 548,671; July 1, 1924, 544,871.

"Thus, it appears that on the first of the year (1924) the number of employees on the Government's rolls was nearly 24½ per cent greater than in 1916. The peak was reached at the close of the war. During the following two and a half years, under a Democratic administration, the number was reduced by 320,278. During the two and one-half years of the Republican administration the number was reduced by 52,811."

This record shows that though expenditures have been reduced and Mr. Coolidge has prevented enough increase in naval construction to insure the United States Navy equality with Great Britain on the seas, or with France in the air, the expenses of the civil Government at Washington, with increased force and expense, make it absurd to say that we enjoy a "frugal Government" or an inexpensive one. We have saved at the spigot and spent lavishly at the bung.

The American people, regardless of party affiliations, heartily approve every step looking to real economy and a frugal Government, but they are coming to see that they have been fed up on talk, while there has been denial of the appropriation to meet the national needs of an expanding Republic. Jefferson made a "wise" government an integral part of a "frugal government." The Bible says, "There is that which scattereth and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty."

It is difficult to see any grounds for the claims of "frugal Government" when the number of the employees has increased 24 per cent over like expenses in 1916. "Tomato sauce and warning pans!"

One of the ways that mislead the people is to broadcast the Budget estimates. The people accept them as the real cost of Government. Then follow "supplemental estimates or deficiencies" which the Budget was to eliminate. In one year over $600,000 was required for these additional expenditures, and last year it was much over $300,000,000.

The time has come for ending the much-talked-of reduction of unnecessary bureaus and overlapping governmental agencies at Washington. Senator Aldrich once said $300,000,000 could be saved annually by applying business methods. Senator OVERMAN says the savings would be $400,000,000. Congressman DAVEY puts it at a much higher figure. Certainly "wise" Government demands retrenchment whenever it can be made without lessening efficiency. There is almost a daily arraignment of the evils of bureaucracy in Washington, but nothing is done to decrease their number, their cost, or their ineptitude. Instead they are multiplied and the evils increased to the tune of "Economy and retrenchment," in the serene belief that Barnum was right when he said the people love to be humbugged.

I rejoice to see our President take his recreation trips on the *Mayflower* and to be surrounded by comforts and even luxuries. The strain on the Chief Executive is great enough, and no expenditure is too large to give him the sort of relaxation and recreation he needs from the heavy responsibilities and burdens of his great office. But, when day by day press agents broadcast the claims of a new sort of Vermont simplicity and economy, it should be told that these things cost much more than under Taft or Wilson. Everything costs more in this high-tariff era, and taxpayers are willing that the White House cost shall be increased by as much as Mr. Coolidge may desire for his comfort. But when the increase of Executive Office expenditures is 40 per cent more under Coolidge than under Wilson, are we not entitled to have a recess from having economy and economy and economy talk, found chiefly in proclamations but not in appropriations, dinned and shouted into our ears morning, noon, and night?

It is possible to have a frugal government without a "wise" one. This is seen in many ways. May I give you a few typical illustrations?

1. We have seen denial of naval equality while other nations have been in feverish competition to surpass America on the sea. From the day in 1915 that the United States adopted a policy of naval building to make the Navy of the country the equal of any upon the seas, there has been a fixed purpose on the part of Britain to keep its supremacy of the seas. The Washington Conference, while declaring for equality, did not secure it. Since its adjournment, Britain and Japan have engaged in feverish competitive building, and Congress has refused to permit this country to obtain the promised 5–5–3 navy.

2. We have seen Muscle Shoals, upon which $260,000,000 of public money has been spent, marking time waiting for such time as the power combine may find a way to exploit it. Almost immediately after the close of the Wilson administration a "hue and cry" to "take the Government out of business" was set up as a camouflage to stampede Congress into letting the private owners of water power

obtain the valuable Muscle Shoals costly plant. This purpose was temporarily frustrated when Henry Ford made an offer which the farmers hailed as the opportunity to secure cheaper fertilizer. Advocates of preparedness favored it because it promised freedom from dependence on Chile for nitrates. Later the Ford offer was not renewed, and nothing has been done up to this hour for the utilization of Muscle Shoals. Mr. Ford says the "power combine," which first demanded to "scrap" Muscle Shoals now demands to "exploit" it. There was but one course for a "wise" government to pursue with reference to Muscle Shoals after the armistice. That was to complete that great project by the Government and then either to operate it as Panama Canal or the Panama Railroad is operated, or by such lease as would insure cheaper water power and the production of nitrates for defense and for fertilizer. There is no real saving in jeopardizing the $260,000,000 already spent at Muscle Shoals, and it will be a blunder equal to a crime to let it become the central part of the coming water-power trust which should not be aided by the Government. The policy is penny-wise and pound foolish of letting the power trust exploit Muscle Shoals for profit.

3. For years the failure to appropriate sufficient money to provide adequate facilities for the growing Postal Service, for the Federal courts, and other public business has been a part of the program of a "frugal" but not a "wise" Government. The necessity for new buildings could not longer be postponed. The bill recently signed, however, was originally drawn to give power of selection to the bureaucrats in Washington. A vigorous fight was necessary to preserve the right of Congress to a voice in the location of public buildings. Even now there is no wisdom in the small number to be erected or enlarged, only a portion of the most pressing needs being taken care of in the bill.

4. The great Republic should have on hand always some giant project, too great for private initiative, such as the construction of the Panama Canal, the Alaskan Railroad, the building of post roads, the widening and deepening of rivers and harbors. There has been no adequate vision of such development, and the provision, while "frugal," has been far from "wise." There is a withholding that tendeth to poverty!

Let me come to the secondly of my text. Jefferson did not conceive of a weak and namby-pamby government impotent to protect the weak from the strong. He did, indeed, believe in the least interference upon the part of government in the affairs of the citizen, and he believed that the least government was often the best, but he stood as firm as Woodrow Wilson did, when in 1913 Wilson lashed the lobbyists out of Washington, in defense of a policy "which shall restrain men from injuring one another." Restraint implies power enough to prevent injury. In Jefferson's day the same influences sought to give special privilege to the few which flowers to-day. No benefit can come to one class by governmental action costing money which is not paid for by the many. Hamilton believed that to attract the powerful interests to support of his administration they must see some monetary benefit. Claude Bowers in his great book points out that it was not Jefferson who invented the term "a corrupt squadron" in the First Congress, but that it was the talk of the highway and byways. While saying that Hamilton did not personally profit by this policy, Bowers gives this illustrative incident that undoubtedly was in Jefferson's mind when he declared that wise government should "restrain men from injuring one another."

"Hamilton led the way for favoritism, influence, and monopoly. Long before he had been impressed with the industrial possibilities of the beautiful Passaic Falls of New Jersey, midway between New York and Newark, at the very door of the market. * * * He had personally appeared with others interested before the New Jersey Legislature. Hamilton's charter gave the company the right to dig canals on any man's land free from taxation for 10 years. The other manufacturers were indignant. A manufacturer wrote a vehement protest, mentioning Hamilton by name and denouncing the act of the legislature as vicious beyond comparison."

Is there no summon to-day for government to "restrain men from injuring one another"? Does not government take from the pockets of the many to enrich the few? As a matter of fact, Government at Washington to-day largely concerns itself with sugar coating new special privilege or camouflaging special privilege already granted. I am not now speaking of the sort of graft and corruption that struck a harder blow to national preparedness than any foreign foe could deliver. The turning over of the naval petroleum reserve by the "black bag" and like rotten methods was as shocking to honest Republicans as to Democrats, and one of the recipients of the stolen goods was a Democrat and a contributor to Democratic campaign funds. A short time ago, however, to the joy of Democrats and the chagrin of Republicans, he announced that he had quit the Democratic Party and was now affiliated with the Republican Party. He doubtless thought the road in that party was better oiled and would better keep the dust of conviction out of his eyes. Your own daily paper, the Columbus Dispatch, thus facetiously expressed the view of Republicans upon Doheny's announcement that he had decided to formally withdraw from the Democratic Party and become a member of the Republican Party when it asked: "Why didn't he send a check in the mails, instead of making a public announcement?" I am not now speaking of the exposure and convictions of a court favorite, whose betrayal of the rights of the men who served in the World War shocked Republicans and Democrats alike. I honor the Coolidge administration for landing him in the penitentiary. Corruption may come in any administration. The test is whether the corrupt official is exposed and punished, as has been done under the Coolidge administration in the case of the unworthy head of the Veterans' Bureau, and which was not done upon its initiative in the other scandals of the Harding-Coolidge administration.

I have no reference either to the corruption in the office of the Alien Property Custodian charged or suspected with crookedness. These charges are to be determined in the courts, and the country will watch with interest to see whether punishment follows flagrant maladministration and favoritism.

The Jeffersonian demand upon Government for policies "which shall restrain men from injuring one another" had reference to laws and practices advocated by the Hamiltons of his day and the Mellons of this period. Both place their advocacy openly upon the ground that national prosperity is to be promoted by what is known as the process of percolation, going from the top down. In the case cited Hamilton argued that if the particular corporation was afforded freedom from taxation and privileges not granted to others it would result in development of a giant industry. He pointed out that it would give employment to many artisans, secure the building of more houses, increase the trade of merchants, and advance the price of adjacent real estate, and promote the public welfare. It sounded as plausible as it was specious!

To-day there is a species of favoritism which has flowered at Washington on all fours with that which called from the pacific Jefferson a demand for "restraint." It is the case of the subsidy voted to the Mellon aluminum interests. You know aluminum products are of universal use, and if the price is raised it "injures" millions in their pocketbooks. When the Fordney-McCumber tariff was framing representatives of that company asked for an increase in the tariff tax so as to keep out importations that might compete with their product. I am not saying that the Secretary of the Treasury used his position to secure the increase which daily pours a flood of gold into his coffers. If he had been a private citizen, the same rate might have been granted. It certainly would if his concern had used the same pull as a private corporation which other private corporations employed. As a matter of fact, it was easy for those who knew the ropes to get what they wanted in that high-tariff measure, drafted mainly by those who knew what they wanted and how to get it. The Aluminum Co. knew it wanted the tariff rate increased on crude aluminum 150 per cent—that is, from 2 cents to 5 cents a pound—and it got it. On coils, plates, sheets, rods, circles, disks, strips, rectangulars, and squares the duty was increased from 3½ cents per pound to 9 cents per pound, or 250 per cent. On table, household, and kitchen utensils the duty was increased from 25 per cent ad valorem to 11 cents a pound and 55 per cent ad valorem, or more than 250 per cent increase. There was no reason for the increase on the score of giving more pay to labor, the stock-in-trade plea for privilege. The worker rarely gets it or any part of it. There was no demand for increase by the consumer. There was no claim that an "infant industry" needed to be helped until it could stand alone.

Let us see the wrong of this typical piece of favoritism. In 1888 the Aluminum Co. was organized with a capital of $1,810,000. It has paid its stockholders good dividends and has made so much money it has been able to put back into the company $110,000,000. It shared with other big companies great profits during the World War. Under the Underwood-Simmons tariff the company paid dividends every year of from 6 to 12½ per cent, and its president said on November 4, 1920, that "in no year since 1915 have the company's earnings, after payment of interest, taxes, and other charges, been less than $10,000,000 a year." That was the situation when the tariff bonus was voted to this concern and it was authorized and granted rights which now call in trumpet tones for the application of the Jefferson doctrine that government "shall restrain men from injuring one another."

It is a matter of common knowledge that the "Aluminum Co. of America is the sole producer in the United States of aluminum and supplies over one-half of the world's consumption, and is the largest manufacturer of finished products." This high tax enables that company to impose any tax in increased prices it thinks it can extort from the consumer. Immediately after the tariff rate was increased from 2 to 5 per cent per pound it proceeded to hoist the price to $60 per ton. There is no suggestion that labor is paid more than under the Underwood-Simmons measure, the wage earners receiving now only about $25 per week in this favored monopolistic industry. And yet, with such an outstanding demand that government "shall restrain men from injuring one another," this bonus goes on, and Congress refuses to turn on the light to see if there is any possible reason beyond favoritism for continuing this tax on the consumer. The investigation was feared and defeated by one vote for nothing except because it would disclose the wisdom of a reduction of the tariff rate.

I have not instanced this outstanding piece of "injuring" others by government favor because a distinguished Cabinet officer profits from

the monopoly. There are others just as significant of the policy of public taxation for private enrichment. This is cited merely as illustrative of how the big interests are enabled to profiteer by governmental favor. While two Democrats blocked the investigation, I am here to pledge you that when intrusted with power in 1928—it is coming—the Democratic Party will repeal this bonus to the aluminum monopoly and in this and other ways will adopt Jeffersonian methods which will "restrain men from injuring one another." The people are beginning to learn better than ever how one class may "injure another" by tariff taxation.

Mr. Cleveland showed that while comparatively few use imported articles, millions purchase and use things of the same kind made in this country, and pay therefor nearly or quite the same enhanced price which the duty adds to the imported articles. Those who buy imports pay the duty charged thereon into the Public Treasury, but the great majority of our citizens, who buy domestic articles of the same class, pay a sum at least approximately equal to this duty to the home manufacturer.

The third admonition of Jefferson has its logical place. So much has been said about Jefferson's opposition to government's invading the right of the citizens that it is well to stress the fact that he conditions freedom from Government regulations upon the necessity of previous governmental restraint upon acts of one citizen that injures others. Let first things come first. After the citizen is guaranteed by government against injury by others, Jefferson proclaims the truth that they shall be left "otherwise free to regulate their own pursuit of industry and improvement." This freedom is necessary to "complete the circle of our felicities." In Jefferson's day government was confined largely to the administration of justice, its manifestations being chiefly the courthouse and the jail; to the protection of national safety, symbolized in peaceful ambassadors and fighting ships; with legislative power to levy taxes and administrative powers to enforce the laws. They read Jefferson wrong who think he believed in static government. He was the first, long before Horace Mann, to wish government to provide for the education of all the people, holding that full suffrage could not flower to perfection without an educated citizenship. He wished the smallest number of laws, except those demanded by the common need, with no attempt at regulation of the citizen's affairs by the Federal Government except such as the Constitution expressly granted. The unnecessary multiplicity of governmental agencies, the entrance by Federal agencies into local concerns without constitutional power, and bureaucracy at Washington came in for rebuke by this second declaration of Jefferson. For example, the recently assumed power of the Interstate Commerce Commission to fix freight and passenger rates wholly within a State when a railroad also does an interstate business.

The local authorities can regulate public-service corporations better in their operations wholly within the territory of a State than it can be done at Washington. If there is acquiescence in this recent assumption of power at Washington, it will not be long before application of a manufacturer for a sidetrack in Ohio, or a community wishing a local or union depot will be compelled to go to Washington to secure relief. And, too, how long before this same Washington body will assume to fix the valuation for State and local taxes on public-service corporations? This right of the State to regulate its own affairs is in serious jeopardy and the Jefferson doctrine needs to be invoked. I have cited only one of many dangers to the right of the people of the States by usurped powers in a central agency.

The right of the individuals to be free to "regulate their own pursuits of industry and improvement" is denied when government gives to any individual rights and subsidies and immunities that do not go to every citizen, or sits supine when a monopoly drives the individual to the wall by any policy made possible by favoritism. This is particularly true when one industry flourishes because it destroys competition. It required long periods in the courts to convict the oil and tobacco and other combinations in restraint of trade. The penalty of division, so-called, has not opened the door to free competition or brought the relief and competition expected when the courts declared these trusts were violating the Sherman law. Just as long as by combinations great concerns can freeze out or injure competition, just so long are men denied the privilege of regulating their pursuits of industry and improvement. In the Wilson administration the Federal industrial commission was established to protect big business as well as to protect consumers. Up to that time it was often said, business men were in doubt as to what they could legally do as to certain business methods. The Federal Trade Commission was organized to give advice to such business men to promote commerce and to investigate illegal or dangerous practices in order that they might safely and legally regulate "their own pursuits of industry and improvement" unmolested. It was to be a body composed of forward looking and able men of both parties, and it did much to make easy the path to law-abiding business and to make rough and rocky the path of those making combinations to destroy competition or mulct the public. At least it did until—

The story of its conversion into a cash-register bureau where the will of privilege is recorded and full investigation is smothered is a repudiation of the Jefferson doctrine and practice. That body has been packed with men whose minds are sympathetic with the practices in business as the Aluminum Trust carries on, and one of the saddest evidences of its degradation is in connection with the proposed investigation of that company. If there was no other argument for the Jeffersonian guaranty of freedom in industry, the failure of the Federal Trade Commission to perform its necessary function should make the very stones cry out for a return to the policy that called the commission into being under the leadership of Woodrow Wilson.

Let us come now to the third Jeffersonian guaranty—a broad and necessary one in a republic where both the rights of property and the "personal rights of a citizen are held sacred." Jefferson said that government "shall not take from the mouth of labor the bread it has earned," and the necessary implication is that it shall not permit others to do what it can not do itself. How does government take "from the mouth of labor the bread it has earned"? First, by unnecessary or discriminatory taxation. Lately we have heard of tax reduction. There has been no difference between the two parties upon the necessity of reducing the excessive taxes laid on the people. Wilson urged reduction of war taxes in 1919. Taxes of all kinds—local, State, and National—have multiplied and bear heavily on labor and industry. As for the taxes imposed by the Federal Government, it was absolutely necessary to make large reductions to prevent a dangerous surplus in the Treasury. Democrats and Republicans have differed only as to whether the small taxpayers or the large taxpayers deserved first consideration, with the result that the small taxpayer obtained exemption from income tax and the large taxpayer also had his taxes materially reduced. But the reduction by this Congress is at least $300,000,000 less than Treasury conditions justify. The Republican program of tax reduction has been to make a reduction previous to each election as a bait for votes. This year the reduction proposed was much less than the Democrats compelled Congress to grant, but still imposing something like $300,000,000 annually in taxation beyond the total of the appropriations. Why? To pile up a surplus so as to make a further decrease prior to the 1928 presidential election. This policy is contrary to sound public policy and in direct conflict with this wise declaration by Grover Cleveland in 1887, when he wrote:

"When more of the people's substance is exacted through the form of taxation than is necessary to meet the just obligations of the Government and the expense of its economical administration * * * such exaction becomes ruthless extortion and violation of the fundamental principles of a free government."

Neither party deserves any credit for the tax reductions voted, for they should have been made earlier. They were necessitated to prevent a mounting surplus. However, except for those with large incomes, it can not be said that any tax reduction bill has ceased taking from the "mouth of labor the bread it has earned." It is not the excess-profits tax or the income tax which has weighed most heavily upon the backs of the man with the plane or the man with the hoe. It is the tariff tax, the highest in history, from which the Federal Government receives something like $600,000,000 yearly, and an additional five billion is levied annually by private parties and corporations upon nearly every article made or sold in this country. Not one penny of this crushing tax has been removed. On the contrary, every time the Tariff Commission tariff wheel turns over—fortunately its spokes do not function often—there is an increased burden imposed. In this respect it has run true to form. There was a Tariff Commission in President Arthur's day, created as was said then, which aimed at a 20 per cent reduction of the tariff tax. Did such reduction reach the people? No. President Arthur named only high protectionists on the commission, and instead of the promised 20 per cent reduction tariff rates were decreased only 3 or 4 per cent. But even then the promise of tariff reduction was kept better in that decade than now. The existing Tariff Commission was organized primarily for the avowed purpose of reducing tariff rates if experience showed they were too high. The testimony of members of the Tariff Commission shows that executive tariff reduction can not be expected. The chief purpose of the Tariff Commission seems to be to enable favorites of the administration to "take from the mouth of labor the bread it has earned" by indefensible tariff taxation.

In this year of observance of the sesquicentennial of the writing and signing of Jefferson's Declaration it behooves the believers in "equal rights to all" to summon the country to a renewal of their faith in the Jefferson Declaration I have chosen for my text. To-day as 125 years ago there is sore need for the policies stated by Jefferson to "complete the circle of our facilities."

ADDRESS OF HON. WILLIAM H. KING, UNITED STATES SENATOR FROM UTAH

Mr. Toastmaster, Governor Donahey, ladies, and gentlemen: This great gathering is conclusive evidence that the Democracy of Ohio is not only militant, but is looking eagerly for the contest in November, and is sanguine of a glorious and triumphant victory. The same spirit which animates the Democrats of this State fills with courage and enthusiasm the Democrats in all parts of our country. When 1,500 of the leading Democrats of this Commonwealth come from all parts of the State and gather around this banquet table, and give

expression to their undying faith in the principles of Jefferson, it is prophetic of victory, and attests their faith in the immortality of Democratic principles. Disappointments and defeats have not affected or diminished the faith of Democrats in the verity of the principles of their faith, and in the sacredness of the cause to which they have dedicated their lives.

Democracy is more than a political creed. It comprehends the principles of justice and liberty, and its mission is the moral and spiritual welfare of humanity. The Democrats of Ohio have a peculiar reason for their undaunted faith and their fighting spirit. This Commonwealth is one of the outstanding States of the Union. It occupies a strategical position, not only industrially, but politically. The Republican Party has recognized this fact, and upon several occasions it has selected its standard bearer from Ohio. Without disparaging those who have been selected or indulging in any invidious comparisons, it may be said with perfect truth that the Democracy of Ohio for many decades has presented to the Nation, men of the highest character, of preeminent ability, sound statesmanship, and universally recognized qualifications for the highest offices within the gift of the people.

In 1920 it named as its standard bearer Gov. James M. Cox, who had served his State with distinguished ability in the Halls of Congress. His record as governor stands unrivaled in achievements, and in the highest form of political and social service. He carried the Democratic banner with honor, and met with superb courage every attack made by political foes. I pay tribute to his splendid leadership, his magnificent campaign, his fidelity to Democratic principles, his broad statesmanship, and to those fine and noble qualities so abundantly manifest in his life and character and achievements.

The fierce and constant struggle between the great armies of Democracy in this State and the forces of reaction and special privilege has developed men and women of the Democratic faith worthy of leadership and competent to deal with the great problems, social, political, and industrial, which concern the American people.

It has been my good fortune to know many of the Democrats of this State during the past 20 years. I regret that I am not privileged to meet upon this visit Hon. Judson Harmon, whose intellectual power, legal attainments, broad statesmanship, and great public service have for more than a quarter of a century placed him in the front rank of American statesmen. It is also a disappointment not to meet Hon. Newton D. Baker, whose eminent services to his country during the World War gave to him an enduring name. He is one of the outstanding figures in the Democratic Party. His devotion to liberal policies and Democratic ideals and his recognized ability qualify him for the highest service in the Republic.

I have had the pleasure of an intimate acquaintance with former Senator Pomerene, who is with us to-day. His industry and zeal and courage placed him in the front rank in the Senate of the United States. He followed with rectitude whatever he believed to be right and earned the confidence and esteem of his colleagues and a high place among the statesmen of our country. I am gratified in having the opportunity of meeting Judge Allen, who is one of the members of your highest judicial tribunal. Her father represented at one time my State in the House of Representatives. He is a man of fine intellectual and political attainments and of recognized ability. I feel a just pride in the remarkable success which has come to his daughter, Judge Allen. It is a tribute to the intelligence and progressiveness of the people of Ohio that they selected Judge Allen for the exalted position which she now occupies. But she is worthy of this position and has demonstrated that women are entitled to the franchise and are competent to fill the highest positions of trust and responsibility in State or Nation.

And in any Democratic gathering in this State, and particularly one of this magnitude, it could not be fittingly concluded without paying tribute to Governor Donahey, whose name is known in all parts of this Republic. His record is most unique and remarkable. He has pursued with superb courage a course which has won him the love and confidence of all Democrats and the esteem and admiration of his political opponents. It is most unfortunate that the legislature of this State has been during his incumbency controlled by the Republican Party and that his patriotic efforts to effectuate reforms in the government of his State, to reduce taxes, effect economies, and promote the general welfare have been thwarted and in part defeated by the legislature of the State, with the connivance and active cooperation of the Republican leaders of Ohio.

If Governor Donahey is renominated by his party, he will be triumphantly elected. Thousands of persons who have affiliated with the Republican Party will give him their support. They will, by so doing, condemn the reprehensible course of the Republican leaders of the State and justify the claim that the great mass of the American people desire honesty in government, fidelity on the part of public officials, and will not betray those who with sincerity have earnestly labored to put honesty into government and justice and righteousness into all political and public affairs.

I have listened with interest and pleasure to the eloquent address just delivered by Congressman DAVEY. His public record as mayor and as Congressman is familiar to the people of Ohio. He is worthy of the support of his district and should be overwhelmingly returned to the House of Representatives. It is not too much to say of him that his fine mind and constructive qualities, his comprehension of the spirit of democracy, and its high mission will so impress the democracy of Ohio that he will be called to higher stations.

The speakers who have preceded me have eloquently appealed for a renaissance of democracy. Perhaps the approach of the sesquicentennial directed their minds, as it should direct the minds and thoughts of all patriotic Americans, to the principles announced in the Declaration of Independence as well as the principles and policies which have been expounded by the greatest of all political philosophers, Thomas Jefferson, and exemplified, so far as it was possible, in his public and private career.

There are fundamental principles which must persist if humanity is not lost in the abyss of despair and degradation. This truism is recognized by the greatest of scientists, by biologists of note, by philosophers, by students of government, and by those who seek to know the sources of religion and the moral and spiritual influences which carry humanity forward. But I would speak for a moment concerning Jefferson and his philosophy, because he is the founder of our party and his philosophy must prevail if freedom endures and progress is not arrested.

There are those who would build our civilization upon the foundations of materialism. That is what the Bolsheviks of Russia seek to do. They regard the world as mechanical and human beings as the blind creatures of chance, battling in a dark and soulless world with hidden forces which are as meaningless as life itself. Democracy rests upon the concept that the universe is an expression of the divine purpose, and that this little world of ours is a revelation of God's greatness and goodness and mercy; that we live and move in order that we may have joy; and that peace and happiness and progress may be the inheritance of all. Democracy is not a barren or a formal creed. It recognizes the emotional, moral, and spiritual as powerful forces operating for the advancement and salvation of humanity.

That philosophy which rests all human institutions upon pure intellectualism will fail. Materialism, whether in religion or philosophy or politics, leads to degradation and destruction. The political party which recognizes the ethical and the moral and seeks to measure things by spiritual values, which seeks to exalt the individual and crown him with the dignity and glory of divinity is the one which in the end must triumph. It is that party which is interested in men rather than in things; in ideals rather than in soulless and concrete things; in the moral advancement of humanity; in the establishment of that system of government in which justice and liberty are enjoyed by all.

Jefferson is the political Shakespeare of mankind. He comprehended human problems. He understood the human heart. He knew human emotions. He knew the causes of misery and woe and the results of tyranny and oppression. He saw a world which had been ensanguined with human blood, and he knew the cause of the rise and fall of nations, the selfishness, the cruelty, the injustice—all those ignoble things which had arrested human progress and chained the human mind. He devoted his life to the establishment of a new order and the development of those principles which lie at the base of liberty and progress. So long as men love liberty and justice his name will be revered; and believing as I do in the advancement and progress of humanity I believe that in the centuries to come no name will be more honored and revered than his.

The last words of John Adams, who had been a political opponent of Jefferson, were, "Jefferson still lives." Some reactionary Republicans and pseudopolitical philosophers affect to believe that the principles of Jefferson, if not obsolete, are decadent, and that the Democratic Party is in the stage of dissolution. There are some who construe the Republican elections of 1920 and 1924 as a repudiation of the theories and principles which have guided the Democratic Party, and as an approval of the archaic and reactionary policies which have so largely been followed by the Republican Party. The fact is that millions who voted the Republican ticket in the last two national elections, did not understand what the Republican Party represents. That party, by its sophistry and subtlety, its intrigues and deceptive propaganda, its promises of special privilege and material rewards, secured the support of millions of electors whose views are the antithesis of Republicanism and whose ideals are the opposite of the materialistic and sordid ideals of the Republican Party.

A wise man once said, "There is nothing new under the sun," and the political situation in the United States finds its analogies and correspondencies in the records of nations now existing as well as those which have perished. There always have been opposing forces in governments. In all ages there have been individuals who struggled to establish freedom, and liberal forces that contended for personal

liberty, for democratic institutions, and for the precious fruits which progress and freedom bring to the world.

The establishment of this Republic was a protest against ancient forms and ancient wrongs. The Democratic Party was the liberal party—the party of progress and local self-government, in the days of Jefferson. The Federalist Party refused to heed the lessons of history, and organized the reactionary and illiberal forces existing in the new Republic. The Republican Party claims to be the lineal descendent of the Federalist Party. Certainly it bears the lineaments of that party, and represents principles and policies which tyrannous and imperialistic governments contended for, and which have persisted until this hour.

Those who are familiar with the political and industrial conditions in the United States must concede that the Republican Party represents the reactionary forces and seeks to carry out the views of Hamilton and the aristocrats of his time, who believed in a strong and powerful Federal Government, which found its type in monarchies of the Old World, and which sought to abridge the freedom of individuals and the rights of sovereignty of the States of the Union. The Republican Party, particularly since and during the administration of President Grant, has been the opponent of progressive policies and has been unresponsive to the aspirations of the liberal forces of our country. It has sought guidance from the discredited policies of the past, and direction at the hands of reactionary leaders and those who believe that any change is destructive, that the people were made for the State, and that the chief concern of all should be to perpetuate old conditions and protect property regardless of personal rights.

The political philosophy of Jefferson was comprehensive enough for all time. It embodied the ideals of Christianity; it exalted the individual and promulgated the truth, that the State is the servant of the individual and not its master. The spirit of democracy is not an evanescent thing. It is vibrant with life and puissant, though submerged at times by brutal forces and crass materialism.

And so Jefferson lives in this day. The principles of liberty and progress and justice for which he contended will persist regardless of individuals or parties. If the Democratic Party should be recreant to the principles of Jefferson and false to the ideals of those who seek progress and freedom, another party would arise to carry the torch which Jefferson held and to combat the reactionary policies of the Republican Party. I believe a majority of the American people are progressive and love liberty and prefer the philosophy of Jefferson to the philosophy of Metternich and Louis XIV and George III and Nietzsche and Hamilton and the leaders of the Republican Party from the days of Grant down to the present time. It must be confessed, however, that the Republican Party has been forced to make some concessions and support some liberal policies demanded by the Democratic Party and supported by a majority of the people.

It is one of the paradoxes of history that reforms are often secured under the administration of imperialistic and reactionary governments, but under the compulsion of public opinion, aroused by the liberal forces within the Government. And so the liberal forces are often denied the honor and credit for social and political reforms; and thoughtless people, though perhaps they have aided in securing such reforms, give their support to the party whose principles are hostile to the same and whose espousal thereof was insincere and hypocritical and only for the purpose of retaining power.

The Democratic Party, I repeat, has been, and still is, the liberal and progressive party of our country. Most of the political reforms and the adoption of industrial and social programs which have ameliorated the condition of the people and increased individual liberty have been the work, directly or indirectly, of the Democratic Party. If brought about when the Republicans were in power, it was because the Democratic Party compelled their adoption. But the Republican Party, by reason of the powerful machine which it maintains, its control of the press, and its support by great wealth, which is its powerful ally, has been able to maintain itself in power during the greater part of the past 60 years.

There is more reason for the existence of the Democratic Party now than at any time during the last half century. The dark and illiberal forces of our country are powerfully marshaled under the banner of the Republican Party. That party, flushed with victory, feeling secure in its fortresses, will prove more reactionary than in the past and seek with greater vigor to destroy liberal thought and democratic ideals and superimpose upon the people a more powerful and despotic Federal and bureaucratic government. This must be apparent to the liberal forces and to the students and thinkers of our Republic. Those who are patriotic, who love liberty and desire the preservation of this Republic, will feel constrained to ally themselves with the Democratic Party, because they must see that only through that party can the liberty of the people be preserved and the rights of the States maintained against the deadly federalism and the destructive paternalism and bureaucracy which the Republican Party promotes.

There has been some talk about the reorganization of the Democratic Party. What is needed is not reorganization, but united action upon the part of all Democrats throughout the land. The recent defeat is merely a call to arms of the militant forces of democracy, and all who perceive that society is not a protoplasmic mass, but is an organic structure which passes through evolutionary states, each one of which augments human liberty and contributes to the happiness and felicity of the people.

Undoubtedly there have been differences of opinion among Democrats which have led to dissatisfaction upon the part of some and constrained them to withhold at times their support of the Democratic Party. In my opinion there has been a tendency upon the part of some members of the party to support measures which increase the power of the Federal Government, diminish the sovereignty of the States, and infringe upon the liberty of individuals. I have sometimes thought that the word "progressive" has been misinterpreted and misapplied. It has often been attached to measures which were destructive of the States and directly contributed to the establishment of socialism.

Democracy is the antithesis of socialism. The Democratic Party, as I have stated, regards the individual as the source of power and authority; it believes in personal liberty and regards with concern any proposition which seeks to limit the independence and freedom of the individual and the right of local government. The Republican Party has encouraged the adoption of measures which strengthen the General Government. It has misinterpreted the Constitution and supported policies which were deadly assaults upon the States and calculated to change our form of government. It is the mission of the Democratic Party to resist the paternalistic policies of the Republican Party and to defeat socialistic schemes which would blot out the States and reduce the people to a colloidal mass devoid of local or individual stimulation or movement, and mobile only when pricked by the powerful hand of an oppressive Federal Government or a despotic bureaucracy.

The first inaugural address of Thomas Jefferson is a safe guide for our footsteps. It is there declared that—

"The support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies, I deem [one of the] essential principles of our Government, and consequently [one] which ought to shape its administration."

In a letter in 1816 Jefferson stated that—

"What has destroyed the liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France or the aristocrats of a Venetian senate."

He further stated that good government is only secured by the distribution of powers, not by consolidation or concentration. I believe that the Democratic Party should revive the spirit of Jefferson and resist the constant encroachments upon the States and the efforts which are made to strengthen the power and authority of the Federal Government. In the last Democratic platform this view was emphasized in the following planks, which I had the honor to prepare:

"We demand that the States of the Union shall be preserved in all their vigor and power. They constitute a bulwark against the centralizing tendencies of the Republican Party.

"We condemn the efforts of the Republican administration to nationalize the functions and duties of the States.

"We oppose the extension of bureaucracy, the creation of unnecessary bureaus and Federal agencies, and the multiplication of offices and officeholders.

"We demand a revival of the spirit of local self-government essential to the preservation of the free institutions of our Republic."

As I have stated, the Republican Party is building a despotic paternalism. It is projecting plans which Bolshevik Russia adopted as a part of the creed of Marxian communism. It is weakening the States and devitalizing the people. It has corrupted the minds of many people by subsidies and promises of Federal bounties and subventions. The moral fiber of the people is being weakened and they are being taught more and more to rely upon the Federal Government for the performance of duties which rest upon them or local communities in which they reside or the States in which they have their homes. Only by a revival of the spirit of Jefferson and the application of Democratic principles can the States be preserved and local self-government developed. I regard as the most deadly menace to the perpetuity of our Republic the paternalistic, socialistic, and bureaucratic assaults which are being made by the Republican Party and by some misguided people who believe that it is progressive to atrophy the individual and make impotent the States.

The problem now is to preserve the States against the sweeping and widening power of the Federal Government. As Henry Clay declared, we must foster a strong and wholesome State pride. The theory of our Government is that the Union shall consist of indestructible States. Who shall say, under the assaults made upon it by the Republicans and Socialists that the States are indestructible? I submit they are being destroyed, they are being stripped of their sovereign powers, and reduced to mere geographical expressions where it is expected they will exhibit only an anemic reflex of that glory and dignity and power which sovereign States of this Union should enjoy. Undoubtedly efforts are being made to reduce the States to mere administrative departments like those of France, and the people

are being taught to look to the Federal Government to assume the responsibilities and duties of sovereign States and to become guardians of the people.

There is a weakening of that fine individualism which found expression in the pre-Revolutionary days of this Republic. Some of the so-called progressivism fostered by the Republicans has for its object the aggrandizement of the Federal Government and the control by it of the States and the people. It is the duty of the Democratic Party to bring back local government and to inculcate the view that it lies at the very foundation of a free country. The ideal of local government is one which animated the founders of this Republic and is the precious heritage from a heroic past. "It is the school in which self-control, independence, and liberty are bred."

It was Jefferson who foreshadowed the ideal form of our Government when, in 1776, in the house of burgesses he urged that the delegates from Virginia be instructed to favor confederation provided the Colonies should have the unrestricted power to form governments for the regulation of the colonies, and their internal affairs.

Jefferson perceived that governments as well as individuals must have souls; that there must be a spirit of the law and of the institutions of the land to give them vitality. He sought to put a soul into the people; to awaken their slumbering spirits to a realization of their power and innate greatness. His faith in the people was unconquerable; there were no problems which they could not solve; no heights which they could not reach. He believed, as did De Tocqueville, that the cure for the evils of democracy was still more democracy. Not only did he feel that the people possess souls, but he demanded that the Government itself should possess a soul. He spoke for the rights of mankind; their natural rights, their inherent rights, not conferred or created rights.

Nowadays wealth and privilege regard the Government as its property. Social justice, personal rights, the inviolability of the individual—these things are not understood by the cynical and soulless forces which control the Republican Party. The great historian Fiske stated that the chief characteristic of Jefferson was his belief in the essential rectitude of the purposes of the people. He had a sublime faith in their integrity, in the verity of the universe, in the concept that men were not ignoble and worthless things, living for a moment and passing forever from this terrestrial globe. He insisted, as I have stated, that all governmental powers are delegated by the people in whom they reside; that governments possess no inherent powers, but only those granted by the people. Governments do not grant rights; they are only the agents and trustees of the people. They may make natural rights more secure; but the Government is not an end in itself, but only a means of increasing human happiness.

No one can read Jefferson's letter to Mayor Wightman, of Philadelphia, written January 24, 1826, in which he referred to the Declaration of Independence, without deep emotion and without the conviction that the spirit of Jefferson will prove immortal and that his dreams of universal freedom and justice will be realized.

In this letter he says:

"May it be to the world what I believe it will be (to some parts sooner, to others later, but finally to all) the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves and to assume the blessings and security of self-government. That form which we have substituted restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth that the mass of mankind have not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, and by the grace of God. There are grounds of hope for others. For ourselves let the annual return of this day forever refresh our recollections of these rights and inspire an undiminished devotion to them."

Jefferson taught that personal liberty is individualism, and the only conceivable individualism. Shibboleths and traditions meant little to him unless they were inspired by the ideals which he possessed. He believed that they too often belong to the parties of the status quo and to the immobile elements in society. He hoped for a new era when the world's ruling interest would cease to be local and become universal, and he set himself to the task of government with this golden age in view.

He aspired, as none others have dared, to legislate as though eternal peace were at hand in a world torn by wars and convulsions and drowned in blood. He was unwilling to build a new nationality merely to create more armies and navies and to perpetuate the crimes and follies of Europe.

Some Democrats have been seduced by the propaganda in favor of a unitary system of government. They have supported measures which found their origin in imperialistic and autocratic governments. The effort is being made to reduce the American people to a dead level of uniformity. The differences in physical environments and historical traditions which have produced diversity of custom and thought throughout the States are to be ignored, and by statute and by Federal usurpations the people of the States are to be cast into one mold.

There is no merit in unity, in homogeneity. Progress results from diversity, plurality, heterogeneity. In most countries the spirit of democracy and local self-government is growing. Individuals are standing erect and asserting their individuality. They are combating the compulsory processes which bureaucrats and those who believe in centralized authority are projecting for the purpose of promoting paternalism and State control, and are demanding the opportunity for the assertion of self and to be educated in the school of local self-government.

Mr. Laski, an eminent political writer, has said: "There is real moral insufficiency in any theory of state which impresses upon its numbers the need of any consistent uniformity of outlook." If the Democratic Party will walk in the paths of Jefferson; if it will hold fast to the ideals which he proclaimed; if it will preserve the States in all their vigor and power, and maintain inviolate the rights of individuals against Federal aggression; if it will attack privilege wherever intrenched and wrong wherever enthroned; if it will fight to protect the people against the abuse of power and the employment of the Government for private ends and for the exploitation of the people; if it will compel the Federal Government to move only in the orbit delimited by the Constitution, then it will gain in influence and again be placed in power.

Mr. Collins in his excellent work entitled "The Fourteenth Amendment and the States" says that—

"Local self-government lies at the very foundation of a free country. The private affairs of a community should be regulated by that community without interference from the Federal Government so long as national interests are not directly affected. This ideal of local government is one of our most precious heritages from a heroic past.

"This is not a question of bringing to life a dead State rights doctrine. It is dealing with a fundamental principle of political science. It is by no means a dead issue. On the contrary, no student of public affairs can fail to see that the question of the relation of the State functions to Federal control is one of the most vital problems in our body politic. These United States cover a vast territory. From ocean to ocean and from the Lakes to the Gulf may be found almost every variety of soil and climate. Physical environment and historical traditions have given rise to diversity of custom and manner, thought, and speech. The occupations of the people of the different sections are characterized by fundamental and permanent differences. While we are essentially one people along broadly nationalistic lines, one meets with a variety of local conditions and habits of life as one journeys from Maine to California or from Key West to Oregon. This very diversity makes local government essential to justice.

"The fourteenth amendment is a paternal measure. It is the introduction of the principle of paternalism among a people whose genius is foreign to such a political ideal. It has in it the germ which may retard their growth. Like all centralizing measures, it tends to reduce the life of the people to a dead level of uniformity. In such a vast territory as the United States, occupied by a people who for centuries have been accustomed to trust themselves in the regulation of their domestic affairs, the stimulus of local self-government is essential to their natural development."

I regard the preservation of individual rights and the preservation of the States as a most vital issue in our political life. When it was believed the States would destroy the Federal Government or limit its rightful authority, a Civil War ensued which baptized this Republic in blood. If it were a national wrong to imperil the Federal Government, is it not a national crime to imperil the States or attack their sovereignty, or destroy or weaken local self-government? The aggrandizement of the Federal Government could only be at the expense of the States, and mnemic and lifeless States controlled by bureaucratic forces in Washington would destroy this Republic and transform it into an oligarchy, into a powerful paternalistic force, or into a more deadly bureaucracy.

President Jackson declared—

"The Federal Union, it must and shall be preserved."

We need another Jackson who will demand that the States shall be preserved.

From every quarter we are attacked by this new federalism. It assumes varied forms; it seduces the States by making grants from the Federal Treasury. With pious but hypocritical protestations of its desire to relieve the States of their burdens it generously (?) offers to create new Federal departments and bureaus and agencies through which moneys from the Federal Treasury will be distributed and under whose direction internal and local affairs, belonging solely and exclusively to the States, will be discharged. There is scarcely a duty resting upon the States that the Federal Government is not now seeking in part at least to assume, and many thoughtless people, many who do not comprehend our form of government, many who do not understand the sources of strength and power in this Republic, throw themselves with the zeal of crusaders into all sorts of schemes and plans and plots and intrigues to secure Federal legislation which is destructive of the sovereignty and independence of the State, and is calculated to enervate the people and reduce them to the position of

lowly creatures who will accept the crumbs dropped from the table of Dives.

The fourteenth amendment was an attack upon the sovereignty of the States. The same may be said of other amendments to the Constitution of the United States, and throughout the land we hear the tumultuous cries that we must be bound and tied by the cords of centralization and bureaucratic authority in order that we may be stamped as coins are stamped with the marks of uniformity.

It would be well if we were to remember the words of that great political philosopher, John Stuart Mill, who says:

"Every function superadded to those already exercised by the Government causes its influence over hopes and fears to be more widely diffused and converts more and more the active and ambitious part of the public into hangers-on of the Government or of some party which aims at becoming the Government. If the roads, the railways, the banks, the insurance offices, the great joint-stock companies, the universities, and the public charities were all of them branches of the Government; if, in addition, the municipal corporations and local boards, with all that now devolves on them, became departments of the central administration; if the employees of all these different enterprises were appointed and paid by the Government and looked to the Government for every rise in life, not all the freedom of the press and popular constitution of the legislature would make this or any other country free otherwise than in name. And the evil would be greater, the more efficiently, and scientifically the administrative machinery was constructed the more skillful the arrangements for obtaining the best qualified hands and heads with which to work it."

Individualism is regarded as radicalism. Independent thinking is a dangerous symptom. State pride, ambition for local preeminence, and superiority—these things are not to be tolerated. Bureaucracy always represents repression. It is characterized by fanaticism, intolerance, bigotry.

Our Government to-day is influenced too much by this spirit of intolerance, and the people are cursed with the enervating, autocratic, deadly spirit of bureaucracy. The mission of the Democratic Party has been and is to free the minds of men from all forms of superstition and tyranny. We want not only political and civil and religious liberty but there must be intellectual and industrial liberty.

The British Empire is decentralizing its authority. Its Dominions are free States. A million imperial bureaucrats and spies and tax eaters and taxgatherers do not infest Britain's independent, democratic, self-governing Dominions. But in the United States we will soon have a million Federal officials, Federal bureaucrats, Federal tax eaters, who, like the plague of the locusts, will infest every county, every rural community, and indeed almost every home in our broad land.

And as bureaucracy increases in numbers it increases in power. There were never as many Federal bureaus and executive agencies and instrumentalities as now exist, and they are multiplying. A large number of Federal executive agencies and commissions and bureaus have been created during the present session of Congress. More are provided for in bills now pending both in the House and in the Senate. Hundreds, if not thousands, of additional officials and employees have been provided for in the legislation to which I have just referred, and the swollen tide of bureaus and bureaucrats will mount higher and higher until it will attack the very citadel of the Republic.

The people are burdened with Federal and with State exactions. Taxes outrun population and rest like a heavy iron yoke upon the necks of the people. We speak of our prosperity, but it is the result of inflation and artificial stimulation, the result of uneconomic and empirical legislation enacted under the eyes and lash of big business, destructive monopolies, and predatory interests which control the Republican Party.

The per capita tax paid to the Federal Government in 1913 was but $6.92. In 1916 the entire expenditures of the Federal Government were but a billion dollars. In 1924 the per capita Federal tax was $28. The Federal appropriations for the next fiscal year will, in my opinion, exceed four and one-half billion dollars; and, of course, that stupendous sum must be wrung from the people under the drastic provisions of revenue laws.

The President of the United States in a recent address stated that in all probability the expenditures of the Federal Government had reached the low-water mark. Obviously, if the Republican Party remains in power, that is true. Already the rising tide of expenditures has set in, and with the growing demands for Federal appropriations and the appeals by organizations and groups who seek to raid the Treasury and secure the passage of laws utterly at variance with the spirit and letter of the Constitution we may expect progressively increasing expenditures. This is an era of extravagance. The Federal Government in inefficient, extravagant, and wasteful in the highest degree. If proper economies were practiced, if a reasonable degree of efficiency were employed, our governmental expenses could be reduced by at least $400,000,000 annually.

But with this cancerous, bureaucratic growth there can be no hope of reform in the administration of the affairs of the Federal Government if the Republican Party remains in power. When the Democrats come into power it will be their first duty to abolish scores of Federal bureaus, agencies, commissions, and executive instrumentalities, and to separate from the public service not only tens of thousands, but several hundred thousand unnecessary employees. It will be a titanic task. It will need courage, but it must be done if bureaucracy is not to strangle the Government and destroy the morale and freedom of the people. There are thousands of Federal employees who spend much of their time in lobbying for increased salaries, increased appropriations, and increased power. Bureaus and Federal agencies multiply as cells in the tissues of the body multiply. And these bureaus are always at work to augment their powers.

It is in part true of the bureaus in States and municipalities. No one can defend the enormous increase in the cost of maintaining our State and municipal governments. In 1913 the taxes collected by the States and municipalities amounted to $15.81 per capita, but in 1924 they had increased to $43.12. The total amount of taxes collected by the States in 1913 was $570,000,000, but in 1924 it was $1,064,000,000.

State and municipal indebtedness has advanced by leaps and bounds. In 1912 it was $3,104,000,000. In 1924 it was $11,650,000,000. The annual interest charge upon this sum exceeds $300,000,000. It is manifest that our country is staggering under its tax burdens; and yet the appetite for spending is increasing, the obligations of States and municipalities and individuals are being augmented, and the Federal Government is paying more than $800,000,000 a year interest upon its monumental indebtedness of nearly $20,000,000,000.

In the fact of this apalling situation, the Federal Government is reaching out to absorb the States, to increase the number of Federal employees, and to multiply the taxes annually placed upon the backs of the people. While the average earnings of the farmers are considerable less than $1,000 each, and the earnings of the great mass of employees and wage earners outside of Government and State service, is not greatly above that figure, Congress has constantly increased the salaries and compensation of all Federal employees and has surrounded them with conditions so favorable that from all walks of life multitudes seek to escape—to find safe harbors in the Federal service.

More than one-half of the taxes now collected from the people, aggregating $8,000,000,000 annually, is required to meet the annual pay roll of the Federal Government and the States and their political subdivisions. Nor is that all that is taken from the taxes collected from the people. There are pensions, military and civil; allowances and annuities and public charges in governmental institutions, to the amount of $900,000,000 annually. This means that more than two-thirds of all the taxes collected from the people are required to meet the salaries, pensions, and allowances of those upon the pay rolls, pension and annuity rolls of the National and State governments.

No country can continue to be prosperous with so great a burden. But we could look with some degree of hope upon the situation if there were any evidence of a desire to reform, or satisfactory manifestation among the people that they would no longer submit to these exactions which amount to robbery and spoliation. I have sometimes thought that many of the people were suffering from some deadly drug that has made them insensible to the encroachments of bureaucracy and Federalism, and to their plundering and exploitatory operations. There should be scourged from our political temples hundreds of the parasites who feed upon the people and who devote much of their time to increasing their emoluments, securing pensions, and retirement privileges, and lobbying to increase their authority.

We have all seen the picture of Laocoon. The giant and his sons were destroyed by the writhing serpents that crushed them. The Government, in the hands of bureaucrats and oppressive bureaus and commissions, and its policies largely controlled by big business and exploiting monopolies, will be crushed unless the spirit of democracy shall assert itself and a political revolution ensue which will hurl from power the forces which control the Government, and restore the Government to those who will suffer and sacrifice for their country.

Much has been said by Republicans about the economy of the Coolidge administration. The Coolidge economy is a myth. This administration will expend for the fiscal year 1926–27 approximately $5,000,000,000. It already has appropriated for the Army and Navy between seven and eight hundred million dollars for this fiscal year. We are not at war with any nation. Peace reigns throughout our borders. No clouds of war are seen in our skies, and yet this so-called economical administration has within the past three months enacted laws which will take from the Treasury of the United States for the maintenance of our Army and Navy for the next fiscal year more than $700,000,000. We denounce France and other nations as being militaristic, and yet no nation in the world to-day is expending as much as the United States for its Army and Navy.

The Budget Bureau and the President have approved these enormous expenditures, and they will submit to Congress to meet the expenditures for the next fiscal year a Budget in excess of that for the present fiscal year. It is worthy of note in passing that Congress appropriated during the last fiscal year a sum by nearly $200,000,000 below the total amount recommended by the President.

The Republican Party, with a cynicism, audacity, and mendacity scarcely paralleled in political history, has sought to secure political support upon the ground of economy. It has fooled and deliberately deceived the people. While proclaiming its devotion to retrenchment and reform in public service, it has wasted public treasure and committed all forms of extravagance.

I charge that the Harding-Coolidge administrations have been inefficient and extravagant. The success of the Republicans in thus deceiving the people is due largely to their subtlety, to their control of the press, to their powerful nation-wide organization, and to their constant, dishonest, and untruthful propaganda. There is not a department of the Federal Government that is not expending more than it did prior to the war. The people must be aroused to the danger of increasing the burden of taxation and to the expanding and crushing power of the Federal Government. There must be economy and still greater economy in the administration of the Federal Government. To reduce Federal taxes, to lop off unnecessary bureaus and Federal agencies, to curb the ambitions and voracious appetites of Federal bureaucracy is one of the issues in the coming campaign.

The Republican Party has always had the support of monopolies and those illegal and criminal organizations which are generally known as trusts. Crooked interests, as Mr. Roosevelt was wont to call many of the trusts, and the predatory interests operating in our industrial and economic life have been the chief supports of the Republican Party. They are now more powerful than ever. The Harding and Coolidge administrations have looked with complacency upon their growing power, their audacity, and their destructive methods. These organizations and their allied forces have secured legislation in order to prevent any possible foreign competition, and have strengthened and made more effective their monopolistic organizations in order that they might increase the prices of commodities and exploit the American people. The trust question is not dead; it is a vital and burning issue which must be solved by the American people.

The Department of Justice and the Department of Commerce have looked with indifference—indeed, I might say with approval—upon the illegal organizations which have been formed and which are being formed in the business world. They have encouraged trade associations, many of which have become ruthless and devouring monopolies, destroying legitimate competition and preventing the operation of the natural laws of supply and demand. More than one-third of the wealth of the United States is controlled by corporations and trusts and monopolies. Competition has been destroyed and the great consuming public has become the victim of these evil forces. They have, by illegitimate means, raised prices to oppressive levels and have produced a condition of inflation in respect to the prices of commodities which in the near future will result in widespread ruin and financial disaster.

The great middle class, as it is sometimes called, those who work in factories, mills, mines, and plants, the agriculturists, teachers, professional men, clerks—they are being exploited by these monopolies.

When the Fordney-McCumber tariff law was under discussion in the Senate the chairman of the committee, a Republican Senator, conceded that the tariff rates fixed in the bill were higher than had ever been written in the history of our Republic, so high, indeed, as to place in the hands of the manufacturers the power to plunder the American people.

And by way of apology for the unjust provisions of the bill he appealed to those whom this exploiting power was to be conferred upon, not to employ it, not to raise the level of prices to such heights as to despoil and rob the people. His appeals, as he should have known, fell upon deaf ears. That tariff measure has annually robbed the American people of $5,000,000,000 and the agriculturists of our country have been the greatest sufferers.

The Republican Party harken in its legislation only to the demands of wealth. The farmers, the laborers, the great middle class, ask no subsidies or bounties. They want only justice. But they must realize sooner or later that the powers of the Government were prostitute and perverted, and the Republican Party has been used by corrupting and soulless organizations, and trusts and monopolies, to extract billions from the toilers of our land, in order that the profits and accumulations of the rich and the powerful might be increased.

No more sordid chapter can be found in the annals of free government than that written by the Republican Party during the Harding and Coolidge administrations. The Tariff Commission, which was organized to obtain helpful information which would aid Congress in preparing tariff measures, has been made an ignoble instrumentality to promote the interests of the privileged classes. It is no longer a nonpartisan or bipartisan commission. But its controlling membership has been selected because of their devotion to extreme protection, as a result of which tariff duties have been increased and the grip of the trusts tightened upon the throats of the people.

Pursuant to the demands of these selfish interests a provision was written into the tariff law just referred to which has been employed by the Tariff Commission to raise the tariff duties to higher levels. The so-called flexible provision of the tariff act is an ugly monstrosity. It was framed to increase the power of the Executive and to subject him and the Tariff Commission to the powerful pressure of big business and the beneficiaries of high protective measures. It can not be defended as constitutional and it rests upon the uncertain base of greed and selfishness and injustice.

The Federal Trade Commission, which was organized to restrain monopolies and trusts and to protect honest and legitimate business against unfair competition, has likewise been converted into an instrumentality to screen and protect monopolistic forces.

The President of the United States in a recent address before the Chamber of Commerce of New York City declared, in effect, that big business had become penitent, had purged itself of immoral elements, and was now following the paths of honest dealing. His speech can not be construed otherwise than an express approval of the conduct of corporations and trusts and conspiracies in restraint of trade and the monopolistic organizations whose ugly heads are lifted higher now than ever before and whose oppressive power is exerted more strongly than in the past. It was an unfortunate speech; it was a most inaccurate speech. As soon as it was delivered, many consolidations of stupendous organizations took place, and unmistakable movements to further centralize and strengthen corporate power and bring within the hands of monopolies the industries and productive wealth of our country were perceived.

Notwithstanding the Harding and Coolidge administrations have treated the Sherman and Clayton laws as though they were dead letters, demands are being made by these powerful organizations that they be repealed. With foreign competition destroyed and all laws against monopolies and combinations in restraint of trade repealed, it is apparent the American people would be at the mercy of these devouring monopolies. If those who are behind this movement and are prompting these great consolidations were wise, they would perceive that a continuation of this evil policy will arouse such resentment among the American people that in their anger they will rise and smash trusts and monopolies and these destructive and oppressive combinations.

The soil of this Republic is not favorable to socialism; but if the people are compelled to choose between Government ownership and control, or Government control, of the great key industries of our country, and private monopoly of these great industries, they will choose the former. Private monopoly of the resources, industries, and sources of wealth will eventuate in industrial slavery and can not be tolerated in a democracy.

The domestic policies of the Republican administrations just referred to have ruined agriculture, consolidated wealth, brought fictitious and inflated conditions in business affairs, and produced a situation which gives unmistakable evidence of approaching economic and industrial convulsions.

If time permitted, much could be said concerning the unwise and mistaken foreign policies adopted by the Harding and Coolidge administrations. Mr. Harding and Republican leaders, not satisfied with opposing the entrance of the United States into the league, sought to weaken its influence and destroy its efforts to promote world peace. Evidence is not lacking that the Harding administration sought to detach Latin America from the league with the view, apparently, of creating a counterinternational league upon the Western Hemisphere. This movement failed, as it should have failed.

Under the Wilson administration the relations between this Government and the countries of South America were most cordial and were characterized by the strongest spirit of amity and good will. Secretary Hughes unwisely placed President Coolidge in an impossible situation when he agreed that the President of the United States would arbitrate the controversy between Peru and Chile growing out of the Tacna-Arica matter.

In dealing with Mexico the Harding and Coolidge administrations have acted in a most unfortunate manner. And in our relations with Europe we have been no less unfortunate. European nations distrust the United States and most Europeans either fear or heartily dislike this Nation.

Our relations with China have been most unsatisfactory. Under President Wilson's administration China trusted unreservedly our country. The so-called "disarmament conference" called by President Harding dealt unfairly with China, and the treaties which she felt compelled to sign have provoked resentment throughout all parts of the Chinese nation. We have lost our influence throughout Asia as well as in Europe and now occupy a position of comparative isolation.

The selfish, narrow, and illiberal foreign policies adopted by the Republicans under Presidents Harding and Coolidge have deprived our Nation of its moral leadership in the world and estranged peoples who regarded with affection this great democracy, which they believed was to carry high the principles of justice and liberty for the guidance and salvation of the world.

The time has come to clean house, to turn out of power the party which has been so false to the ideals of the fathers and to the best interests of the American people and the peace of the world. The embattled hosts of Democracy will go forth in the coming campaign knowing that their cause is just; that their country is in danger; that the Government is controlled by reactionary and destructive elements;

and that to them and to the great liberty-loving forces of our country has been committed the glorious task of protecting this Republic and proclaiming undying principles bequeathed by Thomas Jefferson.

FLOOD CONTROL

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of flood control.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to extend his remarks in the RECORD upon the subject of flood control. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker, my attention has been called to H. R. 12803, recently introduced in this body. The proposed legislation has for its purpose flood control upon the Missouri River and includes all the territory of the tributaries of this great stream. The river is to be made an inland waterway to reach the Gulf of Mexico, and by means of drainage and flood control it will be protected as such a waterway. The measure also includes the Arkansas River as its main western tributary.

New Mexico has two tributaries of the Arkansas River, which rise in the mountains at an elevation of some 8,000 feet and flow across a part of the northern section of the State. These tributary streams during the spring of the year, when the heavy snows of the winter are melting, carry immense bodies of flood water, as they also do during the July rainy season when the streams, having a tremendous fall, carry the flood water with great velocity. This causes a rise of many feet in the water carried by the streams.

When the level areas of Oklahoma and Texas are reached, the water leaves the channel of the river and overflows its banks, causing great damage in Oklahoma estimated to be many millions of dollars; these floods occur with great destruction almost annually. The damage in Oklahoma from the flood waters of the Cimarron and the Canadian or Red Rivers has destroyed thousands of acres of formerly good agricultural land and removed from the tax rolls millions of dollars in property values.

In 1923 the property of one railroad company in Oklahoma suffered a damage of $1,000,000 from the Canadian River. This could all have been avoided if this stream had been controlled by impounding the flow of water during the flood season and diverting the same into reservoirs. Vast fertile areas in Oklahoma and New Mexico, which do not now receive sufficient rainfall, could be thus reclaimed.

By impounding these flood waters the saving of property for one year would create a sufficient fund for building reservoirs that would hold back the waters and thus utilize the water beneficially. A wonderful change would be wrought in the food supply of the Nation, and the crops produced could be confined to those which would not interfere with the market conditions at the present time.

The reclamation districts would naturally be located within the areas having desirable climatic and soil conditions for the production of sugar beets, and thus increase our supply of home-grown sugar. The Nation can readily absorb all of the products that would be produced in this area, including the alfalfa for the raising of dairy cattle, for milk and butter; the district would also be well adapted to poultry and egg production. In 1925 the United States imported 7,212,103 pounds of butter and 8,933,232,785 pounds of sugar; 608,768 dozen eggs in shell were imported during the same year; the latter figures do not include the importation of whole dried eggs, egg yolks, yolks frozen, egg albumin dried, and egg albumin frozen, which total over 20,000,000 pounds.

The rivers and their tributaries set forth in H. R. 12803 traverse several States; and, as the bill indicates, a unity of action of all these States is necessary to direct the attention of the Government to the necessity for a proper survey for Federal flood control.

The consolidation of railroads, which prevents competition, means that water transportation is necessary in order that a fair rate may be maintained in the shipping of livestock and farm products to the centers of consumption; also for export trade, waterways to the Gulf and seaboard must be maintained. This can best be brought about by maintaining the navigability of the inland streams.

It is the overflowing of agricultural land in Texas and Oklahoma by the two tributaries of the Arkansas River which largely prevents the navigability of that stream for several miles of its course and interferes with the navigability of the Missouri River as well. The navigability of the Missouri River is questioned by many, but it is largely prevented by the débris carried in the flood waters. During a period of 50 years before 1906 the steamboat was the method of transportation of cargoes from St. Louis to the river towns. The change in the channel of the river is due to the washing down, from the fertile valleys above, of the virgin soil; all this can be regulated by impounding the waters in the mountains above the plains and the utilization of the same for irrigation and also for electrical power purposes for the growing cities of the agricultural districts.

Nature provided the inland channel for man to utilize for transportation; it provided land for reclamation, and it provided protection in the inland waterway, by competition in transportation with the lines of railroad that now haul the freight to the seaboard. Man has thus far failed to utilize the methods provided by nature.

In looking back we see that up to the Civil War the country along the river's course depended entirely upon the river for transportation. Capital has since combined in great transportation lines, and thus traffic has been drawn away from the river. There is no question but that with proper flood control above the points of possible navigation and the impounding of the flood waters, the navigation of the rivers would be largely protected.

New Mexico is directly interested in two tributaries of the Arkansas River, which are the Cimarron and the Canadian or Red Rivers. A preliminary survey of the two streams was made in 1924, and report thereon was submitted by Donald H. Connolly, major, Corps of Engineers, district engineer of the United States. The report on the Cimarron River contains, in part, the following important information:

It appears feasible to control floods by detention dams in the headwaters and benefit the valley for an indefinite distance downstream. Complete control can be obtained by detention dams along the streams from Gate, Okla., westward. The Cimarron River rises in the mountains of New Mexico and flows eastwardly to Oklahoma and across the southwest corner of Kansas into Oklahoma, not far from Beaver, Okla. The watershed of the river is 470 miles long from east to west with fairly uniform average width of about 40 miles.

The valley sometimes 2 to 3 miles wide probably will average more than 1 mile for most of the whole area. The soil varies from almost pure sand to black loam. The existing development affected by floods are bridges, tracks, and highways. The river is crossed by 17 railroad lines, one of which is in New Mexico, 2 in Kansas, and 14 in Oklahoma; bridges are expensive to build and have been repeatedly lost at several localities in Oklahoma.

The last destructive flood was in June, 1923. Many bridges were washed out. The worst flood was on August 26, 1908; the town of Folsom, N. Mex., where the fall is said to be 40 or 50 feet per mile, was washed away and 17 people were drowned.

The average rainfall (annual) over the watershed is less than 16 inches in New Mexico. One of the plans for controlling floods is by means of detention dams located in the canyon formation of New Mexico and the extreme western part of Oklahoma.

Concerning the Canadian or Red River, the preliminary report contains the following:

The Canadian River is a tributary of the Arkansas River. It rises in the Cimarron Mountains of New Mexico, near the Colorado-New Mexico State line, and flows in a southerly direction to San Miguel County, N. Mex., then in an easterly direction through New Mexico, Texas, and Oklahoma to its termination in the Arkansas River, 27 miles below Muskogee, Okla. The total length of the river is 833 miles, and it drains an area 560 miles long from east to west, comprising about 46,140 square miles. From the source to the longitude of Amarillo, Tex., this area comprises 18,634 square miles.

Existing developments affected by floods are: Engineering works, bridges, industrial plants, etc. The main damage by floods has been to railroad bridges and tracks, highway bridges, farm lands, and crops. Of the 21 railroad crossings 4 are in New Mexico, 2 in Texas, and 15 in Oklahoma. The land is subject to frequent overflow. It is believed that the combined capacity of the reservoir available at sites outlined will be sufficient to retain the run-off from the greatest storms that have occurred. If not, other suitable sites may be found where on account of the short span the cost of construction would not be excessive.

Estimates of land susceptible of irrigation where surveys have been made are:

(a) Along Ute Creek and lands to the east of Ute Creek, between Gallegos and Logan, N. Mex., 60,000 acres.

(b) On the Bell ranch, 100,000 acres.

(c) In the vicinity of Tucumcari, N. Mex., 60,000 acres.

An examination of the monthly run-off in acre-feet at Logan, N. Mex., for the years for which the records are published, shows a variation from 274,000 acre-feet in the whole year 1913 to 1,558,387 acre-feet in the last half of 1904. The largest potential irrigation developments in acres would approximate the dependable yearly run-off in acre-feet from the watershed. About 12 inches is deemed sufficient for irrigation in New Mexico.

New Mexico and Texas are interested in flood control and irrigation; Oklahoma primarily in flood relief.

In his recommendation the district engineer says in regard to the Cimarron and Canadian or Red Rivers:

It is believed that on account of the interests involved and the apparent feasibility of controlling the floods of these rivers by a reasonable expenditure of funds, a further investigation is warranted.

As a further argument in support of the necessity for enacting the legislation provided for in H. R. 12803, I cite from a report obtained from the agricultural engineer of the Bureau of Public Roads. The total land in the United States overflowed and in need of drainage is as follows:

Area unfit for cultivation without flood control and drainage: 91,543,000 acres.

The total area in need of flood control and drainage is 113,537,000 acres. The area in Oklahoma that is overflowed and unfit for cultivation, without drainage, is 650,000 acres; and the total acreage in Oklahoma requiring flood-control protection (on account of lack of drainage) is 952,000 acres. The impounding of the flood waters at the source of the streams will reclaim that land.

It would appear from the figures submitted by the Government that it is time that we start to protect our overflowed lands by the erection of detention dams nearer the source of the rivers; the waters must be impounded and utilized beneficially, instead of allowing the same to rush uncontrolled and destroy the soil that it took nature millions of years to form.

This legislation is practical and feasible; it is beneficial, desirable, and economical and should receive the support of Congress.

CAPSTONE OF NEGRO EDUCATION—HOWARD UNIVERSITY, WASHINGTON, D. C.

Mr. BOYLAN. Mr. Speaker, I ask permission for my colleague [Mr. CELLER] to extend his own remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent that his colleague [Mr. CELLER] may extend his own remarks in the RECORD. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, the Committee on Education has reported favorably H. R. 393, which will legalize annual appropriations for Howard University. Each year when the Department of the Interior appropriation bill comes in a point of order is always successfully made against the item of Howard University on the theory that such appropriations are not authorized by existing law. The item is restored by the Senate, and in conference between the two Houses the House managers on the bill approve, and finally the House concurs. Concurrence is always by an overwhelming majority.

Such a situation is most anomalous. What is the good of striking out the appropriation only to have it restored again? I sympathize with those Members of the House who support the point of order. They very likely satisfy the wishes of their misguided constituents, but a greater sympathy goes out to the colored race, which needs Howard University as all of us need breath.

Howard University was established in 1867, soon after the Civil war, when the freedmen were flocking to Washington. What was to be done with all these negroes, many of them bodily and mentally ill? They were becoming a menace to themselves and the white population. Gen. O. O. Howard and General Balloch, famous Civil War commanders, determined upon an institution for the education of the negroes, and Howard University was born. It began by the establishment of a religious school and Howard finally grew into a splendid university, receiving an "A" rating by the General Educational Board. It now has over 2,000 students—young men and women in its schools of liberal arts, education, commerce and finance, applied science, music, religion, medicine, dentistry, pharmacy, and law.

The first Federal appropriation for its aid was granted in 1879. From that date the Federal Government has annually contributed to the construction, maintenance, and development of the institution, $221,000 being the largest amount appropriated for maintenance in any one year. The university can not exist without Government support; support which has existed for so long a time can not be withdrawn. Strictly speaking, there may not be too strong constitutional foundation for the appropriation except that we are in a measure responsible for the enslavement of the negroes and for their emancipation; not only for emancipation of the body but the mind as well. What boots it if the body be free and the mind be fettered?

The salvation of the negro is in education. The Federal Government must help supply it. Negroes practically are barred from all white higher institutions of learning. Harvard, Stanford, and Columbia Universities, I am informed, require photographs on application for matriculation. The purpose is obvious. Even the governmental institutions of West Point and Annapolis are practically closed to the negro. Annapolis has never had a colored graduate. West Point in all its history has had but three graduates who were colored, although at the present time there are in attendance several Chinese, in pursuance of the Boxer indemnity agreement, as well as the son of the Filipino rebel, Aguinaldo. Where are the colored students to go if not to Howard? The colored people, by private subscription and endowment, contribute about 60 per cent of its cost and maintenance, the Government the other 40 per cent. Each student pays $99 a year for tuition and $20 a month for board, except the medical student pays $150 a year. The medical school is one of the finest in the country and receives an "A" rating from the American Medical Association. There is quite a shortage of professional men among the colored people to meet their needs. I am informed through the Department of the Interior that recent investigations show that the colored population of the Nation has increased to nearly 12,000,000 and that there is only one colored physician to 3,194 persons, while the white race has a physician to every 553 persons, thus raising an important issue in the care of the sick and the protection of the health of the negro inhabitants. The disparity is even greater in the proportion of white and colored dentists. Statistics show that there is one white dentist to every 2,070 white people in the United States, while there is but one colored dentist to every 20,500.

Other figures reveal the fact that only a very meager number of colored doctors and dentists are completing the course every year at Howard University, the average annual number of physicians graduating for the past 10 years being 20, while the number of dentists average 22.

Responsibility for the situation is attributed not to the disinclination of colored youths to study medicine and dentistry and adopt them as professions but to the deplorable limitation of the capacity of the colored educational institutions.

Doctor Durkee said:

I made a very careful study of that situation two years ago to discover how many professional men were needed. If Howard University could turn out every year about 400 thoroughly trained colored physicians for 10 years, they would catch up with the needs of the race. That is how far behind we are, medically speaking.

Of course, there are colored students in other medical schools. They have no difficulty the first two years but after that there is mischief. When they are ready for clinical work and get into the hospital wards the color line is drawn. Not so much by the white patients in the hospital as by the management thereof. A black student is not tolerated at a white bedside. Therefore, after their first two years these students knock at the doors of Howard University. Howard only can help them.

Attached to Howard is the Freedmen Hospital, to which the colored sick, wounded, and maimed go. There are no white sick there. The colored doctors and students are therefore welcome. It is practically the only hospital where students and internes can get clinical experience and bedside training. The Freedmen Hospital is supported exclusively by the Government.

The following interesting colloquy is to be found on page 12 of the hearings:

Doctor DURKEE. I will say to you, frankly, the thing would crash. It could not go. The colored people in some centers have been doing splendidly, but the race as a race is poor, and the race as a race can not maintain the strain of properly qualifying the professional men needed in the race for the next quarter of a century.

The CHAIRMAN. In the event of a great national epidemic like the "flu" a few years ago, or during the war, is it not of the utmost importance to the public generally that these doctors be educated and turned out to take care of a situation like that?

Doctor DURKEE. I might answer by describing a well-known situation, and it tells the whole story. Down in Richmond, Va., a lady put her head out of the window of her house one morning and spoke to Mary, the colored maid, who was coming up the walk, and said, "Mary, you need not come in this morning. My children have the measles, and I do not want them to spread it, and I do not want your children to get it." Mary stopped and rolling her big eyes around she said, "Lord bless you, my children done got through with the measles three weeks ago." The measles came from the home of those colored people. That is a common happening. Disease knows no color line.

If white America wants to preserve her standing and her health, she has got to train her colored physicians to take care of the health of the colored people.

The general health of the country is an all-encompassing reason for maintaining Howard University. So that the Members of the House may know the number of students coming from their States that go to Howard University, I herewith present a table giving the geographical distribution in Howard:

Geographical distribution, 1925–26

States and counties	Liberal arts	Education	Applied science	Music	Religion	Law	Medicine	Dentistry	Pharmacy	Total	Graduates in residence
Alabama	14	4	4	2			2	1	3	30	
Arizona	1	1	2			1	1			6	
Arkansas	14	1	2	1		1	3			22	
California	8	1				2	4	2		17	1
Colorado	2	1	2	1					1	7	
Connecticut	13	2	4			1	5	3	2	30	
Delaware	6	1					3	1		11	
District of Columbia	324	267	25	45	19	22	28	10	7	747	15
Florida	15	3		1	1	1	5	4	3	33	
Georgia	19	4		1		4	8	2	3	41	
Illinois	5	3			2	1	8	1	2	22	1
Indiana	3	4	2	2	1		2	2		16	
Iowa	1	1					2			4	
Kansas	11					1	1			13	
Kentucky	21	3	4	2			4		1	35	
Louisiana	19	4		1	3		5		3	35	
Maryland	45	30	8	3	5	7	12	1	4	115	
Massachusetts	8	5	1			1	2	4	2	23	1
Michigan	8	2					4	1		15	
Mississippi	9	1	2	2			3			17	
Missouri	16	13	3		1	1	3	2	2	41	1
Nebraska	3							1		4	
New Jersey	53	21	4	2	1	3	12	10	3	109	1
New York	31	5	5	1		2	24	18	6	92	1
North Carolina	49	11	4	1	1	6	8	6	9	95	2
Ohio	22	2				3	3	1	2	33	
Oklahoma	3	3		1	1	5	1			14	
Oregon	1					1				2	
Pennsylvania	63	18	4	5		4	7	6	5	112	
Rhode Island	4					1		2		7	
South Carolina	25	3	1		1	3	4	1	2	40	2
South Dakota									1	1	
Tennessee	11	4	3		1	2		1		22	
Texas	31	10		1	1	4	8	3	2	60	
Virginia	60	25	3		5	10	24	13	8	149	2
West Virginia	13	8	3		1	2	7		1	35	
Wisconsin							1			1	
FOREIGN COUNTRIES											
Africa	1	1				1	1	1		5	
British West Indies	13				4		6	1	1	25	
British Guiana, South America	7						5	2		14	
Canada	4									4	
Canal Zone	1									1	
Cuba	1									1	
Dominican Republic	1							1		2	
Jamaica							7			7	
Porto Rico	3					1	1			5	
Republic of Colombia							1			1	
Virgin Islands	1						1			2	
Totals	963	463	86	72	48	91	226	101	73	2,123	

Does not include special students.

Although Howard maintains a religious school, the number of religious students in proportion to the entire enrollment is practically negligible—that is, 114, which includes students receiving instruction by correspondence, there being 41 resident religious students to the total enrollment of 2,032.

It is nothing new for Congress to appropriate moneys for colleges. Under various land grants the Government appropriates directly $4,317,583 to white universities in the North and the West and $3,759,000 to universities in the South. Doctor Durkee in this connection testified as follows:

Statement of appropriations

WEST AND NORTH

University of California	$159,339
Colorado Agricultural College	122,750
Connecticut Agricultural College	84,547
College of Hawaii	50,000
University of Idaho	103,472
University of Illinois	281,076
Indiana University	12,851
Purdue University	219,362
Iowa State College of Agriculture and Mechanics Arts	218,338
University of Kansas	3,073
Kansas State Agricultural College	189,462
University of Maine	119,986
Massachusetts Agricultural College	88,725
Massachusetts Institute of Technology	21,682
University of Michigan	8,673
Michigan Agricultural College	213,221
University of Minnesota	191,810
University of Montana	1,200
University of Nebraska	163,223
University of Nevada	95,692
New Hampshire College of Agriculture and Mechanic Arts	$104,579
Rutgers College	142,338
Cornell University	247,374
North Dakota Agricultural College	117,071
University of Cincinnati	5,254
Ohio State University	234,537
University of Pennsylvania	6,900
University of Pittsburgh	5,010
Pennsylvania State College	276,631
University of Porto Rico	50,000
Rhode Island State College	91,492
South Dakota State College of Agriculture and Mechanic Arts	132,140
University of Vermont and State Agricultural College	105,537
State College of Washington	134,570
University of Washington	7,746
University of Wisconsin	200,264
University of Wyoming	98,536
Total	4,317,583

No discrimination is made in these schools on account of color.

Turning to the list of southern white schools drawing money from the Federal Government through the Department of the Interior, the same situation obtains, though enhanced by discrimination.

SOUTH

Alabama Polytechnic Institute	$216,380
Alabama Technical Institute and College for Women	3,321
University of Arizona	101,722
University of Arkansas	148,637
Delaware College	94,528
University of Florida	55,000
University of Georgia	152,414
University of Kentucky	418,758
Maryland State College of Agriculture	142,936
Mississippi Agricultural and Mechanical College	194,816
Mississippi State College for Women	6,655
University of Missouri	265,250
Montana College of Agriculture and Mechanic Arts	110,350
New Mexico College of Agriculture and Mechanics Arts	113,328
North Carolina State College of Agriculture and Engineering	232,343
Miami University	3,908
Oklahoma College for Women	1,500
Oklahoma Agricultural and Mechanical	196,080
Oregon State Agricultural College	120,383
University of Tennessee	204,821
University of Texas	6,604
Agricultural and Mechanical College of Texas	840,124
College of Industrial Arts	3,497
Utah Agricultural College	106,651
Virginia Polytechnic Institute	205,625
West Virginia University	162,490
Louisiana State University and Agricultural and Mechanical College	165,221
Total	3,759,742

Separate schools for white and colored are conducted in our Southland, but only the white schools appear as listed. The colored schools which receive aid secure same through the above-named institutions.

It should be said that of the total amount of $3,759,742 paid to the white schools of the Southland, about $150,000 only is allocated by those States to colored schools, when at least $625,000 should be so allocated. I draw these statistics from reports of the Federal Board for Vocational Education and from the Negro Yearbook for 1921–22, pages 264 and 267.

It is hoped, therefore, that this most important bill will be passed at this session.

EXTENSION OF REMARKS

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to print a brief address made by me to-day before the National Educational Association on the motion picture and the child, dealing with my bill in that respect.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing an address made to-day——

Mr. UPSHAW. My own remarks.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, do the remarks include anything about the question of prohibition or the Anti-Saloon League?

Mr. UPSHAW. I do not think there is any reference to the Anti-Saloon League. I was dealing with "The motion picture and the child."

Mr. SCHAFER. All right; I shall not object.

Mr. UPSHAW. Also to extend very briefly my own remarks about the memorial now being erected in Atlanta to former Senator Watson.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

A MEMORIAL TO THOMAS E. WATSON

Mr. UPSHAW. Mr. Speaker, for the sake of many of my colleagues and other readers of the RECORD who might like to know, I wish to remind you that the friends of the late Senator Thomas E. Watson, of Georgia, are engaged in the patriotic task of building a fitting memorial to him on the capitol grounds in Atlanta.

I believe that many, not only in Congress but widely over the country who may not have agreed with some things which he said and did will still be glad to have some part in erecting this memorial out of sheer admiration for Thomas E. Watson's brilliant ability and notable achievements.

We are proud to remember that when he was a young Member of this body he initiated the movement that eventuated in that great national blessing the rural free delivery. It is also worthy of memory that some of the most notable planks in the old Ocala platform for which he and William J. Bryan both stood have been enacted into law.

Those who love history and literature are glad to remember and read those masterpieces of Thomas E. Watson, Napoleon, The History of France, the Life and Times of Andrew Jackson, and Thomas Jefferson, with many other shorter triumphs of his wonderful pen that give an indispensable embellishment to modern American literature. When this brilliant Georgian died soon after beginning his notable career in the United States Senate, 10,000 sorrowing people journeyed to his home at Thomson, Ga., to attend his funeral. Such a notable American ought to have a worthy memorial in the capital of his native State, and I hope that many Members of this body and many who read this statement will promptly communicate with Hon. James H. Boykin, chairman Watson Memorial Association, Ansley Hotel, Atlanta, Ga., who is giving himself unselfishly to this worthy movement.

THE APPROACHING PRIMARY ELECTION IN MARYLAND

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the approaching primary election in Maryland. [Applause.]

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, Tuesday, September 14, the primary election will take place in Maryland.

The Republican Party in Maryland will select its candidates for United States Senator, governor, attorney general, and for other State offices.

After the Harding election of 1920 both United States Senators, four out of the six Congressmen, the mayor of Baltimore, the attorney general of Maryland, and numerous other State officers were Republicans. To-day, instead of two, there is but one Republican Senator. Instead of four there are but two Republican Congressmen. Instead of a Republican there is a Democratic mayor of Baltimore, a city whose population is more than half of the total population of the State, and instead of a Republican there is a Democratic attorney general.

The host of other State offices held in 1921 by Republicans are mostly now held by Democrats. In October, 1925, the Republican national committeeman for Maryland, former Senator Jackson; the Republican national committeewoman for Maryland, Mrs. Lowndes; France, who was senior Senator from Maryland in 1920; Broening, who was mayor of Baltimore in 1920; Lowndes, son of a great Republican Governor of Maryland; Parran, who had represented the fifth district in Congress; Metzerott, Harp, Gladden, Hawkins, Cameron, Smith, Albrecht, Wille, Kuebler, Love, Horner, Jenkins, McGuinn, McGinity, and a host of other loyal Republicans, after many conferences, concluded that the Republican Party in Maryland must be reorganized if it were ever again to be a vital agency for good government in city, State, and Nation.

As the result of this, on October 28, 1925, Col. Marion A. Humphreys, former Mayor Broening, and I became candidates for the Republican nominations for governor, attorney general, and United States Senator, respectively, in the primary election to be held Tuesday, September 14.

No candidates have entered the primary against Colonel Humphreys or Mayor Broening. The present senior Senator from Maryland, Mr. O. E. WELLER, in November became a candidate against me for the nomination.

In 1921 the Sixty-seventh Congress began. The Sixty-eighth Congress succeeded it, and in a few days the first session of the Sixty-ninth Congress will have concluded its work. For these five years of postwar Federal Government reorganization Mr. WELLER has been a Member of the Senate and I have been a Member of the House.

Mr. WELLER, in the year of a Republican "landslide," had 15,799 majority. My district, with a Democratic registered majority of about 16,000, in an "off year" reelected me to the Sixty-eighth Congress by 15,292 majority, only 507 less than the majority Senator WELLER had obtained in the whole State, including the strongly Republican counties of western Maryland.

In a few days Senator WELLER's and my records will be fixed finally in the CONGRESSIONAL RECORD. He is a candidate for renomination on his record, I for nomination on my record. If they wish to win the general election in November, the Republicans of Maryland must select on September 14 as their candidate for the Senate one whose principles are those of Lincoln and Roosevelt and whose record is one of incessant work in Congress for those principles. The duty of Congress is to enact good legislation and to kill proposed bad legislation. If the Members of Congress are absent more than one-half of the time, if the Members of Congress do no committee work and introduce and report no bills, if the Members of Congress never open their mouths for a good bill or against a bad bill, the Government must cease to exist.

Members of Congress are sent to work and vote, not to devote their time to personal politics or to clique politics.

I have been a servant of the people for 15 years; from 1910 to 1915 as United States attorney for the district of Maryland, from 1916 to 1920 as a soldier on the border and in France, and from 1921 to to-day as a Member of Congress.

Since 1921 I have done nothing except public work. My record is contained in the official records of the Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses, which contain also the record of Senator WELLER. The Republican Party of Maryland must decide whether it wishes to present to the whole Maryland electorate in November Mr. WELLER's record or mine.

I invite attention to the indexes of the seven sessions of Congress for the past five years. Up to June 1 last Senator WELLER was absent or not voting 1,495 times out of 2,713. His record is 55.1 per cent absent or not voting. In the same five years there have been 1,043 roll calls in the House. I am recorded as absent or not voting 164 times. I was specifically excused from answering roll calls or voting by unanimous consent of the House 12 of these times, because I was in the Walter Reed Hospital for a war disability, and 14 of these times because my committee was considering Muscle Shoals. I was therefore absent 138 times out of 1,043, 13.2 per cent of the time. Senator WELLER has been present or voting 44.9 per cent of the time. I have been present or voting 86.8 per cent of the time.

What have we done in the Senate, in the House, or in committees? Look at the indexes of the CONGRESSIONAL RECORD for the past five years under "WELLER" and under "HILL," and consider (1) bills and resolutions introduced, (2) committee reports filed, (3) amendments and other motions on the floor of the Senate or the House, (4) debates, (5) membership in Senate-House conference committees, and (6) votes.

(1) Senator WELLER in five years introduced 30 bills and resolutions, the most noteworthy of which was S. 2907, for the relief of Galen L. Tait. I introduced 121 bills and resolutions, including H. R. 46, for a department of national defense, on which I opened all the recent House hearings that led to the passage of the Army Air Corps act, which will ultimately provide for air defense about $102,772,185; the $28,000,000 Wadsworth-Hill Army housing bill, on the basis of which $410,000 have just been appropriated for barracks at Camp Meade and $90,000 for Edgewood Arsenal; and the new judge bill for Maryland, which has passed the House.

(2) Senator WELLER in five years has filed two reports from the Senate committees of which he is a member. I have officially, at the direction of my committee, filed 29 committee reports, including reports on such bills as the above $28,000,000 permanent Army posts construction fund bill; the bill making Fort McHenry a national park; and the bill to dredge the waters near the Aberdeen Arsenal to protect the wild fowl of Maryland.

(3) Senator WELLER in the five years of his incumbency has never made a motion nor offered an amendment on the floor of the Senate. In all that time he has filed in writing but three proposed amendments to pending bills. I was recognized by the Speaker to suspend the rules and pass the new judge for Maryland bill and also the $28,000,000 Army post bill. I passed the amendment naming the new Potomac bridge after Francis Scott Key, and I have offered and passed amendments to the grain futures bill, the Coast Guard bill, the Muscle Shoals bill, the Rent Commission bill, all kinds of appropriation bills, and have offered instructive amendments to the Volstead Act and various other pending measures, all of which appear in full in the CONGRESSIONAL RECORD.

(4) Senator WELLER in the five years of his incumbency has never opened his mouth in the Senate to help pass a good bill or help kill a bad bill. I have constantly taken part in debate in the proceedings of the House in favor of the kind of legislation the people of Maryland want and against the kind of legislation that is opposed to the principles of our Maryland people.

(5) When the Senate and the House disagree on amendments to a bill, the President of the Senate and the Speaker of the House appoint managers of a conference on the part of the Senate and the House to try and effect an agreement.

Senator WELLER has been appointed a conferee but once, although he is a member of five committees. In the House no Member belongs to more than one important committee, while every Senator has from three to five committees, depending upon the importance of such committees. I have been a conferee many times. The Army Air Corps bill passed by this Congress provides a five-year building program for the Army air defenses of this Nation, at a cost of about $102,772,185. The Speaker appointed me a conferee on this bill. With Senator WADSWORTH, Senator BINGHAM, Representative JAMES, Representative MCSWAIN, and the rest of our conferees, I spent weeks on the disagreements of the House and the Senate, and our report was ultimately adopted by the Senate and the House.

(6) As to votes in the Senate and the House, Senator WELLER voted the United States into the World Court, the back door of the League of Nations. I voted against the Burton resolution pledging our entry into the World Court. Senator WELLER'S votes, when he was present, and my votes all appear in the CONGRESSIONAL RECORD, and I shall be glad to advise the voters of Maryland at any time how Senator WELLER voted and how I voted on any question.

The work of the House is extraordinarily interesting. An individual Member of the Senate has, however, a much greater chance of accomplishment than an individual Member of the House. I am a candidate for the Republican nomination for the Senate because I want to do part of Maryland's work in the Senate. I want to see the Republican Party in Maryland an active agency for good government. Therefore, I hope, in the approaching primary election in Maryland, that the great majority of Republicans will go to the polls and place an X mark after my name on the ballot.

A SOLDIER'S OPINION UPON THE DEBT OF FRANCE

Mr. ANDREW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a Memorial Day address delivered by Gen. John F. O'Ryan.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. ANDREW. Mr. Speaker, in order that the Members of this House may know the opinion of a representative American soldier upon the war debt of France, I present the following address delivered on Memorial Day at Mount Kisco, N. Y., by Maj. Gen. John F. O'Ryan, who served two years in the American Expeditionary Forces and commanded the Twenty-seventh Division:

Comrades of the American Legion and neighbors of northern Westchester, this is Memorial Day, the day set apart for rendering honor to those who gave up their lives in our wars. It is the day above all other days when we, the living, should specially consider the measure and character of the sacrifice made by our soldiers and sailors. It is the day when we should particularly consider the relation of their services and their sacrifice to the future; when with hearts that are true to ourselves and to the best interests of our country, and with minds that are synchronized with the hour in which we live, we should apply our past experience to the solution of our present problems, so that we may more effectively contribute in our time and generation to the better advancement of the world in which we live.

The thought I have expressed would connote a serious half hour ahead of you if I were to build upon it a framework of public duty and locality spirit, and attempt to urge upon you some standard of civic responsibility and service which might be the logical outcome of the sacrifice of the past. But I have no intention of attempting this. I am not fitted for the rôle of preacher. I prefer to tell you something of war, something of mass psychology, and let you draw your own conclusions.

It is well that a people should have pride in their accomplishment, both civil and military, when there is warrant for it. We have had an extraordinary history and our record as a whole is wholesome and commendable. Our material success has been without precedent in the world's history, but this success carries with it corresponding responsibilities, and it is well that we reflect more upon them than upon our material success, for pride goeth before a fall.

Our soldiers in the war were splendid. Our dead were sacrificed in a great and worthy cause. Our maimed and wounded contributed in no small way to our present preeminent position of power. But a reasonable measure of modesty, I might say decency, demands we should remember that our allies did all we did and more.

Right here let me illustrate what I mean by the need for repressing the spirit of self-laudation, or superpatriotism, and stimulating instead a better understanding of our national obligations. We can not speak of our 60,000 dead of the World War with too much reverence, but we should not make of that sacrifice a boast of the measure of our contribution. If our dead could be resurrected and were to form a column and march by us here to-day at the rate of 10,000 an hour, it would take six hours for them to pass this spot. What an impressive spectacle that would be of the destruction and waste of war! But what about the French? If their 1,600,000 dead were to follow them, also passing at the rate of 10,000 an hour, they would take 20 days to pass, marching 8 hours a day. If their dead were to march day and night, 24 hours a day, more than 6 days and nights would pass before we saw the last of their column.

And this is not the whole story. We loaned France some billions of dollars for war purposes. We ourselves entered the war in April, 1917. It was not until June, 1918, more than a year later, that we were holding any appreciable part of the line. But we were one of the allied and associated powers during that year 1917–18. By all the rules of sportsmanship, it was up to us, with our great man power, wealth, and resources to take over at once a lion's share of the fighting line. We did not do so. We were not prepared. General Pershing was strong enough to prevent such a tragedy, and so the American Army of nearly 4,000,000 men were trained and disciplined behind the lines, and in America, while the French, in addition to holding their own long line, held our line too, aided by the British. In other words, during that year thousands and thousands of French and British boys and men died while serving as substitutes for American boys.

Who cared about money in those momentous days? We spent money freely, and we loaned it freely to our allies. It went into the common pot of sacrifices and endeavor. But it was no substitute for the lives of those French and British boys who died that our boys might train in security. French and British families of the dead don't think so. Neither do you. But now it turns out that we did not put these moneys, or any part of them, into the pot. We want back our money—all of it—and with interest. We stand upon the fact that technically the moneys were loaned and must be repaid. The war is over. We won. Back to business. Let Congress mop up the aftermath.

Is this attitude right? Is it sportsmanlike? Isn't it our duty to acquaint ourselves with such facts as I have mentioned? Americans believe in the "square deal." We invented the term. It isn't that our people knowingly are playing the rôle we are now playing toward Great Britain and France, but that we haven't taken the trouble to ascertain the facts, to learn the point of view of Europe, to understand the relation between the two columns of marching dead, one 6 hours long, the other 20 days long. The fathers and mothers of Europe know the relation, and their grief-stricken memories will continue to carry it.

Now isn't it better, isn't it more enduringly profitable, on this memorial occasion, to reflect with some measure of Christian humility upon our shortcomings, rather than to blare out hallelujahs of admiration for our own rectitude and material accomplishment?

The relation of our wealth, resources, and point of view, to the poverty of Europe and the European viewpoint is indicated by the admonition of Washington written in 1791, in a letter to Governeur Morris, then in England. He referred to his belief that the only treaties that will endure are those which are mutually beneficial to the parties, and then said, "I believe it is among nations as it is with individuals, that the party taking advantage of the distresses of another will lose infinitely more in the opinion of mankind, and in subsequent events, than he will gain by the stroke of the moment."

This is a new world in which we live. The airplane, the motor car, and the radio have annihilated distances and are decreasing the number of spoken languages. Peoples all over the world are becoming more and more intimately related in their commercial and industrial endeavors—more and more dependent upon each other for mutual support. Aside from the moral viewpoint, we must be alive to maintain a high standard among all peoples, and especially our late allies, for "coming through" in clean and manly fashion.

The fighting phase of the great world struggle, the phase which ended with the armistice, did not terminate the struggle itself, the struggle for a better world. But we then quit, and left the rest to struggle on, to organize the world for peace, without us, to rehabilitate destroyed areas and to revive industry. Is it any wonder that so many of the people of Europe whose hearts we held in firm allegiance at the time of the armistice now feel that they have been disillusioned?

No, I feel that every dictate of Christian principle demands that we profit by such occasions as this to take stock of ourselves—to determine whether we are doing as we would be done by—to resolve that our struggle for material gain should be mellowed by the spirit of service, to remember, that "He who would be exalted among you, let him be the servant of all."

THE "NATIONAL ORIGINS" PROVISION OF IMMIGRATION ACT OF 1924

Mr. JOHNSON of Washington. Mr. Speaker, under leave granted me to extend my remarks, I desire to make a statement explaining the status of the so-called "national origins provision" of the immigration act of 1924.

Many Members of the House have received communications in recent weeks indicating a belief on the part of citizens that

a bill to alter the existing quota arrangement has been under consideration in the Committee on Immigration and Naturalization. Such is not the case. The subject matter to which correspondents have referred is the provision in the immigration act of 1924, section 11, by which a new quota basis may become effective July 1, 1927. The only bills relating to the subject pending in the House Committee on Immigration and Naturalization during the present session are measures to repeal this provision and continue in effect the existing quota arrangement.

As is well known, immigration quotas at present are fixed upon the basis of 2 per cent of the number of foreign-born individuals resident in continental United States as determined by the United States census of 1890, the minimum quota being 100. On this basis the total of all quotas is 164,667.

Under the so-called "national origins provision" the total of all quotas would be set at 150,000, and this number would be allocated, not according to the number of foreign-born persons resident in the country, but upon the basis of the proportionate numerical strength of nationalities among the whole population of the United States. The census of 1920 would be used, the national origins of all the people would be calculated, and, for example, if it should be found that a particular nationality contributed one-tenth of the whole population, that nationality would have one-tenth of the total quota, or 15,000. I quote the appropriate subdivisions of section 11 of the immigration act of 1924, as follows:

NUMERICAL LIMITATIONS

SEC. 11. (a) The annual quota of any nationality shall be 2 per centum of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100.

(b) The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

(c) For the purpose of subdivision (b) national origin shall be ascertained by determining as nearly as may be, in respect of each geographical area which under section 12 is to be treated as a separate country (except the geographical areas specified in subdivision (c) of section 4) the number of inhabitants in continental United States in 1920 whose origin by birth or ancestry is attributable to such geographical area. Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable.

(d) For the purpose of subdivisions (b) and (c) the term "inhabitants in continental United States in 1920" does not include (1) immigrants from the geographical areas specified in subdivision (c) of section 4 or their descendants, (2) aliens ineligible to citizenship or their descendants, (3) the descendants of slave immigrants, or (4) the descendants of American aborigines.

(e) The determination provided for in subdivision (c) of this section shall be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly. In making such determination such officials may call for information and expert assistance from the Bureau of the Census. Such officials shall, jointly, report to the President the quota of each nationality, determined as provided in subdivision (b), and the President shall proclaim and make known the quotas so reported. Such proclamation shall be made on or before April 1, 1927. If the proclamation is not made on or before such date, quotas proclaimed therein shall not be in effect for any fiscal year beginning before the expiration of 90 days after the date of the proclamation. After the making of a proclamation under this subdivision the quotas proclaimed therein shall continue with the same effect as if specifically stated herein, and shall be final and conclusive for every purpose except (1) in so far as it is made to appear to the satisfaction of such officials and proclaimed by the President, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in subdivision (c) of section 12. If for any reason quotas proclaimed under this subdivision are not in effect for any fiscal year, quotas for such year shall be determined under subdivision (a) of this section.

The determination of quotas under the "national origins provision" is an executive function, and under the law the Secretaries of State, Commerce, and Labor are charged with the responsibility of ascertaining the ratio numbers to be used in calculating quotas to be proclaimed by the President. The law, however, is peculiarly worded. It says:

Such officials shall, jointly, report to the President the quota of each nationality, determined as provided in subdivision (b), and the President shall proclaim and make known the quotas so reported. Such proclamation shall be made on or before April 1, 1927.

But the law says further:

If the proclamation is not made on or before such date, quotas proclaimed therein shall not be in effect for any fiscal year beginning before the expiration of 90 days after the date of the proclamation. * * * If for any reason quotas proclaimed under this subdivision are not in effect for any fiscal year, quotas for such year shall be determined under subdivision (a) of this section.

In other words, if the "national origins" provision does not become operative, the existing arrangement shall continue.

It must be clear that, upon the adoption of the "national origins provision" by the Senate and House conferees in 1924, consideration was given the possibility that ascertainment of "national origins" might not be feasible, and the above language was employed to provide authority for the continuance of existing quotas in such a contingency.

It follows, therefore, that notwithstanding the mandatory terms apparently requiring that national origin quotas be determined, and that report be made to the President, and requiring also the issuance of a presidential proclamation on or before April 1, 1927, the new quota basis need not become effective at all.

At this time I do not propose to discuss the propriety of readjusting quotas upon the "national origins" basis, or the desirability of the provision in the law, or the possibility of its repeal.

I do not know of a certainty what quotas may be expected to be assigned to particular nationalities in the event that the provision becomes operative. Various computations have been made, but all are estimates merely. No one of them is entitled to be considered as certain of adoption.

I am including in these remarks two tables—one presented during debate on the immigration bill by Senator REED of Pennsylvania and the other printed in the brochure, entitled "An Analysis of the American Immigration Act of 1924," by John B. Trevor, M. A., published in International Conciliation, a periodical issued by the Carnegie Endowment for International Peace in September, 1924. I am informed that final figures on the larger quotas will vary at least 15 per cent from the estimates in these tables.

I am informed, further, and quite informally, that a committee of experts, including statisticians and cartographers, has been constituted by the Secretaries of State, Commerce, and Labor, and authorized to prepare the detailed information necessary to determine quotas under the "national origins provision," and that the members of this committee expect to make their report to the President before Congress convenes in December. If this is so, I think it likely that the Immigration Committees of the House and Senate, or one of them, will conduct hearings on the subject during the winter session.

Since the enactment of the immigration act of 1924 the press has given some attention to the "national origins provision," and because there is much misinformation concerning it I am inserting in these remarks a brief statement of the legislative history of the matter, together with a bibliography prepared for me by the Library of Congress. This information, together with the tables above referred to, is as follows:

LEGISLATIVE HISTORY OF "NATIONAL ORIGINS PROVISION"

(Note: All page numbers relate to the CONGRESSIONAL RECORD, permanent edition, 68th Cong., 1st sess.)

The "national origins provision" of the immigration act of 1924 was first offered in the House of Representatives by the late Representative Rogers of Massachusetts, April 11 and 12, 1924, during debate on the immigration bill, H. R. 7995. The House rejected the Rogers amendment. (RECORD, pp. 6110, 6111, 6226–6229.)

During debate on the immigration bill in the Senate, April 14, 1924, the proposition in slightly different language was presented by Senator REED of Pennsylvania. (RECORD, p. 6316.) After amendment it was agreed to in the Senate on April 14, 1924. (RECORD, pp. 6471, 6472.)

The only presentation of the subject matter in a committee hearing before enactment of the immigration act of 1924 was on March 8, 1924, when John B. Trevor testified before the Senate Committee on Immigration. (See hearing entitled "Selective Immigration Legislation," Committee on Immigration, United States Senate, 68th Cong., 1st sess., on S. 2365 and S. 2576, p. 89.)

Having been accepted by the Senate (April 16, 1924) and rejected by the House (April 12, 1924), the "national origins provision"

became a subject for consideration of the committee of conference, which revised the text of the entire bill, amended and accepted the "national origins provision," and submitted its report (H. Rept. No. 688) to the House on May 9, 1924.

The conference report was debated in the House that day and the "national origins provision" was discussed by Representative SABATH (RECORD, pp. 8230, 8231), and by Representative DICKSTEIN (RECORD, pp. 8238, 8239).

The bill was recommitted to the committee of conference (RECORD, p. 8249) and was again brought before the House in a second conference report (H. Rept. No. 716) submitted May 15, 1924. (RECORD, p. 8627.) In debate on the second conference report the "national origins provision" was discussed by Representative SABATH (RECORD, pp. 8634, 8635); by Representative WEFALD (RECORD, pp. 8635, 8636); by Representative DICKSTEIN (RECORD, p. 8637); and by Representative Watkins (RECORD, p. 8650).

The second conference report was submitted in the Senate on May 15, 1924 (RECORD, p. 8568). The "national origins provision" was mentioned briefly by Senator HARRISON (RECORD, p. 8580).

Table of quota and estimated quotas submitted by Senator Reed of Pennsylvania

Nationality or country	Act of 1921, which was then the law	2 per cent of 1890 with minimum of 100	National origins under the 150,000 limit proviso
Albania	288	100	100
Armenia	230	100	100
Austria	7,342	990	1,840
Belgium	1,563	509	260
Bulgaria	302	100	100
Czechoslovakia	14,357	1,873	1,320
Danzig	301	223	100
Denmark	5,619	2,782	1,092
Esthonia	1,348	102	221
Finland	3,921	145	498
Fiume	71	100	100
France	5,729	3,878	2,763
Germany	67,607	50,129	22,018
Great Britain and Ireland	77,342	62,458	91,111
Greece	3,063	100	536
Hungary	5,747	488	1,259
Iceland	75	100	100
Italy	42,057	3,889	5,878
Latvia	1,540	117	253
Lithuania	2,622	302	444
Luxemburg	97	100	100
Netherlands	3,602	1,637	2,669
Norway	12,205	6,453	2,433
Poland	30,979	8,872	4,509
Portugal	2,465	474	275
Rumania	7,419	631	386
Russia	24,405	1,792	4,002
Spain	912	124	141
Sweden	20,042	9,561	3,707
Switzerland	3,752	2,081	781
Yugoslavia	6,426	735	602
Other Europe	86	125	100
Palestine	57	100	100
Syria	892	100	162
Turkey	2,654	100	119
Other Asia	92	100	100
Africa	104	100	100
Egypt	18	100	100
Atlantic Islands	121	100	134
Australia	279	120	100
New Zealand	80	100	100
Total	357,801	161,990	150,903

Table published in John B. Trevor article, "An Analysis of the American Immigration Act of 1924"

[An analysis of the population of the United States based upon the 1920 census]

Country of birth	Descendants of colonial stock enumerated in first census, 1790, and descendants of arrivals between 1790–1820 (numerical equivalent)	Foreign white stock foreign born; native born of foreign parentage and native born of mixed parentage	Native born of native parentage contributed by arrivals between 1820–1900 (numerical equivalent)	Colored races	Total	Quota on basis of 150,000 act of 1924, sec. 11, subsec. (b), effective July 1, 1927
Albania		7,461			7,461	100
Armenia		44,042	899		44,941	100
Austria		1,249,852	66,241		1,316,093	2,171
Belgium		132,195	17,498		149,693	251
Bulgaria		14,485			14,485	100
Czechoslovakia		783,946	41,774		825,720	1,359
Danzig		15,066	2,679		17,745	100

Table published in John B. Trevor article, "An Analysis of the American Immigration Act of 1924"—Continued

Country of birth	Descendants of colonial stock enumerated in first census, 1790, and descendants of arrivals between 1790–1820 (numerical equivalent)	Foreign white stock foreign born; native born of foreign parentage and native born of mixed parentage	Native born of native parentage contributed by arrivals between 1820–1900 (numerical equivalent)	Colored races	Total	Quota on basis of 150,000 act of 1924, sec. 11, subsec. (b), effective July 1, 1927
Denmark		511,906	64,078		575,984	945
Esthonia		196,187	4,043		200,230	325
Finland		302,931	6,548		309,479	517
Fiume		875	51		926	100
France	294,518	556,202	231,679		1,082,399	1,772
Germany	2,768,473	6,779,598	2,625,303		12,173,374	20,028
Great Britain and North Ireland	44,017,828	4,875,370	2,854,482		51,747,680	85,135
Irish Free State	650,708	2,991,273	1,421,995		5,063,976	8,330
Greece		236,150	1,091		237,241	384
Hungary		854,816	45,917		900,733	1,521
Iceland		6,351			6,351	100
Italy		3,365,261	107,196		3,472,457	5,716
Latvia		224,213	4,673		228,886	384
Lithuania		272,269	7,817		280,076	458
Luxemburg		49,600	3,601		53,201	100
Netherlands	1,227,160	383,568	67,735		1,678,463	2,762
Norway		1,063,147	187,548		1,250,695	2,053
Poland		2,675,878	83,163		2,759,041	4,535
Portugal		137,399	13,216		150,615	236
Rumania		138,268	1,091		139,357	222
Russia		2,362,247	72,422		2,434,669	4,002
Spain		83,756	9,336		93,092	148
Sweden	127,625	1,521,153	218,574		1,867,352	3,072
Switzerland		374,611	99,929		474,540	783
Yugoslavia		345,284	16,522		361,806	591
San Marino		1,010	32		1,042	100
Andorra						100
Liechtenstein						100
Monaco						100
Palestine		5,382			5,382	100
Syria		87,733			87,733	100
Turkey		25,243	1,091		26,334	100
Hejaz		359			359	100
Persia		1,974			1,974	100
Egypt		2,241			2,241	100
Liberia						100
Abyssinia						100
Morocco						100
Union of South Africa		1,245			1,245	100
Australia		28,020	5,241		33,261	100
New Zealand and Pacific Islands		9,714			9,714	100
Canada		2,703,055	793,908		3,497,053	
Newfoundland		27,565	6,301		33,866	
West Indies		47,872	22,634		70,506	
Mexico		726,463	72,808		799,271	
Central and South America		21,833	12,183		34,016	
Black				8,802,577	8,802,577	
Mulatto				1,660,554	1,660,554	
Indians				244,437	244,437	
Chinese				61,639	61,639	
Japanese				111,010	111,010	
All others		153,901	144,266	9,488	307,655	
Total	49,086,462	36,308,958	9,335,555	10,889,705	105,710,620	150,000

Bibliography prepared by the Library of Congress

LIST OF REFERENCES ON THE "NATIONAL ORIGINS" PROVISION IN THE IMMIGRATION ACT OF 1924

1. America invites British racial control; scrutiny of the new immigration law reveals a "joker." Current opinion, Nov., 1924, v. 77: 623–624. AP2.C95, v. 77.
2. "The American bid for British stock." Progressive, Jan. 15, 1925, v. 8: 200–201. Reprinted from Observer, London.
3. Bacon, Robert L. Speech in the House, Apr. 8, 1924. CONGRESSIONAL RECORD, 68th Cong., 1st sess., v. 65, pt. 6; 5901–5907. J11.R5, v. 65, pt. 6. Includes discussion of "national origins" plan.
4. Beaman, Middleton. The immigration act of 1924. American bar association. Journal, July, 1924, v. 10: 490–492. Economic world, July 19, 1924, n. s. v. 28: 76–79. HC8011.M3, n. s. v. 28, National origins: p. 490.
5. Burr, Clinton S. America's race heritage; an account of the diffusion of ancestral stocks in the United States during three centuries of national expansion and a discussion of its significance. New York, The National historical society, 1922. 837 p. Bibliography: p. 325–327. E184.A1B9.
6. Choosing a quota basis. American review of reviews, May, 1924, v. 69: 455–456. AP2.R4, v. 69.

7. Dickinson, Edwin De Witt. The meaning of nationality in the recent immigration acts. In American journal of international law. Concord, N. H., 1925. v. 19, p. 344–347. JX1A6, v. 19.
8. Douglass, John J. Remarks in the House, May 28, 1926, on "National origins method." CONGRESSIONAL RECORD, 69th Cong., 1st sess. v. 67: 10339–10341.
9. Fairchild, Henry P. Immigration, a world movement and its American significance. Rev. ed. New York, The Macmillan co., 1925. 520 p. Bibliography: p. 501–511. National origins: p. 460–461. JV6465.F3 1925.
10. ———. The immigration law of 1924. Quarterly journal of economics. Aug. 1924, v. 38: 653–665. National origins; p. 660–661. HB1.Q3, v. 38.
11. ———. The melting-pot mistake. Boston, Little, Brown and co., 1926. 266 p. JV6465.F35.
12. Garis, Roy L. How the new immigration law works. Scribner's magazine, Aug. 1924, v. 76: 183–188. National origin scheme: p. 187. AP2.S4, v. 76.
13. Grant, Madison. America for the Americans. Forum, Sept. 1925, v. 74: 346–355. National origins feature: p. 355. AP2.F8, v. 74.
14. Hinman, George W., *jr.* National origins; our new immigration formula. American review of reviews, Sept. 1924, v. 70: 304–309. AP2.R4, v. 70.
15. Immigration into the United States—II. The restriction policy. Economist (London), Apr. 11, 1925, v. 100: 697–699. Quota immigrants: p. 698. HG11.E2, v. 100.
16. McSweeney, Edward F. Facts and a fraud. Columbia, v. 4, Oct., 1925: 5. "Further exposure of the 1924 immigration law."
17. ———. Making Americ: English. Progressive, Aug. 15, Sept. 1, 1925, v. 8: 543–545; 559–561.
18. ———. Making America Nordic. Columbia, v. 4, Aug., 1925: 9–10.
19. ———. Nativism gone mad. Progressive, Feb. 1, 15, 1925, v. 8: 227–231; 255–257.
20. Maier, David. The immigration problem; A supplementary report of the Political committee of the Steuben society of America. Progressive, May 15, 1926, v. 9: 348–349.
21. ———. Same. In CONGRESSIONAL RECORD, 69th Congress, 1st session. v. 67: 11350–11351. Introduced into the RECORD by Senator COPELAND.
22. National manufacturers' association. Immigration committee. Report, 1925. Journal of commerce, June 8, 1925, p. 22. Opposed to the further reduction beginning July 1, 1927.
23. National origins. Outlook, May 5, 1926, v. 143: 10. AP2.08, v. 143.
24. Our new "Nordic" immigration policy. Literary digest, v. 81, May 10, 1924: 12–13. AP2.L58, v. 81.
25. Parker, A. Warren. The quota provisions of the immigration act of 1924. American journal of international law, Oct., 1924, v. 18: 737–754. The "national origins" plan, p. 740. JX1.A6, v. 18.
26. Reed, David A. America of the melting pot comes to end. Effects of new immigration legislation described. New York Times, Apr. 17, 1924, sec. 9: 3. Includes national origins method.
27. ———. Remarks in the Senate Apr. 9, 1924, explaining "national origins" plan. CONGRESSIONAL RECORD, 68th Cong., 1st sess., v. 65, pt. 6: 5942–5945. J11.R5, v. 65, pt. 6.
28. Restriction of immigration. Law and labor, Apr., 1924, v. 6: 93. HD7608.L3, v. 6.
29. Saguntinus, E. The new discrimination act. Columbia, v. 4, May, 1925: 5–6, 45, 50. Opposed to "national origins" provision.
30. ———. A new constitutional issue. Columbia, v. 4, Dec., 1925: 15–16. On the "national origins" clause.
31. Schrader, Frederick F. Mr. Vaile and the immigration problem. Progressive, Feb. 1, 1926, v. 9: 174–176.
32. Stephenson, George M. A history of American immigration, 1920–1924. Boston, New York, Ginn and co. [1926.] 316 p. "Select bibliography": p. 283–302. National origins provisions: p. 189–191. JV6455.894.
33. Trevor, John B. An analysis of the American immigration act of 1924. New York City, Greenwich, Conn., Carnegie Endowment for International Peace, division of intercourse and education [1924], 76 p. (International conciliation, pub. monthly by the Carnegie endowment for international peace. . . Sept., 1924, no. 202). JX1907.A8 no. 202. Numerical limitations: p. 14–19. Appendix "B." A study of the population of the United States: p. 54–63.
34. Trevor, John B. Immigration problem; Preliminary study of immigration problem. CONGRESSIONAL RECORD, 68th Cong., 1st sess. v. 65, pt. 6: 5469–5471; 5906–5907. J11.R5, v. 65, pt. 6.
35. ———. Immigration quotas. An explanation of their method and of their practical effects. New York Times, Aug. 14, 1925, p. 12. See also article by E. F. McSweeney, Aug. 7, 1925.
36. U. S. *Bureau of Immigration.* Annual report. 1925. Washington, Govt. Print. Off., 1925. 181 p. Harry E. Hull, commissioner. Legislative changes recommended: 13th relates to sec. 11: p. 29. JV6414.A3 1925.
37. ———. *Congress.* Debate on the Johnson immigration bill (H. R. 7995) is to be found in the CONGRESSIONAL RECORD, 68th Cong., 1st sess., vol. 65, on the following pages:
H. R. 7995.—To limit the immigration of aliens into the United States. Introduced by Mr. Johnson and referred to the Committee on Immigration and Naturalization, p. 4395. Reported with amendments (H. Rept. 350), p. 4912; minority views submitted (H. Rept. 350, pt. 2), p. 5117; debated, 3424, 5577, 5588, 5640–5707, 5833–5907, 5908–5936, 6110–6150, 6153–6174, 6225–6274, 6476, 8639.—Amended and passed House, 6258.—Amended and passed Senate (S. 2576), 6644–6649.—Conference report submitted in House (H. Rept. 688), 8218.—Debated, 8218–8249, 8250, 8279, 8639.—Recommitted to comm. of conference, 8249.—Conference report (H. Rept. 716), 8627.—Debated, 8626–8652, 8655.—Agreed to, 8652.—Conf. report, Senate, 8568, 8575.—Agreed to, 8589.—Examined and signed, 8511, 8738, 8958.—Approved, 10068.
Senate, 2576. The bill was introduced into the Senate, p. 2829; reported, 5055; debated, p. 5393, 5409, 5459–5477, 5553, 5565, 5737, 5802, 5823, 5941, 6302, 6354, 6366, 6373, 6457, 6533, 6608–6644.
Many of the debates include discussions of the national origins plan.
38. ———. *House. Committee on immigration and naturalization.* Restriction of immigration. Hearings . . . House of Representatives, Sixty-eighth Congress, first session, on H. R. 5, H. R. 101, H. R. 561, H. R. 6540. Washington, Government printing office, 1925. 1433, 1439–1462 p. JV6505.19.
39. ——— ——— ———. Restriction of immigration . . . Report. (To accompany H. R. 7995.) [Washington, Government printing office, 1924] 41 p. (68th Cong. 1st sess. House. Rept. 350.) See especially p. 12–17, 26–40. JV6505.1924b.
40. ———. *Senate. Committee on immigration.* Selective immigration legislation. Hearings on S. 2365 and S. 2576, a bill to limit the immigration of aliens into the United States, and to provide a system of selection in connection therewith, and for other purposes. Feb. 13–14, 20–21, Mar. 8, 13–14, Apr. 7–8, 1924. Washington, Government printing office, 1924. 314 p. (68th Cong. 1st sess.) JV6505.1924d.
41. ———. *Conference committees, 1923–1924.* Immigration of aliens . . . Conference report. (To accompany H. R. 7995) [Washington, Government printing office, 1924] 22 p. (68th Cong., 1st sess. House. Rept. 688.) JV6505.192c.
42. U. S. *Congress. Conference committees, 1923–1924.* Immigration of aliens into the United States. . . Conference report. (To accompany H. R. 7995). 20 p. (68th Cong., 1st sess.; House. Rept. 716). JV6505.1924f.
43. ———. *Dept. of Labor.* Letter from the Secretary of Labor to the chairman of the Committee on Immigration and Naturalization, House of Representatives, transmitting suggestions in connection with impending immigration legislation. Washington, Government printing office, 1924. 20 p. Nationality and percentage limitation: p. 5. JV6491.1923d.
44. ———. *Dept. of State.* Letter from the Secretary of State [Charles E. Hughes] relating to the selective immigration act. Apr. 8, 1924. CONGRESSIONAL RECORD, 68th Cong., 1st sess. v. 65, pt. 6: 5810–5813. Includes discussions on Sec. 11. J11. R5, v. 65, pt. 6.
45. Vaile, William N. Germany and the immigration quota. Extension of remarks in the House, Dec. 16, 1925. CONGRESSIONAL RECORD, 69th Congress 1st session, v. 67, No. 12 (current file): 823–826.
"The national origins plan is fair to all; it avoids completely all racial discrimination, and it will preserve the blood of the United States in its present proportions."
46. Ward, R. de C. New immigration law and its operation. Scientific Monthly, July, 1925, v. 21: 45–53. National origins: p. 46 (footnote), 53. Q1.S817, v. 21.
47. ——— Our new immigration policy. Foreign affairs, Sept. 15, 1924, v. 3: 39–111. Racial origin provision: p. 107–108. D410.F6, v. 3.
48. Wasson, R. Gordon. New American immigration policy. Spectator, Mar. 28, 1925, v. 134: 491–492. National origins: p. 492. AP4.S7, v. 134.

FARM RELIEF

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to tell in one minute the substance of divers and sundry telegrams which I am receiving from the farmers of Nebraska.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker and gentlemen, I am receiving numerous telegrams to-day from the people of Nebraska, mostly agriculturalists—I think we all are out there—and I think I might epitomize all of them in this language: The Congress having killed the last hope of agriculture, as we saw it,

in the Haugen bill, you are urged to vote against the Fess bill, the Tincher bill, or any other spurious bill in behalf of agriculture. [Applause.]

JOE BURTON COURSEY

Mr. WILSON of Mississippi. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6087) to reinstate Joe Burton Coursey in the West Point Military Academy, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendment was read.

The Senate amendment was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WEFALD, on account of illness in his family.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10000. An act to consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925;

H. R. 11318. An act to provide for the publication of the act to consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925, with index, reference tables, appendix, etc.; and

H. R. 12208. An act granting the consent of Congress to Aurora, Elgin & Fox River Electric Co., an Illinois corporation, to construct a bridge across Fox River in Dundee Township, Kane County, and State of Illinois.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8941. An act for the relief of Turpin G. Hovas;

H. R. 11989. An act for the relief of Caleb W. Swink;

H. R. 12642. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio; and

S. 2868. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 30, 1926, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Joint Select Committee on Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Commerce (Rept. No. 1567). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 12963. A bill for the relief of Adam B. Ackerman, alias Aunkerman; without amendment (Rept. No. 1566). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 12859. A bill for the relief of Thomas Murphy; with amendment (Rept. No. 1568). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 4321. A bill authorizing the redemption by the United States Treasury of 20 war-savings stamps (series of 1918) now held by Dr. John Mack, of Omaha, Nebr.; with amendment (Rept. No. 1569). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOODWIN: A bill (H. R. 13141) amending the statutes of the United States as to procedure in the Patent Office and in the courts with regard to the granting of letters patent for inventions and with regard to interfering patents; to the Committee on Patents.

By Mr. WILSON of Louisiana: A bill (H. R. 13142) to prevent the pollution by oil of navigable rivers of the United States; to the Committee on Rivers and Harbors.

By Mr. HUDSON: Joint resolution (H. J. Res. 287) creating a commission to investigate the operation and administration of the civil service retirement law and to make report with recommendations to Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BULWINKLE: A bill (H. R. 13143) for the relief of the Charlotte Chamber of Commerce and Capt. Charles G. Dobbins, Army disbursing officer; to the Committee on Claims.

By Mr. CRUMPACKER: A bill (H. R. 13144) for the relief of Sanitarium Co., of Portland, Oreg.; to the Committee on Claims.

By Mr. DAVENPORT: A bill (H. R. 13145) granting an increase of pension to Lydia J. Marchand; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 13146) granting a pension to Catherine V. Davis; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 13147) granting an increase of pension to Ann E. Trampe; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 13148) granting an increase of pension to Melissa Gill; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 13149) granting a pension to Agnes O'Neill; to the Committee on Pensions.

By Mr. LOZIER: A bill (H. R. 13150) granting an increase of pension to Mary E. Webb; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 13151) granting an increase of pension to Margaret R. Geisinger; to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 13152) authorizing the President to appoint Samuel O. Neff, formerly a captain in the United States Army, to the rank of second lieutenant, United States Army; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 13153) for the relief of the heirs of James Killingsworth; to the Committee on War Claims.

By Mr. QUAYLE: A bill (H. R. 13154) granting a pension to William G. A. Bonck; to the Committee on Pensions.

By Mr. SEARS of Florida: A bill (H. R. 13155) granting a pension to Susan E. Slater; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 13156) granting an increase of pension to Mary M. Plants; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13157) to allow credits in the accounts of Harry Caden, special fiscal agent, Bureau of Reclamation, Department of the Interior; to the Committee on Claims.

By Mr. TINCHER: A bill (H. R. 13158) granting an increase of pension to Ella G. Brady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13159) granting an increase of pension to Margie Combs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13160) granting an increase of pension to Hattie Corey; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 13161) granting an increase of pension to Mary A. Howard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2978. By Mr. BARBOUR: Petition of sundry residents of Madera County, Calif., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2979. By Mr. BECK: Petition of sundry citizens of Elroy, Wis., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2980. By Mr. BIXLER: Petition of sundry residents of Forest County, Pa., urging further relief of Civil War veterans and dependents; to the Committee on Invalid Pensions.

2981. Also, petition of sundry residents of Sharon, Pa., urging further relief Civil War veterans and dependents; to the Committee on Invalid Pensions.

2982. Also, petition of Mr. and Mrs. Roy Miller and sundry residents of Sharon, Pa., urging further relief for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

2983. By Mr. CANFIELD: Petition of Mrs. Zerelda Plew and 42 other citizens of Switzerland County, Ind., urging relief for Civil War veterans; to the Committee on Invalid Pensions.

2984. By Mr. CHALMERS: Petition urging that legislation be passed at this session of Congress increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2985. By Mr. CRAMTON: Petition of Ida M. Chard and 61 other voters of Almont, Mich., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2986. By Mr. DOUGHTON: Petition of sundry citizens of Ashe County, N. C., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2987. By Mr. DOWELL: Petition of sundry residents of Marion, Iowa, urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2988. By Mr. DRIVER: Petition signed by various citizens residing in Clay County, Ark., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2989. By Mr. FRENCH: Petition of sundry citizens of Washington County, Idaho, for relief for Civil War veterans; to the Committee on Invalid Pensions.

2990. By Mr. GOLDSBOROUGH: Petition of sundry citizens of Cecil and Wicomico Counties, Md., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2991. Also petition of sundry citizens of Salisbury and Charlestown, Md., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2992. By Mr. HAUGEN: Petition of 137 voters of West Union, Iowa, urging immediate consideration and passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2993. Also, petition of 64 voters of Mason City, Iowa, urging immediate consideration and passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2994. Also, petition of 23 voters of Westgate, Iowa, urging immediate consideration and passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2995. By Mr. HICKEY: Petition of C. A. Coulter and other citizens of South Bend, Ind.; also petition of C. M. Bushey and other citizens of Knox, Ind., urging the early passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2996. By Mr. HILL of Washington: Petition of R. L. Thomas and 32 others, residents of Wenatchee, State of Washington, for the passage of the Civil War veterans' pension bill; to the Committee on Invalid Pensions.

2997. By Mr. HOGG: Petition of Margaret Trowley Lewis Tent, No. 24, National Alliance Daughters of Veterans, of Fort Wayne, Ind., asking for increases in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2998. By Mr. HOWARD: Petition of Elwood M. Peebles and others, of Macy, Thurston County, Nebr., in behalf of increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

2999. Also petition of Walter S. French, of Monroe, Platte County, Nebr., in behalf of increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

3000. By Mr. HUDSPETH: Petition of sundry residents of the city of El Paso, Tex., urging favorable action on the Civil War pension bill; to the Committee on Invalid Pensions.

3001. By Mr. WILLIAM E. HULL: Petition of Albert Asbell and other citizens of Peoria County, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3002. Also, petition of Mrs. Jane Schuster and other citizens of East Peoria, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3003. Also, petition of Mrs. Elvira Pearson and other citizens of Peoria, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3004. Also, petition of E. A. Mitchell and other citizens of Chillicothe, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3005. Also, petition of Mrs. C. C. Bradley and other citizens of Peoria, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3006. Also, petition of Mrs. Amelia M. Ferner and other citizens of Washington, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3007. Also, petition of Mrs. Marie Gill and other citizens of Peoria, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3008. Also, petition of Mrs. Rose Spencer and other citizens of Neponset, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3009. Also, petition of T. A. Knock and other citizens of Peoria, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3010. Also, petition of M. E. Tarpy and other citizens of Elmwood, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3011. By Mr. IRWIN: Petition of sundry citizens of Mason County, Ill., urging Congress to take immediate steps to bring the civil service pension bill to a vote; to the Committee on Invalid Pensions.

3012. By Mr. KELLY: Petition of sundry citizens of Pittsburgh, Pa., urging immediate passage of bill increasing pensions for veterans of Civil War and their widows; to the Committee on Invalid Pensions.

3013. By Mr. KETCHAM: Petition of 44 residents of Marcellus, Mich., requesting relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3014. By Mr. KIESS: Petition of sundry citizens of Nelson, Pa., favoring legislation granting increased pension to Civil War soldiers and their widows; to the Committee on Invalid Pensions.

3015. By Mr. KING: Petition signed by D. E. Russell and 126 other citizens of Cambridge, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

3016. By Mr. KNUTSON: Petition of sundry citizens of Clear Lake, Minn., favoring Civil War pension legislation; to the Committee on Invalid Pensions.

3017. By Mr. LINEBERGER: Petition of 35 citizens of Los Angeles County, Calif., urging passage of Elliott bill, granting relief to veterans of Civil War and their widows; to the Committee on Invalid Pensions.

3018. Also, petition of over 100 citizens of Long Beach, Calif., urging passage of Elliott bill for relief of veterans of Civil War and their widows; to the Committee on Invalid Pensions.

3019. By Mr. LOZIER: Petition of sundry citizens of Norborne, Mo., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3020. Also, petition of sundry citizens of Sullivan County, Mo., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3021. Also, petition of sundry citizens of Trenton, Mo., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3022. By Mr. McKEOWN: Petition signed by Mrs. Eliza A. Hoover, J. B. Chastaine, Mrs. Rebecca Johnson, Mrs. Lucinda K. Duncan, and others, all citizens of Seminole County, Okla., urging the immediate and favorable consideration of the Elliott pension bill; to the Committee on Invalid Pensions.

3023. Also, petition signed by Anderson Fitzgerald, R. D. Vaughn, H. R. Cole, and many others, all citizens of Mannsville, Okla., urging the immediate and favorable consideration of the Elliott pension bill; to the Committee on Invalid Pensions.

3024. By Mr. MAGRADY: Petition of numerous citizens of Shamokin, Northumberland County, Pa., urging immediate consideration of Civil War pension bill; to the Committee on Invalid Pensions.

3025. By Mr. MICHAELSON: Petition of sundry citizens of Chicago, Ill., for increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3026. By Mr. MORGAN: Petition of citizens of Newark, Ohio, urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3027. Also, petition of Sons of the Union Veterans of the Civil War, urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3028. By Mr. NELSON of Maine: Petition of sundry citizens of Vassalboro, Me., urging the immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3029. By Mr. O'CONNELL of New York: Petition of the Clyde and Mallory Steamship Cos., opposing the passage of the Cummins-Graham longshoremen's and harbor workers' compensation bill; to the Committee on the Judiciary.

3030. By Mr. O'CONNELL of Rhode Island: Petition of Louise Lavender, of Woonsocket, R. I., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

3031. By Mr. O'CONNOR of Louisiana: Petition of sundry voters of New Orleans, La., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3032. By Mr. OLDFIELD: Petition of sundry citizens of Clay County, Ark., urging prompt and favorable action on H. R. 4023, known as the Elliott pension bill; to the Committee on Invalid Pensions.

3033. By Mr. REECE: Petition of various citizens of Claiborne County, Tenn., urging action on Civil War pension bill at the present session of Congress; to the Committee on Invalid Pensions.

3034. By Mr. SHREVE: Petition of Mrs. O. P. Burdick and 70 citizens of Union City, Pa., asking for immediate consideration of the Civil War pension bill; to the Committee on Invalid Pensions.

3035. By Mr. SIMMONS: Petition of sundry citizens of Paxton, Nebr., urging passage of Civil War pension legislation; to the Committee on Invalid Pensions.

3036. Also, petition of sundry citizens of Lincoln County, Nebr., urging passage of Civil War pension legislation; to the Committee on Invalid Pensions.

3037. Also, petition of sundry citizens of Buffalo County, Nebr., asking passage of Civil War pension legislation; to the Committee on Invalid Pensions.

3038. By Mr. SINCLAIR: Petition of Mr. Edwin Erich and 88 others of Tolley, N. Dak., urging the enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3039. By Mr. SMITH: Petition signed by 59 residents of Gooding, Idaho, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

3040. By Mr. STALKER: Petitions signed by 102 citizens of Elmira, N. Y., voters of the thirty-seventh congressional district of New York State, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3041. By Mr. STRONG of Kansas: Petition of W. F. Lee, adjutant, Lew Gove Post, No. 100, Grand Army of the Republic, Manhattan, Kans., urging that bill granting increase of pension to Civil War veterans and their widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

3042. By Mr. STRONG of Pennsylvania: Petition of sundry citizens of Apollo, Pa., urging immediate action on the pending bill to increase the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3043. By Mr. SWANK: Petition of sundry voters of Norman, Okla., on Civil War pension bill; to the Committee on Invalid Pensions.

3044. By Mr. SWING: Petition of certain residents of San Bernardino, Calif., urging immediate action by Congress on the Civil War pension bill; to the Committee on Invalid Pensions.

3045. Also, petition of certain residents of Orange, Calif., urging immediate action by Congress on the Civil War pension bill; to the Committee on Invalid Pensions.

3046. By Mr. SWOOPE: Petition of sundry citizens of Kane, Pa., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3047. By Mr. TAYLOR of West Virginia: Petition of J. A. McGinnis and others, praying for the passage of pending legislation granting pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

3048. By Mr. THOMPSON: Petition of sundry voters of Delphos, in the fifth Ohio district, urging the enactment of Civil War pension legislation; to the Committee on Invalid Pensions.

3049. By Mr. TILSON: Petition of William V. Blair and other residents of Meriden, Conn., asking for increase in pension for Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

3050. By Mr. UNDERWOOD: Petition of sundry citizens of Ross County, Ohio, urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

3051. By Mr. WILLIAMS of Illinois: Petition of soldiers and widows of soldiers of the Civil War asking increase of pension; to the Committee on Invalid Pensions.

3052. By Mr. ZIHLMAN: Petition of Edgar E. Sancomb and other residents of Chevy Chase, Md., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *June 30, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, our God, we thank Thee that in the opening of another day of duty we can be assured of Thy guidance and seek always the wisdom which cometh from above. Thou knowest the purposes of each and how each one desires to fulfill the high commission committed to him. We pray, our Father, that in all these days of responsibility the consciousness of Thy nearness may be fully realized. Through Jesus Christ our Lord. Amen.

The legislative clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, June 23, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. KING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	La Follette	Sheppard
Bayard	Fernald	McKellar	Shipstead
Bingham	Ferris	McMaster	Shortridge
Blease	Fess	McNary	Simmons
Borah	George	Mayfield	Smoot
Bratton	Gerry	Metcalf	Stanfield
Broussard	Gillett	Moses	Steck
Bruce	Glass	Neely	Stephens
Butler	Goff	Norbeck	Swanson
Cameron	Gooding	Norris	Trammell
Capper	Hale	Oddie	Tyson
Caraway	Harreld	Overman	Underwood
Copeland	Harris	Pine	Walsh
Couzens	Harrison	Pittman	Warren
Cummins	Heflin	Ransdell	Watson
Curtis	Howell	Reed, Mo.	Wheeler
Dale	Johnson	Reed, Pa.	Williams
Deneen	Jones, N. Mex.	Robinson, Ark.	Willis
Dill	Jones, Wash.	Robinson, Ind.	
Edge	Kendrick	Sackett	
Edwards	King	Schall	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6087) to reinstate Joe Burton Coursey in the West Point Military Academy.

The message further announced that the House had passed a bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2868. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes;

H. R. 6087. An act to reinstate Joe Burton Coursey in the West Point Military Academy;

H. R. 8941. An act for the relief of Turpin G. Hovas;

H. R. 11989. An act for the relief of Caleb W. Swink; and

H. R. 12642. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio.

HOUSE BILL REFERRED

The bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

SUPPLEMENTAL ESTIMATE—ENLARGING THE CAPITOL GROUNDS (S. DOC. NO. 147)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, without revision, a supplemental estimate of appropriation under the Legislative Establishment, Office of the Architect of the Capitol, fiscal years 1926 and 1927, for the payment of taxes and interest upon the property authorized to be acquired under the act entitled "An act for the enlarging of the Capitol Grounds," in amount $41,503.02, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SALARIES AND EXPENSES OF DISTRICT ATTORNEYS (S. DOC. NO. 148)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Justice, fiscal year 1927, for salaries and expenses of district attorneys, United States courts, in amount $35,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SALARIES, GENERAL ACCOUNTING OFFICE (S. DOC. NO. 149)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation to transfer the sum of $5,000 from an appropriation for "Salaries, General Accounting Office," fiscal year 1927, to the appropriation for "Salaries, Office of Public Buildings and Public Parks of the National Capital," fiscal year 1927, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

GENERAL EXPENSES, BUREAU OF ENTOMOLOGY (S. DOC. NO. 150)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture, fiscal year 1927—general expenses, Bureau of Entomology (miscellaneous insects)—in amount $25,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CORN SUGAR

Mr. CUMMINS. Mr. President, I ask unanimous consent to call up the motion to concur in the House amendment to Senate bill 481, the so-called corn sugar bill. I am inclined to think little time will be taken in debate. I myself shall say nothing.

Mr. WALSH. Mr. President, the Senate having adjourned last night, morning business is to be transacted. I trust the Senator will not press the request now.

Mr. CUMMINS. I know there was an adjournment. I shall renew my request a little later.

PETITIONS

Mr. HARRELD. I present a petition of the business committee of the Absentee Shawnee Indians of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

SHAWNEE INDIAN AGENCY, *Shawnee, Okla.*

To the Senate:

We are old Indians composing the business committee of the Absentee Shawnees formerly living in southeastern Kansas and now in Oklahoma. Prior to the Civil War we had treaties with the Government, and the treaty of 1854 guaranteed to protect us and our property. During the war our reservation was in the vortex of battles and raids; we were driven from our homes and our property destroyed; we were always loyal to the Government; and over 200 of us, as the records will show, served in the Union Army.

When the war ended we had lost everything we had accumulated; we had been considered by the Secretary of the Interior among the most progressive and prosperous Indians. In 1867 we appealed to the Government in our distress, and the Secretary of the Interior, on January 28, 1867, reported to Congress:

"The Shawnees, as a friendly tribe, strictly regarding their treaty stipulations with the Government, and abstaining from acts of private revenge and retaliation, but relying upon the good faith of the Government, are entitled to its protection and for remuneration for losses at the hands of its citizens. It is apparent from an examination of the evidence that the Government of the United States had the use for its troops of a large amount of the property taken."

After this report was submitted a treaty was made with us, which was ratified October 14, 1868, the twelfth article providing:

"ART. 12. Whereas the aforesaid Senecas, Mixed Senecas, Shawnees, and Quapaws were driven from their homes during the late war and their property destroyed, it is agreed that a commission of not to exceed two persons shall be appointed by the Secretary of the Interior, who shall proceed to their country and make a careful investigation of their claims and losses and make full report of the same to the department, and the Secretary of the Interior shall report the same to Congress."

The Secretary of the Interior appointed under this treaty two reliable commissioners, with instructions to examine into our losses. After years of investigation and examining the Indians and witnesses these two commissioners reported our losses in the aggregate of $463,732.49. The Secretary, on May 11, 1874, reported the amount to Congress. Since then similar claims of the Senecas and Quapaws, also investigated under the twelfth article of the treaty of 1868, have been paid. In his report to Congress dated March 15, 1926, the Secretary stated:

"The twelfth article of this treaty of 1868 (15 Stat. L. 513) provides for the establishment of a commission of not to exceed two persons, to be appointed by the Secretary of the Interior, to make a careful investigation of the claims of the Senecas, of the Mixed Senecas and Shawnees, and Quapaws for losses sustained through United States and Confederate troops during the Civil War. The claims of all the above-mentioned Indians except those referred to in the bill have been paid."

The awards made to us by the Government's commissioners have never been questioned. We have pressed for payment from time to time; and while the Senate twice passed bills and the House favorably reported thereon, we have not been able to secure passage of a bill in both Houses in the same Congress. It is not our fault that the Government has not paid us as provided by the treaty. The department and the committees of Congress have always made favorable reports.

In the present Congress we have been very earnest in presenting our matter to both the Senate and House committees, and after full hearings the House passed H. R. 5218, providing for payment to us, and the Senate Indian Committee has favorably reported thereon. (S. Rept. 807; H. Rept. 1283, 69th Cong.)

We appeal to you to help us to secure what the Government itself by its two commissioners, appointed under treaty stipulations, and what the Secretary of the Interior and the committees of Congress have found due us. We are and have been very poor. Most of our people to whom this money is due have passed away before receiving reimbursement for which they waited so many, many years; the balance of us are old and hardly have but a few years remaining. If the Government will now pay us we will forget and forgive the hardships and deprivations we have suffered during the long years of waiting since our homes and property were taken or destroyed.

We will close this appeal for assistance at this particular time by quoting from the report of the Secretary of the Interior to the Senate, dated March 7, 1910:

"In both the loyal Seminole and loyal Creek cases the Senate examined the claims after they were thoroughly investigated by the department and made the award. The Absentee Shawnee claims have been thoroughly investigated by the department at a time, several years ago, when it was possible to interview the then living claimants and living witnesses who had direct knowledge of the facts and circumstances regarding the depredations.

"Many of these claimants are now old and in needy circumstances; many have already passed away; and it appears that the best interests of the Indians would be served by their being able to enoy the benefits of reimbursement during their lifetime instead of having the money due paid to their descendants." (Senate Rept. 401, 62d Cong.)

Respectfully,

CHARLEY STARR,
THOMAS B. HOOD,
JOHN E. SNAKE,
THOS. W. ALVORD,
BILLY HODJO,
JACOB BEEKHEART,
Business Committee Absentee Shawnee Indians.

Mr. ROBINSON of Arkansas presented a letter in the nature of a petition from Mrs. Theo. Thaemert, of Tex-

arkana, Ark., favoring and suggesting an amendment to the so-called Winslow Act relative to awards to American citizens by the Mixed Claims Commission, which was referred to the Committee on Finance.

REPORTS AS IN EXECUTIVE SESSION

Mr. BORAH. From the Committee on Foreign Relations I report two treaties for the Executive Calendar.

The VICE PRESIDENT. As in executive session, the reports will be received and placed on the Executive Calendar.

REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 232) to provide for the expenses of delegates of the United States to the International Sanitary Conference, to meet at Paris on May 10, 1926, reported it without amendment.

Mr. FESS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which were referred the following resolutions, reported them each without amendment:

S. Res. 224. Resolution to pay Albert Reid the sum of $200 for expert services rendered to the Committee on Finance; and

S. Res. 256. Resolution to reimburse Hon. THOMAS D. SCHALL for expenses incurred in defending his right to a seat in the Senate.

Mr. SACKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 4182) to provide a code of law governing legal-reserve life-insurance business in the District of Columbia, and for other purposes, reported it with amendments and submitted a report (No. 1171) thereon.

Mr. WALSH, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment:

A bill (S. 1042) to amend the Penal Code; and

A bill (S. 1043) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation.

Mr. BUTLER, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 112) authorizing the expenditure of certain funds paid to the United States by the Persian Government, reported it with an amendment.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 11446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 1173) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the enrolled bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes.

COURT DELAYS

Mr. TRAMMELL. Mr. President, I send to the desk to have printed in the RECORD an editorial appearing in the Tampa (Fla.) Morning Telegram with reference to the question of court delays. This is, I think, a matter of a great deal of importance, and I would like to have the editorial printed in the RECORD.

The VICE PRESIDENT. Without objection, the clerk will read the editorial.

The legislative clerk proceeded to read the editorial.

Mr. TRAMMELL. I think there is no need to have the editorial read. I ask that it may be printed in the RECORD at this point without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Tampa (Fla.) Morning Telegram, June 9, 1926]

COURT DELAYS

Court delays are with reason regarded as responsible in large measure for the prevalence of crime in this country. In the great majority of cases there are long lapses between indictment and punishment. First, there are delays preceding trial. Then after conviction there are delays in making appeals and in deciding them. Months sometimes pass between a conviction and the hearing of the case in review by a higher court.

Frequently technicalities serve to evoke decisions that throw the case back for retrial, and the whole process is gone through again, and by the time the new trial is had witnesses have become unavailable, some have died, others have removed from the jurisdiction and can not be summoned. Memories lapse as to happenings and confusion in the testimony results.

Safeguards against injustice to persons accused of crime must not, of course, be lessened. It is quite as important to guarantee to everyone arraigned for lawbreaking of whatever degree the fullest chance of defense, as to guarantee the State the punishment of those who are proved guilty. But it does seem as though the safeguards for the accused had been multiplied and extended until he has more than an even chance to escape penalty in the face of plain proof of guilt.

Mr. WALSH. Mr. President, I was about to address the Senate upon the same subject, on the unfortunate delay which has ensued in the prosecution of the indictments growing out of the investigation of the naval oil reserves, which is being made the subject of comment through numerous newspapers of the country. I send to the desk and ask that there may be incorporated in the RECORD at this point an editorial on the subject from the Brooklyn Eagle.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Brooklyn Eagle, June 28, 1926]

THE SCANDAL OF THE COURTS

In the beginning the oil scandal was a scandal of the administrative branch of the Government. Cabinet officers and others of wealth and power were involved in the disgraceful bartering away of public resources. To-day the oil scandal is a scandal of the courts. It is one more concrete illustration of the way in which justice is obstructed through the ability of men of wealth to take advantage of legal technicalities to defeat the purposes of law.

Two years ago Albert B. Fall, Edward L. Doheny, and Harry F. Sinclair were indicted on criminal charges growing out of the leasing of the national oil reserves. These men have not yet faced trial and there is no likelihood of immediate action on the criminal charges. The way in which these alleged conspirators have escaped trial reveals a situation quite as grave as that disclosed by the revelations of their alleged wrongdoing.

Back of crime waves and the widespread disregard for law is a condition for which the courts and our complicated legal system are in large part responsible. When the layman contemplates the labyrinthian legal maze that obscures the operation of justice in this country he is overwhelmed by a feeling compounded of disgust and helplessness. The criminal with a shrewd lawyer as his guide has just the opposite feeling. He knows that in the legal thicket all the chances favor his evasion of punishment for his crimes.

While the public is daily shocked by revelations of daring criminals who prey upon citizens with relative immunity, and sentiment is being aroused to demand swift and sure punishment for bandits and thugs, these alleged criminals, whose offenses are known in detail, have not even been brought to trial. There is something seriously wrong when such a situation is allowed to exist.

The scandal of the courts is not new. Chief Justice Taft has declared that our criminal-law procedure is little better than a farce. Elihu Root has said that "bench, bar, and the public are ashamed of the entire antiquated system." Charles Evans Hughes has said practically the same thing. Dean Pound has declared that "criminal law is the almost exclusive field of the lower stratum of the American bar."

Year after year bar associations and leading jurists and lawyers have denounced the judiciary system as it exists to-day. Bar associations and close students of jurisprudence have made recommendations and reports filled with detailed recitals of the evils. Yet little or nothing has been done to find remedies.

With the scandal of the courts a matter of common knowledge, over a long period, it is still necessary for Senator WALSH to introduce a bill in the Senate of the United States to wipe out one anomaly in the procedure of the courts of the District of Columbia in an effort to get the defendants in the oil-scandal cases into court. And Senator WALSH'S effort has been temporarily balked in the House by the chairman of the Republican congressional campaign committee, who admitted that he had not studied the measure on which he held up action.

For the purpose of crystalizing expert opinion and drawing out constructive suggestions to end this scandal of court delays in criminal cases, the Eagle has made an extensive survey of conditions and solicited expressions of views from all the Members of Congress, from officers and leaders of bar associations, and other persons of prominence. The first of these letters is published to-day. Others will be made public from day to day in an effort to mobilize support for a real reform that will end the obstruction in the administration of the criminal law by what has been called our antiquated and farcical legal procedure.

Mr. WALSH. In the same connection I send to the desk and ask to have read a leading article appearing in the last number of Collier's, entitled "The end of a sordid chapter."

The VICE PRESIDENT. Without objection, the Clerk will read as requested.

The legislative clerk read as follows:

[From Collier's, June 19, 1926]

THE END OF A SORDID CHAPTER

Harry M. Daugherty, Attorney General of the United States under President Harding, has finally come to the bar of public opinion.

Of the criminal charges which he must answer in open court he may clear himself. But no verdict, favorable to him or to the Nation, can disclose him as being anything but a glorified ward heeler of the old school of profiteering politicians.

For such as he, whether technically guilty of the particular crime for which he was indicted or not, there should never again be a place in high administration circles. Morally, he was convicted when the light of publicity beamed through the windows of "The little green house on K Street."

That was a house of political shame. There Machiavellian schemes to mulct and commit grand and elegant political larceny were laid and hatched. There Jess Smith, bosom friend of Daugherty, held forth. And when the light poured in Smith killed himself.

Smith took many secrets to his grave. Some of them were exhumed when his wife, sworn to tell the truth, told of great sums of money that had passed in the black night of political intrigue, barter, and plunder.

That trial must not be allowed to drift, like the almost forgotten case of ex-Secretary of the Interior Fall, into the limbo of peculiarly neglected things. Political exigency, the desire not to provide ammunition for congressional candidates in the coming elections, must not be allowed to halt the wheels of justice. This man Daugherty has many questions to answer.

He must explain away—if he can—the grand jury's charge that the disposal of certain property seized by the Alien Property Custodian during the war was fraudulent. In court or out, he must account for his fraternal associations with bootleggers, by whom he was regarded as a patron and forgiving saint. He must tell us about his association with Jess Smith, who did take dirty money and was given it only because it was known that he was Daugherty's right-hand man and pal. He must be made to tell why his brother destroyed certain bank records.

Harry Daugherty has been responsible for more evil talk in Washington than any man since a member of President Grant's Cabinet was corrupted. He has appeared before grand juries and thus far avoided all accounting. And following a Senate investigation, for which, incidentally, the chief inquisitor, Senator WHEELER, of Montana, was unsuccessfully hounded by the Department of Justice, he was forced to resign. And now he is charged with betraying the confidence of the people while holding public office.

That is close to treason.

Is Harry Daugherty, the glorified ward heeler who mingled in high and decent political society, guilty?

There must be no delay in his trial and that trial must be prosecuted with a vigor that will restore the complete confidence of the people in the integrity of the personnel of our Government. The issues involved, aside from malfeasance in office, reach down to the roots of good government. Washington must be made safe forever from profiteering politicians to whom public office is not a public trust but merely the opportunity for personal gain.

Mr. WALSH. Mr. President, I desire to call attention to the fact that the Senate of the United States has not been derelict in any duties devolving upon it in connection with expediting the proceedings referred to in these editorials or making them effective. On the 15th day of February this body passed a bill the purpose of which was to compel, if possible, the return to this country of certain witnesses who fled and have since abided outside of the jurisdiction of the United States, and to compel their attendance upon the trials here in the District of Columbia. That was something over five months ago. The measure still remains before another body for disposition.

On the 25th day of May this body passed another bill intended to expedite the trial of criminal cases in the District of Columbia. Apparently it was unobjectionable from any point of view, and I have heard of no criticism of it from any source whatever. That likewise remains undisposed of. The proceedings have gone on, Mr. President, with reasonable dispatch, as I think, everywhere except in the District of Columbia, where the progress that has been made is not such as to deserve public commendation.

TRADE WITH RUSSIA

Mr. BORAH. I ask to have printed in the RECORD at this point a brief editorial from the Baltimore Sun of recent date relative to trade with Russia.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Baltimore Sun, June —, 1926]

CUDDLING TO RUSSIA

It is in the natural course of things that New York financiers and industrialists should interest themselves in the reorganization of the American-Russian Chamber of Commerce. We are bursting with capital and credit and with goods to sell, and needy Russia plainly is becoming steadier on her economic feet with the passing of each year, and, almost as plainly, is modifying communistic theory to practical experience in trade and industry. Consequently, there is an affinity between business in the two countries that will not be denied.

Apparently this affinity is able to express itself in constantly enlarging totals of trade, regardless of the refusal of our Government to recognize the Soviets. There is no sign now that there is any limit to the trade we may do with Russia without benefit of consular and diplomatic service. Since to a very large extent the relations of our people are directly with the Soviet Government, which controls exports and imports and holds in its own hands concessions of natural resources, there probably is scant need for the offices usually performed by agents of the State and Commerce Departments.

As to the responsibility of the Soviet Government in these direct business relations it is a fact generally recognized that it has been scrupulous, if anything, in meeting its obligations at maturity. It is doubtful that resumption of diplomatic relations between the State Department and the Russian Foreign Office would increase the Russian responsibility. If for no other reason, the Soviets must meet their engagements, because failure to do so would halt the economic recovery of their country, which depends heavily upon the foreign trade that has been organized and is being enlarged.

In brief, there seems to be little in the way of a mounting trade each year between this country, with its immense facilities, and Russia, with its immense raw materials. Men of affairs of New York, seeing this situation more clearly than anyone else, and going ahead with schemes for organization and stimulation, are evidently content to let Secretary Kellogg and the Senate walk the floor, if, when and how they may be pleased to do so, in the matter of diplomatic recognition. Nevertheless, it can not be concluded that this business policy has no relation to diplomatic policies. As surely as the sun rises, continuance and enlargement of business dealings with Russia will force to the front the question of diplomatic recognition, and one day that question will be solved affirmatively.

That will be partly for simple human reasons. Two neighbors can not trade with each other amicably, faithfully, and profitably six days a week and then snarl as they pass on Sunday morning with any hope that the snarls will be genuine. In the homely phrase, it is ag'in natur'. They know each other too well. And the United States and Russia can not go on indefinitely trading and find each other amicable and faithful in business relations and yet insist upon the cut direct when diplomatic relations are concerned. Something will give way, perhaps on one side, perhaps on the other side, more likely on both sides.

Late reports have it that Russia is in fine condition as compared with 1913 in the agricultural department, where the peasants have virtually maintained private property rights; that she is in improving condition in the department of small trade and barter, in which the new economic policy has extended the rights of private property, and that her slowest recovery has been in the departments in which she has insisted upon communism; that is, the heavier industries and foreign trade. The lesson of that appears to be reaching into the Soviet generalship and tempering it.

MISSISSIPPI RIVER BRIDGE AT SOUTH ST. PAUL, MINN.

Mr. BINGHAM. From the Committee on Commerce I report favorably without amendment the bill (H. R. 12311) granting the consent of Congress to the State of Minnesota, or Dakota County, Washington County, or Ramsey County, in the State of Minnesota, or either or several of them, to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF LAW REGULATING CONSTRUCTION OF BRIDGES

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (S. 4456) to amend the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and I submit a report (No. 1170) thereon.

Mr. President, I desire to say that this bill proposes to put into the form of an amendment to the general bridge act the provisions regarding toll bridges and other bridges which, after many months of conference between the two Houses, have been adopted by the committees of the two Houses and

by the Senate and the House of Representatives in all the bridge bills that have been recently passed.

Senators will remember that many of these bridge bills have been quite long; Senators have been extremely courteous to the chairman of the committee and have done the Senator from Connecticut the honor of accepting his statement in every case that the bills were in the form which the two Houses desired to adopt. It has, however, placed a considerable measure of responsibility upon the chairman of the committee to make sure that every word and every punctuation mark in the bill was exactly in accordance with the prescribed form. This bill which I now report, and for which I ask immediate consideration, proposes in no way to change the policy which has been adopted in the passage of the last 90 bridge bills, but merely puts into law and codifies the forms which have been adopted by the two Houses in the bridge bills which they have recently passed.

Mr. TRAMMELL. Mr. President, may I ask the Senator from Connecticut a question?

Mr. BINGHAM. Certainly.

Mr. TRAMMELL. Does the bill propose in any wise to widen the power of the Federal Government over navigable streams?

Mr. BINGHAM. Not at all. It proposes no change in any way in the forms and procedure which we have been following consistently during the present session.

The Senator from Florida will remember that there was distributed as a public document a little pamphlet, called "Forms for Bridge Bills," containing some seven or eight such forms. Those forms are now offered in the shape of law, so that in the future Senators who desire to have bridge bills passed will be able to introduce a very brief form of bill in which they will merely have to write in the name of the person to whom the franchise is given, a reference to the location of the bridge and the length of time which must elapse before limited compensation under condemnation proceedings shall begin. There is no change proposed giving the Government any more power whatsoever. On the contrary it gives the States more power.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. REED of Missouri. Mr. President, I wish to make an inquiry. I tried to hear this bill as it was read, but there was a great deal of confusion in the Chamber. However, I rather caught from the reading as nearly as I could hear it that this is a proposition to establish toll bridges. Is that the case?

Mr. BINGHAM. I think the Senator was not in the Chamber when I explained the bill when reporting it.

Mr. REED of Missouri. I tried to hear the Senator, but could not do so.

Mr. BINGHAM. This measure makes no change whatever in the policy which has been adopted by Congress in connection with the last 90 or 100 bridge bills which have been passed. It takes the forms which were worked out in the conferences between the committees of the two Houses extending over some four months, which forms have been printed as a public document and puts them into the form of an amendment to the general bridge act; so that in the future it will merely be necessary for a party desiring a franchise for a bridge to use a short form, such as has that which I now hold in my hand and which I shall ask to have read at the desk at the conclusion of my remarks, instead of our having to consider a long bill of five or six pages with the possibility of error and of new features creeping in unnoticed. The bill which I have reported from the Committee on Commerce merely codifies the forms which have been adopted by the two Houses in connection with the last 90 bridge bills. There is nothing new in the way of granting additional privileges; there is nothing new in the way of governmental regulation; there is merely a repetition of certain provisions now in the bridge act with a clarification by the addition of these new forms.

I ask unanimous consent that the short form to which I have referred may be printed in the RECORD at this point.

The VICE PRESIDENT. Is there objection?

There being no objection, the form was ordered to be printed in the RECORD, as follows:

FORM FOR PRIVATELY OWNED INTERSTATE TOLL BRIDGE SHOULD THE PROVISIONS OF S. 4456, SIXTY-NINTH CONGRESS, FIRST SESSION, AMENDING THE "GENERAL BRIDGE ACT," APPROVED MARCH 23, 1906, BECOME LAW

A bill granting the consent of Congress to the ——— Corporation, its successors and assigns, to construct, maintain, and operate an interstate toll bridge across the ——— River

Be it enacted, etc., That the consent of Congress is hereby granted to the ——— Corporation, its successors and assigns, to construct, maintain, and operate an interstate toll bridge and approaches thereto across the ——— River, at a point suitable to the interests of navigation, between ——— and ———, in accordance with the provisions of the general bridge act, approved March 23, 1906, as amended.

SEC. 2. The periods required to be specified by the Congress pursuant to the provisions of paragraphs 3 and 4 of subdivision (a) of section 9 of such act, as amended, are hereby fixed at 15 years and 10 years, respectively.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. REED of Missouri. Mr. President, I think there ought to be something new in a bill of this character. We have arrived at this sort of condition of affairs: Toll bridges are constructed and the Government highways in many instances are now being built directly to and from those bridges, so that the tide of travel moving over these improved highways has been enormously increased, and the proprietors of these bridges are exacting tolls frequently out of all proportion to the justice of the case and are reaping enormous profits.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. REED of Missouri. I will say one word more, and then the Senator will get my thought. I think that any bill we pass of a general character ought to contain carefully drawn provisions by which the rate of toll may be regulated and by which the Federal Government or the State government where the highways leading to the bridges have been jointly built can at an ascertained value, excluding the franchise value, acquire the bridges for the use of the public.

Mr. BINGHAM. That is exactly what this bill provides for, Mr. President; that is exactly in accordance with the policy which the bridge committees of the two Houses adopted some time ago.

Mr. BORAH. Mr. President, may I ask what the order of business is under which we are now proceeding?

The VICE PRESIDENT. The Senate is proceeding under the order of reports of committees.

Mr. BORAH. Mr. President, if this bill is going to lead to debate, it seems to me I will have to object to its consideration. We are only under the order of reports of committees at this time. The Senator from Iowa [Mr. CUMMINS] asked for the consideration of a measure, but objection was made, and if this bill is going to lead to debate, I shall have to object. It seems to be a rather important matter to be disposed of in haste, and I object to its consideration at this time.

The VICE PRESIDENT. Objection is made.

Mr. REED of Missouri. Mr. President, I did not mean to stop the progress of the bill.

The VICE PRESIDENT. The bill will go to the calendar.

EXPENSES OF SENATORIAL ELECTIONS INVESTIGATION

Mr. FESS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back with an amendment Senate Resolution 258, and call the attention of the Senator from Missouri to it.

Mr. REED of Missouri. I ask unanimous consent for the present consideration of the resolution just reported by the Senator from Ohio. It increases the amount of money which may be used by the campaign-investigating committee.

Mr. BORAH. Does the Senator think it will lead to any debate? I should like to get through with the morning business.

Mr. REED of Missouri. It is in order, I think, anyway, as it is the report of a committee.

The VICE PRESIDENT. The resolution reported by the Senator from Ohio will be read.

The Chief Clerk read the resolution (S. Res. 258) submitted by Mr. REED of Missouri on the 23d instant, as follows:

Resolved, That Senate Resolution No. 227 agreed to June 3, 1926, be, and hereby is, amended to increase the cost of the investigations, payment for which is therein provided, from $10,000 to $50,000.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was to strike out all after the word "*Resolved*" and to insert:

That the limit of expenditure to be made under authority of Senate Resolution No. 227, agreed to June 3, 1926, be, and the same hereby is, increased from $10,000 to $30,000.

Mr. McKELLAR. Mr. President, on behalf of the minority of the committee, I move that the numerals "$50,000" be substituted for the numerals "$30,000."

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. BORAH. I shall not object if it is not going to lead to debate. If it is, I shall object.

The Senate proceeded to consider the resolution.

The VICE PRESIDENT. The Senator from Tennessee moves an amendment to the resolution, which will be stated:

The CHIEF CLERK. It is proposed to amend the amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate by striking out "$30,000" and in lieu thereof inserting "$50,000."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee to the amendment reported by the committee.

Mr. REED of Missouri. Mr. President, I have no objection to taking a vote on the amendment if it can be done without debate.

Mr. FESS. I submitted the report of the committee. The Senator from Tennessee now offers an amendment to change the amount recommended by the committee from $30,000 to $50,000. It was understood between the committee and the author of the resolution that probably $30,000 would cover the expenses of the special committee, and for that reason the committee put the amount at $30,000. For that reason we fixed the amount at $30,000. I want the Senate to know why it was so reported.

Mr. REED of Missouri. No, Mr. President; I am sure the Senator misapprehended what I said if he drew that conclusion. I was told that the committee was hesitating about reporting the resolution at $50,000, and I said: "Report it for whatever you like, and I will take up the matter on the floor;" but I in no way indicated that I was not going to ask for the $50,000 which was named in the resolution originally.

I can state my position in just about three minutes.

The committee originally wanted more than $10,000; but there was some opposition, and that amount was named. We have proceeded with this matter in the investigation of one State; and the stenographic fees in connection with that State, I am advised, will probably run to six or seven thousand dollars. This is not a boy's job; and I think before we get through with the State of Pennsylvania alone the stenographic fees and the witness fees will run to seven or eight thousand dollars.

Mr. FESS. Mr. President, will the Senator yield for a question?

Mr. REED of Missouri. Yes.

Mr. FESS. I want the Senator to understand the position of the committee. We have no power to modify a resolution, as the Senator knows, unless the author of the resolution agrees to the modification; and I understood that the Senator had agreed to this modification. If he has not, and he thinks that $50,000 ought to be allowed, we will report the resolution at $50,000 if the minority members of the committee so state.

Mr. REED of Missouri. Do the minority members agree to that? The Senator from Ohio says he will report it at $50,000.

Mr. GERRY. Mr. President, the minority members of the committee, the Senator from Tennessee [Mr. MCKELLAR] and myself, wanted to report out $50,000, because we felt, with the adjournment of Congress, that this committee should not be hampered if they needed that sum, the amount that the Senator from Missouri asked for.

Mr. MCKELLAR. Mr. President, several members of the committee spoke to me about the matter, and they all said that in view of the tremendous expense that had been gone to in Pennsylvania they did not believe that a sum less than $50,000 would carry on the investigation. Under those circumstances it seems to me they ought to have enough money to make the investigation. It would be idle to make a partial investigation, and they might as well make a full one. I think they ought to have the $50,000, and I hope my amendment will be adopted.

Mr. FESS. If that is the judgment of the minority members, I do not object.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee.

Mr. REED of Missouri. Mr. President, I will say just this to the Senator: The sum may seem large. This request I made on behalf of the whole committee, every member of it. We are conducting these investigations just as cheaply as we know how. We have not employed any lawyers or any experts, except that for a job that probably will not last more than two or three days we have employed one accountant. It is for the Senate to determine. If we carry on these investigations, going to Illinois and going to other States where we already have demands, it will be necessary to pay the stenographer and necessary to pay the witness fees if we expect people to come. We do not know how much it is going to cost. Congress is going to be in adjournment, and we are not going to spend any money we do not need to spend. If the Senate say they want us to go on with $5,000, we will do the best we can with the $5,000; but I think what has been disclosed is probably worth the price.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee [Mr. MCKELLAR] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 4533) extending to lands released from withdrawal under the Carey Act the right of the State of Montana to secure indemnity for losses to its school grant in the Fort Belknap Reservation; to the Committee on Public Lands and Surveys.

By Mr. GERRY;

A bill (S. 4534) to remit the duty on a carillon of bells to be imported for the Church of St. John the Baptist, Pawtucket, R. I.; to the Committee on Finance.

By Mr. DENEEN:

A bill (S. 4535) authorizing the Secretary of the Treasury to amend the contract executed by the Treasury Department for the construction of the Edward Hines Junior Hospital at Broad View, Ill.; to the Committee on Appropriations.

By Mr. NORBECK:

A bill (S. 4536) to authorize the Secretary of Agriculture to acquire a herd of musk oxen for introduction into Alaska for experimentation with a view to their domestication and utilization in the Territory; to the Committee on Agriculture and Forestry.

Mr. SMOOT:

A bill (S. 4537) to amend the Harrison Narcotic Act of December 17, 1914, as amended, and for other purposes; to the Committee on Finance.

By Mr. NEELY:

A bill (S. 4538) granting a pension to Lula E. Winans; to the Committee on Pensions.

MILITARY RESERVATION OF FORT HAMILTON, N. Y.

Mr. COPELAND. I ask unanimous consent for the immediate consideration of Order of Business 1037, House bill 12536, to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State for highway purposes. It is a local bill.

Mr. COUZENS. I object.

The VICE PRESIDENT. Objection is made.

MAUDE J. BOOTH

Mr. BRUCE. Mr. President, I hope that there will be no objection to the request I am about to make. I should like to call up for consideration Order of Business 1173, House bill 5105, for the relief of Maude J. Booth. If there is any dispute over this bill, I will with pleasure ask that it be laid aside.

The case is simply this: A raid was made by prohibition agents in the city of Baltimore, and while the raid was going on a woman, hearing the commotion, put her head out of the window—she was not connected with the raid in any manner—and her eye was destroyed by a stray bullet. The Senate committee allowed the same amount of money for this injury that has been allowed by the House; and I trust that consent will be granted to consider the bill at this time.

Mr. COUZENS. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded.

TRAFFIC CONTROL IN THE DISTRICT OF COLUMBIA

Mr. CAPPER. I call up the conference report on House bill 3802, known as the District of Columbia traffic bill, and ask for its immediate consideration.

Mr. WALSH. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded. The introduction of bills and joint resolutions is still in order.

NATIONAL PROHIBITION

Mr. EDWARDS. Mr. President, I am sending to the desk a joint resolution which I will ask the clerk to read, after which I shall request that the joint resolution lie on the table until such time as I may deem it advisable to call it up for consideration.

The joint resolution pertains to a subject matter which will have to be met by this body in open and frank debate with a view to the satisfactory determination, once and for all, of the question of prohibition.

I believe I have found a solution of this question if Congress and the various States of the Union are willing to cooperate in an earnest endeavor to purify enforcement conditions.

My solution is based upon constitutional grounds entirely, and I have satisfied my own mind that the joint resolution which I am now sending to the desk, if enacted, will go a long way to return to the people some small part of the liberties and rights which have been denied them since the adoption of the eighteenth amendment.

The joint resolution (S. J. Res. 122) proposing an amendment to the Constitution of the United States was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the eighteenth amendment, known as Article XVIII, to the Constitution of the United States of America, be repealed, the said repeal to become valid to all intents and purposes when ratified by convention in three-fourths of the several States in accordance with the provisions of Article V of said Constitution; and it is further

Resolved, That such conventions shall be held prior to the day in the year 1928 designated for the choosing of electors for the purpose of electing the President of the United States and such conventions shall be composed of delegates elected thereto by a majority of the duly qualified voters in each of the several States. The number of delegates to be so elected, and the time and place of holding such conventions, shall be determined by the legislatures of the several States, and the vote of a majority of such delegates to each such convention shall be the decision of the convention on the proposal to amend said Constitution as herein provided.

The VICE PRESIDENT. The joint resolution will lie on the table and be printed.

Mr. HARRIS. Mr. President, I ask unanimous consent to have printed in the RECORD immediately after the joint resolution just introduced by the Senator from New Jersey an article by my former colleague and friend, the late Senator Thomas E. Watson, on "The song of the barroom."

The VICE PRESIDENT. Without objection, leave will be granted.

The matter referred to is as follows:

THE SONG OF THE BARROOM

By Thomas E. Watson

Alive, let us live. Where is yesterday? Lost forever. Where is to-morrow? It may never come. To-day is here. Within its fleeting hours runs the only certainty that you will ever know. Come! Eat, drink, and be merry, for to-morrow you die!

The chains of self-restraint are galling—throw them off! The burden of duty is grievous—fling it down! The cross of responsibility is crushing—let another bear it! Live for yourself; live for the now; live for the lust of living.

Drink! And forget dull care! And ease the heartache. Drink! And drown the passion for the unattainable.

See how men are drawn to me! My lights blaze a brilliant welcome; I am never too hot nor too cold. Mirrored vanity smirks in my gilded reflectors; and no one is ill at ease in my free-for-all club. No shrewish wife can tongue lash you here; no peevish child annoy you with its cries. Leave to them the ugliness of your haggard home, and come unto me for comfort. Theirs, the cold and gloom and the lonely vigil—yours, the warmth and glow and social joy.

Clink your glasses, men! Drink again. "Here's hoping." 'Tis well to toast her here where begins the trail to the grave of hope. Be jolly; let the place ring with laughter; relate the newest story—the story that matches the nude pictures on the wall.

What's that? A dispute, angry oaths, a violent quarrel, the crash of overturned chairs, the gleam of steel, the flash of guns, the stream of life blood, the groans of dying men?

Oh, well, it might have happened anywhere. The hearts of mothers and fathers I wrench with pain; the souls of wives I darken with woe. I smite the mansion, and there are wounds that gold can not salve; the hut I invade, and poverty sinks into deeper pits.

I sow, and I till, and I reap where I sow, and my harvest—is what?

Men so brutalized that all of humanity is lost, save the physical shape—men reeking with moral filth, stony of heart, bestial in vice—men who hear the name of God with a wrathful stare or a burst of scornful mirth—men who listen to the death rattle of any victim of their greed or their lusts without a sign of pity.

And the women, too! How can I fitly sing of the woman of my harvest time? Did you ever hear her laugh? It must be the favorite music of the damned. Did you ever hear her ribald talk? The very sewers might shrink at bearing it away. Have you ever heard her libidinous songs? Did you ever watch her eyes—those defiant, mocking, hopeless, shameless eyes?

What warriors have I not vanquished? What statesmen have I not laid low? How many a Burns and Poe have I not dragged down from ethereal heights? How many a Sidney Carton have I not made to weep for a wasted life? How many times have I caused the ermine to be drawn through the mud?

Strong am I—irresistibly strong.

Samsonlike, I strain at the foundations of character and they come toppling down in irremediable ruin. I am the cancer, beautiful to behold and eating my remorseless way into the vitals of the world. I am the pestilence, stalking my victims to the cottage door and the palace gate. No respecter of persons, I gloat over richly garbed victims no more than over the man of the blouse.

The church, I empty it; the jail, I fill it; the gallows, I feed it. From me and my blazing lights run straight the dark roads to the slums, to the prisons, to the bread lines, to the madhouse, to the potter's field.

I undo the work of the school. I cut the ground from under law and order. I'm the seedbed of poverty, vice, and crime. I'm the leper who buys toleration and who has not to cry "unclean!" I'm the licensed ally of sin. I buy from the State the right to lay dynamite under its foundations. For a price they give me the right to nullify the work of lawmakers, magistrates, and rulers. For a handful of gold I am granted letters of marque to sail every human sea and prey upon its lifeboats.

Huge battleships they build, casing them triply with hardened steel; and huge guns they mount on these floating ramparts until a file of dreadnaughts line the coast—for what? To be ready for perils that may never come. But I give them a pitiful purse; and, in return, they issue to me the lawful right to unmask my batteries on every square, and my guns play upon humanity every day and every night of every year. And were my destroyers spread out upon the sea they would cover the face thereof.

Around that grief-bowed woman I threw the weeds of widowhood—but I paid for the chance to do it; and they who took my money knew that I would do it.

To the lips of that desolate child I brought the wail of the orphan—but I bought the right to do it; and they who sold me the right knew what would come of it.

Yes! I inflamed the murderer; I maddened the suicide; I made a brute of the husband; I made a diabolical hag out of the once beautiful girl; I made a criminal out of the once promising boy; I replaced sobriety and comfort by drunkenness and pauperism—but don't blame me; blame those from whom I purchased the legal right to do it.

No Roman emperor ever dragged at his chariot wheels on the day of his triumph such multitudes of captives as grace my train. Tamerlane's marches of devastation were as naught beside my steady advance over the conquered millions. The Cæsars and the Attilas come and go—comets whose advent means death and destruction for a season; but I go on forever, and I take my ghastly toll from all that come to mill.

In civilization's ocean I am the builder of the coral reef on which the ship goes down; of its citadel I'm the traitor who lets the enemy in; of its progress I'm the fetter and the clog; of its heaven I'm the hell.

REGULATION OF RADIO COMMUNICATIONS

Mr. EDGE submitted an amendment intended to be proposed by him to the bill (H. R. 9971) for the regulation of radio communications, and for other purposes, which was ordered to lie on the table and to be printed.

THE TARIFF

Mr. HARRISON. Mr. President, I desire to have inserted in the RECORD a joint brief that was filed with the minority members of the Ways and Means Committee of the House of Representatives by Mrs. Borden Harriman on behalf of committee of women, and Benjamin C. Marsh, executive secretary of the People's Reconstruction League, relative to the tariff.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

JOINT BRIEF TO MINORITY MEMBERS OF THE WAYS AND MEANS COMMITTEE OF THE HOUSE OF REPRESENTATIVES

(Submitted by Mrs. Borden Harriman, on behalf of committee of women, and Benjamin C. Marsh, executive secretary of the People's Reconstruction League, for hearings on bills reducing duties on specified commodities and articles)

GENERAL STATEMENT

1. The Fordney-McCumber Tariff Act was enacted during the stress of the postwar period under the apprehension that Europe would flood the United States with cheap goods. Those conditions have largely passed.

2. The flexible provision of the tariff has been used to increase the duties instead of to reduce them in practically all cases, only two cases of decrease being granted by the Tariff Commission since the enactment of the Fordney-McCumber Tariff Act out of 100 applications.

3. The Tariff Commission, as shown by the investigation of the commission by the Senate committee, has been composed chiefly of commissioners favorable to increased duties and the general policy of an extremely high protective tariff.

4. The Tariff Commission staff can secure data where necessary to present to the Committee on Ways and Means, so as to make possible the reporting of bills reducing duties where needed.

5. There are enough progressive votes in the House and Senate combined with the Democratic votes to force the reduction of exorbitantly high duties on women's goods, wearing apparel, sugar, hardware, cutlery, and household aluminum goods at this session of Congress, and to keep Congress here until such reduction is accomplished.

SUGAR

The effective tariff rate on sugar under the Fordney-McCumber Tariff Act is 1.7648 cents per pound, since Cuban sugar receives a 20 per cent reduction under the rate of duty on sugar in that act. The United States Tariff Commission recommended to the President in 1924 that the duty on sugar be reduced from 2.202 cents per pound to 1.54 cents per pound. The existing rate on sugar is the highest since 1890, when it was 2.24 cents per pound, 30 per cent higher than the rate of 1.348 under the Payne Act and 76 per cent higher than the rate of 1 cent per pound under the Underwood-Simmons Act. The present duty on sugar increases the price of refined sugar 2 cents per pound, and, as the consumption of sugar in 1925 was about 107½ pounds per capita, the total cost of the present tariff on sugar was about $246,400,000, which amounts to $2.15 per capita, and $10.70 for a family of five per year.

Of the costs of the tariff on sugar imposed by the tariff act, the Government secures approximately $144,000,000 as revenue collected upon imports, while the balance of $102,400,000 is an indirect subsidy conferred upon tariff-favored sugar interests. The United States derives revenue from only about 60 per cent of the sugar consumed and no revenue from about 40 per cent consumed that is produced in Hawaii, Porto Rico, Louisiana, the Philippines, and domestic beet regions.

The Great Western Sugar Co., with 17 beet factories in Colorado, Nebraska, Montana, and Wyoming, showed a loss of $8,363,418 on February 28, 1922; a profit of $6,879,813 February 28, 1923; $12,004,303 February 28, 1924; and $10,577,273 February 28, 1925. It now pays 7 per cent on preferred and 32 per cent on common. Preferred $100 par was recently quoted on the exchange at $115 and common, $25 par, at $99 per share. The surplus February 28, 1925, was $38,427,200.68, and capital stock was $30,000,000, half common and half preferred.

The Holly Sugar Co., with beet factories in California, Colorado, Wyoming, and Montana, showed a profit of $50,710 March 31, 1923; $972,270 March 31, 1924; and $841,031 March 31, 1925. Has outstanding $3,300,000 preferred, $100 par, and 67,298 shares of common, no par value. In 1925 it paid $14 on the preferred, representing regular dividends and arrears, and is still $7 per share behind on its preferred. According to its annual statement of March 31, 1925, it had capital stock and surplus—equity of common-stock holders—of $6,067,598.58.

Beet factories of Utah, Idaho, Colorado, Nebraska, Montana, and Wyoming, where over 70 per cent of the domestic beet sugar is produced, pay their beet farmers no more than a minimum guaranty of $6 per ton for 15.5 per cent beets, unless the net price received by these factories during the campaign year exceeds 5 cents per pound. The benefit to the factory would be 2 cents per pound from the tariff, or $6 per ton. Of this amount the factory retained $5 and gave the farmer $1. In other words, the tariff amounted to the minimum guaranty paid the farmer.

The President failed for over a year and a half to make public the report of the Tariff Commission on sugar on the ground that the price of sugar was low, but he ignored the essential feature, which is that relative costs of production justify reduction of the tariff on sugar.

WOMEN'S WEAR

In 1923 the value of textiles and their products manufactured in the United States was $9,487,184,000. Wages paid in these industries in 1923 were only 18.4 per cent of the value of the production as compared with 21.2 per cent in 1921.

In 1923 the value of textile-mill products was $5,552,107,000, and wages were only 20.3 per cent of the value of the production in 1923 as compared with 23 per cent in 1921.

In 1923 the value of women's clothing not elsewhere specified, manufactured in the United States, was $1,406,684,000, and wages paid in these factories were only 12.5 per cent of the value of the product in 1923 as compared with 18.2 per cent in 1921.

It is obvious that the high tariffs on women's clothing and other women's wear has not resulted in increasing the proportion of the value of the manufactured product which is paid as wages.

Since manufacturers of women's clothing, wearing apparel, and goods manufactured from textiles are largely affected by the price of the raw material which they purchase, a reference to the cotton, woolen, silk, and flax schedules is necessary. Raw cotton is admitted free of duty, as are silk, cocoons, and silk waste, and raw silk in skeins reeled from the cocoon and rereeled, while the tariff on wool is specific at 31 per pound, and the tariff on flax straw is only $2 per ton.

The whole tariff schedule on cotton manufactures is full of jokers and purposely devised to prevent the average person from understanding what duty is actually levied.

Paragraph 901 after enumerated duties provides, "That when any of the foregoing yarns are printed, dyed, or colored with vat dyes there should be paid a duty of 4 per cent ad valorem in addition to the above duties."

Paragraph 906 of the cotton schedule reads in part, "In addition to the duty or duties imposed upon cotton cloth in paragraph 903, there shall be paid the following duties, namely: On all cotton cloth woven with eight or more harnesses, or with jacquard, lappet, or swivel attachments, 10 per cent ad valorem; on all cotton cloths, other than the foregoing, woven with drop boxes, 5 per cent ad valorem," and with the stipulation that in no case shall the duty upon cloths mentioned exceed 45 per cent.

The duty on practically all items in the cotton-manufactures schedules have been increased quite largely. On knit fabrics in the piece made on a warp-knitting machine, from 30 per cent to 55 per cent. The duty on gloves composed wholly or in chief value of cotton made on a fabric knit or a warp knitting machine varies from an increase from 35 per cent in the act of 1913 to 50 per cent on some gloves and $2.50 per dozen on others, with 10 cents per dozen pairs extra for each additional inch in excess of 11 inches.

The duty on underwear and all wearing apparel of every description is increased from 30 per cent to 45 per cent. The duty on quilts or bedspreads is increased from 25 per cent to 30 per cent, up to 40 per cent.

In 1925 the export of women's cotton wearing apparel amounted to $24,138,402 and imports amounted to only $13,467,884. The exports of all cotton manufactures amounted to $148,238,446, while the value of all imports was only $79,273,972. The tariff on woolen woven fabrics valued at not more than 60 cents per pound was increased by the Fordney-McCumber Tariff Act from 35 per cent to 24 cents per pound and 40 per cent; if valued at more than 60 and not more than 80 cents per pound, from 35 per cent to 37 cents per pound and 50 per cent.

The tariff on outer wear and other articles, finished or unfinished, wholly or in chief value of wool was increased from the duty of 35 per cent in the act of 1913 to 36 cents per pound and 40 per cent if valued at not more than $1 per pound. The tariff on clothing and articles of wearing apparel of every description, not knit or crocheted, and valued at not more than $2 per pound, composed chiefly of wool, was increased from 35 per cent in the tariff act of 1913 to 24 cents per pound and 40 per cent in the Fordney-McCumber Tariff Act. Knit underwear, finished or unfinished, whose chief value is wool bore a duty in the act of 1913 of 35 per cent, which was increased in the Fordney-McCumber Tariff Act to 36 cents per pound and 30 per cent if valued at not more than $1.75 per pound.

In 1925 the value of women's and other woolen wearing apparel exported was $2,326,922, of imports $13,081,017. The tariff on hatters' plush composed in chief value of silk was increased from 10 per cent in the act of 1913 to 60 per cent in the Fordney-McCumber Tariff Act. The tariff on most knit fabrics, including underwear and outer wear, was increased very largely in the Fordney-McCumber Tariff Act, as also the tariff on clothing and articles of wearing apparel unknit and all manufactures of silk.

The value of women's silk wearing apparel exported in 1925 was $11,510,459, and of such apparel imported was $6,980,420.

In 1923 the net income of corporations reporting such income was for all textile fabrics $358,462,852, and of corporations manufacturing clothing $123,942,513.

In 1923 the American Woolen Co. earned $13.32 per $100 share on $50,000,000 of outstanding 7 per cent cumulative preferred stock and $8.85 on $40,000,000 outstanding common stock.

The Pacific Mills, manufacturing cotton, had outstanding on December 31, 1923, $40,000,000 of stock, upon which it earned that year $9.23 per $100 share. That stock, however, is mostly stock dividends. On December 20, 1912, the Pacific Mills paid a stock dividend of 200 per cent; on March 1, 1917, one of 25 per cent; and on December 27, 1922, one of 100 per cent.

The William Whitman Co., which controls cotton and woolen mills, earned in 1923 on its $12,500,000 outstanding common stock $15.19 per $100 share, and on its $6,500,000 of preferred stock $32.31.

Senator BUTLER owns or controls several cotton mills, among them the following:

1. The Butler Mill, at New Bedford, with $2,300,000 of stock outstanding December 31, 1923, on which they paid 8 per cent a year from August 15, 1919, to February 15, 1924, and an extra dividend of 20 per cent between November 15, 1919, and August 14, 1920.

2. The New Bedford Cotton Mills Corporation, incorporated in 1909, with $750,000, 6 per cent cumulative preferred stock, and $1,050,000

common stock. On December 15, 1922, it issued a 200 per cent dividend on common stock.

3. The Quissett Mill, at New Bedford, with $2,000,000 of common and $305,000, 6 per cent cumulative preferred stock. From November 15, 1921, to February 15, 1925, it paid a dividend of 2 per cent every quarter. In each of the two years 1917 and 1918 it paid an extra stock dividend of 20 per cent; in 1919 one of 50 per cent; in 1920, 20 per cent; and in 1922, 110 per cent on common stock. On December 31, 1923, its reserve for depreciation was $1,529,002 and its profit and loss account $1,049,131—totaling $2,578,133.

ALUMINUM HOUSEHOLD GOODS

In view of the fact that the Aluminum Co. of America is the one dominating concern preparing crude aluminum and controls a large part of the bauxite deposits as well as controlling the Aluminum Goods Manufacturing Co., which is the largest producer of aluminum cooking utensils in the United States, consideration of the entire aluminum schedule is necessary. The Federal Trade Commission in its report in 1924 on the house-furnishing industry, volume 3, states:

"From a practical standpoint all the independent aluminum cooking-utensil manufacturers of the United States are now chiefly dependent for their raw material upon the Aluminum Co. of America, which is itself a producer of cooking utensils through the United States Aluminum Co., and is further interested in cooking-utensil business through its ownership of about 30 per cent of the stock of Aluminum Goods Manufacturing Co., the largest producer of aluminum cooking utensils in the United States. Formerly some of the manufacturers supplemented their domestic purchases from abroad. The enactment of the Fordney-McCumber Tariff Act, however, placed a duty of 5 cents a pound on ingot and 9 cents a pound on sheet, so that this latter source of supply has been largely eliminated."

The Aluminum Co. of America was making good profits in 1920 and most years since it was organized. The Federal Trade Commission in the report cited above states:

"During the 15 years (from August 31, 1906, to July 31, 1921), without any additional cash being invested in the company by the stockholders, the capital and surplus increased from $7,199,322 to $110,883,461 as shown by Moody's Manual, or $103,684,139, while in addition to this increase in surplus the company, as computed from figures in Moody's Manual, declared and paid cash dividends during this period amounting to $15,370,032, indicating aggregate net earnings of $119,054,171. These net earnings from 1906 to 1921 could have been realized by a uniform annual rate of return on the total investment of about 24 per cent, assuming the payment of dividends as computed above."

The Aluminum Co. of America has not made any public statement for Poor's Manual of Industrials since 1921, but its surplus on that date was $92,153,861. It has usually paid about 10 per cent dividends and accumulated a large surplus. In 1916 and 1917 it paid dividends of 8 per cent; in 1918–1920, 10 per cent each; 1921 and 1922, 6 per cent each; 1923, 10 per cent; and 1924, 12½ per cent.

The Fordney-McCumber Tariff Act raised the tariff on crude aluminum, aluminum scrap, and alloys, from 2 cents per pound to 5 cents per pound, and on coils, plates, sheets, etc., from 3½ cents per pound to 9 cents per pound. It increased the duty on table, household, kitchen, and hospital utensils, and hollow or flat ware, composed wholly or in chief value of aluminum from 25 per cent to 11 cents per pound and 55 per cent.

The way in which the Aluminum Co. of America controls the situation is reported by the Federal Trade Commission in the report above cited as follows:

"Tariff on aluminum and its products: In 1921 the cooking utensil manufacturers held a meeting at Cleveland with reference to obtaining additional protective duties on the products of aluminum in favor of increased duties as soon as Congress took up tariff revision. The question of the tariff on aluminum sheet was discussed, but apparently it was decided to confine attention strictly to the tariff on their own products. Subsequently the committee filed a brief urging the restoration of the duties on aluminum products in effect prior to the 1913 tariff act and a supplemental brief strongly urging heavy duties on finished aluminum products. Certain manufacturers, when questioned as to why they did not file with the Tariff Commission a petition for a reduction of the rates on raw and semifinished aluminum, stated that they feared the Aluminum Co. of America would bring about a retaliatory reduction of the duties on kitchen utensils and hollow ware."

The value of aluminum products manufactured in the United States in 1923 was $106,930,000. The exports of manufacturers in 1925 was $5,956,875 of bauxite, etc., $4,133,825; imports of crude bauxite was $1,619,120, of metal scrap alloy, $10,180,497; while the total value of all manufactures of aluminum imported in 1925 was only $356,142, or about one-third of 1 per cent of the value of aluminum manufactures produced in the United States in 1923.

This is sufficient proof of the extent of the monopoly. That labor does not get the benefit of this prohibitive tariff is shown by the fact that in 1921 wages paid by manufacturers of aluminum goods were 23.6 per cent of the value of the product, while in 1923, after the Fordney-McCumber Tariff Act was adopted, wages were 18.5 per cent of the value of the product.

HARDWARE AND CUTLERY

In 1923 the value of hardware manufactured in the United States was $215,960,000, of cutlery $72,477,000, a total of $288,437,000. Exports of cutlery in 1925 were valued at $13,094,148, imports at $1,433,030. The value of hardware exported in 1925 was $8,902,000 and imports were negligible. The Fordney-McCumber Tariff Act increased the duty on "table, household, kitchen, and hospital utensils, and hollow and flat ware," composed wholly or in chief value of copper, brass, steel, or other base metal, from 20 per cent to 40 per cent, and to make things a little harder for the housewife added 10 per cent additional to the above rates "on any of the foregoing containing electrical heating elements as constituent parts thereof." It increased the duties on circular and cross-cut saws from 12 per cent to 20 per cent, on scissors and shears from 30 per cent to 3½ each, and 45 per cent on needlecases and needlebooks with assortment of needles from 20 to 45 per cent, on crochet needles from 20 per cent to $1.15 per 1,000 and 40 per cent, and on lawn mowers from 20 per cent to 30 per cent.

CONCLUSION

Attention has frequently been called to the financial straits of farmers, and farmers' wives unquestionably have the most difficult part of farm life. The Fordney-McCumber Tariff Act ostensibly admits duty free farm machinery and implements. They are surreptitiously levying a heavy duty on them through duty on component materials. It does not attempt to fool the farm housewife, but blatantly levies such duties as cited above upon household goods, women's wear, and utensils which the farmer's wife must buy.

Just as the tariff on manufactured products, as demonstrated above, does not result in securing labor a fair proportion of the value of the product, so the tariff on farm products is not effective.

In a release of April 2, 1926, the Department of Commerce states:

"Exports of vegetables decreased from $11,217,471 in 1924 to $10,291,451 in 1925, while vegetable imports increased from $15,906,868 in 1924 to $20,724,937 in 1925.

"During the last five years there has been a constant decrease in vegetable exports, which in 1925 were about half the quantity of the vegetables exported in 1921. Imports have, on the other hand, constantly increased, and the 1925 imports were double those of 1921."

The tariff on wheat was increased from 30 to 42 cents a bushel, but wheat brought a higher price in Winnipeg than in Minneapolis. The tariff on corn has been equally ineffective. The tariff on butter was so ineffective that an increase was demanded and granted by presidential proclamation from 8 to 12 cents a pound.

To afford relief to the housewife in the city and the housewife on the farm there must be many reductions in the duties on manufactured necessities in the schedules above mentioned, and before such reduction can be secured hearings must be held by the Ways and Means Committee before action can be taken by the House. For this reason we respectfully request immediate hearings on these bills.

INDICTMENT OF NONRESIDENTS

Mr. HARRELD. I desire to call up Senate Resolution 264, which is lying on the table, having come over from a preceding day.

The VICE PRESIDENT. The Chair lays the resolution before the Senate.

The Chief Clerk read the resolution (S. Res. 264) submitted by Mr. HARRELD on the 26th instant, as follows:

Resolved, That the Attorney General be requested to furnish to the Senate the number of cases brought by the United States in which citizens have been indicted outside of their own States and districts and taken to other States and districts for trial. Also, the number of indictments now pending against citizens in States and districts outside the State and district in which they reside and have a known residence. Also, the number of removal causes that have been tried or are now pending in which citizens have resisted or are resisting the attempts of the Department of Justice to take them out of their own States and districts for trial on criminal charges. That this information be furnished to the Senate as soon as the information can be assembled, but not later than the convening of Congress at the December session.

Mr. WALSH. Mr. President, should there not be a limit of time back of which the inquiry should not extend?

Mr. HARRELD. I do not object to a limitation to that effect. I simply want to get the information as to existing cases of that sort.

Mr. WALSH. But the resolution asks for information concerning the number of cases in which defendants have been indicted and tried in districts other than those in which they reside.

Mr. HARRELD. Very well; how far back does the Senator think we ought to go?

Mr. WALSH. I suggest within the last 10 years.

Mr. HARRELD. I would not want to amend it to that extent, because it would involve a great deal of expense on the part of the department to gather that information.

Mr. WALSH. I am trying to limit the inquiry proposed by the resolution.

Mr. BORAH. As it is now, it would run back indefinitely.

Mr. HARRELD. Yes; I see.

Mr. WALSH. Why not make it five years, then?

Mr. HARRELD. I will accept an amendment of that sort limiting the scope of the investigation to the last five years.

The VICE PRESIDENT. The question is upon agreeing to the resolution as modified.

Mr. KING. Mr. President, I hope the Senator from Oklahoma will accept the suggestion first made by the Senator from Montana. I think we ought to have the information for a period of not less than 10 years. Senators must be aware of the fact that there have been numerous cases brought under the direction of the Post Office Department, many of which have been unwise, improper, and, in my opinion, wholly without warrant. Hundreds of men have been dragged from their homes under conspiracy indictments initiated or brought about by the Post Office Department, working a very great hardship upon them, and I think doing a very grave injustice, and subjecting the Government to warranted criticism.

Mr. McKELLAR. Mr. President, I understand that recently men have been required to go from Texas to California to stand trial on some of these indictments. The Senator from Iowa [Mr. CUMMINS] has introduced a bill regulating the matter, and I believe it will be reported out soon. But I think this resolution ought to pass by all means, and that no man ought to be tried out of the State of his residence or away from the place where the crime is alleged to have been committed.

Mr. JOHNSON. Mr. President, may I ask a question of the Senator from Oklahoma?

Mr. HARRELD. I yield for a question.

Mr. JOHNSON. I have no objection, of course, to the resolution, but I would like to know just why it is introduced, and the purpose of the inquiry. Will the Senator state?

Mr. HARRELD. I will be glad to do that. I have not had time to make a statement so far. Other Senators have stated largely what I had intended to say.

In the last two or three years there has been quite a ground swell of resentment at citizens domiciled in one State, no question being raised about their residence at all, being taken for trial to other States, away from their homes, or away from the place where the crime was alleged to have been committed. I grant that there are some cases, perhaps, where the question of jurisdiction is doubtful, and perhaps the law is intended to reach cases of that sort, but I do not believe it was ever intended to take a man away from the State of his domicile, or from the place where the crime was alleged to have been committed, to try him for an alleged offense. Yet the law has been so construed that it has been the practice to do that sort of thing.

Only recently 25 citizens of the States of Oklahoma and Texas were indicted in Los Angeles, Calif., for alleged offenses for which they might just as well have been indicted in the State of Oklahoma or in the State of Texas. In fact, attempts were made to indict them in their home States, but the courts of the States of Oklahoma and Texas refused to indict. Yet they have been indicted in Los Angeles, Calif., and are compelled to go there, 1,800 miles from their homes, to stand trial.

Mr. JOHNSON. For what were they indicted?

Mr. HARRELD. They were indicted under the statute against using the mails to defraud, and the jurisdiction is held to be in California, because it is said that some of the letters were delivered in California, though they were mailed in Oklahoma and Texas. Those men should have been indicted, if at all, either in the State of Oklahoma or in the State of Texas, but the authorities elected to indict them in the State of California, and these citizens of Oklahoma will have to pay their own expenses in defending themselves in a court 1,800 miles from their homes.

Mr. BROUSSARD. Mr. President, does the resolution state the nature of the charges made against the men, or under which they were indicted?

Mr. HARRELD. It names no specific cases at all. It simply asks for information as to how many cases there have been of that kind.

Mr. BROUSSARD. Does not the Senator believe the information would be of much more value to us if we knew specifically what violations of law were charged against these people?

Mr. HARRELD. I think the resolution covers that.

Mr. BROUSSARD. I am just inquiring to find out whether it does or not.

Mr. HARRELD. I am willing to accept the suggestion of the Senator from Montana that the time of the inquiry run back for 10 years. I would be glad to have it amended to that effect.

Mr. BROUSSARD. Will not the Senator also include an inquiry as to the nature of the offenses charged?

Mr. HARRELD. I have no objection to an amendment of that sort.

Mr. CUMMINS. Mr. President, will the Senator yield to me?

Mr. HARRELD. I yield.

Mr. CUMMINS. I introduced a bill not long ago to amend the law with respect to the jurisdiction of courts in those criminal cases in which it is sought to indict a man in one State because a letter was put in the post office, as was alleged, in connection with a scheme to defraud.

I think the Supreme Court made a very great mistake in its interpretation of the present statute. Personally, I do not believe that the present statute authorizes the indictment of a man in a foreign State simply because he has caused a letter to be deposited in the post office that is alleged to be in connection with a scheme to defraud.

We had a hearing upon that bill, and the subcommittee unanimously directed me to report to the full committee an amendment of the statute in that regard, which will make it impossible at any time in the future for a man to be indicted in a foreign State simply because he has deposited a letter in his own State. It requires that he shall be physically present in the State of his indictment, or shall have done something else in regard to the letter so deposited than the mere mailing in his home State.

I do not know whether we will have an opportunity to pass that legislation or not.

Mr. HARRELD. Mr. President, this resolution is in aid of the legislation the Senator seeks to have passed. I want to get information which will assist us in passing the proposed legislation the Senator has introduced.

Mr. CUMMINS. I have no objection to the information being furnished, but it is fundamentally wrong for such indictments to be returned, and I do not think the Senate or the House will need any illustrations from the Attorney General's office in order to induce them to pass the bill, because such action is contrary to all our notions in regard to the administration of justice.

Mr. WALSH. Mr. President, in order to make the resolution conform to the ideas expressed in the discussion, I move to amend by inserting in line 3, after the word "have," the words "within the past 10 years."

Mr. HARRELD. I accept that amendment.

Mr. WALSH. Then, after the word "trial" in line 5, I move to insert "and the nature of the charge made in each indictment."

Mr. HARRELD. I accept that.

Mr. WALSH. Then in line 9, after the first word, "been," I move to insert "during such period," so that it will read, "also the number of removal causes that have during such period been tried," and so forth.

Mr. HARRELD. I accept that amendment. There is another reason for the favorable consideration of this resolution. It is a matter of economy. The Government is wasting a lot of money taking these people and trying them away from their homes, and the Government can save that money.

Mr. BLEASE. Mr. President, I agree with what has been said by the Senator from Iowa [Mr. CUMMINS]. I do not see any good that this resolution would do anybody.

Mr. HARRELD. Will the Senator yield just a moment?

Mr. BLEASE. I yield.

Mr. HARRELD. The bill introduced by the Senator from Iowa is meeting with opposition. It has not become a law. This resolution will furnish us with information which will show the necessity of the legislation, and it is in accord with and in support of the bill which the Senator from Iowa has introduced, which has not as yet become a law.

Mr. BLEASE. Mr. President, just a few days ago the President affixed his signature to a bill which I had introduced, applying only to the State of South Carolina, to cure this very evil within my State, where the authorities would take a man from the extreme northern part to the extreme southern part of the State and try him on some little, frivolous charge. The bill which has been signed by the President requires that any such person shall be tried by the United States court nearest his home.

I can not see why we need put the Attorney General to the expense and trouble of answering a resolution of this sort. He and his assistants would have to neglect their business and go back over the records for 10 years to furnish us with the information, which we can get from the reports of the

Attorney General. The Attorney General has to make annual reports, and the information contained in them can be collated if the committee wants the information.

I can not see how any Senator would oppose the bill of the Senator from Iowa, which provides that a man shall be tried as the Constitution itself requires. It seems to me the only question here is as to who shall decide where a crime is committed; whether it was committed, for instance, in South Carolina or whether it was committed in Maine. If we pass a law settling that question of jurisdiction, I do not see the necessity of going any further.

I do not like to oppose my friend's resolution, but, I repeat, I do not see the necessity of requiring the Attorney General to take his time or the time of his assistants to go back for 10 years and look up something which we can find in his reports.

Mr. KING. Mr. President, just a few words which, perhaps though not germane to the resolution offered by the Senator from Oklahoma [Mr. HARRELD], are relevant to the subject to which it relates. Early in the session I offered a bill, Senate bill 2119, to amend section 37 of the act entitled "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909," and so forth.

The bill which I offered seeks to amend the conspiracy statute enacted many years ago. Among other things it provides that to conspire to commit a misdemeanor shall constitute a felony. The Senator from Missouri [Mr. REED] offered a similar bill, and both measures were referred to the Committee on the Judiciary.

Many abuses have arisen under the conspiracy statute. Hundreds if not thousands of persons were indicted under this statute for an act or acts which, if committed, would constitute only a misdemeanor. It is so easy to charge a conspiracy, and evidence is admissible under a charge of conspiracy which might not be admissible under an indictment for a completed act involved in a conspiracy. I repeat, this statute has been abused by the Department of Justice, and these abuses have grown to such proportions and have operated so oppressively and so unjustly and so unfairly against persons brought within conspiracy charges that the Chief Justice of the United States and those associated with him in the matter took cognizance of the same. After considering the matter they submitted a statement, together with recommendations, which, in part, are as follows:

A. We note the prevalent use of conspiracy indictments for converting a joint misdemeanor into a felony; and we express our conviction that both for this purpose and for the purpose—or at least with the effect—of bringing in much improper evidence the conspiracy statute is being much abused.

Although in a particular case there may be no preconcert of plan, excepting that necessarily inherent in mere joint action, it is difficult to exclude that situation from the established definitions of conspiracy; yet the theory which permits us to call the aborted plan a greater offense than the completed crime supposes a serious and substantially continued group scheme for cooperative law breaking. We observe so many conspiracy prosecutions which do not have this substantial base that we fear the creation of a general impression very harmful to law enforcement, that this method of prosecution is used arbitrarily and harshly. Further the rules of evidence in conspiracy cases make them most difficult to try without prejudice to an innocent defendant.

We think it proper for us to bring this matter to the attention of the district judges, with the request that they present it to the district attorneys, and for us to bring it also to the attention of the Attorney General, with the suggestion that he call it to the attention of the district attorneys, as in his judgment may be proper, and all to the end that this form of indictment be hereafter not adopted hastily, but only after a careful conclusion that the public interest so requires, and to the end that transformations of a misdemeanor into a felony should not be thus accomplished unless the propriety thereof clearly appears.

We also think proper to bring the subject matter to the attention of Congress, that it may consider whether any change of the law in this respect is advisable.

Mr. President, I know of cases where persons have been indicted under the conspiracy statute where the completed act would have been merely a misdemeanor, and there was every indication that this procedure was adopted in order to drag them into the criminal courts with the hope of securing the introduction of evidence which otherwise would have been inadmissible. Under these conspiracy indictments many defendants have been dragged from their homes into other cities, to be there placed upon trial. The bill which I offered modified the old conspiracy statute and provided that if the completed act constituted a misdemeanor a conspiracy to complete the act would constitute a misdemeanor only. The bill was reported favorably from the Committee on the Judiciary and placed upon the calendar. Subsequently the Attorney General wrote a letter to the chairman of the Judiciary Committee and made certain objections to the bill. I understand that Mr. Wayne B. Wheeler, while representing the Anti-Saloon League, likewise submitted objections to the measure, and at the request of various Senators the bill was referred back to the Committee on the Judiciary, where it is now pending.

Mr. President, that the conspiracy statute has been abused there can be no doubt. The resolution offered by the Senator from Oklahoma undoubtedly seeks information concerning charges under the conspiracy statute, where defendants have been indicted and taken from their homes to remote States, and there placed on trial. The statements of Judge Taft, just referred to, which I have read, are regarded as a condemnation of the course of the Department of Justice, particularly of district attorneys who have abused the process of the court and acted unfairly toward persons who, if they committed any offense, committed only a misdemeanor. It is to be hoped that the Attorney General will give instructions and see to it that his subordinates no longer continue a practice so universally condemned and which calls for the severest reprobation.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to, as follows:

Resolved, That the Attorney General be requested to furnish to the Senate the number of cases brought by the United States in which citizens have within the past 10 years been indicted outside of their own States and districts and taken to other States and districts for trial, and the nature of the charge made in each indictment. Also the number of indictments now pending against citizens in States and districts outside the State and district in which they reside and have a known residence. Also the number of removal causes that have been during such period tried or are now pending in which citizens have resisted or are resisting the attempts of the Department of Justice to take them out of their own States and districts for trial on criminal charges. That this information be furnished to the Senate as soon as the information can be assembled, but not later than the convening of Congress at the December session.

TRAFFIC CONTROL IN THE DISTRICT OF COLUMBIA

Mr. CAPPER. Mr. President, I ask unanimous consent for the present consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 3802, to amend the act known as the District of Columbia traffic act, 1925.

Mr. CURTIS. Mr. President, has morning business been closed?

The PRESIDENT pro tempore. Morning business is now closed and the calendar under Rule VIII is next in order, but the Senator from Kansas has asked unanimous consent for the consideration of a conference report.

Mr. JONES of Washington. I did not know morning business had been closed. No announcement had been made.

The PRESIDENT pro tempore. The calendar under Rule VIII is next in order.

Mr. JONES of Washington. I understand that the Chair recognized the junior Senator from Kansas.

The PRESIDENT pro tempore. The junior Senator from Kansas was recognized to call up a conference report and no objection has been heard. Is there objection?

Mr. TYSON. For the moment I object.

Mr. CUMMINS. I did not rise to object to consideration of the conference report; I rose merely to renew my request made at the beginning of morning business, namely, that the Senate take up the motion to concur in the House amendment to the corn sugar bill.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McNARY. The Senator from Kansas had the floor and made a motion to take up the conference report on the District of Columbia traffic act.

The PRESIDENT pro tempore. That is correct except that the Senator from Kansas merely asked unanimous consent and objection was made.

Mr. CAPPER. I move that the conference report be taken up.

The PRESIDENT pro tempore. The Senator from Kansas moves that the Senate proceed to the consideration of the conference report on the District of Columbia traffic bill.

The motion was agreed to, and the Senate proceeded to consider the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) entitled "An act to amend the act known as the 'District of Columbia traffic act, 1925,' approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes."

Mr. ROBINSON of Arkansas. Mr. President, on yesterday the Senator from Kansas [Mr. CAPPER] brought before the Senate the conference report now under consideration. I had not had an opportunity to examine it or to become familiar with the arrangement which is consummated by the conference report. I objected then to its consideration in order to secure the opportunity of examining the conference report.

The principal provision in controversy appears to have been that which related to vesting in the director of traffic the right to control horse-drawn vehicles and pedestrians. I have received a letter from the director of traffic this morning which explains from his viewpoint the necessity or justification for the legislation. In his opinion it would be impracticable without the legislation to safeguard properly the public in crowded districts against those who, when they operate motor vehicles, have little regard for the rights of others. I shall therefore make no objection to the consideration of the conference report. I ask that the letter of the director of traffic may be printed in the RECORD.

Mr. COUZENS. Mr. President, may we have the letter read instead of being merely printed in the RECORD?

Mr. ROBINSON of Arkansas. I have no objection to having it read.

The PRESIDENT pro tempore. The clerk will read as requested.

The Chief Clerk read the letter, as follows:

OFFICE OF THE DIRECTOR OF TRAFFIC,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 30, 1926.

Hon. JOE T. ROBINSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR ROBINSON: Unless the traffic bill which is now pending in the Senate, and to which the conferees have agreed, is passed traffic chaos in Washington will be the result.

Unless this bill is passed those who drive their cars recklessly, those who operate while under the influence of liquor, and those who operate without a permit or after their permit has been revoked will continue to operate, because they will continue, as in the past, to plead "not guilty," put up the necessary bond, and ask for a jury trial. The cases will in the future be postponed and postponed from month to month on account of the crowded condition of the court docket, and these men will in the future, as they have in the past, continue to be brought in time and time again before their trials have been held.

One of the chief objects of the pending bill is to suspend the permits of all those who have committed serious traffic violations pending trial. If they are found "not guilty," the permits will be returned.

Under the existing law it is impossible to revoke or suspend permits of lunatics, mental defectives, or epileptics, and there are several such persons with permits in the District of Columbia at the present time. Twelve inmates of St. Elizabeths Asylum have such permits, which can not be revoked or suspended under the existing law.

Under the pending traffic act the prosecution of all traffic violations will be handled by the assistant corporation counsels of the District of Columbia. At present they are divided between the corporation counsels and representatives of the district attorney, which leads to confusion and duplication of effort, inasmuch as it frequently happens that two sets of attorneys have to prepare the papers and present them to the courts, where only one individual is involved. The pending bill will improve and expedite the handling of such cases in court.

The pending bill will make it legal to fix speed limits in the District of Columbia on bridges and at other dangerous places at less than 22 miles an hour and to raise the speed limit above 22 miles an hour on any highway where a greater speed will be considered safe. This is a very important feature of the bill, inasmuch as 22 miles an hour is too great a speed for many of the highway bridges, such as the bridge across the Potomac River, Klingle Valley Bridge, and others.

The regular appropriation bill provides that moneys received from drivers' permits, not to exceed $350,000, will be devoted to the erection of traffic lights and for other safety work. In this connection I desire to call attention to the fact that at those sections where traffic lights have been erected on Sixteenth Street and Massachusetts Avenue our traffic records show a reduction in traffic accidents of 76.8 per cent. The object in erecting these lights is primarily in the interest of public safety and secondarily in speeding up traffic.

Scores of letters have been received in this office from pedestrians and from motorists approving the present installation of traffic lights, and hundreds of letters have been received requesting that the installation be increased on all congested streets where the majority of accidents occur.

Unless the traffic bill is passed at this session no machinery will be provided for the renewal of operators' permits in the District of Columbia, all of which expired on the 31st of March, this year.

Unless the bill is passed it will be impossible to pass any regulation either protecting or controlling pedestrians on the streets, and it is very essential that the pedestrian be given the right of way at all crosswalks and at the same time that he be required, when crossing at an intersection in the congested district, to cross with the "Go" signal instead of against it.

For these reasons it is hoped that you will use your best endeavors to secure the enactment of the amended traffic act before Congress adjourns.

Sincerely yours,

M. O. ELDRIDGE, *Director of Traffic.*

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BLEASE. Mr. President, I would like to ask the chairman of the committee if the bill abolishes the right of trial by jury.

Mr. CAPPER. No; it does not. There is a right to go to the Court of Appeals of the District of Columbia within 30 days.

Mr. BLEASE. I notice from the reading of the letter that it looks very much like this is an effort to deprive a man who happens to walk across the street of the right of a trial by jury. We have some judges here before whom I do not think anybody ought to be tried at all. Certainly it would be very humiliating for a respectable white woman to be carried into a court and tried by a "nigger" judge and not be allowed to have a jury. That is exactly what is liable to happen under this bill. Senators confirmed a "nigger" here the other day to be a judge. I understand that a part of his duties cover this very traffic business. If the wife of any one of the Senators should happen to be caught driving a car carelessly, or possibly accidentally violate a law, it would be a beautiful spectacle to carry her up here before this "nigger" judge and have him tell her she could not have the right to be tried by a jury, but that she must let him sit there and pass on her guilt or innocence.

I do not believe the Senate is going to pass any such bill, in open violation of the Constitution of the United States and of every constitution of every State in the United States. I think the chairman of the committee should be very sure, before he puts the people of this city in that position, that he knows exactly what the bill does provide.

Mr. REED of Missouri. Mr. President, I would like some light on the same question the Senator from South Carolina has raised. Although I do not put the proposition upon the particular judge who may try the case, nevertheless I agree with the statement made by the Senator. But I go further than that. I want to know if we are passing a bill here, without any opportunity for consideration, which takes away the right of trial by jury. The letter which was read from the traffic director indicates that that is one of the purposes of the bill. The matter is here, but we have had no examination of it so far as I know. If there is anything of that kind in the bill, so far as I am concerned, I should be obliged to resist it to any extremity to which I was able to go.

Mr. COUZENS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED of Missouri. I yield.

Mr. COUZENS. My understanding of the bill is that it contains an unusual provision. I do not know that it exists in any of the States. That provision is one which gives to the traffic director the right to take away a driver's license pending trial. In other words, a man earning his livelihood may violate the traffic law and he may have his permit taken away for 10 days or two weeks, and thus be deprived of his sustenance because of that permit being taken away by the autocratic action of one particular man, the director of traffic. I know of no place where a driver's license may be taken away by the act of a single individual officer. I think that is a pretty broad power. I do not believe we are justified in giving that much power to any one man.

Mr. CAPPER. The holder of the permit has the right of appeal to the Court of Appeals of the District of Columbia.

Mr. COUZENS. Oh, yes; he has the right of appeal, but his permit is taken away immediately and they may hold him up for days or weeks or even months before he can complete his appeal. In the meantime his means of livelihood are taken away.

Mr. CAPPER. There have been a great many instances shown by the evidence brought before the Committee on the District of Columbia where men were drunkards and had their licenses or permits, which could not in any way be disturbed or revoked under the traffic regulations.

Mr. WALSH. Mr. President, will the Senator from Missouri yield?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED of Missouri. I yield.

Mr. WALSH. Like the Senator from Michigan [Mr. COUZENS], I am unfamiliar with any such rule of law anywhere in this country, but it is not unknown. I was walking down a street in Shanghai, China, one day when a rickshaw man came around the corner and apparently violated some regulation, as the Sikh policeman thought. The policeman hailed him, stopped him, then walked over and jerked from the back of the rickshaw his license, tore it up, and threw it into the street. The man, who was thereby deprived of his means of earning a livelihood, sat down on the sidewalk and cried. It was the most arbitrary, despotic act I think I ever witnessed. I trust we shall not give the director of traffic in the city of Washington power to do likewise.

Mr. COUZENS. Under this proposed law he will have exactly that power, Mr. President. I do not charge that he is going to use it, but the power is in the proposed law. If he dislikes a citizen or a Senator who opposes him or any other individual, he can revoke his license immediately and thereby take his method of transportation or his method of earning a living away from him.

Mr. JONES of Washington and Mr. HARRELD addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Missouri yield; and if so, to whom?

Mr. REED of Missouri. I yield first to the Senator from Washington.

Mr. JONES of Washington. I have been told—I do not know, perhaps it is not correct—that directors of traffic in Massachusetts have this power under Massachusetts statutes and local ordinances.

Mr. COUZENS. I have heard of it, but I do not approve of it, even if it be true.

Mr. HARRELD. Mr. President, will the Senator from Missouri now yield to me?

Mr. REED of Missouri. I yield.

Mr. HARRELD. I happened to be present when this matter was being heard before a civic committee, and they convinced me that it is a power which ought to be granted. They gave an instance or two——

Mr. REED of Missouri. Mr. President, I did not yield for a speech.

Mr. HARRELD. I merely desire to answer the Senator from Michigan [Mr. COUZENS]. They gave an instance or two where a man was arrested and convicted of driving a car while drunk, and yet he continued to drive his car after that time. Cases of that sort, it seems to me, justify this kind of action. It seems to me especially is that true where the person involved has a right to go immediately, not before a negro judge, as the Senator from South Carolina [Mr. BLEASE] said, but to choose his own judge. The man whose permit is revoked goes immediately before any one of the judges of the city; he may choose his own judge; and he is entitled to have an immediate hearing on the matter. There can not be any injustice done under this proposed act.

Mr. REED of Missouri. Mr. President, I am rather surprised that the Senator from Oklahoma would leave the impression that a man could walk from the place where his license had been taken away from him to a court, could pick his own court, and get an immediate hearing.

Mr. HARRELD. That is what the proposed law provides. May I read it?

Mr. REED of Missouri. Yes; the Senator from Oklahoma may read it.

Mr. HARRELD. It reads:

> That any individual whose permit shall be denied, suspended, or revoked by the director or such assistant for any cause not made mandatory by this act may within 10 days after such denial, revocation, or suspension apply to any justice of the Court of Appeals of the District of Columbia for a writ of error to review the action of the director of traffic (or his assistant) complained of.

Mr. REED of Missouri. Mr. President, that gives one an "immediate trial" and puts him back in his automobile, according to the construction of my learned friend. It gives one merely a right within 10 days to appeal, and he has a right to have a trial when the judge sees fit to hear him, which may be six months or a year afterwards. That is the "immediate trial." What is the use of Senators standing up here and saying that one can immediately get a trial before a judge he may pick? Of course, it means that an appeal may be taken, as in ordinary cases appeals may be taken, and then the appeal follows the usual course. One may get a hearing in six months, he may get a hearing in six days, or he may not get a hearing for 60 months.

Mr. HARRELD. Here is the other side of the case, though. There may be a man who is continually getting drunk, but who has a permit to drive. He can not be stopped in any other way except by taking his permit away from him. He may run over a dozen persons and kill them. That is the other side of the question.

Mr. REED of Missouri. Yes, Mr. President, we have heard that "other side of the question." There is a right way to do these things and there is a wrong way. There is a way to give a man a hearing before more than a single policeman before his permit is taken away. There is a procedure that could easily be mapped out that would fully protect the public, without lodging this arbitrary power in any one individual.

Mr. President, how many months has it been since we had a bill here which it was claimed would stop all the trouble with automobiles in Washington? At that time we were told if we passed that bill our troubles would be over. Now the ridiculous statement is made in this letter that there will be chaos if this bill shall not be passed. That statement I characterize as positively ridiculous and absolutely untrue.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Washington?

Mr. REED of Missouri. In a moment.

If this bill shall not be passed we will still have the law we have to-day, and we will not have any more chaos than we have to-day, and we have no chaos to-day, nor anything approximating chaos. We do have a very inefficient traffic manager in Washington; we do have a man who does not know his business, for a man who can not set the automatic lights on a street so that they will let traffic through better than it is let through in Washington ought to go to some other town—a country town, for instance—and learn how to put up his lights and how to run them. I now yield to the Senator from Washington.

Mr. DILL. What I wanted to suggest to the Senator was that they attempted to interpret the present law in such an unreasonable manner that the courts came to the defense of the people and said that the existing law did not give them the authority which they claimed. Then they come to Congress and attempt to have written into the law language of such unlimited meaning that they will have the powers which they thought they had when the previous traffic act was passed.

Mr. REED of Missouri. Mr. President, the proposition to take away the right of trial by jury is so monstrous that when it is uttered it ought to burn the lips of any American citizen.

Mr. HARRELD. Where does this bill take away the right of trial by jury?

Mr. REED of Missouri. It puts the person accused of a violation in the police court. What does the gentleman say in his letter? What is his object? I am getting at his object from his own language:

> Unless this bill is passed, those who drive their cars recklessly, those who operate while under the influence of liquor, and those who operate without a permit after their permit has been revoked will continue to operate, because they will continue, as in the past, to plead "not guilty," put up the necessary bond, and ask for a jury trial. The cases will in the future be postponed and postponed from month to month on account of the crowded condition of the court docket, and these men will in the future, as they have in the past, continue to be brought in time and time again before their trials have been held.

Section 4 (e) of the bill provides:

> All prosecutions for violations of provisions of this act, excepting section 11 only thereof, and all amendments to said act or regulations authorized and promulgated under the authority of said act and amendments thereto, shall be in the police court of the District of Columbia by information filed by the corporation counsel of the District of Columbia or any of his assistants.

I do not know what the procedure is in the police court of the District of Columbia; but if I understand it aright, no jury trials are allowed there. So it is proposed to transfer this character of business all into the police court in order to get rid of jury trials, as is manifest from the language of this letter.

Mr. President, when they arrest me, I want the right to a trial by jury of my peers. I do not want to be tried by a ninth-grade lawyer who could not make a living practicing law and who got the job of police judge because he was worthless as a member of the legal profession.

Mr. HARRELD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED of Missouri. I yield.

Mr. HARRELD. What we are discussing has nothing to do with the question of whether the person charged with a violation has a right to a trial when he is charged with violating the traffic ordinances. It only deals with an incident of traffic regulation. A man who violates the traffic ordinance, of course, has his right to a trial by jury; but this is an incidental matter entirely different from the trial for offenses; it is a question of whether or not a driver shall continue to violate the law and have a permit to do it. There never was any jury trial in connection with that.

Mr. REED of Missouri. Oh, no. It is a question of violating any of the provisions of the act.

Mr. HARRELD. If the Senator will permit me, the provision is that the authority which grants the permit can take it away temporarily when it is being abused.

Mr. REED of Missouri. I intend to examine this bill in connection with the present law. I never heard of it until this morning. I undertake to say from my examination of it that this bill—and I reserve the right to change my opinion when I have examined the law—is intended to put in the police court for trial those charged with violations of the traffic ordinances.

Mr. HARRELD. On the contrary, it puts it in the court of appeals.

Mr. REED of Missouri. Well, the Senator is not talking about the same thing I am at all.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator from Missouri yield?

Mr. REED of Missouri. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I do not ask the Senator from Missouri to yield to me; I desire to obtain recognition in my own right.

Mr. REED of Missouri. I yield the floor.

CONTINENTAL BAKING CORPORATION

Mr. LA FOLLETTE. Mr. President, I think it is perfectly obvious that the consideration of the present conference report can not be concluded in the remainder of the morning hour. I am very anxious to bring to the attention of the Senate a matter which I consider of very great importance, and which I would have brought to the attention of this body previously were it not for the unanimous-consent agreement restricting debate upon the agricultural bill, which prevented my doing so.

Mr. BLEASE. Mr. President, will the Senator yield to me for just a moment?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. I yield for a question.

Mr. BLEASE. I desire to ask that the conference report on the District of Columbia traffic bill be recommitted to the committee, with the request that they put in a provision that nothing herein——

Mr. LA FOLLETTE. I can not yield for that purpose.

Mr. BLEASE. This will take only a second.

Mr. LA FOLLETTE. No, Mr. President; it will take some time. That motion is debatable.

Mr. BLEASE. Very well. It has been agreed to, though.

Mr. LA FOLLETTE. Mr. President, the matter which I desire to bring to the attention of the Senate at this time is the dissenting opinion, in particular, which Commissioners Nugent and Thompson have recently handed down in the case of Federal Trade Commission versus the Continental Baking Corporation. This dissent reveals for the first time the extraordinary conditions under which the entry of the consent decree in the so-called Bread Trust case was procured. It shows, in my judgment—

First. That a gross fraud was perpetrated upon the Federal court at Baltimore by providing in section 13 of the consent decree that the charges under section 7 of the Clayton Act against the Continental Baking Corporation were dismissed on the ground that similar charges were then pending before the Federal Trade Commission in its complaint against the Continental Baking Corporation, when, as a matter of fact, the Federal Trade Commission's complaint against the Continental Baking Corporation had actually been dismissed on the previous day and the Attorney General had been informed by letter, transmitted by special messenger, that this action had taken place.

Second. That the dismissal of the case against the Continental Baking Corporation was arranged for at a secret conference held at the Department of Justice on April 1, 1926, which was participated in by the Attorney General himself, the chief counsel for the Federal Trade Commission, acting without authority, and last, but not least, the lawyers for the Bread Trust.

Third. That the dismissal of the complaint against the Continental Baking Corporation was, in the words of Chairman Nugent, "railroaded through within about 15 minutes" by the reactionary majority of the commission, consisting of Commissioners Hunt, Humphrey, and Van Fleet, without giving Chairman Nugent even an opportunity to examine the documents.

Fourth. That this action dismissing one of the most important cases ever instituted by the Federal Trade Commission was taken "without consideration, discussion, or explanation" and without even the reading before the commission of the consent decree upon which the dismissal order was predicated.

Fifth. That the dismissal of the case against the Continental Baking Corporation made a farce of the proceeding against the Bread Trust—in that instance I may say that the action in the Federal court was against the Ward Food Products Corporation—by permitting the Continental Baking Corporation, which had been denounced both by the Department of Justice and the Federal Trade Commission as an unlawful combination in restraint of trade, to go scot free and to continue its monopolistic course without any effective restraint.

Sixth. That the consent decree is defective in other particulars and does not properly protect the public from the evils of monopoly in this great basic industry.

Now, Mr. President, I desire briefly to bring certain portions of this minority opinion to the attention of the Senate and to comment upon them.

In order that the Senate may be informed of the conditions under which the case against the Continental Baking Corporation was dismissed I desire to read from the dissenting opinion a few brief extracts.

It appears that on March 23, 1926, the Attorney General wrote a letter to the chairman of the Federal Trade Commission stating that the counsel for the Continental Baking Corporation had represented to the Department of Justice that his company was being subjected to undue hardship because the Federal Trade Commission was holding hearings in its complaint against that company at the same time that the Department of Justice was instituting proceedings against the Continental and the other constituent companies of the Bread Trust before the Federal court at Baltimore.

The Attorney General suggested in this letter that some means might be found to provide for the taking of testimony in the Continental case in a single proceeding and asked for a conference with the commission or its representatives. I call attention, Mr. President, to the fact that you may search the Attorney General's letter as carefully as you please, and you will find no other suggestion as to the subject matter of that conference than the one to which I have just referred. The Federal Trade Commission acceded to this request as a matter of courtesy, and appointed its general counsel, Judge Hainer, and Attorney A. R. Brindley, who was actively conducting the hearings in the commission's case against the Continental to represent it at that conference.

The conference was held at the office of the Attorney General on March 27, 1926. It appears that that conference was not limited to the purposes named by the Attorney General in his letter of merely avoiding duplication in the taking of testimony, but resulted in the preparation of a plan embodied in a memorandum providing that the Federal Trade Commission continue taking testimony and turn the evidence thus secured over to the Federal court, but should itself take no further action whatever in the Continental Baking Corporation case. With reference to this memorandum Commissioners Nugent and Thompson declare:

> Comment on the "plan" or the explanatory note is withheld. They speak for themselves. Suffice it to say that the object sought by the "plan" was to prevent the entry by the commission of an order requiring Continental to divest itself of capital stock it had acquired contrary to section 7 of the Clayton Act. It is apparent that Chief Counsel Hainer was of the opinion that the commission should not enter an order against the Continental, but that after taking testimony it should "suspend proceedings * * * until there has been a final determination of the issue in the Ward case by the court."
>
> The "plan" above quoted was submitted to the commission by Chief Counsel Hainer with memorandum in which the following statement was made:

I ask Senators who do me the honor of giving me their attention to note this carefully. This is the memorandum submitted to the commissioners by the chief counsel of the Federal Trade Commission, and he refers to Colonel Brindley, who, as stated previously, attended this conference because

he had been directly in charge of the hearings being conducted under the complaint. Now, mark you, this is Chief Counsel Hainer's memorandum to the commission:

Colonel Brindley concurs in the memorandum.

That is, the memorandum drawn up in the Attorney General's office—

except that he does not desire to make any suggestions with reference to suspending the proceedings before the commission.

That is the end of the quotation of that particular part of Counsel Hainer's memorandum. I continue to read from the dissenting opinion:

That is an entirely different statement than that contained in the explanatory note to the memorandum made in the office of the Attorney General. That statement was: "Colonel Brindley does not concur in any suggestion that the commission suspend its proceedings." It should be noted that thereafter Attorney Brindley, who had been in charge of the commission's proceedings against Continental since its inception, was not informed of further conferences between the commission's chief counsel and the Attorney General nor invited to attend such conferences.

Mr. Brindley, who was in charge of this case, knew its details, knew the evidence which had already been gathered when in attendance upon this conference, flatly stated that he would not concur in any memorandum which provided for the dismissal of this case by the Federal Trade Commission. After that he was not asked to attend another conference at the Attorney General's office which had to do with this case. And I think, Mr. President, that when Senators come to examine this record they will find that that action upon the part of Mr. Brindley is greatly to his credit.

I continue now to read further from the dissenting opinion:

The provision in the "plan" for the commission to "suspend proceedings * * * until there has been a final determination of the issue in the Ward case by the court" meant nothing more than the dismissal of the commission's complaint against the Continental. For if the court found against the Continental, and decreed accordingly, there would be nothing for the commission to do and its complaint necessarily would be dismissed. On the other hand, if the court found in favor of the Continental, the matter would have been adjudicated, and it is fair to assume that the commission would have dismissed the complaint.

We now come to the extraordinary circumstances under which the complaint was dismissed by Commissioners Hunt, Humphrey, and Van Fleet. I would like to read the account of this outrageous performance exactly as it is reported by Commissioners Nugent and Thompson. I continue to quote from the minority opinion, and I have done this to make the presentation of this matter as concise as possible:

The "plan" devised in the office of the Attorney General and the "explanatory note" thereon, with the memorandum of the commission's chief council, were circulated among the commissioners in order that they might familiarize themselves with the contents, and were pending at the regular meeting on Friday, April 2, 1926, and would doubtless have been acted upon that day. But early on the forenoon of April 2 the chief counsel appeared before the commission and submitted a proposed "consent decree" to be entered in the Ward Food Products Corporation case in the Federal court at Baltimore. The chief counsel presented a copy of the "consent decree" and made a brief statement concerning it and submitted a memorandum, from which the following is quoted.

I quote now from Chief Counsel Hainer's memorandum with regard to the consent decree:

Pursuant to the direction of the commission heretofore given the chief counsel in this matter to confer with the Department of Justice in the matter of the proceeding before the commission in the Continental Baking Corporation case and in the case of United States of America v. Ward Food Products Corporation et al., * * * pending in the District Court of the United States for the District of Maryland, I again had a conference yesterday, April 1, 1926, with the Attorney General, his assistants in charge of the above suit, and with counsel for the defendants in the above-entitled action, and also in the Continental Baking Corporation proceeding now pending before the commission. As a result of this conference a decree was agreed to in the case of the United States of America v. Ward Food Products Corporation and others in the Baltimore court, subject, however, to the condition that the proceedings in the Continental Baking Corporation case pending before the commission be dismissed, effective on the entry of the decree by the court at Baltimore.

Now, Mr. President, I desire to direct the attention of the Senate to the comment of Commissioners Nugent and Thompson upon this memorandum which I have just read; and be it remembered that these gentlemen have been familiar with this case from the very beginning, and I believe their language is extremely conservative. They say:

The chief counsel's statement is erroneous. He was not authorized by the commission to do more than confer with the Attorney General in relation to the matters plainly set out in the latter's letter of March 23. The conference authorized by the commission was held on March 27, and the chief counsel submitted his report to the commission on March 29. Thereupon his authority ceased. At no time was he authorized by the commission to confer with the Attorney General and the attorneys for the defendants in the suit instituted by the Department of Justice in the Federal court at Baltimore against the Ward Food Products Corporation and others for the purpose of assisting in preparing or agreeing upon a decree to be entered in that suit or for any other purpose. He participated in the second conference and agreed to the "consent decree" without authority from the commission and without the knowledge or consent of Chairman Nugent, who was unaware that such a conference was contemplated or requested.

The chief counsel, as above stated, made a brief oral statement to the commission at its meeting on April 2 concerning his conference with the Attorney General and the attorneys for the defendants in the suit against Ward Food Products Corporation and others. Chairman Nugent and Commissioners Hunt, Humphrey, and Van Fleet were present. Commissioner Thompson was absent on official business. The chief counsel's memorandum and a copy of the "consent decree" was thus placed before the commission for the first time. Chairman Nugent had not been informed of the second conference or what was accomplished thereat.

Mr. President, it is hard to believe that a body of this character and dignity is being conducted in such a manner that the chairman of the commission was not informed of the action of its chief counsel in one of the most important cases which that commission has ever had under its jurisdiction. Furthermore, he was not informed up to the very hour and up to the very moment that the commission met on the morning of April 2 of this action. I continue the reading:

He inquired as to the length of the chief counsel's memorandum and of the "consent decree," and was informed that the memorandum consisted of about six typewritten pages and the "consent decree" of eight pages. Chairman Nugent requested that consideration thereof go over until the next meeting day, April 5, in order that he might examine the documents.

I call attention again to the fact that Commissioner Nugent is now and was then the chairman of the commission.

Commissioner Van Fleet asked the chairman if he could not examine the papers that afternoon "and report at a special meeting April 3." The chairman assented and stated that he would be ready to act "to-morrow morning." Commissioner Humphrey expressed the view that the commission "should act promptly, especially as the other department and parties concerned were ready." Mr. Humphrey then moved that the commission's case against Continental "be dismissed in consideration of the decree, on the entry of this decree, in accordance with the memorandum of the chief counsel."

That motion was made in the face of the chairman's request that he be given 24 hours in which to examine this memorandum and the consent decree, the importance of which can not be overestimated.

The motion prevailed by the votes of Commissioners Hunt, Humphrey, and Van Fleet. Chairman Nugent voted "No," and asked that his dissent be noted and stated for the record.

I quote from his dissent:

Let the record show that I dissent particularly from the action of the majority members of the commission in railroading this matter through within about 15 minutes without giving me an opportunity, which I requested, to examine the memorandum of the chief counsel and the proposed consent decree, notwithstanding I stated I would be ready to act to-morrow. The proposed decree upon which the order of the majority is based has not even been read for the information of the commission.

Mr. President, I venture the statement that no such extraordinary action has ever been taken by any of these quasijudicial bodies of the Government; and I realize that that is a broad statement under the administration of the present occupant of the White House.

Commissioners Van Fleet and Humphrey thereupon insisted that the decree be read.

Seeing that they were caught red-handed, they did agree that the consent decree should be read.

It is true that the memorandum of the chief counsel, which was read by the secretary, set out what purported to be a portion of the consent decree, but as said matters were not quoted it did not ap-

pear whether they were his interpretations of the provisions of said decree, or otherwise.

I am still continuing to read from the minority opinion:

Unless Commissioners Hunt, Humphrey, and Van Fleet had seen the decree prior to the commission meeting on April 2, they had not even read it before they dismissed the complaint.

I pause long enough to observe that if they had seen it without giving that information to the chairman of the commission, they were guilty of the grossest breach of ethics conceivable.

Thus, without consideration, discussion, or explanation, Commissioners Hunt, Humphrey, and Van Fleet dismissed the complaint against Continental.

I state again that this commission has never had a more important case under its jurisdiction. I continue to read from the minority opinion:

The majority commissioners would not allow Chairman Nugent, at his request, even 24 hours in which to examine said memorandum and consent decree which were presented to the commission on Friday, April 2, for the first time. Never before in the history of the commission, under like circumstances, has such request on the part of any commissioner been denied. In fact, the minutes of the meeting of April 2 show that the consideration of a certain case was laid over, without objection, until the next conference day (one week) at the request of Commissioner Van Fleet, which was the third consecutive conference day on which said case continued, without objection, at his request. Also, that at the request of Commissioner Humphrey, and without objection, the decision of a case was postponed, not for 24 hours, but for a week.

What was the extreme haste in this matter? What interests were at work bringing their influences to bear upon this commission and upon the Department of Justice to secure this perversion of the instrumentalities of the Government?

When Commissioner Thompson returned he stated for the record that, had he been present on April 2, he would have voted against dismissing the complaint, and desired "to join Mr. Nugent in his dissent of the action taken, and ask that the record show the dissent."

Mr. President, with reference to the fraud committed upon the Federal court at Baltimore with the connivance of the Attorney General and Commissioners Humphrey, Hunt, and Van Fleet, it is necessary to understand that paragraph 13 of the consent decree in the Federal court in the case against the Ward Food Products Corporation reads as follows:

It appears that the charge contained in the petition herein that the acquisition and holding by the defendant, the Continental Baking Corporation, of the stocks and other share capital of alleged competing baking companies is in violation of section 7 of the Clayton Act, was included also in a complaint filed by the Federal Trade Commission against the Continental Baking Corporation on December 19, 1925.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I yield.

Mr. WALSH. Is it correct that the upshot of this whole matter is that the Continental Baking Co., charged by both the Federal Trade Commission and the Department of Justice with having absorbed 25 great baking establishments in the eastern part of the country, including the Corby Baking Co. in the city of Washington, has been given a clean bill of health, or at least has been accorded immunity from interference by either the Department of Justice or the Federal Trade Commission?

Mr. LA FOLLETTE. The Senator from Montana states the situation very succinctly, and what I am attempting to show from a recital of these facts is that that action was taken as a result of secret conferences held between the Department of Justice and the chief counsel of the Federal Trade Commission.

Mr. HARRELD. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. HARRELD. I do not think the Senator from Montana is justified in making that broad statement, because as a result of this proceeding the combination they were attempting to form at that time has been dissolved. That is the purpose of the decree.

Mr. LA FOLLETTE. The Senator from Oklahoma has not been following me, or else I have been very obtuse in my statement. The situation is that the Continental Baking Corporation is now in a position where they can continue their program of monopolizing the baking industry of the United States without let or hindrance from the Department of Justice or the Federal Trade Commission.

Mr. HARRELD. I will put some papers in the RECORD to show that it is not.

Mr. LA FOLLETTE. I venture the assertion that there are no papers which will refute the facts in this case.

Mr. WALSH. Mr. President, the Continental Baking Co. became one unit in a greater organization attempted to be organized by Ward. That was enjoined, but the Continental Baking Co. itself is a combination in restraint of trade, according to the confessed statement of facts, being a combination of 25 different baking establishments in the United States.

Mr. LA FOLLETTE. Furthermore, Mr. President, as I was just about to point out when I was interrupted, this case against the Continental Corporation, which was contained in the complaint filed in the district court at Baltimore by the Department of Justice, on which the consent decree was based, was dismissed on the ground that a similar case was pending before the Federal Trade Commission, and what I have just shown is that the case was dismissed forthwith, out of hand, by the Federal Trade Commission without giving the chairman of the commission an opportunity even to read the consent decree which was the basis of the action by the Federal Trade Commission.

I continue to read from section 13 of the consent decree:

Wherefore the petition is dismissed as to that charge without prejudice to the right of the United States to again raise the issue in any other proceeding.

Mr. President, with reference to this section of the decree, Commissioners Nugent and Thompson, both of whom are distinguished lawyers, comment as follows:

The only reasonable inference that can be drawn from that language, and, unquestionably, the inference that it was intended should be drawn therefrom, is that said charge was dismissed for the reason a complaint involving the same subject matter was then pending and undetermined before the Federal Trade Commission. It is mere camouflage. The consent decree was signed by the judge of the Federal district court at Baltimore and entered on Saturday, April 3, and the Federal Trade Commission, at a regular meeting held on Friday morning, April 2, was informed by its chief counsel that the entry of said decree was subject to the dismissal by the commission of its case against the Continental.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which is House bill 9971, the radio bill.

Mr. LA FOLLETTE. Mr. President, I will say to the Senator from Washington [Mr. DILL] that if he will bear with me just a few moments longer I shall endeavor to conclude what I have to say. I have no desire, as I am sure the Senator knows, to delay consideration of the important bill which has just been laid before the Senate.

I continue to quote from the minority opinion:

At said meeting of the commission, by vote of Commissioners Hunt, Humphrey, and Van Fleet, with Commissioner Thompson absent on official business, and Commissioner Nugent voting "no" and dissenting, the said complaint of the commission was dismissed, the order to become effective when said decree was entered by the Federal Court, and the chief counsel of the commission was directed to "informally advise the Attorney General" of said action which, we have no doubt, he did before noon of said day. However that may be, the fact remains that about 3 o'clock p. m. of April 2, the Attorney General was informed by letter dispatched to him by special messenger that the commission had dismissed its complaint against the Continental as above stated.

That letter reached the Attorney General of the United States on or about 3 o'clock p. m. on April 2, the day previous to the filing of the consent decree in the district court at Baltimore.

I desire to quote just a few more paragraphs from the opinion, and I call a paragraph of the letter to the Attorney General to the attention of the Senator from Oklahoma [Mr. HARRELD]:

In consideration of the above-mentioned (consent) decree and in accordance with the recommendation of its chief counsel the commission has dismissed its complaint against the Continental Baking Corporation, Docket 1358, alleging violation of section 7 of the Clayton Act, such dismissal to become effective upon the entry of the decree.

By direction of the commission, Mr. Nugent dissenting.

The minority opinion I quote further:

It is therefore plainly apparent that when, on April 3, the Department of Justice requested the court at Baltimore to sign and

enter said decree, which contained section 13, above quoted, it was fully aware of the fact that the very moment said decree was entered the order of dismissal of the commission's case against the Continental became effective.

When Commissioners Hunt, Humphrey, and Van Fleet "in consideration of this (consent) decree," dismissed the commission's complaint against the Continental, it was with the knowledge that said decree dismissed the section 7 charge of the Department of Justice against that corporation.

The result of said dismissals is that the Continental Baking Corporation is to-day in the quiet, undisturbed, and unchallenged ownership and possession of the capital stock of corporations owning and operating at least 83 bakeries, among which are some of the largest in the country, and others are among the largest in the sections in which they are located, notwithstanding both the Department of Justice and the Federal Trade Commission had solemnly charged that said stock was acquired in violation of section 7 of the Clayton Act.

A few weeks ago the President of the United States, according to the public prints, addressed a letter to Mrs. Henry W. Peabody, chairman of a committee representing the Women's National Committee for Law Enforcement, in which he said:

"This earnest manifestation of interest in enforcement of law is gratifying. Such interest on the parf of those citizens not officially connected with the execution of the law is heartening to those charged with that responsibility. In this message I desire to reiterate the following statement which I made on the subject of your present deliberations: 'The law respects the voice of the people. Beyond it, and supporting it, is a divine sanction. Enforcement of law and obedience to law, by the very nature of our institutions, are not matters of choice in this Republic, but the expression of a moral requirement of living in accordance with the truth. They are clothed with a spiritual significance, in which is revealed the life or the death of the American ideal of self-government.'"

It is evident that the Attorney General and Commissioners Hunt and Humphrey, who were appointed by President Coolidge, and Commissioner Van Fleet, are not in accord with the statements of the President on law enforcement. As public officials they are, to quote the President, "charged" with the "execution of the law," and, so far as the Continental is concerned, they not only executed section 7 of the Clayton Act but they buried it, "unwept, unhonored, and unsung."

While the consent decree dissolved the Ward Food Products Corporation, which had issued no stock and owned no property, it left William B. Ward, his former employees, intimate friends, and business associates in control of the Ward, the General, and the Continental Baking corporations, the three largest in the country. The Department of Justice estimated the general sales of the bakeries controlled by the Ward and Continental corporations at between $120,000,000 and $140,000,000.

The decree would have been really effective and of great benefit to the public had it required the corporate defendants in the Ward suit to divest themselves in good faith of the capital stock and physical assets of the baking corporations they had unlawfully obtained, as charged by the Department of Justice, and also by the Federal Trade Commission in the case of the Continental.

We expressly disclaim any intention to criticize the Federal court at Baltimore for entering the consent decree. In view of the consent of the Department of Justice, the entry of said decree was, of course, a mere formal matter. We are confident that had the court been informed as to the facts in the case a decree materially different from the one under consideration would have been entered.

In order that the record in this case may be complete, I ask leave to print as an appendix to my remarks the complete text of the dissenting opinion of Commissioners Nugent and Thompson in the Continental Baking Corporation case.

The PRESIDINC OFFICER. Without objection, it is so ordered.

(See Exhibit A.)

Mr. LA FOLLETTE. Mr. President, I have called the attention of the Senate to this matter in some detail because I wanted it known exactly where the responsibility rests if in the future the bread of the American people is monopolized and they are subjected to unreasonable prices.

This is a matter which should have the attention of Federal Judge Soper, of the district court at Baltimore, before whom the consent decree in this case was entered, as well as the attention of the Senate. I am convinced by my reading of the dissenting opinion of Commisisoners Nugent and Thompson that Judge Soper, before whom this decree was entered, could have had no knowledge of the circumstances under which the Federal Trade Commission's complaint against the Continental Baking Corporation was dismissed. I trust that in view of the extraordinary situation disclosed in this dissenting opinion that Judge Soper will order the reopening of the entire case against the Bread Trust and its constituent corporations and direct the Attorney General and the Bread Trust lawyers to give an explanation of their action. I hope that the Senate will take appropriate action to ascertain the facts upon the basis of which appropriate action by this body may be based.

EXHIBIT A

FEDERAL TRADE COMMISSION,
Washington.

Dissent of Commissioners Nugent and Thompson from the order entered by Commissioners Hunt, Humphrey, and Van Fleet dismissing the complaint of the Federal Trade Commission against Continental Baking Corporation, Docket 1358

Commissioners J. F. Nugent and Huston Thompson dissent from the dismissal on April 2, 1926, of the complaint against Continental Baking Corporation, charging it with the acquisition of the capital stock of a large number of baking companies in violation of section 7 of the Clayton Act.

HISTORY OF THE CASE

The Continental Baking Corporation, hereinafter called "Continental," was incorporated under the laws of Maryland on November 6, 1924. Within a few months thereafter it acquired the capital stock of a large number of baking companies operating bakeries throughout the United States. After an investigation of the matter by the chief examiner, and consideration thereof by the commission, at a meeting of the commission on March 23, 1925, with Commissioners Van Fleet, Nugent, Thompson, and Humphrey present, and Commissioner Hunt absent on official business, it was ordered by unanimous vote that complaint issue against Continental Baking Corporation, charging it with the acquisition of the capital stock of about 16 baking companies in violation of section 7 of the Clayton Act. Such a complaint was issued on April 10, 1925, and served.

Under the rule theretofore adopted by Commissioners Van Fleet, Hunt, and Humphrey, the complaint was to be kept secret until an answer should be filed by the Continental. The rules require an answer within 30 days after service. On April 24, 1925, Mr. George G. Barber, chairman of the Continental board of directors, addressed a letter to the commission, saying, among other things:

"Referring to 'complaint in the matter of the alleged violation of section 7 of an act of Congress approved October 15, 1914,' Docket 1305, dated April 10, 1925, against the Continental Baking Corporation, permit me to say that we believe we have not violated any provision of the Clayton Act and that the complaint must therefore be based upon a misunderstanding of the actual facts.

"As a matter of plain justice to ourselves, we desire informally to submit testimony showing the facts as they actually exist, and therefore we respectfully request the commission to refer this matter to the board of review, where we may have the privilege of testifying and answering the questions which the commission or its representatives may care to ask. The taking of formal testimony in this matter may necessitate traveling all over the country and mean the expenditure of much time and money."

On consideration thereof, on May 1, 1925, Commissioners Hunt, Humphrey, and Van Fleet voted to grant the request of Mr. Barber, and ordered that "the time for filing answer be postponed until after this matter is disposed of by the commission." Commissioners Nugent and Thompson dissented.

The Continental was given an ex parte hearing before the board of review on May 14, 1925, and certain unsworn statements were made to the board by Mr. Barber and his attorney. Thereafter, three members of the board of review recommended that the complaint against the Continental be not dismissed and the two other members filed dissenting reports dated June 20, and July 2, respectively. The annual vacation period arrived before such reports were delivered to the Secretary, and it was not until August 31, 1925, that said reports were placed in circulation among members of the commission. No further action was taken until October 5, 1925, when Commissioner Thompson called the attention of the commission, all members being present, to an Associated Press dispatch stating that a merger was being planned of the General Baking Co., Ward Baking Co., and Continental Baking Corporation. Commissioner Thompson moved, seconded by Commissioner Nugent, that the complaint against Continental be made public immediately, but the motion was lost, Commissioners Hunt, Humphrey, and Van Fleet voting "No." However, on October 7, 1925, Commissioners Nugent and Thompson made public the complaint against the Continental and also released a statement criticizing the action of the majority in reference to the suppression of that complaint.

Some time thereafter the commission's chief examiner reported that Continental had acquired the capital stock of nine other baking companies since the complaint was issued on April 10, 1925. On November 6 the commission directed that such additional acquisitions be included in the charge against Continental. On November 23, 1925, on the recommendation of the assistant chief counsel and Attorney A. R. Brindley, the attorney assigned to try the case, it was ordered that the pending complaint be dismissed and another complaint issued against

Continental charging it with violation of section 7 of the Clayton Act and including therein all acquisitions of capital stock to that date. Commissioners Humphrey and Thompson opposed a dismissal of the pending complaint. Commissioner Thompson stated as his opinion that the pending complaint was sufficient to enable the commission to offer evidence of the subsequent acquisitions, after which the complaint could be amended to conform to the facts. Commissioner Humphrey opposed the dismissal and filed a written dissent in which he stated, among other things:

"I think it was a very great mistake to dismiss the complaint in this case. If there was anything done by the respondent since the filing of the complaint connected with the original cause of action, then a supplemental complaint should have been filed. If a new cause of action has occurred since the filing of the complaint, that was no cause for dismissing the pending action, but we should have proceeded with the instant case and have filed a new complaint. * * * By dismissing this case, we have not only written ourselves down as utterly incompetent to deal with an unscrupulous respondent under certain circumstances, but have distinctly pointed out to such respondent just how to take advantage of our impotency."

A new complaint charging Continental Baking Corporation with the acquisition of the capital stock of 25 baking companies was issued on December 19, 1925, and served simultaneously with the order dismissing the first complaint. The Continental filed its answer to the new complaint on January 4, 1926. The complaint contained notice that the charges against Continental would be heard on February 8, 1926, and on that day the taking of testimony began in New York City before an examiner duly designated therefor on January 11, 1926. Mr. Barber, chairman of the Continental board of directors, was called as a witness by the commission and testified for the greater part of February 8 and 9. On February 9, 1926, the commission's attorney asked Mr. Barber to produce certain data and reports concerning the character and volume of business transacted by the corporations whose stock Continental had acquired. Mr. Barber agreed to furnish the data as soon as it could be secured and tabulated. A continuance of the trial was taken by agreement until March 16, 1926, when it was resumed and proceeded until March 19, when it was continued by agreement until April 5, 1926.

Since December 10, 1925, Judge Bayard T. Hainer has acted as chief counsel under the supervision of Commissioner Van Fleet. On February 8, 1926, the day the commission began taking testimony against the Continental, the Department of Justice filed a petition in the United States district court at Baltimore against Ward Food Products Corporation, Continental Baking Corporation, United Bakeries Corporation, Ward Baking Co., Ward Baking Corporation, General Baking Co., General Baking Corporation, William B. Ward, George G. Barber, and others, and charged that the defendants were engaged in a combination and conspiracy in violation of the Sherman Act; that said corporations had violated section 7 of the Clayton Act; and said violation on the part of the Continental was set out substantially as charged in the Federal Trade Commission's complaint against that company. On March 24, 1926, the following letter was received from the Attorney General:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., March 23, 1926.

Hon. JOHN F. NUGENT,
Chairman Federal Trade Commission,
Washington, D. C.

Re: United States *v.* Ward Food Products Corporation et al.

MY DEAR MR. CHAIRMAN: The Government's petition in the above-named case charges, among other things, that the Continental Baking Corporation has acquired the stock or other share capital of a number of competing baking companies in violation of section 7 of the Clayton Act. Substantially the same charge is made in the complaint issued by the Federal Trade Commission against the Continental Baking Corporation, which is now being heard before an examiner of the commission.

Mr. William H. Button, counsel for the Continental Co., has represented to the department that the trial of the same issue in two proceedings at substantially the same time will work an undue hardship on his company. He has therefore expressed the hope that an arrangement may be made between the commission and the Department of Justice whereby the determination of the issue may be had in one proceeding or the other, and not both.

I do not know whether this arrangement could be made in fairness to the Government, and would want to consider the matter very carefully before committing myself. It would seem, however, that we might agree upon the taking of the testimony on this issue in only one proceeding. The commission's proceeding being already under way, it would seem that if an agreement is reached it should provide for the reception of the commission's record in evidence in the suit at Baltimore.

I do not want to take any action in the matter without a consultation with the commission or such commissioners or representatives as the commission may designate. To that end I would be pleased to have a conference with the commission or its representatives at some convenient time this week.

Yours very truly,

JOHN G. SARGENT, *Attorney General.*

On the morning of March 25, 1926, Chairman Nugent called a special meeting of the commission, with all members present except Commissioner Thompson, who was absent on official business. Chairman Nugent stated that the Attorney General's request for a conference should be complied with as a matter of courtesy. The other commissioners agreed, and Judge Hainer, chief counsel, and Trial Attorney A. R. Brindley were delegated to represent the commission at a conference to be held at such time as suited the convenience of the Attorney General, and the Attorney General was advised accordingly.

The conference was held at the office of the Attorney General on March 27, 1926, and resulted in "a plan," which was reduced to writing in the office of the Attorney General and submitted to the commission by its chief counsel, and reads as follows:

MEMORANDUM

"At a conference between the Attorney General and his special assistant, A. F. Myers, Judge B. T. Hainer, chief counsel of the Federal Trade Commission, and A. R. Brindley, trial attorney in the Continental Baking case before the commission, the following plan was suggested relating to the charge contained in both the case of the United States *v.* Ward Food Products Corporation et al. and the complaint issued by the Federal Trade Commission against the Continental Baking Corporation, viz, that the last-named company has acquired and now holds stocks or other share capital of competing baking companies in violation of section 7 of the Clayton Act:

"(1) That the Federal Trade Commission proceed with the hearings under its complaint until it shall have taken all testimony to be adduced by it or the Continental Baking Corporation on that issue.

"(2) That upon the conclusion of those hearings the Federal Trade Commission make its findings of fact and certify the findings of fact and the evidence to the court at Baltimore, which shall be stipulated into the record in the case of United States *v.* Ward Food Products Corporation et al. as the facts upon which the court shall determine the above-mentioned issue in that case.

"(3) (a) That the Federal Trade Commission having taken the testimony and made its findings of fact relating to the issue in question, it shall thereupon suspend proceedings under its complaint until there has been a final determination of the issue in the Ward case by the court.

"(3) (b) Or, in the alternative, that the Federal Trade Commission, after having taken all the testimony introduced in behalf of the commission and the respondent, the Continental Baking Corporation, shall certify all the testimony taken to the United States court at Baltimore, to be used as evidence in the case of United States *v.* Ward Food Products Corporation et al.

"(4) That nothing herein contained shall affect the proceedings in the case of United States *v.* Ward Food Products Corporation et al. on other issues than that with respect to the acquisition and holding by the Continental Baking Corporation of stocks in competing bakeries in violation of section 7 of the Clayton Act; but all other such issues shall be heard and determined at such times and in such manner as the parties may agree or the court direct.

"[EXPLANATORY NOTE.—Judge Hainer concurs in all of subdivision 3 (b) with this addition: That after the findings and testimony are certified to the court the commission's proceedings shall be suspended until the final determination of the issue by the courts; but states that he has no objection to subdivision 3 (a) if the commission shall favor that course. He further suggests that if subdivision 3 (a) is adopted it may be embarrassing to the court.]

"Colonel Brindley does not concur in any suggestion that the commission suspend its proceeding."

Comment on the "plan" or the explanatory note is withheld. They speak for themselves. Suffice it to say that the object sought by the "plan" was to prevent the entry by the commission of an order requiring Continental to divest itself of capital stock it had acquired contrary to section 7 of the Clayton Act. It is apparent that Chief Counsel Hainer was of the opinion that the commission should not enter an order against the Continental, but that after taking testimony it should "suspend proceedings * * * until there has been a final determination of the issue in the Ward case by the court."

It also appears that the "plan" accorded with the views of the Attorney General, for in his letter of March 23 he said:

"It would seem, however, that we might agree upon the taking of this testimony in this issue in only one proceeding. The commission's proceeding being already under way, it would seem that if an agreement is reached it should provide for the reception of the commission's record in evidence in the suit at Baltimore."

The "plan" above quoted was submitted to the commission by Chief Counsel Hainer with a memorandum containing the following state-

ment: "Colonel Brindley concurs in the memorandum, except that he does not desire to make any suggestions with reference to suspending the proceedings before the commission." That is an entirely different statement than that contained in the explanatory note to the memorandum made in the office of the Attorney General. That statement was: "Colonel Brindley does not concur in any suggestion that the commission suspend its proceedings." It should be noted that thereafter Attorney Brindley, who had been in charge of the commission's proceedings against Continental since its inception, was not informed of further conferences between the commission's chief counsel and the Attorney General, nor invited to attend such conferences.

The provision in the "plan" for the commission to "suspend proceedings * * * until there has been a final determination of the issue in the Ward case by the court" meant nothing more than the dismissal of the commission's complaint against the Continental. For if the court found against the Continental, and decreed accordingly, there would be nothing for the commission to do, and its complaint necessarily would be dismissed. On the other hand, if the court found in favor of the Continental the matter would have been adjudicated, and it is fair to assume that the commission would have dismissed its complaint.

In our opininon the Attorney General was reasonably certain, under the law and facts of this matter, that no court would have restrained the commission from proceeding with its case against the Continental. We also think that the attorneys for the Continental held that opinion, otherwise they would have applied to the Federal court for a restraining order after the Department of Justice filed its petition in the court at Baltimore charging the Continental with violating section 7 of the Clayton Act on substantially the same facts set out in the commission's complaint. The Continental, instead of attempting to restrain the commission through court action, appealed to the Attorney General, as shown by his letter of March 23.

The "plan" devised in the office of the Attorney General and the "explanatory note" thereon with the memorandum of the commission's chief counsel were circulated among the commissioners, in order that they might familiarize themselves with their contents, and were pending at the regular meeting on Friday, April 2, 1926, and would doubtless have been acted upon that day. But early on the forenoon of April 2 the chief counsel appeared before the commission and submitted a proposed "consent decree" to be entered in the Ward Food Products Corporation case in the Federal court at Baltimore. The chief counsel presented a copy of the "consent decree" and made a brief statement concerning it and submitted a memorandum, from which the following is quoted:

"Pursuant to the direction of the commission heretofore given the chief counsel in this matter to confer with the Department of Justice in the matter of the proceeding before the commission in the Continental Baking Corporation case and in the case of United States of America v. Ward Food Products Corporation et al. * * * pending in the District Court of the United States for the District of Maryland, I again had a conference yesterday, April 1, 1926, with the Attorney General, his assistants in charge of the above suit and with counsel for the defendants in the above-entitled action and also in the Continental Baking Corporation proceeding now pending before the commission. As a result of this conference a decree was agreed to in the case of United States of America v. Ward Food Products Corporation and others, in the Baltimore court, subject, however, to the condition that the proceeding in the Continental Baking Corporation case pending before the commission be dismissed, effective on the entry of the decree by the court at Baltimore."

The chief counsel's statement is erroneous. He was not authorized by the commission to do more than confer with the Attorney General in relation to the matters plainly set out in the latter's letter of March 23. The conference authorized by the commission was held on March 27, and the chief council submitted his report to the commission on March 29. Thereupon his authority ceased. At no time was he authorized by the commission to confer with the Attorney General and the attorneys for the defendants in the suit instituted by the Deparment of Justice in the Federal court at Baltimore against the Ward Food Products Corporation and others for the purpose of assisting in preparing or agreeing upon a decree to be entered in that suit, or for any other purpose. He participated in the second conference and agreed to the "consent decree" without authority from the commission and without the knowledge or consent of Chairman Nugent who was unaware that such a conference was contemplated or requested.

The chief counsel, as above stated, made a brief oral statement to the commission at its meeting on April 2, concerning his conference with the Attorney General and the attorneys for the defendants in the suit against Ward Food Products Corporation and others. Chairman Nugent and Commissioners Hunt, Humphrey, and Van Fleet were present. Commissioner Thompson was absent on official business. The chief counsel's memorandum and a copy of the "consent decree" was thus placed before the commission for the first time. Chairman Nugent had not been informed of the second conference or what was accomplished thereat. He inquired as to the length of the chief counsel's memorandum and of the "consent decree" and was informed that the memorandum consisted of about six typewritten pages and the "consent decree" of eight pages. Chairman Nugent requested that consideration thereof go over until the next meeting day, April 5, in order that he might examine the documents. Commissioner Van Fleet asked the chairman if he could not examine the papers that afternoon "and report at a special meeting April 3." The chairman assented and stated that he would be ready to act "to-morrow morning." Commissioner Humphrey expressed the view that the commission "should act promptly, especially as the other department and parties concerned were ready." Mr. Humphrey then moved that the commission's case against Continental "be dismissed in consideration of the decree, on the entry of this decree, in accordance with the memorandum of the chief counsel." The motion prevailed by the votes of Commissioners Hunt, Humphrey, and Van Fleet. Chairman Nugent voted "No," and asked that his dissent be noted and stated for the record:

"Let the record show that I dissent particularly from the action of the majority members of the commission in railroading this matter through within about 15 minutes without giving me an opportunity, which I requested, to examine the memorandum of the chief counsel and the proposed consent decree, notwithstanding I stated I would be ready to act to-morrow. The proposed decree upon which the order of the majority is based has not even been read for the information of the commission."

Commissioners Van Fleet and Humphrey thereupon insisted that the decree be read. It is true that the memorandum of the chief counsel, which was read by the Secretary, set out what purported to be a portion of the consent decree, but as said matters were not quoted, it did not appear whether they were his interpretations of the provisions of said decree or otherwise. Unless Commissioners Hunt, Humphrey, and Van Fleet had seen the decree prior to the commission meeting on April 2, they had not even read it before they dismissed the complaint. Thus, without consideration, discussion or explanation, Commissioners Hunt, Humphrey, and Van Fleet dismissed the complaint against Continental.

The majority commissioners would not allow Chairman Nugent, at his request, even 24 hours in which to examine said memorandum and consent decree which were presented to the commission on Friday, April 2, for the first time. Never before in the history of the commission, under like circumstances, has such request on the part of any commissioner been denied. In fact, the minutes of the meeting of April 2 show that the consideration of a certain case was laid over, without objection, until the next conference day (one week) at the request of Commissioner Van Fleet, which was the third consecutive conference day on which said case was continued without objection at his request. Also that, at the request of Commissioner Humphrey, and without objection, the decision of a case was postponed, not for 24 hours but for a week.

When Commissioner Thompson returned he stated for the record that, had he been present on April 2, he would have voted against dismissing the complaint, and desired "to join Mr. Nugent in his dissent of the action taken and ask that the record show the dissent."

THE TESTIMONY TAKEN AND EVIDENCE THE COMMISSION WAS PREPARED TO OFFER

The complaint of the Federal Trade Commission charged Continental Baking Corporation with the acquisition of the stock of 25 companies operating 83 or more bakeries throughout the United States, and that such acquisition violated section 7 of the Clayton Act. The testimony went far toward proving the truth of the charge, and with the evidence to be taken would have shown that the acquisitions constituted a plain violation of the law. The Continental alone is large enough to dominate the bread-baking industry of the United States. Its baking plants are located in every section of the country, and the territory served by it includes approximately one-half the population of the United States.

Mr. Barber testified that during 1925 the bakeries controlled by Continental produced approximately 1,000,000,000 pounds of bread and 60,000,000 pounds of cake and used approximately—

Flour	barrels	2,600,900
Sugar	pounds	33,604,854
Shortening	do	15,424,641
Yeast	do	6,982,000
Milk	do	20,656,428
Eggs	do	6,195,137
Fruit	do	1,930,910
Sundry ingredients	do	28,000,000

Mr. Barber also testified that Continental owned all of the stock of Bakeries Service Corporation, a corporation with its principal office in Chicago, and that each company owned and controlled by Continental had a contract with Bakeries Service Corporation to purchase all ingredients and supplies through Bakeries Service Corporation. The immense purchasing power of the Continental was thus combined in Bakeries Service Corporation, which also rendered operating, advertising, and coordinating service to all companies controlled by Continental. Bakeries Service Corporation was organized to act in those capacities

instead of depending on individuals, and the Continental owned every share of its stock.

The evidence showed that certain companies whose stock was acquired were in competition prior to the acquisition, and that after the acquisition competition ceased. Adjustments of territory were made so that the companies did not conflict in the sale of their products. The commission proved this by employees of companies acquired by the Continental. Hearings were to be resumed April 5. Respondent had agreed to furnish all witnesses in its organization whose testimony the commission desired, and 53 witnesses had been requested to appear for examination. The commission was prepared to prove the amount and character of the business of each company, the territory in which its products were sold, and other details to show that the acquisition of stock was contrary to law. The Continental knew that the evidence the commission could and would introduce was strong and convincing.

The authorized and outstanding capital stock of Continental is as follows:

Class of stock	Shares	
	Authorized	Outstanding
Preferred 8 per cent (nonvoting)	2,000,000	516,694
Class A (voting)	2,000,000	291,365
Class B (voting)	2,000,000	2,000,000
Total	6,000,000	2,807,059

The Continental was incorporated in Maryland on November 6, 1924. The latest available census figures show the capitalization of the bread-baking industry as approximately $400,000,000, while the Continental's authorized capitalization is $600,000,000.

THE CONSENT DECREE

The bill of complaint of the Department of Justice in the Ward suit alleged, among other things, that the Ward Baking Corporation, the Ward Baking Co., the Continental Baking Corporation, the United Bakeries Corporation, the General Baking Co., and the General Baking Corporation, together with certain individuals, "are engaged in a combination and conspiracy in undue and unreasonable restraint of trade and commerce among the several States and in the District of Columbia * * * with respect of bread, cake, pastry, and similar products * * * in violation of sections 1, 2, and 3 of the Sherman Antitrust Act."

Paragraphs 5, 6, and 7 of the consent decree entered by the Federal court at Baltimore in said suit at the request of the Department of Justice enjoins, restrains, and prohibits each of said corporations from acquiring, directly or indirectly, or exercising direct or indirect control of, etc., the whole or any part of the shares of capital stock of either of the other corporate defendants or their controlled companies, and from acquiring any of their physical assets.

Under the decree the six corporations above named may not acquire either the capital stock or physical assets of each other, but all of them are at liberty to acquire the physical assets of other bakeries.

Paragraph 8 of said decree enjoins, restrains, and prohibits the said corporations "from acquiring, directly or indirectly, the whole or any part of the stock or other share capital of any other baking corporation engaged also in interstate commerce, where the effect of such acquisition may be to substantially lessen competition in such commerce between the corporation whose stock is so acquired and the defendant corporations, or tend to create a monopoly."

We are, of course, aware of the fact that said paragraph follows, substantially, the language of the first paragraph of section 7 of the Clayton Act, except in one important particular, namely, that said corporations are not enjoined from acquiring the capital stock of other corporate competitors where the effect of such acquisition may be "to restrain such commerce in any section or community." The acquisition by one of said corporate defendants of either the capital stock or the physical assets of a corporate competitor in many sections or cities would, as a matter of fact, restrain commerce in said sections or cities.

We call attention to the fact that Ward Baking Corporation, General Baking Corporation, and Continental Baking Corporation are holding companies only and as such are not engaged in the baking business. No acquisitions of stock they may make will lessen competition between them and the companies whose stock they acquire. The consent decree does not prohibit them from acquiring the capital stock of two or more baking corporations where the effect of such acquisition may be to substantially lessen competition between such corporations or any of them whose stock is so acquired or to restrain commerce in any section or community. The second paragraph of section 7 of the Clayton Act specifically forbids stock acquisitions having such effects.

The complaint of the Department of Justice also charged that the corporate defendants "have acquired * * * the whole or a substantial part of the stocks or other share capital * * * of other corporations engaged in interstate trade and commerce in the baking and related industries * * * in violation of section 7 of the Clayton Act" and sets out the names and location of certain of such "other corporations." The consent decree does not require the defendants to divest themselves of the capital stock unlawfully acquired. Neither does it require them to divest themselves of said stocks and the physical assets so acquired by any of them. The commission has issued such orders in several similar cases, and in two cases its orders have been affirmed by different circuit courts of appeal. Hence the corporate defendants in the Ward suit are to-day in the enjoyment of property obtained contrary to law.

The said bill of complaint alleged that—

"This unlawful plan for restraining and monopolizing interstate trade and commerce in bakery products and the ingredients and equipment used in the manufacture thereof originated with the defendants, W. B. Ward and Howard B. Ward. The other defendants, individual and corporate, entered into the plan from time to time as they came into relation with those defendants or were brought into existence by them. The defendant, W. B. Ward, is to-day the most powerful single personage connected with the baking industry. Closely allied with Ward are the defendants Helms and Barber, who have been associated with him for many years and who with Ward constitute a triumvirate controlling and directing the fortunes of the baking industry."

* * * * * * *

"Howard B. Ward is a brother of the defendant, William B. Ward, and has been associated with him in all his enterprises since 1912. He is vice president of the defendant Continental Baking Corporation." * * *

"Paul H. Helms has been associated for many years in the business enterprises of the defendants William B. Ward and George B. Smith. He is a former secretary-treasurer of both the Ward Baking Co. (of New York) and the Ward Baking Corporation. He is now president of the defendant General Baking Corporation." * * *

"George G. Barber has been associated for many years with the defendant William B. Ward in various baking enterprises." * * *

"He was active in the promotion of the defendant Continental Baking Corporation and has served as its president since it was organized."

Paragraph 10 of the consent decree reads as follows:

"That the defendants, William B. Ward, Paul H. Helms, and George G. Barber, are severally required to dispossess themselves of all voting shares of the capital stock in any of the defendant corporations and the companies controlled by them, other than such defendant corporation and its subsidiaries as he may elect to retain his holdings in under section 9 hereof."

It will be noted that the gentlemen named are not required to divest themselves of said "voting shares" in good faith or for an adequate or any valuable consideration. They can therefore comply with the provisions of said paragraph by merely transferring said shares to members of their families or to Howard B. Ward, George B. Smith, J. W. Rumbough, or R. E. Peterson, their personal friends and business associates, as to whom the complaint of the Department of Justice was dismissed.

Paragraph 13 of said consent decree reads as follows:

"It appears that the charge contained in the petition herein that the acquisition and holding by the defendant, the Continental Baking Corporation, of the stocks and other share capital of alleged competing baking companies is in violation of section 7 of the Clayton Act, was included also in a complaint filed by the Federal Trade Commission against the Continental Baking Corporation on December 19, 1925;

"Wherefore the petition is dismissed as to that charge without prejudice to the right of the United States to again raise the issue in any other proceeding."

The only reasonable inference that can be drawn from that language and, unquestionably, the inference that it was intended should be drawn therefrom, is that said charge was dismissed for the reason a complaint involving the same subject matter was then pending and undetermined before the Federal Trade Commission. It is mere camouflage. The consent decree was signed by the judge of the Federal district court at Baltimore and entered on Saturday, April 3, and the Federal Trade Commission at a regular meeting held on Friday morning, April 2, was informed by its chief counsel that the entry of said decree was subject to the dismissal by the commission of its case against the Continental.

At said meeting of the commission, by vote of Commissioners Hunt, Humphrey, and Van Fleet, with Commissioner Thompson absent on official business, and Commissioner Nugent voting "no" and dissenting, the said complaint of the commission was dismissed, the order to become effective when said decree was entered by the Federal court, and the chief counsel of the commission was directed to "informally advise the Attorney General" of said action, which, we have no doubt, he did before noon of said day. However that may be, the fact remains that about 3 o'clock p. m. of April 2 the Attorney General was informed by letter dispatched to him by special messenger that the commission had dismissed its complaint against the Continental as above stated.

We quote the following from said letter to the Attorney General:

"In consideration of the above-mentioned (consent) decree, and in accordance with the recommendation of its chief counsel, the commission has dismissed its complaint against the Continental Baking Corporation, docket 1358, alleging violation of section 7 of the Clayton Act, such dismissal to become effective upon the entry of the decree.

"By direction of the commission, Mr. Nugent dissenting."

It is therefore plainly apparent that when, on April 3, the Department of Justice requested the court at Baltimore to sign and enter said decree, which contained section 13 above quoted, it was fully aware of the fact that the very moment said decree was entered the order of dismissal of the commission's case against the Continental became effective.

When Commissioners Hunt, Humphrey, and Van Fleet, "in consideration of this (consent) decree," dismissed the commission's complaint against the Continental, it was with knowledge that said decree dismissed the section 7 charge of the Department of Justice against that corporation.

The result of said dismissals is that the Continental Baking Corporation is to-day in the quiet, undisturbed, and unchallenged ownership and possession of the capital stock of corporations owning and operating at least 83 bakeries, among which are some of the largest in the country, and others are among the largest in the sections in which they are located, notwithstanding both the Department of Justice and the Federal Trade Commission had solemnly charged that said stock was acquired in violation of section 7 of the Clayton Act.

A few weeks ago the President of the United States, according to the public prints, addresses a letter to Mrs. Henry W. Peabody, chairman of a committee representing the Women's National Committee for Law Enforcement, in which he said:

"This earnest manifestation of interest in enforcement of law is gratifying. Such interest on the part of those citizens not officially connected with the execution of the law is heartening to those charged with that responsibility. In this message I desire to reiterate the following statement which I made on the subject of your present deliberations: 'The law represents the voice of the people. Beyond it and supporting it is a divine sanction. Enforcement of law and obedience to law, by the very nature of our institutions, are not matters of choice in this Republic, but the expression of a moral requirement of living in accordance with the truth. They are clothed with a spiritual significance in which is revealed the life or the death of the American ideal of self-government.'"

It is evident that the Attorney General and Commissioners Hunt and Humphrey, who were appointed by President Coolidge and Commissioner Van Fleet, are not in accord with the statements of the President on law enforcement. As public officials they are, to quote the President, "charged" with the "execution of the law," and, so far as the Continental is concerned, they not only executed section 7 of the Clayton Act but they buried it, "unwept, unhonored, and unsung."

While the consent decree dissolved the Ward Food Products Corporation, which had issued no stock and owned no property, it left William B. Ward, his former employees, intimate friends and business associates, in control of the Ward, the General, and the Continental baking corporations, the three largest in the country. The Department of Justice estimated the annual sales of the bakeries controlled by the Ward and Continental corporations at between $120,000,000 and $140,000,000.

The decree would have been really effective and of great benefit to the public had it required the corporate defendants in the Ward suit to divest themselves in good faith of the capital stock and of the physical assets, where they had been taken over, of the baking corporations they had unlawfully acquired, as charged by the Department of Justice and also by the Federal Trade Commission in the case of the Continental.

We expressly disclaim any intention to criticize the Federal court at Baltimore for entering the consent decree. In view of the consent of the Department of Justice, the entry of said decree was, of course, a mere formal matter. We are confident that had the court been informed as to the facts in the case a decree materially different from the one under consideration would have been entered.

J. F. NUGENT.
HUSTON THOMPSON.

Mr. WATSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Capper	Edwards	Gooding
Bayard	Caraway	Ernst	Hale
Bingham	Copeland	Fernald	Harreld
Blease	Couzens	Ferris	Harris
Borah	Cummins	Fess	Harrison
Bratton	Curtis	George	Heflin
Broussard	Dale	Gerry	Howell
Bruce	Deneen	Gillett	Johnson
Butler	Dill	Glass	Jones, N. Mex.
Cameron	Edge	Goff	Jones, Wash.
Kendrick	Norris	Schall	Tyson
King	Oddie	Sheppard	Underwood
La Follette	Overman	Shipstead	Walsh
McKellar	Pine	Shortridge	Warren
McMaster	Pittman	Simmons	Watson
McNary	Ransdell	Smoot	Wheeler
Mayfield	Reed, Mo.	Stanfield	Williams
Metcalf	Reed, Pa.	Steck	Willis
Moses	Robinson, Ark.	Stephens	
Neely	Robinson, Ind.	Swanson	
Norbeck	Sackett	Trammell	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. HARRELD. Mr. President, will the Senator from Washington yield to me for just a brief statement?

Mr. DILL. I yield.

Mr. HARRELD. Mr. President, it is not my purpose to defend the Continental Baking Co. or any other company in the remarks I want to make and at the end of which I wish to introduce a memorandum for the RECORD. In fact, I do not want to appear as the representative of any set of men who make 400 per cent profit per annum off of the bread eaters of the country. Neither do I speak for either one of the factions of the Federal Trade Commission. Everybody knows that there has been a feud on there for some time. My friend from Wisconsin [Mr. LA FOLLETTE] has ably presented the facts as to one of those factions.

I am chiefly interested in the chief counsel of the Federal Trade Commission, whose name was brought into the discussion by the Senator from Wisconsin. Judge Bayard B. Hainer is one of the ablest lawyers in the Central West, a man of mature years and great experience. When this matter came up I heard the rumors which were being circulated and asked him to give me a memorandum of the settlement which had been made and his part in it. Under date of April 20, 1926, I received from him a letter inclosing memorandum affecting the matter of the Continental Baking Corporation, which I ask permission to insert in the RECORD without reading as a part of my remarks. I wish to call particular attention to the following paragraph:

I feel that the decree accomplishes all that could have been done after a long and expensive litigation by the Department of Justice and the Federal Trade Commission, and that the decree of the court fully protects the public interest.

May I have permission to have the letter and memorandum inserted in the RECORD?

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter and memorandum are as follows:

FEDERAL TRADE COMMISSION,
Washington, April 20, 1926.

Hon. JOHN W. HARRELD,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I herewith inclose you memorandum in the matter of the Continental Baking Corporation, commission docket No. 1358; also comment of the Attorney General furnished the press on April 3, 1926, in regard to the entering of the consent decree in the case of United States of America v. Ward Food Products Corporation, the Continental Baking Corporation, and others, in the United States District Court for the District of Maryland, and a printed copy of the consent decree.

Very truly yours,

BAYARD T. HAINER, *Chief Counsel.*

MEMORANDUM IN THE MATTER OF CONTINENTAL BAKING CORPORATION, DOCKET NO. 1358

On April 7, 1926, the Federal Trade Commission dismissed its complaint against the Continental Baking Corporation upon my recommendation in consideration of the entry of the decree in the case of the United States of America v. Ward Food Products Corporation and others in the District Court of the United States for the District of Maryland.

Complaint was issued by the commission in the matter of Continental Baking Corporation, Docket 1358, on December 19, 1925, charging the respondent Continental Baking Corporation with having violated the provisions of section 7 of the Clayton Act.

Respondent Continental Baking Corporation was incorporated about November 6, 1924, under the laws of Maryland and is a holding corporation, holding the capital stock of several corporations which it acquired and now owns and controls.

I call attention to the decree of the court referred to above. The court found and adjudged, with the consent of the parties to the decree, that the plan to bring under the control of the Ward Food Products Corporation the other corporate defendants, namely, Ward Baking Corporation, Ward Baking Co., General Baking Corporation, General Baking Co., Continental Baking Corporation, and United Bakeries Cor-

poration, if consummated, would constitute a violation of the Sherman Antitrust Act and section 7 of the Clayton Act.

The decree restoring and insuring competitive conditions places restraint on the mode in which the business of the corporate defendants is to be carried on, so that doubt as to dominating control or monopoly by combination or understanding between two or more of the corporate defendants is entirely removed. Restraint is placed on the individual and corporate defendants and their officers, directors, agents, and employees so as to perpetually restrain and enjoin them or any one of them from directly or indirectly doing any act in bringing about a common control or restraining or monopolizing interstate commerce.

The decree forbids the Ward Baking Corporation and the Ward Baking Co. from directly or indirectly acquiring or controlling the whole or any part of the shares of the capital stock of any of the other corporate defendants or any of their controlled companies and from acquiring any of their physical assets. General Baking Corporation and General Baking Co. are restrained from acquiring or controlling directly or indirectly the whole or any part of the shares of capital stock of the other corporate defendants or any of their controlled companies and from acquiring any of their physical assets. And Continental Baking Corporation and United Bakeries Corporation are restrained from directly or indirectly acquiring or controlling the whole or any part of the shares of the capital stock of any of the other corporate defendants or any of their controlled companies and from acquiring any of their physical assets.

All of the corporate defendants are further restrained from acquiring or controlling directly or indirectly the whole or any part of the stock or other share capital of any other baking corporation engaged in interstate commerce where the effect of such acquisition may be to substantially lessen competition in such commerce between the corporation whose stock is so acquired and the defendant corporations, or where the effect may be to tend to create a monopoly.

Restraint is further placed on William B. Ward, Paul H. Helms, and George G. Barber from acquiring, receiving, holding, or voting or in any manner acting as the owner of any of the voting shares of the capital stock of more than one of the defendant corporations and its subsidiaries, and from acquiring any of the physical assets of more than one of said corporations, and said individuals are severally required to dispossess themselves of all voting shares of capital stock in any of the defendant corporations and companies controlled by them other than such defendant corporation and its subsidiaries as he may elect to retain his holdings.

Ward Food Products Corporation, Ward Baking Corporation, and Ward Baking Co., constituting one group; General Baking Corporation and General Baking Co. constituting a second group; and Continental Baking Corporation and United Bakeries Corporation constituting a third group, are severally prohibited from electing or appointing and from continuing any person as a director or as an officer who is at the same time a director, officer, agent, or employee in any of the corporations of either of the other groups or their subsidiaries, and each of said corporate groups are enjoined from entering into any contracts, agreements, or understandings with one or more of the other corporate defendants for joint purchases of materials, supplies, and equipment or for common price or common policies in the marketing and sale of their output.

The Ward Food Products Corporation is required to forfeit all of its corporate privileges and surrender its charter to the State of Maryland within 30 days after the entry of the decree.

It is to be noted that competition is entirely restored between Ward Baking Corporation and Ward Baking Co., constituting one group; General Baking Corporation and General Baking Co., constituting a second group; and Continental Baking Corporation and United Bakeries Corporation, constituting a third group; and that the elimination or lessening of competition and tendency to create a monopoly by either common control, stock ownership, or purchase of physical assets is perpetually enjoined and prohibited. It is also to be particularly noted that each of said corporate defendants are perpetually restrained and prohibited from acquiring directly or indirectly the whole or any part of the stock or other share capital of any other baking corporation where the effect of such acquisition may be to substantially lessen competition in interstate commerce between the corporations whose stock is so acquired and the defendant corporations, or tend to create a monopoly.

In view of this decree of the court, the commission properly dismissed its proceeding against the Continental Baking Corporation. It is well to consider in this connection that the provisions of section 7 of the Clayton Act require that the corporations whose stock is owned be engaged in interstate or foreign commerce and also that the statute further requires that the acquisition by a corporation of the stock of two or more corporations is illegal only if the effect of such acquisitions may be to substantially lessen competition between them or any of them or to restrain such commerce in any section or community or tend to create a monopoly of any line of commerce.

It is clear that the decree of the court restoring competitive conditions between the corporate defendants removes any possibility of a tendency to create a monopoly in the line of commerce in which these corporations are engaged.

It is also apparent that the restoration of competitive conditions between these corporate defendants and the removal of any possibility of any future growth or dominating influence by combination, agreement, or understanding, or the growth of any one of such corporate defendants by lessening competition by virtue of owning and controlling the stock or other share capital of other corporations forever stops each of said corporations from acquiring by any such methods any dominant position so as to control prices detrimental to the interests of the public.

The baking companies acquired by Continental Baking Corporation are engaged in selling principally bread and cake. The nature of the products demands that these products be produced and sold in populous centers. The great majority of bread and cake distributed by each bakery is within a radius of 25 miles. The usual method of distribution is by automobile and horse-wagon delivery to retail dealers. A small percentage is distributed either by automobile or railway express to outlying points, sometimes as far as 100 miles from the plant where the products were produced. In some instances the shipments to outlying points cross State lines. The products produced by many of the baking corporations acquired by Continental were not sold in competition—that is, in the same localities with the bakery products sold by other baking corporations acquired by Continental Baking Corporation. In some instances the products of one of the corporations acquired met slight competition from another baking corporation acquired by Continental Baking Corporation. In no instance was this competition substantial.

The words "may be" in the statute should be interpreted to indicate a substantial probability. The actual lessening of competition need not necessarily be shown, but it is necessary to first show that competition to some substantial extent did exist. The question of whether the probability is sufficiently strong to come within the provisions of the law in that regard is a question of business judgment on which the decision of the commission should naturally be given much weight.

It is to be particularly noted that the baking companies acquired by Continental operated in different fields and that the acquisition of the stock of these corporations did not substantially lessen competition between these corporations or between any two of them. The corporations acquired were not competitive. The competition that these corporations meet is competition of competitors operating in the same field. There are many competitors operating in each field in which the corporations acquired by Continental Baking Corporation operated, and in no locality or field in which is located the plant or plants acquired by Continental is the control dominant or of such size so as in any way to control the market with respect to prices.

As heretofore stated, the acquisition of the stock of these baking corporations is unlawful only if the effect may be to tend to restrain such commerce in any section or community or tend to create a monopoly in that line of commerce. This is the test of the Sherman law and the stockholding of these corporations by Continental Baking Corporation is therefore illegal only if it tends to control the market.

The combination between Continental Baking Corporation, General Baking Corporation, and Ward Baking Corporation would seriously affect the public by virtue of the large percentage of control of the market so as to possess and exercise power to raise prices unreasonably. The acquisition of the corporations by Continental Baking Corporation, who are always subject to competition of equals in the same territory, leaves in the Continental Baking Corporation no such power or control so as to restrain trade or enhance prices. On the other hand, on account of the severe competition which each one meets they should offer the public inducements by way of price and quality as will serve to attract customers away from their competitors to the public benefit.

It is not to be lost sight of that these corporations in question are all operating in a field in which there are many other competitors and that the owning of the stock of these corporations by Continental Baking Corporation can not on account of the competition from the outside cause them to curtail their efforts in holding their trade and serving the public. Any curtailment of competitive effort on behalf of each and every one of the corporations acquired by Continental would play directly into the hands of their competitors. The opportunity of controlling the market was wiped away when the court entered the decree.

The commission properly dismissed the complaint against the Continental Baking Corporation upon the entry of the decree, which removed the ground upon which the illegality of the acquisition of stock of baking companies by Continental Baking Corporation rested. The complaint of the commission was dismissed in consideration of the decree of the court, and the petition of the United States *v.* Ward Food Products Corporation and the other defendants in that case was dismissed as to the charges therein without prejudice to the United States to again raise the issue in any other proceeding.

I feel that the decree accomplishes all that could have been done after a long and expensive litigation by the Department of Justice and

the Federal Trade Commission, and that the decree of the court fully protects the public interest.

Moreover, the dismissal of the complaint by the commission does not preclude it from issuing a new complaint either under the Federal Trade Commission act or the Clayton Act, whenever public interest requires it. It seems to me that any criticism of the action of either the Department of Justice or the commission is not justified either in fact or in law.

I herewith attach comment of the Attorney General with reference to the decree given to the press on April 3, 1926. There is also attached a printed copy of the decree of the court.

During the delivery of Mr. LA FOLLETTE'S speech,

HERBERT A. WILSON

Mr. STEPHENS. I desire to call up the bill (H. R. 11378) for the relief of Herbert A. Wilson, favorably reported from the Committee on Public Lands and Surveys. It is merely to correct an error in the title to about 25 acres of land. There is a letter from the Interior Department favoring the passage of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to Herbert A. Wilson to fractional section 26 south of the old Choctaw boundary line, in township 18 north, range 4 west, Choctaw meridian, Sunflower County, Miss., containing 23.27 acres, more or less, upon payment of $1.25 per acre therefor within one year from the date of the approval hereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

After the conclusion of the debate on the Continental Baking Corporation,

OREGON & CALIFORNIA RAILROAD CO. GRANT LANDS

Mr. STANFIELD. Mr. President——

Mr. DILL. I yield to the Senator from Oregon in order that he may make a unanimous-consent request, provided it does not lead to a long debate.

Mr. STANFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 11329) for the relief of certain counties in the States of Oregon and Washington, within whose boundaries the revested Oregon & California Railroad Co. grant lands are located.

Mr. CURTIS. Mr. President, let the bill be read.

Mr. STANFIELD. Mr. President, I do not believe the bill will lead to any discussion. It is a provision for the Federal Government to make advances against the impounded fund resulting from the sale of timber in what is known as the Oregon and California land grant in the States of Oregon and Washington. There is a serious condition existing there, due to the slow sale of timber and the slow accrual of receipts to take care of the requirements of the counties, equaling the sum which it formerly received as taxes from the railroad company before the lands were revested in the Government. The Chamberlain-Ferris bill provided for the sale of timber, but under the governmental administration the sales have not been of sufficient rapidity to take care of the situation. This bill proposes that the department may advance a sufficient sum of money to take care of that pending the time of the sale; otherwise they would be forced to make sale of timber in a way that would be inexpedient. The department has recognized the seriousness of the situation and has said that it was policy for Congress to determine.

The bill has been considered by the Public Lands Committees of both the House and the Senate, and has been unanimously approved. It has passed the House on a roll-call vote of 288 to 33. We have been unable to determine upon any policy which will meet the situation other than that which is proposed in the bill. It will not cost the Government anything, the money advanced by the Government being reimbursable from a potential fund of from $60,000,000 to $125,000,000. We are near the end of the session. It is important that something should be done before Congress adjourns. Therefore, I am asking for the immediate consideration of the bill.

Mr. CURTIS. Mr. President, how much will be necessary to meet the requirements of the bill should it become a law?

Mr. STANFIELD. About $460,000 a year. The Government can save itself from any advances by proceeding with the sale of this timber; but under the influence of the conservation movement in this country there has been a determination on the part of the Government to withhold this timber from immediate sale. The Secretary of the Interior has suggested that this timber should be held from the market for a time in the interest of general welfare.

That is all good and well if the Government sees fit to do it, but it should not be done at the expense of the counties. They can not continue to meet their obligation without great discomfort unless the particular provision in this bill shall be agreed to or there shall be an immediate sale of the timber which the Government controls for the benefit of the grant fund.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. SMOOT. I notice that the Interior Department does not recommend the passage of the bill.

Mr. CURTIS. I suggest that the bill go over until we may have an opportunity to read the report on it.

Mr. STANFIELD. The bill has been on the calendar for many weeks. I hope the Senator from Kansas will not object to its consideration.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. TYSON and Mr. BINGHAM addressed the Chair.

Mr. DILL. Mr. President, I promised next to yield to the Senator from Tennessee [Mr. TYSON], but I desire to say that I can not yield to any Senator who presents a matter which shall lead to debate.

Mr. STANFIELD. Just a moment. I do not believe that the Senator from Kansas is going to object.

Mr. DILL. I thought the Senator had objected.

Mr. STANFIELD. There has not been any objection made.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Mr. President, I think the bill had better go over. I do not like to object to its consideration, but I feel that I shall have to do so.

Mr. DILL. I am going to object to the consideration of the bill if it is going to require discussion. I have yielded now to two Senators, and my having done so has involved about five minutes' discussion in each case. I now yield to the Senator from Tennessee [Mr. TYSON].

RETIREMENT OF CERTAIN WORLD WAR OFFICERS

Mr. TYSON. Mr. President, on last Friday evening, when I was not present, the bill (S. 3027) making eligible for retirement under certain conditions officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was called up and was considered for about an hour. I ask unanimous consent that that bill may be made a special order to follow immediately after the disposition of the bill which is known as the radio bill, being House bill No. 9971.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. Mr. President, I think we had better dispose of the radio bill before we make any other special orders.

The PRESIDENT pro tempore. Objection is made.

Mr. TYSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield further to the Senator from Tennessee?

Mr. DILL. I yield.

Mr. TYSON. Mr. President, in view of the fact that I can not get unanimous consent at this time that the bill to which I referred shall be made a special order, inasmuch as a brief has been prepared in reference to the bill by the vice chairman of the legislative committee of the American Legion, I ask unanimous consent that that brief may be printed in the RECORD for the information of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The brief is as follows:

A BRIEF FOR THE RETIREMENT OF THE DISABLED EMERGENCY ARMY OFFICERS

This brief has been prepared by the national legislative committee of the American Legion to disseminate facts on this legislation. These facts refute arguments against the measure which may gain credence unless the public is in possession of the truth concerning it.

HERE IS WHAT THE OPPONENTS CLAIM

1. That the legislation is contrary to the historic policy of the Nation.
2. That it is contrary to the fixed policy of the American Legion.
3. That the veterans do not understand its provisions.
4. That the former enlisted men oppose it.
5. That it discriminates against the former enlisted men.
6. That it discriminates against the sacred dead.

These arguments are coupled with the prediction that if the Legion does not reverse itself and abandon its seven-year fight for this legislation that the issue involved "will split the Legion wide open." By this is meant alleged discrimination.

The attempt to incite the enlisted men against their former officers, whom they outnumber at least eight to one in the Legion, has signally failed. The Legion stands solidly for the legislation.

THE FACTS

Answers to the foregoing are contained in the following carefully prepared summary of facts, which show clearly why the Legion sponsored this legislation from the very beginning, why it has continued this fight for a square deal, and why this just legislation will be enacted into law.

HISTORY OF THE LEGISLATION

The seven-year history of this legislation in the Congress is in reality the history of a series of efforts on the part of its opponents to kill the legislation in committee. The Legion, and friendly legislators on their part, have endeavored to overcome this form of strategy through obtaining a vote upon the measure upon the floor of the Senate and the House.

The opposition of the War Department, and the influence of this opposition upon the Military Affairs Committees of the Senate and House, has been the chief obstacle to retirement and the determining factor in the amendments which have modified the original form of the legislation and caused the Legion and the other veteran organizations to indorse the present Tyson and Fitzgerald bills.

During this seven-year struggle in committee each side has given ground. The War Department no longer opposes the legislation officially. This is chiefly due to the Legion's acceptance of certain of the War Department's demands for amendment to the original retirement measure.

Now that the legislation is about to be enacted into law, and the seven-year fight for the disabled emergency Army officers won, some opponents now say, "You have modified the form of the original measure; therefore I am opposed to the legislation in its present form." We shall see whether this assertion is backed up by sound reasoning, as the measure cares for the officers who have been severely disabled permanently.

SIXTY-SIXTH CONGRESS

Straight retirement for disability, such as has been extended to the other eight classes of officers, was the original purpose of the Legion, and legislation was requested in this form from the Congress in 1919. The War Department thereupon began vigorous opposition to this straight retirement measure. On July 17, 1919, the Secretary of War wrote a letter to the chairman of the Military Affairs Committee of the House, to which the legislation had been referred, expressing the War Department's disapproval of the measure and opposing the retirement under the same conditions as received by officers of the Regular Army. The Military Affairs Committee of the House thereupon refused to report the measure.

The Stevenson bill was then introduced in the House on December 3, 1919. The form of this bill was altered in the hope that it would be referred to a committee other than the House Military Affairs Committee, which was still holding up the original retirement measure.

This Stevenson bill provided compensation for the emergency officers who incurred disabilities that like officers of the Regular Army received on being retired for like disabilities. Notwithstanding this change in form, the Stevenson bill was referred to the House Military Affairs Committee.

However, on February 28, 1920, the Military Affairs Committee was discharged on the bill and it was referred to the Interstate and Foreign Commerce Committee of the House; on March 2, 1920, this committee was discharged and the bill referred to the Ways and Means Committee; and on March 11, 1920, this latter committee was discharged and the bill again referred to the Interstate and Foreign Commerce Committee.

The War Department opposition to the legislation continued, notwithstanding the change in the form of the measure. On March 13, 1920, the Secretary of War wrote a letter to the chairman of the Interstate and Foreign Commerce Committee, estimating that 19,910 emergency officers would come under this bill, and receive annual payments of $31,099,420. This preposterous estimate being contained in an official letter, the Interstate and Foreign Commerce Committee hesitated and deferred action on the bill.

NAVY ACTS INDEPENDENTLY

In the meantime the Legion had been in contact with the Navy Department on the question of the retirement of the disabled emergency officers of the Navy and Marine Corps. More progressive than the Army, the Navy realized the justice of the legislation and its value as sound national-defense policy.

Accordingly, in May, 1920, the Secretary of the Navy wrote a letter to Congress requesting the enactment of legislation to retire the disabled emergency officers of the Navy and Marine Corps and submitted a draft of the amendment he proposed. Congress immediately responded to this request and provided retirement for the disabled emergency officers of the Navy and Marine Corps in the act approved June 4, 1920. This act of Congress removed the discrimination against these two classes of officers, leaving the disabled emergency Army officers as the only class discriminated against out of the nine classes of officers who fought in the World War.

In the meantime no action was obtained from the House Military Affairs Committee on the retirement measure or from the Interstate and Foreign Commerce Committee on the Stevenson bill. As a matter of fact, the House Military Affairs Committee did not report its bill and never has to this day reported a bill affecting the disabled emergency officers.

On January 26, 1921, Mr. STEVENSON introduced a bill slightly amending his former measure, which was also referred to the Interstate and Foreign Commerce Committee of the House. The committee reported this bill favorably on February 2, 1921. The session was then drawing to a close. No action was obtained on it on the floor of the House, and the measure died a month later with the expiration of the Sixty-sixth Congress on March 4, 1921.

SIXTY-SEVENTH CONGRESS

The Stevenson bill was again introduced in the House and again referred to the Interstate and Foreign Commerce Committee. No hearings were held, and the committee took no action on the measure.

On April 11, 1921, the Johnson bill was introduced in the House and referred to the House Military Affairs Committee. This bill provided retirement as extended to the other eight classes of officers. No hearings were held by the House Military Affairs Committee on this retirement bill, in spite of repeated requests on the part of the veterans.

The Bursum bill was then introduced on May 4, 1921, in the Senate. Like the Johnson bill it provided retirement as extended to the eight other classes of officers. War Department opposition to the measure continued. This opposition influenced certain members of the Senate Military Affairs Committee to which the measure was referred. The friends of the legislation on the Senate committee, in order to obtain a favorable report, amended the measure so as to meet the chief points of opposition raised by the War Department in the two years it had fought the legislation.

THE AMENDED BURSUM BILL

Under the straight retirement measure—accorded the other eight classes of officers—a disabled officer is examined by a board of Regular Army officers, some of whose members must be regular medical officers. If the board finds that the officer's disability has unfitted him for active duty with troops in the field, the board recommends his retirement for life at three-fourths of the pay and allowances he is then receiving, and he is placed on the regular retired list for life.

Under the Bursum bill as reported by the Senate Military Affairs Committee on July 11, 1921, the following amendments were made to meet the War Department's opposition:

1. Examination for retirement would be made by civilian medical officers of the Veterans' Bureau instead of by a Regular Army retiring board.

2. Eligibility to retirement was increased to 30 per cent permanent disability instead of ability to perform active duty with troops in the field.

3. The Veterans' Bureau was required to pay the emergency officers retired in this manner instead of the War Department.

BURSUM BILL REPORTED

As amended in this form, the Senate Military Affairs Committee reported the Bursum bill favorably to the Senate on July 11, 1921, the first time a Military Affairs Committee had reported the legislation.

BURSUM BILL PASSES SENATE

In spite of the amendments, opposition from the War Department continued, and the friends of the measure were unable to bring it to a vote in the Senate until February 21, 1922, when it passed the upper body 50 to 14, and was forwarded to the House, where it was immediately referred to the House Military Affairs Committee.

HOUSE COMMITTEE STILL WITHHOLDS APPROVAL

Following a long series of efforts on the part of the Legion, the House Military Affairs Committee finally granted hearings on the Bursum bill. At these hearings the case of the disabled officers was presented fully. More than a score of them appeared and exhibited their battle wounds as mute advocates for the legislation. Every recognized veterans' organization appeared in behalf of the measure.

In spite of the efforts of the friends of the bill, War Department influence still prevailed. The House Military Affairs Committee held up the bill for more than a year, declining to report it out. A petition signed by 235 Members of the House—containing more than a majority of each party in the lower body—was finally presented to the House Military Affairs Committee requesting the report of the measure. This the committee declined to do, and the bill died with the expiration of the Sixty-seventh Congress in March, 1923.

CONFERENCE OF VETERANS' ORGANIZATIONS

During the summer recess of 1923 the veterans' organizations were faced with the following problem: The legislation had been actively pushed for four years, but in all that time the Military Affairs Committee of the House had refused to report a bill and the Senate Military

Affairs Committee had declined to report any measure which did not conform to the chief War Department objections.

The question to be decided therefore was, Shall straight retirement legislation be pushed—which could not be gotten out of the Military Affairs Committees—or legislation conforming to the War Department objections, which could at least be gotten out of the Senate Military Affairs Committee?

Accordingly a conference was called in the city of Washington during the summer of 1923, attended by representatives of all reputable World War veterans' organizations, to consider the form of the legislation to introduce in the coming Congress. This conference was attended by duly accredited representatives of the American Legion, the National Guard Association, the Veterans of Foreign Wars, the Disabled American Veterans, the Disabled Emergency Officers of the World War, and the Military Order of the World War, and a designated representative of the General Staff of the Army.

THE BILL WAS AGREED UPON

Sessions were held for three days. The form of the legislation was discussed at length. The representatives of the veterans' organizations present finally agreed unanimously to push the measure in the form it had passed the Senate in order to meet the major objections of the War Department, for no progress could be made unless the Senate Military Affairs Committee would report the measure.

It was recommended that the permanent disability rating for which retirement should be granted be reduced from 30 per cent to 20 per cent. At the request of the General Staff representative it was further agreed that the retired list should be kept in the Veterans' Bureau, although it should also be published in the Army Register. In other respects the bill agreed upon by the conference was substantially the same as the Bursum bill in the form it had passed the Senate.

PASSES THE SENATE AGAIN

This new bill was prepared and officially indorsed by the veterans' organizations and introduced in the next Congress where it was again considered by the Senate Military Affairs Committee. That committee reported it favorably, but put back the former permanent disability rating for eligibility to 30 per cent. This provision was retained when the bill passed the Senate February 20, 1925, 63 to 14, and forwarded to the House.

NEW HOUSE COMMITTEE REPORTS BILL

In the meantime, at the request of the Legion, the House had created the House Committee on World War Veterans' Legislation. We asked that the Bursum bill be referred to this committee instead of the unfriendly House Military Affairs Committee, and the House accordingly agreed. This friendly veterans' committee had already favorably reported the Lineberger bill, similar to the Bursum bill, which was being held up in the Rules Committee of the House.

The House Veterans' Committee immediately reported the Bursum bill so that it would displace the Lineberger bill. A hearing was granted by the Rules Committee of the House on the question of granting a rule to allow the House to vote upon the bill which had already passed the Senate. The Rules Committee failed to grant the desired rule.

KILLED BY THE LEADERS

Efforts were made during the last six days of the session to obtain recognition from the Speaker, so that the measure might be voted upon in the House under suspension of the rules. The Speaker refused to grant the recognition, and the measure again died, after being passed by the Senate, with the expiration of the Sixty-eighth Congress, March 4, 1925.

IN ITS FOURTH SESSION

The measure was immediately introduced once more at the beginning of the present session in the House by Representative ROY G. FITZGERALD, Legionnaire of Ohio, and in the Senate by Senator L. D. TYSON, Legionnaire of Tennessee. The measure now on the Senate calendar is S. 3027, the Tyson bill, favorably reported after hearings by the Senate Military Affairs Committee, March 25, 1926. H. R. 4548, the Fitzgerald bill, is on the House calendar, having been favorably reported by the House Veterans' Committee after hearings, March 13, 1926.

For the past three months efforts have been made to obtain a vote upon both measures in the House and the Senate, but this has to date been prevented by opponents, and neither body has been accorded the right to vote upon the measure.

PARLIAMENTARY TACTICS PREVENT PASSAGE

The opponents concede that the legislation will become a law any time a vote is permitted upon it. They frankly acknowledge that it is for this reason they are fighting it through parliamentary tactics—because they can not beat it in the open on the floor. The small group of opponents occupy key positions. They are determined to prevent these unhappy officers—once as well and strong as they—from receiving the benefits provided under this legislation.

SMOKE SCREENS

This legislation in its present form has now been actively before the Congress for the past five years. Now, that its passage is imminent, a smoke screen arises. The assertion is made that the average person, veteran or Congressman, does not understand the provisions of the legislation, and that if such persons did understand these provisions they would then oppose the measure.

Let us examine this mistaken argument. During the past five years an active controversy has engaged both Houses of Congress over the legislation in its present form. Surely all Members of the House and Senate, and all disabled officers, have understood its provisions.

Members of the American Legion are conceded to have understood the following from the inception of this legislation. Certainly Members of Congress have understood:

"That the measure proposes to give retired pay to the disabled emergency Army officer on the same basis as the eight other classes of officers;

"That this proposed rate exceeds the rate the disabled emergency officers and enlisted men are now receiving; and

"That following its enactment the nine classes of disabled officers will receive a higher rate of pay than the disabled enlisted men."

No opponent will state that he has not understood the foregoing clearly from the beginning. Therefore, if he formerly supported the legislation, but now opposes it, he can not justly attribute his change of position to a belated discovery that the disabled officer would receive more pay than the disabled enlisted man, because he has known this from the beginning.

His change in attitude must, therefore, be attributable to some reason other than "discrimination against the enlisted men."

IT ACCORDS WITH AMERICA'S HISTORIC POLICY

Opponents attempt to gain credence for two misstatements, upon which their chief arguments against the measure are made. One is that it has always been our national policy to compensate emergency officers and enlisted men at the same rate of pay for their war disabilities. The other is that it has always been our national policy to compensate disabled Regular officers on a different basis from disabled emergency officers.

Both statements are incorrect.

OFFICERS' PENSION RATE GREATER THAN ENLISTED

From the Revolutionary War to the Civil War there was no "retirement." During this long period the disabled emergency officers received exactly the same rate of pensions as the disabled Regular officers. The amounts of these pensions were based upon the rank held by the officers. The enlisted men received much smaller pensions, but the rate was exactly the same for emergency and Regular enlisted men.

These war-disability pension rates were paid for the Revolutionary War, for the campaign on the Wabash, for the War of 1812 with England, for the Black Hawk War, for the Indian depredations in Florida, for the Creek War, for the war with Mexico, and under certain circumstances for the Civil War.

On July 14, 1862, the present general pension law was approved, which has governed disability pension payments from that day to the present year, for Regular and emergency services, officers and privates, except those cases where subsequent enactments have made it noneffective. This general pension law set a maximum disability pension for an officer (Regular or emergency) at $30 a month, and for an enlisted man (Regular or emergency) at $8 a month.

The disabled emergency Army officers of the Civil War received greater rates of pension payments under this act than the disabled enlisted men of the Civil War until May 11, 1912, when general-service pensions (not service-disability pensions, mind you) for all ranks of the Civil War over 75 years of age were increased to $30 a month by the Congress.

Disability pension payments to the emergency officers and enlisted men of the Spanish-American War were also regulated under this general pension law of July 14, 1862. The disabled emergency officers of that war continued to receive a higher rate of pension than the disabled emergency enlisted men until the act of June 5, 1920, when general service pensions—not service disability pensions, mind you—for all ranks of the Spanish-American War were increased to $30 a month for men over 75 years of age or permanently disabled, service connection for disability not required.

The emergency officers of the Navy and Marine Corps, disabled in the World War, were retired by the act of June 4, 1920, approved one day prior to the approval of this Spanish-American War act of June 5, 1920, quoted above.

It will, therefore, be seen that from the Revolutionary War down to the present date it has been the policy of the American Government to give higher rates of disability pay or pension to the emergency officers than to the enlisted men who were disabled in time of war. These are facts which can not be contradicted, and are based upon our pension laws and their administration by the Commissioner of Pensions.

In view of these facts, can anyone claim that our national policy governing pension payments for war disabilities has been to pay the same rate to the emergency officers as the emergency enlisted men? From the Revolutionary War to the present date the contrary policy has been followed by our Government.

"RETIREMENT" CAME WITH THE CIVIL WAR

It will be seen from the foregoing that there was no "retirement" for any class of officers from the Revolutionary War to the Civil War, and that during this entire period all classes of disabled officers received the same pay based upon rank. So the "national policy" which the Regular Army has sought in vain to keep exclusively its own is of comparatively recent origin.

Retirement in the Regular Army came about in the following manner: When the Civil War broke upon us it was found that many regular officers in the higher ranks, due to their advanced age and the disabilities incident thereto, were unable to perform the active service with troops required. Following the Battle of Bull Run, July 21, 1861, the first retirement law was approved, August 3, 1861. This provided retirement for Regular Army officers with 40 consecutive years of commissioned service, and for disability not necessarily incurred in war time.

This original retirement act for the Regular Army has since been greatly enlarged by 13 subsequent enactments. But it is apparent that one of the impelling reasons which actuated the Congress in initiating retirement was a desire to raise the efficiency standards of the Regular Army officer personnel through removing in an emergency those physically unable to withstand the hardships of campaign. The enlisted men of the Regular Army did not obtain retirement until February 14, 1885, and then only for length of service. The general pension law of July 14, 1862, still cares for their disabilities.

PROVISIONALS GRANTED RETIREMENT

Retirement was granted the provisional officers by the act of July 9, 1918, and by the act of June 4, 1920, retirement was granted the disabled emergency officers of the Navy and Marine Corps. From 1922 to 1925 seven additional laws were enacted granting retirement to individual disabled emergency officers of the Navy and Marine Corps.

From the foregoing it will be seen that for the greater period of our existence as a Nation it has been our national policy to grant emergency and regular officers disabled in war time the same payments for their disabilities. This policy was abandoned for a while, but resumed in 1920 and is still being continued.

The disabled emergency Army officer, of the nine classes of disabled officers who fought in the World War, is the only class now discriminated against in this connection.

NINE CLASSES OF WORLD WAR OFFICERS

Nine classes of officers fought in the World War. These were the regular officers of the Army, Navy, and Marine Corps; the provisional officers of the Army, Navy, and Marine Corps; and the emergency officers of the Navy, Marine Corps, and the Army. The first eight classes have been retired by the Congress for their wounds. The disabled emergency Army officers alone have been denied retirement for their mutilations and disabilities. It is to rectify this discrimination against the seriously disabled emergency Army officers that the Legion has pressed this legislation for the past seven years.

The discrimination is against the emergency Army officers, who have not been placed on a parity with the eight other classes of disabled officers who fought in the World War. There is no discrimination against the disabled enlisted men, as they will lose nothing—they will not surrender a single right—if their disabled officers are placed upon a parity with the eight other classes who have already been retired.

OFFICERS OLDER THAN ENLISTED MEN

The Veterans' Bureau figures of March 31, 1925, show there were then 2,079 emergency Army officers of the World War who had been permanently disabled more than 30 per cent. This number includes officers of all ranks, as follows: Seven colonels and 21 lieutenant colonels, whose average age is 55 years; 125 majors, whose average age is 50 years; and 1,926 company officers—that is, captains, first lieutenants, and second lieutenants—whose average age is 41 years.

The age of the average enlisted man who fought in the World War is 33 years. It will be seen, therefore, that the colonels and lieutenant colonels are 22 years older than the enlisted men, the majors 17 years older, and the company officers 8 years older than the enlisted men.

This great difference in the ages of officers and enlisted men is a natural one and has been true through all America's history. The reason for it is apparent. It is necessary that an officer be a man of greater experience, greater ability in handling men and coping with situations, than the enlisted men themselves. As a rule, his greater age has also brought him greater military knowledge, essential to proper leadership.

OFFICERS MEN WITH RESPONSIBILITIES

The officers were chosen largely for their responsibility, as the comfort, safety, and lives of the men they command were in their hands. Because of their greater age, a large proportion of them have wives and children or other dependents when they enter the service. Many others had incurred family, business, and professional responsibilities which the enlisted men had not yet attained because of their youth.

The average officer was above the draft age. In fact, a large proportion of them would not have been able to have entered the service—due to their family responsibilities and the necessity of those dependent upon them—but for the fact that as officers they received a rate of pay which enabled them to enter the service and still support their families. This fact is frequently overlooked in considering the justice and urgency of this legislation.

ENLISTED MAN CHOSEN FOR LACK OF RESPONSIBILITY

The final report of the provost marshal general of the Army to the Secretary of War, dated July 15, 1919, shows in table 4, page 24, that 2,780,576 men were actually inducted into the service during the World War, as compared to table 2, page 20, of the same book, which shows that 6,964,229 men received exemption from their local boards because of dependency.

This means that for every 100 men actually inducted into the service 250 men were exempted because of dependency.

This action was in line with that portion of the selective service act which authorized the President to exempt among others the following:

"Those in a status with responsibilities to persons dependent upon them for support which renders their exclusion or discharge advisable."

It is apparent from this act that Congress desired its fighting forces to be made up of men without family responsibilities. The figures quoted show that this wish was followed by the local boards.

One of the chief reasons for the difference in pay of officers and enlisted men of all armies and for all wars has been because of the difference in their ages and responsibilities. These same responsibilities continued after the emergency officers were disabled and crippled. If this difference in pay was proper when the emergency officer was well and sound, how much more necessary to continue it after he has been permanently disabled and thus prevented from earning a livelihood for the family which was dependent upon him prior to his war disability.

THE DISABLED OFFICERS INDORSE PENDING MEASURE

The disabled officers have banded themselves together in an association entitled "The disabled emergency officers of the World War." The organization of this association was slow in the beginning, as those eligible to membership were thinly scattered throughout the United States. Gradually the disabled officers in hospitals began forming themselves into chapters until on December 31, 1920, they had 720 members.

This membership had increased to 1,402 by December 31, 1921, in spite of 28 deaths; to 1,954 by December 31, 1922, with 30 deaths; to 2,005 December 31, 1923, with 19 deaths; to 2,051 December 31, 1924, with 32 deaths; to 2,052 December 31, 1925, with 40 deaths; and to 2,046 March 1, 1926, with 20 deaths. Permanent disability of a compensable degree is a requisite to membership in this organization. It will therefore be seen that in spite of 169 deaths since 1920 the membership of this association is numerically about equal to the number eligible to retirement under the bill stated by the Veterans' Bureau to be 2,079.

The legislation now before the Congress is indorsed by this disabled emergency officers' association, as it meets the two chief questions involved. These are their recognition as disabled officers; and secondly, the pay of retirement on the basis of rank. They believe, and rightly, that their separate retired list which the War Department has insisted upon will be an honor roll, second to none, upon which any American officer might well feel proud to have his name inscribed.

NO DISCRIMINATION AGAINST THE DEAD

The wives and children of all officers, including Regular Army officers, who were killed or died of wounds during the World War have been treated on an exact parity and receive exactly the same compensation from the Veterans' Bureau. No distinction or discrimination has been made between them. This holds true for the eight classes of officers already retired, as well as for the ninth class for whom this retirement is sought.

In addition to this, the Tyson-Fitzgerald bill will not affect the dependents of any officer killed in action. As stated, the dependents of the dead emergency officers have received the same treatment accorded the dependents of all classes of officers, through the operation of the war risk insurance act.

The charge that this legislation "discriminates against the sacred dead" is therefore without foundation of fact. There has been no discrimination as between the dependents of officers killed in the war, no matter what their rank or branch of service.

NO DISCRIMINATION AGAINST ENLISTED MEN

Opponents of this legislation who assume the rôle of champions of the disabled enlisted men (who outnumber the disabled officers 20 to 1)

strive to create the impression, by opposing this retirement measure for this ninth class of disabled World War officers, that they are conferring benefits of some sort upon the numerically greater class of disabled enlisted men. This attitude conveys a false impression. The enactment of this bill will not deprive the disabled enlisted men of a single right heretofore accorded them. On the contrary, blocking this measure is actually depriving the ninth class of disabled officers of a portion of the rights already accorded the other eight classes of officers who fought in the World War.

THE LEGION FIGHTS FOR ALL DISABLED

Ever since 1919 the American Legion has fought aggressively for beneficial legislation for all disabled men. Its membership is overwhelmingly from the ranks, and the Legion is responsible to a great degree for the many beneficial laws which the Congress has enacted for the relief and protection of all classes of the war's disabled.

The opponents who have fought the disabled officer's retirement measure so vigorously—in the open or through parliamentary tactics—do not dare claim that the Legion would sponsor legislation which would deprive any disabled man, enlisted or commissioned, of any rights or privileges heretofore acquired.

This "discrimination-against-the-enlisted-man" argument has been designed to create opposition on the part of the enlisted men, an attempt which has signally failed. The enlisted men do not object to their disabled officers being placed on a parity with the eight other classes of disabled World War officers, and many veteran company organizations composed wholly of enlisted men have so expressed themselves through resolutions advocating the enactment of the retirement measure for their former officers.

ENLISTED MEN FAVOR THIS LEGISLATION

The membership of the American Legion, more than 600,000 strong, is composed of at least 85 per cent enlisted men. The 1,000 delegates to our seven national conventions have been thoroughly representative of the membership of the Legion. At the St. Louis caucus of the Legion, May, 1919, when we decided to drop all military titles in connection with our meetings and proceedings, a resolution was adopted calling upon Congress to grant retirement to the disabled emergency officers. Since that time seven national conventions of the Legion have been held. At each of these conventions the attitude of the Legion established at the St. Louis caucus has been reaffirmed, and resolutions adopted calling upon Congress to grant this retirement.

At our last national convention, held at Omaha, October, 1925, a legionnaire, who had formerly favored this legislation but who now as a Member of Congress is opposing it, took the floor of the convention and appealed to the Legion to prevent discrimination against the enlisted men and to vote against continued advocacy of this measure.

This Congressman spoke upon the subject twice in an appealing and persuasive manner. His appeal to the 1,000 delegates to desert the disabled officers failed in its purpose, and the convention voted overwhelmingly to continue this fight for justice.

ALL VETERANS' ORGANIZATIONS FAVOR IT

In this same connection all other recognized veterans' organizations—and their memberships like that of the Legion are composed overwhelmingly of enlisted men—have continually gone on record as favoring this legislation. No recognized veterans' organization has ever opposed it in national convention. All recognized veterans' organizations have consistently favored it.

HOW ABOUT THE NAVY AND MARINE CORPS?

By the act of June 4, 1920, the disabled emergency officers of the Navy and the disabled emergency officers of the Marine Corps were granted retirement on the same terms that exist for regular and provisional officers of the Army, Navy, and Marine Corps. Under this act 292 of the emergency officers of these services were retired, and for six years have enjoyed the full benefits of retirement. Seven supplemental acts have been passed also.

If the enlisted man is opposed to this legislation—as its opponents claim—why has not complaint been registered during the past six years by the enlisted men of the Navy and Marine Corps because of the continued retirement of their disabled emergency officers? There are 600,000 enlisted veterans of these services to register this complaint if they felt that they had been discriminated against. No such complaint has ever been made to the American Legion.

BATTLE DEATHS

The dangers and hazards of the company and platoon leaders—the emergency officers—are well illustrated by the following statistics taken from "The War with Germany," by Leonard P. Ayres, General Staff, chief of the statistics branch of the General Staff of the Army, published by the Government Printing Office.

This official War Department publication shows that 2,191 Army officers were killed in action or died of wounds received in action. Remember that three classes of officers were in the Army. A further analysis of this list shows that 2,040, or 93 per cent, of these officers who were killed in action came from one class—the only class still denied retirement—the emergency Army officers. The remainder of the Army officers killed, 151, or 7 per cent, came from the two classes of Army officers already in receipt of retirement—the regular and provisional Army officers.

By far the greater number of deaths and casualties occurred in the infantry and machine-gun outfits—greater than all other branches of the service, for both officers and enlisted men. Let those who are invoking parliamentary tactics against the relief of these officers examine diagram 51 on page 121 of this official publication. The statistics quoted there show that in this fighting branch of the service there were 80.5 officers killed in action for each 1,000 officers who reached France, as compared with 51.7 enlisted killed in action for each 1,000 who reached France.

This comparison is a true index of the hazards which confronted the emergency Army officer in action. It shows that in this branch of the service that the battle deaths of the officers were 55 per cent greater than the battle deaths of the enlisted men. This will illustrate the seriousness with which the emergency Army officers took their responsibilities. These figures are eloquent with the exposures and hazards which go hand in hand with leadership and demonstrate the high spirit, the fidelity to trust well placed, which imbued those whose first thought was of victory—their men—and last of all, of self.

WOUNDED IN ACTION

Ayres's book shows further that 8,122 were wounded in action. Of these, 3,195 are listed as severely wounded. As only 2,079 of the emergency Army officers are now rated at more than 30 per cent disabled, it will be seen that many of the severely wounded officers have died or are now so recovered—nearly eight years after the fighting—that their disabilities are rated at less than 30 per cent permanent. This legislation cares for the severely disabled officers.

WHERE DID THE OFFICERS COME FROM?

Ayres's statistics show that there were 200,000 officers. These were divided into the following groups:

From officers' training camps	96,000
Physicians	42,000
Directly from civil life	26,000
From the ranks	16,000
National Guard	12,000
Regulars	6,000
Chaplains	2,000

All of the foregoing were emergency officers except the 6,000 regulars. It is apparent from this that it is absolutely essential in order to wage a major war successfully that the officers who do the fighting, who have actual control of the men, upon whom the lives of the enlisted men are directly dependent, are the emergency officers, for whom retirement is now sought for the severely disabled.

REGULAR OFFICERS, RETIRED

Ayres states there were only 6,000 Regular Army officers in the Army at the beginning of the war. Since that date 1,109 Regular Army officers have been retired for disability, and 645 Regular Army officers have been retired for reasons other than disability, a total of 1,754 Regular Army officers retired since the beginning of the war.

An analysis of the regular officers' retirements up to January 1, 1924, showed that only 9 West Pointers had been retired for wounds received in action during the World War, although 58 provisional Army officers had been retired for battle wounds.

From the foregoing it would seem that although battle wounds are few, retirement has been accorded in generous numbers to the Regular Army officers.

The reverse has been the lot of the emergency Army officer. Battle wounds have been his portion, privation his recompense. He still awaits retirement at the hands of a grateful Nation.

EQUALITY OF OFFICERS

Section 10 of the selective service act of May, 1917, provided as follows:

"That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects upon the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army."

The retirement privilege has been held to be a pension. In view of this, would it not appear that through this enactment Congress desired the emergency officer to be on exactly the same footing as the regular officer with respect to payments for battle casualties?

General Orders, No. 75, War Department, August 17, 1918, reads in part as follows:

"This country has but one Army, the United States Army. It includes all land forces in the services of the United States. These forces, however raised, lose their identity in that of the United States Army. Distinctive appellations such as Regular Army, Reserve Corps, National Guard, and National Army heretofore employed in the administration and command will be discontinued and the single term 'United States Army' will be exclusively used.

"Orders having reference to the United States Army as divided into separate and component forces of distinct origin, or assuming or contemplating such a division, are to that extent revoked."

EQUALITY ON THE BATTLE FIELD

It would seem that the War Department believed that distinction as between officers should be set aside when an emergency demanded it and fighting had to be done. Equality on the field of battle was freely granted the emergency officer. Now that the fighting is over equality off the battle field is denied him, although he alone is excepted among the nine classes of war-disabled officers.

THE NUMBER OF ELIGIBLE OFFICERS HAS INCREASED

During the past two years there has been a marked increase in the number of emergency officers rated at 30 per cent or more permanently disabled. This fact has caused opponents to claim that the legislation will eventually be a financial burden to the Government and that all of the 8,000 emergency Army officers with service-connected disability of a temporary and permanent character may eventually be retired following the enactment of this legislation.

This charge by opponents is not justified by the facts. The increase in the number of eligible officers has been due to two reasons given below, which has resulted in their rerating by the Veterans' Bureau:

1. The recent Government policy of giving a permanent rating to veterans who have been rated as temporarily disabled over a period of years and the permanency of whose disability seems likely. These reratings caused the greatest increase.

2. The inauguration of the new rating schedule provided by the World War veterans' act, which seeks to rate a veteran upon the individual handicap sustained through his disability.

An analysis of the Veterans' Bureau figures covering all veterans shows a definite rise in the curve of permanent disability and a distinct drop in the curve of temporary disability as a result of the reexamination and reratings given all classes of disabled veterans for the two reasons shown above.

Since this legislation has been before the Congress 169 of these disabled Army officers have died, awaiting in vain the affirmative action of Congress.

RETIREMENT PROPER FOR REGULARS

The present theory back of the retirement of the Regular Army officer is that his disability—age, health, accident, or battle wounds—which prevents him from being of further use in the Army also unfits him for the competition of civil life and that he should, therefore, be retired, or pensioned, at a rate of pay sufficient to maintain himself and family. This theory is considered sound by the American Legion. Not only as a matter of justice but for sound national defense policy the Regular officer should be able to look forward to retirement, instead of poverty, after his usefulness in the Army has passed.

ALSO RIGHT FOR OTHERS

If this theory is sound for the regular, it is also sound for the disabled emergency Army officer. The emergency officers were professional or business men. Because of their age and the nature of their disabilities, vocational training has proved of little practical assistance. It is agreed that competition in civil life is much keener than in the Regular Army. If it is harder to meet competition with a sound body and mind in civil life, how much more difficult it is for a former officer, after years in hospital, to attempt to take up business or professional work again, in competition with men who were not in the service, and earn sufficient to maintain himself and his dependents.

Fairness, and sound national policy alike, demand that he receive the retirement already accorded the other eight classes of disabled officers.

WAR DEPARTMENT OPPOSITION

The present Secretary of War, Col. Dwight F. Davis, an emergency officer who wears the distinguished service cross, does not oppose this legislation. However, the attitude of the General Staff has been unfortunate, and Secretary Davis's predecessors actively opposed the measure.

One of the reasons for this was the fear that the addition of the emergency officers would unduly "load down" the Regular Army retired list. In 1917 only $2,700,000 was appropriated for the pay of the retired officers of the Army. For 1927, $6,949,923 has already been appropriated, and $415,000 more must be appropriated during the year to cover the increase in retired pay carried under the act of May 8, 1926, or total of $7,364,923. This is nearly three times the amount appropriated for this purpose just before the war, an increase of $4,664,000.

This increase since the beginning of the World War is more than three times as great as the cost of retiring the disabled emergency Army officers. Battle casualties did not cause this tremendously increased cost of the retired list of the Army. An analysis of this list on January 1, 1924, by the Disabled Emergency Army Officers' Association showed that only nine West Pointers had been retired for wounds received in action during the World War.

THE NAVY HAS CONSISTENTLY FAVORED THE MEASURE

The Navy Department has never opposed the retirement of disabled emergency officers; in fact, has officially favored it. It is because of this friendly attitude that retirement was granted the disabled emergency Navy and Marine Corps officers by the Congress in 1920.

The Navy, however, was not faced with a swollen retired list like the Army. In 1917 the annual appropriations for the retired list of regular officers of the Navy and Marine Corps was $3,305,399. In spite of the addition of the disabled emergency officers to this list in 1920, the total appropriation for the retired list of the Navy and Marine Corps in 1927 had only reached $4,800,228, an increase of but $1,494,829 in 10 years, or less than one-third of the increased cost of the Regular Army's retired list.

There were not as many officers in the Navy who had to be retired in order to maintain a proper efficiency standard, such as pertained in the Army. It is in part due to this, that the increase in the Navy's retired list has been of a reasonable character.

CONGRESSMEN FAVOR THE RETIREMENT PRINCIPLE

The attitude of an overwhelming majority in both Senate and House is favorable toward retiring the disabled emergency officers, and these bodies would pass the Tyson-Fitzgerald bill with a bang if allowed to vote upon it.

Here is the way the Members of the Senate and House stand at present on the measure, as shown by their own letters written recently on this subject:

	Supporting	Friendly	Noncommittal	Opposed	No word or vacancies	Total
Senate	70	6	5	15		96
House	276	74	60	16	9	435

This analysis shows the situation. It does not represent our opinions on the attitude of these Senators and Representatives, but is, on the contrary, the actual attitude of the legislators, given over their own signatures.

These friendly and supporting Members of the House and Senate are prevented from voting upon this measure which they favor by the use of parliamentary procedure, invoked by a small group of powerful opponents who occupy key positions.

THIS SESSION'S RECORD ON RETIREMENT

Congress has already demonstrated its friendly attitude at the present session toward retirement by passing the various retirement measures the leaders have permitted a vote upon. Two of these are the following:

"Public Law 204, approved May 8, 1926, increasing the pay of the older retired officers of the Regular services to bring their pay up to that of the Regular officers retired since 1922. This increase alone costs $774,000 a year.

"Public Law 217, approved May 13, 1926, providing retirement for the Nurse Corps of the Army and Navy at an ultimate cost of $110,000 a year. In urging this bill the War Department stated 'it is in accordance with the spirit of the times.'"

In addition, Congress enacted Public Law 166, approved May 1, 1926, increasing Spanish-American War pensions by $18,500,000 annually, and Public Law 178, approved May 4, 1926, increasing total-disability pensions. Both Houses of Congress have also passed a civil-service retirement bill, which is now in conference.

The situation on the disabled emergency Army officers' bill is therefore as clear as print. Both Houses favor it by clear majorities of more than 4 to 1. But this friendly attitude can not become effective as long as unfriendly leaders, with the contrary attitude, can prevent the measure from being voted upon the floor.

SOUND NATIONAL DEFENSE POLICY

A war can not be fought by the Regular Army alone. In a major war the Regulars provide the skeleton around which the fighting armies are built. In peace time their most important mission is to so regulate their activities that this vast expansion may be accomplished promptly in an emergency with the maximum of efficiency and effectiveness.

The most serious problem facing this huge and hurried expansion is the procurement of officer personnel to lead the troops which do the actual fighting. Civilians of the professions, such as engineers, physicians, technicians, and other specialists which require years of application before proficiency is attained, are required by the tens of thousands for officers. Other tens of thousands are needed who have the mental training, personality, and temperament requisite for troop leading under battle conditions. Without these volunteer officers a major war could not be fought successfully.

These men must of necessity be older than the enlisted men whom they command. It takes years to achieve success in civil life, and

it is largely upon demonstrated ability that the choice of officers is made. It is only with averages that we are now dealing. The enlisted man is at the threshold of manhood; the officer in the midst of his career.

WASHINGTON WAS RIGHT

Washington was right. The sound national policy which he established of rewarding all officers at half pay, on the basis of rank, has been followed for all war disabled officers without regard to their branch of service for the greater part of our national history.

Many false premises and syllogisms are employed by opponents to bolster up their fallacious conclusions. One is that the disabled emergency Army officer should not be retired, because he planned to remain in the Army for the duration of the war only, at the termination of which he anticipated resuming his civilian occupation.

THE WAR LASTS TILL DEATH

But when this emergency officer becomes permanently disabled, helpless, because of his war disabilities, his plans for after the war have gone awry. Will any thoughtful person contend that "the war is over" for a person permanently disabled? The war for him lasts until his death. He can not resume his civilian occupation with assurance of success for competition is keener in civil life than in the peacetime Army. His family is still dependent upon him. His disability is permanent. Why, then, should his financial recompense for disability be only temporary, as compared with all other classes of officers, with like disabilities, whose financial recompense have been made permanent through retirement?

Sound national defense policy requires clear vision on this subject, such as Washington possessed, but which lesser leaders fail to catch. Do those who would depart from our historical national policy desire in the event of another war that the officer personnel be restricted solely to men of wealth, to men of independent incomes, who, because of their financial independence, can maintain themselves and their families in the event of their serious disability?

The failure to recognize the family responsibilities of the disabled emergency Army officers might well affect our national defense through confining our leaders of combat troops to the wealthy sons of the affluent class.

ONLY AVERAGES CONSIDERED

Arguments of the opposition based on finger injuries to emergency Army colonels have fallen of their own weight, and are no longer advanced. The chief reason for this was the disclosure that there are no emergency Army colonels with permanent disability ratings of 30 per cent because of finger injuries. But this legislation has to do with averages. Nearly any point can be illustrated by selecting isolated cases for comparison. The merits of the legislation rest upon averages. The average disabled emergency Army officer was much older, had greater family responsibilities than the enlisted man, and has lost his opportunity for a successful career just as surely as any other of the eight classes of officers already retired.

THE AMERICAN LEGION FIGHTS ON

It has been stated that the American Legion has never heretofore sponsored legislation which favored one group over another, or which made a distinction between officers and enlisted men. That statement is untrue. The adjusted compensation measure, sponsored by the Legion, excluded from its benefits all officers above the grade of captain, and, in addition, paid 20 per cent more for overseas and afloat service than for home or land service.

Besides this the Legion sponsored and obtained legislation to make certain disabilities "presumptive" for service connection, such as tuberculosis and mental disabilities, and did not sponsor this presumptive feature for certain other disabilities.

Do the opponents of this measure conceive that the American Legion, after fighting for this little band of gallant cripples for seven years, will now desert them because of a threat to drive a wedge within our membership?

The antibonus group also attempted this, and through this form of strategy endeavored to defeat and confound the service men. The Legion won its objective just the same, and came through the test stronger and more united than ever. The Legion will remain united and will triumph again under the present attempt.

The Legion, composed of all groups of World War veterans, is big enough and strong enough—honest enough—to sponsor the rights of a minority. In the preamble to our constitution is the phrase, "To make right the master of might." The Legion would not deserve the high public esteem it has so well earned should this threat cause it to "about face" and alter its policy, established prior to our first national convention, to obtain the retirement right for this little group of badly disabled emergency Army officers.

NATIONAL EXECUTIVE COMMITTEE RESOLUTION

The latest answer of the Legion to this challenge is contained in the resolution adopted at the May 14, 1926, meeting of our national executive committee, the resolved portion of which reads as follows:

"*Be it resolved*, That the national executive committee of the American Legion hereby takes this means of informing the Members of the Senate and the House of Representatives that the Legion is not divided in its continued advocacy of this measure; that the Legion believes that Congress should enact this just legislation, and that such action will not discriminate against the enlisted men, but, on the contrary, will rectify the discrimination now existing against the emergency Army officers.

"These disabled officers received their wounds and mutilations fighting in the open for their country. We call upon the opponents of this measure to follow the example set them by these gallant officers and conduct their fight against this bill out in the open, upon the floor of the House and Senate. We grant the opponents their right to oppose and speak against this legislation, but we do not concede them the right to prevent the Congress from voting upon the bill, which they have now done for six years. The American Legion believes in fair play, and we regard as unfair the continued efforts to defeat this measure through parliamentary procedure."

WHO ARE THESE DISABLED OFFICERS?

They were the platoon commanders, the company and battalion commanders, who led their men in the most desperate fighting the Nation has ever known—led them against rifle and artillery fire, machine guns, flame projectors, and poison gas, led them through barbed wire and trench and forest, through mud and blood, in a manner which stirred the wonder and admiration of the world—eight years ago.

LET'S GO

These were the officers whose motto was "Come on boys," not "Go on, men." They took their leadership seriously, did these emergency officers; were so determined to set an example to their men that the British and French repeatedly warned them against their unnecessary exposure to danger, for they were marked men, marked down by the enemy as a special target for snipers and sharpshooters.

Chateau-Thierry, Belleau Wood, St. Mihiel, and the Meuse-Argonne abounded in their deeds of sacrifice and heroism. But the results tell the tale. The battle deaths among these officers of the infantry and machine-gun outfits were 55 per cent higher than those of the men who served under them. Two thousand of them were killed in action. Two thousand of them now survive, disabled permanently, more than 30 per cent.

Look for your answer at the citations for gallantry in action—"above and beyond the call of duty." There you will read of the history of their imperishable deeds—in the awards of the congressional medal of honor, and the distinguished-service cross—deeds which were heralded from coast to coast, thrilling the Nation with wonder and pride—but deeds which reduced these gallant officers from stalwart, vigorous manhood, to the maimed, crippled, and mutiliated husks of men they are to-day.

EIGHT YEARS AFTER THE WAR

It is now nearly eight years after the war. The ages of these disabled officers compare favorably with the ages of the present Members of Congress. How would these Congressmen view the situation, if, with broken and maimed bodies, they were forced to support themselves and their families upon a few dollars a day, when they realized that the shattered body and reduced income was due solely to their patriotism—to their willingness, their desire, to risk all and play a man's part in defense of their country?

WEARY YEARS OF WAITING

These crippled officers have now waited eight long, weary years. Years spent in pain for many, in discomfort for others. All have been definitely weighted down in "life's handicap." These eight years have been years of penury, years of scrimping and saving, years of forced economy on the necessities of their families. Do you think that these officers alone have paid? Ask their wives and children whether they have been well housed, sufficiently dressed, properly educated, adequately fed, during this eight-year period of weary waiting, years during which the country has teemed with prosperity. It isn't the disabled officer alone whom Congress has forced to pay for the privilege of defending our country in its hour of danger.

COST OF THE MEASURE

The annual cost of the measure is only $1,334,988 a year to grant retirement to the 2,079 disabled emergency Army officers involved. There are 115 Navy and 17 Marine Corps disabled emergency officers who were not retired under the act of June 4, 1920. The Senate has heretofore included these in the legislation, and it is fair to assume that that body will continue this policy. This will entail an additional cost of $97,200, making the total cost to retire all emergency officers disabled more than 30 per cent permanently at $1,432,188.

EVERYTHING FOR THE DISABLED

Compare this cost of relieving these badly crippled and maimed officers with the $390,000,000 Government surplus which remains for this year after the huge tax reduction, and the estimated surplus of $185,000,000 for next year. To consider the financial relief through tax reduction given the big taxpayers, is to agree that the small cost

of this just relief measure for the crippled officers should not stand in the way of its enactment into law.

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
JOHN THOMAS TAYLOR, *Vice Chairman.*

AMENDMENT TO LAW REGULATING CONSTRUCTION OF BRIDGES

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. DILL. I yield.

Mr. BINGHAM. Earlier in the day I reported from the Committee on Commerce Senate bill 4456, relating to the construction of bridges over navigable waters, and asked for its immediate consideration. At that time the Senator from Idaho [Mr. BORAH] and the Senator from Missouri [Mr. REED] objected. They have now withdrawn their objections. The bill was fully explained at that time, and I ask unanimous consent for its immediate consideration. As I said at the time of reporting it, it introduces no new principle whatever, but merely codifies the forms which we have been using for the last four months in connection with the passage of bridge bills.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4456) to amend the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, which was read as follows:

Be it enacted, etc., That the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, is amended by adding at the end thereof the following new sections:

SEC. 9. That hereafter whenever the consent of Congress is granted for the construction, maintenance, and operation of a bridge and approaches thereto, in addition to and subject to the conditions and limitations contained in the preceding sections of this act, the following provisions shall apply in the following cases:

(a) In the case of a privately owned interstate toll bridge—

(1) There shall be conferred such rights and powers to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, such compensation to be ascertained and paid according to the laws of such State and the proceedings in respect thereof to be the same as in the condemnation and expropriation of property in such State.

(2) Tolls may be fixed and charged for transit over such bridge, and the rates of toll so fixed shall be reasonable and just and shall be the legal rates until changed by the Secretary of War in accordance with the provisions of section 4 of this act.

(3) After the completion of such bridge, as determined by the Secretary of War, a State, or any political subdivision of any State, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of such period of years after its completion as the Congress may specify at the time of granting consent, such bridge is acquired by condemnation, the amount of damages or compensation to be allowed for such bridge shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (a) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (b) the actual cost of acquiring such interests in real property, (c) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and of acquiring such interests in real property, and (d) actual expenditures for necessary improvements.

(4) If such bridge is taken over or acquired by any State or political subdivision as provided in paragraph (3) of this section, and if tolls are charged for the use thereof, the rates of toll shall be reasonable and just and shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within such period of years from the date of acquiring the same as the Congress may specify at the time of granting consent. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches is provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of such bridge and approaches. An accurate record of the amount paid for acquiring such bridge and approaches, the expenditures for operating, maintaining, and repairing the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

(5) Within 90 days after the completion of such bridge there shall be filed with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, the actual cost of acquiring any interest in real property necessary therefor, and actual financing and promotion costs. The Secretary of War may at any time within three years after the completion of such bridge investigate such costs, and all records in connection with the financing and construction thereof shall be made available. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

(6) There shall be granted the right to sell, assign, transfer, and mortgage all rights, powers, and privileges conferred with such consent, and any person to whom such rights, powers, and privileges are sold, assigned, or transferred or who shall acquire the same by mortgage foreclosure or otherwise, is authorized and empowered to exercise the same as fully as though conferred directly upon such person.

(b) In the case of a privately owned intrastate toll bridge, the provisions of paragraphs (3), (4), (5), and (6) of subdivision (a) of this section.

(c) In the case of a municipally owned interstate toll bridge the provisions of paragraphs (1) and (2) of subdivision (a) of this section, and in addition the following:

The rates of toll to be charged for the use of such bridge shall be reasonable and just and shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within such period of years from the date of completion thereof as the Congress may specify at the time of granting consent. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

(d) In the case of a privately owned free interstate highway bridge, the provisions of paragraphs (1) and (6) of subdivision (a) of this section.

(e) In the case of a privately owned free intrastate highway bridge, or a railroad bridge, the provisions of paragraph (6) of subdivision (a) of this section.

(f) In the case of a municipally owned intrastate toll bridge, the additional provision in subdivision (c) of this section.

SEC. 10. That this act may be cited as the "General Bridge Act."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BREWSTER AGEE

Mr. HARRIS. Mr. President——

Mr. DILL. I yield to the Senator from Georgia.

Mr. HARRIS. Mr. President, in a few days Senators will be going to their homes. I will be going to my home, near which a good woman is living whose husband was killed by United States soldiers. She has been supporting three children and has no means whatsoever. I hope no Senator will object to the consideration of the bill for her relief, which I am now going to ask the Senate to consider. It is Order of Business No. 1029, Senate bill 2640. I ask unanimous consent that the bill may be considered at this time.

Mr. CURTIS. I ask that the bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The bill (S. 2640) for the relief of Brewster Agee, was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Brewster Agee, the sum of $5,000, as compensation for loss by death of her husband, George L. Agee, killed by United States soldiers during a riot at Griffin, Ga., on or about March 8, 1899.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS ADJOINING FORT HAMILTON, N. Y.

Mr. COPELAND. Mr. President, on the calendar there is a bill granting to the city of New York, through the Secretary of War, an easement to permit the building by the city of a highway along Fort Hamilton. In order that the work may proceed, because everything is in readiness for it, I ask that Order of Business No. 1037, being House bill 12536, may be considered at this time. It has been favorably acted upon, and an identical Senate bill introduced by me, being Calendar No. 1023, was given consideration and reported by the committee.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York?

Mr. CURTIS. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The bill (H. R. 12536) to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton, in said State, for highway purposes was read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to grant to the city of New York, in the State of New York, subject to the conditions mentioned in section 2 of this act, an easement in the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State, for the purpose of extending the public highway known as Shore Road, in the Borough of Brooklyn, as the same is located and laid out on the map or plan of said city and in accordance with the plan thereof shown upon the map approved by the board of estimate and apportionment of said city on the 25th day of February, 1926. The lands and lands under water included in this easement are more particularly described as follows: Beginning at a point on the prolongation of the southeastern boundary of the United States Military Reservation at Fort Hamilton, N. Y., which point is distant 1,957.64 feet from the southwest line of Cropsey Avenue, measured along the boundary of the military reservation and the southeasterly line of Bay Second Street; thence south 38 degrees 24 minutes 43.39 seconds west, along the southeasterly boundary of United States lands under water, 184.82 feet; thence south 85 degrees 20 minutes 7.73 seconds west, 760.12 feet; thence westerly, on a curve having a radius of 1,388.42 feet, a distance of 994.66 feet; thence northwesterly on a curve having a radius of 4,095.64 feet, a distance of 986.72 feet; thence northwesterly on a curve having a radius of 2,282.84 feet, a distance of 518.56 feet; thence north 26 degrees 47 minutes 58.72 seconds west tangent to the last-mentioned course 323.69 feet to a point on the northwesterly boundary of United States lands under water, which point is 968 feet distant from the southerly side of One hundred and first Street, on a line at right angle to One hundred and first Street from a point 119.17 feet northwesterly from the intersection of the westerly line of Fort Hamilton Parkway with the southerly line of One hundred and first Street; thence north 63 degrees 12 minutes 1.28 seconds east along the boundary of United States lands 135 feet; thence south 26 degrees 47 minutes 58.72 seconds east, 323.69 feet; thence southeasterly on a curve having a radius of 2,147.84 feet, a distance of 487.89 feet; thence southeasterly on a curve having a radius of 3,960.64 feet, a distance of 954.20 feet; thence easterly on a curve having a radius of 1,253.42 feet, a distance of 897.94 feet; thence north 85 degrees 20 minutes 7.73 seconds east tangent to the last-mentioned course, 886.34 feet to the point of beginning; the above tract being a strip of land and land under water having a uniform width of 135 feet; to be used for construction of a road; and, in addition thereto, a strip of land under water, adjacent to and on the southerly side of the strip of land above described, not exceeding 20 feet in width, for the purpose of placing riprap stone to form the foundation of a sea wall bounding said road. All bearings are referred to true north.

SEC. 2. That authority for the said easement is granted upon the conditions that the said highway shall be constructed and maintained by the city of New York without expense to the United States; that the area of land under water between mean high-water line and the inshore line of said highway, as laid out, shall be filled up to the grade established for said highway, such fill to be made by said city without expense to the United States; and that the construction and maintenance of said highway under the easement herein granted shall be subject to such terms and conditions as may be prescribed by the Secretary of War for the protection of the reservation and the Fort Hamilton Wharf from trespass and other improper use, as well as for the construction of suitable means of access from said highway to the reservation; the terms and conditions, so prescribed, to be performed by said city without expense to the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMOOT. I notice there is no report accompanying the bill.

Mr. COPELAND. The report is found accompanying Calendar No. 1023, being Senate bill 4389, which was introduced by me and favorably reported by the Senator from New York [Mr. WADSWORTH] from the Committee on Military Affairs.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. In the absence of objection, Order of Business 1023, being Senate bill 4389, will be indefinitely postponed.

SALE OF LOT 2, SQUARE 1113, IN THE DISTRICT OF COLUMBIA

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to his colleague?

Mr. DILL. I yield to my colleague, and then I will not yield any further.

Mr. JONES of Washington. Mr. President, there is on the calendar Order of Business No. 1096, being House bill 10309. I have no special interest in it, but a Member of the House who likewise has no special interest in it except from his acquaintance with the persons who are interested asked me to look after it. Briefly the facts are these: Lot 2, square 1113, in the District of Columbia, is owned by the Government.

Under the original plan of laying out the District this lot in some way was placed on the tax rolls, and assessments were made and the taxes were paid by Mr. Beverly F. Cole, and his wife subsequently continued paying the taxes, redeeming the property at tax sales, and so forth. Mr. Cole died, and Mrs. Cole is now 80 years old. It has been developed that this property belongs to the Government, and this bill permits the sale of the property at public or private sale and out of the proceeds to repay to Mrs. Cole the amount of money which she and her husband paid from time to time in taxes, with 6 per cent interest. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection?

Mr. CUMMINS. Mr. President, I do not intend to object to this bill, but if the Senator from Washington [Mr. DILL] intends to yield to every request for taking up a bill on the calendar, I want that policy to be made known. There are a hundred House bills on our calendar.

The PRESIDENT pro tempore. The Chair will state for the information of the Senator from Iowa that the Senator from Washington upon yielding to his colleague stated that he would yield no further.

Mr. CUMMINS. Mr. President, I do not know that I am particularly gratified with that announcement, but I want some consistent program to be followed. We have a great number of House bills which ought to be considered. A Senator who happens to meet the favor of the Senate at a particular time can secure unanimous consent to have a bill or bills in which he is interested considered, but those of us who are more modest are compelled to wait until the calendar is called. I hope the Senator from Washington will adhere to his announcement and continue with the consideration of the radio bill.

Mr. DILL. I will.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request preferred by the Senator from Washington?

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. The Chair hears none; and, without objection——

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. The Senator from Maryland.

Mr. BRUCE. I do not propose to be railroaded in any such manner.

Mr. DILL. Mr. President, if the Senator is going to object, I shall take the floor, because I do not care to yield if the bill is going to lead to discussion.

Mr. BRUCE. When a unanimous-consent request is submitted to the Senate, I submit that in common decency the Members of the Senate should have an opportunity to say whether or not they object, and I did not have that opportunity.

The PRESIDENT pro tempore. Does the Senator object?

Mr. BRUCE. I object until I know what the bill is.

The PRESIDENT pro tempore. Objection being made, the bill will go back to the calendar. The Senator from Washington has the floor.

Mr. JONES of Washington. Mr. President, will my colleague yield to me for just a moment?

The PRESIDENT pro tempore. Does the Senator from Washington yield to his colleague?

Mr. DILL. I will not yield now; I can not yield further if I am to discuss the bill now before the Senate. I realize——

Mr. BRUCE. I was not finding fault with the Senator having the floor. I was finding fault with the Presiding Officer.

Mr. DILL. I have probably been too lenient in yielding, but I desired to accommodate Senators in so far as I could before taking up the radio bill.

Mr. BRUCE. I understand.

REGULATION OF RADIO COMMUNICATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9971) for the regulation of radio communications, and for other purposes.

Mr. DILL. Mr. President, before discussing the principal features of this bill I desire to set forth certain conditions regarding radio broadcasting and radio receiving in the United States that should be kept in mind as a background in the consideration of the legislation to be enacted.

RADIO FREE IN UNITED STATES

First, and most important of all, radio in the United States is free. It is so free to the listener-in that anybody anywhere may listen in to any broadcasting whatsoever, whether it be by amateurs who are experimenting or by telegraphers who are sending wireless messages in code or by broadcasters who are giving programs to amuse, entertain, and instruct, without any restraint or hindrance whatsoever by the Government.

This freedom of radio reception by the American people is the feature of radio that distinguishes and differentiates radio conditions in the United States from radio conditions in every other country in the world. In practically every other country the government levies a tax on receiving sets. In some countries the government has prevented listeners-in from having sets that will receive broadcasting on more than two or three wave lengths.

The other condition regarding radio in the United States that is different from conditions in foreign countries relates to broadcasting. In practically all other countries the government either owns or directly controls all broadcasting stations. In this country there has been practically no control exercised by the Government, except as to the assignment of wave lengths and regulations as to the amount of power to be used.

UNITED STATES HAS 80 PER CENT OF SETS AND STATIONS

What has been the result of this policy of freedom for radio broadcasting and radio reception? The result is that American initiative and American business ingenuity have developed radio broadcasting in the United States far beyond anything known in other parts of the world. With only 6 per cent of the world's population living in the United States, we have more than 80 per cent of all the receiving sets on earth and five times as many broadcasting stations as all the rest of the world combined.

CONGRESS MUST PIONEER WAY OF RADIO LEGISLATION

Let me add that not only are radio reception and radio broadcasting free from Government restraint in the United States, but it is our desire and purpose to keep them free so far as it is possible to do so in conformity with the general public interest and the social welfare of the great masses of our people. It is this combination of conditions and purpose that complicates the problem of legislation on this subject and compels Congress to pioneer the way in the passage of a radio bill. We must steer the legislative ship between the Scylla of too much regulation and the Charybdis of the grasping selfishness of private monopoly.

BROADCASTING CHANNELS LIMITED

The next condition regarding radio to which I desire to call your attention is the fact that while radio uses the ether as a medium of communication, and the ether is unlimited, the channels for broadcasting are limited in number. This is probably due to the imperfect mechanical devices we must now use to transmit and receive radio communications, but whether or not future mechanical devices will make the number of channels for broadcasting unlimited, the fact is that at present they are limited, and Congress must legislate in accordance with that condition at the present time.

SPEED OF RADIO A MILLION TIMES AS FAST AS SOUND

Radio travels with the speed of light; that is, 186,000 miles per second or 300,000,000 meters per second. Consider for a moment what that means, when it is used as a medium of communication. If my speech were being broadcast by radio, a Chinaman with a receiving set on the opposite side of the world could actually hear my words more quickly than can those who sit in the farthest corners of this chamber.

This is explained by the fact that radio waves travel almost a million times as fast as sound waves. The radio waves which would transport the sound of my voice around the world until they would meet the identical radio waves coming around the earth from the opposite direction, require approximately one-fifteenth of a second to travel that distance. If my voice were loud enough to be heard half way around the world, it would require approximately 17 hours for the sound to travel that distance.

This annihilation of time and space differentiates radio from every other kind of communication ever known, from the marathon runner and sailboat to the airplane and the telephone.

DEVELOPMENT OF RADIO

The mastery of radio waves for practical use, even incomplete and imperfect as it now is, is the marvel of the world. It has not burst upon us suddenly as is commonly thought, but radio as we know it to-day is the fruition of nearly 100 years of continuous development, step by step.

The beginning of radio really dates back to 1831 when Michael Faraday discovered the principle of induction. He discovered that a current of electricity in one coil will set up a current in another coil which is placed near it, although there is no wire connection between the two coils.

In 1867 James Clerk Maxwell proved the existence of certain waves between the two coils when this induction process occurred.

In 1887 Heinrich Hertz discovered a method whereby these electromagnetic waves could be produced and caused to travel from one coil to the other. He measured the velocity of these waves and also their length.

In 1896 Guglielmo Marconi took out the first wireless telegraph patent, and soon thereafter was able to send signals; first for a distance of one-half mile, then 10 miles, then across the English Channel, and in 1902 across the Atlantic Ocean.

In 1905 J. A. Fleming patented the vacuum tube with two filaments, and in 1908 Lee De Forrest patented the vacuum tube with the third electrode known as the grid.

About this time experiments in wireless telephony began to attain success, and the experimenters attracted world-wide attention in 1915 by sending the first wireless telephone message from Arlington to Paris.

BROADCASTING BEGAN IN 1920

There were many other successful experiments, but radio broadcasting as we now understand it really began in 1920, when the Westinghouse Electric Co. broadcast the election returns at East Pittsburgh.

The large number of letters received regarding that broadcasting from amateurs who picked up the reports aroused the Westinghouse Co. to serious consideration of further broadcasting. As a result they applied to the Secretary of Commerce for a broadcasting license, and on September 15, 1921, the first regular broadcasting license was issued to the Westinghouse Electric & Manufacturing Co. for use at Springfield, Mass., with the call letters WBZ. It should be mentioned, however, that the East Pittsburgh station, KDKA, of the Westinghouse Electric Co., is generally known as the "pioneer broadcasting station," because of its experiments while it was acting under an experimental license. The second license was issued to the Radio Corporation of America September 19, 1921, for operation of a station at Roselle Park, Aldene, N. J., with the call letters WDY. On September 30, 1921, the third license was issued to the Westinghouse Co. for a station at Newark, N. J., with the call letters WJZ, and on November 7, 1921, the regular license was issued for KDKA at East Pittsburgh.

SCIENTIFIC THEORY REGARDING RADIO

In order to make more clear the reasons for the problems of radio regulation, I desire now to discuss for a few minutes the scientific theory as to how radio communications are carried through the ether. Scientists tell us that light waves, heat waves, and radio waves all travel at the same speed, namely, 186,000 miles, or 300,000,000 meters per second. The light waves are exceedingly short, the heat waves slightly longer than the light waves, and the radio waves still longer than the heat waves.

The waves that can be used for radio purposes range from 1 meter to 33,000 meters in length.

LENGTH OF A WAVE LENGTH

The length of a wave length is the distance from the crest of one radio wave to the crest of the next radio wave. The mechanical instruments used in broadcasting send impulses out into the ether, and the results are termed "wave lengths." The

faster these impulses are sent out the shorter the distance between the resulting waves in the ether, and thus the shorter the wave length.

When a transmitter sends 100,000 impulses per second, which travel at the speed of light—namely, 300,000,000 meters per second—the length of the wave lengths is found by dividing 300,000,000 meters, the distance traveled, by 100,000 impulses, which gives 3,000 meters. In other words, there are 100,000 impulses or waves when a 3,000-meter wave length is used.

If the wave length be reduced from 3,000 meters to 300 meters then the transmitter must send out ten times as many impulses, or 1,000,000 impulses or waves per second. If the wave length be reduced to 30 meters, the transmitter must send out 10,000,000 impulses per second. If the wave length be reduced to 3 meters, 100,000,000 impulses per second, and if to 1 meter, 300,000,000 impulses per second.

Of course, such figures are entirely beyond human conception, and can only be suggested to the human mind by saying they are a part of infinity.

WHY THERE ARE ONLY 95 CHANNELS IN BROADCASTING BAND

At the present the mechanical instruments used for broadcasting and receiving are still so imperfect that wave lengths which may be used for broadcasting without causing interference with one another must be separated by what is termed "10 kilocycles," or 10,000 impulses per second. That means that the rates of speed at which these impulses or waves are emitted into the ether by two different transmitters must be at least 10,000 per second apart. One transmitter must send out radio waves 10,000 faster per second than the other, a difference of 10 kilocycles.

Up to this time I have used the word "impulses" for the radio waves in order not to confuse the minds of Senators who have not studied this question. These impulses or waves are sometimes termed "frequencies," sometimes "vibrations," and sometimes "cycles," so that when we speak of a difference of 1 kilocycle, we mean a difference of 1,000 impulses or cycles, and when of 10 kilocycles, we mean a difference of 10,000 impulses or cycles per second.

You will recall that a few moments ago I stated that the length of waves in the ether that could be used for radio communication range from 1 meter to 33,000 meters. Of these wave lengths only the wave lengths between 200 meters and 550 meters have been set aside for broadcasting purposes, and as a result there are only 95 broadcasting channels in the United States available for broadcasting purposes. Now, let me explain, if I can, how it happens that there are only 95 broadcasting channels. Using 200 meters as the wave length, and dividing 300,000,000 meters by 200 meters, as I did a moment ago, a transmitter must send out 1,500,000 waves or cycles; that is 1,500 kilocycles per second.

Using 550 meters as the wave length, and dividing it into 300,000,000 meters, we have 545,000 waves or cycles, which is 545 kilocycles. In other words, the wave band from 200 meters to 550 meters equals 350 meters, or the difference between 1,500 kilocycles and 545 kilocycles, which is 955 kilocycles. Since every broadcasting channel must be separated from every other broadcasting channel by 10 kilocycles, this 955 kilocycles furnishes 95 channels for broadcasting.

In order to avoid interference with Canadian broadcasters the Department of Commerce has made a tacit agreement with Canadian Government officials that the United States will not grant licenses for six of these 95-wave lengths, and Canada will not grant licenses for 89 of these 95 channels.

HOW THE BROADCASTING BAND WAS SELECTED

The question that naturally arises now is: Why has the Department of Commerce limited the broadcasting band from 200 meters to 550 meters? To answer that question, let me remind you that up to this time radiobroadcasting is like Topsy, it has "just growed." By that I mean that broadcasting has come upon us with such a rush that Congress has not provided adequate laws and regulations to meet the situation that has developed.

As I stated a few moments ago, broadcasting really began with the broadcasting of the election returns by the Westinghouse Electric Co. at East Pittsburgh in November, 1920. The Westinghouse Co. at that time was acting under an experimental license. When it was decided to enter upon broadcasting as a business the Westinghouse Co. applied to the Secretary of Commerce for a broadcasting license, but the Department of Commerce had not yet assigned any wave lengths to be licensed for that purpose.

Until then allocation of wave lengths had been made only for different kinds of wireless telegraphy, such as ship to ship, shore to ship, and ship to shore, transoceanic, experimental, and Army and Navy purposes. In fact, Congress in passing the law of 1912 did not contemplate radiobroadcasting as we now know it. It was not merely unknown but undreamed of at that time.

Although there was no provision regarding broadcasting in the law, the Secretary of Commerce issued broadcasting licenses for use of the 360 and 400 meter wave lengths, and all broadcasting continued on those two wave lengths until the second radio conference in 1923. Secretary Hoover called the situation to the attention of those attending the conference, and it was recommended that they allocate a certain band of wave lengths for broadcasting. The band recommended was between 222 and 545 meters, and this was later enlarged to cover wave lengths between 200 and 550 meters, as at present. In this way the wave lengths between 200 and 550 meters became known as the broadcasting band.

528 STATIONS ON 89 BROADCASTING CHANNELS

As I have stated previously, in the broadcasting band between 200 and 550 meters there are only 95 available broadcasting channels, 6 of which are reserved for Canada. Yet by separating the stations a sufficient distance geographically and assigning a considerable number of stations of low power to the same wave length and by a division of hours of use between different stations the Department of Commerce has managed to assign 528 stations to these 89 wave lengths. Although there is considerable interference in some instances between various stations, the demand for broadcasting licenses has continuously increased until at this time there are approximately 650 applications for wave lengths on file with the Department of Commerce which have not been granted.

WHY NOT ENLARGE BROADCASTING BAND?

Much consideration has been given to the proposal to enlarge the wave band for broadcasting, above 550 meters and below 200 meters, in order to provide additional channels for broadcasting purposes. This subject has been before the last two or three radio conferences and very carefully considered, and in each case the conference has recommended against enlarging the band. There are a number of reasons given for this action. In the first place, when manufacturers began to construct receiving sets they were all so built as to receive broadcasting signals only on wave lengths between 200 meters and 500 meters. Should a license be granted to broadcast on some other wave length none of the present receiving sets would be able to receive the communication, and since there are now about 5,000,000 sets in the hands of citizens, all of them would have to be changed or replaced by new sets to be able to receive broadcasting on additional wave lengths. However, this is not an expensive or difficult change to make, and it is my opinion that some enlargement of this band should be made. But that is a problem to be discussed and settled by a commission such as provided in this bill.

At present not all of the available channels for broadcasting are being utilized. The Department of Commerce officials inform me that they have licensed 641 channels and that there are probably 1,200 to 1,500 channels still available, although the number of unused channels may not exceed 1,000. Much depends upon the kind of apparatus that is used in transmitting and receiving, but regardless of the present imperfect state of radio mechanical devices there is undoubtedly a large number of unused channels still available, and by changing the allocation of wave bands from the different services no doubt a much larger number of stations can be licensed for broadcasting without seriously limiting the use of radio for other necessary purposes.

UNLIMITED CHANNELS IN SHORT WAVE LENGTHS

As yet radio engineers have not been able to master the use of extremely short wave lengths, probably because of the tremendous number of impulses or waves that must be sent out by the transmitter each second. If radio engineers ever do master these short wave lengths there will be literally thousands and thousands of broadcasting channels in these short wave lengths, and the chief difficulties which arise now because of a scarcity of broadcasting channels will be entirely removed, because in the 1-meter length alone there are 30,000 broadcasting channels.

SUPREME USE OF RADIO IS FOR SHIPS

It must be remembered, however, that there is one use for radio that is supreme, namely, its use in connection with ships at sea. This use is indispensable. Before the advent of radio ships sailed away and were completely lost to all the world until they arrived at some other port. On January 1, 1901, the bark *Medora* made the first use of wireless in an emergency at sea when it reported itself water-logged on Ratel Bank and was saved by the coming of immediate assistance by another ship. There are numerous other instances of its early use in emergencies at sea, but it was not until 1909, when the *Florida*

and *Republic* collided and used their wireless calls to bring other ships that rescued the passengers and crews, that nations were awakened to the invaluable and absolutely essential service that radio renders in navigation.

LOST STORIES OF SEA TRAGEDIES

The rescues of passengers and crews of many ships since that time only feebly suggests the tales that might have been told back through the centuries of the ships that have been swallowed up in the sea. How many other *Titanics* have gone down beside great icebergs with all their tales of heroism and fortitude forever lost because wireless was unknown to the world! How many ships have struggled with the sea for days, vainly looking for a sail that never came, but which wireless now brings from every angle of the compass when the S. O. S. call is given!

So I say no use of radio can be conceived that is sufficiently important to interfere with its use by ships at sea for messages from shore to ship, and ship to shore, and ship to ship. In 1913, 479 American vessels were equipped with radio; in 1923, 2,960; in 1924, 2,741; and in 1925, 1,901.

OTHER USES OF RADIO

The transoceanic wireless service is another use of radio which has become equally as reliable and equally as widely used as the cable service. This annihilation of time and space for the transmission of communications between continents is the next most important use of radio.

The Navy needs, uses, and must have a sufficient number of wave lengths for actual communication, as well as for experimental purposes. The Army Signal Corps constantly demands numerous wave lengths for use both in practice and experimental work, as well as for communication purposes.

The amateurs who constantly experiment must have a reasonable number of wave lengths. It should be remembered that the amateurs have made most of the important discoveries in the development of radio.

ALLOCATIONS OF WAVE LENGTHS

At this point I desire to insert in the RECORD the table showing the allocation of wave-length bands for the different uses such as I have just described:

Table of allocations of wave lengths

Kilocycles	Meters	Type of transmission	Service	Remarks
95–120	3,156–2,499	CW and ICW	Government only	
120–153	2,499–1,960	CW and ICW	Marine and aircraft only	
128	2,399	CW	Government	Nonexclusive.
153–165	1,960–1,817	CW and ICW	Point to point, marine, and aircraft, only	
155	1,934	CW and ICW	Government	Do.
165–190	1,817–1,578	CW and ICW	Point to point and marine only	
175	1,713	CW and ICW	Government	Do.[1]
190–230	1,578–1,304	CW and ICW	Government only	
230–235	1,304–1,276	CW and ICW	University and college experimental only	
235–285	1,276–1,052	Phone	Marine only	
245	1,224	CW and ICW	Government	Do
275	1,090	CW and ICW	do	Do
285–500	1,052–600		Marine and coastal only	
300	1,000	CW and ICW	Beacons only	
315	952	CW and ICW	Government only	
343	874	CW and ICW	Marine only	
375	800	CW and ICW	Radio compass only	
410	731	CW, ICW, spark	Marine only	
425	706	CW, ICW, spark	do	
445	674	CW and ICW	Government	Do
454	660	CW, ICW, spark	Marine only	
500	600	CW, ICW, spark, phone	Calling and distress, and messages relating thereto, only.	
500–550	600–545	CW, ICW, phone	Aircraft and fixed safety of life stations	Do.
550–1,500	545–200	Phone	Broadcasting only	
1,500–2,000	200–150	CW, ICW, phone	Amateur only	
2,000–2,250	150–133		Point to point	Do.
2,250–2,300	133–130		Aircraft only	
2,300–2,750	130–109		Mobile and Government mobile only	
2,750–2,850	109–105		Relay broadcasting only	
2,850–3,500	105–85.7		Public toll service, Government mobile, and point-to-point communication by electric power supply utilities, and point-to-point and multiple-address message service by press organizations, only.	
3,500–4,000	85.7–75.0		Amateur, Army mobile, naval aircraft, and naval vessels working aircraft, only.	
4,000–4,525	75.0–66.3		Public toll service, mobile, Government point to point, and point-to-point public utilities.	Do.
4,525–5,000	66.3–60.0		Relay broadcasting only	
5,000–5,500	60.0–54.5		Public toll service only	
5,500–5,700	54.5–52.6		Relay broadcasting only	
5,700–7,000	52.6–42.8		Point to point only	
7,000–8,000	42.8–37.5		Amateur and Army mobile only	
8,000–9,050	37.5–33.1		Public toll service, mobile, Government point to point, and point-to-point public utilities.	Do.
9,050–10,000	33.1–30.0		Relay broadcasting only	
10,000–11,000	30.0–27.3		Public toll service only	
11,000–11,400	27.3–26.3		Relay broadcasting only	
11,400–14,000	26.3–21.4		Public service, mobile, and Government point to point.	Do.
14,000–16,000	21.4–18.7		Amateur only	
16,000–18,100	18.7–16.6		Public toll service, mobile, and Government point to point.	Do.
18,100–56,000	16.6–5.35		Experimental	
56,000–64,000	5.35–4.69		Amateur	
64,000–400,000	4.69–0.7496		Experimental	
400,000–401,000	0.7496–0.7477		Amateur	

[1] Ice patrol, broadcast, etc.

These allocations of wave-length bands are made by a voluntary committee representing the three departments, the Navy, the Army, and the Commerce Department. They are arrived at each year by agreement. If this bill should become a law, a similar method will no doubt continue to be followed by the commission and the Army and Navy.

HISTORY OF INTERNATIONAL RADIO LEGISLATION

This brings me to the discussion of the legislation to be enacted at this time. At this point it is appropriate to review briefly the history of radio legislation, both national and international.

I speak of international radio legislation because international radio law is the most nearly universal in its application and observance of any attempted international agreements yet made by the human family. There are two reasons for this. First, interference between stations of various nations has forced them to work out international rules for control of the use of radio. Without international regulation of some kind, effective use of radio beyond, or even within, the boundaries of States and nations is impossible. Second, there is as yet no known method of preventing a radio communication sent into the ether from being received by the people of any part of the world, and thus there can be no monopoly or secrecy in the transmission and reception of radio messages. So each government finds it advisable to adhere to these international radio rules.

BEGINNINGS IN INTERNATIONAL TELEGRAPH CONFERENCES

The beginnings of international radio law are found in the results of the first conference on international telegraphy

held in Paris in 1865. The next telegraph conference was in Vienna in 1868, the next in Rome in 1872, and the next at St. Petersburg in 1875. It was not until 1875 at St. Petersburg that the representatives of the principal countries were able to agree upon an international telegraph convention.

Although the United States has never been a party signatory to this convention, both the Government and the private companies of the United States have found it advantageous to observe the rules and regulations of this agreement. In addition to agreeing upon rules and regulations, the St. Petersburg convention set up a permanent international telegraph bureau at Berne, Switzerland, and this bureau has been in continuous operation ever since. While this telegraph bureau has few, if any, powers, it performs several highly important duties, and since the advent of radio its powers and duties have been enlarged to include radio communication as well.

It keeps records of telegraphic data concerning all telegraph systems operated by governments, companies, and individuals in every part of the world. It lists accurate information about various stations, collects and tabulates it all, and then distributes this information to each of the member governments.

TELEGRAPH CONFERENCES

The St. Petersburg convention provided for the calling of subsequent conferences to amend and change the rules and regulations from time to time. As a result conferences have been held as follows: London, 1879; Berlin, 1885; Budapest, 1896; Paris, 1900; London, 1903; Lisbon, 1908; and Paris, 1925. Under the rules of the telegraph convention each government submits its proposals for changes to the Berne Bureau. The bureau compiles these proposals in a book and sends the book to each of the countries. The conferences are held on invitation of a government that thinks it has sufficiently important new proposals to be considered by an international conference. These invitations are extended through the Berne Bureau, and all administrative business of the conference is handled in that way.

THE BERNE BUREAU

This bureau is the one efficient international bureau that operates in the world to-day. It has been functioning successfully for more than 50 years with entire satisfaction. There have been no changes in the convention since the St. Petersburg conference, but the latest revision of the rules and regulations of the Berne Telegraph Convention, as amended and ratified down to 1908 at Lisbon, covers the following subjects:

1. International system of telegraph set up.
2. Rules governing the duration of service.
3. Certain general traffic arrangements.
4. Rules governing the writing and handing in of telegrams.
5. Rules concerning government telegrams.
6. Special provisions for service telegrams (telegrams relating to the international telegraph service are transmitted free).
7. Regulations concerning the counting of words.
8. Established bases for tariffs and charges.
9. Provisions for the collection of charges.
10. Rules regulating the transmission of telegrams.
11. Certain provisions for special telegrams (including radio telegrams).
12. Rules regulating delivery at destination.
13. Rules governing the transmission of telegraph money orders.
14. Special rules governing press telegrams.
15. Rules covering telephone service.
16. Rules requiring keeping of records of all messages.
17. Rules concerning refunds.
18. Rules governing the keeping of accounts.
19. Reservations to make special arrangements between different parties to the convention.

RADIO IS THE CHILD OF THE TELEGRAPH

I have reviewed the history of international telegraph law because radio is after all the child of the telegraph, and radio international law has been much more readily accepted because of the International Telegraph Convention adopted at St. Petersburg and the regulations since revised at various succeeding conferences down to and including the Lisbon conference of 1908.

The problems of the telegraph interests and of the radio interests are much the same, and so far as practicable the same remedies have been applied. Of course the problems resulting from interference in radio between stations of various countries have made necessary certain additional agreements and regulations.

The International Telegraph Conference recognized radio for the first time in Lisbon in 1908, when it included a provision in the rules and regulations providing that the collection of tolls and tariffs for radio messages handled in part by telegraph lines should be handled by the telegraph offices.

While the telegraph conference recognized radio at Lisbon, no further changes or additions regarding radio have been made in the telegraph rules, largely because radio has been having its own international conferences since 1903. The Paris conference of 1925 approved a proposal for joint international conferences with radio interests hereafter. This will be brought before the Washington wireless conference in 1927.

INTERNATIONAL RADIO CONFERENCES

In 1903 the German Emperor called the first international radio conference at Berlin. The purpose of this conference was to consider the making of an international agreement compelling all wireless stations to exchange signals with ships at sea, regardless of the kind of equipment carried by the ships. At that time the Marconi Co. owned and operated all land stations and had repeatedly refused to answer calls from ships using equipment other than the Marconi equipment.

One of the principal manufacturing companies supplying wireless equipment different from the Marconi equipment was located in Germany, although there were other companies supplying such equipment located in other countries. As a result the suggestions for an international wireless conference were most favorably received by the other countries, and practically all the nations sent representatives to Berlin in 1903.

The conference took no action other than to formulate the questions and make a tentative agreement for a later conference at Berlin in 1906. The representatives also agreed to urge their respective governments to send delegates to the 1906 conference with definite instructions and authority for them to act.

FORCED RADIO COMMUNICATIONS

At the 1906 conference the United States, through its delegates, proposed even more stringent requirements as to forced communication than Germany. Our delegates insisted that not only all shore stations should be compelled to exchange signals with ships at sea regardless of the kind of equipment used but a similar requirement should be made governing communications between ships at sea.

Our Navy Department was especially insistent upon the adoption of this provision. Admiral Manney testified before the Senate Committee on Foreign Relations in 1908 that on one occasion a ship equipped with Marconi instruments refused to communicate with an American ship which sent out a distress call. Some of our ships had Marconi sets and some did not, and the American representatives insisted that the forced-communication provision should apply to ships at sea as well as to shore stations.

PROVISIONS OF BERLIN CONVENTION

On November 3, 1906, the first International Radio Convention was signed by all the governments officially represented at the Berlin conference. The principal provisions of the convention were as follows:

(1) Provisions for compulsory intercommunication.

(2) Provisions for preventing interference and confusion, whether caused by accident or design.

(3) Provisions prescribing uniform rules of operation.

(4) Provisions for the distribution of information necessary for intercommunication.

(5) Provisions defining rates to be charged, fixing a maximum, and establishing rules for the collection of charges and the settlement of accounts.

(6) Provisions for the acceptance and transmission of telegrams.

England and Italy reserved agreement to the compulsory communication provisions. Both of these countries had contracts with the Marconi Co., which bound them to protect that company's interests. Italy expressed its reservation to run until the contracts with Mr. Marconi had expired. England fought the compulsory communication provisions throughout the convention and finally reserved acceptance of their terms.

WIRELESS BUREAU AT BERNE

In addition to the provisions enumerated above, the Berlin convention provided for the calling of subsequent conferences in a manner similar to conferences called under the telegraph convention. The Berlin convention incorporated articles 1, 2, 3, 5, 6, 7, 8, 11, 12, and 17 of the International Telegraph Convention, and also provided for an international wireless bureau at Berne as a division of the telegraph bureau there. Each government bears its proportionate share of the expenses of this telegraph bureau, and the share of the United States ranges from $2,000 to $5,000 annually.

WAVE LENGTHS FOR SHIPS

The most important provision of the wireless convention, as it relates to radio law at this time, is the allocation of 300 and

600 meter wave lengths for the use of ships at sea and the reservation of all wave lengths between 600 and 1,600 meters for governmental use. This allocation still exists, except that the United States has abandoned the 300-meter wave length for ship purposes, it being included in the present broadcasting band.

The Berlin convention was to go into effect July 1, 1908, it being expected that all the countries would have ratified it by that time. Italy and England had made reservations as to delay in ratification, and since the delegates of the United States had been so insistent upon the forced communication provisions most all other countries waited for this Government to act, although some South American countries ratified at once.

DELAY IN RATIFICATION

The Foreign Relations Committee of the Senate held hearings on the treaty during the first session of the Sixtieth Congress and the War, Navy, and Commerce and Labor Departments urged ratification, but the Marconi Co. opposed it. The committee never reported the treaty, but in the meantime England, France, Germany, and Italy having ratified, the terms of the treaty were observed and thus American ships were able to enjoy all the benefits of the treaty even though this Government had not ratified it.

The Wireless Bureau at Berne proceeded to make plans for another international radio conference at London. It was realized then that unless the United States ratified the Berlin convention, American delegates to the London conference would have no voice whatsoever.

THE LONDON CONFERENCE

This argument brought ratification of the Berlin convention on April 3, 1912, and entitled the United States delegates to sit in the London meeting. The London conference changed several provisions of the Berlin convention and revised and extended the regulations. This convention was signed July 5, 1912, and practically every government in the world having anything to do with radio at all, including many that were not parties to the conference, has either signed or adhered to this wireless convention. It is safe to say that it is the most universally observed international law that has ever been written.

The United States ratified it January 22, 1913, less than a year after it had ratified the 1906 convention.

The London convention is rather lengthy, but nevertheless I ask permission to have it inserted in the RECORD, as it will be of great interest.

The PRESIDING OFFICER. Without objection, it is so ordered.

The London convention is as follows:

[Translation.]

International Radiotelegraph Convention concluded between Germany and the German Protectorates, the United States of America and the Possessions of the United States of America, the Argentine Republic, Austria, Hungary, Bosnia-Herzegovina, Belgium, the Belgian Congo, Brazil, Bulgaria, Chile, Denmark, Egypt, Spain and the Spanish Colonies, France and Algeria, French West Africa, French Equatorial Africa, Indo-China, Madagascar, Tunis, Great Britain and the various British Colonies and Protectorates, the Union of South Africa, the Australian Federation, Canada, British India, New Zealand, Greece, Italy and the Italian Colonies, Japan and Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung, Morocco, Monaco, Norway, the Netherlands, the Dutch Indies and the Colony of Curacao, Persia, Portugal and the Portuguese Colonies, Roumania, Russia and the Russian Possessions and Protectorates, The Republic of San Marino, Siam, Sweden, Turkey, and Uruguay.

The undersigned, plenipotentiaries of the Governments of the countries enumerated above, having met in conference at London, have agreed on the following Convention, subject to ratification:

ARTICLE 1.

The High Contracting Parties bind themselves to apply the provisions of the present Convention to all radio stations (both coastal stations and stations on shipboard) which are established or worked by the Contracting Parties and open to public service between the coast and vessels at sea.

They further bind themselves to make the observance of these provisions obligatory upon private enterprises authorized either to establish or work coastal stations for radiotelegraphy open to public service between the coast and vessels at sea, or to establish or work radio stations, whether open to general public service or not, on board of vessels flying their flag.

ARTICLE 2.

By "coastal stations" is to be understood every radio station established on shore or on board a permanently moored vessel used for the exchange of correspondence with ships at sea.

Every radio station established on board any vessel not permanently moored is called a "station on shipboard."

ARTICLE 3.

The coastal stations and the stations on shipboard shall be bound to exchange radiograms without distinction of the radio system adopted by such stations.

Every station on shipboard shall be bound to exchange radiograms with every other station on shipboard without distinction of the radio system adopted by such stations.

However, in order not to impede scientific progress, the provisions of the present Article shall not prevent the eventual employment of a radio system incapable of communicating with other systems, provided that such incapacity shall be due to the specific nature of such system and that it shall not be the result of devices adopted for the sole purpose of preventing intercommunication.

ARTICLE 4.

Notwithstanding the provisions of Article 3, a station may be reserved for a limited public service determined by the object of the correspondence or by other circumstances independent of the system employed.

ARTICLE 5.

Each of the High Contracting Parties undertakes to connect the coastal stations to the telegraph system by special wires, or, at least, to take other measures which will insure a rapid exchange between the coastal stations and the telegraph system.

ARTICLE 6.

The High Contracting Parties shall notify one another of the names of coastal stations and stations on shipboard referred to in Article 1, and also of all data, necessary to facilitate and accelerate the exchange of radiograms, as specified in the Regulations.

ARTICLE 7.

Each of the High Contracting Parties reserves the right to prescribe or permit at the stations referred to in Article 1, apart from the installation the data of which are to be published in conformity with Article 6, the installation and working of other devices for the purpose of establishing special radio communication without publishing the details of such devices.

ARTICLE 8.

The working of the radio stations shall be organized as far as possible in such manner as not to disturb the service of other radio stations.

ARTICLE 9.

Radio stations are bound to give absolutely priority to calls of distress from whatever source, to similarly answer such calls and to take such action with regard thereto as may be required.

ARTICLE 10.

The charge for a radiogram shall comprise, according to the circumstances:

1. (a) The coastal rate, which shall fall to the coastal station;
(b) The shipboard rate, which shall fall to the shipboard station.

2. The charge for transmission over the telegraph lines, to be computed according to the ordinary rules.

3. The charges for transit through the intermediate coastal or shipboard stations and the charges for special services requested by the sender.

The coastal rate shall be subject to the approval of the Government of which the coastal station is dependent, and the shipboard rate to the approval of the Government of which the ship is dependent.

ARTICLE 11.

The provisions of the present Convention are supplemented by Regulations, which shall have the same force and go into effect at the same time as the Convention.

The provisions of the present Convention and of the Regulations relating thereto may at any time be modified by the High Contracting Parties by common consent. Conferences of plenipotentiaries having power to modify the Convention and the Regulations, shall take place from time to time; each conference shall fix the time and place of the next meeting.

ARTICLE 12.

Such conferences shall be composed of delegates of the Government of the contracting countries.

In the deliberations each country shall have but one vote.

If a Government adheres to the Convention for its colonies, possessions or protectorates, subsequent conferences may decide that such colonies, possessions or protectorates, or a part thereof, shall be considered as forming a country as regards the application of the preceding paragraph. But the number of votes at the disposal of one Government, including its colonies, possessions or protectorates, shall in no case exceed six.

The following shall be considered as forming a single country for the application of the present Article;

German East Africa
German Southwest Africa
Kamerun
Togo Land
German Protectorates in the Pacific
Alaska
Hawaii and the other American possessions in Polynesia
The Philippine Islands
Porto Rico and the American possessions in the Antilles
The Panama Canal Zone
The Belgian Congo
The Spanish Colony of the Gulf of Guinea
French East Africa
French Equatorial Africa
Indo-China
Madagascar
Tunis
The Union of South Africa
The Australian Federation
Canada
British India
New Zealand
Eritrea
Italian Somaliland
Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung.
The Dutch Indies
The Colony of Curacao
Portuguese West Africa
Portuguese East Africa and the Portuguese possessions in Asia
Russian Central Asia (littoral of the Caspian Sea)
Bokhara
Khiva
Western Siberia (littoral of the Arctic Ocean)
Eastern Siberia (littoral of the Pacific Ocean).

ARTICLE 13.

The International Bureau of the Telegraph Union shall be charged with collecting, coordinating and publishing information of every kind relating to radiotelegraphy, examining the applications for changes in the Convention or Regulations, promulgating the amendments adopted, and generally performing all administrative work referred to it in the interest of international radiotelegraphy.

The expense of such institution shall be borne by all the contracting countries.

ARTICLE 14.

Each of the High Contracting Parties reserves to itself the right of fixing the terms on which it will receive radiograms proceeding from or intended for any station, whether on shipboard or constal, which is not subject to the provisions of the present Convention.

If a radiogram is received the ordinary rates shall be applicable to it.

Any radiogram proceeding from a station on shipboard and received by a coastal station of a contracting country, or accepted in transit by the administration of a contracting country, shall be forwarded.

Any radiogram intended for a vessel shall also be forwarded if the administration of the contracting country has accepted it originally or in transit from a non-contracting country, the coastal station reserving the right to refuse transmission to a station on shipboard subject to a non-contracting country.

ARTICLE 15.

The provisions of Articles 8 and 9 of this Convention are also applicable to radio installation other than those referred to in Article 1.

ARTICLE 16.

Governments which are not parties to the present Convention shall be permitted to adhere to it upon their request. Such adherence shall be communicated through diplomatic channels to the contracting Government in whose territory the last conference shall have been held, and by the latter to the remaining Governments.

The adherence shall carry with it to the fullest extent acceptance of all the clauses of this Convention and admission to all the advantages stipulated therein.

The adherence to the Convention by the Government of a country having colonies, possessions or protectorates shall not carry with it the adherence of its colonies, possessions or protectorates unless a declaration to that effect is made by such Government. Such colonies, possessions and protectorates, as a whole or each of them, separately, may form the subject of a separate adherence or a separate denunciation within the provisions of the present Article and of Article 22.

ARTICLE 17

The provisions of Articles 1, 2, 3, 5, 6, 7, 8, 11, 12, and 17 of the International Telegraph Convention of St. Petersburg of July 10–22, 1875, shall be applicable to international radiotelegraphy.

ARTICLE 18

In case of disagreement between two or more contracting Governments regarding the interpretation or execution of the present Convention or of the Regulations referred to in Article 11, the question in dispute may, by mutual agreement, be submitted to arbitration. In such case each of the Governments concerned shall choose another Government not interested in the question at issue.

The decision of the arbiters shall be arrived at by the absolute majority of votes.

In case of a division of votes, the arbiters shall choose, for the purpose of settling the disagreement, another contracting Government which is likewise a stranger to the question at issue. In case of failure to agree on a choice, each arbiter shall propose a disinterested contracting Government and lots shall be drawn between the Governments proposed. The drawing of the lots shall fall to the Government within whose territory the international bureau provided for in Article 13 shall be located.

ARTICLE 19.

The High Contracting Parties bind themselves to take, or propose to their respective legislatures, the necessary measures for insuring the execution of the present Convention.

ARTICLE 20

The High Contracting Parties shall communicate to one another any laws already framed, or which may be framed, in their respective countries relative to the object of the present Convention.

ARTICLE 21.

The High Contracting Parties shall preserve their entire liberty as regards radio installations other than provided for in Article 1, especially naval and military installations, and stations used for communications between fixed points. All such installations and stations shall be subject only to the obligations provided for in Articles 8 and 9 of the present Convention.

However, when such installations and stations are used for public maritime service they shall conform, in the execution of such service, to the provisions of the Regulations as regards the mode of transmission and rates.

On the other hand, if coastal stations are used for general public service with ships at sea and also for communication between fixed points, such stations shall not be subject, in the execution of the last named service, to the provisions of the Convention except for the observance of Articles 8 and 9 of this Convention.

Nevertheless, fixed stations used for correspondence between land and land shall not refuse the exchange of radiograms with another fixed station on account of the system adopted by such station; the liberty of each country shall, however, be complete as regards the organization of the service for correspondence between fixed points and the nature of the correspondence to be effected by the stations reserved for such service.

ARTICLE 22.

The present Convention shall go into effect on the 1st day of July, 1913, and shall remain in force for an indefinite period or until the expiration of one year from the day when it shall be denounced by any of the contracting parties.

Such denunciation shall effect only the Government in whose name it shall have been made. As regards the other Contracting Powers, the Convention shall remain in force.

ARTICLE 23.

The present Convention shall be ratified and the ratifications exchanged at London with the least possible delay.

In case one or several of the High Contracting Parties shall not ratify the Convention, it shall nevertheless be valid as to the Parties which shall have ratified it.

In witness whereof the respective plenipotentiaries have signed one copy of the Convention, which shall be deposited in the archives of the British Government, and a copy of which shall be transmitted to each Party.

Done at London, July 5, 1912.

For Germany and the German Protectorates:

B. KOEHLER
O. WACHENFELD
Dr. KARL STRECKER
SCHRADER
GOETSCH
Dr. EMIL KRAUSS
FIELITZ

For the United States and the possessions of the United States:
JOHN R. EDWARDS
JNO. Q. WALTON
WILLIS L. MOORE
LOUIS W. AUSTIN
GEORGE OWEN SQUIER
EDGAR RUSSEL
C. McK. SALTZMAN
DAVID WOOSTER TODD
JOHN HAYS HAMMOND, Jr.
WEBSTER
W. D. TERRELL
JOHN I. WATERBURY.

For Argentine Republic:
VICENTE J. DOMINGUEZ

For Austria:
Dr. FRITZ RITTER WAGNER VON JAUREGG.
Dr. RUDOLPH RITTER SPEIL v. OSTHEIM.

For Hungary:
CHARLES FOLLERT
Dr. de HENNYEY

For Bosnia-Herzegovina:
H. GOIGINGER, G. M.
ADOLF DENINGER
A. CICOLI
ROMEO VIO.

For Belgium:
J. BANNEUX
DELDIME

For Belgium Congo:
ROBERT B. GOLDSCHMIDT.

For Brazil:
Dr. FRANCISCO BHERING.

For Bulgaria:
IV. STOYANOVITCH.

For Chile:
C. E. RICKARD.

For Denmark:
N. MEYER
J. A. VÖHTZ
R. N. A. FABER
T. F. KRARUP.

For Egypt:
J. S. LIDDELL

For Spain and the Spanish Colonies:
JACOBO GARCIA ROURE
JUAN DE CARRANZA Y GARRIDO
JACINTO LABRADOR
ANTONIO NIETO
TOMÁS FERNANDEZ QUINTANA
JAIME JANER ROBINSON.

For France and Algeria:
A. FROUIN.

For French West Africa:
A. DUCHÊNE.

For French Equatorial Africa:
A. DUCHÊNE.

For Indo-China:
A. DUCHÊNE.

For Madagascar:
A. DUCHÊNE.

For Tunis:
ET. DE FELCOURT.

For Great Britain and the various British Colonies and Protectorates:
H. BABINGTON SMITH
E. W. FARNALL
E. CHARLTON
G. M. W. MACDONOGH.

For Union of South Africa:
RICHARD SOLOMON.

For Australian Federation:
CHARLES BRIGHT.

For Canada:
G. J. DESBARATS.

For British India:
H. A. KIRK
F. E. DEMPSTER.

For New Zealand:
C. WRAY PALLISER.

For Greece:
C. DOSIOS.

For Italy and the Italian Colonies:
Prof. A. BATTELLI.

For Japan and for Chosen, Formosa, Japanese Sakhalin, and the leased territory of Kwangtung:
TETSUJIRO SAKANO
KENJI IDE
RIUJI NAKAYAMA
SEIICHI KUROSE

For Morocco:
MOHAMMED EL KABADJ
U. ASENSIO

For Monaco:
FR. ROUSSEL

For Norway:
HEFTYE
K. A. KNUDSSÖN

For Netherlands:
G. J. C. A. POP.
J. P. GUÉPIN

For Dutch Indies and the Colony of Curacao:
PERK
F. VAN DER GOOT.

For Persia:
MIRZA ABDUL GHAFFAR KHAN.

For Portugal and the Portuguese Colonies:
ANTONIO MARIA DA SILVA.

For Rumania:
C. BOERESCU.

For Russia and the Russian possessions and Protectorates:
N. DE ETTER
P. OSSADTCHY
A. EULER
SERGUIEVITCH
V. DMITRIEFF
D. SOKOLTSOW
A. STCHASTNYI
BARON A. WYNBKEN.

For Republic of San Marino:
ARTURO SERENA.

For Siam:
LUANG SANPAKITCH PREECHA
WM. J. ARCHER

For Sweden:
RYDIN
HAMILTON.

For Turkey:
M. EMIN
M. FAHRY.
OSMAN SADI

For Uruguay:
FED. R. VIDIELLA.

[Translation.]

FINAL PROTOCOL

At the moment of signing the Convention adopted by the International Radiotelegraph Conference of London, the undersigned plenipotentiaries have agreed as follows:

I.

The exact nature of the adherence notified on the part of Bosnia-Herzegovina not yet being determined, it is recognized that one vote shall be assigned to Bosnia-Herzegovina but that a decision will be necessary at a later date as to whether this vote belongs to Bosnia-Herzegovina in virtue of the second paragraph of Article 12 of the Convention, or whether this vote is accorded to it in conformity with the provisions of the third paragraph of that Article.

II.

Note is taken of the following declaration:

The Delegation of the United States declares that its government is under the necessity of abstaining from all action with regard to rates, because the transmission of radiograms as well as of ordinary telegrams in the United States is carried on, wholly or in part, by commercial or private companies.

III.

Note is likewise taken of the following declaration:

The Government of Canada reserves the right to fix separately, for each of its coastal stations, a total maritime rate for radiograms proceeding from North America and destined for any ship whatever, the coastal rate amounting to three-fifths and the shipboard rate to two-fifths of the total rate.

In witness whereof the respective plenipotentiaries have drawn up the present Final Protocol, which shall be of the same force and effect as though the provisions thereof had been embodied in the text of the Convention itself to which it has reference, and they have signed one copy of the same, which shall be deposited in the archives

of the British Government, and a copy of which shall be transmitted to each of the Parties.

Done at London, July 5, 1912.

For Germany and the German Protectorates:
B. KOEHLER
O. WACHENFELD
DR. KARL STRECKER
SCHRADER
GOETSCH
DR. EMIL KRAUSS
FIELITZ

For the United States and the possessions of the United States:
JOHN R. EDWARDS
JNO. Q. WALTON
WILLIS L. MOORE
LOUIS W. AUSTIN
GEORGE OWEN SQUIER
EDGAR RUSSEL
C. MCK. SALTZMAN
DAVID WOOSTER TODD
JOHN HAYS HAMMOND, Jr.
WEBSTER
W. D. TERRELL
JOHN I. WATERBURY

For Argentine Republic:
VICENTE J. DOMINGUEZ.

For Austria:
Dr. FRITZ RITTER WAGNER VON JAUREGG.
Dr. RUDOLF RITTER SPEIL V. OSTHEIM.

For Hungary:
CHARLES FOLLÉRT
Dr. DE HENNYEY

For Bosnia-Herzegovina:
H. GOIGINGER, G. M.
ADOLPH DANINGER
A. CICOLI
ROMEO VIO.

For Belgium:
J. BANNEUX
DELDIME

For Belgian Congo:
ROBERT B. GOLDSCHMIDT.

For Brazil:
Dr. FRANCISCO BEHRING

For Bulgaria:
IV. STOYANOVITCH.

For Chile:
C. E. RICKARD.

For Denmark:
N. MEYER
J. A. VOHTZ
R. N. A. FABER
T. F. KRARUP.

For Egypt:
J. S. LIDDELL.

For Spain and the Spanish Colonies:
JACOBO GARCIA ROURE
JUAN DE CARRANZA Y GARRIDO
JACINTO LABRADOR
ANTONIO NIETO
TOMÁS FERNANDEZ QUINTANA
JAIME JANER ROBINSON.

For France and Algeria:
A. FROUIN.

For French West Africa:
A. DUCHÊNE.

For French Equatorial Africa:
A. DUCHÊNE.

For Indo China:
A. DUCHÊNE.

For Madagascar:
A. DUCHÊNE.

For Tunis:
ET. DE FELCOURT.

For Great Britain and the various British Colonies and Protectorates:
H. BABINGTON SMITH
E. W. FARNALL
E. CHARLTON
G. M. W. MACDONOGH

For Union of South Africa:
RICHARD SOLOMON.

For Australian Federation:
CHARLES BRIGHT.

For Canada:
G. J. DESBARATS.

For British India:
H. A. KIRK.
F. E. DEMPSTER.

For New Zealand:
C. WRAY PALLISER.

For Greece:
C. DOSIOS.

For Italy and the Italian Colonies:
PROF. A. BATTELLI.

For Japan and for Chosen, Formosa, Japanese Sakhalin, and the leased territory of Krantung:
TETSUJIRO SAKANO.
KENJI IDE.
RIUJI NAKAYAMA.
SEIICHI KUROSE.

For Morocco:
MOHAMMED EL KABADJ.
U. ASENSIO.

For Monaco:
FR. ROUSSEL.

For Norway:
HEFTYE.
K. A. KNUDSSON.

For Netherlands:
G. J. C. A. POP.
J. P. GUÉPIN.

For Dutch Indies and the Colony of Curacao:
PERK.
F. VAN DER GOOT.

For Persia:
MIRZA ABDUL GHAFFAR KHAN.

For Portugal and the Portuguese Colonies:
ANTONIO MARIA DA SILVA.

For Roumania:
C. BOERESCU.

For Russia and the Russian possessions and Protectorates:
N. DE ETTER.
P. OSSADTCHY.
A. EULER.
SERGUEIEVITCH.
V. DMITRIEFF.
D. SOKOLTSOW.
A. STCHASTNYI.
BARON A. WYNEKEN.

For Republic of San Marino:
ARTURO SERENA.

For Siam:
LUANG SANPAKITCH PREECHA.
WM. J. ARCHER.

For Sweden:
RYDIN.
HAMILTON.

For Turkey:
M. EMIN.
M. FAHRY.
OSMAN SADI.

For Uruguay:
FED. R. VIDIELLA.

SERVICE REGULATIONS AFFIXED TO THE INTERNATIONAL RADIOTELEGRAPH CONVENTION, LONDON, 1912.

[Translation.]

1. ORGANIZATION OF RADIO STATIONS.

ARTICLE I.

The choice of radio apparatus and devices to be used by the coastal stations and stations on shipboard shall be unrestricted. The installation of such stations shall as far a possible keep pace with scientific and technical progress.

ARTICLE II.

Two wave lengths, one of 600 meters and the other of 300 meters, are authorized for general public service. Every coastal station opened to such service shall be equipped in such manner as to be able to use these two wave lengths, one of which shall be designated as the normal wave length of the station. During the whole time that a coastal station is open it shall be in condition to receive calls according to its normal wave length. For the correspondence specified under paragraph 2 of Article XXXV, however, a wave length of 1,800 meters shall be used. In addition, each Government may authorize in coastal stations the employment of other wave lengths designed to insure long-range service or any service other than for general public correspondence established in conformity with the provisions of the Convention under the reservation that such wave lengths do not exceed 600 meters or that they do exceed 1,600 meters.

In particular, stations used exclusively for sending signals designed to determine the position of ships shall not employ wave lengths exceeding 150 meters.

ARTICLE III.

1. Every station on shipboard shall be equipped in such manner as to be able to use wave lengths of 600 meters and of 300 meters. The first shall be the normal wave length and may not be exceeded for transmission except in the case referred to under Article XXXV (paragraph 2).

Other wave lengths, less than 600 meters, may be used in special cases and under the approval of the managements to which the coastal and shipboard stations concerned are subject.

2. During the whole time that a station on shipboard is open it shall be able to receive calls according to its normal wave length.

3. Vessels of small tonnage which are unable to use a wave length of 600 meters for transmission, may be authorized to employ exclusively the wave length of 300; they must be able to receive a wave length of 600 meters.

ARTICLE IV.

Communication between a coastal station and a station on shipboard shall be exchanged on the part of both by means of the same wave length. If, in a particular case, communication is difficult, the two stations may, by mutual consent, pass from the wave length with which they are communicating to the other regulation wave length. Both stations shall resume their normal wave length when the exchange of radiograms is finished.

ARTICLE V.

1. The International Bureau shall draw up, publish, and revise from time to time an official chart showing the coastal stations, their normal ranges, the principal lines of navigation, and the time normally taken by ships for the voyage between the different ports of call.

2. It shall draw up and publish a list of radio stations of the class referred to in Article I of the Convention, and from time to time supplements covering additions and modifications. Such list shall contain for each station the following data:

(1) In the case of coastal stations; name, nationality and geographical location indicated by the territorial subdivision and the latitude and longitude of the place; in the case of stations on shipboard; name and nationality of the ship; when the case arises, the name and address of the party working the station;

(2) The call letters (the calls shall be distinguishable from one another and each must be formed of a group of three letters);

(3) The normal range;

(4) The radio system with the characteristics of the transmitting system (musical sparks, tonality expressed by the number of double vibrations, etc.);

(5) The wave lengths used (the normal wave length to be underscored);

(6) The nature of the services carried on;

(7) The hours during which the station is open;

(8) When the case arises, the hour and method of transmitting time signals and meteorological telegrams;

(9) The coastal rate or shipboard rate.

3. The list shall also contain such data relating to radio stations other than those specified in Article I of the Convention as may be communicated to the International Bureau by the management of the Radio Service ("administration") to which such stations are subject, provided that such managements are either adherents to the Convention or, if not adherents, have made the declaration referred to in Article XLVIII.

4. The following notations shall be adopted in documents for use by the International Service to designate radio stations:

PG Station open to general public correspondence.
PR Station open to limited public correspondence.
P Station of private interest.
O Station open exclusively to official correspondence.
N Station having continuous service.
X Station having no fixed working hours.

5. The name of a station on shipboard appearing in the first column of the list shall be followed, in case there are two or more vessels of the same name, by the call letters of such station.

ARTICLE VI.

The exchange of superfluous signals and words is prohibited to stations of the class referred to in Article I of the Convention. Experiments and practice will be permitted in such stations in so far as they do not interfere with the service of other stations.

Practice shall be carried on with wave lengths different from those authorized for public correspondence, and with the minimum of power necessary.

ARTICLE VII.

1. All stations are bound to carry on the service with the minimum of energy necessary to insure safe communication.

2. Every coastal or shipboard station shall comply with the following requirements:

(a) The waves sent out shall be as pure and as little damped as possible;

In particular, the use of transmitting devices in which the waves sent out are obtained by means of sparks directly in the aerial (plain aerial) shall not be authorized except in cases of distress.

It may, however, be permitted in the case of certain special stations (those of small vessels for example) in which the primary power does not exceed 50 watts.

(b) The apparatus shall be able to transmit and receive at a speed equal to at least 20 words a minute, words to be counted at the rate of 5 letters each.

New installations using more than 50 watts shall be equipped in such a way as to make it possible to obtain with ease several ranges less than the normal range, the shortest being approximately 15 nautical miles. Existing installations using more than 50 watts shall be remodeled, wherever possible, so as to comply with the foregoing provisions.

(c) Receiving apparatus shall be able to receive, with the greatest possible protection against interference, transmissions of the wave lengths specified in the present Regulations, up to 600 meters.

3. Stations serving solely for determining the position of ships (radiophares) shall not operate over a radius greater than 30 nautical miles.

ARTICLE VIII.

Independently of the general requirements specified under Article VII, stations on shipboard shall likewise comply with the following requirements:

(a) The power transmitted to the radio apparatus, measured at the terminals of the generator of the station, shall not, under normal conditions, exceed one kilowatt.

(b) Subject to the provisions of Article XXXV, paragraph 2, power exceeding one kilowatt may be employed when the vessel finds it necessary to correspond while more than 200 nautical miles distant from the nearest coastal station, or when, owing to unusual circumstances, communication can be established only by means of an increase of power.

ARTICLE IX.

1. No station on shipboard shall be established or worked by private enterprise without a license issued by the Government to which the vessel is subject.

Stations on board of ships having their port of registry in a colony, possession, or protectorate may be described as subject to the authority of such colony, possession, or protectorate.

2. Every shipboard station holding a license issued by one of the contracting Governments shall be considered by the other Governments as having an installation fulfilling the requirements stipulated in the present Regulations.

Competent authorities of the countries at which the ship calls may demand the production of the license. In default of such production, these authorities may satisfy themselves as to whether the radio installations of the ship fulfill the requirements imposed by the present regulations.

When the management of the radio service of a country is convinced by its working that a station on shipboard does not fulfill the requirements, it shall, in every case, address a complaint to the management of the radio service of the country to which such ship is a subject. The subsequent procedure, when necessary, shall be the same as that prescribed in Article XII, paragraph 2.

ARTICLE X.

1. The service of the station on shipboard shall be carried on by a telegraph operator holding a certificate issued by the Government to which the vessel is subject, or, in case of necessity and for one voyage only, by some other adhering Government.

2. There shall be two classes of certificates:

The first class certificate shall attest the professional efficiency of the operator as regards:

(a) Adjustment of the apparatus and knowledge of its functioning;

(b) Transmission and acoustic reception at the rate of not less than 20 words a minute;

(c) Knowledge of the regulations governing the exchange of radio correspondence.

The second class certificate may be issued to operators who are able to transmit and receive at a rate of only 12 to 19 words a minute but who, in other respects, fulfill the requirements mentioned above. Operators holding second class certificates may be permitted on:

(a) Vessels which use radiotelegraphy only in their own service and in the correspondence of their crews, fishing vessels in particular;

(b) All vessels, as substitutes, provided such vessels have on board at least one operator holding a first-class certificate. However, on vessels classed under the first category indicated in Article XIII, the service shall be carried on by at least two telegraph operators holding first-class certificates.

In the stations on shipboard, transmissions shall be made only by operators holding first or second-class certificates except in cases of necessity where it would be impossible to conform to this provision.

(3) The certificate shall furthermore state that the Government has bound the operator to secrecy with regard to the correspondence.

4. The radio service of the station on shipboard shall be under the superior authority of the commanding officer of the ship.

ARTICLE XI.

Ships provided with radio installations and classed under the first two categories indicated in Article XIII are bound to have radio installations for distress calls all the elements of which shall be kept under conditions of the greatest possible safety to be determined by the Government issuing the license. Such emergency installations shall have their own source of energy, be capable of quickly being set into operation, of functioning for at least six hours, and have a minimum range of 80 nautical miles for ships of the first category and 50 miles for those of the second. Such emergency installations shall not be required in the case of vessels the regular installations of which fulfill the requirements of the present Article.

ARTICLE XII.

If the management of the radio service of a country has knowledge of any infraction of the Convention or of the Regulations committed in any of the stations authorized by it, it shall ascertain the facts and fix the responsibility.

In the case of stations on shipboard, if the operator is responsible for such infraction, the management of the radio service shall take the necessary measures, and, if the necessity should arise, withdraw the certificate. If it is ascertained that the infraction is the result of the condition of the apparatus or of instructions given the operator, the same method shall be pursued with regard to the license issued to the vessel.

2. In cases of repeated infractions chargeable to the same vessel, if the representations made to the management of the country to which the vessel is subject by that of another country remain without effect, the latter shall be at liberty, after giving due notice, to authorize its coastal stations not to accept communications proceeding from the vessel at fault. In case of disagreement between the managements of the radio service of two countries, the question shall be submitted to arbitration at the request of either of the two Governments concerned. The procedure is indicated in Article 18 of the Convention.

2. HOURS OF SERVICE OF STATIONS.

ARTICLE XIII.

(a) Coastal stations:

1. The service of coastal stations shall, as far as possible, be constant, day and night, without interruption.

Certain coastal stations, however, may have a service of limited duration. The management of the radio service of each country shall fix the hours of service.

2. The coastal stations whose service is not constant shall not close before having transmitted all their radiograms to the vessels which are within their radius of action, nor before having received from such vessels all the radiograms of which notice has been given. This provision is likewise applicable when vessels signal their presence before the actual cessation of work.

(b) Stations on shipboard:

3. Stations on shipboard shall be classed under three categories:

(1) Stations having constant service;

(2) Stations having a service of limited duration;

(3) Stations having no fixed working hours.

When the ship is under way, the following shipboard stations shall have an operator constantly listening in; 1st, Stations of the first category; 2nd, Those of the second category during the hours in which they are open to service. During the remaining hours, the last named stations shall have an operator at the radio instrument listening in during the first ten minutes of each hour. Stations of the third category are not bound to perform any regular service of listening in.

It shall fall to the Governments issuing the licenses specified in Article IX to fix the category in which the ship shall be classed as regards its obligations in the matter of listening in. Mention shall be made of such classification in the license.

3. FORM AND POSTING OF RADIOGRAMS.

ARTICLE XIV.

1. Radiograms shall show, as the first word of the preamble, that the service is "radio."

2. In the transmission of radiograms proceeding from a ship at sea, the date and hour of posting at the shipboard station shall be stated in the preamble.

3. Upon forwarding a radiogram over the telegraph system, the coastal station shall show thereon as the office of origin, the name of the ship of origin as it appears in the list, and also when the case arises, that of the last ship which acted as intermediary. These data shall be followed by the name of the coastal station.

ARTICLE XV.

The address of radiograms intended for ships shall be as complete as possible.

It shall embrace the following:

(a) The name or title of the addressee, with additional designations, if any;

(b) The name of the vessel as it appears in the first column of the list;

(c) The name of the coastal station as it appears in the list.

The name of the ship, however, may be replaced, at the sender's risk, by the designation of the route to be followed by such vessel, as determined by the names of the ports of departure and destination or by any other equivalent information.

2. In the address, the name of the ship as it appears in the first column of the list, shall, in all cases and independently of its length, be counted as one word.

3. Radiograms framed with the aid of the International Code of Signals shall be transmitted to their destination without being translated.

4. RATES.

ARTICLE XVI.

1. The coastal rate and the shipboard rate shall be fixed in accordance with the tariff per word, pure and simple, on the basis of an equitable remuneration for the radio work, with an optional minimum rate per radiogram.

The coastal rate shall not exceed 60 centimes (11.6 cents) a word, and the shipboard rate shall not exceed 40 centimes (7.7 cents) a word. However, each management shall be at liberty to authorize coastal and shipboard rates higher than such maximum in the case of stations of ranges exceeding 400 nautical miles, or of stations whose work is exceptionally difficult owing to physical conditions in connection with the installation or working of the same.

The optional minimum rate per radiogram shall not be higher than the coastal rate or shipboard rate for a radiogram of ten words.

2. In the case of radiograms proceeding from or destined for a country and exchanged directly with the coastal stations of such country, the rate applicable to the transmission over the telegraph lines shall not, on the average, exceed the inland rate of such country.

Such rate shall be computed per word, pure and simple, with an optional minimum rate which shall not exceed the rate for ten words. It shall be stated in francs by the management of the radio service of the country to which the coastal station is subject.

In the case of countries of the European system, with the exception of Russia and Turkey, there shall be but one rate for the territory of each country.

ARTICLE XVII.

1. When a radiogram proceeding from a ship and intended for the coast passes through one or two shipboard stations, the charges shall comprise, in addition to the rates of the shipboard station of origin, the coastal station and the telegraph lines, the shipboard rate of each of the ships which have participated in the transmission.

2. The sender of a radiogram proceeding from the coast and intended for a ship may require that his message be transmitted by way of one or two stations on shipboard; he shall deposit for this purpose an amount equal to the radio and telegraph rates and, in addition, a sum to be fixed by the office of origin, as surety for the payment to the intermediary shipboard stations of the transit rates fixed by paragraph 1. He shall further pay, at his option, either the rate for a telegram of five words or the price of the postage on a letter to be sent by the coastal station to the office of origin giving the necessary information for the liquidation of the amounts deposited.

The radiogram shall then be accepted at the sender's risk; it shall show before the address the prepaid instruction, to wit: "X retransmissions telegraph" or "X retransmissions letter" according to whether the sender desired the information necessary for the liquidation of the deposits to be furnished by telegraph or by letter.

3. The rate for radiograms proceeding from a ship intended for another ship, and forwarded through one or two intermediary coastal stations, shall comprise:

The shipboard rates of the two ships, the coastal rate of the coastal station or two coastal stations, as the case may be, and the telegraph rate, when necessary, applicable to the transmission between the two coastal stations.

4. The rate for radiograms exchanged between ships without the intervention of a coastal station shall comprise the shipboard rates of the vessels of origin and destination, together with the shipboard rates of the intermediary stations.

5. The coastal and shipboard rates accruing to the stations of transit shall be the same as those fixed for such stations when they are stations of origin or destination. In no case shall they be collected more than once.

6. In the case of every coastal station acting as intermediary, the rate to be collected for the service of transit shall be the highest

coastal rate applicable to direct communication with the two ships concerned.

ARTICLE XVIII.

The country within whose territory a coastal station is established which serves as intermediary for the exchange of radiograms between a station on board ship and another country shall be considered, so far as the application of telegraph rates is concerned, as the country of origin or of destination of such radiograms, and not as the country of transit.

5. COLLECTION OF CHARGES.

ARTICLE XIX.

The total charge for radiograms shall be collected of the sender, with the exception of:

(1) Charges for special delivery (Art. LVIII, Par. 1, of the Telegraph Regulations); (2) Charges applicable to inadmissible combinations or alterations of words noted by the office or station of destination (Art. XIX, par. 9 of the Telegraph Regulations) such charges being collected of the addressee.

Stations on shipboard shall to that end have the necessary tariffs. They shall be at liberty, however, to obtain information from coastal stations on the subject of rates for radiograms for which they do not possess all the necessary data.

2. The counting of words by the office of origin shall be conclusive in the case of radiograms intended for ships and that of the shipboard station of origin shall be conclusive in the case of radiograms proceeding from ships, both for purposes of transmission and of the international accounts. However, when the radiogram is worded wholly or in part, either in one of the languages of the country of destination, in the case of radiograms proceeding from ships, or in one of the languages of the country to which the ship is subject, in the case of radiograms intended for ships, and contains combinations or alterations of words contrary to the usage of such language, the bureau or shipboard station of destination, as the case may be, shall have the right to recover from the addressee the amount of charge not collected. In case of refusal to pay, the radiogram may be withheld.

6. TRANSMISSION OF RADIOGRAMS.

(a) Signals of transmission.

ARTICLE XX.

The signals to be employed are those of the Morse International Code.

ARTICLE XXI.

Ships in distress shall use the following signal:

• • • — — — • • •

repeated at brief intervals, followed by the necessary particulars.

As soon as a station hears the signal of distress it shall cease all correspondence and not resume it until after it has made sure that the correspondence to which the call for assistance has given rise is terminated.

Stations which hear a signal of distress shall conform to the instructions given by the ship making such signal as regards the order of the messages or their cessation.

In case the call letters of a particular station are added at the end of the series of calls for assistance, the answer to the call shall be incumbent upon that station alone unless such station fails to reply. If the call for assistance does not specify any particular station, every station hearing such call shall be bound to answer it.

ARTICLE XXII.

For the purpose of giving or requesting information concerning the radio service, stations shall make use of the signals contained in the list appended to the present Regulations.

(B) ORDER OF TRANSMISSION

ARTICLE XXIII.

Between two stations radiograms of the same order shall be transmitted one by one, by the two stations alternately, or in series of several radiograms, as the coastal station may indicate, provided the duration of the transmission of each series does not exceed fifteen minutes.

(C.) METHOD OF CALLING RADIO STATIONS AND TRANSMISSION OF RADIOGRAMS.

ARTICLE XXIV.

1. As a general rule, it shall be the shipboard station that calls the coastal station whether it has radiograms to transmit or not.

2. In waters where the radio traffic is very great (British Channel, etc.), a coastal station should not, as a general rule, be called by a shipboard station unless the former is within normal range of the shipboard station and not until the distance of the vessel from the coastal station is less than 75 per cent of the normal range of the latter.

3. Before proceeding to call, the coastal station or the station on shipboard shall adjust its receiving apparatus to its maximum sensibility and make sure that no other correspondence is being carried on within its radius of action; if it finds otherwise, it shall wait for the first pause, unless it is convinced that its call will not be likely to disturb the correspondence in progress. The same applies in case the station desires to answer a call.

4. For calling, every station shall use the normal wave of the station it wishes to call.

5. If in spite of these precautions the transmission of a radiogram is impeded at any place, the call shall cease upon the first request from a coastal station open to public correspondence. The latter station shall in such case indicate the approximate length of time it will be necessary to wait.

6. The station on shipboard shall make known to every coastal station to which it has signaled its presence the moment at which it proposes to cease its operations and the probable duration of the interruption.

ARTICLE XXV.

1. The call shall comprise the signal

— • — • —,

the call letters of the station called transmitted three times, the word "from" (de) followed by the call letters of the sending station transmitted three times.

2. The called station shall answer by making the signal

— • — • —,

followed by the call letters of the corresponding station transmitted three times, the word "from," its own call letters, and the signal

— • —.

3. Stations desiring to enter into communication with ships, without, however, knowing the names of the ships within their radius of action, may employ the signal — • — • — — — • — (signal of inquiry). The provisions of paragraphs 1 and 2 are likewise applicable to the transmission of a signal of inquiry and to the answer to such signal.

ARTICLE XXVI.

If a station called does not answer the call (Article XXV) transmitted three times at intervals of two minutes, the call shall not be resumed until after an interval of fifteen minutes, the station issuing the call having first made sure of the fact that no radio correspondence is in progress.

ARTICLE XXVII.

Every station which has occasion to transmit a radiogram requiring the use of high power shall first send out three times the signal of warning — — • • — —, with the minimum of power necessary to reach the neighboring stations. It shall not begin to transmit with high power until 30 seconds after sending the signal of warning.

ARTICLE XXVIII.

1. As soon as the coastal station has answered, the shipboard station shall furnish it with the following data in case it has messages to transmit; such data shall likewise be furnished upon request from the coastal station:

(a) The approximate distance, in nautical miles, of the vessel from the coastal station;

(b) The position of the vessel indicated in a concise form and adapted to the circumstances of the case;

(c) Her next port of call;

(d) The number of radiograms, if they are of normal length, or the number of words, if the messages are unusually long.

The speed of the ship in nautical miles shall also be given if specially requested by the coastal station.

2. The coastal station shall answer stating, as provided in paragraph 1, either the number of radiograms or the number of words to be transmitted to the ship, and also the order of transmission.

3. If the transmission can not take place immediately, the coastal station shall inform the station on shipboard of the approximate length of time that it will be necessary to wait.

4. If a shipboard station called can not receive for the moment, it shall inform the station calling of the approximate length of time that it will be necessary to wait.

5. In the exchange of messages between two stations on shipboard, it shall fall to the station called to fix the order of transmission.

ARTICLE XXIX.

When a coastal station receives calls from several shipboard stations, it shall decide the order in which such stations shall be admitted to exchange their messages.

In fixing this order the coastal station shall be guided exclusively by the necessity of permitting each station concerned to exchange the greatest possible number of radiograms.

ARTICLE XXX.

Before beginning the exchange of correspondence the coastal station shall advise the shipboard station whether the transmission is to be effected in the alternate order or by series (Article XXIII); it shall

then begin the transmission or follow up the preliminaries with the signal

— • — .

ARTICLE XXXI.

The transmission of the radiogram shall be preceded by the signal

— • — • —

and terminated by the signal

• — • — •

followed by the name of the sending station and by the signal

— • — .

In the case of a series of radiograms, the name of the sending station and the signal — • — shall only be given at the end of the series.

ARTICLE XXXII.

When a radiogram to be transmitted contains more than 40 words, the sending station shall interrupt the transmission by the signal • • — — • • after each series of about 20 words and shall not resume it until after it has obtained from the receiving station a repetition of the last word duly received, followed by the said signal, or, if the reception is good, by the signal — • — .

In the case of transmission by series, acknowledgment of receipt shall be made after each radiogram.

Coastal stations engaged in the transmission of long radiograms shall suspend the transmission at the end of each period of 15 minutes, and remain silent for a period of three minutes before resuming the transmission.

Coastal and shipboard stations working under the conditions specified in Article XXXV, par. 2, shall suspend work at the end of each period of 15 minutes and listen in with a wave length of 600 meters during a period of three minutes before resuming the transmission.

ARTICLE XXXIII.

1. When the signals become doubtful every possible means shall be resorted to to finish the transmission. To this end the radiogram shall be transmitted three times at most at the request of the receiving station. If in spite of such triple repetition the signals are still unreadable the radiogram shall be canceled.

If no acknowledgment of receipt is received the transmitting station shall again call up the receiving station. If no reply is made after three calls the transmission shall not be followed up any further. In such case the sending station shall have the privilege of obtaining the acknowledgment of receipt through the medium of another radio station, using, when necessary, the lines of the telegraph system.

2. If in the opinion of the receiving station the radiogram, although imperfectly received, is nevertheless capable of transmission, said station shall enter the words "reception doubtful" at the end of the preamble and let the radiogram follow. In such case the management of the radio service of the country to which the coastal station is subject shall claim the charges in conformity with Article XLII of the present Regulations. If, however, the shipboard station subsequently transmits the radiogram to another coastal station of the same management, the latter can claim only the rates applicable to a single transmission.

(D) ACKNOWLEDGMENT OF RECEIPT AND CONCLUSION OF WORK.

ARTICLE XXXIV.

1. Receipt shall be acknowledged in the form prescribed by the International Telegraph Regulations; it shall be preceded by the call letters of the transmitting station and followed by those of the receiving station.

2. The conclusion of a correspondence between two stations shall be indicated by each of the two stations by means of the signal

• • • — • —

followed by its own call letters.

(E) DIRECTIONS TO BE FOLLOWED IN SENDING RADIOGRAMS.

ARTICLE XXXV.

1. In general, the shipboard stations shall transmit their radiograms to the nearest coastal station.

Nevertheless, if a shipboard station has the choice between several coastal stations at equal or nearly equal distances, it shall give the preference to the one established on the territory of the country of destination or normal transit for its radiograms.

2. A sender on board a vessel shall, however, have the right to designate the coastal station through which he desires to have his radiogram transmitted. The station on shipboard shall then wait until such coastal station shall be the nearest.

In exceptional cases transmission may be made to a more distant coastal station, provided that:

(a) The radiogram is intended for the country in which such coastal station is situated and emanates from a ship subject to that country;

(b) Both stations use for calling and transmission a wave length of 1,800 meters;

(c) Transmission with this wave length does not interfere with a transmission made by means of the same wave length by a nearer coastal station;

(d) The station on shipboard is more than 50 nautical miles distant from any coastal station given in the list. The distance of 50 miles may be reduced to 25 miles provided the maximum power at the terminals of the generator does not exceed 5 kilowatts and that the stations on shipboard are established in conformity with Articles VII and VIII. This reduction in the distance shall not be admissible in the seas, bays or gulfs of which the shores belong to one country only and of which the opening to the high sea is less than 100 miles wide.

7. DELIVERY OF RADIOGRAMS AT THEIR DESTINATION.

ARTICLE XXXVI.

When for any cause whatever a radiogram proceeding from a vessel at sea and intended for the coast can not be delivered to the addressee, a notice of nondelivery shall be issued. Such notice shall be transmitted to the coastal station which received the original radiogram. The latter, after verifying the address, shall forward the notice to the ship, if possible, by the intervention, if need be, of another coastal station of the same country or of a neighboring country.

When a radiogram received by a shipboard station can not be delivered, the station shall notify the office of the origin by official notice. In the case of radiograms emanating from the coast, such notice shall be transmitted, whenever practicable, to the coastal station through which the radiogram has passed in transit; otherwise, to another coastal station of the same country or of a neighboring country.

ARTICLE XXXVII.

If the ship for which a radiogram is intended has not signalled her presence to the coastal station within the period designated by the sender, or, in the absence of such designation, by the morning of the 8th day following, the coastal station shall so notify the office of origin which shall in turn inform the sender.

The latter shall have the right to ask, by a paid official notice, sent by either telegraph or mail and addressed to the coastal station, that his radiogram be held for a further period of 9 days for transmission to the vessel, and so on. In the absence of such request, the radiogram shall be put aside as not transmissible at the end of the 9th day (exclusive of the day of posting).

Nevertheless, if the coastal station is certain that the vessel has left its radius of action before it has been able to transmit the radiogram to her, such station shall immediately so notify the office of origin which shall without delay inform the sender of the cancellation of the message. The sender may, however, by a paid official notice, request the coastal station to transmit the radiogram the next time the vessel shall pass.

8. SPECIAL RADIOGRAMS.

ARTICLE XXXVIII.

The following radiograms only shall be accepted for transmission:

(1) Radiograms with answer prepaid. Such radiograms shall show before the address the indication "Answer prepaid" or "R P" supplemented by a statement of the amount paid in advance for the answer, thus: "Response Payee fr. x", or "R P fr. x";

The reply voucher issued by a station on shipboard shall carry with it the right to send, within the limits of its value, a radiogram to any destination whatever from the station on shipboard which has issued such voucher.

(2) Radiograms calling for repetition of message (for purposes of verification);

(3) Special delivery radiograms. Only, however, in cases where the amount of the charges for special delivery collected of the addressee. Countries which can not accept such radiograms shall make a declaration to this effect to the International Bureau. Special delivery radiograms with charges collected of the sender may be accepted when they are intended for the country within whose territory the corresponding station is located.

(4) Radiograms to be delivered by mail;

(5) Multiple radiograms;

(6) Radiograms calling for acknowledgment of receipt. But only as regards notification of the date and hour at which the coastal station shall have transmitted to the station on shipboard the radiogram addressed to the latter.

(7) Paid service notices. Except those requesting a repetition or information. Nevertheless all paid service notices shall be accepted in transmission over the telegraph lines.

(8) Urgent radiograms. But only in transmission over the telegraph lines and subject to the application of the International Telegraph Regulations.

ARTICLE XXXIX.

Radiograms may be transmitted by a coastal station to a ship, or by a ship to another ship, with a view to being forwarded by mail from a port of call of the ship receiving the radiogram.

Such radiogram shall not be entitled to any radio retransmission.

The address of such radiogram shall embrace the following:

(1) The paid designation "mail" followed by the name of the port at which the radiogram is to be mailed;

(2) The name and complete address of the addressee;

(3) The name of the station on shipboard by which the radiogram is to be mailed;

(4) When necessary, the name of the coastal station.

Example: Mail Buenosaires 14 Calle Prat Valparaiso Avon Lizard.

The rate shall comprise, in addition to the radio and telegraph rates, a sum of 25 centimes (.048 cents) for the postage on the radiogram.

9. FILES.

ARTICLE XL.

The originals of radiograms together with the documents relating thereto retained by the managements of the radio service shall be kept, with all the necessary precautions as regards secrecy, for a period of at least fifteen months beginning with the month following that of the posting of the radiogram.

Such originals and documents shall, as far as practicable, be sent at least once a month by the shipboard stations to the management of the radio service to which they are subject.

10. REBATES AND REIMBURSEMENTS.

ARTICLE XLI.

1. With regard to rebates and reimbursements, the International Telegraph Regulations shall be applicable, taking into account the restrictions specified in Article XXXVIII and XXXIX of the present Regulations and subject to the following reservations:

The time employed in the transmission of radiograms and the time that radiograms remain in a coastal station in the case of radiograms intended for ships, or in the station on shipboard in the case of radiograms proceeding from ships, shall not be counted as delays as regards rebates or reimbursements.

If the coastal station notifies the office of origin that a radiogram can not be transmitted to the ship addressed, the management of the radio service of the country of origin shall immediately instigate reimbursement to the sender of the coastal and shipboard rates relating to the radiogram. In such case, the refunded charges shall not enter into the accounts provided for by Article XLII, but the radiogram shall be mentioned therein as a memorandum.

Reimbursements shall be borne by the different managements of the radio service and private enterprises which have taken part in the transmission of the radiogram, each management or private enterprise relinquishing its share of the rate. Radiograms to which Articles 7 and 8 of the Convention of St. Petersburg are applicable shall remain subject, however, to the provisions of the International Telegraph Regulations, except when the acceptance of such radiograms is the result of an error made by the telegraph service.

2. When the acknowledgment of receipt of a radiogram has not reached the station which has transmitted the message, the charges shall be refunded only if the fact has been established that the radiogram is entitled to reimbursement.

11. ACCOUNTS AND PAYMENTS OF CHARGES.

1. The coastal and shipboard charges shall not enter into the accounts provided for by the International Telegraph Regulations.

The accounts regarding such charges shall be liquidated by the managements of the radio service of the countries concerned. They shall be drawn up by the radio managements to which the coastal stations are subject, and communicated by them to the radio managements concerned. In cases where the working of the coastal stations is independent of the management of the radio service of the country, the party working such stations may be substituted, as regards the accounts, for the radio management of such country.

2. For transmission over the telegraph lines radiograms shall be treated, so far as the payment of rates is concerned, in conformity with the International Telegraph Regulations.

3. For radiograms proceeding from ships, the radio management to which the coastal station is subject shall charge the radio management to which the shipboard station of origin is subject with the coastal and ordinary telegraph rates, the total charges collected for answers prepaid, the coastal and telegraph rates collected for repetition of message (for purposes of verification), charges relating to special delivery (in the case provided for in Article XXXVIII), or delivery by mail, and those collected for additional copies (TM). The radio management to which the coastal station is subject shall credit, when the case arises, through the channel of the telegraph accounts and through the medium of the offices which have participated in the transmission of the radiograms, the radio management to which the office of destination is subject with the total charges relating to answers prepaid. With respect to the telegraph rates and the charges relating to special delivery or delivery by mail, and to additional copies, the procedure shall be as prescribed in the Telegraph Regulations, the coastal station being considered as the telegraph office of origin.

For radiograms intended for a country lying beyond the country to which the coastal station belongs, the telegraph charges to be liquidated in conformity with the above provisions shall be those which result either from tables "A" and "B" annexed to the International Telegraph Regulations, or from special arrangements concluded between the radio managements of adjacent countries and published by such managements, and not the charges which might be collected in accordance with the special provisions of Articles XXIII, par. 1, and XXVII, par. 1, of the Telegraph Regulations.

For radiograms and paid service notices intended for ships, the radio management to which the office of origin is subject shall be charged directly by that to which the coastal station is subject with the coastal and shipboard rates. However, the total charges relating to answers prepaid shall be credited, if there is occasion, from country to country, through the channel of the telegraph accounts, until they reach the radio management to which the coastal station is subject. As regards the telegraph charges and the charges relating to delivery by mail and additional copies, the procedure shall be as prescribed in the Telegraph Regulations. The radio management to which the coastal station is subject shall credit that to which the ship of destination is subject with the shipboard rate, if there is occasion, with the rates accruing to the intermediary shipboard stations, the total charge collected for answers prepaid, the shipboard rates for repetition of message (for purposes of verification), and the charges collected for the preparation of additional copies and for delivery by mail.

Paid service notices and answers prepaid shall be treated in the radio accounts in all respects the same as other radiograms.

For radiograms transmitted by means of one or two intermediary stations on shipboard, each one of such stations shall charge the shipboard station of origin, in the case of a radiogram proceeding from a ship, or that of destination, in the case of a radiogram intended for a ship, with the shipboard rate accruing to it for transit.

4. In general, the liquidation of accounts relating to correspondence between stations on shipboard shall be effected directly between the companies working such stations, the station of origin being charged by the station of destination.

5. The monthly accounts serving as a basis for the special accounts of radiograms shall be made out for each radiogram separately with all the necessary data within a period of six months from the month to which they refer.

6. The Governments reserve the right to enter into special agreements among themselves and with private companies (parties operating radio stations, shipping companies, etc.) with a view of adopting other provisions with regard to accounts.

12. INTERNATIONAL BUREAU.

ARTICLE XLIII.

The additional expenses resulting from the work of the International Bureau so far as radio telegraphy is concerned shall not exceed 80,000 francs a year, exclusive of the special expenses arising from the convening of the International Conference.

The managements of the radio service of the contracting states shall, so far as contribution to the expenses is concerned, be divided into six classes, as follows:

1st Class:

Union of South Africa; Germany, United States of America; Alaska; Hawaii and the other American possessions in Polynesia; Philippine Islands; Porto Rico and the American possessions in the Antilles; Panama Canal Zone; Argentine Republic; Australia; Austria; Brazil; Canada; France; Great Britain; Hungary; British India; Italy; Japan; New Zealand; Russia; Turkey.

2nd Class:

Spain.

3rd Class:

Russian Central Asia (littoral of the Caspian Sea); Belgium; Chile, Chosen, formosa, Japanese Sakhalin and the leased territory of Kwantung; Dutch Indies; Norway; Netherlands; Portugal; Roumania; Western Siberia (littoral of the Arctic Ocean); Eastern Siberia (littoral of the Pacific Ocean); Sweden.

4th Class:

German East Africa; German Southwest Africa; Kamerun; Togo Land; German Protectorates in the Pacific; Denmark; Egypt; Indo-China; Mexico; Siam; Uruguay.

5th Class:

French West Africa; Bosnia-Herzegovina; Bulgaria; Greece, Madagascar; Tunis.

6th Class:

French Equatorial Africa; Portuguese West Africa; Portuguese East Africa and the Portuguese possessions in Asia; Bokhara; Belgian Congo; Colony of Curacao; Spanish Colony of the Gulf of Guinea; Eritrea; Khiva; Morocco; Monaco; Persia; San Marino; Italian Somaliland.

ARTICLE XLIV.

The management of the radio service of the different countries shall forward to the International Bureau a table in conformity with the annexed blank, containing the data enumerated in said table for stations such as referred to in Article V of the Regulations. Changes occurring and additional data shall be forwarded by the radio managements to the International Bureau between the 1st and 10th day of each month. With the aid of such data the International Bureau shall draw up the list provided for in Article V. The list shall be distributed to the radio managements concerned. The list and the supplements thereto may also be sold to the public at the cost price.

The International Bureau shall see to it that the same call letters for several radio stations shall not be adopted.

13. METEOROLOGICAL RADIOGRAMS, TIME SIGNALS AND OTHER RADIOGRAMS.

ARTICLE XLV.

1. The managements of the radio service shall take the necessary steps to supply their costal stations with meteorological radiograms containing indications concerning the district of such stations. Such radiograms, the text of which shall not exceed 20 words, shall be transmitted to ships upon request. The rate for such meteorological radiograms shall be carried to the account of the ships to which they are addressed.

2. Meteorological observations made by certain vessels designated for this purpose by the country to which they are subject, may be transmitted once a day, as paid service notices, to the coastal stations authorized to receive the same by the managements concerned, who shall likewise designate the meteorological offices to which such observations shall be addressed by the coastal stations.

3. Time signals and meteorological radiograms shall be transmitted one after the other in such a way that the total time occupied in their transmission shall not exceed ten minutes. As a general rule, all radio stations whose transmissions might interfere with the reception of such signals and radiograms, shall remain silent during their transmission in order that all stations desiring it may be able to receive the same. Exceptions shall be made in cases of distress calls and of state telegrams.

4. The managements of the radio service shall give to agencies of maritime information such data regarding losses and casualties at sea or other information of general interest to navigation, as the coastal stations may properly report.

14. MISCELLANEOUS PROVISIONS.

ARTICLE XLVI.

The exchange of correspondence between shipboard stations shall be carried on in such a manner as not to interfere with the service of the coastal stations, the latter, as a general rule, being accorded the right of priority for the public service.

ARTICLE XLVII.

Coastal stations and stations on shipboard shall not be bound to participate in the retransmission of radiograms except in cases where direct communication cannot be established between the stations of origin and destination.

The number of such retransmissions shall, however, be limited to two.

In the case of radiograms intended for the coast, retransmission shall take place only for the purpose of reaching the nearest coastal station.

Retransmission shall in every case be subject to the condition that the intermediate station which receives the radiogram in transit is in a position to forward it.

ARTICLE XLVIII.

If the route of a radiogram is partly over telegraph lines, or through radio stations subject to a non-contracting Government, such radiograms may be transmitted provided the management of the radio service to which such lines or stations are subject have declared that, if the occasion should arise, they will comply with such provisions of the Convention and of the Regulations as are indispensable to the regular transmission of radiograms and that the payment of charges is insured. Such declaration shall be made to the International Bureau and communicated to the offices of the Telegraph Union.

ARTICLE XLIX.

Modifications of the present regulations which may be rendered necessary in consequence of the decisions of subsequent Telegraph Conferences shall go into effect on the date fixed for the application of the provisions adopted by each one of such conferences.

ARTICLE L.

The provisions of the International Telegraph Regulations shall be applicable analogously to radio correspondence in so far as they are not contrary to the provisions of the present regulations. The following provisions of the Telegraph Regulations, in particular, shall be applicable to radio correspondence: Article XXVII, paragraphs 3 to 6, relating to the collection of charges; Articles XXVI and XLI relating to the indication of the route to be followed; Article LXXV, paragraph 1, LXXVIII, paragraphs 2 to 4, and LXXIX, paragraphs 2 and 4, relating to the preparation of accounts. However:—(1) The period of six months provided by paragraph 2 of Article LXXIX of the Telegraph Regulations for the verification of accounts shall be extended to nine months in the case of radiograms; (2) The provisions of Article XVI, paragraph 2, shall not be considered as authorizing gratuitous transmission, through radio stations, of service telegrams relating exclusively to the telegraph service, nor the free transmission over the telegraph lines of service telegrams relating exclusively to the radio service; (3) The provisions of Article LXXIX, paragraphs 3 and 5, shall not be applicable to radio accounts. As regards the application of the provisions of the Telegraph Regulations, coastal stations shall be considered as offices of transit except when the Radio Regulations expressly stipulate that such stations shall be considered as offices of origin or of destination.

In conformity with Article 11 of the Convention of London, the present Regulations shall go into effect on the first day of July, 1913.

In witness whereof the respective plenipotentiaries have signed one copy of these Regulations, which shall be deposited in the archives of the British Government, and a copy of which shall be transmitted to each of the Parties.

For Germany and the German Protectorates:
B. KOEHLER
O. WACHENFELD
DR. KARL STRECKER
SCHRADER
GOETSCH
DR. EMIL KRAUSS
FIELITZ

For the United States and the possessions of the United States:
JOHN R. EDWARDS
JNO. Q. WALTON
WILLIS L. MOORE
LOUIS W. AUSTIN
GEORGE OWEN SQUIER
EDGAR RUSSEL
C. MCK. SALTZMAN
DAVID WOOSTER TODD
JOHN HAYS HAMMOND, JR.
WEBSTER
W. D. TERRELL
JOHN I. WATERBURY

For Argentine Republic:
VINCENTE J. DOMINGUEZ

For Austria:
DR. FRITZ RITTER WAGNER VON JAUREGG
DR. RUDOLPH RITTER SPEIL V. OSTHEIM

For Hungary:
CHARLES FOLLÉRT
DR. DE HENNYEY

For Bosnia-Herzegovina:
H. GOIGINGER, G. M.
ADOLF DANINGER
A. CICOLI
ROMEO VIO

For Belgium:
J. BANNEUX
DELDIME

For Belgian Congo:
ROBERT B. GOLDSCHMIDT

For Brazil:
DR. FRANCISCO BHERING

For Bulgaria:
IV. STOYANOVITCH

For Chile:
C. E. RICKARD

For Denmark:
N. MEYER
J. A. VÖHTZ
R. N. A. FABER
T. F. KRARUP

For Egypt:
J. S. LIDDELL

For Spain and the Spanish Colonies:
JACOBO GARCIA ROURE
JUAN DE CARRANZA Y GARRIDO
JACINTO LABORADOR
ANTONIO NIETO
TOMÁS FERNANDEZ QUINTANA
JAIME JANER ROBINSON

For France and Algeria:
A. FROUIN

For French West Africa:
A. DUCHÊNE

For French Equatorial Africa:
A. DUCHÊNE

For Indo-China:
A. DUCHÊNE

For Madagascar:
A. DUCHÊNE

For Tunis:
ET. DE FELCOURT

For Great Britain and the various British Colonies and Protectorates:
H. BABINGTON SMITH
E. W. FARNALL
E. CHARLTON
G. M. W. MACDONOGH.

For Union of South Africa:
RICHARD SOLOMON.

For Australian Federation:
CHARLES BRIGHT.

For Canada:
G. J. DESBARATS.

For British India:
H. A. KIRK
DEMPSTER.

For New Zealand:
C. WRAY PALLISER.

For Greece:
C. DOSIOS

For Italy and the Italian Colonies:
PROF. A. BATTELLI

For Japan and for Chosen, Formosa, Japanese Sakhalin, and the leased territory of Kwantung:
TETSUJIRO SAKANO
KENJI IDE
RIUJI NAKAYAMA
SEIICHI KUROSE

For Morocco:
MOHAMMED EL KABADJ
U. ASENSIO

For Monaco:
FR. ROUSSEL

For Norway:
HEFTYE
K. A. KNUDSSÖN

For Netherlands:
G. J. C. A. POP
J. P. GUÉPIN

For Dutch Indies and the Colony of Curaçao:
PERK
F. VAN DER GOOT

For Persia:
MIRZA ABDUL GHAFFAR KHAN

For Portugal and the Portuguese Colonies:
ANTONIO MARIA DA SILVA

For Roumania:
C. BOERESCU

For Russia and the Russian possessions and Protectorates:
N. DE ETTER
P. OSSADTCHY
A. EULER
SERGUEIEVITCH
V. DMITRIEFF
D. SOKOLTSOW
A. STCHASTNYI
BARON A. WYNEKEN

For Republic of San Marino:
ARTURO SERENA

For Siam:
LUANG SANPAKITCH PREECHA
WM. J. ARCHER

For Sweden:
RYDIN
HAMILTON

For Turkey:
M. EMIN
M. FAHRY
OSMAN SADI

For Uruguay:
FED. R. VIDIELLA

[Supplement to Article XLIV of the Regulations]

Radio management of ——. Service particulars of Radio stations

(a) COASTAL STATIONS

Name	Nationality	Geographical location: E. East longitude; O. West longitude; N. North latitude. S. South latitude. Territorial subdivisions	Call letters	Normal range in nautical miles	Radio system with the characteristics of the transmitting system	Wave lengths in meters (the normal wave length to be underscored)	Nature of service furnished	Hours during which station is open (local standard time)	Coastal rate, per word in francs, minimum rate per radiogram, in francs	Remarks. (When necessary hour and manner of sending time signals and meteorological radiogrmms)

(b) SHIPBOARD STATIONS

Name	Nationality	Call letters	Normal range. In nautical miles	Radio system with the characteristics of the transmitting system	Wave lengths in meters	Nature of service furnished	Hours during which the station is open	Shipboard rate per word in francs, minimum rate per radiogram in francs (1) War vessels (2) Merchant vessels	Remarks. (When necessary name and address of the party working the station)

[Supplement to Article XXII of the Regulations.]

List of abbreviations to be used in radio communications.

Abbreviation	Question	Answer or notice
1	2	3
— • — • — — • — (C Q)		Signal of enquiry made by a station desiring to communicate.
— • — • (T R)		Signal announcing the sending of particulars concerning a station on shipboard (Art. XXII).
— — • • — — (!)		Signal indicating that a station is about to send at high power.
PRB	Do you wish to communicate by means of the International Signal Code?	I wish to communicate by means of the International Signal Code.
QRA	What ship or coast station is that?	This is ------
QRB	What is your distance?	My distance is ------
QRC	What is your true bearing?	My true bearing is ------ degrees.
QRD	Where are you bound for?	I am bound for ------
QRF	Where are you bound from?	I am bound from ------
QRG	What line do you belong to?	I belong to the ------ Line.
QRH	What is your wave length in meters?	My wave length is ------ meters.
QRJ	How many words have you to send?	I have ------ words to send.
QRK	How do you receive me?	I am receiving well.
QRL	Are you receiving badly? Shall I send 20? • • • — • for adjustment?	I am receiving badly. Please se nd 20 • • • — • for adjustment.
QRM	Are you being interfered with?	I am being interfered with.
QRN	Are the atmospherics strong?	Atmospherics are very strong.
QRO	Shall I increase power?	Increase power.
QRP	Shall I decrease power?	Decrease power.
QRQ	Shall I send faster?	Send faster.
QRS	Shall I send slower?	Send slower.
QRT	Shall I stop sending?	Stop sending.
QRU	Have you anything for me?	I have nothing for you.
QRV	Are you ready?	I am ready. All right now.
QRW	Are you busy?	I am busy (or, I am busy with------). Please do not interfere.
QRX	Shall I stand by?	Stand by. I will call you when required.
QRY	When will be my turn?	Your turn will be No. ------
QRZ	Are my signals weak?	Your signals are weak.
QSA	Are my signals strong?	Your signals are strong.
QSB	Is my tone bad?	The tone is bad.
	Is my spark bad?	The spark is bad.
QSC	Is my spacing bad?	Your spacing is bad.
QSD	What is your time?	My time is ------
QSF	Is transmission to be in alternate order or in series?	Transmission will be in alternate order.
QSG	----------	Transmission will be in series of 5 messages.
QSH	----------	Transmission will be in series of 10 messages.
QSJ	What rate shall I collect for------?	Collect------
QSK	Is the last radiogram canceled?	The last radiogram is cancelled.
QSL	Did you get my receipt?	Please acknowledge.
QSM	What is your true course?	My true course is------degrees.
QSN	Are you in communication with land?	I am not in communication with land.
QSO	Are you in communication with any ship or station (or: with------)?	I am in communication with------ (through ------).
QSP	Shall I inform ------ that you are calling him?	Inform ------ that I am calling him.
QSQ	Is ------ calling me?	You are being called by ------
QSR	Will you forward the radiogram?	I will forward the radiogram.
QST	Have you received the general call?	General call to all stations.
QSU	Please call me when you have finished (or: at ---- o'clock)?	Will call when I have finished.
QSV	Is public correspondence being handled?	Public correspondence is being handled. Please do not interfere.
QSW	Shall I increase my spark frequency?	Increase your spark frequency.
QSY	Shall I send on a wave length of ------ meters?	Let us change to the wave length of ------ meters.
QSX	Shall I decrease my spark frequency?	Decrease your spark frequency.

Public correspondence is any radio work, official or private, handled on commercial wave lengths.

When an abbreviation is followed by a mark of interrogation, it refers to the question indicated for that abbreviation.

EXAMPLES

Stations	
A Q R A?	What is the name of your station?
B Q R A Campania	This is the Campania.
A Q R G?	To what line do you belong?
B Q R G Cunard Q R Z	I belong to the Cunard Line. Your signals are weak.

Station A then increases the power of its transmitter and sends:

A Q R K?	How are you receiving?
B Q R K	I am receiving well.
Q R B 80	The distance between our stations is 80 nautical miles.
Q R C 62	My true bearing is 62 degrees, etc.

SAFETY OF LIFE AT SEA

Mr. DILL. No international radio conferences have been held since 1912, but in 1913, at the suggestion of the German Emperor, the British Government called the International Conference on Safety of Life at Sea. One chapter of the convention which that conference drew up related to radio, the provisions of which briefly are as follows:

Article 31. All ships carrying 50 or more persons must be equipped with radio.

Article 32. Certain exceptions to the above requirement.

Article 33. Classification of ships for radio purposes.

Article 34. Continuous watch required on all ships.

Article 35. Radio equipment must have range of 100 miles.

Article 36. Reaffirming the International Radio Convention.

Article 37. All ships bound to answer calls for assistance.

Article 38. Provisions for ratification of these articles.

Although the United States ratified this convention, the passage of the La Follette Seaman's Act shortly afterwards practically nullified its provisions with exception of the provisions relating to radio, which still control.

RADIO LEGISLATION IN THE UNITED STATES

While the United States did not ratify the Berlin Wireless Convention immediately after its submission in 1906, the discussion brought about by it caused Congress to consider several radio bills.

In 1910 the House seriously considered H. J. Res. 95, which provided for the creation of a radio board of seven members with general powers. It held hearings and the legislation was strongly urged from some quarters, but the Marconi interests opposed it and the bill was never reported from the Naval Affairs Committee.

In the same year the Senate Committee on Commerce held hearings on S. 7243, to give control of radio to the Secretary of Commerce and Labor, but this bill too failed to get action.

FIRST UNITED STATES RADIO LAW

However, in 1910 Congress passed the first radio law. It was short and simply required that all ships carrying 50 or more persons should be equipped with radio, but there was no provision for radio regulation. This act was later amended so that certain parts of it did not go into effect until October 1, 1912, and by that time Congress had passed the radio law of 1912, which has remained the law from that time until now.

The law of 1912 was designed to give the Secretary of Commerce power to control the use of wave lengths for radio telegraph purposes in connection with navigation, and at that time there was no provision for wave lengths for broadcasting or any regulations to govern broadcasting as it now exists.

THE UNITED STATES RADIO CONFERENCES

When broadcasting developed and the Secretary of Commerce found he was without power to regulate it he began calling annual conferences of those interested in radio broadcasting, including broadcasters, manufacturers, and distributers of radio apparatus. The first conference was held in 1922 to consider the problems that had already developed in connection with broadcasting. The Secretary asked the conference to make recommendations to solve the difficulties. It recommended that Congress give the Secretary of Commerce the power to control transmitting stations and advised the Secretary to arrange bands of 16 wave lengths each for different kinds of radio transmission. It also recommended two bands for broadcasting, namely, 285 to 315 meters and 425 to 475 meters. While the Secretary carried out some of the recommendations, he did not adopt the broadcasting band recommended and stations continued to operate on 360 meters and 400 meters.

The second radio conference in 1923 allocated wave lengths for all classes of wireless service from 130 meters to 3,000 meters, and recommended 222 to 545 meters as the broadcasting band. It also classified stations and limited the power of each class. Class B stations, which were the high-powered stations, were limited to 1,000 watts.

RADIO CONFERENCES RECOMMEND LEGISLATION

The third conference in 1924 considered many new questions which had arisen. The most difficult of these was the rearrangement of wave lengths and the distribution of stations so that the new stations could be licensed without interference. The conference abolished the class C stations, broadened the broadcasting band from 200 to 550 meters, and raised the limitation on power above 1,000 watts. To use this broadcasting band it was necessary to abandon the use of the 300 and 450 meter wave lengths for ships, and in order to do that the State Department exchanged notes with certain foreign countries and secured an agreement with them so that could be done.

The conference adopted resolutions opposing censorship by the Department of Commerce and encouraged chain broadcasting. The Secretary of Commerce adopted practically all of the recommendations of the third conference, and they have continued in effect until this time.

The fourth radio conference in 1925 made some minor changes in the allocation of wave lengths in the high and low frequencies and passed a number of resolutions urging certain provisions of legislation, especially as to advertising and fees, and recommended that no more licenses be issued until the number of stations had been reduced. It also considered the use

of copyrighted music and made certain recommendations regarding that question.

RADIO LEGISLATION NOW IMPERATIVE

As a result of these conferences, radio broadcasters themselves, by voluntary agreement have controlled broadcasting by permitting the Secretary of Commerce to exercise most of the power he does exercise. There is no finer example of the cooperative spirit in a great and developing industry to be found anywhere in the world than the radio broadcasters of the United States have shown. It is to be regretted that additional legislation has become necessary, but present conditions make legislation imperative if the Government is to retain jurisdiction over radio transmission in its many present and developing forms.

In the case of Hoover *v.* Intercity Radio Co. (286 Fed. 1003) the court declared that under the law the Secretary of Commerce has no discretionary power in the issuance of licenses when application is made. In that case the Secretary of Commerce had refused to renew the license, because he said there was no available wave length that could be used without interfering with existing radio service.

The Intercity Co. brought an action in court for a writ of mandamus and the court granted the writ. Nevertheless, in the face of this decision the Secretary has refused to grant licenses for the 639 applications now on file in the department. To do so, he declares, would mean chaos in radio broadcasting.

The only other case of testing the law in court developed a few weeks ago when the Secretary of Commerce refused to grant a license to the Zenith Radio Corporation of Chicago for use of a wave length more than two hours per week. That company then decided to use another wave length without the authority of the Secretary of Commerce, and proceeded to broadcast on a wave length reserved for Canadian broadcasters.

PIRATES OF THE AIR

This was termed "pirating a wave length." The Department of Commerce brought a criminal prosecution against the Zenith Radio Corporation in the District Court of the United States for the Northern District of Illinois. The case was argued at great length, and Judge Wilkerson, of Chicago, considered it for several weeks.

The opinion dismissing the action is rather long and labored, but in effect it declared that owing to the ambiguity of the statute and the further fact that in deciding a criminal case the statute must be construed strictly, the defendant company must be found not guilty.

Immediately it was predicted in the newspapers that radio broadcasting stations would pirate wave lengths in all parts of the country. But the same self-control that the broadcasters had previously shown, they have manifested again. So far as I know, there have been no serious cases of wave piracy, but it should be added that broadcasters, and especially those that can not secure a license but desire to broadcast, can not be expected to restrain themselves indefinitely. There is a general understanding that Congress will pass legislation before adjournment, and if it does not, the Government will almost certainly lose control of radio broadcasting altogether.

CONGRESS MUST LIMIT LENGTH OF LICENSES

There is another feature of the law that makes the need of legislation even more imperative than the conditions I have just described. I refer to the fact that the present law places no limit on the length of time for which the Secretary of Commerce may grant licenses. He may grant a license for 1 year, for 10 years, for 50 years, or for 100 years. The fact is that up to this time Secretary Hoover has limited all broadcasting licenses to a period of 90 days, but he is under no requirement to do this.

The result of his refusal to issue licenses for broadcasting for more than 90 days is that no individual, firm, or corporation in the United States has any vested right or any long-time lease on any wave length for radio purposes. This leaves Congress free to legislate in such a manner as to protect the interest of the people as a whole and to retain permanently the control of wave lengths for radio purposes.

Mr. President, the very first paragraph of the bill is intended to cover the situation. It is very similar to the House provision. I want to read the opening section of the bill because it states so clearly what I think the House intended to state, but in a little different language. The first section of the bill reads as follows:

(A) That the Congress hereby declares, asserts, and reaffirms that it is the policy of the United States to exercise jurisdiction over all forms of interstate and foreign transmission of energy, communications, or signals by radio within the United States, its Territories and possessions; that the Federal Government intends forever to preserve and maintain the channels of radio transmission as perpetual mediums under the control and for the people of the United States; that such channels are not to be subject to acquisition by any individual, firm, or corporation, and only the use, but not the ownership thereof, may be allowed, for limited periods, under licenses in that behalf, granted by Federal authority, and no such license, whether heretofore or hereafter issued, shall be construed to create any right, title, or interest, proprietary or usufructuary, in or to any such channel, beyond the terms, conditions, and periods of such licenses.

If that provision is enacted into law it absolutely settles the question of the ownership and control of the various wave-length channels. I want to remind Senators that under this legislation it is proposed that the Government shall control the "rights of way" of all the radio stations of the United States now or hereafter constructed. That is a Federal authority and must be exercised by the Federal Government, because if there is anything that is interstate it is radio. There is no known method by which, when a radio signal is once put into the air, it can be stopped in any manner whatsoever. It will cross State boundary lines, pass through mountains, cross oceans, and go around the world. It seems to me that provision is one of the most important, if not the most important, in the bill.

Having completed the preliminary discussion of the bill now, if any Senator has any question he would like to propound on the general subject I shall be very glad to try to answer. I appreciate the fact that no questions have been asked while I have tried to state the situation.

Mr. ASHURST. Mr. President, my attention was diverted for a moment. I really ask the Senator's pardon, but I would like to have him repeat the explanation about the kilocycle. It may be simple to the Senator, but I did not understand it.

Mr. DILL. It is not simple to me. A kilocycle is a thousand cycles. A cycle is another name for a wave or vibration or frequency or whatever we want to call it. These waves are caused by disturbances set up by an electric machine called a transmitter. A cycle is the same as a frequency or a vibration or an impulse. As I tried to explain, if the transmitter sending out its impulses sends out 100,000 per second, that is the same as 100 kilocycles, because that is 100,000 cycles or 100 kilocycles. We get a 3,000-meter wave length because using 300,000,000 meters, and dividing that by 100,000 we get 3,000. But if we use a shorter wave length, then we get more of the kilocycles or waves or whatever we want to call them. I do not wish to mystify the Senator or seem to be wise in my attempt to explain it, but the radio engineers say that if we use 1 meter as a wave length, the transmitter will send out 300,000,000 impulses per second. I think no human mind can even conceive how fast that is, but that is the theory. A kilocycle is one ten-thousandth of those 300,000,000 impulses or cycles, which would be 30,000 kilocycles. In that wave length we have a large number of broadcasting channels, but as yet the radio engineers have not been able to master such short wave lengths so as to be able to rely upon their use. I am afraid I have not made it entirely clear to the Senator.

Mr. ASHURST. Yes; and I thank the Senator. I think the Senator has made it all quite clear. I congratulate the Senator on his very illuminating and most interesting speech.

Mr. DILL. I thank the Senator. I am afraid the speech has not been very interesting. I have had to cover a large amount of ground.

Mr. NORRIS. I suggest to the Senator from Arizona that he should not yet congratulate the Senator from Washington, for he may make a mistake before he gets through.

Mr. ASHURST. Should the Senator from Washington do that, I would not know it.

Mr. DILL. It is now my intention, Mr. President, to take up the bill and explain it paragraph by paragraph. I should be glad if Senators would ask me any question as to matters which they may not understand as I go along. I know of no other way to explain the differences between the House and the Senate bill than to take the bill up by paragraphs.

As I stated a moment ago, section (A), on page 31, which is the beginning of the Senate bill, is very similar to the corresponding House provision. The corresponding section of the House bill contains the declaration that the United States owns the ether. The Senate committee thought that a better statement was that the Congress intended to control the rights of way for radio stations, and rewrote the provision accordingly; but the purpose of the two sections is identical; there is no other difference.

The second paragraph of subsection (A), on page 31, is the same as the House provision on that subject, with the exception, it may be, of two or three slight changes; in other words, it provides that no station shall be erected or used in the

United States or any of its possessions for radio purposes unless a license shall have been granted by Federal authority.

Subsection (B) of section 1 provides for the creation of a radio commission. This is the real important difference between the House and the Senate bill.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Washington yield to the Senator from New Mexico?

Mr. DILL. I yield to the Senator.

Mr. BRATTON. Beginning in line 25, on page 31, it is provided that no one shall communicate from one place in any territory or possession to another place in the same territory. Is it intended by Federal legislation to control radio communication between two or more points within the same State?

Mr. DILL. Yes, I will say to the Senator, that is the purpose, for the reason that unless there shall be such control from a place in one State to another place in the same State there would be interference with radio communication outside of that State. The radio signals that are sent from one station to another do not stop with the station to which they are sent, but go on through the ether until they travel around the world. In order to protect the channels against interference the Federal authority must control intrastate as well as interstate broadcasting.

Mr. BRATTON. The operation of radio intrastate under State authority would interfere with the operation of radio interstate under Federal authority.

Mr. DILL. Exactly.

Mr. BRATTON. Thereby justifying the control by Federal legislation of intrastate communication?

Mr. DILL. That is exactly correct, because of the nature of radio.

Mr. BRATTON. That is the theory.

Mr. DILL. Yes.

Mr. BRATTON. I can readily understand how it can be justified upon that theory, but upon no other.

Mr. DILL. It can be justified upon no other; I agree. The committee discussed that matter at some length and felt that that was a necessary provision.

Mr. KING. Mr. President, will the Senator from Washington permit me to make an inquiry?

Mr. DILL. Yes.

Mr. KING. I have not had the benefit of the Senator's able speech, of which Senators are speaking in complimentary terms, so my question may have been fully answered. May not the development be possible by two or more persons of a system of their own within State boundaries which would not interfere with what the Senator has denominated interstate or world-round channels?

Mr. DILL. I will say to the Senator that it is entirely possible that some such system may be developed, but there is no such system now known, and we are compelled to legislate for conditions which are now known. If such a system shall be developed, I think Congress would have to meet that contingency, but there has yet been no method discovered by which a radio signal emitted into the ether can be stopped.

Mr. KING. This bill is predicated upon the assumption that the only method of radio activity or of radio transmission is the wave lengths to which the Senator has been referring?

Mr. DILL. Yes; so far as is now known.

Mr. KING. And this bill deals only with the known lengths?

Mr. DILL. That is true; but we have tried, so far as possible, to make the bill broad enough to take care of future developments. However, I will say to the Senator from Utah that, so far as I know, nobody has ever suggested that we should be able to stop radio signals going through the ether at a State line. Such a method may be developed, but it has never yet been suggested, so far as I know.

Mr. KING. Did the Senator discuss—I ask the question because I have been in the committee and did not hear his address—the method by which foreign nations deal with this subject?

Mr. DILL. In the beginning of my address, I explained that we in the United States are pioneering the way as to radio legislation, for the reason that in practically every foreign country conditions are different; in practically every foreign country the government either directly broadcasts through its own government stations or so completely controls the broadcasting stations that it amounts to the same thing; and because of the further fact that in practically every foreign country the receiving sets are taxed to raise money to be used to pay for the broadcasting. In the United States we have kept all taxes off receiving stations and made receiving free to everybody, and we have, so far as possible, left the broadcasting stations free and we want to retain that freedom if we can.

Mr. KING. Then, this bill is directed toward preventing a monopoly in the radio business?

Mr. DILL. Yes; so far as possible. Under this bill we do not conceive there can be a monopoly unless the commission should determine to lease a wave length to some one organization for a certain length of time. We have, however, limited the leases to two years, so they would never tie it up very long at most, and we do not believe there is any possibility of monopoly under the proposed legislation, for every safeguard has been placed around it which we thought could be placed around it without hampering the industry. Radio has made such marvelous development in the United States, largely because it has been unhampered, that the committee hesitated to impose even the restrictions that are contained in the bill for fear we might hamper its future development; but, on the other hand, the public interest was such that some restriction seemed necessary.

Mr. KING. Does the Senator think that this bill reduces to a minimum the imperatively required restrictions?

Mr. DILL. I think so. It may be that we have gone a little too far in some instances in our restrictions.

Mr. KING. The Senator knows that many complaints have been made by persons against those who now control or attempt to control the radio wave lengths, and there is a feeling that some person or persons or some Federal authority have been trying to establish a monopoly.

Mr. DILL. I think there is some truth in what the Senator says, especially there is the charge that certain wave lengths have been granted to certain corporations or organizations to be used entirely by them, while other organizations less influential have not been given such broad privileges. However, I wish to say to the Senator that up to the present time the law has been indefinite and has been enforced largely through the cooperation of broadcasters, so that I feel not too much criticism ought to be leveled at the present control.

Mr. HOWELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. DILL. I yield to the Senator.

Mr. HOWELL. The question asked by the Senator from Utah respecting the possibility of using radio within a State and the answer given might mislead. It is wholly impossible to use radio within a State without materially affecting broadcasting. The whole question is a matter of power. For instance, a high-powered station, one using, we will say, 5 killowatts, can drown out a station 500 miles or a thousand miles away; but it is possible to broadcast and to communicate with a station with only 10 watts—not with 10,000 watts—and it is wholly possible within a State to communicate over distances of 4 or 5 miles without materially affecting broadcasting without that State. It is true that in theory a radio wave never ceases; it goes on forever into infinity, but practically the low-powered stations can communicate between stations in a State without materially affecting receiving stations without the State, and certainly the present law provides that if a station does not interfere without a State it is not illegal to use that station. I know, for instance, of one Senator here who in connection with his establishment is now communicating backward and forward between his office and the mine by radio, although, as I understand, no license whatever has been granted.

Mr. KING. And it interferes with no one?

Mr. HOWELL. It practically interferes with no one. In theory there is interference whenever a radio pulsation is sent out, but in practice whether the interference is effective wholly depends upon the power that is used.

Mr. KING. Theoretically, when one speaks he interferes with every particle of matter in all the universe because of the mobility of the atmosphere. However, I was about to inquire, in view of the statement made by the Senator, if that be true, would it not be wise to amend this bill so as to provide, perhaps, that prima facie all stations or all movements might be deemed to be interstate in character, but if any person claiming that his station was purely intrastate could demonstrate that fact, he would not come within the operation of the bill; in other words, put the burden upon the one so claiming.

Mr. DILL. I would have no serious objection to such an amendment, but in practice I think the Senator will agree that there is but little possibility of stations being located in a State so as not to interfere by crossing State lines, to say the least.

Mr. HOWELL. Take a State with an area such as the State of Nebraska, which is nearly 200 miles across and about 450 miles in length. In the interior of that State innumerable stations could be operated with low power without reaching beyond the confines of the State so as to affect anyone; and especially is that true of such a State as Texas.

Mr. DILL. If I may interrupt the Senator, that power would have to be quite low, on a night when reception is good, if it did not interfere in other States outside of the State line.

Mr. HOWELL. You can use a very low power. I have used a very low power myself. I am near a State line, and I have used a very low power, and you can get remarkable results within the limits of your city in communicating from one point to another.

Mr. WATSON. But, after all, does the Senator think that is a matter that can be regulated by legislation?

Mr. HOWELL. I think legislation should not be enacted that would make that sort of use of radio illegal unless the person has a license.

Mr. WATSON. I do not think this bill makes it illegal.

Mr. DILL. I think that is an academic question rather than a practical one. I feel that if the power of a station is so low that it is not going to interfere across a State line, that station will never have any trouble in getting a license. The trouble is caused by the stations that reach out across State lines.

Mr. HOWELL. Yes; they might have trouble just in this way: You might send out your impulses, and you might interfere with some neighborhood use of a receiving set—at least, they might feel that you interfered—and therefore they could complain, we will say, to the national control of radio, and ask that you be prohibited from using your radio set, even if you used only 10 watts.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. WHEELER. Let me say to the Senator that I do not think this bill will interfere at all with such a man as the Senator has suggested. I do not think Congress has any power at all to do that; and if they attempted anything of the kind, all he would have to do would be to set up that he was engaged purely in broadcasting intrastate, and that would be the end of it, in my judgment, if he could prove it.

Mr. HOWELL. The impression seemed to prevail that no radio transmission could be used within a State without affecting areas without the State, and I do not think that is true. I know it is not, as a matter of fact.

Mr. KING. Would the Senator have any objection to an amendment to this effect—and I am speaking without due consideration of the subject: Providing it shall be established by any person that the operation of his radio apparatus will not be interstate, then he shall not be required to take out a license?

Mr. DILL. I would have no objection to it if it provided also that it should not interfere with other interstate broadcasting. I think it would be of very little practical benefit, but I should not quarrel with the Senator about it. If he wants to offer such an amendment, I shall be perfectly willing to accept it, because I think there would be very few such cases, and in fact I think that practically every broadcaster prefers to have a license in order to protect his own rights; but I have no objection if the Senator wants to offer such an amendment.

I was about to take up the discussion of the creation of the commission provided for in this bill; and I may say to the Senate that the principal difference between this bill and what is known as the White bill, the House bill, is in the establishment of this radio commission by the Senate bill.

There is a general impression that the House bill has no radio commission, and that the Senate committee created something entirely new. The fact is that the House bill provides for a commission of five members to be chosen according to location from different regions of the country. That commission is an appellate body to which the Secretary of Commerce may refer any question over which he is given authority, and to which any person aggrieved by his rulings may make appeal. The decisions of that commission under the House bill are to be final so far as the Secretary is concerned. An appeal to the courts is permitted, however.

The Senate bill strikes out all of the powers of the Secretary of Commerce and grants all of these powers to the commission in the first instance, so that instead of the divided authority of the Secretary in the first instance and a provision that an appeal may be taken from his action to this commission, the Senate bill provides that the commission shall act upon these questions de novo.

I may say that this commission is to consist of five members, two to be appointed for two years, two for three years, and one for five years. After that all of them are to be reappointed for five years each. The House commission consists of five members, to be appointed for seven years, beginning with two, three, and five years, respectively, as I remember. The House commission is to meet on the call of the chairman, or when a majority of the commission so decides, or when the Secretary shall refer a matter to them, but they shall not sit to exceed 120 days. The commission provided by the Senate bill is a permanent body. That means that the House commission will meet and give only the attention that such meetings require to the subjects of radio, and will necessarily be dependent upon the information furnished them as to the subjects upon which they pass, upon the employees of the Department of Commerce. The commission provided by the Senate bill will be an independent body, will have its own experts, its own engineers, and will study these questions independently of any other governmental body.

The commission provided for in this bill is not an investigating commission, such as the Tariff Commission or the Federal Trade Commission. It could be more nearly likened to the Interstate Commerce Commission, because it is given control over a kind of interstate commerce, namely, radio communication.

The committee recognized that there was a great deal of justifiable opposition to the establishment of any more Government commissions. That is due, in my judgment, to the establishment of commissions when they were not needed.

[At this point Mr. DILL yielded to Mr. JONES of Washington, who submitted a proposed unanimous-consent agreement for the consideration of the river and harbor bill.]

Mr. DILL. Mr. President, before I pass from the first section of the bill, there is a committee amendment involving two words, omitted by oversight, that I should like to have adopted at this time. I will ask the clerk to read the amendment.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. On page 31, line 9, after the word "interstate," insert the words "and foreign," so as to read "over all forms of interstate and foreign transmission."

The amendment to the amendment was agreed to.

Mr. DILL. Mr. President, when I was interrupted by the request for unanimous consent, I had just entered upon the discussion of the reasons for this commission.

I want to call particular attention to the situation that exists in the country to-day regarding radio stations. There are to-day 528 stations, with a request for 650 more to be established. There are literally millions of dollars invested in the stations now in existence. Those stations are in existence largely because they came to the Department of Commerce with their applications, and, when nobody else was making applications, their applications were granted. As a result there is a great deal of injustice being done in the distribution of radio stations to-day.

If I may use an illustration to show the problem that confronts whoever is to have charge of the issuing of these licenses for stations in the future—and I pick this illustration not with any malice or any purpose to criticize: An insurance company in Des Moines, Iowa, has a broadcasting station. I think it is the Bankers Life. That station continually puts on programs. It does not advertise the insurance business, except by using its own name. A very natural and proper question is, Why should not the Metropolitan Life Insurance Co. of New York, which has an office in Des Moines, have a broadcasting station? Why should not the Iowa Mutual Insurance Co. have a broadcasting station? Why should not every insurance company in Des Moines have a broadcasting station? The answer is that they can not have, because there are not enough wave lengths, and the Bankers Life came in first and got the wave length. I am not criticizing the Department of Commerce for having issued a license under those conditions. But when we stop to consider that we are limited in the number of stations we can have, that somebody must determine who can and who can not broadcast, it is manifest that the present condition should not continue, but should be thoroughly reviewed and considered from the point of justice both to the public and to the various applicants.

The Senate committee did not feel that any one man, however good and however wise he might be, ought to be intrusted with the discretion of saying who shall and who shall not have a monopoly of the air in a particular community. In other words, either all the insurance companies in Des Moines should be given equal rights to broadcast from a station or none should be permitted; or they should go and buy time from an independent station.

It may be asked how I would solve the problem. I am not prepared to say. But I do say that a problem of this kind is the most common of radio problems.

In the city of Portland, Oreg., the Oregonian has a station. Why should not the Journal have a station? Why should not the News have a station? Why should not all the newspapers there have stations?

I make these suggestions to call attention to the fact that there are decisions to be made regarding radio stations that

require a careful consideration by men of big ability and big vision. So long as we have the control of radio stations under a governmental department these questions are decided by clerks. I speak not against clerks, but Mr. Hoover is at the head of a great department. I note that he wants more floor space in his new building than any other department of the Government does, and properly so, because there is so much business for his department to consider. He does not and he can not give consideration to these great problems affecting the economic and social life of the country, as radio is more and more affecting them, and the committee believes that problems of this kind should be considered not by clerks but by men chosen to study the questions, to consider them from every angle, and then to provide, as the bill provides, fair, efficient, and equitable radio service.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. DILL. I yield.

Mr. BRATTON. While the Senator is on that particular feature of the bill I desire to ask him a question. I assume that the members of the commission will render proper and just decisions. But assume that through error or a mistake of judgment the commission should discontinue the license of a given concern that had a vast sum of money invested. As I understand, under the bill as it passed the House the licensee would have a right to appeal to the courts and have a judicial determination, thereby avoiding having its entire investment wiped out by a department of the Government, with no opportunity for review.

The Senate committee bill does not seem to carry that provision. Under the Senate committee bill a concern might have a million dollars invested and be operating under its license. At the expiration of the license the commission might decline to renew it or extend it, and apparently under the bill the licensee would have no way to secure redress, no way to get a judicial determination of its rights, but inevitably, if a thing of that kind should happen, its property would be junked and would become worthless.

I am interested in that matter, and, frankly, I think we should be careful in all legislation to grant the right of review from any decision of governmental departments, especially where such large sums might be involved.

Mr. DILL. Mr. President, I want to say to the Senator that such provision for court review was in the bill that I presented to the committee. The committee, by a divided vote, struck it out, and I feel called upon myself to support the committee's action, having charge of the bill. I may say that the Senator from Arkansas [Mr. ROBINSON] has offered an amendment, which is printed, I think, to put into the bill a court provision similar to what was in the bill as it passed the House.

Mr. BRATTON. That satisfies my inquiry, because conceding every good purpose to the members of the commission, I am unwilling to put it within their power to dispose of a matter involving millions of dollars and deprive citizens or corporations of any way to secure redress through judicial proceedings. I think it is a dangerous policy and might lead to extremely bad results.

Mr. DILL. I may say to the Senator that the Senator from Iowa [Mr. CUMMINS] is, I think, the strongest advocate of striking out the court provision, and I would rather he would present the committee's reasons for striking out the provision for court review than for me to attempt to do it.

Mr. GERRY. Mr. President, I would like to ask the Senator whether any appeal from any of the commission's decisions is provided for.

Mr. DILL. Not in the bill as it now stands.

Mr. GERRY. The commission's decisions, then, would be final?

Mr. DILL. Except in case of constitutional questions, of course.

Mr. GERRY. That is what I thought from a reading of the bill.

Mr. CUMMINS. Mr. President, does the Senator yield to me?

Mr. DILL. I yield to the Senator.

Mr. CUMMINS. I do not know that I can satisfy the Senator from New Mexico, but I can give him my reasons.

Mr. BRATTON. If there is anyone in this body who can satisfy me, it is the distinguished Senator from Iowa.

Mr. CUMMINS. The first objection I have to a provision for an appeal to a court from a decision of the commission is that we are just at the beginning of this great enterprise.

No one has any right to use any wave length or wave band. There will be hundreds of applications beyond the capacity of the commission to grant or beyond the bearing capacity of the air or ether so far as we have now developed it. If every man dissatisfied with the action of the commission in assigning a wave length or in fixing the hours during which a particular wave length may be used were to appeal, we would suspend the practical operation of broadcasting and other radio service almost indefinitely. I can not conceive of anything that more requires speedy, prompt disposition than the applications which would be before the commission for the various wave lengths.

Then my further objection is that I do not believe the proposal which is contained in the amendment which will be offered, as I understand it, can be constitutionally carried into effect. I have been contending for a long time that we can not appeal from an administrative body to a judicial body. We must find some other way than by a mere appeal to review the action of the administrative body. I know of but one instance in which we have attempted to do it, and that is in the case of the Board of Tax Appeals. I made the same objection with regard to the composition or constitution of that board and its relation to the courts that I make to this one. It can not be done. We can appeal from one judicial body to another on any other terms than the legislative assembly or branch of the Government may determine. But when we appeal from the action of the radio commission to a court where is the record? From what do we appeal? There is no provision—and I suppose there could not be any provision—that all the circumstances or hearings upon which the commission should decide are to be taken down in writing and preserved and exceptions filed, as they are in the case of a trial before a court. There is a way, of course, to attack the order of any administrative body. That is the way pointed out in the orders of the Interstate Commerce Commission or of the Federal Trade Commission or other commissions or boards to which I might refer.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I have not the floor, but with the permission of the Senator from Washington I yield to the Senator from Arkansas.

Mr. DILL. Certainly.

Mr. ROBINSON of Arkansas. The Senator from Iowa has suggested the difficulty of giving an effective right of appeal from a decision of the commission to the court. I point out to him that in the amendment which has been referred to by the Senator from Washington as having been offered by myself is this language and other language, but this pertains to the point which the Senator from Iowa was discussing:

> The commission shall be notified of said appeal by service upon it, prior to the filing thereof, of a certified copy of said appeal and of the reasons therefor. Within 20 days after the filing of said appeal the commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the original application for a permit or license or in the hearing upon said order of revocation, and also a like copy of its decision thereon and a full statement in writing of the facts and the grounds for its decision as found and given by it. Within 20 days after the filing of said statement by the commission either party may give notice to the court of his desire to adduce additional evidence. Said notice shall be in the form of a verified petition stating the nature and character of said additional evidence, and the court may thereupon order such evidence to be taken in such manner and upon such terms and conditions as it may deem proper.

I did not prepare that provision, and therefore my approval of it can not be regarded as the result of admiration for my own efforts.

Mr. CUMMINS. I should never accuse the Senator from Arkansas of that.

Mr. ROBINSON of Arkansas. The Senator from Iowa is very generous. I think the question of the Senator from Iowa is completely answered by the provision which I have just read. The party who feels aggrieved by the decision of the commission may notify the commission of his desire to appeal, and thereupon it becomes the duty of the commission to file what is in the nature of a certified record of the proceedings, including all evidence heard by the commission. Then if either party to the controversy desires to adduce additional evidence, they may be permitted to do it under conditions fixed by the commission. I think that gives a substantial and effective right of appeal. I think it gives a hearing in the courts. I think that legislation of this character ought to secure the right of a court hearing to the individual who feels aggrieved by reason of a decision of the commission.

I know that most Federal commissions consist of very able, learned, and just persons. The discussions which have gone on in this Chamber concerning Federal commissions do not

perhaps justify the statement which I am making. Nevertheless, it frequently happens that commissions act arbitrarily and when they do so there is nothing better to be done, from the standpoint of the lawmaker, the man who wants to put himself in the position of enabling citizens to secure justice, than to provide for a hearing in a court. That is exactly what this provision does. It is true that it is somewhat anomalous in the fact that it is an appeal from a commission to a court, but we have the same practical condition with respect to decisions of the Interstate Commerce Commission, State railway commissions, and other commissions. Nearly all of the States provide some process by which a decision of a State commission may be reviewed by a court. I think it has usually proved wholesome. It is a satisfying thing to the citizen to know that when he is convinced that he has been, or is being, deprived of his rights by the arbitrary action of a governmental agency, he may have his case heard and his right determined finally by a court created under the laws of his State or his Nation. I believe that the provision is not only a just one but that it is a practicable one.

Mr. CUMMINS. Mr. President, I suggest to the Senator from Arkansas if it is accompanied with another amendment it would answer the objection which I made that there is no record upon which to appeal. There is nothing in the bill which compels the commission to preserve all the evidence which may be submitted, but that is a small matter. Let me suggest a query to the Senator from Arkansas, who has a keen comprehensive sense of the law, What right can one be deprived of? No one has any right to the use of the air above any other person. The bill starts out by declaring that there is no right now in existence with regard to the use of what we ordinarily call the air. There is no rule laid down in the bill which would enable a court or a commission to determine who ought to have a broadcasting privilege as distinguished from any other person or corporation. Am I not right about that? It is committed to the commission purely as a matter of discretion.

Mr. DILL. We have tried to write a policy in the bill, as the Senator will recall.

Mr. CUMMINS. Yes; there is a policy, but there is no fixed and determinate right.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield just at that point?

Mr. CUMMINS. With the permission of the Senator from Washington.

Mr. DILL. Certainly.

Mr. ROBINSON of Arkansas. Assuming that there is a policy of procedure to regulate the conduct of the commission and the commission violates or disregards the plain policy of the law, then, of course, an appeal to a court would be effective to preserve the rights and safeguard the interests of the citizen.

Mr. CUMMINS. I agree with that; not an appeal, but, in harmony with every other proceeding we have ever authorized for that purpose, the commission can be enjoined from completing or continuing the action which it has proposed.

Mr. ROBINSON of Arkansas. It matters not whether we call it an appeal or describe the remedy carried in the statute by some other name. The amendment which I have proposed provides a remedy for the person who feels that he has been aggrieved by a decision of the commission.

Mr. CUMMINS. Let me ask the Senator from Arkansas a question. Here are two persons or corporations appearing before the commission, each asking a license for a certain wave length. How is the commission to determine which should have the license? There is absolutely no law, no regulation; there is nothing that would indicate to the commission how it ought to decide the matter unless it be inferred that it is to be decided in the public interest. It must be given to the broadcasting station which can best serve the public, and even that is not provided for in the bill. I can not conceive of what will be tried in an appeal even if it were constitutional, possibly. What can be tried in an appeal from the commission to the court?

Mr. ROBINSON of Arkansas. The question is whether the commission has complied with the policy of the law and has performed its duty in the manner prescribed by the law as it relates to the right and claim of the citizen. That is all the question that could be tried under the provision, as I understand it.

Mr. CUMMINS. No citizen has such a right, and it is simply a matter of choice, but I agree it ought to be guided by the public interest, and it ought to be guided by the public policy; but, as a lawyer, I am utterly unable to see how an appeal can be prosecuted from this commission, which is bound by no rule, which does not administer any law.

Mr. DILL. Mr. President, I think the Senator is making a broader statement than he really intends to make when he says there is no rule and no law.

Mr. CUMMINS. The Senator will correct me, because he understands it. I wish the Senator would read that part of the bill which governs the commission in determining who shall have the license.

Mr. DILL. There are two provisions: One is that they shall grant licenses unless public convenience and interest forbids, and the other is that they shall give fair, efficient, and equitable radio service to each community. Those are the two things which really govern the commission, I should say.

Mr. CUMMINS. I instanced both of them when I said they were controlled only by what they regarded to be the public interest.

Mr. ROBINSON of Arkansas. Suppose the commission arbitrarily and manifestly disregards its duty in that particular?

Mr. CUMMINS. Then I say there ought to be an injunction issued against them.

Mr. ROBINSON of Arkansas. There is no reason why a remedy by appeal might not affect the same thing.

Mr. BRATTON. Mr. President, if the Senator will pardon me——

Mr. DILL. Certainly.

Mr. BRATTON. As I understand, the Senator from Iowa argues from the assumption that no person has any right to the use of the air. If that is true, he could not maintain an injunction, because he would have no interest in the subject matter. I am perfectly willing to forego a further discussion of this particular feature of the bill until the amendment dealing with it is reached. At that time I would be glad to discuss the matter with the Senator from Iowa and listen to him with great interest.

Mr. CUMMINS. I may not be here. I really do not care a snap whether it goes in or out. It will be of no value whatever, being only an alleged appeal, and it is not very material to me. I want to see the bill pass and get into conference, because if we do not pass it immediately and get it into conference we will have no radio legislation at this session, and I have infinitely more interest in having the bill pass than I have in any particular amendment.

Mr. ROBINSON of Arkansas. Mr. President, with the indulgence of the Senator from Washington [Mr. DILL] for just a moment, it seems to me pertinent to say that it had not been my expectation to participate in the discussion at this juncture or to interrupt the very remarkable and, I think everyone who has heard it agrees, unusually informative speech that is being made by the Senator from Washington; but, inasmuch as the question had been raised, it seemed to me proper to answer the challenge or attempt to answer——

Mr. CURTIS. It was not a challenge.

Mr. ROBINSON of Arkansas. What the Senator from Iowa has said as to the merits of the provision authorizing a hearing in court.

Mr. BRATTON. Mr. President, I apologize to the Senator from Washington for having provoked the interruption.

Mr. DILL. I think the interruption was very helpful, and I think these matters must be discussed fully.

Mr. CUMMINS. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. I yield.

Mr. CUMMINS. I simply desire to give notice that if there remains any time after the pending bill shall have been laid aside for the day I intend to move to take up the motion to concur in the House amendments to the so-called corn sugar bill, and I intend to have a vote on that question before there is very much more business done in the Senate, I will tell Senators that.

Mr. DILL. Mr. President, I should like to proceed.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. I yield.

Mr. ROBINSON of Arkansas. Does the Senator from Iowa mean to imply that at this late day he is going to enter upon a filibuster?

Mr. CUMMINS. I never entered upon a filibuster in my life.

Mr. ROBINSON of Arkansas. Just what does the Senator from Iowa mean when he states that he is going to have a vote on the matter to which he refers or that there will not be much business done?

Mr. CUMMINS. I am just trying to employ a little coercive force on some of my friends.

Mr. ROBINSON of Arkansas. I take it the Senator is going to discuss sucrose and dextrose.

Mr. DILL. Mr. President, I was in the midst of a discussion on the subject of the proposed commission when the interrup-

tion came regarding the court review. That is a very important subject, and I was glad to yield for that discussion, because I think it was helpful and will probably result in saving time. There is another phase of the situation which I wish to discuss in connection with the need of a commission.

Under the present circumstances every radio station owner goes to the Department of Commerce every 90 days to secure a renewal of his license. That results in the radio station owners feeling themselves under obligation to the Department of Commerce. A few weeks ago a gentleman in New York asked permission to broadcast over a certain station. He was requested to furnish a copy of his speech in order that the owners of the station might read it and know what he would say. When he submitted a copy of his address to the station managers they explained to him there were certain things in the speech which they could not consent to have him deliver over the radio. Those statements to which consent could not be given constituted an attack upon the present administration. The gentleman explained that his attack was purely a matter of opinion; that he was not intending to say anything that anyone else might not say or that any newspaper might not print; but the managers explained to him that while that was true yet they were compelled to go to Washington to get their license renewed and they could not afford to take the chance of displeasing the administration in Washington.

I want to be fair and say that I do not believe that the administration authorities in the Department of Commerce would hold that against any station in considering the renewal of a license, but the feeling of the owners of the station was most natural; you would have had the same feeling, Mr. President, and I would have had it if we had a large sum of money invested in a station. So the committee thought that the control ought to be as independent and as free from partisan interference as possible, and, accordingly, believed it was wise and in the interest of the public to place the control in a bipartisan independent body. I can not make it too clear that there was no feeling on the part of the Senate committee against the present officer in charge of the Department of Commerce, but simply that the questions arising were such that we believed that these problems could not properly be decided by any one man and that the stations ought not to be under the fear which they must necessarily feel, regardless of which party may be in power, when the control is placed in the hands of an administrative branch of the Government.

Mr. HEFLIN. Mr. President——

Mr. DILL. I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I am in hearty agreement with the Senator from Washington, and I trust that we may pass this bill. If it needs to be amended, let us amend it in such a way as to strengthen it.

The Senator referred a moment ago to a station owner calling upon some one who wanted to speak to audiences within a certain territory to furnish a copy of his speech in order that it might be read in advance to ascertain whether or not the remarks could be approved and permission could be given to make the speech. I wish to say that I think that is a piece of tyranny that ought not to be countenanced in this country.

What business is it of one to censor a speech and say whether or not it can be made, unless it is of such a character that it ought not to be made anywhere because of obscene language or something of that kind, any more than it is the business of the Postmaster General to say what a man shall write in a letter which he puts in a sealed envelope and sends to another person somewhere in the United States?

I have in my hand an article from the New York Herald of June 27 setting forth that a Democratic candidate for office complained about favoritism being shown to the Republicans. When he talked to the station master he was informed that complaint had been made by the Republicans that favors were being shown to the Democrats. The conditions ought to be absolutely fair. If a Republican has a speech he wants to broadcast, let him do it and say what he pleases, and let a Democrat do likewise. The danger is—and the Senator from Washington is on the right line—that there may be a monopoly of radio so that only those who have large sums of money will control it. That ought not to be. We ought not to let anyone have a monopoly of the air.

Mr. DILL. Mr. President, there is one other argument——

Mr. FESS. Mr. President, will the Senator yield?

Mr. DILL. I yield to the Senator from Ohio.

Mr. FESS. The subject referred to by the Senator from Alabama [Mr. HEFLIN] gave us a great deal of concern and was considered very carefully. There must be some responsibility, because there may be damage suits, and if anything like censoring should be permitted it would interfere with just what the Senator from Alabama does not want to happen and what none of us want to happen. We do not want to interfere; but at the same time there is danger that a broadcasting station will refuse to allow a person to talk at all, because that will be the only defense the owners of such station will have against damage suits. On the other hand, we can not very well make them common carriers and require them to broadcast everything that anyone might offer. The Senator has opened up one of the most difficult problems that we have to deal with, and, if we can work it out, it will be highly desirable.

Mr. DILL. I may say that I will discuss that question a little later when I come to the bill. At this time there is one other consideration which I wish to bring to the attention of the Senate in connection with the subject of granting licenses for stations in the future.

Mr. FESS. Mr. President, will the Senator yield to me again before he leaves the subject of the commission?

Mr. DILL. I yield.

Mr. FESS. There has been a contention that, instead of the creation of an independent commission such as is provided in the bill, we ought to transfer control to the Interstate Commerce Commission. There has been considerable contention along that line. I wish the Senator would mention it.

Mr. DILL. The proposal that the control of radio should be placed in the Interstate Commerce Commission was taken up by the Senate committee and considered at two separate meetings and considered very fully. The committee is of the opinion that if that were done, if the control were transferred to the Interstate Commerce Commission, it would result in possibly two but probably one member of the commission being designated to take charge of radio. Then, if his actions were not satisfactory, an appeal would be taken to the other 10 or 11 members of the commission; and they, so busy in handling the problems of interstate commerce in connection with the railroads, would be practically helpless to decide these questions intelligently. It was felt that the work of the Interstate Commerce Commission already is more than it can handle, and that there is so little connection, if any at all, between the problems of radio, in their effects at least upon the public, and the problems of railroad transportation, that it would be an unwise thing to do.

I remind you again that the House bill, the White bill, which is the product of long consideration in the House—I think they passed a bill of this kind three times previously—itself provides for a commission with power to override the Secretary. What the Senate committee did was to take away the intermediate power of the Secretary of Commerce and, instead of having a commission that would meet occasionally and give a cursory consideration to these problems from time to time and be dependent largely upon the advice of these clerks of the Department of Commerce, to have this commission meet all the time, in order that it might become an authoritative body on the great problems of radio.

It is sometimes said that radio has not yet affected our people in a vital way. That is true to a certain extent, but it is a developing art, and the progress that has been made during the past five years opens the possibilities of what it may do in the future. It was believed that there ought to be in this Government somewhere a body of men who would keep in touch with the development of radio, with its relation to the social and economic life of our people, and that the best way to have such a body was to establish a commission of this kind.

Mr. KING. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. KING. It occurs to me that the personnel is entirely too large. I see no reason why three men, experts—and they should be experts—could not perform the duty as well as five. It seems to me that the Senator ought to consent to a reduction to three; and I think the salaries are too large, and the salaries of some of the personnel.

Mr. DILL. That is a matter, I will say to the Senator, of a difference of opinion. The Senator can offer his amendment, and I am willing to take the vote of the Senate on it. I do not think it is a controlling matter. If the Senate decides that three are enough I shall feel perfectly satisfied; or if it retains the five. I am not inclined to quarrel with the Senator about the matter; but the committee decided upon five, and decided upon these salaries, and I feel that I should support the committee's action.

Mr. KING. Mr. President, may I ask the Senator another question?

Mr. DILL. Certainly.

Mr. KING. I have a sort of inherent objection to the creation of more commissions. I presume there is no subject that has received so much attention by public speakers and in the

press during the past two or three years as the subject of bureaucracy, growing paternalism, the creation of more bureaus and executive organizations until we have become top-heavy with Federal organizations. We have nearly a million Federal employees. This Congress has created a number of bureaus already. I was wondering if the committee, in their obviously very comprehensive examination of this subject, did not attempt to find some other organization which might have lodged with it the power and the authority which are lodged with this organization. If it could be done, it seems to me it would be wise rather than to create another commission, because this commission will be the parent of another commission, and that of still more, and we will wind more and more the red tape of officialdom and bureaucracy around the people, to their discomfort if not their ultimate death.

Mr. WATSON. Mr. President——

Mr. DILL. I yield to the Senator from Indiana.

Mr. WATSON. I will say to the Senator from Utah, by the courtesy of the Senator from Washington, that the members of the committee about me here gave long and earnest consideration to this very problem, and we finally decided that the only solution of the problem was the creation of an independent commission.

At the present time radio transmission is under the control of the Department of Commerce, and if the Senator will read the bill passed by the House he will see the enormous power conferred on the head of that department. If it is to be in any department, it may as well remain in that department, because there are various divisions of the department that have to do with radio—that is to say, the Bureau of Navigation and the Bureau of Standards, where they go to have the technical questions relating to radio transmission discussed and tested, and other bureaus—but if it is to be in any department it places in the head of that department autocratic power over this tremendous agency, the greatest that could ever be conceived by the mind of man for the creation of public opinion and the formulation of public thought.

This is not a drive at Secretary Hoover. Everybody understands that he is a man of remarkable ability; that he is almost uncanny in the knowledge he has of public questions here and elsewhere; but the stronger a man is, if he wants to use his power, the more dangerous he becomes; and we are opposed to any one man, whether his name be Hoover or Smith or Jones or Brown, having absolute control of this tremendous agency in our modern civilization.

Mr. FESS. Mr. President, if the Senator will yield, the chairman of the committee, I am sure, will say to the Senate that Secretary Hoover is very much averse to the one-man power.

Mr. WATSON. I was going to read his testimony, if my friend will permit me.

Mr. FESS. I wish the Senator would.

Mr. DILL. Yes; certainly, Mr. President.

Mr. BINGHAM. Mr. President——

Mr. WATSON. I yield to my friend from Connecticut.

The PRESIDING OFFICER. Let it be understood that the Senator from Washington has the floor, and he alone can yield.

Mr. DILL. I am yielding for the discussion.

Mr. BINGHAM. Mr. President, will the Senator from Indiana before he gets through tell us whether the committee considered the possible division of powers between the Commerce Department, handling the technical side of radio, as it does now, and making regulations for its use, and so forth, and the Post Office Department, handling the proper use of this means of communication, just as the Post Office Department does now in regard to improper, untrue, and so forth, solicitations, attacks on people, and so forth?

In other words, the Postmaster General now controls the means of communication of thought by ruling out all improper matter; and why should not the Postmaster General have that power in connection with radio? If the committee has considered that subject, will the Chairman tell us?

Mr. WATSON. Yes. With the permission of the Senator——

Mr. DILL. Yes; I yield to the Senator from Indiana.

Mr. WATSON. First let me take up the line suggested by the Senator from Ohio [Mr. FESS].

Secretary Hoover appeared before the Committee on Merchant Marine and Fisheries of the House, and, when questioned as to one-man authority, be it said to his credit, he made the following statement:

> I have always taken the position that unlimited authority to control the granting of radio privileges was too great a power to be placed in the hands of any one administrative officer. I am glad to see the checks and reviews which are placed upon that power in this bill.

He went before the Senate committee and made substantially similar statements; and Judge Davis—who knows more about this subject than any other man with whom I have come in contact, he being the solicitor of that department—stated that he was opposed to bestowing this great power upon any one man.

It was the unanimous decision of the committee, without a single dissenting voice, that there was no other way out of this difficulty, and yet there is not a member of the committee who does not deplore the fact that it really is a necessity placed upon us by existing conditions to create another independent commission, which should be, of course, the last resort in our form of Government at this time and under present conditions; but there seems to be no other way out of the difficulty.

Now, let me answer my friend from Connecticut [Mr. BINGHAM].

The Navy Department, of course, has to do with radio. It is a tremendous agency in modern naval warfare as well as in the merchant marine. All ships upon the ocean must have their radio communication. We could not have a commission to look after each particular branch of radio service. Therefore, we thought it best to leave all the power in the hands of one commission, and then let the Navy and the merchant marine and the Post Office Department each have its particular individual to have charge of radio within that sphere, and then deal with the whole commission having charge of the whole subject.

Mr. DILL. Let me interrupt the Senator right there and remind him that the next paragraph of the bill gives the President authority to take any wave lengths that he may want to take for the Army and the Navy.

Mr. WATSON. That is true. I was going to make that statement.

Mr. DILL. So that he is the superior authority, and there is not any possibility of the commission overriding the needs of the Army and Navy.

Mr. WATSON. That is the point. I will say to my friend from Connecticut that we have lodged final power in the President, in case of emergency or great peril, to have absolute charge over that situation. I think if the Senator will thoroughly familiarize himself with the bill, he will see the wisdom of the provisions reported by the Senate committee. I am not saying that he has not read it, but it is a technical matter that requires the closest scrutiny and the most careful consideration in order to get all of the details. Our committee spent six days in executive session considering the various problems that we are now discussing in the Senate; and it was only after the most earnest and careful consideration that we came to the conclusions that are here being announced.

I want to reiterate, for I think it worthy of reiteration, that this is not a drive at Secretary Hoover or any one individual. There is nobody on the committee, and so far as I know, there is not anybody anywhere but that has the highest respect for Secretary Hoover for his commanding ability and for the great service he has rendered the country; but I would not be willing to place this power in the hands of any man within the broad domain of the Republic of the United States. It is an unwarranted bestowal of power and authority in our form of Government, and our committee was unanimous in regard to it; and I trust the Senate will vote with the same degree of unanimity upon that proposition.

Mr. WILLIS. Mr. President, I should like to ask the Senator some questions.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. DILL. If the Senator will wait a little bit, I want to make one of the statements that have been in my mind.

Mr. WILLIS. Certainly.

The PRESIDING OFFICER. The Senator declines to yield at this time.

Mr. DILL. There is one other phase of this situation that it seems to me is worthy of consideration in connection with the proposal to place in new hands the power to issue licenses.

Radio broadcasting has come upon the Department of Commerce without any warning, and the present allocation of wave lengths and the granting of licenses has grown out of the necessities of the situation. As a result of that those in charge of radio see no way by which additional stations can be licensed on the present number of wave lengths. Those in charge of radio in the Department of Commerce are naturally inclined to follow their own judgment heretofore registered. That is no criticism of them. I think we would be in exactly their frame of mind. In fact, the Department of Commerce officials

have stated that if the legislation that is now being considered should be enacted in the form in which it passed the House they would reduce the number of radio stations in this country rather than enlarge that number. Those who have made a study of the situation inform me that a larger number of stations can be allocated, even on the present number of wave lengths, and especially do they believe that a larger number of wave lengths can be granted. I think there is a distinct advantage in having a body of men new to this situation to take it up and consider it and act upon it from the standpoint of the good of the public and the rights of those concerned.

I say that without any criticism of those who have thus far administered radio. I want to disagree with my good friend from Utah, who said a while ago that this commission should be composed of experts. I do not think so. I think it should be composed of men who have an understanding of the public needs, men of vision and great ability, who will depend upon experts in radio for the necessary technical information, but who will administer this law from the standpoint of the public's interest, and particularly with a view to the future development of the radio art for the social and economic good of our people. I may be wrong, but that is my conception of this situation.

Now I yield to the Senator from Ohio for any questions he may want to ask.

Mr. WILLIS. Mr. President, I have been out of the Chamber and it is possible the Senator has answered this question. If so, I do not ask him to repeat his statement. However, his answers are so illuminating that I think the Senate is grateful to him as I am.

First I want to ask him particularly about a provision on page 33. Has the Senator discussed that page yet?

Mr. DILL. Yes; I have.

Mr. WILLIS. Has he particularly discussed the matter as to the qualifications prescribed?

Mr. DILL. No; I have not. I would be very glad to.

Mr. WILLIS. I wanted to ask the Senator about this. I will read the whole section. It is as follows:

> The commission shall be composed of citizens of the United States, and no person shall be eligible to appointment who is or has been at any time within a period of one year preceding financially interested in or an officer of a corporation financially interested in the manufacture or sale of radio apparatus or the transmission or operation of radio communications or the transmission of radio energy in any form whatsoever.

The purpose in view is quite apparent and altogether praiseworthy. What occurs to me is this: If we say that no one shall be on this commission who, within this period of time, has had any connection whatever with this business, I am wondering whether it will be possible to find men who have the technical information they ought to have.

Mr. DILL. I was really answering that question a moment ago, before the Senator asked it. I believe, for instance, that the Senator himself—and I would say this about any Senator here—would make an excellent member of the radio commission. Take my own case, for example. I know nothing about science as such, or the technical side of radio. Yet I have found nothing in my study of radio that is appalling to the human mind. In fact, I have found it simple, and the problems that will confront the commission are problems involving the social and economic good of people primarily. In fact, I do not think it would be wise to have a commission made up of technical experts, because technical experts would not take the big view and the broad view and have the vision which I think the members of this commission ought to have.

I think this commission ought to be composed of men who will lift themselves above the technicalities, but who will hire experts and engineers to give them the information that they need, to be considered along with other information they have. The committee put in the provision that not within one year preceding the appointment should a man be financially connected with any such interest, because the committee did not want some man now a member of some great radio organization to resign and be eligible to such an appointment within a year of the time he resigned. This would not forever prohibit them; but, of course, we come back again to the difference of opinion. If the Senate believes that this commission should be composed of technical radio experts, then, of course, this provision is bad; but if the Senate believes this commission should be composed of men who will look at this question from the big viewpoint, from the viewpoint of the national good, and hire experts, then I believe the provision is perfectly proper.

Mr. WILLIS. It is the feeling of the Senator, then, that the commission, so far as its qualifications are concerned, should have the same relation to the personnel that the Secretary of War does to the military men who are under him?

Mr. DILL. Exactly; I think that. I want to say to the Senator that a questionnaire has been sent to the broadcasters and to the manufacturers, and most of them have answered in opposition to this provision. That is a very natural thing, because they think, and properly from their angle, that the commission ought to be composed of men of their own line. Yet, I might answer by recalling the fact that they have been entirely satisfied with the way radio has been administered by Secretary Hoover, and Secretary Hoover never knew anything about radio, he never was connected with any organization having to do with radio. Yet his broad judgment, his big ability, his vision as to radio, have made him a reasonably satisfactory man, even to these men who object to this provision on the theory that it will shut out radio experts.

Mr. WILLIS. The Senator's answer leads me to ask another question as to a provision found on page 50. Perhaps the Senator has discussed that.

Mr. DILL. I have not.

Mr. WILLIS. That relates to the control that the law provides the commission shall have over the rights of persons who are to broadcast. The Senator was saying something a bit ago about a political speech, for example.

Mr. DILL. I think I can answer that for the Senator, if he will allow me. I know what he is getting at.

Mr. WILLIS. It is particularly in regard to lines 12 and 13.

Mr. DILL. I have consulted with members of the committee regarding that provision, and I think I am entitled to say that at least most of the committee are agreed that lines 10 to 17 should be stricken out and an amendment inserted which I will read to the Senator at this time.

I may say that this is a provision that has caused more objection to the bill than probably all the other provisions combined. It is a provision to which the committee gave more consideration, and on which the committee spent more time, than on probably any other provision. We finally agreed to it in order, I think, to get the bill out of the committee. After we got it out we realized that the "common carrier" phrase was an unwise phrase, to say the least, at this time. So the proposed amendment will read, beginning at the end of line 9, on page 50:

> And there shall be no discrimination as to charges, terms, or service to advertisers.

If a station permits one man to buy time for advertising purposes, it shall charge the same rate, on the same terms, and give the same service, to anyone else to whom it may sell the time of the station. Then the amendment continues:

> If any licensee shall permit a broadcasting station to be used by a candidate or candidates for any public office he shall afford equal opportunities to all candidates for such public office in the use of such broadcasting station: *Provided*, That such licensee shall have no power to censor the material broadcast under the provisions of this paragraph and shall not be liable to criminal or civil action by reason of any uncensored utterances thus broadcast.

So that we take out the objectionable feature. I may say to the Senator that I have consulted with a number of the leading broadcasters, and the officers of the broadcasting organizations, and while they do not like any sort of limitation, they do agree that this will not be objectionable.

Mr. WILLIS. I think that remedies one serious objection I had in mind, as to line 12, particularly, which is proposed to be stricken out, where it says "or for the discussion of any question affecting the public."

Mr. DILL. That is a rather broad statement.

Mr. WILLIS. Yes.

Mr. DILL. I may say that the provision the Senate committee adopted is all right theoretically, but under the practice which we have in the United States regarding radio, it would be very destructive to the reputations which the radio stations desire to build for themselves. The development of the art is still so new that it seemed to us that it would be better to make a more general provision.

I want to say, in justice to the Senator from Nebraska, that he does not approve of this particular language. He thinks that the provision should be more detailed than we have it here.

Mr. FESS. Of the amendment?

Mr. DILL. Yes; of the amendment. It should be more detailed than what is written here. He may want to offer an amendment to this, which, of course, is his privilege. The committee thought that the more detailed provision could be

provided for by regulations, which are provided in lines 18 to 20 on page 50.

Mr. WILLIS. May I ask the Senator this: Is it his purpose to finish his statement about the bill to-day?

Mr. DILL. I think not.

Mr. WILLIS. I have several matters I want to present.

Mr. DILL. There will be time to-morrow, I think.

Mr. WILLIS. Very well.

Mr. McKELLAR. Before the Senator concludes for the afternoon, I would like to call his attention to a statement made by a broadcaster who is an editor of a paper in my own city of Memphis. I will read it, as it is comparatively brief, and I would like to have the Senator state whether or not it is provided for in the bill. This newspaper man writes me as follows:

However, there is one thing that is murderous. The Association of Authors and Composers is an organization of a lot of sharp fellows got up in New York. They claim lordship over all the copyrighted music. They seek to make every broadcasting station, no matter if it doesn't charge for broadcasting, pay an enormous license to broadcast any of their alleged copyrighted music. Then they want the musicians who play to have a license. For instance, we have a license, and the Peabody Hotel has a license, but they want the Peabody to have an extra license if broadcasting is done from another part of the hotel.

* * * * * * *

The penalties for violating copyright are so great that the average station doesn't feel like taking a chance. We therefore pay and pay. But now they are coming back for more. They are putting regulation on regulation. If you will look into this phase of it a little you will find what is threatening to be a colossal monopoly and an oppression.

The big radio concerns do not seem to care, but the newspapers with broadcasting stations do care.

Let me say to you that we have never directly or indirectly received a cent for broadcasting. We have never broadcasted an advertisement. We have never broadcasted anything for hire. We have never rented our station. We have never paid out a cent for musicians. And yet the station costs us about $1,000 a month.

* * * * * * *

It is hard for us to get a hearing—

And so forth.

Mr. President, the question I want to ask the Senator is this: Is my friend in Memphis right in his statement? I have no reason to doubt it at all.

There seems to be a monopoly growing up, a monopoly that is being enlarged so far as the use of copyrighted music is concerned at least. Does not any provision of the bill regulate or tend to regulate that matter?

Mr. DILL. Mr. President, I shall not take time to go into detail as regards that question. I only want to say to the Senator that I have a bill before the Committee on Patents, Senate bill 2338, in the consideration of which hearings were held on this subject. It is a very important subject to the radio broadcasters and to the public. The Senate Committee on Interstate Commerce did not take it up, because it is a matter coming within the jurisdiction of the Committee on Patents, as it affects copyrights.

According to the decisions of the Supreme Court, one can not interfere with the rights copyright holders have in music already copyrighted. The attorneys for the American Society of Composers and Authors maintain that we can not even put such a provision on as to future copyrighted music. I differ in that regard. But that subject did not come before our committee and is not cared for in the bill. This organization, concerning which the writer of the letter complains, controls 90 per cent of the best popular copyrighted music, and they have been increasing their charges for the use of their music by radio stations very rapidly. It is a monopoly that must be dealt with sooner or later, I am certain.

Mr. McKELLAR. Should not the bill take care of questions affecting the use of copyrighted music, for instance, and providing how far they can go in the matter of musicians, and the kind of musicians to be employed, and how long they shall use the music, and when they shall use it?

Mr. DILL. The committee did not attempt to cover those matters. Of course, such a subject is germane, I admit, but the committee did not attempt to cover that subject.

Mr. McKELLAR. I will be glad to go over the Senator's bill pending before the Committee on Patents, and I think I will offer an amendment to-morrow which I hope will have the Senator's approval.

Mr. CURTIS. If the Senator does not want to go on, I would like to have a short executive session.

Mr. DILL. I am perfectly willing to yield at this time.

RIVER AND HARBOR BILL

During the delivery of Mr. DILL's speech,

Mr. JONES of Washington. Mr. President, may I interrupt the Senator?

Mr. DILL. Yes.

Mr. JONES of Washington. I submit a proposed unanimous-consent agreement, which I ask to have read.

The PRESIDING OFFICER (Mr. McNARY in the chair). The Secretary will state the proposed agreement.

The Chief Clerk read as follows:

SPECIAL ORDER

Ordered, by unanimous consent, That the bill H. R. 11616, the river and harbor bill, be made a special order for December 14, 1926, at 2 o'clock p. m., and that after the hour of 2 p. m. on the calendar day of December 20, 1926, no Senator shall speak more than once or longer than 1 hour upon the bill, or more than once or longer than 30 minutes upon any amendment; and that after 3 o'clock p. m. on December 21, 1926, no Senator shall speak more than once or longer than 15 minutes on the bill or any amendment. The bill shall not be laid aside except by unanimous consent.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. HEFLIN. Mr. President, what is the purpose of putting it off until the 14th of December?

Mr. ROBINSON of Arkansas. Mr. President, it is well known that efforts are being made to arrange for an adjournment of the Congress on next Saturday. Many of the friends and opponents of the rivers and harbors bill have been consulted about the proposed agreement. It would, of course, probably be impossible to arrange for an early adjournment unless this or some similar arrangement is entered into. I feel, as a supporter of the river and harbor bill, that the arrangement, if agreed to by the Senate, will not detrimentally affect any interest or right that ought to be conserved, and that it will enable the Congress to adjourn in the early future, probably on Saturday. For that reason I hope the unanimous-consent order submitted by the Senator from Washington will be agreed to.

Mr. SIMMONS. Mr. President, I do not believe there is a Senator in this Chamber who is more deeply interested in the passage of the river and harbor measure than I am. I had thought that I never would consent to any arrangement for a vote at the next session of Congress, and it had been my purpose to insist upon Congress remaining in session as long as was necessary in order to pass the bill. I am satisfied, however, after investigation, that even though Congress should stay here as long as it would be possible for us to hold a quorum, in present conditions the opposition to certain items in the bill is of such a determined character that it would be quite a while before it would be possible to secure a vote, and very likely before that time arrived we would not be able to command a quorum in both Houses of the Congress.

This unanimous-consent proposition does provide for a vote at the next session of Congress, at an early date in that session, and it does provide that after this matter is taken up it shall be kept continuously before the Senate until there is a final passage, with limitation of debate. It safeguards the interests of those who want to see the bill become law, and it makes it certain that we shall secure within a reasonable time after the bill is taken up, on the 14th of December, final action upon this important measure. The last sentence of the unanimous-consent agreement providing that after being taken up the bill shall not be laid aside except by unanimous consent, insures its passage before the Christmas holidays and in ample time for the authorizations to be appropriated for in the appropriation bill which will be enacted at the session which convenes next December.

Under the circumstances I am, therefore, constrained to forego the efforts which I had proposed to make to keep the Congress in session until there was action upon this bill.

Mr. HEFLIN. Mr. President, I am greatly interested in the river and harbor bill, and of course I do not want to do anything that will hurt the measure. If we can not pass it now, I want to see it passed at the next session. The friends of the measure generally seem to think this is the best course to pursue with regard to it, and I am not going to object to this request.

I want to say a word in that connection, however.

It seems that we are not going to have an apportunity of getting up the Muscle Shoals matter at this session. I have talked to a good many Senators on both sides who are willing to help get the matter up and dispose of it at the next session of Congress. I am going to do all in my power to that end, because, as I said yesterday, I am tired of the grafters and

propagandists in Washington collecting money out the people of the Tennessee valley, New York, and other places to carry on their work here to prevent action on Muscle Shoals.

When we dispose of Muscle Shoals we will put about 15 gentlemen out of jobs in Washington who are financial bloodsuckers. They are sucking the substance out of the purses of a great many people down in my State, and one reason why I want to dispose of Muscle Shoals is that I want to protect the contributors from further annoyance. But the main reason is to put that property to work, so as to get cheaper fertilizer at the earliest possible moment for our farmers, to make certain the distribution of cheap power for the benefit of the consumers, and to secure some recompense to the Government.

Mr. TRAMMELL. Mr. President, I am very much disappointed that a majority of the friends of the river and harbor bill seem to be disposed to have this measure go over until December; but I have canvassed the situation, and it appears to me at the present time that the matter of considering the bill and making an effort to pass it at the present session has not only the opposition of those who are opposed to the bill, but also has the opposition of a considerable number of those who are in favor of the measure. The combined force of the enemies of the bill with at least half of the friends of the bill would carry it over until the December session of Congress.

I have been very much in hope that instead of an effort being made to get an agreement to pass the bill over until December, equally as persistent an effort would be made to have it considered at this session. But I have found that those who have been working for its consideration at this particular session are in all probability in the minority, and that a combination of those who are opposed to the bill with about half of those who are in favor of the bill insist on carrying it over to December. Although I am opposed to such action on the part of the Senate, I rather believe that I am helpless in the matter of getting the bill considered at this session. I do think, however, that it should have been considered at this session, and that the projects covered by the provisions of the measure should have the benefit that would be derived from action at this time.

Mr. WILLIS. Mr. President, I agree with what has been stated by the Senator from Arkansas, and after extensive negotiations and consideration of this matter I believe the conclusion arrived at, the unanimous consent proposed, is fair to all, and will give ample opportunity for debate and consideration of the bill upon its merits. As far as I am concerned, I am agreeable to the proposition, and hope there will be no objection to it.

Mr. JONES of Washington. Mr. President, I merely want to say this, that I have been ready to proceed to the consideration of the rivers and harbors bill until it shall be disposed of, but I have not been willing to take the bill up for a day or two, and waste that time, and then lay the bill aside and adjourn. In my judgment we have accomplished everything by this agreement that we would accomplish by the passage of the bill at this session. This bill will pass, under the agreement we have made, in ample time to take care of projects under the provisions that will be made at the next session.

Mr. RANSDELL. Mr. President, as an ardent friend of the rivers and harbors—and I believe everybody knows that I am; as one who has worked strenuously in and out of season to get this bill passed upon at the present session—I think the arrangement suggested by the chairman of the Commerce Committee is the best that can be made, and I for one am willing to accept it.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

SECOND DEFICIENCY APPROPRIATION BILL

Mr. WARREN. Mr. President, I report back with amendments from the Committee on Appropriations the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, and I submit a report (No. 1172) thereon. I will state that this is the second deficiency appropriation bill. There is a good deal of printing to be done in connection with the bill, but I shall endeavor to have the bill taken up by the Senate when we meet to-morrow.

ORDER FOR EVENING SESSIONS

Mr. CURTIS. Mr. President, with the consent of the Senator from Washington, I should like to submit two proposed unanimous-consent agreements. I will state that one of them is for a meeting to-morrow night to consider unobjected bills on the calendar, and the other is for an evening session Friday night for the consideration of bills on the calendar under Rule VIII.

Mr. DILL. I yield to the Senator from Kansas for that purpose.

The PRESIDING OFFICER. The first request for unanimous consent preferred by the Senator from Kansas will be read.

The legislative clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

It is agreed by unanimous consent that on Thursday, July 1, 1926, at not later than 5.30 p. m. on said day, the Senate take a recess until 8 p. m., and that at the evening session the Senate shall consider unobjected bills on the calendar, and that the evening session shall last not later than 11 p. m. on said day.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. McKELLAR. Mr. President, are we to understand by the agreement that we shall begin the consideration of the calendar where it was last left off?

Mr. CURTIS. That is not stated in the first agreement; but in view of the point reached when the calendar was last called at a night session under a unanimous-consent agreement I think we had better begin at the beginning, as it will not take long to get to that point.

Mr. KING. Mr. President, I inquire of the Senator from Kansas whether he understands that his request for unanimous consent involves the proposition that no motion may be made to take up a bill to the consideration of which objection has been made?

Mr. CURTIS. That is true as to the session to-morrow night, but on Friday night bills may be taken up on motion.

Mr. KING. But on to-morrow night an objection carries the bill over, and no motion may be made to take it up, notwithstanding the objection?

The PRESIDING OFFICER. That is the understanding of the occupant of the chair. Is there objection to the proposed unanimous-consent agreement of the Senator from Kansas? The Chair hears none, and it is so ordered. The second unanimous-consent agreement proposed by the Senator from Kansas will be read.

The legislative clerk read as follows:

UNANIMOUS CONSENT AGREEMENT

It is agreed by unanimous consent that on Friday, July 2, 1926, at not later than 5.30 p. m., on said day, the Senate take a recess until 8 p. m., and that at the evening session the Senate shall consider bills on the calendar under Rule VIII, and that the evening session shall last not later than 11 p. m. on said day.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

After Mr. DILL yielded the floor for the day,

GRANT OF EASEMENT TO TUSKEGEE RAILROAD CO.

Mr. SMOOT. Mr. President, from the Committee on Finance I report back favorably without amendment the bill (H. R. 10361) to authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Co., and I ask for immediate consideration.

Mr. BRATTON. Let the bill be read.

The PRESIDING OFFICER. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized to grant on behalf of the United States to the Tuskegee Railroad Co., without compensation, an easement over such strip of land 50 feet in width as the director may designate in the tract now occupied in part by the United States Veterans' Hospital No. 91, Tuskegee, Ala.; such easement to be subject to such reasonable requirements as the director may impose for the protection of the hospital and the interests of the United States, and to continue as long as such strip of land is actually occupied and used by the grantee, its successors or assigns, for the construction or operation and maintenance of an extension of its railroad.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF J. A. GALLOWAY

Mr. OVERMAN. I ask unanimous consent for the present consideration of Calendar No. 1207, the bill (H. R. 5789) for the relief of the estate of J. A. Galloway.

Mr. KING. Let the bill be read.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of J. A. Galloway, late of Brevard, Transylvania County, N. C., the sum of $2,040 in full compensation and final settlement of all claims or demands for injuries sustained by the said J. A. Galloway on or about the 25th day of November, 1915, in Jackson County, N. C., while in the active discharge of his duties as revenue officer of the United States Government in destroying illicit distilleries, when he was shot from ambush by persons he was seeking to arrest, resulting in his serious personal injury, including the permanent loss of one of his eyes and great physical suffering.

Mr. KING. I think the bill had better go over.

Mr. OVERMAN. Mr. President, I hope the Senator will not object. The man is dead. He was shot in the back with a load of buckshot, his eye was shot out, he went to the hospital for two months, and eventually died. He ought to have had $10,000, but the House only allowed him $2,000.

Mr. KING. But it was 11 years ago.

Mr. OVERMAN. But the man had been suffering for all that length of time. The Secretary of the Treasury recommends it and everybody recommends it.

Mr. KING. Very well; I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF LOT 2, SQUARE 1113, DISTRICT OF COLUMBIA

Mr. JONES of Washington. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 10309) authorizing the sale of lot 2 in square 1113 in the District of Columbia, and the deposit of the net proceeds in the Treasury. This is a piece of property which belongs to the District of Columbia. In some way it got on the tax rolls and was sold for the tax and bought in by Mr. Cole. In subsequent years and until his death Mr. Cole paid the taxes, and then Mrs. Cole paid them, until it was found that it really belonged to the District. It is merely a provision to repay the amount paid out by them.

Mr. KING. With interest?

Mr. JONES of Washington. At 6 per cent.

Mr. KING. I want to ask the Senator why, if it belongs to the District, it should be sold?

Mr. JONES of Washington. In the report it is stated that it is not needed for municipal purposes.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized to sell and convey the title of the United States of America to lot No. 2, in square 1113, in the District of Columbia, at private sale, at the best price obtainable, at not less than the assessed value of the said lot, and to pay, out of the proceeds of the said sale, to Julia F. Cole a sum equal to the total amount which has been paid by said Julia F. Cole and by her deceased husband Beverly F. Cole as taxes and redemption from tax sales of said property, together with 6 per cent interest on all such payments from the date of their respective payments to the date of the passage of this act, and to deposit the balance received from said sale in the general funds of the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF GRAIN EXPORTING AND SPECULATIVE INTERESTS

Mr. WHEELER. Mr. President, I send to the desk and ask to have read a resolution, which I then ask may go over under the rule.

The PRESIDING OFFICER. The resolution will be read for information.

The Chief Clerk read the resolution (S. Res. 269), as follows:

Mr. WHEELER submitted the following resolution, which was ordered to lie over under the rule:

Resolution 269

Whereas the activities of certain grain exporters, grain speculators, dealers in grain, and associations of such speculators and dealers in opposition to effective legislation for the American farmer have been reported to Congress and its committees; and

Whereas statements pointing toward secret relations between the Secretary of Commerce and the Secretary of Agriculture with these grain exporting and speculative interests have been made in the Senate; and

Whereas the Secretary of Agriculture and the Secretary of Commerce are charged with duties of tremendous importance to agriculture, having direct bearing on its economic welfare, which duties are such as to demand unbiased and impartial administration free from all entanglements of any sort whatsoever; and

Whereas if relations of the Secretary of Commerce, past or present, with certain grain exporters; of the Secretary of Agriculture with associations, firms, institutions, or schools devoted to practicing or teaching speculation in grain; or the relations of both of them to a movement having for its purpose the sale of certain terminal elevator properties now owned by private grain firms and banks, either to the Government or to the farmers, are such as to make impossible the fair and impartial administration of all their duties by the Secretary of Agriculture and the Secretary of Commerce, the Congress of the United States should be informed of such relations:

Resolved, That a special committee be appointed by the President of the Senate to make a thorough investigation of the nature of such relations; that said special committee shall consist of three Republicans, of whom at least one shall be a Progressive Republican, and two minority Senators; that said special committee be, and hereby is, specifically empowered and directed immediately to undertake and carry out a complete investigation and fully report the facts to the Senate as soon as possible, stressing those instances in which positions of political and governmental power have been employed to serve the selfish interests opposed to agricultural rehabilitation. In this connection said special committee is hereby directed to investigate particularly into the connections and relationships, past and present, between present Government officials and such concerns as are, or have been, predatorially opposed to legislation dealing with the exportable surplus of agricultural products.

Resolved further, That said committee is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses, the production of books, papers, and documents; and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The PRESIDING OFFICER. The resolution will go over under the rule.

STATUE OF JOHN ERICSSON

Mr. FESS, from the Committee on Printing, reported a concurrent resolution (S. Con. Res. 25), which was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, 12,200 copies of the proceedings, and such other matter as may be relevant thereto, in connection with the unveiling of the statue of John Ericsson, in Washington, D. C., May 29, 1926, of which 3,000 copies shall be for the use of the Senate, 7,000 copies for the use of the House of Representatives, 2,000 copies to be delivered to the John Ericsson Memorial Committee, and the remaining 200 copies shall be bound in full morocco and delivered to the John Ericsson Memorial Committee for distribution to the descendants of John Ericsson and such other persons as said committee may designate.

CORN SUGAR

Mr. CUMMINS. Mr. President, I ask unanimous consent that at the close of routine morning business to-morrow the Senate proceed to the consideration of my motion in connection with the corn sugar bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. NEELY. What is the request?

Mr. CUMMINS. That at the close of the routine morning business to-morrow the Senate consider my motion in connection with the corn sugar bill.

Mr. DILL. Mr. President, I shall have to object. It would displace the radio bill, as I understand it.

The PRESIDING OFFICER. Objection is made.

Subsequently, in executive session, while the doors were closed, on motion of Mr. CUMMINS, it was—

Ordered, by unanimous consent, That immediately after the conclusion of the routine morning business on July 1, 1926, the Senate proceed to the consideration of the House amendment to the bill S. 481, the so-called corn sugar bill.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 50 minutes spent in executive session, the doors were reopened.

CONSULAR CONVENTION WITH CUBA

In executive session this day, the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a consular convention between the United States and the Republic of Cuba, signed at Habana on April 22, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, *Washington.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a consular convention between the United States and the Republic of Cuba, signed at Habana on April 22, 1926.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE, *Washington.*

CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CUBA.

The United States of America and the Republic of Cuba, being desirous of defining the duties, rights, privileges and immunities of consular officers of the two countries have agreed to conclude a Convention for that purpose and to that end have named as their respective plenipotentiaries:

The President of the United States of America, Mr. Enoch H. Crowder, Ambassador Extraordinary and Plenipotentiary of the United States of America in Cuba, and

The President of the Republic of Cuba, Mr. Carlos Manuel de Céspedes y de Quesada, Secretary of State of the Republic of Cuba, who, having communicated their full powers found in good and due form, have agreed upon the following Articles:

ARTICLE I.

The High Contracting Parties agree to receive from each other, consular officers, at the places of their respective territories that they may consider convenient and which are open to consular representatives of any foreign country.

ARTICLE II.

Consular officers may not take up the discharge of their duties nor enjoy the corresponding privileges, until after the Government to which they have been appointed shall have granted them their exequatur, except in the case that said Government, at the request of the Embassy of the other, shall have granted them provisional recognition.

The Government of each of the High Contracting Parties shall furnish free of charge the exequatur of such consular officers of the other High Contracting Party as present a regular commission signed by the chief executive of the appointing state and under its Great Seal, and shall issue to a subordinate or substitute consular officer appointed by a superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function.

ARTICLE III.

Consular officers to whom the exequatur or other documents referred to in the foregoing article have been issued shall enjoy all the rights, immunities, privileges and exemptions granted by this Convention and those enjoyed by officers of the same grade of the most favored Nation.

ARTICLE IV.

As official agents of the State which appoints them, such consular officers shall be entitled to the high consideration of the officials of the Government and of the local authorities of the State which receives them, they being subject, in so far as regards ceremonial, to the provisions or practices in force in said country.

The consular officers shall exercise their functions obeying the laws and respecting the authorities of the Nation which receives them, and they shall be subject to said authorities in all matters which do not come under the exercise of their functions and within the limits of their jurisdiction, except as otherwise provided in this Convention.

ARTICLE V.

Consular officers, nationals of the State by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office, and there shall be compliance on the part of the consular officer.

In civil cases consular officers shall be subject to the jurisdiction of the courts, provided, however, that when the officer is a national of the State which appoints him and is engaged in no private occupation for gain his testimony shall be taken orally or in writing at his residence or office and with the consideration due him. The officer must, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

ARTICLE VI.

Consular officers, including employees in a consulate, nationals of the State by which they are appointed, other than those engaged in private occupations for gain within the State where they exercise their functions, shall be exempt from all taxes, national, state, provincial and municipal levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. Consular officers and employees, nationals of the State appointing them, shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services, as well as from every class of requisitions, billetings or services of a military, naval, administrative or police character.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, national, state, provincial, and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

ARTICLE VII.

Consular officers may place over the outer part of their respective offices the arms of their State with an appropriate inscription designating the consular office. Such officers may also hoist the flag of their country on their offices, including those situated in the capital of the country which receives them and over any boat employed in the exercise of the consular function.

The consular offices and archives are inviolable at all times and in no event may the local authorities enter them without the permission of the consular officers, nor examine or seize, under any pretext, any of the documents or objects found within a consular office. Neither shall any consular office be required to produce official archives in court or testify as to their contents.

When a consular officer is engaged in business of any kind within the country which receives him, the archives of the consulate and the documents relative to the same shall be kept in a place entirely apart from his private or business papers.

ARTICLE VIII.

Consular offices shall not be used as places of asylum. Consular officers are under the obligation of surrendering to the proper local authorities, which may claim them, persons prosecuted for crime in accordance with the domestic laws of the country which receives them, who have taken refuge in the building occupied by the consular offices.

ARTICLE IX.

Upon the death, incapacity or absence of all the consular officers, any of the chancellors or auxiliary employees, whose official character may have previously been made known to the Secretary of State, may temporarily exercise the consular functions, and while so acting shall enjoy all the rights, prerogatives, immunities and exemptions belonging to the incumbent.

ARTICLE X.

Consular officers, nationals of the state by which they are appointed, may, within their respective consular districts, address the authorities, national, state, provincial or municipal, for purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint

may be made for the infraction of those rights. Failure upon the part of the appropriate authorities to grant redress or to accord protection may justify recourse to the diplomatic channel.

ARTICLE XI.

Consular officers may, in pursuance of the laws of their own country, take at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the state by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions, and contracts relating to property situated, or business to be transacted, within the territories of the state by which they are appointed embracing unilateral acts, deeds, testamentary dispositions or contracts executed solely by nationals of the state within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated and bearing the official seal of the consular office, shall be received as evidence in the territories of the High Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized therefor in the country by which the consular officer was appointed, provided always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

ARTICLE XII.

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, including controversies which may arise at sea or in port, between the captain, the officers and the crew concerning the enforcement of discipline, provided the vessels and the persons charged with wrongdoing shall have entered a port within his consular district. Such officer shall also have jurisdiction in controversies involving the settlement of wages and the performance of the stipulations reciprocally agreed upon provided the local laws so permit.

When an act committed on board of a merchant vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of the last named State, the consular officer shall not exercise jurisdiction.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed for the purpose of observing the proceedings and rendering assistance.

ARTICLE XIII.

In case of the death of a national of either High Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of his death, may take charge of the protection or conservation of the property left by the decedent, pending the appointment of an administrator who may be the consular officer himself, in the discretion of the court competent to take cognizance of the case, provided the laws of the place where the estate is administered permit such action by the consular officer and appointment by the court.

Whenever a consular officer accepts the office of administrator of the estate of a national of the country he represents, he subjects himself as such to the jurisdiction of the tribunal making the appointment for all pertinent purposes to the same extent as a national of the State where he is appointed.

ARTICLE XIV.

A consular officer of either High Contracting Party may in behalf of the non-resident nationals of the country he represents, receipt for the shares coming to them in estates or in indemnities accruing under the provisions of so-called workmen's compensation laws or other like statutes provided he remit any funds so received through the appropriate agencies of his Government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

ARTICLE XV.

A consular officer of either High Contracting Party shall have the right to inspect, within the ports of the other High Contracting Party within his consular district, the merchant vessels of any flag destined or about to clear for ports of the country which he represents in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the manner in which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

ARTICLE XVI.

The High Contracting Parties agree to permit the entry free of all customs duty and without examination of any kind of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, whether accompanying the officer to his post, or imported at any time during his incumbency thereof; provided nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

The above mentioned privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to supplies.

ARTICLE XVII.

All operations relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred.

The local authorities will apprise the consular officers of the occurrence and pending the arrival of the said officers will take the measures that may be necessary for the protection of the persons and the preservation of the effects that were wrecked. The local authorities shall not interfere otherwise than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved which shall not be subjected to the payment of any custom-house duties, unless it be intended for consumption in the country where the wreck took place.

The intervention of the local authorities in these cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XVIII.

Consular officers shall cease in the discharge of their functions:

1. By virtue of an official communication from the Government which appointed him addressed to the Government which received him, advising that his functions have ceased, or

2. By virtue of a request of the Government which appointed him that an exequatur be issued to a successor, or

3. By withdrawal of the exequatur granted him by the Government of the Nation in which he discharges his duties.

ARTICLE XIX.

The present convention shall be ratified by the High Contracting Parties in accordance with their respective laws, and the ratifications thereof shall be exchanged in the City of Havana as soon as possible. It shall take effect from the day of the exchange of ratifications and shall thereafter remain in force until one year after either of the High Contracting Parties has given notice to the other of its desire to terminate it.

In witness whereof, the above mentioned Plenipotentiaries have signed the two originals of the present Convention and have thereunto affixed their seals.

Done in two copies of the same text and legal force, in the English and Spanish languages, in the City of Havana, this twenty second day of April in the year one thousand nine hundred and twenty-six.

[SEAL] ENOCH H. CROWDER
[SEAL] CARLOS MANUEL DE CÉSPEDES

ARBITRATION CONVENTION WITH LIBERIA

In executive session this day, the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to its ratification, I transmit herewith an arbitration convention between the United States and Liberia, signed at Monrovia on February 10, 1926. Copies of notes exchanged between the American chargé d'affaires ad interim at Monrovia and the Liberian Secretary of State at the time of the signature of the convention accompanying the convention for the Senate's information.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, June 24, 1926.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, an arbitration convention between the United States and Liberia, signed at Monrovia, on February 10, 1926.

There are also inclosed, for the information of the Senate, copies of notes exchanged between the American chargé d'affaires ad interim and the Liberian Secretary of State at the time of the signature of the convention.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, June 22, 1926.

ARBITRATION CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND LIBERIA

The Government of the United States of America and the Government of the Republic of Liberia, being desirous of establishing a means for referring to arbitration questions arising between them which they shall consider possible to submit to such treatment, have named as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America:

Clifton R. Wharton, Chargé d'Affaires ad interim of the United States at Monrovia; and

The President of the Republic of Liberia:

Edwin Barclay, Secretary of State of the Republic of Liberia;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Conventions of July 29, 1899 and October 18, 1907, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special arrangements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and that on the part of Liberia they shall be subject to the procedure required by its laws.

ARTICLE III.

The present Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional methods. It shall come into force on the day of the exchange of the ratifications, which shall take place at Monrovia as soon as possible, and shall remain in force for a period of five years. In case neither Contracting Party should give notice, six months before the expiration of that period of its intention to terminate the Convention, it will continue binding until the expiration of six months from the day when either Contracting Party shall have denounced it.

Done in duplicate at Monrovia, this tenth day of February in the year one thousand nine hundred twenty-six.

[SEAL] CLIFTON R. WHARTON
[SEAL] EDWIN BARCLAY

EXCHANGE OF NOTES

LEGATION OF THE UNITED STATES OF AMERICA,
Monrovia, Liberia, February 10, 1926.

EXCELLENCY:

In connection with the signing today of a Convention of Arbitration between the United States of America and the Republic of Liberia, providing for the submission of differences of certain classes which may arise between the two Governments to the Permanent Court of Arbitration established at The Hague under the Convention for the Pacific Settlement of International Disputes concluded in 1899 and 1907, I have the honor to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

I understand that in the event of the adhesion by the United States to the Protocol of December 16, 1920, under which the Permanent Court of International Justice was created at The Hague, the Government of Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

Accept, Excellency, the renewed assurances of my highest consideration.

CLIFTON R. WHARTON,
Chargé d'Affaires ad interim.

Honorable EDWIN BARCLAY,
Secretary of State, Monrovia, Liberia.

DEPARTMENT OF STATE,
Monrovia, Liberia, February 10, 1926.

SIR: I have the honour to acknowledge the receipt of your note of today's date, in which you were so good as to inform me, in connection with the signing of a Convention of Arbitration between the Republic of Liberia and the United States of America, that you understand that in the event of the adhesion by the United States to the Protocol of December 16, 1920, under which the Permanent Court of International Justice was created at The Hague, the Government of Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

I have the Honour to confirm your understanding of the attitude of the Government of Liberia on this point and to state that if the United States adheres to the Protocol, Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

Accept, Sir, the renewed assurances of my highest consideration.

I have the Honour to be, Sir,
Your obedient servant,

EDWIN BARCLAY,
Secretary of State.

The AMERICAN CHARGÉ D'AFFAIRES A. I.,
American Legation, Monrovia, Liberia.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, July 1, 1926, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate June 30, 1926

ASSISTANT SECRETARY OF THE NAVY

Edward P. Warner, of Massachusetts, to be Assistant Secretary of the Navy.

COLLECTOR OF REVENUE

Wallace S. Handy, of Dover, Del., to be collector of internal revenue for the district of Delaware, in place of John W. Hering, resigned.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenant

First Lieut. Dwight Moody Young, Medical Corps Reserve, with rank from June 25, 1926.

DENTAL CORPS

To be first lieutenants

First Lieut. Marvin Edward Kennebeck, Dental Corps Reserve, with rank from June 25, 1926.

First Lieut. Hugh David Phillips, Dental Corps Reserve, with rank from June 25, 1926.

First Lieut. Frank Elwyn Patterson, Dental Corps Reserve, with rank from June 25, 1926.

First Lieut. Arthur Letcher Irons, Dental Corps Reserve, with rank from June 25, 1926.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lieut. Col. Samuel Wheelan Noyes, Infantry, from June 27, 1926.

TO BE LIEUTENANT COLONEL

Maj. Henry Wyatt Fleet, Infantry, from June 27, 1926.

TO BE MAJOR

Capt. Stanley Eric Reinhart, Field Artillery, from June 27, 1926.

Capt. Notley Young DuHamel, Corps of Engineers, from June 27, 1926.

TO BE CAPTAIN

First Lieut. Shiras Alexander Blair, Air Service, from June 27, 1926.

TO BE FIRST LIEUTENANTS

Second Lieut. Joseph Warren Huntress, jr., Quartermaster Corps, from June 27, 1926.

Second Lieut. Louis Beman Rapp, Cavalry, from June 25, 1926.

Second Lieut. Edwards Matthews Quigley, Field Artillery, from June 26, 1926.

Second Lieut. James Breckenridge Clearwater, Field Artillery, from June 27, 1926.

PROMOTION IN THE PHILIPPINE SCOUTS

TO BE CAPTAIN

First Lieut. James Denison Carter, Philippine Scouts, from June 27, 1926.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

Second Lieut. John William Black, Air Service, with rank from June 12, 1925.

PROMOTIONS IN THE NAVY

The following-named captains to be rear admirals in the Navy from the 4th day of June, 1926:

Charles L. Hussey.

John R. Y. Blakely.

Paymaster Herbert E. Stevens to be a pay inspector in the Navy, with the rank of commander, from the 11th day of January, 1918.

MARINE CORPS

The following-named second lieutenants to be second lieutenants in the Marine Corps from the 3d day of June, 1926, to correct the date from which they take rank as previously nominated and confirmed:

Francis J. McQuillen.
Edward W. Snedeker.
Kenneth W. Benner.
John S. E. Young, jr.
Richard S. Burr.
Kenneth H. Cornell.
Arthur H. Butler.
Earl J. Ashton.
Hartnoll J. Withers.
Nels H. Nelson.
Lofton R. Henderson.
Russell N. Jordahl.
Chester B. Graham.
Mortimer S. Crawford.
Frank P. Pyzick.
Benjamin F. Kaiser, jr.
Elmer H. Salzman.
Thomas A. Wornham.
Thomas B. Jordan.
Earle S. Davis.
Roy M. Gulick.
Charles G. Wadbrook.
Con D. Silard.
Ward E. Dickey.
Joseph L. Wolfe.

POSTMASTERS

ALABAMA

Sanford M. Dawsey to be postmaster at Dothan, Ala., in place of M. J. Fritts. Incumbent's commission expired February 24, 1926.

John F. Frazer to be postmaster at Lafayette, Ala., in place of J. F. Frazer. Incumbent's commission expired April 20, 1926.

ARKANSAS

Jesse H. Crosswhite to be postmaster at Lead Hill, Ark. Office becomes presidential July 1, 1926.

CALIFORNIA

Roscoe E. Watts to be postmaster at Rialto, Calif., in place of R. E. Watts. Incumbent's commission expires July 31, 1926.

James E. Pharr to be postmaster at Scotia, Calif., in place of J. E. Pharr. Incumbent's commission expires July 31, 1926.

Seth A. Frank to be postmaster at Alderpoint, Calif. Office becomes presidential July 1, 1926.

Willis H. Stokes to be postmaster at Applegate, Calif. Office becomes presidential July 1, 1926.

Louis C. De Armond to be postmaster at Blairsden, Calif. Office becomes presidential July 1, 1926.

Herbert A. Barber to be postmaster at Blue Lake, Calif. Office becomes presidential July 1, 1926.

Homer M. Dorland to be postmaster at Copco, Calif. Office becomes presidential July 1, 1926.

Edith C. Thomas to be postmaster at Garberville, Calif. Office becomes presidential July 1, 1926.

Maggie J. Wimer to be postmaster at Lake City, Calif. Office becomes presidential July 1, 1926.

John K. Scammell to be postmaster at Mar Vista, Calif. Office becomes presidential July 1, 1926.

Lena M. Burris to be postmaster at Meridian, Calif. Office becomes presidential July 1, 1926.

Marjorie E. Stover to be postmaster at Crannell, Calif., in place of C. S. Sharp, resigned.

COLORADO

Will J. Wood to be postmaster at Crawford, Colo., in place of W. J. Wood. Incumbent's commission expires July 17, 1926.

Frank E. Stewart to be postmaster at Golden, Colo., in place of J. E. Dennis. Incumbent's commission expired March 14, 1926.

Julian P. Tatum to be postmaster at Berwind, Colo. Office becomes presidential July 1, 1926.

James Amber to be postmaster at Buckingham, Colo. Office becomes presidential July 1, 1926.

Robert L. Vinyard to be postmaster at Eureka, Colo. Office becomes presidential July 1, 1926.

CONNECTICUT

Carleton W. Tyler to be postmaster at Southbury, Conn., in place of C. W. Tyler. Incumbent's commission expires July 21, 1926.

Willis C. Chidsey to be postmaster at Avon, Conn. Office becomes presidential July 1, 1926.

Michael M. Olie to be postmaster at Pequabuck, Conn. Office becomes presidential July 1, 1926.

FLORIDA

Owen W. Pittman to be postmaster at Miami, Fla., in place of J. D. Gardner. Incumbent's commission expired January 27, 1926.

Ella B. Thomas to be postmaster at Deerfield, Fla. Office becomes presidential July 1, 1926.

GEORGIA

Paul L. Smith to be postmaster at Athens, Ga., in place of P. L. Smith. Incumbent's commission expires July 18, 1926.

Minnie P. Abt to be postmaster at Mount Vernon, Ga., in place of F. G. Brewton. Incumbent's commission expired March 4, 1926.

Joe B. Crane to be postmaster at Dixie, Ga. Office becomes presidential July 1, 1926.

Allen E. Pettitt to be postmaster at Nelson, Ga. Office becomes presidential July 1, 1926.

IDAHO

William C. Quarles to be postmaster at Gibbs, Idaho. Office becomes presidential July 1, 1926.

Homer S. Brown to be postmaster at Reubens, Idaho. Office becomes presidential July 1, 1926.

Spencer H. Lawson to be postmaster at Spencer, Idaho. Office becomes presidential July 1, 1926.

ILLINOIS

Hugo L. Schneider to be postmaster at Highland Park, Ill., in place of H. L. Schneider. Incumbent's commission expires July 31, 1926.

Bert R. Johnson to be postmaster at Kewanee, Ill., in place of B. R. Johnson. Incumbent's commission expires July 31, 1926.

Fred A. Griggs to be postmaster at Kirkland, Ill., in place of F. A. Griggs. Incumbent's commission expired June 28, 1926.

Samuel J. Davis to be postmaster at Mooseheart, Ill., in place of S. J. Davis. Incumbent's commission expires July 31, 1926.

Raymond W. Peters to be postmaster at St. Joseph, Ill., in place of R. W. Peters. Incumbent's commission expires July 31, 1926.

Ulysses G. Dennison to be postmaster at Winnebago, Ill., in place of U. G. Dennison. Incumbent's commission expires July 31, 1926.

Walter B. Duniap to be postmaster at Bath, Ill. Office becomes presidential July 1, 1926.

R. Dunn Cook to be postmaster at Belle Rive, Ill. Office becomes presidential July 1, 1926.

John E. Holcomb to be postmaster at Butler, Ill. Office becomes presidential July 1, 1926.

Samuel A. McCullough to be postmaster at Irvington, Ill. Office becomes presidential July 1, 1926.

Walter H. Prehm to be postmaster at Lake Zurich, Ill. Office becomes presidential July 1, 1926.

Clarence O. Greeson to be postmaster at Lerna, Ill. Office becomes presidential July 1, 1926.

Jacob A. Hirsbrunner to be postmaster at Olivet, Ill. Office becomes presidential July 1, 1926.

William A. Rush to be postmaster at Christopher, Ill., in place of J. W. Dye, deceased.

William S. Blanchard to be postmaster at Kenilworth, Ill., in place of John Gukeisen, resigned.

William A. Graham to be postmaster at Wapella, Ill. Office becomes presidential July 1, 1926.

John Giachetto to be postmaster at Wilsonville, Ill. Office becomes presidential July 1, 1926.

INDIANA

Shad R. Young to be postmaster at Cicero, Ind., in place of S. R. Young. Incumbent's commission expires July 17, 1926.

Robert P. White to be postmaster at Sullivan, Ind., in place of R. P. White. Incumbent's commission expired March 2, 1926.

IOWA

Phillip T. Serrurier to be postmaster at Sabula, Iowa, in place of P. T. Serrurier. Incumbent's commission expires July 24, 1926.

Frank M. Hood to be postmaster at Sergeant Bluff, Iowa, in place of F. M. Hood. Incumbent's commission expires July 24, 1926.

Flossie K. Pfeiff to be postmaster at West Burlington, in place of F. K. Pfeiff. Incumbent's commission expires July 24, 1926.

Myrtle B. Stark to be postmaster at Boxholm, Iowa. Office becomes presidential July 1, 1926.

Cora B. Peck to be postmaster at Colesburg, Iowa. Office becomes presidential July 1, 1926.

Cora M. Lamer to be postmaster at Goodell, Iowa. Office becomes presidential July 1, 1926.

Flossie H. Casebolt to be postmaster at Henderson, Iowa. Office becomes presidential July 1, 1926.

John L. Eichacker to be postmaster at Homestead, Iowa. Office became presidential July 1, 1926.

Harvey S. Bliss to be postmaster at Kensett, Iowa. Office becomes presidential July 1, 1926.

Ferdinand J. Ruff to be postmaster at South Amana, Iowa. Office becomes presidential July 1, 1926.

Estella M. Hauser to be postmaster at Varina, Iowa. Office becomes presidential July 1, 1926.

KANSAS

John H. O'Connor to be postmaster at Winfield, Kans., in place of J. H. O'Connor. Incumbent's commission expires July 20, 1926.

Francis M. Smith to be postmaster at Ford, Kans. Office becomes presidential July 1, 1926.

Jessie I. Cramer to be postmaster at Galva, Kans. Office becomes presidential July 1, 1926.

Louise M. Pfortmiller to be postmaster at Gorham, Kans. Office becomes presidential July 1, 1926.

Lewis E. Glasco to be postmaster at Piedmont, Kans. Office becomes presidential July 1, 1926.

Lou E. Cochran to be postmaster at Windom, Kans. Office becomes presidential July 1, 1926.

KENTUCKY

Phoebe Howard to be postmaster at Salyersville, Ky., in place of Phoebe Howard. Incumbent's commission expired May 6, 1926.

Austin R. Edwards to be postmaster at Walton, Ky., in place of A. R. Edwards. Incumbent's commission expired February 15, 1926.

Bertha L. Hutchinson to be postmaster at Wheelwright, Ky., in place of Sadie Ryan, resigned.

A. Fay Solomon to be postmaster at Calvert City, Ky. Office becomes presidential July 1, 1926.

Milton A. Wettstain to be postmaster at Chambers, Ky. Office becomes presidential July 1, 1926.

J. Whit Wingo to be postmaster at Lynnville, Ky. Office becomes presidential July 1, 1926.

Martin Van Allen to be postmaster at Martin, Ky. Office becomes presidential July 1, 1926.

Sister Marie M. Le Bray to be postmaster at Nazareth, Ky. Office becomes presidential July 1, 1926.

Joseph P. Poole to be postmaster at Rochester, Ky. Office becomes presidential July 1, 1926.

Myrtle Latta to be postmaster at Water Valley, Ky. Office becomes presidential July 1, 1926.

Flora Carroll to be postmaster at West Paducah, Ky. Office becomes presidential July 1, 1926.

LOUISIANA

Samuel E. Rankin to be postmaster at Haynesville, La., in place of C. C. Brown. Incumbent's commission expired March 29, 1926.

George M. Tannehill to be postmaster at Urania, La. Office becomes presidential July 1, 1926.

MAINE

Addie E. Cram to be postmaster at Dryden, Me. Office becomes presidential July 1, 1926.

Thomas Hebert to be postmaster at Madawaska, Me. Office becomes presidential July 1, 1926.

Mertland L. Carroll to be postmaster at New Harbor, Me. Office becomes presidential July 1, 1926.

Reginald B. Bartlett to be postmaster at Portage, Me. Office becomes presidential July 1, 1926.

MARYLAND

Edwin L. Shaw to be postmaster at Cumberland, Md., in place of P. G. Cowden. Incumbent's commission expired April 4, 1926.

MASSACHUSETTS

John P. Brown to be postmaster at Bass River, Mass., in place of J. P. Brown. Incumbent's commission expires July 17, 1926.

Burton D. Webber to be postmaster at Fiskdale, Mass., in place of B. D. Webber. Incumbent's commission expires July 17, 1926.

Francis K. Irwin to be postmaster at Cataumet, Mass. Office becomes presidential July 1, 1926.

Alice M. Lincoln to be postmaster at Raynham, Mass. Office becomes presidential July 1, 1926.

John H. Fletcher to be postmaster at Westford, Mass. Office becomes presidential July 1, 1926.

MICHIGAN

Andrew W. Reinhard to be postmaster at Brimley, Mich., in place of A. W. Reinhard. Incumbent's commission expires July 31, 1926.

Natalie G. Marker to be postmaster at Elk Rapids, Mich., in place of N. G. Marker. Incumbent's commission expires July 17, 1926.

Ward R. Rice to be postmaster at Galesburg, Mich., in place of W. R. Rice. Incumbent's commission expires July 17, 1926.

Hance Briley to be postmaster at Atlanta, Mich., in place of Foster Cameron, resigned.

Clifford W. Tooker to be postmaster at Muir, Mich., in place of Hercules Rice, removed.

James G. Gilday to be postmaster at Erie, Mich. Office becomes presidential July 1, 1926.

Elfreda L. Mulligan to be postmaster at Grand Marais, Mich. Office becomes presidential July 1, 1926.

Alfred Endsley to be postmaster at Ida, Mich. Office becomes presidential July 1, 1926.

Frederick P. Claflin to be postmaster at Keego Harbor, Mich. Office becomes presidential July 1, 1926.

Eugene J. Richardson to be postmaster at Temperance, Mich. Office becomes presidential July 1, 1926.

MINNESOTA

Edward Lende to be postmaster at Appleton, Minn., in place of Edward Lende. Incumbent's commission expired May 3, 1926.

Jacob P. Soes to be postmaster at Climax, Minn., in place of J. P. Soes. Incumbent's commission expired October 6, 1925.

Fritz Von Ohlen to be postmaster at Henning, Minn., in place of Fritz Von Ohlen. Incumbent's commission expires July 17, 1926.

Charles A. Allen to be postmaster at Milaca, Minn., in place of C. A. Allen. Incumbent's commission expires July 17, 1926.

Anna O. Rokke to be postmaster at Strandquist, Minn., in place of A. O. Rokke. Incumbent's commission expired May 18, 1926.

Peter G. Peterson to be postmaster at Villard, Minn., in place of P. G. Peterson. Incumbent's commission expires July 17, 1926.

Gustave Backer to be postmaster at Clements, Minn. Office becomes presidential July 1, 1926.

John C. Diekmann to be postmaster at Collegeville, Minn. Office becomes presidential July 1, 1926.

Henry J. Widenhoefer to be postmaster at Fisher, Minn., in place of Christian Widenhoefer, deceased.

MISSISSIPPI

Bertie A. Hallmark to be postmaster at Belmont, Miss., in place of J. L. Hallmark. Incumbent's commission expired March 21, 1926.

Matthew T. Patton to be postmaster at Alcorn, Miss. Office becomes presidential July 1, 1926.

Nettie E. Shelby to be postmaster at Beulah, Miss. Office becomes presidential July 1, 1926.

Ida M. Turnage to be postmaster at Zama, Miss. Office becomes presidential July 1, 1926.

Andrew McD. Patterson to be postmaster at Como, Miss., in place of A. McD. Patterson. Incumbent's commission expired February 17, 1926.

Benjamin C. Feigler to be postmaster at Philipp, Miss., in place of B. C. Feigler. Incumbent's commission expired March 21, 1926.

MISSOURI

Joe P. Stiles to be postmaster at Keytesville, Mo., in place of G. H. Applegate. Incumbent's commission expired November 8, 1925.

George E. Richars to be postmaster at Lilbourn, Mo., in place of G. E. Richars. Incumbent's commission expires July 26, 1926.

Ruby O. Church to be postmaster at Winona, Mo., in place of Minerva Norton. Incumbent's commission expired August 4, 1925.

Albert W. Mueller to be postmaster at Altenburg, Mo. Office becomes presidential July 1, 1926.

Gertrude Redding to be postmaster at Englewood, Mo. Office becomes presidential July 1, 1926.

MONTANA

T. Lester Morris to be postmaster at Corvallis, Mont., in place of T. L. Morris. Incumbent's commission expires July 31, 1926.

Samuel C. Brock to be postmaster at Belton, Mont. Office becomes presidential July 1, 1926.

Ernest M. Goodell to be postmaster at Dutton, Mont. Office becomes presidential July 1, 1926.

NEBRASKA

William H. Willis to be postmaster at Bridgeport, Nebr., in place of W. H. Willis. Incumbent's commission expired June 6, 1926.

NEVADA

Louis H. Ulrich to be postmaster at Hawthorne, Nev. Office becomes presidential July 1, 1926.

NEW HAMPSHIRE

Charles H. Tarbell to be postmaster at South Lyndeboro, N. H. Office becomes presidential July 1, 1926.

Byron J. L. Eaton to be postmaster at Seabrook, N. H. Office becomes presidential July 1, 1926.

NEW JERSEY

Walter A. Smith to be postmaster at Avalon, N. J. Office becomes presidential July 1, 1926.

Florence N. Watson to be postmaster at Edgewater Park, N. J. Office becomes presidential July 1, 1926.

Mary E. Helmuth to be postmaster at Lavallette, N. J. Office becomes presidential July 1, 1926.

John Comly to be postmaster at Lincoln Park, N. J. Office becomes presidential July 1, 1926.

Robert T. Lentz to be postmaster at National Park, N. J. Office becomes presidential July 1, 1926.

Frank J. Allen to be postmaster at Delair, N. J., in place of W. C. Joseph, resigned.

Charles B. Sprague to be postmaster at Manahawkin, N. J., in place of T. S. Sprague, deceased.

Charles H. Wilson to be postmaster at Swedesboro, N. J., in place of W. K. Sloan, resigned.

NEW YORK

Ruth M. Marleau to be postmaster at Big Moose, N. Y., in place of R. M. Marleau. Incumbent's commission expires July 20, 1926.

Jay E. Davis to be postmaster at Deansboro, N. Y., in place of J. E. Davis. Incumbent's commission expires July 20, 1926.

Harry M. Barrett to be postmaster at Mahopac, N. Y., in place of H. M. Barrett. Incumbent's commission expires July 26, 1926.

Ella E. Lewis to be postmaster at Clarkson, N. Y. Office becomes presidential July 1, 1926.

Mary E. Redman to be postmaster at Hamlin, N. Y. Office becomes presidential July 1, 1926.

Arthur H. Wyatt to be postmaster at Huletts Landing, N. Y. Office becomes presidential July 1, 1926.

Beatrice V. Edwards to be postmaster at Montauk, N. Y. Office becomes presidential July 1, 1926.

Clifford L. Tuthill to be postmaster at Eastport, N. Y., in place of E. W. Penney, resigned.

John A. Campbell to be postmaster at Mumford, N. Y. Office becomes presidential July 1, 1926.

William J. Schonger to be postmaster at North Branch, N. Y. Office becomes presidential July 1, 1926.

Bernard A. Marzolf to be postmaster at North Java, N. Y. Office becomes presidential July 1, 1926.

Jennie Mitchell to be postmaster at White Lake, N. Y. Office becomes presidential July 1, 1926.

Chalmers W. Joyner to be postmaster at White Sulphur Springs, N. Y. Office becomes presidential July 1, 1926.

NORTH CAROLINA

Claude S. Rowland to be postmaster at Pinetown, N. C., in place of C. S. Rowland. Incumbent's commission expires July 31, 1926.

Walter F. Long, jr., to be postmaster at Rockingham, N. C., in place of W. F. Long, jr. Incumbent's commission expires July 31, 1926.

Byron W. Graybeal to be postmaster at Lansing, N. C. Office becomes presidential July 1, 1926.

NORTH DAKOTA

Florian M. Pezalla to be postmaster at Cayuga, N. Dak. Office becomes presidential July 1, 1926.

Seburn J. Cox to be postmaster at Clifford, N. Dak. Office becomes presidential July 1, 1926.

OHIO

Albert D. Owen to be postmaster at Austinburg, Ohio. Office becomes presidential July 1, 1926.

James C. Kelley to be postmaster at Clarksville, Ohio. Office becomes presidential July 1, 1926.

George F. Burford to be postmaster at Farmdale, Ohio. Office becomes presidential July 1, 1926.

Oscar A. Fisher to be postmaster at Hannibal, Ohio. Office becomes presidential July 1, 1926.

Walter Fletcher to be postmaster at Lucas, Ohio. Office becomes presidential July 1, 1926.

Thomas G. Thomas to be postmaster at Mineral Ridge, Ohio. Office becomes presidential July 1, 1926.

Mary A. McCann to be postmaster at Mount St. Joseph, Ohio. Office becomes presidential July 1, 1926.

Nora Kearns to be postmaster at Russellville, Ohio. Office becomes presidential July 1, 1926.

John W. Gorrell to be postmaster at Malvern, Ohio, in place of W. A. Cunningham, resigned.

OKLAHOMA

Thomas M. Elliott to be postmaster at Salina, Okla., in place of C. E. Lindsey. Incumbent's commission expired August 24, 1925.

Thomas J. Ott to be postmaster at Bearden, Okla. Office becomes presidential July 1, 1926.

Gail E. Wing to be postmaster at Camargo, Okla. Office becomes presidential July 1, 1926.

Floyd Clark to be postmaster at Freedom, Okla. Office becomes presidential July 1, 1926.

James F. Lacey to be postmaster at Warner, Okla. Office becomes presidential July 1, 1926.

Clell M. Hudspeth to be postmaster at Afton, Okla., in place of Frank Victor, resigned.

OREGON

Amanda E. Bones to be postmaster at Carlton, Oreg., in place of A. E. Bones. Incumbent's commission expires July 31, 1926.

Lucius L. Hurd to be postmaster at Glendale, Oreg., in place of L. L. Hurd. Incumbent's commission expires July 31, 1926.

Flora B. Thompson to be postmaster at Jacksonville, Oreg., in place of F. B. Thompson. Incumbent's commission expires July 31, 1926.

Bernhard L. Hagemann to be postmaster at Milwaukie, Oreg., in place of B. L. Hagemann. Incumbent's commission expires July 31, 1926.

Etta M. Davidson to be postmaster at Oswego, Oreg., in place of E. M. Davidson. Incumbent's commission expires July 31, 1926.

Henrietta Sandry to be postmaster at Rogue River, Oreg., in place of Henrietta Sandry. Incumbent's commission expires July 31, 1926.

Glenn D. Withrow to be postmaster at Talent, Oreg., in place of G. D. Withrow. Incumbent's commission expires July 31, 1926.

Charles H. Watzek to be postmaster at Wauna, Oreg., in place of C. H. Watzek. Incumbent's commission expires July 31, 1926.

Florence Root to be postmaster at Boardman, Oreg. Office becomes presidential July 1, 1926.

Teresa H. McComb to be postmaster at Malin, Oreg. Office becomes presidential July 1, 1926.

Nettie J. Neil to be postmaster at Marcola, Oreg. Office becomes presidential July 1, 1926.

PENNSYLVANIA

Elmer H. Heydt to be postmaster at Abington, Pa., in place of Nellie Smith. Incumbent's commission expired May 19, 1926.

Benard Peters to be postmaster at Brackenridge, Pa., in place of Benard Peters. Incumbent's commission expires July 21, 1926.

Malcolm F. Clark to be postmaster at Coudersport, Pa., in place of M. F. Clark. Incumbent's commission expires July 19, 1926.

Elmer G. Cornwell to be postmaster at Mansfield, Pa., in place of E. G. Cornwell. Incumbent's commission expires July 19, 1926.

William S. Tomlinson to be postmaster at Newtown, Pa., in place of W. S. Tomlinson. Incumbent's commission expires July 21, 1926.

Harry R. Tomlinson to be postmaster at Andalusia, Pa. Office becomes presidential July 1, 1926.

David P. Stokes to be postmaster at Blain, Pa. Office becomes presidential July 1, 1926.

Emma J. Coleman to be postmaster at Braeburn, Pa. Office becomes presidential July 1, 1926.

George E. Gray to be postmaster at Erdenheim, Pa. Office becomes presidential July 1, 1926.

Mary G. Wilson to be postmaster at George School, Pa. Office becomes presidential July 1, 1926.

Walter Carrell to be postmaster at Ivyland, Pa. Office becomes presidential July 1, 1926.

Frank E. Tiffany to be postmaster at Kingsley, Pa. Office becomes presidential July 1, 1926.

Robert T. Barton to be postmaster at Meadowbrook, Pa. Office becomes presidential July 1, 1926.

Barbara E. Snyder to be postmaster at New Tripoli, Pa. Office becomes presidential July 1, 1926.

David R. Hoover to be postmaster at Pleasant Hall, Pa. Office becomes presidential July 1, 1926.

Lester L. Lyons to be postmaster at Pocono, Pa. Office becomes presidential July 1, 1926.

John A. Baker to be postmaster at Pocopson, Pa. Office becomes presidential July 1, 1926.

Victor D. Crum to be postmaster at Sinnamahoning, Pa. Office becomes presidential July 1, 1926.

Katherine Summers to be postmaster at Tullytown, Pa. Office becomes presidential July 1, 1926.

Clay E. Houck to be postmaster at Warriors Mark, Pa. Office becomes presidential July 1, 1926.

SOUTH CAROLINA

James L. McCown to be postmaster at Cheraw, S. C., in place of C. F. Pendleton. Incumbent's commission expired May 9, 1926.

SOUTH DAKOTA

Adolph C. Koch to be postmaster at Harrold, S. Dak., in place of G. M. Hall. Incumbent's commission expired February 9, 1926.

Thomas J. Dolan to be postmaster at Camp Crook, S. Dak. Office became presidential July 1, 1926.

Jennie Geddes to be postmaster at Forestburg, S. Dak. Office becomes presidential July 1, 1926.

Ethel C. Kinyon to be postmaster at Harrisburg, S. Dak. Office becomes presidential July 1, 1926.

TENNESSEE

Ella V. Lewis to be postmaster at Daisy, Tenn. Office becomes presidential July 1, 1926.

Alonzo P. Johnson to be postmaster at Doyle, Tenn. Office becomes presidential July 1, 1926.

D. Garfield Chambers to be postmaster at Huntsville, Tenn. Office becomes presidential July 1, 1926.

Charles E. Sexton to be postmaster at Maynardville, Tenn. Office becomes presidential July 1, 1926.

TEXAS

Edson E. King to be postmaster at Follett, Tex., in place of M. S. Johnson. Incumbent's commission expired March 23, 1926.

Wallace C. Wilson to be postmaster at McKinney, Tex., in place of W. C. Wilson. Incumbent's commission expires July 21, 1926.

Robert E. Johnson to be postmaster at Pecos, Tex., in place of R. E. Johnson. Incumbent's commission expires July 21, 1926.

Lotta E. Turney to be postmaster at Smithville, Tex., in place of L. E. Turney. Incumbent's commission expires July 21, 1926.

Ida S. McWilliams to be postmaster at Anahuac, Tex. Office becomes presidential July 1, 1926.

William M. Riddle to be postmaster at Dale, Tex. Office becomes presidential July 1, 1926.

Birdie Duree to be postmaster at Dimmitt, Tex. Office becomes presidential July 1, 1926.

Arthur B. Rook to be postmaster at Harrold, Tex. Office becomes presidential July 1, 1926.

Samuel A. West to be postmaster at Joshua, Tex. Office becomes presidential July 1, 1926.

Louis Waldvogel to be postmaster at Columbus, Tex., in place of L. I. Steiner, resigned.

VERMONT

Edward N. Aldrich to be postmaster at Graniteville, Vt. Office becomes presidential July 1, 1926.

John S. Wheeler to be postmaster at North Ferrisburg, Vt. Office becomes presidential July 1, 1926.

George D. Burnham to be postmaster at Reading, Vt. Office becomes presidential July 1, 1926.

Sherrie C. Mead to be postmaster at Shoreham, Vt. Office becomes presidential July 1, 1926.

VIRGINIA

William R. Connor to be postmaster at Dillwyn, Va., in place of W. E. Hardiman. Incumbent's commission expired April 10, 1926.

Lula E. Northington to be postmaster at Lacrosse, Va., in place of L. E. Northington. Incumbent's commission expires July 26, 1926.

Willam A. Wine to be postmaster at Quicksburg, Va. Office becomes presidential July 1, 1926.

Ida Triplett to be postmaster at Rectortown, Va. Office becomes presidential July 1, 1926.

Clementine M. Wright to be postmaster at Sharps, Va. Office becomes presidential July 1, 1926.

Harry S. Shuey to be postmaster at Craigsville, Va. Office becomes presidential July 1, 1926.

William J. Sutherland to be postmaster at Penhook, Va. Office becomes presidential July 1, 1926.

Asher Brinson to be postmaster at Stonega, Va., in place of Maud Duffy, resigned.

WASHINGTON

Herman S. Reed to be postmaster at Redmond, Wash., in place of H. S. Reed. Incumbent's commission expires July 24, 1926.

Otto F. Reinig to be postmaster at Snoqualmie, Wash., in place of O. F. Reinig. Incumbent's commission expires July 24, 1926.

Phillip Abbey to be postmaster at Hoodsport, Wash. Office becomes presidential July 1, 1926.

Stella F. Fix to be postmaster at Kapowsin, Wash. Office becomes presidential July 1, 1926.

Clarence V. Lotz to be postmaster at McKenna, Wash. Office becomes presidential July 1, 1926.

WEST VIRGINIA

Hallie A. Overholt to be postmaster at Thurmond, W. Va., in place of H. A. Overholt. Incumbent's commission expires July 31, 1926.

Floyd V. Chambers to be postmaster at Glen Dale, W. Va. Office becomes presidential July 1, 1926.

Lorene V. Shuttleworth to be postmaster at Nutter Fort, W. Va. Office becomes presidential July 1, 1926.

Ballard G. Worrell to be postmaster at Wilcoe, W. Va. Office becomes presidential July 1, 1926.

WISCONSIN

Floyd B. Hesler to be postmaster at Glenbeulah, Wis., in place of F. B. Hesler. Incumbent's commission expires July 26, 1926.

Carson J. Lawrence to be postmaster at La Farge., Wis., in place of C. J. Lawrence. Incumbent's commission expired April 13, 1926.

Fred J. Marty to be postmaster at New Glarus, Wis., in place of F. J. Marty. Incumbent's commission expires July 26, 1926.

Bessie E. Miller to be postmaster at Genesee Depot, Wis. Office becomes presidential July 1, 1926.

James W. Squire to be postmaster at Soperton, Wis. Office becomes presidential July 1, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 30, 1926

MEMBERS OF THE BOARD OF MEDIATION

Samuel E. Winslow to be a member for five years.
Edwin P. Morrow to be a member for four years.
Carl Williams to be a member for three years.
G. Wallace W. Hanger to be a member for two years.
Hywel Davies to be a member for one year.

UNITED STATES MARSHAL

Thomas J. Kennamer to be United States marshal, northern district of Alabama.

Charles D. Jones to be United States marshal, second division, district of Alaska.

Joseph F. Tondre to be United States marshal, district of New Mexico.

PROMOTIONS IN THE NAVY

TO BE LIEUTENANT COMMANDERS

Thomas G. Peyton.
Armit C. Thomas.
Julius C. Delpino.
Romeo J. Jondreau.
Alexander S. Wotherspoon.
Philip C. Morgan.
Nathaniel M. Pigman.
Homer H. H. Harrison.
John H. Campman.

TO BE LIEUTENANTS

Dennis B. Boykin.
Daniel F. Worth, jr.
Thomas T. Craven.
Arthur S. Billings.
Herbert C. Behner.
Frank A. Davis.
Richard F. Whitehead.
Arthur F. Blasiar.
William S. Grooch.
Adolph H. Bamberger.
William N. Crofford, jr.
Vincent W. Grady.
Dolph C. Allen.
Roy S. Knox.
Samuel E. Kenney.
Satolli W. Hanns.
Castle J. Voris.
Joseph G. Pomeroy.
William H. Healey.
Phil L. Haynes.
Franklin B. Kohrs.
Arthur DeL. Ayrault, jr.
Bern Anderson.
Edward J. Milner.
Wendell G. Switzer.
Jesse H. Carter.
Harold L. Meadow.

TO BE LIEUTENANTS (JUNIOR GRADE)

Gus R. Berner, jr.
Frank T. Ward, jr.
John W. King, 3d.
Laurence E. Hurd.
Edward C. Loughead.
Kenneth D. McCracken.
Thomas C. Evans.
William H. Reddington.
Albert C. Murdaugh.
William V. O'Regan.
John G. Crommelin, jr.
William B. Ammon.
Charles J. Nager.
Roland N. Smoot.
William P. E. Wadbrook.
Morris Smellow.
Alfred C. Olney, jr.
Joseph T. Sheehan.
Harry H. Keith.
Harry T. Chase.
Richard Hight.
Harold D. Krick.
Edward S. Pearce.
Church A. Chappell.
Harold N. Williams.
Gordon J. Crosby.
Robert L. Dennison.
Daniel F. J. Shea.
Stanhope C. Ring.
Charles T. Coe.
Claude H. Bennett, jr.
Paul F. Dugan.
Louis H. Brendel.
Aaron P. Storrs, 3d.
Frank H. Bond.
Thomas L. Turner.
William L. Hoffheins, jr.
William K. Mendenhall, jr.
Kenneth D. Ringle.
John C. Goodnough.
James H. Willett.
Fred W. Walton.
Thomas B. Birtley, jr.
Harry D. Felt.
Edward Rembert.
Robert A. Cook.
Curtis S. Smiley.
Josephus A. Briggs.
Richard M. Oliver.
James E. Fuller.
Harold H. Connelley.
William M. Haynsworth, jr.
Albin R. Sodergren.
Joseph J. Rooney.
Charles R. Pickell.
Philip H. Ryan.
Louis N. Miller.
Joseph L. Schwaninger.
Marion J. Duncan.
John V. Peterson.
John L. Brown.
Richard P. McDonough.
Alvin D. Chandler.
William H. Hamilton.
William D. Anderson.
Murr E. Arnold.
Matthias M. Marple, jr.
William P. Burford.
Philip R. Coffin.
George W. Lehman.
Donald Weller.
Joseph H. Foley.
Marvin P. Kingsley.
Herbert M. Wescoat.
Samuel G. Fuqua.
Francis M. Hughes.
William R. Thayer.
Charles R. Ensey, jr.
William T. Pearce.
Stanley Leith.
Edwin R. Peck.
Frank W. Parsons.
Dominic J. Tortorich, jr.
James R. Bell.
John D. Shaw.
Ralph B. McRight.
Zeus Souceek.
Edward S. Mulheron.
John P. B. Barrett.

TO BE NAVAL CONSTRUCTORS

Frederick W. Pennoyer, jr.
Melville W. Powers.
Charles F. Osborn.
Claude O. Kell.
Howard L. Vickery.
Glenn H. Easton.

TO BE ENSIGNS

Claude W. Haman.
Roy B. Stratton.

MARINE CORPS

John Griebel to be second lieutenant.

POSTMASTERS

ALABAMA

James W. Maddox, Elba.
Alberta Owen, Geneva.
Harvey P. Houk, Gurley.

ARIZONA

Charles W. Hicks, Bisbee.

CALIFORNIA

Celine M. McCoy, Pismo Beach.

COLORADO

Annie Hurlburt, Norwood.

FLORIDA

Alvin L. Durrance, Frostproof.

GEORGIA

John H. Pullen, Meigs.
Baxter Sutton, Rochelle.

ILLINOIS

Charles H. Collins, Casey.
William L. McKenzie, Elizabeth.
Mancel Talcott, Waukegan.

IOWA

Arthur W. Liston, Coin.
Elsie Sierck, Everly.
James P. Hulet, Le Claire.
Charles E. Lovett, Volga.

KANSAS

Charles B. Doolittle, Centerville.

MAINE

Roger S. McGown, Carmel.
Carroll M. Richardson, Westbrook.

MARYLAND

Mary Stevens, Hurlock.
Charles R. Day, Marion Station.
John H. Dean, North East.

MASSACHUSETTS

Edward L. Diamond, Easthampton.
Edgar T. Brickett, North Cohasset.

NEW JERSEY

Jennie Madden, Tuckahoe.

NEW MEXICO

Ira Allmon, Estancia.

NEW YORK

Edward J. Weidner, Bellport.
George M. Edsall, Nanuet.

NORTH CAROLINA

Sadie M. Mullen, Huntersville.

PENNSYLVANIA

Myles D. Hippensteel, Nescopeck.
James T. Patterson, Williamsburg.

OHIO

Katherine S. Bauer, Mogadore.

TENNESSEE

William S. Tune, Shelbyville.

TEXAS

Arthur R. Franke, Goliad.
Milton S. Fenner, Karnes City.
John Thomman, Levelland.
Myrtle L. Hurley, Robert Lee.

VIRGINIA

Robert L. Grubb, Lovettsville.
William W. Middleton, Mount Jackson.
Jack F. Fick, Quantico.
Ernest H. Croshaw, Stony Creek.

WEST VIRGINIA

Archie N. Cook, Cameron.
Wesley A. King, Coalwood.
Henry W. Rawson, McDowell.
Clarence E. Brazeal, Maybeury.
Florence Bills, Williamstown.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *June 30, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed heavenly Father—In a changing world, Thou art a God who changeth not; Thy anchorage is our stay. Encourage us in all our ways to acknowledge Thee. Always help us to trust our Father's love and our Savior's ransom. We breathe our confessions; with considerate pity forgive us and always direct us in the most acceptable way of life. Help us to accept Thy claims and may we conform our conduct to them. Mercifully grant that Thy Holy Spirit may in all things rule our hearts, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes to-morrow morning after the reading of the Journal and the disposition of business on the Speaker's table.

The SPEAKER. The gentleman from New York ask unanimous consent to address the House for 15 minutes to-morrow after the reading of the Journal and the disposition of business on the Speaker's table. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 12467. An act granting the consent of Congress to the Jackson & Eastern Railway Co. to construct, maintain, and operate a railroad bridge across the Pearl River in the State of Mississippi.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 5810. An act granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State; and

H. R. 7893. An act to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11378. An act for the relief of Herbert A. Wilson;

H. R. 12311. An act granting the consent of Congress to the State of Minnesota or Dakota County, Washington County, or Ramsey County, in the State of Minnesota, or either or several of them to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.; and

H. R. 12536. An act to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State for highway purposes.

QUALIFICATIONS OF VOTERS IN ALASKA

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 9211) to prescribe certain of the qualifications of voters in the Territory of Alaska, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. SUTHERLAND. Mr. Speaker, this bill (H. R. 9211) "To prescribe certain of the qualifications of voters in the Territory of Alaska, and for other purposes," introduced by the gentleman from Maine [Mr. WHITE] by request, is identical with a bill passed by the last Legislature of the Territory of Alaska, except that this measure disfranchises all uneducated electors of the Territory who have exercised the voting privilege in the past, while the Territorial act carries this provision, which I submit as an amendment to H. R. 9211, on page 2, line 8, after the word "only":

And provided further, That this act shall not apply to any person who has legally voted at any such general or primary election previous to the passage of this act.

This provision for the protection of old voters was adopted by 7 of the 20 States that have enacted educational tests for voters, and among them the State of New York, which not only protects former illiterate voters but all who were eligible to vote prior to the passage of the literacy test, and the State of Maine, from whence comes the sponsor for this bill.

When the literacy test, which protected former voters, was passed by the Alaska Legislature there were only two dissenting votes, and those two dissented on the grounds that the legislature had no authority to amend the election laws of Congress for the election of a delegate to Congress. In the Alaska Senate, composed of eight members, a motion to strike out the provision which protects former voters was lost by a tie vote and the bill passed the senate unanimously. The question of an educational test for voters was an important issue in the Alaska political campaign of 1924, and a large majority of the members of the 1925 legislature were committed to the enactment of a literacy test. It is fair to assume that the act of the Alaska Legislature was the expression of the will of the people of Alaska, and Congress should confirm that act rather than give consideration to the request of a minority of the electors of the Territory.

ORIGIN OF THE BILL H. R. 9211

The request for the introduction of this bill, H. R. 9211, was made to the gentleman from Maine [Mr. WHITE] by Mr. Anthony J. Diamond, a member of the Alaska Territorial Senate, and incidentally the attorney of record for the Alaska Packers' Association, a subsidiary of the California Packing Corporation, and the largest unit of the Fish Trust that dominates the salmon-packing industry in Alaska. This Fish Trust is always at variance with the people of the Territory, and it can always employ resident attorneys who are willing to accept retainers for service to the trust in nullifying the will of the voters of the Territory.

THE PROPOSED EDUCATIONAL TEST

The educational test provided for in this bill, namely—

to read in the English language publicly and in the presence of the election officers, or some one of them, a passage of not less than 10 lines chosen at random by the election officers, or some one of them, from the Constitution of the United States, and to legibly write in the English language a passage of not fewer than 10 consecutive words chosen at random by the election officers, or some one of them, from the Constitution of the United States, and dictated by one of the election officers to such proposed voter—

would permit any election officer to compel a former uneducated voter to read from any part of the Constitution that the election officer may select, without limitation to the number of words, lines, or paragraphs to be read. Nor is there any limi-

tation to the number of words from the Constitution that a proposed voter may be compelled to write. This power to test the education of voters, placed with a partisan election judge, could, and in all probability would, be used to disfranchise many present voters of limited education, as well as those who are classed as illiterates.

WHO WOULD BE DISFRANCHISED

In the election contests of Hon. James Wickersham against Hon. Charles Sulzer, in the Sixty-fifth and Sixty-sixth Congresses, the legality of Indian voters was decided as follows by the Committee on Elections No. 3, Sixty-sixth Congress, Hon. C. C. DOWELL, chairman:

This identical question (status of Indian voters) arose in the former case in the Sixty-fifth Congress, and the House, following the report of the committee, disposed of this question and did not exclude the Indian vote. Your committee believes it should follow the ruling of the House in the former case and not disturb this vote.

The question regarding the Indian votes in the case of Wickersham against Sulzer involved their citizenship rights, but the evidence presented to the Committee on Elections showed that some of them were illiterate. At the voting precinct of Ketchikan in 1918 the evidence shows that about 30 Indians had their ballots marked for them. At the precincts of Afognak and Seldovia in the 1916 election the evidence showed that a number of voters could not read or write English, but were capable of reading and writing in the Russian language. These electors have exercised their voting rights for 10 years, and probably for almost 20 years in the case of the Russian Aleut citizens of Afognak and Seldovia, and this bill would ruthlessly disfranchise them after many years of voting citizenship.

MORE RECENT INDIAN VOTERS

The records indicate that there are between 1,100 and 1,200 voters in Alaska who are classed as Indians. They include those of half blood and Russian Aleuts or Creoles. The census returns for 1920 show that 4,033 Indian people of Alaska of voting age are literate. The definition of "literate" under the census returns is "ability to write in some language." This means that to-day approximately 25 per cent of those Indians who are classed as literate by the Census Bureau are exercising the elective franchise in Alaska.

DISFRANCHISING WHITES

Although the census returns show that there are only 45 native-born illiterate whites in the whole Territory, there are many who have exercised the elective franchise during the 20 years since Alaska first elected a Delegate to Congress, who could not meet the requirements of this proposed test. A man of very limited education, be he white or Indian, will forego his voting privilege rather than submit in public to an educational test applied by a partisan election officer. This test gives the unscrupulous partisan election officer the opportunity to disfranchise many former voters. The pride of uneducated white voters and the timidity of the Indian voters will disfranchise many intelligent but uneducated citizens.

Among the uneducated white voters are men who came to Alaska a quarter of a century ago. They are highly intelligent citizens with a clearer idea of the meaning of American citizenship than many of the pretended intellectuals of the Territory. These men are too proud to submit to such an educational test as this bill provides. All persons of limited education, including those of ordinary grammar-school advantages, are sensitive with regard to their limited educational training, and are resentful toward those who would submit them to the embarrassment of an educational test, such as the one proposed. This resentment is intensified by the consciousness of the uneducated voter that his intelligence may be of a much higher order than that of the election officer who applies the educational test.

INDIAN VOTERS IN ALASKA

The total vote cast in Alaska at the 1924 general election was a little short of 10,000. Of this number not more than 1,200 could be classified as Indians. Seventy-five per cent of this Indian vote is located in the first judicial division of Alaska, where one-half of the literate Indians credited by the census report to that division exercise the voting right.

At the 1924 general election in this division a scrutiny of the returns was requested by several defeated candidates, and the Governor of the Territory, acting as head of the canvassing board, made public the following information regarding the voting of illiterates:

Total vote cast in the first division, 4,931. Of that number about 900 were cast by Indians. The scrutiny of the canvassing board showed that 93 voters signed the registration books "by mark." These 93 illiterate votes were cast in 9 out of 50 precincts in the first division. The number of "by-mark" voters follows the total vote in each precinct:

Klawack (180)	38
Hydaburg (68)	9
Chilkat (36)	8
Killisnoo (29)	6
Craig (70)	2
Wrangell (312)	11
Haines (90)	9
Skagway (193)	7
Revilla (45)	3

Wrangell, Haines, Skagway, Revilla, and Craig can not be considered as Indian precincts, as the white voters predominate in these precincts, and it is fair to assume that some of the "by-mark" voters were of the white race. The precincts of Klawack, Hydaburg, Chilkat, and Killisnoo, which show a large percentage of "by-mark" voters, are principally Indian in population. The returns from the Indian towns of Hoonah, 107 votes; Kake, 108 votes; Metlakatla, 57 votes; Yakutat, 50 votes; and Angoon, 39 votes, showed that all voters had written their names on the registration books.

ILLITERACY IN ALASKA

The census returns for 1920 contain the following figures on illiteracy in the Territory of Alaska:

Total population	55,036
Foreign-born white illiterates over 21 years	396
Native-born white illiterates over 21 years	45
Indian illiterates over 21 years	8,292
Indian literates over 21 years	4,033
Estimated Indian voters in the Territory	1,200

Thirteen States of the Union have retroactive educational tests for voters, namely, Alabama, Arkansas, Arizona, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Virginia.

Seven States have educational tests with a provision to protect those voters who exercised the elective franchise prior to the enactment of the law, namely, California, Maine, Massachusetts, New Hampshire, New York, Washington, and Wyoming.

Educational law of Maine reads as follows:

No person shall have the right to vote or be eligible to office under the constitution of this State who shall not be able to read the constitution in the English language and write his name: *Provided, however,* That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upward at the time this amendment shall take effect.

The phraseology of the literacy law of the other six States mentioned is virtually the same as that of the Maine law, with the exception of the New York law, which, in addition to protecting the rights of those who have voted prior to the enactment, extends the right to vote to all illiterates who were qualified by citizenship to have voted but who did not exercise the privilege.

The census returns of 1920 indicate the number of native-born illiterates over 21 years of age who are qualified to vote, provided they exercised the franchise prior to the passage of the literacy tests:

California:	
Illiterate native-born whites, voting age	7,414
Illiterate negroes, voting age	1,553
Illiterate foreign-born whites, voting age	65,911
Maine:	
Illiterate native-born whites, voting age	7,042
Illiterate negroes, voting age	60
Illiterate foreign-born whites, voting age	11,300
Massachusetts:	
Illiterate native-born whites of voting age	6,399
Illiterate foreign-born whites of voting age	133,330
Illiterate negroes of voting age	2,491
New Hampshire:	
Illiterate native-born whites of voting age	1,755
Illiterate foreign-born whites of voting age	13,437
New York:	
Illiterate native-born whites of voting age	24,767
Illiterate foreign-born whites of voting age	383,862
Illiterate negroes of voting age	4,815
Washington:	
Illiterate native-born whites of voting age	1,969
Illiterate foreign-born whites of voting age	11,494
Illiterate negroes of voting age	241
Illiterate Indians of voting age	2,032
Wyoming:	
Illiterate native-born whites of voting age	346
Illiterate foreign-born whites of voting age	2,120
Illiterate negroes of voting age	65

The State of Oklahoma provided for a literacy test for voters in its constitution. In 1915 the Supreme Court of the United States held in the case of Gwinn and Beal that inasmuch as the literacy test was not separable from the so-called grand-

father clause, the entire amendment to the Oklahoma constitution was void. This decision did not, however, hold a literacy test for voters to be unconstitutional. The State of Oklahoma could have reenacted its educational test with the omission of the grandfather clause, but has not done so up to the present time.

The laws of the States that have no educational test for voters make provision for illiterate and physically incapable voters, as follows:

COLORADO

Constitution of, article 7, section 3. Educational qualifications of electors:

"The general assembly may prescribe by law an educational qualification for electors, but no such law shall take effect prior to the year of our Lord one thousand eight hundred and ninety (1890), and no qualified elector shall be disqualified."

Although the State of Colorado in its constitution authorizes the enactment of an educational test for voters no action has ever been taken by the State legislature. The absence of any provision in the law for marking the ballot of an illiterate voter would indicate that such illiterate must be able to mark his own ballot.

Colorado has 7,440 native-born illiterate white voters, 599 illiterate negro voters, and 13,427 foreign-born illiterates of voting age.

IDAHO

Makes no provision in law for marking the ballots of illiterate voters. It is assumed that all voters not physically disabled can mark their ballots.

ILLINOIS

Smith's Revised Statutes, chapter 46, section 313, page 867. Assistance to illiterate voters:

"Any voter who may declare upon oath that he can not read the English language, or that by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers of different political parties, to be selected from the judges and clerks of the precinct in which they are to act, to be designated by the judges of election of each precinct at the opening of the polls. Such officers shall mark the ballot as directed by the voter, and shall thereafter give no information regarding the same.

"The clerks of election shall enter upon the poll lists after the name of any elector who received such assistance in marking his ballot a memorandum of the fact.

"Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in marking his ballot."

Illinois has 27,909 native-born white illiterate voters, 10,146 illiterate negro voters, and 130,474 illiterates of alien birth who are of voting age.

INDIANA

Indiana Session Laws, 1923, latest amendment, chapter 119, Burns's Annotated Statutes of Indiana, chapter 64, section 6977, page 3. Registration of voters:

"Signature of applicant. Every application for registration shall be signed with the name of the applicant in his own handwriting and in the English language if he be able to write his name in the English language, and if not, then in any language that he may be able to write. If he is not able to write in any language, he may procure some resident of the township to write his name for him, and he shall make his mark; but the person so writing his name shall also write his own name on the instrument as attesting witness."

Indiana has 26,348 native-born illiterate voters, 6,326 illiterate negro voters, and 17,393 illiterates of alien birth who are of voting age.

IOWA

Iowa Code, 1924, chapter 40, section 807, page 151:

"Assisting voter. Any voter who may declare upon oath that he can not read the English language, or that by reason of any physical disability other than intoxication he is unable to mark his ballot, shall, upon request, be assisted by said two officers in marking said ballot. Said officers shall mark said ballot as directed by the voter and shall thereafter give no information regarding the same."

Iowa has 8,062 native white illiterate voters, 1,249 illiterate negro voters, and 10,749 alien-born illiterates of voting age.

KANSAS

Session Laws of Kansas, 1897, chapter 129, section 23:

"Any voter who may declare upon oath that he can not read the English language, or that by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers of different political parties, to be selected from the judges and clerks of the precinct in which they are to act, to be designated by the judges of election of each precinct at the opening of the polls. Such officer shall mark the ballot as directed by the voter and shall thereafter give no information regarding the same."

Kansas has 6,848 native-born white illiterate voters, 4,145 illiterate negro voters, and 10,359 foreign-born residents over 21 years of age who are classed as illiterates.

KENTUCKY

Act of June 30, 1892; Carroll's Kentucky Statutes, chapter 41, page 655, section 1475.

Illiterate, blind, and disabled persons. Penalty for false declaration:

"Any elector who declares, on oath, that by reason of inability to read the English language, he is unable to mark his ballot, may declare his choice of candidates or party ticket to the clerk, who, in the presence of the judges, sheriffs, and challengers and the elector, shall, with his pencil, mark a dot in the appropriate place for the cross mark to indicate the choice of the elector. The clerk shall then fold and deliver the ballot to the elector, and instruct him to retire to the booth and there mark his ballot by making a cross mark either in the squares showing dots or any other squares he may desire."

Kentucky has 96,092 native-born white illiterate voters, 37,926 illiterate negro voters, and 2,202 foreign-born white illiterates of voting age.

MARYLAND

Maryland Annotated Code, 1911, article 33, section 17, page 850. Registration.

The State of Maryland requires that an elector must sign his name.

"After the answers of the applicant to the questions under the heads of each and all of the above-mentioned columns have been properly entered by the officers in his presence in both registers, and not until then, he shall be asked to sign his name upon the same line under the column, 'Signature' in each of them, and shall sign his name if he can do so. If, however, he shall state his inability to do so, or declines to do so, the officers shall make the entry 'Can not write' or 'Declines,' as the case may be, in the place for such signature.'

Maryland has 8,018 native-born illiterate males of voting age, 5,833 native-born illiterate females of voting age, 15,858 illiterate negro males of voting age, 15,686 illiterate negro females of voting age, 13,398 illiterate foreign-born whites of voting age.

MICHIGAN

Cahil's Compiled Laws, 1922, chapter 11, section 3848 (135).

"Whenever at any election an elector shall state, under oath, duly administered by some member of the election board, that he can not read English, or that because of physical disability he can not mark his ballot, and such disability shall be made manifest to said inspectors, he shall be assisted in the marking of his ballot by an inspector designated by the board for such purpose."

Michigan has 12,673 native-born white illiterate voters, 2,111 illiterate negro voters, and 69,759 foreign-born illiterates of voting age.

MINNESOTA

General Statutes, 1923, page 60, section 427:

"When any voter states, under oath, that he can not read English, or that he is physically unable to mark his ballot, he may call to his aid one or more of the judges who shall mark his ballot as he may desire and in as secret a manner as circumstances will permit. When he also states that he can not speak the English language or understand it when spoken the judges may select two persons from different political parties to act as interpreters, who shall take an oath similar to that taken by the judges, and assist such person in marking his ballot."

Minnesota has 4,711 native-born white illiterate voters, 234 illiterate negro voters, 26,047 foreign-born white illiterates of voting age, and 1,799 illiterate Indian voters.

MISSOURI

Revised Statutes, section 5903, chapter 43, article 5. Illiterate voter, judge to prepare ballot:

"Any elector who declares, under oath, to the judges of election having charge of the ballots that he can not read or write, or that by reason of physical disability he is unable to mark his ballot, may declare his choice of candidates to the judges having charge of the ballots, who, in the presence of the elector shall prepare the ballots for voting in the manner hereinbefore provided."

Missouri has 42,614 native white illiterate voters, 17,333 illiterate negro voters, and 17,269 foreign-born illiterates of voting age.

MONTANA

Revised Code of Montana, 1915, section 493 b, page 63:

"If the elector is not able to sign his name, he shall be required by the judges to produce two freeholders who shall make an affidavit before the judges of election, or one of them, in substantially the following form:

"STATE OF MONTANA, *county of* ———, *ss:*

"We, the undersigned witnesses, do swear that our names and signatures are genuine and that we are each personally acquainted with

(the name of the elector) and that we believe that he is entitled to vote at this election, and that we are each freeholders in the county.

"Which affidavit shall be filed by the judges and returned by them to the county clerk with the returns of the election. One of the judges shall thereupon write the elector's name and note the fact of his inability to sign and the names of the two freeholders who made the affidavit herein provided."

Montana has 853 native-born white illiterate voters, 84 illiterate negro voters, 5,104 foreign-born illiterates of voting age, and 2,687 illiterate Indian voters.

NEBRASKA

Revised Statutes of Nebraska, 1913, section 2034, page 564:

"Any voter who declares to the judge of election that he can not read, or that by blindness or other physical disability he is unable to mark his ballot, shall, upon request, receive the assistance of one judge and one clerk."

Nebraska has 2,797 native-born white illiterate voters, 538 illiterate negro voters, and 9,253 foreign-born illiterates of voting age.

NEVADA

Makes no provision in law for marking the ballots of illiterate voters. It is assumed that all voters not physically disabled can mark their ballots.

NEW JERSEY

Act of 1911. Compiled Statutes of New Jersey, section 63, page 535.

"At any primary or general election any person who declares under oath and establishes to the satisfaction of all the members of the board of registry and election that he is unable to read the English language, or that by reason of blindness or other physical disability he is unable to mark his ballot without assistance, may have the assistance of one or more members of such board to be assigned by the board in preparing his ballot."

New Jersey has 4,635 native-born illiterate white males over 21 years of age; 3,723 native-born white illiterate females over 21 years of age; 2,752 illiterate negro males over 21 years of age; 2,916 illiterate negro females over 21 years of age; 52,269 foreign-born illiterate males over 21 years of age; 57,624 foreign-born illiterate females over 21 years of age.

NEW MEXICO

Statutes, Annotated, 1915, section 3, page 75. Political rights protected; amendment:

"The right of any citizen of the State to vote, hold office, or sit upon juries, shall never be restricted, abridged, or impaired on account of religion, race, language, or color, or inability to speak, read, or write the English or Spanish languages except as may be otherwise provided in this constitution; and the provisions of this section and of section 1 of this article shall never be amended except upon a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State, and at least two-thirds of those voting in each county of the State, shall vote for such amendment."

New Mexico has 8,033 native-born white illiterate male voters, 13,574 native-born white illiterate female voters, 142 negro illiterate male voters, 71 negro illiterate female voters, 3,282 Indian illiterate voters.

NORTH DAKOTA

Compiled Laws of North Dakota, 1913, Annotated, volume 1, section 948, page 231. Who entitled to vote:

"Every male person of the age of 21 years or upward, belonging to either of the following classes, who shall have resided in the State one year, and in the county six months, and in the precinct 90 days preceding any election, shall be a qualified elector at such election:

"First. Citizens of the United States.

"Second. Civilized persons of Indian descent who shall have severed their tribal relations two years next preceding such election, provided he has complied with the provisions of any law which is now or may in the future be in force relating to the registration of voters, and all persons possessing the qualifications mentioned in this section, and who have resided in this State one year, shall be eligible to any office in this State, except as otherwise provided in the constitution."

OKLAHOMA

United States Reports volume 238, page 347. Grimm and Beal v. United States, decided June 21, 1915.

Syllabus:

"The grandfather clause being unconstitutional and not separable from the remainder of the amendment to the Constitution of Oklahoma of 1910, that amendment as a whole is invalid."

Oklahoma has 24,930 native-born white illiterate voters, 12,491 negro illiterate voters, 5,741 Indian illiterate voters, 4,854 foreign-born white illiterate voters.

PENNSYLVANIA

Purdon's Digest, 1921, page 8244, section 52. Elections. Registration requirement. Signing application for registration.

"He shall be required to sign his name if able to write; if he alleges inability to write, a record of the fact shall be made in the same column, and unless due to some apparent physical infirmity, he shall be required to make affidavit of his inability to write; in the twenty-third column in the register marked 'ballot check list' he shall (if challenged on election day) be required to sign his name; in the twenty-fourth column shall be entered the number of the challenge affidavit of every person who is required to take said affidavit; in the twenty-fifth, twenty-sixth, twenty-seventh, and twenty-eighth columns, the election officers shall record in one register, the obtaining of the ballot, and in the other the casting of the vote of the registered elector at the fall primary, November election, spring primary, or special election, as hereinafter provided, or as may hereafter be provided by law."

Pennsylvania has 35,982 native-born white illiterate voters, 14,048 negro illiterate voters, 255,472 foreign-born white illiterate voters.

RHODE ISLAND

Chapter 2, section 44, page 102, General Laws of Rhode Island:

"Any voter who declares to the warden or moderator that he can not read the ballot, or that by blindness or other physical disability he is unable to mark his ballot, shall, at the request of the warden or moderator, receive the assistance of two of the supervisors, one a Democrat and the other a Republican, in the marking thereof, and such supervisors shall thereafter give no information regarding the same."

Rhode Island has 1,972 native-born white illiterate voters, 820 negro illiterate voters, and 27,480 foreign-born white illiterates of voting age.

SOUTH DAKOTA

Compiled Laws, 1913, volume 1, political code, constitution, section 1917, page 469:

CONDUCT OF ELECTION

"Any elector who by reason of blindness or other physical disability, but for no other cause, is unable to mark his ballot as required by law, shall receive the assistance of two of the judges of such election, belonging to two different political parties, if the two political parties are represented upon such board, by making application therefor and subscribing to the following oath, setting forth the nature of the disability, and which oath shall be in the following form and shall be upon blanks furnished by the county auditor, all of which oaths so subscribed shall be preserved by said judges and returned by them to the county auditor, and shall become a part of the permanent record of such auditor's office."

TENNESSEE

Poll-tax requirement. Annotated Code, 1917, section 1236, page 838:

"If said voter can not write, he may receive from the officer holding the election a slip upon which the candidates to be voted for is printed, and such slip shall be pasted in the appropriate blank space by the voter. The candidate to be voted for shall furnish the officer holding the election with said slip."

This refers to candidates who are independent and who announce candidacy within 10 days of election.

Section 1254, page 844:

"Any voter who declares to the officer holding the election that by reason of blindness or other physical disability he is unable to mark the ballot shall upon request receive the assistance of the officer holding the election in the marking thereof, and such officer shall certify on the outside that it was so marked with his assistance and shall give no information in regard to the same."

Note on page 845 in connection with section 1254, paragraph 4:

"The fact that a voter can neither read nor write does not necessarily disqualify him to mark his ballot; and therefore a voter unable to mark his ballot by reason of blindness or other physical disability is entitled to the officer's assistance in marking his ballot, though he be illiterate or unable to read or write."

Section 1269, page 850:

"No person shall willfully and knowingly impose upon any illiterate voter a ticket in any election contrary to his wish and desire by falsely representing to such voter that the ticket proposed to him is such as he desires."

Tennessee has 85,986 native-born white illiterate voters, 65,913 negro illiterate voters, 1,240 foreign-born white illiterate voters.

TEXAS

Revised Civil Statutes, 1925, page 832, article 3010. Aid to voter.

"Not more than one person at the same time shall be permitted to occupy any one compartment, voting place, or booth prepared for a voter, nor shall any assistance be given a voter in preparing his ballot, except when a voter is unable to prepare the same himself because of some bodily infirmity, such as renders him physically unable to write or is over 60 years of age and is unable to read and write, in which case two judges of election shall assist him."

Texas has 54,722 native white illiterate voters, 89,775 negro illiterate voters, and 88,806 foreign-born white illiterate voters.

VERMONT

General Laws of Vermont, chapter 13, section 228, page 129. Assistance.

"A voter who, by reason of physical or mental disability, is unable to mark his ballot shall so declare to the presiding officer, and such voter shall then, upon request, be directed by said officer to a booth,

in which he may be assisted in the marking of his ballot by the two assisting clerks."

UTAH

Compiled Laws, 1917, section 2220, page 520.

"Any voter who declares under oath to the judges of election that he can not read or write the English language, or that by reason of physical disability he is unable to prepare his ballot without assistance, or that he is physically unable to enter the polling place, being at the entrance thereto, shall, upon his request, receive the assistance of any two of the election judges, who are of different political parties, in the marking thereof."

Utah has 719 native-born white illiterate voters, 55 negro illiterate voters, and 3,413 foreign-born white voters.

WASHINGTON

Pierce's Code, 1919, section 2330, page 720. Application for registration. Affidavit.

"No person shall be registered unless he appears in person, before the city or town clerk or officer of registration at the place where the registration books are kept during office hours and applies to be registered, and gives his name, age, and occupation, number and place of residence, place of birth, time of residence in the State and county and ward and precinct, and furnishes satisfactory evidence to said registration officer that he is capable of reading and speaking the English language so as to comprehend the meaning of ordinary English prose, unless he is incapacitated through physical infirmities, in which case he shall furnish satisfactory evidence that he was before such infirmity capable of reading and speaking the English language, unless such person so offering was a qualified elector at the time of the taking effect of this act, in which case the provisions with reference to reading and speaking the English language shall not apply."

WEST VIRGINIA

Barnes's Code of West Virginia, section 60, page 74.

"Any voter who declares or indicates to the poll clerks that he can not read or write, or that by reason of physical disability he is unable to prepare his ballot may declare his choice of candidates to the poll clerks, who, in the presence of the voter and in the presence of each other shall prepare his ballot in the manner hereinbefore provided, and on request shall read over to such voter the names of the candidates on the ballot so prepared; or such voter may require the poll clerks to indicate to him the relative position of the names of the candidates on the ballot, whereupon the voter shall retire to one of the booths or compartments to prepare his ballot in the manner hereinbefore provided."

West Virginia has 37,718 native-born white illiterate voters, 9,662 negro illiterate voters, 14,062 foreign-born white illiterate voters.

WISCONSIN

Statutes, chapter 6, section 39, 1915:

"Any voter who declares to the presiding election officer that he is such, that he can not read or write, or that by physical disability, other than total blindness, he is unable to mark his ballot, shall be informed that he may have assistance, and when such assistance shall be requested two of the inspectors, clerks, or ballot clerks shall be selected by such voter to assist him in marking his ballot, which inspectors, clerks, or ballot clerks shall not be of the same political party."

Wisconsin has 9,058 native-born white illiterate voters and 38,124 foreign-born illiterates of voting age.

THE PROPAGANDA OF THE TRUST

The system of propaganda conducted by the Fish Trust in its efforts to disfranchise uneducated voters in Alaska in order that its exploitation of the resident fishing population of the Territory may not be interfered with, should be brought to the attention of Congress and the people of the United States.

Among the many letters that have come to members of Congress urging the passage of H. R. 9211, for the disfranchisement of voters in Alaska who oppose the methods of the trust, is a "form" letter signed by agents of the Great Atlantic & Pacific Tea Co. from all points of the United States, which letter reads as follows:

Hon. ——— ———

House of Representatives, Washington, D. C.

DEAR SIR: We address you concerning a bill which has been introduced in the House, requiring that all "voters in Alaska be able to read and write the English language." Having been advised by our people stationed there, how vitally important this measure is to legitimate enterprises owing to interferences and repressions possible through control and misguidance of illiterate masses, we hasten to entreat you to support this bill.

With esteem we are, yours very truly,

THE GREAT ATLANTIC & PACIFIC TEA CO.

Poor's Manual of Industrials records that the Great Atlantic & Pacific Tea Co. is a $50,000,000 corporation of New Jersey that boasts of over 12,000 stores in the United States. It is evident that the individuals who sell tea and salmon throughout the United States for the Great Atlantic & Pacific Tea Co. are required to circulate propaganda for the purpose of making easier the exploitation of the fishing population of far-away Alaska.

It is not to be presumed that these agents of the Great Atlantic & Pacific Tea Co. who write letters to their Congressmen have any knowledge of what is involved in this measure, and therefore I will inform them and the general public that the Great Atlantic & Pacific Tea Co. controls a subsidiary corporation known as the Nakat Packing Corporation which operates five canneries in Alaska. Under the present system of administering our fishery laws this Nakat Packing Corporation holds exclusive monopoly of 33 miles of the fishing waters of the Alaskan coast for trap sites. (See records of the office of the treasurer of the Territory of Alaska.)

The voters whom this bill proposes to disfranchise are those who protest against this monopoly in the manner provided for such protest by the Constitution of the United States, namely, the ballot; and so the appeal comes from all quarters of the United States to deny these people of remote Alaska the right they have exercised for years. For what purpose? The answer is found in the letters from agents of the Great Atlantic & Pacific Tea Co., "To prevent interferences and repressions" of commercial exploitation of the Alaskan salmon fisheries.

The following letter addressed by a Member of Congress in answer to the form letter mentioned above to an agent of the Great Atlantic & Pacific Tea Co. in the Middle West may cause him to inspect the literacy laws of his own State:

Mr. ——— ———,

The Great Atlantic & Pacific Tea Co.

MY DEAR SIR: I have your letter of April 20 asking me to support a bill requiring all "voters in Alaska be able to read and write the English language."

I am very much interested in your letter and will inquire if you have ever endeavored to secure such a law for the State of ———.

I have heard the other side of the question, which may be unknown to you, and say frankly I am not prepared to support the White bill on that subject.

Very truly yours,

——— ———.

In conclusion I desire to ask the gentleman from Maine [Mr. WHITE] what I believe he will concede is a fair question, namely, Why does the gentleman seek to destroy the political rights heretofore enjoyed and exercised by a certain class of American citizens in Alaska, while he knows that his own State of Maine protected a similar class of its electors by constitutional enactment?

RECENTLY ENACTED LEGISLATION PROVIDING FOR THE ESTABLISHMENT OF NATIONAL PARKS IN THE EAST

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my own remarks on the subject of recently enacted legislation, including an article in last Sunday's Star prepared by myself.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky as indicated?

There was no objection.

Mr THATCHER. Mr. Speaker and colleagues, in my judgment, two of the most important measures which have been enacted at the present session of the Congress are those providing for the establishment of an adequate system of national parks in the East. I believe that the great body of our people will give their unqualified approval to this legislation, which means so much for recreation, scientific interest, and conservation. However, as was to be expected, some criticism from unofficial sources has been heard and some unfair statements have been indulged touching the action of Congress in the premises. Such criticism can have no possible effect on the situation unless it might, here and there, cause some prospective donor to one or the other of these park projects to receive a wrong impression of the facts involved, and in consequence to delay or restrict his gift.

This consideration, and the further one, that an injustice to the Congress and to the public at large is being created by any such criticism, induced me to write an article on this subject, which was published in the Washington Star of Sunday, June 27, 1926, and which, by leave granted me, is incorporated as a part of these remarks:

THREE EASTERN PARKS DECLARED PUBLIC NEED—SHENANDOAH, GREAT SMOKIES, AND MAMMOTH CAVE AREAS MEET REQUIREMENTS FOR PLAYGROUNDS, SAYS THATCHER

By M. H. THATCHER, Member of Congress from Kentucky

[EDITOR'S NOTE: Representative THATCHER is the author of the bill recently enacted by Congress which provides for the establishment of the Mammoth Cave National Park. A similar bill also enacted at

the same time provides for the establishment of the Shenandoah and Great Smoky Mountains National Parks.]

The Congress of the United States took a great forward stride when, recently, it enacted two measures providing for the establishment of an adequate system of national parks east of the Mississippi River. One of these bills provides for the establishment of the Shenandoah National Park in the Blue Ridge-Shenandoah section of Virginia, almost within sight of the Nation's Capitol, and the Great Smoky Mountains National Park in the most rugged ranges of the Appalachian system and lying within the States of North Carolina and Tennessee. The other bill provides for the establishment of the Mammoth Cave National Park in the world-famous Mammoth Cave region in Kentucky.

The general reaction of the people to the passage of these bills by Congress and to their approval by the President has been of a very gratifying character. As may always be expected, however, any splendidly creative or progressive step will here and there meet with criticism of a reactionary character. Thus it has been suggested that Congress in its enactment of this legislation had no adequate knowledge or information concerning the national park projects involved, and was influenced in its action by political consideration. This is denied as being without any foundation of fact.

Any such criticism, in its last analysis, constitutes a criticism of the action of the Southern Appalachian National Park Commission and certain officials of the Interior Department, and is wholly unjust. Large sums of money must yet be raised with which to purchase the needed areas for these three national park projects, and any criticism of the indicated character or any misstatements of fact in regard to the subject, if not fairly met or explained, might in some measure hinder or retard the work of raising the required funds. It may be well, therefore, to give something of the history of the steps which have been taken, which have resulted in the enactment of the legislation mentioned, and, incidentally, in a general way, to respond to any criticisms involved.

PROVISION FOR EAST

A careful study of these steps will disclose the fact that Congress has acted, not because of any political considerations, but through a sincere desire to provide for the people of the great region east of the Mississippi River the system of national parks to which they are so eminently entitled.

In 1924 the Secretary of the Interior appointed a committee to make a survey and study of the areas comprised in the proposed Shenandoah and Great Smoky Mountains national park projects. This committee was comprised of men of the highest character and eminently qualified for the work. It was made up of five members, as follows: Chairman, Dr. HENRY W. TEMPLE, Member of Congress from Pennsylvania; secretary, Col. Glenn S. Smith, acting chief topographic engineer of the United States Geological Survey, and representative of the Interior Department on the committee; and three other members, Maj. W. A. Welch, chief engineer and general manager of the Palisades Interstate Park of New York and New Jersey; Harlan P. Kelsey, former president of the Appalachian Mountain Club of Boston; and William C. Gregg, of the National Arts Club of New York. In the same year, after making the studies in question, the committee united in a report to the Secretary of the Interior declaring the national park eligibility of these two projects. This report was made by the commission under date of December 12, 1924, and received the approval of the Secretary of the Interior.

As pointed out by the Public Lands Committee of the House and the Public Lands and Surveys Committee of the Senate, in their favorable reports on the bill providing for the establishment of the Mammoth Cave National Park, the acquisition of the Mammoth Cave area for national park purposes was strongly urged by Stephen T. Mather, then and now director of the National Park Service, in his annual reports of 1918, 1919, and 1920. Also, as indicated in the same two committee reports, the Secretary of the Interior, in a formal communication to the chairman of the House Committee on Public Lands in June, 1924, in regard to a bill pending in Congress relating to the Mammoth Cave project, declared that "the Mammoth Cave is one of the most widely known natural features of America," and that "unquestionably the Mammoth Cave is worthy of national park status."

MANY BILLS INTRODUCED

For years bills have been before Congress providing for the appropriation of funds for the purchase of the Mammoth Cave lands for national-park purposes, but Congress has never inaugurated a policy of authorizing appropriations for the acquisition of national-park areas, and with the necessity of paying our World War indebtedness and reducing taxes before it such policy is not now considered advisable by Congress. Hence in the legislation providing for the establishment of the Shenandoah, Great Smoky Mountain, and Mammoth Cave national parks it is specifically provided that all of the required lands must be conveyed to the United States free of cost. All of the national parks in the West have been carved out of the national domain, but there are no public-land areas in the East fitted for national-park purposes. Therefore only privately owned lands may be secured for such purposes.

After years of discussion and after the great national parks of the West were created Congress reached the conclusion that the time had come for the taking of practical steps for the establishment of national parks in the East. With the single exception of a very small unit—Lafayette National Park, on the cost of Maine—all of our national parks lie west of the Mississippi River, and practically all of them lie west of the eastern base of the Rocky Mountains. Yet more than two-thirds of our American population reside east of the Mississippi, and the overwhelming number of them find it impossible as a practical matter ever to see a national park because of the travel distances involved.

At the second session of the Sixty-eighth Congress there was passed by the House and Senate, and on February 21, 1925, approved by the President, an act entitled "An act to provide for the securing of lands in the Southern Appalachian Mountains and in the Mammoth Cave regions of Kentucky for perpetual preservation as national parks." In order to determine the boundaries and areas of the three projects, and to receive definite offers of donations of lands and money, and to secure such options as he might consider just and reasonable for the purchase of lands within these boundaries as might be recommended for national-park purposes, the Secretary of the Interior was authorized to appoint a commission of five members, "composed of a representative of the Interior Department and four national-park experts, said four members to serve without compensation."

SAME COMMISSION NAMED

Thereupon the Secretary appointed such body, known as the Southern Appalachian National Park Commission, and made up of the same membership as that which had constituted the Southern Appalachian national park committee, hereinbefore mentioned. The members of this commission again visited the Shenandoah region in Virginia, the Great Smoky Mountains region in North Carolina and Tennessee, and also visited the Mammoth Cave region in Kentucky, and arranged for the taking of options in the needed lands in the respective areas. The commission, acting as a direct agency of the Interior Department and as the indirect agency of Congress, made a careful study of the three projects touching their fitness for inclusion in our national-park system, and on April 8, 1926, submitted its formal report.

In this report the commission recommended the establishment of all three of these proposed national parks, on condition that all the lands reported by the commission to be required be conveyed to the United States free of cost or charge. The commission in its report indicated the minimum and maximum land areas which should be thus acquired and set forth the maximum boundaries by detailed description.

In behalf of the commission's recommendation for the creation of the Shenandoah and Great Smoky Mountains National Parks it referred to the reasons set forth in the report of the Southern Appalachian National Park committee. In brief, the scenic beauty of the Blue Ridge-Shenandoah section, coupled with its historic setting and nearness to the National Capital, were urged as giving that project national park status. The rugged grandeur of the mountains of the Great Smokies area constitutes the major feature of that project. In behalf of the Mammoth Cave project the report of the commission was in more detail, and the following is quoted from the commission's report to indicate some of the many reasons which influenced the members of the commission in giving unqualified approval to the Mammoth Cave National Park project:

BEST-KNOWN CAVERN

"Your commission has also made a careful examination of the Mammoth Cave region of Kentucky and believes sufficient reasons exist to warrant its acceptance as a national park if requirements are met as outlined in this report. Below are briefly outlined some of these reasons.

"Mammoth Cave is the best known and probably the largest of a remarkable group of limestone caverns, 20 or more of which have been opened up and explored to a greater or less extent. Included in this group are Colossal Cavern, Great Onyx Cave, new entrance to Mammoth Cave, Salts Cave, Procter Cave, Long Avenue Cave, Great Crystal Cave, Cave of the Hundred Domes, Diamond Cave, Mammoth Onyx Cave, Dixon Cave, and others, all of which contain beautiful and wonderful formations.

"There is good evidence that many more caverns yet to be discovered exist in this immediate territory, and it seems likely that most, if not all, of this entire group of caverns eventually will be found to be connected by passageways forming a great underground labyrinth of remarkable geological and recreational interest perhaps unparalleled elsewhere. The territory which embraces this network of caverns consists of about 15,000 acres, or an area approximately 4 miles wide and 6 miles long. Another geological feature of much interest is found in the thousands of curious sink holes of varying sizes, through which much of the drainage is carried to underground streams, there being few surface brooks or creeks.

RIVER FLOWS THROUGH AREA

"The Mammoth Cave area is situated in one of the most rugged portions of the great Mississippi Valley and contains areas of ap-

parently original forests which, though comparatively small in extent, are of prime value from an ecological and scientific standpoint and should be preserved for all time in its virgin state for study and enjoyment. Much of the proposed area is now clothed in forest, through which flows the beautiful and navigable Green River and its branch, the Nolin River.

"All this offers exceptional opportunity for developing a great national recreational park of outstanding service in the very heart of our Nation's densest population and at a time when the need is increasingly urgent and most inadequately provided for."

The commission also set forth in its report the fact that there had been raised in behalf of the Shenandoah project a minimum net sum of $1,249,000 for the purchase of lands needed for that project; and the sum of $1,066,693.91 for the purchase of lands needed for the purpose of the Great Smoky Mountains project, and the donation of 3,629.13 acres of cave lands and cave rights, including Colossal Cavern and other very valuable cave property, altogether valued at a half-million dollars, for the purposes of the Mammoth Cave National Park project. All of these funds and donations resulted through local enterprise.

SUBMITTED TO CONGRESS

This report was submitted to Congress by the Secretary of the Interior on the 14th day of April, 1926, with approval of the Shenandoah and Great Smoky Mountains projects and without specific recommendation as to the Mammoth Cave project. Thereupon a bill was introduced in Congress, providing for the establishment of the Shenandoah and Great Smoky Mountains National Parks, agreeably to the terms and recommendations embraced in the report of the commission, and there also was introduced a bill providing for the establishment of the Mammoth Cave National Park, embodying the terms and conditions prescribed in the report of the commission as to that project.

These bills were introduced in both Houses, and former hearings were held thereon by the House Committee on Public Lands and by the Senate Committee on Public Lands and Surveys. At these hearings proponents of the bills, members of the aforesaid commission, and representatives of the Interior Department appeared. Both committees made unanimous reports in favor of the two measures, and these reports set forth in detail the reasons why, in the opinion of the committees, these national parks should be established. The committees, in considering this legislation, relied largely on the report of the commission in favor of the projects, and the two Houses also were largely influenced by this report. In regard to the Mammoth Cave project, the following is quoted from the report of the Public Lands Committee of the House:

"The original Mammoth Cave, known to the world for generations as one of the 'Seven Wonders of the World,' must be sold at public auction when the last legatee under a will probated more than 75 years ago shall die. This holder of the life estate is a woman, now well over 90 years of age and very feeble. Because of her advanced age her death may occur at any moment, and since this particular property—the old Mammoth Cave—must be acquired and deeded to the United States, under the terms of this bill before the proposed park may be established, it is considered of the greatest importance that the bill be enacted into law without delay, so that the friends of the Mammoth Cave National Park project may be in position to raise the necessary funds with which to purchase this property when it shall be sold at auction under the terms of the will. If this particular property should pass into the hands of speculators this national park project might be forever destroyed.

PROVISION FOR LARGER AREA

"In transmitting to Congress the report of the Southern Appalachian National Park Commission referred to, the Secretary of the Interior made no recommendation for or against the Mammoth Cave National Park project, but indicated that the lands thus far offered in donaiton were insufficient to constitute a national park. It is true that the lands and cave rights offered thus far for the proposed park are insufficient for the purpose, but the bill now under recommendation meets this situation by providing that if and when the required area, as set forth in the recommendation of the aforesaid commission, shall be acquired and conveyed to the United States, free of cost, the Secretary of the Interior shall thereupon have authority to accept the same for national-park purposes."

The House Committee on the Public Lands also quoted from the annual reports of 1918, 1919, and 1920 of the director of the national park service, wherein his earnest approval was given to the Mammoth Cave National Park project. The committee also quoted the statement of the Secretary of the Interior in regard to the national-park status of Mammoth Cave, hereinbefore referred to. The committee concluded its report in behalf of the Mammoth Cave bill with the following summary:

"To sum up briefly, it may be said that the system of caves and caverns in the Mammoth Cave region of Kentucky is, it is believed, the greatest and most extensive in all the world. Mammoth Cave itself for more than a century has been known throughout every civilized land and is already 'sold' to the people of every civilized nation. As a national park this region will attract great numbers of visitors and will undoubtedly prove to be one of the most popular of all our national parks. It should also prove to be one of the best revenue yielding of all our national parks, situated as it is very near the center of American population and accessible as it is every day of the year by steamboat, motor car, and railroad.

NO RIVALRY BETWEEN PARKS

"There is no conflict or rivalry between the Shenandoah, the Great Smoky Mountains, and the Mammoth Cave National Park projects. They are separated by sufficient distances to avoid any conflict or rivalry, and each will serve a great section of our most populous regions, and each is distinctive in its appeal. Also, each will serve the country at large, and if the Mammoth Cave National Park is established it will be the only national park in the United States which will have flowing through it a navigable river on which large steamboats ply throughout the year.

"In a separate report we have given our approval to a measure having for its purpose the creation of the other two national parks referred to, and we now give like approval to the present measure, having for its purpose the creation of the Mammoth Cave National Park. Surely if the required lands may be donated to the United States Government for national park purposes they should be accepted, and this marvelous system of caves and caverns, together with its attractive contiguous areas, converted into a national park and forever preserved for the benefit of the American people."

The Senate Committee on Public Lands and Surveys adopted as its own the detailed report in favor of the Mammoth Cave bill, made by the House Committee on Public Lands. Thereupon the two bills went before the two Houses of Congress and were first acted on by the Senate, where they passed without a dissenting vote. They were next considered by the House, where both measures also passed without a dissenting vote.

In view of this any suggestion that Congress may have acted in connection with this legislation in a haphazard fashion, or because of political considerations, is unjust and unjustifiable. It is difficult to see how a better or more careful method of determining the questions involved could have been pursued by Congress. Surely no criticism can be leveled against the members of the Southern Appalachian National Park Commission. The integrity, unselfish spirit and ability of its membership for the work in hand are beyond all question. The country at large should be everlastingly grateful to the commission for its splendid work by means of which the creation of an adequate system of national parks east of the Mississippi has been made possible.

As the areas necessary for these three projects have to be purchased through State and private enterprise, the legislation involved in the two bills referred to became necessary to the success of the campaigns for the raising of the needed funds and the procurement of the needed lands. Had these bills failed of passage, all of the work and expenditures which have gone before in these campaigns would have come to naught. The spirit shown by subscribers and donors in their efforts to provide for the creation of national parks in the East is, in the highest degree, commendable; and since several millions of dollars must be raised in order to consummate each of these projects, it will be most unfortunate if any one claiming to be the friend of an adequate national park system should undertake to inaugurate any back-fire attacks on these projects, now that they have received congressional and presidential approval.

Because, Congress under its constitutional right and authority, undertakes to set up the legislative machinery whereby the people east of the Mississippi—and, in varying degrees, all of our people—may have the great benefits which must follow the creation of national parks in this region, there should be no denial of these benefits because some one may have ideas upon the subject different from those entertained by Congress and its committees, and by the commission under the act of Congress created to make the requisite surveys and studies. So long as Congress may follow the procedure observed in the cases under discussion, there will be no danger of the "breaking down" of our national park system.

AREAS WELL KNOWN

Regarding these projects it has been suggested that the people have not had the opportunity to see the regions involved, or to pass upon their merits as national-park propositions. Possibly a national referendum on the subject of creating and locating additional national parks is desired. As to the Mammoth Cave project, it may be said that the people of our own and foreign lands for generations have been visitors to the great caves and caverns of this region, and long since they have united in declaring Mammoth Cave to be one of the "Seven Wonders" of the modern world.

Since this unique and distinguished designation has been bestowed on the original Mammoth Cave, many other great cavern units have been discovered, contiguous thereto, a number of them rivaling that great natural phenomenon in vastness of extent and in other features of commanding interest. To-day the whole undoubtedly constitutes the greatest and most extensive system of caves and caverns in the earth; and this region is situated near the center of our American popula-

tion, and is accessible by every means of travel every day of the year. Under the terms of the recently enacted Mammoth Cave National Park bill, all these units, including the original Mammoth Cave, must be acquired and conveyed to the United States before the park is established. The maximum area involved is more than 70,000 acres.

LARGE SUMS TO BE RAISED

It has been suggested that the difficulties in securing title to the Shenandoah and other areas involved in these national park projects, because of the private ownership involved, would entail a delay and involve heavy expenditure. This should be no argument against the legislation which has been enacted by Congress providing for the establishment of these national parks, but should only serve to emphasize the need for such legislation.

To raise the vast sums required for each of these national park projects through local and private enterprise is, indeed, a great task. Such work imposes a tremendous responsibility on the civic enterprise undertaking it, and it seems to me that we now need "boosters" rather than "knockers."

Regarding any suggestion which may be made, that sufficient time has not been given to the consideration of these national park projects or that the people are not sufficiently acquainted with them, it may be said that questions of this sort must necessarily be settled in the general manner in which they have been settled in the present instance. Congress has plenary power to deal with such matters, but as regards these proposed national park units it sought to secure the needed information in a practical and adequate way.

Certainly no other areas east of the Mississippi have been indicated by anyone as being more appropriate or better suited for national park purposes than are these involved in the Shenandoah, Great Smokies, and Mammoth Cave projects, and no better suited areas can be found. After our people have waited 140 years for the establishment of a system of national parks in the East, Congress has concluded that it is time that the work be started. The ultimate authority and responsibility in such matters, under the Constitution, rest with Congress, and Congress, in the utmost good faith, has sought to meet the obligations imposed. In my judgment, not only will the great body of the American people now living commend the work of the present Congress in enacting the legislation complained of, but, also, all of the generations yet to come will commend it.

FRENCH DEBT SETTLEMENT

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the French debt settlement.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, the World War Foreign Debt Commission, after many attempts, has negotiated a settlement of the French debt to the United States. The President has approved the agreement and has recommended that it be ratified by Congress, because it is just to France and fair to the United States.

When the United States declared war against Germany on April 6, 1917, it became our war. It was more than a year before we were able to participate in the fighting. Meantime our allies were in financial distress, and while we were equipping and transporting our armies it was determined that we could contribute successfully to the prosecution of the war by financing our allies.

The total amount of the French debt to be funded after a cash payment of $386,686.89 is $4,025,000,000. Of this amount, $3,340,000,000 represents principal and $685,000,000 represents the accrued interest to date of settlement. The total payments to be made by France on account of the original loan of $3,340,000,000 is $6,847,647,104.17. The United States will therefore receive the full amount of the principal of the original loan and $3,350,000,000 in interest. It may be helpful in this connection to state that $1,970,000,000 was advanced before the armistice, and the postarmistice advances aggregate $1,370,000,000.

The present value of the payment to be made, on a 4¼ per cent basis, is $2,008,122,624, or approximately 50 per cent of the debt funded, as compared with the Italian settlement of 26 per cent. The present value of the French settlement on a 3 per cent basis, which is really the amount the United States is now paying for money borrowed, is 82 per cent of the debt funded, while the present value of the Italian debt settlement on a 3 per cent basis is 50 per cent of the Italian debt funded.

The entire amount of the original loan to France was spent in the United States largely for food, cotton, and munitions. In addition, France spent millions more in this country. It was spent at a time when the United States got the benefit of the profit to our people on goods sold to France in the prosecution of the war, and when our Government got the benefit of the excess-profits taxes on those goods, which at the time ran as high as 80 per cent on some of the larger profits.

The settlements with Great Britain and Italy have already been concluded, and the pending settlement with France involves the settlement of our largest remaining foreign debt.

Business principles should apply as far as possible, and the discussion of immaterial matters will not solve the question. More than seven years have elapsed since the armistice, and the foreign debts have been a source of irritation and dissatisfaction among the nations. Nothing will contribute more to good will between the United States and her former allies than the speedy adjustment of the foreign debts.

The interests of the United States and of the American taxpayer are to be considered first of all. Our Government has insisted that the integrity of the loans must be recognized. In none of our foreign debt settlements has there been a cancellation of one dollar of the principal. There is no cancellation of any part of the principal of the debt in the pending debt settlement with France. Nothing has been paid on the indebtedness since the armistice. The American taxpayer has not been relieved by collecting any part of the indebtedness from France.

The interests of the American taxpayer can best be served by collecting a part of the interest, when it has been demonstrated that the debt, with interest in full, can not be collected. A half a loaf is better than none. To demand more than France is able to pay will result in irreparable injury to France and in our inability to collect anything at all on our debt. All of the funding agreements, including the pending agreement with France and the settlement made with Italy, provide for the payment in full of the principal of the original loans.

American producers, including the cotton growers, wheat growers, and manufacturers, must have a foreign market to absorb their product. The cotton grower and the wheat grower need the debt settlement. Secretary Mellon was right when he said:

> The entire foreign debt of $10,000,000,000 is not worth so much in dollars and cents to the American people as a prosperous Europe as a customer.

During 1925 we exported over $2,500,000,000 worth of commodities, of which the largest agricultural product was cotton. If our customers are unable to buy cotton, there will be a falling off in our exports of cotton, and the cotton grower will soon feel the need of our best customer. Neither France nor any other European nation can be a great consumer of American cotton unless France is restored to financial health.

The cotton growers of the South are particularly interested in the restoration of sound financial conditions in France, for if France can produce more wealth, she can buy more cotton and we shall share in her prosperity. France consumes more cotton ordinarily than any other European country save Great Britain, and ordinarily she consumes more long-staple cotton than any other European country except Great Britain. At least, she was our second largest European customer before the World War.

It may be interesting to observe that as a result of funding the British debt, during the year 1925 we exported $304,000,000 worth of cotton to Great Britain; very much less was being exported until the debt was funded. In 1923, as a result of funding the British debt, cotton immediately advanced in price. In the case of Germany, the figures are helpful. In 1923 we exported to Germany $150,000,000 worth of cotton; but with the adoption of the Dawes plan in the latter part of 1924, and with the establishment of a proper financial system, we shipped to Germany during the year 1924 $223,000,000 worth of cotton, and in 1925 we shipped $246,000,000 worth of cotton.

It is quite apparent, therefore, that the farmers of the South are particularly interested in the stabilization of Europe and in the funding of our foreign debts.

Congress has heretofore recognized that it was beyond the capacity of France and the other debtor nations to pay the full amount of principal and interest, and that it was simply nonsense to talk of collecting to the last penny. The funding of the indebtedness has been emphasized since the war. The indebtedness ought to be settled in order to stabilize the currency, promote trade, and thus restore to American exports one of its best customers.

In February, 1922, and by successive acts of Congress, the World War Foreign Debt Commission was created. It is nonpartisan. It consists of the Secretary of the Treasury, the Secretary of State, the Secretary of Commerce, Senator REED SMOOT, all Republicans, and three Democrats, ex-Congressman

Olney, of Massachusetts, Mr. Edward Hurley, of Illinois, and Congressman CHARLES CRISP, of Georgia. This commission was given authority to recommend settlements to Congress. We have made reductions in all of the foreign settlements, but, as I have stated, the reduction has been in the matter of interest, and no part of the principal has been reduced. The original debts bore 5 per cent; the Liberty loans bore a less rate of interest. But with the restoration of peace the United States will be able to liquidate the Liberty loans and negotiate loans for 3 per cent, as was the case 25 years ago.

In the beginning it was announced that each debtor nation would be treated separately, and each would be expected to pay according to its capacity. Full consideration would be given to their resources, their trade, and their economic situation. If debtor nations are required to pay more than their capacity it would mean economic bankruptcy and social degradation. The proposed settlement with France was unanimously recommended by the commission, and, as I have stated, was approved by the President.

In the settlement of foreign debts it must be kept in mind that no nation except by the force of public opinion and its need for credit can be forced to pay another nation. To insist upon impossible terms means repudiation of the debt, for the only other alternative would be for the United States to go to war to collect. France has never paid anything on her debt. She maintains that the money was spent fighting a common cause. Those who oppose a ratification of the debt settlement say that the House of Representatives ought not to act on the agreement before it has been ratified by the French Chamber of Deputies. I reply that the delay on the part of France is not because France desires to pay more, but because she desires better terms. I respectfully suggest that the ratification by the House, pending the ratification by the French, before the settlement is finally ratified by the Senate, will be in the interests of both countries.

The French are saying that during the greatest war in history, when her men were dying by the tens of thousands, the United States advanced to them, to be expended in the prosecution of a common cause, $3,340,000,000, and they and their children are expected to pay back to the United States not $3,340,000,000 but $6,847,000,000.

CAPACITY TO PAY

In addition to the indebtedness to the United States, France owes Great Britain approximately $3,000,000,000. Great Britain has already indicated that she is willing to settle with France on terms very much more liberal to France than the proposed settlement between France and the United States. What is the capacity of France to pay? In size, in population, and in material wealth France is a small country.

The total area is less than the State of Texas. Her population is only one-third that of the United States. Her wealth is only one-seventh of our own. Our wealth, measured in dollars, has increased 72 per cent since the war began, while that of France has actually decreased. It is to be remembered also that at the beginning of the World War France had the largest public debt of any nation in the world. To-day the franc has declined in value from 19 cents in 1914 to 3 cents.

France lost enormously in her man power during the war. Out of her population of 39,000,000 she lost in killed and missing in her army and navy 1,365,735 men, or 1 dead or missing out of every 28 inhabitants, compared with 1 in 66 for Great Britain and Ireland.

Moreover, in comparison with the British-American settlement, France will pay us under the agreement a much larger percentage of her budget expenditures, of her foreign trade, and of her national income than Great Britain.

But it is said that under the Dawes plan France will get 52 per cent of the German reparations. It must be kept in mind that the 10 richest Provinces in France were overrun and devastated in the war and property there was destroyed to the value of $10,000,000,000. It will take four-fifths of the German reparations to pay the indebtedness of France to the United States and to Great Britain under the terms of the settlement. The dwindling value of the franc has plunged the great masses of the French people into extreme distress. The Premier of France receives an annual salary of less than $3,000; Marshal Foch, who led the allied armies to victory in the World War, is receiving an annual salary of less than $2,500. A French soldier who lost both legs or both eyes or is rated as a total disability receives $177 a year for compensation, while in the United States he receives $1,200 a year.

Do you wonder that the French war veterans are opposed to the French Government paying the debt to the United States before she allows her own veterans adequate pensions?

Again, it is said by those who oppose the settlement that France is waging war in Morocco, and that she is maintaining a large military establishment. The fact is, however, that the military expenses of the French Government are not much more than one-half what they were in 1913; they are 55 per cent, to be exact, and with the conclusion of the Moroccan war they will be materially reduced. I wish the same might be said of the United States. While France has reduced the expenses of her army and navy, the United States is to-day expending for her Army and Navy two and one-half times as much as we did in 1913.

BEST SETTLEMENT TO BE OBTAINED

No one has advocated that France, Italy, Great Britain, or any other foreign debtor of the United States is able to pay in full. All maintain that we must make concessions. The scheming politicians and designing newspapers, who put their selfish interest above the progress of their country and the welfare of our people, are estranging the United States from our former allies by misrepresenting the true facts. It is said that the citizens of France are not taxed sufficiently. The fact is, however, that the French people are paying in taxes 22 per cent of their income, as compared with 11 per cent paid by the people of the United States and 17 per cent paid by the people of Great Britain. Further squeezing and further taxation would simply result in drying up the sources of revenue and would also result in stagnation of commerce and industry.

These facts may not be pleasing to those who would make France pay to the last red cent, but they are facts, nevertheless. They lead to the inevitable conclusion that large payments in the early years are simply out of the question. To demand more than she is able to pay means to ruin France, if she attempts to meet the demand, but what is infinitely more likely, it would result in our not receiving anything at all.

ECONOMIC REVIVAL

The approval of the French settlement by the House of Representatives on June 2, 1926, by a vote of 236 to 112 will contribute much to the restoration of commercial relations between the two great countries, the stabilization of currency in France, and the economic revival of both the United States and France.

We have heard a great deal about the agricultural situation. We know that agriculture is in distress. Congress can, by approving the settlement, help in the solution of this problem. Sixty-five per cent of our cotton is exported. One of the very best services Congress can render to agriculture is to enlarge foreign markets. France is one of our best customers. As a result of the Dawes plan, Germany has increased her purchases of American cotton. England has increased her purchases, but because of the decline of the franc, because of the inability of France to balance her budget, because of her inability to adjust her debt to the United States, France is to-day buying about one-half as much cotton as she bought in 1913. To be accurate, she bought in 1914 in the United States 717,554 bales of cotton. Last year she bought only 418,000 bales. But France needs the cotton; she has not the money. It is necessary for France to secure loans through international bankers in the United States, in order to stabilize her currency, and enable her to buy cotton in the United States. But she can not do this until her foreign debt has been funded. Whatever tends to stabilize her economic condition and increase her purchasing power increases the market abroad for our cotton. Aside from the merits of the question, and from a purely selfish standpoint and in the interest of agriculture, I favor the ratification of the debt settlement.

FOREIGN MARKETS

The real interest of the United States in the restoration of France and the other countries of Europe is the restoration and rehabilitation of our best customers. There can be no stabilization of France until the debt to the United States is funded. By requiring the European debtor nations to pay more than they are able to pay will make a China out of Europe.

No one has suggested a better settlement with France than the one under consideration. I repeat, no one has contended that France is able, or should be required, to pay the full amount. Those who advocate that France should pay more do not base their contention upon present capacity, but upon future ability, to pay. I reply by asking if it is not better business, if it is not better statesmanship, to compromise and effect a settlement upon present ability rather than upon future possibility? I believe that the interests of the American taxpayer will be promoted by the settlement. It is a question of whether the taxpayer will be aided by the collection of a part, rather than burdened by the loss of all. We have not collected the interest thus far; the collection of a part of the interest is better than no collection at all. It is worse than idle to say that by reducing the interest we are taking money from the American taxpayers. On the contrary, we are reducing the

burden of the American taxpayers by collecting as much as we can and making the best settlement we can.

Again, what would the rejection of the present settlement mean? If the settlement is to be rejected, let the rejection come from France. To reject the present plan means to reject the only successful effort toward the solution of this important debt settlement made since the war. We are interested not only in the collection of our foreign debts, but we are interested in the good will of our foreign debtors, for they are our best customers.

The foreign debt commission has negotiated practically all the foreign debt settlements. They are all based upon the capacity of the debtor to pay. My remarks upon the Italian debt settlement and the reasons advanced in support of it are applicable here. The loans were made to France and to our other foreign debtors as allies; we were fighting a common cause. We reduced the debt of Great Britain about 20 per cent in interest, and certainly we can reduce the debt of France, with only 40 per cent of Great Britain's national wealth, 50 per cent in interest.

I have read the debates made on the floor of Congress at the time the loans were made. It was never expected that they would be repaid in full. They were made in the hope that by giving financial aid to our allies the war would be won before our boys went into the trenches. Personally, I wish that we could have won the war by financing our Allies and without the sacrifice of a single life. But in the case of the United States and France the ties of friendship have been very, very close. The gallant Lafayette left the sunny shores of France to fight by the side of George Washington in the Revolutionary War. The French fleet at Yorktown saved the day for Washington. Senator Kenyon said at the time the foreign debts were authorized:

> We owe more to the Republic of France for what she has done for us than we can ever repay. I never want to see this Government ask France to return the loan which we may make to her.

What has France to show for the loans made by us to her? The entire amount was spen in the prosecution of the war. It was not used in the establishment of industrial or commercial enterprises. She has nothing but the acres of white crosses, and the scraps of iron here and there on the battle fields to remind her of the loans.

We have spoken of the capacity to pay, and we have spoken of the American taxpayers, as if Americans were taxpayers and nothing more, as if Americans were solely interested in alleviating their own burdens without regard to the fate of our oldest friend among the nations. I believe that our conscience and not our pocketbook is still our guide. The great body of Americans desire to show mercy, justice, and generosity in the settlement. We would not oppress the land where many of the bravest of American boys sleep. We would not bleed the land that bled for us.

There is much discord among the former Allies. Failure to adjust the debts has been irritating and has resulted in losses both to the debtor and creditor. The unscrupulous politician and the unscrupulous press have fomented strife among the Allies and have engendered and fostered bitterness without offering any constructive solution to the perplexing problem of liquidating foreign debts. We have put our hand to the plow in the settlement of our foreign debts; let there be no turning back. The world needs the peace, the good will, and the mutual understanding that can only result from the settlement of the last of our foreign debts. The settlement with France means another milestone on the broad highway to international economic stability and peace and good will among the nations of the earth.

THE PHILIPPINE PROBLEM; SHOULD THE ORGANIC ACT BE AMENDED?

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, in line with the permission given me by the House to-day, I am taking this opportunity of extending some remarks of mine on the Philippine problem.

That the Congress and the people of the United States are again face to face with a Philippine problem and that they must meet it by constructive remedy of a situation brought about by loose thinking and feeble acting is becoming daily more apparent to those who have investigated the facts. That it has not been solved is evidenced by the appointment by the President of Col. Carmi Thompson, commander in chief of the United Spanish War Veterans, as his own special investigator.

As a member of the Committee on Insular Affairs, I spent my vacation last summer on a trip to the Philippine Islands, Hawaii, Japan, and China. I came to the conclusion that the center of the world's activity is rapidly shifting from the Atlantic to the Pacific Ocean; that our front door may not remain at New York, but be at San Francisco; that, for the sake of whatever destiny we are to play upon the Pacific, it is to our moral, intellectual, political, and commercial interest, as well as that of our greatest dependency, that we maintain a strong and enlightened government in the Philippines; and that, therefore, America should let the Filipinos and the world know that we have no intention of relinquishing our control there in the near future; and that we intend to pursue our plain course of duty to them and to civilization as marked out by our Presidents from McKinley to Coolidge.

Leonard Wood, our present Governor General of the islands, whose capacity for colonial administration has not been excelled by Clive in India, Cromer in Egypt, or Taft in the Philippines, has had to do his great work hampered by efforts on the part of a native element to invalidate that work, and hence desires an extension of his powers in order to render effective service. On the other hand, this element, consisting of the politicos, a small minority of the entire population of 11,000,000, seeks not only to limit the powers of the Governor General to insignificance, but, by propaganda in the United States, to convince the American people and the Congress that our ideals of liberty should cause us to grant them—

> that separate place among the nations of the earth to which the laws of nature and of nature's God entitle them.

The Democratic Party in this country, which from the beginning opposed our retention of the Philippines, and is the author of the Jones Act, now underlying the government of the islands, has fostered this attitude. The Republican Party has always sanctioned such authority as would enable the Governor General to carry out the obligations of our Government and uphold the dignity of our flag without yielding to weakness.

I propose to show the House that most of us east of the Mississippi River have not given enough attention to the great movements on the Pacific Ocean and to the place of the Philippine Islands in those movements. I propose to show something of the destiny of our Republic in that great expanse if we will but do our duty. I propose to show that the islands were administered in accordance with this plain duty from the time we rescued them from the tyranny of Spain until the advent of Francis Burton Harrison as Governor General in 1913. I propose to show how we entirely forsook that duty in the years between 1913 and 1921. I propose to show how we turned back again to that duty after 1921 and were handicapped in its performance by overconcessions to weak sentimentality. I propose to urge upon the House certain legislation which, in my opinion, will so strengthen our governmental structure in the islands that we may continue our work there for the Filipino people as we began it in 1898.

Before the House shall determine which of these views is correct, in order that we may give effect to it through statutory enactment, we should survey the perspective of the Philippines in the Pacific. We must realize the extent of the fulfillment of the prophecy of William H. Seward in the Senate in 1852 that—

> the theater of events in the great hereafter will be upon the broad expanse of the Pacific Ocean.

We must analyze the statement of General Wood that "this is the century of the Pacific." We must go back to the day in 1854 when Admiral Perry opened the doors of Japan to western ideas and visualize Alaska in the hands of Russia; the Pacific coasts of Canada and the United States hardly touched by the early explorers; western Mexico and South America differing little from what they had been under the Spaniard and the native for three centuries except in that they had become republican; Australia and New Zealand developed little beyond the time when they were seized in the name of His Brittanic Majesty by Captain Cook in 1770; the East Indies as they had been since they were taken over by the Dutch; China in the grip of the Manchus; Japan an oriental despotism; and the Philippines held in ignorance by Spain. We must think of the changes wrought in three-quarters of a century; of the purchase of Alaska by the United States; of a teeming English-speaking population on our Western coast; of the development of Mexico, Pacific South America, Australia, and New Zealand; of China a republic; Japan under a parliamentary government; and the shackles of Spain broken from the Philippines forever. We must call to mind the steamship, the telegraph, the cable, the wireless, the radio, and the printed page carried by the wand of invention from America, bringing the lands about the Pacific into a community of interest never dreamed of in 1852.

We must consider the peoples now and to be in the Pacific region. Resting upon that ocean are four great continents which represent the past, present, and future of mankind. The nations bordering upon it number in their populations something like 700,000,000. China, Mongolia, and Manchuria signify earliest history, while on the western side of the American Rockies are the outposts of the most advanced civilization and vital people of our day. They represent mighty forces which hold the fate of the world. The Philippines, Siberia, Alaska, Australia, and the Canadian and American Pacific coasts are the forge wherein they will work. Up under the roof of the world at Behring Strait they face each other. South of that narrow inlet is a string of islands across which in ages gone the fathers of the ancient Toltecs, Aztecs, Incas, red men, aborigines, and mound builders may have crossed. In the Antarctic, westward from Tierra del Fuego, is a far expanse of waters extending to New Zealand, New South Wales, Borneo, Sumatra, and Cathay.

To-day China has a population of 440,000,000; Mongolia of 2,000,000; Siberia of 10,000,000; Alaska of 55,000; Yukon Territory of 4,000; British Columbia of 525,000; Washington of 1,350,000; Oregon of 783,000; California of 3,400,000; Mexico of 15,000,000; Central America of 3,000,000; Columbia, Peru, and Chili of 15,000,000; New Zealand and Australia of 7,000,000; Java, Borneo, the Celibes, and other Dutch East Indies of 37,000,000; Siam of 8,000,000; Hawaii of 250,000; Korea of 15,000,000; Japan of 60,000,000; and the Philippines of 11,000,000.

Population computations only keep pace with the figures of natural resources. In the Pacific coast regions of Canada and the United States are 1,756,000,000 feet of lumber, ready to be cut and milled to supply the needs of the builders of the Asiatic and American borders of the Pacific. Two billions of barrels of oil have been produced in California since 1891, and that State now provides a quarter of the world's supply.

Canada has wheat potentialities four times greater than those of the United States. In Alaska are 32,000,000 acres of coal lands, with a total possible output of 150,000,000,000,000 tons. In Chili are the most extensive nitrate beds in the world. Japanese silks, Chinese rice, California dried fruits help supply the great basin. And in the Philippines are vast potentialities for the development of iron, rubber, oil, coffee, camphor, quinine, sugar, vegetable oils, sisal, and hemp.

It can not be doubted that the development of the Pacific region will stimulate agricultural and mining production as well as manufactures. The Panama Canal, made possible by the daring of one man, Theodore Roosevelt, has brought New York 7,000 miles, and the Mississippi, the greatest valley in the world, correspondingly nearer to the Pacific. Trade to the Orient has grown by leaps and bounds. Naturally, the economic rival of the United States in this trade and therefore in political influence has been Japan, the population of which seeks outlet in new territory. Of her population of proper age 97.8 per cent attend school. She is awake, alert. Her armies and those of Canada, Australia, and the United States participated in the greatest war in history. The moving picture is bringing new worlds to their doors. All have had their gaze directed outward from their own borders. All are seeking extensive development on the Pacific Ocean. It is indeed "the century of the Pacific."

Into this field of destiny appeared the United States upon the blowing up of the battleship *Maine* and the Battle of Manila Bay, following upon centuries of Spanish cruelty and oppression. We fought the Spanish War not for territory but for justice. When it was over the Philippines were in our hands, as the result of the treaty of Paris, though both France and Germany had sought to buy them in order to further their respective ambitions in the Far East. Though we had won them by the sword, to pay their financial obligations we gave $20,000,000. To our commissioners negotiating the peace treaty Secretary of State John Hay cabled the views of President McKinley as to what should be done. He said:

It is imperative upon us that as victors we should be governed only by motives which will exalt our Nation. Territorial expansion should be our least concern; that we shall not shirk the moral obligations of our victory is the greatest. Consequently grave as are the responsibilities and as unforeseen as are the difficulties which are before us, the President can see but one plain path of duty—the acceptance of the archipelago. Greater difficulties and more serious complications would follow any other course.

Again in his instructions to the Philippine Commission, appointed in 1900, President McKinley said:

The commission should bear in mind that the government which they are establishing is designed not for our satisfaction or for the expression of our theoretical views but for the happiness, peace, and prosperity of the Philippine Islands. The Philippines are not ours to exploit, but to develop, to civilize, to educate, to train in the science of self-government.

At the time of the declaration of war against Spain in 1898 an incipient insurrection in the Philippines had been terminated by the purchase of the Filipino leaders by Spain, Aguinaldo and his principal chiefs departing for Hong Kong. With the coming of the Americans the insurrection was renewed. On May 26 the Secretary of the Navy cabled Admiral Dewey:

It is desirable, as far as possible, and consistent with your success and safety, not to have political alliances with the insurgents or any faction in the islands that would incur liability to maintain their cause in the future.

Afterwards, asked by a Senate committee if he had recognized the government proclaimed by Aguinaldo upon his return from Hong Kong, Admiral Dewey said:

Never. I did not think I had any authority to do it. There was a sort of reign of terror. There was no government. These people had gotten power for the first time in their lives and were riding roughshod over the community. The acts of cruelty which were brought to my notice were hardly credible. I sent word to Aguinaldo that he must treat his prisoners kindly, and he said he would.

In the words of President McKinley, "in order to facilitate the most humane, pacific, and effective extension of authority throughout these islands, and to secure with the least possible delay the benefits of a wise and generous protection of life and property to the inhabitants," there was appointed the first Philippine Commission, comprising Jacob G. Schurman, former president of Cornell University, later minister to China, and now ambassador to Germany; Admiral Dewey, General Otis, Charles Denby, and Dean C. Worcester. They issued a proclamation in which they said:

The aim and object of the American Government, apart from the solemn obligations it has assumed toward the family of nations by the acceptance of sovereignty over the Philippine Islands, is the well-being, the prosperity, and the happiness of the Philippine people and their elevation and advancement to a position among the most civilized peoples of the world. Both in the establishment and maintenance of government in the Philippine Islands it will be the policy of the United States to consult the views and wishes and to secure the advice, cooperation, and aid of the Philippine people themselves. In the meantime, the attention of the Philippine people is invited to certain regulative principles by which the United States will be guided in its relations with them. The following are deemed of cardinal importance:

The supremacy of the United States must and will be enforced throughout every part of the archipelago, and those who resist it can accomplish no end other than their own ruin.

The most ample liberty of self-government will be granted to the Philippine people which is consistent with the maintenance of a wise, just, stable, effective, and economical administration of public affairs and compatible with the sovereign and international rights and obligations of the United States.

The civil rights of the Philippine people will be guaranteed and protected to the fullest extent, religious freedom assured, and all persons shall have an equal standing before the law.

Honor, justice, and friendship forbid the use of the Philippine people or islands as an object or means of exploitation. The purpose of the American Government is the welfare and advancement of the Philippine people.

In spite of these assurances the insurrection proceeded. For sympathizing with the United States 350 natives were assassinated and 442 were assaulted and mutilated by their own people. Many were put to death with barbarity, some buried alive, some burned. In the fighting from May, 1900, to June 30, 1901, there were 2,000 encounters. The insurgent casualties were: Killed, 3,854; wounded, 1,193; captured, 6,572; surrendered, 23,095. Our casualties were: Killed, 777; wounded, 3,148; captured, 118; missing, 20; died from disease, 3,161.

In a general order to the Army President McKinley thanked our heroes of the war in this language:

The President thanks the officers and enlisted men of the Army in the Philippines, both Regulars and Volunteers, for the courage and fortitude, the indomitable spirit, and loyal devotion with which they have put down and ended the great insurrection which has raged throughout the archipelago against the lawful sovereignty and just authority of the United States. The task was peculiarly difficult and trying. * * * The enemies by whom they were surrounded were regardless of all obligations of good faith and of all the limitations which humanity has imposed upon civilized warfare. Bound themselves by the laws of war, our soldiers were called upon to meet every device of unscrupulous treachery and to contemplate without reprisal the infliction of barbarous cruelties upon their comrades and friendly natives. They were instructed, while pushing armed resistance, to

conciliate the friendship of the peaceful, yet had to do with a population among whom it was impossible to distinguish friend or foe, and who in countless instances used a false appearance of friendship for ambush and assassination. * * * Under all these circumstances the Army of the Philippines has accomplished its task rapidly and completely. * * * It has put an end to the vast system of intimidation and secret assassination by which the peaceful natives were prevented from taking a genuine part in government under American authority. * * * With admirable good temper, sympathy, and loyalty to American ideals, its commanding generals have joined with the civilian agents of the Government in healing the wounds of war and assuring to the people of the Philippines the blessings of peace and prosperity. Individual liberty, protection of personal rights, civil order, public instruction, and religious freedom have followed its footsteps. It has added honor to the flag which it defended and has justified increased confidence in the American people, whose soldiers do not shrink from labor or death, yet love liberty and peace.

On the second Philippine Commission were William H. Taft, to serve as chairman and civil governor and later to become President of the United States and Chief Justice of the Supreme Court of the United States; Dean C. Worcester, Luke E. Wright, Henry C. Ide, and Bernard Moses. Of this commission Elihu Root, then Secretary of War and author of the early laws governing the Philippines and afterwards Secretary of State and United States Senator, had this to say:

A new civil commission was created with Judge Taft at its head. As armed resistance ceased, island by island, Province by Province, town by town, civil government was substituted for military government; the bill of rights extended its protection over the people; the writ of habeas corpus became the guaranty of their liberty; elections were held at which the people chose the officers of their own towns and Provinces; a native constabulary was organized and proved faithful and effective for the protection of life and property; the people resumed their customary vocations under the protection of law. In this way, when the insurrection breathed its last in the mountains of Batangas, the great body of the people had already commenced to learn the true and beneficent meaning of American sovereignty, and a civil government built up by the careful labor of years was already in existence, fully organized and ready for the final extension of its authority. The instructions given by the President to the Philippine Commission, which constitute both the organic law of the civil government and the code of rules and principles to guide its conduct, were adopted by Congress without change and practically without criticism as the future guide of their government's action. The system of government created under these instructions was continued by Congress unchanged except for the enlargement of its power. I invite comparison between this body of laws and the statutes of any state and of any country. They exhibit constructive ability, legislative skill, painstaking familiarity with conditions, and fidelity to constitutional principles.

The platform of the Republican National Convention of 1900, on which President McKinley was overwhelmingly reelected, declared of the Philippines:

Our authority could not be less than our responsibility, and wherever sovereign rights were extended it became the high duty of the Government to maintain its authority, to put down armed insurrection, and to confer the blessings of liberty and civilization upon all the rescued peoples. The largest measure of self-government consistent with their welfare and our duties shall be secured to them by law.

Under the Spooner amendment of March 2, 1901, Congress enacted the following:

All military, civil, and judicial powers necessary to govern the Philippines * * * shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for the establishment of civil government and for maintaining and protecting the inhabitants of such islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

In 1908 Mr. Taft, then a candidate for the presidency following upon his service in the Philippines and as Secretary of War, said:

Shortly stated, the national policy is to govern the Philippine Islands for the benefit and welfare of the people of the islands and gradually to extend to them, as they shall show themselves fit to exercise it, a greater and greater measure of popular self-government. What should be emphasized in the statement of our national policy is that we wish to prepare the Filipinos for popular self-government. This is plain from Mr. McKinley's letter of instructions and all his utterances. It was not at all within his purpose or that of the Congress which made his letter a part of the law of the land that we were merely to await the organization of a Philippine oligarchy or aristocracy competent to administer the government and then turn the islands over to it. * * * Another logical deduction from the main proposition is that when the Filipino people as a whole show themselves reasonably fit to conduct a popular self-government, maintaining law and order and offering equal protection of the laws and civil rights to rich and poor, and desire complete independence of the United States, they shall have it.

The work accomplished by the United States in the Philippines from May 1, 1898 to 1913, when the Wilson administration succeeded to power and Francis Burton Harrison was appointed Governor General of the islands, has never been surpassed in lasting benefit to a dependent people. In the city of Manila the infant mortality in 1904 was 801 per thousand inhabitants. In 1913 it had been reduced to 322 per thousand. In 1908 there were 17,770 deaths from cholera in the Philippines. In 1912 there were none, and in 1913 there were 186. In 1901 there were 40,000 deaths from smallpox. In 1913 there were 903, and in 1914 there were 438. The death rate per 1,000 of all inhabitants was reduced from 27.05 in 1904 to 19.10 in 1913. In 1898 there were 4,504 pupils attending public schools under 1,914 teachers. In 1914 there were 621,000 pupils under 20,600 Filipino and 341 American teachers. In 1903 the total revenues were $11,089,299. In 1913 they were $20,567,925. Between 1901 and 1913 the imports from the United States increased from $2,606,469 to $26,264,218 and the exports increased from $2,572,021 to $23,573,865. A judiciary was established, appointed by the Philippine Commission. A civil service was organized. Agriculture, public works, and good roads were furthered. A sound currency and excellent fiscal system were provided. A native constabulary was formed. A great majority of offices were filled by native Filipinos. As evidence of growing capacity for self-government an elective Philippine Assembly was inaugurated in 1907 with 80 members, functioning as a lower house while the Philippine Commission acted as an upper house.

From this record of unparalleled achievement, of which America may well be proud, we now turn to another page which is quite the reverse, supplied by Governor General Francis Burton Harrison.

His policy was made possible by the Democratic leadership of the House in 1914 in passing a measure declaring that the Philippines should become entirely free and independent eight years thereafter. In submitting a report on this measure the Committee on Insular Affairs, of which Mr. Jones, of Virginia, was then chairman, said:

In considering the question of Philippine independence as proposed in this bill and in reaching the conclusions to which we have come, your committee have not by any means regarded it solely from the standpoint of the people of the Philippine Islands. On the contrary, our views are largely, if not mainly, controlled by what are believed to be the true interests of the people of the United States. The free principles upon which the American Government is founded are wholly incompatible with the idea of holding and governing against their consent any people who aspire to independence and are capable of governing themselves. Moreover, the policy of the United States has always been against expansion beyond the seas. * * * Secondary only in importance to the high moral questions of principle and right involved in the indefinite retention of the Philippine Islands is that of their constant menace to the peace and well-being of the American people. Instead of constituting a source of strength to the United States in the event of war with a first-class naval power they would, by reason of their geographical position, become one of great weakness. Had not the Spanish Army and Navy been so fully occupied with the war in Cuba the story of Dewey's engagement in Manila Bay might have been one of different import. * * * As to whether the United States could successfully defend the Philippine Islands against a first-class naval power, that is a question about which there may be honest differences of opinion.

The Republican Party was divided in 1912 and there was, consequently, a large Democratic majority in Congress in 1914. For that reason this policy of scuttle was adopted by the House. It did not get through the Senate. The entire question went over until the following Congress. Then Mr. Jones, of Virginia, favorably reported from the Insular Committee what is known as the Jones Act. The Senate, however, had passed its own bill and incorporated in it the Clarke amendment, offered by Senator Clarke, of Arkansas, providing that complete independence should be given the Philippines in not less than two years and not more than four years. The vote by which it was included in the bill was a tie, broken by the vote of Vice President Marshall. Nearly all of those who voted for it were Democrats. Nearly all of those who voted against it were Republicans. When it was taken up in the House the Jones bill was substituted and the conferees were instructed by a vote of 203 to 156 to vote against any definite time for granting

independence. Nearly all of those who voted for these instructions were Republicans. Nearly all of those who voted against them were Democrats. The preamble to the Jones Act remained. This restated the policy as it had been from the beginning of our relations with the islands, that the United States would withdraw its sovereignty upon the establishment of a stable government.

The Jones Act extended the power of the Filipinos over the government and lessened that of the United States. It dissolved the Philippine commission and substituted for it a legislature of two houses—i. e., a senate and house of representatives—the latter succeeding the assembly, the members of the house being elected for three years and those of the senate for six years. It left the supreme executive authority in the hands of the Governor General, but provided that his appointments of heads of departments and the judiciary should be confirmed by the senate. It granted authority to the legislature to create a bureau which would have authority over the non-Christian tribes. It created an auditor, appointed by the President, and provided that "it shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant." The Governor General was given authority to prepare the budget, to veto items or bills, and to appoint 10 members of the house of representatives and senate from the non-Christian provinces.

Newton D. Baker, Secretary of War at the time of the passage of the Jones Act, was a little dubious of such an extension of power to the Philippine Legislature, and so expressed himself in a letter to Francis Burton Harrison, the Governor General. He said that the amendments to the bill indicated—

a well-defined view in Congress that the Philippine government was given something more in the way of self-government than the people of the islands are at this time capable of exercising in a way most beneficial to the people. Having in mind this view, it would seem to be the part of wisdom for the President and the Governor General to admit of no encroachments on those powers placed in their hands; that is, we should give to the people of the islands what Congress has given to them, but we should be particularly careful and not give them those powers which Congress has withheld, lest we, in assuming this responsibility, may hereafter be charged with failure due to a lack of appreciation of the spirit that governed the preparation of this act. In proceeding conservatively under this act we will avoid some of the serious errors which have heretofore been made in the Philippine Islands, particularly with reference to the Philippine Assembly.

In spite of the fact that the powers of the Governor General under the act are largely diminished, Mr. Baker informs the then incumbent of the office that—

the influence of the Governor General with the legislature under this act should be far greater than it has been in the past. * * * Unquestioned loyalty on the part of all holding office in the islands should be insisted upon, and there should be no relaxation in those laws which now demand the outward indication of loyalty, such, for example, as those requiring oaths of allegiance in taking office. * * * Under the broad grant of powers now given the Philippine Legislature this provision might be made ineffective, but against such action the Governor General must stand firm, having the assurance that any action of that kind undertaken by the legislature would be nullified by congressional action, which might not only withdraw the power to enact the particular legislation objected to but other powers which have been freely granted to the Philippine Islands.

Turning from these doubts and fears and recollecting, perhaps, that he was still a party man, the then head of our War Department in the same letter says:

I believe that it was wise to give to the Philippine government so much authority that the islands will demand hereafter but little attention from Congress if the island government exercises with discretion and judgment the authority committed to it.

As a last touch to this little scene in connection with the enactment of the Jones law, it is well to quote the closing paragraph of the report of the House committee, of which its author was chairman. It was written before the Clarke amendment was eliminated. In recollection of four Democratic platforms it said:

The passage of this bill will mark an epoch in American history. It will carry with it the gladsome assurance that the American Government will not sanction an imperialistic colonial policy such as would mean the abandonment of the principles upon which it was founded; it will furnish indubitable evidence that the American conscience has not been deadened by the lust of territorial aggrandizement; and it will establish in the hearts and minds of the Filipino people as nothing else could the solemn conviction that the American people steadfastly hold to the creed of the fathers of the Republic and still believe that liberty is the birthright of man and governments derive their just powers from the consent of the governed.

As there had been a party in this country that had been in sympathy with those desiring immediate independence from the very beginning of the first insurrection in the islands, so Governor General Harrison from the beginning of his term worked with them. He was in entire sympathy with the Philippine independence organization maintained by the legislature. He willingly permitted encroachments upon his office by the politicos, the Spanish name for party politicians. Gradually, and especially with the assistance of the Jones law, they undermined American authority.

Due to the grant of too much self-government to a people just emerged from age-long barbarism and tyranny, aided by a Governor General who was lax in his duty to them, as well as to his own country, the splendid administration that had been built up in the preceding 13 years fell into rapid decay. The health of the people was the first to suffer. Lethargy allowed vaccination to lag. The death rate of 19.10 per 1,000 in 1913 advanced to 38.77 per 1,000 in 1918 and 34.36 per 1,000 in 1919. The number of smallpox deaths increased from 438 in 1914 to 49,971 in 1919. The number of cholera deaths increased from 186 in 1913 to 17,537 in 1919.

Manuel Quezon, then one of the Philippine Delegates to the Congress of the United States, had accompanied Governor General Harrison to Manila and boasted that he had "put over" the latter's appointment. He later became president of the new senate. He and Sergio Osmena, speaker of the assembly, were the pets of the Harrison régime. They were leaders of the Nacionalista Party and of its propaganda in the United States. They controlled patronage in the islands. Together with the Governor General, they formed the board of control of numerous government enterprises. They were instrumental in forming, by act of the legislature, the Philippine National Bank. The government owned 96 per cent of its stock, valued at $16,199,000. A gold reserve fund amounting to $41,500,000, theretofore held in the United States to maintain the parity of the Philippine coinage, was transferred to Manila. They provided that 80 per cent of this fund might be loaned by the Filipino treasurer, with the approval of the Governor General. The result was that by 1921 only 7 per cent of the fund was left to maintain the value of the currency. The Manila Railroad Co. was purchased and the government went into the business of coal mining, cattle raising, cement, sugar, hemp, copra, and oil manufacturing, guaranteeing investments in infant industries, government extension of credit to farmers, to sugar central operators, to those who had native products in store or warehouses, and the making of loans to Provinces and municipalities. In six years the bank lost $37,500,000, while the issuance of $23,000,000 in bonds was necessary to stabilize the currency system.

Governor General Harrison's brother was appointed secretary and director of the Philippine National Bank, and also manager of the receivers of German property held as representative of the Alien Property Custodian. The sales of 13 of these properties were so conducted that President Wilson revoked them on the ground of their very palpable injustice and collusion. The Governor General acquiesced in measures intended to force the resignations of all American under officials in the islands.

Katherine Mayo, author of a valuable work on the Philippines entitled "The Isles of Fear," has this to say of Governor General Harrison:

Up to to-day America has sent seven governors to the Philippine Islands—four Republicans and three Democrats—of which latter, by the way, the first two were appointed by President Roosevelt. Of these seven, Francis Burton Harrison is the sole and only one not accused, condemned, and reviled for his works, during his time in office, by the Filipino politico. * * * During Mr. Harrison's administration the budget shot up from $14,000,000 to $50,000,000, the country went almost bankrupt, and at the close of the period it was necessary to create an additional bonded indebtedness of $48,000,000. The country's almost bankruptcy resulted, first, from general maladministration, which included a flood of loose expenditure that arose far above the mark set by war prices, and, second, from mad governmental ventures into banking, railway management, and general business, so-called.

The London Spectator, in a review of Miss Mayo's book, says:

She gives a true picture of politics and society in the Philippines, especially of the extravagant greed and cruelty of native rule after the American Government gave larger and larger doses of that blessed drug—self-determination. Miss Mayo proves to the hilt that the policy of "excessive Filipinization" begun in 1913 and only partially revoked

in 1921, inflicted ineffaceable misery, loss, and injustice. It even helped to destroy the fine primitive virtues of the best tribes in the islands. It produced a "sin of the soul." If it was never proved before, it was proved in the Philippines, in consequence of the lamentable sudden change of policy in 1913, that to surrender legislative control while retaining executive authority may ruin the country of the experiment as surely as it may damage the reputation of the experimenter.

D. R. Williams, author of another valuable work entitled "The United States and the Philippines," says:

The premature vesting of control in Filipino officials by Mr. Harrison included among its fruits: Untold losses to Filipino farmers through the spread of rinderpest; the sacrifice of tens of thousands of lives through an inefficient health service; the corruption of the courts; the almost complete paralysis of education as applied to the masses; the stagnation of the bureau of lands and bureau of science; the slacking down of public works; the wasting of public moneys on a top-heavy personnel and politically managed "national companies"; the looting and wreck of the Philippine National Bank; the debasement of the island currency; and finally, the virtual bankruptcy of the government. Surely this sort of tutelage and example is not calculated to fit an imitative people, wholly inexperienced in self-rule, for the responsibilities of a democratic form of government.

We pass from this sad story of Democratic legislation and administration to another and brighter chapter in the history of the Philippines, supplied by Gov. Gen. Leonard Wood. He was appointed by President Harding a member of what is known as the Special Mission to the Philippine Islands, composed of himself and former Gov. Gen. W. Cameron Forbes. They recommended, after a survey of four months—

that the present general status of the Philippine Islands continue until the people have had time to absorb and thoroughly master the powers already in their hands; that the responsible representative of the United States, the Governor General, have authority commensurate with the responsibilities of his position; that in case of a deadlock between the Governor General and the Philippine Senate in the confirmation of appointments that the President of the United States be authorized to make and render the final decision; and that under no circumstances should the American Government permit to be established in the Philippine Islands a situation which would leave the United States in a position of responsibility without authority.

With the appointment of General Wood as Governor General immediately began the work of restoration. He reduced a death rate of 34.36 per thousand in 1919 to 15.48 per thousand in 1924. He reduced the number of deaths from smallpox from 49,971 in 1919 to 6, including 5 foreigners who arrived in Manila in the incubation period, in 1924. He reduced the number of deaths from cholera from 17,537 in 1919 to none in 1923 and none in 1924. Agriculture and commerce expanded.

I have no doubt he might have accomplished much more than he has in these five years, but, due to the lack of remedial legislation by the Congress of the United States, he has been subjected—and because of his lack of proper authority the United States has been subjected—to constant bickerings with the legislature and Osmena and Quezon. An attempt was made to force him out of office in the test case of a police officer named Conley, dismissed by Filipino officials for performing his duty too well. He was reinstated by the Governor General. Several high Filipino officials tendered their resignations. The legislature addressed a joint communication to Congress. Referring to the Governor General, it said:

He has placed himself over and above the laws passed by the Philippine Legislature, laws that have never been declared null and void by the courts or by the Congress of the United States. He has claimed for himself an unlimited executive responsibility that neither the existing laws nor the practices already established have recognized. * * * The theories and principles underlying Governor Wood's actions are utterly repugnant to the policies that go to make up the cornerstone of Philippine autonomous government. * * * The freedom and happiness of the Filipino people, to which the honor of America and the patriotism of the Filipinos are equally committed, are too sacred to be the plaything of a one-man power. * * * The recent incidents simply serve to bring home the compelling need that the Philippine question be now settled once and for all. * * * The time for Philippine independence has come. It can be postponed no longer.

President Coolidge replied to this political tantrum by a proper spanking to "the little brown brother" which will probably smart for many a day. In the course of a great state paper he said:

The Government of the United States has full confidence in the ability, good intentions, fairness, and sincerity of the present Governor General. * * * In any survey of the history of the islands in the last quarter century I think the conclusion inescapable that the Filipino people, not the people of the United States, have been the gainers. * * * If the time comes when it is apparent that independence would be better for the Philippines, from the point of view of both their domestic concerns and their status in the world, and if when that time comes the Filipinos desire complete independence, it is not possible to doubt that the American Government and people will gladly accord it. Frankly, it is not felt that that time has come. It is felt that in the present state of world relationship the American Government owes an obligation to continue extending a protecting arm to the people of these islands. It is felt also that, quite aside from this consideration, there remain to be achieved by the Filipino people many greater advances on the road of education, culture, economic, and political capacity before they should undertake the full responsibility for their administration. The American Government will assuredly cooperate in every way to encourage and inspire the full measure of progress which still seems a necessary preliminary to independence.

In spite of the admonition of the President, General Wood states in his report to the Secretary of War in 1923 that 84 measures had been enacted. He was compelled to veto many of them. He says:

Of these 84 measures only 12 were received in this office prior to the adjournment of the legislature, although frequent efforts were made by me during the latter part of the session to have the important measures reach me in time for return of the bills to the legislature or for conference with the committees prior to adjournment in order to avoid unfavorable action. The legislature adjourned on February 8. On February 19, no further bills having been received, a letter was written to both the president of the senate and the speaker of the house reporting the situation. * * * On March 5, 26 days after adjournment, 27 bills were received simultaneously, most of them unaccompanied by an English copy. On the following day, March 6, the remaining 45 measures were received, many of them without English copies.

In his report for 1924 General Wood says:

The same general delay in the receipt of measures approved by the legislature occurred as during the preceding year. Only eight of the bills reached me prior to the adjournment of the legislature. Fifty-eight were received 20 days after adjournment and seven still later.

It has become apparent as the result of these disclosures that there should be correcting legislation on the part of the Congress of the United States. This should take the form of either (1) a grant of complete independence to the Philippines, which the politicos, who are the successors of the former active insurgents, and the Democratic Party in this country advocate; (2) a recall of the powers granted to the Philippine people in the Jones Act; or (3) an augmentation of the powers of the Governor General.

To permit the first of these alternatives would be a silly concession that words are greater than facts. The term "liberty" does not always mean license. The negroes of the South, just freed from slavery, abused their liberties. With liberty on their lips the patriots of the French Revolution ruled by murder. With protestations of the equality of man, the soviet destroyed all semblance of liberty in Russia. Independence comes to those who deserve it and are strong enough to maintain it. It does not come in a day, nor a year, nor a century. It is the result of slow growth in the proper use of rights and in civilization. As President Coolidge says in another place in the letter I have just quoted—

Working out the highest destiny of even the most talented and advanced of people is a matter of many generations.

James Bryce, author of the American Commonwealth, says:

Do not give to a people institutions for which it is unripe in the simple faith that the tool will give skill to the workman's hand. Respect facts. Man is in each country not what we wish him to be, but what nature and history have made him.

Woodrow Wilson, in his Congressional Government, said:

Self-government is not a mere form of institutions, to be had when desired, if only proper pains be taken. It is a form of character. It follows upon the long discipline which gives a people self-possession, self-mastery * * * and these things can not be had without long discipline. * * * We can give the Filipinos constitutional government, a government which they can count upon to be just, a government based upon some clear and equitable understanding, intended for their good and not for our aggrandizement, but we must ourselves for the present supply that government. * * * But we can not give them self-government. Self-government is not a thing that can be "given" to any people, because it is a form of character and not a form of constitution. No people can be "given" the self-control of maturity. Only a long apprenticeship of obedience can secure them the precious possession, a thing no more to be bought than given. * * * We, of all people in the world, should know fundamental things, and should act upon them. * * * To ignore them would

be not only to fail, and fail miserably, but to fail ridiculously. Having ourselves gained self-government by a definite process which can have no substitute, let us put the people dependent upon us in the right way to gain it also.

Certainly we would not wish to revoke all that we have done for the Philippine people, nor would we repeal the Jones law. Among other good provisions of that act are the creation of the budget under the authority of the Governor General. But as a people and as a Congress we must decide upon our duty to the Filipino people as a whole and then stick by it.

Independent political authority for the Filipinos will not, perforce, give them good government. They have yet to learn to apply the basic and fundamental principles of government. They are now prone to sacrifice political science to political expediency—indeed, politics is their idol. The present generation of political leaders in the Philippines interpret political power as the touchstone to greatness, wealth, prosperity, and security of a nation. Political science is a secondary consideration and efforts along economic and industrial development lag far behind. They see power in politics and they are completely dominated by their lust for it, with the result that the people as a mass are bound to suffer. Until the self-appointed political leaders in the Philippines take a statesmanlike view of what is best for their country, and not what is best for their own personal vanity and power, conditions in the islands are bound to become worse.

This warped view and obsession that present Philippine political leaders have concerning the influence that politics plays in the islands is recognized by intelligent and discriminating Filipinos, and they view it with much misgiving. These discerning Filipinos can envisage clearly the unhappy results that must follow from this tendency of politics first and country last.

As directly bearing on this point, I want to quote from two addresses delivered by Dr. Pardo T. H. Tavera, one in 1919 and the other in 1921. Doctor Tavera in earlier years took an active share in the administration of the government and he is to-day looked upon with great respect and esteem for his ability, learning, fearlessness, and sound judgment.

In 1921 he said:

> It is highly beneficial for us to know our own type of civilization, and surely I am not divulging any hidden truth when I say that we have followed, first, the religious type, now the political type. This explains the great importance which our present generation gives to the political aspect of our life, to such an extent that all other considerations of social interest are postponed, almost forgotten, and always left behind, and even sacrificed to what is called the "political order." * * * It is thus that in our society there exists true tyranny, a domination, namely, the enthronement of politics. Our present social condition is under the absolute grip of politics; * * * politics predominates in our social life at present just as religion in the past dominated.

In 1919 he said:

> "We give our entire attention to the political power which we would like to have in our hands. * * * That is our chief aspiration, peculiar to each and every one of our political parties, which imagines that the day when its members hold the political jobs the country will enjoy all the blessings of progress, prosperity, and liberty. In a word, we have faith in the omnipotence of the men in political authority. * * * The ambition to achieve political authority is the only ambition that has any attraction for us." * * * (but) "the solution of our political problem necessarily, and as sure as fate, depends upon the solution we can give to our social problem."

Indeed a scathing indictment and withal a constructive thought!

Until future years usher in a change in this warped complex and in this relentless struggle for personal power, in this mad desire of these political despots, the lot of the poor Filipinos who are now held in abject subserviency will indeed be a pitiable one. No sound social order, no stable economic system, no well-builded progress can be bottomed solely on political ambitions and aspirations that have as their sole end the wielding of political power for selfish ends. There must come a more enlightened spirit and the recognition that the country comes first and personal ambition last.

I think that those in this House who look facts in the face will agree that the time for independence is in the far, dim, distant future. I think they will agree with me also when I say that three conditions should be requisite to independence. One of them is the unity of the people; another is international safety—not for us, but for a new Filipino nation afar off there in the Pacific; and the third is economic independence.

I do not think they can find unity until they at least have a common language. Eighty-seven dialects, differing as much as the Latin languages of Europe, are spoken in the islands to-day. The inhabitants of the Philippines should not be adjudged to be unified in this sense until they all speak a common English language. In his last annual report General Wood says:

> Speaking from personal observation covering more than 20 years, I am convinced that, notwithstanding the many handicaps under which the bureau of education has labored with respect to using English as a common medium of instruction, English has made remarkable progress and will by the proper methods in the hands of efficient teachers become, in the near future, the common language. Nothing will do more to build up national solidarity than a common language. Despite the efforts of a few individuals to introduce the teaching of some of the 87 different dialects into the public schools, the opinion is general among the people that English should be the national language and that the present policy of emphasizing English should be continued.

When America took over the Philippines the illiteracy was close to 100 per cent. To-day it is about 37 per cent, as compared to 93 per cent in India after 170 years of British control. Not only the children of the new generation must be taught English, but the last two generations, who have not learned it, must die out as well. William H. Taft expressed the opinion that about two generations would be required to fit the Filipinos for independence, which should include economic independence.

The second condition, that of international safety, is a matter of mere conjecture. But, so far as I am concerned, I can not see the day when an independent Philippines will be safe in the Pacific until all empires which now hold territory on its shores have become republican. Japan is still actuated by dynastic and imperial ambitions to find room for its surplus population in extension of empire. The British Empire is very peaceably and friendly disposed toward our possession as well as toward us to-day. But we are not clairvoyant and can not read the future.

The third and final condition is the accepted principle that there must be sufficient economic and commercial independence to sustain an independent nation. The fact of the matter is that the Philippine Islands are economically and commercially dependent upon the United States. They are absolutely dependent upon American capital, American tariff, American markets, and American protection and moral support. The fact that the American tariff applies to the Philippine Islands lifts the Philippine Islands above the level of the rest of the Far East. It has raised the Philippine standard of living far above that of the inhabitants of the neighboring countries in the Pacific. It has enabled them to compete with the teeming millions that surround them. Without it they would sink to the level, and below the level, of those teeming millions who would engulf them.

The United States is the largest market for Philippine products, and it is an ever growing one. Because of the high standard of living which America has given to the Philippines and because of the prosperity that America has brought to them, the Philippine Islands are becoming an ever greater market for American goods and merchandise. Economically and commercially the two countries are becoming increasingly interdependent. Because of the sovereignty and protection of the United States, Philippine credit is as high as in any State of the Union because the moral obligation of the United States Government is back of every Philippine government bond. Withdraw the protecting hand of the United States and Philippine credit would not be worth anything, and such loans as they might be able to make would carry usurious rates of interest, and they would be made with ulterior motives, by nations inimical to the Philippines' best interests.

An independent Philippines, with American protection and aid removed, would be utterly unable to compete economically and commercially with its neighbors in the Far East. An independent Philippine nation, with American protection and aid removed, would never be permitted to develop its wonderful natural resources. They would be engulfed economically by more powerful and more industrious nations. It would be a case of the survival of the fittest, and an independent Philippines could not survive. Therefore it is foolhardy to think or talk about an independent Philippine Islands until it can be demonstrated that the Philippine people can stand on their own feet economically and commercially.

At any rate, so long as the Philippines have potentially rapacious neighbors they should be under our protectorate. If they are under our protectorate, they should be under our Government. If they are under our Government, they should be under our authority. And if they are under our authority, the hands of our highest authority in the islands, the Governor General, should be upheld as against those who would destroy it along with our work, which nobody contends is not for the benefit of the Filipinos.

A further alternative which should be adopted by the Congress, and to provide for which I have introduced a bill, is the separation of the Moro Provinces from the Philippine Provinces. The people of the Moro Provinces are entirely distinct from the Filipinos, and between the two there has existed age-long hostility. The Moros differ from the Filipinos not only in language and religion—they are Mohammedans—but in physical type and mental outlook. Their problem is distinct from the Filipino problem, and in this connection I merely want to make a brief allusion to a statement by William Jennings Bryan, made after his visit to the Moro Provinces, which emphasizes the point that Moros and Christian Filipinos must be separately dealt with. He said:

In what I have said about independence and self-government in the Philippines I have been speaking of Luzon and the other islands north of Mindanao. As I have already pointed out, the conditions existing in Mindanao and the Sulu Archipelago are so different from those existing in the northern islands that the two groups must be dealt with separately. It would not be fair to deny independence to the Christian Filipinos living in the north merely because the Moros have never shown any desire to adopt a republican form of government—they live under a sort of feudal system, with sultan and datu as the ruling lords.

We pledged protection to the Moros as the result of a treaty made with the Sultan of Jolo and other datos in 1899 by Gen. John C. Bates, representing the United States. When the sovereignty of Spain had been destroyed by us it was argued by these datos that such sovereignty thereupon reverted to them. Under the treaty made by General Bates, however, four of the articles were as follows:

ARTICLE I. The sovereignty of the United States over the whole archipelago of Jolo and its dependencies is declared and acknowledged.

ART. II. The United States flag will be used in the archipelago of Jolo and its dependencies and on land and sea.

ART. III. The rights and dignities of his excellency the Sultan and his datos shall be fully respected; the Moros shall not be interfered with on account of their religion, neither shall anyone be persecuted on account of his religion.

ART. XIII. The United States will give full protection to the Sultan and his subjects in case any foreign nation should attempt to impose upon them.

ART. XIV. The United States will not sell the Island of Jolo or any other island of the Jolo archipelago to any foreign nation without the consent of the Sultan of Jolo.

Thus it will be seen that about 40,000 square miles in the Moro Provinces, of which the Jolo group is a part, constituting about 35.3 per cent of the entire Philippines, through this and similar agreements with General Bates, accepted the promise of protection from foreign rule, including that of the Christian Filipinos. Mohammedan, they wished to retain their religion. This was permitted to the 870,000 people in the area. The terms of the solemn treaty were made not with a central Philippine government but with the United States. It was accepted by the President, as is evidenced by the following excerpt from a dispatch from Inspector Gen. C. H. Murray to General Bates:

I am directed to inclose for your information, action, and guidance a copy of a confidential War Department communication dated October 27 last, which contains notice of the approval of His Excellency the President of the United States of the agreement of August 20, 1899, between yourself as agent of the Government and the Sultan and datos of the Jolo archipelago, subject, however, to the conditions stipulated in the last clause of Article XI of the late Paris treaty, and which reads as follows: "The political rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by Congress."

Elihu Root, in his annual report as Secretary of War in 1903, says:

The agreement made by General Bates with the Sultan of Jolo on August 10, 1899, and submitted to Congress February 1, 1900, recognized the sovereignty of the Sultan and depended upon him for the maintenance of order. Fuller experience with these people, however, has shown that the sovereignty of the Sultan is little more than nominal and that he has not the power even if he has the will to maintain order. * * * It has thus become plain that the Bates agreement of 1899, which served a useful purpose at that time, can no longer be depended upon as an instrument of government, and that a new agreement must be substituted in its place under which American authority acts directly upon the datos, who are the real controlling powers in the Sulu Archipelago.

Nevertheless, it was this treaty with the Moros which formed the basis of the subsequent legislation suggested by Secretary Root. The relationship between them and the United States remained direct. General Wood, General Bliss, and General Pershing were successively governors of the Moro Provinces. On the strength of the treaty that had been made by General Bates, General Pershing induced the Moros to turn in their arms. Peace reigned. But under the Harrison administration Filipino officials and Filipino constabulary, differing in race and religion, were placed over them.

Protesting against such conditions, the Moros addressed a petition to Congress in which they said:

Therefore we, in representation of nearly half a million Mohammedan residents of Mindanao and Sulu, do solemnly affirm and declare that we are loyal unto death to the United States; that in proof of this loyalty we have pledged ourselves by the most solemn oath known to Mohammedans to die rather than submit to domination by Christian Filipinos from the north, and, if necessary, to die in order that the United States Congress which heretofore has lent a deaf ear to our petitions may now hear us. * * * We complain that we have not one representative in the Philippine Legislature elected by direct vote of the people. Our meager representation is through representatives appointed by the Governor General who must have the approval of a senate controlled by Filipinos. * * * We complain that the Philippine Legislature appropriates one million pesos per annum for pro-independence propaganda, thereby forcing us to contribute through taxation without representation to the efforts of certain Christian Filipinos to sever the bonds between us and the United States, which is not in accordance with our wishes.

The remedy for this situation, of course, lies in legislation which will restore the power of the Governor General to appoint American or Moro officials and constabulary chiefs in the Moro Provinces. But this is not enough to remedy the entire Philippine situation. That must be relieved by an extension of the powers of the Governor General, by a determination on the part of the Congress of the United States that it will govern, and govern righteously and justly, in the Philippines. Otherwise it must take the other logical horn of the dilemma, determine that a treaty between even so inconsequential a person as the Sultan of Jolo and the United States is not a mere scrap of paper, and provide a separate government for the Moro Provinces similar to that now granted to the remaining territory. Any other course under the circumstances would be weakness. Our national duty lies away from mere wordy mouthings of ideals and in the direction of a just rule that will advance the Filipino people to greater things.

The problem that America, therefore, is confronted with is how to constructively legislate not only in the interests of the sovereignty and prestige of the United States but in the interest of the Filipino people themselves, and in any study of this matter it should be borne in mind that the great mass of the Philippine people are different from the very small political minority who selfishly seek to exploit their own people for the sake of their own selfish interests.

President Coolidge, in his annual message to Congress, stated:

The time has come for careful investigation of the expenditures and success of the laws by which we have undertaken to administer our outlying possessions. A very large amount of money is being expended for administration in Alaska. It appears so far out of proportion to the number of inhabitants and the amount of production as to indicate cause for thorough investigation. Likewise consideration should be given to the experience under the law which governs the Philippines. From such reports as reach me there are indications that more authority should be given to the Governor General, so that he will not be so dependent upon the local legislative body to render effective our efforts to set an example of the sound administration and good government which is so necessary for the preparation of the Philippine people for self-government under ultimate independence. If they are to be trained in these arts, it is our duty to provide for them the best that there is.

He specifically recommended that the executive power of the Governor General should be clarified to prevent the constant encroachment by the legislative power to the detriment of good government. The power of the Governor General should not only be clarified but increased in the interest of better government for the people of the Philippines and in the interest of the prestige and sovereignty of the United States. It should always be remembered that a Filipino can always be appointed Governor General, and therefore any amendment to the Jones Act clarifying the duties of the Governor General and increasing his powers should not be considered a backward step, but rather should be considered a forward step in the interest of good government.

When the Jones Act was originally passed Newton D. Baker, then Secretary of War, had this point very much in mind, and in interpreting this law as passed by Congress he said:

While it is clear, therefore, that the organic act is and was designed to be liberal to the Philippine Government, the history of its passage

shows that it is indeed more liberal than Congress was disposed to have it; that practically all of the changes from the form in which it was at first introduced have been in their nature restrictive, showing a well-defined view in Congress that the Philippine Government was being given something more in the way of self-government than the people of the islands are at this time capable of exercising in the way most beneficial to the people.

Having in mind this view, it would seem to be the part of wisdom for the President and the Governor General to admit of no encroachment on those powers placed in their hands. That is, we should give to the people of the islands what Congress has given to them, but we should be particularly careful and not give them those powers which Congress has withheld, lest we, in assuming this responsibility, may hereafter be charged with failure due to a lack of appreciation of the spirit that governed the preparation of this act.

This passage of the Secretary's letter to the then Governor General of the Philippines, Mr. Harrison, showed clearly the realization that there might be a tendency to encroach on the executive power. Had his word of caution been listened to by Governor General Harrison, no need for substantial changes in the organic act would exist to-day.

Again Secretary of War Baker cautioned Governor General Harrison that:

You have doubtless noted in the appropriation bills passed prior to your arrival what purely executive powers had been given to the speaker and to committees of the legislature. In future we will be saved from this particular error by the direct prohibition in the new organic act of granting to other than executive officers executive functions, this prohibition being embodied in section 22 of the act in the following form:

"*Provided*, That all executive functions of the government must be directly under the Governor General or within one of the executive departments under the supervision and control of the Governor General."

I am informed that this provision was intended to prevent the encroachment of the past.

To remove friction, to stop the present encroachment by the legislative department of the government on the executive, and to clearly parcel the functions of government into three branches, the executive, the legislative, and the judicial, the present organic act should be amended so that it may emphatically and definitely provide for this set-up and prohibit one branch exercising the functions of the other. Such a change should definitely declare that the function of appointment and removal from office and the control and administration of the funds and property of the government is vested exclusively in the executive branch. Such a change would meet accepted principles and should encounter no objections. It would lay down in no uncertain terms that it was the sense of Congress that previous practices in conflict with such principles are prohibited.

Surely such a flat change is necessary in the light of the blunt boast of Quezon and Roxas that it would be their purpose to reduce the Governor General to a mere figurehead.

The Governor General is absolutely responsible for the executive functions of the government. Further, in my opinion, the first change that should be made would be to require that he be allowed to appoint his cabinet or the heads of his departments without the hampering objections of the Filipino politicians. To accomplish this it will be necessary to amend the organic act by providing that the heads of departments, including the attorney general, may be appointed by the Governor General without referring the matter to the Philippine senate. After all, if the Governor General is to be solely responsible as the executive and for the supervision and control of all executive departments, he should be allowed to appoint as the heads of these departments men in whom he has confidence and who will be loyal to him. The heads of the departments, in effect, should be his personal cabinet and intimate advisers.

The recent troubles in the Philippines have been partially due to the attempts of the senate not to pass upon the qualifications of the Governor General's appointees as heads of departments but to dictate whom he should appoint to be such heads. In one authenticated instance, the senate deliberately demanded of a prospective head of department that he sign a paper promising to be subservient to the Philippine senate as the price of his confirmation.

It should be remembered that the situation in the Philippines is different than the procedure we know so well in the United States. In the United States the President has his own party in the Senate. In the Philippines the Governor General represents the sovereignty of the United States and is not a member of any party in the Philippine senate. Therefore, the wise provision of confirmation by the Senate of presidential appointments which prevails in the United States does not so well apply to the situation in the Philippines.

If a separate government for the Moro Provinces is not established, another change that I would suggest to the organic act would be that the governors of the non-Christian tribes and the Moro Provinces should be appointed by the Governor General without reference to the senate.

The administration of the Moro Provinces and the non-Christian tribes is purely an executive function. The Moro Provinces and the non-Christian tribes have no elective representation in the Philippine senate or Philippine lower house. There is century-old antagonism and hatred between the Moros of the south and the Filipinos of the north. In the interests of peace and quiet in the Moro Provinces it is essential that there should be American governors. The Moros will peacefully follow and live quietly under American governors. They strenuously object to having governors from the Filipino race—a race that they have for over 300 years always successfully defeated in battle whenever they have met. In the interests of peace and harmony, and in the interest of executive efficiency, the Governor General should appoint these governors in the non-Christian and Moro Provinces without the necessity of obtaining the consent of the senate. This, again, will remove one of the constant causes of friction that has existed in the past four years, during which time the Philippine Senate has absolutely refused to confirm any American as governor and have stated that they would only confirm a Filipino as governor of these Moro Provinces.

Another change that I believe to be necessary is to give the Governor General the right to veto riders on appropriation bills. At the present moment the organic act gives him the right to veto paragraphs or items in the appropriation bills but does not give him the power to eliminate the riders. This is in the interest of efficient and orderly legislative procedure and would correct many existing abuses. The practice of putting riders on appropriation bills is a pernicious one and is now practically never availed of in the United States Congress.

The Governor General is commander in chief of the Philippine constabulary, and yet, under the present organic act, he can not appoint the immediate chief and assistant chiefs of the constabulary without confirmation by the Philippine senate. This presents a dangerous situation because of the growing tendency of the Philippine senate to demand written promises of subserviency as the price of confirmation. It is essential to the future law and order of the Philippines that the Governor General should appoint men who will be loyal to their commander in chief, namely, the Governor General, who represents the sovereignty of the United States. The present system might at some time result in a divided responsibility and allegiance.

Another reform that I would suggest would be that some provision be made so that the Governor General can have available civilian expert assistants and advisers. As it is now, the Governor General is entirely dependent on a detail of Army officers by the War Department. These Army officers have been loyal and devoted and efficient men. Nowhere can you find finer or abler men than General Dorey, General McCoy, and the others who have so loyally served the Governor General. Nevertheless, I do not believe that the Governor General should be dependent upon a detail from the War Department. It is essential that the Governor General should have expert assistants and advisers in his immediate office in order to efficiently carry out the tremendous burden that is placed upon him. There are over 3,000 islands in the Philippines; there are 49 Provinces, and it takes days and weeks to cover the tremendous extent of territory that comprises the Philippines. Frequent trips of inspection are essential in the interests of proper and efficient government. The Governor General can not do it alone and he should have the technical experts in his immediate office to act in his behalf. These should be civilians and the law should be changed to permit of civilian assistants in place of the present military advisers. It might be well to consider the detail to the office of the Governor General of experts from the State Department, the Treasury Department, the Department of Commerce, the Department of Agriculture, and the Department of Justice. This would have the additional advantage of keeping the government of the Philippines in closer touch with the Government in Washington, and would result in a clearer and more comprehensive knowledge of Philippine problems by the departments here in Washington.

Another change that I would suggest would be to increase the importance of the office of the lieutenant governor general. At present he is merely assigned as head of the department of education and has no other functions. He should not be as-

signed to be the head of any particular department but should be available for all duties that may come up and should be ready for all emergencies. He should not be tied down to one department but should be free to accept any detail or assignment that may be given him by the Governor General. With this change the Acting Governor General would have the power to call on the army and navy and could otherwise act in the absence of the Governor General.

One of the great difficulties that has recently arisen is the constant effort on the part of the Filipino politicians to break down the powers of the auditor. Under the organic act the auditor is appointed by the President. His chief duty is to protect the Philippine treasury. Since the Jones Act was written, the office of the Comptroller General of the United States has been established by the Congress. As the "watchdog of the Treasury" his duty is to see that money appropriated by Congress is spent in the manner contemplated by the law appropriating it. The Jones Act should be amended to clarify the duties of the Philippine auditor and bring them in conformity with the powers and duties of the Comptroller General of the United States. There should be no objection to such a change except on the part of those who may be selfishly interested. And their objections count for naught. A bill to bring this particular change about has already been introduced in Congress and reported favorably in both the Senate and House. A similar bill has passed the House at this session of Congress to change the organic act of Porto Rico with reference to the powers and duties of the Porto Rican auditor. In the new suggested organic act for the Virgin Islands the powers and duties of the auditor are based upon the powers and duties of the Comptroller General of the United States. Therefore this suggested change for the Philippines will mean that the auditing systems of the United States and the Philippines, Porto Rico, and the Virgin Islands will be uniform.

In connection with the clarification of the powers of the auditor for the Philippine Islands, it is also suggested that the court of first instance in Manila should be granted the same power and jurisdiction that the Court of Customs Appeals and the Court of Claims of the United States now have. This will be a big step forward and would safeguard the rights of any complainant against a decision of the auditor to his day in court.

A further change that should be made in the law is to provide that Americans may hold office under the island government. It is perfectly absurd that Americans should be barred from holding office in any territory under the sovereignty and protection of the United States. The present law in this respect, passed by the Philippine Legislature, is utterly un-American and should be changed as soon as possible. There are in the islands many Americans who have made their homes there and who are law-abiding, useful citizens. To say that they can not hold public office in the Philippine Islands is to me utterly ridiculous. The organic act is silent upon this point, but the Philippine Legislature have provided that no American can hold office. Therefore the organic act should be changed to make such a Philippine law impossible. It is a direct slap at America and American sovereignty. The few Americans that now hold public office are practically all holdovers from the days before the passage of the Jones Act.

The Filipinos should not complain against it, because the present personnel of the Philippine government is almost entirely Filipino, and this is amply proven by a survey of the facts. In a cable to the War Department dated June 22, 1926, Governor General Wood said:

> Legislature is entirely Filipino; of six secretaries of departments, five are Filipinos; of the nine justices of the supreme court, four are Filipinos, the chief justice being a Filipino. The attorney general and the solicitor general are Filipinos. Of the 55 judges and auxiliary judges of first instance, only 2 are Americans. All prosecuting attorneys throughout the islands are Filipinos. Of the 893 of the presidents of the municipalities, all are Filipinos; of 48 governors of Provinces, only 3 are Americans. These are in non-Christian Provinces. Of the many hundred justices of the peace, all are Filipinos except two or three on the United States Military Reservation. Ninety-seven per cent of the officers of the constabulary are Filipinos. Of the 28 bureau chiefs, only 4 are Americans. The personnel of the bureau of civil service, bureau of the treasury, and coast guard service are entirely Filipino. Of the bureaus of customs and posts more than 99½ per cent are Filipino. Of the bureau of lands and internal revenue 99 per cent are Filipino. Of the bureau of education more than 98½ per cent are Filipino, and of the bureau of health 96 per cent are Filipino. The insular auditor is an American, but the deputy auditor and the district auditors throughout the islands are all Filipinos.

In the main I have no doubt that the Filipinos will always hold most of the offices, as they should, but the control and responsibility should be retained in the Governor General. Responsibility without authority is a bad principle in government. The Governor General should not be constantly subjected to prolonged difficulties on appointments. Otherwise the prestige and sovereignty of the United States will suffer.

The above suggested changes in the organic act are advanced in the interest of efficient and honest government, in the interest of the prestige and sovereignty of the United States, and in the interest of the Filipino people themselves.

If they will loyally cooperate with us to the end of better and more efficient government, their powers for self-government will be increasingly developed and they can look forward to taking a greater and greater part in the government of their islands. It is within bounds of possibility that the day may come when a Filipino may be appointed Governor General of the Philippine Islands and who would be entrusted with the maintenance of American sovereignty and prestige.

The problem of the present and near future is close cooperation between the executive and the legislature in the interest of the social and economic betterment of the people of the Philippines. To this end politics should be forgotten.

THE MOVING-PICTURE INDUSTRY

Mr. TILSON. Mr. Speaker, as we all know, the gentleman from New York [Mr. BLOOM] was taken ill on the floor a short time ago and has not yet fully recovered. I ask that he be allowed to extend his own remarks in the RECORD on the subject of the motion-picture industry.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the gentleman from New York [Mr. BLOOM] may have leave to extend his remarks in the RECORD on the subject of the motion-picture industry. Is there objection?

There was no objection.

Mr. BLOOM. Mr. Speaker, under leave granted me this day I wish to insert the following remarks on the motion-picture industry.

It is a part of our duty, as I interpret our function as representatives of the people of the United States, to be fully informed upon, and to be constant observers of, anything—be it a physical thing or a mental thing or a combination of both—which has an influence upon our people and upon their welfare, material or spiritual.

We of the Congress, more than anyone else, it seems to me, should be most thoroughly conversant with every agency that enters the everyday lives of all our fellow citizens, or of the greater part of them. We should be familiar with the beginnings and the backgrounds of these agencies, with their present operations and standards, and with their aspirations and outlooks for the future.

Thus only—armed with such knowledge—can we legislate and advise properly for the benefit of all. Thus only can we give proper encouragement and aid to those agencies—and there are many of them—which are operating for the public welfare and making for the comfort and happiness of Americans. Our Nation is what it is, I think, because it has so many capable agencies working for its people.

In the fast-moving march of events in this fast-moving country, we are too apt, it seems to me, to accept without much thought and sometimes with no gratitude whatever, the accommodations, the conveniences, the luxuries, which are so readily accessible to all of us. They seem commonplace; they are part of us; they are inextricably woven into the fabric of our society. Yet we would seem totally lost were we to be deprived of any of these things which have become so familiar.

We accept as an everyday thing—getting along in some mysterious way which we do not stop to reason out—our great postal system, the vastest distribution agency in the world, and one of the greatest services to the Nation. We overlook, in our casual acceptance, the fact that men operate the postal system—men impelled by motives of genuine service, for we all know that their material rewards are far from great. We accept again our splendid transportation systems—our steam and electric railroads, our fast-growing automotive lines, our ocean and river vessels. Truly enough, these are commercial enterprises, operated primarily with the idea of gain, of money-making, but they can not profit, and none of them ever will, unless they render service and unless those who guide them have that impelling motive.

And so with our unsurpassed communication systems—our telegraph and telephone and radio channels for the dissemination of information and education—and so with our great newspapers and magazines. Back of each of these instruments of enlightenment is, of course, the definite demand of commerce that they must be operated profitably, that they must make money; but implanted just as strongly as that idea, in the minds of those who operate them, is the idea that they must

serve, that they are necessities, that the people could not do without them. They have responsibilities to the people; they realize those responsibilities and accept them; they carry out those responsibilities with the best of their sincerity and skill, and so—and only so—they succeed.

It is my wish, with your permission, to review here to-day another great agency which within our own lifetimes has come to be a very vital part of the American's existence—the motion picture. We accept our "movies," as they are affectionately called, just as we accept our mail service, our railroads and street cars, our telephones, and newspapers. They are part of us. The people of this country have made them their favorite form of diversion, and, indeed, for countless millions they are the only form of diversion. We do not know how we could get along without them. Yet it is very little that any of us know about the history, the growth, the present magnitude and the future possibilities of the motion picture.

Perhaps that is because of the quick upcoming of the thing and its amazingly wide and sudden spread not only throughout our own country but throughout the world. It is, indeed, only 30 years since the first pictures were shown in a theater in New York City at the end of a commonplace "variety show," as they were called in those days.

I must confess myself astounded at the information I gained during a recent study of motion pictures and of the motion-picture industry, which, from the standpoint of magnitude alone, ranks well to the front among the very greatest of American enterprises.

It is, indeed, the most distinctive of all American enterprises, in a fashion, for it supplies to the whole world a greater percentage of its product than any other American industry does of any other product. From the Department of Commerce I have these figures:

Of the world's—	Per cent
Land the United States possesses	6
Population our people make up	7
Wheat we grow	27
Silver our mines produce	30
Coal we dig	40
Steel, copper, and aluminum the United States produces	50
Cotton we grow	60
Telephones we use	63
Petroleum oil there comes from our wells	65
Corn we grow	75
Automobiles we make more than	80
Motion pictures we produce more than	85

It is astonishing again to learn that there are 175,000 of our fellow Americans regularly employed in the production, distribution, and exhibition of motion pictures.

We all know that motion pictures are popular, but we do not all realize, perhaps, that they are the most popular form of amusement the world has ever known in all its history.

There must be certain definite reasons for the tremendous popularity of this new and young form of amusement. There are. Psychologists and sociologists are able to explain these reasons readily enough. Here is their explanation:

Recreation and diversion from the ordinary routine of life is one of the absolute necessities of mankind. If relaxation is not provided in the form of beneficial, or at least wholesome entertainment, there will be irritability, abnormal fatigue, or antisocial outbreaks. In the early days of savagery man had ample diversion in providing himself with food and in escaping from the wild beasts and his enemies in order merely to live. But as time went on and the gaining of a livelihood became more simplified, he had leisure time to himself and then there arose the necessity of occupying at least part of this time with pleasant diversions.

Man's first pastime probably was the hunt, the thrill of this remaining with him even after the necessity of it had vanished. The dance, which was originally part of his religious ceremonies, was another early form of diversion. This, like the hunt, we still have with us. Contests of skill and speed, such as the Olympic games, also originated in a semireligious way, since they were inaugurated as part of the funeral services in honor of ancient Greek warriors.

Travel was always a diversion for mankind, but it was and still remains within the reach of a comparative few and not of the majority. From very early days man has been diverted by the drama, but there again is an instrument of entertainment which is not within the reach or the means of everybody. The use of literature as a means of entertainment was extremely limited in man's early days because the handwritten manuscripts were possessed only by the rich and the scholars. Literature as we know it, in the form of the printed book, is less than 500 years old, since type was not invented until 1450. Even now not everybody cares for reading nor, in spite of our many public libraries, are the best books available for everybody.

The great popularity and success of motion pictures, therefore, is due to several easily traceable causes. First, they are within the reach of all. There is scarcely a village, scarcely even a neighborhood in all civilization without its motion-picture theater. At the same time the pictures are within the means of all. There is no one who can not occasionally, if not regularly, pay the small fee which gains him admittance to the motion-picture house. Added to these basic advantages there is another and perhaps a dominating factor, motion pictures combine at least some of the attractiveness of all the older diversions of mankind.

For example, travel. In a comfortable seat near his own home, warm in winter and cool in summer, the movie patron has the whole world brought before his eyes, not only by means of the news reel, but also through the many photoplays which have their scenes laid in foreign lands. His love of the hunt is satisfied by means of pictures taken in the wilds, showing the savage beasts in their native environments. As for sport, he sees reproduction of the great spectacles of old in many of the entertainment pictures, while the current sporting events, whether a world series baseball game or a championship tennis match in France, are brought to him by the news reel.

The motion picture chooses the very best from literature and the drama, both the classics and the material of the moment, for its screen presentations. From the works of the old masters down to those of the most popular novelists and playrights of to-day, nearly everything beneficial and entertaining has been and is being picturized; and so the picture patron is not only being entertained, but educated by literature and the drama as he sits in his cheap, easy seat at his favorite picture house. There he also enjoys with each performance one of mankinds greatest pleasures—good music.

There should be no mystery or wonderment about the reason for the great popularity and success of the motion picture. The answer, as you see, is very simple.

The rapidity of the growth and development of the motion-picture industry is the most surprising thing about it, and I think credit for that is due to the manner in which it has been regulated—self-regulated, if you will—by those who have controlled it, particularly within the past few years.

Let us look briefly at the motion-picture's history. The idea that a series of objects in different positions when moved rapidly before the eye would create the illusion of motion is by no means new. The Greeks of old had primitive devices employing this method. It is said that even the Chinese 3,000 years ago painted figures on silk ribbons which when drawn through a small box appeared to move.

But it remained for two Americans, both living and active and useful, to bring about the pictures in motion as we know it to-day.

In 1888 Thomas A. Edison made practical a camera capable of taking a great number of photographs in rapid succession. But he had no suitable substance upon which images obtained by his lenses could be recorded. He perfected a camera, nothing more.

In the same year George Eastman, unknown to Mr. Edison, perfected a flexible ribbon of celluloid coated with sensitive emulsion. This was for use in his famous Kodak camera, which took pictures of the type we now call "stills." Mr. Eastman knew nothing of motion pictures and had no interest in them. He did not even know that Mr. Edison was working on a camera to take them. But news of the celluloid ribbon in some way came from Rochester, N. Y., to the Edison laboratory in Menlo Park, N. J. The two men got together. The combination of inventions was found to harmonize, and then and there was the beginning of this great industry, which now carries the name of America to the ends of the earth.

Little importance was attached to motion pictures at that time. They were a novelty—a sort of toy—and one person at a time looked at them through an aperture in a box, after having dropped in a coin. It was eight years later, in 1896, as I have said before, when motion pictures were first presented in a theater as a form of entertainment. As such, they are 30 years old this year, and the industry is celebrating their thirtieth birthday. These first pictures were merely little flashes of action—a dancer—a chorus from a musical comedy and some waves breaking on the shore. They told no story, and there was no drama about them. They were simply pictures that moved—although even they seemed miraculous in those days.

These first pictures ran for little more than one minute apiece and were registered on about 40 feet of film.

The first attempt at drama—at a real photoplay—was not made until 1903, when a wild melodrama called "The Great Train Robbery," which was 800 feet long and ran about eight minutes, was presented.

In the early 1900's the first motion-picture houses were established. They were usually vacated stores, or abandoned shooting galleries, and often the spectators sat on camp stools borrowed from the friendly undertaker next door. The shows ran about 10 to 15 minutes each, and the admission price was a nickel, which gave rise to the name with which we all used to be familiar, "Nickelodeon." There was no music at all, at first; then the rattletrap piano was introduced chiefly with

the idea of marshaling one group of customers out, and another group in.

When we entered such places, we went furtively and were more or less ashamed to be seen doing it.

The motion-picture theaters of to-day are actually the show places, the public monuments, so to speak, of many of our municipalities, and we are all proud of them. Some of them seat as many as 5,000 persons and even larger ones are under way.

The masterpieces of drama, of history, of comedy and tragedy that we see now often run for more than two hours and form a whole evening's entertainment. The works of the world's most famous authors and playwrights are sought for pictures, and are made into photo-dramas that frequently are more interesting and vivid than the original novels or stage plays. We have orchestras, numbering as many as 80 musicians, educating the public in the finest sort of music, and possessed of libraries containing as many as 60,000 different compositions.

It is true that in the early days the motion-picture business was a game, a circus, a fly-by-night sort of thing, conducted in a helter-skelter fashion, and with utter disregard of the common-sense methods pursued by older and more established businesses. There was money to make in it—quick and plentiful money—and in the haste of getting this there was neither time nor disposition on the part of those who made pictures, and those who showed pictures, to realize the importance of this new thing that had fallen into their hands. Indeed, such a condition prevailed until very recent years.

In 1922 the more thoughtful of the motion-picture producers and distributers, realizing the unlimited possibilities for good or for evil in this instrument for the transmission of ideas, got together and determined—and publicly avowed—that the power of the motion picture, great then, greater now, and inevitably to be still greater as the years go on, should be wielded for the good of humanity.

Nine producing and distributing corporations banded themselves together under the title of the Motion Picture Producers and Distributors of America (Inc.), and in their articles of incorporation they set forth their purposes as follows:

> Establishing and maintaining the highest possible moral and artistic standards of motion pictures, and developing the educational, as well as the entertainment value of the motion picture.

I think it will be agreed that no more worthy ideals could have been set down and that if these ideals were carried out with sincerity the whole world was bound to benefit.

The first step taken by the men who formed this association was to engage a leader and adviser, a man whom they could respect and trust, and particularly a man equipped with a knowledge of the real America and of the psychology of his fellow Americans.

They chose a man amply possessed of those qualifications—Will H. Hays, a distinguished lawyer, a distinguished worker in a number of causes for the betterment of America, and at that time Postmaster General of the United States. On various missions during the greater part of his life, Mr. Hays had been up and down, and over and across the United States, and was as familiar with the residents of tiny hamlets as he was with those of the greater cities.

It seemed to him that there could be no greater public service than the guiding of the destinies of this instrument, the motion picture, which has so powerful an influence upon all the people; and so, after long consideration, and with the full approval of President Harding, of whose cabinet he was a member, Mr. Hays accepted the position of president of the Motion Picture Producers and Distributors of America (Inc.), and of adviser to this whole great industry.

Of motion picture technicalities Will Hays knew nothing whatever, but one basic fact about pictures he did know, and this fact has motivated his every action since he took office. That fact is this, that the motion pictures, the beloved "movies," belong solely to the people, and that the motion-picture industry must always be the public servant.

One of the first steps taken by the Association of Producers and Distributors was to call a conference of the representatives of national, social, religious, welfare, and educational bodies, to secure their advice and cooperation in achieving the purposes that I have just quoted to you. Out of that conference the Committee on Public Relations was formed, representing through their member organizations many millions of men and women interested in public welfare.

They proceeded to act as an advisory body to interpret the desires of the public in relation to the motion-picture entertainments and to develop pictures to a higher plane through a systematic plan of supporting the best productions. It was evident that if the commendable pictures were successful from a business point of view, more of the same quality would be produced. About 60 national organizations came together in the summer of 1922 to form the Committee on Public Relations. Here are the names of some of them. The number was increased later to 73:

The National Society of the Sons of the American Revolution.
National Society Colonial Dames of America.
National Health Council
Boys' Club Federation.
The American Sunday School Union.
Chautauqua Institution.
National Safety Council.
American Home Economics Association.
The National Community Center Association.
Community Service.
American City Bureau.
Central Conference of American Rabbis.
Safety Institute of America.
Child Welfare League of America.
American Child Health Association.
National Education Association.
Federal Council of Churches of Christ in America.
National Christian Board of the Young Women's Associations.
American Library Association.
International Federation of Catholic Alumnae.
The Woodcraft League of America.
Actors' Equity Association.
Commonwealth Club.
The American Legion.
American Federation of Labor.
Jewish Welfare Board.
Girl Reserve Department of the Young Women's Christian Association.
Recreation Department of the Russell Sage Foundation.
Camp Fire Girls.
The Council of Jewish Women.
National Committee for the Prevention of Blindness.
Cooper Union.
Associated Advertising Clubs of the World.
American Museum of Natural History.
National Council of Catholic Men.
The Academy of Political Science.
National Child Labor Committee.
National Civic Federation.
Boy Scouts of America.
National Catholic Welfare Council.
National Congress of Parents and Teachers.
Young Women's Hebrew Association.
American Historical Association.
National Association Civic Secretaries.
National Tuberculosis Association.
National Association of Book Publishers.
National Christian Endeavor Society.
Young Men's Hebrew Association.
National Council of Catholic Women.
General Federation of Women's Clubs.
War Department Civilian Advisory Board.
The Girls' Friendly Society in America.
Girl Scouts.
The National Security League.
Daughters of the American Revolution.
The International Committee of the Young Men's Christian Association.
The Salvation Army.
Dairymen's League Cooperative Association.
American Civic Association.
Playground and Recreation Association of America.
New York Child Welfare Committee.

At the end of three years the committee found that its work had increased to such an extent and had grown to such proportions that expansion on a broader scale was essential.

Therefore the committee in the spring of 1925 asked that a full department be created within the Motion Picture Producers and Distributors of America (Inc.), with power and personnel to carry on the increasing work. This proposal was made by the committee to Mr. Hays and his associates, who acquiesced, and the department of public relations was established to serve as the industry's official means of continuing and further developing public cooperation as initiated by the public-relations committee. The committee then disbanded, each organization continuing its contact through the so-called open-door policy already established. The secretary of the committee became the director of the public relations department of the Motion Picture Producers and Distributors of

America (Inc.), thus continuing the policies and plans initiated by the committee.

By "the open door" is meant that an invitation has been extended to all thoughtful, interested individuals and organizations to take their constructive and helpful suggestions and advice to the motion-picture industry through a department of public relations created for the purpose of receiving them. The invitation to the public was broad and definite. It said to the public: "Be pleased to come in," and it went beyond any other industry in asking the public, which it serves and to which it sells its product, to come in and say how pictures should be made. The "open door" offers a simple and concrete method by which the public, on one hand and the industry on the other, might work together for the betterment of all concerned.

The responsibility for using the "open door" was placed on the public and many individuals and organizations have accepted the responsibility and availed themselves of the opportunity. "Official contacts," as they are called, have been appointed by many groups throughout the country who are helping to interpret the wishes of the public. That these wishes have been met and that they have been correctly interpreted is evidenced by the attendance figures for the motion-picture theaters in this country.

One of the more conspicuous examples of the form of cooperation held out by the "open door" is to be seen in the consultations which producing companies have held during the past year with responsible groups and individuals representing the best in American life in planning the production of photoplays.

For instance, when the picture Thank You was contemplated the Fox Film Corporation invited a group of representative ministers in New York to confer with the president of that organization, the scenario writer, the director of the motion picture, and others in authority as to the best manner of presenting the story on the screen.

Thank You, as you know, has a minister for its principal character, and the story itself treats of the problems of an underpaid clergyman in a small-town community. The motion-picture industry realized its responsibility and its opportunity in presenting a theme of this sort, and so churchmen were asked to outline how the minister should be portrayed. The latter responded to the invitation, and the picture Thank You, as a result, was praised by church people in every corner of America.

Similarly, when pictures are contemplated in which special groups, such as Catholics, members of historical societies, or organized Protestant churches, are interested, representatives of these groups are asked to participate in the preliminary discussions and to offer such suggestions and advice as may be pertinent. In this way the motion-picture industry has gone a long way ahead of other industries in that it seeks advice on what the product shall be in advance of its presentation to the public, and it is getting this help in a most constructive way through its public relations department.

Since its formation the Motion Picture Producers and Distributors of America have worked effectively with the drama committee of the Federal Council of Churches, with the National Catholic Welfare Conference, with such societies as the Daughters of the American Revolution, Boy Scouts, and the like. The door has been held wide open for these and other groups, and all have benefited by consultation on matters of mutual interest.

I have said that credit for the present status of the motion-picture industry and the present quality of the pictures themselves should go to the manner in which the industry has been self-regulated by those who control it. I should add that credit should likewise go to those splendid men and women who have served the department of public relations, and credit should go particularly to Will H. Hays, who brought the public and the producers together to sit at the same table in conference on motion pictures.

From time to time we have had demands—not especially significant demands, but demands nevertheless—for some sort of Government regulations of this industry. It seems to me that no regulation could possibly bring about the beneficial results that are now being brought about by Mr. Hays' association, and the splendid men and women representing the organized better thought of the public.

Since there is a variation of taste in regard to motion pictures as in regard to anything else, it may be that the picture makers can never please 100 per cent of their patrons any more than the novelists or the playwrights, or the magazine and newspaper editors, can please 100 per cent of their patronage. But it is an outstanding fact, I think, that the motion picture of to-day is not only cleaner and more wholesome, but is likewise more entertaining, and more beneficial than the average novel or stage play, or than a great number of magazines and newspapers. Those who make and show pictures under the guidance of Mr. Hays have come to realize fully another basic fact which he has always realized—that the manhood and womanhood of America is sound and wholesome, and that it wants wholesome as well as artistic and dramatic qualities in its entertainment.

A very definite thing has been, and is being done by these motion-picture producers, and done in an entirely voluntary way, toward making sure that their production remains wholesome. I should like to tell you about this.

We are all aware of some of the curious phenomena which mark this curious age in which we live. There has been here and there among certain groups of people, a tendency to defy the codes and conventions under which the world has operated for ages and which centuries of experience have proved to be the best rules for the operation of the world. In many printed books and in many spoken plays there have been extremely free discussions of this defiance, and of topics which before this particular era were discussed in whispers, if at all.

The authors of such books and plays contend—and with perhaps some justification—that they are simply reflecting some aspects of the life which is going on about us. And if the motion-picture makers were to deal with themes and situations of the sort dealt with in such books and plays, they too might claim a right to mirror life. But they have not done so, and they say they will not do so.

Their motives are a combination of good business sense as well as good morals. That sort of unconventional, code-defying irreligious life portrayed in the more or less prevalent book or play is, after all, being lived by only an insignificant few, and it should not be impressed by means of the screen upon the minds of the vast majority who do not live it and who disapprove it. And it is to this vast majority that the motion picture, if it is to be commercially successful, must make its appeal.

That sort of life has never been shown on the screen. We are all familiar, of course, with the agitation early this summer over what were vulgarly termed "dirt" plays on the stage of New York City. There was a similar agitation last winter. The stage because of its tendency in this direction faced an extremely serious situation. So-called "pure-play juries" were formed. Some theatrical offerings were stopped.

You may or may not remember the names of any of these daring plays. Perhaps it is better to forget them. But the motion-picture industry can ask a certain question as to those plays, which will get a certain answer. The question is, "Has there been any attempt to turn these daring plays into motion pictures?" and the answer is, "No."

Of their own accord, in the spring of 1925, the motion-picture producers established a certain formula in regard to the subject matter which they intended to picturize. And it was this: Whenever a company which is a member of the Motion Picture Producers and Distributors of America is offered the screen rights to a book or play which they believe is of doubtful propriety, that company notifies the office of Mr. Hays, which is the headquarters for the industry.

The company says, "Frankly we are doubtful about the wisdom of making this subject into a motion picture even though it was a 'best seller' as a book, or has had a long and successful run on the stage." Mr. Hays has his staff read the book, or see the play and decide whether or not the company is justified in its apprehension over making a motion picture out of the subject matter. If they agree with the company, and this is usually the case, a notice is sent out to all the other member companies that company "A" has declined to picturize a play, whereupon the other companies adopt the same policy.

By this degree of care more than 150 novels and stage plays have been declined for picturization within this period.

Some of the books have been big sellers and some of the plays have been record breakers in their duration on the boards. But in the opinion of the motion-picture makers these stories were not the sort which should be offered to those who patronize the screen. I will not mention the names of any of these books or plays, but you can cast your minds back over the past couple of years and recall the list of best sellers and best stage successes and dramas and there will occur to you some names of novels or plays which you have not seen, and will not see, upon the screen.

This was indeed regulation of the motion picture industry, but it was regulation not by any political body, not by any board of censors but by the industry itself. And it was far more effective than any outside regulation possibly could be.

The operation of this formula alone, and this is just one of many things the industry has done for itself, seems to me to be conclusive proof of its capability to regulate itself.

As I said, this organization, headed by Will Hays, started its career in 1922 with nine members, and with an avowed policy which I will repeat:

Establishing and maintaining the highest possible moral and artistic standards of motion-picture production and developing the educational as well as the entertainment value and general usefulness of the motion picture.

To-day the association includes 23 of the largest and most important corporations which make and circulate motion pictures, and it seems to me that the artistry and wholesomeness of the pictures which we see upon the screen right now prove that these men have carried out their pledged word.

There is one absolutely convincing and indisputable proof of the success of the motion-picture producers and distributers in carrying out the purposes to which they pledged themselves when four years ago they formed their association. That proof is the pictures themselves.

That is the chief concern of all of us who are taking part in these hearings—the pictures. Are they what they should be? Are they what should be offered to more than 100,000,000 Americans each week as their principal form of diversion and amusement? Apparently this vast number of men, women, and children feel that the pictures are what they should be since week after week they patronize them. Picture patrons have never asked for censorship.

Let us look directly at the motion pictures—the individual pictures which are being shown to the hundred and odd millions. Let us take, for example, a single week's showings on Broadway, New York, where you will find as diversified a theater patronage as you will find anywhere in the world.

There is Ben Hur. We are all familiar with Gen. Lew Wallace's classic story as it appeared in book form and as it endured for many years upon the stage. Now, thanks to the magic of the camera, it is a greater and more sweeping story than ever, and at the same time it is one of the most deeply, powerful, and reverential lessons in religion that could be presented by any medium. It has the great thrill of the famous chariot race, and at the same time it has the inspiring story of the Nazarene and His disciples, and of the young Jewish patrician Judah, Ben Hur, who followed in the Master's footsteps.

There is The Big Parade, which brings to the spectator a finer and more accurate conception of the World War and the part played in it by our American youth, rich and poor, than any spoken oration or printed history could bring. It was written by a marine. Some of our marines took part in its fighting scenes. It is a powerful lesson in patriotism which never fails to bring forth cheers from those who see it, while at the same time it is one of the most powerful preachments against the tragedy and folly of war.

Another war picture is showing—Mare Nostrum. This, besides being fine entertainment, is a revelation of the ruthless submarine warfare and of the intricacy and widespread nature of the spy system. This picture is thoroughly educational.

The Sea Beast is a picture which is attracting great throngs. This is an adaptation of the famous story written by Herman Melville, Moby Dick, a tale of those gone-by days when the whaling industry was well to the fore among American enterprises and when wonderful sailors and courageous huntsmen were among the proudest products of New England. No less a personage than John Barrymore, commonly conceded to be America's best actor, retired from an engagement on the speaking stage to appear as the hero of this photoplay.

Broadway is witnessing a pictorial presentation of La Boheme, Murger's classic narrative of life in the studios of the poor artists of Paris, with which story all are familiar in its form as an opera.

Then there is a picturization of Mr. Belasco's familiar and successful stage comedy Kiki. There is Stella Dallas, a fine and touching story of a mother's love and sacrifice for her daughter. There is The Black Pirate, a fantastic and thrilling picture-play in color of the old days when the skull and crossbones flew at the masthead of many a ship. This is Douglas Fairbanks's picture. The finest of our younger comedians, Harold Lloyd, is to be seen in another of his frolicsome farce comedies, For Heaven's Sake.

There is no picture in that group to which any person could offer reasonable objection. On the contrary, it seems to me—and it has been set forth by the professional reviewers of the New York City newspapers—that this is as fine a collection of pictures as present day and art and ingenuity could devise. Yet no special effort was made to establish any record for beauty and worthiness of motion pictures during this particular week. These pictures represent the type of excellence toward which the producers have been devoting their efforts since they formed their organization—the standard of excellence to which they have been coming closer and closer with each succeeding year.

Literally, hundreds of fine entertaining and beneficial photoplays have been produced during the past few years. It has been my privilege and pleasure to see and enjoy many of them. Let me refer to some of the pictures dealing with subjects which have had to do with the history and development of our own country—and I might say that I do not believe history has ever been taught to our American youth so tellingly as it has been taught by means of the screen.

The picture America, made with the approval and more or less under the supervision of the Daughters of the American Revolution, one of the organizations cooperating through the public relations department, was a thrilling and accurate narrative of our struggle for independence. Janice Meredith, although a romance, dealt with the same period and portrayed the hardships and ultimate successes of our great early leaders.

Coming a step further along in our history, we find The Covered Wagon, showing our pioneer forefathers making their way across the continent and fighting for their very lives against starvation and savages so that they might open up the West. Descriptive of the period only a little later we find The Iron Horse, picturizing the splendid and brave work of those Americans who linked the two oceans with the rails over which to-day we ride in comfort and luxury.

Another means of transportation in which America was a leader was the steamboat. The development of this and the historic first voyage of Robert Fulton up the Hudson River on his little steamer *Clermont* are shown in another film masterpiece, Little Old New York.

There are many great pictures dealing with the development of our western country: For example, The Vanishing American, which traces the history of one of our Indian tribes, and The Pony Express, showing how our mail was carried before the days of railroads.

Perhaps the greatest historical picture ever made—one which impresses indelibly upon the minds of the spectators that great struggle between the States and that immortal statesman who dominated the scene—is Abraham Lincoln. This picture teaches more history than a hundred books or a hundred lectures.

There are many religious and semireligious photoplays to be seen. The Ten Commandments, telling the story of the Exodus and of Moses receiving the divine rulings on the mountain top, preaches the most powerful sort of sermon. The Wanderer tells in film form the story of the prodigal son. There is Quo Vadis, depicting the martyrdom of the early Christians. The White Sister is a semireligious romance of old Rome. In the way of modern semireligious pictures we have The Miracle Man and The Fool, dealing with the power of faith, and Thank You, a comedy drama showing the hardships of the underpaid minister in a small community, made with the immediate assistance of the representatives of the various religious denominations.

The histories of other nations as well as our own have been taught to millions by means of the photoplay, for example, The Hunchback of Notre Dame, Scaramouche, Monsieur Beaucaire, and Madame Sans Gene, touching upon French history; Beau Brummel and Nell Gwyn, among others, showing various aspects of English life.

The current activities of our own Government are shown to great advantage in a number of motion pictures. Indeed, the Government was glad to cooperate with the producers in the making of some of these, for in no better fashion could our people learn what our leaders were doing. Classmates was made at West Point, with the participation of the Cadet Corps. The Midshipman was made at Annapolis, and was participated in by our young men in training there. The Air Mail, showing America's leadership in the carrying of communications, was made with the assistance of the Post Office Department.

There have been many pictures dealing with great American industries, for example, The Limited Mail and The Signal Tower, having to do with railroads, and Steel Preferred, showing the inside of another industry in which America leads the world.

A distinguished list of the great authors, living and dead, whose works have been picturized might easily be set forth. The motion-picture producers do not seek their material in the low and unwholesome writings which in these days have apparently so vast a circulation. On the contrary, they are only too eager to purchase the picture rights from the very best novelists and dramatists. I might point out that several of Sir James Barrie's works have been screened, among them Peter Pan and A Kiss for Cinderella. The Lost World is a current picture from the pen of Sir Arthur Conan Doyle. We

have seen pictures by Sir Hall Caine, Sir Gilbert Parker, Arnold Bennett, John Galsworthy, William J. Locke, Basil King, Thomas Burke, Anthony Hope, Jeffry Farnol, Henry Arthur Jones, Michael Arlen, E. P. Oppenheim, Louis Joseph Vance, and others of this type. We have seen pictures from the French stories of Hugo and Balzac, and the later Sardou and Cuitry, and the Austrian Sudermann, and the Spaniard Ibanez.

Photodramas have been made from the American stories of those masters, Nathaniel Hawthorne, Robert Louis Stevenson, and Mark Twain, and nearly all the popular authors of our own day have been represented upon the screen, for example, Booth Tarkington, Joseph Hergesheimer, Edna Ferber, Gertrude Atherton, Fannie Hurst, George Ade, Rex Beach, Gouverneur Morris, F. Scott Fitzgerald, Harold Bell Wright, Zane Grey, Arthur Stringer, Robert W. Chambers, Rupert Hughes, Richard Washburn Child, Peter B. Kyne, Elmer Davis, Laurence Stallings, Kathleen Norris, Alice Duer Miller, Mary Roberts Rinehart, and others.

I do not seek to create the impression or to put forth the argument that the motion picture is primarily educational. It does not set out to be educational as its main purpose. It is, primarily, and perhaps always will be, intended for entertainment. But I do contend that almost every picture shown carries a by-product of education, even though it be but education in manners, in customs, and the like. And even those pictures which have no special educational value—those comedies and romances and tragedies which deal with the everyday affairs of life—have the very great value of diverting and pleasing for a couple of hours those who behold them.

The tendency in motion-picture production to-day is to make great classics, clean romances of present-day life, comedies, particularly these latter. And we must all concede that we can not find too much clean laughter in the world.

Of course, no thoughtful person can reasonably expect all motion pictures to be constructed to fit the psychology of the 12-year-old boy or girl any more than a thoughtful person would expect all books to be written for the child's mind. The primary purpose of the motion picture is entertainment of the mature.

There are certain problems in life which must be picturized if we are to have drama (which is based fundamentally upon a conflict between good and evil), and some of these problems to be depicted perhaps are not just the sort of things for the young to see. Yet if these things are eliminated altogether, and if all pictures are made to appeal to the adolescent mind only, then adults will not wish to go to the theaters and the motion picture will quickly pass out of existence.

There is in this connection a definite responsibility resting on the parents' shoulders, just as there is a definite parental responsibility as to the books read by the young and the stage plays that the youth sees.

In spite of this parental responsibility, however, the motion-picture industry has planned a service for the young which even now is in operation and which helps to take care of the situation.

A series of pictures particularly adapted to the youth have been selected and carefully arranged for presentation in motion-picture theaters at special performances. More than two years were spent in preparation, in going through the film treasuries of the companies belonging to the Motion Picture Producers and Distributors of America (Inc.), and in gathering the material which now provides 52 complete programs of 8 reels each—a supply sufficient for a year's showings.

Each program contains a feature picture about five reels in length, a comedy, and a short-subject reel of an instructional nature, so assembled as to furnish a well-balanced performance of approximately an hour and a half's entertainment. Included in these programs are such pictures as The Hottentot, The Busher, Dinty, Penrod and Sam, The Blue Bird, The Kid, and so on, with such stars as Mary Pickford, Wallace Reid, Charles Chaplin, Jackie Coogan, Marguerite Clark, Buster Keaton, Johnny Hines, Baby Peggy, and others who are known widely as outstanding figures in the motion-picture world.

These programs made with the full cooperation of interested citizen organizations were offered to the public under the name of The Saturday-Morning Movies, and they were available for use in any theater in any community where the public wished them. An admission price of 10 cents for children was arbitrarily fixed and the machinery by which the films were to be distributed through the film boards of trade, and so forth, was set into operation by the Producers and Distributors Association.

Prior to this experiments were made in a number of selected theaters and communities in order to determine whether the children liked the pictures and whether the public response was as great as the voice of the demand. The pictures received a hearty reception in the experimental state and last fall the service was extended on a permanent basis.

A great many communities at once availed themselves of the opportunities and the Saturday-Morning Movies were set in use. Since then the success which these programs have attained has been directly proportional to the interest exhibited by the parents, guardians, teachers, and others who have control over the attendance of children at these showings.

The Saturday-Morning Movie is now and will remain available for use wherever there is a demand and an organized wish for them. Heads of various groups have viewed these pictures and in those places where they have been shown consistently children and parents alike have received them with pleasure. While the production in the last few years of so large a number of pictures suitable and desirable for children has lessened the demand for special pictures for children, these programs are there for those who really wish them.

At the same time there are in many communities groups presenting Saturday morning performances with pictures selected by themselves and shown under their direction and chaperonage. These groups are working harmoniously with the theater managers, the film boards of trade, and other industrial factors and with success.

Not long since at a meeting of the ministers of many denominations in Brooklyn, N. Y., the suggestion was made that motion pictures be shown regularly to the children of that city as one constructive method of preventing crime. This suggestion is directly in line with the thought of such leaders in juvenile training as Judge Ben B. Lindsey, of Denver, Colo., a world authority on the handling of children. Judge Lindsey in a recent address said:

> I know thousands of children who have been elevated, inspired, and made happier because of the movies; who have been kept off the streets, out of the alleys, the vulgar story-telling of the barnyards, and a multitude of idle, evil associations, by the wholesome appeals and opportunities of the movies.

At the same time it is interesting to note that the Children's Bureau of the Department of Labor has definitely refuted the charges that juvenile delinquency is increasing. A survey covering a period of 10 years has shown that juvenile delinquency really is decreasing and that in the larger cities where the errors of youth have been more apparent the drop has been decided. New York, Washington, Chicago, all three, showed a big decrease in the number of children's cases handled by the juvenile courts for each 1,000 of population. And this decrease has come at a time when the motion-picture theaters have increased by the thousands.

There was a suggestion—indeed, a belief until a few years ago—that the ownership and control of the motion-picture industry reposed in the hands of a very limited group of individuals. To some extent this belief may still persist and perhaps there is no better time to dispel the belief than right now.

Looking over the statements, the financial statements, of half a dozen of the larger producing and distributing corporations, we find that they have outstanding 3,554,115 shares of stock in the hands of no less than 11,516 shareholders resident in 45 of our States and no less than 12 foreign countries. This large number of individuals, widely scattered, are the owners of the movies.

Motion-picture stocks are traded in every day in the exchanges, and it is perhaps worthy of note that during the recent flurries when the stocks of other industries—older and formerly deemed perhaps most substantial—skidded downward in value, some to remain at the lower figures, the motion-picture stocks were affected little, if any, by the most of speculative trading, and if they did lose a few points, they quickly regained their former ratings.

The motion-picture industry is not held tightly by any small group. More and more it is becoming the property of the public, which is as it should be. Since the business has been stabilized and operated under the sound common-sense methods of other great businesses our very best banks are only too glad to finance motion-picture production and distribution and our best financial companies are only too eager to take care of the stock selling and flotation.

This increasing solidity of the motion-picture business is to my mind another proof of its ability not only to regulate itself but constantly to improve itself.

There are numerous other instances to show how the motion-picture industry is regulating itself. Nothing could be more convincing perhaps of how it has settled its internal affairs than by observing how it used arbitration in the settling of its trade disputes during the last two years in its care of

children employed in the industry, and in its establishment of a free centralized casting bureau which takes car of extra labor employed.

A recent report by Prof. Raymond B. Dunlap, director of the child-welfare department of the Los Angeles public schools, outlined how children are cared for in Hollywood. Every child employed must have a certificate signed by his parents or guardian, the director, and the producer of the picture, and by the director of the child-welfare department. In addition, each child must have a medical certificate of health, new certificates being required for each successive picture in which the child is to appear.

Schools have been established within the studios, these being maintained by the producers at their own expense but conducted under the supervision and direction of the Board of Education of Los Angeles. Teachers are employed by the board of education but are paid by the producers. The children, according to Professor Dunlap, are under eight-hour supervision. They must have regular hours for recreation and regular hours for classroom work, and at all times during the day are under the supervision of the teachers. The children are employed before the camera less than an hour a day, Professor Dunlap reports, and more often are not used for more than 10 minutes during the day. Last year the scholastic record of the studio children excelled that of the children in the regular public schools by 17 per cent. This degree of proficiency was due, according to Mr. Dunlap, to the better facilities supplied by the producers in comparison to those furnished by the city.

The work with children in this field developed about the same time as that in regard to labor in Hollywood. Prior to the establishment of a free-casting bureau for extras those who sought employment in pictures were required to pay 10 per cent and upward of their salaries to the employment agencies through which they obtained their placements. Charges were made not only for the first placements but for subsequent placements. At the beginning of this year a free-casting bureau was opened by the producers in California, and through this bureau all employment of casual labor will be made. The bureau is maintained without charge to the employee. Through the operation of such a bureau questionable agencies, schools, and the like, which have held out false promises to movie-struck men and women, will be abolished or wiped out of existence.

The motion-picture industry, for the second year, has been the outstanding example of the successful use of the arbitration system in settling trade disputes. A recent report of the Arbitration Society of America declared that no other industry even approached it in successfully settling its trade affairs.

The following table will indicate just how broadly this system has been employed and how effectively it worked in 1925:

Disputes, involving $2,542,544.40, disposed of	11,887
Disputes, involving $802,747.69, settled before submission to the boards of arbitration	4,269
Awards, involving $1,351,206.72, made by the boards of arbitration	5,450
Disputes, involving $124,797.23, withdrawn by complainants	554
Disputes, involving $87,147.86, dismissed by the boards	292
Disputes requiring a seventh arbitrator	22
Disputes, involving $205,216.71, pending Dec. 31, 1925	539
Disputes were litigated after arbitration	17
Dispute was litigated before arbitration	1

In 1924 the figures were as follows:

Disputes between distributors and exhibitors involving $2,119,622.56 disposed of	11,197
Disputes involving $871,035.74 settled and disposed of without submission to boards of arbitration between time complaint was made and the meeting of the boards to hear same	5,697
Awards involving $1,077,968.99 made by the boards of arbitration	4,875
Disputes involving $132,115.48 withdrawn by complainants	832
Disputes involving $38,502.35 dismissed by boards of arbitration	293
Disputes requiring a seventh arbitrator	15
Disputes involving $140,234 pending on Jan. 1, 1925	520
Disputes litigated after arbitration	4
Dispute litigated before arbitration	1

These trade disputes were handled by 33 arbitration boards in as many key cities. Each arbitration board is composed of three exhibitors and representatives of three distributing companies, a seventh member of the board being elected in the event of a tie vote.

Richard Washburn Child, president of the Arbitration Society of America, in commenting on the accomplishment of the motion-picture industry in this important matter of arbitrating disputes, said:

> As yet no other industry can in any way approximate either in number of cases (arbitrated) or in the scope of their distribution the rapid progress made in the motion-picture industry * * * The experience of the motion-picture industry is duplicated by an increasing number of trade and professional associations which are making more and more use of the principle of commercial arbitration, and for the second year the motion picture has given the American business world striking proof of the effectiveness of commercial arbitration in the speedy and economical settlement of business disputes.

With the development of the motion picture and the better understanding of its tremendous possibilities for human good, eyes were turned almost immediately toward the production of pictures that would aid in religious teaching and in the advancement of classroom work in the schools. Leaders in and out of the motion-picture industry felt that to have the motion picture and not to use it to advance religion and education would be as wasteful as having the printing press and declining, or failing, to print any books other than novels.

While both the religious picture and the pedagogic picture were being discussed and planned for at the same time, the development of the picture for use in the churches came first, though it was followed so closely by the development of the teaching-film field as to make both virtually the same age.

In order that the foundations might be well laid, experiments in the church field were undertaken more than a year and a half ago, a department being established by the Motion Picture Producers and Distributors of America for that specific purpose. A series of religious pictures—about 11 reels, in fact—were obtained for the experiments, and these were placed in a number of churches in and around Greater New York. The Federal Council of Churches of Christ, as an interested party, organized the distribution in these churches.

A careful check was made on attendance at the churches throughout the period of experimentation, and, as a result, it was found that attendance on the Sunday nights when pictures were shown increased 36 per cent and the congregations were enthusiastic about the helpful instruction resulting from the illustrated texts.

When it was well established that motion pictures did assist the church in its work Mr. William E. Harmon, president of the Harmon Foundation, offered to establish a Religious Motion Picture Foundation to carry on the work of providing suitable pictures. He gave $50,000 with which to set the machinery in operation, with the understanding that more money would be available when the service was sufficiently organized for a broad use of religious films.

In the establishment of the Religious Motion Picture Foundation, the Harmon Foundation had the cooperation of the Federal Council of Churches of Christ of America, and the Motion Picture Producers and Distributors of America. These three groups, each with a distinct and yet necessary function, working harmoniously together, insure important results. The work of production has gone ahead steadily and already four one-reel pictures, based on biblical themes and church history, are in production and are almost ready for use in the churches as supplements to the sermons.

The Rev. George Reid Andrews, chairman of the drama committee of the Federal Council of Churches, is vice president and general manager of the foundation, with offices at 105 East Twenty-second Street, New York City. Mr. Harmon is president, and on the board of directors are such men as the Rev. S. Parkes Cadman, president of the Federal Council of Churches; John H. Finley; Dr. Samuel McCune Lindsey; W. Burke Harmon; and Carl E. Milliken, former Governor of Maine, who is now secretary of the Motion Picture Producers and Distributors of America.

Shortly after the establishment of the Religious Motion Picture Foundation, announcement was made by the Eastman Kodak Co., of Rochester, N. Y., a member of the Motion Picture Producers and Distributors of America, that that company would begin at once on a broad experimental basis the development of teaching films for use in schools.

The pictures are to be closely correlated with selected courses of study and in accordance with a definite educational plan. The best available educators are to be employed by the Eastman Co., and sufficient financial backing will be given the project to insure success for the experiments.

As soon as enough teaching films are produced to warrant it, they will be placed in selected classrooms throughout the country for trial over a two-year period.

This important development is particularly interesting in view of the fact that George Eastman, president of the Eastman Kodak Co., is the man who shares honors with Thomas A. Edison, as inventor of the motion picture. He produced the celluloid film which went with Mr. Edison's revolving camera to furnish us with the movie of to-day.

The announcement of Mr. Eastman's proposal recalls the fact that in June, 1922, Mr. Hays, in addressing the National Education Association in Boston, Mass., offered the cooperation of his association and of the motion-picture industry in the development of pedagogic pictures and that, on that occasion,

the education association appointed a committee to investigate the possibilities of the classroom picture, and to outline the way for its development and use.

A striking example of the way in which the motion picture is playing the triple rôle of entertainer, educator, and physician, is to be found in the institutional work in which it is engaged. Four hundred and eighty-seven institutions in this country—such as prisons, orphanages, hospitals, homes for the aged, homes for the deaf, and the like—are receiving gratuitous film service each week, through the Film Boards of Trade. Several hundred other institutions are also using motion pictures as a regular part of their program of training and are finding the use both helpful and thoroughly beneficial.

Granting that there are only 200 inmates in each of the institutions, although the average must be far above that because some of the prisons alone house thousands of men and women, the motion picture thus is shown to 100,000 helpless shut-ins each week—or more than 5,000,000 in a year. And all without cost to the State or the institution.

The pictures are the same as those exhibited in the regular motion-picture theaters throughout the country. The value of this sort of service in human good is beyond calculation. Some idea of what it means may be gained from the recently collected statements of wardens, superintendents, physicians, and others in charge, who can observe and sometimes chart the results.

Dr. George W. Kirchwey, former warden of Sing Sing Prison and now head of the department of criminology of New York School of Social Work, says, for instance:

> Motion-picture entertainment is a great boon to all such institutions and a great means of reducing infractions of rules. Hospitals find that motion pictures have a tonic effect upon the inmates, stimulating them, preventing them from brooding, and putting them in a mental condition that is helpful in restoring health.

Brother Paulian, of the Lincoln Agricultural School, of Lincolndale, N. Y., asks:

> Are not many morals and lessons of life brought to the attention of such children, which lessons could not otherwise have been learned unless by personal contact and experience?

And Miss Elizabeth Purcell, superintendent of the Colorado State Industrial School for Girls, adds:

> I strongly recommend the use of the motion picture in schools of this kind, not only from the educational standpoint, but also as a means of promoting good feeling and as an aid to discipline.

These are but three illustrations, taken from institutions of three types, but they indicate the views of the many others using motion pictures for curative and recreational purposes in public institutions.

Only this spring, for example, the motion-picture industry promised and gave hearty cooperation to the General Federation of Women's Clubs in conducting a national music-memory contest in the theaters of this country. It has also furnished slides to many theaters to be used on May 1, calling attention to child-health day and the need for protecting the health of the young. It is working in this child-health campaign with the American Child Health Association and the General Federation of Women's Clubs. The industry is cooperating this very week in the be-kind-to-animals week program. The news-reel companies took special pictures calling attention to the need for properly caring for animals and the industry in other ways joins with the various humane societies of the country in furthering the work for dumb animals.

This sort of constructive cooperation has become so effective and so helpful that about two months ago the drama committee of the Federal Council of Churches laid plans for its extension into other fields, to include the spoken drama and other amusements, as well as the silent drama.

For that reason, the drama committee of the federal council called a conference of representatives of the stage and the motion-picture industry, clergymen, leading laymen, and others interested in the development of the best in all drama.

The real purposes are outlined best of all, perhaps, by the Rev. George Reid Andrews, chairman of the drama committee of the federal council, and likewise chairman of the joint committee appointed to develop the plans of cooperation. Doctor Andrews said:

> There are three lines of action open to the church, it seems to me: First, do nothing—the hands-off policy. This is unthinkable; a subject of such vital concern to so many people can not be foreign to the church. Second, line up on some legal censorship bill and work for effective legislation. Personally, I believe that the least legislation we do in regard to art education and religion the better for civilization when viewed in true perspective. Such a course is not constructive and brings its own Nemesis. Finally, we can throw the weight of our influence on the side of those persons and groups, especially those inside the theater, working for better things. This course recommends itself to us for fair trial, and I believe will prove effective in application. The best reformation is always from the inside out and not from the outside in. If you of the theater agree with us, we want you to work with us toward a practical program of action.

Mr. Hays, representing the motion-picture industry, followed by saying:

> My group stands at attention to do that which this group thinks ought to be done in all the great moral questions involved in motion pictures. No one in my group will make a picture that will not square with the proprieties as interpreted by this committee on drama of the Federal Council of Churches.

Members of the committee appointed to proceed along the lines laid down by the federal council's committee are:

> Chancellor Elmer Ellsworth Brown, of New York University and formerly United States Commissioner of Education; the Rev. S. Parkes Cadman, president of the Federal Council of Churches; the Rev. Samuel McCrea Cavert; Mrs. Charles Dana Gibson; Frank Gillmore; John Golden; Will Hays; Otto Kahn; the Rev. Charles S. McFarland; the Rev. John A. Marquis; Carl E. Milliken, former Governor of Maine, now secretary of the Motion Picture Producers and Distributors of America (Inc.); Channing Pollock; Felix M. Warburg; and Prof. Luther A. Weigle.

I have named these distinguished individuals just to point out to you the sort of persons who are not attacking the motion-picture industry, are not asking for censorship, but, on the other hand, are giving the problems of the industry their sympathy and their earnest cooperation. They are constructive and not destructive. They do not tear down, they build up; and, as we all know, progress in anything can best come from sympathy and understanding and upbuilding.

The faults of the motion picture are largely of the past. The accomplishments of the motion picture have been great, and their future is infinitely greater.

While to-day there is little to apologize for and very much to be proud of, there is very much to be done. I would suggest, in fairness, that thought be given to what is right with the movies. Everything will be entirely right if everyone—and I include, of course, those who with honest motives and sincere desire to do good are asking for this legislation—will give to the problems involved their sympathy and constructive advice and cooperation.

PERMISSION TO ADDRESS THE HOUSE

Mr. MOORE of Ohio. Mr. Speaker, I ask unanimous consent to address the House to-day immediately following the remarks of the gentleman from Kentucky [Mr. GILBERT] for 15 minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for 15 minutes immediately following the gentleman from Kentucky [Mr. GILBERT]. Is there objection?

Mr. KINCHELOE. Reserving the right to object, on what subject?

Mr. MOORE of Ohio. On the lake cargo coal rates.

Mr. KINCHELOE. I will object for the present.

Mr. HOGG. Mr. Speaker, immediately following the address of the gentleman from Kentucky [Mr. GILBERT] to-day, I ask leave to address the House for 10 minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to address the House for 10 minutes immediately following the address of the gentleman from Kentucky [Mr. GILBERT]. Is there objection?

Mr. SNELL. How many special orders have we to-day?

The SPEAKER. One, for 40 minutes, by the gentleman from Kentucky [Mr. GILBERT].

Mr. SNELL. This will make 50 minutes. I will not object to this, but I shall object to any further addresses to-day.

SALE OF TRANSCRIPT OF TESTIMONY BEFORE COMMITTEES

The SPEAKER. Before proceeding to the order of the day the Chair asks the attention of the House for a moment to a statement he desires to make for the RECORD. The attention of the Chair has recently been drawn to a practice which, it seems to the Chair, is of at least doubtful propriety, if not quite reprehensible. The practice to which the Chair refers, and apparently there has been no ruling against it, concerns the sale by committee stenographers and their assistants or substitutes of transcripts of their notes, taken before committees of the House, to interested parties before the transcripts have been submitted to the witnesses or to members of the committee

for revision, and certainly without asking permission of the chairmen of the different committees.

A special case was called to the attention of the Chair a few days ago, where a committee, having held public hearings and heard certain testimony, decided that it was unwise to print the testimony for various reasons of public policy. In the meantime, however, it developed that a committee substitute stenographer had sold the transcript of his notes to an interested party. It occurs to the Chair that that is an extremely reprehensible practice. In the first place, the Chair is unable to see what right of property the committee stenographer has in these notes, and an even more serious situation presents itself in such an occasion as that to which the Chair has referred, where the committee thought it inadvisable to make public the testimony taken at the hearing. Certainly the committee should have the right to say that testimony should not be made public, and if a committee stenographer or a substitute may immediately, after transcribing his notes, sell a transcript of them to interested parties, then the functions and powers of the committee, in so far as publicity is concerned, are nil.

The Chair understands that the Speaker has entire jurisdiction with regard to both the Official Reporters of the House and the committee stenographers and their assistants or substitutes. As there is no rule, so far as the Chair can ascertain, that would apply to this situation, he will make the ruling here and now that no committee stenographer or assistant committee stenographer or any substitute may, either for or without consideration, dispose of a transcript of his notes to anyone without first receiving from the chairman of the committee permission in writing, specifying the person or persons to whom such transcript is to be delivered; and if any case is called to the attention of the Chair in the future where anyone has violated that rule, his sphere of usefulness in the south end of the Capitol will be at once ended. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I was following the ruling of the Chair as closely as I could, and unless I am mistaken the Chair omitted to include in the ruling the very persons who have been engaged in this practice, the assistants appointed by the committee stenographers.

The SPEAKER. No; the Chair included them specifically—the stenographers and their assistants.

Mr. GARRETT of Tennessee. I quite agree with the Chair that the ruling is a proper one.

LEAVE TO ADDRESS THE HOUSE

Mr. MOORE of Ohio. Mr. Speaker, I have talked with the gentleman from Kentucky [Mr. KINCHELOE], who objected to the request I submitted a short time ago, and he has now indicated that he will not object. I therefore renew my request made a few moments ago.

The SPEAKER. The gentleman from Ohio asks unanimous consent, that, following the remarks of the gentleman from Indiana [Mr. HOGG] he be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

THE FENNING INVESTIGATION

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Kentucky [Mr. GILBERT] for 40 minutes. [Applause.]

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to place in the RECORD the report of the Gibson subcommittee, so called.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to insert in the RECORD the report of the Gibson subcommittee. Is there objection?

There was no objection.

Mr. GILBERT. Mr. Speaker, and gentlemen of the House, District affairs have been prominent at this session of Congress. In fact, that too much time of the Congress is taken in considering trivial District matters is frequently voiced on the floor of the House. This is no new complaint, but has been heard from early times. However, the District is the seat of government, it is the home of Congress, and Congress, whenever it has attempted to act upon that suggestion, has always found, like any other home owner, that sufficient time must be given to relatively small matters at home. The time has now come when, instead of seeking a method to evade it, we should seriously face our constitutional responsibility.

Since coming to Congress in 1921 I have been a member of the Committee on the District of Columbia, and for the last several months I have been a member of the Gibson investigating subcommittee which has carried on a very extensive investigation of the affairs of the District of Columbia. On that subcommittee there were five members three of whom were Republicans and two of whom were Democrats. The report has been made for practically a month now, but no member of the majority on that committee has ever discussed it before the House, and until I placed it in the RECORD a few moments ago the report of that committee has never been made a part of our proceedings. We are in the closing days of the session, and I say it is now time for action, because affairs in the District of Columbia, as revealed by this investigation and as indorsed by the unanimous report of the committee, approach almost a scandal.

It has been frequently asserted that the responsibility is upon Congress, and while I would not for myself nor for any other member evade just responsibility, I say to you that that is not the fact, because it was brought to our attention that in at least two instances orders went down from the head of the District government, the commissioners, to their subordinates, to ignore the law that we have passed. Unless there is a change in the personnel who carry into effect our provisions, there can be no hope for any betterment in District affairs.

The traffic bill recently passed by the House contained a statement of policy that the parking spaces in front of hotels and the Union Station were charged with a general public interest. That declaration was removed by an amendment in the Senate.

And as it did not provide for anybody to do or not to do an act, it did not make lawful or unlawful anything, as one of the conferees I agreed upon the Senate amendment striking that out. Now, that brings to our attention this situation which I will discuss because it has frequently been discussed on the floor, the situation at the hotels and the Union Station. There is in this District an interlocking of interests by men prominent in social, political, and financial affairs which absolutely dictate the administration of the local Government. Among those who know, they are referred to as the "Big Five" and the "Little Five." Now these groups are directors in social clubs, taxicab companies, hotels, financial institutions, and public utilities, and they as hotel directors sell to themselves as taxicab directors for a consideration a preference over the public streets.

That does not, in my opinion, inure to the serious disadvantage of the general public, because any taxicab or any passenger in any vehicle is permitted to approach the hotel from the same entrance, and when they depart from the hotel abundant taxicab service is furnished them, so that the general public in that particular, in my opinion, is not prejudiced but in some ways is benefited, because there being a particular taxicab company they have a greater check and a greater responsibility for the recovery of lost articles and such other inconveniences as they may suffer. Yet that is unlawful. There is not any law of Congress to remedy that situation, nor is any needed. Whenever any owner has dedicated to the public a highway, of course his control of that highway is lost, and all that is necessary is for the commissioners to instruct the police to cure that situation. The situation at the public station is different and results in great inconvenience to the traveling public. Whenever a visiting gentleman, or especially a visiting lady, hails a taxicab and goes to the Union Station they should be permitted to disembark at that entrance that is the most convenient, but unless you secure a certain taxicab you are not placed at the closest entrance but are removed several entrances.

Now, that results in serious disadvantage, because these runways are sometimes greasy, always dusty, and a lady traveling and going between these automobiles is apt and, no doubt, frequently does suffer inconvenience and damage to clothing. The commissioners on being asked about that situation said that as the courts had held that this was private property they were helpless to intervene. Well, it is private property in a sense that any other common carrier has private property. It is not private property in the sense that they can discriminate among passengers. The property of the Baltimore & Ohio Railroad or any railroad is private property, yet not private in a sense that they have a right to give preference to any passenger or to any shipper, and all that is required is a direction from the police to open up that traffic way. Now, the director of traffic here is a splendid and, in my opinion, a capable man, Mr. Eldridge, but he is not receiving cooperation from the district attorney's office. He testified to that, and upon inquiry into the district attorney's office we were absolutely convinced that he had been justified in complaining that he was not receiving cooperation. Now, while we are discussing the Union Station let me bring to your attention some more serious situations with that corporation. Since 1911 there has been on the tax books $13,000 against that one corporation, increasing from year to year, and at this particular time there is owing to the District through taxes from five public-service corporations alone $961,000. In my opinion there are millions of

dollars owing to the District in taxes, and the District is entirely helpless to collect that money. The corporation counsel is Mr. Stephens. Mr. Stephens impressed us as a man who would like to do his duty, but if the District is to be protected in its legal rights there must be a change of personnel in the corporation counsel's office. I asked him this:

Is not it true that year after year you are unable through suit or otherwise to collect the taxes from the Washington Terminal Co., but on the contrary, is not even the light or part of the light for that company charged to the District and paid by the District with the idea that the District would in turn collect it from the Terminal Co., and for at least six years not only have they refused to pay their taxes, and not only has the corporation counsel been unable to make them pay their taxes, but the taxpayers of this District have been paying some of their light bills as well?

I asked him if that was not the fact, and his answer was, "Yes; that is the sad, sad fact." But in covering this entire question I wish to begin at the beginning. I do not know whether I will have time in the 40 minutes to cover the situation, but I will begin with the commissioners. Washington has no one executive head like most cities, but its executive head consists of three commissioners, the engineer commissioner appointed from the United States Army, who is Colonel Bell, and two others, appointed by the President, who at this time are Mr. Cuno H. Rudolph and Mr. Frederick A. Fenning. Although we did not complete the investigation as to the department of Commissioner Bell, the evidence before us did not prove any justification for any complaint in his department.

As to Commissioner Rudolph, this is the situation: That commissioner is a large stockholder, owning from one-third to one-half of all the stock, of the hardware firm of Rudolph & West. When the commissioner was first put upon the stand, I asked him, Was competition in any wise affected by contracts with his firm? He told me in answer to my question that they did not, and in addition said that "They participate equally with us in the contracts." When the auditor of the District was produced, the figures showed that for the last fiscal year the District of Columbia did a business as the District with the firm of Rudolph & West for the one fiscal year of more than $70,000, and his nearest competitor only received contracts to a little exceeding $14,000.

Mr. SPROUL of Illinois. Mr. Speaker, will the gentleman yield there?

Mr. GILBERT. Yes.

Mr. SPROUL of Illinois. Is it not a fact that the figures on all this hardware were the lowest figures on every contract awarded?

Mr. GILBERT. No; not that they were always the lowest figure. In many of the departments, especially at St. Elizabeths Hospital, they let the contracts to the highest and worst bidder. [Laughter.] And in addition to that the specifications are in many instances so prepared that every other competitor is precluded from bidding by reason of the specifications.

Mr. SPROUL of Illinois. Mr. Speaker, will the gentleman yield once more?

Mr. GILBERT. Yes.

Mr. SPROUL of Illinois. Is it not a fact that they have got the best hardware store that there is in town?

Mr. GILBERT. Of course, I do not know. I am not discussing that phase of it.

I say the commissioner said he did not get any discriminating part of the business over his competitors, and yet, when confronted with the fact that he got 5 to 1, I asked him the question: "In your previous testimony before the committee did you intentionally attempt to mislead the committee, or were you ignorant of District affairs." And, accepting the less evil of the two propositions, he admitted that he was ignorant of District affairs in that regard.

Mr. O'CONNOR of Louisiana. Mr. Speaker, will the gentleman yield there?

Mr. GILBERT. Yes.

Mr. O'CONNOR of Louisiana. I want to know from the gentleman whether or not the President of the United States has the power to remove a commissioner?

Mr. GILBERT. I will come to that a little later on.

Commissioner Rudolph, in my opinion, is ineligible to the office. Section 41 of the United States Criminal Code provides that no officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm or persons directly or indirectly interested in the pecuniary profits or contracts of such corporation shall be employed or act as an officer or agent of the United States. It is common sense that he should not be put in that dual capacity. Rudolph's income from that one line of business alone amounts, according to his statement, to more than $10,000 a year.

He did ask, when he went into office, whether or not he was eligible, and received the opinion from the corporation counsel that he was. But let me say to you here that it was shown before our committee that whenever any of these interested persons had a line of action they wanted to proceed upon, the opinion of the corporation counsel was universally that the action desired by the commissioners was legal. He is appointed by the commissioners.

Now, let us pass from that situation and discuss the next commissioner, Commissioner Fenning. I understand full well that the Committee on the Judiciary has been investigating Mr. Fenning. For three months we also investigated not only Mr. Fenning but all the conditions in the District, and about a month ago we were able to file a report setting out the entire situation; and, although Congress will probably adjourn in a few days, we have not yet had a report from the Committee on the Judiciary, and it would not be of any value to us if we did have it now.

Far be it from me to reflect upon that great committee. But great bodies move slowly, and this one is so weighed down with learning and dignity that it can not move at all. [Laughter.] They have sat four months in attempting to find out whether or not Mr. Fenning was an officer of the United States, and whether or not he was impeachable. I shall not attempt to invade the realm of that committee. But it does not matter a snap of the fingers to this House or the people of the District, in their effort to secure relief, whether he is or is not an officer of the United States. The time has come when the people of this District are expecting, and are entitled to, some action. [Applause.] Think of the absurdity anyway of using the ponderous procedure of impeachment and the time of the Senate and House to impeach such a man holding such an office.

If I may inflict my humble opinion, I would say he is an officer of the United States. Senator WALSH and other great constitutional lawyers entertain the same opinion. But I have the greatest respect for the able lawyers on our House Judiciary Committee who disagree with that. I have not given the subject any great amount of care by reason of knowing that those able gentlemen can do it better. But I will say to them in passing that in the case of Shoemaker against the United States the Supreme Court holds expressly that the engineer commissioner is an officer of the United States, and does not base it upon the fact of his Army connection. In fact, they do not discuss that feature of it. But they say substantially that, proceeding upon the conclusion that the United States possesses full and unlimited jurisdiction over both the municipal and fiscal affairs of the District of Columbia, both of the two officers, the Chief Engineer of the United States Army and the engineer commissioner of the District of Columbia, whose eligibility is questioned, were at the time of the passage of that act officers of the United States. If they are not officers of the United States, of what government or municipality are they officers of?

But that is immaterial. Whether he is impeachable or not, he is removable, even though the acts are not impeachable in their nature. [Applause.]

The Supreme Court of the United States, in the case of Shurtleff against United States, One hundred and eighty-ninth United States Reports, page 311, uses this language:

By the fourth section of Article II of the Constitution it is provided that all civil officers shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. No one has ever supposed that the effect of this section was to prevent their removal for other causes deemed sufficient by the President. No such inference could be reasonably drawn from such language.

In stating other causes for which the President could remove a civil officer of the United States they say this:

Other causes for removal may, however, exist and be demanded by the interests of the service, in order that the office may be better conducted, although the officer may not be proved guilty of conduct coming within the statute as a cause for removal.

Now, what is Mr. Fenning's offense? I shall not even discuss it, but his admitted statement shows this condition resulting under him: That he is a lawyer. That by advertisement and by cooperation and connivance with Doctor White, the head of St. Elizabeths Hospital for the Insane, he contrived and perfected an organization for the purpose of becoming a professional guardian of insane wards who had estates. Whether or not he acted within the law I shall not attempt to discuss. These gentlemen can say that. But it is admitted by him that his purpose was not to render service, but to secure profits. Shylock of old did not go further in his grasp for the uttermost farthing. He went to the fullest extent of every enabling

law and in many instances beyond. I submit to you whether or not any man who plans to become rich out of the miserable pittances of the poor and unfortunate shell-shocked veterans of his country is fit to guide the destinies of the Nation's Capital. [Applause.] Whether he is impeachable or not, I put squarely up to the President of the United States the responsibility of continuing in office one who has either lost or betrayed the confidence of the people. [Applause.]

Mr. Fenning's acts were made possible largely through the cooperation of Dr. William A. White. Out of the 61 applications that Doctor White made for guardians for his insane wards, 60 of them named Mr. Fenning and on petitions prepared in Mr. Fenning's office.

Mr. RANKIN. And they were just World War veterans?

Mr. GILBERT. Just World War veterans; yes. I say that if Mr. Fenning is guilty of at least unbecoming conduct, which has destroyed the confidence of the people, then Dr. William A. White is as guilty as Mr. Fenning. Dr. William A. White should be removed from St. Elizabeths Hospital. [Applause.] It is the most extravagant and ill-conducted asylum for the insane of which I have been able to gather information.

I want to say to this Congress that although I have received a great deal of local publicity, I have not burned any red fire. I have not been a persecutor. When invited by the Judiciary Committee to act as prosecutor, in view of the fact that I was a member of a committee that had not reported, I declined. After two days' examination of Mr. Fenning, he thanked me personally for the manner in which I had conducted the cross-examination.

You gentlemen know I have been here for five years and you know I am not a sensationalist. So I will tell you why I make that very strong statement. I telegraphed to the Eastern Kentucky State Hospital for the Insane; I telegraphed to asylums all over the United States, and I found that the average employee numbers 1 to 10 patients; about 1 employee to every 10 patients, and seldom are there more employees, and yet at St. Elizabeths Hospital there is 1 employee for every 3½ patients.

Not only that but it costs this Congress a great deal of money to run that institution. During the last fiscal year this Congress contributed to that hospital $1,283,000. Think of it. Bigger than the budget of some cities. And where did the money go? I will tell you where some of it went. They have spent for coal out there in the last 10 years $1,200,000, $120,000 a year for coal alone, and they have consumed, at least we have paid for, coal enough amounting to 7½ tons for every patient in that institution every year.

Beginning years ago Doctor White capitalized his position there and from that time has neglected the hospital. He capitalized his position in this way: He is the author of many books which he sells; he goes over the United States as an expert witness, and by reason of the position he occupies in this Government hospital his evidence is of great weight and very desirable. He was paid $250 a day for 14 consecutive days as a witness in the Leopold and Loeb case for the defendants and helped save their unworthy necks. Instead of attending to the wants and comforts of those unfortunates, he is chasing around over the United States testifying for enormous prices.

In view of the revelations of this testimony—not mine, and I am not stating anything that three of the ablest and most conservative Republicans on that committee would not confirm—I place squarely upon Secretary Work, the Secretary of the Interior, the responsibility of keeping this man in office longer, who, instead of being the protector of these unfortunate men, sick in body and mind, he has become the humiliator of their persons and the exploiter of their estates. [Applause.] Yes; I say humiliator of their persons, because the proof shows they kept one man in a cold pack out there for seven hours, when the usual time, even for a brutal prisoner, is less than one hour. They kept him in a pack for seven hours and he died the next morning.

This hospital is under indictment now for the deaths of men, and if you will read this testimony it will show you that Doctor White has surrendered the management and control of that institution to other men under his control. Their records are admittedly untrue in many ways. They were under investigation by Congress once before, and they do not care what you think of them nor what you decree. I asked Doctor White if, in the opinion of the Congress, we should make recommendations for changes in that institution, would they be followed, and he would not say, but merely said that he would give them consideration. Then I said, "Doctor, the only way for Congress to secure its will into enactment is by your removal," and to that he made no answer.

I have so much ground I would like to cover—I would like to cover this entire situation, but it would take two hours. Let me merely discuss one more feature, because, in my opinion, we are all interested in our school children.

The same group of men that control every other activity in this District also control the school board.

Captain Peyser, who is president of the Security Savings and Commercial Bank, who is post commander of the American Legion here, who everybody says is above reproach, took the stand and testified to having been appointed—through some oversight of the clique evidently—on the school board. He had not received his appointment three days until he was notified by three men, whose names I can give you if you want them, to meet them downtown at a certain place, where he went. When he got down there these three men told him what they expected of him, and for whom he should vote, and furthermore told him that if he did not follow the program that at the expiration of his term—and he was only occupying an unexpired term—he would not be reappointed. Captain Peyser gave the names of teachers who were relatives of school-board members who had been appointed to secure the votes of obstreperous members, and his testimony can not be doubted. He did not follow the program, his time expired, and he was not reappointed.

The head of the school board is E. C. Graham, who is president of the National Electric Supply Co., and I hate to say it—I have never enjoyed saying hard things—but the proofs showed that this school board is more interested in executives than in teachers, more interested in contracts than in the education of the children. I realize that this is a terrific indictment. I hate to bring it, but greater obligations to others make it my duty.

I have many other conditions here which I would like to reveal if I had the time. This is no pleasure to me. I serve and have served on the District Committee for five years. It is a committee of great work, little prestige, and less pleasure. I am not seeking and would prefer never to be connected with any municipal government, because I am a country man. I live in the country, and these matters, by reason of that fact, may have assumed an undue importance in my mind. Some gentleman exclaimed in the committee that every municipality in the United States was rotten. I do not believe that, but I do admit that the government of the District of Columbia is approaching a scandal, and I warn the Congress, I warn all concerned, that you are helpless to remedy the situation by the passage of laws. It can only be done by a change in personnel. [Applause.]

I have only scratched the surface. The Gibson resolution for a further investigation by Members of both House and Senate should be passed before we adjourn.

There are other departments as rotten as any I have mentioned, but I have not the time to go further.

Let me stress this reminder, that you need not pass laws and expect relief by having them administered by those now administering them.

They are indifferent to all laws except appropriation bills. [Applause.]

Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

PRELIMINARY REPORT OF SPECIAL SUBCOMMITTEE OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA, HOUSE OF REPRESENTATIVES

The special subcommittee of the District of Columbia Committee of the House was appointed pursuant to the following committee resolution:

"*Resolved*, That the chairman of the District of Columbia Committee of the House appoint a subcommittee, consisting of five members, with authority to investigate charges made against Frederick A. Fenning, one of the commissioners of said District, and others, and any conditions shown to exist through appointment of committees, guardians, or receivers by the courts of the District, and report its findings and recommendations on or before the 1st day of May, 1926.

"The said subcommittee is further authorized and directed to make a study of the government of the District of Columbia to determine if irregularities or conditions exist that require further investigation, or corrective legislation by the Congress, and report its findings to the full committee on the date hereinbefore mentioned, with such recommendations as it deems necessary to improve municipal management of the District. It is further

"*Resolved*, That the officers and employees of all administrative and judicial services of the government of the District of Columbia shall furnish to the said subcommittee such information as it may require from time to time; and the said subcommittee shall have access to and the right to examine any books, documents, papers, or records of the administrative or judicial services for the purpose of securing the information needed in the prosecution of its work."

The subcommittee has held various meetings, examined such witnesses as were willing to appear, and the documentary evidence pre-

sented. The subcommittee has proceeded with difficulty, owing to the fact that it did not have the authority to employ and use examiners and investigators, or power to compel the attendance of witnesses. We have had, however, cooperation on the part of the officers and employees of all the administrative and judicial services of the government of the District of Columbia and have been given much valuable information during the progress of the inquiry.

The subcommittee has not been able to make such an exhaustive study of the government of the District of Columbia as the conditions demand. A study of a government of a municipality of the size of the city of Washington requires painstaking labor, much time, and the advice and help of men and women trained in municipal management. So far as we have gone we have endeavored to discover conditions that appear to us to require remedial legislation with the sole view of improving the government of the Capital City. We have followed a definite policy of making our work constructive and not destructive.

FREDERICK A. FENNING

Charges were made against Frederick A. Fenning, one of the Commissioners of the District of Columbia, on the floor of the House of Representatives, as of record appears. Pursuant to the resolution hereinbefore referred to, we proceeded to investigate some of these charges, but before completion the House, acting upon specific impeachment charges, authorized the House Committee on the Judiciary to proceed with an investigation to determine if articles of impeachment against Commissioner Fenning should be presented to the Senate, as provided by the Constitution of the United States. The subcommittee thereupon desisted from further investigation of the charges against the commissioner, except as to phases partially covered in order to complete the record of the proceedings.

However, our inquiry concerning Mr. Fenning did, in our opinion, disclose conditions requiring the attention of Congress. The Code of Laws of the District of Columbia relating to the guardians of infants provides for the appointment of guardians of persons and guardians of estates by the probate court and fixes the commission to be paid to the guardian "not exceeding 10 per cent of the principal of the personal estate and on the annual income of the estate." There is no limit to the number of guardianships to which one person may be appointed.

The code, in the sections relating to non compos mentis persons, provides that the Supreme Court of the District acting in equity has full power to appoint committees or trustees to look after the estates of such persons but is silent as to the fees that may be allowed to a committee or trustee. No limit is placed as to the number of lunatics for whom a committee may act.

The testimony before the subcommittee shows that Mr. Fenning was formerly a clerk in the Bureau of Pensions. He left that position about 1898 to practice law, made a specialty of lunacy and guardianship cases, and has been appointed as a committee or guardian for about 450 wards, aside from World War veterans' cases, from 1898 to 1925.

St. Elizabeths Hospital is a Government institution for the insane. Patients from all sections of the country are sent to it for treatment by various Government departments. Nine hundred and forty-three veterans of the World War are inmates. Nearly all are entitled to and receive compensation through the Veterans' Bureau. We find that Mr. Fenning, at the time the report was made to us, was serving as a committee for 93 inmates; that he has also served in that capacity for 44 from which he had been discharged by reason of the death of the ward or appointment of others as committee. Aside from these cases he is acting for several other dependents of the bureau. From 1919 to 1925, inclusive, he received, as fees from the 93 and the 44 cases herein referred to, the sum of $88,001.29. In addition, he was receiving an income of several thousand dollars annually as fees in other cases in which he was acting. Mr. Fenning was appointed a commissioner of the District of Columbia June 5, 1925.

A bond is required of the committee by the court in each and every case. Mr. Fenning had himself appointed as agent of certain bonding companies and bonded himself as committee in said companies, paying out of the funds of his ward an annual premium of which he received 25 per cent as a commission as an agent for said companies.

Mr. Fenning as committee visited St. Elizabeths about once in two weeks and saw some of his wards. These wards were of the class who needed the kind and considerate cooperation and sympathy of their committee. They are wrecks of the storm of war. An unmistakable duty rests upon everyone charged with their care to give their every need sympathetic attention. The duty requires personal service to the ward, not service that means financial return to the committee. The actuating motive of the committee should be to render that service for the sake of helping the unfortunate, not for the purpose of gain.

It is apparent that Commissioner Fenning was not actuated by such motives, but sought this class of cases, and he built up a lucrative business therein.

The subcommittee is satisfied that in that class of cases a committee can not look after more than five wards, unless it be a trust company, and give such attention to them as is needed. This is the judgment of Director Hines, of the Veterans' Bureau. To remedy that condition bills have been introduced and reported favorably which propose to limit the commission to 5 per cent and the number of wards for whom one person may act, either as committee or guardian, to five, except when the wards are of one family or entitled to property from the one estate, or the guardian or committee may be a trust company.

These bills are H. R. 12109, 12110, 12217, and 12218. It is the opinion of the subcommittee these will cure the conditions found to exist in respect to the appointment of guardians, committees, and the commissions to be allowed.

Committees are appointed by a judge of the supreme court, sitting in equity, upon petition and hearing. In cases of lunatics, if a non compos mentis person has no known relative available to make application for appointment, application has usually been made by Dr. William A. White, superintendent of St. Elizabeths Hospital. In 60 of the cases of veterans arising since the World War, Doctor White petitioned the court to name Frederick A. Fenning as the committee, and named Mr. Fenning in all but one petition preferred by him. The petitions in nearly all of these cases were made upon blanks from the office of Mr. Fenning and were prepared by him. Testimony was introduced tending to show that Mr. Fenning was notified from St. Elizabeths when a veteran was received there who possessed property. During the period covered by these applications, Doctor White and Mr. Fenning were in partnership in the business of buying and collecting second-mortgage notes. They have been close friends for over 20 years. Their relations have heretofore been the subject of congressional investigation and the subject of inquiry by the Veterans' Bureau.

In practically all of the cases the veterans received regular income through the Veterans' Bureau, paid monthly, either as insurance or compensation, or both. Mr. Fenning, as committee, invested this income, made such payments to the veteran as directed, caused clothing to be supplied and visited them at infrequent intervals. For this Mr. Fenning charged for and was allowed by the court from 5 to 10 per cent on the principal and income of the estates of his wards.

The manner in which Mr. Fenning secured his business, the gross amount of fees he charged and received out of the estates of insane veterans under his care, his continuance in the practice of the law and in the handling of estates of more than a hundred wards since he became commissioner, his method of writing his own bonds, receiving a portion of the premiums and still charging the same to the estates of his wards, his attitude toward the enforcement of laws passed by Congress relating to the District of Columbia and the consequent loss of confidence in him on the part of the public makes his continuance in office incompatible with the best interests of the District.

CERTAIN PUBLIC OFFICIALS

It has developed from the hearings that certain high officials of the District of Columbia are sharing in the earnings and profits of firms and corporations doing business with the District in furnishing materials and supplies. It is the opinion of the subcommittee that the practice is contrary to the spirit, if not the letter, of section 41 of the Criminal Code of the United States, which is as follows:

"No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provisions of this section shall be fined not more than $2,000 and imprisoned not more than two years."

The provisions of this section should be strictly adhered to, and no official should be placed in a position of dual allegiance.

COMMITMENT OF INSANE

The United States Government uses St. Elizabeths Hospital for the care of its insane. Patients are committed upon a written order of the War Department, the Navy Department, the Public Health Service, the Veterans' Bureau, or other governmental agencies. The insane of the District of Columbia are also committed. The superintendent of the institution is Dr. William A. White, hereinbefore referred to. The final determination of insanity is through writs of de lunatico inquirendo issued from the court of equity and heard before a jury impaneled from among the petit jurors in attendance in the supreme court of the District.

Of the 4,400 patients detained at St. Elizabeths, about 50 per cent of them have never been adjudged insane, and the legality of their detention might be tested by a civil court through habeas corpus proceedings. The subcommittee is of the opinion that specific laws should be enacted covering the commitment of people claimed to be insane and the subsequent determination of insanity by proper court proceedings in order to safeguard constitutional guaranties and protect the public at large. To meet this situation the subcommittee proposes H. R. 12173, now before the full committee.

The subcommittee heard considerable testimony as to conditions at St. Elizabeths, examined Doctor White and several of his assistants, some of the attendants, and some of the inmates. The conditions existing have been the subject of recent grand-jury investigation, and indictments are now pending against two former attendants for a murder alleged to have been committed at the institution. The grand jury has recommended a complete and full investigation of St. Eliza-

beths by the Congress. A concurrent resolution calling for a survey by the Comptroller General has been adopted on the part of the House and is pending before the Senate. This survey is recommended by the subcommittee.

We find that the annual coal consumption at the institution has been 7.23 tons per person during the last 10-year period. During that period it appears that $1,217,255 has been expended for coal. The cost per capita per annum shows a range from $18.96 to $50.30.

The testimony tended to show that in some cases awards in bids for supplies were not made to the lowest bidder and that specifications are drawn so as to be exclusive in favor of some one concern.

In connection with the maintenance of the indigent insane of the District we find that over a million dollars was used during the last fiscal period. Careful inquiry should be made to determine if this tremendous expense is justified.

Many complaints as to conditions and practices at the institution have come to the attention of the subcommittee, some of which have been partially investigated, but as to these we make no findings.

We are satisfied that there should be a full investigation made by the Comptroller General of financial conditions, and by a joint congressional committee as to the management and practices there. The expenditure for coal seems large to the subcommittee and raises a question if there has not been a waste of the people's money allowed for the running of the institution.

POLICE COURT

The police courts of the District have jurisdiction over all minor criminal cases. The work of these courts has greatly increased during the past 20 years. In 1902 approximately $60,000 was collected through the imposition of fines. In 1925 this amount had increased to about $600,000. In 1925 nearly 66,000 cases were disposed of, an average of over 200 for each working day.

Each morning the prisoners held under confinement are brought to the Police Court Building from the various police stations. The accommodations at the Police Court Building for these prisoners are wholly inadequate. The accommodations for two of the courts are inadequate. Every part of the space in the building is utilized. The number of prisoners brought in is naturally greater on Monday than on any other day of the week. Sometimes 150 prisoners are crowded into a room about 18 by 40 and have scant standing room.

As a remedy the committee has recommended the erection of a new Police Court Building and a bill authorizing its construction has already passed the House.

We recommend the early erection of such a building as will answer the requirements of Washington 20 years hence.

OCCOQUAN

The workhouse and the reformatory of the District are located at Occoquan and Lorton, some 20 miles outside the limits of the District of Columbia and in the State of Virginia. These were authorized upon recommendation of President Roosevelt in 1909, Senate Document No. 648, Sixtieth Congress, second session, transmitting a very exhaustive study of the situation relative to the jail, workhouse, etc., by Judge Wendell P. Stafford, of the supreme court, with an experience of 10 years on the bench; John Joy Edson, then a resident of over 40 years in the District, and who has been associated with nearly every movement for social betterment in the city of Washington, and Robert V. La Dow, superintendent of Federal prisons.

These institutions were established with a view of carrying into effect the parole system, to better the old system of dealing with those discharged from confinement and to prevent the turning back upon society of its avowed enemies.

The subcommittee visited the workhouse and found conditions generally satisfactory. It has no walls and few cells. The honor system is employed with excellent results. These institutions represent an advanced idea in the handling of prisoners, and we commend the scheme employed as a model for other sections of the country.

We did, however, find at Occoquan several prisoners in chains. These were men who had made an attempt to escape. Upon capture they were returned, placed in cells and chains. Some of these prisoners had worn chains for months.

The subcommittee believes that this practice should not be permitted in this enlightened age. It is unnecessary and wholly at variance with all ideas of prison reform and the purpose of these institutions.

There is before the committee a bill providing that an escape or an attempt to escape be made a separate penal offense. This is the law of many jurisdictions.

SALE OF SPACE IN PUBLIC STREETS

Some testimony was taken by the subcommittee showing that certain taxicab companies are using the public streets in front of hotels and space at Union Station, to the exclusion of the use thereof by the public.

The taxicab companies are paying the hotels for the privilege of serving their patrons, and these taxicab companies are monopolizing the street space in front of these hotels, excluding other taxicab companies from using the public approaches thereto.

According to evidence presented to the subcommittee, the hotels are in receipt of a large revenue from these taxicab companies for these privileges. The District Commissioners should investigate the sale of these privileges by hotels and take such remedial action as will fully protect the interests of the public and their right to use the public streets of the city of Washington.

The same condition exists at Union Station, where the Washington Terminal permits only one taxicab company to use the main approach to the Union Station, excluding other taxicab companies and private cars from using the same and compelling travelers going to the station to find their way into the same through traffic on Massachusetts Avenue or at other inconvenient points at such station.

The inconvenience occasioned to the traveling public by this situation at Union Station is insufferable and should be remedied by legislative action.

SCHOOLS AND THE CONSTRUCTION OF SCHOOL BUILDINGS

Many complaints have been made to the subcommittee in regard to the control of the school system of the District and the construction of school buildings under the five-year building program. Testimony has been presented tending to show that the present school board is under the control of one man, connected up through financial, business, and social relations with a small coterie of citizens who appear to be in strategic positions in control of the government affairs of the District. It appears from the testimony before us that when members of the school board are not willing to go along with a policy as dictated by the controlling power, ways are found to remove or control their activities. The only purpose of the schools of the District should be to educate the children. The schools should not be made the medium of politics or used to encourage a desire for personal or financial gain. Lack of time has prevented more than a superficial study of the school problem. We are satisfied it should be thoroughly surveyed.

The Comptroller General's office is making a study of complaints in regard to the erection of school buildings. The report was not ready in time for use to permit us to go into the subject. It will be available in a short time, however, and is expected to fully cover that phase of activity. Until the survey of the Comptroller General is available we can not report on this important subject.

TAXATION

The subcommittee looked into the subject of taxes and taxation far enough to establish the following facts:

Notices of assessment on real estate are not given. Notice by advertisement in newspapers is given when taxes are due. If real-estate taxes are not paid when due, such real estate is advertised for sale and sold, but no personal notice is given to the owner thereof. The parcels are advertised in a book published, as provided by law, at an expense of several thousand dollars each year. In 1925 about 19,000 pieces of real estate were sold for taxes and purchased principally by four concerns engaged in the business of purchasing at tax sales. In order to redeem the owner must pay the expenses of the sale and interest at the rate of 1 per cent per month.

An annual return of personal property is required. The committee is of the opinion that that return should also include the real estate owned by the taxpayer. Then the assessor's office and the collector's office would have a proper list of all the property owned by any one person liable to taxation. The law should provide for a personal statement of taxes to the taxpayer when the taxes are due, and also personal notice of a tax sale. The cost of these notices would not be greater than the cost of the book advertising the various parcels. In order for a taxpayer to ascertain definitely if his or her property is advertised for sale, he must purchase or secure the book advertising the same, which in 1926 sold for $14.60 per copy. A real injustice results to hundreds of taxpayers. Real-estate titles become involved and expensive litigation naturally follows.

Assessments upon real estate are made every two years and improvements added annually. The assessor and the chairman of the board of commissioners recommend an annual assessment. The annual assessment would cost the District $18,600 more per annum, but would result in an increase in taxes of at least $170,000 every second year. There is an actual annual increase of $10,000,000 in land values in the District. Applying the present tax rate of $1.70, it will be seen that the city loses in taxes $170,000 every second year. The following cities, comparable in size with Washington, have annual assessments: Baltimore, Boston, Buffalo, Newark, Pittsburgh, Providence, and St. Louis. The subcommittee recommends a change in the law to effect annual assessments and has introduced a bill to cover this recommendation.

It was called to our attention through the testimony of the tax collector for the District that motorists are paying only a nominal tax. A car of the class used by a majority of the people of the District yields by assessment as personal property about $7.50 in annual taxes. The owner also pays $1 per year for number plates and $1 per year for a permit to operate. This is only a small percentage of what he should pay. Motor vehicles wear out the streets and the motorist should bear an equitable proportion of the expenditures made necessary for his benefit. We recommend a scientific method of levy by

registration as made by some States, of a certain number of cents for each hundredweight or horsepower of the car operated and in addition an annual permit for operators.

The subcommittee finds that there is now due the District the sum of $961,439.15 as back taxes from various public-service corporations. To this should be added 8 per cent interest from the date each item became due. A portion of this amount has been due since 1910 and many items have been in litigation for years. In addition there are other claims against the same corporations amounting to more than $200,000. The subcommittee recommends vigorous prosecution of all the cases involving these taxation matters. Corporations should be made to pay their taxes as well as the ordinary citizen. When they fail to do it they are placing upon the other taxpayers the burden they ought to bear. It would be money well expended if Congress would appropriate liberally for the employment of the best legal talent available to protect the interests of the people of the District, as it is apparent that suits pending against the corporations have not been prosecuted as expeditiously as they should, and as the necessities of the District demand.

THE JUDICIARY

The judges of the District courts were requested to appear before the subcommittee to explain complaints which had been lodged with the subcommittee, and in support of which testimony was heard by the subcommittee. There has been no evidence introduced, nor is there any suspicion of corruption or lack of integrity on the part of these judges. However, certain practices have grown up which, in the opinion of the subcommittee, may have caused criticism. Some of the judges receive salaries for delivering lectures at certain law schools in the District, the dean of which is a member of the bar in active practice. The judges so associated should not sit in cases in which such officials of said law schools appear as counsel.

In the opinion of the subcommittee action of the court in ex parte proceedings has for some time been too drastic and the power of punishment for contempt vested in the courts has been too severely exercised. The subcommittee suggests that the greatest caution should be exercised in ex parte proceedings and the power to punish for contempt should not be used indirectly to imprison a person for debt and that a maximum time in punishment for contempt should be established by law.

The judges of the supreme court of the District appoint the members of the school board, and evidence heard by the subcommittee seems to indicate that certain members of the school board have assumed to exercise unwarranted powers in school matters, and it is charged have also exerted an influence in the selection of the members of the school board. The charge is made that members of the school board who are not responsive to the wishes of those who dominated the school administration were not reappointed upon the expiration of their terms. The judges, therefore, in whom this power of appointment is vested should inquire into this situation and be careful to appoint to the school board only those whose sole interest is the welfare of the pupils.

Great care should be exercised in the selection of trustees and committees of the estates of minors and incompetent persons and their accounts, and the commissions and costs allowed in the administration of such estates carefully scrutinized by the court. Auditors and other officials having to do with such estates and the accounting thereof should be held to a strict accountability and required to perform the duties in connection therewith in strict conformity with law.

PROBATE COURT

Under the present code provisions and court practice, a justice of the supreme court handles all cases relating to estates of deceased persons and infants, acting as a probate court. Matters relating to estates of non compos mentis persons come before the equity side of the court. The justices rotate in the hearing of these cases. The dockets of the supreme court are crowded. Some of the justices have suggested the addition of more judges to take care of the situation.

We believe there should be established in the District an independent court of probate to deal specifically with all cases relating to estates of deceased persons, infants, and those who are non compos mentis. This would relieve the present condition in the supreme court. We believe this to be the better practice and would insure a judge who would become a specialist in that department of law. A bill to carry out this recommendation is before the Congress.

The subcommittee has been unable to make as complete an investigation and survey as contemplated by the authorizing resolution. Other activities should be studied and other lines of inquiry pursued.

A considerable portion of the time of each session of Congress is taken up with the consideration of comparatively trivial matters relating to the District of Columbia which ought to be handled by the agencies administering the affairs of the District. An exhaustive study is necessary to determine how far Congress may or should go in that direction and still keep within the provisions of the Constitution.

We therefore recommend the adoption of a concurrent resolution providing for a joint committee of the Senate and the House to make a complete survey of the government of the District of Columbia and report such recommendations as are deemed advisable both as to changes that will improve conditions in the District and relieve the Congress of many details of legislation relative thereto.

E. W. GIBSON,
Chairman.
FRANK E. BOWMAN.
ROBT. G. HOUSTON.
THOS. L. BLANTON.
RALPH GILBERT.

ADDRESS OF HON. HENRY D. CLAYTON

Mr. HILL of Alabama. Mr. Speaker——

The SPEAKER pro tempore (Mr. MICHENER). For what purpose does the gentleman from Alabama rise?

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein the address delivered by Judge Henry D. Clayton, in Jacksonville, Fla., on the subject Popular Charges of Useless Federal Statutes, on June 25, 1926.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, under leave granted me to extend my remarks I place herein the address delivered by Hon. Henry D. Clayton, judge of the United States Court for the Middle and Northern Districts of Alabama, at the national convention of the United States Junior Chamber of Commerce at Jacksonville, Fla., on June 24, 1926, together with an introductory statement from the Florida Times-Union.

Judge Clayton was for many years one of the leaders in this House, and at the time of his appointment to the Federal bench was the chairman of its great Judiciary Committee. His address is so magnificent an exposition of the philosophy and the principles of our Government I count it a privilege to place it in the RECORD that Americans everywhere may have the pleasure and the profit of reading it.

The address is as follows:

[From the Florida Times-Union, Jacksonville, Fla., Friday, June 25, 1926]

POPULAR CHARGE OF USELESS FEDERAL STATUTES

Basing his claim on the assertion that the necessarily general terms of the American Constitution, the rapid growth and expansion of American business and life, with the concomitant new problems of civilization coming up almost yearly, Judge Henry D. Clayton, of Montgomery, Ala., judge of the United States Court for the Northern and Middle Districts of Alabama, yesterday said there is not a multiplicity of unnecessary Federal statutes, as is so often claimed.

Judge Clayton's speech was the principal address at the seventh annual convention of the United States Junior Chamber of Commerce. It was delivered at the second general meeting held at noon yesterday in the Hotel Mason.

His career as a Congressman for 18 years, his service as chairman of the Judiciary Committee during his stay in Congress, his recognized position as a lawmaker, including the fact of his authorship of the famous Clayton Antitrust Act, his former service as permanent chairman of the 1908 Democratic National Convention, and his ability as an orator and thinker in broad terms were set forth by Herman Ulmer, chairman of the speakers' committee, who introduced Judge Clayton.

His speech, in full, follows:

JUDGE CLAYTON'S SPEECH

It is related that while on his way to church where he was to preach, Henry Ward Beecher heard a man on the street say, as possibly you heard this morning, "It is damned hot to-day," and that the distinguished divine used those words as the introduction of his sermon. But let me remind you of the consoling thought that "sweet are the uses of adversity," and of the "good old summer time" as well. True, it is not cool now in Jacksonville, nor in Brooklyn. However, it may be added that, judging by my experience while holding court in New York city last June and my experience here, where I held court for the most part of June, July, and August several years ago, the summer climate of Florida ought to command an appraisement somewhat commensurate with that placed upon its winter climate. In this city as a rule there was a breeze either from the gulf or from the ocean—for the real Florida is a peninsula—and there never has been a hot land breeze. My nights in New York were spent in the seventh story on a side of one of the "Grand Canyons" above Forty-second Street, and the breeze was created by an electric fan which gave me a dreadful cold; whereas my nights here were spent at Atlantic Beach where my better two-thirds and I had a cottage, and where every hour was made delightful by the invigorating winds that had kissed the great Atlantic or the Mexican sea.

Now, gentlemen, let me thank you for the opportunity of being here for a day—for the brief relaxation from the consideration and the application of legal principles to the given cases under study.

It is inspiring and helpful to me to be with you, because you are charming and robust men, and because you have an organization which has done and is doing much good for the public. Moreover, you have flattered into my mind the notion that even a sedate judge may tell you something worth while, or at least make suggestions to you to cause you to do your own thinking of some things worth while.

AN AGE OF WONDERS

In the wonderful age in which we live something has been said and something is being said every day on almost every conceivable subject. Men in high places are talking about many important matters pertaining to the present and to the future affairs of our Government and the welfare of the people. Pulpiteers, lecturers, and teachers are making their contributions to the drama now being acted. Our daily newspapers and magazines are the marvelous medium for the dissemination and preservation of current history, our publishing houses produce so many books that the day is not far distant when there will not be room in the Congressional Library at Washington to hold all the volumes required to be deposited under the copyright law. Indeed, the intellectual developments of the country, even if judged by the fruits of the press only, is as amazing as the growth of the iron, steel, oil, automobile, railroad, hydroelectric, and other industries too numerous for me to catalogue.

If you doubt the assertion, select your subject and go to any first-class public library, examine the current literature and then look upon the pages of the bibliography relating to your subject. It may be said that our speakers and writers are constantly dealing with questions that have more or less been considered at some time, somewhere. For instance, if it be a legal proposition that you are investigating, you will find numerous encyclopedias, textbooks, and judicial opinions that deal with it. Then, too, you will learn that "the glorious uncertainty of the law" arises from the difficulty in analyzing cases, in finding and correctly valuing the essential facts, and in the adaptation of appropriate legal principles. My suggestion is that you should not be deterred in telling on allowable occasions what you have learned by thought and study because some one has written or spoken on your subject.

I have adopted my own suggestion mentioned, and, therefore, invite your attention to the maybe banality, "there are too many laws," that is heard frequently almost everywhere, on the streets, in hotel lobbies, at dinner parties, and sometimes too in the Pullman car where there may be a man afflicted with "the deadly thirst" which is not satisfied with the quenching influences of aqua pura q. s., using the language of the physician's prescription. Now, with certain reservations, I shall take the negative side of the proposition. There may be too many statutory laws in some of the States. Undoubtedly a few States have passed some unwise acts; but the States can take, and generally do, quick action in rectifying legislative errors. However, such unnecessary or unwise State laws here or there are of little concern to all the people of all of the States. And they are in the main eliminated from present discussion. The question is practically reduced: Are there too many Federal statutory enactments?

MUST KNOW HISTORY

In our discussion it is essential to consider what the Federal Government is under the written Constitution; and what is meant by "our institutions," "systems," or "scheme of government" must be understood. In order to so understand and to truly ascertain and appraise the functions and value of the Federal Government with its imposed limitations, as well as its authority granted expressly or by implication, we must know the history back of the Constitution and comprehend the underlying and inherent philosophy of the Government fabricated by the organic instruments. To illustrate—and I don't think I am going too far afield—I am told that the master portrait painters of Paris require their students to have a knowledge of anatomy, for the belief is that no artist can correctly portray the face if he is without knowledge of the muscular, venous, arterial, and osseous systems which support the visible integument which we call the face. The idea is that if the student has no knowledge of the anatomical structure his portraiture may be a "daub" or not a faithful likeness.

Doubtless Mr. Gladstone's panegyric that, "The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of a man," is familiar to you. But it is not true that the Constitution was the result of sudden impulse or inspiration. It was the fruition of much labor and evolution and wisdom gathered from study and experience. It was, like the common law, more of a growth than a creation.

You remember that Mr. Justice Holmes said the common law is experience. We know that the 29-year-old South Carolinian, Pinckney, submitted a draft of the Constitution, and that at the same time the Virginia plan was laid before the convention by Randolph. And there is little doubt that Pelatiah Webster, the Philadelphia merchant, had written and circulated his plan embracing some of the features of the Pinckney and Virginia plans, and that many of the main features of each one of these writings were substantially embodied in the Constitution as it was promulgated. It is the truth, and it is fair to say, that in drafting the Constitution as it was finally approved Mr. Madison did more of the formulating work than any other of the framers. And we know also that the framers were learned and wise men. They used with profit the experience in the art of human government as it had been practiced or tried out in various forms and under various conditions, and in all the nations. Our fathers, with knowledge of history, acted under the doctrine that history is philosophy teaching by example. They were familiar with the rise, the course, and the passing of all sorts of governments that human ingenuity had devised from the tribe and monarchy to republic. Then, too, the virtues and evils of contemporaneous governments were both well understood.

They were not, however, the first to discover the plan of government with three coordinate departments, and yet with the departments welded together into the governmental unit or entity; for Montesquieu and his contemporaries had considered the plan before the fathers wrought. However, history and the hearts of the American people have awarded to the authors of the Constitution the deserved praise for having constructed our wonderful plan of government, for having written in some 4,000 words the organic law, the Constitution of the United States of America—the model plan under which the majority of civilized governments of this day move and have their being.

FOR THE AGES

The inspiring and controlling thought of the framers was, according to the preamble, to establish justice, insure domestic tranquillity, to provide for the common defense, promote the general welfare, and secure the blessings of liberty under the regulations of law. The Constitution unavoidably deals in general language. It did not suit the purposes of the people, in framing this great charter of our liberties, to provide for minute specifications of its powers, or to declare the means by which those powers should be carried into execution. It was foreseen that this would be perilous and difficult, if not an impracticable task.

The instrument was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter; and restrictions and specifications which at the present might seem salutary, might in the end prove the overthrow of the system itself. Hence its powers are expressed in general terms, leaving to the legislature from time to time to adopt its own means of effectuating legitimate objects, and to mold and model the exercise of its powers as its own wisdom and the public interests should require (14 U. S. 326). So the powers of government were enumerated rather than defined, and the Government is limited in the scope of its powers but not in degree. Exigencies have arisen from time to time which have vindicated the truth that the great document can not be treated with the strictness applicable to a contract, and its necessary elasticity has been acknowledged (110 U. S. 439). In years past much was written, even books, about Federal usurpation by judicial construction, but if we consider several of the recent amendments of the Constitution it must be said that encroachments upon the reserved powers of the State were few and nothing like as novel or as centralizing as some of the recent provisions added to the Constitution by amendments approved by the States. But that is another subject.

The principles enunciated in the Constitution are in behalf of representative government and not a pure or unrestrained democracy; the establishment of our dual form of government; the guaranty of individual liberty through the medium of constitutional limitation; limitations imposed upon the majority; an independent judiciary; a system of "checks and balances," whereby Congress acts as a check upon the Executive, and the Executive, by veto power, upon the Congress, and the Supreme Court upon both the other departments, so that the Supreme Court of the United States, without treasure or army, is the great stabilizing influence or force in government; and the joint power given to the Senate and the President in the matter of foreign relations. I shall not amplify these propositions.

REASON BEHIND LAWS

In carrying out the powers of government, in accomplishing its objects and its usefulness, in short, in the performance of obvious powers and duties, many enactments by Congress are demanded; and back of every act is a justifying reason. Revenue and appropriation bills and the major portion of other legislation are manifestly necessary for the preservation of the Government and to keep its useful activities in operation. To correct or prevent abuses arising within the zone of Federal power, our complex society, being made more complex by the increased knowledge of natural philosophy, scientific discoveries, mechanical inventions, the application of knowledge to the utilitarian demands of our continually developing civilization in this highly commercial age, call for new legislation from time to time.

Education, research, and statesmanship are guiding the way; and no doubt the rightful use of material things is not militating against morality and a general spirituality. My belief is that no thoughtful man can put his finger upon any foolish or groundless Federal law. He may point to one which in his judgment is not wise, but even

in such case, he must admit that the challenged statute is bottomed upon apparent reasons or facts, or experience, which the two Houses of Congress concurring, believed to render the act authorized and expedient.

We do not live in the age of the tribe or the patriarch, nor in any nebulous condition incident to primitive society. In the ancient days social and economic questions were few as compared to those of our time. Even the primitive people, who solved their domestic problems by crude law and successfully combated enemies from without, flourished; but when they failed in one of these particulars they failed in the other, and government with them perished. Every generation has its problems, and every generation must solve its own difficulties. So must our Congress do its full part in discharging the law-making duty, the highest power of government. If many laws are necessary, then we must have them, or else our Government must fail in the accomplishment and perpetuation of those things for which it was ordained. Webster said, "Justice is the greatest concern of man on earth. Justice is the end of government." How else can justice be attained and secured for the federated society and its components under our legal system unless there be adequate laws to meet the exigencies constantly arising?

CRITICS NEEDED

There are critics, and it is to be hoped there always will be critics of men in public life, those chosen to carry out our scheme of representative government. When criticism ceases and there will be general acquiescence in everything done in the name of government, then government with us will have lapsed into a sordid despotism, and death will be the end, or a revolution become the remedial process. You and I have little patience with the shallow-brained carper, the skulduddery artist, who hurls anathema and imprecation at those in responsible places. It is the right of every decent, patriotic American to criticize the President, Congress, and the courts. But indulgence of criticism should be, of course, in the bounds of propriety and in the light of truth and fairness, to the end that error may be rebuked and mistakes corrected. Let me instance at least one case of unfairness on the part of critics—a man of good reputation may censure judges and juries for delay and miscarriage of justice. Sometimes the criticism is just, and therefore wholesome; but too often the criticism is not justified, especially when by the man who dodges jury service. But, nevertheless, he thinks that he knows better how the case should have been tried or what the verdict should have been than those who served as ministers of justice. And then, too, there are critics, wise in their own conceit, who are ever ready to condemn the legislature for having done or having failed to do this or that. Such critic, with half-baked ideas, ought to try out the difficulties and labors of a legislator. He can at least try to try out his supposed superior wisdom by "running" for the Senate or House. And if the constituents agree with the critic he doubtless will be chosen. But when he gets into the wilderness of duties and work at Washington the chances are about 529 to 1 against his becoming a Moses, though he may, in a more or less feeble way, imitate the oratorical Aaron.

SOME LEGISLATIVE EXAMPLES

We may, for examples, refer to some of the laws enacted during this generation; among them the pure food and drug act. It was charged that the operation of this law increased the cost of some foods. True, if a packing house slaughters a thousand cattle a day and a hundred of such are unfit for human consumption and are condemned, loss would be imposed upon the packer; whereas without regulatory law perhaps all of such food might have been marketed. I have a great appreciation of the value of such law. (Act June 30, 1906, amended March 3, 1913, July 24, 1919.) Our forefathers did not eat food prepared a thousand miles away and refrigerated or canned. They had no need for law to regulate the manufacture and transportation of foodstuffs.

Another illustration of the necessity for legislation is found in the interstate commerce law affecting common carriers. They may be burdensome in some respects, but in the main they are salutary; they certainly prevent rebates and tend to promote equality of service and charges.

In providing for our soldiers and sailors and pensioners, legislation has been needed. Courts-martial in Army and Navy have also been the subject of recent legislation, intended to enable the humble enlisted man wearing his country's uniform to get a square deal in military courts.

Before going further, let me mention the migratory bird law. My young friend had upon his plea of guilty been fined, and he then followed me into my chambers. He said, "Judge, don't you think there are too many laws?" "Yes; the law under which I have just acted in your case is one too many for thoughtless people, pothunters, and game hogs, and for such there are too many game wardens." After I had talked with him about the usefulness of wild birds, the reason for the law, etc., he declared that he was in sympathy with it. He readily admitted the usefulness of insectivorous birds, and that the killing of game birds should be limited to the open season.

There is the white slave traffic act, which wisely prohibits the importation of women or their transportation in interstate commerce for lewd purposes. Then, too, there is the narcotic act. It does seem that the States have not tried, or have failed to suppress the alarming evil of drug addiction. The former law, as you know, was bottomed upon the plenary power of Congress to regulate commerce with foreign nations and between the States; and transportation was at an early day deemed to be commerce. And the other act just mentioned rests for its constitutionality upon the taxing power of the Federal Government, for it does indeed require the payment of a small tax. Will any man say that either of these laws is not wholesome? Again, the advent of hydroelectric power and the adadptation and use of radio have called for enactments that would have been strange indeed to the fathers. These illustrations show that our Government can never attain nor remain in a static condition. And we believe that our lawmakers will meet every demand as the demand may be demonstrated by time and necessity. The evolutionary process must work, as it has worked, for good or evil. Let us hope that it will always work for the former. There is no evidence inherent in the Constitution that its framers ever dreamed of air navigation, and yet it would seem that Congress has the power to regulate commerce between the States, whether carried on by steamboat or railroad train or by airship navigating through the air above the States.

As to the military power of the Government of the United States, the extent of it has never been fully defined or delimited by any decision of the Supreme Court. Some contended that the Panama Canal could not be constructed under the commerce power, but that it could be constructed under the war power for national defense. I can not suggest, if it were my duty to do so, what should be done with Muscle Shoals. I do believe, however, that Congress had the power to build the Wilson Dam for the purpose of impounding the water, primarily in the interest of slack-water navigation, and incidentally for the purpose of having the water power developed, just as the waters of the Warrior River have been impounded and used. If the conservation and flow of the Tennessee River is primarily for the benefit of navigation and for the purpose of having the water power developed for the direct use of the United States as a war necessity, the primary and incidental uses being legitimate, there seems to be no sound objection to disposing in some useful way of any excess of the power over the needs of the Government. The subservient use of the water which might be wasted at the weir may be debatable, for both State and Federal Governments are concerned; but I forbear lest I exceed judicial property. (283 Fed. 606; 4 Wheat. 159; 91 U. S. 857; 32 Fed. 9; 229 U. S. 53; 172 U. S. 58.)

I need not remind you young business men of the interest that you have in government and law, nor that you are concerned with the meaning and purpose of Federal law, for you are a part of the industrial and commercial life of the country, and you are aware that the large part of our commerce is interstate rather than intrastate, and that such commerce is now regulated by Congress and will be more and more regulated as necessities may arise. I have referred to some of the regulatory laws. Let me instance others; that is, the Sherman and Clayton Antitrust Acts. I may be pardoned for mentioning section 7 of the latter as having been recently upheld by a circuit court of appeals. As you may know, the act, among other things, prohibits one corporation from acquiring, directly or indirectly, the stock of other corporations where the effect of such acquisition or the use of such stock by the voting or granting of proxies or otherwise, may be to substantially lessen competition between such corporations, or any of them, or to restrain commerce in any section or community, or tend to create a monopoly in any line of commerce. You may not thank me for my participation in the framing and passage of that law. However, I have had many expressions of appreciation from lawyers who were paid to uphold the law, and from some who earned good fees from contesting clients.

Then, too, the act prohibited the "tying clauses" in contracts whereby a lessor took unfair trade advantage of its lessee. A certain well-known trust was condemned by this legislation, for the act was upheld by the Supreme Court. I need hardly remind you that I refer to the case of the Shoe Machinery Trust.

POWER OF BUREAUS

Necessarily much power has been conferred upon bureaus, and apparently there is some justification for the criticism that there is too much yielding to bureaucratic tendencies. Bureaus do not always act in the light of publicity and fair consideration of things committed to them. The Congress does. If any given measure be not fairly and fully considered in the House, the Senate is sure to consider and "check it up," and vice versa the House will do that in case of a Senate measure where the House determines that the measure needs further or fuller consideration. Thus, each branch of the legislative body to the extent indicated furnishes a check upon the other. So it may be said that rarely, if ever, any bill becomes a law unless it has been fully considered in the bright light of publicity. Of course, in many matters, such as the making of postal regulations, it is unwise to deprive executives of certain powers which amount to lawmaking. But we may confidently believe that in this country there will never be the untrammeled exercise of bureaucratic authority.

The reason for the belief is that the judiciary, acting under constitutional authority, will continue to recognize the mandates and limitations of the organic law, and will also continue to distinguish by rulings in the given cases the difference between judicial or legislative authority, and mere administrative powers. A bureaucrat can not become an autocrat, nor transcend the authority or discretion vested in him by Congress, nor exercise the powers which belong to judge and jury. (246 U. S. 388.)

MORE LEGISLATION NEEDED

As to some matters, I am sure that there has been too little legislation. Take our bankruptcy act—it has only 70 short sections and occupies but a few pages of ordinary print. The average lawyer and every judge has realized that it would be desirable to have other things covered in the act and for some things in the act to be made more explicit. I have not seen the amendments effective in August next.

But it is not my business to propose legislation; and, besides, I have enough to do in judicial capacity.

LOBBYISTS

Now, going on, I recall that the Fifty-fifth Congress, the one of my advent, was "pestered," to use a favorite word of Champ Clark, sometimes by lobbyists. From time to time an effort was made to get rid of them. I regret to say that the Congress of the United States is now more than ever hindered in their real work by lobbyists, if we credit our newspapers with accurate statements. No one ever objected to an agent or an attorney interested in proposed legislation appearing before the committees and advocating or opposing a given measure. I remember that on several occasions former Senator Faulkner asked to be heard on legislation affecting railroads. I accorded him that privilege when asked for.

His set speech always was: "Mr. Chairman and gentlemen, I am paid to come before you and oppose (or advocate as the case was) this bill. My purpose is to present to you the argument against (or for) the bill and no more. I would not if I could by personal solicitation influence your action. When I leave your committee room I shall not again refer in your presence to the subject matter now under consideration. I leave it to your enlightened judgment to do the proper thing." And that man, who had been a distinguished United States Senator, always lived up to the sentiments quoted. In this day I am sorry for Senators and Representatives who are flooded from time to time with stereotyped letters and telegrams, frequently mere propaganda, and futile in the accomplishment of public good. Congress never did and does not now need to be cajoled, threatened, buttonholed, or intimidated. The people sometimes make a mistake, but just as often they rectify it. An unfit or unfaithful man may be elected and sometimes is to the House or to the Senate, but the constituents back home whose business it is to elect have always and will continue to elect the member as their judgment may warrant. Believe me, that the life of a Representative or a Senator who does his duty at Washington is a hard and busy one. Besides giving his attention to legislation for which he was elected, the growth of government with its multiplied bureaus coming in contact with constituents back home, have drawn heavily upon the time of Senators and Representatives in looking after departmental matters for their constituents. In fact, the average Senator or Representative could not respond to his legislative duties and the departmental business matters of his constituents if he did not have adequate clerical help. Of course, there have always been and always will be some Representatives and perhaps some Senators who will rely upon the "glad hand" and stereotyped letters to hold their positions rather than upon work regular and hard.

But every Representative and Senator who discharges fully the obligations upon him must be a student and a hard worker, and most of the Representatives and Senators have always been such, and the thoughtful people of the country know this, and the belief is that they would not swap their plan of government, including in it its highest branch, the Congress, with its useful powers, for the notions and obsessions imported from foreign lands where the theory and practices of American representative democracy are unknown.

UNWISE DEMANDS

Now, let me say that the man of average information who has never served in Congress is not aware of the numerous demands made for legislation. Doubtless as a rule all wise demands are met. Then, also, there are many proposals for amending the Constitution in various particulars. I may embroider my story, to use the language of some of my newspaper friends, with some human interest—personal experience. While I was chairman of the Judiciary Committee of the House and at work, there came to me one morning two gentlemen, one a very handsome Catholic priest, and the other a distinguished appearing Methodist minister. They informed me that they came in behalf of a joint resolution to amend the Constitution so as to empower Congress to pass a uniform marriage and divorce law. I reminded them of possible objections in the way of the adoption of the joint resolution, but all that they brushed aside. The Catholic brother was told that if Congress had control of the subject it might enact a law authorizing divorces everywhere, notwithstanding the contrary law of his church and that of South Carolina, forbidding divorces. The Methodist brother was told that perhaps his denomination would favor some grounds for divorces, such as infidelity and others; and that Nevada might say that there should be liberal divorce laws, recognizing, among other things, desertion and incompatibility of temper. They were then reminded that such an amendment as proposed by them would inject into our politics a troublesome moral and religious question, one upon which the churches were not altogether at unity, and that there would be no end for confusion and vexation. The proposed joint resolution died. Other measures were proposed at different times, which I think, had they become law, would virtually have given Federal control over public education, and would inevitably have led to the regulation of the domestic relation of parent and child. The States are doing enough of that now through the system of compulsory education, with their truant officers and juvenile courts; and it must be admitted that these agencies under local control are doing much good. However, I apprehend that no father or mother wants bureaucratic agents sent out from Washington to dictate what should or should not be done with their children under the pretense that benevolent paternalism at Washington can manage the domestic relation of parent and child better than the States or the authorities in the communities where the parents and children live. Another wild thing was suggested to me—and that is that the Constitution ought to be amended so that the Congress should be allowed to pass a uniform law of descent and distribution.

The proponent was told what might happen if there were such uniform Federal laws—that perhaps it might disturb the law of those States that prohibited the making of so-called death-bed wills; that it might disturb the community law of some of the States and break down ganancial rights; that it might interfere with the rights of the people in the various States to provide in their lifetime for the disposition of their property after death. He argued that the law of descent and distribution ought to be the same in every State of the Union, and endeavored to analogize such a law with that pertaining to some negotiable instruments. I need not repeat his argument, for at the end he confessed that in essential particulars analogy was lacking.

IMPORTED OBSESSIONS

It is no wonder that the Congress has passed acts restricting immigration, for the World War revealed that the "melting pot" had done too little melting, and every census shows too many thousands of the "unassimilated."

So far as I know, no thoughtful citizen, either native or naturalized, has advocated the abolition of our dual congressional body and the substitution therefor of one legislative body. The honor of the Government is pledged forever to the preservation of the equipoliency of the States in the Senate, and representation in the House is wisely based upon population. As I have already undertaken to show, the Senate is a check on the House and the House is a check on the Senate in the matter of general legislation. It is not too much to say that upon the preservation of each branch of the legislature rests the confident hope of the perpetuity of the National Government, for the abolition of either branch of Congress would break down the fundamental plan of the wise system. And yet there is a demand on the part of a small number of people that the legislative powers of the Government be given over to one body.

My final idea is, that in the carrying on of our Government some things have been done which a studious and thoughtful citizen might regret; that there are some tendencies which are to be deplored, yet I am confident that you and I have an abiding faith that the American experiment of self-government can not and will not fail. No patriot can contemplate such a disaster. But every patriot should do his part in his "daily walk and conversation" to correct governmental evils and harmful and subversive tendencies. We can be vigilant, but we need not become excited. We ought to be hopeful, but we should be free from the indifference engendered by exaggerated optimism. We can warn, but we need not weep. We can preach righteousness without mingling it with despair; for, after all, we must know that we will continue to have a large measure of all that is best in popular government, and that our people will always be as free as they themselves may wish or deserve; and that the American citizens will always deserve to have the best government on earth if they continue to cherish the doctrines and principles of the fathers, and, in practice, emulate their exalted patriotism.

THE FENNING INVESTIGATION

Mr. GRAHAM. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Pennsylvania rise?

Mr. GRAHAM. Mr. Speaker, I rise to ask unanimous consent to proceed for five minutes, or three minutes will be enough for what I wish to say.

The SPEAKER pro tempore. Under unanimous-consent agreement the gentleman from Indiana was to follow the gentleman from Kentucky for 10 minutes. However, I think it is in order to prefer the request suggested by the gentleman. It can be done by unanimous consent. Is there objection to the

request of the gentleman from Pennsylvania that he be permitted to proceed for five minutes?

There was no objection.

Mr. GRAHAM. Mr. Speaker and fellow Members, I wish merely to make a protest. I do not desire to make a speech or discuss the subject spoken upon by the gentleman from Kentucky [Mr. GILBERT]. I certainly was pained to see in another body a discussion of this matter carried on by distinguished Senators. I am pained to hear on the floor of this House a discussion of the merits of a matter that is under investigation in the Judiciary Committee of the House and is so far progressed that it is like a case placed in the keeping of a jury that is out considering the case. Arguments made on the floor of the House on the merits of the case are in bad form and highly improper. I wish to protest against these speeches in the name of fairness and of justice.

Mr. RANKIN. Will the gentleman yield?

Mr. GRAHAM. I can not yield. The gentlemen who were conducting this case before the Judiciary Committee of the House can not complain that they were not afforded every scope and opportunity to produce evidence before that committee. The subcommittee heard them with great patience. You charged us with the duty of making this investigation. I wish to say that the committee has proceeded in a spirit of perfect fairness and candor, giving every opportunity, more than the law required, to produce evidence in support of the charges against this citizen, Mr. Fenning.

I understand that before I came into the House derogatory remarks were made concerning the committee, which I resent and scorn. Our committee deserves the place which has been given to it and will be given to it in spite of critics and criticism.

Truth is mighty and will prevail; the eternal years of God are hers.

No amount of diatribe or inconsiderate speech can crush the truth, and that is all that this committee is seeking to ascertain. The subcommittee is now at this moment in session in the House Office Building, considering the evidence which they commenced to take immediately after the resolution passed the House and have been almost continuously considering the case. If there has been delay, it was not caused by the committee; it has been due to those conducting the case and not chargeable to the committee of the House. The committee is deserving of your full confidence.

I do not care for myself. You may criticize me if you please, but I cherish the honor of that great committee over which I have the privilege of presiding, and I will defend the integrity of that body. I wish to tell you, gentlemen, it is only fair, it is only honest, it is only honorable, to wait until you hear the verdict; and then if you have reason to attack it, do it, and God bring about the development of the truth in this greatly abused matter, where evidence has not been sought, in a legal sense, but where every supposition has been magnified and has been given such swing and play that it is difficult to separate the wheat from the chaff. Do not let this case degenerate into a case of persecution, forgetting that it is our duty to investigate in order that we may ascertain the real facts and do justice. [Applause.]

THE TARIFF AND THE CONDITION OF AGRICULTURE

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HOGG] is recognized for 10 minutes under the special order of the House.

Mr. HOGG. Mr. Speaker and gentlemen of the House, at the close of the Civil War there was a banner placed on the Capitol Building with this inscription:

There is one debt which this Nation can never pay, and that is to the brave men who saved the Union.

It greeted the soldiers of the Grand Army as they passed in review. More than 60 years have gone, and every year the appreciation of the services of these soldiers becomes greater and greater.

To-day there are survivors among them who because of the lack of deserved legislation have not the necessities and comforts of life to which they are more than entitled. I shall not vote for adjournment until this and other necessary legislation is enacted.

My colleague, the gentleman from Indiana [Mr. CANFIELD] attempts to draw what he calls a sad picture of Indiana. He names five agricultural commodities—lemons, flaxseed, tobacco, wool, and sugar beets—adds erroneous figures, and then asserted that the farmers lose on the agricultural list of the present protective tariff $5 for every $1 of gain.

Without specifying a single article of merchandise, he includes three more lines of erroneous and misleading figures and again asserts that as a whole the farmers in Indiana lose $44 for every dollar of gain under the present tariff.

Having become enthusiastic, he affirms that the State of Indiana loses $138 for every $1 of gain.

In his effort to make a sad picture he omits facts which are important. According to the Department of Agriculture the farmers of Indiana, on January 1 of this year, had 1,400,000 cattle of the market value of $64,000,000; 2,890,000 hogs of the market value of $46,000,000, and 689,000 sheep of the market value of $8,000,000.

In 1925 the farmers of Indiana marketed or slaughtered 620,000 cattle of the value of $22,610,000; 4,827,000 hogs of the value of $95,000,000. In 1925 they produced 26,000,000 poultry, 26,000,000 bushels of wheat, 200,000,000 bushels of corn, 60,000,000 bushels of oats, 4,000,000 tons of hay, 4,000,000 bushels of potatoes, 4,019,000 pounds of wool, 85,000,000 dozens of eggs, 68,000,000 pounds of butter. The total value of farm products in Indiana in 1925 was $430,000,000. The highest voting per cent of citizens of any State of the Union is in Indiana. No wonder, then, the party which protects the workingman and farmer, the Republican Party, was given a majority of more than a quarter of a million. Of course, the center of population is in Indiana. Indiana's State debt has been paid in full. The deposits in the 1,097 reporting banks in Indiana on June 1, 1926, was $827,984,000. The value of mineral products alone last year amounted to $150,000,000. There are 8,000 manufacturing establishments employing 295,000 persons and producing in 1925 $2,000,000,000 worth of manufactured goods.

The gentleman from Indiana does not show in his "sad picture" the prices which Indiana farmers receive for their products to-day. I quote the Fort Wayne News-Sentinel prices paid farmers in northeastern Indiana at the present time:

Hogs, 15 cents; cattle, 8 cents; sheep, 12 cents; poultry, 30 cents; wheat, $1.36; corn, 55 cents; oats, 40 cents; hay, $20 per ton; potatoes, $2.50 per bushel; wool, 35 cents per pound; eggs, 30 cents per dozen; butter, 50 cents per pound.

Had the gentleman from Indiana wanted a sad picture he might have returned to those days in Indiana when the tariff for revenue only had taken a market from the farmers. Then the farmer received the following prices for his products: Hogs, 3 cents; cattle, 3 cents; sheep, $1 per head; poultry, 4 cents; wheat, 52 cents; corn, 20 cents; oats, 15 cents; hay, $6; potatoes, 20 cents per bushel; wool, 10 cents per pound; eggs, 6 cents per dozen; butter, 5 cents per pound.

In 1896 men were begging for work at 60 cents per day. The total bank deposits in Indiana were reported at $17,488,000. That was a "sad picture" and one of the lasting monuments to the failure of a tariff for revenue only.

His ratios are without foundation in fact.

The correct application to-day to the tariff which any 5 to 1 ratio has in Indiana is that under the Fordney-McCumber tariff the farmer in Indiana is receiving five times as much for his products as under the Wilson tariff. [Applause on the Republican side.]

The 44 to 1 ratio points out the fact that the citizens of Indiana, the increase in population considered, have forty-four times as much money on deposit in the banks of Indiana as they had in the free-trade régime. [Applause on the Republican side.]

The 138 to 1 ratio, according to facts, means that there are 138 prosperous citizens in Indiana in 1926 to one in 1896. [Applause on the Republican side.]

The gentleman from Indiana admits that 70 per cent of his speech is from the literature of the Fair Tariff League. The Fair Tariff League is an organization of importers presumably with headquarters in New York City. The directors include soap manufacturers, who fought all the agricultural schedules, placing a protective tariff on all kinds of vegetable oils and vegetable seeds from which oils are manufactured. They are making a continuous fight to get these agricultural items reduced. Their fight is being contested by all agricultural producers. Seven Democratic governors of seven Southern States which grow cotton, soy beans, peas, and other vegetables from which oil is manufactured have recently joined with the agriculture producers from these States to protest any reduction in the protective tariff on these products. In this the southern farmers are joined by the farmers of the West and Northwest. The Fair Tariff League has maintained officers in and distributed literature from the same room in the Munsey Building in which is located the headquarters of another enemy of agricultural prosperity, known as the Bureau of Raw Materials.

Any association which has for its object lower prices for farm products can not have the approval of the farmer. [Applause on the Republican side.] Mr. CANFIELD has unwittingly become the mouthpiece for that organization which would re-

duce the price of farm products and uses the very words put into his mouth by that organization.

Product	Price under tariff for revenue only, 1896	Tariff rate Fordney-McCumber	Price, 1926	Products, 1925
Hogs	$0.03	½ to 4 cents per pound, products.	$0.15	4,827,000 head, value $95,500,000.
Cattle	.03	½ to 3 cents, inclusive, products.	.10½	620,000, value $22,610,000.
Sheep	1.25	$2 head; mutton, 2½ to 4 cents.	.15½	On hand Jan. 1, 1926, 689,000 head, value $8,000,000.
Poultry	.04	6 cents	.30	26,000,000 head.
Wheat	.52	30 cents per bushel; flour, 78 cents per hundred.	1.56	26,000,000 bushels.
Corn	.22	15 cents	.55	20,000,000 bushels.
Oats	.15	do	.40	60,000,000 bushels.
Hay	6.00	$4 per ton	20.00	4,000,000 bushels.
Potatoes	.20	½ cent per pound	2.50	4,000,000 pounds.
Wool	.10	12 to 24 cents	.35	4,019,000 pounds.
Eggs	.06	8 cents per dozen to 18 cents per pound.	.30	85,000,000 dozen.
Butter	.05	12 cents	.50	68,000,000 pounds.

The Underwood tariff law was enacted during President Wilson's first term and placed grain, vegetables, fruits except a few grown in the South, sugar, fresh meats and meat animals, dairy products, poultry, eggs, and wool on the free list. Foreign manufacturers and producers were given a premeditated advantage over American producers. During the first 12 months of the tariff $350,000,000 worth of farm products were shipped to America and $5,000,000,000 were taken off of American pay rolls. It reduced the price of every farm product below the cost of production and turned 5,000,000 men out of employment. A few illustrations will suffice.

In May, 1920, the United States imported four times as much butter as in any previous year of our history. In May, 1921, the price of high-grade butter in New York was 28 cents a pound.

During the years 1919 and 1920 more potatoes were imported into America than in other years of our history. Eighty-two per cent came from Canada. The price was completely broken, and the American potato grower lost his crops. During 1920, under the Underwood free-trade tariff, five times as much fresh mutton and lamb were imported into the United States as in any other year of our history. Sixty-five per cent came from New Zealand. The result was to break the price of sheep to the American grower, but the records show it did not lower the price of lamb and mutton to the American consumer.

During the years 1914, 1915, and 1916, all of which were under the Underwood tariff, which afforded wheat no protection whatever, the average price of wheat in the Winnipeg market was 8 cents higher than the Minneapolis market. This is the average for the entire three years, and so it can not be said that it was exceptional or higher only for a month or two. Not only was the three-year average higher, but each year the average was higher in Winnipeg than in Minneapolis.

The farmers' emergency tariff was enacted by the Republican Congress in special session called by President Harding and became operative on May 27, 1921. It afforded protection to American products. [Applause on the Republican side.] The wheat crop of that year began to come into the market in July, 1921. The average price of wheat throughout that year, beginning in July, 1921, and ending in June, 1922, was 13 cents higher in Minneapolis than in Winnipeg. Five years have elapsed since the enactment and operation of a tariff protecting wheat; and, according to the statistics furnished by the United States Department of Agriculture, the Minneapolis market throughout the period of this entire five years shows an average of 10 cents a bushel higher than the Winnipeg market. [Applause on the Republican side.] During the three years under the Underwood tariff, prior to our entry into the war, after which the price was fixed on wheat, the Winnipeg market averaged 8 cents higher than Minneapolis market. This is a differential of 18 cents a bushel in favor of the United States market under a protective tariff. [Applause on the Republican side.]

These are the figures taken from the Government reports. The United States Department of Agriculture Yearbook for 1924 gives the production of wheat by States up to and including the year 1923. The December, 1925, monthly supplement of crops and markets issued by the United States Department of Agriculture gives the production by States for the years 1924 and 1925. From these Government figures we find the Indiana farmers produced wheat in the following quantities for the years named:

	Bushels
1921	24,192,000
1922	28,928,000
1923	34,248,000
1924	31,437,000
1925	25,700,000

The total for the five years is 144,505,000 bushels. They marketed this, and by reason of the protective tariff they got 18 cents a bushel more on the average for it than they would have under the free trade of the Underwood tariff. Eighteen cents per bushel on 144,505,000 bushels is $26,010,900. That is the amount which the Indiana farmers have profited directly and solely on wheat due to the protective tariff in the last five years. [Applause on the Republican side.]

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. HOGG. Yes.

Mr. O'CONNOR of New York. If Indiana is in such wonderful condition, why did the senior Senator from that State make such a fight for the Haugen bill?

Mr. HOGG. Mr. Speaker, for the information of the gentleman from New York, I assure him that the senior Senator from the State of Indiana is more than qualified to speak for himself. [Laughter and applause.]

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield?

Mr. HOGG. Yes.

Mr. BLACK of New York. In the gentleman's opinion, do the farmers of Indiana need the Haugen bill?

Mr. HOGG. The farmers of Indiana do need the Haugen bill, as I shall presently show.

The present tariff has kept the price of cattle far above the international level of cattle prices. The explanation is easy. Land values in South America are in the neighborhood of $20 per acre. The peon handles the herds and gets scarcely more than his lodging. The ranch cost of producing cattle is $2 per 100 pounds. The minimum cost in America is several times that sum. Were it not for the present tariff the American market would be open to such destructive competition from South America that the American cattle industry would be destroyed.

It costs 35 cents to produce a pound of butter in Denmark. In the United States it costs 54⅔ cents to produce a pound of butter. If there is no tariff, or if the tariff is too low, cheap butter will be sent from Denmark to supply the American demand and the American farmer will be forced to sell his butter below its cost of production. The Democrats who offer a reduction of the tariff prefer that the butter consumed by Americans be produced in Denmark rather than in the United States. The Republican party acts upon the principle that its first duty is to the American farmer. Therefore, President Coolidge, on May 6, 1926, increased the tax on foreign butter imported into America 4 more cents per pound. [Applause on the Republican side.] Before the foreign producer can ship his butter into America he must now pay a tax of 12 cents on each pound. The tariff on onions and many other farm products should be increased.

Every product of the American farmer can be produced in a foreign country, shipped to America, and sold at a profit for less than our own farmer's cost of production. To this fact the Democratic Party and the Republican Party have ever offered solutions as far apart as the east is from the west. The Democratic Party has asserted in every national platform that the foreign producer, both industrial and agricultural, may ship his goods into America after paying a tax for revenue only, and may sell them as cheaply as he can in our markets.

It must not be forgotten that all agricultural implements, fertilizers, binder twine, building material, are on the free list in the Fordney-McCumber tariff.

The object of the protective tariff is to give a market in America to our American farm products and to give a market in America for the products of American factories. [Applause on the Republican side.]

One-fifteenth of the people of the world live in the United States. Their pay roll is greater than the other fourteen-fifteenths of the world. The great cry from across the sea and from a few importers and Democrats is that we should lower the tariff that the rest of the world may sell us cheap goods. The Republican Party has ever refused the foreign countries the position which will enable them to drag us down to their level of living.

The output of American factories represents 38 per cent of their cost in food consumed. Thus, every time you buy $1,000 of the products of American factories one creates a market for $380 of American food.

At present in Belgium skilled workmen engaged in the manufacture of men's clothing receive $6.72 per week, in Germany $7.09 per week, in France $9 per week, in Austria $4.90 per

week, and in the United States $30.50 per week. We employ 200,000 men of this class, and the output is $1,250,000,000 worth of clothing. In America the skilled workman gets from three to six times as much in wages as elsewhere in the world. The foreign manufacturer of clothing is able to ship his goods to America and sell them at a profit for less than our cost of production.

The tariff prohibits the foreign manufacturer from shipping his goods into America until he pays a tax to the Government for the privilege of selling them in America. In the item of men's clothing he is required to pay 40 to 50 per cent tax.

Capital needs no protection. Capital is able to take care of itself. Labor must be protected. Our protective tariff is the difference in wages at home and abroad. [Applause on the Republican side.]

A skilled machinist in France receives $9.40 a week, in Italy $5.98 per week, in Belgium $6.52 per week, in Germany $10.95 per week of 56 hours, and in England $13 per week. In the United States he receives $34.60 per week. The foreign manufacturer, taking advantage of cheap labor, could send his products to America and close our factories were it not for the tariff. Many times since the days of Washington well-meaning but mistaken men in Congress have taken the tariff off of goods sent here by foreign cheap labor, and each time unemployment and disaster have then and thereby befallen the American Nation.

If the factories do not run, the farmer has no market in which to sell his products; and if the farmer has no place to sell his products, he in turn can not buy the output of the factories. The welfare of the farmer and of the producer in the city are bound up together.

The tariff saves America for American producers by refusing to furnish a market for foreign cheap labor. The American standard of living—the best in the history of all ages—is the fruit of protection. [Applause on the Republican side.]

PRESENT AGRICULTURAL SITUATION

To understand the present situation of farmers it is necessary to look into the past that we may correctly ascertain the cause of present problems.

TAXES

The farmer pays more than his share of local taxation. This is, of course, a matter of which the State, and not the National Government, has control. In 1913 taxes paid by farmers and the owners of farm property were approximately $624,000,000. That was 9 per cent of the gross agricultural income. In 1922 this had risen to approximately $1,436,000,000, or about 13 per cent of the gross agricultural income. From 1913 to 1922 taxes had increased one and one-third times.

Direct taxes on farm property amounting to about $265,000,000 during the years 1909 and 1914 increased to $891,000,000 in 1924 and 1925.

The farmer and real estate owner is listed for all of their property, whereas owners of notes and mortgages not recorded, numerous forms of intangible property, and much personal property are either not listed at all or for a very low portion of their respective values. Those who possess property not listed for taxation pile a heavy burden upon the farmer whose entire property is fully assessed. The protection of our Government extends to the man who escapes taxation the same as it extends to the farmer who pays more than his share of taxes.

Nontaxable bonds of the Government and its subdivisions mean an additional burden on taxable property. Nontaxable bonds aggregate $14,000,000,000. No further issue of tax-exempt bonds should be permitted. The certain security of the Government is ample inducement to sell tax-exempt bonds. An enlightened conscience of the man who evades his assessment, justice in the State tax law and their operation, and no further issue of tax-exempt bonds will relieve the American farmer of the unjust burden which he now is compelled to bear in the form of local taxes.

DEFLATION

It is a matter of common knowledge that following the war the Democratic administration urged the American farmer and stock grower to spare no efforts or money in obtaining maximum production. In 1920 the administration became almost frantic in its effort to encourage maximum production. The farmer, seeing greater profits, bought still more land, more livestock, more farm machinery, paying extravagant prices, and banks loaned on the inflated values. Farms sold for $500 per acre which had a few years previously been worth $200 per acre. Bankers apparently forgot the lesson of the Wilson tariff of 1894 and went along with inflated prosperity. The crops of that year were produced at the greatest cost of any production of such crops in our history. However, during the summer of 1920 the administration became panicky over the high cost of living, and the Federal Reserve Board, every member of which was a Democrat and appointed by a Democratic President, proceeded with their process of deflation by restricting credit.

At that very time the farmer was also met with competition of agricultural imports of all kinds and in greater quantities than had ever come to America. In addition to the deflation policy and the flood of cheap agricultural products from other countries, taxes on farm property increased in 1920 and 1921 from $596,000,000 to $848,000,000, or about 42 per cent. Men who had agreed to pay $60,000 for a farm and had given mortgages for three-fourths of it found that they could not sell the land for half what they had agreed to pay for it. The cattlemen who had bought livestock at $125 a head and had borrowed $75 on it discovered that they could not obtain half what they had paid for it. The farmer was swamped with obligations which he had assumed.

At that time many banks lost one-fourth of their deposits in 90 days. Many notes were transferred to the War Finance Corporation, and the Federal reserve system assisted. The period of readjustment has continued to the present time.

For the purpose of stopping the flood of agricultural imports the emergency tariff act was enacted. It applied solely to agricultural products and remained in force until the passage of the Fordney-McCumber tariff in September, 1922, in which the agriculture schedules of the farmers' tariff were embodied without material change.

At the present time many of the obligations carried over from five years are being liquidated. Some notes have been charged off and the financial structure of the rural communities is being brought back to normal. It has been the farmers' tariff and the Fordney-McCumber tariff which has largely assisted the farmer in his recovery from the evil effects of the free importation under the Underwood tariff. [Applause on the Republican side.]

MARKETING SYSTEM

No industrial enterprise could long survive if it marketed its products as the farmer is compelled to market the products of his toil. The farmer who produces the food and much raw material for the Nation has been unable to secure the hire of his services. Surpluses must be handled in a manner to give the farmer and not the middlemen the value of the crops. Stabilizing the price and elimination of unnecessary middlemen are necessary accomplishments before the farmer will receive that return for his products to which he is entitled. It is a physical impossibility that 7,000,000 farmers can organize themselves into a cooperative marketing association without the supervision of the National Government. I do not know any farmers who desire subsidies or price-fixing schemes. A rule of economics found in a textbook is a very poor reason for refusing necessary assistance to the agricultural producers. What might be called sound economics at one time is unsound at another time. Change is the only permanent thing in the world. The plain fact is that the farmer has been unable to organize in sufficient numbers to secure the benefit of his own production. It is the duty of the Government to do collectively for individuals that which they can not do individually for themselves. We must have legislation that will give the American farmer the hire for his indispensable services. The cost to the consumer of food products need not increase, but a larger portion of the difference between the price which the farmer receives and that which the ultimate consumer pays must find its way to the home of the farmer. [Applause on the Republican side.]

SPEECH OF HON. MAURICE H. THATCHER, OF KENTUCKY

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech delivered by my colleague Mr. THATCHER at Cave Hill Cemetery, Louisville, Ky., on Memorial Day.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, under leave granted me to extend my remarks in the CONGRESSIONAL RECORD, I submit the Decoration Day address delivered by my colleague from Kentucky, Hon. MAURICE H. THATCHER, under the auspices of the Grand Army of the Republic at the Cave Hill National Cemetery in Louisville, Ky., on May 31, 1926:

DECORATION DAY ADDRESS

Mr. Chairman, members of the Grand Army of the Republic, veterans of the Spanish-American and World Wars, ladies, and gentlemen: First I desire to express my very great appreciation for the honor accorded

me by the invitation of the Grand Army of the Republic to address you on this occasion. I am deeply sensible of that honor and wish that I were better qualified to bear it.

Once a year we decorate the graves of our heroic dead, the dead of all our wars. Once a year in our efforts thus to pay tribute to them, we reconsecrate ourselves to the ideals and aims for which they fought. In the closing hours of this lovely month of the springtime, throughout the length and breadth of our great country and in our insular possessions, we bestrew with lovely, fragrant flowers the mute but glorious mounds beneath which there rests the sacred dust of those whose sacrifices, as we believe, have accomplished more for humanity and progress than have the sacrifices of the soldiery of any other nation through any period in human history.

It is interesting to note the causes, the events, and the results of our various American conflicts—the early colonial wars, the French and Indian War, the War of the American Revolution, the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and the World War. These sanguinary struggles, together with the spirit of free institutions, have fitted a peace-loving people for a character of soldiership which has commanded the wonder and admiration of the world. The colonial wars and the French and Indian wars gave to the colonists of this country a hardihood and experience in arms without which they would have hardly been able to fight with success the great war for American independence. Indeed, without the experience gained in those earlier conflicts it is to be doubted whether the Revolutionary struggle would have been undertaken at all. The War of 1812 was fought under conditions of American unpreparedness, and in consequence yielded many humiliations to our people, though ultimately it served its purpose in destroying the last claim of British sovereignty over American citizens on the high seas. The Mexican War brought into the Union the vast domain of the Southwest now constituting the great States of California, Utah, and Nevada, and the greater portions of Colorado, New Mexico, and Arizona.

In this connection I may suggest that on this forenoon, in this county, at the Zachary Taylor burial grounds, we dedicated the lovely mausoleum which has just been constructed under an act of Congress which I had the honor to introduce and press for enactment. This mausoleum now holds the remains of that great American soldier and citizen, that great Kentuckian, the popular hero of the Mexican War, "Old Rough and Ready," Zachary Taylor, the twelfth President of the United States; and by his side lies his beloved wife; and there together in those sacred grounds, which are now to become a national cemetery, the twain shall forever rest, guarded by the strength of the American Government and encompassed by the love of the American people.

Then came the great Civil War and its fearful fratricidal strife. Out of the issues of that war, at fearful cost of American blood and treasure, there resulted the elimination of slavery and there came indestructible union.

Next in order was the war with Spain, and it served a manifold purpose. In its far-reaching achievement and effect it must be accorded a place as one of our most important conflicts. Not only did there result from American victory the liberation of oppressed Cuba from the iron heel of Spanish tyranny, but there also resulted the similar liberation of Porto Rico and the Philippines. In addition to all this the lessons and experiences of that war, and its aftermath, resulted in the construction and operation by the United States of the Panama Canal, and the conquering of yellow fever and other deadly diseases of the Tropics. Not only did these greatly beneficent results flow from the Spanish-American struggle, but another splendid benefit was derived from it.

In that war, side by side and comrade to comrade, on land and sea, sons of the Blue and sons of the Gray, under the Stars and Stripes, together fought for the cause of liberty and humanity, and by reason thereof more, perhaps, was done to heal the wounds made by the Civil War than had ever been done before. Therefore the Spanish-American conflict, while a war of liberation for others, was for ourselves a war of reconciliation.

Again in the World War, the greatest sanguinary struggle of history, this healing effect of the Spanish-American War was repeated. Flesh of the same flesh, and bone of the same bone, the youth of the North and of the South, of the East and of the West, wearing the uniform of a common country, led by the glorious standard of the Union in foreign lands, marched and fought and bivouacked, and there shed together their precious blood in order that once again in the world's history the cause of free institutions might not be destroyed.

Speaking under the auspices of the Grand Army of the Republic, and because, also, that the beautiful custom of this day grew out of the Civil War, and assumed its general observance through the action of Gen. John A. Logan, one of the earliest commanders of the Grand Army of the Republic, I shall make these further references to that struggle. Had not the cruel institution of slavery secured in our midst a firm hold, it is not likely that we should ever have had a civil conflict. For that institution, both the North and South appear to have been originally responsible; but the founders of the Republic, realizing how repugnant slavery was to free institutions planned and wrought—as Lincoln so ably demonstrated in the arguments which brought him to the Presidency—for its ultimate extinction. Except for the invention of a mechanical contrivance—the cotton gin—it is to be doubted whether slavery could have much longer survived in this country. That discovery, however, gave a tremendous impetus to the growth of cotton in our Southland, and slave labor thereupon in consequence, acquired an importance in the South hitherto unknown. The question of slavery thus assumed economic and political aspects which changed the current of American history. Free institutions and slavery were mutually so antagonistic that civil clash seemed inevitable, and the evil day of final reckoning, though put off for a season by the conciliatory statesmanship of Henry Clay, finally dawned in the election of Lincoln to the Presidency, and the declaration of the slave-holding States of the right of secession from the American Union.

It was then that fraternal strife came upon our people. Brother against brother, and father against son, each fought with the skill and courage distinctive of the American soldier; and the most stubbornly contested civil war of history was waged. Had not the soldiers of both sides believed they were right, they could not have fought as they did. But in the clear light of the Declaration of Independence and of the American Constitution slavery was wrong, and its cruel blot was obliterated through the stern appeal to arms.

There are but few thoughtful men and women of the entire Nation to-day, in my opinion, who do not now believe that it was best that the cause of the Union prevailed in that fateful conflict of sixty-odd years ago. Had the principle of secession been once established, further and further disintegration of the original units of the Republic would have resulted and chaos would have been the end.

You who, as veterans under the glorious leadership of Lincoln and Grant, and the others who led the struggle for the preservation of the Union, to-day survive, however feeble in body you may have come to be, must bear within you, so long as life may last, the spirit of everlasting gratitude and praiseworthy pride that by your service in those far-off days you so vastly contributed to the maintenance of the greatest Nation the earth has ever known, and the perpetuation of that Nation forever free from the touch or taint of slavery. By the courage and sacrifices of yourselves and your comrades, not only were all our people served, including those against whom you fought and whose like bravery and skill you learned to know at such fearful cost, but also thereby the cause of humanity and freedom throughout the earth were served, and the "last, best hope" of the world was saved as a lamp of liberty and as a torch of freedom to the struggling and oppressed of every land. You wrought even better than you knew, and we who subsequently have come upon the scene of action honor ourselves in proportion to the honor we pay you. We join you to-day in lovingly and reverently heaping upon the graves of your comrades sleeping here in this beautiful national cemetery—several thousand of them—and upon the graves of those who served in other wars, the bloom and verdure of the glorious resurrection time of spring.

In the earliest days of history the Chinese had some such custom. From them the Medes derived it; and from the Medes the Persians acquired it; and from the Persians it passed to the Grecians. From the latter Italy and the other lands of Europe, and finally America learned the lesson of this memorial procedure. But until in this, our own Republic, began the practice it is to be doubted whether in any land the graves of private soldiers were decorated as we to-day decorate them. In the older days and in other countries the tombs of royalty, and those of great military heroes were thus adorned in commemorative fashion, but the private or common soldier was held in no such reverence as has been true in our own land. There is a splendid significance in this fact. Here we believe not in the divine right of kings but only in the divine right of the individual, whatever may be the individual estate. By the arbitrament of the Civil War this American ideal was forever made secure; and you, the surviving veterans of that war, and of the armies which marched and fought under the flag that flies above us to-day, deserve at the hands of all our people, North and South, East and West, and of the Government you struggled to preserve, all consideration, all gratitude, and all the evidences of consideration and gratitude which it is possible for them to bestow.

LAKE CARGO COAL RATES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. MOORE] for the period of 15 minutes. [Applause.]

Mr. MOORE of Ohio. Mr. Speaker, ladies, and gentlemen of the House, mining has been one of the chief industries in the State of Ohio. That is also true in my district, the fifteenth Ohio. For the last 18 months or longer probably three-fifths of the approximately 10,000 miners in my district have been idle, or a situation exists that makes it necessary for them to work at something other than their occupation of mining. Some of these men have had to leave their homes, which they have bought after years of saving, and go elsewhere to secure employment in order that they might support their families.

We well know that mining is one of the most hazardous of occupations, and I think that these men who are in the mining industry should have particular consideration. It is conservatively estimated that the loss to the miners in wages alone in 1925 as compared with 1923, in Guernsey and Noble Counties of my district, is $3,675,000. This is an indication of what has happened in other places in my district and also outside of my district.

There are operators in my district who have spent most of their lives in the production of coal and have invested their money and ability in developing this great industry. Some of the largest mines, one at least, has gone into the hands of a receiver. These operators are entitled to consideration and relief.

In 1918, 1,082,688 tons of coal were sent from the Cambridge, Ohio, field—which is in my home city—for the lake trade. In 1924, 486,458 tons were shipped to the Lakes. In the year 1925 the Cambridge Lake trade had diminished to 4,382 tons. In all of Kentucky in 1918 there were 1,314,554 tons of this lake trade, which has increased to 6,606,912 tons in 1925. Ohio had 33.97 per cent of this lake trade in 1920, which has decreased to 5.53 per cent in 1925. West Virginia had 27.41 per cent in 1920, and this has increased to 59.53 per cent of the lake trade in 1925. Kentucky had 6.14 per cent of the lake trade in 1920, but in 1925 this had increased to 25.09 per cent.

One can thus see the enormous increase in the lake trade of West Virginia and Kentucky and the decrease in Ohio, particularly the Cambridge field, and the same has been true in Pennsylvania.

The coal operators and parties interested in Ohio and Pennsylvania made application to the Interstate Commerce Commission for a hearing which commenced in February, 1924, on the lake-cargo tonnage, asking for a better differential in rates as compared with the rates of Kentucky, West Virginia, and other States. The Interstate Commerce Commission appointed two competent and experienced examiners to look into this case and report. These examiners made an exhaustive investigation and reported in March, 1925. The following statements appear in the report of the examiners:

> Consumers should be afforded the opportunity of purchasing their fuel requirements under the widest competitive conditions, but it is unsound economics to encourage by a rate structure the use of coal from distant mines when a satisfactory quality may be had nearer at hand, particularly when one result is a large empty-car movement. The shortening of hauls is one means of increasing the efficiency of railway equipment by enabling it to handle greater tonnage per unit of time. High transportation costs, whether due to long hauls or unreasonable rates from near-by districts, are reflected in the price to the consumer. There are a sufficient number of producing districts in western Pennsylvania and Ohio to assure healthy competition in the Northwest under a balanced rate structure fair to all the district.
>
> The rates from the lower West Virginia, Kentucky, Virginia, and Tennessee districts are unquestionably subnormal, although the roads serving those sections claim to be satisfied with them. The early rates, which these reflect, were granted partially to encourage the opening of the mines and to carry them through the development period.
>
> With a meritorious product and very favorable rates, competition with coals mined nearer the lake ports has been met and the districts have continued to expand, although much of this undoubtedly was occasioned by unusual demands for fuel during the war. Much capital has been invested in these mines and markets have been built up. But the time has apparently come when this fostering care, to the extent that it rests on preferential rates, is not required and should be withdrawn. It is rather common knowledge that the coal-mining industry now is overdeveloped and that consumers are paying high prices for their fuel because of the cost of maintaining facilities and workmen that are idle half the time. Under such circumstances, it would be unwise economically to authorize a rate structure here, questionable in its relationship between districts, that would have the effect of expanding the distant districts against near-by districts and thereby impose on the consumer unnecessarily high transportation costs in addition to high production costs.

The examiners further recommended that the differential be changed and that the Cambridge rate to the Lakes be decreased. Unfortunately for Ohio the Interstate Commerce Commission did not follow the report and findings of its examiners and that is the reason application was made for a rehearing which has been granted and will start, as I understand it, July 20, 1926.

However, this decision refusing to follow the examiner's report was made by a division in the commission. I believe five members did not agree with the majority opinion.

In order that this case may be understood it should be said that the lake tonnage has been maintained as far as volume is concerned, but Ohio and particularly the Cambridge field has not received its share of the trade which has gone to other States, particularly Kentucky and West Virginia.

Those who have spoken for the coal fields south of the Ohio should have difficulty in making a case that there could be very much suffering among their miners when the tonnage that they have produced and sold has been steadily increasing while the amount that Ohio and Pennsylvania has produced and sold in the lake trade has greatly decreased; in fact, almost vanished in some places. Certainly the Interstate Commerce Commission will not fail to carefully look into a situation whereby certain sections that produce coal like Ohio and sell it in the lake trade have pratically lost all, while other sections like Kentucky and West Virginia which are farther away have steadily gained in that trade.

The following memorandum is taken from the examiner's report and shows the originating district, the present rate, and the average mileage:

Lake cargo rate

[Memorandum of present rates taken from Interstate Commerce Commission examiner's report]

Originating district	Present rate	Average mileage
No. 8	1.63	165.2
Cambridge	1.63	172.2
Middle district	1.48	127.9
Massillon	1.48	160.5
Deerfield	1.48	105.3
Hocking	1.63	192.0
Shawnee	1.63	195.0
Pomeroy	1.63	241.8
Oldham, Ohio	1.53	150.6
Freeport	1.51	169.2
Pittsburgh	1.66	177.1
Connellsville	1.72	228.2
Fairmont	1.81	258.4
Meyersdale	1.88	290.9
Kanawha	1.91	362.8
Ironton	1.91	258.7
Big Sandy	1.91	384.4
Kenova	1.91	334.8
Thacker	1.91	360.1
Harlan	1.91	447.9
Hazard	1.91	420.2
MacRoberts	1.91	470.5
Kentucky	1.91	304.6
South Jellico	1.91	406.4
Cumberland-Piedmont	1.93	351.4
Gauley	1.93	361.5
Clinch Valley No. 1	2.06	456.4
Clinch Valley No. 2	2.06	495.0
Pocahontas	2.06	437.0
New River	2.06	407.3
Tug River	2.06	409.5
Stonega	2.06	508.8

It will be observed that the first 10 points on this list are in Ohio; most of the others are from points south of the Ohio River. From this schedule of rates it would seem that distance had scarcely been taken into consideration in fixing the rates.

The gentleman from Kentucky [Mr. ROBSION], in an extension of remarks in the CONGRESSIONAL RECORD at the close of the last Congress, when there was no opportunity to answer at that time, attacked the examiners' report predicting direful results to the mining industry in Kentucky and other States if the findings of these examiners should be followed. If the eloquent gentleman from Kentucky had prophesied that what he was predicting might happen to Kentucky and other Southern States would happen to Ohio and Pennsylvania, he would have been approximately correct. For we have seen a splendid lake trade from Ohio almost vanish and undoubtedly one of the chief contributing causes is an improper differential in the lake rates in Ohio and Pennsylvania as compared with Kentucky, West Virginia, and other States.

The gentleman from Kentucky extended his remarks in the CONGRESSIONAL RECORD shortly after the report of the examiners was made to the Interstate Commerce Commission, apparently trying to discredit the examiners' report while the commission had it under consideration, and also to start a discussion and thereby create propaganda at a time when the Interstate Commerce Commission was considering the question of reopening the case which had been submitted to it. Unfortunately for the mining industry in Ohio and in my district, the Interstate Commerce Commission saw fit to reject the recommendations of the examiners who had spent a great deal of time and carefully made this finding. However, the situation has developed that was predicted would happen in the Cambridge field and many of our mines are now idle, but in fairness it must be said that the case has been reopened and we still have confidence that the Interstate Commerce Commission will carefully consider this case and give us the relief that is needed in order that the mining industry which has been developed through the years in Ohio may not continue in a prostrate condition.

The gentleman from Kentucky and others who have spoken on the subject mention the small difference in freight rates but they usually fail to say that Ohio and the Cambridge field that is in my district, have had rates increased since 1912, 117.3 per cent while rates from Kentucky have only been increased 96.9 per cent, and from some West Virginia districts only 83.9 per cent, one district only having been increased 72.3 per cent. This will be found from the printed decision of the Interstate Commerce Commission. The same gentleman failed to refer to the fact that when reduced to mills per ton per mile, Cambridge pays 9.47 mills while some of the West Virginia and Kentucky rates return only a small fraction over 4 mills per ton per mile. Let me illustrate. Take the McRoberts district in Kentucky. The rate of $1.91 for this district gives 4.06 mills per ton-mile. Neither did these same gentlemen, who are so eloquently opposing any change in this differential call attention to the fact that the weighted average mileage of the eastern Ohio group in 151.1 miles and the rate is $1.63 per ton, whereas, from this McRoberts field in Kentucky the weighted average mileage is 460.3 miles, or 309 miles greater while the rate is only 28 cents greater. From this it would seem apparent that there is not a proper differential. How can it be possible that rates such as I have indicated can be both reasonable and nondiscriminatory? It would certainly seem that either one is excessive or the other is not sufficiently compensatory.

Mention has been made of the fact that there have been a number of changes in these rates since 1912. That is true. Instead of being an argument against further changes, it seems to me it is an argument for it and indicates a disposition upon the part of the Interstate Commerce Commission to make changes when it is properly brought to their attention.

Allusion has been made, or at least hinted at, that because Ohio and Pennsylvania pay the miners better wages that this is the reason for the loss of this lake cargo tonnage. Our contention is that the question of wages is not a governmental matter but that is something that the operators and miners must largely work out between themselves, and it is for the Interstate Commerce Commission to determine proper rates with a proper differential between competing communities. If Ohio and Pennsylvania have higher costs than other mines in wages, it seems to me that this is an added reason why Ohio should have the maximum consideration respecting the reasonableness of rates.

It should be said in fairness, however, that the coal operators had authorized action to get a change in rates to be taken a year before the so-called Jacksonville agreement was signed. Complaint was filed with the Interstate Commerce Commission July 6, 1923, and the Jacksonville agreement was not signed until February 19, 1924. It should further be said that the Jacksonville agreement did not raise wages, but as a general proposition simply continued the wage scale that was then in effect.

What is known as the Ohio-Michigan coal cases, decided in 1923, throws some light on this case. While some relief was given, it was the opinion then of several members of the Interstate Commerce Commission that more relief should have been given. The following appears in opinions given in that case:

COMMISSIONER M'CHORD

I am in accord with the majority report in all particulars as far as it goes, but believe that it does not go far enough in the one matter of the differentials in the rates from the Inner and Outer Crescents (West Virginia and Kentucky) over those from southern Ohio.

In this case, while the majority report accords southern Ohio some relief in this respect, I think that more is due.

I am convinced that at this time the rates from the Crescents (West Virginia and Kentucky) should be 60 and 90 cents, respectively, higher than from southern Ohio.

I am authorized to state that Commissioner Eastman joins in this expression.

COMMISSIONER POTTER

I desire to make record of the reasons for my own conclusions, which approximately coincide with those of Commissioner McChord.

In former times the long-haul mines were perhaps needed to steady the market by their competition. As a rule they are not now needed for that purpose. Even in sections enjoying short haul there are so many mines that there is reason to expect that competition will keep prices down if more remote mining is curtailed. It is quite possible that by this means there could be a direct saving of from $500,000,000 to $750,000,000 a year in the price of coal to the consumer, with much additional indirect saving through lower rates, reduced manufacturing costs, etc.

COMMISSIONER CAMPBELL, CONCURRING

I concur in the general conclusions of the majority herein, but do so with some reluctance, because I am strongly of the opinion that the interests of all parties would be better served if we require a realignment of the rates on a mileage basis rather than continue them on a group basis.

I think it is generally agreed that these rates were fixed under abnormal conditions prevailing at the time of the World War, having in mind general conditions existing at that time rather than the reasonableness of the rates. Most of the coal districts in Pennsylvania and Ohio have undergone very slight changes, while in other sections there has been great expansion with practically no change in rates. We think the time has come for a change in these rates and we have confidence that it will be granted because of the justness of our claims.

It is with reluctance that I speak concerning a case that is before the Interstate Commerce Commission for decision. In fact, I would not if others had not spoken giving part of the facts and making it necessary. I am old-fashioned enough to think that since the Interstate Commerce Commission is a judicial body that the matters before it should be determined upon their merits. However, for more than a year last past there has been more or less discussion on the subject of rates that affect the so-called lake cargo tonnage. This vitally affects the mining industry in the State of Ohio and other States.

We ask no monopoly. We seek none in Ohio. But we do ask that we shall be able to compete on a fair and equitable basis with proper rates, and these we do not think we have at the present time. With mines idle; with merchants discouraged because of large accounts and a decrease in their business; with men having to leave their homes and go elsewhere for employment; with lifetime savings depleted; with numerous men out of employment; we look forward with confidence to relief by the Interstate Commerce Commission, especially when by nature we are placed nearer the lake ports and should have this as a market for our coal under fair and equitable rates. We shall present our case with confidence before the Interstate Commerce Commission, which will hear this case in the near future, with a firm belief that we are in the right and are entitled to the consideration and relief which we seek. [Applause.]

WORLD WAR VETERANS' ACT, 1924

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 12175, an act to amend the World War veterans' act, 1924, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table H. R. 12175 and concur in the Senate amendments. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, will the House have an opportunity to vote on each one of the Senate amendments? There have been some important amendments added to the bill, as I understand.

Mr. JOHNSON of South Dakota. I will say to the gentleman that it is not the intention of the chairman of the committee to have the House vote on these amendments. The Senate has greatly liberalized this bill. The vocational training features of the law expire to-day, and if I can not secure this unanimous consent it will be necessary for me to ask for a rule for its consideration.

Mr. SCHAFER. Is this the bill which provides that the President may transfer tubercular annex No. 1 at the National Home, Wisconsin, and the Battle Mountain Sanitarium to the Veterans' Bureau for operation as a Veterans' Bureau hospital?

Mr. JOHNSON of South Dakota. That is eliminated from the bill.

Mr. SCHAFER. I do not think it should have been eliminated from the bill.

Mr. JOHNSON of South Dakota. I do not, either.

Mr. SCHAFER. The patients in annex No. 1, National Home, Wisconsin, are practically unanimously in favor of having the Veterans' Bureau operate said annex instead of the Board of Managers of the National Homes.

Mr. JOHNSON of South Dakota. I will say it is the intention of the chairman of the committee to bring in at the beginning of the next session a bill to take over these institutions. I am in absolute sympathy with the gentleman's viewpoint.

Mr. SCHAFER. I realize, of course, that objection to the gentleman's request would practically kill all the benefits that are now in the bill. We are confronted with the same situation with which we have been confronted during the last two sessions of Congress, namely, that of having World War veterans' legislation brought up in the closing days of the Congress, when the House can not have an opportunity to amend the bill or perfect it in accordance with the views of the Members of the House.

Mr. JOHNSON of South Dakota. I think the gentleman is laboring under an entire misconception of the facts, because this bill carries $15,000,000 annually for disabled veterans. They have had their day in Congress and they are having it right now if no objection is made.

Mr. SCHAFER. Does not the gentleman think that legislation to take care of disabled veterans of the World War should be brought up before the House, so that Members can express their opinions and offer amendments, so that this legislative body can legislate on this legislation the same as it does on other legislation?

Mr. JOHNSON of South Dakota. I have expressed myself to that effect many, many times, even before the gentleman was a Member of the House. However, I am very anxious to pass this bill, which will do so much for the ex-service men, although it does not have everything in it that I would like to have in it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. LAGUARDIA. At the last session of Congress the distinguished gentleman from South Dakota assured the House, when he brought the bill in under suspension of the rules at that time, that he would not do it this time, but this year the bill was brought before the House under suspension of the rules. We have now reached a critical stage in the session and we are bound to accept the bill, I suppose, but if we are going to legislate here at all and are compelled to take the bill under suspension, and then accept the conference report in the closing days of the session, I do not see that we have much of a parliamentary Government or a representative Government in this country; yet that is the situation we are up against.

Mr. SCHAFER. Does any Senate amendment affect the provision of the House bill which provides for an extension of the seven-year limitation for the filing of claims?

Mr. JOHNSON of South Dakota. There is an extension until July, 1927.

Mr. BULWINKLE. If the gentleman will permit, it provides for a three years' extension from 1924, and that gives one year additional. I will say to the gentleman from Wisconsin that I placed in the RECORD yesterday an analysis of the differences between the House bill and the Senate bill.

Mr. SCHAFER. But under the existing law if a veteran does not file his claim within seven years the bureau can not consider it.

Mr. BULWINKLE. I am trying to impress upon the gentleman that under the Senate amendment the veterans will have until 1927 to file any claim they wish to file.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota to concur in the Senate amendments?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. MOORE of Virginia. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Virginia. Mr. Speaker, I rise to ask unanimous consent that following the address of the gentleman from New York [Mr. FISH] to-morrow morning I may be permitted to address the House for 15 minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent that to-morrow morning at the conclusion of the speech of the gentleman from New York [Mr. FISH] he may be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

MY THIRD ANNUAL REPORT TO THE CITIZENS OF THE THIRTY-EIGHTH CONGRESSIONAL DISTRICT, NEW YORK

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent, on behalf of my colleague, the gentleman from New York [Mr. JACOBSTEIN] to extend his remarks in the RECORD by printing a résumé of the work of this session of Congress.

The SPEAKER. Is there objection?

There was no objection.

TEAMWORK IN GOVERNMENT

Mr. JACOBSTEIN. Mr. Speaker, in his recent address before the Daughters of the American Revolution, President Coolidge called attention to the significant fact that—

> since 1880 there has been a marked increase in the tendency to remain away from the polls on the part of those entitled to vote.

One way to counteract this widespread apathy and indifference is to stimulate in each individual citizen a keener interest in the business of Congress. For this reason I began three years ago to present to the citizens of my district a condensed report of each congressional session and of my personal voting record with respect to every important measure, as the president of a corporation issues an annual report to his stockholders.

This, my Third Annual Report, is distributed in the hope that it will stimulate thought and a deeper sense of responsibility relative to the work of Congress, and also enable you to determine to what degree and in what manner I have represented you and your interests.

The Sixty-ninth Congress convened December 7, 1925, the Members of which were elected in November, 1924. We operate under a law long out of date, by which Congressmen do not take office until 13 months after election. As you know, each Congress has two sessions, a long session and a short session. This was what is known as the long session, and was unusually long, seven months in duration, from December 7, 1925, to July 3, 1926. Owing to the length of the session and the many important legislative matters that came up for action or deliberation, it will be necessary in this report to treat each matter very briefly. Nevertheless, every one of these matters deserves your serious consideration.

TAX REDUCTION

The burden of taxation weighs heavily upon us, especially since the war. It is estimated that one dollar out of every eight that is produced in this country goes to the support of Federal, State, and local Government. To relieve the taxpayers of some of this heavy burden should therefore be one of the first objects of legislation.

The very first bill to be introduced in the Sixty-ninth Congress and one of the most important was the revenue act of 1926. [H. R. 1, GREEN.] (H. R. stands for House of Representatives; the number is the number of the bill; the name is that of the Congressman who introduced the bill.) It was passed by the House, amended by the Senate, repassed in the House, and signed by the President. This revenue act reduces taxes by about $319,000,000 annually. The personal income tax is reduced very substantially for all classes of incomes. It is estimated that 2,300,000 people have been entirely relieved from paying taxes because of increased exemptions. The average reduction on personal income taxes for nearly all classes is approximately 28 per cent. By the elimination of the capital-stock tax on corporations 165,000 corporations which reported no net income will be relieved from the payment of all taxes.

The graduated estate-tax rate was cut in half, from 40 per cent maximum on the largest estates to 20 per cent. I did not favor the retroactive application of these rates which the Senate wrote into the bill. The gift tax was abolished in toto.

There seems to be a widespread movement on foot among certain financial groups to get rid of the Federal estate tax. I believe we ought to keep this tax, bearing in mind that no such tax is levied on estates of less than $100,000.

The amusement-admission tax was cut down by the elimination of the tax on admissions of 75 cents or less instead of 50 cents as under the old law.

Many war taxes on such articles as automobile trucks, automobile accessories, cameras, photographic films, etc., were entirely eliminated, and the tax on pleasure automobiles was reduced from 5 to 3 per cent. It is a sound tax policy to get rid of these war emergency excise taxes. I voted for their reduction and elimination.

Special occupational taxes were also eliminated. Certain stamp taxes were repealed. There was a reduction in the tax on cigars, tobacco, and distilled spirits, principally on alcohol used industrially. I voted for these reductions.

While it is impossible to state accurately what this tax reduction means to the various classes of taxpayers, the following estimate has been made:

Reduction of taxes under revenue act of 1926, fiscal year 1927

Income tax (individuals)	$94,000,000
Estate and gift taxes	20,000,000
Cigars and tobacco	14,000,000
Admission and dues	9,000,000
Excise taxes	74,651,000
Capital stock	94,000,000
Special and miscellaneous taxes	13,349,000
Total reductions	$319,000,000

There was a reduction of about $195,000,000 in individual income taxes for the calendar year 1926.

Although there are some features of the tax reduction act which I do not like, and would have changed if I could, I voted for this tax reduction act of 1926, as I did for the tax reduction act of 1924. This tax reduction bill was the result of a bipartisan arrangement, which was praised by the President and by the majority leader in the House.

In spite of our three tax reductions the Treasury continues to pile up a surplus, which in the year ending June 30, 1926, amounted to $378,000,000. This, to my mind, warrants still further tax reduction. I therefore recently introduced a bill calling for a 25 per cent remission of the income tax for this

year and calling for an inquiry into the possibility of the elimination or reduction of the automobile and amusement taxes and the corporation income tax, which was increased from 12½ to 13½ per cent on net incomes under the 1926 act.

The Federal Government in recent years has been taking out of the pockets of taxpayers more money than is required to pay the ordinary expenses of the Government and to make legal and reasonable provision for the retirement of the public debt. The estimated surplus given out by the President for the next year is $185,000,000. This surplus would admit of a 25 per cent remission in our personal income tax. The Treasury estimates of surpluses have been altogether too low for the past five years. In fact, the actual surpluses during the past five years have been $1,800,000,000, which is much greater than the anticipated surpluses.

SETTLEMENT OF FOREIGN DEBTS

This Congress has accepted and ratified agreements made by the World War Debt Funding Commission with foreign governments, including Belgium (H. R. 6774), Italy (H. R. 6773), Rumania (H. R. 6772), Czechoslovakia (H. R. 6777), Esthonia (H. R. 6778), and Latvia (H. R. 6776). The French debt (H. R. 11848) has passed the House, but has not yet passed the Senate. This is true also of the debt of the Kingdom of the Serbs, the Croats, and the Slovenes (H. R. 11948).

In a general way it may be said that the basis of settlement was "the capacity to pay" on the part of the various nations. As in the case of the tax-reduction measure these debt settlements were the result of bipartisan action in the Congress, the War Debt Funding Commission being made up of both Republicans and Democrats, and their recommendations being accepted by Congress.

Two of these foreign debts remain unsettled, that of France and that of Greece. In a previous Congress settlements were made with Great Britain, Poland, Lithuania, Hungary, and Finland. Italy settled on the basis of approximately 25 cents on the dollar and Great Britain approximately 75 cents on the dollar. All these foreign nations under the terms of the settlement make annual payments to us for 62 years on the principal and interest. The payments are small at first and increase as the years go on.

I voted in favor of these debt settlements because I felt this was the maximum that could be expected from these foreign nations under present and prospective conditions. Furthermore, I believed that a quick and honorable settlement would hasten a return to a more stable condition in these various countries and throughout the world, reacting favorably upon us as a world power with an increasing volume of foreign trade.

The allied nations owed us over $12,000,000,000, including accrued interest. In a general way it may be stated that in funding these debts our Government will get back one-half of this amount. I believe these settlements were generous, but under the circumstances not too generous, in view of the fact that these were not ordinary commercial loans, but largely advances made to allies engaged in a common struggle with us.

THE WORLD COURT

Entering the World Court involves the making of treaties, and the making of treaties is a function of the President and the Senate. The House, therefore, had no part in the action on the World Court. If it materializes, the House will then be called upon to appropriate money to carry out the purposes of the World Court resolution. Although the Senate ratified the World Court proposition, the consummation of the alliance hinges on the acceptance of the American reservations by the foreign governments.

REDUCTION OF ARMAMENTS CONFERENCE

The administration recommended and Congress approved this Nation's participation in a conference for the reduction of armaments. An act (H. J. Res. 107, TEMPLE) was passed, appropriating $50,000 for this purpose. I voted for it.

The nations of the world are staggering under a terrific burden due to the maintaining of large armies and navies. It is to the interest of civilization to reduce that load and at the same time remove the possible cause for friction and temptation to go to war arising from excessive armaments.

FARM LEGISLATION

It is universally admitted that the farmers, especially in the wheat, corn, hog, and cotton belts, have suffered terrific losses since 1921 and that the agricultural population is in distress and needs relief. I estimate this loss to date at about $13,000,000,000. Two relief measures were proposed in this Congress, and both were defeated. The Haugen bill (H. R. 11603) was defeated in both the House and the Senate.

I made two speeches against the Haugen bill and voted against it. I regarded this measure as being unsound economically and calculated in the end to hurt rather than benefit the farmer, at the same time increasing the cost of living for those who live in cities.

The administration measure, known as the Fess bill (S. 4462), was defeated in the Senate on the ground that it did not go far enough in offering relief. This measure never reached the House.

As a result of my two speeches on the farm problem in the House, I was frequently invited into conference with the farm leaders to help shape farm legislation.

The Congress did, however, pass a cooperative marketing bill (H. R. 7893, HAUGEN) by appropriating $150,000, to be used by the Department of Agriculture for the gathering and dissemination of information to promote cooperative enterprises among farmers. I voted for this measure.

Congress is not indifferent to the needs of agriculture. For this next year $127,924,573 was appropriated to the Department of Agriculture (H. R. 8264, MAGEE). The good roads bill (H. R. 9504, DOWELL) also was passed, which will materially benefit the farmer. For this purpose $165,000,000 was authorized. In addition, $105,600,000 was appropriated to the Post Office Department for the operating of the Rural Delivery Service (S. 949). I voted for all of these measures.

The major problem, however, remains unsolved. The problem for the farmer is an economic one. It involves the intelligent control of production and the intelligent marketing of the crops, especially of the surplus, which depresses the price for the entire crop.

The Taber milk bill (H. R. 6728) was passed, also for the benefit of the farmer, by checking the importation into this country of milk and cream from Canada. I favored this bill, aided in its passage, and would have voted for it had I not been unavoidably absent when final action was taken.

The tariff on butter was raised by the Tariff Commission under the provisions of an act passed by a previous Congress.

RAILROAD LABOR DISPUTES ACT

One of the most constructive pieces of legislation passed by this Congress was the Parker-Watson Railroad Labor bill (H. R. 9463). This act provides for the prevention and peaceful settlement of disputes through mediation, conciliation, and voluntary arbitration. The bill wiped out the old Railway Labor Board, which was never satisfactory to either the railway executives or to the employees.

The most significant thing about this new act is that it was drawn up by representatives of both the railway executives and the labor unions. Both capital and labor came to Congress and asked for the passage of this bill. I addressed the House in support of this measure, and I voted for it. It was passed by a vote of 381 to 13. It passed the Senate, and was signed by the President.

RAILROAD CONSOLIDATION

The administration recommended railroad consolidation. Bills were introduced to effect this object and favorably reported on by the Senate Committee on Interstate and Foreign Commerce. It will come up for consideration next winter. Neither the House nor the House committee took action on this matter.

THE PULLMAN SURCHARGE

I regret to say that the House committee failed to take action on the matter of eliminating or reducing the Pullman surcharge. As you know, when you buy a ticket for a Pullman berth you pay not only the charge to the Pullman Co. but, in addition, 50 per cent extra, which goes to the railroad company. This was a war measure, which is absolutely unjustifiable now and should be repealed. The Senate Committee on Interstate and Foreign Commerce reported favorably on the bill calling for this repeal, and it will come up for consideration at the next session. If it should come up for action in the House, I shall vote for the repeal of this surcharge, as I did at the previous session of Congress.

BANKING

For several years the national banks have been seeking the right to establish branch banks in city districts on the same terms as the State banks. The McFadden banking bill (H. R. 2) sought to effect this purpose. It passed the House by a vote of 293 to 90. I addressed the House in support of this bill, and voted for it. The Senate, however, amended the bill in such a manner as to make it unacceptable to the House. It failed of final passage and goes over as unfinished business until next December. The point at issue in this legislation is as to how far we want to go in throwing the door open to branch banking. In my opinion, the McFadden bill passed by the House went far enough for the present.

PUBLIC BUILDINGS

For more than 10 years the United States Government has failed to appropriate adequate funds for public buildings. The Federal Government pays out to-day $24,000,000 yearly for the

renting and leasing of buildings, a part of which could be saved if it erected and used its own buildings. The administration recommended a public-building program, and such a measure was passed by the House by a vote of 263 to 120. It was also passed by the Senate and signed by the President. By this measure we have embarked on a program which will appropriate $165,000,000, to be spread out over a period of five years. This year $13,987,810 was authorized to be spent. The Secretary of the Treasury and the Postmaster General are to recommend the specific projects and to pass on the type of building to be constructed. No building, of course, will be built until Congress appropriates the money for that specific purpose. This year $5,575,000 will be spent in the District of Columbia. Congress, I am glad to say, reserved to itself the final authority as to expenditures for specific projects.

I indorsed the general principle behind this building program, which eliminated the old "pork barrel" method of voting for building projects, and at the same time reserves to Congress the authority to actually spend the money.

I was unavoidably absent on the day the House voted in the first instance on this measure, but when the bill came back from the Senate for action in the House I voted for the final passage of the bill.

In this connection it will be of interest to those in my own district to know that I have made inquiry as to an application for the erection of a new Federal building in Rochester, and have been assured that the Rochester field will be surveyed for this purpose.

WAR VETERANS'- LEGISLATION

CIVIL WAR VETERANS

A general pension bill (H. R. 4023, ELLIOTT) was passed by the House and the Senate and signed by the President increasing the pension payments to veterans of the Civil and Mexican Wars and their dependents. The veterans who now receive $50 a month will automatically hereafter receive $65. Those who are now receiving $72, because blind or otherwise helpless, will hereafter automatically receive $90. Widows who were wives during the service of the veteran and Army nurses who have been receiving $30 will now receive $50. I presented to Congress five petitions signed by citizens of my district in support of this bill. I urged the committee to report the bill, and I voted for it in the House.

The House and also the Senate passed 2,617 private pension bills for veterans and widows of Civil War veterans (of this number 2,559 were for widows and 58 for veterans). Twenty-two of the private pension bills which I introduced in behalf of residents of my district passed the House and the Senate and were signed by the President, thus becoming a law. The Pension Committee is swamped with a great number of these private pension bills, and only a certain portion can be considered each session. A large number of private pension bills, which were not acted upon, will come up again at the next session in December.

It is estimated that the general bill for Civil War pensions will benefit some 110,114 veterans and 27,149 widows and will cost the Government $15,869,810.

SPANISH-AMERICAN WAR VETERANS

A general pension bill (H. R. 8132, KNUTSON) was passed unanimously in the House, passed the Senate, and was signed by the President, liberalizing the pensions of Spanish-American War veterans. This bill granted the following scale of increases:

From $12 per month to $20 per month.
From $15 per month to $25 per month.
From $18 per month to $30 per month.
From $24 per month to $40 per month.
From $30 per month to $50 per month.
From $20 to $50 per month for disability not due to vicious habits.
From $20 to $72 per month for those blind or helpless.

For the widows of veterans the increase was from $20 to $30 per month with $6 per month additional, instead of $4, for each child under 16. The number of veterans who will be thus benefited is 136,053, and the number of widows and children, 36,048. The cost to the Government is $18,936,108 annually. In signing this bill President Coolidge indicated that it was not inconsistent with his general economy program. I voted for this measure.

WORLD WAR VETERANS

I voted for the Johnson bill (H. R. 12175), amending the World War veterans' act of 1924, which passed the House without a record vote, passed the Senate, and was signed by the President. It is estimated that the provisions of the bill will benefit some 39,570 ex-service men who are suffering from disability or who may suffer from disability which originated in the service. The bill extends for one year the time in which claims may be filed and evidence presented. The vocational training period is extended for two years for ex-service men attending schools and colleges and for six months for those taking placement training. There are many other provisions in the bill liberalizing the treatment of ex-service men, especially those suffering from tubercular disease, relating to hospitalization, expenses, insurance payments, and so forth. The outstanding features of the bill are as follows:

Liberalizing compensation to disabled veterans.
Liberalizing hospitalization provisions for veterans.
Reinstatement of insurance for disabled veterans.
Payment of $50 a month to veterans with arrested tuberculosis.
Reduction in compensation to insane veterans without dependents.

THE SOLDIER BONUS ACT, AMENDED

This amendment (H. R. 10277—GREEN) passed the House by an almost unanimous vote, only 1 vote being recorded against it and 290 for it. This amendment to the original bonus act—for which I also voted—will make it possible for widows to receive the benefits of the bonus when their husbands died after the original act was passed but before application could be filed. It will also give to the parents of deceased veterans the benefits of the bonus act prior to 1928 if they can prove they are dependents, and automatically after 1928 if they are more than 60 years of age. The provisions of the amendment will also prevent the disallowance of claims through technicalities in the present law. I voted for this amendment to the adjusted compensation act.

It is estimated that these two World War veterans' bills will benefit immediately some 78,000 ex-service men and that the aggregate cost to the Government for the first year will be $17,000,000.

Certainly no one would accuse this Congress of having failed to deal fairly with the veterans of our wars. I am glad that I had the privilege of voting for these various measures giving to the veterans and their dependents more just treatment and more liberal allowances.

IMMIGRATION

The country at large has accepted the selective and restrictive immigration act of 1924 as part of our general immigration policy. Labor is entitled to protection against a flooding of our American labor market with immigrant labor, just as manufacturers are entitled to and do receive protection against foreign-made goods.

The administration properly recommended amendments to humanize the present law, especially to make possible the reuniting of separated families. President Coolidge, the Secretary of Labor, and the Commissioner General of Immigration advocated such amendments to the present law.

I introduced two bills (H. R. 7379 and H. J. Res. 283) along the lines recommended by the administration. Other similar bills were also introduced, notably the Wadsworth-Perlman bill and later the Wadsworth-Perlman amendment. I regret to say that the Committee on Immigration and Naturalization of the House turned a deaf ear to all proposals, and on purely technical grounds deferred action on my second bill until next session. I appeared twice before the committee advocating this legislation. I hope relief will be granted at the next session, which can be done without disturbing the basic structure of the 1924 act.

I am happy to say that the American Federation of Labor indorsed the principle of my second bill (H. J. Res. 283), permitting wives and minor children to join husbands and fathers who had taken out their first papers between 1921 and 1924.

The Holaday deportation bill (H. R. 12444) was introduced in the House. It provides for the deportation principally of those aliens who have been convicted of crime and given sentence of more than a year, and those who have become public charges. Appeals may be made to the Secretary of Labor before deportation is executed. The bill passed the House, but did not pass the Senate. I voted for this deportation bill.

AIRCRAFT PROGRAM

This Congress committed the Government to a farsighted aviation program. Bills were passed to promote commercial aviation and to increase the efficiency of the Army and Navy Air Service. Three new assistant secretaries were provided for to direct this aviation work, one in the Department of Commerce for commercial aviation, one in the War Department, and one in the Navy Department. We have embarked on a five-year program, which is calculated to give the Army 1,800 planes and the Navy 1,600 planes, and a large body of trained pilots. The cost of this program is $93,000,000 for the Navy and $77,000,000 for the Army. I voted for this aircraft program.

RADIO LEGISLATION

The radio business has developed so rapidly that the country finds itself without adequate legislation to control this important industry. In fact, since Congress adjourned on July 3 the United States Attorney General has handed down a decision which takes from the Secretary of Commerce practically all power which it was assumed he had under an act of 1912. The administration asked this Congress for regulatory legislation.

The House passed what is known as the White bill (H. R. 9971), which placed the control of the radio industry in the Department of Commerce, in cooperation with a Federal radio advisory commission appointed by the President. The Senate, however, passed an entirely different measure, the Dill bill (S. 1754), which placed control in the hands of an independent radio commission. A deadlock ensued, in consequence of which no legislation was enacted by this Congress, and the matter goes over until the next session.

Although I favored the passage of the White bill, I believe it could be improved by including some of the amendments contained in the Senate bill. I like especially the Dill amendment which prohibits discrimination and keeps the air open on equal terms to all people desiring to broadcast.

COAL

It is an extreme disappointment that this Congress failed to enact coal legislation. The President, the Secretary of Commerce, and the United States Coal Commission urged the necessity of such legislation. The chairman of the Committee on Interstate and Foreign Commerce, to which was referred the several bills which were introduced, promised the House that a coal bill would be reported at this session. The committee, however, deferred action until the next session of Congress.

I introduced a coal bill (H. R. 11898) along lines recommended by the United States Coal Commission. I went before the Interstate and Foreign Commerce Committee and presented the information I had gathered in several years of study and investigation of the coal industry. Twice I addressed the House urging legislation. I called attention to the fact that there may be a strike in the soft-coal industry within the next 12 months. Perhaps the country will have to go through another strike, a cold winter, and much suffering to impress upon Congress the importance and urgent need of Federal legislation on this semi-public utility.

RETIREMENT PENSIONS FOR FEDERAL EMPLOYEES

About 392,500 civil-service employees have been operating under a retirement pension fund, to which they contributed 2½ per cent of their salaries. The maximum annual pension that a Federal employee might draw was $720, which was altogether inadequate because of the increased cost of living. The employees asked for a $1,200 maximum and were willing to contribute as much as 4 per cent of their salaries. The House reported a bill, the Lehlbach bill (H. R. 7), with a $1,000 maximum and a 3½ per cent contribution, which was passed. The Senate reported a $1,200 maximum, but finally agreed to accept the House bill, which was signed by the President and is now a law.

I voted for this bill, although I preferred the $1,200 maximum. I appeared before the Joint Civil Service Committee of the House and Senate and presented arguments in favor of the $1,200 maximum; but a half loaf was better than none.

The House bill will actually result in a net saving to the Government; that is to say, the Government is better off with a $1,000 maximum and a 3½ per cent contribution from the employees than with a $720 maximum and a 2½ per cent contribution.

PROHIBITION

The House passed a bill to reorganize the Prohibition Unit—the Green bill, H. R. 10729—by creating two new bureaus in the Treasury Department, one a prohibition bureau and the other a customs bureau, with the view of increasing the sense of responsibility for the administration of the prohibition law in the bureau chief. I voted for this bill. It was reported in the Senate with amendments, but no further action was taken.

The House also passed a bill—Cramton bill, H. R. 3821—placing prohibition agents under civil-service regulations in order to improve the caliber of the enforcement agents. I voted for this bill. It was reported in the Senate with amendments, but no action taken.

Another measure was presented, known as the Goff bill (S. 3823), which extended the rights of "search and seizure" into private homes for the purpose of detecting law violation. This bill, however, never reached the stage where action was required, but if it had I would have voted against it on the ground that it would violate one of our most sacred rights, the privacy of the home.

This Congress voted liberal appropriations for the enforcement of the Volstead Act. These appropriations for the fiscal year 1927 total $41,713,106, which includes the direct and specific appropriations for this purpose, $29,832,456, about one-third of the appropriation given to the Department of Justice, which is spent on the administration of the prohibition law, and the Coast Guard appropriation, making a grand total of $41,713,106. This is an increase of $13,167,406 over last year. As one who believes in the strict enforcement of all laws, I voted for these liberal appropriations.

A number of bills were introduced to modify the Volstead Act. The Judiciary Committee in the House, however, gave no consideration to these bills and none was presented to the House for action. A subcommittee of the Judiciary Committee of the Senate, however, held hearings on a variety of bills and reported adversely on them.

In New York State legislators will be morally bound, in my judgment, by the expressed will of the people as shown by the result of the modification referendum which will be held this coming autumn. I indorsed the referendum, and as a candidate I promised the voters of my district in 1922 and in 1924 that I would be bound by their expressed desire in this matter.

I believe that when looked at from a broad, national standpoint it will be found that the eighteenth amendment has justified its adoption through the abolition of the saloon, if for no other reason. In my humble judgment the amendment will probably never be repealed. Its enforcement, however, has become difficult and expensive because of popular resentment against the invasion of personal liberty. In attempting to control and change personal habits the Volstead Act has naturally met with opposition and frequent violation. In the interest of temperance, cleaner politics, a more effective enforcement of the eighteenth amendment, and a return to a greater respect for law observance I favor a modification of the Volstead Act. Such a modification, however, must not permit the return of the saloon nor in any manner nullify the Constitution.

FEDERAL JUDGESHIPS

To expedite the administration of the business of our Federal courts, the Graham bill (H. R. 10821) was introduced in the House. This bill provided for the creation of 13 new judgeships, including one for western New York, of which Rochester is a part. I cooperated with Congressman DEMPSEY and the Rochester Bar Association on this matter, and appeared before the Judiciary Committee on two occasions to advocate the inclusion of a new judgeship for western New York. The bill passed the House by a vote of 215 to 97. I voted for the judgeship bill.

This general omnibus judgeship bill was scrapped by the Judiciary Committee of the Senate. This unfortunately delays until the next session the granting of relief to our overworked Federal judges, whose calendars are so crowded that in some districts it takes several years to reach a case.

There was a widespread movement to increase the salaries of the Federal judges. I advocated and indorsed the proposition. The bill was reported favorably by the committee, but was never presented to the House for action.

The House voted to impeach Judge English, of Illinois, for misconduct. I voted for this impreachment trial. The Senate will be called into special session next November to sit as a court to try Judge English.

RIVERS AND HARBORS

The Rivers and Harbors Committee of the House reported an omnibus bill (Dempsey bill, H. R. 11616), which I perfer to call a "pork barrel" bill, providing for the improvement of many rivers and harbors and the surveying of many projects, the total cost of which, as amended, amounted to nearly $84,000,000. One item alone, the Missouri River project, involving an expenditure of $50,000,000, according to estimates of War Department Engineers, was written into the bill late in the evening, at a night session, without adequate consideration, and without favorable report on it by the Army engineers.

This bill also contained what is known as the Illinois diversion project, which would legally permit the city of Chicago to drain off from Lake Michigan sufficient water for their drainage canal for sanitary purposes. This diversion would seriously affect adversely all the States on the Great Lakes, including New York, through the lowering of the lake level half a foot as the result of the diversion.

I cooperated with some of the Republican leaders in opposition to this measure, and I voted against it. Although it passed the House, the Senate deferred action upon it until next December.

There was a movement on foot to rush through Congress the all-American canal project. I refused to sign the petition for this canal, on the ground that pending the report of the engineers no action should be taken. Furthermore, I have serious doubts as to the wisdom of embarking on this very expensive project, at least until convincing proof is given that

the investment would be worth while. Our New York State Erie and Barge Canal system cost above $200,000,000 and is generally regarded as an unprofitable investment.

In the rivers and harbors bill which passed the House there is an item calling for the making of a survey covering this all-American waterways project. A survey is needed.

REAPPORTIONMENT

The Federal Constitution calls for a congressional reapportionment every 10 years. No reapportionment has been made since 1910. Successive Congresses have refused to reapportion on the basis of the 1920 Census, on the ground that that census did not enumerate the population accurately. As a member of the Census Committee, I voted for reapportionment. The committee, however, refused to report a bill out. This is to be regretted, because it establishes a very dangerous precedent. I shall continue to work and vote for reapportionment at the next session of Congress.

MUSCLE SHOALS

Muscle Shoals continues to be the Federal Government's eternal question mark. Close to $200,000,000 is invested in this power and fertilizer project. Congress has been unable to agree on leasing this property. My own position is that the Government ought to retain not only the control but also an interest in that project. No action was taken at this session of Congress. It remains unsettled because of a fight between various private power groups seeking control of that valuable property and water rights.

AMERICAN CLAIMS AGAINST GERMANY AND THE RETURN OF ALIEN PROPERTY

Several bills were introduced for the return to German aliens of property taken from them during the war and the payment of American claims against the German Government awarded by the Mixed Claims Commission to American citizens. The Ways and Means Committee of the House, however, could not agree and action was deferred until next December. I have addressed a communication to the Ways and Means Committee urging action for the payment of these claims and the return of alien property at the earliest possible moment. The committee is expected to report out a bill at the next session embodying the best features of the Green, the Newton, and the Mills bills. I hope this matter will be settled at that time.

REORGANIZATION OF GOVERNMENT DEPARTMENTS, BUREAUS, ETC.

No action was taken or even recommended dealing with the much-discussed question of the reorganization of our governmental departments. Nor was anything done toward the reorganization of the Shipping Board, which has been under fire for so long a time.

THE DISTRICT OF COLUMBIA

Congress governs the District of Columbia very much as the mayor and board of aldermen govern a city. A considerable portion of the time of Congress is taken up with these matters. There is no opportunity here nor necessity for enumerating all the various items of this legislation for the District of Columbia, but the principal measures passed this session may be of interest:

Establishment of a Public Utilities Commission.
Public-school teachers' retirement act.
Mothers' pension bill.
National park and playground act.
Creating board of public welfare.
Act permitting married women to make contracts.
Amending District Code with reference to jurors' fees.
Free uniforms for policemen and firemen.
Traffic legislation.

POSTAL LEGISLATION

It is to be regretted that this Congress did not keep faith with the people by reporting and acting on a readjustment of postal rates. This was promised at the time the postal rates were increased to help meet the increase in postal salaries. I have taken this matter up with both the House and Senate committees on several occasions.

GOOD ROADS

Congress passed the Dowell bill (H. R. 9504), known as the Federal aid roads bill, which provides that the Government shall aid the various States in the construction of rural post roads and forest roads and trails over a two-year period. The Secretary of Agriculture is to apportion the Federal appropriation among those States which comply with the provisions of the law requiring a State appropriation. The total appropriation authorized under this act is $165,000,000. I voted for this bill, which passed the Senate and was approved by the President.

APPROPRIATIONS

It costs a lot of money to run this "greatest Government in the world." Thirteen separate appropriation bills were passed at this session, as shown by the following table:

Appropriations for the Sixty-ninth Congress, first session, for fiscal year ending June 30, 1927

Department of Agriculture		$127,924,573.00
District of Columbia		33,918,571.00
Executive offices and independent offices		512,929,376.64
Interior Department		226,332,918.00
Legislative establishment		16,437,327.20
Navy Department		319,650,075.06
War Department:		
Military	$263,948,356.16	
Nonmilitary [1]	78,660,755.00	
Total		$342,609,611.16
State, Justice, Commerce, and Labor Departments		79,963,851.90
State	$16,480,792.90	
Justice	24,094,407.00	
Commerce	29,852,347.00	
Labor	9,536,305.00	
Treasury and Post Office Departments		868,281,501.63
Treasury	$129,476,198.63	
Post Office	738,805,303.00	
Deficiency bills—principal items and totals:		
First—		
Postal	$97,000,000.00	
Tax refund	149,250,000.00	
Veterans' Bureau	116,250,000.00	
Roads	26,675,000.00	
		426,298,681.19
Second—		
Public buildings	14,000,000.00	
United States courts	8,000,000.00	
Prohibition	2,700,000.00	
Tax refund	5,250,000.00	
		50,822,696.22
Pensions		10,730,000.00
Total appropriations		3,015,898,182.94
Less postal appropriations		842,322,910.92
Total appropriations, less Postal Service		$2,173,575,272.02

It will be seen from these figures that we have appropriated $3,015,898,182.94. From this amount, however, must be deducted the amount of the appropriations for the Post Office Department for the fiscal years 1926 and 1927, $842,322,910.92, leaving total appropriations for the actual operations of the Government amounting to $2,173,575,272.02. This amount is a charge against the revenues for the ordinary purposes which have been provided for in annual appropriation bills enumerated above.

There are, however, certain expense items which must be met which have been provided for by previous laws. These are known as "permanent appropriations." They include three general items: (1) The interest on our public debt, which next year will amount to $795,000,000; (2) the sinking-fund and other debt-retirement provisions, which will require $515,583,398.44; and (3) miscellaneous permanent appropriations totaling $82,247,761.74, making a total for these three items of $1,392,831,160.18, which must also be collected from the taxpayers. This added to the item given above, $2,173,575,272.02, makes a total of $3,566,406,432.20, which is the amount appropriated at this session that will have to be collected from the taxpayers to meet the ordinary expenses of Government, to pay interest on the public debt, and to provide for the retirement of the public debt.

Our public debt at its peak, exclusive of cash on hand, was $25,478,000,000. It is being reduced annually until now, June 30, 1926, it is $19,433,000,000. Under the law the Treasury is paying off this debt at the rate of approximately $500,000,000 annually. But this year we paid over $865,000,000 because of the extra surplus we had on hand.

My own opinion is that we ought not to collect from the taxpayers more than is necessary to run the Government and make the normal payment on our public debt. On this annual basis the debt will automatically be retired in about 25 years. To retire it sooner than that by collecting too much taxes from the people now will be to impose on the present generation an obligation which ought to be borne in part by the next generation.

REVENUES

Where will the Government get the money to pay this huge expense bill for the next fiscal year?

The bulk of it, of course, is coming from our income taxes, practically one-half. The next largest item, nearly $600,000,000, will come from our import duties. Our cigars and tobacco will net something like $366,000,000. The Government will collect from foreign countries in settlement of their debts nearly $200,000,000. The following table indicates our anticipated revenues for the fiscal year ending June 30, 1927:

[1] Flood control, rivers and harbors, soldiers' home, national cemetery, national military parks, Panama Canal.

Anticipated revenues, fiscal year 1927 [1]

Income taxes (corporation, individual, and back taxes)	$1,786,000,000
Estate and gift taxes	92,000,000
Import duties	660,000,000
Cigars and tobacco	366,000,000
Excise taxes	90,000,000
Miscellaneous internal-revenue taxes	77,000,000
Collections on foreign debts	200,000,000
Total	$3,211,000,000

In this connection the following analysis of Uncle Sam's dollar, showing where it comes from and how it is spent, may be of interest:

Analysis of the Government's dollar

WHERE THE DOLLAR COMES FROM

	Amount in cents
Income and profits tax	49.16
Miscellaneous internal revenue	22.85
Customs revenue	14.43
Interest, premium, and discount	4.95
Miscellaneous items (fees, fines, payments on investments, etc.)	8.61
Total	100.00

WHERE THE DOLLAR GOES

Interest on the public debt	22.75
Public-debt retirement	14.76
Veterans' Bureau	10.52
War Department, including Panama Canal	9.94
Navy Department	9.55
Treasury Department (including prohibition enforcement)	8.78
Interior Department	7.66
Investment of trust funds	5.60
Agriculture	4.33
Other independent establishments	1.61
District of Columbia	1.04
Commerce Department	.86
Deficiency in postal revenues	.71
Justice Department (including judicial)	.70
State Department	.47
Legislative establishment	.46
Labor Department	.25
Executive office	.01
Total	100.00

PERSONAL SERVICE TO CONSTITUENTS

It is difficult to give an adequate description of the tremendous amount of work involved in the service rendered by a Congressman to his constituents in an individual capacity. I have continued to maintain my two offices, one in Rochester and one in Washington, with two secretaries in each office working all the year around. Even so, it is difficult to keep up with the daily demands and render the needed service as promptly and efficiently as it should be. If I could afford it, I would engage more help in order to expedite the volume of business that comes to my offices for attention. The requests for information and assistance require close cooperation with nearly every Government department. They include inquiries regarding pending legislation, immigration and deportation cases, claims of ex-service men, pension cases, income-tax matters, the securing of passports for travelers, discharge of enlisted men in the Army, Navy, and Marine Corps, appointments to West Point and Annapolis, pardon cases, recommendations for appointments and transfers, tariff questions, the supplying of general information on many subjects, and the furnishing of publications.

SUMMARY

As to the legislation of this session, some big things have been done, notably the following: Tax reduction, settlement of foreign debts, railroad labor bill, public-building program, aircraft program, and the World Court. All of this legislation, I am happy to say, was enacted in either a nonpartisan or a bipartisan spirit. The absence of narrow partisanship on these great questions was so marked as to be commented upon by the many observers and by President Coolidge himself. Lack of aggressive leadership, however, in this Congress is responsible for the failure of many good measures which have been reviewed above, including coal, radio, immigration, American claims against Germany, the return of alien property, the judgeship bills, etc.

I can say with the utmost sincerity that I have continued throughout this session to adhere to my policy of voting on each measure purely on the basis of the merits of each question. While I am a believer in party government, I do not believe that blind partisanship should be the guide to action in voting on measures.

The public has a wrong notion as to the attitude of the Congressman toward his work. I have found my colleagues a hard-working, conscientious group of men, comparing favorably in this regard with other professional groups. I know in my own case that through these seven long months I have been away from my congressional duties on only three days for private duties of an urgent character. It is a tremendously interesting and important work, provided one gives his whole time and his whole heart to it.

Notwithstanding the general criticism of Congress, I consider it a great honor to represent a cross section of the American people in the greatest legislative body in the world. I appreciate the splendid cooperation that has been given me by individuals and groups in my district. Only through your cooperation and your advice will teamwork in government come about.

[1] Definite estimates of these revenues are not available. The figures given roughly approximate the anticipated amounts.

DISABLED EX-SERVICE MEN

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that I may extend my own remarks in the RECORD on legislation for disabled service men.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, this Congress and its immediate predecessor have passed more beneficial legislation for disabled and needy service men, of all wars, than any two Congresses in the history of the United States.

By the enactment on July 3, 1926, of the Norbeck bill (S. 4059) the survivors of the Grand Army of the Republic, who successfully fought in the greatest civil war in the history of the world, have secured legislation that will tend to make happier their remaining years.

One-half of the Civil War veterans are getting pensions of $50 per month, the other half getting $72 under the old law.

The new law provides that $65 per month shall be the minimum pension, and those of the totally helpless or blind shall receive $90 per month.

Pensions of widows who married veterans during the Civil War are increased from $30 to $50.

This same increase is also extended to all widows of the Mexican War and the War of 1812. There are only 8 or 10 of the latter class, but about 1,000 widows of the Mexican War.

It is estimated that 26,000 of the Civil War widows will get the benefit of the increase.

On May 1, 1926, the Congress finally did justice to that gallant volunteer army of the Spanish-American War which fought so bravely in Cuba, the Philippines, and on the seas, and which suffered in camps in the United States. It was delayed justice, but justice, nevertheless, for the survivors of that army. With the help of the President and the assistance of the United Spanish War Veterans Senator NORBECK and Representative ROBSION and their respective committees have formulated a fair and just law. By it the veterans of 1898, their widows and children, now pensioned under the former Spanish War act of June 5, 1920, will be automatically placed on the pension rolls, as follows:

ON ACCOUNT OF DISABILITY NOT NECESSARILY DUE TO SERVICE

Twelve dollars per month to $20 per month.
Fifteen dollars per month to $25 per month.
Eighteen dollars per month to $30 per month.
Twenty-four dollars per month to $40 per month.
Thirty dollars per month to $50 per month.

ON ACCOUNT OF AGE

Sixty-two years of age, $12 to $20 per month.
Sixty-eight years of age, $18 to $30 per month.
Seventy-two years of age, $24 to $40 per month.
Seventy-five years of age, $30 to $50 per month.

WIDOWS OF SUCH SOLDIERS

Increased from $20 to $30 per month, with $6 per month additional instead of $4 per month on account of children under 16 years of age.

REMARRIED WIDOWS OF SUCH SOLDIERS

Increased from $20 to $30 per month, and same allowance for children as for widows. Title to be given widows or remarried widows provided marriage to soldier, sailor, or marine was prior to September 1, 1922.

If there be no widow entitled to pension, the children under 16 years of age are entitled to the same rate provided for widow ($30 and $6 additional for each child). Pension of helpless children to be continued during helplessness; that is, if they were helpless prior to the age of 16 years and under 16 years of age before the soldier died.

On May 5, 1926, the President signed the bill (S. 1609) to increase the pensions of those who had lost limbs, or have been totally disabled, or have become totally blind in the military or naval service of the United States. This law is Public, 178.

On January 18, 1924, the Sixty-eighth Congress created the Committee on World War Veterans' Legislation, of which I have had the honor to be chairman since its formation. On

that committee have been many earnest and fair-minded men and women who have served to formulate and pass legislation fair to the Government and fair to the disabled of the World War.

That committee has had the active cooperation of President Coolidge; Gen. Frank T. Hines, Director of the United States Veterans' Bureau; the American Legion; the Disabled American Veterans; and the Veterans of Foreign Wars. What it has accomplished has been through the active cooperation of both the executive and legislative branches of the Government.

In the Sixty-eighth Congress, on June 7, 1924, there was passed and signed by the President the World War veterans' act of 1924. That act in the first year of its operation gave to 36,342 veterans and their dependents $14,127,100. To May 1, 1926, the value of monetary benefits of both June 7, 1924, act and March 4, 1925, act exceeded $39,750,000, including more than 64,200 individuals. This act to a large degree fulfilled the promises made to these men when they entered the service, and gave to them renewed hope and faith in the justice of the American Government.

Among the many liberalizing features of this act the following are briefly noted:

An ex-service man who is shown to have or, if deceased, to have had prior to January 1, 1925, a neuropsychiatric disease, an active tuberculous disease, paralysis agitans, encephalitis lethargica, or amœbic dysentery, developing a 10 per cent degree of disability, or more, shall be presumed to have acquired his disability in service, or to have suffered an aggravation of a preexisting similar disability in service, and this presumption shall be conclusive in cases of active tuberculous diseases, but in all other cases said presumption shall be rebuttable by clear and convincing evidence. Previously the establishment of automatic service connection was limited to the development of a tuberculous or neuropsychiatric disease within three years after discharge.

The amount of death compensation paid monthly to widows, and to widows and children, was increased.

Any ex-service man shown to have a tubercular disease of a compensable degree and who has been hospitalized for a period of one year, and who has reached a condition of complete arrest of his disease, and who is discharged from further hospitalization, shall be rated as temporarily and totally disabled, and such rating shall not be decreased within a period of six months.

Any ex-service man shown to have a tubercular disease of compensable degree, and who has been hospitalized for a period of one year and who, in the judgment of the director, will not reach a condition of arrest by further hospitalization, and whose discharge will not be prejudicial to the beneficiary or his family, and who is not, in the judgment of the director, feasible for training, shall upon his request be discharged from hospitalization and rated as temporarily totally disabled, said rating to continue for a period of three years.

The permanent loss of use of both feet, or both hands, or both eyes shall be considered on the same basis as the actual loss and shall be rated as permanently totally disabled. Compensation for the loss of sight of both eyes is raised from $100 per month to $150 per month, and the loss of hearing of both ears shall be rated permanent and total.

A nurse or attendant, at a cost not exceeding $50 per month, is provided if the disabled veteran is so helpless as to be in constant need of a nurse or attendant, where previously but $20 per month was allowed for this service, except if the disabled person were blind, legless, or armless and in constant need of this service.

The hospital facilities under the jurisdiction of the bureau are made available for every honorably discharged veteran of the Spanish-American War, the Philippine insurrection, the Boxer rebellion, or the World War suffering from a neuropsychiatric or tuberculous condition, paralysis, agitans, encephalitis lethargica, or amœbic dysentery, or the loss of sight of both eyes, regardless of whether such ailments or diseases are due to military service or otherwise, including traveling expenses, as granted to those receiving compensation and treatment under prior legislation. The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses to veterans of any war, military occupation, or military expedition since 1897, not dishonorably discharged, without regard to the nature or origin of their disabilities, and preference to admission to any Government hospital for hospitalization under the above provision is to be given to those veterans who are financially unable to pay for hospitalization and necessary traveling expenses.

No reduction in compensation shall be made retroactive, and no reduction or discontinuance of compensation shall be made effective until the first day of the third calendar month next succeeding that in which such reduction or discontinuance is determined.

Where previously the law permitted the director to extend the time one year for good cause shown after the five-year limitation in which a claim for compensation might be filed, the new law extended this period to two years.

Where any beneficiary of the bureau suffers, or has suffered, any injury or aggravation of an existing injury as a result of training, hospitalization, or medical or surgical treatment awarded to him by the director, and not the result of his misconduct, and such injury or aggravation of existing injury results in additional disability or death of such beneficiary, it is provided that benefits shall be awarded to the veteran, or his dependents, in the same manner as though such disability, aggravation, or death was the result of military service during the World War.

It is further provided that the receipt of a gratuity, pension, or compensation by a widow or parent on account of the death of any person shall not bar the payment of compensation on account of the death of any other person. Where overpayment has been made through no fault of the beneficiary, and where no fraud is involved, it is provided that collection of these overpayments shall not be pressed where such collection would defeat the purpose of the law.

These acts are printed in full in the Appendix and special phases are discussed in the text of each of the services concerned where sufficient experience has obtained to make this practicable.

The practical operation of this law, however, developed the fact that it was not perfect, and on March 5, 1925, that law was amended and brought further relief to 805 veterans at a cost for the first year of $1,025,000.

It contains 35 beneficial provisions.

I have not the space to discuss all of them, but will call attention to the fact that it relieved those boys who concealed the fact that they were under age at enlistment but who nevertheless did enlist and fought bravely.

It gave compensation for paralysis, paresis, or blindness regardless of whether or not such diseases were the result of willful misconduct.

It provided for the payment of funeral expenses in cases where the service man did not leave sufficient assets to meet the expenses of burial.

It provided for the payment of compensation to a parent, child, or widow, irrespective of the receipt of pension on account of the death, disability, or service of some other person.

It provided for the furnishing of special clothing made necessary by the wearing of artificial arms and legs.

It gave dental treatment to persons suffering from service-connected disabilities.

It provided for the apportionment of compensation to officers of institutions or to the disabled man's wife, children, or dependent parents, as might be equitable.

It provided hospitalization in contract hospitals in the insular possessions of the United States.

It provided compensation for injuries received as the result of examination, training, hospitalization, or medical or surgical treatment awarded by the Veterans' Bureau.

It restored needed insurance provisions omitted in the act of 1924.

It permitted the reinstatement of insurance within three months after lapse, provided the insured was at the time of reinstatement in good health.

It eliminated the necessity for actual proof of service connection, when disability is connected with the service, for compensation purposes.

It gives to trainees who completed their training their equipment, supplies, and books.

President Coolidge, the Director of the Veterans' Bureau, and the Veterans' Committee, however, did not feel that even with those liberalizing provisions in the acts of 1924 and 1925 that all had been done that should be done for the disabled, and by the passage and signing by the President on July 2, 1926, of H. R. 12175 further relief has been given.

That law will give the disabled service men and their dependents $18,000,000 in the first year, $15,000,000 the second year, and $13,000,000 in the third year of its operation.

It amends the law in 31 important provisions.

It gives justice to women veterans who may now be hospitalized in other than Government hospitals adjacent to their homes.

It authorizes the Director of the Veterans' Bureau to improve and extend out-patient facilities.

It authorizes the director to restrict the number of wards for one guardian in the District of Columbia and authorizes the director to appear in any court where in his opinion a

guardian is not properly executing the duties of his trust, and further authorizes the director to suspend payments to any guardian who shall refuse to render an account to the director showing the application of payments made to the ward.

It provides:

Section 28: That the United States Government life-insurance fund be reimbursed from appropriations for military and naval insurance, where recovery of overpayments from beneficiaries without fault was not made.

Section 31: Beneficiaries who have lost personal effects through fire at Veterans' Bureau hospitals to be reimbursed for this loss by the bureau.

Section 200: Includes spinal meningitis as one of those diseases to be conclusively held to be of service origin, where entitled to 10 per cent degree of disability rating prior to January 1, 1925.

Includes under the benefits of the act women citizens assigned to the medical department of the United States Army who were sent overseas by the War Department and who served in base hospitals over there.

Section 201: Women who served as Army nurses under contract between April 21, 1898, and February 2, 1901, included in provision for $100 burial and $7 for flag now applicable to veterans who died and did not leave sufficient assets to meet the expenses of burial and funeral and transportation of the body. In addition, the decision of the director as to "sufficient assets" is made "binding for all purposes" in relation to the burial provisions.

There are a few unfortunate men of the United States who suffered the misfortune of hideous wounds and thereby lost their speech. The law gives to those men a permanent disability rating, so that they will receive from the Government $100 per month and the benefits of their insurance policy if one was carried.

Section 202 provides that any ex-service person shown to have had a tuberculous disease of a compensable degree, who, in the judgment of the director, has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however*, That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one-year period of hospitalization: *Provided further*, That no payments under this provision shall be retroactive and the payments hereunder shall commence from the date of the passage of this act or the day the disease reaches a condition of arrest, whichever be the latter date.

Reduction in compensation to $20 a month for insane veterans without dependents maintained by the bureau in an institution for six months changed to read "maintained by the Government," to make the provision applicable to men in soldiers' homes. It also provides that where such person recovers his reason and is discharged as competent, such additional sums shall be paid him as would equal the total sum by which his compensation has been reduced through the operation of this section.

There is a general hospitalization section without reference to service connection. Necessary traveling expenses "incident to hospitalization" are allowed. The time limitation "since 1897" is stricken from the bill, which extends this hospitalization privilege to veterans of any of our wars, expeditions, or military occupations. It also includes "those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901." The director is authorized to supply clothing and prosthetic appliances and repairs to a veteran hospitalized under this section where he is financially unable to supply himself with these. The section is also amended to prevent deduction from the pension of a veteran for the hospitalization provided, and accordingly modifies acts in conflict with this. The director is authorized to furnish such hospitalization in Alaska in other than Government hospitals.

Section 203: Loss of wages to be paid by the bureau while submitting to medical examination changed to read "a per diem allowance of $2.65 per day for the period of travel and observation." This is amended to provide for persons who are working for themselves, such as men on commission, or farmers. The Comptroller General had ruled that such persons could not be reimbursed for loss of wages while being examined.

With the amendments to sections 206 and 209 of the act a great measure of justice has been done to many men. Section 209 as amended will allow the making of a claim for compensation within five years after discharge or resignation from the service; or in case of death during service within five years after the death is finally recorded. The new amendment allows the director to extend this time for five years.

The amendment to section 206 extends the time for filing of proof of service origin of a disability to June 7, 1927.

These amendments open the door for the filing of claims of the disabled for another year, and will be a measure of great justice to many men who would not file claims for their disability, or who did not recognize the fact that they were disabled.

Section 304 extends time for the reinstatement of insurance for men suffering from service-connected disabilities to one year following the passage of this amendment.

Provides that a person suffering from service-connected disability who is now permanently and totally disabled may reinstate his insurance for one year after the approval of this amendment by having the amount of the unpaid back premiums charged as an interest-bearing indebtedness against the face value of the policy, where proof satisfactory to the director is furnished showing that the applicant is unable to pay the back premiums.

The limiting date for reinstatement for yearly renewable term insurance extended from July 2, 1926, to July 2, 1927.

Section 305: Payment of insurance revived by uncollected compensation restricted to the insured, his widow, child or children, dependent mother or father, in the order named, unless otherwise designated by the insured during his lifetime or by last will and testament. This limitation is added to prevent persons who are not close relatives of the veteran from bringing suit to revive his insurance after his death and thus obtain these payments for themselves.

Section 308: A new section which provides that if a man remits his premium within seven days following the grace period and dies before furnishing health statement, director may waive examination requirement if man was in the required state of health.

Section 309: A new section providing that where a person allowed his insurance to lapse and died prior to collecting his $60 discharge bonus, this sum shall be allowed to revive insurance, where if applied to the payment of premiums when due it would equal or exceed the same.

Section 406: Persons receiving placement training on June 30, 1926, may continue in such training until January 1, 1927.

Persons receiving educational training in schools or institutions on June 30, 1926, may continue in such training for not more than two years after the passage of this amendatory act.

The language of this section clarified so as to permit payment of two months' training allowance following rehabilitation, as provided by section 404.

Section 506: A new section to make the provisions of Title V applicable to the administration of the act in the Philippine Islands.

Amendments to the World War adjusted compensation act, known as the Green bill, H. R. 10277, signed by the President on July 3, 1926, will also give much needed relief. Without going into detail, it may be said that the main purpose of the amendment is to equalize the benefits of the act among the dependents and to prevent the disallowance or reduction of claims through mere technicalities. Other features have been included for the protection of veterans against loan sharks and the public generally against the issuance of forged certificates. The act now provides that where a veteran died after making application, it may be filed by anyone. It also provides for the issuance under bond of duplicate adjusted-service certificates where the original has been lost or destroyed. A child under 18 at the time of the death of the veteran, or over 18 and before January 2, 1928, incapable of self-support by reason of mental or physical defect, is entitled to the benefits. A mother or father is entitled to be considered dependent upon a showing of dependency upon anyone before January 2, 1928, and is presumed to be dependent if over 60 years of age before January 2, 1928. A mother is also presumed to be dependent if unmarried. The requirement in the present law of a statement under oath of the dependency in the case of the mother and father has been eliminated.

This legislation of the Sixty-eighth and Sixty-ninth Congresses increasing pensions of Civil and Spanish-American War veterans; increasing pensions of sailors or soldiers who became blind or totally disabled while in the service; amending the adjusted compensation act; and the World War veterans' acts of 1924, 1925, and 1926, I repeat, has given more justice to disabled men of all wars than the enactments of any legislative body in the history of the world. Legislation, however, alone is not sufficient to do substantial justice. There must be efficient and sympathetic administration of the law. This the service men have received from President Coolidge and the Director of the Veterans' Bureau, Gen. Frank T. Hines. I have been intimately associated with them in their administration of the law, and I know that they have had the interest of the service men at heart and have done and are doing all within their power to keep the promises of the American Gov-

ernment made in 1917, and to ameliorate the suffering from diseases and injuries that must come from war.

I congratulate the disabled service men that the administration of the law has been in such capable and sympathetic hands. The time will never come when the disabled will be entirely satisfied with the administration of any law affecting them, because all can not be given to each man that he believes to be due him personally. The director must and does reject many unworthy claims which should never have been filed, and must reject many claims made by honest men who have not received service-connected disabilities.

When the President of the United States appointed General Hines he made one of the best appointments in the history of the American Government, and I hope he may be persuaded to continue in the work until the acts of 1924, 1925, and 1926 are thoroughly coordinated and the definite policy of the United States with reference to the disabled is established.

In the service of the Government in the bureau are many of the great soldiers of the late war. They must pass on individual cases of hundreds of thousands of men. It is certain that mistakes have been made and will be made in the administration of this and any other law, but I am convinced that the President and the director of the bureau have approached their work with the greatest of human sympathy in their hearts, and are only seeking to do, and will do, the best for the Government and for the disabled.

EXTENSION OF REMARKS—WORLD WAR VETERAN BILL, H. R. 12175

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that I may have five legislative days in which to extend my remarks on the bill H. R. 12175, the World War veterans' bill.

Mr. MORROW. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. BULWINKLE. Mr. Speaker, H. R. 12175 as it passed the Senate was a great improvement over the bill as approved by the House. Immediately after its passage by the Senate and before the Senate amendments were acted upon by the House under permission granted me to extend my remarks I inserted in the RECORD a brief statement showing the changes in the bill made by the Senate. I now wish to show how H. R. 12175 amends the existing law by inserting as a part of my remarks a special bulletin issued by the national legislative committee of the American Legion:

It is estimated that the bill will entail an expenditure of from $18,000,000 to $19,000,000 annually. Section 202 of the bill, which is the tuberculosis section, and provides compensation at the rate of $50 per month for all arrested cases, carries the greatest increase of any of the provisions, and the gentleman from Tennessee [Mr. BROWNING], who has labored for years to have this section enacted into law, should be congratulated for his excellent work.

I regret that Frederick A. Fenning, a Commissioner of the District of Columbia, and guardian or committee for a number of mentally incompetent World War veterans undergoing treatment at St. Elizabeths Hospital, was not impeached or removed from office by this Congress. By charging exorbitant commissions he has received from the estates of his wards who are World War veterans something over $100,000 during the last six or seven years. His attitude has been, so it seems from the hearings before the Veterans' Affairs Committee, one of complete indifference to the welfare of the unfortunate men who are his wards. Under the mandate of the provisions of H. R. 12175 the Director of the Veterans' Bureau must remove him as committee in all the numerous cases with which he is now connected except five. Nothwithstanding the fact that remedial legislation has been enacted the conduct of Mr. Fenning toward these unfortunate veterans is inexcusable and the President of the United States should remove him from his office as a Commissioner for the District of Columbia.

The numerous amendments to the existing law which I will outline will bring relief to many thousand disabled veterans and will remove some of the difficulties under which they have labored heretofore.

Section 4 increases the director's salary from $10,000 to $12,000 a year.

Section 10 authorizes the director to hospitalize women veterans, entitled to hospitalization, in other than Government hospitals so that these women veterans may be hospitalized adjacent to their homes when in need of treatment of this character.

Director authorized to alter, improve, or extend out-patient dispensary facilities without the approval of the President, and also authorized to improve existing Government hospital facilities without the approval of the President where the bed capacity will not be materially increased.

Section 21: The director is authorized to restrict the number of wards one guardian can act for within the District of Columbia.

Director authorized to go into court through his attorney where, in his opinion, a guardian is not properly executing the duties of his trust, and authorized to suspend payments to any such guardian who shall neglect or refuse to render an account to the director showing the application of payments for the benefit of the beneficiary.

Section 26 authorizes the director to make payments of $1,000 or less to such persons as would, under the laws of the State of residence of the decedent, be entitled to his personal property in case of intestacy, in the absence of a duly appointed legal representative.

Section 28 provides that the United States Government life insurance fund be reimbursed from appropriations for military and naval insurance where recovery of overpayments from beneficiaries without fault was not made. This is to protect the United States Government life insurance fund, the reserve of which belongs to the policyholders and not to the Government.

Section 31: Beneficiaries who have lost personal effects through fire at Veterans' Bureau hospitals to be reimbursed for this loss by the bureau.

Section 33 authorizes the Veterans' Bureau to provide courses of instruction for professional employees and to send not more than 2 per cent of the professional personnel to outside professional schools.

Section 200 includes spinal meningitis as one of those diseases to be conclusively held to be of service origin where entitled to 10 per cent degree of disability rating prior to January 1, 1925.

Includes under the benefits of the act women citizens assigned to the medical department of the United States Army, who were sent overseas by the War Department and who served in base hospitals over there.

SEC. 201. Women who served as Army nurses under contract between April 21, 1898, and February 2, 1901, included in provision for $100 burial and $7 for flag, now applicable to veterans who died and did not leave sufficient assets to meet the expenses of burial and funeral and transportation of the body. In addition the decision of the director as to "sufficient assets" is made "binding for all purposes," in relation to the burial provisions.

SEC. 202. The organic loss of speech deemed to be total and permanent disability.

That any ex-service person shown to have had a tuberculous disease of a compensable degree, who, in the judgment of the director, has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further,* That no payments under this provision shall be retroactive and the payments hereunder shall commence from the date of the passage of this act or the day the disease reaches a condition of arrest, whichever be the latter date.

Reduction in compensation to $20 a month for insane veterans without dependents maintained by the bureau in an institution for six months, changed to read "maintained by the Government," to make the provision applicable to men in soldiers' homes. It also provides that where such person recovers his reason and is discharged as competent, such additional sums shall be paid him as would equal the total sum by which his compensation has been reduced through the operation of this section.

Authorizes the reimbursement of State hospitals for the care of ex-service men prior to the bureau taking over their care.

(10) This is the general hospitalization section without reference to service connection. Necessary traveling expenses "incident to hospitalization" are allowed. The time limitation "since 1897" is stricken from the bill, which extends this hospitalization privilege to veterans of any of our wars, expeditions, or military occupations. It also includes—

those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901.

The director is authorized to supply clothing and prosthetic appliances and repairs to a veteran hospitalized under this section where he is financially unable to supply himself with these. The section is also amended to prevent deduction from the pension of a veteran for the hospitalization provided, and accordingly modifies acts in conflict with this. The director is authorized to furnish such hospitalization in Alaska in other than Government hospitals.

Section 203: Loss of wages to be paid by the bureau while submitting to medical examination changed to read:

A per diem allowance of $2.65 per day for the period of travel and observation.

This is amended to provide for persons who are working for themselves, such as men on commission or farmers. The Comptroller General had ruled that such persons could not be reimbursed for loss of wages while being examined.

Section 206: Amended to extend the time to June 7, 1927, for the filing of proof of the service origin of a disability.

Section 209: This required that a claim for compensation must be filed within five years after discharge or resignation from the service, or in case of death during service within five years after the death is finally recorded. The director was allowed to extend this time for two years for good cause shown. The present bill amends this to allow the director to extend this time for five years.

Section 212: The limitations on active service or retirement pay as a bar to compensation removed retroactively to April 6, 1917.

The new rating schedule of the World War veterans' act, 1924, made applicable to disabilities occurring as a result of service prior to April 6, 1917, and after July 2, 1921.

Section 300: Applications for insurance validated for members of the reserve forces made while in attendance at a military training camp or station.

Members of the Coast Guard allowed to apply for insurance.

Section 304 extends time for the reinstatement of insurance for men suffering from service-connected disabilities to one year following the passage of this amendment.

Provides that a person suffering from service-connected disability who is now permanently and totally disabled, may reinstate his insurance for one year after the approval of this amendment, by having the amount of the unpaid back premiums charged as an interest-bearing indebtedness against the face value of the policy, where proof satisfactory to the director is furnished showing that the applicant is unable to pay the back premiums.

The limiting date for reinstatement for yearly renewable term insurance extended from July 2, 1926, to July 2, 1927.

Section 305: Payment of insurance revived by uncollected compensation restricted to the insured, his widow, child, or children, dependent mother or father, in the order named, unless otherwise designated by the insured during his lifetime, or by last will and testament. This limitation is added to prevent persons who are not close relatives of the veteran from bringing suit to revive his insurance after his death, and thus obtain these payments for themselves.

Section 308: A new section which provides that if a man remits his premium within seven days following the grace period and dies before furnishing health statement, director may waive examination requirement if man was in the required state of health.

Section 309: A new section providing that where a person allowed his insurance to lapse and died prior to collecting his $60 discharge bonus, this sum shall be allowed to revive insurance where if applied to the payment of premiums when due it would equal or exceed the same.

Section 406: Persons receiving placement training on June 30, 1926, may continue in such training until January 1, 1927.

Persons receiving educational training in schools or institutions on June 30, 1926, may continue in such training for not more than two years after the passage of this amendatory act.

The language of this section clarified so as to permit payment of two months' training allowance following rehabilitation, as provided by section 404.

Section 506: A new section to make the provisions of Title V applicable to the administration of the act in the Philippine Islands.

Mr. MORROW. Mr. Speaker, in pursuance of the consent granted me to extend my remarks in the RECORD, I feel that H. R. 12175, an act to amend the World War veterans' act of 1924, is very beneficial; the passage of this act, as amended in the Senate, corrects legislation heretofore enacted, but which was wrongfully interpreted by those who had charge of the carrying out of the provisions of the act. House bill 12175 is intended to correct many irregularities that have crept into the operation of the legislation formerly enacted for the care of the disabled veteran and for the supervision of his property.

Safeguards should in every manner be provided by Congress for the handling of the funds, and the investment of the same, of all veterans under legal disability. No veteran should be permitted to be adjudged legally disabled except by proper proceedings brought about in a court of competent jurisdiction.

The placing of the power in the hands of the director to determine the person who shall be legally vested with the care of the veteran, or his estate, is sound and good legislation.

Many of the World War boys were rated as totally disabled; later on they were considered as having been restored to health, and their compensations were stricken off the rolls, if upon reexamination their disabilities were found to be under a certain per cent. Such was the case of tubercular patients, whose disabilities, although of service origin, were of an arrested nature. However, House bill 12175 provides that they shall receive compensation at the rate of $50 per month, in arrested tubercular cases. In my opinion, this is proper. The boys lost their health in the service of the Government; many of them went, or were sent by the Government, to the dry climate of New Mexico and Arizona, and there they have apparently made a temporary recovery.

It is said by the very best medical authorities that the arrest of tuberculosis is but temporary and may return. There can be no question but that veterans in that condition are, to some extent, disabled and the rating of $50 per month is just.

There are many other diseases, temporarily arrested, which leave the patient below normal condition; that should be considered a permanent partial disability and is so recognized under this act. The act further provides that funeral expenses be paid of those veterans, including the nurses who were under contract from April 21, 1898, to February 2, 1901, who served honorably until discharged or resigned from the service, and who left no assets to meet the burial expenses; a total of $107 is provided for the funeral expenses, which includes $7 for a flag to drape the casket. The legislation thus gives just recognition for faithful services rendered the Government.

The amendments to the original act clear up many of the incorrect interpretations; especially is this true of arrested tubercular cases. As stated, it is claimed that a person once severely afflicted can never be absolutely cured. Another important factor to remember is that veterans afflicted with tuberculosis in going to the drier climate for their health are compelled to remain there and are thus deprived of the pleasure of selecting their own homes, but must live where nature will arrest the disease from which they suffer.

It is also pointed out that people who have followed some particular trade or profession must surrender the same when, on account of health conditions, they must go to a new locality. This has proven a grave hardship in many cases; a veteran would give up his position and go to a new locality; the change of climate would render the disease temporarily arrested, and immediately his compensation would be cut off. What have been the results?

A veteran has either had to leave the climate that has helped him regain some of his strength or he has been forced to accept any kind of work, which many times has been too strenuous for his weakened condition.

Many grievous errors have been made by officers of the Government in these veteran cases; this legislation ought to eliminate many of the harsh rulings heretofore enforced in this respect.

That there is a liberality in the framing of this act to correct former evils is apparent and should be commended by all right-thinking people as well as by the veterans themselves. The sum of $3,000,000,000 has been provided for and expended by agencies of the Government in the care of disabled veterans. It has been determined that there were 9,160 tubercular veterans in Government hospitals last year; tuberculosis has been the disability of more than 21.7 per cent of all claimants to whom compensation was paid.

Many a veteran now rated as low as 10 per cent will automatically be rerated at $50 per month under this law. The minimum compensation, $50 per month, granted in cases of arrested tuberculosis, will have a good effect upon many of the 45,000 tubercular veterans.

While discussing the need for this legislation, in giving our ex-service boys new hope, energy, and ambition in the battle of life, permit me to call the attention of Congress to the fact that climatic conditions for hospitals for tubercular patients must be considered.

The fact that the Government report shows that the hospital at Fort Bayard, N. Mex., has been one of the most beneficial localities in the United States in arresting this terrible disease among the veterans should receive more than passing attention. This hospital should be enlarged, and the soldiers who are now crowded in the damp hospitals in the large cities should be removed to the dry climate of the Southwest, where they will have pure air and sunshine, and where nature will assist them in regaining at least fair health.

The marine hospital at Fort Stanton, N. Mex., should also be enlarged. There is now pending in Congress a bill authorizing the construction of improvements at this hospital. The buildings are now inadequate and not properly equipped or furnished. The marine soldiers are there recovering, or their

disease is being arrested, and the soldiers are at least enjoying some measure of comfort. Let common sense and real humanity be used in an appropriation for this hospital, now badly needing improvements. The total amount asked for in the bill is $755,000 for suitable additional buildings, including facilities, equipment, appliances, and furniture. I hope Congress will carefully consider the needs for this legislation.

It is said that checking tuberculosis is only a temporary recovery unless the veteran continues to live under favorable conditions. New Mexico offers these conditions. House bill 12175 enables the soldier to devote his remaining strength to building up his health and prolonging his life.

VETERANS' LEGISLATION OF THE FIRST SESSION OF THE SIXTY-NINTH CONGRESS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to extend my remarks on veterans' legislation.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. LEAVITT. Mr. Speaker and Members of the House, to-day's RECORD will show that during the debate on H. R. 10977, generally known among the members of the American Legion as the Green bill and which we have just passed, this colloquy took place:

Mr. TILSON. Can not the gentleman go further and say that the provisions in the bill passed yesterday [the Johnson bill] and the provisions in this bill are the most necessary and the most desirable things that remain to be done?

Mr. SIMMONS. I think so; and the veterans' organizations themselves have said that these two bills are the most important bills on their program.

Mr. TILSON. I have been so informed by the representatives of the American Legion.

Mr. SIMMONS. Yes. I have also been told the same thing.

Mr. LEAVITT. Is it not also true that a bill giving great benefits to the veterans and widows of the Spanish-American War has been passed at this session, and that one in behalf of veterans and some of the widows of the Civil War is to be reached to-day

Mr. SIMMONS. That is true. The gentleman has been very active in securing the passage of all that legislation. [Applause.]

Mr. Speaker, it has occurred to me that the question I asked the gentleman from Nebraska [Mr. SIMMONS], necessarily brief as it was in the midst of debate, did not fully set forth what has been accomplished by way of veterans' legislation in this one session of the Sixty-ninth Congress. Of course, sir, we who are ex-service men, in Congress and out, maintain that the required program of veterans' legislation is not completed. We know that there will be a forward movement based on the developments of experience. There could be no more striking illustration of this than the fact that to-day we have considered and passed a bill to further increase pensions of veterans of the Civil War, which was fought from 61 to 65 years ago. A still further proof is that on the first of last May, exactly 28 years after Dewey's victory at Manila Bay, the President signed the measure increasing benefits to the veterans and their dependents of the war with Spain.

There has been no such delay in starting legislation since the Great War as was the case following other wars, but it will still be a progressive and continuing problem after several years. Yet, sir, when the whole situation is viewed it is seen that there has been great and even notable achievement by this Congress. Forward steps have been taken. In every sector there has been advance.

It is not my purpose in my brief time to analyze in full the veterans' legislation passed. That has been and will be done in separate speeches and reports. I shall but summarize.

In addition to five omnibus pension bills to take care of nearly 4,000 worthy cases of veterans and widows not already provided for in the general laws, which bills combine many individual measures presented and pressed by practically every Member of the Congress, there have been six measures of great value to the veterans of various wars passed at this session. In deference and respect, I speak first of the bill passed here to-day for the veterans of the Civil War.

These 6 veterans' bills, in addition to the 5 omnibus pension bills and totaling 11 altogether, are as follows:

1. Increase of Civil War pensions. Under the terms of this bill the Civil War veterans now receiving $50 will get $65; those receiving $72 who become blind or totally disabled will get $90. The Pension Bureau estimates that probably one-fifth of the number will come in this latter class. Widows who were married during the Civil War are increased from $30 to $50. Widows of the War of 1812 and of the Mexican War are also increased from $30 to $50. The added annual cost is almost $16,000,000. Further attention will yet be given to increasing the pensions of widows not included in this bill. That should be done, but the emergency due to the fast-thinning ranks of those who preserved the Union has demanded the immediate action taken to-day.

2. The granting of pensions and increases of pensions to veterans of the war with Spain, the Philippine insurrection, and the China relief expendition, and their dependents.

This was a measure approved by the United Spanish War Veterans. It grants a general increase in benefits, making this law conform more closely to those pertaining to veterans of other wars. The act carries about $18,000,000 annually above the old law of 1920.

3. To increase the pensions of those who have lost limbs or are totally disabled in their limbs, or who have become wholly blind, in the military or naval service of the United States.

This measure is for the maimed veterans of all the wars not provided for in the laws for the World War veterans. It brings added comfort to many of those whose sacrifice in battle goes on throughout the years to the extent of some $300,000 annually.

4. Amending the World War veterans' act of 1924 to extend to July 2, 1927, the period during which term yearly renewable insurance may be converted without medical examination into such forms as may be prescribed by regulations and requested by the insured veterans.

5. The Johnson bill, amending the World War veterans' act of 1924 to give additional benefits to the veterans of the World War. It does this to an estimated increased amount of $16,000,000 to $18,000,000 annually by liberalizing the act of 1924 in several of the particulars presented by the Legion and the disabled veterans.

6. The Green bill to amend the World War adjusted compensation act.

The main purpose of this bill is to equalize the benefits of the adjusted compensation act among the dependents of the veterans and to prevent the further disallowance or reduction of claims through mere technicalities. The estimated cost of the added features is, for the present and future, from $12,000,000 to $14,000,000.

Just a few minutes ago, since we considered this bill, Mr. Speaker, I met Col. John Thomas Taylor in the corridor. Colonel Taylor is, as you know, the legislative representative of the American Legion, and said to me of this measure, "It is an excellent piece of legislation."

Like the Johnson bill and together with it, the Green bill expresses to some degree the desire of Congress to do justice to the ex-service men of the World War and their dependents. These measures do not express in full that appreciation, but representatives of the veterans have said that their provisions contain many of the things of first importance. We will continue here in Congress to take further steps and to press on until the ultimate objective is reached.

Mr. Speaker, it is impossible for me to say all of the things which might be said in a discussion of this kind. I think I can say, though, from the standpoint of the ex-service men in general, that all are at once in solemn earnest for the future and sincerely appreciative of what has been already done.

All of us who are deeply interested and in some touch with the situation know of things remaining to be accomplished, and we will always be unceasing in our efforts and insistent. Upon the ground gained we will consolidate and again go forward. But no one can or will be unmindful that there has been a most notable advance in this one session of the Sixty-ninth Congress. I, myself, did not realize how much has been done until I began this summary, because these 11 bills have been reported from four different committees and considered throughout the session.

Mr. Speaker, besides the greater degrees of justice and fairness written into these 11 enactments, their added money value to the veterans and their dependents totals approximately $60,000,000 a year. [Applause.]

LAW REGULATING PROCUREMENT OF AIRCRAFT FOR ARMY AND NAVY—CONGRESSMEN M'SWAIN, VINSON OF KENTUCKY, AND HILL OF MARYLAND

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. JAMES. Mr. Speaker, I feel that a few words of explanation should be given concerning what is now the law regulating the procurement of the aircraft for the Army and the Navy. The law relating to the buying of ordinary supplies such as meat and flour and cloth, by letting the contract to the lowest cash bidder, has not worked well in the buying of highly technical apparatus such as airplanes. Both the Lampert Com-

mittee and the Morrow Board recommended the elimination of competitive bidding in this respect.

It seemed manifest that neither the Committee on Military Affairs nor that on Naval Affairs of the House approve of such unconditional repeal of existing law. Said committees were hopelessly divided. Manifestly, both the Army and the Navy should be governed by the same rules. Hence at my suggestion a joint committee was voluntarily created consisting of five members from the Committee on Military Affairs and five from the Committee on Naval Affairs. To this committee Representative McSWAIN, of South Carolina, submitted his ideas as informally submitted on previous occasions to the Committee on Military Affairs and as finally incorporated in H. R. 12219.

The subcommittee continued in daily sessions for several weeks and finally agreed on the draft of the bill, which was introduced by Mr. McSWAIN as H. R. 12471, relating to the War Department, and the same bill was introduced by Mr. VINSON of Georgia as H. R. 12472, relating to the Navy Department. In conference between the two Houses the provisions of these bills were incorporated into H. R. 10827, and the same were agreed to by the Senate and by the House acting under a special rule. Now, this new law, instead of eliminating advertisement and publicity and competition, on the contrary increases and multiplies advertisement, publicity, and competition. But it is not merely the competition of the lowest cash dollar, but there is now added of the highest power of performance. There shall be no dark-room methods in the procurement of designs and in the purchase of aircraft under the new law. The departments are thrown open from first to last and are furthermore required to report to Congress every purchase of aircraft giving the name of the vendor, the price, and the reason for the particular purchase. Unsuccessful competitors may have arbitration. The originators of designs may file suit in the Court of Claims. Manufacturers must open their books and plants to any inspector of any department of the Government.

Profiteering will not be permitted, and any person that shall be guilty of fraud or shall suppress free bidding or free competition, or suppress a free audit of the books, shall be liable to criminal punishment. This puts teeth in the law and guarantees a fair and square deal to every designer and inventor and to every honest manufacturer.

I digress to say a word about the work of our colleague [Mr. McSWAIN], the gentleman from South Carolina, on the Committee on Military Affairs. He has been regular and faithful to attend all meetings of the committee; and while he has often differed from many of us, his criticism has always been constructive and often highly beneficial. His attitude has always been reasonable, and he has succeeded in offering a fair reason for any opposition he has made to any pending legislation.

But when we come to the broad questions of national defense and the five-year program for aviation and some remedial legislation for the relief of the stagnant aircraft industry, the services of Mr. McSWAIN have been of a very high order. For long, tedious months we have wrestled with this problem. All bills before the committee were finally voted down, and the committee set about to write its own bill, and word by word, line by line, day after day, Mr. McSWAIN was always present and ready with a helpful suggestion, and finally we turned out a bill that this House almost unanimously approved.

But in the framing of a bill to regulate the purchase of aircraft so as to encourage progress in the art of flying and build up a sound aircraft industry, one of those that led the way was Mr. McSWAIN. He seemed to feel from the day the report of the President's Aircraft Board was filed that there was no suitable remedy and great possible danger in the recommendation simply to remove all requirements of advertising for bids and letting the contract to the lowest cash bidder. Yet Mr. McSWAIN realized there was some change necessary in the mode of buying aircraft and aircraft designs. So he set about to solve the problem. He analyzed the whole situation, and finally offered a bill that contains the same fundamental ideas as H. R. 12471, now under consideration. The underlying idea back of his bill is that aviation and the aircraft industry will be promoted and advanced not by cutting out advertisements and publicity but by more and wider advertisement and publicity; not by dispensing with competition but by more competition. The substitute for the weakness of competition is more competition. But the competition is shifted from the lowest cash dollar to the highest performance and quality.

It was therefore inevitable that when a subcommittee of five from the Committee on Military Affairs was appointed to meet a subcommittee of five from the Naval Affairs Committee to try to work out a bill that both committees could unite in supporting, as the problem is the same for both services, that I should appoint Mr. McSWAIN as one of the five from our committee. On this joint subcommittee his services have been especially beneficial. It is but fair that the bill should bear his name.

All members of both subcommittees rendered valuable suggestions, and the representatives of the Air Services of both Army and Navy were constantly present and made useful suggestions and constructive criticisms. Finally attorneys from the offices of Judge Advocate General of both the Army and Navy were called in to advise. At last, after weeks of hearings, consultations, and drafting and redrafting, the bill now before us took shape. But with many modifications and alterations it is still the McSwain idea. We believe that for the Army and Navy to function under the twin bills will induce the mechanical genius of all America to study and then develop the art and science of aeronautics. By these bills the men who fly for our Army and Navy will be furnished safer and more powerful and efficient aircraft. By these bills the aircraft industry will be encouraged to expand. Favoritism and monopoly will not be fostered. All will have a fair and even chance to get Government contracts or know the reason why. Crooks that thrive by fraud will be sent to the penitentiary and honest business men be protected and prosper.

I feel that it is proper to express a word of appreciation for the splendid service which another member of our committee has rendered the country in connection with the preparation of this bill. I do this because of the unusual circumstances which surround this service. I feel that public recognition should be accorded our colleague the gentleman from Kentucky [Mr. VINSON] for his efforts in the preparation of this bill. I weigh my words when I say that no one person upon the subcommittee has left greater impress of his judgment in this legislation than this young man from Kentucky.

As yet Mr. VINSON has not served one full term in Congress. He became a member of our committee last December. Most important has been the matters which have been considered by our committee this session, matters which are of grave moment in the future safety of our country. Our committee has devoted practically its entire time to the aviation problem which confronts us and which we were called upon to solve. From the very first Mr. VINSON has been impressed with the responsibility placed by law upon us, and no gentleman on this committee has spent more hours in the study of the problems than has he. No member has missed fewer hearings than he; no member has made any harder effort to get to the bottom of every problem.

In my eight years of service on the committee I never saw any new member more quickly come into his own and attain the place on the committee to which his ability entitled him.

In the preparation of the five year program bill, VINSON showed again and again his good judgment and mental keenness. His speech on the bill was one of the best made on the subject. It certainly was evidence of his mastery of the subject, which could come only by untiring efforts.

About the time we got the five-year program bill out of the way, the gentleman from Pennsylvania [Mr. BUTLER], chairman of the Naval Affairs Committee, agreed that we would tackle the existing laws which relate to the securing of new designs and the procurement of new types of aircraft. We determined to create a joint subcommittee from the two committees, with five men from each, to consider this most important legislation.

I had made up my mind that I wanted our VINSON on this committee, but I was confronted with the fact that the usual custom in matters of this character would place three Republicans and two Democrats on the committee. I felt that VINSON should be on that committee, and I selected him, and in so doing constituted our selection, three Democrats and two Republicans.

At this point I want to state that my choice of this Member was no mistake. It was not a political matter which they were attempting to meet. There was not the least semblance of politics suggested by VINSON of Kentucky or any other member of this committee. They were attacking a great problem of policy; the existing law must be changed and new machinery set up if we were to emerge from the pitiful position in which we find ourselves relative to aircraft. This committee worked assidiously upon this subject; they spent days, weeks, into months before the final draft came forth to their satisfaction. I am proud that I selected VINSON of Kentucky on this committee. Not only from other members of the committee have I heard most laudable statements, but I sat in the deliberation, in the closing two weeks of the deliberations, and I know that no person had a stronger grasp upon this situation and the work before them than did he.

The bill, H. R. 11284, introduced by the gentleman from Kentucky [Mr. VINSON], was given careful consideration by the Committee on Military Affairs to which it was referred, and reported out without dissenting vote. Immediately thereafter a hearing was had before the Committee on Rules, and a rule for its consideration was granted. In conjunction with two other bills affecting aviation, it was allotted time for consideration by the steering committee. However, conditions arose which prevented the consideration of these three measures in the given time.

This bill creates a board within the department, which has for its sole purpose the planning for the procurement of aircraft and aeronautical accessories; to establish uniformity and continuity of policy; and to make recommendations relative to the status of such plans to the President of the United States with an eye single toward the early effective mobilization of the aviation industry in time of national stress. It is a board of coordination, advisory in nature, and making no division of the responsibility for the procurement in question.

It is hoped that this bill will do much toward meeting the lack of knowledge and policy which existed at the time of our entry into the World War. Judging from the totally inadequate condition that existed then, no one had given any considerable thought to the question of aviation and the need of a live industry. There was no definite policy in force. In fact, prior to 1916 the Federal Government had purchased only 56 planes. It was months after our entry into war before we knew what model—which was of foreign design—would be manufactured; months passed before the Liberty motor was developed. It is said that not a single American manufactured fighting plane flew over the battle line before the signing of the armistice.

Since the war we have made very little progress along this line. The Lampert Committee states that we have no uniformity of policy in the procurement of our aircraft, and, of course, without a uniform policy we could not have a definite continuous policy. This committee recommended that the purchase of our aircraft should be placed under the control of a single civil governmental agency. The President's Aircraft Board confirms the finding of fact made by the Lampert Committee that we needed uniformity and continuity of policy relative to the procurement of this very essential element in our national-defense system.

This board recognized the condition which obtains, and they recommend the creation of three new officials who could devote their time to the study of the problem confronting aviation. This board expressly referred to their usefulness in connection with procurement, and suggested their acting in conjunction. The three offices have been created. They are Assistant Secretary of War and Assistant Secretary of the Navy, and the Assistant Secretary of Commerce.

This measure takes the three officials above mentioned, together with an Assistant Postmaster General and the Chief of the Air Corps of the Army and the Chief of the Bureau of Aeronautics in the Navy, and constitutes them as an Aircraft Procurement Board. The bill carries no additional salaries, creates no new offices; the work is done within the departments, and the civilian point of view is maintained.

As expressly stated in section 3 of the bill, the duties of this board are to consider and coordinate all plans of procurement of aircraft arising in any department of the Government, and to make recommendations thereupon. There is no existing law on the subject. We maintain that there will be a considerable monetary saving; a reduction to the minimum in the duplication of expenditures, the establishment of a uniformity of policy, continuous and definite in nature, without any injury resultant to the service. In referring to this feature of the bill, Hon. Dwight F. Davis, Secretary of War, had this to say:

> The result should be better teamwork on the part of the Government as a whole.

It might be informative to insert the letter from the Secretary of War upon this bill, which was in addition to his views expressed at the hearings before the committee.

The Secretary suggests that this matter might be taken care of by executive order. However, that same condition has existed since the first development of the aviation industry. The Lampert committee reports that the attempts at coordination have been "sporadic and occasional." The importance of this creation of a uniform and continuous policy of procurement, with the benefits flowing from the coordination of policy, will not only effect a great saving in money, which should be considered in view of the vast building program upon which we have started, but it will increase in effectiveness our air forces in time of war.

PROCUREMENT BOARD

Heretofore, I have paid my respects to the gentleman from Kentucky [Mr. VINSON] for the splendid services which he rendered in the preparation of the McSwain bill, H. R. 12471. But I do not feel that I can refrain from making a short statement relative to his authorship of the bill now being considered, H. R. 11284.

Procurement of aircraft has long been a major problem in this country. It has been the subject of discussion in every investigation and every hearing on aviation since the World War. It has attracted and received the best thought of many statesmen. Everyone concedes that there has been need of a coordinated policy affecting both the Army and the Navy relative to the procurement of aircraft, as well as planning the industrial situation in the country, and many remedies have been suggested. However, it remained for the gentleman from Kentucky [Mr. VINSON], who, as yet, has not served a full term as a Member of this House, to offer the solution which we think will go far toward the answer of the problem.

His bill undoubtedly will tend to a more definite coordination between the Army and Navy in the purchase of aircraft; it will save considerable money each year; it will create a continuity of policy, the value of which will be inestimable; and most important of all, in my judgment, it will prevent a recurrence of the conditions which confronted our country at the beginning of the war relative to the aviation industry and its ability to expand to a war-time basis.

It is a most important piece of legislation. It is a signal distinction which the gentleman of Kentucky has worked out for himself. This bill has met the unanimous approval of our committee, the Rules Committee, the War Department. In discussing its merits the other day with a most distinguished gentleman of this House, he remarked to me that this bill was one of the most sensible pieces of legislation that he had seen in many a day.

In my eight years of service as a Member of the House I can not recall any Member not having served a full term securing, solely upon its merits, consideration of a bill of such major importance upon the floor of this House.

This Army air bill has taken months, and really years, of work. I want to say a word about what our conferees have done in the past week in conference with the Senate. Among them Mr. HILL of Maryland has not only rendered splendid service on this air bill and other matters of national defense, but for 22 years has personally served in the defense forces of the Nation. He enlisted as a private in a National Guard Field Artillery battery in 1904, and later became an Infantry officer in the guard. He served on the Mexican border in 1916, was promoted to be lieutenant colonel at Verdun in 1918, and now commands a reserve Cavalry regiment as colonel. For gallantry in action he was recommended for the distinguished-service cross, after having received a partial disability from gas in the fighting north of Verdun. He has been decorated with the distinguished-service medal, the Croix de Guerre, the Legion of Honor, and other decorations for his service in actual war. He has certainly also rendered splendid service for national defense for the past five years in Congress. His bill for a unified department of national defense (H. R. 46) was the basis of the hearings we held on the present Army air bill and all other similar propositions before the present Congress. In the five years that I have served with him on the Military Affairs Committee I have never heard him make any mention on the floor of the House of anything to indicate that he had ever served with distinction in the past war, and I think it will be interesting for the House to know what our own Government and what France has said about his war services.

His recommendation for the distinguished-service cross is as follows:

> It is recommended that the distinguished-service cross be awarded to Col. JOHN PHILIP HILL, Cavalry Reserve, formerly major and judge advocate, Twenty-ninth Division, American Expeditionary Forces, in France, as follows:
>
> "Col. JOHN PHILIP HILL, Cavalry Reserve, formerly major and judge advocate, Twenty-ninth Division, A. E. F.
>
> "In the operations of the Twenty-ninth Division, near Samogeux, France, Colonel HILL was the liaison officer between the One hundred and thirteenth Infantry, Twenty-ninth Division, and the Eighteenth French Infantry Division. During these operations the One hundred and thirteenth Infantry was under the command of the Eighteenth French Infantry Division from October 9, 1918, to October 16, 1918.
>
> "Colonel HILL's duties as liaison officer required him to make frequent trips between the above units, and on many occasions he displayed exceptional personal gallantry in delivering orders, instructions,

informations, etc., to the commander of the One hundred and thirteenth Infantry.

"On October 12, 1918, Colonel HILL made persistent attempts to reach the P. C. of this regiment, which was under heavy enemy artillery fire, and finally succeeded, although it was necessary for him to pass through this enemy artillery fire.

"Colonel HILL's gallantry was an inspiration to all who were witnesses of his actions and he rendered exceptional services in the above capacity."

W. R. POPE,
Lieutenant Colonel, Cavalry,
(Formerly Colonel, One hundred and thirteenth Infantry, Twenty-ninth Division).

Colonel HILL received from the United States the distinguished-service medal with the following citation:

For exceptionally distinguished and meritorious services as judge advocate of the Twenty-ninth division from August, 1917, until December, 1918, and of the Eighth Corps from December, 1918, until April, 1919, his marked legal ability, sound judgment, and tireless energy were important factors in the splendid work of his department. Representing his division as liaison officer at headquarters Seventeenth Army Corps (French) in October, 1918, during the Meuse-Argonne offensive, by his tact and constant devotion to duty he rendered conspicuous services in this important operation.

He was awarded the French croix de guerre with silver star under order No. 14672 "D," dated March 21, 1919, General Headquarters French Armies of the East, with the following citation:

As liaison officer at the headquarters of the Seventeenth French Corps during the operations to the north of Verdun in October, 1918, he rendered the greatest service and distinguished himself by an absolute devotion to his duty.

He was also awarded the Panamanian medal of "La Solidaridad" (second class) by the President of Panama by decree dated April 2, 1920, and the Legion of Honor by France.

IMPORTATION OF MILK AND CREAM

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York offers a resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 302

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11768, to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, the resolution itself is a simple one and needs no explanation from me at this time. It is simply for the purpose of considering a bill regulating the importation of milk and cream in the United States for the purpose of promoting the dairy industry of the United States and protecting the public health.

There is no question in my mind but what this legislation will serve a double purpose. This legislation simply requires that people producing milk and cream outside of United States to be consumed in the markets of the United States shall produce it under practically the same inspection and sanitary conditions that such milk and cream for similar purposes are produced in America.

I appreciate the fact there is some opposition to various provisions of the bill, but as to the general purpose of the bill or the general fundamental idea that is contained in the bill, that milk and cream brought into this country shall be produced under practically the same regulations and conditions that we demand of the American farmer who produces it, there can be no opposition.

The various cities of this country, practically all of them, have very strict regulations in regard to the milk and cream produced and sold in those communities. The American farmer has spent millions of dollars in the last few years in getting tested herds and in producing milk under the most sanitary conditions. The greater part of our milk is produced under most sanitary conditions in connection with the stables, the equipment, the milk houses, and everything in connection with its production until it is delivered to the factory. We have milk houses. It has to be properly cooled, and all these things cost our farmers millions of dollars, while under the present laws, and under present conditions, a great amount of milk is coming in from the northern border that is produced just across the line under practically no restrictions whatever. Furthermore, we are not getting the best milk that is produced in Canada. On account of the competition in their export products, it is necessary for the Canadian Government to put its stamp of approval on certain products, such as the butter and the cheese that is exported to England, in order to put it in a competing class with similar products of Denmark and Australia. As a result of this regulation as to quality of milk to be used in their manufactured products, the poorer quality of milk is left for export to America.

I understand there are several minor amendments to be offered to the proposed legislation to take care of and remedy the existing conditions along the northern boundary where certain American factories at the present time are drawing a part of their supply from the Canadian producers. With these amendments I am firmly convinced that the general purpose of the bill is honestly in the interest of the people and especially in the interest of the dairy-producing farmers of this country and can not be seriously opposed by anyone who believes in preserving our home markets for American producers.

Mr. UNDERHILL. Will the gentleman yield?

Mr. SNELL. Yes; very glad to.

Mr. UNDERHILL. The rule provides for a division of the time between those who oppose the bill and those who are in favor of the bill.

Mr. SNELL. Yes.

Mr. UNDERHILL. Who has charge of the time on behalf of those who are opposed to the bill?

Mr. SNELL. I do not know, but I presume some member of the Committee on Agriculture who is opposed to the bill.

Mr. UNDERHILL. May I ask if there is any member of the Committee on Agriculture who is opposed to the bill?

Mr. ANDRESEN. No.

Mr. UNDERHILL. Then I would like to be recognized in opposition to the bill.

Mr. SNELL. At the proper time, I do not think there will be any difficulty about that.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. BLACK of New York. Is the gentleman willing to venture an opinion as to what effect this bill will have on the price of milk in New York City?

Mr. SNELL. I do not think it will change it at all.

I would like to ask the gentleman from Tennessee, Mr. Speaker, whether he desires any time.

Mr. GARRETT of Tennessee. If the gentleman will let me have 15 minutes, I will appreciate it.

Mr. SNELL. Mr. Speaker, I reserve the balance of my time and yield 15 minutes to the gentleman from Tennessee to be used as he desires.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker and gentlemen of the House, this is an important piece of legislation, particularly to the people of my State, New York, for the reason that practically all this "bootleg" milk comes from Canada into the State of New York and into direct competition not only with the high-class milk which we produce but in direct violation of the very high standard of regulations we have throughout the State of New York, as well as in all our municipalities.

Every year the State of New York spends millions of dollars for the purpose of assuring to the public the high grade of the milk which they consume. In nearly every session of the Legislature of the State of New York an appropriation is made, sometimes as high as $5,000,000, to reimburse the dairy farmers for their tubercular cattle which have been destroyed by the State to avoid the probability of endangering the health of our people. The examination of cattle throughout the State of New York by the tuberculin process has been a great step in the progress of providing pure milk in this country. The dairy business in the State of New York is one of the greatest businesses in the country. Because of the size of this industry New York ranks as the fourth agricultural State in the Union. All the cooperatives, such as the Dairymens' League and others interested in pure milk, have done everything pos-

sible to promote the purity of milk throughout our State. In the city of New York alone we consume 3,000,000 quarts of milk a day, and the city of New York has the highest specifications possible to assure the purity of the milk.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. O'CONNOR of New York. I will.

Mr. LaGUARDIA. Does the gentleman know whether the State Health Department of New York is in favor of this bill?

Mr. O'CONNOR of New York. I do not know, and if I did know, it would not influence me.

Mr. LaGUARDIA. For the information of the gentleman, I will state that the health department of our city is opposed to this bill.

Mr. O'CONNOR of New York. That does not change my position. I understand the milk from Canada is produced under insanitary conditions, and a great part of it is distributed through the State of New York. Although I live in and love the city of New York, I am not alone concerned about the health of that city. I am equally concerned for the babies upstate and the health of the people in the entire State of New York and in the whole of the United States. I am confident that every person in the country who is interested in sanitation and health is interested in this bill and want to see it passed.

Mr. SOMERS of New York. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. SOMERS of New York. How will that affect the price of milk in the city of New York?

Mr. O'CONNOR of New York. I do not know, but naturally if the milk producers of Canada are compelled to maintain our standard of pure milk they will have difficulty in underselling us. I do not believe that compelling them to send us pure milk will raise the price of milk in our cities, and even if it did, our first concern should be with securing pure, healthy milk. Impure milk is not cheap at any price. It has been our observation in New York City that the price of milk is not influenced by regulations as to its production and inspection, but rather by the huge overhead of distribution. The very wide and unreasonable differential between what the underpaid farmer gets for his milk and what the consumer pays is eaten up by unscientific and monopolistic methods of distribution. Until you remedy or control that evil in some way, you will not solve the problem of the present exorbitant price of milk. In the meantime, however, let us have pure milk at any cost or no milk at all. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I yield 10 minutes to the lady from New Jersey [Mrs. NORTON], and I ask unanimous consent that she be allowed to speak out of order.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the lady from New Jersey be allowed to speak out of order. Is there objection?

There was no objection.

Mrs. NORTON. Mr. Speaker, I am addressing the House in behalf of 5,000 Federal employees who have appealed to me to help them on the retirement bill.

It is true, is it not, that the conference committee on the retirement bill is deadlocked or agreed to disagree?

The House voted for a maximum annuity of $1,000 per annum, while the Senate made the maximum $1,200 per annum. I voted for the House bill, because I was told it was "$1,000 or nothing."

The Senate conferrees are loyal and steadfast to the civil-service employees and insist that $1,200 a year is little enough reward for 30 years of faithful service; aided by their own contribution since the passage of the bill. I agree with the Senate conferees that the House conferees should have gone into conference with open minds or why confer? The papers tell us the House conferees would not budge from their thousand-dollar stand, so nothing has been accomplished.

The greatest economists, and we seem to have an expert in the White House, should not object to giving such an annuity from one's own earnings. Every dollar in the Treasury to-day to the credit of the civil-service retirement fund has been contributed by the employees themselves, and yet there are those who hesitate to give them what actually belongs to them. In other words, they deny them the right to spend their own money.

To date the Government has not had to contribute one dollar to this retirement fund. There is now some fifty millions in the Treasury, which draw 4 per cent compound interest; and the greatest Government actuaries assert that at the proposed 3½ per cent rate of deduction it will be from 15 to 30 years—and probably not at all—before it will become necessary for the Government to contribute its share.

I believe 15,192 people have been retired since the passage of this act; and in this short time there remain on the roll only 11,689, 3,503 employees having passed away, which proves that the life of a Government employee after retirement at the age of 70 years is very short.

It is true, is it not, that many old employees are in dire need of the bare necessities of life? The hearts of their fellow employees are so touched by existing conditions that they have gladly offered to raise their contributions to 3½ per cent provided the Government will give adequate relief to those employees and those others about to be retired.

It is true, is it not, that this extra deduction of 1 per cent from salaries will amount to more than $7,000,000 extra, to be added annually to the $50,000,000 of their money now in the Treasury?

There are only 7,114 employees now on the roll eligible to be retired at 65 years of age, and 16,161 employees who have had 30 years' service. Few employees could be retired on the maximum annuity because very few have been drawing the average salary required for the last 10 years of service.

Government employees are poorly paid as it is, but forced retirement on a starving annuity is poor recompense and rank injustice on the part of the richest Nation in the world.

The conference committee, I am informed, is deadlocked because it, too, has been told it is "$1,000 or nothing." Who is this dictator who tells the legislative branch of the Government what it must do? Since when did the executive branch of the Government eliminate the legislative? Who is the sponsor of these whispering campaigns from the White House? Why, there is no need of discussing adjournment. This branch of the Government is no longer necessary to the White House, and why not adjourn?

Elections are at hand; some of the results so far have been disastrous. All the White House spokesmen in the Senate have gone down to defeat by the vote of the people. It was then whispered, "Something must be done for the farmer." Iowa looks bad; Wisconsin looks worse; and North Dakota seems fatal. The Fess bill will be the "peace offering." I do not know much about farming, but I am pleased that those men who did in the Senate stood shoulder to shoulder and defeated the political solution offered in the vote-getting contest. It was not sincere and only intended to fool the farmer. [Applause.]

The adjournment is all "hanging fire" to serve selfish interests. Pork-barrel legislation. As that able writer, George Rothwell Brown, recently stated in the Post, "A 'pork bar'l' is the appropriation some other fellow gets for his town." The barrel this time seems floating in the Illinois River and about to sink in the Cape Cod Canal. [Laughter.]

I was in hopes that the members of the conference committee would have the courage of their convictions, defy the dictator from the White House, and recommend optional retirement and a maximum annuity of $1,200, then submit it to the President and let him veto it, if he will, and this body stand by its previous vote and pass it over his veto.

We have recently heard many splendid speeches on the Constitution by some of the finest young orators from the various schools throughout the country. In all the debates it was brought out that the Government of the United States was divided into three parts—the legislative, the executive, and the judicial—the legislative to make the laws, the executive to enforce the laws, and the judicial to interpret the laws. Let these functions still prevail.

The United States Government knows no supreme dictator. It is a government of the people, by the people, and for the people. You can fool some of the people some of the time, but you can not fool all of the people all of the time. [Applause.]

In conclusion, I ask that every Member of the House, irrespective of party, exert every bit of influence possible to help the large family of the United States Government, your constituents and my constituents, so that the retirement bill may become a law in this session of Congress. [Applause.]

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. UNDERHILL. Mr. Speaker, is this the proper time to agree upon the control of time?

Mr. HAUGEN. I will ask unanimous consent, Mr. Speaker, that I control one-half of the time and the gentleman from Massachusetts the time in opposition to the bill. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill

(H. R. 11768) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. McDOWELL in the chair.

Mr. HAUGEN. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, this bill provides that the importation of milk and cream into the United States shall be prohibited unless the persons by whom such milk is shipped or transported into the United States holds a valid permit from the Secretary of Agriculture. That permit is to be granted after complying with the rules and regulations which the Secretary of Agriculture lays down. It provides that the milk must be produced under sanitary conditions from herds that have been properly examined and tuberculin tested in the case of raw milk, and where the milk is kept in good condition so that the bacterial count is kept down and the temperature is kept cool and the milk properly protected in a cleanly way.

There is a requirement in the bill for a barn score; that is, that the barn and the utensils used in producing the milk and the methods of handling it in the barn shall be kept to a standard which has been fixed by the Department of Agriculture for the testing of these barns in the dairy countries. This bill does not impose restrictions upon the producers outside of the country which are more severe in any way than those which are maintained by our cities and our States for their own protection against milk which is produced on this side of the line.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. ABERNETHY. Would the gentleman be kind enough to give us some figures as to the amount of milk that is imported into this country and from what country?

Mr. TABER. The amount of milk imported into this country runs a little better than 5,000,000 gallons per year, and the amount of cream runs a little better than 7,000,000 gallons per year.

Mr. ABERNETHY. And from what country?

Mr. TABER. Mostly from Canada; very little from other places. There is at the present time a small tariff against cream and a small tariff against milk. The tariff against cream, as I remember it, is 20 cents per gallon, and the tariff against milk is 2½ cents per gallon, so that there is really not a great deal of protection along that line.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. LaGUARDIA. Will the gentleman state how large a territory will be necessary to be inspected? I mean in miles?

Mr. TABER. It will probably cover, to start with, the Province of Ontario, in that portion which would be naturally tributary to Buffalo and that portion which is immediately tributary to the northern part of New York State; then that portion of Quebec which immediately joins and can readily be reached from places in New York. It will be quite a considerable item.

Mr. LaGUARDIA. Has the gentleman any idea of how many farms are to be inspected?

Mr. TABER. The number of farms sending milk over here now will run 2,500 to 3,000.

Mr. LaGUARDIA. How many cattle?

Mr. TABER. About 25,000. Some of those people, however, will not be in a position to apply for a permit, because this is the situation at the present time: Montreal has imposed very severe restrictions. As I understand it, that city requires absolutely tuberculin-tested cattle; and then there are under consideration at the present time in the Province of Quebec similar restrictions as to the consumption in their own localities.

In order to compete in the British market with the Danes and the Australians for butter and cheese, the Canadians have been obliged to establish an import inspection upon butter and cheese and they have in that way ruled out the worst of their milk from their butter and cheese market, and the only outlet that the poor milk has had has been across the border coming over here.

Mr. BLACK of New York. Just how is it distributed in New York—through what organizations?

Mr. TABER. I can not give the gentleman the names of the local distributers, because the milk comes over under one name and is shifted after it gets over the line, and that is the way they work the bootleg milk proposition. It does not go all the way through under one name into the New York market.

Mr. BURTNESS. Do I understand that there is really no control now over these importations?

Mr. TABER. There is absolutely no control over the importation of milk or cream as far as health regulations are concerned. Anything can come in and we are getting anything.

Mr. BURTNESS. So I understand then that the city of New York, for instance, is getting this Canadian milk without any sanitary control to speak of?

Mr. LaGUARDIA. Oh, I do not think the gentleman will contend that.

Mr. TABER. Except in so far as they are able to exercise it by their own inspectors, and the city of New York and the city of Boston and all the other large cities are absolutely unable to control the situation, spread over a territory in miles as this is, without some restriction at the border.

Mr. BURTNESS. That is what I was asking about. They are getting this milk without any inspection and control whatsoever over the dairies at which the milk actually originates. They do not know anything about what they are like.

Mr. TABER. Except as they are able to send up occasional inspectors themselves, or except as the distributers who desire to protect their own products send their inspectors out. Inspection has been at such a stage that it is almost entirely dependent upon the distributers' inspection.

Mr. WHITE of Kansas. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. WHITE of Kansas. Is the necessity for this legislation based upon the proposition that the present importations are deleterious in quality?

Mr. TABER. The necessity for this legislation is that a certain portion of the importations are deleterious in quality.

Mr. WHITE of Kansas. Would the gentleman like to say that the Canadian sources of milk will comply with the provisions of this bill?

Mr. TABER. I would like to say that a considerable proportion of Canadian sources will comply with it, but of course there will be some who will not; but we do not want the milk over there from those sources that will not comply with reasonable health restrictions.

Mr. WHITE of Kansas. The bill is solely in the interest of public health?

Mr. TABER. It is in the interest of public health, and it is also to enable us to permit our farmers who have spent a large amount of money to put their farms in condition, to keep on going and keep up those expenditures, so that the sanitary protective measures will not be broken down and all of their efforts lost.

For instance, the consumption of milk——

Mr. WHITE of Kansas. Will the gentleman permit another question right there?

Mr. TABER. In a minute. The consumption of milk in New York City in the last five years has increased from a million and a half to three million quarts per day, not because more people have come into New York City so much as because the people have thought it was safe to drink milk because of the restrictions which we have put upon our own farmers.

Mr. WHITE of Kansas. I find myself wondering, if the gentleman will permit, if the Canadian sources of milk production comply with these requirements, no tariff being added, will not that be the greatest possible advertisement for Canadian milk in the United States?

Mr. TABER. It will not be a particularly strong advertisement for Canadian milk, because in this bill we have not provided the maximum requirements that are provided in this country. For instance, we are five points below the New York City requirements as to barn score, and the Canadian who can get his milk under this will not be quite up to the market standards we require in this country, but it will improve the situation and enable us to have a check on the situation at the border.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. TABER. I will.

Mr. LaGUARDIA. Is not the real answer to the question of the gentleman from Kansas this, that after you provide for a standard you do not provide enough men and sufficient inspectors for these people, and so under this bill it is an embargo and nothing else?

Mr. TABER. That is not the situation. There are not enough Canadians shipping milk over the border line but what the Department of Agriculture can take care of the situation. We have been into it very carefully. The proposition has been submitted to the Bureau of the Budget with this situation in mind, and they have approved the amount put in here in the way of an authorization for an appropriation. On top of that the committee is here proposing an amendment which will provide that there will not be any duplication in inspection

and for an acceptance by the department of a certificate from the inspector representing the municipality, representing the State, or representing—this was in the bill originally—the Canadian Government; so if they have any inspection over there, they can get in.

Mr. LaGUARDIA. Does the gentleman contend that the only interest of these dairy leagues is to obtain a pure supply of food for the city?

Mr. TABER. The interest of the dairy leagues is this, that there may not continue to be an increasing volume of impure milk coming over the line which will undermine health and which does not come up to the requirements which we have been requiring for years of our own farmers.

Mr. LaGUARDIA. That is the only dairy league interest?

Mr. TABER. Absolutely.

Mr. KETCHAM. If the gentleman will permit, is it not true these health standards were not originally imposed by the farmers, but by the cities, and now the farmers have come in and say they do not want these standards lowered by the importation of impure milk?

Mr. TABER. That is the situation.

Mr. BLACK of New York. Will the gentleman yield?

Mr. TABER. I will.

Mr. BLACK of New York. Do I understand the gentleman correctly that any certificate from any milk inspector to our health department as to Canadian supply is sufficient for the health department——

Mr. TABER. In the discretion of the Secretary.

Mr. BLACK of New York. Is the gentleman willing to make it mandatory on the Secretary?

Mr. TABER. No; I do not think so. We put it in charge of the Secretary, and we ought to give him a chance to handle the situation. I would not want to say that the Secretary should not have an opportunity, if the situation developed, to check it up.

Mr. BLACK of New York. Does the gentleman honestly think the Secretary has a sufficient force now to do the work in the city of New York?

Mr. TABER. Not alone; absolutely not.

Mr. LaGUARDIA. They inspect milk in New York?

Mr. TABER. To a certain extent; yes.

Mr. LaGUARDIA. And I know we have great trouble with the dairies whom the gentleman announces are anxious to have pure milk. We fight them all the time.

Mr. TABER. The gentleman's State is fighting conditions all the time, and always will be fighting conditions all the time. It is absolutely necessary to have a continuous struggle in order to keep a pure-milk supply, and I am really surprised the gentleman from New York should be opposed to that sort of thing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I yield the gentleman five additional minutes.

The CHAIRMAN. The gentleman from New York is recognized for five minutes more.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. TABER. Certainly.

Mr. SCHAFER. How many additional employees will be added to the Department of Agriculture to enforce the provisions of this bill?

Mr. TABER. From 20 to 25.

Mr. SCHAFER. Will they enforce it all the way along the Canadian and Mexican borders?

Mr. TABER. They will, along with these other inspectors whom the Secretary permits to issue certificates.

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield there?

Mr. TABER. Yes.

Mr. SCHNEIDER. Is it not a fact that if the officials of Canada give proper inspection there will not be any inspection on our part, but the Canadian inspectors' certificates will be accepted by our Government?

Mr. TABER. Yes. Such large distributing organizations as Borden's, one of the largest distributers in New York City, does not object to it, because the milk they bring over they pasteurize on the other side of the line, and they say that they can meet the standard. That is, the large distributers of milk in this country and the largest importers from Canada—Merrill-Soule, of Syracuse, N. Y.—do not object to it. They say their stuff is good enough to come over. I am just saying that to show that people who do business right will not be interfered with.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. BURTNESS. Objection is made by those opposing the bill that this permit granted to the Canadians will be deemed a sort of badge of merit. Now, as I understand it, the standard that will be required of these Canadian dairies in order to permit their milk to be imported here is no higher than the standards employed by practically every municipality in this country which permits milk and cream to be sold within our own borders. All the rest of the milk sold here will be fully as good as that.

Mr. TABER. The requirements of this bill are up to the Boston standard, but not quite up to the New York standard.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. BLACK of New York. How can we prevent an embargo?

Mr. TABER. There will be no embargo under this bill.

Mr. BLACK of New York. Would the gentleman be willing to accept an amendment whereby the State officials would be able to veto an embargo?

Mr. TABER. No. That would take the control of the bill entirely out of the hands of the Department of Agriculture. There can be no embargo. We provide that the bill shall not take effect for 90 days, which means the 1st of October and after the flush season for milk this year. We provide that after the 1st of October, if the inspections can not be completed in time, the Secretary will issue permits.

Mr. BLACK of New York. If he cares to?

Mr. TABER. Yes.

Mr. SCHNEIDER. Is it not true that what is referred to as the embargo is only a prohibition against diseased milk?

Mr. TABER. That is true.

Mr. BLACK of New York. But an embargo may also be a prohibition against the importation of clean milk.

Mr. SCHNEIDER. That is not the intention.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. WHITE of Maine. Am I right in my understanding that this bill relates only to milk brought into this country from abroad?

Mr. TABER. That is true.

Mr. WHITE of Maine. It does not undertake to control milk coming through interstate commerce, passing from one State to another?

Mr. TABER. No; in no way whatever.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. LaGUARDIA. It may be that the interests of the State of Wisconsin explain the reason why the distinguished gentleman from Wisconsin is taking such an interest in this matter. Will the gentleman please tell us what they have done in the direction of what has been done in the State of New York?

Mr. TABER. They have done more than any other agency in proportion to their population; more than any other State has done to eradicate tuberculosis.

Mr. LaGUARDIA. What interest have they, except to get into the New York market?

Mr. SCHNEIDER. They have at heart the interest of clean milk. The State of Wisconsin has no fear of an embargo on unclean or diseased milk.

Mr. HAUGEN. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 15 minutes.

Mr. UNDERHILL. Mr. Chairman, I realize that it is going to be impossible to kill this bill. In the first place, most of our friends who are opposed to bureaucracy and centralized government are absent this afternoon, and in the second place, most of our free trade friends on the other side are absent.

Mr. OLDFIELD. There are no free trade people here even when the House is full. [Applause.]

Mr. UNDERHILL. I am sure I did not expect to make a convert thus early by my remarks.

I am opposing this bill, however, chiefly, to take the opportunity to tell you that two years from now, or a year from now, I will be able to say to you, "I told you so." That is the only effect my remarks will have, to give me the pleasure of telling you, "I told you so."

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield there?

Mr. UNDERHILL. Not now.

The purposes of this bill, if I understand them correctly and if those who have communicated with me have told me the truth, is to raise the price of milk to the consumer. I might not object to that, if that is the purpose of it, but its advocates should be honest and state the fact. If that is the purpose, and the tariff on milk is not high enough, what you should do would be to raise the tariff. I do not know but

what I might be with you on that proposition. This bill, which is a subterfuge, is to be passed as a health measure when its real purpose is to increase the price of milk or give a bigger return to the farmers for their product. I say I might vote for an increase of the tariff, but not for all the evils that this bill will bring about.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. In a moment.

Now, as to the tariff feature, the tariff on butter has recently been raised. That was the beginning of this trouble. They raised the tariff on butter and did not at the same time raise the tariff on milk and cream; and the consequence is that the milk and cream are brought from Canada to this side and are being manufactured into butter. Of course that will never do. Instead of doing as they should have done, try to get the tariff increased on milk and cream, they bring in a supposed health measure. What does the bill mean and provide?

It provides for an inspection in Canada made by the authorities in the United States. Ridiculous. It provides for an inspection in Canada by inspectors or spies employed by the United States to go over the line to tell them what they can do in Canada. That is what it means. It provides jobs for milk bootleggers. That is what it provides.

I will call your attention briefly to what occurred in New York recently in this connection. There has been a great trial in New York, which excited the interest of the people all over the United States, with reference to impure milk. I quote from a New York newspaper—

Over $100,000 paid by New York milk ring—

And to whom was it paid? Not in Canada but by the western producers, many of them from Wisconsin, who were bribing the inspectors, at the rate of $1 a can, to let impure milk come into New York. Fortunately they were caught at it and have been punished. But over $100,000 was paid by one little ring of milk bootleggers in New York.

You are providing another Volstead law in this bill with reference to milk, just the same as you provided in the original Volstead law with regard to alcohol.

I will read this from a newspaper clipping I have here:

Harris discloses milk-graft facts. Former health official had an interest in thrice-fined concern, he says.

I have a clipping from a New York paper which says that the grand jury of New York found an indictment against the Borden & Sheffield Co. and the Dairymen's League, which control the distribution of milk and the fixing of prices in New York. I am not as familiar with conditions in New York as I am with conditions in New England. We have one of the best systems of inspection in New England, particularly in and around Boston, that there is anywhere in the country. The health authorities of Boston are absolutely opposed to this bill as it is now drawn, and I doubt whether a bill can be drawn to meet with their approval.

The Boston Post, a paper published in Boston and which stands for the people all the time, comes out in a strong editorial in opposition to this bill and the character of it.

Now, what does it do? It requires that the milk shall be pasteurized in Canada. We get a great deal of our supply from Canada. Then what happens? According to the law you can not repasteurize that milk. It has to come a long distance after being pasteurized, and be subjected to whatever contamination with which it may come in contact on the way to destination. That is one of the ridiculous features of the bill.

Mr. Harris says it is impossible to catch these fellows, for as soon as they catch them and bring them into court then they form another combination, and this impure milk has been poured into New York. Now, through this bill you are going to encourage that still further by placing an embargo on the Canadian milk.

We have in Boston about five great firms distributing milk in the city of Boston. These five firms send their inspectors into Canada. They inspect the barns; they inspect the milk supply; they bring it to Boston; and they pasteurize it. It is then inspected by the Boston health authorities, and there is no complaint. I do not know of an instance where there has been any disease in the last few years due to the milk supply of the city of Boston. But in New York the conditions are that impure milk has been coming in, not from Canada, as I said before, but from States in the West.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. GARRETT of Tennessee. Quite recently, the gentleman will recall, there was Executive action which excited a great deal of comment throughout the country, that action being the issuance of an order authorizing the employment of State officials as Federal prohibition agents. I would like to ask the gentleman if he sees any question of that character involved in this measure?

Mr. UNDERHILL. Why, it seems to me that there may not be any great connection, but I think this bill, if it were passed, would give just as good an opportunity for fraud and connivance on the part of these underpaid inspectors.

Mr. GARRETT of Tennessee. Well, I am not speaking of that phase of it. I am speaking of the legal phase of it, the question of legality having been involved in that matter. I call attention to the fact that on page 3, beginning in line 7, there is this proviso:

That in lieu of the inspections to be made by or under the direction of the Secretary of Agriculture he may, in his discretion, accept a duly certified statement signed by a duly accredited official of an authorized department of any foreign government and/or of any State of the United States or any municipality thereof.

I am just wondering whether or not that constitutes these State inspectors and municipal inspectors as Federal agents and whether it is in any way on all fours, as a legal proposition, with the situation created by the authority given under the President's order to employ State officials as Federal agents in that particular line of activity.

Mr. UNDERHILL. I do not wish to express an opinion. I do not think I am competent to express an opinion on questions of law. Now, let me continue. The situation in New England is this: The New England supply is inadequate to meet the demand for milk and cream. A good bit of the milk supply of this part of the country goes into condensed milk, butter, and so on.

Now, I have a little, modest place down on Cape Cod, in Massachusetts. I go there during the summer, when Congress is not in session. I was in hopes I would be there before this. Do you know what we pay for milk on Cape Cod during the summer season? We pay anywhere from 25 cents to 33 cents a quart, according to the grade of milk we get; while in Boston the average price varies from 11½ to 12 cents to 13 or 13½ cents. Now, by this embargo you are going to shut out one of the sources of supply for Massachusetts, with which we are perfectly satisfied. In other words, we are competent to handle the situation and make all the inspection that is necessary to guarantee pure milk to our dear mothers and our darling babies. Those terms are always emphasized in connection with so-called health bills.

Mr. SNELL. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SNELL. The inspection that is required in the city of Boston would cover anything that is required by the provisions of this bill.

Mr. UNDERHILL. I would be very glad, indeed, to accept an amendment which exempted Boston from the provisions of this bill.

Mr. LAGUARDIA. The same for New York City.

Mr. UNDERHILL. And if that is so, I am through with my opposition, except on the fundamental ground that it is an unwarranted interference with State affairs. Also it provides only $50,000 for enforcing the law all along the Canadian border, and if conditions are as bad as represented by the gentleman from New York that would not be sufficient to protect the border of New York State alone from the bootlegging or the bringing in of bad milk from Canada. It would not be enough to protect Massachusetts alone.

But, gentlemen, why not be honest? Why not say that this bill is absolutely no good except so far as it provides jobs for a lot of extra milk inspectors; that we want to increase the price of milk so the farmers may get a better return from their dairies and their herds? Then let us go right along honestly, and with our friends on this side of the House, ask them if they will not increase the tariff on milk and cream in order that the farmers may benefit.

Everybody here so far this session has spoken in favor of the farmers. I want to add my little word of commendation of the farmers for the hard work they are performing and the poor return they are getting; but let the farmer be just as honest with the other people as he is honest in his work, and do not advocate a bill like this, for the purpose of establishing an embargo and for the purpose of raising the price, and urge it under the guise of a health measure.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SCHNEIDER. When the people of New York and other large cities asked for sanitary conditions under which milk must be produced, did they do it at that time with a view to increasing the price of milk?

Mr. UNDERHILL. Yes and no; I had a part in that legislation in Massachusetts. I was a member of the Massachusetts

Legislature. We voted that certain health requirements and safeguards be placed around dairies and in the production and distribution of our milk supply.

Mr SCHNEIDER. Did that increase the price?

Mr. UNDERHILL. Yes; but the enthusiasts went too far altogether in this proposition, and they advocated what was known as the Ellis milk bill, which would have absolutely placed the price of milk beyond the reach of the ordinary consumer. We had to stop somewhere and we stopped with an efficient inspection of milk to guarantee its purity and preserve a source of supply. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman and members of the committee, I am glad the gentleman from Massachusetts, who has just spoken, said that he would agree to a higher tariff on cream and milk and dairy products, for if I remember rightly he voted to recommit the Fordney-McCumber tariff bill. I am glad he has at last seen the light. I am not sure whether the gentleman was talking about Cape Cod milk at 33 cents a quart or cod-liver oil; but at any rate, if they have to pay 33 cents a quart on Cape Cod, this bill is not going to affect the situation down there one little bit.

There are two objects in this bill. First, to protect the dairymen from unfair competition, from unwholesome, unsanitary, and diseased milk imported from Canada; second, to protect the women and children and the sick and disabled in the hospitals in New York State and in other States; and it seems to me it is the duty of Congress, the paramount duty of Congress, no matter whether these women or children live in your district or not, to vote for legislation to protect their health and safeguard them from the use of diseased milk.

Mr. UNDERHILL. Will the gentleman yield?

Mr. FISH. I yield; yes.

Mr. UNDERHILL. Does the gentleman mean to imply that the great State of New York is not able to protect its women and children and hospital patients?

Mr. FISH. Certainly not; not from impure milk imported from Canada without proper inspection.

Mr. LAGUARDIA rose.

Mr. FISH. I regret I can not yield.

Mr. LAGUARDIA. The gentleman is making a very daring statement concerning the State of New York.

Mr. FISH. Very well; I will yield to my colleague from the State of New York.

Mr. LAGUARDIA. Upon what does the gentleman base such a daring statement that the Health Department of New York City can not protect its own people?

Mr. FISH. Because they have no right to go beyond our border or even stop the milk as it comes across the boundary line.

Mr. LAGUARDIA. There is an explicit State law which gives us that right.

Mr. FISH. But Federal officials can not——

Mr. LAGUARDIA. The gentleman is not familiar with our State law.

Mr. FISH. Oh, yes; I am.

Mr. LAGUARDIA. Does not the gentleman know that the New York City inspectors go to the farms of New York State and inspect those farms?

Mr. FISH. I know the situation in New York and I know that these milk trains come down to New York City and are inspected in New York, and they have not enough inspectors as it is; and the gentleman knows that under the Hylan administration the health department in New York City failed in its duty to properly inspect the incoming milk.

They not only failed but through graft and corruption permits were sold by officials in the Department of Health in New York City so that adulterated, watered, and diseased milk was let in and sold to the women and children in a city of six millions. The gentleman knows that to be a fact.

Mr. O'CONNOR of New York. Will the gentleman yield there?

Mr. FISH. And I want to say, in all fairness and to give the devil his due, that the Tammany administration to-day is cleaning up the milk-inspection scandal and putting the guilty men in jail. [Applause.]

Mr. O'CONNOR of New York. That is what I wanted to ask the gentleman.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. FISH. Yes.

Mr. SCHNEIDER. Is it not true that a considerable quantity of the meat that is shipped into New York, for instance, all of that coming from the Argentine, is now inspected in the Argentine by United States inspectors?

Mr. FISH. Let us understand the provisions of the bill. If the Canadian inspectors will certify that the milk is wholesome and sanitary and fulfills the standards set by this bill, the Department of Agriculture under the provisions in the bill will accept those certificates. We do not have to send a lot of sleuths into Canada to find out what their barn score is or whether the tuberculin and other tests have been met. We do not have to find out the exact sanitary conditions in the Canadian dairies through our own inspectors but under this bill we will accept certificates of Canadian authorities giving the information required by the Department of Agriculture and will issue permits on such information.

Mr. LAGUARDIA. I wish the gentleman would point out where that is stated in the bill.

Mr. FISH. Anyone can find it who will read the bill.

Mr. KETCHAM. Will the gentleman yield?

Mr. FISH. Yes.

Mr. KETCHAM. Is the gentleman aware of the fact that outside of some of the large and important cities, neither the Canadian Government nor the provincial governments have any inspection of barns and that their milk inspection does not compare with the inspection around Boston and in the New England States?

Mr. FISH. I am glad the gentleman has submitted that information to the House.

Most of the milk coming in from the Province of Quebec and the Province of Ontario to New York State goes to New York City, and therefore it is an issue in which every citizen of New York and every Representative is interested.

Mr. BLACK of New York. Will the gentleman yield?

Mr. FISH. I yield.

Mr. BLACK of New York. Does the gentleman know what percentage of the milk consumed in New York is of this character?

Mr. FISH. Of a diseased character?

Mr. BLACK of New York. No; of the character that will be subject to this inspection?

Mr. FISH. That comes from Canada?

Mr. BLACK of New York. Yes.

Mr. FISH. Well, the hearings show that there are 7,000,000 gallons of milk and 5,000,000 gallons of cream from Canada sold in New York State annually.

Mr. BLACK of New York. If that is so, and that is wiped out, there would be a change in the market price of milk, would there not?

Mr. FISH. I do not think so; that is a small percentage.

Mr. BLACK of New York. Does the gentleman know what the percentage is?

Mr. FISH. If you can change gallons into pounds, I can tell you. The dairy industry in New York State produced in 1925 almost 7,000,000,000 pounds of milk. The people in my district—and I represent one of the biggest dairy districts in New York State, if not in the country—have complied with the stringent regulations required in this bill. You talk about your farmers of the West and the hard times they have, our dairymen have all kinds of difficulty in making both ends meet and in obtaining reasonable and legitimate profits. Our farmers and dairymen have great investments in stock, in buildings, and in real estate, and they make mighty small profits on their investments. They are making no more profits than your farmers out West. But they are not asking for a subsidy, they are not asking for any form of price fixing, they are not asking any money from the Government; all they ask is that this discrimination against them be wiped out, a discrimination which works to the advantage of Canadian producers of milk. That is what this bill is. It is not an embargo; it does not shut out milk from Canada, but it aims to secure legitimate competition with Canadian milk producers and assure pure milk up to the standard required for New York State.

Mr. BLACK of New York. As a matter of fact, the cooperative dairies are distributing Canadian milk, are they not?

Mr. FISH. I do not know that to be so.

The dairy industry in New York State, with 1,370,000 milk-producing cows, is by far our largest farm investment and produces the most wealth, amounting at wholesale prices to $172,000,000. Western and southern Congressmen who think of New York State in the terms of Wall Street levying tribute on the whole Nation fail to appreciate that we stand near the top as an agricultural State and in the dairy industry stand second to none.

Mr. SCHAFER. I am in sympathy with the gentleman, but I do not think this law could be enforced one-half of 1 per cent with such a small appropriation as $50,000 to protect the whole Canadian border.

Mr. FISH. We are not attempting to protect the whole Canadian border.

Mr. SCHAFER. Could we not make some prohibition officers help enforce this law?

Mr. FISH. I do not believe in mixing beer and milk. These milk producers in Canada who want to send milk into New York can easily get permits from our officials when they show that they are living up to the requirements demanded in this bill.

What is more just than to ask these Canadian dairymen to live up to the same standard as we have in the United States? Are there any Representatives here who want to discriminate against our producers in favor of foreign dairymen? I appeal to you to support this bill and to help pass it through the Congress and wipe out this unfair and unjust discrimination. [Applause.]

Mr. KETCHAM. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, anyone familiar with the legislative history of milk inspection in the State of New York and the opposition to every word written on the statute book of our State and in the city ordinances of our city must laugh when they hear that it is the same milk-dairy people who are now so interested in the welfare of our children getting pure milk in the city of New York. Gentlemen, it is so absurd and so ridiculous that it discloses the real purpose of this bill.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LAGUARDIA. Not now. If the Committee on Agriculture should come out and ask for a tariff on milk because they can not meet the Canadian competition they would be entitled to a fair hearing.

The gentleman from New York [Mr. TABER] tells you that 2½ cents on milk and 20 cents on cream is not sufficient; and when it is suggested by the gentleman from New York [Mr. BLACK], to increase the appropriation in order to carry out the purpose of the bill, the gentleman is met with a "No." It is not intended to have sufficient force to prevent the dairies of Canada from sending pure and good milk to the United States. The purpose of the bill is to prevent any milk from Canada coming to the United States. I want to tell you gentlemen that this bill will increase the price of milk in New York city every summer when we depend on Canadian milk for a reserve supply.

The department of health in New York City is opposed to this bill.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In a moment.

Mr. BLACK of New York. Is that the department of health under the present commissioner?

Mr. LAGUARDIA. Under the present commissioner. I have a telegram dated "New York, June 24," addressed to me, which is as follows:

NEW YORK, *June 24, 1926.*

Congressman FIORELLO H. LAGUARDIA,
Washington, D. C.:

Canada is an important, safe, and necessary source of milk supply. Adequate milk inspection is all we need. Regret greatly mislaying your telegram and consequently delay in replying. Would recommend opposition to Taber bill.

LOUIS I. HARRIS, M. D.,
Commissioner of Health, City of New York.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Not at present. Anticipating what the gentleman is going to ask, I asked the commissioner about the inspection referred to in his telegram, and here is the reply:

NEW YORK, N. Y., *June 24, 1926.*

Hon. FIORELLO H. LAGUARDIA,
Washington, D. C.:

Inspectors of New York City Department of Health inspect Canadian milk sources as they do all others furnishing this city's supply. When proposed increase in staff of inspectors already approved by Mayor Walker is granted, protection of our city will be better than ever.

LOUIS I. HARRIS, M. D.,
Commissioner of Health, City of New York.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In just a moment. So far as our system in New York City is concerned, we have our own inspectors, and let me say to you gentlemen, let me say to you gentlemen who come in here with a bill to provide $50,000 to inspect all the farms in Canada, that we spend that much money in New York in two weeks, to inspect milk, and then you pretend that you are interested in pure milk. Let me say something to the gentleman from Wisconsin [Mr. SCHAFER], and I want my colleagues to get me right in this. Listen to this, you Wisconsin progressives. In New York State these milk producers are ostensibly interested in health, and so they come before us, and they say, "We want to protect the health of the children of the city of New York, and we want this bill." Now in Chicago they say this: I have here a circular sent to Members of the House from the United Dairy Press (Inc.): "Unions prove a menace to the merchandising of milk."

In Chicago they are abusing the unions. They say:

The Chicago dealers, living for years under the threat of the milk drivers, can not help having undue fear of this union. Its real strength is magnified in their minds. This does not mean that real power to harm does not exist. It does exist. But the present situation can not continue forever. It is open defiance of the right of citizens to drink the milk they prefer by making it hard for them to get that milk. It is throttling an industry.

Read this, I ask my progressive friends from Wisconsin, and learn something about the attitude of the milk dairies on unionism. They are attacking unionism about selling milk, and then they come out in New York and pretend to be interested in the health of the children of the city of New York.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In just a moment. The gentleman from New York [Mr. TABER] stated that this inspection will be made into the Province of Quebec and the Province of Ontario, that there are something like 2,500 or 3,000 farms to be inspected. Gentlemen familiar with milk inspection know that cows must be inspected by veterinarians at least twice a year. There are 25,000 cows to be inspected, and you provide $50,000 with which to do it. You gentlemen know that we pay a veterinarian in the Department of Agriculture from $2,500 to $3,000 a year, and you know it will take traveling expenses to send him up there and $10 a day allowance that we provided in the bill passed in the House for Government employees when on duty in a foreign country. Fifty thousand dollars is provided, here, and you can easily see that the only purpose of the bill is not to send inspectors up into Canada, to issue certificates of exportation to these Canadian dairymen, but simply to provide that milk can not come in unless they have these certificates and then prevent the issue of the certificates.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Let me say this first to the gentleman——

Mr. SNELL. Oh, the gentleman need not say anything to me, if he is not going to yield.

Mr. LAGUARDIA. I am going to yield to the gentleman.

Mr. O'CONNOR of New York. When the gentleman yields to my colleague from New York [Mr. SNELL] he will have to yield to me.

Mr. LAGUARDIA. Very well, I yield to the gentleman now.

Mr. O'CONNOR of New York. I have no question to ask just at this minute.

Mr. SNELL. If I understand the provisions of the bill, so far as the reference the gentleman makes that you are inspecting dairies in Canada at the present time, that that is all that the bill provides for, that it is not to prevent them from bringing milk into this country. They would not interfere with your inspection.

Mr. LAGUARDIA. All right. This is a warm day, and let us stop the discussion. Will the committee agree that we can import milk from Canada on our own inspection?

Mr. SNELL. If I understand the provisions of the bill correctly, when the importer is working under proper conditions that is right.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. TABER. The amendment which the committee has reported provides that the Secretary may in his discretion accept a duly certified statement by a duly accredited official of an authorized department of any foreign government or of any State or any municipality thereof.

Mr. LAGUARDIA. Very well. Let us strike out "in his discretion" and insert the word "shall."

Mr. TABER. Why should we fix the bill so that it can not be enforced right? Is the situation in New York City such and is the milk coming into the city such that it needs this bill? Is that the reason for this opposition?

Mr. LAGUARDIA. No; the purpose is to prevent any milk from being sent to the United States, and the gentleman knows it. We have to have this Canadian supply, especially in the summer months, when the demand for cream and milk is so great. It is our only source of extra supply in those months with which to provide the demand which the States can not provide.

Now, if the gentleman is on the level about it, and the only interest is to protect the pure-milk supply of New York City, let him accept the amendment, and I will vote for the bill. That

is an answer to that. [Applause.] But that is not the purpose, and I repeat it.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. O'CONNOR of New York. If the Secretary is going to accept the certificate of the inspector in New York State and he would like to have it compulsory, he would have to accept the certificate from somebody in a small hamlet in the State, or otherwise subject the people of that community to a supply of impure milk.

Mr. LAGUARDIA. It does not come from Canada. There is not a drop of milk from Canada going into the small hamlets in New York State.

Mr. O'CONNOR of New York. Will the gentleman tell us how much milk we use in New York City from Canada? How much do they use in proportion to the whole supply of milk in New York State?

Mr. LAGUARDIA. In the summer months?

Mr. O'CONNOR of New York. Any time.

Mr. FISH. Will the gentleman yield to me? I yielded to the gentleman.

Mr. LAGUARDIA. I will.

Mr. FISH. The statement has been made here that only 25,000 milk-producing cows concerned are in Canada. Does the gentleman know how many milk-producing cows we have in New York?

Mr. LAGUARDIA. What has that got to do with it?

Mr. FISH. We have 1,300,000.

Mr. LAGUARDIA. The gentleman knows we naturally draw first from the places near New York City. That is elementary. The gentleman ought to know that. We do not go to Canada to buy milk we can get right at our door. That is elementary.

Mr. BLACK of New York. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. BLACK of New York. Does not the gentleman think it would be enough if we had an amendment providing there be no embargo on milk coming into the State of New York without application from the Governor of the State of New York?

Mr. LAGUARDIA. Or let us accept our own inspection; that is all that we ask, and if the only interest in passing the bill was to furnish pure milk for New York City, the amendment would be accepted. In the Middle West the dairymen appeal is not for pure milk, but against the labor union——

Mr. SCHAFER. Will the gentleman yield? The gentleman puts the attitude of certain organizations against trade-unions as an argument in reference to this milk bill. I yield to no man in my interest in legislation and in the interest of labor-union organizations, but the conduct of any organization or any individual in a specific case for some good reason is one question, but it is absolutely absurd for the gentleman to bring in the statement, and I do not agree with the gentleman's view.

Mr. LAGUARDIA. Does the gentleman stand by this——

Mr. SCHAFER. Does the gentleman always vote for union-labor organizations? Did the gentleman vote for the McFadden banking bill?

Mr. FISH. Will the gentleman yield?

Mr. LAGUARDIA. Did the gentleman vote for the banking bill?

Mr. SCHAFER. I did not. I try to vote only when it is right. I do not condemn milk producers on every question——

Mr. SCHNEIDER. Is it not a fact that as a matter of fact the telegram the gentleman read——

Mr. LAGUARDIA. Is the gentleman asking a question or making a statement?

Mr. SCHNEIDER. I want to correct the gentleman from New York in a statement he has made.

Mr. LAGUARDIA. Well, let the gentleman ask the question. I yielded to him only for a question.

Mr. SCHNEIDER. Is it necessary for me to ask a question? [Laughter.]

Mr. LAGUARDIA. Certainly.

Mr. SCHNEIDER. Did the gentleman say that the document he read from is issued by the friends of this bill or by its opponents? I say it is issued by the enemies of this bill. The so-called opponents of labor unionism are opposing this bill.

Mr. LAGUARDIA. The people opposing labor are apparently in favor of this bill.

Mr. SCHNEIDER. Where does the gentleman get his information?

Mr. LAGUARDIA. I get it from the document. Read it.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. FISH. This is not going to be a labor-unionism question. The gentleman has made the statement that the upstate farmers in New York opposed legislation of this character in the early days, but they are now for it because it has resulted in doubling the consumption of milk in New York City from 1,500,000 gallons to 3,000,000 gallons a day.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. May I have five minutes more?

Mr. UNDERHILL. I yield five minutes more to the gentleman.

Mr. WINGO. Yesterday we had liquor up. Now it is milk. When will the water wagon come around? [Laughter.]

Mr. HUDDLESTON. Have not the municipalities in New York State the power to prevent the sale of impure milk in their State?

Mr. LAGUARDIA. Yes; they have that power.

Mr. HUDDLESTON. What need is there of Federal intervention if that is the case?

Mr. LAGUARDIA. None except a desire for an embargo.

Mr. HUDDLESTON. Then this measure is not in the interest of the dairymen, but in the interest of the milk consumers?

Mr. LAGUARDIA. Certainly.

Mr. O'CONNOR of New York. Mr. Chairman, will my colleague yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNOR of New York. Does the gentleman mean to imply that the whole State of New York is made up of municipalities, and every municipality has the same kind of inspection?

Mr. LAGUARDIA. Perhaps my friend from the Empire State thinks otherwise, but I know that every large municipality has a sufficient inspection force to inspect its own milk.

Mr. UNDERHILL. And is it not a fact that these scattered small communities get their milk supply right at their own door?

Mr. LAGUARDIA. Absolutely.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. I yield to the gentleman from Kansas.

Mr. TINCHER. The gentleman favors regulations requiring American farmers to supply milk that is free from tuberculosis?

Mr. LAGUARDIA. Of course.

Mr. TINCHER. Then how can the gentleman conscientiously argue that such restrictions should not be placed upon those who obtain permits to ship milk into this country from the outside?

Mr. LAGUARDIA. No. Let the same power that inspects the cows of the State of New York also inspect them in Canada. That is all.

Mr. TINCHER. The United States enforces regulations and contributes to the work to make the dairy farmer keep herds of cows that are free of tuberculosis. The United States destroys the tubercular cows. Now, milk is being shipped from Canada into this country, and those regulations are not enforced in Canada. Is it fair to the American consumer or the producer of milk to have those regulations here and not require them of Canada?

Mr. LAGUARDIA. Well, the gentleman from Kansas is influential in the House and has great power with the administration, as he recently showed, by——

Mr. TINCHER. Let the gentleman talk about milk. [Laughter.]

Mr. LAGUARDIA. He has great power with the administration, I say, as was demonstrated by the vote that was had on the farm relief bill. Let the gentleman give us sufficient appropriations to get an adequate inspection.

Mr. TINCHER. I fear the gentleman had no adequate knowledge of the work of inspecting dairy herds.

Mr. LAGUARDIA. How many inspectors will it take to inspect all the cows in the Provinces of Quebec and Ontario, for example?

Mr. TINCHER. It will not require many. Under this bill a certificate will be required as to the purity of milk imported from Canada. If it is worth while to enforce that kind of regulation against the American farmer, it should also be done with respect to the Canadian farmer. We require the American farmer to have tests made and pay for it.

Mr. LAGUARDIA. The gentleman should get some time to speak for himself on the bill.

Mr. TINCHER. I thought I was using the gentleman's time to better advantage than he could use it. [Laughter.]

Mr. LAGUARDIA. If the gentleman from Kansas had properly utilized the time he had for three weeks and had devoted it to matters beneficial for the farmer, he would have done

something worth while, instead of assisting in submitting a little bill like this. Let the gentleman put that in his pipe and smoke it. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. UNDERHILL. Mr. Chairman, I yield two minutes to the gentleman from Arkansas [Mr. RAGON].

The CHAIRMAN. The gentleman from Arkansas is recognized for two minutes.

Mr. RAGON. Mr. Chairman, I was interested in the question propounded by the gentleman from Kansas [Mr. TINCHER] to the gentleman from New York [Mr. LAGUARDIA] with reference to the admission of milk from other countries provided it came up to the requirements set out in the bill.

As I read section 1 of this bill it seems to me it gives the Secretary of Agriculture the unlimited and unrestricted power to declare an embargo upon the importation of milk, under any circumstances that may suit him. I think the gentleman from Kansas has it in mind that this power given the Secretary would be exercised only when the products failed to come up to the specifications set out in section 2 of this bill. As I read it the Canadian milk producer might do everything suggested by the terms of the bill and yet it is within the power of the Secretary to arbitrarily prohibit the importation of milk from that country. I have studied the different sections of the bill and I can not support it so long as it carries this unlimited power. It is not mine to say that the dairy interest of this country would do so, but with a friendly Secretary, they could absolutely choke competition while they held up our American consumer. The consumer and the competitor would be helpless under the unrestricted and unlimited powers given a bureaucrat. Why the subterfuge, that this bill is in the interest of public health? Who wants to put these additional burdens upon millions of milk consumers who must have this necessity of life which they can not themselves produce?

If a bill of this kind is important for milk, why not for cattle, hogs, wheat, and corn? Why is it not equally important to empower the Secretary to place an absolute embargo on all other agriculture products?

Mr. BURTNESS. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. BURTNESS. Of course, the gentleman will understand that cattle are kept out unless they are tested and disease free.

Mr. RAGON. I understand that. I would support this bill if it did only that; but you go further and give the power to keep the purest of milk out if the Secretary, for any purpose, real, imaginary, or feigned, sees fit. You give him the power, the sweeping power, to say, "It shall not come in," and that is a dangerous power to give to the Secretary. [Applause.] When is this pestilence of extending governmental powers into private business to stop. There seems to have grown up in this country an idea that a thing is never so well done as when done by the Government. In many sections you have the Government dipping the old cow for tick eradication; under the Haugen bill you would have the Government buying and selling the old cow, and now under this bill you want the Government to milk her. What and where is to be found the source of this tendency? Where and how is it to end? Is it due to the poor functioning of State governments under our supposed dual system of government? Can it be said the people, like the autocratic and arbitrary powers exercised by the Government during the war, which were resorted to in order to meet countless emergencies? Certainly it is not in the mind of the country to do away with independence of industry and to blight the individual initiative of the citizens of this country. Take the Haugen bill, an economic monstrosity, carrying a rare combination of the viciousness of a high protective tariff and the wildest vagaries of socialism, drew to its support some high-class business men, who less than 12 months ago would have denounced its very terms as an instrument to paralyze industry and reduce our American farmers to the plight of peasantry.

HAUGEN BILL

The Haugen bill was the boldest stroke of all to turn the country over to a bureaucrat. Look at the powers of the Secretary of Agriculture and his board. Under the bill he is empowered to call a convention for the purpose of selecting a Federal farm advisory council of 48 men, 4 being from each of the Federal land-bank districts. The Secretary names the date, fixes the place, designates the farm organization eligible for participation in the convention, designates the number of votes each eligible organization shall have, and then prescribes the rules of procedure under which the convention would operate. These 48 men, none of whom are required to be farmers, hold office for six years and are to be paid $20 per day while attending meetings of the council. The Secretary's Federal farm council meets and organizes, and are to meet thereafter at least once each year at the time and place designated by the Secretary. It is made the duty of this board of 48 to nominate 3 individuals from each farm land-bank district. From this group of 36 the President is to select 1 from each Federal land-bank district to compose a board of 12 men, to be known as the Federal farm board, and the Secretary of Agriculture is to be an ex officio member. In order that this board as a political organization may not be mistaken, it is cautiously provided that the President's appointees shall be confirmed by the Senate. Nowhere is it provided, or even intimated, that these 12 men shall be farmers, and its proponents on the floor of the House refused to accept amendments to this effect. Their only qualification is that they must be citizens of the United States. They are given a salary of $12,000 per year with traveling expenses and subsistence. Then this law specifically provides that this Federal farm board shall be established in the Department of Agriculture, over which the Secretary of Agriculture presides. Under such provisions the Secretary is made the absolute monarch of this cumbersome, expensive, and political piece of Federal machinery.

OPERATIONS OF THE HAUGEN BILL

The Haugen bill contemplated two groups of operation, one on cotton and the other on wheat, corn, cattle, swine, butter, and their food products. Now let us visualize the condition of the American farmer to-day, particularly those interested in the production of the second group, since the tariff can not apply to cotton.

During the war our home manufactures enjoyed the highest war prices, favored by laws which, in effect, constituted an embargo. After the war, having won an election, they were successful in passing the Fordney-McCumber tariff law, carrying the highest tariff the country has known and necessarily increasing the price of manufactured products. In the passage of this vicious measure they procured the support of the western farmer on the sop that they could give him a tariff which would make him rich on his agricultural products. The result was that the farmer paid, and is paying, for manufactured products the highest price he has ever paid. But what was the effect of the tariff on agricultural products, which were to benefit him? Well, they found that they were dealing with a product which had an exportable surplus, and hence the tariff was ineffective. The farmer is to-day selling his surplus on the broken and demoralized markets of foreign countries and is thereby having the price of his commodities fixed by this process. The terms of the Haugen bill provide that the tariff shall be made effective on basic agricultural commodities. Its author was frank in his statement on the floor that its purpose was to make the tariff 100 per cent effective.

In order to carry this idea into effect it was planned to set up a price-fixing scheme. They proposed to artificially raise the price of wheat, for instance, by taking the price of wheat at our nearest competitive market in a foreign country and adding to that price the amount of freight and the tariff. I do not know what the freight might be, but we all know the tariff would be 42 cents per bushel. If wheat were selling in Winnipeg for $1.50 per bushel and you add to that the tariff, you would have a price of $1.92.

The consumer of wheat in this country thereby has his price of wheat increased 42 cents. Does the farmer producing this wheat get the 42 cents additional which the consumers pay? No. In order to effect this economic jiu-jitsu, the farmer is charged an equalization fee with which this Federal board designated some miller or packer to buy up or process the surplus. Of course this surplus must be disposed of and will necessarily be sold on foreign markets where the price is lower at a decided loss. That bill provided that all costs, losses, and expenses should be paid out of the equalization fee fund and therefore there would be a substantial reduction in the amount which the consumer paid.

A former governor of a Western State, now a cotton grower in the South, was kind enough to figure up for me just what this bill would cost the people of Arkansas in the increased costs on the corn, wheat, hogs, cattle, and their food products which the people have to buy outside the State, and he found it would cost Arkansas alone over $20,000,000 a year. It is a fact that our State, although able to do so, does not produce sufficient of these products to supply its own needs. When you consider the increased costs by reason of this bill on the bread and meat bill of every person in Arkansas to be something like 20 per cent, you then realize how revolutionary it is.

The problem business men and farmers have been trying to solve for years is to shorten the spread between what the consumer pays and what the producers sell for. As I recall

the figure now, the farmer sells his products for about $7,500,000,000, but the ultimate consumer pays over $22,500,000,000 for them. Under this bill you would increase the consumer's price 15 to 20 per cent, while the increase to the producer would not exceed 10 per cent at the outside. As seriously as I ever doubted anything, Mr. Chairman, I doubt that the farmer would have received a cent increase, because this Government board would have consumed in the costs, losses, and expenses, and I might add, wastage, the fund created by the equalization fee.

Almost fanatically did its proponents give it their support; yet none of them ever dared even to hazard a guess as to what the "costs," "losses," and "expenses" of operations of this bill would be. Therefore the unquestioned operations of this bill would result in widening the spread between the consumer and the producer in place of shortening it. I would be ashamed of any eighth-grade school boy in America who could not discover the economic fallacies in such an experiment. Where is there a board of directors of any business concern who would lay down for their enterprise such a business policy? Why, sir, such a business policy with them would not last as long as a paper shirt in a bear fight, and yet some of us are censured and condemned because we refused to act the blatant demagogue and swap principle for a questionable expediency.

When you go back to talk to the farmers of the West about the Haugen bill, tell them that you voted to place every hog, every head of cattle, bushel of wheat or corn, every pound of butter which he raised for sale under the unrestricted control of a Federal board in Washington, to sell when it pleased and where it pleased and for whatever price it pleased. Tell them not only that, but that you also empowered this Federal board in Washington to place a tax, for that is what the equalization fee means, upon every bushel of corn and wheat, every hog and cow and every pound of butter raised for sale, the justness and fairness of which is subject to review by no individual, organization, or court. You may so tell them, but whenever you do there will be a substantial bounty offered by your farmers for the hide of a dead Congressman in your district.

Boiled down to the practical, the terms of this bill results in a tax upon both consumption and production, and to assert that such a scheme is workable is to totally ignore the influence of supply and demand on price adjustments.

THE SUBSIDY

Not satisfied with the paternalistic involvement of a Federal political board for agriculture, you sought to inject another dose of paternalism by giving a $250,000,000 subsidy from the Treasury of the United States to be spent when and where the Federal board saw fit, except $100,000,000 was set aside to stabilize the price of cotton. If I could ever vote for a subsidy under any circumstances, I believe I could find more justification to give it to agriculture than anything else. Friends of the Haugen bill said on the floor that it was only an experiment, but what a dangerous experiment. If one industry is entitled to a gift from the Federal Treasury of millions of the taxpayer's money, then how in good conscience are you going to deny it to other industries? Arguments of purest demagogy were made on the floor of this House that the Government has given millions to the railroads, the tariff barons, and others. It is strange argument made by some of you Republicans that the Government gives millions to the tariff barons and yet you support this administration that gives you the highest tariff your farmers have ever paid. Your argument meets itself coming back. Some of you have monopolized all within the power of definition in describing yourself as the real friend of the farmers; God save the farmer from such friends. The fact is the Government has not granted a subsidy to the industries named, and you by such argument are trying to aggravate the farmer's confusion and discontentment by playing upon passion and prejudice. But merely for argument's sake, suppose the subsidies you have denounced had been given by the Government; just because the Government did wrong once, is that a reason for it doing wrong again? According to your argument, if Brown robs Jones, then it is all right for Jones to rob Smith. It would take one skilled in all the ethics of grand larceny to appreciate the force, if any, of such an argument.

At the time we were discussing the subsidy feature of the bill, newspapers were brought upon the floor of this Chamber which carried the screaming headlines "War tanks thunder down the rioting streets of London." These headlines carried the sad results of a British subsidy. That government had undertaken a short while ago to subsidize the coal industry; her efforts were futile and she was compelled to withdraw the subsidy. Immediately upon this action every nook and corner of England was shaken with the tremors of civil war. The soldiers were called out and tanks were used in quelling the riots and establishing public order. What a dismal failure England experienced in trying to legislate prosperity into the coal industry through a subsidy. I have never yet heard of the real farmers of this country asking for a subsidy. It remains for political boot-lickers, the self-ordained "real friend" of the farmer, to raise this clamor and stir up the false belief that Congress can legislate prosperity to any individual, class, or industry through a subsidy. If Congress can now legislate profits and dividends, then Congress has been, for a hundred and forty years, asleep on the job.

OPERATIONS ON COTTON

Since cotton is largely exported the tariff is not effective on it and therefore the bill did not operate on it in the same manner. There was provided for cotton a revolving fund which was to be supplied by the Federal board from $100,000,000 out of the Federal Treasury for the first two years and thereafter this revolving fund was to be supplied by an equalization fee, or tax, upon every pound of cotton grown by our Southern farmers. While none of the proponents seemed to know just how it was to be done, it was generally agreed that the Federal board would buy up a portion of the cotton and by withholding or releasing it, as the case might be, stabilize the price of cotton. The equalization fee on cotton was arranged as a double-barreled scheme. You could charge the farmer a fee to provide the revolving fund and then you could charge him a fee to prevent overproduction. You reduced the equalization fee which would go into the revolving fund to $2 as the limit, but it is my contention that the tax, or fee, or penalty, whatsoever you are pleased to call it, was never limited when applied to overproduction.

The terms of the bill provided specifically that the Federal board shall have the power to make rules and regulations necessary to carry out the purposes of the act. If the board wanted to curtail production, they could say to the farmer, "You will be charged a tax of $15 per bale if you plant to cotton more than so many acres, or raise more than so many bales." During the war the Food Administrator and a certain Federal board were by law given the authority to require every grain dealer and miller to take out license. The purpose of this authority was to enable the Food Administrator to keep a check on the operations of the grain dealers and millers. No authority was given in the law to fix prices, and yet this board used this power to absolutely fix prices. They did it by fixing a price and then telling the grain dealers if they varied from the price their license would be taken. In passing, let me note that the wheat farmer had a price fixed at $2.20 per bushel on his wheat—a price far below that in other countries at the same time. This ordinarily would be a good price for wheat, but it was a dismal price for it in those war times, when it took 8 bushels of wheat to buy 1 pair of shoes. I think no other construction could be given to the powers granted to the board under this, except that the board had the right to tax or penalize the farmer $5, $10, $15, or $20 for overproduction.

The construction which I have just given you was the construction placed upon it by some of those high in authority in cotton cooperatives of Arkansas in a conversation I had with them. I received the following letter from one of the directors of the Arkansas Cotton Cooperatives, showing that he gave this construction to the terms of the bill. The letter reads:

I will apply it to cotton and will take the 1925 crop as an illustration. Some time in September the Government estimated the crop at 13,500,000 bales, that put cotton to 26 cents per pound, and after the crop was gathered and we had made 16,000,000 bales it declined to 18 cents, a loss of 8 cents per pound. Now, the Haugen bill provides for a tax levy creating a fund with which to buy up the surplus cotton and store it away until at such a time as we shall make a short crop.

Now, for illustration, if we had been able to have placed a tax of $10 per bale on the 1925 crop this would have raised a fund of $160,000,000, with which amount we could have bought at 20 cents per pound 1,600,000 bales, which would have reduced the crop to 14,400,000 bales, about the world's requirement, and this amount of cotton would easily have brought a price of 22 cents per pound, and have paid out 2 cents per pound tax back and left us with 1,600,000 bales as a profit.

* * * * * * *

Now, to take care of this surplus by disposing of it the farmers or cotton raisers would be notified that their cotton was going to be sold the next year at whatever it would bring, and advised to govern themselves accordingly by reducing their acreage one-half, and in order to make the suggestion effective the tax to be increased to 4 cents per pound for that year's crop only; this surplus cotton sold for 20 cents per pound would make a fund of $750,000,000 to be paid back to the farmers, which would pay them back the $50 a bale they had paid out

for this cotton, and in addition they would have made a big crop of feed for the next year.

It is certain, Mr. Chairman, this director of a cotton "co-op" entertained the common belief that you could, under the terms of the bill, penalize the production of cotton to the extent this Federal board desired, and this letter suggests as much as 4 cents per pound.

Mr. Chairman, how this could appeal to anyone's sense of justice when you stop to think what it means, is beyond my comprehension. You have the Department of Agriculture, agricultural schools and colleges, county farm demonstrators, organizations of bankers, chambers of commerce, and farm organizations, all cooperating for the purpose of assisting the farmer in learning better methods of farming. Why all this tremendous expenditure of money, time, and energy in teaching our young men to be successful farmers, if you are going to penalize the successful farmer for the losses of the unsuccessful farmer. It is like making the careful, painstaking banker pay for the losses of the reckless and careless banker under a bank guaranty law, which I always opposed, but which I am frank to admit has much more real merit to justify it than your proposed scheme of placing a tribute on a man's ability to produce.

The scheme of the proponents of your Haugen bill would have this Federal board say to the farmer before he planted his crop, "we will tax you 2 or 4 cents a pound on your cotton next year," as suggested in the letter which I have just read. Congress and a Federal board may thus control the farmer, but they can not control droughts, boll weevils, hoppers, and other pests. Suppose such a tax had been in effect in 1923 when our cotton crop was so greatly damaged. When you apply this principle of controlling overproduction what will be the outcome for a year like 1923? You say it would double the price, but let us see what might occur under this bill to which you are hitching the farmer.

Only 3 members of this board of 12 would come from the cotton-growing section, and remember these 3 are not required to be cotton growers. This board under your law unquestionably has the power to reduce prices when they are above what this Federal board would consider a "fair and reasonable price." What would this Federal board, three-fourths of whom do not grow cotton, consider a fair and reasonable price? The purchasing power of the cotton dollar for the past five or six years has been much greater than the purchasing power of the corn, wheat, and cattle dollar.

Suppose this board would say to the cotton farmer who is selling his cotton at 25 cents: "Your dollar is much larger in purchasing power than the dollar of the wheat grower; therefore in order to increase the purchasing power of the wheat grower's dollar we must decrease yours by reducing the price of cotton." Such an action might not take place, but under the powers of this board it is possible. I remember two years ago under the old Haugen bill, fixing a ratio price, when cotton was selling for 25 and 26 cents a pound, that our Arkansas delegation in Congress was besought on every hand by cotton men asking us to take cotton out. Since there were no plans set out in the Haugen bill of this year for establishing a cotton price, what assurance have we that the terms of the old bill would not have been invoked? Under the 1924 edition of the Haugen bill the price of cotton would have been fixed at that time at about 19 cents, which, of course, would have reduced the price of our cotton 6 cents per pound.

Under the terms of your bill you would have assessed a tax on every boll of the farmer's cotton at the gin. When the farmer went to get his cotton to take it to the merchant to sell, some Federal officer would have said to him: "Don't move that cotton until you pay me a Federal tax of $2 per bale." "What's that for?" asks the farmer. "I paid all my taxes to my sheriff last spring." "No; you didn't pay this tax," answers the Federal officer. "This is the tax your Government places on your right to sell the products which by your own toil you have grown on your own land." This bill, Mr. Chairman, had it passed would have incubated more passion, bitterness, and hatred from one end of this country to the other than a civil war. You would have made every gin house in the South the sanctuary of Federal officers, while every cotton wagon would have been a rolling arsenal of shotguns. One of our colleagues from Louisiana received a telegram from one of his farmers admonishing us if we passed the Haugen bill with the equalization to be sure and make the appropriation large enough to send the marines down to enforce it.

If you had made the equalization fee on cotton effective now you would not have received the vote of a single southern Congressman, and yet if the equalization fee is the solution of our agricultural problems it should go on now, for there should be no discrimination between the commodities. If men had voted out on the floor where the country could hear like they talk in the cloakroom, where the country could not hear, then the Haugen bill would not have received a half dozen votes from the South. Many members of the cooperative association requested my support of the bill. They are facing a critical condition and I am aware of what it means. Knowing these conditions and prompted by an honest desire to aid the farmer, I was almost tempted to do what my better judgment said was wrong—vote for the bill. But when I studied it as I never before studied any proposition, I could not get the consent of mind to turn over to a political board here in Washington the power of life and death over the agricultural interests of this country.

I thought at the time of its discussion and I think now that the Aswell bill provided one of the greatest reliefs to agriculture. Its provisions for marketing zones, establishment of warehouses for storage purposes, and terminal facilities, together with its provisions for the finding of additional markets here and abroad, appeal to the fair mind as the sensible thing to be done. The only objection I have ever heard to the Aswell bill was that it would take too long to set it in motion. If that be true, then give them sufficient money to begin at once.

The theory of the Haugen bill is the natural outgrowth of conditions brought about under the Fordney-McCumber tariff. By our laws the Government is permitting the tariff barons of the East to rob the farmers. In place of you western Members joining hands with the South and reducing the cost of living to the farmers by reducing tariff rates, you come in with this Haugen bill and make yourselves particeps criminis to a still bigger robbery. Let us join hands, South and West, and do the sensible thing by knocking the top off the tariff wall, reducing the exorbitant freight rates the farmer is paying, developing his inland waterways, and aiding him in solving his marketing problems. Give him an atmosphere in which to live where he can enjoy his constitutional rights to a square deal by his Government when it deals with his industry. The farmer is not asking for a Federal guardian; he does not ask to be subsidized and he does not ask for additional taxes, but he does demand, as he has a right to demand, that the Government do not extend to other industries rights and privileges all out of proportion to those enjoyed by his own industry.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. BURTNESS].

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, I am glad to support this bill, whether it is to be regarded as a bill for the protection of the consumers of our cities or whether it is to be regarded as the outstanding farm relief bill to be enacted by the Sixty-ninth Congress. [Applause.]

I had understood I was to have a little more time, and I wanted to discuss it from both viewpoints; but in view of the limitation of time I can not do that. So I am going to assume, for the sake of the argument, that the gentlemen who contend that it is primarily a producer's bill are correct in their assumption. I want to ask you, in all fairness, what objection there can be to a requirement that the competition which is sustained by the milk producers and cream producers of this country from abroad be fair and be upon the same basis as to methods of production as the producers of milk and cream in this country are compelled to meet due to the sanitary regulations that are imposed by nearly all cities and by some of the States of this country? That is substantially all that the bill amounts to.

Now, there has been some talk about an embargo. There is no such thing as an embargo in this measure. But suppose there were. Why should the people of the city of Boston or the people of the city of New York, or any other city, buy their milk from producers in some foreign country when there are plenty of American farmers trying to earn a living by producing milk, cream, butter, and things of that sort?

While it is true that the people in my section of the country are not primarily interested in this bill, yet we are to some extent. We are diversifying more and more. We will soon be selling milk over large areas as we are already selling butter. But I want to say to those men who are representing the dairy interests of New York that we are willing to vote for this bill even though it does mean you are going to get a higher price—and I hope you will get a higher price—for your milk, cream, and other dairy products.

I hope you will at least get a fair-enough price, so that your farmers can continue to produce those commodities, and we are not going to object even though they be reflected in a higher price paid by the consumers of the industrial centers and in turn reflected in the cost of manufactured products which we buy from you.

We see to-day in favor of this bill Farmers FISH, SNELL, TABER, and others, who have so strenuously proclaimed on the floor of the House recently that they can not afford to vote for a measure which would make the dairymen in their districts pay more for the feeds that come from the West. We see them to-day on the floor of the House strenuously contending for a bill which in all fairness they might as well admit is a producers' measure, just as much as it is for the benefit of the health of the consumers of the country. We are with you men in this; why should you not be equally fair and support us when we look for legislation to insure fair prices for our products?

I hope the day will come when you will be willing to reciprocate. A measure of this kind is important to all of us. It is important to us in the Northwest, even though we do not raise a great deal of milk and cream for commercial purposes in our country, for we know that if your farmers in northern New York can not produce milk, cream, and butter at a profit you will soon be producing those crops and products that we are primarily producing in the West. I think you men also ought to know that if we can not continue to produce, at a slight profit at least, those crops for which we are primarily noted in the West the time will come—and it is coming fast and it is going on right now—when we must produce more of those things which will enter into direct competition with you. Surely that will not be to your advantage.

One of the main purposes in taking these five minutes to-day was to try to impress upon some of you farmers and representatives from the dairy section of New England and New York that in the final analysis our interests are identical. It is important to raise the price on the commodities which your farmers produce, and I admit that we are partially interested in the same things, but it seems to me that you are just as much interested in keeping our people from producing certain of the commodities on which you primarily rely, and you can not do that unless you are willing to concede us good prices for the crops and products which we raise. I plead, therefore, for more reciprocity between the farmers of the different sections of the country, for in the final analysis it is in the interests of those in any section that the farmers of every other section receive good prices so as not to disturb production and thus add to the difficulties of their problems.

Mr. ANDRESEN. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I have taken pains to make inquiry of the dairy people of western Massachusetts as to their attitude on this measure, and I am convinced that the dairying section which I represent believes in the merits of this legislation, and therefore I intend to support it.

In addition to this I have consulted the secretary of the State Board of Agriculture of Massachusetts and the commissioner of the State of Connecticut. The commissioner of the State of Connecticut wrote me at the solicitation of a personal friend that the conditions under which this importation would take place through the passage of this bill places no hardships upon the producers of milk in Canada that our own people do not have placed upon them in the way of regulation at home.

I can not see, for my part, any merit in the argument that we should have a wide open door to the production of Canada, contrary and under less regulation than we place upon ourselves here within our own States, and that is what seems to me to be the exact situation. There is being established under the Federal Government a certain amount of necessary inspection for the health and well-being of our people against the importation of Canadian products uninspected. It is not a question of embargo; it is simply a question of obliging the farmer residing in Canada, looking for a market in our States, to conform to regulations such as we prescribe for our own people here at home. We are not placing upon them any additional obligations. We are simply asking them to live up to the same ones that the farmers in western Massachusetts or in Connecticut or in New York or in Wisconsin are obliged to live up to in order to reach the markets where their products go.

In addition to the people I have already mentioned I have a communication here from the Hampshire County farm bureau, signed by its secretary. It is a cooperative association located in a portion of the district I represent. They advocate this legislation. I have telegrams here from several other organizations, including several officials of the Springfield Dairy System, as well as from other practical producers.

I have several intimate friends who have large dairy herds in my district, and I have written to them personally and have their assurances that this legislation is not only in their interest but is in the interest of the health and well-being of the people in their markets.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. TREADWAY. Certainly.

Mr. MOORE of Virginia. Is it not exactly what we would require if Washington City were near a foreign border?

Mr. TREADWAY. There is no question in my mind about that, and let me also say, if I may, to my friend that I think an inspection carried on under the system that is being established by this bill is preferable to a local inspection where, with all due respect to our friends from the city of New York, the inspector can not help but be somewhat under the political influence of the vicinity.

Mr. MOORE of Virginia. Is not this the common expedient now being employed to insure pure milk, and is it not the expedient that applies in Washington City and affects the people who send their dairy products into Washington?

Mr. TREADWAY. As I see it, the illustration would hold if, instead of a few miles beyond here being the border of Maryland, it happened to be the border of Canada.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. UNDERHILL. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, I hear a whispered inquiry, "What does the man who now has the floor know about milk?" I know more about milk than any farmer in the House. [Laughter.] I drink it by the oceanful. I love milk. My farmer colleagues drink cider. I am amazed at my colleague from Massachusetts who stated he has received some communication from the department of agriculture up in our home State. His communication is from A. W. Gilbert, commissioner of agriculture up home, in which communication he pronouncedly opposed clause 2 of section 2 of this bill. Personally I am with seven-tenths of your bill, but when this particular section is reached I propose to offer an amendment to that clause, and I have a reason for offering it.

This clause provides that—

when such milk or cream, if raw, is not produced from cows which have passed a tuberculin test applied by a duly authorized official veterinarian of the United States, or of the country in which such milk or cream is produced, within one year previous to the time of the importation, showing that such cows are free from tuberculosis—

Such milk or cream shall be considered unfit for importation.

Why, we have a test in Massachusetts. The proponents of this bill claim that their only desire is to equalize conditions on the two sides of the border. The bill as originally drawn and as reported by the committee does, in effect, force all milk shipped into the United States to be tuberculin tested.

Mr. TREADWAY. Will my colleague yield?

Mr. GALLIVAN. Certainly.

Mr. TREADWAY. My colleague seemed to indicate he had a different communication from the secretary of agriculture of Massachusetts than the one I have.

Mr. GALLIVAN. I do not know who A. W. Gilbert is, but he signs himself "commissioner," and it is on the letterhead as—

The Commonwealth of Massachusetts.

Mr. TREADWAY. I have a communication written upon the same letterhead:

Commonwealth of Massachusetts, Department of Agriculture, State House, Boston, Arthur W. Gilbert, Commissioner.

And at the close of his letter he says:

Hoping you can give your support to this bill, I am, very truly yours, A. W. Gilbert, commissioner.

Mr. GALLIVAN. Does he say in that letter that he wants you to oppose clause 2 of section 2 of the bill?

Mr. TREADWAY. No. I ask unanimous consent that I may insert the letter as a part of my remarks.

Mr. GALLIVAN. Oh, no; I am going to put my letter in as a part of my remarks. I am afraid your Republican State government in Massachusetts is getting mixed or that somebody has gummed up the cards there in the department of agriculture.

Now, let me tell you something about the situation in our State. If you insist that this milk be Pasteurized on the Canadian side, it would still be impracticable, because in warm weather bacteria will grow or may grow between the point of shipment and the destination. Bacteria content is closely watched by the health inspectors in Boston, and a large bacterial content frequently means loss to the dealer by souring. Therefore the milk must be Pasteurized near the point of final distribution.

Parenthetically, may I say to you that I see some idiot on the other side of the House laughing at me. I wonder what he knows about milk. He knows all about hard cider, I will wager.

Therefore, the milk must be Pasteurized near the point of final distribution, perferably just before bottling, to prevent any possible contamination. The law forbids re-Pasteurization, and my amendment is advocated—I ask the attention of my colleague from Massachusetts to this—by Dr. George H. Bigelow, commissioner of public health of Massachusetts, and Dr. Arthur W. Gilbert, commissioner of agriculture.

We have restricted this exemption to milk alone, because all cream is and must be Pasteurized on the Canadian side of the border.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired .

Mr. UNDERHILL. I yield one minute more to the gentleman from Massachusetts.

Mr. GALLIVAN. If any question is raised as to the final use of this milk and whether it is properly Pasteurized in the end, the answer is, that as a practical proposition it would be impossible to sell milk shipped from 150 to 200 miles away without Pasteurization before delivery and that as the dealers importing this milk are few and large and responsible concerns, I say to you that they can be bonded for the proper performance of Pasteurization.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks by inserting certain communications referred to by me in my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The matter referred to follows:

(Western Union Telegram)

JUNE 22, 1926.

Hon. GEORGE HOLDEN TINKHAM,
House of Representatives, Washington, D. C.:

Regarding Taber bill (H. R. 11768) section 2 should be amended to permit importation of milk intended for Pasteurization and Pasteurized prior to consumpton. Health departments require Pasteurizaton near point of consumption and re-Pasteurization forbidden. I thought this amendment was included. Section 5 should apply only to license provisions of sections 1 and 4.

A. W. GILBERT, *Commissioner.*

(Charge to Department of Agriculture, 136 Statehouse, Boston, Mass.)

THE COMMONWEALTH OF MASSACHUSETTS,
DEPARTMENT OF AGRICULTURE,
Statehouse, Boston, June 18, 1926.

Hon. LOUIS A. FROTHINGHAM,
House of Representatives, Washington, D. C.

MY DEAR REPRESENTATIVE FROTHINGHAM: In regard to H. R. 11768, the bill to regulate the importation of milk and cream into the United States, we are pleased with the report submitted by the Committee on Agriculture. The amendments seem fair and the suggestions of the Secretary of Agriculture are especially good.

We have just one suggestion for further amendment that we believe will make the bill, if enacted, more workable—that clause 4 of section 2 be omitted and a clause added to section 3 empowering the Secretary of Agriculture to make reasonable rules and regulations as to the number of bacteria per cubic centimeter permitted in milk and cream to be imported.

This would allow the Secretary of Agriculture to make modifications of the rules and regulations, if this were found desirable.

A similar plan has worked out successfully in Massachusetts, where the State department of public health makes rules and regulations controlling the bacteria count of certain grades of milk.

Hoping that you can give your support to this bill, I am,

Very truly yours,

A. W. GILBERT, *Commissioner.*

THE COMMONWEALTH OF MASSACHUSETTS,
DEPARTMENT OF PUBLIC HEALTH,
Statehouse, Boston, May 26, 1926.

Senator GEORGE W. NORRIS,
The Capitol, Washington, D. C.

MY DEAR SENATOR: We are much interested as to the effect on the milk supply of this State of H. R. 11768, which has to do with the regulation of the importation of milk and cream. As we have been attempting in Massachusetts to get State legislation regarding Pasteurizing and tuberculin testing, I wrote Mr. Holman, secretary of the National Cooperative Milk Producers' Federation, that any bill which would increase the supply of this type of milk would have our support. On further study of the bill, however, I find that it would mean that all Pasteurizing of non-tuberculin-tested milk would have to be done in Canada, and this would be objectionable, since it is desirable to have the Pasteurization performed as near the point of consumption as possible. The practical effect might well be to exclude considerable quantities of Canadian milk and force Massachusetts and other New England States to go to a considerably greater distance for their ever-expanding milk supply. I would suggest, therefore, that H. R. 11768, section 2, part 2, be amended to read as follows:

"(2) When such milk or cream has not been Pasteurized or is not to be subsequently Pasteurized before consumption unless it is produced from cows which have passed a tuberculin test applied by a duly authorized official veterinarian of the United States," etc.

There are other parts of this section, such as the dairy score, etc., which might well be modified; but they are of less direct health significance than the above modification which I have mentioned. I should also question whether the appropriation is not entirely inadequate for the considerable amount of inspectional work which the bill requires.

Yours truly,

GEORGE H. BIGELOW, M. D.,
Commissioner of Public Health.

Mr. UNDERHILL. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, this bill is merely another indefensible extension of Federal interference with the police powers of the States. Matters of public health are peculiarly within the police powers reserved to the States. Every State has the right through its own organization, or through the power delegated to its municipalities, to insure that the milk that is distributed to its citizens is pure.

Every State or city that has a milk-inspection service system has the right to inspect all milk that may be distributed in that State, whether of foreign or of domestic origin. All cities have exactly the same powers with reference to milk brought in from foreign countries as to milk brought in from adjacent States.

The Health Department of the City of New York has the same regulatory power with reference to milk brought in from Canada that they have as to milk brought in from New Jersey. Therefore this measure marks another encroachment on the powers of the States—more bureaucracy, a further unloading on Uncle Sam the functions of government that ought to be exercised by the local communities. It is merely another black bass bill, it is in line with the interstate automobile theft act, and the white slavery act. It is merely another of those measures that goes along the line, and God knows where the movement will stop, toward unloading on the Federal Government functions that ought to be performed by the State in the exercise of its police powers. [Applause.]

The bill is wholly unnecessary as a public-health measure, and the bringing of it into the House under that guise is an imposition.

The purpose of the bill is very evident—it is to avoid competition. It comes here out of a desire of milk producers to avoid competition with milk of foreign origin. That being the fact, and no man who has studied the question or has read the bill understandingly will challenge the statement—that being the fact, then gentlemen who want to avoid competition should resort to direct means and ask for a higher duty on milk. That would be the proper way to go about it; not under the guise of public health; not through a method that can not be defended from the standpoint of sincerity; not trying to put through a protective measure under the guise of protecting the public health.

Let me say that you are setting a precedent here to-day that perhaps will have consequences which you do not now foresee. The same Federal powers to inspect milk of foreign origin may be invoked to prevent competition with New York producers of milk from milk producers of Vermont, New Hampshire, or Maine, or other States. If it be legitimate under the guise of protecting the public health to pass measures to prevent competition, that same power lies in the Federal Government with reference to the arbitrary lines that divide the States of this country.

If the Federal Government is going into this business of inspecting milk let us go into it fully and to its logical extent and provide for a general inspection of milk—Federal inspection of all milk that crosses State lines. That would be a logical and reasonable thing to do. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. SCHNEIDER].

Mr. SCHNEIDER. Mr. Chairman, according to the testimony before the Committee on Agriculture, this bill has been

prepared in cooperation with the National Cooperative Milk Producers' Association, the Department of Agriculture, and other dairy interests of the country. A similar bill to the one introduced by Mr. TABER, of New York, was also introduced in the Senate, known as the Lenroot bill. Extensive hearings have been held, as you no doubt have already observed. Nearly all who have appeared before the committees in favor of the bill testified to the fact that it is twofold in purpose; one, to promote the public health and the other to require the same standards of the foreign producers with regard to the production and distribution of milk and cream that is required of dairy farmers in the United States.

The bill, therefore, requires every producer or distributer of foreign milk and cream to meet certain tests with reference to its cleanliess and freedom from bacteria and disease such as are generally required of our own farmers by the various health laws and sanitary codes adopted by the States and the larger cities and municipalities.

The constantly increasing concentration of population makes the regulation of the production of this most vital product, so necessary to the children of our country, ever more imperative. Although such regulations have added greater burdens upon our farmers, they have, for the most part, cheerfully accepted this verdict that disease and bacteria in milk and cream must be a thing of the past. I come from one of the best dairying sections of my State and, I dare say, the country. I know what health regulations in the production of milk mean to our farmers in the way of additional labor and expense. It is more than any individual farmer can stand himself. The social interest in milk production under most favorable circumstances, with the result that clean and wholesome milk may be had, has properly enlisted the aid of the individual States and the Federal Government to help eradicate tuberculosis in cattle.

But while we are making such a valiant effort at home, diseased and tuberculin milk imported from Canada and other foreign countries is being fed to our children in some of the large cities. No matter how stringent the health laws of that city or municipality may be, nevertheless, if we allow this milk to come in unregulated, the evil against which we are fighting continues to have a free rein to do its destruction in the human body. The public is entitled to receive this added protection assured by the passage of this bill, and our farmers, too, have a right to a fair shake in the business of pursuing their dairying industry in this competitive field of milk production without having to constantly contend with the adulterated and inferior milk coming from foreign countries that is now placed on the market.

With reference to the result of tuberculin tests and the provisions of the sanitary code as adopted by the cities, I want to quote briefly the testimony of Dr. ROYAL COPELAND, former health director of the city of New York and now a Senator from that State. He testified as to the results obtained in the reduction in infant mortality in New York City by reason of that city's efforts to regulate the kind of milk that is allowed for distribution there, as follows:

> As a result of this effort [speaking of the New York sanitary code] there has been the most amazing reduction in infant mortality in our city. Twenty-five years ago, in New York City, out of every 1,000 born, one-fourth died before they were a year old. Two hundred and forty-seven babies out of every 1,000 died before they were a year old, and now, largely as a result of this campaign for pure milk, the death rate, instead of 247 is only 60 per 1,000.

This reduction in infant mortality is true, no doubt, everywhere where health laws of this kind are in effect.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield.

Mr. SCHNEIDER. Yes.

Mr. BLACK of New York. Does the gentleman know that Doctor COPELAND in his capacity as a physician is for this bill?

Mr. SCHNEIDER. Yes.

Senator COPELAND further testified that because of this added assurance to the consumers of milk, that they were getting wholesome milk free from disease and bacteria, the consumption of milk during his term of office as health commissioner increased from 1,500,000 quarts per day to 3,000,000 quarts per day. This, he explained, may have been largely due to the fact that the health officials were in a position to urge the use of this needed commodity for our children by saying to the people:

> Feed milk to your children; everybody should drink a quart of milk every day.

No one can better appreciate the significance of the possible increase in the consumption of milk by our people and its effect upon the market for this product than the farmer and the distributer. Our farmers, cheese factories, and creameries are all for this bill. The Wisconsin Cheese Producers' Federation, through its officers, G. Brickbauer, R. B. Melvin, F. G. Swoboda, and the National Cooperative Milk Producers' Federation, of which the Wisconsin organization is a member, are urging its passage. It will mean better milk and more consumers.

I wish to make this further observation that should not be lost sight of in the consideration of this important question. We have been appropriating annually—that is, the National Government—millions of dollars for the eradication of tuberculosis in cattle. Just a little while ago we appropriated the sum of $4,653,000 to be used for this purpose. The following table shows what Congress has appropriated during the last five years outside of the recent appropriation just mentioned:

Year	Indemnity	Operative and administrative expenses	Total
1922	$1,000,000	$978,000	$1,978,000
1923	2,327,600	850,000	3,177,600
1924	2,027,600	850,000	2,877,600
1925	2,427,600	850,000	3,277,600
1926	2,578,000	982,000	3,560,000

In addition to these huge expenditures by the Federal Government for this very laudable purpose of promoting the health of our people, every forward-looking State in the Union which has a dairying industry has also spent millions of dollars in this connection. Just recently the State of Wisconsin was obliged to call a special session to take care of an emergency caused by the passage of a health ordinance by the city of Chicago, necessitating the immediate further expenditure of $450,000 by the State to meet this situation. It is therefore the common-sense thing to do, it seems to me, from the standpoint of the further security that it will give to our people consuming milk, in that they will not be constantly threatened with adulterated and unwholesome milk and cream that are being shipped into this country from Canada and elsewhere, that this Taber bill should be enacted by Congress. In doing so we will thus not only be performing our obligations to our consuming public, but we will also give the farmer a fair chance in the field of milk production and distribution by eliminating from the market milk not of the same standard and tests as set up by the recognized health laws of our large cities and States and as provided in this bill.

From all indications the bill will be passed by this House. It is therefore refreshing to feel that Congress at last is favorably inclined toward a measure that really is in the interest of the farmer. But in truth the benefits of the Taber bill, as I have demonstrated, are not at all confined to the farmer alone. It is, in fact, of even greater importance to the general public—the consumers of milk. Were it not for this fact, I feel certain that even this bill would also have been relegated to the same fate that the other farm relief bills have met at the hands of the administration and Congress. I therefore sincerely hope that when we pass this bill to-day the Senate will do likewise, so that this bill may become a law before this Congress adjourns. Those in the Senate who are sponsoring a similar bill, and particularly its author, Senator LENROOT, have the responsibility of procuring the passage of the Taber bill through that body, since this bill accomplishes exactly the same purpose as the Lenroot bill.

Mr. TABER is to be congratulated for his success in getting his bill reported out from the committee, so that we may act upon it to-day and help to procure the desired results that this bill, if enacted into law, is sure to bring. But should the farmers and the consumers of milk be so unfortunate as not to have this bill become a law at this session of Congress by the failure on the part of the Senate to take action on the Taber bill the farmers and the public will not need to place the blame with the House of Representatives, but with the Senate, where it will belong, and particularly it will have to be shouldered by those supposedly interested in this legislation in that body and those who would rather see their own names attached to a bill of this kind for what political advertising and good it may have as a vote getter among farmers in a campaign than to see that the desired results are obtained through a similar bill with another name.

I conclude with this word of warning: If you wish to help the farmer, show your friendship by voting for legislation in his interest. Your record is better than your speeches in a campaign when you ask them for their confidence and to return you to office. This is one bill the farmer and consumer of

milk would rather have you record your vote in favor of than to hear you explain why it did not pass.

Mr. UNDERHILL. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman and gentlemen of the House, I agree with our distinguished colleague from Wisconsin [Mr. SCHNEIDER], who quotes the testimony of Senator COPELAND, but all that we ask to-day is to continue the same method of inspection that the Senator speaks of. We want to keep our milk supply pure in New York City. See the inconsistency of the gentlemen proposing this bill. They appropriate the small sum of $50,000 a year to keep our milk supply pure; yet, on the other hand, they appropriate the sum of $40,000,000 a year to keep the source of our rum supply pure. What a condition! You must know that it would be utterly impossible physically to inspect the dairies and herds of Canada with $50,000 a year.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. LAGUARDIA. The figures just quoted by the gentleman from Wisconsin [Mr. SCHNEIDER], showing a decrease in child mortality from 245 per thousand to 60 per thousand, prove that we have the milk situation pretty well in hand in the city of New York.

Mr. BOYLAN. Absolutely. Then we hear from the celebrated farmer from the Redhook section of the State of New York.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. KINDRED. The gentleman has answered in the affirmative the question asked him by his colleague [Mr. LAGUARDIA] as to the reduction in the death rate of New York brought about by the Pasteurization and purification of milk. If that good result can be secured by proper administration methods in the city of New York, why should we not give the same benefits to all the people of all the States?

Mr. BOYLAN. There is no objection to giving it. The people can have it. The State of New York pays for our inspection. The people of the other States can have a similar inspection by paying for it.

Mr. DICKSTEIN. Is it not a fact that the man responsible for pure milk is Nathan Straus, who spent millions of dollars to see that pure, clean milk was fed to the children of the State?

Mr. BOYLAN. Nathan Straus, the great philanthropist, was one of the leaders in the Pasteurization of milk, leading in every movement to keep it pure and wholesome for the children and the poor of our great city. We honor him for the splendid part he has played in this great work. We are willing to use our own domestic milk, but the trouble is that during July and August we do not get a sufficient supply. We need milk from Canada in order to augment the supply that we receive from all parts of the United States, and we know that if this supply is cut off it will mean nothing else but an increase in the price to the poor and suffering in our great cities. We ask in the name of these children that the source of milk supply be kept open, and, as Farmer FISH, from Redhook, has said, we agree that this is a protective measure; we agree it is an embargo. I am willing to see the farmer get a fair price for his product, but we are paying a good price in New York. We are paying 22 cents a quart for bottled milk, and I think that is a fair price to pay. We ask that the price be not raised to the poor or the suffering of our great city.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. UNDERHILL. Mr. Chairman, I yield the gentleman two minutes more.

Mr. SCHNEIDER. The gentleman does not mean to say that the farmer is getting 22 cents a quart for his milk?

Mr. BOYLAN. I have not so said. I have said that we are paying in New York City 22 cents a quart for bottled milk. If the farmer is not getting his share, it is not our fault. We are willing that he should get the proper compensation, but if the farmer is not getting a sufficient price for the milk that he produces, then come out in the open and raise it by putting a tariff on the importation of milk and do it in some way that the people will know what you are doing, and not do it by indirection by giving the power to the Department of Agriculture to say who shall have the right to ship milk into this country.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. BOYLAN. I will.

Mr. SCHNEIDER. The gentleman would not favor or vote for a tariff on milk, would he?

Mr. BOYLAN. That depends upon whether or not it were regularly presented. If it were shown that the farmer could not produce and get a reasonable return, and it would be necessary to levy it, it would be more honorable to do it that way than to come in here camouflaging like this and indirectly have people pay a tariff duty without consciously knowing it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. KINDRED].

Mr. KINDRED. Mr. Chairman and gentlemen of the committee, the subject of pure milk is probably one of the most important subjects in connection with food inspection for human beings. Milk, as we know, more rapidly absorbs impurities than any other food material. It is a fact, as has been demonstrated by the figures presented here, that infant mortality before the Pasteurization of milk and before proper methods were taken to secure clean conditions under which milk was produced, was greater than any other mortality in the human race. It is a fact that has been brought out here that 25 per cent of all the infants under one year of age died as a result of impure milk previous to the time when proper dairy inspections were made. Tuberculosis of the brain or its membranes particularly has been a very serious problem in infancy because of inferior milk. This bill, as I understand it, simply provides, or chiefly provides, that the milk brought in from Canada or other nations, particularly with regard to Canada, shall be properly inspected. As to the necessity of that supervision we read from the statement of William F. McDonough, inspector New York State Department of Farms and Markets:

> Mr. MCDONOUGH. * * * The sections visited in both Provinces (Ontario and Quebec) are almost wholly devoted to dairying. In Ontario, however, with the exception of a small area near Chesterville, conditions are somewhat different than in Quebec. The barns are all of the same type. They are not modern in any way, and for the most part the lighting and ventilation features have been neglected. Large quantities of milk and cream are shipped from these sections, both in Ontario and Quebec into the States, and of course it comes through New York.
>
> Further on—
>
> * * * In general, sanitary conditions are considerably below the average of New York State for an equally large-size dairy. There was a noticeable lack of cleanliness about the stable floors, although cement floors were found in many cases. I should say possibly 60 per cent have cement floors.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. KINDRED. Briefly.

Mr. LAGUARDIA. I have here in my hand the city budget of New York. The gentleman is aware that between the medical inspectors, sanitary inspectors, food inspectors, veterinarians, and not counting the laboratories at all we have over 350 men assigned to this kind of work.

Mr. KINDRED. That is very true, and I am very glad to have the fact brought out here that in the city of New York, where the law is carried out by honest officials, and it is in the main carried out by honest officials, the milk and food inspection is adequate to properly protect the health of the people of New York State and New York City, but while we comprise a great part of the country we are not the whole country, and this bill is designed to protect the public health of all the people of all the States.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. KINDRED. I will.

Mr. HUDDLESTON. I want to ask a question, whether the health authorities of the State of New York do not now inspect milk imported from Canada to insure the people having pure milk?

Mr. KINDRED. I have emphasized the fact that the city of New York and the State of New York are endeavoring to do so; but this is a Federal measure and intended to protect all the cities and States and give to them the same blessing of food inspection as New York State has.

Mr. HUDDLESTON. Have they not got health assistants in reference to milk inspection?

Mr. KINDRED. But we want to have a law that will protect all the people of all the States. Let me ask the gentleman, what harm is there in the enforcement of a law that will protect all the people?

Mr. HUDDLESTON. The same as a Federal police system that will enforce police regulations on the streets of the gentleman's city.

Mr. KINDRED. But this is the more important matter of pure food or pure milk.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman and members of the committee, just a minute to clear up one or two points that have been suggested in connection with this debate. I desire to quote this sentence from Dr. George H. Bigelow, commissioner of public health of Massachusetts. He says:

That raw milk from untested cows should be on sale in Massachusetts is a health abomination, and control of the importation of such a product from Canada would benefit Massachusetts.

That is an official statement, and I put it over against anything that has been advanced by the gentleman from Massachusetts [Mr. UNDERHILL] to the contrary.

Mr. TREADWAY. Here is Mr. GALLIVAN, from Massachusetts, also.

Mr. KETCHAM. Yes; and all other Massachusetts Members who agree with them.

Again, I wish to controvert the suggestion made by the gentleman from Massachusetts [Mr. UNDERHILL] to the effect that the milk supply of Boston was utterly insufficient without importations from Canada, and I refer to the following statement, which is authoritative, that the Boston milk supply at the present time produced in New England is 50 per cent above the requirements, and that together with the 5 per cent cow shortage at the present time; so that I believe it is absolutely correct to say that the farmers of New England could produce an adequate supply of milk without going to Canadian markets, and at the same time secure the advantages of the inspection within the borders of the United States or of the inspection made by the Department of Health of the State of Massachusetts.

Mr. UNDERHILL. Then why do we import a million gallons a year?

Mr. KETCHAM. I think I can explain that. It is on account of the price. That is a very important consideration to all the people of New England with whom I have ever come in contact. Does that answer the gentleman's question?

Mr. BLACK of New York. What is the price?

Mr. KETCHAM. The ordinary cost of production should be above $2 under the inspection required by our health authorities.

Mr. BLACK of New York. With the Canadian supply?

Mr. KETCHAM. I think in that case the price would be considerably above what it is at the present time.

Now I want to call your attention for the moment to the conditions of inspection in the Dominion of Canada as found by the inspectors of the State of New York. Please bear in mind that in the immediate vicinity of the leading cities of the Dominion of Canada there are local health boards, which require certain regulations as to the supply. But when you go outside those zones there are no regulations on the statute books of the Dominion of Canada that require any such stringent regulations with respect to the production of milk as are required in the United States. Therefore the situation works out in this way, that the men who comply with the requirements are those near these Canadian cities who supply milk, whereas those outside that zone are not required to comply with those regulations, and therefore milk produced under poor conditions and from untested cows comes across the border, and is a menace to the health of our people, particularly to the health of the children of our cities. And consequently it seems to me there should be no manner of question but that this bill is based on sound public policy and should receive the undivided support of the membership of this House.

Mr. BLACK of New York. Does the gentleman know if there are any available figures as to how much improper milk comes into the United States?

Mr. KETCHAM. I will say to the gentleman a great amount of it, and much more really than ought to come in.

Mr. BLACK of New York. That is very indefinite.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. UNDERHILL. Mr. Chairman, I have only three minutes left. The gentleman from Minnesota has how many minutes left?

Mr. ANDRESEN. I have five minutes. I would like to have eight minutes.

Mr. UNDERHILL. Mr. Chairman, I want to call attention again to the fact that I do not believe anyone who has spoken against this bill has spoken against pure milk or the distribution or production of pure milk. My statement was based on the fact that Congress, as has been stated over and over again, individually and collectively, is opposed to bureaucracy, to placing in the hands of the Federal Government all these State functions. That is one proposition. The other is that the bill was useless and valueless without a greater appropriation to carry its provisions into effect.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. DICKSTEIN. The gentleman stated that the recent price of milk had increased.

Mr. UNDERHILL. I was coming to that. A year from now if this bill passes I will be telling all of you from New York and Chicago and elsewhere in the big cities, far from the source of supply, where milk will be so high in price that poor people can not afford to use it as a food supply, "I told you so."

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. TINCHER. Mr. Chairman, I just want to answer a few suggestions. One is the suggestion made by the gentleman who has just taken his seat [Mr. UNDERHILL] and by the gentleman from Alabama [Mr. HUDDLESTON], to the effect that this was a State proposition, and that it should not address itself to the Federal Government. Sometimes we say things in debate without thinking seriously. The trouble about that is that the States can not regulate the importation of milk from a foreign country at all.

Mr. HUDDLESTON. They are forbidden to do it by the commerce clause of the Constitution, which has exclusive control of interstate and foreign commerce, and the States have the same jurisdiction within their borders.

Mr. TINCHER. Yes. That is the provision of the Federal Constitution. And besides, this question addresses itself as a Federal question, because we have made it a Federal question. It is under a Federal statute that we require the farmers in America who sell milk to have tests made of their dairy herds, and we appropriate millions of dollars from the Federal Treasury to match the dollars of the States in destroying infected cattle in the States. All such questions have been treated in a Federal way. The trouble about diseases is that they do not know anything about State lines.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. KINDRED. Is it not a matter of necessity that all matters of public health between the States shall be controlled by the Federal Government?

Mr. TINCHER. Certainly.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. DICKSTEIN. Does the gentleman think that $50,000 will be sufficient to enforce this measure?

Mr. TINCHER. Yes; I think that would be sufficient, because I know how they get herds tested. It is not an expensive proposition, and they require the men who own the herds to have them tested and furnish their certificate of inspection.

Mr. DICKSTEIN. How many inspectors would you have, and how much would you pay the inspectors?

Mr. TINCHER. I just explained how they obtain this information without the expenditure of Federal money. They do it now in the States, and this bill provides that they would require a certificate from the veterinarian of the foreign country or a certificate from one of our own veterinarians.

Mr. KINDRED. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. KINDRED. Is it not a fact that a veterinarian can keep tubercular inspections and vaccinations going with a hundred cattle or 200 or 300 cattle at a very nominal cost?

Mr. TINCHER. That is undoubtedly true. I just want to answer the gentleman from Massachusetts [Mr. GALLIVAN] by reading from a letter written by Mr. Gilbert, commissioner of the department of agriculture, Commonwealth of Massachusetts.

The Massachusetts dairy farmer is very much interested in Senate bill 4126, because it offers relief from outside competition that seems to be unfair.

Why does he say it is unfair? Because—

The Commonwealth of Massachusetts is spending $200,000 a year in the work of tuberculosis eradication.

They are spending that much money to match Federal money to eradicate tuberculosis from the dairy herds of the State of Massachusetts.

I said to some one who was talking against this bill—and it is the only question—"If you will not vote to eradicate tuberculosis from the dairy herds of the United States, you have a right to vote against this bill; but if you are in favor of protecting the innocent babes of America to the extent of eradicating disease among the cow herds of America, you can not conscientiously and consistently vote against this bill." [Ap-

plause.] And that is the whole proposition. No one is talking about sending some one up there to inspect their herds. It simply requires them to do what the American farmer must do, and that is to have his herd inspected and furnish a certificate as to that inspection. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That on and after the date on which this act takes effect the importation into the United States of milk and cream is prohibited unless the person by whom such milk or cream is shipped holds a valid permit from the Secretary of Agriculture.

With the following committee amendment:

Page 1, line 6, after the word "shipped," insert the words "or transported into the United States."

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, my colleague from New York [Mr. LAGUARDIA] brought to the attention of the House a form of propaganda issued by the Dairy Press (Inc.), of Detroit, Mich. This propaganda of the Dairy Press is a vitriolic attack on union labor, and, in my judgment, is not predicated on fact. I have been a member of organized labor for a number of years and I yield to no Member of this House regarding my attitude on questions of vital interest to the members of labor organizations.

I have not had brought to my attention and neither has my colleague [Mr. LAGUARDIA] any evidence showing that this Dairy Press (Inc.)—whose document he has just called to the attention of the House—has taken a stand one way or the other on the bill now before us. Even if the Dairy Press had indicated that they were in favor of the bill under consideration this would not be sufficient reason for its defeat. It is not proper to make a test on legislation in which any organization is interested on their stand on any one other question. When I exercise my right of suffrage and vote for persons for a political office, be it municipal, State, or National, I do not make my test as to whether my vote shall be cast for or against a candidate on one matter, and that is one of the reasons why I am opposed to the insidious propaganda and dominating lobby system of the Anti-Saloon League, which attempts to make the only and one test for public office the question as to whether or not a candidate follows them on the prohibition question.

In passing I wish to state for the benefit of Mr. Wayne B. Wheeler and his Anti-Saloon League that if they continue to advocate that the sovereign voters should support or oppose a candidate by reason of his attitude on the prohibition question then said Anti-Saloon League should bring out their candidates and support said candidates on the prohibition ticket.

If we followed our colleague's reasoning to its ultimate conclusion, we would expect him to stand on the floor of the House and oppose modification of the Volstead Act if said modification was before the House for consideration and the Dairy Press (Inc.) had indicated that they were in favor of modification.

I do not represent an agricultural district. The district I have the honor to represent is one of the greatest industrial factory districts of the Nation, although I have few milk producers residing therein. Notwithstanding that fact, I am going to vote for this legislation, because it is in the interest of the consuming people as well as the farmers. Those coming from industrial cities know that the interests of the farmers and the interests of the consumers are mutual.

The farmers of America have been put to a great expense to provide good quality cows, proper stables and equipment, and methods of operation, and millions have been spent by our Federal and State Governments, and the farmers as well, to eradicate tuberculosis. Importation of milk and cream from foreign governments has increased, and we can not fail to protect the health of the consumer and prevent low-grade foreign milk from lowering the health standards which our own farmer milk producers have established at considerable expense to them, to the Federal and States Governments, and to the consumer. The bill under consideration provides that milk shipped in from foreign nations should meet the same high standards attained by the American dairy farmers. If this legislation is not enacted, the protection to the milk and cream consumers now afforded by the high standards required of American producers would be nullified, and the health of American babies, children, and adult consumers jeopardized.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. SCHAFER. The only fault I find with this bill—and I shall offer an amendment at the proper place to cure the defect—is the limited appropriation of $50,000. It is ridiculous to advocate the passage of this legislation in the interest of all the people of this great Nation and provide such a small sum as $50,000 for enforcement. Judging from the sentiment of this House on law enforcement, especially on the motion to recommit the deficiency bill, wherein a motion was made to strike out several million dollars of additional appropriation for the enforcement of the Volstead law, I feel confident that this House by a great majority will vote for my amendment.

I am not going to be unreasonable. All I am going to ask for at this time is that the $50,000 appropriation be increased to $500,000. This is a small increase, and if the Members who are the proponents of this bill are in favor of this bill to protect all of the people of this great Nation, I expect them to vote for my amendment.

An appropriation of only $50,000 for the enforcement of this legislation is absolutely inadequate. Some of the proponents argue that they are going to take the word of the inspectors in Canada and the inspectors in the States, and that the Federal Government will not have to even check these inspections of Canadian or State officials. Another proponent of the bill on this floor in the debate argued that the United States Government would not rely on the certificates of the Canadian authorities and the certificates of the State inspectors because local pressure might influence the making of such certifications.

I can not see how this bill can accomplish the purpose which the gentlemen claim it will accomplish when you only provide an appropriation of $50,000 for operation and enforcement. Of course, the present Republican administration and the spokesman who control legislation so as not to interfere with the alleged economy program may not look with favor upon spending $500,000 under this bill in the interest of the farmers and the consumers and the health of citizens. The American Congress will have opportunity to vote for an increase in this appropriation and thereby protect the American citizens and prevent foreign milk producers from shipping milk and cream for the consumption of said citizens which does not meet the health standards of the American dairy farmer.

I again say that if this bill is to be enforced all along the Canadian border and the Mexican border, as well as along the coasts, if it is to be workable and of any benefit, it is ridiculous to expect its enforcement with an appropriation of $50,000.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HUDDLESTON. Mr. Chairman, I take the floor chiefly for the benefit of my distinguished friend from Kansas [Mr. TINCHER] because there is a legal question I want to clear up somewhat.

The commerce clause of the Constitution is as follows:

Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

Except for that provision of the Constitution the States would have the power to regulate commerce with foreign nations. Except for that provision the States would have the power to regulate commerce among the States.

That power in both respects is taken from the States in exactly the same language. The States have identically the same powers with reference to foreign commerce that they have with reference to interstate commerce. The States have the same power to provide a system of milk inspection and to insure that milk which is distributed to their citizens is pure—exactly the same power with reference to Canadian milk that they have to milk originating in another State. The State of New York has the same power to regulate the importation of Canadian milk that it has to regulate the importation of milk from New Jersey. The State of New York can forbid the sale of Canadian milk in the State of New York which is impure and harmful to health, just as the State can forbid the sale of milk originating in New Jersey which is impure and harmful to health.

The matter of milk inspection and other matters of the same nature are retained to the States expressly as a part of the police powers of the State. When the Federal Government invades that field, whether with reference to foreign commerce or commerce among the States, it constitutes a clear invasion of the States' functions in the exercise of its police powers and is an abuse of the commerce clause of the Constitution.

Of course, I know this bill is going to pass. Selfish interests want it passed. Men who do not want to compete in the markets want the bill passed. They want to charge the little children, for whom some gentlemen have made a piteous appeal, a little more for the milk they drink than they will otherwise be forced to pay.

That is the purpose of the bill. Great, selfish interests—organized selfishness demands it. The children are not organized. The consumers are never organized. The general public is always fleeced for the benefit of organized selfishness. And Congress docilely, and as a matter of course, proceeds to go along and do the will of the interests which have nothing higher in view than to put a few more pennies in their pockets.

Oh, we "holler," and we "holler," and it is shameful the way we "holler," against Federal encroachment on the powers of the States; that is shameful when no consistent action goes along with our outcry. It is shameful in view of the fact that every time we get the chance we vote to encroach still further upon the powers of the States. I want gentlemen to look like they shoot. I want them to look and aim their guns in the same direction. I am tired to death of hearing gentlemen protest against Federal encroachment and against bureaucracy and then seeing them vote in favor of it every time they get the chance. I want Members to stand by their guns, to have principles that are of some account and intestines to stand up to those principles upon occasion. I want that or I want men to say, frankly and openly, "I am here, the servant of any selfish interest that chooses to use me—I have no principles—no more than a tomcat on a backyard fence." [Applause.]

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word. While the small children are not organized, I am glad to say the medical profession and the American public and the American Government are taking into consideration the lives of infants and little children, as well as the masses of the people. I see no reason why we should quibble to-day when the health of the public is at stake. The mortality rate of little children has been reduced enormously in the last few years, and that decrease is due in a large measure to the crusade in behalf of pure milk, more so than from any other cause.

We have been spending millions of dollars to produce pure milk in the United States. It seems perfectly absurd that we should permit impure milk to be brought in and sold indiscriminately in competition with milk that is costing more to produce because of its greater purity in this country. We are endeavoring to build up a great dairy industry in the United States. In the far Eastern States, in Wisconsin, and the Western States, especially in Washington, we are building up great dairy interests. I believe we should give them every protection that is possible, so that as years go by more grain may be used to feed the dairy stock and to increase dairy production. If we are not to have some remedial farm legislation, let us contribute to the interests of the farmer in every possible way, especially when we have an opportunity, as we have at this time, of voting for a measure that will be for the public good and that will improve the health of the masses of the people. [Applause.]

I can not wholly agree with the gentleman from Wisconsin. I am for less beer and more milk. Since the breweries were closed the consumption of milk has doubled in many cities.

I am for dairy products instead of brewery products. That means better health for the people and more prosperity for the dairyman. Give our people pure milk produced in the United States.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I only rise to correct the impression that may have been made by my friend and colleague [Mr. GALLIVAN] as to the attitude upon this bill of the commissioner of agriculture and the commissioner of public health of the State of Massachusetts.

The commissioner of agriculture writes as follows under the date of June 18, 1926:

THE COMMONWEALTH OF MASSACHUSETTS,
DEPARTMENT OF AGRICULTURE,
Statehouse, Boston, June 18, 1926.

Hon. ALLEN T. TREADWAY,
House of Representatives, Washington, D. C.

MY DEAR REPRESENTATIVE TREADWAY: In regard to H. R. 11768, the bill to regulate the importation of milk and cream into the United States, we are pleased with the report submitted by the Committee on Agriculture. The amendments seem fair, and the suggestions of the Secretary of Agriculture are especially good.

We have just one suggestion for further amendment that we believe will make the bill, if enacted, more workable—that clause 4 of section 2 be omitted and a clause added to section 3 empowering the Secretary of Agriculture to make reasonable rules and regulations as to the number of bacteria per cubic centimeter permitted in milk and cream to be imported.

This would allow the Secretary of Agriculture to make modifications of the rules and regulations if this were found desirable.

A similar plan has worked out successfully in Massachusetts, where the State department of public health makes rules and regulations controlling the bacteria count of certain grades of milk.

Hoping that you can give your support to this bill, I am,

Very truly yours,

A. W. GILBERT, *Commissioner.*

He offers a suggestion of one amendment which I understand from the Committee on Agriculture is to be incorporated as a committee amendment.

Mr. GALLIVAN. Do I understand that that amendment the gentleman refers to is to be adopted? If it is, I will vote for the bill.

Mr. TREADWAY. I would be glad to have the support of the gentleman from Massachusetts because we like to be in harmony.

Then, there was another reference made to the commissioner of public health. The gentleman from Michigan [Mr. KETCHAM] clears that matter up, but in order that the two items may appear in the RECORD together I want to incorporate what Doctor Bigelow said. It is as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
DEPARTMENT OF PUBLIC HEALTH,
Statehouse, Boston, May 18, 1926.

Mr. CHARLES W. HOLMAN,
Secretary National Cooperative Milk Producers' Federation,
1731 Eye Street NW., Washington, D. C.

DEAR SIR: The Massachusetts commissioner of agriculture has called my attention to Senate 4126, which has to do with the regulation of the importation of milk and cream into the United States. I should like to say that in substance this bill follows the lines of legislation introduced in Massachusetts last year for the purpose of controlling milk produced in the State. Unfortunately, this legislation did not pass, but 18 of the larger communities in the State already require either Pasteurized or tuberculin-tested milk. A protection afforded citizens of Massachusetts by this legislation as regards milk imported from Canada would certainly be a step in the right direction.

I want to particularly indorse the second part of section 2, which would require that all milk imported either come from tuberculin-tested cattle or be Pasteurized. As far as health is concerned, this seems to me the most important item, although, of course, general cleanliness throughout the industry is necessary, and this would be controlled by the other sections. That raw milk from untested cows should be on sale in Massachusetts is a health abomination, and control of the importation of such a product from Canada would benefit Massachusetts.

Yours truly,

GEORGE H. BIGELOW, M. D.,
Commissioner of Public Health.

Therefore I think I am justified in saying that both the commissioner of agriculture and the commissioner of public health of Massachusetts favor the Taber bill.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. Milk or cream shall be considered unfit for importation (1) when all cows producing such milk or cream are not healthy and a physical examination of all such cows has not been made within one year previous to such milk being offered for importation; (2) when such milk or cream, if raw, is not produced from cows which have passed a tuberculin test applied by a duly authorized official veterinarian of the United States, or of the country in which such milk or cream is produced, within one year previous to the time of the importation, showing that such cows are free from tuberculosis; (3) when the sanitary conditions of the dairy farm or plant in which such milk or cream is produced or handled do not score at least 70 points out of 100 points according to the methods for scoring as provided by the score cards used by the Bureau of Dairy Industry of the United States Department of Agriculture at the time such dairy farms or plants are scored; (4) in the case of raw milk if the number of bacteria per cubic centimeter exceeds 200,000 and in the case of raw cream 750,000, in the case of Pasteurized milk if the number of bacteria per cubic centimeter exceeds 100,000, and in the case of Pasteurized cream 500,000; (5) when the temperature of milk or cream at the time of importation exceeds 50° F.

With the following committee amendments:

Page 2, line 11, strike out the figures "70" and insert in lieu thereof "50," and in line 17 strike out "two" and insert "three."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 3. The Secretary of Agriculture shall cause such inspections to be made as are necessary to insure that milk and cream are so produced and handled as to comply with the provisions of section 2 of this act, and in all cases when he finds that such milk and/or cream is produced and handled so as not to be unfit for importation under clauses 1, 2, and 3 of section 2 of this act, he shall issue to persons making application therefor permtis to ship milk and/or cream into the United States: *Provided*, That in lieu of the inspections to be made by or under the direction of the Secretary of Agriculture he may, in his discretion, accept a duly certified statement signed by a duly accredited official of an authorized department of any foreign government that the provisions in clauses 1, 2, and 3 of section 2 of this act have been complied with. Such certificate of the accredited official of an authorized department of any foreign government shall be in the form prescribed by the Secretary of Agriculture, who is hereby authorized and directed to prescribe such form, as well as rules and regulations regulating the issuance of permits to import milk or cream into the United States.

The Secretary of Agriculture is authorized to suspend or revoke any permit for the shipment of milk or cream into the United States when he shall find that the holder thereof has violated this act or any of the regulations made hereunder, or that the milk and/or cream brought by the holder of such permit into the United States is not produced and handled in conformity with, or that the quality thereof does not conform to, all of the provisions of section 2 of this act.

With the following committee amendments:

Page 3, line 6, strike out "permtis" and insert "permits."

Line 11, after the word "Government," insert "and/or of any State of the United States or any municipality thereof."

Line 15, after the word "brought," insert "or shipped."

After line 20 insert a new paragraph, as follows:

"The Secretary of Agriculture is hereby authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purpose of this act for the handling of milk and cream, for the inspection of milk, cream, cows, barns, and other facilities used in the production and handling of milk and/or cream and the handling, keeping, transporting, and importing of milk and/or cream: *Provided, however*, That if, when this act becomes effective, the Secretary of Agriculture is of the opinion that such inspections as made, or caused to be made, by him, are so incomplete as to require the issuance of temporary permits, he shall issue temporary permits to any applicant therefor to ship or transport milk and/or cream into the United States, which temporary permits may be revoked by the Secretary of Agriculture at any time."

Page 4, line 15, after the word "brought," insert "or shipped."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. TINCHER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TINCHER: Page 3, after line 20, insert:

"The Secretary of Agriculture is hereby authorized in his discretion to waive the requirement of section 2, paragraph 4, of this act when issuing permits to operators of condenseries in which milk and/or cream is used when sterilization of the milk and/or cream is a necessary process: *Provided, however*, That no milk and/or cream shall be imported whose bacterial count per cubic centimeter in any event exceeds 1,200,000: *Provided further*, That such requirements shall not be waived unless the farm producing such milk to be imported is within a radius of 15 miles of the condensary in which it is to be processed: *Provided further*, That if milk and/or cream imported when the requirements of section 2, paragraph 4, have been so waived, is sold, used, or disposed of in its raw state or otherwise than as condensed milk by any person, the permit shall be revoked and the importer shall be subject to fine, imprisonment, or other penalty prescribed by this act."

Mr. TINCHER. Mr. Chairman, the only purpose of the amendment is to take care of some condensers along the line that use milk from both this country and the other country.

Mr. BLACK of Texas. Mr. Chairman, I notice the gentleman's amendment is after the word "United States" in line 20. The committee amendment has already been adopted, and it seems to me that the gentleman's amendment should be modified so as to follow the committee amendment.

Mr. TINCHER. I think it ought to come ahead of the committee amendment. It does not make very much difference.

The CHAIRMAN. These are unnumbered paragraphs, and it may be inserted in either place, the Chair understands. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. BLACK of New York. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: Page 4, line 3, after the word "State," insert: "*Provided*, That on application to the Secretary of Agriculture by the governor of any State such suspension and revocation shall not apply to milk and cream proposed to be shipped into such State."

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, the bill is brought into the House with an introductory clause that it is to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health. I am keen that it shall do both, and it is for that purpose that I have offered the amendment. It is rather strange to me, when looking upon a bill of this kind, which is of doubtful character to see gentlemen who are willing that the children of the city be undernourished so that they might get more money through the Haugen bill, all of a sudden get sympathetic for the children of the city, and for that reason I have gone into the matter rather carefully. There is no doubt that there is danger of an embargo in the hands of the Secretary of Agriculture, when he is urged by the dairy interests to keep out foreign milk. For this purpose I offer the amendment. The amendment provides that if the Secretary of Agriculture suspends or revokes permits and the governor of any State believes that will be disastrous to the consumers of that State, the Secretary of Agriculture must cancel his suspensions and revocations upon the application of the governor. It is fair enough and square enough. I am anxious to protect the public health. I am anxious to see that there is proper regulation. On the other hand, we in New York are sure that we are getting proper regulation. We have our health inspectors; we have them in the city of New York; we have our penal laws against impure milk. I believe there can not be too much inspection, but I do not want inspection to be used and regulation to be used as a cloak for high prices, and this bill as it now is only means that the farmer is to get an extra dollar in a sanitary wrapper. I want the bill to mean that the people are going to get pure milk from Canada as well as our own country at a reasonable price.

But the gentleman from Michigan admitted that if there were an embargo on Canadian milk it would seriously raise the price of milk in New York City. I beg the committee, in the interest of all those who want to do the right thing, to accept my amendment or something like it.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. BLACK of New York) there were—ayes 23, noes 51.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment: On page 3, line 9, strike out the words "may, in his discretion," and insert in lieu thereof the word "shall."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 9, strike out the words "may, in his discretion," and insert in lieu thereof the word "shall."

Mr. LAGUARDIA. Mr. Chairman, this will make the bill read in accordance with the interpretation put on the bill by gentlemen of the committee who sponsor the bill and spoke for it to-day. In other words, where the State or municipality conducts an inspection which is satisfactory to the Secretary of Agriculture he shall accept that certificate and permit the milk to be imported into that municipality.

Mr. TINCHER. If the gentleman will yield, conceding that a great city like New York ought to have the privilege and will probably not abuse it, this amendment of the gentleman would force the Secretary to accept the certificate from foreign people who would not be as reliable as the city government of New York.

Mr. LAGUARDIA. But you have these words:

Provided, That in lieu of the inspections to be made by or under the direction of the Secretary of Agriculture, he shall accept a duly certified statement signed by a duly accredited official of an authorized department of any foreign government, or of any State in the United States or any municipality thereof, that the provisions of clauses 1, 2, and 3, of section 2 of this act, have been complied with.

Mr. TINCHER. But you would not want to force him to accept a certificate of some of these foreign veterinarians who probably would not look into the qualifications concerned. The

gentleman does not think that the city of New York would have any trouble with the Department of Agriculture about their milk?

Mr. LAGUARDIA. Would the committee accept this amendment permitting this discretion to remain in the Secretary in cases of veterinarians or officials of foreign governments and mandatory in the case of its inspections made by a duly appointed and accredited inspector of a municipality?

Mr. TINCHER. He might get hold of a bad municipality?

Mr. LAGUARDIA. Oh no; the cities will attend to that.

Mr. HUDDLESTON. This bill takes away none of the power of the States or municipalities. The State of New York has still all the powers that it will have, and that is the chief reason that I argued against the bill. The Secretary of Agriculture can authorize the importation, but he can not authorize the distribution and sale of that milk in any State except it complies with the State's regulations.

Mr. LAGUARDIA. The gentleman will realize that in addition to any inspection the Secretary may withhold the certificate until he sends the men to inspect and then not send men.

Mr. HUDDLESTON. I agree with the gentleman the bill is subject to great abuse and probably will result in a prohibition of imports.

Mr. LAGUARDIA. I believe it is the purpose of the bill. I hope the committee will be reasonable and accept my amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. It shall be unlawful for any person in the United States to receive milk or cream imported into the United States from the importer thereof unless the person by whom such milk or cream was imported holds a valid permit from the Secretary of Agriculture.

With a committee amendment, as follows:

In line 22, after the word "States," strike out the remainder of line 22 and all of line 23 and line 24 and insert "unless the importation is in accordance with the provisions of this act."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. Any person who knowingly violates any provision of this act shall, in addition to all other penalties prescribed by law, be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

With committee amendments, as follows:

In line 3, page 5, strike out "$100" and insert "$50," and in line 4 strike out "$1,000" and insert "$2,000."

Mr. DICKSTEIN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. DICKSTEIN. Mr. Chairman and members of the committee, this bill, H. R. 11768, purports to deal with a problem most vital to the existence of human life and most vital to the future of America, its mothers and children. It is a new proposition which heretofore the Government made no attempt to control but which it now undertakes to do by an act of Congress.

It proposes to prohibit the importation into the United States of milk and cream unless a person by whom such milk and cream is shipped or transported into the United States holds a valid permit from the Secretary of Agriculture. The bill provides that milk or cream shall be considered unfit for importation unless it comes from cows that have passed the tuberculin test after an examination by a veterinarian of the United States or from the country from which such milk or cream is produced within one year previous to the time of importation showing that such cows are free from tuberculosis and also sanitary conditions of the dairy farm or plant of which such milk or cream is produced or handled by proper standards of sanitation.

The States at all times have had their own control of milk problems and have spent millions of dollars in examination of cows to make sure that they are free from tuberculosis so that the milk produced may not be dangerous to life and to the children of our country.

This bill proposes to further safeguard the people of the United States, when milk is imported from a foreign country, by methods that may be adopted by the Secretary of Agriculture who shall cause such inspections to be made as are necessary to insure that the milk so produced or handled is to comply with the law. It has been claimed by some Members of this House that certain "bootleg" milk is brought in from Canada and other parts of foreign countries, thereby endangering the lives of our inhabitants and destroying the legitimate market of our home farmers. If that is the situation confronting this Congress, by all means we ought to have Government control, when milk is brought here from other parts of the world, so that under this proposed legislation, as I see it, after proper inspection and examination in foreign countries by Government inspectors, the Secretary of Agriculture will issue a permit for the shipment of this milk or cream. That, in my opinion, will not interfere with State rights and will not compel the cities to accept any part of that cream or milk unless it comes up to the sanitary requirements and proper tests of the local health boards of the respective cities.

The question in my mind is will the Government properly inspect milk or cream and could they physically do it under the appropriation that is allowed in section 6, in the sum of $50,000? And how far can $50,000 go to patrol a border of over 400 miles and how many inspectors will be required to patrol the border? Some gentlemen on this floor said about 20 or 25. Surely $50,000 will not honestly enforce the provisions of this law.

I also think we are making a great mistake by putting the minimum fine for adulterated milk at $50. In the State of New York, in cases of adulterated milk, the minimum fine is $100 for the first offense, $200 for the second offense, and the third offense they go to jail, within the discretion of the court. The penalties are entirely inadequate for willful violation if House bill 11768 becomes a law. If a person knowingly violates any provision of the act he should be punished severely. The commodity in which he deals, namely, the bringing in of milk for the existence of human life, should be dealt with more severely for violators of that law.

And again, the appropriation of $50,000, as set forth in section 6 of the bill, in my opinion, is a farce. We are spending $40,000,000 for the enforcement of the Volstead Act, yet are afraid to appropriate sufficient money for the proper inspection of milk that will be allowed to come in from foreign countries.

Mr. LAGUARDIA. That will not cut out our law.

Mr. DICKSTEIN. That is true, but you are proposing a law which gives the United States Government control under this bill for the inspection and examination of milk and cream to be imported into the United States and for the purpose of protecting public health. Why fix a fine of only $50?

Mr. LAGUARDIA. They do not expect any importation under this measure. This is an embargo measure.

Mr. DICKSTEIN. I respectfully submit, Mr. Chairman, that we ought to restore a minimum of at least $100 for violation of section 5 and also provide sufficient appropriation to make this proposed law effective.

The SPEAKER. The time of the gentleman from New York has expired. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $50,000 per annum, to enable the Secretary of Agriculture to carry out the provisions of this act.

Mr. SCHAFER. Mr. Chairman, I have an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER: Page 5, line 9, after the word "of," strike out "$50,000" and insert in lieu thereof "$500,000."

Mr. SCHAFER. Mr. Chairman and gentlemen of the committee, if this bill is to be enacted into law with the proviso that only $50,000 is to be furnished for its enforcement, it would be placing the membership of this House in a ridiculous position.

You are passing legislation to regulate the importation of milk from foreign countries. When you consider the length of the Canadian border alone, imagine how much law enforcement you can have if you have only $50,000 per annum as an appropriation, which amounts, in fact, to but $136.98 a day.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, will the gentleman yield there?

Mr. SCHAFER. Yes.

Mr. McLAUGHLIN of Nebraska. Does the gentleman want to force more money on the Department of Agriculture than they say they can use? They say they can use only $50,000.

Mr. SCHAFER. If the Department of Agriculture say they will need only $50,000 and the members of this committee think the law can be enforced with an appropriation of only $50,000, you absolutely admit the argument advanced by our colleague from New York [Mr. LAGUARDIA], that you are not going to enforce this bill but that it is merely an embargo bill in a false disguise.

Mr. McLAUGHLIN of Nebraska. Does the gentleman think it is going to take as much money to keep out undesirable milk as it takes to enforce the pure food act?

Mr. SCHAFER. My amendment calls for $500,000, and this amount is a great deal less than we expend each year to prevent shipments from foreign countries in violation of the Volstead Act.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. TINCHER. Has the gentleman thought out what the department could do with $500,000?

Mr. SCHAFER. Yes. And if the gentleman had followed the argument of the gentleman from Massachusetts [Mr. TREADWAY], wherein he stated that the department could not rely on the certifications of the Canadian municipal authorities, then you must go down to where the milk is produced and check up on their certificates, and how could they cover one small portion of the Dominion of Canada if they have at their disposal the small sum of $136.98 a day for the enforcement of this act?

Mr. TINCHER. They think the Canadian authorities can make satisfactory inspections.

Mr. SCHAFER. Then I do not agree with the opinion of the Department of Agriculture any more than I agree with them in their opposition to the Haugen bill. Under this administration you vote millions of dollars for special privilege legislation demanded by the great interests, but when it comes to questions in which the farmers and general public are interested, you make inadequate appropriations in the name of economy. I urge the Members of this House to exercise their legislative prerogatives and vote for my amendment.

Mr. ABERNETHY. Has the gentleman secured the approval of the Budget for this?

Mr. SCHAFER. I am not asking for the approval of the Budget. I am one of those who believes that Congress should legislate and that the time has about gone by when the people are going to continue to accept this autocratic Mussolini form of government which we are having under the present administration. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

SEC. 8. Nothing in this act is intended nor shall be construed to affect the powers of any State, or any political subdivision thereof, to regulate the shipment of milk or cream into, or the handling, sale, or other disposition of milk or cream in, such State or political subdivision.

With the following committee amendment:

In line 17, page 5, after the word "subdivision," insert the words "after the milk and/or cream shall have been lawfully imported under the provisions of this act.

The committee amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11768) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, read a third time, and was read the third time.

Mr. BLACK of New York. Mr. Speaker, I move to recommit the bill to the Committee on Agriculture, with instructions to report the same back forthwith with an amendment.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLACK of New York. I am opposed to it.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. BLACK of New York moves to recommit the bill to the Committee on Agriculture, with instructions to that committee to report the same back forthwith with the following amendment:

On page 4, line 13, after the word "States," insert: "*Providing*, That on the application to the Secretary of Agriculture by the governor of any State such suspension and revocation shall not apply to milk and cream proposed to be shipped into such State."

Mr. HAUGEN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York to recommit the bill.

Mr. BLACK of New York. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Eleven Members have risen, not a sufficient number.

So the yeas and nays were refused.

The SPEAKER. The question is on the motion of the gentleman from New York to recommit the bill.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 11, noes 118.

Mr. BLACK of New York. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-seven Members are present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 72, nays 207, not voting 151, as follows:

[Roll No. 128]

YEAS—72

Almon	Crosser	Huddleston	Peery
Auf der Heide	Cullen	Jeffers	Perlman
Bell	Curry	Johnson, Tex.	Quin
Black, N. Y.	Dickstein	Kindred	Ragon
Black, Tex.	Dominick	LaGuardia	Rankin
Box	Douglass	Lankford	Reed, Ark.
Boylan	Drewry	Lindsay	Sanders, Tex.
Brand, Ga.	Driver	Lowrey	Somers, N. Y.
Briggs	Edwards	McDuffie	Taylor, W. Va.
Browning	Gardner, Ind.	McSwain	Tucker
Bulwinkle	Garrett, Tenn.	Mead	Tydings
Busby	Gasque	Mooney	Underhill
Byrns	Gifford	Norton	Vinson, Ga.
Carew	Green, Fla.	O'Connell, N. Y.	Vinson, Ky.
Chapman	Griffin	O'Connell, R. I.	Weaver
Collier	Hammer	O'Connor, N. Y.	Whittington
Collins	Harrison	Oldfield	Wilson, Miss.
Cox	Hill, Ala.	Parks	Wright

NAYS—207

Abernethy	Crumpacker	Hare	Lyon
Ackerman	Darrow	Hastings	McClintic
Adkins	Davey	Haugen	McFadden
Andresen	Davis	Hawley	McLaughlin, Mich.
Andrew	Denison	Hayden	McLaughlin, Nebr.
Arentz	Dickinson, Iowa	Hersey	McReynolds
Arnold	Doughton	Hickey	McSweeney
Aswell	Dowell	Hill, Md.	Magee, N. Y.
Ayres	Dyer	Hill, Wash.	Magrady
Bacharach	Eslick	Hoch	Major
Bachmann	Evans	Hogg	Manlove
Bacon	Fairchild	Hooper	Mapes
Bailey	Faust	Houston	Martin, Mass.
Barbour	Fenn	Hudson	Menges
Beedy	Fish	Hull, Tenn.	Michener
Beers	Fort	Hull, Morton D.	Miller
Begg	Foss	Hull, William E.	Milligan
Boies	French	Irwin	Montgomery
Bowles	Furlow	James	Moore, Ky.
Bowman	Gallivan	Jenkins	Moore, Ohio
Brand, Ohio	Gambrill	Johnson, Ill.	Moore, Va.
Brigham	Garber	Johnson, Ind.	Morehead
Burdick	Gibson	Kelly	Morgan
Burtness	Glynn	Kendall	Morrow
Burton	Golder	Kerr	Nelson, Mo.
Campbell	Goldsborough	Ketcham	Newton, Minn.
Cannon	Goodwin	Kiess	O'Connor, La.
Carss	Gorman	Kopp	Parker
Chalmers	Graham	Lampert	Porter
Chindblom	Green, Iowa	Lazaro	Pou
Christopherson	Griest	Leatherwood	Pratt
Clague	Hadley	Leavitt	Purnell
Cole	Hale	Letts	Ramseyer
Colton	Hall, Ind.	Linthicum	Ransley
Coyle	Hall, N. Dak.	Little	Rathbone
Crowther	Hardy	Lozier	Reed, N. Y.

Robinson, Iowa	Smith	Temple	Warren
Rogers	Sosnowski	Thomas	Wason
Romjue	Speaks	Thompson	Watres
Rowbottom	Sproul, Ill.	Thurston	Watson
Rubey	Stephens	Tilson	Wheeler
Sanders, N. Y.	Strong, Kans.	Timberlake	White, Kans.
Sandlin	Strong, Pa.	Tincher	White, Me.
Schafer	Strother	Tolley	Williams, Ill.
Schneider	Summers, Wash.	Treadway	Williamson
Scott	Sumners, Tex.	Underwood	Wilson, La.
Sears, Fla.	Swank	Updike	Wingo
Sears, Nebr.	Swing	Vestal	Wolverton
Seger	Taber	Vincent, Mich.	Wood
Shallenberger	Taylor, Colo.	Voigt	Wyant
Simmons	Taylor, N. J.	Wainwright	Yates
Sinnott	Taylor, Tenn.	Walters	

NOT VOTING—151

Aldrich	Drane	Kunz	Reid, Ill.
Allen	Eaton	Kurtz	Robsion, Ky.
Allgood	Elliott	Kvale	Rouse
Anthony	Ellis	Lanham	Rutherford
Appleby	Esterly	Larsen	Sabath
Bankhead	Fisher	Lea, Calif.	Shreve
Barkley	Fitzgerald, Roy G.	Lee, Ga.	Sinclair
Beck	Fitzgerald, W. T.	Lehlbach	Smithwick
Berger	Fletcher	Lineberger	Snell
Bixler	Frear	Luce	Spearing
Bland	Fredericks	McKeown	Sproul, Kans.
Blanton	Free	McLeod	Stalker
Bloom	Freeman	McMillan	Steagall
Bowling	Frothingham	MacGregor	Stedman
Britten	Fulmer	Madden	Stevenson
Browne	Funk	Magee, Pa.	Stobbs
Brumm	Garner, Tex.	Mansfield	Sullivan
Buchanan	Garrett, Tex.	Martin, La.	Swartz
Butler	Gilbert	Merritt	Sweet
Canfield	Greenwood	Michaelson	Swoope
Carpenter	Hawes	Mills	Thatcher
Carter, Calif.	Holaday	Montague	Tillman
Carter, Okla.	Howard	Morin	Tinkham
Celler	Hudspeth	Murphy	Upshaw
Cleary	Jacobstein	Nelson, Me.	Vaile
Connally, Tex.	Johnson, Ky.	Nelson, Wis.	Vare
Connery	Johnson, S. Dak.	Newton, Mo.	Wefald
Connolly, Pa.	Johnson, Wash.	Oliver, Ala.	Weller
Cooper, Ohio	Jones	Oliver, N. Y.	Welsh
Cooper, Wis.	Kahn	Patterson	Whitehead
Corning	Kearns	Peavey	Williams, Tex.
Cramton	Keller	Perkins	Winter
Crisp	Kemp	Phillips	Woodruff
Davenport	Kiefner	Prall	Woodrum
Deal	Kincheloe	Quayle	Woodyard
Dempsey	King	Rainey	Wurzbach
Dickinson, Mo.	Kirk	Rayburn	Zihlman
Doyle	Knutson	Reece	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Celler (for) with Mr. Sweet (against).
Mr. Sullivan (for) with Mr. Butler (against).
Mr. Oliver of New York (for) with Mr. Snell (against).
Mr. Cleary (for) with Mr. Reid of Illinois (against).
Mr. Connery (for) with Mr. Kiefner (against).
Mr. Bloom (for) with Mr. Stalker (against).
Mr. Weller (for) with Mr. Dickinson of Missouri (against).
Mr. Prall (for) with Mr. Fletcher (against).
Mr. Quayle (for) with Mr. Shreve (against).

Until further notice:

Mr. Mills with Mr. Crisp.
Mr. McLeod with Mr. Lanham.
Mr. Luce with Mr. Buchanan.
Mr. Connolly of Pennsylvania with Mr. Howard.
Mr. Carter of California with Mr. Bland.
Mr. Thatcher with Mr. Garrett of Texas.
Mr. Vare with Mr. Barkley.
Mr. Wurzbach with Mr. Garner of Texas.
Mr. Perkins with Mr. Bankhead.
Mr. Sinclair with Mr. Blanton.
Mr. Stobbs with Mr. Hudspeth.
Mr. Welch with Mr. Kemp.
Mr. Zihlman with Mr. Carter of Oklahoma.
Mr. Morin with Mr. Kunz.
Mr. Newton of Missouri with Mr. Lea of California.
Mr. Free with Mr. Deal.
Mr. Aldrich with Mr. Bowling.
Mr. Johnson of Washington with Mr. Gilbert.
Mr. Carpenter with Mr. Fulmer.
Mr. Kurtz with Mr. Allgood.
Mr. Cramton with Mr. Johnson of Kentucky.
Mr. Ellis with Mr. Corning.
Mr. Cooper of Ohio with Mr. McKeown.
Mr. Reece with Mr. Drane.
Mr. Woodruff with Mr. Martin of Louisiana.
Mr. Tinkham with Mr. Tillman.
Mr. Vaile with Mr. Steagall.
Mr. Winter with Mr. Rouse.
Mr. Swartz with Mr. Oliver of Alabama.
Mr. Robsion of Kentucky with Mr. Sabath.
Mr. Madden with Mr. Whitehead.
Mr. Elliott with Mr. Upshaw.
Mr. MacGregor with Mr. Woodrum.
Mr. Freeman with Mr. Kincheloe.
Mr. Michaelson with Mr. Larsen.
Mr. Patterson with Mr. Connally of Texas.
Mr. W. T. Fitzgerald with Mr. Doyle.
Mr. Anthony with Mr. Montague.
Mr. Kearns with Mr. Fisher.
Mr. Dempsey with Mr. Lee of Georgia.
Mr. Knutson with Mr. Canfield.
Mr. Merritt with Mr. Greenwood.
Mrs. Kahn with Mr. Mansfield.
Mr. Britten with Mr. McMillan.
Mr. Johnson of South Dakota with Mr. Jones.
Mr. King with Mr. Jacobstein.
Mr. Lehlbach with Mr. Hawes.
Mr. Davenport with Mr. Rainey.
Mr. Eaton with Mr. Smithwick.
Mr. Murphy with Mr. Rayburn.
Mr. Frothingham with Mr. Steadman.
Mr. Nelson of Maine with Mr. Williams of Texas.
Mr. Sproul of Kansas with Mr. Spearing.
Mr. Woodyard with Mr. Rutherford.
Mr. Swoope with Mr. Wefald.
Mr. Phillips with Mr. Peavey.
Mr. Fredericks with Mr. Cooper of Wisconsin.
Mr. Esterly with Mr. Browne.
Mr. Bixler with Mr. Beck.
Mr. Funk with Mr. Frear.
Mr. R. G. Fitzgerald with Mr. Berger.
Mr. Magee of Pennsylvania with Mr. Nelson of Wisconsin.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that it may be in order at any time during the remainder of the present session to move to suspend the rules and pass the bill H. R. 10277, which is the Green bill for the relief of World War veterans; and the bill S. 4059, which is the Civil War pension bill passed by the Senate.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it may be in order at any time before adjournment of this session to move to suspend the rules and pass the bills H. R. 10277 and S. 4059. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I should like to ask the gentleman, if this be agreed to, if the gentleman can give the House an idea of when these bills probably will be called up?

Mr. TILSON. It would be my intention to call up the House bill for the relief of World War veterans as soon as possible, in order to give more time for the Senate to act upon it. The other bill relating to Civil War pensions has already passed the Senate, so that bill might or might not come up to-morrow.

Mr. GARRETT of Tennessee. The Green bill in all probability will come up to-morrow?

Mr. TILSON. Yes; it will be my intention to bring it up to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

HOUR OF MEETING TO-MORROW

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

THE UNJUST RATES OF THE REPUBLICAN TARIFF LAW

Mr. JEFFERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD upon the subject of the effect of the tariff upon different sections of the country and different industries.

The SPEAKER. Is there objection?

There was no objection.

Mr. JEFFERS. Mr. Speaker, the people of this Nation—the consumers, the public, especially the farming people of the country—have come to see and realize that the tariff law of the Republican Party as it exists at this time places an enormous and unfair burden upon them.

That this is true has been brought out very clearly and forcibly during the discussion here in this House and in the press all over the country in connection with the consideration of legislation for the relief of the agricultural people of the United States, which legislation was killed here.

Concerning the long suffering and subsequent death of the proposed farm-relief legislation there are two outstanding facts:

1. The legislation for the farmers was killed; and

2. The very interests which were largely instrumental in killing the legislation for agriculture are the same very great but exceedingly grasping and selfish interests that are themselves growing richer and richer all the time on account of the fact that they have the advantage of legislation which has been enacted in their favor and for their protection.

The excessively high rates of the present tariff law make it possible for the great interests for whose benefit the law was made to tax the people of the United States, including the masses of our agricultural people, excessive prices for their goods. In other words, the tariff law of the Republican Party simply enables these interests that are thus highly protected by the high rates in the law to amass untold wealth for themselves, and it is, of course, at the expense of all the other people of our country that they do it. That is not right; that is not fair; that is unjust and un-American. Our people have come to see and understand the wrongful and harmful features of this situation brought about by this tariff. And yet, as I have said, these very selfish interests, so highly protected by legislation which is in their special favor, and by which they are enabled to reap a golden harvest at the expense of all other classes of our people, were against the legislation which was offered here for the benefit of the farming people of the country.

In an Associated Press article carried a few days ago in the Washington Star the gentleman from Iowa [Mr. DICKINSON], he being a Republican Member of this House, too, by the way, was quoted as having complained bitterly of the fact that while Mr. Andrew Mellon, the present Secretary of the Treasury, was in favor of the present tariff rates for the benefit of the highly protected special interests, he, Mr. Mellon, was not in favor of farm-relief legislation which the farmers wanted. Representative DICKINSON denounced Mr. Mellon's position in no uncertain terms, and he declared that the hand of "the interests, for whom he, Mr. Mellon, speaks" had been shown at last as being against the interests of the American farmer.

Mr. Speaker, undoubtedly, in my judgment, the gentleman from Iowa [Mr. DICKINSON] was correct when he referred to Mr. Andrew Mellon as the spokesman for certain great interests, and he was still correct when he said that Mr. Mellon's position against the proposed legislation to aid the agricultural industry meant that those great protected interests for whom Mr. Mellon spoke were arrayed against the interests of the farming people. According to the Associated Press report in the Star, Mr. DICKINSON said further:

> Evidently Secretary Mellon has taken careful stock of the situation and is willing to array the city against the country. We do not welcome such a contest; on the contrary, we want to avoid it if it is humanly possible. But the farmer is an American—and an American will not accept serfdom without fighting to the last ditch.

The people of the United States are paying enormous tribute every day into the ever-fattening purses of special interests who are enabled to place this burden upon all of the people by the unfair and excessively high rates of the Republican tariff law, the highest tax law ever hung about the necks of the people of America.

Permit me to say again that the situation is not right; it is unjust and un-American, and it certainly should be remedied.

In discussing the tariff, Mr. Speaker, I desire to say that I am using very freely the language and calculations of the Fair Tariff League. I am sure their findings will be of great interest to the public. The language used by the league in setting out statements of fact is admirable. I have great respect for the work of the league, and so, as I say, in this statement of facts I am using very freely the language of the Fair Tariff League, of No. 2 Rector Street, New York City.

MANUFACTURERS AND THE TARIFF

EAST AND WEST—A COMPARISON AND CONTRAST

The West is told that the tariff on manufactured commodities is in the interest of manufacturers.

What manufacturers and where?

When in 1907 the National Association of Manufacturers sent a tariff questionnaire to 14,000 leading manufacturers regarding the Dingley tariff, against which the association had previously protested, 55 per cent of the replies condemned that tariff, which is, for the most part, duplicated in to-day's tariff. Only 5 per cent of the replies were against the reform of the tariff.

A study of the effect of the tariff upon manufacturing in different parts of the country is illuminating.

WHAT THE TARIFF DOES TO WISCONSIN

Although Wisconsin has suffered less from the agricultural depression than almost any other Western State, it is of great importance that her people, and especially her farmers, learn what are the forces that weaken agriculture and threaten to reduce to peasantry most of the 30,000,000 Americans who live on the land.

Wisconsin farmers are especially fortunate in the use they have made of their agricultural advantages. Her southernmost area is unusually fertile, and would prosper under almost any circumstances, but her central and northern areas were considered of little value 50 years ago.

Since then farms that were worth little more than the cost of the deed have become very valuable. This largely because her State university in the latter part of the last century acquired a new conception of its opportunities and its responsibilities to the general body of the citizenship, from whom it drew most of its funds and its students.

Said President Van Hise:

> The university will serve the people of Wisconsin in any capacity in which it can serve better than any other existing agency.

At that time there was no school of vocational education for grown people in connection with their work. Consequently the university taught men to lay concrete walks, taught small stores to keep their books better, taught mechanics to run their power machines better, by correspondence taught preachers from Michigan to Texas to preach better, taught civic improvement to villages and cities.

In the field of agriculture the university undertook to test every 10 acres of cultivated land for fertility, improvement, and use. Professor Babcock discovered and gave to the world gratis the Babcock test, whereby every farmer learned easily the productive worth of every cow and disposed of the poorer ones.

Wisconsin became the greatest of the dairy States. Her farmers, once extremely poor, became rich, and their children in unprecedented numbers attended the university.

Farms that sold 50 years ago for $300 now maintain numerous cattle valued at hundreds of dollars each and not a few worth $5,000 and $10,000, and sometimes $100,000 each. These cattle are not the playthings of rich people but give the day's living and profit to industrious sons of the soil.

Wisconsin has (census of 1920) 1,795,004 dairy cows, or nearly one-tenth of the Nation's total. She produces 300,000,000 pounds of cheese, or 62 per cent of the Nation's total production. Also 101,747,791 pounds of butter, being exceeded in butter production only by Minnesota (166,500,000 pounds) and Iowa (115,502,000 pounds).

Butter, cheese, and condensed milk constitute her most important manufacturing industry in the value of the product, $217,143,000.

In 1924, of her 21,894,000 acres of farm lands, 8,674,000 acres were pastures and 10,126,000 were in crops, these crops being mostly for the support of her dairy herds and fed on the farm or in the county in which they were produced. The exceptions were white potatoes, sugar, and tobacco.

AMERICAN AGRICULTURE AND THE TARIFF

It used to seem necessary to explain why a protective tariff on American farm products is almost worthless excepting only on wool, sugar, and flaxseed, of which products the United States grows less than half of its requirements, and on such minor products as nuts, prunes, and grapefruit.

The recent experience with butter and wheat seems to have driven the truth home to every mind.

On March 6, 1926, by proclamation of President Coolidge, the tariff on butter was raised from 8 cents per pound to 12 cents as a supposed further protection against Danish imports. On that day the New York price of butter of Danish quality was 43½ cents per pound. Two weeks later, March 20, it was 41½ cents. April 16, 1926, it was 37¾ cents, the lowest price for the year to date. Instead of the price going up when the tariff was increased 4 cents per pound, the price went down continuously with a loss of 5¾ cents in 40 days.

DAIRY PRODUCTS

In 1924 the value of American dairy products was $2,600,000,000. Collectively they are by far the greatest single farm products and one-fifth of the net value of all farm products.

BUTTER

The United States produces 1,900,000,000 pounds of butter annually. There is an annual increase of about 530,000 dairy cows. In 1924, 8,267,000 pounds of butter were exported. Of these exports 28 per cent went to free-trade England in competition with Denmark and the world. In that year 19,405,000 pounds were imported, mostly from Denmark. That is, in our months of large production we meet world prices in England, but in our winter months, when large quantities of storage butter are consumed, Denmark and New Zealand send a little butter to the United States.

Whatever the tariff is, the United States production of butter, cheese, and condensed milk will be right at the export price margin. Any artificial or other stimulation in prices will increase the herds. Also, the production from any given herd will respond immediately to the extent of 10 per cent to better care.

Says Mr. D. H. Hibbard, of the department of economics of the Wisconsin College of Agriculture:

A tariff on butter and cheese is about as effective as Wouter Van Twiller's campaign against the Swedes carried on by proclamation.

Commissioner Edward Nordman, of the Wisconsin State Department of Markets, says:

A tariff can not help the price of any commodity the output of which can not be controlled. As farm products come in this class, the tariff is a humbug so far as agriculture is concerned.

We have seen how the 50 per cent increase in the tariff on butter, March 6, 1926, was immediately followed by a serious decrease in the price.

Wisconsin dairymen will prosper, not from the tariff, but through the industry and intelligence which has distinguished them the world over.

Great Britain depends upon Denmark for her butter, taking from 65 per cent to 70 per cent of all Danish exports. Germany takes 25 per cent. In 1923 Great Britain and Germany took 90 per cent of all Danish butter exported. In 1924 they took 94 per cent. If the American tariff had been lowered materially on March 6, 1926, instead of being raised, thereby giving Denmark better access than before to the American market, Great Britain would necessarily have bid up Danish prices enough to meet British requirements and prevent any large shipments to the United States. As in the case of corn and wheat, the tariff on dairy products is desirable. It comforts American farmers, but it does not help them considerably in paying their bills.

CHEESE

America produces 400,000,000 pounds of cheese annually. It imports about 60,000,000 pounds. As says the Department of Commerce, "Cheese imports consist mainly of types not made to any extent in the United States, and come largely from Italy, Switzerland, France, and the Netherlands." Italian cheese is made mostly from goats' milk and imported for the use of Italians in the United States. The cheese from other countries is especially desired by epicures who buy regardless of prices.

CONDENSED MILK

In 1924 the United States produced 1,774,881,000 pounds of condensed, evaporated, and powdered milk, of which 211,543,000 pounds were exported. Exports were many times more than in pre-war years. Germany, neighbor to Denmark, took three-tenths of these exports and free-trade England and Cuba took another three-tenths. As the prices of all dairy products are interdependent, these exports of condensed milk and cheese, like butter, indicate that on the whole American prices of dairy products are on an international basis, without material help from the tariff.

In 1924 the United States sold Denmark $44,500,000 of various commodities. Against these sales it bought from Denmark only $6,000,000. May not little friendly Denmark send the United States something against her purchases?

Likewise, in 1924 the United States sold Germany $440,000,000 and lent her in addition $200,000,000. Against these sales and loans the United States admitted German imports valued at only $139,000,000. The United States sold the British Empire $1,000,000,000 more than it bought from that Empire. It is not poor policy for the United States to let such good customers sell it something occasionally. Not to do so, or to make these sales very difficult, as at present, is especially hurtful to American farmers, whose products constitute the major part of the purchases of these countries from America.

So of wheat. March 6, 1924, the President raised the duty on wheat from 30 cents a bushel to the present rate, 42 cents, as a further protection against imports from Canada. On that date the price of wheat in Chicago was $1.15¼ per bushel. Almost immediately there was a slump in the Liverpool market, and on March 27 wheat sold in Chicago for $1.00½ per bushel a loss of 11⅛ cents per bushel in 21 days, when some farmers had hoped for an increase of 12 cents a bushel, being the amount of the tariff increase. In recent months the price of wheat in Minneapolis has frequently been only from 2 cents to 8 cents higher per bushel than in Winnipeg, although the tariff has been 42 cents.

CORN

The United States produces three times more corn than all the rest of the world. More than 90 per cent of this corn is fed to livestock on the farm or in the county in which the corn is raised. It goes to market in the form of pork and beef. Less than 5 per cent of it is subject to price influence from imports from Argentina, our only competitor, to our Atlantic seaboard.

As the freight from New York to Liverpool is about 13 cents a bushel on corn, and the same rate from Argentina, evidently Argentina saves about 13 cents per bushel in meeting our corn in Liverpool rather than in New York.

The company that has imported three-fourths of what little Argentine corn has entered the country in many years says that Argentine corn is of the flint variety that is fed to chickens and is worth decidedly less than American corn. It is not good as feed for livestock generally.

OTHER CEREALS

So of oats and other cereals. America is the great food producer of the world. It exports such vast quantities to Europe that domestic price must be Liverpool prices less ocean freights to that port.

Nor can American farmers limit production. The world is producing much less food per capita than 50 years ago. It needs more food, not less. Also, America's production per acre is much less, in some cases only half of the production of other advanced countries. With the coming years her production per acre must increase.

CALCULATIONS BASED ON GOVERNMENT STATISTICS

FAIR TARIFF LEAGUE,
New York City, May 1, 1926.

The following calculations are based upon Government statistics and approved by competent and dependable authorities.

WHAT THE TARIFF DOES TO WISCONSIN

(Population, 2,801,000. Farm population, 920,037. Nonfarmers, 1,881,000)

Agricultural schedule

United States crops materially benefited by the tariff	Tariff gain to a few Wisconsin farmers	Cost to farmers as consumers	Cost to nonfarming population	Cost to State	Cost to United States
Wool [1]	$353,000	$2,530,000	$5,173,000	$7,703,000	$300,000,000
Sugar beets [2]	409,000	1,840,000	3,762,000	5,602,000	216,000,000
Flaxseed	20,000	276,000	564,000	840,000	30,000,000
Lemons	None.	92,000	188,000	280,000	10,000,000
Tobacco	None.	1,564,000	3,207,000	4,771,000	53,000,000
Total	762,000	6,302,000	12,894,000	19,196,000	609,000,000

[1] Wool, 1925 clip, 2,043,670 pounds.

[2] On the basis of 60 per cent sugar tariff going to farmers and 40 per cent to sugar actories:

Farmers as consumers lose on agricultural schedule, gross	$6,302,000
A few farmers gain on agricultural schedule	762,000
Loss to farmers on agricultural schedule, net	5,540,000
The State as a whole loses on agricultural schedule, net	18,434,000

Farmers lose on their own schedule $5 to $1 of gain.

The State loses on agricultural schedule $16 to $1 of gain.

Manufacturers' schedule

[On the basis of one-half of duties added to prices in certain industries]

	Cost to farmers as consumers	Cost to nonfarming population	Cost to State	Cost to United States
Heavy steel products	$4,000,000	$6,583,000	$11,183,000	$375,000,000
Light steel products	6,900,000	14,107,000	21,007,000	750,000,000
General-store merchandise	22,080,000	45,144,000	67,224,000	2,475,000,000
Total	33,580,000	65,834,000	99,414,000	3,600,000,000

Loss to farmers on manufacturers' schedules	$33,580,000
Loss to State on manufacturers' schedules	99,414,000

Farmers lose on all of above schedule, net $39,120,000, or $51 to $1 of gain.

The State loses on all of above schedules, net $117,848,000, or $155 to $1 of gain.

Against this loss of $117,848,000 to the people of Wisconsin is to be offset the tariff profits of stockholders in her steel, aluminum, and electrical machinery, and other overprotected industries. So much of the capital stock of these industries is owned outside of the State and sold in Wall Street that the tariff gain to residents of Wisconsin can not be estimated with any accuracy. See Fair Tariff League's leaflet, Protection and American Production (20 cents on request).

For details on farm products not listed above see context. The tariff on those other farm products is of too little direct benefit to be figured in money returns. This because these other crops are exported at competitive or world prices, and export prices of these products determine domestic prices.

WOOL

As America imports about 60 per cent of requirements of wool, evidently the price is the foreign price, plus ocean

freights, plus the tariff, and domestic woolgrowers have only to meet the price of imported wool.

We need a reasonable tariff on wool, but the wool tariffs as written, almost without exception ever since the Civil War, have been wretchedly unscientific and oppressive. Garfield said that the wool tariff made him so angry that—

I could walk a mile to pick a sheep.

President Taft declared the wool and woolen schedule of the Payne tariff "indefensible." Chairman Payne said of it:

I could change it just as easily if they'd only let me.

The wool tariff is 31 cents per pound of scoured wool. This gives the growers of almost all of the domestic qualities only about 30 per cent protection; but it shuts out of the country, by rates running from 100 per cent to 150 per cent and more, the coarser cheap-goods wools not grown in this country, which our people of modest means should use in abundance. As it is, our woolen clothing is of poor wearing quality, and instead of these cheaper wools our manufacturers use 80,000,000 pounds of old rags and shoddy. This shoddy is worked over and over again as old clothes are discarded until the shoddy becomes "mungo," a sort of wool dust, and American rags sell in England for one-fourth less than the rags of another country.

A tariff of 30 or 35 per cent would give American woolgrowers as much protection as now and would save American consumers $200,000,000.

Accurate calculation based upon the census of 1919 shows that the duty on wool costs American wool buyers $101,338,770. To this first cost must be allowed a mark up to the wool buyer of 10 per cent for his expenses and profit, to the spinner 15 per cent, the cloth manufacturer 17½ per cent, the clothing manufacturers 22½ per cent, and the retailer 33½ per cent, all these percentages based on selling prices. This pyramiding of the wool duty into the finished clothing multiplies the original wool tariff three times and makes the duty cost the public fully $300,000,000, or five times more than it should.

Woolgrowing is of no consequence to farmers east of the Mississippi, except in Ohio and Kentucky. Nearly three-fourths of American wool is raised by great western flockmasters in the Mountain States and in Oregon, California, and Texas. These big flockmasters live in towns and cities and send their sheep with a few herders into the Federal reserve districts for summer at a cost for pasturage of from 6 to 8 cents per adult sheep, with no charge for lambs, which are 75 per cent as numerous as the adults. In winter they graze on wild and desert lands, with an average charge of from 60 to 90 cents per sheep for feed during storms. It is this handful of western sheep raisers who write the wool tariff, and together with western sugar factories conspire with eastern manufacturers to the end that these three groups make the tariff, without consideration of the interests of the general public.

How few woolgrowers profit by the tariff, even in the Mountain States, is partly indicated by recent returns for two counties in Montana, Lewis and Clark and Pondera, with 24,000 inhabitants, including 115 woolgrowers and 75,000 sheep. Twenty-eight per cent, or 32, of these woolgrowers have only from one to five sheep each, and get an average of only $2.75 each from the tariff. Eighteen woolgrowers own 66,000 sheep, and get nine-tenths of the tariff benefit. That is, 18 owners get the tariff profit and 24,000 other residents pay the duty.

Woolgrowing is of slight consequence to Wisconsin farmers. Their 1925 clip was only 2,043,670 pounds. On this basis a few Wisconsin woolgrowers gained from the tariff $353,000, while Wisconsin farmers as a whole, as consumers of wool, lost $2,530,000 and the State as a whole lost $7,703,000. The United States lost $300,000,000.

As stated, four-fifths of this great loss should be saved by a 30 per cent straight duty on the foreign value of wool, and this without reducing the protection of American wool growers.

SUGAR

As in the case of wool, we import (from Cuba almost exclusively) much more sugar than we produce. Consequently the entire sugar duty is added to the price of the domestic product, at a total cost to the public in its sugar bill in 1925 of about $240,000,000. The sugar duty costs several times more than the entire value of the domestic crop, nor do the sugar growers get more than a fraction, about one-ninth of what the public pays in the duty.

Nor does the money that our sugar growers get from the tariff mean that much profit to them by any means. When the price of sugar is low the sugar-beet growers of our Mountain States, where two-thirds of our sugar is grown, suffer desperately from the low price of their beets. Apparently, at these times, whatever they get from the tariff goes into the ground with the seed and does not come back. It is only when the price of sugar at the western factories goes above 5 cents per pound that these sugar growers begin to make a profit.

As the beet growers get only one-half of the price increase above this 5 cents per pound, it is evident that any real advantage from the tariff is divided between the beet growers and the sugar factories. The factories get one-half of the tariff or 1 cent a pound, when they are entitled to no protection because it costs only about 3 cents of labor to convert the sugar beets into a dollar's worth of sugar.

We here see who get the benefit of the sugar tariff and why sugar refineries have had tremendous influence in our public life and our tariff makers. For instance, the Great Western Sugar Co. is a consolidation of several factories in 1905. It began with paid-in preferred stock $15,000,000, and common stock, $10,544,000, all water. It is an overpowering influence in the beet-sugar situation and typical of its competitors.

For the seven years ending February 28, 1923, the Great Western Sugar Co.'s net earnings after charges and preferred dividends averaged $12.01 on its common stock of $25 par value, or nearly 50 per cent per year. During much of this time the farmers who supplied this company with its beets were all but bankrupt. In 1924 the profits were about $16 per share, or 64 per cent on each share of common stock, formerly all water.

Said the president of the company in 1924, "Since organization in 1905, the company has disbursed as dividends on its common stock—once all water—$36,308,177 in cash and $4,428,500 in common stock, and after paying such dividends at a surplus exceeding $30,000,000."

Does this leave any question who gets the sugar duty—the farmers or the factories?

Sugar beets are grown on only 3,495 farms in Wisconsin, or less than 1 farm in 20. In 1920 the beet-sugar acreage was 12,737, with an output of 136,208 tons. In 1925 the acreage had increased to 17,887, but the tonnage decreased to 117,849. The relative unimportance of sugar growing in Wisconsin is indicated by the value of its sugar beets in 1919, $1,498,000 as compared with the sum realized from cheese, butter, and condensed milk, which, as before stated, was $217,143,000 in 1923.

Neither Wisconsin nor any other State east of the Mississippi can raise sugar beets to any such advantage as the irrigated Mountain States where the water supply is under complete control. Rains when the crop is maturing give bulk with a deficiency in sugar content. The Mountain States raise sugar at 1 cent per pound less cost than the Eastern States.

The present tariff could be reduced one-half with adequate protection to the Mountain States with a saving of $120,000,000 in the public's sugar bill. The tariff should provide that substantially the full duty shall go to the growers. England has so provided in the bounty that she gave to her sugar growers last year.

Is it not strange that, in order to protect our own sugar-beet growers, we send about $46,000,000 of cash, or nearly twice what American growers get, to the sugar growers of Hawaii, Porto Rico, and the Philippines and their sugar factories, who raise sugar under substantially identical conditions with Cuba, except as there has been some very extensive mountain tunneling for water in Hawaii with excellent profit.

We have always called Cuba one of our "wards" along with these other islands, and yet we tax Cuban imports about 48 per cent, or $125,000,000 a year, and send a gratuity of $46,000,000 in cash to the other islands, their imports paying no duty.

A few Wisconsin sugar growers get from the tariff about $409,000, not all of it profit by any means. Wisconsin farmers as a whole, as consumers of sugar, lose $1,840,000 from the sugar tariff and the State loses $5,602,000.

Wool and sugar are here considered at length, because they are the only crops from which Wisconsin farmers get any help from the tariff that can be estimated in real money, excepting a trifle on flaxseed.

TOBACCO

America is the world's reservoir for tobacco. The 1924 crop was valued at $256,346,000, of which $166,000,000, or much more than half, was exported. Wisconsin is a considerable grower of filler tobacco of the export type. Evidently her growers can get no advance from the tobacco tariff. In the accompanying table, however, the estimates of the American Farm Bureau Association are accepted, placing the cost to American farmers of the tariff on the imported Turkish and other tobacco used by farmers at $5,300,000, which estimate is also used for nonfarmers, although it does not allow for the further tariff cost of the high-grade and expensive tobacco used by the rich.

CITRUS FRUITS AND NUTS

Lemons are protected 2 cents per pound, or about 90 per cent. Authorities say that our lemons can compete with foreign lemons under a decidedly lower tariff than the present, because ours are so superior in appearance, size, packing, and extract per lemon, that only the poor will use imported lemons at anywhere near the same price.

In Sicily, our principal competitor, and in other foreign countries little care is given to their cultivation; hence their quality. Lemons are an aid to health. They are needed in our great cities, for instance, by the 350,000 dwellers in the "dark rooms" of New York tenements, each room having from two to five occupants, without natural light, and with only such ventilation as one room gets from another through an opening 3 feet by 4.

The lemon tariff costs Wisconsin farmers $92,000, the State $280,000, and the Nation $10,000,000.

ORANGES

We export large quantities. We probably produce them, like lemons, with our machinery, as cheaply as any nation, per dozen and weight. Importations are negligible and of inferior quality.

FLAXSEED

This is grown in the United States only for the linseed oil that is extracted from the seed. The duty is 40 cents a bushel. Oil cake, the residue after the extraction of the oil, is on the free list. Oil crushers are given a rebate on their oil cake when exported and made from imported seed. This reduces the apparent duty of 40 cents on flaxseed to an effective duty of 30 cents at most.

In the first year of operation of the present tariff, 1923, carefully prepared weighted price averages show that the farmers in the Northwest received a tariff benefit of about 19 cents per bushel on 45 per cent of their flaxseed crop, and on their total crop an average of about 27 cents per bushel.

As consumers, farmers pay about twice their maximum effective duty of 30 cents, or 62.7 cents per gallon on the clear linseed oil consumed. Only 10 per cent, however, of linseed oil is consumed as such. The other 90 per cent goes into linoleum, paint, varnishes, and so forth.

To consumers of the latter product the 62.7 cents duty on clear oil becomes upward of $1.25, due to the necessary price additions of manufacturers, wholesalers, and retailers.

A few Wisconsin growers of flaxseed get $20,000 from the tariff. Against this, Wisconsin farmers as a whole, as consumers, lose $276,000 and the State loses $840,000. The Nation loses $30,000,000.

American producers of linseed oil are few in numbers, closely associated, and have been before the court for price lifting off and on for many years. They are politically influential and have always had unreasonably high protection. How can you "protect" anything that has only about 3 cents of labor to the dollar of product. Extracting linseed oil is about as simple as brewing tea.

The United States Tariff Commission recently recommended to the President a substantial reduction in this tariff, with no reduction considered on flaxseed.

In the accompanying table it is estimated that the total received by Wisconsin farmers from the tariff on all their products is $762,000, against which farmers lose as consumers, $6,302,000. They lose $5 to $1 of gain. The State loses on the agricultural schedule $19,196,000 or $16 to $1 of gain.

THE TARIFF ON MANUFACTURES

The Fair Tariff League, with the help of Federal, State, and other statisticians has analyzed $14,800,000,000 of general store merchandise representative of the manufactured purchases of the average citizen. This retails for approximately $30,000,000,000. The league has likewise analyzed about $5,000,000,000 worth of steel and other metal products. It has compared domestic and foreign prices and found that the whole of the tariff, and sometimes also the equivalent of ocean freight is added to domestic prices at wholesale and that this tariff addition is always doubled and sometimes trebled at retail.

On the basis that only one-half of the tariff is added to manufactured products it is carefully estimated that the tariff on these manufactured products (see table) costs Wisconsin farmers $33,580,000 and the State $99,414,000. It costs the Nation $3,600,000,000.

Combining these losses with the losses on the agricultural schedule, Wisconsin farmers lose on the tariff as a whole, net, $39,120,000, or $51 to $1 of gain.

The State loses on the tariff as a whole, net, $117,848,000, or $155 to $1 of gain.

Against this loss to Wisconsin of $117,848,000 is to be offset the tariff profits of her few citizens who own capital stock in those industries that get substantial benefit as is the case with such as her machine shops as produce machinery for wide distribution, her knit-goods manufacturers, electrical machinery, steel works, and rolling mills.

As America exported $385,000,000 of machinery in 1925, it is doubtful if these manufacturers gain much from the tariff.

KNIT GOODS

Wisconsin knit-goods manufacturers gain much from the tariff—witness their profits.

Production of hosiery and knit goods in 1919 was $713,139,689, of which $45,784,576 was exported against imports of $1,191,236. Exports were thirty-eight times greater than imports.

Imports are mostly noncompetitive, novelties in quality or design, fancy French hose for women, for instance, and English golf stockings. One American exporter has more than 1,200 merchant customers in free-trade England. Under free trade there would be few imports of ordinary European hosiery it is so poor in quality.

The climax of cheap hosiery production seems to be reached in our automatic machines. They take 60,000 stitches per minute. A single operative running 25 or 30 machines knits 1,800 pairs of men's cotton socks per day. She gets 2 cents per dozen pair, netting her $3 per day—the lowest wage cost in the world per pair and the highest resulting wage per day.

The hosiery manufacturers do not tell of the 2 cents per dozen pairs, but only of the resulting $3 per day, which is twice the earnings of the European worker. By such talk they got a tariff of 50 cents per dozen pair on the working man's cotton hose against a total wage cost of 28 cents per dozen pair.

When they got this high duty these socks were retailing at 10 cents per pair. Soon after, the price was still 10 cents, but it was 10 cents per sock, not per pair.

ELECTRICAL MACHINERY

This is the tenth greatest industry in this country, according to the census of 1923. Its duty is 40 per cent. How much it needs this is partly indicated by America's exports of $95,000,000 in 1921 and more than 1920. The production of this machinery is controlled by two great corporations who, according to the best information, have divided the world into selling zones with German producers, with the result that no electrical machinery is imported.

This tax bears heavily upon the users of electric power in lighting, in transmission, and for a thousand other purposes. The profits of the manufacturers are staggering and show what the tariff means to them.

STEEL

America produces 64 per cent of the world output of steel and consumes 57 per cent. Her costs are marvelously low. Said Henry W. Oliver, of the United States Steel Corporation, July 27, 1897:

> We are mining ore at present for less than 5 cents per ton for labor.

A vessel of 12,000 tons is loaded in one or two hours with one or two men using electric buttons and is unloaded into 50-ton cars in about the same time.

In July, 1925, the directors of the Street Railways of Manchester, England, bought American rails delivered in Manchester at 5 per cent less than English producers could quote. At that time there were 100,000 idle workers in the British steel industry.

Since their consolidations in 1901 American steel producers have commonly charged American users as if the steel were produced in Europe and had paid 23 cents per hundred pounds of ocean freight plus (on heavy bars) 28 per cent duty. In October, 1923, for instance, the American price was $2.40 against the European price of $1.60 per hundred pounds. In the face of their excessive domestic prices our steel producers export about $200,000,000 annually in open competition with European makers.

The steel tariff is a great burden upon American life in this age of steel. It makes agricultural implements cost American farmers an extra $100,000,000. It costs American railways about $500,000,000 in excess prices for their locomotives and other steel purchases. One way to lower freight costs is to relieve the railways of this burden.

As the Wisconsin steel mills are owned mostly in the East the direct advantage of the steel tariff to Wisconsin investors is doubtful.

ALUMINUM

The aluminum tariff has always been added to prices.

Aluminum is made of earth melted by coal or water power. The tariff is 5 cents per pound; with sheets, bars, and so forth, 9 cents per pound, or about 40 per cent. In the 10 years ending

December 31, 1920, when the tariff was lower than now, the president of the trust said:

The net earnings of the company after interests, taxes, depletion, depreciation, etc., have averaged in excess of $10,000,000 per annum for 10 years.

When English producers, whose costs are as high as America's, charged 15 cents per pound for ingots, their freight to New York was 2 cents and the tariff 5 cents, making 22 cents per pound duty paid. The American producer then charged 21 cents, or 1 cent per pound less than the English price plus ocean freight plus the tariff.

In Wisconsin are two wonderful factories making aluminum utensils on which the tariff averages 70 per cent. In one of these factories from 17,000 to 19,000 coffee pots are made daily almost without the touch of human hands. Should they be protected by duty of 70 per cent? As the factories are owned mostly, if not entirely, outside the State and by the Aluminum Trust, it is doubtful if residents of Wisconsin get anything from the aluminum duties except high prices.

Aside from the Wisconsin industries here named, none that are mentioned in the census of 1923 get any considerable advantage from the tariff. The makers of wood pulp and of paper for newspapers get nothing. Makers of high-grade writing papers and the like get considerable. Automobile manufacturers only get exorbitant prices on their purchases of materials, the excess cost being, of course, passed on to their consumers.

It should be everywhere known that the great majority of American manufacturers get nothing of consequence from the tariff except high costs.

In 1907 the National Association of Manufacturers sent a tariff questionnaire to 14,000 prominent manufacturers. Of those who replied 55 per cent were greatly opposed to the Dingley tariff of that day which is virtually duplicated in our present tariff. Only the trusts and the great corporations like steel, aluminum, plate and window glass can add the tariff to their prices. Indeed, the tariff is responsible for most American trusts because it invites, and almost compels, the manufacturers to double and treble their profits by consolidations and agreements that will control prices and thereby add the tariff to their prices.

What the tariff does to the manufacturers of different sections of the country is clearly indicated by the following tables that show the principal manufacturing industries of Nebraska, Wisconsin, and Connecticut, taken from the Federal census:

MANUFACTURING IN WISCONSIN

PRINCIPAL INDUSTRIES RANKED BY THE VALUE OF THEIR PRODUCTS

1. Slaughtering and meats.
2. Automobiles.
3. Leather, tanning.
4. Cheese.
5. Engines, steam, gas, and water.
6. Foundry and machine shop products.
7. Paper and wood pulp.
8. Condensed milk.
9. Flour mill products.
10. Lumber and timber products.
11. Butter.
12. Boots and shoes.
13. Agricultural implements.
14. Furniture.
15. Knit goods.
16. Cars, railway, and general shop repairing.
17. Shipbuilding, steel.
18. Tires and tubes, rubber.
19. Liquors, malt.
20. Iron and steel.
21. Confectionery and ice cream.
22. Automobile bodies and parts.
23. Electrical machinery.
24. Brass and bronze products.
25. Lumber and planing-mill products.
26. Bread and bakery products.
27. Stamped and enamel ware.
28. Malt.
29. Clothing, men's.
30. Canning and preserving.
31. Printing, newspapers and periodicals.
32. Aluminum ware.
33. Food preparations.
34. Boxes, wooden, packing.

Of the above 34 principal industries only the twentieth, iron and steel, and the thirty-second, aluminum, have a complete price control of the market and add every cent of the tariff to their prices, and this without justification in their costs of production; and electrical machinery where prices are lifted not only by domestic understanding but by world agreements.

Brass, bronze, and copper products, the twenty-fourth, may be linked with these, as later explained. Also knit goods, the fifteenth industry in rank, and stamped and enamel ware, the twenty-seventh, get very considerable advantages from the virtual exclusion of foreign competition.

Many of these industries are only western extensions of eastern companies owned wholly or mostly by eastern capitalists, steel and aluminum, and some of the electrical machinery plants, and brass, and bronze, for instance. Because of this eastern ownership it is impossible to determine what advantage Wisconsin capitalists get from these tariff rates, but the per cent of profit is large for such Wisconsin people as own capital stock in these industries.

On the whole there is very little gained even by Wisconsin manufacturers from the tariff and nothing to compare with the tariff loss to Wisconsin, which is carefully estimated in a table herewith at $117,848,000. Her greatest industries are the preparation of foodstuffs: (1) Slaughtering, (4) cheese, (8) condensed milk, (11) butter. Then come (12) boots and shoes, which are free; (13) agricultural implements, also free, but greatly increased in price by the tariff; (14) furniture; (16) railway shop repairing, and other like industries not affected by the tariff.

Wisconsin is like Iowa, Minnesota, Missouri, and many other agricultural States where manufacturing is considerably developed.

On the other hand, Nebraska, the Dakotas, Washington, Oregon, and most of the Southern States are almost exclusively agricultural. A list of Nebraska's 12 principal industries indicates what the tariff does to such States. Not one that is helped by the tariff, which only increases its costs of production.

MANUFACTURING IN NEBRASKA (CENSUS 1920)

Principal industries ranked by the value of their product

1. Slaughtering and meat packing.
2. Flour.
3. Butter.
4. Cars, railway, and shop repairs.
5. Newspaper printing.
6. Foundry and machine shops.
7. Book and job printing.
8. Automobile repairing.
9. Confectionery and ice cream.
10. Food preparations.
11. Poultry killing and dressing.
12. Coffee roasting and grinding.

Think of poultry dressing, coffee roasting, ice cream, newspaper printing, butter, and automobile repairing as 7 out of the 12 principal manufacturing industries of a great State.

Wisconsin and Nebraska typify the hurt of a tariff written by the East and for the East, and sapping the wealth of the West and South. The western manufacturer avoids most of the hurt by passing his excess costs on to consumers, who carry the load.

American farmers as a whole lose at least one and one-half billion dollars annually from the tariff.

CONNECTICUT

It is when we consider Connecticut as representative of eastern manufacturing that our eyes are opened. No wonder Connecticut cries for a tariff as a leach would cry for blood if it had a voice. And in its tariff interests Connecticut duplicates Massachusetts, Rhode Island, New Jersey, and Pennsylvania and in less degree New York.

MANUFACTURING IN CONNECTICUT (CENSUS 1920)

Principal industries ranked according to the value of their product

Opposite each industry is shown the average tariff protection which it enjoys.

Industry—	Tariff per cent
1. Brass, bronze, and copper	45
2. Cotton goods	42
3. Foundry and machine shops	30
4. Silk goods	55
5. Hardware	40
6. Electrical machinery	40
7. Ammunition	30
8. Rubber tires	10
9. Woolen goods	75–105
10. Hats, fur felt	40
11. Plated ware	40–50
12. Boots and shoes, rubber	25
13. Corsets	77
14. Worsted goods	70–105
15. Machine tools	30
16. Steam fittings	45
17. Bread, bakery products	Free.
18. Suspenders, garters, etc	35–55
19. Typewriters	Free.
20. Firearms, muzzle-loading	25
Firearms, breech-loading	75

Industry—Continued.	Tariff per cent
21. Needles, pins, etc	45
22. Iron and steel forgings	25
23. Paper and pulp	10–40
24. Tools	30
25. Clocks, alarm clocks, kitchen clocks	130
Other clocks	25–75
26. Ordnance and accessories	40
27. Iron and steel	28
28. Knit goods	50–65
29. Wire	30
30. Cutlery and edge tools	40
Cutlery	100–220

In the above table we see tariff rates that fairly reek with profits for every industry except the seventeenth in importance, bread, in which Connecticut is interested only as a consumer, and in the nineteenth, typewriters, in the production of which American manufacturers hold their own the world over—an indication of the low duties that would suffice other American industries if only the public knew.

The area of Connecticut is so small and her manufacturers are so closely associated that it may be taken for granted that the tariff is added to their prices in large amounts and often in full.

Her manufacturers of brass, bronze, and copper products (1) have a production (census of 1920) of $169,550,000 and a tariff of 45 per cent profits of $38,268,000 in 10 years.

Cotton goods are said by historians and economists to be the basis of New England's wealth from the beginning. Said a New England cotton-mill investor:

> It is customary with us to put $2,500,000 into a cotton mill, capitalize it at $10,000,000, and then cry because we make only 6 per cent on the capital.

Two-thirds of the 9,000,000,000 yards of cotton goods made in the United States, being cheaper and coarser grades, are made in the United States cheaper than anywhere else in the world, and are exported freely. The tariff on cotton goods imported averages 42 per cent. The industry is, however, suffering from war-time overcapitalization and because cottons are being largely superseded by silks.

SILKS

Under the former silk tariff of 45 per cent not a yard of foreign silks were imported except such as were so different in quality or design that well-to-do women would buy some regardless of price. Also, there were considerable importations of the special cheap silks of China and Japan of poorer quality than American mills are willing to make.

The silk duty was increased on woven fabrics from 45 per cent to 55 per cent simply to increase the profits of American factories and in face of the fact that under the lower duty Connecticut's principal factory, the Cheeney's, had increased its capital out of profits $14,000,000 in the 16 years ending with 1921; that is, from $7,000,000 to $21,000,000, in addition to dividends.

Two more instances will suffice to show how the handy Congressmen from Connecticut serve Connecticut manufacturers.

CUTLERY

The cutlery manufacturers of Connecticut have been in price-fixing agreements, according to the best information, off and on for years. Just before the present tariff they were exporting 48 per cent of their entire production of table cutlery. In the face of this the duty was made 10 cents on a kitchen knife that was selling at the factory for 4½ cents, the duty being an inducement for the manufacturers to lift their prices to the top of the tariff wall.

A maker of sheep-shearing machines recently wished to get the best possible quality of cutters. The manufacturer ordered some of these sheep cutters of special quality from England, expecting to pay a duty of 30 per cent as "manufacturers of metal," or 20 per cent as the tariff rate on hand and power cutters. Instead his attention was called to paragraph 357, whereunder sheep cutters and animal clippers were taxed 15 cents each plus 45 per cent. Consequently, on an invoice of $1,026 he had to pay a duty of $1,811, or 176 per cent. This duty trebles the price, and when the farmer gets the clippers he will have to pay at retail at the rate of $6 for each dollar of foreign factory price. This is usual with many imported articles.

CLOCKS

Here again we see the fine hand of the Connecticut tariff maker. The rich purchaser who pays at retail $150 or more for a wall clock pays only 25 per cent duty, but the poor man who wants a kitchen clock must pay 130 per cent duty, and about the same on alarm clocks.

So of firearms. As no one wants muzzle-loading guns, the tariff is low on them—25 per cent. On breech-loading guns, which people do want, the tariff runs about 75 per cent.

It has taken 100 years to work out the devilish ingenuity with which Connecticut and the affiliated manufacturers of near-by States confuse the public by provisions in the tariff law which only experts can understand, and not they until they get confidential information about factory prices.

This is illustrated by the statement of Col. George Tichenor, who framed the Dingley and the McKinley tariffs at the request of their authors. Said Colonel Tichenor:

> The public won't stand for duties of more than 40 per cent, so I am making them look like 50 per cent, but by wording that the public won't understand I am lifting the rates the Lord knows how high.

Nine-tenths of the tariff rates on eastern highly finished manufactures are so written that only experts can figure them out, and the actual duties are often astonishingly high.

For instance, Alexander Hamilton, the "father of protection," in America's first tariff, made the duty on knives 10 per cent. The present rates fill 50 full printed lines, and by mysteries that few can figure out the duties are lifted up to 220 per cent.

Oriental and Axminster rugs are definitely listed at 55 per cent duty; but another paragraph that no one would think of, far removed from this rate, provides that anything with fringe on it shall pay 90 per cent. Consequently a Turkish rug with 50 cents of knotted fringe on one end is lifted to 90 per cent duty.

Toys are taxed 70 per cent, a tax on education; but this 70 per cent covers the packing also, and lifts the duty to 90 per cent.

Tariff rates on the highly finished products of eastern factories bear no relation to the "difference in the cost of production here and abroad," which is the rule of measurement laid down by both political parties.

So long as western and southern farmers, manufacturers, wage earners, and others will stand for this eastern-made tariff they will be drained by the East and the profits of eastern industries will rival the wealth of Aladdin.

The injustices of the tariff injures seriously four-fifths of the manufacturers of the West and South.

To the tricky manufacturers of the Eastern States the tariff is a golden shower of wealth and profit. It is their way of getting the foodstuffs and cotton, the services, and the products of the West and South at low prices, often below the cost of production. They get these things at lower prices than free-trade England pays, for England pays with gold, while the Eastern States pay in merchandise at exaggerated prices.

This is said without resentment or ill will. Once the people of Connecticut did not know better than to burn grandmothers as witches, and like the good people of the South they bought and sold slaves. We all learn slowly when knowledge decreases profit. So long as the West and South accept and their Representatives vote for tariffs like the present they can only blame themselves for the consequences.

Meantime our yearly exports of two and one-half billion dollars' worth of manufactured products show what eastern manufacturers can do in meeting world competition when they want to.

America exports more of domestic manufactured products than any other nation in the world, having surpassed Great Britain for the first time in 1925.

The important thing in the tariff is to see it with clear eyes and to require an honest revision with the facts on the table. Such a revision will lower living costs some $5,000,000,000 and save farmers at least one and one-half billion dollars annually, thereby giving the "farm relief" that is so necessary for the restoration of 30,000,000 farm people whose present sufferings are indicated in the present value of the farm lands of the Nation, which were only 5 per cent higher in 1925 than in 1910, 15 years ago, an increase in value of only one-third of 1 per cent per annum for 15 years. Wisconsin farm lands, however, were 33 per cent more valuable in 1925 than in 1913, due largely to new farms in the cut-over timber areas in her northern section.

The above comparison of Eastern and Western States confirms the statement of Congressman Littlefield, of Maine, in 1908 when the Dingley tariff was being rewritten without material changes, by the Payne tariff, which was again virtually rewritten in the present tariff. Said Mr. Littlefield:

> We New Englanders know that the Dingley tariff—
>
> Dingley was from Maine—
>
> was written by New England for New England, and that when that goes we will never get another as good.

Mr. Littlefield could not imagine at that time that New England would write our tariffs again and again. Said Chairman Payne of his tariff:

I could change it just as easily if they would only let me.

The recent expenditure of approximately $2,000,000 in the sensational primaries in Pennsylvania is only a straw showing how the wind blows. "Easy come, easy go." What is $2,000,000 in securing the continued control of Congress and its tariff graft of $3,000,000,000 a year? Those campaign contributors gave only one-tenth of 1 per cent of the annual cost of the tariff graft that their control of Congress forces upon the American people.

RADIO LEGISLATION

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of radio legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker, under leave granted, I hereby insert in the RECORD an address delivered by me through WRC radio station, upon radio legislation, in joint discussion with Representative WALLACE H. WHITE, author of the White radio bill, shortly after the said bill passed the House, as follows:

For more than six years Mr. WHITE and I have served together very pleasantly and our views with respect to radio legislation have for the most part been in accord. As suggested by him, there has been a marvelous and rapid development in radio; and yet we are perhaps merely at the threshhold of such development and use.

It is impossible to comprehend the future possibilities and potentialities of wireless communication from a commercial, educational, entertainment, and political standpoint. Its power for good or evil can not be overestimated.

Additional legislation is imperative, but it should be legislation which fully, adequately, and efficiently deals with the situation.

The White radio bill, which passed the House of Representatives the other day, contains many excellent provisions. I approve most of its provisions, but in my opinion the bill in its present form does not adequately and effectively meet the requirements and should, therefore, be amended and supplemented in certain particulars.

Our committee unanimously reported a radio bill to the House in the Sixty-seventh Congress, in January, 1923. The committee report on the bill, which was prepared by Mr. WHITE, frankly admitted that the bill was not a comprehensive radio measure, and that there were many phases of the subject, including monopoly, which would likely call for legislative action in the near future, but, as the end of the Congress was approaching, it was thought expedient to avoid controversial matters. However, assurances were given in the report and on the floor of the House by Mr. WHITE and other members of the committee, including myself, that further appropriate action would be taken at an early date.

Twelve days after the passage of said bill by the House, Mr. WHITE introduced a resolution, which the Committee on Merchant Marine and Fisheries unanimously reported to the House February 22, 1923, requesting the Federal Trade Commission to investigate the alleged radio monopoly and report the facts to the House. This resolution was unanimously adopted by the House on March 3, 1923.

It was stated in the committee report on such resolution in substance that the purpose of requesting the investigation and report was that the committee and the Members of the House might have the facts to aid them in the preparation and enactment of subsequent legislation.

The Federal Trade Commission conducted an investigation and made its report December 1, 1923. This report, together with the appendix, contains 347 printed pages.

Upon its own initiative, the Federal Trade Commission filed a complaint against eight corporations, charging monopoly in radio apparatus and communication, and that such companies were violating the law against unfair competition in trade to the prejudice of the public.

In the language of the complaint, "respondents have combined and conspired for the purpose and with the effect of restraining competition and creating a monopoly in the manufacture, purchase, and sale, in interstate commerce, of radio devices and apparatus, and other electrical devices and apparatus, and in domestic and transoceanic radio communication and broadcasting."

According to the allegations in the complaint of the Federal Trade Commission, and as clearly shown by the admitted written contracts between said various parties, copies of which were incorporated in the appendix to the Federal Trade Commisison report, these parties have already firmly established monopolies in the fields of manufacture, sale, and use of apparatus for wire and wireless telephony, wire and wireless telegraphy, and wireless broadcasting. I have not the time to recite the evidence or the details and the effects of this monopoly.

Thereafter in the Sixty-eighth Congress, the Committee on the Merchant Marine and Fisheries held hearings upon another radio regulation bill.

Hon. Herbert Hoover, Secretary of Commerce, testified at the hearings, and among other things, stated:

"* * * It is urgent that we have an early and vigorous reorganization of the law in Federal regulation of radio. Not only are there questions of orderly conduct between the multitude of radio activities, in which more authority must be exerted in the interest of every user, whether sender or receiver, but the question of monopoly in radio communication must be squarely met.

"It is inconceivable that the American people will allow this newborn system of communication to fall exclusively into the power of any individual, group, or combination.

"* * * It can not be thought that any single person or group shall ever have the right to determine what communication may be made to the American people." * * *

You have been told that the radio bill which passed the House of Representatives the other day contains certain antimonopoly provisions. However, those provisions do not adequately meet the situation. With the exception of a provision designed to prevent a combination of transoceanic radio service and cable service, the provisions are predicated upon a court adjudication, and do not become effective until after offending parties have been convicted of a violation of the antitrust statutes upon offenses committed and proceedings commenced after this bill becomes a law. Such a prosecution would be bitterly contested through all the courts, and final adjudication could not be obtained under several years hence. In the meantime the public would be compelled to suffer the effects of violations of the laws against unfair methods of competition, unlawful restraints and monopolies, and combinations, contracts, or agreements in restraint of trade. Furthermore, there is no assurance that such proceedings would be commenced at all. For more than two years the Department of Justice has absolutely ignored the report of the Federal Trade Commission with respect to the radio monopoly.

The most effective antimonopoly provision that has been incorporated in any of these bills was section 4 of the bill which was unanimously reported to the House in the last Congress and section 4 of the bill first reported to the House in the present Congress, and which the committee report, drafted by Mr. WHITE, strongly defended. This section, which was in accord with decisions of the United States Supreme Court, forbade the movement in interstate or foreign commerce of vacuum tubes or radio apparatus or the parts of either, whether patented or unpatented, if accompanied, affected, or impressed by or with any condition, agreement, or limitation the purpose or effect of which is to fix the price at which the purchaser may resell the article, or which prohibits or restricts the parties by whom or the purposes for which the same may be used.

However, when the bill containing this section was reported in the present Congress representatives of the monopoly objected thereto. Whereupon a new bill, omitting this section, was introduced and reported by a majority of the committee, and when I offered an amendment reinstating that section a point of order was made against it and sustained.

The White radio bill, as it passed the House recently, is not as effective against monopoly as the bills unanimously reported in the last two Congresses and first reported in the present Congress.

As Representative WHITE himself stated on the floor of the House, "there is inequitable geographical distribution of stations." There are within 50 miles of Chicago 40 stations, of New York 38, of Philadelphia 22, and of San Francisco 22. Many of these are high-powered stations. There are only 78 broadcasting stations in the entire South and only 15 of these are class B stations. There are 15 stations authorized to use 5,000 watt power or over, none of which are in the South. There are 28 stations licensed to use between 500 and 2,000 watts, only 2 of which are in the South. There are 12 short wave length stations, all owned by the monopoly, licensed to use 20 to 40 kilowatts.

The 10 licensed stations in my State (Tennessee) are authorized to use a combined power of only 2,910 watts, and are compelled to broadcast on wave lengths that are employed by 125 stations. There are scores of applications from the South for licenses and for better wave lengths or power which have been denied upon the pretext that all of the available wave lengths have been given out.

The first section of the White radio bill declares that the ether within the limits of the United States is the inalienable possession of the people thereof, and that the authority to regulate its use in interstate and foreign commerce is conferred upon the Congress by the Constitution of the United States; that no person, firm, company, or corporation shall use or operate any apparatus for the transmission of radio energy or radio communications except under and in accordance with this act, and with a license in that behalf granted by the Secretary of Commerce.

I insist that the bill should be amended so as to provide that a license shall be refused an applicant therefor when it clearly appears that such applicant is violating the laws of the United States before mentioned, at least until such applicant shall have desisted from such unlawful practices. It surely can not be successfully contended that the United States should license applicants to continue to violate its laws. Applicants should be required to "come with clean hands" before the Government throws its mantle of protection around them. Is it fair to the public, is it fair to the hundreds of applicants for

broadcasting licenses, for violators of the law to be granted licenses or renewals thereof and law-abiding applicants refused licenses because there are not enough wave lengths to go around?

The members of the Merchant Marine and Fisheries Committee in both the Sixty-seventh and Sixty-eighth Congresses were unanimously of the same opinion to which I still adhere in this respect. The radio bill which was unanimously reported in the former Congress, and passed by the House without any criticism of such provision, contained the following:

"SEC. 2. (C) The Secretary of Commerce is hereby authorized to refuse a station license to any person, company, or corporation, or any subsidiary thereof, which in his judgment is unlawfully monopolizing or seeking to unlawfully monopolize radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus through exclusive traffic arrangements or by any other means."

The radio bill which said committee unanimously reported to the House in the last Congress contained the same provision, except that it was strengthened so as to provide that "the Secretary of Commerce is hereby directed to refuse a station license," etc., instead of being authorized to do so, as provided in the previous bill.

When he appeared before the committee in the last Congress, Secretary Hoover, in discussing that provision, stated that he was "in sympathy with the purpose shown in the paragraph," but did not think that such authority and responsibility should be imposed upon an administrative official. However, there was such a strong desire on the part of the committee to prevent the issuance of a license to any party who was monopolizing or attempting to monopolize radio, that the committee unanimously reported a bill containing the said section just explained.

The bill as reported to and passed by the House in the present Congress so weakened this provision as to render it ineffective for all practical purposes. For instance, it provides:

"The Secretary of Commerce is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person, firm, company, or corporation, or any subsidiary thereof, which has been found guilty by any Federal court of unlawfully monopolizing or attempting to unlawfully monopolize after this act takes effect, radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means."

Consequently, there is no provision in the pending bill prohibiting or guarding against the issuance or renewal of a license to a party violating the antitrust statutes, unless and until such party shall have been found guilty thereof by a Federal court upon facts hereafter occurring and under a proceeding hereafter commenced.

I am in accord with Secretary Hoover's suggestion that the duty of determining whether an applicant for a license is violating the antimonopoly statutes should not be imposed upon an administrative official.

That is one of the reasons why I favor a permanent and effective radio commission, in order that it may determine whether applicants for licenses are violating such laws; and if so, to refuse them a license, and also to perform various other functions which could only be appropriately performed by such a quasi-judicial tribunal. Of course, such applicant should be accorded a full hearing before the commission and should have a right of appeal to the courts, if dissatisfied with the decision of the commission.

Wherefore I have insisted that the regional, bipartisan commission created in the White bill should be authorized to serve all the time in order that they may have the time and opportunity to thoroughly familiarize themselves with the highly technical and complex questions involved, because the various matters pertaining thereto can not be intelligently and efficiently determined without a broad and accurate knowledge of radio problems. Furthermore, the commission would then be enabled to speedily and wisely hear and decide appeals from the Secretary of Commerce. I have insisted that such commission should be broadened so as to have jurisdiction over all communication utilities, including radio, telephone, telegraph, and cable, akin to the jurisdiction of the Interstate Commerce Commission over common carriers. Such a commission should have the right to regulate rates and service, require equal treatment, hear complaints, investigate and prevent unfair practices. They should be authorized to enforce an equitable distribution of licenses, wave lengths, and power. In general and for the protection of the public, they should be authorized to regulate all communication services engaged for profit in interstate and foreign business.

Mr. WHITE has on several occasions expressed approval of such a commission.

For instance, at the hearings on the White radio bill in the Sixty-eighth Congress, when the question of such a commission was under discussion, Mr. WHITE stated:

"I went home when Congress adjourned last summer intending to have such a bill ready to submit to Congress this fall, but that is as far as I got with it. * * * I believe that ultimately the Interstate Commerce Commission will find itself fully occupied with matters of railroad regulation, which was the original thought when the commission was created, and that we shall have to lodge in some other body jurisdiction and control over telephones, telegraphs, cables, and radio. In other words, we will have to create a communications service."

Mr. WHITE expressed himself in similar vein during the hearings on the bill in the present Congress.

Secretary Hoover expressed himself at the hearings in the last Congress as follows:

"Radio communication is not to be considered as merely a business carried on for private gain, for private advertisement, or for entertainment of the curious. It is a public concern impressed with the public trust and to be considered primarily from the standpoint of public interest to the same extent and upon the basis of the same general principles as our other public utilities."

When he appeared before the committee at the present session, Secretary Hoover declared:

"I have always taken the position that unlimited authority to control the granting of radio privileges was too great a power to be placed in the hands of any one administrative officer."

Mr. David Sarnoff, vice president and general manager of the Radio Corporation of America, the owner of this station, testified at the hearings as follows:

"Well, my recommendation on that is very definite: That where a broadcasting station performs a function of public service, or as a common carrier, and charges for the service it renders at that station, it should open its doors to all who may have a legitimate right to use it, and that type of station should be subject to Government regulation both as to rates, character of service, and license. I offer no objection to it."

The executive chairman of the National Association of Broadcasters, as well as various others, expressed themselves in like manner.

In other words, although persons or concerns engaged in the business of radiocommunication, whether broadcasting or transmitting radiograms for hire, are concededly public utilities and should be regulated as such; yet there are no provisions in this bill or in the existing radio law providing for the regulation of rates or services or requiring equal treatment to citizens. There is nothing to prevent a broadcasting station from permitting one citizen to broadcast for hire and refusing to permit another citizen to broadcast at all, or to prevent the charge of a reasonable rate to one citizen and a prohibitive rate to another. The broadcasting field holds untold potentialities in a political and propaganda way; its future use in this respect will undoubtedly be extensive and effective. There is nothing in this bill to prevent a broadcasting station from permitting one party or one candidate or the advocate of a measure or a program or the opponent thereof to employ its service and refusing to accord the same right to the opposing side; the broadcasting station might even contract to permit one candidate or one side of a controversy to broadcast exclusively, upon the agreement that the opposing side should not be accorded a like privilege. As Mr. Sarnoff, the vice president and general manager of the Radio Corporation, well said, "So powerful an instrument for good should be kept free from partisan manipulations."

It is true that the Interstate Commerce Commission has certain jurisdiction over wire and wireless public utilities, but it has not exercised such jurisdiction. That they have not done so is doubtless due to the fact that their railroad work has been so extensive and arduous that they have had no time to deal with communication services. Their railroad work is rapidly increasing, so that it can not be reasonably expected that they will in future be able to give their attention to communication services. Furthermore, the task of properly regulating all communication utilities is of such magnitude and importance as to require the time and consideration of a separate commission. Furthermore, a proper regulation of the various radio services, as well as of the telephone, telegraph, and cable, involves a knowledge of such complex and technical questions, which are so widely different from common-carrier problems that in the very nature of things the Interstate Commerce Commission would be compelled to establish a separate organization embracing technical experts before the commission could adequately and intelligently deal with the subject. The cost of the maintenance of such a department under the Interstate Commerce Commission would amount to substantially the same as if established under a communications commission.

We naturally object to even governmental censorship, and yet under the existing law and practice we have something far worse—a censorship exercised by the broadcasting stations. There is nothing in the pending bill to prevent or regulate that. As Secretary Hoover stated, "We can not allow any single person or group to place themselves in position where they can censor the material which shall be broadcasted to the public."

We are already confronted with the problems of superpower, chain boadcasting, and various other matters. Questions will continually arise requiring regulation by some tribunal authorized to act.

The time for emergency and makeshift proposals has passed. We should no longer yield to expediency or quail before selfish opposition. The time has arrived when we can and should patriotically and effectively deal with this important subject in the public interest.

Mr. DAVIS. Since I made the remarks just quoted the Interstate Commerce Committee of the Senate has unanimously reported a bill in the form of an amendment to the White radio bill which substantially incorporates most of the principles and provisions advocated by me in the above-quoted address, as well as in minority views which I filed on the White radio bill, and in amendments to the White radio bill which I offered during its consideration in the House; and the Senate has unanimously passed said bill. The bill is now in conference.

EXTENSION OF REMARKS—IMPORTATIONS OF MILK AND CREAM

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to extend their remarks upon the bill H. R. 11768 just passed.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill just passed. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Speaker, the purpose of H. R. 11768 is to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health.

Section 1 prohibits the importation into the United States of milk and cream unless the person by whom such milk and cream is shipped or transported holds a valid permit from the Secretary of Agriculture.

Section 2 defines milk or cream unhealthy or unfit for importation unless a physical examination and tuberculin test of all cows producing such milk or cream, showing that the cows are free from tuberculosis, has been made within one year previous to such milk being offered for importation; in case the sanitary conditions of dairy farms or plants do not score at least 50 points, according to the methods for scoring as provided by the score cards used by the Bureau of Dairy Industry, Department of Agriculture, and in the case of raw milk the number of bacteria per cubic centimeter exceeds 300,000, and in the case of raw cream 750,000, in the case of Pasteurized milk if the number of bacteria per cubic centimeter exceeds 100,000, and in the case of Pasteurized cream 500,000, when the temperature of milk or cream at the time of importation exceeds 50° F.

Section 3 provides that the Secretary of Agriculture shall cause such inspections to be made as are necessary to insure that milk and cream are so produced and handled as to comply with the provisions of this act. If so, the Secretary shall issue permits to ship milk and cream. The Secretary may, in his discretion, accept a duly certified statement signed by a duly accredited official of an authorized department of any foreign government, or of any State of the United States or any municipality thereof. The Secretary is authorized and directed to make and enforce regulations for the handling of milk and cream, for the inspection of milk and cream, barns, and other facilities used in the producing and handling of milk and cream. Temporary permits may be revoked by the Secretary at any time. The Secretary is authorized to suspend and revoke any permit.

Amendment to section 5 provides that any person who knowingly violates any provision of this act shall be punished by a fine of not less than $50 nor more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Section 6 authorized to be appropriated the sum of $50,000 per annum to enable the Secretary of Agriculture to carry out the provisions of this act.

As stated, the purpose of the bill is for protecting the public health. Mr. McDonough, inspector, New York State department of farms and markets, who visited both Provinces of Ontario and Quebec, stated:

> In Ontario, with the exception of a small area near Chesterville, conditions are somewhat different than in Quebec. The barns are not modern in any way and for the most part the lighting and ventilation features have been neglected. Large quantities of milk and cream have been shipped from these sections. Sanitary conditions are considerably below the average of New York State for an equally large-size dairy. There was a noticeable lack of cleanliness about the stable floors.

Mr. Osgood, State dairy inspector for the State of Maine, stated:

> Milk houses were found unfit for use and that they were not properly screened.

Our farmers have been put to great expense in providing good-quality cows, proper stables, proper equipment, and proper methods of operation, and millions have been spent by the Federal Government and the States and the farmers in eradicating tuberculosis.

Amendments have been made to the bill so as to impose less exacting requirements in the beginning, so as not to demoralize the producing industry. It is believed that the amendments meet the objections raised to the original bill.

The bill has the indorsement of Secretary Jardine and is not in conflict with the President's financial program. It seems just and proper that consumers of milk and cream should be afforded the same protection against the importation of unfit milk and cream as afforded against domestic production.

EXTENSION OF REMARKS

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a brief article on farm relief by Mr. Matt Grennan.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing the magazine article referred to by him.

Mr. BEGG. Mr. Speaker, I think I shall have to object to printing a magazine article——

Mr. RATHBONE. It is not a magazine article. It is an article printed in a farm paper, a very brief article.

Mr. BEGG. That is the same thing. I object.

PUBLIC HEALTH

Mr. MILLIGAN. Mr. Speaker, it is my desire to present to the attention of the House of Representatives a brief statement of facts with regard to the power of the penny and its tremendous influence upon the health and happiness of the citizens of these United States.

Few of us realize that last year at Christmas time one and one-half billion little Christmas stickers, the tuberculosis Christmas seals, were distributed by the National, the State, and the local tuberculosis associations for the benefit of the campaign to stamp out this dreaded disease which these organizations are carrying on. Still fewer of us appreciate, I believe, that of that enormous number of Christmas seals nearly half a billion were purchased by citizens of this country, a billion being purchased by the rest of the civilized world.

What the purchase of these little penny Christmas seals has meant to the health of the United States, to say nothing of the wealth of the Nation, is hard to realize.

Beginning in 1907 with a sale of only $3,000, this little messenger of Christmas cheer and good health has grown in influence and power until last year $4,900,000 was realized from its sale.

Will you look with me at some of the things this little penny health messenger, the Christmas seal, does for the people of these United States? It furnishes the wherewith to support the organization that is making this determined campaign against tuberculosis; it gives this organization the means to maintain the fight that has cut the number of deaths caused by tuberculosis in this country from nearly 200 in every 100,000 people, when the sale was started, to only 90 out of every 100,000 people during the year 1925. In the past 25 years over 1,300,000 persons would have lost their lives from this disease had the death rate of the year 1900 prevailed. Capitalizing these lives at only $5,000 each—and who would not value his life at more than $5,000—the increase in wealth from this one source alone aggregates $6,500,000,000.

The annual sale of tuberculosis Christmas seals has proved to be a life saver. It demonstrates how by organized effort the penny can be made to accumulate into dollars, the dollars into hundreds, the hundreds into thousands, and the thousands into millions for the betterment of every man, woman, and child in this country.

Our health is our greatest national asset, more valuable than any material thing. Without it everything else is in vain. I salute, therefore, the penny tuberculosis Christmas seal and the National, State, and local tuberculosis associations the country over that are promoting its sale and use.

COOPERATIVE MARKETING

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture.

Mr. GARRETT of Tennessee. Will the gentleman yield just a moment?

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table House bill 7893—what disposition does the gentleman desire to make of it?

Mr. BEGG. Mr. Speaker, I offer a preferential motion on the bill.

The SPEAKER. The gentleman from Iowa has made no motion yet.

Mr. ASWELL. Mr. Speaker, a parliamentary inquiry.

Mr. McDUFFIE. Mr. Speaker, I reserve the right to object.

Mr. HAUGEN. Mr. Speaker, I call up the bill H. R. 7893 and ask for a conference.

Mr. RUBEY. Mr. Speaker, reserving the right to object, what is that bill?

Mr. HAUGEN. It is the bill to create a division of cooperative marketing in the Department of Agriculture, the bill passed by the House some time ago and recently passed by the Senate.

Mr. RUBEY. How many amendments are there?

Mr. HAUGEN. Two amendments.

Mr. RUBEY. Why not agree to the amendments?

Mr. ADKINS. They are all right?

Mr. ASWELL. No; they are not all right.

The SPEAKER. The Chair does not think the motion of the gentleman from Iowa is in order.

Mr. BEGG. The gentleman from Iowa asks unanimous consent to take up the bill and agree to a conference.

The SPEAKER. The gentleman from Iowa moved to take from the Speaker's table House bill 7893 and ask for a conference. The Chair does not think that motion is proper.

Mr. BEGG. Mr. Speaker, I have a preferential motion. I move to concur in the Senate amendments.

Mr. WINGO. A point of order, Mr. Speaker. Is this motion in order to take the bill from the Speaker's table?

The SPEAKER. The Chair understands that the bill is on the House Calendar, and if so it is in order. The motion to take the bill from the table and concur in the Senate amendments is in order.

Mr. HASTINGS. Can we not have the Senate amendments reported?

Mr. McDUFFIE. I desire to be heard on that motion, Mr. Speaker.

The SPEAKER. The clerk will report the title of the bill and the Senate amendments.

The Clerk read the title of the bill as follows:

A bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information; and for other purposes.

The Clerk read the Senate amendments as follows:

Senate amendment No. 1, page 1, line 6, strike out the words "and naval stores."

Senate amendment No. 2, on page 4, after the words "cooperative associations," add the words "and others."

Mr. ASWELL. A point of order, Mr. Speaker. Is this bill on the House Calendar?

The SPEAKER. It is. The rule on the subject is this:

But House bill with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine.

As the Chair understands, it is not necessary to consider these amendments in the Committee of the Whole.

Mr. McDUFFIE. What is the test and who determines that?

The SPEAKER. It is a question of fact whether it is necessary and whether they involve questions which must be determined under the rule in Committee of the Whole. The Chair does not think that either of these amendments require consideration in the Committee of the Whole.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama may have five minutes on the bill.

Mr. BEGG. I think I have the time, and I will yield five minutes to the gentleman from Alabama.

Mr. HILL of Maryland. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HILL of Maryland. There are only two amendments, and those have been read.

The SPEAKER. That is a question of fact and not a parliamentary inquiry.

Mr. McDUFFIE. Mr. Speaker, as to the test, whether a matter involved in a Senate amendment should be considered in the Committee of the Whole, I want to submit that the second amendment provides that certain information gathered by the bureau in the Department of Agriculture may be obtained not only by this organization but all others. As I understand the rule, if it involves a charge on the Public Treasury, then it must be considered by the Committee of the Whole. If not, then the House can take the bill from the Speaker's table and concur in the Senate amendment. It was my opinion that the bill would have to be considered in the Committee of the Whole under the rules of the House in the orderly procedure of the House.

The SPEAKER. The Chair has read the two amendments. The first amendment is on page 1, line 6, striking out the words "and naval stores." Unquestionably that does not have to be considered in the Committee of the Whole. The only other amendment is on page 4, after the words "cooperative associations," by the addition of the words "and others." Unquestionably, in the opinion of the Chair, that does not require consideration in the Committee of the Whole.

Mr. McDUFFIE. Would not that require additional force in the Department of Agriculture, and thereby put an additional expenditure on the Treasury? If anybody is entitled to call on the Government for information, the Government must furnish it; and if we have gone beyond the organization and say that everybody is entitled to obtain information from the Government, certainly it is going to mean additional force in the department and an additional charge on the Treasury.

The SPEAKER. The Chair thinks that that is a violent assumption, and even if it did increase the force in some department it would not require consideration in Committee of the Whole. The Chair is clearly of the opinion that these amendments do not require consideration in Committee of the Whole.

Mr. BEGG. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. McDUFFIE].

Mr. McDUFFIE. Mr. Speaker, I hope I may have the attention of the House for a few moments, and I do not wish to delay the adjournment of the House. When the House had under consideration the cooperative marketing bill the House in Committee of the Whole saw fit to adopt what was called the "naval stores" amendment. This amendment does not deal with stores for our Navy, as some one suggested when it was under discussion, but seeks to declare the products of the southern pine tree—that is to say, turpentine and resin—to be products of agriculture under the terms of the bill. The term "naval stores" was applied to these products many years ago, when tar and pitch from the pine was used in the building of wooden ships. Turpentine and resin, as you know, are used extensively in the manufacture of varnish, paints, paper, and other very necessary commodities. Those who buy turpentine and resin for such industrial uses have fought this amendment vigorously, and the Senate struck it out several days ago.

The first section of the bill, you will recall, defines "agricultural products," to mean and include products from the vine, from the fruit tree, from the maple tree, and every kind of edible forest product in addition to all the other agricultural products. The amendment was an effort to include in the definition of agricultural products, naval stores, which is a product from the pine tree, grown exclusively in the Southern States along the coastal plains where thousands of people are engaged in that industry. It was intended to take care of the small producer and farmer as well as the large distiller of turpentine, and some large interests are involved in this industry, who grow pine trees and from these trees get the gum or crude resin from which the finished products, turpentine and resin, are derived by distillation. The House saw fit to agree to the amendment, and that class of farmers, or that industry, is entitled to all the benefits of this legislation.

I am very much afraid that under section 1 and section 5 of this bill, we are permitting the canners, the packers, the cottonseed crushers, and every industry interested in the manufacture of agricultural products as defined by section 1 of the bill, to be relieved from the provisions of the antitrust law. If you are going to relieve those interests, let us be fair enough to relieve all others who might be in industry operating under similar conditions. That was the theory upon which the House adopted this amendment.

I realize the fact that we are soon to adjourn, and I have no desire to delay adjournment. Gentlemen will say that we may delay the adjournment if the bill goes back to the Senate, but I think the Senate is in such a temper now that it would not insist upon that amendment, and if the House would stand by what it did on a former occasion and be fair and just to this splendid industry throughout the southern tier of States, the Senate, I think, will quickly concur in what this House does. I ask you gentlemen not to concur in this amendment of the Senate but to let the bill at least go to conference. I believe the conferees will not hold up the adjournment of Congress for this amendment but will concur in this bill as the House passed it and let it go for whatever it is worth, be that much or little. I suggest to you gentlemen most earnestly that you vote down the motion of the gentleman from Ohio to concur in the Senate amendment.

There is one more amendment which extends the privileges of this legislation in the way of getting information from the additional bureau that we are creating down in the Department of Agriculture, not only to cooperative organizations, but to all others who may be interested. It seems to have gone further in this respect than the original purpose of the bill, and as passed by the Senate the bill now provides for all persons, firms, or corporations who might desire the information for their own selfish ends, and thereby interfere with cooperative organizations all over the country. I submit to you that amendment itself may in effect destroy the purposes of the bill, and we ought not to concur in it without due consideration and a thoughtful, careful study of its effect. Regardless of this amendment, and its effect, above all, I ask you not to concur in the amendment referring to the products of the pine trees of the South. [Applause.]

Mr. BEGG. Mr. Speaker, I yield one minute to the gentleman from Florida [Mr. GREEN].

Mr. GREEN of Florida. Mr. Speaker, the naval stores industry is an industry that certainly needs any cooperation and encouragement that it is possible to give it. Labor is so high that the small operators are being driven out of business. This amendment was placed in the bill in the House with little or no objection. It went on to the other body, and was taken out and the reason was this: That the great manufacturing concerns desiring to purchase these products at a minimum cost and desiring the naval stores producers not to get the benefits accruing from cooperative marketing, headed it off. The farmers, or those who represent the farmers, desire the cooperative marketing advantages for the farmers, and likewise we desire it for the naval stores industry, and I hope the motion of the gentleman from Ohio will be voted down.

Mr. BEGG. Mr. Speaker, I yield one minute to the gentleman from Florida [Mr. SEARS].

Mr. SEARS of Florida. Mr. Speaker, I realize the temper of the House, and I know that perhaps not a single vote will be changed, but I rise to throw out this thought: I voted for the House bill and tried to help you gentlemen get it. I believe you gentlemen will be fair enough to see that the naval-stores industry is not discriminated against. Certainly if your proposition had been knocked out I would have been fighting with you to see to it that you sent the bill to conference. This bill just came back from the Senate. Many people think that "naval stores" refers to something having to do with battleships, but it really refers to the pine trees and the products therefrom—turpentine and resin—and it means much to all of the States of the South. I certainly hope that those of you who are getting the benefit out of this bill will not do the injustice that it seems the temper of the House is willing to do.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. BEGG. Mr. Speaker, I desire to yield two minutes to myself. Mr. Speaker and members of the committee, I do not want any move that I have made to be interpreted by those interested in the amendment in such a way as to indicate I am opposed to their amendments. I am not. But here is the situation: The Senate passed this bill yesterday and took this amendment out and added elsewhere the words "and others." Now the only way you can do anything is to adopt the motion. If you vote it down and this goes back to the Senate, I do not believe there is very much assurance that the Senate would reverse itself to-morrow after having done what it did on yesterday. Now, if we want cooperative-marketing legislation, the sure way to get it is to carry this motion that has been made to concur in the Senate amendment, and it is in the interest of this legislation in the closing days of the Congress that I have made the motion; and if there are any injustices to the producers of turpentine or of any benefits to be gained through this legislation, I will be one of the first to help the men in the next session of Congress to get an amendment to the bill so they can be benefited thereby. [Applause.] But let us not jeopardize the whole framework by sending it back to conference, and——

Mr. SCHAFER. Will the gentleman yield?

Mr. BEGG. I do.

Mr. SCHAFER. Why this cry in the closing days of a session as an argument not to consider legislation of this kind? We do not have to adjourn on Saturday; we have several days in which we can consider it.

Mr. BEGG. It is fine, and the gentleman has my permission to stay in the city all summer if he wants to do so, but I am going to Ohio.

Mr. Speaker, I move the previous question.

Mr. GARRETT of Tennessee. Before the gentleman moves the previous question will he yield me a minute or two?

Mr. BEGG. Gladly.

Mr. GARRETT of Tennessee. Only a couple of minutes. Mr. Speaker, I do not share with the gentleman from Ohio the belief that it is so essential to concur in this Senate amendment without at least some effort on the part of the House to have its will as expressed in the amendment passed upon in conference. Unfortunately I was ill the day that this particular amendment was considered in the House, to this particular bill, but from the RECORD and my recollection of what I heard this naval stores proposition was put in in the Committee of the Whole House and subsequently accepted by the House after a very full debate and with practically no division in the House. Now, assuming we shall adjourn, as most of us hope to do, on Saturday, I think there is still time to test this matter out by conference, and so I shall at the proper times ask for a division of these amendments, the first Senate amendment or second, whichever it is, but I for one shall vote against concurring in the Senate amendment which strikes naval stores out when the House expressed itself so strongly on the question, and let us see what can be done in conference concerning it.

Mr. BEGG. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division of the vote on the two amendments.

The SPEAKER. The gentleman asks for a division of the vote on the two amendments. Without objection, the Clerk will report the first amendment.

The first amendment was reported.

Mr. GARRETT of Tennessee. I ask unanimous consent that the vote come on the second amendment first.

The SPEAKER. The Clerk will report the second amendment.

The second amendment was reported.

The SPEAKER. The question is on concurring in the amendment.

The question was taken, and the amendment was concurred in.

The SPEAKER. The question is on concurring in the first Senate amendment.

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 108, noes 58.

Mr. SCHAFER. Mr. Speaker, I object to the vote.

Mr. SEARS of Florida. Mr. Speaker, I challenge the vote on the ground of no quorum, and ask for a yea-and-nay vote.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-five Members are present—not a quorum. As many as favor concurrence in the Senate amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 158, nays 86, not voting 186, as follows:

[Roll No. 129]

YEAS—158

Ackerman	Fort	Lozier	Smith
Adkins	Foss	Lyon	Sosnowski
Andresen	French	McFadden	Speaks
Andrew	Fulmer	McLaughlin, Mich.	Sproul, Ill.
Bachmann	Furlow	McLaughlin, Nebr.	Stephens
Bacon	Gibson	MacGregor	Strong, Kans.
Barbour	Glynn	Magee, N. Y.	Strong, Pa.
Beers	Golder	Magrady	Strother
Begg	Goodwin	Mapes	Sumners, Tex.
Black, N. Y.	Gorman	Martin, Mass.	Taber
Boles	Graham	Mead	Taylor, N. J.
Bowles	Green, Iowa	Menges	Temple
Bowman	Griest	Michener	Thompson
Brand, Ohio	Hale	Miller	Thurston
Brigham	Hall, Ind.	Montgomery	Tilson
Burtness	Hall, N. Dak.	Mooney	Timberlake
Burton	Hardy	Moore, Ohio	Tincher
Campbell	Haugen	Morgan	Tolley
Chalmers	Hawley	Murphy	Underhill
Chapman	Hickey	Newton, Minn.	Underwood
Chindblom	Hill, Md.	Parker	Vestal
Clague	Hill, Wash.	Perlman	Vincent, Mich.
Cole	Hogg	Porter	Vinson, Ky.
Collins	Hooper	Pratt	Voigt
Colton	Houston	Purnell	Wainwright
Coyle	Hudson	Ramseyer	Wason
Crosser	Hull, Morton D.	Rankin	Watres
Crowther	Irwin	Ransley	Watson
Crumpacker	Jenkins	Rathbone	Wheeler
Curry	Johnson, Ill.	Reed, N. Y.	White, Kans.
Darrow	Ketcham	Robinson, Iowa	White, Me.
Denison	Kiess	Robsion, Ky.	Whittington
Dickinson, Iowa	Kopp	Rogers	Williams, Ill.
Dominick	LaGuardia	Rowbottom	Williamson
Dowell	Lampert	Sanders, N. Y.	Wolverton
Dyer	Leatherwood	Schafer	Wood
Fairchild	Leavitt	Schneider	Wyant
Faust	Lehlbach	Scott	Yates
Fish	Letts	Seger	
Fitzgerald, Roy G.	Lindsay	Simmons	

NAYS—86

Abernethy	Dickstein	Lazaro	Reed, Ark.
Almon	Douglass	Little	Romjue
Arnold	Drewry	Lowrey	Rubey
Aswell	Edwards	McDuffie	Sanders, Tex.
Bell	Eslick	McKeynolds	Sandlin
Black, Tex.	Gallivan	McSwain	Sears, Fla.
Bland	Gardner, Ind.	McSweeney	Shallenberger
Bowling	Garrett, Tenn.	Major	Somers, N. Y.
Box	Green, Fla.	Milligan	Spearing
Boylan	Griffin	Montague	Swank
Brand, Ga.	Hammer	Moore, Ky.	Swing
Briggs	Hare	Morrow	Taylor, Colo.
Browning	Harrison	Nelson, Mo.	Taylor, W. Va.
Bulwinkle	Hastings	O'Connell, N. Y.	Thomas
Byrns	Hayden	O'Connell, R. I.	Tucker
Cannon	Hill, Ala.	O'Connor, La.	Warren
Carss	Howard	O'Connor, N. Y.	Weaver
Collier	Huddleston	Oldfield	Wilson, Miss.
Cox	Hull, Tenn.	Peery	Wingo
Cullen	Jeffers	Pou	Wright
Davey	Johnson, Tex.	Quin	
Davis	Lankford	Ragon	

NOT VOTING—186

Aldrich	Drane	Kiefner	Reid, Ill.
Allen	Driver	Kincheloe	Rouse
Allgood	Eaton	Kindred	Rutherford
Anthony	Elliott	King	Sabath
Appleby	Ellis	Kirk	Sears, Nebr.
Arentz	Esterly	Knutson	Shreve
Auf der Heide	Evans	Kunz	Sinclair
Ayres	Fenn	Kurtz	Sinnott
Bacharach	Fisher	Kvale	Smithwick
Bailey	Fitzgerald, W. T.	Lanham	Snell
Bankhead	Fletcher	Larsen	Sproul, Kans.
Barkley	Frear	Lea, Calif.	Stalker
Beck	Fredericks	Lee, Ga.	Steagall
Beedy	Free	Lineberger	Stedman
Berger	Freeman	Linthicum	Stevenson
Bixler	Frothingham	Luce	Stobbs
Blanton	Funk	McClintic	Sullivan
Bloom	Gambrill	McKeown	Summers, Wash.
Britten	Garber	McLeod	Swartz
Browne	Garner, Tex.	McMillan	Sweet
Brumm	Garrett, Tex.	Madden	Swoope
Buchanan	Gasque	Magee, Pa.	Taylor, Tenn.
Burdick	Gifford	Manlove	Thatcher
Busby	Gilbert	Mansfield	Tillman
Butler	Goldsborough	Martin, La.	Tinkham
Canfield	Greenwood	Merritt	Treadway
Carew	Hadley	Michaelson	Tydings
Carpenter	Hawes	Mills	Updike
Carter, Calif.	Hersey	Moore, Va.	Upshaw
Carter, Okla.	Hoch	Morehead	Vaile
Celler	Holaday	Morin	Vare
Christopherson	Hudspeth	Nelson, Me.	Vinson, Ga.
Cleary	Hull, William E.	Nelson, Wis.	Walters
Connally, Tex.	Jacobstein	Newton, Mo.	Wefald
Connery	James	Norton	Weller
Connolly, Pa.	Johnson, Ind.	Oliver, Ala.	Welsh
Cooper, Ohio	Johnson, Ky.	Oliver, N. Y.	Whitehead
Cooper, Wis.	Johnson, S. Dak.	Parks	Williams, Tex.
Corning	Johnson, Wash.	Patterson	Wilson, La.
Cramton	Jones	Peavey	Winter
Crisp	Kahn	Perkins	Woodruff
Davenport	Kearns	Phillips	Woodrum
Deal	Keller	Prall	Woodyard
Dempsey	Kelly	Quayle	Wurzbach
Dickinson, Mo.	Kemp	Rainey	Zihlman
Doughton	Kendall	Rayburn	
Doyle	Kerr	Reece	

So the Senate amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Sweet with Mr. Celler.
Mr. Butler with Mr. Sullivan.
Mr. Snell with Mr. Oliver of New York.
Mr. Reid of Illinois with Mr. Cleary.
Mr. Kiefner with Mr. Connery.
Mr. Stalker with Mr. Bloom.
Mr. Shreve with Mr. Quayle.
Mr. Fenn with Mr. Dickinson of Missouri.
Mr. Treadway with Mr. Weller.
Mr. Sinnott with Mr. Tydings.
Mr. Rowbottom with Mr. Moore of Virginia.
Mr. Manlove with Mr. Busby.
Mr. Kendall with Mr. Doughton.
Mr. Aldrich with Mr. Fletcher.
Mr. Anthony with Mr. Gambrill.
Mr. Bacharach with Mr. Hawes.
Mr. Arentz with Mr. Kindred.
Mr. Bailey with Mr. McClintic.
Mr. Carter of California with Mr. Woodrum.
Mr. Gifford with Mr. Rayburn.
Mr. Hersey with Mr. Parks.
Mr. Connolly of Pennsylvania with Mrs. Norton.
Mr. Burdick with Mr. Auf der Heide.
Mr. Christopherson with Mr. Driver.
Mr. Kelly with Mr. Gasque.
Mr. Summers of Washington with Mr. Kerr.
Mr. Wheeler with Mr. Vinson of Georgia.
Mr. Taylor of Tennessee with Mr. Carew.
Mr. Sproul of Kansas with Mr. Morehead.
Mr. Kirk with Mr. Wilson of Louisiana.
Mr. Johnson of Indiana with Mr. Sabath.
Mr. Carpenter with Mr. Evans.
Mr. Hadley with Mr. Prall.
Mr. Updike with Mr. Goldsborough.
Mr. Hoch with Mr. Linthicum.
Mr. William E. Hull with Mr. Kvale.
Mr. James with Mr. Berger.

The result of the vote was announced as above recorded.

On motion of Mr. HAUGEN, a motion to reconsider the vote whereby the Senate amendment was agreed to was laid on the table.

ADDITIONAL JUDGES OF UNITED STATES COURTS

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 10821.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, in opposition to that part of H. R. 10821 which provides for three additional judges in the southern district of New York, I desire to submit the following:

In the report of the Judiciary Committee of the House of Representatives and the hearings on the bill there is nothing whatsoever in support of the provision for these particular judges except a slight reference in the letter of Attorney General Sargent appearing on page 2 of the report. It is said that the proposal has the indorsement of certain bar associations and business associations. These indorsements were not officially before the House when the bill came up for consideration and are undoubtedly the usual indorsements of such associations interested primarily in their own behalf.

It is the most natural thing in the world for bar associations and lawyers to advocate additional judges, for the modest reason that every lawyer is a potential candidate for the position. The business associations would like to have their disputes determined the day following the service of the process.

One would naturally assume, in all requests for legislation increasing the number of judges in any court, that the need was based on increased business in the particular court or increasing delay in the determination of causes. This request, however, presents a paradox. This is evident from the letter of Attorney General Sargent. There are at present six district judges in the southern district of New York, a greater number than in any other district of the United States. An act of September 14, 1922, created two additional judges for that district on the ground of congestion of business in that court. At the time of that increase, in 1922, there were pending in that court a total of about 18,000 cases other than bankruptcy and about 4,400 bankruptcy cases. As of June 30, 1925, there were pending in that court about 14,000 cases other than bankruptcy and about 4,600 bankruptcy cases. (See Table D of report.) The pendency of bankruptcy cases means nothing in the congestion of the court. These cases involve mere filing of petitions, and so forth, in the court, and seldom come to any issue to be determined by a judge. The clerk of the court or the referees in bankruptcy dispose of practically all of such matters, so that in the consideration of the business of the court bankruptcy cases should be entirely eliminated.

In the Attorney General's letter reference is made to help rendered by visiting judges from outside the district. It is common knowledge that a number of United States district judges throughout the country, in districts where there is not a great deal of work to be done, are not only willing, but in many instances very anxious, to preside in Manhattan—whether because of the attractions of the metropolis or the additional compensation they receive.

A careful analysis of the tables appended to the report will show this gradual decrease of cases pending in that court, but in spite of the gradual cleaning up of business, from some source comes this new demand for additional judges.

Take Table A annexed to the report: As of June 30, 1924, there were pending a total of 22,650 cases, including 5,746 bankruptcy matters. During the fiscal year 1925 there were instituted a total of 8,443 cases, including 2,075 bankruptcy matters. During the same fiscal year, 1925, there was disposed of a total of 12,325 cases, including 3,132 bankruptcy cases, or in other words, during that fiscal year the court, with its present six judges, disposed of 50 per cent more business than was instituted during the year. Why the need for additional judges?

These figures are emphasized further in Table B, on page 12 of the report, where it is shown that during the fiscal year 1925, of cases other than bankruptcy, only 6,368 were instituted and 9,193 were disposed of. That is, the court disposed of 50 per cent more cases than were instituted during that year. The same is true of bankruptcy matters, which are not cases with which the judges are concerned except in a very few instances. In that connection there were instituted 2,075 cases and 3,132 cases were disposed of, or 50 per cent more than were started.

Again, why the need for more judges when the court is disposing of 50 per cent more cases than are instituted each year and when the number of pending cases is being gradually

reduced? Some of us who are practicing lawyers in all the courts in that district and in that locality, besides being generally familiar with court conditions there, have made a personal and thorough investigation in the court itself of the condition of its calendars and find there is no way to determine how much "deadwood" is carried on these calendars. There must be necessarily thousands of the so-called pending cases which are dead and will never be tried. The court has no general call of the calendar, such as the New York State courts, to weed out the deadwood. Take the criminal calendar, for instance. It is common knowledge that great numbers of these have been pending for years, with no idea in the mind of the district attorney of ever calling them for trial. The same is true in every court of great numbers of civil causes. So it is fair to assume that a great percentage of the so-called pending cases are not really pending at all but are just carried from year to year on the clerk's calendar.

Our own personal investigation, as of May 21, 1926—a later date than any set forth in the report—shows cases on the civil jury calendar, as of June 30, 1925, were 1,131, to which were added 462; 552 were disposed of, leaving now on that calendar 1,041. The youngest issue was notice for September 27, 1924, about 18 months ago.

On the admiralty calendar, there were 1,040 cases as of June 30, 1925; 220 were added and 660 were disposed of, leaving now on that calendar only 600 cases. That calendar is about 15 months behind.

On the equity calendar, as of June 30, 1925, there were 608 cases, 1,043 cases were added and 1,152 were disposed of, leaving now on that calendar only 499 cases. That calendar is about one year behind.

As to motions, on June 30, 1925, there were 2,800 on the calendar and the entire 2,800 have been disposed of, and that calendar has been cleaned up.

On the bankruptcy motion calendar—practically the only bankruptcy issues which ever come before the court, and then only for formal signature in most instances—on June 30, 1925, there were 3,461 cases, and the entire 3,461 cases have been disposed of and that calendar is up to date.

On the criminal calendar there were pending, as of May 31, 1926, about 3,258 cases. This is where the deadwood exists.

Much is said about the prohibition cases clogging the calendar of this court. There are only 853 prohibition cases pending, and they are all on the current calendar.

As to the equity prohibition cases—the so-called "padlock" cases—no definite information is obtainable, because they have never been tabulated, but it is common knowledge that these are practically up to date.

The above delay in reaching cases in this court—the longest delay being at most 18 months—has been mentioned as causing great injury to litigants. This delay is much less than the delay in the New York State courts situated in the identical locality, in the Borough of Manhattan. In every instance the United States courts are at least six months ahead of the State courts, and this so-called delay will always exist, because of the geographical conditions existing in the great center of business, the city of New York. The New York State courts have struggled with this problem for years of trying to reduce the length of time it takes for a case to get to trial, and without success. It has been proven that the creation of additional judges does not solve the problem. In fact, a less number of judges might be a deterrent to litigation. Twice within recent years the personnel of the New York Supreme Court in the same locality has been increased by a total of about one-third, without in any respect materially reducing the length of time it takes to reach a case for trial.

Other methods, such as general calendar calls to weed out the deadwood, longer hours and shorter vacations for judges, and the encouragement of settlement and compromise by arbitration and conciliation, have proven much more effective. The business in this district and in this locality will increase faster than any number of judges can ever catch up with it. It is similar to the transportation and housing difficulties ever present and ever increasing in the city of New York.

In this particular instance, however, the advocates have proven their cause against themselves by showing that the two additional judges created in 1922 have been so reducing the calendars that it should not be a long time before the cases are practically up to date. Real students of litigation, however, do not complain of reasonable congestion in courts which results in a considerable length of time between the noticing of the case for trial and its actually being reached on the calendar. Such delay is a great deterrent to unnecessary litigation. Furthermore, it provides time for the litigants to cool off and possibly compromise their difficulties. It would be interesting to tabulate the great number of cases that are started in the heat of a litigous spirit and never reach actual disposal because of the saner judgment of the litigants.

There are many thinking persons who advocate a reasonable delay before a case can be brought to trial.

The delay in this district can not be said to be unreasonable, especially when compared with the much greater delay in the State courts in the same locality.

The schedules annexed to the committee's report are not reliable. To be specific they are incorrect and somewhat misleading in regard to the business of the United States District Court in the Southern District of New York.

The correct schedule of business in the southern district of New York as given to us by the clerk of the court in person and by an actual inspection of his office books, papers, and records is as follows:

Report on United States District Court, Southern District of New York, as of May 21, 1926

	Cases
Civil jury (highest number reached, 1,100, noticed for Sept. 27, 1924; calendar about 18 months behind):	
On calendar June 30, 1925	1,131
Added	462
Tried	123
Discontinued, settled	429
Disposed of	552
Now on calendar	1,041
Admiralty (highest number reached, 900, noticed for Jan. 31, 1925; calendar about 15 months behind):	
On calendar June 30, 1925	1,040
Added	220
Tried	187
Discontinued, settled	473
Disposed of	660
Now on calendar	600
Equity (highest number reached, 460, placed on calendar Apr. 24, 1925; calendar about one year behind):	
On calendar June 30, 1925	608
Added	1,043
Disposed of	[1] 1,152
Now on calendar	499
Motions, general calendar (calendar is up to date):	
On calendar June 30, 1925	2,800
Disposed of	2,800
Bankruptcy-motion calendar (calendar is up to date):	
On calendar June 30, 1925	3,461
Disposed of	3,461

Criminal cases pending May 31, 1926, 3,258; on the calendar, about 160.

Prohibition pending, 853, all on the calendar.

Padlock: No definite information, as they have never been tabulated.

Calendar rules: United States District Court Rules, No. 8. I understand that the law cases include only those which are actually ready for trial.

The above is the live business of this court, all else is deadwood and dormant business.

The discrepancy between the two reports (the committee's and the clerk's) has only one explanation. The report to accompany H. R. 10821 includes all cases pending on the dockets and does not distinguish between the "deadwood" and those cases which are active. The report, submitted by us, shows only those cases which are being moved ahead and will be reached for trial within a year or so. The most startling illustration of the manner in which the "deadwood" is carried along is obtained by looking at the first dockets of the law and equity departments. There we find cases listed as pending which have been carried along as such from 1908 and 1909. There are also cases being carried along in years subsequent to 1908 down to those issues of the present date.

A survey of the criminal branch shows that there were 4,989 cases pending on June 30, 1925. These include indictments which were found but in which no arrest was made, and they lay dormant for years. Nothing has ever been done about them, and unless the man is apprehended they will be carried along indefinitely as a pending case.

During the past year alone there were 1,931 criminal cases disposed of which resulted in fines being imposed; this does not include those cases disposed of in which imprisonment or acquittals were the results. On May 31, 1926, there were only 4,119 cases pending on the criminal docket, which shows that at least on the criminal side of the court they were able to dispose of more cases than were brought in and added to the calendar.

The bankruptcy docket includes all matters, whether they be motions before the court or cases which have been turned over to a referee. They include all cases listed in the dockets, regardless of the status. In many instances the cases lie inactive in a referee's office while the litigants and their attorneys bicker and argue between themselves and eventually come to some conclusion or agreement and drop the case. The bankruptcy motions are taken care of from day to day and are

[1] By trial and discontinuance.

up to date. It is those cases which have never been finished which are included in the pending cases.

The highest number of the cases at issue on the law calendar is No. 2156, and was placed on the calendar on June 23, 1926. In the admiralty part the calendar has for its highest issue No. 1296, which was noticed for trial May 26, 1926. The reason for the great discrepancy between the two reports is that the one report refers to those cases which are in the dockets, regardless of their age and status, while our report has only those cases which are now on the calendar to be tried when reached in their regular order. The difference for the most part consists of those cases which are "deadwood" and probably never will be tried.

For the above reasons the provision of the bill creating these additional judges in the southern district of New York should be entirely eliminated.

LEAVE TO ADDRESS THE HOUSE

Mr. BOWMAN. Mr. Speaker, I ask unanimous consent that immediately after the remarks of the gentleman from Virginia [Mr. MOORE] on Thursday I may be permitted to address the House for 10 minutes on the subject of coal.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that to-morrow, at the conclusion of the remarks of the gentleman from Virginia [Mr. MOORE] he may be permitted to address the House for 10 minutes on the subject of coal. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, after that I ask unanimous consent that Judge GREEN, of Iowa, chairman of the Committee on Ways and Means, may have 40 minutes in which to address the House.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes after the address by the gentleman from Iowa [Mr. GREEN].

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that at the conclusion of the speech of the gentleman from Iowa [Mr. GREEN] he may be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

POINT OF NO QUORUM

Mr. SEARS of Florida. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Two resolutions and two House bills, the substance of which has been carried in the aviation bill recently passed, without objection will lie on the table.

There was no objection.

Mr. SEARS of Florida. Mr. Speaker, out of courtesy to the House I will withhold my point of order.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. DOUGLASS, for five days, on account of important business.

MARYLAND AND FARM RELIEF—THE CONFERENCE REPORT ON H. R. 7893—THE DIVISION OF COOPERATIVE MARKETING IN THE DEPARTMENT OF AGRICULTURE—GENERAL FARM LEGISLATION

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill creating a division of cooperative marketing in the Department of Agriculture.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD on the bill creating a division of cooperative marketing in the Department of Agriculture. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, in a few moments we will vote on the conference report on H. R. 7893, to create a division of cooperative marketing in the Department of Agriculture. There are only two amendments placed on this bill as we originally passed it in the Senate, as appears from my inquiry of the Speaker of a few moments ago. These two Senate amendments are comparatively unimportant. I should vote against them if it were not for the fact that I do not wish to see the passage of this legislation in any way jeopardized.

On Tuesday, January 26, on the floor of the House, I discussed this legislation, which is of vital importance to the farmers of Maryland and to all the agricultural interests of this Nation. I shall, therefore, at this time merely comment on the farm-relief situation as it now exists.

In the House the Agricultural Committee did a most extraordinary thing and reported three bills for farm relief, with the recommendation that each of these bills pass. One was the Curtis-Aswell bill, presenting the Yoakum plan of cooperative marketing. With certain modifications, I consider that a sound bill, which would have been very helpful to the farm situation. I should have voted for that bill. The Agricultural Committee also reported favorably the McNary-Haugen bill and the Tincher bill, which Tincher bill afterwards appeared in the Senate in the form of the Fess amendment proposed to the bill we are to pass here in a few minutes.

In the House the only opportunity to vote was on the McNary-Haugen bill. I, of course, voted against it, as I did in the last Congress. I should have voted against the Tincher-Fess bill had I had the opportunity. It was merely a delusion to the farmer and furnished no real relief.

I hope in the next session of Congress the Curtis-Aswell bill may be presented to us for consideration as the basis of real farm relief, so vital to the farmers of Maryland and to the whole Nation. I feel that this pending bill for a division of cooperative marketing in the Department of Agriculture will be of great assistance to the farming interests. I am delighted to feel that the conference report will pass in a few moments.

The country should study the Curtis-Aswell bill, and therefore I invite attention to the following report of the Committee on Agriculture:

NATIONAL FARM MARKETING ASSOCIATION

Mr. ASWELL, from the Committee on Agriculture, submitted the following report, to accompany H. R. 11606:

The Committee on Agriculture, to which was referred the bill (H. R. 11606) known as the Curtis-Aswell bill, embodying the Yoakum plan, to place the agricultural industry on a sound commercial basis, to encourage national cooperative marketing of farm products, and for other purposes, having considered the same, report it to the House of Representatives, with the recommendation that the same do pass.

OUTLINE OF THE BILL BY SECTIONS

TITLE I. THE NATIONAL FARM MARKETING ASSOCIATION

Section 1: This section states the purpose of the bill in general terms. In order to promote and stimulate the orderly flow of agricultural commodities in commerce, to remove burdens and restraints upon such commerce, and to provide for the processing, preparing for market, handling, pooling, storing, and marketing of these agricultural commodities through cooperative marketing associations the bill creates a marketing corporation. The corporation, called the national farm marketing association, is referred to throughout the bill as the "national association." Twelve individuals are to be named by the three leading farm organizations (the Farmers' Educational and Cooperative Union of America, the National Grange and Patrons of Husbandry, and the American Farm Bureau Federation) as the incorporators. Incorporation is to be held effected when the 12 individuals so named accept and are specified by the President by Executive order.

Section 2: Section 2 confers upon the national association general corporate powers; perpetual succession, power to sue and to be sued, a corporate seal, power to make contracts, to acquire, hold, and dispose of necessary property, the power of appointment and removal of officers and employees, the power to adopt, repeal, and amend regulations, and such other general powers as are not specifically denied by law and as are necessary and proper for the conduct of the business of the corporation. Provision is also made in section 2 that the principal office of the association shall be in the District of Columbia.

Section 3: Under this section the national association is authorized to provide or approve systems of accounting, to provide crop and marketing information, and to advise particularly with respect to diversification of crops and overproduction. The association is authorized to determine upon an annual budget in order to pay its expenses, to make assessments against commodities marketed by the interstate zone organizations, so that the loans and interest provided for in section 301 shall be paid to the United States and so that a reserve fund may be built up to enable the national association to remove the necessity of any governmental assistance in the way of loans. Under subdivision (f) of this section specific authority is given to acquire, construct, maintain, and dispose of or acquire rights of operation in storage warehouses, facilities for transportation in connection with storage of agricultural commodities, and facilities for processing commodities.

Section 4: In this section a board of seven directors, called the national board, is provided for, one of whom is to be designated by the President as fiduciary officer of the United States. This director is to continue in office until the loan provided for in section 301 is repaid to the United States, at which time his term of office will cease. He is paid no salary by the national association, and his appointment is provided for only because of the loan feature of the bill. The other six directors are elected by the incorporators (two from each of the three organizations named in sec. 1) and their successors are to be elected by the members of the national association at the annual meeting provided for in section 7. The section contains provisions for salaries of the elected directors, terms of office, and the usual provisions concerning vacancies and the number required to constitute

a quorum for the transaction of business. The number of elected directors can not exceed 13.

Section 5: The national association is to be a membership corporation without capital stock, and section 5 makes provision for the members of the association. The incorporators designated in section 1 are to be the first members, and successors are to be elected, in accordance with the provisions of section 203, by the representatives of the interstate zone organizations. Regularly elected members are to hold office for three years.

Section 6: This section deals generally with the manner in which the national association is to commence operations after the passage of the act. No specific method has been prescribed, it being considered advantageous to allow the association a free hand in its mode of procedure, the only limitation upon its operations being that in so far as practicable existing cooperative associations and other marketing agencies which are immediately available should be utilized and commodities which are considered as best adapted to national cooperative marketing should first be selected.

Section 7: This section imposes certain duties upon the members of the national association. They are required to convene at the call of the board of directors at an appointed place, annually to elect the directors of the board, to fix the salaries of the directors, to approve the budget of the national association, and to prepare a schedule of commodity assessments which when approved by the board of directors may be levied by the interstate zone organizations upon their members. Generally, the members are to act as an advisory group to represent their organizations and to supervise the operations of the national board.

Section 8: This section provides for branch offices of the national association, and that the association is to be regarded as an inhabitant and resident of the District of Columbia.

Section 9: This section requires the association to keep books at its principal office showing the minutes of the meetings and accounts of the association's business transactions.

Section 10: This section requires the national association to make an annual report to Congress in respect of all loans until such loans are repaid.

TITLE II. THE INTERSTATE ZONE COOPERATIVE MARKETING ASSOCIATION

Section 201: In order to carry out the functions vested in it by the bill, the national association is authorized to provide for the organization of interstate zone cooperative marketing associations in the several States. No specific form of organization is prescribed in the bill, so the national association is authorized to provide the form of organization in each State whether by incorporation, contractual agreement, or otherwise.

Section 202: Each interstate zone organization is to select annually a board of directors to direct the operations of the organization, and the board is to elect annually an individual to represent it at an annual convention of the representatives of State associations. The principal duty of the interstate zone organization is to organize local cooperative associations in accordance with the provisions of the Capper-Volstead Act, entitled "An act to authorize associations of producers of agricultural products," approved February 18, 1922. Any local cooperative association, already formed and included within the provisions of such act, is eligible to membership.

Section 203: The representatives selected by the interstate zone organizations, in accordance with section 202, are to convene annually at a designated place to elect the members of the national association. Each representative has but one vote, which must be cast in person.

Section 204: In order to regulate effectively the interstate zone organization and local associations, the national association is authorized to prescribe regulations requiring both local and interstate zone organizations to adopt approved systems of accounting, to use the systems of reporting and disseminating crop and marketing information provided by the national association, to use approved forms of agreement under which a local association may be admitted to membership in a State association, to use intrastate grading standards and marketing schedules, not in conflict with law, for the commodities marketed through the interstate zone organization, so as to avoid market glutting and destructive trade conditions. The payment by the State association of the commodity assessments, fixed by the interstate zone organization under section 3, is here required by regulation.

If the national association finds by a vote of two-thirds of its members that any interstate zone organization or local association has failed to comply with any regulation prescribed under this section, the national association will adopt a resolution publishing such finding, and thereupon the interstate zone organization association shall be ineligible, for a designated period, to obtain any loan provided in section 302, to be represented at an annual convention of representatives of interstate zone organizations, or to obtain the antitrust exemptions of section 303. If the violation is that of a local association, the interstate zone organization is not to be ineligible if, within 30 days, the interstate zone organization terminates or suspends the local association for a designated period of time.

Section 205: This section provides for operating zones to facilitate marketing. Interstate zone organizations marketing a commodity within a zone designated by the national association may consolidate their marketing operations and may jointly contract with or establish such organization as they deem advisable.

TITLE III. MISCELLANEOUS PROVISIONS

Section 301: This section provides for an appropriation by the United States of $10,000,000, which is to be set aside as a revolving loan fund in the Treasury, available to the national association until December 31, 1936. Payments from such fund are to be made only upon the direction of the director designated by the President upon application by the national board. The loans are to bear interest at the rate of 4½ per cent per annum until repaid, and repayment is to be made from commodity assessments fixed by the national association.

Section 302: The loans from such fund are to be made to the national association for administration expenses, including expenditures for the organization of interstate zone organizations, for expenses incurred by it in its organization of local associations.

Section 303: The Capper-Volstead Act, approved February 18, 1922, authorizes producers of certain agricultural products to organize as cooperative associations and provides that these associations may have marketing agencies in common. Under section 2 of the act, however, these associations are subject to regulation to prevent monopoly in restraint of trade which may unduly enhance the price of a commodity. The act is designed to supplant the antitrust laws in so far as agriculture is concerned by removing these associations from the general application of the antitrust laws, but it places certain restrictions upon the associations which the Secretary of Agriculture is to enforce. Section 303 brings the national association and the interstate zone organizations directly within the purview of the act by designating them marketing agencies thereby granting them the antitrust law exemptions, but makes them subject to the same restrictions as a local association in so far as unreasonable price enhancement is concerned.

Section 304: This section provides for cooperation with executive departments in order to effectuate the purposes of the act. Any Government establishment in the executive branch of the Government, upon written request of the national association, is authorized to cooperate with such association or with any interstate zone organization to such extent as the head of such Government establishment deems compatible with the interests of the Government.

Sections 305 and 306: Section 305 contains the usual separability provision in the event of unconstitutionality, and section 306 reserves to the Congress the right to alter, amend, or repeal the provisions of the act.

Section 307: Section 307 provides the short title of "National Farm Marketing Association Act of 1926."

H. R. 11603, KNOWN AS THE CURTIS-ASWELL BILL, EMBODYING THE YOAKUM PLAN, CREATES A NATIONAL FARM MARKETING ASSOCIATION AND—

Proposes a permanent marketing system—	Not temporary relief only.
Proposes a marketing system national in scope—	Not a sectional marketing system.
Proposes farmer control and management—	Not governmental control of farm marketing.
Proposes that farmers themselves elect their own officers—	Not to throw selection of officials into political campaigns.
Proposes continuous service for efficient officers—	Not that administrations periodically change officials.
Proposes to control production and curb surpluses—	Not to encourage overproduction.
Proposes repayment of loan by commodity assessments fixed by the farmers—	Not an equalization fee assessed by a Federal board.
Proposes self-made rules and regulations—	Not to hamper farmers with Federal dictation.
Proposes home rule for the American farmer—	Not to create Federal agents or inspectors.
Proposes a separate organization for each farm commodity—	Not that one board handle all commodities.
Proposes State, zone, and national farmer boards—	Not to establish Federal bureaus and commissions.
Proposes farmer representative control—	Not "pork" or patronage.
Proposes a loan of $10,000,000 for organization purposes by the Government to be repaid with interest—	Not to place a heavy burden on the taxpayers by a subsidy from the Federal Treasury.
Proposes to stabilize farm prices under economic laws—	Not to establish artificial Federal price fixing.
Proposes to protect the consumers—	Not to allow exorbitant price raising to the consumer.
Proposes to absorb the unnecessary profits of useless middlemen—	Not to increase the handling costs.
Proposes to prevent gambling and speculation—	Not to continue speculation in domestic markets.
Proposes to solve the problems of domestic marketing—	Not to leave domestic products in control of the market monopoly.

Proposes a plain, simple law, free from technicalities—	Not a complex statute, loaded down with indefinite terms and technical phrases.
Proposes to establish farmers in their own business—	Not to put the Government into the farm business.
Proposes to establish true cooperation—	Not to establish State socialism.
Proposes economic independence—	Not to establish paternalism.

I know that many of the most able students of farm problems favor this form of relief, which does not quote a subsidy. The following is but one of the letters I have received:

RISING SUN LOCAL NO. 1, RISING SUN, MD.,
FARMERS' EDUCATIONAL AND COOPERATIVE UNION OF AMERICA,
Port Deposit, Md., May 4, 1926.

Hon. JOHN PHILIP HILL,
House of Representatives, Washington, D. C.

DEAR SIR: We are urging the passage of the Curtis-Aswell bill. It is the only bill that provides for the national cooperative marketing system directed by the farmers themselves.

Let us have a real national marketing system, owned and controlled by the farmers.

Yours very truly,

J. H. KIMBLE, *President.*

The farm-relief question is one for serious and sound treatment, not for phony panaceas. I hope the next session will deal successfully with the matter.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 6087. An act to reinstate Joe Burton Coursey in the West Point Military Academy;

H. R. 8941. An act for the relief of Turpin G. Hovas;

H. R. 11989. An act for the relief of Caleb W. Swink; and

H. R. 12642. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12467. An act granting the consent of Congress to the Jackson & Eastern Railway Co. to construct, maintain, and operate a railroad bridge across the Pearl River in the State of Mississippi;

H. R. 6087. An act to reinstate Joe Burton Coursey in the West Point Military Academy;

H. R. 10827. An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes;

H. R. 11378. An act for the relief of Herbert A. Wilson; and

H. R. 12311. An act granting the consent of Congress to the State of Minnesota, or Dakota County, Washington County, or Ramsey County, in the State of Minnesota, or either or several of them, to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Thursday, July 1, 1926, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. H. R. 10510. A bill to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them; with amendment (Rept. No. 1570). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12732. A bill granting the consent of Congress to the city of Chicago to construct a free bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois; with amendment (Rept. No. 1571). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 12796. A bill granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga.; with amendment (Rept. No. 1572). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. H. R. 12952. A bill to authorize the village of Decatur, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa; with amendment (Rept. No. 1573). Referred to the House Calendar.

Mr. VESTAL: Committee on Patents. H. R. 13043. A bill providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United States during the World War; without amendment (Rept. No. 1574). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. S. 1344. An act to amend paragraph (11), section 20, of the interstate commerce act; with amendment (Rept. No. 1580). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 7472. A bill to punish the transportation of stolen property in interstate or foreign commerce; with amendment (Rept. No. 1581). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINCENT of Michigan: Committee on Claims. H. R. 1579. A bill for the benefit of persons suffering loss on account of the Lawton fire, 1917; with amendment (Rept. No. 1575). Referred to the Committee of the Whole House.

Mr. STEPHENS: Committee on Naval Affairs. H. R. 1691. A bill for the relief of Henry F. Downing; without amendment (Rept. No. 1576). Referred to the Committee of the Whole House.

Mr. VINCENT of Michigan: Committee on Claims. H. R. 8477. A bill for the relief of Frank J. Dwyer; without amendment (Rept. No. 1577). Referred to the Committee of the Whole House.

Mr. VINCENT of Michigan: Committee on Claims. S. 598. An act for the relief of Alexander McLaren; without amendment (Rept. No. 1578). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2619. An act for the relief of Oliver J. Larkin and Lona Larkin, with amendment (Rept. No. 1579). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SUTHERLAND: A bill (H. R. 13162) to authorize the Secretary of Agriculture to acquire a herd of musk oxen for introduction into Alaska for experimentation with a view to their domestication and utilization in the Territory; to the Committee on Agriculture.

By Mr. HASTINGS: A bill (H. R. 13163) to reimburse certain Eastern Cherokees who removed themselves to the Cherokee Nation under the terms of the eighth article of the treaty of December 29, 1835; to the Committee on Indian Affairs.

By Mr. TAYLOR of New Jersey: A bill (H. R. 13164) to provide for continuance in service of enlisted members of the crew and civilian employees of the United States Government who were serving on the U. S. S. *Shenandoah* on September 3, 1925; to the Committee on the Civil Service.

By Mr. WELLER: Joint resolution (H. J. Res. 288) to assure permanent peace by independent action, to remove human incentive toward war by eliminating completely all profit during any possible war, thus sterilizing, as far as legislative action can achieve, the germ that begets war; to the Committee on Rules.

By Mr. MADDEN: Joint resolution (H. J. Res. 289) creating a commission to investigate the subject of civil-service retirement and the operation and administration of the laws relating thereto; to the Committee on Rules.

By Mr. MORTON D. HULL: Resolution (H. Res. 311) requesting the Comptroller of the Currency to procure the opinion of the Attorney General of the United States as to whether he has the legal authority to issue the so-called teller-window license to national banks; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 13165) granting an increase of pension to Mary C. Fullerton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13166) granting an increase of pension to Elizabeth M. Reynolds; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 13167) for the relief of Hermie Frederick; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 13168) granting an increase of pension to Anna M. Imber; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 13169) granting an increase of pension to Eva Schneider Hock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13170) granting an increase of pension to Josephine Kelley; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 13171) granting an increase of pension to Susie E. Brown; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 13172) granting an increase of pension to Amelia Jones; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13173) granting an increase of pension to Stella S. Elmer; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 13174) granting a pension to Emma Hammond; to the Committee on Invalid Pensions.

By Mr. HILL of Maryland: A bill (H. R. 13175) for the relief of Sam Alexander; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 13176) to correct the military record of Lemuel Horton; to the Committee on Military Affairs.

By Mr. MacGREGOR: A bill (H. R. 13177) granting an increase of pension to Elizabeth Schorpp; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 13178) granting an increase of pension to Margaret M. Esler; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 13179) granting a pension to Sabina Ramsey; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 13180) granting a pension to Grace Leona Delamater; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13181) granting an increase of pension to Mary J. Appleby; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 13182) granting an increase of pension to Eliza A. Willison; to the Committee on Pensions.

By Mr. SMITH: A bill (H. R. 13183) granting an increase of pension to Caroline Grimwood Mitchell; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 13184) granting an increase of pension to Mary Mullin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13185) granting an increase of pension to Delphine Atwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13186) granting a pension to Rissa Vene Goodell; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 13187) granting an increase of pension to Hattie Corey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3053. By Mr. ADKINS: Petition of sundry voters of Sullivan, State of Illinois, in favor of Civil War pension bill now before Congress; to the Committee on Invalid Pensions.

3054. By Mr. ALDRICH: Petition of sundry citizens of Rhode Island, urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

3055. By Mr. ANTHONY: Petition of sundry citizens of Horton, Kans., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3056. Also, petition of sundry citizens of Topeka, Kans., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3057. By Mr. BACON: Petition of sundry citizens of Mineola, Long Island, N. Y., praying for the passage of the Civil War pension bill at this session of Congress; to the Committee on Invalid Pensions.

3058. Also, petition of sundry citizens of Amityville, Long Island, N. Y., praying for the passage of the Civil War pension bill at this session of Congress; to the Committee on Invalid Pensions.

3059. Also, petition of sundry citizens of Sayville, Long Island, N. Y., praying for the passage of the Civil War pension bill at this session of Congress; to the Committee on Invalid Pensions.

3060. Also, petition of sundry citizens of Sea Cliff, Long Island, N. Y., praying for the passage of the Civil War pension bill at this session of Congress; to the Committee on Invalid Pensions.

3061. Also, petition of sundry citizens of Hempstead, Long Island, N. Y., praying for the passage of the Civil War pension bill at this session of Congress; to the Committee on Invalid Pensions.

3062. By Mr. BEERS: Petition of sundry citizens of Rouzerville, Franklin County, Pa., favoring the passage of bill to increase the pension of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3063. By Mr. CANFIELD: Petition of Mrs. Rilla Huffman and 26 other voters of Dearborn County, Ind., favoring passage of bill to increase pensions of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3064. By Mr. CONNERY: Resolution of the Lawrence (Mass.) Real Estate Protective Association, asking Congress to investigate conditions in the textile industry of Lawrence and New England; to the Committee on Interstate and Foreign Commerce.

3065. By Mr. COOPER of Ohio: Petition of sundry citizens of West Mecca, Ohio, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3066. By Mr. CRUMPACKER: Petition of R. H. Confrey, of Portland, Oreg., and other citizens of Multnomah County, Oreg., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3067. By Mr. EVANS: Petition of sundry citizens of Bozeman, Mont., urging the enactment of legislation on behalf of Civil War veterans; to the Committee on Invalid Pensions.

3068. Also, petition of sundry citizens of Alder, Mont., urging a vote on the Civil War pension bill; to the Committee on Invalid Pensions.

3069. By Mr. FREDERICKS: Petitions of sundry voters of Los Angeles, Calif., urging immediate action on pending legislation for Civil War veterans and widows; to the Committee on Invalid Pensions.

3070. By Mr. GALLIVAN: Resolution adopted at the quarterly meeting of the American-Irish Historical Society (John J. Splain, president general, 132 East Sixteenth Street, New York, N. Y.), held on May 12, 1926, urging repeal of section 2, subdivision (b) of the immigration law, as calculated to operate detrimentally to the unity of our American citizenship by establishing a basis for immigration incapable of being determined scientifically, and denouncing as grotesquely misleading the tentative quotas given to the public and attributed to John B. Trevor; to the Committee on Foreign Affairs.

3071. By Mr. GARBER: Petition of sundry voters of Enid, Okla., favoring immediate legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3072. Also, petition of sundry voters of Fairview, Okla., favoring immediate legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3073. Also, petition of sundry residents of Optima, Okla., protesting against the four compulsory Sunday observance bills now pending before Congress; to the Committee on the District of Columbia.

3074. By Mr. GRIEST: Petition of sundry citizens of Peach Bottom, Lancaster County, Pa., asking increased pensions for veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

3075. Also, petition of sundry citizens of East Donegal and Marietta, Pa., asking increased pensions for veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

3076. By Mr. HAUGEN: Petition of 42 voters of Allamakee County, Iowa, urging immediate consideration and passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3077. By Mr. HAWLEY: Petition of sundry citizens of Corvallis, Oreg., that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3078. Also, petition of sundry citizens of Rainier, Oreg., to take immediate action to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3079. By Mr. HAYDEN: Petition of sundry citizens of Phoenix, Ariz., favoring the passage of Civil War pension bill; to the Committee on Invalid Pensions.

3080. By Mr. HOGG: Petition of 84 voters of Angola, Steuben County, Ind., asking for increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3081. By Mr. JOHNSON of Indiana: Petition of certain voters of Park County, Ind., for the passage of the Elliott bill to increase Civil War pensions; to the Committee on Invalid Pensions.

3082. By Mr. KETCHAM: Petition of 79 residents of Burr Oak, Mich., and vicinity, requesting relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3083. By Mr. KIESS: Petition of sundry citizens of Williamsport, Pa., favoring legislation granting increased pension to Civil War soldiers and their widows; to the Committee on Invalid Pensions.

3084. By Mr. LEAVITT: Petition of sundry residents of Livingston, Mont., favoring passage of pension legislation during the present session for the benefit of soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

3085. By Mr. McLAUGHLIN of Nebraska: Petition of George F. Croos and other residents of York, Nebr., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3086. By Mr. MAJOR: Petition of sundry citizens of Benton County, Mo., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

3087. Also, petition of sundry voters of Saline County, Mo., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

3088. By Mr. MANLOVE: Petition of 12 citizens of Newton County, Mo., urging the enactment of legislation in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3089. By Mr. MORIN: Petition of sundry citizens of Pittsburgh, Pa., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3091. By Mr. MURPHY: Petition of sundry citizens of Columbiana County, Ohio, urging the immediate consideration and passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3092. By Mr. O'CONNELL of New York: Petition of Mrs. Elizabeth Sattler, 219 Covert Street, and 30 other citizens of Brooklyn, N. Y., favoring the passage of the Elliott bill granting increases of pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

3093. By Mr. O'CONNELL of Rhode Island: Petition of sundry residents of Pawtucket and Central Falls, R. I., urging immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3094. By Mr. O'CONNOR of Louisiana: Petition of various voters of New Orleans, La., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3095. By Mr. PORTER: Petition of sundry citizens of Pittsburgh, Pa., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3096. By Mr. QUAYLE: Petition of the Grand Army of the Republic, urging immediate action on the Civil War pension bill; to the Committee in Invalid Pensions.

3097. By Mr. RAMSEYER: Petition of sundry citizens of Davis County, Iowa, urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3098. By Mrs. ROGERS: Petition of sundry voters of South Acton, Mass., requesting prompt consideration and passage of bill to increase Civil War pensions; to the Committee on Invalid Pensions.

3099. By Mr. ROMJUE: Petition of Mrs. Matilda Moncrief, of La Plata, Mo., asking for immediate consideration of legislation granting more liberal pensions to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3100. By Mr. ROWBOTTOM: Petition of John Wiegand, Jacob Korff, and others, of Evansville, Ind., asking that bills increasing rates of pensions of Civil War veterans and widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

3101. By Mr. SIMMONS: Petition of sundry citizens of Hemmingford, Nebr., urging passage of Civil War pension legislation; to the Committee on Invalid Pensions.

3102. By Mr. SINCLAIR: Petition of L. D. Alden and others, of Powers Lake, N. Dak., asking increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3103. By Mr. STRONG of Kansas: Petition of Mrs. Susan Kid and other voters of Longford, urging passage of bill to increase pensions of Civil War veterans and their widows before adjournment of Congress; to the Committee on Invalid Pensions.

3104. Also, petition signed by 53 voters of Blue Rapids, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy suffering veterans and their widows; to the Committee on Invalid Pensions.

3105. Also, petition signed by sundry voters of Miltonvale, Kans., urging enactment of Civil War pension bill; to the Committee on Invalid Pensions.

3106. By Mr. SWANK: Petition of sundry voters of Oklahoma City, Okla., in behalf of the Civil War pension bill; to the Committee on Invalid Pensions.

3107. By Mr. SWING: Petition of certain residents of San Diego, Calif., urging immediate action by Congress on the Civil War pension bill; to the Committee on Invalid Pensions.

3108. By Mr. THATCHER: Petition of sundry citizens of Louisville, Ky., asking increased pensions for veterans of Civil War and their widows; to the Committee on Invalid Pensions.

3109. By Mr. TIMBERLAKE: Petition of sundry citizens of Akron, Colo., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3110. By Mr. TINCHER: Petition of sundry citizens of Kingman, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3111. Also, petition of sundry citizens of Reno County, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3112. Also, petition of sundry citizens of Hutchinson, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3113. Also, petition of sundry citizens of Hamilton County, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3114. Also, petition of sundry citizens of Hugoton, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3115. Also, petition of sundry citizens of Finney County, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3116. By Mr. VAILE: Petition of sundry citizens of Denver, Colo., urging the passage of Civil War pension legislation; to the Committee on Invalid Pensions.

3117. By Mr. VINSON of Kentucky: Petition of sundry voters who reside at Grayson, in the ninth congressional district of Kentucky, urging the passage before adjournment of Congress of a bill for the relief of veterans of the Civil War, their widows and children; to the Committee on Invalid Pensions.

3118. Also, petition of sundry voters who reside at Bethel, in the ninth congressional district of Kentucky, urging the passage before adjournment of Congress of a bill for the relief of veterans of the Civil War, their widows and children; to the Committee on Invalid Pensions.

3119. Also, petition of sundry voters who reside in the town of Whick, in the ninth congressional district of Kentucky, urging the passage before adjournment of Congress of a bill for the relief of veterans of the Civil War, their widows, and children; to the Committee on Invalid Pensions.

3120. By Mr. WOLVERTON: Petition of various voters of Doddridge County, W. Va., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

3121. Also, petition of various voters of Lewis County, W. Va., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

3122. Also, petition of various voters of Calhoun County, W. Va., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

3123. Also, petition of various voters of Upshur County, W. Va., urging immediate action of Civil War pension bill; to the Committee on Invalid Pensions.

3124. By Mr. WOOD: Petition signed by William A. Dresser, Ames Miller, and others, of Lafayette, Tippecanoe County, Ind., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *July 1, 1926*

The Chaplain, Rev. J. J. MUIR, D. D., offered the following prayer:

Our heavenly Father, the same yesterday, to-day, and forever, intensely fruitful in Thy regard for us, giving to us the joy of the morning and the realization all the while that we are in Thy care, we thank Thee, Father, for opportunities of service, so that this dear land near to our hearts shall be exalted in righteousness and the highest elements of good shall be realized by the people individually as well as collectively. We ask Thy blessing to-day. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shipstead
Bayard	Ernst	McMaster	Shortridge
Bingham	Fernald	McNary	Simmons
Blease	Ferris	Mayfield	Smoot
Borah	Gerry	Metcalf	Stanfield
Bratton	Glass	Moses	Steck
Broussard	Gooding	Neely	Stephens
Bruce	Hale	Norbeck	Swanson
Butler	Harreld	Norris	Trammell
Cameron	Harris	Overman	Tyson
Capper	Harrison	Pine	Underwood
Caraway	Heflin	Pittman	Wadsworth
Copeland	Howell	Ransdell	Walsh
Couzens	Johnson	Reed, Pa.	Warren
Cummins	Jones, N. Mex.	Robinson, Ark.	Watson
Curtis	Jones, Wash.	Robinson, Ind.	Wheeler
Dale	Kendrick	Sackett	Williams
Deneen	King	Schall	Willis
Dill	La Follette	Sheppard	

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 12537) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 7893. An act to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes;

H. R. 10314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 12175. An act to amend the World War veterans' act, 1924.

The message further announced that the House had agreed to the amendment of the Senate No. 1 to the bill (H. R. 5810) granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State, and that the House had agreed to the amendment of the Senate No. 2 to the said bill, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 11768) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 10827. An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes;

H. R. 11370. An act for the relief of Herbert A. Wilson;

H. R. 12311. An act granting the consent of Congress to the State of Minnesota, or Dakota County, Washington County, or Ramsey County, in the State of Minnesota, or either or several of them, to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.; and

H. R. 12467. An act granting the consent of Congress to the Jackson & Eastern Railway Co. to construct, maintain, and operate a railroad bridge across the Pearl River in the State of Mississippi.

MISUSE OF FRANKING PRIVILEGE IN IOWA ELECTION CAMPAIGN

Mr. REED of Pennsylvania. Mr. President, I send to the desk a letter from the Third Assistant Postmaster General, which I ask may be read.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read the letter, as follows:

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington, June 29, 1926.

Hon. DAVID A. REED,
United States Senate, Washington, D. C.

MY DEAR SENATOR REED: With reference to the letter addressed to you under date of June 2, 1926, concerning the mailing free of postage in envelopes bearing your frank of a four-page circular entitled "Brookhart's Voice Is the Voice of Iowa," published by the Brookhart campaign committee, Des Moines, Iowa, I have to say that a careful investigation has been made and the facts as ascertained are as follows:

It appears that a quantity of the sealed envelopes bearing your frank, in which was inclosed an extract from the CONGRESSIONAL RECORD sent in bulk to Maj. Frank J. Lund, manager of the Brookhart State campaign committee, were sent to his law office at Webster City, Iowa, where the envelopes were addressed by his personal stenographer, Miss Mae Hanken. Miss Hanken states that while mailing out the matter in question she opened approximately 150 of the envelopes and inclosed the four-page circular, "Brookhart's Voice Is the Voice of Iowa," resealing the envelopes and mailing them under the frank appearing thereon without payment of postage. She alleges that this was done without the knowledge of Major Lund and that she inclosed the circulars in the envelopes on her own initiative, not thinking that such action was in violation of any law.

Upon being informed of the circumstances, Major Lund paid the postage properly chargeable on the circulars inclosed in your franked envelopes. Since it appears that Miss Hanken's action in this matter was without the knowledge of anyone officially connected with the Brookhart campaign committee, being merely an inadvertance on her part due to a misapprehension as to its propriety, no further action has been taken.

Sincerely yours,

R. S. REGAR,
Third Assistant Postmaster General.

PETITIONS AND MEMORIALS

Mr. ROBINSON of Arkansas presented a letter in the nature of a memorial from the Scott-Meyer Commission Co., of Little Rock, Ark., protesting against an alleged contemplated action on the part of the marketing division, Department of Agriculture, of adopting the procedure of issuing a license or special listing of approval of such dealers in perishable products as signify that they desire the approval of the department and who agree to trade under such rules as are promulgated by the department, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. JONES of Washington presented a petition of sundry citizens of Camas, Wash., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

Mr. WILLIAMS presented petitions of sundry citizens of St. Louis, Springfield, Unionville, and Butler County, all in the State of Missouri, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. McNARY. Mr. President, at the request of the Senator from Nevada [Mr. ODDIE] I ask to have printed in the RECORD and referred to the Interstate Commerce Committee a resolu-

tion adopted by the Reno Stock Exchange, signed by Mr. Frank M. Conehay, secretary of the exchange, of the city of Reno, Nev.; together with resolutions adopted by the board of directors of the Reno Chamber of Commerce.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

RENO, NEV., *February 1, 1926.*

This is to certify that at a meeting of the Reno Stock Exchange, held on Saturday, January 30, 1926, at Reno, Nev., the following resolution was unanimously adopted:

"Whereas it appears to the members of the Reno Stock Exchange that the provisions of H. R. 52, to regulate the sale of stock and other securities by the Federal Government, would be detrimental to the development of the mining industry of Nevada and the West generally; Now, therefore, it is hereby

"*Resolved*, That the Reno Stock Exchange hereby expresses its disapproval of said measure and requests our United States Senators and our Representative in Congress to oppose the same. We hereby direct our secretary to send copies of this resolution to our United States Senators and Representative."

FRANK M. CONEHAY,
Secretary Reno Stock Exchange.

Resolutions by the Reno Chamber of Commerce

Whereas it has recently come to our attention that on or about December 22, 1925, the Committee on Interstate and Foreign Commerce of the House of Representatives of the United States favorably reported House bill No. 52, relating to the sale of securities, and which seeks to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities in States having so-called "blue-sky laws" without first obtaining the consent thereto of the securities commissions of such States, and which also declares it illegal to sell through the mails mining or oil or other primary or development stocks not listed on exchanges of cities having a population exceeding 500,000; and

Whereas similar legislation, known as the Denison bill, was proposed during the last session of Congress and was considered and opposed by this committee and chambers of commerce and other organizations of numerous Western States as extremely prejudicial to the interests of this section; and

Whereas in the development of the natural resources and industries of the State of Nevada and other Western States the aid of outside capital must be enlisted and relied upon to a very great extent, which financial assistance is obtained largely as a result of the right to the use of the United States mails for this legitimate purpose; and

Whereas after careful consideration it is the opinion of this body that if enacted the legislation contemplated by said House bill No. 52 would seriously hamper and retard the development of the natural resources and industries of the Western States, and particularly of the State of Nevada, in that it would render impracticable or illegal the offering and sale through the medium of the United States mails of most securities originating in the West; and

Whereas it is believed that said bill represents another attempt on the part of eastern investment banking interests to put over legislation which would render it extremely difficult, if not impossible, to finance development of western resources, whether oil or mining or agricultural, but which at the same time would enable eastern investment banking houses to sell in the West their securities without let or hindrance; and

Whereas it is also the opinion of this body that in its purpose, terms, and effect said proposed legislation is unjustly discriminatory against western industry in general and the mining industry in particular: Therefore, be it

Resolved, That we, the board of directors of the Reno Chamber of Commerce, protest against and hereby place ourselves on record as unalterably opposed to the passage of said House bill No. 52 or any measure similar in purpose or effect; and

Whereas this committee is informed through sources considered reliable that said bill was reported by said House committee without having afforded the citizens affected thereby an opportunity for hearing thereon and without having given to their representatives in Congress any notice thereof: Therefore be it

Resolved, That copies of this resolution be forwarded to Senators KEY PITTMAN and TASKER L. ODDIE and Representative SAMUEL S. ARENTZ, and said representatives be requested to do all possible in having this legislation not passed.

Adopted by board of directors, Reno Chamber of Commerce, Reno, Nev., February 9, 1926.

NATIONAL PARKS IN FLORIDA

Mr. TRAMMELL. Mr. President, I have pending before the Committee on Public Lands and Surveys a bill providing for a commission to look into the question of the establishment of national parks in the State of Florida. I have here an editorial from the Jacksonville (Fla.) Journal bearing upon the question of appropriations which are being made in other States. I desire to have it printed in the RECORD and referred to the Committee on Public Lands and Surveys.

There being no objection, the editorial was referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows:

[From the Jacksonville (Fla.) Journal, June 23, 1926]

MUST ASK FOR APPROPRIATIONS

Florida's delegation to Congress should make some effort for the State's share in the appropriations which are annually given to the construction of roads and improvements in national parks. Recently tentative apportionment of $2,000,000 appropriated by Congress was announced by the Interior Department without a dime for Florida's national parks, which include the Choctawahatchee National Forest of 735 square miles and the Ocala National Forest of slightly lesser area, totaling 337,938 acres.

Nor is this the first time that Florida has been slighted in the matter of appropriations for its national forests. She has never been noticed in the matter of appropriations, the only instance where the Florida forests received any attention whatever being in 1924, when she was entitled to some kind of a share in $13,980 apportioned to Florida, Michigan, Minnesota, Nebraska, North Dakota, Oklahoma, and Porto Rico. The records do not show how much of this sum the Florida forests received, but it is probable that it was negligible, in line with the interest shown in the matter by the Florida delegation.

So little attention has been paid to Florida forests that Congress did not appropriate a nickel for fire protection for the year 1924, the last year for which figures are available, while $21,500 was being spent in Minnesota, $21,500 in North Carolina, $21,500 in Maine, $21,000 in New York, and lesser amounts in other States for the purpose of fire protection, a total expenditure of $372,841.

The people of Florida and the visitors to Florida are entitled to the use of the national forests situated in the State. They are entitled to roads leading into and through these forests. Although they are open to the public, the public never visits them because of the fact that what roads or trails are in them are impassible.

Among the appropriations for the fiscal year of 1927 granted by Congress to other national forests are: $524,000 for Glacier National Park; $425,000 for Yosemite National Park, Calif.; $165,000 for Mount Rainier National Park, Wash.; $105,000 for Yellowstone National Park; $100,000 for Lessen Volcanic National Park, Calif.; $90,000 for Sequoia National Park, Calif.; $10,000 for Grant National Park, Calif.

California national parks get a total of nearly $400,000 in the apportionment while Florida gets nothing. It is not a matter of the money not being available, or of justice, but one of getting into the game and fighting for it. If Florida does not ask for appropriations for its national parks, the Department of the Interior is not going to give it to the State. Florida must not only ask for appropriations but insist on getting them, and keep on insisting until she does get them.

THE COAL SITUATION

Mr. COPELAND. Mr. President, I send to the desk an Associated Press article which I would like to have read.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

THIRD COAL STRIKE CALL IS ISSUED—WEST VIRGINIA MINERS URGED TO DEMAND PAY AT SCALE OF 1924 AGREEMENT

(By the Associated Press)

FAIRMONT, W. VA., June 28.—A third call for a general strike of northern West Virginia coal miners, effective July 5, was issued here to-day by Van A. Bittner, international representative of the United Mine Workers of America.

The union leader asked every miner in northern West Virginia not under contract to join with the miners' union in a "fight for independence."

The strike call said that at the instance of men working in nonunion mines the union had conducted an intensive campaign of organization and that "the great majority of the men working in the nonunion mines, where the operators abrogated their wage agreement with the United Mine Workers" are now members of the union.

On April 1 and October 26, 1925, strike calls were issued by Bittner in the northern West Virginia field and for more than a year strike headquarters have been maintained here.

Practically all mines in the field are operating nonunion, paying wages substantially the same as the 1917 scale, which is lower than the union agreements signed in Baltimore and New York in 1924. At the present time the union is preparing to appeal the refusal of the Monongalia circuit court to grant it an injunction to restrain the operators from paying any wage other than that called for in the 1924 contracts.

Mr. COPELAND. I want to call the attention of the Senate to the fact that in my opinion this is only the beginning of what will be here on a tremendous scale on April 1. I have no doubt that on the 1st of April all of the soft-coal miners of the United States will go out.

We have time yet to pass the coal bill. The fact-finding feature is needed now, so that material can be gathered at once. Then the President, through the work of the emergency coal board, will be enabled to deal with the situation which will be with us on the 1st of April.

I desire to call the attention of Senators to the bill, hoping that we will have an opportunity to pass it before the end of the session.

ADDRESS BY DAVID J. LEWIS ON THE TARIFF

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Hon. David J. Lewis, a former member of the Tariff Commission, on "Methods in tariff making," delivered before the Conference of the Peoples' Reconstruction League.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

METHODS IN TARIFF MAKING

Mr. Chairman, it is my special desire to bring constructively useful information and suggestions to the very interesting sessions of this conference, including what I regard as the most significant things I have learned in my eight years' experience as a member of the United States Tariff Commission. In presenting this theme I shall not discuss the righteousness or wisdom of the tariff policy known as protection but will devote myself primarily to the righteousness and wisdom with which protective tariffs are made assuming for the occasion the rectitude of the general policy proclaimed by the political party taking responsibility for such tariff legislation.

TARIFF POLICY

What does the party in power face in essaying the writing of a tariff act? Let us examine briefly the major aspects of its problem. In the very first place it must determine its policy; and in 1922, which is taken as our example, the party in power decided that its policy should be to "equalize the differences in costs of production" between the products of the United States and "like or similar products" of "competing foreign countries." The means adopted for such equalization was the imposition of what might well be termed a sales tax on such foreign products, payable by the American importer or purchaser for whom imported—a sales tax sufficient in amount to equal such differences in cost of production. This formula limited the tariff rate to an amount which would measure the difference in cost of production of the domestic and foreign competing articles, and was clearly designed to accomplish two results, (1) an assurance to the efficient domestic manufacturer that he would be able to meet his foreign rival on the same terms of competition as his domestic rival, and (2) an assurance to the domestic consumer that unnecessary or excessive tariff sales taxes would not be imposed upon him.

The manufacturers were to have such protection as their products actually needed; the consumer was to be protected against excessive and unnecessary tariff sales taxes. While it is conceded that many ancillary propositions must be added to the formula to make it certain in application, I will not discuss it further than to say that as an objective the formula was accepted by the great body of disinterested believers in protection as an ideal expression of tariff principles. They (the disinterested believers in protection, I mean) did not desire embargo tariffs, or to needlessly tax American consumers. They were consumers as well as protectionists. I think I have made a fair statement of their views.

TO WHAT ARTICLES DOES THE POLICY APPLY?

Now, in order to apply this policy, certain things would need to be known by the tariff makers. It is obvious that since the policy is to be applied specifically to those foreign products which may compete with the like products of the United States, it will be necessary—

1. To catalogue or identify the particular articles produced in the United States which may meet competition from abroad, or

2. To grant authority of law to the administrative agencies at the ports to identify such articles.

This identifying work must be done by some means, for if the tariff is to cover the competitive articles produced domestically, their names must be known in order to affix to them the amount of the sales tax or tariff which represents their domestic "difference in cost of production."

ARTICLES OF COMMERCE INNUMERABLE

Innumerable articles not produced in the United States, like tea and coffee, which are required for our industrial and personal needs, are noncompetitive and do not come under the policy, so that the exaction of a sales tax from the American consumer in such cases would be without justification in the policy—in fact, would violate it. Now the work of indentifying or cataloging the products of the United States to be so "protected" by a sales tax on competing foreign products represents a very considerable task. Look at this familiar Sears-Roebuck catalogue. It alone contains roughly some 30,000 articles of various kinds and with differing cost characteristics.

And here is another catalogue of a great scientific-instruments sales company, which contains about 10,000 different articles and prices. Even this third small catalogue, which I now present, devoted to "small tools," gives about 4,000 articles of different prices and hence of different costs. Finally, investigation shows that the articles of commerce embracing all the divisions of human activity run into hundreds of thousands in number, actually exceed a million, it is said.

Which of these hundreds of thousands of different kinds of articles are produced in the United States? What are their individual differences in costs of production here and in foreign countries? Literally innumerable questions of fact of this sort are to be determined in applying the policy of protection as announced in 1922. This was the problem which the authors of the Fordney-McCumber Act confronted. Bear in mind that each kind of article, if it happens to be produced in the United States, possesses an American-cost history of its own and economic characteristics which the tariff makers would need to know to apply their policy or to justly determine such questions as—

1. Is this article produced commercially in the United States; and does the American cost of production exceed the foreign cost; and if so, how much?

2. If it be a commercial product of the United States, is there a sufficient American production (as in the case of wool); and in any event (as in the case of leather as well as of wool) should its domestic price be raised by a tariff sales tax, when the effect will be to raise the prices of clothes and shoes to all domestic buyers?

INDISCRIMINATE CLASSIFICATION

Did the tariff makers of 1922 compile this catalogue? They did not. How did they meet the problem? Well, a number of important articles were specified by name, a number, however, not equal to 1 per cent of the different kinds of articles taxed. An innumerable residue was not individually specified. What they did instead was to group them. In paragraph 360 you have an example of such grouping:

"Philosophical, scientific, and laboratory instruments, apparatus, utensils, and appliances (including drawing and mathematical instruments), and parts thereof," 40 per cent.

The catalogue of scientific instruments which I have already exhibited with its 10,000 articles will enable you to conceive the territory embraced in this general paragraph. Scientific instruments, the articles embraced, differ as widely as the needs of the theoretical and industrial sciences themselves. Some of them are made in the United States, of course, and some are not. But the clause makes no distinction to meet this determining circumstance. On the contrary, the clause is applied without any consideration whatever as to which of the articles being domestically produced may need and which, being only obtainable abroad, do not need "protection"; by reason of this nondiscriminating clause a sales tax is demanded of American buyers equally in the case of articles not produced as of those producible here, demanded as much of noncompeting articles as of articles produced domestically and, perhaps, presenting a competitive need. The act accords similar treatment to such composite subjects as—

Dental instruments, 35 per cent ad valorem.

Surgical instruments, 45 per cent ad valorem.

Surveying instruments, 40 per cent ad valorem.

Compounds of pyroxylin, 60 per cent ad valorem.

Chemical porcelain ware and chemical stoneware, 70 per cent ad valorem.

Biological, chemical, matallurgical, pharmaceutical, and surgical articles, 65 per cent ad valorem.

Table and kitchen articles of glass or paste of every description, n. s. p. f., 55 per cent ad valorem.

Manufactures of marble, breccia, onyx, alabaster, and jet, 50 per cent ad valorem.

Manufactures of magnesium, 40 cents per pound plus 20 per cent ad valorem.

Manufactures of bone, chip, horn, quills, whalebone, grass, straw, weeds, india rubber, palm leaf, n. s. p. f., 25 per cent ad valorem.

Manufactures of ivory, vegetable ivory, mother-of-pearl, shell, plaster of Paris, and hard rubber, n. s. p. f., 35 per cent ad valorem.

And all smoker's articles whatsoever, n. s. p. f., 60 per cent ad valorem.

TARIFF TINKERING

It would be a mockery to call such references classifications of economic identities or as indicating cost of production similarities calling for a common tariff. Yet it was by such sparing general suggestions and the use of catch-all clauses that the tariff makers denoted subjects so different, so nonassimilable but so incomparably important to our domestic and international commerce. The use of these catch-all clauses is found in all the schedules of the tariff act. I have counted some 218 of them, of which the following are additional examples:

Paragraph 1. All other acids, n. s. p. f., 25 per cent ad valorem.

Paragraph 20. Manufactures of chalk, n. s. p. f., 25 per cent.

Paragraph 33. Compounds of casein, made into finished or partly finished articles, n. s. p. f., 40 cents per pound plus 25 per cent ad valorem.

Paragraph 47. Compounds of lead, n. s. p. f., 30 per cent.

Paragraph 206. Manufactures of pumice stone, n. s. p. f., 35 per cent.

Paragraph 209. Manufactures of talc, n. s. p. f., 35 per cent.

Paragraph 211. Earthenware and crockery, plain white, n. s. p. f., 45 per cent.

Paragraph 212. Chinaware, plain white, n. s. p. f., 60 per cent.

Paragraph 214. Manufactures of earthy or mineral substances, n. s. p. f., 30 to 40 per cent.

Paragraph 216. Manufactures of carbon or graphite, n. s. p. f., 45 per cent.

Paragraph 328. Castings malleable iron, n. s. p. f., 20 per cent.

Paragraph 372. Textile machinery, n. s. p. f., 35 per cent.

Paragraph 372. All other machines, n. s. p. f., 30 per cent.

Paragraph 407. Manufactures of rattan, bamboo, osier, or willow, n. s. p. f., 45 per cent.

Paragraph 410. Manufactures of wood or bark, n. s. p. f., 33⅓ per cent.

Paragraph 917. Underwear and all other wearing apparel of cotton or fiber, machine or hand knitted, n. s. p. f., 45 per cent.

Paragraph 921. All articles made from cotton cloth, n. s. p. f., 40 per cent.

Paragraph 1617. Clothing and articles of wearing apparel of every description made of vegetable fiber other than cotton, n. s. p. f., 35 per cent.

Paragraph 1119. Wool, all manufactures of, n. s. p. f., 50 per cent.

Paragraph 1211. Silks, all manufactures of, n. s. p. f., 60 per cent.

Paragraph 1303. Manufactures of pulp and papier maché, n. s. p. f., 25 per cent.

Paragraph 1414. All other toys, not of china, porcelain, parian, bisque, earthen or stone ware, n. s. p. f., 70 per cent.

Paragraph 1415. Manufactures of artificial abrasives, n. s. p. f., 20 per cent.

Paragraph 1426. Manufactures of cattle hair or horsehair, n. s. p. f., 40 per cent.

Paragraph 1432. Manufactures of leather, parchment, rawhide, n. s. p. f., 30 per cent.

Paragraph 1438. Manufactures of amber, bladder, or wax, n. s. p. f., 20 per cent.

Paragraph 1439. Manufactures of bone, chip, horn, quills, whalebone, grass, straw, weeds, india-rubber, palm leaf, n. s. p. f., 25 per cent.

Paragraph 1440. Manufacture of ivory, vegetable ivory, mother-of-pearl, shell, plaster of Paris, and hard rubber, n. s. p. f., 35 per cent.

Paragraph 1454. And all smoker's articles whatsoever, n. s. p. f., 60 per cent.

Paragraph 1459. All articles manufactured, in whole or in part, 20 per cent.

CONSUMERS NEEDLESSLY TAXED

These clauses cover many thousands of different articles, some produced domestically, some not. Nor are these instances at all exceptional. Take the "smaller tools" catalogue I referred to with its 4,000 articles. Few, if any of these, I think none, are specifically named in the tariff act: which means probably that not one of them received individual consideration by Congress. And so the American purchasers of these (even though the articles are not obtainable from American manufacturers) are compelled to pay a needless sales tax of 40 per cent by a reference so cursory as to indicate that the real subjects never got into the consciousness of Congress at all.

Having named individually less than 5,000, about 1 per cent of the hundreds of thousands of articles constituting commerce, the tariff-makers apparently grew weary and resorted to labor savers like the following:

Paragraph 399. Articles n. s. p. f. composed of iron, steel, lead, copper, brass, nickel, pewter, zinc, aluminum, or other metal, 40 per cent.

If "plated with platinum, gold, or silver, or colored with gold lacquer," 60 per cent.

Following these catch-all clauses are the general catch-all clauses, paragraphs 1459 and 1460. The language of these clauses makes it apparent that the American consumer of noncompetitive articles from abroad was overlooked and that there was no purpose to save him from the payment of the tariff sales tax even on articles not produced or obtainable at home.

EXAMPLES OF NEEDLESS TAXES ON CONSUMERS

May I cite a few examples of the effect of this neglect? I will take time only to refer to some examples which have come to my notice arising under the first clause cited, the tariff on scientific instruments. Some time ago I myself desired to secure an electrical measuring instrument, which on inquiry was found not to be produced in the United States. It was produced in England and available there at $125. But the tariff on top of the price increased the cost to the prohibitive point for me, and the purchase was not made. The department of physics, New York University, wished to purchase a number of instruments ranging in prices from $600 to $1,000, which were not produced in this country, but because of the added cost of the tariff it was decided that the purchase could not be made, and the students were denied the use of desired equipment. Harvard University needed two instruments for astronomical research, one a photoelectric stellar photometer it had ordered in Germany, the other a thermoelectric microphotometer which it might secure in Holland, to cost about $1,000. But with the additional tariff of 40 per cent it was not certain that college finances would permit the purchase. None of these articles were produced in the United States.

The hardship on the colleges and scientific laboratories is particularly to be noticed, because under both preceding tariff acts scientific instruments, etc., were admitted free when imported for their use.

Just one other example illustrating the nondescript characteristics of the act. The leaders of the Bryan memorial have concluded to surmount his monument with Carillon—a group of bells which differing from chimes are tuned to reproduce all notes of a piano keyboard and to play any kind of music. They are worked from a keyboard like a piano or played automatically as a player piano. Well, they are not made in the United States, but in England and in southern Europe. They are not named in the tariff act, but come nevertheless within its indiscriminate and omnivorous application subject to a sales tax of 40 per cent as probably falling under the catch-all clause on musical instruments.

Mr. Chairman, if I may interrupt?

The CHAIRMAN. Your name is——

Mr. Chairman, my name is Charles W. Mixter. I am an economist on the staff of the Tariff Commission. I merely wished to supplement the speaker's references to the paragraph on scientific and philosophical instruments by saying that recently the Bethlehem Steel Co. had to import scientific apparatus valued at over $4,000 and had this 40 per cent duty to pay. The instrument was for analyzing gases in furnaces and was not made in this country. It may have been intended for experimental purposes with contemplated improvement in the art of steel making, and the useless impediment of the tax might have proved a deterrent to progress. No one will maintain that a tax reducing Government needed that $1,600. It is an injury to American industry and from no angle can it be defended as a benefit to any part of industry.

Mr. LEWIS. Thank you, Doctor Mixter. I remember well your work on the Tariff Commission. In these cases, as you infer, the law might aptly be entitled "An act to discourage American industry."

"AN ACT TO DISCOURAGE AMERICAN INDUSTRY"

And such possible trade, of course, is not one-sided; but is reciprocal, as reciprocal as the incoming and the outgoing tides themselves. Whoever, therefore, kills such an importation kills the export market for an equal part of our domestic products. Said Daniel Webster to those fearsome or jealous spirits who are always dreaming nightmares as they read statistics of imports:

"An excess of imports from Russia need not be viewed with alarm, since it is customary for American merchants to exchange their products in Cuba and Brazil for sugar and coffee, which they take to Russia to be exchanged for Russian goods to be brought back to America."

This triangular or quadrangular trade results finally in reciprocal production as between the United States and Russia. But suppose that Brazil and Cuba had levied prohibitive duties on American products, or suppose Russia had a prohibitory tariff on sugar and coffee. Or suppose the United States had a purchase-killing tariff on the Russian products exchanged. Well, in either event American production would have been defeated to that extent; but not only would our products have failed of a market but so also would the sugar and coffee of Brazil and the equivalent products of Russia. The killing of one market would have tended to kill four markets for as many different and equal quantities of products. The fatal shot would have killed not merely the man aimed at but three innocent bystanders besides. The interdependence and interactions of trade are well illustrated in a statement of the chairman of one of the largest English banks, who gave the following illustration of this indirect trade:

"If Russia fails to buy tea in China or India, our English eastern markets for cotton is narrowed. The United States sells less raw cotton to us, and our shipping, banking, and insurance business is impaired."

The destruction of a single market such as that of Russia may ruin markets far removed, such as our markets for cotton in England and Germany, and in turn the market in the Southern States for agricultural machinery and, partly dependent on the latter, the market in Chicago for many articles consumed by the builders of agricultural equipment.

It goes without saying that dealing with the hundreds of thousands of articles comprising world commerce, of the many thousands of them not produced in the United States thus subjected to the sales tax the purchase of great quantities is discouraged or prohibited. I am unable to say what the gross resulting loss of trade may be. Considering the many thousands of articles affected for which there exists the ordinary demand, the loss of trade may be running into many millions

of dollars annually, not to speak of the wrongs done our actual buyers of these noncompetitive foreign products who must submit to exactions so needless.

WHO IS TO BLAME?

Perhaps it will be thought that there was a motive in this nondescript omnibus method; that expectant beneficiaries of the tariff actually formulated its provisions; and that these omnifarious clauses were intended to make their sales-tax system watertight against the importation of any particular article which they might have overlooked; that their failure to exempt articles not produced in the United States was due to the thought that in its interpretation some competitive article might enter; and that rather than face this contingent (even though infrequent) possibility, like Herod, ignoring even the distinction of sex, they adopted make-sure measures "and slew all the children two years old and under," utterly oblivious of the millions of dollars of unoffending commerce they destroyed. As to this I do not know—and do not make the charge; what I do know is that a mode of relieving the consumers from such uncalled-for burdens was proposed.

REMEDY DISREGARDED

But now it will be urged, and justly, too, if the articles of trade are so numerous—a million or more—could it be fairly expected that a legislative body should even so much as catalogue the articles on which it imposed these sales taxes? I answer probably not; certainly not, if so inconsiderate a program as one affecting all of the innumerable products of commerce is designed. But there was an alternative—there was a substitute method which would have sufficed to protect the consumer so far as noncompetitive foreign products were concerned. A proviso could have been inserted—a general proviso would have served—exempting from the payment of the tariff sales-tax articles not contemporaneously produced in the United States. The officials at the ports of entry who do have qualifying knowledge of the articles of commerce enabling them to act wisely could then admit free these noncompeting products and release the hapless American buyer from the payment of a needless sales tax. And now you ask why was not this, or something like it, done. You must ask this question of the responsible leaders of Congress who had the tariff bill in charge. It is true that the idea of such a proviso was proposed to responsible leaders at a conference held in the White House with President Harding when the present tariff act was pending in the Senate. Senator SMOOT, now chairman of the Finance Committee, which has charge of tariff matters, was present and a majority of the members of the Tariff Commission. Having first briefly explained the situation created by these catch-all clauses, I, myself, proposed the insertion of such a proviso. Senator SMOOT, without giving any reasons, promptly dismissed the suggestion, saying, "No, no; we do not want that." President Harding himself said nothing.

THE TARIFF A SALES TAX

You observe, Mr. Chairman, that I use the phrase "sales tax." May I add that it is not an epithet but a term of description? The tariff is a true sales tax which is added to the price of the imported article.

However, the tariff sales tax is much more onerous than the familiar sales taxes of war experience. In the case of the tariff sales tax the true amount as paid by the ultimate purchaser or consumer is not stated in the tariff act. When the importer pays this tax he adds it to the price, freight, insurance, etc., and upon the aggregate adds his percentage for marketing and profits; the wholesaler adds his percentage on the tax as well as other elements, and so, too, does the retailer. By the time the article is paid for by the consumer a tariff sales tax of $1 at the port will now become $1.50 to $2.50 (probably averaging $2), according to the article. The Tariff Board found that as to textiles in the United States $1 worth of goods at the factory cost the consumer, by virtue of intermediate transportation and commercial processes, as I recall, an average of $1.97. In Great Britain the like advance was from $1 to $1.53. This illustrates what is called the "pyramiding" effect of an indirect tax upon consumers. It is to avoid this pyramiding effect that ordinary sales taxes payment are postponed to the retailer stage under such laws. Otherwise the consumers pay twice and are like "The Six Hundred"—"Theirs not to reason why."

ASCERTAINMENT OF COST DIFFERENCES

Mr. Chairman, it having been seen what happened with reference to articles not produced in the United States but which were still subjected to the sales taxes under these catchall clauses, the inquiry arises as to how well the tariff makers succeeded in applying the "difference in costs of production" policy to—

1. Articles not requiring protection; i. e., articles produced in the United States but at a cost not greater or even less than the foreign cost.

2. Articles produced here at a greater cost than the foreign cost and calling for a "difference in cost of production" rate.

Now, if Congress did not catalogue these hundreds of thousands of articles while subjecting them to the sales tax—because, being so numerous, they were not even known to congressional minds—how could it ascertain their differences in cost of production here and abroad? Manifestly, Congress did neither and could do neither. The omnivorous method precluded such treatment. Will it ever adjust these sales taxes to such actual cost differences? The answer is manifestly negative again. I must confess that but little satisfaction could be anticipated here. The inquiries involved are so multitudinous—the difficulties of securing the cost facts so actually prodigious. Not only can Congress not encompass mentally such a task at all, but a tariff commission could only grotesquely fail to ascertain completely such a multitude of cost differences. Only celestial omniscience could encompass the task. As a matter of fact, sir, there was no effort, there was hardly even a gesture, made for application of the accepted principle of "difference in cost of production" to the tariff rates which emerged from the committee.

THE TARIFF; HIGH WAGES; THEIR CAUSES

Approaching the rates on manufactures generally, it is well understood that in those cases where our manufacturers find their costs higher than the foreign it is usually due to the higher wages paid in the United States than in most other countries. The fundamental reason for such higher wages here is made manifest enough by a glance at the three following tables. The first table gives a list of 20 of the most important raw materials of the world, as follows:

Table 1

Gold.	Iron ore.	Wheat.	Tobacco.
Silver.	Sulphur.	Oats.	Turpentine.
Copper.	Coal.	Corn.	Cotton.
Lead.	Petroleum.	Cattle.	Hides.
Zinc.	Talc.	Pork.	Cottonseed.

Of these 20 the United States ranks first as a natural storehouse of 18, i. e., of all except 2, namely, silver and gold. In view of this prodigality of nature in our favor one needs feel no surprise when our attention is invited to our premier industrial standing among nations, as witness the following statement:

"Consider for a moment some of the statistics which show what this Nation, with 6 per cent of the world land area and only 6 or 7 per cent of the world's population, is doing in comparison with the combined output in many lines of industry of the rest of the world. To-day this country is producing:

Table 2

	Per cent
Iron ore	55
Pig iron	51
Steel	66
Copper	51
Petroleum	62
Coal	43
Timber output	52
Naval stores	65
Phosphate	42
Sulphur	80
Mica	63
Lead	62
Zinc	64
Talc and soapstone	60
Barytes	45
Cotton	55

"In 1904 the estimated wealth of this country was $107,000,000,000. In 1922 it was nearly $321,000,000,000. In 1904 the total value of our manufactured products was $14,793,000,000. In 1925 it was $60,555,000,000." (Manufacturers Record, December, 1925.)

Despite these great advantages in raw materials and production we rank much in the rear among exporting nations. "Less than 6 per cent of our total productivity is exported," says Herbert Hoover (Dictionary of Tariff Information, p. 339), while 38 per cent of that of France, 62 per cent of the United Kingdom, and 54 per cent of Germany's were exported. This affords an indication of the price our efficient industries pay (an almost complete destruction of their export potentialities) for the reckless and needless restrictions imposed on our commerce.

Our incomparable natural resources shown in Table 1 are matched by an equally incomparable use of such resources as is seen in Table 2. We have unequalled resources; we also utilize them in a unique way. Now the character of these resources and their extraordinary utilization explain the next table, an equally phenomenal table comparing the product per man employed in a number of our industries with the product per man employed in like industries in other countries. The table is compiled from a study by Professor Taussig, of Harvard, chairman of the Tariff Commission during the Wilson administration.

TABLE 3.—*Product per man per year*[1]

	United States	Great Britain	Germany	France	Nova Scotia	Sweden	Belgium	Japan
Bituminous coal, 1918 (tons)	942	265	284	216	656			
Brick, 1904-5	14,000		60,000					
Breweries, beer, 1900-1907 (hectoliters)	1,000		614					
Pig iron (tons)	84.5	30						
Steel (tons)	77	25						

[1] Quarterly Journal of Economics, November, 1924, p. 96, Taussig; Labor Costs in the United States Compared with Costs Elsewhere.

TABLE 3.—*Product per man per year*—Continued

	United States	Great Britain	Germany	France	Nova Scotia	Sweden	Belgium	Japan
Steel industry (ratio)	2.5	1						
Tin plate (tons)	100.4	25.6						
Cement (tons)	395	194						
Sugar refining (tons)	150–180	87						
Flour milling (cwt.)	6,500	4,250						
Butter (ratio)	1.93 to 1							
Ice (ratio)	12 to 11							
Window glass, per day:								
Machine (square meters)	21					10	11	
Hand blown (square meters)	16							
Cotton yarn (pounds per day)	414							104

United States: Agricultural production per man compared with other countries[1]

	United States exceeds as
United Kingdom	2.3 to 1
France	3.2 to 1
Germany	2.5 to 1
Hungary	3.6 to 1
Belgium	2.5 to 1
Italy	6.5 to 1

Plainly it is in these conditions of high American product per man that we find the foundation of high American wages, and not—as is sometimes asserted by interested advocates—in the existence of a tariff; for if the tariff was the cause, then Italy, Japan, France, Germany, and Russia would equally enjoy high wages because of their tariffs; when, as a matter of fact, their low wages are given as the justifying occasion for our high tariffs.

In our mining, in agriculture, in metallurgy, and the major industries we are shown to be operating under the law of great "comparative advantage" in production; hence our ability to pay higher wages per man out of greater products per man. Let the product per man fall, and the wages must fall with it. So we have a tariff problem not to protect our naturally higher wages, but because it is sought to force like profits and wages for other industries which do not have any such natural advantages in production in the United States, and so can not out of their own products pay either American profits or wages. It is only in these cases that resort to the tariff sales tax is demanded as a means to exclude the competition of more favored producers in other lands.

It is in our incomparable natural advantages of resources in raw materials and high product per man that I think you will recognize the explanation of our high wages. Unhappily, the American farmer, shown to be the most efficient producer of them all, must go without his high wages so hardly earned because he is short-changed by the tariff, as he is now coming to understand. He must pay these tariff sales taxes, or their equivalent, on what he buys, while he must sell his processential products at prices prevailing in the world markets, where the tariff exercises no control in his favor.

WHEN DO OUR INDUSTRIES NEED A TARIFF

Now, sir, it is, of course, well known because of these reasons that despite the higher day wages prevailing in the United States with respect to most other countries, it still does not eventuate that the cost of production here per unit of product is always greater than in low-wage countries. One very great industry—there are many such, of course—may be referred to; it is the industry of manufacturing boots and shoes.

For years the leaders in the making of boots and shoes have been paying American wages and have prospered without the imposition of a sales tax on the goods of their foreign competitors. They have made but one request of their Government, namely, that it should not place a sales tax on leather which is their principal raw material. Accordingly, both leather and shoes are free and have been for a number of years, and these producers have been giving us the best and the cheapest of shoes while exporting a considerable surplus to foreign countries. Tariff makers who wished to ascertain when a "difference in cost of production" might be caused by higher wages in the United States might have been guided by the proportion of wages to other costs in our shoe industry; that is, they might have compared this proportion with other industries to learn which of them had wage ratios exceeding the shoe industry and which did not. Since, so far as I can learn, no such comparison was made let us institute one. In order to do so a process of reasoning must first be presented. Briefly, it is this:

When we have higher American costs of production it is commonly due to higher wages. The higher costs are due to wages because raw materials, the other element, are available everywhere at about the same prices plus or minus the difference in the cost of transportation, and are usually cheaper here because of our resources. Now, the necessity to protect wages depends on its ratio to the value of the material in the product. And now I go directly to concrete examples for clarity's sake. Consider first the boot and shoe industry; it has flourished without any tariff for many years, and is yet paying the American scale of wages and giving us the best and cheapest shoes in the world, while it exports a surplus production to other countries. Now, what is its proportion of salaries and wages to the total value of salaries, wages, and cost of material combined. A reference to the Census of Manufactures of the United States for 1923 shows the proportion to be 36.2 per cent while the like proportion to value of the product is 30 per cent. That is the experience of the boot and shoe industry has shown it can prosper although paying American salaries and wages which amount to 36.2 per cent of its combined material and wages and salaries cost.

Similarly we have the agricultural-implement industry, which has managed without a tariff since 1913. It also pays American wages. And the proportion of these salaries and wages to cost of material and salaries and wages combined is found in the census to be 45.3 per cent, while the like proportion to value of product is 35 per cent. Turning now to a more technical industry we find that the manufacturers of typewriters have managed without a tariff since 1913. Its like wage proportion proves to have been 68.3 per cent and the wage proportion to value of product 47.6 per cent.

Now, sir, please note that these great industries have proved their capacity to manage without a tariff though paying American wages, and that while imports of their products have been small, their exports have been substantial and have gone to all parts of the world. It is true they have manufactured on a quantity basis. Production on a quantity basis is the rule in the United States, not the exception. It is a rule made possible by our Constitution, which enforces free trade between the States and thus insures to the engineers of large-scale production unobstructed entry into a market of a hundred and twenty million people, a market unhampered by tariff sales taxes or other restrictive barriers of special privilege.

EXPERIENCE OF FREE INDUSTRIES

It appears, then, that these three industries—i. e., boots and shoes, agricultural implements, and typewriters—with salaries and wage proportions of 36.2, of 45.3, and of 68.3 per cent, respectively, have proved their ability to maintain the standard of American wages, meet and overcome foreign competition in the United States, and successfully market their surpluses in foreign countries. And now we may ask how do these wage ratios compare with the wage ratios of other American industries. Referring again to the census of manufactures, I find the data for some 600 of our leading industries. These data show a stupendous product valued at $60,555,998,200, wages and salaries paid of $14,023,543,906, and cost of material $34,705,697,749. Salaries and wages and cost of material combined show $48,739,241,655; and of this total salaries and wages constitute a proportion of 28.36 per cent. That is, the average proportion of wages in "all manufactures" is about one-fourth less than in the shoe industry, about one-third less than in agricultural implements, and much less than half that prevailing in the manufacture of typewriters. Yet in all these 600 industries only 26 of them—shoes, agricultural implements, and typewriters are the prominent ones—have not been granted a tariff sales tax against the foreign products. For easy comparison I set these data in the form of a table:

Proportion which labor (salary and wages) bears to manufacturing costs for materials plus labor in 1923

	Labor to materials and labor	Labor to value of product
	Per cent	*Per cent*
All manufacturing industries	28.3	23.1
Boots and shoes (not rubber)	36.2	30
Agricultural implements	45.3	35
Typewriters	68.3	47.6

I should add that while the average wage proportion for "all manufactures" is 28.36 per cent, as above stated, there are a number of instances in the census of industries much above this average, and some few above the wage ratio of the typewriter industry. These three industries are the principal manufacturing industries on the free list, so I have confined the data to them. [Note at end of speech.]

An inspection of the census of manufactures, taken every two years, makes it evident that the proportion of wages in manufacturing costs and value of product can be definitely ascertained for some 600 industries, and including virtually our entire manufacturing activities. The census is taken for just such purposes. With its aid and the decisive experience of the three industries discussed it must have been apparent that other industries on a quantity basis, and having no higher wage ratios, were not in need of a tariff sales tax because no "difference in cost of production" was indicated. In other words, the census, in the light of these examples, made it evident that generally speaking tariffs under the policy declared would be limited to those exceptional industries not enjoying a comparative advantage of resources here, or

[1] Yearbook, U. S. Dept. Agr., 1918, Table 200.

not on a quantity basis but having wage expense ratios actually indicating greater costs per unit here than in other countries. But I find no evidence that such a comparison was made or that these census data were even considered.

WHY NEEDLESS TARIFFS ARE MADE

JUDGE TAFT

If a tariff is unnecessary to a particular article, why is it imposed? Chief Justice Taft, when President, gave the explanation. Speaking in 1910 he had this to say:

"The truth is that under the old protective idea the only purpose was to make the tariff high enough to protect the home industry. The excess of the tariff over the difference in the cost of production here and abroad was not regarded as objectionable, because it was supposed that the competition between those who enjoyed high protection would keep the price for the consumer down to what was reasonable for the manufacturers. The evil of excessive tariff rates, however, showed itself in the temptation of manufacturers to combine and suppress competition, and then to maintain the prices so as to take advantage of the excess of the tariff rate over the difference between the cost of production abroad and here."

RAZOR BLADES EXAMPLE

Mr. Chairman, I will take only enough time to give a concrete illustration of the "evil of excessive tariff rates" to which President Taft referred. It is the well-known safety razor blade. I select it because the public is already familiar with its past history of price extortion when it was protected by a patent. When at length the patent expired, observe how the price extortion is sought to be preserved through tariff sales taxes. The tariff on this article is found in schedule 3 and reads as follows:

"PAR. 358. Blades for safety razors, finished or unfinished, 1 cent each and 30 per cent."

Now, of these blades only 83,982 were imported in 1924, valued at $1.75 per 100 blades, upon which the equivalent ad valorem tariff rate was 87 per cent. However, the real point is not the amount of the rate, egregious though it be, but the imposition of any sales tax at all. Please consider the following circumstances:

(a) These blades are being exported from the United States to nearly all the countries of the globe. In 1924, 89,726,676 blades were exported. That is, the exports compared with the imports were as 1,000 to 1.

(b) Our exports of such blades to England have been such as to imperil its industry, according to a cable to the Baltimore Sun of the 28th of November last, advising that the board of trade was recommending a British duty of 33⅓ per cent.

In view of the well-known background of extortion in prices one might have supposed that the rate makers would have been keen to check up on the tariff rates desired for such familiar articles as "razor blades"; instead we find only a special effort to disguise the amount of the tariff rate by the device of compounding a specific with an ad valorem rate. It is known, of course, that the manufacture of razor blades is on a quantity basis, and while data are not at hand there is no probability that the salary and wage ratio of the industry exceeds that of boots and shoes or of agricultural implements; certainly it should not exceed the like ratio in the making of typewriters. It therefore stands in no need of a tariff, as these examples and its heavy exports testify. Unfortunately we can not ascertain from the export statistics at what prices their exports were sold. Exporters are not required to declare the prices of their sales abroad, but instead "the values which they may truly bear at the time of exportation in the ports of the United States."

Now, the value they gave was $4,837,305 for the 89,726,676 blades exported, or approximately 5.4 cents per blade. This may represent their price to the trade within the limited States, but is probably from two to three times their price to foreign countries. Manifestly it was in order to maintain extortionate prices at home that the unnecessary tariff on these blades was laid.

HOW CONGRESS MIGHT ADVISE ITSELF

In determining whether a domestic industry manufacturing a given article stood in need of protection, the tariff maker possessed not merely the census of manufactures and examples like the boot and shoe industry and others to which I have referred, he had two other very determinative records which put the question of the ability of such industry to compete with foreign industries to what I may characterize as "the acid test." Was the domestic industry doing an export business? Was it able to manufacture and sell its products to the consumers of other countries at prices as low as its foreign competitors? If it was able to do so regularly (I would not judge it by sporadic instances), such experience would indicate the absence of an unfavorable "difference in cost of production." Data to determine this question in the Government's record of exports are also accessible to the tariff rate maker, and the data go back for years. But we would be obliged to call for it or look it up himself in the published books, for the manufacturer would hardly feel impelled to visit Washington to warn him that a tariff was not actually required. If the student wishes to learn for himself how generally our manufacturers are able to successfully meet competing foreign manufacturers in foreign markets, he may find the industries enumerated in the "drawback" exports of Table 10, part 2, of Commerce and Navigation.

Mr. Chairman, I need hardly add that the term "drawback" signifies the repayment of the Government to the domestic exporter of tariff duties he may have paid on the raw material entering into the product he is exporting. The fact that he exports an article claiming a drawback shows that granted free raw material its manufacture in the United States can presumably be accomplished at a cost enabling him to meet his foreign competitors in the world's markets.

Another check on domestic ability in foreign competition is open to the tariff maker. He can consult the statistics of imports. If none are coming in of the article in question it indicates either that there is no competing ability in foreign countries or that the tariff rate is prohibitive. Conversely, in many instances large importations may connote a tariff rate which is not high enough to equal the "difference in cost of production." But here exceptions are to be noted. If it be wool or sugar, even larger imports may be only necessary supplements to limited domestic supplies; and so, too, in many instances of manufactured supplies coming in over the tariff a specific demand for them may exist in the way of a taste which is not gratifiable by any domestic product.

Mr. Chairman, it is fair to say that while the census and drawback statistics have frequently been ignored and the export statistics generally disregarded (they reflect only an argument for the consumers' interests), the import statistics have probably never been overlooked where imports have actually occurred. The lobby is always full of sentries who watch for their coming and who hail their advent as if an invasion of a foreign army.

CONGRESS INCOMPETENT TO ASCERTAIN CORRECT TARIFF RATES

I said Congress; but, sir, what has Congress ever had to do with the actual formation of tariff rates in the past. Now, I can speak sympathetically of Congress, and I hope intelligently, for I was a Member of Congress during a number of years and during the enactment of one tariff law. Congress, in fact, has little to do with the formation of a tariff. A majority of Congress merely assigns the task to a majority of the Ways and Means and the Finance Committee of the House and Senate; and a majority ratifies the schedules reported by the majorities of such committees. A majority of the House committee consists of — members, of the Senate committee — members. These members distribute among themselves the schedules representing the million articles of commerce. Now, of these dozen men in relation to innumerable subjects of commerce, some are indifferent or but slightly familiar with the phenomena of commerce, while all of them are burdened, some of them supremely taxed, by the unending demands of their own constituents. The committee has held hearings at which consumers rarely appear and even more rarely supply information precise enough to be of value. The interested parties or their representatives are there in numbers, and, of course, give such information as promotes their interests. Precise, comprehensive information is always lacking. The hearing, if it deserves the name, is at most ex parte and ridiculously inadequate to the great and innumerable requirements of the work in hand. Suppose Congress (for it has the same power) should undertake to make railway tariffs in the same way. What would become of the railway owners or more comparably of the shippers? And yet I do not hesitate to say that the making of protective tariffs is the more difficult task for several reasons, one of which will be apparent, namely, the shifting and uncertain elements and consequent instability of world commerce as compared with transportation by land. It is only too apparent, because of the nature of the subject matter, that Congress is incompetent for this task; that it could not apply logically and faithfully any formula to which protectionists would generally agree to the innumerable facts and relations involved. And this is true, even if unselfishness and strength of character be freely granted to the members of the committee or the entire membership of Congress.

Mr. Chairman, I am far from denying such qualities to many Members of Congress. If I were called upon to select a protectionist for such duties my least hesitating choice would be Judge GREEN, of Iowa, the present chairman of the Ways and Means Committee. For assiduous attention to his duties, for loyal resistance to unreasonable pressure, for intelligent capacity to face his problem, I should be willing to trust him with any task which these great qualities might encompass. We hear frequent criticisms feelingly uttered against the Government going into business. In fact, there is a swelling chorus against the Government going into business of any kind. Experience with tariff making it must be confessed strongly supports the indictment against its entry into business generally assigned to private hands; if the Government's attempt to fix the prices of hundreds of thousands of different articles which American consumers should pay, may be taken as an example of the Government in business.

THE TARIFF COMMISSION

If one could begin it all over again—I mean begin the formulation of tariff systems—what should we do, you may ask. Well, perhaps something of a program might be worked out adequately capable of carry-

ing into honest application the policy of protection as declared by the party in power. The rule might be that no sales tax should be imposed on the foreign articles until an investigation by a special tribunal disclosed:

1. That it could be produced effectively and economically in the United States.

2. That it actually stood in need of a levy of such sales tax on the imported article.

3. The amount of the excess cost of production and necessary sales tax.

This is indeed just what is happening now with the tariff in Great Britain. Under such qualifying conditions the "difference in costs of production" which is the policy of protection declared for in the Fordney-McCumber Act might in time be applied to the justifiable cases, and without needless, unjust, and hidden impositions of sales taxes upon American consumers.

Has our opportunity to build up to this standard, like water, gone over the mill? Does the nature of the subject matter still allow us to realize these standards by review and revision? Let us restate the problem. It is designed to "protect" articles now made in the United States when (a) they are economically and efficiently produced, (b) and stand in need of such protection, (c) to the extent of the "difference in cost of production" here and in the competing countries. Of the million different manufactured articles in world commerce probably a majority are now made here; but as to the many which are not the problem solves itself; they should be exempt from duty. Hundreds of thousands of others remain to which the policy of the above standards apply. To contend that these standards (especially as to the actual difference in cost) could be applied completely or accurately to such numbers is to claim the impossible. But to aim at approximations to workable accuracy and completeness is not beyond hope, granted a sufficient appropriation and a reasonable time within which to do the work. A large percentage of the gross values involved in the genuine protective policy would be covered by a relatively few determinations affecting the principal articles of importation, e. g. sugar. Granted time and money, I say. Yes, but more fundamental still, a competent and disinterested tribunal must be secured. It should be constituted like a court and with the same first thought of securing only men of special competency and of high repute for their honesty and independence. You are thinking of the Tariff Commission. So am I. I would have it disbanded and reorganized de novo.

REORGANIZATION ESSENTIAL

Let there be placed on it two economists who enjoy national renown by their work (not merely "degree economists," two jurists or lawyers of acknowledged judicial qualifications and dispositions, and two publicists of like character and substantial experience in public affairs. In the first class I think of men like Doctor Taussig, of Harvard, of Professors Fisher and Hadley, of Yale; of the second class, the bench would supply availables—and among the members of the American bar where could one find more independent, disinterested and of judicial qualification than the present member of the commission, the Hon. Edward P. Costigan, of Colorado? Referring to the third class, the publicists, one thinks first of the colleges, and I think of Professor Adams as a collegiate example. But the term publicist, justly enough, may include men like Senator Burton and the late Governor McCall, men whom President Wilson unsuccessfully sought to place on the Tariff Commission. Other worthy names will suggest themselves.

The point about such men is that while they are specially acquainted with public institutions and have learned to recognize the arts of political and economic pressure—and to resist them manfully—they are also painstaking students, for the work demands students. Of course, former lobbyists are unthinkable for such positions of trust—and similarly unfit are the proteges of Senators and Congressmen whose actions may be dominated by exceptional tariff interests within their States. Such selections have produced a moral shipwreck of the present commission.

It is in the organization, the powers, and the success of the Interstate Commerce Commission that I believe we shall find a model for reconstruction. I should not be able to make such a statement had it, like the Tariff Commission, been packed with railway and shipper lobbyists, or had its members been infected by private interests in the subject matter. In 40 years the personal characters of its members have stood unimpeached—and it has weathered through some of the bitterest controversies of our political history. We are happy, I think, to possess this example. The Tariff Commission deals with foreign commerce. The Interstate Commerce Commission, too, concerns itself with commerce; that is, commerce in the domestic field. Indeed, it is a tariff-making institution like the Tariff Commission, and here I apply the word tariff literally, equally for purposes of legal and economic definition. In dealing with railway tariffs, the Interstate Commerce Commission has been granted full powers to realize and effectuate the legislative policy.

TARIFF COMMISSION SHOULD NOT REPORT TO PRESIDENT BUT TO CONGRESS

I propose that, having been conscientiously reorganized for the work, the Tariff Commission be granted substantially equal powers to effectuate the tariff policy declared in the law. Instead, however, of its judgments going to the President as now for approval or disapproval (perhaps the weakest point in our constitutional system to place political temptation) or be subject to disapproval by the courts as in interstate commerce cases, I would have its judgments go to Congress and lie on the tables of the House of Representatives and the Senate, subject to disapproval, say, for 30 days, when, if not disapproved by both Houses, the judgments should go into effect.

Thus Congress would determine and declare the policy as now—and initiate such a schedule of rates as best it could in its hurried and insufficient processes. These rates would be held subject to later review and revision by the Tariff Commission, after adequate investigation and full hearing granted to interested parties. Briefly, Congress would establish the principle—the Tariff Commission would review and when it found them wrong would revise the rates.

In this we should not be entering the field of novelty; there is the example of the Interstate Commerce Commission, to be sure; but there are also the examples of the "administrative courts" throughout continental Europe to which are given the fact-finding functions essential to making the application of a statute reasonable in practice. The proposal also finds ample precedent in the practice of the British Government. The following are examples of such acts of Parliament, cited in a book published a generation ago, under which British commissions and tribunals have been delegated this power to reach conclusions in accordance with certain principles and methods laid down for them. Such commissions or tribunals are required, nevertheless, to report their findings and recommendations to Parliament under rules providing that if the Parliament does not annul or reject such report within from 30 to 40 days after its receipt, its findings shall go into effect and be accorded full validity.

The following are examples of such acts:

1. The judiciary act amendment (1875).
2. The tithe act (1891).
3. The board of agriculture act (1889).
4. The prisons act amendment (1898).
5. The merchants' shipping act (1898).
6. The London government act (1899).
7. The mail ships act (1891).
8. The foreign marriage act (1892).
9. The agricultural rates act (1896).
10. The interpretation act (1889).
11. The rules publication act (1893).

Many other similar and more recent acts could be found.

Briefly stated, it is the purpose of this system to achieve expeditious results by relieving Parliament of innumerable investigations into detail, while at the same time reserving reasonable opportunity to disapprove any of the results reached by the governmental agencies selected to make such investigations and to apply the legislative will to the subject matter.

All this is but the rational evolution of institutions to meet the multiplying detail and growing complexity of civil subjects. It is no answer to the English examples to say that at this time her tariff commission submits its fact findings and proposals to Parliament for approval rather than subject to disapproval. The British Government does not now have a protective-tariff system. Free trade there is the rule—a protective rate the exception. It is the tariff commission there which initiates, commodity by commodity, and the Parliament passes not on the facts but on the question of policy, commodity by commodity. Here protection is the rule—free articles the exceptions; and Congress has already declared its policy in toto. The policy being determined, it is only the rates which are subject to question.

In this brief exposition constitutional discussion of the proposal will not be undertaken. It suffices to say that, for the time being, if Congress has the power to repose the proclamation of changes in rates of duty in the President, then by virtue of the same power the Congress may repose the execution of the same duties in a tribunal specifically organized by it for the same purpose. In other words, Congress has equal power to repose this authority in the Tariff Commission.

OTHER AMENDMENTS PROPOSED

Except for reporting to the Congress rather than to the President, few other amendments to the existing act would seem to be required. However, I think section 315 (b)—American valuation—should be dropped and in its stead a maximum ad valorem or equivalent ad valorem rate in the case of specific rates be substituted. An amendment exempting from the tariff sales-tax articles not made in the United States goes without argument, I think, except where police considerations are presented or, as in the case of tobacco and spirits, a special revenue purpose appears. I think those restrictions which prohibit the commission from changing ad valorem rates to specific or vice versa should be removed and that the commission should have full

power as to the form of the rate, including sliding-scale rates when desirable.

One other subject calls for a legislative elucidation which has not yet been given. I refer to commodities like wool and sugar, as to which the country must, despite the tariff, continue dependent on foreign supplies—about half of its supplies in these cases. At progressively increasing costs, of course, the domestic quota of production can be increased, but this means a constant increasing of the tariff. Is this desired? If it is not, some limiting rule should be supplied the commission by Congress. The simplest would seem to be a maximum duty, applying to ad valorem rates or to the ad valorem equivalent when the rate is specific, which should not be exceeded. A more difficult course would be for Congress to declare in each such case the proportion of our consumption which should be of domestic production, a task which no friend of Congress would wish upon it. These are the principal amendments I would suggest. I would leave paragraph (c) stand. I would increase the salaries of the commissioners after reorganization, and I think it absurd to reduce the number of commissioners in view of the endless work to be done. It would be bordering on a crime against responsibility in government to make the institution a partisan one, whether by law or by subterfuge, in selecting the commissioners.

Summarizing the proposed amendments, they are—

I. Reorganization of the personnel of the commission as indicated.

II. Reports not to the President but to Congress; and to lie on its tables for 30 days when if not disapproved by Congress reports go into effect.

III. Full rate-making power in commission, with right to employ specific, ad valorem, sliding scale, compound, or other forms of rate.

IV. An ad valorem maximum not to be exceeded by commission—in lieu of section 315b.

V. Exemption from duties of articles not produced commercially in the United States, with certain exceptions.

CONSCIENTIOUS AND NONPERVERTED TARIFF RATES

Mr. Chairman, I need hardly say that a bona fide tariff policy implies a disinterested ascertainment of the tariff rates necessary to put it into application. It is obvious that Members of Congress have neither the time nor the facilities to do a work growing each year more difficult. But what the impartial Members of Congress have neither the time nor the facilities to do will be done, if done at all, by the interested parties. These are as surely prone to forgetting the rights of others as they are to remembering their own interests. There is no public principle so sound that it can be trusted to such agencies, and when they weasel in the Members of Congress suffer the resulting blame. There is a division of opinion between free traders and protectionists as to the wisdom and justice of the protective policy itself, but there is no division of opinion between them as to the proposition that the determination of the rates and their application to articles needing them must be honest and correspond with the principle laid down. That now they are neither and can not be while those specially interested write them is manifest.

I know it is hopeless to offer advice to those financially interested. But I do utter a warning to the disinterested protectionists of the country that their policy is in peril. History tells us what happened to the franchise grabbers and to public-service company wreckers of a generation ago. The public utility commission has put an end to their reign of graft. On the other hand, if the railways had finally succeeded, as for a while they did succeed, in flouting the Interstate Commerce Commission, and had kept up their preferences and discriminations during another generation, who can doubt that these abuses would have resulted in Government ownership and operation? The "interested" protectionists may profit by such examples. Either a court of tariffs must be set working in good faith to assure rates written according to the policy proclaimed or a sentiment will arise in this country which will sweep away the whole tariff sales-tax régimé, sincere and spurious alike—a verdict which would be justified if statesmen are found unwilling to make provision against its intimidating and corrupting influences.

BOUNTIES OR TARIFF SALES TAX

Perhaps if we were to "begin it again" we should utilize Hamilton's own admitted preference for effectuating the policy of protection to infant manufactures when he proposed the diversification of the country's industry. He favored the payment of pecuniary bounties because he said—I quote from the Dictionary of Tariff Information, page 392, compiled by the Tariff Commission:

"Pecuniary bounties: These are one of the most efficacious means of encouraging manufactures. Their advantages are—

"(a) They are positive and direct.

"(b) They avoid temporary augmentation of price.

"(c) They do not have a tendency to produce scarcity."

And to these advantages he added another of paramount importance, namely:

"The continuance of bounties on manufactures long established (that is, beyond the infancy period) must be of questionable policy, because a presumption would arise in every such case that there were natural and inherent impediments to success."

Hamilton's great mind enabled him to perceive clearly enough that direct bounties, while even more effective than tariff sales taxes as a protective agency would be likely limited to industries actually needing and justifying the protection accorded. Moreover, bounties would not raise the prices of the article protected to the consumers so that in our present situation the farmer would not be short changed; his dollar would be as good as the manufacturer's. Meanwhile, the bounties being visibly paid the necessity for the payment would be adequately scrutinized and compared with other industries such as boots and shoes, agricultural implements, and typewriters, so that when the period of dependent infancy had passed or the futility of the bounty appeared, the unjustifiable private favor would be inexorably withdrawn.

What Hamilton did not foresee or declare was that his method of direct bounty, i. e., of definite and visible aid to the infant industry, is a sine qua non to fortifying the policy of protection against abuse. Henry Sidgwick, the able economist, saw this and the dangers of the indirect method and declared against it, though he was not opposed to protection as an economic theory. Said he:

"The moderate view is that all protection is theoretically wrong, so far as purely economic considerations are concerned; but that practically a little protection here and there does more good than harm to industry owing to influences which abstract theory overlooks. I hold, on the contrary, that when the matter is considered from the point of abstract theory, it is easy to show that protection, under certain not improbable circumstances, would yield a direct economic gain into the protecting country; but that from the difficulty of securing in any actual government sufficient wisdom, strength and singleness of aim to introduce protection only so far as it is advantageous to the community and withdraw it inexorably so soon as the public interest requires its withdrawal, it is practically best for a statesman to adhere to the broad and simple rule of 'taxation for revenue only.'"

The "taxation for revenue only" to which Sidgwick refers was the British rule which restricted such tariffs to articles not produced in the British Isles and hence carrying no such effect as "incidental protection."

But "if we would begin it all over again" would we begin at all? Would we attempt legislative programs shown to demand the character of angels and omniscience celestial. Here I raise the old, the fundamental question which though I raise it I must leave undiscussed in the main. I have aimed to call attention to needless wrongs against the country's commerce and to sales taxes forced from American consumers which are without even alleged or pretended justification under any theory of protection; to confiscatory exactions from consumers so unwarranted as to signify "the taking of private property without due process of law."

No, Mr. Chairman, I do not raise the question of "protection" or free trade; I raise rather the question of the competency and good faith of the men responsible for the conditions discussed. Millions of disinterested men and women believe in the policy of protection, when needed, and are willing to pay the necessary price, but their sincerity and unselfishness are brutally misused when heavy sales taxes are imposed upon articles which can only be procured abroad or when these taxes are imposed not to give necessary "protection" but to enable a self-selected minority of manufacturers to practice extortion upon unprotected consumers.

[NOTE: There is a report of the Tariff Commission analyzing the cost statistics given in the Census of Manufacturers prepared at the request of Hon. CORDELL HULL, of Tennessee, which embraces all the industries included in the census and which will prove of value to the student.]

REPORTS OF COMMITTEES

Mr. BINGHAM, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted a report as indicated:

A bill (S. 4529) to increase the membership of the National Advisory Committee for Aeronautics, and for other purposes (Rept. No. 1175); and

A bill (H. R. 10605) to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.

Mr. BINGHAM also, from the Committee on Commerce, to which was refetred the bill (H. R. 10929) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River in Thornton Township, Cook County, Ill., reported it with amendments and submitted a report (No. 1176) thereon.

Mr. SWANSON, from the Committee on Foreign Relations, to which was referred the bill (H. R. 12495) to regulate the issue and validity of passports, and for other purposes, reported it without amendment and submitted a report (No. 1177) thereon.

Mr. FESS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the

resolution (S. Res. 237) to investigate the advisability of changing the boundaries of Yellowstone National Park and certain other parks, reported it with amendments.

RULES IN COMMON-LAW ACTIONS (REPT. NO. 1174)

Mr. CUMMINS. On behalf of the Judiciary Committee I submit a favorable report to accompany the bill (S. 477) to give the Supreme Court of the United States authority to make and publish rules in common-law actions, already on the calendar. The Senator from Montana [Mr. WALSH] has prepared minority views which he desires to submit.

Mr. WALSH. I have a copy of my views at my office and I shall have it here directly to file with the report of the majority.

Mr. CUMMINS. I send the report to the desk and ask that it be printed, together with the views of the minority, to accompany the bill on the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WALSH. I ask that the report of the majority and the views of the minority be printed together.

The VICE PRESIDENT. The Senator from Iowa has already made that request. The two reports will be printed together.

REPORTS AS IN EXECUTIVE SESSION

Mr. CUMMINS. I ask unanimous consent, as in executive session, to submit two reports for the calendar.

The VICE PRESIDENT. Without objection, the reports will be received, as in executive session, and placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ERNST:

A bill (S. 4539) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on Civil Service.

By Mr. RANSDELL:

A bill (S. 4540) to establish a national institute of health, to authorize increased appropriations for the hygienic laboratory, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings; to the Committee on Appropriations.

By Mr. BRUCE:

A joint resolution (S. J. Res. 123) authorizing and directing the Postmaster General to investigate the facts regarding the use in the Postal Service of a certain invention, device, or instrument for the postmarking of mail packages and for the cancellation of postage stamps and to report on what would be an equitable compensation for such use during the life of the letters patent thereon; to the Committee on Post Offices and Post Roads.

EMPLOYMENT OF SENATE PAGES

Mr. REED of Pennsylvania submitted the following resolution (S. Res. 271), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms hereby is authorized and directed to employ 22 pages for the Senate Chamber from the day following the adjournment of the present session of Congress until the end of the month during which such adjournment shall be taken, to be paid from the contingent fund of the Senate at the rate of $3.30 each per day.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On June 29, 1926:

S. 2189. An act for the relief of W. B. deYampert;

On June 30:

S. 183. An act to acquire by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I.; and

S. 2826. An act to investigate and determine the feasibility of the construction of an irrigation dam on Walker River, Nev.

ILLEGAL COMBINATIONS IN BREAD AND RELATED PRODUCTS

Mr. WALSH. Mr. President, some very startling statements were made in the course of the address delivered on yesterday by the junior Senator from Wisconsin [Mr. LA FOLLETTE], being in substance the dissenting opinions of Commissioners Houston and Nugent in what is known as the Bread Trust case. The accuracy of the statements made, as I understood, was challenged by the Senator from Oklahoma [Mr. HARRELD]. It is exceedingly important to the country as well as to the Senate that the facts in relation to the matter shall be developed. Accordingly, I submit the resolution which I send to the desk.

The VICE PRESIDENT. The secretary will read the resolution.

The Chief Clerk read the resolution (S. Res. 270), as follows:

Resolved, That the Committee on the Judiciary be, and it hereby is, instructed to inquire into and report to the Senate what proceedings have been taken by either the Federal Trade Commission or the Department of Justice to ascertain the facts concerning combinations in restraint of trade in bread and related products, what steps have been taken to restrain or dissolve such or to punish any persons who may have, through such combinations or otherwise, established or attempted to establish a monopoly of the trade in bread or such related products, or otherwise in connection with such combinations violated the law forbidding restraint of trade.

Mr. WALSH. I ask unanimous consent for the present consideration of the resolution.

Mr. CURTIS. As I understand the resolution of the Senator from Montana simply instructs the Committee on the Judiciary to investigate the subject?

Mr. WALSH. Yes.

Mr. CURTIS. I have no objection to the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

Mr. NORRIS. Mr. President, I wish to ask the Senator from Montana a question in reference to the resolution which has just been adopted. From the reading of the resolution I observe that there was nothing stated therein relative to the committee having a right to sit during the recess of Congress. Has the committee that right now?

Mr. WALSH. I assume the committee would have that right under its general authority.

Mr. NORRIS. I wish to suggest to the Senator from Montana that if any investigation is made before the convening of the next session of Congress it might be necessary to obtain previous to the meeting proper authority for the committee to act.

INVESTIGATION OF GRAIN EXPORTING AND SPECULATIVE INTERESTS

The VICE PRESIDENT. If there be no further concurrent or other resolutions, the Chair lays before the Senate resolution 269, coming over from a previous day, which will be read.

The Chief Clerk read the resolution (S. Res. 269) submitted yesterday by Mr. WHEELER, as follows:

Whereas the activities of certain grain exporters, grain speculators, dealers in grain, and associations of such speculators and dealers in opposition to effective legislation for the American farmer have been reported to Congress and its committees; and

Whereas statements pointing toward secret relations between the Secretary of Commerce and the Secretary of Agriculture with these grain exporting and speculative interests have been made in the Senate; and

Whereas the Secretary of Agriculture and the Secretary of Commerce are charged with duties of tremendous importance to agriculture, having direct bearing on its economic welfare, which duties are such as to demand unbiased and impartial administration free from all entanglements of any sort whatsoever; and

Whereas if relations of the Secretary of Commerce, past or present, with certain grain exporters; of the Secretary of Agriculture with associations, firms, institutions, or schools devoted to practicing or teaching speculation in grain; or the relations of both of them to a movement having for its purpose the sale of certain terminal elevator properties now owned by private grain firms and banks, either to the Government or to the farmers, are such as to make impossible the fair and impartial administration of all their duties by the Secretary of Agriculture and the Secretary of Commerce, the Congress of the United States should be informed of such relations: Therefore be it

Resolved, That a special committee be appointed by the President of the Senate to make a thorough investigation of the nature of such relations; that said special committee shall consist of three Republicans, of whom at least one shall be a Progressive Republican, and two minority Senators; that said special committee be, and hereby is, specifically empowered and directed immediately to undertake and carry out a complete investigation and fully report the facts to the Senate as soon as possible, stressing those instances in which positions of political and governmental power have been employed to serve the selfish interests opposed to agricultural rehabilitation; in this connection, said special committee is hereby directed to investigate particularly into the connections and relationships, past and present, between present Government officials and such concerns as are, or have been, predatorially opposed to legislation dealing with the exportable surplus of agricultural products.

Resolved further, That said committee is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses, the production of books, papers, and documents, and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

Mr. BLEASE. Mr. President, the Senator from Montana [Mr. WHEELER] who submitted that resolution is absent. I suggest that it be passed over until he comes in.

Mr. HEFLIN. Mr. President, there might not be any objection to the resolution.

Mr. BLEASE. The resolution provides for another investigation, and I am going to object to it.

The VICE PRESIDENT. The resolution will be passed over for the present without prejudice.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Is the resolution just read morning business?

The VICE PRESIDENT. It is a part of morning business.

Mr. CUMMINS. Is it a part of routine morning business?

The VICE PRESIDENT. It is a part of routine morning business.

CORN SUGAR

The VICE PRESIDENT. The morning business having been concluded, under the unanimous-consent agreement the Chair lays before the Senate the amendment of the House of Representatives to Senate bill 481, which is known as the corn sugar bill, on which the Senator from Iowa is recognized.

Mr. NEELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I yield.

Mr. NEELY. Mr. President, I merely wish to make a parliamentary inquiry. I had understood that at the conclusion of morning business I was to be recognized for the purpose of discussing the resolution which I have heretofore submitted. It think it was understood in executive session last night, as in legislative session, that as soon as the order of business of resolutions coming over from a previous day was reached I should be recognized. If we have reached that point in the proceedings, I ask for recognition.

The VICE PRESIDENT. The Chair will recognize the Senator from West Virginia under the unanimous consent referred to.

Mr. CUMMINS. Mr. President, I recognize the propriety of the request made by the Senator from West Virginia, but I hope he will speak upon the House amendment that has been laid before the Senate, so that we may proceed with that at the conclusion of the Senator's address.

Mr. NEELY. Frankly, Mr. President, I am going to speak on an entirely different subject.

Mr. CUMMINS. The Senator will have a perfect right to do that.

The VICE PRESIDENT. The Senator from West Virginia has that right.

TRAFFIC CONTROL IN THE DISTRICT OF COLUMBIA

Mr. CAPPER. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Kansas?

Mr. NEELY. I yield.

Mr. CAPPER. Mr. President, I wish to make a motion that the conference report on House bill 3802, to amend the act known as the District of Columbia traffic act, 1925, be disagreed to and that the Senate ask for a further conference with the House on the disagreeing amendments of the two Houses thereon.

Mr. DILL. What is the request?

Mr. CAPPER. The request is to disagree to the conference report on the traffic control act and request a further conference with the House of Representatives.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was rejected.

Mr. CAPPER. I now move that the Senate insist on its amendments and ask for a further conference with the House on the disagreeing votes of the two Houses thereon and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to.

The VICE PRESIDENT. The Chair appoints the same conferees as have heretofore been appointed.

AMENDMENT TO AGRICULTURAL CREDITS ACT

Mr. STEPHENS. Mr. President——

Mr. NEELY. I yield to the Senator from Mississippi.

Mr. STEPHENS. I ask unanimous consent for the immediate consideration of Order of Business No. 1033, being the bill H. R. 9268 to amend the agricultural credits act of 1923. I do not think it will require any time to dispose of the measure.

Mr. CURTIS. Mr. President, let the bill be reported.

Mr. WARREN. Mr. President, may I inquire what is the order of business under which the Senate is proceeding?

The VICE PRESIDENT. The order of business is the amendment of the House of Representatives to the corn sugar bill.

Mr. WARREN. I object to the consideration of matters other than the regular order until the unanimous-consent agreement has been complied with.

The VICE PRESIDENT. Objection is made.

SENATORIAL ELECTION EXPENDITURES

Mr. NEELY. Mr. President, 63 years ago to-day two of the mightiest armies that ever met on earth began to fight the Battle of Gettysburg in the great State of Pennsylvania—the State in which the First and Second Continental Congresses held their sessions; the State in which the Declaration of Independence and the Constitution of the United States were adopted; the native State of the Old Liberty Bell. The Battle of Gettysburg proved to be the turning point in the Civil War. It was fought by fearless heroes and sturdy patriots whose only motive was to save and serve their country. The Battle of Gettysburg was won for liberty. The glory of Gettysburg is one of the imperishable treasures of the State of Pennsylvania.

On the 18th day of May, 1926, another decisive but ignoble battle, commonly known as the Republican primary election, was waged in the State of Pennsylvania. This battle was fought by plutocrats and political corruptionists who knew no motive but self-interest, no master but mammon, and no object but that of obtaining a coveted seat in the United States Senate.

The pages of history, ancient and modern, sacred and profane, are marred with stories of official corruption, political iniquity, and human depravity. But there is nothing else to be found in all the voluminous record of the political weakness and wickedness of mankind to equal the admitted debauchery, the revealed infamy, and the proved iniquity of the Republican primary election in the State of Pennsylvania on the 18th day of May, 1926.

On the eve of the opening of the Sesquicentennial International Exposition in the City of Brotherly Love, to celebrate the one hundred and fiftieth anniversary of American independence, a handful of Pennsylvania Republican politicians, rich in money, poor in morals, and utterly destitute of love for the institutions of their country, made Philadelphia and Pittsburgh the political Sodom and Gomorrah of the modern world.

The sordid story of this unparalleled saturnalia of buying votes, politically debauching untold thousands of men and women with money, and defying common decency has been told and told again by almost every newspaper in the United States. Be it said to the everlasting credit of American journalism that every great paper and periodical in the country that has commented upon the iniquitous Pennsylvania Republican primary has, regardless of politics, unqualifiedly condemned it in the most vigorous language and the most scathing terms.

But notwithstanding the fact that the people, the press, the pulpit, and the pew have unanimously denounced this recent Pennsylvania debauchery and demanded protection against the repetition of such a scandal, no effective step has yet been taken in the Capitol of the Nation or the capitol of Pennsylvania to prevent the recurrence of such a political disgrace.

The situation out of which this national scandal has arisen is one of the most extraordinary in the history of constitutional government. Three men became candidates in the Republican primary election for the nomination for a seat in the United States Senate. One of these candidates was, and still is, the Republican Governor of the State of Pennsylvania. Another was, and still is, a Member of the United States Senate. The third was, and still is, a Member of the House of Representatives.

Every one of these renowned candidates on the date of the Pennsylvania primary was, and still is, under a solemn oath to support and defend the Constitution of the United States. These gentlemen were also impliedly bound by an obligation just as sacred as that contained in their oath of office to sup-

port and defend every law existing under the Constitution, whether that law were made by legislative enactment or established by the consensus of opinion or the moral sense of a majority of the people of the Nation.

All of these candidates had an inalienable right to contest for the senatorial nomination in Pennsylvania. Not one of them had the right to attempt or to permit their partisans and supporters to attempt to obtain a nomination by purchasing hundreds of thousands of votes and debauching untold thousands of men and women with money.

Let me refresh the memory of the Senate by reading briefly from a symposium contained in an American periodical. The paper from which I am about to read is not a muck-raking yellow journal. It is preeminently the most reliable, the most ably edited, and the most widely read weekly magazine in the United States. It is the Literary Digest. The leading article in the Digest of the 26th day of June is, in part, as follows:

THE YELLOW PERIL IN PENNSYLVANIA POLITICS

The Pennsylvania primaries were a "enational $ucce$$." Thus, succinctly and graphically, Mr. H. I. Phillips, columnist of the New York Sun, comments on the fact that the campaign expenditures of VARE, PEPPER, and Pinchot in their triangular fight for the Republican nomination for Senator from the Keystone State piled up to the amazing total of over $2,000,000. If this sum were in $1 bills, laid end to end, they would reach from Harrisburg to Washington and back again. The dollars spent in Mr. VARE'S campaign alone would make a path for him nearly to Washington, but not quite. The dollars spent in Senator PEPPER'S campaign—and figures later than those in the accompanying table bring them beyond $1,600,000—would carpet his route from Washington back to his home State. Those who visualize it in gold see another yellow peril menacing the country.

A cynical paragrapher has remarked that elections are not so clamorous as they used to be, because "the cash register makes less noise than the tin horn." But the Pennsylvania primaries reveal the fact that when the cash register is supplied with a megaphone attachment in the shape of a Senate investigating committee, it can raise a din that reduces the tin horn to silence by comparison.

From coast to coast the editorial pages of the daily press are ringing with shocked and indignant protests against the part played by money in Pennsylvania's politics. "Enough evidence that the Pennsylvania senatorial nomination was an auction has been produced to warrant the Senate in refusing to seat the nominee if elected," declares Senator CAPPER'S Topeka Capital (Republican), which believes it "impossible for the Senate or the country to remain indifferent and acquiescent to the calm story of the political debauchery of the second State in the Union. "If America can read the evidence thus far given without a shudder and a surge of indignation, it is because we are in a condition of disgusting demoralization and lacking in an ordinary sense of civic decency," avers the New York Evening World (Democratic). What chance has popular opinion to reveal itself in the dazzling glare of so much gold, wonders the Wichita Beacon (Independent Republican).

A box on the front page of the article from which I am reading contains the following:

HOW THREE SENATE CANDIDATES SPENT $1,886,436 IN THE PENNSYLVANIA POLL

[From the New York World]

WASHINGTON, June 15.—Recapitulated expenditures in the Republican primary campaign in Pennsylvania, as computed to-day, bring the record-breaking grand total to $1,886,436, based on the following figures testified to by the three candidates, VARE, PEPPER, and Pinchot, and their managers who have appeared so far before the special Senate committee:

PEPPER CAMPAIGN

Joseph R. Grundy's committee expenses and deficit	$614,134
W. L. Mellon's estimate of Pittsburgh's expenses	347,295
PEPPER'S estimate of his separate committee	125,000
Total for PEPPER	1,086,429

VARE CAMPAIGN

VARE'S personal expenditures	71,435
Spent by Pittsburgh headquarters	40,216
Secret fund disbursed from Philadelphia	231,095
Audit of other Philadelphia expenses	253,659
Additional advertising estimate	8,500
Total for VARE	604,905

PINCHOT CAMPAIGN

Pinchot's personal contribution	43,767
Spent by his State committee	113,324
Additional Pittsburgh expenses	3,885
Estimated county expenditures	30,000
Unpaid bills	4,126
Total for Pinchot	195,102
Grand total	1,886,436

Exact figures have yet to be furnished by many of the managers.

Thus we already know that the gigantic sum of $1,886,436 was spent in the recent primary in Pennsylvania by the three Republican candidates for the nomination for the United States Senate or by those who were supporting them.

Gibbon records the fact that after the assassination of the virtuous Pertinax, the degraded and pusillanimous Prætorian Guards from the ramparts of the city disposed of the Roman world to the highest bidder by public auction, and, remarkable to relate, Didius Julianus, a wealthy Roman senator, who proved to be the highest bidder, purchased the empire for the sum of 6,250 drachms, or upward of 200 pounds sterling. Who will dare to contend that this disgraceful sale of the Roman Empire was more infamous than the recent sale of the Republican nomination for the United States Senate in the State of Pennsylvania?

Mr. President, although it is beyond the scope of the resolution to which I rose to speak, I beg leave to invite the attention of the Senate to the fact that the revelations of corruption in the recent Pennsylvania primary have imposed upon every Member of the Senate and every Member of the body at the other end of the Capitol a new and a grave responsibility. It is the responsibility of ascertaining immediately whether anyone holding a seat in this Chamber or in the House was directly or indirectly and knowingly responsible for the vast expenditures of money with which the voters of Pennsylvania were corrupted on the 18th day of May.

If any Member of either House of Congress participated in this Pennsylvania crime, and that fact should be proved beyond all reasonable doubt, then such Member should be promptly expelled.

No one in this body holds the distinguished senior Senator from Pennsylvania in higher esteem than I hold him. No one has more respect than I for his unusual ability. No one has more respect than I for what we all consider his Christian character. But regardless of reputation, ability, or personality, if it should be proved that a Member of the Senate, or a Member of the House, has been guilty of the crime of buying a nomination, or of permitting others to buy a nomination for him, it would thereupon become the duty of his colleagues, irrespective of their love for the offender, to remove him from office.

Christ said in His Sermon on the Mount: "If thy right eye offend thee, pluck it out, and cast it from thee; for it is profitable for thee that one of thy members should perish, and not that thy whole body should be cast into hell. And if thy right hand offend thee, cut it off, and cast it from thee; for it is profitable for thee that one of thy members should perish, and not that thy whole body should be cast into hell."

The foregoing is the doctrine which we should practice and the law which we should enforce in this great political crisis, and in disposing of this vital matter the Members of Congress will prove themselves to be "just as big as the thing they do; just as little as the thing they leave undone."

Mr. President, I again read from the Literary Digest:

The Chicago Evening Post (Independent) * * * goes on to say: "Aside from all question of direct corruption, and we do not suggest that it was practiced, it is obvious that politics at such a cost as this is politics of a sort far beyond the reach of the ordinary citizen—it is politics as the luxury of the interested rich." And in a Pennsylvania paper, the Philadelphia Record (Democratic), we read:

"We don't know just how much it will take to awaken the people of Pennsylvania to the grave significance of the revelations now being made at Washington.

"Government of the people, by the people, and for the people is merely a pleasant phrase; it does not exist in Pennsylvania."

Of course, it did not exist in Pennsylvania on the day of the recent Republican primary. On the 18th day of May the political corruptionists of Pennsylvania repudiated the immortal Lincoln's theory that this is a government of the people, by the people, and for the people, and adopted in its stead the infamous proposition that this shall be a government of the plutocrats, by the plutocrats, and for the plutocrats, and that no one without a slush fund shall be permitted to obtain a public office.

I read further:

"Newberry, whose primary election expenditures shocked the country only a few years ago, was but a small potato. But who would be rash enough to predict that the lavish use of money in the Vare-Pepper-Pinchot campaign will shock Pennsylvania, or that the voters here will set the seal of their disapproval upon the investment of fabulous sums by politicians to advance their own interests at the polling places?"

The outstanding facts revealed by the candidates and their managers under the cross-questioning of Senator REED'S committee are that the unsuccessful campaigns of Senator PEPPER and Governor Pinchot cost, respectively, $1,620,000 and $195,102, while the nomination of Repre-

sentative WILLIAM S. VARE cost $604,905. It is claimed that these sums were spent legitimately for propaganda, advertising, etc. Thus one witness was certain that "all the money spent by the Pepper-Fisher ticket was as legitimately used as money given to a church"; and one of Mr. VARE'S managers declared: "I never heard of a vote being bought in Pennsylvania." But the statement of one of Governor Pinchot's lieutenants that the VARE and PEPPER forces spent $494,900 in Pittsburgh for "watchers" at $10 a day draws the fire of Democratic editors. The employment of these 49,490 "watchers," insists the New York Evening World (Dem.), can only be interpreted as "a purchase of votes."

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. REED of Pennsylvania. I wonder if the Senator knows that that was admittedly a hearsay statement made by the Pinchot manager, who said that he got it from the Vare manager, who pretended to tell what the Pepper-Fisher outfit had spent. It was triple hearsay.

Mr. NEELY. I do not know how authentic the statements contained in the Digest are. I have assumed that they are correct. But I accept as true whatever the Senator says upon his own knowledge.

Mr. REED of Pennsylvania. I have no personal knowledge, but I am told that watchers were paid $5 a day, that only two were allowed for Senator PEPPER in each district, and that there were 1,400 districts in the whole county.

Mr. NEELY. I have so much regard for the outstanding integrity, as I have for the outstanding ability of the distinguished junior Senator from Pennsylvania [Mr. REED], that I invite him to tell the Senate how much was spent in Pittsburgh for watchers by the three Republican candidates for the Senate and their supporters on the 18th day of May.

Mr. REED of Pennsylvania. If any one of them spent over $14,000 in the whole county, he is indictable under the Pennsylvania law.

Mr. NEELY. Does the Senator believe that if it should appear that any one of the candidates spent more than that, he would be indicted?

Mr. REED of Pennsylvania. I should think so. Understand, I am not defending the great outpouring of money in Pennsylvania. I think that forecloses the Pennsylvania elections to any poor man. I think it is due to the abominable system of nomination that we have that compels this great outlay.

Mr. BORAH. Mr. President, when the Senator says "the abominable system," does he refer to the primary?

Mr. REED of Pennsylvania. I refer to the uniform primary law, which has been causing increasing amounts of expenditures year by year, and has brought us to the pass where a poor man has no chance at all.

Mr. BORAH. Mr. President, I do not want to interrupt the Senator——

Mr. ROBINSON of Arkansas. Will the Senator yield?

Mr. NEELY. I yield first to the Senator from Idaho and then I shall yield to the Senator from Arkansas.

Mr. BORAH. If the Senator will compare the expenditures in Pennsylvania under the Quay system, before the primary law was enacted, with the expenditures now, he will find very little consolation, or substantiation of the statement that the primary is now the cause of this outpouring.

Mr. NEELY. I now yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I merely wanted to ask the Senator from Pennsylvania the reason why so much greater expenditures were required under the primary system in Pennsylvania than in other States.

Mr. REED of Pennsylvania. I do not believe greater expenditures are required. The lid is off in Pennsylvania, and we are being held up to the ridicule and scorn of the whole United States, but I venture to say you can take the lid off in pretty nearly any one of the other 47 States and you will find the same conditions.

Mr. ROBINSON of Arkansas. I would like to ask the Senator one further question. Why does the Senator say that the primary system compels the expenditure of enormous sums of money? One is a voluntary agent. He expends only what he desires to expend in the conduct of a primary campaign, and I can not understand why the Senator fixes the responsibility on the system of making nominations for the admittedly extravagant and excessive employment of money in the primaries.

Mr. REED of Pennsylvania. We have 4,000,000 persons of voting age in Pennsylvania. You can not send a printed letter to them for less than 6 cents per letter. There in one item is $240,000. The sending of one letter to each person of voting age in Pennsylvania costs a quarter of a million dollars.

Mr. ROBINSON of Arkansas. Does the Senator find that the expenditures complained of in Pennsylvania were due to the excessive use of the mails by the candidates?

Mr. REED of Pennsylvania. Yes; I do.

Mr. ROBINSON of Arkansas. As a matter of fact, that is comparatively a small item, is it not?

Mr. REED of Pennsylvania. Let me tell the Senator about Mr. VARE'S expenses. He spent $71,400. Every cent of that was spent, he tells me, for sending out letters. He sent 250,000 letters to the farmers of the State.

Mr. CARAWAY. Saying he was a farmer?

Mr. REED of Pennsylvania. Saying that he was a farmer, and giving a picture of the farmhouse in which he was born.

Mr. CARAWAY. That is very valuable propaganda.

Mr. REED of Pennsylvania. Just as other candidates for office have bragged about being born on the farm. He sent 250,000 letters to members of automobile clubs telling of his efforts for good roads. He sent 130,000 letters to members of fraternal societies. He sent 50,000 letters to the school-teachers of the State.

Mr. NEELY. Telling them that he was a school-teacher?

Mr. REED of Pennsylvania. I do not think so. It was perfectly proper political advertising. All of the $71,000 was taken up with that expense. He tells me further that 75 per cent of all of the expenses of his committee, which ran up to such a large total, was for advertising on billboards and in newspapers. We can not condemn that. That is perfectly fair work. It is all right to have cold chills over the large amount of money required. I am coming up in two years, and I know I will never get that amount of money to spend. I deprecate it as much as anybody does, and I would like to see the limit put very low.

Mr. CARAWAY. Mr. President, will the Senator from West Virginia yield to me?

Mr. NEELY. I yield.

Mr. CARAWAY. The Senator from Pennsylvania made the rather startling assertion a moment ago that the same extravagant use of money was indulged in in each of the other 47 States.

Mr. REED of Pennsylvania. I did not mean to make it so sweeping as that. I meant to say in most of them.

Mr. CARAWAY. What makes the Senator think that the lid blew off in Pennsylvania over the ordinary and common expenses, such as would be paid by candidates in all the States?

Mr. REED of Pennsylvania. The lid blew off in Pennsylvania because it was to everybody's political interest to have it blow off. It was a very bitter fight.

Mr. CARAWAY. They just blew it off of each other. Is that the idea?

Mr. REED of Pennsylvania. Yes; I think they blew it off each other.

Mr. CARAWAY. They got mad and told on each other.

Mr. REED of Pennsylvania. They had not gotten over their "mad" right after the election.

Mr. CARAWAY. They are all sorry for it now, and they are explaining that their expenses were entirely legitimate?

Mr. REED of Pennsylvania. I do not know about that.

Mr. DILL. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. DILL. I wanted to make one suggestion.

Mr. REED of Pennsylvania. Will the Senator let me add one further thought to what I have said?

This was not an election in which just the three candidates for the senatorial nomination were interested. There were four candidates for the nomination for governor. There were 36 Congressmen to be nominated. There were 25 members of the State senate to be nominated. There were 280 members of the State house of representatives to be nominated.

There were two committeemen in each of the 8,000 voting districts of Pennsylvania to be nominated, and there was a very considerable number of county and local officers besides to be nominated. The number of candidates ran up into many thousands, and it is not fair to Senator PEPPER or Mr. VARE or Governor Pinchot to say that these amounts were spent for them. They were spent for them among a great number of others, and the contest for the governorship, I assure Senators, was at least as bitter as the contest for the Senatorship.

Mr. NEELY. Unfortunately the gubernatorial contest has not yet been investigated.

Mr. WALSH. Mr. President, I would like to ask a question for information. Did this committee undertake to take care of the nominations of 280 members of the legislature?

Mr. REED of Pennsylvania. Yes; Mr. President. The candidates were presented by way of tickets. For example, the

Pepper ticket was coupled up with the candidacy of State Senator Fisher for governor.

Mr. WALSH. I understand that very well, but I was directing the attention of the Senator to the members of the legislature in the various counties of the great State of Pennsylvania. Was there a central committee that raised money for the purpose of nominating candidates for the legislature in every county of Pennsylvania?

Mr. REED of Pennsylvania. I do not think in every county, but I think it is already proven in the hearings that these particular campaign committees were interested in given nominees for the statehouse and senate.

Mr. ROBINSON of Arkansas. The Senator does not mean to say that the sums found by the investigating committee, including all sums used in connection with the selection of the various nominees to which he has referred?

Mr. REED of Pennsylvania. That was my understanding. I do not think those sums were restricted to the Senatorship by any means.

Mr. ROBINSON of Arkansas. But the Senator does not mean to imply that other and additional sums were not used in connection with the various candidacies? These were such sums as were used in connection with the candidacies of those running for Senator and governor; and in that relationship there were some other candidates who received a portion of the alleged benefits, but there was no attempt on the part of the committee to ascertain the total expenditure in the Pennsylvania primary?

Mr. REED of Pennsylvania. Oh, no; I did not mean that. I suppose each one of these other candidates has filed a statement showing his expenditures as a candidate for Congress, for example.

Mr. CARAWAY. Mr. President, do I gather from the Senator's statement that there were factions in the Republican Party, and that these expenditures were in the interest of certain factions?

Mr. REED of Pennsylvania. That seems to be so. That is my understanding of it.

Mr. CARAWAY. That brings about a worse condition.

Mr. REED of Pennsylvania. I am not defending the condition.

Mr. CARAWAY. I understand that. I was just trying to get the significance of the Senator's response that these were factions that undertook to control every office in the State down to State representative, and even committeemen, at the bottom.

Mr. REED of Pennsylvania. I doubt if they made it as sweeping as that. But, for example, the Philadelphia city organization, which was supporting Mr. VARE, had its candidates for Congress in each of the other districts there, and they put them over. Of course, they were interested in all of them.

Mr. CARAWAY. Did it go so far that it was the Philadelphia organization and the Mellons fighting for the control of the State?

Mr. REED of Pennsylvania. I would not describe it that way.

Mr. CARAWAY. It looked as if it were that way, did it not?

Mr. REED of Pennsylvania. They were opposed, and the result, to a considerable extent, determined for the time being the control of the State machinery.

Mr. CARAWAY. It was then, simply the auctioning off of the right to control Pennsylvania. Is that what it was?

Mr. REED of Pennsylvania. No; I do not think that is a fair statement.

Mr. CARAWAY. I was just trying to see if that was not the effect of it, to see which crowd should control the State.

Mr. REED of Pennsylvania. I do not think that describes it.

Mr. NEELY. Mr. President, the question of the comparative virtues of the primary-election system and the old convention system is wholly irrelevant to my discussion, but since the question has been raised I am impelled to declare that I am unqualifiedly for the primary system, and unalterably opposed to returning to the old convention system.

If the nomination for the Senate in Pennsylvania had been made by a convention instead of by a primary election, those who attempted to purchase the great honor of being the Republican candidate in that State would have found their task greatly simplified. Instead of buying the votes of hundreds of thousands of people they would have bought the votes of a few hundred delegates.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. NEELY. In just a moment. While the primary system may not be perfect, and while no primary law may be strong enough to prevent corruption in elections in States like Pennsylvania, and a few other States of the Union, the primary election, nevertheless, places more obstacles in the way of plutocrats and political corruptionists than any other system of nominating candidates that has ever been devised.

Unless I greatly mistake the temper of the people of the country who believe that they own this Government and have the right to control it, the machine politicians who, with the aid of subsidized newspapers, are endeavoring to abolish the primary election, are doomed to everlasting disappointment.

I now yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Does the Senator think a State can be bought more cheaply in a convention than in a primary?

Mr. NEELY. Yes; for it is very much easier and very much cheaper to debauch a hundred members of a convention or State legislature than it is to debauch hundreds of thousands or millions of voters.

Mr. SHIPSTEAD. Does the Senator think the convention system would be in line with the so-called policy of economy?

Mr. NEELY. Yes; and also in line with the policy of trying to put the Government of the United States in the hands of millionaires and shut the door of opportunity to hold public office in the face of everyone who can not raise a huge campaign fund with which to buy an election.

Mr. President, I read once more from the Literary Digest:

> That corruption featured the primaries may be taken for granted. It was disguised by that detail of the Pennsylvania election laws permitting each candidate to employ "watchers" at the polls. An army of these political parasites were hired. Two or three hundred thousand of them may have been on the pay roll throughout the State—although it seems incredible—for one of the Vare managers estimated the Vare "watchers" in the Pittsburgh district alone at 15,000, while a Pinchot manager calculated that the Pepper "watchers" in the same narrow territory reached 50,000. Several days were needed to pay them off, and the scenes around headquarters as they were being handed their money in bills resembled a run on a bank.

That abomination of desolation occurred in a State once made famous by patriots like Benjamin Franklin, Robert Morris, and a great host of others who stand in the front rank of American statesmen and benefactors.

Turning from the glory that justly belonged to Pennsylvania in the days when upon her soil George Washington, Thomas Jefferson, Samuel Adams, and John Hancock wrote the most brilliant pages of the world's political history to the high crimes and misdemeanors with which this great State was disgraced in the primary election on the 18th day of May, it is impossible to refrain from repeating the following melancholy words from Byron's Childe Harold:

> Ancient of days! august Athena! where,
> Where are thy men of might? thy grand in soul?
> Gone—glimmering through the dream of things that were;
> First in the race that led to glory's goal,
> They won, and pass'd away—is this the whole?
> A schoolboy's tale, the wonder of an hour!
> The warrior's weapon and the sophist's stole
> Are sought in vain, and o'er each moldering tower,
> Dim with the mist of years, gray flits the shade of power.

In the same sad plight is the Republican Party in the State of Pennsylvania.

Permit me to read once more from the Digest:

> According to Mr. Joseph R. Grundy, head of the Pennsylvania Manufacturers' Association, who was one of the heaviest contributors to Senator PEPPER'S campaign fund: "Salaries had nothing to do with it. The issues were important." Mr. Grundy explained further that his interest in the outcome was born of his eagerness to strengthen "the Coolidge-Mellon line of economic thought."

And Mr. Grundy might have added that he was also interested in strengthening the Coolidge-Mellon control of the Government of the United States.

Mr. President, I have introduced two resolutions which are designed to prevent other political scandals similar to that which has occurred in Pennsylvania. The first of these resolutions was introduced on Wednesday, the 23d day of June. It was the first resolution presented to the Senate which attempted to deal with the situation under consideration.

The second of my resolutions, which was introduced on the 28th day of June, differs from the first in that the latter provides that $10,000 shall be the limit of a senatorial candidate's expenditures either in a primary or general election, while the limit for similar purposes in the former is increased to $25,000.

My second resolution, which I hope the Senate will adopt, is as follows:

> *Resolved*, That any United States Senator elect shall be deemed to be disqualified from holding a seat in the Senate if an amount in excess of either $10,000, or the amount (in no event exceeding $25,000) obtained by multiplying 3 cents by the total number of votes cast in

the State of the residence of such Senator elect at the last general election for all the candidates for the office of United States Senator has been expended by such Senator elect, or by any person or persons for him with his knowledge or consent, in aid or support of the candidacy of such Senator elect, either in a primary election by which such Senator elect was nominated as a candidate for the Senate, or in any general or special election in which such Senator elect is alleged to have been elected; except that money expended by such Senator elect to meet and discharge any assessment, fee, or charge made or levied upon him as a candidate by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether the amounts expended in aid or support of the candidacy of such Senator elect have exceeded the sum fixed by this resolution.

Mr. CARAWAY. Does not the Senator from West Virginia think that there ought to be something in his resolution which would require publicity, so that the candidates may know and the public may know what outside influences are expending in behalf of any candidate or any group of candidates?

Mr. NEELY. I should be very glad to have such a provision inserted in the resolution, but I frankly confess that we can not enforce such a requirement. If the Senate adopts the resolution it can only enforce a penalty against a Senator elect who presents his credentials after he shall have violated the provisions of the resolution. Under the decision of the Supreme Court in the Newberry case——

Mr. WILLIAMS. Mr. President——

Mr. NEELY. I yield for a question.

Mr. WILLIAMS. My question is, if the Senator please, whether any provision is made in his resolution with respect to political expenditures under State laws?

Mr. NEELY. The resolution, if adopted, would limit the amount regardless of what the State law might provide on the subject. For instance, there is no limit in the State of Pennsylvania to primary expenditures. A candidate there may spend a million dollars in a primary without violating any State law.

Mr. WILLIAMS. I understand that; but suppose the limit here were $25,000 and that in the State of Missouri the limit were $10,000?

Mr. NEELY. This resolution does not attempt to affect the expenditures permitted by State law where the sum provided by the State statute is less than the sum provided in the resolution. If the sum provided by the State law exceeds that provided by the resolution the latter would prevail.

Mr. President, there are three objects that I hope to accomplish by the adoption of this resolution: The first is to warn the honest Republicans of Pennsylvania, of whom I am sure there are many, many thousands, that their present candidate for the Senate is disqualified to occupy a seat in this body, and that some other candidate should be chosen to take his place. Secondly, I hope that the adoption of the resolution will, in a small measure, help to perpetuate the free institutions of this country. I hope that it may check the prevailing practice of endeavoring to buy nominations and elections to the Senate by notifying every senatorial candidate that if he has personally spent, or others with his knowledge have spent more than $25,000 to obtain either his nomination or election, he has thereby become disqualified to occupy a seat as a Member of the Senate. In the third place, it is my hope that by the adoption of this resolution we may proclaim to the American people anew that the Senate is not a rich man's club or a plutocrat's monopoly, and that everyone who is morally and intellectually qualified for service in this great legislative body, whether he be rich or poor, may, with equal hope and equal chance, compete in either a primary or a general election for a seat in the United States Senate.

Let us by the adoption of this resolution serve notice on every political boss and every political corruptionist that he shall not shut the door of opportunity to one of the highest offices in the land in the face of any boy or girl for the sole reason that that boy or girl happens to be poor. Let us, by the adoption of this resolution, discourage, so far as in our power lies, the abominable practice of debauching voters, disgracing States, and buying nominations to the Senate at public auction.

Mr. President, I ask unanimous consent that the resolution which I have offered be referred to the Committee on Rules. The Committee on Rules is specified because of the fact that another resolution that is evidently designed to accomplish the same purpose as my own, and which was submitted by the junior Senator from Wisconsin [Mr. LA FOLLETTE] two days after I introduced mine has been referred to that committee.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on Rules.

Mr. KING obtained the floor.

Mr. CUMMINS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CUMMINS. What is the question before the Senate?

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington [Mr. JONES] to concur in the House amendments to Senate bill 481 with an amendment.

Mr. CUMMINS. I made the motion and the Senator from Washington proposed the amendment.

Mr. KING. Mr. President, I have the floor.

The PRESIDENT pro tempore. The Senator from Utah is entitled to the floor.

Mr. KING. I will take just one moment.

Mr. CUMMINS. Does the Senator from Utah intend to discuss this question?

Mr. KING. In just one word.

Mr. President, I am a member of the committee charged by the Senate to make certain investigations. I have refrained and shall refrain from discussing the testimony before the committee or making any observations in relation thereto, or drawing any deductions which might be warranted from the testimony. I do want to make just one statement, however, in view of the address of the able Senator from West Virginia.

For myself, at least, I do not want the impression to go out that the Republicans in the State of Pennsylvania are the only ones who may have sinned, if there have been sins. I regret to say that some of the Democrats in the State of Pennsylvania have yielded to blandishments and they have become corrupted and their organization has been prostituted. As a Democrat, I feel like condemning some of the members of my own party.

Mr. CUMMINS obtained the floor.

Mr. BORAH. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield for a question.

Mr. BORAH. I simply want to make a brief statement. The Senator from Iowa has pending a measure with which I do not desire to interfere. I hope, however, a little later to have an opportunity to discuss one feature of the matter we have been discussing, and that is the question of the primary and its effect upon the kind of conditions which prevail here. I refrain from doing so now simply because the Senator from Iowa has been endeavoring to get his bill before the Senate, and I think he is entitled to have it disposed of.

Mr. BLEASE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. For a question only.

Mr. BLEASE. I want to make a statement similar to that which the Senator from Idaho [Mr. BORAH] has just made. I desire to discuss this resolution, and had intended to do so immediately after the speech of the Senator from West Virginia; but I shall not at this time ask the privilege, because I think the Senator from Iowa is entitled to have his bill considered.

Mr. CARAWAY. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. I yield.

Mr. CARAWAY. I ask unanimous consent to insert in the RECORD three letters dealing with the primary elections and expenditures in connection with them.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

1758 NORTH MAPLE STREET,
Decatur, Ill., June 28, 1926.

Hon. THADDEUS H. CARAWAY,
Washington, D. C.

DEAR MR. CARAWAY: I saw your publication in the Chicago Tribune and also in our local Decatur paper, and noted what you said about our Illinois primary election. I don't know how much money was spent in the primary election, but I do know that the Smith faction had paid workers traveling around from one place to another here in central Illinois, and also the men that have appointive jobs or offices under Governor Small were Smith workers and that they were assessed a certain portion of their monthly salary for campaign expenses.

We are supposed to have a State civil commission for the different positions of this State, but no examinations have been given under Governor Small—only clerical examinations—during his term of office over four years, and he is now started on his second term.

I wrote the attorney general of this State of recent date about the positions of the State, as whether they were appointive or came under civil-service examinations, but he evaded my question. This is what came from his office in answer to my question, "that he was legal adviser for the officeholders and State attorneys of the State, and not private citizens."

But we have a civil service commission in this State and a civil service law that all positions listed under it must be filled by examinations, but they are not. A man from this town was appointed to a position about a month ago, without any examination whatever, which should have been filled by examination.

They certainly need an investigation in this State, as politics is certainly rotten; but I don't believe Hon. W. B. MCKINLEY spent much money in campaigning for the primary, for he generally gives his money to charities and institutions of learning, but, of course, it has the right effect generally at election time.

I am a Republican in politics, but would like to see the right man go to the Senate that would serve the people and not his own selfish interest and a few others that helped buy the place for him.

I am just a plain, ordinary citizen of Illinois, and would be pleased if you would advise if the attorney general of the State is not sworn to enforce all the laws of the State that are on the statute.

Thanking you in advance for this favor and for your interest in a clean government, I remain,

Yours truly,

FRED. L. CRICKMAN.

SPRINGFIELD, ILL., *June 28, 1926.*

United States Senator CARAWAY,
Washington, D. C.

DEAR SIR: I have read in the press concerning the charges brought out by yourself in Congress relative to the recent primary election in Illinois, and I feel that much you have asserted to be true and that an honest investigation would probably bring as much rottenness to the surface concerning elections as any investigation elsewhere in the United States could possibly bring out, especially so in regards to the methods used in "delivering" the so-called "labor votes." I may inform you that 10 years ago when Frank L. Smith was a candidate for Governor of Illinois that Frank Farrington, president of the Illinois Mine Workers, was caught "red handed" accepting money from Frank L. Smith, and as a result was placed on trial (for accepting this money in the miners' union) and admitted getting $1,000 at that time, but many of us think if the truth was known that he got much more than he said he got. This is proof that Frank Farrington will accept money from Frank L. Smith, and the truth for this can be ascertained by any committee that may visit Springfield, Ill., simply by calling Duncan McDonald, of Springfield, to the witness stand. It is rumored here of how the officers of certain miners' local unions in this State have received as high as $5,000 apiece to indorse Frank L. Smith, and it is believed that Farrington received a handsome bunch of money for the services he rendered in this last campaign.

Harry Fishwick, vice president of the Illinois miners, was supposed to be the "paymaster" around Springfield, and is now building himself a fine home in the most fashionable part of Springfield, Ill.

For your further information let me state that I was secretary-treasurer of the Springfield (Ill.) subdistrict of the Illinois Mine Workers for seven years and have fought Frank Farrington and John H. Walker most of that time, and was finally removed from my office and forced out of the miners' union by Frank Farrington without ever a charge having been placed against me or a trial of any nature given, and I am now suing that gentleman for $50,000 as a result of his violation of the miners' laws, and anything I can do to assist in this present period of debauchery and bribery, which is surely undermining the Nation, command.

I am, yours truly,

JAMES J. WATT,
248 North English Avenue, Springfield, Ill.

P. S.—I would like a copy of the CONGRESSIONAL RECORD with your remarks on the above matter, if it is possible to get it.

JUNE 29, 1926.

Hon. Senator CARAWAY,
Washington, D. C.

DEAR SIR: Inclosed are clippings of a powerful person that held in his power yes or no sayings about this primary, secretary of the election commissioner and Anton Czarnecke and United States Senator DENEEN'S man. His appointment is under the Senator's approval. Approve nothing until the vote fraud is looked into. And this State attorney, Robert E. Crowe, must also get rejuvenating. United States Senator DENEEN did not care about MCKINLEY being elected or not, but his group of workers on the ticket they call DENEEN'S ticket might have had the convenience of using MCKINLEY'S money for their own benefit. Who knows? That is to be found out.

Inclosed primary ticket. You can see for yourself that a person needed a strong instruction to know how the vote for the party that they had pledged themselves to. Either DENEEN or State Attorney Crowe's ticket. It is all mixed up. The funny part is that State Attorney Robert E. Crowe's ticket won every one of the candidates. That is rather strange, how they could pick out every one for that ticket to win.

Yours respectfully,

Mrs. B. AUSTIN,
Chicago, Ill.

CORN SUGAR

The Senate resumed the consideration of the amendments of the House of Representatives to the bill (S. 481) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, amended August 23, 1912, March 3, 1913, and July 24, 1919.

Mr. CUMMINS. Mr. President, the question before the Senate is upon the motion which I made to concur in the House amendments to the Senate bill relating to corn sugar. The Senator from Washington [Mr. JONES] proposed an amendment to that motion, which in effect is that the Senate concur in the House amendments with an amendment. I have assented to the proposal of the Senator from Washington. I want to have, however, if possible, a vote upon this motion.

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I do not yield for just a moment. I should like to state what the case is, and then I shall be very glad to yield.

Mr. WILLIS. I thought the Senator had finished.

Mr. CUMMINS. I do not intend to take any considerable time. I would infinitely rather have a vote than to hear anyone speak upon the question, even myself.

Mr. President, some time ago the Senate passed a bill which I introduced, in which it was declared that the pure food act should be amended so that in the case of food products they should not be regarded as misbranded because of having been preserved or sweetened with an article commonly known as corn sugar or with an article known as fruit sugar or levulose.

Mr. President, this bill was introduced to render some aid to the corn growers of the United States. The bill would have been of very significant and signal aid to the corn growers if it had passed the House as it passed the Senate. When it went to the House, however, it was found that there were arrayed against it all the scientists of the Pure Food Bureau of the Department of Agriculture, aside from all the forces of the manufacturers and producers of cane sugar. The result was, after a long deliberation, that the scientific men in the Pure Food Bureau of the Agricultural Department were permitted to frame an amended bill. That bill has been returned to the Senate, and it is in that that I have made the motion to concur. It will not do the good that I hoped, but it will do some good; and it seems to me it ought to be in the hearts and the judgment of the Members of the Senate to be willing to render a little aid to the producers of a great commodity who have been and are now under great distress.

I shall not take up the time to discuss the matter. I simply want to have a vote on the motion.

Mr. WILLIS. Mr. President, I am perfectly willing that this matter should be brought to a vote—and I shall detain the Senate only a brief moment—and yet I did not desire that the vote be taken without giving expression to the fear which I entertain that notwithstanding the great care that has been expended upon this matter by the Senator from Iowa [Mr. CUMMINS], in whose judgment we all have the greatest confidence, there may nevertheless reside in the amendment a rather serious danger to an industry of great importance in the State that I in part have the honor to represent.

Quite contrary to my custom, when this matter came up I thought it not inappropriate to communicate with certain of the honey producers. I think ordinarily it is not wise to seek information from those who perhaps would occupy a prejudiced standpoint; but I have great confidence in these people, and I wanted to have their judgment on the effect of this amendment. I therefore wrote to the A. I. Root Co., of Medina, Ohio, the largest concern in the country interested in bee culture and honey production so far as I know. I sent them a copy of the amendment as it is now proposed, and I have this wire from that company addressed to me. It says:

The amended corn sugar bill thought better than the original Senate bill. Still jeopardizes the pure food law and threatens the cause of pure food. In our judgment, the whole bill should be killed.

That is the opinion of honest, careful, conservative people. I am sure all of us have very great confidence in the judgment and the high purpose of the Senator from Iowa. I simply express my fear that this legislation may work a very serious injury to one industry when the purpose of it was undoubtedly altogether good, namely, the desire to aid the corn producer.

Another statement is made to me in this respect. I will read just one sentence or two from that statement.

> The great danger from this amendment is that of endangering the pure food law. It would act as an entering wedge to break down those provisions intended to prevent deception in labeling food products. If one after another of the manufacturers of food products are granted special privileges as to labeling, the consuming public would no longer have protection against deception in purchasing food—a protection which has been so highly beneficial to honest producers of food products and of even much greater benefit to the consuming public.

These people complain also because they fear the passage of this bill would open the way to a very serious infringement upon the market for honey, in that people could very easily adulterate honey with this substance.

Mr. CUMMINS. They can not, Mr. President, under this amendment——

Mr. WILLIS. Will the Senator explain that?

Mr. CUMMINS. Because honey is not one of the things in which, under the bill as amended, corn sugar can be used.

Mr. WILLIS. I am glad to have that statement.

Mr. CUMMINS. There are just three things in which it can be used. One of them is confectionery. Honey is not used in confectionery, I hope. Another is ice cream and other similar frozen products or desserts. Honey is not used in making ice cream, I believe.

Mr. WILLIS. No; I think not.

Mr. CUMMINS. The other is meat and meat products.

Mr. WILLIS. I am satisfied with the Senator's statement, and I am glad to have it if he states specifically that that is covered.

Mr. CUMMINS. There is not one particle of substance in the objection that is made by the beekeepers.

Mr. WILLIS. I am glad to have that assurance from the Senator.

Mr. CUMMINS. It can not interfere with them in any way.

Mr. WILLIS. I express only my fear that this may be only an entering wedge for the breaking down of the pure food law, and for this reason I feel it my duty to oppose this bill, though if it could be done I should gladly support legislation for the benefit of the corn grower if it did not imperil the pure food law and endanger an important industry.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Washington.

Mr. JONES of Washington. I understand the question is on concurring in the amendments of the House.

The PRESIDENT pro tempore. Yes; with an amendment.

Mr. KING. Mr. President, I am opposed to the bill which is before us for consideration. I shall not protract my remarks so as to prevent a vote by 2 o'clock, although I will say very frankly that I should be glad if the matter could go over and be given further attention. I should be very glad if it could be defeated; but, Mr. President, I do not understand the logic of the Senator from Iowa in contending that we are showing unfriendliness to agriculture, particularly to those who produce corn, because we insist that they shall label the products of their agricultural crop conformably to the truth.

Mr. CUMMINS. Mr. President, may I ask the Senator from Utah a question? When confectionery is made with beet sugar, is it labeled "beet sugar"?

Mr. KING. I do not think so.

Mr. CUMMINS. And if it is sweetened with or made from sucrose or cane sugar, is it so labeled?

Mr. KING. No.

Mr. CUMMINS. There is no more reason for labeling it when made with corn sugar than when made with beet sugar or with cane sugar. The Senator knows that the saccharine quality or content of cane sugar or cane molasses runs all the way from 48° or 50° or 60° to 100°, or 96° if only the centrifugal process is used. Why do we not require that anything that is sweetened with cane sugar, or confectionery made of cane sugar, should state upon the label the degree of saccharine quality that is used in its preparation?

Mr. KING. Mr. President, the Senator knows that the people who buy confectionery or frozen desserts, as the amendment provides, believe that those products or articles are sweetened either with cane sugar or with sugar. As I understand, this bill is to relieve the manufacturers of cornstarch from the obligation of indicating to the purchasers of the products referred to that those products are sweetened with corn sugar instead of with cane sugar or with beet sugar, and in that degree and to that extent the public will be misled. It constitutes, therefore, a fraud upon the public.

I have not the slightest objection in the world to permitting people to use corn sugar for any purpose on earth. If they prefer corn sugar to cane sugar or to beet sugar, I have not the slightest objection. If they want to use it in all of the productions in which saccharine in any degree is employed, I have no objection, providing it is understood. But the pure food law was enacted for the purpose of producing honesty, and giving the people an opportunity of knowing just what they were buying. Deceiving the people is what I am objecting to. I am perfectly willing that corn sugar may be used for desserts or for anything else, just so the public shall be advised of the fact that it is corn sugar.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield, although I do not want to take much more time.

Mr. COPELAND. The Senator from Utah spoke the other day about oleomargarine. We do not require that the pie or the cake in which oleomargarine is used as shortening in place of lard or butter should be labeled as made with oleomargarine.

Mr. KING. No, but we require the labeling of oleomargarine.

Mr. COPELAND. Certainly, and it is the same with corn sugar. It is sold as corn sugar.

Now another matter. I am sure the Senator knows that nobody more than the Senator from New York is interested in the pure food law. The term "salad oil" was originally meant, as used in the pure food law, to describe only olive oil. But now it is interpreted to mean corn oil, cottonseed oil, and other oils which may be properly used in the preparation of salads because of their nourishing value.

Mr. KING. Does the Senator think that when the people go out and buy olive oil they ought to run the risk, because of not having it properly labeled, of buying oil that they do not want, even though it has the same nutritive qualities, or even though it might have greater nutritive qualities?

Mr. COPELAND. I think that when an article is sold in its original form the label should always show exactly what it is, "This is olive oil," or "This is corn oil," or "This is oleomargarine," or "This is corn sugar." But when the product is used in products in the way in which oleomargarine is used, where there is no detriment in the use of corn sugar, I can see no reason in the world why it should not be used. The position I take is the one I have taken for many years, long before this legislation was thought of.

Mr. KING. Mr. President, I discussed this matter briefly the other day, and I do not want to intrude further upon the Senate. I believe that the bill is unwise, and that it would be the entering wedge, as was stated by the Senator from Ohio, to further attacks upon the pure food law. I think, moreover, that the effect will be to deceive, and later on, when the people begin to see the operations of it, they will feel that frauds have been perpetrated upon them.

The PRESIDING OFFICER (Mr. McNARY in the chair). The question is on agreeing to the motion of the Senator from Washington [Mr. JONES] to concur in the House amendment with an amendment.

Mr. NEELY. Mr. President, the question on which we are about to vote is of great importance to the American people. I do not believe that one-third of the Members of this body know the relative merits of corn and cane sugar, either from the standpoint of the sweet they contain, or that of their effect upon the human system.

An article entitled "Do you want adulterated sugar?" appears in Good Housekeeping for May, 1926. It was written by the eminent doctor, Harvey W. Wiley, a man to whom the distinguished Senator and prominent doctor from New York [Mr. COPELAND] referred the other night in this Chamber as having done more than any other person in the country to rid the Nation of the curse of adulterated foods.

I think the Senate ought to know what Doctor Wiley has said concerning this measure we are asked to adopt.

Permit me to read a few paragraphs from that article, which expresses Doctor Wiley's condemnation of this bill. The doctor says:

> On Saturday, January 30, an amendment to the pure food law passed the Senate of the United States. It was for the purpose of legalizing the adulteration of sugar, on the assumption that the adulterant of sugar, having been made from Indian corn, would give a wider market

to the corn grower and relieve the depression due to a surplus of his crop.

I digress to say that I have, in slang phrase, "gone the limit" for the farmer in this Congress and in every other Congress of which I have been a Member. I recently voted for the so-called McNary-Haugen bill. I have voted for every amendment that was offered by anyone on either side of the Chamber that even promised a shadow of relief for the farmers in their present distressed condition. It is not because of a lack of interest in the farmer that I am opposed to this bill. I am opposed to it because it seeks to legalize the perpetration of a fraud upon the American consumers of sweetened food products.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. NEELY. I shall be glad to yield.

Mr. WARREN. Is it the intention of the Senator to consume all the time until 2 o'clock? I ask because I am waiting to call up another measure.

Mr. NEELY. I certainly will not be able to complete what I have to say before 2 o'clock. I will be glad to yield to the Senator to make a motion.

Mr. WARREN. I think I ought to call the attention of the Senator from Iowa [Mr. CUMMINS] to the situation and ask him whether he thinks it would be of benefit to his measure to keep it before the Senate until 2 o'clock.

Mr. CUMMINS. Mr. President, I understand the situation perfectly. I understand the Senator from West Virginia [Mr. NEELY] does not intend to allow me to get a vote upon this bill if he can prevent it. I love to hear his voice, and I think he had better keep on talking until 2 o'clock.

Mr. NEELY. The Senator from Iowa is the first person who ever paid my mellifluous voice such a compliment, and I am very much obliged to him, indeed, for his just and generous words.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NEELY. I am glad to yield.

Mr. COPELAND. Mr. President, I hope the Senator from West Virginia will not take advantage of his privilege to defeat this bill. He has already defeated a coal bill which is in the interest of the American people.

Mr. NEELY. If the Senator from West Virginia has really defeated the bill introduced and so persistently advocated by the able Senator from New York to communize the soft-coal industry, the country ought to be grateful to me.

Mr. COPELAND. The public will not be grateful for it. The public will resent it, and I think it is a shame for the Senator to speak simply against time, to defeat a measure so meritorious as this, and I appeal to the Senator not to do it.

Mr. NEELY. Mr. President, there are higher obligations resting upon a Member of the Senate than the obligation to be courteous and accommodating. I should like to accommodate the distinguished Senator from New York by letting him pass his coal bill if I could persuade myself that communism is a better form of government than that under which we now live. I should be glad to join the Senator from Iowa, for whom I have the greatest respect and a very great amount of affection, in an effort to pass his corn sugar bill, if I did not believe the result would be injurious to every consumer of every product that is sweetened with dextrose.

The people of my State, who have notified me of their positions regarding this measure, are 100 per cent against it, and I owe my constituents the duty of defeating this bill if I can. That duty I intend to discharge in every proper way.

Let me proceed to read what this most eminent American chemist says about corn sugar and its effects upon the human system:

> This bill was introduced by Senator CUMMINS, of Iowa, which is the greatest of the corn-growing States. It was referred to the Committee on Manufactures. No hearings were held on this bill. It was reported favorably from the Committee on Manufactures, and Senator CUMMINS asked unanimous consent for its consideration. There was no objection, and the bill was passed without a dissenting vote.

And, it might be added, without one-tenth of the membership of this body knowing what it was about.

Mr. CUMMINS. Mr. President, I simply desire to say that his statement that there were no hearings is an absolute falsehood.

Mr. NEELY. Does the Senator mean to say that there were hearings on this bill before a Senate committee?

Mr. CUMMINS. Yes; there were hearings before the Committee on Manufactures.

Mr. NEELY. Of the Senate?

Mr. CUMMINS. Of the Senate.

Mr. NEELY. I propounded that question yesterday to the Senator from New York, who is very much interested in the passage of the bill, and he informed me that there had been no Senate hearings, but that there had been hearings conducted before a committee of the House.

Mr. CUMMINS. He is in error about that.

Mr. NEELY. I am very glad to have that correction made. Whatever the Senator says about it of course is correct, because he is the father of the measure, and he has kept in touch with it all the while. Doctor Wiley continues:

> It was the women of the country, through their federated clubs, who exerted on the Congress of 1906 a powerful influence which induced that Congress to pass the food and drugs act. This act was intended solely for the protection of the American consumer, and that means everybody in the country. It was not in the interest of any one class, nor was it opposed to the interest of any one class, except that class which indulged in the misbranding and adulteration of foods and drugs. It was a wholesome, necessary, pertinent, and philanthropic piece of legislation.
>
> Every housewife knows the importance of sugar in the home dietary. We consume in various forms about 100 pounds of commercial sugar per person per year. But that is not by any means the total consumption of sugar. Many of our foods, especially our fruits, are rich in sugar.

Mr. COPELAND. Mr. President, may I interrupt?

Mr. NEELY. I yield.

Mr. COPELAND. Are they rich in sucrose or in dextrose?

Mr. NEELY. I will have to refer the distinguished Senator to Doctor Wiley, who is better informed as to sucrose and dextrose than I am; but I venture to say that there is not a great deal of dextrose in grapefruit.

Mr. COPELAND. There is no sucrose.

Mr. NEELY. It does not taste like it.

Mr. COPELAND. The Senator is yielding everything to Doctor Wiley, and the position Doctor Wiley is taking on this matter is in opposition to the entire chemical and medical profession of the United States.

Mr. NEELY. I understand that a large proportion of the medical profession of the United States has said that alcohol, for instance, is not injurious to the human system when taken in certain ways. I know that there is a difference of opinion among eminent doctors upon that subject. I have been informed that the more famous of the Mayo brothers says that there is no place in the practice of medicine for alcohol. I know that there are thousands of doctors who disagree with him.

But I must decline even to try to harmonize the conflicting opinions of the American medical profession. However, as between Doctor Wiley and those who disagree with him about corn sugar I stand or fall with the doctor.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 9971, for the regulation of radio communication, and for other purposes.

Mr. WARREN. Mr. President, I ask the Senator from Washington [Mr. DILL], in whose charge the radio bill is, if it may suit his convenience to lay aside that measure temporarily in order that I may call up the deficiency appropriation bill at this time?

Mr. DILL. Mr. President, I dislike, of course, very much to lay aside the radio bill for any purpose, but I recognize the great importance of the deficiency bill. For that reason I ask unanimous consent to temporarily lay it aside.

Mr. BRUCE. Mr. President, I think probably there will be considerable objection made. Therefore, under the circumstances, I feel bound to object to the deficiency bill being taken up at this time.

Mr. DILL. I may say to the Senator from Wyoming that I believe we can dispose of the radio bill within a short time.

Mr. WARREN. The shorter the time the better for me. I do not wish to insist unduly. I do not believe there will be any very extended discussion of the deficiency bill.

Mr. DILL. The Senator from Maryland says he will object to my unanimous-consent request to lay the radio bill aside.

Mr. WARREN. Mr. President, I have twice to-day, in order that we could proceed with business to get this matter up so that we could dispose of it, rather involved myself in assenting, if I got the floor, to yielding to two different Senators to call up measures which will cause no debate in order that they may try to have them passed. I will say to the Senator from Maryland that he is one of those two Senators.

Mr. BRUCE. Mr. President, I happen to know there is opposition that may be set up to the deficiency bill, and under the circumstances, therefore, I feel bound to object to its being taken up at this time.

Mr. DILL. I recognize the importance of the bill, and I also recognize that if the Senator from Wyoming makes the motion to take up the deficiency bill it might displace the radio bill.

Mr. WARREN. The Senator from Maryland should not want, I hope, to force me to move to take up the deficiency bill and thus displace the regular order. That would hardly be a commendable thing to do under all the circumstances.

Mr. BRUCE. I do not see that the deficiency bill occupies any privileged status. I do not see that it is entitled to any privileged status in any respect. I happen to know there is opposition to certain features of the bill—and strong opposition. To be perfectly candid, there is opposition to the additional appropriation for prohibition enforcement, and in the absence of the Senator who proposes to interpose objection I feel bound to object to it.

Mr. WARREN. I can not cooperate with the Senator from Maryland in that way. If the Senator proposes to assume that attitude, I will recall my request and let the deficiency bill go over to another week.

Mr. BRUCE. I regret very much to do it.

The PRESIDENT pro tempore. Objection is made to the unanimous-consent request proposed by the Senator from Washington, and the unfinished business is before the Senate.

CALL OF THE ROLL

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	McKellar	Simmons
Bayard	Edwards	McNary	Smoot
Bingham	Fernald	Mayfield	Stanfield
Blease	Fess	Metcalf	Steck
Borah	Gerry	Moses	Stephens
Bratton	Gillett	Neely	Swanson
Broussard	Glass	Norbeck	Trammell
Bruce	Hale	Norris	Tyson
Butler	Harreld	Overman	Underwood
Cameron	Harris	Pine	Wadsworth
Capper	Harrison	Ransdell	Walsh
Caraway	Heflin	Reed, Mo.	Warren
Copeland	Howell	Reed, Pa.	Watson
Couzens	Johnson	Robinson, Ark.	Williams
Cummins	Jones, N. Mex.	Schall	Willis
Curtis	Jones, Wash.	Sheppard	
Dale	Kendrick	Shipstead	
Deneen	King	Shortridge	

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Sixty-nine Senators having answered to their names, a quorum is present.

Mr. BRUCE. Mr. President, I desire to withdraw the objection which I made to taking up the deficiency bill.

Mr. DILL. I ask unanimous consent that the radio bill be temporarily laid aside for the purpose of considering the deficiency bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND DEFICIENCY APPROPRIATION BILL

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, I make the usual request for unanimous consent that we dispense with the formal reading of the bill, that the bill be read for amendment, and that the committee amendments be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEPHENS. Mr. President, will the Senator yield to me for a moment?

Mr. WARREN. Mr. President, I consulted with the Senator this morning and promised to yield for the purpose of enabling him to call up a measure which he thinks will lead to no debate.

Mr. STEPHENS. If it does lead to debate, I will withdraw it.

Mr. WARREN. Very well; I yield to the Senator from Mississippi for that purpose.

AMENDMENT TO AGRICULTURAL CREDITS ACT

Mr. STEPHENS. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 9268) to amend the agricultural credits act of 1923.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the agricultural credits act of 1923 be, and the same is hereby, amended on page 10, in section 203 (a), at the end of paragraph (C) in subdivision (1) by adding the words "or on agricultural crops being grown for market," so that said paragraph (C) will read as follows:

"(C) Are secured at the time of discount, purchase, or acceptance by warehouse receipts or other like documents conveying or securing title to nonperishable and readily marketable agricultural products, or by chattel mortgages, or other like instruments conferring a first and paramount lien upon livestock which is being fattened for market, or on agricultural crops being grown for market."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WILLIS. Mr. President, I do not object to the consideration of the bill, but I should like to have an explanation of it. It seems to me that it is rather a remarkable provision. Will the Senator explain what would be the effect of the proposed amendment of the act?

Mr. STEPHENS. I will take just a moment to explain it. The amendment simply adds to the present agricultural act the words "or on agricultural crops being grown for market."

Mr. WILLIS. Will the Senator permit a question just there?

Mr. STEPHENS. Certainly.

Mr. WILLIS. Are we to understand that as a basis of credit there can be used, for example, a field of oats? We do not know whether there would be a crop or not, and yet it would seem that it may be used as the basis of the credit. Is that the effect of the amendment?

Mr. STEPHENS. I want to call the attention of the Senator now, in answer to that question, to a letter addressed to myself by Hon. R. A. Cooper, farm loan commissioner, in which he said:

> I see no objection whatever to the passage of this bill. Since the Federal intermediate credit banks are now discounting paper for banks and credit corporations organized under State law, I see no reason why such notes should not be rediscounted by national agricultural credit corporations.

In many of the States this character of business is being transacted by the State banks. This is simply to authorize the national agricultural corporations to work along the same line and transact the same kind of business that is being transacted by the State banks.

Mr. WILLIS. I am not sufficiently familiar with the facts in the case to warrant me in making objection. I simply say that it seems to me that it is rather unsafe financial legislation to provide that a crop which is simply planted, without any assurance that the crop is going to be made, can be used as a basis of credit. I content myself by expressing my dissent to the proposition, but I do not object to the consideration of the bill.

Mr. STEPHENS. The bill passed the House unanimously. It has been considered by the committees of both Houses and is unanimously reported here.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, I have been trying to examine the report but have not had an opportunity to do so. I shall have to object until I have had that opportunity.

Mr. STEPHENS. Does the Senator object?

Mr. SMOOT. I shall have to object until I have time to examine the report.

The PRESIDING OFFICER. Objection is made.

MAUDE J. BOOTH

Mr. WARREN. Since objection is made to the present consideration of the bill of the Senator from Mississippi, I wish now to call the attention of the Senator from Maryland [Mr. BRUCE] to that fact. I promised to yield to him.

Mr. BRUCE. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 5105) for the relief of Maude J. Booth. I am sure it involves no controversy at all. It is of no particular significance, and yet it is quite important to the claimant, who is a person in very distressing circumstances. There was a prohibition raid in the city of Baltimore, and this woman, who had no connection with it in any shape or form, had her eye extinguished by a stray bullet. The committee has awarded this lady $1,300, and I hope the bill may be passed.

Mr. WILLIS. What is the calendar number of the bill, I will ask the Senator from Maryland?

Mr. BRUCE. It is Order of Business No. 1173.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The CHIEF CLERK. A bill (H. R. 5105) for the relief of Maude J. Booth, which was reported on June 20, 1926, by Mr. MEANS from the Committee on Claims without amendment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McNARY. Mr. President, the consideration of the calendar has been set for to-night and also for to-morrow night. I have had a good deal of misfortune in having objections to bills on the calendar in which I am interested. There are several bills on the calendar which I should like to have taken up out of order, but I do not believe in this irregular form of proceeding. I am in favor of the measure consideration of which is asked for by the Senator from Maryland in its time and place, but now now. I object.

Mr. BRUCE. Mr. President, let me say to the Senator from Oregon that an exactly similar bill was passed yesterday afternoon because of the special character of circumstances surrounding it. As the Senator from Washington will remember, only a few weeks ago a similar bill was taken up out of its regular order and passed granting compensation for physical injury suffered under practically the same circumstances. So I hope the Senator from Oregon will withdraw his objection.

Mr. WARREN. Mr. President, objection has been made to the consideration of the bill.

The PRESIDING OFFICER. Objection is made to the consideration of the bill.

Mr. BRUCE. There will be no chance of the bill being reached in the regular call of the calendar if the Senator now objects to its consideration—none whatever.

SECOND DEFICIENCY APPROPRIATION BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head "Legislative," on page 2, after line 1, to insert:

SENATE

The appropriations of $975 for 1925, and $3,275 for 1926, for compensation of the Vice President, is made available for the fiscal years 1925–26.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to insert:

The appropriations of $75,000 for 1925 and $240,000 for 1926, for compensation of Senators, is made available for the fiscal years 1925–26.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to insert:

To pay Hon. DANIEL F. STECK, a Senator from the State of Iowa, salary from March 4, 1925, to April 12, 1926, both dates inclusive.

For the fiscal year 1925, $3,333.34; for the fiscal year 1926, $7,762.55; in all, $11,095.89.

The amendment was agreed to.

The next amendment was, on page 2, after line 13, to insert:

To enable the Secretary of the Senate to pay from the appropriation, "Compensation of officers, clerks, messengers, and others," 1926, to Edwin A. Halsey, for additional services as Acting Assistant Doorkeeper of the Senate from June 1, 1925, to December 6, 1925, at the rate of $600 per annum.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to insert:

For payment for services rendered the Senate or committees thereof as follows: Fred A. Eckstein, $860; Alexander K. Meek, $1,200; William H. Gehman, $1,000; in all, fiscal year 1926, $3,060.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

For 21 pages for the Senate Chamber at the rate of $3.30 per day each, from July 1, 1926, until the end of the first session of the Sixty-ninth Congress, so much as may be necessary is appropriated.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

To defray the expenses of the Senate in the impeachment trial of George W. English, district judge of the United States for the eastern district of Illinois, fiscal year 1926, to remain available during the fiscal year 1927, $12,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to insert:

For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, fiscal year 1926, $3,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to insert:

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, personal and other services, to be expended from the contingent fund of the Senate under the supervision of the Committee on Rules, United States Senate, fiscal year 1926, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Architect of the Capitol," on page 7, after line 20, to insert:

Capitol buildings and repairs: For plastering, wainscoting, and providing a tile floor in the corridor leading from the elevator in the subbasement to the subway in the Senate wing of the Capitol, fiscal year 1927, $4,600.

The amendment was agreed to.

The next amendment was, on page 8, after line 12, to insert:

Senate Office Building: For the purchase of furniture for two new three-room suites of the Senate Office Building and for 20 carpets required for different rooms of said building, including the new suites, fiscal year 1927, $7,440.

The amendment was agreed to.

The next amendment was, under the heading "Employees' Compensation Commission," on page 11, line 7, after the numerals "1926," to insert "to remain available during the fiscal year 1927," so as to read:

Contingent expenses: For furniture and other equipment and repairs thereto; law books, books of reference, periodicals, stationery and supplies, traveling expenses; medical examinations, traveling and other expenses, and loss of wages payable to employees under sections 21 and 22 of the act of September 7, 1916, and for miscellaneous items; in all, fiscal year 1926, to remain available during the fiscal year 1927, $1,900.

The amendment was agreed to.

The next amendment was, at the top of page 12, to insert:

UNITED STATES GEOGRAPHIC BOARD

For salaries and expenses of the United States Geographic Board, including personal services in the District of Columbia in accordance with the classification act of 1923, and for stationery and office supplies, fiscal year 1926, to remain available during the fiscal year 1927, $3,850.

The amendment was agreed to.

The next amendment was, on page 12, after line 11, to insert:

PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL

The sum of $5,000 of the appropriation of $3,393,850 for "Salaries, General Accounting Office," fiscal year 1927, is hereby transferred to the appropriation for "Salaries, Office of Public Buildings and Public Parks of the National Capital," fiscal year 1927.

The amendment was agreed to.

The reading of the bill was continued to the end of line 25, on page 16.

Mr. WARREN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will be stated.

The CHIEF CLERK. On page 16, after line 25, it is proposed to insert a new paragraph, as follows:

That section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended, shall not apply to the position of superintendent of the bathing beach of the District of Columbia during the fiscal years ending June 30, 1926, and June 30, 1927.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Bureau of Entomology," on page 27, at the end of line 3, to strike out "$10,000" and insert "$35,000," so as to read:

For an additional amount for investigations of insects affecting southern field crops, including insects affecting cotton, to enable the Secretary of Agriculture to meet an emergency caused by the appearance of the Thurberia (wild cotton) weevil in stands of cultivated cotton, including personal services and other expenses connected there-

with in the District of Columbia and elsewhere, fiscal year 1927, $35,000.

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will be stated.

The CHIEF CLERK. On page 27, after line 3, it is proposed to insert the following:

BUREAU OF AGRICULTURAL ECONOMICS—COOPERATIVE MARKETING

To enable the Secretary of Agriculture to carry into effect the provisions of the act "To create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes," fiscal year 1927, $150,000.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

Mr. McNARY. Mr. President, I desire to ask the Senator from Wyoming whether the amendment which has just been agreed to is to carry into effect and make operative the bill which passed the Senate on Tuesday last?

Mr. WARREN. It is. The bill has passed the House and the amount has been estimated by the Bureau of the Budget.

Mr. McNARY. But, as I recall, the authorization of the bill was for an appropriation of $225,000.

Mr. WARREN. The Bureau of the Budget sent up an estimate for only $150,000. That estimate came from the Bureau of the Budget this morning.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Bureau of Fisheries," on page 30, line 2, after the numerals "1927," to strike out "$20,000, and in addition thereto the sum of $10,000 is transferred from the appropriation of $50,000 for the fiscal year 1927 for the acquisition of a power vessel for Alaska fisheries," and insert "$40,000," so as to read:

For the establishment of a fish-cultural station in the State of Colorado, at a point to be selected by the Secretary of Commerce, for the propagation of the fishes indigenous to that region and as a necessary auxiliary to the fish-cultural station at Leadville, Colo., including the acquisition of land by gift, construction of buildings, ponds, and water supply, and the purchase of equipment, fiscal year 1927, $40,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 20, to insert:

BUREAU OF MINES

For determining the location, extent, and mode of occurrence of potash deposits in the United States, and conducting the necessary laboratory tests incident thereto, as authorized under the act approved June 25, 1926 (Public, No. 424); and for every expense incident thereto, including personal services in the District of Columbia not exceeding $6,000, and elsewhere, expenses of travel and subsistence, purchase, exchange as part payment for, maintenance, and operation of motor-propelled passenger-carrying vehicles, and the construction, maintenance, and repair of necessary camp buildings and appurtenances thereto, fiscal year 1927, $100,000: *Provided*, That such part of the amount herein appropriated as may be mutually agreed upon by the Secretary of the Interior and the Secretary of Commerce shall be transferred on the books of the Treasury for direct expenditure by the Department of the Interior for the purposes herein set forth.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Indian Affairs," on page 35, after line 3, to insert:

Purchase of land and erection of monument and tablet, site of battle with Sioux Indians, Montana: For acquiring not to exceed 160 acres of land on the site of the battle with the Sioux Indians in which the commands of Maj. Marcus A. Reno and Maj. Frederick W. Benteen were engaged, and the erection thereon of a suitable monument and tablet, as authorized by the act of April 14, 1926, fiscal year 1926, $2,500.

The amendment was agreed to.

The next amendment was, on page 36, after line 4, to insert:

Walker River, Nev., dam: To carry out the provisions of the act entitled "An act to investigate and determine the feasibility of the construction of an irrigation dam on Walker River, Nev.," approved June 30, 1926, fiscal year 1927, $10,000.

The amendment was agreed to.

The next amendment was, under the subhead "Penal Institutions," on page 50, line 15, after the numerals "1925," to strike out "$36,459.67" and insert "$38,124.67"; and in line 18, after the numerals "1924," to strike out "$19,615.30; in all $65,119.25" and insert "$20,365.30; in all $67,534.25," so as to read:

Salaries, fees, and expenses of marshals, United States courts, 1924, $6,915.38; fees of commissioners, United States courts, 1925, $38,124.67; fees of jurors, United States courts, 1924, $125.40; fees of witnesses, United States courts, 1924, $2,003.50; support of United States prisoners, 1924, $20,365.30; in all $67,534.25.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department," on page 53, after line 6, to insert:

Toward the construction of one of the rigid airships described in paragraph 1, section 2, of an act (Public, No. 422) authorizing the construction of certain aircraft for the Navy, approved June 24, 1926, fiscal year 1927, $100,000.

The amendment was agreed to.

The next amendment was, on page 53, after line 11, to insert:

Toward the repairs and alterations to the U. S. S. *S–48*, authorized by an act (Public, No. 426) authorizing repairs and alterations to said ship, approved June 24, 1926, fiscal year 1927, $200,000.

Mr. WARREN. I wish to offer an amendment to the amendment in order to correct the language.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the amendment of the committee, on page 53, line 15, it is proposed to strike out the numeral "24" and insert in lieu thereof "25."

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. KING. Mr. President, I should like to inquire about the item on page 53, lines 7 to 11, inclusive.

Mr. WARREN. That item proposes an appropriation of $100,000 for the building of one of the dirigibles that were provided for in legislation which has recently been enacted. That legislation authorized the construction of two such ships at a cost of between ten and eleven million dollars, as I recollect.

Mr. KING. I had forgotten that that legislation had been enacted. I regard it as most unwise, and I regret that we feel constrained to make the appropriation now. I suppose it is to initiate the work.

Mr. SMOOT. This item is merely intended to initiate the work, I will say to the Senator.

Mr. KING. I think, in view of the disaster to dirigibles not only here but in other lands, that further experimentation at present is exceedingly unwise.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Department of State," on page 58, line 18, after the numerals "1927," to insert a colon and the following:

Provided, That the appropriation for the General and Special Claims Commissions, United States and Mexico, for the fiscal year 1925 is hereby made available for subsistence or per diem in lieu of subsistence notwithstanding the provisions of existing law at the time expenditures therefor were made.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department," on page 67, line 12, after the numerals "348," to insert "and Senate Document No. 146," and in line 13, after the word "Congress," to strike out "$79.02" and insert "$1,659.86," so as to read:

OFFICE OF THE SECRETARY

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Secretary of the Treasury, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922, as fully set forth in House Document No. 348 and Senate Document No. 146, Sixty-ninth Congress, $1,659.86.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health Service," on page 71, after line 2, to insert:

For a preliminary survey of the salt-marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, fiscal year 1927, $25,000, to be expended by the Public Health Service in cooperation with the Bureau of Entomology of the Department of Agriculture.

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the table.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 87, line 26, after the numerals "$35,000" it is proposed to insert: "To remain available during the fiscal year 1927."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Quartermaster Corps," on page 91, line 6, to strike out "$4,984" and insert "$9,184," so as to read:

Roads, walks, wharves, and drainage: For the improvement and repair of roads upon the Fort Canby Military Reservation, Wash., fiscal year 1927, $9,184.

The amendment was agreed to.

The next amendment was, on page 91, line 19, to strike out "$1,500" and insert "$2,500," so as to read:

Memorial to Virginia Dare: For the erection of a tablet or marker at Sir Walter Raleigh Fort on Roanoke Island, N. C., to Virginia Dare, as authorized by the act approved May 29, 1926, fiscal year 1927, $2,500.

The amendment was agreed to.

The next amendment was, on page 92, line 7, after the numerals "1927" to strike out "$2,000" and insert "$2,500," so as to read:

Memorials for Revolutionary battle field at White Plains, N. Y.: For the erection and maintenance of tablets or markers upon the battle field of White Plains, N. Y., to indicate the position of the Revolutionary Army under command of General Washington, as authorized by the act entitled "An act for the erection of tablets or markers upon the Revolutionary battle field of White Plains, State of New York," approved May 18, 1926, fiscal year 1927, $2,500.

The amendment was agreed to.

The next amendment was, under the subhead "Corps of Engineers," on page 93, after line 23, to insert:

Wakefield (Va.) road: The appropriation of $12,600 for construction of a road and improvement and maintenance of reservation and monument at Wakefield, Va., the birthplace of Washington, in the War Department appropriation act for the fiscal year 1926 is made available for the repair with sand, gravel, and similar material of existing ways and lanes on the Government-owned property, and no concrete road shall be constructed on said grounds until a concrete road shall have been constructed from the main highway to the Government-owned grounds at Wakefield.

The amendment was agreed to.

The next amendment was, on page 94, line 16, after the numerals "1927," to strike out "$1,500" and insert "$3,000," so as to read:

Commission for inspection of the battle fields and surrender grounds in and around old Appomattox Court House, Va.: For every expenditure requisite for and incident to the work of the commission authorized by the act entitled "An act to provide for the inspection of the battle fields and surrender grounds in and around old Appomattox Court House, Va.," approved February 25, 1926, fiscal year 1927, $3,000.

The amendment was agreed to.

The next amendment was, on page 94, line 22, after the numerals "1927," to strike out "$1,000" and insert "$2,000," so as to read:

Commission for inspection of the battle field, Pea Ridge, Ark.: For every expenditure requisite for and incident to the work of the commission authorized by the act entitled "An act to provide for the inspection of the battle field of Pea Ridge, Ark.," approved June 9, 1926, fiscal year 1927, $2,000.

The amendment was agreed to.

The next amendment was, on page 95, at the end of line 3, to strike out "$2,000" and insert "$5,000," so as to read:

Commission for inspection of battle fields in the State of Georgia: For every expenditure requisite for and incident to the work of the commission authorized by the act entitled "An act providing for an inspection of the Kennesaw Mountain and Lost Mountain and other battle fields in the State of Georgia," approved May 21, 1926, fiscal year 1927, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Moores Creek National Military Park," on page 96, at the beginning of line 14, to strike out "$1,500" and insert "$3,000," so as to read:

For every expenditure requisite for and incidental to the examination, survey, marking boundary and battle lines, and preparation of plans for the improvement of Moores Creek National Military Park, N. C., as authorized by the act approved June 2, 1926, fiscal year 1927, $3,000: *Provided*, That no part of this appropriation shall be expended until title to the lands to be embraced in such park has been vested in the United States.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, United States Courts," on page 98, line 25, after the word "in" to insert "Senate Document No. 141, and"; on page 99, line 3, after the figures "$1,160" to insert "under Navy Department, $3,829.01"; in line 4, after the words "War Department" to strike out "$9,148.60" and insert "$9,748.60"; and at the beginning of line 5, to strike out "$10,308.60" and insert "$14,737.61," so as to read:

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911, certified to the Sixty-ninth Congress by the Attorney General in Senate Document No. 141, and House Document No. 330, and which have not been appealed, namely: Under Department of the Interior, $1,160; under Navy Department, $3,829.01; under War Department, $9,748.60; in all, $14,737.61, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, on page 99, line 20, after the word "in" to insert "Senate Document No. 142 and"; in line 23, after the words "Navy Department" to strike out "$55,059.18" and insert "$72,755.10; under War Department, $303,974.84"; and in line 25, to strike out "$62,156.73" and insert "$383,827.49," so as to read:

For payment of judgments, including costs of suits, rendered against the Government of the United States, by United States district courts under the provisions of certain private acts, certified to the Sixty-ninth Congress in Senate Document No. 142 and House Document No. 329, as follows: Under Department of Commerce, $7,097.55; under Navy Department, $72,755.10; under War Department, $303,974.84; in all, $383,827.49.

The amendment was agreed to.

The next amendment was, at the top of page 100, to strike out:

For payment of judgment, including costs of suit, rendered against the Government of the United States by the United States District Court for the Eastern District of Pennsylvania under the provisions of the act of August 10, 1917 (40 Stat. pp. 276–279), certified to the Sixty-ninth Congress in House Document No. 331, as follows:

Under the United States Railroad Administration, $21,520.21, together with such additional sum as may be necessary to pay interest on such judgment at the rate of 6 per cent per annum from February 25, 1924, to date of payment.

And in lieu thereof to insert:

For payment of judgments, including costs of suits, rendered against the Government of the United States by the United States district courts under the provisions of the act of August 10, 1917 (40 Stats. pp. 276–279), certified to the Sixty-ninth Congress in Senate Document No. 139, and House Document No. 331, as follows: Under the United States Railroad Administration, $21,520.21, together with such additional sum as may be necessary to pay interest on such judgment at the rate of 6 per cent per annum from February 25, 1924, to date of payment; under Navy Department, $1,110,633.62; under War Department, $534,056.31; in all, $1,666,210.14.

The amendment was agreed to.

The next amendment was, on page 101, line 9, after the word "in," to insert "Senate Document No. 140, and"; in line 11, after the words "Navy Department," to strike out "$32,233.06" and insert "$77,117.14; under Treasury Department, $400"; in line 12, after the words "War Department," to strike out "$13,112.97" and insert "$19,097.09"; and in line 13, after the words "in all," to strike out "$45,346.03" and insert "$96,614.23; together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in said judgments," so as to read:

For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district

courts under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes," approved March 3, 1925 (43 Stats. p. 1112), certified to the Sixty-ninth Congress in Senate Document No. 140, and House Document No. 332, as follows: Under Navy Department, $77,117.14; under Treasury Department $400; under War Department, $19,097.09; in all, $96,614.23; together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in said judgments.

The amendment was agreed to.

The next amendment was, at the top of page 102, to insert:

For payment of final judgment rendered against the Government of the United States District Court for the Eastern District of Michigan under the provisions of the act of July 2, 1917 (40 Stat. p. 241), as amended by the act of April 11, 1918 (40 Stat. p. 518), certified to the Sixty-ninth Congress in Senate Document No. 143, as follows: Under the War Department, $2,506.79.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, Court of Claims," on page 102, line 16, after the word "in," to insert "Senate Document No. 144, and"; in line 18, after the word "the," to insert "United States Shipping Board, $189,066.08; under the United States Veterans' Bureau, $11,387.72; under the"; in line 21, after the words "Navy Department," to strike out "$66,825" and insert "$119,381.68"; and in line 22, after the words "War Department," to strike out "$2,147,678.60" and insert "$5,041,390.01," so as to read:

For payment of the judgments rendered by the Court of Claims and reported to the Sixty-ninth Congress in Senate Document No. 144 and House Document No. 328, namely: Under the United States Shipping Board, $189,066.08; under the United States Veterans' Bureau, $11,387.72; under the Department of Agriculture, $250; under the Navy Department, $119,381.68; under the War Department, $5,041,390.01.

Mr. KING. Mr. President, I should like to ask the Senator the reason for this very great increase—first, in line 21, an increase of $66,000 to $119,000; then, in line 22, an increase from $2,147,000 plus to $5,041,390?

Mr. WARREN. I simply desire to say to the Senator that those are all judgments. The particular ones that the Senator points out are judgments of the Court of Claims. The bill as made up by the House included so many of those judgments as had been rendered and transmitted to the House at the time they commenced the framing of the bill. These later amendments are to bring it up to even date and include the additional judgments that have been reported. All of them stand on the same basis, and they are all judgments of the courts.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 102, line 25, after the figures "$176.94," to strike out "in all, $2,214,753.60," and insert "under the Treasury Department, $124.89; in all, $5,361,600.38," so as to make the proviso read:

Provided, That the amount of interest specified in such document on judgment No. C–58 as "$176.84" is amended to read "$176.94"; under the Treasury Department, $124.89; in all $5,361,600.38; together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in said judgments.

The amendment was agreed to.

The next amendment was, on page 109, after line 16, to insert:

AUDITED CLAIMS

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1923 and prior years unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 138, reported to Congress at its present session, there is appropriated as follows:

LEGISLATIVE

For public printing and binding, $1,200.

INDEPENDENT OFFICES

For salaries and expenses, United States Fuel Administration, $69.40.
For medical and hospital services, Veterans' Bureau, $274.05.
For salaries and expenses, Veterans' Bureau, $76.96.
For vocational rehabilitation, Veterans' Bureau, $2,858.44.

DEPARTMENT OF AGRICULTURE

For general expenses, Bureau of Animal Industry, $325.
For general expenses, Forest Service, $23.79.
For general expenses, Bureau of Biological Survey, $1.18.
For general expenses, Bureau of Agricultural Economics, $3.
For administration of the United States warehouse act, 75 cents.
For stimulating agriculture and facilitating distribution of products, $3.20.

DEPARTMENT OF COMMERCE

For promoting commerce, South and Central America, $1,505.02.
For protecting seal and salmon fisheries in Alaska, $143.25.
For general expenses, Lighthouse Service, $50.50.

DEPARTMENT OF THE INTERIOR

For education of natives of Alaska, $35.
For surveying the public lands, $1,170.

DEPARTMENT OF JUSTICE

For increase of compensation, Department of Justice, $18.17.
For detection and prosecution of crimes, $91.
For salaries, retired judges, $38.89.
For salaries, fees, and expenses of marshals, United States courts, $73.88.
For salaries and expenses of clerks, United States courts, 90 cents.
For fees of commissioners, United States courts, $90.45.
For fees of witnesses, United States courts, $34.41.

DEPARTMENT OF LABOR

For war labor administration, $28.92.

NAVY DEPARTMENT

For pay of the Navy, $23,157.22.
For pay, Marine Corps, $16,706.50.
For freight, Bureau of Supplies and Accounts, $523.63.
For aviation, Navy, $9,392.71.
For engineering, Bureau of Engineering, $366.50.
For fuel and transportation, Bureau of Supplies and Accounts, $115.44.
For transportation, Bureau of Navigation, $248.64.
For maintenance, Bureau of Supplies and Accounts, $8.20.
For pay, miscellaneous, $64.97.
For Air Service, Army (War transfer to Navy under fortification act, May 21, 1920), $2,759.
For contingent, Bureau of Ordnance, 40 cents.
For maintenance, Quartermaster's Department, Marine Corps, $46.02.
For provisions, Navy, Bureau of Supplies and Accounts, $45.20.

DEPARTMENT OF STATE

For clerks at embassies and legations, $83.33.
For transportation of diplomatic and consular officers, $656.19.
For salaries, Consular Service, $87.39.
For representation of interest of foreign governments growing out of hostilities in Europe, etc., $225.

TREASURY DEPARTMENT

For increase of compensation, Treasury Department, $40.
For collecting the revenue from customs, $250.
For collecting the war revenue, $33.27.
For enforcement of narcotic and national prohibition acts, internal revenue, $26.77.
For refunding taxes illegally collected, $873.13.
For refunding internal-revenue collections, $40.
For Coast Guard, $1,432.46.
For repairs to Coast Guard cutters, $18.50.
For materials and miscellaneous expenses, Bureau of Engraving and Printing, $11.65.
For care of seamen, etc., Public Health Service, $10.
For pay of personnel and maintenance of hospitals, Public Health Service, $39.05.
For repairs and preservation of public buildings, $13.
For mechanical equipment for public buildings, $4.63.
For vaults and safes for public buildings, 50 cents.
For operating force for public buildings, $5.36.
For furniture and repairs of same for public buildings, $9.25.
For operating supplies for public buildings, $41.17.

WAR DEPARTMENT

For registration and selection for military service, $382.40.
For increase of compensation, Military Establishment, $2,[illegible]37.73.
For pay of the Army, $8,989.31.
For pay, etc., of the Army, $155,425.76.
For pay, etc., of the Army, war with Spain, $102.36.
For arrears of pay, bounty, etc., $104.12.
For increase of compensation, War Department, $7.33.
For mileage of the Army, $131.
For mileage, officers and contract surgeons, $213.44.
For Army transportation, $1,399.28.
For transportation of the Army and its supplies, $28.68.
For barracks and quarters, $158.83.

For clothing and equipage, $126.12.
For general appropriations, Quartermaster Corps, $3,531.65.
For horses for Cavalry, Artillery, Engineers, etc., $20.24.
For regular supplies of the Army, $67.28.
For replacing regular supplies of the Army, $2.
For supplies, services, and transportation, Quartermaster Corps, $6,440.62.
For Signal Service of the Army, $8,650.
For Air Service, production, $55.80.
For medical and hospital department, $485.10.
For electrical installations, Hawaiian Islands, $35.18.
For armament of fortifications, $18,933.01.
For manufacture of arms, $303.82.
For Ordnance Service, $6.90.
For ordnance stores and supplies, $2,239.69.
For ordnance stores, ammunition, $4.23.
For arming, equipping, and training the National Guard, $4,530.44.
For quartermaster supplies, equipment, etc., Reserve Officers' Training Corps, $18.60.
For construction and maintenance of military and post roads, bridges, and trails, Alaska, $4,810.69.
For headstones for graves of soldiers, $27.77.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

For city delivery carriers, $175.87.
For clerks, first and second class post offices, $130.22.
For compensation to postmasters, $74.61.
For indemnities, domestic mail, $2,703.28.
For indemnities, international mail, $142.07.
For labor-saving devices, $31.
For mail messenger service, $6.58.
For personal or property damage claims, $601.
For railroad transportation, $202.59.
For rent, light, and fuel, $4,637.45.
For temporary clerk hire, $117.02.
For temporary city delivery carriers, $83.49.
For village delivery service, $71,42.

Total, audited claims, section 3, $293,847.22, together with such additional sum due to increases in rates of exchange, as may be necessary to pay claims in the foreign currency as specified in certificates of settlement of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 116, line 10, to change the section number from 3 to 4.

The amendment was agreed to.

The CHIEF CLERK. It is also proposed to renumber the sections.

The amendment was agreed to.

The PRESIDING OFFICER. The consideration of the committee amendments has been completed. The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. SHEPPARD. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. After line 18, on page 65, it is proposed to insert:

For share of United States in cost of proposed joint survey by the Governments of Mexico and the United States of the Rio Grande from El Paso to Fort Quitman, Tex., $60,000, or so much thereof as may be necessary.

Mr. WARREN. Mr. President, there is no estimate for that, and the committee was compelled to pass it by. It has been before the committee.

Mr. SHEPPARD. Mr. President, I know that the amendment is subject to a point of order; but I desire to make a statement regarding it, in the hope that the Senator will allow it to become part of the bill.

Mr. WARREN. Certainly; I will withhold the point until the Senator has had an opportunity to make the statement.

Mr. SHEPPARD. I appreciate the action of the Senator in withholding the point of order. I desire to quote a statement which was prepared by the State Department in reference to this matter:

In cooperation with other appropriate branches of the Government, the Department of State is making every effort to settle three very important questions with Mexico regarding the Rio Grande which have been pending a long while and adjustment of which is rapidly becoming imperative.

(1) An equitable distribution of the waters of the lower Rio Grande, in order to prevent floods and also to stop rivalry in levee construction on both sides of the river. The building of these levees causes flood waters to be thrown upon the lands on the opposite side of the river, resulting in tremendous property damage. The citizens of Texas are stated to be expending more than $3,000,000 to correct this situation. Congress has appropriated $20,000 for a commission to cooperate with a Mexican commission in seeking a solution of this problem.

I desire to state here that the present bill continues this appropriation of $20,000 in order that this particular branch of the work may be continued.

(2) The elimination of "bancos" under the treaty of March 20, 1905, between the Governments of the United States and of Mexico.

This work is also proceeding under the treaty mentioned.

Now I come to the matter which is the basis of the present amendment:

(3) Rectification of the channel of the upper Rio Grande between El Paso and Fort Quitman, Tex., which is imperative to remove the ever-increasing flood menace in that vicinity.

It is the last-mentioned problem (No. 3) for which it is understood that the sum of $60,000 is now sought from Congress to prepare, in cooperation with the Mexican Government, the preliminary survey of this work. Eight out of the 75 miles of this survey have already been made, and the American portion of the expense was paid by the city and county of El Paso and by the interested citizens of Texas. It is understood that the Mexican authorities are organized and ready to cooperate in the development of plans and estimates for this work, surveys of the properties affected, the location of the new channel, profiles of the present river, and design of a new channel.

The international boundary line with Mexico between El Paso and Fort Quitman, Tex., follows the Rio Grande.

In fact, as the Senator knows, by far the larger portion of the international boundary between El Paso and the mouth of this river is the center of the river channel.

Mr. WARREN. It follows the river, but the river does not stay in one place more than a few minutes.

Mr. SHEPPARD. That is very true, and that is one of the main reasons for the negotiations which are about to take place, the negotiations to which this amendment relates.

I proceed with the reading of the statement by the Department of State:

This river is fluctuating in discharge and meandering in course. Large and sudden floods occur and are a very serious menace to property. Damage by floods in 1925 is stated by engineers to have amounted to more than $500,000. It is alleged that the flood menace is becoming more acute because of the filling of the river channel by sediment which, on account of slow velocities, can not be carried through, and that unless some plan is soon developed and put into execution a disestablishment of the irrigation and drainage works now serving over 80,000 acres on the American side will result. It is also claimed that land values are seriously affected by lack of some plan of river rectification, and that such protection levees as are now being constructed should be built in conformity with some judicious and permanent plan. It is stated that various local agencies which have attempted some settlement of the problem have failed because of the international features involved.

The question of the rectification of the channel also has an important bearing on problem No. 2.

That is the problem of the elimination of the bancos.

It is reported that more than 12 bancos now exist which must be eliminated, over 75 per cent of which will become United States territory under the treaty of 1905. Some of these bancos have given rise to difficulties and controversies, some of an international and others of a private character. The city of El Paso is stated to have placed over $100,000 in municipal improvements upon one banco. Some of the bancos offer refuge to smugglers and to fugitives of justice from Mexico. It has not proven feasible heretofore to eliminate these bancos principally because of the demand of local interests that some definite plan of this river rectification first be formulated. It is understood that once the straightened river channel becomes the international boundary, future banco difficulties and disagreements can probably be obviated.

The Mexican member of the International Boundary Commission was here recently. He had some informal conversations with the State Department, and it was agreed that if this preliminary survey of a rectified channel to prevent floods and establish a permanent boundary line could be made the way would be much nearer to an agreement between the two countries as to what should be finally done. The United States under this informal agreement was to defray half the cost of the survey and Mexico the other half. I understand that Mexico is ready to pay its half. This amendment provides that the amount of $60,000 shall be appropriated for our share of the cost of the work, or so much of that amount as may be necessary. The maximum amount of $60,000 was fixed after consultation with a Government reclamation engineer who knows the situation.

I shall say to the Senator from Wyoming that these negotiations occurred only a few days ago, and we did not have the time to put the matter through the necessary legal preliminaries which would relieve this amendment from liability to a point of order.

Mr. WARREN. Mr. President, the Senator has made a very good statement. I feel bound to make the point of order, however. We meet again very soon, in December, and we will take up the matter then, and in the meantime the Senator can take proper proceedings in the way of getting action by the Budget Bureau.

Mr. SHEPPARD. Let me say to the Senator that the flood situation grows constantly more menacing. Mexico is ready to cooperate in making an immediate study.

Mr. WARREN. It is a "mañana" country. There is always "to-morrow" in that country.

I make the point of order, Mr. President.

Mr. SHEPPARD. I know that the Senator from Wyoming takes that position because he feels that it is a proper one to take, but at the same time I must express my disappointment. The emergency is so urgent that I again ask him if he will not let the amendment become a part of the bill.

Mr. WARREN. We can not accept those things about which we know so little. Personally, I happen to know about this one, but the committee does not. The unfortunate part of it is that it comes in so late, and we have so many of those things that we can not give all of them attention. I shall have to ask the Senator to wait until another session.

Mr. SHEPPARD. What I have read was part of a letter sent to the Senator from Wyoming by the State Department.

Mr. WARREN. Mr. President, the point of order is made. Is it sustained or not?

The PRESIDING OFFICER. The point of order is sustained.

Mr. WADSWORTH. Mr. President, I offer the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to add, at the proper place in the bill, the following:

The Secretary of the Treasury is hereby authorized, in his discretion, to enter into a contract for the lease, upon such terms and conditions as he deems advisable, for a period not to exceed 20 years, of a modern, fireproof building containing approximately 832,000 square feet for the use of the appraising board and other governmental offices in the city of New York, at an annual rental at a rate not to exceed $1 per square foot per annum, such building to be erected on a plot of ground known as block 226 on the land map of the Borough of Manhattan, city of New York. The Secretary of the Treasury is authorized to require from the lessor, as a condition to entering into such contract, an agreement on the part of the lessor to assign to the United States, at the end of such 20-year period, such building together with the interest of the lessor in the property upon which such building is erected, free and clear of all incumbrances, except the ground rental reserved by the corporation of Trinity Church, of New York. The Secretary of the Treasury may, if he deems the interest of the Government thereby subserved, lease, exchange, sell, or otherwise dispose of the premises located at 641 Washington Street, New York City, now occupied by the appraising officers.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York.

Mr. WARREN. The Senator, of course, knows that a point of order might be made, which I do not intend to make, because the amendment is very important.

Mr. OVERMAN. Do I understand that the Senator is not going to make the point of order in this case?

Mr. WARREN. I am not.

Mr. WADSWORTH. Mr. President, perhaps a word from me would be admissible at this time.

The suggestion contained in this amendment is a very interesting one; at least, it strikes me as such. I feel that some of the members of the Committee on Appropriations, perhaps, were not entirely familiar with the suggestion in its details when they were discussing it upon yesterday.

The building now occupied by the appraiser of the port of New York, in which are stored immense quantities of goods awaiting appraisal for the purpose of the administration of the customs law, and in which also the customs court sits, and in which there are a great number of administrative officials, is utterly inadequate for its purposes. The business has long since outgrown the capacity of that building. Sooner or later, and probably sooner, the Government must acquire better facilities.

This amendment proposes to authorize the Secretary of the Treasury, in his discretion, to enter into a contract the general terms of which are set forth in the amendment. There is a plot of land most advantageously situated in the lower end of Manhattan Island, close to the river front, upon which it is proposed that the person entering into a contract with the Secretary of the Treasury shall erect a building of not less than 12 stories in height, covering a ground area of 64,000 square feet, to rent that building to the United States at the extraordinarily low rental of a dollar per square foot. I think no offer of that kind has come to the United States Government in a very long time. I happen to know that in the case of the Varick Street post office, which stands almost opposite the plot of ground I now mention, the Government is paying rent at the rate of $1.90 a square foot.

This offer will enable the Government to have this building put up, not less than 12 stories in height, on designs approved by the Secretary of the Treasury, built just the way he wants it, in a location which he agrees is ideal; he will pay $1 per square foot for its floor space, and at the end of 20 years the Government will own the building. In other words, the builder of the building must amortize the cost of the building and get what he can in the way of annual rental in 20 years; and it passes my comprehension how he is going to get anything in the way of profit. At the end of which time, as I have said, the Government will own the building. However, at that time the Government will not own the land. The land to-day is owned by the Trinity Church Corporation; but I reminded one or two Senators in the Committee on Appropriations that if the Government desires to do so, when it has acquired complete title to the building, the erection of which will have been financed by a private individual, it can then, if it pleases, condemn the land and have the entire property.

The Secretary of the Treasury regards this as a very attractive offer, and urges the passage of this authorization. It has the approval of the Director of the Budget, in that it does not conflict with the financial program of the President; it is strongly urged by the Board of General Appraisers of New York, and also by the appraiser of the port of New York.

Mr. McKELLAR. Mr. President, I am not going to object to the consideration of this amendment on the ground of its being legislation, but I think the Government could make a very much better contract by purchasing the ground outright or condemning it and building its own building. There are many contracts such as that now proposed which have been let, and according to an examination I made some time ago—and I think the Senator from New York was on the subcommittee when we made it—I became convinced that this was the most expensive method of acquiring property for Government uses. It costs the Government, according to figures I had then, about 10 per cent instead of 4 per cent, which it would ordinarily have to pay on money. I can not give my assent to the proposal for the Government to lease property on such terms.

Of course, I will reserve the right and privilege to vote against the amendment when it comes up. I have such great confidence in the Senator from New York, whose judgment may be very much better than mine in this matter, that I am not going to make the point of order against the amendment, but I expect to vote against it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I think it would be wise to have printed in the RECORD, in connection with the discussion, the official correspondence relating to the amendment.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, June 10, 1926.

Hon. J. W. WADSWORTH, Jr.,
United States Senate.

MY DEAR SENATOR: Reference is made to your letter, dated the 2d instant, submitting a proposed amendment (to take the place of one previously submitted) to the second deficiency bill relative to a building which Mr. Louis Adler proposes to erect for the appraiser's stores in New York City.

This proposal appears to authorize the Secretary of the Treasury in his discretion to enter into a contract for the lease to the Government upon such terms and conditions as the Secretary deems advisable, for a period of not to exceed 20 years, of a certain building in New York City, the building to revert to the Government at the expiration of the lease free and clear of all incumbrances except the ground rental.

The department believes this apparently attractive counter proposal is worthy of consideration and is constrained to recommend the enactment of the amendment, it being understood that it is not to be construed to direct the Secretary to enter into a lease but to authorize the Secretary to enter into a lease only if after a thorough investigation he is satisfied such action would be in the interest of the Government.

The Solicitor of the Treasury has advised the department that while the Secretary of the Treasury may not, without specific authority from Congress, enter into a lease for the proposed building under the circumstances set forth in the proposed amendment submitted in your letter of the 2d instant, yet the language of this proposed amendment would confer such authority. I inclose herewith for your further information a copy of the solicitor's opinion.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

BUREAU OF THE BUDGET,
Washington, May 28, 1926.

The honorable the SECRETARY OF THE TREASURY.

MY DEAR MR. SECRETARY: I have your letter of May 25, 1926, inclosing a draft of your proposed letter to Hon. JAMES W. WADSWORTH, Jr., United States Senate, with regard to prospective legislation which would authorize the Secretary of the Treasury to enter into a 20-year lease for a building for the appraisers' stores in New York City. Accompanying your letter is a new proposal submitted by Mr. Adler to the effect that if the Government will enter into a 20-year lease on the building which he proposes to erect he will assign to the United States his leasehold and the buildings and improvements thereon, free and clear of all incumbrances, except the ground rental to the landlord.

In your proposed report in this matter you state that—

"The department believes this apparently attractive counterproposal is worthy of consideration, and is constrained to recommend the enactment of an amendment embodying the proposition set forth in Mr. Adler's said leter, provided the amendment is so worded as not to be construed to direct the Secretary to enter into a lease but to authorize the Secretary to enter into a lease only, if, after a thorough investigation, he is satisfied such lease is in the interest of the Government."

Legislation of the nature recommended by you would not be in conflict with the financial program of the President, it being clearly understood, as stated in your proposed report, that such legislation will not be constraining upon the Secretary of the Treasury but will be purely discretionary and that the exercise of this discretion will be subject to a thorough investigation which will determine conclusively that the entry into such a lease will be in furtherance of the President's program of constructive economy.

The opinion of the Attorney General of September 15, 1910 (28 Atty. Genl. 413), would appear to indicate that there is no legal objection to the proposal made by Mr. Adler to assign to the United States his leasehold and the buildings and improvements thereon, free and clear of all incumbrances, except the ground rental. I would suggest, however, the advisability of having your legal advisers consider this phase of the matter, as it would seem that if there is any question as to the right of the Secretary of the Treasury to enter into a lease containing this proposal it should be given legal sanction in the proposed legislation on which you are making your report.

Sincerely yours,

H. M. LORD, *Director.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 18, 1926.

Hon. J. W. WADSWORTH, Jr.,
United States Senate.

MY DEAR SENATOR: In accordance with the request in your letter of the 15th instant, I inclose herewith copies of letters dated April 30 and May 4 last from the United States appraiser of merchandise at New York and the acting president of the Board of United States General Appraisers (now the Customs Court), respectively, relative to Mr. Adler's proposal for the erection at that port of a building for the use of the appraiser and the board.

In transmitting these copies I should state, as I advised your office over the telephone, that the letters represent merely the views of the writers, not necessarily the department's views, in the absence of the thorough investigation by the department contemplated under the proposed amendment you submitted.

Very truly yours,

E. W. CAMP, *Director of Customs.*

BOARD OF UNITED STATES GENERAL APPRAISERS,
New York City, May 4, 1926.

TREASURY DEPARTMENT,
Division of Customs, Washington, D. C.

SIRS: The attention of this board has been called to a proposition to construct a new fireproof structure at the junction of Canal, Varick, Watt, and Hudson Streets, this city, to provide absolutely necessary accommodations for the appraiser of this port and for this board.

Our present offices and court rooms are not as desirable as they should be. This building was constructed and designed to serve as a warehouse, and while it has afforded us accommodations as well as might be expected under the circumstances, we have not the adequate facilities which we should have. A new building with suitable offices and court rooms is highly desirable.

Nor is this building fireproof. Consequently to the imminent danger to human life is added the probable total destruction of our records, which would prove an irreparable loss. With these important considerations before Congress, it is inconceivable that the proposal made should be rejected.

The board has carefully considered Mr. Adler's proposal and regards it as very comprehensive and as affording the room, accommodations, conveniences, etc., which it should have. I am therefore instructed to express the board's hope that Mr. Adler's proposal may be accepted.

Yours very truly,

J. J. FISCHER, *Acting President.*

TREASURY DEPARTMENT,
UNITED STATES CUSTOMS SERVICE,
New York, N. Y., April 30, 1926.

MY DEAR MR. CAMP: Replying to your letter of April 27, returning the letter of Mr. Louis Adler addressed to me under date of April 6, and requesting an expression of my views as to the urgency of securing a new building and the suitability of the location proposed by Mr. Adler, together with my opinion as to the reasonableness of Mr. Adler's offer and the possibility of the disposition or future use of the present premises, if vacated, I would state that the present building was erected and completed almost 30 years ago and was intended for the use of the appraiser and the Board of General Appraisers.

Since that time there have been included the additional departments now also located here. While statistics are not available, there is no doubt but what there has been an enormous increase in the volume of business handled, and it has been necessary for many years past to eliminate from public-store examination many lines of merchandise and examine the same on the wharf. The items so examined during the past 10 years have increased from 500 to 3,000, approximately. In addition, it has been necessary to reduce the number of public-store packages to the very minimum.

The building itself, in spite of efforts to modernize it, is poorly adapted for the proper and expeditious handling of the enormous amount of packages received in and delivered therefrom. This is particularly true of the second floor, where parcel post and packed packages are received. There a portion of the floor outside of the examination rooms is used by the Post Office Department, and as the business in that section is steadily increasing the packages can not be promptly and properly handled because of inadequate space and proper facilities.

The passenger and freight elevator service, particularly the former, has been the source of constant complaint. Office accommodations in many of the divisions are inadequate and far from satisfactory, many of the examiners and their clerks occupying, as offices, rooms built on the examination floors, where, because of insufficient space, they are crowded together without the proper facilities for caring for their documents, papers, books, etc., the window sills being used on which to place such documents.

A new building designed and built for the purpose of this department would be of great advantage to the Government, in that it would permit of the prompt receipt and delivery of packages, careful and satisfactory examination of merchandise, and furnish office accommodations more in harmony with present-day needs and conditions.

The location suggested is close to the North River, along which many of the big ocean liners dock, and would be in reasonable access to the Chelsea and adjacent piers, and would be convenient for merchants and others having business with the different departments that would be housed in the building erected on that site. The suggested rental rate of $64,000 per floor for approximately 64,000 square feet seems to compare favorably with the prevailing rate of rental at the present time as far as I can ascertain.

It must be remembered, however, that provision would have to be made for a pneumatic-tube service from the customhouse to the appraiser's stores, which service now exists, and which is absolutely essential. There would also have to be a pneumatic-tube service in the building, similar to that now used here.

The new building would also have to provide special equipment for steam baths, furnace hoods, vents, and air-conditioning room, and similar equipment used in the chemical laboratory of this office. North light skylights would also be required in this bureau.

As to the present building, it would seem to be suited for general storage purposes, and probably could be disposed of or leased to operators in that business.

The letter of Mr. Adler is herewith returned.

Very sincerely yours,

F. J. H. KRACKE, *Appraiser.*

Mr. E. W. CAMP,
Director of Customs,
Treasury Department, Washington, D. C.

NEW YORK, *May 20, 1926.*

The honorable the SECRETARY OF THE TREASURY,
Washington, D. C.

DEAR SIR: Amending my original proposal made to you on April 6, 1926, in which I offered to erect a modern fireproof 12-story-and-basement building, specially constructed for the use of the appraiser's stores, built to meet all its requirements, on a plot of land containing approximately 64,000 square feet, covering the entire block bounded by Canal, Varick, Watts, and Hudson Streets, in the borough of Manhattan, city of New York, calling for a rental of approximately $64,000 per floor per annum, I hereby offer to the United States Government, in consideration of its entering into a lease with me for the said proposed building for a term of 20 years, to assign to the United States Government my leasehold and the building and improvements thereon, free and clear of all encumbrances, except the ground rental reserved by the landlord, the Corporation of Trinity Church of New York, said assignment to be effective at the expiration of the said term of 20 years.

My lease with the Corporation of Trinity Church calls for the payment of an annual ground rental of $60,000 for the first period of 21 years, and carries three renewals of 21 years each, at a rental to be based at 6 per cent of the appraised value of the land only at each renewal period, not to be less, however, than the rent reserved in the last preceding term.

To summarize this proposal, the Government at the end of the first period of 20 years would occupy a building of approximately 832,000 square feet in area at a rental of from $60,000 to $70,000 per annum, which would be at the rate of less than 10 cents per square foot, and makes the average for the entire term of 83 years at the rate of 25 cents per square foot.

Very truly yours,

———— ————.

———

NEW YORK, *April 6, 1926.*

Hon. F. J. H. KRACKE,
641 Washington Street, New York City, N. Y.

DEAR SIR: I have at my disposal at this time a plot of land in the Borough of Manhattan containing approximately 64,000 square feet of ground area, bounded by Varick, Canal, Hudson, and Watt Streets.

This property is situated at the entrance and exit of the new vehicular tunnel now practically completed and through street widenings and condemnation proceedings the plot is ideally situated for light and accessibility (see accompanying diagram).

On the plot above described, it is proposed to erect a large business building of at least 12 stories and basement, having approximately 64,000 square feet to a floor.

This building could be placed at your disposal to be used for the appraisers' stores and customs court and for such other purposes as you may require, at a rental to be agreed upon, and which would approximate $64,000 per floor.

The building to be erected would be planned to suit your particular requirements, giving you the floor loads for your use. The building would be of modern fireproof construction; concrete floor arches over a steel or concrete frame. The facade of the building would be of brick with decoration of limestone, terra cotta, and granite.

The unusual size of this property will permit, on two levels, each easily reached by ramps from street level, access to shipping driveways capable of handling 72 large trucks for loading and unloading at one time. The platform area serving these trucks will have about 60,000 feet available. This space will be served by a battery of heavy load freight elevators that will permit use of electric interior trucks for rapid disposal of merchandise through the building. Adjoining this battery will be several high-speed passenger elevators serving the entire building, to be used by employees, inspectors, etc., or possibly for the handling of small packages.

The shipping space will permit an open driveway of approximately 60 feet of clear width in which the largest truck can be readily turned. In comparison to the normal 30-foot street, this width will be unusual, affording at the same time full protection from inclement weather.

Apart from the other circumstances noted above, any particular requirements that you might have could be incorporated in the planning of the building.

The fact that this property faces the vehicular tunnel plaza, which is 290 feet wide, Varick Street, 100 feet wide, Canal Street, 100 feet, and the Hudson Street plaza, 175 feet wide, will further permit the greatest ease for the handling of a large number of trucks approaching and leaving the building. By the same fact, the upper floors will have excellent light and ventilation.

Space to the extent of 75,000 square feet required for the customs bureau of the Postal Service would be available in this building. After investigation, it is our understanding that the present space used by the appraisers' stores is wholly inadequate, and it is understood that the immediate need for the appraisers' stores is at least double the amount of the present space. We further understand that the natural increase of business in your department is from 6 to 12 per cent per annum, and since the present appraisers' stores were built about 28 years ago it is only natural to assume that a building of about 1,000,000 square feet should be erected now to take care of your present requirements and allow for natural expansion.

Owing to present shortage of space it was necessary to remove the sale of unclaimed merchandise or unpaid-for merchandise to the Army base in Brooklyn, which is inaccessible to buyers, causing loss to the Government in the sale of such merchandise.

Under present shortage of space, antiques and importations of that type are examined all over the district instead of in the stores, permitting the possibility of improper examination.

Shortage of space makes it necessary to examine tobacco outside of appraiser's stores and in places not totally under Government supervision.

Present shortage of space delays loading and unloading to such extent that trucks wait for hours at a time before they reach receiving platform.

We respectfully call your attention to the low price that we are quoting you as a rental for this property, and for comparative purposes we respectfully direct your attention to the lease made by the United States Government in about 1922 for the Varick Street post office, practically opposite this property, wherein the Government is now paying a rental of $300,000 per annum for a gross square-foot area of approximately 163,000 square feet. This figures out at about $1.90 per square foot.

If we can get prompt action from your department we would undertake to deliver the building, complete, suitably adapted for your purposes, and ready for your use within one year, guaranteeing the faithful performance of our part of the contract by a bond in an amount satisfactory to you.

Very respectfully yours,

———— ————

———

TREASURY DEPARTMENT,
Washington, June 3, 1926.

Hon. J. W. WADSWORTH, Jr.,
United States Senate.

MY DEAR SENATOR: I have your letter of the 2d instant inclosing a draft of a proposed amendment to the deficiency appropriation bill embodying a proposal made by Mr. Louis Adler for the construction and lease to the Government for a period of 20 years of a building in New York City for use of the Board of General Appraisers and the United States appraiser at that port, the building and leasehold to become the property of the United States at the end of such period subject to payment of the ground rental.

In accordance with the advice of General Lord, Director of the Bureau of the Budget, the Solicitor of the Treasury is being asked for an opinion upon certain legal questions involved. On receipt of his opinion I shall be glad to inform you of the conclusion reached.

Very truly yours,

F. A. BIRGFELD,
Acting Assistant Secretary.

———

JUNE 9, 1926.

The SECRETARY OF THE TREASURY,
Attention Mr. F. A. Birgfeld, Acting Assistant Secretary.

SIR: Under date of June 3, 1926, Acting Assistant Secretary Birgfeld addressed the following communication to this office:

"There is inclosed herewith a copy of an offer of Mr. Louis Adler to erect on land belonging to Trinity Church, of New York City, which is subject to the payment of ground rent, and to lease to the Government a building for the use of the United States appraiser of merchandise for the port of New York, with the understanding that at the expiration of the leasehold, 20 years, the building will belong to the Government free of any encumbrance except the payment of the ground rent.

"There are also inclosed herewith a copy of a proposed amendment to the second deficiency bill by which it is intended to authorize the Secretary of the Treasury to enter into a lease for such building, on which amendment the department has been asked by Senator WADSWORTH for an expression of views; and a copy of a communication in the matter from the Director of the Budget.

"Before replying to Senator WADSWORTH'S request, I shall be pleased to receive your opinion, first, as to whether or not there is any legal objection to the acquisition by the Government of a building erected on land which it does not own and which is subject to ground rent; second, whether or not the Secretary of the Treasury, without specific authority from Congress, may enter into a lease for the proposed building under the circumstances; and, third, if he has no such authority, whether or not the language of the proposed amendment would confer it.

"As it is understood that those interested desire action in the matter at the present session of Congress, it will be appreciated if your opinion can be expedited."

In answer to your first inquiry, to wit, "Whether or not there is any legal objection to the acquisition by the Government of a building

erected on land which it does not own and which is subject to ground rent?"

I beg to advise you that, in my opinion, there is. "Acquisition" is the act by which the property in a thing is acquired. (Bouv. L. D.)

Section 3736 of the Revised Statutes provides that "No land shall be purchased on account of the United States, except under a law authorizing such purchase."

The word "land," employed in said section, is a term of art, and terms of art when employed in a statute, without accompanying definition or qualification of their meaning and scope as used therein, are to be taken in their technical sense, because they have a definite meaning which is supposed to have been understood and accepted by the lawmakers employing them.

As "land," employed as a term of art, legally includes all houses and other buildings standing or built on it (Co. Litt. 4, a; 2 Bl. Com. 18; 3 Kent Com. 401, 402; Illinois Central Railroad v. Chicago, 176 U. S. 646, 660), and has an indefinite extent upward as well as downward, the "acquisition," without statutory authorization, by the Government of "a building erected on land which it does not own, and which is subject to ground rent," would be an "acquisition" or "purchase" of such building or land in violation and disregard, not only of said recited section of the Revised Statutes but also of section 355 thereof, because said enactments show that it was the manifest intent of Congress that the word "land," as used therein, should include not only buildings and structures but also the ground on which the same stand, and that the title to be acquired by the Government should be a title thereto in fee—a title unfettered by ground rents or rent charges of any nature, and with respect to the validity of which the written opinion of the Attorney General had been made.

The foregoing conclusion is confirmed by the fact that it has been held that the term "land," in statutes conferring power to condemn, is to be taken in the sense of including both the soil and buildings and other structures on it, and any and all interests therein. (Stauffer v. Cincinnati R. & M. R. R., 70 N. E., 543–544; Brocket v. Ohio & P. R. Co., 14 Pa. 241; 53 Am. Dec. 534.)

It follows that, should the Government, for any reason, be moved to proceed by condemnation in the present matter, the term "land" would, in such proceeding, be so construed and applied.

In this connection attention is invited to sections 3679, 3732, and 3733 of the Revised Statutes, which, in substance, prohibited contracts on behalf of the United States, unless they are either authorized by law or under an appropriation adequate to their fulfillment, as well as to the opinion of Mr. Justice Sanford in the case of Leiter v. United States (decided May 10, 1926), 46 Supreme Court Reporter, 477. In my opinion, acceptance by the Secretary of the Treasury of the offer outlined by Mr. Adler, and entry by him into the lease provided for in said offer, would violate the spirit of said sections, and would, under said decision, be invalid.

That the contemplated lease would be a contract can not be doubted, and it is not claimed that there is any law specifically authorizing the purchase of the building involved.

Without legislative authorization, the Secretary of the Treasury can neither lease nor purchase the property involved.

With respect to your second query, to wit, "Whether or not the Secretary of the Treasury, without specific authority from Congress, may enter into a lease for the proposed building under the circumstances," I beg to advise that, in view of what is said in my answer to your first query, the same must be answered in the negative.

In answer to your third query, to wit, if the Secretary of the Treasury has no such authority, "Whether or not the language of the proposed amendment would confer it," I beg to advise you that, in my opinion, it would.

Respectfully,

R. J. MAWHINNEY, *Solicitor.*

TREASURY DEPARTMENT,
Washington, June 22, 1926.

Hon. J. W. WADSWORTH, Jr.,
United States Senate.

MY DEAR SENATOR: In accordance with the request of your office over the telephone, I inclose herewith a copy of a letter dated the 28th ultimo, from the Director of the Bureau of the Budget, relative to a proposal made by Mr. Louis Adler for the erection and lease to the Government of a building in New York City for the appraiser's stores.

A copy of an opinion by the Solicitor of the Treasury in the matter was forwarded to you by the department under date of the 10th instant.

Very truly yours,

L. C. ANDREWS,
Assistant Secretary.

Mr. GLASS. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. After line 7, on page 33, insert the following:

For payment to George M. Davis for printing 500,000 letterheads for the Washington office of the United States Fuel Administration under purchase order of such fuel administration No. 1427, dated July 17, 1918, $750, the said George M. Davis having been the sole proprietor of the Consolidated Supply Co., of Washington, D. C., with which company such order was placed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Virginia.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, I desire to offer an amendment, and I ask that it be read.

The PRESIDENT pro tempore. The clerk will read.

The CHIEF CLERK. On page 31, line 3, strike out "aids to air navigation" and insert "air-navigation facilities."

Mr. BINGHAM. Mr. President, I desire to say, in explanation of the amendment, that in the air commerce act, which was passed this year, there is a clear definition of the term "air-navigation facilities," and all that Congress intended to have come under that head, whereas there is no definition of the term "aids to air navigation," which might include a number of things which the Congress did not intend to authorize the Secretary to do. Therefore I ask that the words "aids to air navigation" be stricken out, and that in their place be substituted the words "air navigation facilities."

Mr. WARREN. Not changing anything except the language referred to?

Mr. BINGHAM. That is all.

Mr. WARREN. The Senator merely desires to make a correction in the language of the bill, and I have no objection if that is all the language would do.

Mr. JONES of Washington. Mr. President, in view of what the Senator from Connecticut has said, I desire to state that I was on the conference with the Senator from Connecticut on the air bill, and I feel that the language of this appropriation goes much further than we were willing to go in the framing of that bill. The purpose of the amendment of the Senator from Connecticut is to make this item correspond with the legislation we passed. There is also the word "purchase" in the bill, as to which there is to be some amendment.

Mr. WARREN. I so understood.

Mr. BINGHAM. The amendment covering that will be offered.

Mr. JONES of Washington. The word "purchase" is in the bill, apparently contemplating the purchase of sites. In framing the legislative bill the committee purposely cut out language that would give the department authority to purchase sites. I think it is very well that the language of this appropriation should be corrected to correspond with the legislative intent of the act we passed relating to air navigation, so that in the future, in framing this paragraph of the bill, it will conform to the legislative intent.

The PRESIDING OFFICER (Mr. BRATTON in the chair). The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. BINGHAM. I offer another amendment.

The PRESIDING OFFICER. The Secretary will read.

The CHIEF CLERK. On page 31, line 10, to strike out the word "purchase."

Mr. BINGHAM. Mr. President, that has already been explained by the Senator from Washington. I trust there will be no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BINGHAM. I have one other amendment, a proviso to be put in at the end of the paragraph.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 31, line 10, after the figures "$300,000," insert the following:

: *Provided*, That no part of this appropriation shall be used for any purpose not directly authorized by the air commerce act of 1926.

Mr. BINGHAM. The purpose of this is in view of the words on lines 4 and 5, "including the equipment of additional air mail routes for day and night flying," not being clearly understood, and not having been mentioned in the act, it is believed that this proviso would limit the appropriation for those purposes which were authorized in the air commerce act.

Mr. WARREN. I have no objection.

The amendment was agreed to.

Mr. MOSES. Mr. President, I offer the amendment which I send to the desk, and ask to have read.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. Add on page 67, after line 2, the following:

To enable the State Department to bring current the preparation for the printer of additional volume of Foreign Relations, $10,000, for personal services in the District of Columbia.

Mr. MOSES. Mr. President, it will be remembered that when the annual appropriation bill for the State Department was under consideration, I offered an amendment, and at that time explained its purpose, in order to bring up the publication of the annual volumes on Foreign Relations, which are now 10 years in arrears. The provision that has been carried in the bill provides only for the printing, and no provision was made for the preparation of the copy. This amendment is to take care of that.

Mr. WARREN. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. HARRELD. Mr. President, I desire to offer an amendment, which I will ask the clerk to read.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. On page 36, after line 16, add the following:

For per capita payment to enrolled members of Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and their unallotted children, to be paid out of the trust fund created by the Senate Joint Resolution No. 71 (Public Resolution No. 36, Sixty-ninth Congress).

Mr. WARREN. I would like to know what that is based on.

Mr. HARRELD. At this session of Congress we passed a bill providing for a per capita payment among the Kiowa, Apache, and Comanche Tribes of $100,000, to be distributed among them.

Mr. WARREN. From the funds of the tribes?

Mr. HARRELD. From the funds of the tribe. Later during this session we passed a bill creating a trust fund for the same tribe, including the new-borns, and there is in that fund now in the Treasury something like three or four hundred thousand dollars.

The original action of the Congress will not benefit all of the tribes, because under another law some members of the tribes were permitted some years ago to draw their proportional share of the money, and therefore are now precluded from getting any part of this per capita payment that is arranged for out of their funds. Under an appropriation made out of this new trust fund, which has recently been created by Congress, if a per capita payment is made out of that fund, then all the members of the tribes will get a per capita payment.

I will give the figures in regard to this matter. There are 3,400 members in these three tribes. Under the first law that was passed, providing for a per capita payment out of the old funds of the tribe, independent of this new trust fund, there were to be only 1,565 who would be benefited. But the other 2,200 would be benefited by our now making a per capita payment out of this newly acquired trust fund.

Mr. WARREN. Does the law cover that?

Mr. HARRELD. Yes; it does. The law provides that this trust fund is for the benefit of every member of the tribe. If the law stands as it is, there will be a per capita payment made to less than half the tribe, and the other half will get nothing, and they will be very bitterly disappointed. But if the amendment can be made to authorize another per capita payment out of the new trust fund—and the money is in hand and the President has signed the bill—then each member will get a per capita payment. For that reason I think there is an emergency that ought to warrant the inclusion of the amendment.

Mr. WARREN. As I understand the Senator, it has not been estimated for, but under a law which has been heretofore enacted it would be permissible. Is that correct?

Mr. HARRELD. Yes, absolutely; and the Secretary of the Interior has recommended that the $100,000 be appropriated for that purpose.

Mr. WARREN. This is Indian money simply distributed among the Indians who really own it?

Mr. HARRELD. Exactly so.

Mr. WARREN. Indian affairs are always somewhat mixed, and I have had bad luck in attempting to interfere with them. I am willing to let the matter go to conference with the understanding on the part of the Senator that we can not spend very long in conference on the item.

Mr. HARRELD. That is agreeable to me.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. SMOOT. Mr. President, I send to the desk an amendment which I propose.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 67, after line 4, insert the following:

For payment to Joseph S. McCoy for increased compensation, fiscal year 1927, $2,500.

Mr. SMOOT. This is simply to carry out the law as provided for in the last revenue measure.

The amendment was agreed to.

Mr. FESS. Mr. President, in a former Congress the Joint Committee on the Library was authorized to complete the frieze under the rotunda. An authorization of $40,000 was made for the purpose. The Joint Committee on the Library appointed a subcommittee to make a report to the full committee on the matter of the completion. The subcommittee, made up of Members of the Senate and House, reported to us recommending that the work be completed by the artist, Mr. Whipple. The report came in very recently. The contract was authorized through the Architect of the Capitol.

I want to make this statement to the Senate because I think Members ought to know the fact. Recommendation was made to allow the artist to proceed to complete 10 feet of the 27 feet that is left, allocating for that expense the sum of $5,000. I thought it might be wise to have an item in the appropriation bill, which is already authorized to that extent. It was presented in the House, but they did not see fit to accept it. I have suggested to the committee that it ought to be put in the bill, and if it is proper I would like to have it inserted.

Mr. WARREN. Will the Senator allow me to cathechize him a little?

Mr. FESS. Certainly.

Mr. WARREN. The unfinished work has been talked about during all the years I have had access to the Capitol. For one I am tired of considering it and tired of appropriating money and getting no work done. Can the Senator tell me why, under all the appropriations we have made, nothing of consequence has been done? What has become of the money appropriated, and if there is any money now available for reappropriation, can the Senator state whether we are being asked to reappropriate it or whether he is requesting an entirely new appropriation?

Mr. FESS. The reason why it has not been done, I think, must be apparent to every Senator. In the first place, the frieze comes down historically to about the year 1849, and it was a question of considerable speculation as to how far down in history the completion of the 27 feet should be brought, whether it should stop with the Civil War or whether it should come on down to the Spanish-American War or whether down to the present time. The Senate will realize that that would be a point of great controversy to begin with. The second difficulty was and is the proper artist to take up the work. To complete it is finishing a cycle which in the nature of the case, ending an era like that, is bound to be the subject of controversy. I will say to the Senator that the delay has been right on that point and the difficulty of finding an artist to do the work. The money authorized to be appropriated has not been used at all.

Mr. WARREN. I appreciate the interest of the Senator in the work, but I deprecate the delay that has been involved. I understand he has now admitted that there are differences of opinion at the present time. I think I shall have to ask the Senator to await the action of the committee and therefore to let the item go over. I want to say to him that when the appropriation bills are taken up next fall, if we can have a unanimous request for this item, I shall be only too glad to have it considered by the committee.

Mr. FESS. Very well.

Mr. OVERMAN. Mr. President, this is the last of the appropriation bills. We have heard a great deal about economy, but there has been no economy. In comparison with the appropriations made for the fiscal year 1926 these appropriations show that, instead of having had economy, we have increased the expenditures some $443,000,000 as is shown by a table which I have and which I ask may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The table is as follows:

Bill	Appropriation, 1926	Appropriation, 1927	Difference
Agricultural	$125,734,441	$129,370,468	[1]$3,636,027
Departments of State, Justice, Commerce, and Labor	77,494,068	80,119,991	[1]2,625,903
District of Columbia	36,188,402	33,697,771	[2]2,490,631
Independent offices	452,373,959	512,610,315	[1]60,296,917
Interior Department	234,174,146	226,960,418	[2]7,213,728
Legislative	16,257,201	16,435,917	[1]178,715
Navy Department and naval service	300,402,328	316,433,440	[1]16,031,112
Treasury and Post Office Departments	763,889,994	868,515,501	[1]104,625,507
War Department	332,616,631	343,153,493	[1]10,536,862
First deficiency (1925)	159,504,838	[3]423,577,162	[1]264,072,324
Second deficiency (1925)	58,065,318	[3]43,372,065	[2]14,693,253
Total	2,556,701,346	{[3]2,994,246,541 / 2,556,701,346}	[1]437,545,195

[1] Increase in appropriation for 1927 over 1926.
[2] Decrease in appropriation for 1927 over 1926.
[3] 1926.

The above table shows a grand total of $437,545,195 was appropriated for 1927 over the appropriations for 1926.

Mr. OVERMAN. These figures are taken from the report of the Appropriations Committee, the direct report of the Senator from Wyoming [Mr. WARREN] himself showing the decreases and increases.

In the Agricultural Department there was an increase of $3,636,027 over the appropriation made for the fiscal year 1926; for the Departments of State, Justice, Commerce, and Labor, $2,625,903; for the District of Columbia a slight decrease of $2,490,631; for the independent offices an increase of $60,296,917; for the Interior Department a decrease of $7,213,728; for the legislative department an increase of $178,715; for the Navy Department an increase of $16,031,112; for the Treasury Department, an increase of $104,625,507; for the War Department, $10,536,862. The first deficiency bill carried an increase of $264,072,324. The second deficiency bill for 1927, as I have the figures reported, although they have been increased since, carries a total of $14,693,000 less than the bill of 1926, but that does not include a deficiency bill which came here for $20,000,000 that had not even been estimated for. I do not know why it had not been estimated for. It was left out of the general estimates and came here as a deficiency bill, so that we had to appropriate $20,000,000 more in that one bill.

This statement shows that the total appropriations for the fiscal year 1926 have been $2,556,701,346, whereas, adding the increases and subtracting the deductions, the total appropriations for the fiscal year 1927 are $2,994,246,541, or $437,545,195 more than for 1926.

Mr. President, I made a similar statement two years ago showing that we had spent more money than during the two years preceding, and without going into it fully I say we have spent more money this year. We have spent more money this year for these departments than has been appropriated at any time since the beginning of the Government except during the war, of course. More money than ever has been appropriated this year. We are talking "economy" and at the same time appropriating $437,545,195 more than we did two years ago. Two years ago I said we spent $512,000,000 in connection with war expenses more than we spent in 1915 in time of peace. There have been 200,000 more officeholders than there were in those days. Of course, we have discharged a great many of them, but many more should be discharged, and economies should be enforced all along the line. There is no use to talk economy when the figures show there is no economy, but an increase of expenditures all along the line.

Mr. WARREN. Mr. President, the Senator from North Carolina is so correct in his manner and ways and speech that I shall not undertake to dispute him at this time, but his figures are premature, in that the end of the fiscal year has just been reached and we can not yet present the actual figures. We have had conferences on the various amounts which have gone into the report and have gone into the bills in the first instance, but there have been great changes. It is to be expected that we might readily differ at this stage of the proceeding. This is the last appropriation bill, of course, and we can not yet definitely present the figures as they may be developed at the completion of the statements for the fiscal year. It would be, of course, after we have adjourned that we can ascertain those figures, so I ask to be granted the privilege, up to such time as may be permissible, to present for the RECORD a complete and, I hope, a correct statement of our expenses and our appropriations for the last year.

Mr. OVERMAN. The Senator does not think these figures are correct? Why, Mr. President, they are his own figures from his own report.

Mr. WARREN. It is so early in the day that the correct figures could not be given completely. I have asked that I may be permitted to insert them in the RECORD when they can be prepared.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming?

Mr. ROBINSON of Arkansas. The Senator from Wyoming has asked unanimous consent to submit a statement following the adjournment of Congress respecting the expenditures of the Government. I couple with that request another request that the Senator from North Carolina [Mr. OVERMAN], the ranking minority member of the Appropriations Committee, may likewise have an opportunity to publish any statement in the RECORD that he may desire to submit in connection with the expenditures of the Government.

The PRESIDENT pro tempore. Without objection, the unanimous-consent request preferred by the Senator from Wyoming [Mr. WARREN] and the unanimous-consent request preferred by the Senator from Arkansas [Mr. ROBINSON] are agreed to.

Mr. WARREN. Mr. President, I send to the desk a further amendment which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 41, line 1, strike out the word "appropriation" and insert in lieu thereof the word "appropriations."

The amendment was agreed to.

Mr. EDWARDS. Mr. President, when the portion of the bill relative to the internal revenue service was reached I was not in the Chamber. I should like to revert to page 69 of the bill for a few moments. I understand that a large portion of the $2,686,760 there provided for is to be apportioned to undercover men or snoopers. I also understand that these snoopers are to snoop on the State and county officials of the different States. I think, if that be true, it is unconscionable that the Senate of the United States should pass such a measure. If that is not true, and if it is to provide snoopers to snoop on the men who are now trying to enforce prohibition, then the proposed appropriation is entirely inadequate, because it is necessary to have snoopers to watch the snoopers, and it is necessary to have other snoopers to watch those snoopers who snoop. So they go snooping all down the line ad infinitum.

I wish to offer an amendment to that provision of the bill, that instead of the appropriation of $2,686,760 there be inserted $100,000,000, which is a sum not at all sufficiently large really to do what the United States Government is trying to do—enforce prohibition.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Jersey.

The amendment was rejected.

Mr. BRUCE. Mr. President, I have very little to say in relation to the particular item of appropriation to which the Senator from New Jersey [Mr. EDWARDS] offered his amendment, and yet I feel that I ought not to let this occasion pass without saying something with respect to it.

Things have certainly come to a pretty pass in the enforcement of prohibition when General Andrews realizes that if he is to hope to enforce prohibition at all he must have, as the Senator from New Jersey [Mr. EDWARDS] so aptly said, one set of spies or snoopers to spy upon another set of spies or snoopers. During the recent hearings before the subcommittee of the Senate Judiciary Committee the fact was brought out that since the Volstead Act had gone into effect some 875 prohibition officers of one degree or another had been dismissed from the Prohibition Unit; most of them for official corruption in one form or another, and the remainder, with some exceptions, for out-and-out rascality in some form or other; in other words, prohibition has eaten like a cancer into the very vitals of the public service. Being destitute of any moral sanction whatever official misconduct on the part of those who are charged with its enforcement follows all but inevitably. Only yesterday I saw that a rascal known as the "raiding parson," who had been in the habit of accompanying prohibition agents on their raids, had been arrested for lewd conduct with a woman. From skin to core the whole system of prohibition enforcement is depraved, not to say corrupt. Of course, there are some brave and honest men, indeed, I might say, many brave and honest men in the Prohibition Unit, but never before in the whole history of the Government has such a great percentage of all the officeholders in any branch of the Government been dyed so deeply in official corruption or moral turpitude of one nature or another.

So General Andrews, of course, finds it necessary first to come here and ask Congress to give him a sufficient appropriation with which to employ a special squadron of prohibition agents to supervise the conduct of sheriffs, constables, and other ministers of the law throughout the land; in other words, he finds that he has gotten down to the low plane of a street railway company that finds it necessary to have spies on its cars to see that its conductors do not steal its fares.

Whoever heard of any such force being necessary to execute the antinarcotic laws of this land? No force is necessary to execute those laws because they have a real moral sanction behind them, and even the sheriff and the constable who are now proposed to be so closely eyed has enough stirrings of conscience to realize that no such body of spies is necessary to enforce the general criminal laws of the land in any, or, if in any, in only the most limited respects. The laws against murder, the laws against theft, the laws against highway robbery, the laws against rape, the laws against all the other real criminal offenses can be truly said to enforce themselves far more than they are enforced by the law, because behind them all are the Ten Commandments, which have been engraved by the finger of God Himself upon the tablets of the human heart. This wretched, artificial, arbitrary, tyrranical prohibition law, however, must not only have the ordinary agents of the law to enforce it but must have a cloud of spies, informers, and delators besides for that purpose. That is the first request of General Andrews.

What is his next request? It is that he be allowed to employ retired officers of the Army to enforce his unenforceable law. Of course, for some time the extreme prohibition fanatics have been asking that the services of the Army and the Navy be employed in the enforcement of prohibition, and, while their request has never been granted, it is now renewed by General Andrews to the extent of asking that the Prohibition Unit be officered in part at any rate by military officers.

In other words, we are coming around to the point in the circle where foolish tyrranical laws always end up; that is to say, we are getting away from the civil authority to the strong arm of military authority. General Andrews sees, as every other clear-sighted individual sees, that the civil agencies of the Government are unable to enforce prohibition; that their attempts to enforce it have produced nothing but a precious crop of scandals and abuses such as had never before been known to our Government in its entire history; and now he comes here and asks that certain officers of the Prohibition Unit for all practical purposes be clothed in military uniforms and tricked out with epaulets on their shoulders and swords about their waists. In other words, the fundamental declaration that is found not only in the Federal Constitution but in the constitution of perhaps every State in the land, that the military authority shall be subordinate to the civil authority is to be disregarded.

Mr. DILL. Mr. President, may I inquire how long the Senator from Maryland expects to continue?

Mr. BRUCE. Mr. President, I really can not tell the Senator from Washington how long I shall continue. If I attempted to make a catalogue of all the scandals and abuses and atrocities that have resulted from the practical workings of prohibition, I would take until the hour of adjournment of the present session of Congress.

As I was saying, Mr. President, the ordinary medicine of the law is utterly inefficacious for the purpose of enforcing national prohibition, and resort must be had to the extreme remedies of political administration. Was there ever, I ask, a more humiliating confession of impotence made by any officer than that which General Andrews makes, first, in asking for an additional appropriation with which to employ his band of spies, and secondly, in asking that the Prohibition Unit be officered by retired officers of the Army?

What sort of justice, pray, could any man expect in the course of civil procedure from officers of that sort charged with the duty of hunting down dram drinkers and wine bibbers? Some time ago a case was brought to my attention in which a court-martial actually sentenced to prison for nine years a man who refused to perform an ordinary manual task on a Saturday half holiday. Everybody knows what martial law means as compared with the usual course of civil procedure, how absolutely inflexible and ruthless and merciless it is; and yet, to the extent that the Prohibition Unit might be officered by military officers, its spirit would be that of martial law and not that of the Constitution and laws of the country in their general application.

Mr. President, just a word more and I am done. A more humiliating confession than either of those two confessions is found in the statement of General Andrews that when he asks for the passage of the so-called Goff bill he has no intention of going into the private house and interfering with the fermentation of wine for personal or family use; that he does not even harbor the intention of going into the private home and interfering with the distillation of spirits for personal or family use. If he is charged with the enforcement of a mandatory law, what right has he to draw any line of distinction at all, and say: "I will go up to this line in the enforcement of the law, but I will not step over it"? "I will enter a private home, or a house that professes to be a private home, and I will seize any still that is used in distilling for purposes of sale or barter or exchange; but no citizen need fear, if he has set up a still for the distillation of spirits for his own personal use, or for family use, or has some wine fermenting in a cask for his own personal use or family use; that I will touch a single hair upon the crown of his head." If limits of this kind are to be set to the letter of the prohibition law, why should the law remain in force at all?

General Andrews, as I say, has no right to exercise any discretion about the matter. If it is illegal under the Volstead Act to make spirits or to make wine in a private house for personal or for family use, he has no authority to say that it is lawful to do it. Everybody who knows anything about the Volstead Act knows that, except as respects its special provisions relating to fermenting juices, the citizen has no more right to distill or to ferment in a private house for his personal or for family use than he has for business purposes in a commercial distillery or brewery.

No! General Andrews realizes, for he is an intelligent man and a brave man, and, on the whole, I think, a well-intentioned man, that there are limits beyond which the sternest administrator of the Volstead Act dare not go. He recollects that generations ago, when we possessed under the British Crown in some respects a larger measure of human liberty than we possess to-day, the Earl of Chatham, in speaking of the power of the Crown, said:

> The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail, its roof may shake, the wind may blow through it, the storms may enter, the rain may enter, but the King of England can not enter.

More glorious words never left even those glorious lips, to which American freedom is so deeply indebted.

I do not expect to vote against this bill because of the objectionable feature to which I have referred. As long as the Volstead Act is on the statute book it must be enforced, provided its enforcement does not assume grossly arbitrary and tyrannical forms; but I should have felt recreant to my trust and to my profoundest convictions had I not spoken as freely and as fully as I have done on this occasion.

Mr. McKELLAR. Mr. President, I have no desire or purpose to discuss the prohibition question; but I do want to ask the Republican leadership in the Chamber what has become of the several prohibition bills that were reported out some time ago and have never been brought up for consideration?

I should like to know, if I may, if it is the intention of our Republican friends to bring up these very necessary and very important law-enforcement measures at the present session of Congress? I have no doubt that if they were brought up they would be passed by an overwhelming majority, as an overwhelming majority of this body are in favor of these law-enforcement measures. All that is necessary, as it seems to me, is for the leadership of the majority to present the measures to the Senate, and I have no doubt that they can be passed. I hope they will bring them forward and let us pass them at the present session.

Mr. WARREN. Mr. President, has the Senator finished?

Mr. McKELLAR. I have finished. I hope that at some time somebody on the Republican side will answer the question.

Mr. WARREN. Mr. President, I wish to correct an error in the bill that is now before the Senate. On page 78, lines 19 and 20, where it reads "Government offices, $55,000," I move to increase the amount to $75,000.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Senator from Wyoming offers an amendment, which will be stated.

The LEGISLATIVE CLERK. On page 78, line 20, after the word "offices," it is proposed to strike out "$55,000" and insert "$75,000."

The amendment was agreed to.

Mr. HARRELD. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 102, after line 13, it is proposed to insert:

> To pay the Indians of the Shawnee Tribe and 13 Delaware Indians affiliated with said tribe, their heirs or legal representatives, in ac-

cordance with the official findings, arbitration award, and report of the Secretary of the Interior to Congress made in pursuance of the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868 (15 Stat. 513), the sum of $403,732.49: *Provided*, That out of said sum there shall be paid to the attorneys for said Indians 10 per cent of the above amount in full satisfaction of their contract: *And provided further*, That before payment of the amount hereby authorized to be appropriated the Indian beneficiaries or their legal representatives entitled to said awards shall execute in writing a receipt, release, and relinquishment of any and all claims arising under the twelfth article of said treaty which they may have against the United States, and which receipt, release, and relinquishment shall be approved by the Commissioner of Indian Affairs and the Secretary of the Interior and which shall be binding when executed and approved on all parties thereto. The Shawnee Indian superintendent and the council of the tribe at Shawnee, Okla., shall execute a release binding on all beneficiaries having no legal representatives.

Mr. WARREN. Mr. President, I must make a point of order on the amendment. It is clearly out of order. The Senator can offer it at some other time, and we can probably place it on a proper basis.

Mr. HARRELD. I desire to make a statement in regard to the amendment.

The PRESIDING OFFICER. Does the Senator from Wyoming withhold his point of order?

Mr. WARREN. I do.

Mr. CURTIS. Mr. President, will not the Senator let us get through with this bill, if the amendment is subject to a point of order? We want to pass the radio bill to-day.

Mr. HARRELD. The amendment is not subject to a point of order. I want to make the statement that it is not subject to a point of order. Ordinarily it would be; but this is a claim which is based upon a treaty with one of the Indian tribes, and the rules of the Senate specifically say that a claim of this sort arising from a treaty is not subject to a point of order.

Mr. CURTIS. Mr. President, the treaty nowhere provides for the payment of attorneys' fees to anybody. The Senator can not construe any treaty that exists with any Indian tribe so as to provide for the payment of attorneys' fees. Here is a provision authorizing the payment of a fee of 10 per cent.

Mr. HARRELD. Mr. President, this bill has passed the House at this session. It has been reported out favorably here. It passed the Senate twice before, in the Fifty-fourth Congress and in the Fifty-sixth Congress; and the matter referred to in it is an example of the greatest wrong that was ever done to an Indian tribe in the United States.

I am willing to have the Chair pass on the question.

Mr. WARREN. Mr. President, the amendment is clearly out of order, because it is not estimated for, and there is no law behind it. I make the point of order against it.

The PRESIDING OFFICER. The Chair will have to sustain the point of order.

Mr. WARREN. I move that the clerks at the desk be authorized to correct the totals according to the amendments that have been made.

The PRESIDING OFFICER. Without objection, it will be so ordered. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JURISDICTION OF WATER RATES

Mr. RANSDELL. Mr. President, one of the greatest students of transportation in the United States is Mr. Joseph N. Teal, of Portland, Oreg. He has sent to me a paper which is entitled "Why water rates should not be placed under the jurisdiction of the Interstate Commerce Commission, or some other governmental agency." I ask unanimous consent that this paper may be printed in the RECORD. It is a very able document.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

WHY WATER RATES SHOULD NOT BE PLACED UNDER THE JURISDICTION OF THE INTERSTATE COMMERCE COMMISSION OR SOME OTHER GOVERNMENTAL AGENCY

By Joseph N. Teal

DECEMBER 7, 1925.

There are fundamental reasons against granting the powers to control water rates to any governmental agency. The basis of the control of rail rates lies in a factor which is foreign to water transportation. A rail carrier is an agent of the State and is endowed with sovereign powers, such as condemnation, etc. It devotes its property to a public use and in so doing subjects it to public control. It can not abandon operation or operate a road as it pleases without regard to the public interest.

No such conditions apply to transportation by water. This is a highway open to anyone who cares to operate a vessel thereon, and 3 leagues from shore removes it from the domestic jurisdiction of any government. All sorts of vessels can be and are operated from the fishing smack to the proudest liner. A vessel is at liberty to operate in one trade or another or not operate at all, and no power can compel it to operate anywhere or at any time.

Moreover, while it may be lawful to control domestic water rates, and even indirectly through port control or otherwise we might attempt to control foreign rates by water, even if we were successful the result would certainly be disastrous to us and to our commerce, because while we were controlling or attempting to control rates other nations would certainly concede the freedom of the seas so far as rates and services are concerned and would reap the benefit of it.

There is a broad distinction in competition in rates as between rail lines, rail and water carriers, and water carriers. Under normal conditions rates by rail are not competitive. Indeed, under the law there can be no real competition in rates between rail carriers, whereas water rates are naturally competitive and are largely controlled by the law of supply and demand, although what might be termed voluntary regulation of rates is secured with some considerable success through conferences.

It has long since been recognized that competition between railroads is impossible where combination is possible, and rate wars in the past have been indulged in either for destructive purposes or for the securing of control of one railroad by another. As I have said, rail carriers do not compete with each other as to rates, the business is largely monopolistic, regulation is necessary, and where there is regulation competition in rates can not exist.

When one considers regulation of water rates by law, as rail rates are controlled and regulated, one confronts entirely different conditions than those applying to rail carriers. Consider the tramp ship. It is ubiquitous and carries a very considerable part of the water tonnage of the world. It competes in every trade and flies every flag. It is born in competition, lives by competition, and knows no other commercial life. It is said on excellent authority that there is "nothing new under the sun." This statement is doubtless accurate, but as yet I have found no instances except during war times of control being exercised over rates of vessels engaged in foreign trade.

Thus far the attempts to control domestic coastwise water rates have come to naught, largely because the proposal could not stand analysis or the fire of enlightened criticism, and I know of no independent authority who on principle has ever supported the proposition. The law makes it unlawful even in foreign trade to give deferred rebates or to retaliate against any shipper by refusing space accommodations or to make unfair or unjustly discriminatory contracts with shippers based upon the volume of freight offered, etc.

I confess that I do not see how these provisions of the law can be enforced as against foreign lines. In domestic trade deferred rebates and the other matters referred to are forbidden. In addition, rebates, undue preferences, and advantages or unjust prejudices and discriminations are likewise forbidden and adequate provision made for enforcement of the law. Indeed, several cases have been heard by the Shipping Board involving some of these questions and the board took the necessary action to remedy the situation.

I know of no general demand that the steamship rates be placed under the jurisdiction of any administrative body. The interests which, so far as I am advised, desire this legislation are:

1. The railroads.
2. A few shippers by water.
3. Shippers living in the Middle West who are far removed from water competition.

There is some uncertainty as to the attitude of some of the water lines, but generally they are against control of their rates. The railroads desire the Interstate Commerce Commission to have this control. Such water lines as favor a limited control generally desire the power lodged in the Shipping Board. The reason for the attitude of the first class is easily understood.

The second class referred to base their argument mainly on the necessity for stability in freight rates. So far as I know, they do not charge discrimination and abuses, but evidently feel that in some way it would be easier for them if all water carriers charged the same rate. Under existing competitive conditions, which will continue until the cheap war tonnage disappears, it is doubtful whether any regulation could bring about absolute stability in rates unless the canal rates were put so high as to stop canal shipping. The variations in rates are not particularly serious and to a great extent represent differences in service or quality which exist in every line of business. Stable rates are the rule and not the exception, although as stated there are doubtless variations from time to time. However, the law now provides against discrimination, preference, rebates, etc., and is en-

forced, and if anyone has a complaint there is no more difficulty in having it investigated by the Shipping Board than if it were a complaint of which the Interstate Commerce Commission had jurisdiction.

At the moment intercoastal rates on lumber are about the only rates that are open. To the Orient, United Kingdom, and the Continent rates are open on lumber, grain, and flour. It is not unlikely that this situation is left as it is in order to allow the regular liners to meet tramp competition when it arises. I think it may be said that rates by water generally are fairly dependable and nondiscriminatory, but they are water rates, not water transportation for which rail rates are charged.

The conferences of the water carriers exercise a very potent influence over rates. It might be suggested that through these conferences rates might be unduly high, but there is not a great deal to fear from this source for any length of time, as competition would hold the rates within certain limits and would prevent excessive rates. At the moment, with the large supply of tonnage, there is not much danger from high water rates. In this connection I might refer to the increase in service through the Panama Canal. In August, 1914, there were 3 regular steamship lines; there are now 14.

It is quite largely service that secures traffic, which might be offset to some extent by differential rates. However, to determine on fixed differentials would be an almost hopeless task, and if attempted would certainly prove unsatisfactory.

To give you some idea of the number of ships required to handle Pacific coast lumber in intercoastal trade I call attention to the following facts: In 1914 there was practically no lumber shipped from Pacific ports to Atlantic seaboard. In 1924 the movement was about 1,300,000,000 feet, and it may exceed that amount this year. Four million feet is said to be a good average; in fact, above the average shipload. This average means an equivalent of 325 full cargoes of lumber a year, fairly close to a sailing a day.

The third class referred to above, consisting of shippers located in the interior and far removed from the sea to some extent, support the notion of control of water rates, particularly intercoastal rates, because of what they conceive to be an undue advantage given industry or commerce located at seaboard points. In other words, it is the old, old question of the benefits that come from geographical advantage of location which one has and another has not.

For the purpose of this discussion it should be assumed that under control water rates would be established that would be reasonable as water rates, based largely on the cost of water service. If rates are named on this basis, it is somewhat difficult to see where the rail lines would benefit. On the other hand, if the water rates are on a basis higher than justifiable as water rates in order to allow railroads to participate in the competitive business, then the public will not be permitted to get the benefit of fair water rates, the ports would lose the water business, and their natural advantages would be sadly handicapped. Obviously, there is a distinction in which the public is very directly interested between permitting the rail carrier to reduce its rates to participate in competitive traffic, or to require a water rate to be increased to eliminate competition. One does not have to be very wise to avoid this trap thus cleverly spread before him. Moreover, section 500 of the transportation act declares it to be the policy of Congress:

"To promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation."

If water rates are to be increased so as to make rail competition possible, the policy of Congress as stated will be defeated, and it is obvious that the ultimate effect of such a process would be under the guise of competition with water carriers to eliminate them as competitors.

The railroads are endeavoring to secure by indirection an advantage which was expressly denied by Congress. In 1912 Congress passed an act inhibiting the use of the Panama Canal by railroad-owned water carriers where a railroad or water carrier did or might compete for traffic. As is well known, this act was passed to protect the public and water carriers and to prevent the railroads from controlling water rates and movement by driving independent water carriers off the seas. The railroads now seek to have the rates of water lines placed under control so that they can by this method indirectly secure the same results they would secure if the section of the Panama Canal act referred to were repealed. In fact, I am not sure that they could not get these results more effectively under control than they could by competition. There can be no doubt that the underlying purpose of the railroad traffic manager is to have rates named by water that will compare more or less favorably with the rail rates—that is, have them artificially increased by law. From the public standpoint I am impressed with the thought that regulation of water rates means weakened water competition and diminished shippers' independence.

Independent thinkers and those whose opinions are entitled to weight are generally against the control of water rates by any authority.

Hon. Franklin K. Lane in testifying before a congressional committee stated that such regulation is impracticable and would work serious hardship upon both water carriers and shippers, with no corresponding benefit resulting therefrom. Mr. Lane's testimony will be found on page 896 of the record of the hearings before the Senate Committee on Interoceanic Canals on House bill 21969, June 4, 1912. Among other things, Mr. Lane said:

"But I have no question whatever as to the result of the proposed policy of making the ocean as free as possible and allowing ships upon the ocean without regulation."

On page 900 he said:

"I think the distinction you have in mind perhaps is this: That a man who operates a boat line uses a highway that is already created for him by nature, while the man running a railroad creates the highway and operates a machine over it. Now, the artificial highway, namely, the railroad, becomes a monopoly. Its franchise creates it as a monopoly, and that is the basis for regulation. I think that so far as the natural highway is concerned—the water—that it is a very practicable thing to allow traffic freedom of competition upon that ocean highway, whereas it is not a practicable thing to allow traffic freedom of competition upon the artificial highway."

Hon. Charles A. Prouty, who was then on the Interstate Commerce Commission, also testified to the same effect, both Messrs. Lane and Prouty agreeing that such regulation would hamper competition and that all such carriers (carriers by water) should be left free and untrammeled in their competition for cargo.

In October of 1922, the San Francisco Chronicle published an editorial entitled "Rate fixing in coastwise traffic—Competition among carriers should be left entirely free." From this editorial I take the following excerpt:

"Competition by sea should be let entirely alone. If one line or one ship can carry cheaper than another it should not be prevented, for no ship is compelled to operate a day where its owners do not wish to. Unlike the railroads, it can seek profitable traffic anywhere. Protection to rail carriers must not be allowed to destroy the natural advantages of seaports."

And it might well add the protection the sea gives to shippers, producers, and consumers should not be handicapped or destroyed.

Mr. H. M. Clemenson, general manager of the Chamber of Shipping, United Kingdom, in a discussion of this matter said, among other things:

"I am convinced that control of rates is impracticable and undesirable in the interest of the public. There is nothing more fluid in the world of commerce than shipping. Of the 60,000,000 tons of world shipping, the major part is generally understood to be tramp shipping. It is the function of the tramp ship to move promptly to those markets where there is the strongest demand as evidenced by the highest freight offering."

He then discussed changing conditions and the fact that no complaints had been made of years of low freight but that occasionally there comes a time when demand exceeds supply, in which event rates advance and complaints follow. In connection with this he states:

"If, however, the freight control were maintained, the investors would be unwilling to employ their capital and savings in a trade which was going to impose all the disadvantages of bad times without the compensation which they are entitled to expect from good times, and the State would be obliged to adopt the alternative of conferring a monopoly."

In 1919 or thereabouts it was proposed by a member of the Canadian Parliament to place all boats under the railway commission. This subject was a matter of consideration by the Canadian Manufacturers' Association, which took strong grounds against it. I herewith inclose you a copy of resolutions adopted by that association at that time.

In an address by Commissioner W. S. Hill, of the United States Shipping Board, delivered at the annual meeting of the American Farm Bureau Federation at Chicago on December 8, 1924, he opposed the control of ocean rates, among other things saying:

"Ocean rates are not and can not be controlled like railroad rates—this for the simple reason that the sea is a highway open to anyone who owns or operates a vessel. The rate is controlled to a great extent by the relative supply of ships and cargoes. When ships are scarce the rate goes up and when there is a plentiful supply of ships rates work lower."

The Chamber of Commerce of the United States, in its report made to the National Merchant Marine Conference last November, said:

"In the study which the committee has given to this question (regulation of intercoastal shipping rates) it has become apparent that the considerations involved are not predominantly shipping questions but rather questions of competition between various producing regions on which it has naturally been impossible to secure unanimity of view. In so far as considerations relating solely to shipping are concerned, there appears to be a strong preponderance of opposition to the proposed regulation and, as far as these considerations alone are concerned, the committee is in agreement with this view."

The foregoing will serve to some extent to give you the attitude toward the question of regulation of ocean rates of those who speak advisedly on it.

The control of domestic ocean rates is inextricably bound up with our foreign trade. It is difficult to see how we could assert and maintain the right to control the rates of the shipping of the world, even on business destined to and from American ports, although we might in some way through control over our own ports and commerce affect such rates, but this would be so involved and lead to so much trouble, create so much confusion and give our competitors, both manufacturers and ships, such an advantage over our producers and our ships in the markets of the world that its enforcement would lead to its repeal.

What I have said thus far might be created more or less as generalizations. I shall try to point out some more specific objections to control.

The factors which in my opinion should be considered in fixing rates are both the type of the vessels and the character of the business in which they are engaged. These factors may be listed in general as follows:

Regular, fast, freight liners with frequent service.

Regular, slow, freight liners with infrequent service.

Tramps.

Regular passenger and cargo liners.

Vessels like those of the Steel Corporation, engaged quite largely in the handling of products of their owners.

It is obvious that if an attempt were made to apply the same rates to each of these different classes of vessels and service some would get no cargo, for as I have said service after all is of great importance, and it is obvious that the line giving the more frequent and faster service at the same rate will get the business. The carrier transporting its owner's goods would be indifferent as to the rate, for in that case it is the actual cost only of doing business that is important and the rate to be charged is quite immaterial to it, as with such a concern it is simply a matter of bookkeeping. Again, cost of operation and invested capital will vary greatly with different types of ships. Doubtless an attempt will be made to make differential rates—that is, to permit the slower steamers giving the poorer service to charge lower rates than the faster steamers and the prompter service. This would indeed be opening up a Pandora's box of difficulties.

Another feature in rate making by water as distinguished from that of rail is what might be termed the unit of transportation. In the case of a vessel, large or small, the entire tonnage of the vessel is the unit, as the vessel moves as a whole, whether loaded or not. On the other hand, with a railroad a car is the unit, and it can therefore determine the number of cars needed by the tonnage offered and does not have to transport any excess cars excepting for the transportation of freight one way or the other. This distinction is a most important one and enters largely into the determination of a rate to be charged.

At times it is necessary, particularly for a "tramp," to name low rates that will induce tonnage movement if it is not available at going rates. This leads to the making of what are termed distress or ballast rates, where a vessel which is empty or only partially full will name a rate for ballast or otherwise in order to get some revenue out of a trip that has to be made whether there is tonnage offering at regular rates or not. A ship often starts from one port to some other port to transport cargo from the port of destination to some other port. It endeavors to secure cargo to the port of loading, and if it calls at a way port, it can not lay there long seeking cargo. In consequence it will often offer to take cargo in the direction of its movement at comparatively low rates. This is a world's practice, developed out of the necessities and the character of the business. But it might be said that in a domestic business these questions are not so important. This is a mistake, for in domestic trade will be found competitive conditions that also require freedom of action by an American vessel as against a foreign vessel.

There is strong competition between manufacturers in this country and in Europe on steel and many other articles. This competition is particularly noticeable on the Pacific coast. A vessel would carry these competitive commodities from Europe to the Pacific ports on rates agreed on between the shipper and the vessel, and not infrequently on distress or ballast rates. On the other hand, if regulation is adopted, the rates on the same commodities produced in this country would move between the coasts by water under regulated rates. An American vessel can now meet this competition if it chooses. Under regulation it would be compelled to apply to the commission for relief. A regulative authority would find it puzzling to determine what rates should be made in order to allow our vessels to secure cargo. Under any circumstances, by the time the commission could act the "patient" would be dead, and our ships would not get the cargo and our manufacturers would lose the opportunity to secure business.

If an attempt is made to regulate by law rates by water between domestic ports, a brief consideration of the question leads one to believe that it could not prove successful. Consider the lumber industry. At the present time we are shipping quantities of Pacific coast lumber to the Atlantic seaboard. Lumbering interests will own or charter ships primarily to carry lumber to Atlantic or Gulf ports. Indeed, I understand three or four of the larger manufacturers are now operating ships to carry their own traffic. So far as they are concerned, they would not care what rate was fixed by the commission on lumber, as they would be simply paying it to themselves, but when they discharged at the eastern port it would be greatly to their interest if they could secure a load coming back. But it would be almost impossible for these vessels—in reality tramps—to get cargo unless they were willing to make concessions. If rates were regulated they could not get cargo as against regular liners, for they could offer no concessions, and consequently would come back empty, with the result that handling lumber by water in that way would prove disastrous.

You have an illustration of this method on this coast, where the lumber schooners from California coming north fill as much space as they can at the best rates they can get and then go back loaded with lumber. Consider the British Columbia manufacturer of lumber under this same situation. His ship is under a foreign flag. Our laws could not control his rates. Discharging in New York, he could load his ship for British Columbia ports at whatever rates he could get. How long do you think we could combat successfully competition such as this?

Or consider the shipment of lumber by regular liners as it is now being carried from British Columbia and from ports of the United States to Atlantic seaboard. At the present the rates are on a more or less competitive basis. If the rates were placed under the Interstate Commerce Commission, or any other administrative body, what do you think the basis of the rates would be? Do you not think that the railroads would participate in such hearings and insist on their interest being considered as well as the water interests? Here again we meet the situation that the British Columbia liner could carry in either direction at such rates as it pleased. What sort of a competitive condition do you think would be created on fir lumber between British Columbia and American manufacturers under these conditions? I only refer to this to bring the subject home to a trade with which you are familiar. Illustrations of the varying conditions could be multiplied indefinitely, but is it wise or prudent for the shippers of this coast to attempt to bring about a condition where they would fly in the face of all experience and violate every economic and commercial law? There are so many varying situations in connection with transportation by water, particularly deep sea, that it would bore you to repeat them, and I fear very much that this letter is already so long that you are weary of it.

I will close this statement with a quotation from an interview given a number of years ago by one of the most prominent railroad traffic men of the United States, which expresses the railroad ideas of to-day as well as when said:

"The first step should be to place the steamer lines under the control of the Interstate Commerce Commission and frame a schedule of rates for the steamship companies that will enable the rail lines to do business profitably across the continent."

If the ideas of these gentlemen prevail the benefit that comes from water competition and service will be ended and the public and the seaport points will lose the benefit of competition and service by water. In a word, their natural advantages will be eliminated at the direct cost to the public. In domestic commerce the law now gives very full protection to the shipper, and there are few if any complaints about unjust discriminations, preferences, or service. The advantage a seaboard has is a natural geographical advantage inuring to it by virtue of its location, and any attempt to eliminate this advantage could only result in harm to the commerce of the country. If there are justifiable causes for complaint in connection with the operation of ships in domestic trade there is not only the law to appeal to but competition among the water carriers, and economic processes will force a solution without more legislation which would be difficult to enforce and in its workings would do more harm than good.

"Reasons submitted by the Canadian Manufacturers' Association to the special committee on the railway bill, April 30, 1919, against the proposal of Mr. J. E. Armstrong, member of Parliament, to place all boats under the railway commission.

"The Canadian Manufacturers' Association objects to the proposed amendments to the railway act, placing Canadian vessels under the jurisdiction of the railway commission.

"The association realizes fully the benefits which have accrued to the public in the past through the supervision of the railway commission over railway companies, in matters of rates, etc., and is desirous of seeing the list extended as rapidly as possible to include all railway companies which can justly be so dealt with, but submits that vessels are in an entirely different category.

"Steamship companies have no monopoly. They are given no franchise eliminating competition. They receive no assistance in the way of grants or subsidies. The water routes are open to all vessels and the greater the number of vessels competing for business the lower will be the rates.

"If vessels are placed under the jurisdiction of the railway commission they will be required to file tariffs. We submit that fixed rates for vessels are neither feasible, desirable, nor necessary.

"Fixed rates in the case of vessels are not feasible on account of—

"(1) Variation in carrying capacity.

"(2) Variation in speed.

"(3) Variation in cost of insurance.

"(4) Variation in cost of operation at different seasons of the year. (A fair rate in summer might be a ruinous rate in November.)

"(5) Variation in cost of operation because of: (a) Different depths of water in different years; (b) different depths of water at different times in same year; (c) difference in loading facilities at different elevators, wharves, or ports; (d) difference in unloading facilities at different elevators, wharves, or ports.

"Fixed rates in the case of vessels are not desirable because they would:

"(1) Result in an elimination of competition.

"(2) Place Canadian vessels at a disadvantage in competing against United States boats whose rates in ordinary times are regulated only by the law of supply and demand.

"(3) Result in vessels lying idle when set rate was unprofitable.

"(4) Discourage the building of further vessels.

"Fixed rates in the case of vessels are not necessary, because to get business now boats must:

"(1) Underbid the rail rate.

"(2) Underbid or meet rates charged by boats already under railway commission.

"(3) Offer fair rates, or other boats will be built."

* * * * * * *

"The Canadian Manufacturers' Association submits that with such an unanimity of opinions among transportation interests, manufacturers, shippers, and boards of trade as to the inadvisability of this legislation, the proposal to place vessels under the jurisdiction of the railway commission should be abandoned."

HOUSE BILL REFERRED

The bill (H. R. 11768) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health was read twice and referred to the Committee on Agriculture and Forestry.

Mr. WADSWORTH. Is there not on the calendar a Senate bill which is a duplicate of the House bill?

The PRESIDING OFFICER. The Chair is not advised as to that.

LAKE WASHINGTON BRIDGE, WASH.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate No. 1, and agreeing to the amendment of the Senate No. 2 to the bill (H. R. 5810) granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State, with an amendment on page 2, line 16, of the Senate engrossed amendments, to strike out "3" and insert "2."

Mr. BINGHAM. I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 3802) to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ZIHLMAN, Mr. UNDERHILL, and Mr. GILBERT were appointed managers on the part of the House at the further conference.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 25) providing for the printing and binding of the proceedings in connection with the unveiling of the statute of John Ericsson in Washington, D. C., May 29, 1926.

The message further announced that the House had passed the bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H. R. 5789. An act for the relief of the estate of J. A. Galloway;

H. R. 7893. An act to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes;

H. R. 10309. An act authorizing the sale of lot 2 in square 1113 in the District of Columbia, and the deposit of the net proceeds in the Treasury;

H. R. 10361. An act to authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Co.;

H. R. 12175. An act to amend the World War veterans' act, 1924; and

H. R. 12536. An act to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State for highway purposes.

REGULATION OF RADIO COMMUNICATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9971) for the regulation of radio communications, and for other purposes.

Mr. DILL obtained the floor.

Mr. UNDERWOOD. Mr. President, will the Senator yield to me?

Mr. DILL. Mr. President, I am willing to yield for anything except the passage of bills. One of the Senators has told me that he will object to any bill being taken up for consideration, and for that reason I can not yield to a request of that kind.

Mr. BINGHAM. Mr. President——

Mr. DILL. Does the Senator desire to address the Senate on the radio bill?

Mr. BINGHAM. Yes.

Mr. DILL. Before the Senator does that I should like to offer a perfecting amendment regarding the commission, upon which I understand the Senator is going to speak. I send the amendment to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 35, line 17, after the word "operate," it is proposed to strike out the period and insert a colon and the following words:

Provided, That the President may designate an officer of the Army and an officer of the Navy to sit as two additional members of the commission without extra pay, for purposes of allocation of bands of wave lengths for the different kinds of radio service.

Mr. DILL. Mr. President, I may say that under the bill as passed by the House and as prepared by the Senate committee the President has power to select any wave lengths that may be desired for the Army and the Navy; but some officials of the Navy Department were anxious that they should be officially represented by the President appointing them to sit with the board in the determination of the wave bands to be used by the different services. I see no objection to that. It does not add to the commission except for this purpose. My assumption was that the President would do that anyhow, but they seem to think there ought to be a provision in the bill for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, I desire to address the Senate for a few minutes on the subject of the radio bill. I had expected to speak more at length, and have been preparing to do so for some time. I have been getting opinions from various people in regard to it. The session, however, is drawing to a close. The hour already is late. The Senate plans to go into executive session at 4 o'clock. Senators have been asked not to take up time in a way that might prevent the passage of the bill. I shall try to say what I have to say in the briefest possible manner. Nevertheless I realize that it is almost impossible to persuade anyone to agree with the position I shall take unless I have an opportunity to explain it at greater length than I shall be able to do in the time that remains.

In the first place, this bill is of great length, and has a great many provisions in it. We are continually being reminded by our constituents that we make too many laws. We see in the newspapers continually cartoons and other references to the fact that we are burdening the people of America with a great mass of laws, rules, and regulations. Yet here there are some 50 pages more of laws and rules applying to radio, a subject

which interests at least one-third of the people of the United States if not more. There are said to be over 30,000,000 people who have facilities for listening in to radio broadcasting. Yet, although this is a relative new thing and there has been no serious difficulty as yet, we propose a long new law, with many rules and regulations.

In the second place, I object to the form of the Senate amendment because it proposes to create another independent commission. I know I take an old-fashioned attitude toward commissions. I was taught that the prosperity and success of the United States depended in large measure on our system of government, which is based on a division of powers between the executive, the legislative, and the judicial departments. The legislative is jealous of its powers, or has been at times; the executive is properly jealous of its powers; and so is the judiciary. But whenever we get into a jam nowadays, or see a threatened jam, as in radio, we immediately throw overboard the old-fashioned American idea of a division of powers, nobody seems to care anything about it except an old-fashioned fellow or so, and we proceed to set up a new commission, and give it the powers of Congress to make rules, regulations, and laws; the powers of the executive to execute those laws, and the powers of the judiciary to say whether the licenses which they give shall be taken away or not. In other words, we are setting up here another one of those three-in-one commissions, which personally I believe are a menace to our institutions.

I wish I might expatiate a little more on that, but I realize that it is such an old-fashioned doctrine that it can not fall upon very sympathetic ears in this day. I should like to move to strike out that part of the bill creating a new commission, but in order to save time I shall not offer any amendment, but shall content myself with voting against the committee's proposal.

I should like to call attention to the fact, however, that in this commission we set up again the "nonpartisan" fiction. We seem to feel that if we set up a commission of five highly paid men, drawing $12,000 a year, which is more than many of our Federal judges get, giving them the power to regulate and the power to report directly to Congress, without reference to the President, or any executive department, and if of the five only three may belong to one political party, we have settled the matter, and that there will be no trouble. We object to giving one man a lot of power, and yet, by the way that commission is suggested, we give one man of the majority party the power of settling all difficulties that may arise in this commission. Furthermore, no one will know which one of the five it is. We conceal the man to whom we give this power. Why would it not be better to give it to one member of the Cabinet, who can be held responsible for the rules and regulations and for the decisions that are made? If mistakes are made, we shall know who has made them.

In the next place, we set up the convenient theory that the members of this commission shall not be experts, and that they shall not have been financially interested in radio for the period of a year preceding their appointment. A great many people in this country are financially interested, in a moderate way, in some of the stocks of some of the large electric corporations which manufacture radio equipment. Many of the most able financiers in the country, many of the most conservative investors, own a small amount of stock, or maybe a large amount of stock, in the Radio Corporation of America, or the Western Electric, or the General Electric, or the Westinghouse Co., or in one of many others that might be named which manufacture radio equipment. But none of those people would be eligible for appointment on this commission.

As I have said, we direct this commission to report directly to Congress. In other words, we cut out the executive departments of the Government from the operation of this great, important new thing.

If anyone objects to the fact that he has not a license which he ought to have or that his license is being taken away from him improperly, what right does he have to appeal? He appeals to the commission itself, to the commission that has done the act. In other words, we make the commission the judge of its own acts, and that is fundamentally opposed and contrary to the theory on which this Government has been developed.

Why should not these valuable concessions be granted by Congress? We have been told of the immense value of these great broadcasting concessions. I hold in my hand a letter from the Hon. John H. Brooks, a citizen of Connecticut, who has followed radio from the very beginning and has one of the most elaborate private radio-receiving stations with all sorts of devices for receiving, one of the most valuable and interesting in the country. He was for many years a State senator. He has been known for a long time as an electrical expert. He happens also to be the president of a bank and is one of the leading citizens of Torrington. He writes me as follows:

> For the last week I have paid special attention to the stations coming in on my various sets, and while the high-powered stations are on—that is to say, WBZ, Springfield; WTIC, Hartford; WGY, Schenectady; WJZ, New York; WEAF, New York; WOR, Newark; and one or two others—we do not get many of the small stations nor do we get many of the distant stations. The latter come in after 12 o'clock at night, but my opinion and the opinion of others around here that I have talked with is that as long as these high-powered stations continue to give the class of broadcasting entertainment that they are giving now, the public is lots better off and better satisfied than it was when we were getting a jumble of poor stuff from poorly equipped, low-powered stations, and from actual experience I find that the public in this section much prefer high-class music with an occasional interesting lecture than they do too much of the educational and religious features that have been talked about so much in the hearings.
>
> * * * * * * *

In another letter he writes me as follows:

> Up to the present time, the radio situation handled by the Secretary of Commerce has been a sort of gentlemen's affair and played by gentlemen. If the Zenith suit now pending in the courts goes against the Government, the gentlemanly game is all over, and if if were not for this suit, I would say let the radio control lie just as it has since 1912. But under the circumstances I think one section recommended by the Fourth National Radio Conference should be written into the law and this section being brief, I quote that part of the recommendation I think should be written into law:
>
> *"Resolved*, That full authority be vested in the Secretary of Commerce to act upon broadcasting license applications."
>
> And then I would add—"with power to grant, refuse, limit, or allot time and wave length."

With Mr. Brooks's views I am in accord. If Senators think the franchise privilege is too important to leave in one man's hands, then why should we not require those who desire a franchise for a large broadcasting station, which can broadcast all over the United States, obliterate State lines, and put the smaller people out of business, even those of wave lengths not of the same power, but of neighboring wave lengths, why not require them to come to Congress and get their franchises? We require the builder of every small bridge—as my colleagues will recognize, due to my duties—over any navigable stream that flows between two States to come to Congress and ask permission to build a $100,000 bridge over that stream. We do not even permit the Secretary of War or the Secretary of Agriculture to give that grant. That franchise has to be granted by Congress. Yet we are asked here to give the most valuable franchise that one can conceive of almost, that of a great broadcasting station, which might broadcast all over the United States—to give that right, that franchise, not through Congress, where the matter might be debated and everyone might have an opportunity to present his claim, but into the hands of a commission. We shall never know, if the commission votes three to two, who the one person was who decided who should or should not have the franchise.

The smaller franchises might well be granted by the Department of Commerce, or by the Post Office Department, but it seems to me the larger franchises should be granted by Congress itself.

Now, Mr. President, I could go ahead, as I said before, at much greater length. I hold in my hand a most interesting letter from the vice president in charge of the largest broadcasting station in Connecticut, that of the Travelers' Insurance Co. I had intended to read and to discuss this very able letter, but in view of the lateness of the hour I shall ask unanimous consent that it be printed in the RECORD, together with a second letter from the same gentleman.

The VICE PRESIDENT. Is there objection?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HARTFORD, CONN., *May 12, 1926.*

Hon. HIRAM BINGHAM,

United States Senate, Washington, D. C.

DEAR SIR: There are said to be about 30,000,000 persons using radio receiving sets in the United States. There are some 600 broadcasters, big and little, furnishing programs to the owners of these sets. I have never seen a reliable estimate of the number of receiving sets in Connecticut, but it runs far into the thousands, and we learn from our responses and from other sources that they are owned very largely in rural communities, and are relied upon for entertainment, news,

information respecting the commodity market, and various things of that character.

In Connecticut there are three broadcasting stations; one owned and operated by the Connecticut Agricultural College at Storrs; another small station owned and operated by the Doolittle Radio Corporation of New Haven; and the third is owned and operated by this company. We are probably doing the principal amount of broadcasting in Connecticut, and we have furnished programs to the other two stations. We are the recognized broadcasters for Yale University, having elaborate equipment located at that place.

We are broadcasting special programs for the schools, particularly the rural schools, and doing other work which is, in our judgment at least, rather important. I believe I may say to you without exaggeration that the eyes of all these receiving-set owners and broadcasters are at the present moment turned toward the United States Senate, looking hopefully for that reasonable protection of the broadcasting industry, upon the strength of which all have made relatively large investments in good faith and properly depending upon the Government for suitable protection. No one is looking for personal favors. Everyone is looking for the reasonable recognition of investments for the public welfare and the continuation of the remarkable progress which has been made by the broadcasting industry since its birth, scarcely five years ago.

Broadcasting is the one outstanding unfathomable discovery of the twentieth century. Secretary Hoover has truly said that this great industry is the best illustration of a self-governed enterprise known to the history of the United States. We need the support and the help of the law. We need control in the interests of the public. We need provisions against those broadcasters who are using their air privileges improperly, and we need encouragement for those who are honestly and faithfully discharging their obligations to the public under most trying conditions. This is the occasion which focuses the eyes of some 30,000,000 people upon the United States Senate at the moment. Almost all these people have some little understanding of the situation, but few of them have enough to know how seriously a useful and beneficial privilege is being imperiled, not by lack of intelligence, but by lack of knowledge.

Last November Secretary Hoover called a conference at which there were represented all phases of the interests involved in communication by radio. There were broadcast representatives; there were representatives of the listeners; there were representatives of commercial radio companies; representatives of the press and of the public generally—in all something more than 800 individuals. Certain working committees were appointed, and out of these committees came certain programs which were the result of the best thought of the best and most outstanding representatives attending, including a large number of representatives from the Government itself.

One of these committees was known as the committee on legislation, and it was the duty of that committee to consider carefully legislative requirements and report recommendations thereon. To a certain extent this committee was the clearing house of all other committees, especially where their deliberations touched upon legal requirements and the conservation of existing privileges with provisions for their development and improvement in all directions.

Although quite unable to qualify as an outstanding member of this convention, it happened to be my personal privilege to serve upon this committee on legislation, and later to become one of a subcommittee of five charged with the duty of putting legislative requirements into the form of a report. I am, therefore, able to say from personal observation, however unworthy my personal membership may have been, that this thing was absolutely done in the very best of faith and in the interests of the public. It was a time when all personal interests appeared to be buried. It was a time when broadcasters themselves announced that their service was for the public, and if it could not be demonstrated as successful in that direction, they were willing to submit to such course as was fairly indicated.

The substantial results of these deliberations took form in the White bill as introduced in the House. Not all the recommendations became a part of that bill, and there were some parts of the bill not included in the recommendations, so that even that bill was not exactly the result of the honest deliberations of those who have the interests of broadcasting at heart and who know something about it. But, nevertheless, the resulting bill was satisfactory to broadcasters so far as I know. This bill passed the House, but when it goes to the Senate, unthinkingly and without suitable knowledge, it is robbed of many of its desirable features.

The obvious purpose of the White bill as introduced in the House was to encourage and support radio in its future development; to recognize the investments made by broadcasters in good faith, all of which are very large in amounts; to properly regulate broadcasting along the lines of service to the public; and to furnish no support to broadcasting which falls short of that. In the Senate this bill has taken such shape that in the judgment of broadcasters, as I hear it expressed, the whole thing is threatened. For political reasons the most excellent control which has been maintained by means of unwritten law under the supervision of Secretary Hoover is deemed to be a thing which should not be continued, but in its place there should be created a commission independent of executive control.

The word "commission" strikes terror to the hearts of those who are interested in the development of this wonderful science along proper lines. We think of the Interstate Commerce Commission, and think how thoroughly those apparently well founded enterprises known as railroads, backed by immense capital, and existing in a more or less completed state, were brought to their knees and almost swept off the face of the earth. The Senate proposes such a committee, and the proposition is not welcomed by those who have the real true welfare of broadcasting at heart, and who have no selfish purposes to serve. A commission with its burdensome procedure, its red tape, and its eventually crowded docket spells disaster for an enterprise still in the experimental stage and whose establishment and continuation is dependent more upon the philanthropy of people than upon any of the elements of capitalization usually employed in such matters.

That radio has been abused is unquestioned, but that there are at least some stations which do not abuse their radio privileges is equally certain. A commission is of itself a disaster to an enterprise struggling to find its place among the many enterprises of this character. A commission without right of appeal is nothing less than despotic.

An effort was made to establish some control of political discussions over the air, including perhaps other controversial matters possessing public interest. In the furtherance of this plan it is reported in the papers, perhaps inaccurately, that one of the features of the bill now pending in the Senate is to put broadcasting stations in the class of common carriers as respects controversial matter. It seems to me that this provision, if correctly reported, opens the broadcasting stations to anyone who may demand the privilege of introducing controversial matter over the air. We are perfectly willing to agree that if broadcasting stations admit controversial discussions they should be required to give equal opportunity to both sides, but the law as proposed makes no such provision. A common carrier is obliged to take whatever is offered, whether it be Republican or Democrat, white or black, drunk or sober, and it carries no requirement that the other side of the controversy must be compelled to reply.

It is well to leave with the broadcasters the privilege of refusing, as we refuse, all controversial matter, whatever its nature, whether it be religious, political, or anything which is in the nature of a controversy. No word of this character has ever been broadcast from our station. It is not the duty of a broadcasting station to do such things. What we shall do in the event of national campaigns remains to be seen, but the privilege should be with us. We should be charged with the duty of giving both sides an equal chance, but we should not be charged with the duty of broadcasting any ward heeler who may have something to say in pigeon English which he thinks is in reply to a dignified discussion by a prominent candidate or a prominent statesman who is not a candidate. In other words, if we should extend to you the privilege of our broadcasting station on an occasion when some political discussion was existing, that is no reason why we should be forced as common carriers to accept the reply which anybody might make without any privilege to distinguish between a speaker worthy of making a reply and one who is totally unworthy. Linking up broadcasting with common carriers is the most unfortunate thing in the world, and legislation to that effect will be injurious because it leads to a further usurpation of private property for an improper purpose.

Another provision in the Senate bill has reference to commercial broadcasting, as it is commonly called. A large majority of the existing broadcasting stations indulge in more or less commercial broadcasting from which they receive a direct money return. A great many of these programs are acceptable to the listeners and a great many of them are not. There is a vast difference between stations which send out under the name of some concern a worthy musical program, and a station which occupies the air hour after hour announcing bargain sales at a department store. It is true that those who do not care to listen to the latter may tune him out, but it is equally true that he is contributing to the existing confusion of the air.

The Senate bill proposes that all broadcasting for which there is anything paid or anything of value given shall be announced as such. That simply means all broadcasting, because it is all an exchange of values. Our station from the beginning has refused all commercial business. We have never received a penny from any source through our broadcasting, but our station is coming to be one member of a very small class because the tendency of regulation is encouraging commercial work of all character and crowding the atmosphere with stations doing that work because it has proven to be very profitable. Without it the existing demands for a position on the air would dwindle very materially. We do our broadcasting for publicity and we do not mention our own business or the business of anybody else.

When we have something to offer, of course there is an exchange of values. Sometimes we pay for it, and sometimes the person furnishing the offering volunteers it, either for the pleasure of the thing or for publicity, and that is a thing of value. We in turn give the use of our station, which is also a thing of value, and out of this grows a condition which, under the law as phrased by the Senate, is a

piece of advertising which must be announced as such. Among other programs from Yale, for example, we broadcast the Newberry memorial organ as played by Professor Jepson. Professor Jepson is employed by the university. We pay him nothing. The university pays us nothing. We bring the program to Hartford for broadcasting at our own expense. We are giving a degree of publicity to Yale because we always mention the university in our announcements. Are we in the same class with the fellow who takes a valuable air channel and announces that such and such a department store is offering ladies' corsets at $2.97 which formerly cost $5.50?

Is there anything in this form of legislation likely to encourage broadcasters—and there are a few of us left—who are really doing their work conscientiously and without money return, depending upon an unprovable publicity as payment? The purposes of this clause are exactly reversed by the redundancy of its expression.

I might go on at greater length and call attention to the discouraging features of the legislation now pending, the nature of which, I am sure, is not understood by a Senate supposed to be representative of the people's views. I can not bring myself to believe that this is politics or design or that any Member of the Senate is governed by any improper motive, but the harm is being done just the same. Can not the Senate find some one worthy of its confidence who can conscientiously and consistently advise it respecting a situation with which it is attempting to deal and of which it has not sufficient knowledge?

The zoning proposition in this bill is a good illustration of the lack of knowledge. It would be equally sensible to attempt to provide that the north wind should only blow in certain zones as it is to give a zone limitation to broadcasting. Given equal power in broadcasting, the ability of a given station to cover certain territory depends quite largely upon its location and surroundings. Zoning is an empty effort, because if our station is consistently heard a thousand miles from Hartford, no law will stop it unless it stops the station itself, which seems to be fairly improbable.

The thing which radio most needs in all its various branches of endeavor, known and unknown, is helpful administrative control and encouragement rather than judicial restraint. Those who have problems to solve must be able to approach a man in an informal way—some administrative representative of the Government with whom these things can be discussed—rather than some commission through forms of legal procedure, which make the source of authority practically inaccessible.

We must remember that but a few years ago the transmission of intelligible sound was limited to a mile or two and that now code messages encircle the globe in about an eighth of a second. We must remember the very recent introduction of voice and music with all its power for good or evil. We must understand that the future of radio activities is beyond the wildest dreams of any man living to-day. By its means that "no man's land" lying between us and the sun is being brought under observation. Atmospheric distances hitherto unobtainable are now brought within reach.

Radio is using the same medium for transmission as is used by the sun, and its waves have the same speed as light, thereby annihilating distance. Theoretically a transmitted wave passes seven and a half times around the world in a second, and experiments have gone some distance toward putting this means of practically annihilating space to other uses. Radio may be able to straighten out its earth-bound waves. In fact, it has already done so. Radio has reached the point where it practically shoots at a target. It has found a way to transmit waves which do not strike the earth for a distance of a thousand miles or more. It will find other ways.

It is not a wild dream to think that the day will come when radio waves will be shot at certain marks on the earth's surface, just as we shoot a cannon at distant targets, employing the same parabolic form. Radio is controlling airships, land vehicles, and boats without human intervention. It reaches in all sorts of directions, and its possibilities are unknown. How can a thing now employed experimentally in the transmission of photographs across the ocean and which will probably soon be employed to bring to us actual vision of things and events at great distances—how can so wonderful and remarkable a thing, with such endless possibilities, undergo political restraint or be measured by official red tape? Radio as at present organized can not endure these things. New problems are arising almost daily. New conditions must be met by flexible legal provisions calculated only to protect the public, and not calculated to restrain.

Please consider the condition in England, for example, where the operation of the radio-communication system is a Government monopoly. One of the prominent officials said some time ago that there was a demand for the broadcasting of religious services, but no agreement could be reached as to the form to be used for broadcasting. Therefore the Government officials made up an independent religion of their own and fed that to the people.

Radio, properly controlled in a human way, with a means of human approach, without formality and without red tape, will perform wonders in the near future, but when restrained by formal judicial procedure, when the source of authority is unapproachable in any informal way, when it must struggle with red tape and struggle against political propaganda, what is the use? Who would have the courage to put any money into the development of broadcasting as one feature of radio in the face of such conditions?

The whole thing has taken the heart out of us. We know we have worked hard and faithfully. We know that we have given to this enterprise the best that is in us. We crave the most rigid investigation of the use of our air privileges, and yet I am told by those who ought to know that it is useless to make any effort to get legislation in such form that it would be likely to be approved by the President or be helpful to an infant industry with such tremendous possibilities for good.

No broadcaster should ever claim ownership of an air channel, but the investments in broadcasting, which are large, and the increase of those investments, which are necessary to develop the art, can best be protected by giving those broadcasters who are able to render a proper account of their stewardship a right of use to certain air channels on the basis of priority of occupation and the continuation of their use in a proper manner for the benefit of the public, for which purpose the most rigid rules may be made, to none of which we would ever object.

Please accept my most humble apology for the length of this letter, but this is a serious matter, and I am very much in earnest in expressing the views which I feel confident would be supported by every worthwhile broadcasting organization in the United States.

Yours truly,

W. G. COWLES,
Vice President, in Charge of Broadcasting.

HARTFORD, CONN., *May 18, 1926.*

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SIR: Since I wrote you on this subject on the 12th instant considerable publicity has been given to an incident which seems to be fairly illustrative of the dangers of charging broadcasting stations under any circumstances with the duties of a common carrier.

One Norman Thomas, executive director of the League for Industrial Democracy, was invited to broadcast a talk at WMCA, the broadcasting station of the Hotel McAlpin, New York City. In accordance with the general rules in stations he was required to submit the text of his proposed address, and it was found to be a violent attack upon the alleged radio trust. Among other things it contained the assertion that public problems broadcast were "carefully controlled and censored." I take this to be a compliment to broadcasting rather than a charge against it.

The general trend of the proposed address is described by one of the managers in the following language, according to the newspaper report:

"Why, he slammed the daylights out of companies on which we depend for supplies. Mr. Gilliam (station director) agreed with me that it was better not to do anything rash and get into trouble with other stations on whom we depended or with Washington."

The statement attributed to Mr. Thomas in the particular article from which I am quoting, which was in the New York Times of the 17th instant, is as follows:

"Mr. Thomas declared that the large radio-broadcasting stations had a rule against controversial matter except in formal debates. He asserted the controversial argument was merely used to shut off certain speakers.

"The present situation, which he held to be intolerable in a democracy, was in a fair way to be overcome by Senator DILL'S bill, which would declare radio broadcasting a public utility and which would forbid discrimination or monopoly in its use."

Probably Mr. Thomas has an erroneous idea to some extent, but the fact remains that if the common-carrier clause in the Dill bill becomes law, stations will be compelled to give their time and undertake the expense of broadcasting anything which some crank may offer. Bolshevist propaganda will have a better chance in this country than ever before. All radical thinkers, whether in politics, religion, or anything else, will fill the air with their efforts to poison the minds of those without formed opinions. The situation is intolerable, assuming for the moment that any such condition would be permitted to exist.

I merely mention this incident in addition to the things I have already written you to show that at least one man, who is undoubtedly intelligent, has put this construction upon the radio legislation as proposed by Senator DILL. That argument is enough.

* * * * * * *

Yours truly,

W. G. COWLES,
Vice President, in Charge of Broadcasting.

Mr. BINGHAM. Mr. President, it seems to me that it is most unfortunate that we should in such a short time attempt to pass such a great body of law as is proposed here, although I recognize fully that the committee, which is so ably represented by the junior Senator from Washington, has spent months and years in the study of the bill. It seems to me most unfortunate that we are obliged to pass a measure of this kind, con-

taining such an extraordinary number of rules and regulations, in such a few minutes at the close of the session of Congress. I hope most sincerely that when the bill gets into conference the committees of the two Houses will succeed in eliminating a good many of the rules and regulations and in making the bill as short as possible; and, if possible, doing away with the necessity for an independent commission of five highly paid commissioners, who will have the power to make rules, to execute them, and to pass upon them as judges. I hope the conferees will instead work out some way whereby we may use the legislative branch of the Government to grant franchises and the executive branch of the Government to put the laws into effect. I hope also that the judicial branch of the Government—such as, for instance, the Court of Appeals of the District of Columbia—may have the right to decide whether the executive branch in carrying out the ideas of Congress and putting into effect this law, and in granting licenses, shall have done anyone an injustice or denied to anyone those privileges which it was the intention of Congress that they might have.

I ask to have appended to my remarks an editorial in the Torrington Register of Monday, May 24, 1926.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REGULATING RADIO

Ex-Senator John N. Brooks is correct in his opinion that Congress should give to the Secretary of Commerce authority to handle the matter of radio broadcasting as he has been handling it without authority. There are three bills before Congress providing for the regulation of radio broadcasting, but all of these bills provide for highly paid commissioners. One of the bills, known as the Dill bill, provides for a commission of five members, each of which would receive a salary of $12,000 per year. The White bill, which has already passed the House of Representatives, provides the least objectionable plan. It would create a commission to assign wave lengths and make necessary regulations, but would place actual authority in the hands of the Secretary of Commerce.

It is the view of Mr. Brooks, and, in fact, of a great many radio enthusiasts and believers in good government, that the creation of a commission is unnecessary, extravagant, and not in accordance with right principle. The whole thing should be handled as economically as possible without the interjection of politics into it. The question is one of service to those who listen in on the radio. So far as possible there should be satisfactory reception by the public, and this can not be obtained without some sort of regulation that would not be another source of political corruption. It is feared, and rightly so, that if radio broadcasting is put into the hands of a commission it will become a means of political propaganda, although if radio broadcasting is eventually used for political purposes the public will resent it and compel a change; but meanwhile radio would suffer a serious setback.

The bills which have been put before Congress have back of them a desire on the part of politicians to get control of radio broadcasting in order to spread their political propaganda among the people. While no great harm would come from this from a political standpoint, those who have been obtaining some satisfaction from listening in on the radio would be deprived of such satisfaction as they have been obtaining. Radio broadcasting would degenerate still further than it has since certain business concerns have used broadcasting as a means of advertising.

So many of the radio programs are already free advertising matter or free publicity spread abroad under the pretences of entertainment that a great many people have already lost interest in radio, and we are not sure that the slump in the radio business during the past year has not been due to the fact that radio broadcasting has been devoted in too large a degree to propaganda of one sort or another.

This condition of radio broadcasting is not a matter of surprise when it is considered that those who are entertained or expect to be entertained do not pay any fee, except what they have paid in the excessive prices of radio sets and supplies. Only the radio manufacturers have been able to provide entertainment to the listeners from funds which come from those who are entertained. Broadcasting must be paid for from some source of income. There is no other source except from the profits from advertising, and consequently it is not surprising that most of the radio programs consist of forms of advertising.

Secretary Hoover has done very well so far in the regulation of radio broadcasting, and there is no doubt that were he vested with full authority in the matter he could and would make further improvements in broadcasting and his successors be depended upon to regulate radio broadcasting properly. Certainly the Secretary of Commerce, whoever he may be, without regard to political party, can be better depended upon to regulate radio broadcasting than any commission. There will be less politics than if it is put into the hands of a special commission, and there will be saved to the country many thousands of dollars.

Mr. DILL. Mr. President, I do not want to enter into any discussion at length of the suggestions of the Senator from Connecticut, other than to say that a considerable part of this measure, which he speaks of as being quite lengthy, is a duplicate of the provisions of the existing law of 1912, and also a rewriting of the international agreement reached at London in 1912. There are, of course, some parts of the measure that are new; for instance, that portion giving power to the commission under the Senate committee bill and to the Secretary of Commerce under the bill as it passed the House; but I just want to say that a great deal of this measure is not new, but is simply a rewriting.

I want to say also, in answer to the Senator's suggestion that Congress should grant these franchises, that in theory that is all well and good, but in practice it would be an impossibility.

As to the wisdom of the amount to be paid the commissioners, or of the provision providing for a commission, I am perfectly open to conviction. The committee fixed five commissioners at a salary of $12,000 a year. The bill as it passed the House, however, provided for five commissioners to be paid $25 a day. I believe a further study of the subject will convince Senators that we can not divide the powers over radio into legislative, executive, and judicial, as has been suggested, but that they must be combined in some authority, whether it be a Cabinet officer or a commission.

There is a perfecting amendment that I want to call attention to on page 44, and I will send it to the desk. It was a typographical mistake in a rewriting of the bill as it passed the House, and I think the language should be perfected.

Mr. WADSWORTH. Mr. President, is there not an amendment pending offered by the Senator from Tennessee?

Mr. DILL. No; he has not offered it.

Mr. WADSWORTH. I thought I heard him offer it.

Mr. DILL. It has not been read and formally presented. I want to dispose of the committee amendments first.

The VICE PRESIDENT. The clerk will report the next amendment offered on behalf of the committee.

The CHIEF CLERK. On page 44, line 16, after the word "license," strike out the words "and/or the permit hereinafter required for the construction of a station."

Mr. DILL. The reason for striking that language out is that the Senate committee bill struck out the required term for construction, which was in the bill as it passed the House, and in carrying over the language of the House text that was included.

The amendment was agreed to.

Mr. DILL. Now I want to offer another amendment, and I want to call the attention of the Senate to this amendment, because it is rather important. It is to be inserted on page 50.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. On page 50, at the end of line 9, strike out the period and all of lines 10 to 17, inclusive, and insert a comma and the words:

and there shall be no discrimination as to charges, terms, or service to advertisers.

If any licensee shall permit a broadcasting station to be used by a candidate or candidates for any public office, he shall afford equal opportunities to all candidates for such public office in the use of such broadcasting station: *Provided*, That such licensee shall have no power to censor the material broadcast under the provisions of this paragraph and shall not be liable to criminal or civil action by reason of any uncensored utterances thus broadcast.

Mr. WADSWORTH. May that be stated in connection with the text, so that we may understand how the bill would read if the amendment should be adopted?

Mr. DILL. I suggest that the bill be read as it would be if amended. The amendment has been printed, and the Senator can get a copy of it.

Mr. WATSON. The Senator offers this amendment?

Mr. DILL. Yes; I offer this amendment as an amendment to take the place of the common-carrier provision which was in the bill.

The VICE PRESIDENT. The amendment will be stated as requested.

The CHIEF CLERK. The Senator from Washington proposes, on page 50, at the end of line 9, to strike out the period and all of lines 10 to 17, inclusive, and insert a comma and the words "and there shall be no discrimination as to charges, terms, or service to advertisers," so that the first paragraph of section 4 would read:

All matter broadcast by any radio station for which service money, or any other valuable consideration is directly or indirectly paid or

promised to or charged or accepted by the station so broadcasting, from any person, firm, company, or corporation, shall at the time the same is so broadcast be announced as paid for or furnished, as the case may be, by such person, firm, company, or corporation, and there shall be no discrimination as to charges, terms, or service to advertisers.

Mr. DILL. The language down to the end of line 9 is the language of the House text, and we simply add that there shall be no discrimination as to charges, terms, or service to advertisers.

Mr. WATSON. Mr. President, may I ask my colleague on the committee a question?

Mr. DILL. Certainly.

Mr. WATSON. By this amendment does the Senator propose to strike out everything between lines 10 and 17?

Mr. DILL. Yes; and substitute what I will ask the clerk now to read.

The VICE PRESIDENT. The clerk will read as requested.

The CHIEF CLERK. Strike out lines 10 to 17, both inclusive, and insert:

If any licensee shall permit a broadcasting station to be used by a candidate or candidates for any public office, he shall afford equal opportunities to all candidates for such public office in the use of such broadcasting station: *Provided*, That such licensee shall have no power to censor the material broadcast under the provisions of this paragraph and shall not be liable to criminal or civil action by reason of any uncensored utterances thus broadcast.

Mr. WATSON. The Senator thereby strikes out the provision that the licensee shall be deemed to be a common carrier?

Mr. DILL. Yes. That was put in, as the Senator will remember, after considerable discussion, and there has been a rather general agreement among the members of the committee that it was an unwise phrase to use because of what would result to the broadcasting stations in the present state of development.

Mr. WATSON. I recall very vividly the discussion in the committee with reference to the subject, but I have never resolved the doubt which clouded my own mind with reference to the proposition. In other words, if radio transmission be interstate commerce, then of necessity must not the agency by which the transmission occurs be a common carrier? If it be not interstate commerce, what authority has Congress to act in the first instance?

Mr. DILL. I will say to the Senator that I think Congress has a right to act and control these stations, even though the broadcasting of entertainment programs is not in itself interstate commerce, for the reason that undoubtedly wireless telegraph messages are interstate commerce, and in order to protect the broadcasting of the point-to-point telegrams, of the shore stations to the ships, and other uses, such as transoceanic, the Government must also control the broadcasting of matter that might not per se be interstate commerce.

Mr. WATSON. My own thought about it is that Congress has the right to regulate interstate commerce and that our very authority to regulate radio transmission comes from the fact that it is interstate commerce. Otherwise we have no jurisdiction, and if it be interstate commerce I can not get away from what to my mind is the evident fact that the message transmitted being interstate commerce, the agency which transmits it must be a common carrier. I believe that is a fundamental legal proposition. I remember that I agreed to the amendment in the committee, but it was discussed at great length, and I have never freed my mind of the entanglements caused by that situation.

Mr. CUMMINS. Mr. President——

Mr. DILL. I yield to the Senator from Iowa.

Mr. CUMMINS. I rather agree with the Senator from Indiana, but for a different reason. I think there can be interstate commerce carried on by other agencies than common carriers possibly, but it is proposed to strike out the declaration that the broadcasting station or the agency is a common carrier, and then substitute for that language the very definition of a common carrier.

Whenever we declare that a broadcasting station must accept without discrimination the service that is asked of it, it is made a common carrier. It becomes a common carrier by the very fact that we forbid it to discriminate. That is the only difference, or substantially the only difference, between a common carrier and a private carrier. A private carrier does not need to accept for service all the applications that may be made to it. It may discriminate. But a public carrier or a common carrier can not discriminate between people who desire the service to be rendered. The amendment which is now proposed is one, in my judgment, of pure form and will lead to some misinterpretation and misunderstanding, for whenever we say that the service must be rendered without discrimination we have made that agency a common carrier.

Mr. DILL. There is the difference that under the common-carrier provision a radio station is compelled to take any kind of broadcasting that anybody wants to offer, which would mean that it would take anybody who came in order of the person presenting himself and would be compelled to broadcast for an hour's time speeches of any kind they wanted to broadcast. This provision simply says that if a radio station permits one candidate for a public office to address the listener it must allow all candidates for that public office to do so, and to that extent there must be no discrimination. The other provision says that advertisers shall be announced and the same rate shall be charged each advertiser. It does not compel them to take any kind of program that an advertiser wants to put on; but if they do accept the program, they must charge the same to all.

Mr. CUMMINS. I think there is something in the statement of the Senator from Washington that the broadcasting station is made a common carrier as to all candidates for office.

Mr. DILL. If it permits one candidate—but it need not permit any candidate. In other words, a station may refuse to allow any candidate to broadcast; but if it allows one candidate for governor to broadcast, then all the candidates for governor must have an equal right; but it is not required to allow any candidate to broadcast.

Mr. CUMMINS. I think there is that distinction.

Mr. DILL. It can regulate, but it can not discriminate, under this provision. When we recall that broadcasting today is purely voluntary, and the listener-in pays nothing for it, that the broadcaster gives it for the purpose of building up his reputation, it seemed unwise to put the broadcaster under the hampering control of being a common carrier and compelled to accept anything and everything that was offered him so long as the price was paid.

Mr. CUMMINS. Of course, the Senator understands that the effect of the amendment now offered is to deny to all candidates the use of the broadcasting station.

Mr. DILL. Unless it permits one candidate to use it.

Mr. CUMMINS. But the Senator knows that if it permits one there will be enough others to insist upon the use of the service to take up all the time of the broadcasting stations.

Mr. DILL. I will say to the Senator that at present they are not required to allow anybody to speak over the radio. Under the House bill they can allow one man to speak and forbid everybody else to speak. I felt that was not the proper thing. If a station permitted a candidate for Congress to broadcast, then other candidates for Congress should have an equal right.

Mr. CUMMINS. My own view of it is that this must become a common-carrier service. I think that all the rules we apply to common carriers must finally apply to this particular agency. I am not going to develop that thought, because it would delay the consideration of the bill; but it is obvious to me that if we are going to allow it to be used for political purposes at all, it will become a common carrier as to political service, and the Senator is simply providing a situation in which broadcasting will be denied to political candidates.

Mr. DILL. It is now if the broadcasters see fit to deny it. I think it would be better to deny it altogether than to allow the candidate of one party to broadcast and the candidate of the other party not to be able to secure the same right.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. DILL. Certainly.

Mr. MAYFIELD. If the Senator's amendment is adopted and becomes the law and a lecturer desired to deliver a lecture on bolshevism or communism, he would be entitled to do so.

Mr. DILL. He would not.

Mr. MAYFIELD. I disagree with the Senator.

Mr. DILL. The amendment only provides for candidates for political offices. If a candidate wanted to speak on that subject as to his candidacy, then he could deliver such a speech.

Mr. MAYFIELD. My attention is just at this moment called to the fact that the amendment which I have, being the original draft, is different from the amendment submitted by the Senator. The original draft had in it language which prevented the operator from denying the use of the radio to anyone.

Mr. DILL. That is true, and that is the reason why I have offered the new draft.

Mr. BRATTON. Mr. President, will the Senator accept this additional provision to his amendment as offered?

If any licensee shall permit his broadcasting station to be so used by any such candidate or candidates, such licensee shall be deemed a common carrier in interstate commerce for such purpose.

Mr. DILL. I will say to the Senator that that is practically the provision we had in the bill, and the broadcasters were so opposed to having themselves designated as common carriers we thought it unwise at this stage of the development of the art to do it. I wish the Senator would not offer the amendment, because I think it would only complicate the situation. Of course, if the Senator insists, I should not want to object; but I really feel that it would only complicate the situation if we use the term "common carrier," putting them on the basis of any other public organization.

Mr. BRATTON. Mr. President, I do not wish to endanger the passage of the Senator's bill, but I have some doubt about the provision of this amendment. It seems to me if a licensee permits his station to be used for that purpose that after his permission has thus been given the licensee should be deemed to be a common carrier to that limited extent. I realize that this art or science is in its infancy and that it is rapidly growing. We know very little about it, and hope soon to know much more. I propose later to offer an amendment providing that no license shall be granted under the terms of the bill to extend beyond March 4 of next year, 1927. My reason for doing that is that in the meantime the commission will come into existence; it will set up its machinery; begin its operations, and will develop and, we hope, advance the science. Any permit or license granted under the bill, should it become a law, extending beyond March 4 of next year would prohibit us from legislating in such a way as to violate that contractual right, whereas if we limited the permit under the law to March 4 of next year we should have the opportunity during the next session of Congress to take advantage of any shortcomings or any mistakes or any deficiencies in the law, and cure those by subsequent legislation without violating any vested rights under a contract. I shall offer that amendment later, but, in view of the mature consideration which the committee has given to this particular provision, I shall not now offer the amendment to it.

Mr. DILL. Mr. President, I appreciate the attitude of the Senator from New Mexico.

Mr. WILLIS. Mr. President, I wanted to ask the Senator from New Mexico, and also to ask the Senator from Washington, about the time limit. The objection which occurs to my mind——

Mr. DILL. The Senator from New Mexico has not offered his amendment. I should like to confine the discussion to the pending amendment, if I can.

Mr. BRATTON. I am going to withhold my amendment.

Mr. WILLIS. Very well. Then, I shall defer my observations to a later time.

Mr. DILL. I think the Senator from Nebraska [Mr. HOWELL] wishes to speak on the amendment.

Mr. WILLIS. Very well.

Mr. FESS. Mr. President, before we dispose of this matter I should like to have the attention of the Senator from Washington, as I have not previously read the amendment. It would appear to me from the first part of the paragraph, beginning with line 5, the amendment would mean this, although I am sure the Senator does not intend to write this meaning into the amendment; that an individual being a candidate for an office, Senator of the United States, for example, might be invited to speak somewhere on the occasion of some great celebration where what he was going to say would be broadcasted. He would not talk on the subject of politics at all; he might be talking on something entirely free from his interests, but in the interests of the community at large. I read in this amendment that he could not accept the invitation to speak over the radio unless the candidate who might be running against him in the same election should be invited likewise to speak. I know the Senator from Washington does not mean so to provide.

Mr. DILL. Mr. President, I recognize that the construction stated by the Senator from Ohio might be put upon the amendment; but, if the Senator will examine the amendment, he will find that following this provision is the statement that the commission shall make rules and regulations to carry out the provision. It seemed to me to be better to allow the commission to make rules and regulations governing such questions as the Senator has raised rather than to attempt to go into the matter in the bill.

Mr. FESS. Mr. President, there is another thing to which I should like to call the attention of the Senator; and I am asking him the question in the best of faith. One of the difficulties that we have met all along in our consideration was as how to avoid censoring and at the time time how to defend the broadcasting station from liability for damages. I notice that the Senator has written into his amendment this language:

Provided, That such licensee shall have no power to censor the material broadcast under the provisions of this paragraph and shall not be liable to criminal or civil action by reason of any uncensored utterances thus broadcast.

Is it possible for us to write into law entire exemption from liability in a case that might go to court?

Mr. DILL. I think so. I do not see why we have not that power. Perhaps I am wrong in that. However, I may say to the Senator that the broadcasting station owners take the position that if they are not to censor such material they must not be held liable.

Mr. FESS. I think that is a very tenable position.

Mr. DILL. I know of no other way in which to write the language to be fair to them; at least, I am willing to let it be tried out.

Mr. FESS. Mr. President, I know the spirit that is actuating the Senator from Washington in trying to word his amendment; I am with him in trying to do it; but the language I think is somewhat involved.

Mr. DILL. I am sure the subject will be considered by the conferees, because I am certain there will be opposition to it in the other body. Now, I yield to the Senator from Nebraska.

Mr. HOWELL. Mr. President, radio affords such a unique facility of publicity that one has to think very carefully lest he go astray, thinking of newspapers and reasoning by analogy. This vehicle for publicity is entirely different from any other with which we are familiar. We have tens of thousands of newspapers, magazines, and other publications, but there is now from necessity, and will be hereafter, only a limited number of radio stations. As the Senator from Washington stated yesterday, the total number of stations that are now authorized for broadcasting is about 500, and those radio stations differ greatly as to area covered. Some merely have a radius of 50 or 100 miles; others a radius of four or five hundred miles; and there are certain great interests in this country that have radio stations which practically cover the United States.

We are all familiar with the results of propaganda, its dangers and its advantages; and the question which we are called upon to settle now is how the public may enjoy the advantages of broadcasting and avoid the dangers that may result therefrom. It must be recognized that, so far as principles and policies are concerned, they are major in political life; candidates are merely subsidiary. We recognized that fact when this bill was formulated, and provided that if a radio station allowed the discussion of a public question it must afford, if requested, an opportunity to present the other side.

I think it was the view of the committee that if any subject was to be presented to the public by any of the limited number of stations, the other side should have the right to use the same forum; and if such privilege were not to be granted, then there should be no such forum whatever. As a consequence, the committee inserted the paragraph that now appears in this bill on page 50, which provides:

If any licensee shall permit a broadcasting station to be used as aforesaid, or by a candidate or candidates for any public office, or for the discussion of any question affecting the public, he shall make no discrimination as to the use of such broadcasting station, and with respect to said matters the licensee shall be deemed a common carrier in interstate commerce.

Note the words "with respect to said matters."

Mr. President, to perpetuate in the hands of a comparatively few interests the opportunity of reaching the public by radio and allowing them alone to determine what the public shall and shall not hear is a tremendously dangerous course for Congress to pursue. Only recently a public official called my attention to the fact that he was invited to utilize a radio station of one of the great broadcasting companies; that when he appeared to speak they insisted on censoring his remarks and blue-penciled certain portions criticizing "Pittsburgh plus." They said, "You can not talk about that." Are we to consent to the building up of a great publicity vehicle and allow it to be controlled by a few men, and empower those few men to determine what the public shall hear?

It may be urged that we do that with the newspapers. Yes, that is true; but anyone is at liberty to start a newspaper and reply. Not so with a broadcasting station. However, there are only about 500 who are allowed the privilege of conducting broadcasting stations, and there are not as many broadcasting stations as there are fingers on one of my hands—not more than that—that have the privilege of covering the entire United States. Facts were brought out before the committee to show that already plans were on foot to buy up and monopolize stations in various areas of the country, and that as

high as $100,000 had been paid for the transfer of a broadcasting license; in fact, if I remember correctly, it was intimated that $250,000 was paid in one case. If any public question is to be discussed over the radio, if the affirmative is to be offered, the negative should be allowed upon request also, or neither the affirmative nor the negative should be presented.

We furthermore provided in this bill that if one candidate was allowed to address his constituency his opponents should be allowed to make addresses also, and if all could not have this privilege then no one should have the privilege. Is not that fair and just?

If such a course is correct with reference to candidates, how much more important is it respecting public questions?

Mr. HEFLIN. Mr. President, will the Senator yield right there?

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HOWELL. Yes.

Mr. HEFLIN. It is very necessary that somebody should control the charge. If we do not provide that some one shall have authority to say to some extent how much shall be charged, only the rich can afford to use the radio. The fees can be fixed so high that the poor man will not be able to use it.

Mr. HOWELL. An attempt is made in this bill to provide that the rates shall not be discriminatory; but, Mr. President, another factor enters the equation besides mere money. It is the will of the owner of the station. That magnifies the importance of the view the Senator from Alabama has called to the attention of the Senate. We are not trying merely to place the privilege of broadcasting within the reach of all so far as cost is concerned, but we want to place it within the reach of all for the discussion of public questions when one side or the other is allowed to be presented.

Mr. President, it is recognized that the Democratic Party stands for free trade or a very much modified tariff. On the other hand, it is recognized that the Republican Party stands for a protective tariff. Under this amendment as proposed by the Senator from Oregon a reduction of the tariff could not be discussed over an eastern radio station. They could prevent it. It might be that in southern sections a discussion of the tariff question from the Republican point of view would not be allowed; but is that a favorable situation respecting publicity?

Mr. President, if all candidates can not be heard, none should be heard. If both sides of a question can not be heard over a particular radio station, none should be heard. I can not emphasize this too strongly. It is a matter of tremendous importance, because every day radio is reaching more and more homes, and there are great interests in this country—for instance, the General Electric Co., which can thus enter nearly every equipped home in the United States with their radio stations. They have them hooked up so that one station receives what another sends out. Moreover, the General Electric Co. and the Radio Corporation of America have been afforded the most powerful stations in the United States. If the Senator from Tennessee had made application for a radio station at the early stage of this development, three or four years ago, he probably would have received a license for a 500-watt plant; but the Radio Corporation has obtained permission for a 10-kilowatt plant capable of reaching almost to the uttermost limits of the United States. Are we going to allow these great interests to utilize their stations to disseminate the kind of publicity only of which they approve and leave no opportunity for the other side of public questions to reach the same audience?

The Senator from Washington has left in the bill a provision respecting candidates. It is important, but it has not anything like the importance of the provision he has stricken out—the discussion of public questions.

The discussion of public questions by radio is reaching the youth of the country, and will have a tremendous effect in the formation of their views. The youth of the country are listening in constantly. In fact, the larger proportion of the radio audience is the youth of the country. Give me control of the character of the matter that goes out over our broadcasting stations and I will mold the views of the next generation.

Again, as important as the rights of candidates are, do they compare in importance with some of the questions that are presented to the electorate of your municipalities at nearly every election?

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HOWELL. Certainly.

Mr. DILL. I sympathize with a great deal of what the Senator is saying, but I want to remind the Senator of the danger of having the words "public questions" in the bill.

That is such a general term that there is probably no question of any interest whatsoever that could be discussed but that the other side of it could demand time; and thus a radio station would be placed in the position that the Senator from Iowa mentions about candidates, namely, that they would have to give all their time to that kind of discussion, or no public question could be discussed.

As I say, I sympathize with the Senator's position; but the opposition to that was so strong in the minds of many that it seemed to me wise not to put it in the bill at this time, but to await developments, and get this organization to functioning, and the bill can be amended in the future.

I just wanted to leave that idea with the Senator as to my reasons for taking the view I do.

Mr. HOWELL. Mr. President, abuses have already become evident. We do not need to wait to find out about these abuses. If you think to-day the radio stations are ready to comply with your request for publicity, you are very much mistaken.

Mr. President, we ought to meet these abuses now, and not enact a bill which in the future it will be very difficult to change, when these great interests more and more control the stations of this country; and that, apparently, is the future of broadcasting.

I was discussing the importance of issues pending before your municipalities and your counties and your States. Not long ago I knew of a case where there was submitted the question of granting a franchise to a public-utility corporation, and the radio station in that locality presented only one side of the question and presented it constantly. Under this bill as reported that could not have been done. That station would have had to be silent upon that particular question, or it would have had to allow both sides to present their views.

Inasmuch as we are regulating radio because of its interstate character, to deny that it is a common carrier seems to be almost an absurdity. Are we to regard every other form of the transmission of information, such as the telephone and the telegraph, as common carriers and say the radio is not a common carrier?

Mr. BROUSSARD. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Louisiana?

Mr. HOWELL. Certainly.

Mr. BROUSSARD. Does not the Senator make a distinction between the radio and the telephone and the telegraph, in that the radio makes no direct charge, whereas the others are in the business of serving the public for direct pay? Of course, I know that these radio corporations make money indirectly; but up to this time no system has been evolved whereby they may charge directly those whom they entertain.

I may go further and say this, if the Senator will permit me——

Mr. HOWELL. Certainly.

Mr. BROUSSARD. Those engaged in that service must furnish a program; otherwise no one would be interested. We know that at certain times we are to hear certain things. If they are made common carriers, one wishing to advertise goods, automobiles or any other commodity, would have to be served, and the radio would be deprived of the incentive which it now has of getting a certain program which the broadcasting stations must prepare in advance, in order to give a regular entertainment at regular hours, to comply with the hours in which their licenses specify they may entertain. If they had gone to the expense of preparing a program, and some one wished to advertise something, there would be no inducement on the part of the public to listen in, except those interested in the discussion of that particular subject.

I merely suggest that thought.

Mr. HOWELL. Mr. President, I call the attention of the Senator from Louisiana to the fact that, so far as advertisements are concerned, under this bill as reported radio is not to be deemed a common carrier. What is provided in section 4 is this:

> With respect to said matters the licensee shall be deemed a common carrier in interstate commerce.

What matters? Speeches by candidates and discussions of public questions. The bill does not provide that if a radio station affords advertising or somebody advertises over a radio station everyone shall have the right to do so. This simply refers, so far as the common-carrier feature is concerned, to

the discussion of public questions and the speeches of candidates.

It was my opinion at the time we discussed this section in the Interstate Commerce Committee that we ought to go further, that we ought to be more explicit as to the treatment of candidates. I also urged that we limit the negative or affirmative of a question resulting from a prior broadcasting to a reply by one, and, if a number had applied for the privilege, that they should choose a representative, and finally under certain circumstances they should draw lots. These problems could be solved so that it would be no burden to a station.

A plan is practicable whereby if the station allows a person to discuss one side of a question it can limit the right to discuss the other side to one individual and without material discrimination. But it was thought by the committee that the details were burdensome and too complicated, therefore the following clause was added in lieu of such details:

It shall be the duty of the commission to adopt and promulgate rules and regulations that will carry the above provision into effect.

I have no doubt but this provision might be effective, and yet I do not feel that it goes as far and will be as effective as the other suggestion we had before us at that time.

Mr. President, I can not impress too strongly upon the Senate the fact that we are dealing with a supervehicle of publicity. Many do not appreciate its possibilities and what it is doing to-day, and unless we now exercise foresight we will wake up some day to find that we have created a Frankenstein monster, because, as I have already stated, there are at the present time room for only 500 broadcasting stations. The great majority of them are local, while two or three great interests cover the United States.

The time to check abuses is at the beginning, in the infancy of the development of this great vehicle of publicity, and, in my opinion, we should not do anything less than that which the committee recommended as section 4, on page 50 of this bill.

Mr. MAYFIELD. Mr. President, by unanimous agreement entered into yesterday the Senate is to recess at 5.30 o'clock. It is now 10 minutes before 5, and I want to suggest to the Senator from Washington that if he does not expedite the passage of this measure and get action on it in the Senate this afternoon, it is my opinion that we will have no radio legislation at this session of Congress.

There are several provisions of this measure that do not meet with my approval, including the section which creates the commission, and section 13, which permits Government radios to operate in competition with privately owned radios. I much prefer the present law to section 13 and it is my opinion that where there are privately owned radios able to take care of business, the Government radios should not compete with them.

Notwithtanding the fact that there are provisions in this measure that I do not approve, I am willing to vote for the measure in order to get it into conference, to the end that the conferees of the House and the Senate might get together and iron out the differences between the two bodies and give us a measure that will be fair and just to every interest concerned.

I make the suggestion that the Senator from Washington expedite the passage of this measure and get a vote on it before we recess here this afternoon.

Mr. DILL. Very well, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. DILL. I have an amendment that was omitted in the bill, which provides that distress signals must be recognized. It is part of the international London agreement, omitted by mistake.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 52, at the end of line 11, insert a new paragraph, as follows:

All radio stations, including Government stations and stations on board foreign vessels when within the territorial waters of the United States, shall give absolute priority to radio communications or signals relating to ships in distress; shall cease all sending on frequencies or wave lengths which will interfere with hearing a radio communication or signal of distress, and, except when engaged in answering or aiding the ship in distress, shall refrain from sending any radio communications or signals until there is assurance that no interference will be caused with the radio communications or signals relating thereto, and shall assist the vessel in distress, so far as possible, by complying with its instructions.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. DILL. I have one more amendment, which is a substitute for the appropriation. The appropriation will not be necessary if this amendment should be adopted.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 58, strike out lines 7 to 11, inclusive, and insert in lieu thereof the following:

SEC. 22. The unexpended balance of the moneys appropriated in the item for "wireless communication laws," under the caption "Bureau of Navigation" in Title III of the act entitled "An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes," approved April 29, 1926, shall be available both for expenditures incurred in the administration of this act and for expenditures for the purposes specified in such item. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1927, such additional sums as may be necessary for the administration of this act and for the purposes specified in such item.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ROBINSON of Arkansas. What is the purpose of the amendment?

Mr. DILL. Mr. President, the bill provides an appropriation of $350,000. On investigation I find that the Department of Commerce appropriation bill carries an appropriation of $335,000 for radio purposes, and, after consulting with the drafting division, I had this amendment prepared, providing that if this bill shall become a law, and we provide for a commission, the appropriation now available for the coming year for radio in the Department of Commerce shall be available for the commission, and the further provision that other sums may be appropriated, so that if a deficiency were found it could be provided for.

Mr. ROBINSON of Arkansas. I have no objection to the amendment, with that explanation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I offer the amendment which I send to the desk and ask to have the clerk read it.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. On page 44, line 8, insert the following:

(d) and in case of the broadcasting of music hereafter copyrighted, each licensee shall have equal rights with all other licensees of similar stations to the use of such music upon the payment of such rates to the copyright owner as may be fixed by the commission after public hearings; and the commission shall have the power to regulate such rates from time to time after public hearings.

Mr. McKELLAR. Mr. President, just a word or two. The purpose of this amendment is to prevent the extension of a condition that exists in broadcasting.

Under the present system a corporation in the city of New York called the American Society of Composers, Authors, and Publishers buys up about 90 per cent of all the musical compositions. They have about 90 per cent of the popular music in their control, and under the copyright law they claim the power to prohibit any broadcasting station from broadcasting any of that music, because it is copyrighted. In other words, they claim that under the present copyright law they have not only the right to sell the musical compositions but to say by whom and how and where they shall be broadcast.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. McKELLAR. In just one moment. Let me state the case, and then I will be perfectly willing to yield to the Senator.

The situation is just this: If a singer buys a piece of music from this concern and sings it over the radio, in addition to the price she has to pay for the piece of music she has to pay to this enormous concern in New York, which controls the situation, for the privilege of singing the music over the radio.

Mr. COPELAND. Will the Senator yield?

Mr. McKELLAR. In just one moment. Let me state the case to the Senator, and then I shall take pleasure in yielding. The result is that the broadcasting stations all over the country have to pay tribute to this concern, which buys up various copyrights on music.

In my judgment, it was never dreamed for a moment that the composer of a piece of music, much less the transferee of the copyright, would have the power to follow the piece of copyrighted music and say to a prospective buyer, "You not only shall pay the price fixed for the copyrighted piece of music, but I am not going to let you sing it for profit, I am not going to let you play it for profit, unless you pay tribute to the owner of the copyright."

There has been a decision of a court to the effect that while radio was not in the contemplation of those who prepared and passed the copyright law, still, by interpretation, the owner of the copyright has that right, and the Supreme Court dismissed an appeal without passing upon the question, in words at least. Upon that decision it is claimed the owner of the copyright has the right to which I have referred.

It is explicitly provided in the decision of the court that it is a matter for Congress to deal with, and I want to call the attention of the Senator to this amendment of mine in dealing with it. It does not undertake to change past conditions at all. It refers to music which may be copyrighted hereafter:

In case of the broadcasting of music hereafter copyrighted, each licensee shall have equal rights with all other licensees.

Is not that right? How can one vote against it? Here is a great method of communication between the States. It is interstate commerce, and we have a perfect right to legislate about it. But when we are undertaking to regulate all questions in connection with radio, why should we leave this great monopoly in control of a doubtful right, of an unjust right, of an unfair right? Why should not the broadcasters be taken care of? This is a great discovery, one of the greatest the country has ever known. Why should we let some of our citizens or one of our citizens, as in this case, control the whole situation to the disadvantage of all the rest of our citizens?

The amendment provides further:

That each licensee shall have equal rights with all other licensees of similar stations to the use of such music upon the payment of such rates to the copyright owner as may be fixed by the commission after public hearing, and the commission shall have the power to regulate such rates from time to time after public hearings.

Mr. BORAH. Has the Senator's amendment been printed?

Mr. McKELLAR. It has not. I offered it only a few minutes ago. Of course the owners of the various copyrights are here working against it. They have been working against it for six years. Innumerable hearings have been held, and they have been able up to this time to prevent any legislation which would regulate broadcasting by radio. It seems to me that we should do the fair thing, the just thing, of putting it in the hands of the commission to regulate the price. If it is the law, and I, assuming it is the law, that these gentlemen are entitled to certain copyright advantages, then we ought not to allow them to create in themselves a great monopoly for the control of such a wonderful thing as broadcasting in radio.

Mr. WADSWORTH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. Certainly.

Mr. WADSWORTH. It is difficult to remember the details of the amendment just from hearing it read. May I ask the Senator if the amendment would create the situation that a composer would be compelled to permit his music to be played whether he wanted it or not?

Mr. McKELLAR. No; not at all. It not only does not do that but it protects the author by permitting that the commission shall fix a reasonable price for it.

Mr. WADSWORTH. That is just the point. That is what I was asking about. Is the commission to have power under the amendment sufficient to authorize it to grant permission to a broadcasting company to publish or broadcast a certain piece of music, after hearing as to price to be paid to the composer, regardless of the composer's wishes in the matter?

Mr. McKELLAR. I think the owner of the copyright could unquestionably refuse to allow the broadcasting station to use his music, under the holding of the court of appeals. If that is so, he need not do it, but if he undertakes to sell to the broadcaster, then the commission has a right to regulate the price.

Mr. WADSWORTH. Then the composer has no more control over his property?

Mr. McKELLAR. Of course he has. The object of a copyright and the only object of the composer or the principal object of the composer in copyrighting is to make money by selling. The amendment recognizes his right to sell not only the written notes which he has been selling heretofore but gives him the right to sell the use of the notes to make the sounds that are made by those who furnish the music. In that way it enlarges his field of operations, it seems to me, and there ought to be a regulation of it. This is exactly like regulating the rates on railroads or the rates on telegrams and telephones. Surely there is no unusual principle involved in the matter.

Mr. SMOOT. Mr. President, will the Senator read the amendment again?

Mr. McKELLAR. I will. I am quite sure that upon careful consideration of it there will be no objection on the part of any Senator. I regret that it was not printed so I could have distributed it to all Senators. It reads as follows:

And in case of the broadcasting of music hereafter copyrighted, each licensee shall have equal rights with all other licensees of similar stations to the use of such music upon the payment of such rates to the copyright owner as may be fixed by the commission after public hearings, and the commission shall have the power to regulate such rates from time to time after public hearing.

Mr. SMOOT. That is, as I understood the amendment, when it was first read. I can not conceive of any other construction upon the amendment than that the commission would have a perfect right to fix the rate and give it to all applicants for distribution over the radio.

Mr. McKELLAR. If they permit one licensee to have it, then surely the Senator would not object to other licensees having it.

Mr. SMOOT. I think it goes further than that. I think that even if the author of a piece of music decided that it should never be used except by one particular class of amusement or for home purposes or for particular gatherings, and for that purpose only, under the Senator's amendment he would be compelled to let anybody use it for any purpose.

Mr. McKELLAR. The Senator's proposition is equivalent to saying to Mr. Berlin, for instance—and I will advertise him a little to that extent, though he does not need it—who wrote the popular air, "Always," if he wanted to confine it to New York City alone and said he would not permit it to be used at any other place, that he ought to be allowed to have that right.

Mr. SMOOT. That is not the case to which I had reference.

Mr. DILL. Mr. President——

Mr. McKELLAR. I yield to the Senator from Washington.

Mr. DILL. This is a tremendously big question, and I think probably I am more familiar with it than any other Senator because I have gone into it so thoroughly. I dislike to see Senators become involved in a discussion of the measure at this time to an extent that will make it impossible to pass the bill. I wish we could have a vote on the amendment.

Mr. McKELLAR. I am willing to vote on it now.

Mr. DILL. I think we are ready to vote on it now.

Mr. SMOOT. Mr. President, I carried the copyright act through the Senate, and I think I am pretty well acquainted with the law. I have not any doubt that if the amendment is adopted, the owner of a copyright would have no power over his production at all so far as the radio is concerned.

Mr. CARAWAY. I want to ask the Senator by what principle of justice he would give the commission the right to take one's property and exercise jurisdiction over it?

Mr. McKELLAR. The amendment provides that if he sells it to one, he must sell to all alike.

Mr. CARAWAY. Why should he do that? If a man has a horse, he has the right to sell it wherever he pleases.

Mr. McKELLAR. The Senator knows this same principle applies to those who have electricity to sell in the form of power.

Mr. CARAWAY. Oh, that is an entirely different matter.

Mr. McKELLAR. No; it is exactly the same thing. One sells light and the other sells sound.

Mr. CARAWAY. The Senator thinks there is no difference between brains and electricity?

Mr. McKELLAR. I am going to yield the floor and ask for a vote on the matter. The Senator from Washington is right. It is getting late and he wants to get the bill in conference. I am willing to take the best judgment of the Senate on the amendment.

Mr. BUTLER. Mr. President, before this subject is disposed of, I desire to say that it has been the subject of very prolonged hearings on the part of the Committee on Patents, and that it expresses a contest between the broadcaster on the one side and the authors and publishers on the other. I agree with the Senator in charge of the bill that it is too large a subject and involves too much to become entangled with the bill under consideration. It seems to me that it can be dealt with at some future time in a more deliberate and careful way. It involves a proposal to fix prices on the products or productions of authors and publishers. The committee went into that matter under a bill introduced by the Senator in charge of the pending bill, examined its provisions and took testimony, and after the hearings were closed it was the opinion of the committee that the subject should remain undealt with until the bill which was under consideration dealing with the radio question should

be finally disposed of. Therefore, I hope the amendment will not prevail.

Mr. COPELAND. Mr. President, I have no disposition to prolong the discussion of this matter indefinitely, but I should do so if there were any prospect of the amendment being agreed to.

One has but to read the copyright law to know what was intended by its framers. It gives the owner the right "to deliver or authorize the delivery of the copyrighted work in public for profit if it be a lecture, sermon, address, or similar production."

In the case referred to by the Senator from Tennessee, the case of Remick against American Automobile Accessories Co., it was plainly stated by the court of appeals:

> The statute giving exclusive rights in copyright publications may be applied to new situations, not anticipated by Congress, if fairly construed, such situations come within its intent and meaning.

And further it was said in that case:

> The broadcasting by radio of a copyrighted musical composition by a manufacturing corporation which maintained and operated the broadcasting station for advertising purposes held a public performance for profit and an infringement of the copyright.

Mr. McKELLAR. Before the Senator leaves that case will the Senator permit me to read just another clause in it showing that it is a matter that the Congress ought to regulate? In the same opinion from which the Senator quoted it is said:

> Bills have been introduced in both House and Senate to permit broadcasting without infringing copyrights. The rights of composer, producer, performer, and the public under this method of reproduction are eminently matters for considered legislation.

Mr. COPELAND. We have 5,000 composers who have written compositions. They have a right to be protected, and for the benefit of the Senate I think I will quote a few words from Mr. Justice Holmes. This is good language, as well as good argument. Speaking about the performances in public eating places he said:

> These are part of a total for which the public pays, and the fact that the price of the whole is attributed to a particular item which those present are expected to order is not important. It is true that the music is not the sole object, but neither is the food, which probably could be got cheaper elsewhere. The object is a repast in surroundings that to people having limited powers of conversation or disliking the rival noise give a luxurious pleasure not to be had from eating a silent meal. If music did not pay it would be given up. If it pays it pays out of the public's pocket. Whether it pays or not, the purpose of employing it is profit, and that is enough.

It is perfectly clear that the law protects the composers, and it would be an imposition upon genius if the Senate to-day were to adopt the amendment offered by the Senator from Tennessee. Further, to indulge in price fixing, which the amendment imposes upon the public, is in itself, as I see it, in this case an outrageous thing and an invasion of the public interest.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Tennessee [Mr. McKELLAR].

The amendment was rejected.

Mr. ROBINSON of Arkansas. Mr. President, I should like to have a vote on the amendment which was discussed yesterday afternoon giving the right of a court review in certain cases to licensees. I realize that the Senate is not in the situation for lengthy discussion of this subject, and I myself will not claim the right to discuss it at length at this time. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Arkansas will be stated.

The CHIEF CLERK. On page 47, at the end of line 4, it is proposed to insert the following paragraph:

> Any applicant for a license whose application is refused by the commission, and any holder of a license revoked by the commission, shall have the right to appeal from such refusal or revocation to the Court of Appeals of the District of Columbia by filing with said court, within 20 days after the decision complained of is effective, notice in writing of said appeal and of the reasons therefor: *Provided*, That any holder of a license revoked by the commission shall have the right to appeal to the Court of Appeals of the District of Columbia or the district court of the United States in which the apparatus licensed is operated.
>
> The commission shall be notified of said appeal by service upon it, prior to the filing thereof, of a certified copy of said appeal and of the reasons therefor. Within 20 days after the filing of said appeal the commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the original application for a permit or license or in the hearing upon said order of revocation, and also a like copy of its decision thereon and a full statement in writing of the facts and the grounds for its decision as found and given by it. Within 20 days after the filing of said statement by the commission either party may give notice to the court of his desire to adduce additional evidence. Said notice shall be in the form of a verified petition stating the nature and character of said additional evidence, and the court may thereupon order such evidence to be taken in such manner and upon such terms and conditions as it may deem proper.
>
> At the earliest convenient time the court shall hear, review, and determine the appeal upon said record and evidence, and may alter or revise the decision appealed from and enter such judgment as to it may seem just. The revision by the court shall be confined to the points set forth in the reasons of appeal.

Mr. DILL. Mr. President, I wish to say that this amendment is in practically the same form as the House provision, and I leave it to the Senate to vote on the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

Mr. BORAH. Mr. President, before this amendment shall be agreed to I wish to ask the Senator in charge of the bill a question which may be pertinent in view of the amendment. Is there anything in the bill providing in case the applicant for a permit is found to be acting in violation of the Sherman antitrust law or controls a monopoly that the commission may pass upon the question?

Mr. DILL. The bill provides that in case anybody has been convicted under the Sherman antitrust law or any other law relating to monopoly he shall be denied a license; but the bill does not attempt to make the commission the judge as to whether or not certain conditions constitute a monopoly; it rather leaves that to the court.

Mr. BORAH. Is there any provision in the bill enabling the commission to examine that question upon application being filed?

Mr. DILL. The bill provides that when an application shall be made all of the traffic agreements with other radio organizations shall be set out under oath, and the commission may require any other information that it may deem desirable to enable it to determine whether or not the application should be granted.

Mr. BORAH. Mr. President, I realize the conditions under which we are proceeding here; so I am not going to undertake to urge an amendment carrying out my suggestion, although I want the RECORD to bear evidence of the fact that I think such an amendment should be incorporated in the bill, and I ask to have inserted in the RECORD, in connection with my remarks, subdivision (f), on page 13 of the bill which I have introduced in the Senate upon this subject.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

> (f) On the information disclosed by the applicant in his application, the commission shall determine if the applicant, or any corporation or association affiliated therewith, through stock control or otherwise, is engaged directly or indirectly in a violation or in an attempt to violate the antitrust laws or the Federal Trade Commission act, approved September 26, 1914, as amended. If the commission determines that the applicant is so engaged, it shall serve notice of its determination upon the applicant by registered mail and give him due notice and opportunity for public hearing in respect of such determination. At the hearing the applicant shall be entitled to be represented in person or by counsel, and to submit further evidence, oral or written, in respect of the violation. After such hearing, or opportunity therefor, the commission shall make its decision in writing, setting forth its findings of fact and rulings of law. If the commission finds that the applicant is engaged in any violation of or in an attempt to violate any such antitrust law or the Federal Trade Commission act, as amended, the commission shall refuse the issuance of the license.

Mr. CUMMINS. Mr. President, on yesterday I expressed my view about this amendment. I do not intend now to discuss it. I am simply, however, putting on record my view that the amendment will render the provision unconstitutional, and will also render it absolutely inoperative.

Mr. JONES of Washington. May I ask my colleague if there is any provision in the Senate amendment for a review by a court?

Mr. DILL. At present there is none.

Mr. JONES of Washington. Is it the idea of the committee that there should be no such provision whatever in the proposed law, or did they hope in conference to work out the difference between the Senate and the House over the matter of review?

Mr. DILL. A majority of the committee voted to strike from the bill which I had introduced the court appeal pro-

vision. There is, however, such a provision in the House bill; so that the matter would be in conference.

Mr. JONES of Washington. The matter would be in conference?

Mr. DILL. Yes.

Mr. KING. Mr. President, the amendment offered by the Senator from Arkansas [Mr. ROBINSON] obviously is so important and so necessary that I shall feel constrained if it shall not be accepted—and I do not make this statement by way of a threat—to ask for another vote in the Senate, and, perhaps, to protract the discussion, hoping to convince the Senate of the imperative necessity of the provision.

I am astounded at the observation which has been made by the learned Senator from Iowa [Mr. CUMMINS]. I can not conceive of a measure of this character, with a board having such arbitrary power, not affording an opportunity for a judicial review of the proceedings of the board proposed to be created by the bill.

SEVERAL SENATORS. Vote!

Mr. CUMMINS. Mr. President, I do not want to rest under that imputation. There is abundant opportunity to review the action of the commission. My position is that there can be no appeal from an administrative body to a judicial body.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Mr. President, I wish to present a further amendment, which provides for a division of the territory of the United States into five zones. I ask the attention of the Senator from Washington to the amendment which I am about to offer. I have not had an opportunity of discussing it with him. This provision was in the House bill, and I think it was also in the bill offered by the Senator from Idaho [Mr. BORAH]. There is, however, this difference between the Borah provision and the House provision. The House provision requires that the membership of the commission shall consist of citizens each of whom at the time of appointment was a resident of one of the five respective zones.

I will not take the time of the Senate to discuss in detail this proposal, but the object of it is apparent, and that is to give to every portion of the country fair representation on the commission, so as to safeguard against partiality and improper treatment of the different sections. I submit the amendment.

The PRESIDENT pro tempore. The amendment will be read for the information of the Senate.

The CHIEF CLERK. On page 33, after line 5, it is proposed to insert the following:

For the purposes of this act the United States is divided into five zones, as follows: The first zone shall embrace the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, the District of Columbia, Porto Rico, and the Virgin Islands; the second zone shall embrace the States of Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky; the third zone shall embrace the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma; the fourth zone shall embrace the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri; and the fifth zone shall embrace the States of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, the Territory of Hawaii, and Alaska. The membership of the commission shall consist of resident citizens at the time of appointment of each of the five respective zones.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

Mr. DILL. Mr. President, I wish to make a request for unanimous consent, if I may. There are only one or two more amendments, I think, to be offered to the bill.

Mr. KING. I have one.

Mr. DILL. And there is an unanimous-consent agreement that we shall take a recess at 5.30 o'clock. I ask unanimous consent that the Senate continue in session until 6 o'clock, if necessary, in order to ascertain if we can not finish this bill to-night, because, unless the bill can go to conference to-morrow, I think there is no hope of getting legislation on this subject by Saturday if we shall adjourn finally on that day.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington?

Mr. BLEASE. I object.

Mr. HOWELL. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. SWANSON. Mr. President, I am not going to object to this amendment or any other amendment.

Mr. BLEASE. Mr. President, I did not object to the amendment, but I objected to the request for unanimous consent.

Mr. SWANSON. I am not going to object to the amendment, although I do not know whether it proposes a proper classification for Virginia, for I feel that this bill ought to be passed promptly. I have not read the provisions of the Dill bill, but I think some measure on the subject ought to be enacted, or else we will be in a very bad condition, especially in view of the rapid development of radio. Consequently, I shall vote for the Dill bill, without knowing much about it, and for the different amendments, for the purpose of getting the bill to conference, in order, if possible, to secure its enactment, for some measure on the subject seems to me to be absolutely necessary.

Mr. WADSWORTH. Mr. President, may I say that if we are going to pass this bill in three minutes, Senators ought not to offer amendments of such great importance? The pending amendment proposes a method by which the zoning principle is to be employed in connection with the commission. I have heard that proposal made in connection with other important Federal commissions, but they have been rejected.

Mr. ROBINSON of Arkansas. Mr. President, what is the use of offering an amendment at all if it is not an important amendment, and why should the Senate deal with a bill at all if we are to be limited to unimportant and irrelevant amendments?

Mr. WADSWORTH. The Senator is taking up my time. I want to get through, so that this bill may be passed, but these amendments can not be adopted without causing discussion. The Senator from Washington has asked that this bill be passed in three minutes, and yet this kind of an amendment is proposed to it. I hope it will not be adopted.

Mr. DILL. I wish to say this about the amendment: I am willing to vote either way, because the same provision is in the House bill, and it will be in conference in either case.

Mr. BLEASE. Mr. President, I have not said anything about this bill, because I wanted to hear the discussion. I have taken the position heretofore, and I take it now, that we have commissions enough in this country to dictate to the people what to do. We have planks in our platforms against commissions, but we come here and ourselves take part in creating other commissions. The air belongs to the people, and I do not see how Congress has any right to say who shall talk and who shall not talk and who shall have a radio and who shall not have one. Nor can I see why a board to be appointed by the President of the United States has any right to say anything about whether one man shall make a speech over the radio for the Democratic Party or another man shall make a speech over the radio for the Republican Party.

This is a free country, and if a man wants to make a speech he should be allowed to make it. If a private company has a radio apparatus over which a man wants to speak and the people want to hear him and he can make arrangements with the company to make his speech, he ought to have the right to make it.

I want to know the kind of board we are likely to get. Who is going to be on the board? Before I vote for a bill to create any more commissions in this country, I should like to find out who are to be on the commission, what their politics is, what their religion is. I should like to know a little bit about what religious doctrine is going to be allowed to be talked. I should like to know whether this board is going to say that a man shall be allowed to go around and tell whether or not he came from a monkey or whether he believes in the religion of Jesus Christ. That is why I am opposed to this bill, and that is why, like the Senator from New York [Mr. WADSWORTH], I do not think that these amendments should now be presented here. I agree with the Senator from Arkansas that no amendment ought to be offered unless it is an important amendment, but, if it is an important amendment, then there is not any reason in the world why we should have any gag rule and why every Senator should not be given an opportunity to express his opinion as to whether or not he wants that amendment put into the bill.

RECESS

The PRESIDENT pro tempore. The hour of 5.30 o'clock having arrived——

Mr. BLEASE. I thank you, Mr. President, for calling attention to it.

The PRESIDENT pro tempore. In accordance with the unanimous-consent agreement previously entered into, the Senate will stand in recess until 8 o'clock this evening.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

ENROLLED BILLS SIGNED

The six enrolled bills last received from the House of Representatives this afternoon, which had previously been signed by the Speaker, were signed by the President pro tempore.

HOPI INDIAN LANDS IN NORTHERN ARIZONA—RESERVATION DESIRED FOR HOPI INDIANS

Mr. CAMERON. Mr. President, I desire to have inserted as part of the CONGRESSIONAL RECORD and appropriately referred a letter in the nature of a petition signed by the chiefs of the Hopi Indians in northern Arizona praying for necessary authorization on the part of the Government for a separate and individual reservation, and I recall the exhibition of the select Indians sent by the tribe to give a demonstration of the well-known Hopi snake dance on the Plaza of the Capitol, which most of us remember.

There being no objection, the letter was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *May 16, 1926.*

President Coolidge and Members of Congress, Washington, D. C.

GENTLEMEN: We Hopi Indians, in northern Arizona, are not so fortunate in the possession of worldly goods as other Indians of our red brothers; therefore we devised ways and means to enable us to make the pilgrimage to this great city to make our plea in person before you.

Our people have toiled diligently through many generations to eke out an existence in a territory where cultivation is difficult. Our people have been deprived of lands which we originally occupied under the treaty of 1882, until now the present area we are allowed to retain is not sufficient for our direct needs. You, our white brothers, have taught us to continue a respectable existence. To do so an extension of our land allotment within the reservation boundary is necessary. We believe we are within our rights in asking that our present location upon the reservation be designated as belonging to the Hopi Indians, for in the treaty of 1882 it was assigned to the Hopi and other Indians.

We ask our land boundaries be extended north to the store known to us as Sue-Chee-Pu, to the east meeting the boundary line of the village of Ganado, to the south to the boundary line of the village of Holbrook, to the west to the boundary line of the village of Luepp.

Our white brothers ask us to respond to their teachings. To you, White Father, we ask the question: "Can a deer extricate itself whose antlers have become lodged within low branches of a forest tree without the aid of a helping hand to set it free?" We Hopis have waited so long; throughout many generations have waited for the hand of our white brother to reach out in granting that which his lips have so often promised. We need meat for food. When we take the trail for wild game we are stopped and told to pay a license of many dollars before being allowed to secure food. May we not have a reasonable open season upon wild game without having to pay license?

Great Chieftain and brothers, representing the people throughout this broad land, we ask you to pause a few moments and in the name of justice and humanity expedite the granting of that which we herein request.

Faithfully interpreted by—

M. W. BILLINGSLEY, *Phoenix, Ariz.*

Signatures of the Hopi—

SALOFTOCHE.
PONYQUAPTEWA.
SETALLA.
QUAMAQUAPTEWAH.

REPORT OF THE COMMITTEE ON COMMERCE

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (S. 1079) to provide seamen on American vessels with a continuous discharge book, to provide for improved efficiency and discipline, and for other purposes, reported it with amendments and submitted a report (No. 1178) thereon.

THE CALENDAR

The PRESIDENT pro tempore. Under the unanimous-consent agreement unobjected bills upon the calendar will first be called. The clerk will state the first bill on the calendar.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges, to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as first in order.

Mr. WADSWORTH. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. WILLIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDENT pro tempore. On objection the bill will be passed over.

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foregin commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2839) for the relief of Capt. James A. Merritt, United States Army, retired, was announced as next in order.

Mr. KING and Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War was announced as next in order.

Mr. KING. It would take a good deal of time to discuss this bill. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 454) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. WADSWORTH. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 188) to amend paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate relative to nominations was announced as next in order.

The PRESIDENT pro tempore. The resolution will go over.

The bill (S. 3840) to provide for the consolidation of carriers by railroad and the unification of railway properties within the United States was announced as next in order.

Mr. LA FOLLETTE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act was announced as next in order.

Mr. KING. There is some objection to the bill, and some further discussion to enlighten the Senate in regard to the merits of this important measure is required. I suggest that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

STOCKHOLDERS OF FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 2938) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. BRATTON. Let the bill go over.

Mr. BUTLER. Mr. President, I hope the Senator will withdraw his objection for just a moment. The bill can be considered in a very brief way. I think an explanation can be made which will satisfy the Senator making the objection.

This is a bill which appropriates the sum of $249,000 and odd for the stockholders of the First National Bank of Newton, Mass. Quite a number of years ago there was taken from this bank by a representative of the United States Government in the subtreasury of the city of Boston, an amount of money to make good peculations by a man named Hartwell, who was a subtreasury employee of the United States. This money was taken from the bank through a director who was acting with this unfaithful official and placed in the subtreasury and remained there. After a period of time a suit was brought for the recovery of the money.

Mr. KING. By the bank?

Mr. BUTLER. By the bank. The bank recovered the principal of the stolen money in the sum of $371,000. The bill under discussion covers the amount of interest for a period of 14 years, during which the United States Government had that money in its possession. The Committee on Claims has considered the matter very carefully. It has been reported and passed upon favorably by the Senate on three occasions. Interest has been figured at the rate of 4½ per cent, which represents the average rate paid by the United States during the period covered. The matter of interest is to be considered on a different basis than that which usually is objected to by the Government. There is no reason why the Government should not restore the interest on the money of which it had the use during this period. I think, therefore, the bill is not to be objected to as is usually done to a bill involving an appropriation for interest.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. BUTLER. I yield.

Mr. KING. I know a great many measures have come before the Senate since I have been a Member of the body, not similar to this, but analogous in principle, cases of contract and cases arising out of tort, cases where the Government has dispossessed persons or taken their property. My recollection is that until the last session no interest has been allowed. I know I was rather astonished when the proposition was announced soon after I came here that it was the rule not to allow interest. I know of many claims where the same principle would apply or where there was a principle which would apply, rather, in the case now under discussion by the Senator, where the principal was allowed and no interest allowed at all.

Mr. BUTLER. I would like to answer that objection.

Mr. KING. The Senator may do so in my time.

Mr. BUTLER. There is in the report of the committee a statement made by a previous committee in which the matter of interest on claims of this character was considered, and I find a list of 53 cases, which were brought together in this brief, in which interest was allowed by the United States Congress in acting on bills somewhat similar to this, but not similar to this in that this money was stolen from the bank placed in the possession of the United States Government through an unfaithful subtreasurer and remained in the hands of the United States Government for a period of 1 years, upon which the Government had the benefit of use of the money. The bill provides merely for the repayment of that interest to the persons from whom the money was stolen.

Mr. KING. Why was not suit brought sooner for the purpose of obtaining the money? Why has it been permitted to remain in status quo for so many years?

Mr. BUTLER. The subject was introduced in the Forty-ninth, Fiftieth, Fifty-seventh, and Fifty-eighth Congresses, and every time it was introduced there was a favorable report and action on the part of one branch or the other, but for some reason—I observe in two cases on account of the early adjournment of the Congress—the bills died. The Senator from Delaware [Mr. BAYARD], who reported the bill, can explain it in detail.

Mr. BAYARD. Mr. President, I made the report on the bill. The facts in the case are that the Government received stolen money, knowing it was stolen, and put it in its own coffers in 1867 and kept it there. The bank brought suit in 1873 or 1874 and obtained a judgment in 1881 or 1882 before the Court of Claims. The judgment was paid in 1882 for the principal, but the interest was never paid. The stolen property received consisted of moneys and securities owned by the bank from which they had been stolen.

This case is not within the category of any tort committed by a Government official. It is a plain case of the United States Government receiving stolen money, knowing it to be stolen, and keeping it deliberately, in spite of protest, for 14 years, and using it for its own purposes during that time. There is no case like it on the calendar and no case like it in the books.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Utah?

Mr. BAYARD. I yield.

Mr. KING. If the matter was remitted to the Court of Claims and it had jurisdiction of the persons and of the subject matter, I would like to know why the Court of Claims did not allow interest if it considered interest was allowable. May not the court have concluded that the judgment which it did render was a fair judgment and covered the entire transaction and the matter thereby became res adjudicata, so the Government could not reopen it—no appeal being taken—nor could the bank reopen it. The Senator is seeking by legislation to reopen a judgment of the court after years and years have passed and the right of review has passed. I am not urging that as an objection.

Mr. BAYARD. The Senator is entirely mistaken in his premise. Suit was brought for the principal and not for the principal and interest, because under the law interest could not be given by the court when it gave its judgment. They could not bring suit for interest because the Federal laws prevented bringing a suit for interest on this or any other claim against the Government.

Mr. KING. When the right was given to bring suit in the Court of Claims obviously the right of action would involve the entire claim; and if the plaintiff availed itself of that right and went into the Court of Claims, it seems to me that it did so with its eyes open under the limitation.

Mr. BAYARD. This action was brought under the general act establishing the Court of Claims and not by any special act relegating the bank to the Court of Claims for remedy. The only thing it could do under the general act allowing the bank under certain circumstances to bring suit was to sue for the principal, which did not include the right to sue for the interest. Therefore, when the court gave judgment it could only give judgment for the whole principal it found due and could not under the law give judgment for the interest.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Montana?

Mr. BAYARD. I yield.

Mr. WALSH. There seems to be some equity in favor of this claimant's recovery of interest for the use of the money during the time the Government had it in its coffers from 1867 to 1882.

Mr. BAYARD. That is what the whole claim is founded on.

Mr. WALSH. Yes; but this is asking for interest down to date.

Mr. BAYARD. I do not so understand it.

Mr. WALSH. The right of the claimant to collect interest from the Government from the time the money was appropriated in 1867 down to the time the principal was paid in 1882 stands upon an entirely different footing from interest from 1882 down to this date.

Mr. BAYARD. Oh, yes; I think the Senator is quite right about that proposition.

Mr. WALSH. Because during that time the Government had the use of the claimant's money, and equitably ought to pay for the use of it during the time it had it. But the claim for interest upon the amount from 1882 down to this time stands upon an entirely different footing.

Mr. BAYARD. The claim is solely for interest during the time when the Government had the money. It is not down to date at all.

Mr. WALSH. Then I misread the report.

Mr. BAYARD. It is from 1867 to 1882, when the principal was paid. It is not beyond that date at all.

Mr. WALSH. At what rate?

Mr. BAYARD. At 4½ per cent, the average rate of interest paid by the Government on its own money during that time.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Nebraska?

Mr. BAYARD. I yield.

Mr. NORRIS. What is the difference between this case and any other case that goes to the Court of Claims; and why should we do something in this case that we do not do as a rule in cases going to the Court of Claims?

Mr. BAYARD. The sole reason is that this was such a gross abuse of power on the part of the Government. Here was a Government official receiving stolen money, knowing it to be stolen, and turning it into the Government Treasury. The Government retained possession of it with knowledge of these facts and refused the demands to give it up.

Mr. NORRIS. I can hardly believe such a thing would happen.

Mr. BAYARD. It is an extraordinary case. It is hard to believe the Government would do such a thing.

Mr. NORRIS. Does the Senator mean there was a Government official who went to Massachusetts and stole this money and carried it down and gave it to the Government of the United States?

Mr. BAYARD. The money was covered into the subtreasury at Boston.

Mr. NORRIS. Wherever it was, it would not make any difference. Are those the facts?

Mr. BAYARD. Those are the facts, the astounding facts, the uncontroverted facts, all found to be facts by the Court of Claims.

Mr. NORRIS. It seems to me that it comes to this, that here is a claim against the Government of the United States, tried in the Court of Claims and judgment rendered against the Government.

Mr. BAYARD. That is as to the principal.

Mr. NORRIS. Whatever the controversy was about. The Government paid the judgment. The claimant comes back to Congress. If we pay the interest in this case, ought we not to apply the same rule in every case that has ever gone to the Court of Claims?

Mr. BAYARD. There is no other such case as this.

Mr. NORRIS. The facts may be different.

Mr. BAYARD. The principle is not the same.

Mr. NORRIS. The reason for judgment may be different, but the result is just the same. We have had thousands and thousands of other cases adjudicated by the Court of Claims, sent there by specific act or under some general law.

When the Court of Claims settles a case, that ends it. I have never known a case where a claimant got into the Court of Claims, won his suit, accepted the judgment, received the money, and then came back to Congress and said the Court of Claims did not give him enough, that he wanted some more.

Mr. BAYARD. Let me state this to the Senator. There is no claim like this on the books. Here was a case where the Federal Government received money knowing it to be stolen, and put it into its coffers and refused to give it up. The only remedy that bank had was to go into the Court of Claims and get judgment for the principal. Under the law it could only get judgment for the principal and could not get judgment for the interest. For 14 years the Government used this money as its own. There were other securities aside from the actual money. This is a petition by the bank to Congress for an equitable proceeding, an act of Congress, if you please. The Federal Government having used stolen property, knowing it was stolen, and having refused to give it up for 14 years, is now asked to do the decent, the proper, the equitable thing, and pay to this claimant interest during the period which the Government used the money. It is totally different from a claim for a tort or anything of that kind.

Mr. NORRIS. The facts related by the Senator, of course, I can not dispute; I know nothing about them. I accept his word at 100 per cent, but it looks like a fairy tale that the Government of the United States should deliberately steal some money and then refuse to pay it.

Mr. BAYARD. The Government did not steal the money, but it received it knowing that it was stolen, which is just as bad.

Mr. NORRIS. The Government received the money from one of its officers?

Mr. BAYARD. No; but one of its officers——

Mr. President, I shall have to ask that my time be extended. I should like unanimous consent that it be extended five minutes more.

The PRESIDENT pro tempore. The Chair is attempting to divide the total time among those Senators who secure recognition.

Mr. BRATTON. Mr. President, will the Senator from Delaware yield to me for a moment?

Mr. BAYARD. I yield.

Mr. BRATTON. Am I correct in understanding that an officer of the bank was short in his accounts; that he arranged to take some money from the bank of which he was president or an officer, and that that money went into the Treasury?

Mr. BAYARD. I can make a short statement that will answer the Senator. A cashier of the subtreasury of the United States in Boston by conspiracy robbed the subtreasury of the United States in Boston of about a million dollars.

Mr. BRATTON. He was the cashier of this bank?

Mr. BAYARD. He was the cashier of the subtreasury in Boston. He found that the inspector was going to come around and examine his books. He went to his coconspirator, who was one of the directors of this particular bank of Newton, and told him of his difficulty. The director of the Newton Bank arranged with the cashier of the Newton Bank to rob the Newton Bank, and in part to put back this money into the Treasury of the United States, the idea being that if they put the money back and some other bank were robbed as well, to make the thing complete; then when the examination was had the books would appear all right, and the money thereafter would be handed back on demand.

Mr. BRATTON. So that the director of the bank was a party to the conspiracy that robbed the Treasury and the bank of which he was a director?

Mr. BAYARD. That is correct.

Mr. BRATTON. There is a question in my own mind as to who that official was acting for, and I shall object. The amount involved is too large and the question is too doubtful, I think. Under the circumstances, I feel compelled to object.

Mr. BAYARD. I will ask the Senator to withhold his objection for a moment. When the suit was brought in the Court of Claims, all the facts to which I referred were brought out, and there was a very exhaustive report following the decision and findings of fact of the Court of Claims.

Mr. LA FOLLETTE. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Wisconsin will state it.

Mr. LA FOLLETTE. Has objection been made to the consideration of this bill?

The PRESIDENT pro tempore. Objection was made, but the Chair understood that the Senator from Wisconsin withheld his objection pending an explanation of the measure. Does the Senator from Wisconsin now renew his objection?

Mr. LA FOLLETTE. I did not make the objection, but I understood the Senator from New Mexico [Mr. BRATTON] to object.

Mr. BRATTON. I made the objection, Mr. President.

The PRESIDENT pro tempore. Does the Senator from New Mexico insist upon his objection?

Mr. BRATTON. I do.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

AMENDMENT OF THE IMMIGRATION ACT OF 1924

The bill (H. R. 6238) to amend the immigration act of 1924 was announced as next in order.

Mr. WILLIS. Mr. President, that measure will take considerable time, because if it shall be brought up I understand amendments are to be offered to it, which ought not to be considered at to-night's session, for they involve the whole question of the immigration law. I shall therefore ask that the bill go over.

The PRESIDENT pro tempore. Being objected to, the bill will go over.

NEAR EAST RELIEF (INC.)

The bill (S. 1752) for the relief of the Near East Relief (Inc.) was announced as next in order.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. WADSWORTH. Mr. President, was objection made to the consideration of the bill just announced on the calendar?

The PRESIDENT pro tempore. The senior Senator from New Hampshire, the present occupant of the chair, objected to its consideration.

Mr. WADSWORTH. Will the Senator from New Hampshire, who now happens to occupy the chair, withhold his objection for a moment until I can make a statement in reference to the subject matter of the bill?

The PRESIDENT pro tempore. Yes.

Mr. WADSWORTH. In 1919 the Near East Relief, which is one of the greatest charitable undertakings ever organized in the United States, went to work to relieve the distressed orphans and adults in the Near East, who were suffering fearfully during the World War and in the immediate aftermath of the war. A large fund was collected in this country by private subscription, and was expended in an entirely honest way for the relief of those unfortunate people. Indeed, the work of the Near East Relief made the name of America blessed in all that part of the world. One of their transactions occurred with the War Department. At the end of the war the War Department had a large amount of surplus supplies in Europe. The department was not authorized to donate those supplies to any charitable undertaking such as the Near East Relief, but must sell them if they were disposed of at all.

The Near East Relief officials, confident of their ability to pay for them, purchased some of these surplus supplies from the War Department for $632,000, and distributed them to women and children in Greece, in Turkey, and in various other Mediterranean countries, where the people were suffering terribly. The subscriptions from citizens of the United States

failed to produce enough money to meet this obligation. The Near East Relief is utterly unable to pay this bill owed to the Government.

That is a frank and true statement of the case. This bill is to cancel the debt. The Government has no means of securing the money from the Near East Relief. The Near East Relief had no dishonest motive or purpose in view when they accepted these supplies and distributed them to the needy. Sooner or later, Mr. President, the Government will have to acknowledge this state of facts. It is not a state of facts of which the Near East Relief is proud or in which it rejoices. It is merely a case of hard necessity. If such an act as this shall not be passed, the Government, I assume, will have to make some effort to find the subscribers to the Near East Relief, who are scattered all over the United States, and invent some way of assessing them, but it can not be done.

Mr. JOHNSON. How much does it amount to?

Mr. WADSWORTH. The amount is $632,000.

The PRESIDENT pro tempore. The Senator from New Hampshire withdraws his objection to the consideration of the bill.

Mr. REED of Pennsylvania. Mr. President, did the Senator from New York make any reference to the bill which passed the Senate about two years ago, in which the Near East Relief presented a claim against the Government of the United States?

Mr. WADSWORTH. I have no recollection of that, but that claim is not being pressed and can not be under the terms of this bill.

Mr. REED of Pennsylvania. Was that claims bill finally passed?

Mr. WADSWORTH. I think not.

Mr. REED of Pennsylvania. Mr. President, I have been opposing the Near East Relief bill which is now before the Senate, for the reason that two years ago there was a bill reported from the Committee on Claims for some $70,000 in favor of the Near East Relief. It was stated when this bill came before the Senate the last time that the Near East Relief was without any assets, and this bill, as I recall, was passed once by the Senate on that statement, when at the same time the Near East Relief had a claim against the United States for $70,000, with a claims bill pending here in Congress for the allowance of that amount. It seemed to me that they had obtained relief on a misrepresentation of the facts, and, although it is a perfectly praiseworthy charity, even praiseworthy charities ought not to be allowed to have bills passed without telling the truth about their condition.

I understand—and I wish the Senator from New York would correct me if I am wrong—that they have agreed not to press the bill for $70,000 which they claim to be due from the United States on account of their transactions with the Shipping Board.

Mr. WADSWORTH. That is true.

Mr. REED of Pennsylvania. If that is so, I will cease to object to this bill.

Mr. WADSWORTH. That is true; that claim has not been passed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of War to cancel and abandon the claim in the sum of $632,669, with interest, for United States property sold in 1919 to the Near East Relief (Inc.) for use in relieving and supplying the pressing needs of the peoples of the countries involved in the late war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2929) to authorize the refunding of certain evidences of indebtedness issued by carriers in interstate commerce, and for other purposes was announced as next in order.

Mr. COUZENS. I ask that that bill go over.

Mr. FERNALD. Mr. President, the Senator from Idaho [Mr. GOODING], I think, reported that bill. I wonder if the Senator from Michigan will withhold his objection for just a moment.

Mr. COUZENS. I wish to say to the Senator that the bill can not possibly go through under the rule under which we are now operating.

Mr. ASHURST. Mr. President, objection has been made, and I ask for the regular order.

Mr. GOODING. I think the statement of the Senator from Michigan is correct.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, was announced as next in order.

Mr. STANFIELD. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 95) for the relief of Carlos Thompkins was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2279) for the relief of James C. Baskin was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CYRUS S. ANDREWS

The bill (S. 2855) for the relief of Cyrus Andrews was announced as next in order.

Mr. CUMMINS rose.

Mr. KING. Mr. President, I will withhold objection to the bill which has just been announced to hear the explanation of the Senator from Iowa.

Mr. CUMMINS. Mr. President, Mr. Andrews is 81 years old. He may be dead by this time for aught I know. He was captured at the Battle of Chancellorsville and was paroled, giving his agreement not to fight the Confederacy again. He went home under that understanding. He was told finally that he ought to report to another Federal officer. He so reported, and the Federal officer told him that he was quite right in assuming that his oath prevented his fighting against the South again during the war. So he went home; and he has been for 60 years or more under the cloud of a charge of desertion. All that this bill does is to remove that cloud. The bill contains the following proviso:

Provided, That no bounty, pay, or allowance shall be held as accrued prior to the passage of this act.

Mr. KING. Mr. President, the Senator is not quite accurate in stating that all the bill does is merely to remove the charge of desertion that stands against him upon the record. It means that automatically his name will go upon the pension rolls, and he will obtain $72 a month during the remainder of his life.

Mr. CUMMINS. I think so, but he will not live long. I am sure the Senator will agree with me that a man 81 years old is not likely to encumber the pension roll very long.

Mr. KING. I have not much sympathy with the man who deserts and against whom there is a record of desertion.

Mr. CUMMINS. This man did not desert; he was a boy 17 years old, was captured, and told that he could not fight again.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It proposes that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Cyrus S. Andrews, who was a private in Company H, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that company and regiment on the 26th day of June, 1865; but no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

The bill (H. R. 9039) to amend section 8 of the act approved March 1, 1911 (36 Stat. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," was announced as next in order.

Mr. McNARY. Mr. President, the Senator from North Carolina [Mr. OVERMAN] has an amendment which he desires to propose to this bill. He is not here this evening on account of illness, and I told him I would ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CONSTRUCTION OF ROAD ON LEECH LAKE RESERVATION

The bill (H. R. 9967) authorizing an expenditure of $6,000 from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation was announced as next in order.

Mr. COPELAND. Mr. President, I do not know that I shall object, but I should like to know about this bill before con-

senting to its consideration. I am suspicious of all these Indian bills.

Mr. HARRELD. Mr. President, the situation is this: The Chippewa Indian Sanatorium is located on Leech Lake directly opposite the chief town of that vicinity, Walker, Minn. There are only two ways to reach it. One is by road, 16 miles long, and the other is across the lake. Eleven of the 16 miles are already paved, but the last 5 miles are almost impassable in winter time, when the lake can not be crossed to reach the sanatorium.

This bill is to provide for the building of a road 5 miles to connect this sanatorium with the main highway. The amount is to be paid out of the Indian fund. The improvement is very badly needed, and the bill is recommended by the department.

Mr. COPELAND. Is it for the benefit of the Indians or for the benefit of the white people?

Mr. HARRELD. It is an Indian sanatorium.

Mr. COPELAND. Well, I have no objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It authorizes $6,000 of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889 (25 Stat. L. p. 642), to be appropriated for the construction of a road on the Leech Lake Reservation from the Chippewa Sanatorium at Onigum to connect with State highway No. 34, under rules and regulations prescribed by the Secretary of the Interior; but Indian labor shall be employed as far as practicable.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRENCH SPOLIATIONS

The bill (S. 62) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Maryland [Mr. BRUCE] is interested in this measure. He is unable to be present this evening, and I do not think it practicable to dispose of the bill this evening. Therefore I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

DAVID M'D. SHEARER

The bill (S. 3701) for the relief of David McD. Shearer was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of David McD. Shearer for compensation for the adoption and use by the Government of the United States of certain inventions relating to reinforced concrete revetment and construction and laying of same, made by said David McD. Shearer, and for which letters patent of the United States Nos. 1173879, 1173880, and 1229152 were issued to him, be, and the same is hereby, referred to the Court of Claims, which court is hereby vested with jurisdiction in the premises, and whose duty it shall be to hear and determine, first, whether the said David McD. Shearer was the first and original inventor of the inventions described in said letters patent or any of them; and if said court shall find that he was such first and original inventor of any of the same, then to determine, second, what amount of compensation, if any, he is justly entitled to receive from the United States for the use of his said inventions, or any of them, either before or since the date of said letters patent up to the time of adjudication, and for a full and entire transfer of said several patents to the United States; and in determining the amount of compensation, if any, for the use of said inventions and transfer of said patents the court shall take into consideration, as bearing on the question of reducing or increasing such compensation if, and so far as the facts may warrant, the facts, if proved, that while the said David McD. Shearer was engaged in perfecting the inventions he was in the service of the United States as a junior engineer superintendent in charge of willow-bank revetment construction under the Mississippi River Commission, and whether and, if at all, to what extent said inventions, or any of them, were discovered or developed during the working hours of his Government service, and to what extent his said inventions for protection of river channels and banks differ from the methods previously used in material, method of laying, permanency and value, and whether and, if at all, to what extent the expense of making experiments, trials, and tests for the purpose of perfecting said inventions was paid by the United States, and if any such expense was incurred by the United States, whether and, if at all, to what extent the United States received compensation for such expense.

Either party may appeal to the Supreme Court of the United States upon any such question, where appeals now lie in other cases, arising during the progress of the hearing of said claim, and from any judgment in said case, at any time within 90 days after the rendition thereof; and any judgment rendered in favor of the claimant shall be paid in the same manner as other judgments of the said Court of Claims; and the payment of such judgment shall vest the full and absolute right to said patents, and each of them, in the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2770) to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto was announced as next in order.

Mr. WILLIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin was announced as next in order.

Mr. ASHURST. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DIFFUSING OF INFORMATION REGARDING AGRICULTURE

The bill (S. 3473) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. BRATTON. Let that go over.

Mr. RANSDELL. Mr. President, will the Senator withhold his objection until I can make a little explanation of the bill?

Mr. BRATTON. Yes.

Mr. RANSDELL. This is a very important measure, I should say. The bill is advocated by the Department of Agriculture and the Department of Commerce. We have been talking a great deal about agriculture during this session of Congress, and about doing something to assist agriculture. This bill provides agents of the Agricultural Department abroad to study farm conditions everywhere throughout the world, keep in close touch with them, report by wire to our Agricultural Department, and gives them an official status, which they have not now.

As a matter of fact, we now maintain an agency of that kind. We have a number of foreign representatives of the Agricultural Department in the different countries of the world. They are very closely connected with the agricultural bureau maintained in the city of Rome, Italy, which has done a great deal to assist agriculture.

I believe this is a good bill. It was carefully considered by the Department of Agriculture, and unanimously reported. Unless the Senator has some real objection to it, I hope he will withdraw his objection and let the bill pass.

Mr. BRATTON. Mr. President, does the bill contemplate any increased expenditure?

Mr. RANSDELL. I do not understand that it does. It simply gives these agents an official status.

Mr. BRATTON. I withdraw the objection.

Mr. KING. I object to the consideration of the bill.

The PRESIDENT pro tempore. The bill will be passed over.

COLUMBIA RIVER BRIDGE BETWEEN LONGVIEW, WASH., AND RAINIER, OREG.

The bill (S. 3804) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg., was announced as next in order.

Mr. McNARY. Let that go over.

Mr. JONES of Washington. Mr. President, may I ask the Senator from Oregon to withhold his objection for a moment, and express the hope that we may be able to have this bill passed?

I think this is the only bridge bill that has not been permitted to pass at this session of Congress. Quite a good many concessions have been made to meet objections. I think more stringent provisions have been made for safeguarding navigation in this bill than in any bridge bill that has passed the Senate. I appreciate the situation of the Senator from Oregon, but I want to express the hope that we may be able to make some arrangement by which we can get his consent to the passage of the bill.

This is a Senate bill, and of course it will have to go to the House; and I appreciate the fact that the Senator can very likely prevent the passage of the bill during this session. I desire to express the hope, however, that he will withdraw the objection.

Mr. McNARY. Mr. President, it is very difficult to resist the appeal of the Senator from Washington. The matter involves the construction of a bridge, which I shall not discuss now, between the States of Oregon and Washington. The committee had extensive hearings, and I thought for a time we were very nearly in accord; but there are a few small items yet to be determined. I am hoping that within a short time——

Mr. JONES of Washington. A few hours, I hope the Senator will say.

Mr. McNARY. Or during the recess, we can have an understanding; but at this particular moment I regret to say that I must object.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 3889) to amend the interstate commerce act, as amended, in respect of tolls over certain interstate bridges was announced as next in order.

Mr. MAYFIELD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

GRAZING ON PUBLIC LANDS IN ALASKA

The bill (S. 3963) to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon was announced as next in order.

SEVERAL SENATORS. Let that go over.

Mr. STANFIELD. Mr. President, I hope the Senators who objected will withdraw the objection to the consideration of this bill.

This is a bill providing for the leasing of grazing rights in the Territory of Alaska. It has been indorsed by the Governor of Alaska, the Delegate in Congress from Alaska, and by the Alaskan people. There is a particular reason why this bill should pass at this time, and that is for the advantage of the reindeer industry in Alaska.

The reindeer have propagated very rapidly, and raising them has become a very important industry in Alaska. There is overgrazing of certain sections of the range that is being utilized, and unless a control is provided for it the industry is threatened and will perhaps fail. I am sure there is no Member of this body who can offer a legitimate objection to this bill. Therefore I hope the Senators who have objected will withdraw the objection and permit the bill to pass.

The bill has the approval of the Secretary of the Interior. It is a department bill. It has the approval of the Secretary of Agriculture, and it is of great importance. Anyone who has any knowledge of that vast territory to the north, and of the dismal conditions that exist there, certainly would not want to impose on those people a hindrance to an opportunity to develop their country; and anybody who objects to this bill is imposing a hardship upon those people.

Mr. JONES of Washington. Mr. President, I also want to express the hope that the objection to this bill may be withdrawn. I feel that we can well afford to do almost anything to get people interested in those lands up there in Alaska. If this measure has the approval of the department it seems to me we could well afford to offer practically any inducements to get people to utilize that country.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Oregon a question? As I understand, the bill does not divest title or authorize the conveyance of any land by the Government. It merely authorizes the leasing of lands for grazing purposes.

Mr. STANFIELD. The Senator is exactly right. It does not pass any title. Of course, the right to graze exists there, but it is uncontrolled. Even among civilized people, if you are going to have successful grazing of a public domain it should be controlled.

Mr. ROBINSON of Arkansas. Have conflicts arisen as to the use of the land for grazing purposes?

Mr. STANFIELD. They have, particularly in the reindeer industry; and for the preservation of that industry it is necessary for the Government to have control.

Mr. ROBINSON of Arkansas. Will it be expensive to administer the act?

Mr. STANFIELD. No; it will not be expensive. The expense will be nominal. In fact, the returns from the leases will more than offset the expense of administration.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 8, line 13, after the word "section," to strike out "15" and insert "13," so as to make the bill read:

Be it enacted, etc.—

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress in promoting the conservation of the natural resources of Alaska to provide for the protection and development of forage plants and for the beneficial utilization thereof for grazing by livestock under such regulations as may be considered necessary and consistent with the purposes and provisions of this act. In effectuating this policy the use of these lands for grazing shall be subordinated (a) to the development of their mineral resources, (b) to the protection, development, and utilization of their forests, (c) to the protection, development, and utilization of their water resources, (d) to their use for agriculture, and (e) to the protection, development, and utilization of such other resources as may be of greater benefit to the public.

DEFINITIONS

SEC. 2. As used in this act—

(1) The term "person" means individual, partnership, corporation, or association.

(2) The term "district" means any grazing district established under the provisions of this act.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "lessee" means the holder of any lease.

GRAZING DISTRICTS

SEC. 3. (a) The Secretary may establish grazing districts upon any public lands outside of the national forests which, in his opinion, are valuable for the grazing of livestock. Such districts may include such areas of surveyed and unsurveyed lands as he determines may be conveniently administered as a unit, even if such areas are neither contiguous nor adjacent.

(b) The Secretary, after the establishment of a district, is authorized to lease the grazing privileges therein in accordance with the provisions of this title.

ALTERATIONS OF THE GRAZING DISTRICTS

SEC. 4. After any district is established the area embraced therein may be altered in any of the following ways:

(1) The Secretary may add to such districts any public lands which, in his opinion, should be made a part of the district.

(2) The Secretary, subject to existing rights of any lessee, may exclude from such district any lands which he determines are no longer valuable for grazing purposes or are more valuable for other purposes.

(3) The Secretary may enter into cooperative agreement with any person, in respect of the administration, as a part of a district, of lands owned by such person which are contiguous or adjacent to such district or any part thereof.

NOTICE OF ESTABLISHMENT OF GRAZING DISTRICT

SEC. 5. Before establishing a district the Secretary shall publish once a week for a period of six consecutive weeks in a newspaper of general circulation in each judicial division in which the proposed district is to be established, a notice describing the boundaries of the proposed district and announcing the date on which he proposes to establish the district.

PREFERENCES

SEC. 6. In considering applications to lease grazing privileges the Secretary shall, as far as is consistent with the efficient administration of the grazing district, prefer (1) occupants of the range and (2) settlers over all other applicants.

TERMS AND CONDITIONS OF LEASES

SEC. 7. (a) All leases shall be made by the Secretary for a term of 10 years except where the Secretary determines the land may be required for other than grazing purposes within the period of 10 years; or where the applicant desires a shorter term, and in such cases leases may be made for a shorter term.

(b) Leases shall be made for grazing on a definite area except where local conditions or the administration of grazing privileges makes more practicable a lease based on the number of stock to be grazed.

(c) Each lease shall provide that the lessee may surrender his lease, and, if he has complied with the terms and conditions of the lease to the time of surrender, may avoid further liability for fees thereunder by giving written notice to the Secretary of such surrender. The lease shall specify the length of time of notice, which shall not exceed one year.

GRAZING FEES

SEC. 8. (a) The Secretary shall determine for each lease the grazing fee to be paid. Such fee shall—

(1) Be fixed on the basis of the area leased or on the basis of the number and kind of stock permitted to be grazed;

(2) Be fixed, for the period of the lease, as a seasonal or annual fee, payable annually or semiannually on the dates specified in the lease;

(3) Be fixed with due regard to the general economic value of the grazing privileges, and in no case shall exceed such value; and

(4) Be moderate.

(b) If the Secretary determines such action to be for the public interest by reason of (1) depletion or destruction of the range by any cause beyond the control of the lessee, or (2) calamity or disease causing wholesale destruction of or injury to livestock, he may grant an extension of time for making payment of any grazing fee under any lease, reduce the amount of any such payment, or release or discharge the lessee from making such payment.

DISPOSITIONS OF RECEIPTS

SEC. 9. All moneys received during any fiscal year on account of such fees in excess of the actual cost of administration of this act shall be paid at the end thereof by the Secretary of the Treasury to the Territory of Alaska, to be expended in such manner as the Legislature of the Territory may direct for the benefit of public education and roads.

ASSIGNMENT OF LEASES

SEC. 10. The lessee may, with the approval of the Secretary, assign in whole or in part any lease, and to the extent of such assignment be relieved from any liability in respect of such lease, accruing subsequent to the effective date of such assignment.

IMPROVEMENTS

SEC. 11. (a) The Secretary may authorize a lessee to construct and/or maintain and utilize upon any area included within the provisions of his lease any fence, building, corral, reservoir, well, or other improvements needed for the exercise of the grazing privileges of the lessee within such area; but any such fence shall be constructed as to permit the ingress and egress of miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(b) The lessee shall be given 90 days from the date of termination of his lease for any cause to remove from the area included within the provisions of his lease any fence, building, corral, or other removable range improvement owned or controlled by him.

(c) If such lessee notifies the Secretary on or before the termination of his determination to leave on the land any improvements the construction or maintenance of which has been authorized by the Secretary, no other person shall use or occupy under any grazing lease, or entry under any public land law, the land on which any such improvements are located until there has been paid to the person entitled thereto the value of such improvements as determined by the Secretary.

PENALTIES

SEC. 12. Within one year from the date of the establishment of any district the Secretary shall give notice by publication in one or more newspapers of general circulation in each judicial division in which such district or any part thereof is located that after the date specified in such notice it shall be unlawful for any person to graze any class of livestock on lands in such district except under authority of a lease made or permission granted by the Secretary; and any person who willfully grazes livestock on such lands after such date and without such authority shall, upon conviction, be punished by a fine of not more than $500.

STOCK DRIVEWAYS AND FREE GRAZING

SEC. 13. (a) The Secretary may establish and maintain, and regulate the use of, stock driveways in districts and may charge a fee or permit the free use of such driveways.

(b) The Secretary may permit any person, including prospectors and miners, to graze free of charge a small number of livestock upon any land included within any grazing district.

(c) The Secretary may permit any native of Alaska (including Eskimos and half-breeds) who has not severed his tribal relations and exercised the right to franchise, to graze any number of livestock owned by him free of charge on the public lands, either within or without a grazing district.

HEARING AND APPEALS

SEC. 14. Any lessee of or applicant for grazing privileges, including any person described in subdivision (c) of section 13, may procure a review of any action or decision of any officer or employee of the Interior Department in respect of such privileges, by filing with the register of the local land office an application for a hearing, stating the nature of the action or decision complained of and the grounds of complaint. Upon the filing of any such application the register of such land office shall proceed to review such action or decision as nearly as may be in accordance with the rules of practice then applicable to applications to contest entries under the public land law. Subject to such rules of practice, appeals may be taken by any party in interest from the decision of the register to the Commissioner of the General Land Office, and from the decision of the Commissioner of the General Land Office to the Secretary.

ADMINISTRATION

SEC. 15. (a) The Secretary shall promulgate all rules and regulations necessary to the administration of this title, shall execute its provisions, and may (1) in accordance with the civil service laws appoint such employees and in accordance with the classification act of 1923 fix their compensation, and (2) make such expenditures (including expenditures for personal service and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, and for printing and binding) as may be necessary efficiently to execute the provisions of this title.

(b) The Secretary of Agriculture is authorized, upon the request of the Secretary of the Interior, to cooperate in the administration of this act in matters pertaining to the care of plant and animal life, including reindeer.

LAWS APPLICABLE

SEC. 16. Laws now applicable to lands or resources in the Territory of Alaska shall continue in force and effect to the same extent and in the same manner after the enactment of this act as before, and nothing in this act shall preclude or prevent ingress or egress upon the lands in districts for any purpose authorized by any such law, including prospecting for and extraction of minerals.

The amendment was agreed to.

Mr. WILLIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On pge 2, at the end of line 19, it is proposed to strike out the words "national forests" and insert in lieu thereof the words "Aleutian Islands Reservation, national forests, and other reservations administered by the Secretary of Agriculture."

Mr. WILLIS. This amendment is requested by the Secretary of Agriculture.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Ohio.

Mr. STANFIELD. Mr. President, it is not my intention to object to the amendment proposed by the Senator from Ohio, because I do not want to jeopardize the passage of the bill by objecting to the amendment; but I do want to go on record as saying that it is a most impractical proposition. It sets up three different bureaus of administration for the grazing in the Territory of Alaska. That should not be. There necessarily will be two administrative bureaus—the Forest Service and the Department of the Interior—but this puts the Biological Survey in the business of supervising grazing, a venture for which they are not equipped; and they should not be given this authority or this supervision over the grazing in any part of Alaska.

Mr. WILLIS. The Senator admits, however, that this amendment is requested by the Secretary of Agriculture in the Senator's own report.

Mr. STANFIELD. I can very well understand how ambitious these different bureaus of the Government are to build up their influence and their control, and I am not surprised that the head of one of the departments of the Government recommends it. However, the Senate should be the judge of that. It is impractical. If they want it, I am not going to object to it; but it should not be adopted.

Mr. KING. Mr. President, I should like to ask the chairman of the committee whether this bill locks up the lands of Alaska, and will be an impediment to the development of that bleak and barren country, the population of which is being reduced because, it is alleged, of the constant interference of a multitude of Federal officials who do nothing but draw salaries.

May I say that within the past week two gentlemen have been to see me protesting against this bill. I have had no opportunity, not being a member of the committee, to examine its terms, and I therefore must rely upon the members of the committee; but I am told that this bill is in the interest of certain favorites who will get a sort of monopoly, and that it will retard the development of Alaska, instead of promoting it.

Mr. STANFIELD. I am quite sure that the Senator has been misinformed on that point. In fact, quite to the contrary; it will give stability to the industry of grazing livestock and reindeer in Alaska, and will promote development instead of retarding it. There certainly can be no monopoly created under it.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. STANFIELD. I yield.

Mr. ROBINSON of Arkansas. Has the Territorial Legislature of Alaska or other local authority taken any action with respect to the proposed legislation, or made any recommendations concerning it?

Mr. STANFIELD. The Governor of Alaska has recommended it; the Delegate from Alaska has recommended it; and every citizen that I know of in Alaska who is conversant with the situation there has recommended the bill. I can say to the Senator that I know enough about the Alaskan situation and I know enough about the livestock-grazing industry to know that this is absolutely essential if we are going to have an orderly development of Alaska along that line of industry.

Mr. WALSH. Mr. President, I desire to ask a question of the Senator from Oregon. I notice that the term of the lease is limited to a period of 20 years, but I do not see any limitation upon the area that may be included within the lease, nor a limitation on the number of leases which may be made.

Mr. STANFIELD. There is no limit. That is left within the discretion of the Secretary of the Interior and the Secretary of Agriculture, and, under the amendment of the Senator from Ohio, the head of the Biological Survey. There will be those three administrative agencies who will determine that fact.

Mr. WALSH. And they may lease to any one individual or corporation any amount of land for a period of 20 years?

Mr. STANFIELD. They may, within their discretion, as they deem proper.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. KING. Mr. President, I move to amend at the proper place by striking out the word "twenty" and inserting in lieu thereof the word "ten."

I think that the lease of an indefinite area for 20 years will do more to retard the development of Alaska than anything else. I may say that one of the objections urged by the gentleman to whom I refer was, first, that the term of the lease was too long; secondly, that there was no limitation upon the area. One of these gentlemen said that he believed that the purpose was to grant leases to large areas for a term of 20 years, and that would block smaller owners or smaller capitalists from getting leases, and would tend to a monopoly of the lands that were of any value for grazing purposes.

Mr. STANFIELD. I should like to ask the Senator if he has ever visited Alaska or has a concept of the wilderness of that land? Twenty years in the development of that practically unexplored land means nothing. You have to offer a term that will attract people to go there and develop the country. Twenty years is none too long a time; that is certain. When the Senator speaks of the creation of a monopoly for grazing purposes there, to my mind it is almost ridiculous, because it is so far-fetched and so impossible. I can not conceive of anyone who has knowledge of grazing who would suggest the possibility of a monopoly of grazing in that great, practically unknown, and unexplored country.

I hope the Senator will withdraw his amendment.

Mr. WALSH. Mr. President, I want to inquire of the Senator if the period for which agricultural or grazing lands may be leased is limited in the State of Oregon? We have a constitutional inhibition in the State of Montana with respect to agricultural leases, limiting them to a period of not more than 15 years.

Mr. STANFIELD. There is no limitation so far as Alaska is concerned.

Mr. WALSH. I was asking about Oregon.

Mr. STANFIELD. There is no limitation in my State—Oregon.

Mr. WALSH. We have found it to be a wise public policy in our State to limit agricultural leases to a period of 15 years.

Mr. STANFIELD. Of course, the Senator from Montana appreciates the difference between his State and Alaska. While we may talk of Montana as being wild, in the United States it is an old, civilized State, and the grazing industry is well established there. That does not apply to Alaska at all. I am not going to object to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEES IN DISTRICT COURTS OF THE UNITED STATES

The bill (S. 3444) to amend the act of February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States," was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 3 of the act of February 11, 1925 (43 U. S. Stat. L. p. 857), be, and the same is hereby, amended to read as follows:

"SEC. 3. Upon the filing of any answer or paper joining issue, or the entering of order for trial, there shall be charged and collected by the clerk, from the party or parties filing any such answer or paper, for services performed and to be performed by said clerk in said case or proceeding the further sum of $5: *Provided*, That after one fee, as hereinbefore provided in this section, has been paid by any defendant, cross petitioner, intervenor, or party, other defendants, cross petitioners, intervenors, or parties, separately appearing or filing any answer or paper in said suit or proceeding, shall pay a further fee of $2 for each answer or paper so filed: *And provided further*, That upon a plea of not guilty in any original case there shall be charged in the costs the sum of $5, which, however, shall not be demanded of any such defendant unless and until by order, judgment, or decree of the court the costs in the case are taxed and assessed against him."

SEC. 2. That paragraph 6 of section 8 of the said act of February 11, 1925 (43 Stat. L. 858), be, and it is hereby, amended to read as follows:

"6. For a copy of any record, entry, or other paper, and the comparison thereof, 15 cents for each folio of 100 words: *Provided*, That in each criminal case not provided for in section 1033 of the Revised Statutes of the United States the clerk shall furnish each defendant, upon his request, a copy of any information filed or indictment returned against him, the fees for said copy and the certificate thereto, at the rates provided for by law, to be taxed as costs; but such fees shall not be demanded of any such defendant unless and until by order, judgment, or decree of the court the costs in the case are assessed against him."

Mr. WILLIAMS. Mr. President, I would like to inquire of the Senator from Iowa whether, on page 2, line 7, the third word should not be changed. It appears as "original." Should not it be "criminal"?

Mr. CUMMINS. That is a misprint. It ought to be "criminal case," and I move to amend in that regard.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. On page 2, line 7, strike out the word "original" and insert in lieu thereof the word "criminal."

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Mr. President, I ask the Senator from Iowa as to what changes the bill makes in existing law.

Mr. CUMMINS. The two changes that are material in the present law are, first, that when a defendant in a criminal case appears and pleads not guilty the present law requires that he must pay the clerk a fee of $5. This bill provides that he shall not be required to pay that fee unless the judgment or decree of the court taxes the costs against the defendant.

The second change is that under the present law a defendant in a criminal case, before he can get a copy of the indictment against him, must pay 15 cents for each folio of 100 words. This bill provides that that fee can not be required of him unless and until by order, judgment, or decree of the court costs are assessed against him. Those are the two changes made in the present law.

The bill was reported to the Senate as amended and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOREIGN COMMERCE SERVICE

The bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, there are some amendments to be made to this bill, and some questions of rather grave importance to be discussed in connection with it. It is to be the subject of conference during the summer with various departments, and I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over.

RETIREMENT OF CERTAIN ARMY OFFICERS

The bill (S. 3878) to give war-time rank to certain officers on the retired list of the Army was announced as next in order.

Mr. KING. Let that go over.

Mr. TYSON. Mr. President, I will ask the Senator from Utah if he will not withdraw his objection temporarily.

Mr. KING. I am glad to do so.

Mr. TYSON. This bill does not carry any appropriation whatever and is simply intended to give these officers on the retired list of the Army the rank which they held during the war.

Mr. WILLIAMS. Mr. President, I would like to inquire of the Senator from Tennessee whether any report was ever made by the War Department on the bill.

Mr. TYSON. I have a report of the War Department here, giving the policy of the War Department, which was written to Mr. McKenzie, of the House of Representatives, and I will read it if the Senator desires. The bill practically incorporates the policy of the War Department.

Mr. WILLIAMS. The bill has not been before the House. This is a Senate bill.

Mr. TYSON. A similar bill was introduced in the House about two years ago, and a report was made on it at that time.

This bill has been reported from the Committee on Military Affairs unanimously, all of the members of the committee being favorable to it, and it does not carry any appropriation whatever. It is in exact accordance with the report made by Secretary Weeks, and no change has been made in the policy of the War Department. I can read their report, if the Senator desires. This is the policy of the War Department, as stated in this communication:

That the President of the United States be, and he is hereby, authorized to nominate and by and with the advice and consent of the Senate, to appoint any commissioned officer of the Army not above the grade of brigadier general, who served in the Army of the United States during the World War, whose service since that war has been creditable, and who has been or may hereafter be retired according to law, to an advanced grade on the retired list at the highest grade held by him during the World War: *Provided*, That no officer shall be thus promoted who was demoted prior to November 11, 1918, for professional unfitness: *And provided further*, That any officer so advanced on the retired list shall continue to receive the pay and allowances of his grade at date of such advancement and that no increase of pay and allowances shall result from the provisions of this act.

This bill is drawn exactly in accordance with that policy laid out by the War Department. I am sure that if Senators understand the situation of these officers there will be no objection to the bill. I received a letter from one of them the other day, and he had just suffered a stroke of apoplexy. Some of them have already died, and if something is not done promptly some of them will never be promoted during their lifetime. They simply want this rank so that they can be carried on the retired list and can be given the title which they held during the World War.

It seems to me, Senators, that it is only fair and just to those officers, and I will ask the Senate to permit me to read what General Pershing said in his report to the War Department just before his retirement in regard to promoting officers on the retired list. He stated:

I would further recommend that officers of the Regular Army who held the grade of major general or brigadier general during the World War and who were awarded the distinguished-service medal for service in either grade, and that officers who were recommended during the war by the commander in chief of the American Expeditionary Forces for promotion to either grade and who were awarded the distinguished-service medal be authorized by Congress to retire with such grade or be given the grade if already on the retired list.

When this bill was referred to the War Department they reported that they did not think it was right and proper that it should be required that an officer should have the distinguished-service medal. We therefore struck out that provision, and a new bill was written, in which it was not provided that the distinguished-service medal must have been received by the officer before he could be retired, thereby indicating that the War Department thought it was only right and fair that officers who had creditable records should be retired with the highest rank they held on November 11, 1918. We have framed the bill in such a way that there could not be any possibility that an officer who had not had a creditable record should get the benefit of this act.

I hope the Senate will permit this bill to be passed.

Mr. KING. Mr. President, will the Senator yield?

Mr. TYSON. I yield.

Mr. KING. I would like to ask the Senator if the same privilege will be granted to officers of the Regular Army who, during hostilities, were advanced to certain grades, and after hostilities, to use the Senator's expression, were demoted; if, when they are retired in the demoted rank, they will be retired with the rank they then have or will have the advantage of the higher rank which they enjoyed temporarily during the war.

Mr. TYSON. The idea is that they shall have the rank which they had on the 11th day of November, 1918.

There are some officers who may not get the highest rank they had at that time, because of the fact that the policy of the War Department is that if they had been demoted they would not have this rank, but the highest rank which they held on the 11th day of November is what is provided for in the bill.

Mr. KING. I shall not object, but I want a little further explanation, and I want to make an observation. I wish to inquire, either of the able Senator from Tennessee or the chairman of the committee, whether this discriminates between the so-called reserve officers and the officers of the Regular Army?

Take a case to illustrate what I mean. Two officers, one a reserve officer who had, during the war, the rank of major, and afterwards was placed on the reserve list with the rank of captain; and a Regular Army officer, advanced to the rank of lieutenant colonel during the war, and then, when we returned to peace, went into the Regular Army again with the title of major. When the latter retired would he be retired as a major or retired with the rank of lieutenant colonel? I am speaking now of the Regular Army.

Mr. TYSON. There is nothing provided for in that respect.

Mr. KING. Does the bill deal only with reserve officers?

Mr. TYSON. It deals entirely with officers of the Regular Army. No other officers have been retired except officers of the Regular Army. We have not had an opportunity to get up the bill providing for the retirement of National Army officers. Whenever we get those retired this might have some effect on them. But no officers are involved in this legislation except retired regular officers.

Mr. KING. It simply means, if I understand the Senator, that when these officers retire they will get the compensation of the highest rank which they held?

Mr. TYSON. Not at all. It specifically provides that they shall not get any increase of pay or allowances on account of the provisions of the act. They do not get any increased pay at all. They get only that which they got at the time they were retired.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. TYSON. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I think I can state the substance of this bill in one sentence by saying that it simply gives brevet titles to those officers who earned them during hostilities. It does not give them any additional allowances or any additional pay. I can not see that it involves any discrimination against any reserve or National Guard officer. All of them, so far as I know, were discharged—they were not retired—with the ranks which they held at the time they were discharged, the highest ranks which they had attained up to that moment.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The first two amendments to the bill were agreed to on May 10, and the clerk will state the next amendment.

The CHIEF CLERK. On page 1, line 10, after the word "list," strike out the words "at the highest grade held by him during the World War" and insert "corresponding with the temporary rank held by him on November 11, 1918."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MUSCLE SHOALS

The bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, was announced as next in order.

Mr. JOHNSON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOHN H. COWLEY

The bill (H. R. 949) for the relief of John H. Cowley, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws, benefits, or privileges conferred upon honorably discharged soldiers, John H. Cowley shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private serving in the Fourth Regiment Michigan Volunteer Cavalry on the 1st day of July, 1865: *Provided*, That no back pay, bounty, or pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN S. M'HENRY

The bill (H. R. 534) to remove the charge of desertion from the record of Benjamin S. McHenry was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against Benjamin S. McHenry, late of Company K, Third Regiment United States Cavalry, and to grant and issue to said Benjamin S. McHenry an honorable discharge from said service and restore his proper name of Benjamin S. McHenry in lieu of the name under which he was erroneously enlisted, Henry Benjamin: *Provided*, That no back

pay, bounty, or pension shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROMOTION OF NONCOMMISSIONED OFFICERS IN THE ARMY

The bill (S. 2081) placing certain noncommissioned officers in the first grade was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

Mr. ROBINSON of Arkansas. It is noted from the report that the Secretary of War approves, apparently, the purpose of the bill, but recommends a substitute for it.

Mr. KING. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

MATERNITY AND INFANCY ACT

The bill (H. R. 7555) to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SHEPPARD. Mr. President, I ask permision to have printed in the RECORD at this point a reply to a statement which was placed in the RECORD on June 15 by the Senator from Connecticut [Mr. BINGHAM], which related to this bill. This reply was prepared by a careful student of the bill and its operation.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

The statement appearing in the RECORD of June 15, entitled, "Save babies by rejecting maternity act," contains inaccuracies which should not go uncorrected.

The theme of this statement is that the infant mortality rate based on the 1924 figures was lower for the five States not accepting the maternity and infancy act than for the 28 States in the birth-registration area which were receiving Federal aid.

In the first place, the five States not accepting the maternity and infancy act are Maine, Massachusetts, Connecticut, Illinois, and Kansas. All these States have a small percentage of Negroes in their population. The negro infant mortality rate is very much higher than the white. In a State in which the Negroes form a large per cent of the population the infant mortality rate for the State may be higher than the rate in a State which has a small percentage of Negroes, although in the former the rates for the white and for the colored, respectively, are lower than the white and the colored rates in the latter. It is to be expected that the rate for a group of States which includes Florida, North and South Carolina, Mississippi, and Virginia would be considerably higher than the five States which have not accepted the maternity and infancy act. As a matter of fact, however, only a very slight difference is found, approximately 50 per cent less than the statement which appears in the RECORD for June 15. It is obviously a mistake to say that the table submitted in that statement from Connecticut was furnished by the Census Bureau, because the rates reported by the Census Bureau, both the provisional and the final figures for the year cited (i. e., 1924), differ from those submitted.

The Census Bureau reports show the following very slight difference in spite of the very great differences in population.

Total of 33 States in birth-registration area

States	Births 1924	Deaths under 1 year, 1924	Deaths under 1 year per 1,000 births
33 States	1,921,333	136,025	70.8
Maternity act not accepted, 5 States:			
Connecticut	31,715	2,180	68.7
Illinois	137,118	9,734	71.0
Kansas	37,929	2,238	59.0
Maine	18,477	1,493	80.8
Massachusetts	91,487	6,188	67.6
Total	316,726	21,833	68.9
Maternity act accepted, 28 States	1,604,607	114,192	71.2

But it is, of course, not possible to draw any conclusions from the rates for a single year. Fluctuations from year to year are certain to occur. The important question is the level around which the rates fluctuate. The Chief of the Children's Bureau in her testimony before the House committee said the evidence seemed to warrant the conclusion that a new low level was established in 1924 and submitted rates from 1915, when the birth-registration area was established, in order that members could see what the trend had been during the whole period for which information was available. The maternity and infancy act has not been in operation long enough to do anything more than to make a beginning. It is for this reason an extension is asked. The reductions, however, are nevertheless most encouraging to those who support the act.

In 1923, the first full year of operation under the maternity act, the infant mortality rate was 77. In 1924 it had dropped to 71.

Reductions were effected in 21 of the 28 States in the birth-registration area which accepted the act. There were slight increases in four States and three were admitted to the birth-registration area only in 1924, so that comparison with the previous year is not possible. In a number of States the improvement was very great. Wyoming, for example, showed a reduction of more than 15 per cent in its infant mortality, and Rhode Island and New Hampshire decreases of 14 per cent. Five States accepting the act showed lower infant mortality rates than the lowest not accepting, and the rates of 14 States accepting the act were lower than the rate for the five States (68.9) not accepting.

The figures for 1925 are not complete for the birth-registration area. Indications are that the lower level reached in 1924 will be approximately maintained for the area. It can not be expected that even with a generally downward trend the annual decline will be constant.

For 1925 a decline in infant mortality is indicated for Delaware, Florida, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, and Rhode Island, upon the face of provisional rates.

In the District of Columbia and in the States not receiving the benefit of the maternity act, the rates for 1924 and 1925 show an increase in four States, as the following figures show:

	1924	1925
Connecticut	69	74
Illinois	71	73
Kansas	59	62
Maine	81	77
Massachusetts	68	(1)
District of Columbia	76	88

[1] Rate not available.

The rate for the 30 States for which the provisional figures are available is 72 in 1925 as compared with 71 in 1924.

In this connection it should be stated that the maternity and infancy act has stimulated State activities promoting the welfare of mothers and babies in States not accepting the act. In these States there were large groups of citizens who became, as a result of the widespread public discussion of the act, much concerned about the unnecessary deaths among mothers and babies. States refusing Federal aid were thus encouraged by public opinion to increase State appropriations for this work.

As to the number of States in the birth-registration area it is inaccurate to say that 15 States that have accepted the maternity act are not in the birth-registration area because they are not willing to let their births and deaths be known, the inference being that the State officials had these figures and were unwilling to make them public. States are admitted to the birth-registration area if the State legislatures have passed the uniform birth registration law and if doctors, midwives, and other attendants at birth are reporting births in accordance with that law so that at least 90 per cent of all births are reported. This fact is ascertained through a test made by the Census Bureau.

The Children's Bureau has since it was established cooperated actively with the Census Bureau, with the States, and with private agencies in promoting birth registration. Its reports and the reports of the States accepting the maternity and infancy act indicate the expenditure of time and money in the promotion of this end.

Although the statement filed on June 15 implies the contrary, progress has been made since 1921, when the maternity and infancy act was passed. Three States were admitted to the registration area in 1922, three in 1924, and one in 1925, and several States are requesting tests this year. All of the State officers who are in charge of the administration of the maternity and infancy act are making great efforts to secure complete registration of births and deaths because they know that accurate information will be of great assistance in planning their programs. States which are not in the birth registration are among those most in need of assistance rather than the ones which should be denied funds.

UNITED STATES BOTANIC GARDEN

The bill (S. 4153) to provide for enlarging and relocating the United States Botanic Garden, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purpose of enlarging and relocating the United States Botanic Garden, the Joint Committee on the Library is authorized and directed—

(1) To acquire on behalf of the United States, by purchase, condemnation, or otherwise, in accordance with the provisions of section 3 or the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890, as amended, all of the privately owned land, buildings, and other structures in square No. 576 and square No. 578 in the District of Columbia, as such squares appear on the records in the office of the surveyor of the District of Columbia as of the date of the passage of this act. Upon the acquisition of such land, buildings, and structures all of the land contained in square No. 576 and square No. 578 shall become a part of the United States Botanic Garden and shall be under the jurisdiction and control of the Joint Committee on the Library.

(2) To provide for the removal of such buildings and other structures now located upon the squares specified in paragraph (1) as it deems necessary.

(3) To provide for the removal of the Bartholdi Fountain and its basin and equipment from its present site and the reerection of the same upon a suitable location upon one of the squares specified in paragraph (1).

(4) To investigate the cost of the construction of new conservatories and other necessary buildings for the United States Botanic Garden, to procure preliminary plans and estimates, by contract or otherwise, for such conservatories and buildings, and to report thereon to Congress before the end of the second regular session of the Sixty-ninth Congress. In making such investigation and report the Joint Committee on the Library is hereby authorized to procure advice and assistance from any existing governmental agency, including the services of engineers, surveyors, draftsmen, architects, and other technical personnel in the executive departments and independent establishments of the Government. For the purpose of this paragraph the unexpended balance of the appropriations made pursuant to the authority contained in Public Resolution No. 42, approved January 7, 1925, is hereby made available.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $820,000, or so much thereof as may be necessary, to enable the Joint Committee on the Library to carry out the provisions of paragraphs (1), (2), and (3) of section 1 of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL RESERVE PENSION FUND

The bill (S. 3657) to incorporate the Federal Reserve pension fund, to define its functions, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

J. B. ELLIOTT

The bill (H. R. 7027) for the relief of J. B. Elliott was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $470.61, to J. B. Elliott, postmaster at Athens, Tenn., being the amount paid out by him as the result of services rendered by an expert in burning open the doors of a safe in the post office at Athens, Tenn., which refused to function on July 10, 1922.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VERDE RIVER IRRIGATION AND POWER DISTRICT

The bill (S. 3342) to remove clouds from the title of the Verde River irrigation and power district to its approved rights of way for reservoirs and canals and extend the time for construction of its project, and for other purposes, was announced as next in order.

Mr. ASHURST. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOHN H. RHINELANDER

The bill (S. 2524) for the relief of John H. Rhinelander was announced as next in order.

Mr. KING. I would like to have an explanation of the bill. I ask the Senator from Missouri [Mr. WILLIAMS] if the claimant would not come under the compensation act?

Mr. WILLIAMS. No; he does not come under the compensation act.

Mr. KING. May I inquire, being in the employ of the Government, why he would not come under the compensation act?

Mr. REED of Pennsylvania. Because the accident happened 43 years ago.

Mr. KING. I think it had better rest another year.

The PRESIDENT pro tempore. The bill will be passed over.

THE COAL INDUSTRY

The bill (S. 4177) to regulate interstate and foreign commerce in coal and to promote the general welfare, dependent on the use of coal, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over!

Mr. COPELAND. Mr. President, did I hear objection to the bill?

The PRESIDENT pro tempore. The Chair heard several Senators object.

Mr. COPELAND. I understood that the Senate was unanimously in favor of the bill. I am surprised that there is any objection interposed.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF SECTION 125, NATIONAL DEFENSE ACT, 1916

The bill (H. R. 8592) to further amend section 125 of the national defense act of June 3, 1916, as amended, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 125 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, further amended so that the first proviso contained in the second paragraph of that section will read as follows:

"*Provided*, That hereafter, upon the discharge or furlough to the reserve of an enlisted man, all uniform outer clothing then in his possession, except such articles as he may be permitted to wear from the place of termination of his active service to his home, as authorized by this section, will be retained for military use."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPUTY DISBURSING OFFICERS, ARMY, NAVY, AND MARINE CORPS

The bill (H. R. 5223) to authorize the disbursing officers of the Army, Navy, and Marine Corps to designate deputies was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That when, in the opinion of the Secretary of War or the Secretary of the Navy, the exigencies of the service so require, disbursing officers of the Army, Navy, and Marine Corps may, with the approval of the head of their executive department and the consent of their surety or sureties, if any, designate deputies for the purpose of having them make disbursements as their agents, sign checks drawn against their disbursing accounts with the Treasurer of the United States, and discharge all other duties required according to law or regulation to be performed by such disbursing officers, and the agent officer shall be subject, for his official misconduct, to all liabilities and penalties prescribed by law in like cases for the officer for whom he acts as deputy: *Provided*, That every deputy so designated for a disbursing officer who is bonded shall, if not already under bond, give bond as required by the head of the department concerned.

Mr. KING. Mr. President, may I inquire of the Senator from New York [Mr. WADSWORTH] whether the bill calls for additional employees?

Mr. WADSWORTH. It does not.

Mr. KING. Or additional expense to the Government?

Mr. WADSWORTH. It does not. While this is a House bill, the Senate has passed a bill almost exactly like it for the same purpose.

Mr. KING. I have no objection to its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL INDEFINITELY POSTPONED

The bill (S. 3692) authorizing an appropriation for recopying, rebinding, and otherwise preserving valuable old records of office of Indian Agency at Muskogee, Okla., was announced as next in order.

Mr. CURTIS. Mr. President, the bill ought to be indefinitely postponed. I make that motion.

The motion was agreed to.

PYRAMID LAKE INDIAN RESERVATION IN NEVADA

The bill (S. 4132) to amend section 1 of the act of June 7, 1924, entitled "An act for the relief of settlers and town-site occupants of certain lands in the Pyramid Lake Indian Reservation, in Nevada, and for other purposes," was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue patents to settlers or their transferees qualified to purchase under the provisions of section 1 of the act of Congress approved June 7, 1924 (43 Stat. L., p. 596), for lands settled upon, occupied, and improved by said settlers or their transferees, as provided in said act, upon payment of $2.50 per acre, and the Secretary of the Treasury is hereby authorized and directed to repay to

purchasers under said act of June 7, 1924, the difference between amounts heretofore paid by them and deposited in the Treasury of the United States and the sum of $2.50 per acre for lands so purchased.

SEC. 2. That there is hereby authorized to be appropriated, out of any moneys in the United States Treasury not otherwise appropriated, the sum of $31,722.96, or so much thereof as may be necessary, said moneys to be expended in repaying to settlers or their transferees the amounts heretofore paid by them in excess of $2.50 per acre for said lands, and the balance, as well as the proceeds of sales under this act, shall be deposited in the Treasury of the United States and be subject to appropriation by Congress for the Paiute Indians of the said Pyramid Lake Indian Reservation, as provided in said act of Congress approved June 7, 1924.

Mr. COPELAND. Mr. President, does this mean that more money is to be taken away from the Indians? Will they not run out of money after a while?

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from New York yield to the Senator from Nevada?

Mr. COPELAND. With pleasure.

Mr. PITTMAN. The bill does not take money out of the Indians. In fact, it puts money in their pockets.

Mr. COPELAND. I am very glad, because, ordinarily, it comes out of the Indians for the benefit of the white man.

Mr. PITTMAN. This is my colleague's bill, and I approve of it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF SETTLERS IN LAKE COUNTY, FLA.

The bill (H. R. 8714) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty survey in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments.

The first amendment was, on page 1, line 8, after the word "east," to insert the words "and sections 7, 8, 17, 18, 19, 30, and 31, in township 19 south, range 27 east."

The amendment was agreed to.

The next amendment was, on page 3, to insert new sections 3 and 4, as follows:

SEC. 3. That in fixing the appraised price of such lands the Secretary of the Interior shall consider and give effect to the good faith and equities of the occupants of any of the areas found to be public land, and if the whole or any part of such land be within the corporate limits of the town of Tavares, the survey of the lots, blocks, streets, and alleys shall be considered as executed under the provisions of section 2384, Revised Statutes, but as far as practicable shall conform to the existing surveys and plats of the lots in such town: *Provided*, That the Secretary may, in his discretion, issue a patent to Lake County, Fla., to not exceeding 1 acre upon which the county courthouse is located, such patent to provide that the land shall revert to the Government of the United States if the county sells any part thereof, or devotes it to any use other than as a site for a courthouse and grounds.

SEC. 4. That the provisions of section 2382 Revised Statutes, as modified by sections 2384 and 2385 Revised Statutes, shall extend to all areas surveyed as within and a part of the town of Tavares, but any applicant may elect to proceed under section 1 of this act.

The amendment was agreed to.

Mr. TRAMMELL. Mr. President, my colleague [Mr. FLETCHER] introduced a companion bill to this measure. The last I knew of the situation in regard to the bill I had a request from him to have the bill held in abeyance until he might let me know further about it. Has the chairman of the committee any information in regard to the bill?

Mr. STANFIELD. Mr. President, the senior Senator from Florida [Mr. FLETCHER] did make such a request, but I understood he had withdrawn his objection. That is my understanding. I have no interest in the bill other than that of the Senator from Florida, and whatever he desires will be agreeable to me as chairman of the committee.

Mr. TRAMMELL. I very much regret it, but I do not know the wishes of my colleague in regard to it further than that he requested me to have the bill passed over until he let me know further about it.

Mr. STANFIELD. I suggest to the Senator from Florida, if he is willing, that he might ask that the bill go over until to-morrow, when he may confer with his colleague.

Mr. TRAMMELL. We could let the bill pass and then, if we want to hold it up, we could make a motion to reconsider. If it is agreeable I shall let it take that course.

Mr. WALSH. Mr. President, in view of the statement of the Senator from Florida I think we ought not to pass the bill. I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (H. R. 9971) for the regulation of radio communications, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This is the unfinished business.

Mr. COUZENS. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

THOMAS H. BURGESS

The bill (H. R. 4252) for the relief of Thomas H. Burgess was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Thomas H. Burgess shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company E, Fifth Regiment Ohio Volunteer Infantry: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3533) to provide for the better definition and extension of the purpose and duties of the Bureau of Education, and for other purposes, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3255) for the relief of certain counties in the States of Oregon and Washington, within whose boundaries the revested Oregon & California Railroad Co. grant lands are located, was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

Mr. STANFIELD. I hope the Senator will withhold his objection to the bill. The bill has been before the Senate for a considerable time. A companion bill or identically the same bill was passed by the House. The measure has been fully considered by both the House committee and the Senate committee and has been favorably reported.

It is a bill providing for the extension of relief under what is known as the Chamberlain-Ferris revestment act, revesting in certain counties of Oregon and Washington the title of certain Oregon-California grant lands, some 23 per cent of all the area in 18 counties in Oregon and 1 county in Washington. The Chamberlain-Ferris Act contemplated that the sale of timber would be of sufficient rapidity to provide income to the county to equal the taxes. Under the administration of the Interior Department that has not been the result and the return is not sufficient.

However, the Interior Department could sell the timber sufficiently rapidly to make return to the counties as proposed under the Chamberlain-Ferris Act, but that meets with the opposition of the conservationists of the country, and I think perhaps they are right and that a longer time should be used in selling the timber. The bill is not going to cost the Government a dollar. It amounts to about $460,000 a year to these counties that is being withheld, but securing that is a potential value of between $60,000,000 and $120,000,000. The property is conservatively estimated at a value of $60,000,000 and a probable value of $120,000,000. I hope the Senator will withdraw his objection and not withhold this relief from those counties, which are very much in need of it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. I object.

The PRESIDING OFFICER. The bill will be passed over.

SAN BERNARDINO NATIONAL FOREST GAME PRESERVE

The bill (H. R. 8120) to create within the San Bernardino National Forest in Riverside County, Calif., a national game preserve under the jurisdiction of the Secretary of Agriculture and to authorize an exchange of Government land for privately owned land within the area of said preserve was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby created within the San Bernardino National Forest in Riverside County, Calif., for the protection of game animals, and as the recognized breeding place therefor, the Tahquitz National Game Preserve, which shall include the following lands: Sections 28, 29, 30, 31, 32, 33, 34, and 35, township 3 south, range 3 east, San Bernardino meridian; sections 1, 2, 3, 4, 9,

10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, township 4 south, range 3 east, San Bernardino meridian; and sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, and 24, township 5 south, range 3 east, San Bernardino meridian; but the establishment of this reservation shall not interfere with any existing right or withdrawals made prior to passage of this act: *Provided*, That all the land with the exterior boundary of the aforesaid tract shall first become the property of the United States.

That where the Government survey has not been completed the aforesaid description shall be deemed to refer to and be determined by lines projected from the official survey.

SEC. 2. That the lands included in said game preserve shall continue to be parts of the national forest and nothing contained in this act shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and rules and regulations applicable thereto so far as any such use may be consistent with the purposes for which said game preserve is established.

SEC. 3. On lands within the game preserve established in section 2 of this act, hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals or birds for any purpose whatever upon the lands of the United States within the limits of said game preserve shall be unlawful except as hereinafter provided, and any person violating any provision of this section or any of the rules and regulations made under the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court, be fined in a sum not exceeding $500, or be imprisoned for a period not exceeding six months, or shall suffer both the fine and imprisonment, in the discretion of the court.

SEC. 4. The Secretary of Agriculture shall execute the provision of this act, and he is hereby authorized to make all needful rules and regulations for the administration of such game preserves in accordance with the purpose of this act, including regulations for hunting, capturing, or killing predatory animals, such as wolves, coyotes, cougar, and other species destructive to livestock or wild life within the limits of said game preserve.

SEC. 5. Upon the recommendation of the Secretary of Agriculture the Secretary of the Interior be, and hereby is, authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within the boundaries of the game preserve established hereby, and make exchange therefor under the provisions of the act approved March 20, 1922 (42 Stat. p. 465).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2609) for the relief of James E. Van Horne was announced as next in order.

Mr. ROBINSON of Arkansas. There does not appear to be any report accompanying the bill.

The PRESIDING OFFICER. The Chair is advised that the report is No. 786.

Mr. ROBINSON of Arkansas. I do not find a copy of the report in my file. Let the bill go over.

The PRESIDING OFFICER. The bill goes over.

VIRGINIA STRICKLAND

The bill (H. R. 10109) for the relief of Virginia Strickland was announced as next in order.

Mr. KING. Let the bill go over.

Mr. WADSWORTH. Mr. President, I feel pretty certain the Senator from Utah would not object to the passage of the bill if he knew the facts.

Mr. KING. I shall be glad to hear the Senator state them.

Mr. WADSWORTH. The man had three enlistments in the Civil War and served faithfully for more than three years. He reenlisted twice, and at the very end of the war was taken desperately ill and sent to the Army hospital and finally wound up in a general hospital at Nashville, Tenn. There he failed to recover. The surgeon at the hospital apparently gave him no hope for recovery and sent him home. He was ever thereafter carried as a deserter on the rolls of the unit with which he last served. As a matter of fact, he had long service in battle.

Mr. KING. I recall the case. I talked with the Senator from Georgia [Mr. GEORGE] in regard to it. I withdraw my objection.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon widows of honorably discharged soldiers, Orrin F. Strickland, late of Company D, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 26th day of December, 1864: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2113) to carry into effect the twelfth article of the treaty between the United States and the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians proclaimed October 14, 1868, was announced as next in order.

Mr. COPELAND. What is this Indian bill about?

The PRESIDING OFFICER. Does the Senator demand the reading of the bill?

Mr. PITTMAN. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HARRELD subsequently said: Mr. President, Calendar No. 808, Senate bill 2113, was called a moment ago and some one objected to it. I was out of the Chamber at the moment. I ask that we may return to that order of business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma to recur to Order of Business 808?

Mr. PITTMAN. I object.

The PRESIDING OFFICER. Objection is made.

The bill (S. 4224) to amend Title II of an act approved February 23, 1925 (43 Stat. 1053), regulating postal rates, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator from New Hampshire [Mr. MOSES] or any member of the committee, in view of the fact that we have a deficiency in postal returns, whether this is to increase the deficiency? I suggest that we pass it over until the Senator from New Hampshire returns to the Chamber. He is temporarily absent.

The PRESIDING OFFICER. The bill will be passed over.

CHARLES B. BECK

The bill (H. R. 6003) for the relief of Charles B. Beck was announced as next in order.

Mr. KING. Let the bill be read.

The Chief Clerk read the bill.

Mr. KING. I would like to ask the Senator from Delaware whether or not there was any negligence on the part of the postmaster in the employment of this individual or in the retention of him after he may have discovered his incompetency or his dishonesty?

Mr. BAYARD. I will say to the Senator from Utah that a thorough examination was had by the postal authorities which disclosed no negligence whatever on the part of the postmaster. The subordinate official had been bonded in the usual amount and that amount, some $2,000, was paid. He had absconded with more than $3,000, and the bill relates to the amount which was not covered by the absconding man's bond. He was caught, convicted, and confessed, and a thorough examination was had, as I said, by the postal authorities, who entirely exonerated the postmaster. The record disclosed a number of letters from people in authority and people of influence in his community, all certifying to his perfect honesty.

Mr. KING. I would like to ask the Senator whether or not bonds are required of subordinates so the Government may be protected as well as the postmaster?

Mr. BAYARD. Apparently the bond was only to the amount of $2,000, which is the usual bond required of subordinates of that class.

Mr. KING. I have no objection.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,729.94, to Charles B. Beck, postmaster at Richmond, Ind., said sum being the sum he voluntarily paid into the Treasury to make good the amount of public money appropriated by a postal clerk, Otto H. Sprong, to his own use, who was duly tried and convicted of said crime, and punished by imprisonment in the penitentiary.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 92) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name, was announced as next in order.

SEVERAL SENATORS. Over!

The PRESIDING OFFICER. The joint resolution will be passed over.

EDWARD N. MOORE

The bill (H. R. 6226) for the relief of Edward N. Moore was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any law conferring rights, privileges, or benefits upon honorably discharged soldiers, Edward N. Moore shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company A, Fifty-first Regiment New York Volunteer Infantry, and Battery A, Fifth Regiment United States Volunteer Artillery, on the 19th day of August, 1865: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF RETIRED ARMY OFFICERS

The bill (S. 4101) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, as amended by the act of May 31, 1924, was announced as next in order.

Mr. ROBINSON of Arkansas. What change does this bill make in the present law?

Mr. CUMMINS. Mr. President, a word will explain the bill. In the legislative, executive, and judicial appropriation act of 1894, which was amended in 1924, it will be remembered that it was provided that no person should hold two offices the aggregate salary of which exceeded $2,500. This is to relieve the retired Army officers of the provisions of that section. I introduced it at the suggestion of General Andrews, who believes that he can more effectually enforce the prohibitory law if he is given a wider latitude with regard to the appointment of retired Army officers. That is all there is of it.

Mr. WADSWORTH. Mr. President, this bill has to do with the employment of retired officers of the Army and the Navy in the civil branch of the Government?

Mr. CUMMINS. Yes.

Mr. WADSWORTH. Mr. President, I desire to make a statement in that connection. It will be very brief. Under existing law a retired officer of the Army may be appointed to hold a position drawing more than $2,500 a year salary if that position is one which is subject to appointment by the President and confirmation by the Senate. Also in certain cases officers of the Army who have been retired for physical disability in the line of duty may hold positions civil in character under the Government at salaries in excess of $2,500. Those are the two exceptions. All other officers of the Army and of the Navy on the retired list are ineligible for civilian appointments drawing salaries in excess of $2,500.

I know that General Andrews, Director of the Prohibition Bureau, is anxious that this bill shall pass, because he believes that he can get reliable men from the retired list of the Army and the Navy and appoint them as directors of prohibition in various parts of the country and perhaps here at Washington. I sympathize with him in his desire, and I believe it is true that he can get men of the highest ideals, and reliable men, who will do their duty in that extraordinarily difficult undertaking, the enforcement of prohibition. But, Mr. President, in this matter we must first have regard for the Army and Navy; and I fear if we enact a statute making eligible retired Army and Navy officers for civilian appointments under the Government, without any restriction, that hereafter officers on the active list of the Army and of the Navy will pass too much of their time as officers figuring out what political jobs they can get after they shall have been retired.

I for one do not want to see the officers of the Army and the Navy having that kind of thought in their minds while they are serving in the line of either service. I think it would in the end be demoralizing. I think they would be tempted to make plans and acquaintances and contacts with the heads of civilian branches of the Government so that when they were retired at the end of 30 years' active service, for example, or at the end of 40 years, they would then get a political appointment from somebody; and, Mr. President, the more sharply we divide the military branch of the Government from the civil branch, and prevent them from merging one with the other, the better for both. I shall have to object to the consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 4207) to amend and strengthen the national prohibition act and the act of November 23, 1921, supplemental thereto, and for other purposes, was announced as next in order.

Mr. EDWARDS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 455) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. BRATTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 477) to give the Supreme Court of the United States authority to make and publish rules in common-law action, was announced as next in order.

Mr. CUMMINS. That bill may be passed over.

The PRESIDING OFFICER. The bill will be passed over.

EDWARD R. LEDWELL

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4119) for the relief of Edward R. Ledwell, which had been reported from the Committee on Military Affairs, with an amendment on page 1, line 10, after the letter "B," to strike out "Thirteenth" and to insert "Thirtieth," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward R. Ledwell, who enlisted in the United States Army on September 2, 1898, to serve three years, and was assigned as a private to Company A, Third Regiment United States Infantry, and was honorably discharged from the service January 4, 1899, and again enlisted August 29, 1899, and was assigned as a private to Company B, Thirtieth Regiment United States Volunteer Infantry, and was honorably discharged from the service December 8, 1900, and again enlisted March 22, 1901, for three years, as a private of ordnance at Rock Island Arsenal, Ill., shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of ordnance on the 4th day of September, 1902: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOWARD A. MOUNT

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2254) for the relief of Howard A. Mount. It proposes to pay to Howard A. Mount, of Washington, D. C., $685.64, to compensate him as philatelic stamp agent, Post Office Department, for loss of postage stamps inadvertently destroyed without credit in course of redemption in the department.

Mr. KING. Mr. President, I should like an explanation of that bill. However, I perceive that the junior Senator from North Dakota [Mr. NYE], who has won a great victory to-day, I am told, is absent, and he is the author of the bill. Perhaps we ought not to object to the consideration of the bill in his absence, so I shall not make objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 3278) for the relief of A. S. Rosenthal Co. was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Let us have an explanation of the bill, Mr. President.

The PRESIDING OFFICER. When the Senators ask for information relative to a bill they must direct their inquiry to a particular Senator.

Mr. KING. Then, I object to the consideration of the bill.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

The bill (H. R. 6466) for the relief of Edward C. Roser was announced as next in order.

Mr. BRATTON. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

NATALIE SUMMERS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9135) for the relief of Natalie Summers. It proposes to pay to Natalie Summers, of the city of Washington, D. C., $506.67, the amount paid by her as premium which she was required to pay on her bond as administratrix of her deceased husband, Maddin Summers, formerly American consul general at Moscow, Russia, and who died at his post of

duty in 1918, on funds belonging to the United States and which came into her possession as administratrix and for which she has duly accounted to the United States Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GERALDINE KESTER

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5441) for the relief of Geraldine Kester. It proposes to pay, in full settlement against the Government, to the legal guardian of Geraldine Kester, $5,000 in compensation for injuries caused by a post-office truck, resulting in the amputation of her left leg.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPERIMENT STATION AT MANDAN, N. DAK.

The bill (H. R. 1472) to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak., was announced as next in order.

Mr. COUZENS. I ask that the bill go over.

The PRESIDENT pro tempore. Objection is made to the consideration of the bill.

Mr. NORRIS. I wish the Senator from Michigan would withhold his objection to the bill.

Mr. COUZENS. I made objection because the Senator who introduced the bill is not present; but I withdraw the objection.

Mr. NORRIS. Mr. President, this bill provides for the establishment at Mandan, N. Dak., of a dairy and livestock experiment station. It does not provide for the establishment of a new station; there is a station already there, which is known as the Great Plains Experiment Station. It is, I think, especially important, I should like to say to the Senator from Michigan, that this particular experiment station be authorized to experiment in dairying and stock breeding. It will be remembered that we had several days' debate here a few years ago on a bill which proposed to appropriate a considerable sum of money with a view to trying to induce the farmers of the great West to practice diversification of agriculture and to teach them how to do it. This is right along that line. There is the experiment station, and it ought to be allowed to experiment in dairying, because everybody concedes that is one of the things that ought to be encouraged if the locality is such that it can be encouraged. In this particular section of the country, where agriculture is devoted almost entirely to one thing—the raising of wheat—we ought to encourage, if we can, any diversification of agriculture. Since we already have the station there, this bill only means its enlargement. I hope that no Senator will object to the consideration of the bill and that it may be passed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The bill has heretofore been considered and the amendment reported by the committee agreed to. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN CUSTER COUNTY, MONT.

The bill (S. 2878) authorizing the Secretary of Agriculture to lease to the county of Custer, State of Montana, a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, for the removal of gravel, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized in his discretion to make and execute a lease to the county of Custer, State of Montana, for a period of 10 years, a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, containing approximately 440 acres, lying in the northeastern corner of said reservation and described as follows:

Beginning at a point 100 feet south from the intersection of the center line of the Northern Pacific Railway and the west boundary line of the United States Department of Agriculture Range Livestock Experiment Station, being in section 20, township 7, north of range 46 east, Montana principal meridian; thence south along the west boundary line a distance of 4,488 feet to a point; thence east a distance of 5,280 feet to a point; thence north a distance of 2,772 feet to a point, said point being 100 feet south of the center line of the Northern Pacific Railway; thence westerly and 100 feet south of the center line of the Northern Pacific Railway to the point of beginning, containing approximately 440 acres, and that the said county of Custer is authorized to construct, maintain, and operate a hydraulic plant for the extraction of gravel for the use of the county of Custer, State of Montana. Said lease shall contain such provisions in respect to fencing said tract and the construction of roads to and from the area leased and the delivery free of charge annually of such quantity of gravel for use upon the roads and walks of the said experiment station, during the time that material from said tract is extracted, and such other conditions as the Secretary of Agriculture shall deem advisable.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT PROPERTY AT LOWELL CREEK, ALASKA

The joint resolution (H. J. Res. 100) to authorize the Secretary of War to expend not to exceed $125,000 for the protection of Government property adjacent to Lowell Creek, Alaska, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Territories and Insular Possessions with amendments on page 1, line 4, after the numerals "$125,000," to insert "out of any moneys hereafter appropriated for such purpose," and on page 2, after line 5, to insert, "*Provided*, That $25,000 of the above amount shall be contributed and paid in by the town of Seward or other local interests to be benefited by the proposed improvement, before said work is commenced," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War is authorized to expend not to exceed $125,000 out of any moneys hereafter appropriated for such purpose for the regulation of Lowell Creek, Alaska, for the protection of the buildings, terminal grounds, etc., of the Alaska Engineering Commission and the Alaska Road Commission, the Department of Justice, the United States Signal Corps, and other Federal property within or adjacent to the town of Seward, Alaska, from damage due to floods and overflows of said Lowell Creek: *Provided*, That $25,000 of the above amount shall be contributed and paid in by the town of Seward or other local interests to be benefited by the proposed improvement, before said work is commenced.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. HOWELL subsequently said: Mr. President, I ask unanimous consent to reconsider the vote by which House Joint Resolution 100 was read the third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIS. Mr. President, I do not object, but I think the Senator ought not to ask to have that done. The joint resolution was fully considered here on two different evenings, and I hope he will not insist upon his objection.

Mr. HOWELL. I had an idea that my calendar was marked, but this one item escaped me. I should like to make a statement with reference to this measure. I ask for a reconsideration.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIS. I will not object.

The PRESIDING OFFICER. If there be no objection the votes whereby the joint resolution was read the third time and passed will be reconsidered, and the joint resolution is before the Senate.

Mr. COUZENS. Mr. President, in view of the comments which I heard the Senator from Nebraska make on the joint resolution when it was last before the Senate, I ask that it may go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

BUREAU OF CUSTOMS AND BUREAU OF PROHIBITION

The bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury was announced as next in order.

Mr. EDWARDS. I ask that that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

Mr. WADSWORTH. Mr. President, I am not supposed to have any official connection with this bill, but I had hoped the bill might receive favorable consideration.

The PRESIDING OFFICER. The bill has been objected to; but if the Senator wishes recognition he is entitled to it.

Mr. WADSWORTH. No. I see the Senator from Utah [Mr. SMOOT] is absent; but it is a bill by which the Secretary of the Treasury believes the administration of these two services

can be immensely improved from the administrative standpoint.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

HARRY COVENTRY

The bill (H. R. 658) for the relief of Harry Coventry was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Harry Coventry, who served in the World War as a first sergeant in Company I, Three hundred and twenty-sixth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on March 3, 1920: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITION TO SOLDIERS' HOME AT MARION, IND.

The bill (S. 4027) to authorize the construction of three cottages and an annex to the hospital at the National Home for Disabled Volunteer Soldiers at Marion, Ind., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Board of Managers of the National Home for Disabled Volunteer Soldiers is authorized and directed to construct at the Marion Branch of such home, at Marion, Ind., on land now owned by the United States, three cottages with an aggregate capacity of 200 beds, and a sanitary, fireproof hospital annex to the present hospital with a capacity of 50 beds.

SEC. 2. Upon the order of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers, the following persons shall be admitted to such cottages and hospital annex for the purpose of receiving medical treatment and the other benefits of such home: All persons who served in the military or naval forces of the United States, including the Organized Militia, the National Guard, and the Naval Militia, when called into the Federal service, and were separated therefrom under honorable conditions, who have no adequate means of support and, by reason of diseases or wounds, are either temporarily or permanently incapacitated from earning a living.

SEC. 3. There is hereby authorized to be appropriated the sum of $700,000 in order to carry out the provisions of section 1 of this act, of which amount $600,000 shall be available for the construction of the three cottages and $100,000 for the hospital annex, including the construction of such necessary approach work, roadways, and other facilities leading thereto, heating and ventilating apparatus, furniture, equipment, and accessories, as may be approved by the board of managers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, with respect to Senate bill 4027, I had risen to object to its consideration, but I saw the Senator from Nebraska [Mr. HOWELL] rising, and I did not address the Chair. In the meantime the Chair declared that the bill was passed. I wanted to object to the consideration of that bill.

The PRESIDING OFFICER. The question is on reconsidering the vote by which Senate bill 4027 was ordered to a third reading, read the third time, and passed.

Mr. ROBINSON of Indiana. Mr. President, I will not object to a reconsideration.

The PRESIDING OFFICER. The bill is before the Senate, then.

Mr. KING. I wish to object to the consideration of the bill.

The PRESIDING OFFICER. There is no objection to reconsideration, and the bill is before the Senate.

Mr. KING. Mr. President, a parliamentary inquiry. Does the Chair mean by his statement that there is no chance now to object to it?

The PRESIDING OFFICER. Certainly the bill is open to objection, because the votes whereby it was ordered to a third reading, read the third time, and passed have been reconsidered.

Mr. ROBINSON of Indiana. I ask the Senator from Utah to withhold his objection for a moment.

Mr. KING. I withhold the objection for a moment.

Mr. ROBINSON of Indiana. The Senator from Utah asked for a reconsideration in the case of this bill, and I did not object to that, and I ask if the bill is before the Senate now?

The PRESIDING OFFICER. It is.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KING. With the rapidity with which bills are passed it is difficult for Senators to keep up with the calendar. Does the Chair mean that when reconsideration is had that does not put a bill in a status where it may be objected to?

The PRESIDING OFFICER. It may be objected to.

Mr. KING. I withhold my objection for a moment, at the request of the Senator from Indiana [Mr. ROBINSON].

Mr. WARREN. Mr. President, may I ask the Senator from Indiana whether this same matter is not covered in the appropriation bill which we passed to-day?

Mr. ROBINSON of Indiana. I will say to the Senator from Wyoming that I have been informed that it is not.

Mr. WARREN. That institution had nearly $2,000,000 in the bill which passed to-day. A number of institutions were provided for, and I am inclined to think that all of these are comprehended.

Mr. ROBINSON of Indiana. I can not say definitely as to that, so I am willing for the bill to go over.

The PRESIDING OFFICER. The bill will be passed over.

MICHAEL M'DONALD

The bill (S. 2914) providing for the appointment of Michael McDonald—formerly a squadron sergeant major, United States Army—a warrant officer, United States Army, and to place him upon the retired list immediately thereafter was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely. The question is on the indefinite postponement of the bill. Without objection, the bill will be indefinitely postponed.

WILLIAM O. MALLAHAN

The bill (S. 860) for the relief of William O. Mallahan was announced as next in order.

The PRESIDING OFFICER. This bill also is reported adversely.

Mr. WALSH. Mr. President, I made a statement in relation to that bill when it was up before, and I trust that it will be acted on favorably. I will state the facts again. It is undisputed that this man was horribly abused by his commanding officer, and had a splendid record as a soldier, and left because he could not possibly stand the abuse to which he was subjected. The whole facts are stated in the report.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. ROBINSON of Indiana. Mr. President, I am very sorry, but because I took part in the discussion of this matter in the committee, and the committee was of the opinion that an unfavorable report should be made on the bill, I suppose I shall have to object to its being passed to-night.

The PRESIDING OFFICER. Does the Senator object?

Mr. ROBINSON of Indiana. I object.

The PRESIDING OFFICER. The bill will be passed over.

SALE OF SURPLUS WAR DEPARTMENT REAL PROPERTY

The bill (S. 4305) to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property was considered as in Committee of the Whole.

The PRESIDING OFFICER. This bill has been heretofore considered, and the amendment of the committee has been agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OVERPAYMENTS DURING WAR EMERGENCY PERIOD

The bill (H. R. 4001) to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 1, after the words "account of," to strike out "duplicate" and insert "erroneous," so as to make the bill read:

Be it enacted, etc., That all payments of pay or allowances to persons in the military and naval services of the United States received in good faith and without fraud on the part of the payee during the war emergency period extending from April 6, 1917, to July 2, 1921, are hereby validated, notwithstanding any overpayments which may have been subsequently discovered therein: *Provided*, That this act shall not be construed as authorizing reimbursement of any moneys which may have been collected by, or refunded to, the United States on account of erroneous payments of either pay or allowances.

Mr. KING. Mr. President, a memorandum in regard to this bill has been furnished me by one of the branches of the Gov-

ernment. I regret not having it here this evening. I do not want to object to the consideration of this bill, and I shall ask he Senator from New York to explain it.

My recollection is that the memorandum gives a number of easons why this bill ought not to become a law. The memorandum challenges the accounts of a number of officers, and ny recollection is that the contention is made that overpayments have been made, or, at any rate, that there should be a recapture or recaptures from various persons to whom payments have been made because erroneous payments were made, or because improper charges were made against the Government.

Mr. WADSWORTH. Mr. President, the Senate and the House have already legislated on this question at this session. The Senate passed a bill which has been pending in this body or two years to my knowledge, and with which the junior Senator from Nebraska [Mr. HOWELL] was fairly familiar, alidating the payment of the allowances known as allowances or commutation of heat and light made to officers of the American Army during the World War, validating them in the vent that no fraud accompanied the original payments. That bill has become law. This bill, while apparently repeating that same provision, includes the validation of other payments vhich were made during the war; and let me describe to the Senator from Utah what they are. Of course they must be aid only where no fraud is shown.

We had 150,000 or 160,000 emergency officers in the last war. Of course, most of them were green at the so-called paper work of the Army. Many of them had to be disbursing officers and to pay the troops. The disbursing officers had to rely upon the accuracy of muster rolls presented to them by company commanders, and it was inevitable that in these millions and millions of payments that came along on pay day, or once a month, among 4,000,000 men there were a large number of small errors. Allotments drawn from the soldier's pay to be sent to his wife and children might have been inaccurately calculated, or due allowance may not have been made for their deduction from his pay, and the soldier in some instances would get $5 too much from the Government or $10 too much. The mistakes were all made in good faith. There was no dishonesty about it. It was simply an immensely expanded machine, and it was inevitable that mistakes of arithmetic, if nothing else, or in connection with the complicated paper work of the Army, should take place.

The Comptroller General has held that a large number of those payments were invalid. They were invalid from the technical standpoint; and the War Department, under his rulings, has been endeavoring to look up these disbursing officers, most of whom have retired to private life, and they, in turn, to find thousands and thousands of former private soldiers who are now working as civilians trying to earn their living, and trying to collect from them $2 here and $3 there and $10 in another place. The cost of such collections is far beyond the amount which the Government will ever get back. It might just as well be wiped out. This might be termed in a financial sense a mopping-up bill, to cancel all that kind of business and start the slate clean. The Comptroller General, informally it is true, has consulted the chairman of the Committee on Military Affairs about the language of this bill, and has made one certain suggestion. The committee adopted it, and here it is.

Mr. EDWARDS. Mr. President, may I ask the Senator from New York a question? Have there not been a great many of these claims that the Comptroller General has found out are wrong after investigation of several years, and have they not been canceled by his own office because they were wrong?

Mr. WADSWORTH. Yes; and in all cases of fraud, of course, the Government will still attempt to collect.

Mr. COUZENS. Mr. President, are the amounts that have been collected going to be refunded or are they going to hang on to them?

Mr. WADSWORTH. The money already collected will not be refunded under the terms of this bill.

Mr. KING. Mr. President, I shall withdraw my objection, provided—I am sure the Senator from New York will forgive me for announcing a proviso—if, upon reading the memorandum in the morning I feel that an injustice has been done to the Government, the Senator will consent that I may enter a motion for reconsideration and that the action on the bill may be reconsidered.

Mr. WADSWORTH. All right.

Mr. KING. With that understanding, I will not object.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESA TARGET RANGE, ARIZONA

The bill (H. R. 10052) to authorize the sale of the Mesa Target Range, Arizona, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment on page 2, line 1, after the word "sale," to insert "after such advertisement and under such regulations as the Secretary of War may prescribe," so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to sell the Mesa Target Range, consisting of sections 4 and 5, township 1 north, range 6 east, Gila and Salt River base and meridian, Arizona, and to dispose of the proceeds of such sale, as is provided by the act of Congress, approved May 12, 1917 (40 Stat. L. p. 67), providing for the sale of target ranges acquired by purchase: *Provided*, That the sale of the said tract shall be by public sale, after such advertisement and under such regulations as the Secretary of War may prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILL PASSED OVER

The bill (S. 1871) to punish the transportation of stolen property in interstate or foreign commerce was announced as next in order.

Mr. KING. I think I shall object to that bill.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

REPORTS ON CONDITION OF RAILROAD EQUIPMENT

The resolution (S. Res. 152) to rescind the order of the Senate requiring the Interstate Commerce Commission to submit monthly reports on the condition of railroad equipment was considered by the Senate and agreed to, as follows:

Whereas S. Res. 438, passed February 26, 1923, requires the Interstate Commerce Commission to make monthly reports on the condition of railroad equipment to the Congress, or, when not in session, to the President; and

Whereas the conditions which called for the furnishing of said monthly reports have now passed: Therefore be it

Resolved, That S. Res. 438, passed February 26, 1923, be, and it is hereby, rescinded.

APPARATUS PERTAINING TO SIGNAL CORPS, AIR SERVICE, AND CHEMICAL WARFARE SERVICE

The bill (S. 1487) to authorize the Secretary of War to class as secret certain apparatus pertaining to the Signal Corps, Air Service, and Chemical Warfare Service, and empower him to authorize purchases thereof and award contracts therefor without notice or advertisement, was announced as next in order.

Mr. BLEASE. Mr. President, what effect would that bill have upon the bill that was before the Senate to-day, and is now the unfinished business?

Mr. WADSWORTH. Does the Senator mean the radio bill?

Mr. BLEASE. Yes.

Mr. WADSWORTH. I do not think they touch each other at all. They could not.

Mr. BLEASE. That is all right, then.

Mr. KING. Mr. President, does the Senator think it wise to permit making contracts without advertisement? Is this bill surrounded with all of the precautions that ought to be provided?

Mr. WADSWORTH. I think the number of articles that could be purchased in this way would be so small and of such a technical character that the door for abuse could not be opened at all. I do not fear it. I recollect that the senior Senator from Missouri [Mr. REED] on a certain evening here when this bill was reached on the calendar objected to it rather strenuously, spoke against it for a few moments, and it went over. I am not sure that he feels the same way about it now, but I am perfectly willing to remember that the Senator from Missouri [Mr. REED] objected to this bill.

Mr. ROBINSON of Arkansas. Let the bill go over.

Mr. WADSWORTH. It is a question of policy.

The PRESIDING OFFICER. The bill will be passed over.

COMMISSIONED PERSONNEL OF THE COAST GUARD

The bill (H. R. 10973) to readjust the commissioned personnel of the Coast Guard, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I desire to ask the Senator from Washington [Mr. JONES] whether this bill involves a large number of promotions, and, if so, in the readjustment or in the promotions, if any additional cost is involved?

Mr. JONES of Washington. There will be some additional cost. There has been no addition to the regular officers of the Coast Guard since 1916, but since that time there has been a very large increase in the minor officers and the personnel. This increases the number of regular officers from 270 to 340—about 70. It is very urgently needed.

Mr. BAYARD. Mr. President, is this bill urged by Admiral Billard?

Mr. JONES of Washington. It is very earnestly urged by Admiral Billard. He says it is absolutely essential. We have provided for an increase of the ships, as Senators know, just recently. It is imperative that we should have this increase.

Mr. KING. Mr. President, I should like to ask the Senator if this increase is required because of the enforcement of prohibition and the large number of boats which have been purchased for that purpose? Then, if I may ask two questions in one, I desire to ask whether, in the event that we shall enforce prohibition—and we will not require such a large fleet for that purpose—these officers are in for life or may they be separated from the service?

Mr. JONES of Washington. This is a part of the regular force; but we will need these men and these officers even independently of prohibition, because, as I say, we have had no increase in this regular official force since 1916; but we have made very large increases in the personnel, in the privates, and in providing for additional ships. This is absolutely essential for the efficiency of the service anyway.

Mr. BLEASE. Mr. President, I should like to ask the Senator how these men are obtained.

Mr. JONES of Washington. I think they have examinations. I do not know about that.

Mr. SIMMONS. Mr. President, I can answer that question. Men who have temporary appointments are advanced to permanent appointments, thereby increasing the number of permanent officers.

Mr. JONES of Washington. I assume, too, that there are promotions from the men who are lower in degree.

Mr. SIMMONS. Yes; from the lower grades up to the higher grades.

Mr. JONES of Washington. The service is of a semimilitary character.

Mr. SIMMONS. And there will be no additional cost for 1927. There will be $60,000 additional cost for 1928.

Mr. EDWARDS. I ask that the bill go over.

Mr. JONES of Washington. Mr. President, I hope the Senator from New Jersey will not ask that the bill go over. The passage of the bill is very important for the Coast Guard service, the service that is looking after all sorts of needs on the sea. I appeal to the Senator not to have the bill go over.

Mr. EDWARDS. Mr. President, this bill is going to lead to a great deal of discussion, and we do not want to go on with this one bill for the rest of the evening.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

PROMOTION OF OFFICERS OF NAVY AND MARINE CORPS

The bill (H. R. 3763) to prevent delay in the promotion of officers of the Navy and Marine Corps was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FARM LOAN ACT

The bill (H. R. 9269) to amend paragraph 2 of section 7 of the farm loan act was announced as next in order.

Mr. HOWELL. Let the bill go over.

Mr. WALSH. Mr. President, heretofore I made some objection to this bill. I have subsequently had a conference with the president of the Farm Loan Board and with gentlemen who are urging this change in the law, and they drafted a substitute for the bill which I think obviates any substantial objection to it. I should like to ask that the proposed substitute be read, and if Senators will withdraw any objection I shall offer this substitute.

The PRESIDENT pro tempore. Is the objection withdrawn? The amendment proposed by the Senator from Montana will be reported for the information of the Senate.

Mr. HOWELL. I am compelled to object.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

BILL PASSED OVER

The bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of the Ninety-third Division of the American Expeditionary Forces was announced as next in order.

Mr. BLEASE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. COPELAND. Mr. President, I hope the Senator will withhold his objection. The purpose of this bill is to erect a monument to the colored soldiers who died on the other side.

Mr. BLEASE. Mr. President, there is not a bit of use taking up time. I would object all the time.

The PRESIDENT pro tempore. The bill will go over.

CESSION OF DIAMOND LAKE TO OREGON

The bill (S. 3099) to cede certain lands in the State of Oregon, including Diamond Lake, to the State of Oregon for fish cultural purposes, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. STANFIELD. Mr. President, will not the Senator withhold his objection?

Mr. LA FOLLETTE. I withhold the objection while the Senator makes a statement.

Mr. STANFIELD. This is a bill to cede to the State of Oregon Diamond Lake, which is being used for the purpose of fish production. It is an egg-taking lake, which is controlled and financed by the State of Oregon.

The State is desirous of having control of the lake in order to be assured of permanency in carrying on that industry, which is a public undertaking, not only for the benefit of the State of Oregon, but they are supplying rainbow-trout eggs to all the other States that want them, in an exchange of eggs. I can not understand how anyone could interpose reasonable objection to the State having jurisdiction over that lake for that laudable purpose and undertaking. I hope the Senator will withdraw his objection.

Mr. LA FOLLETTE. Mr. President, I am very sorry to object to a bill in which the junior Senator from Oregon is interested, but I must insist upon my objection.

The PRESIDENT pro tempore. The bill will go over.

BILL PASSED OVER

The bill (S. 4043) to permit the sale of small or inaccessible tracts of public grazing lands, was announced as next in order.

SEVERAL SENATORS. Over!

The PRESIDENT pro tempore. The bill will be passed over.

UINTAH AND WHITE RIVER TRIBES OF UTE INDIANS

The bill (S. 1924) for the relief of the Uintah and White River Tribes of Ute Indians of Utah was announced as next in order.

Mr. COPELAND. Mr. President, I see that this is another Indian bill. I would like to know what the explanation of it is.

Mr. HARRELD. Mr. President, this is one of the numerous jurisdictional bills, to give this tribe of Indians the right to go into the Court of Claims to try and establish a claim they have growing out of the sale of timberland which they claim they should have credit for.

Mr. COPELAND. If the bill is for the relief of the Indians, and not to relieve them of something, I have no objection.

Mr. McNARY. I have not had an opportunity to read the report on this bill, and I ask that it may go over until I have an opportunity to do so.

The PRESIDENT pro tempore. The bill will be passed over.

ESTATE OF WILLIAM R. LITTLE

The bill (S. 3363) authorizing and directing the Secretary of the Interior to examine a certain Senate report on Indian traders and to take certain action in respect thereto, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert the following:

That the Secretary of the Treasury is authorized and directed to pay to Blanche E. Little, individually and as assignee of Alice T. Johnson and Andrew W. Little, out of any money in the Treasury not otherwise appropriated, the sum of $8,133, being the amount of the losses sustained by her husband, William R. Little, now deceased, as Indian trader at the Sac and Fox Agency, Okla. (through no fault of his own), as appears from the report of the Select Committee on Indian Traders of the United States Senate, submitted March 2, 1889.

Mr. WILLIS. I think there ought to be some explanation of the bill. I have been able to get but a brief glance at the report, but I notice that the Secretary of the Interior reports strongly against it.

Mr. BRATTON. Mr. President, the facts in support of this bill briefly are these:

William R. Little became an Indian trader upon this Indian reservation in the year 1881. He was issued a license by the Commissioner of Indian Affairs to operate in that capacity. He remained there about four years and, of course, invested in his buildings and stock of goods. At the same time he extended credit to the Indians, depending upon their repaying him out of the moneys they received from the Government.

In the meantime a conflict arose between some people in Texas and a man in Iowa with reference to a license to operate as an Indian trader upon this reservation. There was some confusion about the matter, and Little came to Washington to confer with the Commissioner of Indian Affairs respecting the matter.

The Iowa man in the meantime had a license, but he had never been upon the reservation, and had never actively engaged as a trader there. He was sending some letters from Iowa to Little's competitor, and they were being placed in the post-office by Little's competitor, and, of course, they came to Washington bearing the postmark at this point in Oklahoma.

While Little was here talking with the Commissioner of Indian Affairs about the situation, the commissioner asked him if this Iowa man was on the reservation and engaging as a trader there. Mr. Little, truthfully speaking, told the commissioner that the Iowa man was not there. The commissioner, having these letters in his possession, postmarked as I have indicated, concluded that Little was telling him an untruth, and, as a result of that, the Commissioner of Indian Affairs expelled Little from the reservation.

Little was compelled to close out his business at a loss, which the Committee on Indian Affairs of the United States Senate in 1889, the members of which went on the reservation and examined into the facts personally, estimated at $15,000.

The Committee on Indian Affairs referred this bill to a subcommittee. Some testimony was taken. The report made by that subcommittee was considered. We reached the conclusion that the amount fixed in the bill, which is a little more than one-half of what the committee in 1889 estimated to be the loss, should be paid.

Little is dead, but his wife struggled along and reared the children. The children have reached maturity and they have assigned their interest in the claim to their mother, Mrs. Blanche E. Little, the beneficiary of this bill.

This bill rests upon a moral obligation to this effect: The Commissioner of Indian Affairs, acting in good faith and believing that Little told him an untruth, expelled him from the reservation and caused him to suffer a loss, when in truth and in fact Little told the commisisoner the truth and was penalized by the Government for telling the truth. If there is such a thing as a moral obligation and an equitable right to be reimbursed for a loss of this kind, this bill is abundantly justified.

I hope there will be no objection.

Mr. WILLIS. Mr. President, the case as stated by the Senator from New Mexico is very appealing, but I should like to have time to examine the report. I note this statement, for example, from the Secretary of the Interior, who is supposed to examine into this matter. He says:

> There would appear to be no reasonable basis for the claim for repayment either from Indian tribal funds or from public funds in the United States Treasury. * * *
>
> A review of the entire matter tends to show that every reasonable opportunity was accorded Mr. Little to adjust his affairs, and it is therefore recommended that S. 3363 be not enacted into law.

I do not believe we ought to act favorably on this bill.

The PRESIDENT pro tempore. Objection is made.

Mr. BRATTON. Will the Senator withhold the objection until I make a further explanation upon that exact point?

Mr. WILLIS. I shall feel inclined to object, but I should like to hear the Senator's explanation.

Mr. HARRELD. Mr. President, I want to state that this bill was referred to a subcommittee composed of the Senator from New Mexico [Mr. BRATTON] and two other Senators, who held hearings, and went into the case very thoroughly. It has been one of the best-considered cases before the Committee on Indian Affairs.

Mr. WILLIS. I shall not object. I want to say, however, that it seems to me if we are to pay any attention at all to Cabinet officers, it is perfectly idle to get reports here and, in the face of the reports that those officers make, and in the face of the facts which they state, to pass bills. I do not offer any personal objection. I know nothing about the case except as I have read it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Blanche E. Little, individually and as assignee of Alice T. Johnson and Andrew W. Little."

TRAFFIC IN MILK BOTTLES IN THE DISTRICT OF COLUMBIA

The bill (H. R. 6728) to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHANNA B. WEINBERG

The bill (H. R. 3592) for the relief of Johanna B. Weinberg was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT R. BRADFORD

The bill (S. 3918) for the relief of Robert R. Bradford was announced as next in order.

Mr. KING. Mr. President, I have read the very brief report which has been submitted accompanying this bill. I see nothing which would indicate that the consular officer ought to be relieved from the imputation, at least, of negligence. Why should he leave this fund for so long a period in that bank? Why did he not withdraw it sooner? He must have anticipated that, with the war raging in Europe, there would come a period of deflation, and that most of the banks—at least some of them—might become insolvent. The report is not very clear, and I should like to have an explanation.

Mr. HOWELL. Mr. President, the facts of this case are about as follows: This consul had followed the practice of his predecessors and other officials in Italy in utilizing this particular bank for the deposit of the consular funds. The bank failed. There is no evidence of any laches on the part of the consul.

Mr. KING. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. KING. The bank failed a considerable length of time after 1914, the date of the deposit of the large funds to which the Senator refers. When war was raging in Europe, as it was raging, and Italy was in such a precarious situation, and there were at least evidences that she would be drawn into the war, it does seem to me that it was negligence on the part of the consul to leave those funds in the banks of Italy under the conditions to which I have referred.

Mr. HOWELL. The consul was simply acting in accord with official practice. He had no reason to believe that this particular bank would fail. He had to deposit his funds in some bank. As this bank had been used for a number of years for this purpose, the funds were lost through no laches on his part, unless, of course, it is presumed that he ought to have known the condition of the bank and have withdrawn the funds. But it does not appear so from the evidence that such was the case.

Mr. KING. Mr. President, Secretary Kellogg makes no recommendation at all in behalf of the bill. He merely states that it is referred to the Budget Bureau to determine whether it is consistent with the economical policy of the administration, but he makes no recommendation. It would seem that if the State Department believed that one of its officials had acted prudently and wisely, and in so doing had suffered a loss, it would make some suggestion or intimation or recommendation to the Congress.

Mr. HOWELL. It is my understanding that the Department of State is sympathetic to the cancellation of this charge against the consul. It is evident that that is the case, because, as I understand, this man has never as yet been compelled to pay over these funds, but the charge stands against him upon the books of the Treasury.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to credit the accounts of Robert R. Bradford, as American consul at Catania, Italy, with the sum of $2,984.61, such sum representing the unpaid balance of United States Government funds deposited by him in the Banca Italiana di Sconto, such bank having suspended payment of deposits on December 29, 1921, and having liquidated its claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF NAME OF DENT PLACE, DISTRICT OF COLUMBIA

The bill (S. 4375) to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway, was announced as next in order.

Mr. SACKETT. Mr. President, a duplicate of this bill has already passed the House and is Order of Business No. 1152 on the calendar. I ask that that be substituted for this bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9637) to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 4375 will be indefinitely postponed.

TRESPASS ON COAL LANDS OF UNITED STATES

The bill (H. R. 7371) to define trespass on coal land of the United States and provide a penalty therefor was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That it shall be unlawful to mine and remove coal of any character, whether anthracite, bituminous, or lignite, from beds or deposits in lands of the United States, or in deposits or beds reserved to the United States, with the intent wrongfully to appropriate, sell, or dispose of the same, and every person who shall violate any of the provisions of this act shall be deemed guilty of misdemeanor and fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 2. Nothing in this act, however, shall interfere with any right or privilege conferred by existing laws of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2688) to provide for the leasing of public lands in Alaska for fur farming, and for other purposes, was announced as next in order.

Mr. COUZENS. Let the bill go over.

Mr. STANFIELD. Will not the Senator withhold his objection a moment?

Mr. COUZENS. There is a great deal of objection and I doubt if we can pass it.

The PRESIDENT pro tempore. The bill will be passed over.

ISLANDS IN MENOMONEE RIVER, WIS.

The bill (S. 4114) granting to the Northern Paper Mills, Green Bay, Wis., certain islands in the Menomonee River, Wis., was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the Committee on Public Lands and Surveys may be discharged from the further consideration of House bill 11716. A similar bill to the one reported by the committee has passed the House and is before the Senate committee.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered. The Committee on Public Lands and Surveys is discharged from the further consideration of the bill.

Mr. LA FOLLETTE. I now ask that the House bill may be substituted for the bill S. 4114, now on the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11716) granting to the Northern Paper Mills certain islands in the Menomonee River, which was read, as follows:

Be it enacted, etc., That upon payment of the appraised value to be determined by the Secretary of the Interior, he is hereby authorized and directed to sell and convey by proper conveyances to Northern Paper Mills, a corporation organized and existing under the laws of the State of Wisconsin and authorized to do business in the State of Michigan, whatever right, title, or interest the United States may have in or to an unsurveyed island lying in the Menomonee River opposite section 29, township 37 north, range 28 west, Michigan meridian, Michigan, of approximately one-half acre in area; two unsurveyed islands lying in said river opposite section 31, township 37 north, range 28 west Michigan meridian, Michigan, of approximately one-half acre each in area; an island comprising lot 5, section 25, township 36 north, range 21 east, and lot 3, section 30, township 36 north, range 22 east, fourth principal meridian, Wisconsin, said island being approximately 3 acres in area; an island comprising lot 4, section 30, township 36 north, range 22 east, fourth principal meridian, Wisconsin, approximately one-half acre in area: *Provided, however*, That nothing herein contained shall have the effect of defeating any valid existing rights in and to such islands, or any part thereof, as may have been initiated by any person or persons, or by the State of Michigan, or by the State of Wisconsin, prior to the passage of this act.

SEC. 2. That the Secretary of the Interior is hereby authorized to survey and appraise said islands and to prescribe all necessary rules and regulations for administering the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The bill (S. 4114) granting to the Northern Paper Mills, Green Bay, Wis., certain islands in the Menomonee River, Wis., will be indefinitely postponed.

SEQUOIA NATIONAL PARK, CALIF.

The bill (S. 4258) to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park, was announced as next in order.

Mr. SHORTRIDGE. Mr. President, there is a companion bill which passed the House which will be found on the calendar, Order of Business 1099. I ask that that be taken up instead of the Senate bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9387) to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park.

Mr. KING. Mr. President, I withheld objection because I desire to offer an amendment, which I understand will be acceptable. I move to amend the bill under consideration by striking out, after the word "follows," in line 4, the words "and that the park be hereafter designated the Roosevelt-Sequoia National Park, in honor of Theodore Roosevelt, late President of the United States, and in honor of Sequoia, inventor of the Cherokee Indian alphabet,"

So that the paragraph as amended would read:

That the boundaries of the Sequoia National Park, Calif., are hereby changed as follows:

The amendment was agreed to.

Mr. KING. I now move to amend on page 8, line 5, by striking out the name "Roosevelt."

The amendment was agreed to:

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to revise the boundary of the Sequoia National Park, Calif."

The PRESIDENT pro tempore. Without objection, Calendar No. 1013, the bill (S. 4258) to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park, will be indefinitely postponed.

RACHEL THOMAS

The bill (H. R. 5786) for the relief of Rachel Thomas, widow of William Thomas, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Thomas, deceased, who was a member of Company A, Fifth United States Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 23d day of June, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SOLEN

The bill (H. R. 3448) for the relief of John Solen was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John Solen, who served with Company B, First Regiment Massachusetts Volunteer Cavalry, Civil War, shall hereafter be held and considered to have been mustered in on August 14, 1862, and discharged honorably from the military service of the United States as a private of said company and regiment on June 30, 1864: *Provided*, That no bounty, pension, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 108) providing that no permanent building shall be erected in East Potomac Park solely for tourist-camp purposes pending the selection of a more suitable site, was announced as next in order.

Mr. JONES of Washington. Mr. President, I regret to object to any bill that has the approval of the Senator from Kansas [Mr. CAPPER], chairman of the District Committee, but I must object to the present consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be passed over.

JOSEPH F. MACKNIGHT

The bill (H. R. 6267) for the relief of Joseph F. MacKnight, was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph F. MacKnight, postmaster at Price, Utah, the sum of $311.94, being the amount embezzled by a subordinate in the post office at Price, Utah.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUAN ANORBE

The bill (S. 4275) for the relief of Juan Anorbe was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," are hereby extended to Juan Anorbe for loss of use of right hand as a result of injury thereto while engaged in work for the Isthmian Canal Commission in 1911, and the Governor of the Panama Canal is authorized to pay said Juan Anorbe from and after the passage of this act such sums as would be due him had his injury occurred subsequent to September 7, 1916, such compensation to be a charge against the employees' compensation fund.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES C. J. WIRZ

The bill (S. 4276) for the relief of Charles C. J. Wirz was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," are hereby extended to Charles C. J. Wirz for loss of right foot as a result of injury thereto while engaged in work for the Isthmian Canal Commission in 1913, and the Governor of the Panama Canal is authorized to pay said Charles C. J. Wirz, from and after the passage of this act, such sums as would be due him had his injury occurred subsequent to September 7, 1916, such compensation to be a charge against the employees' compensation fund.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RUDOLPH PONEVACS

The bill (S. 4277) for the relief of Rudolph Ponevacs was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," are hereby extended to Rudolph Ponevacs for loss of right leg as a result of injury thereto while engaged in work for the Isthmian Canal Commission in 1908, and the Governor of the Panama Canal is authorized to pay said Rudolph Ponevacs, from and after the passage of this act, such sums as would be due him had his injury occurred subsequent to September 7, 1916, such compensation to be a charge against the employees' compensation fund.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK GUELFI

The bill (S. 4278) for the relief of Frank Guelfi was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," are hereby extended to Frank Guelfi for loss of vision as a result of injury to the right eye while engaged in work for the Isthmian Canal Commission in 1911, and the Governor of the Panama Canal is authorized to pay said Frank Guelfi, from and after the passage of this act, such sums as would be due him had his injury occurred subsequent to September 7, 1916, such compensation to be a charge against the employees' compensation fund.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM R. BLEAKNEY

The bill (S. 4340) to reinstate William R. Bleakney in West Point Military Academy was announced as next in order.

Mr. WADSWORTH. I move to indefinitely postpone the bill, a similar bill having passed both Houses and having become the law.

The motion was agreed to.

HAROLD HOLST

The bill (H. R. 1718) for the relief of Harold Holst was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Harold Holst, late of the United States Marine Corps on the United States ship *Sabine*, United States Navy, shall be held and considered to have been honorably discharged from the United States Navy, to date from October 31, 1862: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER W. JOHNSTON

The bill (S. 3638) for the relief of Walter W. Johnston was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment on page 1, line 6, to strike out "$50,000" and insert in lieu thereof "$15,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Walter W. Johnston, out of any money in the Treasury not otherwise appropriated, the sum of $15,000, as full compensation to him, the said Walter W. Johnston, for personal services rendered and the use of appliances personally owned and operated by him in connection with the launching of ships at the shipyards of the fourth district during the year 1918, said work being done by order of and under the direction of the district supervisor of the United States Shipping Board Emergency Fleet Corporation and for which the claimant has not been compensated as was provided in an agreement entered into by him with the said district supervisor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN COUNTIES IN OREGON AND WASHINGTON

The bill (H. R. 11329) for the relief of certain counties in the States of Oregon and Washington within whose boundaries the revested Oregon & California Railroad Co. grant lands are located was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Treasurer of the United States, upon the orde of the Secretary of the Interior, shall pay to the several counties in the States of Oregon and Washington, out of any money in the Treasury not otherwise appropriated, amounts of money equal to the taxes that would have accrued against said lands for the years 1916 to 1926, inclusive, if the lands had remained privately owned and taxable.

Such amounts shall be ascertained by using the assessed value for the year 1915, used by the Secretary of the Interior in arriving at the accrued taxes for 1915 and the rate of taxes prevailing for the several purposes in each county, school district, port district, or civil subdivision thereof for each of such years.

SEC. 2. The Secretary of the Interior shall ascertain as soon as may be after the approval of this act the rate of taxation so prevailing, compute the amount to be paid each county for each of such years and issue an order therefor upon the Treasurer of the United States, and file same with his report thereon with the Secretary of the Treasury.

In computing the amount so to be paid the Secretary of the Interior shall include all Oregon and California land-grant lands title to which remains in the United States on the 1st day of March of each year.

SEC. 3. On or before the 1st day of October of each year after 1926 the Secretary of the Treasury, upon the order of the Secretary of the Interior, shall pay to the several counties amounts of money equal to the taxes upon said lands within such counties, to be ascertained, computed, and reported in the same manner as for the preceding years, until all charges against said "Oregon and California land-grant fund" shall have been liquidated and the said fund shows a credit balance as available for distribution under section 10 of the act approved June 9, 1916.

SEC. 4. All moneys paid under the terms of this act shall be charged against the said "Oregon and California land-grant fund," and all proceeds received from the sale of lands, timber, or otherwise, shall be placed to the credit of such fund until all sums charged against such fund are fully and completely liquidated, and until the United States has been so fully reimbursed no distribution shall be made as provided in section 10 of the said act approved June 9, 1916.

SEC. 5. All moneys paid and received under the provisions of this act by any county shall be prorated, apportioned, and paid to the State, county, port districts, school districts, road districts, and other civil subdivisions of the county in the same proportion as the taxes assessed, levied, and collected by the county for the year covered by such payment are apportioned and paid, to the State, county, and each civil subdivision will receive the same amount as though the money had been paid by a taxpayer for each year.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMISSIONED LINE AND ENGINEER OFFICERS, COAST GUARD

The bill (S. 4287) amending section 3 of the act approved January 12, 1923, entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 3, before the word "and," to insert the words "Frank H. Newcomb," and in line 3, after the word "West," to strike out the words "who had at the time of their retirement after 40 years' active service and each of whom had actually held the rank of commander, the highest grade at that time except that of commandant," and in line 9 to strike out the words, "This provision shall apply to Frank H. Newcomb, retired for age while holding the rank of commander and who received the gold congressional medal for heroic service at Cardenas, Cuba, during the Spanish-American War," so as to make the bill read:

Be it enacted, etc., That section 3 of the act approved January 12, 1923, entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes," be amended by adding thereto the following proviso:

"*Provided further*, That commissioned officers Daniel P. Foley, Francis M. Dunwoody, Howard M. Broadbent, Frank H. Newcomb, and Horace B. West, shall have the rank of commodore on the retired list without any increase of pay by reason of the passage of this act."

Mr. KING. Mr. President, I would like an explanation from the Senator from Washington.

Mr. JONES of Washington. The report from the department states that—

Each of the officers above named, if he had not been compelled to retire for age prior to January 12, 1923, would have become in due course of promotion a captain in the Coast Guard on that date, and if retired subsequent to said date would have held the rank of commodore on the retired list under the provision of law above quoted.

All of those except Newcomb had served for 40 years. Newcomb had served in all about 39 years and was retired on account of Civil War service. These officers are given this rank, but without increased pay. It is simply a matter of rank on account of their service.

Mr. KING. Brevet rank?

Mr. JONES of Washington. I do not know what is meant by that term, but they are given that rank on the retired list, with no increase of pay. The department on that account recommended it. It seems to me that it is fair and just that these officers, with such long service, who had retired before we made provision as the law does now, should have this privilege. It simply gives them increased rank, but no increase of pay.

Mr. BLEASE. Mr. President, I wish to ask the Senator if this imposes any additional authority on these men?

Mr. JONES of Washington. Not a bit. They are on the retired list.

Mr. BLEASE. They are mixed up with the Coast Guard business, are they not?

Mr. JONES of Washington. They are on the retired list. They are old men now.

Mr. BLEASE. I do not object to the bill if it does not give them any more authority, but if it gives them any more authority than they have now to go out and shoot people, I shall object.

Mr. JONES of Washington. I am sure the Senator will not object because it does not give them any such authority.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 4247) to amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of two new sections in said act between sections 5 and 6 and sections 41 and 42 of said act, to be designated as "5a" and "41a" of said act, was announced as next in order.

Mr. BUTLER. I desire to say with reference to this bill that since it was reported by the committee some considerations have arisen by virtue of which it seems to be proper that the bill ought not to be insisted upon at the present time. Therefore I ask that it be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

LEWIS WILLIAMS

The bill (H. R. 821) for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho, had been considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the account of Lewis Williams, formerly collector of internal revenue for the State of Idaho, by reason of shortage of book of special tax stamps, broker's $50, Nos. 851 to 860, inclusive, only one of which stamps had been issued, being No. 851, with 10 coupons attached, with a book shortage consisting of the remaining stamps with a book value of $458.33.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF AGRICULTURAL CREDITS ACT

The bill (H. R. 9268) to amend the agricultural credits act of 1923 was announced as next in order.

Mr. LA FOLLETTE. Mr. President, will the Senator from Mississippi [Mr. STEPHENS] give us a brief explanation of the bill?

Mr. STEPHENS. If there be objection, I do not want to take the time to explain it; but I shall be very glad if anyone really wants information about it to make a brief explanation.

Mr. KING. Mr. President, a Senator who is absent was speaking with the Senator from Mississippi this afternoon, and I feel sure that the Senator to whom I refer would like to be present when the bill is taken up.

Mr. STEPHENS. May I say that I made the answer I did to the Senator from Wisconsin for the very reason that I had the conversation to which the Senator refers, and I knew that objection was coming, so I did not want to take the time of the Senate.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 1143) amending section 1 of the interstate commerce act was announced as next in order.

Mr. FESS. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. ROBINSON of Arkansas. Mr. President, may I inquire if the Senator is so fixed in his determination to object to the consideration of the bill that an explanation would not convince him?

Mr. FESS. I would prefer that it go over.

Mr. ROBINSON of Arkansas. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

LANDS OF PYRAMID LAKE INDIAN RESERVATION

The bill (S. 4341) to amend section 26 of an act approved April 21, 1904, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes," was announced as next in order.

Mr. COPELAND. Mr. President, may I ask the Senator from Nevada if the bill just announced, and the next following bill on the calendar, should be passed?

Mr. PITTMAN. Yes; the bill just announced should be passed. This is a bill of my colleague, the junior Senator from

Nevada [Mr. ODDIE]. It is a departmental bill which was introduced for the purpose of making it possible to carry out a law which was enacted by Congress at this session. We enacted a law providing for an irrigation project in Nevada known as the Spanish Springs project. A part of the land which must be embraced in that project is in an Indian reservation. That reservation contains over 100,000 acres. In one corner of the reservation is a part of the land to be covered by this project. The bill provides that the Department of the Interior may sell 11,000 acres for the benefit of those Indians, to be divided into units of 80 acres, to be included in the reclamation project. That was done for the reason that the Indian Department did not desire to go into the reclamation project with 11,000 acres, but preferred to sell it.

Mr. COPELAND. Do the Indians get the benefit?

Mr. PITTMAN. The Indians get the appraised value of the land per acre.

Mr. COPELAND. May I ask about the next bill, which seems to be very similar?

Mr. PITTMAN. It is not at all similar. It is entirely different. Here is the statement by the Department of the Interior:

> It is believed the provisions of this bill amply protect the Indians and at the same time will permit, with the consent of the Indians, the development of a project—

That means an irrigation project—

> which otherwise could not be carried out. It is accordingly recommended that Senate bill 4341 receive favorable consideration and action.

Mr. HARRELD. Mr. President——

Mr. PITTMAN. I yield to the Senator from Oklahoma.

Mr. HARRELD. It is true that the Indians also have another irrigation project.

Mr. PITTMAN. That is entirely true. The Government has spent several hundred thousand dollars to irrigate another tract of land for these same Indians which is entirely divorced from this land, which is at present under water.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4341) to amend section 26 of an act approved April 21, 1904, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1905, and for other purposes," which was read as follows:

Be it enacted, etc., That section 26 of an act approved April 21, 1904 (33 Stat. L. pp. 189–225), being "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes," be amended to read as follows:

"SEC. 26. That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June 17, 1902, as amended, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of irrigable lands of the Pyramid Lake Indian Reservation, Nev., the Secretary of the Interior, with the consent of the Indians, is hereby authorized to sell some 11,613 acres of lands situated north of the town of Wadsworth and extending to a place called 'the narrows' within said reservation which may be irrigated under the Spanish Springs division of the Newlands reclamation project: *Provided*, That he shall make no sale of lands contained in the existing Indian irrigation project of that reservation for which there is an adequate water supply belonging to said Indians or the United States on their behalf: *Provided further*, That the price to be paid to the Indians for any lands so disposed of shall not be less than the appraised price; and the Secretary is hereby authorized to appoint a board consisting of three persons, one of which shall be an Indian of the Pyramid Lake Reservation, duly appointed by the Tribal Council to serve on said board, to appraise such lands: *Provided further*, That such appraised price for said Indian lands shall not be less favorable than the appraised price for any other similar lands within said project or its extension. Payment for said Indian lands shall be made out of the reclamation fund to the Indians so entitled as soon as possible after the appraisement provided for herein shall have been made: *Provided further*, That any land sold under the provisions of this act that may not actually be irrigated under said Newlands project or its extension shall again become part of the Pyramid Lake Indian Reservation."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING ON UNALLOTTED INDIAN LANDS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4347) to amend section 26 of the act of June 30, 1919, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920," which had been reported from the Committee on Indian Affairs with an amendment on page 2, line 3, after the word "minerals," to insert "not including oil and gas," so as to make the bill read:

Be it enacted, etc., That the provisions of section 26 of the act of June 30, 1919 (41 Stat. L. p. 31), entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919," are hereby amended to permit the leasing of the unallotted Indian lands affected thereby for the purpose of mining nonmetalliferous minerals, not including oil and gas.

The amendment was agreed to.

Mr. HARRELD. Mr. President, I desire that the pending bill may be passed over for a moment. I think there is a House bill on the calendar which I shall desire to substitute for it.

The PRESIDENT pro tempore. The bill will be temporarily laid aside.

Mr. HARRELD subsequently said: I ask now to revert to Senate bill No. 4347, which was passed over temporarily a few moments ago. I wish to move to substitute the House bill for the Senate bill. I move that House bill 12393 be substituted for Senate bill 4347. The House bill is on the calendar, being order of business 1148, which has the same title as the Senate bill.

The PRESIDENT pro tempore. Is there objection?

Mr. WALSH. Mr. President, Senate bill 4347 seems to me a rather strange bill. It provides that the act making appropriations for fulfilling treaty stipulations with various Indian tribes, and so forth, shall be "amended to permit the leasing of the unallotted Indian lands affected thereby for the purpose of mining nonmetalliferous minerals."

That is a queer way to amend an act. And it does not include oil or gas. Let me inquire of the Senator what nonmetalliferous minerals are there that will be affected by this bill if he does not include oil and gas?

Mr. HARRELD. I will have to confess this is the bill of the Senator from Nevada [Mr. ODDIE] and I am not very familiar with it.

Mr. WALSH. I will ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

INTERNATIONAL CONFERENCE ON HABIT-FORMING NARCOTIC DRUGS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7532) to provide payment for services rendered in preparation for the international conference on traffic in habit-forming narcotic drugs.

It proposes to pay from the appropriation "International conferences—traffic in habit-forming drugs, 1925," $1,950 to Mrs. E. W. Wright for services rendered to the Department of State during the period from December 1, 1923, to June 15, 1924, in preparing and assembling data for the use of the American delegates to the international conferences on the traffic in habit-forming drugs.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALASKA PUBLIC LANDS FOR FUR FARMING

Mr. STANFIELD. Mr. President, I ask unanimous consent to return to Senate bill 2688. The Senator from Michigan objected to the bill.

The PRESIDENT pro tempore. Is there objection to recurring to the bill referred to by the Senator from Oregon?

Mr. WALSH. Mr. President, I shall be obliged to object.

The PRESIDING OFFICER. Objection is made.

Mr. WALSH. If the Senator will bear with me a minute, this bill provides for the leasing of land for the culture of fur-bearing animals, but there is no limitation whatever on the amount of land that may be leased nor of the purposes to which the land may be put, except it provides that the entire island may be leased if it does not contain more than 30 sections of land. That amounts to some 17,000 acres. That is a good deal to devote to the culture of fur-bearing animals.

The PRESIDENT pro tempore. Objection having been made, the bill will be passed over.

DEPORTATION OF ALIEN SEAMEN

The bill (S. 3574) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, that bill makes very important changes in the immigration law. I think it deserves fuller consideration than we can give it to-night.

Mr. KING. I think that is right.

The PRESIDENT pro tempore. The bill will be passed over.

PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

The bill (H. R. 11119) to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I ask for an explanation of this bill from the chairman of the committee.

Mr. BLEASE. Mr. President, I have heretofore objected to that bill.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. CAPPER. I hope the Senator from South Carolina will withhold his objection. There is a widespread and general demand in this city for this proposed legislation and for a reorganization of the Public Utilities Commission.

Mr. BLEASE. I do not like to do anything in the world against the wishes of the Senator from Kansas, but I venture to say that if there is a badly governed city in the world, Washington is one.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. COPELAND. Mr. President, let me say to the Senator from South Carolina that the purpose of it is to try to have the city better governed, and it makes provision for a better utilities commission.

Mr. BLEASE. If it shall not be run any better than it is now, we ought to close it up. I object.

The PRESIDENT pro tempore. The bill will go over.

MISSISSIPPI RIVER BRIDGE AT LANSING, IOWA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10857) granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing.

Mr. MAYFIELD. Mr. President, I wish to offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

Mr. MAYFIELD. I wish to say that this amendment which I offer is entirely acceptable to the Senator from Connecticut, who has reported the bill, and also to the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. It is not acceptable to me.

Mr. COUZENS. Mr. President, if the amendment of the Senator from Texas is going to be offered, I will have to object.

Mr. CUMMINS. Of course, I have no objection to the bill itself.

The PRESIDENT pro tempore. The Chair understands the Senator from Michigan to object.

Mr. MAYFIELD. I hope that the Senator from Michigan will withhold his objection.

Mr. COUZENS. I think that this is a method to get another bill on the calendar tacked onto this bill.

Mr. MAYFIELD. No.

Mr. BINGHAM. The Senator from Michigan has misunderstood. As a matter of fact, the bill was passed some time ago by the Senate.

Mr. MAYFIELD. I will say to the Senator from Michigan that the amendment which I offer embodies the bill which the Senate has already passed unanimously, but the House committee has not had time to have a hearing on it. The bill (S. 750), which I offer as an amendment, simply permits the railroads that are already in existence to make extensions without certificates from the Interstate Commerce Commission. If we adopt this amendment on this bill it will enable the House to concur in this amendment. As I have said, the amendment is acceptable to the Senator from Connecticut, and the Senate has already passed it.

Mr. COUZENS. Yes; that means that when the Senate has passed a bill which can not get through the House it is to be attached to some minor House bill, and in that way get through.

Mr. MAYFIELD. This means so tremendously much to the State of Texas, I certainly hope the Senator from Michigan will not object.

Mr. COUZENS. It is amending the transportation act on a bridge bill.

Mr. JONES of Washington. I wish to say to the Senator from Texas that I could offer the amendment to which my friend from Oregon objects and put it onto this bill if the procedure which he suggests is to be followed.

Mr. COUZENS. That is correct.

The PRESIDENT pro tempore. The bill will be passed over.

RETIREMENT OF OFFICERS PROMOTED FROM THE FOREIGN SERVICE

The bill (H. R. 11203) to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924, was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. SHIPSTEAD. Mr. President, I ask the Senator to withhold his objection for a moment.

Mr. KING. I will withhold it temporarily.

Mr. SHIPSTEAD. I thank the Senator. I should like to say just a word in favor of this bill. It seems to me there should be no objection to it. Some years ago the Rogers Act was passed permitting the promotion of men in the classified foreign service to the higher grades, but the Comptroller General has held that when appointed to such higher grades they lose the right to participate in the retirement provisions applicable to men in the classified foreign service when they retire. Some of the men who have given their lives to the foreign service have been promoted. For instance, the present minister to Denmark is one of them; and when he leaves the service he can not enjoy the benefits of the retirement provisions that apply to the officers in the classified foreign service who have not been promoted to the grade of minister. That is all there is to this bill; and I am sure the Senator, if he will look into it, will not object.

Mr. KING. May I interrupt the Senator?

Mr. SHIPSTEAD. Yes.

Mr. KING. Does not this bill provide for increased compensation for the various grades in the Diplomatic Service as well as the Consular Service? The Senator will recall that when we passed the Rogers Act it was understood that those salaries were more than commensurate really with the services rendered, at least many thought so; but nevertheless opposition to it was withdrawn and the bill was passed. If this bill is for the purpose of increasing the compensation provided in that act I will object to it.

The PRESIDENT pro tempore. May the Chair take advantage of the opportunity as a Senator and as a member of the Committee on Foreign Relations to say that this bill provides that certain officers in the Foreign Service, coming up through the grades and promoted from the higest grades in the classified foreign service to become chief of mission may upon reaching retirement age, having had the necessary number of years' service, be retired as of the lower grade from which they were promoted to be chief of mission; in other words, that their promotion to chief of mission shall not deprive them of the pension benefits arising from the years of their service in the lower grade.

If the Chair may still further presume, he will say to the Senator from Utah that at the outset the Chair was very much opposed to this measure in the Committee on Foreign Relations and delayed it there for some time, until he could have an opportunity to make a more detailed examination as to its effect upon the personnel of the Foreign Service, especially with reference to the number of persons who would be affected beneficially by the bill and exactly what its effect would be upon the general scheme of setting up a complete permanent service such as contemplated by the Rogers Act. Having conducted that examination, the Chair came to the conclusion that the bill should become a law.

Mr. KING. Mr. President, may I inquire of the Senator from New Hampshire——

Mr. HEFLIN. Mr. President, this bill had better go over.

The PRESIDENT pro tempore. The Chair did not understand the Senator from Alabama.

Mr. HEFLIN. I ask that this bill go over until we can look into it further.

The PRESIDENT pro tempore. Under objection, the bill will go over.

Mr. HEFLIN subsequently said: Mr. President, I withdraw my objection to the consideration of Order of Business 1043, House bill 11203, which was up a moment ago, and, so far as I am concerned, I have no objection to its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. REED of Pennsylvania. Mr. President, in that connection I desire to call attention to what seems to me to be a great injustice which has just been worked by a decision of the Comptroller General.

The Chief of the Division of Western European Affairs for many years in the State Department, Mr. Castle, whom we all know, has been contributing toward this retirement fund which they have in the department; and by an order of the Comptroller General, handed down this week, he has been told all

of a sudden that he is not entitled to participate in that fund, and all of his premiums which he has been paying for years have been ordered returned to him. I should like to propose as an amendment to this bill——

Mr. LA FOLLETTE. Mr. President, may I suggest to the Senator that if an amendment should be adopted to this bill it would certainly jeopardize its passage at this session of Congress.

Mr. REED of Pennsylvania. I think there is no question that the House will agree to it.

Mr. LA FOLLETTE. It all depends, of course, on when we are to adjourn; but if the date which has been generally discussed about the cloakrooms should be accepted it would hardly leave time for a conference.

Mr. REED of Pennsylvania. I do not think any conference would be necessary, if the Senator will permit me to say so. I believe the House would accept the amendment unhesitatingly.

Mr. LA FOLLETTE. I merely wished to suggest that to the Senator.

Mr. REED of Pennsylvania. I do not wish to jeopardize the bill, because I agree that the bill is a very meritorious one.

Mr. LA FOLLETTE. I am sure that is the case, and I merely wanted to suggest that for the Senator's consideration.

Mr. REED of Pennsylvania. I have thought of it, and I think the amendment will be agreed to without hesitation; so I move to amend the bill by adding a section, to be numbered 2, and to read as follows:

That the Chief of the Division of Western European Affairs shall be entitled to the benefits of said Foreign Service retirement and disability fund.

Mr. KING. Mr. President, certainly some reason must exist for the action of the Comptroller General. He must have had some valid reason, and before action is taken upon this amendment I should like to know what it is.

Mr. REED of Pennsylvania. As far as any reason is stated, I understand it to be that this officer was not a career officer in the department, although, as we all know, it has been his career through several successive administrations. He was appointed originally under President Wilson, continued under President Harding and President Coolidge, and, in my judgment, is one of the ablest men in the State Department.

Mr. SWANSON. Mr. President, I should like to say, so far as this bill is concerned, that it does not cost the Government anything. This 5 per cent is paid out of the salaries of these officials. In drawing the original bill passed last year the committee made a mistake in the language, and they were excluded.

Mr. Castle is really one of the best men in the service. He has been there for a long time and has paid his 5 per cent. In framing the original bill we made a mistake, and he was excluded, as I have stated, and his payments have been ordered turned back to him.

Mr. REED of Pennsylvania. This will cost the Government nothing.

Mr. JONES of Washington. Mr. President, may there not be many other men in the same position as Mr. Castle?

Mr. REED of Pennsylvania. I do not know of any other instance, Mr. President.

Mr. JONES of Washington. We probably did not know of this until the Comptroller General made his decision.

Mr. REED of Pennsylvania. His position is unique. It seems as though his is a spoils position, when, as we all know, it is on the efficiency roll of the department. I do not know of anything that resembles it.

Mr. ROBINSON of Arkansas. At any event, that would be no reason for denying Mr. Castle relief; and other cases could be taken care of as they appear and their merits are presented.

Mr. REED of Pennsylvania. Exactly.

Mr. JONES of Washington. Mr. President, apparently, from the statement made by the Senator from Virginia, Congress deliberately excluded men in his class; that is, we used language that did exclude him.

Mr. ROBINSON of Arkansas. No; the language that was employed has been construed by the Comptroller General to exclude him, but, as I understand, it was not the intention of Congress to exclude him. That is the very point. The technical construction of the act by the Comptroller General does exclude him from the benefits of the act, but Congress intended that he should be included within the terms of the law.

Mr. JONES of Washington. Very likely Congress did not have him in mind at all.

Mr. REED of Pennsylvania. I am sure it did not.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

W. F. MORGAREIDGE

The bill (H. R. 816) for the relief of W. F. Morgareidge was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to W. F. Morgareidge, formerly postmaster at Moscow, Idaho, $364.30, which amount was paid by the said W. F. Morgareidge to cover loss of war savings stamps and thrift stamps in the amount of the face value of $364.30, charged to the postmaster at Moscow, Idaho, and shipped by him in October, 1918, to the postmaster at Potlatch, Idaho, no record appearing that such stamps were received by the postmaster to whom sent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD WEATHERSTON

The bill (H. R. 1136) for the relief of Richard Weatherston was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay in full settlement against the Government, to the legal guardian of Richard Weatherston, $2,000 for damages for the loss of sight in the right eye and facial scars caused by being struck by a Government-owned automobile which was driven by a Government employee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN POLICEMEN IN ALASKA

The bill (H. R. 3454) for the relief of certain Indian policemen in the Territory of Alaska was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay in full settlement against the Government, $1,560 to the following-named Indian policemen of Alaska, or their heirs or assigns, in the sums herein enumerated: Annahootz, $360; James Henry Tooksaodd, $300; Dick Stagwan, $300; Jacob Shkowehyaeh, $300; Tom Goosh-dtath-a-naodt, $150; and Paul Kattlan, $150; for services rendered as territorial police under the direction of the Governor of Alaska.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEBRASKA BUICK CO.

The bill (H. R. 4323) for the relief of the Nebraska Buick Co. was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to the Nebraska Buick Co. $258, such sum being moneys covered into the Treasury of the United States through error, and to which the Nebraska Buick Co. had and still has a valid lien.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. JUDGE, SR.

The bill (H. R. 7942) for the relief of James E. Judge, sr., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to James E. Judge, sr., of Lincoln, Lancaster County, Nebr., $295, to compensate him for the loss of one Ford sedan automobile, motor No. 5017671, which was purchased from the United States Government through the office of D. H. Cronin, United States marshal for the district of Nebraska, at a public auction, the basis of such action being that the automobile was used in the transportation of certain narcotics contrary to section 3450 of the United States Statutes, thereafter and on or about 9th day of July, 1923, certain State officers of the State of Nebraska ascertained that such automobile was the stolen property of Doctor Ludwick, of Lincoln, Nebr. Upon discovery of this fact the State authorities immediately claimed and took possession of such Ford sedan and returned it to Doctor Ludwick, removing the Ford sedan from the possession of James E. Judge, sr., without remuneration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOLKERT COLEMAN AND CAREY D. FERGUSON

The bill (H. R. 8331) for the relief of Folkert Coleman, of Port Huron, Mich., and Carey D. Ferguson, collector of customs and special disbursing agent for the Treasury Department at Detroit, Mich., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $27.50 to Folkert Coleman, who was employed by the custodian of the post-office building at Port Huron, Mich., as temporary laborer in the custodian service of the Treasury Department, with compensation at the rate of $900 per annum, and whose appointment could not be approved by the Secretary of the Treasury because of a decision of the Comptroller General of the United States pro-

hibiting the employment and payment of compensation to persons beyond the age of retirement who had not been certified for retention under section 6 of the act of May 22, 1920, "An act for the retirement of employees in the classified civil service, and for the other purposes."

The bill further provides that the Comptroller General of the United States is authorized and directed, notwithstanding the provisions of the act of May 22, 1920, to credit the account of Carey D. Ferguson, collector of customs and special disbursing agent for the Treasury Department, at Detroit, Mich., with the amount of $37.50, paid to Folkert Coleman, named in section 1 hereof, for services rendered in the position of laborer during the period February 1 to 15, 1925.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. F. J. BAKER AND CAPT. GEORGE W. REES, UNITED STATES ARMY

The bill (H. R. 11094) for the relief of Capt. F. J. Baker and Capt. George W. Rees, United States Army, was considered as in Committee of the Whole. It directs the General Accounting Office to credit the accounts of Capt. F. J. Baker, finance officer, United States Army, Atlanta, Ga., in the amount of $1,360, on account of shortage in accounts of Capt. George W. Rees, United States Army, agent officer at Fort Barrancas, Fla., due to funds in said amount removed and stolen from the safe of Captain Rees at Fort Barrancas, Fla., in August, 1925, and to repay to Captain Rees such portion of the $1,360 as has been refunded by him to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PIRTLE HANDLEY

The bill (H. R. 1565) for the relief of Pirtle Handley was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay, in full settlement against the Government, $5,000 to Pirtle Handley, of Louisville, Ky., as compensation for injuries sustained on April 6, 1918, at Elizabethtown, Ky., during a Liberty loan demonstration, when a machine gun, while being manipulated by Army officers, was accidentally fired, the bullet striking Handley's leg and so mangling the same as to require its amputation at the hip joint.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR H. BAGSHAW

The bill (H. R. 4064) for the relief of Arthur H. Bagshaw was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Arthur H. Bagshaw, of Lowell, Mass., $268.80 in full settlement against the Government for loss of pay on account of injury sustained while in the performance of his duty as a letter carrier at Lowell, Mass., in November, 1912.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMANUEL XUIEREB

The bill (H. R. 7395) for the relief of Emanuel Xuiereb was considered as in Committee of the Whole. It authorizes the appropriation of $1,750, to reimburse Emanuel Xuiereb, employed lately as overseer of civilian employees and now as chief mechanic at the United States Naval Hospital, Canacao, Philippine Islands, for the loss of private funds in the form of Liberty bonds, consisting of one bond of the second issue in the amount of $500, one bond of the third issue in the amount of $250, one bond of the fourth issue in the amount of $500, and one Victory bond in the amount of $500, which the said Emanuel Xuiereb had placed in the safe in the office of the commanding officer at the United States Naval Hospital, Canacao, Philippine Islands, for safekeeping and which were stolen therefrom some time prior to January 6, 1922, by some unknown person or persons.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. S. HOWARD CO.

The joint resolution (H. J. Res. 98) for the relief of R. S. Howard Co. was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That the House of Representatives refer the subject matter of this resolution to the Court of Claims for a rehearing, in view of the decision of the Supreme Court of the United States in the case of A. W. Duckett & Co. against the United States, decided by said court on November 17, 1924, subsequent to the statement by the Court of Claims of its conclusion of law on the facts relating to the claim of R. S. Howard Co.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. FREDERICK C. MATTHEWS

The bill (H. R. 2136) for the relief of Lieut. Frederick C. Matthews was considered as in Committee of the Whole. It directs the Comptroller General of the United States to allow and credit in the accounts of former Lieut. Frederick C. Matthews, disbursing officer of the American Expeditionary Forces, $324.85, representing amounts erroneously paid, through misinterpretation of the law, certain officers for commutation of quarters for their dependent sisters and certain shortages in his accounts for the months of October and December, 1918.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7930) for the relief of the Broad Brook Bank & Trust Co. was announced as next in order.

Mr. KING. I should like an explanation of that bill.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. DENEEN], who reported the bill, is not present.

Mr. KING. Let it go over, then.

The PRESIDENT pro tempore. The bill will be passed over.

MABEL BLANCHE ROCKWELL

The bill (H. R. 9089) for the relief of Mabel Blanche Rockwell was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. H. BERT KNOWLES

The bill (H. R. 7674) for the relief of Capt. H. Bert Knowles was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7678) for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge *209*, was announced as next in order.

Mr. KING. Mr. President, I should like to ask whether that matter has been referred to the Court of Claims, or by what process the amount agreed upon was ascertained?

The PRESIDENT pro tempore. The Senator reporting the bill is not in attendance.

Mr. JONES of Washington. I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

P. H. DONLON

The bill (H. R. 5063) for the relief of P. H. Donlon was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. HEDRICK

The bill (H. R. 6080) for the relief of J. M. Hedrick was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEIL MULLANE

The bill (H. R. 7524) for the relief of Neil Mullane was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 70) for the relief of Charles A. Mayo was announced as next in order and was read.

Mr. KING. Mr. President, I should like to ask whether that was Government property or the property of the individual. I have not had time to read the report.

The PRESIDENT pro tempore. The Senator reporting the bill is not in attendance.

Mr. KING. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

GEORGE B. SPEARIN, DECEASED

The bill (S. 1748) for the relief of the estate of George B. Spearin, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to estate of George B. Spearin, deceased, the sum of $5,616.29, which sum, or so much thereof as may be necessary, is hereby appropriated, said sum to be payment in full for all loss sustained by said Spearin by reason of failure until April 11, 1917, of his attorney to file with the Treasury Department, in compliance with the provisions of the act of September 30, 1890 (26 Stat. L. p. 537), transcript of judgment of the Court of Claims in the case of Spearin against the United States, decided by said court April 13, 1916 (51 Ct. Cls. p. 156), and affirmed by the Supreme Court of the United States December 9, 1918 (248 U. S. p. 132).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF TARIFF ACT OF 1922

The bill (H. R. 11658) to amend section 523 of the tariff act of 1922 was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think that bill had better go over.

Mr. WADSWORTH. Mr. President, I hope the Senator from Arkansas will withhold that request.

Mr. ROBINSON of Arkansas. I withhold it.

Mr. REED of Pennsylvania. Will the Senator withhold his objection for a moment?

Mr. ROBINSON of Arkansas. I have withheld it.

Mr. WADSWORTH. Does the Senator desire an explanation of the bill?

Mr. KING. Yes.

Mr. ROBINSON of Arkansas. I withheld the objection for the purpose of getting the Senator to make an explanation, if he will do so.

Mr. WADSWORTH. I will. I am very anxious, as are the other members of the Committee on Finance, that this bill be passed. It will be noted that it is a House bill.

Mr. President, it is fair to state that this bill is intended to save the customs service of the United States from utter chaos. A dispute has arisen between the Treasury Department on one side and the Comptroller General on the other, the Comptroller General insisting that under the law every transaction engaged in by the entire customs service of the United States in the matter of the collection of a duty or the payment of a drawback or a refund of any kind shall be submitted, detail by detail, to his office at Washington, to be audited and examined in the greatest detail, and that until he has audited every one of those thousands and thousands of transactions in which the customs service engages during the year the collectors of customs shall not be permitted to balance, as it were, their accounts with the Government; their accounts will not be considered as balanced.

The Treasury Department asked the Attorney General of the United States for his opinion as to whether the Comptroller General had the right under the law to compel the customs service to do this. Mr. Stone, as Attorney General—it will be found in the report—replied that in his opinion—

1. The Comptroller General has no statutory authority to require to be forwarded to him any other papers relating to entries of imported merchandise than those prescribed by the Secretary of the Treasury.

2. The Comptroller General has no authority, express or implied, to review the collectors' liquidations of entries of imported merchandise and drawback entries.

In spite of the opinion of the Attorney General, the Comptroller General still insists that he must audit every single one of these thousands and thousands of transactions. The delays that such a proceeding would impose upon the administration of the customs law or the tariff law are almost impossible to imagine.

Mr. WALSH. Mr. President, let me inquire of the Senator from New York if the Comptroller General audits the accounts of the Bureau of Internal Revenue?

Mr. WADSWORTH. He does not. We might just as well say—it would be on all fours with it—that the Comptroller General should have the right to audit every tax collection in the Internal Revenue Bureau.

Mr. WALSH. Does he audit the accounts of the War Department?

Mr. WADSWORTH. Certainly, of the War Department; yes.

Mr. ROBINSON of Arkansas. Mr. President, I shall have to insist upon my objection.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. WADSWORTH. I regret that exceedingly, Mr. President. I can not exaggerate to the Senator from Arkansas the confusion which now exists and has existed for months and months.

Mr. HEFLIN. The Senator can take it up again to-morrow night.

Mr. WADSWORTH. But, Mr. President, as I understand, to-morrow night is the night upon which, under the unanimous-consent agreement, we are to operate under Rule VIII, and we will never reach this far on the calendar under Rule VIII. This is the last chance for this bill, as I see it.

Mr. COUZENS. Mr. President, I should like to say to the Senator from New York that the Comptroller General has an amendment which he would like to have made to this bill.

Mr. HEFLIN. I call for the regular order.

Mr. COUZENS. I think it is not at all a one-sided case.

Mr. WADSWORTH. The Committee on Finance was unanimous on it.

Mr. HEFLIN. I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Secretary will state the next bill on the calendar.

AMENDMENT OF IMMIGRATION ACT OF 1924

The joint resolution (S. J. Res. 82) to amend subdivision A of section 4 of the immigration act of 1924 was considered as in Committee of the Whole, and was read as follows:

Resolved, etc., That subdivision A of section 4 of the immigration act of 1924 be amended so as to read as follows:

"(a) An immigrant who is the unmarried child under 18 years of age, or the wife, or the husband, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9."

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 10661) to amend the immigration act of 1924 was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, the joint resolution which was just passed—Senate joint resolution 82—changes the law by permitting the entrance, as nonquota immigrants, of husbands of American citizens. The Immigration Committee, I think, was unanimous in feeling that that was the reasonable thing to do. The next bill, House bill 10661, which is now before the Senate, provides for the admission of the wives and children under 18 of alien ministers and professors in colleges who came to this country before July 1, 1924.

I am going to take only a minute more. I want to suggest that the provisions of the bill, while they seem wise enough, should not be indefinite in their duration; and I move, therefore, to amend, on page 1, line 5, by inserting, after the word "immigrant," the words "arriving in the United States before July 1, 1927." That will give them a year to get here and will accomplish the necessary relief without opening the door wide for the future.

Mr. WADSWORTH. Mr. President, may I ask a question about this bill? As I read the bill, it permits the admission of the wife or the unmarried child under 18 years of age of an alien resident of the United States who came to this country before July 1, 1924, and who continuously for at least two years immediately preceding the time of his admission to the United States for permanent residence was, and who entered the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination or professor of a college, academy, seminary, or university, etc. Why is that especial privilege offered to that particular class of persons when it is denied, as I understand, by the Committee on Immigration in connection with another bill to other aliens who came here prior to July 1, 1924, and who now find themselves utterly prevented, for an indefinite period at least, from seeing their wives and children under 18 years of age? Mind you, I do not object to this, but I should like to know why one class is picked out.

Mr. COPELAND. Mr. President, may I answer by reading the Senator two sentences from the House report?

Under the law as it is now in force——

Mr. HEFLIN. Mr. President, evidently this bill is going to lead to considerable discussion, and to-night was to be devoted to the consideration of unobjected bills. There are several here yet.

Mr. WADSWORTH. I have not objected.

Mr. COPELAND. This bill is so meritorious that I am sure no Senator will object.

Mr. HEFLIN. I shall not object if it can be disposed of in the next minute.

Mr. COPELAND. Let me read these two sentences:

Under the law as it is now in force, nonquota status attaches to these relatives of a minister or professor entering the country at any time after July 1, 1924, whereas such status is denied to relatives of the same degree of a minister or professor who was in the country at that date.

That is the purpose of it.

Mr. WADSWORTH. I see.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIMS OF SHOSHONE TRIBE OF INDIANS

The bill (S. 2301) authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments: On page 1, to strike out lines 3 to 10, inclusive, and on page 2, lines 1 and 2, and to insert in lieu thereof the following:

That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statutes of limitation, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims which the Shoshone Tribe of Indians of the Wind River Reservation in the State of Wyoming may have against the United States arising under or growing out of the treaty of July 3, 1868 (15 Stat. p. 673), or arising under or growing out of any subsequent treaty or agreement between said Shoshone Tribe of Indians and the United States or any subsequent act of Congress affecting said tribe, which claims have not heretofore been determined and adjudicated upon their merits by the Court of Claims or the Supreme Court of the United States.

On page 3 to strike out lines 17 to 20, and to insert in lieu thereof the following:

If it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, or agreement, has appropriated or disposed of any lands, money, or other property belonging to the Indians, damages therefor shall be confined to the value of the money, lands, or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Shoshone Indians in and to such money, lands, or other property.

On page 4 to strike out lines 10 to 21, inclusive, and to insert in lieu thereof the following:

Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by said Shoshone Tribe of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribe.

So as to make the bill read:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statutes of limitation, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims which the Shoshone Tribe of Indians of the Wind River Reservation in the State of Wyoming may have against the United States arising under or growing out of the treaty of July 3, 1868 (15 Stats. p. 673), or arising under or growing out of any subsequent treaty or agreement between said Shoshone Tribe of Indians and the United States or any subsequent act of Congress affecting said tribe, which claims have not heretofore been determined and adjudicated upon their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. The claims of said tribe shall be presented by petition, subject, however, to amendment at any time. The suit under this act shall be instituted or petition filed in the Court of Claims within three years from the date of approval of this act. Such suit shall make the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming party plaintiff and the United States party defendant. The petition shall be verified upon information and belief by the attorney or attorneys employed by said tribe to prosecute said claims under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior. Letters, papers, documents, and public records, or certified copies thereof, bearing upon the claims presented, may be used in evidence, and the departments of Government shall give the attorney of said tribe access to any such letters, papers, documents, or public records and shall furnish certified copies of such thereof as may be deemed material.

SEC. 3. In said suit the court shall also hear, examine, and adjudicate any claims which the United States may have against said tribe, but any payment, including gratuities, which the United States may have made to said tribe shall not operate as an estoppel, but may be pleaded as an offset in such suit.

SEC. 4. If it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, or agreement, has appropriated or disposed of any lands, money, or other property belonging to the Indians, damages therefor shall be confined to the value of the money, lands, or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Shoshone Indians in and to such money, lands, or other property.

SEC. 5. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by said Shoshone Tribe of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribe.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to said suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition in such suit shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States.

SEC. 8. All amounts which may be found due and recovered for said tribe under the provisions of this act, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of said tribe and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. COPELAND. I ask unanimous consent to return a moment to Order of Business 1059, House bill 7678. I should have answered the question asked by the Senator from Utah.

Mr. HEFLIN. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HEFLIN. I will help the Senator to-morrow, but not to-night.

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The regular order is demanded, and the clerk will call the next bill on the calendar.

BENITO VISCAINA AND MARIA VISCAINA

The bill (H. R. 3142) for the relief of Benito Viscaina and Maria Viscaina was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNUAL CONVENTION OF AMERICAN LEGION IN PARIS

The bill (S. 4408) to authorize the granting of leave to ex-service men and women employed in the municipal government of the District of Columbia to attend the annual convention of the American Legion in Paris, France, in 1927, was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the provisions of the act approved May 20, 1926, entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," shall include ex-service men and women employed in the municipal government of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRIMAN GEOGRAPHIC CODE SYSTEM

The joint resolution (S. J. Res. 110) authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use of the Harriman geographic code system under patents issued or that may be issued, and also the unrestricted use of all copyrights issued or that may be issued in connection with the products of the Harriman geographic code system for all governmental, administrative, or publication purposes for which the same may be desirable, was announced as next in order.

Mr. WILLIS. Mr. President, that is too important a matter to take up at this time. I suggest that it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

WILLIAM KNABE

The bill (H. R. 10020) for the relief of William Knabe was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS FIELD

The bill (H. R. 10641) for the relief of Elias Field was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. Z. SWIFT

The bill (S. 1517) authorizing and directing the Secretary of the Treasury to pay to W. Z. Swift, of Louisa County, Va., the insurance due on account of the policy held by Harold Rogis was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. Z. Swift, of Louisa County, Va., out of the proper fund appropriated therefor, the accrued installments of insurance due on account of the policy of insurance of Harold Rogis, late of Fifteenth Depot Battalion (case styled in the Veterans' Bureau C–64337), and to continue such payments, in accordance with the statute made and provided, until the entire amount of the policy of insurance held by the said Harold Rogis is fully paid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIRCUIT COURT OF APPEALS AT OKLAHOMA CITY

The bill (H. R. 11123) to establish a term of the United States circuit court of appeals at Oklahoma City, Okla., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

T. ARTHUR MOORE

The bill (H. R. 1952) for the relief of T. Arthur Moore was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARCHIE EGGLESTON

The bill (H. R. 4414) for the relief of Archie Eggleston, an Indian of the former Isabella Reservation, Mich., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN BALDWIN COUNTY, ALA.

The bill (H. R. 7104) to quiet title and possession with respect to certain lands in Baldwin County, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HEBNES

The bill (H. R. 10489) to perfect the homestead entry of John Hebnes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. SEND

The bill (S. 4178) for the relief of Charles H. Send was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to amend the homestead entry of Charles H. Send, made March 20, 1924, so as to describe lot 1, section 13, and lot 3, section 14, township 4 south of range 15 west, of the Tallahassee meridian, Florida, containing 112.50 acres, in lieu of the subdivisions now embraced therein, and to accept the commutation proof submitted by said Send on October 8, 1925, if found otherwise satisfactory, upon payment for the land at the rate of $1.25 per acre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF BURNT TIMBER ON THE PUBLIC DOMAIN

The bill (H. R. 7370) to amend an act entitled "An act to authorize the sale of burnt timber on the public domain," approved March 4, 1913, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISPOSITION OF ABANDONED LAND IN FLORIDA

The bill (H. R. 8903) to authorize the sale and disposition of the abandoned tract or tracts of lands formerly used as a life-saving station in Florida, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment of the committee was, on page 2, line 2, to strike out the words "more than five" and insert in lieu thereof the words "less than 40."

Mr. TRAMMELL. I offer as an amendment to that committee amendment to strike out "40" and insert the word "five."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TRAMMELL. Mr. President, I desire to state that I proposed this amendment to the committee amendment in order to expedite the passage of the bill through the House. I felt certain that the House would not agree to the amendment as reported by the committee.

The next amendment of the committee was on page 2, line 3, after the word "park" to insert the words "aviation field"; and to add to the bill a new section, to read as follows:

SEC. —. That when a town organized as a municipality embraces the lands in question, the Secretary of the Interior is authorized to issue patent to the said municipality, upon the payment of $1.25 per acre, for all reservations, for parks, aviation field, schools, and other public purposes, to be maintained for such purposes only.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOLYMAN BATTLE

The bill (H. R. 9274) to release the quitclaim title of certain lands to Holyman Battle and his successors in interest, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF GOVERNMENT LAND TO HENNESSEY, OKLA.

The bill (H. R. 9496) authorizing the Secretary of the Interior to convey certain lands reserved for park and other purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESERVATION OF PUBLIC LANDS FOR COUNTRY PARKS

The bill (H. R. 11060) to authorize the extension of the application of the act entitled "An act to authorize the reservation of public lands for county parks and community centers within reclamation projects, and for other purposes," approved October 5, 1914, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATENT TO DAVID A. VINCENT

The bill (H. R. 1580) authorizing the Secretary of the Interior to sell and patent to David A. Vincent certain lands in Oklahoma, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES PERRY WHITLOW

The bill (H. R. 6921) to correct the military record of James Perry Whitlow was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEPARATION OF EMPLOYEES FROM THE CLASSIFIED CIVIL SERVICE

The joint resolution (S. J. Res. 115) respecting separation of employees from the classified civil service was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Civil Service with amendments, on page 2, line 4, after the word "separations," to insert the words "on account of reduction of force"; and on line 9, after the word "separated," to insert the words "except for cause," so as to make the joint resolution read:

Resolved, etc., That on and after the date of the passage of this resolution all separations on account of reduction of force from the classified civil service in the executive departments and independent offices at the seat of government shall be made first from appointees from States whose quotas are in excess of their apportionment, and

no employee appointed from a State whose quota is in arrears shall be separated, except for cause, from the service if such employee has been retained past the six months' probationary period.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of Washington. I move that the preamble be stricken out.

The motion was agreed to.

DRIFT FENCES ON THE PUBLIC LANDS

The joint resolution (S. J. Res. 98) to authorize the temporary maintenance of drift fences on the public lands was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 6, after the word "permit" to strike out the words "any drift fences now upon the public lands to be maintained until January 1, 1928," and to insert the words "the maintenance of drift fences upon the public lands," so as to make the joint resolution read:

Resolved, etc., That notwithstanding the provisions of the act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885, as amended, the Secretary of the Interior is authorized, in his discretion, to permit the maintenance of drift fences upon the public lands.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution to authorize the maintenance of drift fences on the public lands."

UNALLOTTED LANDS IN COLORADO RIVER INDIAN RESERVATION

The bill (S. 4142) authorizing the Secretary of the Interior to lease unallotted lands within the Colorado River Indian Reservation, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and to insert:

That the unallotted irrigable lands on any Indian reservation may be leased for farming purposes for not to exceed 10 years with the consent of the tribal council, business committee, or other authorized body representative of the Indians, under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the leasing of irrigable unalloted land on Indian reservations."

NURSES' HOME FOR THE COLUMBIA HOSPITAL FOR WOMEN

The bill (S. 4393) to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in Asylum was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator in charge of the bill whether, in view of the large appropriations made in the last appropriation bill for the District, and in view of the rather large appropriations made in the deficiency appropriation bill to-day, it is deemed necessary to take this action?

Mr. COPELAND. Yes; it is. Nurses are now housed in a wooden building, which is a great fire risk, and it is necessary at this time to employ expensive graduate nurses and house them outside. We went into the question very extensively, and I am satisfied that this is a well-justified appropriation.

Mr. KING. Is not this rather a large sum for this purpose?

Mr. COPELAND. No; it is not. We went into that question. The first thought was to ask for a half million dollars. Finally it was found that by making certain changes in plans it could be cut down to this amount. I am sure this is a much-needed appropriation.

Mr. KING. How many nurses are employed in this hospital?

Mr. COPELAND. About a hundred nurses.

Mr. BLEASE. Mr. President, who is going to spend that money?

Mr. COPELAND. The plans are drawn by the Architect of the Capitol.

Mr. BLEASE. I know; but I want to know who is going to give out the contracts.

Mr. COPELAND. The board of directors of the hospital.

Mr. BLEASE. Then I object to the bill.

Mr. COPELAND. Will not the Senator withhold his objection a moment?

Mr. BLEASE. No, I will not.

The PRESIDENT pro tempore. The bill goes over.

Mr. COPELAND subsequently said: The Senator from South Carolina has withdrawn his objection to Senate bill 4393, and I ask that the Senate proceed to its consideration.

Mr. BLEASE. I withdraw my objection on the assurance of the Senator from New York that United States Government officials and not District of Columbia officials will expend this money. I would rather let the United States officials get the graft than the officials of the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4393) to authorize the construction of a nurses' home at the Columbia Hospital for Women and Lying-in Asylum, which was read, as follows:

Be it enacted, etc., That a modern, fireproof nurses' home is hereby authorized for the Columbia Hospital for Women and Lying-in Asylum to replace the existing cottages and to cost not exceeding $400,000, including heating and ventilating apparatus, equipment, accessories, roadways, and approaches and other facilities leading thereto. All of such work shall be performed under the supervision and direction of the Architect of the Capitol and in accordance with plans and specifications prepared by him and approved by the board of directors of the hospital, such plans to provide separate room accommodations for each nurse or student. The plans and specifications may provide for such future extensions and modifications as may be deemed advisable.

SEC. 2. The Architect of the Capitol, for the purposes and subject to the limit of cost fixed by section 1 hereof, is authorized to enter into contracts, to purchase material, supplies, equipment, and accessories in the open market, to employ the necessary personnel, including professional services, without reference to section 35 of the act approved June 25, 1910, and to incur such other expenditures, including advertising and travel, as may be necessary and incidental to the purposes of this act.

SEC. 3. All expenditures incurred under this act shall be charged against the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed in the appropriation act in which the appropriations therefor are contained.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. WILLIS. Mr. President, I should like to have the attention of all the Senators. There is a large number of bills on the calendar. This is the last opportunity we shall have to consider them at this session. Therefore I ask unanimous consent that the consideration of the bills on the calendar, under the rule under which we have been proceeding, shall be continued until 11.30 instead of 11. That will give us a half hour longer.

The PRESIDENT pro tempore. Is there objection?

Mr. KING. Mr. President, I hope the Senator will not make that request. Many of us have been at work since 8 o'clock this morning. We have committees to attend to-morrow morning very early and have a good deal of work to do yet in our offices. I think we will get an opportunity to-morrow to consider the calendar. I shall join with the Senator in asking for such an opportunity to-morrow.

Mr. ASHURST. Mr. President, I beg the Senator from Utah to withhold his objection. It may be that Senators who have a delicate sense of justice—and I respect them, and appreciate their impulses—feel that we should not extend the time, but this will be the last opportunity we will have to go through the calendar, and inasmuch as any one objection carries a bill over, the Senate is protected, and absent Senators are protected.

I earnestly hope that we may extend the time for half an hour, and go through the calendar. Of course, I really respect the delicate sense of justice and propriety that moves Senators to object, but I hope they will withhold their objection. There are bills on this calendar which will never be reached unless we reach them to-night.

Mr. WILLIS. May I suggest to my friend from Utah that he knows from his experience here that there will be no opportunity to consider these bills to-morrow, and when we get into the night session to-morrow night there will be a motion made to take up some bill that will probably occupy most of the evening? In other words, if these bills, which have been laboriously reported out by committees, are not given consideration to-night, they will not be given consideration during this session.

Mr. KING. Mr. President, let me say to the Senator that I know a number of Senators who are absent to-night who would have been here if they had anticipated that we would have proceeded with the rapidity which has characterized our course to-night. I know that a number have objections to bills which are ahead of us, and if I consent it will only be with the understanding that any Senator not here to-night may, if he sees fit, move to reconsider a bill that was passed.

Mr. WILLIS. I am perfectly willing to agree to that. I think that is proper.

Mr. ROBINSON of Arkansas. Mr. President, I suggest to Senators that in all probability it will be possible to-morrow at some time to devote consideration to the calendar. I do not think we ought to be urged to go on after 11 o'clock to-night, having made the arrangement, and Senators having understood that only three hours would be devoted to the consideration of the calendar. Of course, everyone knew that we could not complete the consideration of the calendar to-night, and I think that in all probability an opportunity may be secured to-morrow to complete the call of unobjected bills on the calendar. I do not believe the Senate ought to go on to-night beyond 11 o'clock.

Mr. HEFLIN. Mr. President, I believe we can arrange to-morrow, if we can not get time during the day, to meet at 7 o'clock, and have the hour between 7 and 8 for the consideration of unobjected bills on the Calendar.

Mr. WILLIS. If that understanding can be reached, it will be all right. In view of the statements made, I withdraw my request. I have no desire to press it against the wish of Senators.

The PRESIDENT pro tempore. The next bill on the calendar will be proceeded with.

HENSLER BROS.

The bill (H. R. 7016) for the relief of Hensler Bros. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. G. ALDERETE

The bill (H. R. 4842) for the relief of F. G. Alderete, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ATHLETIC FIELD FOR HOWARD UNIVERSITY

The bill (S. 4445) to amend the act entitled "An act to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes," approved June 7, 1924, was announced as next in order.

The PRESIDENT pro tempore. The hour of 11 o'clock having arrived, under the unanimous-consent agreement the evening session must close.

RECESS

Mr. JONES of Washington. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 11 o'clock p. m.) took a recess until to-morrow, Friday, July 2, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *July 1, 1926*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, Thou art our refuge and strength, and our heavenly Father, too, in whom we find repose. Thou art the giver of all light and the glory of all life. Let Thy ministry toward us this day be full of grace and full of truth. Lift the whole level of our lives to the plane where the human heart forgets its troubles and our labor is a pleasure. When the load is heavy give us support, when the way is uncertain give us guidance, and when the pathway is lonely give us companionship. Thus our weakness shall be transformed into strength and our ignorance into wisdom. Feed us not with the bread of tears, but give us the manna that cometh down in bountiful measure from the Father of us all. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS

Mr. ELLIOTT. Mr. Speaker, by direction of the Committee on Invalid Pensions, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill (H. R. 10314), with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. CHINDBLOM. Has the Senate taken out any of the House provisions?

Mr. ELLIOTT. Yes; I can tell the House what has happened in this matter. This bill when it left the House had 1,012 cases in it. The Senate added 160 of their bills. They struck out of this bill 45 cases, 19 of which, however, are cases where the pensioner died after the bill passed the House, leaving 26 actually stricken out. Seventy-five cases were reduced in amount. That is what has happened in the Senate in connection with this bill.

The Committee on Invalid Pensions went over the matter the other day and came to the conclusion it was wise to accept the Senate amendments and let the bill go to the President.

Mr. CHINDBLOM. So the Senate gets 160 cases in the bill without any real consideration by the House committee and without any action reducing any of their figures. They are in the habit of reducing our figures. After our committee has given these cases, as I know, very careful attention, for some reason they will cut off $10, reducing the amount from $50 to $40, or something of that sort, and, of course, the individual Member has not much opportunity for argument. We are not protected unless we get protection through the committee.

Mr. ELLIOTT. I will say to the gentleman from Illinois that the examiner went over the 26 cases that have been stricken out of this bill, and he states they are very weak cases and that we have not much to fight on so far as they are concerned, and that the Senate cases which were included in the bill are meritorious ones.

Mr. CHINDBLOM. I will say to the gentleman that I am talking entirely from experience in past Congresses. I have not examined this new list, and I do not know whether I have anything in the bill or not.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. MORTON D. HULL. How many individual cases are there in the bill?

Mr. ELLIOTT. As the bill stands now there are 1,127 cases where they will either get a pension or an increase of pension over what they are getting now, with only 26 cut out.

Mr. COLE. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. COLE. Is it not true that most of the cases that are cut out will be provided for under the general pension law?

Mr. ELLIOTT. Some of them; yes.

Mr. COLE. I understood that probably half of them would be benefited in that way.

Mr. ELLIOTT. I could not say as to that.

Mr. HUDSON. Did I understand the chairman to say there were 26 cases cut out?

Mr. ELLIOTT. Yes.

Mr. HUDSON. How many were reduced?

Mr. ELLIOTT. Seventy-five.

Mr. HUDSON. Making a total alteration of around 100 out of about 1,100?

Mr. ELLIOTT. One thousand one hundred and twenty-seven.

Mr. COLE. Of the 75 reductions, more than half of them, I understand, get their increases under the general increased pension law.

Mr. ELLIOTT. These 75 people who are reduced get a better pension than they are getting under any law now.

Mr. COLE. Most of them will be benefited under the new pension law?

Mr. ELLIOTT. The widows will not get any pension unless they were widows of the soldiers during the Civil War.

Mr. HUDSON. In reply to the gentleman from Iowa, is not the opposite true—that these 75 who are cut out will not receive any benefits under the general law?

Mr. ELLIOTT. But they are not cut out. They are getting an increase over what they are getting now. The Senate merely reduced the amount the House gave them.

Mr. COLE. From $50 to $40.

Mr. ELLIOTT. Most of them from $50 to $40.

Mr. LOZIER. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. LOZIER. Answering the inquiry of one of the gentlemen, I will say that most of these cases where the allowance is reduced from $50 to $40 a month are cases where the age is below the age usually recognized in special pension bills, and in a number of those cases wherein reductions were made there were questions as to whether or not the property interests of the claimants were sufficient to exclude them from the class of those entitled to an increase. In some few instances the showing was to the effect that the claimant had considerable property, and these reductions, as a rule, were cases where the claims were in the twilight zone and where there was some question as to the merits of the application for an increase.

Mr. HUDSON. Will the gentleman yield?

Mr. LOZIER. If I have the floor.

Mr. HUDSON. Is it not a fact that the committee does not allow any case to pass into the omnibus bill that is in the twilight zone? The committee is pretty careful about that.

Mr. LOZIER. The committee tries to be careful.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection; so the committee amendments were agreed to.

EXTENSION OF REMARKS

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address by the Assistant Attorney General before the New York State Bankers' Association.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. WINGO. Mr. Speaker, I should hate to object, but I think the House ought to know this. I have had requests to insert in the RECORD numerous addresses by gentlemen with reference to the banking situation. I have taken the position that the House is opposed to printing in the RECORD of such addresses unless they are by Members of Congress. If the gentleman from New York is to ask for this, I shall be compelled to ask for the insertion of numerous addresses before banking associations.

Mr. BACON. This is an address by the Assistant Attorney General.

Mr. WINGO. I have requests from the governor of the Federal Reserve Board, president of the Federal reserve bank, and one very lengthy magazine article by an expert of the Federal reserve system. I have refused to put them in the RECORD because I thought it was contrary to the express policy of the House.

Mr. BACON. This does not have anything to do with banking matters.

Mr. WINGO. What does it relate to?

Mr. BACON. It has to do with the question of the dangers of consolidation, not of banks but of corporations.

Mr. WINGO. Some of the addresses which I have been asked to insert relate to the same thing, because credit is back of all consolidation. If the gentlemen who are responsible for the RECORD are not going to object, I will not, but I do not want them to object when it is proposed to put in other addresses. I thought the policy was to hold it down to addresses by Members of Congress and the President, and I would not object to Cabinet officers.

The SPEAKER. Is there objection?

Mr. TILSON. I object.

Mr. PARKS. Mr. Speaker, I make the point that there is no quorum present.

Mr. DENISON. Will the gentleman withhold that for a minute?

Mr. PARKS. I will.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bills H. R. 12313, H. R. 12314, H. R. 12537, H. R. 12538, four bridge bills for the construction of bridges in Alabama with Senate amendments, and agree to the Senate amendments. The Senate amendments change the word "five" in one provision of the bill to the word "ten."

The SPEAKER. The Clerk will report the title to the bills.

The Clerk read as follows:

H. R. 12313. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.;

H. R. 12314. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto acoss the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.;

H. R. 12537. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.; and

H. R. 12538. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.

The SPEAKER. The question is on the motion of the gentleman from Illinois to concur in the Senate amendments.

The motion was agreed to.

Mr. DENISON. Mr. Speaker, I have one more. I move to take from the Speaker's table the bill H. R. 5810 and agree to Senate amendment No. 1, and agree to Senate amendment No. 2 with the following amendment:

In line 4, section 3 of the Senate amendment No. 2, strike out the figure "3" after the word "section" and insert the figure "2."

That was an error of the clerk of the Senate committee, and this is the only way I know of to correct it.

The SPEAKER. The Clerk will report the title to the bill.

The Clerk read as follows:

H. R. 5810. An act granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State.

The SPEAKER. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

COMMISSION TO INVESTIGATE CRIME

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on House Joint Resolution 264.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker, on the 25th of May, 1926, I introduced in the House House Joint Resolution 264, entitled "Joint resolution for the creation of a commission to investigate crime." Its purpose is to create a commission of five members—two Senators and three Members of the House—charged with the duty of making a complete and exhaustive investigation in the United States, and in its Territories and possessions, of the subjects of crime and crime prevention, criminal procedure, and related matters, with direction to make a full report of its work to the President of the United States and to the Congress.

The principal provisions of the joint resolution are indicated as follows:

Under section 1 the two Senate members of the commission are to be appointed by the President of the Senate and the three House members are to be appointed by the Speaker of the House. The designation of the commission shall be "The commission to investigate crime." The members of the commission shall elect one of its members as chairman, and the commission is authorized to employ a secretary, and also such clerks, stenographers, and other aids as the work of the commission may require, the total expense of the commission not to exceed, however, the total sum authorized by the provisions of the resolution, $25,000.

Under section 2 the commission is authorized and directed:

(a) To make an investigation of the general subject of law violation, and to inquire generally into the character and extent of all classes of crime committed in the United States, and its Territories, possessions, and dependencies, both in respect of laws of the United States and those of local character; (b) to secure information and data as regards the methods of criminal procedure, the penalties denounced by law, the convictions and acquittals in criminal prosecutions, and the operation and effect of the systems of parole and pardon in the United States and in its possessions, Territories, and dependencies; (c) to secure for purposes of comparison like information and data, to the extent practicable, similar to that indicated in clauses (a) and (b) of this section, as regards countries other than the United States; and (d) to make to the President and to the Congress of the United States a full report of its investigations and work hereunder, which report shall embody its findings and conclusions and such recommendations in the premises as it may deem appropriate to be made.

By the provisions of section 3 the commission is given power and authority to require by subpœna, or otherwise, the attendance of all necessary witnesses, and the production of such books, papers, and documents as may be deemed necessary or

desirable, and also to administer oaths and to take necessary testimony.

Under section 4 the commission is also authorized to incur reasonable traveling and other expenses necessary for carrying out the duties imposed on the commission, with the limitation of $25,000 on the total sum to be expended.

Section 5 directs the commission to begin its work promptly, and to continue and to complete the same with due diligence.

Section 6 provides for the filling of the vacancies on the commission in the same manner in which the original appointments are to be made.

The seventh and last section declares that the passage of the joint resolution—

shall not abridge nor interfere with the work of any other commission, board, or committee which may be created or authorized by the Congress for the purpose of investigating any particular class or character of law violation; it being the declared purpose and intent of this measure that the investigation and inquiries herein provided for shall relate to and include all classes of crime, and shall constitute a general survey of the whole subject of crime and crime prevention.

The purpose and scope of this joint resolution are thus indicated. Certainly there is no more serious problem before the American people to-day than that presented by the subjects of crime and crime prevention. The prevalence of crime in our midst is appalling. There are, of course, many factors which contribute to this condition. Some of these factors are easily to be seen and recognized, while others are more hidden and elusive. I believe that a commission thus organized under the law, with full power to conduct the work indicated by this resolution, should be able to accomplish a rare and splendid work for the American people. Undoubtedly our general prosperity, the universal use of automobiles, and other modern agencies of transportation, the ease of travel and contact which these agencies provide, yield their inevitable results of evil no less than their inevitable results of good. Undoubtedly, also, the vulgar and salacious film presentations, too often to be noted, sensational depictions of crime, not only on the screen but on the printed page, and the tendency to heroize the supercriminal, produce in the public mind, and especially in the youth of the land, false and dangerous standards, which, to the great detriment of society, are too often accepted and followed.

Indeed, the present is an age of a million contacts, and these very contacts, which should result in the undoubted betterment of society, are constantly having the effect of undermining its moral foundations. Through the progress of the material arts and sciences the miracles of the modern world have come to pass. By flight and by sound the wide spaces of the earth are obliterated, and each of us is practically a neighbor to all others, whatever the separations of residence may be. To be sure we can not go backward, and do not wish to do so; but unless we learn to use beneficently the great and wonderful agencies of our modern civilization they will become Frankensteins to destroy us. Undoubtedly our great lesson is to learn to use these great agencies more wisely.

It also must be clear that the breaking down of the standards of home and home life, the prevalence of divorce, and the failure to punish promptly and adequately the criminals within our midst, contribute to the wholesale commission and recurrence of crime; but what are the causes behind these effects? It is a sad commentary upon our American institutions that the United States has the highest murder record in the world; that the homicide rate in the United States is about 7.2 per 100,000 population, compared with 3.6 per 100,000 population in Italy, which runs second. In Australia and South Africa the percentage is said to be something less than 2 per 100,000 population, and in all other countries less than 1. The homicide rate in some of our American cities is staggeringly high. For instance, it is reported that the rate in Jacksonville, Fla., was 58 per 100,000 population in 1925, whereas in England for the year 1925 the rate was less than 1 per 100,000 population. It is stated on good authority that in the city of St. Louis, alone, there are more murders committed annually than in London, and more in Chicago than in all of Great Britain. Undoubtedly the prompt and efficient work of court and jury in the British Isles has its desired effect in the suppression and prevention of crime. Emotional pleas certainly do not have the same force and effect under the Union Jack that they have under the Stars and Stripes. We would not, under any consideration, change our form of government for that of Great Britain or any other country, yet there are grave faults in our American society which need to be courageously met, and this one of crime prevalence is one of the most serious of all. Our very sense of liberty and freedom, if not wisely respected, is calculated to be gravely abused.

The number of juvenile offenders whose names crowd the front pages of our newspapers and the dockets of our criminal courts, is appalling. It sometimes seems that "the world, the flesh, and the devil" are in league against the youth of our land. To be sure, there are young men and women—multitudes and multitudes of them—who are doing the splendidly necessary things to fit themselves for the grave responsibilities of American citizenship; but there are far too many of our youth whose ideals are such as to render quite inevitable the loss of moral fiber and the commission of offenses against society. The processes needed are, of course, those of a positive character rather than those of a negative type.

These are some general observations which I have ventured to submit in connection with the subject under discussion. I could elaborate endlessly, but this is unnecessary. By introducing and pressing for the enactment of this resolution, it is not my purpose to serve any particular view or theory concerning any of the causes for the commission of crime. The whole subject is necessarily of a character vastly complex. I believe, however, that a commission made up of broadly experienced and fair-minded Members of the House and Senate, clothed with the authority which this resolution will give to them, may be able to secure a great fund of useful information and comparative data concerning these vital matters which should prove of the highest value, not only to our courts—Federal and State—but also to the legislative bodies of our States and local communities, and to our governors and parole organizations. There are a few voluntary, unofficial organizations which are conducting inquiries along the same general lines as those proposed in this joint resolution, but they do not have the authority which an official commission, such as that provided for by this resolution would have. It is believed that the gravity of the situation is such as fully to justify the creation of an official body, clothed with the power and authority which this measure would give. Undoubtedly before any ailment may be relieved there must be an intelligent diagnosis secured.

In the great prevalence of crime in the United States we undoubtedly have an ailment of the most serious character. In order to deal with it effectively we must secure—and this without delay—a correct diagnosis so that its causes may be known and intelligently dealt with.

These comments are not made in the spirit of pessimism. America has never failed to measure up to its duty in any situation when its duty was fully understood; but it is a Biblical truth that we can not escape the consequences of neglect. Peace and security have their problems no less than war. Are we, as a people, becoming pleasure mad? In our desire for entertainment are we losing sight of the need for worthy instruction and the eternal verities? The influences of church and home must be brought into fuller play. A statute is only a blue print. It can not enforce itself. The full power of law administration and society must join together and back it up in order to render it effective. How shall greater reverence for law be inculcated? What should be done to amend or improve our laws? What are the best means to be employed whereby criminal procedure may operate to protect society more and the criminal less? What are the major faults in the administration of our criminal statutes, Federal and State?

President Coolidge has heretofore recommended to the Congress a study of these problems, and the enlightened judgment of the country at large favors such study. It will be necessary for this joint resolution to go over for consideration until the December session of the Congress. At the December session, to the best of my ability, I shall press for the adoption of the measure, and trust that in this effort I may be able to enlist and secure the aid and cooperation of my fellow Members.

THE DELAY OF JUSTICE

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a short letter written to me and my own reply thereto upon the subject of the congestion in the Federal courts and the delay of justice.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remark in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. DAVIS. Leave having been granted me to do so, I hereby insert a letter received by me from the managing editor of the Brooklyn Daily Eagle and my reply thereto:

THE BROOKLYN DAILY EAGLE,
EDITORIAL DEPARTMENT,
Brooklyn, N. Y., June 8, 1926.

DEAR SIR: The United States Senate investigating committee during the early part of 1924 brought out facts in the so-called oil scandals

which resulted in the following four indictments in the criminal court for the District of Columbia on June 30, 1924:

Albert B. Fall, former Secretary of the Interior, for accepting a bribe.

Edward L. Doheny and his son, Edward L. Doheny, jr., oil operators, charged with having bribed Fall.

Fall and the Dohenys for conspiracy to defraud the Government of its oil reserves.

Fall and Harry F. Sinclair for conspiracy.

Nine months and three days later the District of Columbia Supreme Court quashed the indictments on a technicality. The case was appealed by the Government to the Court of Appeals of the District of Columbia and the indictments were reinstated.

On May 27, 1925, 11 months and 27 days after the original indictments, new indictments for conspiracy were obtained against Fall, Sinclair, and the Dohenys.

To-day, more than two years after the case was brought before the grand jury, the indictments are again before the court of appeals awaiting argument on demurrers.

Two years have passed. The cases are still being fought on technicalities. Not a witness or defendant has appeared before a petit jury.

On March 31, 1924, Harry F. Sinclair was indicted in the Criminal Court for the District of Columbia for refusing to testify before the Senate committee. The defense demurred to the indictments, a purely technical proceeding.

The Supreme Court of the District of Columbia sustained the indictment, but allowed an appeal to the Court of Appeals of the District of Columbia.

This court heard arguments February, 1925, 11 months after the indictment was obtained.

The court was ready to decide the appeal on demurrer in June, 1925, 14 months after indictment. The court, however, is holding back its decision because it awaits a decision of the United States Supreme Court on a parallel case of Mal Daugherty which has been before the United States Supreme Court for more than 17 months.

The Eagle is seeking from leading men of the country expressions of opinion on the foregoing. The purpose is to bring out, if possible, remedies for existing evils which permit wealthy individuals to avoid meeting their responsibilities in court.

How may our legal processes be simplified in order to obtain prompt trial of cases on their merits?

Should we have more judges on the United States Supreme Court to obviate delays there?

Should we restrict the character of cases going to that court?

How are remedies to be proposed and put into effect?

The Eagle would greatly appreciate hearing from you.

Sincerely yours,

H. M. CRIST, *Managing Editor.*

JUNE 4, 1926.

Mr. H. M. CRIST,

Managing Editor, the Brooklyn Daily Eagle, Brooklyn, N. Y.

DEAR SIR: This acknowledges the receipt of yours of the 2d instant, calling attention to the long delays in bringing to a trial on the merits the indictments against Albert B. Fall, Edward L. Doheny and son, and Harry F. Sinclair, and inviting opinions as to the reasons for the delays and suggestions for the obviation thereof.

In reply, I beg to advise that, in my opinion, the delays which you recite are wholly unnecessary and inexcusable. I make this assertion with confidence, in the light of my own experience as circuit judge for eight years, during which time I disposed of 12,000 cases, both civil and criminal, of almost every character and description.

Much rests with the courts as to whether cases are brought to a trial with reasonable expedition. Cases should not be continued except upon strictly legal grounds for continuance; this should apply with particular force in criminal cases, in which the public is vitally interested. If members of the bar are given to understand that their cases will not be continued except upon absolutely good and legal grounds, they will learn to prepare their cases for trial. On the other hand, when they learn that it is easy to obtain continuances and effect delays, they will generally be inclined to procrastinate, and in many instances deliberately endeavor to effect delays for the purpose of wearing out the case and thwarting justice; the worse their case, the more inclined they are to effect a postponement of a trial upon the merits.

According to my observation, one difficulty is that the judges of the District of Columbia and of most city jurisdictions do not hold court a sufficient number of hours daily, and they frequently permit entirely too much time to be consumed in the trial of cases.

In my opinion, it is bad practice and does much to promote delay for litigants to be permitted to appeal cases upon preliminary and interlocutory orders and judgments, which merely involve technicalities or other matters which do not go to the very heart of the case. On the other hand, the complaining litigant should be permitted to note an exception and then, if he desires to appeal after the final trial and adjudication, he can appeal upon such judgments and orders to which he has reserved exceptions. The procedure suggested is the law in many jurisdictions and should be the law in the District of Columbia and elsewhere. The matter of granting an appeal upon such orders and judgments is frequently within the discretion of the court and, in my opinion, such discretion is frequently abused. Where necessary, legislation should be enacted restricting and defining the manner and instances in which such appeals may be granted prior to the final adjudication.

With respect to your inquiry as to whether we should have more judges in the United States Supreme Court to obviate delays there, my opinion is that if such is necessary, more judges should be provided. It is highly important that any court should dispose of cases speedily and reasonably soon after they are docketed. The business of the court could doubtless be dispatched more speedily if younger and more virile men were appointed to the bench and then retirement required, say, at the age of 70.

Without intending any reflection upon any of the able members of that court, it is a matter of common knowledge that men advanced in years can not act as quickly, either mentally or physically, or perform as much labor as they could do when they were younger men. The proper dispatch of public business is decidedly more important than the gratification of the ambition of individual members of the bench to serve a long time on the bench and to "die in harness."

In reply to your inquiry as to whether we should restrict the character of cases going to the United States Supreme Court, in my opinion that is undesirable if it can be avoided, but it will probably become necessary unless relief be afforded in some other manner.

Yours sincerely,

EWIN L. DAVIS.

The substance of the foregoing letter from the managing editor of the Brooklyn Daily Eagle, and my reply in full, together with comment thereon, and also an editorial upon the subject involved, appeared in the Brooklyn Daily Eagle of June 28, 1926.

FARM RELIEF

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the bill (H. R. 12539) for agricultural relief, introduced by myself.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Speaker, I voted for the cooperative marketing farm relief bill that became a law on yesterday. In addition to that I offered a bill for farm relief (H. R. 12539) some time ago, which is still pending. I would like to see my farm relief bill enacted at this session of Congress, but as the Republicans who are in power have decided to adjourn Saturday I am afraid it will not be taken up until next session.

EDWARDS FARM RELIEF BILL

Briefly, I want to state just what my farm relief measure proposes and will accomplish for the farmers. It provides a revolving fund of $300,000,000 to be loaned to the farmers and cooperatives upon long-time loans at not to exceed 3½ per cent. It provides that $150,000,000 of this fund shall be used for the relief of the cotton farmers. This is to give relief and to enable farmers and farm associations to hold their cotton when prices are low and to finance upon long-time loans at not to exceed 3½ per cent interest. It also provides that these loans be made upon agricultural credits. This would be real help to the farmers if we could get it enacted. It carries no tax on cotton as does the Haugen bill, nor are there any equalization fees or taxes upon any farm product in my bill. To my mind it is the best bill that has thus far been offered for the cotton farmers and will do vastly more for them than any other measure that has been offered that I know of.

THE TAX IN THE HAUGEN BILL

To refer to the Haugen bill as a farm relief measure is certainly a misnomer. It is a "farm ruination" bill so far as the South is concerned. Aside from other objections that could be raised against the Haugen bill, it is deadly so far as the South is concerned because of the Federal tax it carries on cotton and because of the increase in prices of flour and other farm supplies that the cotton producers have to buy from the West. How any southern man could be fooled up enough to favor the Haugen cotton taxing measure is more than I can understand. The original draft of the bill provides a board of 13 to fix the equalization fee or tax on cotton, and so forth. Only 3 of this number come from the South.

TAX ON COTTON

It has been estimated that the Haugen bill as originally introduced would have fixed a tax, or equalization fee, of from $2 to $25 per bale on each and every bale of cotton, collectible at the gin from the farmer. By an amendment this was limited

to $2 per bale to be collected at the gin, to be paid by the farmer. This would mean a Federal tax levy of over $2,000,000 per annum upon the Georgia cotton producers. In the Haugen bill is a tariff provision and an embargo that applies to wheat that would increase the price of flour, which cotton growers buy from the West, about $2 per barrel. There was no such provision to help cotton. It would also increase the price of western corn and meats that the cotton planter buys. It has been estimated that if the Haugen bill had been enacted it would have increased the cost of living, to a family of five people, something like $75 per annum, not to mention the tax on cotton. Not only does the Haugen bill propose a Federal tax on cotton, but it levies a tax on every pound of butter, every beef, or pork that the farmer takes to town and sells to a merchant for resale. Bear in mind any kind of tax is bad enough, but think of these Federal taxes to be levied and collected on cotton and other farm products by Federal agents and the farmer subject to suit to enforce the payment of the equalization fee, or tax, and also subject to a penalty to be fixed in such suit which would have to be in the United States courts. It is one of the most dangerous things that I have known in many years. It is needless to say I voted against this Haugen bill with its unjust and iniquitous taxes, as did a great majority of southern Congressmen and Senators.

I could not vote for it and be true to the farmers who sent me here. In certain quarters I am now being criticized for voting against this bill. Certain ambitious politicians trying to make political capital to advance their interests say I should have voted for this Haugen bill carrying these foul taxes to be levied upon and collected from a people and a district that I love. Looking back I am, indeed, glad that I kept faith with my constituents and helped to protect the people of the South against these taxes. I have stood consistently for economy and tax reductions. I have recited the objectionable tax features of the McNary-Haugen bill. Do the farmers, who are already heavily burdened, want these taxes levied upon them? Can we relieve them by laying on more taxes? Do the farmers of cotton districts want men in Congress who would vote for such legislation? The Haugen bill was sponsored by western wheat men. It is called the "Corn Belt" bill. It had a "sop" in it by which the western Republicans hoped to catch votes from the South and the tax on cotton was called an equalization fee to fool the people. Call it what you will, it is a tax, and in the debate it was so admitted.

SHERMAN'S MARCH THROUGH GEORGIA AND THE COTTON TAX

Many times I have heard my father and other men of his day tell of Sherman's march through Georgia. It will never be forgotten. It left its trail of ruin. Another thing closely linked with that event was the unjust levy of a tax on cotton during reconstruction days. On account of these things many boys of my time went barefooted and poorly clothed. About $68,000,000 were wrongfully wrung from the southern people through a Federal tax on cotton. That fund is now in the United States Treasury and should sometime, in all fairness, be returned to the southern people from whom it was wrongfully collected.

The people can never forget that cotton tax in my section. They would never have forgiven the levy of a Federal tax in the Haugen bill either. Certain ambitious politicians are trying, in certain quarters, to deceive and mislead the people by calling it "farm relief," and are criticizing me for voting against farm relief. They call it an equalization fee to fool the people. I am willing to leave it to the people as to whether or not it was "farm relief" or "farm ruination," with those taxes in it. That is what I voted against and I am proud of that vote. The people are taxed too heavily already. I am for tax reductions instead of new taxes. I have helped in the few months I have been here to reduce Federal taxes about $400,000,000.

MISREPRESENTATIONS AS TO RECORD

For very obvious reasons, certain politicians have misrepresented my record on everything that I have done or not done, and tried in every way possible to handicap me in my work. The people should seek to know the truth and, knowing the truth, they ought to rebuke those who would willfully try to misrepresent things, or try to deceive or mislead them.

FIGHT ON BOLL WEEVIL

When I introduced a bill to expend a large sum in the fight on the boll weevil to help the farmers, certain parties, for selfish reasons in an effort to discredit me in my work for the farmers, criticized it and made light of it. Why was this done? I am going to let the people judge. When I succeeded in getting nearly $2,000,000 in the rivers and harbors bill for Savannah, again clippings from an unfriendly weekly paper, purporting to be printed in Savannah, were sent to Members of Congress belittling the work. Why was this done and by whom? I will again let the people judge.

When I was trying to get public buildings for certain good towns of the district and trying to get a bill through for a bridge across the Altamaha River near Ludowici, and one across the Savannah River near Sylvania, clippings from this paper were again sent to Washington belittling the efforts. By whom and why was this done? Why was that paper and certain ambitious politicians whom it trails with, who claim to be Democrats, so active and so interested in seeing the contest of a Republican pressed against me? Clippings from that same paper were sent here by some one to influence sentiment against me. It was not until June 15, 1926, that the contest was finally decided and I was seated. Do the people think the motive was good, or was it a well-laid sordid political scheme? It was a shot in the back. The contest was without merit, as the committee found, but why this harassing of the Democratic Congressman from the first Georgia district by some one other than the Republican who brought the contest? Who were his allies? What is back of it? Again I am going to let the people say.

WORLD COURT AND LEAGUE OF NATIONS

This "truth-twisting" newspaper I have referred to has repeatedly charged that I voted for the World Court and the League of Nations. It has done this in its efforts to get a candidate against me. There is not a word of truth in it. As you all know, no phase of either the World Court or the League of Nations has been before any House of which I have been a Member. The Burton resolution indorsing the league was up in the last Congress, just prior to my coming here, but I was not in that House. Another gentleman was here at that time from the district I now represent. The RECORD shows he did not vote against the resolution. See RECORD of March 3, 1925, page 5416. Anyone who was in that Congress could have voted against it if they had wished to do so. We should steer clear of foreign entanglements that would lead us into trouble or war.

It is, however, a matter for the Senate, and not for the House. Why this misrepresentation of my record should go on and on in an effort to deceive the people is a matter I am also going to leave to the people, for I think they know by this time, especially since the "poison squad" seems so persistent in "twisting" my record.

ATTENDED CONGRESS EVERY DAY

The RECORD will show that I have attended every session of Congress. I have not missed a single vote. This is a record I am proud of. More than this, however, I have kept busy and tried earnestly and honestly to faithfully serve the people and district who sent me here, and I appeal to their sense of fairness not to be deceived by the willful and deliberate misrepresentations that are being made regarding me and my service. My record is an open book. I have been prompt and courteous in answering letters. I have been loyal and faithful to my trust, and among other acts I am proud of I had a part in helping to protect the southern cotton farmers against the levy of a Federal tax on their cotton, which was the purpose of the Haugen bill. It would have ruined the South, which, thank God, is again getting on her feet and coming into her own, not from any help she has received from without, but because of the loyalty of her people to noble ideals and because of her unbounded resources.

I am for tax reductions and for economy in government. No more Federal bonds should be issued for any purpose. We should curtail expenditures and overhead expenses and get on "a pay-as-you-go" basis. The intellect and honesty of the American people will meet and conquer all vexing problems. While we should not become entangled in foreign political matters, at the same time I repeat what I have often said we should be friendly to the nations of the earth that are made up of people of our own blood, for upon white supremacy, the world over, at home and abroad, depends the salvation and preservation of the highest and best human civilization and ideals.

No man can build himself up by tearing down the character and reputation of his fellow man. A man's record in public or private life is a part of his character and his reputation and should not be slandered and maligned by deliberate misrepresentations by designing politicians and an unscrupulous newspaper. The reputation of this weekly newspaper published in Savannah is well known by the people of my section, and I trust they have already discovered its purpose in constantly attacking and misrepresenting me in its columns. [Applause.]

CALL OF THE HOUSE

Mr. PARKS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point of order that there is no quorum present. Evidently there is not.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 130]

Aldrich	Esterly	Kunz	Sabath
Allen	Evans	Kurtz	Shreve
Allgood	Fitzgerald, W. T.	Kvale	Simmons
Andrew	Fletcher	Lanham	Sinclair
Appleby	Foss	Larsen	Smith
Bankhead	Fredericks	Lea, Calif.	Sosnowski
Beck	Free	Lee, Ga.	Sproul, Kans.
Beedy	Freeman	Lineberger	Stalker
Berger	Frothingham	Linthicum	Steagall
Bixler	Fulmer	Little	Stevenson
Blanton	Funk	Luce	Stobbs
Bloom	Gambrill	McClintic	Sullivan
Boies	Garner, Tex.	McKeown	Sumners, Tex.
Bowling	Garrett, Tex.	McLeod	Swartz
Brand, Ohio	Gilbert	Magee, Pa.	Sweet
Britten	Golder	Major	Swoope
Browne	Gorman	Mansfield	Taylor, Colo.
Brumm	Graham	Merritt	Temple
Buchanan	Greenwood	Michaelson	Thompson
Canfield	Hastings	Mills	Thurston
Carpenter	Haugen	Montague	Tillman
Carter, Calif.	Hawes	Moore, Ohio	Tincher
Carter, Okla.	Hersey	Morin	Tinkham
Christopherson	Hickey	Nelson, Me.	Tucker
Cleary	Holaday	Nelson, Wis.	Upshaw
Connally, Tex.	Houston	Newton, Mo.	Vare
Connery	Hudspeth	Oliver, Ala.	Walters
Connolly, Pa.	Hull, Tenn.	Oliver, N. Y.	Weaver
Cooper, Ohio	Hull, William E.	Patterson	Wefald
Cooper, Wis.	Johnson, Ind.	Peavey	Weller
Corning	Johnson, Ky.	Perkins	Welsh
Cramton	Johnson, Wash.	Perlman	Whitehead
Crisp	Jones	Phillips	Williams, Tex.
Curry	Kahn	Porter	Wilson, Miss.
Davenport	Keller	Prall	Winter
Deal	Kelly	Purnell	Woodyard
Dickinson, Mo.	Kemp	Quayle	Wurzbach
Dominick	Kendall	Rayburn	Wyant
Douglass	Kiefner	Reece	Yates
Doyle	Kindred	Robsion, Ky.	Zihlman
Drane	Kirk	Rouse	
Eaton	Knutson	Rutherford	

The SPEAKER pro tempore (Mr. LEHLBACH). On this roll 261 Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

G. C. ALLEN

Mr. UNDERHILL. Mr. Speaker, I present a conference report upon the bill (S. 2188) for the relief of G. C. Allen, for printing under the rules.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendments bills of the following titles:

H. R. 5789. An act for the relief of the estate of J. A. Galloway;

H. R. 10309. An act authorizing the sale of lot 2, in square 1113, in the District of Columbia, and the deposit of the net proceeds in the Treasury; and

H. R. 10361. An act to authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Co.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2640. An act for the relief of Brewster Agee;

S. 4456. An act to amend the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Senate Concurrent Resolution 25

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled, printed with illustrations and bound, as may be directed by the Joint Committee on Printing, 12,200 copies of the proceedings, and such other matter as may be relevant thereto, in connection with the unveiling of the statue of John Ericsson, in Washington, D. C., May 29, 1926, of which 3,000 copies shall be for the use of the Senate, 7,000 copies for the use of the House of Representatives, 2,000 copies to be delivered to the John Ericsson Memorial Committee, and the remaining 200 copies shall be bound in full morocco and delivered to the John Ericsson Memorial Committee for distribution to the descendants of John Ericsson and such other persons as said committee may designate.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2640. An act for the relief of Brewster Agee; to the Committee on Claims.

S. 4456. An act to amend the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906; to the Committee on Interstate and Foreign Commerce.

WORKMEN'S COMPENSATION

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to file minority views upon the bill (H. R. 487) relating to workmen's compensation in the District of Columbia.

The SPEAKER pro tempore. Is there objection?

There was no objection.

THOMAS JEFFERSON

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Speaker, under leave granted to extend my remarks in the RECORD I insert the following address which I delivered before the students and faculty of the Virginia State Teachers' College at East Radford, Va., July 5, 1926:

Mr. Chairman, ladies, and gentlemen, I beg you to believe me sincere and that I utter no idle, stereotyped sentiment when I tell you that it is with a spirit of devout thankfulness that after many months spent in the Nation's Capital trying in an humble way to justify an honor bestowed upon me by you I turned my weary steps back again toward the smiling skies and pleasant hills and valleys of old Virginia.

Indeed, the longer I live and the more I see of places and of men the more continually do I return thanks to a gracious Providence that permitted it to be my lot to claim Virginia as my native land.

"Breathes there the man with soul so dead
Who never to himself hath said,
This is my own, my native land?
Whose heart hath ne'er within him burned
As home his footsteps he hath turned
From wandering on some foreign strand?"

May not we Virginians with pardonable pride, upon this the natal day of American independence, recount some of the glorious contributions of Virginia and Virginia's sons to the cause of liberty and freedom, symbolized by our country's flag?

And what a flag it is! Look upon it to-day as it proudly floats upon every breeze that blows! A "mosaic of ribboned loveliness"! What glorious traditions are wrapped within its silken folds! I like the legend that tells of its design; it is said that when our Revolutionary fathers needed to design a new flag for the Nation of their heroic founding they had but to lift their eyes to heaven to find the banner of their faith and pride.

In the glowing west, in the burning clouds of a sunset sky, streaming across the wide horizon in alternate bands of flame and mist, they saw the symbol of their own fair dreams mystic, mighty, baffling. And as they looked there came a sudden rending of the fleecy mass by a wind of liberty's own sending, and through the monster rift thus made they then beheld a patch of azure sky thick set with silver stars. The stars! The stripes! The blue! Blazoned in beauty across the wonder of God's great heaven for all the world to see. It's our flag! Born of our father's blood, sanctified by our mother's tears, and glorified by the sacrifice of our own boys upon Flanders Fields.

GOD MAKE US WORTHY OF IT!

Time does not permit a careful review of the history, the conflicts, and the conquests of the American flag. I do want to recall with you briefly a few facts connected with the life and service of one who perhaps, more than any other, laid the foundations of our present institutions of political, religious, and intellectual freedom.

I shall not be so ambitious as to undertake anything approximating an appraisement of Thomas Jefferson and his work. Years have been consumed and volumes written, and yet the full measure of his contribution to free government has not been totaled.

I would, however, if you would indulge somewhat in your powers of imagination, recall with you some of the high points in the life of this great American and some of the scenes in the great drama that was being enacted at the time he came upon the stage.

Let us turn back the pages of time and look in upon the then historic colony of Virginia. That we may appreciate the full significance of the events about to transpire it may be well to recall some of the forces and tendencies then working in the minds and hearts of the colonists. Great Britain was ruling with an iron hand. Victory and triumph crowned her efforts where'er her battle flag unfurled. She

was mistress of the seas. France and Spain had humbled themselves before her. But even in this, her hour of triumph, there was a faint cloud upon the horizon to the west that annoyed her. Years before hardy pioneers fleeing from the iron heel of oppression had crossed the uncharted seas and founded here a new land. Notwithstanding the pilferings and hostile acts of the mother country, these colonies had grown and flourished. Their trade was beginning to be a source of much profit to Great Britain, and out of sheer selfishness she began to take an interest in the children she had so long neglected.

Not only had the American Colonies developed in trade and commerce but of late there had sprung up in this new land a feeling of restlessness and independence, often bordering defiance and disloyalty, that was most disconcerting to the mother country.

But Great Britain was now flushed with her recent victories, and the time was most opportune to have an accounting with the insolent colonists. Speaking of this period Thomas Paine said: "These are the times that try men's souls."

Certain offensive measures were threatened by Great Britain. James Otis and Samuel Adams had the boldness to remonstrate against their enactment. Feeling was tense. Yet the Crown was not without its loyal followers in the councils of the Colonies. In governing the Colonies Great Britain had granted the exercise of large powers and discretions to individuals. Local self-government prevailed to some extent, yet the powers thus granted invariably found their lodgment in the hands of the so-called "aristocratic classes" composed of the large planters and great land and slave holders; thus in the early days of our Republic there was the age-old battle being waged between "the classes" and "the masses."

In 1765 Great Britain passed the stamp act. In the Colonies indignation and resentment knew no bounds. And on a beautiful spring day, the year 1765, I will have you go with me, if you will, to Williamsburg, the capital of the colony, situated on the banks of the majestic James, a typical colonial village of some 200 houses, unimproved streets, and Virginia aristocracy. As we stand on the spacious porch of the old inn we see passing men whose names and deeds are to be recorded in the world's hall of fame. It is springtime in the Old Dominion, with all that the word means, and all nature seems to be adorning herself as if for the coming of some great event. Flowers driven to hiding in mother earth by the chilling blasts of winter peeped through the soil and smiled at the warming sun's rays. Seeds burst their prison cells and tiny buds appeared upon the leafless trees. Song birds renewed their melodies, and denizens of the woods ventured out of hiding. The air is charged with springtime and freedom. One is impressed that some great crisis is impending. Here and there are groups of men in animated conversation. Here I see a Randolph pass. There is Pendleton and Wythe and Bland.

The Virginia house of burgesses is in session. In just three days it will adjourn. It is rumored that important and weighty matters will engage the attention of the burgesses before the gavel falls for the adjournment. In fact, it has even been suggested that a certain demagogue from the interior county of Louisa, who had but recently challenged the right of the established church to use the taxing power of the State, would offer certain resolutions, and make certain impertinent remarks relating thereto, which would be most offensive to his majesty and his loyal subjects.

And so it is little wonder that the historic hall of the burgesses is crowded with eager and expectant citizens upon this occasion.

Excitement reached fever pitch when Patrick Henry, a young member, then only 29 years, handed up six resolutions, the substance of which was to challenge and deny the right and power of Great Britain to tax the colonies for any purpose. True it is that voices had been raised before in remonstration against the contemplated action of Great Britain, but here was a man who dared to challenge, deny, and denounce the course after it had become an existing law. "Treason," "Treason," was heard on all sides. Treason it was indeed. Under the English law of treason Patrick Henry, by using such language, subjected himself to the penalty of being drawn, hanged, and quartered. The first gun of the American Revolution had been fired; liberty's bugle had sounded; freedom's march had begun that was to end at the Appomattox on April 19, 1781, when the sceptre of authority was to be wrested from the hands of a sullen king and set to glitter forever upon the brow of a new-born nation. All the power of Great Britan could not check its onward rush. All the eloquence of the tory lords and loyal squires could not quench the spark kindled by the matchless courage of the young Henry. Freedom was on the march, and was not to be long hindered or delayed.

But let us turn again to the house of burgesses where the young Henry is stepping out of the mist of obscurity "into the full light of history and lasting remembrance."

Standing in the door during this thrilling scene was a young law student then but 22 years of age. He hung breathless upon every word of his young friend. His very heart and soul vibrated at every blow struck by the speaker in the great cause of liberty and freedom. It was Thomas Jefferson. Little did the assembly realize that the homely lad in the doorway would 11 years later be commissioned to hold the flaming pen while the hand of divine providence should write in burning letters that instrument that was to become immortal in the realm of literature; that was to be the keystone in the arch of free government; that was to strike the shackles from the wrists of the young giant of western civilization; that would cause thrones to topple and monarchs to tremble. It did not occur to them, I dare say, that the youth in the doorway was to be the recipient of their highest honors, even to be the Commander in Chief of a Republic yet unborn.

Little did they realize perhaps that they were in the presence of one whose "legislation would contribute more than the work of any other man to free the aristocratic colony of Virginia from the planter interest and start it toward democratic statehood."

Thomas Jefferson was born on the frontier. The idea of local self-government was inherent. From a sturdy father he inherited the robust faith of the open spaces; the classic blood of the Randolphs brought to him those qualities of gentleness, high ideals, and a passion for art, letters, and music. The song of the uncaged bird spoke to his soul of freedom. The wanderings of the unpruned vine was to him a lesson in liberty. The blossoming wild flowers breathed a message of love for the simple things of life. The murmur of the winds in the pines was a wail from hearts and souls oppressed. He was by nature, heredity, and training ideally fitted to undertake the stupendous task of bringing certain reforms to the colony and to the Nation and to stand out through all history and for all times as the great champion of the rights of the masses of the people and the founder of a great party. Time does not permit a careful study of the life and character of this gallant Virginian, this great American, this inspired leader. He served his State and Nation in many places of honor and with distinction and credit. He was a scholar and a patriot. He was known as "the man of the people" because he believed in the people; he trusted the people with an abiding faith in their capacity for self-government.

As one biographer of Thomas Jefferson has stated:

"The dominant principle of his creed was that all powers belonged to the people, and that governments, constitutions, laws, precedents, and all other artificial clogs and protections are entitled to respect and obedience only as they fulfilled their limited function of aiding—not curtailing—the greatest freedom to the individual. For this reason he held that no power existed to bind the people or posterity except by their own acts. For this reason he was the strict construer of the National Constitution where he believed it destructive to personal freedom, and construed it liberally where it threatened to limit the development of the people. He was a defender of State governments, for he regarded them as a necessary division for local self-government and as natural checks on the national power, and so a safeguard to the people."

It was the wish of Thomas Jefferson that his name and memory be enshrined in the hearts of his people because of what he considered the three outstanding accomplishments of his life, and on his monument at Monticello is the following inscription:

"Here was buried Thomas Jefferson, author of the Declaration of American Independence, the Statute of Virginia for Religious Freedom, and Founder of the University of Virginia."

The loyalty and allegiance of Jefferson to the Declaration of Independence and his faith in the ultimate triumph of its principles never dimmed with the passing of the years, and on June 24, 1826, on the approach of the fiftieth anniversary of the signing of the Declaration of Independence, when he was invited to join and participate in some celebration of that event, in a letter written a friend he made this statement: "May it be to the world—referring to the Declaration of Independence—what I believe it will be, the signal for arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and assume the blessings and security of self-government."

All over America to-day appropriate exercises commemorate the one hundred and fiftieth anniversary of the signing of the American Magna Charta of Liberty.

Jefferson was a firm believer in religious emancipation, and his heart of hearts constantly rebelled against any infringement of this, that he conceived to be a God-given right. In his own words, "I have sworn upon the altar of God eternal hostility against every form of tyranny over the minds of men." The statute of Virginia for religious freedom was the first declaration of any sovereign State to proclaim the absolute right of religious freedom to its citizens.

In this twentieth century it might not be amiss to recall the closing phrase of that immortal document:

"That all men shall be free to profess, and by argument maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities."

Well may we of this day repeat again and again until it becomes a part of our very being this sentiment of Thomas Jefferson. No man must be favored or condemned because of his religious belief, nor shall the civil capacity of any citizen be enlarged or diminished because thereof.

The third and final accomplishment of Thomas Jefferson, and for which he desired to be remembered, was the establishment of the

University of Virginia at Charlottesville. Jefferson believed in the education of the masses of the people, and his creed upon this subject can not be more eloquently stated than in his own language, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." And yet again, writing to George Wythe from Paris, "Preach, my dear sir, a crusade against ignorance, establish and improve the law for educating the common people." And yet again he said, "Every government degenerates when left to the rulers of the people alone. The people themselves are its only safe repository. And to render even them safe, their minds must be improved to a certain degree."

Education with Thomas Jefferson was the handmaiden of democracy. He believed therefore that education must not be monopolized by the rich and well born, but that it should become the common property of all who will avail themselves of it, and should therefore be placed by the common sacrifice of all within the reach of all.

Realizing, therefore, that democracy must rest upon education of the masses, Jefferson formulated a complete system of public schools from the primary grade on up to the State university. He was far in advance of his time. His plans could not be put into full operation, but he sowed the seed that would afterwards bear an abundant and glorious harvest.

Emerson said: "An institution is but the lengthened shadow of a man." The truth of this epigrammatic saying is richly illustrated in the University of Virginia, conceived and founded by Thomas Jefferson. Meeting and finally conquering the obstacles that sought to destroy it, arising as it did again out of the ashes of reconstruction, it has given to the world men who have distinguished themselves, honored their alma mater, and immortalized its founder.

How happy would be the heart of Thomas Jefferson if he could know what splendid progress his beloved southland and his own Virginia had made in providing for public-school education—if he could see his own native State, her hillsides dotted with splendid school buildings, equipped and manned by splendid self-sacrificing teachers, giving of their time and talent that the youth of America may be better fitted for the problems of self-government.

If he could look in upon this scene, sir, with these hundreds of splendid young women answering the high call of service; if he could know of the traditions of this institution, under the capable and efficient leadership of Dr. J. P. McConnell and his splendid staff—ah, sir, if Jefferson could be here to-day, how his heart would swell with pride at your success and achievements.

Too much can not be said in commendation of the spirit of self-sacrifice and service that actuates the splendid body of school-teachers who daily give their talent and strength to this divine calling. I say give their time and strength advisedly. No money, certainly the small and inadequate salaries now paid, can compensate the conscientious teacher for her labors.

The education of the youth of America, the training of their minds, bodies, and hearts for the duties of citizenship, is one of the highest functions of organized society.

The very perpetuity of our free institutions depend upon an enlightened and intelligent citizenship.

Those forces which frame the economic policies of a people are of great importance. But what trains the mind and heart of a people, what builds character, and manhood, and womanhood, strikes at the very soul of national existence. It can not be longer truthfully said that Virginia and the Southland refuse to recognize and provide for the education of the masses.

Wallace Buttrick, chairman of the general education board, in an article on "Education in the New South," appearing in the Review of Reviews of April, 1926, makes this remarkable observation (speaking of a trip through the Southern States): "The most conspicuous and significant sight along the railways and the fine roads of the open country is the schoolhouse. I have traveled extensively throughout this country and am prepared to say that for fine and modern schoolhouses the South leads the North." And again he points out, "In 1902 the States of the South raised by taxation and paid for public schools $26,270,310. In 1924 they raised and spent for their schools $273,036,452," and yet again, "in 1905 there were but four public high schools (in the Southern States) whose graduates could be admitted to college without further examination. In 1913 there were 125 such schools, and in 1924 this number had increased to 625. Not only has the South made progress, but our own State has made notable progress, which leads us to believe that our people are awakening to a keener appreciation of the importance of making ample and suitable provision for our public-school system.

Thomas Jefferson gave to the world great fundamental principles of government that have been written deep in the constitutions of every free people. He was a man of strong convictions, and having convictions he had the courage to stand for them, to fight for them regardless of consequences, heedless of opposition. In his own words he never "feared to follow truth and reason to whatever results they led, and bearding every authority which stood in their way."

Whatever may be the conflicting verdicts of the historians, wherever free government and democratic institutions are loved and cherished, the name of Thomas Jefferson will be recalled with reverence.

He dared to challenge and defy the established order of things in his own native State. He declared war on land-owning class rulers—he even dared to oppose the great Washington and turned the tide of federalism into a great victory for democracy.

He fought oppressive laws, customs, and tendencies. He laid down the gage of battle to vested interests, and waged war against creeds and systems that were contrary to his ideal of government, not always victorious, but ever conscientious and sincere, ever loyal to principle, and unselfish. Can one doubt the sincerity, the courage, the unfailing fidelity of such a man?

America needs to-day a baptism of Jeffersonian principles to carry the Government back to the people from whom are derived all just powers in government.

Thomas Jefferson wished to be remembered. In accordance with his desire there was erected at his sleeping place in Monticello, the home he loved so much, and around whose hearthstone lingered so many tender memories, a monument bearing an inscription of his own writing.

On the day Thomas Jefferson passed out, way to the north another great patriot was sinking into the dark valley of shadows. The life of John Adams, also a signer of the immortal document, went out on the tide with the sinking sun. His last words as his frail barque launched upon the deep were "Thomas Jefferson still lives." But Jefferson had already

> "Slipped his anchor and sailed away
> O'er the unknown sea to the unknown shore
> And was greeting friends who had gone before."

Yet, sirs, John Adams was right. The marble monument at Monticello will some day yield to the corroding hand of time. Its inspiring epitaph will no longer be visible to travelers that pass by; but while time shall last; and wherever men value patriotism, love freedom; and strive for peace; the memory of Thomas Jefferson; enshrined in the hearts of a grateful people will continue fresh and fragrant.

Yes, "Thomas Jefferson still lives."

CIVIL SERVICE RETIREMENT BILL

The SPEAKER pro tempore. Under the special order, the gentleman from New York [Mr. FISH] is recognized for 15 minutes.

Mr. FISH. Mr. Speaker and Members of the House, in the 15 minutes allotted to me I desire to discuss the status of the retirement bill, the merits of the bill, and the vicious system which has arisen to deprive the membership of the House of their constitutional rights to legislate and makes the House into a mere debating society. It is not my purpose to criticize any Member for his action on this bill, or the conferees, but to bring to the attention of the House the fact that in this particular bill the House has surrendered its powers, its constitutional rights, to legislate and has turned them over to the Director of the Budget.

The Civil Service Committees of both the House and the Senate, after four months' consideration of a retirement bill, reported out unanimously a bill providing for a maximum annuity of $1,200. After that bill was reported out, the Director of the Budget sends word to the chairman of the House Civil Service Committee that the bill reported out, after due consideration for four months by the two committees of the House and Senate, is inconsistent with the program of economy, and that the House must accept the bill that he, the Director of the Budget, presents to the House, with a maximum of $1,000. Those are the facts regarding the retirement bill.

Mr. FAIRCHILD. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. FAIRCHILD. If the House is given an opportunity, as it should be, to vote upon this question of disagreement between the House and the Senate, the prerogatives of the House would not be lost?

Mr. FISH. Exactly. That is the point. I want to find out who is responsible for this legislative situation, who is responsible for disfranchising the Members of the House, or surrendering the constitutional rights of the House and not affording us an opportunity to vote on the Senate amendments, why we have simply been shadow-boxing on this bill from the very beginning.

Mr. O'CONNELL of New York. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. O'CONNELL of New York. I suggest the gentleman will get that information from the White House if he applies. I am sure that there is where the responsibility is.

Mr. FISH. No; but I can get the information from the CONGRESSIONAL RECORD. The chairman of the Civil Service Committee put a statement into the RECORD on Saturday last, in which he said that the conferees representing this House were bound in advance, that they had given pledges to the leaders in this House that they would accept no compromise whatever and would not go one dollar beyond the Budget bill.

Mr. CELLER. Mr. Speaker, will the gentleman yield? I am one of the conferees of the House.

Mr. FISH. I yield.

Mr. CELLER. I want to answer that and say to the gentleman and to Members of the House that as a conferee I was not bound, but I recognize no pledge or any binding word to anyone, and that I voted in the conference with the Senators on the other side for $1,200. [Applause.]

Mr. FISH. I am glad of it. I claim as a Republican that if the Republican Members of this House, elected by their constituents to come here to legislate and not to carry out the bidding of the Budget or of any Member of the House, were called into conference upon this bill to-night, 75 per cent of them would favor the Senate amendment providing for $1,200 annuity. [Applause.]

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. CHALMERS. I think the percentage is too small.

Mr. ALMON. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes; though I have only 15 minutes.

Mr. ALMON. It has gone abroad over the country that the House is standing for a thousand dollar maximum, and the Senate for $1,200. Does the gentleman not believe that if the conferees would come in and ask for instructions, the House would concur in the Senate amendment in an overwhelming majority?

Mr. FISH. There is no question in my mind that 90 per cent of both Republicans and Democrats believe in the Senate amendment and would vote for it if given the opportunity.

Mr. ALMON. Does the gentleman not think that they should be given an opportunity?

Mr. FISH. That is what I am trying to bring about.

Mr. LAZARO. Will the gentleman make an effort between now and Saturday to bring about this action suggested by the gentleman from Alabama [Mr. ALMON]?

Mr. FISH. That is what I am trying to do, but I can not give the gentleman the slightest assurance that I shall be able to bring it about.

Mr. ELLIS. Mr. Speaker, if the gentleman yields, the gentleman does not place the blame on the Budget for this deplorable situation, does he?

Mr. FISH. No. I admire the Budget, because it has been able to take away the functions of the House and assume unto itself all of its legislative powers. I admire the Director of the Budget. I am not blaming the director at all, I am blaming the House for surrendering its constitutional rights and doing irreparable harm to representative government. It is our duty to uphold the independence, the dignity, and prestige of the House of Representatives as a legislative body. That is the real issue involved and goes far beyond the merits of the bill.

Mr. ELLIS. And with that I fully accord.

Mr. BLACK of New York. Will the gentleman from New York yield to the lady from New Jersey?

Mr. FISH. I will with great pleasure.

Mrs. NORTON. I desire to ask the gentleman if he could not get the Republican leadership to vote on that matter?

Mr. FISH. That is exactly what I am making a plea for now. I challenge the Republican leaders to call the Republicans into conference and let Republican Members speak and vote for themselves, and not have their votes cast by any one individual of this House.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FISH. Yes.

Mr. LAGUARDIA. The gentleman knows what comes to Republicans when they speak for themselves. Just look at me! [Laughter.]

Mr. FISH. Let me answer the gentleman's remark. It has been my experience that a legislator who comes down here and tries at least to legislate according to his conscience, his intelligence, his ability, and his judgment will be returned by his constituents, whether he be a Republican or a Democrat. [Applause.] And I defy any Republican to go home to his district and ask for reelection on the pledge that he will carry out the wishes of the Director of the Budget or even the President of the United States, and be nothing more or less than a rubber stamp in the Congress. There is not a Member who dares to go to his district and say frankly, "I am a rubber stamp; I pledge myself to obey the dictation of the Republican leader; I promise to carry out the wishes of the President in every respect."

Mr. SWING. Will the gentleman yield?

Mr. FISH. I will.

Mr. SWING. Do I understand under the rules of the House the conferees can take a bill into conference and there kill the bill by creating a deadlock without coming back to the House for further instructions?

Mr. FISH. Yes; unfortunately under the rules of the House that is a fact. Much worse than that, the conferees entered the conference without instructions from the House.

Mr. SWING. If that is so, the rules ought to be changed, because they permit a situation that is intolerable.

Mr. FISH. The position of the conferees is untenable, because the House voted under suspension of the rules on the retirement bill and did not instruct the conferees, as every Member knows. The conferees, however, entered into the conference stating that they were bound personally to the House leaders; that they could not consent to any increase, not even to $1,100 or to $1,050 maximum. What an absolutely untenable position for the conferees of this House to say they are bound in advance by some leaders, regardless of the wishes of this House. Who are those leaders? If there was any such unholy compact, let the leaders speak for themselves. What right have they to bind this House or bind any individual Members of this House? They were not elected as leaders for that reason. They were not elected as leaders to cast our vote on these important measures.

Mr. CROWTHER. Does the gentleman mean to say that the House must accept this bill or nothing?

Mr. FISH. That is exactly the attitude taken by the conferees.

Mr. CROWTHER. Well, is the gentleman willing to take that bill?

Mr. FISH. No; I am not.

Mr. CROWTHER. I would like——

Mr. FISH. I am opposed to that bill. [Applause.] Does not the gentleman know that this bill will cost the Government $29,000 less than they are paying at the present time? When these Government employees ask for bread they are given a stone. That is what the House bill means.

Mr. BLACK of New York. They do not even get the stone.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. FISH. I will.

Mr. JACOBSTEIN. I understand the gentleman to say that the conferees were bound not to yield or compromise. To whom were they bound?

Mr. FISH. That is what I want to know. They stated that they entered into an agreement with the leaders, and presumably that is the Republican leaders.

Mr. JACOBSTEIN. Who made that statement?

Mr. FISH. It has been stated repeatedly in the public press and, I think, put in the RECORD.

Mr. JACOBSTEIN. How can they be bound; who could bind them except the House?

Mr. FISH. The chairman of the Civil Service Committee stated that he could not even bring it up under suspension of the rules unless he entered into an agreement.

Mr. JACOBSTEIN. With whom?

Mr. FISH. With the Republican leaders. I do not want to mention any names or criticize any individual, but what I am attacking here is the vicious practice that has grown up in the House to break down representative government. Even the veriest schoolboy knows that this Government is divided into three parts, into three departments—the executive, the judicial, and the legislative—all distinct and independent of each other.

Mr. JACOBSTEIN. The leader of the Republican Party is here in the House. Why do not you ask the gentleman from Connecticut right now whether or not he would not consent to this going to conference without its being bound?

Mr. FISH. I yield to the gentleman to ask the question.

Mr. JACOBSTEIN. Will not the gentleman from Connecticut tell us whether the conferees bound themselves, and to whom, not to yield in this matter?

Mr. TILSON. The conferees are doing their full duty.

Mr. JACOBSTEIN. What about the statement that they are bound, the gentleman from New York says they are bound to their leaders?

Mr. TILSON. I am not responsible. The conferees are doing their duty.

Mr. JACOBSTEIN. Is there any binding quality in it?

Mr. TILSON. I am but an individual Member of this House, the same as the gentleman from New York.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Virginia, a member of the committee.

Mr. WOODRUM. I will say to the gentleman from New York that if he wants direct and definite information as to

who bound the conferees, the distinguished gentleman from New Jersey [Mr. LEHLBACH], the chairman of the Committee on the Civil Service, now presiding over the House, can give him that information.

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield?

Mr. FISH. No; I can not yield any more. Now, as to the merits of the bill and as to the merits of the Senate amendments, I hold in my hand the latest report of the Labor Review. It shows that the big industrial corporations, the United States Steel Co., the big banks of New York, provide retirement funds far in excess of the maximum advocated by the Senate, and not only that, but the companies pay all the funds. They do not deduct one cent from the employees, and the maximum of $1,200 advocated by the Senate amounts in many industrial corporations and banks to $5,000. That is the difference in treatment between Government employees and private employees. [Applause.]

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. JOHNSON of Texas. The gentleman is a member of the majority party in the House. If he will secure the consent of the leaders of the House to vote upon this question, I assure him that he can safely rely on the Democratic votes being unanimously in favor of this bill.

Mr. FISH. I am sorry that I can not guarantee to the gentleman that I can secure any expression from the Republicans at this late day.

Mr. ELLIS. Mr. Speaker, will the gentleman yield there?

Mr. FISH. Yes.

Mr. ELLIS. The gentleman now occupying the floor ought to propound a parliamentary inquiry to the Chair to learn why the will of this House on this question has been denied expression.

Mr. FISH. I yield to the gentleman from Missouri for that purpose. I do not want to get into personalities myself or quarrel with any individual Members.

Mr. ELLIS. Neither do I; but I do want information.

Mr. TILSON. Mr. Speaker, I think it is time to call a halt on this proposition of interrogating the Speaker pro tempore. [Calls of "Regular order!"]

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield to me?

Mr. FISH. No. I would rather finish now.

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'CONNOR of New York. Did the gentleman from New York make a point of order against the inquiry of the gentleman from Missouri?

The SPEAKER pro tempore. He suggested a question of order.

Mr. O'CONNOR of New York. If the gentleman does not make the parliamentary inquiry, I will make it.

The SPEAKER pro tempore. If anybody wants to propound an inquiry on any parliamentary subject, the present occupant of the chair will be glad to receive it.

Mr. O'CONNOR of New York. Then I make a parliamentary inquiry, Mr. Speaker, as to why a vote on this bill can not come before the House?

The SPEAKER pro tempore. That is not a parliamentary inquiry, and the gentleman from New York [Mr. FISH] will proceed. [Laughter.]

Mr. FISH. Now, Mr. Speaker——

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to proceed for five minutes more. [Applause.] Is there objection?

Mr. TILSON. Mr. Speaker, we are crowded to-day. I must object to all extensions of time.

The SPEAKER pro tempore. Objection is heard. Under the special order of the day the gentleman from Virginia [Mr. MOORE] is recognized for 15 minutes.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to proceed for three minutes as one of the conferees on the part of the House on the retirement bill.

The SPEAKER pro tempore. Under the special order of the House the Chair can not entertain that request, and the Chair recognizes the gentleman from Virginia.

Mr. O'CONNOR of New York. Mr. Speaker, the Chair can entertain a unanimous-consent request for three minutes in addition to the time allotted to the gentlemen who have been scheduled to speak.

Mr. CHINDBLOM. Is not the Speaker pro tempore a Member of the House himself?

Mr. O'CONNOR of New York. I cite a case that happened yesterday, where it was done by the Speaker of the House himself and not by a Speaker pro tempore.

The SPEAKER pro tempore. Such matters as the granting of unanimous consent in contravention with the orders of the House are discretionary with the Chair. [Applause.] The gentleman from Virginia will proceed.

Mr. MOORE of Virginia. Mr. Chairman, I entertain a great respect for the chairman of the committee, but I can not help agreeing with the gentleman from New York in the thought that the chairman of the committee has been delinquent.

The difficulty is this: The retirement legislation has been under consideration for a long time. It has not been brought before the House finally for consideration. It could have been brought before the House for consideration if any one of the House conferees had agreed with the Senate conferees. Why was no such agreement? Simply because a power which is supposed to be above the legislative department of the Government has forbidden it, and there we have a little step in the direction of dictatorship. [Applause.]

If I were a member of the conference committee on the part of the House I would consider it my conscientious duty to go into the conference untrammeled and vote for what I might consider proper in the interest of the country. [Applause.] And yet, forsooth, we are given to understand that the House leaders on the majority side, dominated by the President, are controlling this subject, so that we are about to adjourn without any action taken upon it.

Mr. FAIRCHILD. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. No; I can not yield now.

The country ought to know that that is the situation, and a very deplorable situation it is. There is merit in the legislation, as everybody admits. There is reason for speedy action, as everybody admits. Some official who is not in any manner primarily connected with the legislative department declines to allow the conferees on the part of the House to act. We are about to adjourn without any action whatever. There has been passed the rich man's tax bill. There has been passed a bill raising the salaries of men who are high up, many of them; but when it comes to dealing with the average employees of the Government of the United States it is assumed that we are forced to avoid action and take no action whatever. And there is not a man on the floor of this House who does not recognize the fact that these average employees are very poorly paid, and that when they go out of office the present retirement provision is very inadequate to give them the most meager sort of existence.

Now, I say it is an unauthorized thing under our institutions, and it is a cruel thing, for any man in power to force us to do something to which the House of Representatives should not have submitted heretofore and should not submit now in the few remaining hours of the session.

I have enjoyed very much my service in the House. I have enjoyed the associations here and the firm friendships formed here. There is nothing that I could be brought to say in derogation of the House, but I am proud of the independence of the Senate of the United States. That body, not looking to the right or to the left and not guided by the admonitions and advice of anyone, however exalted in office, has gone forward and legislated on this matter, so far as it could, in the manner in which it thinks just and right. We might well take a lesson from the Senate in that regard and in other respects.

I hope the Senate will always retain its independence Subtle efforts have been made to persuade it not to do so; but, as I have said here on a former occasion, I for one as an American citizen and controlled by partisanship hope the day will never come when the Senate will whittle away one atom of its independence by foregoing the right to investigate and the right to debate without any limitation. [Applause.] When that time comes we will lose one of our great bulwarks against the possibility in this country of what has occurred in other countries, the location of all power in the hands of the Executive.

We are in the midst of independence week, the anniversary of the foundation of our Government, in a sense, and I think of the Senate now as I thought of it years ago, as one of the great agencies upon which the people depend for the safety of their institutions. The Senate has recently made an investigation which we never would have made. We have no facilities for it, and this body is too large for it.

But the Senate has looked into the utter corruption that has surrounded the recent primary election in the State of Pennsylvania, and has found at every step that the amount increases until the total runs now, I believe, to something like $3,000,000.

We are about to go to the country. I would like to see every candidate for the Senate faced with these three questions: First, were you here when the Newberry case was decided; and if you were here, did you vote to retain him? Second, when the motion for the investigation of the Pennsylvania primary was brought forward, did you vote for or against that motion? And, third, if Mr. VARE should be elected to the Senate from Pennsylvania, will you vote to seat him? Those questions ought to be answered.

Mr. Mellon says, in substance, "Forget about the Pennsylvania primary; it was all in accordance with law, or not forbidden by law." What do you think of that proposition?

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. O'CONNOR of New York. Did he not say more than that? He said it was just like giving to a church or to a charity.

Mr. MOORE of Virginia. I believe he did say that. I believe he said it was like giving it to a church, but whether he said that or not, he said there is no law against it. I rather believe in the utterance of that great statesman, who stood in the early days for the liberties of the Colonies, Edmund Burke. He said:

> With me it is not what a lawyer tells me that I may do; it is what my conscience tells me that I must do.

[Applause.]

Mr. Mellon is a great financier, but no greater than thousands of financiers in this country. Mr. Mellon is constantly compared with Alexander Hamilton, a comparison which I venture to resent. If I may be pardoned a personal allusion, all of my maternal relatives were New Yorkers and all of them were as close friends of Alexander Hamilton as they were of George Washington. One of my ancestors signed the Declaration of Independence, which we are thinking about now, and he was Hamilton's friend, and another relative spoke the funeral oration over the dead body of Hamilton before it was consigned to the grave.

Hamilton was a man of genius. He was a man not without spiritual qualities. Hamilton never would have been found going into the Treasury Department owning one of the greatest interests that any man in this Government could possess. He would not have been found in the Treasury Department willing to accept as a beneficiary of the tariff enormous sums of money. He would not have been found in that department accepting enormous reductions in his own taxes. He would not have been found in that great office declaring that the expenditure of millions of dollars in Pennsylvania was only like church donations and, at least, was not forbidden by law. Hamilton and Mellon. Hyperion to a satyr! [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. Mr. Speaker I ask unanimous consent to proceed for five additional minutes.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. TILSON. Mr. Speaker, I am very sorry to object to my friend's request, but if I do not in one case then I shall be called partial if I do in another. So I must object, and I hope my friend, for whom I have great affection, will excuse me.

Mr. MOORE of Virginia. I wish to say, if my friend will allow me just a minute more, in spite of many things that I criticize and reprobate, that his leadership has been in many respects of a very fine order. [Applause.]

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) entitled "An act to amend the act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being Public No. 561, Sixty-eighth Congress, and for other purposes," had further insisted upon its amendments to said bill, and asks a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had ordered that Mr. CAPPER, Mr. SACKETT, and Mr. KING be the conferees on the part of the Senate.

DISABLED AMERICAN VETERANS OF THE WORLD WAR

Mr. POU. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a resolution adopted by the national convention of Disabled Emergency Officers of the World War.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD by printing a resolution adopted by the national convention of Disabled Emergency Officers of the World War. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

A resolution

Whereas the act of Congress of May 18, 1917, creating the World War Army of the United States provided that officers of such Army should be "in all respects on the same footing as to pay, allowances, and pensions" as officers in the Regular Army; and

Whereas officers in the Regular Army were and are retired on three-fourths of their pay for a disability incurred in line of duty unfitting them for further active duty, and such disabled Regular Army officers are not pensioned for their disability in the sense that veterans of the Civil War and Spanish-American War are pensioned; and

Whereas Congressmen, Senators, jurists, and other legal talent have repeatedly rendered the opinion that Congress intended in using such word "pensions" as applying to such officers to mean "retirement"; and

Whereas officers of the United States Army commissioned in the forces provided by the above-mentioned act of Congress who became disabled in line of duty in the World War to the extent that they were unfit for further active duty were illegally discharged from the Army instead of being retired on three-fourths of their pay, as they were legally entitled to under such act of Congress; and

Whereas the United States Government because of such illegal discharge of such disabled officers owes to such disabled officers a legal debt, to wit, the retirement of such disabled officers on three-fourths of their pay, the payment of which debt has been delayed for seven years since the World War; and

Whereas there has been pending in each Congress since the armistice, November 11, 1918, a measure designed partially to pay the said debt and to correct such injustice to such officers, the disabled emergency Army officers of the World War; and

Whereas of the nine classes of officers of the United States who fought the World War, to wit, Regular Army, Navy, and Marine officers, Emergency Army, Navy, and Marine officers, and Provisional Army, Navy, and Marine officers, Congress has provided retirement privileges for the disabled officers of eight of such nine classes of officers, but has not yet corrected the illegal action of the Government in discharging the disabled emergency Army officers, nor provided for their retirement on the same basis it has provided for such other eight classes of disabled officers, which constitutes an unjust discrimination against such disabled emergency Army officers; and

Whereas a resolution similar in intent and import to this resolution has been passed many times by practically every one of the chapters of the Disabled American Veterans of the World War, by every national convention of the Disabled American Veterans, by practically every post of the American Legion, by every national convention of the American Legion, by the national conventions of the Veterans of Foreign Wars, by the national conventions of the Military Order of the World War, by the United Veterans of the Republic, by practically every veteran organization in the United States, by the national convention of the Reserve Officers' Association of the United States, by many civic organizations and State legislatures, by many prominent citizens, and last but not least, by the women of the United States in the national convention of the National Federation of Women's Clubs convened at Atlantic City, N. J., on June 4, 1926; and

Whereas an overwhelming majority of the Members of each Congress since the armistice has in writing and verbally promised to correct such injustice to such disabled emergency Army officers, and to pay the legal debt which the Government owes to such disabled officers, by the enactment of legislation by Congress providing retirement privileges for such disabled emergency Army officers on the same basis that Congress has provided for the retirement of the other eight classes of disabled officers heretofore mentioned; and

Whereas the United States Senate has twice passed measures, the last time in the Sixty-eighth Congress by a vote of 63 to 14, to correct such injustice and to provide retirement privileges for such disabled emergency Army officers, known as the Bursum bill; and

Whereas the United States Senate Military Affairs Committee in March, 1926, favorably reported the Tyson bill (S. 3027) and the Committee on World War Veterans' Legislation of the House of Representatives on March 13, 1926, favorably reported the Fitzgerald bill, H. R. 4548, each similar in its provisions for the retirement of dis-

abled emergency Army officers disabled in line of duty in the World War; and

Whereas such bills are being held up in the steering committee of the Senate and in the Rules Committee of the House, and are being prevented by such committees from coming to a vote on the floor of such Houses; and

Whereas if the United States Government can refund the debts owed to it by foreign governments by forgiving a very large portion of such debts, and can, as it has done, rebate to taxpayers hundreds of millions of dollars theretofore paid into the Treasury of the United States, it certainly should be able to discharge its legal debt (not a debt of gratitude) to such disabled emergency Army officers; and

Whereas the disabled enlisted men are desirous always that Congress shall render the fullest measure of justice to the disabled veterans of the United States wars, whether they be enlisted men or officers; now, therefore, be it

Resolved, That the Disabled American Veterans of the World War, in the Sixth National Convention assembled, at Atlanta, Ga., do and it hereby does, most heartily indorse the Tyson bill (S. 3027) and the Fitzgerald bill (H. R. 4548), providing retirement privileges for disabled emergency Army officers of the World War; and be it further

Resolved, That the United States Senate steering committee and the House of Representatives Rules Committee be, and such committees hereby are, most strongly urged to allow a vote on such measures on the floor of the United States Senate and on the floor of the House of Representatives before the adjournment of Congress; and be it further

Resolved, That the United States Senate and House of Representatives be, and they hereby are, most strongly urged to pass such legislation before the adjournment of Congress; and be it further

Resolved, That a copy of this resolution be immediately transmitted to the President of the United States, to the Vice President of the United States, to Hon. NICHOLAS LONGWORTH, Speaker of the House of Representatives; to Hon. CHARLES CURTIS, majority floor leader of the United States Senate; to Hon. JOHN Q. TILSON, majority floor leader of the House of Representatives; to Hon. JAMES W. WADSWORTH, United States Senate; to Hon. LAWRENCE D. TYSON, United States Senate; to Hon. BERTRAND H. SNELL, chairman of the Rules Committee, House of Representatives, and to Hon. ROY G. FITZGERALD, House of Representatives.

It is hereby certified that the foregoing resolution was duly passed June 22, 1926.

JOHN W. MAHAN,
National Commander.

Attest:

VIVIAN D. CORBLY,
National Adjutant.

BITUMINOUS COAL

The SPEAKER pro tempore. Under the special order heretofore agreed to by the House the gentleman from West Virginia [Mr. BOWMAN] is recognized for 10 minutes.

Mr. BOWMAN. Mr. Speaker and Members of the House, a deep and sympathetic appreciation of my obligations and responsibilities to the public impels me to transgress the deliberations of this House, for the first time, and to controvert, refute, and disprove, if possible, the unwarranted and unscrupulous attacks made by Members of the United States Congress against one of the basic industries of this great country. These attacks have been most vicious and numerous. They have not been founded upon facts. The narrow and perverted channels of misunderstanding and ignorance of the true causes contributing to an economic condition, which is sought to be remedied by legislation, have led to false premises which are responsible for a most dangerous and insidious propaganda against the bituminous coal industry. In passing judgment the public is entitled to all the facts and conditions.

Coal is an indispensable commodity of modern industrial life. It is most vital in the economic life of a nation. Some of the greatest conflicts the world has ever witnessed have been waged for the possession and control of coal deposits. It is well understood that no nation can retain economic supremacy unless there are available inexhaustible areas of coal. It is a source of power, and there can be no national stability without it.

The value of bituminous mining properties and equipment has been estimated to exceed the sum of $12,000,000,000, or one-half the total invested capital in all the railroads of the country. Measured by the value of its products, the bituminous-coal industry ranks among the foremost of the country. The last available census, for the year 1919, shows there were only 13 of the 350 groups of manufactures in which the value of products exceeded the value of bituminous coal mined and marketed. The value of bituminous coal mined for that year was five times the value of iron ore produced, six times the value of copper, fifteen times the value of lead and zinc, and seventeen times the value of gold and silver. In fact, the value of the bituminous coal produced was three and one-half times the value of the combined production of copper, lead, zinc, gold, and silver.

The industry of producing and marketing bituminous coal supplies 78 per cent of the country's fuel. It furnishes 32 per cent of the combined freight tonnage originating on American railroads and gives to the railroads 25 per cent of all freight revenue. It may seem anomalous, but it is nevertheless true, that the average freight revenue per ton for the transportation of coal by the railroads exceeds the average price per ton received by the producers or operators for the coal at the mines. I have incidentally mentioned these facts to show in a comparative way the magnitude and the importance of the coal industry.

I represent, in part, the State of West Virginia, which, in the calendar year of 1925, produced 122,000,000 tons of the highest grade and quality of bituminous coal ever discovered on the American Continent. Among the coal-producing States of the Union, in the production of coal West Virginia was second only to the great Keystone State.

In this same year of 1925 the second congressional district of West Virginia, that I am pleased to represent, produced 14,500,000 tons of coal, and more than half of that production—or, to be exact, 8,338,038 tons of bituminous coal—came from the mines located in my own county of Monongalia.

In the production of bituminous coal I am both interested and involved—interested because that industry represents a pronounced deflation of my invested capital; involved because I can neither withdraw my invested capital nor secure a fair return upon it. By experience I know the vicissitudes and the dangers the coal industry of the country is facing continually; and I am not without acquaintance with the perils attendant upon those who are engaged in that great industry. My experience is the general experience of those who are interested in the production of bituminous coal. I know that to a large extent the production of coal is profitless. Much of the present production is sold at the mine below cost. It is cheaper to operate a mine and carry a loss than to suspend operation and maintain the mine in a workable condition.

For these reasons I feel qualified to speak frankly and to make some observations concerning the bituminous-coal mining industry in the State of West Virginia and neighboring States, and the legislative efforts of those who would deny to this great industry the same rights and privileges which they themselves enjoy.

For more than a decade before the World War the price of bituminous coal at the mines ranged from 90 cents to $1.25 per ton. Month after month and year after year the price of coal was uniform and the coal industry was stable. This, however, was before the day of Government interference and threatened regulation. The bituminous-coal industry was enjoying a fair return upon invested capital and was supplying the fuel needs of the Nation without public clamor and discontent. There was no artificiality in producing and marketing bituminous coal. The economic law of supply and demand prevailed and ruled. Individual rights were respected. In the absence of threatened legislation, bituminous coal flowed steadily, freely, and continuously from the producer to the consumer at a uniformly low market price. These normal conditions were responsible for the development of a great industry, which has given and is giving to this Nation the lowest-priced bituminous-coal supply in the world.

Then came the economic convulsions of the World War. Overnight America became the teeming workshop of the world. The spindles and the looms, the furnaces and the forges, the mills and the factories must run without ceasing. Transportation by land and by sea must operate continuously to feed, clothe, and equip our boys in training and at the front to save allied nations from the greed of a relentless foe. Every fiber of America's industrial system grew tense with feverish determination and will. Fuel became the crying need of the world in this hour of emergency.

How well the industry producing and marketing bituminous coal met this challenge of emergency is reflected in the successful outcome of America's prosecution of the war. To meet the fuel supply of the world it was necessary to stimulate and increase production of bituminous coal. This necessitated the purchase of additional and expensive equipment; the installation and generation of electric power for cutting, mining, and transporting the coal; the acquisition of additional coal acreage; the erection of new plants and tipples; the building of homes for housing the employees; the construction of many miles of railroad trackage; and the development of new coal-producing territories. This era of expansion and development was coextensive with the rising tide of an extravagant and inflated market for necessary materials, machinery, and equip-

ment in the production of fuel. The cost was enormous, and the coal operator and producer were compelled to divert their incomes from the sale of coal into the various channels of invested capital. In this manner America not only strengthened her position in the war and laid the foundation for her industrial supremacy of the word but created, rather than solved, a great economic problem affecting the production of bituminous coal.

No sooner had the coal operators and producers completed their expensive preparations for a maximum production of fuel than the United States Government, by authority of Congress, commandeered the fuel of this country by creating a national Fuel Administrator with broad administrative powers over the industries producing and marketing fuel. This Federal agency later established priorities and finally fixed and determined the market price of coal at the mines. The condition of the times may have warranted and justified the establishment of this bureau, and it is not my purpose to discuss in detail the evil effects of the regulations of this Government bureau upon the bituminous-coal industry; but I do want to call your attention to the fact that the conditions that necessitated Government interference were due in no wise to the operators and producers of bituminous coal, but to the blunders of the United States Government alone.

Government control and regulation of railroads stands out as a great, colossal failure of Government in business. This experience resulted not only in a financial loss of little less than $2,000,000,000 to the taxpayers of this country, or a per capita loss of almost $20 for each man, woman, and child in the United States, but in a far greater per capita loss in the increased price of fuel in highly competitive markets. The supply of fuel was inexhaustible, and the mines were equipped for a maximum production to meet the demands of the world; but the Government failed in its plans of transportation. To no other cause can we ascribe the exorbitant price of bituminous fuel during this period of Government control of the railroads except to the inefficient, ineffective, and unbusinesslike methods of the Government in its socialistic management of transportation.

As I have already shown, the bituminous-coal industry was ready to produce fuel and respond to a waiting market, but the Government failed in its effort to regulate and transport it. Between the producers and the consumers there were no direct and regular lines of commercial contact. There was neither continuity nor regularity in transportation. This deplorable condition was made more serious because the Government of the United States refused either to purchase additional rolling stock or repair the dilapidated stock in constant use. A car shortage resulted. This was another blow at the great bituminous-coal industry. In other words, a coal mine that was equipped and developed for a maximum production of 2,000 tons of coal daily, or 40 steel hoppers, would receive for its daily placement only 20 steel hoppers. It is apparent that the capacity of a mine equipped for the production of 40 steel hoppers daily is reduced by one-half if only 20 cars are placed for loading. This made most imminent a dangerous fuel shortage. To the heavy consumers and purchasers of fuel this was a calamity, and they entered with alarm into an already competitive market and began bidding for more coal in order to assure a continuous and regular supply of fuel. This created a "runaway" market. The prices of bituminous coal "skyrocketed" and "pyramided" beyond the fondest hopes and wildest dreams of reckless speculation.

It is apparent that the producers of bituminous coal were not responsible for this condition of the market. They were compelled to accept the offers in a buyers' market. They could not do otherwise. They were the victims of speculation. If the operators accepted less than the market price for their coal, the purchaser resold the fuel in the prevailing market. It was impossible for the coal operators to stabilize the market. At no time did they fix and determine the price of coal at the mines. The failure of the Government to function regularly and properly in the management of transportation lines brought the fuel operators within the lines of a withering barrage of unjust criticism. They were called "profiteers," "extortioners," "pirates," "unscrupulous and disloyal citizens of a great Republic" by those who were ignorant of the true facts and conditions; and to-day, after eight years of strenuous and constant effort to rehabilitate the industry, the producers find in Congress that same species of "epithet hurlers" endeavoring to place the production of fuel under the control, regulation, and domination of that same government which created a condition of which they constantly complain and vigorously seek to remedy. At least, consistency should be a virtue worthy of all.

Political economists have never been able to differentiate and separate the relative importance of food and fuel in the economic and industrial life of a nation. They are inseparable and interdependent. They are absolutely necessary and essential in the industrial development of any country. No nation can lay claim to industrial greatness whose industry is limited either to the production of food or the production of fuel. It is conceded on every hand that food and fuel have been the most potent factors in the development of the commercial and the industrial supremacy of the United States. And no nation can maintain its supremacy in the industrial world unless it conserves and protects its dependable agencies of production.

When we understand the relationship of coal and fuel in the industrial and economic life of our Nation we are not surprised to know that the depressed conditions of the industries engaged both in the production of food and fuel are identical. Their economic symptoms are similar. A diagnosis of one is a diagnosis of the other. Overproduction is their common economic ailment. A maximum production with a limited market is the cause. Deflation in value of properties and equipment and in the market price of their products is inevitable. Both industries are victims of the economic law of supply and demand.

At this point it might be well for us to consider the attitude of the United States Government toward these two great industries. During the past eight years the Government of the United States has recognized the distress of the American farmers, and both the executive and the legislative branches of the Government have been drawn into the exceptionally difficult task of remedying their economic conditions. In many ways material aid has been rendered. In our national legislative program we find the enactment of laws creating Federal farm loan boards, Federal land banks, national farm loan associations, joint-stock land banks, cooperative marketing associations, and exempting the capital and reserve or surplus of these various organizations from Federal, State, municipal, and local taxation, except taxes on real estate held. Even all farm organizations are exempted by law from the provisions of the antitrust law.

The eighth annual report of the War Finance Corporation for the fiscal year ended November 30, 1925, shows that the said corporation made loans for agricultural and livestock purposes to 4,317 banking institutions in 37 States; that, in addition to the loans to the banks, said corporation made loans to 114 livestock loan companies in 20 different States; and that from January 1, 1921, to December 31, 1924, the said corporation authorized advances totaling $202,590,000 to 33 cooperative marketing associations in 20 States to finance the orderly marketing of wheat, corn, cotton, tobacco, rice, and other staple agricultural products. During the fiscal year, according to the report, $297,943,000 were actually authorized and advanced to banking institutions, livestock loan companies, and cooperative marketing associations.

Contrast and compare the friendly attitude of our Government toward the farming industry with the attitude of the same Government toward that highly important industry engaged in the production of fuel, which commodity is just as necessary, vital, and essential as food in the commercial welfare of this Nation. There has been no legislation affecting the important industry of producing bituminous coal except the creation of commissions to investigate and investigate. These investigations have not been made in an effort to aid and assist an important industry. At no time during the past eight years of financial distress in the fuel industry has any governmental agency offered a single constructive plan for stabilizing this great industry. In fact, the Government has been indifferent, stolid, and impassive to remedial needs; but this neither discouraged nor disheartened the producers. Preferring to work out their own problems of restoration they ask for no remedial legislation nor do they expect it. They have faith in themselves and desire only a chance to solve their economic problems and determine their own destiny.

In the Congress of the United States the coal industry has found an attitude that is both hostile and destructive. Since the World War each session of Congress has produced many enthusiastic proponents of legislation tending to regulate, control, and nationalize the coal industry. The Sixty-ninth Congress is not an exception. Numerous bills of this character have been introduced. The Parker bill, seeking to establish a fact-finding commission, and acknowledged to be the basis of further legislation for the control and regulation of the coal industry, has been considered by the Committee on Interstate and Foreign Commerce. Many hearings have been held, and the reports of those hearings show conclusively that the proponents and supporters of this character of legis-

lation know absolutely nothing about the important industry of producing coal. They even admitted it in their testimony, which has been transcribed and reduced to print. I commend these reports for your perusal and consideration and hope you will include them in your curricula of light fiction for the hot summer days of your vacation.

Gentlemen, shall our national legislation be founded upon ignorance? Are we to ignore the advice and experiences of the expert and the specialist and the man who knows? Will we endeavor to cure and remedy results, regardless of the causes? Will you permit Members of this House whose national horizon is circumscribed and limited by the cheer and the warmth of their own firesides to fasten upon a growing and a necessary industry the poisonous tentacles of another bureau to regulate, control, and eventually nationalize? If nationalization is necessary, would it not be the better part of wisdom to place all industries engaged in manufacturing and producing commodities essential to the welfare, peace, comfort, satisfaction, and happiness of a great people under one general law? To single out the great industry of producing coal at this time for national legislation is to go back voluntarily to the days of Adam Smith, who declared, "Coals are a less agreeable form of fuel than wood," and to that period of the fourteenth century when the English Parliament outlawed "the burning of coal" as a "public nuisance." In this day of industrial growth and development this may seem ridiculous and incongruous, but all ridiculousness and incongruity did not pass away with the fourteenth century.

For no other reason have I brought the subject of relief of the farm industry into this discussion except to show, in a comparative way, the attitude of the Government toward the bituminous coal industry. I do not want to be misunderstood. My interest in the depressed farmers of this country is friendly and sympathetic, and I would not vote to repeal a single statute or legislative enactment that is necessary or remedial for the needs of agriculture, and am ever ready to aid and support such additional legislation as their needs may justify. The farmers of this country are to be congratulated that the greatest Government of the world stands ready to aid and assist rather than to assail and attack.

It has been alleged and charged both on the floor of this House and before the Committee on Interstate and Foreign Commerce by the proponents of the Parker bill that the bituminous-coal industry is a monopoly. No statement could be farther from the truth. In fact, the bituminous-coal industry is highly competitive. By many thousand individuals, associations, and corporations bituminous coal is mined commercially in 31 of the 48 States of the Union. No one individual, association, or corporation produces more than 3½ per cent of all the coal mined and produced. As a fuel bituminous coal not only competes with itself but with natural gas, oil, and other fuels; and its dominion of power is being constantly usurped by the rapid development of the hydroelectric industry.

While the hydroelectric industry is in its infancy, it displaces thousands of tons of bituminous coal for the development of power, and may eventually contend with coal for the strategic place in our industrial order. Charles P. Steinmetz, in his America's Energy Supply, estimated that if all the water power in the country were harnessed and were turned into industrial energy, it would not be sufficient to keep current industry going. This statement might indicate to what extent water power will supplant coal; but I want to direct your attention to the friendly attitude of many States in the development of this colossal giant of power. They have given to water-power companies the right of eminent domain, the power to condemn and possess private property. They grant them public franchises and place their operations under a utility commission to fix rates and charges for current with an absolute guarantee that such rates and charges shall bring a fair return to invested capital. This gives protection to every dollar invested in hydroelectric power and gives every assurance of a rival source of industrial energy. And yet there are Members in this House who contend and say that the industry of producing coal is a monopoly.

There are many who believe that the bituminous-coal industry is a public business, and on that ground would justify Government regulation and control. In refuting this charge, I want to quote from an address by Walter Barnum, of New York City, before the annual meeting of the Chamber of Commerce of the United States at Washington, D. C., which is as follows:

> Granted that there is no monopoly anywhere in coal, but that nevertheless certain persons are interested in seeing the coal market more steady and level than the wheat market, the clothing market, or the steel market, it remains to be considered whether mining coal is private or public business. The claim that you can legally regulate and stifle the initiative of such a highly competitive private business on the ground that the product of the industry enters into interstate commerce must be abandoned, because of decisions of the Supreme Court, too numerous to quote, to the effect that mining or manufacturing an article that is to enter into interstate commerce is not a part of such commerce. As to the oft-heard argument that coal is affected with a public interest, I will quote the words of Mr. Chief Justice Taft in the Wolff Packing Co. case:
>
> "It has never been supposed since the adoption of the Constitution that the business of the butcher, of the baker, the tailor, the wood-chopper, the mining operator, or the miner was clothed with such a public interest that the price of his product or his wages could be fixed by State regulation * * *. Nowadays one does not devote one's property or business to the public use or clothe it with a public interest merely because one makes commodities for and sells to the public in the common calling of which those above mentioned are instances."

There is a prevailing idea that Government control and regulation of coal would guarantee, at all times, a regular and continuous flow of fuel from the mines to the consumers. Recent experiences prove that Government interference is not necessary to insure the demands of the public. During the recent anthracite strike, it was estimated that the bituminous fuel needs of this country would be 8,000,000 tons per week. The bituminous industry was ready for this emergency. It produced 13,000,000 per week—almost double the estimated requirements; and the railroads, week after week, transported this remarkable tonnage without a single break in the continuity of efficient transportation. Contrast this remarkable demonstration of transportation by the railroads of the country with the bungling methods of the railroads under Government control during the war, and you will be convinced of the fallacy of the argument for Government control of the coal industry in order to prevent an emergency which can not now exist.

There is a physical aspect to the matter under consideration and discussion which requires more than casual recognition. There are some sections of our country that have not been endowed with the great natural resources of fuel as abundantly as other sections. Some of these noncoal-producing sections contain vast and extensive manufacturing plants. They are large industrial consumers of coal. A continuous flow of this fuel is essential to the uninterrupted operation of their gigantic plants. The large cities where these great manufacturing plants and industries are located naturally make vast markets for the domestic consumption of coal.

In my mind, those who built these great manufacturing centers many hundreds of miles distant from coal production made unfortunate economic blunders. They are required to transport heavy raw materials and fuel from distant parts of the country to their factories and then transport their finished products to the markets. It is a sound and fundamental theory of modern economic science that it is far more preferable to manufacture where raw materials and fuel abound. This theory was recognized by the efficiency experts of our Government when they located in West Virginia, in close proximity to mountains of high-grade coal, a great industrial plant for the manufacture of armor plate during the World War. These experts called West Virginia the ideal site for manufacturing. They found there the choicest quality of coal and raw materials in abundance.

To those who constantly live in fear of a crisis which will interrupt their constant supply of fuel and tie up the productive system of this country—a crisis which no government however great and powerful can apprehend and stay—West Virginia is the land of relief and opportunity. This great industrial State is the very heart of the Appalachian coal beds, which reach in one continuous stretch and sweep from Pennsylvania to Alabama, and which are unequaled in the known world for their tremendous areas of potential power.

West Virginia has a coal area of about 17,000 square miles. Bituminous coal is found in 49 of the 55 counties of the State and is mined commercially from 47 separate and distinct seams in 35 of these counties. It has been estimated by geologists that there are stored in the hills and mountains of West Virginia more than 160,000,000,000 tons of coal. This tonnage, if loaded in 50-ton steel hoppers, would reach six hundred and sixty times around the earth, and moving at the average freight rate of 30 miles per hour, 125 years would elapse before the rear car passed by. In other words, six generations would witness this tiresome freight procession of West Virginia's production of bituminous coal.

More than 90 per cent of West Virginia's production of bituminous coal is shipped to other States and countries. To reach these distant coal markets our producers are required to

overcome heavy discriminatory freight rates. At this very time the coal operators of West Virginia are engaged in resisting efforts made before the Interstate Commerce Commission to impose differentials that will exclude their coal from the markets and give to competitors increased advantages in the matter of freight rates, and thereby creating for them artificial monopolies that will permit them to exact such prices as they believe the consuming public will pay. Here, again, is seen the evidence of Government at work, Government in business.

Here is your opportunity to serve a dissatisfied constituency. You who represent coal-consuming States should interest yourselves in this important public proceeding before one of the agencies of the Federal Government. If your interests in the coal consumers of your State are so intense, and if you desire an ample supply of coal for your cities and towns, then you should enlist in this controversy in which West Virginia seeks to serve. The producers of my State are asking for natural and honest competition. West Virginia's opportunity to serve will be the consumers' opportunity to meet their own demands. There will be no necessity for governmental control of the coal industry if you use intelligently those agencies of the Government already created and give West Virginia's high-grade bituminous and semianthracite coal free entry into the markets of the East, North, and Northwest.

In conclusion let me remind you again that Government control and operation of the railroads were responsible for the peak prices of bituminous coal during and shortly after the World War, and that in these times of peace a regularly and legally constituted agency of this Government is responsible, in a great part if not wholly, for the exorbitant prices of fuel in the North and East. And yet this conservative House considers ways and means that will bring the bituminous coal industry under the complete control and domination of the same governmental agencies which heretofore in every experience have ruined industries and demoralized trade.

There is no more reason to bring the producers of bituminous coal, who are operating at an exceptionally small margin of profit, if not at a loss, into an investigation as contemplated by the Parker bill than to investigate the farmer because the retail merchants sell pork chops from the farmer's 9-cent hog over the counter for 47 cents. How long, my friends, will we continue to turn to the legislative power of this great representative Government and by the strength and force of law attempt to cure and remedy all sectional economic ills!

A wanderer in a strange country was overtaken at night by a violent rainstorm accompanied by vivid flashes of lightning and terrific crashes of thunder. He was unmindful of the lightning, because it was light unto his pathway; but the ceaseless volleys of thunder, which shook both heaven and earth, frightened and unnerved him. In fear and trembling he knelt in prayer for the first time in his life and prayed:

O Lord, if it's all the same to you, will you let me have a little more light and not so damned much noise. Amen.

The sentiments of this simple prayer strike a harmonious chord in the heart of every producer of bituminous coal as he wanders through the storms of threatened legislation seeking light by which he may solve his own economic problems as an individual citizen of the greatest Republic of the world. [Applause.]

THE TARIFF AND THE FARMER

Mr. GREEN of Iowa. Mr. Speaker, five years of Republican administration has abundantly vindicated itself by its works. Always the advance agent of prosperity, in this brief period Republican management has completely transformed business conditions and established a new high record for prosperity. When Harding went into the White House business could hardly have been at a lower level. Indeed, the business tide was receding so fast that about six months elapsed before its course could be stopped and turned in the right direction. Now the flow of increasing prosperity has reached a height never before known in normal times. When the Democratic Party turned over the Government to us, it left a trail of wreck and ruin in business of every kind. The lists of business failures and bankruptcies, both in number and amount, surpassed that even of previous Democratic administrations, and when I say this I can go no further. Now, as everyone knows, business is so universally prosperous and profitable that, although since our party came into power we have nearly cut Federal taxes in two, and exempted more than 3,000,000 people from paying any income taxes whatever, our revenue receipts from business profits still show a surplus. When Wilson went out of office millions of our citizens were hunting a job. Now the jobs are hunting the men and every one that really wants to work can get one. The development of our manufacturing and the growth of our cities have been nothing less than marvelous. Our foreign trade is more than double what it was before the war. Our national income has increased from about $50,000,000,000 in 1921 until it is now over $70,000,000,000 yearly, and our national wealth from about $230,000,000,000 in 1921 to $270,000,000,000 in this year of abounding Republican prosperity. If this prosperity had come only to the wealthy and none of its benefits had accrued to the middle and working classes, there would be little in it worth mentioning, but the Republican Party has a right to be proud of the fact that this increase in wealth and income has been widely distributed.

The enormous increase in savings-bank deposits, in the assets of building and loan societies, and of life insurance companies are abundant evidence of that fact. Never were so many workingmen employed at good and generally high wages. Never did there come to workingmen's homes so much of comfort and even of luxury as to-day. The automobile no longer is used only by the wealthy. The cars of workingmen throng the street just before work begins, and just after it stops it carries him home to enjoy the radio or take his family to a picture show.

The impartial observer, however, must admit that there is one class, and a very large class, that has not had its proper share in this prosperity. I refer to the farmers, who have not received benefits or returns in proportion to those obtained in other kinds of business, either upon capital or for labor performed. The farmer complains, and rightly complains, of this situation. There are some also who are inclined to blame the Republican Party for the failure to act upon it. But the defeat of the farm-relief legislation was not a party matter. The majority by which the Haugen bill was beaten came in about equal proportions from the members of the two great parties, and neither as a party is responsible for the defeat of the bill. The Democratic Party, however, hopes to turn the situation to its partisan advantage.

This is not at all strange, for ever since its overwhelming defeat in the last election the Democratic Party has been struggling for existence, hunting for a presidential candidate, and groping for an issue. The party still exists, but, having lost any semblance of unity on principles and having not yet found an issue, it is difficult to find any reason for its existence. Its leaders now seem to think that they have found an issue in the condition of the farmers, but to make it a real issue as between the two parties they must propose a remedy, and the remedy proposed is to abolish the protective tariff. Let us see how this plan would work.

The farmer was brought to the depth of ruin by the Democratic administration. He is now immeasurably better off than when his case was turned over to Republican management. It would seem that it took some nerve for the Democratic Party to complain because the present administration has not yet been able to completely overcome the effects of Democratic incompetency and mismanagement. Unfortunately, it takes a long, long time to bring back a country to normal conditions after a Democratic administration, and some times it takes so long that the people forget what happened to them when the Democrats were in power.

If they only remembered fully there never would be anything to be concerned about in the matter. But while this is an unfortunate feature of the situation it is not the most aggravating one. With that fatal facility for doing the wrong thing at the worst possible time that has always characterized it, the Democratic Party now proposes a remedy for the situation which would inevitably aggravate the disease. It proposes, under the guise of benefiting the farmer by reducing the price of some of the things that he purchases, to take away the main support of the prices at which he sells so much more than he buys, by putting in force a tariff similar to the Underwood tariff of unhappy memory. I say the Underwood tariff, for, while our Democratic friends talk in generalities, as a rule, the only way we can tell what they mean to do is by the sufferings which have been inflicted upon us in the past when they got control of the affairs of Government. Now, do not misunderstand me; I do not refer particularly to the tariff placed on agricultural products for the purpose of sustaining the price at which they are sold. I am quite well aware and ready to admit that as long as there is a surplus of any agricultural product which must be sold abroad it is difficult, and sometimes impossible, to make the tariff work to the full effect desired. What I propose to show is that the tariff on manufactured products is for the benefit of the farmer as much as for the manufacturer and the workers in the factories. If I did not believe this, and were not able to give cogent reasons for that belief, I would never vote for a pro-

tective tariff. It ought not to exist if it does not work for the benefit of the people as a whole and produce benefits which reach practically every class. This is its real justification.

I do not make this statement as a mere assertion. It is easy to talk in generalities, as our friends on the other side so often do. I shall undertake to demonstrate it by facts and figures that can not be controverted, by the economic history of our country, by the record of the farmer's prosperity and his reverses. When I get through, if there is anyone who controverts the statements of facts that I make I shall be glad to have him correct me, but I believe that I have taken them from the most unimpeachable authority. On the other hand, admitting the facts, I do not know how any unbiased person can escape from the conclusions which I shall draw.

Everyone knows, or ought to know, that the story of our experiences under a Democratic tariff is anything but pleasant. It is so disagreeable to our Democratic friends that I regret that I am obliged to repeat it, but a great orator once said in this Capitol that he knew of no lamp equal to the lamp of experience. I challenge now the most careful student of our Nation's history to name any period of normal times when under a free trade or tariff for revenue act business was not depressed, manufacturing stagnant, and suffering among the farmers most acute.

In the last 65 years we have had only two experiences under a Democratic tariff. One was in President Cleveland's second administration under the Wilson bill. The other was in President Wilson's administration under the Underwood bill. Some of you can not remember how times were under the Wilson bill in Cleveland's administration or the unfortunate condition of the farmers at that time. I can, for I had a direct interest in farming during that period. I sold some corn at 8 cents a bushel at that time. It was not very good corn, but good corn brought only 12 cents in western Iowa. Other agricultural products were priced in proportion. Times have not been good for the farmer of late, but under any way of figuring the condition of the farmers of the Middle West last year and this year is opulence itself compared to conditions under the Wilson bill, and at that time it was the ruin of the manufacturer that caused the ruin of the farmer. Factories were closed down and millions of men were out of employment. The whole country was overrun with tramps, who finally formed an army under Coxey and marched on the Capitol. As a natural consequence, prices of grain, of hogs, cattle, beef, and pork dropped to a point that was only a fraction of what the farmer is now receiving. That experience was enough for the time being, as a trial of a Democratic tariff bill always is. The country sometimes forgets what it has suffered and tries a Democratic tariff. It only takes until the next election, however, to wipe off the map the administration that established that kind of a tariff, and at such elections history shows that nobody is more eager and enthusiastic in voting for a change than is the farmer of the Middle West. You have only to look at the election returns for a proof of that fact.

Mr. DENISON. Will the gentleman yield for a question?

Mr. GREEN of Iowa. Yes.

Mr. DENISON. I would like to ask the gentleman from Iowa, because I know he is informed on this question, if any other country that had adopted a national policy of protection has abandoned it and gone back to the free-trade principle?

Mr. GREEN of Iowa. Never.

Mr. DENISON. Then I would like to ask the gentleman——

Mr. OLDFIELD. Great Britain did that. They had a protective tariff many years ago and they went to the free-trade principle.

Mr. GREEN of Iowa. The gentleman is in error about that. Great Britain never had what we call a protective-tariff system. It did have at one time what was called the "corn laws," a tariff on wheat for the protection of the farmers, and some other protective duties.

Mr. DENISON. I saw the statement in one of the papers yesterday that Great Britain and other countries in Europe were following our policy to a large extent and adopting the protective-tariff system, and I would like to know from the gentleman if that is true.

Mr. GREEN of Iowa. That is not strictly accurate. Great Britain has adopted some rules and regulations for the purpose of restricting imports as well as to give their own manufacturers the advantage; and there is quite an agitation in Great Britain at the present time in favor of the protective-tariff policy, but it can hardly be said that they have adopted that system.

Mr. DENISON. Have some other countries in Europe adopted the protective-tariff policy?

Mr. GREEN of Iowa. Germany for a great many years has been under a high protective tariff, as well as France.

Mr. COLE. Will the gentleman yield there?

Mr. GREEN of Iowa. Yes.

Mr. COLE. Is it not true that Great Britain and France have higher protective rates now than they ever had before, and is it not true that Germany quite recently, within a few weeks, has taken steps to protect her farmers?

Mr. GREEN of Iowa. Oh, yes; the gentleman is correct. The protective rates, if we may call them that, are higher than they were before.

The effect of trying to conduct the business of the country under the Wilson bill was the election of McKinley, and the Republican Party took charge of the national affairs in 1897. The Dingley bill was enacted shortly thereafter, but it took some time for its effects to be manifested. It continued in force until 1909, when the Payne bill was substituted, which lasted until the latter part of 1913, when, under a Democratic administration, the Underwood bill went into force. Before the end of McKinley's administration the effects of the Dingley bill were quite evident, and, as I have already shown, the country remained under a protective tariff system until the latter part of 1913.

Let me call your attention to some facts that can not be disputed with reference to conditions in the period from 1900 up to and ending with 1913, all the time under a Republican protective tariff. I want these facts to be taken down and kept in the mind of every farmer when he is asked to vote the Democratic ticket and against a protective tariff. The facts are these, that slowly but steadily, with occasional recessions, of course, prices of farm products rose through all that period, until at the close of it farm land all through the Middle West, and I think practically all over the country, had doubled in value. And this was no speculative price or figure. The land was worth it to the farmer, and the farmers were making returns off the farm that justified it. It was the farmers who were buying it for the purpose of cultivating it and making money off of it that made these values. It was the most prosperous period that the American farmer has ever known.

What was the cause of this prosperity among the American farmers? Some of you may think it was an increased foreign demand. It was not. On the whole, we exported less, and, incidentally, I shall show further on that the foreign demand for our farm products is steadily falling off. Some of you may imagine that it was because there was a smaller production, and hence prices rose. That is a mistake also. Production was increasing. The facts were that, with occasional variations, all through that period the exports of farmers were being lessened, and many cases could be found where the exports of farm products were less than they were shortly after the Civil War, which was nearly 50 years prior.

We shall have to look further to ascertain definitely what had brought about this prosperity to the American farmer. The real explanation is found in the fact that during this period that I have just mentioned, from 1900 up to 1914, the cities and towns of the United States above 2,500 inhabitants increased in population the enormous number of 17,000,000, due either directly or indirectly to the increase in manufacturing operations built up by the protective tariff. This increase is more than twice the population of Canada, which buys each year more than $600,000,000 worth of our exports. It is about one-half the population of France before the war, nearly one-half the population of England, larger than several of the smaller countries of Europe combined, and it all had to be fed by the American farmer, for here was his home market, that belonged to him alone and which he did not have to share with any foreign competitor. An unprecedented demand was thereby created for agricultural products.

Our Democratic friends have been claiming that while the farmer was prosperous during the period I have just mentioned he was not as prosperous as he was from 1915 up to 1920 under the Underwood tariff. This is true, but it was the war and the war alone that caused this prosperity, which, after all, was more apparent than real.

After the Great War broke out our currency was enormously inflated, wages were extraordinarily high, everybody was spending money freely, and wage earners, farmers, manufacturers, and everybody alike lived in what seemed to be a financial paradise, which, unfortunately, many people thought was going to continue. Everybody was apparently prosperous, notwithstanding the tariff was low, because as long as the war continued there was a practical embargo against the importation of foreign products, whether they came from the factory or the farm. Practically nothing came in from abroad, except what was necessary for war materials.

Now, I do not want to charge the Democratic Party with all the misfortunes that followed the war. Manifestly, that would not be fair. War conditions could not continue after the war

was over, and a depression was to be expected. But as events turned out the Democratic tariff—always wrong—was applied at the worst possible time.

During the war the American farmers, urged on by the Government and the natural spur of high prices, increased their production 20 per cent. In the meantime, as shipments to Europe from Australia and Argentina were slow and dangerous, an enormous amount of agricultural products of all kinds accumulated in those countries. Not long after the war was over ocean shipping began to resume its pre-war routes, and the farmers began to feel the results of the tariff having been taken off their products, for the Underwood bill was still in force, and by far the greater portion of the farm products had no protection whatever and the remainder so little as not to be effective. As soon as shipping was restored to the normal basis foreign farm products came in, not simply in a flood but like a tidal wave, overwhelming the producers of this country. It was not merely that millions of pounds of meat were imported—frozen mutton alone came in literally by the hundreds of millions of pounds. It was not simply that millions of pounds of wool were imported, it came in literally by hundreds of millions of pounds. The same thing was true, although in lesser quantities but with almost equal effect, with regard to other farm products, especially butter, eggs, wheat, and a large number of minor products that I might mention. At the same time, through foreign competition, the market abroad to us was practically lost until this accumulation could be disposed of. The bottom simply dropped out of prices. Trainloads of sheep went in on the Chicago market, and the returns were little more than the freight charges alone. Wool was practically unsalable, and both cattle and hogs sold at prices that were absolutely ruinous.

All this was bad enough, but it really was not the worst, nor was this dumping of foreign foodstuffs upon our markets the greatest cause of the depression in the value of farm products.

The low tariff rates of the Underwood bill not only permitted our markets to be flooded with foreign farm products but with foreign manufactured products. It was the old story again of what happens under a tariff-for-revenue bill. The American manufacturer lost to a large extent the American market. Our factories were compelled to close down, with the result that in the spring of 1921, 5,000,000 men were out of employment and no longer able to purchase the farm products except in the most limited degree.

Mr. OLDFIELD. Will the gentleman yield there?

Mr. GREEN of Iowa. Yes.

Mr. OLDFIELD. I would like to know where the gentleman gets any such figures as those. I have looked that up thoroughly and there are no official figures in this Government that show anything like that. That is pure propaganda.

Mr. GREEN of Iowa. The gentleman from Arkansas had better consult the report of his own Department of Labor, because that is where these figures came from. They were made originally under a Democratic administration.

Mr. OLDFIELD. I would like to know where the gentleman gets those figures, because I have made investigation and there are no such figures.

Mr. DENISON. If the gentleman will yield——

Mr. GREEN of Iowa. I yield to the gentleman from Illinois.

Mr. DENISON. In answer to the gentleman from Arkansas, I will state that I saw in the papers a statement issued by the head of the American Federation of Labor that there was at one time 4,500,000 unemployed.

Mr. GREEN of Iowa. No one has estimated it at less than 4,000,000, and that ought to be enough for the gentleman.

Mr. OLDFIELD. According to Secretary Hoover's official statement there were 9,000,000 employees in America in 1919, and nobody will assume that there were very many unemployed at that time. In 1921, the first year of the Harding-Coolidge administration, there were around 7,000,000 employees employed, which would make 2,000,000 unemployed during 1921. In 1923 there were eight million and some odd.

Mr. GREEN of Iowa. The gentleman can make his speech in his own time. I did not yield for that purpose.

Mr. OLDFIELD. Under Secretary Hoover's own figures the statement the gentleman has made is not correct.

Mr. GREEN of Iowa. Mr. Hoover did not make the statement in the form which the gentleman is now making it. The gentleman is making his own statement, and I can not yield to him for that purpose in my time. The figures were also brought out at the unemployment conference. I think Secretary Hoover presided over it.

Mr. DENISON. That statement of Secretary Hoover had reference to certain designated industries.

Mr. GREEN of Iowa. Yes; that is a fact.

Mr. OLDFIELD. That was all he could give.

Mr. DENISON. That statement does not include them all.

Mr. GREEN of Iowa. It does not, and consequently does not conflict with my figures. I was about to say that it was this condition of unemployment that was so disastrous.

During the period that I have just mentioned there never was a time when the farmer so much needed a tariff upon his products, but his pleas for relief fell upon deaf ears, so far as the Democratic administration was concerned. To mitigate these dire consequences I introduced, in the latter part of President Wilson's administration, what is known as the farmers' emergency tariff bill, raising the rates on agricultural products. It passed both House and Senate, but was vetoed by President Wilson, who, in so doing, I must say, acted consistently not only with his own previous declarations of policy, but with those of the Democratic Party, and the country drifted on into wreck and ruin. As soon as the Republicans came into power I promptly reintroduced the farmers' emergency tariff bill, but it was some months before it could be gotten through Congress, and some more time necessarily elapsed before its effects were manifest. A great portion of the damage had already been done, but within a few months after the passage of this bill farm prices commenced to rise, and they rose still further after the passage of the Fordney-McCumber tariff bill.

It has often been charged on the other side that the Republican Party did nothing for the farmers, but was always ready to listen to the plea of the manufacturer. The record with reference to the emergency tariff shows the contrary. At the very time the farmers' emergency bill was passed the manufacturers were knocking clamorously at the doors of Congress and demanding changes in the tariff rates to relieve the depression in their business. But the Fordney-McCumber Tariff Act was not passed until a year after the farmers got their bill, for the Republican Party recognized that the farmer was first to be heard and first to receive relief. Since that time, under the so-called flexible-tariff provisions included in the Fordney bill, important increases have been made in the tariff on agricultural products, but so far as manufactured products are concerned the changes have been insignificant.

There is one other matter that ought to be mentioned in this connection. With that same fatal facility for doing the wrong thing at the worst possible time, the Democratic Party, being still in power after the war was over, continued to inflate the currency, through the Federal reserve system, and to encourage the expansion of credits, when every reasonable man ought to have known that as soon as the armistice was declared no further inflation of the currency ought to be permitted, and that slow but gradual restriction of credits should have been adopted. Just the reverse of this happened, until the managers of the Federal reserve system, seeing that a wild orgy of speculation was setting in, and becoming frightened, undertook a deflation and a restriction of credits more rapid than even the inflation had been. This helped to further depress the price of farm products. In fact, the farmer claims, and probably rightfully, that no one suffered so much from this deflation as he.

I know, at this point, some of our Democratic friends will say that while farm products experienced an extreme decline in the latter part of Wilson's administration, the decline continued for six months after President Harding was inaugurated. It did, for it took time to get the necessary legislation passed and for its effect to be felt. The farmers' emergency tariff helped, but not until the complete tariff bill was passed and had been in effect long enough to again set our factories in motion was the home market restored to the farmer.

That there is a farm problem everybody must admit. The condition of the farmer is far from what it ought to be. But his condition has wonderfully improved under Republican tariffs, and I bring to you proof of this statement. According to the report of the Department of Agriculture the value of farm products, excluding crops fed to livestock, in 1921, when we were still suffering from the load of food products dumped in upon us under the Underwood bill, was $9,922,000,000. In 1922 it was $11,244,000,000; in 1923, $12,204,000,000; in 1924, $12,404,000,000; and in 1925, $13,032,000,000. I think that an increase of over $3,000,000,000 to the farmer in that length of time is, after all, a pretty good showing. And what has brought it about? Nothing else but the fact that the Republican policy has put the millions of men who were out of work under Democratic tariffs back on their jobs at good wages and made them potential buyers of the farm products. It has built up and increased the farmers' market.

Since 1914 the cities and towns above 2,500 have probably increased in population at least 15,000,000. If there had not been a large increase also in the amount of farm products we would not have any trouble about a surplus at this time. As it is, we are coming along so fast that there are some scientists who

predict that in five years there will be no surplus. But that, my friends, must largely depend upon whether a Democratic or a Republican policy is maintained with reference to tariffs.

Now, what is it that troubles the farmer to-day? You say a surplus of farm products that can not be disposed of without depressing the price of his products. True! But we should analyze this a little further. Why is there a surplus? The sole and only reason is the lack of a sufficient market and demand. And what is the Democratic remedy? To destroy the best market that the farmer has, by bringing on the same conditions that we had under former Democratic tariff bills. Does any farmer think that workingmen who, instead of drawing good wages, make up part of the bread line or carry a soup bucket to be filled, are going to buy beef, pork, mutton, butter, chickens, and eggs to any considerable extent? (And, incidentally, I might say right here that the butter, chickens, and eggs amount to more than the wheat crop.) I think not. I think the farmer realizes that idle men create no markets; they destroy markets. I know there are some who will say that the farmer must look for a market abroad and that only by lowering our tariff can the European buy from us, and that if we want to sell our agricultural products abroad we must come back to a tariff-for-revenue-only basis. But here, I am sure, I can trust the farmer to make the argument for me. I do not need to tell the American farmers, especially any farmer from the Middle West, that he can not compete on equal terms in raising wheat with the cheap lands of Canada and Australia. They know that without my saying so. I do not need to tell them that they can not compete in raising beef with the great plains of Argentina. In fact, I assume that they already know that our exports of beef are at the present time so small as to be inconsequential, and that they must look to the American market for their salvation, so far as cattle raising and cattle feeding are concerned.

I do not need to tell them that they can not compete on equal terms with Denmark, or even Canada, on butter or other dairy products, although they might be able to do a little better than in trying to compete with Chinese eggs, imported at 3 cents a dozen. I am sure I do not need to tell the corn raisers of my State, or the Mississippi Valley, for that matter, that they can not compete with Argentina on corn; for if they rely on a foreign market they must compete with other lands where labor is cheaper, where land is cheaper, where, as a rule, freight rates to European markets are cheaper. What the American farmer needs is not only a tariff to keep out these imports from our country but a tariff that will build up a market for him at home. Our experience shows that a protective tariff has been doing this, and nothing ought to be plainer than that, as far as foreign markets are concerned, the American farmer is always at a disadvantage and is every year being exposed to a more destructive competition.

There is a great deal of talk about what the farmer has to pay under the present tariff. The truth is that very little of what the farmer buys has a tariff on it, while everything he sells is protected. As a matter of fact, all of the farmer's large items of expense are on articles that are absolutely free of duty. There is no duty on lumber; no duty on brick; no duty on cement; no duty on materials for fertilizers; no duty on binding twine; no duty on barbed wire; no duty on farm implements; no duty on cream separators unless valued at more than $50, which enables those in use on farms to come in free; no duty on gasoline, or the kerosene with which he usually lights his house. There is no duty on leather, boots and shoes, or farm harness. The principal thing on which he pays a duty is clothing.

But what about sugar, of which we import from foreign countries about one-half the amount we use? There is a tariff of 1.76 cents a pound on sugar brought in from Cuba and of about 2 cents on all other imported sugar. Cuba having a preferential rate, we get practically all our imported sugar from that country. We are required by our treaty with Cuba to give them this advantage in rates; but Cuba, in a certain way, has the advantage of us, for as long as we have any tariff on sugar at all it is enabled to exclude other foreign sugars from competition. The price of sugar, like that of any other commodity, depends upon the demand and supply far more than it does upon the tariff. Instead of the tariff making the domestic price higher the price has tended to go lower and lower ever since the change from the Underwood rate of about 1 cent per pound to the Fordney rate of 1.76 cents. We make in the United States and our possessions about 1,000,000 tons of sugar annually.

A few years ago there was talk of a possible shortage in the world's supply of sugar. This mere rumor sent sugar up to around 28 cents a pound at retail in the region where I live. Where it would have gone, if the production in America and its dependencies had been entirely wiped out, no one can tell. If we had no tariff we simply could not produce sugar, because nowhere within the limits of this country or any of its possessions can they make sugar as cheaply as it is made in Cuba.

Let me call your attention very particularly to the fact that President Machado, of Cuba, has recently approved a law limiting the production of sugar in that island. The object, of course, is to raise the price. Fortunately, as long as our beet-sugar factories are in operation Cuba will not have our Nation at its mercy, as England has in the case of rubber. We can well afford to maintain our beet-sugar factories to prevent paying a monopoly price on sugar.

I have not heard of any proposition, even from the Democratic side, to take the tariff off of sugar entirely. I assume that the purpose is to reduce the tariff to the Underwood rates, which would just as effectually put out of business our beet-sugar producers and the Louisiana cane-sugar producers. The result would be very serious, not merely for the sugar producers themselves but also for those who supply these people with other necessities; and the farmers of the Middle West supply them with the most of their food products.

Looking at the question as a matter of farm expenditures, the sugar duty is the least of the farmer's troubles. Sugar is the cheapest of all the articles that he buys to-day. The consumption of sugar in the United States has enormously increased in the last few years and is now around 100 pounds per capita annually. But more than half of this is used in making candy, confections, soft drinks, cakes, and other articles of food or drink into which sugar enters and which would not be sold any cheaper if there was no tariff.

Probably about 40 pounds per capita would be the amount used annually for home purposes, or 160 pounds for a family of four. If the tariff is reduced three-fourths of 1 cent per pound, it would amount to $1.20 a year for a family of four, assuming that the farmer paid the full amount of the tariff, which he does not. For the sake of this insignificant gain I do not believe that any farmer would think it advisable to destroy an American industry; but there is every reason to believe that he would not even get this trifling gain. The people of Cuba, who ought to know what they are talking about, say they pay the tariff themselves and that they want it reduced, so that they will get more for their sugar, for they have no idea or thought of reducing the Cuban price if the tariff is reduced. They complain bitterly because we do not reduce the tariff. I am quite clear they are right in saying that they are the ones that pay the duty, and that a reduction in the tariff would amount to nothing to the American consumer but would simply give more to the Cuban producer.

We collect a great amount of revenue on sugar—$129,260,430 in 1925. I know of no easier way of obtaining it either for the Government or for our people. If anyone does, I should like to have him inform me, for the Ways and Means Committee is all the time hunting for some way to collect revenue which will be easily paid. This is especially true, in view of the fact that, as the situation stands, the Cubans pay it.

Coffee, which is our great national drink, and of which the farmer uses his share, is free of duty. I am not entirely clear that anyone gains anything by it, but the Republican policy is not to put a tariff on articles which can not be produced in this country. We at one time did have a duty on coffee. We took it off, and the Brazilians put on an export duty. Having practically a monopoly of the kind of coffee we use, they went further and reduced its production, and not since the Civil War has coffee been so high as it is at the present time.

We have had something of the same experience with rubber, of which the farmer also uses his share. It is free of duty, and England collects a large sum off of every pound that comes from her possessions—about enough at the present time to equal her payments to us on account of her war debt.

Agricultural implements are also free of duty, but some claim has been made that as there is a tariff on some things that enter into the process of manufacturing them, in effect, therefore, they pay a duty. To my mind, this statement is utterly absurd. If the foreigner sends an agricultural implement over here, no matter what duty there may be on any of the material, considered separately, there is not one cent of duty on the machine or any part of it. What difference does it make whether there is a tariff on some of the material when separate, if there is none when they are put together? Can anything be plainer than that if there were no duty on any of these materials that the foreigner could not bring the machine or implement over here and sell it one penny cheaper? This is a fact that can not be disputed, and it follows irresistibly

that if we took the tariff off of these materials there would be no more competition from foreign factories on agricultural implements than there is now, because the repeal of those duties would not help them a particle. How little the tariff has had to do with the prices may be shown by a practical illustration: I recently saw a letter from a Democratic constituent, published in one of the local papers of my district, complaining that a farm wagon now costs more than twice as much as it did in the summer of 1913, and attributing this to the tariff. I could not but smile, knowing that in that part of 1913 there was a tariff of 45 per cent on wagons, while now there is no tariff whatever. Evidently, the writer of the letter thought the situation was just the reverse. The fact is that some of the greatest increases have been in the prices of articles upon which there is no tariff whatever, such as building materials, boots and shoes, wood pulp, and print paper. There was a tariff on all of these articles in the summer of 1913, but prices were not half what they are now.

Of course, a long list could be made of articles which the farmer buys once in a lifetime or once in a few years on which there is a tariff, but a large number of these articles are sold cheaper in the United States than they are anywhere else in the world. They are included in the tariff list simply because it was a practical impossibility to classify everything. The farmer, however, sells so much more than he buys that the price of farm products is the most important thing with him. There has been a great deal of talk about the tariff on aluminum articles, for example. I priced them last year in a great department store in Berlin—in the heart of Germany. I found them little, if any, cheaper than they are here. Aluminum cooking utensils, if one of the better quality is bought, will last for years. While the tariff rate is considerable, even if the farmer paid all of the tariff in the way of an additional price, it would be an insignificant sum that he would pay annually on account of the aluminum tariff.

The most important fact in this connection is that the aluminum kitchen utensils only cost about one-half what they did 10 or 12 years ago. By reason of the tariff we have built up here a great industry in aluminum, employing many thousands of men and making the best aluminum kitchenware to be found anywhere.

As I have just stated, there is a large number of cases where a tariff is nominally imposed but none paid. At the time of the last election complaint was made that there was a 25 per cent tariff on cotton working gloves. This is true, because there is a general tariff of that amount on cotton gloves, but the cotton working glove is made and sold cheaper in the United States than anywhere else in the world—like automobiles. Gloves made of cattle hides are free of duty.

But what about the rates of the Fordney-McCumber tariff bill in general? A chorus of Democratic objectors answers at once that it is the highest tariff ever known. This statement has been repeated by the press, on the platform, and even in the pulpit, both by politicians and college professors who ought to know better and by people who only get their information from what they hear some one else say. It not only is not true, but it is far from being the truth. But I have heard it repeated so often that in my wrath I have said that there are many kinds of liars but that the tariff liars are the worst of them all. This, of course, is too severe, for probably most of the people who make this assertion do not know any better. They have merely repeated something they have heard so often that probably the most of them think it is true. There is just one respect in which this statement is true. The Fordney-McCumber tariff is by far the highest tariff on agricultural products that ever was placed on our statute books. For the first time the farmer has come into his own in the matter of tariff on farm products. The intention has been to preserve for him the American market for his products, and in that respect the Fordney tariff has been a success and the Underwood bill was a complete failure.

The actual fact is that the Fordney-McCumber bill is the lowest protective tariff bill that was ever put on the statute books. Of course, it is higher than the Underwood bill, but that, instead of being a protective tariff bill, was intended to be as near a free trade bill as it could be made and still get the Government some considerable amount of revenue. Under the Fordney-McCumber bill for the last eight months the average rate paid on all imports was less than 12 per cent. Under the Payne bill, which was superseded by the Underwood bill and which was the last prior protective tariff bill, the average rate was a little over 20 per cent. Under the Dingley bill, passed in McKinley's administration and which preceded the Payne bill, the average rate was over 22 per cent. Over 60 per cent of our imports come in absolutely free—not a cent of tariff paid on them. We enormously increased the free list over that of the Payne bill, under which there was a tariff on practically everything that the farmer bought and not as much protection on what he sold as under the Fordney bill; and yet the farmer prospered greatly under that bill, as I have already shown.

The Underwood bill gave almost no protection to farm products, and we have already been served with notice that we are to have its provisions again if the Democrats gain control of Congress.

Not all of the Democratic speakers are so candid and fair as my friend from Arkansas [Mr. OLDFIELD], who now sits in front of me as I speak. The gentleman from Arkansas is chairman of the Democratic congressional committee and a guiding force in the councils of the Democratic Party. In his speech made in this hall on February 1—I hold in my hand a copy of the RECORD containing this speech—in reply to inquiries made by the gentleman from Nebraska [Mr. SIMMONS], he said that he would take the tariff off of cattle, sheep, goats, and hogs, and I am justified in concluding that he would also take it off of wool, wheat, and corn because there was no duty on any of these articles under the Underwood tariff.

Will the gentleman from Arkansas go into the Dakotas, Minnesota, Nebraska, and the northern part of my State and tell the voters that his party intends to take the tariff off of wheat? I hope he will, but I have no expectation that he will do so. Will he go out into Idaho and the western Mountain States, or even California, and tell them that his party proposes to take off the tariff on cattle, sheep, and wool? He will not. Will he go into my own State and tell the people that he proposes to take the tariff off of corn and cattle? If he will do these things the Republican campaign committee can well afford to pay his expenses.

Would the farmer like to go back to a condition under which there was no tariff on wool? Some might say "yes" to this last question, forgetting that in a suit of clothes there is only about 3½ pounds of wool and that if he got the full benefit of the abolition of the tariff, which is 31 cents a pound, it would only make a difference of about $1.18 in the cost of a suit, which would by no means compensate for the harm done business and the general market for the farm products. Does he want cattle and beef to come in free? Of course he does not, and some of the Democratic orators assure him that they would not, even if they got control. But Democrats and Republicans are alike in one respect. A tariff can not be made up just for the benefit of one section of the country; and the Democrats can not make up a tariff which is reduced to a revenue basis on manufactured products without giving the manufacturing regions the advantage of getting their food products practically free of any duty. When the duties cease to be protective on manufactured products there will be no protective duties on agricultural products, which means that there will be practically no duties upon them, just as it was under the Underwood bill. Our Democratic friends are not telling that to a farmer, although they know it quite well. We know it will occur from our experience in the past and we know it from the political exigencies of the case, for they can not deprive the manufacturers and laborers of the East of their protection without giving them something in return, and that means taking the tariff off the farmers' products. Do the farmers want this condition? I am sure they do not, with the exception of those who are determined not to see the situation as it is and not to heed the warnings which so plainly appear from the experience of the past.

The crying need of the farmer is for markets, ever widening and expanding markets. Will the farmer listen to the voice of those who tell him that we must lower the tariff in order that Europe will buy more agricultural products from us? Is it not perfectly plain that Europe will continue to buy where it can buy cheapest, from Canada, Australia, Argentina, and other countries where the cost of production is less than it is here? Will they listen to those that tell them that the tariff on manufactures should be reduced in order that they may buy a few articles cheaper when such a course would create unemployment all over the land and cause their loss of the home market, the greatest market in the world, which is all their own?

Our efforts should be to expand this market instead of decreasing it. The Democratic policy would practically destroy it, would bring back to the country the days of the Wilson and Underwood bills, in which no one suffered more than the farmer, and few suffered as much.

In days of old, Jacob said to Esau, "Sell me now thy birthright," and he sold it to him for a mess of pottage, for he was hungry. The home market is the birthright of the American farmers. Will they sell it for a mess of pottage, for a hope of

reduction in the price of manufactured articles? If they do, they must be prepared to meet the same consequences that have always followed the enactment of a Democratic tariff.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate No. 2 to the bill (H. R. 5810) entitled "An act granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island, in the same county and State."

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5789. An act for the relief of the estate of J. A. Galloway;

H. R. 7893. An act to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes;

H. R. 10309. An act authorizing the sale of lot 2 in square 1113 in the District of Columbia and the deposit of the net proceeds in the Treasury;

H. R. 10361. An act to authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Co.;

H. R. 12175. An act to amend the World War veterans' act, 1924;

H. R. 12536. An act to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton, in said State, for highway purposes; and

H. R. 10314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10827. An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes;

H. R. 11378. An act for the relief of Herbert A. Wilson;

H. R. 12311. An act granting the consent of Congress to the State of Minnesota, or Dakota County, Washington County, or Ramsey County, in the State of Minnesota, or either or several of them, to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.; and

H. R. 12467. An act granting the consent of Congress to the Jackson & Eastern Railway Co. to construct, maintain, and operate a railroad bridge across the Pearl River, in the State of Mississippi.

ADDRESS OF HON. WILLIAM P. HOLADAY, OF ILLINOIS

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a speech of my colleague [Mr. HOLADAY] on the subject of immigration.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by inserting therein a speech delivered by his colleague [Mr. HOLADAY]. Is there objection?

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following speech of Representative WILLIAM P. HOLADAY, of Illinois, before the National Education Association at Philadelphia, July 1, 1926:

IMMIGRATION PROBLEMS

For 100 years immigrants in an ever-increasing stream have poured into America.

For the 10 years immediately preceding the World War this stream of immigrants had increased to an average of over 1,000,000 per year.

While the World War was on immigration was halted, but only temporarily, as with the close of the war the immigrants again sought our shores. In the early part of 1921 the reports indicated that the close of the 1921 fiscal year would show the entry of almost 1,000,000 immigrants, and the fiscal year of 1922 promised the entry of 2,000,000 more.

The Census Bureau reported 14,000,000 foreign-born people in the United States. Eleven States reported from 20 to 30 per cent of their population as foreign born. Most of our large cities reported a foreign-born population of approximately 30 per cent, and in some cities the foreign-born population amounted to 42 per cent.

With 14,000,000 foreign born already here and with a threatened increase of 2,000,000 more per year, Congress hastily and as an emergency act passed in May of 1921 our first restrictive immigration act.

This act limited the number of annual immigrants from each country to a number corresponding to 3 per cent of the number of people from such country as were in the United States in 1910.

In May of 1922 the act of 1921 was extended by a joint resolution for a term of two years.

Therefore, in December of 1923 Congress was called upon to formulate a permanent immigration policy.

The House Committee on Immigration and Naturalization conducted an extensive and thorough investigation. Public hearings, extending over many weeks, were held. The reports and statistics of the Bureau of Immigration were carefully studied. Confidential reports on conditions in foreign countries were received and considered.

The alarming features of the committee investigation may be partially and roughly summarized as follows:

1. Ten million immigrants were awaiting an opportunity to come to the United States.

2. Efforts were being made in some countries to dump into the United States their criminals, agitators, mental defectives, moral degenerates, and other undesirable classes.

3. Certain foreign-born groups already here were demanding the entry of more of their nationality for purposes incompatible with our public welfare.

4. Our deportation and naturalization laws were lax and were difficult of administration.

5. The 14,000,000 foreign born were not equally distributed throughout the United States, but were massed in unwieldy groups in certain localities.

The committee thereupon decided upon a tentative program that contemplated—

The enactment of a permanent immigration law.

The enactment of an alien criminal deportation law, and the recodification and strengthening of our naturalization laws.

This program has been 50 per cent completed. The permanent immigration law has been enacted. The alien criminal deportation law has been passed by the House of Representatives and is now pending in the Senate. The recodification of our naturalization laws will be considered at the next session of Congress.

UNITED STATES—IMMIGRANT RECEIVING

European countries are emigrant-sending countries, while the United States is an immigrant-receiving country. Previous to the 1924 act emigrants leaving the Old World came to the United States. Within the last five years there has been a gradual increase in European emigration to Australia and South American countries.

A great many of the South American countries have recently enacted restrictive measures, and in all of them there is a general movement to protect their respective national interests against a large influx of aliens. They have witnessed the disastrous results of our delay in restricting immigration and they do not propose to make the same mistake.

Since we are an immigrant-receiving Nation, our interests may run counter to the interests of the European countries. Therefore we of America are warranted in carefully scrutinizing any proposal affecting immigration that is advanced by a foreign interest or by any alien group.

For the fiscal year beginning to-day we will permit the entry of 162,000 immigrants. A desire for admission to the United States has been indicated by 1,600,000 more. If anyone in this audience is doubting the advisability of restrictive immigration, let him give careful consideration to what the effect would be if these 1,600,000 aliens were permitted to enter our country between to-day and June 30, 1927.

In the early consideration of restrictive legislation, individuals and organized bodies of many foreign-born groups appeared to oppose such legislation. They seemed to labor under the impression that to limit the immigration of their former countrymen was to brand them as an inferior people. With two years to observe the operation of the law and upon more mature consideration this opposition to restrictive immigration is gradually disappearing.

Our foreign born are beginning to realize that their interests are identical with the interests of our native born.

At the session of Congress just closed the only open, active, and organized effort to repeal or weaken the present immigration law, or to prevent the enactment of the alien criminal deportation bill was confined to one group.

Irritating conditions that developed by reason of the adoption of the restrictive immigration policy have been healed with the exception of perhaps three nationalities.

Let me say before mentioning these three exceptions that after much study and mature thought, I have not been able to arrive at a definite conclusion that one race is superior to another race or that the individual immigrant of one race or nationality is more desirable than the individual immigrant of a different race or nationality.

If 1,000 immigrants were selected from each nationality, each group representing the same relative position and each given the same opportunities, we would not be able to say at the end of a 30-year period that one group was more desirable than another group.

Emigration from a particular country may be desirable at one period and undesirable at another period, depending on conditions in this country or on conditions in the immigrants' native land.

Immigration matters with reference to the Italian, Jew, and Russian are to-day somewhat troublesome, not on account of race inferiority but on account of circumstances local to each group and in each case entirely different.

ITALIAN

Italy is experiencing a great economic and political revolution. Passion is running high. A crowded and ever-increasing population is demanding new territory into which it may expand.

Mussolini is fanning the flame of national pride.

He hesitates to recognize the renunciation of Italian citizenship by the Italian emigrant and proclaims, "Once an Italian, always an Italian." He refuses passports to wives and children in order that the emigrant father in the United States will send his wages back to Italy. By propaganda he is attempting to involve men of Italian birth now in the United States, both American citizens and noncitizens, in the political affairs of Italy.

This is an undesirable and dangerous situation.

A large majority of the Italians now in the United States realize this dangerous situation and are making every effort to protect not only themselves but their adopted country from the evils of this propaganda.

JEWISH

The Jewish race has for more than 20 centuries been the object of oppression in Europe. In America the Jew has been comparatively free from oppression. This freedom from oppression, together with the greater economic opportunities offered by America, has made America the goal of millions of Jews. Even in America anti-Semitism has undoubtedly gained ground within the last few years.

There is little prejudice in the United States against any particular man because of his racial blood. What may at times appear to be a racial prejudice is only the manifestation of the fear on the part of Americans that American institutions and American ideals are endangered by the presence of a great unassimilated mass of any alien group.

This manifestation of fear has from time to time appeared in the past, as it will no doubt appear in the future, whenever the aliens from any foreign country enter our country in such numbers that they are unable to be assimilated by America.

It is urged that America owes a duty to humanity that requires her to admit without restriction the unfortunate people of all the world. However uncertain that duty may be, there is no uncertainty as to the duty we owe to America.

We also owe a duty to the aliens now in our country, and this obligation should be discharged before permitting more aliens to enter.

It is our duty to allay and prevent race prejudice and to offer every opportunity and facility for our foreign born to fall into step with America's progress. No greater service can be rendered our foreign born than to restrict immigration and thus give those already here a better opportunity to become assimilated.

No class of our foreign born will profit more from restricted immigration than will the Jews.

To-day some Jewish publications and many able Jewish leaders have recognized this danger and are supporting the principles of restricted immigration and the deportation of alien criminals.

American Jew and American Gentile must realize that their interests in America are one and the same.

RUSSIAN

The ideals of the present Russian Government have little in common with American ideals. Russia is governed by an indistinguishable blending of socialism, communism, and anarchy, and the executive orders are administered by force. The present Russian régime is prone to refuse passports to desirable emigrants and are attempting to fill the Russian quota with persons whom they consider undesirable or with communists and anarchists, whose chief purpose in coming to the United States is to preach their doctrines in America.

The activities of the alien communist, working hand in hand with a certain class of native-born Americans, constitute a serious menace to our country's future. The communist and anarchist, both alien and native born, find protection and receive succor from various organizations who under the guise of free speech and political freedom are doing their utmost to destroy our Government.

The serious alien problems now confronting us do not arise from the passage of the 1924 restrictive immigration act, but arise by reason of our failure to pass such an act 25 years earlier. If our foreign-born population was limited to those aliens that have entered our country since 1924, the problem would be comparatively simple. The serious situation develops around those 14,000,000 foreign born who came here before 1924.

While those 14,000,000 aliens were arriving our immigration laws were exceedingly lax, and they permitted the entry of a large number of criminals, mental defectives, and other undesirable aliens.

How to weed out the undesirables without unnecessarily harassing the desirable class of aliens is receiving our serious consideration. However extreme the opinion may be as to the undesirability of aliens in our country, we must realize that it is impossible, even if considered desirable, to remove them. The great majority of them are industrious, worthy, and honest people, who subscribe to American ideals and who are ambitious to become honorable and desirable American citizens.

The alien criminal deportation act is designed to remove that small per cent of the total alien population who are a menace not only to our country but to the remaining per cent of our foreign born.

No alien who has lawfully entered America and who has respected and obeyed her laws will be harassed or caused any inconvenience by the alien criminal deportation act.

ALIEN SEAMEN

The provisions of the seamen's act present serious difficulties in the enforcement of our immigration law. The seamen's act is based on the theory that a seaman should not be a slave, bound to his vessel, but that he should have the right to quit his vessel when he so desires. The act provides that an alien seaman on any vessel arriving at a port of the United States shall have the right to quit his ship and that he shall have 60 days in which to reship foreign. During these 60 days he is entitled to shore leave.

This 60-day period gives the alien seaman an opportunity of deserting his calling and secluding himself in the interior of our country. Consequently, a great many deserting alien seamen are unlawfully remaining in the United States. It is impossible to completely stop this leak without repealing the seamen's act, and as such repeal is not desirable Congress is now attempting to devise a plan that will reduce alien-seamen desertions to a minimum without destroying the seamen's act.

ALIEN REGISTRATION

Considerable sentiment exists for the enactment of a law requiring all aliens to register. The advocates of alien registration contend that with a complete registration the Government will then be in a position to better control and prevent the criminal activities of aliens and to more rapidly deport the undesirables. The registration plan is not without merit. There are, however, many valid objections to such a plan. The registration of all aliens, while somewhat cumbersome and expensive, can be arranged for, but the succeeding steps present a more difficult problem.

Supposing that all aliens are properly registered and card indexed in the appropriate department, what will the next step be? Shall they be required to reregister or report at certain intervals? Shall they be required to carry a registration card? What action shall be taken when the alien loses his registration card or changes his address? Many other difficulties confront the successful operation of such a plan.

A general plan of registration will not only prove expensive and complicated but will be a continual source of irritation. The enactment of such a law depends largely upon the aliens themselves. If they will lend their moral support to the maintenance of our restrictive immigration law and to the enactment and strict enforcement of the alien criminal deportation law and will resist the efforts of not only foreign-born but native-born anarchists and communists to destroy our Government, registration may not be necessary.

It is my sincere desire that the registration of aliens may be avoided.

CANADA AND MEXICO

The quota provisions of the 1924 act do not apply to Canada and Mexico. While we annually receive a considerable number of immigrants from Canada, this immigration does not present any difficult aspects. Canada, in matters of language, ideals of government, living and social standards, is comparable with the United States, and her emigrants take their place within our ranks without causing confusion.

The Mexican situation is more complicated. Immigration from Mexico is assuming alarming aspects. The Mexican immigrant is largely of the peon class. They are illiterate and have no conception of American ideals or American standards of living. The extension of the quota law to Mexico without a similar extension to Canada may present some difficulty from a diplomatic standpoint, but such extension is desirable and eventually will come.

RELIEF OF RELATIVES

Previous to the enactment of the 1924 act a considerable per cent of our immigrants consisted of married men who left their relatives in their native country hoping to bring their families to America when their improved economic condition would permit. The quota number under the present law is not sufficient to permit these families to now

join the husband in America. Legislation that will permit the entry of such families is now being considered.

The relief of relatives is not as important as the antirestrictionist would have the public believe. The propaganda for the relief of relatives is more or less a smoke screen to hide a general attack on restrictive immigration. Those aliens who came to America previous to July 1, 1921, have now had sufficient time to acquire citizenship, and if they have done so they have the right under the present law to bring in their wives and unmarried children under 18 years of age. Aliens coming here since July 1, 1924, came with a full knowledge of our permanent restricted immigration policy.

It is estimated by the proponents of relief legislation that the wives and children of those aliens who came here between July 1, 1921, and July 1, 1924, and have filed their declaration for citizenship number about 75,000.

Within the next 12 months one-third of the aliens coming between July 1, 1921, and July 1, 1924, will have had an opportunity to acquire citizenship and bring their families to America. In addition to the 25,000 who will be admitted as the wives and children of citizens, several thousand more will gain admission under the quota law.

Within 24 months most of these 75,000 relatives will be admitted without any relief legislation.

The assertion that the restricted immigration law has separated families is entirely without basis. The United States has never separated a single family. We provide certain standards and regulations under which immigrants may be admitted. If for economic or any other reason an entire family is not able to conform to our regulations, and the husband chooses to leave his family in his native country and emigrate to the United States, the separation of the family is entirely voluntary on his part. If an alien already here does not desire to be longer separated from his family, he may return to them at any time.

It is better, however, for the community and better for the man when his family is with him in their own home.

We of America may well afford to assume a charitable attitude toward such legislation.

BURDEN OF PROOF

The great underlying and all-important change that has been made in recent immigrant legislation is the shifting of the burden of proof from our Government to the alien to prove that he is lawfully in our country.

Until the enactment of this recent legislation the criminal alien when arrested could stand mute, refusing to give his name, refusing to state where and when he entered our country, and it was necessary for our immigration officials not only to identify the arrested alien but by a process of elimination to prove his unlawful entry. Now, the criminal alien must prove his lawful entry.

All that the lawfully admitted alien has to do in order to prove his lawful entry is to state his name, time and place of entry and the Department of Labor will produce the records to substantiate his claim. The provisions of the law fixing time limits and grounds for deportation are but details. Under this shifting of the burden of proof the alien unlawfully here may be readily deported and the alien lawfully here is not caused inconvenience.

EXAMINATION ABROAD

In 1924 immigration act provision was made for the examination of immigrants at their port of embarkation. The Department of Labor has been rapidly extending this branch of the service and to-day more than 70 per cent of our immigrants are examined before they sail for America. Within the near future all of the intending immigrants will be examined in their native country.

This plan has relieved intending immigrants of many hardships and at the same time has given us a better class of immigrants.

If you read some sob story about a poor immigrant, detained at Ellis Island and ordered to be returned on the same boat that brought him to America, you may rest assured that he was refused admission because he willfully and deliberately gave false information to our immigration inspectors before he boarded the boat in his native land.

AMERICANIZATION

The Americanization of our aliens is receiving our careful consideration. In the work of Americanization foreign newspapers claim our attention. Foreign-language newspapers may be a benefit or a detriment to the Americanization of the alien, depending entirely upon the attitude of the individual paper. An alien may be well intentioned and a desirable candidate for citizenship, yet he may not be able to read the English language. If such alien has the opportunity to gather the news of the day from a newspaper printed in his native language, such opportunity is desirable if the paper is loyal to America and presents American ideals in the proper light. If, however, the paper is disloyal and spreads dissension and disrespect for American institutions, such paper is a hindrance to the Americanization of the alien.

To maintain and improve the public-school system of America is to insure the future of our Nation.

In the public-school room the child learns the history of our Nation's glorious past, conceives the purpose of free and representative government, and has fixed in its soul the aspiration for a better America.

I have no fear for the future of the child of foreign-born parents who completes the course of our public schools. Our public schools are doing more for the complete Americanization of the foreign born than any other agency or combination of agencies is doing.

But a note of warning may here be sounded.

Communistic and other un-American organizations are attempting to gain entrance into the schoolroom in order to instill into the minds of our youth a distrust and hatred for the ideals of our Nation and thus undermine the home and religious life of America.

Organized society can not function without the stabilizing and ennobling influence of the marriage vow, the home, and the church.

America neglected the alien menace too long for her best interests. Those high standards of everyday life and her revered ideals of patriotism that have made America what she is to-day have been endangered and in some instances damaged, but the damage is not irreparable.

I am not pessimistic. I face the future with confidence that America will meet this emergency as she has successfully met even greater emergencies in the past.

The population of America is 102,000,000 native born and 15,000,000 foreign born. I am striving toward the day when the question of birth, race, and creed will have been forgotten, the day when the entire story of our population may be told in a half dozen words—"one hundred and seventeen millions of Americans."

The arrival of that day depends upon the mutual efforts of the one hundred and seventeen millions.

We know the danger. We know efforts emanating from un-American sources are attempting to open gaps in the protecting wall of restrictive immigration.

With calm consideration we must study every charge made against the law, and if there be merit in any charge, we must have courage to right the wrong, even though the charge may come from an un-American and an unpatriotic source. We must also have courage to resist the charge that is not justified when examined under the searching light of true Americanism, which is the uncrystallized and murmuring expression of organized America, as she endeavors for her own protection to locate the roadway of her destiny among the criss-crossing bypaths of all nations.

In dealing with the alien conscience shall be our guide. Where dwells the man who would have us harken to any other voice save that of conscience? Wherever she may wing her uncertain way it is man's God-given privilege and divinely imposed duty to follow. It must not be the conscience of those whose love for their native country has not yet been superseded by a love for their adopted country. It must not be the conscience of those whose love of race casts dark shadows across the path of their duty to America.

We must hearken to the voice of the conscience of America, and to that voice only.

MEXICAN IMMIGRATION

Mr. COLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of Mexican immigration, including a letter written to me by the Secretary of Labor.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD upon the subject of immigration, including a letter written to him by the Secretary of Labor. Is there objection?

There was no objection.

Mr. COLE. Mr. Speaker, some weeks ago the gentleman from Texas [Mr. BOX] made a speech on the floor setting forth conditions on the Mexican border with respect to immigration. Among other things, he made statements which led his hearers to believe that the Department of Labor, or the Bureau of Immigration under that department, had entered into an agreement with employers of labor in the United States to admit laborers from Mexico, and also to permit such Mexicans as had illegally entered this country to remain here and that in spite of the fact that they had violated our laws by entering the United States.

This presented to me a very serious situation, serious not only in so far as it reflected upon the administration of our immigration laws, but serious from the standpoint of the citizenship of this country. Desiring to obtain definite information, I addressed a letter to the Assistant Secretary of Labor, Hon. Robe Carl White, on the subject, and have received from him a reply, and under permission to extend these remarks I am now inserting in the RECORD this correspondence.

The letter of Mr. White not only makes it clear that no such agreement or arrangement has been entered into, but it sets forth the whole history of Mexican immigration for more than a decade past. I believe that all those who are interested in maintaining the integrity of American citizenship should read

this correspondence. I think that it should be made the basis of additional legislation on this subject.

I can see no reason why Mexicans should be favored over Europeans in the matter of immigration. I think that the 2 per cent quota might well be applied to Mexico as well as it is applied to all the nationalities of Europe.

If it is now, or it should become, true that there is a shortage of labor in the United States, no matter in what part of the United States it may be, would it not be better from the standpoint of American citizenship to supply such shortages from those European stocks upon which the population of America is based? I have no hesitation in saying that if we need additional immigrants, we should derive them from Europe rather than from Mexico. I say this in no intended disparagement of the Mexicans as Mexicans, but I base my statement on the fact that they are in the very nature of things less assimilable into our population and institutions than an equal number of Europeans. At least we should not give the Mexicans the preference over our own kith and kin on the other side of the Atlantic. We should not limit Europeans to quotas of 2 per cent and give almost unlimited quotas to the Mexicans, or at least limited only by the literacy tests which are more or less superficial, perfunctory, and useless.

There could be no charge of inconsistency, and certainly not of ill-treatment, if we should under our immigration laws place the Mexicans on the same basis as we do the nationals of Europe.

I hope that the Committee on Immigration will see fit to frame and report out a bill covering this subject. I am sure that the Congress would be in a mood to pass it and that the people of the United States would indorse our action.

JUNE 26, 1926.

Hon. ROBE CARL WHITE,
Assistant Secretary of Labor, Washington, D. C.

MY DEAR MR. WHITE: I desire to call your attention to speeches by Congressman BOX, of Texas, made on the floor of Congress and printed in the CONGRESSIONAL RECORD, wherein he alleges that the Department of Labor has entered into an agreement with employers of labor along the Mexican border, by virtue of which they are permitted to bring in Mexican labor and retain in their employ Mexicans already here but who have previously gained admission illegally.

I am a believer in immigration restriction and in law enforcement, and I will appreciate it if you will advise me whether an arrangement of the nature indicated has been entered into by the department. May I ask, also, that you give me a statement as to what the department is doing in the way of law enforcement along the Mexican boundary?

Trusting to hear from you within a few days, and thanking you in advance, I am,

Sincerely yours,

CYRENUS COLE.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, July 1, 1926.

Hon. CYRENUS COLE, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. COLE: I have the honor to acknowledge receipt of your letter of June 26 referring to the recent speeches made in Congress and inserted in the CONGRESSIONAL RECORD by Congressman BOX, of Texas, wherein he severely criticizes the Labor Department for entering into what he insists upon terming a gentlemen's agreement with chambers of commerce and other employing interests in Texas, New Mexico, Arizona, and California, by virtue of which he claims thousands of Mexican laborers were permitted to enter the United States in violation of provisions of the immigration act, the particular charge being that the Government officials found 7,000 illegal entrants in the Imperial Valley, and instead of deporting them the Labor Department agreed that the head tax and visa fees from each of such entrants should be collected in installments of $3 per week until the full amount has been collected, after which the same is paid to the immigration officials and the alien permitted to remain in the United States.

These statements are very misleading and apparently based upon wrong information. In the first place, neither the bureau nor department has given its approval or sanction to anything bordering on what could be called a gentlemen's agreement. Further, they have no knowledge of any conference or dealings had between immigration officials and chambers of commerce or employers of labor in the States of Arizona, New Mexico, or Texas.

This entire matter arose out of the bureau and department's efforts to adjust and settle controversies between the citizens of the Imperial Valley and immigration officers stationed at the port of Calexico, Calif., at which port much difficulty had been encountered in having the orders issued by the bureau and department, through the district director at Los Angeles, carried out.

In order to understand the conditions existing along the Mexican border and the problems confronting this administration in its endeavor to secure even a partial enforcement of all immigration laws applying to Mexican nationals, it is necessary to review briefly the history of Mexican border occurrences for the past several years.

The sporadic insurrections against President Diaz, of Mexico, assumed the form of a general revolution about the year 1910. As the revolution grew in intensity, thousands of Mexican refugees crowded across our border. It was impossible to apply the immigration laws to these refugees, and the immigration officials were instructed to admit all refugees, as well as the wounded, applying for medical treatment.

Mexico remained in the throes of revolution for several years. President Diaz abdicated and governments came and went. During most of the years of the revolutions in Mexico our Army was stationed along the border. The National Guard troops were sent to the border from time to time and placed under the charge of General Funston. Due to conditions in Mexico during these years, immigration laws were necessarily inoperative and more or less null and void. To cite one instance, on the return of General Pershing from his punitive expedition into Mexico February 7, 1917, he brought back with him some 524 Chinese and over 2,000 Mexican refugees. They were permitted to enter without regard to immigration laws or Chinese exclusion laws. The immigration records fail to disclose the final disposition of the Mexican refugees returning with him, and it seems fair to presume they were mostly absorbed among the Mexican population in the United States. The Chinese were ordered turned over to the Army as cooks, laundrymen, etc., and eventually their admission legalized by act of Congress.

We entered the World War on April 6, 1917. Immediately in response to the demand to "speed up production," representations were made to the department of scarcity of labor in the border States, and a demand made for the admission of Mexican agricultural labor. Basing his action as a war emergency act, and under authority contained in the ninth proviso to section 3 of the immigration act of 1917, former Secretary of Labor Wilson, under date of June 6, 1917, authorized immigration officers on the Mexican border to admit all agricultural laborers, specifically waiving the illiteracy test, contract-labor clause, and the collection of head tax.

While the order provided certain rules and regulations under which this labor would be admitted, it virtually threw down the bars and permitted the free entry of all Mexican labor, as under this authority employment agents and emissaries were permitted to either go or send into the interior of Mexico for the purpose of recruiting said labor. As evidence of this fact, a report received from the supervising inspector, in charge of the Mexican border, following the promulgation of this order, stated the indications are applications will be made between now and next spring for at least 100,000 laborers.

The original order limited admissions to Mexican labor only and for agricultural purposes only. This order was supplemented April 12, 1918; May 10, 1918; June 12, 1918; July 10, 1918; October 7, 1918; January 2, 1919; January 23, 1919; and July 9, 1919. The supplemental orders extended the privileges to other forms of employment, such as labor for railroads, construction work on Government jobs, lumber workers, mining of all kinds, and, further, extended the privilege to Canadians.

The armistice was signed November 11, 1918. Yet these orders were not revoked and were permitted to stand until March 1, 1921, or three days before the Wilson administration went out of office.

The supplemental order dated July 9, 1919, contained the following clause:

"Special arrangement with regard to admission of Mexican laborers shall continue in force until the ratification of the treaty of peace, but not later than January 1, 1920."

Which if carried out would have terminated the original and all supplemental orders on said date. However, on February 12, 1920, the following order was issued:

"Pending action by Congress on proposed legislation in re admission of laborers for agricultural pursuits, to meet conditions such as are claimed to exist in States on the northern and southern borders and in the State of Florida, you are hereby directed until further instructed to put in force on said borders and in the State of Florida the regulations existing January 1, 1920, relating to the admission of laborers in States on southern borders and in Florida."

This permitted the importation of labor for agricultural work and certain kinds of work on railroads; also in coal mines and for other delimited purposes.

The order of February 12, 1920, renewed the previous regulations pending action by Congress, and in a memorandum by the Assistant Secretary, Louis F. Post, dated April 12, 1920, it is stated this renewal was made at the request of a delegation of United States Senators and Congressmen, who had waited upon the Secretary of Labor for that purpose a few days before the aforesaid renewal, and the said Assistant Secretary, on same date, issued the following order:

"Until further action by Congress or by the Secretary of Labor regarding admission of laborers for agricultural pursuits, agricultural laborers from Mexico and Canada shall be admitted temporarily during the sugar-beet seasons of 1920, for the exclusive purpose of cultivating

and harvesting sugar-beet crops in the States of Colorado, Wyoming, Utah, Iowa, and Nebraska. For the admission and return of such laborers the regulations now in force under the Secretary's order of February 12, 1920, shall be adapted and applied."

As stated above, these orders were not rescinded until March 1, 1921, which order was promulgated to the field forces by telegraph on March 2, 1921, wherein they were instructed:

"By order of Secretary dated 1st instant all importations and engagements of aliens under department's exceptions discontinued absolutely effective close 2d instant. Call upon all employers to return all aliens so imported or engaged or transferred to them who appear of record to be now in their employ."

While departmental orders were limiting in character, yet the records disclose that almost all kinds of labor was admitted, such as "marble and stone cutters, wood cutters, miners, and lumbermen." It appears to have been taken for granted that the general orders excepted agricultural laborers of every nationality and for all kinds of industries and occupations. Under these orders men were imported into virtually every part of our country. As a result of these orders, the railroads, cotton raisers, beet raisers, as well as other interests formed regular organizations for the purpose of bringing in labor.

While the immigration records contain partial lists of aliens admitted under these orders and show many of them as having been returned, yet it is impossible to state how many thousands were never returned, but remained in this country. In addition to the Mexicans presenting themselves at our regular ports of entry for admission during the years these orders were in force and effect, many thousands came across the border, without inspection, at places other than ports of entry. The borders were not guarded, and all they had to do was walk a hundred yards or so from any of our ports of entry and cross without molestation. As one of our officers, who lived and worked on the border during all these years, expressed it: "I would hate to guess at the number coming in illegally during the years of revolution in Mexico and prior to the establishment of the immigration border patrol, but I do know that for those admitted legally many, many times that number crossed without examination. In fact, the enforcement of the immigration laws during all these years was a farce, pure and simple." The immigration records show at the time the orders were rescinded, namely, March 2, 1921, there were many thousands of Mexican laborers in this country who had been admitted pursuant to said orders, or who had entered without inspection.

It was with this situation the present administration was confronted when it came into power on March 4, 1921. Mexicans and other aliens unlawfully in the country were to be found almost everywhere, but the number of such Mexicans was greater in the southern tier of States. The Mexicans, accustomed as they had been to practically free entry, naturally did not take kindly to any restrictions placed upon their admissions, and this same feeling of resentment was found to exist among many employers of Mexican labor in the United States. And because our illiteracy test, contract labor, and head tax features of the immigration law had for so many years been inoperative, it was extremely difficult at the outset to educate our officers to a more strict enforcement of the immigration laws. In fact, it was not until the border-patrol service came into being, on July 1, 1924, that the bureau and department were able to make any appreciable headway toward the enforcement of the immigration laws along the Mexican border.

When the organization was finally effected and the officers had become accustomed to the administration's policy of strict enforcement, and honest effort was made by them at practically every port on the Mexican border to carry out this policy. This changed policy, naturally, affected the interests in several of the Southern States which had been accustomed to obtain Mexican labor ad. lib., and many protests were received from these various interests. In the face of this, however, the department adhered to its policy and the officers, for the most part, began to make an earnest and sincere effort to enforce the law on the Mexican boundary. The officer in charge at Calexico, Calif., and the officers serving under him, however, did not enforce the law in a manner satisfactory to the bureau and the department, and, consequently, several changes in the personnel were effected, including the transfer to another station of the inspector in charge and assignment of another officer in his place. Hardly had these officers begun their duties at Calexico before a storm of protest arose because of their endeavors to enforce the law, and some of the newspapers were extremely bitter in their criticism, some of them charging the officer in charge as being arbitrary, dictatorial, and unduly strict and the threat was made, quite openly, that an effort would be made to have the district director at Los Angeles, who has charge of that district, and the officer in charge at Calexico, impeached and run out of California.

In order that the bureau and department might obtain an authentic report concerning existing conditions in that district, the chief supervisor of the Immigration Service was sent to Calexico to make inquiry with respect thereto and went forward under instructions that no changes were to be made in procedure, which had for its object rigorous enforcement of law. After spending several weeks at Calexico and making a careful study of conditions, the chief supervisor reported that no criticism was to be found with the manner in which the immigration officers were enforcing the law, but that, if anything, there should be a tightening up, rather than a letting down, of the bars. He did find, however, that some of the border patrol officers were operating illegally in that they were returning Mexicans across the border without warrant of law and he issued instructions to such officers that they must conform to the law in the pursuance of their duties.

In order that he might become acquainted with the nature of the grievance voiced by the interests in that section he attended a meeting of the chamber of commerce and learned that the principal cause for complaint was based upon the unlawful procedure which had been followed by the border-patrol officers, although it was apparent that there was dissatisfaction because of the attempt being made at more stringent law enforcement at the ports of entry. They were advised that the bureau and department intended to continue with the policy upon which it had embarked and that if they desired labor they must find it among American citizens or aliens lawfully in the country; that under no circumstances would aliens be admitted unless they conformed strictly to the requirements of law. Being confronted with this condition, the persons concerned joined interests and agreed among themselves to endeavor to persuade aliens in that section to return to Mexico and apply for admission in the regular manner. They were given to understand that any aliens seeking to return would not be favored in any respect whatsoever and would be refused admission if they were found to be inadmissible under any feature of the immigration laws. To assist the aliens in complying with the law the employers entered into an arrangement with them to permit of their acquiring a sufficient sum to secure an immigration visa at a cost of $10 per person and to pay the head tax of $8. The Immigration Service was not a party to any such transaction, and the alien, after he had acquired the sum necessary, was compelled to return to Mexico to secure his immigration visa from the American consular officer, it being impossible for any alien to obtain an immigration visa in the United States; and after he had obtained this document it then became necessary for him to apply in the regular manner at an immigration station. Obviously, upon making application in such manner, he could only be treated the same as all other aliens applying for admission to the United States. It should be repeated that the Immigration Service was not a party to the arrangement mentioned.

It is common knowledge that there are thousands of Mexican aliens in southern California, as well as in other States, who have no legal right to remain. The number is only problematical. The Government has no record and can obtain no record of aliens of this class, as well as those of other nationalities, without some method of registration. The Secretary of Labor in his annual report for the last several years has recommended to Congress a registration law, but so far his recommendations have not been enacted into law.

Practically coincident with the inauguration into office of the present administration, this department centered the efforts of the Immigration Service upon ridding the country of aliens considered to be most undesirable, particularly criminals, public charges, and those who entertained views inimical to our institutions. The assertion is made, without fear of successful contradiction, that practically the entire appropriation, allotted by Congress for the enforcement of the immigration laws, could have been expended in ridding the country of Mexicans, and other aliens, who had been admitted, practically without reservation or restriction, by the previous administration, or who had entered without inspection across our unprotected borders. However, the department in its administration of the Immigration Service sought to divert available funds into channels where they would best protect our institutions and serve the interests of the taxpayers of this country. Therefore, there could be no apparent justifiable excuse for centering the activities of the service upon ridding the country of aliens who, in many instances, though unlawfully here, were self-supporting and law-abiding, and leaving unmolested the aliens who infested our penal and charitable institutions or who sought to undermine the pillars of our Government.

However, these efforts were nullified to some extent by the fact that no adequate control of the border situation existed, as the force permitted only of guarding the principal ports of entry, leaving the outlying points unprotected. With the establishment of the border patrol on July 1, 1924, a diligent effort was made to protect our borders against further illegal entries. The results obtained in this regard are gratifying and are all that could be accomplished with the available personnel and appropriations. At the same time this was being done, the bureau and department continued their efforts to rid the country of the most undesirable type. This was not, however, to the exclusion of deporting aliens who had effected illegal entry. The officers, particularly those in the Southern States, continued to apprehend and deport aliens, principally Mexicans, who had entered under the wide-open regulations heretofore existing and across the unprotected border. When, therefore, employers of alien laborers attempted to induce the aliens in their employ, who were unlawfully in the country, to return to their native country and apply for lawful admission to this country, naturally the department could oppose no reasonable objection thereto.

And in this effort the bureau and department naturally welcomed the cooperation extended by all citizens and organizations.

It is true that the unlawful presence of these aliens in the country might have been ascertained had there been available a sufficient force of officers to make constant investigations in that particular section, but what is true of that particular section applies with almost equal force to every section of the United States. Immigration officers were not available for that purpose, nor could they be withdrawn from other border sections or places without leaving such points open and neglecting districts where, in some instances, there was even greater need for their operation.

It should be emphasized that the officers at Calexico were given instructions to continue to enforce the law to the best of their ability and the border patrol officers in that district were assigned and instructed to guard the border against the unlawful entry of aliens, and the reports which have been received show conclusively that never before in the history of the Immigration Service has there been a more strict enforcement of law in the Imperial Valley than now prevails.

As an illustration of the efforts which are now being made by this administration to effect the deportation of Mexicans unlawfully in the country, as compared with efforts made by the previous administration, 1,601 aliens of that nationality were deported during the six months of the present fiscal year, as compared with 846 Mexicans deported during the entire fiscal year 1920, the last fiscal year in which the previous administration was in power.

Cordially yours,

ROBE CARL WHITE,
Assistant Secretary.

THE CIVIL SERVICE RETIREMENT BILL AND OTHER LEGISLATION BEFORE CONGRESS

The SPEAKER pro tempore. Under the special order the Chair recognizes the gentleman from Wisconsin [Mr. SCHAFER] for 15 minutes.

Mr. SCHAFER. Mr. Speaker and Members of the House, I intended to confine my remarks to the resolution now pending before the Committee on the Judiciary with reference to the Fenning matter. As the committee up to the present moment has not reported to the House, I will not discuss the merits of the case at this time. I sincerely hope that the House will not adjourn until the Judiciary Committee has reported and the House has taken action on their report. The Members of this House can not go back to their districts and look the ex-service men, including the disabled veterans, in the face after failing to act upon the Fenning matter, and say that it was more important to adjourn and return to their constituents to discuss political questions. That is all that I will say at this time regarding the Fenning matter. After the committee has reported I shall discuss the merits of the case. If there is any Member who feels that he should vote to adjourn before the House has considered the Fenning matter, I suggest that if he has not done so he should read the testimony taken before the Committee on the Judiciary, the Committee on World War Veterans' Legislation, and the District subcommittee.

I shall now direct my remarks to a matter which apparently is not coming before the House for a vote at this session. When the Federal employees retirement bill was before the House for consideration under limited debate, I stated that the bill being considered was no credit to Congress because the original bill as reported by unanimous vote of the committee has been so drastically amended that the cost to the Government would be less than the present cost.

I voted for the bill, feeling confident that the Senate would do justice to these faithful employees and pass the bill with the more liberal provisions as originally reported by the Civil Service Committee of the House. The Senate did pass a bill almost identical with the original House bill as reported by the committee. On account of the action of the House conferees we are precluded from voting upon this measure. I am confident that if the House had an opportunity to be recorded on a record vote upon the original bill as reported almost identical with the bill as passed by the Senate, 90 per cent of the membership of the House would vote for the bill which passed the Senate. What have we come to under this administration? Clearly, if we have not come to a political autocracy, we are close to it. I am one of those who believe that the legislative branch of the Government should legislate free from control and domination by the executive branch. It seems that the White House spokesman in the name of economy decrees that the retirement bill as passed by the Senate shall not be enacted into law. The leadership of the Republican Party now in control of the House bows to the mandate of the spokesman, and therefore the Members of the House will not have an opportunity to vote upon legislation which a great majority of the Members desire to enact. The legislation amending the World War veterans' act was reported from the Committee on World War Veterans' Legislation with a unanimous vote, but before the House had opportunity even to vote upon it, with very limited debate, with no chance of making any amendment, many beneficial provisions were stricken from the bill to follow the economy program of the spokesman.

I listened with a great deal of interest to the statement of my colleague from New York [Mr. FISH]. I sympathize with him, but I have no sympathy with the Republican membership whose votes caused this House to be a mere cat's-paw and rubber stamp for the White House spokesman. At the early part of the session the rules which gave to the membership of the House some control over the committees were emasculated by the vote of Republican Members.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. O'CONNOR of New York. Of course, even if that rule to discharge a committee were left as it was, it would not solve this present situation.

Mr. SCHAFER. Not entirely, but they should have changed the rules so that the membership of this legislative body would not have to be a cat's-paw and rubber stamp for the little clique that dominates and says when legislation shall be reported by the committee and when the House shall consider it and how it shall be considered.

The first legislation we had before us when we assembled was the tax reduction bill, truly, as stated by our colleague from Virginia, the rich man's bill. Plenty of opportunity was given to consider that legislation, mainly in the interest of men of great wealth and monopolies. This tax reduction bill was passed, the White House spokesman favoring same. Farm-relief legislation was not enacted because of opposition of the spokesman. Most of the Republican Members from the great farming districts of the West are on the band wagon of the White House spokesman on legislation in the interest of the great industries and monopolies, but when they want some reciprocity and support for legislation which the farmers were asking for they did not get any support from the White House spokesman. Republican Members from Iowa and the other western farming States made a fight on the floor of the House for the passage of the Haugen bill. After that bill was defeated we still find them on the band wagon. Only to-day we find the distinguished gentleman from Iowa [Mr. GREEN] coming to the defense of the Republican Party, which has not done a thing for the farmers of the great West and of his State as yet.

The House should not adjourn until action has been taken on the conduct of the Pennsylvania primary campaign. Members of the House have stated they sincerely hope if Mr. VARE is elected to the Senate that the Senate should refuse to seat him.

If the evidence warrants the Senate refusing to seat Mr. VARE if he is elected, as it apparently does, then these facts justify his expulsion from membership in this House. I believe that the Republican leadership of this House should have before this time brought in a resolution providing for a report to the House by a proper committee as to whether or not the House should take action upon Mr. VARE's right to continue as a Member in view of the startling revelations brought to light by the Senate investigating committee. Big business and monopoly is in the saddle as never before. These Pennsylvania financial angels expended millions of dollars in the senatorial primary contest, knowing well that they would reap a bountiful return on their investment. Their investment was safe no matter to which Republican candidate's campaign expenses they contributed, as each one of the three candidates running on the Republican ticket was vociferating their allegiance to the policies and principles of the Coolidge administration. According to the testimony before the Senate one of the angels contributing to the slush fund $125,000 was a man named Greenfield, and one of the members of the senatorial investigating committee asked the witness how this man could contribute that amount of money to the campaign fund, and the witness replied, "He is a rich man; he raised many thousands of dollars for the Jewish welfare work, and $3,000,000 for the sesquicentennial."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCHAFER. I would ask for two additional minutes.

The SPEAKER pro tempore. Is there objection to the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. SCHAFER. It may be interesting to note that this exposition held in Philadelphia was subsidized by the people's money to the amount of several millions of dollars.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SCHAFER. I will.

Mr. BLACK of New York. Does not the gentleman think it is lucky they did not steal the Liberty Bell while they were at it?

Mr. SCHAFER. The distinguished leader of the Pennsylvania machine who successfully ran for the Senate in the primary appeared to be the power behind the appropriation of the subsidy for the susquicentennial at the expense of the taxpayers of the Nation.

In closing I wish again to urge that if Members have not read the Fenning testimony that they ought to read it without any delay, and I feel confident that a great majority will reach a conclusion not to adjourn until the House has taken action on the Fenning matter. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has again expired.

AMENDMENT OF WORLD WAR ADJUSTED COMPENSATION ACT

Mr. GREEN of Iowa. Mr. Speaker, pursuant to the order of the House heretofore made, I move to suspend the rules and pass the bill H. R. 10277, being a bill to amend the World War adjusted compensation act.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the bill H. R. 10277. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 302 of the World War adjusted compensation act is amended, to take effect as of May 19, 1924, to read as follows:

"SEC. 302. (a) A veteran may receive the benefits to which he is entitled by application claiming the benefits of this act, filed with the Secretary of War, if he is serving in, or his last service was with, the military forces; or filed with the Secretary of the Navy, if he is serving in, or his last service was with, the naval forces.

"(b) Such application shall be made and filed on or before January 1, 1928, (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making or filing of a personal application, then by such representative of the veteran and in such manner as may be by regulations prescribed. An application made by a person other than the representative authorized by any such regulation, or not filed on or before January 1, 1928, shall be held void. If the veteran dies after the application is made and before it is filed, it may be filed by any person.

"(c) If the veteran dies after the application is made, it shall be valid if the Secretary of War or the Secretary of the Navy, as the case may be, finds that it bears the bona fide signature of the applicant, discloses an intention to claim the benefits of this act on behalf of the veteran, and is filed on or before January 1, 1928, whether or not the veteran is alive at the time it is filed. If the veteran dies and payments are made to his dependents under Title VI, and thereafter a valid application is filed under this section, then if the adjusted service credit of the veteran is more than $50, payment shall be made in accordance with Title V, less any amounts already paid under Title VI.

"(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section."

SEC. 2. Section 303 of such act is amended to read as follows:

"SEC. 303. (a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Director of the United States Veterans' Bureau (hereinafter in this act referred to as the director) the application and a certificate setting forth—

"(1) That a valid application has been received;

"(2) That the applicant is a veteran;

"(3) His name and address;

"(4) The date and place of his birth; and

"(5) The amount of his adjusted service credit.

"(b) Upon receipt of such certificate the director shall proceed to extend to the veteran the benfits provided for in Title IV or V."

SEC. 3. (a) Section 308 of such act is amended, to take effect as of May 19, 1924, to read as follows:

"SEC. 308. No sum payable under this act to a veteran or his dependents, or to his estate, or to any beneficiary named under Title V, no adjusted service certificate, and no proceeds of any loan made on such certificate shall be subject to attachment, levy, or seizure under any legal or equitable process, or to national or State taxation, and no deductions on account of any indebtedness of the veteran to the United States shall be made from the adjusted service credit or from any amounts due under this act."

(b) As used in this section the term "original credit" means the amount of the adjusted service credit computed under the World War adjusted compensation act before its amendment by this act, less amounts deducted on account of any indebtedness of the veteran to the United States, and the term "new credit" means the amount of the adjusted service credit computed under such act as amended by this act without such deduction.

(c) If the veteran is alive at the time of the enactment of this act and the benefits of the World War adjusted compensation act have been extended to him, then any excess of the new credit over the original credit shall be considered as if it were a separate adjusted service credit, and the benefits of such act shall be extended in respect thereof according to the terms of such act as amended by this act.

(d) If the veteran has died before the enactment of this act and before making application under section 302 of the World War adjusted compensation act, then if any part of the original credit has been paid to the dependents of the veteran, any remaining part shall be paid as provided in Title VI of such act as amended by this act, and any excess of the new credit over the original credit shall be paid in cash in a lump sum to the dependents as provided in Title VI of such act as amended by this act.

(e) If the veteran has died before the enactment of this act after having made application, then—

(1) If the original credit was not over $50 and the new credit is not over $50, payment shall be made as provided in subdivision (d).

(2) If the original credit was not over $50 and the new credit is over $50, then the face value of an adjusted service certificate computed on the basis of the new credit shall be paid to the beneficiary named; or if the beneficiary died before the veteran and no new beneficiary was named, or if no beneficiary was named in the application, then to the estate of the veteran. If in any such case any payments have already been made to the veteran or his dependents, the amount of such payments shall be deducted from the face value of the adjusted service certificate.

(3) If the original credit was over $50, then the face value of an adjusted service certificate computed on the basis of the excess of the new credit over the original credit shall be paid as provided in paragraph (2) of this subdivision.

(f) Wherever under this act or the World War adjusted compensation act it is provided that payment shall be made by the Director of the United States Veterans' Bureau to the estate of any decedent, such payment, if not over $500, may, under regulations prescribed by the director, be made to the persons found by him to be entitled thereto, without the necessity of compliance with the requirements of law in respect of the administration of such estate.

SEC. 4. (a) Such act is amended by adding after section 309 a new section to read as follows:

"FINALITY OF DECISIONS

"SEC. 310. The decisions of the Secretary of War, the Secretary of the Navy, and the director, on all matters within their respective jurisdictions under the provisions of this act (except the duties vested in them by Title VII) shall be final and conclusive. Notwithstanding the provisions of section 236 of the Revised Statutes as amended, the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of the disbursing officers of the United States Veterans' Bureau for all payments authorized by the director, heretofore or hereafter made from moneys appropriated for carrying out the provisions of this act, except payments made under authority of section 701, payments under which section shall be continued to be settled without regard to the provisions of this section."

(b) Section 305 of such act is amended to read as follows:

"SEC. 305. Immediately upon the enactment of this act the Secretary of War and the Secretary of the Navy shall ascertain the individuals who are veterans as defined in section 2, and, as to each veteran, the number of days of oversea service and of home service, as defined in section 2, for which he is entitled to receive adjusted service credit."

SEC. 5. Section 501 of such act is amended by adding at the end thereof the following, to take effect as of May 19, 1924:

"In the case of any veteran whose age at the time of making application is over 75 years, a certificate shall not be issued but the full amount of his adjusted service credit shall be paid to him in cash in a lump sum immediately upon the award of the claim, except that if he has died after making application and before payment has been made to him, the amount of his adjusted service credit shall be paid in cash to the beneficiary named, or, if the beneficiary died before the veteran and no new beneficiary was named or if no beneficiary was named in the application, then to the estate of the veteran."

SEC. 6. Section 503 of such act is amended to read as follows:

"SEC. 503. No certificate issued or right conferred under the provisions of this title shall, except as provided in section 502, be negotiable or assignable or serve as security for a loan. Any negotiation, assignment, or loan made in violation of any provision of this section shall be held void. If any person is named as beneficiary by the veteran as a consideration for the making of a loan to the veteran by such person or any other person, such naming shall be void. Any person who accepts an assignment of a certificate or receives a certificate as security for a loan contrary to the provisions of this title, or who makes a loan to a veteran in consideration of the naming by the veteran of such person or any other person as beneficiary, shall be

guilty of a misdemeanor and shall upon conviction thereof be fined not more than $500 or imprisoned not more than one year, or both."

SEC. 7. Section 601 of such act is amended to read as follows:

"SEC. 601. If the veteran has died before making application under section 302, or, if entitled to receive adjusted service pay, has died after making application but before he has received payment under Title IV, then the amount of his adjusted service credit shall (as soon as practicable after receipt of an application in accordance with the provisions of section 604, but not before March 1, 1925) be paid to his dependents, in the following order of preference:

"(1) To the widow;

"(2) If no widow entitled to payment, then to the children, share and share alike;

"(3) If no widow or children entitled to payment, then to the mother;

"(4) If no widow, children, or mother, entitled to payment, then to the father."

SEC. 8. Section 602 of such act is amended to read as follows:

"SEC. 602. (a) No payment under section 601 shall be made to a widow if she has remarried before making application, or if at the time of the death of the veteran was living apart from him by reason of her own willful act; nor unless dependent at the time of the death of the veteran or at any time thereafter and before January 2, 1928. The widow shall be presumed to have been dependent at the time of the death of the veteran upon a showing of the marital cohabitation.

"(b) Payment under section 601 shall be made to a child if (1) under 18 years of age at the time of the death of the veteran, or (2) at any time thereafter and before January 2, 1928, incapable of self-support by reason of mental or physical defect.

"(c) No payment under section 601 shall be made to a mother or father unless dependent at the time of the death of the veteran or at any time thereafter and before January 2, 1928. If at the time of the death of the veteran or at any time thereafter and before January 2, 1928, the mother is unmarried or over 60 years of age, or the father is over 60 years of age, such mother or father, respectively, shall be presumed to be dependent."

SEC. 9. Section 605 of such act is amended to read as follows:

"SEC. 605. (a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the director the application and a certificate setting forth—

"(1) That a valid application has been received;

"(2) The name and address of the applicant;

"(3) That the individual upon whom the applicant bases his claim to payment was a veteran;

"(4) The name of such veteran and the date and place of his birth; and

"(5) The amount of the adjusted service credit of the veteran.

"(b) Upon receipt of such certificate the director shall proceed to extend to the applicant the benefits provided in this title if the director finds that the applicant is the dependent entitled thereto."

SEC. 10. Section 607 of such act is amended by striking out "and" at the end of subdivision (b), by striking out the period at the end of subdivision (c) and inserting a semicolon and the word "and," and by adding after subdivision (c) a new subdivision to read as follows:

"(d) The term 'widow' includes widower."

SEC. 11. Title VI of such act is amended by adding at the end thereof a new section to read as follows:

"SEC. 608. If the veteran died while in the service and before July 1, 1919, and if an adjusted service credit has been or is, after this section takes effect, certified to the director, then the sum of $60 shall be paid in a lump sum to the dependents of such veteran in the same manner as is provided in sections 601 and 602 of this act."

SEC. 12. This act shall not invalidate any payments made or applications received under the World War adjusted compensation act before the enactment of this act. Payments under awards heretofore or hereafter made shall be made to the dependent entitled thereto regardless of change in status, unless another dependent establishes to the satisfaction of the director a priority of preference under such act as amended by this act. Upon the establishment of such preference the remaining installments shall be paid to such dependent, but in no case shall the total payments under Title VI of such act (except section 608) exceed the adjusted service credit of the veteran.

SEC. 13. Title VII of such act is amended by adding at the end thereof a new section to read as follows:

"SEC. 704. Whoever falsely makes, forges, counterfeits, or alters, or causes or procures to be made, forged, counterfeited, or altered, or willingly aids or assists in falsely making, forging, counterfeiting, or altering an adjusted service certificate issued under authority of this act, or whoever passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, any such false, forged, counterfeited, or altered certificate, with intent to defraud the United States or any person, or whoever has in possession any such falsely made, forged, counterfeited, or altered certificate, with intent to unlawfully use the same, shall be punished by a fine of not more than $5,000 and imprisonment not more than 15 years. The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into the custody of the United States marshal having jurisdiction any person or persons violating any of the provisions of this section."

SEC. 14. Title VII of such act is further amended by adding at the end thereof a new section to take effect as of May 19, 1924, and to read as follows:

"SEC. 705. Whenever it appears to the director, by evidence clear and satisfactory to him, that any adjusted service certificate has, without bad faith upon the part of the person entitled to payment thereon, been lost, destroyed, wholly or in part, or so defaced as to impair its value to the rightful holder, and such adjusted service certificate is identified by number and description, the director shall under such regulations and with such restrictions as to time and retention for security or otherwise as he may prescribe, issue a duplicate thereof of like value in all respects to the original certificate and so marked as to show the original number of the certificate lost, destroyed, or defaced, and the date thereof. The lawful holder of such certificate who makes application for a duplicate shall surrender the original, if existing, or so much thereof as may remain and shall file in the United States Veterans' Bureau a bond in a penal sum of the face value of such lost, destroyed, or defaced certificate, with two good and sufficient securities, residents of the United States, to be approved by the director, with condition to indemnify and save harmless the United States from any claim upon such lost, destroyed, or defaced certificate."

The SPEAKER. Is a second demanded?

Mr. GREEN of Iowa. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Iowa for 20 minutes, and the gentleman from Mississippi [Mr. COLLIER] for 20 minutes.

Mr. GREEN of Iowa. Mr. Speaker, If there have been any objections to this bill except on the part of some gentlemen who think it does not go quite far enough—and I am inclined to think so myself—I have never heard it. The purpose of this bill was to enable a number of persons who were justly entitled to the benefits of the adjusted compensation bill, but were deprived of those benefits by reason of the operation of certain technicalities under the language of the original bill to receive those benefits, and we have attempted to provide for nearly all of those who have suffered in that way.

Perhaps the most important changes, although I do not know whether it is the one that will cost the most money, is that with reference to applications. The Comptroller General ruled that where a veteran had executed an application but died before a claim was filed the application was not valid. Under the bill we now present if a veteran executed the application, even in an informal way, but sufficient to show that it was his intention to apply for it and the document was signed, it will be valid even though he dies before it is filed, and his beneficiaries will receive the full benefits of the law.

Another provision made by the bill is with reference to deductions which were made under the orders of the Comptroller General on account of indebtedness to the United States. A large number of the veterans while in the service had charged against them items for loss of equipment, loss of clothing, and sometimes the loss of a rifle, or things of that kind, and of course there were occasional charges of actual money losses. But those were very few. The committee came to the conclusion that in the first place, so far as the cost of equipment was concerned, it was absolutely impossible for the veteran to show at this late date that it was not lost by reason of any fault on his part, and in most cases it was not; and furthermore the time taken up in the adjustment of accounts of that kind would cost more than the amounts involved; so that it was decided by the committee that these amounts ought not to be deducted.

Mr. HARDY. Mr. Speaker, will the gentleman yield there?

Mr. GREEN of Iowa. Yes.

Mr. HARDY. In some cases there were overpayments of the veteran's accounts. That has heretofore been charged against the bonus. Now no charge can be held against it?

Mr. GREEN of Iowa. Of course, if the party has been overpaid and under the ordinary law the right would exist in favor of the Government, the Government can bring suit against him.

That is not cut off here, but it can not be deducted from the allowance under the bill.

Mr. HARDY. But they could not charge that against the compensation allowed under this bill?

Mr. GREEN of Iowa. No.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLACK of Texas. I know that the amount is not large; but referring to a case like that mentioned by the gentleman from Colorado [Mr. HARDY], if a soldier really owes the Government through overpayment, I do not see why it should not be adjusted through this service certificate. I think we are going rather far.

Mr. GREEN of Iowa. We are simply exempting this from his debts, as in the case of pensions. It has always been the rule that a soldier's pension was exempt.

Mr. BLACK of Texas. Here is a payment to be made by the Government of the United States. It has always been the policy of the Government when it makes a payment, if there are any legal offsets, to deal with those offsets, and it is the duty of the Comptroller General to take into account those offsets. Of course, if the indebtedness is not legal, it should not be counted; but if the indebtedness is just, it seems to me we are going too far to adopt a provision of this kind.

Mr. HAWLEY. We do not exclude the debt or set it aside.

Mr. GREEN of Iowa. No. The debt is not wiped out by reason of this bill. That is a mistake to draw that inference. We do not do that.

Another provision is with reference to the finality of the decisions made by the Secretary of War and the Secretary of the Navy with reference to the right of the veteran's beneficiaries or the veteran himself to receive the benefits of this law. The committee thought it best to confer on the Secretary of War and the Secretary of the Navy and the Director of the Veterans' Bureau the final and exclusive authority in matters arising under their respective jurisdictions. A conflict has arisen between those various officers and the Comptroller General in many respects. Sometimes it has been a conflict of law and sometimes a conflict of fact. But in all events each one of these departments has a complete force to determine these matters, and the committee thought it was not best to have another force in review.

Then there are a few veterans over 75 years of age that were not taken care of in the original bill. There is a provision in this bill to pay them what is due them in cash. There is also a provision with reference to loan sharks. I pass it over as unimportant. I doubt if there will be any occasion to use it.

With reference to dependents, I think I ought to speak perhaps more fully, for the reason that Members may not otherwise understand the provisions of the bill.

Section 602 of the original act has been entirely rewritten in section 8 of the bill to restate the policy concerning dependency. Any language which might tend to indicate that a showing of dependency upon the veteran is required has been eliminated. In some cases there must be a showing of dependency, but the difference is this: That without this bill the applicants were required to show that they were dependent upon the veteran prior to his death and had been receiving something from him for their support. In a very large number of cases it was absolutely impossible for them to make that showing. They can now show that they are in need; that they are dependent, in fact; that they need this money, and that is all it is necessary for them to show. All that it is necessary for them to show under the bill as now written is a condition of general dependency and a need for the money.

Mr. HASTINGS. If the gentleman will permit, where a father or mother is over 60 years of age dependency is presumed.

Mr. GREEN of Iowa. It is presumed under the bill as now written.

Mr. HASTINGS. Heretofore dependency on the part of the father or mother has never been presumed?

Mr. GREEN of Iowa. No.

Mr. HASTINGS. And it had to be proven?

Mr. GREEN of Iowa. Yes.

Mr. HASTINGS. That is one of the amendments which is found on page 9, subdivision (c) of this act, in section 8.

Mr. GREEN of Iowa. I thank the gentleman for the suggestion. I might add also that if the mother is unmarried she is presumed to be dependent.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HILL of Alabama. If the mother should be under 60 and the father is 60 years of age or over, the father is then presumed to be dependent? Is that it? He would then come in as a dependent?

Mr. GREEN of Iowa. I think that is the case, although I would have to look at the section in order to answer that positively.

There is also a provision with reference to the first 60 days of service. The act of 1918 did not permit payment of the $60 bonus to persons who died in the service. Inasmuch as under the World War adjusted compensation act a deduction of 60 days was made in the computation of the adjusted service credit of all veterans, including those who died in the service, this latter class was consequently discriminated against—those who died in the service in the application of original adjusted service act. We have removed that discrimination. That is all I care to say at this time.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SEARS of Florida. I would like to have the gentleman explain section 602. It may be all right, but it is not clear to me, and I do not want to get into the same jam I got into with reference to the two cases to which I called the chairman's attention the other day. The bill provides:

> Nor unless dependent at the time of the death of the veteran or at any time thereafter and before January 2, 1928.

Mr. GREEN of Iowa. The gentleman will remember that date is the time when the original bill expired.

Mr. SEARS of Florida. But the point I am raising is this: In the two cases to which I called your attention the other day the applications were made out, but they did not get to Washington in time.

Mr. GREEN of Iowa. An insurance application or a dependency application?

Mr. SEARS of Florida. A compensation application; as I understand it, a general application.

Mr. GREEN of Iowa. If the application were prepared and signed by the soldier it would not make any difference, under this bill, whether it was filed before he died or not.

Mr. SEARS of Florida. The point I was making was this: Will the widow have to prove that she is dependent at this time?

Mr. GREEN of Iowa. Unless she is over 60 years of age or unless she is unmarried she will have to show a condition of need. She will not have to show that she was dependent upon the soldier before the time of his death or that he was giving her any assistance, but she will have to show a condition of need at this time.

Mr. HAWLEY. If the gentleman will permit, the bill provides that—

> the widow shall be presumed to have been dependent at the time of the death of the veteran upon a showing of the marital cohabitation.

Mr. GREEN of Iowa. That is true. I thought the gentleman was asking with reference to the mother. Was the gentleman asking with reference to a widow?

Mr. SEARS of Florida. Yes.

Mr. GREEN of Iowa. The statement made by the gentleman from Oregon is correct, and I am obliged to him for the correction.

Mr. SEARS of Florida. I thought that was the construction, but I did not want to have another misunderstanding.

Mr. GREEN of Iowa. The gentleman from Oregon is entirely right. I did not understand the gentleman's question.

Mr. WHEELER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. WHEELER. Section 705 provides that in case a soldier should lose his certificate, he must give a bond in order to secure a duplicate. It seems to me there are thousands of soldiers not able to give a bond. It seems to me that if they should make an affidavit to the effect that they had lost their certificate that would be sufficient and that this provision will work a hardship on thousands of soldiers who perhaps can not give a bond.

Mr. GREEN of Iowa. I will say to the gentleman from Illinois that the committee did not think so.

Mr. HAWLEY. A soldier can easily get a surety bond at a very low rate to cover this.

Mr. WHEELER. But the difficulty would be in getting a surety company to issue the bond.

Mr. GREEN of Iowa. There would be no risk in it, and I do not think there would be any trouble about getting a bond.

Mr. WHEELER. I think it would work a hardship on a great many soldiers to require them to give bonds.

Mr. HAWLEY. They can give the names of two persons or the bond of a surety company, and I do not think there will

be any difficulty in solving that problem, and it will cause the soldiers to be more careful.

Mr. GREEN of Iowa. Mr. Speaker, I reserve the balance of my time.

Mr. COLLIER. Mr. Speaker and gentlemen of the House, this bill has a unanimous report from the committee, and for the most part it simply takes care of matters which should have been in the original adjusted compensation act, and doubtless would have been in the act had the attention of the House been directed to them at that time.

This bill does not altogether suit the minority members of the committee, but it is better than the existing law, and every amendment suggested here is a change for the better. The only serious criticism I had against the bill was in reference to the matter of dependency. While we allow the widow to receive the benefits of dependency by presumption, and we allow the father and the mother to receive such benefits by presumption where they are 60 years of age, yet I hold to the opinion that the proper thing to do would be to permit the father and mother of the soldier to be presumed to be dependent.

I know of many instances, some within my own knowledge, where the parties were dependent and very much dependent, but they did not care to go around to their neighbors and secure affidavits and so forth to that effect. However, we were overruled, and the amendments proposed here are much better than the original law.

I will yield later to my colleague, the gentleman from Arkansas [Mr. OLDFIELD], who intends to speak upon this matter.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. COLLIER. I will always yield to my friend.

Mr. GREEN of Iowa. I think there is considerable merit in what the gentleman says, and I was rather inclined myself to broaden that provision.

Mr. COLLIER. Such is my recollection.

Mr. GREEN of Iowa. But the gentleman will remember that we had some assurances that this provision would be liberally construed by the bureau.

Mr. COLLIER. We had a great many assurances that it would be liberally construed, but one of the reasons I objected to it was because of the humiliation put upon the mother or the father of a dead soldier in having to go to their neighbors and secure affidavits and send them here showing that they were dependent upon him and were unable to make a living. I wanted to spare them, as far as I could, that humiliation. It would not amount to a great deal in dollars and cents.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. COLLIER. I yield to my leader, of course.

Mr. GARRETT of Tennessee. If the gentleman will permit, on that question of liberal construction, of course, I do not know what "liberally construed" means. I suppose it will mean they are not going to require very strict proof and that almost any affidavit will be accepted; but the fact remains there will still have to be an affidavit presented intimating at least dependency.

Mr. COLLIER. Exactly.

Mr. GARRETT of Tennessee. If the gentleman will permit further——

Mr. COLLIER. Certainly.

Mr. GARRETT of Tennessee. As I understand the theory of the adjusted compensation act, it was not compensation in the sense of the general compensation law or in the sense as applied to soldiers of other wars in the matter of the pension laws; but it was to recompense the service men for losses sustained by them during the time they were in the service; that is to say, they made less money while in the service than they would have made had they been at home, and this was an effort to adjust that loss to some extent. Therefore, in theory at least, this adjusted compensation has no element of pension about it and no element of charity.

The service men claimed it as a business proposition. Now, that being the case, this adjusted compensation is a part of the estate of the soldier, and being a part of the estate of the soldier, why should it not be like any other part of his estate, and why should the idea of charity or the pension idea be attached to it by requiring proof of dependency in the case of the parents? [Applause.]

Mr. COLLIER. I will say further, Mr. Speaker, in reference to this particular section that had the bill not been brought up under suspension of the rules, which, under the rules of the House prohibit any amendment, it was the intention of the gentleman from Arkansas [Mr. OLDFIELD] and myself, who constituted the minority of the subcommittee of five which prepared this bill, to offer such an amendment on the floor of the House.

There is another amendment here which I do not recall whether the gentleman from Iowa [Mr. GREEN] spoke about or not——

Mr. HILL of Alabama. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. HILL of Alabama. In that connection, does the gentleman know whether or not any effort was made to get a rule on this bill and bring it up under the general rules of the House rather than to pass it in this way without any opportunity to offer an amendment?

Mr. COLLIER. I do not know.

Mr. HILL of Alabama. The gentleman does know that every piece of veterans' legislation, whether it be connected with adjusted compensation or legislation for the wounded or the dead, has been brought up in this House under a suspension of the rules with no opportunity for the House to really consider it or pass upon it or to offer any amendments.

Mr. COLLIER. That is my recollection, and I want to say to the Members of the House that I have repeatedly, so far as I am concerned, requested action on this bill, and I want to say furthermore that this bill was committed to the Committee of the Whole House on March 13 of this year, and I think my friends are to be criticized for not bringing this matter up earlier instead of waiting until perhaps two days before adjournment, which seems to be the general impression, before bringing it up, and then bringing it up under a rule which will not permit us to offer any kind of an amendment.

In the old adjusted compensation act——

Mr. LEAVITT. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. LEAVITT. Is there any minority report filed on the bill?

Mr. COLLIER. No; it is a unanimous report of the committee.

Mr. LEAVITT. Then contrary ideas were not set forth in any report to the House?

Mr. COLLIER. No; it was a unanimous report of the committee. This was the best we could get.

The beneficiaries of the soldiers who died in France, in receiving their compensation, had the $60 deducted from their compensation the same as the soldiers who survived and received the $60. This was a deduction by the Government of money that the Government never had owned. It was an unfair deduction and this bill corrects that.

In answer to the question the gentleman from Texas [Mr. BLACK] asked the chairman of the committee in reference to the deduction of the debts of the soldiers, the testimony before us was that in many instances these deductions were caused by the loss of some clothing or were caused by the loss of a gun or a pistol.

The testimony further goes to show that it was admitted that in a number of instances where deductions were made charged against the soldier it was afterwards found that the article had been recovered and therefore he did not owe for them.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. WAINWRIGHT. Does the gentleman make the statement that the wounded soldier was charged for loss of equipment on the battle field?

Mr. COLLIER. I do not know whether the wounded soldier was charged with loss of equipment on the battle field, but my recollection is, and I think the chairman of the committee will bear me out, that no matter where he lost it, no matter under what conditions the loss occurred, the soldier was charged with that loss.

Mr. GREEN of Iowa. That was the testimony before the committee. At least there was testimony from which it could be inferred.

Mr. COLLIER. That was the testimony before the committee as I recollect it.

Mr. WAINWRIGHT. I agree with the gentleman that we are not taking much chances in giving the soldier the benefit of the doubt if he lost his equipment.

Mr. COLLIER. We are simply saying that if he does owe it the Government must collect it in the usual way. We simply say that they shall not charge it against this adjusted compensation certificate.

Mr. BACHARACH. Will the gentleman yield? The gentleman does not want to make a misstatement.

Mr. COLLIER. No; I do not. I will yield to the gentleman.

Mr. BACHARACH. I do not think there was any testimony as to equipment being lost overseas being charged to the soldier. It was equipment lost in the camps of this country.

Mr. COLLIER. That is not the way I recollect it.

Mr. BACHARACH. That is the correct statement. I do not want the impression to go forth that the men who lost their equipment overseas were charged with it by the Government.

Mr. COLLIER. I do not recall where there was any exception made where the equipment was lost.

Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Chairman and gentlemen of the House, I am very much in favor of this legislation and shall vote for it. However, I firmly believe that if we were passing this legislation under the ordinary rules of the House, we would, beyond any question, secure an amendment to section 602 with regard to dependents. When the bill was written we had the advice not only of the legislative drafting service but the Veterans' Bureau, the War Department, the Navy Department, and representatives of the American Legion. It was prepared and written to remedy defects found in the present law by experience. If I had my way about it, I would cut out any affidavit which is made necessary by this bill with regard to dependents. However, I will say for that proposition that the Veterans' Bureau representatives said they expected to be very liberal with regard to the dependency matter, and if there was no suspicion of fraud on the face of the papers in connection with the dependency that it would be taken for granted and no investigation made.

I know that in my country and in other parts of the country where the fathers and mothers may be dependent, it is regretted very much that there is a necessity of making what we call in the South a pauper's oath.

Mr. BRIGGS. Will the gentleman yield?

Mr. OLDFIELD. I will.

Mr. BRIGGS. Is it not true that whether or not the parents got any financial contribution from the soldier, they were looking toward him for sustenance and maintenance?

Mr. OLDFIELD. Yes; that is true. I made a motion myself to strike out the dependency provision in the present law before the committee, but the majority of the committee was opposed to it. I want to say before I take my seat that I have not heard a clearer statement of this position made before the committee or on the floor than the statement made by the distinguished gentleman from Tennessee [Mr. GARRETT] a moment ago. The ex-service men in America feel that this adjusted compensation is owing to them by the Federal Government, by the Federal Treasury, and is a business proposition. Taking that view of it, I think that we ought not to have this dependency provision in here.

When a father or mother at any age has had a son wounded or killed in the service, they ought not to be compelled to go before the Veterans' Bureau and swear that they were dependent at the time he was killed or at any other time. We did not do it in this bill and there is no way to remedy it here now.

Mr. SPEAKS. Was it not intended to be a part of his estate?

Mr. OLDFIELD. Absolutely. I yield back the remainder of my time.

Mr. GREEN of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Speaker, the House yesterday concurred in the Senate amendments to the Johnson bill giving additional benefits to the veterans of the World War to the extent of an average of $15,000,000 per year. The House may be interested in the figures showing the number of beneficiaries and the amount involved in this bill. Section 302, affecting the men who died before application was received by the bureau here in Washington, costs a total of $249,526 and affects 358 cases. Considerable discussion has been had on the question of deductions for equipment and other things lost. That class affects 1,300 men and costs a total of $108,386. Twenty-one men are concerned with a provision affecting the veterans of the World War who are over 75 years of age. The cost of that class in the bill is $8,562. The dependency clause that has just been discussed by certain members of the committee who concurred. I assume, in the unanimous report but still object to the provisions of the bill affects 33,286 persons and costs $11,772,200.

Mr. HILL of Alabama. Mr. Speaker, will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. HILL of Alabama. Does the gentleman himself think that the dependency provision goes far enough?

Mr. SIMMONS. I do not; but whenever we can get a bill through Congress that gives the veterans any substantial advantage, as this bill does, I am in favor of that bill.

Mr. HILL of Alabama. But it does not go far enough in the gentleman's opinion.

Mr. SIMMONS. And I would not take the floor if I were a member of the committee making a unanimous report in favor of the bill and protest against it.

Mr. GREEN of Iowa. Mr. Speaker, this bill, as I understand it, is satisfactory to the American Legion.

Mr. SIMMONS. This bill is satisfactory to the representatives of the American Legion and is largely as they would themselves have had it written.

The next class is the discharge $60 bonus matter. That affects 43,875 veterans, at a total cost of $2,632,500. This bill benefits 78,840 persons, at a total estimated cost of $14,771,174.

I just want to leave this thought with the Members: There are those who are inclined to criticize the present Congress for its attitude toward veterans' legislation. The bill in which we concurred yesterday and the bill that we are passing to-day, in my judgment, are forward steps in behalf of the veterans of the World War. Do not misunderstand me. No legion man and no veteran says that we have yet reached 100 per cent efficiency in our legislation. Fifty years from now, if there are veterans of the World War living, I anticipate that the Congress will then be dealing with legislation affecting those veterans; but this can be said of this Congress, that we have taken these decidedly forward steps in favor of additional benefits—additional compensation—to the veterans of the World War. [Applause.] The bill that we passed yesterday and the bill that we are passing to-day have the approval of the veterans' organizations of the country and are in keeping with their requests of the Congress.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. TILSON. Can not the gentleman go farther and say that the provisions in the bill passed yesterday and the provisions in this bill are the most necessary and the most desirable things that remain to be done?

Mr. SIMMONS. I think so; and the veterans' organizations themselves have said that these two bills are the most important bills on their program.

Mr. TILSON. I have been so informed by the representatives of the American Legion.

Mr. SIMMONS. Yes. I have also been told the same thing.

Mr. LEAVITT. Is it not also true that a bill giving great benefits to the veterans and widows of the Spanish-American War has been passed at this session, and that one in behalf of veterans and some of the widows of the Civil War is to be reached to-day?

Mr. SIMMONS. That is true. The gentleman has been very active in securing the passage of all that legislation. [Applause.]

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. COLLIER. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Speaker, the principal objection that I have to this bill is contained in section 4 which adds a new section 310 of the adjusted compensation act and provides that the decisions of the Secretary of War, the Secretary of the Navy, and the director, on all matters—

within their respective jurisdictions under the provisions of this act (except the duties vested in them by Title VII) shall be final and conclusive.

That means that we are virtually doing away with the office of the Comptroller General in respect to expenditures under the adjusted compensation act. When the adjusted compensation bill was before us on its original passage it was estimated that the final cost of it would be $2,000,000,000, and yet by this provision of section 4 we absolutely prevent the Comptroller General from conducting that independent audit which Congress contemplated at the time that it created the office. If the jurisdiction of the Comptroller General should be taken away in cases like this, then I submit the only fair thing, the only sensible thing for Congress to do is to abolish the office of the Comptroller General. Let us not make him a mere figurehead with no power to prevent illegal expenditures.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. And I am not going to vote for this bill, notwithstanding I am most heartily in favor of most of the provisions of the bill. It is a very foolish thing for Congress to heed the objections of these department heads against the Comptroller General and take away his power to give these expenditures an independent audit. On account of section 4, I shall vote against the bill.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. GREEN of Iowa. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, all veteran organizations, particularly the Legion, have heartily indorsed this bill. I rise to point out, now that we are discussing a bill making slight amendments to the provisions for adjusted compensation, that a number of years ago when the adjusted compensation bill was pending in the House, vindictive, malicious, and false information was spread broadcast by the metropolitan newspapers saying that if the adjusted compensation bill passed we would not have any tax reduction for a generation.

I want to point out, not only did we pass a tax reduction exceeding $300,000,000 one week after we passed the adjusted compensation bill, but this year again we passed another tax reduction bill of over $300,000,000. "The proof of the pudding is in the eating." At that time we could not answer those misstatements that appeared in the papers which foretold that the price of the Liberty bonds would go down, that the rate of interest would go up, and that there would be a deficit of $300,000,000 in the Treasury and the American people need not expect a tax reduction bill for another generation. What has happened, Mr. Speaker? We have passed two tax reduction bills amounting to over $600,000,000 since the adjusted compensation bill passed and the price of the Liberty bonds went above par and the rate of interest went down to 2 per cent. That is the concrete answer to these false prophecies, all of which failed to materialize. The able chairman of the Ways and Means Committee, who has yielded to me, was one of the most ardent upholders of the justice and fairness of the adjusted compensation bill. I am glad of the opportunity to make this statement of fact. [Applause.]

The SPEAKER. The time of the gentleman has expired; all time has expired——

Mr. COLLIER. Mr. Speaker, I think I have one minute remaining.

The SPEAKER. The gentleman has one minute remaining.

Mr. COLLIER. I yield that to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, I have but a moment. I can not make an argument. I can only state a fact or two. It has been asserted that this legislation is entirely satisfactory to the American Legion. I feel sure that is not a correct statement, though it has been repeatedly stated during the last few moments. I feel sure the American Legion indorses this bill in so far as it goes, but I believe that they would want some additional amendments if an opportunity were given to amend this law. I protest against the method of considering this legislation. If this bill is entirely satisfactory to everyone, why is it not brought up under the general rules of the House so that it may be subject to amendment and discussed. We can not even offer an amendment to the bill, and only 20 minutes' discussion is given to each side. This is an unusual proceeding, and, unfortunately, so far as the ex-service men are concerned, is the only method we have had of considering legislation for the ex-service men for the past four or five years. The ex-service men do not understand it. The country does not understand it. The only reason for this procedure is that the leaders will not permit this legislation to be brought up except in this manner under a suspension of the rules when no amendment whatever can be offered.

I arose to discuss subsection (c) to section 602 of the adjusted compensation act found in section 8 of this bill on pages 9 and 10, as follows:

(c) No payment under section 601 shall be made to a mother or father unless dependent at the time of the death of the veteran or at any time thereafter and before January 2, 1928. If at the time of the death of the veteran or at any time thereafter and before January 2, 1928, the mother is unmarried or over 60 years of age, or the father is over 60 years of age, such mother or father, respectively, shall be presumed to be dependent.

I have a case in my district which this amendment affects. The son was killed in action overseas. He had been married but had no children. The wife remarried. The law which this amends presumes the wife to be dependent and also presumes the minor child to be dependent, but proof of dependency has to be made on behalf of the mother. This provision does away with the necessity of that proof in the event the mother is more than 60 years of age. The report of the committee upon this particular provision of the bill is as follows:

A mother or father is entitled to be considered dependent upon a showing of dependency upon anyone before January 2, 1928, and is presumed to be dependent if over 60 years of age before January 2, 1928. A mother is also presumed to be dependent if unmarried. The requirement in the present law of a statement under oath of the dependency in the case of the mother and father has been eliminated.

I agree with the gentleman from Tennessee [Mr. GARRETT] that this compensation should be part of the estate of the deceased soldier and should be paid to his heirs without any proof of dependency. I am glad to support this bill because it is legislation in favor of the ex-service men and because it is their right, but if I had an opportunity I would be glad to support some additional amendments, and I do not think it is entirely satisfactory to the members of the American Legion and all ex-service men when I know there are some additional amendments that many would like to see incorporated in the bill. I append a letter from the Assistant Director of the Veterans' Bureau with reference to a case in my district involving the construction of the old law which the amendment I refer to corrects.

APRIL 24, 1916.

Hon. WILLIAM W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR MR. HASTINGS: Reference is made to your personal call in connection with the adjusted compensation claim of Mrs. Coowie Vann, mother of the above-named veteran.

You are advised that under the provisions of the adjusted compensation act a mother or father is required to show an actual condition of dependency upon the deceased veteran at the time of his death. Dependency is construed to mean that the mother or father did not have a sufficient income from all sources for their reasonable maintenance and support. In the instant case, Mrs. Vann submitted affidavits to the bureau in which she stated that the combined income of herself and husband at the time of the death of the veteran was approximately $125, which it is thought under ordinary circumstances is a sufficient amount for the reasonable support of two persons. It is further noted from other evidence on file in the bureau that the veteran was married at the time of his entrance into the military service, and that an investigation conducted under date of July 12, 1925, discloses that the parents had never been dependent upon the veteran in a financial way at any time prior to his death. It is therefore necessary to confirm the disallowance of this claim.

Particular reference is made to that portion of Mr. Frank J. Vann's communication in which he states that the adjusted compensation of the veteran is either payable to the widow or to the mother without requirement of dependency. The bureau wishes to call to Mr. Vann's attention the fact that under the provisions of the adjusted compensation act, no payment can be made to any individual unless, at the time of the death of the veteran, such individual was dependent. For the purpose of the act, a widow is presumed to be dependent upon showing marital cohabitation. However, if the widow remarries, she defeats her rights to the act and the amount of the veteran's adjusted service credit is payable to the next dependent in order of preference which, in the instant case, is the mother of the veteran, and the mother is required to show dependency as outlined above.

The World War veterans' act, which is separate and distinct from the adjusted compensation act, allows a mother five years from the date of the death of the veteran to show any condition of partial dependency. However, as the investigation conducted by the bureau discloses that the mother was never at any time dependent upon the veteran, Mrs. Vann is unable to show any degree of dependency which would entitle her to any of the benefits of either the adjusted compensation act or the World War veterans' act.

There is, at the present time, before the House of Representatives a bill to amend the adjusted compensation act which provides as follows:

"No payment under section 601 shall be made to a mother or father unless dependency at the time of the death of the veteran or at any time thereafter and before January 2, 1928. If at the time of the death of the veteran or at any time thereafter and before January 2, 1928, the mother is unmarried or over 60 years of age or the father is over 60 years of age, such mother or father, respectively, shall be presumed to be dependent."

If this bill becomes law, appropriate action will be taken by the bureau to extend to Mrs. Vann the benefits as provided in the amendment.

There is returned the communication from Mr. Frank J. Vann together with his file, and a copy of this letter is inclosed for your use.

Future communications relative to this claim should bear the file No. A 3 654 267.

For the director.

CHARLES E. MULHEARN, *Assistant Director.*

The SPEAKER. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the bill.

The question was taken; and the Chair announced that in the opinion of the Chair two-thirds——

Mr. GREEN of Iowa. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Iowa demands the yeas and nays. Evidently there is a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 291, nays 1, not voting 138, as follows:

[Roll No. 131]

YEAS—291

Abernethy	Fairchild	Lazaro	Rubey
Ackerman	Faust	Leatherwood	Sanders, N. Y.
Adkins	Fenn	Leavitt	Sanders, Tex.
Almon	Fish	Lehlbach	Sandlin
Andresen	Fisher	Letts	Schafer
Anthony	Fitzgerald, Roy G.	Lindsay	Schneider
Arnold	Fletcher	Linthicum	Scott
Aswell	Fort	Little	Sears, Fla.
Auf der Heide	Frear	Lowrey	Sears, Nebr.
Ayres	Free	Lozier	Seger
Bacharach	French	Lyon	Shallenberger
Bachmann	Furlow	McDuffie	Simmons
Bacon	Gallivan	McFadden	Smith
Bailey	Gardner, Ind.	McLaughlin, Mich.	Smithwick
Barkley	Garrett, Tenn.	McLaughlin, Nebr.	Somers, N. Y.
Beedy	Gasque	McMillan	Sosnowski
Beers	Gibson	McReynolds	Speaks
Begg	Gifford	McSwain	Spearing
Bell	Glynn	McSweeney	Sproul, Ill.
Black, N. Y.	Golder	MacGregor	Stedman
Bland	Goldsborough	Madden	Stephens
Bowles	Goodwin	Magee, N. Y.	Strong, Kans.
Bowman	Gorman	Magee, Pa.	Strong, Pa.
Box	Graham	Magrady	Strother
Boylan	Green, Fla.	Manlove	Summers, Wash.
Brand, Ga.	Green, Iowa	Mapes	Sumners, Tex.
Brand, Ohio	Griest	Martin, Mass.	Swank
Briggs	Griffin	Mead	Swartz
Brigham	Hadley	Menges	Swing
Browning	Hale	Michener	Taber
Bulwinkle	Hall, Ind.	Miller	Taylor, N. J.
Burdick	Hall, N. Dak.	Milligan	Taylor, Tenn.
Burtness	Hammer	Montague	Temple
Burton	Hardy	Montgomery	Thatcher
Busby	Hare	Mooney	Thomas
Byrns	Hastings	Moore, Ky.	Thompson
Campbell	Haugen	Moore, Ohio	Thurston
Cannon	Hawley	Moore, Va.	Tilson
Carew	Hayden	Morehead	Timberlake
Carpenter	Hersey	Morgan	Tolley
Carss	Hickey	Murphy	Treadway
Celler	Hill, Ala.	Nelson, Mo.	Tydings
Chalmers	Hill, Md.	Newton, Minn.	Underhill
Chapman	Hill, Wash.	Norton	Underwood
Chindblom	Hoch	O'Connell, N. Y.	Updike
Christopherson	Hogg	O'Connell, R. I.	Vaile
Clague	Hooper	O'Connor, La.	Vestal
Cole	Houston	O'Connor, N. Y.	Vincent, Mich.
Collier	Howard	Oldfield	Vinson, Ga.
Colton	Huddleston	Parker	Vinson, Ky.
Cox	Hudson	Parks	Wainwright
Coyle	Hull, Tenn.	Patterson	Warren
Crosser	Hull, Morton D.	Peery	Wason
Crowther	Irwin	Perlman	Watres
Crumpacker	Jacobstein	Porter	Watson
Cullen	James	Pou	Weaver
Curry	Jeffers	Prall	Weller
Darrow	Jenkins	Pratt	Wheeler
Davey	Johnson, Ill.	Purnell	White, Kans.
Davis	Johnson, S. Dak.	Quin	White, Me.
Denison	Johnson, Tex.	Ragon	Whitehead
Dickinson, Iowa	Johnson, Wash.	Rainey	Whittington
Dickstein	Kearns	Ramseyer	Williams, Ill.
Dominick	Kendall	Rankin	Wilson, La.
Doughton	Ketcham	Ransley	Wingo
Dowell	Kiess	Rathbone	Winter
Drewry	Kincheloe	Reed, Ark.	Wolverton
Driver	Kindred	Reed, N. Y.	Woodruff
Dyer	King	Reid, Ill.	Woodrum
Edwards	Kopp	Robinson, Iowa	Wright
Elliott	LaGuardia	Rogers	Yates
Eslick	Lampert	Romjue	Zihlman
Evans	Lankford	Rowbottom	

NAYS—1

Black of Texas

NOT VOTING—138

Aldrich	Cooper, Wis.	Holaday	Merritt
Allen	Corning	Hudspeth	Michaelson
Allgood	Cramton	Hull, William E.	Mills
Andrew	Crisp	Johnson, Ind.	Morin
Appleby	Davenport	Johnson, Ky.	Morrow
Arentz	Deal	Jones	Nelson, Me.
Bankhead	Dempsey	Kahn	Nelson, Wis.
Barbour	Dickinson, Mo.	Keller	Newton, Mo.
Beck	Douglass	Kelly	Oliver, Ala.
Berger	Doyle	Kemp	Oliver, N. Y.
Bixler	Drane	Kerr	Peavey
Blanton	Eaton	Kiefner	Perkins
Bloom	Ellis	Kirk	Phillips
Boles	Esterly	Knutson	Quayle
Bowling	Fitzgerald, W. T.	Kunz	Rayburn
Britten	Foss	Kurtz	Reece
Browne	Fredericks	Kvale	Robsion, Ky.
Brumm	Freeman	Lanham	Rouse
Buchanan	Frothingham	Larsen	Rutherford
Butler	Fulmer	Lea, Calif.	Sabath
Canfield	Funk	Lee, Ga.	Shreve
Carter, Calif.	Gambrill	Lineberger	Sinclair
Carter, Okla.	Garber	Luce	Sinnott
Cleary	Garner, Tex.	McClintic	Snell
Collins	Garrett, Tex.	McKeown	Sproul, Kans.
Connally, Tex.	Gilbert	McLeod	Stalker
Connery	Greenwood	Major	Steagall
Connolly, Pa.	Harrison	Mansfield	Stevenson
Cooper, Ohio	Hawes	Martin, La.	Stobbs
Sullivan	Tincher	Walters	Wood
Sweet	Tinkham	Wefald	Woodyard
Swoope	Tucker	Welsh	Wurzbach
Taylor, Colo.	Upshaw	Williams, Tex.	Wyant
Taylor, W. Va.	Vare	Williamson	
Tillman	Voigt	Wilson, Miss.	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Snell with Mr. Rouse.
Mr. Welsh with Mr. Upshaw.
Mr. Wyant with Mr. Rayburn.
Mr. Sweet with Mr. Kunz.
Mr. Aldrich with Mr. Hawes.
Mr. Kiefner with Mr. Jones.
Mr. Luce with Mr. Lanham.
Mr. Mills with Mr. Doyle.
Mr. Cramton with Mr. McKeown.
Mr. Stalker with Mr. Canfield.
Mrs. Kahn with Mr. Mansfield.
Mr. Perkins with Mr. Crisp.
Mr. Wood with Mr. Tillman.
Mr. Vare with Mr. Stevenson.
Mr. Reece with Mr. Lea of California.
Mr. Michaelson with Mr. Cleary.
Mr. Connolly of Pennsylvania with Mr. Buchanan.
Mr. Andrew with Mr. Greenwood.
Mr. Sproul of Kansas with Mr. Sullivan.
Mr. Wurzbach with Mr. Sabath.
Mr. Butler with Mr. Morrow.
Mr. Robsion of Kentucky with Mr. Steagall.
Mr. Freeman with Mr. Garner of Texas.
Mr. Cooper of Ohio with Mr. Dickinson of Missouri.
Mr. Kurtz with Mr. Johnson of Kentucky.
Mr. Merritt with Mr. Connery.
Mr. McLeod with Mr. Blanton.
Mr. Newton of Missouri with Mr. Kemp.
Mr. Shreve with Mr. Bowling.
Mr. Morin with Mr. Lee of Georgia.
Mr. Dempsey with Mr. Corning.
Mr. Kelly with Mr. Drane.
Mr. Boles with Mr. Garrett of Texas.
Mr. Holaday with Mr. Oliver of Alabama.
Mr. Sinclair with Mr. Bloom.
Mr. Foss with Mr. Bankhead.
Mr. Walters with Mr. Allgood.
Mr. Swoope with Mr. Hudspeth.
Mr. Stobbs with Mr. Kerr.
Mr. Phillips with Mr. Larsen.
Mr. Esterly with Mr. Connally of Texas.
Mr. Carter of California with Mr. Carter of Oklahoma.
Mr. W. T. Fitzgerald with Mr. Deal.
Mr. Brumm with Mr. Fulmer.
Mr. Frothingham with Mr. Oliver of New York.
Mr. Johnson of Indiana with Mr. Gambrill.
Mr. Funk with Mr. Martin of Louisiana.
Mr. Appleby with Mr. Harrison.
Mr. Williamson with Mr. Gilbert.
Mr. Knutson with Mr. Collins.
Mr. Arentz with Mr. Quayle.
Mr. Davenport with Mr. Major.
Mr. Sinnott with Mr. McClintic.
Mr. Garber with Mr. Williams of Texas.
Mr. Tinkham with Mr. Taylor of Colorado.
Mr. Woodyard with Mr. Rutherford.
Mr. Tincher with Mr. Tucker.
Mr. Nelson of Maine with Mr. Wilson of Mississippi.
Mr. Kirk with Mr. Taylor of West Virginia.
Mr. William E. Hull with Mr. Wefald.
Mr. Allen with Mr. Voigt.
Mr. Barbour with Mr. Peavey.
Mr. Keller with Mr. Cooper of Wisconsin.
Mr. Bixler with Mr. Browne.
Mr. Ellis with Mr. Nelson of Wisconsin.
Mr. Britten with Mr. Beck.
Mr. Eaton with Mr. Kvale.
Mr. Fredericks with Mr. Berger.

Mr. GALLIVAN. Mr. Speaker, my colleague, the gentleman from Massachusetts, Mr. DOUGLASS, has obtained a five days' leave of absence and asked in case of a roll call on this question to say for him that if he had been present he would vote "aye."

My colleague from Massachusetts, Mr. CONNERY, was assured by the chairman of the Veterans' Committee [Mr. JOHNSON of South Dakota] that in all probability there would be no roll call. He is at home because of illness in his family, and has wired me that in case of a roll call to say for him that if he were present he would vote "aye" on this bill.

Mr. BARBOUR. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present when his name was called?

Mr. BARBOUR. I was in the Senate Chamber, but if I had been present I would have voted "aye."

Mr. JOHNSON of South Dakota. Mr. Speaker, Representative McLEOD, of Michigan, was ill and unable to be present. Had he been present he would have voted "aye." I assured him there was no possibility of a roll call, or he would have remained even while he was ill.

Mr. TAYLOR of West Virginia. Mr. Speaker, by just a moment I missed my name as it was called, and I desire to state that had I been present I would have voted "aye."

Mr. CULLEN. Mr. Speaker, my colleague, Mr. QUAYLE, of New York, was called to New York on business, and asked me if a vote came on this bill to say that if he were present he would vote "aye."

Mr. VOIGT. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present?

Mr. VOIGT. I was not. I was unavoidably detained, but if I had been present I should have voted "aye."

The result of the vote was announced as above recorded.

Mr. GREEN of Iowa. I ask unanimous consent, Mr. Speaker, that all Members may have five days in which to extend their remarks on the bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all Members shall have five days in which to extend their remarks on the bill. Is there objection?

There was no objection.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to revise and extend the remarks that I made a few moments ago.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

QUESTION OF PRIVILEGE

Mr. CELLER rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. CELLER. I rise to present a question of personal privilege. I have sent to the Clerk's desk a privileged resolution, and I ask that the Clerk read it.

The SPEAKER. The gentleman from New York submits what he states is a resolution of personal privilege. The Clerk will report the resolution.

The Clerk read as follows:

Resolution submitted by Mr. CELLER:

"Resolved, That the gentleman from New Jersey [Mr. LEHLBACH], chairman of the Civil Service Committee and chairman of the House managers heretofore appointed to confer with the Senate managers on H. R. 7, a bill to amend the retirement act, be, and he hereby is, respectfully directed to file forthwith the report of disagreement of the conferees, together with all papers accompanying same; the said report having been signed several days ago and having been retained by the gentleman from New Jersey an unreasonable length of time."

Mr. TILSON. Mr. Speaker, I make the point of order that it is not a privileged resolution.

Mr. CELLER. Mr. Speaker, on the point of order I desire to call the attention of the Chair and of the House to the fact that a similar situation arose in the House on May 26, 1922—page 7741 et seq. RECORD of that day—where the question was raised whether or not the chairman of the Committee on Rules could hold in his pocket for several days, or an undue length of time, a report that had been directed to be filed by the Committee on Rules relative to a resolution appointing a certain number of Members of the House to investigate certain expenditures in the executive departments.

Mr. JOHNSON of South Dakota then arose as to the question of the privilege of the House, involving the integrity of the proceedings of the House. Mr. JOHNSON raised the question that Mr. Campbell, then chairman of the Committee on Rules, was withholding from the consideration of the House a resolution that had been adopted and passed by the Committee on Rules, and the Speaker then in the chair held that the chairman of the Committee on Rules would not have the right to hold that resolution an undue length of time. Mr. JOHNSON also cited as a precedent, which apparently had great influence on Speaker GILLETT at that time, a case which arose in 1891, with reference to a decision rendered by Speaker Reed. I shall read partly from the decision of Speaker Reed:

That statement, made by the gentleman from Indiana [Mr. Cooper], is that a committee of this House adopted a resolution to report, for rereference by the House under the twenty-second rule, resolutions which had been referred to that committee in regular order. He states that a considerable length of time has elapsed since that action was taken by the committee to which the original resolution was referred, and he claims that this is a question of privilege involving the rights of the House and its method of doing business. The Chair thinks it is plainly so; that the committee having ordered a report of that kind it should have been made in a reasonable time, and that the House has a right to make inquiry into the matter and to decide what ought to be done under the circumstances.

I take it, Mr. Speaker, that the rule is that no chairman of a committee authorized by his committee to make a report to the House and to file any paper that that committee orders filed can hold that paper or resolution an unreasonable length of time, and Speakers GILLETT and Reed have so held.

Now, the question resolves itself into this: Has the gentleman from New Jersey, for whom I have the greatest amount of respect, been holding this report, the report of disagreement, where the House managers disagree with the Senate managers on the retirement bill, an undue length of time?

Mr. MOORE of Virginia. May I interrupt the gentleman there?

Mr. CELLER. Yes.

Mr. MOORE of Virginia. Has the gentleman from New Jersey in a revision of his remarks indicated that he does not propose to bring this matter before the House?

Mr. CELLER. As I read the extension of the remarks of the gentleman from New Jersey, he does not himself so indicate.

Now, we are approaching the end of the session. I understand we are to adjourn, if I understand it correctly, at 3 o'clock on Saturday. Now, what might be an hour of delay at this time might be equivalent to a delay of a month at the beginning of the session. Every minute is valuable between now and adjournment. Minutes now mean hours. And if you are going to give any relief whatsoever to some 400,000 Federal civil employees, they ought to know whether they are going to get that relief or not, and that surely ought to have some effect on any decision that will determine what is or is not reasonable.

I maintain, Mr. Speaker, that the report having been signed several days ago should by this time have been filed. I make that statement, again stating that I have the highest regard for the high intellect and the integrity of the gentleman from New Jersey, with whom I have always deemed it a privilege to serve.

The House bill is the result of a niggardly policy. The Senate bill is more liberal. The increased cost is inconsequential when one considers the high benefits it entails to our Federal employees.

Mr. MOORE of Virginia. May I interrupt the gentleman again?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. I read an extract from the extension of remarks of the gentleman from New Jersey on June 26, 1926, in which he says:

In view of this fact and in view of Budget requirements, those in control of legislation in the House deemed it inadvisable to give by special rule a privileged status to the bill on the calendar. Without such action it was apparent that the bill could not be reached in the ordinary course of business during this session of Congress.

In other words, so far as his functions are concerned, he does not propose that it shall be reached at this session of Congress.

Mr. CELLER. I have no responsibility for the chairman's sentiments. His opinions therein expressed are not mine. I did not deem myself bound to accept the House bill in toto. I expected to enter a conference free and unfettered by previous arrangements. If any conferee was pledged and was not free, that was deplorable. I was free. It is now common knowledge that I disagreed with the House managers and sided with the Senators.

Mr. LEHLBACH. Mr. Speaker, in addition to the point of order made by the gentleman from Connecticut that the motion is not privileged, I desire to make the point of order that no undue delay in the filing of the report of disagreement has occurred. I wish to say in passing that the excerpt from my extension of remarks, read by the gentleman from Virginia, is this: That under the circumstances it was deemed inadvisable to give a stamp of privilege to the bill on the calendar, and I said that without making it privileged by a special rule the bill, in the ordinary course of business, would not have an opportunity to be reached at this session, which, of course, is merely stating the fact and is not indicative of any course that I or anyone else intended to pursue.

Now, on the question as to whether undue delay has occurred. The report that the conferees have disagreed was signed on Monday. Now, Speaker Clark and various Speakers before him, have uniformly held that a report of disagreement calls for no action on the part of the House; consequently the filing of the report or the withholding of the report would have no bearing on whether action were to be taken, in view of the disagreement, by this House.

If it were possible to take action on the report, it could not be done at the present time because the papers are in the possession of the Senate, having passed from the House conferees to the Senate conferees at the time the report was signed.

The reason why the report has not been filed by the chairman of the managers on the part of the House is simply and solely this: That the report has been carried around in the pocket of

the chairman of the managers on the part of the other body, and until he files it and until all chance of securing some agreement is absolutely dead, I do not intend to file this report because I want this legislation, if possible. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I wish to say to the gentleman from New Jersey, if I may have his attention, that if the papers are in the possession of the other body, then, under the condition which now prevails, they are at the wrong place.

I understand the situation with regard to the bill to be this: The House asked for the conference and the Senate agreed to it. Is that correct?

Mr. LEHLBACH. That is correct.

Mr. GARRETT of Tennessee. That being the case, of course, if the conferees had reached an agreement, then the papers would have gone to the Senate, and the Senate would have to act upon the report first. But I wish to call the attention of the gentleman to the fact that where the conferees report a disagreement the rule is different, and the papers should have been returned to the House. I call the attention of the gentleman—if he will procure a copy of the manual—to paragraph 549, and I call the attention of the Chair to it:

> If conferees of House agreeing to conference surrender papers to House asking conference, report can be received first by House asking the conference. But where a conference breaks up without reaching any agreement the managers for the House which asked the conference, who have the papers by right, are justified in retaining them and carrying them back to the House. And in one case wherein under such circumstances the papers were taken back to the Senate, which was the body agreeing to the conference, the Senate after consideration sent them to the House, since it seemed proper for the asking House to take the first action.

Of course, the physical condition which the gentleman describes as existing now would probably prevent the House from taking any action. If the papers are in the Senate, I suppose the House could not act without having them here. But the point is that the gentleman, as a conferee upon the part of the House, should insist upon those papers being placed where they belong under the rules, and that is here in the House.

Mr. LEHLBACH. The gentleman from New Jersey happens to have been familiar with the precedents or the discussion of practice—and that is all it amounts to—referred to by the gentleman from Tennessee and found in section 549 of Jefferson's Manual; but that relates particularly to the practice that obtained in the earlier days, when, if there were a disagreement, the conferees simply parted, and no formal action was taken. It is only within a comparatively recent time that a formal report of disagreement was drawn, signed, and reported to the respective Houses, and even then the House which asked for the conference is merely justified in retaining the papers. However, the practice is varied. There are as many, if not more, precedents where, upon reaching a formal disagreement which was formally reported, the papers exchanged hands. At all events, the papers were tendered to the conferees on the part of the Senate, were accepted by them, and are in their possession. There is nothing that is incumbent upon the House or that is possible for the House to do; consequently the mere formality of making a report of disagreement, which has not yet been made in the body which has possession of the papers, is not being withheld pursuant to an undue delay, and such a suggestion or such a charge can not be justly maintained.

Mr. GARRETT of Tennessee. Mr. Speaker, I am not charging that. That is a question we can pass upon later or when it arises. Neither am I clear in my own mind as to just what we could do if this report were made; but the particular point which I am making now is that under the rule the papers belong here. If they had reported an agreement, then they would have belonged to the Senate. Having reported a disagreement, they belong here.

Mr. LEHLBACH. Does the gentleman insist——

Mr. GARRETT of Tennessee. The gentleman says this is an old rule. The Jefferson Manual is made a part of the rules of the House in so far as applicable. I know of no precedent which sets aside the doctrine laid down in the Jefferson Manual, and I submit, as a matter of logic, they do belong here so long as there is a disagreement.

Mr. LEHLBACH. Does the gentleman insist that the language that the House is justified in retaining the papers is a clear direction that the House must have possession of the papers, when, in fact, more frequently than not the papers are exchanged. They are merely justified in retaining the papers if they insist upon it; but they do not have to.

Mr. GARRETT of Tennessee. If the gentleman from New Jersey [Mr. LEHLBACH] did not himself want the papers for personal reasons of his own and because of his personal attitude toward this legislation, I respectfully submit he should have remembered that he was not serving simply his personal views but that he was serving the House [applause], and that it was his duty as one of the conferees on the part of the House to observe the rules of the House.

Mr. LEHLBACH. The gentleman has repeatedly said that it is in violation of the rule to exchange papers, and I can stand here and talk until I am blue in the face and show we are justified in retaining the papers; but the usual practice is to exchange the papers, and after an exhaustive study of the precedents that seemed to be the proper position to take, and that is what I did.

Mr. GARRETT of Tennessee. The gentleman says that the usual custom is to exchange the papers. The gentleman from New Jersey means in case of an agreement. Why, of course, they exchange the papers then. It is the rule that where an agreement is reached that the body which agrees to the conference shall act first upon the report, but this situation is different. My friend from New Jersey need not get excited about this matter. All we are seeking to do is to protect the rights of the House and obey the rules of the House, and it ought not to be offensive to the gentleman to be asked to do that.

Take the expression "justified in retaining the papers." That is an expression taken from Hinds, but he goes further than that and points out that—

> in one case wherein under such circumstances the papers were taken back to the Senate, which was the body agreeing to the conference, and the Senate after consideration sent them to the House, since it seemed proper for the asking House to take the first action—

That is, so long as it is in disagreement.

Logically, Mr. Speaker, the papers ought to be here, because the last action had upon this matter was by the House. That was the action of disagreeing to the Senate amendments and requesting a conference. The papers were here then. Since the conferees could not agree, they belong here. The situation remains precisely the same as it was before we asked for the conference, and the papers ought to be exactly where they were at the time we did ask for the conference, so that the House can take any further action it might desire to take, if it desires to take any. I do not know whether it does or not.

Mr. DENISON. Did not the Senate act when the House asked for the conference?

Mr. GARRETT of Tennessee. To the extent of agreeing to the conference, but the papers did not go there. They agreed to the conference without having the papers. I am talking about the physical possession of the papers.

Mr. DENISON. When the House asks for a conference, do they send the papers over? I am asking for information.

Mr. GARRETT of Tennessee. No; they do not. The papers remain physically in the possession of the House until the conferees proceed to the conference room, and then they carry the papers with them.

Mr. TILSON. Mr. Speaker, we all recognize that Jefferson's Manual is the finest commentary on English parliamentary law that has ever been written; Englishmen themselves admit it; and we provide specifically, in our rules in this House, that in cases where the rules of the House do not provide to the contrary Jefferson's Manual shall govern.

Let me now read from Jefferson's Manual—not a footnote, but from the manual itself—on page 236.

Mr. CELLER. What section?

Mr. TILSON. It is on page 236, section 549. Five hundred and forty-nine is the footnote from which the gentleman from Tennessee read:

> And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other.

The House asked for the conference in this case, and, according to general parliamentary law as enunciated by Jefferson, the conferees of the House asking the conference are to leave the papers with the conferees of the other, and in one case where they refused to receive them they were left on the table in the conference room.

True, in the footnote, as the gentleman from Tennessee has read, it is stated:

> But where a conference breaks up without reaching any agreement the managers for the House which asked the conference, who have the papers by right, are justified in retaining them and carrying them back to the House.

But the practice has not been by any means uniform. This has not been the invariable rule of the House, and I think the gentleman from New Jersey [Mr. LEHLBACH] was entirely

justified in leaving the papers, according to the general rule in Jefferson's Manual.

Mr. FISH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FISH. Will it be in order to move that the Senate be respectfully asked to return to the House the papers on the retirement bill?

The SPEAKER. The Chair does not think that would be in order except by unanimous consent.

Mr. GALLIVAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GALLIVAN. Is there any way the House can get the papers back from the Senate, in the opinion of the Chair?

The SPEAKER. The Chair does not think that is a parliamentary question and the Chair does not think he is called upon to give advice.

Mr. GARRETT of Tennessee. The Chair has answered the parliamentary inquiry, but I might like to be heard a moment on that.

The SPEAKER. The Chair thinks the question would be when making such a motion in the House whether the Senate had violated the privileges of the House, and the Chair could not hold that.

Mr. GARRETT of Tennessee. If that is the theory upon which the Speaker proceeds the answer might be well given. But I did not understand that it involved any such predicate as that. I think the House has a right to respectfully request the Senate to return the papers at any stage. It is frequently asked to return bills and resolutions.

Mr. TILSON. The gentleman would not claim that it was a privileged motion—that is done by unanimous consent, which would not fit this case.

The SPEAKER. In the absence of a violation by the Senate, the Chair does not think the motion would be privileged.

Mr. GARRETT of Tennessee. Let me say that while I never knew one called up as a privileged proposition, I think it would be privileged if it became necessary to insist on it as a matter of high privilege of the House in regard to its procedure.

The SPEAKER. The question for the Chair to decide is whether the resolution submitted by the gentleman from New York presents a question of privilege. The gentleman founds his question of privilege on the fact that a certain conference report of disagreement has been delayed an unreasonable time.

In the first place, the Chair is aware of no rule which provides definitely for action on a report of a disagreement of conferees. He is also aware of no rule which definitely provides for the retention of the papers in case of disagreement. In fact, in Hinds' Precedents, Volume V, section 6571, the rule is laid down as follows:

> When a conference breaks up without reaching any agreement the managers of the House asking the conference do not necessarily surrender the papers to the managers of the other House, as in the case where the report is agreed to.

In other words, the rule relating to custody of papers after an agreement does not necessarily apply in cases of disagreement, and there are a number of other precedents which so hold. In view of the fact, then, that there is no question so far as the Chair can see, no reason why under the rule the Senate should not be in possession of the papers, it seems that the Chair is not called upon to decide that question at all.

Furthermore, from the statement of the gentleman from New Jersey the Chair would not think that he could give it as his opinion that even if there were a rule in regard to a report within a reasonable time that this report has been delayed an unreasonable time.

This resolution specifically instructs the conferees to file forthwith a report of disagreement. The House alone has no right to instruct the conferees to file a report of disagreement or any other report. The fact is, as the gentleman from New Jersey has stated, that the reason he has not filed his report is that the report has not been filed in the other House. As far as the Chair can see, he has no right to demand nor has the House a right to demand as a matter of privilege the possession of those papers. It occurs to the Chair that there might still be a possibility—the Chair does not assert it—but there might be a possibility of the conferees meeting and agreeing. Under these circumstances a resolution instructing the conferees to file forthwith a report of a disagreement does not present a question of privilege, and the point of order is sustained.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to inquire, if I may, if it is not the custom where the conferees reach an agreement to make out a report in duplicate, and if it is not frequently filed in both bodies at once?

The SPEAKER. When they report an agreement that is the rule. This is a disagreement and, as the Chair has stated, there is no rule applying to the possession of papers in case of a disagreement.

EVENING SESSION—ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that at any time before 6 o'clock to-day it may be in order to move to take a recess until 8 o'clock this evening.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that at any time between now and 6 o'clock p. m., it may be in order to move to take a recess between that time and 8 o'clock p. m. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, what is the purpose of this?

Mr. TILSON. It will be to finish any business that may be unfinished at 6 o'clock, but if all business is finished at that time, I shall ask that the Consent Calendar, which concerns so many Members, be given a chance to be called. We might get caught in a jam later on, and it seems to me that it may be a good thing to give an opportunity to call the Consent Calendar.

Mr. GARRETT of Tennessee. And it will be only the Consent Calendar?

Mr. TILSON. No new business will be taken up.

Mr. GARRETT of Tennessee. And there will be no suspensions taken up to-night?

Mr. TILSON. There will be no suspensions to-night and no new business. It is the purpose to consider only matters already under consideration when we take a recess, except the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Speaker, I want to make a further statement to the House. It is not by any means certain that an adjournment on Saturday will be possible, and it certainly will not be possible unless the Members are willing to stay here or be within easy call, so that we can have a quorum at any time. It is absolutely necessary at this stage of the proceedings that we have a quorum within easy reach, and it ought to be on the floor of the House. If it should happen that we should be found without a quorum readily obtainable, it might easily defeat any possibility of adjourning on Saturday. I hope the Members will stay here.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. RANKIN. I understand that the Committee on the Judiciary is now preparing its report in the Fenning case. Are we going to be given an opportunity to dispose of that case before the adjournment of this session of Congress?

Mr. TILSON. I have not conferred with the chairman of that committee nor with any member of that committee. I do not know what their purpose is, but I shall confer with them and inform the gentleman later if I am able to do so.

Mr. RANKIN. It is the desire of members on this side of the House to dispose of that question before the adjournment of this session of Congress, and I hope the gentleman will give us that opportunity.

REGULATION OF TRAFFIC

Mr. ZIHLMAN rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. ZIHLMAN. Mr. Speaker, I rise to call up a conference report upon the bill H. R. 3802, the District of Columbia traffic act.

The SPEAKER. The Chair understands that the Senate has rejected the conference report.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3802) to amend the act known as the District of Columbia traffic act of 1925, approved March 3, 1925, being Public Document No. 561, Sixty-eighth Congress, and for other purposes, with Senate amendments thereto, and further insist upon the disagreement of the House to the Senate amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 3802, the District of Columbia traffic act, with Senate amendments thereto, and to further insist upon the disagreement of the House to the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. ZIHLMAN, Mr. UNDERHILL, and Mr. GILBERT.

CIVIL WAR PENSIONS

Mr. ELLIOTT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, and every person who served 60 days or more in the war with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who is now in receipt of or entitled to receive, under existing law, a pension of less than $72 per month, shall be entitled to and shall be paid a pension at the rate of $65 per month; that in case such person is now, or hereafter may become, totally helpless or blind shall be entitled to and shall be paid a pension at the rate of $90 per month.

SEC. 2. The widow or remarried widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 90 days or more and was honorably discharged from such service, or regardless of the length of service was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow or remarried widow having been the wife of such soldier, sailor, or marine during the period of his service in said war, she shall be paid $50 a month.

SEC. 3. That the rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for 60 days or more in the war with Mexico, on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, shall be $50 per month.

SEC. 4. All Army nurses of the Civil War whose names are now on the pension roll, or who are now entitled to pension under any existing law, shall be entitled to and shall be paid a pension at the rate of $50 per month.

SEC. 5. That the pension or increase in the rate of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval of this act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this act in such form as may be prescribed by the Secretary of the Interior: *Provided*, That no one while an inmate of the United States Soldiers' Home, or of any national or State soldiers' home shall be entitled to, or be paid the increased rates provided in this act; and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

SEC. 6. That no claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting claims for the increase of pension provided for in this act; and no more than the sum of $10 shall be allowed for such services in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every such offense be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 7. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent as herein specifically provided and stated: *Provided*, That the provisions of this act shall in no way, manner, or substance modify, limit, or impair the soldier, sailor, or marine's right and title to the rate of $72 provided in the second section of the act of May 1, 1920.

The SPEAKER. Is a second demanded?

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Indiana is recognized for 20 minutes, and the gentleman from Ohio for 20 minutes.

Mr. ELLIOTT. Mr. Speaker and gentlemen of the House, this bill is what is known as the Norbeck general Civil War pension bill. Under the provisions of this act, Civil War soldiers who are now drawing $50 per month will be raised to $65 per month; totally helpless or blind Civil War soldiers can receive under the terms of this bill $90 per month. The bill provides that the widows of the soldiers of the War of 1812 and the Mexican War shall receive $50 per month, and that the widows of the Civil War soldiers who were the wives of such soldiers during the Civil War will receive $50 per month.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. WOODRUFF. The gentleman states that only the widows of these soldiers who were the wives of the soldiers at the time they served in the war will receive this increase?

Mr. ELLIOTT. Yes.

Mr. WOODRUFF. Is that exactly fair to all of these other thousands of widows of these veterans who are living to-day and who lived with these men and took care of them up to the time of their death?

Mr. ELLIOTT. That is not a matter for me to decide at this time. This is a pension bill brought over here from the Senate, passed by the Senate, and, as I understand, it is the only chance for pension legislation for Civil War soldiers and dependents at this session of Congress.

Now, I want to say this: That this bill will give more than 50,000 soldiers of the Civil War an increase of $15 per month. It will give probably 10,000 of those soldiers now receiving $72 per month an increase to $90 per month, and it will give an increase of $20 per month to about 26,000 widows of the Civil War. In addition to this it brings the Army nurses of the Civil War up to $50. That in round numbers is what this bill will do. Now, there are in the neighborhood of 110,000 Civil War veterans living at this time. One thousand seven hundred and seventy-six of those veterans died during the month of May this year, and they are dying at the rate of more than 20,000 a year. Consequently, anything that we do for these people must be done quickly, and these 10,000 helpless and dependent soldiers of the Civil War, who will get this increase from $72 to $90, are the ones that will need it and need it desperately.

Mr. WOODRUFF. Will the gentleman yield?

Mr. ELLIOTT. I will.

Mr. WOODRUFF. Would the gentleman inform the House how rapidly the widows of these veterans are dying?

Mr. ELLIOTT. Well, I can not tell the gentleman just exactly; but they are not dying as rapidly in proportion to their number as the old veterans, because they are not as old. There are at this time more than 226,000 widows, and about 110,000 veterans of the Civil War.

Mr. WOODRUFF. I wanted to ask a moment ago the gentleman's opinion about the proposal now before the House. He merely stated this was a proposal before the House. I would like to ask his opinion as chairman of the committee whether or not he approves striking out section 5 in its entirety?

Mr. ELLIOTT. Section 5 in its entirety in this bill does not amount to anything.

Mr. WOODRUFF. Yes it does, if the gentleman will pardon me.

Mr. ELLIOTT. It does not apply to any widows who will receive anything under the terms of the bill, and I think it ought to be stricken out, and would have been stricken out in committee except, perhaps, we understood that any amendments to this bill would endanger its passage; and my understanding with the Senate leaders is that they can get this amendment through.

Mr. WOODRUFF. If the gentleman will permit me to pursue that a little further. Does the gentleman inform the House that the committee would not approve a bill that would grant an increase of pensions to all the widows of veterans of the Civil War?

Mr. ELLIOTT. The Committee on Invalid Pensions of the House of Representatives has on file and on the calendar at this time a bill which gives the Civil War widow $50 a month who married prior to June 27, 1915. That is our answer to that question.

Mr. WOODRUFF. I am very glad to hear that. I voted twice in this House to pass the Bursum bill, and voted once

to pass it over the presidential veto, and I would like an opportunity again to do the same thing.

Mr. MANLOVE. Will the gentleman yield?

Mr. ELLIOTT. I will.

Mr. MANLOVE. I realize the distinguished gentleman from Indiana has been a real friend of pension legislation, and I am not rising in an effort to discredit him in any way, but from a reading of this bill it provides as follows, that every person—

who is now in receipt of or entitled to receive under existing law, a pension of less than $72 per month, shall be entitled to and shall be paid a pension at the rate of $65 per month; that in case such person is now, or hereafter may become, totally helpless or blind, he shall be entitled to and shall be paid a pension at the rate of $90 per month.

As I understand it, about half of those on the Civil War pension rolls to-day are now getting a pension of $72 per month under that provision of the law which provides that Civil War veterans who demand the aid and attendance of another person shall be entitled to $72 per month.

Mr. ELLIOTT. I will say to the gentleman from Missouri——

Mr. MANLOVE. As I understand the gentleman's plan it is that those who are now getting $72 per month under that act will be raised to $90 per month.

Mr. ELLIOTT. Not all.

Mr. MANLOVE. But they have to be helpless and blind?

Mr. ELLIOTT. About 10,000; 56,000 get $72.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ELLIOTT. I will.

Mr. NEWTON of Minnesota. In reference to section 5, as I understand it, it is out of the bill?

Mr. ELLIOTT. Yes.

Mr. NEWTON of Minnesota. And under the terms of the bill now before us there was an increase granted to the widows who married during the period of the Civil War?

Mr. ELLIOTT. Yes——

Mr. NEWTON of Minnesota. I quite agree with the gentleman that section 5 does not confer any rights in the way of increased pension to widows who married after that time? It places a limitation and does not seem to confer any rights. It is a rather ambiguous section to have been put in there in the first place.

Mr. ELLIOTT. It was left in by mistake.

Mr. LOZIER. Answering the suggestion of the gentleman from Minnesota I will say this: That section 5 has no relation to section 2. It has no relation to section 1. But section 5 does modify section 3. Section 1 increases the pension to Civil War veterans. Section 2 automatically increases the pension of widows who during the period of service sustained the relationship of wife to the soldier.

Mr. NEWTON of Minnesota. I understand that.

Mr. LOZIER. Now section 3 raises the pensions of widows of the soldiers of the War of 1812 and the Mexican War. Section 5 does modify section 3 by requiring that the increase shall only be granted to those widows mentioned in section 3 who married the soldiers prior to 1899.

Mr. NEWTON of Minnesota. Excepting that that modification is itself modified in lines 8 to 13, inclusive.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. CHINDBLOM. In the interest of this legislation will not the gentleman from Indiana ask unanimous consent to strike out the word "she" in line 18 of page 2? It looks ridiculous for Congress to pass legislation that says "the widow, she."

Mr. ELLIOTT. I am not going to ask unanimous consent.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. HOCH. I would like to get the gentleman's interpretation of this language with reference to widows. The bill provides that the increase applies only to widows who were the wives of the soldiers during the period of their service in said war. Does this mean during the entire period of service, or just at any time during the soldier's service?

Mr. ELLIOTT. My understanding of that section is that any widow who was married prior to the Civil War to one of these soldiers or who was his wife during the Civil War or was married during the Civil War is entitled to this pension.

Mr. HOCH. I am glad to hear that, because otherwise the language might be construed as meaning the wife of the soldier during the entire period of his service.

Mr. WHEELER. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. WHEELER. If the committee report is adopted it will not be necessary to appoint conferees and have a conference?

Mr. ELLIOTT. Not necessarily.

Mr. WHEELER. Then this means that 200,000 widows will not be benefited by this act?

Mr. ELLIOTT. Two hundred thousand.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. LEAVITT. While this bill does not contain all that was reported in the House bill, it does contain benefits to all the soldiers of the Civil War and a considerable number of their widows?

Mr. ELLIOTT. Twenty-six thousand.

Mr. LEAVITT. And therefore it is a forward step and should be adopted at this time.

Mr. MANLOVE. Mr. Speaker, will the gentleman yield again?

Mr. ELLIOTT. Yes.

Mr. MANLOVE. Sixty per cent of those are already getting $72 a month and will not be benefited further?

Mr. ELLIOTT. This bill is a good bill, so far as it goes. It is a splendid bill for the widows that come under its provisions. It does not go far enough to suit me, but it is splendid legislation at this time, and nobody who has the welfare of the soldiers and their widows at heart can afford to vote against it.

Mr. TREADWAY. As to section 2, is not that something entirely new, the language referring to the widow having been married during the period of the soldier's service?

Mr. ELLIOTT. I do not think we have had that before. In that respect it might be considered new.

Mr. TREADWAY. Why should the other body change the uniformity and put up a threat here to us?

Mr. ELLIOTT. I do not see why the Senate of the United States should object to anything; but we have something substantial, not a theory, confronting us now.

Mr. TREADWAY. This puts into the bill something we should not have.

Mr. VESTAL. Mr. Speaker, will the gentleman yield for a question?

Mr. ELLIOTT. Yes.

Mr. VESTAL. What does the gentleman think the language of section 2 means here? In order for the widow to receive this pension of $50 a month she must have been the wife of the soldier during the entire time of his service?

Mr. ELLIOTT. No.

Mr. VESTAL. That is the language of this bill.

Mr. ELLIOTT. I do not think that is what it means.

Mr. STEPHENS. If this bill is not passed here as it is, there is little hope for us to have legislation at this session for the soldiers of the Civil War?

Mr. ELLIOTT. I see absolutely no hope.

Mr. STEPHENS. And the only way to give the old soldiers relief is to pass the bill?

Mr. ELLIOTT. Yes.

Mr. UNDERWOOD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BOYLAN].

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. BOYLAN. Mr. Speaker and gentlemen of the House, I think this is a splendid bill, and it should pass.

I have risen here just for a minute to call your attention to something of vital importance, and that is this: It has been the disposition of Congress to do everything possible for the disabled soldiers. To any requests that have heretofore been made of Congress we have responded without stint or curtailment of any kind. But there is something going on that has been called to my attention that we are not familiar with: In the construction of new hospitals for veterans the buildings are not being constructed wholly fireproof. These buildings, in my opinion, should be entirely fireproof. The construction called for and practically agreed upon has been that of a semifireproof character of construction. This, to my mind, is a serious mistake.

We have had experience in the State of New York in hospitals for the mentally sick where there was great loss of life through fire, and in the new construction which is now under way we have made the buildings entirely fireproof. In my opinion, this practice should be followed in the construction of the veterans' hospitals. I might say that in the State of New Jersey also the new hospital construction is absolutely fireproof. The only difference in cost between semifireproof and complete fireproof construction is about 20 per cent, and I do not think that it should be left possible at any future time through the occurrence of a great holocaust to lay it at the door of Congress and say that we have been niggardly in providing for proper construction for these disabled veterans. They should have the best that we have to give to them, and it has been the policy of Congress to give it to them.

So I ask your attention to this particular phase of construction in order that proper steps may be taken to see that all the hospitals, either in course of construction or to be constructed, be constructed in an absolutely fireproof manner. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. MANLOVE]. [Applause.]

Mr. MANLOVE. Mr. Speaker and gentlemen of the House, it is quite apparent that I shall not have enough time in which to discuss to any great extent the provisions of this bill; but, my friends, it seems to me the time has come when the representatives of the great American people, coming here from the different districts and coming here telling the people out home that they will represent them in their strength, should cease to come on the floor of the House and say: This is not what the American people want; this is not what the widows out home ought to have, but this is the best we can get. [Applause.]

I realize we are helpless. I realize our hands are tied. This bill is brought in here in the closing hours of the session under suspension of the rules, with no opportunity of amendment. We are told it is this or nothing. We will pass it because of the measure of relief it does provide for a few; yet I submit, my friends, that this measure does not fully reflect the true sentiment of this body. [Applause.]

This bill gives an increase to those veterans who are now drawing $50. There is no voice in this House against that, so far as it goes; yet most of those old heroes are now entitled to $72 under the present law which applies to those who require the attendance of another person.

This bill also provides for an increase to $50 to those widows who were the wives of veterans during the period of the war. God bless them! I would not detract from the glory of their honored lives; but I resent, and the people of this great Nation will resent the failure of this bill and of Congress to provide equally for thousands of other old and tottering widows who are not even mentioned in this measure. [Applause.]

I want to call attention to the fact, my friends, that all over this country there are women who are like my own mother. If you will pardon a personal reference, I want to say that my mother married my father immediately after he came out of the Civil War, where he had been for four years with the camp fires of Grant and Rosecrans through the great battles of the Civil War. She lived with him for over 50 years before his death, and I say to you there is a great army of over 200,000 widows of soldiers like that, women who married the soldiers who had been in the Civil War and who went out and made the great West of this country. [Applause.] Their soldier husbands expected this benevolent country to take care of their widows after their death, and I say such widows are entitled to the same consideration as those who were the wives of soldiers during the war and those women who happened to have married the soldiers during the Civil War. [Applause.]

I will support this legislation, but I do it reluctantly. I do it because I want to extend the benefits of this bill to those who come under the provisions of it. However, it is not a bill that suits the people of this country. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. UNDERWOOD. Mr. Chairman, I yield the gentleman one additional minute.

Mr. FISH. Will the gentleman yield to me?

Mr. MANLOVE. Yes.

Mr. FISH. I want to say that the soldiers have no better friend in the House than the gentleman from Missouri. [Applause.]

Mr. MANLOVE. I thank the gentleman.

Mr. UNDERWOOD. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. SOMERS].

Mr. SOMERS of New York. Mr. Speaker and gentlemen of the House, I do not believe it behooves a member of the committee who voted to bring this bill before the House to criticize it once it has come before the House. Nor do I consider it necessary to attempt to add to the very capable arguments already advanced in behalf of this form of legislation. However, I solicit your attention just for a moment to say that it would have given me a great deal more pleasure to vote for the Elliott bill rather than this bill. I believe the provisions of that bill would be far more adequate in relieving the condition of many of these old soldiers and their dependents. The fidelity they demonstrated to this Nation in a time of peril can not be approached by any act of ours, no matter how generous.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Speaker and gentlemen of the House, I shall vote for this bill, although it does not give adequate relief to the veterans of the Civil War or their widows. This bill comes before us in the closing days of the session under suspension of the rules with only 20 minutes' debate on the side and without an opportunity for amendment or debate under the five-minute rule. This is another example of the dictatorship which has entered into the governmental system of America under the present administration. [Applause.]

Economy, economy, alleged economy. When it comes to pass legislation to take a few dollars out of the Treasury for the benefit of those who have borne the brunt of battle in the time of the Nation's wars and for their widows and dependent orphans economy is the cry, but when the multimillionaires and those representing special privilege—including those who amassed the big fortunes during our wars, and especially during the late World War—want taxes reduced to an enormous degree then this administration advocates and passes at the beginning of the session a bill providing for the relief of this wealthy and monopolistic class. It is about time that this Congress ceases to be a rubber stamp for the executive department and the man behind the throne, Andrew Mellon, the Secretary of the Treasury, who contends that the expenditures of millions of dollars in the Pennsylvania primaries were like donations to a church.

H. R. 4023 was unanimously reported by the Pension Committee and placed on the House Calendar on April 9, 1926. This legislation gave real recognition to the veterans of the Civil War and their widows. The committee report shows that the estimated cost of the legislation embodied in H. R. 4023 was $52,817,000 for the fiscal year of 1927. The administration leaders and the President knew that if the original bill as reported by the committee had been brought before the House for a vote, there would have been few votes against it. Therefore, the bill was deleted and now, as Congress is about to adjourn, the deleted bill is brought before the House and the Membership of the House is powerless to vote on legislation which a great majority of the Members desire to have enacted. The deleted bill now before us, according to the committee report, will cost $15,000,000 for the fiscal year 1927. The veterans of the Civil War and their widows have reached the twilight of life, and their number grows less day by day. As a Member of this House, I deeply regret that the policy of so-called economy of the Coolidge administration precludes us from considering the original bill granting increased pensions to these worthy veterans and their widows.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. UNDERWOOD. Mr. Speaker, I yield myself three minutes.

Mr. Speaker, ladies, and gentlemen of the House, I intend to support this bill granting increases of pensions, but I desire at this time, as one member of the committee, to express my regret that we are not passing a better bill. I honestly and candidly believe that the provisions incorporated in the bill under consideration do not express the true sentiment or feeling of this House toward our aged Civil War veterans, their widows and dependents. Members of this Congress have freely and repeatedly expressed their views on the floor and through the press to the effect that they favored an adequate and substantial increase in pensions for these heroic men and women, whose services and sacrifices made forever secure the Union and the perpetuation of this fair Republic. We have all been of the same belief, that whatever is to be done for them should be done soon; that if a grateful Nation is to pay the debt it owes them, immediate action is needed, as they are rapidly passing to their final reward. For these reasons and the further fact that they originally received but meager pensions, I believe I express the sentiment of the House when I say that we should have considered and passed the Elliott bill, which was introduced at the opening of this session and favorably reported by a unanimous vote of our committee on April 9, 1926. Word went out to the country several weeks ago that the House had practically completed its legislative program. If this be true, then it can not be successfully contradicted that we have had ample time and opportunity to favorably act upon the Elliott bill.

The bill which we are about to pass is a mere gesture; it is a makeshift affair, which will extend some relief, but not to the extent warranted by the emergency. I am frank to say that, in my opinion, this bill is discriminatory for the reason that it leaves out in the cold thousands of deserving widows who have spent the best part of their lives in tenderly caring for, and

administering to, the wants and needs of our veterans in their declining years. The average age of all the widows is approximately 75 years; the average age of the veterans is over 80 years. The death angel has beckoned to many of them during the past few months. They have been cast from the tide of this world's hopes, aspirations, and ambitions into the great beyond. In the natural course of events it will but be a brief span of years until they are all called to their final reward. It is true that we have helped many of them during the present session by special acts for exceptionally worthy cases. Our omnibus pension bills only include those meritorious cases which are brought to the attention of our committee by Congressmen and Senators who are particularly interested. We all know that for every worthy case relieved there are hundreds of other cases equally meritorious that do not receive consideration because the claimant is not fortunate enough to have some Member of the House or Senate who will take a personal interest in the case. Relief by special act is unfair to a certain extent. Unintentionally and without fault on the part of the membership of the House, this method of relief is also discriminatory.

I was glad to support the Spanish-American War pension bill which was an act of justice and equity. I have actively supported all worthy legislation in behalf of the veterans, their widows, and dependents, of all our wars. This bill only helps a few. It discriminates against many. I repeat, it is a mere makeshift and will not, and can not, be accepted as final. The Elliott bill would help all of our veterans, their widows, and dependents. In justice to these worthy and deserving people this legislation, passed in the closing days of this session, will not, and can not, be accepted by them or our constituencies who favor a fair and equitable pension. In fairness, in justice, and in honesty, we should tell them the truth. We should pass a just bill that is fair to all, that will help all alike. The Elliott bill would do this. I sincerely regret that this Congress has not acted upon that bill. [Applause.]

Mr. ELLIOTT. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker and gentlemen of the House, the provision in section 2 does an injustice to at least 220,000 to 225,000 widows, and it does seem to me that this House could well do away with that section. This would give these widows $50 per month, and thereby relieve thousands and thousands of the widows of the old soldiers.

The Elliott bill provided for $72 per month for the old soldiers. Under the Senate provision it is $65.

These Civil War veterans made great sacrifices for us. They are rapidly passing on and soon the place which has known them will know them no more. Let us provide generously for them while they remain. The women who waited at home and on the soldier's return became his wife and helped him to reestablish himself is surely entitled to some consideration and recognition for her services during the soul-trying days following the close of the war. Let us pay these debts of gratitude. I favor a more generous provision for both soldiers and widows.

The SPEAKER. The time of the gentleman from Illinois has expired. The question is on agreeing to the motion of the gentleman from Indiana to suspend the rules and pass the bill.

The question was taken, and the vote was unanimous.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A similar House bill (H. R. 4023) was laid on the table.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that all Members of the House may be granted five legislative days in which to extend their remarks on pension legislation.

Mr. RAMSEYER. Mr. Speaker, reserving the right to object, in case Congress should adjourn Saturday, we will not have five legislative days; why not make it five calendar days?

Mr. ELLIOTT. Very well, I will ask that they may have five calendar days.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, there is another matter I want to call attention to.

I want to call the attention of the House to the fact that Gen. John B. Inman, the commander in chief of the Grand Army of the Republic of the United States, is in the gallery, and I think we should all salute him. [Prolonged applause, the Members rising.]

EXTENSION OF REMARKS—CIVIL WAR PENSIONS

Mr. GLYNN. Mr. Speaker, I shall vote for Senate bill 4059 notwithstanding that it seems to me far from satisfactory. In so far as this bill increases the pensions of veterans of the Civil War from $50 to $65 per month it is a step in the right direction. Personally, I believe all veterans of the Civil War, who served 90 days or more and were honorably discharged, should receive a pension of not less than $72 per month.

The increase of pensions for widows from $30 to $50 per month is good as far as it goes, but unfortunately this increase applies only to the widows who were the wives of soldiers, sailors, or marines during the period of their service. The Civil War was fought largely by boys, the great proportion of whom married subsequent to the period of service. These widows cared for the veterans while they lived and bore a large part of the burden in bringing up families. I am strongly of the opinion that these widows, who married the soldier within a reasonable time after the close of the war, ought to get the benefits of the increase from $30 to $50 per month.

If at some later day I shall have the opportunity, it will give me pleasure to vote for such an increase.

HEARINGS ON PAYMENT OF AWARDS OF MIXED CLAIMS COMMISSION

Mr. BEERS. Mr. Speaker, I present a resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 308

Resolved, That in accordance with paragraph 3 of section 2 of the printing act, approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed 1,000 additional copies of the hearings held before the said committee during the Sixty-ninth Congress on the bill (H. R. 10820) to provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian.

The resolution was agreed to.

JOHN ERICSSON

Mr. BEERS. Mr. Speaker, I call up the resolution S. Con. Res. 25.

The SPEAKER. The gentleman from Pennsylvania calls up a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 25

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled, printed with illustrations and bound, as may be directed by the Joint Committee on Printing, 12,200 copies of the proceedings, and such other matter as may be relevant thereto, in connection with the unveiling of the statue of John Ericsson, in Washington, D. C., May 29, 1926, of which 3,000 copies shall be for the use of the Senate, 7,000 copies for the use of the House of Representatives, 2,000 copies to be delivered to the John Ericsson Memorial Committee, and the remaining 200 copies shall be bound in full morocco and delivered to the John Ericsson Memorial Committee for distribution to the descendants of John Ericsson and such other persons as said committee may designate.

The resolution was agreed to.

HOWARD UNIVERSITY

Mr. WHITE of Maine. Mr. Speaker, I call up the House Resolution 143 from the Committee on Rules, and ask for its present consideration.

The SPEAKER. The gentleman from Maine calls up a resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 143

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8466) entitled "To amend section 8 of an act entitled 'An act to incorporate the Howard University in the District of Columbia,' approved March 2, 1867." That after general debate, which shall continue not to exceed one hour and shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Education, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

Mr. WHITE of Maine. Mr. Speaker, I think the form of the resolution needs no comment. It follows the accepted form, I believe. It makes in order, if adopted, the immediate consideration of the bill (H. R. 8466) amending section 8 of the organic act establishing Howard University.

Howard University was incorporated in 1867. Beginning in 1879, I think, from that year on the Congress of the United

States has been making appropriations of varying amounts for the maintenance of this school. I think these appropriations have varied from a nominal amount up to $220,000 or thereabouts a year. They have been made continuously since 1879.

Section 8 of the organic act did not authorize appropriations for the development and for the maintenance of the institution, and it has happened frequently that when appropriations have been brought into the House from the Committee on Appropriations the appropriations have gone out on points of order, the point of order being that there was no authority in existing law for the appropriation reported. The bill which this resolution makes in order seeks to cure that situation. Although the appropriations have gone out on a point of order here in the House, I think uniformly they have been put back in the other body and have been adopted in conference or by the acceptance of the Senate amendment. The only change in the law is in the insertion of this language:

Annual appropriations are hereby authorized to aid in the construction, development and improvement, and maintenance of the university, no part of which shall be used for religious instruction.

That furnishes the foundation upon which appropriations may be considered in the House for this purpose. I think all will agree that the House of Representatives ought to have an equal part in the consideration of appropriations for this institution. We ought to have an opportunity to pass upon the wisdom and purposes of the appropriation; we ought to have an equal opportunity to pass on the amount of the appropriation for this university.

That is all there is to this bill which the adoption of this resolution makes in order to be considered.

I now yield 10 minutes to the gentleman from Tennessee, to be used as he sees fit.

Mr. GARRETT of Tennessee. Mr. Speaker, I take the floor on this bill (because I do not care to discuss the rule) with a certain degree of hesitation. Not because of any doubt about what is right in the matter, but because of the fear that the reason for my opposition to it may be misunderstood, or that in some quarters, whether misunderstood or not, they may be deliberately misinterpreted for political purposes.

I think, however, that my colleagues here will be gracious enough to feel, and if necessary say, that if I assert that no racial motive controls me and no political motive controls me that I mean what I say about it.

While no racial motive, that is, no motive growing out of the racial question involved, animates me in this matter, I can not escape the feeling that in some instances that proposition does animate some of those who support the bill. Because, otherwise, I can not believe that the Congress of the United States would be willing to embark upon the policy of writing into permanent law the proposition of putting the Federal Government into contributing to the private schools and universities of this country.

There is not a man upon this floor who would rise and propose an appropriation for Georgetown University or for George Washington University. Why? Why, because it is not believed to be a proper function of the Federal Government so to engage. How, then, in principle will you seek to distinguish between these institutions?

I have never made a point of order against one of these appropriations in an appropriation bill. I appreciate the situation which exists. I have realized that if it went out here on a point of order and the Senate saw fit to put it back, it was a perfectly easy thing to bring it into the House, but there is a difference between the proposition of providing a temporary appropriation for a single fiscal year and embarking on a policy by writing into the statutes of the country permanent law to be used forever as a basis for appropriations for a private institution, the only one to which, in this sort of a way, the Federal Government proposes to render assistance.

I fear that you are fixing a precedent to-day which will arise to plague many of us or our successors. We have had agitation throughout the country, very strong agitation in many quarters, for the Federal Government to embark on the policy of Federal aid to the public schools of the country. There are those of us who for reasons that can not now be given are earnestly opposed to that proposition and prepared to fight it to the end.

One of those reasons is the constitutional proposition which was set forth before this House so elaborately and thoroughly by the gentleman from Virginia [Mr. TUCKER] in the last Congress, and again, I think, in this. This bill does much more than that. If it be unconstitutional, and I think it is, for the Federal Government to enter upon the policy of aid to the public schools of the country, the schools of all the people, then upon what possible constitutional principle can one stand when he commits himself to the proposition of aiding a private educational institution?

Mr. Speaker, I repeat, I trust that the reasons that animate me in this matter may be understood and that they may be nowhere misrepresented. It is not my purpose, of course, to weary the House through exhausting parliamentary devices that might be used in antagonism to this measure, but for myself, because of my convictions as to what will happen in the future, I am unwilling to have the rule adopted or to have the bill passed without at least setting my views before the membership. [Applause.]

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has one minute remaining.

Mr. GARRETT of Tennessee. I yield that one minute to the gentleman from New York [Mr. O'CONNOR].

Mr. WHITE of Maine. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, the Rules Committee, of which I am a member, is charged primarily with expediting the business of this House. If this bill were considered only in the light of an aid against delay and filibuster, we are well justified in bringing in this special rule for the consideration of this bill.

For years we have witnessed a spectacle of controversy over this item of appropriations for Howard University, the contest never accomplishing any real result, but invariably causing gestures and unfortunate expressions at this late hour in our country's history.

If this rule and the accompanying bill are adopted a great step forward will be taken toward eliminating the annual field day over this subject.

The bill technically authorizes for the first time appropriations for Howard University. Heretofore there was no authority in law to make such appropriations, and whenever they appeared in any appropriation bill they went out on a point of order, only to be restored in conference and finally enacted into law. The net result has been that for 47 consecutive years, irrespective of which party was in power, we have made these appropriations after all this idle gesture and technical quibble. Now we propose to do away with any further dissembling.

What is Howard University? It is an institution created by act of Congress in 1867 and is situated in the District of Columbia. It has all the departments of a university. It teaches the arts, science, law, medicine, pharmacy, and so forth. All its 2,000 students and all its staff are colored. Those 2,000 students represent 38 States and 13 countries. Five per cent of them come from my State alone.

It is the highest educational institution of 12,000,000 colored people in this country. And so high is its standing, gentlemen, in the ranks of higher education that a college-rating board has placed it in class A, ranking it with such institutions as Harvard, Yale, Princeton, Brown, Dartmouth, Amherst, Williams, and so forth. Any country must needs be proud of such an institution.

The fame of this great school has spread throughout the world because of its achievements, especially in medicine and chemistry. It is reported that one of the eminent physicians on its staff—and a colored man, of course—is nearer to discovering a cure for cancer than any other person. Another of its staff saved the fruit growers of our country inestimable millions, and without one penny of compensation to himself, by discovering the cause and cure for fruit blight.

Is not all that worth while? My party, the Democratic Party, always thought it was during the years they were in power in this Nation. During those years the Democratic Party voted substantial amounts toward this great work, and the appropriation bill carrying the item was invariably signed by the Democratic President. [Applause.]

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. ABERNETHY. I am sure the gentleman has no colored voters in his district who might impell him to report this rule?

Mr. O'CONNOR of New York. Not a soul that I know of. Gentlemen, the 12,000,000 colored citizens of our country are subject to all the human ailments of our white population and present a problem of health and conservation identical to that of an equal number of white people. If it were only for the selfish, un-American, and un-Christian purpose of protecting our white people, we should as a government see to it that there are sufficient colored physicians and nurses to administer to the physical needs of these millions so that the whites will at the same time be protected.

It will be argued, I know, that practically all our institutions of higher learning have no ban against the colored race. But it is a fact, nevertheless, that in medicine, to take one instance, the liberal attitude of those institutions does not reach

the practical. The students there can not get the clinical, bedside practice because those institutions have hospitals allied with them where white patients predominate. At Howard University, and only there, can this obstacle be overcome; and that by reason of the fact that connected with the university is Freedmens Hospital, created by Congress in 1904. There the colored patients afford the only opportunity in this country for the final training of these ambitious students who desire to devote their lives to that great service to humanity.

Why, gentlemen, there are countless stories of heroism by colored physicians that would stir the heart of any man, be he white as a lily. Only recently during the epidemic of influenza, in every part of our country, North, South, East, and West, the colored doctor stood by the bedside of the white person when the family physician had himself succumbed to the prevalent disease. Some communities will never forget and have properly honored those messengers of health for the heroic acts of service they rendered, at the cost in many instances of their own lives.

It was not the white patient who humbled himself by calling in the black physician when the white doctor had succumbed in the great emergency. The example of Christian humility was exhibited by this educated colored man who answered the call to bedside where he was never before welcome. In that moment who was the bigger man?

'An for all 'is dirty 'ide
'E was white, clear white, inside!

Emotions, gentlemen, know no race, no creed, no color.

Oh, it will be argued, as it is in the minority report signed by only two members of the Committee on Education, that making appropriations to any institution of learning is not consistent with the policy of this Government. The obvious answer to that ingenious argument is that, right or wrong, we have been making appropriations to this university for 47 years, and it is a late date to raise the cry of "policy." The real justification for this departure from a consistent policy, if it is a departure, rests in the exceptional position which this institution bears to the welfare of over one-tenth of our population directly and to the other nine-tenths indirectly. It has no counterpart. The health of our people is not a local affair. Disease and plague know no city lines or State boundaries. The National Government has always concerned itself with the health of every person in our land. Has any nation any greater asset?

But do not forget that this university is not situate in any State or municipality. It is at the seat of the National Government, the only body politic that has power and authority to contribute to its needs.

Let us, therefore, and for all time end this annual exhibition of spleen and do the right thing, because it is right, toward this great institution which contributes such an inestimable service to all our people. [Applause.]

Mr. WHITE of Maine. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Speaker and gentlemen of the committee, I should hesitate to take up the time of the House on this rule were it not for the fact that the gentleman from Tennessee [Mr. GARRETT] has made certain observations with which I so thoroughly agree on general principle that I feel it is only proper that I should differentiate the present bill from the question of general Federal aid to education. On that subject I agree entirely with what the gentleman from Tennessee has said.

I have always viewed with a great deal of apprehension the attempt that has been made since the Great War, and which I am glad to see lessening in apparent probability of success, to make the Federal Government take over the direction and control of general education. That movement is merely a part of a movement which comes after any great war, when the general public, seeing obvious difficulties in some of the elements in the body politic, turns to the Federal Government, to which it has been looking through the period of the stress of war, a necessarily autocratic power for the war period, in order to get the Federal Government to do what is necessarily a local matter. Therefore in my five years of service in the House I have joined with the gentleman from Tennessee [Mr. GARRETT] to fight such matters as the Curtis-Reed education bill, to fight such matters as the proposition that the Federal Government will attempt itself directly to control the education of the people of the 48 States of the Nation. However, in advocating very strongly the adoption of this rule and the ultimate passage of the bill H. R. 8466, I do not feel that I am at all departing from what I consider the fundamental principle of American Federal Government, as properly constituted under the old theory of the Constitution. Every year for the past five years, as a member of the Committee of the Whole House on the state of the Union, I have seen the appropriation for Howard University stricken out on the floor of the House on a point of order, only to be later restored in the Senate.

On two occasions, as a matter of inquiry, I have turned to the chairman of the Subcommittee on Appropriations for the District of Columbia, the gentleman from Michigan [Mr. CRAMTON], and asked why there was not legislation brought in here which would make in order these annual appropriations for Howard University. Mr. CRAMTON replied when the last inquiry was made that such legislation was pending. Now, this appears in the bill introduced by the gentleman from New York [Mr. REED].

Howard University stands on a totally different basis from the general question of mixing the Federal Government in local State education. Howard University was incorporated under the act of March 2, 1867. It has at the present time about 2,000 students. The gentleman from New York who has just spoken [Mr. O'CONNOR] has indicated some of the very remarkable work that Howard University is doing, not only for the colored population of the United States but also for the white population of this country, because, as the gentleman from New York very aptly observed, disease knows no race, color, nor religious prejudice, and if you have typhoid fever in one section of your community it does not make any difference whether you happen to be dealing with a doctor, a graduate from Howard University, or a doctor who graduated from John Hopkins. The Congress of the United States and the Government of the United States occupies a totally different relation to Howard University from that which it occupies to any other institution of this country.

I have voted for the appropriations for Howard University every year since 1921, when I entered Congress, and at least three times I have asked why we did not pass permanent law for the appropriation. I am glad to see the pending bill and I know it will pass. I am glad to see it as follows:

Be it enacted, etc., That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be amended to read as follows:

"SEC. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education."

The history of Howard University is noteworthy, and I invite the attention of the House to what was said before the Committee on Education of the House by its president, as follows:

Doctor DURKEE. Mr. Chairman and gentlemen, I have assumed that you do not care to have me go over the full statement of last year, but possibly a summary would bring the matter very prominently to your attention now.

As I said in the statement of last year, several men were sitting in the chapel of the old First Congregational Church on the evening of November 20, 1866, discussing the tremendous strain that was on here because of the great number of freedmen that had crowded into Washington immediately at the close of the war. What should be done with these people? There were a great many of them insane. The strain of the war had upset them mentally. There were large numbers of them tubercular and much other sickness. The situation from the physical side was most appalling to those men who were watching conditions, as none of these freedmen, practically, had had any training whatever. There they were, a great mass of people in the National Capital; a menace physically, mentally, and spiritually. What should be done with that great group of people? Gen. O. O. Howard and General Balloch were two of these men, men well known in the war, and they were two of the men sitting there that night discussing this situation; and then at the suggestion of General Howard, so it is told, they got down on their knees. They thought that they would better ask God if divine wisdom might be given to them and show them how to handle this terrible problem that was facing them. They prayed; and when they got up General Howard is said to have turned to General Balloch, saying, "There is but one solution, and that is an education for these people which will be truly and genuinely Christian, so that they can be brought to the place where they will see the real genius of our America and what it is to be."

That was the birth hour of Howard University. They went up on the hill, as this report says, and found 140 acres of land, I believe

it was, or 150, and agreed to take it, although they had no money, cut it up into lots and sell it. They began by establishing a school for the religious instruction of the people, so that leaders receiving religious instruction might go out and guide in the religious instruction of this great group of colored people who were here. With remarkable wisdom, so it seems to me—they were years and years ahead of the times—in that school they put what we would now call a chair of hygiene. In their school of religion they established a chair of hygiene, so that the preachers would know something of the health problems and public hygiene and would help the colored people in the city physically and then, of course, help them morally.

Now, if some of you have been reading some of the latest works regarding theological instruction in America, you have discovered that our greatest men are advocating that there should be one clinical year for men before they go into the pulpit. These men away back there in 1868 and 1869 were really beginning the thing that is going into our modern schools. They will have a struggle for it, but it will come. There was the beginning.

Years passed, and they had a terrible strain upon them. They had to sell off and sell off their land until they got down to only 26 acres of land, and then they had to let teachers go, because they could not pay them.

Meanwhile an appeal had been made to Congress for help, because this was a national problem, and Congress in 1868 and 1869 gave a small appropriation of $10,000; and all these years since every year Congress has been helping a little.

The majority of the Committee on Education recommends the passage of this bill and gives a very interesting statement of the present status of the university, which is as follows:

Howard University was incorporated under the act of March 2, 1867. The first Federal appropriation for its aid was granted March 3, 1879. From that date the Federal Government has annually contributed to the construction, maintenance, and development of the institution, $221,000 being the largest amount appropriated for maintenance in any one year. Since the establishment of the Budget system, however, and the consolidation of all jurisdiction over appropriations in one committee of the House, items recommended by the Budget and approved by the Committee on Appropriations have frequently been stricken out in the House on the point of order that such appropriations are not authorized by existing law. The purpose of this bill is to authorize such appropriations for the maintenance, development, improvement, and construction of Howard University as Congress may annually desire to make.

The university has an attendance of about 2,000 students, who are required to pay tuition and provide for their own living expenses. It has been thoroughly investigated by the college-rating board of the Maryland and Middle States district and rated in class A. Thirty-eight States and 13 countries are represented in its attendance.

The minority report of the Committee on Education states in part:

Now, the money which this Congress appropriates is not our own. It belongs to the people, and is intrusted to us by the taxpayers for governmental purposes. The uses to which we may put it are prescribed by law. The maintenance of an institution like this does not come within a thousand leagues of the uses prescribed. Have we a right to pass this bill, fastening upon the Congress an abuse which it has so long practiced illegally?

B. G. LOWREY.
MILLARD E. TYDINGS.

Of course, the money we appropriate "is not our own," but the objections to the assistance to Howard University are not sound. The same objections were made in the hearings before the Committee on Education. Note the following extracts from the hearings. The chairman of the committee was discussing the Constitution of the United States, as follows:

The CHAIRMAN. What does it say about the power of taxation?

Mr. TYDINGS. Do you remember what section that is?

The CHAIRMAN. No.

Mr. CRAMTON. And where is the authority for the appropriation for the Bureau of Education?

Mr. TYDINGS. You will not get my vote for that very reason—for that, Mr. CRAMTON.

Mr. FENN. Where was the authority for the appropriation for the relief of Russia?

Mr. TYDINGS. You did not get my vote for that, either.

Mr. FENN. Did you vote for the $25,000,000 appropriation?

Mr. TYDINGS. No; I voted against it. I am proud of that. We had no right to do that.

Mr. ROBSION. Did you vote for the agricultural bill?

Mr. TYDINGS. Which one?

Mr. ROBSION. The one that passed yesterday.

Mr. TYDINGS. No, sir; I voted against it.

Mr. ROBSION. I mean the agricultural appropriation bill.

Mr. TYDINGS. I do not recall. I do not say that my record has been 100 per cent, because sometimes I am crowded into a position where I do not have a chance to read the legislation.

Mr. ROBSION. I refer to the bill appropriating for the Department of Agriculture.

Mr. TYDINGS. I may have. I do not know whether I did or not. Sometimes those bills pass——

Mr. ROBSION. It carries money for roads.

The CHAIRMAN. Are there any questions? The hour of noon has arrived, and if there are no questions I will ask you if there are any tables that were in last year's hearings that you wish to insert in this year's?

There is nothing "illegal" about the appropriations for Howard University, which have been as follows:

1879	$10,000.00	1904	$2,000.00
1880	10,000.00	1904	2,000.00
1881	10,000.00	1905	47,600.00
1882	25,000.00	1906	47,600.00
1883	18,500.00	1907	59,700.00
1884	18,500.00	1908	63,200.00
1884	4,000.00	1909	162,200.00
1885	24,500.00	1910	104,700.00
1886	24,500.00	1910	10,000.00
1887	24,500.00	1910	80,000.00
1888	23,400.00	1911	92,900.00
1889	23,000.00	1911	18,340.00
1890	29,300.00	1912	92,000.00
1891	34,800.00	1913	101,000.00
1892	29,500.00	1914	101,000.00
1893	28,800.00	1915	101,000.00
1894	29,500.00	1916	101,000.00
1895	29,500.00	1917	101,000.00
1896	32,600.00	1918	117,937.75
1897	32,600.00	1919	121,937.75
1898	33,600.00	1920	243,000.00
1899	35,100.00	1921	280,000.00
1900	35,100.00	1922	190,000.00
1901	35,100.00	1923	232,500.00
1902	42,100.00	1924	365,000.00
1903	39,100.00	1925	591,000.00
1904	47,600.00		

This makes a grand total of $4,159,815.50 appropriated out of the Federal Treasury to Howard University.

These appropriations were not "illegal," but, according to the rules of the House, "not in order." This bill will make the annual appropriation "in order," and I hope the bill will pass. Howard University does a splendid work, and we should back it. [Applause.]

Mr. WHITE of Maine. Mr. Speaker, I move the previous question on the resolution.

Mr. HOWARD. Mr. Speaker, pending that, I may want to speak a little on this subject myself. I ask unanimous consent to speak for 15 minutes on this subject.

Mr. WHITE of Maine. Mr. Speaker, the time is provided in the resolution and in control of the gentleman from New York and the ranking minority member on the committee.

Mr. HOWARD. I will say, Mr. Speaker and gentlemen, I do not think at this late hour, because of my love for the brethren, I shall press this request, but I want you to understand, however, I am making it now as a protest against your infamous gag rule system. That is why I make it. Mr. Speaker, I withdraw the request.

The SPEAKER. The gentleman from Maine moves the previous question on the resolution.

The previous question was ordered.

The question was taken, and the resolution was agreed to.

Mr. REED of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8466.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8466, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8466, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8466) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867.

Mr. REED of New York. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The gentleman from New York is recognized for 30 minutes.

Mr. REED of New York. Mr. Chairman, I desire to be notified when I have used 10 minutes. Mr. Chairman and gentlemen of the committee, it is not my purpose to take a great deal of time in the discussion of the merits of this bill. The

purpose of H. R. 8466 is to authorize an annual appropriation to avoid the necessity of legislative riders.

The procedure heretofore has been for the Appropriations Committee to insert the item for this institution in the Interior Department appropriation bill. Usually the item has been struck out on a point of order in the House, then the item has been restored by the Senate, and later approved by the House. The same situation prevailed several years ago, with reference to items in the Indian bill, until a blanket measure was passed which authorized certain expenditures that prior to their authorization had been subject to a point of order and later restored by the Senate and concurred in by the House.

It has been the aim of Congress in recent years to discourage legislative riders, and yet here is a situation which calls for an unauthorized item if aid is to be given for the benefit of a very worthy educational institution. It is a question of orderly procedure to carry out a policy that has obtained for the past 47 years. This policy is best disclosed by the annual appropriations of Congress for the support and maintenance of Howard University. The Federal appropriations made in the past to Howard University are as follows:

1879	$10,000.00	1904	$47,600.00
1880	10,000.00	1904	2,000.00
1881	10,000.00	1904	2,000.00
1882	25,000.00	1905	47,600.00
1883	18,500.00	1906	47,600.00
1884	18,500.00	1907	59,700.00
1884	4,000.00	1908	63,200.00
1885	25,500.00	1909	162,200.00
1886	24,500.00	1910	104,700.00
1887	24,500.00	1910	80,000.00
1888	23,400.00	1911	92,900.00
1889	23,000.00	1911	16,300.00
1890	29,200.00	1912	92,000.00
1891	33,200.00	1913	101,000.00
1892	29,500.00	1914	101,000.00
1893	28,800.00	1915	101,000.00
1894	29,500.00	1916	101,000.00
1895	34,500.00	1917	101,000.00
1896	32,600.00	1918	117,937.75
1897	32,600.00	1919	121,937.75
1898	33,600.00	1920	243,000.00
1899	35,100.00	1921	280,000.00
1900	35,100.00	1922	190,000.00
1901	35,100.00	1923	232,500.00
1902	42,100.00	1924	365,000.00
1903	39,100.00	1925	591,000.00

This makes a grand total of $4,151,075.50 appropriated out of the Federal Treasury to Howard University. All this is over and above what the university takes in per year on fees, tuition, and board charges.

This institution started at a time when the colored man had never had an opportunity for an education, and yet there had been thrown upon him the burdens and the responsibilities of citizenship. They started with five students. To-day this university is one of the great universities, with 2,000 students. It is coeducational. There are 1,400 boys and 600 girls, and they are making a marvelous record. As was stated by one of the speakers here, this university is classed with the leading universities of the country. It is a class A university, and two of the most important departments of Howard University, not only important to the colored race but also important to the white race, are the departments of medicine and dentistry. The work that has been done in research at Howard University is attracting the attention of the medical profession not only throughout this country but throughout the world. It is a great tribute to the colored men and women and to their ability that they can come out of the darkness of slavery and in a few years have their medical men standing alongside of the best medical experts of the world. It is true that one of the physicians there is now nearer to a cancer cure than any other physician so far as is known. There are men there who are contributing to the medical and dental journals of the country, and their research men have made valuable contributions to science.

I think it reflects great credit on Congress that for 47 years we have made these rather large appropriations for this wonderful institution, and I think the time has come now when, instead of acting under a subterfuge and talking about a lack of constitutional power, we should do this thing directly and openly and in a manly way, and give them the appropriations needed from time to time.

They have a wonderful hospital in connection with Howard University. It is the only place in the United States of America where a young colored man or woman who is studying medicine can get the bedside training. They can go to Columbia and to Harvard and other institutions and study medicine, but they can not get the bedside training, which is essential. During the "flu" epidemic I do not know what would have happened to the colored population in the large centers if the colored doctors had not been able to take care of that scourge that swept over the country. Particularly is this true of the South. Men of the South have told me of the remarkable work done by the colored physicians in their communities when the white doctors were ill and unable to act.

I want to call your attention to the fact that this is not a local matter, but national in scope. This institution has students from 38 States of the Union and from 13 different countries. Almost every State in the Union is represented in this university by the finest type of colored boys and girls.

I am going to insert in the RECORD, for the benefit of the House, a list of the States and the number of students from each. I will also show the courses they are taking in the university:

Howard University geographical distribution

States and foreign countries	Liberal arts	Education	Applied science	Music	Religion	Law	Medicine	Dentistry	Pharmacy	Total
STATES										
Alabama	13	3	4	2	1		2	1	3	29
Arizona	1	1	1			1	1			5
Arkansas	13	1	2	1		1	3			21
California	6	1				2	4	2		15
Colorado	3	1	1	1					1	7
Connecticut	11	2	3			1	5	3	2	27
Delaware	6	1					3	1		11
District of Columbia	284	166	28	33	22	20	28	10	7	598
Florida	12	3		1	3	1	5	4	3	32
Georgia	20	5		2	2	4	8	2	3	46
Illinois	6	5			2		8	1	2	24
Indiana	6	4	2	2	2		2	2		20
Iowa	1						2			3
Kansas	12					1	1			14
Kentucky	19	2	4	2	3		4		1	35
Louisiana	15	3			3		5		3	29
Maryland	30	32	8	3	9	7	12	1	4	116
Massachusetts	12	4		1		1	2	4	2	26
Michigan	5	1					4	1		11
Mississippi	8	1	1	1	1		3			15
Missouri	16	11	3		1	1	3	2	2	39
Nebraska	3							1		4
New Jersey	52	28	3	2	6	3	12	10	3	119
New York	36	5	5	1	1	2	24	18	6	98
North Carolina	49	12	3	1	4	6	8	6	9	98
Ohio	19	3			7	3	3	1	2	38
Oklahoma	3	3		1	1	5	1			14
Oregon						1				1
Pennsylvania	66	19	6	3	7	4	7	6	5	123
Rhode Island	5					1		2		8
South Carolina	24	3	1		4	3	4	1	2	42
South Dakota									1	1
Tennessee	9	5	3		1	2		1		21
Texas	32	10	1	1	1	4	8	3	2	62
Virginia	61	27	5	1	15	10	24	13	8	164
West Virginia	12	10	3		2	2	7			36
Wisconsin							1			1
FOREIGN COUNTRIES										
Africa			1		5	1	1	1		9
British West Indies	14				7		6	1	1	29
British Guiana, South America	9				2		5	2		18
Canada	4									4
Canal Zone	1									1
Central America					1					1
Cuba	1									1
Dominican Republic	1				1			1		3
Jamaica							7			7
Porto Rico	2					1	1			4
Republic of Colombia							1			1
Virgin Islands	1						1			2
Total	912	372	88	59	114	88	226	101	72	2,032

Evening classes, 115.

I want to touch for a moment on the constitutional question. That point has been raised here, and I want to answer it. From remarks made on the floor to-day you would think that the Federal Government had no authority and no right to make appropriations to help the cause of education. The authority for these appropriations is to be found in section 8, Article I of the Federal Constitution, which reads as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

This clause has given rise to much controversy, but the interpretation given to it by Story in his great work on the Constitution has been followed by Congress in practice since the Government went into operation. As Story observes, the clause should be read as follows:

> Congress shall have power to lay and collect taxes, duties, imposts, and excises, in order to pay the debts and provide for the common

defense and general welfare, of the United States; the common defense and general welfare and the payment of the public debts being the ends for which the power is conferred, and taxation a means for their attainment.

This is the interpretation placed on this clause by Hamilton in 1791, in his Report on Manufacturers, who stated it as his clear opinion that the phrase "general welfare"—

is as comprehensive as any that could have been used—

And that—

there seems no reason to doubt that whatever concerns the general interests of learning, of agriculture, of manufacturers, and of commerce, are within the sphere of the national councils as far as regards an application of money, the only qualification of the generality of the phrase in question which seems to be admissible is this: that the object to which an appropriation of money is to be made must be general and not local, its operation extending in fact, or by possibility, throughout the Union and not being confined to any particular spot.

President Monroe in an elaborate and cogent paper entitled, "Views of the President of the United States on the subject of material improvements," submitted with his veto in 1822 of the Cumberland road bill, took the same view. His attitude is expressed in the following sentence:

My idea is that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to the purposes of common defense and of general, not local, national, not State, benefit.

Since the Civil War there has been no President who denied the right of Congress to raise and appropriate money for purposes of general welfare because such purposes were not within the fields in which Congress is, by other provisions of the Constitution, empowered to legislate.

The appropriations made annually since 1862 for the Department of Agriculture, the Department of Labor, the Bureau of Mines, and the Bureau of Fisheries can find no justification except under a power to raise and spend money for "the general welfare."

It will be noted, too, that by the Adams Act, the Smith-Lever Act, the Smith-Hughes Act, Congress has made appropriations of large sums of money raised by general taxation for the advancement of education throughout the country.

The same is true of appropriations for the relief of sufferers from disaster in this country, of appropriations for polar expetitions, and for the observations of eclipses of the sun, and for participation in expositions. The relief for sufferers abroad goes even further, as, for example, the appropriation of $20,000,000 for grain for Russia.

The point has been raised that even under the rule stated that Howard University is local, not national, in character, and that therefore it does not fall within the scope and purpose of the "general-welfare clause." In commenting upon Article I, section 8, to which reference has been made, John Norton Pomeroy, in his work on Constitutional Law, section 275, makes this observation:

What measures, what expenditures, will promote the common defense or general welfare Congress can alone decide, and its decision is final. It is certainly not necessary that any particular expenditure should be spread over the whole country to bring it within the meaning of a defense which shall be common, or a welfare which shall be general. * * * Congress expends vast sums of money in the erection and adornment of a Capitol, in furnishing a library, in the purchase of pictures, statues, and busts, in endowing a scientific institution; but it is not claimed that these disbursements are not made for the general welfare. * * *

Howard University is national in scope and purpose, and Congress has recognized it as such in appropriating money for its support during the past 47 years.

Now I believe that this bill will be enacted by a large vote. I have the utmost sympathy for the 12,000,000 colored people in this country who are trying to raise themselves to a standard where they can exercise all the rights and duties and responsibilities of American citizens. [Applause.]

The CHAIRMAN. Does the gentleman reserve the balance of his time?

Mr. REED of New York. Yes; I reserve the balance of my time.

Mr. LOWREY. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. HARE].

The CHAIRMAN. The gentleman from South Carolina is recognized for 10 minutes.

Mr. HARE. Mr. Chairman, it is rather interesting for a new Member of the House to observe how devoted some statesmen can be to our Constitution and to the established policies of government and then show such equal devotion and loyalty to a sentiment or an emotion that may run contrary to the established Constitution or to the established policy of government.

I wish to say at the outset that I agree with the distinguished leader of the minority [Mr. GARRETT] that the racial question should not enter into this discussion. But as Representatives of a great Government trying to follow the established principles, rules, and policies of government, we should not be led astray by mere sentiment, by mere emotion, and forsake the established policies of our Government for temporary awards.

The appropriation for this university, let me say, is not in accord with any principle of our Government, not in accord with any principle of the Constitution providing for this Government.

This institution, known as Howard University, is a religious institution. It was organized, chartered, and established by this Congress in 1867 for no other purpose than for religious instruction. I ask you to admit that. Then, if this is true, where do we have under the Constitution or under any law any right to make an appropriation for this institution or any institution to be used in furthering religious instruction?

Mr. HILL of Maryland. Will the gentleman yield?

Mr. HARE. Yes.

Mr. HILL of Maryland. The bill says it can not be used for religious instruction. The bill under consideration provides that:

No part of which shall be used for religious instruction.

It specifically cuts it out.

Mr. HARE. In reply to the gentleman's inquiry or admonition, I wish to adhere to the statement that Howard University was established primarily as a religious institution, and this bill provides that the money shall be used in the erection of buildings, in the improvement of buildings, in the construction of gymnasiums, in the preparation of athletic grounds, and does the gentleman mean to say that those students who attend this university preparing themselves for the ministry would be barred from these institutions built, erected, and constructed by money from the Federal Government? Surely they would not.

I wish to say further that a national university in the seat of government has been advocated since the days of the Constitutional Convention in 1775. Charles Cotesworth Pinckney, James Madison, George Washington, Thomas Jefferson, James Monroe, and other great leaders of this country, when the Constitution was in its embryonic state, advocated and urged the establishment of a national university at the seat of government. But what did Gouverneur Morris say when that question was being agitated? "Oh," he said, "gentlemen, we could never embody a thing of that kind in the Constitution, because it would develop and give rise to a political machine to be used by a political faction to promote the political interest of some party." These were wise old men. We delight just at this season to do honor to the ideas which they breathed, gave forth, and brought to life in our Constitution.

I would like to call your attention just for a few minutes to the fact that the prophecy then made has come true with reference to Howard University.

Mr. RATHBONE. Will the gentleman yield?

Mr. HARE. Yes.

Mr. RATHBONE. On the constitutional question the gentleman, I think, will agree, will he not, that the only thing in the Constitution of the United States with regard to religion to be found anywhere is in the first article of the Bill of Rights, as follows:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

That is the only thing in the entire Constitution upon the subject, is it not?

Mr. HARE. If I had the time I would like to discuss that a little further, but it is sufficient to say that our Government has always stayed clear of making appropriations for institutions giving religious instruction. But going back to my subject, the prediction of Gouverneur Morris that an institution of this kind would become a political machine has demonstrated itself in Howard University under its existing rule.

In a memorial sent to this Congress on January 24 of this year, the alumni of that institution said this—

The reason for presenting this memorial is that the present corporation known as Howard University has degenerated into a political machine, financed by the funds of the Federal Government.

Mr. SOSNOWSKI. Will the gentleman yield?

Mr. HARE. Yes.

Mr. SOSNOWSKI. Does the gentleman maintain that that institution to-day is used as a political organization?

Mr. HARE. I maintain from the memorial that is submitted to this Congress by the alumni that that institution is used as a political machine.

Mr. SOSNOWSKI. I do not believe the gentleman knows what he is talking about.

Mr. HARE. I am only taking this memorial, and the graduates of that institution say so. They say further that the head of that institution has gone ahead and relieved a half dozen men of their actual work and placed them on a salary in order to institute vacancies to appoint others from doubtful districts in an election year. That is charged by the alumni of the institution. I do not know whether it is true, but it is charged by the alumni association.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. HARE. Yes.

Mr. HILL of Maryland. If that is the case, would the gentleman find the gentleman from New York [Mr. O'CONNOR], a very prominent Democrat, advocating the bill? There are no politics in this institution.

Mr. HARE. I am not responsible for his views. I am reading here from a memorial submitted to this Congress by the alumni of that institution, and it is my authority. Reading further, the memorial states that the members of the board of trustees seldom attend more than one meeting a year, and that they have delegated unusual powers to the members of the finance and budget committees.

The majority of the members of which constitute a machine existing only for their own good and for that of the supporters of the régime.

The children of the members of the board of trustees have been appointed to teach in the university, and there have been attempts to appoint members of the board of trustees to positions on its staff. Several members of the board of trustees profit by the investment of the funds of the university or business transactions with it.

Quoting further from this memorial I find the following:

Carrying out the will of the trustees the university depends upon a duumvirate consisting of the president and the secretary-treasurer, who actually waste the funds of the university in building up a machine. Under them the institution has become a center of local politics. The institution no longer seeks men of ripe scholarship and sound judgment; it prefers henchmen who will support its machine. To deceive the public and to hold such unprincipled men in line to do the bidding of the duumvirate, large sums of money are being spent for traveling expenses, publicity, and increased compensation of the person thus serving their superiors.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. HARE. Yes.

Mr. O'CONNOR of New York. If all those things were not true, if it were not a political institution and there was no charge of dishonesty or anything of that sort, the gentleman would still be against the bill, would he not?

Mr. HARE. There would be plenty of reason for it, because we did not establish the university that was asked for by Washington; we did not establish the university that was asked for by Jefferson; we did not establish the university that was asked for by Monroe; we did not establish the university that was asked for by Madison——

Mr. O'CONNOR of New York. They were all good Democrats that were asking for it.

Mr. HARE. They were, indeed.

Mr. McSWAIN. Will the gentleman yield?

Mr. HARE. Yes.

Mr. McSWAIN. It is not a question of motives that is under consideration. Would there not be some who would not be for it if there were not political considerations involved?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LOWREY. Mr. Chairman, I yield the gentleman three minutes more.

Mr. HARE. I might say further that George Washington in his will donated $25,000 for such an institution, and yet Members of this Congress for 100 years or more have refused to accept that donation and establish a university in this city for the benefit of all the people. But now we are willing to flaunt the wishes of the Father of his Country in the faces of those who have gone before us and say, "We will establish a university here for all the people, but you will establish one for a particular class of people for political purposes."

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. HARE. Yes.

Mr. O'CONNOR of New York. I can assure the gentleman that the 98 boys of New York who are down there must be Democrats, although I do not know.

Mr. McSWAIN. What race do they belong to?

Mr. O'CONNOR of New York. The colored race.

Mr. McSWAIN. I did not know there were any colored folks in New York.

Mr. LAGUARDIA. They are all Democrats now.

Mr. HARE. Reading further from the memorial of the alumni of this institution—

The institution no longer seeks men of ripe scholarship and sound judgment; it prefers henchmen who will support its machine. To deceive the public and to hold such unprincipled men in line to do the bidding of the duumvirate, large sums of money are being spent for traveling expenses, publicity, and increased compensation of the persons thus serving their superiors.

The memorial further alleges that in order to promote their unholy designs and purposes those in charge of the university have carried on the pay roll a number of unnecessary instructors, costing for the past seven years a total of $56,000. That in addition it carried two collegeless deans, with the rank and salary of dean, and unnecessary expenditure of $21,000.

Is there not already corruption, political corruption, thriving upon the support of the National Government to this institution? And to-day you want to give sanction to this corruption by our vote legalizing the appropriations you have made annually.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HARE. Yes.

Mr. WILLIAMSON. What is the amount of the endowment fund carried by the institution; does the gentleman know?

Mr. HARE. I am sure I do not know.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. REED of New York. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. WELLER].

HOWARD UNIVERSITY—THE OPEN DOOR FOR THE NEGRO

Mr. WELLER. Mr. Chairman and gentlemen of the committee, for the benefit of the committee, in answer to the question that was just propounded to the last speaker, I desire to say that approximately $450,000 is available as an endowment for Howard University.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. WELLER. Yes.

Mr. WILLIAMSON. May I ask what the income is from that endowment, approximately?

Mr. WELLER. It averages about 6½ per cent. It varies from 4 per cent, I am told, to about 7 per cent.

It is customary, of course, to attack a measure of this kind as purely political, but it is very apparent that there is no politics in this situation. There should not be any, and there has not been the faintest suggestion of politics except by the last speaker, and I am glad to say I can not concur in his remarks.

I feel that the rule which has been adopted here to-day and the bill that is now before the committee and before the House is not only the scientific way in which to approach the appropriations that are granted to Howard University, but is the only logical way it could be done. Howard University for years has received an annual appropriation from Congress amounting to the sum of $7,000,000, and during that time these appropriations have continually been attacked in the House and in the Senate.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REED of New York. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. WELLER].

Mr. WELLER. I thank the gentleman.

These bills have been continually attacked on points of order and there has always been the possibility of having the entire appropriation thrown out, and this wonderful institution, grade A standard, and recognized among the first universities of the country, left without any money to control and maintain and rebuild the existing plant which they have there.

Howard University was founded in 1867 by Gen. Oliver Otis Howard, a distinguished veteran of the Civil War, as an institution where negro men and women might receive college and university training. Like many other great things it had a humble beginning. After the war the problem of properly placing the negro as a freedman became evident, and it became necessary for the leaders to stimulate their race by the encourage-

ment of education. The charter of Howard University was granted by Congress on March 2, 1867, and each year this day has always been observed with appropriate ceremonies and is known as charter day.

Congress appropriated small amounts each year, and in the year of 1879 the amount of $10,000 was appropriated for the maintenance of the university, so that gradually there developed a new life of intellectual and spiritual ambition.

The Negro race represents one-ninth of the total population of the United States and in the past 50 years has shown tremendous advances within its own ranks. Until now it has been apparent that the future of the race is virtually in the hands of its own political leader. After the war the newly created freedman swelled into Washington and the people were confronted with the great problem of properly taking care of them both from an intellectual and physical standpoint. Plans were laid in a comprehensive way to found a college whose requirements and standards were of such a high order as to acquire the recognition of the greatest university of our country. Year by year those who identified themselves with this remarkable project toiled incessantly, mindful that they were being watched with jealous eyes but strengthened by the belief of a righteous cause. The wisdom and far-sighted genius of the founders are now revealing themselves to the country.

Congress has before it, now in the days of maturity of this university, another opportunity to recognize further its value, not only to the Negro race but to all the people of our country, and to provide and help to assist this great work morally and with financial support.

The university formerly came under the jurisdiction of the Department of the Interior, but its needs and growth have been fairly unparalleled and the original incorporation by Congress of Howard University in the District of Columbia has from year to year been compelled to report to and receive appropriations through that department. By this amendment now proposed, the act of 1867 will be amended and an annual appropriation for constructive improvements and maintenance shall come directly and be a part of the national Budget of our country under proper supervision and subject to an annual report to Congress each year through the Board of Education. This would seem to be the appropriate and logical way to handle this problem, and it is befitting the dignity of the high character of work that has been accomplished by the officers and alumni of the university.

This is really the one college in which the door is open for advancement and education to the negro and happily it is situated in the site of our Government at Washington. So that in many respects it may be said that this university is a national organization. The young negro man or woman who desires collegiate or professional training and does not desire to go to any other university or college may come to Howard to devote and consecrate his or her life to the advancement of the Negro race.

The work of the officers of the university has been highly appreciated and new buildings and departments have been created and erected. So that it now has an endowment of $450,000. The grounds are beautifully situated in Washington and nestled in a grove of trees. The different departments are housed in well-equipped buildings. The library is well stocked and the different classical and scientific departments filled with students eager to learn. Much of the advancement is owed to the courageous leadership of Dr. J. Stanley Durkee, former president of the university, and his associates. The problem has commanded the attention and interest of distinguished educators and men in public life who serve on the board of trustees without compensation for the advancement of the negro. Dormitories are provided on the campus which may be had for the modest sum of $2 a week and board may be obtained for $20 per month, and it can be seen that these sums are almost nominal.

The high regard in which the university is held is typified by the spirit of the alumni when it was sought to raise $250,000 to meet the requirements of the general educational board, which promised an additional $250,000 for the purpose of building a medical school costing $500,000. It is said that a group of Negro physicians in Washington assembled and 67 of them subscribed $100,000 and the balance of the amount was made up in pledges and subscriptions. It is estimated by Doctor Durkee that the needs of the colored race require the graduation of 400 thoroughly trained physicians for the next 10 years to keep pace with the increase in population of the Negro race.

The college course of the university is known as grade A and Howard University is the only university for the negro people that teaches medicine with the exception of Meharri, in the State of Tennessee. The dental school is well known and the law department has received recognition by the other law schools and the courts of the country. There are practically no large hospitals exclusively for the negro people, but the best known, and in which 90 per cent of the patients are colored, is the celebrated Harlem Hospital in New York City. The fame and reputation of this hospital, under the auspices of the city of New York, is well known to the medical fraternity and is a field for the colored internes and doctors.

Howard University also opens the door to negro women so that they may be educated, leading to professional degrees. They also have a course in nursing in the adjoining Freedmen's Hospital.

The men and women who attend the university come from all the States in the Union, and they have approximately 2,000 students on the roster for the coming year. Congress has from time to time made appropriations for various universities in the North, West, and South amounting to over $7,000,000. From 1879 to 1924 in addition to the money raised for tuition and endowment, already referred to, Congress has already appropriated three and one-half millions and the appropriation calls for approximately $400,000 a year. Each year this appropriation has been attacked, and it is claimed that coming as they do through the Department of Interior appropriation bill they are illegal. This should not be so. Money appropriations having the sanctity of law should be directly appropriated by Congress upon budgets and questionnaire and all doubt as to the legality removed. The contention, however, of the legality has not been sustained. But this method of handling the question would for all time dispose of such criticism. The dignity of the grand works of this university requires that there be not the first suggestion of irregularity. Howard University, the first university for the advancement of negro education, is entitled to the highest consideration, but the work of its officers and alumni has demonstrated that it has not been misguided or misplaced. [Applause.]

Mr. FISH. Mr. Chairman and gentlemen of the committee, I have not seen the document which was referred to a few moments ago by the gentleman to the effect that the alumni association of Howard University had protested about there being politics in the university.

Of course, this does not mean party politics. It does not mean Republican politics, it does not mean Democratic politics, or socialistic politics. It means university or college politics. It is perfectly self-evident what it means. Every college or university has politics, cliques inside of the university—the outs trying to get in and the ins trying to keep the outs out. That is all this means.

It is ridiculous to bring up this document before Members of Congress and try to palm it off as a political document. So much for that.

As far as the bill is concerned, I believe it will bring in monetary returns in proportion to the amount involved far greater than any bill presented in Congress at this session, for the reason that it will prevent the waste of valuable time in the House in filibusters and points of order against this kind of legislation that has been going on for the last 50 years. It will save in the time of the House more than the appropriation involved in the bill, and do away with these unnecessary annual racial spasms. Then, as far as the appropriation itself is concerned, it will bring in returns an equal amount or more in national progress and wealth, because it will be lending a hand to help build up and educate ambitious and intelligent young colored people to be leaders of their race and good American citizens. A vote for this bill will help in educating them in the principles of our American Government, and how can you spend money to a better advantage than to make these intelligent and patriotic young fellows leaders of their race and good American citizens to carry on those ideals of Government which every Member of this House stands for, whether he comes from the North or the South? [Applause.]

Mr. REED of New York. I yield to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, I know that the gentleman from Illinois [Mr. MADDEN] is very much interested in this bill. I have talked with him a number of times in regard to it. He is not in the Chamber at this time; he is probably at work on the deficiency appropriation bill. I therefore, in his behalf, ask unanimous consent that he may extend his remarks in the RECORD on this bill if he so desires.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the gentleman from Illinois [Mr. MADDEN] may extend his remarks in the RECORD on this bill if he desires. Is there objection?

There was no objection.

Mr. REED of New York. Mr. Chairman, I ask unanimous consent that all Members have five calendar days to extend their remarks in the RECORD on this bill.

The CHAIRMAN. The Chair is of the opinion that that request is out of order in the committee. The gentleman should make it in the House.

Mr. REED of New York. Mr. Chairman, I yield to the gentleman from Illinois [Mr. RATHBONE].

Mr. RATHBONE. Mr. Chairman, the purpose of this bill is to legalize the policy of this Government extending over a period of 47 years. I know something about Howard University. I wish all Members of this House could have seen and known something of the noble work that is being done there. I have been out and spoken there a number of times. They are doing a great work there in the matter of education. For these reasons I am heartily in favor of this bill. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, we recently discovered that Harvard University, Leland Stanford University, and Columbia University, my alma mater, require photographs attached to every application for matriculation. The reason is obvious; if a colored man makes application the doors are closed to him. These universities except in extreme cases close their doors to colored students, and this is the only university where they can gain access. I am informed that only 17 colored students are to be found in any medical school outside of the colored schools where colored men are accepted for medical instruction.

Mr. REED of New York. Mr. Chairman, I yield one minute to the gentleman from Michigan [Mr. SOSNOWSKI].

Mr. SOSNOWSKI. Mr. Chairman, I am heartily in favor of this bill, and I believe that we should not only appropriate money for institutions of this sort but money for playgrounds, places for recreation for children, not only in this District but wherever Government appropriations are made.

Other institutions do not provide the adequate facilities for the education of the Negro race under such satisfactory learning conditions as Howard University. The great bulk of this essentially American race is by no means in a financial position to obtain satisfactory education for its younger generation in the great universities of the country. There are many invisible obstacles that hamper their real chances for success in those institutions; the greatest of these, of course, is the financial demands which higher education still makes upon all pocketbooks. By paving the way for the Government to easily help the educational work of Howard University, this Congress can do no greater service to a class of American citizens who are not always given the fairest treatment. Their needs must be cared for. The United States must firmly assume the debt it owes all its citizens—these among them.

We have seen what education has done in the comparatively small number of cases in which it has been pursued for members of this race. I have known lawyers, doctors, bankers, and other business men of negro blood who are among the foremost in their district. If this country is to carry out adequately its debt to the negro people, it must not fail in doing everything in its power to place their education easily within their reach.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. SOSNOWSKI. Yes.

Mr. WELLER. Does the gentleman know that in the city of New York the civil-service commissioner, a colored man, is a graduate of Harvard University?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. REED of New York. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I am in favor of this bill. I am in favor of having the Federal Government establish and support this university and any other university that we could establish in Washington or elsewhere at any time. Education is necessary to the continued life of our Republic. As to the innuendoes made that this bill is political, I frankly admit that it is. If the colored man was not in politics he could not get this bill through to-day or any other day. It is a good thing he is in politics, so that he is at least obtaining this university and an opportunity of a higher education. My advice to the colored people is to keep in politics, so that their race will get all of their rights guaranteed to them under the Constitution. A theoretical equality is not sufficient. A paper guaranty against discrimination is not sufficient. Let there be actual equality of opportunity. Let there be no discrimination, politically or otherwise. I am so glad to note the rush to the support of this bill. Instead of criticizing the colored people for bringing political pressure to bear, I praise them. They have only learned that from the whites. In this instance the political pressure is brought to bear for a lofty, useful, and altruistic purpose. No man need be ashamed to vote for this bill. Howard University deserves all the moral and material support the American Congress has and will give it. The colored people are entitled to a great deal more than the little they ask.

Mr. LOWREY. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. MCSWAIN].

Mr. MCSWAIN. Mr. Chairman, I did not intend to say anything in regard to this matter and would not except in view of the developments herein the last few minutes, and I have asked for this time in order that it might be perfectly manifest that the reason why our friends, or some of them at least, are advocating this particular measure, to wit, to pay money out of the Federal Treasury to assist in the education of some persons of a particular race, is because of the fact that those of that race are not eligible to receive higher education in the institutions in the section from which the advocates of this particular measure in general come.

Mr. O'CONNOR of New York. Mr. Chairman will the gentleman yield?

Mr. MCSWAIN. Yes.

Mr. O'CONNOR of New York. I am familiar with every institution in the northeast, and that is not true. There is no college of standing in the North that bars the colored man

Mr. MCSWAIN. Then I accept the statement of my friend from New York as correct, and I must assume that the statement of another gentleman from New York of the same party, to the effect that, with very few exceptions, the men of that race are not eligible to become students in the higher institutions of learning in that section of the country is also correct. If not, then one or the other of these gentlemen is mistaken. Let us assume that the gentleman who last interrupted me is correct, and that colored men are eligible for admission in Columbia University and in the College of the City of New York and in Harvard and in Princeton and in Yale. If so, why are they not there? Because if they would go to those institutions they would not have to come this far away from home to get their education here in Washington.

Mr. O'CONNOR of New York. Oh, that is true of the white boys of New York, with all of our great colleges. They go to Harvard and Yale and Dartmouth and Pennsylvania, Notre Dame, and other places. It is a matter of choice.

Mr. MCSWAIN. Exactly. They go farther north, but our friends from New York do not come down to Washington to go to George Washington and to Georgetown University. [Cries of "Oh, yes they do!"]

Mr. WELLER. Can the gentleman tell me any other university where a boy can get tuition for $99 a year and board for $20 a month and a week's lodging for $2?

Mr. MCSWAIN. Mr. Chairman, in answer to my friend [Mr. WELLER], let me say that if he will advocate a measure to endow and pay the expenses of George Washington University or any other university in the country out of the Federal Treasury, then he would be able to furnish higher education to the whites, blacks, browns, and every other color at an expense of $99 per year or less. Why, we have the academy at West Point and the academy at Annapolis where we not only give boys their education but do it at an actual expense to this Government of between twenty and thirty thousand dollars for each student for the four years' course. So that it is not a question of expense. It is evidently a question of companionship. Because my distinguished friend from New York [Mr. O'CONNOR] tells us that they are perfectly eligible legally. No doubt those in charge of Columbia University walk out with arms wide open, crying to these colored folks, "Come in, come in; we think so much of you we want to have you here to mix on fraternal and cordial social relations with all of us, in a great common effort to advance along the highway of learning—let us all march abreast along the king's highway to knowledge."

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. MCSWAIN. Yes.

Mr. TREADWAY. The gentleman is making a rather facetious statement about the education of the colored people. He may be interested to know, so far as eligibility is concerned in northern colleges, that about 10 days ago I attended the commencement at Amherst College, and there saw a young colored man walk up to the platform amid the applause of five or six hundred of the alumni of Amherst to receive the highest athletic medal, a large cup, awarded to him as the best athlete in the college. He was a colored man from Alexandria, Va.

Mr. MCSWAIN. Well, the colored race ought to excel in athletics; we can easily understand that; but we are here and now talking about education of the brain. They should excel in hand-stick tools.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOWREY. Mr. Chairman, I yield two minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Chairman, I just want to say that I have been impressed for a long time with the idea that this kind of legislation is not only discriminatory but especially of doubtful constitutionality, and I am opposed to the bill and shall vote against it.

The CHAIRMAN. The gentleman from Mississippi is recognized for 11 minutes.

Mr. LOWREY. Mr. Chairman, I could accept all the strong statements that have been made in regard to Howard University, in regard to its great work, in regard to the good it has done, in regard to its high standard, the splendid development of leaders, the education of physicians and dentists and teachers, and the need of that kind of leadership in the colored race; I could deny the charges against that university, of its being a political institution, and the charges made by the group of alumni who have come to me and to others and made themselves heard. Some of them have taken the ground that they would rather we would cease appropriating to it, and some have taken the ground that they wanted us to clean up an undesirable situation there and still appropriate. And so I can admit all these things or deny all these things and yet not come in a thousand leagues of the conclusions that gentlemen are reaching. I could give the same assurances about the splendid work of Georgetown University and George Washington University and, indeed, of the character that is being developed at other institutions in Washington, and the needed leadership that these young people will furnish. Yet that does not lead me to the conclusion that the Federal Government ought to discard all its past principles in regard to educational matters and adopt these as a Federal institution and appropriate to their maintenance. I can accept the same things about Harvard and Yale and Columbia and Amherst and Brown and other great institutions when you tell me they are doing their part to educate the colored leadership, but that does not lead me to the conclusion that therefore the Federal Government ought to adopt all of these institutions and make them wards of this Government and appropriate Federal money, the taxes of the people, to maintain them. It seems to me that such does not follow at all in these arguments which have been made. Now, I am anxious to see this matter left out of partisan politics and all other sorts of politics.

I believe it would be much better if it were left out of politics. Yet here the fact has been brought out: For 47 years the Government has been appropriating for Howard University. We have appropriated over $4,000,000 of Federal funds. For my part I do not believe it was ever right. We have appropriated no money for any such institution for Indians or white people, and I do not believe it was ever right that we should. And now I am especially convinced that it is a bad step to establish this permanently as a part of our law and adopt this institution and subject the Government to its permanent support. If it was ever needed, I do not think it is needed now. The easiest thing I know to raise money for is negro education. One paper in Chicago about three years ago published the notice of donations of $8,000,000 in one month given to the education of colored people. We know how Tuskegee and Hampton went out and in such a short time raised $5,000,000. It is the easiest thing I know of to get support for this cause by philanthropy. Then why should we take one university for the colored race and place it upon the Government for support and let all the others be dependent upon philanthropy and get no Federal support. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. LOWREY. I just want to run rapidly over a little statement which I began here. I take my own State, and I take it because I know it better, and what I say of Mississippi is true of almost every other State in the South.

We have two large colleges for colored people at Holly Springs, one at Meridian, one at Jackson, one at Edwards, one at Alcorn, one at Utica, one at West Point, and one at Tugaloo. We have a group of splendid colleges there for the Negro race. They are well supported. They have as good buildings as the colleges for white people in that State, and are as well backed financially. I will go further than that. I wish my fellow Members would get this: I believe the colored people are better provided for as to college facilities in my own State in proportion to the needs of the race than the white people are. I mean by that, when you consider the number of them that are really ready for college, who want to enter college and are prepared to go to college. As to opportunities provided for them, I repeat they are better provided for, in my opinion, than the white people are.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. CHALMERS. Are any of those State institutions?

Mr. LOWREY. One of them is, a college at Alcorn. Furthermore, there are the good public schools of the State, and over 250 now of the consolidated grade schools for students of the colored race.

Now, take also the State of Louisiana. There are straight universities at New Orleans and Leland near Baton Rouge. Then in Atlanta there are Atlanta University, Spelman Seminary, and Morehouse University; splendid, large, well-equipped institutions. I have visited them and spoken to the student bodies there. And there is Fiske University in Nashville. And so elsewhere throughout the South. The institutions are there. They are provided for. There is no need for the Federal Government's providing for them.

In the North there is Wilberforce for colored people and a large number of colleges that admit people of both races. So my contention is that if we ever did need to put Federal funds into an institution for colored people that time has passed now. We have appropriated $4,000,000 for the purpose, and now we do not need to legalize it and declare it as a policy and place Howard University permanently and forever upon Government support when it is contrary to all the policies of the Government, and when there is no crisis demanding it. What we need is to quit that thing. My candid opinion is that if you to-day would withdraw all Government support from Howard University and let it be known publicly that support was all withdrawn, in less than five years the institution would be better off than it would be in depending on Government funds. Then they could make an appeal to philanthropy.

You say it is the only institution that gives facilities of investigation in medical and dental science. You can go out and say, "Here is a standard institution for colored people with dental and medical schools allied to it. Do not let it die." You could get the funds without inaugurating or continuing the Federal policy of keeping it under Government support.

Mr. REED of New York. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. Does the gentleman from New York desire to utilize the six minutes yet remaining?

Mr. REED of New York. No.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be amended to read as follows:

"SEC. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education."

Mr. LOWREY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LOWREY: Page 1, line 8, after the word "of" where it first occurs, strike out the words "the university" and insert in lieu thereof "Howard University and George Washington University." In line 9, strike out the words "the university" and insert in lieu thereof "the universities." On page 2, line 3, strike out the word "university" and insert "universities."

Mr. REED of New York. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The gentleman from New York makes a point of order against the amendment.

Mr. LOWREY. Will the gentleman withhold that and give me five minutes?

Mr. REED of New York. I will reserve the point of order.

The CHAIRMAN. The gentleman from Mississippi is recognized on his amendment.

Mr. LOWREY. Mr. Chairman, I expected this objection would be made, of course. Here is my position on the matter: George Washington University is under a harder struggle, I am sure, than Howard University. George Washington University is providing education, not for hundreds, but for thousands to the young men and young women who come here, some of them as our secretaries; others as Government clerks and employees. That university is providing means of education for thousands of young men and young women who come here to work in the Government departments, and these young

men and young women are paying high and costly tuition there.

I wish to put this up to my fellow Members and I wish you would listen to me: A number of Members have admitted to me that they can not afford to vote against the Howard University proposition because they have too many colored people in their districts. Both Democrats and Republicans have told me that. Now, what will you do about it when you go home and have your white people to deal with? Are you willing to say to the white people, "We have voted Government funds in Washington to keep up a great institution for negroes," but when white people from our district go there and get public positions at low salaries and want to continue their education, "We will not contribute any Government funds to their institutions"?

We say we will not help them, but we will help the colored people; we will not give any Government funds for the brilliant and struggling young white people who are willing to work hard all day in offices and then sacrifice their evening pleasures and recreation and go to night classes at the university. We will not help them; it is not a good Government policy to help the struggling white people, and we can not afford it. But it is all right as a Government policy to put an institution for colored people on the Government pay roll and keep it there permanently; it is all right to pass a law establishing that as a policy. Although we have given this institution $4,000,000, we are going to continue to give it hundreds of thousands of dollars to educate young colored people, but the white folks are not worthy of such help. When they get to Washington we will not allow them any chance of an education through the use of Government funds because the Government can not afford to establish that sort of a policy.

Now, I want to suggest something further to some of you who have suggested to me that you can not afford to vote against this bill because you have colored voters in your district. One good friend of mine yesterday, a Republican, said that about one-fourth of his people are colored voters, and he said, "You can guess what I am going to do to you." One good Democrat said to me that to vote against this bill would mean the loss of 2,000 votes for him. He said, "I have too many colored voters to vote against this bill or for your amendment." Now, gentlemen, if you are going to be influenced by that kind of motives, all right. I am not opposed to your caring for your political affairs, but what are you going to do about settling with your white folks? What are you going to do with respect to these young white folks anyway? There is not one of you who does not have from your district and from your community young white people coming to Washington who want and need these opportunities. Do you think they do not want to be educated into leadership? Do you think they do not need to be prepared for service?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. REED of New York. Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. It is clear to the Chair that the amendment is not germane. The bill relates to the Howard University, and an amendment to include another university is outside the subject matter of the bill. Therefore the point of order is sustained.

Mr. LOWREY. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. LOWREY. Mr. Chairman, I just want to say that I expected the point of order to be sustained and rather thought it ought to be. I did not expect my amendment to go through, and I would not have offered it if I had thought it would go through, because I am opposed to the whole scheme and do not think it ought to go through. However, I just wanted to tell some of you folks about it, and, as I say, I did not expect my amendment to go through.

Mr. LAGUARDIA. However, the gentleman made a very good argument for his amendment.

Mr. FISH. Will the gentleman yield the quarter of a minute of his time still remaining?

Mr. LOWREY. I will yield to the gentleman if I have any time remaining.

Mr. FISH. I simply want to say to the gentleman that the white people up North believe in lending a helping hand to the colored people of America.

Mr. LOWREY. May I respond to the gentleman? You do not believe in it any stronger than the southern white people.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CHALMERS. Mr. Chairman, I move to strike out the last word. Mr. Chairman and members of the committee, I am heartily in favor of teh passage of the bill. I am somewhat surprised that such a distinguished educator as my friend from Mississippi would oppose the passage of this bill. I think we should encourage education in Howard University, and I do not think the color of the students ought to make any difference whatever in encouraging education.

I know that when I was a student in college in Michigan I sat next in class to a colored boy and we followed Cæsar together through the three parts of Gaul. I found him a good, honest, hard-working student.

Howard University has had a long and honorable career. It was organized by act of Congress, March 2, 1867, about two years after the close of the Civil War. Since that time Congress has appropriated about $5,000,000 for its support and maintenance. The legality of this appropriation has often been raised. Ever since I have been a Member of this body, the annual appropriation extending financial assistance to Howard University has been passed after the most vigorous opposition and protest of the Democratic membership of the House. This uncertainty as to financial support should cease. We, therefore, propose to write the following measure into permanent law:

"Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report, making a full exhibit of the affairs of the university, shall be presented to Congress each year in the report of the Bureau of Education."

Howard University has an attendance of about 2,000 students, who are required to pay tuition and provide for their own living expenses. It has been thoroughly investigated by the college rating board of the Maryland and Middle States district and rated in class A. Thirty-eight States and 13 countries are represented in its attendance. President Durkee gives it as his judgment that fully 97 per cent of those who have attended Howard have "stood up in the country as centers of influence for good."

There is a strong practical reason why a school like Howard University should be maintained in the District of Columbia. The Freedmen's Hospital was authorized by Congress in 1904 and was built upon land owned by Howard University. The university generously leased the land to the Federal Government for 99 years at $1 a year, with a privilege of renewal for a like period. The existence of this hospital so near to the medical school of Howard University affords the students of the university an opportunity which exists nowhere else in this country to acquire the clinical instruction which is necessary to complete each student's medical course. On the other hand, this opportunity exists for white students in every State of the Union.

In addition to the great importance to the country of having an institution capable of developing trained leaders for the colored race in all walks of life, the urgent necessity of making possible a supply of properly trained physicians of that race for the protection of the health of all our people, white as well as black, must be plain to every fair-minded American citizen.

I believe that Howard University is about to enter upon the most successful period of its history. Dr. Mordecai W. Johnson, who has just been unanimously elected president by the board of trustees, promises to become one of America's great college presidents. Doctor Johnson will be the first colored man to serve as president of the university. He was graduated in 1911 from Morehouse College, Atlanta, Ga., with the degree of bachelor of arts. Doctor Johnson was retained for two years in his alma mater as professor of economics and history. In 1913 he received the degree of bachelor of arts from the University of Chicago. He was graduated from the Rochester Theological Seminary in 1919. Later he became pastor of the First Baptist Church of Charleston, W. Va. He received the degree of bachelor of divinity from Rochester Theological Seminary on his historical thesis entitled "The rise of the Knights Templars." He was graduated from Harvard University with the degree of master of science of theology.

The new president will be not only the first colored man to serve in this capacity, but will be one of the youngest college presidents in the country. He is only 36 years of age.

The wisdom of the choice of Doctor Johnson as president of Howard University may be conceded because of the fact that

Col. Theodore Roosevelt was chairman of the committee which unanimously recommended his election. I prophesy that under the administration of President Johnson, Howard University will become one of the great educational institutions of the world.

Let me say this to my Democratic colleagues—let us be fair to the Negro race. The so-called negro problem is not of their making. The black man is not here of his own volition. He was seized by force and brought unwillingly to a strange country, where for generations he was your slaves and where as a race he has since been compelled to eke out a meager and precarious existence.

I want to call your attention to the fact that after his emancipation that he has made the most remarkable progress, mentally and industrially, of any race recorded in the annals of history. In the short period of 60 years he has emerged from slavery and has won his place in world leadership to-day. You will find the negro holding his place with his white brother in leadership, in science, literature, music, art, finance, industry, and commerce. You will find negro leaders in all lines of human activity.

He has not only won and held his place in the business and professional world, but he makes the right kind of a citizen. He is patriotic and American to the very core of his character. Let us lay aside prejudice, pass this bill, and build up here in our National Capital a great institution for the colored race.

Mr. HARE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HARE: On page 2, after line 4, insert the following:

"Subsection (a). In the event that any of the buildings erected for the university, wholly or in part by moneys appropriated by Congress, shall cease to be used for the purposes of education as provided in the first section of the act of Congress dated March 2, 1867, the title of such buildings and the land on which they stand shall vest in the United States in fee simple."

Mr. LAGUARDIA. Mr. Chairman, I make a point of order on the amendment.

Mr. HARE. Mr. Chairman, I would like the gentleman to reserve that for about three minutes.

Mr. LAGUARDIA. I reserve it.

Mr. HARE. Mr. Chairman, I offer this amendment in absolute good faith because I have the impression that this bill will pass, and you will observe that the sky will be the limit, so far as appropriations are concerned. You will observe that the money invested in buildings in this institution will be on private property, and when we build or authorize the construction of these buildings, if this corporation should decide to dissolve, the buildings themselves will be the property of that private corporation.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HARE. Yes.

Mr. WILLIAMSON. Is it not a fact that it is proposed to put these buildings upon lands already owned by the university? How can you you make lands revert to the United States that the United States does not and never will own?

Mr. HARE. Oh, yes; you can do it upon the condition of putting the building thereon.

Mr. WILLIAMSON. You can not confiscate property in that kind of manner.

Mr. HARE. I might say to the gentleman that this amendment is drawn almost exactly as recommended by a former Secretary of the Interior, and he made this recommendation a few years ago when he recommended that the Government make an appropriation for this institution and that this provision be put into the bill in order that if the corporation were dissolved, the property which the Federal Government had appropriated for would revert to the Government. I think it is a wise and a legitimate amendment.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. HARE. Yes.

Mr. O'CONNOR of New York. The way the gentleman's amendment is drawn, it provides that if any money appropriated is used wholly or in part in these buildings; in other words, if they erect a $1,000,000 building and use $1 appropriated by the United States Treasury, the building would revert to the Government.

Mr. HARE. I think that was put in there purposely. If they were to erect a building at a cost of $1,000,000 and the corporation were to put $1 in it, then if they were to dissolve, we would not be able to get the building back. For that reason the phrase which was put in there purposely, "wholly or in part," and I really hope the committee will see fit to pass this amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York [Mr. LAGUARDIA] has reserved a point of order on the amendment.

Mr. LAGUARDIA. I reserve it, Mr. Chairman.

Mr. GARRETT of Tennessee. I just want to ask the gentleman from New York [Mr. REED] the question whether or not the committee considered the advisability of putting some limitation somewhere upon the amount that can be appropriated?

Mr. REED of New York. We felt it was simply a matter of leaving it to the discretion of Congress to appropriate from year to year as it thought the needs of the institution required. I think that is a matter entirely up to the House and to the body in power at the time the matters arise.

Mr. GARRETT of Tennessee. Of course, fixing an amount would not destroy my fundamental objections to the bill; but I do call attention to the fact that this is a most remarkable thing—to provide unlimited appropriations—and I am going to venture the assertion that there is not another provision or appropriation for any institution in the United States that ever has been made unlimited.

Mr. LAGUARDIA. Mr. Chairman, I now make the point of order.

The CHAIRMAN. Does the gentleman desire recognition?

Mr. LAGUARDIA. I simply desire to point out that if this amendment provided that any funds given to the university under authority of this bill for the specific purpose of buying land or constructing a building, that title should vest in the Government in the event it ceased to be used for the purpose intended, then perhaps the amendment would be in order; but the amendment provides that any building shall revert that is constructed, in whole or in part, by Government funds or where the Government funds are commingled with the funds of the university, and clearly that is providing something which is not germane to the bill and for that reason is not in order.

The CHAIRMAN. Does the gentleman from South Carolina wish to be heard on the point of order?

Mr. HARE. I simply want to say that it would work the other way just as readily. If you put $1 of the corporation's money into the $370,000 building we provided for last year and the corporation should dissolve that $369,000 would go with it. I think the amendment is germane.

The CHAIRMAN. The Chair is ready to rule. The pending bill amends section 8 of the act of March, 1867, and refers to only one section. The amendment offered by the gentleman from South Carolina provides that—

In the event that any of the buildings erected for the university, wholly or in part by moneys appropriated by Congress, shall cease to be used for purposes of education, as provided in the first section of the act of Congress dated March 2, 1867, the title of such buildings and the land on which they stand shall vest in the United States in fee simple.

It appears clear that the proposed amendment relates back to sections 1 and 2—the first section being section 2—of the act of 1867. Further than that the bill before the committee relates only to appropriations to be authorized hereafter, and the amendment of the gentleman from South Carolina clearly relates to appropriations that have heretofore been made and expended out of the Federal Treasury. The Chair therefore holds the amendment out of order.

Mr. REED of New York. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8466, and had directed him to report the same back without amendment, with the recommendation that the bill do pass.

The SPEAKER. Under the rule the previous question is ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read the third time and passed.

On motion of Mr. REED of New York, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS—HOWARD UNIVERSITY

Mr. REED of New York. Mr. Speaker, I ask unanimous consent that Members of the House may have five calendar days in which to extend their remarks on this bill.

The SPEAKER. The gentleman from New York asks unanimous consent that the Members of the House may have five calendar days to extend remarks on the bill. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker, I am very grateful that I have the opportunity of urging and voting for the enactment of the pending measure authorizing the making of Federal appropriations for Howard University. The bill, known as H. R. 8466, reads as follows:

A bill to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867

Be it enacted, etc., That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be amended to read as follows:

"SEC. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education."

The purpose of the bill is to authorize, by general law, the making of congressional appropriations for the benefit of Howard University in the city of Washington. Howard University is a great institution of learning, and affords higher education to the young men and women of the colored race. It fits these young men and women for useful, professional, and other callings. Established shortly after the Civil War, it has given education to thousands of students, and has trained hosts of these students for successful professional work and leadership among the colored people of our country.

For many years Congress has made appropriations for its benefit, but in recent sessions of Congress "points of order" have been made against such appropriation items, from time to time, by Members of the House opposed to the policy of granting Federal aid to the university. Because there has been no general law authorizing such appropriations, these "points of order" were sustained, and the items have been stricken from the appropriation bills. The enactment of this measure will fully authorize the inclusion of such items in appropriation bills of the future.

My views touching the justice of this bill were given to the House on January 11, 1926. To-day I would reiterate and reemphasize those views. Under the general welfare clause of the Federal Constitution, I believe this legislation is fully justified. For generations congressional appropriations have been voted for communities at home and abroad which were stricken by fire, or famine, or pestilence, or flood; and no serious objection has been urged to such action. In many other forms Federal funds have been appropriated and paid out for educational and humane purposes which strict constructionists might consider as being outside of the purview of the Constitution, but which a broad view of that great document would consider permissible and justifiable. I believe that the pending measure is constitutional.

Speaking further, I would urge that the colored race in this country is entitled to the consideration embodied in this bill for reasons of the gravest character. The time will probably never come when the white race of America, in good conscience, may feel that it has compensated the black race of America for all that the latter may have borne of injury and suffering at the hands of the former in order that the former might live in greater comfort and ease.

Indeed, there may never result to the latter any adequate compensation for all that injury and suffering unless through the unfathomed processes of the Almighty the black man's progress must needs come through and by reason of the cruel, bitter contacts of servitude. Be that as it may, let the white race now and hereafter do everything within its power to discharge its obligations thus imposed. Universal education and universal suffrage must constitute the pillars twain upon which an enduring republic must rest. Two hundred and fifty years of unrequited toil in this boasted land of freedom and the frightful handicap which lay upon the black race when freedom under Lincoln came to it some 60 years ago, certainly entitle it to the small benefits which the enactment of measures of this character may provide.

It is said in opposition that if Federal aid is granted to this institution, maintained for colored students, it necessarily follows that the like aid should be extended to institutions maintained for white students. I am altogether unable to see the force of such contentions. Has the past for us no meaning? Are we, the white race, unable to realize the obligations which have come to us out of the past? Is there not the greater need for such aid because of all that has gone before? In what manner can the public welfare be better served than through the education of the colored youth of our country? We must remember that this youth is but little more than a generation removed from the conditions of slavery and complete illiteracy. The progress of the colored race since the days of its liberation has been of the highest and most gratifying character. This has been due both to the ambition and energy of the colored race and to the liberal attitude and aid of the white race. But under the Constitution of the Republic the members of both races are citizens and defenders of the flag. Theoretically those of the colored race have all the benefits and privileges guaranteed those of the white race under the law; but actually this is not true. As a matter of fact, in many ways the white race maintains its tremendous advantage over the colored race. Let us hope that the time may soon come when the mists of prejudice shall be dissolved by the clear light of a Christian justice. The enactment of the bill under consideration will, in my judgment, constitute a forward step toward the attainment of a worthy goal.

Mr. IRWIN. Mr. Speaker and gentlemen of the House, I will only take a few minutes of the time of the House to say a few words in favor of this bill, H. R. 8466, a bill to amend section 8 of an act to incorporate the Howard University of the District of Columbia.

As I understand it, Howard University was incorporated in 1867, but the first Federal aid given the institution was in 1879, and in the past 47 years the Federal Government has annually contributed funds to the institution for its construction and maintenance and development. I understand also that in every session of Congress there has been some dispute about this appropriation, and this bill, as I understand it, is to put an end to these biannual disputes and permit an authorization by Congress of whatever appropriation it sees fit to make.

Now, my friends, I am giving this bill my hearty support because I am in favor of giving the colored young men and women a good education—and from what I know of the Howard University I am convinced that this institution compares favorably with any institution of higher education in our land. My attention has been particularly called to the medical department of this institution, and I want to say I know physicians, graduates of this college, that stand A–1 in the medical profession who are expert physicians and surgeons, ranking well up in the profession to-day. It is claimed that we have many other great colleges and universities, such as Columbia, Yale, Howard, Princeton, and many other institutions of higher education admitting negroes on the same equality with whites. That may be true in a sense, but I want to say there is something more than the education received in the medical college necessary to make good, skillful physicians and surgeons, and that is clinical experience at the bedside in a hospital, and I want to say that Howard University, here in the District of Columbia, is situated in the hospital center, especially Freedmen's Hospital, right at the door of the university and offering the medical, surgical, and dental students a splendid opportunity to secure practical education at the bedside of the patient; the one thing absolutely necessary for every successful medical practitioner, and the hospital facilities in connection with Howard University give the students therein an equal chance to get a professional education ranking on a par with any medical college in the United States.

Some gentlemen on the floor of the House will say: Why appropriate money for a college for the exclusive education of the Negro? In answer to this I want to say that it is only a few years since the colored race was in bondage—60 years ago they were given their freedom—and I think you will all agree with me that the colored race has made wonderful strides in three score years from a social, moral, and intellectual standpoint, and the Government of the United States should lend a helping hand to give them an opportunity to educate their race. We have in the United States to-day about 12,000,000 Negroes. I think it is admitted that the colored race takes more kindly to professional men, such as teachers, lawyers, doctors, and men of other professions of their own race. They have made rapid advancement considering the handicap they have been subjected to, and the Government should give them an opportunity for continued advancement by placing Howard University on a sound financial basis, thus insuring the 2,000 young men and women who annually attend this college the best education that can be afforded and to help elevate the race to good citizenship, the greatest asset of any Nation.

HOUR OF MEETING TO-MORROW

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, before Members leave the Chamber, I understand it to be the purpose of the gentleman from Connecticut to move to adjourn immediately.

Mr. TILSON. Yes. On examining the Consent Calendar it seems that it is not as long as it has been heretofore, and it is believed that the bills on the calendar can be handled without bringing Members back here to-night, especially if we meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

NATIONAL PARKS IN THE EAST

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, ladies and gentlemen of the House, the honor was conferred upon me by the Public Lands Committee of the House to report for the committee H. R. 11267, a bill to provide for the establishment of the Shenandoah National Park, in the State of Virginia, and the Great Smoky Mountains National Park, in the States of North Carolina and Tennessee, and for other purposes. No more important legislation has been considered in this Congress than this bill. In this day of commercialism it is well we should provide for great playgrounds for the people in the great outdoor places where they can commune with nature and forget the sordid and selfish things in life.

The States and citizens affected by this bill purpose to raise the necessary funds to purchase the lands and present them to the Government.

I think it will be interesting to give to the House and the country through the RECORD the committee report, the recommendations of the Secretary of the Interior, and of the commission of distinguished men who investigated these areas involved for the Secretary of the Interior, which are as follows:

[House Report No. 1160, Sixty-ninth Congress, first session]

PROVIDING FOR THE ACQUISITION OF LANDS IN THE SOUTHERN APPALACHIAN MOUNTAINS FOR PARK PURPOSES

(May 11, 1926: Committed to the Committee of the Whole House on the state of the Union and ordered to be printed)

Mr. ABERNETHY, from the Committee on the Public Lands, submitted the following report to accompany H. R. 11287:

The Committee on the Public Lands, to which was referred H. R. 11287, a bill to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountains National Park in the States of North Carolina and Tennessee, and for other purposes, has carefully considered the said bill and reported the same back to the House and recommended that it do pass as amended as follows:

On page 3, line 16, following the words "park area," strike out the figures "300,000" and insert in lieu thereof "150,000."

As recited in the letter from the Secretary of the Interior to the Speaker of the House of Representatives, dated April 6, 1926, House Document 311, Sixty-ninth Congress, first session, the bill herewith reported is the result of investigations carried on by the Secretary of the Interior in pursuance of directions given him by an act of Congress approved February 21, 1925.

Previous to that time the Secretary of the Interior, carrying out suggestions made on several occasions by the Director of the Park Service, undertook by means of a committee of five men to investigate various regions in the southern Appalachian Mountains with a view of determining what could be done in these mountains to establish a national park or parks comparable in size and in utilities with the national parks west of the Mississippi. With the exception of LaFayette National Park on Mount Desert Island off the coast of Maine there is no national park east of the Mississippi, while there are 16 in continental United States west of that river. The bulk of the population is in the area in which there are no national parks. The committee appointed two years ago recommended that the Secretary of the Interior approve the selection of the two parks now included in this bill. Following this approval Congress passed the act of February 21, 1925, directing the Secretary of the Interior to determine the boundaries and areas of such parts of these two areas as he might recommend, on further investigation, to be acquired and administered as national parks. The Secretary was authorized to make use of a commission of this work of investigation. The commission thus authorized was appointed, and its report to the Secretary of the Interior is dated April 8, 1926. The Secretary's letter recommending that the proposals of the commission be enacted into a law was sent to the Speaker of the House of Representatives under date of April 14, 1926, and printed as House Document No. 311 mentioned above. The full text of this document, including the letter of the Secretary of the Interior to the Speaker of the House, and the report of the Secretary's commission are herewith reprinted and made a part of this report:

[House Document No. 311, Sixty-ninth Congress, first session]

SHENANDOAH AND OTHER NATIONAL PARKS

[Letter from the Secretary of the Interior, transmitting information as to the boundaries and areas of the Shenandoah and other national parks]

(April 14, 1926: Referred to the Committee on the Public Lands and ordered to be printed with accompanying document only)

DEPARTMENT OF THE INTERIOR,
Washington, April 14, 1926.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: By act of Congress approved February 21, 1925 (43 Stat. 958), the Secretary of the Interior was authorized and directed—

(1) To determine the boundaries and area of such portion of the Blue Ridge Mountains of Virginia lying east of the South Fork of the Shenandoah River and between Front Royal on the north and Waynesboro on the south as may be recommended by him to be acquired and administered as a national park, to be known as the Shenandoah National Park; and

(2) Such portion of the Smoky Mountains lying in Tennessee and North Carolina as may be recommended by him to be acquired and administered as a national park, to be known as the Smoky Mountains National Park; and

(3) In the Mammoth Cave regions of Kentucky; and

(4) Also such other lands in the southern Appalachian Mountains as in his judgment should be acquired and administered as national parks; and

(5) To receive definite offers of donations of lands and moneys; and

(6) To secure such options as in his judgment may be considered reasonable and just for the purchase of lands within said boundaries; and

(7) To report to Congress thereon.

In accordance with the provisions of section 1 of said act and for the purpose of carrying out the provisions of said act I appointed a commission of five members, namely, Hon. H. W. TEMPLE, Member of the House of Representatives, United States, from Pennsylvania; Maj. W. A. Welch, chief engineer and general manager of the Palisades Interstate Park of New York and New Jersey; Mr. Harlan P. Kelsey, former president of the Appalachian Mountain Club of Boston, and a well-known landscape architect; Mr. William C. Gregg, a prime mover of the National Arts Club of New York, and a student of recreational development through parks; and Col. Glenn S. Smith, acting chief topographic engineer of the Geological Survey, the representative of the Interior Department on the commission. This commission has made its report to me, dated April 8, 1926, a copy of which is hereto attached and transmitted with this report to Congress.

I recommend for the approximate boundaries and area of the park to be known as the Shenandoah National Park such portions of the Blue Ridge Mountains of Virginia lying east of the South Fork of the Shenandoah River and between Front Royal on the north and Waynesboro on the south, described as follows:

Beginning at a point about 1 mile west of Front Royal at the highway crossing of the Norfolk & Western Railroad and thence following the railroad right of way in a southwesterly direction to Kimble; thence following public highways via Valleyburg to the intersection of the highway and the Norfolk & Western Railroad at a point about 1 mile west of Marksville; thence again following in a southwesterly direction the Norfolk & Western Railroad right of way to a point about 4 miles north of Shenandoah; thence following public highways along the foothills of the Blue Ridge Mountains, and in part along the Norfolk & Western Railroad right of way to a point about one-quarter of a mile east of Waynesboro Junction; thence following the Midland Trail in a southerly and easterly direction to Afton; thence following the Chesapeake & Ohio Railroad to an intersection of public highways with the Chesapeake & Ohio Railroad about 1 mile west of Crozet; thence following public highways in a northeasterly direction via Whitehall, Nortonsville, Standardsville, Wolftown, Crigiersville, Hughesville, Sperryville, and Washington (Va.), back to the beginning near Front Royal; this area all being in the State of Virginia and containing approximately 521,000 acres, as shown on the accompanying topographic maps of the Geological Survey known as the Luray, Gordonsville, Harrisonburg, and Woodstock sheets.

I recommend for the approximate boundaries and area of the park to be known as the Smoky Mountains National Park such portion of

the Smoky Mountains lying in Tennessee and North Carolina described as follows:

Beginning at a point on the south or left bank of the Pigeon River in Cocke County, Tenn., as shown on the standard topographic map of the Geological Survey known as the Mount Guyot sheet, opposite Bluffton, and thence following the said south bank of the Pigeon River upstream to the mouth of Cataloochee Creek in Haywood County, N. C.; thence uptsream along said Cataloochee Creek to the mouth of Little Cataloochee Creek where the highway crosses said creek; thence in a southerly direction along this highway up the valley of Cataloochee Creek and Caldwell Fork to the end of said highway; thence up said Caldwell Fork to its head on the boundary line between the counties of Haywood and Swain in North Carolina; thence in a southerly direction along said county boundary line to Soco Bald to corner of Jackson, Swain, and Haywood Counties; thence along county line to Balsam Gap as shown on the standard topographic map of the Geological Survey known as the Cowee sheet, where the Appalachian Scenic Highway intersects the said county line; thence southwesterly along said highway to a point where this highway intersects the right of way line of the Asheville and Murphy branch of the Southern Railroad; thence along the northern boundary of said right of way to a point near Sylva where a highway crosses said right of way; thence along the said highway southerly and westerly down the Tuckasegee River Valley to the forks of the highway north of Wilmot and at the southwestern foot of the Plott Balsams; thence northeasterly along this highway to Saco Creek; thence westerly along this highway to the boundary line between Jackson and Swain Counties, N. C., where this boundary joins the Oconalufty River; thence along this highway across the said river and westerly down said river valley through Birdtown and to Coopers Creek near its junction with the Tuckasegee River; thence along this highway westerly down the valley of said river to its junction with the Little Tennessee River; thence westerly along the highway down the valley of the Little Tennessee River, as shown on the standard topographic map of the Geological Survey known as the Nantahala sheet; thence along said highway across the boundary between Swain County, N. C., and Blount County, Tenn., and along said highway as shown on the standard topographic map of the Geological Survey known as the Knoxville sheet, down the valley of the said river across Abram Creek and to the point where such highway bears northerly and easterly up Happy Valley and to Montvale Springs; thence along the highway northerly to Sixmile Creek, thence northeasterly to Seaton; thence along highway to Little River at Gamble Store; thence along the highway which follows approximately the northeasterly base of the Chilhowee Mountains to the Blount-Sevier County line; thence to the forks of said highway on Bridge Creek; thence along the highway easterly to Guess Creek and along said highway southerly up the valley of Guess Creek to its head; thence southerly to Walden Creek and easterly down the valley of this creek to the valley of the West Fork of the Little Pigeon River; thence along the highway southerly up the valley of the West Fork of Little Pigeon River to Gatlinburg, and along the western and southern limits of Gatlinburg along the highway easterly across Roaring Fork up Dudley Creek and to the Right Prong of Little Pigeon River; thence along the highway down the valley of this river through Emerts Cove, as shown on the standard topographic map of the Geological Survey known as the Mount Guyot sheet; thence along highway northerly down the valley of said river to the forks of said highway at the west end of Webb Mountain; thence along the highway easterly between Chestnut Ridge and Webb Mountain to Dunn Creek and along the highway up Dunn Creek to junction of highway one-half mile west of Sevier and Cocke County line; thence easterly along this highway through Sutton to the Appalachian Scenic Highway, opposite Bluffton, the point of beginning, and containing approximately 704,000 acres. The maps referred to are attached.

The statute authorizes and directs me to determine the boundaries and area of such other lands in the southern Appalachian Mountains for recommendation to Congress as in my judgment should be acquired and administered as national parks. It is my present judgment that no areas other than the above-described areas recommended for the Shenandoah National Park and for the Smoky Mountains National Park should be designated for a national park at this time in the southern Appalachian Mountains, and I therefore make no recommendation for any national park or national parks in the southern Appalachian Mountains except said Shenandoah National Park and said Smoky Mountains National Park.

The report of the commission to me shows a minimum net sum of $1,200,000 has been raised in the way and manner set forth in that report toward the purchase of the Shenandoah National Park area, and shows the sum of $1,066,693.91 has been raised in the way and manner set forth in that report toward the purchase of the Smoky Mountains National Park area. I am unable to report, because I do not have the information necessary for such report, how much acreage within the designated areas can be purchased with these sums.

Offers of donations of land and moneys have been made for the areas to be included within the Shenandoah National Park and the Smoky Mountains National Park as shown in the accompanying report of the commission and in the way and manner set forth in that report.

The commission states that the organizations active in the campaign have "reported that they have obtained many signed options covering considerable acreage."

The report of the commission states among other things:

"The Mammoth Cave National Park Association reported April 1, 1926, two donations of property aggregating 3,629.13 acres, of which 1,324.10 acres are to be covered by fee simple title and 2,305.03 acres by cave rights. Included in this area are the caves exhibited by the Colossal Cavern and by the New Entrance Co., but not including Mammoth Cave."

No other offers of donations of lands and moneys for the acquisition of an area in the Mammoth Cave region of Kentucky have been made. Manifestly, this acreage is not sufficient to constitute an area for a national park, and it is to be noted that this acreage does not include the Mammoth Cave section. I express no opinion and make no recommendation at this time as to the desirability of the inclusion of the Mammoth Cave area within a national park.

Very truly yours,

HUBERT WORK.

APRIL 8, 1926.

Hon. HUBERT WORK,
Secretary of the Interior.

MY DEAR MR. SECRETARY: The members of the Southern Appalachian National Park Commission, appointed in accordance with the act of February 21, 1925 (Public, No. 437—68th Cong.), have complied with the requirements of the act and with your instructions, and desire to report as follows:

We suggest that reference be made to the report of your special committee submitted December 12, 1924, which gave the reasons for definitely recommending the Shenandoah National Park area and the Smoky Mountains National Park area as worthy of being acquired as national parks. In conformity with the requirements of the above cited act of Congress, members of the commission have during the past year made a more careful study and investigation of these and other areas and have found much additional evidence of the eminent worthiness of these two areas for acquisition as national parks. Your commission has also made a careful examination of the Mammoth Cave region of Kentucky and believes sufficient reasons exist to warrant its acceptance as a national park if requirements are met as outlined in this report. Below are briefly outlined some of these reasons.

Mammoth Cave is the best known and probably the largest of a remarkable group of limestone caverns, 20 or more of which have been opened up and explored to a greater or less extent. Included in this group are Colossal Cavern, Great Onyx Cave, new entrance to Mammoth Cave, Salts Cave, Procter Cave, Long Avenue Cave, Great Crystal Cave, Cave of the Hundred Domes, Diamond Cave, Mammoth Onyx Cave, Dixon Cave, and others, all of which contain beautiful and wonderful formations. There is good evidence that many more caverns yet to be discovered exist in this immediate territory, and it seems likely that most, if not all, of this entire group of caverns eventually will be found to be connected by passageways forming a great underground labyrinth of remarkable geological and recreational interest perhaps unparalleled elsewhere. The territory which embraces this network of caverns consists of about 15,000 acres, or an area approximately 4 miles wide and 6 miles long. Another geological feature of much interest is found in the thousands of curious sink holes of varying sizes through which much of the drainage is carried to underground streams, there being few surface brooks or creeks.

The Mammoth Cave area is situated in one of the most rugged portions of the great Mississippi Valley and contains areas of apparently original forests which, though comparatively small in extent, are of prime value from an ecological and scientific standpoint and should be preserved for all time in its virgin state for study and enjoyment. Much of the proposed area is now clothed in forest through which flows the beautiful and navigable Green River and its branch the Nolin River.

All this offers exceptional opportunity for developing a great national recreational park of outstanding service in the very heart of our Nation's densest population and at a time when the need is increasingly urgent and most inadequately provided for.

Your commission has carefully investigated the above-recommended areas with a view of selecting on the ground the most suitable boundaries or limits of purchase area for the proposed parks. Your commission, through the cooperation of the Army Air Service, obtained airplane photographs of the Shenadoah and Smoky Mountains park areas, and these photographs proved to be a great help in determining suitable boundaries.

In accordance with your instructions, the associations and organizations in the States in which these national-park areas are located were informed that the lands within the areas must be presented to the

United States Government in fee simple before such areas could become national parks. On May 27, 1925, identical letters were addressed by the commission to the leading groups in these States, suggesting that they definitely organize to carry out the requirements of the commission and stating further that "to facilitate this work the commission considers it necessary that an organization state-wide in scope be incorporated to act for the citizens and organizations of such State for the purpose of centralizing their efforts; * * * and in order that it may be custodian of moneys, lands, and options for the purchase of lands within the proposed park areas to be held in trust for park purposes." In compliance with the suggestions of the commission the following organizations were incorporated: In Virginia the Shenandoah National Park Association (Inc.), in Tennessee the Great Smoky Mountains Conservation Association, in North Carolina the Great Smoky Mountains (Inc.), and in Kentucky the Mammoth Cave National Park Association. These organizations have been engaged in obtaining donations, both of money and land and options, with the following result:

The Shenandoah National Park Association (Inc.) reported April 3, 1926, that the total amount raised in donations is $1,249,154, and a minimum net sum of $1,200,000 for the purchase of the proposed Shenandoah National Park. The Great Smoky Mountains Conservation Association and the Great Smoky Mountains (Inc.) reported April 1, 1926, that Tennessee and North Carolina have raised jointly the total sum of $1,066,693.91. The Mammoth Cave National Park Association reported April 1, 1926, two donations of property aggregating 3,629.13 acres, of which 1,324.10 acres are to be covered by fee-simple title and 2,305.03 acres by cave rights. Included in this area are the caves exhibited by the Colossal Cavern and by the New Entrance Co., but not including Mammoth Cave.

In addition, these organizations reported that they have obtained many signed options covering considerable acreage. The Great Smoky Mountains Conservation Association, the Great Smoky Mountains (Inc.), and the Shenandoah National Park Association (Inc.) have entered into an agreement to carry on a national campaign to procure additional and sufficient funds to purchase substantially all the lands within the purchase areas of the designated Shenandoah National Park and the Smoky Mountains National Park.

As the Great Smoky Mountains Conservation Association (Tenn.) and the Great Smoky Mountains (Inc.) (N. C.), jointly, and the Shenandoah National Park Association (Inc.) have complied with the requirements submitted to them by your commission, we therefore recommend that the two areas designated as above indicated be made national parks and administered as such when 250,000 acres in each of them have been transferred in fee simple to the United States. We also recommend that the Mammoth Cave National Park be established when the Mammoth Cave National Park Association can transfer to the United States in fee simple one-third of the proposed area (approximately 20,000 acres), including all the caves, and can assure you that steps will be taken to obtain additional and sufficient funds to purchase substantially all the lands within the designated boundaries.

Boundaries: The boundaries recommended in this report being largely natural and easily determined, are such as to include all the area that the commission hopes will ultimately be acquired as national parks, it being well understood that there may be holdings within the recommended areas near these boundaries which may on further inspection be found impracticable or not economical to include.

(a) Description of approximate boundaries of the Shenandoah National Park area (all in Virginia).

Beginning at a point about 1 mile west of Front Royal at the highway crossing of the Norfolk & Western Railroad and thence following the railroad right of way in a southwesterly direction to Kimble; thence following public highways via Valleyburg to the intersection of the highway and the Norfolk & Western Railroad at a point about 1 mile west of Marksville; thence again following in a southwesterly direction the Norfolk & Western Railroad right of way to a point about 4 miles north of Shenandoah; thence following public highways along the foothills of the Blue Ridge Mountains, and in part along the Norfolk & Western Railroad right of way to a point about one-quarter of a mile east of Waynesboro Junction; thence following the Midland Trail in a southerly and easterly direction to Afton; thence following the Chesapeake & Ohio Railroad to an intersection of public highways with the Chesapeake & Ohio Railroad about 1 mile west of Crozet; thence following public highways in a northeasterly direction, via Whitehall, Nortonsville, Standardsville, Wolftown, Criglersville, Hughesville, Sperryville, and Washington (Va.), back to the beginning near Front Royal; this area all being in the State of Virginia and containing approximately 521,000 acres, as shown on the accompanying topographic maps of the Geological Survey known as the Luray, Gordonsville, Harrisonburg, and Woodstock sheets.

(b) Description of approximate boundaries of the Smoky Mountains National Park area (all in North Carolina and Tennessee).

Beginning at a point on the south or left bank of the Pigeon River, in Cocke County, Tenn., as shown on the standard topographic map of the Geological Survey, known as the Mount Guyot sheet, opposite Bluffton, and thence following the said south bank of the Pigeon River upstream to the mouth of Cataloochee Creek, in Haywood County, N. C.; thence upstream along said Cataloochee Creek to the mouth of Little Cataloochee Creek, where the highway crosses said creek; thence in a southerly direction along this highway up the valley of Cataloochee Creek and Caldwell Fork to the end of said highway; thence up said Caldwell Fork to its head, on the boundary line between the counties of Haywood and Swain in North Carolina; thence in a southerly direction along said county boundary line to Soco Bald to corner of Jackson, Swain, and Haywood Counties; thence along county line to Balsam Gap, as shown on the standard topographic map of the Geological Survey known as the Cowee sheet, where the Appalachian Scenic Highway intersects the said county line; thence southwesterly along said highway to a point where this highway intersects the right-of-way line of the Asheville and Murphy Branch of the Southern Railroad; thence along the northern boundary of said right of way to a point near Sylva, where a highway crosses said right of way; thence along the said highway southerly and westerly down the Tuckasegee River Valley to the forks of the highway north of Wilmot and at the southwestern foot of the Plott Balsams; thence northeasterly along this highway to Saco Creek; thence westerly along this highway to the boundary line between Jackson and Swain Counties, N. C., where this boundary joins the Oconalufty River; thence along this highway across the said river and westerly down said river valley, through Birdtown, and to Coopers Creek near its junction with the Tuckasegee River; thence along this highway westerly down the valley of said river to its junction with the Little Tennessee River; thence westerly along the highway down the valley of the Little Tennessee River, as shown on the standard topographic map of the Geological Survey known as the Nantahala sheet; thence along said highway across the boundary between Swain County, N. C., and Blount County, Tenn., and along said highway as shown on the standard topographic map of the Geological Survey known as the Knoxville sheet, down the valley of the said river, across Abram Creek and to the point where such highway bears northerly and easterly up Happy Valley and to Montvale Springs; thence along the highway northerly to Sixmile Creek, then northeasterly to Senton; thence along highway to Little River at Gamble Store; thence along the highway which follows approximately the northeasterly base of the Chilhowee Mountains to the Blount-Sevier County line; thence to the forks of said highway on Bridge Creek; thence along the highway easterly to Guess Creek and along said highway southerly, up the valley of Guess Creek to its head; thence southerly to Walden Creek and easterly down the valley of this creek to the valley of the West Fork of the Little Pigeon River; thence along the highway southerly up the valley of the West Fork of Little Pigeon River to Gatlinburg, and along the western and southern limits of Gatlinburg along the highway easterly across Roaring Fork, up Dudley Creek, and to the Right Prong of Little Pigeon River; thence along the highway down the valley of this river, through Emerts Cove, as shown on the standard topographic map of the Geological Survey known as the Mount Guyot sheet; thence along highway northerly down the valley of said river to the forks of said highway at the west end of Webb Mountain; thence along the highway, easterly between Chestnut Ridge and Webb Mountain to Dunn Creek and along the highway up Dunn Creek to junction of highway one-half mile west of Sevier and Cocke County line; thence easterly along this highway through Sutton to the Appalachian Scenic Highway opposite Bluffton, the point of beginning. This area contains approximately 704,000 acres.

(c) Description of approximate boundaries of the Mammoth Cave National Park area (all in Kentucky).

Beginning at a point on the Brownsville Pike at Liberty, Ky., as shown on the standard topographic map of the Geological Survey known as the Mammoth Cave sheet, thence following said Brownsville Pike to Pig; thence leaving said pike and following highways in a northerly direction to a point about one-fourth mile west of Turnhole Ferry on Green River; thence westerly following highways via Silent Grove School and Arthur to a point on the Brownsville Pike near Brownsville, as shown on the standard topographic map of the Geological Survey known as the Brownsville sheet; thence northerly following roadways via Indian Hill to Indian Creek Landing on Green River; thence crossing Green River and continuing in a northerly direction following highways and roads via Poplar Springs School, Sweden, and Woodside, as shown on the standard topographic map of the Geological Survey known as the Leitchfield sheet, to a point on Nolin River opposite Whistle Mountain; thence following Nolin River to Ky Rock; thence northerly following roadways to Washington Meredith Ford on Nolin River, as shown on the standard topographic map of the Geological Survey known as the Cub Run sheet; thence crossing Nolin River easterly following roads and highways via Cove Hollow School, Straw, Sanders store, Cox store, Denison, and Big Woods School to a point on highway about one-half mile south of Dry Run School; thence in a southerly direction following Dry Run to a point where it joins Green River; thence following Green River about one-half mile to a small island; thence leaving Green River, southerly following roads and highways via Lick Log School and Iron Springs School to Highland Springs; thence westerly following the highway via

Chaumont and Cedar Hill School to the beginning. This area contains approximately 70,618 acres.

Respectfully submitted.

H. W. TEMPLE, *Chairman.*
WILLIAM C. GREGG, *Vice Chairman.*
GLENN S. SMITH, *Secretary.*
W. A. WELCH, *Member.*
HARLAN P. KELSEY, *Member.*

No doubt these great parks will be speedily established, and when so established they will be great monuments to the idealism and sentiment of the American people. This great Government of ours is founded on an ideal, and it has withstood the period of many years. It will continue to stand, and idealism and sentiment are its strongest bulwarks.

FREDERICK A. FENNING

Mr. DYER. Mr. Speaker, I present a report from the Committee on the Judiciary in response to House Resolution 228, with the views of the committee, and ask that it be printed.

The Clerk read as follows:

Report of the Judiciary Committee on House Resolution 228 concerning the alleged official misconduct of Frederick A. Fenning, a commissioner of the District of Columbia.

Mr. DYER. Mr. Speaker, I ask unanimous consent that any member of the committee may have until 12 o'clock to-night in which to file minority views.

The SPEAKER. The gentleman from Missouri asks unanimous consent that any member of the committee may have until 12 o'clock to-night to file minority views. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, may I ask the gentleman if there are any Members who want to file minority views? Is it not satisfactory to the committee?

Mr. DYER. That was satisfactory to the committee this afternoon.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the report is referred to the House Calendar and ordered printed.

NATIONAL DEFENSE

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the national defense.

The SPEAKER. Is there objection?

There was no objection.

Mr. JAMES. Mr. Speaker, during the past seven years that I have been a member of the Military Affairs Committee of this House, I have gradually been impressed with the great differences of opinion and failure to reach decision between the War and Navy Departments on matters affecting vitally our national defense. When our Republic was first constituted under the Constitution in 1789, we had one War Department organized for the defense of the Nation. In 1798, nine years later, it was felt that the expenditure of somewhat over $4,000,000 for national defense created such a burden that one department could not handle the matter. Consequently, a Navy Department was organized. The budgets for these two departments have constantly been growing larger until now we are appropriating close to $700,000,000 annually for their combined support.

During the 127 years of existence of these two departments they have been accumulating traditions, laws, policies, and differences of opinion which are causing them to be more in competition with one another than in cooperation with each other. Some members of this House have advocated still a third department, one to handle all aerial activities. While I am in accord with the principle that the air forces should be on a coordinate basis with those of the land and sea, I am strongly of the opinion that all should be consolidated into one single department of national defense. On January 8, 1925, Mr. Weeks, as Secretary of War, wrote to the chairman of the Committee on Military Affairs with regard to the organization of a department of air as follows:

In warfare "unity of command" is essential. Lack of such unity of command has probably been the cause of more defeats and disasters in military history than any other one contributing cause. It nearly caused defeat in, and undoubtedly prolonged, the two greatest wars in our history—the Civil War and the World War. After such experiences it is unthinkable that any nation could deliberately prepare its forces for national defense so as to insure divided responsibilities and divided command in every possible theater of operation.

Certainly the present organization, wherein we have two departments charged with national defense, is not in accord with the principle of unity of command.

On January 30, 1920, in connection with Senate bill 3348, creating a department of air, Senator WADSWORTH, at present chairman of the Senate Military Affairs Committee, seemed to believe that our air forces should be developed on a status coordinate with those of the Army and the Navy, for he said on the floor of the Senate:

People may say that I am dreaming about this thing, but I am just as confident as I can be that whatever emergencies we shall meet in the future will be characterized in their first or second or third day by some great air battle, and it may be a thousand or two thousand miles off our coast; and a combatant force trained for that purpose will eventually become a part of the national defense of this country.

The Senate and the Congress and the people may not be ready for it now; they may not be ready for it to-morrow; but it is inevitable, just as it was inevitable to organize a separate Navy Department following the old department of the Government which had both the War and the Navy Departments together. The elements which are so entirely different, the science and the art of flying differ so tremendously from walking the land or sailing on sea that events themselves, and the development of the science to a still further degree, will compel us to organize a combatant force to operate and navigate in the air.

Senator WADSWORTH went on further to say, in answer to a question of Mr. JONES of Washington as to whether it would save money to the people of the country:

Yes; otherwise we would not have dared to report it.

Referring to the bill.

There has been a great agitation to develop our air forces and I am confident that it is only the differences of opinion and the prejudices of the War and Navy Departments which have kept our air forces from assuming a more important place in our national defense system than they now occupy. Even in 1923, the now famous Lassiter Board, which met in the War Department and whose findings were approved by the Secretary of War, stated:

Since the World War aviation has come to play an increasingly important part in military operations, but measures have not been taken in our country to keep step with this evolution.

And further this board said:

Should a national emergency confront this country within the next few years, the Air Service would not be able to play its part in meeting it.

I am strongly in favor of developing our air forces but I want to see them developed in one department of national defense where economy, efficiency, avoidance of duplication, and unity of command will be the watchwords.

On February 13, 1923, President Harding sent a letter to the chairman of a joint committee of the House and Senate, transmitting a chart for the reorganization of the executive departments in which he recommended a single department of defense which would combine the present War and Navy Departments.

A committee of nine Members of this House, known as the select committee of inquiry, for the purpose of inquiring into the operations of the United States Air services, stated:—

Our military organizations are manifestly designed for one purpose, the national defense. The Army and Navy are each vast organizations, with a multiplicity of functions. They perform many duplicated and similar functions. Each is designed for action in case of war. They are less burdensome to maintain and more efficient when their expenditures, their training, their preparation, and the performances of their duties are coordinated, harmonized, and centralized.

A single department of national defense through its unity of command would harmonize our national-defense system, reduce expenditures for supplies, and prevent needless duplications, promote understanding, lessen friction between our different military arms, and provide a uniform and equalized system of pay, promotion, and retirement. It should decrease the overhead of maintenance and decrease the number of organizations and bureaus within the departments. It should promote the interchange of effort in peace and war; it should work for economy, efficiency, and strength in our national defense.

It would train and habituate our military organizations in peace time for that cooperation that is essential in war.

This committee actually recommended:

That there be established a single department of national defense, headed by a civilian secretary, specially charged with the coordination of the defenses of the country.

It was only after a very extensive investigation that the select committee of inquiry reached this unanimous conclusion, the testimony which they took covering over 3,500 pages.

The present Chief of the Army Air Service, General Patrick, a man who has had broad experience in the Army as a whole, and who for nearly 10 years has been directly connected, both in peace and in war and during a period of reconstruction, with the Air Service, a man who has served more than 40

years in the Military Establishment, stated to our Military Affairs Committee:

I believe that the time is certainly going to come when we should have a department of national defense. * * * I am thoroughly in favor of it myself. * * * I do not wish to visualize it as a creation of a very large body—that is, this secretary of national defense—but, rather, as a small organization, not necessarily an office of record but with a comparatively small staff, just one man, to bring about actual coordination between the various agencies which are used for national defense. He would have the power to do so and could do it; where differences of opinion are in existence he could decide. At present, there is no agency outside except the President, the Commander in Chief, and he is too busy in time of peace and will be immensely more so in time of war.

Surely the experience and judgment of General Patrick, the present Chief of the Army Air Service, whom I consider the best authority on military aviation to-day, should not be laid aside.

The President's Aircraft Board itself recognized some need for greater coordination and cooperation, particularly in air matters, by recommending the appointment of additional Assistant Secretaries in the Departments of War, Navy, and Commerce, contemplating that they would act in conjunction with each other. Mr. HILL of Maryland, in commenting on this feature, stated in our committee that—

The fact that the Morrow Board has recommended these three Assistant Secretaries, to form a committee on air, is a very definite admission that the present situation in the defenses of the country, especially in regard to air, is utterly impossible and should be remedied.

Nor do I feel that we should disregard the sentiment expressed by the American Legion in one of its resolutions which was presented to the Military Affairs Committee in its hearings. It is as follows:

Be it further resolved, That the American Legion, in national convention assembled, is impressed with the proposal to reorganize our national defense under one Cabinet officer, with subdivisions of equal importance for the land, sea, and air forces, because of the proposed centralized control, enhanced efficiency, and economy in operation.

There exist at present several boards whose functions are to adjust difficulties that come up between the two departments. The Joint Army and Navy Board is the principal one of these. It is a grand debating society composed of the highest ranking officers of the Army and the Navy, who, for the past three years, have held up a development program for the air which has been an urgent necessity. The Joint Aeronautical Board is another of these debating societies, composed also of Army and Navy officers. Its sole power is that of recommendation to the Joint Army and Navy Board. It endeavors to smooth over the difficulties and coordinate the plans of the Army and Navy on air matters, but, as has already been brought out before this House, the most vital questions are still to be settled.

The Munitions Board is still a third debating society. A fourth agency, known as the Council of National Defense, was created, but, having no teeth, could not act, and, therefore, has practically passed out of existence. What we need more than anything else in national defense is a single head to act directly under the President, who will direct, instead of two coordinate departments, who, through their joint debating societies, fail to settle some of the most important questions.

The Institute for Government Research has made several excellent studies in administration. This organization makes scientific studies of government with a view to promoting efficiency and economy in its operations and advancing the science of administration. In 1923 it completed a study with regard to national defense. I quote from its discussion in regard to the consolidation of the War and Navy Departments into a single department of national defense. It is an excellent discusssion of this matter.

No principle of reorganization is more fundamental than that the performance of a clearly defined function should, if possible, be intrusted to a single service, or when the performance of this function involves engaging in a variety of activities, to a single department comprehending all of the services having these specific activities in charge. Any departure from this principle means divided responsibility and authority, conflicts, and overlapping of jurisdiction, duplication of organization and work, and unnecessary expenditure of public funds. The desire to make the organization of the National Government conform to this principle lies back of almost all of the changes in the existing system that have been advocated in the preceding pages.

If now the attempt is made to discover and state the feature of the National Government in respect to which this principle is most flagrantly violated, it is undoubtedly to be found in the provision that has been made for the performance of the function of national defense. In the existing War and Navy Departments and their field establishments, the Army and the Navy, the Government now has two distinct services performing a single function. Notwithstanding the fact that both have for their purpose the achievement of the same end, and that no case can arise measurably testing our resources when these two services do not have to work in close cooperation with each other, each is organized as a completely independent and self-contained working unit. The result is that the two departments with their field establishments duplicate each other from top to bottom.

In the War and Navy Departments at Washington we have two great offices of general administration, the functions and general character of whose work are almost identical. Following these we have two separate and independent services for handling the matters of manufacture or purchase of munitions, equipment, and supplies of all character, the warehousing, issue, and transportation of these supplies, the recruiting of personnel, the disbursement of funds, the keeping and auditing of accounts, the preparation and rendition of financial reports, and the handling of vast amounts of correspondence and records involved in attending to these matters.

From the standpoint of business organization and procedure all of these operations are practically identical in character. In the field we have a similar duplication of plant, organization, and work on a large scale. Though the problems of ordnance and ammunition supply are so largely the same for the two services, we have separate establishments for the manufacture or purchase of guns, powder, shells, and other munitions of war. Independent recruiting stations are maintained throughout the country.

In many of our coast cities and in most of our insular dependencies, we have naval stations and military posts located side by side. Each in large part duplicates the plant of the other. Each has its grounds to be taken care of, lighted and supplied with water and other facilities; each its hospital, its commissary or supply department, its depots, its stores of supplies, its paymaster and accounting service, etc. One will bring supplies at great expense from long distances to meet its needs, though the other across the way may have an abundance of the articles needed. The increased cost thus entailed in maintaining two separate plants must run into many thousands of dollars annually in each case where such duplication exists.

The mere enumeration of these points at which duplication exists, however, gives but little idea of the enormous amount of additional work and expense that are entailed by the keeping up of two independent establishments. The Army and Navy are, it need hardly be said, purchasers of supplies on a vast scale. All these purchases are made according to specifications prescribed by the two services. Each of these services has thus a tremendous amount of work to do in the way of drafting specifications, making tests, inspecting samples, checking deliveries, etc. Manufacturers and dealers desiring to do business with both services have to take account of the differences in the requirements of the two services in quoting prices. The saving that could be secured in this single field by standardizing specifications, and by maintaining a single service for the drafting of these specifications, the making of tests, the inspection of deliveries, and the settlement of the accounts would in itself amount to a large sum. Incidentally the gain that would result from standardizing equipment and supplies so that they would be commonly available to the two services would be of the first order.

What is true in respect to this matter of securing supplies is true of almost every other feature of the business operations of the two departments. Take, for example, the matter of inspection of Army and Navy posts. A perfect swarm of officers and other officials are engaged in this work, and the expense involved is enormous.

That a single inspection service could greatly reduce this cost and set free many officers for other duties is certain. With one system of depots and one organization for the distribution of supplies, a great saving could certainly be secured in the warehousing and transportation of supplies, the settlement of vouchers, the keeping of property records, etc. Certainly it would be more efficient and more economical to have one well-equipped hospital service in a city where there are both an Army post and a naval station than two smaller institutions of this character.

It is, however, unnecessary for us to carry further this enumeration of points in respect to which the present duplication of administrative organization, business procedure, and, to a considerable extent, of plant, leads to unnecessary work, expense, and demands upon the personnel of the two services. It can, it is believed, be taken for granted that no one, no matter how ardent a supporter he may be of the existing system, will seriously question the fact of this duplication.

If a defense is to be made it must be by way of what the lawyers would call confession and avoidance. The facts must be accepted. The only defense must be that conditions are such as not only to justify but to render essential this maintenance of two separate and almost wholly independent services. It is therefore necessary to examine the points of justification that will be certain to be brought forward in support of the existing system and against the proposal that the two departments should be consolidated.

The first of these will undoubtedly be that of the consistent conservatist, that what is is best, that the existing system needs no other

justification than the fact that it is the one approved by long usage, that it is the one that has been adopted by almost all, if not all, other nations. The force of this as a point of departure from which to examine the question can not be denied. It does not in itself, however, afford any demonstration of the merits of the existing system, and if these merits are challenged they should be affirmatively shown.

Granting, then, that usage does raise a strong presumption as regards the correctness of action in the past, the question nevertheless remains whether conditions under which armed forces are now maintained and war is waged are not so radically different from those which obtained in former times as to require quite a different system for meeting them.

It is hardly necessary to point out that the overwhelming lesson of the recent Great War is the tremendous importance of the work that must be done back of the fighting lines. War is as much, if not more, a contest between the nations involved in respect to their abilities to organize their strength and resources and to provide the men on the fighting line with all the munitions, materials, and devices needed by them than one of physical combat.

To an extent that was never equally true before, the controlling factors that will decide the issues are those of business organization and efficiency. If the maintenance of two separate administrative organizations means an unnecessary draft upon the manhood and financial resources of the country it stands condemned.

A second point that will undoubtedly be raised is that the two services are so dissimilar in character that separate organizations must be provided for their maintenance and operation. Is this true? That the two services, as regards their field establishments, are quite dissimilar no one will for a moment question. What is here under consideration, however, is not the character of these establishments and their operations in the field, but the whole administrative machinery for their raising, equipment, and direction.

The Navy, it is true, consists of vessels and their complements of officers and men. Vessels, however, are not built, equipped, and supplied on the water. The whole great work of bringing a navy into existence and in large part of its direction is performed on land. The Navy, no less than the Army, must have its land stations, its arsenals, its factories, powder plants, supply depots, recruiting officers, training schools, etc.

All the business or administrative work that has to be performed in providing and maintaining a navy is, in a word, conducted on land, and though differing in details presents the same general problems of organization and business procedure as does the Army. The Navy Department, moreover, is not unique in respect to having to concern itself with maritime matters. The War Department at the present time is maintaining and operating a considerable fleet of vessels for the transport of troops and supplies to and from our insular dependencies. It is thus called upon to meet many of the problems of navigation that confront the Navy. It must purchase and reconstruct vessels, attend to their repairs, recruit seamen, and direct the movement of vessels in the same way as does the Navy. In doing so it can make a certain use of the navy yards, coaling stations, etc., of the latter, but from the standpoint of organization and administration it acts absolutely independently of its sister service.

Without pressing this point further, it must be evident that from the standpoint of business organization and procedure the operations involved in the creation and maintenance of a military and a naval establishment are not so fundamentally different as might at first sight appear. Certainly they are not so different as to warrant the great duplication and additional expenditure involved in maintaining two distinct organizations and plants for their performance.

In this connection it is important to note that the proposal to consolidate the War and Navy Departments into a single department of national defense in no sense carries with it the idea of lessening in the slightest degree the independent status of the Army and the Navy as field establishments. The Navy as a field force will continue to be as distinct a service as it now is. It will be one arm of a general military service under a single general direction in the same way that the Infantry, Cavalry, Field Artillery, Coast Artillery, Engineer Corps, etc., now constitute distinct services under the unified business administration of a single War Department.

Finally, if further argument is required that it is quite feasible for the same organization to attend to both the maintenance and operation of a fleet and that of a military force, strictly speaking, it may be found in the fact that precisely this thing is now being done with regard to one branch of our military system. In the Marine Corps, which now numbers in the neighborhood of 30,000 men, and thus represents a force as large as the military establishment maintained by the Government for years prior to the Spanish War, the Navy Department is in effect maintaining and directing an armed force quite similar in character to that of the Army proper. It, moreover, frequently uses this force for purely land operations.

The fact that the Navy Department has found it desirable to maintain a force of this character is in itself a strong argument in favor of the proposal here put forth.

Up to the present point attention has purposely been confined to the purely business problems involved in the maintenance of forces for the national defense. It remains to examine how the proposal would work when the supreme test of war comes. It is possible that many may concede the advantage of a unified administration of military and naval affairs during a period of peace, but will hold that when war intervenes a duality of control is required.

Unfortunately for this contention, it is precisely at this time that the principle of independent operation of the two services is, under the present system, largely abandoned. In other words, the moment that there arises the contingency for the meeting of which the two services are provided, every effort is made, as far as the duality of departments will permit, to operate under a joint general direction and to secure the advantages resulting from a unity of direction and common utilization of the resources of their combined plants and personnel.

National defense operations have two phases—those of planning and preparation and of execution. It is essential that each country shall, as far as possible, determine in advance the contingencies calling for the use of the armed forces of the nation that are at all likely to occur, and make definite provision for the manner in which these contingencies will be met if they should arise. As has been indicated, all such contingencies, if they are of a character measurably to test the resources of the country, call for action on the part of both the Army and the Navy.

It is thus of prime importance that the plans formulated and the preparations made shall assign to each of these services its part and make definite the working relations that shall obtain between the two in the achievement of the ends in view. Shall, for example, the defense of the Panama Canal be provided for by the erection of land fortifications in charge of the Army, be left to the Navy, or to the joint action of the two? To what extent shall the protection of our harbors and seacoasts be entrusted to the Army or the Navy? What provision for defense shall be made in the way of mine fields, and to which department shall be given the direction of this work? If operations are to be conducted in foreign territory what shall be the part assigned to each service?

The mere asking of these questions shows to how large an extent the problem of national defense is a single one.

It would seem self-evident that such a unity of plan and operations can better be secured under a single than under two administrative systems. It may be held that the questions involved are ones which can readily be met by conference between the two departments. Experience, however, shows that this is not so. It is almost certain that at the present time acute differences exist between the two departments in respect to the relative parts that they should play in respect to particular features of the general scheme of national defense.

It is a question whether the Navy believes that the money expended for the fortification of and maintenance of a large garrison of troops at the Canal Zone could not have been better expended in increasing the Navy. It is doubtful whether there is complete agreement in respect to which services should be entrusted with the maintenance and operation of mine fields for the protection of harbors.

Anyone at all familiar with the inside history of operations at Santiago during our war with Spain knows how serious were the differences between the two services as regards the plan of operations that should be pursued and how acute were the disagreements that arose between them in carrying out the plan that was adopted. It is more than likely that cordial agreement did not exist between the British War Office and the Admiralty in respect to the ill-fated expedition for the forcing of the Dardanelles.

In the recent war great difficulty was encountered through the two departments going into the market and competing with each other for the munitions and supplies needed by them. Only through the hasty creation of such bodies as the Council of National Defense and the War Industries Board was this situation in a measure met. At the present time the two departments are not in agreement in respect to the part that each shall play in the development of an aviation service, and there is every evidence that great duplication will result through each seeking independently of each other to build up this important service of national defense. To meet this situation the proposal is being strongly urged that military aviation be entrusted to a third independent establishment.

Should this be done the problem of securing unity in planning, preparation, and execution would be still further complicated. If, on the other hand, the three while constituting separate field establishments, are brought under the common administrative direction of a single department of national defense, the basis is laid for securing unity in respect both to planning and execution.

In considering this proposal it is important to note that the advantages to follow from it relate both to increased efficiency and to economy. In respect to economy it is impossible even to estimate the possible savings that could be secured should the plan, upon examination, be found to be feasible. Certainly they would run into many millions of dollars annually. A further incidental advantage would be the simplification of the problem of national defense as presented to the President in formulating his annual budget and to

Congress in taking action upon this important branch of public administration.

Although there is opposite opinion with regard to this matter of a single department of national defense, I have yet to find a single argument which is worthy of mature consideration. I believe that we have men in this country who can handle most efficiently a department of this character, men who can formulate the major policies to be carried out, men who can agree with the will of the President and of Congress, prominent men who can decide with rational judgment instead of debating and getting nowhere; and in the end men who can give us greater efficiency and economy, avoid duplication and have unity of command, which are the very things for which we are striving in national defense.

This matter of the coordination of the Army and Navy is deserving of mature consideration by Congress at once, so that prior to any further emergencies we may be more adequately prepared to meet our responsibilities to the people of the Nation and to preserve our sovereignty. The need for this greater coordination and cooperation between the two great departments maintaining active defense agencies is well shown by H. R. 10982, introduced by Mr. MORIN on April 5, 1926, and which is understood to be a bill to constitute a council of national defense, drawn up personally by the Secretary of War. Hearings held on this subject disclosed a very wide divergence of opinion in many matters now pending between the Army and the Navy and impossible of settlement by the existing agencies. The Secretary of War stated, in part, with regard to this bill:

Moreover, any disputes between departments, any disagreements in departments, or any conflict in plans might be settled finally by the President with the advice of this council (p. 5).

General Drum, at the time in charge of one of the most important major divisions of the General Staff and who has appeared before the Military Affairs Committee many times as the spokesman of the War Department, discussed the need for further coordination very frankly with the committee. He entered into the hearings a study made in his division, which states (pp. 35 and 36) as follows:

18. Some of the points of contact between the Army and Navy which require coordination are:

(a) Joint programs for national defense, including financial, mobilization, and industrial programs.

(b) Definition and allocation of missions, especially in coast defense.

(c) Joint war plans.

(d) Joint maneuvers.

(e) Joint operations and unity of command involved in overseas expeditions, coast defense, defense of overseas possessions.

(f) Aviation, coordination of—Missions of air components, air programs, procurement of aircraft, training, operations.

(g) Duplication of facilities.

19. Most of these questions have been considered and an agreement arrived at by the various coordinating agencies provided. However, this agreement is often a compromise, and in the opinion of some is for that reason not always to the best interests of national defense.

20. It is believed that there are outstanding questions at issue to-day between the Army and Navy on which no agreement has been reached, or the agreement arrived at is in the nature of an inefficient compromise. Some of the most important are:

The question of unity of command in combined operations, maneuvers, or war plans.

The definition of the exact missions and functions of the two services in coast defense, including the defense of our overseas possessions, and especially with reference to the missions and functions of the Army and Navy air components.

The combined air programs of the two services which in a way is dependent upon the decision on the second question above.

Mobilization of man power and industrial resources.

Duplication and overlapping in procurement, supply, and operating facilities.

21. There are several other questions which might be mentioned, including the one so frequently referred to—duplication of facilities—but it is believed that these listed above are the most important and the most difficult of solution. In most of these questions the interests of the two services are diametrically opposed and a judicial decision is needed based on the merits of the two opposing views, rather than a compromise between the two interested parties.

The statements above quoted are most startling when it is considered that General Drum has been brought into intimate contact with these questions of national defense. Note particularly that agreements are often compromises and, consequently, "not always to the best interests of national defense." Also that "there are outstanding questions at issue to-day between the Army and the Navy on which no agreement has been reached," and that the first of these listed is the question of unity of command, the most important single factor for success in war. Note also that he states, "There are several other questions which might be mentioned."

Assistant Secretary of War MacNider also subscribed to these views and introduced them into the record (p. 75).

It has been recognized that the joint agencies, such as the Joint Army and Navy Board, the Joint Army and Navy Planning Committee, the Aeronautical Board, the Army and Navy Munitions Board, and even other Federal coordinating agencies have not been able to agree on several most important matters. They are in a great measure debating societies, lacking the most essential element—the judges to render a decision.

General Drum entered in substantiation of this point the following as a part of his testimony (p. 36):

22. At present there are several joint agencies charged with the consideration and coordination of Army and Navy questions. These joint agencies include: The Joint Army and Navy Board, including the joint planning committee; local joint planning committee; the Aeronautical Board; the Army and Navy Munitions Board.

23. The membership of each of these boards and committees is equally divided between the Army and the Navy, and when the interests of the two services are diametrically opposed, no decision is possible other than a compromise. An example of this failure to reach a decision is the present deadlock on the question of submitting the joint air program to the President.

Again General Drum stated (p. 36)—

It is believed that from the several standpoints, in addition to aviation, it is essential that there be some coordination of the Army and Navy financial problems from the national-defense viewpoint.

Perhaps the most important part of the study made in General Drum's division is to be found in the conclusions which I quote in full:

CONCLUSIONS

31. From a consideration of the above it is believed that there is a need for some Federal agency charged with the following responsibilities:

(a) To consider our national-defense problem as a whole and define the national-defense rôle or mission of each of the various executive departments and independent agencies of the Federal Government, including the military and naval forces provided by Congress.

(b) To study and recommend to Congress such changes in the organization of the executive branch of our Federal Government or other agencies provided by Congress for national defense as may be required in order to increase the efficiency of our national-defense system.

(c) To study and prepare plans for the war expansion of the executive branch of the Federal Government in an emergency.

(d) To coordinate plans for the development of transportation systems, including railways, highways, waterways, and airways in the interest of national defense.

(e) To formulate and coordinate plans for the production, procurement, and distribution of material and supplies required by all executive departments for national-defense purposes.

(f) To review and coordinate plans, programs, and policies for the national defense where they affect more than one executive department.

(g) To coordinate estimates for funds for national-defense purposes prior to their submission to the Bureau of the Budget.

(h) To consider and determine any question concerning national defense which may be submitted to it by the head of any executive department or independent agency.

32. While the President as Commander in Chief may have the power to carry out the functions indicated in the foregoing, there is needed a single agency to advise him and execute his directions in this connection. No such agency now exists charged with said responsibilities. While the joint board and its subsidiary committees are available and required for joint consideration of specific Army and Navy operations, functions, etc., it has not and can not be given the responsibility to cover the broader field indicated. Furthermore, such a board is influenced by ex parte views with a tendency to accept inefficient compromises, indicating a need in major questions for a judicial determination after both sides have been presented.

There is a lot of food for serious thought in these conclusions, and they should assist the Congress very materially in reaching a solution of this problem. Note particularly General Drum states—

There is needed a single agency to advise him (the President) and execute his directions in this connection.

Our Assistant Secretary of War, Mr. Hanford MacNider, a man of broad vision, with some military experience and with enough knowledge of the operations of the War and Navy Departments to thoroughly grasp the situation and still not have become prejudiced by voluminous studies of debating

societies, dictatorial staffs, or other similar agencies, told our committee (p. 72) as follows:

The difficulty lies in the fact that action upon questions wherein disagreements are known to exist or anticipated can not be forced before coordinating boards and through them placed before the President for final decision.

At present only such decisions are being rendered by the coordinating boards as are unanimous. Controversial questions are left unanswered.

We find on page 74 of the hearings on this subject that Mr. MacNider, speaking for the department which he represented, apparently wants something done which will gain a decision on these controversial matters. In reply to Mr. McSWAIN's questioning, we find the following:

Mr. McSWAIN. Your statement manifestly implied this proposition, that at present the joint Army and Navy Board is ineffective because of the fact of being made up of an equal number of Army men and Navy men, so they are practically deadlocked, and that their unanimous decision is possible only in connection with relatively unimportant matters.

Now, you have an executive board proposed here of five members. You propose that if three out of the five men render a decision and form a judgment and report back to the council of national defense that is the decision of the whole five?

Mr. MACNIDER. Yes, sir.

Mr. McSWAIN. That is the only way you would ever get at it.

Mr. HILL of Maryland. That is the thing that Mr. McSWAIN and the rest of us who have been advocating a unified department of defense have in mind. Your existing joint board members are divided 50-50, which allows them to reach no definite conclusion.

Mr. MACNIDER. What we want is a decision; we feel that same way about it that you do.

On Tuesday, April 6, 1926, the House Military Affairs Committee had a meeting to consider various bills providing for a council of national defense; one introduced by Mr. McSWAIN, H. R. 10248; one introduced by Mr. MORIN, H. R. 10982, embodying the ideas of the Secretary of War, in fact written personally by the Secretary of War; and one introduced by Mr. MORIN, H. R. 10985, embodying the ideas presented by General Drum, then Assistant Chief of Staff. These bills are as follows:

[H. R. 10248, Sixty-ninth Congress, first session]

A bill to further provide for the national defense by coordinating the Army and the Navy

Be it enacted, etc., That there shall be a council of national defense to consist of the Secretary of State, the Secretary of War, and the Secretary of the Navy, and the chairmen of the Committees on Foreign Affairs, Military Affairs, and Naval Affairs of both the Senate and House of Representatives of the Congress of the United States, of which the Secretary of State shall be chairman ex officio, and in his absence the Secretary of War shall act as chairman, and in the absence of the Secretary of War the Secretary of the Navy shall act as chairman.

SEC. 2. It shall be the duty of the said council of national defense to meet at least once in every three months, or oftener if ordered by the President or by previous resolution of the board itself, and the council shall appoint a secretary from among the officer personnel of the Army whose duty it shall be to keep full and accurate minutes of all proceedings of the board, and the secretary shall prepare, under the direction of the Secretary of State, the agenda for each meeting; but any member of the council may bring for the consideration of the board any matter not already upon the agenda, and decisions shall be made only on a two-thirds vote of the full membership of the council.

SEC. 3. It shall be the duty of the council of national defense to submit to the President of the United States any matters and suggestions calculated to produce greater efficiency and economy in either the Army or the Navy or in any other of the defense activities of the Government, and the said council shall have the power to originate any such suggestions, or to consider and submit to the President any such matters as may have been submitted to it by the Army and Navy executive council hereinafter created.

SEC. 4. There shall be, and is hereby, created an Army and Navy executive council to consist of the Secretary of War as chairman, and in his absence the Secretary of the Navy as acting chairman, and the Secretary of the Navy, the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Chief of the Air Service of the Army, the Chief of Bureau of Aeronautics of the Navy, the Chief of Chemical Warfare Service, and the Chief of the Militia Bureau; and the said executive council shall appoint from among the officer personnel of the Army a secretary whose duty it shall be to keep full and accurate minutes of all the proceedings of the said executive council and to prepare an agenda for each meeting thereof under the direction of either the Secretary of War or the Secretary of the Navy, or both, and said war council shall meet at least once every month, and oftener if directed by the President, or upon resolution of the said executive council itself.

SEC. 5. It shall be the duty of the Army and Navy executive council to consider all matters that may be submitted to it by either the President or the council of national defense, or by any member of said executive council, or by the chief of any branch or bureau of either the Army or the Navy, or by The Adjutant General of the Army, or by the Army and Navy advisory council, and to advise either the President or the council of national defense, as the case may be, upon any such matter submitted to and passed upon by the said war council. It shall further be the duty of the said executive council to require the Army and Navy advisory council, hereinafter created, to certify to the executive council all questions that have been pending and unsettled before it for a period of three months, and in the event of war or a national emergency to report any such question that may be pending before the said joint Army and Navy board upon such shorter time, or instantly, as the President shall direct. It shall be the power and duty of the said executive council to make decisions on all such questions as may be certified to it by the Army and Navy advisory council or as may be submitted to it by the council of national defense or by the President, or as may originate within the war council itself, upon the suggestion of any member thereof, and after such decisions shall have been made the said executive council shall have the power to direct and order either the War Department or the Navy Department to execute and carry out such decisions, unless the President shall otherwise direct. A record vote of two-thirds majority of the membership shall be necessary before issuing any order.

SEC. 6. There is hereby created a board, to be known and designated as the "Army and Navy advisory council," which shall consist of an officer of the line of the Army and a member of the General Staff having the permanent rank of colonel, an officer of the Quartermaster Corps of the Army, and a reserve officer of the Army to be called to active duty and service upon the said advisory council for a period of not less than one year nor more than two years, and after having served such tour of duty shall be ineligible thereafter to be recalled to active duty for such purpose, and of a line officer of the Navy with the rank of captain, and officer of the Paymaster Corps with the rank of commander or above, and an officer of the Naval Reserve called to duty for not less than one year nor more than two years and thereafter to be ineligible for such duty. The chairman of said advisory council shall be the deputy Chief of Staff of the Army, but without any right to vote, and in his absence the ranking officer present shall act as chairman, and the said advisory council shall meet weekly and shall appoint an officer of the Army as secretary, who shall keep full and accurate minutes of all proceedings, and shall arrange an agenda for each meeting, but any member may suggest the consideration of any subject not on the agenda. Agreement by two-thirds of the voting membership of the advisory council shall be necessary to render a decision on any matter.

SEC. 7. It shall be the duty of the Army and Navy advisory council to consider, advise, and report on all matters that may be submitted to it, either by the President or the executive council or the council of national defense or upon any matter that may originate within the advisory council, and it shall be the duty of the members of said advisory council to keep under constant observation, study, and consideration all matters relating either to the Army or the Navy with a view to originating suggestions as to ways and means of bringing about closer cooperation, better coordination, and the elimination of duplications between the Army and the Navy.

[H. R. 10982, Sixty-ninth Congress, first session]

A bill to constitute a council of national defense

Be it enacted, etc., That the President of the United States is authorized and requested to constitute a council of national defense consisting of the Secretary of War, the Secretary of the Navy, and the heads of such other executive departments as he may from time to time determine to consider such questions relating to the national defense as may be referred to it by the President or by any member of such council and to submit to the President their recommendations thereon. The President is requested to report to the Congress from time to time any recommendations necessary to provide for the more effective national defense.

SEC. 2. That the council of national defense shall submit annually to the President a report, together with recommendations on the status of the plans of all the executive departments for the national defense, including such matters as organization and strength of the military and naval forces and their expansion to meet an emergency, the adequacy of reserves on hand, the status of essential key industries, the situation regarding essential raw materials of foreign origin, and such other matters as it may deem desirable.

SEC. 3. That there shall be established for the council of national defense an executive board, consisting of the Assistant Secretary of War, an Assistant Secretary of the Navy, an Assistant Secretary of Commerce, the Chief of Staff of the Army, and the Chief of Naval Operations, which board shall make such studies as may be required

of it for the council of national defense. In time of peace any case of disagreement relating to plans for the national defense shall be brought before the executive board, which shall study the matter and shall submit a statement of such disagreement, together with its recommendation to the council of national defense, which shall thereupon makes its recommendation to the President for his decision.

SEC. 4. That in an emergency declared by Congress the President of the United States shall have power and authority to create and establish such Federal agencies as he may deem necessary and desirable to make effective approved plans for the development and efficient utilization of the man power and industries, finances, transportation, and other national resources essential to the national defense.

SEC. 5. All laws and parts of laws in conflict with this act, including section 2 of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes, approved August 29, 1916, are hereby repealed.

[H. R. 10985, Sixty-ninth Congress, first session]

A bill to provide for a council of national defense, and for other purposes

Be it enacted, etc., That a council is hereby created and established to be known as the council of national defense, hereinafter referred to as the council, which shall be composed of the Secretary of State, the Secretary of War, the Secretary of the Treasury, the Secretary of the Navy, the Secretary of Commerce, the Chief of Staff of the Army, and the Chief of Naval Operations. The council shall have an official seal, which shall be judicially noticed.

SEC. 2. That a commission to advise and assist the council is hereby created and established, to be known as the advisory commission council of national defense. The commission shall consist of the following: (1) An executive director, to be appointed by the President, by and with the advice and consent of the Senate, who shall serve as chairman of the advisory commission and shall receive a salary of $12,000 per annum; (2) an operations committee comprising a general officer of the Army, an admiral of the Navy, and an Assistant Secretary of State, to be selected by the heads of their respective departments; and (3) a procurement committee comprising an Assistant Secretary of War, an Assistant Secretary of the Navy, and an Assistant Secretary of Commerce, to be selected by the heads of their respective departments: *Provided*, That the organization and number of such committees may be modified from time to time by the council.

SEC. 3. That the council shall be, and is hereby, authorized to call from time to time upon the heads of the several executive departments of the Government for the services of such personnel as may be necessary in the solution of such problems and studies as fall within the purview of the council. Personnel of the executive departments performing the services contemplated herein shall perform their duties under the direction and control of the advisory commission, and shall serve under their several permanent appointments in the executive departments and without increased remuneration therefor under such rules and regulations as may be prescribed by the council. The term "personnel," as used in this section, shall include members of the military and naval forces of the United States, members of the United States Coast Guard and Public Health Service, as well as civilian employees of the several departments of the Government. When in his judgment efficiency demands such action, the President is authorized to except officers of the Army and Navy required for detail on or duty with the advisory commission from the provisions of law which otherwise restrict the detail or assignment of officers of those services.

SEC. 4. That the council, subject to the approval of the President of the United States, shall have power and authority, and it shall be its duty (a) to consider our national defense problem as a whole and define the national defense rôle or mission of each of the various executive agencies of the Federal Government, including the military and naval forces provided by Congress; (b) to study and recommend to the President such changes in the organization of the executive departments of the Federal Government or other agencies provided by Congress for national defense as may be deemed desirable to promote the efficiency of our national defense system; (c) to study and prepare plans for the war expansion of the executive departments or other agencies of the Federal Government in an emergency; (d) to coordinate plans for the development of transportation systems, including railways, highways, waterways, and airways, in the interest of national defense; (e) to coordinate plans of all executive departments for the development, production, procurement, conservation, and distribution of all national resources essential to national defense; (f) to coordinate general plans, programs, and policies for the national defense where they affect more than one executive department; (g) to consider and determine any question concerning national defense which may be submitted to it by the head of any executive department or independent agency.

In all questions that do not require legislative action the decision of the council, after approval by the President, shall be final and binding on all concerned.

SEC. 5. That in an emergency declared by Congress the council, under control and direction of the President of the United States and subject to his approval, shall have power and authority, and it shall be its duty, to create and establish such Federal agencies as it may deem necessary and desirable to make effective approved plans for the development and efficient utilization of the man power, industries, finances, transportation, and other national resources essential to national defense.

SEC. 6. The advisory commission, including its executive director, shall perform such duties as may be assigned it by the council. The executive director, as chairman of the advisory commission, and subject to the approval of the council, is hereby empowered and authorized to direct the advisory commission to study and report upon all questions within the purview of the council and to call upon any and all executive departments or other Federal agencies of the Government to furnish such information and assistance as may be necessary for a thorough study of such questions.

SEC. 7. That the Council of National Defense shall adopt rules and regulations for the conduct of its work and for the work of the advisory commission, which rules and regulations shall be subject to the approval of the President.

SEC. 8. That the executive director shall cause to be prepared annually an estimate of the amount of money necessary for carrying out the provisions of this chapter and shall submit the same to Congress in the manner provided by law, and there is hereby authorized to be appropriated such sums for this purpose as Congress may from time to time determine. Reports shall be submitted by the council to the President. An annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest: *Provided*, That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures.

SEC. 9. That section 2 of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes, approved August 29, 1916 (39 Stat. p. 649), be, and is hereby, repealed.

It is of interest to note the contrast in testimony between the Secretary of War and the Secretary of the Navy with regard to the bill drawn up by the Secretary of War himself. On April 6, 1926, Secretary Davis stated to our committee as follows:

Secretary DAVIS. I have a copy of the original draft I sent up. I will follow the printed copy. My idea, as I say, was that matters of disagreement could be brought before this executive board. Having on it civilians who are familiar with the matter, it might very conceivably be the case that such matters could be ironed out without the necessity of placing them before the President at all. Of course, if that could be done I think it would be very wise.

Section 4 gives the President the power, in an emergency, "to create and establish such Federal agencies as he may deem necessary and desirable to make effective approved plans for the development and efficient utilization of the man power and industries, finances, transportation, and other national resources essential to the national defense"; the idea being that if the President, who must have the final decision, should adopt certain approved plans as being the plans for the national defense, he should have authority, in time of an emergency, immediately to put these plans into operation through such processes as may be necessary.

As you know, a great many of these Federal agencies were established during the late war. If there was authority to establish them immediately upon the declaration of an emergency by the Congress, here again we would save time, and would put into harmonious and smooth operation plans discussed and approved during time of peace.

On the next day, April 7, 1926, the Secretary of the Navy was before our committee and stated as follows:

Mr. JAMES. I would like to ask a few questions in regard to the bill H. R. 10982, which is a bill that was sent to us by the Secretary of War. That bill provides that in the event of an emergency declared by Congress, the President shall have authority to establish such Federal agencies as he may deem necessary and desirable to make effective approved plans for the development and efficient utilization of the manpower and industries, finances, transportation, and other national resources essential to the national defense.

Secretary WILBUR. That provision is contained in section 4.

Mr. JAMES. Yes. In your opinion, is that provision a material one?

Secretary WILBUR. I do not believe that my opinion on that would be of any value. I do not think I could give you any light on that, or that I could say anything worth listening to on that question.

The Secretary of the Navy also testified with regard to this bill, as follows:

Mr. MCSWAIN. It evidently must bear the construction that the Secretary of War gave it, because a disagreement within the executive board could not be referred by the executive board to the executive board.

Secretary WILBUR. If a disagreement occurs between the departments, it would be brought before the executive board, "which board shall make such studies as may be required of it for the Council of National Defense." It provides that the executive board "shall study the matter and shall submit a statement of such disagreement, together with its recommendation, to the Council of National Defense, which shall thereupon make its recommendation to the President for his decision." Of course, that is what was intended.

Mr. JAMES. What do you think about that section, with the construction of the Secretary of War upon it?

Secretary WILBUR. I hardly think it is permissible. If that is what he meant, it should be covered by proper language, or the words, "disagreement between the departments" should be added. Am I answering your question?

The following testimony is also of particular interest in bringing out matters in disagreement between the Army and the Navy and showing the necessity for a council of national defense, or better still, for a department of national defense:

Mr. JAMES. Do you think there should be some board or commission established to settle disputes between the Army and Navy? Take, for instance, the Lassiter Board, created in 1923, and composed of representatives of the Army and Navy, but which, up until the time that Congress met, had made no recommendation to either House of Congress with reference to disputes between the Secretary of War and the Secretary of the Navy. Do you not think there should be some set-up somewhere for that purpose, so that deadlocks between the Army and the Navy could be settled?

Secretary WILBUR. Frankly, I hardly think that the Lassiter Board gives a very good illustration of disagreements between the Army and the Navy. There the joint board agreed upon a plan and recommended it to the Secretary of War and the Secretary of the Navy. The Secretary of the Navy promptly approved it, but the Secretary of War approved it with a reservation, and that reservation was that the Army, I believe, should have two-thirds of a joint appropriation. In view of the fact that the Navy had been getting as much as, or more, than the Army of that appropriation, it seemed to be a very unwise arrangement for the Secretary of the Navy to agree to, inasmuch as Congress had taken a different attitude. Of course, that was settled finally by the Budget, representing the President, and then by Congress. You decided what you wanted to go to the two departments. In other words, that was a disagreement as to a legislative appropriation, and not as to a policy of developing the Army and Navy. Of course, you gentlemen are aware of the various agencies that are coordinating the work of the Army and the Navy, namely, the joint board, the Joint Planning Committee, the Aeronautical Board, and the Joint Ammunition Board.

Mr. JAMES. The Joint Aeronautical Board is really a debating society, is it not? You have now 8 or 10 matters before the Joint Aeronautical Board that have not been decided. Is not that true?

Secretary WILBUR. I can not say offhand.

Mr. JAMES. When Admiral Moffett was before this committee I asked him that question. I asked him to put in the record the number of cases in dispute, and he told me, and, also, Captain Cook, that the matter was taken up with you, and that you said it was unwise to furnish the committee that information. Is that correct?

Secretary WILBUR. Offhand, I do not recall. I think that is correct. I remember the matter being called to my attention.

Mr. JAMES. Was that because it might give aid and comfort to the enemy? I want to read to you what some of those things are.

Secretary WILBUR. You do not imply, of course, that I consider Congress in any way an enemy?

Mr. JAMES. I want to read over some of these matters. Here are some things that this letter states that the Aeronautical Board has not been able to agree upon:

"The respective missions and fields of operations of the Army Air Service and naval aviation."

That is true, is it not?

Secretary WILBUR. I thought there was an agreement on that approved by the Secretary of War and the Secretary of the Navy. I think we furnished the committee with a printed statement showing the agreement and showing the approval of both Secretaries as to the respective missions of aircraft along the coast.

Mr. JAMES. Of what date?

Secretary WILBUR. A year or so ago. Captain Cook thinks it was in 1924.

Mr. JAMES. This memorandum from which I am reading is dated February 18, 1926.

Secretary WILBUR. Of course, the respective missions of the Army and the Navy would not be a subject for the consideration of the Aeronautical Board, as I understand it.

Mr. JAMES. Let me read you this memorandum. I am reading now from an official communication:

"With reference to specific questions involving coordination of Army and Navy activities which have been referred to or considered by the Aeronautical Board and which have not been satisfactorily settled, as far as can be submitted within the limited time available for research, may be enumerated as follows:

"(a) The respective missions and fields of operations of the Army Air Service and naval aviation.

"(b) Overlapping and duplication between the Army Air Service and naval aviation in the training of aviators.

"(c) Overlapping and duplication between the Army Air Service and naval aviation in the construction, operation, and maintenance of aviation installations along the coastal limits of the continental United States.

"(d) Failure to arrive at a satisfactory adjustment annually of estimates for appropriations for the Army Air Service and naval aviation.

"(e) Failure to arrive at a satisfactory coordination of aircraft radio development for the Army Air Service and naval aviation.

"(f) Failure to arrive at an economical, efficient, and satisfactory solution of the aerial defense of the Hawaiian Islands.

"(g) Failure to arrive at an economical, efficient, and satisfactory solution of the problem concerning the joint use of Army and Naval aviation facilities, particularly those located in Panama, on North Island, and on Ford Island.

"(h) Failure to determine, once and for all, the final jurisdiction to be had by either service over Ford Island, Territory of Hawaii.

"(i) Failure to attain the semblance of coordination between future air development programs for the Army Air Service and naval aviation.

"(j) Failure to reach an agreement on the proposal to purchase a metal-clad airship prior to the incorporation of an item for that purpose in naval appropriations bill."

Now, do you not think that shows a necessity for some kind of commission or committee for the settlement of these matters?

Secretary WILBUR. No, sir; I do not. I wish to be plain about that, gentlemen. Mr. MCSWAIN will know, and all of you, especially the lawyers, will understand that there must be in any going concern with the ramifications of the Army and Navy, points of contact and conflict. These can only be ironed out as they arise in any particular matter involving a decision. I have in mind the development of the law, and, as all of you gentlemen are aware, there are conflicts in jurisdictions between the States and between the Nation and the States, as well as among municipalities, counties, cities, towns, and townships. Notwithstanding the fact that those matters have been litigated over for many years, they constantly spring up and there are many questions that are undecided. Of course, as judges, we have these questions coming up constantly, and it would seem that most questions should have been settled after as much litigation as we have had. However, as you know, new questions are constantly arising, and it is inevitable that there shall be from time to time uncertainties and disagreements with respect to the fields of operation of the Army and the Navy. That, to my mind, does not lead to the conclusion that there must necessarily be some new agency set up to settle those differences. They have been settled in the past whenever the exigency arose. They have been ironed out from time to time. My impression, from the reading of that list, is that the list sent by Admiral Moffett——

Mr. JAMES (interposing). No; he did not send the list, because he said you requested him not to do so.

Secretary WILBUR. My impression is that there is not one of those things that belongs to this board, but that they all belong to the joint board, which is the Joint Planning Board for the Army and Navy. As I understand it, the Joint Aeronautical Board was organized for an entirely different purpose.

Mr. JAMES. Let me read further from this statement:

"If the Aeronautical Board had been able to reach a satisfactory agreement on many of the questions listed above and such an agreement had been satisfactorily settled by the joint board or higher agencies, there would be no discrepancy in the testimony presented to the various committees of Congress from time to time by the Chief of Air Service and the Chief Bureau of Aeronautics."

Secretary WILBUR. That is a very optimistic prophecy.

Mr. JAMES. I will read to you what these gentlemen have to say about the Aeronautical Board:

"As prescribed by G. O. No. 20, War Department, June 30, 1924, the Aeronautical Board is assigned the primary duty of investigating, studying, and reporting upon all questions affecting jointly the development and employment of the Army Air Service and naval aviation. In executing the foregoing, the Aeronautical Board is substantially limited in the scope of its activities by reason of the fact that as a coordinating agency it is only authorized to submit recommendations to the Joint Army and Navy Board. The Aeronautical Board is clothed with no authority to determine and subsequently announce policies to govern the aeronautical activities of the Army Air Service and naval aviation. In its precept it is, therefore, substantially an aeronautical subagency of the Joint Army and Navy Board. The conditions under which the Aeronautical Board functions are, therefore, considered one of the basic inconsistencies in the chain of the administration of military aviation."

This is a memorandum for the secretary of the Aeronautical Board, the subject being, "Request of the War Department for information re coordination of Army and Navy activities."

FEBRUARY 18, 1926.

Memorandum for the secretary of the Aeronautical Board.

Subject: Request of the War Department for information re coordination of Army and Navy activities.

1. As prescribed by G. O. No. 20, War Department, June 30, 1924, the Aeronautical Board is assigned the primary duty of investigating, studying, and reporting upon all questions affecting jointly the development and employment of the Army Air Service and naval aviation. In executing the foregoing, the Aeronautical Board is substantially limited in the scope of its activities by reason of the fact that as a coordinating agency it is only authorized to submit recommendations to the Joint Army and Navy Board. The Aeronautical Board is clothed with no authority to determine and subsequently announce policies to govern the aeronautical activities of the Army Air Service and naval aviation. In its precept it is, therefore, substantially an aeronautical subagency of the Joint Army and Navy Board. The conditions under which the Aeronautical Board functions are, therefore, considered one of the basic inconsistencies in the chain of the administration of military aviation.

2. With reference to specific questions involving coordination of Army and Navy activities which have been referred to, or considered, by the Aeronautical Board, and which have not been satisfactorily settled, as far as can be submitted within the limited time available for research may be enumerated as follows:

(a) The respective missions and fields of operations of the Army Air Service and naval aviation.

(b) Overlapping and duplication between the Army Air Service and naval aviation in the training of aviators.

(c) Overlapping and duplication between the Army Air Service and naval aviation in the construction, operation, and maintenance of aviation installations along the coastal limits of the continental United States.

(d) Failure to arrive at a satisfactory adjustment annually of estimates for appropriations for the Army Air Service and naval aviation.

(e) Failure to arrive at a satisfactory coordination of aircraft radio development for the Army Air Service and naval aviation.

(f) Failure to arrive at an economical, efficient, and satisfactory solution of the aerial defense of the Hawaiian Islands.

(g) Failure to arrive at an economical, efficient, and satisfactory solution of the problem concerning the joint use of Army and naval aviation facilities, particularly those located in Panama, on North Island, and on Ford Island.

(h) Failure to determine, once and for all, the final jurisdiction to be had by either service over Ford Island, Territory of Hawaii.

(i) Failure to attain the semblance of coordination between future air development programs for the Army Air Service and naval aviation.

(j) Failure to reach an agreement on the proposal to purchase a metal-clad airship prior to the incorporation of an item for that purpose in naval appropriations bill.

3. If the Aeronautical Board had been able to reach a satisfactory agreement on many of the questions listed above and such an agreement had been satisfactorily settled by the joint board or higher agencies, there would be no discrepancy in the testimony presented to the various committees of Congress, from time to time, by the Chief of Air Service and the Chief, Bureau of Aeronautics.

It is very evident that there should be some agency set up by which a dispute between the Army and the Navy can be settled, settled right, and settled within a reasonable length of time. From what I have said, it can be readily understood that all the organizations set up for the settlement of disputes are merely debating societies and seem to be unable to settle any dispute of any importance.

I do not believe that the bill of the Secretary of War has enough teeth in it to settle any dispute that really needs to be settled. For that reason I expect the next session of Congress to legalize the Joint Army and Navy Board, the Aeronautical Board, and the Munitions Board, which are agencies established for the purpose of coordinating the activities of the Army and the Navy. I also expect to introduce a bill under which if the Army and Navy members of the Army Aeronautical Board remain in disagreement more than three months on any particular matter that they shall report the matter to the Joint Army and Navy Board, and if the Joint Army and Navy Board is unable to settle the dispute within three months that they shall report the matter to the President, the Secretary of War, and the Secretary of the Navy. Within a month after the report has been submitted to the above officials entrusted with the national defense, the Secretary of War shall appoint three new members to represent the War Department in this particular dispute. The Secretary of the Navy shall appoint three new members to represent the Navy Department likewise, and the President shall appoint the seventh member to act as chairman.

The above board will have the authority to and shall definitely settle the matter at issue, and its decision shall be finally subject to the approval of the Commander in Chief of the Army and Navy, the President of the United States. A similar procedure will be followed in the settlement of disputes originating in the Joint Army and Navy Board, or any other board, only in so far as these matters affect disagreements between the Army and the Navy.

I take it for granted that the Secretary of War will appoint the three men best qualified to look after the interests of the War Department and that the Secretary of the Navy will do likewise, and, further, that the President will appoint as chairman the man best qualified to represent him, the Commander in Chief, in the particular matter under discussion.

This plan will in a period of a few years settle all the disputes which have arisen between the Army and the Navy.

Of course, this method of procedure is not as good as a department of national defense, but I believe it is a good plan to follow until such time as the Congress shall see its way clear to adopt a policy of a department of national defense.

There is a policy in existence between the Army and Navy with regard to the use of aircraft. It is considered one of those things which might be included, in the wording of General Drum, as "a compromise, and in the opinion of some is for that reason not always to the best interests of national defense." This policy deals particularly with aircraft activities along the coasts and depends upon a principle of paramount interest as to whether the Army or Navy commander shall be in charge during a particular situation. When Admiral Moffett was before our committee he was asked how this policy would work in connection with the defense of New York Harbor. His testimony is of particular interest as showing how unworkable and how ineffective the defense may become under certain circumstances:

Mr. WAINWRIGHT. Let us call it the "superior air commander" of both the Army and Navy in that threatened area.

Admiral MOFFETT. I would say you could picture what would first occur would be an attack taking place off the coast. The Navy scouts would find and get in contact with the enemy and a sea battle would occur. If the airships were driven back into New York Harbor, say, of course, the Army would be in command; but as long as that operation continued, where the naval forces were just driven up to a certain point, the commander in chief of the naval forces would have command, until they were actually driven into New York Harbor, when the naval command would cease and then the Army commander would take command. There is some dividing line in there up to a certain point, when the Army man commences to control.

Mr. WAINWRIGHT. Up to a certain point the Army man has control and the Navy man has control; after that, the Army man has control. What I am trying to develop is where that point is.

Admiral MOFFETT. I will admit that is hard to decide just where it would be.

Mr. WAINWRIGHT. Has that ever been decided?

Admiral MOFFETT. Yes; it is all in here; and if you will let me, I will read it:

"The naval district forces, vessels, and aircraft will never be strong enough to prevent an attack on the coast by major units of the enemy fleet. When, therefore, an enemy force of a strength greatly superior to that of the naval force available for use against it approaches the coast the commander of the naval force will inform the commander of the Army department of the situation, will assume that the Army has a paramount interest in the operation, and will coordinate the operations of the naval forces with those of the military forces.

"If, however, the conditions are such that the enemy is, or can be, engaged by a naval force approximating in strength to that of the enemy, the commander of the Army department will be so informed, and he will assume the Navy has a paramount interest in the operation and will coordinate the operations of the military forces with those of the naval forces."

Mr. WAINWRIGHT. Who would determine the question of the paramount interest? There would be a very crucial and absolutely determining issue: Now, who would determine that as between the two? They would be there with nobody in superior command and you would have the general in command of the Army air forces of the military district, and the admiral either of the fleet or of the naval district. Who would make the determination as to who would control the operations of the joint forces and who would determine as to when the Navy forces were considered not to be sufficient to cope with the situation and the Army would be called upon to either supplement the effort of the Navy, or who would determine the point when the command, we will say, would change to the Army command?

Admiral MOFFETT. I would say, Colonel, that would have to be determined by the Navy man and the Army man. If a dispute arose

between them at that time it might be very critical and it might have to be referred to the Secretary of the Navy and the Secretary of War and they might have to call on the President. Of course, the battle might be over by that time. [Laughter.] I think you would have to assume the officers on both sides are patriotic.

General Smith, Chief of the War Plans Division of the General Staff, when before our committee, testified on the same subject, and what he said shows very clearly the possibility for great complication in meeting a hostile force approaching from over the sea. His testimony follows:

Mr. WAINWRIGHT. Now, reference has been made here to the several missions of the Army and Navy as regards the coast defense and the air bases that they both maintain. Take the city of New York——

General SMITH. Yes, sir.

Mr. WAINWRIGHT. We have both Army aviation and Navy aviation available for that purpose, for the defense of the city. The same would be true with regard to the defenses of the Chesapeake here.

General SMITH. Just the same.

Mr. WAINWRIGHT. What would be the relative function in the defense, we will say, of Chesapeake Bay, of the Navy people there and the Army people at Langley Field?

General SMITH. I think I can tell you exactly.

Mr. WAINWRIGHT. And apply the same thing to the defenses of New York.

General SMITH. Yes. We will take the defense of the coast, any place.

Mr. WAINWRIGHT. The units at Mitchel Field at the Navy base.

General SMITH. And, to make it very impersonal and not to involve any particular country in this war, let us assume there is a European coalition against us and it is strong; it is strong in the air. They start to bring an army and a navy over here, the navy convoying the army. If our Navy believes it is strong enough to go out and defeat that fleet, the Navy has a paramount interest in it and all of the Army planes ought to be turned over to them, and that is now our present policy, which is approved by the Joint Army and Navy Board. On the other hand, if our Navy believed it was too weak, not strong enough to meet that fleet——

Mr. WAINWRIGHT. Who would determine that?

General SMITH. The Navy commander; if he is to make the attack, it is up to him. Then, if that hostile fleet is within striking distance of our planes, I mean the Army planes, I think they ought to be turned over to the Navy to assist. The Navy has the paramount interest in that. But if the Navy felt they would be defeated or if they decided themselves they were not strong enough to meet this coalition that has come, and they have to come inside of the coast defenses of New York Harbor, then I think the whole thing belongs to the Army, and the Navy planes should come to the Army.

I personally believe that the advent of air forces has complicated the situation to such an extent that there will have to be some reorganization. Air forces operate equally well over the sea or over the land. They are like the Army and the Navy in this respect, confined to one element. Battleships do not attempt to operate on the land or Infantry march on the seas. Similarly, air forces attempt to operate only in the air; and Senator WADSWORTH said back in 1920: "This dissimilarity forces one to the conclusion that they must be organized separately." I go still further to say that they must operate harmoniously together in a single department of national defense instead of constituting a trinity of command.

It is only necessary to quote a specific example of an actual attempt made with cooperation between Army and Navy air forces to show the fallacy of dependence upon a policy such as now exists and agreed to by the War and Navy Departments. General Hines, Chief of Staff and senior Army umpire at the Hawaiian maneuvers, appeared before the President's Aircraft Board and gave some testimony with regard to the operations of the air forces of the Army and the Navy in these maneuvers. His testimony follows. Note particularly that there was a difference of opinion, which could not be reconciled, and that General Hines admits such a condition to be a "source of weakness."

Major General HINES. Well, they have planes in Pearl Harbor, and the Army also have a plane base on an island in Pearl Harbor. The Navy have half of this island and the Army the other half.

Senator BINGHAM. In the case of an attack is it contemplated that planes would be used by both the Army and the Navy with this island as their base?

Major General HINES. Yes, sir.

Senator BINGHAM. Does not that lead to a divided command?

Major General HINES. It does lead in a way to a divided command, and that was one of the points of difference that one of the umpires I believe—it was one of the officers at any rate—brought out, that there was a difference of opinion there between the aviation commanders as to just how the aviation of the two forces should be used. In other words, there was a landing made on Molokai Island by the blue fleet, a landing of air forces. The Army commander's idea was that he should go at this and destroy it. The Navy aviation commander said that he did not believe in this, that the airplane carriers had not yet been located, "and suppose we go off on this mission from here to Molokai to destroy this fleet which is landing, who is going to take care of those planes there on this airplane carrier, the *Langley*?" So that was a difference which they did not seem to reconcile and they did not go.

Senator BINGHAM. Do you think that that is a source of weakness?

Major General HINES. I think it is; yes, sir.

Senator BINGHAM. What would be your remedy for it?

Major General HINES. Well, closer cooperation.

When General Drum was a witness before our committee he also gave some testimony with regard to the Hawaiian maneuvers, which shows that a financial report of this situation was made to the War Department. His testimony is as follows:

Mr. JAMES. Major Brant represented the War Department at the maneuvers at Hawaii, did he not?

General DRUM. He was one of those.

Mr. JAMES. He was a member of the General Staff?

General DRUM. Yes, sir.

Mr. JAMES. I was reading his testimony last night, that before the maneuver it was recommended that there be one air commander; that the matter was taken up by the Joint Army and Navy Board, and on being referred to the commander of the fourteenth naval district (Admiral McDonald) he emphatically stated that he would give all orders to all naval units under his command; that his stand was so decided that the matter was dropped; this in spite of the fact that the Army was supposed to have paramount interest. Do you remember that testimony?

General DRUM. Yes, sir; I remember the general details.

Mr. JAMES. It is on pages 668 and 669 of the President's Aircraft Board, and that on account of that lack of coordination and cooperation, Major Brant says that the theoretical procedure was that in order to get to the commander of the naval district he had to go through G–3 of the Hawaiian Department; from him to the Army commander, who would, through his chief of staff, take the matter up with the assistant commandant of the naval district, who would in turn take the matter up with the commander of the naval district, who would decide what should be done; that this decision would be transmitted through his assistant commandant and chief of staff to the commander of the aircraft squadron of the Scouting Fleet and he would, through his Chief of Staff, transmit the order to the squadron commander, who would carry the order out.

There is no coordination or cooperation there, is there?

General DRUM. Of course, Mr. James——

Mr. JAMES. That is what the representative of the General Staff said happened there.

General DRUM. You can build an organization based on personalities or you can force personalities to meet the conditions of the organization. My impression is that the personalities do not meet the conditions of the organization.

Mr. JAMES. Then he says that in order to avoid these disastrous and tortuous channels a subrosa agreement was made with the commanding officer of the aircraft squadron of the Scouting Fleet to telephone direct to him what was to be done and that the orders would be confirmed later, this making practically a unified command.

Then he said that as long as their ideas ran parallel they had unified command, but the minute their ideas diverged, they had neither cooperation nor command. That is his report that he made to the War Department.

General DRUM. Yes.

Mr. JAMES. Then he said to test the system out he called a council of war and put the proposition of attacking the air base that the enemy had established on the outlying island of Molokai. Then he concludes that the Navy refused to take part in the attack, stating that their idea of their principal mission was locating the main fleet of the enemy.

Major Brant, of the War Department, who acted as commanding officer of the Army air forces in the Hawaiian Islands during the maneuvers, stated before the President's Aircraft Board as follows:

Representative PARKER. Major, to go back to the maneuvers at Hawaii: What cooperation was there between the Navy air force and the Army air force?

Major BRANT. Every cooperation possible. We handled the air force out there as though it were a unit. There are one or two points, though, in connection with that. Before the maneuvers started it was recommended that there be one commander, air commander, as was done in Panama. That matter was taken up by the Joint Army and Navy Board, and on being referred to Admiral McDonald, who was in command of the fourteenth naval district, he emphatically stated that he would give all orders to all naval units under his command; no one else. His stand was so decided on it that the matter was dropped.

So the procedure theoretically was this: As air officer of the Army, which is supposed to have paramount interest, I made up my mind as to what should be done. Then, in order to get to Admiral McDonald, I had to go through G–3 of the department, from him to General Lewis, who is an Army commander, and General Lewis, through his Chief of Staff, would transmit this order to the assistant commandant of the fourteenth naval district, who would take the matter up with the admiral, who would decide what should be done. Then this decision would be transmitted through his assistant commandant and Chief of Staff to Captain Yarnell, who was commanding the aircraft squadron of the Scouting Fleet, and he would transfer the order through his Chief of Staff to the squadron commanders, who were to carry it out.

Well, it is very obvious that any such involved channel of command would result in disaster in time of war, because the time element in aerial warfare is very important. All the air officers were agreed that that was true, so sub rosa we fixed up a working agreement that I would telephone direct to Captain Yarnell what we wanted done and he would order it done, and then we would get it confirmed later.

Representative PARKER. Practically you have unified command for all practical purposes?

Major BRANT. Yes. As long as our ideas ran parallel we had unified command. The minute, however, there was a divergence of opinion we had neither cooperation nor command, and we had an instance of that during the maneuvers. I was quite sure that this cooperation was fine as far as it extended, but that it would not work out in time of war, so I called a council of war one evening and put up the proposition to Captain Yarnell of attacking this constructive air base which had been established on the island of Nolokai, not with any intention of carrying out the attack, but finding out what his reaction was to the suggestion. They refused to take part in the attack, stating that it was their idea that the principal mission of those naval squadrons was to ascertain the location of the main fleet. In my report on the maneuvers and in the critique that followed I called attention to that fact, that cooperation was all right and coordination was all right, but what we really needed was one commander.

It is of particular import to note that the Army has the paramount interest in the Hawaiian Islands, and as a consequence, under the policy agreed to by the War and Navy Departments, the naval air forces were supposed to carry out the wishes of the Army air commander, but, as Major Brant says, "They refused to take part in the attack."

The testimony of Commander Rogers before the President's Aircraft Board is also of particular interest. Commander Rogers, as you well know, is the naval officer who made the flight from our Pacific coast to the Hawaiian Islands and was lost for several days. He served a number of years in the Hawaiian Islands and shows the impossibility of the situation as it existed there.

Commander ROGERS. * * *

Now, it has been suggested that the next subject is too visionary; that it would be better if I stopped where I am. But I will tell you this, that for the last three years I have been a member of a joint Army and Navy committee in the Hawaiian Islands, and we were all good people, every one of us, and we did our best to coordinate the Army and Navy air forces, which was our principal job. And we were perfectly honest, and perfectly willing to concede something—that is, a little bit, each of us. And we talked more and accomplished less than anybody that I have ever been associated with; and I wore out six pairs of pants sitting on this board, and I simply can not afford to keep that up. Something has got to be done. [Laughter.] You understand the object of this board was doing the President's job, which he, of course, can not do, as Commander in Chief of both the Army and Navy. He is the only man that can coordinate the Army and Navy, and he can not do it. It is ridiculous, of course, to think of his doing it. General Washington probably could spend a lot of time on it. I have no doubt he took a great deal of interest in it. But it can not be done now, and because it can not be done now, the President is too busy, the Army and Navy, your national defense, lose their coordinating heads.

Commander Rogers, before the President's Aircraft Board, recommended a solution for all these difficulties when he testified as follows:

Commander ROGERS: * * *

NATIONAL DEFENSE

I will go further. What I have said applies to the Navy Department if maintained as a separate unit under the President, as is now the case. But even such a reorganization is not sufficient to return to the people a maximum of defense for every dollar expended. Plainly one of the greatest functions of the Government is the national defense. The President is the Commander in Chief of the Army and Navy. It is humanly impossible for him to coordinate these two branches. They work together only by cooperation between themselves. This cooperation is accomplished through the Joint Army and Navy Board. If it comes to an agreement, well and good, but if it comes to a deadlock there is no one to decide. The word "cooperation" has no place in a military establishment. A military establishment which does not provide for coordination all along the line fails in its duty. Our defense establishment has no coordination at the very top, where it is most important. This gap should be filled by the appointment of a secretary of national defense.

Commander Rogers is now Assistant Chief of the Bureau of Aeronautics in the Navy and his opinion through long years of experience and careful study of this question is a most valuable one.

Commander Bellinger, also of the Navy, when testifying before the President's Aircraft Board, added a thought to this subject of cooperation when he said, in speaking about the Army and the Navy, "If they do not cooperate in time of peace, I do not believe they will cooperate in time of war."

After General Mitchell had made a personal visit to the Hawaiian Islands and was called before the Select Committee of Inquiry, he brought to light a situation where not only were the ideas of the commanding officers of the Army and Navy forces in Hawaii not running along peacefully in the same channel, but their attitude toward each other was one of great hostility which in time of an emergency might have proven disastrous. General Mitchell's testimony on this subject follows:

Brigadier General MITCHELL. I will tell you the actual conditions in the Hawaiian Islands, so far as the cooperation between the Army and the Navy is concerned. And I give this evidence because I think it is necessary at this time. When I was in the Hawaiian Islands (I inspected them last October and November) the relations between the Army and the Navy were such that the commanding general of the Army and the commanding admiral of the Navy would not even go to the same social functions together. I have never seen anything like it. Each claimed to be the senior officer, and that each should have the attributes of the general officer who was in charge of the station. The general officer who was in charge at that time, now retired, told me that he had discovered that the admiral in command of the station at Pearl Harbor had made arrangements to take over the city of Honolulu and handle it according to a military system in case of war, but had never notified the commanding general at all. The commanding general told me that in case of war he would take it away from him, even if force were necessary.

We have all heard a great deal about the now famous Lassiter board, which met in the War Department in the spring of 1923 and evolved a 10-year development program for the air force of the War Department; how this program was submitted to the Navy, and they in turn evolved a 5-year program for themselves, and how the two programs were then considered by the Joint Army and Navy Board and a favorable report and recommendation made to the Secretaries of the two departments. One of these recommendations was for the programs to be submitted to Congress with a special message from the President setting forth their importance.

We have also heard about how the Secretary of War stated in his approval of the programs that he thought the expenditures contemplated should be considered by one committee of Congress and appropriations made to the War and Navy Departments in the ratio of 2 to 1. This caused the Secretary of the Navy to withhold his approval. The result has been that to this date Congress has never received officially these programs for the purpose of having them carried out. The testimony of General Hines, as Chief of Staff on this subject when before the President's Aircraft Board, is of interest to show how deadlocks between the two departments jeopardize even the success of our national defense:

Senator BINGHAM. The War Department has done nothing to put the recommendations of the Lassiter Board into operation?

Major General HINES. Yes.

Senator BINGHAM. Why is that?

Major General HINES. Because it costs money and we have not had the money.

Senator BINGHAM. That is the only reason?

Major General HINES. Yes, sir; that is the only reason. No, sir; I won't say that, no. I had forgotten. There is another reason. The Secretary of War, in approving that, said he believed that the Navy was being assigned more money for aviation than the Army, whereas according to the Navy program, in comparison with the Army program, being so much less, it should get less money, and he recommended that the aviation program of the Army and the Navy be considered by a joint committee in Congress; instead of being handled by the subcommittee for the Navy and the subcommittee for the Army, that they be handled by a joint committee. Secretary Wilbur disapproved that, and that went back to the joint board for a reconciliation. You can not very well reconcile anything when one says it is black and another man says it is white. I happen to be a member of that joint board,

and it just can not be done. You can not make one man say something that he does not believe in. So it is at a deadlock, and it is still there, and I have prevented it coming up until Secretary Weeks's return. I have asked the joint board to hold it until Secretary Weeks's return, to see what he wants done with it.

The Secretary of War himself brings out the point before the Military Affairs Committee that this matter of the Lassiter Board had been in deadlock for a period of three years and still no action on it. His testimony follows:

Mr. McSWAIN. Is not the failure to recommend legislation to bring by law cooperation and coordination between the Navy Department and the War Department, as recommended by the Lassiter Board, due to the fact that the War Department and Navy Department have all these years been at loggerheads, and still are at loggerheads over what could be done; and has not that been testified several times before these boards, including the Dwight Morrow Board?

Secretary DAVIS. The Secretary of War and the Secretary of Navy were not in agreement on the Lassister Board report, and it was based largely on that question that the Navy wanted a 5-year program and the Army wanted a 10-year program.

Mr. McSWAIN. They have been in disagreement for three years?

Secretary DAVIS. Yes.

Representative PERKINS, the chief examiner of the select committee of inquiry, summarized the situation with regard to the Lassiter Board when speaking before our committee, as follows:

Representative PERKINS. * * * Now, gentlemen, nearly four years after those gentlemen had made this great finding of fact with reference to the potentialities of air power, the Lassiter Board made its report and substantiated those findings and found we were practically defenseless in the air, and then made recommendations as to what should be done to remedy that defect. The Army and the Navy were unable to agree upon the recommendations found in the Lassiter Board's report, and what was the result? More than two years elapsed; nothing substantial had been done toward the bringing of those great departments of the Government into unity.

It is evident from all the above quotations that national defense has on many occasions been a toy for two warring departments to fight about. Fortunately, most of this disagreement has been in time of peace, without jeopardy to our national preservation, but who can foretell when these bickerings may be the cost of defeat in battle and dishonor to the individuals concerned because they could not agree. The nations of the world realized the necessity for unity of command when 14 of them subordinated themselves to the command of one French general in order that victory might be assured. General Drum before our Military Affairs Committee made this point also with regard to divided command in the Civil War. He stated:

General DRUM. I think that is one of the most important lessons that grew out of the Civil War. We did not get at the outset any success in the North. We did not get it until the President eventually came around to the viewpoint that instead of having the control of three or four commanders, he would have to give one commander, General Grant, the control. That was also the lesson of the World War, and success came after the supreme command was vested in Marshal Foch.

It is now high time for Congress to act on this most important matter. Our Military Affairs Committee voted against a consideration of this matter this past spring by only 11 to 10. It is possible that developments since then have shown to other members the necessity for a department of national defense and placed a majority of our committee in favor of it. Not only is this the solution of the problem to insure unity of command and coordinated action in time of war, but it will simplify the administration in time of peace. One committee can consider all matters of national defense. Many annoying hearings can be eliminated. The work of the Bureau of the Budget simplified. Great economies can be effected, and we shall have everybody pulling together under one head for national defense in place of conflict and divided jurisdiction in many fields of action.

To be sure, all departments of the Government are interested in national defense, and in time of war they are all actively engaged in securing the victory for our great Nation; but in time of peace all but the War and Navy Departments become passive, whereas these two departments remain active and are constantly preparing to meet every possible emergency. They should, therefore, be so organized that their activities in time of peace will be carried out in harmonious concord and directed with the greatest efficiency toward the single objective.

Although I was one of the large minority on the Military Affairs Committee who voted for the consideration of a department of national defense, I subordinated my views to the interests of the majority in order that House bill 10827, a bill to increase the efficiency of the Air Corps of the Army, which passed Congress within the week, might be made the best possible piece of legislation to carry out the purpose for which it was intended.

As I have heretofore stated, I do believe that our air forces should be greatly expanded and placed on a coordinate basis with the forces of the Army and of the Navy, but I do not have any idea that they should be made independent of the Army or of the Navy or that the Army or the Navy should be independent of each other. All three should be coordinated on an equal basis in the same department of national defense. Operations in the air are as distinct from those on the ground and the water as the latter two are from each other. Some have used this as an argument for a department of air, but that is not the basic organization which would create a trinity of command that I favor.

In House bill 10827 the Congress has provided many improvements which should increase the efficiency of the Army Air Corps, and I trust that long before the completion of the five-year program contemplated by this act that the urgency of a department of national defense may have been impressed upon Congress to such an extent as to cause favorable action along that line. In the meantime our air forces will continue to develop and, I hope, gradually assume a more important place in our scheme of national defense, so that when a department of national defense is finally organized they may be ready to assume their place in it.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Friday, July 2, 1926, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following list of committee hearings scheduled for July 2, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To permit wives and minor children of alien declarants to enter the United States as nonquota immigrants. (H. J. Res. 283.)

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WRIGHT: Committee on Military Affairs. H. R. 13115. A bill to increase the membership of the National Advisory Committee for Aeronautics, and for other purposes; without amendment (Rept. No. 1583). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 9564. A bill providing for markers for the battle fields of Eastport, Miss., and Iuka, Miss.; without amendment (Rept. No. 1588). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 12640. A bill to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.; without amendment (Rept. No. 1589). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. A report pursuant to the provision of H. Res. 228, impeachment of Frederick A. Fenning (Rept. No. 1590). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BOYLAN: Committee on Military Affairs. H. R. 12569. A bill for the relief of Thomas F. Nicholas; without amendment (Rept. No. 1584). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 4397. A bill for the relief of Delaware River Towing Line; without amendment (Rept. No. 1585). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10422. A bill for the relief of William J. O'Brien; with amendment (Rept. No. 1586). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. S. 4430. An act authorizing the Department of State to deliver to Hon.

WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, and permitting him to accept the decoration and diploma presented by the Government of France; without amendment (Rept. No. 1587). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FURLOW: A bill (H. R. 13188) to amend paragraph (22) of section (1) of the interstate commerce act, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. WAINWRIGHT: A bill (H. R. 13189) to purchase a portrait of Daniel D. Tompkins, late Vice President of the United States; to the Committee on the Library.

By Mr. THATCHER: Joint resolution (H. J. Res. 290) providing for the appointment of the Joint Philippines Commission and defining its duties; to the Committee on Rules.

By Mr. PERLMAN: Concurrent resolution (H. Con. Res. 38) requesting the President to proclaim October 12 as Columbus day for observance of the anniversary of the discovery of America; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 13190) for the relief of R. B. Fulford; to the Committee on Naval Affairs.

By Mr. BRIGHAM: A bill (H. R. 13191) granting an increase of pension to Louisa W. Taylor; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 13192) granting an increase of pension to Rachel E. Reese; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 13193) for the relief of Maude A. Sanger; to the Committee on War Claims.

By Mr. HASTINGS: A bill (H. R. 13194) granting an increase of pension to Maggie Spicer; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 13195) granting an increase of pension to Sarah E. Fuqua; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13196) granting an increase of pension to Ella G. Himes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13197) granting an increase of pension to Caroline Kinsey; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 13198) granting a pension to Jean W. Ward; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 13199) granting a pension to Liddie Fuller; to the Committee on Invalid Pensions.

By Mr. MICHAELSON: A bill (H. R. 13200) for the relief of William J. Platka; to the Committee on Naval Affairs.

By Mr. PRATT: A bill (H. R. 13201) granting an increase of pension to Mary M. Lovelace; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 13202) granting an increase of pension to Minerva A. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13203) granting an increase of pension to Mary Reese; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 13204) granting an increase of pension to Martha A. Nichols; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 13205) granting a pension to James Couch; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 13206) granting an increase of pension to Abbie L. Smith; to the Committee on Invalid Pensions.

By Mr. SOSNOWSKI: A bill (H. R. 13207) granting a pension to Mary E. Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13208) to provide for the appointment from civil life of Gerard Farmer to the grade of master sergeant, unassigned, United States Army, and immediate retirement from the service; to the Committee on Military Affairs.

Also, a bill (H. R. 13209) granting a pension to Lance A. Chaldecott; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 13210) granting an increase of pension to Emma A. Sackett; to the Committee on Invalid Pensions.

By Mr. KEMP: A bill (H. R. 13211) for the relief of Lucien Gautreau; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3125. By Mr. BURTON: Resolution adopted by the Chamber of Commerce, Vermilion, Ohio, protesting against the passage of the rivers and harbors bill containing the item for the improvement of the Illinois River; to the Committee on Rivers and Harbors.

3126. By Mr. CARTER of California: Petition of 14 voters of Oakland, Calif., urging the immediate passage of a bill granting increase of pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

3127. Also, petition of 86 voters of Oakland, Calif., urging the passage of legislation increasing pensions of the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3128. By Mr. ELLIS: Petition of sundry voters of Lees Summit, Mo., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

3129. By Mr. ROY G. FITZGERALD: Petition of 68 voters of Butler County, Ohio, praying for an increase in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3130. Also, petition of 40 voters of the third district of Ohio, praying for an increase in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3131. By Mr. FOSS: Petition of sundry citizens of New Salem and Millington, Mass., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

3132. By Mr. GRIEST: Petitions of sundry citizens of Lancaster County, Pa., urging an increase in pensions to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3133. By Mr. JACOBSTEIN: Petition signed by 42 citizens of Rochester, N. Y., urging immediate steps to bring about a vote on the Civil War pension bill now pending before Congress; to the Committee on Invalid Pensions.

3134. Also, petition of citizens of Rochester, N. Y., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3135. By Mr. JENKINS: Petition signed by 57 voters of Jackson, Ohio, urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3136. Also, petition signed by 78 voters of Lawrence County, Ohio, urging that immediate steps be taken to bring to a vote the Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

3137. Also, petition signed by 36 voters of Nelsonville, Ohio, urging that immediate steps be taken to bring to a vote the Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

3138. By Mr. JOHNSON of Illinois: Petition of sundry citizens of Dixon, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3139. By Mr. KEARNS: Petition signed by citizens of Scioto County, Ohio, requesting the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3140. By Mr. KETCHAM: Petition of 22 residents of Nashville, Mich., requesting relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3141. Also, petition of 36 residents of Cass County, Mich., requesting relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3142. By Mr. LAZARO: Petition of citizens of Calcasieu Parish, La., urging passage of the Civil War veterans' pension bill; to the Committee on Invalid Pensions.

3143. By Mr. LINDSAY: Petition of voters of the fifteenth assembly district of Kings County, Brooklyn, N. Y., that immediate steps be taken to bring to a vote the Civil War pension increase bill, in order that relief may be accorded to these suffering veterans and their widows to in some measure attempt to compensate them for what we can never adequately repay

for the sacrifices they made for our country, and to whom we owe so much; to the Committee on Invalid Pensions.

3144. By Mr. McCLINTIC: Petition of citizens of Roger Mills, Okla., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3145. By Mr. MacGREGOR: Petition of citizens of Buffalo, N. Y., asking for passage of bill to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3146. By Mr. MANLOVE: Petition of 68 residents of Joplin and Webb City, Jasper County, Mo., urging the passage of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3147. By Mr. MAPES: Petition of 162 residents and voters of Grand Rapids, Mich., urging the immediate passage by Congress of the Civil War pension bill; to the Committee on Invalid Pensions.

3148. By Mr. MILLER: Petition of sundry citizens and residents of Seattle, Wash., urging the passage of legislation pending for increase in pensions to veterans and widows of the Civil War; to the Committee on Invalid Pensions.

3149. By Mr. MORROW: Petition of residents of San Miguel County, N. Mex., urging immediate action on Civil War pension bill; to the Committee on Invalid Pensions.

3150. By Mr. PRATT: Petition of citizens of Athens, Green County, N. Y., urging immediate consideration of a bill to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3151. By Mr. RAINEY: Petition of Leo H. Borgelt and 164 other citizens of Havana, Ill., to bring about immediate vote on Civil War pension bill; to the Committee on Invalid Pensions.

3152. Also, petition of Rev. George E. Scringer and 36 other citizens of Meredosia, Ill., in the matter of the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3153. Also, petition of Mrs. Mina Saurius and 29 other citizens of Brighton, Ill., for favorable action on pending Civil War pension bill; to the Committee on Invalid Pensions.

3154. By Mr. SEARS of Nebraska: Petition of sundry citizens of Douglas, Nebr., favoring increase of pension to Civil War veterans and their widows; to the Committee on Invalid Pensions.

3155. By Mr. SPEAKS: Petition of Women's Foreign Missionary Society of the Methodist Episcopal churches in Columbus, Ohio, in favor of the eighteenth amendment, the Volstead law, and law enforcement; to the Committee on the Judiciary.

3156. Also, petition of 25 citizens of Franklin County, Ohio, urging the passage before adjournment of Congress of a bill granting increase of pension to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3157. Also, petition signed by some 650 citizens of Columbus, Ohio, and vicinity, protesting against the compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

3158. By Mr. STALKER: Petition of Mrs. Mary Landon, 156 East State Street, Ithaca, N. Y., signed by 160 voters of the thirty-seventh congressional district of New York, urging the passage of legislation granting an increase in pension for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3159. By Mr. SUMMERS of Washington: Petition of Martha E. Beck and others, of Spokane, Wash., in behalf of Civil War pension bill; to the Committee on Invalid Pensions.

3160. Also, petition of Fred Groshong and others, of Granger, Wash., in behalf of Civil War pension bill; to the Committee on Invalid Pensions.

3161. By Mr. SWANK: Petition of voters of Spencer, Okla., in behalf of the Civil War pension bill; to the Committee on Invalid Pensions.

3162. By Mr. TEMPLE: Petition of a number of residents of Claysville, Pa., in support of legislation providing increase of pension to veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

3163. By Mr. TOLLEY: Petition of citizens of Binghamton, N. Y., members of Camp 93, Sons of Union Veterans, for immediate action on legislation to increase Civil War pensions; to the Committee on Invalid Pensions.

3164. By Mr. WHITE of Maine. Petition of sundry citizens of Bath and Woolwich, Me., asking for immediate consideration of the Civil War pension bill; to the Committee on Invalid Pensions.

3165. Also, petition of citizens of Norway, Me., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *July 2, 1926*

(Legislative day of Thursday, July 1, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon and that Mr. MADDEN, Mr. ANTHONY, and Mr. BYRNS were appointed conferees on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9387) to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8466. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867; and

H. R. 10277. An act to amend the World War adjusted compensation act.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, and it was thereupon signed by the Vice President.

SECOND DEFICIENCY APPROPRIATION BILL

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives on the amendments of the Senate to the second deficiency appropriation bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the conferees on the part of the Senate be named by the Vice President.

The motion was agreed to, and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN conferees on the part of the Senate.

PENSIONS AND INCREASE OF PENSIONS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of such soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes, which were, on page 3, to strike out lines 5 to 13, inclusive; on page 3, line 14, to strike out "6" and insert "5"; on page 4, line 11, to strike out "7" and insert "6"; and on page 5, line 3, to strike out "8" and insert "7."

Mr. NORBECK. I move that the Senate concur in the House amendments; they are of a minor character.

The motion was agreed to.

Mr. NORBECK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 11446, the last Civil War pension bill on our calendar, and it must go to the House in order that that body may act on the amendments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11446) granting pensions and increase of pensions to certain soldiers and

sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, line 24, before the word "per month" to strike out "$50" and insert "$40," so as to read:

The name of Lizzie H. Elliott, widow of John A. Elliott, late of Company B, Sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 7, after the words "rate of" to strike out "$30" and insert "$15," so as to read:

The name of Sadie E. Oliver, widow of William F. Oliver, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 18, before the words "per month" to strike out "$50" and insert "$40," so as to read:

The name of Elisabeth Rossell, widow of James Rossell, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 22, to strike out "$30" and insert "$15," so as to read:

The name of Sarah E. Zinn, widow of John H. Zinn, late of Company F, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 11, after the words "rate of" to strike out "$50" and insert "$40," so as to read:

The name of Mary A. Bowser, widow of Daniel L. Bowser, late of Company K, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 2, before the words "per month" to strike out "$50" and insert "$40," so as to read:

The name of Susanna Imler, widow of John R. Imler, late of Company C, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 11, to strike out:

The name of Lucinda Lunt, widow of Henry W. Lunt, late of Company F, Seventy-third Regiment, and Company F, Forty-fourth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 19, to strike out:

The name of Rosie Adams, widow of John Adams, late of Company K, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to strike out:

The name of Robert Zink, late of Company C, Eighteenth Regiment Missouri Volunter Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 11, to strike out:

The name of Laura A. Martin, widow of Joseph C. Martin, late of Company A, Eleventh Regiment Illinois Volunteer Infantry, and Company B, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 12, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Avarilla C. Culler, widow of Abraham Culler, late of Company M, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The next amendment was agreed to.

The next amendment was, on page 19, line 25, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Mary L. Taylor, former widow of Isaac N. Morton, late of Company A, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 17, after the words "rate of," to strike out "$30" and insert "$15," so as to read:

The name of Callie Wagner, widow of Theodore M. Wagner, late of Company C, Eighth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 28, line 6, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Abigail A. Butler, widow of Joseph B. Butler, late of Company G, Twenty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, after line 6, to strike out:

The name of Cornelia J. Lester, widow of Cassius Lester, late of Company G, One hundred and fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 29, line 2, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Sedate C. Cooley, widow of Milo W. Cooley, late of Company G, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 6, after the words "rate of," to strike out "$30" and insert "$15," so as to read:

The name of Amelia Weber, widow of Frederick Weber, late of Company C, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 30, line 1, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Georgie A. Fifield, widow of Charles H. Fifield, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 5, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Louisa Semmel, widow of Charles Semmel, late of Company D, One hundred and eighth Regiment New York Volunteer Infantry, and unassigned detachment, Veteran Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 34, to strike out:

The name of Susan J. Waite, widow of Benjamin F. Waite, late of Company I, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 5, to strike out:

The name of Thomas Colburn, late of Captain Adam Flesher's Company A, Forty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 34, line 22, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Harriet Johnson, widow of John Johnson, late of Company G, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 11, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Jennie Hunter, widow of Henry R. Hunter, late of Company E, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 24, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Lydia A. McGrew, widow of James F. McGrew, late of Company A, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, after line 9, to strike out:

The name of Melissa B. Roberts, widow of Albert H. Roberts, late of Company C, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 13, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Melissa E. Gaines, former widow of Ransom M. Raymond, late of Company A, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, after line 16, to strike out:

The name of Elizabeth Penland, widow of Joseph S. Penland, late of Company A, Eleventh Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 40, after line 23, to strike out:

The name of Anne M. Luman, widow of Theodore Luman, late first lieutenant and adjutant, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, after line 19, to strike out:

The name of Mary E. Garrett, widow of Frank B. Garrett, late adjutant, First Regiment United States Colored Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 45, line 14, after the words "rate of," to strike out "$30" and insert "$15," so as to read:

The name of Maggie Kinart, widow of Samuel Kinart, late of Company H, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 46, line 11, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Libbie B. Sanders, widow of Harvey J. Sanders, late of Company H, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 48, after line 18, to strike out:

The name of George D. Helwig, late of unassigned company, Fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 49, line 11, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Katie J. Jerolmon, widow of Robert W. Jerolmon, late of Company G, Fifteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 49, line 20, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Cyntha A. Shafer, widow of Henry Shafer, late of Company B, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, line 4, after the words "rate of," to strike out "$30" and insert "$15," so as to read:

The name of Lucretia Burton, widow of Esquire D. Burton, late of Company K, Eighth Regiment Michigan Volunteer Infantry, and Company D, Battalion of United States Engineers, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 57, at the end of line 17, to strike out "$50" and insert "$40," so as to read:

The name of Hannah Cook, widow of William M. Cook, late of Company F, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 59, line 14, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Frances Ransom, widow of Daniel T. Ransom, late of Company L, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 61, line 1, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Susan L. Dean, widow of Otis B. Dean, late of Company I, Forty-second Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 61, line 6, to strike out "$30" and insert "$15," so as to read:

The name of Florence C. Woods, widow of Henry Woods, late of Company H, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 63, after line 9, to strike out:

The name of Matilda A. Jackson, widow of Lockhart F. Jackson, late of Company I, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 63, line 18, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Anna M. Mucho, widow of William F. Mucho, late of Company E, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 64, line 15, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Cynthia J. Case, widow of Francis M. Case, late of Company K, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 64, after line 15, to strike out:

The name of Mary M. Norton, widow of Joseph N. Norton, late of Company K, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 66, after line 13, to strike out:

The name of Ann E. Reamer, widow of John Reamer, late of Company F, First Regiment New York Volunteer Engineers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 67, line 8, before the words "per month," to strike out "$50" and insert "$40," so as to read:

The name of Hattie H. Hill, former widow of Albert B. Abernethy, late of Company G, Eleventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 67, after line 21, to strike out:

The name of Mary Burdick, widow of Lewis B. Burdick, late of Company K, One hundredth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 69, line 16, after the words "rate of," to strike out "$50" and insert "$40," so as to read:

The name of Sarah S. Blair, widow of Hiram G. Blair, late of Company E, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 70, after line 15, to strike out:

The name of Peter Breen, helpless and dependent son of Terrence Breen, late of Company I, Eleventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 72, line 14, to strike out "$30" and insert "$15," so as to read:

The name of Nancy E. Dietz, widow of William Dietz, late of Company D, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 76, after line 6, to insert:

The name of Annie S. Sweetland, widow of Edward Sweetland, late of Company B, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Almira R. Eaton, widow of John H. Eaton, late of Company F, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jennie St. Clair, widow of George W. St. Clair, late of Company F, Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Sallee, former widow of Joseph T. Miller, late of Company B, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Roseine Voorhees, widow of Oren Voorhees, late of Company I, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma L. Cole, widow of William C. Cole, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Julia A. Leisle, widow of George R. Leisle, late of Company G, One hundred and sixty-sixth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Kester, widow of William R. Kester, late of Company F, Twenty-third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Stevens, widow of Alonso Stevens, late of Company G, Thirty-fifth Regiment Pennsylvania Militia, and pay her a pension at the rate of $30 per month.

The name of Emma C. Fuller, widow of John S. Fuller, late of Company F, Twenty-sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah M. Lant, widow of Joseph Lant, late of Company B, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen G. Crocker, widow of Anson Crocker, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca C. Holt, widow of Reuben R. Holt, late of Company D, Forty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Carolina Gregory, widow of James R. Gregory, late assistant surgeon, Ninety-ninth Regiment United States Colored Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emaline Yoder, widow of Eli Yoder, late of Company F, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna M. Johnson, widow of John B. Johnson, late of Company F, Fifty-fifth Regiment, and Company D, One hundred and thirty-seventh Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nigary Sneed, widow of George W. Sneed, late of Company A, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Joan Shumway, widow of Cyrus Shumway, late of Company C, One hundred and second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Clark, widow of Jonathan L. Clark, late of Company D, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Laura E. Evans, widow of Robert F. Evans, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Arabelle Lehnhard, widow of John Lehnhard, late of Battery C, First Regiment West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Phoebe E. Burkhart, widow of Daniel Burkhart, late of Company F, Forty-third Regiment Missouri Enrolled Militia, and pay her a pension at the rate of $30 per month.

The name of Nancy J. Nichols, widow of Orrin D. Nichols, late of Company C, One hundred and ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Larimer, widow of Capt. William S. Larimer, late of Company C, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucy A. Rowles, widow of Benjamin Rowles, late of unassigned company, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma Gue, widow of Samuel D. Gue, late of Company D, Ninth Regiment, and Company D, First Regiment, West Virginia Veteran Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah P. Cunningham, widow of William N. Cunningham, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Lowe, widow of William W. Lowe, late of Company M, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca M. Henderson, widow of James P. Henderson, late of Company A, First Regiment West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lenora Lowell, widow of John H. Lowell, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy J. Keen, widow of Francis S. Keen, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma M. Norton, widow of James H. Norton, late of Company H, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Georgiana Harden, widow of John W. Harden, late of Company G, Sixth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma A. Bass, widow of Bancroft W. Bass, paymaster's clerk, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catharine Fahnestock, widow of Enza A. Fahnestock, late of Company I, One hundred and first Regiment, and Company A,

Fifty-first Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of 50 per month in lieu of that she is now receiving.

The name of Annie A. Gilson, widow of Charles A. Gilson, late of Company B, Twenty-sixth Massachusetts Infantry, and pay her a pension at the rate of $30 per month.

The name of Jennie Russell, widow of Samuel F. Russell, late of Company A, Tenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia Wells, widow of Lewis H. Wells, late of Company F, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna J. Skillin, widow of John Skillin, late of Company D, First Regiment New York Veteran Cavalry, and pay her a pension at the rate of $30 per month.

The name of Caroline Sanborn, widow of John Sanborn, late of Company H, Second Regiment, and Company K, Fourth Regiment, Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Brush, widow of Elkanah H. Brush, late a member of Company K, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clarinda Shanlbarger, widow of Elias W. Shanlbarger, late of Company E, Forth-eighth Ohio Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Laura E. Jacobs, widow of Wayland F. Jacobs, late of Company C, Seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Harlin, widow of John W. Harlin, late of Company F, First Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza Boyles, widow of Charles H. Boyles, late commissary sergeant, Seventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna J. Wilkinson, widow of Harry G. Wilkinson, late of Company K, Fifteenth Regiment, and Company F, Tenth Regiment, West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Coretta Johnson, widow of Robert Johnson, late of Company K, Second Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $30 per month, and $6 additional per month on account of the soldier's minor child until it attains the age of 16 years.

The name of Nancy C. Mercer, widow of John C. Mercer, late of Company H, One hundred and seventy-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary H. Griffin, widow of Allen A. Griffin, late of Company B, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy E. Kidder, widow of Charles Kidder, late of Company G, Sixteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen M. Pember, widow of Joseph S. Pember, late of Company K, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fannie E. Lounsbury, widow of Daniel C. Lounsbury, late of Fifth Battery Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma D. Dutcher, widow of William J. Dutcher, late of Company G, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma M. Sim, widow of John A. Sim, late of Company A, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louada Lucas, widow of Hiram Lucas, late of Company F, Fourteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret A. Roush, widow of Moses Roush, late of Companies A and B, Twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lois J. Stevens, widow of Benjamin T. Stevens, late of Company D, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Paulina Harris, widow of Henry Harris, late of Company B, Thirty-ninth Indiana Volunteers (Eighth Cavalry), and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah H. Porter, widow of David R. Porter, late of Company B, Second Battalion, Eighteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna M. Thornton, widow of Michael Thornton, late of Company H, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen J. Hunter, widow of Winfield S. Hunter, late of Company E, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amelia M. Wise, widow of Cyrus N. Wise, late of Company A, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Rowles, widow of William Rowles, late of Signal Corps, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Dutcher, widow of Charles B. Dutcher, late acting assistant paymaster, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Murcy Kelley, widow of John P. Kelley, late of Company E, First Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and in the event of the death of Murcy Kelley, the name of Noah Kelley, helpless and dependent son, shall be placed upon the pension roll and be paid the pension at the rate of $20 a month from and after the date of death of his mother, to continue during the period of his helplessness.

The name of Elizabeth B. Williamson, widow of Isaac Williamson, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Matha J. Wilson, widow of William Henry, late of Company G, Thirteenth United States Colored Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah Cowan, helpless and dependent daughter of Robert Cowan, late of Company D, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Margaret Cowan, helpless and dependent daughter of Robert Cowan, late of Company D, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Ella E. Keithley, widow of Edward T. Keithley, late of Company F, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice Elwood, widow of Thomas Elwood, late of Company I, Eleventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frank L. Rider, helpless and dependent son of David Rider, late of Company G, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Keziah Imhof, widow of Ferdinand M. Imhof, late of Company F, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Minnie Imhof, helpless and dependent daughter of said Keziah Imhof, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Keziah Imhof the name of Minnie Imhof shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the death of said Keziah Imhof.

The name of Hannah T. Maddox, widow of Billings Maddox, late of Company B, Sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of M. Belle Levey, widow of George Alexander Levey, late of Company H, Ninety-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucinda Wilson, widow of John N. Wilson, late of Company C, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Moore, widow of George P. Moore, late of Company A, Seventh Regiment Virginia Volunteer Infantry, and

pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella E. Hale, widow of Wilbur H. Hale, late of Company G, Second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jaley W. Flook, widow of William F. Flook, late of Company A, First Regiment Oregon Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Celia A. Reed, widow of Abraham S. Reed, late of Company C, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary F. Laird, widow of Milton Laird, late of Company I, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Prudence Fogg, widow of Benjamin F. Fogg, late of Company L, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Bertha I. Newton, widow of Orlando A. Newton, late of Company D, One hundred and forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sophronia J. Vertrees, widow of John E. Vertrees, late of Company D, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Callentine, widow of William Callentine, late of Company C, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Milligan, widow of Thomas G. Milligan, late of Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha E. Edwards, widow of John P. Edwards, late of Company D, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catherine Lansworth, widow of John J. Lansworth, late of Company C, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Fannie R. Carey, widow of George L. Carey, late of Company A, First Connecticut Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Blount, helpless daughter of Jubal Blount, deceased, late of Company H, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Ann Eliza Dawson, widow of William Dawson, late of Company C, Sixteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Malissie Tallent, widow of Jesse R. Tallent, late of Company C, Fifth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Stevens, widow of Henry A. C. Stevens, late of Company M, Twenty-sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Charlotte Hubert, widow of William Hubert, alias William Huber, late of Company I, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Boone, widow of Joseph S. Boone, late of Company C, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Phoebe A. Trumble, widow of James F. Trumble, late of Company F, Twelfth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie Remmert, widow of Herman W. Remmert, late of Company H, Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice E. Vermillion, widow of Marcus L. Vermillion, late of Company G, Eighteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ellen C. Smith, widow of Samuel H. Smith, late of Company I, Forty-seventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Kortz, widow of Jacob Kortz, late of Company H, Fifteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia Keatley, widow of First Lieut. John H. Keatley, late of Company E, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PETITIONS

Mr. WILLIS. I have received petitions signed by some 30,000 citizens of Ohio, relative to the eighteenth amendment and the enforcement thereof. I ask that the heading of one of the petitions be printed in the RECORD and that the petitions be referred to the Committee on the Judiciary.

The petitions were referred to the Committee on the Judiciary, and the heading of one of the petitions was ordered to be printed in the RECORD, as follows:

Whereas the Cleveland city council by a vote of 16 to 8 did adopt a so-called beer and wine resolution on February 15, 1926, and has forwarded it to the United States Congress.

We, the undersigned citizens of Greater Cleveland, desire to register our protest against the vote because we believe:

1. That prohibition of the beverage-liquor traffic is bettering the moral, physical, and economical conditions in America.

2. That the eighteenth amendment (passed by a greater majority than any other amendment) is making good and is far in advance of any license or control systems.

3. That to weaken the Volstead Act by permitting beer and wine would provide a cloak for more violations and would mean nullification of the eighteenth amendment.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERNALD:

A bill (S. 4542) granting an increase of pension to Abbie W. Merrill (with accompanying papers); to the Committee on Pensions.

By Mr. STEPHENS:

A bill (S. 4543) for the relief of Elizabeth H. Rice; to the Committee on Claims.

By Mr. CAMERON:

A bill (S. 4544) to prohibit the operation of vessels owned by the United States by persons operating foreign vessels; to the Committee on Commerce.

By Mr. ERNST:

A bill (S. 4545) to provide for increased leave of absence for storekeepers, gaugers, and storekeeper-gaugers, and for other purposes; to the Committee on Finance.

By Mr. STANFIELD:

A bill (S. 4546) to amend the second paragraph of section 10 of an act approved June 9, 1916, entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, Oreg.,'" approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; to the Committee on Public Lands and Surveys.

AUTOMOBILE ACCIDENT COMPENSATION

Mr. JONES of Washington. Mr. President, legislation enacted for the District of Columbia is by many considered as a model for legislation in the States. I have never believed very much in that theory, however. My experience has been that generally the legislation here reflects legislation which has already taken place in the States. However, I have had prepared a bill dealing with the matter of compensation in the case of automobile accidents. It is practically a new field in legislation. The bill might serve as a model in case we could get it enacted into law. I desire to introduce the bill for consideration at the next session of Congress.

The bill (S. 4541) to provide compensation for individuals disabled and the dependents of individuals killed as a result of injuries arising out of the operation of motor vehicles in the District of Columbia, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

HOUSE BILLS REFERRED

The following bills were each read twice by title and referred as indicated below:

H. R. 8466. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867; to the Committee on Education and Labor.

H. R. 10277. An act to amend the World War adjusted compensation act; to the Committee on Finance.

CLAIMS FOR RECOVERY OF TAXES ON DISTILLED SPIRITS

Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill (S. 2536) allowing claims for the recovery of taxes paid on distilled spirits in certain cases, which was referred to the Committee on Finance and ordered to be printed.

INTERSTATE COMMERCE COMMITTEE INVESTIGATION

Mr. CURTIS. Mr. President, I ask unanimous consent for the immediate consideration of a short resolution requesting the Interstate Commerce Committee to make an investigation and report.

There being no objection, the resolution (S. Res. 272) was read, considered by unanimous consent, and agreed to as follows:

Resolved, That the Committee on Interstate Commerce is hereby authorized and directed to investigate, by subcommittee or otherwise, the action of the Interstate Commerce Commission in declining to suspend items 666 and 667, supplement 12, Santa Fe tariff, I. C. C. 10037, until the interested parties could be heard, and report to the Senate at the earliest possible time.

STRIKE ON THE WESTERN MARYLAND RAILROAD

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the resolution (S. Res. 207) authorizing an investigation of the existing strike of engineers and firemen on the Western Maryland Railroad, reported it with the recommendation that the matter be referred to the Board of Mediation, pursuant to an act of Congress passed at this session commonly known as the railroad labor act, and submitted a report (No. 1182) thereon.

CLAIMS CONVENTIONS WITH GREAT BRITAIN AND FRANCE (S. DOC. NO. 155)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith from the Secretary of State, a report submitted by him in response to Senate Resolution 170 regarding the negotiation of claims conventions with Great Britain and France for the arbitration and settlement of claims of American citizens arising out of the acts of those Governments between August 1, 1914, and April 6, 1917.

CALVIN COOLIDGE.

THE WHITE HOUSE, *July 2, 1926.*

TARIFF STATISTICS (S. DOC. NO. 154)

Mr. ROBINSON of Arkansas. Mr. President, I ask to have printed as a Senate document a compilation and survey made by the United States Tariff Commission of a large number of domestic manufacturing industries, as reported in the Census of Manufactures for 1923, including the value of the products, the cost of materials, wages and salaries paid, and so forth. There is also embraced in this survey a statement of the percentage which cost of labor bears to the value of the products; the equivalent ad valorem tariff duties on imports in 1924, and the equivalent ad valorem tariff duties on imports in 1920. This report, together with a letter of explanation, or analysis, addressed to me by Hon. CORDELL HULL, contains useful and helpful information on the subject of the tariff. I ask that this letter be printed, with the statistics, as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

FREIGHT RATES ON WHEAT

Mr. NORRIS. Mr. President, one of the important things in connection with farm relief is freight service. I have an article from the Washington Farmer, published in Spokane, Wash., relating to freight rates on wheat. I ask unanimous consent to have it printed in the RECORD.

The VICE PRESIDENT. Without objection it is so ordered.

The article is as follows:

[From the Washington Farmer, June 24, 1926]

CANADA DRIVES GOOD BARGAIN FOR FARMERS—HOOVER PUTS EXPERT TO WORK ON THE WASHINGTON FARMER'S AMAZING DISCLOSURE THAT CANADIAN WHEAT GROWERS GET FREIGHT RATES HALF THOSE CHARGED BY AMERICAN RAILROADS

When the Washington Farmer made its amazing disclosure that Canadian wheat growers are enjoying freight rates which, mile for mile, are but one-half those charged by the American railroads on grain hauls east, and but little more than half on westbound shipments, it stirred things up at Washington, D. C.

Our articles were republished in the CONGRESSIONAL RECORD, Members of Congress made inquiring speeches, the Interstate Commerce Commission made an explanatory statement, and now Secretary of Commerce Hoover is looking into this discrimination against our wheat growers.

The following note from Harold Phelps Stokes, assistant to Mr. Hoover, is self-explanatory:

DEPARTMENT OF COMMERCE,
Washington, June 19, 1926.

The WASHINGTON FARMER,
Spokane, Wash.:

Secretary Hoover has asked me to acknowledge the receipt of your letter of recent date regarding freight rates on American western roads as compared with Canadian rates.

I have had this matter investigated and inclose herewith the memorandum of our transportation division in the premises.

HAROLD PHELPS STOKES,
Assistant to Mr. Hoover.

We print herewith that statement in full and invite from our readers a careful reading. They will find that it is an admission of the facts and an attempt to explain them. It opens with the frank admission that "there is no doubt that the statement made in the Washington Farmer, to the effect that grain freight rates in this country are higher than similar rates on the Canadian Pacific Railway, is correct.

And the upshot of the explanation is that the Canadian Government drove a better bargain with the Canadian railroads for the benefit of Canadian grain growers than our Government has driven with the American railroads.

It is further explained that the Canadian Government was generous to the Canadian Pacific in land grant and subsidy.

But the United States Government has been generous with our transcontinental lines.

The Northern Pacific, for instance, was given a free grant of 40,000,000 acres, 15,000,000 more than the Canadian Pacific received for its main line; free right of way and other valuable gifts.

The late Secretary of Agriculture Wallace, in a letter to President Coolidge, February 19, 1924, said:

"The total gross receipts of the Northern Pacific to June 30, 1917, from the sale of the lands from its grant amounted to $136,118,533. The cost of constructing the (original) road did not exceed $70,000,000. The sale of lands has more than paid for the cost of constructing the original railroad."

The explanation from Secretary Hoover's department, given below, questions the accuracy of the statement that 5,873,286 tons of grain and grain products were hauled by the Canadian Pacific Railway to Vancouver during 1925. Our statement was made on authority of Hon. James R. Robb, Canadian minister of finance, who told the Canadian Parliament that if the Canadian grain growers had been made to pay the higher freight rates that are charged on the American roads it would have cost them in 1925 $17,926,271 more than they had to pay. The statement that nearly 6,000,000 tons went to Vancouver may have been an inadvertence of the reporter's. What Mr. Robb probably said was that the Canadian Pacific hauled east that much grain in 1925. But whether the bulk of it went east or west has no bearing on the big admitted fact that our growers pay much higher freight rates.

Now that we have had our say, we give space to the following explanation from Mr. Hoover's expert:

DEPARTMENT OF COMMERCE,
Washington, June 8, 1926.

There is no doubt that the statement made in the Washington Farmer to the effect that grain freight rates in this country are higher than similar rates on the Canadian Pacific Railway is correct. It should be borne in mind that the Government supplied the Canadian Pacific Railway with a very definite consideration for the lower rates and that the present rates are the same that were in use in 1897. The accuracy of the statement that 5,873,286 tons of grain and grain products were hauled by the Canadian Pacific Railway to Vancouver during 1925 is questionable.

There are several reasons for this existing rate situation. In the eastbound rail movement from the wheat-producing provinces of Canada to the shipping points on the Lakes all traffic falls under the "Crows Nest Pass agreement of 1897." This was an agreement between the

Government and the Canadian Pacific Railway under which the railway company was authorized to construct a line from Lethbridge through the Crows Nest Pass into British Columbia. The Canadian Pacific was given a subsidy of $3,630,000, a land grant, custom duties on supplies for the particular section of the railway were remitted, and all taxes on that section of the railway were remitted forever.

In return the company agreed, among other things, to reduce the then-existing rates to the Lakes by 3 cents per 100 pounds. This reduction was effected in 1899, and in spite of advanced costs of operation these reduced rates were in operation until July, 1919. Under an act passed by the Canadian Parliament of that year this agreement was abrogated for the three years ended July 5, 1922. The new government did not extend the suspension of the agreement, and on July 7, 1923, the eastbound grain rates of 1899 to Fort William and Port Arthur were reestablished.

While these rates are required of the Canadian Pacific Railway, they must, through necessity, be met by the Canadian Government railway lines, which are in competitive operation. The westbound movement was not affected by this agreement, and much higher rates prevailed on shipments to the west coast.

In the meantime the Pacific coast merchants claimed that rate discrimination was being made in favor of eastbound shippers. The Government ordered an investigation, and, as a result, on September 15, 1925, the western and eastern grain rates were equalized. For example:

	Miles	Old rates, cost per bushel	New rates, cost per bushel
algary to Fort William	1,343	$0.15	$0.15
algary to Vancouver	648	.13½	.09

The Tariff Commission has had the entire matter under consideration for some time and in a study estimated that the eastbound transportation costs in this country are 8.84 cents higher than in Canada. Of this amount 5.33 cents is the actual rail rate differential. The commission, however, reached no decision at the time of the hearings, due to a split vote, as to whether transportation costs should be considered part of marketing costs. The Attorney General has since decided that these costs must be included. The matter is at the present time again being deliberated by the commission, and it is thought that the decision reached will call for an increased tariff on Canadian wheat.

It was stated in the article that during 1925 approximately 5,873,286 tons of grain and grain products were hauled by the Canadian Pacific Railway to Vancouver. Available reports for the crop year 1924–25, which can be favorably compared with the railway traffic movement for the calendar year 1925, disclose that there were approximately 6,000,000 tons of grain and grain products hauled in the eastbound traffic and 1,000,000 tons in the westbound movement. During the calendar year 1924 approximately 2,000,000 tons were exported through the port of Vancouver, according to a consular report received in this division. It is accordingly believed that the statement of a 5,800,000-ton movement into Vancouver during 1925 is incorrect.

In conclusion, it might be pointed out that the Government supplied the Canadian Pacific Railway with very definite considerations for these lower rates, such as the original land grant, a subsidy of $3,630,000, and remission of taxes forever on this section. The case of the Canadian national railway's voluntary observance of these rates on competitive lines is self-argued by its balance sheet. This statement during the past has shown a net loss annually which has been assumed by the Government. In 1925 this amounted to $50,000,000.

A. LANE CRICHER,
Acting Chief, Transportation Division.

PAGEANT AT CASA GRANDE AND FLORENCE, ARIZ.

Mr. CAMERON. Mr. President, I ask unanimous consent to have inserted in the RECORD a newspaper article appearing recently in a metropolitan Arizona newspaper, which describes the plans for an Arizona pageant at Casa Grande and Florence, Ariz., to be held November 6, 7, 13, and 14, this year. The Casa Grande ruins have had much attention from scientists and archeologists of this country, and this pageant will depict the early forms of civilization, the coming of the Indians, and later on the white man and the pioneers.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLANS FOR ARIZONA PAGEANT AT CASA GRANDE RUINS NOW GAINING SUPPORT IN STATE

Widespread interest in the Arizona pageant to be given at the Casa Grande Ruins in November under the direction of Garnet Holme, pageant master of the national parks of the United States, is apparent in all parts of the State. The idea had its inception within a group of club women of the Casa Grande Valley, and within the past few months has developed into a definite plan, which has crystallized in the organization of the Pinal County Pageantry Association, recently incorporated. Mrs. Thomas McRae, who has been elected business manager by the incorporation, has been one of the most active workers in support of the project since the beginning. She has served and will continue to serve without compensation.

More than a year ago the Arizona pageant was discussed as a mere possibility. Because the women believed that it was possible to perfect the details of the plans and carry it toward a definite end they persisted. Supporters were gained in all parts of Arizona, when it was clearly understood that it was to be an Arizona pageant and not limited to the exploitation of any certain part of the State. The Casa Grande Ruins offered a historical setting easily adapted to the principles of pageantry, and therefore was chosen by the committee. Another point in its favor was the central location, which makes it accessible to all the residents of the State.

The story of the pageant is being worked out carefully in its details and atmosphere. Mrs. McRae has held three conferences with Mr. Holme in California, and the progress is more than ordinarily gratifying, she believes.

The Pinal County Pageantry Club is supplementing the work of the association. It is made up of a committee of seven members from each woman's club of the Casa Grande Valley, the Florence Woman's Club, the Desert Woman's Club, and the Woman's Club of Casa Grande. Woman's clubs of the State will be asked to indorse the pageant and in turn will become guarantors. Some have already done this.

The American Legion, through its State commander, Col. A. J. Doherty, has pledged its support and several individual posts will soon become guarantors. Mrs. Lloyd B. Christy, second vice president of the Arizona Federation of Woman's Clubs, is actively interested in gaining the support of all the woman's clubs in Arizona. The Boy Scouts have already indorsed it.

The Southern Pacific Railway, through its executive vice president, Paul Shoup, has indorsed the plan, and promises of substantial support have come from prominent men through the State.

The incorporators of the Pinal County Pageantry Association are: Gov. George W. P. Hunt; Col. J. H. McClintock; H. M. Fennemore; Henry W. Allen, Mrs. Lloyd B. Christy, of Phoenix; R. E. Tally, general manager of the United Verde Copper Co., at Jerome; M. Twain Clemans; John Zelweger; Mrs. Katherine MacRae, of Florence; Dr. Cloyd Heck Marvin, president of the University of Arizona; and Judge P. E. Overfield, of Casa Grande.

The officers of the Pinal County Pageantry Club, which is made up of women of the Casa Grande Valley at present, but is so named that it may include all the women of Pinal County, are Mrs. Angela H. Hammer, of the Casa Grande Woman's Club, chairman; Mrs. M. A. Anderson, of the Desert Woman's Club, recording secretary; Mrs. P. D. Overfield, of the Casa Grande Woman's Club, corresponding secretary; Mrs. M. Twain Clemans, of the Florence Club, publicity chairman; Mrs. George Sheerer, of the Desert Woman's Club, finance chairman. Mrs. Overfield is also secretary of the incorporators. Other women prominently identified with the club are Mrs. Woody, Mrs. C. H. Paather, and Mrs. Dugal Stewart.

PREVENTION OF PURCHASE AND SALE OF PUBLIC OFFICE

Mr. STEPHENS. Mr. President, there are two bills on the calendar which I would like to have considered and passed. They come from the Committee on the Judiciary. They are Calendar Nos. 1135 and 1136. From time to time there have been charges of corruption and charges that there has been considerable buying and selling of public office. The two bills relate to that matter. They are House bills and are on the calendar with a favorable report from the Committee on the Judiciary. I ask unanimous consent first for the consideration of Calendar No. 1136, the bill (H. R. 10739) to prevent purchase and sale of public office.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, on page 2, line 6, after the word "years," to strike out the words "and fined" and insert in lieu thereof the words "or by a fine of not," and in line 7, after the numerals "1,000," to strike out the words "either or both" and insert in lieu thereof "or by both such fine and imprisonment," so as to make the bill read:

Be it enacted, etc., That it shall be unlawful to pay or offer or promise to pay any sum of money, or any other thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence, whatsoever, to procure any appointive office under the Government of the United States for any person whatsoever.

SEC. 2. It shall be unlawful to solicit or receive from anyone whatsoever, either as a political contribution, or for personal emolument, any sum of money or thing of value whatsoever, in consideration of the promise of support, or use of influence, or for the support or influence of the payee, in behalf of the person paying the money, or any other person, in obtaining any appointive office under the Government of the United States.

SEC. 3. Anyone convicted of violating this act shall be punished by imprisonment of not more than one year, or by a fine of not more than $1,000, or by both such fine and imprisonment.

SEC. 4. All acts and parts of acts inconsistent herewith are hereby repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AFFIDAVITS BY CERTAIN UNITED STATES OFFICERS

Mr. STEPHENS. Mr. President, I now ask unanimous consent for the immediate consideration of Calendar No. 1135, the bill (H. R. 10547) to require the filing of an affidavit by certain officers of the United States.

There being no objection, the bill was considered as in Committee of the Whole. The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 9, after the word "affidavit" to strike out the words "under oath" and on page 2, to strike out lines 4 to 9, inclusive, so as to make the bill read:

Be it enacted, etc., That each individual hereafter appointed as an officer of the United States by the President, by and with the advice and consent of the Senate, or by the President alone, or by a court of law, or by the head of a department, shall, within 30 days after the effective date of his appointment, file with the Comptroller General of the United States an affidavit stating that neither he nor anyone acting in his behalf has given, transferred, promised, or paid any consideration for or in the expectation or hope of receiving assistance in securing such appointment.

SEC. 2. No salary shall be paid to any individual required under section 1 to file an affidavit until such affidavit has been filed.

Mr. REED of Pennsylvania. Mr. President, as the bill reads it would require a new oath every time an officer is moved from one assignment to another. In the Veterans' Bureau it frequently becomes necessary to transfer a physician from one hospital to another. I understand it has been ruled by the Comptroller General that until they have reached their new station and have taken the oath, they can not be paid their traveling expenses.

Mr. CUMMINS. Mr. President, the Senator from Arkansas [Mr. CARAWAY], who had charge of the bill before the Judiciary Committee, has agreed with me that there ought to be an amendment in the third line of the bill on page 1, by striking out the word "an" and inserting "a civil," so it would read "that each individual hereafter appointed as a civil officer of the United States by the President," and so forth, which would meet the suggestion of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. But would it meet the suggestion? I have just explained, I may say to the Senator from Arkansas [Mr. CARAWAY], who has just entered the Chamber, that the Veterans' Bureau wrote to me that every time one of their doctors is moved from one hospital to another or one district to another the Comptroller General requires a new oath to be made by him, and refuses to pay his traveling expenses until the oath is taken. He can not take the oath until he reaches his new assignment. They have sent me an amendment which would cover such cases. I am wondering if the Senator would withhold his pressure for passage of the bill for a few minutes until I can get the amendment and submit it to him.

Mr. CARAWAY. Will the Senator suggest it now?

Mr. REED of Pennsylvania. I have not the wording of it here. It is at my office, and I have just sent for it.

Mr. STEPHENS. I am willing to let the matter go over for the present.

Mr. REED of Pennsylvania. If we can pass it over for an hour, I will have the amendment here and submit it to the Senator from Mississippi.

The VICE PRESIDENT. The bill will be passed over without prejudice.

CHARLES D. BAYLIS

Mr. DILL. Mr. President, I believe the unfinished business is the radio bill. I promised to yield to the Senator from Delaware [Mr. BAYARD] for a request if it does not involve any debate. If it leads to debate, I shall have to object.

Mr. BAYARD. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 6149) for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps. It is a bill we just missed last night on account of the discussion in the pressure for a recess. It will not lead to any discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That there is appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Charles D. Baylis, first lieutenant, United States Marine Corps, $1,732.14, to compensate him for loss and damage to household goods, clothing, and other personal effects, while the same were being transported on the United States naval tug *Genesee* from Olongapo to Cavite, P. I., during the summer of 1922.

Mr. SMOOT. The wording of the bill is quite different from the usual form of such bills. It covers various shortages. I ask the Senator to give an explanation of the bill.

Mr. BAYARD. The man was taken ill in Cavite. He was ordered to be transferred to California. The Government undertook to pack up all his belongings and move them to California. On the way over on the boat they were placed on the outside of the deck of the steamship and were broken up by the seas and ruined. The matter was examined into by the Navy Department and the bill is recommended in every detail. It has been gone into exhaustively by the department. I trust the Senator will not object.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. DILL. Mr. President, I promised to yield to the Senator from Connecticut, and I will say that that is the last concession that I shall make.

Mr. HEFLIN. Mr. President, I ask unanimous consent that we vote on the radio bill and all amendments at 1 o'clock.

Mr. DILL. I think we will be able to vote in a little while without that request.

Mr. HEFLIN. Very well.

Mr. DILL. I yield to the Senator from Connecticut.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 39) providing that the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Sixty-ninth Congress by adjourning their respective Houses on the 3d day of July, 1926, at 3 o'clock p. m., in which it requested the concurrence of the Senate.

The VICE PRESIDENT subsequently laid before the Senate House Concurrent Resolution 39, providing for final adjournment of the session, which was referred to the Committee on Appropriations.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 658. An act for the relief of Harry Coventry;

H. R. 816. An act for the relief of W. F. Morgaredge;

H. R. 821. An act for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho;

H. R. 949. An act for the relief of John H. Cowley;

H. R. 1136. An act for the relief of Richard Weatherston;

H. R. 1565. An act for the relief of Pirtle Handley;

H. R. 1580. An act authorizing the Secretary of the Interior to sell and patent to David A. Vincent certain lands in Oklahoma;

H. R. 1718. An act for the relief of Harold Holst;

H. R. 2136. An act for the relief of Lieut. Frederick C. Matthews;

H. R. 2254. An act for the relief of Howard A. Mount;

H. R. 3142. An act for the relief of Benito Viscaina and Maria Viscaina;

H. R. 3448. An act for the relief of John Solen;

H. R. 3454. An act for the relief of certain Indian policemen in the Territory of Alaska;

H. R. 3592. An act for the relief of Johanna B. Weinberg;

H. R. 3763. An act to prevent delay in the promotion of officers of the Navy and Marine Corps;

H. R. 4252. An act for the relief of Thomas H. Burgess;

H. R. 4323. An act for the relief of the Nebraska Buick Co.;

H. R. 4414. An act for the relief of Archie Eggleston, an Indian of the former Isabella Reservation, Mich.;

H. R. 4664. An act for the relief of Arthur H. Bagshaw;

H. R. 5063. An act for the relief of P. H. Donlon;

H. R. 5223. An act to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies;

H. R. 5441. An act for the relief of Geraldine Kester;

H. R. 5786. An act for the relief of Rachel Thomas, widow of William Thomas, deceased;

H. R. 5810. An act granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State;

H. R. 6003. An act for the relief of Charles B. Beck;

H. R. 6226. An act for the relief of Edward N. Moore;

H. R. 6267. An act for the relief of Joseph F. MacKnight;

H. R. 6921. An act to correct the military record of James Perry Whitlow;

H. R. 7016. An act for the relief of Hensler Bros.;

H. R. 7027. An act for the relief of J. B. Elliott;

H. R. 7104. An act to quiet title and possession with respect to certain lands in Baldwin County, Ala.;

H. R. 7395. An act for the relief of Emanuel Xuereb;

H. R. 7674. An act for the relief of Capt. H. Bert Knowles;

H. R. 8120. An act to create within the San Bernardino National Forest, in Riverside County, Calif., a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve;

H. R. 8331. An act for the relief of Folkert Coleman, of Port Huron, Mich., and Carey D. Ferguson, collector of customs and special disbursing agent for the Treasury Department at Detroit, Mich.;

H. R. 8592. An act to further amend section 125 of the national defense act of June 3, 1916, as amended;

H. R. 9089. An act for the relief of Mabel Blanche Rockwell;

H. R. 9135. An act for the relief of Natalie Summers;

H. R. 9274. An act to release and quitclaim title of certain lands to Holyman Battle and his successors in interest;

H. R. 9496. An act authorizing the Secretary of the Interior to convey certain lands reserved for park and other purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla.;

H. R. 9967. An act authorizing an expenditure of $6,000 from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation;

H. R. 10020. An act for the relief of William Knabe;

H. R. 10109. An act for the relief of Virginia Strickland;

H. R. 10489. An act to perfect the homestead entry of John Hebnes;

H. R. 10641. An act for the relief of Elias Field;

H. R. 11094. An act for the relief of Capt. F. J. Baker and Capt. George W. Rees, United States Army;

H. R. 11123. An act to establish a term of the United States Circuit Court of Appeals at Oklahoma City, Okla.;

H. R. 11329. An act for the relief of certain counties in the States of Oregon and Washington within whose boundaries the revested Oregon & California Railroad Co. grant lands are located;

H. R. 12313. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.;

H. R. 12314. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.;

H. R. 12537. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.;

H. R. 12538. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.; and

H. J. Res. 98. Joint resolution for the relief of R. S. Howard Co.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Mr. BINGHAM. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 4529) to increase the membership of the National Advisory Committee for Aeronautics, and for other purposes. The bill assigns the three new Assistant Secretaries for Aviation to the national advisory committee. It is a part of the air program as originally recommended by the President. Now that we have the three new Assistant Secretaries, it is desired that they shall be assigned to this committee. I may say it only changes the National Advisory Committee for Aeronautics by adding three new ex officio members to it. There will be no extra salary. None of the members of that committee receives any salary, and I believe there is no objection to the passage of the bill.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," approved March 3, 1915, be, and the same is hereby, amended to read as follows:

"A National Advisory Committee for Aeronautics is hereby established, and the President is authorized to appoint not to exceed 15 members, to consist of an Assistant Secretary of War and two members from the Army Air Corps; an Assistant Secretary of the Navy and two members from the Navy Bureau of Aeronautics; an Assistant Secretary of Commerce; a representative each of the Smithsonian Institution, of the United States Weather Bureau, and of the United States Bureau of Standards; together with not more than five additional persons who shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences: *Provided*, That the members of the National Advisory Committee for Aeronautics, as such, shall serve without compensation: *Provided further*, That it shall be the duty of the National Advisory Committee for Aeronautics to supervise and direct the scientific study of the problems of flight, with a view to their practical solution, and to determine the problems which should be experimentally attacked and to discuss their solution and their application to practical questions. In the event of a laboratory or laboratories, either in whole or in part, being placed under the direction of the committee, the committee may direct and conduct research and experiment in aeronautics in such laboratory or laboratories: *And provided further*, That rules and regulations for the conduct of the work of the committee shall be formulated by the committee and approved by the President.

"That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be required for experimental work and investigations undertaken by the committee, clerical expenses, and supplies, and necessary expenses of members of the committee in going to, returning from, and while attending meetings of the committee: *Provided*, That an annual report to the Congress shall be submitted through the President, including an itemized statement of expenditures."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNALLOTTED LANDS WITHIN THE COLORADO RIVER INDIAN RESERVATION

Mr. CAMERON. Mr. President, last night the Senate passed the bill (S. 4142) authorizing the Secretary of the Interior to lease unallotted lands within the Colorado River Indian Reservation. A similar House bill has passed the other body, and I desire to ask that the House bill, being the bill (H. R. 12596) may be passed at this time.

Mr. SMOOT. What is the nature of the bill.

Mr. CAMERON. It authorizes the Secretary of the Interior to lease unallotted Indian lands in the Colorado Indian Reservation.

Mr. SMOOT. Has the bill received the favorable report of the committee?

Mr. CAMERON. Identical bills have been favorably reported and passed by both Houses, but one is a Senate bill and the other a House bill. I desire to have the House bill on the same subject passed. So I ask unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of the bill (H. R. 12596) to authorize the leasing of unallotted irrigable land on Indian reservations.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CAMERON. I now ask unanimous consent for the present consideration of House bill 12596.

The VICE PRESIDENT. Is there objection to the present consideration of the House bill, which, the Chair is informed, is the same as the Senate bill passed by the Senate last night.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the unallotted irrigable lands on any Indian reservation may be leased for farming purposes for not to exceed 10 years with the consent of the tribal council, business committee, or other authorized body representative of the Indians, under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF RADIO COMMUNICATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9971) for the regulation of radio communications, and for other purposes.

Mr. FESS. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. Mr. President, I should like to yield to Senators, but I simply can not get this bill passed unless we take it up and secure action on it. As soon as we pass the radio bill there will be nothing further on the program, and Senators will have plenty of time and opportunity. So I beg of them to let me go ahead with the radio bill. I do not wish to be arbitrary, but I merely feel that I must go ahead with the radio bill.

Mr. President, I understand the pending question on the radio bill is the amendment of the Senator from Arkansas [Mr. ROBINSON] providing for the appointment of members of the commission by regional districts. That matter was discussed on yesterday up to 5.30 o'clock.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas. Without objection, the amendment is agreed to.

Mr. EDWARDS. Mr. President, at the request of my colleague, the senior Senator from New Jersey [Mr. EDGE], I am sending to the desk an amendment to this bill which I trust that the sponsor of the pending measure, the Senator from Washington [Mr. DILL], may see his way clear to accept.

The VICE PRESIDENT. The amendment proposed by the Senator from New Jersey will be stated.

The CHIEF CLERK. It is proposed to amend section 2, page 41, by adding a new paragraph between lines 22 and 23, as follows:

At least 30 days before any license for the operation of a station proposing to use an input power equal to or exceeding 5,000 watts shall be granted, the commission shall send a notice in writing to the attorney general of the State in which such station is or is proposed to be located. If, prior to the granting of such license, the attorney general of the State in which such station is or is proposed to be located, or any resident or residents of such State, shall give notice in writing to the commission of a desire to be heard on the question whether such license shall be granted, such license shall not be granted until the attorney general or such resident or residents shall have had an opportunity to be heard before the commission. At least 10 days' notice of such hearing shall be given by the commission by mail to the attorney general and to such resident or residents who shall request such hearing.

Mr. DILL. Mr. President, this amendment is designed to give some rights to people in communities where stations of large power are to be located. The language of it is rather long and involved, but I am willing to accept it and let it go to conference for the consideration of the conferees.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLEASE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 59, after line 15, it is proposed to insert the following as a new section:

SEC. 25. The commission is further empowered to make and enforce regulations to censor and prohibit all discourses broadcast from stations under its control regarding the subject of evolution.

Mr. DILL. Mr. President, that is an amendment, as the Senate can readily see, which gives the commission power to censor. I am willing to let the Senate vote on it and, if the Senate cares to accept it, it can go to conference.

Mr. BLEASE. Mr. President, I am willing to have the amendment voted on. I should like to have an expression of the Senate of the United States on the subject as to whether or not we are going to create a commission and let them censor almost everything in the world except the question of religion without anyone having a say as to what subjects along that line shall or shall not be discussed.

Personally I want to go on record on it. It does not make any difference to me whether the Senate adopts the amendment or not, but I am willing for the world to know that on this proposition I am on the side of Jesus Christ.

Mr. DILL. Mr. President, I want to correct a statement which the Senator has made. The Senator from South Carolina, I know, does not want to make a misstatement. The bill does not give to the commission the power to censor programs, but instead there is a provision in the bill which specifically prohibits the commission from censoring programs in any way. I wish that statement to go in the RECORD, to clear up any misapprehension that might arise.

Mr. BLEASE. That does not change my position, Mr. President.

Mr. HEFLIN. Mr. President, I took the position yesterday and the day before that people ought to be at liberty to discuss anything they want to over the radio, and that the special interests ought not to be able to suppress free speech. The Senator from South Carolina [Mr. BLEASE] and I occupy the same position with regard to the Bible theory of creation—that God made man just as the Bible tells us He did.

Last year, when I was delivering a few addresses about the country, a gentleman asked me on one occasion if I was going to discuss evolution. I said, "No; not particularly." "Well," he said, "most of our people here believe that God made man, but there are a few who hold to the Darwinian or evolution theory regarding the origin of man." "Well," I said, "I have no desire to hurt the feelings of anybody. So far as I am concerned, I find a great deal of comfort and satisfaction in the belief that God Almighty made my ancestors, but I am willing for those who hold to a contrary view regarding theirs to think as they choose upon the subject. If they insist that they sprung from monkeys, I shall not quarrel with them, because they know more about their ancestors than I do, and they may be right about it." [Laughter.]

I told him what occurred in my home county in Alabama. I said, "That question has been settled. The negroes had an immense mass meeting out at Greenwood Church in Chambers County, Ala. They assembled at 10 o'clock one Sunday morning and held forth until 5 in the afternoon. They read various passages of the Bible pertaining to the creation of man, and at 5 o'clock old Uncle Rufus got up and offered a resolution, which was unanimously adopted. The resolution said: "*Resolved*, That God Almighty made all the niggers and most of the white folks, but all them white folks what thinks they sprung from monkeys is right about it." [Laughter in the Senate and galleries.]

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Carolina.

Mr. COPELAND. Mr. President, I could not bear to have this amendment go without one word. I can not see why the Senate of the United States should be disturbed over the subject of evolution. You may be surprised, Mr. President, to know it, but I believe in religion and try to be religious; even so, I believe in evolution, and am glad to give public testimony to both those facts. I hope the amendment will be defeated.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Carolina.

The amendment was rejected.

Mr. KING. Mr. President, on page 34, line 4, I move to strike out the numerals "$12,000" and insert the figures "$10,000," so as to read:

Each commissioner shall receive a salary of $10,000 per year.

May I say, Mr. President, that I think we have gone mad in our efforts to increase the compensation and salaries of the members of some commissions and officers in the executive departments and agencies of the Government. I do not see any reason on earth for one of these commissioners to get more than a Federal judge, who, by the way, only receives $7,500. It seems to me that the compensation proposed under my amendment would be ample.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. KING. I yield.

Mr. BORAH. I understand there are five commissioners?

Mr. KING. Yes.

Mr. BORAH. I wish the Senator would incorporate in his amendment a provision reducing the number to three.

Mr. KING. I may say that I had an amendment which I intended to offer reducing the number to three. I think that three would serve the country far better than five; but the Senate yesterday adopted the zoning provision, dividing the country into five zones, and apparently expressed their view that there must be one commissioner for each of the zones. So far as I am concerned, I think that three would be far better, and I would be very glad to vote for three, but I will ask for a vote on the amendment which I have offered.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. KING. Mr. President, in line 12, on page 34, a provision is found to give the secretary of the radio commission $7,500. There are officials occupying important and confidential positions in the departments and in various executive commissions that are serving for $4,000 or $5,000 a year. Five thousand dollars will be a large salary, in my opinion, for the secretary of the proposed commission. It seems to me

absurd and grotesque to give such enormous salaries as the Senate, or, at least, some Senators in the past have exhibited a disposition to give to those filling executive positions. I move to strike out "$7,500" and insert in lieu thereof "$5,000."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

Mr. WATSON. Mr. President, what is the amendment? I did not catch it.

The VICE PRESIDENT. The amendment proposes to reduce the salary of the secretary of the radio commission from $7,500 to $5,000.

Mr. KING. Five thousand dollars is ample, it seems to me. I hope the Senator will not object, because, then, I shall have to make a speech.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah. [Putting the question.] The Chair is unable to determine.

Mr. SMOOT. I ask for a division.

On a division, the amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. WADSWORTH. Mr. President, may I ask the Senator in charge of the bill to give an explanation, which I am sure he can give very briefly—and I do not desire to take up the time of the Senate—of that portion of section 13, which is found on page 54, relating to the suspension of the operation of Government-owned broadcasting stations for commercial purposes in the Territory of Alaska, the Virgin Islands, Porto Rico, Samoa, Guam, and the Territory of Hawaii when such suspension would be in the public interest.

Mr. DILL. Mr. President, I may say to the Senator that that provision, as I understand it, is in the present law under the Free resolution. It was requested by the Navy Department as being a desirable provision. That is about the only reason it was put in there, I think.

Mr. WADSWORTH. Apparently some military purpose is in mind.

Mr. DILL. I think so. That is the impression I received.

Mr. WADSWORTH. I was wondering why the Panama Canal Zone and the Philippine Islands were not included.

Mr. DILL. It is provided in another section that they may be handled through the commission.

Mr. WADSWORTH. Will the Senator state whether any Government-owned station now is doing a commercial business?

Mr. DILL. The Government-owned stations now are doing commercial business under what is known as the Free resolution. That resolution, which I think has been passed every two years, provides that any Government-owned radio station may accept commercial business if there is no private radio station within 25 miles.

In that connection I think it would be interesting to the Senate to know the amount of money that has been received during the past few years for commercial business by those stations where there are no private stations within 25 miles. This applies particularly on the Pacific coast and in Alaska. The Navy has found it very desirable to have the right to use these stations for commercial purposes in these far-away lands where there is no other means of communication.

In that connection I want to read to the Senate a few figures as to the amount of money that these Government radio stations connected with the Navy cost and the amount of receipts that we have had from commercial business.

In 1920–21 the cost of maintenance was $1,234,000, and the receipts were $372,000.

In 1921–22 the cost of maintenance was $1,268,000, and the receipts were $270,000. I will use just the round figures.

In 1922–23 the cost of maintenance was $1,000,000, and the receipts were $270,000.

In 1923–24 the cost of maintenance was $984,000, and the receipts were $245,000.

In 1924–25 the cost of maintenance was $904,000, and the receipts were $203,000.

In 1925–26 the cost of maintenance was $872,000, and the receipts were $140,000.

Under the present system, whenever a shore station communicating with ships has a commercial business sufficient to justify it, the Radio Corporation has been in the habit of going in and setting up a station within 25 miles to get that business, and then the Government gets no return. One station near San Francisco a year ago had receipts amounting to approximately $98,000. The Radio Corporation put a station inside the 25-mile zone, and of course no commercial business could be done there after that. The committee felt that since these stations were being maintained by the Government for Government use, and the expense of running them was continuous, there was no reason why they should not accept commercial messages when those message rates were not cut below other rates.

May I say further that the Radio Corporation takes this position regarding its transmitting tubes: It refuses to license its transmitting tubes for a point-to-point telegraph system in the United States to compete with the wire systems, so that in effect what we are doing when we refuse to permit the Government stations to do any commercial business if there is a private station within 25 miles is to allow the Government station to build up a business which the Radio Corporation only can go in and take advantage of, because they will not license their tubes to private organizations or private corporations. Whether they have that right under the law is a matter that has not been tested in the courts, but that is the condition to-day.

Mr. WALSH. Mr. President, I should like to inquire of the Senator what is the public policy that moves the Radio Corporation to refuse to make rates less than those of the telephone and telegraph companies?

Mr. DILL. The Radio Corporation has no point-to-point wireless telegraph in competition with the wire telegraph, the Western Union and the Postal, within the United States; but it does have the interoceanic wireless telegraph in competition with the cables, and it has cut the rates considerably for interoceanic traffic about 25 or 30 per cent; but it does not have any stations of its own competing with the land telegraph.

Mr. WALSH. Why should it not? Why should there not be communication by radio between the city of Washington and the city of San Francisco for commercial purposes?

Mr. DILL. There is no reason that I know of why there should not be; but the Radio Corporation, as I say, has not established its own stations for that purpose.

Mr. WALSH. Is that because of common ownership or a friendly gentlemen's understanding?

Mr. DILL. At least, I will say, a friendly gentlemen's agreement seems to be in existence. There have been charges made that there were other agreements. I have no proof of that; but I am not arguing for the Government to go into the radio business. The committee did not desire the Government to go into the radio business; but the committee decided that since these stations were being maintained at Government expense, there was no reason why they should refuse this business if it did not interfere with the Government business.

Mr. WALSH. Mr. President, some time ago the Senate adopted a resolution introduced by me calling upon the Secretary of Commerce to give the Senate information as to what reduction of rates to the people of the United States had been accorded by the American Telegraph & Telephone Co. by reason of its use of what is known as wired wireless, an invention of General Squier when he was the head of the Signal Service. Representations were made to me to the effect that this invention having been appropriated by the American Telegraph & Telephone Co., the cost of its operation had been reduced to an almost incredible extent. My recollection is that eight messages may go over wires that theretofore could carry only one or possibly two. Apparently now, from the statement made by the Senator from Washington, the people of the United States get no benefit whatever, so far as the expense of communication is concerned, from this marvelous invention of the wireless. Apparently, by some understanding or agreement between the Radio Corporation of America—which has practically a monopoly, as I understand, of radio communication—and the American Telegraph & Telephone Co., which has a monopoly of communications by telegraph and telephone, no competition exists between these several methods of long-distance communication. I think the appropriate committee of the Senate could discharge a valuable duty to the public by making a detailed inquiry into the situation.

Mr. DILL. If I may add one other thought, there is very good reason for not attempting any elaborate system of public wireless telegraph, in that there is such a lack of wave lengths that it is a question whether the wave lengths should be taken for that service as against other services that need these broadcasting channels. Of course, the instruments that are used for broadcasting and receiving are continually being improved; and if the development of radio continues until we have many more wave channels available, then that question will become a very vital one.

SECOND DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

Mr. WARREN. Mr. President, will the Senator from Washington yield so that I may present a conference report?

Mr. DILL. I yield.

Mr. WARREN. I present the report of the committee of conference on the second deficiency appropriation bill, and move the adoption of the report.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 19, 25, 27, 31, 32, 34, 35, 43, 46, 48, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 18, 20, 21, 23, 26, 28, 29, 30, 33, 36, 37, 38, 42, 45, 47, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 73, and agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Eliminate from the matter inserted by said amendment the word "directly"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,580,400"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,638,952"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 14, 16, and 24.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

MARTIN B. MADDEN,
D. R. ANTHONY, Jr.,
JOSEPH W. BYRNS,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. HOWELL. Mr. President, I object to the consideration of the report at this time.

Mr. WARREN. I move the adoption of the report.

Mr. DILL. Mr. President, I want to say to the Senator that I yielded to him to submit the report, but I did not yield to him for the purpose of taking up the report, if that is what the intention was.

Mr. ROBINSON of Arkansas. Mr. President, I make the point of order that the motion of the Senator from Wyoming is not in order at this time. I suggest to the Senator from Wyoming, if he will permit a suggestion, that as soon as the radio bill is displaced, there being no special order, he can then move to proceed to the consideration of the conference report.

Mr. WARREN. Mr. President, I differ with the leader of the other side in saying that I am out of order in presenting this conference report.

Mr. ROBINSON of Arkansas. I did not say that at all. The presentation of the conference report, by every precedent of the Senate, is privileged; but the motion to proceed to its consideration, by every precedent, is not privileged.

Mr. DILL. Not until it has been printed, I think.

Mr. WARREN. It must be made at some time.

Mr. HEFLIN. I call for the regular order.

Mr. WARREN. Of course, if the Senator in charge of the radio bill objects, then the report will have to go to the calendar; but I wish to say in this connection that there is a great deal to do yet in order to obtain the release of this appropriation bill, because the agreement must be ratified here——

Mr. ROBINSON of Arkansas. If the Senator will pardon me, I think the radio bill in all probability will be disposed of in 5 or 10 minutes.

Mr. WARREN. I do not propose to use more than a moment. I merely wish to say to the Senate that I am moving in the line of clearing the decks of the appropriation bill, so that we may contemplate adjournment, whether it may be this week or at some subsequent time; but it will take several hours after we get an agreement here before we can reasonably expect that the consideration of the bill can be completed on the House side and it can become a law.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. The Senator from Washington has the floor. Does he yield to the Senator from Nebraska?

Mr. NORRIS. If this matter has been disposed of, I will not interrupt the Senator.

Mr. DILL. It has been laid aside.

Mr. NORRIS. Very well.

Mr. WARREN. I thank the Senator for yielding. I shall have to bring up the matter later.

REGULATION OF RADIO COMMUNICATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9971) for the regulation of radio communications, and for other purposes.

Mr. DILL. Mr. President, I have here a letter from the Navy Department calling my attention to the omission from the bill of an amendment to the effect that in granting licenses for radio stations they shall not be granted to stations that would interfere with an existing radio station. I shall not take the time to read the letter, but I think it is very appropriate, and I will offer an amendment in accordance with the suggestion contained in the letter.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, July 1, 1926.

MY DEAR SENATOR: At the time the radio bill was under consideration by the Interstate Commerce Committee of the Senate, the Navy Department, as, of course, you know, submitted certain comments and recommendations. While certain of these recommendations were minor in character, there was one which is considered of such importance that I am taking the liberty of again bringing it to your attention. This is the question of the adequate protection of existing Government radio stations from interference which may be caused by the issuing of licenses to commercial stations in their immediate vicinity.

The basic radio law of 1912, which is repealed in the present act, provides in regulations 16 and 18 for the protection of Government radio stations by limiting the power which may be used by a commercial station situated within 5 nautical miles of a naval or military station, and, further, by providing definitely that no commercial station could be licensed within 15 nautical miles of certain important naval or military stations which were mentioned by name. Although advances which have been made in the science of radio communication render it unnecessary at the present time that the above provisions should be reenacted in their present stringent form, nevertheless, it is believed that Government radio stations existing at any particular time should be afforded legal protection against undue interference from commercial stations which may be granted licenses. For example, the Navy Department receiving station, which at present handles a total of approximately 40,000 words of Government business daily, could be placed entirely out of commission by the erection of a small transmitter in its immediate vicinity. The same applies to practically any other station.

The present act affords no legal protection to Government radio stations. There is nothing whatever in the act which would prevent the commission from granting a license to an applicant to erect a station in such close proximity or using such power as to completely blanket already existing Government stations. Such protection of law was recognized as necessary when the basic law of 1912, which this act repeals, was enacted. Such protection is still absolutely necessary. It is necessary to cover this officially in the act in order to sustain a protest from the head of the Government department affected against the erection or operation of a station which seriously interferes with a Government station which has already been erected and is in operation.

It is, therefore, recommended that paragraph 1 of section (C), page 41, lines 9–12, be amended to read as follows:

"The commission shall, subject to the provisions of this act, issue to each applicant therefor, a station license, if undue interference will not be caused to any already existing Government radio station, and, if public convenience, interest, or necessity will be served thereby, as provided for in sections 1 and 2 thereof."

The above would provide adequate protection with the present development of the science of radio and would grant necessary authority to the commission to refuse to issue licenses to commercial applicants when the station is so located as to actively interfere with the carrying on of Government communications by existing Government radio stations.

Sincerely yours,

CURTIS D. WILBUR.

Hon. C. C. DILL,
United States Senate, Washington, D. C.

Mr. DILL. Mr. President, I send to the desk an amendment, which I ask to have read and inserted at the proper place in the bill.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 41, at the end of line 12, it is proposed to insert the following:

Provided, That no station license shall be issued if the station to be operated under it will cause undue interference with an already existing Government radio station.

Mr. ROBINSON of Arkansas. Mr. President, I take this occasion to say that the Senator from Washington [Mr. DILL] has worked very persistently and diligently, and I think he has succeeded in so directing the consideration of this measure as to present a fair bill. It has been impossible for the Senate to become familiar with every detail and every possible aspect of the legislation. I hope that the result of the efforts of the Senator from Washington and others will be to present to the country a satisfactory measure at this session of Congress.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. WILLIS. Mr. President, I want to inquire of the Senator, first, with reference to paragraph (d) on page 35. I refer particularly to the language wherein it is provided:

(d) Determine the location of classes of stations or individual stations (with due consideration of the right of each State to have allocated to it, or to some person, firm, company, or corporation within it, the use of a wave length—

And so forth.

Does the Senator think that is a practical and workable provision? For example, we might have one wave length assigned to Florida and perhaps the same one assigned to the State of Washington.

Mr. DILL. I may say to the Senator that if he will read that wording closely, he will find that it is not compulsory. I may say further that similar wording was inserted in the House text, and the Senate committee thought it was sufficiently broad to let it remain in the bill. We did not think it wise to require that the commission or the Secretary, as the case might be, should be compelled to give every State a wave length, because there are some States so located that that might not be necessary in order to give them fair service, but that the right of a State to have radio service was such that, if necessary, they should have a wave length.

I may say to the Senator that I think the members of the House, as well as of the Senate committee, had in mind the demands of agricultural and educational institutions, which want the right to broadcast during certain hours each week.

Mr. WILLIS. I thank the Senator. Now, if I may ask one other question I shall be through. There was some question yesterday relative to the time for which licenses should be granted. How was that determined?

Mr. DILL. The Senator from New Mexico stated that he would offer an amendment, but he has not offered such an amendment. So the bill now provides that a license shall not be issued for more than two years. The bill as it passed the House provided that licenses shall not be issued for more than five years. I feel that there is sufficient leeway for the conferees to work out the length of time for these licenses.

Mr. WILLIS. What I was getting at was as to whether a provision for a two-year license would be sufficiently attractive to induce people to develop radio.

Mr. DILL. I think the answer to that may be found in the fact that at the present time every radio station in the United States is operating on a license of 90 days. They have to come back to Washington every 90 days for a renewal of their licenses. That has not prevented the investment of millions of dollars in stations, and I do not think it will prevent investments in the future. However, the committee did not believe that 90 days was a sufficient length of time, and it did feel that five years was a rather long period of time, in the light of the rapid development in the art of radio. So it fixed two years, with a view to having the whole matter carefully considered in conference. If 90 days has not interfered with investments, I think it is fair to assume that two years will not be a drastic provision.

The VICE PRESIDENT. If there are no further amendments to be proposed as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WATSON. I move that the Senate insist on its amendments, ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WATSON, Mr. CUMMINS, and Mr. DILL conferees on the part of the Senate.

Mr. DILL. Mr. President, I want to say just a word of appreciation to the Senate for the manner in which Senators have permitted this bill to go through the Senate. I recognize that the Senate has given a great deal of confidence to those of us who prepared it; and I can only say this, that while the bill is not perfect I believe it has in it provisions which when considered along with those of the bill as it passed the House will enable us to work out a reasonably satisfactory law. I desire to state further that there is nothing in the bill that will prevent the means of radio communication from being kept free from private control in the future, and thus make further legislation possible for the interest of the public and in the interests of radio development.

SECOND DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

Mr. WARREN. Mr. President, I now move to take up the conference report on the second deficiency appropriation bill.

Mr. WILLIS. Mr. President, I desire to ask the Senator a question.

Mr. WARREN. I wish to say that a vote must be immediately taken, although I am very glad to answer any question the Senator may propound.

Mr. WILLIS. I have no desire to delay action on the report. I simply want to ask the Senator what action has been taken with reference to the provision on page 53?

Mr. WARREN. I was unable to maintain it in the conference with the House. The House conferees gave some encouragement that they would take up the matter early in the next sessions, but they would not consent to the provision in this bill. They stated that it did not have the indorsement of the Budget Bureau, and they would not agree to this class of amendment.

Mr. WILLIS. I shall not delay action upon the conference report further than to say that I think a very serious mistake was made in rejecting the Senate amendment. I think it would have been promotive of the public interest. It certainly was in accord with existing law. I do not desire to delay the adoption of the conference report, but I very deeply regret the action which has been taken with reference to that provision.

Mr. SIMMONS. Mr. President, I desire to ask the chairman of the committee what action was taken by the conferees with reference to the Senate amendment made yesterday to pay the Actuary of the Treasury a certain amount in addition to his salary.

Mr. WARREN. We were compelled to surrender on that. The House conferees would not agree to it.

Mr. SIMMONS. I am somewhat surprised to hear that. In view of the fact that both the Senate and the House concurred in increasing the salary of this faithful occupant of that position.

Mr. WARREN. Will the Senator state what the salary is?

Mr. SIMMONS. His salary is $7,500, and it was increased to $10,000.

Mr. WARREN. He is now getting $10,000, is he not?

Mr. SIMMONS. No, he is not.

Mr. SMOOT. I understand that Mr. McCoy stated to the Senator that he was not getting $10,000, and that is why I offered the amendment to the bill, to carry out the law; but I have been informed this morning that Mr. McCoy has been paid at the rate of $10,000, and will be paid at that rate hereafter.

Mr. SIMMONS. Mr. McCoy was in the Senate Chamber yesterday, and said that he had been paid up to yesterday, for the fiscal year 1926, the $2,500 additional salary. But he said that the department advised him that that would end at the close of the fiscal year; that they would not have the money out of which to pay that additional compensation to him.

Mr. SMOOT. Over the telephone this morning information came that not only had he been paid that extra compensation but that they would pay it to him hereafter. I am quite sure that the department intends to pay him the additional salary. I will say further that if the law provides for that and the department refuses to pay the extra amount, I will join the Senator in seeing that the amount is raised.

Mr. SIMMONS. All I know about it is the information Mr. McCoy gave here on yesterday, that he was advised that he would not be paid this additional salary for the fiscal year 1927, and that there was no law authorizing such payment. Of course, if Mr. McCoy was mistaken about that, the conference committee has acted properly in the matter.

Mr. WARREN. Mr. President, I ask the Senator to permit me to interrupt him to say that no one on the House side is against Mr. McCoy receiving $10,000, but I was unable to assure the House conferees that he was not now receiving $10,000, and would not get it in the future, upon which I received the assurance that if he did not receive that amount, when we met again we would take it up and make the amount good.

Mr. SIMMONS. Very well. With the assurances of the chairman of the Appropriations Committee, and also the chairman of the Finance Committee, that if it is found that Mr. McCoy was right in his statement yesterday, that there is no authority to pay him this additional salary, they will cooperate in securing the passage of a special act providing for the additional salary, I will be satisfied.

Mr. SMOOT. The department have the same authority to pay him hereafter that they have had to pay him up to July 1.

Mr. SIMMONS. I do not know about that. Mr. McCoy advised me that there was some little fund out of which he was paid last year, but that the fund would not be provided for the fiscal year 1927.

Mr. SMOOT. He will be taken care of.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

REFUNDING OF CERTAIN RAILROAD INDEBTEDNESS

Mr. GOODING. Mr. President, I move that the Senate proceed to the consideration of Senate bill 2929, to authorize the refunding of certain evidences of indebtedness issued by carriers in interstate commerce, and for other purposes.

Mr. JOHNSON. Mr. President, that motion, as I understand, is debatable, is it not?

The VICE PRESIDENT. It is.

Mr. NORRIS. I ask that the bill may be read for the information of the Senate.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

Reported by Mr. GOODING, with amendments:

"*Be it enacted, etc.*, That with respect to any evidence of indebtedness heretofore issued by a carrier under the provisions of the act entitled 'An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918, as amended, or under the provisions of section 207 or section 210 of the transportation act, 1920, as amended, held by the United States (whether such evidence of indebtedness is payable to the United States, the Director General of Railroads, or the Secretary of the Treasury) the Secretary of the Treasury shall be authorized to make arrangements for the extension of the time for payment thereof or for the exchange thereof for other securities (whether of said carrier or of any successor, through reorganization, consolidation, or merger) or partly for cash and partly for securities, or for the substitution for the existing collateral thereto of other collateral deemed by him of equal value: *Provided, however*, That such extension and reduction of interest shall not be allowed in the case of any carrier unless the Interstate Commerce Commission, after investigation, shall, in such case, certify to the Secretary of the Treasury that in its judgment such extension and reduction should be granted to enable or aid such carrier to properly meet the transportation needs of the public.

"SEC. 2. Such extension of time for payment shall not be for a longer period than 30 years, and shall be at a rate of interest not less than 4¼ per cent per annum, payable semiannually. The agreement of extension shall likewise provide for the payment each year, by way of amortization, of an amount, in addition to such interest, designed to discharge the indebtedness at the end of the period of extension, which annual payment shall not be less than the difference between the present rate of 6 per cent and the reduced rate fixed by the Secretary of the Treasury pursuant to the provisions of this act, and the agreement shall reserve to the carrier the right to pay on any interest date the whole or any part of the principal of such indebtedness.

"SEC. 3. The carrier or any successor carrier may issue evidence of indebtedness to the United States pursuant to the provisions of this act in such form as the Secretary of the Treasury may prescribe, without the authorization or approval of any authority, State or Federal, and without compliance with any requirement, State or Federal, as to notification."

PROTECTION OF IMPERIAL VALLEY, CALIF.

Mr. JOHNSON. Mr. President, I have no hesitancy in speaking to the greatest constructive project that is pending before the Congress of the United States at this time and, indeed, the greatest constructive project in our generation. I have no hesitancy in doing it upon the motion submitted by the Senator from Idaho [Mr. GOODING] for the bill is a controverted one which doubtless will require in its debate the remainder of the day. I think there is nothing more appropriate in the closing hours of this session than to advert to the project which I have in mind and to place on record and before my colleagues just what is endeavored to be done by that project.

Mr. WATSON. Mr. President, may I interrupt the Senator to ask what is the present status of the bill?

Mr. JOHNSON. The present status of the bill to which I advert is that it is on the floor of the Senate, a part of the calendar, recommended favorably by the Committee on Irrigation and Reclamation by a vote of 12 to 3.

Mr. President, on April 24, 1926, the Committee on Irrigation and Reclamation reported favorably S. 3331, entitled, "A bill to provide for the construction of works for the protection and development of the Lower Colorado River Basin, for the approval of the Colorado River Compact, and for other purposes."

"Protection" and "development" are terms of correct import as applied to conditions along the lower section of the Colorado River. The valleys of that region need protection from destructive floods; they need development through the fructifying processes of irrigation. The Colorado is at once their menace and their hope of reclamation.

COLORADO RIVER

The Colorado River has a total length of 1,750 miles. It has its source in the high mountains of Colorado and Wyoming. It flows through those States and the States of Utah, Arizona, Nevada, and California. Crossing the boundary line between the United States and Mexico, it flows 100 miles through the latter country and discharges into the Gulf of California.

The Colorado is the third largest river in the United States. Its drainage basin has an area of approximately 244,000 square miles. Its annual water supply amounts approximately to 21,725,000 acre-feet.

The river is subject to striking variations in flow, both annual and seasonal. While its discharge at Yuma averages nearly 17,000,000 acre-feet per annum, it may be as high as 25,000,000 acre-feet in one year, or as low as 9,000,000 acre-feet in another year. The seasonal variation is even more marked. In June and July, when the river is in flood from the melting snows on the high mountains of its upper reaches, the flow, at times, is as high as 200,000 cubic feet per second. In August, September, and October the flow subsides. On September 11, 1924, it was less than 1,300 cubic feet per second.

IMPERIAL VALLEY

Imperial Valley is located in the extreme southeastern part of California. It is bounded on the south by the Mexican line and on the east by the Colorado River. On the American side a range of sand hills lies between the river channel and the valley floor. On the Mexican side the river, flowing in a general southwesterly direction, actually rides on a ridge of silt deposited by its own waters and standing many feet above the surrounding country. The surface of the ground, including the land in Mexico and the United States, slopes to the west and north, away from the river. The valley floor is all of a lower elevation than the river channel and is from 50 to 250 feet below sea level.

SILT

Centuries ago Imperial Valley was the northerly end of the Gulf of California. Its rescue from the sea was the beneficent achievement of the river which now threatens its destruction. The Colorado carries an immense quantity of silt. This is estimated to amount to more than 100,000 acre-feet per annum. In the course of a very long time the river built up a huge delta from this material across the Gulf of California, leaving what is now Imperial Valley as an inland lake. Finally, through the slow process of evaporation, this lake disappeared, leaving a saucer-shaped valley with the river flowing in shifting channels around its rim to the east and south until it finds its way into the Gulf.

The pioneer settlers, who a quarter of a century ago undertook to reclaim this valley from its original desert state, turned to the Colorado River for the only available water supply to irrigate their farms. They selected a diversion point on the American side, but, in order to circumvent the sand hills to which I referred, they were forced to build their canal through Mexico for a distance of 60 miles.

FLOODS

When the work of reclamation began it soon became apparent that the same river that supplied the water needed by the farmers would be a constantly increasing menace to the inhabitants of the valley. From the Mexican side came the danger of overflow through the breaking of the river banks in times of flood. This danger grew with the gradual building up of the bed of the stream by the deposits of silt. The problem of providing protective works was enormously complicated by the fact that such works must be built and maintained in Mexico. Levees were constructed by the people of the valley in an effort to hold the river in its course as it flowed through Mexico, but against its whirling, rushing floods these works, built of necessity from the unstable material of the locality, could give but partial and temporary protection.

In 1905 the river broke from its channel in Mexico, dissipated the levees and dikes, flowed into Imperial Valley, and overwhelmed thousands of acres of producing land, thus forming what is known as Salton Sea, with an area of some 300 square miles. It took two years to close this break. The bed of the river channel, as the result of annual silt deposits, is now 15 feet higher than it was when the flood of 1905 occurred. Levees are constantly being undermined, breaks are ever occurring. Every summer when the river is in flood the people in that valley live in fear that its waters will get beyond control and carry destruction to the homes and farms of the adjacent region. Only by the greatest vigilance and the expenditure of large sums of money on protective works have the people of Imperial Valley been able to avert other disasters similar but vastly more terrible.

Imperial Valley contains a population of between 60,000 and 70,000, a half dozen well-built cities, over 400,000 acres of cultivated farms, $100,000,000 of property values, which have been created in the space of a little over 20 years, and all the improvements of a modern community. All this is under a constant menace of destruction from the floods of a rebellious and treacherous river.

On the 12th day of June last when the flow of the river was 65,000 second-feet at Yuma it broke through the levee built by the Imperial irrigation district in Mexico for the protection of Imperial Valley, cutting a gap 600 feet wide and discharging half the river flow through the breach. In less than a week the flood had attained its peak, 73,000 second-feet, the break had increased to 1,200 feet, and the discharge through the gap had reached 45,000 second-feet.

Comparatively speaking, this flood was but a small affair, as floods go in the lower Colorado, and no harm resulted to the people of Imperial Valley, and yet their hearts were appalled at the cry "The levee has broken." If, instead of only 65,000 second-feet, this flood had reached 150,000 or 200,000 second-feet, as sometimes occurs on the lower Colorado, no human effort or contrivance could have kept the waters of the river out of Imperial Valley, and its submergence and destruction would have been chronicled among the great catastrophes of this country.

Other valleys of the lower Colorado also greatly need protection from its high-water flows, including Yuma and Parker, in Arizona, and Palo Verde and Needles, in California. All these have suffered from its terrible floods; all are concerned with Imperial and Coachella Valleys in the solution of its mighty problems.

Congress is familiar with the loss of life and the damage to property ever being wrought by the great watercourses of the country when in flood. Ever has it been ready to extend financial aid to guard against the havoc thus brought about. Tremendous sums of money have been expended on the Mississippi River and its tributaries. These have represented direct and unreimbursed outlays, but they have been regarded as appropriate and necessary, and the Nation as a whole has gained by the added security extended to the regions subject to these floods.

If the Colorado River breaks from its unstable bed and flows into this valley the waters will have no outlet. A flood there is not like a flood on the Mississippi where, in time, the water subsides. There it means prolonged inundation from which evaporation is the only deliverance. Here, manifestly, is a job which can only be done by the National Government and one which after years of investigation demands prompt action for the protection of life and property.

I venture to say that if a section of the size of Imperial Valley, populated by a like number of people, but lying in an Eastern State, were subject to flood danger similar to that threatening that valley, action would be taken by the Congress for its relief within a month. Unfortunately, Imperial Valley lies far distant from the centers of population, and appeals in its behalf must be addressed largely to those whose knowledge of its problems and its dangers must come from hearsay evidence. Most significant is it that no responsible executive official of the Government who has ever investigated the conditions of that valley on the ground has failed to go on record in favor of prompt and immediate steps for its relief. No one knowing the dangers of that valley is willing to assume responsibility for delay in providing the protection it so urgently needs.

Conditions along the delta built by silt deposits from the waters of the stream and upon which it rides as it approaches the Gulf are highly suggestive of danger to the people of Imperial Valley. When this section first became known to Americans there existed three natural depressions across this delta, in any one of which the river might find its way to the Gulf. One of these ran almost due south from Yuma, and is generally known as the old river channel. By 1906 this channel had become completely filled with silt, so that the river, forced from its accustomed bed, took its course westerly in a second depression into Volcano Lake region. There it ran until about 1920, when that channel also became completely filled with silt. Then by artificial means and at large expense the river was turned into the third and last remaining depression, known as the Pescadaro River.

Estimates vary as to the length of time it will take for the river to fill its present channel. Some say six or seven years; some say 20 years. All agree that it is only a matter of time until this channel also shall be filled. When that time comes the river is bound to turn into Imperial Valley unless an artificial channel is made in the delta, through which its course will be directed to the Gulf. An artificial channel would mean a staggering cost. And that is not all. Such a channel would have to be built in a foreign country, and there is no certainty that Mexico would ever permit this Government or its representatives to enter upon its territory for that purpose. By prompt action the necessity for constructing this channel, which will be highly expensive and, at best, will be able to hold the river but a few years, may be avoided.

Two years ago Secretary of the Interior Work, in reporting to Congress respecting the Colorado River, very aptly said:

> The Colorado River has been under observation, survey, and study, and the subject of reports to Congress since the close of the Civil War. More than $350,000 have been expended by the Bureau of Reclamation since the Kinkaid Act of May 18, 1920. More than $2,000,000 have been expended by other agencies of the Government. The time has arrived when the Government should decide whether it will proceed to convert this natural menace into a national resource.

IRRIGATION IN MEXICO AND WATER SHORTAGE

Less obvious and spectacular than the flood danger of Imperial Valley, but not less serious in consequence, is the ever-present danger of water shortage, a danger which because of a very peculiar situation respecting Mexican developments becomes worse each year. At the present moment irrigation of new lands in Mexico is actually taking place at the expense of lands previously reclaimed and irrigated in the United States.

Water and water alone makes Imperial Valley possible. From one source and one source alone may water be obtained for its use, and that source is the Colorado River.

Water from that river is the very lifeblood of the valley; the canal by which that water is delivered is its jugular vein. Once that canal is severed the valley is doomed, its development must come to an end, and its productive lands must return to their original desert state.

As required by Mexican law, the canal in Mexico for supplying Imperial Valley is owned by a Mexican corporation, which in turn is controlled by the Imperial irrigation district. This

Mexican corporation operates the canal in Mexico under a concession, by the terms of which "one-half of the volume of water passing through the canal" may be withdrawn for the irrigation of lands in that country. Whether this language means one-half of the yearly volume or one-half of the day-by-day flow is a matter of serious dispute between American and Mexican interests. If it is subject to the latter construction, the situation of Imperial Valley is bad enough. If to the former, it is intolerable. As in all probability this dispute will in time be resolved by Mexican courts, there is ground for grave apprehension lest the former interpretation be the one adopted and enforced.

The Imperial diversion from the Colorado is the last diversion on the river. Only such water as is left after irrigators in Wyoming, Utah, and Colorado have satisfied their requirements reaches the canal. During the low-water period of the river this amount is gradually lessened as irrigated areas in these States increase in extent. While this diminution of flow from increased irrigation in the upper States is of grave significance it is as nothing compared with the seriousness of extending the area of irrigated lands in Mexico.

The evidence submitted to the committee showed the irrigated acreage under the Imperial Canal in Imperial Valley and in Mexico during the past 18 years as follows:

Year	United States	Mexico	Total
1908	141,030	6,935	147,965
1909	160,470	9,051	169,521
1910	181,191	14,920	160,111
1911	201,782	14,953	216,735
1912	220,511	21,599	242,110
1913	242,036	33,761	275,797
1914	277,232	39,600	316,832
1915	293,534	41,000	334,534
1916	308,009	67,500	375,509
1917	344,200	77,500	421,700
1918	367,020	118,530	485,550
1919	413,440	136,580	550,020
1920	414,720	190,000	604,720
1921	410,070	120,000	530,070
1922	413,400	150,000	563,400
1923	415,000	180,000	595,000
1924	413,832	185,022	598,854
1925	[1] 400,000	217,000	617,000

[1] Estimated.

It will be noted that in 1908 there were actually irrigated in Imperial Valley from the canal running through Mexico 141,000 acres of land. This acreage increased gradually until 1919, when it reached, in round figures, 415,000. Since that time the irrigated acreage in Imperial Valley has stood approximately at that figure.

The irrigated acreage in Mexico in 1908 was but 7,000. By 1919 it had increased to 136,580. Since that time, while the irrigated acreage in Imperial Valley has practically stood still, the irrigated acreage in Mexico has increased from 136,580 to 217,000, or 60 per cent.

In other words, in 1908 the irrigated acreage in Mexico was 5 per cent of that in Imperial Valley; in 1919 it was over 32 per cent; and in 1925 it was over 50 per cent.

The irrigation of lands in the United States and in Mexico under the Imperial Canal has passed the point of safety as far as Imperial Valley is concerned. Under present conditions, including low-water flow, any increase of the acreage in Mexico—and it is rapidly increasing—must be attended by a corresponding decrease in the United States, until the irrigated acreage in Mexico shall at least equal that in the United States.

In November, 1925, M. G. Dowd, superintendent of the Imperial irrigation district, testified before the Senate Irrigation Committee as follows:

The water shortage experienced last year was more severe and of longer duration than any other in the history of the valley. * * *

On the 4th day of August * * * the entire flow of the river was diverted to our canal. From that day until the 16th of October, or for 74 days—except for a few hours on August 31 when the sand dam broke—the river below the dam was dry.

The flow of the river into our canal was 6,900 second-feet on the 4th of August, gradually decreasing during the remainder of the month to a minimum of 2,900 second-feet on the 31st. During September the decrease continued until the 11th, on which day it was but 1,295 second-feet, the lowest discharge ever of record for the Colorado River. * * *

Proceeding, he said:

I have made a comparison of the daily discharge of the Colorado River at Yuma for the years 1910 to 1923, inclusive, with the amount required to supply the acreage being irrigated in the United States and Mexico this year, to determine how much of the time we would have been short of water during those years on the basis of the present demand.

I find that for January we would have been short 4 days in 1923; for August 8 days in 1913, 10 in 1915, and 5 in 1919; for September 7 days in 1910, 5 in 1913, 25 in 1915, 8 in 1918, 15 in 1919, and 2 in 1922; and for October 2 days in 1922.

The witness, speaking of the extension of irrigation in Mexico and its effect on the water supply of Imperial Valley, said:

Well, this year's crop report shows 17,000 (meaning 217,000) acres, and plans are now nearly completed to irrigate an additional 100,000 acres.

Concluding, Mr. Dowd said:

There is no question but that even with the present irrigated acreage in Mexico the area now in crop in the United States is larger than it should be, if losses are to be avoided from water shortages during the low flow of the river. Mexico has been using for several years past more than one-half of the water diverted from the river for beneficial use during July and August. As an example, take those two months for the present year: During July we delivered 144,236 acre-feet to users in Mexico and 117,589 acre-feet to users in the United States; during August the respective amounts were 139,292 and 102,442 acre-feet. With the additional 100,000 acres mentioned above, Mexico will acquire half the water diverted during longer periods of the low flow of the river, increasing the frequency and length of water shortages. This means that there will be that much less available for the lands in the United States than was the case heretofore during these periods when the acreage across the line was not large enough to demand half the water for any great length of time.

This shows a grave and discouraging situation for Imperial Valley, but it threatens even to become worse. While the irrigated acreage in Imperial Valley, by reason of the limitation of low water, practically has stood still since 1919, and the irrigated acreage in Mexico has increased 60 per cent in six years, landowners in Mexico have demanded water from the canal to irrigate an additional 100,000 acres this year, or an increase of 46 per cent over their acreage of last year.

Under the restriction of low water in the river the Imperial Canal has already reached the limit of its ability to serve. It is now supplying water for approximately 617,000 acres, including 400,000 acres in Imperial Valley and 217,000 acres in Mexico. If the irrigated acreage in Mexico shall be increased by 100,000 acres, then an enforced decrease of irrigation, in a corresponding amount, in Imperial Valley must result.

Furthermore, should the Mexican concession be construed to allow Mexican lands to take one-half of the water carried by the canal each year, then these lands, having first chance at the water, might take all of it while the river is low and Imperial Valley be left to take its half while the river is high.

Imperial Valley thus faces the intolerable situation of having its sole water supply under the jurisdiction of a foreign country and its use of water for all purposes at the mercy of landowners in that country. If there should be wrongful interference in Mexico with the canal or water supply, the people of the valley would have no recourse for their protection short of force, except the doubtful remedy of an appeal to the authorities and courts of the Republic of Mexico.

The requirement of the Mexican concession that one-half of the water shall be subject to use on Mexican lands is the price of the privilege to convey water from an American river through Mexican territory for irrigation and domestic uses in Imperial Valley. And who are the beneficiaries of this exaction? Are they citizens of the Republic of Mexico? Are they Mexican farmers who are engaged in establishing homes for themselves and their families? They are not citizens or residents of that country, as you might surmise, but they are citizens and residents of the United States. They are a small group of American capitalists, headed by Harry Chandler, millionaire proprietor of the Los Angeles Times. These men have secured Mexican land concessions, amounting to more than 800,000 acres, near the Imperial Canal, and are seeking through use of American waters for the reclamation of their princely holdings to enrich themselves at the expense of development which should take place in Imperial Valley and other sections of this country. They are creating out of American water vast wealth untaxable in this country. With this water they are enabled to compete with the farmers of this country, and thus increase the difficulties confronting American agriculture.

A recent laudatory article concerning Mr. Chandler, appearing in the Saturday Evening Post, written evidently at his request, says:

After toying advantageously with large slices of land in the Imperial Valley, Calif., Chandler and his friends acquired 862,000 acres of sand and scenery just south of the Mexican border and started to turn it

into something besides a source of thirst and sand storms. He and his associates have built the town of Calexico, which is divided by an imaginary line and an immigration station from the Mexican town of Mexicali. More than 3,000 miles of irrigation ditches have been dug on these 862,000 acres, and some 200,000 acres are under cultivation and producing millions of dollars worth of cotton each year.

Again, the article proceeds:

When Harry Chandler speaks, the ears of governors, Senators, Representatives, and financiers protrude nervously and flap attentively or apprehensively in the balmy California air.

May his voice be unheard and unheeded here.

Floods, low-water flow, and Mexican control of the Imperial Valley water supply are the outstanding features of the unfortunate situation which inspired the pending bill for the protection and development of the lower Colorado River Basin. This bill is designed to meet that situation and to afford the remedy which is so urgently demanded.

DAM AND RESERVOIR

The central feature of the proposed project will be an immense storage dam located in Boulder or Black Canyon. Regarding this dam, the report of the committee says:

The magnitude of the proposed Boulder Canyon Dam can only be appreciated by comparison with present existing works of like character. The highest dams now in existence stand from 250 to 350 feet above bedrock, while the Boulder Canyon Dam will consist of a solid concrete structure towering 550 feet above its foundations and braced between solid rock walls. Some of the great reservoirs in the world are the Assuan, of Egypt, with 1,865,000 acre-feet capacity; the Elephant Butte, of New Mexico and our Reclamation Service, with 2,368,000 acre-feet capacity; and the Gatun Lake on the Panama Canal, with 4,410,000 capacity, while the proposed Boulder Canyon storage will have approximately 26,000,000 acre-feet. If we assume the District of Columbia as a reservoir site and use the total area of the District for the storage of an amount of water which will be stored by this project, the District would be covered to a depth of 535 feet, or within 20 feet of the height of the Washington Monument. If the land alone of the District were thus utilized for the waters stored by the Boulder Dam, the water would be upon the District 677 feet deep, or 120 feet higher than the Washington Monument.

Other interesting details concerning this dam may be added:

It will cost approximately $41,500,000.

It will take approximately seven years to build.

It will impound the entire flow of the Colorado River for 18 months.

It will protect Imperial, Coachella, Yuma, Palo Verde, and other smaller valleys from the annual floods of the river.

It will save many hundreds of thousands of dollars a year in expenditures for flood protection.

It will save more than a million dollars a year to the farmers in combating silt in their irrigation systems.

It will regulate the river flow and remove the difficulty of water shortage.

It will provide a dependable water supply for 550,000 acres in the United States now irrigated from the river.

It will provide an adequate and dependable water supply for more than a million acres of new lands in Arizona, California, and Nevada.

It will solve the problem of domestic water supplies for the cities of southern California.

It will be the greatest conservator of national resources ever constructed.

It would require 300 years for the silt held back by the dam to fill the reservoir and 100 years before the silt would seriously affect its utility if no other dams were built above to share this burden. It is reasonable to anticipate that there will be no other dams built immediately on the river above, particularly for power purposes, with the result that many centuries must elapse even before the silt deposits would seriously impair the storage value of the reservoir.

ALL-AMERICAN CANAL

Storage, however, will only afford partial solution of the problems of Imperial Valley. So long as the canal by which water is carried to that valley extends through Mexico, for every acre-foot of water stored for the relief of Imperial Valley another acre-foot must be stored at the expense of American interests for the use of Mexican lands. It is clear, therefore, that the bill, in addition to authorizing the construction of a storage dam, must provide for the delivery of water therefrom to Imperial Valley lands through a canal located entirely within the United States. The pending bill contains such a provision and thus affords a complete plan for the work of protection and development contemplated. It requires the construction of an all-American canal. Regarding this canal, it may be said:

It will be approximately 50 miles long.

It will be entirely within the United States.

It will start from Laguna Dam, 12 miles above Yuma.

It will serve Imperial and Coachella Valleys in California.

It will add 500,000 acres of rich producing land to the present irrigated areas of these valleys.

It will conserve the waters of the Colorado River now wasted.

It will utilize within the United States the water saved by the Boulder Dam.

It will comply with the contract of Imperial irrigation district with the Secretary of the Interior for the construction of an all-American canal to serve Imperial Valley.

It will make possible homes and farms for 10,000 or more ex-service men and women.

It will restore property values of the valley now depressed by the specter of floods and Mexican control.

It will serve a vast territory where profitable irrigation is a demonstrated success, and where crop production involves but little competition with other parts of the country.

It will afford valuable opportunities for power development.

It will, through water sales to old and new lands, and the disposal of power or power rights on the canal, repay within a reasonable period all Government advances for its construction.

The American land speculators in Mexico are deeply concerned in seeing storage provided on the river for their benefit and without expense to them, but they are bitterly opposed to this bill. Why? Because, first, as advocates of special private interests, they do not want a high dam on the river built and operated by the Government. Such a dam would mean great power possibilities owned by the Government, and they want the private companies and not the Government to own and control the power resources of the river.

And then they are opposed to an all-American canal. Storage, with the present canal to supply Imperial Valley, would enable them to gain their coveted millions through reclamation of their Mexican holdings at the expense of development in this country. On the other hand, storage, with the all-American canal, would liberate Imperial Valley from Mexican domination and give that valley an abundant and dependable water supply. Besides that, it would make possible the reclamation of an immense acreage of new lands in that section, including nearly 200,000 acres belonging to the Government, all without paying tribute to this group of American landowners in the Republic of Mexico.

It is quite likely that from time to time some of you will hear specious pleas that the development proposed by this bill is all wrong; that the Government should build a mere flood-control dam on the lower Colorado; and that the river should be developed by the power companies with storage to be provided as an incident to the construction of their works.

The source of these pleas will not be difficult to find. They will not come from those who are concerned for the interests of this Government or for the proper development of the resources of this country. It will be found that these pleas are urged or inspired by American landowners who want no project on the lower Colorado that will interfere with the reclamation of their lands by means of the waters of that river. I count it among the chief merits of the pending bill that it was not drawn to please these land speculators in a foreign country but is designed solely to promote the development of American interests and protect the lives and property of American citizens in this country.

Delay in applying the waters of the river to American uses benefits no one but the irrigators of Mexican lands. They are not standing still. While we linger over the problem of how to conserve and utilize the water that belongs to us, they with feverish haste are appropriating that water in increasing quantities to the reclamation of new lands in Mexico.

The possible effect on American rights and interests of continued extension of Mexican irrigation from Colorado River waters should be carefully considered in the light of the Colorado River compact. Already a sharp difference of opinion is developing among engineers as to whether the allocation of water to the lower basin States under that compact will be sufficient for their reasonable requirements. If it shall prove inadequate, a struggle, triangular in character, for a water supply from the lower Colorado is bound to result. One party to that struggle will be the group of American landowners in Mexico. Another will be a number of cities on the Pacific coast which are being forced to go to the Colorado River

for a domestic water supply. The third will represent the irrigation interests in the lower Colorado River basin.

These American landowners in Mexico are now busily preparing themselves for such a struggle. They perceive the advantage of prior possession, even though without right, and are bringing their lands under irrigation with the utmost expedition.

The addition of 100,000 acres to the irrigated area in Mexico, as planned by them, may not of itself be regarded as an event of great moment, but when expressed in terms of American needs and American opportunities it becomes highly significant.

Under present conditions such increase of Mexican use will mean that 100,000 acres in Arizona, Nevada, and California valleys along the Colorado River will be deprived of water for their development. It will mean the diversion of sufficient water to foreign use to supply the domestic needs of 3,000,000 people in this country. Nearly 2,000,000 dwell in cities in southern California which need additional water for domestic purposes. So rapid is their growth that in less than 10 years their population will increase to 3,000,000. These cities are planning to go to the Colorado River for the water they need. They are preparing to bond themselves for $150,000,000 or more to build the necessary works to divert and deliver that water. There is no other source from which they can secure the supply they need. Notwithstanding this grave situation, the opportunity of these American cities to obtain from an American river the water they require is being seriously jeopardized by the continued diversion of its waters for the development of lands in the Republic of Mexico.

OWNERSHIP OF THE WATERS OF THE COLORADO RIVER

The Colorado is an American river in ownership as well as in origin, and Mexico and its lands have no right, legal or equitable, or by virtue of any treaty, to its waters. By the treaty of Guadalupe Hidalgo Mexico ceded to the United States the territory west of the Rio Grande and north of the southern boundary of New Mexico. The Colorado, like the Rio Grande, flows in part entirely within the United States and in part constitutes the boundary between the United States and Mexico. The treaty made no attempt to reserve in favor of Mexico or her citizens any right or restraint with respect to the use of water from either stream for irrigation or domestic purposes in the United States.

In 1895 Judson Harmon, Attorney General of the United States, rendered an official opinion on the respective rights of the two countries in the waters of the Rio Grande. It is found in volume 21, page 274, of the Opinions of the Attorney Generals. The views of the Attorney General regarding the Rio Grande would, of course, by reason of similarity of conditions be applicable as well to the Colorado. The syllabus of the opinion, which accurately reflects the statements of the Attorney General, contains these propositions:

The taking of water for irrigation from the Rio Grande above the point where it ceases to be entirely within the United States and becomes the boundary between the United States and Mexico is not prohibited by said treaty.

The rules, principles, and precedents of international law impose no duty or obligation upon the United States of denying to its inhabitants the use of the water of that part of the Rio Grande lying entirely within the United States although such use results in reducing the volume of water in the river below the point where it ceases to be entirely within the United States.

The fact that there is not enough water in the Rio Grande for the use of the inhabitants of both countries for irrigation purposes does not give Mexico the right to subject the United States to the burden of arresting its development and denying to its inhabitants the use of a provision which nature has supplied entirely within its own territory. The recognition of such a right is entirely inconsistent with the sovereignty of the United States over its national domain.

Attorney General Harmon stated:

The fundamental principle of international law is the absolute sovereignty of every nation, as against all others, within its own territory.

In support of this proposition the Attorney General quoted from the opinion of Chief Justice Marshall in Schooner Exchange *v.* McFadden (7 Cranch, p. 136), as follows:

The jurisdiction of the Nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its sovereignty to the extent of the restriction and an investment of that sovereignty to the same extent in that power which could impose such restriction.

All exceptions, therefore, to the full and complete power of a nation within its own territories must be traced up to the consent of the nation itself. They can flow from no other legitimate source.

The American landowners in Mexico, who are using the waters of the Colorado, know that their appropriations create no rights as against this country. They do not dispute the soundness of the Harmon opinion, but they hope by taking these waters for their lands to lay the basis for an allocation of rights thereto under some future treaty between the two nations.

Such an allocation of water for foreign use could only be at the expense of development in our country. It would mean a permanent loss of wealth and opportunity for our own citizens brought about by indifference and inaction in the protection of our natural resources. In view of this fact the Government should act without further delay in providing for the utilization of the waters of the Colorado in the United States and thus reduce to a minimum the encroachment on that resource for the benefit of Mexican interests.

COLORADO RIVER COMPACT

The pending bill, viewed in the light of the potential benefits that may be expected to flow from its passage, is entitled to the support of every one of the seven Colorado River basin States. It will approve the Colorado River compact, signed by the representatives of these States at Santa Fe, N. Mex., November 24, 1922. It will authorize the compact to be put into effect by and for at least six of these States, including California. It provides that nothing shall be done in connection with the project described in the bill until the States of California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have approved the Colorado River compact and consented to its being made binding as a six-State pact.

Colorado, Nevada, New Mexico, Utah, and Wyoming have accepted the compact unconditionally as a six-State agreement, and California unquestionably will give like acceptance upon the passage of this bill. The approval of the compact as to these States will, however, not have the effect of debarring the State of Arizona from approving and becoming a party to it. Neither will it affect her freedom to accept or reject it, as may seem best to her people.

The Colorado River compact had its inception in the desire of the upper basin States to secure and reserve for themselves sufficient water from that stream to care for their future development. Their people believed that the existing law of appropriation giving priority of water rights, without regard to State lines, stood in their way. Under that law they feared that the lower States, through more rapid development, might acquire an undue share of the waters of the stream. Their apprehension on this point was justified by the decision of the Supreme Court of the United States in Wyoming *v.* Colorado (259 U. S. 419).

Accordingly they decided to seek the protection they needed through contract in the form of an interstate agreement, and the Colorado River compact was the result. They want that compact approved and made effective as soon as possible. The enactment of this bill into law, by laying the basis for a six-State pact, will, in my judgment, provide the surest and quickest way to bring about the approval of the Colorado River compact by all seven of the interested States.

INTEREST OF ARIZONA AND NEVADA IN PROPOSED STORAGE

Of the total Colorado River water supply (21,725,000 acre-feet), Arizona contributes 3,850,000 acre-feet, or 18 per cent, and Nevada 75,000 acre-feet, or 0.3 per cent.

Of Arizona's contribution of 3,850,000 acre-feet to the river supply, only 1,100,000 acre-feet, or 5 per cent, reaches the river above the site of the proposed dam. All of Nevada's contribution reaches the river above such site.

The remaining 2,750,000 acre-feet of Arizona's contribution reaches the river below the dam site, and so would not be available for storage under this project.

Besides, of this 2,750,000 acre-feet, more than 90 per cent comes from the Gila River system, which discharges into the river at Yuma, and is, or will be, entirely used for irrigation within the State of Arizona.

The contributions of Arizona and Nevada, respectively, to the proposed storage, if available and if divided in proportion to such contributions, will only provide for the irrigation of 250,000 acres in Arizona and 20,000 acres in Nevada.

The facts I have recited should be remembered in appraising the benefits which may be expected to accrue to Arizona and Nevada from the proposed storage. A dam at Boulder or Black Canyon would be located partly in Arizona and partly in Nevada. Regarding the storage created by such dam, it may be said:

It will provide for the irrigation of approximately 75,000 acres of new lands in Nevada and approximately 600,000 acres of new lands in Arizona.

It will meet the needs of the Yuma, Parker, and Mojave projects in Arizona for a more abundant water supply.

It will provide for the extension of the Yuma and Parker projects and protect those projects from the annual floods of the river.

It will establish a source of cheap power for the development of mines and the extension of commercial and industrial activities in the States of Arizona and Nevada.

INCIDENTAL FEATURES OF PROJECT

The project contemplated by the bill embraces three main features, to wit, a high dam at Boulder, or Black Canyon, an all-American canal for the benefit of lands in Imperial Valley and adjacent sections, and a hydroelectric power plant at the dam. The main purpose of the dam is to provide for flood control and reclamation. Incidentally, however, the storage thus created will enable the Government to meet the demands of a large number of cities in southern California for a much-needed domestic water supply and will give rise to immense power possibilities.

DOMESTIC WATER SUPPLY

Cities in Los Angeles, San Bernardino, Riverside, Orange, and San Diego Counties, in southern California, owing to a very large and rapid increase of population, are feeling the necessity of seeking additional water supplies for the domestic needs of their inhabitants. Investigations have shown that about 1,500 second-feet, or about 1,000,000 acre-feet per annum, of water will be required for these communities, and that the only possible source is the Colorado River. Among these cities is Los Angeles, having a population of more than 1,000,000. The people of that city have already authorized a bond issue of $2,000,000 for preliminary investigation and construction.

In order to carry through this great water project it is proposed to incorporate the interested cities and communities into a municipal district and to build an aqueduct 260 miles in length tapping the river at some convenient point below Black Canyon. The estimated cost of this aqueduct is $150,000,000. Owing to the topography of the country the water will not flow by gravity from the diversion works on the river to the cities to be supplied, but it will be necessary to lift the water by pumping 1,400 feet in order to pass an intervening mountain range. For this purpose, electrical energy, amounting approximately to 50,000 horsepower at first, and when the aqueduct is operated to full capacity, a greatly increased amount will be required.

Large storage is necessary in order that these cities may obtain the water they need for domestic use from the Colorado River. It will impound the flood waters of the river which now go to waste and thus provide a supply in excess of irrigation requirements. It will also desilt the river flow and thus make the water fit for domestic use.

The needs of these cities for domestic water and for power for pumping operations will afford a source of revenue worthy of consideration in working out the financial features of the project described in the bill.

POWER

The bill would authorize the Secretary of the Interior, in addition to the dam and the all-American canal, to construct a plant at the dam for the generation of electrical energy from the water discharged from the reservoir. It would authorize him to operate such plant and sell the product at rates or charges which, with revenue from sales of water, will produce an income sufficient to repay to the Government the entire cost of the dam, canal, and plant, with 4 per cent interest and expenses, within 50 years.

The bill, however, does not make it mandatory upon the Secretary to build or operate the plant. It authorizes him in his discretion, having built the plant, to lease the same as a whole or by units. It further provides that instead of building the plant he may lease for 50 years the right to utilize power heads at the dam for the development of electrical energy. The bill contemplates and provides that, whatever method the Secretary may adopt for utilizing the power possibilities at the dam, charges shall be imposed which will insure full return of the Government's advances, with interest and expenses within the period stated.

The evidence submitted to the committee made it very clear that power and power rights at the dam would command a ready market at charges which would fully meet the financial requirements of the project. Within feasible transmission distances from the proposed site are cities and communities in southern California, Arizona, and Nevada where power is and will be needed in large and rapidly increasing amounts by both public and private distributing agencies.

In compliance with the recommendation of the Secretary of the Interior, provision is made in the bill for advance determination of the willingness and ability of the adjacent markets to insure the required revenue for the project. This provision reads:

Before any money is appropriated or any construction work done or contracted for the Secretary of the Interior shall make provision for revenues, by contract or otherwise, in accordance with the provisions of this act, adequate in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment within 50 years from the date of the completion of the project of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon.

The magnitude and significance of the power feature of this stupendous project is correctly indicated by a paragraph in the committee's report, which says:

The hydroelectric power which will be generated from the contemplated new work will equal 550,000 firm horsepower continuously with a 1,000,000-horsepower installed capacity—a capacity equal to the total capacity of all the Niagara plants now operating, an installed capacity 50 per cent greater than Muscle Shoals, and with a capacity and firm horsepower six times greater than that contemplated at Muscle Shoals. Careful estimates demonstrate that the Boulder Canyon project will save 23,000,000 barrels of oil yearly, and when it is recalled that the United States Geological Survey warns us that the oil supply of America at the present rate of consumption may be completely exhausted in 20 years, the importance of this saving can not be overestimated.

FINANCIAL PROGRAM

The financial estimates of the Secretary of the Interior for the project are as follows:

Capital investment

Estimated cost for—	
26,000,000 acre-foot reservoir	$41,500,000
1,000,000-horsepower development	31,500,000
The all-American canal	31,000,000
Interest during construction on above 5 years at 4 per cent	21,000,000
Total	125,000,000

Annual operation

Estimated gross revenue from—	
Sale 3,000,000 kilowatt-hours, power at 0.3 cent	$10,800,000
Storage and delivery of water for irrigation and domestic purposes	1,500,000
Total	12,300,000
Estimated fixed annual charges for—	
Operation and maintenance, storage, and power	700,000
Operation and maintenance, all-American canal	500,000
Interest on $125,000,000 at 4 per cent	5,000,000
Total	6,200,000

This shows an estimated annual surplus of $6,100,000, or sufficient alone to repay the entire cost of the project within 25 years.

If the Secretary, under the discretionary authority vested in him by the bill, should not build the power plant, capital investment in the project will be reduced by $31,500,000, plus interest at 4 per cent during five years of construction, or a total of $37,800,000. This deducted from $125,000,000 would leave $87,200,000 as the total capital investment in the project, exclusive of the power plant.

In this figure of $87,200,000 is the sum of $72,500,000 for direct charges on the dam and canal and $14,700,000 for interest during construction.

The provision to authorize the Secretary of the Interior to construct the power plant, even if not availed of by him, should, nevertheless, have great value in enabling him to lease the power possibilities at the dam on a basis to insure full return of the Government's advances with interest within the prescribed period.

This great project is characterized by three outstanding features. It is necessary and urgent in character. It involves a work which the Government, and the Government alone, is competent to undertake. It will require no permanent outlay by the Government, but is so carefully planned and so fully justified by economic considerations as to insure return of all moneys advanced by the Government with interest, within a reasonable time.

In a word, the project described in the bill is not to cost the Government a single penny, any more than the house you build with funds obtained from your banker is designed to impose the cost of the improvement upon him. In this case, the people and the communities directly concerned and benefited are to pay the whole cost and are to bind themselves in advance to provide for such payment.

Moreover, under the provisions of the bill, while the Secretary of the Interior may, in his discretion, when repayment to the Government of all its advances with interest for the entire project has been made, transfer the canal to the districts interested, title to the dam and power plant, if built, must be retained in the Government in perpetuity. The net result of the Government's intervention will be the achievement of a great work for the benefit of its people and the creation of a huge property useful to the public without cost to the general taxpayers of the country.

SITE FOR DAM WISELY SELECTED

The investigations of the Committee on Irrigation and Reclamation brought out some difference of opinion among engineers and witnesses as to the proper location of a dam for the protection and development of the lower Colorado River basin. That, of course, was to be expected. The investigations also revealed, however, that during all the years since the development of the Colorado River first came under consideration Boulder Canyon has had no real rival as a dam site for the purpose contemplated.

Bridge Canyon, in Arizona, has been suggested. It is 110 miles upstream from Boulder. A dam at Bridge Canyon as high as that proposed for Boulder Canyon would cost three-fourths as much as Boulder, but would impound less than 10 per cent as much water.

Glen Canyon, in Arizona, is located 360 miles upstream from Boulder. A dam at Glen Canyon, 400 feet high, would cost $22,000,000 more than Boulder and would impound only one-third as much water. There are other formidable objections to Glen Canyon besides excessive cost for the amount of storage it would yield. It is too far from the power market to assure the return of Government advances. For the purpose of storage for irrigation it is too remote from the points of use. It is not well located for the purpose of desilting the waters of the river; several of the heaviest silt-carrying tributaries discharge below Glen Canyon. The security of the walls and foundation has been seriously questioned by expert engineers.

The Topock or Mojave site is located on the Colorado 120 miles downstream from Boulder. All expert engineering witnesses who had had any considerable experience in locating, designing, and constructing large storage dams, including Arthur P. Davis, former director, and Frank E. Weymouth, former chief engineer of the Reclamation Service, unqualifiedly condemned this site as not feasible.

Secretary Hoover, an expert engineer and business man, in his testimony before the Senate committee as to the character and location of the first works to be erected on the river, declared:

I believe the largest group of those who have dealt with the problem, both engineers and business folk, have come to the conclusion that there should be a high dam erected somewhere in the vicinity of Black Canyon. That is known usually as the Boulder Canyon site, but nevertheless it is actually Black Canyon. The dam so erected is proposed to serve the triple purpose of power, flood control, and storage. Perhaps I should state them in a different order—flood control, storage, and power, as power is a by-product of these other works.

The probable effect of storage on the lower Colorado River, in this country, on the development of lands in Mexico, received serious consideration from the committee. The purpose in view in providing storage at Government expense must, of course, be the promotion of American interests exclusively. It must not be to further the plans of the American land owners in Mexico at the expense of development in the United States. Sometimes these American-Mexican land owners pretend to favor the construction of a high dam at Black or Boulder Canyon because they fear openly to take the contrary position before the people of their State. As a matter of fact, secretly, they favor the construction of a low flood-control dam at Topock or Mojave and are fighting the all-American canal. They favor a low dam because it would make the canal impossible, and thus would deprive the people of Imperial Valley of any relief through an increased and more dependable water supply. They favor a low dam because it would leave the people of that valley still under the jurisdiction and control of Mexico in obtaining from the river the water they need for their domestic and irrigation uses.

The construction by the Government of the proposed high dam would give it control over the waters conserved by the reservoir, and to this the American land owners in Mexico are violently opposed, because they know that such control would be exercised in behalf of development in this country. The advantage of the proposed high dam as against a low, flood-control dam, in relation to the effect on Mexican interests, is clearly brought out by Mr. Weymouth, formerly chief engineer of the Reclamation Service, in his testimony before the committee. He said:

If a high dam is constructed at Black Canyon with large storage capacity, it would be entirely practical to control the floods of the river and during the months of July, August, and September hold back the entire flow of the river except that needed for irrigation in the United States. In that way no water would go down at all during that period for Mexican lands.

In other words, a high dam with large reservoir capacity could be regulated even to the extent of withholding all from new areas in Mexico for a three months' period in each irrigation season when water is most needed, and stop development there beyond the present area being irrigated. A small storage reservoir would not permit such an arrangement.

Also:

If a low dam is constructed for flood control only, as has been suggested by some, it would have the effect of improving the water supply for lands located in Mexico and would so improve the water supply for those lands that the development there would proceed more rapidly than now even.

POWER DEVELOPMENT AS AN INCIDENT TO IRRIGATION

The proposed project is almost startling in its magnitude, but, except in size, it is directly in line with the experience and practice of the Interior Department. This will appear from a very interesting bulletin issued by that department, under date of May 26, 1926, which, because of its aptness to the present subject, I quote in full:

The construction of dams to store and divert water for irrigation has afforded an opportunity for the development of hydroelectric power as an incident to irrigation. This power development has lessened construction and operation costs and materially improved the condition of farmers on these projects. The opportunity to generate this power, which would not have paid private enterprise to develop independent of irrigation, arose through the building of these works for reclamation. Only through this could the benefits have been realized.

The total investment in 13 Federal reclamation power works is $6,077,649. Their gross earnings for 1925 were $1,067,135. Net earnings were $442,619, or about 7 per cent on the total investment. This satisfactory financial showing is, however, the least part of the benefit. The chief gain has come from having this cheap power to operate pumping plants to furnish irrigation water; to use as motive power for drag-line excavators both in building and cleaning out canals and drains. In some cases these power plants have paid for themselves in the lowering of construction costs.

Cheap power has put electric lights in the homes of people living on the Minidoka, Shoshone, North Platte, and other projects. Owning the plants enabled power to be furnished at a price the settler could afford to pay. If settlers had been compelled to pay the rates which a private power plant would have had to charge, the farmers' wives would now be using gasoline and kerosene.

It has helped to develop local industries on projects like Shoshone and Minidoka, and as the projects become more completely and closely settled and the farms are better improved and more productive, the need for power in farming operations and for lighting homes will increase. This will bring increased revenue from these power plants. Yuma is an illustration of the better result to come. It cost $320,000, which is included in the $6,000,000 investment, but the net yearly revenue, estimated to be $50,000, will only begin to be received after July 1, 1926.

If it were not for the power revenues of the Guernsey Reservoir, the charges to be paid by irrigators for the stored water would have to be doubled, and this would be a burden they could not carry. The feasibility of this development depended on the revenue from power which it mould make possible.

With the increased cost of irrigation works in the future, the revenues and power must be depended upon to lessen the burden on the irrigator. It will make projects feasible that could otherwise be built only at a financial loss to the Government.

OBJECTIONS TO PROJECT ANSWERED

It would be unprecedented, if not unreasonable, to expect that so large a project, one affected by so many conditions—international, interstate, and otherwise—as the one proposed in the bill, should encounter no opposition. Some of the points of objection, a few of the more serious ones, deserve brief consideration in this discussion.

POWER ROYALTIES

At the point where the proposed dam is to be located the Colorado River is the boundary line between the States of Arizona and Nevada, and consequently the dam will be located partly in each State. It has been urged as an objection in behalf of Arizona that the bill does not recognize or provide for the right of that State to charge a royalty on hydroelectric

power developed within its boundaries and transmitted to points of use outside the State.

I have no criticism for the people or officials of Arizona or their able and distinguished Representatives in this body for striving to safeguard the interests of their State in so far as they conceive those interests may be prejudiced by the carrying out of this project. I can not assent to the justice or soundness of the position some have taken that a royalty for the benefit of Arizona or any other State should be imposed on the power feature of this project.

The aid of the Government is invoked by this bill for the protection and development of the lower Colorado River Basin. It is the only proper and adequate agency for such an undertaking. It is asked to advance the necessary funds and build a high storage dam on the river. That dam will serve the purposes of flood control and reclamation for the benefit of all the lower basin States. Incidentally it will create very considerable power possibilities, out of which it is expected the Government will realize the return of its advances for carrying out the project. It will be a development contributing immeasurably to the growth, prosperity, and happiness of the whole Southwest. I feel that the Government will consent to render the assistance required, and I can see no just ground for imposing on its work a royalty in favor of any State as applied to power that either the Government itself or its lessees may generate from the storage of this project.

Moreover, the imposition on this project of a royalty in favor of any State would create a precedent likely to hinder and embarrass, if not prevent, needed development in other parts of the country. Sound policy, therefore, dictates that the establishment of such a precedent should be avoided in authorizing the project described in the bill.

CONCERNING THE QUESTION OF THE NAVIGABILITY OF THE RIVER

It is claimed on behalf of the State of Arizona that the Colorado River is a navigable stream, and therefore its bed is owned by the State or States through which it flows, and the Government is without jurisdiction to enter upon the stream and construct the proposed dam. It is further claimed that on the admission of Arizona into the Union, in 1912, the title to the river bed within the State passed from the United States to the State in virtue of the constitutional rule of equality among the States.

The Supreme Court of the United States in Oklahoma *v.* Texas (258 U. S. 574, 586) refers to "the settled rule in this country" as to whether a stream is navigable, namely:

> • • • that navigability in fact is the test of navigability in law, and that whether a river is navigable in fact is to be determined by inquiring whether it is used, or is susceptible of being used, in its natural and ordinary condition as a highway for commerce over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

The rule is thus laid down in Harrison *v.* Fite (148 Fed. 781):

> To meet the test of navigability as understood in the American law, a watercourse should be susceptible of use for purposes of commerce or possess a capacity for valuable floatage in the transportation to market of the products of the country through which it runs. It should be practical usefulness to the public as a highway in its natural state and without the aid of artificial means. A theoretical or potential navigability, or one that is temporary, precarious, and unprofitable, is not sufficient.

Continuing, the same case also says:

> To be navigable a watercourse must have a useful capacity as a public highway of transportation.

The Colorado River does not meet the test specified in these authorities on the question of navigability, and has not done so since long before the admission of the State into the Union. This is particularly true of the section of the river at and above the point where it is proposed to build the Boulder Dam. In the voluminous record of testimony submitted on this legislation before the committees of the two Houses there is not a line to show that the Colorado River at or above that point—

> is used, or is susceptible of being used, in its natural and ordinary condition as a highway for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

On the question of the navigability of the Colorado River it is a significant circumstance that Laguna Dam, of the Yuma reclamation project, built in 1909 at a point on the river about 12 miles above Yuma, extends clear across the river and has in it no lock or gate for passage of vessels engaged in transportation.

While this dam was constructed before Arizona came into the Union, yet, so far as I know, at no time since its admission, in 1912, has any question been raised in behalf of that State, or in any quarter, as to the right of the Government to maintain the Laguna Dam on the Colorado River.

However, I am convinced that the Government has the right to construct and operate the proposed dam at Boulder or Black Canyon, whether the river is navigable or not. The dam will serve to impound the floods and produce a regulated flow in the stream. If the river is to be regarded as navigable, flood protection and regulated flow are certainly within the purview of river improvement as sanctioned by the Constitution. Besides, the proposed dam will not detract from the navigability of the stream. On the contrary, the dam will create a deep lake 90 miles long and produce a regulated and sustained flow in the stream for 200 miles below, and thus will give rise to a measure of navigability on the river vastly greater than ever existed before.

On the other hand, if the river is to be regarded as unnavigable, the construction of the dam, in order to bring the floods under control and make them serviceable for irrigation would be in harmony with the principle of reclamation to which this Government is firmly committed.

OPPOSITION OF PRIVATE POWER INTERESTS

The power possibilities of the Colorado River are coveted by the private power companies. And, naturally so, for they are among the richest of the remaining natural resources of the Nation. It is estimated that the waters of the river will produce 6,000,000 firm horsepower of electrical energy. Practically all of these opportunities are covered by applications of power corporations, now pending before the Federal Power Commission. The efforts made in behalf of the Government project embraced in the pending bill, with other circumstances, have served to stay the program of the companies to acquire a complete monopoly of power on the Colorado. They are opposed to a high dam at Boulder Canyon, because it will create and give the Government control of immense power possibilities, and they are opposed to any large power control that is not dominated by the agencies of private capital.

Not only are the private power companies fighting this project but the investment bankers of the country, the men who finance and control those companies, have declared against the bill as being a threatened invasion of a domain which, as they claim, should be reserved for private capital.

Never was hostility more narrow-minded and unjust than that of these devotees of private interests to this beneficent enterprise. It means that corporations and their allies are opposed to Congress providing relief, which the Government only is in a position to furnish, for the people and valleys of the lower Colorado, unless, perchance, the means employed involve no power increment accruing to the Government. Such opposition is too obviously selfish to be heeded for an instant in determining the action of Congress upon the pending bill.

The heart and center of the situation which has led to the introduction of the pending bill is, of course, Imperial Valley, Calif. Viewed in the light of its necessities the extreme urgency of this bill becomes apparent. Its fate is in the hands of Congress, and there can be no question that it is worth protecting and saving.

Last year the irrigated acreage of Imperial Valley was between 400,000 and 415,000, the average acre value of its crops was more than $105, and its total crop value was approximately $45,000,000.

During the past 18 years Imperial Valley has produced crop values approximating $575,000,000, or as great as those produced on all reclamation projects since the enactment of the reclamation act in 1902.

The people of Imperial Valley have achieved wonders in the reclamation of desert lands in that locality, and, moreover, what they have done has been accomplished by their own unaided efforts. The reclamation law, which has made possible so many great projects throughout the West, has contributed nothing to the development of that valley. Federal farm loans are even denied its farmers because of the flood menace and conditions affecting its water supply.

Now, the people of that valley are appealing to Congress for assistance. They are doing so because between the floods of the Colorado and Mexican interference with their water supply they are faced with problems involving the fate of their valley, which only the Government can solve. It is their one place to go. It is only by a unified plan of development, such as is authorized by the pending bill, that the conditions menacing that valley can be removed in a manner consistent with the diversified American interests in the Colorado River basin.

Nearly 20 years ago President Roosevelt, in a message to Congress dealing with the problems of the lower Colorado River, urged a development which will come to pass upon the completion of the project outlined in the bill.

President Harding favored such development and entertained the view—

that initial capital for the installation of these engineering works must be provided by the American people as a whole.

President Coolidge urges this development and has plainly indicated that he will be pleased to approve legislation authorizing it under the plan outlined in the pending bill.

I confess to the ambition to do my part, small though it may be, in bringing to a realization the great works of protection and development to which these American Presidents, concerned for the welfare of our people and sobered by a sense of high official responsibility, have given their earnest sanction and approval.

During the delivery of Mr. JOHNSON's speech,

Mr. SMOOT. Mr. President, will the Senator from California yield to me for a moment?

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from California yield to the Senator from Utah?

Mr. JOHNSON. I yield.

EXTENSION OF HARRISON NARCOTIC ACT TO VIRGIN ISLANDS

Mr. SMOOT. Mr. President, from the Committee on Finance, I report back favorably without amendment the bill (S. 4537) to amend the Harrison Narcotic Act of December 17, 1914, as amended, and for other purposes. I ask unanimous consent for the immediate consideration of the bill in order that it may be acted upon by the House before adjournment.

Mr. SIMMONS. Mr. President, may I inquire what the bill is?

Mr. MOSES. I would like to know what the bill is.

Mr. SMOOT. It is a bill to amend the Harrison Narcotic Act of December 17, 1924. It has been found that the act does not apply to the Virgin Islands. All the bill undertakes to do is to apply the narcotic act to the Virgin Islands. We need immediate action on it in order that the act itself may not be violated in the Virgin Islands any more than in this country.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill as requested by the Senator from Utah?

Mr. HEFLIN. May I inquire of the Senator from Utah if that is the bill which I was discussing with him?

Mr. SMOOT. No; it is not. This is a bill which I have just reported from the Committee on Finance. Its purpose is to amend the Harrison Narcotic Act so as to apply that act to the Virgin Islands the same as it applies to all other parts of the United States.

Mr. SIMMONS. I understood the Senator to say that it does not change the present law at all, but merely applies the law to the Virgin Islands.

Mr. SMOOT. That is all there is to it.

Mr. SIMMONS. There is a provision in the present law which I had hoped might be changed. It is a very cruel one.

Mr. SMOOT. That is not the purpose of the bill which I have just reported.

Mr. SIMMONS. It is not in this bill?

Mr. SMOOT. No; it is not.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Harrison Narcotic Act of December 17, 1914, as amended, be further amended as follows:

SEC. 2. After the last sentence of section 2 add the following: "The President is further authorized and directed to issue such Executive orders as will permit those persons in the Virgin Islands of the United States lawfully entitled to sell, deal in, dispense, prescribe, and distribute the aforesaid drugs, to obtain said drugs from persons registered under this act within the continental United States for legitimate medical purposes without regard to the order forms described in this section."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TERMS OF UNITED STATES DISTRICT COURT, MONTANA

Mr. WALSH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3701) to designate the times and places of holding terms of the United States District Court for the District of Montana having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with amendments as follows:

Amendment numbered 1: After the words "Great Falls," insert the word "Lewistown."

Amendment numbered 2: In lieu of the language proposed by the Senate insert the words "Lewistown and Havre."

And the Senate agree to the same.

T. J. WALSH,
F. H. GILLETT,
GUY D. GOFF,
Managers on the part of the Senate.
GEORGE S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

The report was agreed to.

RIO GRANDE BRIDGE AT BROWNSVILLE, TEX.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Texas?

Mr. JOHNSON. I yield to the Senator.

Mr. SHEPPARD. Out of order, from the Committee on Commerce, I report back favorably, without amendment, House bill 12703, granting the consent of Congress to Brownsville & Matamoros Municipal Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at Brownsville, Tex. I ask unanimous consent for the present consideration of the bill. It is a bridge bill in the usual form.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATUE OF CRAWFORD W. LONG

Mr. HARRIS. Mr. President, will the Senator yield to me?

Mr. JOHNSON. I yield.

Mr. HARRIS. The State of Georgia has placed in Statuary Hall a statue of Dr. Crawford W. Long. On the calendar there is a concurrent resolution to print the proceedings. Will the Senator permit me to have that concurrent resolution considered and disposed of? No one will oppose it. It is No. 1139 on the calendar.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

Mr. BRUCE. Mr. President, I should like to ask the Senator what it is.

Mr. HARRIS. It is a concurrent resolution to print the proceedings in Statuary Hall upon the acceptance by Congress of the statue of Dr. Crawford W. Long.

Mr. JOHNSON. Mr. President, under the circumstances that exist here I think it is an unfair proceeding to the rest of the Senate that I should be yielding in this way. I am sorry, indeed, and I make my apologies to those who ask me to yield in this regard; but it is not quite fair to the other Members of the Senate that I should yield. I will yield in this one instance for the Senator from Georgia, however, because I yielded to others.

The PRESIDING OFFICER. If there is no objection, the Secretary will read the concurrent resolution.

The legislative clerk read the concurrent resolution (S. Con. Res. 10) to print and bind the proceedings in Statuary Hall upon the acceptance by Congress of the statue of Crawford W. Long, presented by the State of Georgia, and it was considered by the Senate and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Crawford W. Long, presented by the State of Georgia, 5,000 copies, of which 1,000 shall be for the use of the Senate and 2,500 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Georgia.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall provide suitable illustrations to be bound with these proceedings.

Mr. HARRIS. I thank the Senator from California for his kindness.

POSTAGE RATES ON HOTEL-ROOM KEYS AND TAGS

Mr. METCALF. Mr. President, will the Senator from California yield to me?

Mr. JOHNSON. I yield to the Senator from Rhode Island.

Mr. METCALF. I ask for the immediate consideration of the conference report on House bill 92.

The PRESIDING OFFICER. The report will be read.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 92) fixing postage rates on hotel-room keys and tags, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1 and to the title, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 1, line 6, after "hotel," insert "or steamship"; and in line 5, after the word "explicit," insert the words "post-office address and"; and the Senate agree to the same.

JESSE H. METCALF,
PARK TRAMMELL,
Managers on the part of the Senate.

M. CLYDE KELLY,
THOS. M. BELL,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the conference report? The Chair hears none.

Mr. METCALF. I move the adoption of the conference report.

The report was agreed to.

NEW YORK CANAL & GREAT LAKES CORPORATION

Mr. COPELAND. Mr. President, will the Senator from California yield to me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New York?

Mr. JOHNSON. I will yield provided no debate ensues and that the matter which the Senator from New York desires to have considered takes no time.

Mr. COPELAND. Mr. President, last night I asked to return to the consideration of Order of Business 1059, being House bill 7678. The Senator from Alabama [Mr. HEFLIN] objected to its consideration. It is a relief bill. A ship was damaged by a submarine operated by students who were unfamiliar with such operation.

Mr. HEFLIN. I withdraw my objection to the bill. I did not understand the bill at the time its consideration was asked. I have looked into it since, and I now have no objection to its consideration.

The PRESIDING OFFICER. The Senator from New York desires immediate consideration of House bill 7678. Is there objection?

Mr. COUZENS. Mr. President, how can we know whether or not we object to the consideration of the bill before we shall have ascertained what it is by having it read by title?

The PRESIDING OFFICER. The clerk will state the bill by title.

The CHIEF CLERK. A bill (H. R. 7678) for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge *209*.

Mr. COPELAND. I repeat that the damage was done by a submarine which was operated by naval students.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge *209*, $9,599, as reimbursement for damages sustained by the steamer *Monroe* and barge *209* when the United States submarine *N–3* collided with the said steamer *Monroe* and barge *209*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAUDE J. BOOTH

Mr. BRUCE. Mr. President, will the Senator from California yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maryland?

Mr. JOHNSON. I will yield, if the matter shall occupy no time and if no debate upon it shall ensue.

Mr. BRUCE. That is certainly most reasonable. I ask unanimous consent for the present consideration of the bill (H. R. 5105) for the relief of Maude J. Booth. The bill will involve no controversy at all.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay in full settlement against the Government $1,319.20 to Maude J. Booth, of Baltimore, Md., in compensation for the loss of an eye caused by firing of a prohibition agent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOUNDARIES OF THE YELLOWSTONE AND OTHER NATIONAL PARKS

Mr. ASHURST. Mr. President, since the Senator from California has been so courteous, I ask him to yield to me.

Mr. JOHNSON. I will yield to the Senator from Arizona if no debate shall ensue.

Mr. ASHURST. There will be no debate upon the resolution for which I desire immediate consideration. It is Order of Business 1222, being Senate Resolution 237, which was submitted by the Senator from Idaho [Mr. GOODING]. It is a resolution authorizing the Committee on Public Lands to inspect the boundaries of national parks. The original resolution proposed an appropriation of $15,000 for the purpose, but the Committee to Audit and Control the Contingent Expenses of the Senate, to which it was referred, have reduced the sum to $3,500, which will be ample. I will add that the resolution has been favorably reported with amendments by the Senator from Ohio [Mr. FESS].

Mr. GOODING entered the Chamber.

Mr. ASHURST. Mr. President, I see that the Senator from Idaho is now present.

Mr. GOODING. Mr. President, I desire to say that the subject matter of the resolution is very important to the State of Idaho and to other States. As proposed to be amended by the committee, the resolution now carries an appropriation of only $3,500. I hope that the resolution may pass.

The PRESIDING OFFICER. The Chair understands the Senator from Idaho to ask unanimous consent for the immediate consideration of the resolution?

Mr. GOODING. I do.

The PRESIDING OFFICER. Is there objecion to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 237) submitted by Mr. GOODING June 1, 1926, and reported from the Committee to Audit and Control the Contingent Expenses of the Senate by Mr. FESS on July 1, 1926, with amendments, which were: On page 1, line 9, after the word "such," to strike out "experts and clerical, stenographic, and other assistants" and to insert "clerical and stenographic assistants"; and on page 2, line 8, after the word "committee," to strike out "$15,000" and to insert "which shall not exceed the sum of $3,500," so as to make the resolution read:

Resolved, That the Committee on Public Lands and Surveys, or any duly authorized subcommittee thereof, is authorized to investigate the advisability of changing the boundary of the Yellowstone National Park, and of other national parks with respect to which changes in boundaries have been proposed. For the purpose of this resolution such committee or subcommittee is authorized to hold hearings and to sit and act at such places and times; to employ such clerical and stenographic assistants; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee or subcommittee, which shall not exceed the sum of $3,500, shall be paid from the contingent fund of the Senate. The committee or subcommittee shall make a final report to the Senate as to its findings at the beginning of the second regular session of the Sixty-ninth Congress, together with recommendations for such legislation as it deems necessary.

The amendments were agreed to.

The resolution as amended was agreed to.

CREDIT TO ARMY AND NAVY CONTRACTORS

Mr. CAPPER. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Kansas?

Mr. JOHNSON. I do.

Mr. CAPPER. I submit a conference report on House Joint Resolution 47.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to Senate Joint Resolution 47, entitled "Joint Resolution authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

ARTHUR CAPPER,
ROBT. N. STANFIELD,
PARK TRAMMELL,
Managers on the part of the Senate.

C. A. CHRISTOPHERSON,
A. J. HICKEY,
FRED H. DOMINICK,
Managers on the part of the House.

Mr. CAPPER. Mr. President, I ask unanimous consent for the immediate consideration of the conference report.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

FILING OF AFFIDAVITS BY CERTAIN UNITED STATES OFFICERS

Mr. REED of Pennsylvania. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Pennsylvania?

Mr. JOHNSON. I yield.

Mr. REED of Pennsylvania. I do not approve of this method of passing bills; but as the Senator from California is in a yielding mood——

Mr. JOHNSON. Neither do I, but I will yield just this once to the Senator from Pennsylvania, because I have yielded to everybody else. Then I am going to cease yielding, and go ahead with this very remarkable exposition of mine.

Mr. REED of Pennsylvania. All things considered, I think it is not quite the fair thing to do and I will not ask the Senator to yield to me now.

Mr. JOHNSON. I can not refrain from yielding to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I see the Senator from Mississippi [Mr. STEPHENS] is now present, and, with the permission of the Senator from California, I should like to have the bill in which he is interested taken up.

Mr. JOHNSON. Very well.

Mr. SMOOT. Mr. President, what is the bill?

Mr. STEPHENS. It is Order of Business 1135, being House bill 10547. I have before me an amendment which the Senator from Pennsylvania desires to offer.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10547) to require the filing of an affidavit by certain officers of the United States.

The PRESIDING OFFICER. The first amendment to the bill has heretofore been agreed to. The next amendment will be stated.

The next amendment of the Committee on the Judiciary was, on page 2, after line 3, to strike out section 3, as follows:

SEC. 3. When used in this act the term "consideration" includes a payment, distribution, gift, subscription, loan, advance, or deposit of money, or anything of value, or a contract, promise, or agreement, whether or not legally enforceable, to make such a payment, distribution, gift, subscription, loan, advance, or deposit.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to add a new section, as follows:

SEC. 3. That employees of the United States Veterans' Bureau who, upon original appointment, have subscribed to the oath of office required by section 1757 of the Revised Statutes shall not be required to renew the said oath because of any change in status so long as their services are continuous unless, in the opinion of the director, the public interests require such renewal.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEPHENS. Mr. President, I understand the Senator from Iowa [Mr. CUMMINS] desired to have an amendment presented. The Senator from Pennsylvania, I think, will offer the amendment and will explain what it is.

Mr. REED of Pennsylvania. Mr. President, my understanding is that the Senator from Iowa [Mr. CUMMINS] wishes to offer an amendment in line 3, page 1, before the word "officer," to insert the word "civil."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 3, before the word "officer," it is proposed to strike out the word "an" and to insert the words "a civil," so as to read:

That each individual hereafter appointed as a civil officer of the United States by the President—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRUCE. Mr. President, let me ask the Senator from Pennsylvania just what this bill is.

Mr. REED of Pennsylvania. It is a bill requiring all appointees to office to file an affidavit that they have not given or promised anything in consideration of their appointment. It is obviously inapplicable to the routine promotion of Army officers.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COMMISSIONED PERSONNEL OF THE COAST GUARD

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. JOHNSON. I yield.

Mr. JONES of Washington. Mr. President, last evening the Senator from New Jersey [Mr. EDWARDS] objected to the consideration of Order of Business 954, being the bill (H. R. 10973) to readjust the commissioned personnel of the Coast Guard, and for other purposes. He tells me this morning that he has withdrawn his objection, and it is entirely satisfactory to him that the bill may be passed. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES of Washington. The bill has heretofore been read to the Senate.

Mr. SMOOT. I should like to know what the bill is.

The PRESIDING OFFICER. The bill will be read for information.

The bill was read, as follows:

Be it enacted, etc., That on and after July 1, 1926, the number of regular commissioned officers, other than chief warrant officers, authorized in the Coast Guard shall be 340, distributed in grades as follows: 1 commandant, 15 captains, 35 commanders, 71 lieutenant commanders, 66 lieutenants, and 85 lieutenants (junior grade) and ensigns, 1 engineer in chief, 8 captains (engineering), 11 commanders (engineering), and 28 lieutenant commanders (engineering), 5 constructors, and 14 district commanders.

SEC. 2. That on and after July 1, 1926, the number of temporary commissioned officers authorized in the Coast Guard shall be 115, distributed in grades as follows: 50 lieutenants and 65 lieutenants (junior grade) and ensigns of the line, and after that date no more temporary officers shall be appointed in the grade of lieutenant commander or above.

SEC. 3. That all lieutenants (engineering) not holding temporary appointments as lieutenant commanders (engineering), all lieutenants

(junior grade) (engineering) and all ensigns (engineering), both regular and temporary, who are in the Coast Guard on July 1, 1926, shall be transferred to the line of the Coast Guard and shall be commissioned accordingly, the regular engineer officers to become regular line officers and temporary engineer officers to become temporary line officers, respectively. Engineer officers thus transferred shall take precedence with line officers in the grades to which transferred in accordance with total lengths of continuous commissioned service in the Coast Guard. All cadet engineers who are in the service on July 1, 1926, shall be appointed cadets of the line as of that date and service as cadet engineer shall be counted as cadet service.

SEC. 4. That a vacancy occurring at the bottom of the list of commissioned engineer officers after July 1, 1926, may or may not be filled, in the discretion of the President, in accordance with the existing needs of the service for engineer officers. If such a vacancy is filled, it shall be filled by promotion of the senior regular officer of the next lower grade of the line who applies for such promotion and who demonstrates his entire fitness therefor in the manner provided in section 3 of the act approved January 12, 1923. If such a vacancy is not filled within a period of six months after its occurrence, it shall accrue to the corresponding grade of the line and shall increase the number of officers of such corresponding grade of the line as authorized in section 1 of this act accordingly, but shall not increase the total number of commissioned line and engineer officers combined as authorized by this act.

SEC. 5. That the President is authorized to appoint, by and with the advice and consent of the Senate, temporary commissioned officers to be commissioned officers in the regular Coast Guard in grades not above lieutenants: *Provided*, That no temporary officer shall be appointed a regular commissioned officer until his entire fitness for such appointment has been established to the satisfaction of a board of commissioned officers of the Coast Guard appointed by the President, and until he has been pronounced physically qualified by a board of medical officers: *Provided further*, That temporary officers who may be thus commissioned in the regular Coast Guard shall take rank in the grades in which they are appointed in accordance with the dates of their commissions as regular officers.

SEC. 6. That on and after the date of the passage of this act the number of cadets in the Coast Guard shall be such as the Secretary of the Treasury may from time to time determine as necessary for the needs of the service. Appointments to cadetship shall be made under regulations prescribed by the Secretary of the Treasury, who shall determine age limits, methods of selection of applicants, and all other matters affecting such appointments. Cadets shall serve two years, three years, or four years, as the Secretary of the Treasury may determine from time to time in accordance with the needs of the service, before being eligible to be commissioned as ensigns.

SEC. 7. That hereafter no officer shall be promoted to lieutenant commander or to lieutenant commander (engineering) who has had less than eight years' commissioned service, regular or temporary, in the Coast Guard. On and after September 1, 1926, no officer shall be promoted in the regular Coast Guard from lieutenant (junior grade) to lieutenant until he shall have served at least two years as a lieutenant (junior grade) in the regular service. Subsequent to the passage of this act and continuing until June 30, 1931, an ensign may be promoted to lieutenant (junior grade) after two years' service as an ensign; on and after July 1, 1931, an ensign shall be required to complete three years' service in his grade, after which he shall be eligible for promotion to the next higher grade, without regard to the number already in that higher grade.

SEC. 8. That a constructor, upon original appointment as such, shall have the rank, pay, and allowances of a lieutenant. An original appointment as constructor shall be made under regulations prescribed by the President from the list of commissioned officers of the Coast Guard or from civil life and shall be for a probationary period of two years, and, prior to the expiration of such probationary period of service, the fitness of the officer who has thus served shall be passed upon by a board of commissioned officers of the Coast Guard appointed by the President. If the board finds that the officer is in all respects fitted to be a constructor in the Coast Guard, he may be regularly appointed a constructor to rank from the date of his original probationary appointment: *Provided*, That no person shall receive an original probationary appointment as constructor who is more than 30 years of age.

SEC. 9. That the title "district superintendent" is hereby changed to "district commander," and all laws applicable to district superintendents shall apply to district commanders except as modified by the provisions of this section. A district commander of less than 10 years' commissioned service shall have the rank, pay, and allowances of a lieutenant, and, after 10 years' commissioned service, shall have the rank, pay, and allowances of a lieutenant commander. An original appointment as district commander shall be made under regulations prescribed by the President from the warrant or chief petty officers of the Coast Guard: *Provided*, That the proviso "That the district superintendents shall be chief officers and first in authority in their respective districts, subject to the authority of the captain commandant," contained in section 4 of the act approved January 28, 1915, is hereby repealed.

SEC. 10. That all temporary chief warrant officers who are in the Coast Guard on July 1, 1926, shall be transferred to the regular Coast Guard as chief warrant officers as of that date and shall be commissioned accordingly. Under such regulations as he may prescribe the President is authorized to appoint, by and with the advice and consent of the Senate, chief warrant officers of the Coast Guard from the permanent list of warrant officers of the Coast Guard as the needs of the service may require, and such chief warrant officers shall receive the same pay, allowances, and benefits as commissioned warrant officers of the Navy of like length of service: *Provided*, That no warrant officer shall suffer a reduction in pay or allowances on account of his appointment as a chief warrant officer under the provisions of this section.

SEC. 11. That Coast Guard personnel may be trained at naval training stations and instructed at schools maintained by the Navy, and the pro rata cost of such training or instruction may be borne by Coast Guard appropriations, and the proper Navy appropriations may be credited accordingly.

SEC. 12. That the provision contained in the act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, approved May 27, 1908 (35 Stat. L. p. 321), which reads "Hereafter the pay of surfmen in the Life Saving Service shall be computed according to the number of days in each month, respectively, and not as required by section 6 of the act of June 30, 1906, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1907," be, and the same is hereby, repealed.

SEC. 13. That nothing contained in this act shall be construed to reduce the rank, pay, or allowances of any commissioned officer of the Coast Guard as now provided by law.

SEC. 14. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. DALEY

Mr. SACKETT. Mr. President——

Mr. JOHNSON. I yield to the Senator from Kentucky.

Mr. SACKETT. I ask unanimous consent for the immediate consideration of the bill (H. R. 10226) to correct the military record of John P. Daley.

The PRESIDING OFFICER. Is there objection?

Mr. OVERMAN. Let the bill be reported.

The VICE PRESIDENT. The clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That John P. Daley, late of Battery B, Seventh Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Battery B, Seventh Artillery, on the 3d day of August, 1900: *Provided*, That no pay, bounty, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

After the conclusion of Mr. JOHNSON's speech,

RECONNAISSANCE WORK ON WALKER RIVER, NEV. (S. DOC. NO. 151)

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Bureau of Indian Affairs—reconnaissance work on Walker River, Nev.—in amount $10,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DIVISION OF COOPERATIVE MARKETING (S. DOC. NO. 152)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture for the fiscal year ending June 30, 1927—Division of Cooperative Marketing—in amount $150,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

REGULATION OF RADIO COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War relative to the radio bill, which was ordered to lie on the table and to be printed in the RECORD, as follows:

WAR DEPARTMENT,
Washington, D. C., July 2, 1926.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: H. R. 9971, entitled "An act for the regulation of radio communication, and for other purposes," which has been reported by Senator DILL to the Senate with an amendment, has been given serious consideration by the War Department. As a result of this consideration I urgently request that careful consideration be given to the following views and recommendations:

1. While the proposed bill in a measure appears to meet the requirements for national defense, nevertheless improvements in the text appear necessary in order to assure proper coordination between the assignment of frequencies to the Army and Navy by the President, and the assignment of frequencies to commercial stations by the commission established by the amended H. R. 9971, which, in essence, is the Dill bill.

2. The experience of the past four years has resulted in the allocation of frequency bands to the services (commercial, amateur, Army, Navy, etc.) based on their comparative needs. I believe that these assignments should not be changed without compelling reasons. I therefore urge that the following paragraph, embodying both of these ideas be included in the conference report on the bill herein considered:

"After line 17, page 35, add the following: 'The allocation of frequency bands now in use shall remain in effect until shown to be in serious need of investigation; and no encroachment on the frequencies now allocated for purposes of national defense shall be made by the commission without the approval of the President of the United States.'"

3. The proposed legislation affords no legal protection to Government radio stations. It contains nothing whatever which would prevent the commission from granting a license to an applicant to erect a station in such close proximity or using such power to completely blanket already existing Government stations. Such protection of law was recognized as necessary when the basic law of 1912, which this legislation repeals, was enacted. Such protection is still absolutely necessary. It is necessary to cover this affirmatively in the law in order to sustain a protest from the head of the Government department affected against the erection or operation of a station which seriously interferes with a Government station which has already been erected and is in operation.

4. It is therefore recommended that paragraph 1, of section (C), page 41, lines 9–12, be amended to read as follows:

"The commission shall, subject to the provisions of this act, issue to each applicant therefor a station license if undue interference will not be caused to any already existing Government station and if public convenience, interest, or necessity will be served thereby as provided for in Sections I and II thereof."

5. In case the conferees desire further information regarding the foregoing recommendations, Maj. Gen. C. McK. Saltzman will appear in person before them and supply such further facts or opinions as may be considered helpful or necessary.

Respectfully,

DWIGHT F. DAVIS,
Secretary of War.

CLAIMS OF ASSINIBOINE INDIANS AGAINST THE UNITED STATES

The PRESIDING OFFICER laid before the Senate the amendments of the Senate to the bill (S. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes, which were on page 1, to strike out lines 3 to 8, inclusive, and lines 1 to 21, inclusive, page 2, and insert:

That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate, and render judgment in any and all claims arising under or growing out of the treaty of Fort Laramie of September 17, 1851 (11 Stat. p. 749), between the Government of the United States and the Assiniboine Indian Nation, and other Indian nations therein specified; and the treaty of October 17, 1855 (11 Stat. p. 657), between the Government of the United States and the Blackfeet Indian Nation and other Indian nations therein specified; or any subsequent act of Congress, or any treaty, Executive order, or treaty with any other Indian tribe or nation that violates any of the treaty rights of the Assiniboine Indian Nation which the said Assiniboine Nation or Tribe may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States; and jurisdiction is hereby conferred upon the said courts to determine whether or not any provision in any such treaty has been violated or breached by any act or acts of Congress, or by any treaty made with any other Indian tribe or nation, and, if so, to render judgment for the damages resulting therefrom.

On page 4, line 5, after the word "agreement," to insert: "set forth and referred to in section 1"; on page 4, line 10, to strike out "5" and insert "4"; on page 4, to strike out lines 17 to 25, inclusive, and lines 1 to 2, inclusive, page 5, and insert:

SEC. 5. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by the said tribes or bands of Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes.

On page 5, line 17, to strike out "5" and insert "4"; on page 5, line 25, strike out "Crow" and insert "Assiniboine"; and on page 6, line 1, to strike out "Crow" and insert "Assiniboine."

Mr. WHEELER. I move that the Senate disagree to the House amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. WHEELER, Mr. CAMERON, and Mr. KENDRICK conferees on the part of the Senate.

SENATOR CAMERON'S SPEECH ON COPPER-MINING INDUSTRY (S. DOC. NO. 153)

Mr. McNARY. A few days ago the Senator from Arizona [Mr. CAMERON] delivered an able and illuminating speech on the subject of the copper-mining industry. I ask unanimous consent that it may be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATERSHEDS

Mr. OVERMAN. Mr. President, the other night I objected to the consideration of Calendar No. 628, House bill 9039. Since the bill has been explained to me I think it ought to pass. I ask unanimous consent for its immediate consideration. It provides that in condemnation proceedings, upon payment of the money into the registry of the court, the Secretary of Agriculture may make payments when the Attorney General certifies that the proceedings are regular.

Mr. McNARY. Mr. President, on the calendar is a bill which carries out a five-year program for acquiring lands——

Mr. OVERMAN. That is the Senator's bill to which I objected the other night. This bill simply empowers the Secretary of Agriculture, whenever the Attorney General certifies that the proceedings are regular, to pay over certain moneys in condemnation proceedings.

Mr. McNARY. It is a different bill from the one I had in mind.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9039) to amend section 8 of the act approved March 1, 1911 (36 Stats. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," which was read as follows:

Be it enacted, etc., That the act approved March 1, 1911 (36 Stats. p. 961), is hereby amended by adding to section 8 thereof the following language:

"*Provided*, That in condemnation proceedings, heretofore or hereafter prosecuted, for the acquisition of lands under this act, in which a decree is entered vesting title thereto in the United States upon payment of the award into the registry of the court, the Secretary of Agriculture is authorized to make such payment when advised by the Attorney General that the proceedings and the decree are regular."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, a similar bill, Senate bill 718, of the same title, will be indefinitely postponed.

PAY OF PAGES

Mr. FESS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably the resolution (S. Res. 271) looking to the payment of the salaries of the pages for the balance of the present month. I ask unanimous consent for its immediate consideration.

There being no objection, the resolution (S. Res. 271) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Sergeant at Arms hereby is authorized and directed to employ 22 pages for the Senate Chamber from the day following adjournment of the present session of Congress until the end of the month during which such adjournment shall be taken, to be paid from the contingent fund of the Senate at the rate of $3.30 each per day.

ART AND ARTISTS OF THE UNITED STATES CAPITOL

Mr. FESS. Art and Artists of the United States Capitol was authorized to be printed as Senate Document No. 95. I report from the Committee on Printing with an amendment Senate Concurrent Resolution 21, providing for the printing of additional copies of the document, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendment was, in line 4, before the words "additional copies," to strike out "4,500" and insert "5,000," so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound as may be directed by the Joint Committee on Printing 5,000 additional copies of Senate Document No. 95, entitled "Art and Artists of the United States Capitol," of which 1,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, 500 copies for the use of the Architect of the Capitol, and 500 copies for the use of the Joint Committee on the Library.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

SAND ISLAND IN THE COLUMBIA RIVER

Mr. FESS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with amendments the resolution (S. Res. 250) to investigate as to whether Sand Island in the Columbia River is located in the State of Oregon or in the State of Washington, submitted by the Senator from Washington [Mr. DILL], and I ask for its present consideration.

There being no objection, the Senate proceeded to consider the resolution.

The amendments were, on page 1, line 9, after the word "such," to strike out "experts and clerical, stenographic, and other assistants" and insert "clerical and stenographic assistants"; and on page 2, line 5, after the words "sum of," to strike out "$10,000" and insert "$3,000," so as to read:

Resolved, That the Committee on Public Lands and Surveys, or any duly authorized subcommittee thereof, is authorized to investigate as to whether Sand Island, in the Columbia River, is located in the State of Oregon or in the State of Washington, and the respective rights of the State of Oregon and the State of Washington in and to Sand Island. For the purpose of this resolution such committee or subcommittee is authorized to hold hearings and to sit and act at such places and times; to employ such clerical and stenographic assistants; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of such committee or subcommittee shall be paid from the contingent fund of the Senate, and the expenses of such investigation shall not exceed the sum of $3,000. The committee or subcommittee shall make a final report to the Senate as to its findings at the beginning of the second regular session of the Sixty-ninth Congress, together with recommendations for such legislation as it deems necessary.

The amendments were agreed to.

The resolution as amended was agreed to.

REMISSION OF DUTY ON A CARILLON OF BELLS

Mr. GERRY. From the Committee on Finance I report back favorably without amendment the bill (S. 4534) to remit the duty on a carillon of bells to be imported for the Church of St. John the Baptist, Pawtucket, R. I., and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit free of duty a certain carillon of five bells to be imported for the Church of St. John the Baptist, Pawtucket, R. I.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS FROM COMMITTEE ON MILITARY AFFAIRS

Mr. GOODING. Mr. President——

Mr. WADSWORTH. Mr. President, will the Senator yield to me to submit three reports from the Committee on Military Affairs?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. GOODING. I yield.

Mr. WADSWORTH. The three House bills are minor in character, and I desire to ask unanimous consent for their immediate consideration.

The PRESIDING OFFICER. Is there objection to receiving the reports? The Chair hears none.

MILITARY PARK AT PETERSBURG (VA.) BATTLE FIELDS

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 7817) to establish a national military park at the battle fields of the siege of Petersburg, Va., and I submit a report (No. 1179) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD JOHNSTON

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 2531) for the relief of Edward Johnston, and I submit a report (No. 1180) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. GLASSON

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 818) for the relief of William A. Glasson, and I submit a report (No. 1181) thereon. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOARD OF VISITORS TO PHILIPPINE ISLANDS

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. GOODING. I yield.

Mr. WILLIS. Out of order, from the Committee on Territories and Insular Possessions, I report back favorably without amendment the bill (H. R. 4789) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands. I ask unanimous consent for the present consideration of the bill. If it leads to any debate I will withdraw it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. NORRIS. Mr. President, I should like to have the bill read.

The PRESIDING OFFICER. The bill will be read.

The legislative clerk read the bill, as follows:

Be it enacted, etc., That there shall be appointed biennially a board of visitors to inspect, during the recess of Congress after the short session, the government and conditions in the Philippine Islands; three members of this board shall be members of the Senate, to be appointed by the President of the Senate, and five members shall be Members of the House of Representatives, to be appointed by the Speaker.

SEC. 2. It shall be the duty of the board of visitors to gather information for the Congress of the United States concerning the actual state of the government of the Philippine Islands and the economic and social conditions of the people of the islands.

SEC. 3. Said board of visitors shall report to Congress within 20 days after the meeting of the session next succeeding the time of their appointment their action as such visitors and their views and recommendations concerning the Philippine Islands and the government thereof.

SEC. 4. No compensation shall be paid the members of said board of visitors beyond the payment of their expenses while engaged upon their duties as members of said board and their actual expenses for travel by the shortest mail routes.

Mr. NORRIS. Mr. President, that bill, if I understand the reading of it, provides for the appointment every two years of a committee to visit the Philippine Islands.

Mr. WILLIS. Yes; the idea is to create a sort of a permanent committee on visitation.

Mr. NORRIS. A sort of a permanent junketing committee, as I look at it.

Mr. WILLIS. The Senator can call it that, if he desires, but this is the situation: The bill is recommended by the Secretary of War, and I can say to the Senator, so that he will understand that I have no personal interest in it whatever, that if the bill should pass, and I should be considered for appointment on the committee, I could not accept the place at all.

Mr. NORRIS. I was not referring to the Senator from Ohio at all. That is one objection to the bill, that the Senator would not be able to take the junket.

Mr. WILLIS. Here is the situation: As is set forth in the report by the Secretary of War, there are conflicting reports from different sources as to the situation in the Philippines. The Secretary of War believes, and the House after studying it very carefully believed, that it would be useful—and I may say to Senators that I have conferred with representatives of the Philippine people, who think it would be very useful—to have such a permanent source of information. I believe it would be wise.

Mr. NORRIS. Mr. President, I realize that a great deal of valuable information might be obtained, but I am not willing, without full consideration, that a bill to provide for a permanent committee to be sent over there during every Congress shall be passed at this time. So I object to the present consideration of the bill.

Mr. WILLIS. I promised the Senator from Idaho that if there was any discussion I would withdraw the bill. So I withdraw my request for its present consideration.

The PRESIDING OFFICER. The request for immediate consideration is withdrawn, and the bill will go to the calendar.

SENATOR FROM MINNESOTA—EXPENSES OF MR. SCHALL

Mr. ERNST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. GOODING. I yield if the matter will not lead to debate.

Mr. ERNST. Mr. President, the Committee to Audit and Control the Contingent Expenses of the Senate has reported a resolution providing for the payment of the expenses of the Senator from Minnesota [Mr. SCHALL] and his attorney on account of his recent contested-election case. The amount is $15,500. I ask unanimous consent that the resolution may be considered and disposed of at this time.

The PRESIDING OFFICER. Is there objection to the request?

Mr. CURTIS. What is it, please?

The PRESIDING OFFICER. The clerk will read the resolution.

The resolution (S. Res. 256) reported by Mr. ERNST from the Committee on Privileges and Elections June 23, 1926, and reported by Mr. FESS from the Committee to Audit and Control the Contingent Expenses of the Senate on June 30, 1926, was read, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Hon. THOMAS D. SCHALL, a Senator from the State of Minnesota, the sum of $15,500 for all expenses, including fees and expenses of his attorneys, incurred in defending his right to a seat in the Senate in the contest and investigation of the election of a Senator in Minnesota in 1924.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. ERNST. I will say that the resolution is reported favorably by the Committee to Audit and Control the Contingent Expenses.

There being no objection, the resolution was considered and agreed to.

REFUNDING OF CERTAIN RAILROAD INDEBTEDNESS

The Senate, as in Committee of the Whole, resumed the consideration of Mr. GOODING's motion to take up the bill (S. 2929) to authorize the refunding of certain evidences of indebtedness issued by carriers in interstate commerce, and for other purposes.

Mr. GOODING. Mr. President, speaking to my motion to take up for consideration Senate bill 2929, I wish to say that there are two reasons why I introduced that bill, which authorizes the refunding of certain evidences of indebtedness issued by carriers in interstate commerce.

My principal reason, Mr. President, for introducing the bill was to save the Chicago, Milwaukee & St. Paul Railroad from a conspiracy that is now on to wreck and loot that property and buy it in at the price of junk. My attention was first called to the Chicago, Milwaukee & St. Paul Railroad several years ago when there was being built its western division through the State of Idaho and on to the coast. All of those who were familiar with the building of the western division of the Milwaukee understood it was built on what is called the cost-plus-10-per-cent plan; that is, the more those who had charge of the construction could make the road cost, the more they would receive for the supervision of that construction.

The State of Idaho made an appropriation for an investigation of the roadbed of the Chicago, Milwaukee & St. Paul in Idaho. This was done for assessment purposes. The State employed a competent railroad engineer, and that investigation showed that great fills on that road that were sluiced in from the mountain side were classified as loose rock and paid for as loose rock when in reality it was the cheapest kind of construction. That investigation also showed that loose rock was classified as solid rock and paid for as solid rock. In the hearings on Senate bill 2929 before the Interstate Commerce Committee of the Senate it was openly charged by very prominent citizens who are minority stockholders and bondholders of the Chicago, Milwaukee & St. Paul road, and who are familiar with conditions that have wrecked that road, that the proposed plans of Kuhn, Loeb & Co., a great banking house in New York City, for the reorganization of the Milwaukee Railroad is a part of a great conspiracy to wreck that property.

There are 22,500 stockholders who are interested in the Chicago, Milwaukee & St. Paul Railroad, and many of them are small stockholders. There are a number of small stockholders in my own State, and my hope, Mr. President, is that if this bill shall pass the Senate at this session it will save the small stockholders, and I might say some of the large stockholders in this company, from a total loss of their investment.

Under the Federal control act by which the Government took over the railroads for operation and under the transportation act of 1920 the Milwaukee railroad borrowed $55,000,000 from the Government. The Chicago, Milwaukee & St. Paul is one of the 51 railroads which altogether have borrowed $301,000,000 from the Government and on which they are paying an interest rate of 6 per cent. Under the reorganization plan of Kuhn, Loeb & Co., it is proposed to assess the stockholders of the Chicago, Milwaukee & St. Paul, $70,000,000 on $230,000,000 worth of stock. Out of that $70,000,000 a sum of $55,000,000 will be taken to pay the Government, $5,000,000 are to be reserved for expenses and maintenance and $10,000,000 are to be reserved for commissions and expenses for underwriting this $70,000,000 worth of bonds.

The proposed plan of Kuhn, Loeb & Co., in order to raise the $70,000,000 is to assess the preferred stock $32 a share and the common stock $28 a share. I maintain, Mr. President, that few, if any, of the small stockholders are able to meet this enormous assessment. Many of them can not meet it, and it is my judgment, unless this bill shall pass, the great banking house of Kuhn, Loeb & Co. will bid in the Milwaukee for less than the road is worth for junk.

The Chicago, Milwaukee & St. Paul Railroad is now in the hands of a receiver, and an order has been issued for the sale of the road, but no time has been fixed by the court. It is believed, if this bill shall pass the Senate, the court will not order the road sold until it has a chance to pass the House and become a law. If this bill refunding the Milwaukee's indebtedness of $55,000,000 to the Government at not less than 4¼ per cent for 30 years shall be passed, it will only require $15,000,000 to pay off the outstanding indebtedness of the Milwaukee that is now due. The minority stockholders and boldhonders, who are thoroughly organized, believe this can be done without levying any assessment on the stockholders.

Mr. President, the Chicago, Milwaukee & St. Paul Railroad is one of the great railroads in the United States. Before the present management started out to wreck that road it was one of the best-paying railroads in the country. It has a mileage of 14,000 miles, and serves one of the richest territories in all the world; and there is no more reason why this great transcontinental railroad should be in the hands of a receiver than the other five transcontinental railroads, which since 1914 have seen the most prosperous years in their history.

I want to call the attention of Senators to the increased freight revenues on the six transcontinental railroads. In 1914 the freight revenue on the Great Northern Railroad was $55,000,000; in 1924 it was $86,000,000. The freight revenue on the Northern Pacific in 1914 was $48,000,000, and in 1924 it was $73,000,000. In 1914 the freight revenue on the Chicago, Milwaukee & St. Paul was $65,000,000, and in 1924 it was $120,000,000. In 1914 the freight revenue on the Union Pacific was $35,000,000, and in 1924 it was $83,000,000. In 1914 the freight revenue on the Southern Pacific was $55,000,000, and in 1924 it was $130,000,000. In 1914 the freight revenue on the Santa Fe was $61,000,000, and in 1924 the freight revenue on the Santa Fe was $134,000,000.

Mr. President, all of the great transcontinental railroads, with the exception of the Chicago, Milwaukee & St. Paul, have paid their regular dividends and some of them have paid excessive dividends.

Mr. President, in February, 1917, the preferred stock of the Milwaukee was quoted at $1.25, and the common stock at 87. At the present time the common stock is quoted at 10 cents and the preferred stock at 16 cents. It is openly charged by those who are familiar with the operation of the Milwaukee that under the present management there has been no effort to economize in the administration of that road but that the present management of the Milwaukee had been one of greed, graft, and corruption.

It was charged by the minority stockholders and bondholders that the Milwaukee-St. Paul was forced into the hands of a receiver by the directors of that road without giving a vast majority of the stockholders a chance to be heard. The minority stockholders at once petitioned the Interstate Commerce Commission to make an investigation of the conditions on the Milwaukee. For some time the Interstate Commerce Commission has been holding hearings on this investigation. The charges made by the minority stockholders and bondholders who appeared before the Interstate Commerce Committee of the Senate were so serious that the committee thought it was their duty to invite Chairman Eastman, of the Interstate Commerce Commission, together with Commissioner Cox, who has charge of the investigation, to appear before the committee in order to find out if it was the intention of the Interstate Commerce Commission to make a thorough and searching investigation into the affairs of the Milwaukee.

Both Chairman Eastman and Commissioner Cox, I am sure, satisfied the committee that the investigation of the Milwaukee would be thorough and searching, and that nothing would be left undone to show why the Milwaukee-St. Paul Railroad is in a wrecked condition at the present time.

It is openly stated, and I understand it has been testified to before Commissioner Cox, who is now holding hearings on the wreck of the Milwaukee, that the directors of the Milwaukee who were interested in worthless railroads sold them to the Milwaukee at unreasonable prices, for which large commissions were paid.

The Chicago, Terre Haute & Southeastern Railroad, which was purchased by the Milwaukee, is a combination of two roads owned at one time by John R. Walsh, at that time a banker of Chicago.

Mr. J. Ogden Armour, of Chicago, is a director in the Chicago, Milwaukee & St. Paul Railroad. The story of how he assisted in selling a worthless road to the Milwaukee while he was one of its directors is an interesting story.

The connection of J. Ogden Armour with the Chicago, Terre Haute & Southeastern Railroad was as follows: When the J. R. Walsh banks failed (there were three of them), the largest of all was the Chicago National, the clearing-house banks of Chicago took over all of the assets of Walsh and his banks and paid the depositors of these three failed institutions. Among the assets so taken over were two roads commonly known as stone and coal roads, as Mr. Walsh was owner of stone quarries and built another road to run to some coal mines. Later the clearing-house banks of Chicago put these two roads together under the name of the Chicago, Terre Haute & Southeastern, which road they operated for a long while at a loss, the road only showing, as I remember, but one year in which they claim to have made an infinitesimal profit.

At the time of the acquisition by the St. Paul of the Terre Haute, J. Ogden Armour was a director in at least one of the clearing-house banks—that of the Continental and Commercial Nation. He may, however, have been a director in more. He was a stockholder in a number of them. He was also a director of the Chicago, Milwaukee & St. Paul Railroad.

When he appeared before the Interstate Commerce Commission during the investigation of the St. Paul he said the negotiations were with Mr. Wetmore, who at that time was president of the First National Bank of Chicago; also an owner of the Terre Haute. This question was asked him because in the transaction it would appear that he, as a director of the St. Paul, was dealing with himself as a director of the Continental and Commercial National Bank, as it was one of the important owners of the Terre Haute.

The Interstate Commerce Commission in investigating the St. Paul shows this road, the Chicago, Terre Haute & Southeastern, was offered to many of the principal roads with terminals in Chicago, but none of them would touch it. The evidence also shows that the bonds of the Chicago, Terre Haute & Southeastern Railroad were offered on the streets of Chicago from 35 to 50. At a time when the Chicago-Milwaukee was running a heavy deficit—one year of over eleven million and another at over six million—they took over this road, the Chicago, Terre Haute & Southeastern, as I understand it, on a 999-year lease, which is equivalent to purchase, guaranteeing 5 per cent on approximately 22,000,000 bonds which were outstanding against the road, the Chicago, Terre Haute & Southeastern, and in addition thereto paid $350,000 for stock which, of course, was absolutely worthless, as evidenced by the fact that the bonds were being offered at the price above mentioned.

The Chicago, Milwaukee & St. Paul bought another short-line railroad that was not on a paying basis, which was known as the Chicago, Milwaukee & Gary Railroad, and which was referred to as two disconnected streaks of rust, running a part of the way to Rockford but having no connection with the Rockford line, and was forced to run over the Elgin, Joliet & Eastern for 20 miles in order to reach the Rockford, a branch of the Milwaukee.

It is shown in the hearings that Mr. Byran, president of the Milwaukee, was the man who carried on the negotiations in this transaction. It might be pertinent to say here that Mr. Buckner, president of the New York Trust Co. and a director of the St. Paul, while on the stand before Commissioner Cox said, with reference to the Chicago, Milwaukee & Gary, the road known as the "two disconnected streaks of rust," that he did not know where it was located, but that it was somewhere in Illinois. I mention this to show the class of directors the St. Paul had.

With reference to the Chicago, Milwaukee & Gary—no connection of the Chicago, Milwaukee & St. Paul at that time—there was $300,000 paid to Mr. B. F. Winchell and Mr. Samuel F. Pryor. Mr. Pryor was a close associate in the Owenoke Co. with Mr. Rockefeller, which was owned principally by Mr. Percy Rockefeller. Mr. Pryor occupies the same office in New York—I believe it is at 42 Broadway—that Mr. Rockefeller does. The Union Trust Co. of St. Louis paid to Winchell and Pryor $300,000. Pryor and Winchell divided this 50-50.

The $150,000 received by Mr. Pryor was paid to the Owenoke Co., which was practically owned by Mr. Percy Rockefeller. On the stand Mr. Rockefeller admitted this. However, the general manager, at the time, of the Chicago, Milwaukee & Gary stated at the Cox investigation hearings that Mr. Winchell and Mr. Pryor did nothing whatever toward the sale of this road and that he did not know them in the transaction.

He said he and the Union Trust Co. did all of the work in connection with the sale. The evidence, however, shows that Mr. Winchell and Mr. Pryor obtained from Mr. Rockefeller a letter to Mr. Byran asking him to buy the Gary road, for which letter they received $300,000, mentioned above; as the Gary's manager stated, they did nothing else.

A short time previous to the purchase of this road—the Gary—Mr. Byran is on record in a letter to Mr. Rockefeller saying the road was worthless. Shortly thereafter, but subsequent to the letter from Mr. Percy Rockefeller previously referred to, Mr. Byran, for the St. Paul, acquired the Gary road, guaranteeing approximately $6,000,000 of bonds at 5 per cent, which bonds were practically of no value, and not for years previously had it, the Gary road, the slightest earning power.

Please let it be understood that for some time previous to the acquisition of the Gary road Percy Rockefeller was not a director of the St. Paul, but evidence was produced at the Cox hearings that Mr. Percy Rockefeller was made a director of the Gary road after acquisition by the St. Paul, and it was plainly stated it was done so that he might obtain passes to ride on the railroads of the country free.

Mr. President, it seems to me that every Senator should be willing to vote for this bill, and save the Milwaukee from the Shylocks who for their own selfish interests are trying to wreck a great railroad and buy it in at a forced sale for a few million dollars. I believe the passing of this bill will stop one of the greatest conspiracies to wreck a railroad the world has ever known.

Let me say, Mr. President, that I am opposed to this Government being a profiteer, and I care not whether its profiteer-

ing affects the farmers or the railroads. To me they all look alike; and I hope the time never will come when I can not legislate here with an open mind just as fairly and just as honestly with regard to railroads as I do with regard to the farmer.

Mr. President, I have just made the best fight I know how, with other Senators, for a bill which, if passed, would have appropriated $150,000,000 for the marketing of farm products. If that bill had passed, the farmers would have been given an interest rate of 4 per cent. If this bill is passed it will give to a number of railroads that now owe the Government $301,000,000, a rate of interest of not less than 4¼ per cent and a moratorium of 30 years. They are paying 6 per cent.

Mr. FESS. Mr. President——

Mr. GOODING. No part of this money owed to the Government by these railroads cost the Government more than 4¼ per cent, and some of it only 3½ per cent. I yield to the Senator from Ohio.

Mr. FESS. I think the Senator has answered the question I was going to ask him. In other words, the principle the Senator is advocating here is not to charge to the borrower a higher rate of interest than the Government itself pays?

Mr. GOODING. That is my position, Mr. President, and I am sure it is sound and fair and just—that the Government should set an example of fairness toward all of its citizens; that it should not be a profiteer anywhere or at any time; and that is one of the reasons why this bill appeals to me. The principal reason why I advocate this bill, however, as I said, is to save a wreck in this country, and protect ten or fifteen thousand small stockholders in the Milwaukee road, in the hope of saving their investment in that road.

Mr. HOWELL. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. GOODING. I do not care to yield for more than a question or two, because I realize that if this bill is going to be passed I must not take too much time. The Senator will have ample opportunity, of course, to discuss this measure in his own time; but I shall be glad to answer any question.

Mr. HOWELL. I simply wanted to ask this question, in view of the question put by the junior Senator from Ohio:

The interest that the Government pays, which the Senator is talking about, is the interest that it pays upon nontaxable bonds. The Senator proposes, does he not, to give the railroads the benefit of a rate of interest that is obtainable only upon nontaxable bonds?

Mr. GOODING. I am proposing to do for the railroads only what I tried to do for the farmer—that is all, and nothing more—and I hope that I shall always have that spirit of fairness toward the railroads. I realize that the railroads of this country are the arteries through which must flow the commerce of the country, and I am sure there is not any Senator here who wants to impair the great railroad system of America.

I want to say that any man who would impair the great railroad system of America is an undesirable citizen, and he can not be put in any other class. I have made a hard fight here for what I believe is a great principle in transportation, and that is that the railroads shall not be permitted to charge more for a shorter haul than for a longer haul for the same class of freight moving in the same direction on the same railroad. I know, as a principle, that that is right and for the best interests of all the American people.

Mr. FESS. Mr. President——

Mr. GOODING. I yield to the Senator from Ohio.

Mr. FESS. There is another consideration that seems to me to make the position of the Senator on this bill very strong, and that is that when the money was borrowed the Government was operating the roads, and therefore the Government was not only the lender but it was really the borrower, and fixed the rate.

Mr. GOODING. Mr. President, I am not one of those who believe that the great railroads of this country were injured at all by Government supervision. I believe that the great railroad systems were materially benefited by it.

Mr. FESS. My statement was not meant to imply that they were injured.

Mr. GOODING. I want to explain my position, as far as the railroads affected by this bill are concerned. The railroads affected by this bill are practically what might be called short-line railroads. The average haul of freight in this country is something like 287 miles, but many of these railroads have an average haul of only 50 miles or 100 miles.

When the railroads were under Government supervision the Director of Railroads made one horizontal increase of 25 per cent, and other horizontal increases were made by the director and by the commission. No thought or consideration was given as to how long the haul was or how short the haul was. I am sure that by raising a short-line railroad only the same percentage that they did a long-line railroad that has more than the average haul, the Government regulation of the railroads during the war and soon after the war worked a very serious hardship upon the short-line railroads of America, because, I think we can all understand, with the increase in the cost of operation of a railroad, that a great deal more labor must be employed on a short-line railroad per ton-mile in handling the business of the road than on the longer roads.

Mr. HOWELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. GOODING. I yield to the Senator.

Mr. HOWELL. The junior Senator from Ohio suggested that these loans were made at a time when the Government was operating the roads.

Mr. GOODING. Mr. President, I hope the Senator will take up that matter in his own time, because it seems to me we are reaching the point where Senators will begin to think about measures on the calendar in which they are vitally interested.

I merely want to present my views and my thoughts and my hopes why this bill should pass. Of course, if the Senator from Nebraska and others make up their minds not to permit the bill to pass, I realize that it can not pass.

Mr. HOWELL. The only thing I wanted to say was this: That $172,000,000 of these loans were made while the Government was not operating these roads.

Mr. GOODING. I think the Senator is correct in that.

Mr. President, before any railroad can get the benefit of this bill, if it shall become a law, the Interstate Commerce Commission must make an investigation, and if it reports to the Secretary of the Treasury that a particular railroad does not need an extension of time or a reduction of interest in order to enable it to meet its transportation problems, a loan will not be made. In other words, every railroad that can meet its obligations will be asked to meet them. I want to say to Senators that unless this bill shall pass the Government, or some one other than the present owners, will own a number of short-line railroads. I do not think that if this bill passes it will mean a reduction in freight rates, but I do believe it will stop an increase in freight rates on these roads, for many of them are in a serious condition and can not pay the exhorbitant interest of 6 per cent and continue to do business.

Since these loans were made to railroads the Government has made a profit of $40,000,000 out of an interest charge.

Mr. President, I am going to fight this Government profiteering all the way around, and I do not know how Senators who have made such a splendid fight for farm legislation with an appropriation of $150,000,000 bearing an interest of 4 per cent can oppose this bill; and I am satisfied that only a few of them will.

I am satisfied that after the people get through in the coming elections giving their opinions on farm problems we will come back to the Senate and will pass some legislation that will relieve the American farmer and give him the same opportunity and the same right that the great industries of America are receiving at the present time. That is all the farmer wants; that and nothing more.

I am not going to put myself in the position of saying that 4 per cent is fair for the farmer but that 4¼ is all wrong to give to the railroads. I hope the time will come when this Government will furnish the railroads with all the money they need to take up their bonded indebtedness, which is something like $14,000,000,000 at the present time. If we could have money at cost from the Government, it would mean a saving in freight rates of $300,000,000.

I placed in the RECORD during my discussion of farm problems a statement showing the great amount of money on deposit in this country, showing that in 1914 there was on deposit $21,000,000,000 in all the banks, and in 1925 $51,000,000,000 was in the banks. I also showed that in 1914 there were loans of foreign governments in this country amounting to $4,500,000,000. All that has been paid off with the exception of a billion dollars. In 1914 this country had only two billion and a half loaned in foreign countries. To-day we have $10,460,000,000 loaned in foreign countries.

American bankers are financing the whole world. Yet when you come to borrow money for refunding the indebtedness of a railroad, tremendous commissions have to be paid. Out of the $70,000,000 bond issue, Kuhn, Loeb & Co. propose to take $10,000,000 of a commission. I ask, What is going to happen in this country if we continue a policy of that kind?

I think the most dangerous force we have in America to-day is the bankers' organization. They are without conscience

and without shame. I am going to fight, regardless of where the fortunes of life may carry me, to try to save the railroads to the people of the United States. I do not believe they can go on and meet such commissions as they are forced to pay and such rates of interest as they are forced to pay, and I do not believe this country can compete in the markets of the world unless we do something to give the American people cheaper transportation.

I know of no better thing for this Government to do than to sell its bonds upon the market and see that the railroads get a reasonable rate of interest, and then at the same time see that the American people get the benefit of that through freight rates. That is a simple story. It can be done, and it ought to be done, to save this country from a very dangerous condition.

Mr. WHEELER. Mr. President, does not the Senator think the trouble with the Chicago, Milwaukee & St. Paul Railroad was that it was looted by those on the inside, rather than that it had to pay 6 per cent interest on the money it had borrowed from the Government?

Mr. GOODING. I have made that very clear. There is no doubt about it, and that is why I want to save it to the small stockholders of the Senator's State and of my State and of the whole country. The minority stockholders, as I have said, are thoroughly organized and can go to court if this bill passes the Senate and try to persuade the court to hold up the case and not order the road sold until this bill can be passed through the House. I have stated that the indebtedness of the Milwaukee, outside of what they owe the Government, is only $15,000,000, and there are some very strong men interested in the minority stockholders and bondholders of that road.

Now, I want to call attention to what happened with the Great Northern and the Northern Pacific. July 1, 1901, the Great Northern and Northern Pacific issued $215,227,000 of bonds at 4 per cent to buy 97 per cent of the Burlington capital stock. Those bonds were 20-year bonds, due July 1, 1921. During the 20 years the Burlington paid the interest on those bonds. The Great Northern and the Northern Pacific provided no sinking fund at all to take up that indebtedness. All the money earned on the roads was used in betterments and extensions and in dividends.

When those bonds became due, July 1, 1921, the Great Northern and Northern Pacific applied for a loan. Of course, there was only one place for them to go to make the loan, and that was to New York City. They issued a new series of $230,000,000 of bonds, running 15 years, at 6½ per cent. They realized $210,000,000 on the new issue. Twenty million dollars was taken for underwriting those bonds. Treating the rate of interest that the Northern Pacific and the Great Northern now pay, 6½ per cent, as compared with the 4 per cent they were paying, the people who patronize those roads will in the next 15 years have to pay in freight rates and for service on those roads, $106,000,000 in excess of what it would cost if the roads could have had money at 4 per cent without that great commission.

So I want to say to Senators that unless we do something to meet that condition, a most dangerous one, the cost of transportation will be so great that we will lose all the balance of trade we have with the world. I believe the greatest problem confronting every government is that of finding employment for its own people. We have an increase in our population now of nearly 2,000,000 a year. Seventy years ago the American Harvester Co. made 50 harvesters a year. That was considered a great feat, and they advertised it to the world. Now the American Harvester Co. is turning out a harvester every 30 seconds. Everywhere the inventive genius of America is cutting great inroads into labor. We have only been able to keep our own people employed because something like a quarter of a century ago the automobile and the auto truck came into existence. To-day that industry and its affiliated industries give employment to 3,000,000 men. We passed a radio bill yesterday. I find that the radio industry is giving employment to 200,000 or more men.

I do not believe that any great invention will be made in the near future that will create a new field of employment. So I believe this country is right up against the great problem of finding employment for its own people.

England has more than a million people out of employment, Germany has 1,800,000 out of employment, and with conditions growing worse, let us not forget that for many years there has not been work enough for all the people of the world to do.

So, it seems to me, that if there is one question more vital to the American people than any other, it is that of cheapening the cost of transportation, because that enters into every effort of life, every endeavor, every place; it is part of our system, and essential to every citizen, regardless of how humble he may be.

Mr. President, my appeal to Senators is to permit the bill to pass in the interest of the small stockholders who own the Milwaukee. The Senator from Nebraska [Mr. HOWELL] has some of them in Nebraska. They are scattered all through the West. I realize that if there is to be any opposition to the bill it can not pass. Just as sure as this bill is defeated, in my judgment a sale will be ordered for the Milwaukee. With an assessment of $32 per share on preferred stock and $28 on the common stock that road is going to be bought in for a few paltry dollars and a great banking organization in America is going to have control of the system.

There is not time to tell of the great wrecks which occurred in America along these same lines. I am familiar with some of them, but I doubt if ever in the history of America there was so great a conspiracy to wreck a railroad that ought to be paying dividends to the stockholders, as in the case of the Milwaukee. I appeal to my friend from Nebraska [Mr. HOWELL], who does not agree with me regarding this measure, to let it pass. It can not become a law because it could not pass the House, but I am sure it will serve a good purpose and we will come back in the fall and go on with our fight for the farmer.

GENERAL RELATIONS WITH TURKEY—LAUSANNE TREATY

During the delivery of Mr. GOODING'S speech,

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I will ask my colleague to yield for a moment in order that I may propose a unanimous-consent agreement.

I ask unanimous consent that we take up the Lausanne treaty upon the first day of the next session after coming in after the holidays.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. SWANSON. The Senator means to have an executive session to take it up?

Mr. BORAH. To take it up in executive session.

Mr. SWANSON. That is all right.

Mr. BORAH. But that is not to interfere with moving to take it up in open session if we desire to do so.

Mr. SWANSON. I think that is proper, and I consent to it, Mr. President.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears no objection, and the unanimous-consent agreement is entered into.

The agreement was reduced to writing, as follows:

It is agreed, by unanimous consent, that the treaty with Turkey now on the Executive Calendar be made a special order for the first day of the session after the holidays in January, 1927, this not to preclude the right to move to consider the same in open executive session.

THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF AMERICAN INDEPENDENCE

Mr. SHEPPARD. Mr. President, in a few days 150 years will have elapsed since the political independence of this Nation was declared. In this connection I desire to submit certain observations on what I believe to be fundamental phases of our national development. It is essential to an adequate discussion of our country's problems that we keep in mind three facts of primary importance and significance. The first is that since the declaration of American independence 15 decades ago the world has witnessed the development of scientific knowledge and mechanical power on a scale unequaled in all prior ages. The second is that this development, known as the industrial revolution, transformed first the economic life of England, then that of portions of the European Continent, obtaining full momentum in this country shortly after the Civil War, and now extending over all the globe. The third is that the changes wrought by this development have been so sweeping that the preservation of American individualism, liberty, justice, opportunity, depends upon a proper study of these changes and the forces behind them.

At the time American independence was declared our population was almost entirely agricultural. There were no cities, factories, or transportation systems in the modern sense. The American people lived principally in self-sustaining, rural communities and villages where food, shelter, clothing, implements, vehicles, and other articles of common use were produced mainly by hand labor on farms, in households, or in local shops and mills in manner much the same as had prevailed since recorded time began. These communities and villages were made up as a rule of homes owned by those who resided in

them, of farms and shops and stores and mills and warehouses owned by those who operated them. The producer of the raw material, or some one in the same community or a near-by community, converted it as a rule into the finished product. Owner and worker were as a rule combined in the same person. Where there were tenants and apprentices conditions were such that they could anticipate ownership for themselves with practical certainty. Thus the American people at the time they declared their independence owned their homes, or could look forward to such ownership, owned their shops and mills and stores and implements, or could look forward to such ownership, and then proceeded to establish the right to own their Government. In the Declaration of Independence they defined, and by the conflict which sustained it they translated into governmental forms, the individualism which their economic situation had developed.

When this Republic began, therefore, its population, aside from the slaves, who were later emancipated, possessed both political and economic independence. Such twofold independence was and is the essence of American individualism, the brightest contribution of America to human history—American individualism, which built a Nation on the doctrine that all individuals are created equal; that they are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness; that governments are fashioned to preserve these rights and trace their proper powers to the people's will. For almost a hundred years, roughly speaking from 1776 until about 1870, this individualism and this dual freedom, political and economic, remained the signal feature of American life and progress. From 1870, or thereabout, until to-day the movement I have before described as the industrial revolution, a movement marked by the application of scientific knowledge and mechanical power to manufacture and production of almost every type—the movement which originated in England with the invention of the steam engine shortly before the American Declaration of Independence, has been accompanied by the transfer of the ownership and control of homes and industries to a comparative few and by the reduction of the great majority of the American people from owners and proprietors to tenants and employees who are finding it increasingly difficult to maintain a fair and decent standard of modern existence. Political independence without economic freedom and security, or the substantial prospect thereof, is a bitter and an empty husk. No other problem so teems with challenge to our patriotism and our judgment or is fraught with such bearing on the permanence of our institutions as that of reopening the channels of opportunity in such a way that tenants and employees may again become owners or may again look confidently forward to ownership.

Return now to the principles which brought our country into being, the principles which found their happiest expression, so far as human documents are concerned, in our Declaration of Independence, namely, equality of opportunity, divine endowment of the individual with certain basic rights, security for such rights through government, control of government by the people. Perhaps no passage in all literature is better known than the passage in the Declaration of Independence in which these principles are announced. And yet how many of us ever think of its entire significance? We think of it in terms almost exclusively political, as a convincing and eloquent presentation of the reasons prompting the colonists to seek political emancipation and to set up a representative Republic in which officials were to be elected by the people and in which every citizen might aspire to any office. Usually we proceed no further, fondly imagining that with political freedom all other desirable things will follow almost automatically. But the passage has an added and deeper meaning. It contains, as we have seen, the assertion that men are endowed by the Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness. What are these rights outside of life, liberty, and the pursuit of happiness? Clearly those which, like the three specifically named, may be traced to the Creator.

Let us endeavor to define them. We know from the divine account that one of the principal attributes or rights which came to man with his creation was that of independent judgment, carrying with it individual initiative and responsibility. The primal fall was due to the exercise of that inherent right and the acceptance of salvation from its penalties is still left to the judgment of the individual. This right of individual judgment and initiative remains to-day the most vital spring of human action. And any system, be it socialism, communism, bolshevism, imperialism, or plutocracy, which takes from man the right to order his own life, to hew out his own pathway, to realize some useful destiny of his own choosing in due regard for the rights of others, is un-Christian, un-American, unjust, unsound, contrary to the teaching of the Declaration of Independence. Whatever may be best performed by the individual should never be delegated to government or to another. Another right that came to man with his creation, according to Genesis, was that of dominion over nature, but never over man. His dominion over physical things was limited, therefore, by the equal rights of other men, equally the products of God's hands, equally the objects of God's love. It is clear that an all-wise and an all-just God would never give dominion without capacity for dominion, and for wise and useful dominion at that. It follows that every individual was divinely intended for some beneficent purpose, involving dominion over some sphere of action, and possesses the power to realize some aptitude, some gift for the development of that purpose. Whatever the individual can not do, therefore, to find his place in life, he has the right to expect aid in doing, and that aid may come, if necessary, from government, because government is instituted, according to the Declaration of Independence, to secure human rights.

To the founders of this Republic the first and most important of all human rights was life, and life to them meant ownership of home and land and shop and mill and all the implements of one's calling. It was the vast area of cheap and fertile land available to early American settlers that made individual ownership possible on so large a scale, the ownership which was the economic basis of American individualism and democracy. The tasks and difficulties accompanying ownership in the self-sustaining pioneer communities developed a strength of character, resourcefulness, self-reliance, courage, initiative, a spirit of helpfulness, a sense of equality, and brotherhood, all characteristic of the historic American of the first century of the Republic. These qualities were emphasized and intensified by the problems and emergencies of the communities into which these owners and their households were grouped. These communities were marked by a virtual equality of possession among individuals, intimate personal acquaintance and association which placed each man on his best behavior, mutual dependence in many instances, due to common dangers and requirements, a feeling of brotherhood expressing itself in community activities, such as log rollings, house and barn raisings, husking and shelling bees, quilting parties, and so forth, where all helped each other and where social entertainment was also provided. It will be noted that in the days when individualism was most pronounced the collective help of the community was frequently needed. When sympathy and assistance were required, they came in the physical presence and ministration of the neighbors, a ministration always at hand, cheerful, effective, tireless, tender, beautiful. Each man and woman had acquired by home training and experience or by apprenticeship under personal tutelage of employers the knowledge requisite to the development and management of home and farm and shop and store. Implements and processes by which the land was cultivated and finished articles made locally from local material were crude and primitive and inefficient, measured by modern standards. They were the only implements and processes, however, humanity at large had up to that time ever known and they were employed by all alike. An abundance of commodities essential to subsistence and comfort in accordance with the standards of that day was secured. Nature offered a seemingly exhaustless supply of water, fuel, pasturage, game, and many kinds of food in woodlands, forests, lakes, and streams, as well as an exhilarating mode of recreation. The United States of the first 90 or 100 years after the Declaration of Independence realized as to most of its territory and population the principles of liberty, equality, fraternity to a degree the earth had never seen before and may not see again for ages unless we wake up to the tragedy of the present situation. During all that time whenever population began to crowd the land, or whenever conditions became oppressive in the towns and cities, which had begun to grow and multiply, the fresh regions to the west offered new opportunity and hope. Thus the frontier moved westward, ever westward, the new communities repeating the experiences and conditions of the old, preserving the original conceptions of American individualism and American freedom, conceptions based on both political and economic independence.

I said that the original ideals of this Republic had been preserved as to most of its territory and population during most of the century following the Declaration of Independence. It may be well to point out here the fact that mechanical power had begun to supplant hand power in the making of finished products in the New England and Middle Atlantic States within three decades after our independence was declared. This was the distant beginning in the United States of the industrial revolution, which did not strike the United States in full force until after the Civil War. The application of mechanical power to manufacture transferred the workers

from their households and small shops to factories, where their status was no longer that of owner of home and implements, but that of tenant and employee. The employment of machinery and of capital in increasing quantities widened the gulf between a few owning capitalists on the one side, masses of employees on the other. The old system of factory apprenticeship at the employer's side, with a prospect of ownership or part ownership, had largely passed away. The foundation of the modern city and of capital and labor classes were thus laid. Such was the situation in which the former owners of shop and home and implements found themselves in the country their fathers had dedicated at such cost of life and treasure to political and economic freedom. Naturally, they felt that something had gone out of their lives, the dignity of ownership, dominion over some portion of the earth, or earth's activities, equality of opportunity, the golden glory of a home. About 1825 the workers began to organize for the betterment of their condition, the restoration of American principles and ideals. The constitution of one of the first central labor federations to be formed in an American city, the Mechanic's Union of Trade Associations, of Philadelphia, organized in 1827, stated that its object was to avert, if possible, the desolating effects which must inevitably arise from a depreciation of the intrinsic value of human labor, and to promote equally the happiness, prosperity, and welfare of the whole community. One of the first demands of the organized labor movement in the United States was for universal, public education, a prominent labor union in Pennsylvania resolving that labor desired that an open school and competent teachers for every child in the State, from the lowest branch of an infant school to the lecture room of practical science, should be established, those superintending them to be chosen by the people. This statement was full of prophetic meaning. To-day practical science, universally diffused, properly utilized, is one of the basic remedies for adverse conditions. It is fair to say that organized labor aided materially in bringing about public education in the United States.

Arrayed with labor in behalf of human rights in these early years were many writers, thinkers, speakers, who saw that the separation of men into classes, employers on the one side, employees on the other—capitalists on the one side, laborers on the other—was a violation of the essence of Americanism. They contended that every proper agency should be invoked to aid in restoring the individual to a position of choice, self-direction, self-expression, to hope, to home, to land and business ownership. They contended in line with the spirit of the Declaration of Independence that it was a legitimate function of government to aid the individual in enforcing and securing fundamental rights, among which was the right of self-development, the right to bring out his highest capabilities for service to society, never doing for the individual, however, that which the individual could best do for himself, that in no way could the individual be more effectively assisted in realizing these capacities than in laying before him the fundamentals of the knowledge already in existence. They believed that in this way the individual could be vastly and properly helped toward economic independence. They believed, therefore, that the Government should aid in the establishment of every type and form of useful education, in abolishing evils adversely affecting the moral and material well-being of the individual and which had grown beyond the power of individuals to control. These speakers, writers, thinkers, the labor organizations and labor leaders were the forerunners of that larger awakening to the needs and rights of the individual which came with the full advent of the mechanical age in the United States shortly after the Civil War. Indeed, as early as 1857 it was seen that special training in agriculture and the mechanic arts would soon be needed to enable the individual to cope with conditions rapidly approaching. In that year Justin S. Morrill introduced in the House of Representatives a bill granting public lands to each State in an amount equal to 20,000 acres for each Senator and Representative from said State, the proceeds of the sale of such land to constitute a permanent fund for the endowment, support, and maintenance of at least one college, the leading object of which, without excluding other scientific and classical studies, and including military tactics, would be to teach agriculture and the mechanic arts. The only requirements exacted in that measure from the States were to establish such colleges and to make annual reports of their progress through the governors. A similar bill by Mr. Morrill became a law in 1862, inaugurating a policy which has resulted in the establishment of agricultural and mechanical colleges in almost every State in the Union. It has been amended from time to time in the direction of further allowances and of provisions assuring the proper employment of these allowances.

It has been followed by the Hatch Act of 1887 establishing experiment stations in connection with the agricultural and mechanical colleges—by the Smith-Lever Act of 1914, carrying to the farmers the information developed by the Department of Agriculture at Washington, by the agricultural and mechanical colleges and the experiment stations—by the Smith-Hughes Act of 1917 providing for vocational training in industrial trades and subjects—by the industrial rehabilitation act of 1920 providing for general vocational training and restoration to occupations of those disabled in industry, agriculture, and other lines of effort.

Shortly after the Civil War began on a nation-wide scale that remarkable transformation marking the advent throughout our country of the mechanical age, an age characterized chiefly by the adoption of machine power in nearly all our principal industries. While manufacturing by mechanical means had already found a footing in certain sections long before the Civil War, and steam transportation by land and water had appeared, the country was still predominantly agricultural when the Civil War began. In fact about four-fifths of the American people were still living on the farm throughout that conflict. The prevailing unit of our civilization was still the self-sustaining community, obtaining and carrying into finished form within or near its limits food, clothing, shelter, and other articles of common use; the self-sustaining community with individual ownership of home and land and shop and store, or the definite outlook therefor, the general rule—with the public land frontier still symbolizing hope and opportunity—in other words, with the ideals of the Declaration of Independence still intact, still embodied in the economic as well as political independence of the masses. In 1920, a little more than half a century after the termination of the Civil War, a majority of the American people were living in cities of over 2,500 inhabitants. It is figured that the number living on farms is now about a third of the total population—about a fourth of the total number of all workers in the gainful occupations. Since 1910 the value of manufactured products has for the first time exceeded that of agricultural products, whereas in 1850 our farmers produced nearly three times as much in value as all our factories and mines combined. We have been transformed, therefore, from a Nation predominantly agricultural, a Nation of home owners and business owners in 1860, with four-fifths of our people on the farms, to a Nation predominantly commercial and industrial in 1920 with two-thirds of our people in cities and towns and factory districts, and with ownership of home and shop and implements rapidly disappearing, largely gone. The transfer of workers from households and small shops into factories which had occurred in small proportion on the Atlantic seaboard in the early decades of the nineteenth century was repeated, for almost the entire country after 1870, as well as the condition of ownership, small groups of capitalists on the one side, controlling large aggregations of machinery, utilizing for their own profit the scientific knowledge that had made power machinery possible—masses of employees on the other—their old implements and processes obsolete, crowded into the tenements near the factories—changed almost by magic from owners into hired workers.

Thus the ownership and control of industry passed into the hands of a few masters whose wealth began to mount with an astounding suddenness into millions, tens of millions, hundreds of millions, while the laboring masses, reduced from proprietors to employees, followed by younger generations who were strangers to the sensation of ownership thronged the factories to plead in desperate competition for the job that meant little more than a bare subsistence. The power of economic life and death over the manual toilers was vested by these new conditions in those who acquired the new machinery and financed its establishment on a basis of larger and ever larger concentration. By virtue of their superior credit resources, ability to control the volume and the distribution of the finished product, the new masters obtained a similar power over the farmer who, under the new circumstances, was compelled to sell to them his raw materials on virtually their own terms. The inevitable result has been an ever-increasing exodus from farm to city; that probably five-sixths of all our farm operatives and workers are tenants or hired laborers; that farming has become the least remunerative on the whole of any business in America.

And so it has come about that the age that, since the Civil War, has witnessed for this country the mightiest material progress ever known, the creation of vaster wealth for this Nation than the world has ever before seen, the age in which mechanical power and corporate organization have become the chief instruments of civilized existence, has also seen a concentration of riches and power in a small owning and controlling class, the conversion of by far the larger portion of

the American people from home owners, landowners, business owners, shop owners, with the substantials of existence at their command into renters and hired workers struggling for subsistence almost at the poverty line. It is true that the industrial revolution has resulted in the creation of many comforts and conveniences, forms of recreation and amusement, facilities for information, travel, and communication never before within the reach of the average individual, automobiles, Fords, telephones, talking machines, radios, gasoline engines, friction matches, trolleys, movies, sanitary devices, artificial ice, artificial heat, artificial complexions; but it is equally true that the average income of the individual at the head of the average household is so relatively small as to provide with greatest difficulty the basic needs of life, so small that when illness or some similar emergency overtakes the family the situation is full of tragedy. The cost of living continues to rise, having already reached a point almost prohibitive, bearing most heavily on the underpaid masses. The last census showed that of the 24,350,000 families in the United States nearly 13,000,000—over half—are in rented homes, 4,000,000 are in mortgaged homes, while only six and a half million, about one-fourth of the total, are in unencumbered homes of their own. It showed further that of the 20,000,000 boys and girls of school age, not more than 50 per cent complete the sixth grade of the public school, not more than 10 per cent complete the high school, while less than 5 per cent obtain complete college educations, liberal or technical. So inexorably are they driven by economic pressure into the ranks of toil that they can not take due advantage of free education. The temper of the controlling class is shown in a remark by one of its members, Josiah Strong, in 1885. He said:

> There is among us an aristocracy of recognized power, and that aristocracy is one of wealth. No heraldry offends our republican prejudices. Our ensigns armorial are the trade-mark. Our laws and customs recognize no noble titles; but men can forego the husk of a title who possess the fat ears of power.

Some years later George F. Baer, president of the Philadelphia & Reading Railroad, referred to the dominant class as the—

> Christian men to whom God in His infinite wisdom has given the control of the property interests of the country.

Evidently our supreme problem 150 years after the declaration of our political freedom is the restoration of the economic independence of the average citizen, which was one of the foundations of our political independence. Ever since the mechanical age began efforts have been in progress to curb the abuses and to modify the exactions of aggregated wealth and enterprise; to compel them to observe proper limitations in the interest of justice and humanity; to protect the people against the evils, diseases, accidents, vices, crimes, misfortunes, and deaths accompanying the general advent of machinery, the rapid increase and congestion of population that has followed; to aid individuals and communities in the use of scientific knowledge for the restoration of their own economic welfare and independence. In these purposes we find the source of the regulatory, educational, and human welfare legislation by State and Nation during the last five or six decades.

Important as legislation may be, however, the solution of the problems connected with the industrial transformation must be principally found in the action of the people themselves outside the realm of legislation. Legislation may have important and necessary functions to discharge in this connection, but by no means the determining and basic function. We must make possible the restoration of ownership of home and land and machinery and enterprise by the average individual, singly or in association, or the definite prospect thereof through worthy effort if this Republic is to become more than an empty shell. The founders of this Nation and their descendants for nearly a hundred years utilized the accumulations of nature, the gifts of a virgin continent, to establish individual ownership and the liberty it signified. To-day these accumulations have been practically exhausted, but a deeper knowledge—technical, scientific knowledge—will reveal the richer bounty that is still within her bosom. In an age of machinery the individual without technical knowledge and equipment is seriously handicapped. Modern conditions make it impracticable to return to the crude methods and products of the American pioneer age. But the principles that age illustrated, the principles that vitalized the Declaration of Independence, namely, ownership of land and industry by those who operate them, embodying the best expression of personal initiative, judgment, and responsibility—unimpeded and adequate opportunity for all—are as changeless and as essential to true democracy to-day as when America began.

The extent to which scientific knowledge and mechanical power may be employed to reestablish these principles in American life, to increase the earning capacity, and to secure the economic independence of individuals is a subject that has not yet received the recognition it deserves. Every rural community, every town, city, county, State, the Nation itself, should make or cause to be made a study of the finished articles which may economically be produced by machine processes and establishments within its own boundaries and on such scale, small or large, as may be economically practicable. Every commodity for human use, purchased outside an area by those within it when it might just as logically have been produced therein, represents waste and loss. It has been well said that the greatest sum total of well-being can be obtained when a variety of agricultural, industrial, and intellectual pursuits are combined in the same community. There is no limit to what our farm and factory workers may achieve if but given the opportunity. When the steam engine was in its first stages the steam valve had to be opened by some one standing near at each stroke of the piston, and a boy was usually employed to do this work. One day a boy who had been employed in this capacity was most intently observing the process and succeeded in connecting the valve with the machine so that it operated automatically. Thus one of the most crucial questions connected with the perfection of the steam engine, that fundamental instrument of modern civilization, was solved. It is the statement of an eminent authority that hand workers have invented or perfected "the prime motors and all that mass of machinery which has revolutionized industry for the last 100 years"; but that since the great factory has been enthroned the worker, depressed by the monotony and sameness of his work, invents no more. The Moscow Technical School, Moscow, Russia, admitting boys not over 15, taught them to make with their own hands, unassisted by anyone else, the best type of steam engines, agricultural machinery, scientific apparatus for practical use in industry; and for this work they received the highest awards in prerevolution days at international exhibitions. I understand that such a system of training has since been installed in Chicago and Boston and probably elsewhere in this country. Think what it would mean to true democracy, to the dignity and usefulness of the individual, to manual labor through its elevation to the place of honor it ought to hold, if brain worker and hand toiler, owner and operator, could again be generally combined in the same person. As to the small factory requiring several operators it is a significant fact that they have continued to exist abroad mainly through agriculture. It has been asserted that France has the widest wealth distribution of any country in the world because its farmers operate small factories to so great an extent as a supplement to farming, and that this fact makes individual ownership of farms by those who operate them so general in France. Some years ago it was reported that the average number of workers in each of the 9,800 factories and workshops in Paris was less than six; that in these factories and shops every variety of goods was fabricated, the workers constantly inventing new and improved machine tools.

It was calculated some years ago that a fourth of all Belgian industrial workers were employed in small workshops having less than three operators each, on an average, besides the superintendent or director. In Germany and Russia the small industry has continued to flourish, despite the advent of large-scale manufacture. As to still larger industries occupying an intermediate place between the small factory and the giant concern of present times careful investigation will show that there are many articles requiring skill in fabrication which may advantageously be made in the factory of medium size. Let it be remembered here that the widespread distribution of electricity has made possible the employment of small power units to a degree never before dreamed of. The internal-combustion engine also has been an effective agency in this direction.

A study of the kind suggested will show what industries should be continued on an extensive scale, what industries may be localized and individualized, to what extent geographical areas may be made economically self-sustaining. Industry must be decentralized to the largest practicable extent in order that government may not be completely and hopelessly centralized. Centralized industry means centralized government. The unit of government will inevitably become as large as the unit of conditions with which it must deal. Autocracy in industry means autocracy in government. The centralization of industry has been one of the chief features of the machine age. As concentration of control has spread to almost every field of industry, enormous earnings capitalized to the last possible degree, and the tribute exacted by those who

assemble the new capital needed for further combination and conquest have been reflected in rising costs for almost every manufactured article of need and comfort. Tremendous consolidations dominate manufacture, vanquish competitors, and close the channels of individual opportunity for ownership through the absorption of many smaller concerns. With industry again localized as far as may be possible through the employment of smaller units of power and production, with operators functioning as owners, whether the enterprises be large or small, the twofold freedom—economic and political—which formed the basis of the Declaration of Independence and of American individualism will have been restored. The God-born right of every individual to self-expression, self-development, dominion over some form of physical endeavor, will have been safeguarded under the complex environment of the mechanical era. With these high purposes in view education, of the proper sort, education that places manual labor on the same throne with intellectual effort, education including technical knowledge, the very breath of economic life in the machine epoch, education including the operation of every conceivable type of machinery must be placed by every available agency, public and private, within the reach of every individual. The knowledge requisite to a livelihood in the machine era can not be obtained as a rule from home training and experience or by apprenticeship under personal supervision of employers, as was so largely the case in pioneer days. The educational measures which I enumerated in another part of this address—the Morrill Act, the Hatch Act, the Smith-Lever Act, the Smith-Hughes Act, and the industrial rehabilitation act—should be widened and facilitated until all who may benefit by them shall have been reached. In order that Congress may further aid in the adjustment of the people to the new conditions in such way that American traditions and institutions may be preserved, I introduce the following resolution and ask that it may be read by the Secretary's desk.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 273), as follows:

Whereas the further development of manufacturing processes is one of the most important and powerful means of increasing the Nation's efficiency, wealth, and prosperity; and

Whereas the distribution of knowledge among the people as to the practicability of conducting manufacturing processes, both with and without machinery, on the cooperative plan and otherwise, and with the smallest practical units of capital, equipment, and marketing area, will open up new channels of occupation and achievement; and

Whereas the adaptation of modern machinery to small factories in rural districts, villages, towns, as well as cities and larger areas, will open up new avenues of economic independence to the people; and

Whereas recent scientific research has shown that an increasing number of finished products may be made from raw materials hitherto marketed almost wholly in unfinished form; and

Whereas it is important that communities, counties, and larger divisions should know the possibilities of the development of local materials into finished products within or near their own limits; and

Whereas the development of electric power has a vital bearing on manufacturing and the question of smaller operating units: Therefore, be it

Resolved, That the Committee on Manufactures is hereby authorized and directed to investigate the advisability of the appointment of a committee of experts to study the matters mentioned in the foregoing preamble and to report through said Committee on Manufactures to Congress as to the best means of developing and diffusing among the people information relative to such matters.

Mr. SHEPPARD. Mr. President, I intend to press this resolution at the next session of Congress.

The PRESIDING OFFICER. The resolution will lie on the table.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, and that the House had receded and concurred in Senate amendments Nos. 14, 16, and 24 to the said bill.

The message also announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 4430. An act authorizing the Department of State to deliver to Hon. WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, and permitting him to accept the decoration and diploma presented by the Government of France;

S. 4033. An act to authorize the Secretary of War to grant easements in and upon the public lands and properties at Canal Bridge, on the Fox River, in Kaukauna, Wis., to the city of Kaukauna for public-road purposes;

S. 4431. An act to authorize the sale of a parcel of land in the town of Westport, Conn.; and

S. J. Res. 25. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam.

The message further announced that the House had severally agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 4001. An act to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud;

H. R. 4119. An act for the relief of Edward R. Ledwell;

H. R. 10052. An act to authorize the sale of the Mesa Target Range, Ariz.; and

H. R. 11203. An act to amend subsections (c) and (o) of section 18 of the act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2188) for the relief of G. C. Allen.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) to amend the act known as the "District of Columbia tariff act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11713. An act to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi;

H. R. 12796. An act granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga., and

H. R. 13214. An act to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 92. An act fixing postage rates on hotel and steamship room keys and tags;

H. R. 534. An act to remove the charge of desertion from the record of Benjamin S. McHenry;

H. R. 1952. An act for the relief of Arthur Moore;

H. R. 4842. An act for the relief of F. G. Alderete;

H. R. 6080. An act for the relief of J. M. Hedrick;

H. R. 6728. An act to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes;

H. R. 7370. An act to amend an act entitled "An act to authorize the sale of burnt timber on the public domain," approved March 4, 1913;

H. R. 7371. An act to define trespass on coal land of the United States and to provide a penalty therefor;

H. R. 7524. An act for the relief of Neil Mullane;

H. R. 7532. An act to provide payment for services rendered in preparation for the international conference on traffic in habit-forming narcotic drugs;

H. R. 7942. An act for the relief of James E. Judge, sr.;

H. R. 9637. An act to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway;

H. R. 11060. An act to authorize the extension of the application of the act entitled "An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes," approved October 5, 1914; and

H. R. 11716. An act granting to Northern Paper Mills certain islands in the Menomonee River.

EXECUTIVE SESSION

Mr. JONES of Washington obtained the floor.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES of Washington. I yield.

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

Mr. HEFLIN. Mr. President, I hope the Senator will withhold that motion for about 15 minutes. I want to make a short address. I have been trying to get the floor all day.

Mr. BORAH. I would be glad to accommodate the Senator, but the difficulty is that the Senator from Washington has the floor for the purpose of making an address, and if I should withhold my motion, of course I would yield the floor to the Senator from Washington.

Mr. HEFLIN. I want to say to the Senator from Washington that if we do go into executive session, the Senator from Washington may not have an opportunity to make his speech, because I know of two speeches of great length that will be made in executive session.

Mr. JONES of Washington. I can not help that.

The PRESIDING OFFICER. The motion is not debatable.

Mr. HEFLIN. Then if we do not want to go into executive session, the only thing to do is to vote the motion down.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 40 minutes spent in executive session the doors were reopened.

HOUR OF MEETING ON SATURDAY

While the doors were closed Mr. CURTIS asked and obtained unanimous consent that when the Senate concludes its business this evening it adjourn until 10 a. m. to-morrow, Saturday, July 3, 1926.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 1344) to amend paragraph (11), section 20, of the interstate commerce act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3999) to provide a parole commission for the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers and sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes.

HOUSE BILL REFERRED

The bill (H. R. 11713) to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi was read twice by its title and referred to the Committee on Irrigation and Reclamation.

RECESS

The hour of 5.30 o'clock having arrived, the Senate, pursuant to its order, took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

LEASES ON UNALLOTTED INDIAN LANDS—VETO MESSAGE (S. DOC. NO. 156)

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read the message, as follows:

To the Senate:

Herewith returned, without approval, is Senate 4152, a bill entitled "An act to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes." On June 9, 1922, the Department of the Interior construed the general leasing act of February 25, 1920 (41 Stat. 437), as applicable to lands included in Executive-order Indian reservations. Under this construction 20 permits were issued, dating from June 17, 1922, to October 14, 1923. On May 27, 1924, the Attorney General of the United States rendered an opinion that the leasing act did not apply to Executive-order Indian reservations. At that time more than 400 applications on such reservations were pending. The Attorney General took action to secure the cancellation of the 20 permits previously issued in a suit entitled United States *v.* Harrison et al., brought in the District Court of Utah and now pending in the Supreme Court of the United States on certificate from the Circuit Court of Appeals for the Eighth Circuit. This case was decided in favor of the defendants in the district court.

While these conditions existed the present bill was introduced, by which the title to the 20 permits would virtually be validated, and the 400 applications would virtually be refused. It is true that the holders of the 20 permits are possessed of certain equities by reason of expenditures made, which do not apply to the other 400, but it is also true that the other 400 would be obliged to drill wells, build roads, and make surveys, while the 20 permits are validated because they may have done but one of these three things. The application of a different rule as between these two classes is somewhat difficult to justify. The fact also that this bill undertakes to decide by legislation a question which is pending in court brings the bill into a position of doubtful propriety. If the interested parties have rights under the law, they will be protected in their enjoyment by the decision of the court. If they have no such rights a great deal of the reason for the legislation fails so far as they are concerned. Aside from a possible delay in securing a decision by which opportunity will be given for the development of these lands more quickly it would not appear that any legal or equitable injury can accrue to the holders of these permits or to the section of the country interested.

Various rumors are being circulated relative to statements alleged to have been made by parties interested in this legislation which do not seriously affect the merits of the bill, and as they come from persons seeming to have adverse interests, perhaps they are susceptible of explanation. I am confident the bill has been passed in entire good faith, but it is claimed that the 20 permits would secure a disproportionate advantage under its provisions over the others who are interested in applications which they have made.

Provision has been made in the bill for the payment of certain moneys to Indians, with which I am in hearty approval, and can see no reason for refusing to approve such a measure had it stood alone. If it is desired to make such provision for the Indians, a bill to that effect can be enacted without attaching to it the question of ratifying the titles of some and adversely affecting the applications of others.

CALVIN COOLIDGE.

THE WHITE HOUSE, *July 2, 1926.*

The VICE PRESIDENT. Without objection, the message will lie on the table and be printed.

EXPUNGING OF STATEMENT FROM RECORD

Mr. SHIPSTEAD. Mr. President, on the 18th day of June, I had inserted in the RECORD a dispatch by the Associated Press, sent out from Washington, misstating my position on the agricultural bill. Since that time the Associated Press have given me evidence showing that they have made reasonable effort to correct that error. I therefore ask unanimous consent that that dispatch appearing in the RECORD of June 18 may be stricken from the permanent CONGRESSIONAL RECORD, and that the words I have uttered upon this occasion be substituted therefor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 569. An act to authorize the transfer of surplus books from the Navy Department to the Interior Department;

S. 1472. An act to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.;

S. 2042. An act relating to the Office of Public Buildings and Public Parks of the National Capital;

S. 2516. An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States;

S. 3148. An act to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia;

S. 3405. An act to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys;

S. 3453. An act to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek, in the District of Columbia;

S. 4408. An act to authorize the granting of leave to ex-service men and women employed in the municipal government of the District of Columbia to attend the annual convention of the American Legion in Paris, France, in 1927; and

S. 4419. An act authorizing the Shipping Board to give a preference rate to alien veterans and their families.

The message also announced that the House had severally agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 4001. An act to relieve persons in the military and naval services of the United States during the war-emergency period from claims for overpayment at that time not involving fraud;

H. R. 4119. An act for the relief of Edward R. Ledwell;

H. R. 10052. An act to authorize the sale of the Mesa Target Range, Ariz.; and

H. R. 10661. An act to amend the immigration act of 1924.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had insisted upon its amendments to the bill (S. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEAVITT, Mr. WILLIAMSON, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5701) to designate the times and places of holding terms of the United States District Court for the District of Montana.

The message also announced that the House had passed the following bills of the Senate severally with an amendment, in which it requested the concurrence of the Senate:

S. 2273. An act conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman;*

S. 4171. An act to create a sixth great district, to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.; and

S. 4320. An act for the relief of the State of North Carolina.

The message further announced that the House had passed the following bills and joint resolution of the Senate severally with amendments, in which it requested the concurrence of the Senate:

S. 3053. An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes;

S. 4348. An act granting the consent of Congress to compacts or agreements between the States of Idaho and Wyoming with respect to the division and apportionment of the waters of the Snake River and other streams in which such States are jointly interested; and

S. J. Res. 104. Joint resolution authorizing the Secretary of the Interior to call a pan-Pacific conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9971) for the regulation of radio communications, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SCOTT, Mr. WHITE of Maine, Mr. LEHLBACH, Mr. LAZARO, and Mr. DAVIS were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed without amendment to the following concurrent resolutions of the Senate:

S. Con. Res. 10. Concurrent resolution to print and bind the proceedings in Statuary Hall upon the acceptance by Congress of the statue of Crawford W. Long, presented by the State of Georgia; and

S. Con. Res. 21. Concurrent resolution providing for the printing of additional copies of Senate Document No. 95, Art and Artists of the Capitol.

The message also announced that the House had passed a bill (H. R. 12853) authorizing and directing the Secretary of the Navy to turn over the gunboat *Wolverine* to the municipality of Erie, Pa., in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 12853) authorizing and directing the Secretary of the Navy to turn over the gunboat *Wolverine* to the municipality of Erie, Pa., was read twice by its title and referred to the Committee on Naval Affairs.

THE CALENDAR

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. CURTIS. Mr. President, I would like to submit a unanimous-consent request. Last night we were unable to finish the call of unobjected bills on the calendar. I think it can be finished in about an hour. I ask unanimous consent that the time from 10 to 11 o'clock be devoted to the consideration of unobjected bills on the calendar, beginning where we left off last night.

The VICE PRESIDENT. Is there objection?

Mr. KING. Why may not the Senator modify the request and take the first hour for that purpose?

Mr. CURTIS. I made that suggestion, but the Senator from Maryland [Mr. BRUCE] said he would object to the first hour being devoted to that purpose, and therefore I thought I would suggest the last hour.

Mr. ROBINSON of Arkansas. I have no objection to the proposed unanimous-consent agreement.

The VICE PRESIDENT. Without objection, it is so ordered.

PETITION—CIVIL WAR PENSION BILL

Mr. JONES of Washington presented a petition of sundry citizens of Walla Walla, in the State of Washington, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

AMENDMENT OF INTERSTATE COMMERCE ACT

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1344) to amend paragraph (11), section 20, of the interstate commerce act, which was to strike out all after the enacting clause and insert: That paragraph (11) of section 20 of the interstate commerce act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following:

And provided further, That the liability imposed by this paragraph shall also apply in the case of property reconsigned or diverted in accordance with the applicable tariffs filed as in this act provided.

Mr. SHEPPARD. I move that the Senate concur in the amendment of the House. The bill has already passed the House.

Mr. KING. I am not going to object, but I would like to have the Senator explain just what the amendment was.

Mr. SHEPPARD. This is a bill which passed the Senate, making the initial carrier liable for damages where there is a joint shipment of commodities by a number of carriers and the commodities are damaged or lost by one of the connecting carriers after there has been a diversion of the shipment by the shipper from the original route.

Mr. KING. I am familiar with that proposition. The question in my mind is, What is the amendment we are asked to concur in?

Mr. SHEPPARD. The House changed the language of the bill, making it plainer. There is no additional amendment of substantial character. The changed language constitutes the House amendment.

Mr. CUMMINS. Mr. President, may I ask the Senator to restate the proposition? The Senator's bill did not make the initial carrier liable for all damages to shipments. That has been the law for 10 years.

Mr. SHEPPARD. My statement was that this bill applies where the shipment was diverted from original destination while the goods were in process of shipment. The existing law does not cover such a situation.

The VICE PRESIDENT. The Senator from Texas moves that the Senate concur in the amendment of the House.

The amendment was concurred in.

PAROLE COMMISSION FOR THE DISTRICT OF COLUMBIA

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3999) to

provide a parole commission for the District of Columbia, and for other purposes, which were, on page 1, line 3, to strike out "United States attorney" and insert "director of public welfare"; on page 2, to strike out all after "Columbia" in line 3 down to and including "accordingly" in line 12; on page 3, line 2, after "mission," to insert "of its own motion, or,"; on page 3, line 3, after "prisoner," to insert "or anyone in his behalf,"; and, on page 4, line 13, to strike out all after "imprisonment" down to and including "parole" in line 14.

Mr. CAPPER. I move that the Senate agree to the amendments made by the House.

The motion was agreed to.

RECLAMATION OF SWAMP LANDS

Mr. McNARY. From the Committee on Irrigation and Reclamation, I report back favorably without amendment the bill (H. R. 11713) to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to have an examination and investigation made of the swamp and overflow lands on the Yazoo, Tallahatchie, and Coldwater Rivers in the State of Mississippi, with a view to determining the area, location, and general character of the swamp and overflow lands in the valley of the Yazoo River and its said tributaries, which can be developed and reclaimed at a reasonable cost, and the character, extent, and cost of a reclamation and development system of the swamp and overflow lands along the Yazoo River and its said tributaries.

SEC. 2. That the said Secretary shall report to Congress as soon as practicable the results of his examination and investigation, together with a recommendation as to the feasibility, necessity, and advisability of the undertaking, and of the participation by the United States in a plan of reclamation in connection with the development of the swamp and overflow lands in the valley of the said Yazoo River and its tributaries.

SEC. 3. That the said Secretary shall report in detail as to the character and estimated cost of the plan or plans on which he may report.

SEC. 4. That the said Secretary shall also report as to the extent, if any, to which, in his opinion, the United States should contribute to the cost of carrying out the plan or plans which he may propose; the approximate proportion of the total cost which should be borne by the various drainage districts or other public agencies now organized or which may be organized; the manner in which their contribution should be made; to what extent and in what manner the United States should control, operate, or supervise the carrying out of the plan proposed, and what assurances he has been able to secure as to the approval of, participation in, and contributions to, the plan or plans proposed by the various contributing agencies.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WRANGELL, ALASKA

Mr. WILLIS. From the Committee on Territories and Insular Possessions I report back favorably without amendment the bill (H. R. 10901) to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Wrangell, Alaska, and I submit a report (No. 1183) thereon. I ask unanimous consent for its present consideration.

Mr. BRUCE. Mr. President, I demand that we proceed with the regular order called for by the unanimous-consent agreement.

Mr. WILLIS. I think it will take only a moment to pass the bill. It is a little bonding bill for the village of Wrangell, Alaska, and is very much desired. If it is not passed at this session they can not proceed with the work this summer. That is the reason why I am rather urgent in my desire to have it passed.

Mr. BRUCE. Very well; I withdraw the objection.

There being no objection, the bill was considered as in Committee of the Whole and was read.

Mr. BINGHAM. Mr. President, I have a brief amendment to offer which is in accordance with the amendment proposed to the bill granting municipalities in the Territory of Hawaii extra bonding privilege. It merely calls for serial bonds.

Mr. WILLIS. The amendment is entirely agreeable to me.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 1, line 7, after the name "Alaska," insert a colon and the following proviso:

Provided, however, That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 30 years from the date of such issue.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JONES of Washington. Mr. President, I desire to give notice that I shall not consent to any more bills being called up out of order. We ought to start in under the unanimous-consent agreement we have already entered into. I shall not object to the Senator's other bill, however.

Mr. WILLIS. From the same committee I report back favorably without amendment the bill (H. R. 10900) to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $30,000 for the purpose of improving the town's waterworks system, and I ask unanimous consent for its present consideration.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BINGHAM. I offer a similar amendment to this bill, exactly like the amendment which I just offered to the other bill.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 6, after the name "Alaska," strike out the period and insert the following proviso:

Provided, however, That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 30 years from the date of such issue.

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator from Ohio ought not to present a request for unanimous consent for the consideration of the bill at this time. The Senate entered an order restricting the business of the evening to the consideration of bills on the calendar under Rule VIII. I suggest that the Senator withhold his request for the present.

Mr. WILLIS. This is a companion bill to the one just passed. We passed one, and we ought to pass the other.

Mr. ROBINSON of Arkansas. I do not think I ought to have consented to the passage of the other bill, and I would not have done so but for the fact that I was engaged in conversation and was not able to follow the proceedings. I object to the consideration of the bill and demand the regular order.

Mr. WILLIS. I withdraw my request for its consideration.

BILLS PASSED OVER

The VICE PRESIDENT. The Clerk will state the first bill on the calendar.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as first in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. FESS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. CAPPER. Mr. President, I am not going to move to take up the bill this evening, but I do want to say that there is no bill on the calendar which is of greater interest among the agricultural people of the country than this truth-in-fabric bill. We had hoped to have consideration of it at this session. It was on the program reported by the steering committee for consideration, but the friends of agriculture believed that it should not in any way be permitted to come up to interfere with the farm-relief legislation. I give notice now that at the beginning of the December session I shall press for consideration of the bill. The bill may go over at this time.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. That may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2839) for the relief of Capt. James A. Merritt, United States Army, retired, was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. REED of Pennsylvania. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

Mr. ROBINSON of Arkansas. Mr. President, does not the Senator from Tennessee [Mr. TYSON] desire to move the consideration of the bill?

Mr. TYSON. Mr. President, under all the circumstances I am afraid we would not have time to consider it. In view of the circumstance that there are so many bills Senators desire to have passed I think I will wait until the next session of Congress, when we will have more time.

The VICE PRESIDENT. The bill goes over.

The bill (S. 454) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. MOSES. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, was announced as next in order.

Mr. WILLIS. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 188) to amend paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate relative to nominations was announced as next in order.

Mr. MOSES. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 3840) to provide for the consolidation of carriers by railroad and the unification of railway properties within the United States was announced as next in order.

Mr. FESS. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

PERSONNEL OF PROHIBITION ENFORCEMENT IN CIVIL SERVICE

The bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act was announced as next in order.

Mr. BINGHAM. Let the bill go over.

Mr. HOWELL. Mr. President, I move that the Senate proceed to the consideration of Order of Business 586, being the bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act.

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska that the Senate proceed to the consideration of the bill named by him.

The motion was not agreed to.

Mr. HOWELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Cameron	Gerry	Howell
Bayard	Capper	Gillett	Johnson
Bingham	Cummins	Goff	Jones, N. Mex.
Blease	Curtis	Gooding	Jones, Wash.
Borah	Edwards	Hale	Kendrick
Bratton	Ernst	Harreld	King
Bruce	Fernald	Harrison	McKellar
Butler	Fess	Heflin	McMaster
McNary	Ransdell	Shortridge	Wadsworth
Mayfield	Reed, Pa.	Simmons	Walsh
Metcalf	Robinson, Ark.	Stanfield	Warren
Moses	Robinson, Ind.	Steck	Watson
Neely	Sackett	Stephens	Wheeler
Norris	Schall	Swanson	Williams
Pine	Sheppard	Trammell	Willis
Pittman	Shipstead	Tyson	

The VICE PRESIDENT. Sixty-three Senators having answered to their names, a quorum is present.

Mr. HOWELL. Mr. President, I move to reconsider the vote by which the Senate refused to proceed to the consideration of House bill 3821.

Mr. BRUCE. Mr. President, is not that motion debatable?

Mr. HOWELL. Was the vote announced on my motion to take up the bill which I named?

The VICE PRESIDENT. The vote was adverse to proceeding to the consideration of the bill.

Mr. HOWELL. And the vote was announced?

The VICE PRESIDENT. Yes; it was announced.

Mr. HOWELL. Then I move to reconsider the vote by which my motion was rejected.

Mr. REED of Pennsylvania. A point of order, Mr. President. The Senator from Nebraska voted in the affirmative and can not now move to reconsider.

Mr. WILLIS. There was no roll call. How does the Senator from Pennsylvania know how the Senator from Nebraska voted?

Mr. REED of Pennsylvania. The Senator from Nebraska made the motion, and, of course, voted in its favor. I think he himself will say so.

Mr. WILLIS. When there is no roll call the presumption is that any Senator may make a motion to reconsider.

Mr. GILLETT. If there is any question about the matter, I move to reconsider the vote by which the motion of the Senator from Nebraska was rejected.

Mr. BRUCE. Mr. President, is not that motion debatable?

Mr. NORRIS. Mr. President, I think there is no doubt that the Senator from Nebraska [Mr. HOWELL] has the right to make the motion to reconsider the vote by which his motion was rejected, since there was no record as to how any Senator voted on the proposition. That has been the universal rule, as I understand.

Mr. ROBINSON of Arkansas. The Senator from Massachusetts [Mr. GILLETT] has made the motion which obviates any controversy in that regard.

The VICE PRESIDENT. The Senator from Massachusetts [Mr. GILLETT] moves to reconsider the vote by which the Senate refused to proceed to the consideration of Order of Business 586, being House bill 3821.

Mr. HOWELL. Mr. President, I ask for the yeas and nays.

Mr. HARRELD. Mr. President, I move to lay the motion to reconsider on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Oklahoma [Mr. HARRELD] to lay the motion to reconsider on the table.

Mr. HOWELL. I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

Mr. JONES of Washington. Mr. President, let us have the question stated.

Mr. ROBINSON of Arkansas. I rise to a parliamentary inquiry. Will the Chair not state the question upon which the Senate is about to vote? The conversation in the Chamber is so voluminous and continuous that it is very difficult to hear any of the proceedings.

The VICE PRESIDENT. The question is on the motion of the Senator from Oklahoma [Mr. HARRELD] to lay on the table the motion of the Senator from Massachusetts [Mr. GILLETT] to reconsider the vote by which the motion of the Senator from Nebraska to proceed to the consideration of House bill 3821 was rejected. The clerk will call the roll.

Mr. JONES of New Mexico. A parliamentary inquiry.

The VICE PRESIDENT. The Senator from New Mexico will state it.

Mr. JONES of New Mexico. What is it the Senator from Nebraska desires reconsidered?

The VICE PRESIDENT. The Senator from Massachusetts has moved to reconsider the vote by which the Senate declined to take up Order of Business 586, being House bill 3821, and the Senator from Oklahoma has moved to lay that motion on the table.

Mr. WALSH. Mr. President, I inquire if the pending motion is not to lay upon the table the motion of the Senator from Massachusetts to reconsider the vote by which the Senate refused to reconsider the vote by which it refused to proceed to the consideration of Order of Business 586, being House bill 3821?

The VICE PRESIDENT. That is correct. The clerk will call the roll.

The roll was called.

Mr. BRATTON (after having voted in the negative). I transfer my pair with the junior Senator from Nevada [Mr. ODDIE] to the Senator from Georgia [Mr. HARRIS] and allow my vote to stand.

Mr. GILLETT (after having voted in the negative). I notice that the Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, is not present. Therefore I transfer my pair to the Senator from Vermont [Mr. GREENE] and let my vote stand.

Mr. HARRISON. On this vote I am paired with the senior Senator from New Jersey [Mr. EDGE].

Mr. GLASS (after having voted in the negative). I transfer my pair with the senior Senator from Connecticut [Mr. MCLEAN] to the senior Senator from Virginia [Mr. SWANSON] and permit my vote to stand.

Mr. GERRY. I wish to announce that the Senator from Missouri [Mr. REED] is necessarily detained from the Senate in attendance upon the committee investigating primary expenditures.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from West Virginia [Mr. GOFF] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Michigan [Mr. FERRIS];

The junior Senator from Colorado [Mr. MEANS] with the Senator from South Carolina [Mr. SMITH]; and

The senior Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE].

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Georgia [Mr. GEORGE] is necessarily detained from the Senate. He has a general pair with the Senator from Colorado [Mr. PHIPPS]. On this vote the Senator from Georgia, if present and permitted to vote, would vote "nay."

The result was announced—yeas 14, nays 44, as follows:

YEAS—14

Bingham	Edwards	King	Reed, Pa.
Blease	Fernald	Metcalf	Schall
Bruce	Gerry	Moses	
Butler	Harreld	Pine	

NAYS—44

Ashurst	Glass	Mayfield	Stanfield
Bayard	Gooding	Neely	Steck
Borah	Hale	Norris	Stephens
Bratton	Heflin	Pittman	Trammell
Cameron	Howell	Ransdell	Tyson
Capper	Johnson	Robinson, Ark.	Wadsworth
Cummins	Jones, N. Mex.	Sackett	Walsh
Curtis	Jones, Wash.	Sheppard	Watson
Ernst	Kendrick	Shipstead	Wheeler
Fess	McKellar	Shortridge	Williams
Gillett	McNary	Simmons	Willis

NOT VOTING—38

Broussard	Fletcher	McKinley	Reed, Mo.
Caraway	Frazier	McLean	Robinson, Ind.
Copeland	George	McMaster	Smith
Couzens	Goff	Means	Smoot
Dale	Greene	Norbeck	Swanson
Deneen,	Harris	Nye	Underwood
Dill	Harrison	Oddie	Warren
du Pont	Keyes	Overman	Weller
Edge	La Follette	Pepper	
Ferris	Lenroot	Phipps	

So the Senate refused to lay on the table the motion of Mr. GILLETT.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. GILLETT] to reconsider the vote by which the Senate refused to consider House bill 3821, Order of Business 586.

Mr. BRUCE. I thought the motion of the Senator from Nebraska [Mr. HOWELL] was pending.

The VICE PRESIDENT. The motion of the Senator from Massachusetts was the same as that made by the Senator from Nebraska.

Mr. KING. It relates to the same bill.

The VICE PRESIDENT. All in favor of the motion will say "aye."

Mr. KING. Mr. President, a parliamentary inquiry. This is not a vote on the passage of the bill?

The VICE PRESIDENT. No; this is a vote on the motion to reconsider. [Putting the question.] The "ayes" have it, and the motion is agreed to.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. The Senator from South Carolina.

Mr. BLEASE. The question now is upon the passage of this bill; is it not?

The VICE PRESIDENT. The question will be when the motion is made. The Senate has now reconsidered this vote. The Chair lays before the Senate Order of Business No. 586, which will be stated.

The CHIEF CLERK. A bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. The Senator from South Carolina.

Mr. BLEASE. I had hoped that the Senate could transact some business to-night and take up some bills that possibly some Senators were interested in, and that when the hour of 10 o'clock was reached we might be enabled to take up uncontested matters and let some Senators take up some measures in which they were interested; but it seems that fate decrees otherwise.

I am opposed to this bill, and I am opposed to it on principle. I know what civil service means in South Carolina to the Republican Party, and I am not talking about what I have heard; I am talking about what I know. When they want to appoint a postmaster in South Carolina they order an investigation. They call it "civil service." They send down a list of questions, and they ask who he is, where he came from, and where he is going, and they get somebody to certify whether or not he is of good character. They send that in to Washington to what they call the Civil Service Commission. Then the boss of South Carolina comes in, one Joseph W. Talbert, whom I like; he is my friend; I am his friend. They tried to put him out of his job when Mr. Harding was elected President. I wrote a letter asking Mr. Harding to keep him, and he did keep him, and I caught the devil for it in my campaign. It was said that I had gone in with Joe Talbert to control the patronage of South Carolina. That was false and has been so proven. I had quite another reason.

When the three names come in, Mr. Talbert names one of the three, and the one of the three that Mr. Talbert names is the postmaster at that post office. That is "civil service"—civil service by Joseph W. Talbert.

Mr. WALSH. Mr. President——

Mr. BLEASE. I do not want to be interrupted, Mr. President. I do not want to be impolite, but I have only an hour and a half, and I do not want——

Mr. WALSH. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the parliamentary inquiry.

Mr. WALSH. For the information of the Senator from South Carolina, as well as the rest of the Senators, I desire to inquire if the five-minute rule is applicable now?

The VICE PRESIDENT. It is not.

Mr. WALSH. Rule VIII provides that debate shall be limited to five minutes, except when a bill is taken up notwithstanding an objection. The five-minute rule does not apply under those circumstances; but I understand that the bill has not been taken up.

Mr. BLEASE. Oh, yes.

Mr. WALSH. The motion is, as I understand, to proceed to the consideration of the bill.

Mr. BLEASE. That motion was agreed to, and the bill is now before the Senate.

Mr. ROBINSON of Arkansas. No, Mr. President; the vote was taken on the motion to reconsider the vote by which the Senate refused to take up the bill, and the question now is whether the Senate shall proceed to the consideration of this bill. On that motion debate is limited to five minutes. If the Senate votes to take up the bill——

Mr. BLEASE. It has voted to take it up, Mr. President. I asked that question distinctly.

Mr. ROBINSON of Arkansas. Will the Senator yield for just a minute? I inquire of the Chair whether the Chair has submitted to the Senate the question whether the Senate shall proceed to the consideration of this bill?

The VICE PRESIDENT. The motion to proceed to the consideration of the bill is not debatable.

Mr. ROBINSON of Arkansas. Has that question been put?

The VICE PRESIDENT. That question has not yet been put.

Mr. BLEASE. The Chair said, "The bill is before the Senate." I may be taken off my feet, but not by that route.

Mr. WALSH. Mr. President, are we advised that the motion to take up the bill has not been acted upon?

Mr. BLEASE. It has been acted upon.

The VICE PRESIDENT. The Senator from Montana is correct; it has not been acted upon.

Mr. WALSH. And that motion is not debatable?

The VICE PRESIDENT. That motion is not debatable.

Mr. WALSH. I call for the regular order.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska [Mr. HOWELL] that the Senate proceed to the consideration of Order of Business 586, House bill 3821.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KING. I desire to inquire if it is not a fact that after the motion to reconsider was carried the Chair then submitted the question to the Senate, "Shall the Senate proceed to the consideration of the bill," and there was an affirmative vote? I recall voting in the negative myself, and I feel sanguine that the Vice President submitted the motion.

Mr. WALSH. Mr. President, I should think there ought to be no controversy about what occurred. The Reporter has a record of it.

Mr. BRUCE. Mr. President, I simply desire to state that if any Senator wishes to get up any measure in which he is interested, he had better vote "nay" on this question.

The VICE PRESIDENT. The Reporter will read what occurred.

The Reporter read as follows:

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. GILLETT] to reconsider the vote by which the Senate refused to consider House bill 3821, Order of Business 586.

Mr. BRUCE. I thought the motion of the Senator from Nebraska [Mr. HOWELL] was pending.

The VICE PRESIDENT. The motion of the Senator from Massachusetts was the same as that made by the Senator from Nebraska.

Mr. KING. It relates to the same bill.

The VICE PRESIDENT. All in favor of the motion will say "aye."

Mr. KING. Mr. President, a parliamentary inquiry. This is not a vote on the passage of the bill?

The VICE PRESIDENT. No; this is a vote on the motion to reconsider. (Putting the question.) The "ayes" have it, and the motion is agreed to.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. The Senator from South Carolina.

Mr. BLEASE. The question now is upon the passage of this bill; is it not?

The VICE PRESIDENT. The question will be when the motion is made. The Senate has now reconsidered this vote. The Chair lays before the Senate Order of Business No. 586, which will be stated.

The CHIEF CLERK. A bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act.

The VICE PRESIDENT. The motion to proceed to the consideration of the bill has not been put. The motion is not debatable.

The question is on the motion of the Senator from Nebraska to proceed to the consideration of Order of Business No. 586, House bill 3821.

Mr. WILLIS. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. ROBINSON of Arkansas. Mr. President, I ask the indulgence of the Senate for two minutes.

It is perfectly apparent that if the Senate proceeds to the consideration of this bill there will be no business transacted by the Senate this evening.

Mr. BLEASE. There will not be.

Mr. BRUCE. There will not be.

Mr. ROBINSON of Arkansas. Senators have announced their purpose to discuss the bill until 10 o'clock, which they will be at liberty to do——

Mr. BLEASE. All night, if necessary.

Mr. ROBINSON of Arkansas. Which they will be at liberty to do. I suggest to the Senate that the Senator from South Carolina having announced his purpose to discuss the measure until the hour of 10 o'clock arrives, and other Senators having indicated a similar purpose, it would be futile for the Senate to proceed to the consideration of this bill under present conditions. Therefore I shall not vote to take the bill up. I would like to see the Senate conduct its affairs in an intelligent way, and, under the procedure we have adopted, it will be utterly impossible to accomplish anything this evening if the Senate proceeds to the consideration of this bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska that the Senate proceed to the consideration of House bill 3821.

Mr. BRUCE. Mr. President, the motion is not debatable?

The VICE PRESIDENT. It is not debatable.

Mr. JONES of Washington. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HEFLIN. Mr. President, I voted before to take up the bill. I am going to vote now as the Senator from Arkansas has suggested. I do not think we ought to block all legislation to consider this bill and then not pass it. I voted to give the proponents of the bill an opportunity to take it up. I am now going to vote against considering it.

Mr. NORRIS. Mr. President, the Chair having permitted the Senator from Arkansas to debate an undebatable motion and having permitted the Senator from Alabama to do the same, I wonder if I could be allowed to discuss this undebatable question.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the Senator from Nevada [Mr. ODDIE]. I transfer that pair to the Senator from Missouri [Mr. REED] and vote "nay."

Mr. CARAWAY (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN], but having reason to believe that he would vote as I shall vote I vote "nay."

Mr. HARRISON (when his name was called). Making the same announcements as before, I withhold my vote.

Mr. STEPHENS (when his name was called). On this vote I have a general pair with the Senator from Maryland [Mr. WELLER], and withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence I withhold my vote, not knowing how he would vote if present.

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER].

The Senator from New Hampshire [Mr. KEYES] with the Senator from Michigan [Mr. FERRIS].

The Senator from Colorado [Mr. MEANS] with the Senator from South Carolina [Mr. SMITH].

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE].

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Georgia [Mr. GEORGE] is necessarily detained from the Senate. He has a general pair with the senior Senator from Colorado [Mr. PHIPPS]. If present, he would vote "yea" on this question.

I also desire to announce that the senior Senator from Missouri [Mr. REED] and the senior Senator from Rhode Island [Mr. GERRY] are necessarily detained by attendance upon a meeting of the special committee investigating campaign expenditures.

The result was announced—yeas 29, nays 30, as follows:

YEAS—29

Ashurst	Fess	Mayfield	Walsh
Bayard	Hale	Neely	Watson
Butler	Howell	Norris	Wheeler
Cameron	Johnson	Robinson, Ind.	Williams
Capper	Jones, Wash.	Sheppard	Willis
Curtis	King	Shortridge	
Deneen	McKellar	Simmons	
Ernst	McNary	Trammell	

NAYS—30

Bingham	Edwards	Metcalf	Schall
Blease	Fernald	Moses	Shipstead
Borah	Gillett	Pine	Stanfield
Bratton	Glass	Pittman	Steck
Bruce	Gooding	Ransdell	Tyson
Copeland	Harreld	Reed, Pa.	Wadsworth
Cummins	Heflin	Robinson, Ark.	
Dill	Jones, N. Mex.	Sackett	

NOT VOTING—37

Broussard	Gerry	McLean	Smith
Caraway	Goff	McMaster	Smoot
Couzens	Greene	Means	Stephens
Dale	Harris	Norbeck	Swanson
du Pont	Harrison	Nye	Underwood
Edge	Kendrick	Oddie	Warren
Ferris	Keyes	Overman	Weller
Fletcher	La Follette	Pepper	
Frazier	Lenroot	Phipps	
George	McKinley	Reed, Mo.	

So Mr. HOWELL's motion was rejected.

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 2938) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. BRATTON. I object.

The VICE PRESIDENT. Objection is made, and the bill will be passed over.

AMENDMENT OF IMMIGRATION ACT OF 1924

The bill (H. R. 6238) to amend the immigration act of 1924 was announced as next in order.

Mr. WILLIS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

REFUNDING OF CERTAIN RAILROAD INDEBTEDNESS

The bill (S. 2929) to authorize the refunding of certain evidences of indebtedness issued by carriers in interstate commerce, and for other purposes, was announced as next in order.

Mr. GOODING. I move that the Senate proceed to the consideration of that bill.

Mr. HOWELL. Mr. President——

The VICE PRESIDENT. The motion is not debatable. The question is on the motion of the Senator from Idaho.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with amendments.

The first amendment of the committee was, on page 2, line 10, after the word "value," to insert the following proviso:

Provided, however, That such extension and reduction of interest shall not be allowed in the case of any carrier unless the Interstate Commerce Commission, after investigation, shall, in such case, certify to the Secretary of the Treasury that in its judgment such extension and reduction should be granted to enable or aid such carrier to properly meet the transportation needs of the public.

Mr. WALSH. Mr. President, I inquire of the Senator from Idaho if he can furnish a list of the companies which would be the beneficiaries of this act and the amount of indebtedness of each to the Government.

Mr. GOODING. I put that list in the RECORD to-day. I can get another list, however. The Senator will find the list in the hearings on this bill and in my report on the bill. I am not sure that I have a copy on my desk.

Mr. WALSH. May I inquire of the Senator whether he can tell us what aggregate amount of indebtedness would be affected?

Mr. GOODING. The actual indebtedness owed by the 51 railroads is $301,000,000, but the bill provides that before the Secretary can extend the indebtedness an investigation must be made by the Interstate Commerce Commission, and if it is found that the roads can not make financial arrangements, are not able to secure loans, so as to keep the roads in a condition to take care of transportation, the loan will be extended.

Mr. WALSH. At what rate of interest?

Mr. GOODING. Not less than 4¼ per cent.

Mr. WALSH. What rate of interest does the debt now bear?

Mr. GOODING. Six per cent.

Mr. WALSH. The proposition is to reduce it to 4¼ per cent?

Mr. GOODING. Not less than 4¼. I discussed this bill at considerable length to-day.

Mr. WALSH. Let me inquire further of the Senator whether the bill includes the New York, New Haven & Hartford road?

Mr. GOODING. Yes; it does.

Mr. WALSH. What is the amount of the indebtedness of that road?

Mr. GOODING. I am sorry that I do not have the figures as to that on my desk at this time.

Mr. FERNALD. I think it is about $87,000,000.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, I do not imagine there will be very much opportunity to pass the bill we have just taken up, so I wish to discuss a matter of very great importance relating to a bill that I have introduced in the Senate. I will try not to take up too much of the time of the Senate, and I hope Senators will listen to me carefully, because my bill is a very important one. It is a bill to establish a national institute of health, to autnorize increased appropriations for the Hygienic Laboratory, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of diseases affecting human beings.

Mr. President, every man, woman, and child on earth is vitally interested in promoting public health, in the study of diseases and how to cure and prevent them. The question of health is of supreme importance. National vitality is more important to a country than its commerce, agriculture, industry, finance, foreign affairs, public works, or any legitimate function of government. It affects the welfare of the Nation more than all other problems combined.

Disease is the greatest and most formidable enemy of human life, also of animal and vegetable life. There are millions of sufferers from painful, consuming disease such as the common cold, about the nature, origin, and cure of which little or nothing is known, and which causes more deaths and economic waste than any other; as influenza, before which modern medicine remains impotent; measles, the offending organisms of which have not as yet been definitely proven; pneumonia, which is still unconquered; tuberculosis and cancer, which baffle the skill of scientists; childbed sickness so fatal to mothers; infantile paralysis, which remains a curse to childhood; Bright's disease, which is so prevalent among adult men; mental troubles, heart lesions, and venereal diseases, all of which take heavy toll of human life. Leprosy, life's greatest tragedy, is only slowly being conquered. A great deal has been done recently in a scientific way to conquer malaria, but it, too, is not thoroughly understood. A vast amount of research work is awaiting the attention of scientists in the field of medicine, and its application for the alleviation of suffering. It is through the joint intensive efforts of chemist, physicist, physiologist, pharmacologist, pathologist, immunologist, and physician that remedies must come for the above-named ailments and others to which the human race is susceptible. How many years must unfortunate sufferers from these and other diseases wait for relief? That is the big question which confronts us, and its solution is of supreme importance.

In my opinion, it can best be solved by the enlargement of the Hygienic Laboratory of the United States Public Health Service into a great chemo-medical research laboratory, fully equipped to cope with all disease that afflicts the human race, endowed by liberal appropriations and private subscriptions to carry on most effectively, and also to furnish at least 50 fellowships to trained scientists, paying a moderate salary—say, $5,000 a year—so as to give them opportunity for thorough investigation.

Congress, with rare vision, established this laboratory about 20 years ago. Its staff has included some of the foremost representatives of chemistry, pharmacology, bacteriology, and medical zoology, the specialties most needed for a cooperative attack on the problems of health. But subsequent Congresses have not provided for any considerable growth of the laboratory. How unfortunate this failure of Congress to further the good work this institution is effecting in its efforts for the preservation of human life!

The Government should lead in efforts for health, and should secure active, close cooperation of all health agencies in the Union, public and private, so as to get the full benefit that comes from united effort. It should show no rivalry or jealousy toward private endowments, foundations, institutions, schools, municipal and State health departments, but merely a friendly leadership in a concentrated effort to conquer disease and relieve human suffering, to prolong the term of life, and make our sojourn on earth more pleasant and free from pain. This institution should be an international clearing house for health. It should keep in close touch with every agency that is trying to conquer disease, not only in the United States but throughout the entire world.

The present Hygienic Laboratory is a fine start. Its buildings are small, but its work has been magnificent. Why not make it the nucleus of the great institution outlined above? Why not make the Surgeon General its leader? Liberal donations will probably be made by private persons when the public understands the real need, and the great end to be attained, and the Government will not have to incur anything like the whole expense. Congress should announce the big purpose, should set aside not less than $2,000,000 a year for five years to start the institution on a firm basis, and should declare its willingness to accept all donations in trust and administer them for warfare against disease.

However, with relatively small amounts of money, the Federal Public Health Service has been able to turn out results of incalculable value in the field of health. With generous appropriations and with freedom to select the proper personnel to outline investigations and bring about the correlation of official and unofficial efforts, the height of efficiency could be reached in scientific matters relating to hygiene and sanitation.

In applied science as relates to the public health leadership must come from official sources. By conferences and other legal methods this has been brought about in increasing degree.

Moreover, the Federal Government should establish and maintain a scientific educational institution in connection with this laboratory in order to encourage and aid men of marked proficiency to fight the diseases that menace health just as they are now trained at West Point and Annapolis to fight the Nation's enemies in war. This national health institute would differ from the Military Academy at West Point in this particular: West Point gives a full collegiate course to the cadets and after graduation a limited number of the honor men are sent to other institutions such as the War College for post-graduate training in advanced science. The health institute would not do any undergraduate work whatsoever, but its students would be selected on account of special qualifications and promise from among the young men of the Nation who have completed their academic studies. The institute should graduate every year at least 100 well-equipped scientists, and enlist them under the Government for six years after graduation in a systematic effort to ascertain the cause, prevention, and cure of disease, and make their findings known to all the world. They should be trained in pure scientific research in all things relating to the health of human beings. The benefits from such an institution would be incalculable. None except young men of the best talent and preparation should be selected and designated by the Surgeon General to receive fellowships as provided in my bill, S. 4540, attached hereto, and made a part hereof, as Appendix A.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON of Arkansas in the chair). Does the Senator from Louisiana yield to the Senator from New York?

Mr. RANSDELL. I yield to the Senator from New York with great pleasure.

Mr. COPELAND. I am very much interested in what the Senator has said and believe that he has in mind a wonderful project. I ask the Senator if he is familiar with the work being done by the medical institute in Warsaw. I visited it right after the war and found to my amazement that that desolated country, almost destroyed by the ravages of war, has a research laboratory such as the Senator is describing, where health officers are trained and where they have the training the Senator suggests. I have no doubt myself that the work of these trained men did very much to protect not alone Poland but all western Europe and the United States, too. It is just the sort of thing, apparently, that the Senator has in mind. I wondered if he is familiar with that splendid work being done in Warsaw?

Mr. RANSDELL. I will say to the Senator from New York that I am not familiar with it, and I thank him very much for suggesting it. I have heard a great deal, though, about the very remarkable work which has been done in several institutes in Germany. I shall put in the RECORD as an appendix to my remarks, without attempting to read it, a description of those German institutions, which have gone forward in a marvelous manner in pure research along the lines of public health. I think the Senator's brief description of the institution at Warsaw indicates that it is very similar to what I have in mind.

Mr. President and Senators, what I desire is an institution to train men in the highest way to fight the enemies of human health just as for more than a century we have been training men to fight the enemies of the Nation in time of war. It is along those same patriotic lines. I thank the Senator from New York for his suggestion.

Mr. COPELAND. May I add this word? Disease does not recognize geographical boundaries.

Mr. RANSDELL. That is true.

Mr. COPELAND. I like what the Senator said about making this an international enterprise.

Mr. RANSDELL. An international clearing house for health, I would like to have it, sir, for all diseases throughout the world, and let this be the central point around which the health agencies of the earth could center. Does the Senator approve that idea?

Mr. COPELAND. I thoroughly approve it. I think it is a wonderful idea, and I hope that the Senator will succeed in impressing upon the Senate that the purpose of government is to serve humanity as well as to protect property.

Mr. RANSDELL. I agree absolutely with that statement.

Mr. President, in order to bring these views before the Nation and invite discussion upon them I have introduced in the Senate this bill (S. 4540) authorizing—

(A) An appropriation of not to exceed $2,000,000 a year for five years, to enlarge and extend the United States Hygienic Laboratory as indicated, create fellowships, and so forth.

(B) An appropriation of not to exceed $10,000,000 to establish an academy of health in the District of Columbia or its vicinity.

Let me say right here, Mr. President and Senators, that if there is such an institution on earth as a national academy of health I am not aware of it. Why should not our great country lead in this as it is leading in many other movements for the welfare of humanity? And—

(C) Authorizing the Secretary of the Treasury to receive donations in trust to assist in ascertaining the cause, prevention, and cure of disease.

It is my earnest hope that this measure will receive the thoughtful attention of all who love their fellowmen and that it will be favorably acted upon at the next session of Congress.

Shortage of financial support for local, municipal, State, and Federal health agencies is much to be regretted, because the inadequacy delays the use of existing knowledge, through which many destructive diseases might be prevented or cured. The insufficiency of funds appropriated to the Hygienic Laboratory is very unfortunate because it retards the development of pure research in problems of health by this fine institution.

Medical discovery is to the human being the most important of all discovery—

Says Sir Ronald Ross—

yet to judge from the attention the public gives to it it is the least important.

Science is the soul of the prosperity of nations and the living source of all progress—

Says Pasteur.

Progress in discovering the cause of disease and its cure may be expected to depend on the advancement of science, and that country will be most benefited whose citizens are encouraged most to engage in systematic research.

Close study discloses that few lines of chemical investigation in relation to disease have been developed in this country. We have been largely dependent upon foreign nations, especially Germany, for discoveries relating to the application of chemistry to disease.

Dr. Charles H. Herty, president of the Synthetic Organic Chemical Manufacturers' Association of New York, points out that the greatest organic chemical factory in this country is the bodies of its 115,000,000 inhabitants, and to keep this great factory in its present inefficient state of repairs the Nation is spending annually a sum of $1,015,000,000. This annual expense is divided between the following:

Drugs, including patent medicines	$500,000,000
Doctors' services (estimated on basis of average income per doctor per year of $1,500)	220,000,000
5 per cent interest on the $624,000,000 of hospital investments in lands, buildings, and furnishings	31,000,000
Hospital maintenance	264,000,000
Total	1,015,000,000

Would it not be wise to spend a few millions a year to determine whether this great health bill could not be reduced by the discovery of better, fewer, and cheaper drugs as well as other means of preventing disease, and of obtaining relief from pain? Would it not be better to discover the cause of the different diseases, and ultimately gain control over them in an effort for their complete extinction?

In commerce and industry vast amounts of money have been expended during the last decade in the development of research work, in order that the resources of nature may be more effectively utilized.

The National Academy of Sciences, composed of many of the ablest men of the Nation, with Hon. Herbert Hoover as chairman of its board of trustees, is now conducting an active campaign to secure $25,000,000 for research in pure science in aid of industry. Mr. Hoover well says:

A special study in an industrial laboratory, resulting in the improvement of some machine or process is of great value to the world, but the discovery of a law of nature applicable in thousands of instances and forming a prominent and ever available addition to knowledge is a far greater advance. We must find greater support for research in pure science.

The bulletin of the academy asserts that—

The funds now available for the support of research in pure science in the United States are far below what our population, education, and material resources demand.

I agree entirely with these statements, and cordially wish success to the worthy efforts of the academy for a national research endowment of $25,000,000. Be it understood clearly, however, that the research in pure science referred to by Mr. Hoover and his associates is confined to industry, and does not relate to the health of human beings. It is a most worthy purpose, and it should succeed, but a like endowment of

$25,000,000 for promoting public health would prove far more beneficial to the Nation.

In order that a correct judgment in regard to the necessity for chemico-medical research might be formed, it is essential to make a survey of the facilities now available in this country. The United States, with its vast resources, should play a leading part in this important field of work; we can not escape the responsibility for contributing our full share to the alleviation of human suffering caused by disease.

There are in the United States a number of institutes and foundations for medical research doing most valuable work, such, for instance, as the Rockefeller Institute for Medical Research, founded in 1901, the object of which is to conduct, assist, and encourage investigations in the sciences and arts of hygiene, medicine, and surgery, and allied subjects, in the nature and causes of disease and the methods of its prevention and treatment, and to make knowledge relating to these various subjects available for the protection of the health of the public and the improved treatment of disease and injury.

This institute was generously endowed by Mr. John D. Rockefeller. It carried on its work in fighting disease and otherwise promoting health in 1925 at an expense of $9,113,730. This is a large sum, it is true, to be spent in one year, but upon reflection it is obvious that suffering humanity has been greatly benefited.

In connection with the work this institution is doing I quote in part from an article which I clipped from the New York Commercial of June 21, 1926:

> During the year 1925, in 18 different countries, the Rockefeller Institute took a part in official antihookworm measures, which included the treatment of nearly one and a half million people and the erection or rebuilding of thousands of latrines.
>
> In reality much more was being done to combat hookworm disease than this statement would imply, for in the Southern States and elsewhere general health organizations known as county units or rural health departments have included measures against this malady as a part of their work. From the outset the aim was not primarily the relief from one handicap to health but the education of communities in the meaning and possibilities of public hygiene. The purpose to use the hookworm disease as a means of promoting health work in general in tropical and semitropical countries is being steadily realized.

Less formal assistance was rendered in several ways by this great institution. Graduate physicians were given short periods of intensive training at special field stations in preparation for public health posts; officials in active service were offered similar opportunities; fellowships were granted to 147 persons to enable them to fit themselves for specific positions in Government services; small grants were made to help local institutes for health officers to secure lecturers of note from a distance; and final appropriation was made toward a demonstration of the feasibility of keeping local officers and personnel alert and currently informed by means of a correspondence course. While these are great accomplishments, which have proved of incalculable value to mankind, let me say that they were brought about only as the result of scientific research.

Other medical research institutes and laboratories in the United States doing splendid work are the Carnegie Institution of Washington, which was founded by Andrew Carnegie in 1902, the purpose of which is—

> to encourage, in the broadest and most liberal manner, investigation, research, and discovery, and the application of knowledge to the improvement of mankind.

The gifts of this great benefactor to this institution have amounted to $22,000,000. The Russell Sage Foundation, founded by Mrs. Russell Sage, for "The improvement of social and living conditions in the United States of America," was endowed by her in the amount of $10,000,000. Later by her will the foundation was bequeathed $5,000,000. Some of the other institutions for medical research in the United States that are doing valuable work are the Otho S. A. Sprague Memorial Institute, the Mayo Foundation, Rochester, Minn., the H. K. Cushing Laboratory of Experimental Medicine at Western Reserve University, and some others working independently or in connection with large universities. But there is not one of these laboratories in which the problems are being approached primarily from the chemical standpoint. Consequently few new lines of chemical investigation in relation to disease have been developed in this country, and, as previously stated, we have therefore been dependent upon foreign nations.

The work being done in these institutions consists rather in the detailed study of some substance, usually a well-known chemical compound, upon some highly specialized tissue or organ. Of course, the primary purpose of these laboratories is the instruction of medical students, which of necessity forces the staffs to cover a wide field; this and the various other duties connected with an academic position allow comparatively little time for concentrated work on problems of major importance. Moreover, most of these departments are not in close touch with departments of chemistry, as the university pharmacologist and chemist are usually interested in chemical compounds from entirely different points of view; the pharmacologist from the standpoint of the therapeutist, and the physiologist and the chemist from the standpoint of some general chemical principle. Exactly the same difficulties stand in the way of departments of biochemistry as organized in most universities; primarily interested in the instruction of medical students, they are doing praiseworthy work, but necessarily limited in scope.

These circumstances, taken in connection with the comparatively limited resources of the universities, make it improbable that the work can be satisfactorily accomplished in university laboratories.

As an example of our failure to further research in regard to health problems, I quote from "The Future Independence and Progress of American Medicine in the Age of Chemistry," a report prepared by the Chemical Foundation (Inc.), New York City, as follows:

> As an instance of the severe handicaps placed on the university worker, the following is of interest: In 1910 a pharmacologist in one of our leading universities discovered and isolated from the contents of the poison glands of the tropical toad a pure chemical principle, bufagin, which was found to have a marked and important action on the heart, of the order of the most effective members of the digitalis series. Digitalis is the most valuable heart stimulant known to medicine, but it consists of a mixture of principles and it is one of the most unsatisfactory of drugs to handle, because of the difficulties of securing uniform preparations of it, on whose effects the physician may count with absolute certainty. It is also difficult to secure reliable preparations for hypodermic injections with their advantages of almost instantaneous results. A pure chemical principle with the same action on the heart as digitalis would be free from all of these vital defects and would prove an invaluable addition to medicine. With limited resources in personnel, supplies, etc., our university men have not been able to develop this promising investigation by any large scale preparation, and now a German chemist, with the munificent support of German chemical industries, is moving at top speed to isolate in quantity and commercialize a similar principle found in a species of German toad. Had we in the United States possessed the necessary funds and other facilities for the further development of this investigation, the honor of its discovery would have devolved upon a son of America, but the German, who is so well equipped for medical research, will be the recipient of this honor, and also the profits arising from it. This is only one of the unfortunate instances when the United States has failed to realize its responsibility in the alleviation of human suffering.

The most recent and remarkable instance of the value of cooperation in the field of medical research was the search for poisonous gas when it became clear during the Great War that this chemical was to constitute an important munition. Our country called to its service a group of its ablest research chemists to provide efficient means of defense and to solve those problems of production which would provide our field forces with an ample supply of this new weapon.

To quote again from the above able report on "The Future Independence and Progress of American Medicine in the Age of Chemistry":

> Not to the professional inventor nor to the accident of haphazard discovery was this grave responsibility assigned, but to the trained minds in systematic research. Nor were these men asked to undertake this vital work in the seclusion and isolation of their respective laboratories, but they were assembled at the American University Experiment Station on the outskirts of the city of Washington, under one roof, as it were, where by daily, nay hourly, conference utmost speed could be secured in the solution of these problems on which the question of life and death so closely hung.
>
> But these chemists found that they alone were inadequate to take up this task. To supplement their special skill and knowledge there were added to the staff pharmacologists and experimental pathologists.
>
> Through the combined efforts of these groups, working in closest association and provided with ample facilities for research, results were accomplished with a speed and certainty which amazed all. The paths to agencies for both defense and offense were clearly pointed out and large-scale production quickly followed.
>
> Is there no valuable lesson for peace in this mighty and successful effort in the making of war? Is there not another battle constantly to be fought—the battle against disease? While war claims its sacrifice in millions of lives, disease each year claims its tens of millions. Pneumonia, influenza, tuberculosis, cancer, and a score of other ailments claim their many victims. And what a host of wounded do

we have in this destructive war of peace—men, women, and children who suffer, often longing for death as a relief, their efficiency crippled and their future on earth beclouded!

Can we not use for the solution of these problems the same methods so successfully employed in the solution of means of making war? The experience of the ages is now being drawn upon in this fight against disease, but the means are entirely inadequate, as shown by the continued ravishment of disease. Too often, in default of exact knowledge, we blindly seek remedial agencies.

The availability of the services of scientists in different lines has been dependent more or less on fortuitous circumstances rather than demand for their services. It can not be too often repeated that the greatest asset of a nation is the mentality of its citizens and the means of discovery among them of geniuses who are able to follow new paths of scientific thought and action.

The number of medicaments is increasing at a tremendous rate, beyond all proportion to the amount of systematic research being devoted to the subject. Thirty years ago 2,699 drug items were reported to be on the market; to-day more than 45,000 are said to be in use. Along with this increase of so-called patent remedies comes a huge increase of expenditure, which if the cause of the different maladies were known would probably be obviated. The frailties and suffering of humanity are being grossly exploited, and we in America are doing little to amortize this huge debt and unjust exploitation.

Several centuries ago the chemist and the physician cooperated closely for the alleviation of suffering; the chief aim of chemistry in those days was the providing of medicinals for the use of the physician. In fact, the connection between medicine and its daughter science, chemistry, had been so close that in the sixteenth century the great physician and chemist Paracelsus stated that—

the true purpose of chemistry is not to make gold, but to prepare medicines.

But despite Paracelsus's valiant protest, chemistry drifted away from medicine, the physician looking more and more to other means to effect his ends, while the chemist turned to the production of wealth in the industries.

But the complex problems of the body are too infinitely complicated to be solved by any one class of scientists. Preeminently chemical in their nature, the chemist alone is imperfectly equipped to carry them to complete and successful solution. He must join hands with the physiologist, the pharmacologist, the pathologist, the experimental biologist, the immunologist, and the physician. For that reason much of the work in progress to-day is halting and uncertain. The efforts are isolated. We have in one institute the pathologist with chemical assistance, but lacking the constant full-time cooperation of leaders in synthetic organic chemistry, in physical chemistry, and in pharmacology. In another institute a great chemist may be working, but his brother chemist, the leader in physical chemistry, and the great pharmacologist, are lacking. There is thus no single institute in which the whole effort is based on the joint attack on fundamental problems of medicine by leaders in chemistry, physics, pharmacology, and medicine.

In our universities constant work is in progress and should be generously supported, but too often the workers are isolated and with only part time to devote to research because of the claims of teaching duties. Too often the chemist needs the knowledge and technique of the biologist, and equally often the biologist needs the chemist's information and point of view. Men and women must be trained for public health as whole-time vocation which has its own peculiar problems and technique. It is at best no job for the partial attention of a private practitioner. Health work calls for persons, knowledge, power, and money. With the growth of science and the accumulation of experience there is no escape from specialization.

Think of the things about which an officer of health should have some knowledge:

1. The minute organisms of infection, the animal and insect parasites.
2. Methods of controlling communicable diseases.
3. The organization and administration of public health work.
4. Sanitation, including water supplies, sewerage, disposal of wastes.
5. Maternity, infant, and school hygiene.
6. The diseases and hazards of industry.
7. Sanitary and health law.
8. Possibilities of protection by vaccines and antitoxins.
9. Hygiene of ventilation, diet, sleep, and exercise.
10. Mental hygiene, delinquency, feeble-mindedness.
11. Statistical methods applied to births, deaths, and sickness.
12. Education of the community concerning prevention of disease and the promotion of the physical and mental health.

A great chemico-medical research laboratory, fully equipped to cope with all diseases that afflict mankind, where he can carry on his important work fruitfully and in an unlimited way, is the need of the American scientist. Our lagging in the matter of medical research has not been the result of the inefficient mentality of our scientists, but, on the contrary, the lack of facilities and the discouraging insufficiency of funds to stimulate recruits in science.

If such work is to be successfully prosecuted in our midst it must through the practical idealism of America, which can here find abundant outlet in providing such conditions as will direct the future energies of chemistry in America to this greatest blessing to mankind, a blessing which will not be confined to its own borders, but which will stretch out its helping hands to all suffering humanity.

Under the Constitution scientific research is a fundamental function of the Federal Government. Aside from the discharge of international sanitary obligations, it is its most important public-health function. The exercise of this function should include studies not only of applied but abstract science.

The States reserve to themselves the exercise of sanitary police powers within their borders. During a long period of the history of the country these powers were indifferently exercised. In fact, it was not until 1869 that the first State board of health was organized (Massachusetts), although Louisiana organized a maritime quarantine board in 1855.

On account of the increasing interest in public health betterment, however, sanitary police powers have been more efficiently exercised in all States in recent years, and in many of them these activities have been large and have had a profound influence in the reduction of morbidity and mortality rates. In the registration area the death rate from tuberculosis (all forms) has been reduced from 201.9 per hundred thousand in 1900 to 90.6 in 1924, and typhoid fever from 35.9 to 6.7. The death rate under one year of age has been reduced from 131.7 per hundred thousand births in 1910 to 77.1 in 1923. According to life tables, which are not entirely comparable, however, for the years mentioned, the expectancy of life has been increased from about 45.4 in 1897 to 55.3 for males and 57.52 for females in 1920.

Not only has the expectancy of life been increased but greater security and happiness have been promoted. These results are attributable to multiple causes, but chiefly to education in health matters and the application of scientific information gained through systematized investigations.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from New York?

Mr. RANSDELL. I yield, with pleasure.

Mr. COPELAND. Confirmatory of what the Senator has said, I call attention to the fact that in what we call the slum districts of New York the infant death rate has been reduced to 60 per thousand, even lower than mentioned by the Senator as the general lowering of the death rate of infants in this registration area; and that wonderful result is due wholly to the education of the mothers by trained workers. Therefore, if this project of the Senator's could be carried out, so that every mother and every family in this country could have the benefit of that instruction which comes from education in these technical and scientific things, we could expect the death rate to be still lower than it is at present.

Mr. RANSDELL. I thank the Senator for that; and I believe that in that great city, as testified to recently before the Agricultural Committee, a great deal of what has been accomplished is due to the pure milk which resulted from the better hygiene and better sanitary laws that have been carried into effect.

Mr. COPELAND. And, Mr. President, the purity of the milk came by reason of the application of trained minds to that particular problem.

Mr. RANSDELL. Absolutely. To proceed:

These investigations have been of two kinds—that is, mass investigations and individual investigations. They have been engaged in by Federal, State, and local authorities and unofficial agencies throughout the country. The official agencies, including State and local authorities, have been in position to contribute vitally in the conduct of mass investigations. Without thorough cooperation of all these agencies, these investigations could not be successful. They should be enlarged and systematically conducted year after year. The results obtained may be expected not only to indicate the extent of progress

made but the trend that public-health activities should take in future.

For instance, an improved system of collection, compilation, and dissemination of information regarding the prevalence of disease throughout the country is urgently needed. Notwithstanding the Union is in the one hundred and thirty-seventh year of its existence, only 40 States are included in the registration area for the collection of mortality statistics, and from many States the collection of morbidity reports is fragmentary. Public-health organization is now sufficiently advanced to perfect a system which will include Federal, State, and local authorities, but some readjustment of authority is necessary, and adequate appropriations must be provided to insure success. With this system in full operation opportunity would be afforded for the conduct of mass investigations systematically and regularly into the causes, means of transmission, and prevention of diseases as well as their existence. This work is now under way. The need of the hour is for centralization of authority, improved machinery, and improved methods in order that the expectancy of life may be further increased, economies effected, and healthful living promoted.

By reason of the nature of the work to be performed, the necessity for continuity of effort and the limitless field to be covered, mass investigations in sanitation can best be supervised by the Federal health agency. In fact, this is the essential rôle of this agency in health matters as relates to the States.

In the past there was urgent need of Federal cooperation in local health surveys and demonstrations, and at times in measures of control to prevent the spread of communicable diseases to other States. This need is gradually disappearing, but cooperation on the part of Federal, State, and local authorities will always be required in statistical research, which, in the larger sense, provides the index of accomplishments in the past and efforts in the future.

Mass investigations necessarily comprise the assembling of data in the possession of all agencies, either State, local, or private, for the reason that all of these reports are made pursuant to official regulations or law. With the organizations available for the assembling of these data their character and extent may reasonably be enlarged and the field of mass investigations extended and given greater importance with relatively little increased effort.

In fact, with an adequate organization the conduct of mass investigations should practically consist of the interpretation in the aggregate of all health records accurately compiled from month to month and year to year. By this means these records would become available for interpretation by the hundred and one unofficial agencies and by individuals engaged in studies of specific problems.

Such an organization should be the repository for accumulated data in order that they might be available for individual research at any subsequent time. It should also be the repository for exhibits and the clearing house for public-health information collected from all sources.

The basic foundation for human progress is the genius of individuals crystallized in the form of new discoveries. The names of Galileo, Newton, and Pasteur serve to remind us of the discoveries of great scientific facts, the application of which has profoundly influenced the affairs of men.

During his efforts to save the wine industry of France, Pasteur made the discovery which laid the foundation for the new science of bacteriology. Without intent, his studies led him into the realm of pure science. The results have had wide application and have been of the greatest value to mankind. Through them his name has become more illustrious than any sons of France, past or present.

Progress in future may be expected to depend on the advancement of science, and that country will be most benefited whose citizens are encouraged to engage in systematic research and aided in doing so.

The problems requiring investigation are becoming increasingly difficult. In the past it has been practicable for individual workers with more or less adequate preparation to undertake limited investigations with the hope of immediate success. In future the problems to be studied will require the efforts of scientists of the highest training. Furthermore, these workers will require specialists in diverse subjects working in collaboration. All of these workers may not necessarily work in the same institution, but their work should be coordinated in order to promote efficiency.

The benefits of the close association of scientists are amply demonstrated in official life. Many instances of discoveries of the highest value are to be found among scientific workers in governmental establishments. Through scientific association and the financial aid accorded them by their positions they were enabled to engage unremittingly in special studies, accompanied by substantial rewards.

The discoveries of the causes of malaria, syphillis, sleeping sickness, and the method of transmission of malaria, yellow fever, and many other diseases were made by officers of their respective governments. In our own country the discovery of the cause of Texas cattle fever by Theobald Smith, the method of transmission of yellow fever by Reed, Carroll, and Lazear; the prevalence of hookworm disease in the country districts by Stiles; the essential cause and means of control of pellagra by Goldberger; and many other notable discoveries might be mentioned to emphasize the importance of individual research made possible by governmental aid.

For over 10 years Dr. Joseph Goldberger, of the Public Health Service, has engaged exclusively in the studies of pellagra, a disease which threatened to be of great gravity throughout the country and which actually did in many sections cause much sickness and death, its severity being much greater among adult women than in any other class. As a result of his studies Doctor Goldberger was able to prove that faulty diets are the cause of the disease; and right here I wish to say that, according to Doctor Goldberger, no physician on earth knows what is a perfect diet. It is unknown to science. By the use of these improper diets he actually produced pellagra in several men in a southern State as an experiment voluntarily entered into by them. By means of corrective diets he cured the disease and prevented it among asylum populations. These important facts have been accepted and used by physicians with great benefit where the disease has appeared. Furthermore, the results of this research are of importance, because by demonstrating that this is a disease of faulty nutrition it gives essential information with regard to the fundamental question of what constitutes proper nutrition and sets us on the road to learn what constitutes a proper diet. In effect the pellagra research was a research in the fundamentals of nutrition and diet; and I believe my friend the Senator from New York [Mr. COPELAND] will say that nothing is more important from the health viewpoint than for us to determine what is a proper diet, and then live according to that proper diet. This is of value not only to man but also to the domestic animals, and is thus of interest not only to the physician and sanitarian but also to the farmer, animal husbandryman, and veterinarian. I doubt if the Government has engaged in a greater work within the period mentioned.

A very determined attack on the common cold is now being made by Mr. Francis P. Garvan, president of the Chemical Foundation (Inc.), of New York City, and his associates. They are convinced that the common cold is the most insidious and dangerous enemy of human health and the fruitful source of many other diseases. It is to be hoped that speedy success will crown their efforts.

In applied science as relates to the public health leadership must come from official sources. By conferences and other legal methods this has been brought about in increasing degree.

As an example may be mentioned the conference on the future of public health in the United States and the education of sanitarians assembled by the Surgeon General of the Public Health Service in 1922. This conference was attended by presidents of universities; deans and directors of schools of public health, hygiene, and medicine; professors of public-health subjects and other educators; State and city health officers; representatives of semipublic and private health organizations; and representatives of various Federal health agencies, to the number of 136.

A more recent conference was assembled by the same authority in 1925 to determine whether or not there is a public-health question in the manufacture, distribution, and use of tetraethyl lead gasoline. The list of organizations, industrial agencies, and governmental bureaus represented attests the great importance of the subject under consideration. By reason of the number and eminence of the membership, these conferences are indicative of the value of associated effort when directed along the proper lines.

Several methods of facilitating research from a country-wide standpoint suggest themselves as follows:

1. Large private endowments with the maintenance of a central headquarters for advisory and coordinative purposes.

2. Donations from philanthropists to the Federal Government for the maintenance of laboratories and the promotion of specialized research.

3. Liberal regular appropriations by the Federal Government.

It is highly commendable for philanthropists of large means to make endowments and to establish private foundations to promote human welfare. What greater fame could a man receive, or what greater good could his wealth accomplish than to liberally endow such work and have his name forever at-

tached to it in the same way as that of James Smithson to the Smithsonian Institution?

With the rapid increase of wealth these endowments have correspondingly increased; in fact, the present number and the amount of money represented are believed to have far outstripped the number of thoroughly trained scientists available to take advantage of the facilities afforded. The great need is coordination of effort and the development of scientists from among promising students wherever present.

The transactions of the conference on public health in the United States and the education of sanitarians held in 1922 plainly indicate that the last is the greatest need. Some practical means should be devised whereby persons having potential qualifications may receive substantial aid in developing these qualifications and given opportunity to apply them unremittingly without thought of being hampered by personal financial considerations. This would be accomplished by the Institute of Health and by fellowships. It is possible that some helpful system may be developed through the coordinative efforts of faculties of universities. Any system would have to take into account the fact that difficulties and privations stimulate individuals and that in proper degree these are assets rather than liabilities. No system that limits the aims to be accomplished and lessens personal ambition will be successful.

With moderate amounts of funds and good standing from a scientific standpoint, the health agency of the Federal Government may outline the future public-health field, may encourage coordination of effort, and may aid in actual investigations of problems and associate other official and unofficial agencies in these investigations.

The ambition should be to bring together into one working faculty one or more scientists in the respective specialties that have to do with public health and which are necessary for the solution of public health problems.

In the field of public health no precedent can be recalled of donations from philanthropists to enable the Federal Government to maintain laboratories and institutions for the promotion of research, with possibly one exception. The Smithsonian Institution was founded as the result of the gift of one man. It stands as a monument to his name, and its achievements are known throughout the world. Too much praise can not be accorded to James Smithson for his wonderful gift of $550,000 to the United States to found in this city an establishment "for the increase and diffusion of knowledge among men." As a result of the vision of this great Englishman, who never visited America nor even had the acquaintance of a friend in this country, the United States has taken a leading place among nations in the field of science, and many benefits have resulted therefrom. The name of Smithson will last as long as the Republic exists and men delight to honor those who have done great things for their fellows. But Smithson's donation was purely along educational and investigational lines, not at all related to the health of mankind. They related to intellectual studies and added materially to the development of the mind but not of the body. With the highest respect for Smithson and full appreciation of the great work accomplished by the Smithsonian Institution and the bureaus directed by it, I believe that the citizens of America would have derived infinitely more practical benefit had he left his endowment for an establishment to study the diseases of man, to relieve human suffering, and prolong human life.

The promotion of scientific research by means of special appropriations to maintain laboratories has been the policy followed by our Federal Government and many State governments. Thus far the field covered has been limited, although an immense amount of work has been performed and results of untold value obtained, considerable increase of funds is needed.

The system of maintenance of research by means of appropriations should be continued. In future, the effort should be to utilize these appropriations not only for the conduct of investigations but the coordination of scientific effort and the maintenance of advisory and supervisory agents in the interest of science.

Philanthropists may well be encouraged to establish endowments for the conduct of research and, above all, for the training and employment of scientists. They may be encouraged also to make donations for the use of the Federal Government in the promotion of scientific effort.

If I were possessed of large wealth nothing would please me more than to endow the National Institute of Health, as provided in my bill, whether my name were attached to it or not, and thereby made immortal, as was that of James Smithson. I would then have the proud satisfaction of knowing that as the result of my donation innumerable human beings were saved from disease, relieved from suffering, and given more happiness during their journey to eternity. I can not suggest anything to the millionaires of America—many of whom are earnestly seeking some wise use for their wealth—that will do as much good to humanity as to contribute generously to their Federal Government for public-health purposes in combating disease.

Mr. President, I ask leave to print as appendices to my speech the following documents, containing interesting material in regard to health:

Exhibit A: My bill (S. 4540) to establish a national institute of health, and for other purposes.

Exhibit B: Letter on health problems addressed to me May 15 last by Senator COPELAND, of New York, an extremely interesting document which I hope every Senator will read.

Exhibit C: Letter to me of Dr. Frederick L. Hoffman, consulting statistician of the Prudential Insurance Co. of America, dated June 9 last.

Exhibit D: Address of Doctor Hoffman before Southern Governors' Conference at Birmingham, Ala., October 29, 1925, on southern health and welfare. I hope every southerner, at least, will read it.

Exhibit E: Digest of sundry essays by leading medical authorities on medical research, prepared by George J. Schulz, of the Library of Congress, Legislative Reference Service, on June 21, 1926.

Exhibit F: Extracts from pages 57 to 78 of the Report on the Future Independence and Progress of American Medicine in the Age of Chemistry, recently issued.

The PRESIDING OFFICER. Without objection, leave will be granted.

The matter referred to is as follows:

EXHIBIT A

IN THE SENATE OF THE UNITED STATES,

July 1, 1926.

Mr. RANSDELL introduced the following bill; which was read twice and referred to the Committee on Appropriations:

A bill (S. 4540) to establish a national institute of health, to authorize increased appropriations for the Hygienic Laboratory, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings.

Be it enacted, etc., That there is hereby established a national institute of health which shall be under the jurisdiction of the Treasury Department and the administrative control of the Surgeon General of the Public Health Service and shall be devoted to the conduct and promotion of scientific research relating to the cause, prevention, and cure of disease affecting human beings. The Secretary of the Treasury is authorized and directed to select a site, on land owned by the Government and available for the purpose, or to acquire a site by purchase, condemnation, or otherwise, in or near the District of Columbia, and to provide for the erection and completion thereon of suitable and necessary buildings, including furniture and equipment, for the use of such institution.

SEC. 2. The Secretary of the Treasury is authorized to accept on behalf of the United States, gifts, by will or otherwise, for study, investigation, and research in pure science, in connection with such institute and in cooperation with the Hygienic Laboratory of the United States Public Health Service, in the cause, prevention, and cure of disease affecting human beings. Any such gifts shall be held in trust and shall be invested by the Secretary of the Treasury in securities of the United States, and the income thereof shall be administered by the Surgeon General for the purpose indicated in this act. The Surgeon General is authorized to establish fellowships and utilize the proceeds thereof in aid of individual scientists who have demonstrated marked proficiency in research and investigation relating to the diseases of man. Gifts in the amount of $500,000 or more shall bear the name of the donor.

SEC. 3. The Surgeon General is authorized (1) without regard to the civil service laws to appoint, and without regard to the classification act of 1923, fix the compensation of such professors, instructors, and experts, (2) in accordance with the civil service laws to appoint, and in accordance with the classification act of 1923, fix the compensation of such clerical and other assistants, and (3) to make such expenditures (including expenditures for personal services and rent at the seat of government, for law books, books of reference, and periodicals, and for printing and binding), as he deems necessary for the proper administration of such institution.

SEC. 4. Individual scientists designated by the Surgeon General to receive fellowships may be appointed for duty in the institute established by this act and accorded the facilities of the Hygienic Laboratory. During the period of such fellowship these appointees shall hold appointments under regulations promulgated by the Secretary of the Treasury and shall be subject to all administrative regulations for the conduct of these institutions. Scientists so selected may likewise be designated for the prosecution of investigations in other localities and institutions during the term of their fellowship. On completion of all the

requirements of the course of instructions and study that may be prescribed by the Surgeon General individual scientists may be granted diplomas or certificates. Selections of scientists to receive advantages under this act shall take into account education and individual qualifications and shall be restricted to those who have completed their academic educations. The facilities of the institute shall from time to time be made available to bona fide health authorities of States, counties, or municipalities for purposes of instruction and investigation.

SEC. 5. The Surgeon General, with the approval of the Secretary of the Treasury, may make such rules and regulations for the government and administration of such institute as he deems advisable.

SEC. 6. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000, or so much thereof as may be necessary, to carry out the provisions of section 1, with respect to the acquisition of site and the erection of buildings, including furniture and equipment, for the use of such institution.

SEC. 7. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,000,000 a year for five years, or so much thereof as may be necessary, to construct new and enlarged quarters for the Hygienic Laboratory, including additional equipment, and to acquire another site for same if deemed advisable by the Secretary of the Treasury; and also for establishing fellowships to bestow upon scientists of proven proficiency in researches affecting public health.

EXHIBIT B

UNITED STATES SENATE,
Washington, D. C., May 13, 1926.

DEAR SENATOR RANSDELL: The more I think about it the more I am impressed by what you said to me about the physical needs of the human family. I have thought a lot about our conversation. Suppose I outline to you what I think about some of the particular needs.

* * * * * * *

If we divide human existence into five stages—babyhood, preschool age, childhood, adult life, and old age—we begin to appreciate how many problems there are with which we should deal.

Babyhood: The chief problems relating to infancy have to do with feeding. How necessary it is that we should work out in some exact way the mineral needs of the child. He can not have strong bones, fingernails, hair, skin, and teeth without an abundant supply of the mineral salts. How are they best to be derived? It requires a lot of study to settle this question.

Preschool age: One of the most important problems of this time of life is an exhaustive study of the tonsil and adenoid question. The most common thing you hear about a child is that he has had his tonsils or adenoids out. Some one should find out why they have diseased tonsils and adenoids. The causes and prevention should be determined.

More and more we are giving attention to dental defects and their prevention. What should be done in early life to insure the ownership of good teeth in old age?

Aside from the ordinary infectious diseases of childhood, the respiratory diseases are important. Why are children so susceptible to bronchitis and pneumonia? What can we do to guard them against these very fatal diseases?

Childhood: We hear a lot about the glands and their function. We need to know more about their relationship to health and disease. The ductless glands have a very mysterious effect upon the body and upon the maintenance of health and vigor. Much work must be done in this field.

How are we to impress upon society the importance of proper breathing and care of the heart? It is in childhood when instruction in this field must be given. Before this instruction can be of the highest type, more must be known about how to deal with the lungs and heart in early life.

It may seem funny to speak about it, but the feet are a very neglected part of the anatomy. The sort of shoes which should be worn opens a field for investigation which has been overlooked.

Adult life: There is a great problem in home and institutional ventilation. Constant disputes are going on in scientific circles as to what constitutes proper ventilation.

While health has been promoted and the expectation of life extended in infancy and old age, the diseases of middle life are just as fatal as they ever have been. The reason we hear so much about low blood pressure and high blood pressure is because we have not solved the problems relating to the heart and the circulatory system.

Much has been done in the control of diabetes by the use of insulin, but very little has been done to determine the cause and to find a means of permanently curing this disease.

Bright's disease deserves more consideration than it is given at present.

In thinking over fields of possible research I have thought about calculi. Stone in the kidney, gall stones, stone in the bladder, and calcareous deposits generally must be given increased study. What is wrong with our eating or with our manner of living that calculi should be so common?

We have made a lot of advance in recent years in rheumatism, but after all there are lots of sufferers from this disease who have failed to find relief from any methods now known by the medical profession.

Old age: The most important thing I can say about this period is that we should find some way to defer old age. It ought to be possible for everybody to live to be a hundred and to be effective at a hundred. The diseases incident to the age, such as cataract of the eye and glaucoma and other eye conditions of the later years of life need study.

There ought to be some place in the United States where a research man can go and get the money and the facilities to complete some study he is making in the prevention or cure of any disease. This is particularly true of tuberculosis. In my experience I have known two or three, perhaps four or five, men who have made wonderful progress toward the cure of this dread disease. It is a crime to say to such a man, "There is no place for you to carry on the work so important to humanity."

In eugenics, in the treatment of venereal disease, in overcoming the causes for abortion, and in the working out of the causes and prevention of cancer, we have other subjects for important study.

These are a few of the things which occur to me at this moment. If they are helpful, I am glad. Please talk to me again about your plan.

Cordially yours,

ROYAL S. COPELAND.

Hon. JOSEPH E. RANSDELL,
United States Senate, Washington, D. C.

EXHIBIT C

THE PRUDENTIAL INSURANCE CO. OF AMERICA,
Newark, N. J., June 9, 1926.

Hon. JOSEPH E. RANSDELL,
United States Senator, Washington, D. C.

MY DEAR SENATOR RANSDELL: It was a real pleasure to hear from you, and I am delighted to be able to reply just before I leave for Mexico to-morrow for an extended stay. There is being sent to you a set of publications which will serve to illustrate to you our public-health campaign and research efforts, particularly in the direction of certain diseases. Among other publications, I am sending one on the Federal Public Health Service, which I prepared some years ago and which you may still find of value. It would seem to me to be an admirable thing if the Federal health service could be authorized to accept funds from wealthy men to assist in research work by creating fellowships, etc. This would enable the service to secure outside research assistance which would not become a permanent charge upon the Federal Treasury.

Your suggestion that the establishment of a great chemico-medical research laboratory is also an admirable one. My own cancer investigations clearly establish the point of view that in cancer as well as in a number of other diseases we deal chiefly with problems of a biological character which require unusual and always expensive research facilities. You are correct in your statement that our company, the Prudential, has done a great deal in the interest of human health.

We were the first to visualize the facts of pulmonary tuberculosis in the dusty trades. My publications on that subject which have been issued by the Bureau of Labor Statistics are a standard work of reference everywhere. We were also the first company to visualize the facts of the industrial-accident situation, and assisted in the organization of the National Safety Council, on the board of directors of which I served for a number of years.

We were also the first company to realize the facts concerning the increasing menace of cancer, and we have published on this subject the largest volume of international statistics issued anywhere to date. I have issued nearly 40 different publications on cancer and I am now engaged in special research on an international scale, including different cities in the United States, Canada, and probably the larger portion of the Mexican Republic.

I am just about to leave for Mexico to pursue some cancer investigations as to the existence of the disease among tribes not in contact with civilization, while local inquiries will be carried on among certain Indian tribes in the Southwest.

A copy of a new publication just issued to-day on Cancer in Native Races is being sent to you with this letter.

Let me illustrate to you concretely my own problems, which are perhaps typical of many similar efforts. I have at the present time over 30,000 cancer death certificates in my possession, furnished by about 15 different boards of health in this country and Canada. I have in addition about 2,500 completed questionnaires regarding living cancer patients collected through special investigators, chiefly in San Francisco, Boston, Chicago, Mayo clinic, Buffalo, etc. I have practically no money to carry on this work, which aims primarily at the correct ascertainment of the facts of the cancer situation. I am not immediately concerned with a cancer cause or a cancer cure. I am

concerned with the ascertainment of facts and conditions which will aid research work toward a more satisfactory conclusion.

As I have said before, I have had practically no means to carry on this work, in which, however, I have the assistance of several large insurance companies and practically all the boards of health whose assistance has been called upon. In other words, I have an immense amount of valuable cooperation, the results of which could be increased tenfold if it had substantial financial support to the extent of $20,000 or $25,000 to carry through the analysis and what goes with it.

The third cancer report is being published, and you will receive a copy in the near future. I ask you to look over the first and second reports, which are forwarded under separate cover.

You will recall in our efforts to establish a Federal leprosarium my statistics presented at the time were practically the only basis for definite conclusions concerning the incidence of the disease in this country and the only proof that segregation was the most effective means of reducing the incidence of the disease. I will send you a reprint of an article on "Life's greatest tragedy," which you may find of interest.

Much to my regret, I can not see you at this time, for I am just about to leave for Mexico to continue some of my cancer investigations into the rarity or occurrence of malignant disease in Indian tribes not in contact with civilization. I expect to return, however, about October 1, and would be glad to see you soon afterwards. It is just possible that I may return by way of New Orleans, for Doctor Matas has written me that he would be glad to have me address the parish medical society.

My Mexican investigation will include the general health of the Mexican people, social and economic conditions, social order, crimes of violence, etc., while particular attention will be given to various diseases, including malaria. The investigations will be amplified by meteorological data, physical data, etc.

If you will be good enough to write to me, care of Santa Rita Hotel, Tucson, Ariz., I would be very glad to assist you in so far as it may be possible from that point. I am extremely interested in your suggestion and congratulate you on the broad vision and courage to bring forward such an ambitious program. Anything that I can do to help you in having your plans materialize will be done.

* * * * * * *

Very truly yours,

F. L. HOFFMAN,
Consulting Statistician.

EXHIBIT D

SOUTHERN HEALTH AND WELFARE

AN ADDRESS DELIVERED BEFORE THE SOUTHERN GOVERNORS' CONFERENCE, BIRMINGHAM, ALA., OCTOBER 20, 1925, BY FREDERICK L. HOFFMAN, LL. D., CONSULTING STATISTICIAN PRUDENTIAL INSURANCE CO.

For more than 30 years I have been actively and extensively concerned with southern health problems, chiefly, however, in their relation to insurance. When the Prudential entered the Southern States in March, 1897, the company found itself confronted by a very serious and complicated situation. Most of the South, and certainly the lower South, was generally considered subject to a death rate considerably above the normal, an assumption justified by the past experience of life-insurance companies transacting business in the Southern States. The Prudential, therefore, at the outset, proceeded with a large measure of caution to eliminate considerable areas which the company had reason to believe would yield an unsatisfactory mortality rate. Our practice at the time was based upon personal investigations made by myself in every Southern State and in nearly every area which we had reason to look upon with apprehension.

At that time no Southern State had a satisfactory system of collecting vital statistics and only a few of the larger cities had records which could be relied upon. We, however, commenced to gather our own statistical information, fully supported in all cases by personal and local investigations. During the long intervening period of years nearly all of our earlier restrictions have been eliminated in the light of subsequent experience, and to all practical purposes we now look upon the Southern States as desirable a territory as any of the States in the North or West. This happy result is, of course, the consequence of the extraordinary sanitary progress by the Southern States, based largely upon epoch-making medical discoveries in connection with disease causation and disease control.

Yellow fever at the time we commenced operations was still, potentially at least, a serious menace. This disease has now been absolutely eradicated and gives no cause for concern.

Malaria, in its malignant form, was quite common 30 years ago, but the prevailing types of the disease at the present time are mostly minor forms of infection which rarely cause death.

Hookworm, which undermines the physique and predisposes to other diseases, has also been brought under a large measure of control, and is now, in most sections of the South, the exception rather than the rule.

Pulmonary tuberculosis has declined in the Southern States at about the same rate as in the North, at least as regards the white population, and I may say in this connection that the Prudential limits the selection of its risks entirely to whites.

Pellagra, which at one time was looked upon with grave concern, has largely yielded to measures of control, and is now of minor importance. (In the United States registration area in 1923 there occurred 2,352 deaths from pellagra, against 2,347 deaths in 1924. The rate of 2.4 per 100,000 remained unchanged. The rate is slightly less than that for erysipelas, which in 1924 was 2.7, and for malaria, which was 2.8 per 100,000.)

Most of the other important diseases prevail at about the same rate in the South as in the other sections of the country, but some are decidedly less common.

From the outset of our interest in southern mortality problems we concentrated our attention upon malaria. It was my privilege to be largely responsible for the organization and continuity of the national malaria committee, of which the late Doctor Gorgas and the late Doctor Carter were honorary chairmen. We gathered statistics in the study of the malaria problem and published a number of papers on the subject which have been widely distributed. Our main office was to draw attention to the principal areas subject to the highest malaria frequency rate, urging at the same time the introduction of modern methods of eradication and control.

Without going too extensively into the matter, I will limit myself to a few data covering the last decade on the progress which has been made and which continues to be made in practically every section of the South. For the entire registration area of the United States the malaria death rate has undergone material diminution. At the present time the rate is only 2.5 per 100,000 of population, or, in other words, it is practically negligible. For the rural population of the registration area it is at the present time, however, about 5 per 100,000.

In the State of Florida the rate has diminished from 44 in 1919 to 30 in 1923; in Georgia, from 17 in 1922 to 16 in 1923; in Kentucky, from 7 in 1914 to 2 in 1923; in Louisiana, from about 30 in 1918 to 16 at the present time; in Mississippi, from about 37 in 1919 and 50 in 1921 to 31 in 1923; in Missouri, from 13 in 1913 to 4 in 1923; in North Carolina, from 22 in 1914 to 6 in 1923; in South Carolina, from 39 in 1916 to 15 in 1923; in Tennessee, from 19 in 1917 to 9 in 1923; and in Virginia, from 8 in 1914 to 2 in 1923. Thus in all of the Southern States, for which accurate information is available, there has been a material decline in the malaria mortality during recent years.

The foregoing statistics are all official and have been kindly furnished by the Division of Vital Statistics of the United States Census Bureau. That same office has been good enough to compute for me a combined mortality of six Southern States for which convenient records are available—from 1917 to 1923. The States are Kentucky, Maryland, North Carolina, South Carolina, Tennessee, and Virginia.

These States had an average mortality from all causes of 13 per 100,000, the rate having decreased from 14 in 1917 to 12 in 1923. The section had an average typhoid fever mortality of 20 per 100,000, but the rate has declined from 30 in 1917 to 14 in 1923. For the same section the average mortality rate from malaria was 9 per 100,000, but the rate has declined from 12 in 1917 to 6 in 1923. I feel confident that no other section of the country is likely to show a more favorable change in health conditions than as represented by these combined statistics for six representative Southern States.

One of the most important malarial regions in the South is the State of Mississippi, or more accurately only certain sections thereof, chiefly what is known as the Yazoo Delta. The State Board of Health of Mississippi has been good enough to furnish me with some very interesting statistics for the decade 1914–1924, summarized as follows: In 1916 the maximum number of cases of malaria was reported as 159,000. In 1924 this number had decreased to 79,600. For the white population alone there was a decline in cases of malaria from 76,000 in 1916 to 41,000 in 1924. Deaths from malaria in Mississippi declined from 1,492 in 1916 to 365 in 1924. For the white population only there was a decline in the malaria death rate from 516 in 1915 to only 101 in 1924.

It would be difficult to exaggerate the practical and far-reaching importance of this evidence sustaining the convictions that really extraordinary sanitary results are being achieved in consequence of the application of modern methods of prevention and control.

Anyone familiar with the early and deplorable conditions in the Yazoo Delta can not but look with amazement upon the clean and healthy conditions which have developed in that section in the meantime. In brief, the principles of prevention and control, thoroughly understood, at least on the part of the white population, are bound to prove effective and bring about a material reduction both in disease incidence and mortality.

Another section of the South especially liable to malaria in former years is a group of so-called southeastern counties of Missouri bordering on Arkansas and Tennessee. Some of these counties in the past have experienced malaria death rates as high as the west coast of Africa. Dunklin County, which in 1913 had a malaria mortality rate as high as 363 per 100,000 has reduced its rate for 1923 to 57, in-

creasing, however, to 77 in 1924. The actual number of deaths from malaria in Dunklin County diminished from 113 in 1913 to only 19 in 1923.

Another affected area was Butler County, which in 1912 had a rate of 271, but by 1924 the rate had been reduced to 101, and the actual number of deaths from 58 to 26. Similar results could be pointed out for other counties, one and all of which have made pronounced progress in the direction of better sanitation and health during recent years.

The present Missouri situation, however, clearly emphasizes the need of a constant, vigorous, and thoroughly well-administered sanitary policy. Negligence in rural sanitation is invariably followed by an almost immediate rise in the malaria death rate; but the death rate is at best only fragmentary evidence of the enormous economic losses as a result of disease. At the present time in the State of Mississippi there are about 80,000 cases of malaria and about 365 deaths, or, in other words, one death for every 220 cases. Some authorities have estimated the case rate as high as one death to 400 cases.

I will not indulge in speculative estimates as to the probable number of cases which prevail throughout the Southern States at the present time, but the total must reach staggering proportions; nor will I enlarge upon the so-called economic cost of the disease which is also more or less a matter of guesswork. We are, however, confronted with the positive evidence that many plantations find it difficult to secure a sufficient labor supply on account of the prevalence of the disease. It is a grotesque error to assume that the negro is not liable to malaria. As a matter of fact the case and death rates of colored are as a rule considerably in excess of the rate for the white population.

Thus, in my judgment, the Southern health problem is essentially a malaria problem, although in many sections hookworm and pellagra also tend to seriously complicate the situation. Brief reference, however, should be made to typhoid fever, although this disease is rapidly yielding to better sanitation, particularly to better supervision of the water and milk supply. In the United States registration area, for illustration, the rate has declined from 36 per 100,000 in 1900 to only 6.7 in 1924. Typhoid fever is unquestionably more common in rural sections than in urban centers. Since I have already drawn attention to its decline in the South, I will not further enlarge upon this phase of the problem except to point out its great economic importance, in view of the heavy expenditures resulting from cases of typhoid, of which a large majority are unquestionably, in the light of modern science, easily preventable.

Health progress depends essentially upon four closely interrelated agencies: First, the local sanitary authorities; second, the boards of health; third, the United States Public Health Service; and, fourth, health-promoting agencies, of which perhaps the most important at the present time is the International Health Board of the Rockefeller Foundation. Of these four agencies, however, the one which has been most active in promoting local investigations into disease occurrence and methods of control is the United States Public Health Service. The Federal Government most fortunately has long since realized its profound responsibility in many problems which can not be dealt with effectively by local, State, and private authorities.

The fundamentals of rural health work have been presented in an admirable outline by Dr. W. F. Draper, assistant surgeon of the United States Public Health Service, in an address published in 1924. From this address the following important conclusions have been formed:

The plan of cooperation is feasible and economical. The fundamental conception of the program is that State and Federal health agencies are in duty bound to assist and share in this work, which for its background requires a local whole-time health service, and strenuous efforts in this direction have been made.

To an increasing extent southern communities are realizing the vast economic value of good health and the detriment of health injurious conditions which hinder the progress and well being of the population. In so large a country as ours, where so much of the population is constantly in motion, health is not only a local but also a national problem. The responsibility of the Federal Government in many such matters is therefore clearly recognized as fundamental to a successful solution of the problem.

What has, therefore, become known as "cooperative county health work" requires brief consideration. The subject has been dealt with exhaustively in an address by Doctor Perran, of the United States Public Health Service, who observes that—

"County health service, under the direction of whole-time health officers, has become an integral and important part of the public-health machinery in many States. Each year it assumes a more important place in the State health programs as additional counties avail themselves of this service, and as those health authorities who are interested in one or another special phase of health administration realize that a county health department furnishes the best means for conducting in rural districts each special health activity as a part of a general health program."

I should have said in this connection that the number of counties that provide such a service throughout the United States at the present time has increased from 109 in 1900 to 280 in 1925. This, however, is for the whole country, no data for the Southern States alone being conveniently available.

Foremost in promoting rural health activities in this country has been Dr. L. D. Lumsden, of the United States Public Health Service, who has been engaged in this work for 10 years or more. According to Doctor Lumsden, the United States Public Health Service demonstrated in 79 counties or districts in 19 States, chiefly in the South but including also sections of California, Illinois, Iowa, Kansas, Massachusetts, and Montana. Authorization of these activities is contained in the act of February 15, 1893, included in the annual appropriation act, which provides specifically for "Special study and demonstration work in rural sanitation." In other words, the function of the United States Public Health Service in such matters is primarily scientific and educational. It aims at the ascertainment of local health problems to aid successfully in their solution. The work is always conducted in cooperation with State and local health authorities. The plans of cooperative rural health work have been involved in field experience on revised lines of local conditions, adequate provision being made for such work which could be done at comparatively little cost with far-reaching results in promoting general welfare. That, in brief, is the keynote of the rural health work of the Public Health Service at the present time. It rests upon the principle that efficient health service prevents much more money loss than it costs and the lack of efficient health service in rural districts is serious and a matter which should be of acute concern to all our units, governmental, individual, State, and national. It is therefore argued by Doctor Lumsden that "if our Federal Government can properly cooperate with State and local governments in any field of activity for the promotion of the welfare of the people, conditions indicate that it could do so to the utmost advantage in the field of well-balanced, businesslike, whole-time rural health work."

The amount which has been expended for rural sanitation and health work has been less than 1 per cent of the amount appropriated for all the activities in the United States Public Health Service during recent years. In support of the work in 79 local projects the expenditures for all sources in 1924 were $708,909, of which $67,314 were allotted from the rural health sanitation fund, while an aggregate of $569,510 were derived from State, county, and municipal governmental sources, aside from $72,084 derived from other sources, including local health-promoting activities. It is pointed out in this connection that this investment of Federal funds providing for rural sanitation work is met with odds of over nine to one. In other words, for every $110 expended the local government contributes $990 or more. Yet the Federal appropriation is absolutely essential.

It is shown that the rural cooperative health office, being part of the Federal Government, rests upon a sound economic basis. The Government contributes after all but a minor portion of the total expenditures required. It is my firm conviction that the Federal Government should do much more in this respect, for the health of the rural South is a national as well as a local problem. It will, perhaps, find its best illustration in the present situation in Florida, which during the last few years has largely increased in population by settlers and residents from other States. Florida, no more than Mississippi, Alabama, Georgia, or South Carolina, can carry the burden of local rural sanitation entirely alone. Most of these sections—and, in fact, most of the South—require the support, assistance, and wide experience which the Federal Government alone has at its command.

While progress has been made during recent years, the results are as yet far from being felt as much as desired. I will quote in this connection a portion of Doctor Lumsden's report, with reference to special demonstration work in certain counties of Virginia, which is referred to as being highly successful.

The cost of such service in the average county is about $2,750 per year. The county sanitary officer is engaged on a whole-time basis. He does not have to be a graduate in medicine or engineering, but he must be a trained practical sanitarian. In Virginia county sanitary office projects become more important from year to year. Some of these counties are now among the foremost in the list of rural counties in the United States showing high-grade sanitary progress. Further contrast in this respect will be interesting.

In 1922 the adjusted typhoid fever rate of the white population of Virginia was 8.5, that of Maine 6.2, and of Indiana 8.1. The adjusted death rate from all causes for 1922 was 19.5 for Virginia, 12.6 for Rhode Island, and 12.7 for New York. The adjusted death rate for all causes for the white population of Virginia was 10.4, for Pennsylvania 12.1, and for New York 12.7. There were no deaths from smallpox in Virginia in 1922, while the rate for the whole registration area was 0.7 per 100,000. The mortality from diphtheria was 22.4 for the white population of Virginia, as compared with 18.2 for New Jersey and 16.7 for Pennsylvania. For all forms of tuberculosis the rate for the white population of Virginia was 91.4, for Rhode Island 91.5, for New York 93.8, and for New Jersey 91.2.

This illustration will suffice for the purpose of emphasizing not only that Virginia to-day has as normal a death rate as any one of the leading Northern States, but that this gratifying result is unquestionably in a large measure due to the cooperative county health work, in

which the efforts of the State and Federal Government are found to produce results required.

I will add to the foregoing some brief additional observations from a report of Doctor Lumsden, reading in part as follows:

"This county officer plan after six years of testing appears to offer to the counties to which it is appropriate as large a return on the investment for county health service as any other yet tried or proposed."

The State health commissioner of Virginia regards the county sanitary officer system as the one best suited to the needs in that State, and has formulated accordingly the program for the extension of whole-time local health service throughout his jurisdiction. Thus progress is being made, and will continue to be made as long as there is a sufficient measure of liberality on the part of the local, State, and Federal health authorities.

All three are required to secure the best results, but of these three the most important, as previously stated, is the Federal Public Health Service. This does not minimize what is being done by the State, county, and city health authorities, but it merely suggests that Federal aid in rural sanitation is essential to bring about more effective administration of sanitary principles in particular localites. The work which has been done is a monument of efficiency in sanitary progress.

Here again I may properly refer to my own knowledge of actual conditions, based upon painstaking investigations, carefully made a matter of detailed record at the time. The change in Southern health conditions is nothing less than a revelation. Only those who vividly recall the deplorable sanitary state of the old South following the Civil War can fully appreciate what has been achieved. I would fail if I did not point out at this time that there are still a number of Southern States outside the registration area. The Division of Vital Statistics of the Bureau of the Census has for many years made strenuous efforts to secure State legislation providing for sufficient registration service, but in quite a number of States has not been successful. Every Southern State owes to itself and to the economic interests of its population adequate provision for the complete and accurate collection of vital statistics. Such statistics are absolutely essential for a variety of purposes and by common consent are a basis of all public-health activities. Among the States which at the present time do not provide for adequate registration, mention may be made of Alabama, Arkansas, West Virginia, and Texas.

What we are most in need of is correct information regarding health conditions in the rural South. Most of the large cities are well administered and have health records that admit of comparison with Northern communities. I recently had occasion to visit El Paso, which forms to-day a rather extraordinary contrast to conditions of 20 years ago. It is a marvelous illustration of Southern enterprise, health, and prosperity, based upon a clear recognition of the supreme importance of adequate sanitation. The problem which confronts the entire South is one of colossal proportions. It is to be hoped that the forthcoming Congress will deal more liberally and judiciously with the present situation. The United States Public Health Service, by common consent, is the most efficient of its kind in the world. Every great nation has sent its representatives to this country to study its organization, methods, and results. It was never more ably administered than under Surgeon General Cummings, who himself is a Virginian, with an admirable record behind him. He is thoroughly familiar with the needs of Southern communities and competent to deal with every problem which may arise. Recent occasions have once more illustrated the efficiency of the service in localizing epidemics of plague in a few counties.

I would like to have enlarged upon the rat problem, which is also one that demands eternal vigilance and liberal appropriation. The rat is unquestionably, next to the mosquito, the most serious of man's enemies in the South. Rat extermination is one phase and the examination of rats for possible plague infection is another. This requires laboratory equipment which the Federal Government is best in position to provide. The problem in many places is not dealt with as thoroughly as the situation requires. It is always a question of men and of money. A recent outbreak of plague in Los Angeles is one of many illustrations of local foci of infection which once established is very difficult to eradicate. In any event the Nation is fortunate to have a Federal Public Health Service competent to deal with the situation from the outset and localize the spread of infection to a few cases. The saving to the Nation can only be computed in millions, while the saving in human life easily runs into the thousands.

If my interest in the South had been primarily professional for insurance purposes, I have become deeply attached to the South and its wonderful people. There is nothing more inspiring than to return to the South after some years and observe on every hand evidences of progress and widely diffused prosperity. I know of no city in the world that presents a more extraordinary aspect in this respect than New Orleans. I have known New Orleans for over 40 years, and vividly recall the days of the open sewer, the vast swamps around the city, the inadequate and often polluted water supply, the ever present menace of yellow fever, and the different forms of malaria and other infections. New Orleans is to-day one of the most beautiful cities anywhere, and from a health point of view is unsurpassed by any important community in the North. Fifty years ago the death rate for New Orleans was rarely less than 30 per 1,000, and even as late as 1914 the rate was 16.6 for the white population. In 1922, however, the adjusted rate for the white population was only 14.6, while that of New York City was 13.3 and Los Angeles 14.2. Typhoid fever among the white population of New Orleans has declined from a rate of 20 in 1916 to 9 in 1922. Malaria for the white population has declined from a rate of 6 in 1914 to 2 in 1922. The mortality from all forms of tuberculosis has been reduced for the white population from 227 in 1918 to 121 in 1922. No further evidence is required to emphasize the statement that the sanitary progress of New Orleans has challenged the admiration of all who were thoroughly familiar with its earlier highly unsanitary conditions. It is only fair to point out in this connection that the death rate of New Orleans, particularly for the white population, has been considerably decreased by its great medical facilities, which are unsurpassed in hospitals and clinics in other sections of the country.

I also draw no invidious comparison when I refer to Dr. Oscar Dowling, president of the Louisiana State Board of Health, the one man above all others to whom this extraordinary sanitary achievement is to be attributed. What is true of Doctor Dowling is true of nearly every State health officer of the South, all of whom are actively engaged in giving furtherance to the principles and practices of public health demonstration indorsed by the foremost authorities of the time.

Finally, I would fail if I did not give utterance to my deep convictions that the South in very truth holds out the best hopes for the future of the Nation, for there are still new lands to be brought into cultivation, new sources of energy to be developed, and new wealth to be created. The time is not far distant when the unused water powers of the South will generate an enormous quantity of energy which will develop many regions which now fall far short of what their natural resources and opportunities suggest. The industrial South of to-day is watched with amazement by those of the North and West, who see their industries migrating to other and more promising fields. Southern textiles are progressing, southern steel works are active, southern lumber, southern phosphates, and other products of many kinds are increasing in quantity as well as in quality. The Florida boom has promise of beginning a new industrial age for the South, for it seems that the South is always new, once it was reborn after the struggle of a great war. Nowhere on the globe has nature done more for man than in the South, and if man will do his share in redeeming the large areas which now suffer from the handicap of ill-health-producing conditions, if man will but provide the necessary drainage and the required sanitation, the "new" South of the future will far outdistance the "new" South of the present day.

EXHIBIT E

MEDICAL RESEARCH [1]

By George J. Schulz, June 21, 1926

To interpret properly the impulses which actuate medical research at this time is to determine in a measure the progress of this golden age of medical science. The advantages to the community resulting from research in medicine are advantages because research has done away with conditions which were disadvantageous to the health, the happiness, and the prosperity of the community, removing the impediments to a higher, happier, and more prosperous civilization.

It was in the events and activities of the later years of the eighteenth and early nineteenth centuries that the general thought which exerted itself indirectly as an influence on modern medicine had its development. The world was becoming wiser and more humane; the principle of education for all was being recognized. It was a period of tremendous development in the mechanical arts, marked by the rise of great chemists and physicists, great naturalists, great astronomers and mathematicians. The activities of these men were not seen as directly contributory to the science of practice of medicine at the time, but as the years went on and it became more evident—largely as a result of their work—that knowledge was to be gained not by establishing all-embracing systems of philosophy but by the accumulation of facts through exact observation and experiment. Their methods become naturally the property of medicine.

The practice of medicine, in the meantime, however, labored under great difficulties and was largely a matter of empiricism. Without a knowledge of etiology, without pathological anatomy, and without a rational therapy it could be nothing else. Anatomy waited for its fullest development upon methods destined to establish histology and embryology. Experimental physiology, an unknown field, was soon to be explored as the result of the introduction of instruments of precision and analytical methods. Pathology, and in turn, internal medicine awaited the development of pathological anatomy. Surgery, slowly improving technical procedure, likewise marked time until anesthesia

[1] These abstracts have been digested from a series of essays by the leading medical authorities, collected under the title "Medical Research and Education." The Science Press, New York, N. Y. (R 735M4.) 1913.

and asepsis opened new worlds to it. The advance of these subjects may be followed along the lines of physics, chemistry, and biology, as they developed in France, England, and Germany. The workshops of these sciences—universities, laboratories and hospitals, societies and journals—represent the visible machinery of the nineteenth century research in medicine, and are to be regarded as constituting the hope for the future of medical research.

The important activities in scientific medicine at the present time may be said to lie in the following departments: (1) Immunology, (2) protozoology, (3) chemotherapy, (4) physiological chemistry, (5) experimental pharmacology, and (6) experimental pathology.

Immunological studies are based on the known fact of the reinforcement of natural resistance to disease, as illustrated by serum therapy in diphtheria and by vaccine therapy in anthrax.

In no field of medical science has the modern experimental method given greater results in a few brief years and offered greater promise for the future than in the study of cancer. Jensen in Denmark and Loeb in this country demonstrated that a form of cancer occurring in certain lower animals could be transmitted from one to another. This afforded a means of studying in detail the method by which a malignant tumor grows in the body and more particularly has thrown light on the resistance or immunity to tumor growth which may occur naturally in certain individuals and which may even be artificially produced.

In 1890 appeared the first books on the subject of protozoa as causes of disease. At that time only two human diseases were suspected of being caused by protozoa; to-day more than 15 are known or suspected to be of protozoan origin. In this class of disease belong dysentery and malaria, work on the latter constituting a very large part of recent medical investigation. No field of medicine offers so much of tragedy, of romance, and of spectacular discovery as that of the pathogenic protozoa, and few offer such great difficulties. It is at the same time one of the most promising fields of present-day effort. Here, likewise, belong the spirochæta of syphilis as well as the Negri bodies of rabies.

As the study of protozoan diseases progressed it soon became evident that the method of combating such disease must be different from that used against diseases due to bacteria. Chronicity of amebic dysentery and relapses in malaria indicated that the protozoan diseases are not self-limited and therefore not characterized by the development of immune bodies, similar to those of the acute bacterial diseases; artificial cultivation failed to demonstrate that protozoa yielded bodies analogous to bacterial toxins, capable of producing, on injection, bodies with efficient antitoxic power. These and other facts precluded therefore, a therapy based on the principles applied to bacterial vaccines or antitoxins. The beneficial effect of quinine in the treatment of malaria and the cellucidal action of quinine on the ameba and other protozoan forms indicated that a therapy to be successful must be one in which a substance toxic for the protozoa in question is brought into direct contact with it. The establishment of such therapy, and the creation of the new science of specific chemical therapeutics has been the work of Professor Ehrlich, of the Royal Prussian Institution for Experimental Therapeutics at Frankfurt. The new theory is based on the principal that a specific chemical affinity exists between specific living cells and specific chemical substances. Twenty-five years of study and experimentation have led Ehrlich to the belief that for each specific parasite a specific curative drug must and could be found.

The difficulty of the task and the magnitude of the results lay in the principle that Ehrlich proposed a sterilization of the body in so far as the microorganism, against which the specific remedy was aimed, was concerned. The destruction of bacteria and protozoa outside the body by chemical means is a commonplace of surgical and public health measures; but the destruction of living microorganisms within the living body had never until Ehrlich accomplished it, been possible without at the same time, destroying also, in part or in toto the cells of the host. To avoid the latter it was necessary, therefore, that the protozoa-destroying substance should have a specific chemical affinity for the protozoa in question, but little or no chemical affinity for the cells of the host. Ehrlich demonstrated this ability completely to sterilize the animal body by a chemical disinfectant without injury to the cells of the host in the use of trypan red in a case of trypansomiasis infection in mice.

In subsequent experiments observations indicated that if instead of a dose necessary to destroy all the trypanosomes, a slightly smaller dose was injected, or if these smaller doses were repeated at intervals, the trypanosomes, though disappearing for a time, would reappear. Thus the conclusion was reached that a strain of trypanosomes had been developed which were resistance-immunized as it were to trypan red, and that this resistance could be transmitted through many generations. Thus it was apparent that either a drug must be found which by a single injection would kill every parasite, or several different drugs must be used, which, acting on the same parasite, and thus allowing a combination treatment, would lead to a cure without the danger to the host, of a single massive dose. As the work went on Ehrlich and Weinberg found a substitution which destroyed the virulent parasite of magana, the tse-tse fly disease; and that Mesnil and Nicolle, using the blue and violet azo-dyestuffs, prepared a trypan blue and trypan violet which caused the disappearence of the parasites of magana, surra, and mal de Caderas.

Other progress was through various combinations of anilin with arsenic. Before Ehrlich entered this field, Bruce had found arsenic to be a drug of value in treating the trypanosomiasis of horses, and Thomas had found that atoxyl, a combination of arsenic and anilin, would cure a large percentage of infected animals.

At about this stage Uhlenhuth and Salmon published an account of the brilliant use of atoxyl in the treatment of syphilis which is caused by the spirocheta pallida. Unfortunately the use of atoxyl was frequently accompanied by blindness. So Ehrlich turned his attentions to the protozoan diseases caused by spirilla. His labors on these diseases constitute one of the most fascinating of modern laboratory studies, and his results are among the greatest of scientific discoveries. He proceeded with a great variety of substitutions, and innumerable arsenic derivatives were synthetized. His object was to find a substance which would kill the spirochetes without injury to the host. The result was the celebrated Ehrlich-Hata 606, chemically known as dioxydiamido-arsenobenzol, receiving later the commercial name salvarsan. This substance used on mice and rabbits in a dosage 58 times smaller than the dosis tolerata caused the spirochete of syphilis to disappear completely from experimental lesions within 24 hours. This experience naturally aroused the hope of curing syphilis in man by a single injection given in the early stages. Such treatment, if successful, would supersede, or at least supplement, the empirical treatment by mercury which required a course of several years' treatment before a cure could be assured. The completeness and rapidity of the curative action of salvarsan have been astounding. Primary or secondary lesions heal or disappear; the spirochetes can not be found after a few days, and the effect is one apparently of complete sterilization. Nothing can detract from the magnificent service by which Ehrlich and his pupils have benefited humanity and added to the glory of medical science by establishing the principle of specific chemotherapy. With a record of about a dozen drugs which can be used to cure or modify diseases caused by nearly a dozen different protozoa, chemotherapy offers promises of results which, with serum therapy and vaccination in bactereal diseases, will sharply limit the ravages of the transmissible diseases of man and animals. The new drugs are as follows:

I. Arsenic group: Arsenous acid, atoxeyl, acetyloxyl, arsenophenylglycin, and dioxydiamido-arsenobenzol.

II. Azo-dyestuffs: Trypan-red, trypan-blue, and trypan-violet.

III. Basic triphenylmethan dyestuffs: Parafuchsin, methyl-violet, and pyronin.

It must be from past experience that the methods and mode of approach which will presumably yield the greatest measure of success in the investigation of present and future problems are to be indicated. The past shows four important aspects.

1. The epoch-marking labors of isolated individuals working independently.

2. The application of the exact methods of physics, chemistry, and biology to medicine.

3. The development of laboratories for the organized and intensive investigation of the various problems of medicine.

4. The idea of diminishing suffering.

Modern effort in research in medicine is organized laboratory method, and upon this type of effort present-day progress would seem to depend. The laboratory offers to the individual with original conceptions or special talents advantages, facilities, and opportunities which, by aiding and supplementing the work of the individual, render isolated effort unnecessary.

Not only has the laboratory come into existence in university schools of medicine and in the hospitals, but many independent laboratories for research alone have been founded in the large medical centers, as follows:

Pasteur Institute, Paris, 1888.
Imperial Institute for Experimental Medicine, St. Petersburg, 1890.
Institute for Infectious Diseases, Berlin, 1891.
Lister Institute for Preventive Medicine, London, 1891.
Institute for Experimental Therapeutics, Frankfort, 1896.
Rockefeller Institute for Medical Research, New York, 1901.
Memorial Institute for Infectious Diseases, Chicago, 1902.
Henry Phipps Institute for Study, Treatment, and Prevention of Tuberculosis, Philadelphia, 1903.

In addition there have been established municipal, State, provincial, and national laboratories devoted to work concerned with the public health. Thus, in the important influences affecting research in medicine, only one conclusion is deducible—that although the individual will continue to be the most significant factor in the situation, it is unquestionable that his perception will be constantly stimulated, his imagination quickened, and his hands aided by the opportunities, ideals, and facilities of the laboratory. It is in the laboratory—and this term may be used to include the properly conducted hospital as the laboratory of clinical medicine—that medicine keeps in close touch with new discoveries in physics, chemistry, and biology.

It may appear safe to conclude that progress in medicine may be expected in the future as in the past 50 years, through the oppor-

tunity afforded the well-trained individual in well-equipped and well-organized laboratories through the cultivation of the methods of auxiliary sciences and through the ideal of social service. One of the great influences of the application of the laboratory idea to medicine has been the recognition of the principle that hospitals should be utilized not only for the care of the sick but for the purposes of teaching and investigation as well.

Among the leaders in American medical research are Leidy, of Pennsylvania; Bowditch, of Harvard; Minot, of Harvard; Mall, of Hopkins; Chittenden, of Yale; Macallum, of Toronto; Welch, at Johns Hopkins University; Wood, at Pennsylvania; Cushing, at Ann Arbor; Abel, at Baltimore; Herter, in New York.

Research signifies effort directed toward the discovery of laws and principles through the systematic collection of new and the better correlation of existing data. The aims of research are mainly utility and service to mankind.

As a most important and timely contributory force to the advancement of medical research in recent years are the princely gifts of benefactors with whom we especially associate the names of Johns Hopkins, Garrett, Fabyan, Rockefeller, McCormack, Payne, Morgan, Huntingdon, Sears, Stillman, and many others, without whose aid medical research could hardly have commanded a corporal's squad to-day.

The study of the great domain of infectious diseases has revealed such a similarity between the diseases of man and the higher animals that we hesitate now less than before to apply courageously the knowledge gained in our experiments upon the highest mammals to human physiology and pathology. Without this aid from animal life medicine as a progressive experimental science would dwindle into insignificance.

In the development of special research laboratories about 25 years ago, the United States Government was among the first to vote what were then very liberal appropriations for the study of infectious animal diseases. Research is largely dependent for its successful pursuit upon an attitude of the mind which insists on following a clew that promises to reveal some relationship, some law of casuality, between phenomena hitherto apparently unrelated. In order to attract these minds we must pay them a living wage, provide workshop and tools, and exercise but moderate restraint over their activities.

For the future it seems clear that important discoveries in the etiology and treatment of various bacterial diseases are still to be anticipated. Pneumonia, which now runs its course without check by medicine, will, it may be confidently hoped, be curbed. Malignant growth of whose very causation we are in perfect ignorance will, we may well believe, in time yield up their secret and become tractable to some surer and less terrible therapy than that of the knife. Medicine, including surgery or mechanical medicine, will depend for its progress more and more on experimental work in the laboratory.

A research foundation may be defined as one especially intended to produce new and better knowledge. In the United States, among the foundations closely related to medicine are the Rockefeller Institute, the Memorial Institute for Infectious Diseases, the Ortho S. A. Sprague Memorial Institute, both of these at Chicago, together with a number of others representing much the same purpose, but with less ample resources, as well as several funds devoted to the study of cancer, tuberculosis, or other special diseases. Why have these institutes and funds been established? In most cases the causes have been frankly philanthropic. Personal experience with a disease has led more than one man to devote a large sum to the search for its control or cure, or going a step further and recognizing that the application of laboratory results to medicine has brought progress, some have desired to furnish opportunities by which this application may be accomplished where it seemed most needed.

The programs of these foundations imply the hope that by such endowments new points of view fundamentally important to medicine may be discovered.

EXHIBIT F

EXISTING FACILITIES FOR CHEMO-MEDICAL RESEARCH

[From Report on the Future Independence and Progress of American Medicine in the Age of Chemistry]

In order to form a correct judgment in regard to the necessity for chemo-medical research, it is essential to make a survey of the facilities now available in this country and contrast them with the facilities existing in other countries.

Our own country, with its vast resources, should have a leading part in this important field of work; we can not at this time escape the responsibility for contributing our full share to the alleviation of human suffering caused by disease, yet if we compare the number and scope of our own institutions for medical research with those of other countries it is evident that much remains to be done before we can aspire to leadership in this branch of research.

FACILITIES IN THE UNITED STATES

In commenting on Ehrlich's work in 1913, a popular magazine (Current Opinion, 55–256) said: "More immediately practical than any other scientific development of our time is the subjection of the science of medicine to the principles of chemistry. * * * The importance of regarding medicine as a branch of chemistry and not as an independent science is manifest when we remember the therapeutic mysteries for a solution of which mankind is now desperately groping." The value of fundamental studies in relation to disease has thus been more or less generally recognized for a number of years, yet our survey shows that at the present time we are far behind Europe in our facilities for chemical research.

CHEMICAL STANDPOINT LACKING

While there are in the United States a number of institutes and foundations for medical research doing most valuable work, there is none in which the problems are being approached primarily from the chemical standpoint. Consequently few new lines of chemical investigation in relation to disease have been developed in this country and we have been largely dependent upon foreign countries, especially Germany, for discoveries relating to the applications of chemistry to disease. In considering the publications relating to chemo-therapy which have appeared in this country it is remarkable to what a large extent they have followed a few lines opened up in Europe. Thus the many investigations on the therapeutic value of the newer arsenic compounds; the very numerous studies on the action of aniline dyes, including the combination of these with mercury and other metals and the work on the effects of quinine derivatives in pneumonia, are all based upon the work of Ehrlich. When Ehrlich laid the foundations for this work he was occupied with certain broad general problems (such as the laws governing the distribution of chemical compounds in the body), and not with specific diseases. Work along these lines is already beginning to stagnate, and it is becoming more and more evident that new points of view are needed which can be obtained only by a return to the study of fundamentals.

It will be noted that many of the research foundations in this country have been established for the study of certain diseases, or classes of diseases, and are not therefore free to work upon broad, fundamental problems.

(NOTE.—The importance, even for the solution of immediately practical problems, of opportunities to pursue fundamental studies irrespective of any specific disease is strikingly shown by the circumstances leading to the discovery of arsphenamine. Ehrlich was engaged in a study of the chemical and physical principles which determine the distribution of compounds in the animal body and had selected the study of dyes, since their distribution was easily determined. While the purpose of these studies was purely theoretical, Ehrlich found that some of the dyes seemed to have a special affinity for blood corpuscles and thought that they might be of value in malaria and afterwards determined the effects of the dyes upon parasites somewhat similar to those of malaria, viz, trypanosomes. Only after he had found what chemical groups made the dyes injurious to the parasites did he take up the study of arsenic compounds. He prepared compounds containing arsenic very similar, chemically, to some of the dyes and found that the same laws governed their trypanocidal action. He next tried these compounds upon the organism of syphilis, which at that time was supposed to belong to the group of trypanosomes. In this way from a purely theoretical study Ehrlich was led to the discovery of "606.")

If the activities of Ehrlich had been restricted either by the Government or by the terms of a bequest to a study of dyes or of arsenic compounds, or, on the other hand, to an effort to discover a remedy for sleeping sickness or for syphilis, it is not very probable that he would have been led to the discovery of the value of certain arsenic compounds in the treatment of syphilis.

INSTITUTES AND LABORATORIES IN THE UNITED STATES

In the United States medical research is conducted in universities, special institutes, Government laboratories, and industrial establishments.

MEDICAL RESEARCH IN AMERICAN UNIVERSITIES

Many of the leading university medical schools, although by no means all, have departments of pharmacology. In these a considerable amount of valuable investigation on the action of chemical substances in health and disease is being done. Little of this investigation, however, relates to fundamental subjects; it consists rather in the detailed study of some substance, usually a well-known chemical compound, upon some highly specialized tissue or organ. Among the more fundamental subjects investigated in these laboratories may be mentioned pioneer work on epinephrine (Adrenalin) and on the local anesthetic properties of aromatic alcohols.

INSTRUCTION LIMITATIONS COMMON

The primary purpose of these laboratories is the instruction of medical students, which of necessity forces the staffs to cover a wide field. This and the various other duties connected with an academic position allow comparatively little time for concentrated work on problems of major importance. Moreover, most of these departments are not in close touch with departments of chemistry, as the university pharmacologist and the chemist are usually interested in chemical com-

pounds from entirely different points of view—the pharmacologist from the standpoint of the therapeutist and the physiologist, and the chemist from the standpoint of some general chemical principle. Exactly the same difficulties stand in the way of departments of biochemistry (physiological chemistry) as organized in most universities—primarily interested in the instruction of medical students, they are doing praiseworthy work, but necessarily limited in scope.

These circumstances, taken in connection with the comparatively limited resources of the universities, make it improbable that the character of work in the minds of the committee can be satisfactorily accomplished in university laboratories.

As an instance of the severe handicaps placed on the university worker the following is of interest: In 1910 a pharmacologist in one of our leading universities discovered and isolated from the contents of the poison glands of the tropical toad, bufo agua, a pure chemical principle, bufagin, which was found to have a marked and important action on the heart, of the order of the most effective members of the digitalis series.

GERMANS GRASP AMERICAN DISCOVERY

Now, digitalis is the most valuable heart stimulant known to medicine, but it consists of a mixture of principles and it is one of the most unsatisfactory of drugs to handle, because of the difficulties of securing uniform preparations of it, on whose effects the physician may count with absolute certainty. It is also difficult to secure reliable preparations for hypodermic injections, with their advantages of almost instantaneous results. A pure chemical principle with the same action on the heart as digitalis would be free from all of these vital defects and would prove an invaluable addition to our materia medica. With the limited resources in personnel, supplies, etc., our university men have not been able to develop this promising investigation by any large-scale preparation, and now a German chemist, with the munificent support of German chemical industries, is moving at top speed to isolate in quantity and commercialize a similar principle found in a species of German toad.

It was doubtless the limitations of research in the medical schools which led to the founding of a considerable number of institutes for medical research; some of these are in connection with universities or hospitals, while others are entirely independent.

The largest and most prominent of these institutes is the Rockefeller Institute for Medical Research. The staff of this institute consists of 10 "members" with their associates and assistants. Eight of these "members" are occupied with studies on bacteriology, pathology, immunology, serology, general physiology, diseases of animals, experimental surgery, clinical researches on diabetes, heart disease, kidney disease, pneumonia, yellow fever, meningitis, infantile paralysis, etc.

SPECIAL INSTITUTES FOR MEDICAL RESEARCH IN THE UNITED STATES

In the fall of 1920 announcement was made that during the ensuing winter the following diseases would be made the subject of special study at the institute: Acute lobar pneumonia and other acute pulmonary infections, measles, acute rheumatic fever, cardiac disease, and nephritis. Two "members" devote their time to chemical work. The activities of the one relate largely to the structural chemistry of nucleic acids, lipoids, and other important components of the body. Under this "member" also are chemists whose work relates to chemicotherapy; their researches have extended to such compounds as derivatives of hexamethylenetetramine, of certain arsenic acids, and of quinine. A number of these derivatives have been tested in other divisions of the institute and in the hospital for their therapeutic action. The other chemical "member" works in connection with the hospital of the institute, and his work, at present, relates chiefly to refinements in the methods of blood analysts and other methods of clinical interest. A third "member" of the institute is working on the fundamental theory of colloids and the application of other physical relations to life phenomena. Part of the excellent work of this institute is in the direction of our chief aims, but the emphasis is rather placed on the pathological and other medical features of the problems than on the direct attack on the problems of medicine by means of a concerted, wholly cooperative effort of leaders in the fundamental sciences of chemistry and physics, in pharmacology, and in medicine.

The Otho S. A. Sprague Memorial Institute, which is closely affiliated with the University of Chicago, covers in part the same class of problems as does the Rockefeller Institute, but rather more emphasis is placed upon the chemical aspects of medical problems. The Sprague Institute has no buildings of its own, but cooperates "with existing institutions wherever and whenever it seems that medical research can be furthered." In pursuance of this policy it supports work in various laboratories of the University of Chicago and in several hospitals. Among the major problems studied are cancer, diabetes, chronic articular rheumatism, dementia præcox, occupational and children's diseases. Among the more strictly chemical studies on the chemical aspects of diabetes and gout, of immunology, of protein therapy, and of the amines obtained from proteins.

Only about half of the members of the staff give full time to the institute; the others are engaged also in the practice of medicine or in teaching. Excellent as is the work being performed, there is no intensive, concerted attack on problems by any such group of experts as is contemplated in this report.

The John McCormick Institute for Infectious Diseases is also located in Chicago. Its problems are chiefly connected with those of infection and immunity.

OTHER FACILITIES AND LABORATORIES

There are a number of other institutes and laboratories in connection with medical schools and hospitals founded for medical research, such as the Mayo Foundation, Rochester, Minn.; the George Williams Hooper Foundation for Medical Research of the University of California Medical School; the Nelson Morris Memorial Institute for Medical Research of the Michael Reese Hospital, in Chicago; the H. K. Cushing Laboratory of Experimental Medicine, at Western Reserve University; the John Herr Musser Department of Research Medicine, of the University of Pennsylvania; the Bender Hygienic Laboratory, at Albany; and the Harriman Research Laboratory, at the Roosevelt Hospital, in New York.

STUDY OF SPECIAL DISEASES

In addition to the above-mentioned laboratories and general institutes for medical research there are a number of institutes, laboratories, funds, and foundations for the study of special diseases. Among these may be mentioned the following for the study of cancer: The George Crocker Special Research Fund, at Columbia University, the Huntington Funds for Cancer Research, at the Memorial Hospital, New York, and at the Harvard Medical School, the Cancer Laboratory of the New Work State Department of Health at Buffalo, and the Laboratory of the Barnard Free Skin and Cancer Hospital at St. Louis.

There are also a number of foundations for the study of tuberculosis, such as the Henry Phipps Institute at Philadelphia, the Trudeau Foundation for Research and Teaching in Tuberculosis at Trudeau, N. Y., the Research Department of the National Jewish Hospital for Consumptives at Denver, the Kenneth Dows Fund for the Study of Tuberculosis at the Johns Hopkins Hospital, etc.

A considerable amount of chemical work is done at some of these foundations, but it relates largely to the applications of chemistry to diagnosis and to problems in bacteriology and pathology, although some work is done on chemo-therapy and at the Mayo Foundation Kendall is doing his important work on thyroxin, a very active compound separated from the thyroid gland and which can replace the latter in therapeutics.

The Dermatological Research Laboratories of the Philadelphia Polyclinic have done very important work on the preparation of arsphenamine and on chemo-therapeutic studies with this and other arsenic and also mercury compounds, as well as on metabolism in certain skin diseases.

The laboratories of the James Buchanan Brady Urological Institute of the Johns Hopkins Hospital have made studies on new antiseptics of interest in urology.

The Russell Sage Institute of Pathology, in affiliation with Bellevue Hospital, New York, is making important calorimetric studies of the metabolism in various diseases.

LACK OF COOPERATIVE ATTACK ON MEDICAL PROBLEMS

In none of the many institutions that have been enumerated, important as is their output in research, highly needed as they all are, is provision made for the cooperative attack on problems of medicine by great leaders in the fields of medicine and the fundamental sciences.

MEDICAL RESEARCH IN UNITED STATES GOVERNMENT LABORATORIES

The money spent annually on chemical work by the United States Government runs into the millions. Nearly all of this, however, is for technical or economic purposes or in connection with law enforcement. Only a very small part of it goes for researches in the lines under consideration; in fact, except for some more or less incidental, but very important, work in the Department of Agriculture and work done by the Army and Navy with special reference to military problems, almost the only research work bearing directly upon the health of man is that carried on in the Public Health Service, and especially in the Hygienic Laboratory. In the latter there is a small division of chemistry and also a division of pharmacology in which some chemical work is done. In recent years the chief activities of the division of chemistry have been directed to sanitary engineering; but now there are prospects of some fundamental work on the metabolism of bacteria. The chemical work in the division of pharmacology has been largely in connection with the standards and legal control of drugs, although there has been some work on chemo-therapy and on the relation of chemical structure to physiological action; at present chemical work in connection with tuberculosis is being developed.

Of the present Government laboratories the Hygienic Laboratory would be the best adapted for development into a medium of cooperative research such as that being considered. But judging from the past and present, there seems little probability that this will occur. Congress has never made the positions in this laboratory sufficiently attractive from the standpoint of salaries or of facilities and freedom for work to long retain the services of chemists of eminence; in the 17 years of the existence of this laboratory there have been four chiefs

of the chemical division and the position has been vacant for about a fourth of the time.

VALUE OF CHEMICAL WORK ON LEPROSY

The appreciation of chemical work on the part of the medical men of the Public Health Service and an example of its value in public-health work were shown by a recent report from the service's leprosy investigation station at Honolulu and Molokai. The director of this station, in discussing leprosy, states that earlier experiments with chaulmoogra oil indicated that there is in this oil "a most valuable curative agent or active principle appealing to chemistry for its isolation, or, at least, identification"; and then relates how, when the cooperation of a chemist was obtained and the ethyl esters of the acids of this oil were prepared and injected into lepers, 78 of the latter were cured of the disease. Such a striking demonstration of the value of the cooperation of chemists with physicians can hardly fail to make an impression on Congress, but it seems improbable that any group of chemists in the Government laboratories will be left free from routine or law-enforcing problems sufficiently long to accomplish much fundamental work. Public funds, moreover, are only appropriated for specific purposes and the necessary freedom for work on fundamental principles would therefore be practically impossible in a Government institute.

MEDICAL RESEARCH IN MANUFACTURING ESTABLISHMENTS

It is difficult to secure accurate data in regard to research work now in progress or contemplated in industrial laboratories, as there is always a natural desire to keep such knowledge from competitors until patents can be applied for or until the products resulting from the research, if not patentable, are ready for the market. Although a considerable proportion of the drugs now in use have resulted from researches carried on in the laboratories of manufacturing establishments, most of this work has been based upon the results of previous fundamental work in universities or other institutions. Although many pharmaceutical and chemical manufacturers maintain research organizations which have been an important factor in reaching our present stage of progress, no commercial establishment can maintain a staff of specialists in the various branches of science such as would be required to accomplish effective work of the character now required.

INDUSTRIAL RESEARCH OF GREAT VALUE

The research work of commercial firms will of necessity be confined mostly to the methods for manufacturing known products and to the discovery of new substances through the application of well-established principles. Researches of this kind are reasonably sure to develop improved medicinal agents of the types already in use and in this way to secure the financial returns necessary to successful manufacturing operations. Such progress is of great value, as it results in a gradual but steady improvement in medicinal substances and in building up manufacturing facilities and experience so necessary to the complete development of our chemical industry.

MANUFACTURERS WOULD ASSIST

The industries could be very helpful by manufacturing and supplying chemicals required for research purposes and by carrying out operations on a scale not feasible outside of a well-equipped factory. All of the progressive chemical and pharmaceutical manufacturers would willingly assist in this manner and a number of firms engaged in the manufacture of dyes and technical chemicals would also be willing to supply chemicals and intermediates to be used in the preparation of medicinal products. On the other hand, research of the character contemplated would be helpful to our chemical industry, as it would stimulate the manufacture of distinctively American medicinal products.

While we have thus in the universities, in research institutes, and certain Government laboratories a considerable amount of most important work for the discovery of the cause and prevention of disease, there is not in a single institution that cooperative effort of leaders in the field of organic chemistry, physical chemistry, pharmacology, and medicine.

ISOLATION BARS PROGRESS

The efforts are isolated. We have in one institute the eminent pathologist with chemical assistance, but lacking the constant full-time cooperation of leaders in synthetic organic chemistry, in physical chemistry, in pharmacology. In another institute a great chemist may be working, but his brother chemist, the leader in physical chemistry, and the great pharmacologist, are lacking. There is thus no single institute in which the whole effort is based on the joint attack on fundamental problems of medicine by leaders in chemistry, physics, pharmacology, and medicine.

FOREIGN INSTITUTES AND LABORATORIES

MEDICAL RESEARCH IN GERMANY

Of the institutes in Germany where the applications of chemistry to the cure of disease are studied, the Institute for Experimental Therapy at Frankfort is probably the best known. This institute was founded in 1899 in recognition of Ehrlich's services in standardizing diphtheria antitoxin (Note: It is an interesting and apparently unwritten bit of history that Ehrlich was in part led to his important work on diphtheria antitoxin by endeavors to analyze the toxic action of cocaine; it had been reported that the "toxalbumins," ricin and abrin, produced lesions in the liver similar to those he had seen from the "toxophore" group of cocaine; he repeated the experiments with ricin and abrin and discovered that antitoxins are formed which neutralize these toxins in the test tube, and that the strength of the antitoxin may be determined in this way. Up to that time it had been generally believed that antitoxins could neutralize the effects of toxins only indirectly through some obscure action upon living tissues, and a cumbersome and unreliable method of standardizing diphtheria antitoxin was in use. It was largely as a result of these studies of Ehrlich that diphtheria antitoxin became such a trustworthy remedy and making it a much more practical remedy. The name "Institute for Serum Investigation" was at first proposed, but Ehrlich requested that no such limitation be placed upon its scope. It was not, however, until 1906 that Ehrlich realized his hopes of being able to work in continuous close cooperation with chemists; this was made possible by the founding and endowment by Frau Speyer of the George Speyer House, an integral part of the institute but devoted exclusively to chemical research in connection with biological and especially therapeutic problems.

EHRLICH CALLS CHEMISTS

Ehrlich at once increased the personnel of the institute (with pathologists and immunologists) by securing not only organic chemists but physical and biological chemists, protozoologists, etc. The result of the combined efforts of this group was the discovery of arsphenamine ("606"). Much work was also done upon the chemo-therapy of cancer, sleeping sickness, malaria, etc., and important studies have been made on new classes of germicides (with the hope of finding one which will kill or inhibit bacteria in the human body), etc.

Since Ehrlich's death the work has been continued (with Kolle as director) along both chemo-therapeutic and immunological lines; and notwithstanding the greatly reduced budget and personnel as a result of the war, important results have been obtained.

BERLIN BOASTS COMPLETE INSTITUTE

The success of the Frankfort Institute apparently stimulated the foundation of analogous research institutes in Germany. Thus in 1911 there was founded by private subscription and endowment at Berlin-Lichterfelde another institute for experimental therapeutics (the Kaiser Wilhelm Institut fur Experimentelle Therapie). This is one of the most completely equipped institutes in the world and is near a similar institute for chemistry and also one for biology, and not far from the Pharmaceutical Institute.

A DIVISION OF CHEMO-THERAPY

A division for chemo-therapy, in addition to the already existing division of chemistry, has been added to the Robert Koch Institute for Infectious Diseases, at Berlin, and placed under the directorship of Morgenoth, one of Ehrlich's most distinguished pupils and the discoverer of the action of ethylhydrocupreine, a derivative of quinine having a highly specific action on the pneumococcus and of value in treating local infections due to this organism.

It is interesting to recall that in this institute (which was founded by the Prussian Government for Koch in 1891) a large amount of work was done by Koch, von Behring, Ehrlich, Brieger, and others on the chemical nature of bacterial toxins and antitoxins and in a search for germicides which would destroy bacteria in the body. The discovery of the antitoxins for diphtheria and tetanus diverted the studies toward immunity, but Ehrlich always held to the belief that such germicides would be discovered, and after spending nearly 10 years in studies on immunity was convinced that the prospects for overcoming most infectious diseases by the use of definite chemical compounds were brighter than those for discovering new antitoxins, etc. Now, after nearly 30 years, Morgenoth has again taken up in the same institute these earlier lines of work of Koch and Ehrlich and is obtaining encouraging results.

Ample facilities for the study of chemical compounds in connection with the cure of disease have been provided in the comparatively new (about 1907) and most elaborate laboratories of the Imperial Health Office at Berlin and Dahlem. Some of the earliest and most important work on the study of arsenic compounds in experimental syphilis and sleeping sickness was done here by Uhlenhuth. This office has chemical, pharmacological, zoological, hygienic, and bacteriological laboratories.

The Prussian Government, in 1895, established in connection with the University of Marburg an Institute for Hygiene and Experimental Therapy, and placed it under the directorship of von Behring. The work of this institute has in recent years dealt largely with processes of immunization to diphtheria and tuberculosis, but a large amount of work on chemical antiseptics has also been done. Chemical studies played a large part in von Behring's work on the antitoxins; he obtained his first antitoxins by the use of cultures and toxins the virulence of which had been lessened by the action of chemical reagents. In fact, just as Ehrlich was led to some of his most important work on immunity by his pharmacological studies, so von Behring arrived at the conception of "soluble toxins" (which led to the discovery

of antitoxins) from his endeavors to explain the toxic action of iodoform and also its beneficial action in the healing of wounds.

There are also in Germany many laboratories and intitutes devoted to the study of special diseases in which considerable chemical work, from the standpoint of treatment, is done. Thus important work in chemo-therapy, especially in relation to malaria and sleeping sickness, is being done in the Institute for Naval and Tropical Diseases at Hamburg, in which a special chemical division for such work has been established.

CLAIM OF NORTH CAROLINA

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4320) for the relief of the State of North Carolina, which was, on page 1, to strike out all after "lost," in line 8, down to and including "Guard," in line 3, on page 2.

Mr. SIMMONS. I ask unanimous consent that the Senate concur in the House amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the House amendment is concurred in.

HOUSE BILL REFERRED

The bill (H. R. 11615) providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., was read twice by its title and referred to the Committee on Military Affairs.

EXPENDITURES IN SENATORIAL ELECTIONS

Mr. NEELY. The Committee on Rules has had under consideration Senate Resolution 268, and has instructed me to report it to the Senate with some amendments and with the recommendation that as amended the resolution be adopted. I ask that the resolution be printed and lie over for consideration until to-morrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLITICAL CONDITIONS IN THE UNITED STATES

Mr. HEFLIN. Mr. President, the Senator from Louisiana [Mr. RANSDELL] has spoken about diseases of the human body and I am going to speak briefly about the disease of the body politic.

It was an important day when our fathers and mothers for conscience' sake determined to leave the mother country. It was a kindly light that led them from the persecution and tyranny of the Old World into the pleasing possibilities of the new. They seemed to hear the voice of one crying in the wilderness, saying, "This is the land, and here the opportunity, for building a genuine republic. Prepare ye the way!" Their hardships and privations, their heroic deeds, and daring exploits testify how well and faithfully they prepared the way. Out of their love of liberty, their unflinching courage, their suffering, and sacrifice this Republic was born. It was theirs to bring it forth and establish it amongst the nations of the earth. Fortunate indeed are we that it has been committed to our care and keeping. It is ours to support and safeguard it. It is ours to love and cherish, ours to keep pure and clean, and ours to protect and defend it against all enemies both foreign and domestic.

The citizen, as soldier, is equipped with gun and battle blade when he goes out to defend our rights and liberties against a foreign foe, and upon his courage, manly honor, and unfailing devotion to duty we stake our all and thank God he has never failed us. The citizen back at home, far removed from the fields of carnage, has a great duty to perform. He is engaged in another warfare. It is his to keep clean and strong the free institutions of our country. In this warfare for the preservation and well-being of the greatest Government in the world he is armed with the ballot—the mightiest weapon known to freemen. And just as Washington and his comrades used gun and sword to establish this Government, it is incumbent upon us to use the ballot to protect and preserve it.

If an American soldier should be caught aiding the enemy—doing that which, if successful, would mean the overthrow of our Government and the loss of our liberty—we would deprive him of his liberty, declare him a public enemy, brand him traitor, and take his life. What then, Mr. President, shall we do with the vile American citizen who is caught in a conspiracy to corrupt the voter? What shall we do with him who encourages the barter of the ballot and who, by the corrupt use of money, degrades and debauches the citizen and buys the election? He should be deprived of his liberty, declared to be a public enemy, and branded as a traitor to his country, for upon the clean and wholesome use of the American ballot depend the stability and preservation of the American Government; and he who debauches the citizen and controls the election by the corrupt use of money is a dangerous and deadly enemy to the Government that we have sworn to protect and preserve.

Mr. President, this is the one hundred and fiftieth anniversary of American independence. Thousands of patriotic men and women have already gone and thousands more will go to Philadelphia to stand with uncovered heads where the Declaration of Independence was written and "Old Glory," our flag, was made, aye, and dedicated to the principles of right and justice and liberty. But what of the State of Pennsylvania—once hallowed by the loves, traditions, and patriotic incidents of a brave and mighty people? Instead of standing erect in the strength and pride of civic righteousness to receive and welcome American patriots as they come to kneel at the old shrine of liberty she stands with bowed head, cowed and humiliated, and wearing the scarlet robe of political corruption as the Republican Party offers for sale to the highest bidder a seat in the United States Senate. Think of it, Senators, selling as common merchandise a seat in this the greatest lawmaking body in the world! What would Washington and Jefferson, Madison and Adams, who would gladly have died for their country, think if they could come back and find that once proud and clean old Commonwealth turned into a political bargain counter where public office is bought and sold like sheep and hogs in the market place?

If the spirits of the dead are disturbed by the criminal conduct of the living, Washington, the Father of his Country, and his great comrades in the cause of liberty are most unhappy now. What a sad and humiliating spectacle confronts us on this one hundred and fiftieth anniversary of our independence! At a time when all the States in the great sisterhood should be clad in the garments of civic splendor and rectitude we find Pennsylvania and Illinois, under the control of the Republican Party, engaged in the most corrupt and scandalous political debauchery ever witnessed in the history of our country.

Two seats in the United States Senate were placed upon the auction block and sold to the highest bidder. One in the State of Pennsylvania, where sat the Continental Congress and the Liberty Bell first chimed out the notes of liberty in the morning of a new day in America; the other in the State of Illinois, where sleep the remains of the immortal Lincoln. It was he who said that the ballot in the hands of political corruptionists is the most dangerous enemy to our free institutions. Two seats in the United States Senate sold in the States of Pennsylvania and Illinois like seats on the Stock Exchange for $3,000,000 each.

The man who will use money in politics to debauch the citizen and corrupt the ballot commits a grave crime against his country. Why, Mr. President, the welfare of the citizen was the whole end and aim of constitutional government. It was never intended that the citizen, the being for whom the Republic was founded, should have his ballot become a matter of merchandise at the polling places of the country. It was never intended that he to whom the future destiny of the Republic had been committed should be degraded and debauched by those whose love of money and power would make them the despised and dangerous enemies of our free institutions. When they corrupt the American citizen and induce him to sell his vote they are striking a dangerous and deadly blow upon the body of our American Government. When they weaken the citizen in his desire for and devotion to clean and honest government, when they cause him to become careless and indifferent to the welfare of his country, they have sown the seeds of national disintegration and decay.

The time to treat a cancer is in its incipient stage. The time to commence a determined and relentless warfare against corrupt politics—against the sale of seats in the Senate—is now. They who do not rely upon appeal to the judgment and conscience of the American voter, but who resort to the corrupt use of money to control elections, should be branded as political degenerates and corruptionists and deprived of their privilege to vote. They are not fit to associate with decent men and women.

Senators, one of two things is going to happen. We are going to put a stop to this damnable traffic in American ballots—this dangerous, corrupt, and miserable business of selling seats in the United States Senate—or the day is near at hand when a majority of Members in this body will occupy seats bought for them by the predatory interests of the country.

And that is not all. You will witness the dangerous and humiliating spectacle of seeing the great office of President placed upon the auction block and sold to the highest bidder. God forbid that such a thing shall ever happen.

Mr. President, I hold in my hand a cartoon taken from the Times, a daily newspaper published here in the Capital of the Nation. It tells the sordid story of political corruption in the recent Republican primary in Pennsylvania. Yes, Mr. Presi-

dent, it is humiliating to relate that, on this the one hundred and fiftieth anniversary of our independence, a cartoon appears in the Capital of the Nation of an auctioneer selling on the political auction block a Pennsylvania white man. The auctioneer, facing the political corruptionists with their bags of money and placing one hand on the voter's shoulder, says: "How much am I offered?"

This cartoon tells a story of political corruption and degradation that should shock and alarm every patriotic citizen in America. It reveals a terrible condition in Republican politics—one fraught with grave danger to the country. The men who have made millions unfairly and dishonestly through special privileges granted to them by Republicans in power have come to look upon all public offices as something to be bought and sold. They do not regard a public office as a public trust—something to be highly prized and kept clean and honest and used only for the public good. Oh, no. They have flung to the four winds all thought of right and justice. They want men in office who will shut their eyes and permit them to use the instrumentalities of government to their own advantage and enrichment and to the hurt and injury of the people for whom the office was created and the Government established. The question is, Will we permit them to continue to carry on this desperately dangerous and deadly work?

Mr. President, the wise man forseeth the evil and tries to escape it. The wise nation will profit by the mistakes and corrupt practices of other nations and strive to avoid them. Time was when Rome was the greatest Republic in all the world. The Roman citizen would lift his eyes toward the sky above him and, smiting himself upon the breast, proudly proclaim: "I am a Roman citizen." Then Rome ruled the world.

No one in Rome thought then that that rich and mighty country would ever lose her power and prestige and perish from the earth. And yet the day came when the mighty rich enjoyed special favors at the hands of the Government—when the corrupt use of money became the controlling force in the politics of Rome; when public office was bought and sold as is being done in some places in this Republic. Then when it was too late the clarion voice of Regulus was heard in stirring speech saying, "Rouse, ye Romans; rouse, ye slaves!" Roman dungeons were filled with men imprisoned for debt. Two per cent of her population owned 98 per cent of her wealth.

Corruption in Roman politics and the concentration of wealth in the hands of a few had done their deadly work and Rome fell. Then fallen from her once proud and high estate, Lord Byron said of her:

> Crownless and throneless she stands
> In her voiceless woe,
> In her withered hand an empty urn
> Whose holy dust was scattered long ago.

Mr. President, there is no denying the fact that the same corrupt forces and evil influences that brought about the downfall of Rome are at work here in the temple of American liberty. Shall we permit them to undermine its foundations and destroy the temple, or shall we check and destroy these forces for the good of our country and ourselves and millions yet unborn? The corrupt use of money in politics, the buying and selling of votes must stop or this Republic is doomed.

Corrupt politics in Rome produced the patrician and the money lord, the plebeian and the pauper. Corrupt politics in America is producing class legislation, governmental favoritism, tariff barons, trust magnates, and money lords; and corrupt politics and its offspring, special privilege and government graft, are producing poverty and discontent among many of the plain people. Land tenants are multiplying to an alarming degree—tens of thousands of once prosperous farmers have lost their homes and farms. And now on election day in order to add insult to injury the brazen money lords of the Republican Party flaunt their filthy lucre in their faces, mock their poverty, and offer to buy their votes. The intelligent judgment and enlightened conscience of the citizen are the things to which the Republic must always look for strength and preservation. If these are to be polluted and poisoned by men who think more of money than they do of their Government, if money is to become the dominant and all-powerful thing in politics, then farewell to free government in America.

Mr. President, it has become a notorious fact that the money lords of the Republican Party dictate its policies and furnish millions with which to corrupt the voter and buy elections. Wherever you find Republican rule you will find that every nook and corner of the Government is being contaminated and injuriously affected by corrupt politics.

I regret to say that there has been a bad and unwholesome atmosphere about this Capital for the past five or six years. Graft and corruption are having their day. The big money lords are in complete control. They get what they want and they act like they own the Government.

The failure to rebuke the Republican Party and the failure to punish Fall and Daugherty, Doheny, and Sinclair have had bad effect and have encouraged others in authority to be dishonest, to graft and steal. These big interests that own and control the Republican bosses will not permit a crook to be removed from office. There is a man here in Washington now on the Board of Commissioners of the District of Columbia. He ought to be removed from the office. A Republican Congress and a Republican President have failed to act. The money lords of the Republican Party are setting up a new order of things. Time was when the appeal was made to the judgment, the patriotism, and conscience of the voter, and the merits and demerits of the issues were discussed that he might be informed and enabled to determine in what way he could best serve his country, but not so now under Republican rule. Another and more dangerous plan is employed. As Thomas Moore said:

> Like Jove of old,
> They have turned thunder into showers of gold,
> Whose silent courtship wins securer joys,
> Taints by degrees and ruins without noise.

That is what is going on here under Republican rule. They are bartering the ballot, debauching the citizen, and buying seats in the Senate of the United States.

Let the Senate declare itself now and serve notice on the political corruptionists that no seat in this body shall be obtained by the corrupt use of money. That he whose certificate of election is accepted here must come with clean hands. In the interest of clean and honest Government and the welfare of our country let us begin now to preach a crusade against corrupt politics.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield if I have any time left.

Mr. REED of Pennsylvania. While we are speaking of protecting the Constitution, and debauching the Government, and insuring the sanctity of the electorate, will the Senator tell me why it was that out of 1,143,000 citizens of Alabama over the age of 21 only 154,000 were permitted to vote in the election which sent the Senator here? Does the Senator think——

Mr. HEFLIN. Do not ask me a question which will last until daylight if you want an answer. [Laughter.]

Mr. REED of Pennsylvania. I am going to ask the Senator only one more question.

The VICE PRESIDENT. The hour of 10 o'clock having arrived, the clerk will call the calendar for unobjected bills, commencing with Order of Business No. 1100.

Mr. HEFLIN. I will answer the Senator from Pennsylvania [Mr. REED] when the first bill is called.

The bill (S. 4445) to amend the act entitled "An act to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes," approved June 7, 1924, was announced as first in order.

Mr. HEFLIN. Mr. President, in reply to the Senator from Pennsylvania [Mr. REED] I want to say that the constitution of my State—and I helped to make it in 1901—had a good-character clause in the temporary plan for registration of voters; and a grandfather clause, those who fought in any war of the country or their descendants, and so forth. It also has a poll-tax provision and an educational qualification. The Supreme Court of the United States has upheld the constitution of my State.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield for a question.

Mr. REED of Pennsylvania. Does the Senator mean that only 10 per cent of the population of his State have good characters and are educated and had grandfathers. [Laughter.]

Mr. HEFLIN. I said nothing about 10 per cent. I should hardly expect the Senator from Pennsylvania to raise any question concerning the character of people in my State when there is so much talk of political corruption and scandal in the Senator's own State.

Mr. REED of Pennsylvania. Does the Senator think it is worse to go out and vote——

Mr. HEFLIN. I do not yield to the Senator; my time is about up.

Mr. REED of Pennsylvania. Does the Senator think——

Mr. HEFLIN. I decline to yield to the Senator any further.

Mr. REED of Pennsylvania. I was afraid I had fixed things so the Senator would not yield.

Mr. WADSWORTH. Mr. President, I object to the consideration of the bill.

Mr. HEFLIN. There are no offices bought and sold in my State. There is no barter of the ballot. The Democratic nomination is equivalent to election, and frequently the nominee has no opposition at the general election, and that accounts very often for a light vote in my State.

Mr. WADSWORTH. Mr. President, I demand the regular order.

The VICE PRESIDENT. The regular order is called for. The Senator from New York objects to the consideration of the bill, and the bill will go over.

Mr. HEFLIN. I am going to object to all other bills until I can finish my speech. [Laughter.] I am either going to finish my speech in the next two or three minutes or Senators who are sore because I am attacking corrupt politics will not get any bills passed to-night.

The VICE PRESIDENT. The Chair holds that the Senator may speak for five minutes, but the Senator from New York has objected to the consideration of the bill.

Mr. HEFLIN. I thank the Chair, and if those Senators who hope to rely upon the power of the purse to elect them to the Senate in the future will be patient and quiet for a little while I will not consume much more time.

Some Senators do not want the Senate to take any action upon the political crimes and scandals of Pennsylvania and Illinois.

The Senator from West Virginia [Mr. NEELY] arraigned the corruptionists here the other day, speaking for nearly an hour, with interruptions by the minority leader, Senator ROBINSON, and others on this side, and the press of the country carried practically no notice of it to the country. The bulletin board down at the Washington Star Building never had a line about it. These things go to show that they would not only corrupt the ballot in the States, but they have subsidized the press so that the people back home can not get the truth from the Capital.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WADSWORTH. What is the question before the Senate?

The VICE PRESIDENT. Order of Business No. 1100 was called and objected to.

Mr. HEFLIN. This does not come out of my time, Mr. President. I did not yield to the Senator at all.

Mr. WADSWORTH. I am merely asking for information.

The VICE PRESIDENT. The time of the Senator from Alabama has expired. The clerk will call the next bill on the calendar.

The next bill on the calendar having been called,

Mr. HEFLIN. Mr. President, I want to say just a word, if I may be permitted. I will finish inside of five minutes. What I have been talking about is the most serious question that confronts the country. We have a class of people who have sprung up here, who have come into being under special privilege, under the reign of the Republican Party. They have gone out deliberately to buy votes and buy offices, and they are buying them. The Newberry case is not a circumstance to what we have here now in the home State of Lincoln and in the great State of Pennsylvania, where the Declaration of Independence was born, where Congress once sat and the mighty men of the old days formulated the plan for this great Government. These two States, when this Nation is only 150 years old, are putting seats in this body upon the auction block and selling them to the highest bidder.

Do Senators know just what the plan is of the money lords, the tariff barons, and the trust magnates? They have to control only 49 men in this body. All the Members of the House could vote for a measure and send it over here, but if they can control 49 Members of this body they can defeat any legislation they desire to defeat. They are seeking to make of the Senate a rendezvous of privilege, a clearing house for tradesmen, and a millionaires' club. They are not going to have it if I can help it. So help me God, when the campaign opens this fall, I am going to appeal to the honest men and women of the country to rise in their sovereign power and save this Nation from the dangers that threaten it.

Mr. REED of Pennsylvania. What about the other 90 per cent? Are they going to rise up or are they going to stay trammeled? Down in Alabama apparently 90 per cent are trammeled.

Mr. HEFLIN. In the Senator's State a large per cent will or should be in the penitentiary. [Laughter.]

Mr. REED of Pennsylvania. Are the 90 per cent going to rise up in Alabama?

Mr. HEFLIN. The Senator is entirely mistaken. He is worried and excited.

BELLE FOURCHE AND CHEYENNE RIVERS, S. DAK. AND WYO.

The bill (S. 4411) granting the consent of Congress to compacts or agreements between the States of South Dakota and Wyoming with respect to the division and apportionment of the waters of the Belle Fourche and Cheyenne Rivers and other streams in which such States are jointly interested was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of South Dakota and Wyoming to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Belle Fourche and Cheyenne Rivers and of the streams tributary thereto and of other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENTRY OF CERTAIN PUBLIC LANDS BY MYRTLE SULLINGER

The bill (H. R. 10446) validating the application for and entry of certain public lands by Myrtle Sullinger was announced as next in order.

The VICE PRESIDENT. Is there objection to the consideration of Calendar No. 1103, House bill 10446?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10446) validating the application for an entry of certain public lands by Myrtle Sullinger, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to allow Lewistown homestead application 045762, filed by Myrtle Sullinger, on June 22, 1921, for lots 2 and 3, section 2, township 16 north, range 27 east and east half southeast quarter section 33, township 17 north, range 27 east, principal meridian, provided she makes payment of all sums due and that patent issue to her if after due publication she makes satisfactory proof of her compliance with the requirements of the homestead laws as to her residence on, cultivation, and improvement of the land subject to the provisions, reservations, conditions, and limitations of the act of July 17, 1914 (38 Stat. p. 509), as to the oil and gas in the land and to a waiver of claim to damages in accordance with section 29 of the act of February 25, 1920 (41 Stat. p. 437), against any prior existing oil and gas permittee or lessee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARROLL MOTOR CO.

The bill (H. R. 4677) for the relief of the Carroll Motor Co. was announced as next in order.

Mr. KING. Mr. President, I ask the Senator from Florida [Mr. TRAMMELL] respecting the bill. Why should the Government be liable for the theft or conversion or loss of the automobile? It does seem to me that the officers of the Government, if they committed a tort, ought to pay the owner of the automobile for the wrong which they committed. I am not objecting, but I would like an explanation.

Mr. TRAMMELL. The officers of the law arrested the party charged with violation of the prohibition law and seized the automobile. The automobile did not belong to the person who had it, but belonged to the Carroll Motor Co. When the Carroll Motor Co. were apprised of the fact that the automobile had been seized they proceeded to recover the car, but they could not find it. It seems that the officers who represented the Government had stored it at a garage, or so informed the company, at least, but they did not find it there, and the automobile in some way became lost. The Carroll Motor Co. established the fact that the car belonged to them and that the party merely bought the car on a conditional bill of sale.

The matter was brought to the attention of the Treasury Department and, all the facts considered, the Treasury Department recommended that the bill be passed.

The case against the party who had been arrested was nolle prossed, and yet this company was out the automobile, and had no remedy and no way of getting relief at all except through Congress. The bill is recommended by the Secretary of the Treasury. It passed the House, and the Senate committee thought it was a very just and meritorious claim. It is for only $700, although it was contended that the car was really worth $1,000 or $1,200.

Mr. KING. May I ask the Senator whether prohibition agents are bonded? The reason why I ask is that many claims have been made because of the alleged wrongs and torts of prohibition agents. They have killed people under circumstances which would subject them to the charge at least of manslaughter. There are many cases in which it has been shown that they have stolen property when they have made raids, so called, and committed trespasses not only against persons but against property. I was wondering if the Government is to be responsible for all of these wrongs and transgressions of scores of these irresponsible men, some of whom are criminals who have been employed in the prohibition service.

Mr. TRAMMELL. I do not think they have a sufficient bond upon which to proceed. This is in line with a number of other relief bills which the committee approved. The committee of the House as well as the committee of the Senate approved the bill. The owner of the automobile could have proceeded by replevin if the automobile had been in place, but it had disappeared through one or two different garages. I do not think they ever located the automobile at all. They were barred of their remedy to replevin because they could not find the automobile.

There being no objection, the bill was considered as in Committee of the Whole, and was read.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WATER COMPACTS BETWEEN NEBRASKA AND WYOMING

The bill (S. 4409) granting the consent of Congress to compacts or agreements between the States of Nebraska and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment on page 1, line 4, before the word "Nebraska," to insert the word "Colorado," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Colorado, Nebraska, and Wyoming to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the North Platte River and of the streams tributary thereto and of other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested."

AMENDMENT OF PANAMA CANAL ACT

The bill (H. R. 12316) to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes, was announced as next in order.

Mr. HOWELL and Mr. KING. Over.

Mr. WALSH. Mr. President, I trust that the objection to the bill will be withdrawn. I had some doubts about the wisdom of it, or at least about the provisions of the bill, and at the request of the Senator from New Jersey [Mr. EDGE], who is chairman of the Committee on Interoceanic Canals, I examined it with particular care. It deals with judicial proceedings in the Canal Zone, and I think it is a meritorious measure. I can find no ground for criticism of it, and I trust the Senator will not urge his objection.

Mr. HOWELL. Mr. President, I am a member of the Committee on Interoceanic Canals. A clerk came to me with this voluminous measure and asked me to sign a report. I told him that I thought the committee ought to consider the bill in a meeting, and I assumed that inasmuch as the objection had been made, under the circumstances it would be so considered. So I am not willing——

Mr. WALSH. I sympathize with the position taken by the Senator. I myself took that same attitude, but the chairman said it seemed to be impracticable to get the committee together, and he requested me to sign the report. I would not do it at the time, but subsequently I examined the bill, and I find no ground for criticism of it in any particular.

Mr. HOWELL. Mr. President, I thought that under the circumstances the bill should not be reported unless it were considered by the committee. If even one Member objects, I do not think it should be reported in this way. Of course, if in a committee meeting one member objects, that is another matter; but under the circumstances I must object to the consideration of the bill.

ELIMINATION OF GRADE CROSSINGS IN THE DISTRICT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3888) to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 2, line 23, after the word "*Provided*," to strike out "*further*, That the said railroad companies shall pay the District of Columbia for the lighting of the viaducts under which the tracks of the said railroad companies pass, in accordance with the provisions of existing law: *And provided further*," so as to read:

Provided, That no street railway company shall use the said viaduct or any approaches thereto herein authorized for its tracks until said companies shall have paid to the collector of taxes of the District of Columbia a sum equal to one-fourth of the total cost of constructing said viaducts and approaches, to be applied to the credit of the District of Columbia. No limitation shall run against claims made by the District of Columbia under the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 5, after the word "thereof," to strike out "payment for lighting of subways or viaducts," so as to make the proviso read:

Provided, That one-half of the total cost of constructing any viaduct or subway and approaches thereto shall in each case be paid by the railroad company, its successors or assigns, whose tracks are so crossed; and in the event the rights of way of two or more railroad companies are so crossed said half cost as herein provided shall be paid by the said railroad companies, their successors or assigns, in proportion to the widths of their respective land holdings, and all provisions in respect to the method of payment and credit of said half cost, creation of a lien in respect thereto and enforcement thereof, conditions of use thereof by street railway companies, and every other kind of condition provided in section 1 hereof, and the authorization and every condition in respect thereto for the acquisition of any necessary land provided in section 2 hereof, in relation to the viaducts and their approaches therein authorized, are hereby made applicable to the subways, viaducts, and approaches authorized in this section the same as if enacted at length herein.

The amendment was agreed to.

Mr. KING. Mr. President, I should like to ask the Senator from Kentucky [Mr. SACKETT] what provisions are made for the payment of the more than $400,000 which this bill carries? Is that amount to be paid entirely by the District of Columbia?

Mr. SACKETT. Mr. President, that amount is to be appropriated just as funds are appropriated for other District purposes. About $183,000 of the sum is assessed against the railroad company, according to the estimate, and is included in the amount. The object of the bill is to enable the Commissioners of the District of Columbia to locate in the different localities viaducts for overhead crossings that will be used as the streets are developed, so as to do away with the dangerous grade crossings. There are three of them, all in the outlying parts of the District of Columbia. The viaducts can not be constructed economically along the line of the present streets, but by changing the direction of the streets slightly the advantage of certain elevations to carry these overhead crossings will be obtained.

The highway plan of the city can not be definitely settled until those viaducts shall have been located. In order to do that the Commissioners of the District of Columbia and the

committee felt—and the Senator from Maryland [Mr. BRUCE] and myself went and examined the places—that it was wise to take advantage of the present situation, the land being unoccupied, to secure a direct route for the crossings at the most economical points and thereby eliminate the dangers. There have been a number of people killed at similar crossings, and eventually they have got to be eliminated.

Mr KING. Mr. President, may I ask the Senator whether, in view of the appointment of the new park commission, with the increased powers given it—powers to lay out streets or, at least, to consider them—it is wise to agree upon the plan contemplated in this bill at the present time?

Mr. SACKETT. Mr. President, it seemed to the committee who examined the matter that these particular locations which were selected were undoubtedly locations which ought to be selected. The changes involved are very slight. The streets are to turn at not a very wide angle, but simply sufficient to carry them over the elevations where they happen to be, whereas the roads at present cross at grade. It seemed that it was wise and economical to provide for this improvement at this time.

Mr. McKELLAR. Mr. President, I wish to ask the Senator from Kentucky what proportion of the expense the railroads will bear?

Mr. SACKETT. The railroads will pay one-half of the cost of the viaduct and the approach in each case.

Mr. McKELLAR. And the expense of putting in the viaduct?

Mr. SACKETT. Yes; that is our understanding of it, that the railroad pays half of the cost.

Mr. McKELLAR. It does not seem to be provided in the bill that the railroads shall pay one-half of the cost.

Mr. SACKETT. In section 3 the bill provides:

> Hereafter the Commissioners of the District of Columbia are authorized, whenever in their judgment it may be necessary for the public safety, and subject to appropriations to be made therefor by Congress, to construct subways or viaducts and approaches thereto, in accordance with plans and profiles of said works to be approved by them, to carry any street or highway crossing at grade any line of steam railroad track or tracks in the District of Columbia, or any street or highway within the District of Columbia now or hereafter planned or projected to cross any such line of railroad, under or over said track or tracks: *Provided*, That one-half of the total cost of constructing any viaduct or subway and approaches thereto shall in each case be paid by the railroad company, its successors or assigns, whose tracks are so crossed.

This is a future development. The pending bill is the authorization for the location of the viaducts. It is provided in the bill that whenever the actual construction work shall be done then one-half of the cost shall be charged to the railroad. That is the plan on which viaducts have been built in other places. It is like the Michigan Avenue viaduct, for which we provided earlier in the session; it is under that same arrangement.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. JOHN D. GOULD

The bill (H. R. 2676) to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with $1,646.86, representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war, was announced as next in order.

Mr. BLEASE. Mr. President, let that bill go over.

Mr. WADSWORTH. Mr. President, is there objection made to the consideration of the bill?

Mr. BLEASE. I objected. I should like to know how this man could have so many shortages in his accounts?

Mr. WADSWORTH. This bill, as the Senator from South Carolina will recollect, was favorably reported from the Committee on Military Affairs, of which the Senator is a member. Here is the situation: This officer was very suddenly placed in charge of a large piece of construction work in France during the World War.

Mr. BLEASE. It is all right if this occurred in France. Anything they did over there was all right.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Comptroller General of the United States to allow and credit in the accounts of Maj. John D. Gould, Quartermaster Corps, $1,646.86, representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC A. CHANDLER

The bill (H. R. 9232) for the relief of Isaac A. Chandler was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

TRANSPORTATION OF MAILS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12211) to amend section 4009 of the Revised Statutes was announced as next in order.

Mr. JONES of Washington. Mr. President, I should like to have that bill go over unless some Senator can explain it.

Mr. MOSES. Mr. President, I think the Senator from Washington will find the report accompanying the bill on the calendar.

Mr. JONES of Washington. If we do not know anything about it, we had better let it go over.

Mr. MOSES. The report of the committee accompanying the bill will show the essential facts.

Mr. JONES of Washington. Let the report be read.

The VICE PRESIDENT. The Clerk will read the report.

The Chief Clerk proceeded to read the report submitted by Mr. MOSES from the Committee on Post Offices and Post Roads of June 16 (calendar day, June 18), 1926——

Mr. MOSES. Mr. President, I do not think it is necessary to read anything except the letter from the Postmaster General, which sets forth the reasons why this legislation should be enacted. That letter will be found on page 2 of the printed report, and is addressed to the chairman of the Committee on the Post Office and Post Roads of the House of Representatives.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

POST OFFICE DEPARTMENT,
Washington, D. C., March 26, 1926.

Hon. W. W. GRIEST,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. GRIEST: I have to request the enactment of legislation to authorize this department to have miscellaneous mails carried between ports of the United States and the island possessions of the United States and the Canal Zone, between the United States and its naval or military forces abroad, and between such ports when necessary in the same manner as—

Mr. MOSES. Possibly, Mr. President, I can save the time of the Senate by pointing out that this is one of the numerous matters in which the Comptroller General has undertaken to prescribe the manner in which the Government shall conduct its business. If the Senator from Washington will turn to the letter of the Postmaster General, on page 2 of the report, he will find that the Comptroller General "has recently ruled that under the present law all service for carrying these mails to and from the island possessions and our military forces at foreign ports shall be provided as domestic mail service subject to the requirements applying thereto."

The Comptroller General has been good enough to permit the service as heretofore carried on until June 30, but now the Post Office Department has requested this legislation in order that the service may be carried on as it has been heretofore carried on, at great saving of expense to the Post Office Department.

Mr. JONES of Washington. Very well. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That section 4009 of the Revised Statutes is amended to read as follows:

"SEC. 4009. (a) Except as provided in subdivision (b), for transportation of the mails, (1) between the United States or its Territories or possessions and any foreign country, (2) between the United States and its possessions or its naval or military forces abroad, or (3) between any such possession or naval or military forces, and any other such possession or naval or military forces, the Postmaster General may allow, in the case of a vessel of the United States, compensation not in excess of the amount of the postage collected on the mail transported on such vessel, and in the case of a foreign vessel, compensation not in excess of the sea transit rates prescribed from time to time by the Universal Postal Union Convention.

"(b) The provisions of subdivision (a) of this section shall not limit the compensation for transportation of mail which the Postmaster General may pay under contracts entered into in accordance with the provisions of section 4007 of the Revised Statutes or section 24 of the merchant marine act, 1920.

"(c) In the case of mails transported between the United States or its Territories or possessions and any foreign country and in the case of mails transported between the United States and its possessions or its naval or military forces abroad, or between any such possession or naval or military forces and any other such possession or naval or military forces, payment for such transportation shall be made out of the appropriation for the transportation of foreign mails."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADJUSTMENT OF CUSTOMS FUNDS LOSSES

Mr. PITTMAN. Mr. President, last night when the calendar was called——

Mr. MOSES. Mr. President, will not the Senator kindly permit the next bill on the calendar to be considered? It is exactly the same type of bill as the one we have just passed.

Mr. PITTMAN. Very well; I yield.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12369) to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended, which was read, as follows:

Be it enacted, etc., That the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended, is amended so as to include losses of customs charges collected on dutiable mail articles, but such act shall apply only to such losses occurring after April 1, 1924.

Mr. MOSES. Mr. President, that bill also is fully explained in the letter of the Postmaster General found in the report. It seems that postmasters having customs funds in their custody or after forwarding them by registered mail, if a loss occurs by fire or burglary or other cause for which the postmasters are by no means responsible, are nevertheless held in some penal sum because of it. This bill merely gives the Postmaster General the right to adjust claims which may be made in behalf of innocent postmasters in that regard.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. MOSES. Yes, indeed.

Mr. KING. I have read the report, but I do not quite reconcile the report with the procedure which is so common in the Senate, of bills being presented almost nightly when we have these sessions to relieve postmasters from liability because of thefts and burglaries and the loss of funds intrusted to their care. Yet the report would seem to indicate that the Postmaster General has full and complete authority to absolve them from all liability, except as to customs funds, and this bill, of course, is to extend his authority to relieve them from liability with respect to customs receipts.

Mr. MOSES. Yes; Mr. President, that is perfectly true.

Mr. KING. I want to know, if it is the law that the Postmaster General has full discretion to determine whether or not following a burglary or a loss of funds the postmaster ought to be relieved from liability, why are such frequent appeals made to Congress for bills to relieve them of liability?

Mr. MOSES. The Senator from Utah, of course, refers to the occasional private bills which arise wherein the question of the culpability of the postmaster as to his prudence in the care of funds intrusted to him—for instance, whether the safe in which he deposited the money was sufficiently secure for the purpose—is involved. Such questions come before the Post Office Committee under the private bills to which the Senator refers.

This bill simply provides that the Postmaster General shall have the authority in connection with the transit of funds collected on dutiable mail articles, in case of loss, to examine the conditions under which the loss took place and relieve the postmaster of his individual responsibility so far as he may be entitled to it.

Mr. KING. I should like to ask——

Mr. MOSES. I am sorry to see the Senator from Utah continues to shake his head.

Mr. KING. I am shaking my head not as indicating a disbelief in the statement of the Senator, but merely indicating my lack of appreciation of a law which places that discretion, that power, in the hands of the Postmaster General. Of course, he can only exercise it through his subordinate officers, but he may relieve any person that the subordinate officer says lacks culpability in his conduct of responsibility to the Government for loss of valuable funds which were in his charge. That is a very dangerous power.

Mr. MOSES. Neither the Senator from Utah nor the Senator from New Hampshire is responsible for that statute. It was in existence long before either of us came here, and this bill is merely designed to extend it to one other class of valuable mail matter, for the loss of which postmasters have been held culpable under an existing statute, and it does nothing except to give to the Postmaster General some further discretion in the matter of adjusting this question of the culpability.

Mr. KING. Will the Senator permit me further?

Mr. MOSES. Yes, indeed.

Mr. KING. The Senator recalls that we have refused to give to the Secretary of the Navy and the Secretary of War authority to remit claims for losses, and so on, in excess, as I recall, of $500; and yet a law which has existed, as the Senator says for many years, gives to the Postmaster General absolute power to remit claims that the Government might have against postmasters as to which he may determine or his subordinates may determine that there was no culpability, although the loss may be thousands or tens of thousands of dollars.

Mr. MOSES. That is quite true; but Congress can not undertake to determine all the facts in cases of that sort. Moreover, the Senator from Utah must be aware of the fact that dutiable packages passing through the mails may have a value far in excess of any sum of money or of any amount of property which a naval officer or an Army officer might have in his control. A postmaster necessarily can not tell what is in the package except by the declaration, and the declaration may be good or it may be bad. Certainly the postmaster can not examine that package; that is in the control of another department of the Government.

Mr. KING. I shall not object; but we are simply piling one evil upon a number of evils, and I believe that the Post Office Committee or the Judiciary Committee could do no greater service than to report a bill that will set up some agency with powers to pass upon those important questions.

Mr. MOSES. I am not prepared to dispute the Senator in that conclusion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TREATY BETWEEN UNITED STATES AND SHAWNEE INDIANS

Mr. PITTMAN. Mr. President, last night, when the calendar was being called, I objected to the consideration of Order of Business No. 808, Senate bill 2113. I find that in making that objection I have done an injustice to the Shawnee Indians. I also discover in studying the matter that the House has passed an identical bill, known as H. R. 5218, which has just come over from the House.

This bill provides for a settlement by the Government with the Shawnee Indians. It is the sum that was due them under a treaty. The amount of this claim was settled under a treaty with the Indians. It has been favorably reported time and time again to Congress. It has been reported by the Secretaries of the Interior at various times. The present Secretary of the Interior states that the money is due these people under a treaty.

I ask unanimous consent that House bill 5218 be substituted for Senate bill 2113, and that it be considered.

The VICE PRESIDENT. Is there objection?

Mr. HEFLIN. Mr. President, has the bill to which the Senator refers passed the House?

Mr. PITTMAN. It has.

Mr. WILLIS. Mr. President, I desire some information about this matter. How much is involved in this bill?

Mr. PITTMAN. For this tribe of Indians the total is in the neighborhood of $426,000. It involves somewhere in the neighborhood of two or three hundred Indians. It is for the destruction of their property. A treaty was entered into providing that the Government should appoint appraisers for the purpose of determining the damages due them, and this is the result of it.

Mr. WILLIS. Mr. President, I call the attention of the Senator and of the Senate to the fact that the Secretary of the Interior reports unfavorably on this bill. Perhaps the Senate does not care to pay any attention to the reports of Cabinet members—it did not on a bill last night—but I simply call attention to that fact. The bill calls for the expenditure of $463,000, and is unfavorably reported by the Secretary of the Interior.

Mr. PITTMAN. That is what is printed, but that, unfortunately, does not express the fact. With the permission of the Senate, I will ask to have this short letter of the Secretary of the Interior read.

Mr. WILLIS. I was reading from a letter that appears in the report of the committee.

Mr. PITTMAN. Yes. I should like to have that letter read.

The VICE PRESIDENT. The Secretary will read the letter.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1926.

Hon. J. W. HARRELD,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR HARRELD: Further reference is made to your recent letter inclosing for a report a copy of Senate bill 2113, a bill to carry into effect the twelfth article of the treaty between the United States and the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians proclaimed October 14, 1868. This bill is identical with H. R. 5218.

The twelfth article of the treaty of 1868 (15 Stat. L. 513) provides for the establishment of a commission of not to exceed two persons to be appointed by the Secretary of the Interior to make a careful investigation of the claims of the Senecas, of the mixed Senecas and Shawnees, and Quapaws for losses sustained through United States and Confederate troops during the Civil War. The claims of all the above-mentioned Indians, except those referred to in the bill, have been paid.

The bill as drawn carries an appropriation of $463,732.49 for the purpose of paying the loyal Shawnee and loyal Absentee Shawnee in accordance with the official findings, arbitration award, and report of the Secretary of the Interior, made in pursuance of the twelfth article of the treaty proclaimed October 14, 1868, supra.

It was reported by Indian Agents John H. Pickering and Jonathan Richards, appointed under this article to investigate and report upon the claims, that there were 189 claims of loyal Shawnees and loyal Absentee Shawnees, amounting to approximately $426,000. The amount named in the bill includes the claims of 13 Delawares and other Indians not parties to the treaty. Under date of May 19, 1924, the tribal council of the Shawnees met and elected a business committee to transact the business of the tribe, pertaining particularly to this claim. The business committee, immediately upon election, voted to accept $400,000 in full settlement of the claim.

The attorneys of these Indians are acting under a contract between themselves and the claimant Indians, executed May 26, 1909. The contract was not submitted to this department for approval for the reason that the claims are individual rather than tribal. The contract is more fully set out on page 18 of the hearing on H. R. 7324, Sixty-eighth Congress, first session, April 25, 1924, to which attention is invited.

The Director of the Bureau of the Budget has advised that this legislation is in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

Mr. PITTMAN. Mr. President, that letter from the Secretary of the Interior shows, in the first place, that the property was destroyed. It shows that the liability of the Government is fixed by a treaty with the Indians. It shows that in accordance with that treaty the President appointed appraisers, who appraised the damage at the amount set out in the bill. The letter of the Secretary of the Interior discloses the fact that the Indians called a meeting in accordance with the treaty and accepted the amount that was agreed on by the appraisers. It indicates, all the way through the letter, that this is an honest debt due those Indians on a contract for the settlement of damages for which the United States Government recognized the responsibility.

There is no reason on earth to vote against this bill except two. One of them is that the bill involves a large sum of money; the other is that the Director of the Budget says that it is contrary to the financial policy of the President of the United States.

It is a large sum of money. It is for a tribe of Indians; and a large amount of property was destroyed for which the Government is responsible. The debt has been admitted for years, and yet it is proposed to pay the Indians the principal that was agreed on years ago under the treaty without one cent of interest. The proposition before us is this: If there is any Senator here who is willing to refuse to vote to pay an honest debt of the Government by reason of the sole expression there that it is contrary to the financial policy of the President of the United States, then, of course, any further effort in this matter is hopeless.

Mr. WILLIS. Mr. President, I desire to ask a question of the Senator from Nevada. I notice the statement in the letter which was read that the business committee representing the Indians voted to accept $400,000 in full settlement of the claim. This bill authorizes the appropriation of $463,000. It appears that the attorneys have taken an interest in the matter. It would seem to me that if $400,000 was acceptable to the Indians, that ought to be a sufficient amount.

Mr. PITTMAN. It is expressly stated in the letter, which the Senator probably overlooked, that certain Indians were not covered by the treaty. I will call upon the Senator from New Mexico [Mr. BRATTON] to go into that matter more particularly, because he has studied it more carefully than I. I will confess that when I objected to the consideration of the bill last night, I did so because it involved a large sum, and I though it should be investigated.

Mr. BRATTON. Mr. President, answering the inquiry made by the Senator from Ohio, the $400,000 referred to covers the claim of the Shawnee Indians, and the $63,000 item is the amount due 13 Delawares. The Senator will note that those Indians are included in the bill. They were living among the Shawnee Indians and were omitted from the settlement made with the Shawnee Indians. Their claim rests upon the same facts and is justified in the same degree as the claim of the Shawnee Indians.

So far as the amount is concerned, there is no controversy as to that. The claim of the Delaware Indians for the $63,000 is equally as meritorious as the claim of the Shawnees for the $400,000. That makes the total of $463,000.

The VICE PRESIDENT. Without objection, House bill 5218 will be substituted for Senate bill 2113.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5218) to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868, which was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $463,732.49, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay said sum to the Indians of the Shawnee Tribe, and 13 Delaware Indians affiliated with said tribe, their heirs or legal representatives, in accordance with the official findings, arbitration award, and report of the Secretary of the Interior to Congress made in pursuance of the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868 (15 Stat. L. p. 513): *Provided,* That out of said sum there shall be paid to the attorneys for said Indians 10 per cent of the above amount in full satisfaction of their contract: *And provided further,* That before payment of the amount hereby authorized to be appropriated the Indian beneficiaries or their legal representatives entitled to said awards shall execute in writing a receipt, release, and relinquishment of any and all claims arising under the twelfth article of said treaty which they may have against the United States, and which receipt, release, and relinquishment shall be approved by the Commissioner of Indian Affairs and the Secretary of the Interior and which shall be binding when executed and approved on all parties thereto. The Shawnee Indian superintendent and the council of the tribe at Shawnee, Okla., shall execute a release binding on all beneficiaries having no legal representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Senate bill 2113 will be indefinitely postponed.

TAX LIABILITY OF MINNESOTA COMPANIES

Mr. SCHALL. Mr. President, I ask unanimous consent to have inserted in the RECORD a letter written by myself to the Secretary of the Treasury, Mr. Mellon, in reference to a tax matter in which the people of my State are interested.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

UNITED STATES SENATE,
COMMITTEE ON POST OFFICES AND POST ROADS,
June 7, 1926.

Hon. ANDREW W. MELLON,
Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: I noted last March that the Internal Revenue Bureau joined with the companies in a stipulation under which the tax liability of the Minnesota & Ontario Paper Co. and Backus Brooks Co. was determined. I also noted further that the United States Board of Tax Appeals have issued their orders fixing the balance of tax due from Minnesota & Ontario Paper Co. for the years 1917, 1918, 1919, and 1920 at $2,253,610.26, and, in addition thereto, penalties for these four years amounting to $788,879.21, a total of additional taxes and penalties of $3,042,489.47.

I also note that the Board of Tax Appeals have issued their orders concerning the liability of the Backus Brooks Co. for the years 1917, 1918, 1919, and 1920 of additional taxes due amounting to $90,370.34 and penalties of $27,651.72, a total of additional taxes and penalties of $118,022.06. The grand total of taxes due and penalties for these two companies for these four years, I note, amounts to $3,160,511.53.

Their tender of $391,607.39 is thereby shown to be only about 14 per cent of the amount due.

You will, no doubt, recall that I introduced in the House Resolution 301 on May 7, 1924, and that under date of May 13, 1924, I elaborated my remarks in connection with my resolution, calling for an investigation of the tax liability of these companies. In the course of my remarks I made the following charges:

1. That the amount of the tax liability disclosed on the original returns and paid at that time was but a pitiful fraction of the entire amount now found to be due.

2. That no fair and legitimate attempt was made to disclose the true income in the original returns.

3. That the differences between the original returns and the corrected returns are in many instances so gross and startling that no honest or legitimate attempts could be or has been made to justify the original returns.

4. That—to specify but one of these instances—the depletion charge claimed for timber cut by these companies was at least twice the amount that could be justified by any evidence or process of reasoning; and that the difference was so great as to preclude the claim that there was an honest difference of judgment.

5. That the Backus companies have not cooperated with the Internal Revenue Department in any way to facilitate or expedite the ascertainment of the true tax liability; on the contrary, by delay and refusal to furnish information and the furnishing of untrue and misleading information, they have placed every obstacle in the way of a correct and speedy determination.

6. That further investigation of physical property and conditions (upon which Mr. Backus lays great stress in his statement) now being made by the department does not in the slightest degree involve or affect the tax liability for the earlier years—1917 and 1918.

7. That by the character of the original returns, by absurd, unfounded, and dilatory claims, by his refusal to pay additional taxes when assessed, resulting in the unusual necessity to file the liens already filed to collect these amounts, Mr. Backus and his companies have defied, treated with contempt, and evaded the revenue laws of the United States.

I am glad to note that I did not do Mr. Backus an injustice, in that my charges have been sustained.

I also stated at that time:

"If these things are true, the Congress, the people of Mr. Backus's State, and all taxpayers, small and great, are entitled to know them, and the investigation provided for in my resolution is one way in which to bring them to light."

It is fortunate that the results of the settlement are public records in the files of the United States Board of Tax Appeals, so that the people of the United States, the people of my State, and all the taxpayers generally may know that the tax laws of the Federal Government are being enforced against the great as well as the small.

I wish to congratulate the staff of the Treasury Department in bringing to a successful close this attempt to raid the Treasury of the United States and will appreciate it if you will convey my congratulations to all who have had to do with this matter.

Very sincerely yours,

THOS. D. SCHALL.

EDWIN R. SAMSEY

The bill (S. 3017) for the relief of Edwin R. Samsey was announced as next in order.

The VICE PRESIDENT. This bill is reported adversely.

Mr. WILLIS. Mr. President, I suppose that bill should be indefinitely postponed. It is my bill; and though I feel the committee did an injustice in acting unfavorably, I have no disposition to press the bill at this late hour in the face of an adverse report.

The VICE PRESIDENT. Without objection, the bill will be indefinitely postponed.

LAND IN DOUGLAS COUNTY, OREG.

The bill (S. 4252) setting aside certain land in Douglas County, Oreg., as a summer camp for Boy Scouts was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 4, after the word "west," to strike out "half" and insert "half of the," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to lease the lands included within the west half of the southwest quarter, section 9, township 27 south, range 2 west, Willamette meridian, in Douglas County, Oreg., to the Douglas County Boy Scouts Council, or a duly authorized representative of such council, as a summer camp for the Boy Scouts of Douglas County, Oreg. Such lease shall be without cost to the council for term of 50 years and under such other terms and conditions, including provisions for the care, removal, and disposition of timber by the United States, as the Secretary of the Interior deems advisable to safeguard the interests of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of Washington. Mr. President, what action was taken on Order of Business 1116? Has that been passed heretofore?

Mr. WILLIS. It is not on the calendar.

Mr. KING. It was passed last night.

LEASING OF ALASKA PUBLIC LANDS FOR FUR FARMING

The bill (H. R. 8048) to provide for the leasing of public lands in Alaska for fur farming, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments.

Mr. WALSH. Mr. President, when this matter was up before I offered some objection; but I have considered the bill since, and with some amendments I think the bill ought to pass. I think the committee amendment in line 10, page 1, ought to be rejected, however.

This bill provides for leasing lands in Alaska for the culture of fur-bearing animals. They are raised chiefly on the many islands along the coast; but the bill is not restricted to those, but includes areas on the mainland as well. If an area on the mainland is leased, it ought not to be more than a section, I am sure.

Mr. STANFIELD. Mr. President, I should like to call the attention of the Senator from Montana to the fact that a large portion of this area is forest reserve, and under the powers of the Department of Agriculture it is left entirely to the Secretary of Agriculture to determine the area that shall be leased. If we should amend the bill in the way the Senator proposes, we would place a restriction on the leasing of the lands that come under the Secretary of the Interior. I think we can fairly well trust the head of the department to use discretion in leasing these areas; and it has been demonstrated on the Alaskan coast that if an arbitrary area is going to be fixed it may be very impracticable in the leasing of certain areas, due to promontories.

Mr. WALSH. Mr. President, I have had a consultation with respect to the matter with a gentleman who is here urging the passage of this legislation, and he practically agrees that to give the Secretary of the Interior and the Secretary of Agriculture the power to lease an unlimited area can not be defended.

Mr. STANFIELD. The Secretary of Agriculture has the same power. I think the Senator was one of the Members of the Congress that gave that power to the Secretary of Agriculture, who has control of the large areas there. I know full well the reference the Senator makes to the gentleman with whom he had his interview. That man appeared before our committee, and we went into this matter and gave it very serious consideration. While I have no interest in it except in the welfare of Alaska, I think such a limitation would hinder the development of that country.

Mr. WALSH. I can not conceive of any occasion for the leasing of more than 640 acres of land on the mainland on which to raise blue foxes. I will agree that there are a great multitude of rocky, perfectly uninhabitable islands along the coast on which these fur-bearing animals may be reared; and I do not object to the leasing to one person or individual of one of these islands that contains at least 30 square miles. That is conceding quite a little. When we come to the mainland, however, I submit that it is perfectly unjustifiable to give any officer the power to lease an unlimited area of land.

Mr. STANFIELD. For the period of time for which the law provides a lease I am sure that the Senator can not conceive of the possibility of the building of any monopoly or anything that would be adverse to the best interests of civilization.

The coast of Alaska is very rugged, and there are promontories extending out into the ocean where there might be a thousand or two thousand acres, and up near the mainland there is a narrow neck, where the lessees can put a fence and utilize that acreage, where if they had only 640 acres it might take several miles of fence. On the other hand, the fence may be only a quarter of a mile across the narrow neck. I have no objection to the amendment.

Mr. WALSH. Conditions of that kind might obtain.

Mr. STANFIELD. Such conditions generally obtain.

Mr. WALSH. But I do not think we could justify ourselves in giving leases to unlimited areas.

Mr. STANFIELD. I am not going to object to the amendment, but I only want to say that the committee gave very careful consideration to the subject. If the Senator wants to insist upon the amendment, I will accept it.

The VICE PRESIDENT. The clerk will state the first amendment of the committee.

The CHIEF CLERK. On page 1, line 10, the committee proposes to strike out the words "in areas not exceeding 640 acres, and."

Mr. WALSH. I trust the amendment will not be agreed to.

The amendment was rejected.

The VICE PRESIDENT. The clerk will state the next amendment.

The CHIEF CLERK. On page 1, line 11, strike out "ten" and insert in lieu thereof "twenty."

Mr. KING. Mr. President, I would like to ask the Senator from Montana whether from his investigation he is satisfied that the lease should run for a period of 20 years, instead of for 10 years, as provided in the bill as it passed the House?

Mr. WALSH. I do not feel justified in making any objection to that, because I feel quite sure that the leases will be confined very largely to these rocky islands. As a general thing, they are uninhabited, and if a man or a company goes there and establishes a business and demonstrates that it is profitable that one of these islands can be put to this use, I think they should have the benefit.

Mr. STANFIELD. I think it is wrong for us to lock up the resources of that Territory.

Mr. KING. I think that is wrong, too.

Mr. STANFIELD. We must give stability to it and we can not have stability without making time the essence of our action. It is going to take a long period of time. People will not be attracted to Alaska if we limit the time, and say they can remain there for only a few days or only a few years.

Mr. KING. The Senator need not make an eloquent appeal in favor of opening up and unlocking the resources of Alaska. My protest has always been that the foolish legislation enacted by Congress has locked up the resources of Alaska.

Mr. STANFIELD. I know what the Senator refers to, and I agree with him so far as conservation is concerned. But this is a different thing. This is to give individuals the right to go in and use the resources that are locked up.

Mr. SWANSON. Mr. President, I do not like to raise a point of order, but under the rule Senators can speak but five minutes on a bill.

Mr. KING. The Senator is in error.

Mr. JONES of Washington. Mr. President, according to my recollection, last night we provided a 10-year period for leasing land in Alaska. I want to see Alaska developed, but I am inclined to think that we should have the same limitation in this bill that we put on leases last night. I do not know whether or not the House would be disposed to accept the 20-year provision. I rather doubt it. I think it is quite important that this legislation should pass promptly. I believe the Senator will act very wisely if he will leave that as the House passed it. I think this bill should be passed as the House passed it, and become a law right away.

Mr. STANFIELD. I know the Senator from Washington is just as much a friend of Alaska as I am, and I am astonished to hear him propose that the leases should be for but 10 years, because it is so impractical. The committee has gone fully into this question. Men from the Senator's State appeared, men from all along the coast of Oregon appeared, men from Alaska appeared, and I am personally sufficiently familiar with the conditions to know that one who is interested in the development of Alaska should not suggest that the leases be made for 10 years.

Mr. JONES of Washington. I am interested in Alaska.

Mr. STANFIELD. The Senator is not if he proposes a 10-year period instead of a 20-year period.

Mr. JONES of Washington. Is there any reason why this bill should provide for a longer period than we adopted last night?

Mr. STANFIELD. The action we took last night was wrong.

Mr. JONES of Washington. But it was passed. I think we ought to reject the committee amendment.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was rejected.

The VICE PRESIDENT. The clerk will state the next amendment.

The CHIEF CLERK. On page 2, line 3, to strike out the words "where same does not exceed in area 30 square miles."

Mr. WALSH. Mr. President, I want to offer an amendment intended to take care of that. As a rule these islands along the coast of Alaska do not exceed in area 30 square miles, but there are several of them which do. Kodiak Island is a very large island, for instance. I think it would be entirely unjustifiable to lease the entire area. I am accordingly proposing that the bill be amended, on page 2, after line 1, by inserting the words "or lands within the same"; and on line 3, after the word "Interior," to insert the words "be for an area not to exceed 30 square miles," so as to read:

That where leases are given hereunder for islands or lands within the same such lease may, in the discretion of the Secretary of the Interior, be for an area not to exceed 30 square miles.

The amendment was agreed to.

Mr. WALSH. Then, Mr. President, I want to call attention to another circumstance in connection with this bill. The measure is for the promotion of the culture of fur-bearing animals, and the leases to be obtained for that purpose. But there is nothing in the bill which would require the lessee to devote the land to that purpose, nor that he should suffer any forfeiture if it were devoted to some other purpose. I accordingly offer the following amendment to meet the situation. Section 2 provides:

That the Secretary of the Interior is hereby authorized to perform any and all acts, and to make such rules and regulations as may be necessary and proper, for the purpose of carrying the provisions of this act into effect.

I propose to amend there by adding this language, "including provisions for the forfeiture of any lease for failure to stock the same with fur-bearing animals within a period of one year from the date of the lease, or in the event of the devotion of the leased area primarily to any purpose other than the rearing of such fur-bearing animals."

Mr. STANFIELD. I hope the Senate will vote the amendment down.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior, in order to encourage and promote development of production of furs in the Territory of Alaska, is hereby authorized to lease to corporations organized under the laws of the United States, or of any State or Territory thereof, citizens of the United States, or associations of such citizens, public lands of the United States in the Territory of Alaska suitable for fur farming, in areas not exceeding 640 acres, and for periods not exceeding 10 years, upon such terms and conditions as he may by general regulations prescribe: *Provided*, That where leases are given hereunder for islands or lands within the same such lease may, in the discretion of the Secretary of the Interior, be for an area not to exceed 30 square miles: *Provided further*, That nothing herein contained shall prevent the prospecting, locating, development, entering, leasing, or patenting of the mineral resources of any lands so leased under laws applicable thereto: *And provided further*, That this act shall not be held nor construed to apply to the Pribilof Islands, declared a special reservation by the act of Congress approved April 21, 1910: *And provided further*, That any permit or lease issued under this act shall reserve to the Secretary of the Interior the right to permit the use and occupation of parts of said leased areas for the taking, preparing, manufacturing, or storing of fish or fish products, or the utilization of the lands for purposes of trade or business, to the extent and in the manner provided by existing laws or laws which may be hereafter enacted.

SEC. 2. That the Secretary of the Interior is hereby authorized to perform any and all acts, and to make such rules and regulations as may be necessary and proper, for the purpose of carrying the provisions of this act into effect, including provisions for the forfeiture of any lease for failure to stock the same with fur-bearing animals within a period of one year from the date of the lease, or in the event of the devotion of the leased area primarily to any purpose other than the rearing of such fur-bearing animals.

The VICE PRESIDENT. Without objection Senate bill 2688, which is identical with the bill just passed, will be indefinitely postponed.

SALE OF LANDS TO THE CABAZON WATER CO.

The bill (H. R. 11488) authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 6,

after the word "Interior" to strike out the colon and down to and including the word "prescribe" in line 11.

Mr. LA FOLLETTE. Mr. President, I ask the Senator from Oregon to explain the bill. I note that the report from the Secretary of the Interior states that this particular water site was withdrawn for the benefit of a certain tribe of Indians, and that it is entirely reasonable that it may be put to beneficial use for that tribe of Indians. It seems to me rather questionable for the Congress to pass a bill to give a patent to a water company when the Department of the Interior, through the Secretary, states that this water site can still advantageously be used for the Indian tribe for which it was withdrawn.

Mr. STANFIELD. Mr. President, I would like to call the attention of the junior Senator from Wisconsin to the fact that the measure has the approval of the Secretary of the Interior, and where he referred to a water company, that the water company is incorporated under the laws of the State of California and is a nonprofit corporation, mutually owned by the citizens of the community of Cabazon, which is located in Riverside County, Calif.

The people there want control of their water site, in order that they may be furnished with a sanitary supply of water. This is a community inhabited by white people and, in the opinion of the Secretary of the Interior, whose department has investigated the matter, they should be granted the right. It is not in conflict with any Indian rights.

Mr. LA FOLLETTE. I can not quite agree with the Senator that the Secretary of the Interior has recommended the bill. His recommendation lacks enthusiasm, to say the least, and upon the explanation made by the Senator I shall be constrained to object to the further consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

JOSEPH L. KERESEY

The bill (H. R. 2042) for the relief of Joseph L. Keresey was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 4502) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty, was announced as next in order.

Mr. CAMERON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

RELIEF OF THE STATE OF OREGON

The bill (S. 4324) for the relief of the State of Oregon, was announced as next in order.

Mr. KING. Mr. President, I should like to have an explanation of the bill. As I understand it, it relates to a time back in 1856, when lands were conveyed to the Government. It has been in their possession for a great many years, and the State wants the Government now to pay more than $300,000, either to the State of Washington or to the State of Oregon. I think I shall ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN REGAN

The bill (H. R. 1252) for the relief of John Regan, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS OVERMIRE

The bill (H. R. 1257) for the relief of Silas Overmire was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUSTACIO B. DAVISON

The bill (S. 1413) for the relief of Eustacio B. Davison was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Eustacio B. Davison, formerly of Companies A and H, Eighty-seventh Regiment New York Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a sergeant on the 13th day of June, 1862: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS DOWLING, ALIAS JAMES MURPHY

The bill (H. R. 9234) to change the military record of Thomas Dowling, alias James Murphy, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL PARK SERVICE

The bill (H. R. 12264) to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes, was considered as in Committee of the Whole.

Mr. KING. Mr. President, I would like to ask the Senator from Oregon a question. I have had many complaints because of the alleged arbitrary conduct of those in charge of the national parks. Would this measure increase their power?

Mr. STANFIELD. Undoubtedly it would increase their power; yes.

Mr. KING. There is only one moment left, and there is a desire to get another bill through. I shall look into this, and I may ask for a reconsideration to-morrow.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PURCHASE OF LAND AT CAMP MARFA, TEX.

The bill (S. 3992) to provide for the purchase of land for use in connection with Camp Marfa, Tex., was announced as next in order.

Mr. JONES of Washington. Mr. President, I would like to know the reason for that bill.

Mr. SHEPPARD. Mr. President, it is a good business proposition for the Government to purchase the land mentioned in this bill, on which are located buildings belonging to the Government of the value of $747,000. It is a Government military post at Marfa, Tex. The Government owns the buildings but it does not own the land, and it can now purchase the land for $27,000.

Mr. JONES of Washington. Does the Government need the land for military purposes?

Mr. SHEPPARD. The Government does need the land, because buildings belonging to the Government are located on the land, buildings which cost $747,000 to erect.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That a sum not to exceed $27,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the acquisition of the fee title to land in the vicinity of and in connection with the present military reservation at Camp Marfa, Tex., and the Secretary of War is hereby empowered and authorized to acquire said land either by purchase or condemnation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT

The VICE PRESIDENT. The hour of 11 o'clock having arrived the Senate stands adjourned.

Thereupon the Senate (at 11 o'clock p. m.) adjourned, under the order previously entered, until to-morrow, Saturday, July 3, 1926, at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 2 (legislative day of July 1), 1926

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Robert P. Skinner, of Ohio, now a Foreign Service officer of class 1 and consul general at Paris, to be envoy extraordinary and minister plenipotentiary of the United States of America to Greece.

CONSUL

Curtis C. Jordan, of California, now a Foreign Service officer of class 6 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

ASSISTANT SECRETARY OF WAR

F. Trubee Davision, of New York, to be Assistant Secretary of War, as provided for in the act approved July 2, 1926.

UNITED STATES ATTORNEYS

Walter M. Provine, of Illinois, to be United States attorney, southern district of Illinois, vice Thomas Williamson, whose term has expired.

Harold G. Baker, of Illinois, to be United States attorney, eastern district of Illinois, vice W. O. Potter, whose term has expired.

MEMBER OF THE FEDERAL RESERVE BOARD

Charles S. Hamlin, of Massachusetts, to be a member of the Federal Reserve Board for a term of 10 years from August 10, 1926 (a reappointment).

MEMBER OF THE MISSISSIPPI RIVER COMMISSION

John W. Stipes, of Illinois, to be a member of the Mississippi River Commission, vice Jerome O. Christie, resigned.

COLLECTOR OF CUSTOMS

Jennie P. Musser, of Salt Lake City, Utah, to be collector of customs for customs collection district No. 48, with headquarters at Salt Lake City, Utah. Reappointment.

PROMOTIONS IN THE REGULAR ARMY

TO BE LIEUTENANT COLONEL

Maj. Francis Henry Burr, Infantry, from July 1, 1926.

TO BE MAJOR

Capt. Robert George Guyer, Corps of Engineers, from July 1, 1926.

TO BE CAPTAINS

First Lieut. Charles Stalsburg, Quartermaster Corps, from July 1, 1926.

First Lieut. Anton Zeman, Quartermaster Corps, from July 1, 1926.

TO BE FIRST LIEUTENANTS

Second Lieut. Luther Daniel Wallis, Infantry, from June 29, 1926.

Second Lieut. Wesley Tate Guest, Signal Corps, from July 1, 1926.

Second Lieut. Duncan Philip Frissell, Infantry, from July 1, 1926.

Second Lieut. Henry Hammond Duval, Coast Artillery Corps, from July 2, 1926.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

Lieut. Samuel P. Jenkins to be a lieutenant commander in the Navy from the 20th day of March, 1926.

The following-named lieutenants to be lieutenant commanders in the Navy from the 4th day of June, 1926:

Francis S. Low.	Morris H. Spriggs.
Horace D. Clarke.	Ralph Kiely.
Archer E. King, jr.	Harold O. Hunter.
George C. Kriner.	Forrest K. Libenow.

Lieut. (Junior Grade) Thomas H. Binford to be a lieutenant in the Navy from the 23d day of November, 1925.

Lieut. (Junior Grade) William Butler, jr., to be a lieutenant in the Navy from the 2d day of February, 1926.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 4th day of June, 1926:

Russell H. Quynn.	Edward E. Bolecek.
Charles E. Bauch.	August V. Zaccor.
George L. Richard.	George H. Hasselmann.
Thomas G. Richards.	Clarence E. Bence.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 5th day of June, 1926:

Arnold J. Isbell.	Morgan C. Barrett.
William R. Millis.	Walter F. Boone.
Charles A. Whiteford.	Andrew P. Lawton.

Cecil C. Adell to be an ensign in the Navy from the 3d day of June, 1922, in accordance with a provision contained in the act of Congress approved June 23, 1926.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 8th day of June, 1926:

Robert A. Casson, jr.	Neil K. Dietrich.
Richard W. Ruble.	Thomas B. Williamson.
George K. Hodgkiss.	Sanford D. Fulton.
Thayer T. Tucker.	William T. Rassieur.
Louis F. Teuscher.	Frederick A. Edwards.
Walter C. Russell, jr.	Edwin R. Duncan.
George A. Dussault.	Louis A. Reinken.
Balch B. Wilson, jr.	Dwight H. Day.
Frank Monroe, jr.	William D. Wright, jr.
Gilbert L. Burt.	Frederick J. Nelson.
Claude F. Sullivan.	William M. Hobby, jr.
Robert R. Buck.	Thomas H. Hederman.
Henry F. Agnew.	Robert K. Walker.
Gilbert R. Crowther.	Charles S. Walsh.
Beverley R. Harrison, jr.	William A. Graham.

The following-named assistant paymasters to be paymasters in the Navy with the rank of lieutenant from the 16th day of March, 1926:

George H. Williams.	Richard A. Vollbrecht.

Boatswain Alfred S. Harer to be a chief boatswain in the Navy, to rank with but after ensign, from the 19th day of December, 1925.

Pay Clerk Donald W. Davidson to be a chief pay clerk in the Navy, to rank with but after ensign, from the 30th day of December, 1925.

POSTMASTERS

ALABAMA

Arthur H. Mershon to be postmaster at Fairhope, Ala., in place of A. M. Winberg, resigned.

ARKANSAS

Clyde E. Mitts to be postmaster at Swifton, Ark., in place of L. R. See. Incumbent's commission expired March 29, 1926.

CONNECTICUT

Charles W. Birely to be postmaster at New Haven, Conn., in place of C. W. Birely. Incumbent's commission expired June 30, 1926.

GEORGIA

Clara L. Claridy to be postmaster at Experiment, Ga. Office became presidential July 1, 1926.

John R. Barrett to be postmaster at Demorest, Ga., in place of G. W. Pease, resigned.

Lois A. Roberts to be postmaster at Bowman, Ga., in place of L. A. Roberts. Incumbent's commission expired October 20, 1925.

ILLINOIS

Frank G. Berger to be postmaster at Lake Forest, Ill., in place of P. F. Moore, resigned.

Charles T. O'Boyle to be postmaster at Ingleside, Ill. Office became presidential July 1, 1926.

Charles E. Van Buren to be postmaster at Victoria, Ill., in place of C. E. Van Buren. Incumbent's commission expired May 3, 1926.

Willie E. Rudolph to be postmaster at Sibley, Ill., in place of August Koehne, junior. Incumbent's commission expired December 19, 1925.

Allie M. Reineke to be postmaster at Perry, Ill., in place of A. M. Reineke. Incumbent's commission expires July 31, 1926.

John B. Porter to be postmaster at Olney, Ill., in place of J. B. Porter. Incumbent's commission expired June 21, 1926.

INDIANA

James W. Gardner to be postmaster at Reynolds, Ind., in place of L. W. Geier. Incumbent's commission expired December 20, 1925.

IOWA

Luvern Leigh to be postmaster at Rockford, Iowa, in place of H. H. Hubbard, removed.

KANSAS

Carl F. Wendt to be postmaster at Manter, Kans. Office became presidential July 1, 1926.

KENTUCKY

Robbie M. Ray to be postmaster at Columbus, Ky., in place of R. M. Ray. Incumbent's commission expired March 13, 1926.

MASSACHUSETTS

James C. Smith to be postmaster at Leominster, Mass., in place of J. H. Walsh. Incumbent's commission expired January 18, 1926.

MISSISSIPPI

Harry D. Hale to be postmaster at Natchez, Miss., in place of T. E. Walton. Incumbent's commission expired April 7, 1926.

MISSOURI

Ulysses G. Sterling to be postmaster at Latham, Mo. Office became presidential July 1, 1926.

Phill H. Hawkins to be postmaster at Buffalo, Mo., in place of T. G. Leach. Incumbent's commission expired November 28, 1925.

NEBRASKA

Leora E. Bowley to be postmaster at Taylor, Nebr. Office became presidential July 1, 1926.

NEW HAMPSHIRE

Wilbur L. Wadleigh to be postmaster at Twin Mountain, N. H. Office became presidential July 1, 1926.

Lloyd T. Garland to be postmaster at Center Conway, N. H. Office became presidential July 1, 1926.

NEW JERSEY

Marguerite Higgins to be postmaster at Lindenwold, N. J. Office became presidential July 1, 1926.

NEW YORK

Edith P. Patterson to be postmaster at Youngsville, N. Y., in place of H. C. Patterson, deceased.

NORTH CAROLINA

James O. Carter to be postmaster at Ahoskie, N. C., in place of A. T. Willoughby. Incumbent's commission expired March 18, 1926.

OHIO

James B. Emery to be postmaster at London, Ohio, in place of J. B. Emery. Incumbent's commission expired April 25, 1926.

OREGON

William J. Norris to be postmaster at Westfir, Oreg. Office became presidential July 1, 1926.

PENNSYLVANIA

Charles H. Stormfeltz to be postmaster at Lancaster, Pa., in place of E. L. Whitson, removed.

Clarence W. Foster to be postmaster at Beallsville, Pa. Office became presidential July 1, 1926.

Vincent S. Pownall to be postmaster at Swarthmore, Pa., in place of V. S. Pownall. Incumbent's commission expired June 30, 1926.

PORTO RICO

Felix P. Hernandez to be postmaster at Quebradillas, P. R., in place of F. P. Hernandez. Incumbent's commission expired June 24, 1926.

Leonides M. Lopez to be postmaster at Camuy, P. R., in place of L. M. Lopez. Incumbent's commission expired June 10, 1926.

SOUTH CAROLINA

Hiram A. Costner to be postmaster at Greenville, S. C., in place of C. C. Withington. Incumbent's commission expired January 27, 1926.

SOUTH DAKOTA

Elsie M. Romereim to be postmaster at Roslyn, S. Dak. Office became presidential July 1, 1926.

John E. Toft to be postmaster at White River, S. Dak., in place of A. R. Dendy, resigned.

William O. Brennan to be postmaster at Sherman, S. Dak. Office became presidential July 1, 1926.

TENNESSEE

Malcolm D. Biggs to be postmaster at Martin, Tenn., in place of M. D. Duke. Incumbent's commission expired June 22, 1926.

TEXAS

William H. Bruns to be postmaster at Louise, Tex., in place of W. W. Appling. Incumbent's commission expired May 3, 1926.

George A. Tohill to be postmaster at Big Sandy, Tex., in place of J. C. Wood. Incumbent's commission expired April 20, 1926.

VERMONT

Mary R. Walker to be postmaster at Hartland, Vt. Office became presidential July 1, 1926.

WASHINGTON

George H. Shanafelt to be postmoster at Kennewick, Wash., in place of G. C. Moores, removed.

Myrtle B. Bridgman to be postmaster at Vashon, Wash., in place of Gladys Jacob, resigned.

Samuel E. Edwards to be postmaster at Ritzville, Wash., in place of J. S. Edwards, deceased.

WEST VIRGINIA

Thomas E. Pownall to be postmaster at Romney, W. Va., in place of A. N. McKeever, deceased.

Robert E. Ingram to be postmaster at Page, W. Va., in place of T. F. Settle, removed.

Verna F. Ridenour to be postmaster at Hopemont, W. Va., in place of O. C. Satterfield, resigned.

Julius Thompson to be postmaster at Petersburg, W. Va., in place of Julius Thompson. Incumbent's commission expired June 30, 1926.

WISCONSIN

Elmer A. Disgarden to be postmaster at Ellison Bay, Wis. Office became presidential July 1, 1926.

Wilbur S. Wurm to be postmaster at Shullsburg, Wis., in place of W. S. Wurm. Incumbent's commission expired April 28, 1926.

Henry J. Altschwager to be postmaster at Columbus, Wis., in place of H. J. Altschwager. Incumbent's commission expired April 28, 1926.

Edwin H. Jost to be postmaster at Cleveland, Wis., in place of John Lorfeld. Incumbent's commission expired December 22, 1925.

WYOMING

Nels J. Simpson to be postmaster at Cambria, Wyo., in place of N. J. Simpson. Incumbent's commission expired May 10, 1926.

CONFIRMATIONS

Executive nominations confirmed by Senate July 2 (legislative day of July 1), 1926

ASSISTANT SECRETARY OF THE NAVY

Edward P. Warner to be Assistant Secretary of the Navy.

ASSISTANT SECRETARY OF WAR

F. Trubee Davison to be Assistant Secretary of War.

UNITED STATES ATTORNEYS

Harold G. Baker to be United States attorney, eastern district of Illinois.

Walter M. Provine to be United States attorney southern district of Illinois.

Tilmon A. Lancaster to be United States attorney, western district of Tennessee.

CIRCUIT JUDGE, SECOND CIRCUIT, TERRITORY OF HAWAII

Daniel H. Case to be circuit judge, second circuit, Territory of Hawaii.

COLLECTOR OF INTERNAL REVENUE

Wallace S. Handy to be collector of internal revenue for the district of Delaware.

COLLECTOR OF CUSTOMS

Joseph L. Crupper to be collector of customs for customs collection district No. 14, with headquarters at Norfolk, Va.

MISSISSIPPI RIVER COMMISSION

John W. Stipes to be a member of the Mississippi River Commission.

COAST GUARD

TO BE LIEUTENANTS (JUNIOR GRADE)

Donald C. McNeil.
Harley E. Grogan.
William S. Shannon.

TO BE DISTRICT SUPERINTENDENTS

Gus B. Lofberg, with the rank of lieutenant commander.
Chester A. Lippincott, with the rank of lieutenant.

COAST AND GEODETIC SURVEY

TO BE AIDS

Claude Augustus Billingsley.
Percy Levy Bernstein.
Vawter Morton Gibbens.

APPOINTMENTS IN THE REGULAR ARMY

TO BE PROFESSOR OF ECONOMICS, GOVERNMENT, AND HISTORY AT THE UNITED STATES MILITARY ACADEMY

Prof. Lucius Hudson Holt.

TO BE PROFESSOR OF ENGLISH AT THE UNITED STATES MILITARY ACADEMY

Chaplain Clayton Earl Wheat.

MEDICAL CORPS

To be first lieutenants

Loren Donovan Moore.
Arthur Brinkley Welsh.
Eugene Wycoff Billick.
Earle Glenn Goss Standlee.
Charles Albert McDowell.
Merritt Gartley Ringer.
Cecil Walker Dingman.
William Kraus.
Robert Stephen Lilla.
Reuel Edward Hewitt.
Martin Eugene Griffin.
Harold Ellis Rhame.
Mack Macon Green.
William Edward Shambora.
Verner Ernest Ruedy.
Charles Henderson Beasley.
Hobart Dean Belknap.
Clifford Albert Best.
Emery Ernest Alling.
Alvin Levi Gorby.
LaFayette Parkinson Monson.
George Ellis Armstrong.
William Oscar French, jr.
Bennie Arthur Moxness.
Dwight Moody Young.

DENTAL CORPS

To be first lieutenants

Marvin Edward Kennebeck.
Hugh David Phillips.
Frank Elwyn Patterson.
Arthur Letcher Irons.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

Second Lieut. John William Black, Air Service.
Second Lieut. Maxwell Davenport Taylor, Corps of Engineers.
First Lieut. Francis William Farrell, Infantry.

CAVALRY

Second Lieut. William O'Connor Heacock, Air Service.

FINANCE DEPARTMENT

Maj. Edwin Joseph O'Hara, Coast Artillery Corps (detailed in Finance Department).

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS

Roger Stanley Fitch, Cavalry.
Samuel Wheelan Noyes, Infantry.

TO BE LIEUTENANT COLONELS

Bowers Davis, Infantry.
John McEwen Pruyn, Infantry.
Henry Wyatt Fleet, Infantry.
Albert Gallatin Love, Medical Corps.
Harold Wellington Jones, Medical Corps.
Mathew Aaron Reasoner, Medical Corps.
Henry James Nichols, Medical Corps.
Louis Hedven Hanson, Medical Corps.
Lucius Locke Hopwood, Medical Corps.
Charles Ernest Freeman, Medical Corps.

TO BE MAJORS

Thomas Dewees Finley, Infantry.
Elroy Sandy Jackson Irvine, Corps of Engineers.
Stanley Eric Reinhart, Field Artillery.
Dwight Frederick Johns, Corps of Engineers.
Young DuHamel, Corps of Engineers.
William Arthur Snow, Corps of Engineers.

TO BE CAPTAINS

William Henry Johnson, Infantry.
Ernest Andrew Reynolds, Quartermaster Corps.
Silas Warren Robertson, Cavalry.
Donald Van Niman Bonnett, Infantry.
Shiras Alexander Blair, Air Service.
Samuel Tankersley Williams, Infantry.
Harold Herbert Fisher, Infantry.
Anton Zeman, Quartermaster Corps.
James Donison Carter, Philippine Scouts.

TO BE FIRST LIEUTENANTS

Louis Beman Rapp, Cavalry.
Edwards Matthews Quigley, Field Artillery.
James Breakenridge Clearwater, Field Artillery.
George Wythe Bott, jr., Ordnance Department.
Louis Watkins Prentiss, Field Artillery.
William Edmund Waters, Field Artillery.
Joseph Kennard Bush, Infantry.
Orlando Clarendon Mood, Infantry.
John Oliver Kelly, Coast Artillery Corps.
Bert Nathan Bryan, Infantry.
Harvie Rogers Matthews, Infantry.
Joseph Warren Huntress, jr., Quartermaster Corps.
Luther Daniel Wallis, Infantry.
Wesley Tate Guest, Signal Corps.

PROMOTIONS IN THE NAVY

TO BE REAR ADMIRALS

Charles L. Hussey.
John R. Y. Blakely.

TO BE PAY INSPECTOR

Paymaster Herbert E. Stevens.

MARINE CORPS

To be second lieutenants

Francis J. McQuillen.
Edward W. Snedeker.
Kenneth W. Benner.
John S. E. Young, jr.
Richard S. Burr.
Kenneth H. Cornell.
Arthur H. Butler.
Earl J. Ashton.
Hartnoll J. Withers.
Nels H. Nelson.
Lofton R. Henderson.
Russell N. Jordahl.
Chester B. Graham.
Mortimer S. Crawford.
Frank P. Pyzick.
Benjamin F. Kaiser, jr.
Elmer H. Salzman.
Thomas A. Wornham.
Thomas B. Jordan.
Earle S. Davis.
Roy M. Gulick.
Charles G. Wadbrook.
Con D. Silard.
Ward E. Dickey.
Joseph L. Wolfe.

POSTMASTERS

ALABAMA

Sanford M. Dawsey, Dothan.
John F. Frazer, Lafayette.
Charlie D. Hughes, Verbena.

ARKANSAS

James A. Skipper, England.
Alice R. Beard, Gentry.
Jesse H. Crosswhite, Lead Hill.

CALIFORNIA

Seth A. Frank, Alderpoint.
Willis H. Stokes, Applegate.
Louis C. De Armond, Blairsden.
Herbert A. Barber, Blue Lake.
Homer M. Dorland, Copco.
Marjorie E. Stover, Crannell.
Edith C. Thomas, Garberville.
Maggie J. Wimer, Lake City.
John K. Scammell, Mar Vista.
Lena M. Burris, Meridian.
Roscoe E. Watts, Rialto.
James E. Pharr, Scotia.

COLORADO

Julian P. Tatum, Berwind.
James Amber, Buckingham.
Will J. Wood, Crawford.
Robert L. Vineyard, Eureka.
Frank E. Stewart, Golden.

CONNECTICUT

Willis C. Chidsey, Avon.
Michael M. Olie, Pequabuck.
Carleton W. Tyler, Southbury.

FLORIDA

Ella B. Thomas, Deerfield.
Owen W. Pittman, Miami.
Lena L. Hatch, East Palatka.
Richard T. Bevington, Lake Worth.
Julia Seabloom, Ormond Beach.
Marie L. Liles, Tarpon Springs.

GEORGIA

Paul L. Smith, Athens.
Joe B. Crane, Dixie.

IDAHO

William C. Quarles, Gibbs.
Homer S. Brown, Reubens.
Spencer H. Lawson, Spencer.

ILLINOIS

Walter B. Dunlap, Bath.
R. Dunn Cook, Belle Rive.
John E. Holcomb, Butler.
William A. Rush, Christopher.
Harker Miley, Harrisburg.
Hugo L. Schneider, Highland Park.
Samuel A. McCullough, Irvington.
William S. Blanchard, Kenilworth.
Bert R. Johnson, Kewanee.
Fred A. Griggs, Kirkland.
Walter H. Prehm, Lake Zurich.
Clarence O. Greeson, Lerna.
Samuel J. Davis, Mooseheart.
Jacob A. Hirsbrunner, Olivet.
Raymond W. Peters, St. Joseph.
William A. Graham, Wapella.
John Giachetto, Wilsonville.
Ulysses G. Dennison, Winnebago.

INDIANA

Shad R. Young, Cicero.
John E. Ward, Gas City.
Claude B. Thomas, Moores Hill.
Robert P. White, Sullivan.

IOWA

Myrtle B. Stark, Boxholm.
Cora B. Peck, Colesburg.
Cora M. Lamer, Goodell.
Flossie H. Casebolt, Henderson.
John L. Eichacker, Homestead.
Harvey S. Bliss, Kensett.
Phillip T. Serrurier, Sabula.
Frank M. Hood, Sergeant Bluff.

Ferdinand J. Ruff, South Amana.
Estella M. Hauser, Varina.
Flossie K. Pfeiff, West Burlington.

KANSAS

Francis M. Smith, Ford.
Jessie I. Cramer, Galva.
Louise M. Pfortmiller, Gorham.
Lewis E. Glasco, Piedmont.
Lou E. Cochran, Windom.
John H. O'Connor, Winfield.

KENTUCKY

A. Fay Solomon, Calvert City.
Milton A. Wettstain, Chambers.
J. Whit Wingo, Lynnville.
Martin Van Allen, Martin.
Sister Marie M. Le Bray, Nazareth.
David B. Ramey, Praise.
Joseph P. Poole, Rochester.
Phoebe Howard, Salyersville.
Samuel C. Hedden, Shelbyville.
Austin R. Edwards, Walton.
Myrtle Latta, Water Valley.
Flora Carroll, West Paducah.

LOUISIANA

George M. Tannehill, Urania.
Juliet H. Scheppf, Madisonville.
Otis Waguespack, Vacherie.

MAINE

Addie E. Cram, Dryden.
Thomas Hebert, Madawaska.
Mertland L. Carroll, New Harbor.
Reginald B. Bartlett, Portage.

MARYLAND

Lloyd T. Hayden, Centerville.
George E. Lane, Queenstown.

MASSACHUSETTS

John P. Brown, Bass River.
Francis K. Irwin, Cataumet.
Burton D. Webber, Fiskdale.
Alice M. Lincoln, Raynham.
John H. Fletcher, Westford.

MICHIGAN

Hance Briley, Atlanta.
Andrew W. Reinhard, Brimley.
Natalie G. Marker, Elk Rapids.
James G. Gilday, Erie.
Ward R. Rice, Galesburg.
Elfreda L. Mulligan, Grand Marais.
Alfred Endsley, Ida.
Frederick P. Claflin, Keego Harbor.
Clifford W. Tooker, Muir.
Eugene J. Richardson, Temperance.

MINNESOTA

Thomas Tamasek, Albany.
Edward Lende, Appleton.
Edwin A. Rolloff, Balaton.
Albert Anderson, Clearbrook.
Gustave Backer, Clements.
Jacob P. Soes, Climax.
John C. Diekmann, Collegeville.
Helmer C. Bacon, Dawson.
Frank A. Sandin, Dunnell.
Henry J. Widenhoefer, Fisher.
James B. Hubbell, Forest Lake.
Fritz Von Ohlen, Henning.
Clyde W. Long, Osakis.
Elmer A. Haugen, Pelican Rapids.
Elvia R. Tucker, Richville.
Anna O. Rokke, Strandquist.
Peter G. Peterson, Villard.
George N. Breher, Wadena.
Alton E. Martin, Woodlake.

MISSISSIPPI

Matthew T. Patton, Alcorn.
Bertie A. Hallmark, Belmont.
Nettie E. Shelby, Beulah.
Hugh A. Sasser, Bogue Chitto.
Andrew McD. Patterson, Como.
Ida M. Turnage, Gama.
Benjamin C. Feigler, Philipp.

MISSOURI

Lawrence W. Warnken, Adrian.
Albert W. Mueller, Altenburg.
Kossuth W. Blomeyer, Bloomfield.
Gertrude Redding, Englewood.
D. Garfield Chambers, Huntsville.
Joe P. Stiles, Keytesville.
George E. Richars, Lilbourn.
Charles E. Sexton, Maynardville.
Ruby O. Church, Winona.

MONTANA

Samuel C. Brock, Belton.
Robert A. Bray, Bigtimber.
T. Lester Morris, Corvallis.
Ernest M. Goodell, Dutton.

NEBRASKA

William H. Willis, Bridgeport.

NEVADA

Louis H. Ulrich, Hawthrone.

NEW HAMPSHIRE

Byron J. L. Eaton, Seabrook.
Charles H. Tarbell, South Lyndeboro.

NEW JERSEY

Walter A. Smith, Avalon.
Florence N. Watson, Edgewater Park.
Mary E. Helmuth, Lavallette.
John Comly, Lincoln Park.
Charles B. Sprague, Manahawkin.

NEW YORK

Ruth M. Marleau, Big Moose.
Ella E. Lewis, Clarkson.
Jay E. Davis, Deansboro.
Clifford L. Tuthill, Eastport.
Mary E. Redman, Hamlin.
Arthur H. Wyatt, Huletts Landing.
Harry M. Barrett, Mahopac.
Beatrice V. Edwards, Montauk.
John A. Campbell, Mumford.
William J. Schouger, North Branch.
Bernard A. Marzolf, North Java.
Jennie Mitchell, White Lake.
Chalmers W. Joyner, White Sulphur Springs.

NORTH CAROLINA

Byron W. Graybeal, Lansing.
Claude S. Rowland, Pinetown.
Walter F. Long, jr., Rockingham.

NORTH DAKOTA

Florian M. Pezalla, Cayuga.
Seburn J. Cox, Clifford.

OHIO

Albert D. Owen, Austinburg.
James C. Kelley, Clarksville.
George F. Burford, Farmdale.
Oscar A. Tisher, Hannibal.
Walter Fletcher, Lucas.
John W. Gorrell, Malvern.
Thomas G. Thomas, Mineral Ridge.
Mary A. McCann, Mount St. Joseph.
Nora Kearns, Russellville.

OKLAHOMA

Clell M. Hudspeth, Afton.
Thomas J. Ott, Bearden.
Gail E. Wing, Camargo.
Floyd Clark, Freedom.
Thomas M. Elliott, Salina.
James F. Lacey, Warner.

OREGON

Florence Root, Boardman.
Amanda E. Bones, Carlton.
Lucius L. Hurd, Glendale.
Flora B. Thompson, Jacksonville.
Teresa H. McComb, Malin.
Nettie J. Neil, Marcola.
Bernhard L. Hagemann, Milwaukie.
Etta M. Davidson, Oswego.
Henrietta Sandry, Rogue River.
Glenn D. Withrow, Talent.
Charles H. Watzek, Wauna.

PENNSYLVANIA

Elmer H. Heydt, Abington.
Harry R. Tomlinson, Andalusia.
David P. Stokes, Blain.
Benard Peters, Brackenridge.
Emma J. Coleman, Braeburn.
Malcolm F. Clark, Condersport.
George E. Gray, Erdenheim.
Howard L. Harbaugh, Fairfield.
Mary G. Wilson, George School.
Herbert H. Park, Gibsonia.
Walter Carrell, Ivyland.
Frank E. Tiffany, Kingsley.
Elmer G. Cornwell, Mansfield.
Robert T. Barton, Meadowbrook.
William S. Tomlinson, Newtown.
Barbara E. Snyder, New Tripoli.
Samuel E. Crawford, Petrolia.
David R. Hoover, Pleasant Hall.
Lester L. Lyons, Pocono.
John A. Baker, Pocopson.
Victor D. Crum, Sinnamahoning.
William A. Smith, Summerville.
Katherine Summers, Tullytown.
John C. McCurdy, Verona.
Clay E. Houck, Warriors Mark.

SOUTH DAKOTA

Arthur M. Hanson, Iroquois.
Henry F. Cook, Northville.
Mary J. Carr, Stratford.

TENNESSEE

Ella V. Lewis, Daisy.
Alonzo P. Johnson, Doyle.

TEXAS

Ida S. McWilliams, Anahuac.
Louis Waldvogel, Columbus.
William M. Riddle, Dale.
Birdie Duree, Dimmitt.
Edson E. King, Follett.
Arthur B. Rook, Harrold.
Samuel A. West, Joshua.
Wallace C. Wilson, McKinney.
Robert E. Johnson, Pecos.
Lotta E. Turney, Smithville.

VERMONT

Edward N. Aldrich, Graniteville.
John S. Wheeler, North Ferrisburg.
George D. Burnham, Reading.
Sherrie C. Mead, Shoreham.

VIRGINIA

Harry S. Shuey, Craigsville.
William R. Connor, Dillwyn.
Lula E. Northington, Lucrosse.
William J. Sutherland, Penhook.
William A. Wine, Quicksburg.
Ida Triplett, Rectortown.
Clementine M. Wright, Sharps.
Asher Brinson, Stonega.

WASHINGTON

Lillian M. Tyler, Brewster.
Katherine Irving, Dryden.
Guy N. Lafromboise, Enumclaw.
Phillip Abbey, Hoodsport.
Stella F. Fix, Kapowsin.
Matthew E. Morgan, Lind.
Hilda G. Mitchell, Malden
Clarence V. Lotz, McKenna.
Harry E. Stark, Okanogan.
Herman S. Reed, Redmond.
Otto F. Reinig, Snoqualmie.

WEST VIRGINIA

Floyd V. Chambers, Glen Dale.
Lorene V. Shuttleworth, Nutter Fort.
Hallie A. Overholt, Thurmond.
Ballard G. Worrell, Wilcoe.

WISCONSIN

Bessie E. Miller, Genesee Depot.
Floyd B. Hesler, Glenbeulah.
Carson J. Lawrence, La Farge.
Fred J. Marty, New Glarus.
Herman Jacob, Rib Lake.
James W. Squire, Soperton.

HOUSE OF REPRESENTATIVES

FRIDAY, *July 2, 1926*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, amid all the conditions of our daily lives, give us increasing ability to hope, to believe, and to love the pure and the true. While we thank Thee for Thy manifold blessings, yet make us worthier to receive them. This day open our minds to Thy truth and our hearts to Thy love. Thy Providence has directed the good fortunes of our country. Do Thou enable us to ever honor her principles and ideals. May our best dreams for her present and future greatness be realized and let Thy saving health be known among all nations. Amen.

The Journal of the proceedings of yesterday was read and approved.

SECOND DEFICIENCY APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take the deficiency appropriation bill (H. R. 13040) from the Speaker's table, disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the deficiency appropriation bill, disagree to the Senate amendments and agree to a conference. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. MADDEN, Mr. ANTHONY, and Mr. BYRNS.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 4001. An act to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud;

H. R. 4119. An act for the relief of Edward R. Ledwell;

H. R. 8903. An act to authorize the sale and disposition of the abandoned tract or tracts of lands formerly used as a life-saving station in Florida, and for other purposes;

H. R. 10052. An act to authorize the sale of the Mesa Target Range, Ariz.;

H. R. 10661. An act to amend the immigration act of 1924;

H. R. 11203. An act to amend subsection (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924; and

H. R. 13040. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 534. An act to remove the charge of desertion from the record of Benjamin S. McHenry;

H. R. 658. An act for the relief of Harry Coventry;

H. R. 816. An act for the relief of W. F. Morgareidge;

H. R. 821. An act for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho;

H. R. 949. An act for the relief of John H. Cowley;

H. R. 1136. An act for the relief of Richard Weatherston;

H. R. 1565. An act for the relief of Pirtle Handley;

H. R. 1580. An act authorizing the Secretary of the Interior to sell and patent to David A. Vincent certain lands in Oklahoma;

H. R. 1718. An act for the relief of Harold Holst;

H. R. 1952. An act for the relief of T. Arthur Moore;

H. R. 2136. An act for the relief of Lieut. Frederick C. Matthews;

H. R. 2254. An act for the relief of Howard A. Mount;

H. R. 3142. An act for the relief of Benito Viscaina and Maria Viscaina;

H. R. 3448. An act for the relief of John Solen;

H. R. 3454. An act for the relief of certain Indian policemen in the Territory of Alaska;

H. R. 3592. An act for the relief of Johanna B. Weinberg;

H. R. 3763. An act to prevent delay in the promotion of officers of the Navy and Marine Corps;

H. R. 4252. An act for the relief of Thomas H. Burgess;

H. R. 4323. An act for the relief of the Nebraska Buick Co.;

H. R. 4414. An act for the relief of Archie Eggleston, an Indian of the former Isabella Reservation, Mich.;

H. R. 4664. An act for the relief of Arthur H. Bagshaw;

H. R. 4842. An act for the relief of F. G. Alderete;

H. R. 5063. An act for the relief of P. H. Donlon;

H. R. 5223. An act to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies;

H. R. 5441. An act for the relief of Geraldine Kester;

H. R. 5786. An act for the relief of Rachel Thomas, widow of William Thomas, deceased;

H. R. 6003. An act for the relief of Charles B. Beck;

H. R. 6080. An act for the relief of J. M. Hedrick;

H. R. 6226. An act for the relief of Edward N. Moore;

H. R. 6267. An act for the relief of Joseph F. MacKnight;

H. R. 6728. An act to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes;

H. R. 6921. An act to correct the military record of James Perry Whitlow;

H. R. 7016. An act for the relief of Hensler Bros.;

H. R. 7027. An act for the relief of J. B. Elliott;

H. R. 7104. An act to quiet title and possession with respect to certain lands in Baldwin County, Ala.;

H. R. 7370. An act to amend an act entitled "An act to authorize the sale of burnt timber on the public domain," approved March 4, 1913;

H. R. 7371. An act to define trespass on coal land of the United States and to provide a penalty therefor;

H. R. 7395. An act for the relief of Emanuel Xulereb;

H. R. 7524. An act for the relief of Neil Mullane;

H. R. 7532. An act to provide payment for services rendered in preparation for the international conference on traffic in habit-forming narcotic drugs;

H. R. 7674. An act for the relief of Capt. H. Bert Knowles;

H. R. 7942. An act for the relief of James E. Judge, sr.;

H. R. 8120. An act to create within the San Bernardino National Forest in Riverside County, Calif., a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve;

H. R. 8331. An act for the relief of Folkert Coleman, of Port Huron, Mich., and Carey D. Ferguson, collector of customs and special disbursing agent for the Treasury Department at Detroit, Mich.;

H. R. 8592. An act to further amend section 125 of the national defense act of June 3, 1916, as amended;

H. R. 9089. An act for the relief of Mabel Blanche Rockwell;

H. R. 9135. An act for the relief of Natalie Summers;

H. R. 9274. An act to release and quitclaim title of certain lands to Holyman Battle and his successors in interest;

H. R. 9496. An act authorizing the Secretary of the Interior to convey certain lands reserved for park and other purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla.;

H. R. 9637. An act to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway;

H. R. 9967. An act authorizing an expenditure of $6,000 from the tribal funds of the Chippewa Indians, of Minnesota, for the construction of a road on the Leech Lake Reservation;

H. R. 10020. An act for the relief of William Knabe;

H. R. 10109. An act for the relief of Virginia Strickland;

H. R. 10489. An act to perfect the homestead entry of John Hebnes;

H. R. 10641. An act for the relief of Elias Field;

H. R. 11060. An act to authorize the extension of the application of the act entitled "An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes," approved October 5, 1914;

H. R. 11094. An act for the relief of Capt. F. J. Baker and Capt. George W. Rees, United States Army;

H. R. 11123. An act to establish a term of the United States Circuit Court of Appeals at Oklahoma City, Okla.;

H. R. 11329. An act for the relief of certain counties in the States of Oregon and Washington within whose boundaries the revested Oregon & California Railroad Co. grant lands are located;

H. R. 11716. An act granting to Northern Paper Mills certain islands in the Menomonee River; and

H. J. Res. 98. Joint resolution for the relief of R. S. Howard Co.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1472. An act to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.;

S. 1517. An act authorizing and directing the Secretary of the Treasury to pay to W. Z. Swift, of Louisa County, Va., the insurance due on account of the policy held by Harold Rogis;

S. 1748. An act for the relief of the estate of George B. Spearin, deceased;

S. 1752. An act for the relief of the Near East Relief (Inc.);

S. 2301. An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims;

S. 2855. An act for the relief of Cyrus S. Andrews;

S. 2878. An act authorizing the Secretary of Agriculture to lease to the county of Custer, State of Montana, a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, for the removal of gravel;

S. 3363. An act for the relief of Blanche E. Little, individually and as assignee of Alice T. Johnson and Andrew W. Little;

S. 3444. An act to amend the act of February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States";

H. R. 13040. An act making appropriations to supply deficiences in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes;

S. 3638. An act for the relief of Walter W. Johnston;

S. 3701. An act for the relief of David McD. Shearer;

S. 3878. An act to give war-time rank to certain officers on the retired list of the Army;

S. 3918. An act for the relief of Robert R. Bradford;

S. 3963. An act to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon;

S. 4132. An act to amend section 1 of the act of June 7, 1924, entitled "An act for the relief of settlers and town-site occupants of certain lands in the Pyramid Lake Indian Reservation, in Nevada, and for other purposes;

S. 4142. An act to authorize the leasing of irrigable unallotted land on Indian reservations;

S. 4153. An act to provide for enlarging and relocating the United States Botanic Garden, and for other purposes;

S. 4178. An act for the relief of Charles H. Send;

S. 4275. An act for the relief of Juan Anorbe;

S. 4276. An act for the relief of Charles C. J. Wirz;

S. 4277. An act for the relief of Rudolph Ponevacs;

S. 4278. An act for the relief of Frank Guelfi;

S. 4287. An act amending section 3 of the act approved January 12, 1923, entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes";

S. 4305. An act to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property;

S. 4341. An act to amend section 26 of an act approved April 21, 1904, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes";

S. 4393. An act to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in Asylum;

S. 4408. An act to authorize the granting of leave to ex-service men and women employed in the municipal government of the District of Columbia to attend the annual convention of the American Legion in Paris, France, in 1927;

S. J. Res. 82. Joint resolution to amend subdivision A of section 4 of the immigration act of 1924;

S. J. Res. 98. Joint resolution to authorize the maintenance of drift fences on the public lands; and

S. J. Res. 115. Joint resolution respecting separation of employees from the classified civil service.

RAILROAD LAND-GRANT SUBSIDIES

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of subsidies, showing the appropriations to public lands, for wagon roads, for rivers, and to States.

The SPEAKER. Is there objection to the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. LOZIER. Mr. Speaker, under leave to extend my remarks, granted June 29 and July 2, I desire to supplement the remarks made by me in debate May 20, 1926. At that time, in supporting farm relief legislation, I called attention to the fact that the granting of subsidies had become a fixed policy of the Federal Government, and that in the last century hundreds of millions of acres of our public domain had been granted for subsidy purposes. I called your attention to the fact that in the early part of the nineteenth century Congress adopted a policy of granting large areas of our public domain to the several States as subsidies for internal improvements, construction of public buildings, eleemosynary institutions, educational institutions, and other purely local purposes, which policy has continued to the present time, and under which 202,391,760 acres of our public domain were granted as subsidies to the various States for purely local purposes or for the development of some particular industry or vocational group. In my former address I stated in detail the purposes for which these grants were made.

I now desire to show from official records the extent to which each State has participated in these land-grant subsidies and the purposes for which these grants were made. To this end I submit the following table compiled from the records of the General Land Office, showing—

Lands granted to States and Territories for divers and sundry purposes

State or Territory and purpose of grant	Amount granted	Total by States
Alabama:	*Acres*	*Acres*
Tuskegee Normal and Industrial Institute	25,000.00	
Industrial School for Girls	25,000.00	
Seminary of Learning	46,080.00	
Internal improvements, including river and shoals	500,000.00	
Agricultural college scrip	240,000.00	
Common schools, section 16	911,627.00	
Salt Springs and contiguous lands	23,040.00	
Seat of government	1,620.00	
University	46,080.00	
Searcy hospital for colored insane	181.41	
Swamp	418,673.61	
Swamp-land indemnity	20,920.08	
		2,258,222.10
Alaska Territory:		
Common schools, sections 16 and 36 reserved (estimated)	21,009,209.00	
Agricultural college and school of mines, certain sections 33 reserved (estimated)	336,000.00	
		21,345,209.00
Arizona:		
University	246,080.00	
Public buildings	100,000.00	
Penitentiaries	100,000.00	
Insane asylums	100,000.00	
Deaf, dumb, and blind asylum	100,000.00	
Miner's hospital	50,000.00	
Normal schools	200,000.00	
Charitable, penal, etc	100,000.00	
Agricultural and mechanical colleges	150,000.00	
School of mines	150,000.00	
Military institutes	100,000.00	
Payment of bonds issued to Maricopa, Pima, Yavapai, and Coconino Counties	1,000,000.00	
Common schools, sections 2 and 32, 16 and 36	8,093,156.00	
		10,489,236.00
Arkansas:		
Internal improvements	500,000.00	
University	46,080.00	
Public buildings	10,600.00	
Agricultural college scrip	150,000.00	
Common schools, section 16	933,778.00	
Salt springs and contiguous lands	46,080.00	
Swamp	7,686,455.37	
		9,372,993.37
California:		
Internal improvements	500,000.00	
University	46,080.00	
Public buildings	6,400.00	
Agricultural and mechanical colleges	150,000.00	
Common schools, sections 16 and 36	5,534,293.00	
Swamp	2,186,856.18	
		8,423,629.18
Colorado:		
Internal improvements	500,000.00	
University	46,080.00	
Public buildings	32,000.00	
Penitentiaries	32,000.00	
Agricultural college	90,000.00	
Common schools, sections 16 and 36	3,685,618.00	
Salt springs and contiguous lands	46,080.00	
State agricultural college	1,600.00	
		4,433,378.00

Lands granted to States and Territories, etc.—Continued

State or Territory and purpose of grant	Amount granted	Total by States
Connecticut: Agricultural college scrip	*Acres* 180,000.00	*Acres* 180,000.00
Delaware: Agricultural college scrip		90,000.00
Florida:		
Internal improvements	500,000.00	
Seminaries of learning	92,160.00	
Seat of government	5,120.00	
Agricultural college scrip	90,000.00	
Common schools, section 16	975,307.00	
Swamp	20,208,924.63	
Swamp-land indemnity	94,782.80	
		21,966,294.73
Georgia: Agricultural college scrip		270,000.00
Idaho:		
Lava Hot Springs	187.30	
University	46,080.00	
University, Moscow	50,000.00	
Agricultural college	90,000.00	
Penitentiary	50,000.00	
Public buildings	32,000.00	
Insane asylum	50,000.00	
Educational, charitable, etc	150,000.00	
Normal schools	100,000.00	
Scientific schools	100,000.00	
Common schools, sections 16 and 36	2,963,698.00	
		3,631,965.30
Illinois:		
Internal improvements, including canals	533,368.24	
Seminary of learning	46,080.00	
Seat of government	2,560.00	
Agricultural college scrip	480,000.00	
Common schools, section 16	996,320.00	
Salt springs and contiguous lands	121,029.00	
Swamp	1,457,399.20	
Swamp-land indemnity	2,309.07	
		3,639,065.51
Indiana:		
Internal improvements (canals and roads)	1,916,804.56	
Seminary of learning	46,080.00	
Seat of government	2,560.00	
Agricultural college scrip	390,000.00	
Common schools, section 16	668,578.00	
Salt springs and contiguous lands	23,040.00	
Swamp	1,254,310.73	
Swamp-land indemnity	4,880.20	
		4,306,253.49
Iowa:		
Internal improvements	500,000.00	
University	46,080.00	
Public buildings	3,200.00	
Agricultural college	240,000.00	
Common schools, section 16	988,196.00	
Salt springs and contiguous lands	46,080.00	
Swamp	874,112.63	
Swamp-land indemnity	321,976.98	
		3,019,645.61
Kansas:		
Internal improvements	500,000.00	
University	46,080.00	
Public buildings	6,400.00	
Agricultural college	90,000.00	
Do	7,682.00	
Common schools, sections 16 and 36	2,907,520.00	
Salt springs and contiguous lands	46,080.00	
Game preserve	3,021.20	
		3,606,783.20
Kentucky:		
Deaf and dumb asylum	22,506.65	
Agricultural college scrip	330,000.00	
		352,506.65
Louisiana:		
Internal improvements	500,000.00	
Seminary of learning	46,080.00	
Agricultural college scrip	210,000.00	
Common schools, section 16	807,271.00	
Swamp	9,397,077.93	
Swamp-land indemnity	32,630.97	
		10,993,059.90
Maine: Agricultural college scrip		210,000.00
Maryland: Agricultural college scrip		210,000.00
Massachusetts: Agricultural college scrip		360,000.00
Michigan:		
Internal improvements	500,000.00	
University	46,080.00	
Public buildings	3,200.00	
Agricultural college	240,000.00	
Common schools, section 16	1,021,867.00	
Salt springs and contiguous lands	46,080.00	
Swamp	5,655,922.33	
Swamp-land indemnity	24,038.69	
Canals	1,250,235.85	
		8,787,423.87
Minnesota:		
Internal improvements	500,000.00	
University	92,160.00	
Public buildings	6,400.00	
Agricultural college	120,000.00	
Experimental forestry	20,000.00	
Public park	8,392.51	
Common schools, sections 16 and 36	2,874,951.00	
Salt springs and contiguous lands	46,080.00	
Swamp	4,663,007.10	
		8,330,990.61
Mississippi:		
Internal improvements	500,000.00	
Seminary of learning	69,120.00	
Seat of government	1,253.16	

Lands granted to States and Territories, etc.—Continued

State or Territory and purpose of grant	Amount granted	Total by States
Mississippi—Continued	*Acres*	*Acres*
Agricultural college scrip	210,000.00	
Common schools, section 16	824,213.00	
Swamp	3,287,060.34	
Swamp-land indemnity	56,781.76	
		4,948,428.26
Missouri:		
Internal improvements	500,000.00	
Seminary of learning	46,080.00	
Seat of government	2,560.00	
Agricultural college	330,000.00	
Common schools, section 16	1,221,813.00	
Salt springs and contiguous lands	46,080.00	
Swamp	3,346,936.01	
Swamp-land indemnity	81,016.69	
		5,574,485.70
Montana:		
University	46,080.00	
Agricultural college	140,000.00	
Public buildings	182,000.00	
Deaf and dumb asylum	50,000.00	
Reform school	50,000.00	
School of mines	100,000.00	
Normal schools	100,000.00	
Militia camp	640.00	
Observatory for university	480.00	
Biological station	160.00	
Common schools, sections 16 and 36	5,198,258.00	
Fort Assiniboine, for educational institutions	2,000.00	
		5,869,618.00
Nebraska:		
Penitentiary	32,000.00	
Internal improvements	500,000.00	
University	46,080.00	
Public buildings	12,800.00	
Agricultural college	90,000.00	
Common schools, sections 16 and 36	2,730,951.00	
Salt springs and contiguous lands	46,080.00	
Dry-land agricultural experiments	800.00	
		3,458,711.00
Nevada:		
Internal improvements	500,000.00	
University	46,080.00	
Penitentiary	12,800.00	
Public buildings	12,800.00	
Mining and mechanic arts	90,000.00	
Common schools, sections 16 and 36 and lieu lands, act June 16, 1880	2,061,967.00	
		2,723,647.00
New Hampshire: Agricultural college scrip		150,000.00
New Jersey: Agricultural college scrip		210,000.00
New Mexico (act June 21, 1898):		
University	111,080.00	
Saline land (university)	1,622.86	
Agricultural college	100,000.00	
Improvement of Rio Grande	100,000.00	
Penitentiary	50,000.00	
Public buildings	32,000.00	
Insane asylum	50,000.00	
Deaf and dumb asylum	50,000.00	
Reform school	50,000.00	
Normal schools	100,000.00	
School of mines	50,000.00	
Blind asylum	50,000.00	
Reservoirs	500,000.00	
Miners' hospital	50,000.00	
Military institute	50,000.00	
Common schools, sections 16 and 36	4,355,662.00	
		5,700,364.86
New Mexico (act June 20, 1910):		
University	200,000.00	
Public buildings	100,000.00	
Insane asylums	100,000.00	
Penitentiaries	100,000.00	
Deaf, dumb, and blind asylums	100,000.00	
Miners' hospitals	50,000.00	
Normal schools	200,000.00	
Charitable, penal, and reformatory	100,000.00	
Agricultural and mechanical colleges	150,000.00	
School of mines	150,000.00	
Military institutes	100,000.00	
Payment of bonds issued by Grant and Santa Fe Counties	1,000,000.00	
Common schools, sections 2 and 32	4,355,662.00	
		6,705,662.00
New York: Agricultural college scrip		990,000.00
North Carolina: Agricultural college script		270,000.00
North Dakota:		
University	86,080.00	
Agricultural college	130,000.00	
Public buildings	82,000.00	
Educational, charitable, etc	170,000.00	
Deaf and dumb asylum	40,000.00	
Reform school	40,000.00	
School of mines	40,000.00	
Normal school	80,000.00	
Common schools, sections 16 and 36	2,495,396.00	
		3,163,476.00
Ohio:		
Internal improvements (canals and roads)	1,019,071.98	
Seminaries of learning	69,120.00	
Agricultural college scrip	630,000.00	
Common schools, section 16	724,266.00	
Salt springs and contiguous lands	24,216.00	
Swamp	26,251.95	
		3,492,925.93

Lands granted to States and Territories, etc.—Continued

State or Territory and purpose of grant	Amount granted	Total by States
Oklahoma:	*Acres*	*Acres*
Normal schools	300,000.00	
Oklahoma University	250,000.00	
University Preparatory School	150,000.00	
Agricultural and Mechanical College	250,000.00	
Colored Agricultural and Normal University	100,000.00	
Common schools, sections 16 and 36	1,375,000.00	
Certain sections 13 and 33	669,000.00	
Insane asylum	1,760.25	
		3,095,760.25
Oregon:		
Internal improvements	500,000.00	
University	46,080.00	
Public buildings	6,400.00	
Agricultural college	90,000.00	
Common schools, sections 16 and 36	3,399,360.00	
Salt springs and contiguous lands	46,080.00	
Public park (area not yet determined)		
Swamp	264,212.66	
		4,352,132.66
Pennsylvania: Agricultural college scrip		780,000.00
Rhode Island: Agricultural college scrip		120,000.00
South Carolina: Agricultural college scrip		180,000.00
South Dakota:		
University	86,080.00	
Agricultural college	160,000.00	
Public buildings	82,000.00	
Educational and charitable	170,000.00	
Deaf and dumb asylum	40,000.00	
Reform school	40,000.00	
School of mines	40,000.00	
Normal schools	80,000.00	
Missionary work	160.00	
Military camp ground	640.00	
Insane asylum	640.00	
Common schools, sections 16 and 36	2,733,684.00	
		3,432,604.00
Tennessee: Agricultural college scrip		300,000.00
Texas: Agricultural college scrip		180,000.00
Utah:		
University	156,080.00	
Agricultural college	200,000.00	
Public buildings	64,000.00	
Insane asylum	100,000.00	
Deaf and dumb asylum	100,000.00	
Reform school	100,000.00	
School of mines	100,000.00	
Normal schools	100,000.00	
Blind asylum	100,000.00	
Reservoirs	500,000.00	
Miners' hospital	50,000.00	
Common schools, sections 2, 16, 32, and 36	5,844,196.00	
		7,414,276.00
Vermont: Agricultural college scrip		150,000.00
Virginia: Agricultural college scrip		300,000.00
Washington:		
University	46,080.00	
Agricultural college	90,000.00	
Public buildings	132,000.00	
Educational and charitable	200,000.00	
Normal schools	100,000.00	
Scientific schools	100,000.00	
Common schools, sections 16 and 36	2,376,391.00	
		3,044,471.00
West Virginia: Agricultural college scrip		150,000.00
Wisconsin:		
Canal	338,626.97	
River improvement	683,722.43	
Internal improvements	500,000.00	
University	92,160.00	
Public buildings	6,400.00	
Agricultural college	240,000.00	
Forestry	20,000.00	
Common schools, section 16	982,320.00	
Swamp	3,251,683.94	
Swamp-land indemnity	105,047.99	
		6,219,970.33
Wyoming:		
University	46,080.00	
Agricultural college	90,000.00	
Public buildings	107,000.00	
Penitentiary	30,000.00	
Insane asylum	30,000.00	
Educational, penal, etc	290,000.00	
Deaf and dumb asylum	30,000.00	
Miners' hospital	30,000.00	
Fish hatcheries	5,480.00	
Poor farm	10,000.00	
Common schools, sections 16 and 36	3,470,009.00	
		4,138,569.00
Grand total		202,391,760.51

In my remarks in debate on May 20, I called your attention to the following facts:

(a) Between February 28, 1823, and March 3, 1869, Congress enacted 14 measures donating 3,239,268 acres of public lands to the States of Ohio, Indiana, Michigan, Wisconsin, and Oregon to encourage the building of wagon roads.

(b) Between March 2, 1827, and July 3, 1866, Congress enacted 23 measures donating 4,597,668 acres of land to the States of Indiana, Ohio, Illinois, Wisconsin, and Michigan to encourage the building of canals.

(c) Between May 23, 1828, and July 12, 1862, Congress granted 2,245,252 acres of land to the States of Alabama, Wisconsin, and Iowa to encourage the improvement of rivers.

(d) Between September 20, 1850, and March 3, 1871, Congress passed 83 acts under which the railroads received as a bounty or subsidy approximately 286,000,000 acres of public lands. Some of these lands were granted by Congress to the States and then donated by the States to the railroads, while the large proportion of the grants were made by Congress direct to the railroad corporations. As some of the grants were ambiguous and were forfeited, the exact acreage of public lands donated to the railroads as subsidies is difficult of ascertainment.

(e) Of these 83 land grants 40 of them were enacted under Democratic administrations and 43 under Republican administrations. In area, however, the grants made under Republican administrations far exceeded those under Democratic administrations. However, neither party can consistently charge the other party with the responsibility of squandering our public domain, as both Republicans and Democrats are "tarred with the same stick" and guilty of granting enormous subsidies of public lands to railroads.

The most outrageous rape of our public domain was perpetrated during and following the great Civil War, when almost countless millions of acres of public lands were granted by Congress as subsidies to the Pacific railroads, principally for the construction of railroads between the Missouri River and the Pacific Ocean.

This spoliation of our national domain was accomplished under a succession of Republican national administrations. Indeed, the platform of the first Republican National Convention held in Philadelphia in 1856 contained a plank favoring granting a subsidy to the Pacific railroads, and the Stevens, Howards, Blaines, Mortons, Shermans, and their party associates recklessly and unblushingly dissipated our public domain, and Jay Cooke and his Wall Street associates hilariously accepted the loot.

If all the railroad land grants had been consummated, our public domain would have been reduced by approximately 280,000,000 acres, or what is equivalent to 437,000 square miles—an area four times the size of England, Ireland, Scotland, and Wales combined; one and two-thirds the size of Texas; ten times as large as Virginia; and six times as large as all of the six New England States. I mentioned a few of the larger of these land grants:

	Acres		Acres
Texas Pacific	18,000,000	Southern Pacific	9,520,000
Union Pacific	12,000,000	Northern Pacific	47,000,000
Kansas Pacific	6,000,000	St. Paul & Pacific	4,723,000
Central Pacific	11,000,000	Atlantic & Pacific	42,000,000

In the interest of accuracy, I will say that some of these grants represent the aggregate of numerous smaller grants to separate or subsidiary corporations that were afterwards absorbed or consolidated into the eight larger railway systems mentioned above.

So seemingly indifferent and wasteful were those in charge of our Federal Government that millions of acres of our public domain were recklessly granted to "wildcat" corporations and irresponsible speculators, without capital to construct the proposed railroads; and being unable to comply with the terms of the grants these lands fortunately reverted to the Government. If all the donees had met all the requirements of the Government, and if all of the grants had been consummated, I am quite confident the subsidies would have amounted to approximately 280,000,000 acres. During the first administration of President Cleveland, as a result of his vigorous action and defense of the public interests, 83,158,990 acres of these land grants were recovered by the United States Government and restored to our public domain because of the failure of the railroads to comply with the law and meet the conditions under which the grants were made. The railroads had not complied with their contracts, by reason of which, in law and equity, larger bodies of these lands had been forfeited to the Government. Notwithstanding their default, the greedy railroads were claiming title to these lands and a number of Republican national administrations had taken no steps to declare a forfeiture or to recover these lands, but President Cleveland made an aggressive and successful fight to restore these lands to the public domain. If he had accomplished nothing else in the eight years during which he was President of the United States, this act alone would win for him the gratitude of a great Nation and entitle him to an honorable place in the history of mankind.

In the beginning the railroads were subsidized by the Federal Government granting to the States large areas of land under an agreement that the lands were to be donated by the States to the railroads. This plan was afterwards abandoned and the grants made by the Federal Government directly to the railroad corporations. I believe the Members of this House will be interested in a statement showing the extent to which our public domain has been despoiled by grants in the nature of subsidies to railroads. The following table covers "State grants" and "corporation grants." "State grants" includes lands granted by act of Congress to the States and by the States to the railroads. "Corporation grants" includes lands donated by act of Congress directly to the railroad corporations.

Lands patented or certified under concessions by act of Congress to States and corporations for railroad purposes from the year 1850 to June 30, 1925

STATE GRANTS

	Acres
Illinois:	
Illinois Central	2,595,133.00
Mississippi:	
Mobile & Ohio River	737,130.29
Vicksburg & Meridian	199,101.51
Gulf & Ship Island	139,113.32
Total	1,075,345.12
Alabama:	
Mobile & Ohio	419,528.44
Alabama & Florida	399,022.84
Selma, Rome & Dalton	458,555.82
Coosa & Tennessee	67,784.96
Mobile & Girard	302,181.16
Alabama & Chattanooga	654,009.12
South & North Alabama	445,478.47
Total	2,746,560.81
Florida:	
Florida Central & Peninsular	742,307.43
Florida & Alabama	166,091.08
Pensacola & Georgia	1,279,236.70
Florida, Atlantic & Gulf Central	29,384.18
Total	2,217,619.39
Louisiana:	
Vicksburg, Shreveport & Pacific	372,082.34
Arkansas:	
St. Louis, Iron Mountain & Southern	1,325,582.05
Little Rock & Fort Smith	1,052,082.51
Memphis & Little Rock	184,657.33
Total	2,562,321.89
Missouri:	
Southwest branch of the Pacific road	1,161,284.51
Hannibal & St. Joseph	611,323.35
St. Louis, Iron Mountain & Southern	65,360.31
Total	1,837,968.17
Iowa:	
Burlington & Missouri River	389,990.11
Chicago, Rock Island & Pacific	483,214.36
Cedar Rapids & Missouri River	161,532.81 922,824.85 244,022.96
Dubuque & Sioux City	556,406.74
Iowa Falls & Sioux City	683,057.34
Des Moines Valley (river-improvement grant)	840,171.36
Chicago, Milwaukee & St. Paul, formerly McGregor & Missouri River	326,216.10
Sioux City & St. Paul	322,412.81
Total	4,929,849.44
Michigan:	
Port Huron & Lake Michigan	37,467.44
Jackson, Lansing & Saginaw	743,787.58
Grand Rapids & Indiana	852,521.10
Flint & Pere Marquette	512,932.38
Marquette, Houghton & Ontonagon	305,929.59
Ontonagon & Brule River	34,227.08
Bay de Noquet & Marquette	128,301.05
Chicago & North Western	518,065.36
Total	3,133,231.58
Wisconsin:	
Chicago, St. Paul, Minneapolis & Omaha (formerly West Wisconsin)	814,106.71
Wisconsin Railroad Farm Mortgage Land Co	163,159.65
Chicago, St. Paul, Minneapolis & Omaha (formerly St. Croix & Lake Superior)	816,487.76
Branch to Bayfield	471,721.14
Chicago & North Western	546,446.20
Wisconsin Central	838,707.69
Total	3,650,629.15
Minnesota:	
St. Paul, Minneapolis & Manitoba (formerly first division, St. Paul & Pacific) Western R. R. (succeeded by St. Paul & Northern Pacific R. R. Co.) St. Paul, Minneapolis & Manitoba (formerly St. Vincent extensions of the St. Paul & Pacific)	3,265,739.71
Minnesota Central	179,734.29

	Acres
Minnesota—Continued	
Winona & St. Peter	1,680,974.92
St. Paul & Sioux City	1,126,618.55
St. Paul & Duluth	860,983.08
Southern Minnesota, from a point on the Mississippi River to Houston	546,745.44
Southern Minnesota extension (now Chicago, Milwaukee & St. Paul)	
Hastings & Dakota	377,776.15
Total	8,038,572.14
Minnesota, North Dakota, Montana, and Washington: St. Paul, Minneapolis & Manitoba, now Great Northern (main and branch), a special act (Aug. 5, 1892, 27 Stat. L. 390) to provide for indemnity for lands relinquished by the company. (Included in Minnesota grants above.)	
Kansas:	
Leavenworth, Lawrence & Galveston	249,446.13
Missouri, Kansas & Texas	976,593.22
Atchison, Topeka & Santa Fe	2,944,788.14
St. Joseph & Denver City	462,938.24
Total	4,633,760.73
Grand total of grants from the United States to States, and from States to the railroads	37,793,083.76

CORPORATION GRANTS

(From United States direct to railroads)

Union Pacific	11,935,121.46
Central Pacific	7,231,732.76
Central Pacific (successor by consolidation with Western Pacific)	461,191.24
Central Branch Union Pacific	223,120.50
Union Pacific (Kansas division)	6,176,383.76
Union Pacific (successor to Denver Pacific Railway Co.)	821,324.15
Burlington & Missouri River in Nebraska	2,374,090.77
Sioux City & Pacific (now Missouri Valley Land Co.)	42,610.95
Northern Pacific	39,029,964.67
Oregon Branch of Central Pacific (California & Oregon)	3,188,412.33
Oregon & California	2,777,591.96
Atlantic & Pacific (now Santa Fe Pacific)	11,133,232.11
Southern Pacific (main line)	4,511,860.66
Southern Pacific (branch line)	2,218,139.85
Oregon Central	128,618.13
New Orleans Pacific	1,001,943.40
Grand total of grants direct from United States to railroads	93,255,338.79

RECAPITULATION

Total grants of public lands from the Federal Government to the States and then from the States to the railroads	37,793,083.76
Total grants of public lands by act of Congress direct to railroads	93,255,338.79
Grand total patented or certified to June 30, 1925	131,048,422.55

And this is not all, for every year additional lands are being certified or patented on account of these railroad grants. In the fiscal year which ended June 30, 1925, 455,675.04 acres were patented to the railroads under these old land grants. And this will continue probably for a generation.

At the present time the Northern Pacific Railroad Co. claims that it is entitled to 2,703,270.12 acres additional land under the grant of July 2, 1864, and 1,230,442.39 acres additional land under the grant of May 31, 1870, or a total of 3,933,712.51 acres, in addition to the 39,029,964.67 acres heretofore received by said railroad company under the aforesaid grants. This pending claim for approximately 4,000,000 acres of land includes large areas of lands now in our national forest reserves and in Indian reservations, and also land now classified as mineral lands. Under House Joint Resolution 237 of the Sixty-eighth Congress a joint committee of the Senate and House is making a thorough and complete investigation of the land grants of the Northern Pacific Railroad Co. and its successor, the Northern Pacific Railway Co., under the two acts of Congress to which I have referred. This committee has been actively functioning since March 18, 1925, and the exhaustive hearings by this committee have not yet been concluded. The amount involved in this controversy is enormous.

In this connection I call your attention to the grants of public lands, in the nature of subsidies, for the construction of wagon roads:

Wagon roads land grants

	Acres
From Lake Erie to Connecticut western reserve	80,773.54
From Lake Michigan to Ohio River	170,580.24
From Fort Wilkins, Copper Harbor, Mich., to Green Bay, Wis.	302,930.96
From Fort Wilkins, Copper Harbor, Mich., to Wisconsin State line	221,013.35
Oregon Central Military Co. (now California & Oregon Land Co.)	875,196.55
Corvallis and Yaquina Bay	83,716.76
Willamette Valley and Cascade Mountain	861,511.86
Dalles Military Road	592,907.04
Coos Bay Military Road	105,240.11
Grand total for wagon roads	3,293,870.41

So it appears that between 1850 and June 30, 1925, the railroad companies received in the form of subsidies from the United States Government 131,048,422.55 acres of land, and the wagon-road corporations in that same period received from the United States Government in the form of subsidies 3,293,870.41 acres of public lands, or a total of 134,342,292.96 acres of land given as subsidies to the railroad corporations and wagon-road corporations. This is in addition to the millions of acres that were forfeited and restored to the public domain, but it does not include the millions of acres that are still being demanded by the railroads on account of these land grants.

In my remarks on May 20 I discussed the principle of subsidies and showed their concrete application in almost innumerable instances in the legislative history of this Nation. I gave numerous instances of where the Federal Government had granted subsidies to other vocational groups, while denying any and all forms of subsidies to the agricultural classes. In this extension of remarks it is not my purpose to restate these matters again in detail. In my other address, in discussing Federal subsidies to railroads, canals, wagon roads, and to the 48 States of the Union, I did not submit a detailed statement of the numerous land-grant subsidies. But the foregoing tables are official and authentic, and I have called them to your attention in order that you may be brought to a realization of the enormous extent to which our Federal Government has gone in granting subsidies, and to emphasize the fact that the provisions of the Haugen bill are not at variance with the well-recognized legislative policies of this Nation.

EXTENSION OF REMARKS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. BYRNS] and myself, the gentleman from Tennessee [Mr. GARRETT], and the gentleman from Connecticut [Mr. TILSON] may be permitted to extend our remarks in the RECORD after the close of the Congress and up to the time of the last print of the RECORD.

Mr. OLDFIELD. Why not include me?

Mr. MADDEN. I will include the gentleman from Arkansas [Mr. OLDFIELD], the gentleman from Iowa [Mr. GREEN], and the gentleman from Indiana [Mr. WOOD], if they so desire.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Tennessee [Mr. BYRNS] and himself, the gentleman from Tennessee [Mr. GARRETT], the gentleman from Connecticut [Mr. TILSON], the gentleman from Arkansas [Mr. OLDFIELD], the gentleman from Iowa [Mr. GREEN], and the gentleman from Indiana [Mr. WOOD] have leave to extend their remarks in the RECORD up to the last day of the print of the RECORD. Is there objection? [After a pause.] The Chair hears none.

REVIEW OF APPROPRIATIONS, BUDGET ESTIMATES, AND OTHER GOVERNMENT FINANCES—SIXTY-NINTH CONGRESS, FIRST SESSION

Mr. MADDEN. Mr. Speaker, the adjournment of the first session of the Sixty-ninth Congress brought to a close another very successful period of cooperation between the legislative and executive branches of the Government on the problems of Government finance. Congress has functioned intelligently, courageously, and expeditiously on the four major subjects in this connection, namely: (1) The passage of the appropriation bills well inside the total of the Budget estimates submitted by the President; (2) the passage of the revenue act of 1926 reducing income and other taxes and thereby greatly relieving the individual citizens and the industry of the Nation; (3) the completion of the ratification of debt settlements negotiated with all of our principal foreign debtors, except France; and (4) The holding to a minimum the enactment of legislation involving charges upon future revenue consistent with the natural growth and development of the country and fair consideration to those who are beneficiaries of the new laws.

The estimates submitted by the President in the Budget in December last and from time to time during the session comprise the fifth set submitted since the inauguration of the Budget system. The work of Congress in passing the appropriation bills originating under these estimates has been fully up to the high standard which has prevailed in recently previous years, both as to expedition of passage of the bills and consideration of the merits of the questions involved. The House, at this session, set a new mark for timely consideration

of the bills since the installation of the Budget. The last of the nine regular annual bills was reported to the House by the Committee on Appropriations on March 17 and passed the House on April 7. The best previous record for a long session (Sixty-seventh Congress) brought the last bill into the House on April 8, and it was passed on April 19.

The Committee on Appropriations has gone as thoroughly as possible into every item of appropriation proposed. The work of two of the subcommittees began before the session started so that the bills might be reported to the House on an orderly schedule. In the consideration of the nine regular annual bills and the two deficiency appropriation bills the subcommittees took an aggregate of 10,000 printed pages of testimony involving thousands of items and almost every conceivable object of expenditure. I wish publicly to record my thanks and appreciation for the splendid cooperation accorded to me as chairman by the membership of the committee, through whose industrious and intelligent performance of duty the results of our work during this session was made possible, and also to thank the membership of the House for the generous manner in which it has received our reports and for the confidence evidenced toward the committee and its work.

In order that a statement of the appropriations and estimates might appear in the CONGRESSIONAL RECORD, it is necessary that the figures for the session be prepared upon the basis of totals for the session by acts rather than by fiscal years. A complete classification of the appropriations on a fiscal-year basis will be prepared and be available later, but for the purposes of this statement the totals will be those of the acts passed at this session, irrespective of the fiscal years for which they provide.

The total of estimates submitted during the session by the President in the December Budget and from time to time during the session in supplemental and deficiency Budget estimates aggregated $4,416,179,454.15. The total of appropriations made by Congress in all acts and including the amounts under the permanent and indefinite appropriations is $4,409,377,454.15. The total of appropriations is $6,802,000 less than the total of all estimates. A comparison of the estimates submitted for each of the appropriation acts and the amounts appropriated in each of those acts will be found in Table A appended to this statement. The following recapitulation shows the reduction in the estimates for the regular annual and the deficiency bills and the net reduction in all estimates:

Estimates submitted in the Budget transmitted in December, 1925, for the fiscal year 1927, less the sum of $24,000,000 withdrawn during the session	$3,872,207,921.66	
Supplemental estimates transmitted during the session for consideration in connection with the regular annual bills for the fiscal year 1927	53,233,006.39	
Total estimates for regular annual bills		3,925,440,928.05
Total appropriations in regular annual bills and under the permanent appropriations		3,920,877,965.71
Reduction made by Congress in estimates for regular annual bills		4,562,962.34
Estimates submitted during the session for consideration in connection with deficiency bills, primarily for the fiscal year 1926 and prior fiscal years	490,738,526.10	
Total appropriations made in deficiency bills during the session	487,851,377.41	
Reduction made by Congress in estimates for deficiency bills		2,887,148.69
Total reduction made by Congress in estimates for regular annual and deficiency bills		7,450,111.03
Deduct appropriations made by Congress in special acts for payment of claims and other specific items for which estimates were not transmitted by the President (estimated)		648,111.03
Net amount by which total appropriations are less than total estimates		6,802,000.00

Congress in effecting this net reduction of $6,802,000 in the total of estimates has not made any considerable increase or decrease in any item. The net is arrived at by a large number of small increases and a still larger number of decreases widely distributed over the entire service. The Budget estimates have not been accepted as submitted. Each paragraph has been carefully scrutinized by the committee and full explanation and justification for the amount required from those proposing the estimate.

Complaint is frequently voiced by those seeking appropriations of the routine involved in securing them. In my opinion such complaints are loud praise for the Budget system. The requirement that all estimates shall have the approval of the President and be transmitted by him to Congress and shall there pass the detailed scrutiny of the committees of Congress and the two Houses forms a procedure which is of the greatest protection to the Treasury and to the taxpayers who must furnish the revenue to maintain the Government. Any estimate to pass these barriers must possess real merit and its proponents must know their subject thoroughly.

The executive phase of the Budget system centers wholly in the President of the United States. Its success depends entirely upon the support and attention which he devotes to it. Great credit is due to President Coolidge for the painstaking and faithful manner in which he has performed his duties under the Budget law. His whole-hearted interest in the cost of Government, his constant insistence on economy on the part of administrative officers, and his scrutiny of the requests of his subordinates for appropriations form an unusual and historic chapter in our national finances.

The preparation of a budget for a government with as diverse interests and ramifications as those of the United States is a complicated and thankless task. There must be denials and disappointments. After five years of experience it can safely be said that we have made remarkable progress in the evolution and development of our Budget system.

The total of appropriations made at this session will be found in detail by acts in Table B. They may be summarized as follows:

Total in regular annual acts	$2,528,046,805.53
Total in deficiency acts	487,851,377.41
Total in miscellaneous acts (estimated)	648,111.03
Total permanent appropriations	1,392,831,160.18
Total for the session	4,409,377,454.15

This sum, classified according to fiscal years, shows the following results:

Fiscal year 1927	$3,953,659,637.46
Fiscal year 1926	439,767,969.97
Fiscal year 1925 and prior years	15,949,846.72
Total	4,409,377,454.15

For the information of those who desire to visualize, by large groups, the principal objects of appropriation made at this session for the fiscal year 1927 and prior years I shall insert the following tabulation:

Interest on the public debt	$795,000,000.00
Sinking fund and other public debt retirement funds	515,583,398.44
Veterans' Bureau, including compensation, insurance, adjusted compensation fund, hospitalization, and hospital construction	579,215,000.00
Postal Service, payable from the postal revenues	842,322,910.92
Navy	323,040,600.02
Military activities of the War Department (Army)	271,615,207.92
Pensions, all wars prior to the World War	202,730,000.00
Cooperative construction of roads and for roads in forest reserves	106,675,000.00
Refund of internal-revenue taxes	155,500,000.00
Rivers and harbors improvements, the Panama and other canals, flood control on the Mississippi and Sacramento Rivers, and work at Muscle Shoals, Ala	75,790,674.00
United States Shipping Board and Emergency Fleet Corporation	24,198,574.00
Enforcement of national prohibition act, including sums for the Prohibition Unit of the Treasury Deparement, the Coast Guard, and estimated proportion for the Department of Justice, courts, and prisons	41,713,106.00
Payment of judgments and audited claims	12,516,003.08
Construction of public buildings under the act of May 25, 1926	13,987,810.00
All other activities, including the Executive Office, the Congress, the judiciary, the executive departments, and independent establishments	449,489,169.77
Total for the session	4,409,377,454.15

The amount appropriated at this session in all bills, regular annual and deficiency, for the fiscal year 1927 and for the fiscal year 1926 and prior years, and including the permanent and indefinite appropriations, is $4,409,377,454.15. This sum, compared with the total of all appropriations made at the last session of the last Congress, $3,938,490,773, shows an aggregate increase over the last session of $470,886,681.15. Deducting from these two sums the amounts granted at each of the sessions for the Postal Service there remains for the present session the sum of $3,567,054,543.23, and for the previous session $3,293,451,237.89, an increase of the present session over the last session, excluding the Postal Service, of $273,603,305.34. The appended Table C shows in detail the comparison of the two sessions by appropriation acts.

The amount for the Postal Service at this session aggregates $842,322,910.92, and this sum, compared with the total for that service at the last session, $645,039,535.11, shows an increase of $197,283,375.81. This increase is accounted for almost wholly by the postal pay act of February, 1925. There is included in the total for the Postal Service at this session appropriations to

cover the cost of the pay increase from January 1, 1925, the date when the act became effective, to June 30, 1927, the close of the next fiscal year, the approximate sum of $168,265,821.84. The remainder of the increase for the Postal Service, $29,017,553.97, is due to the natural expansion of the postal business.

In connection with the large appropriation for postal pay at this session it should be borne in mind that the rates on postage were increased to offset the increased cost on account of the salaries. While the increased revenue from the new rates has fallen short of the amount estimated to be received, the total revenues from the Postal Service are operating gradually to reduce the deficit necessarily brought about by the salary increase. For the fiscal year 1925 the postal deficit was approximately $50,000,000. The deficit in the postal revenues for the fiscal year 1926 should not exceed $25,000,000. For the fiscal year 1927 the anticipated deficit should not be more than $10,000,000. In this connection it might be stated that if the new rates on postage had produced the revenue estimated at the time the law was enacted, the Postal Service would have been practically self-sustaining during the fiscal years 1926 and 1927.

The increase in all other apppropriations at this session, $273,603,305.34, compared with the last session, is found in a comparatively few large items. These sums comprise the increase found in the sums in the regular annual bills and deficiency bills of this session for the fiscal years 1926 and 1927 over the sums for like purposes in the regular annual and deficiency bills of the last session for the fiscal years 1925 and 1926.

The following table shows the principal items of appropriation which go to make up such increase:

United States Veterans' Bureau, on account of construction of new hospitals and enlargement of existing hospital facilities, military and naval insurance, adjusted service certificate fund for payment of the bonus, and military and naval compensation	$173,515,000
Construction of rural post roads in cooperation with the States and for roads and trails in national forest reserves	$26,675,000
Construction of public buildings under the act of May 25, 1926	13,987,810
Expenses of the Prohibition Unit and the Coast Guard for enforcement of the national prohibition act	13,167,406
Improvement of rivers and harbors	10,000,000
Refund of automobile and cigar taxes under the revenue act of 1926	5,250,000
Pensions for beneficiaries under the Civil and Spanish War pension laws	5,467,000
Commencement of construction on the Arlington Memorial Bridge across the Potomac River	2,500,000
Commencement of construction at military posts to replace the temporary housing erected during the war for troops	2,250,000
Participation of the Government in and aid to the National Sesquicentennial Exposition at Philadelphia	2,186,500
Payment of judgments rendered against the Government by United States courts and for the settlement of claims found due by the General Accounting Office	8,751,702

The foregoing table of increases gives the major items involved in the increased total for the session. A glance at these items will convince anyone that they are objects of appropriations vital and necessary and about which there has been little difference of opinion. They have been supported in their making almost in their entirety by both political parties.

The very large increase for the Veterans' Bureau includes the sum of $136,000,000 for the adjusted service certificate fund, which is being built up over a period of 20 years for the payment of the "bonus" certificates issued pursuant to the World War adjusted compensation act. These are fixed obligations to which the Government is committed, and they must be supported with appropriations from time to time as they are required.

The amount for roads is appropriated pursuant to previous acts of Congress and contracts duly entered into by the proper administrative authorities and is a fixed charge.

The sum of $13,000,000 for public buildings construction arises out of the act passed at this session authorizing new facilities for the transaction of the public business throughout the country to cost a total of $165,000,000 and extend over a period of four or five years. The amount appropriated at this session deals with projects in Washington and only those outside which have been authorized for the most part as far back as 1913 and delayed because of the war. The Government has not engaged in any public-building construction of this character for more than 10 years. The funds have been provided for a comprehensive survey of the needs for office purposes throughout the Nation, and upon the results of this survey will be established a definite program for expenditures under the new act.

The large increase for prohibition enforcement is due principally to provision for additional vessels and operating personnel for the Coast Guard to prevent the smuggling of liquor and to provide an increased force for the Prohibition Unit to stop smuggling along the Canadian border and lessen the illegitimate trade in beer and industrial alcohol.

The increase of $10,000,000 for river and harbor improvement will expedite the work of improvement on several of the larger rivers, particularly the Ohio River, and will permit the continuance of work at a more rapid rate on existing projects which have been adopted by Congress and also allow the initiation of work on some important projects which have not been put under way. The increase brings the total for river and harbor improvement up to $50,000,000 for the year; and if this sum is continued for a period of years, the completion of our major waterway projects will be greatly expedited.

The refund of $5,250,000 in taxes is the result of the tax reductions brought about in the revenue act of 1926 on automobiles and cigars.

One other large item in the increases deserves mention, that of $8,751,000 on account of judgments and claims. A large proportion of these grows out of acts of the Government during the war in the seizure of property and the purchase of supplies.

It will prove interesting to compare the appropriations made at this session of Congress with those made at the third session of the Sixty-fifth Congress and completed during the first session of the Sixty-sixth Congress. They were the last appropriations prepared by a Democratic Congress and aggregated $7,272,559,415.37. This sum contrasted with the total for this session, $4,409,377,454.15, shows a decrease of $2,863,181,961.22.

During the third session of the Sixty-fifth Congress, controlled by the Democratic Party, a number of the large appropriation bills failed of passage and were completed at the first session of the Sixty-sixth Congress, which was controlled by the Republican Party. The uncompleted bills as repassed by the new Congress were in the aggregate $940,000,000 less than the bills which had failed of passage. The estimates for the fiscal years 1921 and 1922 and deficiency estimates for prior years were prepared by the Wilson administration and submitted to the Republican Congress, which eliminated from those estimates sums aggregating slightly in excess of $2,950,000,000. The total reductions effected by the Republican Congress in the proposals made to it by the Democratic régime aggregate in excess of $3,890,000,000, a sum which is almost equal to the entire appropriations made at this session of Congress for the next fiscal year.

The Republican Party since its control of the Congress, commencing with the Sixty-sixth Congress, has repealed appropriations granted during the war to the previous administration in sums totalling more than $1,500,000,000.

It is appropriate at this point to call attention to the reductions made by Congress in estimates of appropriations since the inauguration of the Budget system. Five sets of Budget estimates, including the regular annual Budget submitted in December of each of the years 1921 and 1925, inclusive, and supplemental and deficiency estimates submitted from time to time following the regular Budget, have been transmitted to Congress. The reductions effected by Congress in these five sets of Budget estimates are as follows:

First set of Budget estimates	$312,361,792.27
Second set of Budget estimates	10,741,504.15
Third set of Budget estimates	9,024,637.08
Fourth set of Budget estimates	12,596,495.90
Fifth set of Budget estimates	6,802,000.00
Total reduction effect by Congress in the five sets of estimates	351,526,429.40

In the two years prior to the establishment of the Budget system the Republican Congress eliminated from the estimates proposed by the Democratic administration the sum of $3,890,000,000, and in five years under the Budget system the Republican Congress has reduced the estimates transmitted by a Republican Executive by $351,526,429.40. These two sums aggregate approximately $4,250,000,000.

If the Congress had acceded to all of the demands made upon it by the executive branch of the Government during the period of Democratic control it would not have been possible to make the reductions in taxation which have been effected, and our public debt would still be near the peak point of $25,500,000,000 instead of $19,500,000,000, the present total.

The fiscal year 1926, which closed on June 30 last, has revealed another very successful year of Treasury financing and management. The total ordinary receipts for the year were $3,962,755,690.14. The total ordinary expenses, exclusive of the Postal Service but including the postal deficit and including public debt retirements payable from ordinary receipts, were $3,584,987,873.50. The surplus for the year—excess of receipts over expenditures—aggregated $377,767,816.64.

The expenditures for the fiscal year 1920 on the same basis as those given in the preceding paragraph aggregated approximately $6,141,000,000. This sum, contrasted with the expenditures for the fiscal year 1926, $3,585,000,000, shows a decrease in annual expenditures since the fiscal year 1920 of $2,556,000,000.

While expenditures have been steadily reduced since the fiscal year 1920, there has not been a year since the Republican Party came into full control of the Government on March 4, 1921, that there has not been an excess of receipts over expenditures. These surpluses by fiscal years are as follows:

Fiscal year—	
1921	$86, 892, 000
1922	313, 801, 000
1923	309, 657, 000
1924	505, 366, 000
1925	250, 505, 000
1926	377, 767, 000

The total of the surpluses for the six years amounts to $1,844,000,000.

The constant reduction in Government expenditures and the constant recurrence of surpluses in the Treasury have resulted in two very gratifying financial operations, namely, tax reduction and decrease in the public debt.

The gross public debt on June 30, 1925, was $20,298,000,000. This sum was reduced during the year until on June 30, 1926, it reached $19,433,000,000, a decrease of $865,000,000. The gross public debt at its peak, exclusive of the cash balance on hand at the time, amounted to $25,478,000,000. This sum contrasted with the total debt on June 30 last shows a reduction from the peak point, August 31, 1919, of $6,045,000,000. During this period the annual interest charge on the public debt has been decreased by more than $200,000,000.

Three decreases in taxation have been made. The revenue act of 1921 decreased the annual levy by approximately $800,000,000, the revenue act of 1924 made a further decrease of $450,000,000, and the revenue act of 1926 a still further decrease of $400,000,000. These three decreases resulted in lifting from the taxpayer burdens approximating $1,650,000,000. The 1926 act relieved 2,000,000 persons from paying any direct tax at all, reduced the taxes of all other taxpayers, and also removed a large number of the so-called nuisance taxes.

While the expenditures for the fiscal year 1926 show an increase of $55,000,000 over the expenditures for the fiscal year 1925, it must be kept in mind that $21,000,000 of this increase is due to retirement of the public debt, and only $34,000,000 is represented by an increase in the ordinary running expenses of the Government. This increase is a comparatively slight sum considering that there is involved in the expenditures for 1926 approximately $120,000,000 for financing on account of the soldiers' bonus.

The outlook for the next fiscal year is equally promising. It is now estimated that there will be a possible surplus of receipts over expenditures of $185,000,000. The program of constructive economy will be continued, and every effort will be made to hold expenditures to a conservative minimum and continue reduction of the public debt. It is too early to venture any predictions on the matter of future tax reductions. The status of Government finances must unmistakably indicate that such a reduction can be made without impairment of the necessary revenue to run the Government before it is undertaken. That situation is not apparent at this time. We can well await developments and be absolutely sure that our revenue will be certain and in sufficient amounts to warrant a decrease.

One of the outstanding achievements of this session of Congress is the ratification of the settlements with a large number of our foreign debtors. Agreements have now been entered into with all of our debtors by the World War Foreign Debt Commission with the exception of Armenia, Austria, Greece, Liberia, Nicaragua, and Russia. All of the settlements have been approved by Congress with the exception of the settlement with France. The settlements which have been made, the amounts of principal and interest due, and the nations with which the agreements have been made are as follows:

Statement showing total amounts to be received by the Treasury on account of principal and interest under the debt settlements made with foreign governments (without regard to any options that have been or may be exercised)[1]

May 4, 1926

	Principal	Interest	Total
Belgium	$417, 780, 000	$310, 050, 500. 00	$727, 830, 500. 00
Czechoslovakia	115, 000, 000	[1] 197, 811, 433. 88	312, 811, 433. 88
Esthonia	13, 830, 000	19, 501, 140. 00	33, 331, 140. 00
Finland	9, 000, 000	12, 695, 055. 00	21, 695, 055. 00
France	4, 025, 000, 000	2, 822, 674, 104. 17	6, 847, 674, 104. 17
Great Britain	4, 600, 000, 000	6, 505, 965, 000. 00	11, 105, 965, 000. 00
Hungary	1, 939, 000	2, 754, 240. 00	4, 693, 240. 00
Italy	2, 042, 000, 000	365, 677, 500. 00	2, 407, 677, 500. 00
Latvia	5, 775, 000	8, 183, 635. 00	13, 958, 635. 00
Lithuania	6, 030, 000	8, 501, 940. 00	14, 531, 940. 00
Poland	178, 560, 000	257, 127, 550. 00	435, 687, 550. 00
Rumania	44, 590, 000	[1] 77, 916, 260. 05	122, 506, 260. 05
Yugoslavia	62, 850, 000	32, 327, 635. 00	95, 177, 635. 00
Total	12, 522, 354, 000	10, 621, 185, 993. 10	22, 143, 539, 993. 10

[1] Includes deferred payments which will be funded into principal.

While the sums agreed to in the settlements are in some cases materially less than the face value of the amounts advanced during the war, they have been made on the basis of the ability or our debtors to pay and have taken into consideration the time within which they could pay. Generally the payments are spread over a period of 62 years and call for an aggregate during this period of principal and interest exceeding $22,000,000,000. These settlements are a distinct credit to our Government. We have dealt honorably and fairly with those indebted to us, and the people of the United States can with pride approve the termination of the vexatious, delicate, and exceedingly human problems involved in this very satisfactory manner.

Congress at this session has enacted new legislation involving future charges against the Treasury. Chief among these are the public buildings bill and the roads bill. Each carries authorizations for the appropriation of $165,000,000. The roads act covers a period of two fiscal years involving $82,500,000 a year and will not be a new budget item since we are now appropriating at that rate for roads expenditures and have been for several years.

The public buildings bill provides for three groups of expenditures—$15,000,000 for buildings heretofore authorized and incapable of construction because of increased costs, $50,000,000 for buildings in the District of Columbia to replace temporary offices erected during the war and to eliminate rented quarters, and $100,000,000 for Government offices in the various cities throughout the United States. The bill represents a distinct departure on the part of Congress in public buildings. It is a general authorization bill instead of a bill authorizing specific projects as heretofore has been the practice. Appropriations have been made at this session toward the building program in the District of Columbia and for completion of the buildings under the $15,000,000 authorization. No funds have been provided for buildings not heretofore authorized outside of Washington. Appropriations have been made available at this session for a survey to be made jointly by the Secretary of the Treasury and the Postmaster General to determine the needs of the various localities for public quarters. Estimates will be prepared after this survey for submission to Congress through the Budget for such projects as merit consideration and the erection of buildings.

The new act marks a reform in public-building procedure and the paramount consideration under it must be the needs of the service based upon the business to be transacted. In my judgment the results of the survey will indicate that the

$100,000,000 authorized outside of the District of Columbia will prove to be insufficient for all of the meritorious situations that will be found to exist and may have to be increased. Such action, however, should only be taken after the most painstaking consideration of detailed reports from the Secretary of the Treasury and the Postmaster General.

Legislation has also been enacted at this session increasing pensions for veterans and other beneficiaries under the Civil and Spanish War pension laws. The estimated increase under the Civil War pensions is $15,000,000, and under the Spanish War pensions $18,000,000. While these increases have become effective and will be paid from existing funds until Congress meets again, the total of $33,000,000 will have to be appropriated in order to supply the deficiency.

Congress at this session has dealt intelligently and generously with the problem of civil and military aviation. An act has been passed placing in the Secretary of Commerce jurisdiction over commercial aviation, the marking and lighting of airways, the designation of routes, the licensing of pilots, the inspection and certification of aircraft, and joint control with the Secretaries of Treasury and Labor of the regulations affecting the landing of foreign aircraft.

In addition to the act regulating commercial aviation, laws have been passed establishing definite programs of airplane construction for the Army and Navy over a period of years. While these acts outline generous programs for the period of years covered by them, the amounts will not be so greatly in excess of the annual amounts which are appropriated by Congress for that purpose in the regular Budget as to cause a heavy drain on the Treasury. The new program also provides for an additional assistant secretary in each of the War, Navy, and Commerce Departments to assist the heads of those departments in the consideration of aviation problems. Provision is also made for an Aircraft Procurement Board to coordinate aircraft purchases. All of these measures are largely the recommendations of the President's Aircraft Board appointed in 1925 to study the problems. The result of their labors has been the enactment of constructive legislation that should place us well in the forefront of commercial and military aviation and develop for the country a national defense, commercial transportation systems, and an aircraft industry of which we can justly be proud.

A program of construction of new vessels for the Coast Guard was also authorized for the replacement of vessels heretofore lost and vessels now in the service which should be retired. The act provides for 10 new boats at an estimated cost of $9,000,000.

Liberalization was also made in the laws affecting compensation and insurance of veterans of the World War and in the act providing for the soldiers' bonus. Additional appropriations will have to be made at the next session of Congress, estimated at approximately $10,000,000 and $7,000,000, respectively, to care for these enactments, but the amounts involved for future years will not be much larger.

Contrasting the obligations against future revenue enacted at this session of Congress compared with those at the last session there is a decrease. The Congress has been observant and mindful of the need for restraint in Government expenditures, and the record of this session, both in the matter of appropriations and new authorizations, is a commendable one.

The record of the Republican Party in the matter of Government finances is not paralleled in the history of the United States. From the time the party came into power in the Sixty-sixth Congress down to the present time there has been constant and successful effort devoted to the problems of taxation, appropriations and Budget estimates, expenditures, public debt, debt settlements, and efficient and economical administration. How well these efforts have succeeded is amply portrayed by the following facts:

A reduction in total appropriations since the third session of the Sixty-fifth Congress of $2,863,000,000.

A reduction in annual expenditures since the fiscal year 1920 of $2,556,000,000.

A decrease in the public debt from its peak of $6,045,000,000.

A decrease in the annual interest on the public debt since 1920 of more than $200,000,000.

A decrease of the annual tax burden since 1921 of more than $1,650,000,000.

A total Treasury surplus in six fiscal years aggregating $1,844,000,000.

A decrease by Congress in estimates of appropriations submitted by the Executive of more than $4,250,000,000.

The repeal of appropriations totaling in excess of $1,500,000,000.

The settlement of debts due from foreign countries on accounts of loans advanced during the World War providing for repayments of principal and interest amounting to $22,000,000,000.

This record and the traditional capacity of the Republican Party for a businesslike conduct of the Government should commend themselves to every thoughtful citizen.

TABLE A.—*Comparison of Budget estimates and appropriations, Sixty-ninth Congress, first session*

Title of act	Budget estimates, Sixty-ninth Congress, first session	Appropriations, Sixty-ninth Congress, first session	Increase (+) or decrease (−) appropriations compared with Budget estimates
REGULAR ACTS, FISCAL YEAR 1927			
Agriculture, Department of	$130, 016, 508. 00	$127, 924, 573. 00	−$2, 091, 935. 00
District of Columbia	34, 053, 022. 00	33, 918, 571. 00	−134, 451. 00
Independent offices	512, 870, 315. 64	512, 928, 376. 64	+58, 061. 00
Interior Department	227, 288, 452. 00	226, 332, 918. 00	−955, 534. 00
Legislative establishment	16, 512, 381. 70	16, 437, 327. 20	−75, 054. 50
Navy Department	320, 955, 030. 00	319, 650, 075. 00	−1, 304, 955. 00
Departments of State, Justice, Commerce, and Labor	79, 936, 971. 90	79, 963, 851. 90	+26, 880. 00
Treasury and Post Office Departments	872, 482, 861. 63	868, 281, 501. 63	−4, 201, 360. 00
War Department	338, 494, 225. 00	342, 609, 611. 16	+4, 115, 386. 16
Total, regular annual acts	2, 532, 609, 767. 87	2, 528, 046, 805. 53	−4, 562, 962. 34
DEFICIENCY ACTS			
First deficiency, 1926	425, 573, 865. 65	426, 298, 681. 19	+724, 815. 54
Second deficiency, 1926	54, 434, 660. 45	50, 822, 696. 22	−3, 611, 964. 23
Pension deficiency, 1926	10, 730, 000. 00	10, 730, 000. 00	
Total, deficiency acts	490, 738, 526. 10	487, 851, 377. 41	−2, 887, 148. 69
Total, regular annual and deficiency acts	3, 023, 348, 293. 97	3, 015, 898, 182. 94	−7, 450, 111. 03
Miscellaneous relief and claims acts (estimated)		648, 111. 03	+648, 111. 03
Total, regular annual, deficiency, and miscellaneous	3, 023, 348, 293. 97	3, 016, 546, 293. 97	−6, 802, 000. 00
Permanent and indefinite appropriations	1, 392, 831, 160. 18	1, 392, 831, 160. 18	
Grand total	4, 416, 179, 454. 15	4, 409, 377, 454. 15	−6, 802, 000. 00

TABLE B.—*Recapitulation of appropriations by acts, irrespective of fiscal years, Sixty-ninth Congress, first session (December 7, 1925, to July 3, 1926)*

Title of act		Amount
REGULAR ANNUAL ACTS, FISCAL YEAR 1927		
Agriculture		$127,924,573.00
District of Columbia		33,918,571.00
Executive Office and independent offices		512,928,376.64
Interior		226,332,918.00
Legislative establishment		16,437,327.20
Navy		319,650,075.00
State, Justice, Commerce, and Labor:		
State	$16,480,792.90	
Justice	24,094,407.00	
Commerce	29,852,347.00	
Labor	9,536,305.00	
		79,963,851.90
Treasury and Post Office:		
Post Office	738,805,303.00	
Treasury	129,476,198.63	
		868,281,501.63
War:		
Military activities	263,948,856.16	
Nonmilitary activities	78,660,755.00	
		342,609,611.16
Total regular annual acts		2,528,046,805.53
DEFICIENCY APPROPRIATION ACTS, FISCAL YEAR 1926 AND PRIOR YEARS		
First deficiency act, fiscal year 1926		426,298,681.19
Second deficiency act, fiscal year 1926		50,822,696.22
Pension deficiency act, fiscal year 1926		10,730,000.00
Total deficiency acts		487,851,377.41
MISCELLANEOUS ACTS CARRYING APPROPRIATIONS, FISCAL YEAR 1926		
Miscellaneous relief and other acts (approximated)		648,111.03
Total, regular annual, deficiency, and miscellaneous acts		3,016,546,293.97
PERMANENT AND INDEFINITES, FISCAL YEAR 1927		
Agriculture		11,351,250.00
Commerce		3,000.00
Independent offices		7,445,000.00
Interior		$25,638,900.00
Labor		25,000.00
Legislative		800.00
Navy		2,144,400.00
State		136,139.74
Treasury:		
Interest on the public debt	$795,000,000.00	
Sinking fund and other public debt retirement funds	515,583,398.44	
Ordinary permanent and indefinites	26,782,415.00	
		1,337,365,813.44
War:		
Military activities	900,000.00	
Nonmilitary activities	6,247,300.00	
		7,147,300.00
District of Columbia		1,573,557.00
Total, permanent and indefinites		1,392,831,160.18
Grand total		4,309,377,454.15

TABLE C.—*Comparison of appropriations made during the first session of the Sixty-ninth Congress with those of the second session of the Sixty-eighth Congress*

Title of act	Appropriations, Sixty-eighth Congress, second session	Appropriations, Sixty-ninth Congress, first session	Increase (+) or decrease (−) first session, Sixty-ninth Congress, compared with second session of the Sixty-eighth Congress
REGULAR ANNUAL ACTS			
Agriculture	$124,774,441.00	$127,924,573.00	+$3,150,132.00
District of Columbia	31,827,797.00	33,918,571.00	+2,090,774.00
Executive Office and independent offices	452,434,334.00	512,928,376.64	+60,494,042.64
Interior	239,702,926.00	226,332,918.00	−13,370,008.00
Legislative establishment	14,910,971.80	16,437,327.20	+1,526,355.40
Navy	287,402,328.00	319,650,075.00	+32,247,747.00

TABLE C.—*Comparison of ppropriations made during the first session of the Sixty-ninth Congress with those of the second session of the Sixty-eighth Congress*—Continued

Title of act	Appropriations, Sixty-eighth Congress, second session	Appropriations, Sixty-ninth Congress, first session	Increase (+) or decrease (−) first session, Sixty-ninth Congress, compared with second session of the Sixty-eighth Congress
REGULAR ANNUAL ACTS—continued			
State, Justice, Commerce, and Labor:			
State	16, 011, 512. 77	16, 480, 792. 90	+469, 280. 13
Justice	24, 205, 822. 00	24, 094, 407. 00	−111, 415. 00
Commerce	22, 917, 334. 00	29, 852, 347. 00	+6, 935, 013. 00
Labor	8, 602, 625. 00	9, 536, 305. 00	+933, 680. 00
Total, State, Justice, Commerce, and Labor	71, 737, 293. 77	79, 963, 851. 90	+8, 226, 558. 13
Treasury and Post Office:			
Treasury	126, 951, 947. 00	129, 476, 198. 63	+2, 524, 251. 63
Post Office	636, 269, 415. 00	738, 805, 303. 00	+102, 535, 888. 00
Total, Treasury and Post Office	763, 221, 362. 00	868, 281, 501. 63	+105, 060, 139. 63
War Department:			
Military activities	259, 491, 250. 00	263, 948, 856. 16	+4, 457, 606. 16
Nonmilitary activities	72, 791, 421. 00	78, 660, 755. 00	+5, 869, 334. 00
Total, War Department	332, 282, 671. 00	342, 609, 611. 16	+10, 326, 940. 16
Total, regular annual acts	2, 318, 294, 124. 57	2, 528, 046, 805. 53	+209, 752, 680. 96
DEFICIENCY ACTS			
First, fiscal year 1925	159, 504, 838. 19		
Second, fiscal year 1925	58, 065, 318. 66		
First, fiscal year 1926		426, 298, 681. 19	
Second, fiscal year 1926		50, 822, 696. 22	
Pensions, 1926		10, 730, 000. 00	
Total, deficiency acts	217, 570, 156. 85	487, 851, 377. 41	+270, 281, 220. 56
MISCELLANEOUS ACT CARRYING APPROPRIATIONS, FISCAL YEAR 1926			
Miscellaneous relief and other acts	$2, 569, 183. 34	[1] $648, 111. 03	−$1, 921, 072. 31
Total, regular annual, deficiency, and miscellaneous acts	2, 538, 433, 464. 76	3, 016, 546, 293. 97	+478, 112, 829. 21
PERMANENT AND INDEFINITES			
Agriculture	12, 340, 750. 00	11, 351, 250. 00	−989, 500. 00
Commerce	3, 000. 00	3, 000. 00	
Independent offices	7, 446, 500. 00	7, 445, 000. 00	−1, 500. 00
Interior	28, 081, 457. 50	25, 638, 900. 00	−2, 442, 557. 50
Labor	25, 000. 00	25, 000. 00	
Legislative	800. 00	800. 00	
Navy	2, 460, 050. 00	2, 144, 400. 00	−315, 650. 00
State	131, 139. 74	136, 139. 74	+5, 000. 00
Treasury:			
Interest on the public debt	830, 000, 000. 00	795, 000, 000. 00	−35, 000, 000. 00
Sinking fund and other public debt retirement funds	484, 766, 130. 00	515, 583, 398. 44	+30, 817, 268. 44
Ordinary permanent and indefinites	26, 087, 825. 00	26, 782, 415. 00	+694, 590. 00
Total, Treasury	1, 340, 853, 955. 00	1, 337, 365, 813. 44	−3, 488, 141. 56
War Department:			
Military activities	900, 000. 00	900, 000. 00	
Nonmilitary activities	6, 249, 300. 00	6, 247, 300. 00	−2, 000. 00
Total, War Department	7, 149, 300. 00	7, 147, 300. 00	−2, 000. 00
District of Columbia	1, 565, 356. 00	1, 573, 557. 00	+8, 201. 00
Total, permanent and indefinites	1, 400, 057, 308. 24	1, 392, 831, 160. 18	−7, 226, 148. 06
Grand total	3, 938, 490, 773. 00	4, 409, 377, 454. 15	+470, 886, 681. 15
Postal Service (regular annual and deficiency acts)	645, 039, 535. 11	842, 322, 910. 92	+197, 283, 375. 81
Grand total, exclusive of Postal Service payable from postal revenues	3, 293, 451, 237. 89	3, 567, 054, 543. 23	+273, 603, 305. 34

[1] Estimated.

APPROPRIATIONS AND EXPENDITURES

Mr. BYRNS. Mr. Speaker, the corner stone of the Coolidge administration is the alleged economy thereof. Upon this corner stone has been builded the widespread propaganda featuring the silent man of the White House as the economic savior of our tax-burdened people. It is this alleged economy—first "administrative," but now referred to by the President as "constructive"—which is the only outstanding accomplishment claimed for him even by his most partisan followers. But despite the insidious and incessant press-agenting this single virtue claimed for the present occupant of the White House must stand or fall after a fair and unbiased study of the appropriations and expenditures made during his administration as compared with those of preceding years.

The total appropriations at this session of Congress for the fiscal year 1927, excluding those made by special acts, amount to $3,953,659,637.46. This is $235,308,204.65 more than was appropriated at the preceding session of Congress for the fiscal year 1926, and this notwithstanding the fact that over $40,000,000 less was appropriated for interest on the public debt and Civil War pensions for 1927 than for 1926.

The following table presents a comparison of appropriations for the fiscal years 1926 and 1927 and which were available at the beginning of each of those fiscal years:

	1926	1927
Agricultural Department	$124,774,441.00	$127,924,573.00
Independent offices	452,434,334.00	512,928,376.64
Interior Department	239,702,926.00	226,332,918.00
Navy Department	287,402,328.00	319,650,675.00
War Department	332,282,671.00	342,609,611.16
Treasury Department	126,951,947.00	129,476,198.63
Post Office Department	636,269,415.00	738,805,303.00
State Department	16,611,512.77	16,480,792.90
Justice	24,205,822.00	24,194,407.00
Commerce	22,917,334.00	29,852,347.00
Labor	8,602,625.00	9,536,305.00
Legislative	14,910,971.80	16,437,327.20
District of Columbia	31,847,797.00	33,918,571.00
Supplementals in second deficiency bill		32,781,671.75
Permanent and indefinite	1,400,057,308.24	1,392,831,160.18
Total	3,718,351,432.81	3,953,659,637.46

The first deficiency bill, approved March 3, 1926, carried $149,250,000 for refund of taxes from November, 1925, to January 1, 1927. There is therefore available from this appropriation for the first six months of the fiscal year 1927 the sum of $63,964,285.71. This makes a total appropriation for the fiscal year 1927, available July 1, the beginning of the fiscal year, of $4,017,623,923.17, which is $299,272,490.36 more than was available for the fiscal year 1926 on July 1 of last year.

In addition to this sum there were reappropriations of over $30,000,000 from previous unexpended balances. Congress has also passed special acts at this session carrying appropriations which will amount to at least $648,111.03. The appropriation bills also carry authorizations for work to be contracted for during the next fiscal year and paid for by future appropriations which will amount to $66,934,952.

Two deficiency bills carrying $426,298,681.19 and $50,822,696.22 and a pension deficiency of $10,730,000 have been passed at this session. A part of this supplements the appropriation for 1927. The remainder is for the fiscal year 1926 and prior thereto. There will undoubtedly be deficiencies for 1927 at the next session as has been invariably true of all past years.

One of the promises on which the Harding-Coolidge administration went into office in 1921 was the institution of a régime of economy and reduction of governmental expenditures. Instead of reducing appropriations this administration has enormously increased them over any preceding period save when the country was at war. The appropriations for the three fiscal years 1925, 1926, and 1927—appropriations having just been made for the last year—after eliminating the increased appropriations made necessary to pay the interest on the public debt and debt retirements, exceed those of the three peace years of the Wilson administration, the fiscal years 1914, 1915, and 1916, by $4,201,381,000, an average increase of one and one-third billion dollars a year. The total appropriations for the fiscal years 1925, 1926, and 1927, excluding those for interest and payment on the principal of the public debt, amount to $7,479,945,570. The total appropriation for 1914, 1915, and 1916 under the Wilson administration amounted to $3,278,564,688.

The Republican administration has decreased appropriations under those made during the war years by the Democratic administration, but for three years of peace has more than doubled the appropriations made by a Democratic Congress during the last three years preceding the war.

The total appropriations for the fiscal year 1916 were $1,114,490,704.09. Deducting from the 1927 appropriations above set forth the amounts which were made necessary by the World War, such as interest on the public debt, sinking fund and public debt retirements, Alien Property Custodian, Veterans' Bureau, Shipping Board, Battle monuments, and so forth, the appropriations for 1927 are $1,014,000,000 more than they were for 1916, and only $108,000,000 less than for the combined fiscal years 1915 and 1916 under a Democratic administration.

Nor is the record of this Republican administration in extravagant appropriations unique. It has been the rule for 50 years. President Harrison increased the ordinary expenses of the Government over the first Cleveland administration over $95,000,000. In his second administration Cleveland reduced the Harrison expenditures, $6,559,000. Excluding the expenses of the Spanish War, the expenditures under McKinley were $45,000,000 more than under Cleveland's second administration. Roosevelt's second administration increased the ordinary Government expenses over Cleveland's second administration $1,696,000,000, a yearly average of $424,000,000.

I may say here that immediately after the signing of the armistice on November 11, 1918, the Democratic administration and a Democratic Congress began curtailing expenditures and reducing the heavy appropriations made necessary by the war. By the close of the third session of the Sixty-fifth Congress on March 4, 1919, a Democratic Congress had covered back into the Treasury the sum of $15,495,978,641.63. And the appropriations for the succeeding fiscal year of 1920 under a Democratic administration were reduced in the sum of $12,111,000,000.

EXPENDITURES

The present Chief Executive assumed office during the fiscal year 1923. National expenditures have steadily increased each year since 1924, notwithstanding the reduction by many millions every year in the amount required to pay interest on the public debt and Civil War pensions and the cessation either in whole or in part of agencies and activities occasioned by the World War—reductions which were automatic and inevitable and for which no credit as an economy can be claimed. Including the Postal Service the expenditures for the various fiscal years since that time were as follows:

1924	$4,079,626,493.75
1925	4,129,234,923.68
1926 (estimated)	4,278,675,186.00
1927 (estimated)	4,304,400,000.00

Excluding expenditures for the Postal Service which, on account of the steady growth of the service, naturally increases each year, the expenditures for all the other business operations of the Government were:

1924	$3,506,677,715.34
1925	3,529,643,446.09
1926 (estimated)	3,618,675,186.90
1927 (estimated)	3,600,000,000.00

In a speech the other day the President said he hoped it would be "possible" to hold down expenditures for 1927 to the figures above given, but he gave no definite assurance that it would be done. Even if his hopes are fulfilled, it will be clear that the expenditures for 1927 for the ordinary activities of the Government will be greater than those for 1926 when it is recalled that the figures upon which these expenditures are based show that $41,000,000 less will be spent for interest on the public debt and Civil War pensions—reductions which, as I have said, are entirely automatic. I repeat that beginning with the first fiscal year after the present Chief Executive assumed office expenditures have steadily increased each year.

The figures as given above, however, do not show the real volume of increase in the expenditures of the Government for the reason that there is a heavy reduction of interest on the public debt and Civil War pensions each year. For these two items the expenditures were over $68,500,000 less in 1925 than in 1924; over $71,600,000 less in 1926 than in 1925; and $41,000,000 less in 1927 than in 1926. When these automatic reductions are considered it will be seen that the annual increase of governmental expenditures is far greater than is indicated by the figures given above.

PUBLIC-DEBT RETIREMENTS

The Federal debt when at its peak, August 31, 1919, was $26,596,701,648.01. On June 30, 1926, the gross national debt was $19,643,000,000. It is being steadily liquidated by payments from the sinking fund provided by law for debt retirement and the application of the interest and payments on the funded debts owed to the United States by foreign countries and the surplus at the close of each fiscal year. Payments at

the end of each fiscal year on the interest-bearing debt have been made in the following amounts:

June 30, 1920	$1,185,184,693
June 30, 1921	321,870,915
June 30, 1922	1,014,068,844
June 30, 1923	613,674,343
June 30, 1924	1,098,894,376
June 30, 1925	734,619,101
June 30, 1926	842,000,000

It will be observed that the greatest reduction was made in the fiscal year 1920 under a Democratic administration. The payment on June 30, 1926, was made possible by the application of $487,000,000 from the sinking fund and about $350,000,000 of back taxes, practically all of which occurred prior to 1920, under a Democratic administration.

APPROPRIATIONS BY SESSIONS

There was appropriated at this session of Congress, including regular annual appropriations, deficiencies, permanent and indefinite, and miscellaneous appropriations, the sum of $4,409,377,454.15. This is a far greater sum than has been appropriated at any session of Congress since 1921, and in that year the Government was spending over a billion dollars more than at the present time on an Army and Navy which had not yet been demobilized from war strength and over $700,000,000 more on the Railroad Administration. The above sum is over $257,000,000 more than was appropriated at the preceding session of Congress, amounting to $4,151,682,049.91, and over $161,000,000 more than was appropriated in 1922 at the first session under the administration of President Harding, which amounted to $4,248,140,569.99, and that, too, despite steady annual reductions in interest on the public debt, Civil War pensions, and the cessation of war activities and agencies. As I have often said, appropriations reflect not only cost of government but also economy in administration, and these figures do not sustain the oft-repeated claims of economy by the present administration.

BUDGET ESTIMATES

There has been no year since the Budget was established that Congress has not appropriated less than was estimated or asked for by the President. During these years, beginning with the fiscal year 1923, Congress has reduced the estimates of the President in the aggregate sum of $351,428,912. If Congress had acceded to the wishes of the President for the five fiscal years of the Budget, the sum above named would not have been saved. The estimates for the present session of Congress amounted to $4,416,179,454.15. As I have pointed out, the total appropriations are $4,409,377,454.15, a reduction of $6,802,900.

AUTHORIZATIONS

In addition to the appropriations made at this session, which, as I have said, exceed those made at any other session of Congress since 1921, Congress has at this session enacted laws authorizing expenditures for governmental activities which must be met by future appropriations in an amount greater than at any time since the World War, with the single exception of the year when the adjusted compensation or soldiers' bonus law was passed. These authorizations amount to over $525,000,000. Among the authorizations will be found $93,078,750 for naval aviation, covering a five-year program of expansion with $17,476,250 to be expended annually thereafter; $76,893,450 for Army aviation, covering a five-year period program, with $11,167,200 to be expended annually thereafter; public-buildings five-year program, $165,000,000; public roads and trails, $165,000,000 for a two-year program; a five-year program for diplomatic and consular buildings in foreign countries, $10,000,000; and Coast Guard vessels, $9,000,000. Of these sums, approximately $30,000,000 has been appropriated. The remainder must be carried in future appropriation bills within the years stated. These authorizations constitute definite committals or obligations of the Government.

Congress increased the pensions of Spanish-American War soldiers, thereby adding, according to estimates, $18,550,528 annually to the pension rolls. It also increased the pensions of Civil War soldiers and widows in an amount which is estimated at $33,960,360. It also passed legislation affecting the veterans of the World War, giving additional benefits at an annual cost of $15,000,000. It raised the per diem or subsistence of Government employees from four dollars to six, seven, and eight dollars, and this will cost approximately $2,000,000 annually. It passed a bill equalizing the pay of certain retired Army officers, increasing the annual cost in the sum of $472,696.38. It also passed laws equalizing the pay of certain retired officers of the Navy and also increasing the pay and giving retirement to Army field clerks. The annual increase which will result from these measures is not estimated and can not be stated, but it is safe to say that it will amount to several hundred thousand dollars.

GOVERNMENT EMPLOYEES

The Director of the Budget recently stated that there were at the present time superfluous employees on the Government pay roll. It will be surprising, therefore, to note that at the instance and request of the President, submitted through his Budget, more than 1,400 new positions or offices were provided for in the deficiency appropriation bill which was approved by the President on July 3 of this year, and this does not include a number of new positions provided for in the regular supply bill or the increased number of postal employees made necessary by the growth of the service. Three additional Secretaries of War, the Navy, and Commerce at $7,500 per year have been provided for, and a bill creating two more has been favorably reported and is now on the calendar awaiting action. The salaries of a number of high-paid employees have been increased, among them the chief of a bureau in one of the departments from $7,500 to $10,000 per annum; another from $6,000 to $7,500 per annum, and one branch of the Congress has passed a bill increasing the salaries of quite a number of commercial agents abroad to $8,000 and subsistence.

June 30, 1916, under a Democratic administration the total number of employees was 438,057. On December 31, 1925, there were 548,077, a difference of 110,020. Estimating the average salary at $1,700 per annum, which is conservative in view of the recent increase in salaries, this increase in number of employees are costing the Government over $187,000,000 per annum. In this connection it should be said that the number of employees depends entirely on the administration rather than on Congress, for in the very nature of things Congress can not determine the number needed in each department and bureau of the Government.

There is appended a table furnished by the Civil Service Commission showing the number of employees at the end of several fiscal years. It will be observed from this table that in less than three years after the signing of the armistice a Democratic administration reduced the number about 33⅓ per cent from war strength. Since that time, or in a period of four and one-half years a Republican administration has reduced the number only about 8 per cent.

War expansion and reduction of employees since armistice

June 30, 1916	458,057
Nov. 11, 1918	917,760
July 31, 1920	691,116
July 31, 1921	597,482
June 30, 1922	560,863
June 30, 1923	548,531
June 30, 1924	554,966
June 30, 1925	564,718
Dec. 31, 1925	548,077

In the light of the foregoing facts can it be contended that the Republican administration has kept faith with the people and fulfilled its promise of economy?

The Republican Party, by its fraudulent claims of rigid economy, by the special privileges it has granted to the favored few at the expense of the consumers, and by its failure to bring relief to the basic industry of our country, has betrayed the American people.

The fraud and corruption which found its way into high places under the Harding administration has continued into the present. An Alien Property Custodian stands charged with having peculated to the extent of several hundred thousand dollars in the trust funds under his control, and he and a former Attorney General under the present and former administration are under indictment in the Federal court. The indictments which were found and the civil suits which were brought several years ago against another Cabinet official of the Harding-Coolidge administration and his coconspirators, who are charged with having defrauded the people out of hundreds of millions of dollars in oil, still drag their weary way through the Federal courts without promise of an early disposal. Why is it that these cases have not been pushed to a conclusion and those who are guilty punished?

A commissioner of the District of Columbia, an appointee of the President, has been charged by Members of the House and Senate and by the sworn testimony of numerous witnesses before committees of Congress with having profiteered and preyed to the extent of thousands of dollars upon the unfortunate mentally diseased World War veterans, and yet the President remains inactive and the commissioner continues to hold his high office.

Recently the American people have been startled by the revelation that Republican senatorial nominations are being put upon the auction block. It has been disclosed that $3,000,000 or more was spent in the recent senatorial primary in the State of Pennsylvania, and there are substantial rumors that enormous sums of money were used in another Republican senatorial primary in at least one other State.

Have we in our political life come to the point when the high offices of the Government are to be handed to the highest bidders? It seems so unless the people express their disapproval at the ballot box and rebuke the party whose policies make such things possible. It is easy for the Republican Party to raise large campaign funds every election year. The Democratic Party can not do so because, as was once said by a present-day statesman, it believes neither in subsidies nor in special privileges, and therefore has nothing to sell.

In view of this record of the Republican Party, particularly since it came into power in 1921, a record which patriotic citizens of all parties must condemn, how much longer will the patience of the people endure?

YEA-AND-NAY VOTES IN THE HOUSE OF REPRESENTATIVES

Mr. OLDFIELD. Mr. Speaker, under leave to extend my remarks I submit the following:

NATIONAL PROHIBITION AMENDMENT

Joint resolution

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

[From the CONGRESSIONAL RECORD of December 17, 1917]

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SABATH, Mr. STAFFORD, Mr. NORTON, and Mr. WEBB demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 282, nays 128, not voting 23, as follows:

Yeas, 282: Adamson, Alexander, Almon, Anderson, Anthony, Ashbrook, Aswell, Austin, Ayres, Baer, Bankhead, Barkley, Barnhart, Beakes, Bell, Beshlin, Black, Bland, Booher, Borland, Bowers, Brand, Brodbeck, Browne, Browning, Brumbaugh, Burnett, Burroughs, Butler, Byrnes of South Carolina, Byrns of Tennessee, Campbell of Kansas, Candler of Mississippi, Cannon, Caraway, Carlin, Carter of Massachusetts, Carter of Oklahoma, Clark of Florida, Claypool, Collier, Connally of Texas, Connelly of Kansas, Cooper of Ohio, Cooper of West Virginia, Cooper of Wisconsin, Copley, Costello, Cox, Cramton, Crisp, Currie of Michigan, Dale of Vermont, Dallinger, Darrow, Decker, Dempsey, Denison, Denton, Dickinson, Dill, Dillon, Dixon, Doolittle, Doughton, Dowell, Drane, Dunn, Elliott, Ellsworth, Elston, Emerson, Esch, Evans, Fairfield, Farr, Ferris, Fess, Fields, Fisher, Flood, Focht, Fordney, Foss, Foster, Frear, French, Fuller of Illinois, Fuller of Massachusetts, Gandy, Garrett of Tennessee, Garrett of Texas, Glass, Godwin of North Carolina, Good, Goodall, Gould, Graham of Illinois, Green of Iowa, Gregg, Griest, Hadley, Hamilton of Michigan, Hamilton of New York, Hamlin, Harrison of Mississippi, Harrison of Virginia, Hastings, Haugen, Hawley, Hayden, Helm, Helvering, Hensley, Hersey, Hicks, Hilliard, Holland, Hollingsworth, Hood, Houston, Howard, Hull of Tennessee, Humphreys, Hutchinson, Ireland, Jacoway, James, Johnson of Kentucky, Johnson of South Dakota, Johnson of Washington, Jones of Texas, Jones of Virginia, Kearns, Keating, Kehoe, Kelley of Michigan, Kelly of Pennsylvania, Kennedy of Iowa, Kettner, Kiess of Pennsylvania, Kincheloe, King, Kinkaid, Kitchin, Knutson, Kraus, Kreider, La Follette, Langley, Larsen, Lee of Georgia, Lenroot, Lever, Little, Littlepage, Lobeck, Lundeen, Lunn, McClintic, McCormick, McCulloch, McFadden, McKenzie, McKeown, McKinley, McLaughlin of Michigan, Mapes, Mays, Miller of Minnesota, Mondell, Montague, Moon, Moores of Indiana, Morgan, Mott, Nelson, Nicholls of South Carolina, Norton, Oldfield, Oliver of Alabama, Olney, Osborne, Overstreet, Padgett, Paige, Park, Parker of New York, Peters, Platt, Polk, Powers, Pratt, Price, Purnell, Quin, Ragsdale, Rainey, Raker, Ramseyer, Randall, Rankin, Rayburn, Reavis, Reed, Robbins, Robinson, Romjue, Rose, Rowe, Rowland, Rubey, Rucker, Russell, Sanders of Indiana, Sanders of Louisiana, Sanders of New York, Saunders of Virginia, Schall, Scott of Iowa, Scott of Michigan, Sears, Sells, Shackleford, Shallenberger, Shouse, Sims, Sinnott, Sisson, Slemp, Sloan, Smith of Idaho, Smith of Michigan, Snell, Snook, Steagall, Stedman, Steenerson, Stephens of Mississippi, Sterling of Illinois, Sterling of Pennsylvania, Stevenson, Stiness, Strong, Sumners, Sweet, Switzer, Taylor of Arkansas, Temple, Thomas, Thompson, Tillman, Timberlake, Towner, Treadway, Venable, Vestal, Vinson, Volstead, Walker, Walton, Wason, Watkins, Watson of Virginia, Weaver, Webb, Welling, Whaley, Wheeler, White of Maine, White of Ohio, Williams, Wilson of Illinois, Wilson of Louisiana, Wingo, Wise, Wood of Indiana, Woods of Iowa, Woodyard, Young of North Dakota, Young of Texas, and Zihlman.

Nays, 128: Bacharach, Blackmon, Britten, Bruckner, Buchanan, Caldwell, Campbell of Pennsylvania, Cantrill, Carew, Cary, Chandler of New York, Church, Clark of Pennsylvania, Classon, Coady, Crago, Crosser, Dale of New York, Davidson, Davis, Dent, Dewalt, Dies, Dominick, Dooling, Doremus, Drukker, Dupré, Dyer, Eagan, Edmonds, Estopinal, B. L. Fairchild, Fitzgerald, Flynn, Francis, Freeman, Gallagher, Gard, Garland, Garner, Gillett, Glynn, Gordon, Graham of Pennsylvania, Gray of Alabama, Gray of New Jersey, Greene of Massachusetts, Greene of Vermont, Griffin, Hamill, Hardy, Haskell, Heaton, Heflin, Huddleston, Hulbert, Hull of Iowa, Igoe, Juul, Kahn, Kennedy of Rhode Island, Key of Ohio, Lazaro, Lea of California, Lehlbach, Lesher, Linthicum, London, Lonergan, Longworth, Lufkin, McAndrews, McArthur, McLaughlin of Pennsylvania, McLemore, Madden, Magee, Maher, Mansfield, Martin, Mecker, Merritt, Moore of Pennsylvania, Morin, Mudd, Nichols of Michigan, Nolan, Oliver of New York, O'Shaunessy, Overmyer, Parker of New Jersey, Phelan, Porter, Pou, Ramsey, Riordan, Roberts, Rodenberg, Rouse, Sabath, Sanford, Scott of Pennsylvania, Sherley, Sherwood, Siegel, Slayden, Small, C. B. Smith, T. F. Smith, Snyder, Stafford, Steele, Sullivan, Swift, Talbott, Templeton, Tilson, Van Dyke, Vare, Voigt, Waldow, Walsh, Ward, Watson of Pennsylvania, Welty, Wilson of Texas, and Winslow.

Not voting, 23: Bathrick, Blanton, Capstick, Chandler of Oklahoma, Curry of California, Eagle, G. W. Fairchild, Gallivan, Goodwin of Arkansas, Hayes, Heintz, Husted, LaGuardia, Mann, Mason, Miller of Washington, Neely, Rogers, Scully, Stephens of Nebraska, Tague, Taylor of Colorado, and Tinkham.

So (two-thirds having voted in the affirmative) the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Goodwin of Arkansas and Mr. Miller of Washington (for) with Mr. Tague (against).

Mr. Neely and Mr. Stephens of Nebraska (for) with Mr. Gallivan (against).

Mr. Taylor of Colorado and Mr. George W. Fairchild (for) with Mr. Curry of California (against).

The result of the vote was announced as above recorded.

Mr. MORGAN rose.

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. MORGAN. I desire to make a statement relative to my colleague, Mr. CHANDLER. I understand that he left the city, believing that he had a pair, but that through some misunderstanding the pair has been declared off. If he were present, he would have voted for the resolution.

Mr. NORTON rose.

The SPEAKER. For what purpose does the gentleman from North Dakota rise?

Mr. NORTON. I move that the vote by which the resolution was carried be reconsidered and that that motion be laid on the table.

Mr. WEBB rose.

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. WEBB. If under the rules it is necessary or permissible, I would like to make a motion to reconsider the vote and to lay that motion on the table.

The SPEAKER. If there be no objection, the motion will be agreed to.

There was no objection.

Mr. NORTON. I made the same motion.

Mr. EAGAN. Mr. Speaker, I would like to make a statement in regard to my colleague, Mr. SCULLY. He was unavoidably detained. If present, he would have voted against the resolution.

Mr. BROWNING. Mr. Speaker, my colleague, Mr. CAPSTICK, telegraphed me this morning to pair him against this resolution. We were unable to get a pair.

Mr. COOPER of West Virginia. Mr. Speaker, my colleague, Mr. NEELY, was unavoidably detained. If he had been present, he would have voted "yea."

Mr. SIEGEL. Mr. Speaker, I desire to announce that if my colleague, Mr. LAGUARDIA, had been present, he would have voted "no" on the resolution.

Mr. HARRISON of Mississippi. Mr. Speaker, I had a telephone message from the gentleman from Massachusetts, Mr. GALLIVAN, asking me to state to the House that if he were present he would have voted "nay" on the resolution.

WOMAN SUFFRAGE AMENDMENT

Joint resolution proposing an amendment to the Constitution extending the right of suffrage to women

[From the CONGRESSIONAL RECORD of May 21, 1919]

The SPEAKER. The question is on the adoption of the joint resolution.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The yeas and nays were taken; and there were—yeas 304, nays 89, answered "present" 1, not voting 34, as follows:

[Roll No. 31]

Yeas, 304: Ackerman, Alexander, Anderson, Andrews of Maryland, Andrews of Nebraska, Anthony, Ashbrook, Aswell, Ayres, Babka, Bacharach, Baer, Barbour, Barkley, Bee, Begg, Benham, Bland of Indiana, Bland of Missouri, Blanton, Boies, Booher, Bowers, Box, Briggs, Britten, Brooks of Illinois, Browne, Burdick, Burroughs, Butler, Byrns of Tennessee, Campbell of Kansas, Campbell of Pennsylvania, Cannon, Cantrill, Carew, Carss, Carter, Casey, Chindblom, Christopherson, Clark of Missouri, Classon, Cleary, Cole, Cooper, Copley, Costello, Cramton, Crowther, Cullen, Currie of Michigan, Curry of California, Dallinger, Darrow, Davey, Davis of Minnesota, Davis of Tennessee, Dempsey, Denison, Dickinson of Iowa, Dickinson of Missouri, Donovan, Dowell, Drane, Dunbar, Dyer, Eagan, Echols, Elliott, Ellsworth, Elston, Emerson, Esch, Evans of Montana, Evans of Nebraska, Evans of Nevada, Fairfield, Ferris, Fess, Fields, Fisher, Fitzgerald, Fordney, Foster, Frear, Freeman, French, Fuller of Illinois, Fuller of Massachusetts, Gallagher, Gandy, Ganly, Godwin of North Carolina, Goldfogle, Good, Goodall, Goodwin of Arkansas, Goodykoontz, Graham of Illinois, Green of Iowa, Griest, Griffin, Hadley, Hamilton, Hardy of Colorado, Haskell, Hastings, Haugen, Hawley, Hayden, Hays, Hernandez, Hersey, Hersman, Hickey, Hicks, Hill, Hoch, Houghton, Howard, Hudspeth, Hulings, Husted, Hutchinson, Igoe, Ireland, Jacoway, Jefferis, Johnson of Kentucky, Johnson of South Dakota, Johnson of Washington, Johnston of New York, Jones of Pennsylvania, Jones of Texas, Juul, Kearns, Kelley of Michigan, Kendall, Kennedy of Iowa, Kennedy of Rhode Island, Kettner, Kiess, Kincheloe, King, Kinkaid, Kleczka, Knutson, Kraus, LaGuardia, Langley, Lanham, Layton, Lea of California, Lehlbach, Linthicum, Little, Lonergan, Longworth, Lufkin, Luhring, McAndrews, McArthur, McClintic, McCulloch, McFadden, McGlennon, McKenzie, McKeown, McKinley, McKinley, McLane, McLaughlin of Michigan, McLaughlin of Nebraska, MacCrate, MacGregor, Madden, Magee, Maher, Major, Mann, Mapes, Mason, Mays, Mead, Merritt, Michener, Miller, Minahan of New Jersey, Monahan of Wisconsin, Mondell, Mooney, Moore of Ohio, Moores of Indiana, Morgan, Mott, Murphy, Neely, Nelson of Missouri, Nelson of Wisconsin, Newton of Minnesota, Newton of Missouri; Nichols of Michigan, Nolan, O'Connell, Ogden, Oldfield, Oliver, Osborne, Padgett, Parker, Parrish, Pell, Peters, Phelan, Platt, Porter, Purnell, H. T. Rainey, J. W. Rainey, Raker, Ramseyer, Randall of California, Randall of Wisconsin, Reavis, Reber, Reed of New York, Reed of West Virginia, Rhodes, Ricketts, Riddick, Robsion of Kentucky, Rodenberg, Rogers, Romjue, Rose, Rowan, Rowe, Rubey, Rucker, Sabath, Sanders of Indiana, Sanford, Schall, Scott, Sears, Sells, Sherwood, Shreve, Siegel, Sims, Sinclair, Sinnott, Slemp, Smith of Illinois, Smith of Michigan, Smith of New York, Smithwick, Snyder, Steenerson, Stiness, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Sumners of Texas, Sweet, Taylor of Arkansas, Taylor of Colorado, Taylor of Tennessee, Temple, Thomas, Thompson of Ohio, Tillman, Timberlake, Tincher, Towner, Treadway, Upshaw, Valle, Vare, Vestal, Volstead, Walters, Ward, Wason, Weaver, Webster, Welling, Welty, Wheeler, White of Kansas, White of Maine, Williams, Wilson of Illinois, Wilson of Pennsylvania, Wingo, Winslow, Wood of Indiana, Woodyard, Yates, Young of North Dakota, Young of Texas, and Zihlman.

Nays, 89: Almon, Bankhead, Bell, Benson, Black, Blackmon, Bland of Virginia, Brand, Brinson, Brooks of Pennsylvania, Browning, Buchanan, Byrnes of South Carolina, Candler, Clark of Florida, Condy, Collier, Crisp, Dent, Dewalt, Dominick, Doremus, Doughton, Dunn, Eagle, Flood, Focht, Gard, Garland, Garner, Garrett, Greene of Massachusetts, Hardy of Texas, Harrison, Heflin, Holland, Hull of Iowa, Hull of Tennessee, Johnson of Mississippi, Kitchin, Lampert, Lankford, Lazaro, Lesher, Lever, Luce, McDuffie, Mansfield, Martin, Montague, Moon, Moore of Pennsylvania, Mudd, Nicholls of South Carolina, Overstreet, Paige, Park, Pou, Ragsdale, Rayburn, Riordan, Robinson of North Carolina, Rouse, Sanders of Louisiana, Sanders of New York, Saunders of Virginia, Sisson, Small, Steagall, Stedman, Steele, Stephens of Mississippi, Stephens of Ohio, Stevenson, Tilson, Tinkham, Venable, Vinson, Voigt, Walsh, Watkins, Watson of Pennsylvania, Watson of Virginia, Webb, Whaley, Wilson of Louisiana, Wise, Woods of Virginia, and Wright.

Answered "present," 1: Greene of Vermont.

Not voting, 34: Brumbaugh, Burke, Caldwell, Caraway, Connally, Crago, Dale, Dooling, Dupré, Edmonds, Gallivan, Glynn, Gould, Graham of Pennsylvania, Hamill, Huddleston, Humphreys, James, Kahn, Kelly of Pennsylvania, Kreider, Larsen, Lee of Georgia, McPherson, Morin, Olney, Quin, Radcliffe, Ramsey, Scully, Smith of Idaho, Snell, Sullivan, and Thompson of Oklahoma.

So, two-thirds having voted in favor thereof, the resolution was agreed to.

The Clerk announced the following pairs.

On this vote:

Mr. Graham of Pennsylvania and Mr. Sullivan (for) with Mr. Greene of Vermont (against).

Mr. Scully and Mr. Snell (for) with Mr. Ramsey (against).

Until further notice:

Mr. Dooling with Mr. McPherson.

Mr. Gallivan with Mr. Kelly of Pennsylvania.

Mr. DYER. Mr. Speaker, my colleague, Mr. MCPHERSON, is unavoidably absent to-day. If he were here, he would vote in favor of this resolution.

The result of the vote was announced as above recorded.

On motion of Mr. MANN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

PROHIBITION ENFORCEMENT LAW

(Volstead Act)

Prohibits the manufacture and sale of intoxicating beverages and provides for the regulation of the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes and for insuring an ample supply of alcohol and to promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

[From the CONGRESSIONAL RECORD of July 22, 1919]

PROHIBITION

The SPEAKER. The Chair places before the House the bill H. R. 6810, the prohibition enforcement bill, on which the previous question has been ordered and which has been ordered to be engrossed and read a third time. The question is on the third reading of the bill.

Mr. CLARK of Missouri. Mr. Speaker, did not some statesman over on that side demand the reading of the engrossed copy?

The SPEAKER. The demand was made last night.

Mr. CLARK of Missouri. I know it was, and it has never been complied with.

The SPEAKER. The Chair considers that the request is not now pending. Anybody can make the request now if he wishes to do so.

Mr. CLARK of Missouri. I do not wish to do so, but I wanted to know what became of that request.

The SPEAKER. The Chair thinks it died with the session, but anybody can make the demand now if he wishes to do so.

The question is on the third reading of the bill.

The bill was read a third time.

Mr. IGOE. Mr. Speaker, I offer a motion to recommit, and on that I move the previous question.

The SPEAKER. Is the gentleman from Missouri opposed to the bill?

Mr. IGOE. Yes, sir.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

"Mr. IGOE moves to recommit the bill H. R. 6810 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

"'That whoever, on or after the date when the eighteenth amendment to the Constitution of the United States goes into effect, shall knowingly manufacture, sell, or transport within the United States, or import into the United States or export from the United States, any intoxicating liquor for beverage purposes shall be fined not more than $500 or imprisoned not more than one year, or both, and for a second or subsequent offense shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"'SEC. 2. That the Commissioner of Internal Revenue, his assistants, agents, and inspectors, shall investigate and report violations of this act to the United States attorney for the district in which committed, who is hereby charged with the duty of prosecuting the offenders, subject to the direction of the Attorney General, as in the case of other offenses against the laws of the United States; and the Commissioner of Internal Revenue, his assistants, agents, and inspectors, may swear out warrants before the United States commissioners or other officers of courts authorized to issue the same for the apprehension of such offenders. Section 1014 of the Revised Statutes of the United States is hereby made applicable in the enforcement of this act.

"'SEC. 3. That the Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks, and other employees as they may deem necessary for the enforcement of the provisions of this act, and there is hereby authorized to be appropriated such sums as may be required for the enforcement of this act.'"

The SPEAKER. On the foregoing motion the gentleman moves the previous question.

The previous question was ordered.

Mr. IGOE. Mr. Speaker, I demand the yeas and nays on the motion to recommit.

The SPEAKER. The gentleman from Missouri demands the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 256, answered "present" 2, not voting 35, as follows:

Yeas, 137: Ackerman, Babka, Bacharach, Bee, Benson, Blackmon, Bland of Missouri, Booher, Britten, Brooks of Pennsylvania, Browning, Buchanan, Burdick, Burke, Campbell of Pennsylvania, Cannon, Carew, Casey, Clark of Missouri, Classon, Cleary, Coady, Crago, Cullen, Curry of California, Denison, Dent, Dewalt, Donovan, Dooling, Doremus,

Dupré, Dyer, Eagan, Eagle, Edmonds, Elston, Fitzgerald, Freeman, Gallagher, Gallivan, Ganly, Gard, Garland, Garner, Glynn, Goldfogle, Graham of Pennsylvania, Greene of Massachusetts, Greene of Vermont, Griffin, Haskell, Hays, Hull of Iowa, Humphreys, Husted, Igoe, Jefferis, Johnston of New York, Juul, Kahn, Kennedy of Rhode Island, Kleczka, LaGuardia, Lampert, Lazaro, Lea of California, Lehlbach, Linthicum, Lonergan, Longworth, Lufkin, McAndrews, McArthur, McDuffie, McGlennon, McKiniry, McLane, McPherson, MacCrate, MacGregor, Madden, Magee, Maher, Mann, Mansfield, Martin, Mead, Merritt, Minahan of New Jersey, Moon, Mooney, Moore of Pennsylvania, Morin, Mudd, Newton of Missouri, Nichols of Michigan, Nolan, O'Connell, O'Connor, Ogden, Olney, Paige, Pell, Phelan, Platt, Porter, Pou, Radcliffe, J. W. Rainey, Ramsey, Randall of Wisconsin, Reber, Riordan, Rodenberg, Rogers, Rowan, Sabath, Sanford, Sherwood, Siegel, Small, Smith of New York, Snyder, Steele, Stephens of Ohio, Sullivan, Tinkham, Treadway, Vare, Voigt, Walsh, Ward, Watson of Pennsylvania, Welty, Wilson of Pennsylvania, and Winslow.

Nays, 256: Alexander, Almon, Anderson, Andrews of Maryland, Andrews of Nebraska, Anthony, Aswell, Ayres, Baer, Bankhead, Barbour, Barkley, Begg, Bell, Benham, Black, Bland of Indiana, Bland of Virginia, Blanton, Boies, Bowers, Box, Brand, Briggs, Brinson, Brooks of Illinois, Brumbaugh, Burroughs, Butler, Byrnes of South Carolina, Byrns of Tennessee, Campbell of Kansas, Candler, Cantrill, Caraway, Carss, Carter, Chindblom, Christopherson, Clark of Florida, Cole, Collier, Connally, Cooper, Copley, Crisp, Crowther, Currie of Michigan, Dale, Dallinger, Darrow, Davey, Davis of Minnesota, Davis of Tennessee, Dempsey, Dickinson of Missouri, Dickinson of Iowa, Dominick, Dowell, Drane, Dunbar, Dunn, Elliott, Ellsworth, Emerson, Esch, Evans of Montana, Evans of Nebraska, Evans of Nevada, Ferris, Fess, Fields, Fisher, Flood, Fordney, Foster, Frear, French, Fuller of Illinois, Fuller of Massachusetts, Gandy, Garrett, Good, Goodwin of Arkansas, Gould, Graham of Illinois, Green of Iowa, Hadley, Hardy of Colorado, Hastings, Haugen, Hawley, Hayden, Heflin, Hernandez, Hersey, Hersman, Hickey, Hill, Hoch, Holland, Houghton, Howard, Huddleston, Hudspeth, Hulings, Jacoway, James, Johnson of Kentucky, Johnson of Mississippi, Johnson of South Dakota, Johnson of Washington, Jones of Texas, Kearns, Kelley of Michigan, Kelly of Pennsylvania, Kendall, Kennedy of Iowa, Kiess, Kincheloe, Kinkaid, Kitchin, Knutson, Kraus, Kreider, Langley, Lanham, Lankford, Larsen, Layton, Little, Luce, Luhring, McCulloch, McFadden, McKenzie, McKeown, McKinley, McLaughlin of Michigan, McLaughlin of Nebraska, Major, Mapes, Mays, Michener, Miller, Monahan of Wisconsin, Mondell, Montague, Moore of Ohio, Moore of Virginia, Moores of Indiana, Morgan, Mott, Murphy, Nelson of Missouri, Nelson of Wisconsin, Newton of Minnesota, Nicholls of South Carolina, Oldfield, Oliver, Osborne, Overstreet, Padgett, Park, Parker, Parrish, Peters, Quin, Ragsdale, H. T. Rainey, Raker, Ramseyer, Randall of California, Rayburn, Reavis, Reed of New York, Reed of West Virginia, Rhodes, Ricketts, Riddick, Robinson of North Carolina, Robsion of Kentucky, Romjue, Rose, Rowe, Rubey, Rucker, Sanders of Indiana, Sanders of Louisiana, Sanders of New York, Saunders of Virginia, Schall, Scott, Sears, Sells, Shreve, Sims, Sinclair, Sinnott, Smith of Idaho, Smith of Illinois, Smith of Michigan, Smithwick, Snell, Steagall, Stedman, Steenerson, Stephens of Mississippi, Stevenson, Stiness, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Sumners of Texas, Sweet, Taylor of Colorado, Taylor of Tennessee, Temple, Thomas, Thompson of Ohio, Thompson of Oklahoma, Tillman, Timberlake, Tincher, Towner, Upshaw, Vaile, Venable, Vestal, Vinson, Volstead, Walters, Wason, Watkins, Watson of Virginia, Weaver, Webb, Webster, Welling, Whaley, Wheeler, White of Kansas, White of Maine, Williams, Wilson of Illinois, Wilson of Louisiana, Wingo, Wise, Wood of Indiana, Woods of Virginia, Woodyard, Wright, Yates, Young of North Dakota, Young of Texas, and Zihlman.

Answered "present" 2: Costello and Hardy of Texas.

Not voting, 35: Ashbrook, Browne, Caldwell, Cramton, Doughton, Echols, Fairfield, Focht, Godwin of North Carolina, Goodall, Goodykoontz, Griest, Hamill, Hamilton, Harrison, Hicks, Hull of Tennessee, Hutchinson, Ireland, Jones of Pennsylvania, Kettner, King, Lee of Georgia, Lesher, Lever, McClintic, Mason, Neely, Purnell, Rouse, Scully, Sisson, Slemp, Taylor of Arkansas, and Tilson.

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. Scully (for) with Mr. Hutchinson (against).

Mr. Crago (for) with Mr. Jones of Pennsylvania (against).

Mr. Hardy of Texas (for) with Mr. Doughton (against).

Mr. Hamill (for) with Mr. Ireland (against).

Mr. Caldwell (for) with Mr. Taylor of Arkansas (against).

Mr. CRAMTON. Mr. Speaker I would like to vote "no."

The SPEAKER. Was the gentleman in the Hall, listening?

Mr. CRAMTON. I was in the front row of seats, and did not hear my name called.

The SPEAKER. The Chair wishes the gentleman to answer that question.

Mr. CRAMTON. I can not say how particularly or how closely I was listening

The SPEAKER. Was the gentleman listening?

Mr. CRAMTON. I could not say as to how closely I was listening.

The SPEAKER. The Chair must leave it to the gentleman to qualify himself.

Mr. CRAMTON. I was in the Hall, in the front row of seats, and failed to hear my name called.

The SPEAKER. Unless the gentleman can answer the question in the affirmative, he can not vote.

Mr. CRAGO. Mr. Speaker, I have a pair with my colleague from Pennsylvania, Mr. Jones. Mr. Jones is in favor of this bill and wanted to vote for it, but is unavoidably absent. I take it that he would have voted against the motion to recommit. Therefore I wish to change my vote from "aye" to "present" and have myself recorded as paired with Mr. Jones on this and following questions.

Mr. KNUTSON. Mr. Speaker, I wish to vote "nay."

The SPEAKER. Was the gentleman in the Hall, listening, when his name was called?

Mr. KNUTSON. I thought my name was called and started to answer, and they had gone on beyond.

The SPEAKER. The rule is very clear. If the gentleman answers in the affirmative, he can vote.

Mr. KNUTSON. I would like to ask the Speaker under what provision of the Constitution my district is to be deprived of a vote?

The SPEAKER. That is not a proper question. Was the gentleman in the Hall, listening?

Mr. KNUTSON. I was.

The SPEAKER. Then the gentleman can vote.

The Clerk called the name of Mr. KNUTSON, and he voted in the negative.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas asks for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the passage of the bill will, when their names are called, answer "aye"; those opposed will answer "no."

The question was taken; and there were—yeas 287, nays 100, answered "present" 3, not voting 40, as follows:

Yeas, 287: Ackerman, Alexander, Almon, Anderson, Andrews of Maryland, Andrews of Nebraska, Anthony, Aswell, Ayres, Baer, Bankhead, Barbour, Barkley, Begg, Bell, Benham, Benson, Bland of Indiana, Bland of Missouri, Bland of Virginia, Blanton, Boies, Bowers, Box, Brand, Briggs, Brinson, Brooks of Illinois, Browning, Brumbaugh, Burroughs, Butler, Byrnes of South Carolina, Byrns of Tennessee, Campbell of Kansas, Candler, Cannon, Cantrill, Caraway, Carss, Carter, Chindblom, Christopherson, Clark of Florida, Clark of Missouri, Classon, Cole, Collier, Connally, Cooper, Copley, Costello, Cramton, Crisp, Crowther, Currie of Michigan, Dale, Dallinger, Darrow, Davey, Davis of Minnesota, Davis of Tennessee, Dempsey, Denison, Dickinson of Missouri, Dickinson of Iowa, Dominick, Doremus, Dowell, Drane, Dunbar, Dunn, Eagle, Elliott, Ellsworth, Elston, Emerson, Esch, Evans of Montana, Evans of Nebraska, Evans of Nevada, Ferris, Fess, Fields, Fisher, Flood, Fordney, Foster, Frear, French, Fuller of Illinois, Fuller of Massachusetts, Gandy, Garner, Garrett, Good, Goodwin of Arkansas, Gould, Graham of Illinois, Green of Iowa, Greene of Massachusetts, Greene of Vermont, Hadley, Hardy of Colorado, Hastings, Haugen, Hawley, Hayden, Hays, Heflin, Hernandez, Hersey, Hersman, Hickey, Hill, Hoch, Holland, Houghton, Howard, Huddleston, Hudspeth, Hulings, Jacoway, James, Johnson of Kentucky, Johnson of Mississippi, Johnson of South Dakota, Johnson of Washington, Jones of Texas, Kearns, Kelley of Michigan, Kelly of Pennsylvania, Kendall, Kennedy of Iowa, Kiess, Kincheloe, Kinkaid, Kitchin, Knutson, Kraus, Kreider, Langley, Lanham, Lankford, Larsen, Layton, Little, Luce, Lufkin, Luhring, McCulloch, McDuffie, McFadden, McKenzie, McKeown, McKinley, McLaughlin of Michigan, McLaughlin of Nebraska, McPherson, MacGregor, Magee, Major, Mansfield, Mapes, Mays, Michener, Miller, Monahan of Wisconsin, Mondell, Montague, Moore of Ohio, Moore of Virginia, Moores of Indiana, Morgan, Mott, Murphy, Nelson of Missouri, Nelson of Wisconsin, Newton of Minnesota, Nicholls of South Carolina, Nichols of Michigan, Oldfield, Oliver, Olney, Osborne, Overstreet, Padgett, Paige, Park, Parker, Parrish, Peters, Platt, Quin, Ragsdale, Rainey, H. T., Raker, Ramseyer, Randall of California, Randall of Wisconsin, Rayburn, Reavis, Reed of New York, Reed of West Virginia, Rhodes, Ricketts, Riddick, Robinson of North Carolina, Robsion of Kentucky, Rogers, Romjue, Rose, Rowe, Rubey, Rucker, Sanders of Indiana, Sanders of Louisiana, Sanders of New York, Saunders of Virginia, Schall, Scott, Sears, Sells, Shreve, Sims, Sinclair, Sinnott, Smith of Idaho, Smith of Illinois, Smith of Michigan, Smithwick, Snell, Steagall, Stedman, Steenerson, Stephens of Mississippi, Stevenson, Stiness, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Sumners of Texas, Sweet, Taylor of Colorado, Taylor of Tennessee, Temple, Thomas, Thompson of Ohio, Thompson of Oklahoma, Tillman, Timberlake, Tincher, Towner, Treadway, Upshaw, Vaile, Venable, Vestal, Vinson, Volstead, Walters, Wason, Watkins, Watson of Virginia, Weaver, Webb, Webster, Welty, Whaley, Wheeler, White of Kansas, White of Maine, Williams, Wilson of Illinois, Wilson of Louisiana, Wilson of Pennsylvania, Wingo, Winslow, Wise, Wood of

Indiana, Woods of Virginia, Woodyard, Wright, Yates, Young of North Dakota, Young of Texas, and Zihlman.

Nays 100: Babka, Bacharach, Bee, Blackmon, Britten, Buchanan, Burdick, Burke, Carew, Casey, Cleary, Coady, Cullen, Curry of California, Dent, Dewalt, Donovan, Dooling, Dupré, Dyer, Eagan, Edmonds, Fitzgerald, Freeman, Gallagher, Gallivan, Ganly, Gard, Garland, Glynn, Goldfogle, Griffin, Haskell, Hull of Iowa, Humphreys, Husted, Igoe, Jefferis, Johnston of New York, Juul, Kahn, Kennedy of Rhode Island, Kleczka, LaGuardia, Lampert, Lazaro, Lea of California, Lehlbach, Linthicum, Lonergan, Longworth, McAndrews, McArthur, McGlennon, McKinley, McLane, MacCrate, Madden, Maher, Mann, Martin, Mead, Merritt, Minahan of New Jersey, Mooney, Moore of Pennsylvania, Morin, Mudd, Newton of Missouri, Nolan, O'Connell, O'Connor, Ogden, Pell, Phelan, Porter, Pou, Radcliffe, J. W. Rainey, Ramsey, Reber, Riordan, Rodenberg, Rowan, Sabath, Sanford, Sherwood, Siegel, Small, Smith of New York, Snyder, Steele, Stephens of Ohio, Sullivan, Tinkham, Vare, Voigt, Walsh, Ward, and Watson of Pennsylvania.

Answered "present" 3: Booher, Crago, and Graham of Pennsylvania.

Not voting 40: Ashbrook, Black, Brooks of Pennsylvania, Browne, Caldwell, Campbell of Pennsylvania, Doughton, Echols, Fairfield, Focht, Godwin of North Carolina, Goodall, Goodykoontz, Griest, Hamill, Hamilton, Hardy of Texas, Harrison, Hicks, Hull of Tennessee, Hutchinson, Ireland, Jones of Pennsylvania, Kettner, King, Lee of Georgia, Lesher, Lever, McClintic, Mason, Moon, Neely, Purnell, Rouse, Scully, Sisson, Slemp, Taylor of Arkansas, Tilson, and Welling.

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Ashbrook (for) with Mr. Merritt (against).

Mr. Taylor of Arkansas (for) with Mr. Caldwell (against).

Mr. Ireland (for) with Mr. Hamill (against).

Mr. Hutchinson (for) with Mr. Scully (against).

Mr. Jones of Pennsylvania (for) with Mr. Crago (against).

Mr. Doughton (for) with Mr. Hardy of Texas (against).

The result of the vote was announced as above recorded.

The announcement of the vote was received with applause.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSPORTATION ACT, 1920

(The Esch-Cummins bill)

Provides for termination of Federal control of railroads and systems of transportation and for the settlement of disputes between carriers and their employees; empowers Interstate Commerce Commission to establish rates which will earn a fair return upon the aggregate value of the railway property of such carriers under honest, efficient, and economical management. Included a guaranty of 5½ to 5¾ per cent of aggregate value from March 1, 1920, to March 1, 1922.

[From the CONGRESSIONAL RECORD of November 17, 1919]

The SPEAKER. The question is on the passage of the bill.

Mr. ESCH and Mr. BLANTON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 204, nays 161, not voting 67, as follows:

Yeas, 204: Anderson, Andrews of Nebraska, Bacharach, Barbour, Barkley, Begg, Benson, Black, Bland of Indiana, Bowers, Brand, Brooks of Illinois, Brooks of Pennsylvania, Browning, Burdick, Burke, Burroughs, Butler, Campbell of Kansas, Cannon, Cantrill, Chindblom, Christopherson, Clark of Florida, Cleary, Coady, Cole, Cooper, Coplay, Costello, Crago, Crisp, Crowther, Curry of California, Dale, Dallinger, Darrow, Denison, Dickinson of Iowa, Donovan, Dowell, Dunbar, Dupré, Echols, Elliott, Esch, Evans of Nebraska, Fess, Fields, Flood, Focht, Foster, Freeman, French, Fuller of Massachusetts, Glynn, Goodykoontz, Gould, Graham of Illinois, Green of Iowa, Greene of Massachusetts, Greene of Vermont, Griest, Hadley, Hamilton, Hardy of Colorado, Harrison, Hawley, Hays, Hernandez, Hersey, Hickey, Hicks, Hill, Hoch, Holland, Houghton, Hulings, Hull of Iowa, Humphreys, Husted, Hutchinson, Ireland, Jefferis, Johnson of South Dakota, Johnson of Washington, Jones of Pennsylvania, Kearns, Kelley of Michigan, Kendall, Kennedy of Rhode Island, Kiess, Kincheloe, Kinkaid, Kraus, Langley, Layton, Lehlbach, Linthicum, Little, Lonergan, Longworth, Lufkin, Luhring, McArthur, McCulloch, McFadden, McKinley, McLaughlin of Nebraska, McPherson, MacCrate, MacGregor, Madden, Magee, Mann of Illinois, Mapes, Merritt, Michener, Miller, Monahan of Wisconsin, Mondell, Montague, Moore of Ohio, Morgan, Morin, Mott, Mudd, Murphy, Nelson of Wisconsin, Newton of Minnesota, Newton of Missouri, Ogden, Olney, Osborne, Paige, Park, Parker, Pell, Phelan, Platt, Porter, Purnell, Radcliffe, Ramsey, Ramseyer, Randall of Wisconsin, Rayburn, Reber, Reed of West Virginia, Ricketts, Robsion of Kentucky, Rodenberg, Rogers, Rose, Rowe, Sanders of Indiana, Sanders of New York, Saunders of Virginia, Scott, Sells, Siegel, Sinnott, Slemp, Small, Smith of Idaho, Smith of Illinois, Smith of Michigan, Snell, Snyder, Steenerson, Stephens of Ohio, Stiness, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Sweet, Swope, Taylor of Tennessee, Temple, Thompson, Tilson, Timberlake, Tinkham, Towner, Treadway, Vaile, Vare, Venable, Vestal, Volstead, Walsh, Walters, Wason, Watson of Pennsylvania, Wheeler, White of Kansas, White of Maine, Williams, Wilson of Illinois, Winslow, Wood of Indiana, Woods of Virginia, Yates, and Zihlman.

Nays, 161: Alexander, Almon, Aswell, Ayres, Babka, Baer, Bankhead, Bee, Blackmon, Bland of Missouri, Bland of Virginia, Blanton, Box, Briggs, Brinson, Browne, Buchanan, Byrnes of South Carolina, Byrns of Tennessee, Caldwell, Campbell of Pennsylvania, Candler, Caraway, Carew, Carss, Casey, Clark of Missouri, Classon, Collier, Connally, Cramton, Cullen, Davey, Davis of Tennessee, Dent, Dewalt, Dickinson of Missouri, Dominick, Dooling, Doremus, Doughton, Eagan, Eagle, Ellsworth, Emerson, Evans of Montana, Evans of Nevada, Fisher, Frear, Gallagher, Gallivan, Ganly, Gard, Garrett, Goldfogle, Goodwin of Arkansas, Griffin, Hamill, Hardy of Texas, Haskell, Hastings, Haugen, Hayden, Heflin, Hersman, Howard, Huddleston, Hudspeth, Hull of Tennessee, Igoe, James, Johnson of Mississippi, Johnston of New York, Jones of Texas, Keller, Kelly of Pennsylvania, King, Kitchin, Kleczka, Knutson, LaGuardia, Lampert, Lanham, Lankford, Larsen, Lazaro, Lea of California, Lesher, McAndrews, McClintic, McDuffie, McGlennon, McKinley, McLane, Maher, Mann of South Carolina, Mansfield, Martin, Mays, Mead, Minahan of New Jersey, Mooney, Moore of Virginia, Nelson of Missouri, Nicholls of South Carolina, Nichols of Michigan, Nolan, O'Connell, O'Connor, Oldfield, Oliver, Overstreet, Padgett, Parrish, Pou, Quin, Rainey of Alabama, H. T. Rainey, J. W. Rainey, Raker, Randall of California, Riordan, Robinson of North Carolina, Romjue, Rouse, Rowan, Rubey, Rucker, Sabath, Sanders of Louisiana, Schall, Sears, Sims, Sisson, Smith of New York, Smithwick, Steagall, Stedman, Steele, Stevenson, Sullivan, Sumners of Texas, Tague, Taylor of Colorado, Thomas, Tillman, Vinson, Voigt, Watkins, Watson of Virginia, Weaver, Webster, Welling, Welty, Whaley, Wilson of Louisiana, Wilson of Pennsylvania, Wingo, Wise, Young of North Dakota, and Young of Texas.

Not voting, 67: Ackerman, Andrews of Maryland, Anthony, Ashbrook, Bell, Benham, Boies, Booher, Britten, Brumbaugh, Carter, Currie of Michigan, Davis of Minnesota, Dempsey, Drane, Dunn, Dyer, Edmonds, Elston, Fairfield, Ferris, Fordney, Fuller of Illinois, Gandy, Garland, Garner, Godwin of North Carolina, Good, Goodall, Graham of Pennsylvania, Harreld, Jacoway, Johnson of Kentucky, Juul, Kahn, Kennedy of Iowa, Kettner, Kreider, Lee of Georgia, Luce, McKenzie, McKeown, McLaughlin of Michigan, Major, Mason, Moon, Moore of Pennsylvania, Moores of Indiana, Neely, Peters, Reavis, Reed of New York, Rhodes, Riddick, Sanford, Scully, Sherwood, Shreve, Sinclair, Stephens of Mississippi, Stoll, Taylor of Arkansas, Tincher, Upshaw, Ward, Woodward, and Wright.

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. McKenzie (for) with Mr. Sinclair (against).

Mr. Shreve (for) with Mr. Sherwood (against).

Mr. Graham of Pennsylvania (for) with Mr. Upshaw (against).

Mr. Currie of Michigan (for) with Mr. McKeown (against).

Until further notice:

Mr. Reavis with Mr. Stoll.

Mr. McLaughlin of Michigan with Mr. Jacoway.

Mr. SANFORD. Mr. Speaker, I wish to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. SANFORD. I was on the other side of the threshold, within hearing of the voice of the Clerk, and immediately thereafter I returned; and I insist on my constitutional right to have my district recorded in favor of this bill, the rulings of the House to the contrary notwithstanding.

The SPEAKER. The gentleman does not qualify under the rule.

Mr. SANFORD. I think the ruling was never thoroughly considered, and I have examined it, and there is no reason behind it so far as I can find.

The SPEAKER. The Chair will follow the precedents until convinced to the contrary.

The result of the vote was announced as above recorded.

On motion of Mr. ESCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

EMERGENCY AGRICULTURAL TARIFF ACT

Imposed temporary duties upon principal agricultural products, including livestock. This act was superseded by the Fordney-McCumber Tariff Act, the existing law. Following the enactment of the emergency tariff, the market prices of practically all agricultural products declined.

[From the CONGRESSIONAL RECORD of April 15, 1921]

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. The question is on the passage of the bill.

The question was taken; and there were—yeas 269, nays 111, answered "present" 2, not voting 43, as follows:

[Roll No. 5]

Yeas, 269: Ackerman, Anderson, Andrews, Anthony, Appleby, Arentz, Atkeson, Bacharach, Beck, Beedy, Begg, Benham, Bird, Bixler, Blakeney, Bland of Indiana, Blanton, Boies, Bond, Bowers, Brennan, Brooks of Pennsylvania, Brown of Tennessee, Browne of Wisconsin, Burdick, Burroughs, Burtness, Butler, Cable, Campbell of Kansas, Campbell of Pennsylvania, Cannon, Chalmers, Chandler of New York, Chandler of Oklahoma, Chindblom, Christopherson, Clague, Clark of Florida, Clarke of New York, Classon, Clouse, Cole, Colton, Connell, Connolly of Pennsylvania, Cooper of Ohio, Cooper of Wisconsin, Copley, Coughlin, Cramton, Curry, Dale, Dallinger, Darrow, Deal, Dempsey, Denison, Dickinson, Dowell, Dunbar, Dunn, Dupré, Dyer, Echols, Elliott, Ellis, Elston, Fairfield, Faust, Favrot, Fenn, Fess, Fish, Fitzgerald, Focht, Fordney, Foster, Frear, Free, Freeman, French, Frothingham, Fuller, Funk, Gahn, Gensman, Gernerd, Glynn, Good, Goodykoontz, Gorman, Graham of Illinois, Green of Iowa, Greene of Massachusetts, Greene of Vermont, Griest, Hadley, Hardy of Colorado, Haugen, Hawley, Hays, Herrick, Hersey, Hickey, Hicks, Hill, Himes, Hoch, Houghton, Hudspeth, Hukriede, Hull, Husted, Hutchinson, James of Michigan, Jefferis, Johnson of South Dakota, Johnson of Washington, Jones of Pennsylvania, Jones of Texas, Kahn, Kearns, Kelley of Michigan, Kelly of Pennsylvania, Kendall, Kennedy, Ketcham, King, Kinkaid, Kirkpatrick, Kissel, Kleczka, Kline of New York, Kline of Pennsylvania, Knutson, Kopp, Kraus, Lampert, Langley, Lankford, Larson of Minnesota, Lawrence, Lazaro, Lea of California, Leatherwood, Lee of New York, Lehlbach, Lineberger, Little, Longworth, Lufkin, McArthur, McCormick, McLaughlin of Michigan, McLaughlin of Nebraska, McLaughlin of Pennsylvania, McPherson, MacGregor, Madden, Magee, Maloney, Mann, Mapes, Martin, Merritt, Michaelson, Michener, Miller, Mills, Millspaugh, Mondell, Montoya, Moore of Illinois, Moore of Ohio, Morgan, Morin, Mott, Murphy, A. P. Nelson, J. M. Nelson, Newton of Minnesota, Newton of Missouri, Norton, Ogden, Olpp, Osborne, Paige, Parker of New Jersey, Parker of New York, Parrish, Patterson of Missouri, Patterson of New Jersey, Perkins, Peters, Petersen, Pringey, Purnell, Radcliffe, Ramseyer, Ransley, Reavis, Reber, Reece, Reed of New York, Reed of West Virginia, Rhodes, Ricketts, Roach, Robertson, Robsion, Rogers, Rose, Rosenbloom, Rossdale, Sanders of Indiana, Sanders of New York, Schall, Scott of Tennessee, Shaw, Shelton, Sinclair, Sinnott, Slemp, Smith, Smithwick, Snell, Speaks, Sproul, Steenerson, Stephens, Stiness, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Sweet, Swing, Taylor of Colorado, Taylor of New Jersey, Taylor of Tennessee, Temple, Thompson, Tilson, Timberlake, Tincher, Towner, Treadway, Vaile, Vare, Vestal, Voigt, Volstead, Walsh, Walters, Ward of New York, Wason, Watson, Webster, Wheeler, White of Kansas, White of Maine, Williams, Williamson, Winslow, Wood of Indiana, Woodruff, Wurzbach, Wyant, and Young.

Nays, 111: Almon, Ansorge, Aswell, Bankhead, Barkley, Bell, Black, Bland of Virginia, Bowling, Box, Brand, Briggs, Brinson, Buchanan, Bulwinkle, Byrnes of South Carolina, Byrns of Tennessee, Cantrill, Carew, Carter, Cockran, Collier, Collins, Connally of Texas, Crisp, Cullen, Davis of Tennessee, Dominick, Drane, Drewry, Driver, Fields, Fisher, Flood, Fulmer, Garner, Garrett of Tennessee, Garrett of Texas, Gilbert, Goldsborough, Griffin, Hammer, Hardy of Texas, Harrison, Hawes, Hayden, Huddleston, Humphreys, James of Virginia, Johnson of Mississippi, Keller, Kincheloe, Kindred, Kitchin, Kunz, Lanham, Lee of Georgia, Linthicum, Logan, London, Lowrey, Luce, Lyon, McClintic, McDuffie, McSwain, Mansfield, Montague, O'Brien, O'Connor, Oldfield, Oliver, Overstreet, Padgett, Park of Georgia, Parks of Arkansas, Periman, Pou, Quin, Rankin, Rayburn, Riordan, Rouse, Ryan, Sabath, Sanders of Texas, Sandlin, Sears, Siegel, Stafford, Stedman, Stevenson, Stoll, Sullivan, Sumners of Texas, Swank, Tague, Thomas, Tillman, Tinkham, Tyson, Underhill, Upshaw, Vinson, Volk, Ward of North Carolina, Weaver, Wilson, Wingo, Wise, and Wright.

Answered "present," 2: Jacoway and Ten Eyck.

Not voting, 43: Barbour, Britten, Brooks of Illinois, Burke, Burton, Codd, Crowther, Davis of Minnesota, Doughton, Edmonds, Evans, Fairchild, Gallivan, Gould, Graham of Pennsylvania, Hogan, Ireland, Johnson of Kentucky, Kiess, Knight, Kreider, Larsen of Georgia, Layton, Luhring, McFadden, McKenzie, Mason, Moore of Virginia, Moores of Indiana, Mudd, Nolan, Porter, Rainey of Alabama, Riddick, Rodenberg, Scott of Michigan, Shreve, Snyder, Steagall, Woods of Virginia, Woodyard, Yates, and Zihlman.

So the bill was passed.

Mr. HILL. Mr. Speaker, my colleague from Maryland, Mr. MUDD, is unavoidably absent. He requested me to say that if he had been here he would have voted for the bill.

The Clerk announced the following additional pairs:

On the vote:

Mr. Graham of Pennsylvania (for) with Mr. Gallivan (against).

Mr. Davis of Minnesota (for) with Mr. Johnson of Kentucky (against).

Mr. Edmonds (for) with Mr. Woods of Virginia (against).

Mr. Barbour (for) with Mr. Jacoway (against).

Mr. JACOWAY. Mr. Speaker, I am recorded as voting "no." I wish to withdraw that vote and vote "present," as I have a pair with the gentleman from California, Mr. BARBOUR.

The name of Mr. JACOWAY was called, and he answered "present."

Mr. LARSEN of Georgia. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman present when his name was called, listening?

Mr. LARSEN of Georgia. I do not think I was.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. LARSEN of Georgia. Then I shall ask to be recorded present.

The SPEAKER. The gentleman can not do that under the rule.

Mr. STEVENSON. Mr. Speaker, is Mr. STEAGALL recorded?

The SPEAKER. He is not recorded.

Mr. STEVENSON. I know that he voted "no" and after voting immediately left the Hall, because I was with him at the time.

The result of the vote was announced as above recorded.

On motion of Mr. YOUNG, a motion to reconsider the vote by which the bill was passed was laid on the table.

TARIFF ACT OF 1922 (PRESENT LAW)

(The Fordney-McCumber tariff bill)

General upward revision of the tariff in all schedules. Contains flexible clause authorizing the Chief Executive to raise or lower duties 50 per cent after investigation and report by the Tariff Commission. With the exceptions of bob-white quails and a few other items, changes made by the President under this clause have been to increase the duties. It is estimated that the indirect taxes levied under this act cost the people a minimum of $4,000,000,000 a year.

[From the CONGRESSIONAL RECORD of July 21, 1921]

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7456, the tariff bill, which the Clerk will report by title.

* * * * * * *

Mr. GARRETT of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 288, nays 127, answered "present" 1, not voting 14, as follows:

[Roll No. 91]

Yeas, 288: Ackerman, Anderson, Andrews, Ansorge, Anthony, Appleby, Arentz, Atkeson, Bacharach, Barbour, Beedy, Begg, Benham, Bird, Bixler, Blakeney, Bland of Indiana, Boies, Bond, Bowers, Brennan, Britten, Brooks of Illinois, Brooks of Pennsylvania, Brown of Tennessee, Browne of Wisconsin, Burdick, Burke, Burroughs, Burtness, Burton, Butler, Cable, Campbell of Kansas, Campbell of Pennsylvania, Cannon, Chalmers, Chandler of New York, Chandler of Oklahoma, Chindblom, Christopherson, Clague, Clarke of New York, Classon, Clouse, Codd, Cole, Colton, Connell, Connolly of Pennsylvania, Cooper of Ohio, Cooper of Wisconsin, Copley, Coughlin, Cramton, Crowther, Curry, Dale, Dallinger, Darrow, Davis of Minnesota, Dempsey, Denison, Dickinson, Dowell, Dunbar, Dunn, Dupré, Dyer, Echols, Edmonds, Elliott, Ellis, Elston, Evans, Fairchild, Fairfield, Faust, Favrot, Fenn, Fess, Fish, Fitzgerald, Focht, Fordney, Foster, Frear, Free, Freeman, French, Frothingham, Fuller, Funk, Gensman, Gernerd, Glynn, Goodykoontz, Gorman, Graham of Illinois, Graham of Pennsylvania, Green of Iowa, Greene of Massachusetts, Greene of Vermont, Griest, Hadley, Hardy of Colorado, Haugen, Hawley, Hays, Herrick, Hersey, Hickey, Hill, Himes, Hoch, Hogan, Houghton, Hukriede, Hull, Husted, Hutchinson, Ireland, James of Michigan, Jefferis of Nebraska, Johnson of Washington, Jones of Pennsylvania, Kahn, Kearns, Kelley of Michigan, Kelly of Pennsylvania, Kendall, Kennedy, Ketcham, Kiess, King, Kinkaid, Kirkpatrick, Kissel, Kleczka, Kline of New York, Kline of Pennsylvania, Knutson, Kopp, Kraus, Kreider, Larson of Minnesota, Lawrence, Layton, Lazaro, Lea of California, Leatherwood, Lee of New York, Lehlbach, Lineberger, Little, Longworth, Luce, Luhring, McArthur, McCormick, McFadden, McKenzie, McLaughlin of Michigan, McLaughlin of Nebraska, McLaughlin of Pennsylvania, McPherson, MacGregor, Madden, Magee, Mann, Mapes, Martin, Merritt, Michaelson, Michener, Miller, Mills, Millspaugh, Mondell, Montoya, Moore of Illinois, Moore of Ohio, Moores of Indiana, Morgan, Morin, Mott, Mudd, Murphy, A. P. Nelson, Newton of Minnesota, Newton of Missouri, Nolan, Norton, Ogden, Olpp, Osborne, Paige, Parker of New Jersey, Parker of New York, Patterson of Missouri, Patterson of New Jersey, Perkins, Periman, Peters, Petersen, Porter, Pringey, Purnell, Radcliffe, Raker, Ramseyer, Ransley, Reavis, Reber, Reece, Reed of New York, Reed of West Virginia, Rhodes, Ricketts, Riddick, Roach, Robertson, Robsion, Rodenberg, Rogers, Rose, Rosenbloom, Rossdale, Ryan, Sanders of Indiana, Sanders of New York, Schall, Scott of Michigan, Scott of Tennessee, Shaw, Shelton, Shreve, Siegel, Sinnott, Slemp, Smith of Idaho, Smith of Michigan, Snell, Snyder, Speaks, Sproul, Stafford, Steenerson, Stephens, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Sweet, Swing, Taylor of New Jersey, Taylor of Tennessee, Temple, Thompson,

Tilson, Timberlake, Tincher, Tinkham, Towner, Treadway, Underhill, Vare, Vestal, Volk, Volstead, Walters, Ward of New York, Wason, Watson, Webster, Wheeler, White of Kansas, White of Maine, Williams, Williamson, Winslow, Wood of Indiana, Woodruff, Woodyard, Wurzbach, Wyant, Yates, Young, and Zihlman.

Nays, 127: Almon, Aswell, Bankhead, Barkley, Beck, Bell, Black, Bland of Virginia, Blanton, Bowling, Box, Brand, Briggs, Brinson, Buchanan, Bulwinkle, Byrnes of South Carolina, Byrns of Tennessee, Cantrill, Carew, Carter, Cockran, Collier, Collins, Connally of Texas, Crisp, Cullen, Davis of Tennessee, Deal, Dominick, Doughton, Drane, Drewry, Driver, Fields, Fisher, Flood, Fulmer, Gahn, Gallivan, Garner, Garrett of Tennessee, Garrett of Texas, Gilbert, Goldsborough, Griffin, Hammer, Hardy of Texas, Harrison, Hawes, Hayden, Huddleston, Humphreys, Jacoway, James of Virginia, Jeffers of Alabama, Johnson of Kentucky, Johnson of Mississippi, Jones of Texas, Kincheloe, Kindred, Knight, Kunz, Lampert, Lanham, Lankford, Larsen of Georgia, Lee of Georgia, Linthicum, Logan, London, Lowrey, Lyon, McClintic, McDuffie, McSwain, Mansfield, Mead, Montague, Moore of Virginia, Nelson, J. M., O'Brien, O'Connor, Oldfield, Oliver, Overstreet, Padgett, Park of Georgia, Parks of Arkansas, Parrish, Pou, Quin, Rainey of Alabama, Rainey of Illinois, Rankin, Rayburn, Riordan, Rouse, Sabath, Sanders of Texas, Sandlin, Sears, Sinclair, Sisson, Smithwick, Steagall, Stedman, Stevenson, Stoll, Sullivan, Sumners of Texas, Swank, Tague, Ten Eyck, Thomas, Tillman, Tyson, Upshaw, Vinson, Voigt, Ward of North Carolina, Weaver, Wilson, Wingo, Wise, Woods of Virginia, and Wright.

Answered "present," 1: Walsh.

Not voting, 14: Clark of Florida, Gould, Hicks, Hudspeth, Johnson of South Dakota, Keller, Kitchin, Langley, Maloney, Rucker, Stiness, Taylor of Arkansas, Taylor of Colorado, and Vaile.

So the bill was passed.

Mr. WILLIAMSON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening?

Mr. WILLIAMSON. I came in just a little while ago. They were calling my name when I was just entering the door there.

The SPEAKER. The theory is that the gentleman's name was not called at all. That is the theory. Therefore, if the gentleman will say that he was present and listening when his name was called, he can vote; otherwise the Chair could not recognize him to vote.

Mr. WILLIAMSON. I was here the first time.

The SPEAKER. It is up to the gentleman to state where he was.

Mr. WILLIAMSON. Well, I was in the room; I was here. I was here when my name was first called.

The SPEAKER. How does the gentleman vote?

Mr. WILLIAMSON. I desire to vote "yea."

The Clerk announced the following additional pairs:

On the vote:

Mr. Walsh (for) with Mr. Kitchin (against).

Mr. Gould (for) with Mr. Taylor of Arkansas (against).

Mr. Hicks (for) with Mr. Keller (against).

Mr. Maloney (for) with Mr. Rucker (against).

Mr. Johnson of South Dakota (for) with Mr. Lee of Georgia (against).

Until further notice:

Mr. Langley with Mr. Clark of Florida.

Mr. Vaile with Mr. Taylor of Colorado.

Mr. Stiness with Mr. Hudspeth.

Mr. WALSH. Mr. Speaker, I am paired with the gentleman from North Carolina, Mr. KITCHIN. I desire to withdraw my vote of "yea" and be recorded as "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. WALSH, and he answered "present."

The result of the vote was announced as above recorded.

On motion of Mr. FORDNEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. FROTHINGHAM. Mr. Speaker, my colleague from Massachusetts, Mr. MALONEY, is sick at the hospital and was therefore unable to be present to vote on the tariff bill. He regrets this very much and wished me to state on the floor that if present he would vote in favor of free hides, free oil, and free asphalt; for a duty on dyes, and in opposition to an embargo on dyes, and would be opposed to recommitting the bill, and would vote in favor of the bill as amended for final passage.

FORDNEY (PRESENT) TARIFF LAW—VOTE ON ADOPTION OF THE CONFERENCE REPORT

[From the CONGRESSIONAL RECORD of September 15, 1922]

Mr. FORDNEY. Mr. Speaker, I call up the conference report on the bill H. R. 7456.

The SPEAKER. The gentleman from Michigan calls up a conference report on the bill the title of which the Clerk will report.

* * * * * * *

The SPEAKER. The question is now on agreeing to the conference report.

Mr. FORDNEY. On that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 91, answered "present" 1, not voting 125, as follows:

[Roll No. 271]

Yeas, 210: Ackerman, Anderson, Andrew of Massachusetts, Andrews of Nebraska, Anthony, Appleby, Atkeson, Bacharach, Barbour, Beedy, Begg, Benham, Bird, Bixler, Blakeney, Bland of Indiana, Boies, Bond, Bowers, Brennan, Brooks of Pennsylvania, Brown of Tennessee, Burdick, Burroughs, Burtness, Butler, Cable, Cannon, Chalmers, Chandler of New York, Chindblom, Christopherson, Clague, Clouse, Cole of Iowa, Cole of Ohio, Colton, Connolly of Pennsylvania, Cooper of Ohio, Coughlin, Crago, Crowther, Curry, Dale, Dallinger, Darrow, Davis of Minnesota, Dempsey, Dowell, Dunbar, Dyer, Echols, Edmonds, Elliott, Ellis, Evans, Fairchild, Fairfield, Faust, Favrot, Fenn, Fess, Fitzgerald, Focht, Fordney, Foster, Free, Freeman, French, Frothingham, Fuller, Gernerd, Glynn, Goodykoontz, Graham of Illinois, Green of Iowa, Greene of Massachusetts, Greene of Vermont, Griest, Hadley, Hardy of Colorado, Haugen, Hawley, Hays, Hickey, Hill, Himes, Hoch, Hudspeth, Hukriede, Hull, James, Jefferis of Nebraska, Johnson of South Dakota, Johnson of Washington, Jones of Pennsylvania, Kearns, Kendall, Kennedy, Ketcham, King, Kirkpatrick, Kissel, Kline of New York, Kline of Pennsylvania, Knutson, Kopp, Kraus, Kreider, Larson of Minnesota, Lawrence, Lazaro, Lea of California, Leatherwood, Lehlbach, Little, Longworth, McArthur, McCormick, McFadden, McKenzie, McLaughlin of Michigan, McLaughlin of Nebraska, McLaughlin of Pennsylvania, Madden, Magee, Maloney, Mapes, Martin, Merritt, Michaelson, Michener, Mills, Millspaugh, Mondell, Moore of Illinois, Moore of Ohio, Morgan, Morin, Mott, Mudd, Murphy, Nelson of Maine, A. P. Nelson, Newton of Minnesota, Newton of Missouri, Norton, Ogden, Olpp, Osborne, Paige, Parker of New Jersey, Patterson of Missouri, Patterson of New Jersey, Perkins, Perlman, Petersen, Purnell, Radcliffe, Ramseyer, Ransley, Reece, Reed of New York, Reed of West Virginia, Rhodes, Ricketts, Roach, Robsion, Rodenberg, Rogers, Rose, Rosenbloom, Ryan, Sanders of Indiana, Sanders of New York, Schall, Scott of Tennessee, Shaw, Shreve, Sinnott, Smith of Idaho, Snell, Snyder, Speaks, Steenerson, Stephens, Strong of Kansas, Sweet, Swing, Taylor of Tennessee, Thompson, Tilson, Timberlake, Tincher, Towner, Treadway, Vaile, Vare, Vestal, Volstead, Walters, Wheeler, White of Maine, Williams of Illinois, Winslow, Wood of Indiana, Woodruff, Woodyard, Wyant, and Young.

Nays, 91: Almon, Ansorge, Aswell, Bankhead, Beck, Black, Bland of Virginia, Blanton, Bowling, Box, Briggs, Buchanan, Bulwinkle, Carew, Collier, Collins, Cooper of Wisconsin, Cullen, Davis of Tennessee, Deal, Drane, Drewry, Driver, Gahn, Gallivan, Garner, Garrett of Tennessee, Garrett of Texas, Hammer, Hardy of Texas, Hayden, Hogan, Huddleston, Jacoway, Jeffers of Alabama, Johnson of Mississippi, Jones of Texas, Keller, Kincheloe, Kindred, Kleczka, Lampert, Lanham, Lankford, Lee of New York, Linthicum, London, Lowrey, Lyon, McClintic, McSwain, Mansfield, Mead, Moore of Virginia, O'Brien, Oliver, Park of Georgia, Parks of Arkansas, Pou, Quin, Rankin, Rayburn, Riordan, Rossdale, Rouse, Sabath, Sanders of Texas, Sandlin, Sears, Sinclair, Smithwick, Stafford, Steagall, Stedman, Sumners of Texas, Swank, Tague, Taylor of Arkansas, Taylor of Colorado, Thomas, Tillman, Tucker, Tyson, Underhill, Voigt, Ward of North Carolina, Weaver, Williams of Texas, Wilson, Wingo, and Woods of Virginia.

Answered "present," 1: Langley.

Not voting, 125: Arentz, Barkley, Bell, Brand, Britten, Brooks of Illinois, Browne of Wisconsin, Burke, Burton, Byrnes of South Carolina, Byrns of Tennessee, Campbell of Kansas, Campbell of Pennsylvania, Cantrill, Carter, Chandler of Oklahoma, Clark of Florida, Clarke of New York, Classon, Cockran, Codd, Connally of Texas, Connell, Copley, Cramton, Crisp, Denison, Dickson, Dominick, Doughton, Dunn, Dupré, Fields, Fish, Fisher, Frear, Fulmer, Funk, Gensman, Gilbert, Goldsborough, Gorman, Gould, Graham of Pennsylvania, Griffin, Harrison, Hawes, Henry, Herrick, Hersey, Hicks, Hooker, Humphreys, Husted, Hutchinson, Ireland, Johnson of Kentucky, Kahn, Kelley of Michigan, Kelly of Pennsylvania, Kiess, Kitchin, Knight, Kunz, Larsen of Georgia, Layton, Lee of Georgia, Lineberger, Logan, Luce, Luhring, McDuffie, McPherson, MacGregor, Mann, Miller, Montague, Montoya, Moores of Indiana, J. M. Nelson, Nolan, O'Connor, Oldfield, Overstreet, Parker of New York, Porter, Pringey, Rainey of Alabama, Rainey of Illinois, Raker, Reber, Riddick, Robertson, Rucker, Scott of Michigan, Shelton, Siegel, Sisson, Slemp, Smith of Michigan, Sproul, Stevenson, Stiness, Stoll, Strong of Pennsylvania, Sullivan, Summers of Washington, Taylor of New Jersey, Temple, Ten Eyck, Tinkham, Upshaw, Vinson, Volk, Ward of New York, Wason, Watson, Webster, White of Kansas, Williamson, Wise, Wright, Wurzbach, Yates, and Zihlman.

So the conference report was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. Wason (for) with Mr. Barkley (against).

Mr. Dupré (for) with Mr. Dallinger (against).

Mr. Sproul (for) with Mr. Byrns of Tennessee (against).

Mr. Taylor of New Jersey (for) with Mr. Harrison (against).

Mr. Burke (for) with Mr. Hooker (against).

Miss Robertson (for) with Mr. Fields (against).

Mr. Kahn (for) with Mr. Cantrill (against).

Mr. Hutchinson (for) with Mr. Rainey of Alabama (against).

Mr. Porter (for) with Mr. Cockran (against).
Mr. Graham of Pennsylvania (for) with Mr. Goldsborough (against).
Mr. Fish (for) with Mr. Connally of Texas (against).
Mr. Riddick (for) with Mr. Montague (against).
Mr. Kiess (for) with Mr. Knight (against).
Mr. Lineberger (for) with Mr. J. M. Nelson (against).
Mr. Campbell of Pennsylvania (for) with Mr. Wise (against).
Mr. Strong of Pennsylvania (for) with Mr. Doughton (against).
Mr. Watson (for) with Mr. Browne of Wisconsin (against).
Mr. Siegel (for) with Mr. Frear (against).
Mr. Burton (for) with Mr. Oldfield (against).
Mr. Cramton (for) with Mr. Carter (against).
Mr. Chandler of Oklahoma (for) with Mr. Rainey of Illinois (against).
Mr. Dickinson (for) with Mr. Dominick (against).
Mr. Mann (for) with Mr. Byrnes of South Carolina (against).
Mr. Arentz (for) with Mr. Crisp (against).
Mr. Gorman (for) with Mr. Lee of Georgia (against).
Mr. Henry (for) with Mr. Fisher (against).
Mr. Luhring (for) with Mr. Overstreet (against).
Mr. Connell (for) with Mr. Kunz (against).
Mr. Classon (for) with Mr. Steenerson (against).
Mr. Miller (for) with Mr. Wright (against).
Mr. Funk (for) with Mr. Brand (against).
Mr. Dunn (for) with Mr. Griffin (against).
Mr. Hersey (for) with Mr. Sullivan (against).
Mr. Nolan (for) with Mr. McDuffie (against).
Mr. Volk (for) with Mr. Sisson (against).
Mr. Wurzbach (for) with Mr. Bell (against).
Mr. Langley (for) with Mr. Clark of Florida (against).
Mr. Yates (for) with Mr. Fulmer (against).
Mr. Slemp (for) with Mr. Humphreys (against).
Mr. Scott of Michigan (for) with Mr. Ten Eyck (against).
Mr. Campbell of Kansas (for) with Mr. Gilbert (against).
Mr. Copley (for) with Mr. Stevenson (against).
Mr. Ireland (for) with Mr. Hawes (against).
Mr. Reber (for) with Mr. Upshaw (against).
Mr. Brooks of Illinois (for) with Mr. Vinson (against).
Mr. Codd (for) with Mr. Stoll (against).
Mr. Britten (for) with Mr. Rucker (against).
Mr. Layton (for) with Mr. Logan (against).
Mr. MacGregor (for) with Mr. Kitchin (against).
Mr. Kelley of Michigan (for) with Mr. Raker (against).
Mr. Kelly of Pennsylvania (for) with Mr. Lee of Georgia (against).
Mr. Stiness (for) with Mr. Johnson of Kentucky (against).

Mr. MOORES of Indiana. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. MOORES of Indiana. I was not. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. MOORES of Indiana. Would I be permitted to declare that if I had been present I would have voted aye?

The SPEAKER. The Chair thinks the gentleman has already made that statement.

The result of the vote was announced as above recorded.

PACKERS CONTROL ACT

Provides for the regulation of interstate and foreign commerce in livestock, livestock products, dairy products, poultry products and eggs; prohibits packers from engaging in discriminatory practices, manipulating or controlling prices, creating a monopoly, or to combine or conspire to apportion territory, etc. Passed without a record vote. The following vote is on a motion to recommit.

[From the CONGRESSIONAL RECORD of June 2, 1923]

The SPEAKER. The question is on the passage of the bill.

Mr. JONES of Texas. Mr. Speaker, I have a motion to recommit.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

"Mr. JONES of Texas moves to recommit the bill to the Committee on Agriculture with instructions to report the same back to the House forthwith with the following amendment: On page 22, line 1, strike out all of section 311."

Mr. HAUGEN. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to recommit the bill with instructions.

The question was taken, and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. JONES of Texas) there were—ayes 34, noes 127.

Mr. JONES of Texas. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear there is no quorum present. The doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 71, nays 257, answered "present" 7, not voting 96, as follows:

[Roll No. 36]

Yeas, 71: Almon, Anderson, Black, Blanton, Box, Brand, Briggs, Buchanan, Bulwinkle, Byrnes of South Carolina, Byrns of Tennessee, Carter, Clague, Cockran, Collier, Collins, Connally of Texas, Davis of Tennessee, Deal, Dominick, Doughton, Drewry, Dupré, Dyer, Evans, Favrot, Freeman, Gallivan, Garner, Garrett of Tennessee, Garrett of Texas, Gould, Hammer, Hardy of Texas, Hawes, Hayden, Hudspeth, Humphreys, Jefferis, Johnson of Mississippi, Jones of Texas, Lanham, Larsen of Georgia, Layton, Lazaro, Logan, Lowrey, Lyon, Mansfield, Mead, Newton of Minnesota, O'Brien, Padgett, Parks of Arkansas, Parrish, Quin, Rankin, Rayburn, Riordan, Sanders of Texas, Sandlin, Smithwick, Steagall, Stedman, Stevenson, Stoll, Swank, Ward of North Carolina, Weaver, Wilson, and Woodyard.

Nays, 257: Andrews, Appleby, Arentz, Aswell, Barbour, Barkley, Beck, Beedy, Begg, Benham, Bird, Blakeney, Bland of Indiana, Bland of Virginia, Boies, Bond, Bowers, Brennan, Britten, Brooks of Illinois, Brooks of Pennsylvania, Browne of Tennessee, Burke, Burroughs, Burtness, Burton, Butler, Cable, Campbell of Kansas, Chalmers, Chindblom, Christopherson, Clarke of New York, Classon, Clouse, Codd, Colton, Connell, Connolly of Pennsylvania, Cooper of Ohio, Curry, Dale, Dallinger, Darrow, Davis of Minnesota, Denison, Dickinson, Dowell, Driver, Dunbar, Dunn, Echols, Edmonds, Elliott, Ellis, Elston, Fairchild, Faust, Fenn, Fess, Fish, Fisher, Fitzgerald, Focht, Fordney, Foster, Frear, French, Frothingham, Fulmer, Funk, Gensman, Gernerd, Gilbert, Gorman, Graham of Illinois, Green of Iowa, Greene of Massachusetts, Greene of Vermont, Griest, Hadley, Hardy of Colorado, Haugen, Hawley, Hays, Herrick, Hersey, Hickey, Hicks, Hill, Himes, Hoch, Houghton, Huddleston, Hull, Ireland, Jacoway, James of Virginia, Johnson of Kentucky, Johnson of South Dakota, Johnson of Washington, Jones of Pennsylvania, Kearns, Keller, Kelley of Michigan, Kelly of Pennsylvania, Kendall, Kennedy, Ketcham, Kincheloe, King, Kinkaid, Kirkpatrick, Kissel, Kleczka, Kline of New York, Kline of Pennsylvania, Knight, Knutson, Kopp, Kraus, Kunz, Lampert, Lankford, Larson of Minnesota, Lawrence, Lea of California, Leatherwood, Lee of New York, Lehlbach, Linthicum, Little, London, Longworth, Luce, Lufkin, Luhring, McClintic, McCormick, McFadden, McLaughlin of Michigan, McLaughlin of Nebraska, McLaughlin of Pennsylvania, MacGregor, Madden, Magee, Maloney, Mapes, Martin, Mason, Merritt, Michener, Miller, Mills, Mondell, Montague, Montoya, Moore of Illinois, Moore of Ohio, Morgan, Morin, Mott, Mudd, Murphy, A. P. Nelson, J. M. Nelson, Newton of Missouri, Nolan, Norton, O'Connor, Ogden, Oldfield, Olpp, Osborne, Overstreet, Park of Georgia, Parker of New York, Patterson of New Jersey, Perlman, Petersen, Porter, Pringey, Purnell, Radcliffe, Raker, Ramseyer, Ransley, Reece, Rhodes, Ricketts, Riddick, Roach, Robertson, Robsion, Rodenberg, Rogers, Rose, Rosenbloom, Rossdale, Rouse, Rucker, Sanders of Indiana, Sanders of New York, Schall, Scott of Michigan, Scott of Tennessee, Shaw, Shreve, Siegel, Sinclair, Sinnott, Smith, Snyder, Speaks, Sproul, Stafford, Steenerson, Stiness, Strong of Kansas, Summers of Washington, Sweet, Swing, Taylor of Arkansas, Taylor of Tennessee, Ten Eyck, Thompson, Tillman, Tincher, Tinkham, Towner, Treadway, Tyson, Underhill, Upshaw, Vaile, Vare, Vestal, Vinson, Voigt, Volstead, Walsh, Walters, Ward of New York, Watson, Webster, Wheeler, White of Kansas, Williams, Williamson, Wingo, Winslow, Wood of Indiana, Woodruff, Wright, Wyant, Young, and Zihlman.

Answered "present," 7: Ackerman, Bacharach, Cannon, Clark of Florida, McKenzie, McPherson, and Parker of New Jersey.

Not voting 96: Ansorge, Anthony, Atkeson, Bankhead, Bell, Bixler, Bowling, Brinson, Browne of Wisconsin, Burdick, Campbell of Pennsylvania, Cantrill, Carew, Chandler of New York, Chandler of Oklahoma, Cole, Cooper of Wisconsin, Copley, Coughlin, Cramton, Crisp, Crowther, Cullen, Dempsey, Drane, Fairfield, Fields, Flood, Free, Fuller, Gahn, Glynn, Goldsborough, Good, Goodykoontz, Graham of Pennsylvania, Griffin, Harrison, Hogan, Hukriede, Husted, Hutchinson, James of Michigan, Kahn, Kiess, Kindred, Kitchin, Kreider, Langley, Lee of Georgia, Lineberger, McArthur, McDuffie, McSwain, Mann, Michaelson, Millspaugh, Moore of Virginia, Moores of Indiana, Oliver, Paige, Patterson of Missouri, Perkins, Peters, Pou, Rainey of Alabama, Rainey of Illinois, Reavis, Reber, Reed of New York, Reed of West Virginia, Ryan, Sabath, Sears, Shelton, Sisson, Slemp, Snell, Stephens, Strong of Pennsylvania, Sullivan, Summers of Texas, Tague, Taylor of Colorado, Taylor of New Jersey, Temple, Thomas, Tilson, Timberlake, Volk, Wason, White of Maine, Wise, Woods of Virginia, Wurzbach, and Yates.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will open the doors. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HAUGEN. Mr. Speaker, I demand a division.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

Mr. BLACK. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] It is clear that there is a quorum present.

So the bill was passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALIEN PROPERTY BILL

(Rayburn amendment)

The amendment of Representative RAYBURN would have had the effect of compelling the Alien Property Custodian to return all of the German property to its German owners instead of limiting the amount to $10,000, as provided in the bill.

[From the CONGRESSIONAL RECORD of February 23, 1923]

Mr. RAYBURN. Mr. Speaker, I offer the following motion to recommit.

The Clerk read as follows:

"Mr. RAYBURN moves to recommit the bill H. R. 14222 to the Committee on Interstate and Foreign Commerce, with instructions to report the same back forthwith with the following amendment: On page 1, lines 5 and 6, strike out the words 'not an enemy or ally of enemy.'"

Mr. NEWTON of Minnesota. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

Mr. RAYBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 124, nays 182, answered "present" 2, and not voting 110, as follows:

[Roll No. 98]

Yeas, 124: Abernethy, Almon, Aswell, Bankhead, Beck, Bell, Black, Blanton, Bowling, Box, Briggs, Britten, Browne of Wisconsin, Buchanan, Byrnes of South Carolina, Byrns of Tennessee, Cantrill, Carew, Carter, Clague, Clark of Florida, Cockran, Collier, Cooper of Wisconsin, Coughlin, Crisp, Cullen, Davis of Tennessee, Deal, Dominick, Doughton, Dunbar, Favrot, Fields, Fish, Fisher, Frear, Fulmer, Funk, Garrett of Tennessee, Garrett of Texas, Hawes, Hayden, Herrick, Hickey, Hogan, Hooker, Huddleston, Hudspeth, Hukriede, Hull, Humphreys of Mississippi, Jacoway, James, Jeffers of Alabama, Johnson of Kentucky, Jones of Texas, Kissel, Kraus, Lanham, Lankford, Larsen of Georgia, Lazaro, Lee of Georgia, Linthicum, Logan, London, Luce, Lyon, McClintic, McDuffie, MacGregor, Maloney, Mansfield, Martin, Mead, Montague, Moore of Virginia, Morgan, J. M. Nelson, Norton, O'Connor, Oldfield, Oliver, Patterson of Missouri, Perlman, Quin, Rainey of Illinois, Raker, Ramseyer, Rankin, Rayburn, Riordan, Roach, Rouse, Sabath, Sandlin, Sears, Sinclair, Sisson, Smithwick, Speaks, Sproul, Stafford, Steagall, Stedman, Stevenson, Sumners of Texas, Sweet, Tague, Ten Eyck, Tinkham, Turner, Tyson, Upshaw, Vaile, Vinson, Weaver, Wilson, Wise, Woodruff, Woodyard, Wright, and Wurzbach.

Nays, 182: Ackerman, Anderson, Andrew of Massachusetts, Andrews of Nebraska, Anthony, Appleby, Arentz, Atkeson, Barbour, Begg, Bixler, Bland of Virginia, Boies, Bond, Brooks of Pennsylvania, Bulwinkle, Burtness, Butler, Cable, Campbell of Kansas, Campbell of Pennsylvania, Chalmers, Chindblom, Christopherson, Clarke of New York, Cole of Iowa, Cole of Ohio, Colton, Cooper of Ohio, Copley, Crago, Crampton, Curry, Dale, Dallinger, Darrow, Dempsey, Denison, Dickinson, Drewry, Driver, Dupré, Edmonds, Elliott, Ellis, Evans, Fairfield, Faust, Fenn, Fess, Focht, Fordney, Foster, French, Frothingham, Fuller, Gallivan, Gensman, Gernerd, Gifford, Gilbert, Graham of Illinois, Green of Iowa, Greene of Massachusetts, Greene of Vermont, Griest, Griffin, Hadley, Hammer, Hardy of Colorado, Haugen, Hawley, Henry, Hersey, Hicks, Hill, Hoch, Humphrey of Nebraska, Husted, Ireland, Jefferis of Nebraska, Johnson of South Dakota, Kearns, Kelley of Michigan, Kelly of Pennsylvania, Kendall, Ketcham, Kincheloe, Kirkpatrick, Kline of New York, Kline of Pennsylvania, Langley, Larson of Minnesota, Lawrence, Layton, Lea of California, Leatherwood, Lehlbach, Lineberger, Little, Longworth, Lowrey, Luhring, McArthur, McCormick, McFadden, McKenzie, McLaughlin of Michigan, McLaughlin of Nebraska, McPherson, MacLafferty, Madden, Magee, Mapes, Merritt, Michener, Miller, Mondell, Moore of Ohio, Moores of Indiana, Mott, Murphy, Nelson of Maine, A. P. Nelson, Newton of Minnesota, Newton of Missouri, Nolan, Ogden, Paige, Parker of New Jersey, Parker of New York, Parks of Arkansas, Paul, Perkins, Porter, Pou, Purnell, Ransley, Reece, Reed of New York, Reed of West Virginia, Rhodes, Ricketts, Riddick, Robertson, Robsion, Rodenberg, Rogers, Sanders of Indiana, Shaw, Shelton, Shreve, Sinnott, Smith of Idaho, Snyder, Stephens, Strong of Kansas, Summers of Washington, Swank, Swing, Taylor of Tennessee, Temple, Thompson, Thorpe, Tillman, Tilson, Timberlake, Tincher, Towner, Underhill, Vestal, Walters, Ward of New York, Wason, White of Kansas, Williams of Illinois, Williamson, Winslow, Wood of Indiana, Wyant, Yates, and Young.

Answered "present," 2: Lee of New York and Rucker.

Not voting, 119: Ansorge, Bacharach, Barkley, Beedy, Benham, Bird, Blakeney, Bland of Indiana, Bowers, Brand, Brennan, Brooks of Illinois, Brown of Tennessee, Burdick, Burke, Burton, Cannon, Chandler of New York, Chandler of Oklahoma, Classon, Clouse, Codd, Collins, Connally of Texas, Connolly of Pennsylvania, Crowther, Davis of Minnesota, Dowell, Drane, Dunn, Dyer, Echols, Fairchild, Fitzgerald, Free, Freeman, Gahn, Garner, Glynn, Goldsborough, Goodykoontz, Gorman, Gould, Graham of Pennsylvania, Hardy of Texas, Hayes, Himes, Huck, Hutchinson, Johnson of Mississippi, Johnson of Washington, Jones of Pennsylvania, Kahn, Keller, Kennedy, Kiess, Kindred, King, Kitchin, Kleczka, Knight, Knutson, Kopp, Kreider, Kunz, Lampert, McLaughlin of Pennsylvania, McSwain, Michaelson, Mills, Moore of Illinois, Morin, Mudd, O'Brien, Olpp, Overstreet, Park of Georgia, Patterson of New Jersey, Peterson, Pringey, Radcliffe, Rainey of Alabama, Reber, Rose, Rosenbloom, Rossdale, Ryan, Sanders of New York, Sanders of Texas, Schall, Scott of Michigan, Scott of Tennessee, Siegel, Siemp, Smith of Michigan, Snell, Steenerson, Stiness, Stoll, Strong of Pennsylvania, Sullivan, Taylor of Arkansas, Taylor of Colorado, Taylor of New Jersey, Thomas, Treadway, Tucker, Voigt, Volk, Volstead, Ward of North Carolina, Watson, Webster, Wheeler, White of Maine, Williams of Texas, Wingo, Woods of Virginia, and Zihlman.

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. Rucker (for) with Mr. Treadway (against).

Mr. Lampert (for) with Mr. Taylor of New Jersey (against).

Mr. Kindred (for) with Mr. Patterson of New Jersey (against).

Mr. Sullivan (for) with Mr. Crowther (against).

Mr. Voigt (for) with Mr. Burdick (against).

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now is on the passage of the bill.

Mr. MONDELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk called the roll; and there were—yeas 300, nays 11, answered "present "1, not voting 115, as follows:

[Roll No. 99]

Yeas, 300: Abernethy, Ackerman, Almon, Anderson, Andrew of Massachusetts, Andrews of Nebraska, Anthony, Appleby, Arentz, Aswell, Atkeson, Bankhead, Barbour, Beck, Begg, Bell, Benham, Bixler, Black, Bland of Indiana, Blanton, Boies, Bond, Bowling, Box, Brand, Briggs, Britten, Brooks of Pennsylvania, Browne of Wisconsin, Buchanan, Bulwinkle, Burdick, Burtness, Butler, Byrnes of South Carolina, Byrns of Tennessee, Cable, Campbell of Kansas, Campbell of Pennsylvania, Cantrill, Carew, Carter, Chalmers, Chindblom, Christopherson, Clague, Clark of Florida, Clarke of New York, Cockran, Cole of Iowa, Cole of Ohio, Collier, Colton, Cooper of Ohio, Cooper of Wisconsin, Copley, Coughlin, Crago, Crisp, Cullen, Curry, Dale, Dallinger, Darrow, Davis of Tennessee, Deal, Dempsey, Denison, Dickinson, Dominick, Dowell, Dunbar, Echols, Edmonds, Elliott, Evans, Fairfield, Faust, Favrot, Fenn, Fess, Fields, Fish, Fisher, Focht, Fordney, Foster, Frear, French, Frothingham, Fuller, Fulmer, Funk, Gallivan, Garrett of Tennessee, Garrett of Texas, Gensman, Gernerd, Gifford, Graham of Illinois, Green of Iowa, Greene of Massachusetts, Greene of Vermont, Griest, Griffin, Hadley, Hardy of Colorado, Hardy of Texas, Haugen, Hawes, Hawley, Hayden, Henry, Herrick, Hersey, Hickey, Hicks, Hill, Hoch, Hogan, Huddleston, Hudspeth, Hukriede, Hull, Humphrey of Nebraska, Humphreys of Mississippi, Husted, Ireland, Jacoway, James, Jeffers of Alabama, Johnson of Kentucky, Johnson of South Dakota, Kearns, Kelley of Michigan, Kelly of Pennsylvania, Kendall, Ketcham, Kirkpatrick, Kissel, Kline of New York, Kline of Pennsylvania, Kopp, Kraus, Langley, Lanham, Lankford, Larsen of Georgia, Larson of Minnesota, Lawrence, Lazaro, Lea of California, Leatherwood, Lee of Georgia, Lehlbach, Lineberger, Linthicum, Little, Logan, London, Longworth, Lowrey, Luce, Luhring, Lyon, McArthur, McClintic, McCormick, McDuffie, McFadden, McKenzie, McLaughlin of Michigan, McLaughlin of Nebraska, McPherson, MacGregor, MacLafferty, Madden, Magee, Maloney, Mansfield, Mapes, Martin, Mead, Merritt, Michener, Miller, Mondell, Montague, Moore of Ohio, Moore of Virginia, Moores of Indiana, Morgan, Mott, Murphy, Nelson of Maine, A. P. Nelson, J. M. Nelson, Newton of Minnesota, Newton of Missouri, Nolan, Norton, O'Connor, Ogden, Oldfield, Oliver, Paige, Parker of New Jersey, Parker of New York, Patterson of Missouri, Paul, Perkins, Perlman, Porter, Pou, Purnell, Quin, Rainey of Illinois, Raker, Ramseyer, Rankin, Ransley, Rayburn, Reece, Reed of New York, Reed of West Virginia, Rhodes, Ricketts, Riddick, Riordan, Roach, Robertson, Robsion, Rodenberg, Rogers, Rouse, Rucker, Sabath, Sanders of Indiana, Sandlin, Sears, Shelton, Shreve, Sinclair, Sinnott, Sisson, Smith of Idaho, Smithwick, Speaks, Sproul, Stafford, Steagall, Stedman, Stephens, Stevenson, Strong of Kansas, Strong of Pennsylvania, Sumners of Texas, Swank, Sweet, Swing, Tague, Taylor of Tennessee, Temple, Ten Eyck, Thompson, Thorpe, Tilson, Timberlake, Tincher, Tinkham,

Towner, Turner, Tyson, Underhill, Upshaw, Vaile, Vestal, Vinson, Voigt, Volstead, Walters, Ward of New York, Wason, Weaver, White of Kansas, Williams of Illinois, Williamson, Wilson, Wingo, Winslow, Wise, Wood of Indiana, Woodruff, Woodyard, Wright, Wurzbach, Wyant, Yates, and Zihlman.

Nays, 11: Bland of Virginia, Drewry, Driver, Dupré, Gilbert, Hammer, Hooker, Jones of Texas, Kincheloe, Parks of Arkansas, and Tillman.

Answered "present," 1: Lee of New York.

Not voting, 115: Ansorge, Bacharach, Barkley, Beedy, Bird, Blakeney, Bowers, Brennan, Brooks of Illinois, Brown of Tennessee, Burke, Burton, Cannon, Chandler of New York, Chandler of Oklahoma, Classon, Clouse, Codd, Collins, Connally of Texas, Connolly of Pennsylvania, Cramton, Crowther, Davis of Minnesota, Doughton, Drane, Dunn, Dyer, Ellis, Fairchild, Fitzgerald, Free, Freeman, Gahn, Garner, Glynn, Goldsborough, Goodykoontz, Gorman, Gould, Graham of Pennsylvania, Hays, Himes, Huck, Hutchinson, Jefferis of Nebraska, Johnson of Mississippi, Johnson of Washington, Jones of Pennsylvania, Kahn, Keller, Kennedy, Kiess, Kindred, King, Kitchin, Kleczka, Knight, Knutson, Kreider, Kunz, Lampert, Layton, McLaughlin of Pennsylvania, McSwain, Michaelson, Mills, Moore of Illinois, Morin, Mudd, O'Brien, Olpp, Overstreet, Park of Georgia, Patterson of New Jersey, Petersen, Pringey, Radcliffe, Rainey of Alabama, Reber, Rose, Rosenbloom, Rossdale, Ryan, Sanders of New York, Sanders of Texas, Schall, Scott of Michigan, Scott of Tennessee, Shaw, Siegel, Slemp, Smith of Michigan, Snell, Snyder, Steenerson, Stiness, Stoll, Sullivan, Summers of Washington, Taylor of Arkansas, Taylor of Colorado, Taylor of New Jersey, Thomas, Treadway, Tucker, Volk, Ward of North Carolina, Watson, Webster, Wheeler, White of Maine, Williams of Texas, Woods of Virginia, and Young.

So the bill was passed.

The following pairs were announced:

Mr. Snyder with Mr. Kitchin.

Mr. Taylor of New Jersey with Mr. Drane.

The result of the vote was announced as above recorded.

On motion of Mr. NEWTON of Minnesota, a motion to reconsider the vote by which the bill was passed was laid on the table.

REVENUE ACT OF 1921

This so-called tax reduction provided for a reduction of the higher surtaxes, reducing the maximum from 65 per cent to 32 per cent. It also repealed the excess-profits tax. As amended by the Senate, the maximum surtax was fixed at 50 per cent. By the repeal of the excess-profits tax the corporations were benefited $450,000,000, and by the reduction in the higher surtax the large individual income-tax payers were benefited $90,000,000, a total of $540,000,000, with no corresponding reduction to small taxpayers.

[From the CONGRESSIONAL RECORD of August 20, 1921]

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the revenue bill, which the Clerk will report by title.

The Clerk read as follows:

"A bill (H. R. 8245) to reduce and equalize taxation, to amend and simplify the revenue act of 1918, and for other purposes."

* * * * * * * *

The SPEAKER. The question is on the passage of the bill.

Mr. GARNER. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. Obviously a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 274, nays 125, answered "present" 1, not voting 30, as follows:

[Roll No. 127]

Yeas, 274: Ackerman, Anderson, Andrews, Ansorge, Anthony, Appleby, Arents, Atkeson, Bacharach, Barbour, Beedy, Begg, Benham, Bird, Bixler, Blakeney, Bland of Indiana, Boies, Bond, Bowers, Brennan, Brooks of Pennsylvania, Brown of Tennessee, Browne of Wisconsin, Burdick, Burke, Burroughs, Burtness, Burton, Butler, Cable, Campbell of Kansas, Campbell of Pennsylvania, Cannon, Chalmers, Chandler of New York, Chandler of Oklahoma, Chindblom, Christopherson, Clarke of New York, Clouse, Cole of Iowa, Cole of Ohio, Colton, Connell, Connolly of Pennsylvania, Cooper of Wisconsin, Copley, Coughlin, Crowther, Curry, Dale, Dallinger, Darrow, Davis of Minnesota, Dempsey, Denison, Dowell, Dunbar, Dunn, Dupré, Dyer, Echols, Edmonds, Elliott, Ellis, Evans, Fairchild, Fairfield, Faust, Fenn, Fess, Fish, Fitzgerald, Focht, Fordney, Foster, Frear, Free, Freeman, French, Frothingham, Fuller, Funk, Gahn, Gensman, Gernerd, Glynn, Goodykoontz, Gorman, Gould, Graham of Illinois, Graham of Pennsylvania, Green of Iowa, Greene of Massachusetts, Greene of Vermont, Griest, Hadley, Hardy of Colorado, Haugen, Hawley, Hays, Herrick, Hersey, Hickey, Hicks, Hill, Himes, Hoch, Hogan, Houghton, Hukriede, Hull, Husted, Hutchinson, Ireland, Jefferis of Nebraska, Johnson of Washington, Jones of Pennsylvania, Kahn, Kelley of Michigan, Kelly of Pennsylvania, Kendall, Kennedy, Ketcham, Kiess, King, Kinkaid, Kirkpatrick, Kissel, Kleczka, Kline of New York, Kline of Pennsylvania, Knight, Knutson, Kopp, Kraus, Kreider, Langley, Larson of Minnesota, Lawrence, Layton, Lazaro, Leatherwood, Lee of New York, Lehlbach, Lineberger, Little, Longworth, Luce, Luhring, McArthur, McCormick, McFadden, McKenzie, McLaughlin of Michigan, McLaughlin of Nebraska, McLaughlin of Pennsylvania, McPherson, MacGregor, Madden, Magee, Mann, Mapes, Merritt Michener, Miller, Mills, Millspaugh, Mondell, Moore of Illinois, Moore of Ohio, Moores of Indiana, Morgan, Morin, Mott, Mudd, Murphy, A. P. Nelson, Newton of Minnesota, Newton of Missouri, Nolan, Norton, Olpp, Osborne, Paige, Parker of New Jersey, Parker of New York, Patterson of Missouri, Patterson of New Jersey, Perkins, Perlman, Peters, Petersen, Porter, Pringey, Purnell, Radcliffe, Ramseyer, Ransley, Reavis, Reber, Reece, Reed of New York, Reed of West Virginia, Rhodes, Ricketts, Riddick, Roach, Robertson, Robsion, Rogers, Rose, Rosenbloom, Rossdale, Ryan, Sanders of Indiana, Sanders of New York, Schall, Scott of Michigan, Scott of Tennessee, Shaw, Shelton, Shreve, Siegel, Sinnott, Slemp, Smith of Idaho, Smith of Michigan, Snell, Snyder, Speaks, Sproul, Stafford, Steenerson, Stephens, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Sweet, Swing, Taylor of New Jersey, Taylor of Tennessee, Temple, Thompson, Tilson, Timberlake, Tincher, Tinkham, Towner, Treadway, Underhill, Vare, Vestal, Volk, Volstead, Walsh, Walters, Ward of New York, Wason, Watson, Webster, Wheeler, White of Kansas, White of Maine, Williams, Winslow, Wood of Indiana, Woodyard, Wurzbach, Wyant, Yates, Young, and Zihlman.

Nays, 125: Almon, Aswell, Beck, Bell, Black, Bland of Virginia, Blanton, Bowling, Box, Brand, Briggs, Brinson, Buchanan, Bulwinkle, Byrnes of South Carolina, Byrns of Tennessee, Cantrill, Carew, Carter, Clague, Clark of Florida, Cockran, Collier, Collins, Connally of Texas, Crisp, Cullen, Davis of Tennessee, Dominick, Doughton, Drewry, Driver, Favrot, Fields, Fisher, Flood, Fulmer, Gallivan, Garner, Garrett of Tennessee, Garrett of Texas, Gilbert, Goldsborough, Griffin, Hammer, Hardy of Texas, Harrison, Hawes, Hayden, Huddleston, Humphreys, Jacoway, Jeffers of Alabama, Johnson of Kentucky, Johnson of Mississippi, Jones of Texas, Keller, Kincheloe, Kindred, Kunz, Lampert, Lanham, Lankford, Larsen of Georgia, Lea of California, Lee of Georgia, Linthicum, Logan, London, Lowrey, Lyon, McClintic, McDuffie, McSwain, Martin, Mead, Michaelson, Moore of Virginia, Nelson, J. M., O'Brien, O'Connor, Oldfield, Oliver, Overstreet, Padgett, Park of Georgia, Parks of Arkansas, Parrish, Pou, Quin, Rainey of Alabama, Rainey of Illinois, Raker, Rankin, Rayburn, Riordan, Rouse, Sanders of Texas, Sandlin, Sears, Sinclair, Sisson, Smithwick, Steagall, Stedman, Stevenson, Stoll, Sullivan, Sumners of Texas, Swank, Tague, Ten Eyck, Thomas, Tillman, Tyson, Vinson, Voigt, Ward of New York, Weaver, Wilson, Wingo, Wise, Woodruff, Woods of Virginia, and Wright.

Answered "present," 1: Rucker.

Not voting, 30: Bankhead, Barkley, Britten, Brooks of Illinois, Classon, Codd, Cooper of Ohio, Cramton, Deal, Dickinson, Drane, Elston, Hudspeth, James, Johnson of South Dakota, Kearns, Kitchin, Maloney, Mansfield, Montague, Montoya, Ogden, Rodenberg, Sabath, Stiness, Taylor of Arkansas, Taylor of Colorado, Upshaw, Vaile, and Williamson.

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Johnson of South Dakota (for) with Mr. Kitchin (against).
Mr. Elston (for) with Mr. Taylor of Arkansas (against).
Mr. Cramton (for) with Mr. Drane (against).
Mr. Kearns (for) with Mr. Mansfield (against).
Mr. Rodenberg (for) with Mr. Rucker (against).
Mr. Codd (for) with Mr. Taylor of Colorado (against).
Mr. Brooks of Illinois (for) with Mr. Montague (against).
Mr. Williamson (for) with Mr. Upshaw (against).
Mr. Classon (for) with Mr. Bankhead (against).
Mr. Ogden (for) with Mr. Sabath (against).
Mr. Stiness (for) with Mr. Barkley (against).
Mr. Montoya (for) with Mr. Deal (against).
Mr. Dickinson (for) with Mr. Hudspeth (against).

The result of the vote was announced as above recorded.

On motion of Mr. FORDNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BEGG. Mr. Speaker, my colleague, Mr. KEARNS, is in the hospital and prevented from being present. He asked me to make the statement that had he been present he would have voted yea on this measure.

THE REVENUE ACT OF 1924

(The Hawley amendment)

This amendment substantially embraced the rates of the Mellon plan, the chief feature of which was a reduction of the maximum surtax from 50 per cent to 25 per cent. It was offered as a substitute for the Garner (Democratic) amend-

ment fixing the maximum surtax at 44 per cent and drastically reducing the normal rates.

[From the CONGRESSIONAL RECORD of February 29, 1924]

(Vote on motion of Mr. HAWLEY, of Oregon, substantially embracing rates of original Mellon plan)

Mr. HAWLEY. Mr. Speaker, I offer the following amendment to the amendment of the gentleman from Texas [Mr. GARNER] to perfect sections 210, 211, and 266, subdivision (c).

The SPEAKER. The gentleman from Oregon offers an amendment to the Garner amendment.

Mr. GARRETT of Tennessee. A parliamentary inquiry, Mr. Speaker. On what page of the bill?

Mr. CHINDBLOM. It is not in the bill.

The SPEAKER. It is a substitute for the Garner amendment.

Mr. GARRETT of Tennessee. The Garner amendment is in the bill up to date.

The SPEAKER. Not in the printed bill.

Mr. HAWLEY. The Garner amendment was submitted in the form of a printed bill. This is a substitute. For convenience, it refers to the printed Garner amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

"Amendment offered by Mr. HAWLEY to the Garner amendment: Page 1 of amendment No. 7 (the Garner amendment), line 8, after the word 'every,' strike out the remainder of the line, and all of line 9, and pages 2 to 7, inclusive, of said amendment, and insert in lieu thereof the following:

"'individual (except as provided in subdivision (b) of this section) a normal tax of 6 per cent of the amount of the net income in excess of the credits provided in section 216, except that in the case of a citizen or resident of the United States the rate upon the first $4,000 of such excess amount shall be 3 per cent.

"'(b) In lieu of the tax imposed by subdivision (a) there shall be levied, collected, and paid for each taxable year upon the net income of every nonresident alien individual, a resident of a contiguous country, a normal tax equal to the sum of the following:

"'(1) Three per cent of the amount of the net incomes attributable to wages, salaries, professional fees, or other amounts received as compensation for personal services actually performed in the United States in excess of the credits provided in subdivisions (d) and (e) of section 216; but the amount taxable at such 3 per cent rate shall not exceed $4,000; and

"'(2) Six per cent of the amount of the net income in excess of the sum of (A) the amount taxed under paragraph (1) plus (B) the credits provided in section 216.'

"Strike out lines 19 to 25, inclusive, page 30; lines 1 to 24, inclusive, page 31; lines 1 to 26, inclusive, page 32; lines 1 to 7, inclusive, page 33; and insert in lieu thereof the following:

"'SURTAX

"'SEC. 211. (a) In lieu of the tax imposed by section 211 of the revenue act of 1921, but in addition to the normal tax imposed by section 210 of this act, there shall be levied, collected, and paid for each taxable year upon the net income of every individual a surtax equal to the sum of the following:

"'One per cent of the amount by which the net income exceeds $10,000 and does not exceed $12,000;

"'Two per cent of the amount by which the net income exceeds $12,000 and does not exceed $16,000;

"'Three per cent of the amount by which the net income exceeds $16,000 and does not exceed $18,000;

"'Four per cent of the amount by which the net income exceeds $18,000 and does not exceed $20,000;

"'Five per cent of the amount by which the net income exceeds $20,000 and does not exceed $22,000;

"'Six per cent of the amount by which the net income exceeds $22,000 and does not exceed $24,000;

"'Seven per cent of the amount by which the net income exceeds $24,000 and does not exceed $26,000;

"'Eight per cent of the amount by which the net income exceeds $26,000 and does not exceed $28,000;

"'Nine per cent of the amount by which the net income exceeds $28,000 and does not exceed $30,000;

"'Ten per cent of the amount by which the net income exceeds $30,000 and does not exceed $32,000;

"'Eleven per cent of the amount by which the net income exceeds $32,000 and does not exceed $34,000;

"'Twelve per cent of the amount by which the net income exceeds $34,000 and does not exceed $36,000;

"'Thirteen per cent of the amount by which the net income exceeds $36,000 and does not exceed $38,000;

"'Fourteen per cent of the amount by which the net income exceeds $38,000 and does not exceed $40,000;

"'Fifteen per cent of the amount by which the net income exceeds $40,000 and does not exceed $46,000;

"'Sixteen per cent of the amount by which the net income exceeds $46,000 and does not exceed $52,000;

"'Seventeen per cent of the amount by which the net income exceeds $52,000 and does not exceed $58,000;

"'Eighteen per cent of the amount by which the net income exceeds $58,000 and does not exceed $64,000;

"'Nineteen per cent of the amount by which the net income exceeds $64,000 and does not exceed $70,000;

"'Twenty per cent of the amount by which the net income exceeds $70,000 and does not exceed $76,000;

"'Twenty-one per cent of the amount by which the net income exceeds $76,000 and does not exceed $82,000;

"'Twenty-two per cent of the amount by which the net income exceeds $82,000 and does not exceed $88,000;

"'Twenty-three per cent of the amount by which the net income exceeds $88,000 and does not exceed $94,000;

"'Twenty-four per cent of the amount by which the net income exceeds $94,000 and does not exceed $100,000;

"'Twenty-five per cent of the amount by which the net income exceeds $100,000.

"'(b) In the case of a bona fide sale of mines, oil or gas wells, or any interest therein, where the principal value of the property has been demonstrated by prospecting or exploration and discovery work done by the taxpayer, the portion of the tax imposed by this section attributable to such sale shall not exceed 16 per cent of the selling price of such property or interest.'"

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry. Does this proposed amendment follow exactly the provisions that were in the bill as reported from the Committee on Ways and Means?

Mr. HAWLEY. The amendment changes some 12 or 14 brackets between the upper and lower brackets.

Mr. GARNER of Texas. In other words, you changed the Mellon plan to the point where you can get in from a parliamentary standpoint?

Mr. HAWLEY. I have stated what we have done.

Mr. SEARS of Florida. Is this the Hawley plan, the Longworth plan, or the Mellon plan, or what is it?

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman whether the amendment he proposes will in effect give to those Members of the House who wish to vote that way a chance to vote for the administration measure known as the Mellon plan?

Mr. HAWLEY. I was about to say when the gentleman interrupted that you can vote directly for the Mellon plan, making such changes in a few brackets as will make it a parliamentary proposition.

Mr. MADDEN. Hooray! [Laughter.]

Mr. HAWLEY. Mr. Speaker, I move the previous question on the amendment.

Mr. GARRETT of Tennessee. I wish the gentleman would withhold that; I just want to make an observation on the statement of the gentleman from Illinois. I understand that this is a further demonstration of the effort of that side of the House to pyramid their incapacities. [Laughter.]

Mr. HAWLEY. I am glad the gentleman stopped right there.

The SPEAKER. The question is on ordering the previous question on the amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Oregon.

Mr. HAWLEY. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 261, answered "present" 3, not voting 14, as follows:

[Roll No. 42]

Yeas, 153: Ackerman, Aldrich, Andrew, Bacharach, Bacon, Beedy, Beers, Beggs, Bixler, Brand of Ohio, Britten, Browne of New Jersey, Brumm, Burdick, Burton, Butler, Cable, Campbell, Chindblom, Clarke of New York, Cole of Iowa, Cole of Ohio, Colton, Connolly of Pennsylvania, Cooper of Ohio, Crowther, Dallinger, Darrow, Denison, Dyer, Edmonds, Elliott, Fairchild, Fairfield, Faust, Fenn, Fish, Fleetwood, Foster, Fredericks, Free, Freeman, French, Frothingham, Fuller, Garber, Gibson, Gifford, Graham of Illinois, Graham of Pennsylvania, Greene of Massachusetts, Griest, Hadley, Hardy, Hawley, Hickey, Hill of Maryland, Holaday, Hudson, Morton D. Hull, William E. Hull, Johnson of Washington, Kearns, Kendall, Kiess, Kurtz, Langley, Larson of Minnesota, Leatherwood, Lehlbach, Longworth, McFadden, McKenzie, McLaughlin of Michigan, McLeod, MacGregor, MacLafferty, Madden, Magee of Pennsylvania, Magee of New York, Manlove, Mapes, Merritt, Michener, Miller of Illinois, Miller of Washington, Mills, Moore of Illinois, Moore of Ohio, Moores of Indiana, Morgan, Morin, Murphy, Nelson of Maine, Newton of Minnesota, Newton of Missouri, Paige, Parker, Patterson, Perkins, Perlman, Phillips, Porter, Purnell, Ransley, Reece, Reed of New York, Ronch, Rogers of Massachusetts, Rosenbloom, Sanders of Indiana, Sanders of New York, Scott, Seger, Shreve, Sinnott, Smith, Snell, Snyder, Sproul of Illinois, Stalker, Stephens, Strong of Pennsylvania, Sweet, Swoope, Taber, Taylor of Tennessee, Temple,

Thatcher, Thompson, Tilson, Timberlake, Tinkham, Treadway, Underhill, Vaile, Vestal, Vincent of Michigan, Wainwright, Ward of New York, Wason, Watres, Watson, Welsh, Wertz, White of Maine, Williams of Michigan, Williams of Illinois, Winslow, Wood, Wurzbach, Wyant, and Young.

Nays, 261: Abernethy, Allen, Allgood, Almon, Anderson, Anthony, Arnold, Aswell, Ayers, Bankhead, Barbour, Barkley, Beck, Bell, Black of New York, Bland, Blanton, Bloom, Boies, Bowling, Box, Boylan, Brand of Georgia, Briggs, Browne of Wisconsin, Browning, Buchanan, Buckley, Bulwinkle, Burtness, Busby, Byrnes of South Carolina, Byrns of Tennessee, Canfield, Cannon, Carew, Carter, Casey, Celler, Christopherson, Clague, Clancy, Clark of Florida, Cleary, Collier, Collins, Connally of Texas, Connery, Cook, Cooper of Wisconsin, Corning, Cramton, Crisp, Croll, Crosser, Cullen, Cummings, Curry, Davey, Davis of Minnesota, Davis of Tennessee, Deal, Dickinson of Missouri, Dickinson of Iowa, Dickstein, Dominick, Doughton, Dowell, Doyle, Drane, Drewry, Driver, Eagan, Evans of Iowa, Evans of Montana, Favrot, Fisher, Fitzgerald, Frear, Fulbright, Fulmer, Gardner of Indiana, Garner of Texas, Garrett of Texas, Garrett of Tennessee, Gasque, Geran, Gilbert, Glatfelter, Goldsborough, Green of Iowa, Greenwood, Griffin, Hammer, Harrison, Hastings, Haugen, Hawes, Hayden, Hill of Alabama, Hill of Washington, Hoch, Hooker, Howard of Nebraska, Howard of Oklahoma, Huddleston, Hudspeth, Hull of Tennessee, Hull of Iowa, Humphreys, Jacobstein, James, Jeffers, Johnson of Kentucky, Johnson of West Virginia, Johnson of Texas, Johnson of South Dakota, Jones, Jost, Keller, Kelly, Kent, Kerr, Ketcham, Kincheloe, Kindred, King, Knutson, Kunz, Kvale, LaGuardia, Lampert, Lanham, Lankford, Larsen of Georgia, Lazaro, Lea of California, Leavitt, Lee of Georgia, Lilly, Lindsay, Lineberger, Linthicum, Little, Logan, Lowrey, Lozier, Lyon, McClintic, McDuffie, McKeown, McLaughlin of Nebraska, McNulty, McReynolds, McSwain, McSweeney, Major of Illinois, Major of Missouri, Mansfield, Martin, Mead, Michaelson, Milligan Minahan, Montague, Mooney, Moore of Georgia, Moore of Virginia, Morehead, Morris, Morrow, Nelson of Wisconsin, Nolan, O'Brien, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, O'Sullivan, Oldfield, Oliver of Alabama, Oliver of New York, Park of Georgia, Parks of Arkansas, Peavey, Peery, Pou, Prall, Quayle, Quin, Ragon, Rainey, Raker, Ramseyer, Rankin, Rathbone, Rayburn, Reed of Arkansas, Reid of Illinois, Richards, Robinson of Iowa, Robsion of Kentucky, Rogers of New Hampshire, Romjue, Rubey, Sabath, Salmon, Sanders of Texas, Sandlin, Schafer, Schall, Schneider, Sears of Nebraska, Sears of Florida, Shallenberger, Sherwood, Simmons, Sinclair, Sites, Smithwick, Speaks, Sproul of Kansas, Steagall, Stedman, Stengle, Stevenson, Strong of Kansas, Sullivan, Summers of Washington, Sumners of Texas, Swank, Swing, Tague, Taylor of West Virginia, Thomas of Oklahoma, Tillman, Tincher, Tucker, Tydings, Underwood, Upshaw, Vinson of Georgia, Vinson of Kentucky, Voigt, Ward of North Carolina, Watkins, Weaver, Wefald, Weller, White of Kansas, Williams of Texas, Williamson, Wilson of Mississippi, Wilson of Indiana, Wingo, Winter, Wolff, Woodruff, Woodrum, Wright, and Zihlman.

Answered "present," 3: Boyce, Gallivan, and Luce.

Not voting 14: Berger, Black of Texas, Dempsey, Funk, Hersey, Kahn, Kopp, Reed of West Virginia, Rouse, Taylor of Colorado, Thomas of Kentucky, Vare, Wilson of Louisiana, and Yates.

So the amendment was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. Luce (for) with Mr. Black of Texas (against).

Mr. Vare (for) with Mr. Gallivan (against).

Mr. Kahn (for) with Mr. Rouse (against).

Mr. Reed of West Virginia (for) with Mr. Berger (against).

Mr. Dempsey (for) with Mr. Thomas of Kentucky (against).

Mr. Hersey (for) with Mr. Wilson of Louisiana (against).

Mr. Kopp (for) with Mr. Taylor of Colorado (against).

Mr. LUCE. Mr. Speaker, on this question and on all the major questions connected with this bill I have agreed to pair with the gentleman from Texas, Mr. BLACK, who has been obliged to return home by reason of the death of his brother. I voted "aye," and I ask that my vote may be withdrawn and that I may be recorded as "present." If Mr. BLACK were here, he would vote "no."

Mr. GALLIVAN. Mr. Speaker, on this vote I voted "no." I am paired with the gentleman from Pennsylvania, Mr. VARE. If he were present, he would vote "aye." I desire to withdraw my vote and be recorded "present."

Mr. KINCHELOE. Mr. Speaker, my colleague, Mr. ROUSE, of Kentucky, is unavoidably absent, and he requested me to say that if he were present he would vote "no."

The result of the vote was announced as above recorded.

REVENUE ACT OF 1924

(Passage of the bill)

The bill as amended by the Longworth substitute for the Garner (Democratic) plan after the rejection of the Mellon plan as incorporated in the Hawley amendment. The Longworth substitute fixed the maximum surtax of 37½ per cent. In the Senate the maximum surtax was fixed at 40 per cent by Democratic amendment, with the Garner plan reduction in the normal rates which benefited all small taxpayers.

[From the CONGRESSIONAL RECORD of February 29, 1924]

The SPEAKER. The question now is on the passage of the bill.

Mr. GREEN of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 408, nays 8, not voting 15, as follows:

[Roll No. 47]

Yeas, 408: Abernethey, Ackerman, Aldrich, Allen, Allgood, Almon, Anderson, Andrew, Anthony, Arnold, Aswell, Ayres, Bacon, Bankhead, Barbour, Barkley, Beck, Beedy, Beers, Begg, Bell, Bixley, Black of New York, Bland, Blanton, Bloom, Boies, Bowling, Box, Boyce, Boylan, Brand of Georgia, Brand of Ohio, Briggs, Britten, Browne of New Jersey, Browne of Wisconsin, Browning, Brumm, Buckley, Bulwinkle, Burdick, Burtness, Burton, Busby, Butler, Byrnes of South Carolina, Byrns of Tennessee, Cable, Campbell, Canfield, Cannon, Carew, Carter, Casey, Celler, Chindblom, Christopherson, Clague, Clancy, Clark of Florida, Clarke of New York, Cleary, Cole of Iowa, Cole of Ohio, Collier, Collins, Colton, Connally of Texas, Connery, Connolly of Pennsylvania, Cook, Cooper of Ohio, Cooper of Wisconsin, Corning, Cramton, Crisp, Croll, Crosser, Crowther, Cullen, Cummings, Curry, Dallinger, Darrow, Davey, Davis of Minnesota, Davis of Tennessee, Deal, Denison, Dickinson of Iowa, Dickinson of Missouri, Dickstein, Dominick, Doughton, Dowell, Doyle, Drane, Drewry, Driver, Dyer, Eagan, Edmonds, Elliott, Evans of Iowa, Evans of Montana, Fairchild, Fairfield, Faust, Favrot, Fish, Fisher, Fitzgerald, Fleetwood, Foster, Frear, Fredericks, Free, Freeman, French, Frothingham, Fulbright, Fuller, Fulmer, Gallivan, Garber, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Garrett of Texas, Gasque, Geran, Gibson, Gifford, Gilbert, Glatfelter, Goldsborough, Graham of Illinois, Graham of Pennsylvania, Green of Iowa, Greene of Massachusetts, Greenwood, Griest, Griffin, Hadley, Hammer, Hardy, Harrison, Hastings, Haugen, Hawes, Hawley, Hayden, Hickey, Hill of Alabama, Hill of Maryland, Hill of Washington, Hoch, Holaday, Hooker, Howard of Oklahoma, Huddleston, Hudson, Hudspeth, Morton D. Hull, William E. Hull, Hull of Iowa, Hull of Tennessee, Humphreys, Jacobstein, James, Jeffers, Johnson of Kentucky, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Johnson of West Virginia, Jones, Jost, Kearns, Keller, Kelly, Kendall, Kent, Kerr, Ketcham, Kiess, Kincheloe, Kindred, King, Knutson, Kunz, Kurtz, Kvale, LaGuardia, Lampert, Langley, Lanham, Lankford, Larsen of Georgia, Larson of Minnesota, Lazaro, Lea of California, Leatherwood, Leavitt, Lee of Georgia, Lehlbach, Lindsay, Lineberger, Linthicum, Little, Logan, Longworth, Lowrey, Lozier, Luce, Lyon, McClintic, McDuffie, McKenzie, McKeown, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, McNulty, McReynolds, McSwain, McSweeney, MacGregor, MacLafferty, Madden, Magee of New York, Magee of Pennsylvania, Major of Illinois, Major of Missouri, Manlove, Mansfield, Mapes, Martin, Mead, Michaelson, Michener, Miller of Illinois, Miller of Washington, Milligan, Minahan, Montague, Mooney, Moore of Georgia, Moore of Illinois, Moore of Ohio, Moore of Virginia, Moores of Indiana, Morehead, Morgan, Morin, Morris, Morrow, Murphy, Nelson of Maine, Nelson of Wisconsin, Newton of Minnesota, Newton of Missouri, Nolan, O'Brien, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, O'Sullivan, Oldfield, Oliver of Alabama, Oliver of New York, Paige, Park of Georgia, Parker, Parks of Arkansas, Patterson, Peavey, Peery, Perkins, Perlman, Phillips, Porter, Pou, Prall, Purnell, Quayle, Quin, Ragon, Rainey, Raker, Ramseyer, Rankin, Ransley, Rathbone, Rayburn, Reece, Reed of Arkansas, Reed of New York, Reid of Illinois, Richards, Roach, Robinson of Iowa, Robsion of Kentucky, Rogers of Massachusetts, Rogers of New Hampshire, Romjue, Rosenbloom, Rubey, Sabath, Salmon, Sanders of Indiana, Sanders of New York, Sanders of Texas, Sandlin, Schafer, Schall, Schneider, Scott, Sears of Florida, Sears of Nebraska, Seger, Shallenberger, Sherwood, Shreve, Simmons, Sinclair, Sinnott, Sites, Smith, Smithwick, Snell, Snyder, Speaks, Sproul of Illinois, Sproul of Kansas, Stalker, Steagall, Stedman, Stengle, Stephens, Stevenson, Strong of Kansas, Strong of Pennsylvania, Sullivan, Summers of Washington, Sumners of Texas, Swank, Sweet, Swing, Swoope, Taber, Tague, Taylor of Tennessee, Taylor of West Virginia, Temple, Thatcher, Thomas of Oklahoma, Thompson, Tillman, Timberlake, Tincher, Tinkham, Treadway, Tucker, Tydings, Underhill, Underwood, Upshaw, Vaile, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Voigt, Ward of New York, Ward of North Carolina, Wason, Watkins, Watres, Watson, Weaver, Wefald, Weller, Welsh, Wertz, White of Kansas, White of Maine, Williams of Illinois, Williams of Michigan, Williams of Texas, Williamson, Wilson of Indiana, Wilson of Mississippi, Wingo, Winslow, Winter, Wolff, Wood, Woodruff, Woodrum, Wright, Wurzbach, Wyant, Yates, Young, and Zihlman.

Nays, 8: Bacharach, Fenn, Howard of Nebraska, McFadden, Merritt, Mills, Tilson, and Wainwright.

Not voting, 15: Berger, Black of Texas, Buchanan, Dempsey, Funk, Hersey, Kahn, Kopp, Lilly, Reed of West Virginia, Rouse, Taylor of Colorado, Thomas of Kentucky, Vare, and Wilson of Louisiana.

So the bill was passed.

Mr. GALLIVAN. Mr. Speaker, the gentleman from Pennsylvania, Mr. VARE, is unavoidably absent. If he were present, he would vote "yea."

Mr. KINCHELOE. Mr. Speaker, I am authorized by my colleague, Mr. ROUSE, who is unavoidably absent, to say that if he were present he would vote "yea."

The result of the vote was announced as above recorded.

REVENUE ACT OF 1924

(Adoption of the conference report)

The act as agreed to in conference was substantially the Garner (Democratic) plan, with the maximum surtax of 40 per cent instead of 44 per cent and substantial reductions to small taxpayers.

[From the CONGRESSIONAL RECORD of May 26, 1924]

Mr. GREEN of Iowa. Mr. Speaker, I call up conference report on the bill (H. R. 6715) to reduce and equalize taxation to provide revenue, and for other purposes.

The SPEAKER. The gentleman from Iowa calls up a conference report on H. R. 6715, which the Clerk will report by title.

The Clerk read the title of the bill.

* * * * * * *

The SPEAKER. The question is on agreeing to the conference report.

Mr. GARNER of Texas. And on that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 376, nays 9, not voting 48, as follows:

[Roll No. 176]

Yeas, 376: Abernethy, Ackerman, Aldrich, Allen, Allgood, Almon, Andrew, Anthony, Arnold, Aswell, Ayres, Bacharach, Bacon, Bankhead, Barbour, Barkley, Beck, Beedy, Beers, Begg, Bell, Berger, Bixler, Black of New York, Black of Texas, Bland, Blanton, Bloom, Box, Boyce, Boylan, Brand of Georgia, Brand of Ohio, Briggs, Britten, Browne of New Jersey, Browne of Wisconsin, Browning, Brumm, Buchanan, Buckley, Bulwinkle, Burdick, Burtness, Burton, Busby, Butler, Byrns of Tennessee, Cable, Campbell, Canfield, Cannon, Carew, Carter, Casey, Celler, Chindblom, Christopherson, Clague, Clancy, Clarke of New York, Cleary, Cole of Iowa, Cole of Ohio, Collier, Collins, Colton, Connally of Texas, Connery, Connolly of Pennsylvania, Cook, Cooper of Ohio, Cooper of Wisconsin, Corning, Cramton, Crisp, Crool, Crosser, Crowther, Cullen, Cummings, Dallinger, Darrow, Davey, Davis of Minnesota, Davis of Tennessee, Dempsey, Denison, Dickinson of Iowa, Dickinson of Missouri, Dickstein, Doughton, Dowell, Doyle, Driver, Dyer, Eagan, Elliott, Evans of Iowa, Evans of Montana, Fairchild, Fairfield, Faust, Favrot, Fish, Fisher, Fitzgerald, Foster, Frear, Fredericks, Free, Freeman, French, Frothingham, Fulbright, Fuller, Fulmer, Funk, Gallivan, Garber, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Garrett of Texas, Gasque, Geran, Gibson, Gifford, Gilbert, Glatfelter, Goldsborough, Green of Iowa, Greene of Massachusetts, Greenwood, Griest, Griffin, Hadley, Hammer, Hardy, Harrison, Hastings, Haugen, Hawes, Hawley, Hayden, Hersey, Hickey, Hill of Alabama, Hill of Washington, Hoch, Holaday, Hooker, Howard of Nebraska, Huddleston, Hudson, Hudspeth, Morton D. Hull, William E. Hull, Hull of Iowa, Hull of Tennessee, Humphreys, Jacobstein, James, Jeffers, Johnson of Kentucky, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Johnson of West Virginia, Jones, Jost, Kearns, Keller, Kelly, Kendall, Kent, Kerr, Ketcham, Kiess, Kincheloe, Kindred, King, Knutson, Kopp, Kurtz, Kvale, LaGuardia, Lampert, Lanham, Lankford, Larsen of Georgia, Larson of Minnesota, Lazaro, Lea of California, Leatherwood, Leavitt, Lee of Georgia, Lindsay, Linthicum, Little, Longworth, Lowrey, Lozier, Luce, Lyon, McClintic, McDuffie, McKenzie, McKeown, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, McNulty, McReynolds, McSwain, McSweeney, MacGregor, MacLafferty, Madden, Magee of New York, Magee of Pennsylvania, Major of Illinois, Major of Pennsylvania, Manlove, Mansfield, Mapes, Martin, Mead, Michener, Miller of Illinois, Miller of Washington, Milligan, Minahan, Montague, Moore of Georgia, Moore of Illinois, Moore of Ohio, Moore of Virginia, Morehead, Morgan, Morris, Morrow, Murphy, Nelson of Maine, Newton of Minnesota, Newton of Missouri, Nolan, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, O'Sullivan, Oldfield, Oliver of Alabama, Oliver of New York, Paige, Parker, Parks of Arkansas, Peavey, Peery, Perkins, Perlman, Porter, Pou, Prall, Purnell, Quayle, Quin, Ragon, Rainey, Raker, Ramseyer, Rankin, Rathbone, Rayburn, Reece, Reed of Arkansas, Reid of Illinois, Richards, Roach, Robsion of Kentucky, Rogers of Massachusetts, Romjue, Rouse, Rubey, Sabath, Salmon, Sanders of Indiana, Sanders of New York, Sandlin, Schall, Schneider, Scott, Sears of Florida, Sears of Nebraska, Seger, Shallenberger, Sherwood, Simmons, Sinclair, Sinnott, Sites, Smith, Smithwick, Snell, Snyder, Speaks, Spearing, Sproul of Illinois, Sproul of Kansas, Steagall, Stedman, Stengle, Stephens, Stevenson, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Sumners of Texas, Swank, Sweet, Swing, Swoope, Taber, Tague, Taylor of Tennessee, Taylor of West Virginia, Thatcher, Thomas of Kentucky, Thomas of Oklahoma, Thompson, Tillman, Timberlake, Tincher, Tinkham, Treadway, Tucker, Tydings, Underhill, Underwood, Upshaw, Vaile, Vare, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Voigt, Ward of North Carolina, Wason, Watkins, Watres, Watson, Weaver, Wefald, Weller, Welsh, White of Kansas, Williams of Illinois, Williams of Michigan, Williams of Texas, Williamson, Wilson of Indiana, Wilson of Louisiana, Wilson of Mississippi, Wingo, Winslow, Wolff, Wood, Woodruff, Woodrum, Wright, Wurzbach, Wyant, Young, and Zihlman.

Nays, 9: Fenn, Hill of Maryland, McFadden, Merritt, Mills, Moores of Indiana, Phillips, Tilson, and Wainwright.

Not voting, 48: Anderson, Boies, Bowling, Byrnes of South Carolina, Clark of Florida, Curry, Deal, Dominick, Drane, Drewry, Edmonds, Fleetwood, Graham of Illinois, Graham of Pennsylvania, Howard of Oklahoma, Kahn, Kunz, Langley, Lehlbach, Lilly, Lineberger, Logan, Michaelson, Mooney, Morin, Mudd, Nelson of Wisconsin, O'Brien, Park of Georgia, Patterson, Ransley, Reed of New York, Reed of West Virginia, Robinson of Iowa, Rogers of New Hampshire, Rosenbloom, Sanders of Texas, Schafer, Shreve, Stalker, Sullivan, Taylor of Colorado, Temple, Ward of New York, Wertz, White of Maine, Winter, and Yates.

So the conference report was agreed to.

The following pair was announced:

On this vote:

Mr. Edmonds (for) with Mr. Graham of Pennsylvania (against).

Mr. OLIVER of Alabama. Mr. Speaker, my colleague, Mr. BOWLING, is sick and confined to the hospital. If present, he would vote "aye."

Mr. CAREW. Mr. Speaker, I have just had a communication from Mr. SULLIVAN, in which he says he is confined to his home by illness, but if here he would vote "aye."

The result of the vote was announced as above recorded.

REVENUE BILL OF 1925

(Motion to recommit)

See vote which follows on passage of bill for explanation of measure.

[From the CONGRESSIONAL RECORD of December 18, 1925]

THE REVENUE BILL

The SPEAKER. The question is on the motion of the gentleman from Illinois to recommit the bill.

Mr. RAINEY. Mr. Speaker, we might as well have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 267, not voting 14, as follows:

[Roll No. 5]

Yeas, 147: Abernethy, Allgood, Almon, Arnold, Aswell, Auf der Heide, Ayres, Barkley, Beck, Bell, Berger, Black of New York, Bland, Bowling, Brand of Georgia, Briggs, Browne, Browning, Busby, Byrns, Canfield, Cannon, Carew, Carss, Carter of Oklahoma, Chapman, Collins, Connally of Texas, Connery, Cooper of Wisconsin, Crosser, Cullen, Davey, Davis, Dickinson of Missouri, Dickstein, Douglass, Drane, Driver, Edwards, Eslick, Evans, Fisher, Fletcher, Frear, Fulmer, Gambrill, Gardner of Indiana, Garrett of Tennessee, Gasque, Gilbert, Goldsborough, Green of Florida, Greenwood, Griffin, Hammer, Hare, Hastings, Hawes, Hayden, Hill of Alabama, Hill of Washington, Howard, Huddleston, Hudspeth, Hull of Tennessee, Jacobstein, Johnson of Texas, Kemp, Kincheloe, Kindred, Kunz, Kvale, LaGuardia, Lampert, Lankford, Larsen, Lee of Georgia, Lindsay, Linthicum, Little, Lowrey, Lozier, Lyon, McKeown, McMillan, McReynolds, McSwain, McSweeney, Major, Mead, Milligan, Montague, Mooney, Moore of Kentucky, Moore of Virginia, Morehead, Morrow, Nelson of Missouri, Nelson of Wisconsin, Norton, O'Connell of New York, O'Connor of Louisiana, O'Connor of New York, Oldfield, Oliver of Alabama, Oliver of New York, Parks, Prall, Quayle, Quin, Rainey, Rankin, Rathbone, Reed of Arkansas, Romjue, Rouse, Rubey, Sabath, Sanders of Texas, Schafer, Schneider, Sears of Florida, Shallenberger, Sinclair, Smithwick, Somers of New York, Steagall, Stevenson, Swank, Taylor of Colorado, Thomas, Tillman, Tucker, Underwood, Upshaw, Vinson of Kentucky, Voigt, Warren, Weaver, Wefald, Weller, Whitehead, Wilson of Mississippi, Wingo, Woodrum, and Wright.

Nays, 267: Ackerman, Adkins, Aldrich, Allen, Andresen, Andrew, Appleby, Arentz, Bacharach, Bachmann, Bacon, Bailey, Bankhead, Barbour, Beedy, Beers, Begg, Bixler, Black of Texas, Blanton, Bloom, Bowles, Bowman, Box, Boylan, Brand of Ohio, Brigham, Britten, Brumm, Buchanan, Bulwinkle, Burdick, Burtness, Burton, Butler, Campbell, Carpenter, Carter of California, Chalmers, Chindblom, Christopherson, Clague, Cleary, Cole, Collier, Colton, Connolly of Pennsylvania, Cooper of Ohio, Cox, Coyle, Cramton, Crisp, Crowther, Crumpacker, Curry, Darrow, Davenport, Deal, Denison, Dempsey, Dickinson of Iowa, Dominick, Doughton, Dowell, Dyer, Eaton, Elliott, Ellis, Esterly, Fairchild, Faust, Fenn, Fish, Roy G. Fitzgerald, W. T. Fitzgerald, Fort, Foss, Fredericks, Free, Freeman, French, Frothingham, Fuller,

Funk, Furlow, Gallivan, Garber, Garner of Texas, Garrett of Texas, Gibson, Gifford, Glynn, Golder, Goodwin, Gorman, Graham, Green of Iowa, Griest, Hadley, Hale, Hall of Indiana, Hall of North Dakota, Hardy, Haugen, Hawley, Hersey, Hickey, Hill of Maryland, Hoch, Hogg, Holaday, Hooper, Houston, Hudson, Morton D. Hull, William E. Hull, Irwin, James, Jenkins, Johnson of Illinois, Johnson of Indiana, Johnson of South Dakota, Johnson of Washington, Jones, Kahn, Kearns, Keller, Kelly, Kerr, Ketcham, Kiefner, Kiess, Knutson, Kopp, Kurtz, Lanham, Lazaro, Lea of California, Leatherwood, Leavitt, Lehlbach, Letts, Lineberger, Luce, McClintic, McDuffie, McFadden, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, MacGregor, Madden, Magee of New York, Magee of Pennsylvania, Magrady, Manlove, Mansfield, Mapes, Martin of Louisiana, Martin of Massachusetts, Menges, Merritt, Michaelson, Michener, Miller, Mills, Montgomery, Moore of Ohio, Morgan, Morin, Murphy, Nelson of Maine, Newton of Minnesota, Newton of Missouri, O'Connell of Rhode Island, Parker, Patterson, Perkins, Perlman, Phillips, Porter, Pou, Pratt, Purnell, Ragon, Ramseyer, Ransley, Rayburn, Reece, Reed of New York, Reid of Illinois, Robinson of Iowa, Robsion of Kentucky, Rogers, Rowbottom, Rutherford, Sanders of New York, Sandlin, Scott, Sears of Nebraska, Seger, Shreve, Simmons, Sinnott, Smith, Snell, Sosnowski, Speaks, Spearing, Sproul of Illinois, Sproul of Kansas, Stalker, Stedman, Stephens, Stobbs, Strong of Kansas, Strong of Pennsylvania, Strother, Summers of Washington, Sumners of Texas, Swartz, Sweet, Swing, Swoope, Taber, Taylor of New Jersey, Taylor of Tennessee, Taylor of West Virginia, Temple, Thatcher, Thayer, Thompson, Thurston, Tilson, Timberlake, Tincher, Tinkham, Tolley, Treadway, Tydings, Underhill, Updike, Vaile, Vare, Vestal, Vincent of Michigan, Vinson of Georgia, Wainwright, Walters, Wason, Watson, Welsh, Wheeler, White of Kansas, White of Maine, Whittington, Williams of Illinois, Williams of Texas, Williamson, Wilson of Louisiana, Winter, Wolverton, Wood, Woodruff, Wurzbach, Wyant, and Yates.

Not voting, 14: Anthony, Boies, Doyle, Drewry, Flaherty, Harrison, Jeffers, Kendall, King, Peavey, Peery, Sullivan, Watres, and Zihlman.

So the motion to recommit was rejected.

Mr. HARRISON. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. HARRISON. The bells rang in my office but once. There is something the matter with the bell.

The SPEAKER. I am afraid that the genlteman does not bring himself within the rule.

The result of the vote was announced as above recorded.

REVENUE ACT OF 1925

(Passage of the bill)

Fixed maximum surtax at 20 per cent and a maximum inheritance tax at 20 per cent. Increased exemptions of married persons from $2,500 to $3,500 and single persons from $1,000 to $1,500; raised the earned income provision from $10,000 to $20,000, repealed the gift tax, and reduced the cigar tax. In the Senate the surtax rates in the middle brackets were reduced by Democratic amendments.

[From the CONGRESSIONAL RECORD of December 18, 1925]

The SPEAKER. The question now is on the passage of the bill.

Mr. GREEN of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 390, nays 25, answered "present" 1, not voting 12, as follows:

[Roll No. 6]

Yeas, 390: Ackerman, Adkins, Aldrich, Allen, Almon, Andresen, Andrew, Appleby, Arents, Arnold, Aswell, Auf der Heide, Ayres, Bacharach, Bachmann, Bacon, Bailey, Bankhead, Barbour, Barkley, Beedy, Beers, Begg, Bell, Bixler, Black of New York, Black of Texas, Bland, Blanton, Bloom, Boies, Bowles, Bowling, Bowman, Box, Boylan, Brand of Georgia, Brand of Ohio, Briggs, Brigham, Britten, Browning, Brumm, Buchanan, Bulwinkle, Burdick, Burtness, Burton, Busby, Butler, Byrns, Campbell, Canfield, Cannon, Carew, Carpenter, Carter of California, Carter of Oklahoma, Chalmers, Chapman, Chindblom, Christopherson, Clague, Cleary, Cole, Collier, Colton, Connally of Texas, Connery, Connolly of Pennsylvania, Cooper of Ohio, Cox, Coyle, Cramton, Crisp, Crosser, Crowther, Crumpacker, Cullen, Curry, Darrow, Davenport, Davey, Davis, Deal, Dempsey, Denison, Dickinson of Iowa, Dickinson of Missouri, Dickstein, Dominick, Doughton, Douglass, Dowell, Driver, Dyer, Eaton, Edwards, Elliott, Ellis, Eslick, Esterly, Evans, Fairchild, Faust, Fenn, Fish, Fisher, Roy G. Fitzgerald, W. T. Fitzgerald, Fletcher, Fort, Foss, Fredericks, Free, Freeman, French, Frothingham, Fuller, Fulmer, Funk, Furlow, Gallivan, Gambrill, Garber, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Garrett of Texas, Gasque, Gibson, Gifford, Gilbert, Glynn, Golder, Goldsborough, Goodwin, Gorman, Graham, Green of Iowa, Greenwood, Griest, Griffin, Hadley, Hale, Hall of Indiana, Hall of North Dakota, Hammer, Hardy, Hare, Harrison, Hastings, Haugen, Hawes, Hawley, Hayden, Hersey, Hickey, Hill of Alabama, Hill of Maryland, Hill of Washington, Hoch, Hogg, Holaday, Hooper, Houston, Hudson, Hudspeth, Hull of Tennessee, Morton D. Hull, William E. Hull, Irwin, Jacobstein, James, Jenkins, Johnson of Illinois, Johnson of Indiana, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Jones, Kahn, Kearns, Keller, Kelly, Kemp, Kendall, Kerr, Ketcham, Kiefner, Kiess, Kincheloe, Kindred, Knutson, Kopp, Kunz, Kurtz, Lanham, Lankford, Larsen, Lazaro, Lea of California, Leatherwood, Leavitt, Lee of Georgia, Lehlbach, Letts, Lindsay, Lineberger, Linthicum, Little, Lowrey, Lozier, Luce, Lyon, McClintic, McDuffie, McFadden, McKeown, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, McMillan, McReynolds, McSwain, McSweeney, MacGregor, Madden, Magee of New York, Magee of Pennsylvania, Magrady, Major, Manlove, Mansfield, Mapes, Martin of Louisiana, Martin of Massachusetts, Mead, Menges, Merritt, Michener, Miller, Milligan, Mills, Montague, Montgomery, Mooney, Moore of Kentucky, Moore of Ohio, Moore of Virginia, Morgan, Morin, Morrow, Murphy, Nelson of Maine, Nelson of Missouri, Newton of Minnesota, Newton of Missouri, Norton, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, Oldfield, Oliver of Alabama, Oliver of New York, Parker, Parks, Patterson, Perkins, Perlman, Phillips, Porter, Pou, Prall, Pratt, Purnell, Quayle, Quin, Ragon, Ramseyer, Ransley, Rathbone, Rayburn, Reece, Reed of Arkansas, Reed of New York, Reid of Illinois, Robinson of Iowa, Robsion of Kentucky, Rogers, Romjue, Rouse, Rowbottom, Rubey, Rutherford, Sanders of New York, Sanders of Texas, Sandlin, Scott, Sears of Nebraska, Seger, Shallenberger, Shreve, Simmons, Sinnott, Smith, Smithwick, Snell, Somers of New York, Sosnowski, Speaks, Spearing, Sproul of Illinois, Sproul of Kansas, Stalker, Steagall, Stedman, Stephens, Stevenson, Stobbs, Strong of Kansas, Strong of Pennsylvania, Strother, Summers of Washington, Sumners of Texas, Swank, Swartz, Sweet, Swing, Swoope, Taber, Taylor of Colorado, Taylor of New Jersey, Taylor of Tennessee, Taylor of West Virginia, Temple, Thatcher, Thayer, Thomas, Thompson, Thurston, Tillman, Tilson, Timberlake, Tincher, Tinkham, Tolley, Treadway, Tucker, Tydings, Underhill, Underwood, Updike, Upshaw, Vaile, Vare, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Wainwright, Walters, Warren, Wason, Watres, Watson, Weaver, Weller, Welsh, Wheeler, White of Kansas, White of Maine, Whitehead, Whittington, Williams of Illinois, Williams of Texas, Williamson, Wilson of Louisiana, Wilson of Mississippi, Wingo, Winter, Wolverton, Wood, Woodruff, Woodrum, Wright, Wurzbach, Wyant, and Yates.

Nays, 25: Beck, Berger, Browne, Carss, Collins, Cooper of Wisconsin, Drane, Frear, Green of Florida, Howard, Huddleston, Kvale, LaGuardia, Lampert, Morehead, Nelson of Wisconsin, Rainey, Rankin, Sabath, Schafer, Schneider, Sears of Florida, Sinclair, Voigt, and Wefald.

Answered "present" 1: Allgood.

Not voting, 12: Abernethy, Anthony, Doyle, Drewry, Flaherty, Jeffers, King, Michaelson, Peavey, Peery, Sullivan, and Zihlman.

So the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Abernethy (for) with Mr. Allgood (against).

Mr. Michaelson (for) with Mr. Peery (against).

The result of the vote was announced as above recorded.

On motion of Mr. GREEN of Iowa, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INDEPENDENT OFFICES APPROPRIATION BILL

(Vote on the Ayres amendment providing funds to continue the work of the Federal Trade Commission)

The defeat of this amendment would have been to restrict and hamper the work of the Federal Trade Commission.

[From the CONGRESSIONAL RECORD, April 4, 1924]

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8233, which the Clerk will report by title.

* * * * * * *

The SPEAKER. The Clerk will report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

"Page 11, line 15, strike out '$680,200' and insert in lieu thereof '$940,000.'"

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BYRNS of Tennessee) there were—ayes 74, noes 52.

Mr. WOOD. Mr. Speaker, I make the point of order that there is no quorum present, and I object to the vote.

The SPEAKER. The gentleman from Indiana objects to the vote and makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. The question is on agreeing to the amendment.

The question was taken; and there were—yeas 196, nays 107, not voting 129, as follows:

[Roll No. 74]

Yeas, 196: Abernethy, Allen, Allgood, Almon, Arnold, Aswell, Ayres, Bankhead, Barkley, Beck, Berger, Black of New York, Black of Texas, Bland, Bloom, Bowling, Box, Boyce, Boylan, Brand of Ohio, Briggs, Browne of Wisconsin, Browning, Bulwinkle, Burtness, Busby, Byrnes of South Carolina, Byrns of Tennessee, Cannon, Carter, Casey, Celler, Clague, Clancy, Cleary, Collier, Collins, Connally of Texas, Connery, Cook, Cooper of Wisconsin, Crisp, Crosser, Cullen, Davey, Davis of Tennessee, Dickinson of Missouri, Dickinson of Iowa, Dickstein, Doughton, Dowell, Drewry, Driver, Evans of Montana, Favrot, Fisher, Foster, Fulbright, Fulmer, Garber, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Garrett of Texas, Gasque, Gilbert, Hammer, Harrison, Hastings, Hayden, Hill of Alabama, Hill of Washington, Hoch, Howard of Nebraska, Huddleston, Hudspeth, Jacobstein, James, Jeffers, Johnson of Kentucky, Johnson of Texas, Johnson of West Virginia, Jones, Kearns, Keller, Kelly, Kerr, Ketcham, Kincheloe, King, Kopp, Kvale, LaGuardia, Lampert, Lanham, Lankford, Larson of Minnesota, Lazaro, Lea of California, Lee of Georgia, Linthicum, Little, Logan, Lowrey, Lozier, Lyon, McDuffie, McKeown, McReynolds, McSweeney, Major of Illinois, Major of Missouri, Mead, Milligan, Minahan, Montague, Moore of Georgia, Moore of Ohio, Moore of Virginia, Morehead, Morgan, Morris, Morrow, Nelson of Wisconsin, Nolan, O'Connell of New York, O'Connor of Louisiana, O'Connor of New York, Oldfield, Oliver of Alabama, Oliver of New York, O'Sullivan, Park of Georgia, Parks of Arkansas, Peavey, Peery, Pou, Prall, Quin, Ragon, Rainey, Raker, Ramseyer, Rankin, Rayburn, Reed of Arkansas, Reid of Illinois, Richards, Robsion of Kentucky, Rogers of New Hampshire, Rouse, Rubey, Sabath, Sanders of Texas, Sandlin, Schafer, Schall, Schneider, Sears of Florida, Sears of Nebraska, Shallenberger, Sherwood, Sites, Speaks, Steagall, Stedman, Stengle, Stevenson, Strong of Kansas, Sumners of Texas, Swank, Swing, Tague, Taylor of Tennessee, Taylor of West Virginia, Thomas of Oklahoma, Thompson, Tillman, Tincher, Tucker, Underwood, Vinson of Georgia, Vinson of Kentucky, Voigt, Ward of North Carolina, Watkins, Weaver, Wefald, Weller, White of Kansas, Wilson of Indiana, Wilson of Louisiana, Wilson of Mississippi, Woodruff, Woodrum, and Wright.

Nays, 107: Ackerman, Aldrich, Andrew, Bacon, Barbour, Begg, Bixler, Blanton, Boies, Buchanan, Burton, Cable, Campbell, Chindblom, Cole of Iowa, Colton, Cooper of Ohio, Crowther, Dallinger, Darrow, Elliott, Evans of Iowa, Fairchild, Faust, Fenn, Fitzgerald, Fleetwood, Free, French, Frothingham, Fuller, Gibson, Gifford, Griest, Hadley, Hardy, Haugen, Hersey, Hickey, Hill of Maryland, Holaday, Hudson, Hull of Iowa, Johnson of Washington, Leatherwood, Leavitt, Lehlbach, Lineberger, Longworth, McFadden, McLaughlin of Michigan, McLeod, MacGregor, MacLafferty, Madden, Magee of New York, Magee of Pennsylvania, Manlove, Mapes, Merritt, Michener, Miller of Washington, Moores of Indiana, Murphy, Newton of Missouri, O'Connell of Rhode Island, Parker, Patterson, Perkins, Perlman, Porter, Purnell, Reece, Reed of New York, Roach, Rogers of Massachusetts, Sanders of Indiana, Sanders of New York, Scott, Seger, Shreve, Sinnott, Snell, Snyder, Stalker, Stevens, Strong of Pennsylvania, Summers of Washington, Swoope, Taber, Temple, Thatcher, Tilson, Timberlake, Underhill, Valle, Vestal, Vincent of Michigan, Wainwright, Watres, White of Maine, Williamson, Wood, Wurzbach, Yates, and Young.

Not voting, 129: Anderson, Anthony, Bacharach, Beedy, Beers, Bell, Brand of Georgia, Britten, Browne of New Jersey, Brumm, Buckley, Burdick, Butler, Canfield, Carew, Christopherson, Clark of Florida, Clarke of New York, Cole of Ohio, Connolly of Pennsylvania, Corning, Cramton, Croll, Cummings, Curry, Davis of Minnesota, Deal, Dempsey, Denison, Dominick, Doyle, Drane, Dyer, Eagan, Edmonds, Fairfield, Fish, Frear, Fredericks, Freeman, Funk, Gallivan, Geran, Glatfelter, Goldsborough, Graham of Illinois, Graham of Pennsylvania, Green of Iowa, Greene of Massachusetts, Greenwood, Griffin, Hawes, Hawley, Hooker, Howard of Oklahoma, Morton D. Hull, William E. Hull, Hull of Tennessee, Humphreys, Johnson of South Dakota, Jost, Kahn, Kendall, Kent, Kiess, Kindred, Knutson, Kunz, Kurtz, Langley, Larsen of Georgia, Lilly, Lindsay, Luce, McClintic, McKenzie, McLaughlin of Nebraska, McNulty, McSwain, Mansfield, Martin, Michaelson, Miller of Illinois, Mills, Mooney, Moore of Illinois, Morin, Mudd, Nelson of Maine, Newton of Minnesota, O'Brien, Paige, Phillips, Quayle, Ransley, Rathbone, Reed of West Virginia, Robinson of Iowa, Romjue, Rosenbloom, Salmon, Simmons, Sinclair, Smith, Smithwick, Sproul of Illinois, Sproul of Kansas, Sullivan, Sweet, Taylor of Colorado, Thomas of Kentucky, Tinkham, Tydings, Upshaw, Vare, Ward of New York, Wason, Watson, Welsh, Wertz, Williams of Illinois, Williams of Michigan, Williams of Texas, Wingo, Winslow, Winter, Wolff, Wyant, and Zihlman.

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Lindsay (for) with Mr. Butler (against).

Mr. Carew (for) with Mr. Winslow (against).

Mr. Howard of Oklahoma (for) with Mr. Graham of Illinois (against).

Mr. Sullivan (for) with Mr. Cramton (against).

THE IMMIGRATION ACT

Limits the immigration of aliens into the United States, fixing the annual quota of any nationality at 2 per cent of the number of foreign-born individuals of such nationality—resident in continental United States, determined by census of 1890, with a minimum of 100. For the fiscal year beginning July 1, 1927, and for each fiscal year thereafter the quota is fixed at a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 of that national origin bears to the number of inhabitants in continental United States in 1920, with a minimum quota of 100.

[From the CONGRESSIONAL RECORD of April 12, 1924]

Mr. JOHNSON of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7995, the immigration bill.

The motion was agreed to.

* * * * * * *

Mr. JOHNSON of Washington. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 323, nays 71, answered "present" 1, not voting, 37, as follows:

[Roll No. 85]

Yeas, 323: Abernethy, Ackerman, Allen, Allgood, Almon, Andrew, Anthony, Arnold, Aswell, Ayres, Bacon, Bankhead, Barbour, Barkley, Beck, Beedy, Beers, Begg, Bell, Bixler, Black of Texas, Bland, Blanton, Boies, Bowling, Box, Boyce, Brand of Georgia, Brand of Ohio, Briggs, Browne of Wisconsin, Browning, Brumm, Buchanan, Bulwinkle, Burtness, Burton, Busby, Butler, Byrnes of South Carolina, Bryns of Tennessee, Cable, Campbell, Canfield, Cannon, Carter, Chindblom, Christopherson, Clague, Clarke of New York, Cole of Iowa, Cole of Ohio, Collier, Collins, Colton, Connally of Texas, Cook, Cooper of Ohio, Cooper of Wisconsin, Cramton, Crisp, Croll, Crowther, Cummings, Dallinger, Darrow, Davey, Davis of Tennessee, Deal, Dempsey, Denison, Dickinson of Iowa, Dickinson of Missouri, Dominick, Doughton, Dowell, Drewry, Driver, Elliott, Evans of Iowa, Evans of Montana, Fairfield, Faust, Fish, Fisher, Fitzgerald, Fleetwood, Foster, Frear, Fredericks, Free, French, Fulbright, Fuller, Fulmer, Funk, Garber, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Garrett of Texas, Gasque, Gifford, Gilbert, Glatfelter, Graham of Illinois, Green of Iowa, Greenwood, Griest, Hadley, Hammer, Hardy, Harrison, Hastings, Haugen, Hawley, Hayden, Hersey, Hickey, Hill of Alabama, Hill of Washington, Hoch, Holaday, Hooker, Howard of Nebraska, Howard of Oklahoma, Huddleston, Hudson, Hudspeth, Morton D. Hull, William E. Hull, Hull of Iowa, Hull of Tennessee, Humphreys, Jeffers, Johnson of Kentucky, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Johnson of West Virginia, Jones, Jost, Kearns, Keller, Kelly, Kent, Kerr, Ketcham, Kiess, Kincheloe, King, Kopp, Kurtz, Kvale, Lampert, Lanham, Lankford, Larsen of Georgia, Larson of Minnesota, Lazaro, Lea of California, Leatherwood, Leavitt, Lee of Georgia, Lilly, Lineberger, Linthicum, Little, Longworth, Lowrey, Lozier, Lyon, McClintic, McDuffie, McKenzie, McKeown, McLaughlin of Michigan, McReynolds, McSweeney, MacGregor, MacLafferty, Magee of New York, Magee of Pennsylvania, Major of Illinois, Major of Missouri, Manlove, Mansfield, Mapes, Martin, Michener, Miller of Washington, Milligan, Montague, Moore of Georgia, Moore of Illinois, Moore of Ohio, Moore of Virginia, Moores of Indiana, Morehead, Morgan, Morris, Morrow, Mudd, Murphy, Nelson of Maine, Nelson of Wisconsin, Newton of Minnesota, Newton of Missouri, Nolan, O'Connor of Louisiana, Oldfield, Oliver of Alabama, Park of Georgia, Parks of Arkansas, Patterson, Peavey, Peery, Perkins, Phillips, Porter, Pou, Purnell, Quin, Ragon, Rainey, Raker, Ramseyer, Rankin, Rathbone, Rayburn, Reece, Reed of Arkansas, Reid of Illinois, Richards, Roach, Robinson of Iowa, Robsion of Kentucky, Rogers of Massachusetts, Rogers of New Hampshire, Romjue, Rosenbloom, Rouse, Rubey, Salmon, Sanders of Indiana, Sanders of Texas, Sandlin, Schneider, Scott, Sears of Florida, Shallenberger, Sherwood, Simmons, Sinclair, Sinnott, Sites, Smith, Smithwick, Snell, Speaks, Sproul of Illinois, Sproul of Kansas, Stalker, Steagall, Stedman, Stengle, Stephens, Stevenson, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Sumners of Texas, Swank, Swing, Swoope, Taber, Taylor of Colorado, Taylor of Tennessee, Taylor of West Virginia, Temple, Thatcher, Thomas of Kentucky, Thomas of Oklahoma, Thompson, Tillman, Timberlake, Tincher, Tucker, Tydings, Underwood, Upshaw, Valle, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Voigt, Wainwright, Ward of North Carolina, Watkins, Watson, Weaver, Wefald, Wertz, White of Kansas, White of Maine, Williams of Illinois, Williams of Michigan, Williams of Texas, Wilson of Indiana, Wilson of Louisiana, Wilson of Mississippi, Wingo, Winter, Wolff, Wood, Woodruff, Woodrum, Wright, Wurzbach, Wyant, Yates, and Young.

Nays, 71: Aldrich, Bacharach, Berger, Black of New York, Bloom, Boylan, Britten, Browne of New Jersey Buckley, Burdick, Carew, Casey, Celler, Clancy, Cleary, Connery, Crosser, Cullen, Dickstein, Doyle, Dyer,

Eagan, Edmonds, Fairchild, Fenn, Freeman, Gallivan, Geran, Greene of Massachusetts, Griffin, Hill of Maryland, Jacobstein, James, Kindred, Kunz, LaGuardia, Lehlbach, Lindsay, Luce, McLeod, McNulty, Madden, Mead, Merritt, Mills, Minahan, Mooney, Morin, O'Brien, O'Connell of New York, O'Connell of Rhode Island, O'Sullivan, Oliver of New York, Perlman, Prall, Quayle, Ransley, Sabath, Schafer, Sears of Nebraska, Seger, Snyder, Sullivan, Sweet, Tague, Tilson, Treadway, Underhill, Vare, Watres, and Winslow.

Answered "present," 1: Tinkham.

Not voting, 37: Anderson, Clark of Florida, Connolly of Pennsylvania, Corning, Curry, Davis of Minnesota, Drane, Favrot, Frothingham, Gibson, Goldsborough, Graham of Pennsylvania, Hawes, Kahn, Kendall, Knutson, Langley, Logan, McFadden, McLaughlin of Nebraska, McSwain, Michaelson, Miller of Illinois, O'Connor of New York, Paige, Parker, Reed of New York, Reed of West Virginia, Sanders of New York, Schall, Shreve, Ward of New York, Wason, Weller, Welsh, Williamson, and Zihlman.

So the bill was passed.

The following pairs were announced:

Mr. Gibson (for) with Mr. Tinkham (against).

Mr. Curry (for) with Mr. Weller (against).

Mr. McSwain (for) with Mr. O'Connor of New York (against).

Mr. Goldsborough (for) with Mr. Corning (against).

Mr. Reed of New York (for) with Mr. Logan (against).

THE HOWELL-BARKLEY RAILROAD LABOR BILL

Provided for the expeditious and prompt settlement, mediation, conciliation, and arbitration of disputes between carriers and their employees. This bill had the sanction of the railway labor unions. This vote was on the motion to discharge the committee.

[From the CONGRESSIONAL RECORD of May 5, 1924]

Mr. BARKLEY. Under section 24 of Rule XXVII the motion was made by me on the 11th of April to discharge the Committee on Interstate and Foreign Commerce from the consideration of the bill (H. R. 7358).

* * * * * * *

The SPEAKER. The question is on the motion made by the gentleman from Kentucky [Mr. BARKLEY] to discharge the committee.

Mr. BARKLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 181, not voting 57, as follows:

[Roll No. 114]

Yeas, 194: Abernethy, Allen, Allgood, Almon, Arnold, Ayres, Bankhead, Barbour, Barkley, Beck, Berger, Black of New York, Bloom, Boies, Bowling, Box, Boylan, Brand of Georgia, Briggs, Browne of Wisconsin, Browning, Buchanan, Buckley, Bulwinkle, Busby, Byrnes of South Carolina, Byrns of Tennessee, Canfield, Cannon, Carew, Carter, Casey, Celler, Clancy, Collier, Collins, Connally of Texas, Cook, Cooper of Ohio, Cooper of Wisconsin, Corning, Crisp, Croll, Crosser, Cullen, Davey, Dickinson of Missouri, Doughton, Dowell, Doyle, Eagan, Evans of Montana, Favrot, Foster, Frear, Fulbright, Fulmer, Funk, Garber, Gardner of Indiana, Garner of Texas, Garrett of Texas, Gasque, Gilbert, Glatfelter, Greenwood, Griffin, Hammer, Hastings, Hayden, Hill of Alabama, Hill of Washington, Holaday, Howard of Nebraska, Huddleston, Hudspeth, Hull of Iowa, Hull of Tennessee, Jacobstein, James, Jeffers, Johnson of West Virginia, Jones, Keller, Kelly, Kent, Kindred, King, Kopp, Kvale, LaGuardia, Lampert, Lanham, Lankford, Lazaro, Lee of Georgia, Lilly, Lindsay, Lozier, Lyon, McClintic, McKeown, McReynolds, McSwain, McSweeney, MacGregor, Major of Illinois, Major of Missouri, Manlove, Mansfield, Martin, Mead, Miller of Washington, Milligan, Minahan, Montague, Mooney, Moore of Georgia, Moore of Virginia, Morehead, Morrow, Nelson of Wisconsin, Nolan, O'Brien, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, O'Sullivan, Oldfield, Oliver of Alabama, Oliver of New York, Parks of Arkansas, Peavey, Peery, Pou, Prall, Quayle, Quin, Ragon, Rainey, Raker, Rankin, Rathbone, Reed of Arkansas, Reid of Illinois, Richards, Robsion of Kentucky, Romjue, Rubey, Sabath, Salmon, Sanders of Texas, Sandlin, Schafer, Schall, Schneider, Seger, Shallenberger, Sherwood, Simmons, Sinclair, Sites, Smithwick, Steagall, Stedman, Stevenson, Summers of Washington, Sumners of Texas, Swank, Swing, Tague, Taylor of Colorado, Taylor of West Virginia, Thomas of Kentucky, Thomas of Oklahoma, Tillman, Tucker, Underwood, Vinson of Georgia, Vinson of Kentucky, Voigt, Watkins, Weaver, Wefald, Weller, Williams of Illinois, Wilson of Indiana, Wilson of Mississippi, Wingo, Wolff, Woodruff, Woodrum, and Wright.

Nays, 181: Ackerman, Aldrich, Andrew, Anthony, Aswell, Bacharach, Bacon, Beedy, Beers, Begg, Bixler, Black of Texas, Bland, Blanton, Boyce, Brand of Ohio, Britten, Browne of New Jersey, Brumm, Burdick, Burtness, Burton, Butler, Cable, Chindblom, Christopherson, Clague, Clarke of New York, Cleary, Cole of Iowa, Cole of Ohio, Colton, Connolly of Pennsylvania, Cramton, Crowther, Darrow, Davis of Tennessee, Deal, Dempsey, Denison, Dickinson of Iowa, Driver, Dyer, Edmonds, Elliott, Evans of Iowa, Fairchild, Fairfield, Faust, Fenn, Fish, Fisher, Fitzgerald, Fleetwood, Fredericks, Free, Freeman, French, Frothingham, Fuller, Garrett of Tennessee, Gibson, Gifford, Goldsborough, Graham of Illinois, Graham of Pennsylvania, Green of Iowa, Griest, Hadley, Hardy, Harrison, Haugen, Hawes, Hawley, Hersey, Hickey, Hill of Maryland, Hoch, Hudson, Morton D. Hull, William E. Hull, Humphreys, Johnson of South Dakota, Johnson of Kentucky, Johnson of Washington, Jost, Kearns, Kendall, Kerr, Ketcham, Kiess, Kincheloe, Kurtz, Larsen of Georgia, Larson of Minnesota, Lea of California, Leatherwood, Leavitt, Lehlbach, Linthicum, Little, Longworth, Lowrey, Luce, McDuffie, McFadden, McKenzie, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, MacLafferty, Madden, Magee of New York, Magee of Pennsylvania, Mapes, Merritt, Michener, Miller of Illinois, Mills, Moore of Illinois, Moore of Ohio, Moores of Indiana, Mudd, Nelson of Maine, Newton of Minnesota, Newton of Missouri, Paige, Parker, Patterson, Perkins, Phillips, Porter, Purnell, Ramseyer, Ransley, Reece, Reed of New York, Roach, Robinson of Iowa, Rogers of Massachusetts, Rouse, Sanders of Indiana, Sanders of New York, Scott, Shreve, Sinnott, Smith, Snell, Speaks, Sproul of Illinois, Sproul of Kansas, Stephens, Strong of Kansas, Strong of Pennsylvania, Sweet, Taber, Temple, Thatcher, Thompson, Timberlake, Tincher, Tinkham, Treadway, Underhill, Valle, Vincent of Michigan, Wainwright, Watres, Watson, Welsh, White of Kansas, White of Maine, Williams of Michigan, Williams of Texas, Williamson, Wilson of Louisiana, Winslow, Wyant, Yates, and Young.

Not voting 57: Anderson, Bell, Campbell, Clark of Florida, Connery, Cummings, Curry, Dallinger, Davis of Minnesota, Dickstein, Dominick, Drane, Drewry, Gallivan, Geran, Greene of Massachusetts, Hooker, Howard of Oklahoma, Johnson of Texas, Kahn, Knutson, Kunz, Langley, Lineberger, Logan, McNulty, Michaelson, Morgan, Morin, Morris, Murphy, Park of Georgia, Perlman, Rayburn, Reed of West Virginia, Rogers of New Hampshire, Rosenbloom, Sears of Florida, Sears of Nebraska, Snyder, Stalker, Stengle, Sullivan, Swoope, Taylor of Tennessee, Tilson, Tydings, Upshaw, Vare, Vestal, Ward of New York, Ward of North Carolina, Wason, Winter, Wood, Wurzbach, and Zihlman.

So the motion to discharge the committee was agreed to.

Mr. KUNZ. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. KUNZ. I have just come in.

The SPEAKER. The gentleman does not bring himself within the rule.

The Clerk announced the following pairs:

On this vote:

Mr. Gallivan (for) with Mr. Tilson (against).

Mr. Morgan (for) with Mr. Morris (against).

Mr. Wurzbach (for) with Mr. Vare (against).

Mr. Hooker (for) with Mr. Wood (against).

Mr. McNulty (for) with Mr. Geran (against).

Mr. Upshaw (for) with Mr. Drewry (against).

Mr. Knutson (for) with Mr. Winter (against).

Mr. Connery (for) with Mr. Vestal (against).

The result of the vote was announced as above recorded.

SOLDIERS' ADJUSTED COMPENSATION ACT

Provides adjusted compensation for veterans of the World War at the rate of $1 per day for home service and $1.25 per day for overseas service; compensation to be paid in the form of 20-year paid-up endowment insurance policies equal in amount to the adjusted service certificate increased by 25 per cent. In case the veteran has died the adjusted service credit is paid in full to his dependents. Loans may be made upon adjusted service certificates after the expiration of two years after the date of the certificate.

[From the CONGRESSIONAL RECORD of March 18, 1924]

Mr. GREEN of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7959) to provide adjusted compensation for veterans of the World War, and for other purposes, which I send to the desk.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the bill, which the Clerk will report.

* * * * * * *

The SPEAKER. The question is on the motion of the gentleman from Iowa that the rules be suspended and the bill do pass.

The question was taken.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

Mr. GREEN of Iowa. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 355, nays 54, answered "present" 4, not voting 18, as follows:

[Roll No. 66]

Yeas, 355: Abernethy, Allen, Allgood, Almon, Andrew, Anthony, Arnold, Aswell, Ayres, Bacharach, Bankhead, Barbour, Barkley, Beck, Beedy, Beers, Begg, Bell, Berger, Bixley, Black of Texas, Black of New York, Blanton, Bloom, Boies, Bowling, Boylan, Brand of Georgia, Brand of Ohio, Briggs, Browne of Wisconsin, Browning, Brumm, Buchanan, Buckley, Bulwinkle, Burdick, Burtness, Busby, Byrnes of South Carolina, Cable, Campbell, Canfield, Cannon, Carew, Carter,

Casey, Celler, Christopherson, Clague, Clancy, Clark of Florida, Cleary, Cole of Iowa, Cole of Ohio, Collins, Colton, Connally of Texas, Connery, Connolly of Pennsylvania, Cook, Cooper of Wisconsin, Cooper of Ohio, Cramton, Crisp, Croll, Crosser, Crowther, Cullen, Cummings, Curry, Dallinger, Darrow, Davey, Davis of Minnesota, Dempsey, Denison, Dickinson of Missouri, Dickinson of Iowa, Dickstein, Doughton, Dowell, Doyle, Drane, Driver, Dyer, Eagan, Edmonds, Elliott, Evans of Iowa, Evans of Montana, Fairchild, Fairfield, Faust Favrot Fish, Fisher, Fitzgerald, Fleetwood, Foster, Freer, Free, French, Frothingham, Fulbright, Fuller, Fulmer, Funk, Garber, Gardner of Indiana, Garner of Texas, Gasque, Geran, Gibson, Gilbert, Glatfelter, Goldsborough, Graham of Illinois, Green of Iowa, Greenwood, Griest, Griffin, Hadley, Hammer, Hardy, Harrison, Hastings, Haugen, Hawes, Hawley, Hayden, Hersey, Hickey, Hill of Alabama, Hill of Washington, Hill of Maryland, Hoch, Holaday, Howard of Nebraska, Howard of Oklahoma, Huddleston, Hudson, Hudspeth, Hull of Tennessee, Hull of Iowa, William E. Hull, Jacobstein, James, Jeffers, Johnson of Washington, Johnson of Kentucky, Johnson of West Virginia, Johnson of Texas, Jones, Jost, Kearns, Keller, Kelly, Kendall, Kent, Kerr, Ketcham, Kiess, Kincheloe, Kindred, King, Kopp, Kunz, Kurtz, Kvale, LaGuardia, Lampert, Langley, Lankford, Larsen of Georgia, Larson of Minnesota, Lazaro, Lea of California, Leatherwood, Leavitt, Lee of Georgia, Lilly, Lindsay, Linthicum, Little, Logan, Longworth, Lowrey, Lozier, Lyon, McKenzie, McKeown, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, McNulty, McReynolds, McSwain, McSweeney, MacGregor, MacLafferty, Madden, Major of Illinois, Major of Missouri, Manlove, Mansfield, Mapes, Martin, Mead, Michener, Miller of Illinois, Miller of Washington, Milligan, Minahan, Mooney, Moore of Illinois, Moore of Ohio, Moore of Georgia, Morehead, Morgan, Morin, Morris, Morrow, Murphy, Nelson of Wisconsin, Newton of Missouri, Nolan, O'Brien, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, O'Sullivan, Oldfield, Oliver of New York, Paige, Park of Georgia, Parks of Arkansas, Patterson, Peavey, Peery, Perlman, Porter, Pou, Prall, Purnell, Quayle, Quin, Ragon, Rainey, Raker, Ramseyer, Rankin, Ransley, Rathbone, Rayburn, Reece, Reed of New York, Reed of Arkansas, Reid of Illinois, Richards, Roach, Robinson of Iowa, Robsion of Kentucky, Rogers of Massachusetts, Romjue, Rosenbloom, Rouse, Rubey, Sabath, Salmon, Sanders of Indiana, Sanders of New York, Sanders of Texas, Sandlin, Schafer, Schall, Schneider, Scott, Sears of Nebraska, Sears of Florida, Shallenberger, Sherwood, Shreve, Simmons, Sinclair, Sinnott, Sites, Smith, Smithwick, Speaks, Sproul of Illinois, Sproul of Kansas, Stalker, Stedman, Stengle, Stephens, Stevenson, Strong of Kansas, Strong of Pennsylvania, Sullivan, Summers of Washington, Sumners of Texas, Swank, Sweet, Swing, Swoope, Taber, Tague, Taylor of Colorado, Taylor of West Virginia, Taylor of Tennessee, Thatcher, Thomas of Oklahoma, Thomas, Kentucky, Thompson, Tillman, Timberlake, Tincher, Tydings, Underwood, Valle, Vare, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Voigt, Ward of North Carolina, Watkins, Watres, Weaver, Wefald, Weller, Welsh, Wertz, White of Kansas, White of Maine, Williams of Michigan, Williams of Illinois, Williamson, Wilson of Louisiana, Wilson of Mississsppi, Wilson of Indiana, Wingo, Winter, Wolff, Wood, Woodruff, Wright, Wurzbach, Wyant, Yates, Young, and Zihlman.

Nays, 54: Ackerman, Aldrich, Bacon, Bland, Box, Boyce, Browne of New Jersey, Burton, Butler, Byrns of Tennessee, Clarke of New York, Collier, Corning, Davis of Tennessee, Deal, Dominick, Drewry, Fenn, Freeman, Garrett of Texas, Garrett of Tennessee, Gifford, Graham of Pennsylvania, Hooker, Morton D. Hull, Humphreys, Lanham, Lehlbach, Luce, Magee of Pennsylvania, Magee of New York, Merritt, Mills, Montague, Moore of Virginia, Moores of Indiana, Nelson of Maine, Newton of Minnesota, Parker, Perkins, Phillips, Seger, Snyder, Temple, Tilson, Tinkham, Treadway, Underhill, Wainwright, Ward of New York, Watson, Williams of Texas, Winslow, and Woodrum.

Answered "present," 4: Gallivan, Snell, Tucker, and Wason.

Not voting, 18: Anderson, Britten, Chindblom, Fredericks, Greene of Massachusetts, Johnson of South Dakota, Kahn, Knutson, Lineberger, McClintic, McDuffie, McFadden, Michaelson, Oliver of Alabama, Reed of West Virginia, Rogers of New Hampshire, Steagall, and Upshaw.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Johnson of South Dakota and Mr. Fredericks (for) with Mr. Snell (against).

Mr. Chindblom and Mr. Lineberger (for) with Mr. Tucker (against).

Mr. Rogers of New Hampshire and Mr. McClintic (for) with Mr. Wason (against).

Mr. Greene of Massachusets and Mr. Steagall (for) with Mr. McFadden (against).

Mr. McDuffie and Mr. Upshaw (for) with Mr. Gallivan (against).

Mr. JEFFERS. Mr. Speaker, I am authorized to state that if my colleague, Mr. OLIVER of Alabama, had been present, he would have voted for the bill. Mr. OLIVER is out of the city on important business, having already been granted leave of absence.

Mr. SNELL. Mr. Speaker, I have a pair with the gentleman from South Dakota, Mr. JOHNSON. I desire to withdraw my vote of "no" and answer "present."

Mr. VINSON of Georgia. Mr. Speaker, my colleague from Georgia, Mr. UPSHAW, is absent. He asked me to announce that if he were present he would vote "yea."

Mr. GALLIVAN. Mr. Speaker, I have been earnestly requested to pair, much against my desire; but it appears that Mr. MCDUFFIE and Mr. UPSHAW, on the Democratic side of the House, are both absent. If they were present, they would vote for this proposition. I have already voted against it; therefore I withdraw my vote of "no" and consent, against my desire, to this pair.

Mr. TUCKER. Mr. Speaker, I was paired on this question with the gentleman from Illinois, Mr. CHINDBLOM, and the gentleman from California, Mr. LINEBERGER. I was paired with the understanding that if I got back here to-day in time to vote I should have that privilege, provided I could transfer the pair. Not being able to do that, I have declined to vote. If these gentlemen were present, I should vote "no" and they would vote "aye." As it is, I vote "present."

Mr. SPROUL of Illinois. Mr. Speaker, my colleague, the gentleman from Illinois, Mr. MICHAELSON, is unavoidably detained. Had he been here to-day, he would have voted "yea" on this compensation bill.

The result of the vote was announced as above recorded.

THE BONUS BILL

Vote on motion to override the President's veto.

[From the CONGRESSIONAL RECORD of May 17, 1924]

The SPEAKER. The business before the House is, Will the House on reconsideration pass the adjusted compensation bill, the objections of the President to the contrary notwithstanding?

* * * * * * *

The SPEAKER. The question is, Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding? A yea-and-nay vote is provided by the Constitution.

The question was taken; and there were—yeas 313, nays 78, answered "present" 3, not voting 39, as follows:

[Roll No. 148]

Yeas, 313: Abernethy, Allen, Allgood, Almon, Andrew, Anthony, Arnold, Aswell, Ayres, Bacharach, Barbour, Barkley, Beck, Beedy, Begg, Bell, Berger, Black of New York, Black of Texas, Blanton, Bloom, Bowling, Boylan, Brand of Georgia, Briggs, Browne of Wisconsin, Browning, Brumm, Buchanan, Buckley, Bulwinkle, Burtness, Busby, Byrnes of South Carolina, Cable, Campbell, Canfield, Cannon, Carew, Carter, Casey, Celler, Christopherson, Clague, Clancy, Cleary, Cole of Iowa, Collins, Colton, Connally of Texas, Connery, Connolly of Pennsylvania, Cook, Cooper of Ohio, Cooper of Wisconsin, Cramton, Crisp, Croll, Crosser, Crowther, Cullen, Cummings, Davey, Davis of Minnesota, Denison, Dickinson of Iowa, Dickinson of Missouri, Dickstein, Doughton, Dowell, Driver, Eagan, Elliott, Evans of Iowa, Evans of Montana, Fairchild, Fairfield, Faust, Favrot, Fish, Fisher, Fitzgerald, Foster, Frear, Free, French, Frothingham, Fulbright, Fuller, Fulmer, Funk, Garber, Gardner of Indiana, Garner of Texas, Gasque, Geran, Gibson, Glatfelter, Goldsborough, Green of Iowa, Greene of Massachusetts, Greenwood, Griest, Griffin, Hadley, Hammer, Hardy, Harrison, Hastings, Haugen, Hawley, Hayden, Hersey, Hickey, Hill of Alabama, Hill of Maryland, Hill of Washington, Hoch, Holaday, Howard of Nebraska, Hudspeth, Hull of Iowa, William E. Hull, Jacobstein, James, Jeffers, Johnson of Kentucky, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Johnson of West Virginia, Jones, Kearns, Keller, Kelly, Kendall, Kent, Kerr, Ketcham, Kincheloe, Kindred, King, Knutson, Kopp, Kunz, Kurtz, LaGuardia, Lampert, Lankford, Larsen of Georgia, Larson of Minnesota, Lazaro, Lea of California, Leatherwood, Lee of Georgia, Lindsay, Lineberger, Linthicum, Little, Logan, Lowrey, Lozier, Lyon, McClintic, McDuffie, McKenzie, McKeown, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, McNulty, McReynolds, McSwain, McSweeney, MacGregor, MacLafferty, Major of Illinois, Major of Missouri, Manlove, Mansfield, Mapes, Martin, Mead, Michaelson, Michener, Miller of Illinois, Miller of Washington, Milligan, Minahan, Mooney, Moore of Georgia, Moore of Ohio, Morehead, Morgan, Morin, Morrow, Mudd, Murphy, Nelson of Wisconsin, Nolan, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, O'Sullivan, Oldfield, Oliver of Alabama, Oliver of New York, Parks of Arkansas, Patterson, Peery, Perlman, Porter, Pou, Prall, Purnell, Quayle, Quin, Ragon, Rainey, Raker, Ramseyer, Rankin, Ransley, Rathbone, Rayburn, Reece, Reed of Arkansas, Reed of New York, Reid of Illinois, Richards, Roach, Robinson of Iowa, Robsion of Kentucky, Rogers of Massachusetts, Romjue, Rouse, Rubey, Sabath, Salmon, Sanders of Indiana, Sanders of New York, Sanders of Texas, Sandlin, Schafer, Schall, Schneider, Sears of Florida, Sears of Nebraska, Shallenberger, Sherwood, Shreve, Simmons, Sinclair, Sinnott, Sites, Smith, Smithwick, Speaks, Sproul of Kansas, Steagall, Stedman, Stephens, Stevenson, Strong of Kansas, Strong of Pennsylvania, Sullivan, Summers of Washington, Sumners of Texas, Swank, Swing, Swoope, Tague, Taylor of

Colorado, Taylor of Tennessee, Taylor of West Virginia, Thatcher, Thomas of Kentucky, Thomas of Oklahoma, Thompson, Tillman, Timberlake, Tincher, Tydings, Underwood, Upshaw, Vaile, Vare, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Voigt, Watkins, Weaver, Wefald, Weller, White of Kansas, Williams of Illinois, Williamson, Wilson of Indiana, Wilson of Louisiana, Wilson of Mississippi, Wingo, Wolff, Wood, Woodruff, Wright, Wurzbach, Wyant, Yates, Young, and Zihlman.

Nays, 78: Ackerman, Aldrich, Bacon, Beers, Bixler, Bland, Box, Boyce, Brand of Ohio, Britten, Browne of New Jersey, Burton, Butler, Chindblom, Clarke of New York, Collier, Corning, Darrow, Davis of Tennessee, Deal, Dempsey, Dominick, Drewry, Edmonds, Fenn, Fleetwood, Fredericks, Freeman, Garrett of Tennessee, Garrett of Texas, Graham of Illinois, Graham of Pennsylvania, Hawes, Hooker, Hudson, Morton D. Hull, Humphreys, Jost, Lanham, Lehlbach, Longworth, Madden, Magee of New York, Magee of Pennsylvania, Merritt, Mills, Moore of Illinois, Moore of Virginia, Moores of Indiana, Nelson of Maine, Newton of Minnesota, Newton of Missouri, Paige, Parker, Perkins, Phillips, Scott, Seger, Snell, Spearing, Sproul of Illinois, Stalker, Sweet, Taber, Temple, Tilson, Tinkham, Treadway, Tucker, Underhill, Wainwright, Watres, Watson, Welsh, Wertz, Williams of Michigan, Winslow, and Woodrum.

Answered "present," 3: Byrns of Tennessee, Gifford, and Montague.

Not voting, 39: Anderson, Bankhead, Boies, Burdick, Clark of Florida, Cole of Ohio, Curry, Dallinger, Doyle, Drane, Dyer, Gallivan, Gilbert, Howard of Oklahoma, Huddleston, Hull of Tennessee, Kahn, Kiess, Kvale, Langley, Leavitt, Lilly, Luce, McFadden, Morris, O'Brien, Park of Georgia, Peavey, Reed of West Virginia, Rogers of New Hampshire, Rosenbloom, Snyder, Stengle, Ward of New York, Ward of North Carolina, Wason, White of Maine, Williams of Texas, and Winter.

So, two-thirds having voted in favor thereof, the bill was passed.

The Clerk announced the following pairs:

Soldiers' bonus:

Mr. Boies and Mr. O'Brien (for) with Mr. Montague (against).

Mr. Burdick and Mr. Howard of Oklahoma (for) with Mr. Snyder (against).

Mr. Leavitt and Mr. Peavey (for) with Mr. Luce (against).

Mr. Dallinger and Mr. Dyer (for) with Mr. Gifford (against).

Mr. Hull of Tennessee and Mr. Stengle (for) with Mr. Byrns of Tennessee (against).

Mr. Morris and Mr. Rogers of New Hampshire (for) with Mr. Wason (against).

Mr. Curry and Mr. Winter (for) with Mr. McFadden (against).

Mr. Kvale and Mr. Doyle (for) with Mr. Ward of New York (against).

Mr. Bankhead and Mr. Drane (for) with Mr. Williams of Texas (against).

Mr. BYRNS of Tennessee. Mr. Speaker, I voted "no." I am paired with the gentleman from Tennessee, Mr. HULL, and the gentleman from New York, Mr. Stengle, who are unavoidably absent, and who would have voted "aye" if they had been present. I therefore wish to withdraw my vote of "no" and ask to be recorded as "present."

Mr. MONTAGUE. Mr. Speaker, I voted "no." I am paired with the gentleman from Iowa, Mr. BOIES, and with the gentleman from New Jersey, Mr. O'Brien. I desire to recall my vote. If those gentlemen were present, they would vote "aye" and I would vote "no."

Mr. GIFFORD. Mr. Speaker, I voted "no." I am paired with the gentleman from Massachusetts, Mr. DALLINGER, and with the gentleman from Missouri, Mr. DYER. If they were present, they would have voted "aye" and I would have voted "no."

Mr. WEFALD. Mr. Speaker, my colleague, Mr. KVALE, is unavoidably absent. If he were here, he would vote "aye."

The result of the vote was announced as above recorded.

CHILD LABOR AMENDMENT

Joint resolution proposing an amendment to the Constitution of the United States.

SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

SEC. 2. The power of the several States is unimpaired by this article, except that the operation of State laws be suspended to the extent necessary to give effect to legislation enacted by the Congress.

[From the CONGRESSIONAL RECORD of May 26, 1924]

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. J. Res. 184, proposing an amendment to the Constitution of the United States.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. J. Res. 184, with Mr. CRAMTON in the chair.

The Clerk read the title of the resolution.

* * * * * * *

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I understand a roll call is mandatory.

The SPEAKER. No; it is not mandatory.

Mr. FOSTER. Mr. Speaker, I ask for the yeas and nays.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 297, nays 69, answered "present" 2, not voting 64, as follows:

[Roll No. 103]

Yeas, 297: Aldrich, Allen, Almon, Anthony, Arnold, Ayres, Bachrach, Bacon, Barbour, Barkley, Beck, Beedy, Beers, Begg, Berger, Black of New York, Black of Texas, Boies, Box, Boyce, Boylan, Briggs, Britten, Browne of New Jersey, Browne of Wisconsin, Buckley, Burdick, Burtness, Butler, Byrns of Tennessee, Cable, Campbell, Canfield, Cannon, Carew, Carter, Casey, Celler, Chindblom, Christopherson, Clague, Clancy, Cole of Iowa, Collier, Collins, Colton, Connery, Cook, Cooper of Ohio, Cooper of Wisconsin, Corning, Cramton, Croll, Crosser, Crowther, Cullen, Cummings, Dallinger, Davey, Davis of Tennessee, Denison, Dickinson of Iowa, Dickinson of Missouri, Dickstein, Dowell, Doyle, Dyer, Eagan, Elliott, Evans of Iowa, Evans of Montana, Fairfield, Faust, Favrot, Fenn, Fish, Fisher, Fitzgerald, Fleetwood, Foster, Frear, Fredericks, Freeman, French, Frothingham, Fulbright, Funk, Garber, Gardner of Indiana, Garrett of Texas, Gasque, Geran, Gibson, Gifford, Glatfelter, Graham of Illinois, Green of Iowa, Greene of Massachusetts, Greenwood, Griest, Griffin, Hadley, Hammer, Hardy, Harrison, Hastings, Haugen, Hawley, Hayden, Hersey, Hickey, Hill of Washington, Holaday, Howard of Nebraska, Huddleston, Hudson, Hull of Iowa, Hull of Tennessee, William E. Hull, Jacobstein, James, Johnson of Kentucky, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Johnson of West Virginia, Jones, Jost, Kearns, Keller, Kelly, Kendall, Kent, Ketcham, Kiess, Kincheloe, Kindred, King, Kopp, Kunz, Kurtz, Kvale, LaGuardia, Lampert, Lankford, Larson of Minnesota, Lazaro, Lea of California, Leatherwood, Leavitt, Lehlbach, Lindsay, Lineberger, Little, Longworth, Lozier, Luce, Lyon, McKenzie, McKeown, McLaughlin of Michigan, McReynolds, McSweeney, MacLafferty, Madden, Magee of New York, Major of Illinois, Major of Missouri, Manlove, Mapes, Mead, Michener, Miller of Illinois, Miller of Washington, Milligan, Mills, Minahan, Mooney, Moore of Ohio, Morehead, Morgan, Morris, Morrow, Mudd, Murphy, Nelson of Maine, Nelson of Wisconsin, Newton of Minnesota, Nolan, O'Brien, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, O'Sullivan, Oldfield, Oliver of New York, Paige, Parker, Parks of Arkansas, Patterson, Peavey, Perkins, Perlman, Phillips, Prall, Purnell, Quayle, Quin, Ragon, Rainey, Raker, Ramseyer, Rankin, Rathbone, Reece, Reed of Arkansas, Reed of New York, Reid of Illinois, Richards, Roach, Robinson of Iowa, Robsion of Kentucky, Romjue, Rouse, Rubey, Sabath, Salmon, Sanders of Indiana, Sanders of New York, Sanders of Texas, Schafer, Schneider, Seger, Shallenberger, Sherwood, Shreve, Simmons, Sinclair, Sinnott, Sites, Smith, Snell, Speaks, Sproul of Illinois, Sproul of Kansas, Stalker, Stedman, Stengle, Stephens, Strong of Kansas, Summers of Washington, Swank, Swing, Swoope, Taber, Tague, Taylor of Colorado, Taylor of Tennessee, Taylor of West Virginia, Temple, Thatcher, Thomas of Kentucky, Thomas of Oklahoma, Thompson, Tillman, Tilson, Timberlake, Tincher, Treadway, Underwood, Vaile, Vincent of Michigan, Vinson of Kentucky, Voigt, Wainwright, Ward of New York, Watkins, Watres, Weaver, Weller, Wertz, White of Kansas, White of Maine, Williams of Illinois, Williams of Michigan, Williamson, Wilson of Indiana, Winslow, Winter, Wolff, Wood, Woodruff, Woodrum, Wyant, Yates, and Young.

Nays, 69: Abernethy, Allgood, Andrew, Aswell, Bankhead, Bixler, Bland, Blanton, Bowling, Brand of Georgia, Brand of Ohio, Browning, Bulwinkle, Busby, Connally of Texas, Connolly of Pennsylvania, Crisp, Darrow, Deal, Dominick, Doughton, Drewry, Driver, Free, Fulmer, Garner of Texas, Garrett of Tennessee, Gilbert, Goldsborough, Graham of Pennsylvania, Hawes, Hill of Alabama, Hill of Maryland, Hooker, Hudspeth, Jeffers, Kerr, Lanham, Larsen of Georgia, Linthicum, Lowrey, McDuffie, McSwain, Mansfield, Martin, Merritt, Montague, Moore of Georgia, Moore of Virginia, Moores of Indiana, Oliver of Alabama, Park of Georgia, Peery, Pou, Rayburn, Sandlin, Smithwick, Steagall, Sumners of Texas, Tinkham, Tucker, Tydings, Underhill, Vinson of Georgia, Watson, Williams of Texas, Wilson of Louisiana, Wingo, and Wright.

Answered "present," 2: Buchanan and Humphreys.

Not voting, 64: Ackerman, Anderson, Bell, Bloom, Brumm, Burton, Byrnes of South Carolina, Clark of Florida, Clarke of New York, Cleary, Cole of Ohio, Curry, Davis of Minnesota, Dempsey, Drane, Edmonds, Fairchild, Fuller, Gallivan, Hoch, Howard of Oklahoma, Morton D. Hull, Kahn, Knutson, Langley, Lee of Georgia, Lilly, Logan, McClintic, McFadden, McLaughlin of Nebraska, McLeod, McNulty, MacGregor, Magee of Pennsylvania, Michaelson, Moore of Illinois, Morin, Newton of Missouri, Porter, Ransley, Reed of West Virginia, Rogers of Massachusetts, Rogers of New Hampshire, Rosenbloom, Schall, Scott, Sears of Florida, Sears of Nebraska, Snyder, Stevenson, Strong of

Pennsylvania, Sullivan, Sweet, Upshaw, Vare, Vestal, Ward of North Carolina, Wason, Wefald, Welsh, Wilson of Mississippi, Wurzbach, and Zihlman.

So, two-thirds having voted in the affirmative, the House joint resolution was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Vestal and Mr. Rosenbloom (for) with Mr. Buchanan (against).

Mr. Ackerman and Mr. Morton D. Hull (for) with Mr. Snyder (against).

Mr. Davis of Minnesota and Mr. Bloom (for) with Mr. Fairchild (against).

Mr. Porter and Mr. Burton (for) with Mr. Vare (against).

Mr. Gallivan and Mr. Wurzbach (for) with Mr. Lee of Georgia (against).

Mr. McLeod and Mr. Curry (for) with Mr. Ransley (against).

Mr. Magee of Pennsylvania and Mr. Wilson of Mississippi (for) with Mr. Humphreys (against).

Mr. Sweet and Mr. Scott (for) with Mr. Welsh (against).

Mr. Hoch and Mr. Newton of Missouri (for) with Mr. Stevenson (against).

Mr. Rogers of Massachusetts and Mr. Rogers of New Hampshire (for) with Mr. Ward of North Carolina (against).

Mr. Morin and Mr. McNulty (for) with Mr. Bell (against).

Mr. CAMPBELL. Mr. Speaker, I wish to say on behalf of my colleagues from Pittsburgh, Mr. MORIN and Mr. MAGEE, that Mr. MORIN is detained at home on account of the critical illness of his wife, and Mr. MAGEE is detained on account of the illness of himself. If they were present, they would both vote "yea."

Mr. KVALE. Mr. Speaker, I wish to state that my colleague from Minnesota, Mr. WEFALD, is unavoidably absent. If he were present, he would vote "yea."

Mr. CONNERY. Mr. Speaker, my colleague, Mr. GALLIVAN, is prevented from being present by reason of illness. If he were present, he authorizes me to say, he would gladly vote "yea."

Mr. FOSTER. Mr. Speaker, my colleague from Ohio, Mr. BURTON, is absent on account of illness. He asked me to state that if he were present he would vote "yea."

Mr. TAGUE. Mr. Speaker, my colleague, Mr. ROGERS of New Hampshire, is unavoidably absent. If he were present, he would vote "yea."

Mr. HOWARD of Nebraska. Mr. Speaker, my colleague from Nebraska, Mr. SEARS, is not here, and I think, unfortunately, he is not paired. I do not know for sure; but I do know that if he were here he would have voted "yea."

The result of the vote was announced as above recorded.

On motion of Mr. FOSTER, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

THE MCNARY-HAUGEN BILL

Provided for the creation of the United States Agricultural Export Corporation, consisting of the Secretary of Agriculture and four other members, with a capital stock of $200,000,000, for the marketing of basic agricultural commodities. Provides that all expenses and losses be paid by means of an equalization fee; authorizes executive departments and other Government agencies to act as agents for the corporation. The McNary-Haugen bill of 1926 was an amplification of this plan. Both were designed as emergency measures.

[From the CONGRESSIONAL RECORD of June 3, 1924]

The SPEAKER. The unfinished business is the McNary-Haugen bill, on which the previous question is ordered.

* * * * * * *

The SPEAKER. The question is on the passage of the bill.

Mr. RUBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 224, answered "present" 3, not voting 52, as follows:

[Roll No. 192]

Yeas, 154: Abernethy, Allen, Almon, Anthony, Arnold, Ayres, Barbour, Barkley, Beers, Brand of Ohio, Browne of Wisconsin, Burtness, Cable, Canfield, Cannon, Carter, Christopherson, Clague, Cole of Iowa, Colton, Cook, Cooper of Wisconsin, Cramton, Croll, Cummings, Davis of Minnesota, Denison, Dickinson of Iowa, Dickinson of Missouri, Dowell, Elliott, Evans of Iowa, Evans of Montana, Fairfield, Faust, Favrot, Foster, Frear, French, Fulbright, Fuller, Funk, Garber, Gardner of Indiana, Glatfelter, Green of Iowa, Greene of Massachusetts, Greenwood, Griest, Hadley, Hardy, Hastings, Haugen, Hawley, Hayden, Hickey, Hill of Washington, Hoch, Holaday, Howard of Nebraska, Hudspeth, Hull of Iowa, William E. Hull, James, Johnson of Kentucky, Johnson of South Dakota, Johnson of Washington, Johnson of West Virginia, Kearns, Keller, Kelly, Ketcham, King, Knutson, Kopp, Kurtz, Kvale, Lampert, Langford, Leatherwood, Leavitt, Lozier, McClintic, McKenzie, McKeown, McLaughlin of Michigan, McLaughlin of Nebraska, McSweeney, Major of Missouri, Manlove, Michener, Miller of Illinois, Miller of Washington, Milligan, Moore of Illinois, Moore of Ohio, Morehead, Morgan, Morrow, Murphy, Nelson of Wisconsin, Purnell, Ragon, Raker, Ramseyer, Rathbone, Reece, Reed of Arkansas, Reid of Illinois, Richards, Roach, Robinson of Iowa, Robsion of Kentucky, Romjue, Rubey, Schall, Sears of Nebraska, Shallenberger, Shreve, Simmons, Sinclair, Sinnott, Smith, Sproul of Kansas, Strong of Kansas, Summers of Washington, Swank, Swing, Taylor of Ohio, Taylor of Tennessee, Taylor of West Virginia, Thomas of Kentucky, Thomas of Oklahoma, Thompson, Tillman, Timberlake, Tincher, Underwood, Vestal, Vincent of Michigan, Vinson of Kentucky, Watkins, Wefald, Wertz, White of Kansas, Williams of Illinois, Williamson, Wilson of Indiana, Winter, Wolff, Wood, Woodrum, Yates, and Young.

Nays, 224: Ackerman, Aldrich, Andrew, Aswell, Bacharach, Bacon, Bankhead, Beck, Beedy, Begg, Bell, Berger, Bixler, Black of New York, Black of Texas, Bland, Blanton, Bloom, Bowling, Box, Boyce, Boylan, Brand of Georgia, Briggs, Britten, Browne of New Jersey, Browning, Buchanan, Buckley, Bulwinkle, Burdick, Burton, Busby, Butler, Byrns of Tennessee, Campbell, Chindblom, Clancy, Clarke of New York, Cleary, Collier, Connally of Texas, Connery, Connolly of Pennsylvania, Cooper of Ohio, Corning, Crisp, Crosser, Crowther, Cullen, Dallinger, Darrow, Davey, Davis of Tennessee, Deal, Dempsey, Dickstein, Dominick, Doughton, Doyle, Drewry, Driver, Dyer, Eagan, Fairchild, Fenn, Fish, Fisher, Fleetwood, Fredericks, Free, Freeman, Frothingham, Fulmer, Gallivan, Garner of Texas, Garrett of Tennessee, Garrett of Texas, Gasque, Geran, Gibson, Gifford, Gilbert, Goldsborough, Graham of Pennsylvania, Griffin, Hammer, Harrison, Hawes, Hersey, Hill of Alabama, Hill of Maryland, Hooker, Hudson, Morton D. Hull, Hull of Tennessee, Humphreys, Jacobstein, Jeffers, Johnson of Texas, Jones, Kendall, Kent, Kerr, Kiess, Kincheloe, Kindred, LaGuardia, Lanham, Larsen of Georgia, Larson of Minnesota, Lazaro, Lea of California, Lee of Georgia, Lehlbach, Lindsay, Lineberger, Linthicum, Longworth, Lowrey, Luce, McDuffie, McFadden, McLeod, McNulty, McReynolds, McSwain, MacGregor, MacLafferty, Magee of New York, Magee of Pennsylvania, Mapes, Martin, Mead, Merritt, Michaelson, Mills, Minahan, Montague, Mooney, Moore of Georgia, Moore of Virginia, Moores of Indiana, Morris, Mudd, Nelson of Maine, Newton of Missouri, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Sullivan, Oldfield, Oliver of Alabama, Oliver of New York, Parker, Parks of Arkansas, Peavey, Peery, Perkins, Perlman, Phillips, Porter, Pou, Quin, Rainey, Rankin, Ransley, Rayburn, Reed of New York, Rogers of Massachusetts, Rouse, Sabath, Salmon, Sanders of Indiana, Sanders of New York, Sanders of Texas, Sandlin, Schafer, Schneider, Scott, Sears of Florida, Seger, Sherwood, Smithwick, Snell, Speaks, Spearing, Sproul of Illinois, Stalker, Steagall, Stedman, Stephens, Stevenson, Strong of Pennsylvania, Sumners of Texas, Sweet, Taber, Tague, Temple, Thatcher, Tilson, Tinkham, Treadway, Tucker, Tydings, Underhill, Vaile, Vinson of Georgia, Voigt, Wainwright, Wason, Watres, Watson, Weaver, Welsh, Williams of Michigan, Williams of Texas, Wilson of Louisiana, Winslow, Woodrum, Wright, Wurzbach, Wyant, and Zihlman.

Answered "present," 3: Graham of Illinois, Major of Illinois, and Newton of Minnesota.

Not voting, 52: Allgood, Anderson, Boies, Brumm, Byrnes of South Carolina, Carew, Casey, Celler, Clark of Florida, Coe of Ohio, Collins, Curry, Drane, Edmonds, Fitzgerald, Howard of Oklahoma, Huddleston, Jost, Kahn, Kunz, Langley, Lilly, Little, Logan, Lyon, Madden, Mansfield, Morin, Nolan, O'Brien, O'Connor of New York, Paige, Park of Georgia, Patterson, Prall, Quayle, Reed of West Virginia, Rogers of New Hampshire, Rosenbloom, Sites, Snyder, Stengle, Sullivan, Swoope, Upshaw, Vare, Ward of New York, Ward of North Carolina, Weller, White of Maine, Wilson of Mississippi, and Wingo.

So the bill was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Graham of Illinois (for) with Mr. Patterson (against).

Mr. Boies (for) with Mr. Newton of Minnesota (against).

Mr. Little (for) with Mr. Curry (against).

Mr. Howard of Oklahoma (for) with Mr. Ward of New York (against).

Mr. Lilly (for) with Mr. Rogers of New Hampshire (against).

Mr. Major of Illinois (for) with Mr. Jost (against).

Mr. Stengle (for) with Mr. Logan (against).

Mr. NEWTON of Minnesota. Mr. Speaker, I voted "no." I am paired with the gentleman from Iowa, Mr. BOIES. If he were present, he would vote "aye," and I desire to withdraw my vote and answer "present."

Mr. MAJOR of Illinois. Mr. Speaker, I am paired with the gentleman from Missouri, Mr. Jost. I voted "aye." If he were present, he would vote "no." I desire to withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

POSTAL SALARY INCREASE

Reclassifies the salaries of postmasters and employees of the Postal Service, readjusts their salaries and compensation on an equitable basis, and increases postal rates to meet the increase in salaries and compensation. The Federal corrupt practices act

was attached to this bill as a rider. Only six votes, all Republican, were cast against it, including that of Representative Sanders, now secretary to the President of the United States.

[From the CONGRESSIONAL RECORD of June 6, 1924]

Mr. GRIEST. Mr. Speaker, I call up the conference report on the bill S. 1898, the postal salary bill, and ask for its immediate consideration. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the bill S. 1898 and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

* * * * * * *

The SPEAKER. The question is on agreeing to the conference report.

Mr. GARRETT of Tennessee. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 361, nays 6, not voting 66, as follows:

[Roll No. 202]

Yeas, 361: Abernethy, Ackerman, Allen, Allgood, Almon, Andrew, Anthony, Arnold, Aswell, Ayres, Bacharach, Bacon, Bankhead, Barbour, Barkley, Beedy, Beers, Begg, Bell, Berger, Bixler, Black of New York, Black of Texas, Blanton, Bloom, Bowling, Box, Boyce, Boylan, Brand of Georgia, Briggs, Browne of New Jersey, Browne of Wisconsin, Browning, Brumm, Buchanan, Buckley, Bulwinkle, Burdick, Burtness, Busby, Butler, Byrns of Tennessee, Cable, Canfield, Cannon, Carew, Carter, Casey, Chindblom, Christopherson, Clague, Clancy, Clarke of New York, Cleary, Cole of Iowa, Collier, Colton, Connally of Texas, Connery, Connolly of Pennsylvania, Cook, Cooper of Ohio, Cooper of Wisconsin, Corning, Cramton, Crisp, Croll, Crowther, Cullen, Cummings, Dallinger, Darrow, Davey, Davis of Minnesota, Davis of Tennessee, Dempsey, Denison, Dickinson of Iowa, Dickinson of Missouri, Dickstein, Dowell, Doyle, Driver, Dyer, Eagan, Elliott, Evans of Montana, Fairchild, Faust, Favrot, Fenn, Fish, Fisher, Fitzgerald, Fleetwood, Foster, Frear, Fredericks, Freeman, French, Frothingham, Fulbright, Fuller, Fulmer, Funk, Gallivan, Garber, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Garrett of Texas, Gasque, Gibson, Gifford, Gilbert, Glatfelter, Goldsborough, Graham of Pennsylvania, Green of Iowa, Greene of Massachusetts, Greenwood, Griest, Griffin, Hadley, Hardy, Harrison, Hastings, Haugen, Hawes, Hawley, Hayden, Hersey, Hickey, Hill of Maryland, Hill of Washington, Holaday, Hooker, Huddleston, Hudson, Morton D. Hull, William E. Hull, Hull of Iowa, Hull of Tennessee, Jacobstein, James, Jeffers, Johnson of Kentucky, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Johnson of West Virginia, Jones, Kearns, Keller, Kelly, Kendall, Kerr, Ketcham, Kiess, Kincheloe, Kindred, King, Kopp, Kurtz, Kvale, LaGuardia, Lampert, Lanham, Lankford, Larsen of Georgia, Lazaro, Lea of California, Leatherwood, Leavitt, Lee of Georgia, Lehlbach, Lindsay, Lineberger, Linthicum, Longworth, Lowrey, Lozier, Luce, McClintic, McDuffie, McFadden, McKenzie, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, McNulty, McReynolds, McSwain, McSweeney, MacGregor, MacLafferty, Madden, Magee of New York, Major of Illinois, Major of Missouri, Manlove, Mansfield, Mapes, Martin, Mead, Michaelson, Michener, Miller of Illinois, Miller of Washington, Milligan, Minahan, Montague, Mooney, Moore of Georgia, Moore of Illinois, Moore of Ohio, Moore of Virginia, Moores of Indiana, Morehead, Morgan, Morin, Morris, Morrow, Murphy, Nelson of Maine, Nelson of Wisconsin, Newton of Minnesota, Newton of Missouri, Nolan, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, O'Sullivan, Oldfield, Oliver of Alabama, Oliver of New York, Paige, Park of Georgia, Parker, Parks of Arkansas, Patterson, Peery, Perkins, Perlman, Phillips, Porter, Pou, Prall, Purnell, Quin, Ragon, Rainey, Raker, Rankin, Ransley, Rathbone, Rayburn, Reece, Reed of Arkansas, Reed of New York, Reid of Illinois, Richards, Roach, Robinson of Iowa, Robsion of Kentucky, Rogers of Massachusetts, Romjue, Rubey, Sabath, Salmon, Sanders of New York, Sanders of Texas, Sandlin, Schafer, Schall, Schneider, Sears of Florida, Sears of Nebraska, Seger, Shallenberger, Sherwood, Shreve, Simmons, Sinclair, Sinnott, Sites, Smith, Smithwick, Snell, Speaks, Sproul of Illinois, Sproul of Kansas, Stalker, Steagall, Stedman, Stengle, Stephens, Stevenson, Strong of Pennsylvania, Summers of Washington, Sumners of Texas, Swank, Sweet, Swing, Swoope, Taber, Tague, Taylor of Colorado, Taylor of West Virginia, Temple, Thatcher, Thomas of Kentucky, Thomas of Oklahoma, Thompson, Tillman, Tilson, Timberlake, Tincher, Tinkham, Treadway, Tucker, Tydings, Underhill, Underwood, Upshaw, Vaile, Vare, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Voigt, Wainwright, Wason, Watkins, Watres, Watson, Wefald, Weller, Wertz, White of Kansas, Williams of Illinois, Williams of Michigan, Williams of Texas, Williamson, Wilson of Indiana, Wilson of Louisiana, Wilson of Mississippi, Wingo, Winslow, Wolff, Woodruff, Wright, Wurzbach, Wyant, Yates, Young, and Zihlman.

Nays, 6: Brand of Ohio, Evans of Iowa, Graham of Illinois, Hoch, Ramseyer, and Sanders of Indiana.

Not voting, 66: Aldrich, Anderson, Beck, Bland, Boies, Britten, Burton, Byrnes of South Carolina, Campbell, Celler, Clark of Florida, Cole of Ohio, Collins, Curry, Deal, Dominick, Doughton, Drane, Drewry, Edmonds, Fairfield, Free, Geran, Hammer, Hill of Alabama, Howard of Nebraska, Howard of Oklahoma, Hudspeth, Humphreys, Jost, Kahn, Kent, Knutson, Kunz, Langley, Larson of Minnesota, Lilly, Little, Logan, Lyon, McKeown, Magee of Pennsylvania, Merritt, Mills, Mudd, O'Brien, Peavey, Quayle, Reed of West Virginia, Rogers of New Hampshire, Rosenbloom, Rouse, Scott, Snyder, Spearing, Strong of Kansas, Sullivan, Taylor of Tennessee, Ward of New York, Ward of North Carolina, Weaver, Welsh, White of Maine, Winter, Wood, and Woodrum.

So the conference report was agreed to.

Mr. CULLEN. Mr. Speaker, the gentlemen from New York, Mr. CELLER, Mr. QUAYLE, and Mr. SULLIVAN, are absent on account of severe illness. Had they been present, they would have voted for this bill, but on account of their illness they are unable to be present.

Mr. HOWARD of Nebraska. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman in the Hall and listening when his name was called?

Mr. HOWARD of Nebraska. No; I was stuck in the elevator.

The SPEAKER. The gentleman does not qualify.

Mr. MERRITT. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. MERRITT. No, sir.

The SPEAKER. The gentleman does not qualify.

Mr. WASON. Mr. Speaker, I desire to announce that my colleague, the gentleman from New Hampshire, Mr. ROGERS, if present, would have voted "yea."

The result of the vote was announced as above recorded.

THE PULLMAN SURCHARGE

The Esch-Cummins Act of 1920 permits the railroads to charge 50 per cent surcharge on Pullman tickets. The Senate passed unanimously a bill to repeal this surcharge. The House failed to concur in the Senate bill by the following vote.

[From the CONGRESSIONAL RECORD February 27, 1925]

The SPEAKER. The question is on receding from the insistence of the House.

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. As I understand it, on this motion those who favor the repeal of the surcharge would vote aye.

The SPEAKER. Yes, of course.

The question was taken; and on a division (demanded by Mr. BARKLEY) there were—ayes 67, noes 177.

Mr. BARKLEY. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 255, not voting 53, as follows:

[Roll No. 89]

Yeas, 123: Abernethy, Allgood, Almon, Aswell, Bankhead, Barbour, Barkley, Beck, Bell, Black of New York, Bloom, Boies, Bowling, Boylan, Brand of Georgia, Briggs, Browne of Wisconsin, Browning, Burdick, Byrnes of South Carolina, Byrns of Tennessee, Canfield, Carew, Celler, Christopherson, Clancy, Collier, Collins, Colton, Connally of Texas, Connery, Cooper of Wisconsin, Crisp, Cullin, Cummings, Davey, Davis of Tennessee, Deal, Dickstein, Doughton, Driver, Fisher, Frear, Fulmer, Gallivan, Garrett of Texas, Gasque, Griffin, Hammer, Hastings, Hayden, Hill of Alabama, Hooker, Howard of Oklahoma, Hull of Tennessee, Jacobstein, James, Jeffers, Johnson of Kentucky, Johnson of Texas, Keller, Kerr, King, LaGuardia, Lampert, Larsen of Georgia, Lazaro, Lee of Georgia, Logan, Lyon, McClintic, McDuffie, McKeown, McLaughlin of Nebraska, McReynolds, McSwain, Martin, Mead, Minahan, Moore of Georgia, Morehead, Morrow, Murphy, O'Connell of New York, O'Connor of Louisiana, Oldfield, Oliver of Alabama, Oliver of New York, Park of Georgia, Parks of Arkansas, Perlman, Pou, Ragon, Rainey, Raker, Rankin, Reed of Arkansas, Reid of Illinois, Richards, Robsion of Kentucky, Schafer, Schneider, Sears of Florida, Sherwood, Sinclair, Smithwick, Steagall, Stedman, Stengle, Stephens, Stevenson, Tague, Taylor of Tennessee, Thomas of Kentucky, Tillman, Tucker, Upshaw, Voigt, Ward of North Carolina, Weaver, Wilson of Louisiana, Wingo, and Wright.

Nays, 255: Ackerman, Aldrich, Allen, Anderson, Andrew, Anthony, Arnold, Ayres, Bacharach, Bacon, Beedy, Beers, Begg, Bixler, Black of Texas, Bland, Blanton, Box, Boyce, Brand of Ohio, Britten, Brumm, Buchanan, Bulwinkle, Burtness, Burton, Busby, Cable, Campbell, Cannon, Carter, Chindblom, Clague, Clarke of New York, Cleary, Cole of Iowa, Connolly of Pennsylvania, Cooper of Ohio, Corning, Cramton, Crosser, Crowther, Dallinger, Darrow, Davis of Minnesota, Dempsey, Denison, Dickinson of Iowa, Dickinson of Missouri, Dowell, Drewry, Dyer, Elliott, Evans of Iowa, Evans of Montana, Fairchild, Fairfield, Faust, Favrot, Fish,

Fitzgerald, Fleetwood, Foster, Fredericks, Free, Freeman, French, Frothingham, Fuller, Funk, Gambrill, Gardner of Indiana, Garrett of Tennessee, Geran, Gibson, Gifford, Gilbert, Goldsborough, Graham, Green, Greenwood, Griest, Guyer, Hadley, Hall, Hardy, Harrison, Hawes, Hawley, Hersey, Hickey, Hill of Maryland, Hill of Washington, Hoch, Holaday, Huddleston, Hudson, Hudspeth, Hull of Iowa, Morton D. Hull, William E. Hull, Humphreys, Johnson of South Dakota, Johnson of Washington, Johnson of West Virginia, Jones, Kearns, Kelly, Kendall, Kent, Ketcham, Kiess, Kincheloe, Knutson, Kopp, Kurtz, Kvale, Lanham, Lankford, Larson of Minnesota, Lea of California, Leach, Leavitt, Lehlbach, Lineberger, Linthicum, Longworth, Luce, McFadden, McKenzie, McLaughlin of Michigan, McLeod, McSweeney, MacGregor, MacLafferty, Madden, Magee of New York, Magee of Pennsylvania, Major of Illinois, Major of Missouri, Manlove, Mansfield, Mapes, Merritt, Michaelson, Michener, Miller of Illinois, Miller of Washington, Milligan, Montague, Mooney, Moore of Illinois, Moore of Ohio, Moore of Virginia, Moores of Indiana, Morgan, Morin, Morris, Nelson of Maine, Nelson of Wisconsin, Newton of Minnesota, Newton of Missouri, Nolan, O'Connell of Rhode Island, O'Connor of New York, O'Sullivan, Paige, Parker, Patterson, Peery, Perkins, Phillips, Porter, Prall, Purnell, Quayle, Quin, Ramseyer, Ransley, Rathbone, Rayburn, Reece, Reed of New York, Robinson of Iowa, Romjue, Rouse, Rubey, Sanders of Indiana, Sanders of New York, Sanders of Texas, Sandlin, Sears of Nebraska, Seger, Shallenberger, Shreve, Simmons, Sinnott, Smith, Snell, Snyder, Strong of Kansas, Strong of Pennsylvania, Sullivan, Summers of Washington, Sumners of Texas, Swank, Sweet, Swing, Swoope, Taber, Taylor of Colorado, Taylor of West Virginia, Temple, Thatcher, Thomas of Oklahoma, Thompson, Tilson, Timberlake, Tincher, Tinkham, Treadway, Tydings, Underhill, Underwood, Vaile, Vare, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Wainwright, Ward of New York, Wason, Watkins, Watres, Watson, Wefald, Weller, Welsh, Wertz, White of Kansas, White of Maine, Williams of Illinois, Williams of Michigan, Williams of Texas, Williamson, Wilson of Indiana, Wilson of Mississippi, Winslow, Winter, Wood, Woodruff, Woodrum, Wyant, and Yates.

Not voting, 53: Berger, Browne of New Jersey, Buckley, Butler, Casey, Clark of Florida, Cole of Ohio, Cook, Croll, Curry, Dominick, Doyle, Drane, Eagan, Edmonds, Fenn, Fulbright, Garber, Garner of Texas, Glatfelter, Haugen, Howard of Nebraska, Jost, Kindred, Kunz, Langley, Leatherwood, Lilly, Lindsay, Lowrey, Lozier, McNulty, Mills, O'Brien, Peavey, Reed of West Virginia, Roach, Rogers of Massachusetts, Rogers of New Hampshire, Rosenbloom, Sabath, Salmon, Schall, Scott, Sites, Speaks, Spearing, Sproul of Illinois, Sproul of Kansas, Stalker, Wolff, Wurzbach, and Zihlman.

So the motion to recede was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Spearing (for) with Mr. Butler (against).

The result was announced as above recorded.

EMASCULATION OF THE DISCHARGE RULE

(Abrogation of the Crisp rule)

Provided that the rules of the House of Representatives in force at the close of the Sixty-eighth Congress be adopted as the rules of the House of Representatives of the Sixty-ninth Congress, with certain amendments. The most important change in the rules was the repeal of the rule written by Representative CRISP, passed at the beginning of the Sixty-eighth Congress, which gave 150 Members of the House the right to take a bill out of the hands of a Republican-controlled committee and bring it up for consideration on the floor of the House. At the beginning of the Sixty-ninth, or present, Congress the Crisp rule was amended by a rule which requires a majority of the Members to sign a petition and a majority vote of the whole House before a committee can be forced to report a bill, thus making the rule absolutely unworkable and of no effect.

[From the CONGRESSIONAL RECORD of December 7, 1925]

The SPEAKER. The Chair overrules the points of order. The gentleman from New York [Mr. SNELL] moves the previous question on the resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 192, not voting 32, as follows:

[Roll No. 3]

Yeas, 210: Ackerman, Adkins, Aldrich, Allen, Andresen, Andrew, Appleby, Arentz, Bachmann, Bacon, Beedy, Beers, Begg, Bixler, Boies, Bowles, Bowman, Brand of Ohio, Brigham, Britten, Brumm, Burdick Burtness, Burton, Butler, Campbell, Carpenter, Carter of California, Chalmers, Chindblom, Christopherson, Clague, Cole, Colton, Connolly of Pennsylvania, Cooper of Ohio, Coyle, Cramton, Crumpacker, Curry, Darrow, Davenport, Dempsey, Denison, Dickinson of Iowa, Dowell, Dyer, Eaton, Elliott, Ellis, Esterly, Fairchild, Faust, Fenn, W. T. Fitzgerald, Flaherty, Fort, Foss, Fredericks, Free, Freeman, French, Fuller, Funk, Furlow, Garber, Gibson, Gifford, Glynn, Golder, Goodwin, Gorman, Green of Iowa, Griest, Hadley, Hale, Hall of Indiana, Hall of North Dakota, Hardy, Haugen, Hawley, Hersey, Hickey, Hill of Maryland, Hoch, Hogg, Holaday, Hooper, Hudson, Morton D. Hull, William E. Hull, Irwin, Jenkins, Johnson of Indiana, Johnson of Illinois, Johnson of South Dakota, Johnson of Washington, Kahn, Kearns, Kendall, Ketcham, Kiefner, Kiess, King, Knutson, Kopp, Kurtz, Leatherwood, Leavitt, Lehlbach, Letts, McFadden, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, MacGregor, Madden, Magee of New York, Magee of Pennsylvania, Magrady, Manlove, Mapes, Martin of Massachusetts, Menges, Merritt, Michaelson, Michener, Miller, Mills, Montgomery, Moore of Ohio, Morgan, Morin, Murphy, Nelson of Maine, Newton of Minnesota, Parker, Patterson, Perkins, Perlman, Phillips, Porter, Pratt, Purnell, Ramseyer, Ransley, Reece, Reed of New York, Reid of Illinois, Robinson of Iowa, Robsion of Kentucky, Rogers, Rowbottom, Sanders of New York, Scott, Sears of Nebraska, Seger, Shreve, Sinnott, Smith, Snell, Sosnowski, Speaks, Sproul of Illinois, Sproul of Kansas, Stalker, Stephens, Strong of Kansas, Strong of Pennsylvania, Strother, Summers of Washington, Swartz, Sweet, Taber, Taylor of New Jersey, Taylor of Tennessee, Temple, Thatcher, Thayer, Thompson, Thurston, Tilson, Timberlake, Tincher, Tolley, Treadway, Underhill, Updike, Vaile, Vare, Vestal, Vincent of Michigan, Wainwright, Walters, Wason, Watres, Watson, Welsh, Wheeler, White of Kansas, White of Maine, Williams of Illinois, Williamson, Winter, Wolverton, Wood, Wurzbach, Wyant, Yates, and Zihlman.

Nays, 192: Abernethy, Allgood, Almon, Arnold, Aswell, Auf der Heide, Ayres, Barbour, Barkley, Beck, Black of Texas, Bland, Blanton, Bloom, Bowling, Box, Boylan, Brand of Georgia, Browne, Browning, Buchanan, Bulwinkle, Busby, Byrns, Canfield, Cannon, Carew, Carss, Carter of Oklahoma, Chapman, Cleary, Collier, Collins, Connally of Texas, Connery, Cooper of Wisconsin, Cox, Crisp, Crosser, Cullen, Davey, Davis, Deal, Dickinson of Missouri, Dickstein, Dominick, Doughton, Douglass, Doyle, Drane, Drewry, Driver, Edwards, Eslick, Evans, Fish, Fisher, Fletcher, Frear, Fulmer, Gallivan, Gambrill, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Garrett of Texas, Gasque, Gilbert, Goldsborough, Green of Florida, Greenwood, Hammer, Hare, Harrison, Hastings, Hawes, Hayden, Hill of Alabama, Hill of Washington, Howard, Huddleston, Hudspeth, Hull of Tennessee, Jacobstein, James, Jeffers, Johnson of Texas, Jones, Keller, Kelly, Kemp, Kerr, Kincheloe, Kindred, Kunz, Kvale, LaGuardia, Lampert, Lanham, Lankford, Larsen, Lazaro, Lea of California, Lee of Georgia, Lindsay, Linthicum, Little, Lowrey, Lozier, Luce, Lyon, McDuffie, McKeown, McMillan, McReynolds, McSwain, McSweeney, Major, Mansfield, Martin of Louisiana, Milligan, Montague, Moore of Kentucky, Moore of Virginia, Morehead, Morrow, Nelson of Missouri, Nelson of Wisconsin, Norton, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, Oldfield, Oliver of Alabama, Oliver of New York, Parks, Peavey, Peery, Pou, Prall, Quayle, Quin, Rainey, Rankin, Rathbone, Rayburn, Reed of Arkansas, Romjue, Rouse, Rubey, Rutherford, Sabath, Sanders of Texas, Sandlin, Schafer, Schneider, Sears of Florida, Shallenberger, Simmons, Sinclair, Somers of New York, Spearing, Steagall, Stedman, Stevenson, Sumners of Texas, Swank, Swing, Taylor of Colorado, Taylor of West Virginia, Thomas, Tillman, Tinkham, Tucker, Tydings, Underwood, Upshaw, Vinson of Georgia, Vinson of Kentucky, Voigt, Warren, Weaver, Wefald, Weller, Whitehead, Whittington, Williams of Texas, Wilson of Louisiana, Wingo, Woodruff, and Woodrum.

Not voting, 32: Anthony, Bacharach, Bailey, Bankhead, Bell, Berger, Black of New York, Briggs, Celler, Corning, Crowther, Roy G. Fitzgerald, Frothingham, Graham, Griffin, Houston, Johnson of Kentucky, Langley, Lineberger, McClintic, Mead, Mooney, Newton of Missouri, Ragon, Raker, Smithwick, Stobbs, Sullivan, Swoope, Wilson of Mississippi, Woodyard, and Wright.

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Bachrach (for) with Mr. Wright (against).

Mr. Graham (for) with Mr. McClintic (against).

Mr. Newton of Missouri (for) with Mr. Smithwick (against).

Mr. Swoope (for) with Mr. Black of New York (against).

Mr. Bailey (for) with Mr. Sullivan (against).

Mr. Frothingham (for) with Mr. Ragon (against).

Mr. Anthony (for) with Mr. Berger (against).

Mr. TUCKER. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall and listening when his name was called?

Mr. TUCKER. I was listening a little, I fear, to my colleague, to whom I had been talking. I was told my name had been called, but I did not hear it, although I came in to vote.

The SPEAKER. The gentleman must have been in the Hall and listening when his name was called.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry on this proposition. The Speaker is undoubtedly correct if we had rules, but we have not adopted rules yet. Is there any provision now that a Member of the

House, until rules are adopted, must qualify by being in the Hall and listening before he can vote?

The SPEAKER. The same question arose as to whether the previous question was in order, and the present occupant of the chair thought he was following the precedent laid down by Speaker Clark in holding that the rules apply in so far as they possibly can. Therefore the Chair thinks the gentleman must qualify. Was the gentleman in the Hall and listening when his name was called?

Mr. TUCKER. Mr. Speaker, I was listening to my colleague, I am afraid.

Mr. OLDFIELD. Mr. Speaker, I disturbed him; I was talking to him.

The SPEAKER. If the gentleman was present and listening he qualifies. How does the gentleman vote?

Mr. TUCKER. Mr. Speaker, I vote nay.

The result of the vote was announced as above recorded.

AMENDMENTS TO BANKING LAWS

(McFadden branch banking bill)

An act to further amend the national banking laws and the Federal reserve act, and provide for the consolidation of national banking associations, and for other purposes.

[From the CONGRESSIONAL RECORD of February 4, 1926]

NATIONAL BANK ACT—BRANCH BANKING

The SPEAKER. The unfinished business before the House is the bill H. R. 2, which has been read the third time. The question is on the passage of the bill.

Mr. STEAGALL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman from Alabama opposed to the bill?

Mr. STEAGALL. Yes.

The SPEAKER. The gentleman from Alabama offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

"Mr. Steagall moves to recommit the bill to the Committee on Banking and Currency, with instructions to that committee to report the bill back to the House forthwith with the following amendment: 'Strike out all of section 9.'"

Mr. MCFADDEN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—yeas 14, nays 62.

Mr. STEAGALL. Mr. Speaker, I make the point there is no quorum present and object to the vote on that ground.

The SPEAKER. It is evident there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 91, nays 291, not voting 49, as follows:

[Roll No. 26]

Yeas, 91: Allgood, Almon, Arnold, Bacharach, Bankhead, Beck, Bland, Blanton, Bowling, Box, Briggs, Browne, Browning, Busby, Cannon, Carter of Oklahoma, Celler, Collins, Connally of Texas, Cooper of Wisconsin, Cox, Crisp, Deal, Dickinson of Missouri, Driver, Dyer, Evans, Frear, Fulmer, Garner of Texas, Garrett of Tennessee, Goldsborough, Green of Florida, Hammer, Hare, Hayden, Hill of Alabama, Hill of Washington, Howard, Huddleston, Jeffers, Johnson of Texas, Jones, Keller, Kvale, Lampert, Lankford, Little, Lowrey, Lozier, McClintic, McDuffie, McKeown, McMillan, Milligan, Moore of Kentucky, Moore of Virginia, Morehead, Morrow, Nelson of Missouri, Nelson of Wisconsin, Oldfield, Oliver of Alabama, Parks, Peavey, Ragon, Rainey, Rankin, Romjue, Rubey, Rutherford, Sabath, Sanders of Texas, Schafer, Sears of Florida, Seger, Shallenberger, Sinclair, Steagall, Swank, Thomas, Tillman, Tucker, Voight, Weaver, Wefald, Weller, Whittington, Wilson of Mississippi, Wingo, and Woodrum.

Nays, 291: Abernethy, Ackerman, Adkins, Aldrich, Allen, Andresen, Andrew, Anthony, Appleby, Arentz, Auf der Heide, Ayres, Bachmann, Bacon, Bailey, Barbour, Barkley, Beedy, Beers, Begg, Bell, Berger, Black of New York, Black of Texas, Bloom, Boies, Bowles, Bowman, Boylan, Brand of Georgia, Brand of Ohio, Brigham, Britten, Brumm, Buchanan, Bulwinkle, Burdick, Burtness, Burton, Butler, Byrns, Campbell, Canfield, Carew, Carpenter, Chalmers, Chapman, Chindblom, Christopherson, Clague, Cleary, Cole, Collier, Colton, Connolly of Pennsylvania, Cooper of Ohio, Corning, Coyle, Cramton, Crosser, Crowther, Crumpacker, Curry, Darrow, Davenport, Davey, Davis, Denison, Dickstein, Dominick, Doughton, Douglass, Dowell, Doyle, Drewry, Eaton, Edwards, Elliott, Ellis, Eslick, Esterly, Fairchild, Faust, Fenn, Fish, Fisher, Fitzgerald, Roy G., Fitzgerald, W. T., Fletcher, Fort, Foss, Free, Freeman, French, Frothingham, Funk, Furlow, Gambrill, Garber, Gardner of Indiana, Garrett of Texas, Gasque, Gibson, Gifford, Glynn, Golder, Goodwin, Gorman, Graham, Green of Iowa, Greenwood, Griest, Griffin, Hadley, Hall of Indiana, Hall of North Dakota, Hardy, Harrison, Haugen, Hawes, Hawley, Hersey, Hickey, Hill of Maryland, Hoch, Hogg, Holaday, Hooper, Houston, Hudson, Hudspeth, Hull of Tennessee, Hull, Morton D., Hull, William E., Irwin, Jacobstein, James, Jenkins, Johnson of Indiana, Johnson of Kentucky, Johnson of South Dakota, Johnson of Washington, Kearns, Kelly, Kemp, Kerr, Ketcham, Kiefner, Kincheloe, King, Knutson, Kopp, Kunz, Kurtz, Lanham, Larsen, Lazaro, Leatherwood, Leavitt, Lee of Georgia, Lehlbach, Letts, Linthicum, Lyon, McFadden, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, McReynolds, McSwain, McSweeney, MacGregor, Madden, Magee of New York, Magee of Pennsylvania, Magrsdy, Major, Manlove, Mansfield, Mapes, Martin of Louisiana, Martin of Massachusetts, Mead, Menges, Merritt, Michener, Miller, Mills, Montague, Montgomery, Mooney, Moore of Ohio, Morin, Murphy, Nelson of Maine, Newton of Minnesota, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, Oliver of New York, Parker, Peery, Perkins, Periman, Porter, Pou, Prall, Purnell, Quin, Ransley, Rayburn, Reece, Reed of New York, Robinson of Iowa, Robsion of Kentucky, Rogers, Rowbottom, Sanders of New York, Sandlin, Scott, Sears of Nebraska, Shreve, Simmons, Sinnott, Smith, Smithwick, Somers of New York, Sosnowski, Speaks, Spearing, Sproul of Illinois, Sproul of Kansas, Stedman, Stephens, Stevenson, Stobbs, Strong of Kansas, Strother, Sullivan, Sumners of Washington, Sumners of Texas, Sweet, Swing, Swoope, Taber, Taylor of Colorado, Taylor of New Jersey, Taylor of Tennessee, Taylor, of West Virginia, Temple, Thatcher, Thayer, Thompson, Thurston, Tilson, Timberlake, Tinkham, Tolley, Treadway, Tydings, Underhill, Underwood, Updike, Upshaw, Vaile, Vare, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Wainwright, Warren, Wason, Watres, Watson, Welsh, Wheeler, White of Kansas, White of Maine, Whitehead, Williams of Illinois, Williams of Texas, Williamson, Wilson of Louisiana, Winter, Wolverton, Wood, Woodruff, Wright, Wurzbach, and Yates.

Not voting, 49: Aswell, Bixler, Carss, Carter of California, Connery, Cullen, Dempsey, Dickinson of Iowa, Drane, Flaherty, Fredericks, Fuller, Gallivan, Gilbert, Hale, Hastings, Johnson of Illinois, Kahn, Kendall, Kiess, Kindred, LaGuardia, Lea of California, Lindsay, Lineberger, Luce, Michaelson, Morgan, Newton of Missouri, Norton, O'Connor of New York, Patterson, Phillips, Pratt, Quayle, Ramseyer, Rathbone, Reed of Arkansas, Reid of Illinois, Rouse, Schneider, Snell, Stalker, Strong of Pennsylvania, Swartz, Tincher, Walters, Wyant, and Zihlman.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. LaGuardia (for) with Mr. Reid of Illinois (against).

Mr. Rathbone (for) with Mr. Bixler (against).

Mr. Drane (for) with Mr. Connery (against).

Mr. Schneider (for) with Mr. Kendall (against).

The result of the vote was announced as above recorded.

The SPEAKER. The question now comes on the passage of the bill.

Mr. MCFADDEN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 293, nays 90, not voting 48, as follows:

[Roll No. 27]

Yeas, 293: Ackerman, Adkins, Aldrich, Allen, Andresen, Andrews, Anthony, Appleby, Arentz, Arnold, Auf der Heide, Ayres, Bachmann, Bacon, Bailey, Barbour, Barkley, Beedy, Beers, Begg, Bell, Berger, Black of New York, Black of Texas, Bloom, Boies, Bowles, Bowman, Boylan, Brand of Georgia, Brand of Ohio, Brigham, Britten, Brumm, Buchanan, Bulwinkle, Burdick, Burtness, Burton, Butler, Byrns, Campbell, Canfield, Carew, Carpenter, Chalmers, Chapman, Chindblom, Christopherson, Clague, Cleary, Cole, Collier, Colton, Connolly of Pennsylvania, Cooper of Ohio, Corning, Coyle, Cramton, Crosser, Crowther, Crumpacker, Curry, Darrow, Davenport, Davey, Davis, Denison, Dickstein, Dominick, Doughton, Douglass, Dowell, Doyle, Dyer, Eaton, Elliott, Ellis, Eslick, Esterly, Fairchild, Faust, Fenn, Fish, Fisher, Roy G. Fitzgerald, W. T. Fitzgerald, Fletcher, Fort, Foss, Free, Freeman, Frothingham, Funk, Furlow, Gambrill, Gardner of Indiana, Garrett of Texas, Gasque, Gibson, Gifford, Glynn, Golder, Goodwin, Gorman, Graham, Grene of Iowa, Greenwood, Griest, Griffin, Hadley, Hall of Indiana, Hall of North Dakota, Hardy, Harrison, Hawes, Hawley, Hersey, Hickey, Hill of Maryland, Hoch, Hogg, Holaday, Hooper, Hudson, Hudspeth, Morton D. Hull, William E. Hull, Irwin, Jacobstein, James, Jenkins, Johnson of Indiana, Johnson of Kentucky, Johnson of South Daktoa, Johnson of Washington, Kearns, Kelly, Kemp, Ketcham, Kiefner, Kincheloe, King, Knutson, Kopp, Kunz, Kurtz, Lanham, Larsen, Lazaro, Leatherwood, Leavitt, Lee of Georgia, Lehlbach, Letts, Linthicum, Lyon, McFadden, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, McReynolds, McSwain, McSweeney, MacGregor, Madden, Magee of New York, Magee of Pennsylvania, Magrady, Major, Manlove, Mansfield, Mapes, Martin of Louisiana, Martin of Massachusetts, Mead, Menges, Merritt, Michaelson, Michener, Miller, Mills, Montague, Montgomery, Mooney, Moore of Ohio, Morgan, Morin, Murphy, Nelson of Maine, Newton of Minnesota, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, Oliver of New York, Parker, Peery, Perkins, Periman, Porter, Pou, Prall, Pratt, Purnell, Quin, Ragon, Rainey, Ransley, Rayburn, Reece, Reed of New York, Robinson of Iowa, Robsion of Kentucky, Rogers, Rowbottom, Sanders of New York, Sandlin, Scott, Sears of Nebraska, Seger, Shreve, Simmons, Sinnott, Smith, Smithwick, Somers of New York, Sosnowski, Speaks, Spearing, Sproul of Illinois, Sproul of Kansas,

Stedman, Stephens, Stevenson, Stobbs, Strong of Kansas, Strother, Sullivan, Summers of Washington, Sumners of Texas, Sweet, Swing, Swoope, Taber, Taylor of Colorado, Taylor of New Jersey, Taylor of Tennessee, Taylor of West Virginia, Temple, Thatcher, Thayer, Thompson, Thurston, Tilson, Timberlake, Tinkham, Tolley, Treadway, Tydings, Underhill, Underwood, Updike, Upshaw, Valle, Vare, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Wainwright, Walters, Warren, Wason, Watres, Watson, Weller, Welsh, Wheeler, White of Kansas, White of Maine, Whitehead, Whittington, Williams of Illinois, Williams of Texas, Williamson, Wilson of Louisiana, Winter, Wolverton, Wood, Woodruff, Wright, Wurzbach, and Yates.

Nays, 90: Abernethy, Allgood, Almon, Bacharach, Bankhead, Beck, Bland, Blanton, Bowling, Box, Briggs, Browne, Browning, Busby, Cannon, Carter of Oklahoma, Celler, Collins, Connally of Texas, Cooper of Wisconsin, Crisp, Deal, Dickinson of Missouri, Drewry, Driver, Edwards, Evans, Frear, French, Fulmer, Garner of Texas, Garrett of Tennessee, Goldsborough, Green of Florida, Hammer, Hare, Hayden, Hill of Alabama, Hill of Washington, Houston, Howard, Huddleston, Hull of Tennessee, Jeffers, Johnson of Texas, Jones, Keller, Kerr, Kvale, Lampert, Lankford, Little, Lowrey, Lozier, McClintic, McDuffie, McKeown, McMillan, Milligan, Moore of Kentucky, Moore of Virginia, Morehead, Morrow, Nelson of Missouri, Nelson of Wisconsin, Oldfield, Oliver of Alabama, Parks, Peavey, Rankin, Romjue, Rubey, Rutherford, Sabath, Sanders of Texas, Schafer, Sears of Florida, Shallenberger, Sinclair, Steagall, Swank, Thomas, Tillman, Tucker, Voigt, Weaver, Wefald, Wilson of Mississippi, Wingo, and Woodrum.

Not voting, 48: Aswell, Bixler, Carss, Carter of California, Connery, Cox, Cullen, Dempsey, Dickinson of Iowa, Drane, Flaherty, Fredericks, Fuller, Gallivan, Garber, Gilbert, Hale, Hastings, Haugen, Johnson of Illinois, Kahn, Kendall, Kiess, Kindred, LaGuardia, Lea of California, Lindsay, Lineberger, Luce, Newton of Missouri, Norton, O'Connor of New York, Patterson, Phillips, Quayle, Ramseyer, Rathbone, Reed of Arkansas, Reid of Illinois, Rouse, Schneider, Snell, Stalker, Strong of Pennsylvania, Swartz, Tincher, Wyant, and Zihlman.

So the bill was passed.

The following pairs were announced:

Mr. Reid of Illinois (for) with Mr. LaGuardia (against).

Mr. Connery (for) with Mr. Drane (against).

Mr. Kendall (for) with Mr. Schneider (against).

Mr. Bixler (for) with Mr. Rathbone (against).

The result of the vote was announced as above recorded.

On motion of Mr. McFADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

VOTE ON AGREEING TO CONFERENCE REPORT

[From the CONGRESSIONAL RECORD of June 24, 1926]

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

Mr. WINGO. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays, 197, not voting 115, as follows:

[Roll No. 125]

Yeas, 118: Arentz, Ayres, Bacharach, Bachmann, Bacon, Barbour, Beedy, Bell, Black of New York, Boies, Bowman, Boylan, Brand of Georgia, Brigham, Bürdick, Burton, Carew, Chalmers, Collier, Colton, Cooper of Ohio, Cox, Coyle, Crisp, Crosser, Cullen, Darrow, Dempsey, Edwards, Roy G. Fitzgerald, Foss, Glynn, Hadley, Hale, Hall of North Dakota, Hardy, Hersey, Hill of Maryland, Hooper, Houston, Hull of Tennessee, Jacobstein, James, Johnson of Washington, Kelly, Kemp, Kindred, King, Kirk, Kurtz, Lankford, Larsen, Leavitt, Lindsay, McFadden, McLaughlin of Michigan, McSweeney, MacGregor, Magee of Pennsylvania, Mapes, Martin of Massachusetts, Michener, Miller, Montgomery, Moore of Ohio, Morgan, Murphy, Newton of Minnesota, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, Oliver of New York, Parker, Perkins, Prall, Pratt, Quin, Ransley, Reid of Illinois, Rogers, Sanders of New York, Scott, Shreve, Smithwick, Sosnowski, Speaks, Stalker, Stobbs, Strong of Kansas, Strother, Sweet, Swing, Taber, Temple, Thatcher, Thompson, Tilson, Timberlake, Tincher, Tinkham, Tolley, Treadway, Underhill, Updike, Upshaw, Vestal, Vincent of Michigan, Vinson of Georgia, Wason, Watres, Watson, Weller, White of Maine, Whittington, Wilson of Mississippi, Wolverton, Wyant, and Zihlman.

Nays, 197: Abernethy, Adkins, Almon, Andresen, Arnold, Aswell, Auf der Heide, Bailey, Barkley, Beers, Begg, Black of Texas, Bland, Box, Brand of Ohio, Briggs, Britten, Browne, Bulwinkle, Burtness, Busby, Butler, Byrns, Cannon, Carss, Chapman, Chindblom, Christopherson, Clague, Cole, Connally of Texas, Cooper of Wisconsin, Crowther, Crumpacker, Davey, Davis, Deal, Denison, Dickinson of Iowa, Dickinson of Missouri, Doughton, Dowell, Drewry, Driver, Elliott, Ellis, Eslick, Evans, Fairchild, Faust, Fish, Fisher, Fletcher, Fort, Frear, Free, French, Fulmer, Furlow, Gambrill, Garber, Gardner of Indiana, Garrett of Tennessee, Gasque, Gibson, Gifford, Gilbert, Goldsborough, Goodwin, Gorman, Green of Florida, Green of Iowa, Greenwood, Griest, Griffin, Hall of Indiana, Hammer, Hare, Harrison, Hastings, Haugen, Hawes, Hawley, Hayden, Hickey, Hill of Alabama, Hill of Washington, Hoch, Hogg, Holaday, Howard, Huddleston, Morton D. Hull, William E. Hull, Irwin, Jeffers, Jenkins, Johnson of Illinois, Johnson of Indiana, Johnson of South Dakota, Johnson of Texas, Kerr, Ketcham, Kiefner, Kincheloe, Knutson, Kopp, LaGuardia, Lampert, Lanham, Lazaro, Leatherwood, Lehlbach, Letts, Little, Lowrey, Lozier, Lyon, McClintic, McLaughlin of Nebraska, McMillan, McReynolds, McSwain, Madden, Magee of New York, Magrady, Major, Manlove, Mansfield, Martin of Louisiana, Milligan, Moore of Kentucky, Moore of Virginia, Morehead, Morrow, Nelson of Missouri, Newton of Missouri, Oldfield, Oliver of Alabama, Parks, Peery, Porter, Ragon, Rainey, Ramseyer, Rankin, Rathbone, Reed of Arkansas, Robinson of Iowa, Robsion of Kentucky, Romjue, Rouse, Rowbottom, Rubey, Rutherford, Sanders of Texas, Sandlin, Schafer, Schneider, Sears of Florida, Sears of Nebraska, Seger, Shallenberger, Simmons, Smith, Snell, Somers of New York, Spearing, Sproul of Illinois, Steadman, Stephens, Stevenson, Summers of Washington, Sumners of Texas, Swank, Taylor of Colorado, Taylor of Tennessee, Taylor of West Virginia, Thurston, Tillman, Tucker, Underwood, Vinson of Kentucky, Voigt, Wainwright, Weaver, Wefald, Wheeler, White of Kansas, Whitehead, Williams of Illinois, Williamson, Wingo, Winter, Woodruff, Wright, and Yates.

Not voting, 115: Ackerman, Aldrich, Allen, Allgood, Andrew, Anthony, Appleby, Bankhead, Beck, Berger, Bixler, Blanton, Bloom, Bowles, Bowling, Browning, Brumm, Buchanan, Campbell, Canfield, Carpenter, Carter of California, Carter of Oklahoma, Celler, Cleary, Collins, Connery, Connolly of Pennsylvania, Corning, Cramton, Curry, Davenport, Dickstein, Dominick, Douglass, Doyle, Drane, Dyer, Eaton, Esterly, Fenn, W. T. Fitzgerald, Fredericks, Freeman, Frothingham, Fuller, Funk, Gallivan, Garner of Texas, Garrett of Texas, Golder, Graham, Hudson, Hudspeth, Johnson of Kentucky, Jones, Kahn, Kearns, Keller, Kendall, Kiess, Kunz, Kvale, Lea of California, Lee of Georgia, Lineberger, Linthicum, Luce, McDuffie, McKeown, McLeod, Mead, Menges, Merritt, Michaelson, Mills, Montague, Mooney, Morin, Nelson of Maine, Nelson of Wisconsin, Norton, O'Connor of New York, Patterson, Peavey, Perlman, Phillips, Pou, Purnell, Quayle, Rayburn, Reece, Reed of New York, Sabath, Sinclair, Sinnott, Sproul of Kansas, Steagall, Strong of Pennsylvania, Sullivan, Swartz, Swoope, Taylor of New Jersey, Thomas, Tydings, Valle, Vare, Walters, Warren, Welsh, Williams of Texas, Wilson of Louisiana, Wood, Woodrum, and Wurzbach.

So the motion of Mr. McFADDEN was rejected.

The following pairs were announced:

On this vote:

Mr. Fenn (for) with Mr. McDuffie (against).

Mr. Curry (for) with Mr. Wilson of Louisiana (against).

Mr. Hudspeth (for) with Mr. Kunz (against).

Mr. Connery (for) with Mr. Canfield (against).

Mr. Michaelson (for) with Mr. W. T. Fitzgerald (against).

Mr. Welsh (for) with Mr. Sinclair (against).

Mr. McLeod (for) with Mr. Dominick (against).

Mr. Andrews (for) with Mr. Sabath (against).

Mr. Campbell (for) with Mr. Nelson of Wisconsin (against).

Mr. Reed of New York (for) with Mr. Hudson (against).

Mr. Strong of Pennsylvania (for) with Mr. Peavey (against).

Mr. Ackerman (for) with Mr. Johnson of Kentucky (against).

Mr. Montague (for) with Mr. Dyer (against).

Mr. Allen (for) with Mr. Beck (against).

Mr. Reece (for) with Mr. McKeown (against).

Mr. Valle (for) with Mr. Sinnott (against).

Mr. Dickstein (for) with Mr. Pou (against).

Mr. Carpenter (for) with Mr. Lee of Georgia (against).

The result of the vote was announced as above recorded.

Mr. McFADDEN. Mr. Speaker, I move to insist on the disagreement of the House to the Senate amendments and ask for a further conference.

The SPEAKER. The gentleman from Pennsylvania moves to insist on the disagreement to the Senate amendments and ask for a conference.

The question was taken, and the motion was agreed to.

Mr. MORTON D. HULL. Mr. Speaker, I would like to submit a privileged motion, that the conferees be instructed.

The SPEAKER. The Clerk will report the motion of the gentleman from Illinois.

The Clerk read as follows:

"Motion by MORTON D. HULL: '*Resolved*, That the conferees on the part of the House to be appointed in respect to H. R. 2 be instructed to adhere to the provisions of said bill relating to branch banking as they appear in said bill as it passed the House of Representatives.'"

The SPEAKER. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

PUBLIC BUILDINGS LAW

Provides for the appropriation of $165,000,000 for the construction of certain public buildings in the District of Columbia, States, Territories, and possessions of the United States. Opposition to this bill was based largely on the provision em-

powering the Secretary of the Treasury to locate the buildings to be constructed.

[From the CONGRESSIONAL RECORD of February 15, 1926]

The SPEAKER. The gentleman's time has expired. All time has expired. The question is on the motion of the gentleman from Indiana to suspend the rules and pass the bill as amended.

The question was taken, and the Speaker announced that, in the opinion of the Chair, two-thirds had voted in the affirmative.

Mr. LANHAM. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 263, nays 120, answered "present" 1, not voting 47, as follows:

[Roll No. 35]

Yeas, 263: Abernethy, Ackerman, Adkins, Aldrich, Allen, Anthony, Appleby, Arentz, Arnold, Ayres, Bacharach, Bachmann, Bacon, Bailey, Barbour, Barkley, Beedy, Beers, Begg, Bixler, Black of New York, Bland, Bowman, Boylan, Brand of Ohio, Brigham, Browne, Brumm, Buchanan, Burdick, Burtness, Burton, Butler, Campbell, Canfield, Carpenter, Carss, Celler, Chalmers, Chindblom, Christopherson, Clague, Cleary, Cole, Collier, Connery, Cooper of Ohio, Corning, Coyle, Crosser, Cullen, Curry, Darrow, Davenport, Dempsey, Denison, Dickinson of Iowa, Dickstein, Douglass, Dowell, Doyle, Drane, Drewry, Driver, Dyer, Eaton, Elliott, Ellis, Esterly, Evans, Fairchild, Faust, Fenn, Fish, Fisher, Roy G. Fitzgerald, W. T. Fitzgerald, Fort, Foss, Frear, Free, Freeman, French, Frothingham, Fuller, Funk, Gallivan, Gardner of Indiana, Garrett of Texas, Gifford, Glynn, Golder, Goodwin, Gorman, Graham, Green of Iowa, Greenwood, Griest, Griffin, Hadley, Hale, Hall of Indiana, Hall of North Dakota, Hardy, Haugen, Hawes, Hawley, Hayden, Hersey, Hickey, Hill of Maryland Hogg, Holaday, Hooper, Houston, Howard, Hudson, Hudspeth, Morton D. Hull, Irwin, Jenkins, Johnson of Illinois, Johnson of Indiana, Johnson of South Dakota, Kahn, Kearns, Keller, Kelly, Kerr, Ketcham, Kiefner, Kiess, Kincheloe, Kindred, King, Kopp, Kunz, Kurtz, LaGuardia, Lampert, Lea of California, Leatherwood, Leavitt, Lehlbach, Letts, Lindsay, Little, Lyon, McFadden, McLaughlin of Michigan, McLeod, McSweeney, MacGregor, Magee of New York, Magee of Pennsylvania, Magrady, Major, Mapes, Martin of Massachusetts, Mead, Menges, Merritt, Michaelson, Michener, Miller, Mills, Montague, Mooney, Moore of Ohio, Moore of Virginia, Morgan, Morin, Murphy, Nelson of Maine, Nelson of Wisconsin, Newton of Minnesota, Newton of Missouri, O'Connell of Rhode Island, O'Connor of Louisiana, Oliver of New York, Parker, Parks, Patterson, Perkins, Phillips, Porter, Pratt, Purnell, Quayle, Ragon, Ramseyer, Ransley, Rathbone, Reece, Reid of Illinois, Robsion of Kentucky, Rogers, Rowbottom, Rubey, Sabath, Sanders of New York, Sandlin, Scott, Seger, Shreve, Sinnott, Smith, Smithwick, Snell, Somers of New York, Sosnowski, Sproul of Illinois, Sproul of Kansas, Stedman, Stephens, Stevenson, Stobbs, Strong of Pennsylvania, Strother, Sullivan, Swartz, Sweet, Taber, Taylor of Colorado, Taylor of New Jersey, Taylor of West Virginia, Temple, Thatcher, Thayer, Tilson, Timberlake, Tinkham, Tolley, Treadway, Underhill, Updike, Vaile, Vestal, Vincent of Michigan, Voigt, Wainwright, Walters, Wason, Watres, Watson, Weaver, Wefald, Welsh, Wheeler, White of Maine, Whitehead, Whittington, Williams of Illinois, Williamson, Wilson of Louisiana, Winter, Wolverton, Wood, Woodruff, Woodrum, Wurzbach, Wyant, and Zihlman.

Nays, 120: Allgood, Almon, Andresen, Aswell, Auf der Heide, Bankhead, Beck, Bell, Berger, Black of Texas, Blanton, Boies, Bowling, Brand of Georgia, Briggs, Browning, Bulwinkle, Busby, Byrns, Cannon, Carter of Oklahoma, Chapman, Collins, Colton, Connally of Texas, Cooper of Wisconsin, Crisp, Davis, Deal, Dickinson of Missouri, Dominick, Doughton, Edwards, Eslick, Fletcher, Fulmer, Furlow, Gambrill, Garber, Garner of Texas, Garrett of Tennessee, Gasque, Gilbert, Green of Florida, Hammer, Hare, Harrison, Hastings, Hill of Alabama, Hill of Washington, Huddleston, Hull of Tennessee, Jeffers, Johnson of Kentucky, Johnson of Texas, Johnson of Washington, Jones, Kemp, Kvale, Lanham, Lankford, Larsen, Linthicum, Lowrey, Lozier, McClintic, McDuffie, McKeown, McLaughlin of Nebraska, McMillan, McReynolds, McSwain, Manlove, Mansfield, Martin of Louisiana, Milligan, Montgomery, Moore of Kentucky, Morehead, Morrow, Nelson of Missouri, Oldfield, Oliver of Alabama, Peery, Pou, Quin, Rainey, Rankin, Rayburn, Reed of Arkansas, Romjue, Rutherford, Sanders of Texas, Schafer, Schneider, Sears of Florida, Sears of Nebraska, Shallenberger, Speaks, Steagall, Strong of Kansas, Summers of Washington, Swank, Swing, Taylor of Tennessee, Thomas, Thompson, Thurston, Tillman, Tucker, Tydings, Underwood, Upshaw, Vinson of Georgia, Vinson of Kentucky, Warren, White of Kansas, Williams of Texas, Wingo, and Wright.

Answered "present," 1: Simmons.

Not voting, 47: Andrew, Bloom, Bowles, Box, Britten, Carew, Carter of California, Connolly of Pennsylvania, Cox, Cramton, Crowther, Crumpacker, Davey, Flaherty, Fredericks, Gibson, Goldsborough, Hoch, William E. Hull, Jacobstein, James, Kendall, Knutson, Lazaro, Lee of Georgia, Lineberger, Luce, Madden, Norton, O'Connell of New York, O'Connor of New York, Peavey, Perlman, Prall, Reed of New York, Robinson of Iowa, Rouse, Sinclair, Spearing, Stalker, Sumners of Texas, Swoope, Tincher, Vare, Weller, Wilson of Mississippi, and Yates.

So, two-thirds having voted in favor thereof, the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Madden and Mr. Vare (for) with Mr. Simmons (against).

Mr. Crumpacker and Mr. Connolly of Pennsylvania (for) with Mr. Peavey (against).

Mr. Reed of New York and Mrs. Norton (for) with Mr. Goldsborough (against).

Mr. Bloom and Mr. Jacobstein (for) with Mr. Cox (against).

Mr. Cramton and Mr. O'Connell of New York (for) with Mr. Wilson of Mississippi (against).

Mr. Bowles and Mr. Kendall (for) with Mr. Box (against).

Mr. Lazaro and Mr. Spearing (for) with Mr. Lee of Georgia (against).

Mr. CULLEN. Mr. Speaker, if Mr. O'CONNELL of New York, who is absent on account of serious illness in his family, were present, he would vote "aye."

Mr. TREADWAY. Mr. Speaker, if Mr. BOWLES of Massachusetts were present, he would vote "aye." He is absent on account of illness.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry affecting the roll call.

The SPEAKER. The gentleman will state it.

Mr. WINGO. I would like to inquire if Mr. CAREW is recorded as voting?

The SPEAKER. He is recorded as voting "aye."

Mr. WINGO. I would like to ask if he is present?

The SPEAKER. The Chair is not aware if he were present on the roll call or not.

Mr. WINGO. I will state frankly, Mr. Speaker, the reason why I made the inquiry is that several gentlemen were aware of his absence and looked to see if he was here on the call, so I felt that probably some one answered in the confusion to his name, and, of course, if he is not here he ought not to be recorded.

Mr. OLIVER of New York. Mr. Speaker, I can certify that Mr. CAREW is not here.

Mr. LOZIER. Can the gentleman certify as to who answered to his name?

Mr. OLIVER of New York. No; I can not certify as to who answered to his name, but I know that his name was answered to as explained by the gentleman from Arkansas.

The SPEAKER. Under the statement of the gentleman from New York and the gentleman from Arkansas, without objection, the name of Mr. CAREW will not be recorded as voting.

There was no objection.

The result of the vote was announced as above recorded.

RAILROAD LABOR ACT

(Watson-Parker labor bill)

Provides for the prompt disposition of disputes between carriers and their employees. Abolished the Railroad Labor Board and established a Mediation Board. Attempts to prevent and settle strikes by cooperation, conference, mediation, argument, arbitration, fact finding, and publicity.

[From the CONGRESSIONAL RECORD of March 1, 1926]

The SPEAKER. The question is on the motion to recommit the bill with instructions.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 16 ayes and 292 noes.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. All those in favor of taking the yeas and nays will rise. Four gentleman have arisen, not a sufficient number, and the motion to recommit is lost. The question is on the passage of the bill.

Mr. PARKER. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 381, nays 13, not voting 38, as follows:

[Roll No. 46]

Yeas, 381: Ackerman, Adkins, Allen, Allgood, Almon, Andresen, Andrew, Anthony, Appleby, Arentz, Arnold, Aswell, Auf der Heide, Ayres, Bacharach, Bachmann, Bacon, Bailey, Bankhead, Barbour, Barkley, Beck, Beers, Begg, Bell, Bixler, Black of New York, Black of Texas, Bland, Bloom, Boies, Bowles, Bowman, Box, Boylan, Brand of Georgia, Brand of Ohio, Briggs, Brigham, Britten, Browne, Browning, Brumm, Buchanan, Bulwinkle, Burdick, Burtness, Burton, Busby, Butler, Byrns, Campbell, Canfield, Cannon, Carew, Carpenter, Carss, Carter of California, Carter of Oklahoma, Celler, Chalmers, Chindblom, Clague, Cole, Collier, Collins, Colton, Connery, Cooper of Ohio, Cooper of Wisconsin, Corning, Coyle, Cramton, Crisp, Crosser, Crowther, Crumpacker, Cullen, Curry, Darrow, Davenport, Davey, Davis, Dempsey, Denison,

Dickinson of Iowa, Dickstein, Doughton, Douglass, Dowell, Drane, Driver, Dyer, Eaton, Edwards, Elliott Ellis, Eslick, Esterly, Evans, Fairchild, Faust, Fenn, Fish, Fisher, Roy G. Fitzgerald, W. T. Fitzgerald, Fletcher, Fort, Foss, Frear, Free, Freeman, Frothingham, Fuller, Funk, Furlow, Gallivan, Gambrill, Garber, Gardner of Indiana, Garrett of Texas, Gasque, Gibson, Gifford, Gilbert, Glynn, Goldsborough, Goodwin, Graham, Green of Florida, Green of Iowa, Greenwood, Griest, Griffin, Hadley, Hale, Hall, of Indiana, Hall of North Dakota, Hammer, Hardy, Hare, Harrison, Hastings, Haugen, Hawes, Hawley, Hayden, Hersey, Hickey, Hill of Alabama, Hill of Maryland, Hill of Washington, Hoch, Hogg, Holaday, Hooper, Houston, Howard, Huddleston, Hudson, Hudspeth, Hull of Tennessee, Morton D. Hull, William E. Hull, Irwin, Jacobstein, James, Jeffers, Johnson of Illinois, Johnson of Indiana, Johnson of Kentucky, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Kahn, Kearns, Keller, Kelly, Kemp, Kerr, Ketcham, Kiefner, Kiess, Kincheloe, Kindred, King, Kirk, Knutson, Kopp, Kurtz, Kvale, LaGuardia, Lampert, Lanham, Lankford, Larsen, Lazaro, Lea of California, Leatherwood, Leavitt, Lehlbach, Letts, Lindsay, Lineberger, Linthicum, Little, Lowrey, Lozier, Lyon, McClintic, McKeown, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, McMillan, McReynolds, McSwain, McSweeney, MacGregor, Madden, Magee of New York, Magee of Pennsylvania, Magrady, Major, Manlove, Mansfield, Mapes, Martin of Louisiana, Martin of Massachusetts, Mead, Menges, Merritt, Michaelson, Michener, Miller, Milligan, Montague, Montgomery, Mooney, Moore of Kentucky, Moore of Ohio, Moore of Virginia, Morehead, Morgan, Morin, Morrow, Murphy, Nelson of Missouri, Nelson of Wisconsin, Newton of Minnesota, Norton, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, Oldfield, Oliver of Alabama, Oliver of New York, Parker, Parks, Patterson, Peavey, Peery, Perkins, Perlman, Phillips, Porter, Pou, Prall, Purnell, Quayle, Quin, Ragon, Rainey, Ramseyer, Rankin, Ransley, Rathbone, Rayburn, Reece, Reed of Arkansas, Reed of New York, Reid of Illinois, Robinson of Iowa, Robsion of Kentucky, Romjue, Rowbottom, Rubey, Rutherford, Sabath, Sanders of New York, Sanders of Texas, Sandlin, Schafer, Schneider, Scott, Sears of Florida, Sears of Nebraska, Seger, Shallenberger, Simmons, Sinclair, Sinnott, Smith, Smithwick, Snell, Somers of New York, Sosnowski, Speaks, Spearing, Sproul of Illinois, Sproul of Kansas, Stalker, Steagall, Stedman, Stephens, Stevenson, Stobbs, Strong of Kansas, Strong of Pennsylvania, Strother, Summers of Washington, Sumners of Texas, Swank, Sweet, Swing, Taber, Taylor of Colorado, Taylor of New Jersey, Taylor of Tennessee, Taylor of West Virginia, Temple, Thatcher, Thomas, Thompson, Thurston, Tilson, Timberlake, Tinkham, Tolley, Treadway, Tucker, Tydings, Underwood, Updike, Upshaw, Vaile, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Voigt, Wainwright, Walters, Wason, Watres, Watson, Weaver, Wefald, Weller, Welsh, Wheeler, White of Kansas, White of Maine, Whitehead, Whittington, Williams of Illinois, Williams of Texas, Williamson, Wilson of Louisiana, Wilson of Mississippi, Wingo, Winter, Wolverton, Wood, Woodruff, Woodrum, Wurzbach, Wyant, Yates, and Zihlman.

Nays, 13: Beedy, Blanton, Bowling, Christopherson, Deal, Dickinson of Missouri, Dominick, French, Garner of Texas, Garrett of Tennessee, McDuffie, Nelson of Maine, and Underhill.

Not voting, 38: Abernethy, Aldrich, Berger, Chapman, Cleary, Connally of Texas, Connolly of Pennsylvania, Cox, Doyle, Drewry, Flaherty, Fredericks, Fulmer, Golder, Gorman, Jenkins, Jones, Kendall, Kunz, Lee of Georgia, Luce, McFadden, Mills, Newton of Missouri, O'Connor of New York, Pratt, Rogers, Rouse, Shreve, Sullivan, Swartz, Swoope, Thayer, Tillman, Tincher, Vare, Warren, and Wright.

So the bill was passed.

The result of the vote was announced as above recorded.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PARKER. Mr. Speaker, if my colleague, Mr. MILLS, had been here, he would have voted in the affirmative, and asked me to so announce.

Mr. COOPER of Ohio. Mr. Speaker, I am requested to announce that my colleague, Mr. JENKINS, is unavoidably absent, and that if he had been present he would have voted for the bill.

Mr. BURDICK. Mr. Speaker, I am requested to announce by my colleague, Mr. ALDRICH, that if he were present he would have voted for the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, I wish to announce that my colleague, Mrs. ROGERS, is in Massachusetts on important public business, and that if she had been present she would have voted for the bill, and she requested me to make this announcement.

Mr. BRITTEN. Mr. Speaker, my colleague, Mr. GORMAN, has been called to Chicago on account of the death of a relative. If he were here, he would have voted in favor of the bill.

Mr. CURRY. Mr. Speaker, my colleague, Mr. FLAHERTY, is unavoidably absent, and had he been here he would have voted in favor of the bill.

Mr. LAGUARDIA. Mr. Speaker, I am requested to announce that my colleague, Mr. BERGER, is unavoidably absent, and that if he were present he would have voted for the bill.

Mr. SABATH. Mr. Speaker, I rise to announce that my colleague, Mr. DOYLE, is unavoidably absent, and if he were present he would have voted for the bill; and further, that my colleague, Mr. KUNZ, is ill at home, and he requested me to announce that if he were present he would have voted for the bill.

Mr. O'CONNELL of New York. Mr. Speaker, I rise to announce that my colleague, Mr. SULLIVAN, is unavoidably absent, and that if he were present he would have voted for the bill.

Mr. MEAD. Mr. Speaker, I make a similar announcement in respect to my colleague, the gentleman from New York, Mr. O'CONNOR.

Mr. RAGON. Mr. Speaker, my colleague, Mr. TILLMAN, of Arkansas, was called back to his State, and he has requested me to announce that if he were present he would have voted for the bill.

Mr. DOUGHTON. Mr. Speaker, my colleague, Mr. ABERNETHY, is absent on account of illness; he has requested me to announce that if he were present he would have voted for the bill.

Mr. CRISP. Mr. Speaker, I am requested to announce that my colleague, Mr. WRIGHT, of Georgia, is unavoidably prevented from being present, and he desires me to make the statement that if he had been here he would have voted for the bill.

Mr. BARKLEY. My colleagues, Mr. ROUSE and Mr. CHAPMAN, were both called suddenly home yesterday and are not able to be here to-day. They have requested me to announce that if they had been present they would have voted for the bill.

HAUGEN FARM RELIEF BILL

Provides for the establishment of a Federal Farm Board to aid in the marketing and the control and distribution of surplus agricultural commodities in interstate and foreign commerce. Authorizes an appropriation of $175,000,000 as a revolving fund, for the payment of losses, to be reimbursed by an equalization fee levied on basic agricultural commodities. A declared purpose of this act is to enable producers to receive the maximum benefit of the agricultural tariff. The bill was strongly opposed by President Coolidge, Speaker Longworth, and Majority Leader Tilson, who are responsible to the farmers for its defeat.

[From the CONGRESSIONAL RECORD of May 21, 1926]

The SPEAKER. The question now is, Shall the bill pass?

Mr. RAMSEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 212, answered "present" 1, not voting 51, as follows:

[Roll No. 94]

Yeas, 167: Abernethy, Adkins, Allen, Allgood, Andresen, Anthony, Arentz, Arnold, Ayres, Barbour, Beck, Beers, Boies, Bowling, Brand of Ohio, Browne, Burtness, Canfield, Cannon, Carss, Carter of Oklahoma, Christopherson, Clague, Cole, Colton, Cooper of Wisconsin, Davis, Denison, Dickinson of Iowa, Dickinson of Missouri, Doughton, Dowell, Elliott, Eslick, Esterly, Evans, Faust, Fisher, W. T. Fitzgerald, Frear, French, Fuller, Fulmer, Funk, Furlow, Garber, Gardner of Indiana, Garrett of Texas, Gasque, Goodwin, Green of Florida, Green of Iowa, Greenwood, Griest, Hadley, Hall of Indiana, Hall of North Dakota, Hammer, Hardy, Harrison, Hastings, Haugen, Hawes, Hayden, Hickey, Hill of Alabama, Hill of Washington, Hoch, Hogg, Holaday, Howard, William E. Hull, Irwin, James, Jeffers, Johnson of Illinois, Johnson of Indiana, Johnson of South Dakota, Jones, Keller, Kerr, Kiefner, King, Knutson, Kopp, Kurtz, Kvale, Lampert, Lankford, Larsen, Leatherwood, Leavitt, Letts, Little, Lowrey, Lozier, Lyon, McClintic McFadden, McKeown, McLaughlin of Nebraska, McReynolds, McSwain, McSweeney, Magrady, Major, Manlove, Mansfield, Menges, Miller, Milligan, Morehead, Morrow, Murphy, Nelson of Missouri, Oldfield, Oliver of Alabama, Purnell, Quin, Rainey, Ramseyer, Rathbone, Reed of Arkansas, Reid of Illinois, Robinson of Iowa, Romjue, Rowbottom, Rubey, Rutherford, Sabath, Schafer, Schneider, Scott, Sears of Nebraska, Shallenberger, Simmons, Sinclair, Sinnott, Smith, Sproul of Kansas, Steagall, Stedman, Strong of Kansas, Summers of Washington, Sumners of Texas, Swank, Swartz, Swing, Taylor of Colorado, Thomas, Thompson, Thurston, Tillman, Timberlake, Updike, Vestal, Warren, Wefald, Wheeler, White of Kansas, Williams of Illinois, Williamson, Winter, Wood, Woodruff, Yates, and Zihlman.

Nays, 212: Ackerman, Almon, Andrew, Appleby, Aswell, Bacharach, Bacon, Bailey, Beedy, Begg, Bell, Berger, Bixler, Black of New York, Black of Texas, Bland, Blanton, Bloom, Bowles, Bowman, Box, Brand of Georgia, Briggs, Brigham, Britten, Browning, Brumm, Buchanan, Bulwinkle, Burton, Busby, Butler, Byrns, Carpenter, Carter of California, Chalmers, Chapman, Chindblom, Collier, Collins, Connally of Texas, Connery, Connolly of Pennsylvania, Cooper of Ohio, Cox, Coyle, Cramton, Crisp, Crosser, Crowther, Crumpacker, Cullen, Curry, Darrow, Davenport, Davey, Deal, Dempsey, Dominick, Douglass, Doyle, Drane, Driver, Dyer, Eaton, Edwards, Ellis, Fairchild, Fenn, Fish, Roy G. Fitzgerald, Fletcher, Fort, Foss, Free, Freeman, Frothingham, Gambrill, Garrett of Tennessee, Gibson, Gifford, Gilbert, Glynn, Goldsborough, Gorman, Graham, Griffin, Hale, Hare, Hawley, Hersey, Hill of Maryland, Hooper, Houston, Huddleston, Hudson, Hudspeth, Hull of Ten-

nessee, Morton D. Hull, Jacobstein, Jenkins, Johnson of Texas, Johnson of Washington, Kahn, Kearns, Kelly, Kemp, Ketcham, Kiess, Kincheloe, Kindred, Kirk, Kunz, LaGuardia, Lanham, Lazaro, Lea of California, Lehlbach, Linthicum, McDuffie, McLaughlin of Michigan, McMillan, MacGregor, Madden, Magee of Pennsylvania, Magee of New York, Mapes, Martin of Louisiana, Martin of Massachusetts, Merritt, Michener, Mills, Montague, Montgomery, Mooney, Moore of Kentucky, Moore of Ohio, Moore of Virginia, Morgan, Nelson of Maine, Newton of Minnesota, Newton, of Missouri, Norton, O'Connell of Rhode Island, O'Connor of Louisiana, Oliver of New York, Parker, Parks, Patterson, Peery, Phillips, Porter, Pou, Pratt, Ragon, Rankin, Rayburn, Reece, Reed of New York, Robsion of Kentucky, Rogers, Sanders of New York, Sanders of Texas, Sandlin, Seger, Shreve, Snell, Somers of New York, Sosnowski, Speaks, Spearing, Sproul of Illinois, Stalker, Stephens, Stevenson, Stobbs, Strong of Pennsylvania, Strother, Sweet, Taber, Taylor of New Jersey, Temple, Thatcher, Tilson, Tincher, Tinkham, Tolley, Treadway, Tucker, Tydings, Underwood, Upshaw, Vaile, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Voigt, Wainwright, Wason, Watres, Watson, Weller, White of Maine, Whitehead, Whittington, Williams of Texas, Wilson of Louisiana, Wilson of Mississippi, Wolverton, Woodrum, Wright, and Wyant.

Answered "present," 1: Underhill.

Not voting, 51: Aldrich, Auf der Heide, Bachmann, Bankhead, Barkley, Boylan, Burdick, Campbell, Carew, Celler, Cleary, Corning, Dickstein, Drewry, Flaherty, Fredericks, Gallivan, Garner of Texas, Golder, Johnson of Kentucky, Kendall, Lee of Georgia, Lindsay, Lineberger, Luce, McLeod, Mead, Michaelson, Morin, Nelson of Wisconsin, O'Connell of New York, O'Connor of New York, Peavey, Perkins, Perlman, Prall, Quayle, Ransley, Rouse, Sears of Florida, Smithwick, Sullivan, Swoope, Taylor of Tennessee, Taylor of West Virginia, Vare, Walters, Weaver, Welsh, Wingo, and Wurzbach.

So the bill was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. Taylor of Tennessee (for) with Mr. Welsh (against).

Mr. Bankhead (for) with Mr. Underhill (against).

Mr. Weaver (for) with Mr. Vare (against).

The result of the vote was announced as above recorded.

On motion of Mr. TILSON, a motion to reconsider the vote by which the bill was rejected was laid on the table.

INCREASE OF PENSIONS FOR SPANISH WAR VETERANS

An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes.

[From the CONGRESSIONAL RECORD of April 5, 1926]

The SPEAKER. The yeas and nays are asked for.

The yeas and nays were ordered.

The SPEAKER. Those who are in favor of the motion to suspend the rules and pass the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 368, nays 0, not voting 63, as follows:

[Roll No. 64]

Yeas, 368: Ackerman, Adkins, Aldrich, Allen, Allgood, Almon, Andresen, Andrew, Anthony, Appleby, Arentz, Arnold, Aswell, Auf der Heide, Ayres, Bacharach, Bachmann, Bacon, Bailey, Bankhead, Barbour, Barkley, Beck, Beers, Begg, Bell, Bixler, Black of New York, Black of Texas, Bland, Blanton, Bloom, Boies, Bowles, Bowling, Bowman, Box, Boylan, Brand of Ohio, Briggs, Brigham, Browne, Browning, Brumm, Buchanan, Burdick, Burtness, Busby, Butler, Byrns, Campbell, Canfield, Cannon, Carpenter, Carss, Carter of California, Carter of Oklahoma, Chalmers, Chindblom, Cole, Collier, Collins, Colton, Connally of Texas, Connery, Connolly of Pennsylvania, Cooper of Ohio, Cooper of Wisconsin, Corning, Cox, Coyle, Cramton, Crisp, Crosser, Crowther, Crumpacker, Curry, Darrow, Davenport, Davis, Deal, Dempsey, Dickinson of Missouri, Dickstein, Dominick, Doughton, Douglass, Dowell, Driver, Dyer, Eaton, Edwards, Elliott, Ellis, Eslick, Esterly, Faust, Fenn, Fish, Fisher, Roy G. Fitzgerald, W. T. Fitzgerald, Fletcher, Fort, Foss, Frear, Free, Freeman, French, Frothingham, Fuller, Fulmer, Furlow, Gambrill, Garber, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Garrett of Texas, Gasque, Gibson, Gifford, Gilbert, Glynn, Golder, Goldsborough, Goodwin, Graham, Green of Florida, Griest, Hadley, Hale, Hall of Indiana, Hall of North Dakota, Hammer, Hardy, Hare, Harrison, Hastings, Haugen, Hawes, Hawley, Hayden, Hickey, Hill of Alabama, Hill of Maryland, Hill of Washington, Hoch, Hogg, Holaday, Hooper, Houston, Howard, Huddleston, Hudson, Hull of Tennessee, William E. Hull, Jacobstein, James, Jeffers, Jenkins, Johnson of Indiana, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Jones, Kahn, Kearns, Keller, Kelly, Kemp, Kerr, Ketcham, Kiefner, Kiess, Kincheloe, Kindred, King, Knutson, Kopp, Kunz, Kurtz, Kvale, LaGuardia, Lampert, Lanham, Lankford, Larsen, Lazaro, Lea of California, Leatherwood, Leavitt, Lehlbach, Letts, Lindsay, Linthicum, Little, Lowrey, Luce, McClintic, McDuffie, McFadden, McKeown, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, McMillan, McReynolds, McSwain, McSweeney, MacGregor, Madden, Magee of New York, Magee of Pennsylvania, Magrady, Major, Manlove, Mansfield, Mapes, Martin of Louisiana, Martin of Massachusetts, Mead, Menges, Merritt, Michener, Miller, Milligan, Mills, Montague, Montgomery, Mooney, Moore of Kentucky, Moore of Ohio, Moore of Virginia, Morehead, Morgan, Morin, Morrow, Murphy, Nelson of Maine, Nelson of Missouri, Newton of Minnesota, Newton of Missouri, Norton, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, Oldfield, Oliver of Alabama, Oliver of New York, Parker, Parks, Patterson, Peavey, Perkins, Phillips, Porter, Pou, Prall, Pratt, Purnell, Quin, Ragon, Rainey, Ramseyer, Rankin, Ransley, Rayburn, Reece, Reed of New York, Reid of Illinois, Robinson of Iowa, Robsion of Kentucky, Rogers, Romjue, Rouse, Rowbottom, Rubey, Rutherford, Sabath, Sanders of New York, Sanders of Texas, Sandlin, Schafer, Schneider, Scott, Sears of Florida, Sears of Nebraska, Seger, Shallenberger, Simmons, Sinclair, Sinnott, Smith, Smithwick, Snell, Somers of New York, Sosnowski, Speaks, Spearing, Sproul of Kansas, Stalker, Stedman, Stephens, Stobbs, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Sumners of Texas, Swank, Swartz, Sweet, Swing, Taber, Taylor of Colorado, Taylor of New Jersey, Taylor of Tennessee, Taylor of West Virginia, Temple, Thatcher, Thomas, Thompson, Thurston, Tillman, Tilson, Timberlake, Tincher, Tinkham, Tolley, Treadway, Tucker, Tydings, Underhill, Underwood, Updike, Upshaw, Vaile, Vare, Vestal, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Voigt, Wainwright, Wason, Watson, Weaver, Wefald, Welsh, Wheeler, White of Kansas, White of Maine, Whitehead, Whittington, Williams of Illinois, Williams of Texas, Williamson, Wilson of Louisiana, Wilson of Mississippi, Wingo, Winter, Wolverton, Wood, Woodruff, Wright, Wurzbach, Wyant, and Zihlman.

Nays, 0.

Not voting, 63: Abernethy, Beedy, Berger, Brand of Georgia, Britten, Bulwinkle, Burton, Carew, Celler, Chapman, Christopherson, Clague, Cleary, Cullen, Davey, Denison, Dickinson of Iowa, Doyle, Drane, Drewry, Evans, Fairchild, Flaherty, Fredericks, Funk, Gallivan, Gorman, Green of Iowa, Greenwood, Griffin, Hersey, Hudspeth, Morton D. Hull, Irwin, Johnson of Illinois, Johnson of Kentucky, Kendall, Kirk, Lee of Georgia, Lineberger, Lozier, Lyon, Michaelson, Nelson of Wisconsin, O'Connor of New York, Peery, Perlman, Quayle, Rathbone, Reed of Arkansas, Shreve, Sproul of Illinois, Steagall, Stevenson, Strother, Sullivan, Swoope, Walters, Warren, Watres, Weller, Woodrum, and Yates.

So, two-thirds having voted in the affirmative, the rules were suspended, and the bill was passed.

Mr. ARNOLD. Mr. Speaker, if my colleague Mr. DOYLE were present, he would vote "yea."

Mr. CONNERY. Mr. Speaker, my colleague Mr. GALLIVAN is ill with influenza. If he were present, he would vote "yea."

Mr. DICKSTEIN. Mr. Speaker, if my colleague Mr. PERLMAN were present, he would vote "yea." He is absent because of sickness in his family.

Mr. O'CONNELL of New York, Mr. Speaker, if my colleagues Mr. CULLEN and Mr. GRIFFIN were present, they would vote "yea." Both of them are necessarily absent.

Mr. BOYLAN. Mr. Speaker, I would like to make an announcement. If Mr. CELLER and Mr. SULLIVAN were present, they would vote in the affirmative. They are unavoidably absent.

Mr. RAGON. Mr. Speaker, my colleague, Mr. REED of Arkansas is detained on account of illness. If he were present, he would vote "yea."

Mr. WEAVER. Mr. Speaker, I desire to make the same announcement as to my colleague Mr. LYON, of North Carolina.

Mr. KINDRED. Mr. Speaker, my colleagues Mr. CAREW and Mr. O'CONNOR of New York, have been unavoidably kept away from the city. If they were present, they would both vote "yea."

Mr. LINDSAY. Mr. Speaker, I desire to make the same announcement with reference to my colleague Mr. QUAYLE, of New York.

Mr. OLIVER of New York. Mr. Speaker, I desire to make the same announcement with reference to my colleague Mr. WELLER of New York. If here present, he would vote "yea."

Mr. CURRY. Mr. Speaker, I wish to announce the unavoidable absence of my colleagues Mr. FLAHERTY, Mr. FREDERICKS, and Mr. LINEBERGER, of California. They are unavoidably absent; but if they were present, they would vote "yea."

Mr. VINSON of Kentucky. Mr. Speaker, I desire to announce that my colleague Mr. CHAPMAN is absent because of the illness of his mother. If he were present, he would vote "yea."

Mr. HARE. Mr. Speaker, I desire to announce that if my colleague Mr. STEVENSON were present, he would vote "yea."

Mr. JOHNSON of Texas. Mr. Speaker, if my colleague Mr. HUDSPETH were present, he would vote "yea."

Mr. ROBSION of Kentucky. Mr. Speaker, if my colleague Mr. KIRK were present, he would vote "yea." He is unavoidably detained.

Mr. BRIGGS. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. BRIGGS. No; I just came in.

The SPEAKER. The gentleman does not qualify.

Mr. BRIGGS. Mr. Speaker, if I had the opportunity, I would vote "yea."

Mr. NEWTON of Minnesota. Mr. Speaker, I desire to say that if my colleague Mr. CLAGUE were present, he would vote "yea." He was called home on a very important matter.

Mr. PARKER and Mr. UNDERHILL rose.

Mr. UNDERHILL. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. UNDERHILL. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from Massachusetts demands tellers. As many as are in favor of taking this vote by tellers will rise and stand until counted. [After counting.] Thirty-five Members have risen, not a sufficient number, and tellers are refused.

BRITISH DEBT SETTLEMENT

This settlement provides for the payment of the principal in full and 3 per cent interest for the first 10 years and thereafter 3½ per cent interest for the remainder of the 62 years. On this basis the figures of the settlement taken from an official table compiled by the Treasury Department are as follows: Principal funded, $4,600,000,000; interest to be received, $6,505,965,000; total, $11,105,965,000; total that would be received on 4¼ per cent interest basis, $13,114,172,000; total canceled on 4¼ per cent interest basis, $2,008,207,000; total loss to the United States on all foreign-debt settlements is $10,000,000,000. The Republican platform of 1924 said: "We stand for settlement with all debtor countries similar in character with our debt agreement with Great Britian."

[From the CONGRESSIONAL RECORD of February 9, 1923]

Mr. FORDNEY. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. O'CONNOR. Mr. Speaker, I move to recommit the bill to the Committee on Ways and Means, with instructions to report it back forthwith, with the following amendment:

"This resolution shall not go into effect until the Hay-Pauncefote treaty is repealed."

The SPEAKER. The gentleman from Louisiana moves to recommit the bill with instructions which the Clerk will report.

The Clerk read as follows:

"Mr. O'CONNOR moves to recommit the bill to the Committee on Ways and Means with instructions to that committee to report the same back forthwith with the following amendment: At the end of the bill insert: 'This resolution shall not go into effect until the Hay-Pauncefote treaty is repealed.'"

Mr. STAFFORD. Mr. Speaker, I make the point of order on the motion to recommit.

The CHAIRMAN. The Chair sustains the point of order. The question is on the passage of the bill.

Mr. FORDNEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 291, nays 44, not voting 91, as follows:

[Roll No. 64]

Yeas, 291: Ackerman, Anderson, Andrew of Massachusetts, Andrews of Nebraska, Anthony, Appleby, Arentz, Aswell, Atkeson, Bacharach, Bankhead, Barbour, Barkley, Beck, Beedy, Begg, Bell, Benham, Bird, Bixler, Black, Bland of Indiana, Bland of Virginia, Boies, Bond, Briggs, Britten, Brooks of Illinois, Brown of Tennessee, Browne of Wisconsin, Buchanan, Burtness, Burton, Butler, Byrnes of South Carolina, Byrns of Tennessee, Cable, Campbell of Kansas, Campbell of Pennsylvania, Cannon, Cantrill, Carter, Chalmers, Chandler of Oklahoma, Chindblom, Christopherson, Clague, Clark of Florida, Clarke of New York, Clouse, Cole of Iowa, Cole of Ohio, Colton, Connally of Texas, Cooper of Ohio, Cooper of Wisconsin, Coughlin, Crago, Cramton, Crisp, Curry, Dale, Dallinger, Darrow, Deal, Dempsey, Denison, Dickinson, Doughton, Dowell, Drewry, Driver, Dunbar, Dunn, Dupré, Echols, Edmonds, Elliott, Evans, Fairchild, Faust, Fenn, Fess, Fields, Fish, Fisher, Fitzgerald, Focht, Fordney, Foster, Frear, Freeman, French, Frothingham, Fuller, Fulmer, Funk, Garrett of Tennessee, Gensman, Gernerd, Gifford, Glynn, Graham of Illinois, Green of Iowa, Greene of Massachusetts, Greene of Vermont, Griest, Griffin, Hadley, Hardy of Colorado, Hardy of Texas, Haugen, Hawes, Hawley, Hayden, Hays, Herrick, Hersey, Hickey, Hicks, Hill, Hoch, Hooker, Huddleston, Hukriede, Hull, Humphrey of Nebraska, Humphreys of Mississippi, Husted, Ireland, Jacoway, James, Jefferis of Nebraska, Jeffers of Alabama, Johnson of Washington, Kearns, Kelley of Michigan, Kelly of Pennsylvania, Ketcham, Kiess, Kincheloe, Kirkpatrick, Kissel, Kleczka, Kline of Pennsylvania, Knutson, Kopp, Kraus, Lampert, Langley, Lanham, Larsen of Georgia, Larson of Minnesota, Lawrence, Layton, Lazaro, Lea of California, Leatherwood, Lee of Georgia, Lineberger, Linthicum, Little, London, Longworth, Luce, Luhring, Lyon, McArthur, McDuffie, McKenzie, McLaughlin of Michigan, McLaughlin of Nebraska, McPherson, MacGregor, MacLafferty, Madden, Magee, Maloney, Mapes, Martin, Michener, Miller, Mondell, Montague, Moore of Illinois, Moore of Ohio, Moore of Virginia, Moores of Indiana, Morgan, Mott, Mudd, Murphy, Nelson of Maine, A. P. Nelson, J. M. Nelson, Newton of Minnesota, Newton of Missouri, Norton, Ogden, Oliver, Overstreet, Parker of New Jersey, Parker of New York, Patterson of Missouri, Patterson of New Jersey, Paul, Perkins, Porter, Pou, Pringey, Purnell, Radcliffe, Rayburn, Reece, Reed of West Virginia, Rhodes, Ricketts, Roach, Robertson, Robsion, Rodenberg, Rogers, Rosenbloom, Rucker, Sanders of Indiana, Sanders of New York, Schall, Scott of Tennessee, Sears, Shaw, Shelton, Sinclair, Sinnott, Sisson, Slemp, Smith of Idaho, Snell, Snyder, Speaks, Sproul, Stafford, Stedman, Steenerson, Stephens, Stevenson, Strong of Kansas, Summers of Washington, Sumners of Texas, Swank, Sweet, Swing, Taylor of Colorado, Taylor of Tennessee, Temple, Thompson, Thorpe, Tilson, Timberlake, Tinkham, Towner, Tucker, Turner, Tyson, Underhill, Upshaw, Vaile, Vestal, Vinson, Voigt, Volstead, Walters, Ward of New York, Ward of North Carolina, Watson, Weaver, Webster, White of Kansas, White of Maine, Williams of Illinois, Williams of Texas, Williamson, Wilson, Winslow, Woodruff, Woods of Virginia, Woodyard, Wright, Wurzbach, Wyant, Young, and Zihlman.

Nays, 44: Abernethy, Almon, Blanton, Bowling, Box, Brand, Carew, Collier, Collins, Cullen, Dominick, Favrot, Gallivan, Garrett of Texas, Hammer, Hudspeth, Johnson of Kentucky, Johnson of Mississippi, Jones of Texas, Lankford, Logan, Lowrey, McCormick, McSwain, Mansfield, Mead, O'Connor, Oldfield, Parks of Arkansas, Quin, Rainey of Illinois, Raker, Rankin, Riordan, Rouse, Sabath, Sanders of Texas, Sandlin, Smithwick, Steagall, Taylor of Arkansas, Thomas, Tillman, and Wingo.

Not voting, 91: Ansorge, Blakeney, Bowers, Brennan, Brooks of Pennsylvania, Bulwinkle, Burdick, Burke, Chandler of New York, Classon, Cockran, Codd, Connolly of Pennsylvania, Copley, Crowther, Davis of Minnesota, Davis of Tennessee, Drane, Dyer, Ellis, Fairfield, Free, Gahn, Garner, Gilbert, Goldsborough, Goodykoontz, Gorman, Gould, Graham of Pennsylvania, Henry, Hines, Hogan, Huck, Hutchinson, Johnson of South Dakota, Jones of Pennsylvania, Kahn, Keller, Kendall, Kennedy, Kindred, King, Kitchin, Kline of New York, Knight, Kreider, Kunz, Lee of New York, Lehlbach, McClintic, McFadden, McLaughlin of Pennsylvania, Merritt, Michaelson, Mills, Morin, O'Brien, Olpp, Paige, Park of Georgia, Perlman, Petersen, Rainey of Alabama, Ramseyer, Ransley, Reber, Reed of New York, Riddick, Rose, Rossdale, Ryan, Scott of Michigan, Shreve, Siegel, Smith of Michigan, Stiness, Stoll, Strong of Pennsylvania, Sullivan, Tague, Taylor of New Jersey, Ten Eyck, Tincher, Treadway, Volk, Wason, Wheeler, Wise, Wood of Indiana, and Yates.

So the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Mr. Treadway (for) with Mr. Knight (against).

Mr. Graham of Pennsylvania (for) with Mr. Sullivan (against).

Mr. Davis of Tennessee (for) with Mr. Kindred (against).

Mr. Burke (for) with Mr. Tague (against).

Mr. Tincher (for) with Mr. Keller (against).

Mr. HENRY. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. HENRY. I was not.

The SPEAKER. The gentleman does not bring himself within the rules.

The result of the vote was announced as above recorded.

On motion of Mr. FORDNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ITALIAN DEBT SETTLEMENT

This settlement provides that the annual principal installment during the first five years shall be $5,000,000, the sixth year $12,100,000, the subsequent annual principal installments increasing until in the sixty-second year the final principal installment shall be $79,400,000. After June 15, 1930, Italy may postpone payments for two years, the postponed payments bearing interest of 4¼ per cent. The bonds bear no interest until June 15, 1930; one-eighth of 1 per cent from June 15, 1930, to June 15, 1940; one-fourth of 1 per cent from 1940 to 1950; one-half of 1 per cent from 1950 to 1960; three-fourths of 1 per cent from 1960 to 1970; 1 per cent from 1970 to 1980, and 2 per cent thereafter, or an average of forty-two one-hundredths of 1 per cent for the entire period. On this basis the figures of the set-

tlement taken from an official table compiled by the Treasury Department are as follows: Principal funded, $2,042,000,000; interest to be received, $365,677,500; total, $2,407,677,500; total that would be received on basis of British settlement, $4,923,820,000; total that would be received on 4¼ per cent interest basis, $5,821,552,000; total canceled on 4¼ per cent interest basis, $3,413,874,500. Prior to the funding agreement the Italian debt was $2,150,150,000. After adjustments it was funded at a principal of $2,042,000,000. Its present value discounted at 5 per cent interest is $426,287,000, or 19.8 per cent of the total before funding, representing a cancellation of 80.2 per cent. The present value of the Italian payments is $426,287,000 and her postarmistice advances $617,307,200. The total loss to the United States on all foreign debt settlements is $10,000,000,000.

[From the CONGRESSIONAL RECORD of January 15, 1926]

Mr. GREEN of Iowa. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GREEN of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 257, nays 133, answered "present" 3, not voting 38, as follows:

[Roll No. 12]

Yeas, 257: Ackerman, Adkins, Aldrich, Allen, Andrew, Anthony, Appleby, Arentz, Auf der Heide, Bacharach, Bachmann, Bacon, Bailey, Barbour, Beedy, Beers, Begg, Black of New York, Bland, Blanton, Bloom, Boies, Bowles, Bowman, Boylan, Brand of Ohio, Brigham, Britten, Brumm, Burtness, Burton, Butler, Campbell, Carew, Carpenter, Carter of California, Celler, Chalmers, Chindblom, Christopherson, Clague, Cleary, Cole, Colton, Connery, Connolly of Pennsylvania, Cooper of Ohio, Coyle, Cramton, Crisp, Crosser, Crumpacker, Cullen, Curry, Darrow, Dempsey, Denison, Dickinson of Iowa, Dickinson of Missouri, Dickstein, Douglass, Doyle, Dyer, Eaton, Elliott, Ellis, Esterly, Fairchild, Faust, Fenn, Fish, Fisher, W. T. Fitzgerald, Fort, Foss, Free, Freeman, Frothingham, Fuller, Funk, Furlow, Gambrill, Garber, Gibson, Gifford, Glynn, Gorman, Green of Iowa, Griest, Griffin, Hadley, Hale, Hall of Indiana, Hall of North Dakota, Hardy, Hawes, Hersey, Hickey, Hill of Maryland, Hoch, Hogg, Holaday, Hooper, Houston, Hudson, William E. Hull, Irwin, Jacobstein, James, Jenkins, Johnson of Illinois, Johnson of Indiana, Johnson of South Dakota, Johnson of Washington, Kahn, Kearns, Kelly, Kemp, Kendall, Kerr, Ketcham, Kiefner, Kiess, Kindred, King, Knutson, Kunz, Kurtz, LaGuardia, Lazaro, Lea of California, Leatherwood, Leavitt, Lee of Georgia, Lehlbach, Letts, Lindsay, Linthicum, Luce, McLaughlin of Michigan, McLaughlin of Nebraska, McLeod, McSweeney, MacGregor, Madden, Magee of New York, Magee of Pennsylvania, Magrady, Mapes, Martin of Louisiana, Martin of Massachusetts, Menges, Merritt, Michener, Miller, Mills, Montgomery, Mooney, Moore of Ohio, Moore of Virginia, Morin, Morrow, Murphy, Nelson of Maine, Newton of Minnesota, Newton of Missouri, Norton, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, Oliver of New York, Parker, Patterson, Perkins, Perlman, Phillips, Porter, Prall, Pratt, Purnell, Quayle, Ramseyer, Ransley, Reece, Robinson of Iowa, Robsion of Kentucky, Rogers, Rowbottom, Rubey, Sabath, Sanders of New York, Scott, Sears of Nebraska, Seger, Shreve, Simmons, Sinnott, Smith, Sosnowski, Speaks, Spearing, Sproul of Illinois, Sproul of Kansas, Stalker, Stephens, Stobbs, Strong of Kansas, Strong of Pennsylvania, Strother, Summers of Washington, Swartz, Sweet, Swing, Swoope, Taber, Taylor of New Jersey, Taylor of Tennessee, Temple, Thatcher, Thayer, Thompson, Tilson, Timberlake, Tincher, Tinkham, Tolley, Treadway, Underhill, Updike, Vaile, Vare, Vestal, Vincent of Michigan, Wainwright, Walters, Wason, Watres, Watson, Weller, Welsh, Wheeler, White of Kansas, White of Maine, Whitehead, Whittington, Williams of Illinois, Williams of Texas, Williamson, Winter, Wolverton, Wood, Woodruff, Wurzbach, Wyant, Yates, and Zihlman.

Nays, 133: Almon, Andresen, Arnold, Aswell, Ayres, Barkley, Beck, Berger, Black of Texas, Bowling, Box, Brand of Georgia, Briggs, Browne, Browning, Buchanan, Bulwinkle, Busby, Byrns, Cannon, Chapman, Collier, Collins, Connally of Texas, Cox, Davis, Deal, Dominick, Doughton, Dowell, Drane, Drewry, Driver, Edwards, Eslick, Evans, Frear, Fulmer, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Garrett of Texas, Gasque, Gilbert, Goldsborough, Goodwin, Green of Florida, Greenwood, Hammer, Hare, Hastings, Hayden, Hill of Alabama, Hill of Washington, Howard, Huddleston, Hudspeth, Hull of Tennessee, Jeffers, Johnson of Kentucky, Johnson of Texas, Jones, Keller, Kincheloe, Kopp, Kvale, Lampert, Lanham, Lankford, Larsen, Lineberger, Little, Lowrey, Lozier, Lyon, McClintic, McDuffie, McKeown, McMillan, McReynolds, McSwain, Major, Mansfield, Milligan, Moore of Kentucky, Morehead, Nelson of Missouri, Nelson of Wisconsin, Oldfield, Oliver of Alabama, Parks, Peavey, Peery, Pou, Quin, Ragon, Rainey, Rankin, Rathbone, Rayburn, Reed of Arkansas, Romjue, Rouse, Rutherford, Sanders of Texas, Sandlin, Schneider, Sears of Florida, Shellenberger, Sinclair, Smithwick, Steagall, Stedman, Summers of Texas, Swank, Taylor of Colorado, Taylor of West Virginia, Thomas, Thurston, Tillman, Tucker, Tydings, Underwood, Upshaw, Vinson of Georgia, Voigt, Warren, Weaver, Wefald, Wilson of Louisiana, Wilson of Mississippi, Wingo, and Wright.

Answered "present," 3: Carter of Oklahoma, Harrison, and Montague.

Not voting, 38: Abernethy, Allgood, Bankhead, Bell, Bixler, Burdick, Canfield, Carss, Cooper of Wisconsin, Crowther, Davenport, Davey, Roy G. Fitzgerald, Flaherty, Fletcher, Fredericks, French, Gallivan, Golder, Graham, Haugen, Hawley, Morton D. Hull, McFadden, Manlove, Mead, Michaelson, Morgan, Raker, Reed of New York, Reid of Illinois, Schafer, Snell, Somers of New York, Stevenson, Sullivan, Vinson of Kentucky, and Woodrum.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gallivan (for) with Mr. Bell (against).

Mr. Mead (for) with Mr. Vinson of Kentucky (against).

Mr. Davey (for) with Mr. Schafer (against).

Mr. Sullivan (for) with Mr. Carss (against).

Mr. Bixler (for) with Mr. Harrison (against).

Mr. Davenport (for) with Mr. Fletcher (against).

Mr. Reid of Illinois (for) with Mr. Woodrum (against).

Mr. Burdick (for) with Mr. Stevenson (against).

Mr. Montague (for) with Mr. Abernethy (against).

Mr. Somers of New York (for) with Mr. Bankhead (against).

Mr. Graham (for) with Mr. Carter of Oklahoma (against).

Mr. McFadden (for) with Mr. Allgood (against).

Until further notice:

Mr. Crowther with Mr. Raker.

Mr. Morgan with Mr. Canfield.

Mr. HARRISON. Mr. Speaker, I voted "nay," but desire to withdraw my vote. I am paired with the gentleman from Pennsylvania, Mr. BIXLER, who, if he had been present, would have voted "yea," and I would have voted "nay."

Mr. CARTER of Oklahoma. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. GRAHAM. If he were present I would vote "nay."

Mr. MONTAGUE. Mr. Speaker, I voted "yea," but desire to withdraw my vote. I am paired with the gentleman from North Carolina, Mr. ABERNETHY, who, if he were present, would vote "nay."

Mr. MADDEN. Mr. Speaker, I wish to announce that if my colleague, Mr. MORTON D. HULL, were present he would vote for the passage of this bill. He is not present because he was called away on important business.

Mr. FRENCH. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. FRENCH. No, Mr. Speaker; I was attending a conference in the Speaker's office and did not know of the roll call.

The SPEAKER. The gentleman was not in the Hall?

Mr. FRENCH. I was not in this Hall.

The SPEAKER. Then the gentleman does not bring himself within the rule.

Mr. HAUGEN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. HAUGEN. No; I was outside.

The SPEAKER. Then the gentleman does not bring himself within the rule.

Mr. FRENCH. I desire to inquire whether the bells announcing this roll call were rung in the Speaker's office?

The SPEAKER. The Chair presumes so.

Mr. FRENCH. I want to be recorded as present, and I wanted to vote "yea," but I heard no bells.

The SPEAKER. The rule for qualification is that the gentleman must have been present in the Hall.

Mr. FRENCH. I was attending a conference, but it was not a conference which would excuse me; it was not a conference between the two Houses.

Mr. ROY G. FITZGERALD. Mr. Speaker, I was not in my seat when my name was called, and only one bell was rung in my office. If I had been present I would have voted "yea."

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. ROY G. FITZGERALD. I was not; but only one bell was rung in my office. If I had been present and entitled to vote I would have voted "yea."

The result of the vote was announced as above recorded.

On motion of Mr. GREEN of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRENCH DEBT SETTLEMENT

This settlement provides for payments of principal in annual installments up to and including June 15, 1987, as follows: 1926 and 1927, $30,000,000; 1928 and 1929, $32,500,000; 1930, $35,000,000; 1931, $1,350,000, increasing until the sixty-second year, when the final principal installment shall be $113,694,786.64. France may postpone payments of principal and interest after June 15, 1926, and prior to June 15, 1932, in excess of $20,000,000 in any one year not more than three years distant from its due date, and may postpone payments after 1932 by payments of certain previous postponed indebtedness-postponed payments to bear 4½ per cent interest. The bonds shall bear no interest until June 15, 1930; thereafter interest is fixed at 1 per cent from 1930 to 1940; 2 per cent from 1940 to 1950; 2½ per cent from 1950 to 1958; 3 per cent from 1958 to 1965; 3½ per cent after 1965. On this basis the figures of the settlement taken from an official table compiled by the Treasury Department are as follows: Principal funded, $4,025,000,000; interest to be received, $2,822,674,104.17; total, $6,847,674,104.17; total that would be received on basis of British settlement, $9,708,825,000; total that would be received on 4¼ per cent interest basis, $11,474,900,000; total canceled on 4¼ per cent interest basis, $4,627,225,895.83. Prior to the funding agreement the French debt stood at $4,230,775,000. With interest adjustments in the agreement the debt was funded at $4,025,000,000. Its present value discounted at 5 per cent is $1,681,369,000. The present value is 39.7 per cent of the debt at the time of the funding, and the extent of cancellation at 5 per cent interest is 60.2 per cent. The present value of France's payments, figuring interest at 5 per cent, is $1,681,369,000, and her postarmistice loans amounted to $1,434,818,945. The total loss to the United States on all foreign debt settlements is $10,000,000,000.

[From the CONGRESSIONAL RECORD of June 2, 1926]

So the motion to recommit was rejected.

The SPEAKER. The question is, Shall the bill pass?

Mr. COLLIER. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 236, nays 112, answered "present" 1, not voting 82, as follows:

[Roll No. 103]

Yeas, 236: Ackerman, Adkins, Aldrich, Allen, Andrew, Anthony, Arentz, Aswell, Auf der Heide, Bacharach, Bachmann, Bacon, Bailey, Barbour, Beedy, Beers, Begg, Bixler, Black of New York, Black of Texas, Bland, Bloom, Boies, Bowles, Bowman, Boylan, Brand of Ohio, Brigham, Britten, Bulwinkle, Burdick, Burtness, Burton, Butler, Campbell, Carew, Carpenter, Carter of California, Chalmers, Chindblom, Cole, Colton, Connery, Connolly of Pennsylvania, Cooper of Ohio, Cramton, Crisp, Crosser, Crowther, Crumpacker, Cullen, Curry, Davenport, Dempsey, Dickinson of Missouri, Dickstein, Doughton, Douglass, Dowell, Doyle, Drewry, Dyer, Eaton, Elliott, Ellis, Esterly, Faust, Fenn, Fisher, Roy G. Fitzgerald, W. T. Fitzgerald, Fletcher, Fort, Foss, Free, Freeman, French, Frothingham, Fulmer, Funk, Furlow, Gambrill, Garber, Gibson, Gifford, Glynn, Goldsborough, Goodwin, Gorman, Graham, Green of Iowa, Griest, Hadley, Hale, Hall of Indiana, Hardy, Haugen, Hawes, Hawley, Hayden, Hersey, Hickey, Hill of Alabama, Hill of Maryland, Hoch, Hogg, Holaday, Hooper, Houston, Hudson, Morton D. Hull, William E. Hull, Irwin, Jacobstein, James, Jenkins, Johnson of Illinois, Johnson of Indiana, Johnson of Washington, Kahn, Kearns, Kelly, Kendall, Kerr, Ketcham, Kiefner, Kindred, King, Kirk, Kopp, Kunz, Kurtz, LaGuardia, Lea of California, Leatherwood, Leavitt, Lehlbach, Letts, Lindsay, Linthicum, McDuffie, McFadden, McLaughlin of Michigan, McLaughlin of Nebraska, McSweeney, MacGregor, Madden, Magee of New York, Magee of Pennsylvania, Magrady, Mapes, Martin of Louisiana, Martin of Massachusetts, Merritt, Michener, Miller, Mills, Montague, Montgomery, Mooney, Moore of Ohio, Morgan, Morrow, Murphy, Newton of Minnesota, O'Connell of Rhode Island, O'Connor of Louisiana, Oliver of New York, Patterson, Peery, Perlman, Porter, Prall, Pratt, Purnell, Quayle, Ramseyer, Ransley, Reed of New York, Reid of Illinois, Robinson of Iowa, Robsion of Kentucky, Rogers, Rowbottom, Sanders of New York, Scott, Seger, Shreve, Simmons, Sinnott, Snell, Sosnowski, Speaks, Spearing, Sproul of Illinois, Sproul of Kansas, Stephens, Stobbs, Strong of Kansas, Strong of Pennsylvania, Strother, Summers of Washington, Swing, Taber, Taylor of New Jersey, Temple, Thompson, Tilson, Timberlake, Tinkham, Treadway, Tucker, Underhill, Updike, Vaile, Vestal, Vincent of Michigan, Vinson of Georgia, Wainwright, Wason, Watres, Watson, Welsh, White of Kansas, White of Maine, Whitehead, Whittington, Williams of Illinois, Williamson, Winter, Wolverton, Wood, Woodruff, Wurzbach, Wyant, and Zihlman.

Nays, 112: Abernethy, Allgood, Almon, Andresen, Arnold, Ayres, Beck, Bell, Berger, Blanton, Box, Brand of Georgia, Briggs, Brown, Browning, Busby, Byrns, Canfield, Cannon, Carss, Carter of Oklahoma, Chapman, Clague, Collier, Collins, Connally of Texas, Cooper of Wisconsin, Davis, Dominick, Driver, Edwards, Eslick, Evans, Frear, Garrett of Texas, Gasque, Gilbert, Green of Florida, Hall of North Dakota, Hammer, Harrison, Hastings, Hill of Washington, Howard, Huddleston, Johnson of Texas, Jones, Keller, Kincheloe, Knutson, Kvale, Lampert, Lanham, Lankford, Larsen, Little, Lowrey, Lozier, McClintic, McKeown, McMillian, McReynolds, McSwain, Major, Manlove, Mansfield, Michaelson, Milligan, Moore of Kentucky, Morehead, Nelson of Missouri, Nelson of Wisconsin, Newton of Missouri, Oldfield, Oliver of Alabama, Parks, Quin, Ragon, Rainey, Rankin, Rathbone, Rayburn, Reed of Arkansas, Romjue, Rubey, Rutherford, Sabath, Sanders of Texas, Sandlin, Schafer, Schneider, Shallenberger, Somers of New York, Stedman, Stevenson, Swank, Taylor of Colorado, Thomas, Thurston, Tillman, Underwood, Upshaw, Vinson of Kentucky, Voigt, Warren, Wefald, Wheeler, Wilson of Louisiana, Wilson of Mississippi, Wingo, Woodrum, and Wright.

Answered "present," 1: Hudspeth.

Not voting, 82: Appleby, Bankhead, Barkley, Bowling, Brumm, Buchanan, Celler, Christopherson, Cleary, Corning, Cox, Coyle, Darrow, Davey, Deal, Denison, Dickinson of Iowa, Drane, Fairchild, Fish, Flaherty, Fredericks, Fuller, Gallivan, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Golder, Greenwood, Griffin, Hare, Hull of Tennessee, Jeffers, Johnson of Kentucky, Johnson of South Dakota, Kemp, Kiess, Lazaro, Lee of Georgia, Lineberger, Luce, Lyon, McLeod, Mead, Menges, Moore of Virginia, Morin, Nelson of Maine, Norton, O'Connell of New York, O'Connor of New York, Parker, Peavey, Perkins, Phillips, Pou, Reece, Rouse, Sears of Florida, Sears of Nebraska, Sinclair, Smith, Smithwick, Stalker, Steagall, Sullivan, Sumners of Texas, Swartz, Sweet, Swoope, Taylor of Tennessee, Taylor of West Virginia, Thatcher, Tincher, Tolley, Tydings, Vare, Walters, Weaver, Weller, Williams of Texas, and Yates.

So the bill was passed.

The following pairs were announced:

On this vote:

Mr. Johnson of South Dakota (for) with Mr. Pou (against).

Mr. Moore of Virginia (for) with Mr. Hull of Tennessee (against).

Mr. Tydings (for) with Mr. Hudspeth (against).

Mr. Lazaro (for) with Mr. Bankhead (against).

Mr. Sweet (for) with Mr. Cox (against).

Mr. Vare (for) with Mr. Sinclair (against).

Mr. Gardner of Indiana (for) with Mr. Deal (against).

Mr. Thatcher (for) with Mr. Bowling (against).

Mr. Gallivan (for) with Mr. Steagall (against).

Mr. Tolley (for) with Mr. Peavey (against).

Mr. FAIRCHILD. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. FAIRCHILD. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. DOUGLASS. Mr. Speaker, my colleague Mr. GALLIVAN is unable to be here on account of sickness. If he were here, he would vote "aye."

Mr. FRENCH. Mr. Speaker, my colleague Mr. SMITH of Idaho is absent on account of illness. If he were here, he would vote "aye."

The result of the vote was announced as above recorded.

On motion of Mr. GREEN of Iowa, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RIVERS AND HARBORS BILL

(Motion to recommit)

Authorizing the construction, repair, and preservation of certain public works on rivers and harbors. The chief controversial features of the bill were the Illinois River project, involving the diversion of water from the Great Lakes at Chicago for the drainage canal; the proposed purchase of the Cape Cod Canal in Massachusetts, and improvement of a section of the Missouri River. On the motion to recommit the opponents of the bill voted yea, those favoring the projects voted nay.

[From the CONGRESSIONAL RECORD of June 4, 1926]

The SPEAKER. The question is on the motion of the gentleman from Ohio to recommit.

The question was taken; and on a division (demanded by Mr. MOONEY) there were—yeas 79, noes 195.

Mr. MOONEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 226, and not voting 84, as follows:

[Roll No. 108]

Yeas, 121: Allgood, Ayres, Bachmann, Barbour, Beck, Beedy, Beers, Begg, Bell, Berger, Bixler, Black of Texas, Blanton, Brand of Georgia, Brand of Ohio, Browne, Brumm, Burtness, Burton, Busby, Butler, Carss, Carter of Oklahoma, Chalmers, Chapman, Christopherson, Clague, Colton, Connally of Texas, Cooper of Ohio, Cooper of Wisconsin, Coyle, Cramton, Crisp, Crosser, Davey, Dominick, Dowell, Evans, W. T. Fitzgerald, Fletcher, Frear, Fulmer, Garber, Hastings, Hersey, Hill of Washington, Hogg, Hooper, Huddleston, Hudson, Jacobstein, James, Jenkins, Johnson of Texas, Johnson of Washington, Jones, Kearns, Keller, Ketcham, Kurtz, Kvale, LaGuardia, Lampert, Larsen, Leatherwood, Leavitt, Lehlbach, McClintic, McFadden, McKeown, McLaughlin of Michigan, McLeod, McReynolds, McSwain,

McSweeney, MacGregor, Magee of Pennsylvania, Mapes, Mead, Menges, Merritt, Michener, Mooney, Morgan, Murphy, Nelson of Wisconsin, Parks, Phillips, Ramseyer, Reed of New York, Robsion of Kentucky, Rutherford, Sanders of Texas, Schafer, Schneider, Scott, Shreve, Sosnowski, Speaks, Stephens, Strother, Summers of Washington, Swank, Taylor of Colorado, Temple, Thomas, Thompson, Underwood, Updike, Valle, Vincent of Michigan, Vinson of Georgia, Vinson of Kentucky, Voigt, Watres, Wefald, White of Maine, Williamson, Woodruff, and Wright.

Nays, 226: Abernethy, Ackerman, Adkins, Allen, Almon, Andresen, Andrew, Anthony, Arentz, Arnold, Aswell, Auf der Heide, Bacharach, Bailey, Black of New York, Bland, Bloom, Boies, Bowles, Box, Boylan, Briggs, Brigham, Britten, Browning, Burdick, Byrns, Canfield, Cannon, Carew, Carpenter, Carter of California, Chindblom, Cole, Collier, Collins, Connery, Connolly of Pennsylvania, Crowther, Crumpacker, Curry, Davenport, Davis, Deal, Dempsey, Dickinson of Iowa, Dickinson of Missouri, Doughton, Douglass, Doyle, Drewry, Driver, Dyer, Edwards, Ellis, Eslick, Fairchild, Faust, Fenn, Fish, Fisher, Foss, Freeman, French, Frothingham, Funk, Furlow, Gambrill, Garrett of Texas, Gasque, Gibson, Gifford, Gilbert, Glynn, Goldsborough, Goodwin, Graham, Green of Florida, Green of Iowa, Griest, Griffin, Hadley, Hale, Hall of Indiana, Hammer, Hardy, Harrison, Haugen, Hawes, Hawley, Hickey, Hill of Maryland, Hoch, Holaday, Houston, Howard, Hudspeth, Morton D. Hull, William E. Hull, Irwin, Jeffers, Johnson of Illinois, Johnson of Indiana, Kahn, Kemp, Kendall, Kerr, Kiefner, Kincheloe, Kindred, King, Knutson, Kopp, Kunz, Lanham, Lankford, Lazaro, Lea of California, Letts, Lindsay, Linthicum, Little, Lowrey, Lozier, Lyon, McDuffie, McLaughlin of Nebraska, McMillan, Madden, Magee of New York, Major, Manlove, Mansfield, Martin of Louisiana, Martin of Massachusetts, Michaelson, Miller, Milligan, Montague, Montgomery, Moore of Kentucky, Moore of Virginia, Morehead, Morrow, Nelson of Missouri, Newton of Minnesota, Newton of Missouri, Norton, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, Oldfield, Oliver of Alabama, Parker, Porter, Pou, Pratt, Purnell, Quayle, Quin, Ragon, Rainey, Rankin, Ransley, Rathbone, Rayburn, Reed of Arkansas, Reid of Illinois, Robinson of Iowa, Rogers, Romjue, Rowbottom, Rubey, Sabath, Sandlin, Sears of Nebraska, Seger, Simmons, Sinnott, Snell, Somers of New York, Spearing, Sproul of Illinois, Sproul of Kansas, Stedman, Stobbs, Strong of Pennsylvania, Swing, Taber, Taylor of New Jersey, Taylor of Tennessee, Taylor of West Virginia, Thatcher, Thurston, Tillman, Tilson, Timberlake, Tinkham, Tolley, Treadway, Tucker, Tydings, Underhill, Upshaw, Vestal, Wainwright, Warren, Wason, Watson, Weller, Wheeler, White of Kansas, Whitehead, Whittington, Williams of Illinois, Wilson of Louisiana, Wilson of Mississippi, Wingo, Winter, Wolverton, Wood, Woodrum, Wurzbach, Wyant, Yates, and Zihlman.

Not voting, 84: Aldrich, Appleby, Bacon, Bankhead, Barkley, Bowling, Bowman, Buchanan, Bulwinkle,, Campbell, Celler, Cleary, Corning, Cox, Cullen, Darrow, Denison, Dickstein, Drane, Eaton, Elliott, Esterly, Roy G. Fitzgerald, Flaherty, Fort, Fredericks, Free, Fuller, Gallivan, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Golder, Gorman, Greenwood, Hall of North Dakota, Hare, Hayden, Hill of Alabama, Hull of Tennessee, Johnson of Kentucky, Johnson of South Dakota, Kelly, Kiess, Kirk, Lee of Georgia, Lineberger, Luce, Magrady, Mills, Moore of Ohio, Morin, Nelson of Maine, O'Connor of New York, Oliver of New York, Patterson, Peavey, Peery, Perkins, Perlman, Prall, Reece, Rouse, Sanders of New York, Sears of Florida, Shallenberger, Sinclair, Smith, Smithwick, Stalker, Steagall, Stevenson, Strong of Kansas, Sullivan, Sumners of Texas, Swartz, Sweet, Swoope, Tincher, Vare, Walters, Weaver, Welsh, and Williams of Texas.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Vare (for) with Mr. Cullen (against).

Mr. Peavey (for) with Mr. Appleby (against).

Mr. Moore of Ohio (for) with Mr. Bacon (against).

Mr. Golder (for) with Mr. Bankhead (against).

Mr. Shallenberger (for) with Mr. Corning (against).

Mr. Elliott (for) with Mr. Gardner of Indiana (against).

Mr. Eaton (for) with Mr. Denison (against).

Mr. Stevenson (for) with Mr. Oliver of New York (against).

Mr. Sinclair (for) with Mr. Gallivan (against).

Mr. DOUGLASS. Mr. Speaker, my colleague, Mr. GALLIVAN, of Massachusetts, is unable to be present on account of illness. If he were here, he would vote "no."

Mr. O'CONNOR of New York. Mr. Speaker, I was not here when my name was called, but if I had been here, I would have voted "no." My colleague, Mr. PRALL, is unavoidably absent, and if here he would vote "no."

Mr. O'CONNELL of New York: Mr. Speaker, I wish to announce the absence of my colleagues, Mr. SULLIVAN and Mr. CLEARY. If they were present, they would vote "no."

Mr. CURRY. Mr. Speaker, I wish to announce that if my colleagues Mr. FLAHERTY, Mr. LINEBERGER, and Mr. FREDERICKS were present, they would vote "no."

The result of the vote was announced as above recorded.

(Passage of bill)

The SPEAKER. The question is, Shall the bill pass?

Mr. SCHAFER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays. Evidently there is a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 219, nays 127, not voting 85, as follows:

[Roll No. 109]

Yeas, 219: Abernethy, Ackerman, Adkins, Allen, Allgood, Almon, Andresen, Andrew, Anthony, Arentz, Arnold, Aswell, Auf der Heide, Bacharach, Bailey, Bixler, Black of New York, Bland, Bloom, Boies, Bowles, Box, Boylan, Briggs, Brigham, Britten, Burdick, Canfield, Cannon, Carter of California, Carter of Oklahoma, Chindblom, Cole, Collier, Collins, Connally of Texas, Connery, Connolly of Pennsylvania, Crowther, Crumpacker, Curry, Davenport, Deal, Dempsey, Dickinson of Iowa, Dickinson of Missouri, Doughton, Douglass, Doyle, Drewry, Driver, Dyer, Edwards, Ellis, Fairchild, Faust, Fenn, Fish, Fisher, Foss, Freeman, Frothingham, Funk, Furlow, Gambrill, Garber, Garrett of Texas, Gasque, Gifford, Goldsborough, Goodwin, Gorman, Green of Florida, Green of Iowa, Griest, Griffin, Hadley, Hale, Hall of Indiana, Hammer, Harrison, Hastings, Haugen, Hawes, Hawley, Hickey, Holaday, Houston, Howard, Hudspeth, Morton D. Hull, William E. Hull, Irwin, Jeffers, Johnson of Illinois, Johnson of Indiana, Kahn, Kearns, Keller, Kemp, Kendall, Kerr, Kiefner, Kincheloe, Kindred, King, Knutson, Kopp, Kunz, Lanham, Lankford, Lazaro, Lea of California, Letts, Lindsay, Linthicum, Little, Lowrey, Lozier, Lyon, McDuffie, McLaughlin of Nebraska, McMillan, Madden, Magee of New York, Major, Manlove, Mansfield, Martin of Louisiana, Martin of Massachusetts, Michaelson, Miller, Milligan, Montague, Montgomery, Moore of Kentucky, Morehead, Morrow, Nelson of Missouri, Newton of Minnesota, Newton of Missouri, Norton, O'Connell of New York, O'Connor of Louisiana, O'Connor of New York, Oldfield, Oliver of Alabama, Parker, Porter, Pou, Pratt, Purnell, Quayle, Quin, Ragon, Rainey, Rankin, Ransley, Rathbone, Rayburn, Reed of Arkansas, Reid of Illinois, Robinson of Iowa, Rogers, Romjue, Rowbottom, Rubey, Sabath, Sanders of New York, Sandlin, Sears of Nebraska, Seger, Simmons, Sinnott, Somers of New York, Spearing, Sproul of Illinois, Sproul of Kansas, Stedman, Stephens, Stobbs, Strong of Kansas, Strong of Pennsylvania, Swank, Swing, Taber, Taylor of New Jersey, Taylor of Tennessee, Taylor of West Virginia, Thatcher, Thompson, Tillman, Tilson, Timberlake, Tinkham, Tolley, Treadway, Upshaw, Vinson of Kentucky, Warren, Wason, Watson, Weller, Wheeler, White of Kansas, Whitehead, Whittington, Williams of Illinois, Wilson of Louisian, Wilson of Mississippi, Wingo, Winter, Wolverton, Wood, Wright, Wurzbach, Wyant, Yates, and Zihlman.

Nays, 127: Ayres, Bachmann, Barbour, Beck, Beedy, Beers, Begg, Bell, Berger, Black of Texas, Blanton, Brand of Georgia, Brand of Ohio, Browne, Browning, Brumm, Burtness, Burton, Busby, Butler, Byrns, Carpenter, Carss, Chalmers, Chapman, Christopherson, Clague, Colton, Cooper of Ohio, Cooper of Wisconsin, Coyle, Cramton, Crisp, Crosser, Davey, Davis, Dominick, Dowell, Eslick, Evans, W. T. Fitzgerald, Fletcher, Fort, Frear, French, Fulmer, Gibson, Gilbert, Glynn, Hardy, Hersey, Hill of Maryland, Hill of Washington, Hoch, Hogg, Hooper, Huddleston, Hudson, Jacobstein, James, Jenkins, Johnson of Texas, Johnson of Washington, Jones, Ketcham, Kurtz, Kvale, LaGuardia, Lampert, Larsen, Leavitt, Lehlbach, McClintic, McFadden, McLaughlin of Michigan, McLeod, McReynolds, McSwain, McSweeney, MacGregor, Magee of Pennsylvania, Mapes, Mead, Menges, Merritt, Michener, Mooney, Moore of Virginia, Morgan, Murphy, Nelson of Wisconsin, O'Connell of Rhode Island, Parks, Phillips, Ramseyer, Reed of New York, Robsion of Kentucky, Rutherford, Sanders of Texas, Schafer, Schneider, Scott, Shreve, Snell, Sosnowski, Speaks, Strother, Summers of Washington, Taylor of Colorado, Temple, Thomas, Thurston, Tucker, Tydings, Underwood, Updike, Valle, Vincent of Michigan, Vinson of Georgia, Voigt, Wainwright, Watres, Wefald, White of Maine, Williamson, Woodruff, and Woodrum.

Not voting, 85: Aldrich, Appleby, Bacon, Bankhead, Barkley, Bowling, Bowman, Buchanan, Bulwinkle, Campbell, Carew, Celler, Cleary, Corning, Cox, Cullen, Darrow, Denison, Dickstein, Drane, Eaton, Elliott, Esterly, Roy G. Fitzgerald, Flaherty, Fredericks, Free, Fuller, Gallivan, Gardner of Indiana, Garner of Texas, Garrett of Tennessee, Golder, Graham, Greenwood, Hall of North Dakota, Hare, Hayden, Hill of Alabama, Hull of Tennessee, Johnson of Kentucky, Johnson of South Dakota, Kelly, Kiess, Kirk, Leatherwood, Lee of Georgia, Lineberger, Luce, McKeown, Magrady, Mills, Moore of Ohio, Morin, Nelson of Maine, Oliver of New York, Patterson, Peavey, Peery, Perkins, Perlman, Prall, Reece, Rouse, Sears of Florida, Shallenberger, Sinclair, Smith, Smithwick, Stalker, Steagall, Stevenson, Sullivan, Sumners of Texas, Swartz, Sweet, Swoope, Tincher, Underhill, Vare, Vestal, Walters, Weaver, Welsh, and Williams of Texas.

So the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Cullen (for) with Mr. Vare (against).

Mr. Appleby (for) with Mr. Peavey (against).

Mr. Graham (for) with Mr. Moore of Ohio (against).
Mr. Bankhead (for) with Mr. Golder (against).
Mr. Corning (for) with Mr. Shallenberger (against).
Mr. Gardner of Indiana (for) with Mr. Elliott (against).
Mr. Denison (for) with Mr. Eaton (against).
Mr. Oliver of New York (for) with Mr. Stevenson (against).
Mr. Gallivan (for) with Mr. Sinclair (against).
Mr. Sweet (for) with Mr. Leatherwood (against).
Mr. Buchanan (for) with Mr. McKeown (against).

Mr. McKEOWN. Mr. Speaker, did the gentleman from Texas, Mr. BUCHANAN, vote?

The SPEAKER. No.

Mr. McKEOWN. I withdraw my vote of "nay" and vote "present."

Mr. CURRY. Mr. Speaker, I announce the unavoidable absence of my colleagues, Mr. FLAHERTY, Mr. FREDERICKS, Mr. FREE, and Mr. LINEBERGER. If they were present, they would vote "yea."

Mr. DOUGLASS. Mr. Speaker, on account of the illness of my colleague, Mr. GALLIVAN, who is unable to be present, I wish to announce that if he were present he would vote "yea."

Mr. JOHNSON of South Dakota. Mr. Speaker, am I recorded?

The SPEAKER. The gentleman is not. Was the gentleman present?

Mr. JOHNSON of South Dakota. I am not sure whether I was or not; but if I had been, I would have voted "nay."

The result of the vote was announced as above recorded.

On motion of Mr. DEMPSEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SECOND DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1926

(Tydings amendment—wet and dry vote)

The purpose of this amendment was to eliminate all appropriations in the second deficiency appropriation bill to the Internal Revenue Service for expenses to enforce the national prohibition act. The House rejected the proposal that the bill be sent back to committee with instructions that the supplemental appropriation of $2,686,760 for the Prohibition Unit be stricken out. On this question the wet vote was yea and the dry vote was nay. This was the only record vote on the wet and dry question at the first session of the Sixty-ninth Congress.

[From the CONGRESSIONAL RECORD June 29, 1926]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, read a third time, and was read the third time.

Mr. TYDINGS. Mr. Speaker, I move to recommit the bill (H. R. 13040) to the Committee on Appropriations with instructions to amend the bill in the manner indicated in the amendment and to report the same forthwith.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TYDINGS. I am.

Mr. MADDEN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

"Mr. TYDINGS moves to recommit the bill to the Committee on Appropriations with instructions to that committee to report the same back forthwith with the following amendment:

"'Page 59, line 7, strike out all of line 7 and all the paragraph following down to and including the period on line 23.'"

The SPEAKER. The question is on the motion to recommit offered by the gentleman from Maryland [Mr. TYDINGS].

The question was taken; and on a division (demanded by Mr. TYDINGS) there were—ayes 7, noes 68.

Mr. TYDINGS. Mr. Speaker, I object to the vote because it does not disclose a quorum present, and I ask that the roll be called.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will bring in the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 33, nays 246, answered "present" 1, not voting 150, as follows:

[Roll No. 126]

Yeas, 33: Auf der Heide, Bacharach, Black of New York, Boylan, Carew, Cullen, Dickstein, Esterly, Gallivan, Gambrill, Gorman, Griffin, Hill of Maryland, Irwin, Kindred, LaGuardia, Lampert, Lindsay, Linthicum, MacGregor, Mead, Mooney, Norton, Quayle, Schafer, Schneider, Seger, Sosnowski, Stephens, Tinkham, Tydings, Voigt, and Weller.

Nays, 246: Abernethy, Ackerman, Adkins, Allen, Almon, Andresen, Andrew, Anthony, Arentz, Arnold, Aswell, Ayres, Bachmann, Bacon, Bailey, Barbour, Barkley, Begg, Bell, Black of Texas, Bland, Bowman, Box, Brand of Georgia, Brand of Ohio, Briggs, Brigham, Browning, Bulwinkle, Burdick, Burtness, Burton, Busby, Byrns, Campbell, Cannon, Carpenter, Carss, Chalmers, Chapman, Christopherson, Clague, Cole, Collier, Collins, Colton, Connally of Texas, Crosser, Crowther, Crumpacker, Curry, Darrow, Davey, Davis, Dempsey, Denison, Dickinson of Iowa, Dickinson of Missouri, Dominick, Doughton, Dowell, Drewry, Driver, Eaton, Edwards, Elliott, Ellis, Eslick, Evans, Fairchild, Faust, Fenn, Fish, Fletcher Fort, Foss, Frear, French, Fulmer, Furlow, Garber, Gardner of Indiana, Garrett of Tennessee, Gasque, Gibson, Gilbert, Glynn, Golder, Goldsborough, Goodwin, Graham, Green of Florida, Green of Iowa, Griest, Hadley, Hale, Hall of Indiana, Hall of North Dakota, Hammer, Hardy, Hare, Hastings, Haugen, Hawes, Hawley, Hayden, Hersey, Hickey, Hill of Alabama, Hill of Washington, Hoch, Hogg, Holaday, Hooper, Houston, Howard, Huddleston, Hudson, Hull of Tennessee, James, Jenkins, Johnson of Indiana, Johnson of Texas, Kearns, Kelly, Kerr, Kincheloe, King, Kopp, Kurtz, Lankford, Lazaro, Leatherwood, Leavitt, Little, Lowrey, Lozier, Lyon, McClintic, McDuffie, McFadden, McLaughlin of Michigan, McLaughlin of Nebraska, McMillan, McReynolds, McSwain, McSweeney, Madden, Magee of New York, Magrady, Major, Manlove, Mansfield, Mapes, Martin of Massachusetts, Menges, Michener, Miller, Milligan, Montague, Montgomery, Moore of Kentucky, Moore of Ohio, Morehead, Morgan, Nelson of Missouri, O'Connor of Louisiana, Oldfield, Oliver of Alabama, Parker, Parks, Peery, Porter, Pratt, Quin, Ragon, Ramseyer, Rankin, Rathbone, Reed of Arkansas, Reed of New York, Robinson of Iowa, Rogers, Romjue, Rowbottom, Rubey, Sanders of New York, Sanders of Texas, Sandlin, Scott, Sears of Florida, Sears of Nebraska, Simmons, Sinnott, Smith, Snell, Speaks, Spearing, Stedman, Strong of Kansas, Strong of Pennsylvania, Strother, Summers of Washington, Sumners of Texas, Swank, Taber, Taylor of Colorado, Taylor of New Jersey, Taylor of Tennessee, Taylor of West Virginia, Thatcher, Thomas, Thompson, Thurston, Tilson, Timberlake, Tincher, Tolley, Tucker, Underwood, Updike, Vaile, Vestal, Vinson of Georgia, Vinson of Kentucky, Wainwright, Warren, Wason, Watres, Watson, Weaver, Wheeler, White of Kansas, White of Maine, Whittington, Williams of Illinois, Wilson of Louisiana, Wilson of Mississippi, Wingo, Winter, Wolverton, Wood, Woodrum, Wright, Wyant, and Yates.

Answered "present," 1: Murphy.

Not voting, 150: Aldrich, Allgood, Appleby, Bankhead, Beck, Beedy, Beers, Berger, Bixler, Blanton, Bloom, Boies, Bowles, Bowling, Britten, Browne, Brumm, Buchanan, Butler, Canfield, Carter of California, Carter of Oklahoma, Celler, Chindblom, Cleary, Connery, Connolly of Pennsylvania, Cooper of Ohio, Cooper of Wisconsin, Corning, Cox, Coyle, Cramton, Crisp, Davenport, Deal, Douglass, Doyle, Drane, Dyer, Fisher, Roy G. Fitzgerald, W. T. Fitzgerald, Fredericks, Free, Freeman, Frothingham, Funk, Garner of Texas, Garrett of Texas, Gifford, Greenwood, Harrison, Hudspeth, Morton D. Hull, William E. Hull, Jacobstein, Jeffers, Johnson of Illinois, Johnson of Kentucky, Johnson of South Dakota, Johnson of Washington, Jones, Kahn, Keller, Kemp, Kendall, Ketcham, Kiefner, Kiess, Kirk, Knutson, Kunz, Kvale, Lanham, Larsen, Lea of California, Lee of Georgia, Lehlbach, Letts, Lineberger, Luce, McKeown, McLeod, Magee of Pennsylvania, Martin of Louisiana, Merritt, Michaelson, Mills, Moore of Virginia, Morin, Morrow, Nelson of Maine, Nelson of Wisconsin, Newton of Minnesota, Newton of Missouri, O'Connell of New York, O'Connell of Rhode Island, O'Connor of New York, Oliver of New York, Patterson, Peavey, Perkins, Perlman, Phillips, Pou, Prall, Purnell, Rainey, Ransley, Rayburn, Reece, Reid of Illinois, Robsion of Kentucky, Rouse, Rutherford, Sabath, Shallenberger, Shreve, Sinclair, Smithwick, Somers of New York, Sproul of Illinois, Sproul of Kansas, Stalker, Steagall, Stevenson, Stobbs, Sullivan, Swartz, Sweet, Swing, Swoope, Temple, Tillman, Treadway, Underhill, Upshaw, Vare, Vincent of Michigan, Walters, Wefald, Welsh, Whitehead, Williams of Texas, Williamson, Woodruff, Woodyard, Wurzbach, and Zihlman.

So the motion to recommit was rejected.

The following pairs were announced:

On the vote:

Mr. Dyer (for) with Mr. Canfield (against).
Mr. Sullivan (for) with Mr. Cramton (against).
Mr. Connolly of Pennsylvania (for) with Mr. Tillman (against).
Mr. O'Connell of New York (for) with Mr. W. T. Fitzgerald (against).
Mr. Mills (for) with Mr. McKeown (against).
Mr. O'Connor of New York (for) with Mr. Murphy (against).
Mr. Connery (for) with Mr. Stalker (against).
Mr. Celler (for) with Mr. Shreve (against).
Mr. Doyle (for) with Mr. Perkins (against).
Mr. Cleary (for) with Mr. Rutherford (against).
Mr. Sabath (for) with Mr. Larsen (against).
Mr. Corning (for) with Mr. Butler (against).
Mr. Kunz (for) with Mr. Patterson (against).
Mr. Morin (for) with Mr. Hudspeth (against).
Mr. Oliver of New York (for) with Mr. Reid of Illinois (against).
Mr. Vare (for) with Mr. Crisp (against).
Mr. Bloom (for) with Mr. Nelson of Wisconsin (against).
Mr. Perlman (for) with Mr. Upshaw (against).
Mr. Douglass (for) with Mr. Lee of Georgia (against).
Mr. Ransley (for) with Mr. Blanton (against).
Mr. Newton of Missouri (for) with Mr. Carter of Oklahoma (against).

Mr. Prall (for) with Mr. Brown (against).

Mr. Somers of New York (for) with Mr. Wefald (against).

Mr. MURPHY. Mr. Speaker, I voted no, but I have a general pair with Mr. O'CONNOR of New York. I therefore withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A BILL TO AID IN THE PROSECUTION OF THE TEAPOT DOME OIL SCANDAL

This is a bill to force two witnesses (Blackmer and O'Neil), who had fled the country to avoid testifying in the Fall and Sinclair cases, to testify. The bill provides for the confiscation of the property of these witnesses not to exceed $100,000 for contempt of court if they fail to return and testify. The bill was urged by Roberts and Pomerene, special Government counsel in these cases. The bill passed the House by the following record vote.

[From the CONGRESSIONAL RECORD of July 3, 1926]

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken.

Mr. HUDDLESTON. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 145, noes 33.

Mr. HUDDLESTON. Mr. Speaker, I object to the vote upon the ground that there is not a quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety Members are present, not a quorum. The Clerk will call the roll. The question is on suspending the rules and passing the bill.

The question was taken; and there were—yeas 216, nays 42, and not voting 172, as follows:

[Roll No. 135]

Yeas, 216: Abernethy, Adkins, Andresen, Aswell, Auf der Heide, Bacharach, Bacon, Bailey, Barbour, Barkley, Beers, Bell, Bixler, Black of New York, Black of Texas, Bowles, Bowling, Bowman, Box, Boylan, Brand of Ohio, Briggs, Brigham, Browning, Bulwinkle, Burdick, Burtness, Busby, Byrns, Campbell, Cannon, Carew, Carpenter, Carss, Celler, Christopherson, Clague, Cole, Collier, Collins, Connery, Coyle, Crosser, Crumpacker, Cullen, Darrow, Davenport, Davey, Davis, Dickinson of Iowa, Dickstein, Dominick, Doughton, Dowell, Dyer, Edwards, Eslick, Fairchild, Faust, Fisher, Fletcher, Frear, Furlow, Gambrill, Gardner of Indiana, Garrett of Tennessee, Gasque, Gibson, Goldsborough, Goodwin, Graham, Green of Florida, Griest, Griffin, Hale, Hall of Indiana, Hammer, Hardy, Hare, Hastings, Haugen, Hawley, Hayden, Hill of Alabama, Hill of Maryland, Hill of Washington, Hoch, Hooper, Houston, Howard, Hull of Tenessee, Irwin, Jacobstein, James, Johnson of Illinois, Johnson of Texas, Johnson of Washington, Kincheloe, Kindred, Kurtz, LaGuardia, Lampert, Lankford, Lazaro, Leavitt, Lehlbach, Lindsay, Linthicum, Little, Lowrey, Lozier, Lyon, McDuffie, McFadden, McLaughlin of Nebraska, McMillan, McReynolds, McSwain, Magee of New York, Magrady, Major, Mapes, Martin of Louisiana, Martin of Massachusetts, Mead, Menges, Michener, Miller, Milligan, Mills, Montgomery, Mooney, Moore of Kentucky, Moore of Virginia, Morehead, Morin, Murphy, Nelson of Missouri, Newton of Minnesota, Norton, O'Connell of New York, O'Connell of Rhode Island, O'Connor of Louisiana, Oldfield, Parker, Parks, Peery, Perlman, Porter, Pou, Prall, Purnell, Quayle, Quin, Ragon, Rainey, Ramseyer Rankin, Rathbone, Reed of Arkansas, Reed of New York, Reid of Illinois, Robinson of Iowa, Rogers, Romjue, Rowbottom, Rubey, Sanders of New York, Sanders of Texas, Sandlin, Schafer, Schneider, Scott, Shallenberger, Simmons, Smithwick, Snell, Somers of New York, Speaks, Spearing, Stedman, Strong of Pennsylvania, Strother, Summers of Washington, Summers of Texas, Swank, Swartz, Swing, Swoope, Taber, Taylor of Colorado, Taylor of West Virginia, Temple, Thatcher, Thomas, Thurston, Tilson, Tolley, Treadway, Tydings, Underwood, Vincent of Michigan, Vinson of Kentucky, Wainwright, Warren, Wason, Watres, Watson, Weaver, Weller, Wheeler, Williams of Illinois, Wilson of Louisiana, Wilson of Mississippi, Woodruff, and Woodrum.

Nays, 42: Ackerman, Bland, Burton, Chalmers, Chapman, Chindblom, Crowther, Curry, Denslon, Fenn, Roy G. Fitzgerald, Fort, Free, Gifford, Gilbert, Gorman, Green of Iowa, Hadley, Hersey, Hickey, Huddleston, Johnson of South Dakota, Kearns, King, Leatherwood, McLaughlin of Michigan, MacGregor, Montague, Morgan, Perkins, Seger, Stephens, Thompson, Tinkham, Underhill, Updike, Vaile, Vestal, Wingo, Winter, Wood, and Zihlman.

Not voting, 172: Aldrich, Allen, Allgood, Almon, Andrew, Anthony, Appleby, Arents, Arnold, Ayres, Bachmann, Bankhead, Beck, Beedy, Begg, Berger, Blanton, Bloom, Boies, Brand of Georgia, Britten, Browne, Brumm, Buchanan, Butler, Canfield, Carter of California, Carter of Oklahoma, Cleary, Colton, Connally of Texas, Connolly of Pennsylvania, Cooper of Ohio, Cooper of Wisconsin, Corning, Cox, Cramton, Crisp, Deal, Dempsey, Dickinson of Missouri, Douglass, Doyle, Drane, Drewry, Driver, Eaton, Elliott, Ellis, Esterly, Evans, Fish, W. T. Fitzgerald, Foss, Fredericks, Freeman, French, Frothingham, Fulmer, Funk, Gallivan, Garber, Garner of Texas, Garrett of Texas, Glynn, Golder, Greenwood, Hall of North Dakota, Harrison, Hawes, Hogg, Holaday, Hudson, Hudspeth, Morton D. Hull, William E. Hull, Jeffers, Jenkins, Johnson of Indiana, Johnson of Kentucky, Jones, Kahn, Keller, Kelly, Kemp, Kendall, Kerr, Ketcham, Kiefner, Kiess, Kirk, Knutson, Kopp, Kunz, Kvale, Lanham, Larsen, Lea of California, Lee of Georgia, Letts, Lineberger, Luce, McClintic, McKeown, McLeod, McSweeney, Madden, Magee of Pennsylvania, Manlove, Mansfield, Merritt, Michaelson, Moore of Ohio, Morrow, Nelson of Maine, Nelson of Wisconsin, Newton of Missouri, O'Connor of New York, Oliver of Alabama, Oliver of New York, Patterson, Peavey, Phillips, Pratt, Ransley, Rayburn, Reece, Robsion of Kentucky, Rouse, Rutherford, Sabath, Sears of Florida, Sears of Nebraska, Shreve, Sinclair, Sinnott, Smith Sosnowski, Sproul of Illinois, Sproul of Kansas, Stalker, Steagall, Stevenson, Stobbs, Strong of Kansas, Sullivan, Sweet, Taylor of New Jersey, Taylor of Tennessee, Tillman, Timberlake, Tincher, Tucker, Upshaw, Vare, Vinson of Georgia, Voigt, Walters, Wefald, Welsh, White of Kansas, White of Maine, Whitehead, Whittington, Williams of Texas, Williamson, Wolverton, Woodyard, Wright, Wurzbach, Wyant, and Yates.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. CONNERY. Mr. Speaker, my colleagues, Mr. GALLIVAN and Mr. DOUGLASS, are unable to be present. They asked me to say that if they were here they would vote yea.

The result of the vote was announced as above recorded.

THE REPUBLICAN RECORD

Mr. TILSON. Mr. Speaker, before attempting a survey of the work of the present session of Congress, I wish first to express to my fellow Republicans a word of sincere appreciation for their loyal help and the readiness of each to carry his part of the burden in the performance of the arduous, exacting duties of our service here. For this I am much indebted to you all. To my Democratic colleagues, also, I am indebted for universal courtesy and personal friendliness which have helped make smooth the rough places, and aided materially in carrying on the work of the House without obstruction or friction. To my friend the distinguished minority leader [Mr. GARRETT of Tennessee] I am particularly indebted for his constant cooperation and assistance in all things, save only strictly party matters. Early in the session, about the time the revenue bill was finished, something was said in the papers about politics having been adjourned during the consideration of the tax bill, with the intimation that thereafter politics would be resumed to hold full sway during the remainder of the session. The truth is that politics can never be adjourned even if we would. During the consideration of the tax bill, and at all other times, the distinguished gentleman from Tennessee has played the best kind of party politics. No one knows better than he that the American people do not take kindly to the kind of politics that would oppose meritorious measures simply because another party favors them. In following his own best judgment and supporting or opposing measures solely upon their merits as he sees them, my friend from Tennessee has made a record for his party far more difficult for Republicans to attack than if he had simply stood in opposition.

What I say as to the record of performance for the session, of course, applies more particularly to the Republican majority in the House, for as we are responsible and must bear the blame for that with which fault may be found, by the same token we are justified in claiming the principal credit for that which is good. However, in taking credit for any specific measure I wish it understood that the "we" includes all those who supported it.

The first session of the Sixty-ninth Congress, now about to close, has made a record which compares favorably with any session in our national history. For seven months we have struggled with many important problems, some of which have been solved and some of which remain to be solved in the future. Where we have failed it has been due to no lack of sincere effort upon the part of the committees and Members of the House.

Courage has been an outstanding attribute of this House. In large measure Members have refused to be swayed by the propaganda of organized, militant minorities, and for the most part have disregarded the politically expedient for what they have believed to be economically right. A considerable number of proposals that appealed strongly to the sympathies have not been enacted into law because their enactment would necessitate the restoration of oppressive tax burdens that have just been removed by the new revenue law. In adhering thus closely to the income limit we had set for ourselves I believe

this body has shown the highest type of political courage. It is easy to be liberal with public money and difficult as well as uncomfortable not to be so. That we have followed the more difficult and less popular course and have refrained in most instances from action having even the appearance of buying votes with public revenues is in my opinion a fact worthy of public commendation.

In summing up the accomplishments of this session it is quite as important to refer to what has not been done as to what has been done. I have referred to the fact that we have not authorized expenditures substantially greater than the estimated income. We have not embarked the Government upon many new activities foreign to the constitutional purposes of the Federal Government. In short, we have not forgotten the whole people in our eagerness to be liberal to particular groups and we have not allowed ourselves to be stampeded into legislation which has seemed to us unwise by the pressure of propaganda or by threat of political punishment.

I submit first a brief digest of the more important legislative activities of this session:

TAXES

Reform of the Federal tax laws, with the reduction of the annual tax burden by more than $350,000,000, the relief of many thousands with incomes less than $3,500 annually from the direct taxes they have been paying since the war and the removal of a portion of the indirect burden upon all classes.

FOREIGN DEBTS

Funding of debts due the United States from Italy, Rumania, Belgium, Esthonia, Latvia, and Czechoslovakia, which, with other settlements previously approved, assures, so far as human wisdom and foresight can assure it, the repayment to the United States of approximately $7,000,000,000. The settlement with France, providing for the repayment of an additional $4,000,000,000 and with the Kingdom of the Serbs, Croats, and Slovenes for $62,000,000 passed the House, but owing to present conditions in France action in the Senate on the French debt has been deferred, and with it the Serbian settlement. When these are finally approved they will swell the total to $11,000,000,000, which is more than half the present national debt.

LABOR DISPUTES

Enactment of a law establishing a new method for settling labor disputes on railroads, which has the approval both of the employers and the employees.

RADIO CONTROL

Passage by the House of a bill establishing a comprehensive system of Federal control for radio communications to protect the millions of radio listeners who are interested in reducing to a minimum interference with broadcasting. As we adjourn this bill is in conference between the two Houses.

BANKRUPTCY REFORM

Revision of the national bankruptcy law to meet modern business conditions and to prevent frauds which have menaced the stability of commercial credit.

AGRICULTURAL AID

Establishment of a bureau in the Department of Agriculture to assist farmers in cooperative marketing, and passage by the House of an amendment to the agricultural credits act to permit loans by intermediate credit banks on growing crops, the latter bill not having been acted on by the Senate as we adjourn.

CODIFICATION OF LAWS

The codification of the laws of the United States is the final accomplishment of a monumental work that has been pending for 30 years and will be hailed as a most valuable contribution to public convenience and usefulness.

WATER-RIGHT CHARGES

Readjustment of water-right charges on reclamation projects, giving much needed aid to farmers who are making a gallant fight to reclaim the arid lands of the West.

NATIONAL BANKS

Reform of the national banking law, placing national banks more nearly on a parity with State banks—passed by House and Senate but still in conference.

AVIATION

Expansion and improvement of aviation facilities in the Army, Navy, and Marine Corps and better provision for Federal control and encouragement of commercial air navigation, including a five-year building program which at the end of that period will give the Army 1,800 and the Navy 1,000 airplanes.

PENSIONS

Increase of pensions for Spanish War veterans and their widows in order to put them on substantial parity with veterans of other wars at an additional cost of approximately $18,500,000 annually, and the passage of a bill for the increase of pensions of Civil War veterans and the war wives and widows of veterans.

CIVIL-SERVICE RETIREMENT

Revision of the civil service retirement law, so that Government employees, without substantially changing the annual Government contribution of $17,000,000 for that purpose, may better provide for their old age.

DISTRICT OF COLUMBIA

Enactment of a great number of new laws beneficial to residents of the National Capital, legislation relating to the District of Columbia receiving more attention than at any session in a score of years.

PENSIONS FOR MOTHERS

Establishment of a "mothers' pension" system in the District of Columbia so that dependent children may, when possible, have the benefit of home care instead of being sent to public institutions.

DEPORTATION OF ALIENS

An effective and reasonable provision for the deportation of aliens who violate the laws of this country was passed by the House and is still pending in the Senate at adjournment.

WORLD WAR VETERANS

Amendment of the soldiers' compensation act, extending its benefits to certain veterans and dependents of veterans who had been discriminated against in the original act. Extension of the World War veterans' act, giving additional benefits to the veterans of the World War at an increased annual expense of $15,000,000 and swelling the total expended for veterans to nearly $700,000,000 annually, almost as much as the entire cost of government prior to the war.

BUILDING PROGRAM

Adoption of a building program which gives authority to the executive branch of the Government to select sites and, on appropriation by Congress, erect Federal buildings throughout the country adequate for public needs, thus ending the old "pork-barrel" system of appropriating for public buildings.

GOVERNMENT FINANCES

Support of the administration's economy policy by keeping appropriations several million dollars below the Budget estimates, making it possible not only to reduce taxes by more than $350,000,000, but to permit the Treasury Department to apply approximately $875,000,000 on the national debt. In the six years since 1920, taxes have been reduced from $5,700,000,000 annually to approximately $3,200,000,000 annually, a reduction of nearly 50 per cent, and the national debt has been reduced from $24,300,000,000 to $19,600,000,000 (June 30, 1926), a gratifying record of substantial accomplishment of which everyone may be justly proud.

AGRICULTURAL OVERPRODUCTION

As we adjourn, the problem of agricultural overproduction is still unsolved, but we can at least congratulate ourselves that the problem was attacked with earnestness and patriotism. Those who advocated the plan that was finally rejected presented the cause of agriculture vigorously and well, and are entitled to credit for an honest and sincere effort to solve a great economic problem, which effort failed only because in the deliberate judgment of a majority of both Houses, equally earnest, honest, and patriotic, the solution proposed was not a real solution, but a doubtful expedient that in the long run would harm rather than help agriculture.

During the past six years Republican Congresses have enacted too many laws in the interest of agriculture to be now charged with an unfriendly attitude toward this industry. During this period agricultural products have been given the benefits of a protective tariff. Government credits of nearly $2,000,000,000 were made available for loans to farmers' organizations. Cooperative marketing in interstate commerce has been encouraged, a new bureau in the Department of Agriculture has been established to aid farmers in cooperative marketing, and a number of less conspicuous but important laws have been enacted.

IMPORTANT FARM LEGISLATION

The outstanding farm legislation enacted by Republican Congresses since 1921 has been:

Farmers' emergency tariff.

Amendment to the act creating the War Finance Corporation, enabling it to make loans for agricultural and livestock purposes and providing it with a billion dollars credit for use as a revolving fund.

Amendment of Federal reserve act giving agricultural interests representation on that board.

Amendment of Federal farm loan act to facilitate the sale of Federal farm-loan bonds and increasing the available funds for loans.

Agricultural credits act, sometimes known as the intermediate credit act.

Amendment of the United States warehousing act to supplement the agricultural credits act.

Cooperative marketing act, authorizing and legalizing cooperative marketing of agricultural products in interstate commerce, followed by the enactment in this session of a law creating a bureau in the Agriculture Department to aid in the establishment of cooperative associations and in their operation.

Packers and stockyards act.

Grain futures act, to prevent gambling in grain futures.

Three seed loan acts to relieve emergencies in the drought-stricken districts of the Northwest and Southwest.

A series of acts deferring payments due from agricultural producers on irrigation and reclamation projects, those who purchased Indian lands, and those using Government lands for grazing purposes; the most important, a complete readjustment of water-right charges on irrigation projects, being passed at this session.

The Fordney-McCumber Tariff Act, which made permanent most of the provisions of the emergency tariff act and gave agricultural products the benefit of protective duties.

Under the various laws enacted for the benefit of agriculture loans have been made by the Government to aid producers in marketing their products since 1921 to the extent of nearly a billion and a half dollars.

Although Congress has failed to approve proposals for the relief of agriculture which an earnest minority advocated, still a step in the direction of at least partial relief was made by the passage of additional legislation to encourage cooperative marketing. The President in his message at the opening of Congress suggested the propriety of establishing in the Department of Agriculture a bureau to assist in the organization of cooperative associations and the interest of the membership of this House in the agricultural problem was evidenced by the passage of such a bill within a few weeks after Congress met.

Another important measure passed by the House during the present session of Congress, which has received very little publicity, although of vital interest to agriculture, is that amending the agriculture credits act in order to permit intermediate credit banks to make loans on growing crops. Heretofore these banks have been restricted to loans upon crops which have been harvested and stored for market. This amendment when finally enacted into law will be an important factor in the financing of agriculture in the future.

CONDITIONS IN 1921

In the famous speech of Daniel Webster in reply to Hayne he used the figure of a storm-tossed mariner taking the first opportunity of a reappearing sun to ascertain the position of the ship and to learn how far it had drifted from its true course. After the tempest of the World War and the absence of Republican control from the helm of government for a period of eight years, in order to form a proper background for considering the accomplishments of the party since its return to power, it is well to make a brief survey of conditions as they existed in 1921, when the Republican Party regained control of the Government. In fact, in order to see what progress has been made it is necessary to make as clear as possible the situation at the time the task was begun.

Our international affairs in 1921 were in a deplorable condition. Although hostilities had been terminated for more than two years, we were still technically at war with the Central Powers of Europe. Our relations with many other countries were strained. The principal nations of the world were engaged in a mad competition for the upbuilding of navies and naval armaments for the next world conflict, which was freely predicted.

Our national interest-bearing indebtedness had grown from less than $1,000,000,000 to the staggering sum of nearly $25,000,000,000, a considerable portion of which was shown to have been due to recklessness and extravagance in the conduct of the war. The annual interest charge had grown from less than $23,000,000 to more than $1,000,000,000. Eleven billion dollars had been loaned to foreign countries and no provision made for the funding of that enormous indebtedness.

A vast merchant fleet had been built for war use, but a great many of the ships were worthless and hundreds of them had been built after the armistice because there was no cancellation clause in the contracts for their construction. The cost of our shipping program amounted to over $3,000,000,000. In 1921 there were assets in ships estimated to be worth less than $500,000,000, with claims against the Government amounting to nearly $200,000,000 growing out of our shipbuilding venture.

The railroads of the country were thoroughly demoralized under their extravagant management and operation by the McAdoo administration, which cost the country in taxes alone the sum of $2,950,000,000. Extra burdens had been placed upon the railroads—increased wages alone amounting to $1,765,000,000—and no provision had been made to enable the roads to meet those extra burdens.

We have been hearing much recently of the farmer's hard lot. The masterly array of facts and figures presented a few days ago by the gentleman from Oregon [Mr. HAWLEY], as well as the strong, convincing speech of the gentleman from Iowa [Mr. GREEN] delivered on this floor last Thursday, demonstrate conclusively that however hard the present lot of the farmer, it was far worse in 1921. The farmers of the country were in fact then face to face with financial disaster as a result of the sudden fall in the prices of agricultural products.

The manufacturing and commercial interests of the country were suffering in 1920 and 1921 from an unparalleled depression resulting in widespread unemployment, 5,000,000 persons being out of work according to the American Federation of Labor and the Department of Labor. (See report by Ethelbert Stewart, Commissioner of Labor Statistics under Wilson administration and still holding that office, in CONGRESSIONAL RECORD of August 16, 1921, page 5037.) This condition was intensified by the threatened influx of foreign-made cheap goods, already in full swing, under the Underwood tariff law then in force.

Such was the heritage the Republican Party received from the last Democratic administration, which, having failed to prepare the country for war when war was imminent, had equally failed to prepare the country for peace after war had ceased.

FIVE YEARS' ACCOMPLISHMENT

Adding the accomplishments of the present session to the achievements of the Sixty-seventh and Sixty-eighth Congresses and a little more than five years of Republican executive control, the record of performance to be credited to the party in power from 1921 to 1926 may be summarized as follows:

1. Peace has been established and maintained with all the nations of the world.

2. Our loans to the Allies have been adjusted upon terms which are just, both to ourselves and our debtors, assuring so far as possible the repayment of approximately $11,000,000,000, which represents more than one-half of our present national debt. All of these settlements have been approved by Congress except that with France and the Kingdom of the Serbs, Croats, and Slovenes, which have been passed by the House, but are still pending in the Senate.

3. By the Washington Conference for the Limitation of Armaments the greatest single step in history was made toward universal peace.

4. A budget system has been established which has already resulted in much greater efficiency and economy.

5. Taxes have been reduced from $5,700,000,000 annually to approximately $3,200,000,000 annually.

6. The national debt has been reduced by nearly $5,000,000,000 and the interest on the national obligation by more than $200,000,000 a year.

7. Abuses in the immigration service have been corrected and the threatened flood of immigration of a character that constituted a menace to American labor has been restricted.

8. A number of laws in the interest of agriculture have been enacted, including the agricultural credits law, the emergency tariff law—which saved the farmers from ruin in 1921—the grain futures act, the act regulating meat packers, the act authorizing agricultural cooperation in interstate commerce, and the act creating a cooperative bureau in the Department of Agriculture.

9. The tangled mass of legislation relative to World War service men has been reformed and the benefits granted to veterans and their dependents have been increased until the Government is now expending annually nearly $700,000,000 for veterans' relief.

10. A general protective tariff measure was enacted in 1922 which has helped very materially in restoring prosperity to the country. While fully protecting the home market it has operated so that 63 per cent of all imports come in free and the average rates on dutiable articles are lower than in any previous protective tariff law.

11. Postal rates have been revised so as to put the Post Office Department almost on a self-supporting basis, while at the same time making substantial increases in the salaries of postal employees.

12. Our Diplomatic and Consular Services have been reorganized and greatly improved.

THE NEW TAX LAW

The outstanding accomplishment of the present session was, of course, the reduction of taxes in the amount of more than $350,000,000 annually. I here insert a summary, prepared by Mr. Clayton F. Moore, clerk of the House Committee on Ways and Means, showing the changes made by the new tax law:

RATE CHANGES MADE BY THE REVENUE ACT OF 1926

INCOME TAX (INDIVIDUAL)

Normal tax reduced as follows:

First $4,000 net taxable income from 2 to 1½ per cent.

Second $4,000 net taxable income from 4 to 3 per cent.

Balance net taxable income from 6 to 5 per cent.

Surtaxes: Beginning with the $26,000 bracket, gradually reduced to 20 per cent on incomes in excess of $100,000, against 37 per cent under the 1924 act, the highest bracket of which was 40 per cent on incomes in excess of $500,000.

Earned income: The 25 per cent credit for earned income on salaries up to $10,000 extended to salaries up to $20,000.

Exemption: Personal exemption in the case of a single person increased from $1,000 to $1,500; and in the case of the head of a family or married person, from $2,500 to $3,500.

(The net effect of this change is to free entirely from the payment of direct Federal taxes about 2,300,000 persons whose incomes have been subject to taxation since the war.)

INCOME TAX (CORPORATION)

Rate increased from 12½ to 13½ per cent, by reason of the repeal of the capital-stock tax, which repeal eliminates from the payment of any tax about 165,000 corporations which report no net income.

ESTATE AND GIFT TAXES

Estate tax rates reduced from 40 to 20 per cent in the highest bracket, and the 40 per cent rate of the 1924 act reduced to 25 per cent retroactively to June 2, 1924.

Exemption of $50,000 increased to $100,000 for estate of decedents dying after the enactment of the act.

Credit for estate or inheritance taxes paid to any State increased from 25 to 80 per cent.

Gift tax repealed and the 40 per cent rates of the 1924 act reduced to 25 per cent retroactively to June 2, 1924.

CIGARS AND TOBACCO

Rates on cigars reduced as follows:

Weighing not more than 3 pounds per 1,000 from	$1.50 to $0.75
Weighing more than 3 pounds per 1,000, if manufactured or imported to retail at—	
Not more than 5 cents each from	4.00 to 2.00
More than 5 cents and not more than 8 cents from	6.00 to 3.00
More than 8 cents and not more than 15 cents from	9.00 to 5.00
More than 15 cents and not more than 20 cents from	12.00 to 10.50
More than 20 cents from	15.00 to 13.50

ADMISSIONS

Tax of: One cent tax on each 10 cents or fraction thereof of price charged, repealed on admissions of 75 cents or less.

EXCISE TAXES

Automobile trucks and chassis, etc., 3 per cent, repealed.

Other automobiles (pleasure cars, etc.) reduced from 5 to 3 per cent.

Tires, parts, and accessories, etc., 2½ per cent, repealed.

Cameras and lenses, 10 per cent, repealed.

Photographic films and plates, 5 per cent, repealed.

Firearms (except pistols and revolvers) and shells and cartridges, 10 per cent, repealed.

Smokers' articles, 10 per cent, repealed.

Coin-operated machines and devices, 5 per cent, repealed.

Mah-jongg sets, 10 per cent, repealed.

Works of art, 5 per cent, repealed.

Jewelry, 5 per cent, repealed.

SPECIAL TAXES (PAID ANNUALLY)

Capital stock ($1 per $1,000 of value in excess of $5,000), repealed.

Brokers ($50; plus $100 to $250, according to value of seat, if member of an exchange), repealed.

Pawnbrokers ($100), repealed.

Ship brokers ($50), repealed.

Customhouse brokers ($50), repealed.

Proprietors of bowling alleys and billiard rooms ($10 for each alley or table), repealed.

Proprietors of shooting galleries ($10), repealed.

Proprietors of riding academies ($100), repealed.

Persons operating or renting automobiles for hire (seating less than 7 persons, $10; more than 7 persons, $20), repealed.

Special tobacco manufacturers' tax (ranging from $4 to $24 plus, according to sales, annually), repealed.

ANNUAL TAX ON USE OF BOATS

If made in the United States of America, $1, $2, and $4 per foot, according to length, repealed.

If foreign built, rates increased to $2, $4, and $8 per foot, respectively.

STAMP TAXES

Conveyances (50 cents per $500 in excess of $100), repealed.

Customhouse entries (25 cents, 50 cents, or $1, according to value), repealed.

Entry for withdrawal from customs bonded warehouse, 50 cents, repealed.

Proxy for voting, 10 cents, repealed.

Power of attorney, 25 cents, repealed.

DISTILLED SPIRITS AND CEREAL BEVERAGES

Distilled spirits (alcohol), tax of $2.20 per proof gallon, imposed by the revenue act of 1918, reduced to $1.65 on January 1, 1927; $1.10 on January 1, 1928.

Cereal beverages: Tax of one-tenth of 1 cent per gallon imposed thereon.

FUNDING OF FOREIGN DEBT

Next in importance to the reform of the revenue laws are the several bills for the funding of debts due the United States from foreign countries. Bills have been passed by the House approving the Debt Funding Commission's recommendations for adjustment of debts due us from Italy, Rumania, Belgium, Esthonia, Latvia, Czechoslovakia, the Kingdom of the Serbs, Croats, and Slovenes, and with France, all of which except the French and Serbian have also been passed by the Senate and signed by the President. The negotiation of these settlements, one of the most difficult, if not the most difficult problem left us by the Great War, has been one of the outstanding events of the Coolidge administration.

The agreements provide for repayment to the United States of the many millions loaned to foreign countries during the World War with a small rate of interest. In negotiating the settlements our country has not played the part of Shylock, but has recognized the financial difficulties of our foreign friends by agreeing to such liberal terms that some of our Democratic brethren have very strenuously objected. The settlements with Italy and France in particular have been the objects of severe Democratic criticism, but I believe the country will approve the measure of liberality which has been shown by the Debt Funding Commission, by the President, and by Congress to the great French and Italian peoples, who have been traditional friends of the United States and were our allies in the Great War.

We have been liberal in these settlements because it was right that we should be liberal to our late allies and because it was necessary that we be liberal, in view of the fact that the countries affected are financially unable to pay more than the settlements call for. Settlements on terms more favorable to us than those finally agreed upon probably could not have been negotiated at all, and yet it is of the highest importance to the United States and to our debtors that a prompt settlement of this problem be made in order to stabilize international relations, reestablish normal world trade, and help to maintain world peace.

It is hoped that the debt settlement with France will be completed when Congress convenes in December, and that our settlements with that country and with Italy, the two most important considered at this session of Congress, will further cement the friendship existing between the Italian, the French, and the American people.

TERMS OF DEBT SETTLEMENT

Following is a list of the foreign debt settlements so far made, all of which call for payment over a period of 62 years and at the interest rates indicated:

Approved at previous session:	
Great Britain, 3 per cent interest 1922 to 1932, 3½ per cent thereafter	$4,604,128,085.74
Finland, 3 per cent interest 1922 to 1932, 3½ per cent thereafter	9,009,315.27
Hungary, 3 per cent interest 1923 to 1933, 3½ per cent thereafter	1,939,753.04
Poland, 3 per cent interest 1922 to 1932, 3½ per cent thereafter	178,565,025.99
Lithuania, 3 per cent interest 1924 to 1934, 3½ per cent thereafter	6,031,546.97
Approved at present session:	
Rumania, interest at 3 per cent for first 10 years and 3½ per cent thereafter. During first 14 years certain specified amounts increasing from $200,000 to $2,200,000 are to be paid, the balance of each annuity at the above interest rates to be funded over the remaining 48 years. (Face amount of bonds to be delivered, $66,560,560.43)	44,594,451.54
Italy, no interest to 1930; one-eighth of 1 per cent 1930 to 1940, one-fourth of 1 per cent 1940 to 1950, one-half of 1 per cent 1950 to 1960, three-fourths of 1 per cent 1960 to 1970, 1 per cent 1970 to 1980, 2 per cent after 1980	$2,042,199,466.34

Approved at present session—Continued.	
Belgium, prearmistice debt of $171,780,000 without interest in accordance with agreement made by President Wilson; balance to bear interest for first 10 years in fixed sum, semiannual payments increasing from $870,000 to $2,625,000 and thereafter at 3½ per cent	$417,797,234.66
Esthonia, interest 3 per cent from 1922 to 1932, thereafter at 3½ per cent	13,831,441.88
Latvia, interest 3 per cent from 1922 to 1932, thereafter at 3½	5,779,562.76
Czechoslovak Republic, interest at 3 per cent for first 10 years and 3½ per cent thereafter. During the first 18 years semiannual payments of $1,500,000 each are to be made, the balance of each annuity at above interest rates to be funded over the remaining 44 years. (Face amount of bonds to be delivered, $185,071,023.07)	115,000,000.00
Passed House but not passed Senate:	
Kingdom of Serbs, Croats, and Slovenes, no interest to 1937, one-eighth of 1 per cent 1937 to 1940; one-half of 1 per cent 1940 to 1954, 1 per cent 1954 to 1957, 2 per cent 1957 to 1960, 3½ per cent thereafter	62,857,112.39
France, no interest until 1930, 1 per cent 1930 to 1940, 2 per cent 1940 to 1950, 2½ per cent 1950 to 1958, 3 per cent 1958 to 1965, 3½ per cent thereafter	4,025,386,686.89
	11,527,119,683.47

The settlements with Rumania, Italy, Belgium, Czechoslovakia, France, and the Kingdom of the Serbs, Croats, and Slovenes were made as of June 15, 1925.

No settlements have yet been negotiated by the Debt Funding Commission with Armenia, which has ceased to exist as a government; Austria, whose debt was extended for a period of 20 years from June 1, 1923, pursuant to a special act of Congress; Nicaragua, which is paying off its debt in monthly installments; Russia, the present Government of which is not recognized by the United States and which has repudiated its foreign debts; Greece, which has made certain claims for further advances; and Liberia. The debts owed by these countries as of June 30, 1926, without accrued interest, are as follows:

Armenia	$11,959,917.49
Austria	24,055,708.92
Greece	15,000,000.00
Liberia	26,000.00
Nicaragua	32,882.99
Russia	192,601,297.37
Total	243,675,806.77

ITALIAN DEBT

The following is an extract of the report submitted to the House by the gentleman from Georgia [Mr. CRISP], explaining the Italian-debt settlement and recommending its approval by the House:

Italy's economic situation is, in substance, as follows:

The expense of her army has been reduced below the cost of 1913, and Italy is the only nation of consequence whose military expenditures to-day are less than they were before the commencement of the World War.

By the reduction of a number of civil employees, a reduction of salaries, and a levy of high taxes, Italy's budget is now balanced, but with no appreciable surplus.

Italy alone of all the nations has levied a 100 per cent excess war-profit tax, and the Italian Government has also levied a capital tax ranging from 4 per cent to 50 per cent, payable over a period of 20 years. Under the Italian income tax law, a married man is allowed an exemption of only $40.

If Italy had the same tax exemptions as obtain in the United States she would lose 99 per cent of the revenue she now receives from her income tax laws. In the entire Kingdom of Italy there are only 20 taxpayers with incomes ranging from sixty thousand to one hundred thousands dollars, whereas in the United States there are 25,677 taxpayers with incomes from forty thousand to one hundred thousand dollars, and 5,694 taxpayers with incomes ranging from one hundred thousand to over five millions of dollars. Even with her high taxes and by the practice of the strictest economy, Italy has only recently been able to balance her budget. The burden of taxation in Italy, taking into account the national wealth and national income, is higher than that of any other country, 38 per cent of her net income, after deducting a minimum of subsistence.

Italy's burden in the war was equal to 30 per cent of her total national wealth. She lost 652,000 men and 458,000 of her youths were disabled.

Italy received no colonies as a result of the war. She did gain some Austrian territory, including the ports of Fiume and Trieste and Brenner Pass. This acquisition of territory added comparatively little to the national wealth and productive income of Italy, but meant much to her from a sentimental consideration and strategically.

The standard of living in Italy is lower than that of any other important nation.

It is frankly stated by the Italian commission that in southern Italy the standard of living is far below that of the humblest and poorest of American citizens. The calories of food consumed are less than in any other nation and are provided by the coarsest and cheapest of fats. This is not from choice, but from the stern necessity of poverty.

BELGIAN DEBT

At the time of the Versailles Peace Conference President Wilson agreed with Belgium that its prearmistice debt to this country should be canceled and that Germany would be substituted as a debtor. The President had no power to make this agreement, but inasmuch as there was a moral obligation, the Debt Commission determined that it would be improper to demand any interest on this part of the indebtedness, and Belgium agreed to repay the principal.

The balance of the debt was funded substantially on the same terms as that of Great Britain, except that for the first 10 years the interest is fixed in graduated specific sums which averages less than the rate of interest to be paid by Great Britain in the first 10 years.

FRENCH DEBT

The reasons for the favorable terms given to France in the debt settlement were clearly explained by the gentleman from Iowa [Mr. GREEN], chairman of the Ways and Means Committee, in recommending approval by the House. The following is a brief extract from his report:

Before the war France was burdened with an enormous debt, aggregating in round numbers 33,637,000,000 francs, or in dollars 6,492,000,000. The Great War fell with crushing force upon France more than upon any other nation. Its territory was devastated, its cities razed to the ground, its mines blown up and flooded, its railroads, canals, and bridges destroyed. It is true that the portion so devastated was but a comparatively small part of France, but it contained the most active of its manufacturing regions and was a region that produced a large part of its revenue. The rebuilding and restoring of these regions laid an immense postwar burden upon France which no other nation sustained. France also lost enormously in its man power. Out of a population of 39,600,000, it lost in killed and missing in the army and navy, 1,365,735 men, or 1 dead or missing for every 28 inhabitants.

It is sometimes thought that France is lightly taxed. This is an error. It is difficult to make any comparison of its rates of taxation with those of England, the United States, or even Italy. The French system of taxation is so complex and it has so many different kinds and varieties of taxes, each levied in a different way, with different rates and different exemptions (or sometimes no exemption), that any direct comparison is impossible. Comparisons may be made, however, of the percentage of the national income which is taken by taxation in France with the percentage thereof taken in other countries with which we have made settlements. In 1924 the National Industrial Conference Board found that the percentage of the total taxes as related to national income was, in the United States, 11.5 per cent; in Great Britain, 23.2 per cent; in France, 20.9 per cent; in Belgium, 17 per cent; in Italy, 19.2 per cent. Since that year there has been in Great Britain a slight decrease in taxation; in France a considerable increase, so that the percentage of income taken by taxes is probably not less than 22 per cent. In Italy there has also been an increase but it is probable that the ratio between France and Italy is still about the same. While it would appear that the rate in proportion to the national income is somewhat less in France than in England it must be remembered that the per capita income in England is very much higher than in France, and being higher the margin for subsistence left after taxes are paid is much larger for the citizens of England than for those of France.

The statement of the Secretary of the Treasury, contained in an appendix to this report, shows that in comparison with the settlements which we have made with other countries France will pay us under the agreement a much larger per cent of its budget expenditures, of its foreign trade, and of its national income, than either England, Belgium, or Italy. These items constitute the basis of ability to pay. In fact, they put a limit upon the amount which a nation can pay, assuming, as has been shown with reference to France, that the taxation imposed in framing the budget will be all that can reasonably be expected.

The Debt Commission went over all these matters and examined an almost infinite amount of detail on other points. It did not, and this report does not, accept as a basis for action the statement of interested parties, but an effort was made to verify every controlling fact. After having made this examination, the commission found that the settlement, under all of the circumstances, was just and fair, and in accordance with the ability of France to pay, and therefore accepted it.

THE RAILROAD LABOR BILL

Another bill which has been passed by the House and enacted into law is the so-called Watson-Parker railroad labor bill,

which sets up new machinery for the settlement of labor disputes affecting railroad transportation. This bill had the united support of both the carriers and the railroad employees, and it is hoped that it will serve to prevent the tie-up of transportation facilities in case serious labor difficulties arise in the future, so far as any law can constitutionally accomplish that object. It will not prevent strikes, for no law can do that; but it will make strikes improbable by providing for a full and free discussion of grievances and public arbitration when the situation requires.

THE WHITE RADIO BILL

The House has passed and sent to the Senate the White radio bill to establish a new system for controlling radio communications, a bill designed to protect the great army of radio listeners who are interested in hearing, with the least possible interference, the free entertainment with which the air is now filled nightly. There must be a national control of radio broadcasting, or interference will make all broadcasting worthless; and the White bill, as passed by the House, will accomplish this purpose effectively when enacted into law. As we adjourn this bill is in conference between the two Houses.

THE AVIATION PROBLEM

Just before the opening of the present session of Congress aviation became a matter of great public interest and three committees of this House worked for many weeks on various proposals looking toward the improvement of our naval and military air services and the encouragement of commercial aviation. Three bills dealing with this subject have been enacted into law, one relating to aviation in the Army, another for the Navy, and a third for the control of commercial air navigation. The new laws provide for a general reorganization of the Army and Navy Air Services with other changes in the law which will be beneficial to officers and men in those important branches of our national defense and authorize a building program which at the end of five years will give the Army 1,800 and the Navy 1,000 planes. Encouragement and control of commercial aviation is the purpose of the so-called Bingham-Merritt Act, which for the first time recognizes the great importance of aviation as a commercial medium.

THE NATIONAL BANK BILL

For many years the need for a reform of the national banking laws has been recognized and the views of the House on this subject were embodied in the McFadden banking bill which is now pending in conference. The general purpose of this bill is to put national banks on a parity with State banks, curtailing their powers where they exceed those of State institutions and extending them where they fall short of the privileges exercised by State banks. The bill would limit branch banking by national banks to branches within the municipality in which the main office is located and would permit branches within the municipality only when branch banking of the same character is permitted to State banks by State law. There has been serious controversy about only one minor feature of this bill which will, I hope, be satisfactorily adjusted in conference between the two Houses when Congress reconvenes in December.

SPANISH AND CIVIL WAR PENSIONS

I have already referred to the pressure exerted on Congress on behalf of various groups of our citizenship and have pointed out that this pressure has been courageously resisted, even when our hearts have swayed us in the direction of liberality. Increase of pensions for Spanish War veterans was approved by the House and enacted into law only after a most careful study of the subject and when it was clearly proved that the veterans of 1898 were discriminated against by existing law. Much has been done for our Civil War veterans and their families and much also for the veterans of the World War, but much less for those who served the country just as faithfully and at just as great personal sacrifice in the war with Spain and the Philippine insurrection. The increase granted by the new law tend to relieve this discrimination. A bill providing for a moderate increase of the pensions of veterans of the Civil War and the war wives and widows of veterans also became a law at this session.

RETIREMENT OF EMPLOYEES

Differences between the two Houses of Congress with reference to liberalization of the retirement law for Government employees have finally been adjusted, and the House bill on this subject has been enacted into law. The bill is the best that could be obtained under existing conditions and meets the immediate needs of the many Government employees who are thinking of retirement after years of faithful and loyal service.

There has been much misinformation circulated on this subject with reference to the condition of the retirement fund, and many employees have gained the idea that there is now a substantial surplus from which increases in retirement pay might be made without expense to the Government. This is absurd, of course, because every dollar paid into the fund by an employee may be drawn out by him if he leaves the service and it is payable to his estate if he dies, so that there never can be a surplus in the fund except out of contributions made by the Government. The old rates of retirement pay cost the Government about $17,000,000 annually. The new law will not increase the Government's contribution, but will increase the maximum retirement pay to $1,000 a year by means of increased contribution from the employees to the extent of 3½ per cent of their salaries.

Whether they ever become eligible for retirement or not, the contributions made by the employees always go back to them with interest, so that they have everything to gain and nothing to lose by legislation of this character.

DEPORTATION OF ALIENS

Better control of our large alien population is a subject that has recently been much agitated, and a number of drastic proposals dealing with the subject have been made. The House has met the demand for legislation on this subject by passing the so-called Johnson deportation bill, which meets the situation sanely and temperately. This bill provides additional grounds for deportation of aliens who violate our national and State laws. The United States has been in the past a great melting pot for the races of the world and has assimilated into its citizenship Germans, Irish, Jews, Italians, Poles, and many other races in enormous numbers. They have made good citizens and many of them have gained high places in the Nation and in their communities. We are proud of them and feel that they have all contributed to our prosperity and our greatness as a Nation. The present policy of immigration restriction recognizes, however, that the time has come when the flood of immigration must be curtailed at least temporarily, and while as an individual I am not altogether in sympathy with the present immigration laws, which sometimes seem unnecessarily harsh, I see no valid objection to supplementing a law already on the statute books by legislation which will remove from the country aliens who, by violating our laws, have shown themselves to be unfitted for American citizenship. This bill is still pending in the Senate as we adjourn.

ADMISSION OF ALIEN VETERANS

The Congress has recognized one of the defects in the present immigration law by passing a bill introduced by me authorizing the admission to this country in excess of quota of alien veterans of the World War who served in the American Army, together with their wives and minor children. It is proper that aliens who served in our Army in the Great War should be permitted to return to the United States, and Congress promptly saw the justice of the complaint made by friends and relatives of veterans who found it impossible to reenter the country for which they risked their lives on the battle fields of France.

WATER-RIGHT CHARGES

A serious problem confronting many new communities of the West, where reclamation projects have been established, has been met, as already noted, by the enactment of a law adjusting Federal water-right charges. This bill was recommended by the Secretary of the Interior, solidly supported by Members from the Western States, and will undoubtedly have a beneficial effect in those sections of the country where projects of this character are being carried on in the face of great natural difficulties.

BANKRUPTCY ACT

An important bill passed this session which has received little public notice is that for a general revision of the bankruptcy law, a revision which present-day commercial conditions have made mandatory. The bill as passed by the House, after careful consideration by a committee which has worked with attorneys of wide experience in bankruptcy practice, will, it is generally believed, do much to stop the bankruptcy frauds which in recent years have menaced the stability of business relations.

REVISION OF LAWS

The enactment of House bill 10000 brought to completion work which has been going on for many years under direction of the House Committee on Revision of Laws for codification of the laws of the United States. The last official revision of Federal statutes was made in 1878, and during the 48-year period since then the number of Federal laws has increased and widened in scope to such an extent that the old revision was of little value. The monumental act passed by this Congress codifies all Federal laws up to and including December 6, 1925, the day before the opening of the present session of Congress.

BUILDING PROGRAM

The enactment at this session of a law establishing a program for the construction of necessary public buildings marks the end of the old "pork-barrel" system of handling the Government building problem.

The old system was for Congress at each session to pass an omnibus bill appropriating sums of money for specific building projects, and it was frequently charged that such appropriations were sometimes made for political reasons rather than on the basis of demonstrated public need. Under the recent law lump-sum appropriations will be made to the Treasury Department to cover projects which have been selected and approved by that department, and, in my opinion, this law is a great step forward in the direction of a businesslike handling of the Government's difficult building problem.

No building has been done by the Government since the war, but the new law will make it possible for the Executive branch of the Government to make a beginning on work necessary to meet the increased requirements of the several departments. In the end, because of saving on rental payments, this will mean a substantial economy.

PENSION FOR MOTHERS

The Congress followed the lead of some of the States by enacting a so-called mothers' pension law for the District of Columbia, a measure which was advocated by women's organizations throughout the country. This law provides for extending financial aid to mothers with dependent children in order to keep the children at home and avoid sending them to institutions, when this is possible. An appropriation of $75,000 was made to cover expenses under this law for the first fiscal year. It applies, of course, only to the District of Columbia and will be supported entirely by District taxation.

Two other important laws relating to the District of Columbia in which women throughout the United States indicated interest were those providing a liberalized retirement system for school-teachers and for the creation of a board of public welfare.

DISTRICT OF COLUMBIA

The people of the entire country are naturally interested in the Nation's Capital and Congress at this session, gave more than ordinary attention to its duties as the legislative body of that city. Legislation enacted into law at this session relating to the District of Columbia included provision for completion of the Plaza from the Union Station to the Capitol, expansion of the public library system, revision of the traffic laws, adoption of a $50,000,000 building program, reorganization of the park commission, and appropriation of $600,000 for park purposes, together with the matters referred to in the preceding paragraph.

THE NEGRO CITIZEN

One bill of great interest to negro citizens is that passed by the House amending the law creating Howard University, of Washington, D. C., the largest negro university in the United States, so as to authorize Government appropriations to that institution.

Several times appropriations for the university have been ruled out of appropriation bills on points of order raised by Democratic Members on the ground that there is no law authorizing Government aid. The bill passed by the House at this session would definitely settle this question and would permit regular appropriations to be made for Howard University in the future.

The bill was not reached for action in the Senate before adjournment, but it is expected that it will be passed by that body when it reconvenes in December.

Another bill of interest to our negro citizens which was passed by the House in the face of a Democratic filibuster and is now awaiting action in the Senate is that to build a monument in France to the negro regiments which served with the French Army in the World War.

VETERANS' LEGISLATION

Some minor but necessary amendments have been made by the present Congress in the World War veterans' act. The present law is working admirably on the whole, and I believe the great majority of the men who served in the World War feel that the Government is fulfilling its duty to the fullest extent possible to those who were disabled in that conflict. The Government has been expending annually on behalf of veterans about $650,000,000, and legislation passed at the present session of Congress will add about $30,000,000 to that total.

MUSCLE SHOALS

Shortly after the opening of Congress a joint commission was established to make recommendations with reference to the disposition of the Muscle Shoals power and fertilizer plants and this commission has filed a report which is still pending on the House Calendar and will not be considered until Congress meets in December. The problem is one which has been bothering Congress for a number of years, and it is wise to defer final action on the commission's report until ample time has been given for the membership of both the House and Senate to study the recommendations made by it. It is gratifying, however, to know that substantial progress has been made in the direction of settling this important question.

PRIVATE CLAIMS LEGISLATION

The quantity of accomplishment in this session has been swelled by reason of the fact that we have passed an unusually large number of private bills for the payment of meritorious claims—the greatest number, I am told, passed at any session in our history, on the theory that the Government should pay its just bills the same as a private individual. In the past such claims have too often been ignored and great injustices have been caused. If a man is killed through the negligence of a Government employee or because of defective Government property his widow and children can not sue for damages in a court of law but must go to Congress for redress. Claims of this character have often been kicked around in Congress year after year and session after session without action. This session, we made as you all know, a real effort to dispose of such bills, and with some success. Before the Sixty-ninth Congress is completed I hope that we may have some better system of handling such matters, so that just damage claims against the Government may be settled by administrative rather than legislative action. The House and Senate both passed bills on this subject during the present session, and the differences between the two Houses will undoubtedly be adjusted when Congress reconvenes in December.

STATISTICAL SUMMARY

The routine work of the first session of the Sixty-ninth Congress has far exceeded that of the first session of any Congress for the last decade and is practically equal to the work of the entire Sixty-eighth Congress, which itself surpassed in achievement any Congress in the same period.

In a session consisting of 158 actual working days, during 9 of which the committee assignments were not completed, there were introduced 13,909 bills and resolutions and 640 bills were received from the Senate. The committees reported 1,495 bills, which with the private bills included in omnibus pension bills, totaled 4,312 bills reported. The total of public and private laws was 897, which included 5 omnibus pension bills which carried 2,717 individual bills, making a grand total of 3,609 which became laws.

The 897 public laws were divided between the Houses as follows: House bills, 558; House joint resolutions, 24; Senate bills, 290; Senate joint resolutions, 25.

The following table showing the number of laws enacted at this session and previous sessions of Congress indicates the speed and efficiency with which we have worked:

	Private laws	Public laws	Total
First session, Sixty-ninth Congress	327	570	897
First session, Sixty-eighth Congress	66	327	393
First session, Sixty-seventh Congress	138	14	152
First session, Sixty-sixth Congress	7	114	121
First session, Sixty-fifth Congress	2	107	109

The House passed 1,321 bills in its 158 working days, an average of more than 8 a day, exclusive of those included in omnibus bills.

APPROPRIATIONS AND ECONOMY

The present House has continued the economy policy of its several immediate predecessors, and once again we can point to a decrease of appropriations below the Budget estimates in the amount of more than $6,000,000. As stated by the President in his message at the opening of Congress, however, further economy is difficult, as Government expenditures have been reduced almost to bedrock, and our principal duty now is to prevent a too early reaction toward increased expenditures.

Our present financial condition is sound. The Nation is living within its income and at the same time making substantial reductions annually in the national debt, a condition which all good citizens should strive to maintain.

The following table shows how appropriations have decreased since 1921:

Federal appropriations, 1920–1927

(Exclusive of appropriations for the Postal Service paid out of postal revenues)

Fiscal year:	Appropriations
1920	$6,607,742,221.17
1921	3,504,170,380.23
1922	3,601,102,484.87
1923	3,374,542,283.15
1924	3,458,426,517.82
1925	3,339,535,601.27
1926	3,438,913,146.17
1927	3,214,854,334.46

The table shows a steady decrease in appropriations since 1920, except for a slight reaction in the appropriations made for 1926. Appropriations for 1927 have resumed the downward trend. The table shows a reduction in six years of about $3,400,000,000.

The appropriations in the above table are allocated according to fiscal years. During the present session, in addition to the sum of $3,214,854,334.46 appropriated for 1927, appropriations of more than $400,000,000 were made to meet deficiencies in 1926, and the sums so appropriated are included in the 1926 total.

Government expenditures, 1921–1926

(Exclusive of postal expenditures paid out of postal revenues)

Fiscal year:	Expenditures
1920	$6,482,090,191.21
1921	5,538,209,189.30
1922	3,795,302,499.84
1923	3,697,478,020.26
1924	3,506,677,715.34
1925	3,529,643,446.09
1926	3,584,987,873.50

The above table shows a reduction in annual expenditures in six years of approximately $3,000,000,000.

In making this comparison postal expenditures are excluded, because they have necessarily increased rapidly with the growth of postal business. As they are paid out of postal revenues they substantially balance each other so far as income and outgo are concerned and must be eliminated in order to make a just comparison with prior years.

The table indicates a slight upward trend in expenditures during the past two years, caused by the fact that the Government has resumed some activities which have been ignored since the war and in other directions has permitted moderate increases where it appeared that too strict economy detracted from efficiency.

The following tables indicate the reductions made in the national debt and in taxation:

National debt, 1920–1926

National debt June 30, 1920	$24,299,321,467.07
National debt June 30, 1926	19,643,216,315.19
Reduction in 6 years	4,656,105,151.88

Taxes, 1920–1926

Receipts from taxes, including customs, income and profits, and miscellaneous internal revenue for the fiscal year 1920	$5,722,685,804.00
Estimated receipts from same sources for fiscal year 1927 (under new law)	3,222,730,000.00
Reduction, annual taxes	2,499,955,804.00

REDUCTION OF EMPLOYEES

The number of Federal employees has been reduced approximately 100,000 in six years of Republican control. On December 31, 1920, two months before the Republican Party came into power, the records of the Civil Service Commission showed 358,681 civilian employees, exclusive of the Postal Service. The last public statement by the Civil Service Commission, on December 31, 1925, showed 243,985, exclusive of the Postal Service employees, a net reduction in six years of 114,696.

Owing to the natural growth and increased business prosperity of the country, it has been necessary during the same period to increase the number of postal employees, who are paid entirely out of postal revenue, from 281,494 to 304,092, an increase of 22,598. Despite this increase in postal employees, there has been a net decrease for all departments of 92,000.

THE TARIFF AND PROTECTION

The present House has resisted all efforts to reduce or modify the customs duties established by the tariff act of 1922, which have furnished adequate protection to American industries and labor and yielded substantial revenue without stifling healthy competition. Democratic Members have introduced numerous bills in this session for tariff reduction, none of which have been acted upon either by the Ways and Means Committee or by the House. It has been frequently stated that our friends on the Democratic side intend to make the tariff the principal issue in the coming congressional campaigns and it is because of this and their avowed intention to again discard the protective policy if returned to power, that I refer to the subject here, so that it may be clear that on this side of the Chamber we are entirely satisfied with the effects of the protective tariff law, that we stand firmly for the policy of protection and that we shall gladly defend that policy at the coming elections or at any time it becomes a campaign issue.

As a revenue producer the Fordney-McCumber protective tariff excels anything the Democratic Party ever enacted as a "tariff for revenue only." It has increased our foreign trade, and that its duties are not excessively high is indicated by the fact that imports under it have been greater than under the old Underwood law. In fact it has accomplished its purpose in maintaining American standards of living for American workmen, without having had any of the bad effects predicted four years ago by those who opposed its enactment.

If this should be an issue in the next campaign the American people will surely recall that there were 5,000,000 men out of work in 1921 under a Democratic tariff and that now, after less than four years of restored protection, there is no unemployment problem, wages are high, and times are good.

In 1921 an ounce of gold purchased 17.22 hours of labor in the United States, 50.16 hours of labor in Great Britain, 95.5 hours of labor in Japan, 117.3 hours of labor in France, and 201.66 hours of labor in Germany. In other words, an ounce of gold would buy nearly 200 per cent more labor in Great Britain than in the United States, nearly 400 per cent more labor in Japan than in the United States, nearly 500 per cent more labor in France than in the United States; and about 800 per cent more labor in Germany than in the United States.

With his day's wage the American toiler could purchase twice as much beef and pork as the Britisher could buy with his, three times as much beef and pork as the Frenchman could buy with his, and more than five times as much as the German could buy with his. Very much the same ratio applied to other foodstuffs.

These comparative figures are still practically the same; so that if the American wage earner wishes to preserve his wages at a high figure and, which is more important, at high buying power, he will stick to protection.

Republicans in Congress have resisted all attempts to tinker with a good tariff law, and on that issue will gladly go to the polls next November.

THE FARMER AND THE TARIFF

That the present tariff is a substantial benefit to farmers as well as to American workmen in all other industries is admitted by those who have been most prominent in the fight for agricultural relief legislation.

The effect of the tariff on wheat, which may fairly be taken as an example of all farm products, was well shown by the gentleman from Kansas [Mr. TINCHER], who said in a speech on this floor, and his figures were never questioned:

As I understand the theory of the protective tariff, if the tariff is to protect, it is based entirely upon the cost of production at home and the cost abroad. That enables us to have an American standard of living and an American scale of wages. It is true that no commodity receives the full benefit of the tariff rate, but since the passage of the present tariff law the cold figures, as given by the Department of Agriculture, shows that the average price of wheat in 1920–21 at Winnipeg was $1.89; at Minneapolis, $2.01, 12 cents protection; 1921–22, Winnipeg price, $1.30; Minneapolis, $1.48, 18 cents protection; 1922–23, Winnipeg price, $1.12; Minneapolis, $1.26, 14 cents protection; 1923–24, Winnipeg price, $1; Minneapolis, $1.24, 24 cents protection; 1924–25, Winnipeg price, $1.58; Minneapolis, $1.66, 8 cents protection; 1925–26, 42 weeks, Winnipeg price, $1.51; Minneapolis, $1.68, 17 cents higher. These figures show that the price at Minneapolis has been an average of 16 cents higher than at Winnipeg during the six years for which quotations are given, while during any period in which we did not have a tariff on wheat, any six-year period of free trade on wheat, the difference has been from 5 to 8 cents a bushel in favor of the Winnipeg market over the Minneapolis market; so it is apparent that we have had the benefit of 23 cents a bushel over this six-year period by reason of the tariff.

Thus it appears that wheat farmers have been getting during the past five years an average protection of 23 cents a bushel on wheat, and that they are not getting more is not the fault of the protective tariff. Our Democratic friends say that the way to relieve agriculture is to remove the tariff, but it is clear that to do this will be to reduce the price of wheat by at least 23 cents a bushel.

The situation with respect to other agricultural products is the same as on wheat, and this is the reason why farmers will not accept the Democratic plan for relieving agriculture by adopting free trade. Such a course would bring ruin to agriculture, as well as all other industries. If there is a solution for the agricultural problem, it clearly does not lie in free trade. If the American farmer—and by farmer I mean the great majority who work their own farms and not the gentleman farmer who merely operates a farm as a financial investment—wishes to see what his condition would be under free trade let him go abroad and observe the poverty-stricken agriculturist in other parts of the world. Few American farmers are so ill informed as to not be acquainted with the economic condition of farmers in foreign countries as compared with their own.

The Democratic argument is that if we adopt free trade the price of agricultural products may go down, but at the same time the price of other necessaries of life will decrease in a greater proportion, which would be an excellent argument if true. The fact is, however, that the American farm worker under reasonably normal conditions not only gets more for his labor than his foreign competitor, owing to protection, but the money he gets has a greater buying power. There would be less reason for protection if the American farmer and workman did not only get more for his labor in money under protection, but also greater buying power; in fact, a greater percentage of the wealth he produces; but this is so well known to be the fact that no one attempts to deny it.

William B. Wilson, Secretary of Labor under the last Democratic administration, was quoted as follows by Drew Pearson in the Washington Star of July 4, 1926:

> The real wage is not the money received, but the amount of buying power received. A dollar will buy more in Germany, perhaps, than in England. I believe that no figures exist to-day which show the relative real wages of the workers of the world.
>
> However, my work in the Labor Department gave me some approximate estimates. There is not the slightest doubt that the American worker is not only better paid than any other worker but can buy more with his money.

EFFECT OF TARIFF ON AGRICULTURE

The figures referred to as quoted by Mr. TINCHER show that wheat producers are actually getting protection which averaged 23 cents a bushel during the past five years. Considered in connection with other data in the Tariff Commission's wheat survey indicating that below the 50 per cent mark the production cost difference between the United States and Canada steadily decreases, the following table prepared by the Tariff Commission—the best available figures on the cost of production—shows that 23 cents more than equals the difference in cost of production between the United States and our principal wheat competitor, Canada, on 50 per cent of our hard spring wheat crop, and this survey is probably representative of other agricultural products:

Cumulative cost table—Costs at or below which the following percentages of the wheat crop were produced in the United States and Canada

(Three-year average, 1921–1923)

Per cent of production	With land charge on cash rental basis		Excess United States over Canada
	Canada	United States	
50	$0.85	$1.07	$0.22
55	.87	1.12	.25
60	.90	1.18	.28
65	.93	1.24	.31
70	.96	1.29	.33
75	.99	1.36	.37
80	1.04	1.45	.41
85	1.09	1.56	.47
90	1.17	1.75	.58
95	1.30	2.11	.81

Either under free trade or under protection, and even if the evil of overproduction can be cured, it would appear from this table that a substantial part of the wheat raised in the United States is produced at such a high cost that it can not successfully compete with the principal part of the American crop.

The difference in the cost of production even within States is shown by the following figures taken from the report on wheat issued by the Tariff Commission:

Three-year average (1921–1923) production costs per acre, including land charge

UNITED STATES

Station or locality	Number of records	3-year average net yield per acre	Cost per acre without land charge	Cost per acre with land charge on cash rental basis	Cost per acre with interest on stated value	Cost per acre with interest on appraised value	Approximate cost per bushel
North Dakota:							
Hettinger	20	9.7	$7.19	$8.08	$9.82	$9.42	$0.97
Casselton	20	8.9	11.69	14.56	17.21	17.22	1.93
South Dakota:							
Miller	20	12.1	7.79	10.10	11.69	10.02	0.83
Eureka	26	7.9	8.50	9.89	11.77	11.33	1.43
Montana:							
Mocassin	20	16.2	11.58	14.18	16.38	13.44	0.83
Columbus	22	5.8	10.45	12.54	12.51	13.41	2.31

This table, if the figures of the Tariff Commission are correct and if other agricultural products show a similar difference, gives the reason why some farmers in the United States are prosperous and why some are on the verge of bankruptcy. I know of no way in which this state of affairs can be remedied by the act of any governmental agency. I am not sure that this is not the real agricultural problem, for with fairly uniform production costs and a protected domestic market, it is doubtful if even overproduction would cause farmers to sell their crops at less than a fair price. However, if the farmer at Moccasin, Mont., can sell wheat at 93 cents a bushel, with a 10-cent profit, and his competitor in Columbus, Mont., must sell at $2.41 a bushel to gain the same profit it is apparent that the Columbus farmer will have to sell at a loss if he wants to sell at all. The fact that 50 per cent of the American hard spring wheat crop is now getting the full benefit of protection tends to support the belief that difference in cost of production rather than overproduction may be and probably is the real cause of distress in many agricultural sections of this country.

AGRICULTURAL PRICES, 1890 TO 1925

The Division of Statistical and Historical Research of the Department of Agriculture has published figures which show the relationship between the prices of agricultural products and all prices during the period from 1890 to 1925, the last year for which there are complete figures. This comparison is based on the wholesale price index figures issued by the Department of Labor, which in turn are based on average prices for the year 1913. In this table the figure 100 applied to a year indicates that in the particular year referred to agricultural prices were above or below the prices of 1913 in exactly the same proportion as all other prices. Figures below 100 indicate that in the year referred to agricultural prices were proportionately lower than a figure sufficient to maintain the 1913 relationship with all prices, and percentages over 100 show that in the years referred to agricultural prices were proportionately higher as compared with all prices than in 1913.

The figures issued by the Department of Agriculture follow, with periods of protection and nonprotection indicated for purposes of comparison:

	Per cent
Under McKinley Act of October 6, 1890, and prior protective tariff acts:	
1890	86
1891	94
1892	91
1893	92
Under Democratic tariff act of August 27, 1894:	
1894	88
1895	87
1896	82
Under Dingley protective tariff of July 24, 1897, and Payne-Aldrich Act of August 5, 1909:	
1897	88
1898	90
1899	85
1900	86
1901	94
1902	96
1903	90
1904	94
1905	92
1906	90
1907	93
1908	96
1909	100
1910	102
1911	100
1912	102
1913	100
Under Democratic tariff of October 3, 1913, from beginning of World War to demobilization:	
1914	105
1915	103

Under Democratic tariff of October 3, 1913, etc.—Continued.	Per cent
1916	97
1917	107
1918	112
1919	112
1920	96
Under Democratic tariff in peace time:	
1921	84
Under farmers' emergency tariff of 1921:	
1922	89
Under Fordney-McCumber protective tariff of September 21, 1922:	
1923	92
1924	95
1925	99

The farmers' emergency tariff act of 1921 was approved on May 27, 1921. The ratio between the index prices of agricultural products and all prices for the first five months of 1921 was 82, and for the balance of the year 85, showing that this act had an immediate beneficial effect.

The table shows that the prices of agricultural products have increased in practically the same ratio as other prices under protection. It indicates that in 1925, the last year for which we have complete figures, agricultural prices exceeded prices of the year 1913, the basic year for the Labor Department's index figures, by substantially the same percentage as all other commodities, the ratio being 99 per cent, and 100 per cent would show exact equality.

The table shows clearly that the tariff has never had the effect on agriculture claimed by some Democrats. The lowest comparative price for agricultural products was reached under a Democratic tariff act in 1896. From 1896 to 1913, under protection, the comparative price index steadily advanced. In 1914 the World War intervened and sent food prices up with greater rapidity than other commodities, and consequently there was no fair test of the Democratic tariff law from 1914 through 1920. With the war over and armies demobilized, however, the comparative figures show an alarming sag in agricultural prices, and in 1921, when the Republican Party went back into power, the index figure had dropped to 84, within 2 points of the record low figure of 1896. It would have gone still lower if a Republican tariff, the farmers' emergency tariff of 1921, followed by the Fordney-McCumber law of 1922, had not brought a sharp reaction, and the comparative figure has been going up ever since until agricultural prices are now substantially on an equality with the prices of other commodities.

In considering the index figures of 84 for 1921 and 82 for 1896, under Democratic low tariffs, it should be borne in mind that these not only indicate decreases in the prices of agricultural products but that in 1921 the decrease was 16 points greater than other prices, and in 1896 it was 18 points greater than other prices.

THE REPUBLICAN PARTY

The Republican Party has been in existence 70 years and the history of this Nation during that period is for the most part Republican Party history, as it has been in control of national affairs much the greater part of that time. Under Republican policies the United States has become the greatest industrial and agricultural Nation in the world, with the highest wages, the most satisfactory working conditions, and the highest standard of living for wage earners.

The work of the session now closing has been in line with the historic policy of the Republican past. As our party has been for more than half a century the chief instrument in the hands of the American people in making our country the greatest, best, and most prosperous country on earth, so are we, who for the time being are charged with the responsibility of carrying on the work of the party, highly resolved that in our time it shall with equal zeal and effectiveness continue to serve the public welfare. The work of the session now closing has been performed in this spirit. The accomplishment of the session measures up to the best standards of our party's history. The record is worthy of the commendation and approval of the country at large.

Before the Congress reconvenes in regular session an election will have taken place which will determine the control of Congress during the remaining two years of the present administration. In addition to the excellent record of Congress itself, which on its merits deserves a reelection, every argument for continuity and orderly progress calls for the continuation of the party in power for two more years. Only one thing could possibly happen more disastrous to the best interests of the country than a change of the parties in control of Congress for the next two years, and that would be a failure of any one party to secure a majority. Visions of group government as we know it in Europe at once arise, with all it means in the way of dickering blocs and secret deals for the control of legislation. We believe that the people of this country will have none of such an un-American system, but will retain in control of the legislative branch the party that will work in cooperation with the executive branch during the remaining two years of this administration.

A PROTECTIVE TARIFF—"THE AMERICAN POLICY"

Mr. WOOD. Mr. Speaker, the most popular piece of fiction that free-trade speakers use is the allegation that the present protective tariff operates to the restriction of our foreign commerce. Rare, indeed, has been the speech made by critics of the present tariff which has not contained the assertion that due to the tariff other countries are denied free access to the markets of the United States, and due to this alleged condition the United States sells less goods abroad than it would otherwise.

There is no foundation in fact for any such assertion, and there is no justification for its being made by anyone who poses as being possessed of sufficient information upon the subject of the tariff to make any public statement regarding it. Since the enactment of the Fordney-McCumber tariff both our imports and exports have materially increased. The exact figures, as furnished by the United States Bureau of Foreign Commerce, are as follows:

Dec. 31—	Exports	Imports	Total exports and imports
1921	$4,485,031,356	$2,509,147,570	$6,994,178,926
1922	3,831,777,000	3,112,747,000	6,944,524,000
1923	4,167,493,000	3,792,066,000	7,959,559,000
1924	4,590,984,000	3,609,962,000	8,200,946,000
1925	4,909,396,000	4,227,995,000	9,137,391,000

The growth of our foreign trade under the Fordney-McCumber Act runs true to the history and experience of all protective tariffs. The records of our foreign commerce show that during the periods the United States was under a protective tariff its foreign trade increased. The record also shows the equally striking and significant fact that during the periods the United States was under a Democratic tariff its foreign trade decreased. There is nothing mysterious or inexplicable about these conditions. They were not a coincidence. They were the result of economic laws.

PROTECTIVE TARIFF STIMULATES FOREIGN TRADE

Under a protective tariff the American manufacturers are assured of profitable production and as a result they increase production and become active in seeking markets for their increased output. This results in increased exports. On the other hand, the increased industrial activity under a protective tariff calls for an increase of imports of raw materials to be used in manufacturing industries. There is also another very important factor and that is the prosperity of the masses of American people which follows industrial activity. This makes them larger buyers of goods of all kinds and stimulates a demand for imported articles. On the other hand, a Democratic tariff has always closed our factories, which lessens both our exports and the demand for raw material imports and so impoverishes our people so that they have no money with which to buy imported articles.

There has been a noticeable effort on the part of some Democratic critics of the present tariff to explain away our increasing foreign trade, especially our increased imports, by the assertion that the larger import figures are due to the purchase of rubber from the East Indies, nitrates and coffee from South America, sisal from Central America, and tea and silk from Asia. Unfortunately for our Democratic critics, while the imports of all these articles have increased under the present tariff, due to the increased prosperity under this tariff, our imports from Europe have also increased and Europe sells us none of the above-enumerated articles.

The United States Bureau of Foreign Commerce shows the following figures of our foreign trade with the leading European countries and Canada for the five-year period immediately preceding the outbreak of the European war in 1914 and for the five-year period ending December 31, 1925. The pre-war five-year period ending June 30, 1914, is accepted by all economists and statisticians as being a period of normal conditions and normal prosperity the world around. During that period international trade flowed freely, unhampered by threats of war, trade reprisals, or the various handicaps and restrictions which are the inevitable aftermath of war. Compared with that normal period of international trade the following figures show that our sales to Europe and our purchases from Europe have enormously increased.

EUROPE SELLS US MORE AND BUYS MORE UNDER PRESENT TARIFF

The figures become doubly significant in view of the fact that throughout the entire year 1921 and a major portion of the

year 1922—with the exception of a few agricultural schedules which were modified by the farmers' emergency tariff enacted in May, 1921, none of which affected our imports or exports to Europe—we were operating under the Underwood free-trade tariff. I herewith present the figures, comparing our exports and imports under the present tariff with the five-year pre-war period of normalcy and also with the calendar year 1921, all of which was under the Underwood tariff.

Total imports from Europe:

Pre-war five-year average, 1910–1914	$836,499,000
1921	764,942,000
1922	991,203,000
1923	1,157,056,000
1924	1,096,356,000
1925	1,237,832,000

Imports, 1925, increase of 48 per cent over pre-war five-year average and 62 per cent over 1921.

Total exports to Europe:

Pre-war five-year average, 1910–1914	$1,350,299,000
1921	2,363,899,000
1922	3,083,357,000
1923	2,093,415,000
1924	2,444,490,000
1925	2,602,487,000

Exports, 1925, increase of 100 per cent over pre-war five-year period.

Total imports from United Kingdom:

Pre-war five-year average, 1910–1914	$278,898,000
1921	238,796,000
1922	356,868,000
1923	404,072,000
1924	366,477,000
1925	412,315,859

Imports, 1925, increase of 48 per cent over pre-war five-year average and 73 per cent over 1921.

Total exports to United Kingdom:

Pre-war five-year average, 1910–1914	$567,591,000
1921	942,115,000
1922	855,826,000
1923	882,321,000
1924	982,035,000
1925	1,031,876,748

Exports, 1925, increase of 82 per cent over pre-war five-year average.

Total imports from Germany:

Pre-war five-year average, 1910–1914	$176,462,000
1921	80,280,000
1922	117,498,000
1923	161,193,000
1924	139,258,000
1925	164,251,523

Imports, 1925, decrease of 7 per cent from pre-war five-year period but increase of 105 per cent over 1921.

Total exports to Germany:

Pre-war five-year average, 1910–1914	$304,098,000
1921	372,380,000
1922	316,114,000
1923	316,837,000
1924	440,538,000
1925	470,344,233

Exports, 1925, increase of 55 per cent over pre-war five-year average.

Total imports from Belgium:

Pre-war five-year average, 1910–1914	$40,360,000
1921	35,243,000
1922	52,848,000
1923	68,005,000
1924	65,559,000
1925	68,891,536

Imports 1925 increase of 71 per cent over pre-war five-year average, and 96 per cent over 1921.

Total exports to Belgium:

Pre-war five-year average, 1910–1914	$53,117,000
1921	117,868,000
1922	101,530,000
1923	100,762,000
1924	116,005,000
1925	120,257,911

Exports 1925 increase of 124 per cent over pre-war five-year average.

Total imports from France:

Pre-war five-year average, 1910–1914	$130,130,000
1921	141,885,000
1922	142,809,000
1923	149,613,000
1924	147,634,000
1925	157,431,546

Imports 1925 increase of 21 per cent over pre-war five-year average, and 11 per cent since 1921.

Total exports to France:

Pre-war five-year average, 1910–1914	$138,841,000
1921	224,921,000
1922	266,965,000
1923	272,131,000
1924	281,664,000
1925	280,299,439

Exports 1925 increase of 102 per cent over pre-war five-year average.

Total imports from Italy:

Pre-war five-year average, 1910–1914	$51,149,000
1921	62,290,000
1922	63,930,000
1923	92,268,000
1924	75,004,000
1925	102,204,930

Imports 1925 increase of 100 per cent over pre-war five-year average, and 63 per cent over 1921.

Total exports to Italy:

Pre-war five-year average, 1910–1914	$165,966,000
1921	215,463,000
1922	150,894,000
1923	167,532,000
1924	187,040,000
1925	205,149,578

Exports 1925 increase of 211 per cent over pre-war five-year average.

Total imports from Greece:

Pre-war five-year average, 1910–1914	$3,329,000
1921	21,737,000
1922	21,232,000
1923	14,388,000
1924	27,729,000
1925	26,186,500

Imports, 1925, increase of 686 per cent over pre-war five-year average and 20 per cent over 1921.

Total exports to Greece:

Pre-war five-year average, 1910–1914	$873,000
1921	29,376,000
1922	11,133,000
1923	11,900,000
1924	16,722,000
1925	16,633,212

Exports, 1925, increase of 1,800 per cent over pre-war five-year average.

Total imports from Netherlands:

Pre-war five-year average, 1910–1914	$34,937,000
1921	45,226,000
1922	63,795,000
1923	77,521,000
1924	74,042,000
1925	92,590,826

Imports, 1925, increase of 165 per cent over pre-war five-year period and 105 per cent over 1921.

Total exports to Netherlands:

Pre-war five-year average, 1910–1914	$104,575,000
1921	170,879,000
1922	117,806,000
1923	109,173,000
1924	151,734,000
1925	141,518,240

Exports, 1925, increase of 35 per cent over pre-war five-year period.

Total imports from Denmark:

Pre-war five-year average, 1910–1914	$2,597,000
1921	8,885,000
1922	4,164,000
1923	6,630,000
1924	6,118,264
1925	4,327,503

Imports, 1925, increase 66 per cent over pre-war five-year average, but decrease of 51 per cent since 1921.

Total exports to Denmark:

Pre-war five-year average, 1910–1914	$15,393,000
1921	39,509,000
1922	35,639,000
1923	38,768,000
1924	43,413,000
1925	55,731,871

Exports, 1925, increase of 262 per cent over pre-war five-year period.

Total imports from Norway:

Pre-war five-year average, 1910–1914	$8,086,000
1921	13,005,000
1922	14,706,000
1923	20,099,000
1924	21,391,000
1925	23,290,835

Imports 1925 increase of 188 per cent over pre-war five-year average and increase of 79 per cent over 1921.

Total exports to Norway:

Pre-war five-year average, 1910–1914	$7,819,000
1921	32,117,000
1922	31,243,000
1923	27,610,000
1924	23,237,000
1925	26,199,708

Exports 1925 increase of 235 per cent over pre-war five-year average.

Total imports from Sweden:

Pre-war five-year average, 1910–1914	$9,530,000
1921	19,766,000
1922	33,350,000
1923	36,184,000
1924	40,001,000
1925	40,998,857

Imports 1925 increase of 330 per cent over pre-war five-year period and 107 per cent over 1921.

Total exports to Sweden:

Pre-war five-year average, 1910–1914	$10,033,000
1921	37,566,000
1922	32,468,000
1923	42,403,000
1924	42,266,000
1925	42,465,446

Exports 1925 increase of 323 per cent over pre-war five-year average.

Total imports from Canada:

Pre-war five-year average, 1910–1914	$117,213,000
1921	335,441,000
1922	364,025,000
1923	416,005,000
1924	399,068,000
1925	454,762,560

Imports increase of 288 per cent over pre-war five-year average and of 35.6 per cent over 1921.

Total exports to Canada:

Pre-war five-year average, 1910–1914	$315,044,000
1921	593,677,000
1922	576,687,000
1923	651,921,000
1924	623,165,000
1925	650,762,508

Exports increase of 107 per cent (1925) over pre-war five-year average.

To even the most casual observer these figures clearly prove that our present tariff has not mitigated against European countries selling their goods to the United States. It has not hampered their trade with us or restricted in any way the sales of their products in American markets. With but two or three minor exceptions every European country is selling us vastly more goods now than it did prior to the year the Fordney-McCumber tariff became a law, while Europe as a whole has increased her sales to the United States 62 per cent under the present tariff.

Therefore there is no validity in the argument which free traders constantly present to the agricultural sections of our country to the effect that they are being injured by the lack of a proper market in Europe for American farm products, and that this lack of a European market is due to the fact that European nations can not sell us goods and take American farm products in return because the present tariff operates to prevent this exchange of European goods for American farm products. The above figures, taken from the Government records, absolutely demonstrate the falsity of that assertion. They demonstrate that Europe is selling us more goods under the present tariff than before its enactment, and therefore is in a better position to take more of our goods in return. The figures show that Europe is taking more of our goods in return, although she is not taking more farm products. To the contrary, our exports of agricultural products to Europe have decreased very materially since the enactment of the Fordney-McCumber tariff, but this decrease is not due to the Fordney-McCumber tariff directly or indirectly. It is due to other reasons which, when they are fully set forth and understood, form the greatest argument in behalf of the need of a protective tariff for the American farmer that has ever been made.

EXPORTS OF FARM PRODUCTS STEADILY AND RAPIDLY DECLINE

Let us first measure the extent of this decline in exportation of American farm products to Europe. The trend has been steadily downward. In 1921 the exports of crude foodstuffs and food animals amounted, in round numbers, to $673,334,000 and constituted 15.38 per cent of all of our exports. They steadily declined until in 1925 the amount in round numbers was only $317,893,000 and represented only 6.6 per cent of our total exports. In 1921 the exports of manufactured foodstuffs amounted in round numbers to $685,000,000 and represented 15.66 per cent of all our exports. By 1925 these had gradually decreased to $573,735,000 and represented only 11.9 per cent of all our exports. The decline is still going on and it is particularly noticeable in exports of grain and grain products. According to the United States Bureau of Foreign Commerce—

Grain and grain preparations as a whole decreased in 1925 as compared with 1924 in the amount of 19 per cent. A still closer analysis shows the quantity of wheat grain exported declined 48 per cent; wheat flour, 30 per cent; and corn, 31 per cent. The value of all edible animal foods and oils of all kinds decreased 7 per cent, but in quantity the decrease was considerably more. Lard decreased in quantity 27 per cent; neutral lard, 45 per cent; tallow, 48 per cent; oleo oil, 8 per cent.

According to the monthly reports of the United States Bureau of Foreign Commerce this decline in exportation of farm products is being steadily maintained this year. Month by month, up to the latest complete available figures, our exports of farm products this year have been less than for the corresponding months last year, which, as stated above, were vastly less than for 1924. These figures clearly show that the export market of the farmer is rapidly approaching the vanishing point. Agricultural observers, after making a survey of the world conditions, state that the foreign demand for our farm products harvested this year will be no better than they were last year, if as good.

AMERICAN FARMER LOSES TO CANADA, ARGENTINA, AND AUSTRALIA

They attribute this to two reasons: First, European nations are gradually recovering their agricultural productive capacity. They are making greater effort than ever before to stimulate agricultural production. The war taught them the important lesson of being as self-sustaining as possible. But the most important factor which dominates the entire situation is the increasing competition to the United States farmer from producers of other agricultural countries. In commenting upon this the last annual report of the Department of Agriculture makes the following observation:

In planning wheat production the situation both in the United States and in the whole world should be considered. Even with the same acreage as last year a good average yield would place the United States on an export basis for most if not all classes of wheat. The trend of production in many countries that compete with the United States is upward. Production in European countries affected by the war is rapidly approaching pre-war status. Russia, a large exporter before the war, is recovering. The wheat-producing areas of Argentina, Australia, and Canada are now 53 per cent above pre-war average, and these countries have not yet reached their limit. Under these conditions only poor crops in important foreign wheat-producing countries can result in a situation comparable to that of last year, when the farmers of the United States had a good crop which they sold at high prices. * * *

Foreign competition continues to grow stronger in some lines of farm production. The wheat area of Canada has increased from a pre-war average of 10,000,000 acres to 22,000,000 acres in 1925. There are still large areas in Canada suitable for wheat production. Australian wheat area has increased from a pre-war average of 7,600,000 to 10,800,000. Argentina reports having shown a record acreage. The wheat area of these three countries together is now about 53 per cent above the pre-war average. Dairy production continues to expand in the Southern Hemisphere. New Zealand and Australia have just finished a season of record output. The production of these two countries has expanded greatly since the war. They still have room for expansion. Argentine dairy production has also increased considerably since the war. The further development of the western Provinces of Canada and the recovery of Europe are adding to the world's supply. Siberia, a large exporter of dairy products before the war, is also recovering.

We have conclusive evidence of the increasing danger of agricultural competition in the markets of the world from another Government source. The Sixty-seventh Congress directed the Foodstuffs Division of the Department of Commerce to make a survey of the agricultural situation in other countries, particularly those which compete with the American farmer in world markets. Acting under this resolution the Department of Commerce sent its experts to all quarters of the globe and published their findings in detail. They are a most notable contribution to the subject of agricultural economics.

These findings show that only one-tenth of the wheat land of the Argentine and only one-sixth of the wheat land of Canada is at present under cultivation, but that the virgin soil in each country is being brought under cultivation in an increasing quantity each year. The report also shows that in Canada, the Argentine, and Australia, because there is a comparatively small population in relation to the total area of tillable land and the total production of that land, it is possible to export an abnormally large percentage of their farm crops.

OTHER WHEAT-PRODUCING COUNTRIES UNDERSELLING AMERICAN FARMER

This statement is borne out by agricultural statistics obtained from the official records of each of those countries, verified by the United States Department of Agriculture and the United States Department of Commerce. These figures show that the production of wheat in the United States since the war has increased only 21 per cent over the pre-war average, but in Australia it has increased 49 per cent, in Argentina 33 per cent, and in Canada 73 per cent. The figures moreover show that as compared with the average exports of wheat in the pre-war period, Australia's exports of wheat since the war have increased 85 per cent, those of the Argentine 34 per cent, while Canada's exportation of wheat since the war has been 144 per cent greater than in the pre-war period. The figures show that while normally the United States exports only 15 per cent of its total wheat crop, Australia exports 55 per cent of its total wheat production, the Argentine exports 65 per cent of its total crop, and Canada exports one-half of its total crop. The figures further show that for the last two crop years Canada

has exported 72 per cent and 76 per cent, respectively, of its total wheat crop; Australia has exported 65 per cent and 71 per cent, respectively, of its wheat crop; and the Argentine has exported 70 per cent of its wheat crop.

This tremendous increase in exportation of wheat from these three principal agricultural competing countries explains why the American farmer's exportation of grain and grain products has so materially decreased. Putting it in simple language, it is because his agricultural competitors of the three countries named are underselling him in the European markets.

Nor is that the most menacing factor of the situation. The thing which concerns most vitally the American farmer is not only the fact that these countries are underselling him at present in the markets of the world, but it is inevitable that they will continue to do so in an increasingly alarming degree. Every known fact contributes proof of this statement. The report of the Foodstuffs Division of the Department of Commerce above referred to elaborates upon this phase and points out that because of cheap land in enormous quantities and other cheap production costs crops and livestock can be produced in those countries at a mere fraction of what they can be produced for in the United States even under the most modern and economic method of farming.

FOREIGN-PRODUCTION COSTS OF CATTLE, WHEAT, AND BUTTER

Further evidence is furnished by a special report of representatives of the Bureau of Animal Industry of the United States Department of Agriculture making a personal study on the ground of the livestock industry of the Argentine. This report goes into cost production very elaborately. Summing up, it shows that after counting in all production costs livestock in the Argentine can be produced ready for the market at 75 cents per hundred pounds; this stock is comparable in quality to the good grade of steers sold in this country.

The United States Tariff Commission in 1924 submitted the results of its study of the need of an increase in the duty on wheat. It went exhaustively into the production costs of wheat in this country and in Canada. The report shows that the cost of producing a bushel of wheat in the United States is 48 cents higher per bushel than the cost of producing wheat in Canada. It further shows this difference in cost is attributable to factors over which the American farmer has no control and which he can never remedy, such as higher land values, higher labor costs, higher costs of fertilizer due to older and, therefore, more impoverished soil.

In April last year the United States Tariff Commission submitted a report upon the advisability of increasing the duty on butter. This report showed that butter can be, and is, produced in Denmark for 13 cents a pound less than it can be produced in this country, and that butter is produced in Canada and New Zealand at from 24 cents to 28 cents per pound lower than it can be produced in the United States. In commenting upon this fact the report shows that the lower cost in New Zealand is largely the result of lower feed, labor, and shelter costs. In most regions of New Zealand cows are pastured the year round. No purchased concentrates are fed. The sowing of English grass and clover, which is especially favored by climatic and soil conditions, has increased the carrying capacity of the land, so that 1½ acres is sufficient to carry one cow in good condition throughout the entire year.

To sum up the situation: The great agricultural sections of the United States have been opened, settled, and brought to a high state of development, which has resulted in high land values and very high production costs. On the other hand, agricultural competing countries, such as the Argentine, Canada, New Zealand, Australia, and so forth, are still comparatively unsettled and undeveloped agriculturally. The Argentine is comparable to the conditions existing in the Mississippi Valley 50 years ago in so far as land values and labor costs are concerned, while the conditions in the agricultural sections of Canada are comparable to conditions which existed in the United States 25 years ago.

FARMERS' FOREIGN MARKET CERTAIN TO DISAPPEAR

This makes it possible for those countries to produce food at so much lower cost than the United States that their exports are driving the American farmer out of the European market by the simple and certain process of being able to always undersell him at a profit. Students of the agricultural economic situation have no hesitancy in predicting that the American farmer's foreign markets are rapidly and surely reaching the vanishing point because of these conditions.

From the foregoing we may summarize the following facts:

Europe is selling us more goods under the present protective tariff than at any previous time in history.

Europe is buying less farm products of the United States since the enactment of the present tariff than before; her purchases of farm products from this country are steadily declining, and will continue to do so.

Europe is buying less farm products of the United States because she is buying more from other agricultural-producing countries, due to their underselling the American producer.

This condition is certain to continue indefinitely and at least for another generation.

No tariff which we might write can change this situation. Even though the present tariff were repealed and we embarked upon a period of absolutely free trade it would not gain for the American farmer the sale of an additional bushel of grain or an additional head of livestock in the European markets. On the other hand, it would open up the American market to the importation of the cheaply produced farm products of the Argentine, Canada, Australia, New Zealand, and other countries.

FARM EXPORTS HAVE VERY LITTLE EFFECT ON FARM PRICES

Furthermore, the value of the European market to the American farmer is overestimated in the descriptions and arguments of free-trade orators. In this connection attention is directed to the Joint Commission of Agricultural Inquiry, appointed in 1921, composed of Members of the Congress, representing both the Senate and the House and both political parties. This commission was appointed for the purpose of making an exhaustive study of the economic phases of agriculture in the United States in response to a resolution passed by the Congress. An idea of the fairness and the representative character of this commission is furnished by citing its personnel: Senators LENROOT, of Wisconsin; CAPPER, of Kansas; and MCNARY, of Oregon, Republicans; ROBINSON, of Arkansas, and HARRISON, of Mississippi, Democrats; Representatives ANDRESEN, of Minnesota; MILLS, of New York; and FUNK, of Illinois, Republicans; SUMNERS, of Texas, and Ten Eyck, of New York, Democrats.

Certainly no charge of partisanship or political bypiay can be made against any report issued by such a commission and signed by all the members without any exception or without any reservation. Yet this report in discussing the relation of farm exports and farm prices was very definite in its conclusions that exports of farm products have very little influence upon farm prices; but, on the other hand, there is a very intimate relation between farm prices and domestic consumption; and, furthermore, that industrial depressions in the United States are always accompanied by a decline in farm prices because industrial depressions mean lessened domestic consumption.

The American farmer knows of his own experience the truth of this conclusion. He need go back no farther in his memory than the year 1921 to prove it. In that year the United States exported more grain of all kinds, more livestock, and more meat products than in any previous year in the history of American agriculture, but in spite of that fact farm prices in the year 1921 touched the bottom and the American farmer went "dead broke." If there is any merit or value in a foreign market for the American farmer the year 1921 should have seen him experiencing the greatest prosperity in his history. He obtained the European market that year, and what did it avail him? Bankruptcy!

HOLDING AND PROTECTING AMERICAN MARKET VITAL TO FARMER'S WELFARE

What would it avail him in any year to exchange his home market for the markets of Europe? In the United States the American farmer finds a market with a per capita consumption of 154 pounds of meat a year; the European country which most nearly approaches that record is England, noted abroad as a country of "beef eaters." Yet the per capita consumption of meat in England is only 103.5 pounds per year. In France the per capita consumption is 75 pounds; in Belgium, 68 pounds; in Italy, 42 pounds. Furthermore, in this connection it is worthy of notice that a very large proportion of meat consumed in Europe is horse meat, purchased because of its cheapness and included in the above per capita figures. Many foreign countries import canned and dried horse meat. It is not a generally known fact, but it is a fact, that the United States exports quite a quantity of dried and canned horse meat to various European countries.

The European workingman regards white bread as a luxury. In fact, it is well within the truth to state that in the majority of European countries working classes never eat white bread. The parallel might be extended to practically all other kinds of food products. Therefore the American farmer should view with suspicion any proposition which holds out to him the program of jeopardizing his market of American consumers in order that he may gain the market of European consumers.

The vital problem of the American farmer is not how he may capture European markets but how he may hold his American market and keep it prosperous. As just stated, during the

calendar year 1921 the American farmer exported more wheat, corn, oats, barley, and rice, both in the raw grain and as finished-food products, more livestock, and more meat products made from livestock than in any previous year in the history of the United States; more than he has exported in any year since that time. Yet in the year 1921 prices for farm products in the United States reached the lowest level recorded for a generation, lower than has been reached since that time. But it is also a matter of record that in 1921 approximately 5,000,000 wage earners ordinarily employed in the United States were walking the streets in enforced idleness. The records further show that the per capita domestic consumption of food in the United States during that year was the lowest of any year in the history of this generation. During that year of industrial depression and idle workingmen less meat products per capita, less bread per capita, less grain foods of all kinds per capita, less sugar per capita, were consumed because the American wage earner was out of a job and had no money to buy anything except the barest necessities, and those only in limited quantities.

INDUSTRIAL ACTIVITY AND DOMESTIC CONSUMPTION ESSENTIAL TO FARMER

The experience of the American farmer in 1921, which was but a repetition of previous experiences, proved beyond a doubt that it is not the American farmer's foreign markets consuming 10 per cent of his total production that is the measure of his prosperity and the hope of his future; to the contrary, both depend upon his domestic market, which is at present consuming 90 per cent of the output of American farmers.

To approach the same problem from another angle: In 1921 the per capita consumption of meats in the United States was 142 pounds. In 1925 the per capita consumption of meat in the United States was 154 pounds. This increase of per capita domestic consumption of meat during the past four years is equivalent to the increase of the consumption of more than 1,000,000 head of cattle. In 1921 the per capita consumption of flour was lower than for any previous year of record, and it has increased year by year since 1921. The same applies to sugar and practically all other food products.

Why the difference? Why the increase in the consumption of food during the last four years? Because the idle wage earners of 1921 have been put to work at steady employment and at a higher wage than ever before enjoyed in this or any other country.

WHAT INCREASED FACTORY PAY ROLLS SINCE 1921 MEAN TO AGRICULTURE

In 1921, according to the United States Census Bureau, there was paid out in wages to employees of strictly manufacturing industries $8,000,000,000. By 1923 (the last year the United States census reports are complete for manufacturing industries) these wages had increased to $11,000,000,000. The United States Department of Labor has made a study of the distribution of the workingman's dollar, based upon an actual survey of over 12,000 families of wage earners in 92 cities situate in 42 different States. This survey ascertained that 40 cents of every wage-earner's dollar is expended for food. With this as a base it is a matter of simple arithmetic to compute the fact that the employees of manufacturing industries alone in the United States in 1923 were expending $1,200,000,000 more for food than they expended in 1921. This does not take into account employees in other industries, of whom there were 1,000,000 in mines, with an annual pay roll of $1,500,000,000 in 1923. It does not include the annual pay roll of $2,868,000,000 paid to nearly 2,000,000 employees on railroads, including the clerical forces in offices. It does not include the 3,000,000 individuals employed as clerks, bookkeepers, stenographers, traveling men, and otherwise in the business world.

All of these, together with their enormous pay roll, were directly effected by the restoration of prosperity to the industrial world. Increased industrial activity involving the return to work of 5,000,000 men naturally meant the increased demand for raw material from the mines. It naturally meant a tremendous increase in the amount of freight carried by the railroads, which in turn meant an increase in the number of railroad employees. It naturally meant a tremendous increase in the personnel of the commercial enterprises which handle the output of the factories—the wholesale and retail concerns with their vast army of clerks and traveling men.

FARMER SELLS IN MARKET WHICH IS PROTECTED

This explains why, between 1921 and now, there has been a tremendous increase in the per capita consumption of all kinds of farm products. This explains why in the face of a steady decline in exportation of farm products since the enactment of the Fordney-McCumber tariff there has been an increase in the market price of those products. It is because the American wage earner has been put back on his job by the protective tariff. It is because the protective tariff is keeping him steadily employed at the American level of wages and when the American wage earner is so employed he is better fed, better clothed, better housed, better educated, and enjoys in every particular and detail an infinitely higher standard of living than the wage earner of any other nation in the world.

In order to serve their purpose the critics of the present protective tariff have coined a phrase—

The farmer buys in a protected market but must sell in an open market.

This is as deceptive as the old "free silver, sixteen to one," slogan or the Democratic catch phrase "he kept us out of war." The farmer buys in a protected market and he sells in a protected market. He sells in a protected market, a market created by protective tariff, a market composed of industrial consumers whose buying power is dependent almost entirely on the maintenance of a protective tariff.

FARMER'S MARKET IS DOUBLY PROTECTED UNDER PRESENT TARIFF

It is a market which, for the farmer, is doubly protected. First, it protects his industrial urban consumers in their jobs, which pay the highest wages ever paid in any nation in times of peace, 40 per cent of whose wages are expended for food products. Second, it protects him directly from the cheaply produced agricultural products of other countries. It prevents wheat produced at 48 cents less on the bushel than he can produce it from invading his market and taking it away from him. It prevents the products of the Argentine packing houses, purchasing cattle produced at 70 cents per hundred pounds, from invading his market and utterly wiping out our livestock industry. It prevents the cheap dairy products from northern Europe, New Zealand, and Australia from invading his market and destroying our tremendous dairy industry. It prevents the free importation of any and all agricultural products which can be produced and are produced in the United States.

It has been repeatedly asserted on the floor of this House, through the press, and on the public platform by the enemies of the protective tariff that this protection to the American farmer is purely theoretical. Over and over and over it has been cited on the floor of this House that some research bureau of the American Farm Bureau Federation made an independent investigation of the present tariff and found that it was not protecting the farmer at all in point of fact. Repeatedly it has been cited on the floor of this House that an organization known as the Fair Tariff League has made an investigation and found that the present tariff does not protect the farmer. Figures purporting to be taken from one or the other of these organizations have filled the RECORD for months and even years, in an effort to create the impression that two very disinterested and nonpartisan organizations, interested in the welfare of the farmer, have reached the conclusion that the tariff does not assist him. It is very noticeable that both of these authorities are quoted by the Democratic side of the House. This is as it should be. It is time to speak very plainly regarding the alleged investigations by those organizations.

EXPOSÉ OF FARM BUREAU'S ALLEGED TARIFF INVESTIGATION

During the summer of 1922, while the Fordney-McCumber tariff was being debated in the Senate, some of the national officers and the Washington representative of the American Farm Bureau Federation lobbied against the passage of that bill. In so doing they masqueraded in the name of the American farmer and misrepresented, without conscience, the attitude of the American Farm Bureau Federation. The principal national officers of the American Farm Bureau Federation at that time, as well as its Washington representaitve, Mr. Grey Silver, were all Democrats, and they used the name and reputation of the American Farm Bureau Federation to serve partisan purposes. In order to assist them in the work of influencing votes against the protective tariff during the consideration of the bill in the Senate they had their alleged research bureau make estimates showing what the proposed schedules would cost the American farmer. These estimates were made and published in the organ of the American Farm Bureau Federation during the summer of 1922, before the tariff became a law, before its schedules and rates had been agreed upon, and before any human being could possibly tell what the specific effect of the act as finally written would be upon any class of citizens, any section of country, or even any particular industry. The figures issued by this research bureau under those auspices were no more reliable as statistics than the doleful prediction of any other Democrat who foresaw ruin and disaster to the people of this country in event a protective tariff were enacted.

Figures concocted in this manner and for this purpose four years ago are the ones which are being still paraded by Democratic speakers on and off the floor of this House as the product of a disinterested and scientific organization and misrepresented

as having been made subsequent to the enactment of the tariff and based upon the study of the actual operations of the law. They are not entitled to the slightest credence by honest and intelligent men. They have no place whatever in an honest discussion of the actual effects of the present law.

SOMETHING ABOUT SO-CALLED FAIR TARIFF LEAGUE

The other authority frequently quoted at great length by Democrats is the so-called Fair Tariff League, which advertises itself always as "an organization favorable to protection, but to honest protection." This is a claim which is made even by the rankest free trader. Every sponsor of a Democratic free trade law, from Roger Q. Mills down to OSCAR UNDERWOOD, has protested that he was in favor of protection, but he wanted honest protection. In point of fact the Fair Tariff League is largely a one-man-top affair. Its chief executive officer, who is the only spokesman for the league, as well as its very active Washington lobbyist, is Harry E. Miles, who joined hands with the Democrats in both branches of Congress in 1922 to prevent so far as possible the enactment of a protective tariff. His activities are financed by importing interests. It is impossible to find anywhere any utterance of the Fair Tariff League in support of a single protective schedule. It is impossible to find anywhere the record of any action of the Fair Tariff League in support of a single protective schedule. The interests who are financing Mr. Miles desire free trade. They are not in favor of a fair tariff—they are not in favor of any tariff except the old-fashioned Democratic tariff for revenue only.

Every man, every interest, every organization has a right to be against a protective tariff, either from a selfish standpoint or because of the honest belief that such an economic policy would redound to the welfare of American people, but it is most unfair, dishonest, and deceptive to be against a protective tariff, in fact, while masquerading as being the friend of a protective tariff or being a disinterested scientific body.

NOT A SINGLE BONA FIDE FARM ORGANIZATION AGAINST TARIFF

To return to the misrepresentation carried on in 1922 by the national officers and the Washington lobbyist of the American Farm Bureau Federation. Proof that they misrepresented the sentiment of their membership and their constituent organizations of the several States is furnished in the official records of the United States Tariff Commission. Practically every State farm bureau federation in the United States has filed remonstrances with the United States Tariff Commission against any reductions in the present tariff.

Not only State farm bureau federations, but practically every organization representing bona fide agricultural producers is on record at the United States Tariff Commission in support of the present Fordney-McCumber tariff or in advocacy of increasing the duties of the present tariff. Democratic speakers on the floor of Congress and Democratic newspapers, while making the general assertions that the agricultural producers of this country are against protective tariff, have failed to cite a single statement by bona fide agricultural producing organizations advocating the repeal of the present tariff or a reduction of its schedules. It is particularly pertinent to note that in March this year Mr. L. B. Jackson, manager of the Georgia State bureau of markets, filed with the United States Tariff Commission a petition signed by nine southern Democratic governors against any reductions in the duty on vegetable oils. The nine Democratic governors who so affixed their signatures to this petition were Clifford Walker, of Georgia; Henry L. Fuqua, of Louisiana; John W. Martin, of Florida; M. E. Trapp, of Oklahoma; Thomas G. McLeod, of South Carolina; Austin M. Peay, of Tennessee; Tom J. Terral, of Arkansas; W. W. Brandon, of Alabama; and Henry L. Whitfield, of Mississippi.

Furthermore, it is a matter of record that in the lengthy hearings before the House Committee on Agriculture, extending over a period of several weeks, in connection with the various farm-relief measures, not a single agricultural producer, not a single representative of any bona fide agricultural organization, not a single representative of any farm bureau federation anywhere, not a single actual "dirt farmer" asked that the present tariff rates be reduced or that the present act be repealed, yet scores of such individuals appeared before the committee and gave testimony as to what in their opinion is the cause of agricultural distress and what should be done to alleviate it.

Is it not more than passing strange that if, as our free-trade critics allege, the present plight of the farmer is due to the tariff that none of these witnesses so testified or even intimated; is it not more than passing strange that if the farmer is convinced that the present tariff is a fraud, that it is an iniquitous law which operates to the injury of the farmer and the enrichment of the manufacturer, that there have not been protests filed with the Tariff Commission or testimony offered before congressional committees?

WHEAT FARMER HAS PROFITED $200,000,000 A YEAR BECAUSE OF PRESENT TARIFF

It surely ought not to require any elaboration to dispose of the fiction that the present tariff does not protect the farmer. Let me cite one example. According to the United States market reports compiled from official records, the Winnipeg price of wheat for the three years of 1914, 1915, and 1916, averaged 8 cents higher than the average price of wheat on the Minneapolis market for the same years. All of these years were under the Underwood tariff which provided no protection whatever to the American wheat, it being on the free list.

Since the enactment of the farmers' emergency tariff by the Republican Congress in May, 1921—the rates of which were embodied later in the Fordney-McCumber tariff—the average price of wheat on the Minneapolis market has been 20 cents higher than the average price on the Winnipeg market. No other explanation can be offered for this differential except the protective tariff placed on wheat by the Republican Party. No other market conditions, no other economic situation entered into the problem to cause this switch of a differential in the price of wheat from Winnipeg's favor to the favor of the Minneapolis market except that of the enactment of a tariff which took wheat off of the free list and gave it protection. This made a difference throughout the last five years of 28 cents per bushel in favor of the American market. In that time the American farmer has sold on an average 800,000,000 bushels of wheat a year. In other words, the tariff on wheat alone has netted the American farmer at least $200,000,000 a year. He got at least that much more for his wheat crop each year since the tariff went into effect than he would have obtained had wheat still been on the free list. Surely there is nothing theoretical about this protection.

In an effort to convince the farmer that he has not been benefited by the tariff our Democratic critics point to the fact that there has been a decrease of 31 per cent in the value of farm land since 1920. Inasmuch as the Democratic critics have raised this question, it might be well to review the circumstances. During the war and immediately subsequent thereto everything was on an inflated basis, farm land included. There was a presidential election in 1920. The fictitious prosperity of the war period was passing. The Underwood free-trade tariff began to exercise its normal and legitimate influences. Industries began to close or to lay off workingmen. Unemployment in industrial centers became critical in the summer of 1920, so critical that it occasioned comment from such organizations as the American Federation of Labor. At the same time prices were higher even than they had been during the war. The combination of decreasing employment and unparalleled high prices made it apparent to the Democratic administration that unless something drastic was speedily done the Democratic Party would be overwhelmingly defeated in urban and industrial communities. One of the steps taken in a vain attempt to prevent this was to have the War Department throw on the market tremendous quantities of surplus supplies of clothing, canned goods, leather goods, and so forth, in an effort to break down retail prices and cause a precipitate decline in the cost of living.

Another measure taken by the Democratic administration was to order a drastic deflation of credits. This order went forth from the Federal Reserve Board, which at that time was composed, with one exception, wholly of Democrats, appointees of President Wilson.

DEMOCRATIC DEFLATION STARTED FARMER ON ROAD TO RUIN

It was this deflation ordered by the Democratic administration in a frantic but futile endeavor to influence the elections in 1920 that started the American farmer on the road to ruin. It operated to his especial injury, because of the peculiar character of his property and his products. Those who defend this order of deflation point out that credits were restricted no more in agricultural sections than they were in those sections where the principal borrowers were engaged in mercantile and industrial enterprises. That is true. But there is this vital difference in the way the order for deflation operated.

The manufacturer whose credit was restricted was able instantly to curtail his production by laying off men; he was able by making some sharp reductions in prices to move the accumulation of goods in his warehouses and with the ready money thus obtained meet his obligations. He had to pocket some losses; nevertheless he was able to turn the corner. The merchant who was notified of the action of the bankers was able to go through the same process. He marked down his goods, inaugurated a sacrifice sale, and was able to clean up his high-priced invoices, obtain ready money, and begin on a

lower level. Not so the farmer. He could not offer any bargain sales in wheat, or hogs, or cattle. He could not turn over his high-priced land. Deflation and restriction of credit to him meant ruin, and so his land values began the downward march in 1920 as a result of this policy of the Democratic administration.

PRICES OF FARM PRODUCTS HAVE INCREASED UNDER TARIFF

It is illogical to attempt to connect the depreciation of the value of land since 1920 with the operations of the Fordney-McCumber tariff. The tariff effects the value of products of the land and not the land. There is no tariff upon land as a commodity. Land is neither imported nor exported. What has been the trend of prices of farm products under the protective tariff? The records show that while the value of land as a marketable commodity has declined 31 per cent from its inflated value of 1920, the value of products raised on the land has increased since 1920, so that in point of fact the farmer's land as a producing unit is more valuable to-day than it was in 1920, and it is perfectly capable of demonstration that these increases in the value of farm products are directly attributable to the beneficent operation of the protective tariff.

I cite the data showing the average price of farm products received by the producer at local farm markets for various periods: The five-year average August, 1909, to July, 1914; the average prices for April, 1921, and April, 1926; and the average prices for September, 1922, and September, 1925. The price received by the producer at local farm markets is taken because that is the fair price to quote in any discussion attempting to show what the farmer gets out of the tariff, inasmuch as such prices eliminate all transportation costs, commissions, and middlemen's profits. The month of April, 1921, is selected because it was the month immediately preceding the enactment of the farmers' emergency tariff, and the month of April, 1926, is selected in order that we may have a direct comparison as to seasonal prices after five years of operation of a tariff giving protection to farm products. The month of September, 1922, is selected because that was the month in which the Fordney-McCumber tariff became effective, and the month of September, 1925, is selected in order to afford correct seasonal price comparison following three years of operation of that tariff.

Table showing average price of farm products received by the producer at local farm markets (known as prices at farm) for the periods and the months indicated

	5-year average August, 1909, to July, 1914	April, 1921	April, 1926	September, 1922	September, 1925
Cotton, per pound	$0.124	$0.16	$0.166	$0.206	$0.225
Corn, per bushel	.642	.583	.657	.862	.988
Wheat, per bushel	.884	.119	.1422	.892	.1444
Hay, per ton	11.87	12.64	12.78	10.68	12.42
Potatoes, per bushel	.697	.109	.2705	.788	.1211
Oats, per bushel	.399	.372	.394	.391	.381
Beef cattle, per 100 pounds	5.22	5.53	6.66	5.44	6.27
Veal calves, per 100 pounds	6.75	7.73	9.45	8.10	9.07
Lambs, per 100 pounds	5.91	10.54	11.32	9.43	11.95
Hogs, per 100 pounds	7.23	8.50	11.49	8.75	11.50
Butter, per pound	.255	.395	.411	.348	.411
Eggs, per dozen	.215	.205	.248	.273	.311
Wool, per pound	.177	.179	.332	.316	.378

These figures clearly demonstrate that the value of products which are raised on the farm, and which in the long run must determine the real value of farm land as an investment, have very appreciably increased since the enactment of a protective tariff in 1921.

CONGRESS MAKES EFFORT TO RELIEVE AGRICULTURAL DISTRESS

Notwithstanding the operation of the tariff which has undoubtedly benefited our agricultural interests, notwithstanding the additional fact that Republican Congresses beginning with the special session in the spring of 1921 have enacted more legislation for the purpose of permanently benefiting agriculture than has been enacted in any period of 50 years in the history of the United States prior to 1921, the condition of American agriculture to-day is not what it should be. No one denies that relatively American agriculture is not as prosperous as other industries. It is a situation which gives grave concern to all other classes of industry and business, for it is one of the fundamentals in political economy that agriculture is a basic industry which, if it languishes, imperils the prosperity of all other industries. This is especially true in the United States, where the agricultural sections are known to contribute 40 per cent of the buying power of the Nation. This Congress has spent a great deal of its time and devoted probably more thought in an attempt to solve the distress of American agriculture than was spent upon all other subjects before this body during this session. The culmination of this effort was the action of the House upon the farm-relief measure known as the Haugen bill. There was an honest difference of opinion regarding the merits of this proposal, it was a difference of opinion which cleft party lines. The bill was defeated by a vote of 212 to 167, a negative majority of 45. Immediately following the defeat of the bill Representative OLDFIELD, of Arkansas, chairman of the Democratic Congressional Campaign Committee, issued a statement to the press declaring the responsibility of the defeat of the bill rested on the Republican Party and on President Coolidge, saying "he does not want the farmers to get the relief and consideration to which they are entitled." Representatives OLDFIELD closed his statement with the invitation that the farmers support the Democratic Party, which would give them relief by repealing the tariff, thereby assuring them of lower prices for everything which they bought.

The sentiments expressed by Representative OLDFIELD have been reiterated on the floor of this House, in debate on the floor of the Senate, in emanations from the Democratic National Committee's headquarters, and in various newspapers critical of the administration. For that reason it is pertinent to analyze the truth and validity of the statement.

The effort to place responsibility of the defeat of the Haugen bill on the shoulders of the Republican administration and the industrial East will not stand the test of honest scrutiny. Representative OLDFIELD hails from the solid Democratic State of Arkansas. It is an agricultural State. It never has had a Republican representative in either branch of Congress, it never had a Republican State government. By no stretch of the imagination can it be said that the Representatives from the State of Arkansas take any orders from a Republican President or from the industrial East. There are seven Representatives in the House from Arkansas and the Haugen bill received the support of only three. How does Representative OLDFIELD explain that fact in view of his charge that the defeat of the bill was due to the Republican Party not desiring the farmer to obtain the relief to which he is entitled?

DEMOCRATS OF "SOLID SOUTH" AGAINST HAUGEN AND M'NARY BILLS

The Haugen bill was defeated by a margin of 45. An analysis of the vote shows that 89 Democrats voted against it, 66 voted for it, and 27 did not desire to be recorded either way. Here, then, we have the clear majority of the Democrats in the House voting against the bill which Representative OLDFIELD and other Democratic leaders say would have given the relief to which the farmer is entitled. Some of these Democrats come from industrial communities and voted against the bill for the same reason that Republicans from industrial communities voted against it.

But what can be said of the Democrats representing the "solid South," the section which is strictly agricultural? If the Democratic Party wanted to give the western farmer relief, why did not this section, which forms the bone and sinew, the backbone and the heart of the Democratic Party, justify its professions by its works? An analysis of the roll call shows that 68 Democrats from the solid Democratic southern agricultural States voted against the bill. If one-half of this number had supported the bill, it would have passed. Representative OLDFIELD'S State was not the only solid Democratic Southern State which failed to support this bill, whose defeat is now vainly and falsely attributed by the Democratic leaders to alleged sinister influences within the Republican Party. The bill failed to receive the support of the majority of the Democratic delegations, not only from the State of Arkansas but also from Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, Texas, and Virginia. It received the support of the majority of the Democratic delegations from only Alabama, North Carolina, and Oklahoma.

The record of the Democratic Party in the Senate is even more significant. The roll call on the McNary bill, June 24, 1926, shows both Democratic Senators from Florida, Louisiana, Georgia, Virginia, and Mississippi, and one Democratic Senator each from South Carolina, Arkansas, Texas, and Alabama voted against the McNary bill. Out of a possible 20 votes which the Democratic "solid South" representing agricultural States could have cast for the bill, 14 were cast against the bill. It was beaten by 5. Here again half of the votes cast by southern Democratic Senators against the bill could have saved it had they voted for it.

These facts should estop any Democratic speaker, any Democratic paper, or any other medium of publicity from any future attempt to lay the defeat of the Haugen bill in the House or the McNary bill in the Senate at the door of the Republican administration. This is wholly aside from the merits of the bill, wholly apart from any discussion as to whether or not the bill should have been defeated. It is a mere statement of fact made for the purpose of exposing the hypocrisy of Demo-

cratic claims of great solicitude for the western farmer, an exposure of the insincerity of the invitation extended to the western farmer to join the Democratic Party if he would have remedial legislation.

DEMOCRATIC PARTY NEVER FRIEND OF WESTERN FARMER

The same thing happened in 1924, the year the first Haugen bill was defeated in the House. Then, as this year, the number of Democratic votes from the solid South cast against the bill was greater than the total majority cast against the bill. The Democratic Party has never been the friend of the western farmer. It deflated him in 1920. It never afforded him any protection in any tariff it ever wrote. The agricultural schedules of the present tariff when compared with the agricultural schedules of the Underwood tariff clearly prove that the Democratic Party never took the western farmer into consideration. A comparison of the protection afforded farm products under the two laws is herewith presented:

Comparison of protection afforded farm products under the Fordney-McCumber Act and the Underwood Act

	Fordney-McCumber Act	Underwood Act
Wheat	30 cents per bushel	Free.
Corn	15 cents per bushel	Do.
Buckwheat	10 cents per hundredweight.	Do.
Rye	15 cents per bushel	Do.
Rice	1 cent per pound	½ cent.
Eggs, fresh in shell	8 cents per dozen	Free.
Eggs, dried	18 cents per pound	10 cents.
Eggs, frozen or otherwise preserved	6 cents per pound	2 cents.
Potatoes	50 cents per hundredweight.	Free.
Milk	2½ cents per gallon	Do.
Cream	20 cents per gallon	Do.
Poultry, live	3 cents per pound	1 cent per pound.
Poultry, dressed	6 cents per pound	Do.
Onions	1 cent per pound	20 cents per bushel.
Butter	8 cents per pound	2½ cents per pound.
Oleo and all butter substitutes	do	20 per cent.
Cheese and all substitutes	5 cents per pound	Do.
Lard	1 cent per pound	Free.
Honey	3 cents per pound	10 cents per gallon.
Barley	20 cents per bushel	15 cents per bushel.
Beef, fresh	3 cents per pound	Free.
Veal	do	Do.
Mutton	2½ cents per pound	Do.
Lamb	4 cents per pound	Do.
Pork	¾ cent per pound	Do.
Bacon	2 cents per pound	Do.
Ham	do	Do.
Lard substitutes	4 cents per pound	Do.
Meats, all classes preserved or prepared	20 per cent	Do.
Cattle	1 to 1½ cents per pound.	Do.
Swine	1½ cent per pound	Do.
Sheep	$2 per head	Do.
Horses and mules valued at $150 and less.	$30 per head	Levied flat 10 per cent on all cases.
Valued above $150	20 per cent	
Wool, scoured	31 cents	Free.
Soya bean	½ cent per pound	Do.
Hay	$4 per ton	$2 per ton.
Straw	$1 per ton	50 cents per ton.
Oats	15 cents per bushel	6 cents per bushel.
Flaxseed	40 cents per bushel	20 cents per bushel.
Alfalfa seed	4 cents per pound	Free.
Alsike clover seed	do	Do.
Crimson clover seed	1 cent per pound	Do.
Red clover seed	4 cents per pound	Do.
White clover seed	3 cents per pound	Do.
Millet seed	1 cent per pound	Do.
Timothy seed	2 cents per pound	Do.
Beans, green	½ cent per pound	25 cents per bushel.
Beans, dried	1¼ cents per bushel	Do.

On all wheat products, such as flour, semolina, cracked wheat, etc., the Fordney-McCumber tariff levies a duty of 78 cents per hundredweight.

On all corn products, such as grits, corn meal, corn flour, etc., a duty is levied of 30 cents per hundredweight.

On oatmeal, rolled oats, oat grits, and similar oat products, a duty is levied of 80 cents per hundredweight.

On all barley products, such as barley flour, pearl barley, etc., a duty is levied of 2 cents per pound.

On all cereal breakfast foods and other cereal preparations, not especially provided for, 20 per cent ad valorem.

DEMOCRATIC REMEDY FOR HIGH PRICES IS NATIONAL BANKRUPTCY

The promise of the Democratic Party that if the farmer will put it in power it will relieve him of high prices by a repeal of the tariff is a promise capable of fulfillment to the uttermost. There is no doubt that if the Democratic Party is given control of Congress and writes a Democratic tariff that the farmer will be relieved of the burden of high prices. There is no doubt of the effectiveness of the remedy. This is on a par with the policy of burning the barn to catch the rats. A Democratic tariff will undoubtedly bring an era of low prices. It will undoubtedly put agriculture on a level with industry by putting both agriculture and industry on the dead level of absolute ruin and bankruptcy.

The argument is advanced by opponents of the protective tariff that under this tariff and because of it, prices of commodities which the farmer must purchase have been unreasonably increased. It is asserted that because of this alleged advance the dollar of the American farmer will not buy as much to-day of manufactured goods as it did prior to the enactment of the Fordney-McCumber tariff.

Few, if any, manufacturers sell directly to the consumer. Comparatively few manufacturers sell directly to the retailer. The manufacturer sells to the jobber or wholesaler. Therefore, if he increases his prices, the first and certain indication of such increases is found in the record of wholesale prices. If the protected manufacturer has unreasonably advanced his prices since the enactment of the present tariff, such an advance must be evidenced in the record of wholesale prices of manufactured articles.

The Bureau of Labor Statistics of the United States Department of Labor has just issued a report of wholesale prices of commodities month by month for the last two years. It is a favorite charge by Democrats in these days that by some subterranean influences our Federal departments are furnishing data colored by desire to be partial to the cause of the Republican administration. For this reason, and this alone, it should be emphasized that that bureau of the Labor Department which issues statistics is practically 100 per cent Democratic. In fact, it is generally known that the ranking officers of the Department of Labor outside the Secretary and his assistants are nearly all Democrats. The chief clerk of the Department of Labor is Samuel Gompers, jr. The head of the Bureau of Labor Statistics is a Samuel Gompers Democrat. In view of this it can not be charged that there is the slightest possibility of any data obtained from that bureau being tinctured or colored in any way to favor the policies and the theories of the Republican Party.

WHOLESALE PRICES OF FACTORY GOODS HAVE GREATLY DECLINED

The report of wholesale prices above referred to will prove very embarrassing to the critics of protective tariff. It shows that the wholesale prices of practically all commodities which figure largely in everyday necessities have materially decreased during the last two years. I herewith submit the table in detail as copied from the reports of the Bureau of Labor Statistics:

Index numbers of wholesale prices, by groups and subgroups for each month, 1924 and 1925

[1913=par]

Year and month	Cloths and clothing					Iron and steel	House furnishings		Farm products				All foods
	Boots and shoes	Cotton goods	Woolen goods	Silks, etc.	All cloths and clothing		Furniture	House furnishing goods	Grains	Livestock and poultry	Other farm products	All farm products	
1924													
Average for year	182.1	194.5	208.9	163.1	190.9	148.9	153.2	172.8	141.3	112.4	173.6	143.4	144.2
January	182.9	211.1	207.1	198.6	200.1	160.8	155.1	175.8	121.0	103.8	193.9	144.4	143.2
February	182.9	203.5	207.1	186.3	196.0	160.8	155.1	175.9	123.7	105.2	185.8	143.0	143.1
March	182.9	195.2	208.2	169.2	191.4	160.1	153.7	174.8	120.7	110.4	170.1	137.2	140.8
April	182.8	193.5	208.4	155.4	189.1	155.1	153.7	174.7	118.4	114.3	170.7	138.5	137.1
May	182.7	192.5	208.1	140.1	186.8	151.1	153.7	172.5	120.1	110.4	168.6	136.4	136.6
June	182.7	194.3	206.3	141.1	187.2	148.7	153.3	171.8	126.5	104.9	164.7	134.0	135.6
July	182.7	192.9	205.6	149.5	187.5	146.2	152.5	170.8	144.6	109.4	168.8	140.9	138.7
August	181.2	194.8	206.1	166.5	189.9	143.3	152.5	171.0	150.3	118.6	168.3	145.3	144.0
September	180.9	188.6	207.3	154.6	186.5	140.5	152.5	171.1	151.6	116.6	163.7	143.1	147.7
October	181.6	188.0	213.8	157.5	188.4	138.9	152.5	171.0	162.4	123.5	166.6	149.2	151.6
November	182.9	187.7	216.2	167.4	190.4	138.9	152.5	172.0	166.8	113.7	174.9	149.5	153.8
December	183.6	187.7	217.6	171.2	191.4	142.8	152.5	172.4	185.5	118.5	178.7	156.7	157.9

Index numbers of wholesale prices, by groups and subgroups for each month, 1924 and 1925—Continued

Year and month	Cloths and clothing					Iron and steel	House furnishings		Farm products				All foods
	Boots and shoes	Cotton goods	Woolen goods	Silks, etc.	All cloths and clothing		Furniture	House furnishing goods	Grains	Livestock and poultry	Other farm products	All farm products	
1925													
Average for year	186.2	181.1	212.7	171.6	189.6	138.3	140.3	160.2	172.3	140.1	167.0	158.1	157.5
January	185.4	185.7	219.2	166.4	191.1	145.7	153.5	172.6	201.7	123.2	182.6	163.4	159.8
February	185.9	184.3	218.9	168.5	191.0	146.1	153.5	172.5	198.7	126.9	175.7	161.5	156.9
March	186.5	185.4	220.1	159.6	190.7	145.1	150.2	170.1	179.6	143.8	161.9	161.3	158.9
April	186.5	183.7	218.4	160.9	189.9	140.0	150.2	170.5	167.2	137.4	159.7	153.0	154.0
May	186.5	180.4	214.4	165.4	188.4	137.6	150.2	170.5	179.7	131.9	156.3	151.9	153.2
June	186.5	178.6	213.5	169.8	188.2	135.6	150.2	169.9	175.3	130.7	159.5	155.4	155.3
July	186.6	179.6	213.1	172.1	188.8	134.9	149.7	169.2	164.6	153.7	166.6	161.8	157.3
August	186.7	181.4	211.6	177.5	189.7	134.0	149.7	169.2	168.8	155.0	166.5	163.1	159.2
September	186.7	182.3	206.9	180.6	189.3	133.7	147.6	167.6	157.5	155.5	164.9	160.4	160.3
October	186.7	182.9	206.4	181.0	189.5	134.2	147.4	167.9	153.2	145.3	164.5	155.3	157.6
November	186.7	178.7	207.7	177.3	187.9	136.2	145.3	165.9	158.2	135.0	168.9	153.9	160.2
December	186.6	175.7	207.3	180.3	187.1	137.0	145.3	165.9	165.3	130.5	165.6	152.2	157.1

Reference to the above table shows that the wholesale prices of cotton textiles and woolen textiles have decreased during the last two years despite the persistent charge of free-trade orators and papers that our textile manufacturers are growing inordinately wealthy because of our protective tariff, due to the alleged fact that they have "hiked" prices since they were given the Fordney-McCumber Act. The table shows that with the exception of silks, which have tremendously advanced, the whole group of clothing and textile goods have radically declined in wholesale prices. Moreover, it does not need the statement of the statistician to convince the wife of the American farmer that she can buy cotton goods much cheaper to-day than she could two, or three, or four years ago. Evidently, then, the argument that the protective tariff has increased the cost of clothing to the American farmer because of the unfair protection it affords the American textile manufacturer is not founded on fact and can not be substantiated by any evidence.

PROTECTED TEXTILES CHEAPER, BUT FREE LEATHER GOODS HIGHER

It is rather ironic that this table shows the wholesale price of boots and shoes has increased in the last two years despite the fact that all leather and leather goods are on the free list. Our free-trade advocates will have some little difficulty in reconciling this fact to their theory.

When the Fordney-McCumber Act was written the agricultural interests of the United States were consulted to a greater degree than they were ever consulted before, and it may be said, to a greater degree than any other interest was consulted during the formulation of that bill. The agricultural bloc in the Senate held the balance of power during the consideration of that bill and obtained exactly what it desired in the interest of the farming communities. As a result, more farm products were given protection in this bill than in any previous tariff bill, and more manufactured goods which enter largely into the conduct of agricultural industry were placed on the free list than ever before in the history of tariff legislation. I have already cited the comparative protection afforded farm products under the present law and the Underwood law. I now present the free list of the Fordney-McCumber tariff of products directly or indirectly used in agricultural pursuits.

"FARMERS' FREE LIST" OF FORDNEY-M'CUMBER TARIFF

Agricultural implements: Grain drills and planters, cotton gins, cream separators valued at not more than $50, cultivators, tooth harrows, disk harrows, harvesters, headers, horserakes, mowers, plows, reapers, threshing machines, wagons, carts, machinery for use in manufacture of sugar, repair parts for all of the above; all other agricultural implements in whole or part, including their repairs, not otherwise provided for.

All animals imported for breeding purposes except black and silver foxes.

Vaccines, serums, etc., for inoculation of animals against disease.

Asbestos.

Waste bagging and waste sugar sack cloth.

All binding twine manufactured from hemp, hennequen, sisal, grass, manila, Tampico fiber, or a mixture of any two or more of them.

Bones, crude or ground; bone dust, bone meal, bone ash, and all animal carbon for fertilizing purposes.

Borax, crude and manufactured, and borate of lime, borate of soda, and other borates.

Brick, except art brick.

Bristles.

Nitrates, lime nitrogen, cyanamide, chloride, and other like chemicals for use in fertilizing material.

Cement.

Coal: Hard, soft, shale, slack, and culm.

Coke: All compositions used for fuel in which coal or coal dust is the chief material.

All coal-tar products, including creosote benzene, naphthalene, pitch, crude tar.

Coffee.

Cocoa.

Composition metal, of which copper is the chief material; copper ore, and copper in plates, bars, ingots, or pigs.

Copper sulphate.

Cork.

Cotton and all cotton waste.

All crude drugs, both of vegetable and animal origin, not edible.

All dyeing and tanning materials.

All leather and all leather goods, such as gloves, sole leather, boots and shoes, and all other leather goods, including harness, saddles, and saddlery, either in whole or in parts, except metal parts.

Grasses and fibers, including jute, manila, sisal, hennequen, etc.

Guano, ground or unground; manures and all other substances used for fertilizer.

Hones and whetstones.

Ropes made of rawhide.

Hides of cattle.

Asphalt and bitumen.

Oil cake and oil-cake meal.

Oils: Mineral oils, such as petroleum crude oil, fuel oil, and refined oil, and all distillates obtained from petroleum, including kerosene, benzene, gasoline, naphtha, paraffin, etc.

Phosphates.

Horse pads.

Potassium compounds and all crude potash salts used in manufacture of fertilizer.

Sulphur in any form.

Turpentine and spirits of turpentine and rosin.

All barb wire, whether plain or galvanized.

All wood, unmanufactured, such as clapboards, lath, logs, hewn timber, ship timber, sawed boards, planks; timber, plain, or finished on one side, two sides, three sides, or four sides; paving posts, pickets, staves of wood, and hoops.

STEEL AND IRON PRICES DECLINE UNDER THIS TARIFF

Our Democratic friends make the counter argument that the free list is meaningless because while farm implements, for example, are admitted free of duty, the material from which farm implements are made pays a very heavy duty and by reason of this fact the iron and steel industry is profiteering at the expense of the farmer because of the increased price of raw material which enters into the manufacture of his implements. Again referring to the report of the Bureau of Labor Statistics it will be seen that the wholesale price of iron and steel has very materially decreased during the last two years so that the implement manufacturer, in common with every other manufacturer who uses iron and steel, is paying less for his raw material despite the fact that iron and steel are given protection. It is a matter of common information that the steel industry of Europe and of Japan is laying raw steel down in the United States in tremendously increasing quantities. It is a matter of common knowledge that the largest manufacturer of automobiles is purchasing a tremendous quantity of steel from European concerns and laying it down at his factories for less money than the American steel industry can produce it. It is a matter of common information that within the last 90 days one of the large New England railroads has let its contract for steel to a European concern which, under the terms of the contract, will lay the steel down in New England for less money than it could be produced at American mills. It is a matter of common information that

steel from Japan is being delivered on our Pacific coast for much less than it can be produced in this country. In view of these facts, plus the trend of the wholesale price of iron and steel, as shown in the above table, it is a deliberate falsification of the record to assert that our iron and steel industry is profiteering off the American farmer, because of the Fordney-McCumber tariff.

TARIFF HAS NOT INCREASED EXPENDITURES OF RAILROADS

It has been frequently asserted that the tariff has instituted high railway freight rates because it has imposed such a burden upon the railroads that they must reimburse themselves at the expense of agricultural communities. I quote from a recent speech delivered in the Senate by Senator PAT HARRISON, of Mississippi, in which he said:

In the shipment of his [the farmer] wares to the markets over the railroads rates are imposed upon him figured upon the capital invested by the carrier, which capital invested is increased through the rates imposed upon the thousand and one things that enter into railroad construction and operation. From steel rails to the luxuriously furnished passenger cars, from station house to glass insulators, he pays his part of the tariff. On every copper wire, every spike and every bolt, every rod and every bar employed in the construction and operation of the railroad he pays his part of the tariff.

This argument has been used over and over in an effort to prejudice the farmer against the tariff. I herewith submit data from reports made by the railroads to the Interstate Commerce Commission showing the expense of Class I railroads for the items indicated in the years designated:

Labor—Salaries and wages

1916	$1,365,776,046
1921	2,589,716,833
1922	2,468,454,036
1923	2,785,238,264
1924	2,624,618,637
1925	2,660,000,000

Material, supplies, and miscellaneous

1916	$550,913,977
1921	1,133,900,365
1922	1,150,488,825
1923	1,265,968,381
1924	1,132,451,239
1925	1,153,000,000

Taxes

1916	$157,118,372
1921	275,875,990
1922	301,034,923
1923	331,915,459
1924	340,336,686
1925	359,000,000

Fuel (locomotive)

1916	$250,544,862
1921	523,724,145
1922	518,283,929
1923	529,219,236
1924	437,141,694
1925	406,000,000

According to the Bureau of Railway Economics, the distribution of the railroad's dollar is as follows:

1924: Labor (salaries and wages), 44.3 cents; fuel (locomotive), 7.4 cents; material, supplies, and miscellaneous, 19.1 cents; loss and damage, injuries to persons, and insurance, 1.8 cents; depreciation and retirements, 3.5 cents; taxes, 5.8 cents; hire of equipment and joint-facility net rentals, 1.7 cents; total expenses and taxes, 83.6 cents; net railway operating income, 16.4 cents.

These figures show that the cost of material and supplies used in railroad construction and operation for the year 1925 was only $3,000,000 greater than in the year 1922, nine months of which were under the Underwood free trade act. The table shows that the expense of railroad material and supplies in 1925 was $112,000,000 less than in 1923, the first year the present tariff was in operation. These figures completely destroy the argument that there have been increased expenditures of railroads because of the tariff and that as a result it has been necessary for them to increase freight rates on agricultural commodities. The table shows in point of fact that the increase in railroad expenses has not been due to any increase in the cost of copper wires, spikes, bolts, rods, or bars which Senator HARRISON refers to, but to an increase in wages and in taxes, neither of which is attributable to the tariff.

MANUFACTURERS DO NOT PROFITEER AS RESULT OF TARIFF

To summarize, we have eliminated the item of clothing and textiles (other than silks), of steel and iron which enters into the manufacture of implements, railroad construction, and so forth, the item of household goods and furniture, and we have eliminated a vast quantity of commodities, included in the "farmers' free list" which are used especially in agricultural pursuits and which embrace practically all the essentials needed by the farmer in connection with his industry. The price of none of these items of manufactured goods has been increased by the manufacturers enjoying protection under the present tariff schedules. This is not asserting that in some cases and in some places the prices of some of these commodities may have been increased to the farmer, but it is stating that if such an increase has been demanded of him it is not due to an increase in price at the mills and the factories which produce the article, and, therefore, it can not be charged against the tariff.

AMERICAN WAGES FROM THREE TO EIGHT TIMES HIGHER THAN IN EUROPE

Of course, the American farmer, in common with every other consumer of manufactured goods, could buy all such articles much cheaper provided the protective tariff were wiped out and the manufacturers of Europe could have free and unlimited access to the American market. If we had no protective tariff the American farmer would be able to buy all of his manufactured goods much cheaper, no matter whether it was a lawn mower, a pocketknife, or a straw hat. He could do this because European goods are made at prices much lower than the American manufacturer can produce them and maintain his present wage scale. For the information of those who labor in our industrial plants I submit a number of tables showing the wages paid in various European countries in various industries. These tables are the latest data obtainable and are in every case taken from Government records in the countries indicated. They very well bear out the statement that American wages are from three to eight times higher than wages paid in European countries in comparable industries.

WAGES UNDER PRESENT TARIFF HIGHEST EVER KNOWN IN UNITED STATES

At present, under the Fordney-McCumber tariff, American wages are the highest ever known either in this country or any other country in times of peace. The United States Bureau of Labor Statistics has just completed an investigation covering all organized trades in 66 of the principal cities of the United States, giving the comparative wage as of May 15 in each year indicated. It summarizes the result of its investigation as follows:

In all trades taken collectively the hourly union wage rate on May 15, 1925, was higher in the United States than in any preceding year, 4.3 per cent higher than on the same date in 1924, 108.5 per cent higher than in 1917, 136.9 per cent higher than in 1913, 152 per cent higher than in 1919, 165.2 per cent higher than in 1907.

The American farmer can reduce the American wage earner to the level of the European if he so desires by assisting those who would tear down our tariff walls, and he should do this if he figures that by so doing he will be the gainer in the transaction. Any time the American farmer desires to exchange the American wage earner, who eats beef and veal and pork and mutton, and consumes 154 pounds of it a year, for the European workingman, with his poverty-stricken standard of living; any time the American farmer desires to exchange the American industrial worker, who eats white bread three times a day, for the European laborer, who eats it not at all, he can take a long step in that direction by assisting the enemies of protective-tariff system tear down the tariff walls.

Any time the American farmer desires to buy all of his manufactured goods from foreign producers because he can get them for less money, he can realize his desires by voting to repeal the protective tariff now in force and effect. But when he does so, he not only throws his best customer out of work but he enables all American consumers to purchase the cheap wheat from Canada, cheap dairy products from all quarters of the globe, and cheap meat products from the pampas-grass plains of Argentine.

American industry and American agriculture are interdependent. American industry can not injure or destroy American agriculture without striking at a class of people who purchase on the whole 40 per cent of the products of American mills and factories. American agriculture can not injure or destroy American industry without striking at a class of people who purchase 90 per cent of the output of the American farm.

FARMER AND WAGE EARNER BOTH PROSPER UNDER PROTECTIVE TARIFF

It is not a one-sided arrangement wherein the farmer, to use the deceptive catch phrase which has become current, "buys in a protected market and sells in an open market." Under the present protective-tariff system the farmer sells in a protected market and he buys in a protected market. The American wage earner buys in a protected market and he sells in a protected market. By reason of this exchange of commodities between the protected farmer and the protected wage earner the living standards in the city and on the farm are maintained at a level which is the astonishment and the admiration of the civilized world.

Minimum hourly wage rate paid for adult workers in industries indicated in Brussels, Belgium, as of October, 1925

[Data obtained from United States consular report from Brussels]

Industry and occupation:	Cents
Metal workers—	
Boiler firemen	13.56
Iron workers	14.69
Copper founders	18.08
Iron founders	13.56
Iron forgers	15.82
Blacksmiths	18.08
Automobile mechanics	16.95
Automotive electricians	13.56
Oxygen welders	16.95
Carriage makers	18.08
Lathe hands	18.08
Food industries—	
Cake makers	14.69
Bakers	15.30
Chocolate makers	14.69
Pastry makers	14.69
Clothing industries—	
Lingerie workers	6.78
Milliners (per month)	$24.86
Fur makers (per month)	10.17
Pressers	6.32
Women's tailors	14.69
Men's tailors	14.46
Machine knitters	11.30
Construction industries—	
Roofers	13.56
Asphalt workers	12.43
Cement workers	13.56
Carpenters	17.40
Masons	13.56
Marble workers	14.69
Mosaic workers	15.82
Painters	14.69
Plumbers	15.59
Miscellaneous industries—	
Chair makers	17.40
Cabinet makers	18.08
Upholsterers	13.56
Coopers	14.69
Cigar makers	12.64
Jewelry makers	18.08
Silversmiths	18.08
Chauffeurs (per week)	$7.00
Gardeners	11.30
Moving-picture operators (per week)	$5.65

Average daily wages paid in various industries in French cities as of October, 1924

[Data from bulletin issued by the French Bureau of General Statistics, January, 1925]

PARIS

Males:	
Printers, compositors	$1.733
Bookbinders	1.545
Tanners	1.461
Tailors	1.670
Wood turners	1.670
Cabinetmakers	1.670
Pit sawyers	1.566
Carpenters	1.566
Joiners	1.566
Plumbers	1.566
Blacksmiths	1.879
Locksmiths	1.566
Metal turners	1.566
Watchmakers	1.607
Quarrymen	1.461
Stonecutters	1.670
Masons	1.670
Navvies	1.461
Tilers	1.566
House painters	1.566
Ornamental carvers	2.088
Brickmakers	1.252
Glaziers	1.628

CITIES OTHER THAN PARIS

Males:	
Brewers	1.022
Printers (compositors)	1.169
Bookbinders	1.126
Tanners	.993
Saddlers (harness makers)	1.064
Shoemakers	.904
Tailors	1.170
Dyers (scourers)	1.024
Weavers	.910
Ropemakers	.956
Wheelwrights	1.641
Wood turners	1.157
Coopers	1.154
Cabinetmakers	1.234
Upholsterers	1.224
Pit sawyers	1.097
Carpenters	1.248
Joiners	1.193
Coppersmiths	1.217
Tinsmiths	1.171
Plumbers	1.205
Blacksmiths	1.230
Farriers	1.144
Stovemakers	1.155
Males—Continued.	
Locksmiths	$1.180
Metal turners	1.233
Watchmakers	1.296
Quarrymen	1.141
Stonecutters	1.301
Masons	1.239
Navies	1.026
Tilers	1.248
House painters	1.193
Ornamental carvers	1.541
Brickmakers	1.157
Potters	1.044
Glaziers	1.158
Laborers	.857
Average	1.148
Females:	
Ironers	.614
Dressmakers	.579
Seamstresses	.549
Waistcoat makers	.631
Lace makers	.579
Embroiderers	.612
Milliners	.591
Average	.592

Wages paid in specific cities and industries

Industry and occupation	Locality	Daily wages, October, 1924
Boots and shoes; gloves:		
Shoe workers, male	Lyon	$0.835
Do	Toulouse	1.070
Do	Cholet	.563
Shoe workers, female	Boulogne	.522
Do	Toulouse	.600
Do	Cholet	.417
Upper stitchers, female	Marseille	.939
Do	Valence	.626
Glove makers, male	Chaumont	1.174
Do	Glenable	1.383
Do	Millau	1.409
Do	Niort	1.044
Glove makers, female	Chaumont	.469
Do	Millau	.822
Lime, pottery, glass:		
Cement workers	Boulogne	.991
Do	Remiremont	1.670
Do	St. Yrieix	1.096
Lime burners	Albi	.939
China painters	Quimper	.939
Glass makers	Albi	1.461
Do	Clermont-Ferrand	1.774
Glass-bottle workers	Rive-de-Gier	1.566
Window-glass workers	do	2.610
Glass blowers	Valenciennes	2.505
Snappers	do	2.088
Gatherers	do	.981
Textiles:		
Spinners, linen	Armentieres	.819
Spinners, jute	do	.892
Spinners, cotton, male	do	.916
Do	Epinal	.887
Do	Fraize	.887
Do	Conde-sur-Noireau	.809
Spinners, cotton, female	Epinal	.73
Do	St. Die	.626
Do	Conde-sur-Noireau	.60
Spinners, male (not specified)	Haubourdin	1.461
Do	Fourmies	1.305
Do	Tourcoing	1.378
Piercers and doffers	Haubourdin	1.148
Do	Fourmies	1.044
Do	Tourcoing	1.169
Skin scourers	Mazamet	1.044
Unhairers, male	do	.939
Unhairers, female	do	.835
Weavers, male	Amiens	1.305
Weavers, male (not specified)	Armentieres	1.239
Do	Haubourdin	1.461
Do	Reims	.626
Do	Fraize	.856
Do	Mazamet	.965
Weavers, female	Bohain	.939
Do	Privas	.522
Do	Bedarieux	.835
Do	Cholet	.73
Dyers, cotton goods	Roanne	1.044
Warpers, male	Caudry	.835
Warpers, female	St. Etienne	.678
Ribbon card winders, female	do	.574
Winders, female	do	.522
Do	Caudry	.73
Do	Tourcoing	.835
Tenterers silk	Thizy	1.044
Do	Voiron	1.409
Embroidery weavers	Tarare	1.461
Bobbin-net makers	St. Quentin	1.435
Do	Caudry	1.67
Bleachers, cloth	Merville	1.305
Finishers, male	Tarare	.709
Finishers, female	Thizy	.814
Bead makers	Tarare	.626

Average daily wage for all industries in French cities of 10,000 and over, as of October, 1924, together with average cost of board and lodging by the month in the same localities

[Data from bulletin issued by the French Bureau of General Statistics, January, 1925]

Daily wages:	
Men	$1.148
Women	.592
Cost of board and lodging per month	17.643

Hourly wages of workers in metal-working industries in France during months of January and February, 1925

[Data from bulletin issued by the French Bureau of General Statistics, July, 1925]

Industry and occupation	Time workers	Piece workers
	Cents	*Cents*
Machine industries, general:		
Fitters	19.5	21.0
Fitters-toolmakers	20.3	21.9
Blacksmiths	20.2	22.3
Milling-machine operators	20.0	21.3
Pattern makers	25.9	25.2
Mortising and planing machine hands	18.7	21.7
Lathe hands	20.4	22.9
Automobiles:		
Fitters	19.7	21.0
Fitters-toolmakers	21.0	22.0
Coppersmiths	20.5	23.1
Blacksmiths	20.8	22.0
Machine tool hands	21.8	22.5
Pattern makers	23.3	
Machine setters	23.0	23.2
Lathe hands	20.7	21.9
Lathe and tool hands	22.0	22.7
Electrical construction:		
Fitters	18.9	20.0
Fitters-toolmakers	21.0	21.5
Electrical fitters	19.0	19.9
Coil winders	18.5	19.4
Lathe hands	19.5	21.4
Lathe hands-toolmakers	21.8	22.4
Metal construction:		
Structural iron workers	20.7	
Blacksmiths	21.1	20.9
Locksmiths	18.7	19.8
Drop forging:		
Blacksmiths	19.2	22.7
Hammermen	24.3	28.5
Swagers		27.4
Metalpipe manufacture:		
Draw bench workers	18.9	
Pipe drawers	17.2	19.0
Iron and steel foundries:		
Molders, hand	20.4	24.5
Plate molders	22.5	
Core makers	20.1	23.7
All industries:		
Laborers, male	13.2	13.9
Laborers, female	9.0	10.7
Skilled laborers, female	10.7	12.3

Daily wage rates in representative north Italian industries, as of March, 1925

[Data compiled by Lombardy Industrial Federation, an employers' organization of northern Italy]

Cotton industry — north Italy (female labor):	
Weavers	$0.5290
Preparatory workers	.4880
Spinners	.5209
Silk industry—Lombardy (female labor):	
Spinners	.8780
Twisters	.3660
Woolen industry:	
Preparatory workers (average, all grades)	.5860
Carders	.7560
Piercers	.6960
Weavers, men	.6060
Woolen industry—Con.	
Weavers, women	$0.6010
Spinners	.9230
Building trades, Milan:	
Master masons	1.1800
Journeymen	1.0820
Hod carriers	.9840
Laborers	.7440
Boys	.6260
Engineering trades, Milan:	
Skilled workers	1.1530
Laborers, apprentices, helpers	.8610
Chemical industry, Milan:	
Skilled workers	.9600
Unskilled workers	.8140

Maximum hourly wage rates in representative industries of Vienna and lower Austria as of the month of May, 1925

[Data obtained from American Trade Commissioner at Vienna]

Industry group	Skilled workers	Qualified male helpers	Unqualified male helpers	Female helpers
	Cents	*Cents*	*Cents*	*Cents*
Building and construction	19.9	18.9	15.4	10.5
Woodworking	13	10.5	9.7	8.1
Chemical	12.5	11.6	10.3	6.8
Soap and perfumes	13.3	12.7	11.5	8
Asphalt	18.2	15.4	5.9	
Rubber	12	10.5	9.2	5.6
Paper	12.9	10.9	9.6	5.9
Leather	19.8	19.8	17.8	11.2
Textile (for April)	10.6	8.2		
Glass	16.2	11.6		
Metallurgical	19.2	17	14.8	9.9

Hourly rate of wages in various industries in Denmark for the last six months of 1924

[Data from Statistical Department of Denmark, furnished by the Danish Employers' Association]

Industry and occupation	Copenhagen, wages per hour	Provincial towns, wages per hour
	Cents	*Cents*
Margarine factory:		
Unskilled	21.6	20.9
Women	11.5	11.5
Textile industry:		
Textile workers—		
Men	23.0	21.6
Women	16.9	14.8
Ropemakers—		
Skilled	20.7	21.6
Unskilled	19.9	19.6
Women	12.8	10.7
Trimming makers—		
Skilled	26.3	28.5
Women	14.1	14.3
Clothing industry:		
Tailors	27.7	24.5
Garment workers, men	28.5	25.5
Garment workers, women	14.5	11.8
Cutters, clothing	31.8	24.8
Other clothing workers, women	16.3	13.1
Shoemakers	27.8	24.0
Shoe factory workers—		
Men	29.5	23.5
Women	17.1	12.3
Building trades:		
Plumbers	33.9	24.2
Building joiners	31.8	24.0
Glaziers	26.5	21.7
Painters	32.9	24.2
Masons	44.3	28.0
Mason's helpers	34.2	21.9
Stucco workers	33.8	26.0
Carpenters	38.5	25.2
Carpenter's helpers	34.0	22.0
Clay, stone, and glass industry:		
Cement and concrete workers	31.6	20.6
Stonecutters	34.6	22.7
Gravel workers	24.7	21.4
Tile and brickmakers	25.7	21.9
Cement factory workers		23.5
Ceramic workers—		
Skilled	30.3	23.4
Unskilled	24.0	18.6
Women	17.9	13.5
Terazzo workers	28.6	21.6

Average (unweighted) weekly wage rates in large towns in specified industries in England as of December, 1924

[Data from Ministry of Labor Gazette, published February, 1925]

Building trades:	
Bricklayers	$17.82
Masons	17.881
Carpenters and joiners	17.82
Plumbers	17.84
Plasterers	17.901
Painters	17.516
Laborers	13.466
Engineering:	
Fitters and turners	15.729
Iron molders	14.58
Pattern makers	14.803
Laborers	9.76
Shipbuilding:	
Shipwrights	13.507
Ship joiners	14.033
Laborers	9.395
Printing and bookbinding:	
Hand compositors, book and job	17.921
Bookbinders and machine rulers	17.82
Furniture making:	
Cabinetmakers	18.144
Upholsterers	18.103
French polishers	18.083
Baking:	
Table hands	15.714
Boot and shoe:	
Men	14.58
Women	8.75

Average earnings per shift (seven to eight hours) in British coal mines as of December, 1924

[Data from Ministry of Labor Gazette, issue of February, 1925]

Northumberland	$2.288
Durham	2.43
Yorke and East Midland	$2.835
Lancashire, North Staffordshire, and Cheshire	2.445
South Wales and Monmouth	2.642
Scotland	2.58
Other districts	2.288
Total, all districts	2.607

Full-time weekly earnings of skilled and unskilled workers in Germany, by industry groups, in October, 1925

[Data published originally by the German Federal Statistical Office, November, 1925]

Industry group	Skilled workers' weekly wage, October, 1925	Unskilled workers' weekly wage, October, 1925
Raw materials:		
Mining	$10.95	$7.81
Metal working	10.95	7.25
Chemical industry	9.64	8.14
Building trades	13.16	10.76
Woodworking	11.06	9.66
Manufacture of paper	7.74	6.97
Weighted average	10.95	7.91
Finished goods:		
Textile industry—		
Male workers	7.09	5.95
Female workers	5.70	4.42
Breweries	11.38	9.98
Bakeries and confectioneries	9.76	8.42
Printing trades	10.96	9.56
Paper-box factories—		
Male workers	9.14	7.76
Female workers	6.03	4.98
Weighted average	9.19	7.88
Railroad workers	10.26	7.92
Weighted grand average	10.72	7.91

In the above groups, 46.5 to 47.5 hours constitute a week in the building trades; 46 hours in the woodworking industry; 54 to 56 hours in the metal working industries; 54 hours on the railroads; 60 hours for coal miners above the ground; remainder of industries the working week consists of 48 hours.

Average hourly wage rates of skilled and unskilled adult workers in Germany, by industry groups, January to October, 1925

[Data published originally by the German Federal Statistical Office, November, 1925]

SKILLED WORKERS

Month	All industry groups	Raw material industries	Industries producing finished goods	Railroads
1925	*Cents*	*Cents*	*Cents*	*Cents*
January	18.84	19.30	16.18	16.99
February	19.04	19.51	16.35	16.99
March	19.49	19.94	16.92	17.39
April	20.08	20.58	17.13	17.77
May	20.58	21.18	17.23	17.77
June	20.89	21.42	18.06	18.11
July	21.37	21.89	18.65	18.13
August	21.63	22.15	18.92	18.13
September	21.84	22.37	18.99	18.99
October	21.94	22.46	19.15	18.99

UNSKILLED WORKERS

January	13.25	13.16	13.89	13.20
February	13.39	13.32	14.04	13.20
March	13.70	13.61	14.51	13.61
April	14.06	13.97	14.68	13.99
May	14.35	14.32	14.75	13.99
June	14.61	14.51	15.47	14.23
July	14.92	14.82	16.01	14.23
August	15.18	15.08	16.35	14.23
September	15.30	15.20	16.30	14.75
October	15.35	15.25	16.42	14.75

LEAVE TO SIT DURING RECESS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may be permitted to sit during the recess of Congress. The reason I ask that is that we want to get back early enough so as to have some bills ready to report when the session begins.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Committee on Appropriations be permitted to sit during the recess of Congress. Is there objection? [After a pause.] The Chair hears none.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3638. An act for the relief of Walter W. Johnston; to the Committee on Claims.

S. 3701. An act for the relief of David McD. Shearer; to the Committee on Claims.

S. 3878. An act to give war-time rank to certain officers on the retired list of the Army; to the Committee on Military Affairs.

S. 3918. An act for the relief of Robert R. Bradford; to the Committee on Claims.

S. 3963. An act to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon; to the Committee on Agriculture.

S. 4132. An act to amend section 1 of the act of June 7, 1924, entitled "An act for the relief of settlers and town-site occupants of certain lands in the Pyramid Lake Indian Reservation, in Nevada, and for other purposes; to the Committee on the Public Lands.

S. 4142. An act to authorize the leasing of irrigable unallotted land on Indian reservations; to the Committee on Indian Affairs.

S. 4153. An act to provide for enlarging and relocating the United States Botanic Garden, and for other purposes; to the Committee on the Library.

S. 4178. An act for the relief of Charles H. Send; to the Committee on the Public Lands.

S. 4275. An act for the relief of Juan Anorbe; to the Committee on Claims.

S. 4276. An act for the relief of Charles C. J. Wirz; to the Committee on Claims.

S. 4277. An act for the relief of Rudolph Ponevacs; to the Committee on Claims.

S. 4278. An act for the relief of Frank Guelfi; to the Committee on Claims.

S. 4287. An act amending section 3 of the act approved January 12, 1923, entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 4305. An act to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property; to the Committee on Military Affairs.

S. 4341. An act to amend section 26 of an act approved April 21, 1904, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes; to the Committee on Indian Affairs.

S. 4393. An act to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in Asylum; to the Committee on the District of Columbia.

S. 4408. An act to authorize the granting of leave to ex-service men and women employed in the municipal government of the District of Columbia to attend the annual convention of the American Legion in Paris, France, in 1927; to the Committee on the District of Columbia.

S. J. Res. 82. Joint resolution to amend subdivision A of section 4 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

S. J. Res. 98. Joint resolution to authorize the maintenance of drift fences on the public lands; to the Committee on the Public Lands.

S. J. Res. 115. Joint resolution respecting separation of employees from the classified civil service; to the Committee on the Civil Service.

S. 4537. An act to amend the Harrison Narcotic Act of December 17, 1914, as amended, and for other purposes; to the Committee on Ways and Means.

S. 1748. An act for the relief of the estate of George B. Spearin, deceased; to the Committee on Claims.

S. 1752. An act for the relief of the Near East Relief (Inc.); to the Committee on Claims.

S. 2301. An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims; to the Committee on Indian Affairs.

S. 2855. An act for the relief of Cyrus S. Andrews; to the Committee on Military Affairs.

S. 2878. An act authorizing the Secretary of Agriculture to lease to the county of Custer, State of Montana, a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, for the removal of gravel; to the Committee on Agriculture.

S. 3363. An act for the relief of Blanche E. Little, individually and as assignee of Alice T. Johnson and Andrew W. Little; to the Committee on Claims.

S. 3444. An act to amend the act of February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States; to the Committee on the Judiciary.

SEQUOIA NATIONAL PARK

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9387 and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill by title.

A bill (H. R. 9387) to revise the boundary of the Sequoia National Park, Calif., and change the name of said park to Roosevelt-Sequoia National Park.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

JOINT PHILIPPINE COMMISSION

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks on House Joint Resolution 290.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. THATCHER. Mr. Speaker and Members of the House, on yesterday I introduced in the House, House Joint Resolution 290, entitled "Joint resolution providing for the appointment of the joint Philippines commission, and defining its duties." The general purposes of this measure are embodied in the preamble thereto, to wit:

Whereas it is deemed to be for the best interests of both the Filipino and American people that the definite policy of the United States of America as regards the future of the Philippine Islands be determined at the earliest practicable date; and

Whereas in order that the Congress of the United States may be better informed upon the facts and conditions which should be considered and taken into account in its endeavor wisely to meet and discharge its duty in the premises, it is believed to be necessary and appropriate that there be created the joint commission hereinafter described, charged with the duties hereinafter enumerated: Now therefore be it

Resolved—

And so forth.

Section 1 of the joint resolution provides for the creation of a joint commission of the Senate and House of Representatives, to be known as the Joint Philippines Commission, to consist of seven members to be selected as follows: Two Members of the Senate, to be appointed by the Vice President; four Members of the House, to be appointed by the Speaker of the House; and the remaining commissioner to be appointed by the President of the United States. Of the Senate members of the commission, one shall be of the major and the other of the minority party; and of the House members, two shall be of the major and two of the minority party. Only Members of the Sixty-ninth Congress who shall have been chosen to serve in the Seventieth Congress shall be eligible for appointment at the hands of the Vice President and the Speaker. The commissioner to be selected by the President will not be a Member of either branch of Congress, and will be the only commissioner to be paid for his services under the joint resolution. He shall receive a salary at the rate of $15,000 per year for such period or periods as he may be engaged in the performance of his duties under the joint resolution. The congressional members of the commission, for their services under the joint resolution, shall receive nothing in addition to their salaries as Members of the House and Senate. The commission shall elect one of its members as chairman, another as vice chairman, and another as secretary. It is also authorized to employ such expert, clerical, stenographic, and other assistance—

as it may deem necessary to enable it to perform in an adequate manner the duties hereby imposed upon the commission.

The commission is also authorized to fix the compensation of its employees, which compensation shall be reasonable. The actual, necessary, reasonable travel, subsistence, and other expenses of the commissioners, of the commission, and of all of the commission's officers and employees shall be paid out of congressional appropriations, agreeably to the authorization provided for in the joint resolution; all such expenditures to be made upon vouchers approved by the commission and certified by its chairman.

By section 1 it is also provided that any vacancies in the commission, when they occur, shall be filled in the same manner and under the same terms and conditions as are provided for the original appointment of its members: *Provided*, That if any such vacancies occur when the Congress shall not be in session, the same shall be filled by the appointment of the President of the United States, agreeably to the requirements as to eligibility already indicated.

A majority of the commissioners shall constitute a quorum for the transaction of the business of the commission. The duties of the commission are set forth in sections 2 and 3 of the joint resolution, as follows:

SEC. 2. The commission is hereby authorized and directed to make a careful investigation and study of all matters relating to (a) the general welfare, present and future, of the Philippine Islands and the Filipino people; (b) the political, fiscal, and other relationships which now, and hereafter should, exist between the government and the people of the United States, and the government and people of said Islands. For such purposes the commission is authorized to hold hearings within the United States and the said Islands; and it is directed to visit the said islands, at the earliest practicable date, and to inquire into the political, social, educational, financial, economic, and other conditions there obtaining; and to remain in said islands a reasonable length of time in order to carry on said work. In the discharge of its duties hereunder the commission shall also have the power and authority to require by subpœna, or otherwise, the attendance of such witnesses, and the production of such books, papers, and documents, as it may deem necessary or advisable; and to administer oaths and to take testimony.

SEC. 3. The said commission, on or before January 1, 1928, shall make to the President and the Congress of the United States full report of its actions hereunder, to be accompanied by such data and tables as may be, by it, prepared or compiled, together with a complete statement of the expenses paid or incurred by it hereunder; and in its report the commission shall include (a) its findings and conclusions concerning the matters by it investigated or considered; and (b) its recommendations touching the executive, legislative, or other action, if any, which, in the premises, it believes should be taken.

The fourth and last section authorizes the appropriation of funds sufficient for the purpose of carrying into the effect the provisions of the joint resolution.

Upon its introduction this measure was referred to the Committee on Rules and ordered to be printed. As it was introduced so near the close of the session, it goes over to the second session of the Sixty-ninth Congress, which meets in December next.

Mr. Speaker, it was my very great pleasure to make a short visit to the Philippine Islands last summer, just about a year ago. I was greatly impressed, as every visitor must be, with the beauty, fertility, and potential assets of these beautiful isles of the far Pacific, and with the progress which has been made by the Filipino people since the American contact. These insular lands constitute domain of the United States no less than the areas comprised in our 48 States. By war, by treaty, and by purchase this is true. However, the Philippines have never been held by our Government for the purpose of exploitation or for the oppression of the Filipino people. However much Members of Congress, or Americans generally, may disagree as to the policies which should be pursued in regard to these insular possessions and the 11,000,000 Filipino people there, practically all Americans are agreed that these policies should always hold as a paramount consideration the prosperity, happiness, and welfare of the Filipino.

During the indicated visit I found that both the Americans domiciled there, and Filipinos, believe it to be most unfortunate that a definite policy concerning the future of the islands has not been determined. Both Americans and Filipinos seem to be agreed that uncertainty of policy is most prejudicial to the proper development of the islands.

The psychology of the situation is such that, in my judgment, the Congress will be more inclined to accept the findings and recommendations of a congressional committee or commission than it would be to accept the findings and recommendations of any noncongressional committee or commission. This is but natural. A commission made up of Members of the two Houses, selected for their fairness, integrity, and ability, would very naturally have more weight in their declarations of fact and in their recommendations of policy, so far as Congress is concerned, than any outside body or commission, however ably constituted.

Believing it to be of the highest importance that Congress should have before it at the earliest possible date the findings and recommendations of a congressional commission, I have proposed the adoption of this joint resolution. For the reason that the President of the United States has executive contact with the Philippine Islands, as well as because of his legislative interest in all matters affecting the islands, I have considered it to be appropriate to authorize the President to name one of the seven commissioners proposed by this measure. As such presidential appointee will not already be a Federal official, it is therefore necessary and just that he be paid a reasonable salary for the time he may be actually engaged in the work of the commission. Hence, provision to this effect is made in the joint resolution.

If this measure shall prevail, and if the commission proposed is thereupon appointed, it is expected that its members shall promptly visit the Philippine Islands and spend several months there in intensive study of the islands, and of the political, fiscal, economic, educational, and other conditions there prevailing which may serve to throw light upon Philippine problems. A political division of the membership of the commission is provided in order that the subject may be kept as free from partisan consideration as may be possible. Undoubtedly no such consideration should ever enter into the determination of the issues involved. Even if the commissioners should be unable to agree in all their conclusions and recommendations, they should nevertheless be able to agree on practically all of the substantial facts involved.

The heavy duties and responsibilities imposed by the joint resolution should preclude the idea of any mere "junketing" trip to the Philippines. These islands are thousands of miles away from the western shores of continental United States and have been visited by only a very few Members of the Congress. It is but natural that many misconceptions should arise in the minds of Members of Congress, and of the American people generally, because of this absence of contact and intimate touch with the islands. First-hand knowledge is the indispensable prerequisite to the formulation of wise policies in dealing with such matters. It is believed that a commission of the indicated character will, under the circumstances, constitute a highly valuable—not to say invaluable—agency to secure and to submit to the Congress and to the President, such knowledge. In the absence of information which may be thus secured, I fail to see how the Congress may be in position wisely to deal with the question of a final policy for the Philippine Islands.

The enactment of this joint resolution will not interfere in any wise with the work to be performed by Hon. Carmi Thompson, of Ohio, who has recently gone to the Philippine Islands in order to make an inspection of conditions there, but should supplement it. A single individual can not, in the very nature of the case, be in position to make an investigation of the extensive and intensive character contemplated by the present measure, as may seven members of a commission chosen in the manner now proposed. Moreover, such commission would be created by law; it would have the power of subpœna and of securing testimony; and, being an official body, would have the means of acquiring information which otherwise might not be acquired. Moreover, this commission would be, in effect, a joint committee of Congress in the premises, and its recommendations should prove highly valuable.

In the joint resolution it is provided that the commission shall make to the President and to the Congress a full report of its actions on or before January 1, 1928. It is, therefore, expected that if the resolution is adopted and the commission is appointed, that the commission shall perform its work during the year 1927. The second, or short, session of the Sixty-ninth Congress will close on the 4th of March, 1927, and there will remain nine months of the year in which the commission may visit the islands, and make its investigations, and return to the United States and submit its report. The provision that only Members of the Sixty-ninth Congress who are reelected to the Seventieth Congress shall be eligible for appointment, is considered wise under the circumstances. This will serve to insure the appointment of Members of the House and Senate who have had congressional experience, and this is believed to be a consideration of some value. Moreover, such requirement permits the prompt appointment of the members of the commission so soon as the joint resolution may be enacted at the second session of the Sixty-ninth Congress, if such enactment is made. Unless the appointments are thus made it would be difficult to work out a plan whereby a joint commission of the indicated character could be provided for in time to permit the commission to perform the required work during the year 1927.

These are some of the reasons which have prompted the introduction of House Joint Resolution 290; and these reasons, together with such others as they may suggest, are respectfully submitted to the Members of the House and Senate for their consideration. It is believed that it is best for the Filipinio people, best for the American people, and best for the world at large that a definite Filipino policy be evolved at the earliest practicable date.

THE VOLSTEAD LAW

Mr. KINDRED. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Volstead Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KINDRED. Mr. Speaker and gentlemen of the House of Representatives, begot by the abuses of the old saloon and hastened to maturity by the economic necessities and uncalculating enthusiasm of the World War and by the lavish use of money and political threats, and in some cases political blackmail by the Anti-Saloon League, national prohibition went into legal and nominal effect upward of six years ago, but it can be truly said that except to a very limited extent it has never gone into practical effect at all, and has proven to be not only ineffective, costly, and unenforceable but it has also proven to be one of the greatest sources of national unrest and the cause of the breakdown and lack of respect for all law and authority. It has, in addition, proven also to be the greatest factor in bringing about and continuing the greatest crime wave in the history of the United States, as well as the cause of a breakdown in the morale of even the school girls and boys throughout the country. A thoughtful analysis of the far-reaching results of these established facts should lead to the prompt repeal or liberalization of the most obnoxious law ever placed upon the statute books of this country, and also the repeal of the eighteenth amendment to the Constitution of the United States, and the substitution therefor of a strict regulation of the manufacture and sale by the United States Government of strong alcoholic liquors.

Even the most orthodox members of the leading churches of all denominations in the country, who have thoughtfully faced the present conditions existing under the Volstead law, are coming around to this view as the means of promoting real temperance and consequent respect for law and order.

The use of alcoholic beverage antedates even the time when Jesus at Cana manifested his power, to use the words of St. John, by converting water in six water pots, into wine. The truth based upon physiological fact, which neither moralist nor statesman should ever forget, even in their most fervid moments of reform, is that man is a creature who can be regulated and bettered, but can not, under any circumstances, be made over or made moral and good by mere legislation. As to the practical reform in the direction of true temperance, which can be easily secured by repealing or modifying the Volstead Act, I submit that a liberalization of the manufacture and sale of beer of 2.75 to 3 per cent alcoholic strength would not be in violation of the letter and spirit of the eighteenth amendment, but would rapidly bring about not only more sobriety but the elimination at least of 50 per cent of the bootlegging and lawlessness which now prevails throughout the country and would, at the same time, remove a feeling on the part of a large and preeminently respectable population of the United States who were never guilty of drunkenness in the slightest degree, yet the United States Government has persecuted them in preventing the manufacture and sale of harmless malt liquors of light alcoholic content.

The recent action of Gen. Lincoln C. Andrews, Assistant Secretary of the Treasury and chief agent for prohibition enforcement, permitting the manufacture and sale of malt extract of 3.75 per cent and even up to 4.15 alcoholic content, is a proof of the preceding statement.

While General Andrews's official act in permitting the manufacture and sale of malt extracts of this alcoholic content was an essential and proper official act, yet he specifically and directly violated the law in allowing the manufacture and sale of malt liquor of this alcoholic content, thus proving the soundness of my argument.

The question of the control of alcoholic beverages is a very old one in the United States and in other countries. I wish to state, in the first place, that my own personal attitude as a physician and law-abiding citizen with regard to the use of strong alcoholic liquors, meaning whisky, brandy, and other stronger alcoholic liquors, is and has been that they should be used with great moderation and in proper quantities and under proper conditions. I wish further to emphasize that any argument and statement that has been or will be made by me on this whole subject is made from the viewpoint of a law-abiding citizen who has been and always intends to be a sober man with respect to indulgence in alcoholic intoxicating liquors, and also from the viewpoint of a physician of long experience in the special study and treatment of the diseases known as alcoholism and insanity and other diseases complicated with excesses in the use of intoxicating liquors.

While I am, of course, aware that during the age-long discussion of the evils of excessive alcoholic indulgence a great moral question has been injected—and very properly so—into this whole question by well-meaning reformers and professional temperance advocates, I shall not, for the purposes of a purely medical presentation of this matter, discuss or refer to any moral or political aspects of this question, so important in its moral, sociological, economic, and health aspects. I shall confine my statement to the naked question of the leading medical facts and particularly to the question of whether or not ordinary, well-brewed beer, made of hops, barley, yeast, and malt,

and containing 2.75 per cent alcoholic strength is in fact intoxicating from a strictly medical and legal standpoint.

As to the medical use of the so-called stronger alcoholic liquors like proof whisky, brandy, and so forth, I wish to refer to the fact that the eighteenth amendment to the Constitution of the United States specifically provides that "No intoxicating liquors shall be manufactured, transported, or sold for beverage purposes." The Volstead law, interpreting the meaning of this chief part of the eighteenth amendment just quoted, specifically permits the use of intoxicating liquors—meaning strong whisky and brandy of standard alcoholic proof strength—and also vinous liquors of 24 per cent alcoholic strength for medicinal purposes, and it also permits the use of wines of more than one-half of 1 per cent alcoholic content for sacramental purposes. This interpretation by the Volstead law of the real meaning of the eighteenth amendment clearly indicates that the use of intoxicating liquors for other than beverage purposes—namely for legitimate medicinal and sacramental purposes—is not only not a violation of any provisions of the eighteenth amendment, but that it is in strict conformity with the spirit and intent of the eighteenth amendment.

This is the very point involved in the litigation now pending, having been instituted by Dr. Alexander Lambert, of New York, and other physicians of national reputation. Two United States district courts have already sustained the contention of Doctor Lambert and his associates, holding that the words "for beverage purposes" in the eighteenth amendment did not and could not prohibit the use of as much intoxicating liquors by licensed physicians as, in their honest judgment, was required in the treatment of diseases, which, of course, is for nonbeverage purposes.

Under the ruling of former Attorney General Palmer there existed no prohibition against the use for medicinal purposes in reasonable quantities of spirituous or intoxicating liquors; that is, whisky and brandy and wine and beer or other malt liquors of sufficient alcoholic content to be intoxicating, if, in the good and honest judgment of the attending physician, they should be used in the treatment of disease. This contention of the medical profession has been since upheld in two different decisions of the United States district courts, and the question will be finally settled, it is to be hoped, in the near future by the United States Supreme Court as to whether physicians shall be permitted within the spirit of the eighteenth amendment to prescribe such intoxicating liquors without any regulation by the prohibition enforcement and other departments of the United States Government. It is obvious that if physicians can legally prescribe and furnish, as they may do under the Volstead law, to any one patient in any period of 10 days as much as one-quarter of a gallon of vinous liquor—that is, wine of 24 per cent alcoholic content by volume—and can also furnish or prescribe for any one person within the same period of time any liquor that contains as much as one pint of intoxicating liquors, such as the strongest whisky or brandy, there would be no violation of the spirit of the prohibition amendment if physicians were permitted—as they are not permitted under the Volstead law—to prescribe beer and malt liquors of much less alcoholic content.

The leading medical authorities in the United States and Europe indorse the use, in all their textbooks and teachings for physicians and medical students from time immemorial, of beer, stout, porter, and ale as types of malt liquors to be used in the successful treatment of various diseases.

Prof. Hobart Amory Hare, professor of therapeutics and materia medica at the Jefferson Medical College, Philadelphia, in his textbook of Practical Therapeutics, seventeenth edition, 1918, says on page 82:

> Stout and porter and well-brewed beer are of value in wasting diseases and in convalescence from acute diseases and for nursing women. Most of the beer in America contains about 4 to 6 per cent of alcohol.

George Butler, A. M., M. D., and so forth, professor of therapeutics and pharmacology, Chicago College of Medicine and Surgery, and so forth, in his textbook of Materia Medica, Pharmacology and Therapeutics, sixth edition, says:

> Alcohol in the form of beer or ale, taken before or during meals, is an efficient stomachic (meaning a good medicine and tonic for the stomach); a tonic for dyspepsia and weakened digestion attendant on or upon convalescence from acute diseases. Convalescents are often greatly benefited by some form of alcohol as it is contained in beer and ale. When the digestion becomes impaired as the result of physical or mental exhaustion the drug (alcohol in the form of beer and ale) serves a useful purpose as a tonic.

Prof. Oliver T. Osborne, department of medicine, Yale University, is also authority for the following statement:

> Strenuous exercise and hard labor will allow a man to take more alcohol without harm than can be used by a man of sedentary habits. There is no doubt aclohol can be used as a substitute for food in the place of sugar and starch. In emergencies it may thus sustain and give life.

This particularly applies to the use of malt liquors, beer, ale, stout, and porter, and it also proves that alcohol, particularly the small percentage contained in malt liquors, is a food as well as a reconstructive tonic, stimulant, and tissue builder in wasting and other diseases.

Prof. Otis Larch, medical department, Tulane University, at New Orleans, in his standard textbook on Medical Diagnosis, page 39, says:

> Malt beer is rich in carbohydrates and is frequently prescribed.

Sir Victor Horsley, M. D., and Doctor Sturge, the authors of the well-known book, Alcohol and the Human Body, and who violently oppose the use of intoxicating beverages, and whose book was written solely against the use of strong alcoholic drinks as beverages, in discussing the effect of malt liquors on the human digestion, page 212, state:

> These beverages [malt liquors] contain only from 4 to 6 per cent of alcohol, so that the alcohol contained in them could scarcely ever on its own account produce any bad effect.

Note that the claim is made by this most widely read and extensively quoted medical authority on the effects of alcohol on the human body that the effect of malt liquors, which include beer, porter, and stout, of the small alcoholic content of from 3 to 6 per cent, could scarcely ever on its own account produce any bad effect, except through the effects of large quantities of such beverages, if taken with meals, causing dilution of the food in the process of digestion.

Everyone knows that too much water, coffee, tea, and so forth, taken with meals would retard digestion in the same way, and also that digestion is not only not interfered with but that it is aided by reasonable quantities of good malt liquor, beer, ale, porter, or stout.

The existing Volstead law permits regularly licensed physicians to legally prescribe for their patients whisky, brandy, wines, beer, and malt liquors of such alcoholic strength as to be intoxicating. But with the excuse of preventing the abuse of prescribing beer, by a very small percentage of physicians, the pending measure (H. R. 7294) proposes arbitrarily and without reason to prohibit physicians from prescribing beer and malt liquors of standard alcoholic strength of 3 to 6 per cent. This bill, notwithstanding this prohibition as regards the prescribing of such beer, permits physicians to legally prescribe for medicinal purposes spirituous and vinous liquors—wines—that contain not more than 24 per cent of alcohol by volume, provided that not more than one-fourth of a gallon of such vinous liquor is prescribed or furnished for use for any one person within any period of 10 days, and also so permits the prescribing or furnishing by the physician of any liquor that contains as much as one-half pint of alcohol—grain alcohol—for the use of any one person within a period of 10 days.

Both the existing Volstead law and the amendments to it, now proposed, constitute a grave interference with the rights of both the physician and his patients, for whom he should at all times have the right to prescribe any drug or agent which, in his honest and good judgment, is really needed. Under the Harrison narcotic drug law and under all of the laws of the respective States intended to regulate the prescribing of dangerous narcotic and other drugs, the physician is permitted to prescribe most poisonous narcotic drugs, under proper regulations, but he can not under the pending measure prescribe any beer of the weak alcoholic strength of from 3 to 6 per cent. How inconsistent and absurd. It is also a matter of fact, from the medical point of view, that the Volstead law does not meet the needs of the physician and his patients in respect to the alcoholic and vinous liquor which the physician may legally prescribe or furnish. I, as a physician practicing for over 30 years in the specialty of treating alcoholic and drug addicts, know of my own knowledge and experience that many alcoholic and other cases require for the most scientific treatment of their diseases, particularly in the so-called tapering treatment of alcoholism and delirium tremens cases, from 2 to 3 fluid ounces of proof whisky, diluted, every three or four hours, one patient thus requiring more whisky in 24 hours than the physician is allowed to legally prescribe in any period of 10 days.

This amount would be actually necessary in many such cases to save a valuable life or to prevent an outright attack of insanity. The only way, legally, the physician could obtain a greater amount of spirituous liquor—that is, the equivalent to about 1 pint of proof whisky or brandy which he could prescribe in a 10-day period—would be for him to prove to the Commissioner of Internal Revenue that the circumstances in a given case would constitute an extraordinary reason. This would mean, according to the experience of many physicians

who may have dozens of such cases under treatment at one time, that either the physician would incur a risk of a prison term in a Federal prison if he took the law into his own hands in order to save the life of his patient, or if he obeyed this unjust law, allow his patient to die because of the lack of proper medical treatment.

These restrictions are all the more unjust because they not only allow the prescribing of too small quantities of liquors, as just pointed out, but because they limit the physician to 100 prescriptions in 90 days, although a busy physician might have honest and urgent reason to use many more than this number of prescriptions in this period of time.

After a study of this whole question from the viewpoint of the ultimate welfare of our country, I believe that the deplorable conditions as regards increasing drug addictions and bootlegging, and the increasing contempt for the laws that are causing these conditions, could be rapidly relieved if the Congress would pass reasonably liberal laws for the enforcement of the prohibition amendment; if, instead of fixing arbitrarily one-half of 1 per cent of alcoholic content for beer, an alcoholic content were fixed sufficient to make decent beer—to prevent the fermentation of the vegetable ingredients contained in the beer, this would satisfy the masses of people and bring about more real temperance and more respect for law and order. If respect for law and order is not restored in this country, it would be difficult to predict the consequences.

As bearing on the absolute necessity of malt liquors in many cases of illness, I submit the following professional opinion of Dr. Noble P. Barnes:

THE ARLINGTON,
Washington, D. C., June 25, 1921.

MR. J. J. KINDRED, M. D.,
House of Representatives of the United States,
Washington, D. C.

MY DEAR MR. KINDRED: The secretary of the American Therapeutic Society, Dr. Lewis Taylor, is not in the city, but will return to Washington Monday morning. I have left instructions for him to get into communication with you at once upon his return.

The mental note I have of the resolution of the American Therapeutic Society is as follows: "That physicians and surgeons should have the unimpaired right of prescribing this drug (alcohol) without any foolish restrictions."

The society does not approve of liquor-prescribing doctors, the society does not wish to interfere with or violate the eighteenth amendment, but the society does want to go on record as maintaining that no legislative body or enforcement authority should limit or hamper a doctor of medicine in the legitimate exercise of his functions as a physician.

Alcohol, per se, is a drug and should be classed as such. It has a definite physiological action and a wide range of therapeutic application. It is not only useful but absolutely necessary in the treatment of certain conditions and in the manufacture of other drugs.

The restrictions, regulations, and taxation placed about and upon this drug to-day makes an enormous cost to the sick who are usually poor. The limit in quantity (e. g., a pint of whisky every two weeks) and other regulations that are effected by ignorant if well-meaning clerks and Government officials are little short of insults to the honest, scientific members of the medical profession.

Alcoholic products constituting the so-called intoxicating liquors should likewise be classed as drugs. Just here I will add that the proper persons to determine the toxicity of drugs are recognized scientific physicians, chemists, and physiologists.

There are many conditions where light wines, beer, ale, stout, porter, etc., are needed, and if the articles contain an intoxicating amount of alcohol they, too, should be classed as drugs and the physician should be given the privilege to practice his profession with as little red tape as possible. An active scientific physician with his mind occupied in important problems does not want to be annoyed by excessive clerical detail.

I am inclosing a published letter written by Dr. C. E. de M. Sajous. Doctor Sajous is a member of the council of the American Therapeutic Society and one of the recognized leaders in the American medical profession. His deductions are well worth serious consideration.

Thanking you for your courtesy to me and your interest in matters pertinent to the medical profession, I am, with every good wish,

Yours fraternally,

N. P. BARNES, M. D.,
Chairman of the Council of the American Therapeutic Society.

AMERICAN THERAPEUTIC SOCIETY,
June 27, 1921.

Hon. JOHN J. KINDRED.

DEAR MR. KINDRED: At the request of Dr. Noble P. Barnes, I am sending you the resolution adopted by the American Therapeutic Society at its last annual meeting, which is as follows:

"Whereas the use of ethyl alcohol and its preparations for medicinal and surgical purposes is not only justified, but also indicated by observations made by laboratory investigations and clinical experience: Be it

"Resolved by the members of the American Therapeutic Society in convention assembled, That alcohol has a proper place in the treatment of disease; and be it further

"Resolved, That the least possible restrictions in the use of this drug compatible with the enforcement of the eighteenth amendment be imposed on the members of the medical profession; and be it further

"Resolved, That a copy of these resolutions be sent to the proper authorities."

Very truly yours,

LEWIS H. TAYLOR,
Secretary American Therapeutic Society.

According to my own personal experiments as a practicing physician for more than 30 years' experience, and also in accordance with the experience of many other physicians in this and other countries who have studied the question from a purely scientific point of view, beer made of hops, malt, yeast, and barley of 2.75 per cent alcoholic content, have concluded that such beer of such alcoholic content is not intoxicating either in a legal, scientific, or other sense.

What do we mean by intoxication in a medical sense?

There are first, second, and third degrees of intoxication.

The first stage of intoxication from alcohol would cause the same symptoms or signs as would the exhilaration that is caused by strong tea or coffee in a person of average susceptibility to either one of these agents. The symptoms of the first stages are a slight acceleration or increase of the heart action, a slight increase in breathing or respiration, and a subjective feeling of well being or mild exhilaration.

These symptoms of the first stage of intoxication, which is not intoxication at all in a scentific sense or in a legal sense, would be exactly the same whether they were caused by one or two pints or a stomach full of beer or by one or two cups of strong coffee or tea.

The second and third stages of intoxication or poisoning by alcohol (such as the mental symptoms of hallucination and other mental disturbances, like extreme mental exhilaration, deepening into more or less stupor and coma, and the physical symptoms, such as muscular relaxation, weak and failing heart action, cool, moist skin, noisy breathing, livid lips), are scientifically and legally intoxication.

It is absurd and entirely unfounded both from a legal and scientific standpoint to claim that the full capacity of the human stomach, which would amount to about two pints or a quart of 2.75 per cent beer under the ordinary conditions of the stomach, could cause intoxication in a scientific sense or in a legal sense.

This brings us to the important question of the percentage of alcoholic strength in a given alcoholic beverage that will cause intoxication, as defined by the eighteenth amendment to the Constitution of the United States and by medical science.

I have made actual personal experiments upon myself and others which conclusively prove that beer of 2.75 per cent alcoholic content consumed by us to the full capacity of the stomach would not and could not cause intoxication.

Two pints of beer, which is about the capacity of the stomach under its ordinary condition, meaning about six or eight modern beer glasses full of beer, contain not enough alcoholic content or anywhere near enough to cause intoxication.

Two pints of beer, meaning 32 fluid ounces, would contain, in the strength of 2.75 per cent alcoholic content, only about three and one-half teaspoonfuls or less of ethyl alcohol or grain alcohol, which is certainly not enough to intoxicate any normal adult.

As to whether or not this amount of beer or any other amount of beer which the human stomach is capable of taking, would intoxicate, must be considered both from a legal and medical standpoint of the susceptibility or immunity of the average, normal human being under the normal conditions of life in a state of civilized society.

The observations and experiments to which I have referred in my verbal statement before the Judiciary Committee, and which statement here follows, are fully borne out by the sworn medical statements of such eminent physicians as Dr. Armory Hobart Hare, for many years past the professor of materia medica in the Jefferson Medical College of Philadelphia; and also of Dr. Smith Ely Jelliffe, a distinguished specialist and professor of materia medica in the College of Physicians and Surgeons (Columbia University), city of New York; and also of Dr. A. A. Brill, a distinguished specialist in mental and nervous diseases of the city of New York.

Mr. Chairman and gentlemen of the House, I desire to discuss the naked fact as to the intoxicability of beer contain-

ing 2.75 per cent of alcohol. My conclusions are founded upon extensive reading and investigation of the whole subject, of the physiological effects of alcohol and the various concoctions or beverages containing alcohol.

My observations and conclusions are particularly founded on personal observations, personal experiences of myself as a sober man, and on others, as to the actual effects of beer containing 2.75 per cent alcohol, with a view to observing whether it were possible that any quantity of beer of this alcoholic content that could be contained in the average human stomach could cause intoxication in any sense of the word.

In discussing the question of alcoholic intoxication we must, of course, be guided by what may be called both a medical and legal definition of intoxication.

My conclusion, based on medical facts, is that beer of 2.75 per cent alcoholic content is not intoxicating, based on experiments with myself as a sober man, and as an average normal being, in which experiments I included many other normal men who tried their best to get drunk on 2.75 per cent beer. Their stomachs were not capable of containing enough beer of that 2.75 per cent alcoholic content to produce even the first stage of intoxication, as defined by medical science.

No more effects could be produced from that quantity of 2.75 per cent beer than are produced constantly by one or two cups of strong coffee or tea.

Six or seven or eight modern beer glasses would contain, speaking more accurately, about 32 fluid ounces, and 32 fluid ounces of beer with 2.75 per cent of alcoholic strength would contain about seven small teaspoonfuls of ethyl alcohol or grain alcohol, which would not make any normal person drunk, especially in such diluted form as 2.75 per cent beer. This would be absorbed so slowly by the stomach and circulation that it would not have even the intoxicating effects of that amount of alcohol taken in undiluted form, as I will show by the testimony of reliable medical authorities.

Professor Hare, in a sworn statement on this subject, deposes as follows:

I am the author of the following works: Text Book of Practical Therapeutics With Special Reference to the Application of Remedial Measures in Disease and Their Employment Upon a Rational Basis, octavo of 1,023 pages, seventeenth edition, published in 1918 by Lea & Febiger, of Philadelphia and New York, which said work has been translated into the Chinese and Korean languages; Diagnosis in the Office and at the Bedside, the Use of Symptoms and Physical Signs in the Diagnosis of Disease, octavo of 548 pages, seventh edition, published in 1914 by Lea & Febiger; Text Book of the Practice of Medicine for Students and Practitioners, octavo of 969 pages, third edition, published in 1915 by Lea & Febiger; National Standard Dispensatory, Containing the Natural History, Chemistry, Pharmacy, Actions, and Uses of Medicines, in conjunction with Charles Caspari, jr., Phar. D., and Henry H. Rusby, M. D., octavo of 2,081 pages, third edition, published in 1916 by Lea & Febiger; and of various essays dealing with the action of drugs upon the human body.

It is not generally known that there is produced in the human body every day certain quantities of alcohol, not infinitesimal, but in very definite amount, and for this reason alcohol can not be considered a foreign substance, and therefore can be considered as being practically at all times present in the human body. This alcohol is produced principally, if not entirely, by fermentation processes in the intestinal tube; it is absorbed and is contained in the fluids and tissues of the body in general.

It appears, therefore, that the body is accustomed daily to the utilization or oxidation of a certain percentage of alcohol which is utilized or oxidized in exactly the same manner as alcohol which is produced outside the body and then swallowed in ordinary quantity. For these reasons, alcohol can not be considered as a foreign substance to which the tissues are entirely unaccustomed, and the effects which it produces are governed entirely by the quantity ingested and by the ability of the body to deal with a substance with which it is qualified to deal. If taken in such quantities as to be beyond the power of the body to utilize it or oxidize it, it, like every other substance capable of being swallowed, is capable of producing evil effects. This is true, for example, of water and ordinary table salt. In other words, the question of the power or influence of a given substance introduced into the body is determined by the quantity and concentration of that substance. In general terms, the greater the quantity and the greater the concentration, the greater the effect, and, conversely, the smaller the quantity and the greater the dilution, the less the effect. Salt, if taken in strong solution, irritates the stomach and causes vomiting, or if not vomited causes such an outpouring of liquid from the tissues of the body into the stomach and intestines as to cause diarrhea. So, too, it is generally known that a considerable quantity of 50 per cent solution of alcohol when taken undiluted may, by its irritant action on the stomach, produce injury, or by its rapid absorption into the blood may produce a condition which is commonly called drunkenness. On the other hand, it is generally recognized that the same quantity of alcohol when diluted with water, so that the alcohol content by per cent is low, is absorbed so slowly as to be deprived of its power or influence in direct ratio with the degree of its dilution. This is due to the fact that the dilution results in a greater volume of fluid having to be absorbed with a consequent slow or delayed entrance of the alcohol into the blood, so that there is at no time a very large quantity in that fluid. During the time of this slow absorption the system is busily engaged in oxidizing or destroying the alcohol as it enters in comparatively small quantities, with the result that the total quantity of alcohol present in the blood at a given moment is comparativey small. In one instance the alcohol may be said to be toxic because it overwhelms the ability of the body to deal with it, just as water may be toxic when taken in such quantity that the body can not deal with it. On the other hand, if alcohol is taken so that the body can deal with and destroy it, minute by minute, there is never a time at which it can act as alcohol and therefore can not exercise any intoxicating properties.

It follows from the foregoing that if a man drinks a considerable quantity of alcohol of such concentration as to equal 50 per cent it will enter his blood more rapidly than if it is in dilute form and, therefore, more rapidly than he can deal with it, whereas if he drinks a liquid containing a comparatively small percentage of alcohol, or, in other words, alcohol in a highly diluted form, it may be delivered to those parts of the body which utilize or oxidize the alcohol so slowly that it will never be present in sufficient quantity to produce any of the definite effects caused by alcohol which has escaped oxidation. The rapidity with which an alcoholic fluid is swallowed and the degree of its dilution to a large extent determines its effects, or, in other words, a man in one or two swallows, or one drink, of a 50 per cent solution would take as much alcohol as would a man who ingested about 1 pint of beer. The dilution in the pint of beer results in so slow an absorption of the alcohol content present as to give the body an opportunity to deal with or oxidize it as it is absorbed.

As illustrative of the delaying effect of dilution upon the absorption of alcohol, attention may be called to the well-known fact that all the strong acoholic beverages commonly used produce their effect much more mildly if food is taken with them than if they are taken without food.

These deductions are supported by the following practical observations:

1. I have in times past taken as much as 1 quart of beer in one hour without any manifestations of intoxication, the said beer containing a higher percentage of alcohol than 2.75 per cent by weight, although I am not an habitual user of beer or other alcoholic beverages.

2. I have frequently observed many other persons do likewise.

3. I have given whisky and brandy containing amounts of alcohol far in excess of the quantity of alcohol contained in 2.75 per cent beer in a quantity that a person can ordinarily drink several times a day without noticing symptoms of intoxication.

4. A careful study of the report of the Central Control Board of Great Britain (liquor traffic), published in 1918, which board was composed, in part, of men recognized the world over as authorities upon the influence of drugs or medicines upon the living body, confirms the opinions reached by me from personal experience and observation.

From these personal experiences and observations and considerations of the literature on the subject I am of the opinion that beer containing not to exceed 2.75 per cent of alcohol by weight is not intoxicating under the legal definition of that term.

HOBART AMORY HARE.

I also submit the statement of Dr. Smith Ely Jelleffe:

I first became interested in the action of alcohol while I was an instructor at Columbia University. I made special experimental studies for four or five years, psychological investigations, as well with students and animals, and made a number of extensive experimental studies with animals and men on changes in the nervous tissues due to acute and chronic poisoning, alcoholic and otherwise, some of the results of which have been incorporated in some of the articles referred to, especially studies on multiple neuritis and Korsakow psychosis, and the mentality of the alcoholic, morphine, heroin, alcohol, and other drug addicts. In addition I have seen thousands of acute and chronic alcoholic cases in the wards of the City Hospital, Bellevue, Bloomingdale Hospital, the Government Hospital for the Insane, Binghamton State Hospital, Hospital of La Salpetriere in Paris, and the Charity Hospital in Berlin, and to a great extent I have made psychological investigation in private practice of patients addicted to the various grades of alcoholism.

Practically all of the older data relative to the subject of alcoholism and the taking of beer or light wines pertain to solutions of from 4 to 12 per cent of alcohol, and there are practically no available data that can be said to be scientific or medically reliable on beers containing less than 4 or 5 per cent of alcohol by weight.

A very wide investigation of the literature of the subject reveals that nearly all of the statistics concerning beer drinking dealt with beers of from 6 to 10 per cent in strength. The extensive psychologi-

cal and neuromuscular experiments of Kraepelin were conducted on beers and alcoholic beverages of far greater alcoholic strength than 2.75 per cent by weight. In some of these cases the alcoholic percentage was not stated and the results of these experiments are thereby entirely vitiated.

From my personal experience and investigation and from observations made upon others, as well as from my study of the experiences, investigations, and experiments recorded by others in the scientific literature of many countries, I am of the opinion that beer or any beverage which contains not to exceed 2.75 per cent of alcohol by weight, when consumed by an ordinary man or woman in such quantities as the human stomach can ordinarily hold, is not intoxicating.

Dr. A. A. Brill makes a sworn statement, as follows;

I have for many years taken a keen interest in the subject of inebriety, especially in its psychological aspects, and have examined a great number of persons suffering from various manifestations of alcoholism.

I am acquainted with the subatance now known and sold as "war beer" both from my own consumption of the same and from being in company of others who have drunk it, which substance, I am informed and verily believe, has an alcoholic content not to exceed 2.75 per cent by weight, and from my experience and observation I am of the opinion that such beer which is now made and sold would not tend to cause inebriation or alcoholism in any average, normal adult drinking the same, but, on the contrary, it exerts a very beneficial effect, and in my opinion it would be impossible for any such person to drink a sufficient quantity of this substance to cause drunkenness.

From both the medical and legal viewpoints, therefore, it will be evident to any person who is possessed of good common sense and who is without prejudice, that well-brewed beer of 2.75 per cent alcoholic strength is not intoxicating within the meaning of the eighteenth amendment to the Constitution of the United States, and that therefore such beer should be permitted, under the provisions of the eighteenth amendment, to be manufactured, transported, and sold.

IS A COMMISSIONER OF THE DISTRICT OF COLUMBIA A CIVIL OFFICER OF THE UNITED STATES?

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks on the question of the power of the House to impeach a Commissioner of the District of Columbia.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks on the question of impeachment. Is there objection? [After a pause.] The Chair hears none.

Mr. SUMNERS of Texas. Mr. Speaker, I deem it my duty to direct the attention of Members of the House to the far-reaching importance if it should be permitted to become a precedent, of the recent determination of the Committee on the Judiciary that a Commissioner of the District of Columbia is not subject to impeachment on the score that he is a municipal and not a Federal officer.

Whether as a matter of public policy in the case out of which this question arose, or in any other case, the extraordinary power of impeachment should be exercised, is not involved in the question here raised. That question is always left to the discretion of the House, where the power to initiate impeachment proceedings is placed by the Constitution. It is the surrender, by precedent, as I view it, of a great and necessary constitutional power over a large class of important Federal officers, which is in issue.

Without question, officers of the Territories fall within the application of the conclusion reached by the Judiciary Committee.

The question which presents itself to Members of the House in this connection is, Shall the conclusion of the Judiciary Committee become the judgment, a precedent, of the House or shall the House by affirmative action declare the right to exist, which the Judiciary Committee has denied. That depends, of course, upon whether the Judiciary Committee's conclusion is correct. I respectfully challenge the correctness of that conclusion.

Story, in his work on the Constitution, quotes Rawle with approval, as follows:

All officers of the United States who hold an appointment under the National Government, whether their duties are executive or judicial in the highest or in the lowest department of the Government, with the exception of officers in the Army or Navy, are civil officers in the meaning of the Constitution and liable to impeachment.

I assume the correctness of that declaration will not be questioned. But the Judiciary Committee takes the position that a Commissioner of the District of Columbia, who otherwise meets every test of a Federal officer as to his creation, commission, and so forth, ceases to be, or rather never was, a Federal officer because assigned to the District of Columbia in the capacity of a commissioner thereof.

In order to have the issue squarely presented, that part of the report of the Judiciary Committee bearing upon the point is incorporated here. Mr. DYER, for the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, pursuant to House Resolution 228, after hearing and consideration, makes the following report: This committee is acting under a resolution passed by the House of Representatives on May 7, 1926. * * * We will consider, first, the power and the right of the House to impeach. Article II, section 4, of the Constitution provides that "the President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors." * * *

The first question that confronts us is, Is a Commissioner of the District of Columbia, appointed by the President and confirmed by the Senate, a civil officer of the United States, subject to the foregoing provision of the Federal Constitution? In order to arrive at a correct solution of this question, it is necessary to review the acts of Congress relating to the District of Columbia.

The area within the District of Columbia was ceded by Maryland to, and accepted by, the Government in accordance with clause 17 of Article I of the Constitution, which granted to Congress exclusive legislative jurisdiction over such District. This in effect makes Congress the legislative body for the District with the same power as legislative bodies of the various States, and it has full authority in legislative matters pertaining to the District, subject to the prohibitions contained in the Constitution.

That act of July 16, 1790, provided for the establishment of a seat of government in the District of Columbia. On February 21, 1871 (16 Stat. L. 419), Congress created of the District a municipal corporation by the name of "the District of Columbia," with power to sue, be sued, contract, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution, the laws of the United States, and the provisions of this act.

Subsequently, on June 11, 1878 (20 Stat. L. 102), the organic act of the District of Columbia was enacted by Congress, which provides that the District of Columbia shall remain and continue a municipal corporation as provided in section 2 of the Revised Statutes relating to said District, and that the commissioners provided for should be deemed and taken as officers of such corporation.

This seems to be as clear as language can express it that thereafter the District of Columbia should enjoy a municipal corporate status and that its officers should be deemed and taken as officers of such corporation. The fact that Congress retains legislative authority and that the method of appointing Federal officers was followed in the appointment of the commissioners is not material and certainly not controlling, for the selection of the commissioners could have been delegated to the President alone or to the people of the District. Had it been the intent of Congress that the commissioners should enjoy the status of Federal officials then no expression thereon was necessary, but the fact that Congress in specific words gave them the status of municipal officers indicates clearly that Congress was making and did make a distinction as to the official status of these officers while, at the same time, retaining the Federal method of appointment.

This was a very reasonable provision, for, while these officials are appointed by the President and confirmed by the Senate, they are not paid in the same manner as Federal officers. They are paid out of the District funds, to which, it is true, the Government contributes a certain sum, but they are not paid out of the Federal Treasury as are officials of the Federal Government.

We feel that the question is settled in the following cases:

Barnes *v.* District of Columbia (91 U. S. 540), rendered before the act of Congress of February 21, 1878, "An act to provide a government for the District of Columbia"; Metropolitan Railroad Co. *v.* District of Columbia (132 U. S. 1); District of Columbia *v.* Woodbury (136 U. S. 450); Donovan *v.* United States (21 Court of Claims Reports, 120); Griffith *v.* Rudolph et al., Commissioners of the District of Columbia (298 Federal Report 672, decided in 1924).

See also opinions of the Attorney General: Opinion 22, page 59; 18, page 161; 28, page 121; 28, pages 438 and 445; 29, page 410; 30, page 122.

For the reasons stated it is our conclusion that Frederick A. Fenning is an officer of a municipal corporation, to wit, the District of Columbia, and as such is not a civil officer of the United States and as such is not subject to impeachment.

The following are explanatory notes made by myself with reference to the cases cited, and the statement of the subject matter of the litigation and in the main are quotations from the brief of the attorney for Mr. Fenning:

(The Barnes case, 91 U. S. 540)

This was an action against "The District of Columbia" to recover for personal injuries received by the plaintiff in consequence of defective condition of the streets of the city of Washington.

(The Metropolitan Railway case, 132 U. S. 1)

Was an action in assumpsit brought against the street railway company. * * * The railway company pleaded the statute of limitation.

(The Woodbury case, 136 U. S. 450)

Woodbury sustained personal injuries by falling into a hole in the sidewalk. * * * Woodbury brought his action sounding in tort in a court of ordinary common law jurisdiction.

In the foregoing cases, in which the District of Columbia was a party, the question decided was that the District of Columbia had been created by Congress a separate entity for municipal purposes, to sue and to be sued as such and "subject to the ordinary rules that govern the law of procedure between private persons," and that the acts of officers such as the Commissioners, done within the scope of their authority, are binding upon the District of Columbia.

(The Donovan case, 20 Court of Claims 120)

This case, the reasoning and the conclusion are set forth in the following quotation from the opinion:

Can then a clerk holding his position under such municipal officers, appointed by them and subject to removal by them at pleasure, be regarded as other than a municipal officer? To hold otherwise would involve the conclusion that Congress could and would give to a municipal officer power to appoint an officer of the United States, a power which is limited by the Constitution to the President, the courts of law, or the heads of departments.

Donovan was held not to be a United States officer.

(The Griffith case, 298 Federal Reports, 672)

Griffith, an employee of the District of Columbia, protesting his discharge by a Commissioner of the District, claiming a status of a civil service employee of the United States. He was held not to be such employee but an employee of the District of Columbia.

The same character of questions as that decided in the foregoing cases were before the Attorney General, resulting in the opinions cited by the Judiciary Committee.

There is no question raised by me as to the soundness of the conclusions reached by the tribunals deciding the questions presented. These decisions all turn upon the obvious fact that Congress intended to create, had the power to create, and did create a separate entity for the purpose of suing and being sued within the District of Columbia, and as to third parties in so far as it has powers and duties, they are municipal in character. It was declared in the organic act that this entity might "sue and be sued" as a separate entity. Its legal liabilities are municipal in character because Congress so fixed it, and therefore to be adjudicated under the law applicable to municipalities. Its ordinary employees and agents are not to be regarded as those of the General Government. Congress did not intend they should be. The commissioners appointed by the President are the executive officers over this entity. Congress made them such and they bind it within the scope of the authority given to them by Congress. That is what these decisions hold, but they do not touch the point at issue. It is the question of the official status of the Commissioners of the District of Columbia to the United States, the government of his creation, whose governmental power he exercises, and the power of the United States to remove that officer by impeachment for treason, felony, and other high crimes and misdemeanors, to separate him from the ability to abuse the power delegated to him by the United States, and to bring to an end the hurt which his conduct brings to the good name of the United States Government whose confidence he has betrayed.

The Constitution gives to Congress with regard to the District of Columbia all the powers possessed by the Federal Government with regard to Federal matters and also all the powers possessed by the States. With regard to the District of Columbia its powers are plenary. It is the sole sovereignty. Within the District of Columbia there is not a single person clothed with the right to vote. There is no repository within the District of Columbia in which Congress could place any of its sovereignty by delegation or otherwise. There is nothing there capable of receiving such power.

An examination of the decisions cited and of the organic act, creating the District of Columbia to be a corporation for municipal purposes, discloses that all Congress attempted to do and all that it was held by those decisions to have done was to create an instrumentality, a separate entity, through which it could better exercise its sovereign power and discharge its governmental responsibility within the District of Columbia.

It did this as a matter of convenience for itself and for the people within the District of Columbia. It granted that the District of Columbia may sue and be sued, and that the legal liability and responsibility which ordinarily obtains between a municipality, its agents, and employees, on the one hand, and those with whom a municipality, its agents, and employees have to do in contract, tort, or other relationship shall be recognized, determined, and enforced within the District of Columbia by the general rules of law and procedure and upon the assumption of the usual reciprocal relationships and obligations which apply ordinarily within municipalities. That is what Congress intended to do, and it had the power to do it. There is nothing, however, in the act to indicate that Congress attempted to establish of the District of Columbia a unit of government to which it delegated any element of governmental sovereignty. If it had, that would not alter the relationship between the United States and the Commissioner of the District of Columbia. But there are those who seem to consider that it would. But the facts show that this premise from which the Judiciary Committee reasoned though it would not support the conclusion of the Judiciary Committee if it did exist, as a matter of fact it does not exist. I shall undertake first to develop that fact; and, second, that even if this premise assumed by the Judiciary Committee does exist, the committee reasoned from it to a false conclusion. It is understood of course that no disrespect or discourtesy is intended toward my colleagues. It is a difference of judgment as to the facts and as to what are the legitimate conclusions to which they lead.

LOCAL GOVERNMENT WITHOUT SUFFRAGE AN IMPOSSIBILITY

At this point I beg to emphasize that Congress could not do such a thing as it is claimed was done with reference to a community in which the right of suffrage does not obtain, as in the case of the District of Columbia. Plenary though its powers are, Congress does not have the power to delegate them except to an agency capable of receiving them. Nature imposes that limitation. How could it delegate such sovereignty when there is nothing within the District of Columbia to which it could make the delegation. The people within the District of Columbia are not sovereign. They can not vote. They are subjects of the Federal Government. Congress did not attempt to create a separate agency of government where there are no voters. It created an agency for government. The District of Columbia, as a separate entity, possesses no legislative branch. Congress still legislates for it. It does not possess of itself a judicial branch. The United States selects all of the judges. It does not possess of itself any executive branch of government. The United States selects all of its executive officers, who are at all times under the direct control of the United States.

With no judges of its creation or under its control, with no legislators of its creation or under its control, with no executive officers of its creation or under its control, and without a single voter within the District what is this local municipal government the Judiciary Committee talks about? Where is it? Where is its sovereignty? Where is the material out of which a local municipal government could be constructed? It does not exist. That ought to settle the question as to what Congress did do or rather what it did not do. But we are not limited to reasoning about this matter. Let us look at this so-called local municipal government.

THE ORGANIC ACT

The organic act, under which it is claimed the District of Columbia was created a municipal corporation and received from the United States, by delegation, municipal powers, does not attempt to confer upon the District of Columbia a single governmental power or impose upon it a single duty. It will be observed from an examination of the act that what Congress did was to provide for the appointment of three Commissioners of the District of Columbia to govern the District and authorized them to "carry on" for Congress under the title of the District of Columbia, to sue and to be sued under that title and under the laws governing municipalities. In the entire act there is not a single grant of municipal or other power to the "District of Columbia." There is not a single duty imposed upon it or any recognition of its existence, except as has been indicated. That act provides for the office of the Commissioners of the District of Columbia. The commissioners are appointed by the President by and with the advice and consent of the Senate, as other Federal officers are, and required before entering upon their duties to take—

an oath or affirmation—

As other Federal officers are—

to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law.

In section 4 it is provided not that the District of Columbia but that the—

said commissioners may by regulations consistent with the act of Congress * * * prescribe the time for the payment of taxes and the duties of assessors and collectors in relationship thereto.

With regard to construction and repair of streets under the regulations imposed by Congress the power and duty is not to the District of Columbia but to "the commissioners." The power to issue certificates of indebtedness in certain cases is given to the "Commissioners of the District of Columbia" and not to the District of Columbia. "Commissioners of the District of Columbia" is merely the official title under which Congress created them. It is the "Commissioners of the District of Columbia" which are empowered to "proceed to sell the property against which certificates are issued." It is provided—

that it shall be the duty of the Commissioners of the District of Columbia to require putting down water and gas mains, etc., before pavement or other permanent work is done.

Section 8 provides that the—

said Commissioners of the District of Columbia (and not the District of Columbia) shall have authority to employ such officers and agents and adopt such provisions as may be necessary to carry into execution of power and duties conferred upon them under this act.

It is to be borne in mind that they are powers and duties conferred by the United States and not by the District of Columbia.

It is not the District of Columbia which controls the public schools but "Commissioners of the District of Columbia" appoint "the trustees of public schools of said District."

The District of Columbia is not delegated authority with regard to public health. Section 8 provides:

The Commissioners of the District of Columbia shall appoint a physician as health officer—

And so forth.

And section 9, sanitary officers—prescribe their duties and appoint clerks. And so it runs through the whole act. The District of Columbia, aside from and except as a part of the official title of the commissioner, is not mentioned in connection with governmental duties or powers. It is only mentioned otherwise as the place in which the commissioners exercise these powers. Nowhere in all the act is there any language to the effect that the District of Columbia is authorized to, or may not, do anything with reference to government. There is no recognition in the act that it has an existence, except as being the entity under the title of which these commissioners carry on in their relationship with third parties. There is nothing in the act which says that these commissioners sustain any relationship in a subordinate capacity to any agency of the Government, except to the United States, by which they are created, from which they receive all their authority, by which alone they are supervised, to which alone they answer as to their stewardship, and which alone has the power either to direct, supervise, or discharge them, and yet we are told they are not civil officers of the United States. If creation, delegation of power to, supervision and direction of, and possession of power to discharge does not create the status of civil officer, what can do it?

In section 3 it is provided:

And said commissioners in the exercise of such duties, power, and authority shall make no contract nor incur any obligation other than such a contract and obligation as hereinafter provided for, and shall be approved by Congress.

They are constantly under supervision of Congress of the United States.

It is provided in that section that:

The said commissioner shall submit to the Secretary of the Treasury for the fiscal year ending June 30, 1879, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof * * * and also an itemized statement, an estimate of the amount necessary to defray the expenses of the government for the District of Columbia for the next fiscal year.

POWER NOT DELEGATED TO THE "DISTRICT OF COLUMBIA"

It will be observed that this is not made to the "District of Columbia," but to the Government of the United States. It is also provided that:

The Secretary of the Treasury shall carefully consider all estimates submitted to him, as above provided, and shall approve, disapprove, or suggest such changes in the same, or in any item thereof, as he may think the public interest demands.

These estimates the Secretary of the Treasury delivers—

to the Commissioners of the District of Columbia, who shall submit the same to Congress—

Together with their estimates—

to the extent which Congress shall approve of said estimates Congress shall appropriate the sum of 50 per cent thereof.

This amount has been changed. The remainder is collected from taxes assessed upon the property of the District of Columbia. The rate of tax being fixed by Congress and the assessment and collection being made under authority given by Congress—

All taxes collected shall be paid into the Treasury of the United States. And the accounts of said commissioners * * * shall be settled and adjusted by an accounting officer of the Treasury Department of the United States.

Where is this local municipality during all these proceedings?

With regard to bonds on contracts made by the commissioners for improvements in the District of Columbia, it is not provided even that those bonds shall be to the District of Columbia; the language of the statute is as follows:

And good and sufficient bonds to the United States.

And, finally, it is provided by section 12:

And said commissioners shall annually report their official doings in detail to Congress on or before the first Monday in December.

Of course they do not report to the local municipal government, the District of Columbia, because there is no such government. Go to the municipal building and ask for the chamber where their legislative body assembles, and they point to the National Capitol, to this Chamber and to the Senate. Ask about the election or appointment of the local judges, and they tell you they are all selected by the United States Government. Ask a contractor on city work for a copy of his bond, and it discloses that is made to the United States Government.

Every policeman, every fireman, every workman on the street, holds his job and draws his pay from these three human beings, the office of which was created by Congress and by Congress given the title "Commissioners of the District of Columbia."

Ask anybody to point out this so-called local municipal government, and the best they can do is to point to Congress and to the President and the Senate as the appointive agency, and to these three human beings, the commissioners, who never drew one atom of official power from or owe one atom of responsibility to this so-called municipality. Find it. Nobody can find it. It does not exist. If the commissioners were to try to report to a local government, they would have to report to themselves as the best they could do. That is a fact which can not be questioned. Of course they are not a government, and yet they are all that is. All the others are under them, and they are under the Congress. That is the picture.

We are not dealing with the question of civil liability of the "District of Columbia" to third persons. Congress fixed that. There is no dispute about that. We are not dealing with legal remedies and the legal status of employees under these commissioners and under other agencies created by Congress for specific purposes, which were the matters in controversy in the cases cited by the Judiciary Committee in support of its conclusions. Out of the abundance of its plenary power Congress has fixed these things by law, which fixation the courts respected. That is all. We are dealing with the official status of the Commissioners of the District of Columbia, created to be such by the United States, the supreme sovereign within the District of Columbia. We are dealing here with the substantive elements of governmental sovereignty and with the power of removal by impeachment, for cause, those who are entrusted with the exercise of those powers. We are dealing with the question of the power of control given by the Constitution over the officers which the United States creates, and which are exercising elements of sovereignty delegated directly to them by the United States.

Names are not things. It is the exercise of Federal power given by delegation to an individual which fixes official status within the meaning of the impeachment provision of the Constitution. If Congress had declared by positive declaration that these officers should not be regarded as Federal officers it would not have affected the situation in the least. The impeachment power does not come from, and is not dependent upon and can not be interfered with by Congress. It comes from the Constitution and is lodged in the Houses of Congress not as part of Congress but as separate governmental entities.

In the District of Columbia *v.* Bailey (171 U. S. p. 176), opinion by Chief Justice White, in referring to the status of the District Commissioners under existing law, says:

Recurring to the statutes relating to the District of Columbia, it is clear from their face that these officers are without general power to contract debts or to adjust and pay the same; that, on the contrary, the statutes expressly deprive them of such power and limit the scope

of their authority to the mere execution of contracts previously sanctioned by Congress or which they are authorized to make by express statutory authority. The necessary operation of these provisions of the statutes is to cause the District Commissioners to be merely administrative officers with ministerial powers only.

But they are important ministerial officers of power conferred upon the Federal Government by the Constitution and by the Federal Government conferred upon them. They have direct charge, under the control and supervision of Congress, of streets, sewerage, police and fire departments, and of all other agencies required for a population of approximately half a million people, resident within the District of Columbia, and who have no voice and no sovereignty, and over whom the Constitution gives to the United States all the powers of government.

The District of Columbia meets none of the tests of municipal, or of any other government, in any sense of independent power or authority. It can not meet any test, because there are no voters within the District. There is no sovereignty except that of the United States Government.

Supreme courts of Utah, Delaware, and New York have held to the same effect that:

A municipal corporation is an investment of the people of the place of the local government thereof.

Rawle in his work on the Constitution says:

A municipal corporation is a public corporation created by the Government for political purposes and having subordinate and local powers of legislation.

I quote the Encyclopedia Dictionary as follows:

Municipality comes from the word "municips," meaning the right of freemen, the right to vote, pertaining to local self-government.

The so-called municipality of the District of Columbia can not have a "civil officer" in the ordinary sense. There can be no civil officer under it. "Civil officer" of a government presupposes the existence of a government capable of creating the office, of appointing the officer, and having sovereign power to delegate and capable of directing the officer and of discharging him. None of these powers are possessed by the so-called District government in so far as a Commissioner of the District of Columbia is concerned or in so far as any other officer is concerned. The so-called municipality of the District of Columbia in a governmental sense, if a thing at all, is an inert thing. In its relationship to the civil officers who have to do with affairs in the District of Columbia it is neither the creator nor the master. It does not have within itself any power to create or operate either of the departments of government. It has no power to choose. It has no power to act. It is not a government in any sense of sovereignty. It can delegate no part of the power of sovereignty to an officer, because it possesses none to delegate.

OPINION BY CHIEF JUSTICE MARSHALL

The official status of an officer of the District of Columbia was before the Supreme Court in an early day, when the District of Columbia had a much more complete governmental organization than it possesses now. In Wise *v.* Withers (3 Cranch, 330) it was determined that a justice of the peace for the District of Columbia was a civil officer of the United States. They were appointed exactly as are the Commissioners of the District of Columbia. We quote from the opinion in that case:

It is contended by the plaintiff and denied by the defendant that a justice of the peace within the District (District of Columbia) is either a judicial or an executive officer of the Government in the sense in which those terms are used in the law. It has been decided in this court that a justice of the peace is an officer; nor can it be conceived that the affirmative of this proposition, were it now undecided, could be controverted. Under the sanction of a law he is appointed by the President, by and with the advice and consent of the Senate, and receives his commission from the President. We know not by what terms an officer can be defined which would not embrace this description of persons. If he is an officer, he must be an officer under the Government of the United States. Deriving all his authority from the legislature and the President of the United States, he certainly is not the officer of any other government.

This decision was rendered by one who ranks as the greatest of our Chief Justices, Chief Justice Marshall. In view of the position taken by the majority of the Judiciary Committee it is interesting to note the test which this great expounder of the Constitution applied. Regardless of analogy, the test is in point:

He is appointed by the President, by and with the advice and consent of the Senate—deriving all his authority from the legislature and the President of the United States, he certainly is not an officer of any other government.

TEST OF OFFICIAL STATUS

Suppose the court had been passing on the identical question at issue here—whether a Commissioner of the District of Columbia is an officer of the United States. It would have held, under the facts, as in the case decided—

He—

The commissioner—

is appointed by the President by and with the advice and consent of the Senate and receives his commission from the President. We know not by what terms an officer can be defined which would not embrace this description of person. If he is an officer, he must be an officer under the Government of the United States—

Because—

deriving all his authority from the legislature and President of the United States.

That was the test, and that is the test now. Measured by that test and guided by the conclusions in that case, what is the correct conclusion as to the Commissioners of the District of Columbia? They are appointed by the President, by and with the advice and consent of the Senate. Their duties are defined by the United States. They are directed to discharge governmental duties which rest upon the United States as sovereign, and nowhere else. The business which these officers are created to do clearly is the business of the United States, made so by the Constitution. They are supervised in their work by the United States Government and by none other. They report to the United States Government as to their stewardship and to the United States only and are subject to removal from office only by the United States.

UNITED STATES AGAINST STRANG

In the brief filed in behalf of Mr. Fenning before the Judiciary Committee of the House the case of the United States *v.* Strang (U. S. 254, p. 493) is cited as sustaining his contention that Mr. Fenning is not an officer of the United States, the citation being made under a claim of analogy. Strang, connected with the Fleet Corporation, which had been created as any other corporation is under general law, all of the stock of which the United States had purchased, was being prosecuted as being a Federal official. While the analogy is wanting, the test applied by the Supreme Court in determining the issue raised as to whose officer the facts showed the defendant to be is important and applicable to the issue here. The reason for the determination of the court, in that case, was stated as follows:

The corporation was controlled and managed by its own officers, which appointed its own servants and agents, who became directly responsible to it. Notwithstanding all its stock was owned by the United States, it must be regarded as a separate entity. Its inspectors are not appointed by the President or by any officer designated by Congress. They are subject to removal by the corporation only and could contract only for it. In such a circumstance we think they were not agents of the United States within the true intendment of section 41.

That is, they were held instead to be agents of the corporation. In arriving at that determination the court applied the following test:

The corporation is controlled and managed by its own officers and appoints its own servants and agents, who become directly responsible to it. Inspectors were not appointed by the President nor by any officer designated by Congress. They were subject to removal by the corporation only.

The question before the court was, whose agent is the defendant, the agent of the corporation or the agent of the United States? That was the question, and that question was determined upon the decision as to who appointed the defendant, to whom was he responsible, and who had authority to discharge him. That was the correct test, of course. It is the usual, the determinative test as to relationship of principal and agent, whether public or private.

If the present matter in controversy was now before that court, and if we will suppose the District of Columbia possessed of the capacity to create civil officers, which it is not, in determining between the United States and the District of Columbia as to whose office the commissioner is, the court would examine: First, as to who appointed that officer? It would determine that the United States appointed him. Second, who fixes the duties of the officer? It would determine that the United States fixes them. Third, who gives direction and supervision of the officer? It would determine that the

United States does. Fourth, to whom does he report and is responsible? It would determine that it is to the United States. And last, who has the power to discharge the officer? There could be but one determination—the United States. The court would be compelled to find that this commissioner is a civil officer of the United States.

ONE MAY BE ADMINISTRATIVE OFFICER OF DISTRICT AND CIVIL OFFICER OF THE UNITED STATES

But there is no conflict between an individual being an officer of the District of Columbia in the sense used as to a commissioner in the organic act, even if there were a local governmental organization possessed of some elements of governmental power, and a civil officer of the United States as the creating, directing sovereign whose civil officer he is. Let us examine this question from that angle. The same plenary power possessed by the United States with regard to the District of Columbia obtains with regard to the Territories. With regard to each the United States is the sole, supreme, comprehensive, sovereign power. The Constitution so provides. With regard to the Territories and the District of Columbia the general theory and plan of our system of government is reversed. The Constitution makes complete surrender to the United States, not only of the Territories but as to the inhabitants of these Territories. They are made subjects of the United States, and the Territories and people subject to plenary power given to the United States by the Constitution. Their right to vote as citizens of a State ceased to be a right the moment they established themselves in a Territory or in the District of Columbia. As to them, they no longer live in a government—

which derives its just powers from the consent of the governed.

Theirs is no longer a government in which the people are the sovereign and the government their agent. The government is sovereign and they are its subjects. The same powers and the same relationships obtain between the United States and the District of Columbia as obtains between it and the Territories.

THE UNITED STATES AND THE TERRITORIES

In order to disassociate the consideration of this question from the influence of local environment and of the personal equations which are involved in the impeachment proceedings out of which it grew and to indicate the importance of this question, let us examine it with reference to the government of the Territories, we will deal now with the question of the soundness of the position assumed by the Judiciary Committee, granting for the moment the existence of the premise from which they have reasoned. If we take the government of Porto Rico, for instance, we find that Congress has provided for that Territory a complete system of Territorial government, legislative, executive, and judicial, reserving to itself in that case the usual elements of control but allowing participation by the people in the election of officers, especially of the legislature. Congress has reserved to the United States the appointment of the chief executive officer and has provided that—

The official title of the chief executive officer shall be the "Governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate.

The period of appointment is for four years. He is removable by the President. He is given the power to—

Grant pardons, remit fines and forfeitures and respite for offenses against the laws of the United States, commission officers, and is made commander in chief.

Porto Rico is a governmental entity. The Governor of Porto Rico clearly is an officer of the Territory of Porto Rico in the sense that his acts, within the scope of the authority given him, are the acts of its Territorial government. Under the reasoning of the Judiciary Committee, it must follow that the Governor of Porto Rico is not a civil officer of the United States, because he is an officer of the Territory of Porto Rico. Courts hold that the governor's acts bind Porto Rico. It is true that he is not appointed by Porto Rico. He is not controlled by Porto Rico, and he can not be discharged by Porto Rico, but Porto Rico is a governmental entity and he is the governor. That determines the question according to the reasoning of the Judiciary Committee, and the governor is free from the impeachment powers. But will the House of Representatives accept this test or will it accept the test which Chief Justice Marshall applied? Will the House agree that this officer, whom the United States creates to be the Governor of Porto Rico, and sends to Porto Rico to exercise the executive powers, which the United States reserves to itself in the plan of government established is not within the meaning of the Constitution an officer of the United States—the Government which creates him, the Government whose commission he bears, and whose agent he is—merely because he is sent by the United States to be for it and for the people in its stead and is designated as the Governor of Porto Rico and acts for it in Territorial governmental matters. He does not receive either his commission or power to govern from the government of Porto Rico but receives it from the United States and is subject to removal only by the United States.

A PRECEDENT BEING ESTABLISHED

As stated, we are not dealing merely with the matter of impeachment of an individual by this precedent which we are in process of establishing. Suppose the United States should be engaged in war and the Philippine Islands, for instance, should revolt, and the Governor of those islands, appointed by the United States, and sustaining the same relationship to it as the Governor of Porto Rico does, should conspire against this Government and should thereby become guilty of treason. According to the contention of those who say a District commissioner is not subject to impeachment, because he is one of the three executive officers of the District of Columbia, this man, guilty of treason, could not be impeached.

This is a question of great moment. Its determination will establish a precedent of far-reaching importance, affecting not only commissioners and other officers of the District of Columbia, but all the officers of the Territories appointed, commissioned, and directed by the United States Government. It will not only free them, if this precedent is established and followed, from the impeachment power, but it will be persuasive upon the courts in determination of liability under the civil and criminal laws of the United States, which undertake to regulate and control officers of the United States.

It is of no consequence what duty an officer created by the United States is directed to discharge under a delegation of power possessed by the Federal Government, or what may be his connection with an agency of government created by the United States, that officer is answerable to his creator under the impeachment powers of the Constitution. That must be so. The impeachment power is the supreme, all comprehending power of control. Why does it not apply to these officers? There is the greater need of control by the Federal Government over the officers of its creation, who are commissioned to exercise governmental power in the District of Columbia and in the Territories, where, as in the case of the District of Columbia, the people have no voice whatever and the United States Government exercises power over them far greater than that which it exercises in the States? In the States there is the State government. The Federal Government is limited in its jurisdiction. The people have the vote. They are the source of sovereignty. They not only have the power to protect the public interest but they have the power to protect themselves against corrupt and tyrannical officers. In the District of Columbia and in the Territories that is not true. The genius of government requires that the greater the power of government and the less the capacity of the people to protect themselves and to protect the good name of the Government the greater must be the power of control by government over the persons who are the administrative agents of government. Due respect for the framers of the Constitution will not permit the conclusion that this consideration was ignored in the framing of the Constitution.

GREATER THE POWER, GREATER NEED OF CONTROL

We can not agree with the position that the framers of the Constitution, who gave to the Federal Government plenary governmental power with regard to the District of Columbia and the Territories, so fashioned that instrument that the power to impeach an officer created by the United States to discharge duties for it fixed by the Constitution is destroyed the moment that officer is attached to a governmental instrumentality in a field of greater power and responsibility where there is the need of the greater power to control.

It is no answer that the President can remove these officers. The impeachment power, as incorporated in the Constitution, is the power of the people over and above that given to the President and to all other offices and repositories of power to control officers of the Federal Government. It embodies the implication that there might some time come to the Presidency one who himself would require the interposition of the constitutional power of impeachment.

Due regard for public necessity and for the harmony and strength in Government which the framers of the Constitution must be presumed to have had in mind compels us to dissent from the conclusion of the majority of the Judiciary Committee that a Commissioner of the District of Columbia is not an officer of the United States. This officer, who is appointed by the President by and with the advice and consent of the Senate, to whom is delegated a part of the sovereign power

of the United States, which power he is directed by the United States to exercise, by and on its behalf, who is supervised by the United States in that exercise, who reports only to the United States, who is answerable only to the United States, and who is removable only by the United States. These facts compel dissent from the conclusion that he may be guilty of offenses denounced by the Constitution as impeachable, even treason itself, and yet is free from the impeachment power lodged in the House of Congress merely because Congress has also created the instrumentality which is deemed necessary in order for him to do the work which Congress directs him to do, and for the doing of which Congress is made responsible by the Constitution. We can not assent to the theory that this officer, in any sense in which civil officer is used in the Constitution, is an officer of the instrumentality which he uses, over which he has authority, to which he is not answerable, by which he was not chosen, by which he can not be discharged, rather than the officer of the responsible Government, the exclusive sovereign which creates both the office and the instrumentality and clothes him with authority delegated from itself.

In conclusion I submit that every consideration of public interest and for the facts of our Governmental plan, purpose, and philosophy protests against permitting the finding of the Judiciary Committee to become a precedent of the House of Representatives.

COAL

Mr. WATRES. Mr. Speaker, I ask unanimous consent to address the House for one minute on the subject of coal.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House on the subject of coal. Is there objection. [After a pause.] The Chair hears none.

Mr. WATRES. Mr. Speaker, I will take advantage of one minute to say that there have been misrepresentations heretofore made in regard to the coal industry, and there have been unwarranted charges made. I desire the opportunity to set forth my views on the subject to the membership of the House, and I hope the Members will take advantage of the opportunity to read those views. [Applause.]

Much has been said at this session of Congress concerning the necessity for legislation to regulate the coal industry. Those who have urged such legislation are doing so in the desire to secure for the coal-consuming public an uninterrupted supply of coal at fair and reasonable prices—certainly a most proper purpose.

As one of the Representatives from the anthracite region, I assert emphatically that the people of that region have far more reason than any consumers for wanting to see the establishment of an uninterrupted supply at such reasonable prices as will pay fair wages to the miners. Only through such a condition can the anthracite region hope to continue to prosper because the coal industry is the very life of that section.

The proponents of the legislation to put the Government into the regulation of business overlook entirely the real cause of the trouble so far as anthracite is concerned and magnify the minor considerations out of all proportion. It has been pointed out many times that conditions in the anthracite industry differ greatly from those prevailing in the bituminous. In the anthracite the one great trouble has been the lack of harmony and ability to cooperate as between the operators and those who toil in the mines. Other considerations are insignificant in importance and effect as compared to the cause mentioned. Germany and France have discovered that war carries with it devastation, death, and frightful money cost in addition. Industrial disputes have been the source of trouble in the anthracite industry. They have cost untold millions to all concerned—consumers and operators—and the greatest sufferers of all have been the miners and their families through unemployment.

From September, 1920, to February, 1926, a period of somewhat over five years, there was nearly one solid year of strikes. More than any other single consideration, that fact has caused the increase in the price of coal. The gentleman from Massachuetts [Mr. TREADWAY] and the gentlemen from New York who have discussed the coal situation know that Congress can not do away with labor's right to collective bargaining, and this has never been attempted even in the case of labor engaged in purely public business, such as railroading. These gentlemen must have admitted to themselves privately that there is little hope of reducing the price of coal to the consumer through Government regulation, because they know that has never been accomplished by such means in the case of any other commodity.

It has been charged here that a subtle, unseen, but mysteriously powerful lobby engineered by "coal barons" has defeated the legislation and that Members representing the coal regions are under the influence of the "coal barons." That statement is absolutely false. The fact is that all of the people of my district—miners, operators, and business men generally—are opposed to putting the Government in the coal business, even by way of regulating it, because they know that even in normal times only about 50 per cent of the coal companies make any profit and 35 per cent show a loss. They know that Government regulation entails additional burdens which will weigh heaviest on the weaker companies, driving them out of business, that it will result in putting miners out of employment and that it will not have the desired result of reducing the retail price of coal.

The Chamber of Commerce of the United States at its annual meeting here in Washington on May 13, 1926, adopted the following resolution:

> Regulation and control of the coal industry are proposed in divers ways by bills which are pending before Congress. We therefore consider it appropriate to reiterate the position of the Chamber of Commerce of the United States in opposition to proposals which have for their object the control of industries by governmental agencies.

It has been repeatedly stated on the floor of the House that the anthracite business is a monopoly. Neither the assertion nor the repeating of that statement make it true, for it is not a fact. There is not only competition within the industry, but the industry itself, as is well known, is in competition with fuel oil, low-volatile bituminous coal, and other fuels.

You have heard much of the sufferings of the poor in New York and elsewhere because of inability during the last strike to secure coal to keep their families warm. Beyond any question, the greatest deprivation, hardship, and hunger during the strike was among the miners in the affected district. There was in many cases terrible suffering from cold and hunger. I ask you to think for a moment of miners enduring an enforced idleness from September 1 to February 18, 170 days through the cold winter months, having no income to feed and clothe their families, many of them with four, five, or six children. It would require a book to tell the whole story of the heroism displayed by many of these families. The hardships they were called on to endure have thus far been unheralded here. If Government regulation would help those poor people or would reduce the price of coal, I would to-day be urging it, but it would harm them and the people themselves do not want it.

It may seem strange, but it is none the less a fact, that while I have not been approached, either directly or indirectly, by the operators or the miners on this question I have had numerous letters from individuals in my district engaged in business not connected with the coal industry opposing Government regulation. Those business men know that it would simply be an added burden to a harassed industry.

The coal operators know that the price of coal to the public can not be increased if it is to meet the competition with other fuels; that it must be lowered, if possible. The miners know it. They know that industrial peace will make it possible of achievement. This is their only hope. To talk of relief through Government regulation is to hold out a false hope. It can only delay the real solution and threaten ruin.

The present contract between the operators and the mine unions negotiated last February provides for the settlement of differences between the parties for a period of five years. That should lead to further accords. It is the only hope. Give the industry that chance.

THE MISSOURI RIVER

Mr. SEARS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the navigation of the Missouri River.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks on the subject of the Missouri River. Is there objection?

There was no objection.

Mr. SEARS of Nebraska. Mr. Speaker, under leave to print an added statement on the subject of the Missouri River the following is submitted:

We glorify ourselves because we are a nation of over a hundred million people. Because it is 3,000 miles across our mainland from east to west and 2,000 miles from north to south. For hundreds of miles west, from the east coast, are mostly rugged mountains. For hundreds of miles east, from the west coast, are rugged mountains, and in between the mountain ranges in the heart of it all is the great plains country, the great agricultural district of the world, with States and counties and magnificent cities having all that is dependent on agriculture, which, with such a people, means nearly everything, including manufacturing and commerce. Without the products of that agriculture, should they suddenly be taken away, the East and the West would starve; the world would be short of food.

Now, let us suppose that in place of the Great Plains country it was the Alleghenies or the Rockies all the way across. In such a case what would be the greatest desire of that hundred millions of people? Why, it would be for the Great Plains country just as it is, in the heart of it all. And then suppose, again, that the Great Plains country would be there and no great river artery. What would that hundred millions of people wish more than anything else? Why, it would be for a great river waterway arising near the Canadian border and emptying into the great Gulf. Nature has given it just what this great people would want if it were not already there. Our waterways, furnishing navigation to our several sections, furnish life and activity and prosperity wherever they abound. Our Great Lakes are filled with commerce flowing from cities along the coast line. All there as they are because of water transportation. Our ocean coast line is active with commerce because at convenient places have grown up great cities that are only there because their flourishing qualities found life through navigation. Millions of dollars, millions without stint, are lavished on other rivers, on the Great Lakes, on our ocean borders, but to mention the needs of the Great Plains people and the calling of the great river brings out ridicule from many from other sections and a closed fist in place of an open palm extending the needed appropriations.

What is the Missouri River? It is officially declared by our competent engineers to be the greatest navigable river in the world. Forty-four hundred miles eligible for proper improvement from New Orleans, through the Great Plains country, to the Dakotas and Montana. What can we say for its capacity if improved for navigation? Our competent engineers declare it will have the capacity of 600 single-tracked railroads. What would be the cost of that improvement? Less than $100,000,000 will give it such improvement to the upper end, marked by our engineers, for navigation from Kansas City. Is there commerce for such a river so improved? There is over a hundred million tons of in and out going freight. Would it be of value if so improved to this great agricultural community? Secretary Hoover has said that it would add to the price of grain 6 cents a bushel to the producer. Is there any grain raised there? More than a billion bushels in country tributary to the river from Kansas City up.

The claim is also made that every section of our country is entitled to develop according to the best of its potentialities. No one denies it, yet this is the only part of our country that is worse than neglected, that is strangled, because the rest are aided and encouraged, and this great country is slighted and left alone. It takes one crop in four to get the other three crops to market. The great question is, How long shall this neglect continue?

A hundred million dollars, available in proper appropriations, will complete this river in 10 years, and then the present generation will have its use. Nay, the whole Nation will have its use. At the rate of past consideration 50 years will go by, and still it will be incomplete, and the bleeding process will continue.

The people of this great section should stand as one, demanding as their one great demand that dilatory tactics shall cease. There is no question as to engineering problems; they are all behind us. Our engineers all know and declare that the river can be improved for practical navigation, stopping forever the erosion of the farm lands that each year takes its toll of millions of property, as an incidental benefit.

Communities can only thrive when, like the human body, they are not being bled to death. This great section of our country demands that the bleeding process shall stop and that it be allowed to thrive with the rest of the country.

THE WEST VERSUS THE SOUTH AND THE TARIFF

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the tariff.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks on the subject of the tariff. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Speaker—

> I am going to suggest that the Democrats in this Chamber * * * join hands with the representatives of the Northwest and tear down this tariff wall.

Mr. Speaker and Members of the House, these are the words of Senator ROBINSON of Arkansas, Democratic leader of the Senate, spoken in that body June 16, 1926.

There is nothing that is sacred or holy in a tariff, and by no means is the present tariff law above criticism. Every Member here probably would change certain of its schedules if he could. We would reduce those that apply to industries that we do not represent. We would put on tariff duties and increase rates on those industries within our districts that are tariff affected and protected. I am ready to vote to change the present tariff law whenever by so doing I can benefit the people whom I represent, and whether proposed by the Democratic or Republican Party I will support those rates that benefit my people and oppose those rates that do not, knowing full well that every other Member will proceed on the same theory, regardless of party. The result will be a law of general benefit based on a majority decision.

Tariff rates are largely dictated by party leaders. The statement which I have quoted is that of the Democratic leader of the Senate appealing for Democratic support in the West. He tells us that he will tear down the tariff wall, but not what rates he will propose. Tariff laws originate in the House. Our colleague, WILLIAM OLDFIELD, chairman of the Democratic Congressional Committee, party whip and spokesman on the tariff, leader of the Ways and Means Committee that will write the tariff act if the Democrats control, comes from the same State as does Mr. ROBINSON—Arkansas. He has told us what the Democrats propose to do with the tariff, so far as the western farmer is concerned. Speaking in the House, January 29, 1926, Mr. OLDFIELD said that he would take the tariff off of "all cattle, sheep, goats, and hogs."

CATTLE AND HIDES

Better than half of my district is directly engaged in cattle production. Every person in my district is directly and indirectly interested in the prosperity of the cattle industry. The present rates were largely written at the demand of the rancher of the West. That proposal to take the tariff off of cattle hits us. What does it mean? Will it help or hurt? The Producer, published at Denver, in its May issue points out that under the Payne-Aldrich Tariff Act where there was a tariff on cattle that in 1912 importations were 325,000 head and exports 46,000. The Underwood Democratic tariff was passed in 1913. In 1914, under free trade in cattle, importations more than doubled, jumping from 325,000 to 727,000, while exports dropped from 46,000 to 8,600 head. Free trade lost the cowman his export business and increased greatly his foreign competition. In 1921 the emergency tariff went into effect placing a tariff on cattle and the importations dropped from 379,000 in 1920 to 195,000 in 1921, while the exports increased from 85,000 in 1920 under free trade to 196,000 under tariff protection. In 1925 importations into the United States were 174,000 as compared with 379,000 under free trade in 1920. The great majority of these importations were feeders from Mexico and Canada brought in to compete with the feeders raised on the ranges of the West. Every animal so imported takes a market away from an American-raised animal.

This proposal, Mr. Speaker, means to the cowman of the West that the Democratic leaders propose to again take from him his export trade and give him unlimited competition from Canada, Mexico, and South America. The West knows what that did to the cattle business under the Underwood law. The cattle producer does not want that kind of tariff revision.

The American National Livestock Association in convention at Phoenix, Ariz., on January 15, demanded a tariff on hides and an increase in the tariff on canned meats. The Nebraska Stock Growers' Association has repeatedly demanded a tariff on hides. Mr. Graham, president of the Nebraska Stock Growers' Association, says that a tariff on hides will mean around $2.50 on every head of grown cattle slaughtered—an important item to the cattle producer.

Two weeks after the American National Live Stock Association had demanded a tariff on hides the gentleman from Arkansas [Mr. OLDFIELD] was asked by me on the floor of the House if he would favor putting a tariff on hides. He replied to me and to the cattlemen of America that not only would he not favor it but that he would oppose any efforts to put a tariff on hides. And, yet he asks the cowman of the West to give to him and his party power to write a tariff law wherein it is proposed to both refuse him the tariff protection he demands and, worse still, to take from him that protection which he now has against foreign competition in the cattle business. The cattleman knows his business. He knows that tariff protection helps him. He demands more and not less tariff protection for his industry. With his demands I am in complete accord. He will not put his neck into that kind of a noose nor will this siren call of the South cause him to vote against the best interests of his own business.

WHEAT

Speaking further, the gentleman from the South, Mr. OLDFIELD, looks out to the western wheat grower and says, "Join hands" with us and we will take the tariff "entirely off of wheat. It does not do the farmer any good." Well, let us see. Our colleague from Oregon [Mr. HAWLEY] on June 24

had this to say of the tariff on wheat, the figures which he uses being furnished by the Department of Agriculture:

That there is an American market for wheat under a protective tariff at prices better than the outside market is shown by the following statistics:

Comparative average prices of wheat per bushel at Minneapolis as compared with such prices at Winnipeg, typical grades being considered, during the crop years as follows:

Crop years	Minneapolis	Winnipeg	Difference per bushel in favor of Minneapolis
			Cents
1921-22	$1.48	$1.30	18
1922-23	1.26	1.12	14
1923-24	1.24	1.00	24
1924-25	1.66	1.58	8
1925-26 (42 weeks)	1.68	1.51	17

This is an illustration showing that there is an American price for wheat which rules higher than the foreign market. Winnipeg and Minneapolis have the same opportunities for transportation to the world market. There must be an American market for wheat better than that elsewhere, or why else does the farmer get a higher price for it than the neighbor at our doors? Canada would gladly furnish us from her great areas of new lands, with lower costs of production, a tremendous quantity of wheat, and be thankful for the opportunity to do so. If the tariff were removed, what would prevent a flood of Canadian wheat from pouring into this country, to increase the surpluses which are already causing the farmer trouble and to depress the price he receives? Wheat grows in all parts of the world. I think we will do well to preserve for the farmer his great home market.

A further illustration of this fact is found in a study of the invoice value per bushel of wheat exported from in comparison with the import value per bushel of wheat entering the United States.

Year	Invoice value of wheat exported from the United States (per bushel)	Invoice value of wheat imported into the United States (per bushel)	Amount by which the American price was higher than the price of imported wheat
			Cents
1922	$1.25	$1.14	11
1923	1.18	.98	20
1924	1.42	1.00	42
1925	1.72	1.39	33

I am informed that the exports and imports were of comparable grades. When the foreign wheat was in the course of transportation it would seek the most profitable market naturally.

The invoice value of wheat exported from the United States was 11 cents higher per bushel than the invoice value of wheat imported into the United States in 1922, 20 cents higher in 1923, 42 cents higher in 1924, and 33 cents higher in 1925.

That is, the farmer in the United States continually gets a better price for his wheat than the farmers of competing countries, and that better price is due to the protective tariff. The nation-wide average farm price for wheat of all kinds and grades—that is, all wheat—according to the Department of Agriculture and the Department of Commerce was $1.302 per bushel in 1924.

Take the year 1924, for instance, when the export price was 42 cents higher per bushel than the import price, when the farm price was 30 cents higher than the import price, when the Minneapolis price was 24 cents higher than the Winnipeg price, the import price and Winnipeg price being the same, when the import price for the past four years is materially lower than the export price, it appears evident that some cause has operated to benefit the American farmer in his price. The tariff has been in effect on wheat for the last four years, and during these years he has had a decided advantage in price. When a foreign commodity year after year is sent to our market the seller must find it more profitable to sell here than elsewhere. If that were not so, he would sell elsewhere. If he could find a better market for himself for the wheat he sells us, he would sell in that market.

Let me state this again: In 1924, the wheat crop of the United States was 872,673,000 bushels, the largest production in our history outside of three years under war-time stimulus. The farm value was $1,136,596,000, and the farm value per bushel was $1.302. The average production for the four preceding years was $828,228,000 bushels, so that the production for 1924 was 58,445,000 bushels above that average. The average consumption of wheat in the United States for 1923 and 1924 was 600,426,000 bushels. The average surpluses for these same years, subtracting the exports from the production, was 250,665,000 bushels of the domestic crop. Of the crop for 1924, 238,257,000 bushels were exported. If, then, in that year the import price was $1 per bushel, the Winnipeg price $1 per bushel, while the farm price for all wheat in the entire United States averaged $1.302 per bushel, or 30 cents above the import price and the Winnipeg price, it is evident that there was an American price for wheat which was 30 cents per bushel better to the farmer than the outside price and that this American price was due to the protective tariff. I have taken the year 1924, as it is the latest year for which all the figures were available in the official publications.

Under free trade the Canadian farmer received an average of 5 cents per bushel more for his wheat than the American farmer did. But under protection the American receives an average of 20 cents more per bushel than the Canadian farmer. That is, the American farmer is 25 cents per bushel better off under protection. This better price on a very small per cent of his wheat crop will offset the amount of tariff duties on the articles he buys, leaving all the rest a clear gain.

And yet the Democratic leaders of the South say to the western wheat farmer "join hands" with us and we will take from you the undisputed advantage which you now enjoy and open your home market to the wheat of the world. The western wheat farmer is 2,000 miles from market by rail. The wheat farmer of the world can reach the consuming markets of the United States by boat cheaper than we can by rail. He would do it, save for one thing—the tariff, which he must pay before he enters that market. But that barrier Mr. OLDFIELD and his party would take away.

SUGAR

In 1924 we produced 18.6 per cent of our domestic supply of sugar. From our possessions we obtained an additional 22.7 per cent. Sugar is now selling at retail at from 5 to 6 cents per pound, the lowest price since the war. Compare that price with the 20 and 30 cents per pound that the American housewife paid for sugar under the last low tariff act, when the Cuban sugar producers had America at their mercy. Instead of the tariff on sugar taking money out of the pockets of the American consumer it actually saves them many millions of dollars, resulting from the lowering in price due to competition of American sugar with imported sugar. America is a sugar-importing Nation. The tariff protects the home industry. The sugar-cane and beet farmer of America now sells his sugar on a sliding scale, receiving pay for his beets or cane in direct proportion to the selling price of sugar. This year Nebraska farmers raising beets for sugar in over a dozen of the 36 counties of the sixth congressional district will receive over $7,000,000 for their crop. Since 1910 Nebraska farmers have received over $65,000,000 for their beets. This is American money paid to American farmers on American farms. An American industry. Kill it and that money will go to foreign farmers for a foreign product raised under foreign standards and living wages. Every beet farmer knows that a reduction of the tariff on sugar will reduce that industry to where the raising of beets is no longer profitable and will drive him from that business. Every consumer of sugar should know that the destruction of the home producer of sugar will again place him at the mercy of the foreign producer, as he was in 1920, when the worst kind of extortion was practiced under the Democratic tariff by the producers of sugar in Cuba. To-day sugar is the cheapest article of manufactured food that the farmer buys. The average annual consumption is about 100 pounds per capita. One-half of that is used in candy, soft drinks, baked goods, and so forth, which would be no cheaper if there were no tariff. The average family of four then consumes about 200 pounds of sugar. The tariff is now $1.76.

Mr. OLDFIELD says they will reduce the tariff to about $1.23, or a redction of 53 cents a hundred pounds. Assuming that the entire saving would go to the consumer—and no one claims it will—the saving annually per family is $1.06. For $1.06 a year the Democratic leaders of the South propose to ruin a great American industry in the West and place us again at the mercy of Cuba, and allow the profits that now go to American farmers to go to Cuban farmers and producers.

What does Mr. OLDFIELD say that his party will do for the American sugar beet and cane farmer? He says that it would not be "possible to take the tariff off of sugar" entirely, but that he would reduce it to a point where all American producers "could live that were entitled to live." Why does he not propose to take the tariff entirely off from sugar as he proposes to do with wheat, cattle, and so forth? To take it all off would please the owners of the sugar plantations of Cuba immensely, just as his proposal on wheat and cattle meets the instant approval of the foreign producer of those products.

There is a difference between sugar on the one hand and wheat and cattle on the other. The tariff on sugar can not be taken

entirely off by the Democrats because they raise sugar cane in some of the States of the "solid South." The Democrats do not propose to hurt the cane producer of sugar. They do not dare hurt him; but only those sugar producers are to live who are "entitled to live." That means that the beet farmer of the West, where the crop season is shorter than in the South, labor higher and cost of production higher, must go out of business. Only the cane producer of the South is "entitled to live" under the Democratic theory of a sugar tariff, and incidentally western sugar competition would be removed. Senator WHEELER, of Montana, Democrat, and vice presidential candidate with Senator La Follette in 1924, said this in the Senate June 11, 1926, about the Democratic tariff:

The Democrats during a long period have been in power for something like 16 years, and during those years we had a tariff law upon the statute books from which the farmers of this country derived no benefit.

Senator ROBINSON and Mr. OLDFIELD, speaking for their party, offer that same tariff again as a solution of the farm problem.

Mr. Speaker, the West has offered its solution of the farm problem. We passed this year through the House a bill aimed to aid the development of corn sugar and thus give a market for a great Corn Belt product. Corn sugar needs tariff protection in order to develop. The West initiated and supported the corn-sugar movement. The South's proposal kills it by the plan to open America's market to Cuba cane producers, and deprive the western corn farmer of this his new chance for a new market. We are ready to "join hands" with anybody that will help us.

We can not "join hands" with those who propose to take from us the benefits we now receive from the tariff and give nothing in return.

This proposal offered in the Senate and House takes from the farmer his tariff protection. The southern Democrats do not advocate free trade. Upon what, then, will they place a tariff? What is there left? Agricultural products are to again be on the free list as in the Underwood bill. The Democrats must then give tariff protection to manufactured goods if we are to have any tariff at all. But the farmer does not want that unless he benefits, too, and Mr. OLDFIELD, speaking for his party, does not propose that the farmer shall have that tariff protection.

Dan V. Stephens, former Member of this House, outstanding leader of the Democratic Party in Nebraska, in a letter to our colleague from Louisiana [Mr. ASWELL] in May of this year answered this proposal for the West when, in discussing the Haugen bill, he said, in part:

We have tried to get the farmer on an equal footing with the manufacturing interests for 46 years by securing a lower tariff wall, but there are too many people in the manufacturing business and too few in the farming business to bring about the change. * * * You, for example, belong to the old school in politics. You are a Bourbon Democrat and want this relief only in the regular Democratic way. * * * There is a chance to get relief for this great and vital industry by making a new approach. * * * When you and I as Members of the Sixty-third Congress helped to pass a Democratic low-tariff measure and created a nonpartisan Tariff Commission, we thought we had forever settled the matter of taking the tariff out of politics and placing it on a scientific basis, but we were merely barking up the wind. * * * As a Democrat wholly loyal to my party, but no longer believing in the old method of approach to a solution of this agrarian problem, I think the best strategy now is to force the protected industries of the country to permit the farmer to have the same sort of subsidy they have enjoyed for the past half century through some such legislation as the Haugen bill proposes.

Western Members without regard for party supported Mr. Stephens and his new approach of the problem.

The West does not propose, Mr. Speaker, to "join hands" with anyone if thereby we must surrender the benefits which we have won from the tariff and other national legislation.

It is our purpose, Mr. Speaker, to intrench ourselves in the ground we have gained, preserve that which is now ours, and continue to fight for what we have heretofore initiated and for a more complete recognition of our rights and protection of our interests. To that end we will "join hands" with anyone who is going our way.

AMENDMENT OF THE INTERSTATE COMMERCE ACT

Mr. RAMSEYER. Mr. Speaker, I call up a privileged resolution from the Committee on Rules, House Resolution 303.

The SPEAKER. The gentleman from Iowa calls up a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 303

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12065, to amend the interstate commerce act and the transportation act, 1920, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. RAMSEYER. Mr. Speaker, may I inquire if the gentleman from Tennessee has any requests for time?

Mr. GARRETT of Tennessee. I have no requests at present.

Mr. RAMSEYER. Then I will explain the resolution and consult him later as to time desired on his side. The resolution provides for calling up the bill H. R. 12065, which is an omnibus bill from the Committee on Interstate and Foreign Commerce amending various provisions of the interstate commerce act and the transportation act of 1920, which are now the law. It is a highly technical bill. I shall not undertake to explain the technical provisions of the bill. I simply shall call attention to a few of the proposed changes the bill contemplates in existing law, so that Members of the House will have some kind of an idea of what is coming up for their consideration.

The first section of the bill undertakes to amend the existing law as to the time for making settlement with the railroad companies by consignees of freight. Under the law they are supposed to settle promptly, but the law provides that the Interstate Commerce Commission may adopt rules governing such prompt payment, and under existing regulations payments must be made within 48 to 72 hours. The bill proposes to amend this provision so as to permit settlement by the consignee of freight with the carrier within the period of a week under such regulations as the Interstate Commerce Commission shall prescribe.

One of those regulations is supposed to provide that when the consignee gets freight he shall put up sufficient bond, so that there will be no danger of the carrier losing the freight charge due it.

The second amendment liberalizes the law which provides for the time in which freight rates shall go into effect. Carriers under the law have a right to promulgate schedules of freight rates, and on objection from the shippers such rates are suspended for a certain length of time. Under existing law they may be suspended for five months.

The amendment here proposes to liberalize that provision so as to permit a total of seven months in order to give the Interstate Commerce Commission sufficient time to investigate the matter thoroughly. The Interstate Commerce Commission claims that the time now permitted by existing law is insufficient.

The third section of the bill is the one that undertakes to amend the so-called Carmack amendment. Some years ago Congress passed what is known as the Carmack amendment, which permitted shippers to sue for losses the carrier that first received the shipment. That is, in a case where two or more carriers handle freight from the consignor to the consignee, either the consignor or the consignee is permitted to sue the carrier to whom the freight was delivered, whether the damage to the goods was caused by the carrier first receiving the goods or not. Now the amendment proposes to give the same right of suit against the carrier that delivers the freight. It does not subtract from any existing right. It extends rights of suit for loss that the consignor and consignee have against the initial carrier so that they will have that right also against the delivering carrier if this bill is enacted into law.

One other thing to which I wish to call your attention, and for which I wish to commend the committee or the gentleman making this report, and that is this: All these sections of the bill amend existing law, if I am correctly advised. The report prints the sections of the law proposed to be amended. For instance, in the first section, on the first and second pages of the report accompanying this bill, by looking at that you will at once see the parts of existing law which the committee has by amendment stricken out, and also the parts which they seek to add to existing law. The parts left out of existing law are printed in stricken-through type, while the additions to existing law are printed in italics. I have urged heretofore

that committees should pursue that course whenever they bring in a bill to amend existing law, because when you read such a bill you have no way of knowing, unless you dig up the original act and make careful comparison, exactly the changes that are proposed by the bill, while if the reports are printed as this one is printed any Member who is interested in knowing what is omitted from existing law and what is proposed to be added to existing law can readily get that by reading the report, and that is what you have presented in this report.

Mr. BLAND. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. BLAND. In the case of the right to sue the initial carrier or the last carrier, is that right dual or elective as between those carriers?

Mr. RAMSEYER. I understand it is elective, but to be sure I will ask the gentleman from Minnesota [Mr. NEWTON] in charge of the bill to answer that question.

Mr. NEWTON of Minnesota. I did not catch the gentleman's question.

Mr. BLAND. In the case of a suit against the initial carrier and the last carrier, is it an elective right as between the two or is it a dual right against both? In other words, would they have the right to sue both at the same time?

Mr. NEWTON of Minnesota. He can go to work and sue, under existing law, whomever is responsible for the loss. Under the Carmack amendment he can sue the initial carrier even though the initial carrier did not cause the loss.

Mr. BLAND. I understand that.

Mr. NEWTON of Minnesota. And under the proposed amendment he will also have the option of suing the delivering carrier.

Mr. BLAND. It is an option, then?

Mr. NEWTON of Minnesota. Yes.

Mr. BLAND. And not a dual right to sue both?

Mr. NEWTON of Minnesota. No.

Mr. RAMSEYER. The gentleman from Minnesota [Mr. NEWTON] has charge of this bill and when the House resolves itself into the Committee of the Whole—at which time there will be an hour's debate on each side; that is, one hour for and one hour against the bill—he will explain every detail of this bill. I do not care to say anything further and I reserve the balance of my time.

Mr. HASTINGS. Will the gentleman yield and permit me to add my own individual indorsement of what the gentleman has said as to the form of this report and commend the committee and the gentleman who made it for the committee?

Mr. RAMSEYER. I think this practice ought to be followed and if the various committees do not adopt this method voluntarily I think we ought to require them to do so by a rule of the House. I wish to highly commend this practice. I do not know whether the committee has followed this practice as to all other bills, but I know they have as to some, and I hope this will be their practice in the future.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. CHINDBLOM. To be specific, I understand that this report was prepared by the gentleman from Minnesota [Mr. NEWTON].

Mr. RAMSEYER. I understand that the gentleman from Minnesota [Mr. NEWTON] prepared the report, yes. May I have the attention of the gentleman from Tennessee [Mr. GARRETT]? Does the gentleman desire to use any time on that side?

Mr. GARRETT of Tennessee. I think there is no demand for time on this side.

Mr. RAMSEYER. Then, Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12065) to amend the interstate commerce act and the transportation act, 1920, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12065, with Mr. SINNOTT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 12065, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Chairman, the last general series of amendments to the interstate commerce act were contained in the bill which passed Congress in 1920, known as the transportation act. Since then there has been an amendment to the valuation act, one of the provisions of the interstate commerce act, and there have been one or two amendments relating to the presentation of claims growing out of Government control, but, generally speaking, it may be said that there have been no amendments to the interstate commerce act of consequence excepting those I have mentioned since the transportation act was passed.

From time to time during the past several years requests have come to the committee from shippers and from other parties interested suggesting certain amendments to the act, and as a result of the suggestions that have come in bills have been introduced, and during the past winter the committee proceeded to the consideration of amendments to the interstate commerce act. A subcommittee was appointed. That committee conducted hearings, and hearings were also conducted by the full committee. After the amendments were decided upon they were all embodied in H. R. 12065, which is before us. The bill and report have been before the public for several weeks. I think I can say that the measure embodies the joint ideas, so to speak, of the shippers and the Interstate Commerce Commission. The carriers appeared at the hearings. As to some of the suggested amendments they made no objection. As to others they suggested amending them in certain particulars. These amendments, generally speaking, were adopted in substance. Therefore, it can be said that the bill as now drafted, with the exception of one or two committee amendments, which will be proposed to straighten out some minor criticisms, represents the joint judgment of shippers, Interstate Commerce Commission, and carriers.

The questions involved are more or less technical in character, but the report which is before you explains the provisions somewhat in detail and in as nontechnical a way as possible. At this time I want to express my appreciation of the work done by my fellow members of the committee and especially the members of the subcommittee, the gentleman from North Dakota [Mr. BURTNESS] and the gentleman from Ohio [Mr. CROSSER]. They have necessarily spent a great deal of time in conferring, consulting, and trying to reconcile differences growing out of interpretations of the interstate commerce act and the proposed amendments.

I shall explain the bill section by section. The first amendment in section 1 embodies a change in reference to the payment of freight charges.

The provisions of existing law provide that no carrier shall deliver freight until all charges have been paid, except under such rules as the Interstate Commerce Commission shall prescribe to "assure the prompt payment" of those charges. Under these regulations "assuring prompt payment" payment must be made within about 48 or 72 hours. Many receivers of freight felt that this time is too short for this reason: It gives practically no time in which to study the freight bills and to compare the rate charged with the rate in the carrier's established tariff, so as to see whether or not any errors have been committed. As a result, there has been a demand on the part of a great many shippers for an opportunity to make weekly payments of their freight charges. Of course, this should only be done under suitable rules and regulations. One of these would, of course, be the requiring on the part of the consignee of the furnishing of a suitable surety bond to amply protect the carrier against any possible loss of revenue during this period of settlement. By making these weekly settlements shippers would, before payment of the charges, have time to make some investigation of the existing tariff with the idea of correcting any mistake prior to making settlement. If this were possible, it would obviate considerable expense to both carriers and shippers, growing out of the making of overcharges and undercharges.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. CHINDBLOM. Was there any change with respect to the party with whom the ultimate settlement may be made?

Mr. NEWTON of Minnesota. Not in reference to this particular amendment.

Mr. CHINDBLOM. That is in another?

Mr. NEWTON of Minnesota. Yes.

The other amendment in section 1 amends paragraph (2) of section 3.

It is designed to meet a criticism of the existing law, which works an injustice on consignees who are commission men, warehouse men, or other agents. Under the provisions of the law the carrier must charge the legal rate. If it fails to do so, it subjects itself to severe penalty. Under the law the consignee must pay the legal rate. If the carrier, in rendering his charge, makes a mistake and charges less than the legal rate and later discovers it, it can still hold the consignee for the additional charge. In some instances the mistake is discovered in a few days, while in others it may be months and even several years thereafter. Until the running of the statute of limitations the consignee remains liable for the payment of any difference between the amount he did pay and the amount that he should have paid had he been originally charged the rate set forth in the established tariff.

This continued liability has in many instances worked an injustice on the consignee who is a mere agent. The agent upon receiving the freight pays the bill and then proceeds to make settlement with his principal on the basis of the charge that was rendered.

Freight tariffs are frequently very complicated. It is difficult at times even for an expert to know exactly what the tariff is. Mistakes are apt to be made by the carrier, and in many instances the consignee is at a great disadvantage in ascertaining the exact legal rate. It may be that when the mistake is discovered two or three years later that the agent will find that his principal has gone out of business, or he may find that his principal has moved away and can not be found, or that he has died. Notwithstanding this fact, he is liable under the provisions of existing law. He must pay, and he is not in a position to recoup himself by coming back upon his principal. In one instance the Railroad Administration made demand upon a consignee who was an agent something like seven or eight years after the freight bill was originally paid.

The amendment provides that a consignee who is an agent and has no beneficial title to the property, and so acquaints the carrier with that fact in writing at the time of the initial settlement, shall not be liable for such additional charges. To avoid any possibility of this being used for rebating or discrimination by the carrier as between shippers, the amendment makes the consignor liable in those instances for the additional charges.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield to the gentleman.

Mr. LAGUARDIA. What effect will that have on the railroads releasing goods to commission merchants, especially perishable goods? Suppose when he presents himself with his bill of lading he says, "Now, I serve notice I am a commission merchant, and I will pay your freight." Suppose they then say, "We are going to verify this charge first and will not deliver them until we do verify it." Does that hamper delivery of the goods?

Mr. NEWTON of Minnesota. Not at all, because the carrier, after this becomes the law, can then look to the consignor for the payment of the correct charge.

Mr. LAGUARDIA. Is it clear that the carrier will not have the power to withhold immediate delivery of the goods on tender of the amount in the original bill of lading?

Mr. NEWTON of Minnesota. Yes; there will be no danger of that, because the carrier would be responsible under the law for any loss or damage ensuing to those perishables. So that will be taken care of and there is no occasion for a change in that respect.

Mr. BLAND. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. BLAND. You are striking down, then, the declaration of the Supreme Court, are you not, that every person is presumed to know the tariff charges and the cost under which goods are transported? Is not that agent presumed to know the charges as well as the shipper or the consignee?

Mr. NEWTON of Minnesota. Yes; of course; and the agent does know just as much as the shipper; but the gentleman, of course, knows that no one can really know what a tariff charge may be in some particular instances. It is highly technical and differences of opinion may arise. So all this does is to put the carrier on notice that it is settling with an agent and not the owner or principal.

Mr. BLAND. I thoroughly agree with the gentleman as to that proposition, but would it not be well to go further and protect the shipper or the consignee who deals with the railroad company upon an estimate of tariff charges made by the railroad company?

Mr. NEWTON of Minnesota. There is only one way——

Mr. BLAND. In my own practice I know that there have been separate bills submitted by the same railroad company three or four times and each time they have figured out a different rate charge.

Mr. DENISON. Will the gentleman yield——

Mr. NEWTON of Minnesota. Of course, the gentleman from Virginia will appreciate the fact that in order to avoid the possibility of what would in effect be a rebate, it would be dangerous to permit an arrangement of that kind.

I now yield to the gentleman from Illinois.

Mr. DENISON. I was just going to add what the gentleman from Minnesota has just stated. It is necessary to compel the railroad to collect the complete charge if they find an error has been made in order to prevent rebates and discriminations.

Mr. NEWTON of Minnesota. Yes.

Mr. BLAND. But you are putting the burden in this case on the shipper and the consignee for the purpose of releasing the agent.

Mr. NEWTON of Minnesota. We are putting the burden upon the consignor who in most instances is the owner of the goods and who, of course, makes the substantial profit in the transaction.

Mr. BLAND. But he is no more at fault than the agent who receives the goods.

Mr. NEWTON of Minnesota. Not at all, but he has the greater interest.

Mr. SEARS of Nebraska. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. SEARS of Nebraska. Suppose the consignor in some instances is a mortgagor and has no money. I presume this bill applies to cattle and hogs and sheep going to the stockyards. The consignor has not enough of an equity so that he cares much about it, but he ships them to the stockyards. He is financially broke and has no property. You could not expect the railroad to hold that man for the charge when he has no property.

Mr. NEWTON of Minnesota. If he had no title, or if after shipment he has parted with his title——

Mr. SEARS of Nebraska. He has the title that the man gets who buys stock to feed, but often he has no equity whatever in the property. He may be a renter.

Mr. NEWTON of Minnesota. If he has parted with title to the goods either after shipment——

Mr. SEARS of Nebraska. By way of a mortgage.

Mr. NEWTON of Minnesota. If he has parted with title to the goods, then, of course, he is not the owner; and with an amendment which will be offered in reference to reconsignment the beneficial owner of the property, regardless of who he may be, will be held responsible.

Mr. SEARS of Nebraska. He is the legal owner until the property is sold at the stockyards and the money is divided around, but he knows all the time he has no money coming to him, and there is not a thing the railroad could get by going after him.

Mr. NEWTON of Minnesota. I will say further that it was the thought of the committee that there would be far fewer instances of mistakes if notice was given by the commission agent so that the railroad was put on notice at time of settlement of the freight charges.

Mr. BURTNESS. The gentleman from Minnesota has made the suggestion that I rose to make. I understand the point the gentleman from Nebraska makes that the consignor might be insolvent when the notice is given, and that there might be no opportunity to collect, due to insolvency. But surely the carrier is not treated unfairly when he is put on guard, when notice is given, for the carrier can protect himself by ascertaining what the correct charges are.

Mr. CHINDBLOM. And at least charge enough. [Laughter.]

Mr. BLAND. He would not charge more than enough, because he would run the risk of being penalized.

Mr. CHINDBLOM. I did not mean that he would charge more, but he has the opportunity to protect himself.

Mr. BURTNESS. The fundamental purpose of making the carrier ascertain what the charge is was so that there will be no trouble in the future.

Mr. NEWTON of Minnesota. There is no question about that being the primary purpose.

Mr. LAGUARDIA. I do not think there is any apprehension about officials being sent to the penitentiary; they never are.

Mr. BLAND. I do not know about that. I am dealing with the law as it exists.

Mr. LAGUARDIA. The law is there, but the application is not.

Mr. NEWTON of Minnesota. The second section amends the law relating to suspensions. It amends paragraph (7) of section 15.

The law provides that if a carrier wants to change a given rate it must file the proposed rate with the commission. Except in certain instances, it can not go into effect until 30 days have elapsed after the filing and publishing of the new rate. Within this 30-day period any interested person who feels that the rate or rates are unreasonable or unjust may, upon a proper showing, have that question inquired into by the Interstate Commerce Commission. Pending a hearing and determination of that question, the commission may suspend the new rate or rates for a period of 120 days. The purpose is to prevent the new rate from becoming effective until the question of its justness and reasonableness can be determined. The present law requires the commission to decide as to the justness and reasonableness of tariff rates which have been suspended by order of the commission within 120 days after the order of suspension is made. In a large proportion of the cases the commission is unable to make the necessary investigation and determination within this 120-day period. Under existing law they are then authorized to extend this period of suspension for a further period not exceeding 30 days. In substance this makes a total suspension period of five months. Even under this provision the Interstate Commerce Commission informed the committee that it was unable to make the necessary investigation and determination within even the extended period. The commission suggested changing the period so as to provide but one period of suspension and that not to exceed seven months' time, which in practical effect would mean 60 more days than under the maximum extension period provided under existing law. Under the section as amended the commission may suspend the operation of the schedule for a period of less than seven months if the circumstances seem to warrant. If later it should appear that more time is required, the commission can extend the period until the full seven months have expired. Thereupon the new rate goes into effect unless the commission holds otherwise.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. PARKER. I yield the gentleman 15 minutes more.

Mr. NEWTON of Minnesota. The next section carries several amendments to the Carmack amendment. The Hepburn rate bill, which passed the House in 1906, was amended in the Senate by the Carmack amendment. That amendment has since been amended by the first and second Cummins amendments.

Generally speaking, at common law a common carrier of goods, regardless of negligence, was liable for loss and damage to such goods, unless it was due to the act of God, the public enemy, the act or fault of the owner or shipper, or the inherent nature or quality of the goods. The liability did not rest wholly on contract, but was imposed as a principle of sound public policy. Briefly, it was based upon the public character of the carrier's duties and the resulting hardships to shippers if any contrary principle was followed.

Later, as transportation developed, there arose the question of the liability of the initial carrier on a through shipment for loss or damage caused by the act of the connecting or delivering carrier. Under the English doctrine the initial carrier was held the agent of the shipper throughout the course of transportation, including the making of final delivery. In a majority of the States of the Union, in the absence of contract, usage, or statute to the contrary, the initial carrier was held to be the agent of the shipper for delivering to the connecting carrier, but not beyond that. Usages, customs, and statutes in the various States differed materially as to various phases of this question of liability, and as a result there was much confusion of opinion among both lawyers and laymen as to the respective rights and obligations of shipper and carrier in interstate shipments.

Therefore, Congress, in considering the Hepburn rate bill, passed the Carmack amendment, whereby the initial carrier was made liable for any loss or damage occurring in the course of transit, whether on its own line or on the line of any connecting carrier, and regardless of any contractual provision to the contrary.

The Carmack amendment in no wise affected the liability of the connecting or delivering carrier for loss or damage occurring on its own line. The remedy provided by the Carmack amendment was in addition to the remedies then available to the shipper or owner of the goods. However, generally speaking, information as to the carrier causing the loss or damage is available only to the carrier. As a practical proposition, the owner must sue the initial carrier. In most cases the consignee is the owner. In suing the initial carrier he must bring suit where that carrier is operating a line of railroad or otherwise doing business so as to permit service of process. In most cases this is outside the State of the party plaintiff or consignee. This means additional expense in the commencing and prosecution of the suit, especially as to witnesses. Oftentimes some carriers take advantage of this fact and either refuse or delay settlement of the claim. The committee therefore felt that the shipper should also have the right to proceed against the delivering carrier to the same extent that he now has to proceed against the initial carrier.

Mr. CHINDBLOM. It gives an optional remedy?

Mr. NEWTON of Minnesota. Yes. In view of this change, the committee thought it but fair to include a provision providing that the commencement of actions against the delivering carrier should be brought in a State where that carrier was operating a line of railway, so that the carrier could not be forced to stand suit at some point far away from where its witnesses would be available. Hence the occasion for the second amendment in this section. The fourth amendment defines a delivering carrier so as to exclude the carrier performing a mere switching service at point of destination.

The committee deemed it advisable to clarify the language in one of the Cummins amendments to the Carmack amendment relating to loss and damage claims and their filing. That proviso in the existing law reads as follows:

Provided, however, That if the loss, damage, or injury complained of was due to delay or damage while being loaded or unloaded, or damaged in transit by carelessness or negligence, then no notice of claim nor filing of claim shall be required as a condition precedent to recovery.

It will be observed that the language is somewhat unfortunate. In a recent decision by the Supreme Court of the United States in Barret *v.* Van Pelt (268 U. S. 85) the court held that the words "carelessness or negligence" qualify the whole clause. In order to so construe it they said that the word "damaged" should be read "damage," and that the comma after the word "unloaded" should be omitted.

The purpose of this amendment is to give the proviso the meaning that Congress originally intended. It was the custom of carriers to provide by regulation for the giving of notice of the filing of claims and to place a time limit thereon. The intent of Congress was to provide that no notice should be required as a condition precedent to recovery where there was negligence involved on the part of the carrier, and that no notice was necessary whether or not negligence was involved if the loss or damage occurred while the property was being loaded or unloaded, or was due to delay in loading or unloading, or to delay in transit. The court held in the above decision, regardless of the nature of the loss and how and what caused it, unless carelessness or negligence was shown that notice of filing claim was necessary. The effect of the amended proviso would be to restore the original intention.

Section 4 amends section 204 of the transportation act, 1920, by creating a statute of limitations against the carriers.

It carries out a recommendation of the Interstate Commerce Commission as set forth on pages 25 and 73 of the Thirty-ninth Annual Report of the Interstate Commerce Commission. Section 204 of the transportation act pertains to the reimbursements of deficits to carriers arising during the period of Federal control. Apparently, through oversight, no period of limitation was provided in the transportation act as against the filing of these claims by the carriers. This amendment provides that no carrier shall be entitled to the benefits of section 204 unless a statement of claim is filed within 60 days after the taking effect of this subdivision. It is not intended by this amendment to reopen claims already decided or to require a claim to be drawn with the precision of an indictment, but merely that the claim must be filed within a reasonable period and that it contain sufficient information for the commission to ascertain the nature of the claim and the facts on which it is based. So far as we know, no particular claim will be affected. We felt that a deadline should be drawn.

In accordance with the request of the Interstate Commerce Commission this amendment was inserted.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. CHINDBLOM. This does not involve any claims against the Government?

Mr. NEWTON of Minnesota. No claims of consequence. Practically all have been settled.

Mr. CHINDBLOM. If it did, of course, the dead line would be likely to be removed hereafter.

Mr. NEWTON of Minnesota. Section 5 amends section 206 of the transportation act, 1920. The purpose is to fix a statute of limitations to run against the United States Railroad Administration in the bringing of suits and claims against shippers arising during the period of the operation of the railroads of the country by the Government. The law with

respect to the railroad companies has for many years required that suits by them for undercharges shall be commenced within three years after the charges accrued. The Railroad Administration was an agency of the United States Government. As such, the Supreme Court held that it was the agent of the sovereign and that statutes of limitation did not run against the sovereign, unless they were so drawn as to make it perfectly clear that they were so intended to run. The committee felt that as there are claims owing the Railroad Administration that action thereon should be brought in the immediate future, not only in justice to the shipper but in order to expedite the liquidation of the affairs of the Railroad Administration. The Solicitor General of the Railroad Administration appeared, acquiesced in this view, and recommended a period of 90 days after the taking effect of this subdivision, whereupon the statute of limitation would then commence to run and bar these claims. This is but fair and just.

Section 6 amends section 22 of the Pomerene Bill of Lading Act. The purpose of the amendment is to make the date of a shipper's order bill of lading a material part of the description of the goods so that any holder of the bill of lading, who has relied upon the date and parted with value in the belief that the shipment was made on the date shown, can hold the carrier for any damages sustained through the misdating of the bill.

The bill of lading or Pomerene Act was enacted by Congress in 1916 to end the existing confusion in the law relating to bills of lading and to prevent the numerous evils and abuses that were prevalent in commercial transactions involving the negotiation and transfer of order bills of lading. It was then estimated that a sum of $5,000,000,000 in cash was advanced annually by the banks of the country on these order bills of lading. One of the main purposes of the act was to so safeguard the issuance of these bills of lading as to increase their value and use for purposes of negotiability and as security for loans upon the commodities represented in the bill of lading.

Section 22 was designed to prevent fraud and mistake on the part of the carrier in issuing a shipper's order bill of lading. The material portion reads as follows:

> That if a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes * * * the issuing of bills of lading * * * the carrier shall be liable to * * * (b) the holder of an order bill, who has given value in good faith, relying upon the description therein of the goods, for damages caused by the nonreceipt by the carrier of all or part of the goods or their failure to correspond with the description thereon in the bill at the time of its issue.

It appears that a question was raised as to what was meant by the words "description therein of the goods" and "failure to correspond with the description thereof in the bill at the time of its issue." Did the words refer generally to the shipment itself or merely to the physical characteristics of the goods comprising the shipment? In Brown *v.* Union Pacific Railway Co. (113 Kans. 726) the Supreme Court of Kansas, in a 4 to 3 decision, held that the words applied merely to the physical chracteristics of the goods themselves. The case was taken to the Supreme Court of the United States, where, in Brown *v.* Union Pacific Railway Co. (267 U. S. 255), that court decided the case on an entirely different question. In so doing they failed to pass on the question as to what the words "description therein of the goods" covered.

As a result of this decision by the Kansas Supreme Court in a four to three opinion and the failure on the part of the Supreme Court of the United States to decide the question raised, there is doubt as to the meaning of the law where there should be absolute certainty. The order bill of lading is in such common use in commercial transactions that this doubt and uncertainty as to the legal liability of the carrier for a misdating of the order bill of lading is detrimental to the negotiating of an order bill. For example, several hundred million bushels of wheat are marketed annually in this country. Practically all of that wheat is shipped by the railroads in interstate commerce. Most, if not practically all, of these shipments of wheat are handled under an order bill of lading. If this were not so, it would be almost an impossibility to finance the crop movement. The country elevator which buys the wheat from the farmer necessarily has but a limited capital. The farmer wants cash for his wheat and the country elevator must pay cash. When the elevator has a car of wheat to ship out, it does so under an order bill of lading, to which it attaches its sight draft on the prospective purchaser of that wheat at the terminal market. The country elevator or local grain dealer makes use of this sight draft and order bill of lading at his local bank, obtains money upon it, which enables him to buy the wheat and other grain of the next farmer that comes along. The grain dealer at the terminal market can likewise make use of the order bill of lading and draw a draft upon the miller or other prospective purchaser of the wheat. He, likewise, uses that for the obtaining of credit at his local bank, and with this credit he is enabled to buy additional cars of grain from the country elevator. The miller grinds the wheat into flour and, in many instances, ships to a prospective purchaser under an order bill of lading, to which he, likewise, attaches a draft and upon which he may realize from the bank, thereby permitting him to buy and to grind additional wheat and grain from the terminal dealer.

In each and all of these transactions, following the initial transaction, the purchaser of the bill of lading does so relying upon the recitations contained in the bill as to nature and description of commodity, weight, date of shipment, etc. These are all material. The date of the shipment is material not only on the question of possible demurrage but also because of its bearing upon the question of the price prevailing at the time of the initiating of the shipment.

If section 22 of the bill of lading act is amended in accordance with the provisions in this section, the existing doubt and uncertainty will cease, and the date of an order bill of lading will be a part of the description of the goods, and any holder thereof who was relied upon the same and parted with value while so relying can hold the carrier liable for any damage he may have sustained through the misdating of the bill.

Mr. COYLE. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. COYLE. I take it that one part of this bill provides for the hastening of the date when we may wind up the operation of the Director General of Railroads and the Railroad Administration.

Mr. NEWTON of Minnesota. That is one of the principal reasons for one of the amendments to the act.

Mr. COYLE. I think the committee is to be commended upon that account.

Mr. NEWTON of Minnesota. Mr. Chairman, these several amendments which I have discussed should have the approval of this House. I yield back the balance of my time.

Mr. BARKLEY. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, the chief fault that I find with this bill is that it deals with matters which are in the main of rather slight importance. I feel that the subject of transportation requires the thorough going attention of Congress. I have never been in harmony with the fundamentals of the transportation act of 1920, and I feel that Congress ought to deal with that subject. This bill is an omnibus bill, dealing with minor features of the interstate commerce act and the transportation act, and matters of not very great importance.

The chief fault that I find with the bill is that it does not deal with things of much importance, and the most attractive feature of it to me is the fact that here at last we find a slight disposition to deal with the interstate commerce act and with the transportation act. I had begun to believe that there was an order of sanctity surrounding these measures which forbids that profane hands should be laid upon them. Especially did I feel that way with reference to the transportation act. I felt that it had come to be regarded as a sort of Ark of the Covenant, and that sudden and painful death was the penalty of any Uzzah who might lay his hands upon it, even with a view to preventing it from falling. But now that "the sun do move" and that it is about to be demonstrated that it is not a cardinal sin to undertake to amend the transportation act, "hope springs eternal" that at some not distant date we may take hold of the transportation act with the purpose of correcting some of its fundamental defects and trying to give some relief to the people of this country. Perhaps we may eventually attain the degree of boldness and irreverence which permit us to deal with section 15a and also to give the public relief from the horizontal rate increases.

I find no great fault with this measure. I shall call attention to one feature in which I think the measure might well be improved. I direct attention to section 3 of the act which gives a right of action against the delivering carrier to the consignee whose goods have been damaged in transit. The part of the section with which I find fault is to be found in the proviso on page 8, which reads as follows:

> *Provided further,* That all actions brought under and by virtue of this paragraph against the delivering carrier shall be brought, and may be maintained, if in a district court of the United States, only in a district, and if in a State court, only in a State, through or into which the dependent carrier operates a line of railroad.

I call attention to the application which that proviso has. We have numerous State-line cities, great commercial centers,

located near State lines, and carriers serving those centers frequently do not enter into the State in which the center is located.

For an illustration, let us take the case of the city of St. Louis. Numerous carriers have their terminals at East St. Louis. They deliver in the city of St. Louis, either by belt line, motor transfer system, or in some other way. These carriers are not suable under this section of the bill in the city of St. Louis or in the State of Missouri. It is quite likely that the soliciting freight agents of those carriers have their offices in the city of St. Louis. They solicit the persons to whom freight is consigned and they cause same to be routed over their lines, and they deliver consignments in that city. The consignments are so routed. Yet, because the carrier's line of railroad terminates at East St. Louis, the suit must be brought in East St. Louis or some other jurisdiction, and can not be brought in the State in which the contract was made, in which State perhaps the main office of the carriers is located and in which the consignee, who has the right to bring the action, lives.

Now, that situation obtains in many instances throughout the country. At East St. Louis it obtains with reference to carriers that have their terminals in the city of St. Louis—in the city of Kansas City, Kans., with reference to the carriers that have their terminals in Kansas City, Mo., and so, vice versa, with the carriers that have their terminals in the city of Kansas City, Kans. Also there are the city of Philadelphia and the city of New York, and there are literally hundreds of points throughout the United States in which each of the carriers operate, so far as the essential features of operation are concerned, yet in which they have no lines of railroad. And as to all those instances the suit against the delivering carrier at those points is forbidden under this proviso.

Mr. LOZIER. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. LOZIER. The gentleman's argument is wholesome, but I think the danger is more imaginary than real. Take the St. Louis case, for instance; nearly all the shipments of freight are on lines terminating in East St. Louis and handled by the Terminal Railroad Co.

Mr. HUDDLESTON. Yes.

Mr. LOZIER. And the shipments are made out of St. Louis by those connecting carriers on the terminal railroads. Now, the shipper can sue the carrier in the city of St. Louis, the carrier being the railroad corporation, namely, the Terminal Railroad Co.

Mr. HUDDLESTON. Is it possible that I have made my argument so clumsily that the gentleman does not understand that I am referring to delivering carriers?

Mr. LOZIER. I understand that.

Mr. HUDDLESTON. The gentleman is referring to initiating carriers.

Mr. LOZIER. These deliveries are made over the terminal carrier. It applies equally to the terminal carrier, because the St. Louis Terminal Railroad Co. receives the freight in East St. Louis, transmits and delivers it in the city of St. Louis, and the consignee can sue the Terminal Railroad Co.

Mr. HUDDLESTON. The bill is very plain in forbidding suit against any excepting "main-line" railroads. Now, let us look at the final proviso in this section on page 9:

And provided further, That for the purposes of this paragraph and of paragraph (12) the delivering carrier shall be construed to be the carrier performing the line-haul service nearest to the point of destination and not a carrier performing merely a switching service at the point of destination.

So gentlemen will observe, and my friend, of course, now observes very clearly that you can not sue a terminal company that performs merely a switching service, but your suit must be against the carrier performing the "line-haul" service. So that coming back to the proposition that I advanced a moment ago I still stand by what I said, and reiterate, you can not sue the delivering carrier under this bill in the State or district in which the final delivery occurs unless the carrier operates a "line of railroads" in that State or district. So that even though one of those carriers may operate a truck and motor transport service from the terminal of its railroad line at the city of East St. Louis, and it there unloads the consignment and takes it on its own trucks over to the city of St. Louis, it can not be sued in the State of Missouri. Or in the case of New York City the carrier may operate a ferryboat and unload the consignment from its rails onto a ferryboat and finally deliver it in the city of New York. Yet you can not sue the carrier in the city of New York, although the carrier delivers the goods there and has its main office there and in that city solicits its business.

I want to get that over to you, and I hope nobody will doubt my construction, because I do not give it idly or without consideration. We had this question up in the committee. Nobody denied the construction that I have placed upon it. Only one answer was made, and that was this is a new right being given to the consignees. Heretofore they have had to sue the initial carrier or the carrier who was responsible for the damage. Here was a new right being given, a right to sue the delivering carrier. But because it is a new right there is no reason for not going to the full and logical extent and giving the right to sue just as though the delivering carrier had been the initial carrier.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. BURTNESS. The gentleman has covered the very proposition I had in mind. As compared with the present law, this is an improvement from the shipper's viewpoint.

Mr. HUDDLESTON. Yes.

I suggest this: If we are to give the right of action, let us give a right with no strings tied to it; a right of action to be enjoyed in full measure, just as other rights of action. I ask anybody to tell me a real reason why carriers should not be sued in communities in which they make actual delivery, whether they do so by their main-line hauls or by motor service, ferry, or otherwise. Is there any valid reason why a carrier which has its main office in the city of New York and solicits business in that city and makes its contracts in the city of New York and delivers the consignment in the city of New York—all the essentials of the transaction having transpired in that city—can there be any reason for saying that the carrier can not be sued there merely because the carrier chose to deliver a consignment in the city of New York by way of a ferryboat or a motor-truck system?

Gentlemen, that is the question clearly presented. That is the issue. Do you not think that the bill ought to be amended? I think so. I think if it is right that the suit should be brought against a delivering carrier under any circumstances, it should be brought under the same conditions that it might be brought against anybody else that is liable for a default. If it is right that a suit may be brought against a delivering carrier, then it should be permitted to be brought under just as advantageous conditions to the plaintiff as it would be if it were brought against anybody else against whom he has a right of action. There is nothing about a carrier that makes it in order that you shall approach a court when asserting rights against it in an humble and suppliant attitude.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. PARKER. Mr. Chairman, we have one more speech.

Mr. BARKLEY. I want to ask unanimous consent, Mr. Chairman, that the gentleman from Maryland [Mr. TYDINGS] and the gentleman from Ohio [Mr. CROSSER], to whom I am going to yield 10 minutes each, may speak out of order, out of my time. I am asking unanimous consent that both of them may speak out of order in my time.

The CHAIRMAN. The gentleman asks unanimous consent that both the gentlemen named may be allowed to speak out of order. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. TYDINGS].

The CHAIRMAN. The gentleman from Maryland is recognized for 10 minutes.

Mr. TYDINGS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. TYDINGS. Mr. Chairman and gentlemen of the committee, it is common knowledge that my friend and colleague from Maryland, JOHN PHILIP HILL, and I are candidates for the Senate in Maryland this fall. [Applause.]

While I am personally on very friendly relations with my colleague whose name I have just mentioned, I can not escape the conclusion that yesterday, in speaking on the Howard University bill, he sought to make some votes with his colored constituents at my expense. My purpose in rising and asking for this time is to set my position straight on that matter.

I am not opposed to Howard University in the abstract. I like to see the colored man get an opportunity as well as the white man obtains to advance, benefit, and improve the interests and condition of his race in this country. I have no racial hatred against him.

I am willing to afford him every right to advance his race that the white constituents of this country are entitled to, but

not one more. I am opposed to class legislation for anyone. It has no place in this Government of ours, where laws are made for all the people. My colleague from Maryland, Colonel HILL, at the conclusion of the remarks of the gentleman from Virginia [Mr. TUCKER], speaking against the Federal department of education bill, complimented Mr. TUCKER on his argument and said he was in complete accord with it. I, too, am opposed to the National Government interfering in the educational systems of the State. The cause of education is improving, and should improve in the States. It is a State function to provide such educational systems and facilities as the people of each State desire. The National Government has no right, moral or constitutional, to force on the people of any State a system which they do not desire. I am opposed to the States, and the people of the States, being deprived of having the system those people want, and because I feel that the schools will be taken from the people under a national bill and national politics injected into the school system, and because Congress has no power to pass laws affecting State education I have opposed the Federal educational bill at this session. My colleague [Mr. HILL of Maryland] told me this morning he did not think it was right for the Government to contribute to the cause of general education all over the country and has stated before that he agrees with the position of Mr. TUCKER and me on this matter. Now, general education has to deal with all the public schools of America. It affects all the people more than colleges and universities, and although my colleague is opposed to helping the public schools of America he is not opposed to helping by what I believe to be an unconstitutional appropriation of some three or four million a private colored college of America if by this apparent change of front from his former declaration it will make a few votes for him on election day. [Applause.]

I ask my colleague how in the world he can say to the mass of American people that he is opposed to the furthering and helping by Government aid of the school systems of America and then in the next breath, in a few minutes before election, goes back on everything he has said, and vote not to help a public institution but a private colored college of this country, although, as I see it, it is certainly more unconstitutional to take the taxpayers' money for a private school than to take it for a public school, where all races have equal chance.

If it be unconstitutional to give money to public schools it is also unconstitutional to give money to a private school. The same principle applies.

Now, let us be honest about this thing. The gentleman can not answer the question because there is no answer. He sits idly in his seat because he knows he is taken where the hair is short and there is no logic by which he can explain that away. [Applause.]

Mr. HILL of Maryland. Will the gentleman yield?

Mr. TYDINGS. In just a minute.

Mr. HILL of Maryland. I shall be glad to answer the gentleman.

Mr. TYDINGS. Later on I will give the gentleman a chance. Furthermore, the gentleman goes to the record of the hearings, which he put in at the close of his remarks by extension of his remarks and which he did not utter on the floor, because I would have made an objection to it; and he selects certain questions in which I asked those who appeared before the Committee on Education regarding this matter as to where they saw the constitutional authority for the Government of the United States to give away the people's money, the money of all the taxpayers, to a private institution. This seems to me not only unconstitutional but vicious in principle.

I have no reason to deny or to controvert what I said at that time. I do not believe we have the constitutional authority and the gentleman from Maryland was with me up until election time.

My opposition to that bill is not because I hate the colored man, for I do not. As a member of the Maryland Legislature I furthered many measures to aid the colored schools of my own State, to build asylums for them, to build hospitals, to aid the advancement and to increase the intelligence and general welfare of that race, and whenever the constitutional right is given to us I shall be glad to further those ends. I do not want to hurt the colored man but to help him advance, but I want also to keep within the Constitution in so doing.

STATE RIGHTS AND THE POLITICAL PARTIES

Now, the gentleman played a little politics some time ago. He said his party was the party of State rights; that his party was the party which was going to save the States from the growing bureaucracy of the Federal Union. Well, now, let us look at the facts. Who introduced the child labor amendment to the Constitution, which would prohibit every person under the age of 18 years from doing any work on the farm, even the farmer's 17 and 18 year old sons, if its full powers were carried out as it passed this body? A Republican Member from Ohio in the last House introduced that resolution, and it passed the Congress. Of the 69 votes cast against it 55 were Democratic, though the Democrats were in the minority, and only 14 were Republican, out of 235 Republicans in the House. Where was the Republican Party on State rights on a measure which would take away from every State in the Union the right to pass such labor laws affecting the welfare of its children as the people of that State using their intelligence and knowledge of the local conditions would want to have passed?

Where does the gentleman stand on the Dyer bill, another bill introduced by a Republican Member of this House, which provides by natural law that if a man is lynched in any county of a State, all of the people of that county are to be taxed and made to pay the lynched man's dependents $10,000, no matter whether they had anything to do with the lynching or not? The bulk of the people of a county may have been as innocent of the lynching as to-morrow morning, but still they must pay $10,000 to the lynched man's family.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. TYDINGS. Yes.

Mr. HILL of Maryland. If the gentleman will read my speech on that matter, he will see I criticized it.

Mr. TYDINGS. Then why does not the gentleman criticize his party for introducing and putting those matters in their platforms and not criticize my party? Which really is voting for State rights?

Mr. HILL of Maryland. As a matter of fact, I have always assisted my party in getting back to the doctrines of Lincoln.

Mr. TYDINGS. But State rights were in force in the Constitution before Lincoln was born. What about the publicity of income-tax returns? The Republican Party, in control of both branches of Congress, must take the responsibility for the legislation that is enacted, and yet for two years there was inserted in the tax law of the land a provision that every man's private business affairs could be supervised and inquired into by any Tom, Dick, and Harry who wanted to do it. Why should the gentleman talk about his party being the protector of State rights and the peoples of the States? When has his party ever done anything but the opposite? I do not object to the gentleman telling the facts on any matter at any time, but I do hate to see a man, who usually has the intellectual courage to state his positions frankly on matters, where it takes some courage to do it, turn at the last moment when he is a candidate for office and get on the border line of the demagogue by misquoting facts and go back on the principles which he claims to stand for.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. TYDINGS. Yes.

Mr. FAIRCHILD. How did the Democrats vote?

Mr. TYDINGS. I voted against it and made the only speech in the House against it.

Mr. FAIRCHILD. Has the gentleman looked up the RECORD to ascertain how many Democratic Members voted for the publicity of tax returns?

Mr. TYDINGS. The gentleman should know there was no record roll call on it, but the gentleman's party was in control of the House.

Mr. FAIRCHILD. With the gentleman's knowledge about this matter, will he tell the House how many Democrats voted for it?

Mr. TYDINGS. I can not tell the gentleman, but if he will look it up he will find there was no roll call, but the Republicans were in majority in the House and nothing could be done without their votes.

How about the appropriation of moneys to foreign governments, large amounts of the people's money? Twenty-five million dollars given to one nation by a Republican Congress in 1921. And Mr. FISH, Republican, of New York, introduced another bill for $10,000,000 at the last session, passed by a Republican House. Where is our constitutional authority to tax Americans and then make by law an appropriation of $35,000,000 of our people's money to foreign countries? How about the Republican record on this? Where is there any constitutional authority for that, yet a measure was introduced by a Republican Member [Mr. FISH] to take away the money of all the people of this country and give it to the people of foreign governments who never paid a dollar of tax into the Federal Treasury in the history of this Republic.

Who introduced that? Who voted for it on the floor? Have you seen the roll call on that, I will ask the gentleman from New York [Mr. FAIRCHILD]? The Republicans in this body.

Mr. FAIRCHILD. Now, may I ask the gentleman a question?

Mr. TYDINGS. Yes, sir.

Mr. FAIRCHILD. There was a record vote on the eighteenth amendment referring to State rights; how did the gentleman's Democratic colleagues vote on that?

Mr. TYDINGS. And what did a Democratic President do but veto the Volstead Act and a Republican Congress passed it over his veto.

Mr. FAIRCHILD. Now, will the gentleman answer the question? How did your Democratic colleagues vote on that?

Mr. TYDINGS. How did the gentleman vote on it? Sixty-four Democrats voted against it and 62 Republicans voted against it.

Mr. FAIRCHILD. I voted against it.

Mr. LINTHICUM. I will say to the gentleman that I voted against it and spoke against it.

Mr. TYDINGS. It was before I came to Congress that the eighteenth amendment was acted upon. It passed by a majority of 8 votes; only one Democrat from New York voted for it, but the RECORD shows that had 11 Republican Members of the House from New York voted against it, instead of for it, the eighteenth amendment would not have been adopted. I insert the figures.

From this roll call it has not been difficult to extract the names of the New York delegation and show the way each Member cast his vote upon that historic occasion:

For the amendment:	
Republicans, Platt, Snell, Parker, Mott, Gould, Dunn, Sanders, Dempsey, Hamilton, Pratt, Hicks, Rowe	12
Democrats, Lunn	1
	13
Republicans, absent, LaGuardia (in the war overseas), Husted, George Fairchild	3
Against the amendment:	
Republicans, Waldow, Ward, Sanford, Magee, Snyder, Swift, Haskell, Siegel, Ben Fairchild, Chandler	10
Democrats, C. B. Smith, Caldwell, Flynn, Dale, Maher, Fitzgerald, Griffin, Riordan, Sullivan, T. F. Smith, Dooling, Carew, Francis, Hulbert, Bruckner, Oliver	16
	26
Socialist, London	1
	27

The CHAIRMAN. The time of the gentleman from Maryland has expired. [Applause.]

Mr. PARKER. Mr. Chairman, as long as this has gotten into a political controversy, I ask unanimous consent that the gentleman from Maryland [Mr. HILL] be allowed to speak in my time for five minutes out of order.

Mr. O'CONNOR of New York. Reserving the right to object, Mr. Chairman, is there not a big convention hall somewhere in Baltimore?

Mr. PARKER. This is the last one, I will say to the gentleman from New York.

Mr. TYDINGS. Reserving the right to object, I must say I will have to object if it pertains to this matter unless the gentleman will let me supervise his remarks before he extends them in the RECORD. I have had one pill out of that box and I do not want any more misleading statements. I will not object to the request of the gentleman.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Maryland [Mr. HILL] may proceed out of order for five minutes out of his time. Is there objection?

There was no objection.

Mr. SUMMERS of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SUMMERS of Washington. Does not the Chair think it would be advisable to set aside one evening for senatorial candidates?

The CHAIRMAN. That is not a parliamentary inquiry. The gentleman from Maryland is recognized.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, I did not expect that this morning I should have the pleasure of discussing the senatorial candidacy to represent Maryland of my distinguished friend Colonel TYDINGS, or of my own aspirations to attempt to inject into the Senate of the United States some of those principles which characterize the achievements of the House of Representatives.

The gentleman from Maryland, Colonel TYDINGS, objects to my having quoted his minority report on the Howard University bill which was before us yesterday. I can not understand why a gentleman who files a minority report should in any way object to that report being put in the RECORD.

Mr. TYDINGS. I did not object to the report. I objected to a part of the testimony being taken. The gentleman did not put enough of my remarks in the RECORD to clarify my position.

Mr. HILL of Maryland. I would like to say to the gentleman, I would like him to tell me, inasmuch as he referred to certain remarks I made yesterday as being misleading, what there is misleading about them.

Mr. TYDINGS. I stated that the gentleman formerly, when the gentleman from Virginia [Mr. TUCKER] made his speech against a national policy of education, that he had complimented the gentleman and said he was in complete accord with him. Yesterday, when a bill was up which is not for all the people but for a private institution the gentleman goes back on his remarks and says he is in favor of the bill, and I want to know how the gentleman can reconcile those two statements.

Mr. HILL of Maryland. The gentleman then does not consider that in any quotation which I made from any of his statements before the committee he was misquoted?

Mr. TYDINGS. No; but I do say that had you put in more of the remarks you would have found that my sole objection to the appropriation was not on the merits of it but on the constitutional power of Congress to appropriate for it.

Mr. HILL of Maryland. I did not put in from the gentleman any remarks he had not made himself. I want that clearly understood.

Mr. TYDINGS. Oh, absolutely not. It was what you suppressed, not what you put in.

Mr. HILL of Maryland. Of course the gentleman can always put in what was suppressed.

Now, gentlemen, the only point I want to make is that I have always fought the so-called Reed-Curtis bill or other bills for the domination and control of national education by the Federal Government. I have fought it on the basis of the original platform of the Republican Party, in which Abraham Lincoln, running as candidate for President, said that he stood squarely on the proposition that had been put up to him in the Republican platform, that the local government of the States should not be interfered with by the National Government.

I want to point out to the gentleman from Maryland, Colonel TYDINGS, that there is a very great difference between being strongly for the State rights theory of government and against interference with local government, and refusing to make an appropriation for the education of the colored doctors and the colored people of this Nation.

Mr. TYDINGS. Will the gentleman yield?

Mr. HILL of Maryland. Yes; I yield.

Mr. TYDINGS. The gentleman says it is worse to vote for a bill appropriating public money for all the schools of the entire Nation than it is to vote for a bill appropriating public money that affects a private school and is not a part of the public-school system.

Mr. HILL of Maryland. That is precisely what I say, and the gentleman does not know the difference between a general constitutional principle and the case of taking care of a situation like the Howard University.

I am against the domination of the public schools or any other schools of this Nation by the Federal Government, and I will say to the gentleman, inasmuch as he referred to the speech of the gentleman from Virginia [Mr. TUCKER], that I absolutely applauded the speech of the gentleman from Virginia [Mr. TUCKER] on State rights and made a similar one myself the next day; but can not the gentleman from Maryland, who was such a distinguished soldier in the World War, see the difference between voting to educate colored doctors as one matter, and domination of education throughout the whole Nation, as another matter?

Mr. TYDINGS. Will the gentleman let me answer that question?

Mr. HILL of Maryland. I asked it so that the gentleman could have that opportunity.

Mr. TYDINGS. The main difference I can see is that at election time those things are different, but as a matter of principle, the same principle applies to both of them.

Mr. HILL of Maryland. I want to say to the gentleman that my principles are always the same at election time as they are at other times. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. PARKER. Mr. Chairman, I shall have to object to any more speeches being made out of order.

The CHAIRMAN. If there is no further debate the Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

Be it enacted, etc., That paragraph (2) of section 3 of the interstate commerce act, as amended, is amended to read as follows:

"(2) No carrier by railroad subject to the provisions of this act shall deliver or relinquish possession at destination of any freight transported by it until all tariff rates and charges thereon have been paid,

except under such rules and regulations as the commission may from time to time prescribe to govern the settlement of all such rates and charges and to prevent unjust discrimination: *Provided*, That the provisions of this paragraph shall not be construed to prohibit any carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or Territory or political subdivision thereof, or for the District of Columbia. Where carriers by railroad are instructed by a shipper or consignor to deliver property transported by such carriers to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of such property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in the property, and (b) prior to delivery of the property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title. In such cases the shipper or consignor shall be liable for such additional charges, irrespective of any provisions to the contrary in the bill of lading or other contract between him and any carrier, and an action for the enforcement of such liability may be begun within the period provided in paragraph (3) of section 16 or before the expiration of six months after final judgment against the carrier in an action against the consignee begun within the period provided in paragraph (3) of section 16."

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 2, line 20, strike out the period at the end of the line, and strike out lines 21, 22, 23, and down to the word "an" in line 24, and insert a comma and the following: "and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of the property. In such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges, irrespective of any provisions to the contrary in the bill of lading or in the contract under which the shipment was made."

Begin the word "an" in line 24, page 2, with a capital letter.

Page 3, line 4, after the period and before the quotation marks, insert the following: "If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges, notwithstanding the foregoing provisions of this paragraph. An action for the enforcement of such liability may be begun within the period provided in paragraph (3) of section 16 or before the expiration of six months after final judgment against the carrier in an action against the beneficial owner named by the consignee begun within the period provided in paragraph (3) of section 16."

Mr. NEWTON of Minnesota. Mr. Chairman, the purpose of the amendment is to modify the language of the bill as reported in reference to the question of undercharges. It provides that the commission agent must notify the carrier as to who the beneficial owner is if there has been a reconsignment or diversion of the shipment after it was originally consigned. It meets the situation of the producers and growers where very frequently the car changes title in the course of the shipments, causing a reconsignment or diversion. When the sale is made of the car there is no knowledge of what the item of freight charges will be. So that if the commission agent is to relieve himself of any claim for undercharge he must, in a case of reconsignment or diversion, notify the carrier as to who the beneficial owner of the shipment is. That is the purpose of the amendment.

The suggestion for this committee amendment came from certain associations of growers and producers and the bill of lading experts of the carriers. It is designed to relieve the commission agent and at the same time not hold the original consignor but rather the purchaser as the beneficial owner under a case like this. We will assume that a car of fruit is loaded in Texas and consigned to a purchaser in Chicago. Upon arrival of the car in Chicago the purchaser, finding the Chicago market "off," decides to reconsign or divert the car to a commission agent at Cleveland. Upon arrival there the commission agent will endeavor to sell the car. In doing so he must, of course, settle for the freight charges. When the commission agent at Cleveland notifies the carrier in writing that he is acting only as agent and has no beneficial title in the property, he would relieve himself of any future claim for undercharges under the provisions of the bill as it was reported out of committee. Under the provisions of the committee amendment, in order to be relieved, he would have to advise the carrier at the same time as to who the beneficial owner was, because there had been a reconsignment or diversion of the car. This would not be a hardship upon the commission agent, for in remitting on the car he would necessarily learn who the beneficial owner was. It is, of course, obvious that the purchaser of the car, rather than the original consignor, should be responsible for the payment of the undercharge. This selling of a car in transit and the diverting and reconsignment of a car is a frequent transaction.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 3. Paragraphs (11) and (12) of section 20 of the interstate Commerce act, as amended, are amended to read as follows:

"(11) That any common carrier, railroad, or transportation company subject to the provisions of this act receiving property for transportation from a point in one State or Territory or the District of Columbia to a point in another State, Territory, District of Columbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever, shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; and any such common carrier, railroad, or transportation company so receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or from any point in the United States to a point in an adjacent foreign country, or for transportation wholly within a Territory, or any common carrier, railroad, or transportation company delivering said property so received and transported, shall be liable to the lawful holder of said receipt or bill of lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to such property caused by it or by any such common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made is hereby declared to be unlawful and void: *Provided*, That if the loss, damage, or injury occurs while the property is in the custody of a carrier by water the liability of such carrier shall be determined by and under the laws and regulations applicable to transportation by water, and the liability of the initial or delivering carrier shall be the same as that of such carrier by water: *Provided, however*, That the provisions hereof respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply, first to baggage carried on passenger trains or boats, or trains or boats carrying passengers; second, to property, except ordinary livestock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Interstate Commerce Commission to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released, and shall not, so far as relates to values, be held to be a violation of section 10 of this act to regulate commerce, as amended; and any tariff schedule which may be filed with the commission pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared or agreed upon; and the commission is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term 'ordinary livestock' shall include all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses: *Provided further*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law: *Provided further*, That all actions brought under and by virtue of this paragraph against the delivering carrier shall be brought, and may be maintained, if in a district court of the United States, only in a district, and if in a State court, only in a State, through or into which the defendant carrier operates a line of railroad: *Provided further*, That it shall be unlawful for any such receiving or

delivering common carrier to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of claims than 90 days, for the filing of claims than four months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice: *Provided, however,* That if the loss, damage, or injury complained of was due to carelessness or negligence while the property was in transit, or occurred while the property was being loaded or unloaded, or was due to delay in transit or in loading or unloading, then no notice of claim or filing of claim shall be required as a condition precedent to recovery: *And provided further,* That for the purposes of this paragraph and of paragraph (12) the delivering carrier shall be construed to be the carrier performing the line-haul service nearest to the point of destination and not a carrier performing merely a switching service at the point of destination.

"(12) That the common carrier, railroad, or transportation company issuing such receipt or bill of lading, or delivering such property so received and transported, shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof."

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 7, line 8, after the word "first" insert a comma.

Mr. NEWTON of Minnesota. That is to correct a typographical error.

The amendment was agreed to.

Mr. NEWTON of Minnesota. I offer another committee amendment which I have sent to the Clerk's desk.

The Clerk read as follows:

Page 9, line 11, strike out the period and insert in lieu thereof a colon and the following: "*And provided further,* That the liability imposed by this paragraph shall also apply in the case of property reconsigned or diverted in accordance with the applicable tariffs filed as in this act provided."

Mr. NEWTON of Minnesota. Mr. Chairman, this committee amendment is to take care of the situation that was presented in the statement made by the Senator from Texas [Mr. SHEPPARD] to the Senate, and embodied in Senate 1344 which passed that body and which has been reported out favorably by our committee. The situation is this. Very frequently cars are diverted and reconsigned.

That is a very valuable right, especially as to perishable products. Such products may be sent rolling to a particular market and that market may be off and as time is an important element both in the matter of price and in preventing deterioration, the right to divert and reconsign to a more advantageous market is a very valuable one. Under the existing law there is that right of diversion and reconsignment. It is recognized by the carriers universally, and it is almost the universal practice on the part of the carriers to permit the order of reconsignment or diversion, to be made to the carrier that happens to have the car at the particular time. In accordance with almost the universal practice, the carriers do not require the order for diversion or reconsignment to be presented to the initial carrier, giving the bill of lading, but it appears that down in Texas one of the roads denied liability under the Carmack amendment, because notice of reconsignment and diversion was not first submitted to it as the initial carrier.

The case was taken into the courts, and in a case reported in 258 S. W. Rep. 542 (Houston against Smith), the Waco (Tex.) Court of Civil Appeals upheld the contention of the carrier. This custom of permitting reconsignment or diversion without first obtaining the consent of the initial carrier has been almost universal. The right is a very valuable one, especially to the shippers and purchasers of perishables. It ought to be maintained. To do so is in the interest not only of the producers and growers but of the carriers as well. The situation is discussed somewhat more fully in the statement made by Senator SHEPPARD before the Senate Committee on Interstate Commerce on April 19 last. So far as I can learn, but one other carrier has followed the action of the Houston & Texas Central Railway Co. However, this decision is a precedent. It may be followed by other carriers and later by other courts. Hence the occasion for this amendment.

The amendment set forth in S. 1344 did not seem to meet the situation in the way it should be met. The committee was of the opinion that an amendment in different form was better. Hence the occasion for an amendment in the form of a proviso which we have offered. This amendment is further explained in our committee report on S. 1344, the Sheppard bill.

Mr. ABERNETHY. Mr. Chairman, I rise in opposition to the amendment. I desire to get some information about the bill from the author of the bill and from the gentleman who filed the report from the committee. As I understand it, the bill undertakes to amend the interstate commerce act in several particulars. Are these amendments in the interest of the shippers or in the interest of the carriers?

Mr. NEWTON of Minnesota. I said in my opening remarks that almost all of the suggestions here, if not all of them, emanated from either the shippers or the Interstate Commerce Commission. So far as I can recall, none of these suggested amendments emanated from the carriers themselves. Several of the provisions are ones that the shippers have been contending for for a period of something like four of five years, to my own personal knowledge.

Mr. ABERNETHY. The gentleman can assure the House that this bill is really in the interest of the shippers, and that that is the reason that it is taken up at this late time in the session, in this urgent way, to put it through?

Mr. NEWTON of Minnesota. The gentleman has sensed the situation exactly, as he usually does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: Page 8, strike out lines 11, 12, 13, 14, 15, and all of line 16 down to and including the word "railroad."

Mr. HUDDLESTON. Mr. Chairman, I feel in duty bound to offer this amendment. It strikes out the provision which I criticized in my remarks of a few minutes ago. It eliminates the objectionable conditions under which we confer the right of suit against a delivering carrier.

I hold that, as a matter of principle, where the delivering carrier is liable as this bill makes it liable, the carrier ought to be subject to be sued in any court which is proper for the assertion of the right of the plaintiff. In other words, we ought not to say that the carrier shall be liable for a certain damage but the plaintiff shall assert his rights in certain courts suited to the convenience of the carrier. We are laying down the principle here that a certain state of facts creates a liability. If it is a just and proper liability, we should allow parties who are asserting rights under it to resort to such courts as they would resort to to assert their rights under different liabilities.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. CONNERY. The gentleman's amendment would correct the situation that he complains of? As I understand it, under the present bill as it is written now it would only allow the railroads to be sued in certain courts.

Mr. HUDDLESTON. Yes.

Mr. CONNERY. And this amendment will correct that and allow the plaintiff to sue them in any court of proper jurisdiction?

Mr. HUDDLESTON. In any court that has jurisdiction of ordinary right of action against them.

Mr. CONNERY. Then the gentleman does not agree with the gentleman from Minnesota [Mr. NEWTON] when he says that this bill is a bill entirely in the interest of the shipper.

Mr. HUDDLESTON. Oh, I think this bill, as far as it goes, is a good bill.

It gives a right of action which the consignees have not heretofore had; but, strange to say, it provides that they must assert the right in a particular order of courts. I hold that if it is proper for them to have the right of action, they ought to be permitted to assert it in any court which has jurisdiction of the matter, just as they would assert any other right.

What possible reason can there be for saying that as to a certain right a plaintiff may resort to certain courts, but as to other rights they must resort to different courts? The right given by the bill to the plaintiff as against the delivering carrier is exactly of the same class of rights that a plaintiff would have against an initiating carrier, and in such cases the plaintiff is allowed to select any court which has jurisdiction of such subjects of litigation. The plaintiff ought to have that same privilege when he is asserting his right against a delivering carrier.

Plaintiffs can never sue arbitrarily. They can not pick a court at some remote distance. They must select a court

which has legal jurisdiction—jurisdiction of the subject matter and of the parties. There is no way by which they can conduct the suit unless the court has jurisdiction of the subject matter and the parties. I am only insisting that plaintiffs shall have the privilege of inserting their rights against the delivering carriers under exactly the same conditions and in the same courts as they might assert them against an initiating carrier.

Mr. NEWTON of Minnesota. Mr. Chairman, there can be no question on the part of anyone but what there is conferred by the provisions of this bill a very valuable additional right in permitting the consignee to sue and hold the delivering carrier for any loss or damage caused in the course of the shipment from point of origin to point of destination. It will be of real worth and value to shippers not only because suit may be brought by the consignee in a jurisdiction which in almost every instance will be in his own county and State, but the granting of the right itself will avoid the necessity of commencing suit in many instances, for it will induce the carrier to make settlement. There can be no question, therefore, but what this additional right is a very substantial one. I do not want to jeopardize the final passage of the bill granting this right by any amendment such as has been proposed by the gentleman from Alabama [Mr. HUDDLESTON]. In the great majority of claims against the delivering carrier the limitation as to the place where the suit must be brought will be wholly immaterial to the party plaintiff, because the carrier will be operating a line of railway in the State where the delivery will be made. The instances that the gentleman cites will be the exception and not the rule. The committee thought that in granting this additional right that it would be better to accept the suggestion of the carriers in making this limitation as to the forum where the suit must be brought. There is no question but what at times carriers have been compelled to defend suits against them at places where they may maintain an office. Jurisdiction is obtained for service of process. It is far away from where the witnesses are, whether those witnesses appear for carrier or shipper.

Mr. CONNERY. Will the gentleman yield?

Mr. NEWTON of Minnesota. In just a moment. Therefore the committee, after a great deal of thought and study upon this, have arrived at the language as it is written in the bill, and we feel that it ought to remain the way it is.

Mr. HUDDLESTON. Will the gentleman tell us if there is any good reason why the carrier delivering goods by motor transport or otherwise should not be sueable in the district in which they make the actual delivery?

Mr. NEWTON of Minnesota. If the last carrier chose to deliver by motor transport it would appear that that would be a part of the line haul rather than a switching service. But even if the gentleman is correct, I still say those instances would be the exception and not the rule. We are writing a general law for the entire country. In granting this additional right we do not want to do so in a way where the right will be abused in the manner just indicated by me. If later it should develop that there is a need for adopting the suggestion of the gentleman, that, of course, can be done by further amending the law.

Mr. CONNERY. What objection has the committee to the amendment offered by the gentleman from Alabama? The railroads always have their attorneys and are well and ably represented for all other things.

Mr. NEWTON of Minnesota. That is true; but there is an abuse in carrying lawsuits far away from the point where the loss occurred, and that is what might occur if we adopt the amendment offered by the gentleman from Alabama.

Mr. CONNERY. Has not the gentleman all the confidence in the world in the justice of our courts? The railways always get a good deal.

Mr. NEWTON of Minnesota. It is not a question of justice, but it is a question of dragging lawyers and witnesses off to some out-of-the-way place that is far away from the carrier and may be farther away from the claimant's home. The gentleman's amendment should be defeated.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 13040) entitled "An act making appropriations to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN be the conferees on the part of the Senate.

INTERSTATE COMMERCE ACT AND THE TRANSPORTATION ACT

The committee resumed its session.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. HUDDLESTON) there were—ayes 27, noes 35.

So the amendment was rejected.

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDDLESTON. Were the gentlemen counted out in the hall who did not hear the amendment read or any of the argument and did not know what they were voting on?

The CHAIRMAN. All were counted who were in the Hall and who arose.

The Clerk resumed and concluded the reading of the bill.

Mr. PARKER. Mr. Chairman, I move the committee do now rise and report the bill back to the House with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SINNOTT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 12065) to amend the interstate commerce act and the transportation act of 1920, and for other purposes, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill, as amended, do pass.

The SPEAKER. The previous question is ordered under the rule. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Tennessee makes the point of no quorum. Would the gentleman be willing to withhold that point until one or two little matters are disposed of?

Mr. GARRETT of Tennessee. Yes; I will withhold it.

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT

Mr. ZIHLMAN. Mr. Speaker, I present a conference report on the bill H. R. 3802 and ask for its immediate consideration.

The SPEAKER. The gentleman from Maryland presents a conference report on the bill H. R. 3802, and asks unanimous consent for its immediate consideration. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 3802) to amend the act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being Public 561, Sixty-eighth Congress, and for other purposes.

The SPEAKER. The conference report will be read.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 11, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert a comma and "pedestrians, and animals, of every description"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided*, That in each case where a permit is revoked or suspended, the reasons therefor shall be set out in

the order of revocation or suspension: *Provided further*, That such order shall take effect 10 days after its issuance unless the holder of the permit shall have filed, within such period, written application with the Commissioners of the District of Columbia for a review of the order of the director or his assistant; if, upon such review, the commissioners shall sustain the order of the director or his assistant, such order shall become effective immediately; but if, upon such review, the commissioners shall reverse the order of the director or his assistant, such order shall thereupon be vacated"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "may, within 30 days after such denial, revocation, or suspension is ordered, if application for a review by the commissioners of an order for revocation or suspension has not been filed, or, in case such application has been filed, within 30 days after decision of the commissioners, apply to any justice of the Court of Appeals of the District of Columbia for a writ of error to review the order of the director of traffic (or his assistant) complained of or the decision of the commissioners. And said court is authorized to promulgate rules governing the application for the writ, and the record and proceedings thereon, and to affirm, modify, or reverse the order of the director of traffic (or his assistant) or the decision of the commissioners, where the writ is allowed pursuant hereto; and the decision of said court shall be final: *Provided further*, That the application to said court for a writ of error shall not operate as a stay of such order of the director or his assistant or the decision of the commissioners"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: After the word "assistants" at the end of said amendment insert a colon and the following: "*Provided*, That nothing herein contained shall deprive any person of the right of trial by jury"; and the Senate agree to the same.

FREDERICK N. ZIHLMAN,
CHARLES L. UNDERHILL,
Managers on the part of the House.

ARTHUR CAPPER,
FREDERIC M. SACKETT,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) to amend the District of Columbia traffic act, 1925, submit the following detailed statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On No. 1: The Senate by this amendment proposed to strike from the bill as it passed the House wording which included within the definition of traffic "pedestrians, and animals, of every description, at rest or in motion" and explicity gave to the director of traffic power to "regulate and control all traffic upon the streets, alleys, and public highways within the District of Columbia."

At the previous conference on the bill the Senate conferees agreed to recede from the amendment, thus allowing the language quoted to remain in the bill, in accordance with the way in which it passed the House originally. However, the Senate refused to accept such conference report, and strong objection was voiced in the Senate to the inclusion of language which might be construed to give the director of traffic authority not only over ordinary vehicular traffic and pedestrians at street crossings but also the power to again issue a prohibition of all-night parking, and possibly, under the language quoted, without check or hindrance from the District Commissioners.

At the further conference, therefore, the House receded from its disagreement to the amendment of the Senate striking out the language quoted, but with an amendment leaving in the bill words authorizing regulation of pedestrian traffic and control over horse-drawn vehicles.

On Nos. 2, 3, 4, 5, 6, 7: These were agreed upon in the previous conference, the House receding from its disagreement thereto, and upon further conference no change has been made in regard to such amendments, the effect of which was fully explained in the statement of the managers on the part of the House accompanying conference report No. 1528, of June 22, 1926.

On Nos. 8 and 9: One reason which led to rejection by the Senate of the previous conference report was that the only recourse given to an applicant for or holder of an operator's permit, in case of denial, revocation, or suspension of such permit by the director of traffic or his assistant, was by applying for a writ of error to the Court of Appeals of the District of Columbia. To meet the objection to this situation raised in the Senate, because of possible arbitrary and unwarranted action on the part of the director of traffic, the House has receded from its disagreement to said Senate amendments, with additional language providing that the action of the director of traffic or his assistant in such cases shall not take effect if the aggrieved party shall make application to the three District Commissioners for a review of the denial, revocation, or suspension. The commissioners may reverse the order of the director of traffic, whereupon his action is vacated. If, however, the commissioners should sustain the director's order, then the aggrieved party may still apply to the court of appeals for a writ of error. If he prefers, he may apply direct to the court of appeals without first asking for a review by the commissioners. It is believed that these additional provisions furnish ample safeguard against possible hasty, ill-advised, or arbitrary action on the part of the director of traffic or his assistant in the matter of denial, revocation, or suspension of operators' permits. In all other cases also arising under the traffic act, as amended by this bill, the right of the citizen to resort to the courts is fully preserved.

On No. 10: Another reason for rejection by the Senate of the previous conference report was the belief that this amendment, which provides that practically all prosecutions for violations of the traffic act shall be in the police court and under the direction of the corporation counsel of the District of Columbia, might deprive persons of the right to trial by jury. The House has receded from its disagreement to the amendment of the Senate with the addition of language specifically providing "that nothing herein contained shall deprive any person of the right of trial by jury." This preserves the constitutional rights of citizens.

On No. 11: At the previous conference the House receded from its disagreement to said amendment and agreed to the same. Such action has not been changed by the further conference.

FREDERICK N. ZIHLMAN,
CHARLES L. UNDERHILL,
RALPH GILBERT,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

SECOND DEFICIENCY ACT, 1926

Mr. MADDEN. Mr. Speaker, I present the conference report on the second deficiency act, 1926.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take up the conference report immediately.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take up the conference report immediately. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 19, 25, 27, 31, 32, 34, 35, 43, 46, 48, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 18, 20, 21, 23, 26, 28, 29, 30, 33, 36, 37, 38, 42, 45, 47,

52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 73, and agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Eliminate from the matter inserted by said amendment the word "directly"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,580,400"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,638,952"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amentment as follows: In lieu of the sum proposed insert "$5,500"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 14, 16, and 24.

MARTIN B. MADDEN,
D. R. ANTHONY, Jr.,
JOSEPH W. BYRNS,
Managers on the part of the House.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On Nos. 1 to 10, inclusive, relating to the Senate: Appropriates for the items for expenses of the Senate in the amounts and in the manner proposed in the Senate amendments.

On No. 11: Strikes out the item of $4,600, inserted by the Senate, for certain improvements in the basement corridors of the Senate wing of the Capitol Building.

On No. 12: Appropriates $7,440, as proposed by the Senate, for furnishings for the Senate Office Building.

On No. 13: Extends the appropriation inserted by the House for the Employees' Compensation Commission so as to make it available during the fiscal year 1927.

On No. 15: Transfers, as proposed by the Senate, the sum of $5,000 from the General Accounting Office to the Office of Public Buildings and Public Parks.

On No. 17: Appropriates $15,000 instead of $10,000, as proposed by the House, and $35,000, as proposed by the Senate, for investigations by the Bureau of Entomology of the Thurberia cotton weevil.

On No. 18: Appropriates $150,000, as proposed by the Senate, for expenses in connection with carrying into effect the act relating to cooperative marketing.

On No. 19: Appropriates $20,000 and a transfer of $10,000 for the fish hatchery in Colorado, as proposed by the House, instead of $40,000, as proposed by the Senate.

On Nos. 20, 21, and 22, relating to commercial aviation: Provides $300,000 for air navigation facilities, as proposed by the House, modified, as proposed by the Senate, to eliminate the purchase of sites and to provide that the sum shall not be expended for any purposes not authorized by the air commerce act of 1926.

On No. 23: Appropriates $100,000, as proposed by the Senate, for investigations relating to potash, to be conducted cooperatively by the Department of Commerce and the Department of the Interior.

On No. 25: Strikes out the appropriation of $2,500, inserted by the Senate, for the monument and tablet to commemorate the battle with the Sioux Indians.

On No. 26: Appropriates $10,000, as proposed by the Senate, for investigations in connection with the construction of an irrigation dam on the Walker River in Nevada.

On No. 27: Strikes out the paragraph, inserted by the Senate, providing for per capita payments to enrolled members of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma.

On No. 28: Makes a verbal correction in the text of the bill.

On Nos. 29 and 30: Appropriates $2,415, as proposed by the Senate, for the payment of audited claims under the Department of Justice for fees of United States commissioners and support of United States prisoners.

On No. 31: Strikes out the appropriation of $100,000, proposed by the Senate, for commencing work on one of the rigid airships recently authorized for the Navy.

On No. 32: Strikes out the appropriation of $200,000, proposed by the Senate, for commencing the work of alteration and repair of the naval vessel, *S–48*.

On No. 33: Makes the appropriation for the General and Special Claims Commission, United States and Mexico, available for payment of per diem allowances of subsistence.

On No. 34: Strikes out the appropriation of $10,000, inserted by the Senate, for preparation of additional volumes of the publication of the State Department known as "Foreign Relations."

On No. 35: Strikes out the appropriation of $2,500, inserted by the Senate, for payment to Joseph S. McCoy.

On Nos. 36 and 37: Appropriates $1,659.86, as proposed by the Senate, instead of $79.02, as proposed by the House, for payment of damage claims under the Treasury Department which have been settled and certified under existing law.

On No. 38: Inserts an appropriation of $25,000 for a preliminary survey of the salt-marsh areas of the South Atlantic and Gulf States.

On Nos. 39, 40, and 41: Establishes the limit of cost of the public building at Central City, Nebr., at $65,000, instead of $55,000, as proposed by the House, and $75,000, as proposed by the Senate.

On No. 42: Makes the appropriation for mechanical equipment for public buildings available during the fiscal year 1927, as proposed by the Senate.

On No. 43: Strikes out the paragraph, inserted by the Senate, for a 20-year lease of a building in New York City for use of the appraising board and other Government offices.

On No. 44: Appropriates $5,500, instead of $4,984, as proposed by the House, and $9,184, as proposed by the Senate, for a road on the Fort Canby Military Reservation in Washington.

On No. 45: Appropriates $2,500, as proposed by the Senate, instead of $1,500, as proposed by the House, for a memorial to Virginia Dare.

On No. 46: Appropriates $2,000, as proposed by the House, instead of $2,500, as proposed by the Senate, for memorials for the Revolutionary battle field at White Plains, N. Y.

On No. 47: Reappropriates, as proposed by the Senate, the sum heretofore made available for roads at Wakefield, Va.

On No. 48: Appropriates $1,500, as proposed by the House, instead of $3,000, as proposed by the Senate, for a survey of battle fields in and around old Appomattox Courthouse, Va.

On No. 49: Appropriates $1,500, instead of $2,000, as proposed by the Senate, and $1,000, as proposed by the House, for a survey of the Pea Ridge, Ark., battle field.

On No. 50: Appropriates $3,000, instead of $5,000, as proposed by the Senate, and $2,000, as proposed by the House, for a survey of the battle fields in the State of Georgia.

On No. 51: Appropriates $1,500, as proposed by the House, instead of $3,000, as proposed by the Senate, for the Moores Creek National Military Park, N. C.

On Nos. 52 to 66, inclusive, relating to judgments of United States courts: Appropriates, as proposed by the Senate, for the payment of judgments of United States courts aggregating

$2,024,564.69 certified to Congress after the bill had passed the House.

On Nos. 67 to 71, inclusive: Appropriates, as proposed by the Senate, for the payment of judgments of the Court of Claims aggregating $3,146,846.78 certified to Congress after the bill had passed the House.

On No. 72: Appropriates $293,847.22 for the payment of claims allowed by the General Accounting Office and certified to Congress after the bill had passed the House.

On No. 73: Corrects a section number of the bill.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 14: Appropriating $3,850 for expenses of the United States Geographic Board.

On No. 16: Relating to the compensation of the superintendent of the bathing beach of the District.

On No. 24: Appropriating $750 for payment of stationery furnished the Fuel Administration.

MARTIN B. MADDEN,
D. R. ANTHONY,
JOSEPH W. BYRNS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MADDEN. Mr. Speaker, before the vote is taken, I would like to make a brief statement concerning the bill. It is as follows:

The amount of bill as it passed the Senate is	$51,191,980.22
The amount of bill as it passed the House is	45,014,229.80
The Senate added	6,177,750.42
The Senate has receded from items amounting to	869,284.00
The House has receded from items amounting to	5,808,466.42
The main items on which the House receded are—	
Judgments	5,171,411.47
Potash investigations	100,000.00
Cooperative marketing	150,000.00
Audited claims	293,847.22
The main items on which the Senate receded are—	
An indefinite sum to make per capita payments to certain Oklahoma Indians.	
Rigid airship, Navy	100,000.00
Repairs to *S–48*, Navy	200,000.00
Provision for a 20-year lease for a building in New York for the appraising board and other Government offices.	
The total of the bill as agreed upon is	50,822,696.22

I ask for a vote on the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HOWARD. Mr. Speaker, I wanted to make a little statement on this bill myself.

Mr. MADDEN. Will the gentleman do that after we are through? I will yield him five minutes after we get through with these two or three items that remain unsettled.

May the Senate amendments in disagreement be reported, Mr. Speaker.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Senate amendment numbered 14: Page 11, line 21, insert the following:

"UNITED STATES GEOGRAPHIC BOARD

"For salaries and expenses of the United States Geographic Board including personal services in the District of Columbia in accordance with the classification act of 1923, and for stationery and office supplies, fiscal year 1926, to remain available during the fiscal year 1927, $3,850."

Mr. MADDEN. Mr. Speaker, I move that the House recede and concur in the amendment.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 16: Page 16, line 21, insert "That section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended, shall not apply to the position of superintendent of the bathing beach of the District of Columbia during the fiscal years ending June 30, 1926, and June 30, 1927."

Mr. MADDEN. Mr. Speaker, I move to recede and concur.

The SPEAKER. The gentleman from Illinois moves to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 24: Page 33, line 24, insert the following: "For payment to George M. Davis for printing 500,000 letterheads for the Washington office of the United States Fuel Administration under purchase order of such Fuel Administration No. 1427, dated July 17, 1918, $750, the said George M. Davis having been the sole proprietor of the Consolidated Supply Co., of Washington, D. C., with which company such order was placed."

Mr. MADDEN. Mr. Speaker, I move to recede and concur; and, pending that, I yield to the gentleman from Nebraska [Mr. HOWARD] five minutes.

The SPEAKER. The gentleman from Illinois moves to recede and concur, and yields five minutes to the gentleman from Nebraska.

Mr. HOWARD. Mr. Speaker, I find a very sad situation here, evidently the result of a misunderstanding. I am not blaming anybody in particular for the situation, but, as I understood it, a year ago I had the positive promise of the Supervising Architect of the Treasury that he would favor an appropriation of $75,000 for a little post office in Central City, Nebr., an appropriation of $55,000 having been passed several years before. Now the matter comes up and we find it here with a conference recommendation that the appropriation be only $65,000. If I would let my animal nature prevail in this moment, I think I should plan to do some fighting; but as a lover of the brethren, and having the pledge of my Senators and the pledge of several splendid fellows in this House that at a later session I shall have no trouble in securing a sufficient appropriation for the Central City post office, I shall not pursue a belligerent course at this moment. I shall yield to a situation over which I have no more control than a sheep has over the designation of the days in the week. And so I shall rely absolutely upon the promise of gentlemen who have the power to aid me in a later session, probably in December, in securing an adequate appropriation for my post office.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. CHINDBLOM. I want to congratulate the gentleman from Nebraska upon being, apparently, the only Member of either House who secured any increase in the appropriations of the House bill in the matter of public buildings. The gentleman at least got $10,000, while 434 Members of the House and 96 Members of the Senate had to content themselves with what consideration the House gave them, which was, I take it, entirely satisfactory to them.

Mr. HOWARD. The gentleman from Illinois is very kind, but I think he gives me overmuch credit. If the distinction has come to me as being the sole and only one in this House to secure one of these post-office appropriations, I am going to give all the glory to the good fellows who closed their eyes to the beauties of all the rest of you and saw only me. [Laughter.]

Mr. MADDEN. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, the press carries to-day an article in reference to our Star-Spangled Banner, written by the immortal Francis Scott Key, which I think will astonish the Members of this body. The article is entitled:

ANTHEM CAUSES NEAR RIOT IN NEW YORK MEETING—CROWD SINGS STAR-SPANGLED BANNER IN SPITE OF CHAIRMAN'S PROTEST AT WORDS—VETERAN LEADS EXODUS AS MRS. SCARBOROUGH PROPOSES GIVING GOD SAVE THE KING

NEW YORK, July 1.—The singing of The Star-Spangled Banner at the Independence Day celebration held by the New York Port Society to-night caused a near riot, a fist fight, and the calling out of police reserves to quell the disturbance.

The excitiment started when Mrs. Charles R. Scarborough, chairman of the woman's auxiliary of the Port Society, announced that contrary to the usual custom The Star-Spangled Banner would not be sung, because, in her opinion, the words in some of the stanzas were not in accordance with the friendly feeling now existing between the United States and England.

CROWD SINGS ANYWAY

She had hardly completed these remarks when a dozen members of the assemblage broke forth in the national anthem. When the last strain died away Mrs. Scarborough arose and said:

"No one can accuse me of being unpatriotic, for no one loves her country more than I do. But I love England also, and I think it impolite to refer to Great Britain as a 'foul invader.'"

She asked that everyone join in singing God Save the King.

EXODUS RIOTOUS

Thomas P. Tuite, 76-year-old veteran of the Spanish-American War, leaped to his feet and shouted:

"I call upon all of you who are patriotic to leave the hall. I am a veteran and will not be insulted."

Then the disorder started. More than 200 men and women, led by Tuite, left. One man attempted to halt the stampede out. He was roughly handled. There was one fist fight, but the participants were not identified.

Police reserves, hastily summoned, finally succeeded in quieting the disorder, and the meeting proceeded with a bare handful left in the hall.

This press article entitled "Anthem causes near riot in New York meeting—crowd sings Star-Spangled Banner in spite of chairman's protest" shows us conclusively that it is high time that the Congress of the United States declared legally the Star-Spangled Banner, written by the immortal Francis Scott Key, to be our national anthem. The Star-Spangled Banner has been sung as our national anthem from the war of 1812 to this day. It has been pronounced the national anthem by the Secretary of War and of the Navy. Every war since the Revolution has been fought to the strains of the Star-Spangled Banner. Victory has perched upon the American banner to its music for more than a hundred years. The scene at the Independence Day celebration held by the New York Port Society, at which Mrs. Charles R. Scarborough announced it would not be sung as usual because there were stanzas in conflict with the friendly feelings now existing between England and the United States is preposterous. It is high time that such occurrences should stop in this great Republic of ours, perhaps the most patriotic in the world. Such division of allegiance should cease. Those who feel so friendly with England that they hesitate to sing the Star-Spangled Banner should go to England and sing God Save the King, and not bask in the sunshine and prosperity of the American Republic while entertaining such strong allegiance to another land. [Applause.] I arise to congratulate the members of that assembly, who in spite of its chairman, Mrs. Scarborough, arose and sung so gallantly the Star-Spangled Banner amid the noise and confusion. I congratulate that 76-year-old veteran, Thomas Tuite, veteran of the Spanish-American War, who, when Mrs. Scarborough asked them to sing God Save the King, leaped to his feet and shouted, "I call upon all of you who are patriotic to leave the hall. I am a veteran and will not be insulted." And I congratulate those members who led by Tuite left the chairman to conclude her disordered and depleted meeting. Every patriotic New Yorker with red blood in his veins should deplore the incident and should see to it that no more organizations declaring themselves "independence societies" should be allowed to insult the American anthem and all for which it stands in the history of our country. Four million American soldiers during the World War revered it and on the battle fields of France and wheresoever the American flag led, the Star-Spangled Banner was its constant and inspiring companion. [Applause.]

I have no criticism of those who desire to honor another country, especially if it be the land of their birth, but when it is to be done at the expense of the patriotism for our own land, as at Mrs. Scarborough's meeting, then I revolt. Only to-day I received a letter from the War Department advising that plans for the restoration of Fort McHenry, Md., to its condition at the time of the bombardment which inspired Francis Scott Key to write the Star-Spangled Banner are in course of preparation. This is in accord with legislation passed by the Sixty-eighth Congress, and the old fort will, when completed, look as it did in the days when Key wrote the anthem. [Applause.] A previous Congress appropriated $75,000 to commemorate Francis Scott Key and those brave soldiers and sailors who repulsed the enemy on the battle field of North Point and at Fort McHenry. This battle, while perhaps not as large as some other important engagements, was, nevertheless, one of the decisive battles of the world, in that it was the last important battle of the War of 1812, and brought about the treaty of peace between the two great English-speaking nations of the world, which peace has never since been disturbed. It was the Star-Spangled Banner written by Key that meant more than 10,000 bayonets to the American cause, from the fact that it united our whole country, which then presented a solid phalanx to the enemy. I sincerely hope that as a refutation of the New York gathering and from patriotic emotions we shall adjourn to-morrow singing that national anthem, which means so much to the hearts of the patriotic people of this country, in the language of that great patriot, Francis Scott Key, who, while the destiny of our country hung in the balance at old Fort McHenry, wrote these inspiring words now known throughout the civilized world, which I insert:

THE STAR-SPANGLED BANNER

Oh, say, can you see by the dawn's early light,
What so proudly we hailed at the twilight's last gleaming?
Whose broad stripes and bright stars, through the perilous fight,
O'er the ramparts we watched, were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof through the night that our flag was still there;
Oh, say, does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?

On the shore, dimly seen through the mists of the deep,
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, half conceals, half discloses?
Now it catches the gleam of the morning's first beam;
In full glory reflected, now shines on the stream:
'Tis the star-spangled banner; oh, long may it wave
O'er the land of the free and the home of the brave!

And where is the band who so vauntingly swore,
'Mid the havoc of war and the battle's confusion,
A home and a country they'd leave us no more?
Their blood hath washed out their foul footsteps' pollution:
No refuge could save the hireling and slave
From the terror of flight or the gloom of the grave;
And the star-spangled banner in triumph doth wave
O'er the land of the free and the home of the brave.

Oh, thus be it ever, when freemen shall stand
Between their loved home and the war's desolation!
Blest with victory and peace, may the heaven-rescued land
Praise the power that hath made and preserved us a nation!
Then conquer we must, for our cause it is just;
And this be out motto, "In God is our trust";
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave.

(Francis Scott Key.)

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois to recede and concur in the Senate amendment.

The motion was agreed to.

NATHAN STRAUS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the noble work done by Nathan Straus in connection with the saving of babies through the supplying of pure milk, including certain statistics.

The SPEAKER. The gentleman from New York asks unanimous consent to extend in the RECORD his remarks on the noble work done by Nathan Straus in connection with the saving of babies through the supplying of pure milk, including certain statistics. Is there objection?

Mr. SNELL. Reserving the right to object, do I understand they are the gentleman's own remarks?

Mr. DICKSTEIN. My own remarks, with a small table of statistics, which I want to include in connection therewith.

Mr. SNELL. I have no objection to that, but I would object to putting in the RECORD an address or remarks of somebody else at this time.

The SPEAKER. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, in connection with the passage of the Lenroot-Taber milk bill to stop the flow of uninspected milk from Canada to New York and other eastern cities and communities, I want to pay a tribute to the man who fought single-handed the battle for pure milk, the man who first conceived the idea that milk might by Pasteurization be freed from disease-producing bacteria, the man who established the first infant milk depot in America—Nathan Straus.

The poor in New York City had never been able to obtain pure milk for their babies until Nathan Straus put into effect his constructive philanthropy of insuring a supply of pure milk. It is estimated by an official of the New York department of health that Pasteurization of milk, introduced by Mr. Straus, saved the lives of more than 400,000 children under 5 years of age in Manhattan and the Bronx between the years 1892 and 1925.

We have recently had milk scandals in New York, revealing that impure milk was being "bootlegged" in large quantities.

But in 1892 impure milk was not "bootlegged." It was openly sold. Nathan Straus's work in the last 34 years has so raised the standard of milk in New York City that the country is shocked to-day by what was the regular custom before Nathan Straus began his fight for pure milk.

The story of how Nathan Straus began his work of life saving shows the nature of the man—how one small incident combined with imagination and sympathy could lead to a beneficent achievement affecting millions of people.

He was always intuitively sympathetic to suffering, especially among the poor who could not help themselves. He was always thinking of some way to aid in the alleviation of poverty and sickness.

The dangers of impure milk were first sharply revealed to him in a personal experience. When he was park commissioner of New York in 1892, he had a home in the Adirondacks where he kept a cow. One day the cow became ill, and despite his efforts, she died very suddenly. Thinking that she might have been poisoned, Mr. Straus had a post-mortem examination made. The physicians found that the cow's lungs were eaten away, and that she had died from tuberculosis, which he had never suspected she had. He at once realized the public menace of such a condition among milch cows.

At the same time, his wife, Lina Gutherz Straus, who has been his coworker in all his life-saving work, kept calling his attention to the low quality of the milk and the bad conditions under which it was being sold to children in Central Park, in a restaurant rented out by the city. Watered milk was sold there at 5 cents a glass, Mrs. Straus found.

These two experiences decided Mr. Straus to supply the public with safe milk at a nominal price. He had heard abroad about the Pasteur method of keeping wine and beer from souring, and he conceived the theory that the same system might be applied to milk.

Mr. Straus at once made investigations, consulted eminent bacteriologists and physicians who were all groping for some preventive against the numerous disease-producing germs. He had exhaustive laboratory experiments made which proved that his theory was correct, and that by Pasteurization, or subjecting milk to a certain temperature for a certain time, all germs that might have come from infected cattle or from neglect in handling the milk were killed. The nutritive quality of the milk and its digestibility were not reduced, nor was its taste affected by Pasteurization, the experiments proved.

The scientific correctness of his theory was soon supported by one of the greatest specialists of the time on infant feeding, Prof. Abraham Jacobi, dean of the medical profession of the United States, and also by Prof. Rowland Freeman, who had been engaged in similar work and gave Mr. Straus much valuable information and assistance from the very beginning.

About the same time the Rockefeller Institute made extensive experiments which were entirely favorable, and established beyond doubt the efficacy of Pasteurization for the prevention of sickness and the saving of life.

All this contributed to Mr. Straus's confidence in the gradual adoption of his plan for a pure milk supply despite the opposition he found from a great part of the medical profession, who objected to a layman's interfering in medical matters. Milk continued to be produced under filthy conditions, however, and Mr. Straus became convinced that it required some drastic measure to demonstrate the need for reform of existing conditions.

This led to the establishment of the first infant milk depot in America, which Mr. Straus founded in 1893 on the east Third Street Pier, New York City. This institution has since that time been copied in many cities in this country and in many places abroad.

Incidentally in starting this work on a city pier Mr. Straus was the pioneer in the utilization of the upper stories of piers for the benefit of the people. Out of his first milk depot grew also the establishment of recreation piers.

Here Mr. Straus sold the ready-to-drink baby milk in nursing bottles of 3, 6, and 8 ounce sizes, modified and Pasteurized, so that nothing could possibly happen to adulterate the milk before it was fed to the baby. The price was equivalent to 4 cents a quart. Besides the baby milk he dispensed 8-ounce glasses of the milk at 1 cent each.

Thus began perhaps the greatest achievement for humanity in the work of Nathan Straus's philanthropy. Fully assured of the correctness of his discovery, Mr. Straus fought against all odds and violent opposition that would have discouraged most men until he had demonstrated not only to the city of New York but to many other parts of the civilized world that the Pasteurization of milk meant the saving of millions of lives and contributed immeasurably to the health of the world.

In 1907 he first extended his life-saving work to Europe. He established a laboratory for the Pasteurization of milk in Heidelberg, Germany, under the auspices of the university. He selected a neighboring town, and by supplying free Pasteurized milk to all the people he succeeded in reducing a high death rate there by less than half.

He presented a Pasteurization plant to the Dowager Duchess of Baden, who was the head of child welfare work there, and also one to the Countess of Aberdeen, who was then president of the Women's National Health Association in Dublin, Ireland.

Mr. Straus was awarded the "Diplome de Medaille d'Or" at the Exposition Internationale in Paris, France, for a home Pasteurizer. He devised this means of filling the wants of those who did not wish to accept the milk at the nominal price at which it was dispensed.

All during this period he was exhibiting a small model plant and demonstrating the preparation of Pasteurized milk in many cities of the United States and Europe.

Mr. Straus's services in New York alone in stamping out disease due to infected milk are thus summarized by Dr. William H. Guilfoy, registrar of records of the New York Department of Health:

> If the infant death rate of 1892 (the year Nathan Straus inaugurated his milk Pasteurization) had continued throughout the succeeding years, 874,924 children under 5 years of age would have died in the city of New York (boroughs of Manhattan and Bronx) between January 1, 1893, and December 31, 1925. But in these years the total number of deaths was 431,123, which means that 443,801 lives have been saved in these 32 years.

In May, 1926, Mr. Straus's efforts to secure a standard ordinance providing for the Pasteurization of milk were carried to Washington by the State and provincial officers, in association with the American Health Congress, which met at Atlantic City.

> The committee reports an excellent ordinance—

Stated Dr. D. C. Lochead, deputy to Dr. C. H. Mayo in the health department of Minnesota—

> which will provide for all the refinements of milk production which are commercially possible, including the tuberculin test of cows and the medical inspection of milk handlers, and then makes provision for the Pasteurization of that milk to the fullest extent possible in the individual cities adopting the ordinance.

Virtually the same standards will be required of all milk imported from foreign countries as a result of the passage of the Lenroot-Taber bill.

In a letter to Mr. Straus commending him upon the important work he has done in the protection of lives by his Pasteurized-milk crusade covering 34 years the famous Mayo brothers said:

> The value of Pasteurized milk can not be overestimated. Tuberculosis of the bones, joints, glands in the neck, and tuberculosis of intestines and mesenteric glands of the intestines are in the majority of cases attributed to the bovine type of tuberculosis, the germs of which are thrown off in the milk of dairy cows thus affected, and are destroyed by Pasteurization. Infected milk has played its part in causing epidemics throughout the world not only in infants but in older children and adults.

From England and from other foreign countries have come tributes to Mr. Straus's foresight as a result of his efforts abroad. The health officer of Huddersfield, England, in March, 1926, testified to the fact that infantile paralysis is caused by impure milk, as did Dr. E. C. Schroeder, head of the Bureau of Animal Industry of the Bethesda (Md.) Experiment Station of the United States Department of Agriculture.

Doctor Schroeder wrote to Mr. Straus:

> You not only truly characterized raw milk as a dangerous source of infantile-paralysis infection but also pointed out that not one case of the disease among the numerous cases in New York had occurred among the 2,000 children who daily received properly Pasteurized milk from your laboratory.

Dr. W. L. Aycock, of the Department of Preventive Medicine and Hygiene of the Harvard University Medical School, recently called to Mr. Straus's attention further evidence of the service he has performed in preventing infantile paralysis by insuring a pure-milk supply. Doctor Aycock wrote to Mr. Straus the results he had found in making a study of an infantile-paralysis epidemic in Cortland, N. Y., in cooperation with the New York State health authorities. This epidemic was clearly a milk-borne epidemic, he said. A 16-year-old boy working on a small dairy farm developed infantile paralysis, but during the first four days of his sickness he kept up his work, milking 8 or 10 of the 20 cows a day. He gave

up his work only when he was no longer able to use his hands. There resulted eight cases of infantile paralysis, every one of which used milk from this dairy.

Many cities have recognized Mr. Straus's service in extending the results of his experience throughout the country.

Dr. G. H. Morgan, of the department of health of Indianapolis, wrote:

Indianapolis adopted a Pasteurization ordinance in 1916. Since that time the city has been free from epidemics of both typhoid fever and gastrointestinal infections. The infant mortality rate has dropped from 139 per thousand to 70 for the year just closed. I thank you for stimulating my public health sense concerning Pasteurization.

A cablegram from Dr. Clemens Pirquet, president of the First International Child Welfare Congress of the League of Nations, last year testifies to the world-wide significance of Mr. Straus's work "as the pioneer of Pasteurization." A resolution adopted there paid a tribute to his work in saving the lives of countless numbers of children.

In 1920 Mr. Straus turned over to the New York health department his Pasteurization laboratory, continuing, however, his strenuous efforts for extensive Pasteurization educational work in this country and in England and France.

The full story of Mr. Straus's single-handed fight for the adoption of Pasteurization would fill a volume; and, in fact, has been graphically presented in a compilation, "Diseases in Milk—The Remedy, Pasteurization." When attempts were made to discourage him by unfair attacks, mass meetings were held, indorsing Mr. Straus's crusade for pure milk; women's clubs came to his defense; the board of aldermen capitulated; the mayor's investigating committee approved of his work; the medical profession gave in; and the press supported the work of Pasteurization. Mr. Straus had won a sweeping victory of world-wide importance. Other American cities adopted the Pasteurization of milk. Mrs. Straus carried his crusade abroad, supporting it always with his means only. He devoted to his various philanthropic enterprises half his fortune. The truth prevailed, and Mr. Straus lived to see Pasteurization recognized in many centers of the civilized world.

For 34 years he has followed and worked for an ideal during an otherwise busy life. By his crusade he has disarmed opponents and confounded critics. He has established Pasteurization of milk as a certain method of preventing the spread of disease.

We may say to him, with Dr. Charles J. Hastings, medical officer of health of Toronto, Canada:

When your turn comes to pass on to the next cycle of existence, few will have left such a heritage behind them; few there are who have so immortalized their names in substituting man's humanity to man for man's inhumanity to man.

ADJOURNMENT SINE DIE

Mr. GREEN of Iowa. Mr. Speaker, by direction of the Ways and Means Committee I submit a privileged resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Iowa presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 39

Resolved, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Sixty-ninth Congress by adjourning their respective Houses on the 3d day of July, 1926, at 3 o'clock postmeridian.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 199, noes 29.

So the resolution was agreed to.

AIRCRAFT PROCUREMENT BOARD

Mr. JAMES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 11284) to provide for an aircraft procurement board, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I want to ask the chairman of the Judiciary Committee if he is going to give us an opportunity, and if the Members of the House generally are going to be given an opportunity, before this Congress adjourns, to dispose of this Fenning matter relative to his impeachment as a Commissioner of the District of Columbia and to take from him these unfortunate, insane World War veterans who have been plundered, according to the records in the case. I would like to know if we are going to have the right to dispose of that matter?

The SPEAKER. The gentleman reserves the right to object?

Mr. RANKIN. Yes; and I am propounding the question whether we are going to be given an opportunity to vote on and dispose of this Fenning case before the Congress adjourns.

Mr. SNELL. Mr. Speaker, who has the floor?

The SPEAKER. The gentleman from Mississippi, under a reservation of the right to object.

Mr. JAMES. Will the gentleman withhold his objection?

Mr. RANKIN. I will, if I can get an answer to my question.

Mr. GRAHAM. I have not the floor and I decline to answer at this point.

Mr. RANKIN. I have the floor.

Mr. SNELL. Mr. Speaker, I demand the regular order.

The SPEAKER. Regular order is demanded. The regular order is, Is there objection to the request of the gentleman from Michigan [Mr. JAMES]?

Mr. RANKIN. Mr. Speaker, if I can not get an answer on my proposition, I must object.

The SPEAKER. Objection is heard.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5701) entitled, "An act to designate the times and places of holding terms of the United States District Court for the District of Montana."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 92) fixing postage rates on the hotel room keys and tags.

SALARIES OF FEDERAL JUDGES

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules and ask for its present consideration.

The SPEAKER. The gentleman from New York presents a resolution, which the clerk will report.

The Clerk read as follows:

House Resolution 282

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2858, to fix the salaries of certain judges of the United States. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, this rule is very simple and needs no special explanation from me at this time. The question of increasing the salaries of Federal judges has been before the Congress for the last three or four years. As far as I am concerned personally, I have been irrevocably committed to the increase of these salaries for some time. I believe the kind and character of work that these men do, their intelligence and the efficiency of the service which they are rendering to this country, entitles them to more compensation than they are receiving at the present time.

Conditions have changed in the last few years. We are all living upon a different standard, and if we are going to get the kind of men we ought to have to carry the responsibility that these men in these important positions are supposed to carry, we must pay them a reasonable compensation.

I trust the resolution will be adopted and the bill will be considered at this time. I yield 10 minutes to the gentleman from Pennsylvania [Mr. GRAHAM], and reserve the remainder of my time.

Mr. GRAHAM. Mr. Speaker and fellow Members, there has been no item of business brought before this Congress during this session of more importance or one that is more appealing than this bill, which is the subject of the rule just presented to the House favoring the increasing of the salaries of the judges of the Federal courts.

It is a matter that involves the honor of the country. An injustice has been done which threatens in a large degree the future usefulness and service of the bench. This subject affects every class in our community and all are equally interested in it. I hope, therefore, that no one, either through the denial of something by vote of the House which he had hoped to win for

his district or his community, or for any other personal or local reason, will vote against this rule. Let us join together as patriotic Americans to do justice to these men who with great nobility of character and integrity of purpose have served these United States in a splendid manner. I desire therefore to make an earnest appeal to the Members of the House to vote for this rule and put this bill upon its passage.

Mr. BULWINKLE. Will the gentleman yield?

Mr. GRAHAM. I will yield to the gentleman.

Mr. BULWINKLE. I want to ask the chairman of the committee if he would do anything for that other class of men who have served this country with great integrity, if he would do anything to help them by removing their guardians in the District of Columbia?

Mr. GRAHAM. I will do anything to promote any patriotic purpose or righteous cause that comes within the scope of my power.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker and gentlemen of the House, some time ago when a companion bill to this came before the House providing for additional Federal judges I expressed certain views relating to the Federal judiciary. While I do not consider a system of Federal courts an absolutely necessary institution of our country, for I believe practically all the work performed by these courts could be disposed of by our State courts, yet if we are over my humble protest to have a Federal judiciary we ought to pay them reasonable salaries. That is why I am heart and soul for this rule and the accompanying bill. Even the proposed increases in this bill are not to my mind adequate, but are probably the best we can get at this time.

I take this opportunity, however, to call attention to another situation affecting the judiciary of which this bill is one. A companion bill containing provisions for three additional judges for the southern district of New York was recently pushed through this House and went to the Senate, where the Senate Judiciary Committee struck out all three judges and some more. That bill is now before the Senate, without any additional judge provided for the southern district of New York. On account of a visit made to the floor of this House to-day by the senior Senator from New York there may be an attempt to restore those judges to that bill, either by amendment or in conference. I call attention to this situation to warn the Members of this House that if any such attempt is made to provide for additional judges for the southern district of New York we who are opposed to such a provision because of the overwhelming proof that the necessity does not exist shall use every legitimate means to defeat the bill.

Mr. DYER. If the gentleman will allow me, there is nothing pending in the House on the question of increasing the number of judges.

Mr. O'CONNOR of New York. Oh, I know that; but these have always been companion bills. They came out under one rule providing for two days' debate. Then the Rules Committee split them up, but they have always gone along together, inseparable, like the Siamese twins. If by any chance this bill is successful—and I hope it is—there may be an attempt to undo the work of the Senate committee, which really considered the subject on additional proof, and get those additional judges for the southern district of New York.

Mr. GRAHAM. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. GRAHAM. Has not the council of judges as well as the bar written and indorsed the appointment of judges in the southern district of New York and expressed themselves on it?

Mr. O'CONNOR of New York. Oh, the distinguished gentleman from Pennsylvania knows that there never has been yet a request for additional judges that practically every lawyer in the land was not for it vehemently and vociferously, because every lawyer is a prospective, potential, perennial, and perpetual candidate for the job.

Mr. GRAHAM. I would not like to put that reflection on my brothers of the bar.

Mr. O'CONNOR of New York. I do not consider it any reflection. It is the natural and usually insatiable aspiration of every lawyer.

Mr. PERLMAN. Does not the gentleman know that his colleague, Mr. WELLER, of New York, a member of the Judiciary Committee, is for four additional judges for the southern district of New York?

Mr. O'CONNOR of New York. The chief source of my information is the reiterated assertions to that effect by the gentleman who propounds the question, but I think my distinguished colleague has had a change of heart, has seen the light, "the humblest sinner may," and so forth.

Mr. LAGUARDIA. I think the gentleman is laboring under a misapprehension. If the Senate passes the House bill, it will not come back to the House. The House has already passed it.

Mr. GARRETT of Tennessee. Mr. Speaker, this is an important matter, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and thirty-five Members present, not a quorum.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following-named Members failed to answer to their names:

[Roll No. 132]

Aldrich	Doyle	Lanham	Sears, Nebr.
Allen	Drane	Larsen	Shreve
Allgood	Eaton	Lea, Calif.	Sinclair
Andrew	Esterly	Lee, Ga.	Smith
Appleby	Fitzgerald, W. T.	Lineberger	Smithwick
Arentz	Foss	Luce	Spearing
Arnold	Fredericks	McKeown	Sproul, Kans.
Bankhead	Freeman	McLeod	Stalker
Beck	Frothingham	Magee, Pa.	Steagall
Begg	Fulmer	Magee, N. Y.	Stevenson
Berger	Funk	Mansfield	Stobbs
Bixler	Garber, Okla.	Merritt	Sullivan
Blanton	Garner, Tex.	Mills	Swartz
Bloom	Garrett, Tex.	Morehead	Sweet
Boies	Greenwood	Morrow	Swoope
Britten	Harrison	Nelson, Me.	Taylor, Colo.
Browne	Hawes	Nelson, Mo.	Taylor, N. J.
Brumm	Hayden	Nelson, Wis.	Tillman
Buchanan	Hudspeth	Newton, Mo.	Tincher
Canfield	Hull, Morton D.	Oliver, Ala.	Tucker
Carter, Calif.	Hull, William E.	Oliver, N. Y.	Upshaw
Carter, Okla.	Jeffers	Patterson	Vare
Cleary	Johnson, Ind.	Peavey	Voigt
Connally, Tex.	Johnson, Ky.	Phillips	Walters
Connolly, Pa.	Jones	Pratt	Weaver
Cooper, Ohio	Kahn	Quayle	Wefald
Cooper, Wis.	Keller	Rayburn	Welsh
Corning	Kelly	Reece	Whitehead
Cramton	Kemp	Reid, Ill.	Williams, Tex.
Crisp	Kiefner	Robinson	Woodyard
Curry	Kirk	Robsion, Ky.	Wright
Deal	Knutson	Rouse	Wurzbach
Dickinson, Mo.	Kunz	Rutherford	Wyant
Douglass	Kvale	Sabath	

The SPEAKER. Two hundred and ninety-eight Members have answered to their names, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. SNELL. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I ask the attention of the Members of the House to a mistake that has been made in the distribution of the copies of the Senate bill. Some one has distributed copies that have the salaries for district judges fixed at $12,500 per year. That is not in the bill as it passed the Senate. I have procured a copy of the Senate bill, certified to as it passed the Senate.

Mr. HASTINGS. What is the number?

Mr. GRAHAM. It is the same number, but there is a different print of the same bill. It is bill S. 2858. In the copies of the bill which have been distributed the following appears:

> To each of the district judges the sum of $12,500 per year.

In the bill as it really passed the Senate, a certified copy of which as it passed the Senate I have here in my hand, that provision reads:

> To each of the district judges the sum of $10,000 per year.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Speaker, the gentleman from Pennsylvania [Mr. GRAHAM] says that there has been no more important matter considered by this House at the present session of Congress than the matter now before us, namely, the increase of the salaries of the Federal judges. I think the gentleman unduly emphasizes the importance of this matter. We have considered a great many matters of far greater importance. We have failed to give consideration to matters of much more importance to the American people, matters in which Members of Congress were much more vitally interested than in this proposed increase of salaries to Federal judges. We considered yesterday a pension bill for soldiers and the widows of soldiers of the Civil War, and were told that because of the legislative situation it would be necessary to leave out of that bill more than 200,000 widows of the men who saved

this Union because it was not possible to get consideration otherwise at this session.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS of Illinois. I decline to yield for the present. We are considering relief for a class of Federal officials numbering less than 250. We not only failed to meet the expectations of the people on the Civil War pensions bill but we have on this calendar another measure of relief for the disabled officers of the World War, the retirement bill, to a favorable consideration of which a majority of the Members on the floor of this House are committed. It will be difficult, if not impossible, to have an opportunity to vote upon that measure, and that relief will be denied these men because of the legislative situation developing at the close of this session. Yet this matter is thought to be of sufficient importance to be brought into the House under a special rule, to consume hours of the next to the last day of the session, so that the salaries of these Federal judges may be increased.

Mr. Speaker, I think we are going in a wrong direction in this country when we are seeking to commercialize public service in the Nation. You can not measure in dollars and cents the worth to this country of a great and upright judge any more than you can measure the value in dollars and cents of a man who wears the uniform of his country in time of war.

Mr. PERLMAN. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS of Illinois. I decline to yield. Since 1912 Federal judges of various classes have had their salaries increased at least 50 per cent. That has been the case with the district judges. The district judges, who are most numerous of any class of Federal judges, now draw $7,500 a year. Of course, that is not a large sum of money, the way lawyers are paid who have a practice representing corporations and great business interests of the country. I am not complaining about that, but I undertake to say that in every Federal judicial district in this country there are men who are able, upright, and willing to serve for the salaries now paid to these judges who would render distinguished and honorable service in these positions. [Applause.] Men who aspire to serve their country in positions of great public trust and honor should understand that there is something besides the mere salary that they have as an emolument and as a compensation for their service. It is the honor of rendering service to the country. We have Members of this body and of the other body whose ability is such that the salary formerly paid is not adequate compensation for what their earning power would be in private life; but God grant the time may never come when the salary of offices of this country, either in the legislative, executive, or the judicial branch of the Government, will be such as to attract men to seek the office for the sake of the salary. Men who seek to make money should not look to the public service.

Why does this bill have to be considered now when these other things must go over? We labored here for four months trying to grant some measure of relief to 30,000,000 farmers in the country, and have failed to pass legislation of substantial benefit to them. And now in the closing hours of the session are we to go home to our people and say that one of the last acts of the session was to increase the salaries of two hundred and thirty odd Government officals? Shall we say to all other people, you must wait, but Federal judges must be granted increased salaries without delay?

Mr. Speaker, if the previous question be voted down on this rule, I propose to offer a motion that this matter be deferred, along with veterans' legislation and other legislation in which we are interested, until Thursday, December 9, 1926, when we return here in the fall. This bill can then be taken up with the other unfinished business. I urge Members to vote down the previous question, and I hope that they will vote it down.

Mr. POU. And if the previous question be voted down, it is the purpose of the gentleman to offer such a motion?

Mr. WILLIAMS of Illinois. If the previous question is voted down, I shall move that this matter be deferred to December 9, 1926.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from New York moves the previous question on the resolution.

The question was taken.

The SPEAKER. In the opinion of the Chair the noes have it, and the previous question is rejected.

Mr. MAPES. Mr. Speaker, I ask for a division.

Mr. NEWTON of Minnesota. Mr. Speaker, I demand a division.

Mr. GOLDER. Mr. Speaker——

The SPEAKER. The gentleman is too late; the Chair had announced the result.

Mr. GOLDER. Mr. Speaker, I was on my feet seeking recognition.

Mr. MAPES. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Of course, the Speaker well knows that members of committees that have charge of resolutions and bills are looked to to take care of and raise questions of precedure, and those who are not on the committees having charge of the legislation on the floor naturally wait for members of the committees having charge of the legislation to make these demands and requests. I was on my feet, Mr. Speaker, as soon as it was apparent that no member of the committee was going to make this demand, and it seems to me a rather close decision to say I was too late.

The SPEAKER. The Chair waited some time before announcing the vote and did not see the gentleman or any gentleman rise.

Mr. WILLIAMS of Illinois. Mr. Speaker, I move that further consideration of the matter be deferred until Thursday, December 9, and on that motion I move the previous question.

Mr. NEWTON of Minnesota. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. NEWTON of Minnesota. It is my impression I was on my feet addressing the Chair before the decision had been announced. [Cries of "No!"]

The SPEAKER. The Chair did not see any gentleman on his feet or about to demand a division, and the Chair waited some time.

Mr. WILLIAMS of Illinois. Mr. Speaker, I move that further consideration of the matter be deferred until Thursday, December 9, and on that I move the previous question.

The SPEAKER. The gentleman from Illinois moves that further consideration of this bill be deferred until December 9, and on that he moves the previous question.

Mr. O'CONNELL of New York. Mr. Speaker, a parliamentary inquiry. Does that mean that on that day this matter will be taken up?

The SPEAKER. Yes.

Mr. LaGUARDIA. Mr. Speaker, I move to lay the gentleman's motion on the table.

The SPEAKER. The Chair thinks, in view of the fact that the previous question has been demanded, the motion of the gentleman is too late. The question is on ordering the previous question on the motion of the gentleman from Illinois.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on motion of the gentleman from Illinois to postpone further consideration of this bill until December 9.

The question was taken, and the Chair announced the ayes appeared to have it.

Mr. SNELL. Mr. Speaker, I ask for a division; gentlemen wanted a division.

The House again divided; and there were—ayes 149, noes 115.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask for the yeas and nays.

Mr. MAPES. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Fifty-one gentlemen have arisen, not a sufficient number. [Applause.]

So the motion was agreed to.

G. C. ALLEN

Mr. UNDERHILL. Mr. Speaker, I call up a conference report on Senate 2188.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 2188) for the relief of G. C. Allen.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2188) for the relief of G. C. Allen, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2 and agree to the same with an

amendment, as follows: In lieu of the sum proposed by said amendment insert $2,000; and the House agree to the same.

CHARLES L. UNDERHILL,
JOHN C. BOX,
BIRD J. VINCENT,
Managers on the part of the House.
ARTHUR CAPPER,
T. H. CARAWAY,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken and the conference report was agreed to.

GUNBOAT WOLVERINE

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 12853.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12853) authorizing the Secretary of the Navy to turn over the gunboat *Wolverine* to the municipality of Erie, Pa.

Mr. LAGUARDIA. Mr. Speaker, I understand this comes up now, and the House has not had an opportunity to express itself on the request as yet.

The SPEAKER. The bill is merely being reported, but consent has not been given as yet. It is a short bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to turn over to the municipality of Erie, Pa., the gunboat *Wolverine*, for use in connection with the training of the naval reserve organization of the city: *Provided*, That no expense to the Government shall be involved.

The committee amendments were read as follows:

Page 1, line 3, after the word "authorized," insert the words "and directed," and amend the title.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, why is this ship being turned over to the municipality and not to a State if it is going to be used for the training of Naval Reserves?

Mr. VINSON of Georgia. This is practically the first ironclad ship ever constructed in the Navy, and it was built in Erie. There is local pride in it, and the Member representing that district is out of the city and asked me to bring up the bill for him. The vessel is practically junk and worthless, except to the city of Erie.

Mr. LAGUARDIA. It may not be really used for training?

Mr. VINSON of Georgia. No; but it is the best the Navy can afford at this time.

Mr. LAGUARDIA. Then it is to be turned over for sentimental reasons?

Mr. VINSON of Georgia. That is it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. HOWARD rose.

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD. For the purpose of asking recognition for unanimous consent to pass a little bridge bill.

The SPEAKER. The Chair will recognize the gentleman a little later.

CIVIL GOVERNMENT FOR PORTO RICO

Mr. KIESS. Mr. Speaker, I ask unanimous consent that the House consider the bill H. R. 12269.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the consideration of the bill H. R. 12269.

Mr. KIESS. And I ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 12269) to amend and reenact sections 3, 20, 31, 38, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of three new sections in said act between sections 5 and 6, sections 20 and 21, and sections 41 and 42 of said act, to be designated as "5a" and "20a" and "41a" of said act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, is this a unanimous report from the Committee on Insular Affairs?

Mr. KIESS. Yes. This is a unanimous report from the Committee on Insular Affairs. It is indorsed by the Porto Rican delegation and by the Secretary of War.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 3 of an act entitled "An act to provide a civil government for Porto Rico, and for other purposes, approved March 2, 1917, as amended by an act approved February 3, 1921, be, and the same is hereby, amended to read as follows:

"SEC. 3. That no export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, income taxes, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Porto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law, and to protect the public credit: *Provided, however*, That no public indebtedness of Porto Rico or of any subdivision or municipality thereof shall be authorized or allowed in excess of 10 per cent of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Porto Rico or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. In computing the indebtedness of the people of Porto Rico municipal bonds for the payment of interest and principal of which the good faith of the people of Porto Rico is pledged and bonds issued by the people of Porto Rico secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico shall not be counted.

"And it is further provided, That the internal-revenue taxes levied by the Legislature of Porto Rico in pursuance of the authority granted by this act on articles, goods, wares, or merchandise may be levied and collected as such legislature may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the island: *Provided*, That no discrimination in rates be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in Porto Rico. The officials of the Customs and Postal Services of the United States are hereby directed to assist the appropriate officials of the Porto Rican government in the collection of these taxes."

That a new section is hereby inserted between sections 5 and 6 of the act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended, as follows:

"SEC. 5a. That citizens of the United States who shall reside in the island for one year shall be citizens of Porto Rico: *Provided*, That persons born in Porto Rico of alien parents, referred to in the last paragraph of said section 5, who did not avail themselves of the privilege granted to them of becoming citizens of the United States, shall have a period of one year from the approval of this act to make the declaration provided for in section 5: *And provided further*, That persons who elected to retain the political status of citizens of Porto Rico may become citizens of the United States upon the same terms and in the same manner as is provided for the naturalization of native Porto Ricans born of foreign parents."

With a committee amendment, as follows:

Page 3, line 24, after the word "of," strike out the word "said."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 2. That section 20 of the said act be, and the same is hereby, amended to read as follows:

"SEC. 20. That there shall be appointed by the President an auditor, at an annual salary of $7,200, for a term of four years and until his

successor is appointed and qualifies. There shall be an assistant auditor to be appointed by the auditor and such other employees as may be prescribed by law. The assistant auditor shall sign such official papers and perform such other duties as the auditor may prescribe. In the event of the death, resignation, or permanent disability from whatever cause of the auditor, the assistant auditor shall act as auditor and shall have charge of such office until a successor to such auditor is appointed and qualifies.

"The office of the auditor shall be under the general supervision of the governor.

"The auditor shall examine, audit, adjust, decide, and settle all accounts and claims for or against the government of Porto Rico pertaining to or growing out of the revenues and receipts from whatever source of such government and for or against its municipal governments or dependencies, including public trust funds and funds derived from bond issues; and shall examine, audit, adjust, decide, and settle, in accordance with law and administrative regulations, all accounts and claims for or against the government of Porto Rico growing out of the expenditure of funds or property pertaining to or held in trust by the government or municipalities thereof; and shall perform like duties in respect of all accounts and claims for or against all government branches.

"All such adjustments, decisions, and settlements of the auditor shall be final and conclusive, except as specifically provided in this act. The auditor shall, except as provided in this act, have like authority as is now or may hereafter be conferred by law upon the Comptroller General of the United States, and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relations with his office. He shall keep the general accounts of the government and preserve the vouchers and other papers pertaining thereto.

"It shall be the duty of the auditor to bring to the attention of the proper administrative officers expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

"The administrative jurisdiction of the auditor over accounts, whether of funds or property, and over all vouchers and records pertaining thereto, shall be exclusive. With the approval of the governor he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law prescribing the method of accounting for public funds and property, and funds and property held in trust by the government or any of its branches.

"Any officer accountable for public funds or property may require such reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

"As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted the auditor shall submit to the governor and the Secretary of War an annual report of the fiscal concerns of the government showing the receipts and disbursements of the various departments and bureaus of the government and of the various municipalities, and make such other reports as may be required of him by the governor or the Secretary of War.

"In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence and, in the pursuance of these provisions, may issue subpœnas and enforce attendance of witnesses, and compel witnesses to produce books, letters, documents, papers, records, and all other articles deemed essential to a full understanding of the matter under investigation."

SEC. 3. That a new section is hereby inserted between sections 20 and 21 of the act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended, as follows:

"SEC. 20a. There is hereby conferred upon the insular district courts in Porto Rico with right of appeal as in other cases the same jurisdiction to hear and determine claims against the government of Porto Rico as that now or which may hereafter be conferred on the Court of Claims to hear and determine claims against the United States: *Provided*, That no suit shall be brought against the government of Porto Rico on any claim which shall not have been presented to the insular auditor at least three months prior to the date of institution of such suit: *Provided further*, That no judgment against the government of Porto Rico shall be paid until it shall have been reported by the Porto Rican treasurer to the Porto Rican Legislature and a specific appropriation to pay same shall have been made."

With a committee amendment, as follows:

Page 7, line 15, after the word "courts," strike out the word "in" and insert the word "of."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 4. That section 31 of the said act be, and the same is hereby, amended to read as follows:

"SEC. 31. That members of the Senate and House of Representatives of Porto Rico shall receive compensation at the rate of $7 per day for the first 60 days of each regular session and for 14 days of each special session while in session and mileage for each regular session and each special session at the rate of 10 cents per kilometer for each kilometer actually and necessarily traveled in going from their place of residence in their legislative districts to the capital and returning therefrom to their place of residence in their legislative districts by the usual routes of travel: *Provided*, That mileage for only one trip in going to and from each regular session and each special session shall be allowed: *And provided further*, That the members of the Senate and House of Representatives of Porto Rico shall not be entitled to nor receive any emoluments, remuneration, compensation, or payment for services or expenses other than the said $7 per day compensation for services and 10 cents per kilometer for travel expense in this section authorized."

SEC. 5. That section 33 of the said act be, and the same is hereby, amended to read as follows:

"SEC. 33. That regular sessions of the legislature shall be held annually hereafter, convening on the second Monday in February of each year. The governor may call special sessions of the legislature, or of the senate, at any time when in his opinion the public interest may require it, but no special session shall continue longer than 14 days, not including Sundays and holidays, and no legislation shall be considered at such session other than that specified in the call therefor or in any special message by the governor to the legislature while in such session."

SEC. 6. That section 38 of the said act be, and the same is hereby, amended to read as follows:

"SEC. 38. That all grants of franchises, rights, privileges, and concessions of a public or quasi public nature shall be made by a public service commission consisting of a public service commissioner, who shall be the president of the said commission, and two associated commissioners to be appointed by the governor, with the advice and consent of the senate, for a term of four years and until their successors shall be appointed and shall have qualified: *Provided*, That the present elective members of the said commission shall continue to be members of said commission until their term of office expires as now provided by law and shall form the commission together with the three members appointed by the governor as aforesaid, until the expiration of such period of their services and not thereafter. The salary of the commissioner shall be $6,000 a year, and the said commissioner shall devote his entire time to his duties as such commissioner. The compensation of the associated members, both those elected and appointed, shall be $10 for each day's attendance at the sessions of the commission; but in no case shall they receive more than $1,000 during any one year. The said commission is empowered and directed to discharge all the executive functions relating to public service corporations heretofore conferred by law upon the executive council and such additional duties and functions as may be conferred upon said commission by the legislature. Franchises, rights, and privileges granted by the said commission shall not be effective until approved by the governor and shall be reported to Congress, which hereby reserves the power to annul or modify the same.

"The interstate commerce act and the several amendments made or to be made thereto, the safety appliance acts and the several amendments made or to be made thereto, and the act of Congress entitled 'An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities,' approved March 1, 1913, shall not apply to Porto Rico.

"The Legislative Assembly of Porto Rico is hereby authorized to enact laws relating to the regulation of the rates, tariffs, and service of all public carriers in Porto Rico, and the public service commission hereby created shall have power to enforce such laws under appropriate regulation."

SEC. 7. That a new section is hereby inserted between sections 41 and 42 of the act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended, as follows:

"SEC. 41a. That no interlocutory or preliminary injunction suspending or restraining the enforcement or execution of any law or statute of Porto Rico by restraining the action of any officer of said island in the enforcement or execution of such statute, or in putting it into effect or in executing any order made by any administrative department, board, or commission acting under and pursuant to any statute of said island, shall be issued or granted by the judge of the United States District Court of Porto Rico upon the ground of the unconstitutionality of such law or statute, unless the application for such injuncion shall be presented to said United States district judge, and said application shall be heard by said Federal judge and by two judges of the Supreme Court of Porto Rico, to be designated by the chief justice of said court, and shall not be granted unless a majority of said three judges shall concur in granting such application.

"Whenever such an application as aforesaid is presented to said Federal judge, he shall immediately call to his assistance to hear and determine such application two judges of the Supreme Court of Porto Rico. Said application shall not be heard before at least five days' notice of the hearing has been given to the governor and to the attorney general of Porto Rico and to such persons or parties as may be defendants in the suit. The hearing shall be given precedence on the calendar of said Federal court, and the cause shall be assigned for hearing at the earliest practicable day after the expiration of the five days' notice hereinbefore provided for. An appeal may be taken directly to the Supreme Court of the United States from any order granting or denying an interlocutory injunction in such cases."

With a committee amendment, as follows:

Page 11, line 19, strike out all of line 19 down to the word "application" in line 26, and insert in lieu thereof the following: "solely upon the ground that such law or statute is unconstitutional or in contravention of any act of the Congress of the United States: *Provided, however,* That the foregoing shall not be construed to abridge the power of said court to issue interlocutory or preliminary injunctions in any case where it appears that irreparable injury is being done."

Strike out on page 12, from line 7 to line 21, inclusive.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KIESS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. KIESS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DAVILA. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the Resident Commissioner from Porto Rico?

There was no objection.

Mr. KIESS. Mr. Speaker, the committee held exhaustive hearings on H. R. 12269, and it was given careful consideration by a special subcommittee. Hon. H. M. Towner, Governor of Porto Rico, appeared before the committee in behalf of the bill and a delegation from Porto Rico representing the Legislature of Porto Rico was also heard. The bill as reported has the indorsement of Hon. Dwight F. Davis, Secretary of War, and Gen. Frank McIntyre, Chief Bureau of Insular Affairs.

Section 3 of the organic act purports to grant authority to Porto Rico to issue bonds for certain public purposes provided that no public indebtedness of Porto Rico or of any subdivision or municipality thereof shall be authorized or allowed in excess of 10 per cent of the aggregate tax valuation of its property. The phraseology of said section is not quite clear, and doubt has arisen as to whether the combined borrowing capacity of the insular government and the municipalities is really 20 or 10 per cent; that is, as to whether in computing the limiting amount that can be borrowed by the insular government bonds issued by the municipalities should be deducted or not. This doubt, current among prospective purchasers of bonds, has cast a shadow upon the validity of Porto Rican bonds issued in excess of 10 per cent of the tax valuation of property and it has in certain cases caused a lowering of the price at which the bonds have been sold.

Your committee has no doubts as to what was originally intended and the proposed amendment states it in clear and unmistakable terms by providing that in computing the indebtedness of the people of Porto Rico bonds issued by the municipalities shall not be counted.

In making use of the authority granted by section 3 to levy and collect internal-revenue taxes the government of Porto Rico has found itself unable to collect said taxes on articles purchased in and sent from the United States to Porto Rico by mail, or sometimes when said articles are sent by vessel, as the courts have held that the post-office or customs officials have no authority to withhold delivery of such articles subject to the internal-revenue tax until the tax is paid, as such tax collected in this manner is in effect a customs duty. In other words, the courts have held that the internal-revenue tax can not be collected while the article subject to the tax is in the original package.

This condition of affairs has practically nullified the power of the insular government to levy internal-revenue taxes, and therefore the efficacy of this source of revenue has been seriously impaired.

For the purpose of righting this situation a new provision is added to section 3.

It is expected that the government of Porto Rico will so make use of this power as not to unnecessarily place any barriers in the way of the free-trade conditions now existing between the United States and the mainland, which is the principal factor in the progress and prosperity of Porto Rico.

It has been found that biennial sessions of the legislature are not suited to the island. The revenues of the insular government fluctuate greatly due to the fact that as sugar manufacture represents two-thirds of the total production of the island, practically everything depends on the price of sugar. Such being the case, it is difficult to properly estimate the income on which to base appropriations two years ahead of time. For this reason your committee believes that a change in the organic act providing for the annual session of the legislature is advisable and wise, and the proposed amendment to section 33 is framed to achieve this end. Such annual regular session will have a maximum duration of 60 days and the duration of any special session will not exceed 14 days.

The Public Service Commission of Porto Rico consists at present of nine members. They are the heads of the six executive departments of the government, the auditor, and two other persons elected at large every four years at the general election. This organization has been found very unsatisfactory. The commission is too large, and seven of its members being extremely busy persons, all of whose time is required to attend to the duties of their respective departments, it has not been possible to dispose of business as rapidly as it is desirable. The commission itself realizes this situation, and on various occasions has recommended in its official report that the organization be changed so that the commission may be made up of three members, none of whom shall be a head of a department. The proposed amendment carries out the recommendation of the commission, which is in line with the usual practice in the United States where public-service commissions are generally composed of three members only, and in some instances there is but one commissioner. In order not to legislate the two elective members of the present commission out of office and that proper regard for the will of the electorate may be shown, it is provided that said two elective members shall continue to serve until the expiration of their terms of office. Thereafter the commission will consist of only three members, as already stated.

In the new organization the chairman of the commission will devote his time to the commission's work exclusively and will receive a compensation of $6,000 per year. The associate members will be compensated at the rate of $10 for each meeting attended, but in no case will such total compensation exceed $1,000 per year.

It is believed that this organization will be workable and practicable and that the difficulty arising out of the present organization will completely disappear.

No change of any sort has been made in regard to duties and powers of the commission.

Mr. DAVILA. Mr. Speaker, I trust that this bill passes. It has not only received the unanimous support of the committee, but its passage has been urged by the governor, by the War Department, and by all students of public questions in Porto Rico who are acquainted with the inadequacies and irksome restraints of the existing law which this bill seeks to remove.

All this legislation is conservative. It makes for economy and greater efficiency in the conduct of our public affairs. The fact that no voice has been raised in opposition after the most thorough discussion in committee is the best evidence of its merit, and I sincerely trust that the House will in turn give it the stamp of its approval.

CONVENTION OF THE AMERICAN LEGION IN PARIS, FRANCE

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent for the present consideration in the House as in Committee of the Whole of the bill H. R. 12890.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration in the House as in Committee of the Whole of the bill H. R. 12890, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12890) to amend an act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that when the Clerk reports the bill he report the amendment he will find noted in the copy.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that when the Clerk reports the bill he report the amendment in the bill. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926, be amended to read as follows:

"That the heads of the executive departments and independent establishments of the Government be, and they hereby are, authorized to grant, in their discretion, extended leave not to exceed 60 days in the calendar year 1927 to ex-service men and women for the sole purpose of attending the annual convention of the American Legion in Paris, France: *Provided, however,* That this statute shall not be construed to modify the provisions of the act approved March 3, 1893, the act approved May 23, 1908, and the act approved February 28, 1925, limiting the annual leave which may be granted with pay to 15 or 30 days in any one year except that any portion of the 15 or 30 days' leave not granted or used during the calendar year 1926 or the fiscal year 1927 may be allowed to accumulate and be pyramided for the purpose herein specified in addition to the 15 of 30 days' leave with pay in the calendar year 1927 or the fiscal year 1928."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AIRCRAFT PROCUREMENT BOARD

Mr. JAMES. Mr. Speaker, I ask unanimous consent to consider the bill (H. R. 11284) to provide for an aircraft procurement board, and for other purposes, in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan asks unanimous consent to consider the bill H. R. 11284 in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a single agency for the coordination of the plans for the procurement of aircraft for the Federal Government is hereby created and established, to be known as the aircraft procurement board, hereafter referred to as the board.

SEC. 2. That the board shall consist of an Assistant Secretary of War, an Assistant Secretary of the Navy, an Assistant Secretary of Commerce, to be designated by the heads of their respective departments, and the Chief of the Air Service of the Army, and the Chief of the Bureau of Aeronautics of the Navy.

SEC. 3. That it shall be the duty of the board to consider and coordinate all plans for the procurement of aircraft, aircraft engines, aircraft accessories or equipment required by any Federal executive department or independent agency, and make recommendations thereon to the head of the executive department or independent agency concerned: *Provided,* That all such plans originating in any department shall be submitted to the board by the head of the executive department or independent agency concerned for review and recommendation prior to their approval.

SEC. 4. That the board, subject to the approval of the Secretaries of War, Navy, and Commerce, shall be organized with such assistants, committees, or subordinate agencies as in the opinion of the board may be necessary and advisable in order to efficiently perform its duties: *Provided,* That the personnel required for such assistants, committees, or subordinate agencies shall perform their duties under the control of the board and shall serve under their several permanent appointments in their respective executive departments and without increased remuneration therefor.

SEC. 5. That the board shall adopt rules and regulations for the conduct of its work and for the work of its assistants, committees, or subordinate agencies, which rules and regulations shall be subject to the approval of the Secretaries of War, Navy, and Commerce.

SEC. 6. That the board shall submit annually to the President, through the Secretaries of War, Navy, and Commerce, a report of its activities, showing the status of the plans of all Federal departments or independent agencies, for the procurement of aircraft, aircraft engines, aircraft accessories or equipment, together with recommendations for a continuous and definite policy of aircraft procurement by the Federal Government so as to promote and develop the aircraft-production capacity of the Nation in the interest of national defense.

SEC. 7. That all acts or parts of acts contrary to the provisions of this act or inconsistent therewith be, and the same are hereby, repealed.

With the following committee amendments:

Page 1, line 9, after the word "Commerce," insert the words "an Assistant Postmaster General."

Page 2, line 14, after the word "Commerce," insert the words "and the Postmaster General."

Page 3, line 3, after the word "Commerce," insert the words "and the Postmaster General."

Page 3, line 7, after the word "Commerce," insert the words "and the Postmaster General."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

SIAMESE SUBJECTS AT UNITED STATES MILITARY ACADEMY

Mr. JAMES. Mr. Speaker, I ask unanimous consent to consider Senate Joint Resolution 25, authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam, in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan asks unanimous consent to consider Senate Joint Resolution 25 in the House as in Committee of the Whole. The Clerk will report the resolution.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit two Siamese subjects, to be designated hereafter by the Government of Siam, to receive instruction at the United States Military Academy at West Point: *Provided,* That no expense shall be caused to the United States thereby, and that the said Siamese subjects shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give their utmost efforts to accomplish the course in the various departments of instruction, and that said Siamese subjects shall not be admitted to the academy until they shall have passed the mental and physical examinations prescribed for candidates from the United States, and that they shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *And provided further,* That in the case of the said Siamese subjects the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

CLAIMS FOR OVERPAYMENT

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 4001, to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud, and agree to the Senate amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take H. R. 4001 from the Speaker's table and agree to the Senate amendment. Is there objection?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

EDWARD R. LEDWELL

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 4119, for the relief of Edward R. Ledwell, and agree to the Senate amendment.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table H. R. 4119 and agree to the Senate amendment. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

MESA TARGET RANGE, ARIZONA

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10052, to authorize the

sale of the Mesa Target Range, Arizona, and agree to the Senate amendment.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 10052 and agree to the Senate amendment. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

BATTLE FIELD OF KINGS MOUNTAIN, S. C.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the bill (H. R. 12592) to provide for the inspection of the battle field of Kings Mountain, S. C., be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill, H. R. 12592, may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War: (1) A commissioned officer of the Corps of Engineers, United States Army; (2) a citizen and resident of York County, State of South Carolina; (3) a citizen and resident of Cleveland County, State of North Carolina.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Kings Mountain, S. C., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Kings Mountain, S. C., in order to ascertain the feasibility of preserving and marking for historical and professional military study such field. The commission shall submit a report of its findings and an itemized statement of its expenses to the Secretary of War not later than December 1, 1926.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, or such part thereof as may be necessary, in order to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

STATE OF NORTH CAROLINA

Mr. JAMES. Mr. Speaker, I ask unanimous consent that Senate bill 4320, for the relief of the State of North Carolina, be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan asks unanimous consent that Senate bill 4320 be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the State of North Carolina and the United States property and disbursing officer of the National Guard of the State of North Carolina are hereby relieved from accountability for certain property belonging to the United States, of the value of $1,904.39, constituting a part of the property lost through the carelessness and negligence of C. E. Earle, jr., formerly a captain, Company B, One hundred and fifth Engineers, North Carolina National Guard, V. E. Everett, formerly a captain, Company I, One hundred and twentieth Infantry, North Carolina National Guard, and F. H. Thompson, formerly a first lieutenant, Headquarters Battery, Third Battalion, One hundred and seventeenth Field Artillery, North Carolina National Guard, as shown in reports of survey of the War Department, dated September 9, 1925.

With the following committee amendment:

Page 1, line 8, after the word "lost," strike out all the language of line 8, lines 9, 10, and 11, and on page 2 strike out lines 1, 2, 3, and line 4 down to and including the word "Guard."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. McSWAIN. Mr. Speaker, may the RECORD at this point show that Representative STEVENSON, of South Carolina, introduced an identical bill with regard to the inspection of Kings Mountain, but the committee deemed it could not report but the one bill introduced by Representative BULWINKLE. But Representative STEVENSON should have equal credit so far as the record with regard to this bill is concerned.

A QUESTION OF PRIVILEGE

Mr. CELLER. Mr. Speaker, I rise to a question of high privilege—the privileges of the House—and I present a conference report on the bill H. R. 7 for printing in the RECORD under the rule.

The SPEAKER. Does the gentleman present the report by direction of the committee?

Mr. CELLER. I do not.

The SPEAKER. The gentleman can not present the report without the instruction of the committee.

Mr. CELLER. Do I understand the Chair to rule a report can not be presented in this fashion?

The SPEAKER. Yes.

Mr. CELLER. May I be heard on that question?

The SPEAKER. The Chair is absolutely clear that a Member can not rise in his place and present a conference report without the direction of the conference committee, and does not care to hear any argument on that point.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4171——

Mr. CELLER. Mr. Speaker——

Mr. SCOTT. I make the point of order, Mr. Speaker, the gentleman can not take me off my feet in view of the Speaker's recognition. I am perfectly willing to yield afterwards.

Mr. CELLER. I do not intend to take the gentleman off his feet, but I think I have the right to have the floor on a question of privilege.

Mr. SCOTT. I was recognized before the gentleman.

The SPEAKER. The Chair has ruled the gentleman has not a question of privilege and has recognized the gentleman from Michigan [Mr. SCOTT].

Mr. CELLER. I respectfully appeal from the decision of the Chair.

The SPEAKER. The gentleman can not appeal on a question of recognition.

Mr. CELLER. Can the gentleman appeal on the question of the presentation of the report?

The SPEAKER. The gentleman can not, because he has not presented a report. The gentleman from Michigan is recognized.

COLLECTION DISTRICTS ON THE GREAT LAKES

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4171) to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the immediate consideration of the bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby created, in addition to the five great districts provided by section 4348 of the Revised Statutes as amended by the act of May 12, 1906, a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.

SEC. 2. Enrolled and licensed vessels operating in the great district herein created shall be subject to all of the requirements of licensed and enrolled and licensed vessels imposed by sections 4349, 4350, 4351, and 4352 of the Revised Statutes and amendments and laws supplementary thereto.

SEC. 3. Sections 3116 and 3117 of the Revised Statutes are hereby repealed.

With the following committee amendment:

Page 2, line 4, insert after the word "thereto" the words "*Provided*, That nothing herein shall affect the rights or privileges reserved to seamen under existing law."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SCOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

RADIO COMMUNICATION

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9971) for the regulation of radio communications, and for other purposes, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection; and the Chair appointed as conferees on the part of the House Messrs. SCOTT, WHITE of Maine, LEHLBACH, LAZARO, and DAVIS.

HON. WILLIAM B. M'KINLEY

Mr. COLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4430) authorizing the Department of State to deliver to Hon. WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, and permitting him to accept the decoration and diploma presented by the Government of France.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, be, and he is hereby, authorized to accept the decoration and diploma of officer of the Legion of Honor tendered to him by the Government of the French Republic, and the Department of State is hereby authorized to deliver to him the said decoration and diploma.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the bill (H. R. 12952), to authorize the village of Decatur, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa, introduced by Mr. HOWARD of Nebraska; and the bill (H. R. 12796) granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga., introduced by Mr. EDWARDS; and the bill (H. R. 12732) granting the consent of Congress to the city of Chicago to construct a free bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, County of Cook, State of Illinois, introduced by Mr. MORTON D. HULL, of Illinois, be considered as called up, the committee amendments agreed to, the bills engrossed, read a third time, and passed.

The Clerk read the titles of the bills.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. DENISON].

There was no objection.

The committee amendments were agreed to.

The bills were ordered to be engrossed and read a third time, were read the third time, and passed.

A motion to reconsider the vote by which the bills were passed was laid on the table.

PAROLE COMMISSION FOR DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3999) to provide a parole commission for the District of Columbia, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States attorney for the District of Columbia, the corporation counsel for the District of Columbia, and the general superintendent of penal institutions for the District of Columbia be, and they are hereby, constituted a parole commission for the District of Columbia, with power to parole prisoners, whether convicted of crimes committed in the District against the United States or offenses against the District of Columbia, as hereinafter provided; further with power to send for persons and papers and to administer oaths and affirmations to witnesses before it, its summonses to be served by the Metropolitan police of the District of Columbia; and any person failing to appear in response to such summons before the said commission at the time and place specified or, appearing, shall refuse to testify, shall be punishable by a fine of not more than $100 or imprisonment for not more than 72 hours on conviction thereof before the police court of the District of Columbia, which is hereby given jurisdiction in the premises; and false swearing on the part of any witness testifying before said commission shall be deemed to be perjury and punishable accordingly.

SEC. 2. Whenever in its judgment the public welfare will be as well protected by a qualified suspension as by continued imprisonment in execution of the sentence, the said parole commission shall have power of parole and of revoking or suspending such parole, and it shall have power to make all needful rules and regulations not inconsistent with law for the effectual carrying out of the provisions of this bill. An assistant superintendent of District penal institutions shall be designated to act as clerk of the parole commission in addition to his other duties, and meetings of the parole commission shall be held from time to time at each District penal institution.

SEC. 3. Whenever it shall appear to said parole commission, from the proper official report or upon application of any prisoner for release upon parole, that there is a reasonable probability that such applicant will live and remain at liberty without violating the laws, and if, in the opinion of the parole commission, such release is not incompatible with the public welfare, then said parole commission may, in its discretion, authorize the release on parole of said applicant, whether he has been convicted of a crime committed in the District against the United States or of an offense against the District of Columbia, and he shall then and thereafter be allowed to go on parole outside of said penal institution and, in the discretion of the commission, to return to his home upon such terms and conditions, including always personal reports from time to time by such paroled prisoner, as said parole commission shall prescribe, said person so paroled to remain while on parole in the legal custody and under the control of the general superintendent of penal institutions until the expiration of the term or terms specified in his sentence, less such good-time allowance as is or may hereafter be provided for by law; and said parole commission shall in every case fix the limits of the residence or liberties of the person paroled, which limits may by it be changed from time to time in the discretion of the commission: *Provided*, That no release on parole shall be operative until it shall have been submitted to and approved by the Attorney General of the United States if the prisoner was imprisoned for a crime against the United States.

SEC. 4. That upon reliable information that the paroled prisoner has violated his parole, the general superintendent of penal institutions of the District of Columbia, at any time within the term or terms of the said prisoner's sentence, shall, upon the direction of the parole commission, issue his warrant to any member of the Metropolitan police of the District of Columbia or to any marshal of the United States for the arrest and retaking of such paroled prisoner, who shall thereupon be incarcerated for the balance of his original term of imprisonment without any credit whatsoever for the time out on parole; but nothing herein contained shall be construed to impair or revoke such good-time allowance as is or may hereafter be provided by Congress.

SEC. 5. That this bill shall take effect upon its passage, and that all laws and parts of laws inconsistent herewith are hereby repealed.

With the following committee amendments:

Page 1, line 8, strike out the words "United States attorney" and insert in lieu thereof the words "director of public welfare."

Page 2, line 3, after the word "Columbia," strike out the semicolon, insert a period, and strike out all following down to and including line 12.

Page 3, line 2, after the word "commission," insert a comma and the words "of its own motion, or."

Page 3, line 3, after the word "prisoner," insert the words "or anyone in his behalf."

Page 4, lines 13 and 14, strike out the words "without any credit whatsoever for the time out on parole."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ASSESSMENT AND TAXATION IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3053) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act of Congress making appropriations to provide for the expenses of the government of the

District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, is hereby amended so as to provide that the permanent board of assistant assessors referred to therein shall consist of six members instead of five members; and the assessor of the District of Columbia shall designate three of the members of said board for the assessment of real estate, and the three other members of said board to assess personal property, in accordance with law; all members of said board, together with the assessor of the District of Columbia, as chairman, shall constitute the board of equalization and review of real-estate assessments, and also the board of personal tax appeals.

SEC. 2. That any person maintaining a place of abode in the District of Columbia on May 1 of any year, and for six months or more prior thereto, shall be considered a resident of the District of Columbia for the purpose of taxation on his intangible personal property wherever located, unless evidence shall be submitted to the assessor of the District of Columbia, satisfactory to him, that such intangible personal property or the income thereof is taxed to said person in some other jurisdiction, or that the assets of a corporation or association represented by shares or certificates constituting such intangible personal property are taxed by the State in which such corporation or association is chartered or organized and in which such person has a legal residence, in lieu of a tax upon such shares or certificates: *Provided*, That Cabinet officers and persons in the service of the United States Government elected for a definite term of office shall not be considered as residents of the District of Columbia for the purposes of this section.

SEC. 3. That section 5 of the said act of July 1, 1902, hereinbefore referred to, is hereby amended by providing that in addition to the annual assessment of all real estate made on or prior to July 1 of each year there shall be added a list of all new buildings erected or under roof prior to January 1 of each year, in the same manner as provided by law for all annual additions; and the amounts thereof shall be added as assessments for the second half of the then current year payable in the month of May. The board of equalization and review, hereinbefore referred to, shall hear such complaints as may be made in respect of said assessments for the second half of said year and determine said complaints between the first and third Mondays of January of the same year.

SEC. 4. That hereafter all real estate and personal property in the District of Columbia subject to taxation shall be listed and assessed at not less than the full and true value thereof in lawful money.

SEC. 5. That all taxes of whatever nature provided for in section 6 of the above-mentioned act of July 1, 1902, and all real-estate taxes shall hereafter be payable semiannually in equal installments in the months of November and May, and if either of said installments shall not be paid within the months when due and payable said installment shall thereupon be in arrears and delinquent and there shall then be added, to be collected with such tax, a penalty at the rate of 1 per cent per month upon the amount thereof for the period of such delinquency, and the whole shall constitute a delinquent tax to be dealt with and collected in the manner now provided by law.

SEC. 6. That the returns of all personal property provided for in section 6 of the said act of July 1, 1902, shall be made during the month of May in the fiscal year preceding the one under which the assessment is to be levied, and, except as otherwise provided by law, the value of the tangible and intangible property shall be taken as of May 1 for a basis of assessment for the next fiscal year.

SEC. 7. That hereafter the board of personal tax appeals for the District of Columbia shall convene on the first Monday of August of each year and shall continue in session to and including the first Monday of January of each year, or until such hearings are completed. All appeals to said board shall be made within 30 days after notice of fixing an assessment.

SEC. 8. That the assessor of the District of Columbia shall deliver to the collector of taxes tax ledgers kept on a numerical system, and to be finished or completed at such time as will allow preparation of tax bills for collection purposes.

SEC. 9. That paragraph 32 of section 7 of the act of Congress approved July 1, 1902, above referred to, is hereby amended by inserting after the words "fortune tellers" the word "phrenologists," so that said paragraph shall read as follows:

"That mediums, clairvoyants, soothsayers, fortune tellers, phrenologists, or palmists, by whatsoever name called, conducting business for profit or gain, directly or indirectly, when permitted to practice their calling in the District of Columbia, shall pay a license tax of $25 per annum: *Provided*, That no license shall be issued without the approval of the major and superintendent of police."

That there is hereby added to paragraph 32, section 7, of the act of Congress approved July 1, 1902, above referred to, the following section to be known as section 32a:

"SEC. 32a. Dancing instructors shall pay a license tax of $10 per annum. Every person who gives instructions in dancing for gain or profit shall be regarded as a dancing instructor: *Provided*, That no license shall be issued without the approval of the major and superintendent of police. Dance halls shall pay a tax of $25 per annum. Any place where a fee is paid or charged for dancing shall be regarded as a dance hall: *Provided*, That no license shall be issued without the approval of the major and superintendent of police."

SEC. 10. That paragraph 46 of section 7 of the act of Congress approved July 1, 1902, above referred to, is hereby amended by adding thereto the following:

"Public guides, $5. Any person engaged in showing visitors about the city for a compensation shall be deemed a public guide: *Provided*, That no license shall be issued as a public guide without the approval of the major and superintendent of police."

SEC. 11. That hereafter no deed, except deeds of release, deeds of trust, or other deeds, not involving the transfer of title to real estate, shall be recorded among the land records of the District of Columbia, unless it is accompanied by a sealed statement, addressed to the assessor of the District of Columbia, giving the information hereinafter referred to; and the recorder of deeds of said District is directed to receive such sealed statement and transmit it to the assessor of said District without breaking the seal.

Said sealed statement shall be made by the grantee and shall be on a form approved by said assessor and shall contain the names of the grantor and grantee, together with their addresses, the full nature of the transaction, together with the true amount of all moneys paid or received; and any other consideration in addition to said moneys shall be given and certified to by the grantee or an authorized agent.

The information contained in the sealed statement shall be regarded as confidential by said assessor and shall be used by him or by the said board of assistant assessors for the equalization of assessment of real estate in the District of Columbia in accordance with the requirements of law.

If any such grantee or his authorized agent shall fail to make any statement, or shall make any false statement of the nature of the transaction or as to the amount of money actually involved, he shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than $5 and not more than $500 for each offense. Such offenses shall be prosecuted in the police court of the District of Columbia in the name of said District by the corporation counsel or any of his assistants.

With the following committee amendments:

Page 2, line 8, strike out the word "May" and insert in lieu thereof "January."

Page 3, line 8, strike out the word "May" and insert in lieu thereof "March."

Page 3, line 20, strike out the word "hereafter."

Page 3, line 21, strike out the word "November" and insert in lieu thereof "September."

Page 3, line 22, strike out the word "May" and insert in lieu thereof "March."

Page 4, line 7, strike out the word "May" and insert in lieu thereof "March."

Page 4, line 10, strike out the word "May" and insert in lieu thereof "January."

Page 4, line 14, strike out the word "August" and insert in lieu thereof "July."

Page 4, line 15, strike out the word "January" and insert in lieu thereof "December."

Page 4, line 20, strike out the words "deliver to the collector of taxes tax ledgers" and insert in lieu thereof "be charged with the duty of preparing the annual tax ledgers."

Page 4, line 21, strike out "and to" and insert "which shall."

Page 4, line 22, after the word "preparation," insert "by him."

Pages 4, 5, 6, and 7, strike out all of sections 9, 10, and 11 and insert in lieu thereof the following:

"SEC. 9. That section 1 of 'An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898,' approved July 1, 1902, is hereby amended so as to provide that the Commissioners of the District of Columbia shall give notice by advertising twice a week for three successive weeks, beginning on the third Monday in December of each year hereafter, in the regular issue of three daily newspapers published in said District, that the said pamphlet has been printed.

"SEC. 10. That the provisions of this act shall be in force and effect on and after December 1, 1926."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Amend the title so as to read: "An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes."

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PAN PACIFIC CONFERENCE AT HONOLULU, HAWAII

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 104, authorizing the Secretary of the Interior to call a Pan Pacific

conference on the education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Chair read the bill, as follows:

Resolved, That the Secretary of the Interior be, and he hereby is, authorized and directed to call a Pan Pacific conference on education, rehabilitation, reclamation, and recreation, to be held at Honolulu, Hawaii, in April or May of 1927; and he is also hereby authorized, through proper official channels, to extend invitations to such countries as in his judgment it is appropriate to have represented at such conference by delegates thereto.

For the inauguration and maintenance of such conference, the preparation of and sending necessary exhibits thereto, purchase of necessary supplies and equipment, for telephone, telegraph, or cable service, freight and express charges, for travel and subsistence of employees of the Interior Department or representatives thereof, and for every other expense incident to and necessary in the judgment of the Secretary of the Interior to the effectuation of this project, including the employment of assistants in or outside of the District of Columbia, the sum of $20,000 is hereby authorized to be appropriated from any money in the Treasury not otherwise appropriated, to be immediately available, and to continue available until December 31, 1927.

Mr. LINTHICUM. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Page 1, line 4, after the word "authorize," strike out the balance of the bill and insert the following: "and requested to call a conference on education, rehabilitation, reclamation, and recreation to be held at Honolulu, Hawaii, in April or May of 1927; and to extend invitations to such governments as in his judgment should be represented at the conference.

"The Secretary of the Interior, subject to the approval of the President, is hereby given full authority for the inauguration and maintenance of such conference, the preparation of and sending necessary exhibits thereto, purchase of necessary supplies and equipment, for telephone, telegraph, or cable service, freight and express charges, for travel and subsistence of employees of the Interior Department or representatives thereof, and for other necessary expenses incident to the conference, including the employment of assistants in or outside of the District of Columbia, the sum of $20,000 is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, to be immediately available, and to continue available until December 31, 1927.

"The Secretary of the Interior shall make a report of the proceedings of the conference and a detailed statement of expenditures to the Congress of the United States at the session next following the conference."

Mr. WINGO. Mr. Speaker, is that offered as an amendment to the Senate bill?

Mr. LINTHICUM. Yes; I can explain that.

Mr. WINGO. I want to be heard on the amendment.

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. WINGO. Just what is the object of this conference, and what is the necessity for the amendment?

Mr. LINTHICUM. Mr. Speaker, the Senate resolution authorized the Secretary of the Interior to call this conference. The Secretary of the Interior has no international connections and he has no power to call a conference. This resolution changes it and authorizes the President of the United States to call a conference. That is one of the changes.

The conference is for the purpose of education, reclamation, and irrigation. They are to have exhibits there and to invite the nations from the various parts of the Pacific to go there and discuss these various questions—Japan, China, the Philippines, and all these nations bordering on the Pacific with a common interest. It will be upon the order of the Pan American gatherings which we hold here in the city of Washington.

Mr. WINGO. Is it intended to have an exposition there?

Mr. LINTHICUM. Oh, no; just delegates from these various countries, who will gather there. Only $20,000 is to be appropriated. They have to make a report under this House resolution of all of their actions and expenditures. That was not included in the Senate resolution.

Mr. WINGO. Are they to recommend legislation to the American Congress?

Mr. LINTHICUM. No; I think there is no idea of legislation. There is nothing in the resolution to that effect, which would require them to make any recommendation.

Mr. WINGO. Just what are they going to do? What do you want them to do?

Mr. LINTHICUM. We want them to meet there and discuss questions which are important to the various countries around the Pacific—the question of irrigation, the question of education, the question of reclamation of lands, and so on. The idea is very similar, as I have said, to the Pan American Union for which we appropriate so much money every year.

Mr. WINGO. Would not their findings possibly be morally binding upon the United States if we should send representatives there?

Mr. LINTHICUM. Not at all.

Mr. WINGO. Why not? What would be the benefit of it?

Mr. LINTHICUM. We are only one of many countries that send delegates there. We send delegates just the same as the other countries, and they have a conference and discuss these questions.

Mr. WINGO. Is this to be a sort of junior League of Nations, or what is it?

Mr. LINTHICUM. We do not like to discuss the League of Nations around here these days. It takes too much time and creates too much argument at the close of the session.

Mr. WINGO. What I want to find out is what is the necessity for it, and what do you propose to do? What binding effect will the agreements they reach have upon the United States? What are you trying to get?

Mr. LINTHICUM. The Governor of Hawaii has recommended it.

Mr. WINGO. Recommended what? What is it they propose to do?

Mr. LINTHICUM. This conference of these various nations on the subjects that I have told you about.

Mr. WINGO. For what purpose? What is the benefit to be derived from it? At what practical results do you propose to arrive?

Mr. LINTHICUM. We expect that the delegates of the United States will be able to tell them something of the educational system of our country and about irrigation and reclamation.

We hope that Japan will be able to give certain advice and that we shall gather certain information from these people. We hope also that it will be a kind of community of interest, that by virtue of this conference we will be able to aid Hawaii, and that it will bring about a closer connection between the various countries on the Pacific Ocean. This comes to me from the delegate from Hawaii, Mr. JARRETT, who will be very glad to answer any of the gentleman's questions. It is recommended by the State Department and by the Governor of Hawaii and by the Delegate from Hawaii. I think it appeals very strongly to the Members of this House.

Mr. WINGO. Mr. Speaker, I shall use a little bit of my own time now. Here is the only thought that I have in mind. I am a friend of Hawaii and I am in sympathy with what the Delegate from Hawaii wants, but with my knowledge of the situation in the Pacific I want to be pretty sure what the object is and what might be the possible effect on the United States of our going into any kind of a conference with the nations that border upon the Pacific Ocean.

The SPEAKER. The time of the gentleman from Arkansas has expired. The question is on agreeing to the amendment.

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS AGAINST UNITED STATES ON ACCOUNT OF SINKING OF U. S. S. "NORMAN"

Mr. FISHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2273, conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*, which I send to the desk and ask to have read. There is a certain amendment which I shall offer at the proper time.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, I understand that the gentleman will offer an amendment limiting the award that can be obtained to $7,500.

Mr. FISHER. That is correct.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Federal District Court for the Western District of Tennessee to hear and determine in actions at law all claims, however arising, irrespec-

tive of the amount, for damages, whether liquidated or unliquidated, for personal injury, death, or loss or damage to property against the United States of America growing out of the sinking of the vessel known as the *Norman* on the Mississippi River on or about May 8, 1925, near Memphis, Tenn., if the party suing would be entitled to redress against the United States in a court of law in respect of such claims in case the United States were suable. Recovery under this act shall be the sole right of recovery for such claims under law of the United States. Should employees elect to sue hereunder, their right of recovery shall be limited to the provisions of this act.

SEC. 2. Any such claim may be instituted at any time within two years after the passage of this act notwithstanding the lapse of time or any statute of limitation. No statute for the limitation of the liability of the owner of any vessel shall be applicable to any such claim. Proceedings in any action under this act and appeals therefrom and payment of the judgment therein shall, except when inconsistent with the provisions of this act, be had as in the case of claims over which the court has jurisdiction in actions at law under the first paragraph of paragraph 20 of section 24 of the Judicial Code, as amended.

SEC. 3. Service on the United States of America under any suit instituted under this act shall be had on the United States district attorney of the western division of the western district of Tennessee, and the clerk of the United States district court of said district shall also send to the Attorney General of the United States a certified copy of the summons and declaration so filed, said action shall be docketed and tried as any other suit at law pending in said court and tried by jury had as in other suits at law.

Mr. FISHER. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 5, after the words "United States" insert: "*Provided*, That the total amount recovered in any case brought under the provisions of this act for personal injury or death shall not exceed the sum of $7,500."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

COMMISSION TO INVESTIGATE THE SUBJECT OF CIVIL SERVICE RETIREMENT, ETC.

Mr. HUDSON. Mr. Speaker, I offer a resolution and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Michigan offers a resolution for which he asks present consideration. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution creating a commission to investigate the subject of civil service retirement and the operation and administration of the law relative thereto

Resolved, etc., That a commission is hereby created, to be composed of three Members of the Senate, to be appointed by the President of the Senate; three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and three members to be appointed by the President of the United States, one of whom shall be selected from the executive branch of the Government, and two from without the Government service who have special knowledge and experience in insurance matters.

SEC. 2. The commission is authorized and directed to investigate the operation and administration of the law relating to the retirement of civil service employees and to study the problems in connection therewith and to report its findings together with its recommendations for such legislation as it deems advisable. The report of the commission shall be submitted to Congress and to the President of the United States not later than January 5, 1927.

SEC. 3. The commission is authorized to select a chairman from among its members, and to hold such hearings and to sit and act at such places and times, to require by subpœna and otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to have such printing and binding done, to employ such clerical and other assistance, and to incur such expenditures within the limit of the appropriation herein provided, as may be necessary.

SEC. 4. No member of the commission shall receive any compensation for his services, but may be paid necessary traveling expenses and per diem expenses for subsistence as the President may direct (notwithstanding the provisions of any other act).

SEC. 5. The heads of the several executive departments and independent establishments, upon request from the commission, are authorized to detail or furnish the services of persons in Government employ who are specially qualified to assist the commission in any phase of its inquiry, and to cooperate with the commission in such other manner by furnishing facilities or otherwise to expedite its work. For such expenses of the commission as may not be otherwise furnished there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of $10,000, to be available until June 30, 1927, for traveling and subsistence expenses, printing and binding, clerical expenses, and such other obligations as the commission may deem necessary to incur. Such sum shall be disbursed by the disbursing officer of the Treasury Department upon vouchers approved by the chairman or vice chairman of the commission.

The SPEAKER. Is there objection?

Mr. CELLER. Mr. Speaker, reserving the right to object.

Mr. LaGUARDIA. Reserving the right to object.

Mr. GALLIVAN. I object.

Mr. SCHAFER. I object, too.

RECLAMATION AND DEVELOPMENT OF SWAMP LANDS ALONG THE YAZOO RIVER IN MISSISSIPPI

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11713.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11713) to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the estimated cost?

Mr. WHITTINGTON. I will answer that there is no appropriation or authorization. It is a matter of a preliminary survey under an appropriation already made.

Mr. SCHAFER. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to have an examination and investigation made of the swamp and overflow lands on the Yazoo, Tallahatchie, and Coldwater Rivers in the State of Mississippi, with a view to determining the area, location, and general character of the swamp and overflow lands in the valley of the Yazoo River and its said tributaries, which can be developed and reclaimed at a reasonable cost, and the character, extent, and cost of a reclamation and development system of the swamp and overflow lands along the Yazoo River and its said tributaries.

SEC. 2. That the said Secretary shall report to Congress as soon as practicable the results of his examination and investigation, together with a recommendation as to the feasibility, necessity, and advisability of the undertaking, and of the participation by the United States in a plan of reclamation in connection with the development of the swamp and overflow lands in the valley of the said Yazoo River and its tributaries.

SEC. 3. That the said Secretary shall report in detail as to the character and estimated cost of the plan or plans on which he may report.

SEC. 4. That the said Secretary shall also report as to the extent, if any, to which, in his opinion, the United States should contribute to the cost of carrying out the plan or plans which he may propose; the approximate proportions of the total cost which should be borne by the various drainage districts or other public agencies now organized or which may be organized; the manner in which their contribution should be made; to what extent and in what manner the United States should control, operate, or supervise the carrying out of the plan proposed, and what assurances he has been able to secure as to the approval of, participation in, and contribution to the plan or plans proposed by the various contributing agencies.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUTHORIZING SALE OF PARCEL OF LAND IN TOWN OF WESTPORT, CONN.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4431.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill, which the Clerk will report by title.

The Clerk read as follows:

An act (S. 4431) to authorize the sale of a parcel of land in the town of Westport, Conn.

The SPEAKER. Is there objection?

Mr. SCHAFER. I object. I withdraw the objection, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to quitclaim and convey to the town of Westport, Conn., for such consideration and on such terms and conditions as he may deem just and equitable, all the right, title, and interest of the United States in and to a strip of land, approximately 108 feet wide and 1,350 feet long, situated in the said town at Great Marsh, so called, which land was acquired in the year 1841 for canal purposes.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GRANTING EASEMENTS IN AND UPON PUBLIC LANDS AND PROPERTIES AT CANAL BRIDGE, WIS.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4033.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill which the Clerk will report by title.

The Clerk read as follows:

An act (S. 4033) to authorize the Secretary of War to grant easements in and upon the public lands and properties at Canal Bridge, on the Fox River, in Kaukauna, Wis., to the city of Kaukauna for public-road purposes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, empowered, and directed, under such terms and conditions as are deemed advisable by him, to grant to the city of Kaukauna, Wis., an indeterminable easement for a right of way over, across, in, and upon the Government land consisting of the right canal bank and that portion lying between the said canal at the juncture of the canal bridge and the new municipal bridge and also the lands immediately adjacent to the left end of the canal bridge and including the left canal bank proper, the said grant being for the purpose of creating the right of way over the Government property to and from the new municipal bridge, with permission to lay necessary pavements and roadway, subject to the condition that the United States may require the city to vacate any part of the right of way thus created or make such changes in the layout of the roadway or the pavements as may be necessitated by future improvements of the canal in the interests of navigation.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING THE INTERSTATE COMMERCE ACT

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 1344.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the bill which the Clerk will report by title.

The Clerk read as follows:

An act (S. 1344) to amend paragraph (11), section 20, of the interstate commerce act.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, what is that bill?

Mr. NEWTON of Minnesota. This bill was discussed this morning as being an amendment to Carmack amendment and is included in that bill; but, fearing it will not be passed, and this being a Senate bill, this can go into effect immediately.

Mr. LAGUARDIA. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Without objection, the Clerk will report the amendment in lieu of the matter stricken out.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That paragraph (11) of section 20 of the interstate commerce act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: '*And provided further*, That the liability imposed by this paragraph shall also apply in the case of property reconsigned or diverted in accordance with the applicable tariffs filed as in this act provided.'"

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

SNAKE-RIVER AGREEMENTS

Mr. WINTER. Mr. Speaker, I ask unanimous consent to call up for immediate consideration the bill S. 4348.

The SPEAKER. The gentleman from Wyoming calls up the bill S. 4348. The Clerk will report it by title.

The Clerk read as follows:

An act (S. 4348) granting the consent of Congress to compacts or agreements between the States of Idaho and Wyoming with respect to the division and apportionment of the waters of the Snake River and other streams in which such States are jointly interested.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Idaho and Wyoming to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Snake River and of the streams tributary thereto, and of other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

With committee amendments, as follows:

Page 1, line 4, after the word "Idaho," strike out the word "and," and after the word "Wyoming" insert the words "Washington, and Oregon."

In line 6, strike out the word "between" and insert the word "among."

In line 8, after the word "thereto," strike out the remainder of the line.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Amend the title so as to read: "An act granting the consent of Congress to compacts or agreements between the States of Idaho, Wyoming, Washington, and Oregon with respect to the division and apportionment of the waters of the Snake River and its tributaries."

A motion to reconsider the vote whereby the bill was passed was laid on the table.

FOREIGN SERVICE OF THE UNITED STATES

Mr. FAIRCHILD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11203, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 11203) to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman explain the pressing necessity for it?

Mr. FAIRCHILD. The purpose of the amendment is to clarify the statute as to the status of the Chief of Western European Affairs, Mr. Castle. This is a House bill, reported unanimously from the Foreign Affairs Committee and passed by the House unanimously. It went over to the Senate, and there was some question under a ruling of the Comptroller General as to whether the phraseology was sufficiently clear to include this officer. Mr. Castle, as many Members know, has been in the State Department for many years with a notable record of exceptional ability and efficiency. For many years he has paid his proportion into the retirement fund. My opinion is that the phraseology of the bill as it passed the House might cover this case; but there was a question about it, and this amendment was introduced in the Senate by Senator REED of Pennsylvania to clarify the text of the law.

Mr. HUDDLESTON. Has the gentleman consulted with the gentleman from Virginia [Mr. MOORE] and others?

Mr. FAIRCHILD. Yes. The gentleman from Virginia is here, and I am sure he will agree with me that there was no purpose of leaving out this one able official, who has been a part of the Foreign Service in the State Department for many years. This is intended to make clear and certain the legislation as it was reported by our Foreign Affairs Committee and as it passed the House.

Mr. MOORE of Virginia. That has been done after consultation with the State Department officials. They can verify what the gentleman has stated.

Mr. BLACK of Texas. I understand contributions are made by employees of the Foreign Service which are adequate to pay their share in the fund?

Mr. FAIRCHILD. Yes. Mr. Castle has contributed for many years to that fund.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

LAND AT BATTERY COVE, VA.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11615.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the consideration of the bill H. R. 11615, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11615) providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and for the sale thereof by the Secretary of War.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, I move the adoption of the committee amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all that part of the territory of the District of Columbia situated on the Virginia side of the Potomac River at Alexandria, Va., lying and being between a line drawn from Jones Point, at low-water mark, to Point Lumley, now Pioneer Mills, at low-water mark, and high-water mark on the Virginia shore of the Potomac River at Alexandria, containing an area of 46.57 acres of made land, more or less, together with the right to extend bulkheads and wharves into the Potomac River, so as not to interfere with the navigation of said river, and subject to all existing and future laws and regulations of the United States relating to such structure and the navigation of the Potomac River, be, and the same is hereby, ceded to and declared to be within the territorial boundaries, jurisdiction, and sovereignty of the State of Virginia, and within the jurisdiction of its courts and subject to the laws of said State: *Provided, however,* That this act shall not be construed to waive or relinquish the title of the United States to the fee of the 46.57 acres of made land in Battery Cove, or to any part thereof, except as provided in section 2 of this act: *And provided further,* That this act shall not be construed to affect, impair, surrender, waive, or defeat any claim, right, or remedy, either at law or in equity, of the United States against the Virginia Shipbuilding Corporation for or on account of any debt or obligation of said company to the United States, or that hereafter may be ascertained to be due by said company to the United States, by any court of competent jurisdiction of the parties and of the subject matter in any suit now pending or that may hereafter be instituted by the United States against the Virginia Shipbuilding Corporation.

SEC. 2. In the event the Secretary of War shall find that the said land is not and probably will not be needed for the purposes of the Government he is authorized to dispose of it at public sale at not less than the appraised value thereof after advertisement in such manner as he may direct: *Provided,* That in advance of such sale he shall cause the value of the land to be appraised by an appraiser or appraisers to be chosen by him, and in the making of such appraisement due regard shall be given to the value of any improvements thereon and to any historic interest which may attach thereto.

SEC. 3. The expenses of appraisal, and any survey that may be necessary, advertisement, and all expenses incident to the sale of the land shall be paid from the proceeds of the sale thereof, but no auctioneer or any person acting in that capacity shall be paid a fee in excess of $100 a day. The Secretary shall pay into the Treasury the net amount of the sale and shall submit to Congress a full report of the sale and all transactions in connection therewith. The said net amount shall constitute a part of the military post construction fund specified in section 4 of the act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926.

Amend the title so as to read: "A bill providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va."

With the following committee amendments:

On page 2, line 8, after the word "Virginia," strike out the comma and the words "and within the jurisdiction of its courts and subject to the laws of said State."

In line 13, on page 2, after the word "Cove," strike out the words "or to any part thereof, except as provided in section 2 of this act."

In line 13, on page 2, after the word "Cove," insert "nor as relinquishing or in any manner affecting the power of Congress to exercise exclusive legislation over the said area as long as the same remains in the ownership and possession of the United States."

On page 3, beginning with line 4, strike out all of section 2 and all of section 3.

Mr. HILL of Maryland. Mr. Speaker, that is made necessary by striking out the whole of section 2.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended to read as follows: "A bill providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va."

STOLEN PROPERTY IN INTERSTATE OR FOREIGN COMMERCE

Mr. YATES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7472) to punish the transportation of stolen property in interstate or foreign commerce.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the immediate consideration of H. R. 7472, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I will be very glad to have an explanation of the bill.

Mr. YATES. This is a bill to punish the transportation from one State to another of articles which have been stolen. There is no law covering anything of that kind now, strange as it may seem, in the United States, except the Dyer Act, which provides, as the gentleman remembers, for the punishment of those who steal automobiles in interstate transactions. This broadens the scope of the act and applies to all property.

Mr. BLACK of New York. Will the gentleman yield?

Mr. YATES. Yes.

Mr. BLACK of New York. Is it not enough now that a State can punish the thief or the receiver of stolen property?

Mr. YATES. I do not understand that.

Mr. BLACK of New York. Mr. Speaker, I object. I do not believe in double jeopardy. There is too much of it now.

LIFE-SAVING STATION IN FLORIDA

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8903, to authorize the sale and disposition of the abandoned tract or tracts of lands formerly used as a life-saving station in Florida, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill H. R. 8903, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, may I ask the chairman of my committee why we can not

concur in the Senate amendments and pass this bill? By asking for a conference at this time it will mean the defeat of the very purpose of the bill. I understand the only difference is one of wording; that the Senate amendment provides for not less than 5 acres, whereas we provided for not more than 5 acres as the amount of land to be given to the city of Jupiter, Fla. If that is the only difference, I ask the chairman to amend his motion.

Mr. SINNOTT. Mr. Speaker, this is very valuable land and the Senate has materially departed from what the House and committee agreed upon. We gave careful consideration to this measure in committee. It was debated twice upon the floor of the House, and I feel I have no authority to disregard the former action both of the committee and the House.

Mr. LAGUARDIA. May I ask the chairman just what the difference is?

Mr. SEARS of Florida. If the gentleman will permit, I may be able to clarify the situation. When this bill passed the House the gentleman from Ohio [Mr. BEGG], the gentleman from Maryland [Mr. HILL], and one of my other colleagues objected. They withdrew their objection, and it was the understanding of the committee, as I recall, that we should have a 5-acre park there. I assured the gentleman from Ohio [Mr. BEGG] that there would not be more than a 5-acre park there. The Senate committee reported the bill out with a 40-acre park. I thought the chairman of the committee understood me, and I am sorry he misunderstood me. I went to the chairman and told him I would not ask for more than a 5-acre park, but we did want a 5-acre park, and with that in mind I went to Senator TRAMMELL and told him to state to the Senate that at my request he should strike out the 40-acre park and make it not less than 5 acres. I have wired the people at Jupiter that there will not be any more than a 5-acre park there.

Mr. LAGUARDIA. The only difference is that the Senate said not less than 5 acres and the House said not more than 5 acres. Is that the only difference?

Mr. SEARS of Florida. Yes. And I understood the committee assured me they would back me up in going to the department and saying they should not give me a quarter of an acre park there, but that I would get a 5-acre park. And I hope the chairman——

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Is it in order to move concurrence in the Senate amendment?

The SPEAKER. The Chair thinks that is a preferential motion.

Mr. LAGUARDIA. Then I so move, Mr. Speaker.

The SPEAKER. The gentleman from New York moves to concur in the Senate amendment——

Mr. SINNOTT. Mr. Speaker, I make a point of order against that motion. In the Senate amendments there are matters that were not considered at all in the House. I think the Senate amendments, especially the latter one, require consideration in the Committee of the Whole. The original House bill has largely been departed from. There are three different amendments. One amendment was not in any way considered in the House, and that is the last amendment providing that any city embracing these lands for park purposes shall only pay $1.25 an acre therefor. There was no such provision as that in the House bill. It does not seem to me this is such a Senate amendment as the House may take up without considering it in the Committee of the Whole; and that being true, of course, such a motion as was made by the gentleman from New York [Mr. LAGUARDIA] is not in order.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. SEARS of Florida. I will say to the chairman that you are going to give us the 5 acres for nothing. As a matter of fact, my colleague from Michigan [Mr. MCLAUGHLIN] got for his State something like 1,000 acres in Michigan for $1.25 an acre and I did not object.

Mr. SINNOTT. This land is worth $10,000 an acre, whereas the land in Michigan was not worth 1 cent.

Mr. SEARS of Florida. But you are going to give us 5 acres for nothing, and the House so intended.

Mr. SINNOTT. Well, you will not get the 5 acres for nothing that the House originally contemplated you should have. If this last Senate amendment is adopted, you have to pay for it.

Mr. SEARS of Florida. One dollar and a quarter an acre.

Mr. SINNOTT. Yes.

Mr. SEARS of Florida. The Government is just in $6.25.

The SPEAKER. The Chair thinks that the bill has progressed to such a stage, unanimous consent having been given to its consideration, that a point of order would not lie with respect to the motion of the gentleman.

Mr. GARRETT of Tennessee. Mr. Speaker, was not the gentleman asking a conference?

Mr. SINNOTT. Mr. Speaker, I asked unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

Mr. LAGUARDIA. And I moved to concur in the Senate amendments.

Mr. GARRETT of Tennessee. I do not think the gentleman can make that motion while the unanimous consent request is pending.

Mr. SINNOTT. The gentleman can not make that motion pending my unanimous consent request.

Mr. GARRETT of Tennessee. I have no interest in the bill, but I do not see how the gentleman can make that motion.

Mr. LAGUARDIA. I was simply trying to help the gentleman from Florida.

Mr. GARRETT of Tennessee. The gentleman can move to instruct the conferees after consent is given, but he can not take the gentleman off the floor while the request is pending by a motion to concur.

The SPEAKER. The only question in the Chair's mind is whether the unanimous consent was given for the consideration of the bill.

Mr. GARRETT of Tennessee. Let me see if I understand clearly what the request of the gentleman was. I understood the request of the gentleman to be to take from the Speaker's table the House bill with Senate amendments and ask for a conference, which is the usual request.

The SPEAKER. Disagree to the Senate amendments and ask for a conference. The only doubt the Chair has in his mind is whether the unanimous consent applied to all the requests as well as to the request for immediate consideration.

Mr. GARRETT of Tennessee. Mr. Speaker, I think the gentleman's request was the same as the request made with respect to appropriation bills or any other bills. There is no distinction between them. It was a simple request for a conference, as I understand it.

Mr. SINNOTT. That is what it amounted to.

The SPEAKER. The Chair understands the situation to be that the gentleman made his request as the gentleman from Tennessee stated, to take from the Speaker's table this bill, disagree to the Senate amendments, and ask for a conference, and there was no objection. Therefore the Chair did not apprehend the situation when he told the gentleman from New York [Mr. LAGUARDIA] that his motion would take preference because unanimous consent had been given to do all those things.

Mr. O'CONNOR of New York. Mr. Speaker, I understood the gentleman from New York [Mr. LAGUARDIA] to rise under a reservation of objection.

The SPEAKER. The Clerk advises the Chair that unanimous consent was given.

Mr. LAGUARDIA. Mr. Speaker, I reserved the right to object and then I presented my preferential motion after having propounded a parliamentary inquiry. I thought the motion was exactly in the same position as the preferential motion made the other day on the cooperative marketing bill.

Mr. GARRETT of Tennessee. If the gentleman will permit——

Mr. LAGUARDIA. If the gentleman wants me to withdraw my motion, I will withdraw it.

Mr. GARRETT of Tennessee. If the gentleman wants to do so, those interested in this matter have a clear opportunity to reach the matter directly when the conference is agreed to; that is, immediately upon unanimous consent being given and before the conferees are appointed, it is a matter of privilege to move to instruct the conferees.

Mr. LAGUARDIA. Then, Mr. Speaker, I withdraw my motion, and I do not object to the request of the gentleman from Oregon.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. LAGUARDIA. Now, Mr. Speaker, I move that the conferees be instructed to accept the Senate amendments.

The SPEAKER. The gentleman from New York moves that the conferees be instructed to concur in the Senate amendments.

Mr. SINNOTT. Mr. Speaker, I rise in opposition to the motion of the gentleman from New York. The House is about to vote on something about which it has no information. I desire to get this matter before the conference committee that we may have an opportunity to review the reports of the Secretary of the Interior on this matter. These lands are very valuable lands; they are worth $1,000 or more an acre. The House

had the matter before it and considered it for some time. The Secretary of the Interior gave great consideration to this measure, and I do not feel that the House at this time should instruct the conferees. It may be that the conferees after giving further consideration to this matter, conferring with the Interior Department, getting further information in regard to these very valuable lands, may be willing to concur in the Senate amendments, but it seems to me at this time with practically no information regarding the measure under a sudden impulse we ought not to instruct the conferees in this matter.

Mr. LAGUARDIA. Mr. Speaker, I do not think the differences between the House and the Senate are very serious. Here are the amendments. On page 2, line 2, they strike out "more than five," and then on page 2, line 3, they insert the following:

That when a town organized as a municipality embraces the land in question the Secretary of the Interior is authorized to issue a patent to the said municipality upon the payment of $1.25 per acre for all reservations for parks, aviation fields, schools, and other public purposes, to be maintained for such purposes only.

The House was willing to give this city 5 acres of land, not less than 5 acres. The Senate says not more than 5 acres. We were willing to give it to them for nothing. The Senate said $1.25.

Mr. SINNOTT. The gentleman has got it right the other way.

Mr. SEARS of Florida. Mr. Speaker, I realize that this land is valuable, that all land in Florida is valuable, and that land in Michigan is of no value. Therefore I did not object to the thousand acres that were being given away in Michigan. I was not granting any favor to my good friend from the State of Michigan. I would not insist on that proposition.

I have stated that we would not ask for more than 5 acres. When I went before the committee I insisted on 5 acres, and the committee was willing to give me more. If it goes to conference, the bill will not pass. I state to you that if you will pass the bill there will not be more than 5 acres asked for, and I so stated to the people of Florida, and I am being criticized by some who want the bill to go through for 40 acres. I trust that the motion of the gentleman from New York to instruct the conferees will be carried.

The SPEAKER. The question is on the motion of the gentleman from New York to concur in the Senate amendments.

The question was taken; and on a division (demanded by Mr. LAGUARDIA and Mr. SCHAFER) there were—22 ayes and 71 noes.

So the motion was rejected.

The SPEAKER appointed as conferees on the part of the House Mr. SINNOTT, Mr. SMITH, and Mr. DRIVER.

TERMS OF UNITED STATES DISTRICT COURT, MONTANA

Mr. GRAHAM. Mr. Speaker, I call up the conference report upon the bill (H. R. 5701) to designate the times and places of holding terms of the United tates District Court for the District of Montana.

The SPEAKER. The gentleman from Pennsylvania calls up a conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5701) to designate the times and places of holding terms of the United States District Court for the District of Montana, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to same with amendments as follows:

Amendment numbered 1: After the words "Great Falls" insert the word "Lewistown."

Amendment numbered 2: In lieu of the language proposed by the Senate, insert the words "Lewistown and Havre."

And the House agreed to same.

GEORGE S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the Part of the House.

T. J. WALSH,
F. H. GILLETT,
GUY D. GOFF,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DRAWING OF JURORS IN THE DISTRICT OF COLUMBIA

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13214) to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, which I send to the desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the consideration of a bill which the Clerk will report by title.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object. What bill is that on the calendar?

Mr. GRAHAM. It is not on the calendar. This measure was called to my attention a few moments ago by the chief justice of the Supreme Court of the District of Columbia. It appears that an act passed the House and the Senate and was signed June 11, 1926, under the following circumstances: It provided that section 204, which relates to drawing jurors in the District of Columbia, should be amended. It was a draft of a bill which had been prepared by, I think, Mr. Chief Justice McCoy. The bill was passed through the House and went to the Senate and was amended, and when it came back from the Senate the bill was diverted from the Judiciary Committee of the House and taken up by the chairman of another committee and the Senate arrangement agreed to. In enacting this law it provided that section 204 should read "as follows," and then they printed only the first paragraph of section 204, leaving out the two succeeding paragraphs. It has put the court in this embarrassing situation: That it practically repeals those two second paragraphs, and the court is helpless in the matter of drawing jurors, unless they get immediate relief.

Mr. LAGUARDIA. Mr. Speaker, pending the reservation, can we have the bill read?

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That section 204 of the Code of Law for the District of Columbia be, and the same is hereby, amended so as to read as follows:

SEC. 204. Drawing jurors: At least 10 days before the first Tuesday of each month specified in section 202 when jury trials are to be had, said jury commission shall publicly break the seal of the jury box and proceed to draw therefrom, by lot and without previous examination, the names of such number of persons as the general term of the Supreme Court of the District of Columbia may from time to time direct to serve as grand and petit jurors in the Supreme Court of the District of Columbia; and shall forthwith certify to the clerk of the Supreme Court of the District of Columbia the names of the persons so drawn as jurors.

The distribution, assignment, reassignment, and attendance of said petit jurors among the special terms of the Supreme Court of the District of Columbia shall be in accordance with rules to be prescribed by said court.

At least 10 days before the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year the said jury commission shall likewise draw from the jury box the names of persons to serve as jurors in the police court and in the juvenile court of the District of Columbia in accordance with sections 45 and 46 of this code relating to the police court, and sections 14 and 15 of the act of Congress approved March 19, 1906, creating said juvenile court, and shall also draw from the jury box the names of persons to serve as jurors in any other court in the District of Columbia which hereafter may have cognizance of jury trials, and shall certify the respective list of jurors to the clerk of the Supreme Court of the District of Columbia.

Mr. WINGO. Mr. Speaker, reserving the right to object, I ask the attention of the gentleman from Pennsylvania. As I understand it, the only thing done by this proposal is to restore to the law two paragraphs that inadvertently were left out.

Mr. GRAHAM. That is exactly right.

Mr. WINGO. And those two paragraphs are the last two paragraphs read from the Clerk's desk. The first one covers the distribution of the jurors among the respective courts, and the other relates to the drawing of the jurors for the police court.

Mr. GRAHAM. Yes. The first one really covers this situation. It permits the court to summon at the same time jurors to serve as both petit and grand jurors. That is the real point in the first paragraph. The amendment that was made in it.

Mr. WINGO. And the only thing the bill does is to restore what has been existing law on that question upon the drawing

and distribution and attendance of these jurors. It restores a thing inadvertently left out.

Mr. GRAHAM. The gentleman is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADMISSION INTO THE UNITED STATES OF WIVES AND CHILDREN OF CERTAIN MINISTERS

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10661) to amend the immigration act of 1924, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table the bill H. R. 10661, with a Senate amendment thereto, and agree to the Senate amendment. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. O'CONNOR of New York. Mr. Speaker, I reserve the right to object.

Mr. WINGO. Mr. Speaker. I reserve the right to object long enough for the gentleman to explain the bill.

Mr. JOHNSON of Washington. Mr. Speaker, this is a bill which passed the House designed to admit the wives and children of certain ministers of any religious denomination who were themselves in the United States prior to July 1, 1924, and whose wives and children had not arrived prior to that time.

The bill was brought out from the House committee with a view to meeting that situation. To that extent it amends the immigration act of 1924. The number of persons affected is very small. In the meantime one of the high courts has made a decision, which decision has since been affirmed by the Supreme Court, admitting the persons sought to be relieved by this legislation. But there are eight of these families, wives and children of ministers and rabbis, who are in the United States under temporary permit and thus not fully relieved by the court decision.

Mr. O'CONNOR of New York. Are the members of the committee in accord with this amendment?

Mr. JOHNSON of Washington. Yes. The committee met this morning and agreed to the amendment, the import of which is clear. It is a limitation on the time in which the wives and children of those ministers who were here in July, 1924, may come.

Mr. WINGO. Mr. Speaker, the only thing the Senate amendment does is to put a limitation upon the proviso which the House bill contained?

Mr. JOHNSON of Washington. Yes.

Mr. WINGO. The House bill permitted the wives of these persons to come in, and the Senate put a limitation upon it of July 1, 1927.

Mr. JOHNSON of Washington. Yes.

Mr. WINGO. The gentleman from Texas [Mr. Box] and others say it is all right; and inasmuch as the gentleman from Washington and the gentleman from Texas agree, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to call up from the Union Calendar the bill S. 3662.

The SPEAKER. The gentleman from Washington asks unanimous consent to call up the bill, which the Clerk will report by title.

The Clerk read as follows:

An act (S. 3662) creating the office of assistants to the Secretary of Labor.

The SPEAKER. Is there objection?

Mr. BOX. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Mr. Speaker, I would like to move to suspend the rules and pass this bill.

The SPEAKER. The Chair will not recognize the gentleman for that purpose.

Mr. JOHNSON of Washington. I withdraw the request.

FOREST EXPERIMENT STATION IN PENNSYLVANIA

Mr. ROY G. FITZGERALD. Mr. Speaker, I move to take from the Speaker's table and ask immediate consideration for the bill S. 2516.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill S. 2516 and to consider the same. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2516) for the establisament and maintenance of a forest experiment station in Pennsylvania and neighboring States.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what does this bill provide?

Mr. ROY G. FITZGERALD. This bill provides for the next forest experimental station in reference to the reforestation program of the country. The present condition is that four times the regular growth of forests are being destroyed in the United States. This is a part of the regular program for the reforestation of the country, and on account of the problem of economy the recommendations of the Agricultural Department and the Forest Department bill have been greatly curtailed. This is the next one which has been approved for the Ohio and Mississippi Valleys.

Mr. SCHAFER. Where is it to be located?

Mr. ROY G. FITZGERALD. Nobody knows except the experiment forest stations of the Department of Agriculture are located in those regions which are within the territory which is most important to be served. And if my friend from Wisconsin remembers, the last one of them passed was for southern California, and we have passed them very largely for the Western States, but we really have not prepared for eastern reforestation.

Mr. SCHAFER. Mr. Speaker, I withdraw the reservation in view of the gentleman's statement.

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object. We passed the Clarke-McNary reforestation bill. Does not that provide for the establishment of this station?

Mr. ROY G. FITZGERALD. I understand not. This is a part of the program mapped out a number of years ago, but on account of the necessity for economy in all of these affairs these stations are only established in certain districts in the order perhaps of their importance. I refer to the report, and in speaking of the stations already established it says:

Stations have already been established in the southern pine region; the southern Appalachian Mountains; the Northeast (including New England and New York); the Lake States (Michigan, Minnesota, and Wisconsin); the northern Rocky Mountains; the central Rocky Mountains; the Southwest (Arizona and New Mexico); and the Pacific Northwest. The Sixty-eighth Congress passed a bill authorizing the establishment of one in California—

Which was the one on the program which preceded this, which takes in Pennsylvania, Ohio, Maryland, and Delaware.

Mr. BLACK of Texas. This is for the State of Pennsylvania?

Mr. ROY G. FITZGERALD. No; for a group of States bordering the Mississippi and Ohio Rivers.

Mr. BLACK of Texas. It has been my understanding that the State of Pennsylvania itself has taken considerable interest in the question of reforestation. I would like to inquire if the State of Pennsylvania has a reforestation station itself?

Mr. ROY G. FITZGERALD. I could not answer that absolutely, but my friend from Pennsylvania [Mr. MENGES] can. We have one in Ohio at Wooster, but we can not get the proper cooperation and the proper information and the necessary work started.

Mr. BLACK of Texas. I can not see where it would be of any advantage for the Federal Government to come in and build an experiment station if the State itself is already engaged in that work. Will the gentleman from Pennsylvania [Mr. MENGES] enlighten us as to what the State of Pennsylvania is doing in this respect?

Mr. MENGES. The State of Pennsylvania has a number of experiment stations of its own. For example, it has one on South Mountain and another on the Allegheny Mountains.

The reason why we are asking for this station to be established by the United States Government is in order that we may cooperate with New Jersey, part of Ohio, Maryland, and Delaware. You know these experiments are made for the purpose of endeavoring to establish forestry on a national basis, and to get the kind of trees that are best adapted to certain kinds of soils that prevail in the various sections of those States. You know we have woods that contain a large amount of ashes. For example, there is the white oak, which will grow only on soils that are well supplied with lime and potash.

Then we have scrub pine and some of the other pines that grow on soils that have a small supply of potash and lime. Now, in order to establish these forest stations in such a way that we may have trees adapted to the various types of soil, we are cooperating with the United States Government.

Mr. BLACK of Texas. My understanding is that the Clarke-McNary reforestation bill provided that the Federal Government should cooperate with the several States. Now, why can not the Federal Government, without constructing a new station, cooperate with the State of Pennsylvania at the stations which are already established?

Mr. MENGES. They can, but this authorizes them to do this, not only for Pennsylvania but for New Jersey, Delaware, and Maryland. Now, we can not cooperate with those States unless we are authorized by the National Government so to do.

Mr. BLACK of Texas. Mr. Speaker, I will withdraw my reservation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to determine and demonstrate the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots, the Secretary of Agriculture is hereby authorized and directed to establish and maintain a forest experiment station at such place or places as may be determined as most suitable by him, in cooperation with the State of Pennsylvania and with the neighboring States, and to conduct such silvicultural and other forest experiments and investigations as may be necessary, either independently or in cooperation with other organizations, institutions, or individuals, and that to carry out the purposes of this act an appropriation in the amount of $30,000 is hereby authorized.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 818. An act for the relief of William A. Glasson;

H. R. 2531. An act for the relief of Edward Johnston;

H. R. 5105. An act for the relief of Maude J. Booth;

H. R. 6149. An act for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps;

H. R. 7678. An act for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge *No. 209*.

H. R. 7817. An act to establish a national military park at the battle fields of the siege of Petersburg, Va.;

H. R. 9039. An act to amend section 8 of the act approved March 1, 1911 (36 Stat. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers";

H. R. 10226. An act to correct the military record of John P. Daley;

H. R. 10973. An act to readjust the commissioned personnel of the Coast Guard and for other purposes;

H. R. 12596. An act to authorize the leasing of unallotted irrigable land on Indian reservations; and

S. 12703. An act granting the consent of Congress to Brownsville & Matamoros Municipal Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at Brownsville, Tex.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 11446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4534. An act to remit the duty on a carillon of bells to be imported for the Church of St. John the Baptist, Pawtucket, R. I.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars and to certain widows of said soldiers and sailors and marines and to widows of the War of 1812 and Army nurses, and for other purposes.

The message also announced that the Senate had passed the following concurrent resolution:

Senate Concurrent Resolution 21

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound as may be directed by the Joint Committee on Printing 5,000 additional copies of Senate Document No. 95, entitled "Art and Artists of the United States Capitol," of which 1,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, 500 copies for the use of the Architect of the Capitol, and 500 copies for the use of the Joint Committee on the Library.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2141), entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had ordered Mr. WHEELER, Mr. CAMERON, and Mr. KENDRICK as the conferees on the part of the Senate.

LONGEVITY PAY OF UNITED STATES ARMY OFFICERS

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 1857 and give the same immediate consideration.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill S. 1857 for immediate consideration. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 1857) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. WINGO. Reserving the right to object, Mr. Speaker, just what is in this bill?

Mr. CHRISTOPHERSON. This bill is intended to correct an error in the pay of certain officers of the Army between the years 1890 and 1908, being based on the longevity provision.

Mr. WINGO. How many officers are affected?

Mr. CHRISTOPHERSON. I am unable to state how many, but they are officers between the years 1890 and 1908.

Mr. WINGO. I withdraw my reservation.

Mr. BLACK of Texas. Mr. Speaker, I renew it, for the reason that this has been before the House many times and there is quite a lot of opposition to it. I object.

The SPEAKER. Objection is heard.

EMPLOYMENT OF TELEPHONE OPERATORS

Mr. MACGREGOR. Mr. Speaker, I offer a privileged report from the Committee on Accounts.

The SPEAKER. The gentleman from New York presents a privileged resolution from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House Resolution 307

Resolved, That there shall be paid out of the contingent fund of the House at the rate of compensation now authorized by law to continue the employment of the three-session telephone operators from and after July 1 to November 30, 1926, inclusive.

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the resolution.

Mr. SNELL. Will the gentleman yield me five minutes?

Mr. MACGREGOR. I yield to the gentleman from New York five minutes.

Mr. SNELL. Mr. Speaker, when the joint committee of the two Houses investigated the pay of the clerks and rearranged the salaries, that committee fixed the salary of the chief clerk to the Committee on Rules at $2,880, if I remember correctly. When the bill was brought in on the floor of the House I noticed that it was put in at $2,360. At that time I took the matter up with the chairman of the Committee on Appropriations, and he said, "That was an error in printing, but if you will not say anything about it now I will see that it is rectified in the Senate, and it will come back all right at the agreed wage of $2,880." I went over myself to see Senator WARREN in regard to the matter, and he said, "Mr. MADDEN has already

been in here, and it has been arranged and it will come back at the agreed sum of $2,880."

When the bill came back from the Senate it was just the same as it was when it went through the House. Some one had neglected to attend to it. I have been trying for three years to get that matter remedied. Under present conditions the clerk of the Committee on Rules gets the same salary as was paid before the salary classification was made and the salaries raised. I have not been able to impress it enough upon the Accounts Committee to even get that error rectified.

The Committee on Accounts has brought in during this session a resolution raising the pay of several clerks, and I raised the question with the Committee on Accounts at that time, and I understood, perhaps wrongly, that later in the session they would take care of the clerk of the Committee on Rules.

Everybody agrees that the chief clerk of the Rules Committee is entitled to what they agreed to pay at the time these salaries were raised. It takes two or three years to educate a clerk to properly perform the duties of the Rules Committee, and then just about the time you get the clerk properly educated he goes off and takes another job because he can get a better job than at the salary of $2,360.

I would like to have the chairman of the Accounts Committee tell me why we can not get this salary raised to the amount at which the salary was classified when these salary raises were made. I do not ask for any increase. All I would like is to have the clerk receive the salary that it was stated he should be paid at the time the classification and raise was made.

Mr. DENISON. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. DENISON. The gentleman is chairman of the Rules Committee. Why does he not bring in a rule ordering them to do that?

Mr. SNELL. I can not, but I would if I could. I would like to have the chairman of the Accounts Committee explain why we can not get that. He has plenty of time and plenty of opportunity to raise the salaries of several other clerks.

Mr. MACGREGOR. The gentleman is asking me to violate the rules of the House by disclosing what happened at the committee sessions.

Mr. SNELL. I do not ask the gentleman to do that, but I think the time has come when we are entitled to consideration.

Mr. MACGREGOR. I agree with the gentleman.

Mr. SNELL. If the gentleman agrees with that, and if all the other gentlemen agree with it who have so stated to me, I can not understand why this error can not be corrected. I have been patiently waiting for three years, and I have never said a word on the floor of the House before this time.

Mr. CELLER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CELLER. Would it not be better to have some sort of a classification of these salaries instead of having everybody at different times making application for their own committees?

Mr. SNELL. That is all I ask. All I want is to have this salary placed at the amount at which it was classified. All of the salaries were classified about three or four years ago, and at that time, as I have said, the clerk of the Committee on Rules was classified at $2,880, but through an error the salary was carried in the bill at $2,360.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. JOHNSON of South Dakota. If no one objected, the gentleman could offer an amendment to the resolution now before the House, could he not?

Mr. SNELL. I could offer it, but I think it is up to the Accounts Committee to do it.

Mr. JOHNSON of South Dakota. I do not believe anyone in the House would object after the statement made by the gentleman, because we are all aware of the facts with reference to the work done by the clerk of the Committee on Rules.

Mr. SNELL. I like to do things in a regular way, and I have promised my clerk I would attend to it next time, and my understanding was the Accounts Committee would take care of it before the end of this session. They have raised the salaries of several other committee clerks, and I want to know why I can not have the salary of my clerk brought up to the amount at which it was originally classified.

Mr. JOHNSON of South Dakota. I will say to the gentleman that I will offer such an amendment if the gentleman can hold the floor until I can write it out.

Mr. MACGREGOR. Of course, I must object to any such course as that.

Mr. SNELL. That is out of order. I appreciate that; but I think I am entitled to have some explanation as to why I can not have this done.

Mr. MACGREGOR. I think the gentleman will get it in the course of time.

Mr. SNELL. How many years must I wait? I have now waited practically four years. I am not asking for an increase but the committee has increased the salaries of other committee clerks.

Mr. MACGREGOR. No; not since the gentleman's request.

Mr. SNELL. I believe you have increased the salaries of at least six at this session.

Mr. O'CONNELL of New York. This is an extraordinary statement to be made by the chairman of the Committee on Rules.

Mr. SNELL. I think it is, but I am simply talking facts.

Mr. CELLER. Will the gentleman yield to permit me to ask a question of the chairman so that the House may know what it is voting on? Will the chairman state whose salary is being raised by this resolution?

Mr. MACGREGOR. None under this resolution. It is for the employment of telephone operators.

Mr. SNELL. If we can get time to provide for the employment of telephone operators during the summer vacation, why can not we get time to provide for the payment to the clerk of the Committee on Rules what he is entitled to?

Mr. MACGREGOR. We are perfectly willing to consider the resolution when we can get to it in the regular way.

Mr. SNELL. How many years does it take?

Mr. MACGREGOR. Oh, I refuse to stand here and be catechised in that way.

Mr. SNELL. If the gentleman refuses to consider it, all right.

Mr. MACGREGOR. I think it is very improper for me to be asked to disclose what happened in the committee room.

Mr. SNELL. Perhaps it is. I have waited patiently for three years in regard to this matter, and, so far as I am concerned, no more raises are going through.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the resolution.

Mr. JOHNSON of South Dakota. Before that is done, Mr. Speaker, I ask unanimous consent to offer an amendment.

Mr. WINGO. The gentleman from New York [Mr. MACGREGOR] has the floor.

Mr. JOHNSON of South Dakota. May I myself offer the amendment?

The SPEAKER. If the gentleman will yield for that purpose.

Mr. MACGREGOR. With all due respect to the gentleman from South Dakota, I must refuse to yield for that purpose.

Mr. WINGO. This is the only time in the session that the gentleman from New York [Mr. MACGREGOR] has the advantage of his colleague, the chairman of the Rules Committee, and I think we ought to permit him to enjoy that advantage.

Mr. JOHNSON of Washington. The gentleman has done that.

The resolution was agreed to.

THERESA C. GLYNN AND MARGUERITE LENOIR

Mr. MACGREGOR. Mr. Speaker, I offer another privileged resolution.

The SPEAKER. The gentleman from New York offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 297

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Theresa C. Glynn the sum of $275, and to Marguerite Lenoir the sum of $58.33, being the amount received by them per month as clerks to the late Hon. Lawrence J. Flaherty.

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the resolution.

The resolution was agreed to.

WALTER C. NEILSON

Mr. MACGREGOR. Mr. Speaker, I offer another privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from New York offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 160

Resolved, That there be paid out of the contingent fund of the House $1,200 to Walter C. Neilson for extra and expert services to the Committee on Pensions from March 4, 1925, to March 3, 1926, as examiner to said committee by detail from the Bureau of Pensions pursuant to law.

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER pro tempore (Mr. SNELL). The question is on agreeing to the resolution.

The resolution was agreed to.

NORMAN E. IVES

Mr. MACGREGOR. Mr. Speaker, I offer another privileged resolution.

The SPEAKER pro tempore. The gentleman from New York offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 148

Resolved, That there be paid out of the contingent fund of the House $1,200 to Norman E. Ives for extra and expert services to the Committee on Invalid Pensions from March 4, 1925, to March 3, 1926, as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the resolution.

The resolution was agreed to.

ASSISTANT CLERK TO THE COMMITTEE ON ENROLLED BILLS

Mr. MACGREGOR. Mr. Speaker, I offer another privileged resolution.

The SPEAKER pro tempore. The gentleman from New York offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 290

Resolved, That the chairman of the Committee on Enrolled Bills be authorized to appoint an assistant clerk to the Committee on Enrolled Bills, who shall receive compensation at the rate of $6 per diem during the sessions of the Sixty-ninth Congress, to be paid out of the contingent fund of the House, payment to commence from the date such clerk entered upon the performance of duties, which shall be ascertained and evidenced by the certificate of the chairman of said committee.

With the following committee amendment:

Line 4, strike out the word "sessions" and insert in lieu thereof the words "first session."

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the committee amendment.

Mr. WINGO. Will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. WINGO. Would not this be an appropriate place to relieve the injustice that is being done the Rules Committee?

Mr. MACGREGOR. I can not yet concede that the injustice which has been done the Rules Committee is any more of an injustice than some others, so I think we had better take all the injustices together and try to work them out.

Mr. WINGO. That logic is rather striking. [Laughter.]

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

CHIEF OF JANITORS OF THE HOUSE OF REPRESENTATIVES

Mr. MACGREGOR. Mr. Speaker, I offer another privileged resolution.

The SPEAKER pro tempore. The gentleman from New York offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 207

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House, until otherwise provided by law, to the chief of janitors of the House of Representatives the sum of $360 per annum, payable monthly, as additional compensation.

Mr. JOHNSON of South Dakota. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from South Dakota rise?

Mr. JOHNSON of South Dakota. To offer an amendment to the resolution of the gentleman from New York which I send to the Clerk's desk.

Mr. MACGREGOR. Mr. Speaker, I do not yield for that purpose.

Mr. JOHNSON of South Dakota. I submit the gentleman can not prevent the offering of an amendment to the resolution.

Mr. MACGREGOR. I can, under the rules and regulations and under parliamentary procedure.

Mr. WINGO. The gentleman can hold the floor and decline to yield either for debate or for the offering of an amendment.

The SPEAKER pro tempore. Does the gentleman from New York desire to yield for debate or for an amendment?

Mr. MACGREGOR. Not for an amendment.

Mr. JOHNSON of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JOHNSON of South Dakota. I do not desire the floor for debate. I desire the floor for the purpose of offering an amendment to the resolution.

Mr. MACGREGOR. Mr. Speaker, I do not yield for that purpose.

Mr. JOHNSON of South Dakota. I submit, Mr. Speaker, the gentleman can not prevent it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York [Mr. MACGREGOR].

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the resolution.

Mr. JOHNSON of South Dakota. Now, Mr. Speaker, I propose an amendment at the end of the resolution.

Mr. MACGREGOR. I do not yield for that purpose.

The SPEAKER pro tempore. The gentleman from South Dakota is recognized. The gentleman from New York [Mr. MACGREGOR has not moved the previous question, so the gentleman from South Dakota is recognized.

Mr. JOHNSON of South Dakota. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of South Dakota: Page 1, line 6, after the word "compensation" insert "also additional compensation to the clerk to the Committee on Rules at the rate of $520 per annum."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

ASSISTANT SUPERINTENDENT CLERK'S DOCUMENT ROOM

Mr. MACGREGOR. Mr. Speaker, I present another privileged resolution, House Resolution 242.

The Clerk read the resolution, as follows:

House Resolution 242

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, until otherwise authorized by law, additional compensation per annum, payable monthly, in the sum of $540 to the assistant superintendent of the House document room for services in the Clerk's document room, House Office Building: *Provided*, That this additional compensation shall be effective only so long as the position is held by the present incumbent.

With the following committee amendment:

Line 5, after the word "of," strike out the figures "540" and insert "420."

The amendment was agreed to.

The resolution as amended was agreed to.

NORMAN E. IVES

Mr. MACGREGOR. Mr. Speaker, I present another privileged resolution, House Resolution 153.

The Clerk read the resolution, as follows:

House Resolution 153

Resolved, That the Committee on Invalid Pensions is hereby authorized to employ an expert examiner of pensions at the rate of $2,400 per annum commencing July 1, 1926, same to be paid out of the contingent fund of the House of Representatives until otherwise provided for by law. Appointment to be made by the chairman of the Committee on Invalid Pensions.

With the following committee amendments:

Line 2, after the word "employ," insert the name "Norman E. Ives."

Page 1, line 6, after the word "law," strike out the remainder of line 6 and line 7.

Mr. SMITH. Let me say to the gentleman from New York that there is no chairman now of the Committee on Pensions.

Mr. MACGREGOR. The amendment strikes out that the appointment is to be made by the chairman of the Committee on Invalid Pensions. Mr. Ives has reached the age of retirement and the Secretary of the Interior refuses to continue him on the rolls any longer. The Members of the House quite generally feel that his services should be retained as long as he is capable.

Mr. DENISON. What salary is provided for Mr. Ives?

Mr. MACGREGOR. Two thousand four hundred dollars, which with his retirement pay of $700 makes $3,100.

Mr. LAGUARDIA. I would like to ask the gentleman if he does not think we are setting a bad example by employing superannuated employees?

Mr. MACGREGOR. This is a special case, and I am in favor of the proposition.

Mr. HUDSON. I would like to ask the gentleman a question. Does the gentleman think the policy ought to be adopted of fixing the salary of an employee by taking into account his retirement pay, which is made up of his own salary laid aside for his old age? Does the gentleman think that that should be considered in fixing the salary of an employee of the House?

Mr. MACGREGOR. This is an unusual case.

The resolution was agreed to.

TELEPHONE MANAGERS

Mr. MACGREGOR. Mr. Speaker, I present another privileged resolution (H. Res. 151).

The Clerk read the resolution, as follows:

House Resolution 151

Resolved, That there shall be paid, out of the contingent fund of the House of Representatives until otherwise provided by law, additional compensation at the rate of $600 per annum to the majority and to the minority floor managers of telephones.

With the following committee amendment:

In line 3, strike out $600 and insert $480.

Mr. MACGREGOR. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, this is a very unusual resolution. It comes at the closing hours of the session. It practically destroys the work of the joint committee of three years ago that was appointed for the purpose of equalizing salaries. It raises the salary of two very competent, very genial, and very delightful employees of the House. I want it understood right here that I have no personal feeling against them but a real sense of embarrassment in opposing this resolution. These increases have not been recommended by a superior officer. These increases place these two men in a class away beyond other employees of the House who are doing work much more valuable to the Members, work that requires much more effort and mental attainment on the part of the employee, employees who are employed the year around and have to stay here every day of every month in the year. These men are employed only during the sessions of Congress. Furthermore, we are just starting on a vacation period of several months, and upon our return we will be here for only about three months. Yet you put these men in the same class as you put most of the clerks of committees and far in advance of many of the employees of the House who, as I said before, perform greater service.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. I can not yield for the moment. To illustrate, there are two employees—bookkeepers—down in the office of the Sergeant at Arms. They are men who do not come in intimate contact with each Member of the House, but they are men who perform service for every Member of the House. They are expert bookkeepers. You pay them twenty-three hundred and some odd dollars a year. These men who will be benefited by this resolution, who are employed in the telephone room, receive $2,400 for the session. As you enter they will ask you if you want a number called, and they are very courteous and they will get it for you, or if you ask them they will call your office for you, or—oh, you all know the service. It is not to the men themselves that I offer my objection, but to the office they fill. You can get a boy 16 or 17 years of age to do the work that these men are doing for $100 per month. You are paying them far more than the operators. You are paying them far more than men who have to have expert knowledge to perform the duties of their office. You are giving them in addition to their salary of $2,400 a year a paid-up life insurance policy of $2,500 and burial expenses in addition to that.

It is no joy or pleasure for me to stand on the floor of the House and practically be the only one to call the attention of the Members to the fact that we are giving this money as a gratuity, not paying these men for services rendered, but giving them a gratuity from the pockets of the taxpayers of the country. I do not want to reveal anything that occurred in the committee, and I do not intend to; but it is rather a peculiar situation when the chairman of the committee introduces a resolution to which I know he is opposed. Of course, I suppose it is in a regular day's work that he is obliged to perform.

Mr. HUDSON. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. The Committee on Accounts was appointed for the purpose of conserving and properly using the contingent fund of the House. That is what they are there for. I refrain from raising a point of order with reference to the attendance here this afternoon or embarrass or annoy the Members with a roll call. But, gentlemen, I will promise you this much, that as one member of the Committee on Accounts, I shall use every effort and endeavor in the next session of Congress to have a committee appointed or, as far as the Committee on Accounts is authorized so to do, to revise the salaries of the various employees of the House. There are some now employed by the House, as well as some clerks of committees, who are underpaid. They ought to have their salaries raised. What we really ought to do is to abolish about a score of committees that have clerks and janitors and that never have a meeting of the committee. Yet they require these clerks and janitors. If we did that, we could give every remaining clerk and janitor all he is entitled to and save thousands of dollars besides. But the House will not take such action. Consequently we will have to differentiate between the clerks of the committees that meet frequently, that have questions of great moment before them, that have a tremendous amount of work to perform, and the clerk who merely fills the office without giving any return in the way of service for the salary received.

This is one of the positions which could be filled very easily for very much less than is paid at the present time. The only reason that the House has for voting for this resolution is good fellowship and a friendly feeling for those who perform some direct service for them. I have no objection to Members going down in their own pockets and tipping these boys when they perform any extra service; but it is wrong, it is without precedent, and you should not take the money from the contingent fund to increase the salaries of these men far beyond an amount which the office really warrants. That is all I have to say; and I suppose that, as usual, efforts to protect the taxpayer will be in vain.

Mr. MACGREGOR. I yield two minutes to the gentleman from Ohio [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker and gentlemen of the House, I sympathize with the gentleman that just left the floor. He has been standing at the threshold of the Treasury of the United States oh for these many days. There is no question but what his watchfulness has saved the taxpayers of this country much money, but we have in this House two wonderful, two faithful employees, and he stated here that a 17-year-old boy could come into this House and weigh the importance of matters up for consideration and could come at the telephone and call men in the office and tell them whether to come over here or remain in their offices and work there. Of course, such a statement as that carries with it its own condemnation. I do hope that Members of the House will be fair with these men. They have unusual ability, they have remarkable memories, they have splendid judgment. These men are confidential men. You know how the man on your side and the man on ours perform their duties, and I hope this House will treat fairly and squarely these faithful employees. [Cries of "Vote!"]

Mr. NEWTON of Minnesota. Mr. Speaker, I move to amend——

Mr. MACGREGOR. I refuse to yield for an amendment.

Mr. NEWTON of Minnesota. I ask for recognition on my motion.

Mr. MACGREGOR. I refuse to yield for an amendment and I move the previous question; but before that I yield two minutes to the gentleman from Indiana [Mr. VESTAL].

The SPEAKER pro tempore. The gentleman from New York has control of the time and yields two minutes to the gentleman from Indiana [Mr. VESTAL].

Mr. VESTAL. Mr. Speaker and gentlemen of the House, my judgment is that no more meritorious resolution could have been introduced in this House than the one that has been introduced here by the chairman of the Committee on Accounts. I undertake to say that not a single Member of Congress, not one who has a secretary in his office, who is more valuable to this House than the men on the minority and majority sides of this House in the cloakrooms. Talk about a 15-year-old boy doing the work! Mr. Holt does the work which the man on the other side does, and I think that this resolution ought to have been passed increasing their salaries by $600 instead of $480, and I hope that not a single Member of this House will vote against this resolution and give these boys $480 more salary each, because I think it is right. [Applause.]

Mr. MACGREGOR. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The committee amendment was agreed to.

The resolution as amended was agreed to.

COMMENDING HON. W. FRANK JAMES

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein a resolution adopted on yesterday by the Committee on Military

Affairs in appreciation of the acting chairman of that committee, the gentleman from Michigan [Mr. JAMES]. [Applause.]

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Alabama. Mr. Speaker, under leave granted me to extend my remarks in the RECORD, I count it a privilege to place herein the resolution adopted by the Military Affairs Committee of the House on June 30, 1926, in appreciation of the splendid work of the able and tireless acting chairman of the committee, the gentleman from Michigan, Hon. W. FRANK JAMES:

Resolution of Committee on Military Affairs, July 1, 1926

Resolved, That there is hereby expressed the great confidence the members of the Committee on Military Affairs, House of Representatives, have in the integrity, ability, and qualities of leadership of Hon. W. FRANK JAMES, of Michigan, who during a part of the present session of Congress has been called upon to perform the very exacting duties of acting chairman.

With the strictest attention to duty, with a fine spirit of cooperation with fellow members, and a keen sense of justice, he has presided in a manner which has inspired every member of the committee with an especial interest and enthusiasm in the committee activities.

Not only has he demonstrated an ability to bring harmony in the committee but his dynamic leadership and intelligent cooperation has extended to the House of Representatives, leading to the establishment of a splendid record in the passage of committee measures, and the favorable consideration of many long-standing bills of interest and importance to individual Members.

We desire to express further that at no time, in our opinion, has there been closer cooperation between the officials of the War Department and the committee upon the legislative needs of that department, very largely, if not entirely, due to the capable management of Mr. JAMES as acting chairman; be it further

Resolved, That a copy of this resolution be handed to Mr. JAMES and a copy spread upon the minutes of the committee.

For the committee:

JNO. C. SPEAKS,
W. C. WRIGHT,
LISTER HILL,
Subcommittee.

CONFERRING JURISDICTION ON THE COURT OF CLAIMS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2141 and agree to the conference asked by the Senate and appoint conferees.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2141) entitled "An act conferring jurisdiction upon the Court of Claims, to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. LEAVITT, Mr. WILLIAMSON, and Mr. HAYDEN.

AMERICAN LEGION CONVENTION IN PARIS

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4408 and pass the bill.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 4408) to authorize the granting of leave to ex-service men and women employed in the municipal government of the District of Columbia to attend the annual convention of the American Legion in Paris, France, in 1927.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, Public Law 258, approved May 20, 1926, provides for the authority to grant ex-service men and women employed in the executive departments and independent establishments the opportunity to attend the American Legion convention in Paris. If the Commissioners and employees of the District of Columbia are Federal officials, then they will come under Public Law 258. Certain members of the Judiciary Committee have rendered a minority report in the Fenning matter, contending that District Commissioner Fenning is a Federal officer. Therefore the pending bill should not be passed until the House has acted on the report of the Fenning case.

Mr. CRUMPACKER. Mr. Speaker, I make the point that the gentleman's objection comes too late.

Mr. LAGUARDIA. I will ask the gentleman from Wisconsin if he is opposed to the attendance of the war veterans who happen to be employees of the District Government?

Mr. SCHAFER. Certainly not. I desire that all of them attend. This bill should not be passed at this time, for the reasons I have stated. The convention will not be held until 1927. I do not think we should prejudge the determination of the question of whether or not Frederick A. Fenning is a municipal or a Federal officer by enacting legislation of this kind until the House has acted on the report of the Judiciary Committee.

Mr. UNDERHILL. We always have passed such a resolution in case of a holiday or anything that affects Federal employees; we always have to pass another resolution including employees of the District of Columbia. Just as the gentleman's city or my city would have to pass a resolution giving its employees the right to attend. It does not affect the question of Mr. Fenning's status, and it has not anything to do with that.

Mr. SCHAFER. If the Commissioners and employees of the District of Columbia are Federal employees, then the ex-service men and women employed in the municipal government of the District would be able to attend the convention under the provisions of Public Law 258. Mr. Hogan, counsel for Mr. Fenning, has contended that Commissioner Fenning is not a Federal officer. Among the arguments in behalf of this contention, he stated in substance that the reporting of this bill by the District Committee indicated that said committee believed that Public Law No. 258 did not include employees of the District government, and therefore said District employees and officials were not Federal.

Mr. JOHNSON of South Dakota. Will the gentleman from Wisconsin reserve his objection for a moment?

Mr. SCHAFER. Yes.

Mr. JOHNSON of South Dakota. I know the gentleman wants to be fair, and I know he was a very brave soldier in the late war. It happens that in the District of Columbia there was a very famous unit of the American Expeditionary Forces, the Three hundred and twelfth Machine Gun Battalion. It fought well and distinguished itself. I do not believe that many of those men who are surviving—many of them were killed—want to go to the Paris convention. I believe they ought not to be mixed up with the Fenning matter. They were just soldier kids doing their duty valiantly over there. Why not give them the benefit of this?

Mr. SCHAFER. If the employees and Commissioners of the District are Federal officials, then it is not necessary to enact this legislation, as they would come under Public Law 258. The convention is in 1927, and I do not think it would be good policy for the House to pass this bill at this time, since Mr. Hogan, the attorney for Mr. Fenning, quoted this very bill, which was reported out by the District Committee, as an argument in contending that Mr. Fenning was not a Federal official. This bill should not be passed until the House has disposed of the Fenning case.

Mr. WINGO. Mr. Speaker, will the gentleman from Wisconsin yield on that point?

Mr. SCHAFER. Yes.

Mr. WINGO. If the gentleman will notice the reading of the resolution, it does not undertake to decide that question, but says that that provision permitting Federal employees to go shall include employees of the District of Columbia.

Mr. SCHAFER. But Mr. Hogan states that the passage of the resolution is an admission that employees and officials of the District are not Federal.

Mr. WINGO. The resolution is a declaration by Congress that that provision for Federal employees shall include District of Columbia employees. I think the wording of it carries such a declaration.

Mr. JOHNSON of South Dakota. The Attorney General ruled, as I understand, that they are not Federal employees, and the Comptroller General, who would pass upon this matter, might so hold; and if they do so hold, regardless of what we think of it in Congress, the practical result will be that the Three hundred and twelfth Machine Gun Battalion will not be able to attend the convention in Paris. I do not see how the Fenning matter can come before the House under the rules.

Mr. SCHAFER. Well, in view of the statement of so many distinguished Members, to the effect that the passage of this resolution will not confirm Mr. Hogan's allegation that the District Committee in reporting same held Mr. Fenning is not a Federal officer, I will withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the provisions of the act approved May 20, 1926, entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," shall include ex-service men and women employed in the municipal government of the District of Columbia.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Without objection a similar House bill, H. R. 12599, will be laid on the table.

There was no objection.

PENSIONS AND INCREASE OF PENSIONS

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11446, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table House bill 11446, with Senate amendments, and agree to the Senate amendments. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

GOVERNMENT BY THE PEOPLE

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. CROSSER] be allowed to address the House. He is a member of the Committee on Interstate and Foreign Commerce and inadvertently I deprived him of the opportunity this morning. Therefore, I ask that he be granted permission to address the House at this time.

The SPEAKER. The gentleman from New York asks that his colleague on the committee [Mr. CROSSER] be permitted to address the House. Is there objection?

There was no objection.

Mr. CROSSER. Mr. Speaker and Members of the House, on Tuesday, August 10, 1926, the primary election will be held in Ohio. It is extremely important that every citizen of Ohio should vote at that election, for it has been boldly announced that an attempt will be made to abolish direct primary elections. If the effort should be successful, it will mean a return to the outrageous convention system of nominating candidates for office. The convention system caused the worst forms of injustice and prevented the people from enjoying genuine popular government. With as much certainty as did any tyrant of old appoint his servants, the special interests, by means of the convention system, appointed those who would serve their purpose.

For this bold and amazing attempt to hamper free government, the excuse given is that the people show little interest in primary elections. That, of course, is only an excuse and is not the reason for the effort of the special interests to destroy government by the people.

Those who want special privilege are opposed to the primary election system because it enables the people to control their government. If the people refuse, by means of their government, to grant special privileges, then they are denounced as ignorant by those who desire government to be operated for their special benefit. If the people elect men to office and approve policies opposed to the granting of special privileges by the Government, then the privilege seekers sneer at the idea of government by the people and loudly shout that the people are not fit to govern themselves.

The self-seeker favors government by the people only when the people, by their government, do what he wants done. If the people refuse what he asks, then he wants things changed so that, without regard to the people, he can have what he desires.

The people must arouse themselves before it is too late. They must be on guard. Constant watchfulness is the price of liberty. Every citizen of Ohio should vote at the primary election on Tuesday, August 10.

Mr. Speaker, ever since the establishment of the primary-election system, those who opposed its adoption have been trying to get rid of it. Knowing how well their purpose was served by the old convention system of nominating candidates the special interests are anxious to have it adopted again. Before the passage of the laws enabling the people to choose directly the candidates for office the convention system was in use everywhere.

Anyone who at any time attended one of those political conventions knows that it was a mockery of popular government, a disregard of the principle of government by consent of the governed. The delegates had about as little influence in regard to what was done in the convention as if they had been wax dolls. That, of course, was exactly the way the special interests wanted things arranged. The candidates for office then owed their nominations, not to the people but to the political dictator, the master of the convention. When the candidates were elected, they found it necessary to obey the orders of the dictator, the master of the convention which nominated them. In order to get from public officials what they wanted, it was necessary for the special-privilege seekers to deal only with the political dictator who had ordered the nomination of such public officials.

Because they want to have again the convention system which enabled them to get so easily what they wanted, the special-privilege seekers are now clamoring for the repeal of the laws which provide that the people shall choose directly their candidates for office.

What are some of their so-called arguments for abolishing the primary election? One is that the ordinary man who seeks a nomination can not afford to spend the money necessary to place the merits of his candidacy before the people. Certainly the rich man's money enables him to advertise much more than can the ordinary man. On the other hand, when nominations were made by conventions, unless a candidate was willing to beg the master of the delegates for a nomination, then the only other course open to him was to try to elect, to the party convention, delegates who were favorable to him. That required a great deal of money and many months of work, with little chance of success. It is clear that it would cost much more money for the advertising and help necessary to elect hundreds of delegates favorable to the nomination of a certain candidate than it would cost to advertise directly the candidate himself.

It must be remembered, too, that the same delegates to a county convention nominated candidates for all of the offices in the county. Suppose, then, that under the convention plan a successful effort were made to elect delegates favorable to the nomination of a certain man for the office of county treasurer. Since the delegates would have been elected to the convention because they favored a particular person for the office of treasurer, what possible opportunity would there have been for the people to indicate a choice in regard to the other offices, such as prosecutor and county auditor?

The fact is that the convention system prevented the people from making any real choice of public officials. If the special privilege seeking interests were frank and candid, they would admit that they do not want the people to be able to decide who shall be in public office. When they complain about the expense of primary election campaigns, the special interests are not worrying about the hardship of the expense to candidates. Their worry is that, in order to control nominations under the present direct-primary election system, it would be necessary, if possible, to pay many thousands of voters instead of paying one man, the political dictator, the master of the convention, as they did when political conventions nominated candidates. Besides, even by spending millions for votes at a direct primary election, they would never feel as sure of getting what they want as they were when, in order to have their way, they paid one man, the political dictator, to see that the convention gave it to them.

When we talk of corruption, even the person without experience should be able to see that it is easier to corrupt a few ringleaders in a convention than it would be to buy the votes of a great majority of the people.

There is not an argument made against the nomination of party candidates by the people themselves that was not, at the beginning of popular government in the United States, urged against the principle of the election of public officials by the people. Early in the history of our country, those who desired special privileges from the Government and who wanted spineless men in office who could be relied upon to obey their master's orders, lamented and complained about what they called the terrible bungling of the people in the selection of public officials.

Thomas Jefferson, the author of the Declaration of Independence, insisted upon the most direct control of Government by the people. He said:

The further the departure from direct and constant control by the citizens, the less has the Government of the ingredient of republicanism.

He also said:

* * * The mass of the citizens is the safest depository of their rights, and * * * the evils flowing from the duperies of the people are less injurious than those from the egotism of their agents.

The late Senator Robert M. La Follette, candidate for the Presidency in 1924, said:

* * * We must * * * place the nomination of all candidates in the hands of the people. Make all nominations by direct vote at a primary election.

Former President Woodrow Wilson, in his inaugural address when he became Governor of New Jersey, said:

* * * With our present methods of elections, which were nothing more than a choice between one set of machine nominees and another, we did not get representative government at all * * * but government representative of political managers who served their own interest and the interests of those with whom they found it profitable to establish partnership. * * * Direct primary laws should be extended to every elective office and to the selection of every party committee or official as well, in order that the people may once for all take charge of thir own affairs, their own political organizations, and associations.

Gov. Charles Evans Hughes, late justice of the United States Supreme Court and Republican candidate for the Presidency in 1916, in a message to the New York Legislature in 1909, said:

The candidates selected by the present method [the convention system] too often and not unnaturally regard themselves as primarily accountable not to their constituents, nor even, broadly speaking, to their party, but to those individuals to whom they feel they owe their offices and upon the continuance of whose good will they deem their political future to depend. * * *

To the extent that party machinery can be dominated by the few, the opportunity for special interests which desire to control the administration of government, to shape the laws, to prevent the passage of laws, or to break the laws with impunity, is increased. * * * All that is worst in our public life finds its readiest means of access to power through the control of the nominating machinery of parties.

The chief advantage of the direct primary election, as indicated by the authorities just quoted, is that the people need no longer blindly trust delegates to choose for them candidates for public office. The people at the primary election vote directly for the candidates they prefer for the different offices. When men are the free choice of the people for office, then, as public officials, they are free to serve the best interests of all the people and not compelled to serve the privileged few.

I realize, of course, that there are some who sincerely believe that the people are not fit to select the candidates of the party to which they belong, just as some believe that the people are not competent to elect their public officials at all.

The real opposition, however, comes not from the few sincere but mistaken people, but comes from the financially powerful class, who are impatient because the direct primary system places some men in office who are not subject to their dictation, and who, therefore, prevent the dollar worshipers from turning government entirely to their particular use.

As already said, the real complaint of the special interests is that they can not control a primary election as they formerly controlled the political convention. When they paid the master of the convention they were certain to get what they wanted. At a primary election, the special interests may spend millions and yet not be sure of getting what they want.

The primary-election system must be retained. Government by consent of the governed must be preserved.

The people must, then, be on guard, for it is certain that the effort has now begun to repeal the laws providing for the direct nomination of public officials by the people, for the initiative and referendum, and other measures insuring the people control of government. The people must arouse themselves and defeat the attempt to again establish autocracy. [Applause.]

ADDRESS OF HON. HENRY T. RAINEY AT FUNERAL OF REPRESENTATIVE CHARLES E. FULLER

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by Hon. HENRY T. RAINEY at the funeral of Hon. CHARLES E. FULLER.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by printing the address delivered by the gentleman from Illinois [Mr. RAINEY] at the funeral of Hon. CHARLES E. FULLER. Is there objection?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, under leave to extend my remarks in the RECORD, I submit an address delivered by the gentleman from Illinois, Hon. HENRY T. RAINEY, on June 28, 1926, at Belvidere, Ill., on the occasion of the funeral of Hon. CHARLES E. FULLER, a Representative in the Congress of the United States from Illinois.

The address is as follows:

CONGRESSMAN RAINEY'S ADDRESS

A practicing attorney, State's attorney, member of the Legislature of Illinois, judge of the circuit court, colonel of the Thirteenth Illinois Regiment, a Member of Congress for nearly a quarter of a century. This is the life story of CHARLEY FULLER, and we who are on this committee from the House of Representatives still to-day use in referring to him the name by which we knew him best and the name by which he preferred to be called. His was a life full of service for his community, his State, and his country. Honors came to him, but all of them were deserved. They were the result of diligence of a conscientious attention to duty, honors which carried him always one step higher, and then another step higher, which increased his opportunities for usefulness.

I am pleased and affected to-day to see here so many members of the Grand Army of the Republic, whose ranks are so rapidly thinning. During his entire career in Congress he was devoted always to those measures which brought more of sunshine into the lives of the men who bared their breasts to the bullets of the foe 65 years ago in order that this country might be preserved.

CAPSHEAF OF HIS LIFE'S WORK

And may I say to you now, you gentlemen of the Grand Army, you men who wore the blue in the trying days of this country, some of you have come half a hundred miles to pay your last tribute of respect to the memory of your friend, may I say to you that his last battle in the House of Representatives has been won. To-day as you sit here in your seats a committee behind locked doors in a room of the Appropriations Committee a thousand miles from here, the steering committee of the House, are determining to place for passage on the calendar of the House the bill drawn by CHARLEY FULLER and which brings to you and to the widows of those who have gone before you, some of the sunshine to which you and they are entitled in the last years of your stay upon this earth. The bill CHARLEY FULLER drew, the dream of the last years of his life, will become a law before the close of the present session of Congress.

LONG AN ASSOCIATE

The invitation to come to Illinois as a member of the funeral committee selected by the House of Representatives came to me as a command in the closing days of a long and busy session of Congress, and the invitation delivered to me a few minutes ago to speak for his colleagues in the House of Representatives to-day in the city where he lived so long comes to me also as a command. We were both serving in the House of Representatives our eleventh term. We came there at the same time, in the Fifty-eighth Congress. He was out one term and I was out one term, and when they said to me a few minutes ago, "We want you to speak because you are one of the old Members of Congress," I commenced to realize how rapidly the years are passing. I commenced to realize that to-day, although not as old in years as many other colleagues in the House of Representatives, I have served longer in the House of Representatives than any other man who belongs to my party ever served from a northern State, and during that entire period of time I have been closely and personally associated with CHARLEY FULLER. We did not not serve on the same committtees, but we were personal friends standing always for the same propositions. His long career and his successful career is an inspiration to the young men of this community. Not long ago a young man stepped into an airplane on the shores of Long Island just as the sun rose over the eastern horizon. The engines throbbed, the great plane mounted into the air and commenced its westward race with the sun across a continent. All day long the journey lasted and when in the evening he landed on the shores of the western sea just as the sun was sinking in the Pacific Ocean we began to realize that the impossible had been accomplished. The world said it couldn't be done, but he did it. And so these young men in this community who are just starting out in life have before them always as an example the career of CHARLEY FULLER. They may say to you that successes can not be accomplished, but in any career you may select for yourself through this life, while they tell you it can not be done, the thing for you to do is to go ahead and do it.

LIFE'S JOURNEY

I like to think of life always as a journey along a highway, always proceeding upward. You start out in the early morning when the birds are singing their sweetest songs, and you travel upward, upward always if your career is a career of real service, over a road wet with last night's rain; as you go along there are cool places where the green ferns grow. You should linger there if you want to succeed. CHARLEY FULLER knew how to do that. As you journey onward, always upward, there are meadows where dreams come true. CHARLEY FULLER knew how to find them. And there are fields where the four-leafed clovers grow. They are the prizes of this life. CHARLEY FULLER found them many

times, and so can you. Those who render a real service as they journey onward and upward are those who branch out from the main-traveled road, but always go on and always go upward. They are the pioneers, the discoverers, the men who think, the men who work, and if they are successful they broaden out the road and make it easier for those who come after. Progress is made possible not alone by the men who attain high position in life, but by the men who toil in the fields, who walk in cool furrows amid the rustling corn. Progress depends upon the great thinkers, upon the dreamers whose dreams come true. Progress depends upon the men whose faces are aglow with the fires of flaming furnaces; progress depends upon the man who fills the wintry air with the musical ringing of the axe. Men who do these things are successful in this life, because they contribute something to make it easier for the rest of us to live. And as you journey along there comes always the call of the crest, and when you reach it then there comes the call of another and a higher crest; and as you journey along the road finally, always upward, there comes another call.

It is the call of the last crest; it is the call which comes from beyond the stars; it is a call which comes to all of us, to some of us when we have just commenced the journey upward and onward along the highway of life, to others when we have journeyed for many and many years and our hair is white with the snows of many winters; but it comes to all of us just as it has come to CHARLEY FULLER; and we cast away from the shores we knew so long; we unfurl our sails, pull up the anchors, and sail away over an unknown sea to an unknown shore. There is no death. The flowers die, but they bloom again in the spring. The leaves fall, but they come again when the period for their resurrection dawns. There is no death in this world. There is no death in this universe of ours.

To-day I pay my last tribute to my friend. If all for whom he had performed a kind act during his long life should to-night drop a flower upon his grave he would rest beneath a wilderness of blossoms.

May the snows of winter lie light over his tomb; may the winds of winter blow soft where he lies over his grave; may the birds through the long sunny summer days to come sing always their sweetest songs. Good night, old friend, good night.

THE INDUSTRIAL EAST AND THE AGRICULTURAL WEST

Mr. AYRES. Mr. Speaker, I have long ago reached the conclusion that the industrial East is not much concerned about the agricultural West. It is concerned more in seeing that representatives are kept in both branches of Congress who will be constant champions of special interests. This was more forcefully illustrated in the recent primary election in the State of Pennsylvania.

When I examined the statistics showing the industries in that State and saw how these industries are especially cared for by Congress, past and present, I can understand why these special interests will engage in the shameful debauchery of elections or primaries, as was the case in the recent primaries in the State of Pennsylvania.

The year immediately prior to the passage of the present tariff law there was produced in the State of Pennsylvania over $344,000,000 worth of men's and women's clothing, on which there was already a very stiff tariff, but which was increased under the present law, so that the rate is from 65 per cent to 125 per cent and in some cases as high as 180 per cent. In the same year there was produced in that State over $396,000,000 worth of cloth, such as woolen, worsted, cotton, and silk, all of which carried a high tariff but which was increased by the present tariff law in some instances to a rate as high as 55 per cent and in others as high as 100 per cent. In the same year there was produced in that State over $30,000,000 worth of rugs and carpets, on which there was already a sufficient tariff to protect amply the manufacturers of these carpets and rugs; but this was increased under the present law so that the tariff rate is now 33 to 100 per cent. In the same year there was produced in that State over $22,000,000 worth of lace of various kinds, which at that time carried a high protective tariff rate of 60 per cent, but which was increased under this law to 90 per cent. The same year there was produced in that State over $247,000,000 worth of foundry machine products—iron and steel bolts, nuts, washers, and so forth—and in the same year over $41,000,000 worth of furniture, and in the same year over $65,000,000 worth of glass, and in the same year over $26,000,000 worth of linoleum.

I could go on and call attention to scores of articles, but I want to call attention to the fact that none of these I have mentioned are produced in the State of Kansas but all of them are used by the people of that State, and as such users they are compelled to pay their tribute because of this high tariff to the special interests in the State of Pennsylvania. In view of these facts, I am wondering how much of that $3,000,000 spent by these special interests the other day to nominate a Senator came out of the pockets of the people of my State.

There is another fact connected with the pasage of the present tariff law which is significant. The entire delegation from the State of Kansas, in both branches of Congress, voted for this tariff act, known as the Fordney-McCumber tariff law, which gave such benefits to the producers of the State of Pennsylvania; but, notwithstanding that fact, you will find practically all if not the entire delegation from the State of Pennsylvania lined up solidly against a measure intended to relieve the present critical condition of the only essential industry in the State of Kansas; that is, agriculture. It would seem that this is rank ingratitude. I am calling attention to this incident on behalf of my Kansas colleagues for two reasons: First, because they all seem too gentlemanly to refer to this seemingly ungrateful act; and second, because I did not vote for the Fordney-McCumber tariff, as I was not in Congress at that time. My constituents had requested me to come home and stay there for a couple of years, and I was at that time complying with their request.

Mr. Speaker, I have discovered lately there is a pronounced difference of opinion as to what constitutes a real statesman. According to the viewpoint of some, it is the mark of great statesmanship to vote to increase the tariff rates on the articles produced in a half dozen or so of the New England States, so as practically to give those producers a monopoly on the sale and disposition of those products, but when a Representative votes for or even advocates a law creating a Federal agency to help solve the troubles of agriculture he at once becomes economically unsound and a disseminator of political bunk. Most of my colleagues from Kansas have the advantage of me, as they have qualified as statesmen, having voted for the Fordney-McCumber tariff and having also voted for the farm relief measure the other day, therefore they are eligible for either or both classes. I can get into but one.

HOW ONE STATE HAS BUILT ROADS, SCHOOLS, AND A $15,000,000 CAPITOL WITHOUT INCURRING ANY BONDED OR FLOATING DEBT WHATEVER

Mr. McDUFFIE. Mr. Speaker, I ask unanimous consent that my colleague [Mr. OLIVER] may have consent to extend his remarks in the RECORD upon Nebraska and upon the speech made by the gentleman from Nebraska [Mr. SHALLENBERGER].

The SPEAKER. The gentleman from Alabama asks unanimouse consent that his colleague [Mr. OLIVER] may have consent to extend his remarks in the RECORD upon Nebraska and upon the speech made by the gentleman from Nebraska [Mr. SHALLENBERGER]. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. Mr. Speaker, at a time when many States are being urged to largely increase their bonded indebtedness, it is pleasing to note that the National Government continues to make substantial payments on its war indebtedness and can now point to a definite date not far in the future when by continuing present payments the entire national debt will be discharged in full.

It is equally gratifying to know that one State at least enjoys to-day the unique distinction of having no bonded nor floating debt.

How this has been accomplished is told in the splendid speech made a few days since by my friend and colleague, the distinguished gentleman from Nebraska [Mr. SHALLENBERGER].

I am convinced that the educational value of the facts recited is such that the speech should be widely circulated, and I have, therefore, offered a resolution that it be printed as a House document.

I invite all to read the speech, which is here set out in full:

Mr. SHALLENBERGER. Mr. Speaker, we have heard a great deal of late about hard times in the West. I am going to tell you the story of a people who have the courage to face unfavorable conditions when confronted by them and the genius to overcome them.

Nebraska is unique among all the States in the Union. There is not another State just like her. Nowhere else in the Republic can you find 77,000 square miles of arable acres without any waste land and with no other natural resources save the fertility stored in the soil.

Nature, having put so much value into the top soil of Nebraska, apparently determined it unnecessary to store anything of value underneath it.

Nebraska does not produce a ton of coal or iron or lead or zinc or copper or any other useful metal within her borders.

She does not produce an ounce of gold or silver or jewels or any other precious metal.

She does not produce a barrel of oil nor a cubic foot of natural gas nor other mineral-oil products of value.

She has no forest from which to cut lumber. Her people value her trees so much for their beauty and their shade they will not cut them down for use. Her raw materials are earth and air and water. Practically all of her wealth must be dug from her soil by the toil of her people. But so rich is her soil, so matchless the industry of

her people, that each year she produces a larger amount of material wealth according to her population than does any other State in the Union.

The total average annual value of grain, livestock, and forage crops is over $500,000,000.

Nebraska leads in the quality, quantity, and value of her livestock. Only Texas and Iowa excel us in the number and value of their cattle. We are third to Iowa and Illinois in value and number of swine. In sheep, poultry, and dairy products we are in the very first rank. Only Iowa, Illinois, and Texas exceed Nebraska in total farm values.

More butter is made at Omaha, Nebr., than in any other city in the world. The largest cooperative creamery in the world is at Orleans, Nebr., in the county and in the district in which I reside. The farmers out there in western Nebraska knew that there was money to be made in the production of milk, and so by the organization of a cooperative creamery they have secured for themselves all of the profits to be made in the production and sale of milk and cream. They learned that there was profit to be made in the manufacture of butter and ice cream and other dairy products, and so by the operation of this great cooperative creamery they have secured to themselves all of the profit to be made in the manufacture of dairy products.

They learned that there was profit to be made in the sale of those dairy products, and so they sell the surplus of their dairy products by the carload in the great city of New York. Thus, by their cooperative organization they have secured to themselves all of the profit to be made in the production and manufacture and sale of dairy products from the time the milk is first strained in the farmer's milk pail in western Nebraska until the butter is served upon the tables of some of you gentlemen from New York in your great metropolitan city, and is consumed upon your tables by the people there. You may bend a people who have the genius to organize a cooperative organization such as that, but you can not break them.

But Nebraska has a second unique distinction among the Nation's Commonwealths.

Some sage has said that only that man is free who owes no debt. Judged by that standard, Nebraska is the only free Commonwealth in the Union, since she is the only State that has no bonded nor floating debt.

Wisconsin and Kentucky likewise owe no bonds, but according to the World Almanac and the report of the Bank of America, they have some outstanding floating certificates of indebtedness.

It is interesting to note the growth of State indebtedness in the past 10 years. In 1925 the total reported bonded indebtedness of all the States was $1,555,742,000. Fifty-seven per cent of this was incurred since 1920; 68 per cent since 1915. Or, in other words, the States of the Union have bonded themselves in the past 5 years for more money than was outstanding for the preceding 145 years of the life of the Republic.

Nebraska alone can look the world in the face and say she owes no obligations. On the contrary she has many of her sister Commonwealths paying tribute to her for the use of her surplus funds.

Nebraska is unique for a third outstanding feature in her industrial and commercial life. She alone of her sister agricultural Commonwealths has come through the terrible years of deflation following the war and by her laws protected her people from the loss of a single dollar of depositors' money because of the failure and bankruptcy of banks chartered under her laws.

According to the report of the Comptroller of the Currency there have been 2,941 State and national banks fail and go into the hands of receivers in the past 11 years. That is the most terrible showing of failure and bankruptcy for a like number of years in the entire banking history of the Nation. Over 600 State and national banks failed in 1925. The total liabilities to creditors for 10 years was $936,132,000. Add to that the number that have failed since 1926, and the total liabilities of failed institutions amount to very much more than one thousand million millions of dollars. No man has been able to give me reliable information about how much the people of the country have lost because of this bankruptcy and failure of banking institutions, but we know that it is a great many hundreds of millions of dollars and consequent misery and suffering to the unfortunate depositors.

In 1925 failed banks reported by various States surrounding Nebraska were as follows:

Iowa	68
Missouri	32
South Dakota	30
Kansas	14
Colorado	14
And in Nebraska	12

The total liabilities to depositors for the five States was $55,568,000.

I can not learn how much Nebraska's neighbors lost because of these commercial disasters, but for the past 18 years no man or woman in Nebraska who has trusted their money to the banks organized under her laws has ever lost a dollar.

During those 18 years $26,000,000 have been returned to the people from banks that were in trouble, mismanaged, or closed without the people having their savings discounted a single cent. [Applause.]

The people of Nebraska are a highly intelligent and progressive people. They have the highest standards of education, the lowest percentage of illiteracy; they spend more money for schools than for any other purpose. There are few rich and there is little poverty in Nebraska, but they have the greatest average of opportunity and of intelligence. There are no poorhouses in Nebraska.

Mr. WYANT. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. WYANT. Are there many foreigners in Nebraska?

Mr. SHALLENBERGER. One-half of the people of Nebraska were born in Europe or their parents were born in Europe. They are good people, and we make them good American citizens in Nebraska. [Applause.]

The people of Nebraska remembered the panics of 1873, of 1893, and of 1907, and they knew the loss and suffering that followed in their wake because of the failure of banks to pay their depositors. They knew that laws had long required that National, State, and county funds must be secured by bonds or other forms of special securities.

They observed that the general public, who could least afford the loss, were permitted and compelled to take chances upon honesty and judgment of bankers as the only security for their deposits.

So the Nebraska Legislature, taking lesson from all this, passed a law in 1908 requiring banks of deposit to guarantee the ordinary depositor as well as the State, county, and municipalities, which heretofore had been treated as specially preferred customers.

The absolute equity of the Nebraska law lies in the fact that no bank was ever organized for any other purpose than to make money by the use of the depositors' capital deposited in the bank.

No banker who is safe attempts to make profit out of the use of his own capital. When a bank begins to loan its capital for the purposes of profit it is time to call in the banking department of the State or Nation.

Bank profits are derived from the interest received upon the idle funds of others deposited with it. Since there would be no banks but for depositors' moneys, the Nebraska law provides that the bankers chartered under the Nebraska law shall set aside a certain portion of the profit derived from the use of the depositors' funds for the purpose of insuring against the possibility of loss the man whose money makes possible all the profits in the banking business.

If a tax of 1 per cent had been levied on the deposits in national banks from their first establishment down to this hour, it would have raised a sufficient fund so that no man or woman who risked their money in a national bank would have lost a dollar. And that would cover the period of the panic of 1873, the panic of 1893, and the panic of 1907, and the terrible losses of the last 10 years. Banks pay 4 per cent on time deposits of money. Why? Because they think there is profit above that rate of interest in loaning it. If the profit was 6 per cent, then you would have to take only one-hundredth part of the bank's profit on the depositor's money to insure the people against the possibility of loss.

Nebraska has simply applied more fully than any other State a factor in business safety and stability in the banking business that has been in practice ever since banks first issued notes of credit to be used in lieu of money.

Bank notes were formerly secured above depositors and by special security because it was held they traveled many miles from their place of issue in the course of trade and were received and dealt in by those who could not know as to their credibility. Our national-bank notes were first secured by a deposit of Government bonds. There could be no question as to their safety, though the bank of issue should fail.

But in later years under our Federal reserve bank system a more scientific and elastic plan of guaranty of bank notes prevails. Under present law Federal reserve bank notes are guaranteed by the gold and cash reserves and by all the assets of the banks of issue and also by the joint credit of all the assets of all Federal reserve banks in the Union. This makes a form of credit and security as firm as the foundation of the credit of the Republic itself.

In the past quarter of a century a new era in business exchange and use of certificates in lieu of money has developed. Ninety-five per cent of the volume of the Nation's business is transacted by means of checks and drafts against deposits in commercial banks.

Nebraska has been the first State to fully meet this new condition and by her laws has given checks and drafts against accounts in commercial banks in Nebraska the same security and standing that has heretofore applied only to Federal bank notes.

The assets of all her banks stand unitedly and as one great fund to guarantee the prompt payment of any lawfully issued check or draft against actual deposits in her banks just as the Federal reserve bank guarantees its bank notes. [Applause.]

I was elected Governor of Nebraska upon that issue, and long after I am dead and gone I believe it will be remembered that I attached that long name of mine to a bill that forever guarantees the people of Nebraska that after they have earned their money by toil and sweat out of our soil, and have put it in a bank chartered under our laws they shall never lose it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. SHALLENBERGER. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes more.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to proceed for 10 minutes more. Is there objection?

There was no objection.

Mr. SHALLENBERGER. Now, because Nebraska pays her debts and owes no money it does not follow that she has lagged behind in this great era of State development and progress in material improvements.

The great growth in State indebtedness in recent years has undoubtedly followed the invention and improvement of the automobile. Because of improved roads and bridges public bonds and debts have piled up to monumental proportions. Nebraska is noted for her wonderful roads and splendid State bridges and highways, all built without bonds. She has the longest, levelest, and broadest roads in the Union. Six hundred miles from east to west the Lincoln Highway winds up the great valley of the Platte from the Missouri River to the mountains, and with no rise of over 7 feet in a mile.

Mr. WYANT. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. WYANT. From what sources are your funds raised to construct these highways—gasoline taxes and so forth?

Mr. SHALLENBERGER. Entirely by taxation. The gasoline tax raises something like $2,000,000.

Mr. WYANT. How much is the tax per gallon?

Mr. SHALLENBERGER. Two cents per gallon.

Mr. OLIVER of Alabama. What is your State rate of taxation on personal and real property?

Mr. SHALLENBERGER. I have not those figures.

Mr. OLIVER of Alabama. Will the gentleman kindly insert them?

Mr. SHALLENBERGER. I will.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. HILL of Alabama. I understand the State of Nebraska has not issued and does not issue bonds for the construction of good roads?

Mr. SHALLENBERGER. No; the State does not issue any. Our constitution prohibits the State from issuing bonds for any purpose, but the counties can issue bonds.

Other States surface their roads with rock broken by machinery or concrete made by man. Nebraska's roads are surfaced with broken granite disintegrated by nature throughout a million years. This disintegrated granite is taken from the bed of her historic Platte River, where nature has stored it a mile wide and 40 feet deep and for the entire length of the river, and with it Nebraska builds the cheapest and best hard-surfaced roads yet invented by man.

And, last, I want to show you that, although we know enough to keep out of debt as a people and to require that our bankers pay their obligations, we also are unique in the possession of an artistic spirit that has produced a building out there upon the prairies of the West that, like the Taj Mahal of India, is the only architectural jewel of its kind in the world. At our capital city of Lincoln the people of Nebraska are building the finest State capitol on any continent.

And they are paying for it out of their pockets as they go. It is the last and the greatest creation of the genius of Bertram Goodhue, world-famous architect and artist, who has lately passed on to another world.

It is to cost when finished ten, twelve, or, with all of its furnishings and ornamentations and surroundings, perhaps even fifteen millions of dollars.

The main building will stand foursquare to the world, three stories in height, and fronting almost two city blocks east and west, north and south, with a beautiful court with gardens and fountains in the center.

The central tower based 60 feet below the surface upon the solid rock, 80 feet square of solid masonry, will rise 400 feet above the plains it crowns. The finest artists from Europe and America have joined to carve and ornament its walls and towers and decorate with mural pictures its halls, reception rooms, and auditoriums.

Broad and spacious stairways lead to the several floors in the main building. Elevators are used only in the great central tower. We are assured by the commission which is superintending its construction that its reception rooms and legislative hall and senate chamber will equal or surpass those in any capital on either continent.

When the last speck of gold leaf is placed upon the statute of the tower that peaks the central tower, every dollar of the cost of this building will have been paid for by the people of Nebraska, and it will stand for centuries as a monument to proclaim to the world that the best character of citizenship, the best example of industry and economy is always to be found among those who live close to the soil and draw their living from the broad bosom of our mother earth. [Applause.]

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. OLIVER of Alabama. The speech of the gentleman is not only a very deserving tribute to the industry, frugality, and genius of a splendid people, but I feel that it is so educational that a motion should be made to have it printed as a House document for circulation. I am sure that at this time, when many States are issuing bonds for public improvements, it will be truly instructive and helpful to have an informative address like this widely circulated. I shall make a motion to have the address printed as a House document, and I wish to ask the gentleman to set out in his speech the assessable value of property in Nebraska with the rate of taxation thereon, and to also show what the State's annual expense budget was during the past year, as well as the State's total receipts and the amounts expended during a normal year for education and good roads and what amounts have been raised by the counties of the State on bond issues for public roads.

Mr. SHALLENBERGER. I shall be very glad to do that.

Mr. ROMJUE. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. ROMJUE. The gentleman's recital has been very interesting and instructive. The gentleman who has been speaking to us a few years ago was Governor of the State of Nebraska, and William J. Bryan along about the same time was advocating such a banking system as you have in Nebraska, and at that time a large number of people throughout the country charged that that was visionary and that it could not be made successful. The recital which the gentleman has given to the House demonstrates beyond peradventure the soundness and validity of the policy advocated by the gentleman as governor and by Mr. Bryan as a citizen of Nebraska. [Applause.]

Mr. SHALLENBERGER. I will say in response to the gentleman's statement that there are two fundamental things behind this bank guaranty law that have been lacking in other legislation for the same purpose, and they constitute the chief reasons for the success of the Nebraska law during all the trials and troubles of the past 16 years.

First, we did not hesitate to pledge all the assets of all the banks for the immediate payment of every dollar of indebtedness. When you begin in any way to modify that absolute pledge the public loses confidence. By it they are made secure.

Second, after the bill had been in operation for 10 years and disasters began to happen, we adopted an amendment whereby we did away with receivers not directly interested in the economical management and settlement of the obligations of any institutions that might be in trouble and turned the matter over to a bankers' commission selected by the bankers themselves, and thus the banks that guarantee and pay the money have the management and control. We took the matter entirely away from politicians and politics and gave it to the business men, who bear the responsibility of the entire matter. This has been the solution and the salvation of the entire sysem. [Applause.]

* * * * * * *

Mr. SHALLENBERGER. Mr. Speaker, as requested by Mr. OLIVER of Alabama, I offer for the RECORD a letter from Hon. C. W. Pool, secretary of state of Nebraska, giving additional data concerning Nebraska's budget of income and expenditures:

DEPARTMENT OF STATE,
Lincoln, Nebr., June 23, 1926.

Hon. A. C. SHALLENBERGER,
House of Representatives, Washington, D. C.

DEAR MR. SHALLENBERGER: In reply to your request of June 18 for some data relative to State government expenses and income, I am submitting the following tabulated statement of the budget expense and income of Nebraska for 1925 and 1926.

You will note that all cash funds are estimated, and that in order to obtain the annual income of the State government, it will be necessary to divide the figures in half. This is only approximate, and could be only approximate in any event whether they were made annually or biennially, as there is no way of ascertaining what the receipts will amount to annually in advance. Unless otherwise stated, the figures given below are for the biennium. Statement follows:

NEBRASKA

1. Total value of assessed property	$3,176,773,795.00
2. State mill levy for—	
1925	2.35
1924	1.8
3. Total budget expense for biennium	29,944,775.10
4. Total income for biennium for 1925–26 for all purposes:	
Total tax funds	16,512,764.00
Receipts appropriated (estimated)	7,112,039.96
State cash funds (estimated)	2,736,772.99
Gas tax biennium (estimated)	5,500,000.00
Federal cash funds (estimated)	3,583,198.15
Total	35,444,776.10
5. County road improvement bonds (outstanding)	$3,786,000.00
6. Total amount of school money used for year from July 1, 1924, to July 1, 1925, for city, village, and rural schools	26,541,121.68
The permanent school fund amounts to	10,679,085.76

The figures in this statement are taken from the State tax commissioner's and State auditor's reports, as well as the State superintendent's annual report, and should be as reliable and accurate as it is possible to give them at this time. The gas tax is estimated on the basis of what has been collected up to this time.

Very truly yours,

CHARLES W. POOL, *Secretary of State.*

A REPORT TO THE VOTERS OF THE SIXTH DISTRICT OF NEW YORK

Mr. SOMERS of New York. Mr. Speaker, I would like permission to extend my remarks in the RECORD on my voting record.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on his voting record. Is there objection?

There was no objection.

Mr. SOMERS of New York. Mr. Speaker, it is my desire to hereby report to the people of the sixth congressional district of New York my attitude as their Representative on the legislation considered in the House of Representatives during the first session of the Sixty-ninth Congress. I am impelled to this act by the realization that efficient representation can be promoted best by a thorough understanding and the proper cooperation on the part of the voters. The problems that beset our national legislative bodies are many, and the more interest the voters take in these problems the better the solution.

Remoteness, indifference, and carelessness on the part of an electorate provides a smoke screen behind which the unscrupulous are enabled to commit their misdeeds, whereas an interested electorate assures the inspiration of perfect understanding and the encouragement which permits the conscientious legislator to properly reflect the will and the aspirations of his people.

The Sixty-ninth Congress, like all preceding Congresses, has made some mistakes, yet at all times, I believe, its individual Members were prompted by high ideals and a true conception of their responsibilities to the people. As a body its mistakes have been normal mistakes, but its successes were, indeed, worthy achievements. With the closing of the first session Congress had presented to it 17,812 bills; of these they enacted 759 into laws; of these by far the vast majority were of no particular interest to the people of my section, and I shall, in this report, touch upon only those which I believe are of general interest to my district.

TAX-REDUCTION LEGISLATION

One of the most important subjects to engage the attention of Congress during this session was the matter of tax reduction. Fortunately, the Federal expenditures for the year were more than met by the revenue collected and the payments on our foreign debt; thus a reduction in taxation was justified. I voted for the bill which embodied this reduction and voted for all the amendments which had for their purpose further cuts in taxation. It was also my privilege during the debate on this bill to offer an amendment which would have increased the exemptions allowed for children. This amendment, unfortunately, was lost; likewise, I voted for the amendment which would have reduced the taxes paid by persons with incomes under $100,000. I also endeavored by my vote to repeal most of the excise and nuisance taxes. I believed at the time—and may I state here that this belief was later justified by the discovery some short time ago that a surplus of more than $350,000,000 would be on hand at the end of the fiscal year—that with a fair degree of efficiency our national expenditures could be reduced a great deal more than was then promised; however, the unnecessary addition of 20,000 Federal employees prevented this possible economy.

APPROPRIATIONS

Knowing that reduced expenditures meant reduced taxation I voted for the appropriation bills only after my study of the situations involved convinced me that the sums demanded were within reason. The appropriation for the coming fiscal year will aggregate approximately $4,500,000,000. The sums set for agriculture alone is $45,424,573, not including, of course, the $82,500,000 appropriated as Federal aid to roads, which will aggregate $127,924,573.

An additional authorization was passed which will add to the cost of the airplane service. The other appropriations for the coming fiscal year are as follows:

For the Interior Department	$226,332,918.00
Treasury and Post Office Departments	868,281,501.63
Navy Department	319,650,075.64
Agricultural Department	127,924,573.00
First deficiency, 1926	426,298,681.19
War Department	342,609,611.16
Independent offices	512,928,376.64
State, Justice, Commerce, and Labor Departments	79,963,851.90
District of Columbia	33,918,571.00
Legislative establishment	16,437,327.20
Second deficiency appropriation bill for 1926	50,000,000.00

To this amount should be added $1,393,000, estimated permanent and indefinite appropriations for interest on the public debt, sinking fund, and other miscellaneous, permanent, and other fixed purposes.

COAL LEGISLATION

Congress is adjourning without taking any action on the pending coal legislation. This is lamentable for, unless this body makes some determined effort in the next session to correct the chaotic condition in this inefficient industry, it is well within the realm of possibility the coal consumers of this country will be called upon to face again the distress brought about by the anthracite coal strike of last winter. To forestall such a posibility I presented several bills, none of which, however, were permitted to come to the floor of the House. I also made every effort to bring home to the leaders in charge of the legislative program the necessity of quick action in that crisis. Finally, despairing of action on the part of Congress, I personally called on the President to ask him to use the influence of his great office to end the strike and to relieve the suffering in the East among those who were dependent upon coal for their health and comfort. The President, for reasons best known to himself, refused to see me on this errand.

Congress must provide some protection to the consumer of coal against periodic coal strikes. The Government should not interfere with any industry honestly and fairly managed. But private control, when dishonest, is more harmful to the country than the most inefficient public control. What we need and what we must fight for is publicity as to the facts of regulation in the industry. We must also have machinery for preventing disputes within the industry. It is further essential that we have machinery providing official action in emergency, and we have right to demand a regulation that will eliminate overexploitation and will assure honesty in distribution. If these things can not be secured, we are forced to face the inevitable recurrence of the serious evils attending the recent anthracite strike.

PROHIBITION

I have consistently voted against all prohibition measures and have repeatedly endeavored to wipe them out of the statutes. This applies to the Volstead Act in particular, an act which, to my mind, is based on inane prejudice. It is my opinion that the American people have always been able to regulate their own morals and naturally resent interference on the part of Federal Government in their personal habits. There is nothing enhancing about enchained virtues. Furthermore, it is regrettable that to-day we find prohibition America's dominant issue. How the rest of the world must snicker when it realizes that our ethical and economical standards are such that election to office in this great Nation is contingent alone upon whether the applicants are wet or dry.

IMMIGRATION

I voted against any further restrictions in immigration and was the author of several bills to increase the various quotas. I believe our present immigration laws are not only cruel and un-American, but, in view of the need of labor in this country, economically unsound. My conclusions in this matter are based upon long reflection. In the beginning, it was the alien who sought in this land the natural haven of refuge from the oppression of other countries, and once here he endeavored to found an honest Government dedicated to broad and honest principles. At this time, and it is not many decades ago, this Nation was, for the most part, a primeval forest cut by impassable streams and ranged by insurmountable mountains. To-day it contains hardly an acre of land inaccessible to its people. This was brought about by the strength of alien arms and the sweat of alien brow.

If in the scheme of things it were permissible for man in his flight for progress to rest at this or any other point, then I might concur with those who would stop the source of our labor, but progress is steady. It is relentless. It can not wane, it can not tarry, it must ever be on the wing. We still have arteries to develop, we still have streams to bridge, we still have mountains to level, there still must be made sacrifices to the altar of industry if our people are to enjoy the prosperity so necessary to peace. Industry to-day is replacing the forest, but the ingenuity of man so far has failed to substitute any adequacy for the brawn that swung the ax, and man must still labor before glowing furnaces that force be given to the flame and power given to the wheel.

WAR PENSIONS

The Spanish-American War pensions bill passed the House unanimously, and it afforded me considerable pleasure to add my voice of approval to this worthy measure.

A Civil War pensions bill was passed by the House in its closing days, giving an increase in all pensions. I voted for this bill, but at the time stated on the floor of the House that I regretted the fact that my committee had not seen fit to report the Elliott bill which provided for pensions that were infinitely fairer inasmuch as they would permit the aged veterans and their widows to cope with the constant increase in living costs. These veterans served America in a crisis. They saved the Union and made possible the many advantages that we now enjoy in this country. We are very generous with our applause, but we are not always so generous with material aid, and today, when each and every one of them and their wives or widows are bowed down by the weight of years, I believe it is only fair that we who enjoy the blessings they fought for should extend a helping hand that their closing years should be made as peaceful and full as their enfeebled conditions will permit.

During this session Congress has enacted other veteran legislation, some of it extending the time for the conversion of insurance and for vocational training and liberalizing the law with reference to the filing of claims for compensation and other provisions in favor of ex-service men. Many of these bills were not perfectly satisfactory, but, brought up as they were in nearly every case under suspension of rules, we were forced to accept them "as is," and so I supported them on the theory that they were steps in the right direction.

HOWARD UNIVERSITY

For 47 years the Howard University, an institution in Washington established for the purpose of educating members of the colored race, has been receiving aid from the Federal Government. Hitherto this aid has been unauthorized by law. A bill was presented to the House authorizing annual appropriations for this worthy institution. I favored this legislation most heartily, feeling, as I do, this Nation owes to the negro citizen every opportunity, and should make every possible attempt to see that these people are encouraged in their intellectual development. This university has already more than repaid us for the money placed at its disposal. When we consider the scholars who have been educated there, and when we think of the many well-known colored men who have contributed because of that institution to the enlargement of our own advancement, and when we contemplate the achievements of its other students who in the quiets of less spectacular lives have been faithful to their duties as citizens to this Republic, we can come to understand not only what a powerful agency for good this institution has been, but we may readily visualize their influence for right and morality that will develop with the oncoming years. It is bound to be a benefit to the generations of the future, and will enable this race to stand fast in the light of God-given liberty, free from any future entanglement with the yoke of bondage.

DEBT SETTLEMENTS

I favored the funding of debts due from Italy, Rumania, Belgium, Esthonia, Latvia, and Czechoslovakia. I was present throughout the entire debate on the questions and would have cast my vote in favor of them had not fate prevented my attendance in the House at that time, but I authorized the Clerk of the House to pair me in favor of these settlements. It was my opinion that these settlements would bring about a stabilization of world conditions, and while it is true we lost many millions of dollars through these agreements, the debtor countries also suffered losses. Every nation engaging in a war loses something. Our greatest loss was money. It was far better to lose money than to lose men. I voted against the French debt, because I thought it was not right for the creditor nation to be the first to pass on a debt settlement. It would have been better to permit the French Government to pass on this agreement before it was taken into our legislative halls. This settlement was not reached by the Senate in this session. It will come before Congress again next year. In the meantime it is believed that the French Parliament will have disposed of the commission's agreement.

DISPOSITION OF ALIEN PROPERTY

The retention of the property of 30,000 aliens, amounting to approximately $578,000,000, confiscated during the war and held for more than seven and one-half years, in violation of all international understanding and the recognized law of the land, is indefensive. The German Government should without further delay be required to adopt a definite plan for the payment of all bona fide American claims, and then no time should be lost in returning the property now held by this country to its rightful owners. Several measures seeking to accomplish this have been presented to the House. They now rest with the Ways and Means Committee, and those of us who are inclined to optimism feel there is a possibility of this legislation being passed in the next session.

FARM RELIEF

I voted against the Haugen bill and against the Tincher bill. Also against the Aswell bill. All of which provided directly or indirectly for a subsidy to the farmer. Subsidies are economically unsound; the farmer must solve his problem through intelligent cooperation and proper distribution. The recent general strike in England gave us a very clear picture of the effects of the Federal subsidy.

JUDGESHIPS AND MISCELLANEOUS LEGISLATION

I voted against the bill increasing the number of Federal judges because this particular act provided for six judges where one was needed and for no judges where six were needed. I favored the bill which increased the maximum retirement pension of Federal employees and also voted for the Reid-Sterling Maternity Act. This latter bill was somewhat contrary to my principles of government, yet, judging from the evidence presented at the hearings that hundreds of children were saved and hundreds of mothers aided by this act, I felt justified in a slight departure from the strict adherence to the State rights doctrine. I also voted in favor of the national banking bill and voted for the railroad labor disputes act, which provided for the abolition of the Railroad Labor Board, substituted in its place more efficient machinery for the arbitration and adjustment of labor disputes. It is one of the few acts of this kind that took into consideration the fact that the public is an important factor in the relationship between capital and labor.

RIVERS AND HARBORS

I voted for the rivers and harbors bill and endeavored to block the filibuster conducted against it by the Representatives of the Great Lakes sections. I think that proper investigation would prove that the lowering of the lake levels was due more to lack of rainfall than the drainage from the Chicago Canal. I am supported in this belief by the testimony of nearly all the engineers brought before the committee during the hearings. This bill was passed by the House and amended by the Senate and returned to the House for conference and was there tabled until the next session.

TABER MILK BILL

I opposed the Taber milk bill, which was designed to prohibit the shipment of Canadian milk into the United States. This bill would increase the cost of milk in the city of New York and was sponsored by the large milk distributing agencies of that city. There is no doubt in my mind but what the milk inspectors of our city, under the present watchful city administration, are capable of insisting that the milk which we receive be kept at a high standard regardless of its source.

JUDGE ENGLISH IMPEACHMENT

Judge English, a Federal judge of Illinois, was brought up on charges for improper conduct during trials. The Judiciary Committee failed to present what was to my mind a clear case, although they made it quite evident that the judge was guilty of many indiscretions. I voted to recommit this to the committee for further investigation. This movement failed, however, and I voted to submit the question to the Senate, where Judge English would be given an opportunity to prove his innocence, or, if found guilty, would be impeached. The House indicted him by a vote of ayes 306, nays 62, present 3.

RADIO AND AVIATION BILLS

Believing there is widespread demand for regulation of radio broadcasting, due to the many abuses that have sprung up since the inception of this industry, I voted in favor of H. R. 9771, commonly called the radio bill. Realizing also the need for the proper regulation and development of the aircraft industry in this country, I favored the bills designed to increase the efficiency, through proper appropriation, of our Army, Navy, and civil aviation movements.

The problem of Muscle Shoals still faces the country. It is about time the Congress decided whether it is more advisable to have the Government operate Muscle Shoals or to lease it to privately controlled operating companies. In the latter case it should definitely make known what conditions and limitations are to be imposed in the contracts with the private parties. To my mind the greatest difficulty in the way of an agreement on Muscle Shoals lies in the will to disagree.

I respectfully submit this brief report to the voters of my district for their information and consideration.

A REPORT TO THE VOTERS OF THE NINTH DISTRICT OF NEW YORK

Mr. O'CONNELL of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNELL of New York. Mr. Speaker, this report to the voters of the district I have the honor to represent in Congress is printed under permission granted by unanimous consent of the House. I am availing myself of this permission to inform you voters of my district of the legislative record of Congress, together with my attitude and my vote on important public problems.

We must establish contacts. The legislators and the voters should be on speaking terms. We need teamwork. It is everywhere recognized that the voters are in a true sense stockholders in the greatest of all corporations, the Government of the United States. So in my humble opinion they are entitled to know what the directors—the Congressmen—are doing and the condition of the corporation. It is only by such a method of coordination that a uniform system of understanding may result. I am submitting in accordance with this plan to the stockholders in my own home district, of which you are one, an account of my stewardship for the reason that I believe it is the correct procedure.

May I say to you that it is my belief that this action will stimulate mutual interest, thus leading to a frank exchange of opinion on the part of the voters on important pending legislative matters. Even though we may not always agree, it is a very wholesome situation when the Congressman and his constituents can understand one another in an open and helpful manner. I can truthfully say that I am very happy in embracing this opportunity to express my appreciation to the many voters of my district for opinions and advice on many important and complicated legislative problems which have come before us during the session which has just gone into history. Then, too, I have been greatly pleased by the number and variety of requests that have come to me for assistance in matters related to such questions as soldiers' bonus, immigration, pensions, taxation, civil-service examinations, nominations to West Point and Annapolis, passports, the innumerable business connected with Government departments, and also for public documents, and so forth. To me this indicates the most gratifying evidence and the very best proof that the citizens of my district are interested in these governmental affairs and are willing to call upon their elected Representative when the opportunity presents.

In this report I shall try to summarize some of the many activities of the first session of the Sixty-ninth Congress, which began on December 7, 1925, and closed on July 3, 1926, seven eventful months, during which the membership of the House was called upon to discuss and to vote upon many important public questions. My activities can be briefly enumerated as follows:

THE REVENUE BILL—TAX REDUCTION

I voted for the reduction of Federal income taxes, also for the repeal of the so-called "nuisance taxes." With the burdens brought on by the war lessening each year, I hope the Congress will be able to grant further reductions in the near future. I am in favor of a graduated tax upon incomes, so adjusted as to lay the expenses of government upon the taxpayers in proportion to the benefits they enjoy and their ability to pay.

WAR VETERAN LEGISLATION

In supporting the adjusted compensation bill for the veterans of the late war and in voting for appropriations for their proper care, compensation, and hospitalization, I am of the opinion that I was only doing my duty and discharging in a small way obligations of a great Nation to the veterans whose services and sacrifices entitle them to these measures of relief and justice. I also voted for the Civil and Spanish War pension bills considered during the past Congress for reasons that are entirely obvious.

PROHIBITION

The recent newspaper polls and other manifestations have proven the desire of our people for the repeal or modification of the Volstead law. I am in favor of the sound principle of State rights as established by the founders of this Republic, and I introduced a bill to bring about the repeal of the present dry law, thus returning to the several individual States the power and authority they have a right to demand. For New York I believe a plan patterned upon the Quebec law would permit us to return to decency, common sense, and law observance.

RAILROAD LABOR LAW

My voice and my vote were recorded in favor of the Parker-Watson bill for the adjustment of controversies between the railroads of the country and their employees. Collective bargaining, mediation, and voluntary arbitration are the underlying principles embodied in this law. As a former railroad employee, I exercised a keen interest in the progress and passage of this meritorious legislation.

RETIREMENT LAW

Always an advocate of Federal retirement legislation, I voted to liberalize the present civil service retirement act, and I favored the several bills introduced in behalf of the nurses, officers, and the enlisted men of the Army, Navy, and Marine Corps. Those who serve our country well during the best part of their lives should have the reward of a just retirement in the autumn of their lives.

NATIONAL BANK BILL

To strengthen the Federal reserve system so essential to our permanent prosperity and to foster and promote the welfare of our national banking institutions, I favored the so-called McFadden bill, which was drafted by the Comptroller of the Currency to bring about equality of opportunity and expansion between National and State banks without in any way jeopardizing our independent and important banking system.

AVIATION

I have always lent my support to any plan that would insure a sustained and progressive development of aviation system in the Army, Navy, and postal departments, and am a firm believer in the doctrine that the United States should and must lead the world in this field of transportation.

MUSCLE SHOALS

Muscle Shoals is one of the greatest power-development plants on earth. It was constructed by the United States Government at a cost to the taxpayers of approximately $200,000,000 for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizer. I have opposed its lease to a private corporation for a period of over 25 years. The Government should exercise its control over this vast enterprise, to the end that cheaper and higher grade fertilizer, essentially necessary to the prosperity of agriculture, be manufactured here in this country under Government supervision.

APPROPRIATIONS

You will be interested to learn just how our Government spends its money, as well as the purposes for which it is expended. I am therefore listing the major appropriation bills which are considered annually by Congress to enable the several departments, bureaus, and commissions to carry on their necessary functions. I supported these appropriation bills.

Appropriations for fiscal year 1927 to July 3, 1926

Agriculture Department	$139, 275, 823. 00
District of Columbia	35, 492, 128. 00
Executive Office and independent offices	520, 373, 376. 64
Interior Department	251, 971, 818. 00
Legislative, etc	16, 438, 127. 00
Navy Department	321, 794, 475. 00
State, Justice, Commerce, and Labor Departments	80, 127, 991. 64
Treasury and Post Office Departments	2, 207, 063, 542. 07
War Department	349, 756, 911. 16
Total, regular acts	3, 184, 088, 889. 71
First deficiency act	426, 298, 681. 19
Second deficiency act	50, 822, 696. 22
Grand total	3, 661, 210, 267. 12

Revenues for fiscal year ended June 30, 1926

Customs	$579, 430, 092. 86
Income taxes	1, 982, 040, 088. 58
Miscellaneous internal-revenue taxes	855, 599, 289. 26
Miscellaneous receipts	545, 686, 219. 44
Total	3, 962, 755, 690. 14

UNFINISHED BUSINESS

Many bills failed of passage in either or both Houses of Congress that will be taken up at the next session. Among the important bills of interest to the people of my district can be listed:

Jacobstein-Copeland coal bill.
The Pullman surcharge.
Branch banking.
Farm relief.
Modification of the Volstead Act.
Return of alien property.
Readjustment of postal rates.
Muscle Shoals.
Radio bill.

RECAPITULATION

I am in a position to say to my constituents with every possible emphasis that in not a single instance was any pressure brought to bear in my determination of the great questions that came before me for solution from any political leader or organization that would tend to alter or direct my judgment for or against any particular measure. I rejoice in the knowledge of the fact that in order to make a commendable record a Congressman must be constantly at work, keeping in mind the many avenues of usefulness and service that are open to him in his great position. As I said before, on many important questions I was aided and helped by the information, advice, and, above all, by the constructive criticism that came to me

from time to time from constituents of all parties with respect to contemplated and pending legislation.

It has been my pleasure and practice at all times to consistently invite and receive the views of interested people with respect to these problems, and I am frank to offer this acknowledgment of the great help this information has been to me.

Although I have had hundreds upon hundreds of letters requesting assistance from veterans of the late war seeking compensation or vocational training, from survivors of the Civil and Spanish Wars seeking increases in pensions, from friends of prospective immigrants who seek admission to this land of opportunity, from business men interested in adjusting claims against the Government, together with civil-service cases and innumerable requests for departmental information and documents of various sorts, I am prepared and solicit additional work for our people along these lines of activity.

My offices in Washington and in Brooklyn are open all the year around, and it will continue to be my pleasure, even while Congress is not in session, to give prompt and sympathetic attention, as well as effective service, to all of those who will do me the honor to call upon me in this respect. Let me conclude by saying to you that I consider it a very great honor, first, to be a Representative in the Congress of my country, and, second, to know that I am a component part in the greatest legislative body in the world from the great State of New York. I am profoundly grateful for the continued confidence my successive elections indicate on the part of the people of the ninth New York district, and I pledge you my word that I shall continue to serve with honor to my district and my country and with credit to myself.

THE DISTRICT OFFICE SERVICE OF THE COMMERCE DEPARTMENT AND ITS DEVELOPMENT AND SERVICE IN FOREIGN AND DOMESTIC TRADE

Mr. BRIGGS. Mr. Speaker, the growth and development of the trade service supplied to the agricultural, industrial, and other interests of the United States by the Bureau of Foreign and Domestic Commerce of the Department of Commerce, and especially the service rendered through the district offices of the United States has been so conspicuous and has assumed such value and magnitude that the general public in all sections of the country is becoming increasingly interested and desirous of utilizing the benefits of such service to the fullest possible extent. Within the United States 11 district offices have been maintained by the Bureau of Foreign and Domestic Commerce under Hon. Julius Klein, director of the bureau, with district managers in charge of each of such offices.

Some time ago I was advised by Director Klein that since January 1, 1925, 175 firms in the United States had voluntarily informed the Bureau of Foreign and Domestic Commerce that they had secured new business through the bureau's organization totaling $72,000,000; that during the fiscal year 1924–25 the bureau rendered not less than 2,041,250 individual services to the business public, as compared with 505,661 three years ago; that each of such services represented a specific transaction at the request of some firm or individual requiring a list of foreign dealers, data on a definite trade opportunity, or some other concrete advice or information.

In order that the needs of great States and producing sections of the country might be accorded the benefits of the service of district office nearer such producing centers than they enjoyed, additional appropriations for the district office service were granted by Congress for the creation of six additional offices designated by the Bureau of Foreign and Domestic Commerce; and by reason of the fact that Texas in 1924 ranked as the greatest export State in the Union and had no district office, and that Galveston is the great Texas gateway for the commerce of the Southwest, a district office was on July 1 opened at Galveston in charge of Mr. Walter N. Pearce, formerly assistant director of the division of district offices of the Bureau of Foreign and Domestic Commerce.

In order that information and data of interest presented by me to the House Committee on Appropriations regarding this matter might be available to all, I incorporate herein the statement made before such committee on January 29 last:

GALVESTON, TEX.

Mr. BRIGGS. Mr. Chairman, I want to call attention to the development of Galveston and the State of Texas, first because I want to urge you to provide for the establishment of a district office of the Bureau of Foreign and Domestic Commerce at Galveston, and I appreciate that this committee and the Congress is primarily interested in the ascertainment of the advantage to the country in establishing these offices.

Official Government figures establish the fact that Galveston in the value of commerce handled through that port is not only the second port of the United States, ranking next to New York, but is the greatest export cotton port in the world, having shipped during the cotton year ending July 31, 1925, 3,709,079 bales, being a million bales more than was handled by any other port of the United States.

While the present cotton season is not yet over, her exports of cotton exceed by approximately 500,000 bales the exports of her nearest competitor.

For the year ending June 30, 1925, 33,644,888 bushels of wheat passed through the port of Galveston.

During the calendar year 1924, 685,832 tons of sulphur were handled through the port, and the shipments of this commodity during 1925 were much in excess of such figure and will reach almost 1,000,000 tons.

During the past season nearly 1,000,000 barrels of flour were also shipped from the port, and heavy exports of cottonseed cake and meal, approximating 100,000 tons, were also exported.

During a similar period very heavy imports of both sugar and oil were likewise handled through the port of Galveston and her sister port, Texas City, nearly 1,500,000 bags of sugar of 350 pounds each being received, paying customs duties of approximately $10,000,000.

Oil imports through Galveston for the calendar year 1924 were over 10,000,000 barrels, and last year with the receipts at the sister port of Texas City, across the bay, such imports amounted to over 30,000,000 barrels.

Texas and the whole Southwest have been accustomed and still continue to use in increasing volume the facilities of the port of Galveston, and from that port is operated to all parts of the world about 60 steamship services, including the coastwise and passenger steamship service between Galveston and New York, which in 1924 handled commerce of a value of $1,076,483,939, as reported by the Chief of Engineers, United States Army, including coastwise commerce valued at $613,672,683. It may also be stated that over 50 per cent of such commerce through Galveston trades in American ships.

Galveston has a large number of industries engaged in the export and import business, including one of the largest rice mills in the United States, a very large flour mill, cement and pipe works, iron works, clothing manufacturers, bagging manufacturing, and printing establishments, and other industries, with immense refining plants across the bay at Texas City and a great sugar refinery there operating at a capacity of over a million pounds of sugar a day.

The port of Galveston has one of the finest and most easily maintained harbors of any port in the United States, and its location nearer the sea gives it remarkable dispatch in the handling of commodities moving in export, import, or coastwise trade.

Its terminals are the most extensive, modern, and complete of any of the Texas ports and compare favorably with those at any other port in the United States.

Comparative statistics of the commerce of the ports of Galveston and Houston, as contained in the report of the Chief of Engineers, United States Army, 1925

GALVESTON CHANNEL, TEX. (PORT OF GALVESTON, TEX.)

[Section includes entire channel. Controlling depth, May 31, 1925, 30 feet at mean low tide. Project depth, 30 feet at mean low tide. Navigation season, entire year]

Year	Tons	Value	Passengers
1910	2,513,085	$378,140,059	
1911	3,111,884	371,756,124	
1912	3,224,367	440,194,284	
1913	4,455,088	489,022,813	
1914	5,019,794	451,985,152	
1915	5,336,889	510,744,587	
1916	3,010,241	359,440,829	
1917	2,955,937	562,776,884	5,561
1918	3,277,782	480,870,984	2,076
1919	3,126,957	757,739,178	2,100
1920	[1] 8,002,981	[1] 839,101,811	[2] 34,199
1921	[3] 6,822,171	[3] 554,273,646	[4] 29,822
1922	[5] 5,356,831	[6] 624,445,989	[6] 33,429
1923	5,763,905	[7] 835,190,323	[8] 34,822
1924	6,743,080	[9] 1,003,017,664	[10] 32,490

[1] Exclusive of 446,652 tons car-ferry traffic, valued at $20,999,168 between Port Bolivar and Galveston. This value is based on using values of articles in this country for all items. If it is desired to use the customhouse value for imports based on value of items in ports of origin, this total value should be reduced about 4 per cent.

[2] Includes 32,120 passengers carried in car-ferry traffic between Galveston and Port Bolivar, Tex.

[3] Exclusive of 696,717 tons cargo in transit, valued at $120,116,524, and 371,350 tons car-ferry traffic, valued at $22,799,760 between Port Bolivar and Galveston. These are corrected figures. The figures given in the published volume of statistics for 1922 were in error in both tonnage and value. Values of imports for this year are based on values in this country. If it is desired to use the customhouse value for imports based on value of items in ports of origin, this total value should be reduced about 4 per cent.

[4] Includes 25,608 passengers carried in car-ferry traffic between Galveston and Port Bolivar, Tex.

[5] Exclusive of 308,715 tons car-ferry traffic, valued at $19,639,875, between Galveston and Port Bolivar.

[6] Includes 27,045 passengers carried in car-ferry traffic between Galveston and Port Bolivar.

[7] Exclusive of 542,820 tons car-ferry traffic, valued at $68,923,515, between Galveston and Port Bolivar.

[8] Includes 28,370 passengers carried in car-ferry traffic between Galveston and Port Bolivar.

[9] Exclusive of 458,722 tons car-ferry traffic, valued at $73,466,275, between Galveston and Port Bolivar.

[10] Includes 25,000 passengers carried in car-ferry traffic between Galveston and Port Bolivar.

Comparative statistics of the commerce of the ports of Galveston and Houston, etc.—Continued

HOUSTON SHIP CHANNEL, TEX. (PORT OF HOUSTON, TEX.)

[Stretch includes entire channel. Controlling depth, May 31, 1925, 28 feet to Manchester and 24 feet thence to turning basin at mean low tide. Project depth, 30 feet at mean low tide. Navigation season, entire year]

Year	Tons	Value	Passengers
1905	104,907	$12,544,323	
1906	132,108	(1)	
1907	452,463	24,466,730	
1908	602,734	28,318,621	
1909	1,214,904	36,097,560	
1910	1,371,650	39,155,357	
1911	1,354,897	34,721,530	
1912	1,365,050	35,938,800	
1913	1,860,452	38,738,464	
1914	1,070,700	24,382,700	
1915	1,656,347	31,406,916	
1916	1,294,309	32,174,971	
1917	1,161,424	35,530,279	
1918	2,388,066	116,332,138	365
1919	1,287,972	85,034,834	
1920	1,210,204	102,068,452	43,100
1921 [2]	2,828,460	78,619,629	31,866
1922	3,365,644	163,887,754	32,600
1923	4,815,119	252,776,363	38,767
1924	7,094,294	365,851,048	45,220

[1] No statistics available.
[2] Exclusive of 33,047 tons cargo in transit, valued at $4,430,988.

Statistics for the port of Texas City, just across the bay from Galveston, are also given:

Channel from Galveston Harbor to Texas City, Tex. (port of Texas City, Tex.)

Classes of commodities	Domestic				Total	
	Coastwise		Internal		Tons	Value
	Tons	Value	Tons	Value		
Animals and animal products			10,692	$10,692	10,692	$10,692
Vegetable food products					93,492	7,484,064
Textiles					2,115	1,137,870
Nonmetallic minerals	2,817,435	$37,463,196	51,396	583,322	3,797,302	48,418,437
Chemicals	2,104	105,200			2,104	105,200
Unclassified			279	111,600	384	153,600
Total	2,819,539	37,568,396	62,367	705,614	3,906,089	57,309,863

In addition to the above, 127,206 tons of bunker fuel oil and 42 tons bunker coal were delivered to vessels at the Texas City wharves.

[Galveston News, January 11, 1926]

GALVESTON RETAINS TITLE OF SECOND PORT FOR 1925

"Galveston's foreign trade for 11 months of 1925 totaled $661,122,669, as compared with $629,236,137 for New Orleans, indicating retention of second port honors for the west Gulf.

"Official figures compiled by the bureau of customs statistics at New York place Galveston's exports at $626,373,831 for the 11 months, as against but $418,077,459 for New Orleans. Imports, however, were the reverse, New Orleans boasting a total of $211,158,678, as against but $34,748,838 for Galveston.

"The combined totals, however, show a lead of $31,886,532 for Galveston for the 11 months."

The statistics of the Department of Commerce showed in 1924 for the first time that the exports from the State of Texas were greater than from those of any other State in the United States, even exceeding those of New York, which State was second, and the State of Pennsylvania, which was third.

The exports from Texas were slightly over three-quarters of a billion dollars, New York slightly under that, and Pennsylvania slightly under New York. Texas is not only the greatest agricultural State in the Union, but it is the third greatest producer of petroleum, and fifth in minerals, and about third in rice production. Its position is also one of a great lumber exporting State. It is one of the greatest in the United States. It therefore has not only a tremendous amount of raw material, but, as you know, also is the greatest livestock producing State in the Union. It has awakened the spirit of manufacturing throughout the State, and there is movement toward the creation of cotton mills and other mills. In my own home city of Galveston there is going up a new cotton mill of 14,000 spindles, which, with its very large capacity, already has favorable arrangements for large exports, but which it desires to increase materially. There is also in Galveston one of the largest rice mills in the United States, and one of the largest flour mills in the country.

I call attention to these facts, because the country to-day is confronted, as you gentlemen know, particularly with a need for foreign markets for its products, both in agriculture and industrially; on every side that matter is emphasized, and I do not think you will find disagreement anywhere that what the United States needs particularly now is a market, a foreign market for its surplus crops and commodities. I think, too, that the trend of development of those markets is very largely directed to the fields in South and Central America, and in the Far East, where tremendous strides in the development of that commerce have already occurred. But in spite of such tremendous improvement the field is just opening.

For instance, in our section, in addition to large shipments of lumber in all forms and cement from the State of Texas to South and Central America, there are certain textiles and finished products going to such countries, and we are bringing in their commodities, like sugar and coffee, in very large quantities. Many products are still being supplied by the European countries, and we have to wake up to the fact that to be a competitor in this Latin American trade we have to compete with Europe—and we know the difficulties that that sort of competition presents. We know the condition abroad. We know the depreciation in many of the currencies, and what that means to the manufacturers, and the ability very frequently to undersell the United States in those foreign markets—unless the United States offers, like it does, articles that are greatly desired by those countries, articles of high class and articles which are brought to their attention through the agencies which will connect the buyer and seller, the foreigner and American.

The Bureau of Foreign and Domestic Commerce has, I think, accomplished more than anyone ever dreamed of, for, to a large extent, the increase in our foreign trade in the last year from approximately a little over $4,500,000,000 to $5,000,000,000 and the increase in our exports in the last three years of $1,200,000,000 is largely attributable to the work that they are doing. I think, of course, a great part of it is also due to the initiative, resourcefulness, and effort being made by the manufacturers in this country, and other industries, as well as to the natural demand for our raw products; but I believe a great part of this progress is attributable to the work of the Bureau of Commerce and the cooperation and activities of other Government agencies.

I feel that the money that the Government is expending in support of the Bureau of Foreign and Domestic Commerce is money as well spent as could be expended. It is one of the best investments we could make. The returns show for themselves. We are getting these enormous increases in our exports. The exporters are reporting voluntarily to the Bureau of Foreign and Domestic Commerce that they are getting business that is of inestimable value to them. These letters are constantly coming into the bureau. I am sure you are acquainted with them. The record discloses on every side just what is being accomplished.

Now, I know that the departments very frequently are enthusiastic in the work that they are undertaking; but one of the best evidences of the value of that work is what the outside public and the men who come in contact with it say, and the interest that is being shown in it. The interest that is being shown here to-day by the number of people who have come here asking for the establishment of these offices is something that indicates the importance of the matter.

The port of Galveston has always been interested in this subject. I have many times brought it to the attention of the Bureau of Foreign and Domestic Commerce. But the State in the Union that is establishing the record of having the greatest exports in the Union is a State which has no district office whatever. The nearest one is between 400 and 500 miles away, at New Orleans.

Now, it is not alone the places themselves where the office is located that will be benefited; it means keeping in touch and establishing contact with all the territory in that State and contiguous to that State that is accustomed to move its commerce through that port or the ports of the State.

The commerce of the port of Galveston for 1924, as shown by the figures of the Chief of Engineers of the United States Army, who collects them, was over $1,000,000,000. It passed out of the millions into the billion field. Its rank is that of the second export port of the United States, and its cotton exports have always exceeded those of any other port in the United States during the last 15 or 20 years. Last year they were a million bales more than any other port in the United States, and this year they already exceed by 5,000 bales shipments through any other port.

Of course, the principal commodity passing through there is cotton. In fact, it is the most valuable and the greatest raw product which enters into our exports from the whole United States. Then we have through the port of Galveston enormous grain shipments, when the countries abroad are buying grain. In 1921 approximately 80,000,000 bushels of grain passed through that port—more than through any other export port in the United States. When Europe buys that movement is very great, indeed. It is not only great now and constantly growing but it is bound to become greater.

The Interstate Commerce Commission in a decision recently rendered—and in which case a rehearing is pending at the present time—provided a revision of the export and import rates which one railroad estimates will mean an increase of commerce in grain through the port of Galveston, of five or six times what is ordinarily moved. Galveston serves the fields of Kansas, Oklahoma, Iowa, and sometimes as far as Minnesota. In addition to that, it moves the largest part of the sulphur export. In 1924 the exports of sulphur were nearly a million tons from Galveston. In fact, it may be stated that the sulphur fields of the United States are practically all located in Texas to-day. There was one sulphur mine in Louisiana, but that is almost worked out, I understand, and the sulphur that is used at the steel mills and other mills in domestic use is moved through the port of Galveston and through the adjacent port of Texas City.

Mr. OLIVER. In connection with what you say, it is well to emphasize that these offices established by the Bureau of Commerce are not alone busy in finding foreign markets but they also furnish helpful information as to home markets.

Mr. BRIGGS. That is it precisely. The coastwise trade between the ports of Galveston and New York employs six to seven vessels a week in the Mallory and Morgan steamship lines to move it, and it amounts in the aggregate to hundreds of millions of dollars every year. My recollection of it is that the last figures on that, as published in the report of the Chief of Engineers, where they are usually collated, is that it amounted to over $600,000,000 in the year 1924.

Now, Galveston is perfectly willing, and has so indicated to me, to provide office quarters for the district office. I am authorized to make that statement to this committee. Galveston is intensely interested in this development.

I wish I could emphasize to the committee the value that I think we ought to recognize in these agencies which are here at a small investment for promoting our foreign trade, providing more commerce for our ships to carry, and getting rid of the exportable surplus of our country at a time when we are confronted with so many perplexing problems as to how to meet the situation with regard to the exportable surplus—particularly as to raw materials—just as you are confronting the situation out in the Corn Belt. The cost of a district office does not exceed $15,000 to initiate, and somewhat less, I understand, to carry it on afterwards.

So now I am asking this committee to establish in the port of Galveston for the State of Texas and adjacent territory a district office, so that the people of the State of Texas and adjoining sections—and not only Galveston—may have the benefit of such service and develop trade opportunities and increase the many large industries—industries which are engaged in exporting on a very large scale not only cotton and cotton goods but sulphur, flour, rice, lumber, cottonseed products, and cottonseed meal—shipped in enormous quantities, a hundred thousand tons or more a year—and other products of agriculture, manufacturing, and mining—all those things are themselves not only indicative of the need but the opportunities for arousing the interest of the people of the whole State and the people of the contiguous territory surrounding it—that is such an opportunity that this Government ought not to lose.

Mr. SHREVE. We have several more gentlemen to be heard.

Mr. BRIGGS. Well, gentlemen, that is about all I have to say.

The CHAIRMAN. You may supplement your statement when you correct it.

Mr. NEWTON. May I add something in the record from the Manufacturers' Record?

Mr. SHREVE. Yes.

[From the Galveston News, January 26, 1926]

ECONOMIC RÉSUMÉ OF TEXAS IN TABULAR FORM DISCLOSES VAST UNDEVELOPED RESOURCES

An economic résumé of Texas made by the Manufacturers' Record of Baltimore, Md., discloses in a striking manner the tremendous material resources of the Lone Star State.

The compilation is an invaluable contribution to statistical information relative to Texas's great undeveloped and to be developed wealth.

The Manufacturers' Record's economic summary of the State

[Total area, 265,896 square miles; land, 262,398 square miles; water, 3,498 square miles]

	1900	1910	1924
Population	3,048,740	3,896,542	5,018,602
Property, true value	$2,322,152,000	[1]$6,379,592,000	[1]$9,850,888,000
Manufactures:			
Capital	$63,655,616	$216,875,579	[2]$585,776,000
Products, value	$92,894,433	$272,895,635	[3]$979,667,812
Mines, quarries, and oil wells:			
Capital		$19,575,969	[1]$361,684,392
Products, value		$10,742,150	[1]$160,878,055
Cotton manufacturing:			
Capital	$2,227,000	$4,283,000	[1]$10,188,000
Products, value	$1,200,000	$2,815,000	[3]$17,596,000
Spindles, number active	48,756	90,010	193,100
Looms, number active	1,018	2,445	5,203
Cotton consumed, bales	18,608	28,256	79,627

[1] 1922. [2] Census 1920. [3] 1923.

The Manufacturers' Record's economic summary of the State—Continued

	1900	1910	1924
Cottonseed-oil mills:			
Capital		$21,506,347	[1]$45,780,010
Products, value	$14,005,324	$29,915,772	[2]$102,111,859
Furniture manufacturing: Products, value	185,000	1,512,000	[2]2,746,592
Lumber, cut, feet	1,230,904,000	1,884,134,000	[1]1,559,263,000
Mineral products, value	$5,295,753	$18,383,451	[2]$264,232,000
Coal mined, tons	968,373	1,892,176	1,075,000
Iron ore mined, do	16,881	29,535	
Petroleum, barrels	836,039	8,899,266	132,071,000
Total land area, acres			167,934,720
All land in farms, do	125,807,017	112,435,067	114,020,621
Improved land, do	19,576,076	27,360,666	31,227,503
Number of farms	352,190	417,770	[1]436,033
Value of all farm property	$962,476,273	$2,218,645,164	[2]$4,447,420,321
Value farm land	$591,550,802	$1,633,207,135	[2]$3,245,203,649
Farm products, value	$239,823,000	$430,006,000	$1,292,000,000
Farm crops, value	$166,965,003	$287,455,000	$920,081,000
Farm crops, acres	15,113,000	18,385,000	29,292,000
Cotton crop:			
Acreage	6,960,000	10,000,000	16,198,000
Bales, number	2,585,000	3,049,000	4,770,000
Value	$84,333,000	$210,280,000	$534,240,000
Grain crops:			
Corn, bushels	81,962,000	140,080,000	78,200,000
Value	$38,523,000	$88,250,000	$86,020,000
Acreage	4,553,000	6,800,000	4,600,000
Wheat, bushels	23,396,000	10,500,000	25,826,000
Value	$14,973,000	$10,290,000	$33,316,000
Acreage	1,272,000	700,000	1,396,000
Oats, bushels	28,278,000	24,080,000	48,892,000
Value	$8,483,000	$11,318,000	$28,846,000
Acreage	744,000	688,000	1,438,000
Livestock:			
Cattle, number	9,428,000	6,935,000	6,275,000
Sheep, do	1,889,000	1,809,000	3,246,000
Swine, do	2,666,000	2,336,000	1,542,000
Horses, do	1,270,000	1,170,000	960,000
Mules, do	507,000	676,000	854,000
Banking:			
Aggregate resources		$373,411,484	$1,144,726,000
Paid-in capital		$84,255,282	$117,124,000
Individual deposits	$62,684,000	$196,520,992	$764,869,000
Railroad mileage	9,886	14,282	[1]16,151
Motor vehicles, number		[4]35,187	801,712
Highway expenditures	[5]$2,543,613	[4]$9,920,079	$64,000,000
Public schools, expenditures	$4,465,000	$11,777,000	[1]$52,452,000
Assessed value property	$946,320,258	$2,388,500,124	$3,489,000,000

[1] 1922. [2] Census 1920. [3] 1923. [4] 1912. [5] 1904. [6] 1914.

Mr. HAMMER. Mr. Speaker, attention has been called to the fact that beginning with the years 1867, 1868, and 1869 the Government collected from the cotton-growing States of the South a direct tax of $68,000,000. Of course no one undertakes to say at this late date that this tax will be restored to the estates of those who paid it, but it has been suggested that Congress could help to repay the South this tax by providing some means to assist the depressed agricultural classes, made poor in part by reason of discriminatory legislation in behalf of the special interests.

A method is suggested by the farm legislation proposed to provide for placing in the hands of the cotton producers the power of self-protection as provided in the amended Haugen bill. It has further been suggested that a Government that is able to provide $3,000,000,000 for useless ships and to loan billions to the various European nations, and at the behest of certain financiers extend a platter to Italy with her indebtedness, amounting to more than a billion and a half dollars at the instance of America's richest bankers, certainly ought to be in financial circumstances sufficiently strong to take care of that class of agriculture which grows cotton and furnishes the balance of trade with Europe and whose products and purchasing power are largely the foundation of the prosperity of the United States.

If the agricultural classes can not buy the products of the industrial classes in the cities and manufacturing districts of the East, then the manufacturers must close their mills; and if the cotton producer can not buy the products of the West, then the western farmer must abandon his farm and go into other business. If the farmer is compelled to continue to produce the products of his farm below the cost of production, he must go out of business.

There came to this country through the exports of cotton since 1920 more than $5,000,000,000. Corn and corn products brought us nearly $204,000,000. To care for the producers of cotton and other agricultural products means an act of self-preservation on the part of our Government, and we might truthfully say our civilization, because when the farmer perishes the Government and our civilization will no longer exist.

Let us briefly analyze the proposed legislation which the farmers of this country have agreed upon and for the first time have come to Congress through their representatives and have begged and are begging us to enact legislation that is

sound economically and will hurt no one, but greatly benefit the farmer. What is known as the Haugen bill provides that marketing or cooperative associations in each of the 12 Federal land-bank districts shall select four men as members of an advisory council, this council to serve without compensation. The bill is much like the Federal reserve bank legislation, and it might be said with entire propriety it is patterned after it. From each Federal land-bank district these 4 men are to select 3 from each land-bank district, making in all 36. From this 36 the President of the United States shall appoint one of the three so recommended from each district. These 12 so appointed by the President upon the recommendations of the farmers themselves shall constitute a farm board with the Secretary of Agriculture as the chairman thereof. This constitutes the governing board.

The United States is to furnish $75,000,000, together with such funds as the farm associations may obtain from other sources with which they can withdraw from market any surplus or excess of cotton produced when it is determined by the board that a surplus of sufficient amount exists, provided that a majority of cotton producers determine to avail themselves of the advantages of this Government aid in caring for the surplus. As in the case of other basic products, such as corn, wheat, and so forth, a substantial number of cooperative associations or other associations of producers are necessary to make a contract with one or more corporations or subsidiaries thereof for the advancement of $75,000,000 to aid in taking off the market surplus products to bring about stabilization and fair prices.

One of the chief purposes of the proposed legislation is to prevent the forced marketing of the crop to speculators at depressed prices as harvested and then advancing prices to such an extent as to retard consumption. If this bill becomes a law, cotton or the food product could take advantage of such opportunity and feed these staple products back onto the market or into the channels of trade in an orderly manner and in such a way that fair prices could be established. The $75,000,000 is provided by the Government for the purpose of sustaining any loss that may result from selling the surplus product, but in event of profits—and it is believed that the Government will sustain no loss and that there will be actual profits in the case of cotton especially—the profits accruing shall be prorated for the benefit of the producer selling through this method. The producer will receive the full market price from the marketing association just as though he were selling on the market.

A fee of $2 per bale is to be paid by all producers of cotton if a surplus exists and is so declared by the farm board. This fee can not be exacted until a majority of the cotton growers of the country, through their representatives, have voted to request the farm board to take advantage of the provisions of the law to take care of any surplus which has been declared to exist by the farm board. In the case of a short crop or of a crop sufficient to maintain satisfactory prices this legislation would not and could not operate because it is not needed. The farm board provided for under this act is for the purpose of enabling the producer of cotton and other farm products to carry the surplus when there is excessive production, and it is to stabilize and protect the value of crops. Everyone who knows anything about farming conditions realizes that under present conditions the public finances the surplus or excess of cotton or any other agricultural product, but it is the speculators who perform this service, and there is where our trouble is.

Now, the speculators take advantage of the surplus, and in years like the present one, when there are 2,000,000 bales of cotton more than is necessary to supply the demand, they would "bear" the market and depress the price, and get hold of a large portion of the cotton crop at less than the cost of production, and in doing so they well know that the cotton which they buy will eventually swing back to a higher price.

Without this law there is no means to prevent this depressing of prices by the speculators. It is necessary for the farmer to have assistance over this depressing period until there is a short-crop year or until a normal demand causes fair prices to return.

The bill is intended to help the cotton farmer as well as the growers of other basic products, and under its provisions the necessary machinery would be available in time of need. This aid to the farmer is for two years, after which period it is believed the farmer will be in position by means of this enabling statute to do his own financing of any surplus crop. Those of our cotton farmers who are attempting to handle cotton through cooperative-marketing methods have been up against a very serious proposition, as there are only from 9 to 12 per cent of the cotton farmers who are in the cooperative associations. This small per cent, controlling less than 10 per cent of the total crop, are carrying at least 37½ per cent of the 2,000,000-bale surplus of the last crop, and it is neither fair nor just that they should do this without the aid and assistance of the other nearly 90 per cent of the producers who enjoy the benefits of their labor. For the period of three years prior to 1925, practically 60 per cent of the total cotton crop was exported. In September of last year, when it was thought there would be a 14,000,000-bale crop, cotton was bringing 24 cents; and if cotton could have been sold at that price it would have brought more than $240,000,000 in excess of the price which has been realized. Sixty per cent of this amount would have been from exports, while something like 40 per cent would have been paid by the home market.

For the last five years the average cotton crop was 11,000,000 bales. Some years it is considerably above that amount and some years considerably below. The cotton producers are not asking the Government to give them something. They do not want to take anything from all the people for the benefit of the few. Two years ago cotton was bringing 29 cents and more per pound; a year ago it was 25 cents; now it is 17 cents, below the cost of production; but the price will go up again. Either this year or next there will be a short cotton crop, judging the future by the past.

I do not care to discuss the tariff in this connection, but permit me to say that I am not an advocate of a high prohibitive protective tariff, neither am I a free trader. There are not in all these United States, in my opinion, as many as 300 free traders. I believe in a tariff for revenue with such protection as may thereby accrue. This principle is well established as a part of our system of government, but in recent years a prohibitive tariff has been enacted for the benefit of the few, and great industrial interests have grown rich and prosperous. It is clear as can be that the Government can not give one class financial aid without taking it from another class, but the Government may create by legislation conditions that will enable the people to have a fair and equal chance in the race for existence.

The New England Representative who said that the farmers were not now a majority of the population of the United States and therefore should not have their way about this kind of legislation has a mistaken idea as to the importance of agriculture. I have to some extent investigated economic conditions in this and other countries and have read many books on agriculture and other conditions and have yet to find any country that remained prosperous when agriculture was depressed for any considerable period.

Every one of the 110,000,000 of American people pays from $30 to $40 in tariff duties in excess of what would be paid if the high protective tariff was not in existence. That great section of the country from which I come has many industrial enterprises, but the principal and chief industry is agriculture. When we increase the buying power of the cotton producers or the producers of cotton products, we increase their power to buy clothing and hats and shoes and agricultural implements and automobiles and other commodities. When the farmer receives a fair price for his cotton or any other one product, he does not undertake to grow diversified crops unless the price of those crops is above the average and consequently above what it takes for him to grow them. The southern cotton grower depends in great part for his supplies on the Northwest and other sections of the Union. Why not give some assistance to the cotton growers when Congress has loaned the railroads $300,000,000 and is to extend this for almost a generation at a reduced interest rate of 4 per cent and a rebate of 2 per cent on the interest already paid by them. If the Government could assist the railroads with a loan of this kind, why can it not assist the farmer, and why should we hear, when any proposition is made to help the farmers, that it is uneconomic and unsound?

HOW WILL THE PROPOSED LEGISLATION AID FARM PRODUCTS

It is contended by those who advocate this legislation that the control of the surplus commodity means stabilization of the domestic price at a higher level than existing prices. In my opinion, there is much to commend what I conceive to be the correct position, especially when applied to the cotton farmers. There is no dispute as to the fact that the American supply of cotton is the dominant factor in determining the world price, and the proposed control by the producer of this dominant factor would undoubtedly result in a proper stabilization of prices at a higher level for the American cotton producer. But it is stated that the cotton farmer will have to pay higher prices for corn and wheat; that more southern farmers may in that event find it profitable to raise their own feed for livestock and grow their own wheat for flour. The increase in the price of wheat and corn will enable them to use land for the products of these commodities which formerly were not

profitable on account of the low yields returned. This encouragement in the production of feed and flour will be of special benefit to the southern farmer.

It will be contended that in some parts of the South wheat and some other products can not be produced. This is true; but corn grows in every part of the South and where wheat can not be grown, rye, barley, and oats and other cereals can usually be grown profitably. The enactment of this legislation will bring advances to the growers through the cooperative associations. Owing to the increased financial aid under the provisions of this legislation, the cooperatives would be able to make larger advances to the farmers. Assessment of an equalization fee, which is deferred as to cotton growers for two years, and available through the revolving fund provided by the proposed legislation, would put the cooperatives in a much stronger position financially and furthermore enable them to extend to the farmers a larger advance payment on their crops.

Under the provisions of this bill cooperatives would be able to finance the marketing of farm commodities in such a way as to secure a fair price under the law of supply and demand and permit this price to be more uniform. Cooperatives would be able to finance through their usual credit channels 75 per cent of the value of the cotton crop and the remaining 25 per cent could be financed out of the additional funds secured by means of the equalization fee provided under this act and out of loans advanced from the revolving fund.

Cooperatives would therefore be able to remove the surplus cotton from the market and carry it over to the "lean year and feed it to the market as the demand justified," as heretofore stated. This, it is admitted, would prevent the depressing influences of the surplus on the entire domestic price and would enable the growers to receive better prices. This is the one thing which so besets the farmer and keeps his nose everlastingly to the grindstone, for the reason that he has not, in his individual capacity, the means to accomplish this greatly desired condition, which cooperation and financial assistance gives to the farmer.

One of the advantages of this legislation is that it is the purpose to place all growers on the same basis, so that a few will not have to carry the burdens of others. The person who does not belong to the cooperatives under this plan will share his part of the burden of holding the surplus for orderly marketing throughout the year or by carrying it over to another year when necessary. The person who is not a member will also share his part of the burden of selling a part of the surplus at a loss in order to enhance the value of the remainder of the crop. Under conditions as they now exist the nonmember of the cooperatives secures the benefits of increased prices resulting from the operations of the cooperatives, and he does not contribute anything toward the burden incurred in such operation.

When this legislation is enacted the farmer will be able to plan his production in a more intelligent manner and will also be able to provide for rotation of crops more scientifically when he realizes that the markets for his products are stabilized, as this bill seeks to do, and in my opinion will accomplish, although it is an experiment; but it is worth trying out in the interest of fairness so long as there remains on the statute books the legislation enacted in the interest of the favored classes.

The legislation the farmers united on in an earnest effort to remove every appearance of price fixing or Government subsidy. The bill is not perfect, and like all new economic legislation is in a sense an experiment, but it is the result of several years' study and struggle by farm leaders and economists who ought to know, and their matured judgment is that it is sound and safe. Farm legislation is of such paramount importance it should enlist the attention of Congress in intelligent consideration of farm relief. Tax reduction demanded by the wealthy taxpayers was considered of such paramount importance that the Coolidge administration brought the Ways and Means Committee to Washington six weeks in advance of the beginning of the present Congress to work out relief for taxpayers. Then, when Congress actually convened the Committees on Agriculture deferred action on any farm relief bill and finally late in the session reported out, not a bill for relief, but three bills antagonistic to each other.

The Republican State campaign opens in my home county to-morrow and an address will be made by the Republican nominee for United States Senate. His audience, except the revenue officers, will be principally farmers. I wonder if he will be frank enough to tell his audience that all but 2 of the 12 Members of the two Houses of Congress from North Carolina favored farm relief legislation, but they could not with all their earnest efforts stem the tide of opposition on the part of the administration when the crook of the little finger of the President would have accomplished what was so greatly desired by the farmers. Instead of favoring farm relief the President let it be known that he would veto the legislation if enacted, and Mellon and Jardine vigorously protested against the bill the farmers wanted. This he should tell his audience, and furthermore that while it is true some Democrats voted against farm relief and some of them may have done so because they did not want to aid in enacting legislation the administration opposed when if enacted the administration would claim credit, as was done by the administration in the case of both revenue reduction bills.

The Republican Party is responsible for the failure of Congress to enact farm relief. The risk was run by Republican leaders of trusting to the fact that corn may be worth more than 55 cents at the heap before November and that the price of other farm products may advance, but so tied are the leaders of the Republican Party to the manufacturers and industrial interests of the East that campaign contributions would be cut off if any major legislation was enacted except in the interest of those who control not only the tariff and taxation but all legislation. If the gentleman were to make this damaging admission he would probably not help his party, but he would help along the cause of truth and would contribute to the keeping of the record of his party straight before the public. It is true he might not have as much influence at the pie counter, but it would be refreshing to have a Republican spellbinder tell a North Carolina audience where the national Republican Party stands and that its real interest is to legislate for those who furnish the most campaign contributions.

It is admitted that a 13,500,000-bale crop of cotton brings practically $200,000,000 more than a 16,000,000-bale crop, as has been demonstrated; then, is it not clear that there is need for some system of marketing which will prevent such a temporary surplus from being thrown on the market and reducing the price below the average cost of production as to bankrupt a large portion of farmers?

It would be interesting if this Republican leader would give his audience this further information: In the House 99 Republicans and 68 Democrats voted with the farmers and 124 Republicans and 89 Democrats against the farm relief bill as amended. He could tell them how the railroads were taken care of by the Republican administration by guaranteeing returns on investments. Manufacturers have been highly protected. How railroads and labor have been given what they asked by this Congress without modification, yet the prolonged agricultural depression can get no relief. Something will have to be done. There has been a 200 per cent increase in farm mortgages during the last five years, and 500 national-bank failures a year during the last five years, as declared by Senator GOODING (Republican); that these failures have been chiefly in farming States; and that Minnesota, which had 2 national-bank failures from 1910 to 1920, in the last five years has had 26; Montana had 1 in the 10-year period and 50 since 1920; for the same period North Dakota had 1 in the 10-year period ending with the Wilson administration and has had 33 since 1920; while Oklahoma, with only 1 national-bank failure in the preceding 10 years, had 35 in the last five years. The present wasteful system in the distribution of agricultural products of 34,000,000 farmers will have to be corrected, and it must be done by cooperative marketing associations. Because there are failures of some few of the cooperative marketing associations is no reason why there should not be continued effort to reorganize and establish permanent organizations of farmers in order to prevent the 19,000,000 middlemen from collecting $30,000,000,000, as they did last year, from products that yielded the farmers only $10,000,000,000. There are now more than 14,000 successful cooperative marketing associations in the United States. President Coolidge and his advisers will learn that they must know and see other things than through the spectacles of the banking and corporation interests who contributed such vast sums to Coolidge's election and maintain at the National Capital highly paid lobbyists who work only from the financial and corporation viewpoint. All this would be interesting if not agreeable to his audience. The spellbinder could say truthfully the defeat of farm relief legislation is a tremendous injustice. When we realize that farmers have lost $30,000,000,000 in the last five years, it might be called a tragedy. Consider a reversal of the situation. Suppose this misfortune had befallen the industrial interests favored by legislation so much at the hands of the Republican Party—there would be a rush to help them. He ought to tell how North Carolina Democratic Members did their best to help get the farm relief and give the names of

those southern Members of Congress who voted for the Haugen farm relief bill and thereby showed a desire to do something to at least try to solve the problem. They are:

FOR

Alabama: Hill, Steagall, Jeffers, Bowling, Oliver, Allgood, Bankhead (paired for the bill).
Arkansas: Oldfield, Tillman, Reed.
Georgia: Lankford, Larsen.
Mississippi: Lowrey, Quin.
North Carolina: Kerr, Abernethy, Stedman, Lyon, Hammer, Doughton, Weaver (paired for the bill).
Oklahoma: Howard, Hastings, Carter, McKeown, Swank, Thomas, McClintic, Garber.
South Carolina: McSwain, Gasque, Fulmer.
Tennessee: McReynolds, Davis, Eslick, Fisher, Taylor (paired for the bill).
Texas: Sumners, Garrett, Mansfield, Jones.
Virginia: Harrison.

Southern Senators voting for McNary bill, practically same as Haugen bill after Democrats secured desirable amendments:

Alabama: Heflin.
Arkansas: Caraway.
North Carolina: Simmons, Overman (paired for the bill).
Tennessee: McKellar, Tyson.
Texas: Mayfield.
West Virginia: Neely.

West Virginia is not, and should not be, classed as a southern State, yet it and Oklahoma are sometimes so classed.

Senator COPELAND (Democrat), of New York, is the only Senator east of Indiana and north of North Carolina who voted for farm relief. All but 6 of these 26 Senators in these great industrial States are Republicans and are in accord with the President and his administration and against the McNary farm relief bill, which is practically the same as the Haugen bill after it was amended by the House upon motion of Democrats.

If 23 of the Republican Members of the House east of the Mississippi River and south of the Ohio had voted with us southern Democrats for farm relief, the bill would have passed the House; and if 4 of the Republican Senators who were voting under crack and whip of President Coolidge and administration leaders had voted with those favoring this legislation, farm relief legislation would have been enacted.

If this Republican candidate will in his speech to-morrow tell his fellow citizens at my home how the Republican Party has well-nigh ruined the greatest industry in this country by increasing through the tariff the price of the farmer's supplies and refused to give him the greatly needed aid he asks in the proposed farm relief legislation, such as eastern manufacturers are getting, he need not go to the trouble of telling them that the Coolidge administration has this year an appropriation of $29,000,000 to enforce the prohibition law when the most ever appropriated during the Wilson administration was $9,000,000 for that purpose, the last year the Democrats were in power; nor need he tell of the great extravagance and wastefulness sailing under the disguise of economy; nor will it be necessary for him to tell how the Republicans have gerrymandered the legislative districts of New York State so that when the Democrats elect a governor and other State officials by nearly 1,000,000 majority and yet there is elected a Republican legislature; nor need he tell how other Republican States have so gerrymandered districts for political purposes where they are in power that the North Carolina plan about which he complains is a mere "piker" compared to these sweeping gerrymanders in Republican States.

He might, however, refer to developments in the recent primaries in the great Republican States of Pennsylvania and Illinois and to the charges and proofs of unprecedented corruption funds used, the bribery, suppression of returns, and failure to count in some instances only such votes as the Republican bosses desired counted.

After a considerable study of the question of agriculture during the proposed legislation two years ago I came to the conclusion that some legislation must be enacted for the farmer or we would have to pull down the tariff wall which has resulted in enriching the industrial classes at the expense of the farmer and laboring man. The trouble with the legislation proposed two years ago was that it was in so many respects economically unsound that southern Representatives could not support what was known as the McNary-Haugen bill. That bill provided for what is known as the ratio price to establish a price for commodities.

In the measure which the farmers have agreed upon this time the domestic price of commodities is to be provided for to equal the price abroad, plus the tariff, plus transportation. This tariff yardstick should not be in the bill any more than should be the stump speech about the ineffectiveness of the protective tariff on wheat and corn and other farm products, which everybody knows to be true. This provision should be taken out of the bill, and both have been taken out since this speech was prepared. It has no place in legislation. It is unsound. It is not in the Senate bill. But it really will make little difference whether it is removed or not; and if it had not been removed, it should not prevent the proposed legislation, because there is so much of the bill that is sound and will, in my opinion, be helpful to the farmer that it would be unwise to refuse to support it because it does not in every particular meet our individual views.

The provision allowing manufacturers of food products to take advantage of the bill is a mistake. So far as I know, no manufacturers want it, and it should not be in the bill.

The bill should be for the protection of the raw agricultural products and not their derivatives or products. One of the chief objections to the bill has been removed, and that is that provision which prevents the application of the equalization fee to meat and meat products on hand at the date the law becomes effective. This will prevent giving a bonus or a gift of more than $50,000,000 to the packers by reason of the increased price by withdrawing surplus meat and meat products from the markets.

The bill encourages intelligent guidance in planting and secures more effective regulation of the price of farm products. The elimination of section 18 of the House bill, what is known as the embargo provision, has very greatly improved the bill. The Senate greatly modified the bill by taking out the tariff yardstick, and, of course, the stump speech in the House bill was not before the Senate, yet many of us voted for the House bill with these objectionable features in it. The Senate still rejected the measure in better form than the House bill by a vote of 45 to 39.

The section of country which I in part represent in my opinion will indorse this legislation, even if it does contain one or two provisions which do not meet with the entire approval of our people. Most of the provisions which were objectionable to the South have been taken out of the bill and most of the objectionable features, I predicted, were taken out or so modified that they will in the main meet with general approval by the people of the South, and especially by the cotton growers. The Tincher bill has little in it to commend it. Take the trimmings off of it and it is a provision to give more credit to the farmer, and the Lord knows he has enough credit now. He has mortgaged and mortgaged until he has mortgaged most that he has, and he has year in and year out produced at a loss. What he needs now is legislation to put him on an equality with those who have been the objects of legislative bounty for so long a time.

I am surrendering no principles when I find a condition that exists with a high-protective tariff "sold" to the American people and farmers everywhere in distress, who can not wait until we pull down a part of the tariff wall, because there is a critical case and it calls for legislation to put agriculture on a parity or equality with others. The proposed legislation is justified by the emergency of the case. The Tincher bill, the same as the Fess bill or amendment in the Senate, and openly advocated by the President, further provides that farm associations may borrow money for 33 years, and contains a provision that money may be loaned to farm organizations without security. This is something which honest farmers do not desire and have not requested.

The amendment to the bill perfected in the House under the lead of Democrats, providing that an operating period and the imposition of an equalization fee until the member or members of the board in whose land-bank district give their assent after it has been ascertained that more than 50 per cent of the basic products proposed to be taken under the protection of this legislation. The consent is to be obtained only after public notice is given for 40 days to cooperative associations, farm organizations, and individual producers to express themselves.

The farm board will not impose the equalization fee and operate on the product under consideration if a majority of the sentiment is against the operation and levying the equalization fee obtained after the said due notice is given as provided in the bill.

So under the bill it is left with the producers as to whether they shall take advantage of the provisions of the proposed

legislation. It is pretty generally conceded by those who are in a position to observe conditions that it is almost useless to undertake to carry on cooperative associations unless producers want to become members of such cooperative associations. So it will be seen that there is left to the farmers or their representatives to determine whether they think they will be benefited and want to market their products under the provisions of the proposed legislation.

Still another important change in the bill is that the equalization fee on tariff-protected products of wheat, corn, cattle, and swine shall be effective immediately, while in the case of cotton, which is not so protected by the tariff, this equalization fee is deferred for two years, as the proposed legislation provided when voted down in the House. Some few changes were made afterwards in the Senate. It can readily be seen that these changes removed from the bill any real reason for it to be charged that it is a subsidy to the farmer. No doubt there will be a loss under this legislation in handling wheat, corn, and meats, because of the tariff protection to these products if the tariff should ever be effective in protecting any or all of them, but with the imposition at once of the equalization fee on these tariff-protected products all possibility of loss is removed, it is contended by the proponents of this legislation, and that therefore there can be no subsidy on these products. As there is no protective tariff on cotton, and the purpose of the bill in handling cotton is to use $75,000,000 of a Government revolving fund provided for buying and storing cotton and selling the surplus as the market will take it at reasonable prices, the chances of loss are small, and it is generally conceded in the debate on the bill that there will in all likelihood be no losses in the marketing of cotton under the provisions of the act.

The reason for a charge of a subsidy on cotton is to take care of any losses sustained by handling the surplus, and if there are no losses then there could be no subsidy, if subsidy it is. This revolving fund would be used for a period of two years in testing out the practical operation of the law and in finding a way for developing a better system of distributing the cotton surplus over a period of years and thus stabilizing the prices of this great southern staple. The Government would take only a slight risk in the development of a system of marketing and would help solve the problem of distributing and marketing cotton and other crops which the Government has helped to create by developing a most efficient system of production of crops, which has brought about a large production of most of our main staples.

This question of subsidizing has been so fully and so ably discussed by the gentleman from Missouri [Mr. LOZIER] in his speech in this House that I call attention to that fact here and will not attempt to duplicate what he has said so much better than I could say it.

The limit of the equalization fee of $2 a bale on cotton—and, really, I do not think it will take that amount—as it is believed that the equalization fee will be imposed uniformly for a number of years with a view of providing a capital fund from the grower of cotton himself, which eventually will be sufficient for owning and holding not only the surplus of cotton in years in which there is a surplus by the carrying over of cotton of 3,000,000 to 5,000,000 bales or more, and thus putting the cotton grower in the same position with the favored manufacturer of owning his product from the time it is manufactured until it is put in the channels of trade.

This fund raised through the equalization fee is to be used indefinitely and would place the cotton grower beyond any possible charge of being the object of a Government bounty or subsidy. When this fund became sufficient for handling the surplus or the surplus and the carrying over, there is a provision for those who contribute to the fund in the first years of operation to be paid back their equity in the fund from year to year, according to the standing of the fund.

Is it not clear that this would result in the advantage of returning, after a rather brief period of years, the amounts paid into the fund by the early contributors and having the active growers in later years, and who are receiving the benefit of the fund, contribute ratably to keep up the fund?

FROM THE COOPERATIVE MARKETING POINT OF VIEW

This bill relieves one of the causes of the breakdown of so many cooperative marketing associations, namely, the lack of sufficient long-time credit for the marketing of crops over a long period of time and the carry over of the surplus into the lean year. The equalization fund furnished by the growers and the loans available from the revolving fund when added to the normal amount of credit which can be secured through existing agencies for the marketing of crops supply an important link in the chain of orderly marketing through cooperative associations which heretofore has been lacking, the absence of which has brought many cooperatives to ruin.

This bill provides the machinery by which the cooperatives can really achieve orderly marketing. The carry over of the surplus into the lean year is an essential part of orderly marketing. Over a long period of time there is no absolute surplus of farm products in the sense that there is no market anywhere for them, and therefore they are a total loss. A study of the supply and demand statistics reveals a series of peaks and valleys in production. If the farmers are to obtain the benefits of the enhancement of prices secured through carry over of the surplus into the lean years, they must do it through the cooperative associations, otherwise the middlemen and speculators reap the benefits. The cooperative associations, however, need additional credit facilities to enable them to obtain control of the surplus of a commodity and finance the carry over and orderly disposition of it. This is precisely what the proposed legislation seeks to accomplish.

This will stimulate the growth of cooperative marketing organizations and will further the development of the cooperative movement.

After a two-year period the board can not operate except through the cooperative organizations. If the farmers wish to get the benefits provided, as I understand it they must get these benefits chiefly, either directly or indirectly, through the cooperative organizations. They will see that it is to their advantage to maintain cooperative organizations because the board can not successfully operate except through these organizations.

It will encourage nonmembers to join and also members to remain in the organization. Only members of cooperative or farm organizations have a voice in the nomination of the members of the board which makes contracts with the cooperatives for the disposition of the surplus and determines the amount of the equalization fee. This will stimulate the nonmembers to join in order to have a voice in nominating members of the board. The fact that the board handles the surplus through the cooperative organizations will also tend to encourage nonmembers to join in order that they may have a voice in the operation of the cooperatives in handling the surplus. The provision of the bill providing that the board must secure the approval of a substantial number of the cooperatives before declaring an operation period will also encourage nonmembers to join in order that they may have a voice in determining whether or not an operation period should be declared.

The nonmember will have to pay his share of the burden of disposing of the surplus just the same as the member of the cooperative must do.

In other words, the nonmember has nothing to gain by staying out of the cooperative association and he has a great deal to gain by becoming a member. This will thus remove one of the great hindrances to the development of cooperative marketing. This legislation will solve the cooperative-marketing question in the opinion of the representatives of agriculture who have studied this question. The other bills will not meet the needs of farmers. I was of the opinion at one time that the Yoakum plan would, in the course of years, greatly aid agriculture; but I am now fully convinced that it will take too long to bring about results that are needed immediately, and no farm organization has declared for the Tincher or Fess administration proposals backed by the President and Secretaries Mellon and Jardine. They are too intelligent not to realize their proposal is of little, if any, value and is advocated chiefly to divide the friends of farm legislation or to prevent any legislation of value to agriculture.

FROM THE POINT OF VIEW OF THE HANDLING OF THE SURPLUS

The surplus of a commodity has a depressing effect on the price of the entire crop unless some means are devised for removing that surplus from the market. In this connection the following extract is taken from Mr. Gray's testimony before the House Committee on Agriculture, Serial C, part 13, p. 653:

I do, though, wish to repeat what I said a while ago, that this is not a modern question which we are considering. It was originated, as I said, by Gregory King, in about 1650, and his law is as follows:

"That a defect in the harvest raises the price of corn in the following proportions: One-tenth defect raises the price above the common rate three-tenths. Two-tenths defect raises the price eight-tenths. A three-tenths defect raises the price 1.6 above the common rate. Four-tenths defect in the harvest raises the price 2.8 above the common rate. Five-tenths defect in the harvest raises the price 4.5 above the common rate. So that when corn rises to treble the common rate it may be presumed that we want a third of the common produce; and if we should want five-tenths or half the common produce the price would rise to near five times the common rate.

So that the Gregory King law is substantially that a very small defect in the harvest raises the price inordinately beyond the defect in the harvest; and the converse is substantially true, that an increase in the harvest by a small percentage lowers the price by a greatly exaggerated percentage.

Turning now to more modern economists we find, for instance, that Doctor Taussig, in his "Principles of Economics," published in 1915, says:

"Increase in supply means lower price. It also means lessening utility from the added units. The price of a commodity depends, as the case is commonly stated, on the least of the utilities yielded by the supply, or on final utility. Price, or value, depends on the utility of the last increment."

Another modern authority on economic problems, Doctor Seager, writes: "The values in use of economic goods are measured by their marginal utilities," and "The marginal utility which measures the value of a single unit of food is large or small, depending on the number of units that are available."

In other words, when Gregory King stated his law as applicable to defects in the harvests and their great influences in raising prices, he could not know that other economists, coming hundreds of years after him, would state the similar effects of an increase in harvest decreasing the prices at which products move in commerce.

I shall not elaborate on that any longer, but I do want to state again that the farmers and the Members of Congress, who are just as much interested in this as the farmers, should not consider that this thing is a new question, because economists have been thinking of it for two or three hundred years.

Extension on credit to the cooperatives alone would fail to dispose of the surplus if no further aid were extended. The cooperatives have only a very small percentage of the farmers included in their membership at the present time, and therefore could not attempt to remove the entire surplus of a commodity from the market and finance the carry over and disposition of it over a long period of time. They would not be able to finance the purchase of sufficient quantities to stabilize the markets. The extension of additional credit would be of some benefit, but would be inadequate to deal with the surplus problem. The legislation I favor grapples directly with this problem and provides a definite and clear-cut remedy. Through the operation of the Federal farm board set up by the bill an equalization fund would be provided by small sums collected from all the growers or from the entire amount of the commodity entering the markets. This fund, when supplemented by loans from the revolving fund provided in the bill and by additional credits which could be secured on the crop through existing agencies, would provide ample funds with which to finance the removal of the surplus from the market and the orderly marketing of it over a long period of time, with the resultant stabilization of markets at a higher level.

The equalization fee would prove a deterrent to excessive overproduction.

The board working through the cooperatives could exert a strong influence in discouraging overproduction when necessity warranted it.

FROM THE POLITICAL (NOT PARTISAN) POINT OF VIEW

The proposed legislation seeks to establish a permanent agricultural policy rather than to offer the farmers a temporary expedient as a mere "sop." It seeks to place agriculture on a basis of equality with other groups in this country who have received favors and bounties so long that they have grown rich and now oppose openly a square deal to agriculture on the grounds that it is unsound economically to aid the farmer in the unfair contest with the favored classes.

This policy is not based on the idea of Government subsidies for agriculture. Representatives of farm organizations supporting the bill have repeatedly opposed the idea of subsidy for agriculture. It has been charged that the $75,000,000 which the bill would authorize to be advanced to the cotton cooperatives is a subsidy on account of the fact that the equalization-fee plan is deferred on cotton for two years, and during this two-year period any losses sustained by the operations of the board would be paid out of the revolving fund. This criticism, however, is based on the assumption that there would be losses during these two years.

The operations of the War Finance Corporation, which was revived in 1920, furnish a reasonable basis for the expectation that the board would not incur any losses as a result of its operations. Even though it be granted, for the sake of argument, that losses would be sustained during this two-year period in the operations on cotton, this plan for cotton is only a temporary one and would only be effective for two years. The permanent policy which the proposed legislation establishes for cotton would begin after the expiration of the two-year period and is based on the same fundamental principle as that for the other commodities included in the bill, namely, the financing of the disposition of the surplus by means of an equalization fee on the commodity with the assistance of loans out of a revolving fund. The assessment of the equalization fee would provide a fund which would be a safeguard for the loans made out of the revolving fund.

Agriculture is basic to the welfare of the Nation. Peasantry looms if agriculture continues to decline.

Stabilization of prices is to the advantge of all concerned, including the consumer, the producer, the exporters, the miller, the ginners, and all other factors involved in the production and distribution of farm products.

The prosperity of the Nation, particularly of the business interests, will be promoted by maintaining and increasing a favorable balance of trade. If agriculture continues to decline, we may be faced with a market decline in our exports of agricultural commodities and even a shortage in this country. Representative FORT, Republican leader, who with Mr. TINCHER and the Republican floor leader, Mr. TILSON, were understood to represent the President and Secretaries Mellon and Jardine, during the course of hearings of the House Committee on Agriculture stressed the importance of maintaining the production of a surplus of agricultural products in this country. In this connection he said, on page 359, serial C, part 10:

Mr. FORT. May I make a statement and ask a question simultaneously? I have been accused of being opposed to this legislation, and in view of what Mr. Vrooman has said I want to put in the RECORD this statement: That there is another reason, which he did not mention, and which, in my opinion, is another reason why an exportable surplus is a national necessity, and that is that upon the maintenance of an export surplus of various commodities depends our advantageous position in our balance of trade with foreign nations. If we eliminate the exportable balance or surplus of farm commodities, we will become a debtor nation within 10 years. I, therefore, am convinced personally, and I want to ask Mr. Vrooman a question along this line: That it is essential that production, as he has said, be stimulated to the point of producing an export surplus, particularly in cotton, which is our chief export commodity. Now, is it your idea, Mr. Vrooman, having in mind, as I think you have, the necessity of an export surplus, is it your idea that that exportable surplus should be uncontrolled as to amount, and that there is no way of controlling production or the amount of that surplus?

Mr. VROOMAN. I think it is utterly impossible to control it with any accuracy. You can influence it, and perhaps to that extent control it, but I do not know of any method that has ever been tried that has been successful of controlling it within any definite limits. It has been tried over and over again, and has always failed.

Mr. FORT. Is it not true that the probability of controlling it will be greater if the financing of the crop is done through the farm organizations than if it is done through the Government?

In other words, if it is a farmer's own money there will be less tendency to overproduction than if it is the Government's money as proposed in your bill. If the farmers pay the money isn't the chance of holding down overproduction of the exportable surplus better?

In the interests of national defense and in the interests of our economical prosperity, it is, therefore, to the advantage of our country to maintain the production of an agricultural surplus.

The presence of a surplus of agricultural products without some adequate method of marketing it in an orderly manner is disastrous to the producers. Our bill solves the problem by providing adequate machinery by which surpluses can be handled in a manner which will bring to the producers the highest benefits without trampling on the rights of others involved.

(g) This bill does not put the Government directly in the business of buying and selling farm products. This is done by the cooperatives by means of contracts entered into under the supervision of the Federal Farm Board. The farmers control this machinery by virtue of this plan and the additional safeguard that the members of the board are nominated by the farm organizations and cooperatives through their representatives on the Federal farm advisory council.

The following, taken from the world's great economical writers, will be of interest to students of farming and marketing:

[From the Journal of the Royal Statistical Society, vol. 78, 1915]

CROP PRODUCTION AND PRICE—A NOTE ON GREGORY KING'S LAW

By G. Udny Yule

This law, as printed by Davenant (essay upon the probable methods of making a people gainers in the Balance of Trade, 1699, p. 83. Whitworth's edition, vol. ii, p. 224), is stated as follows: "We take it that

a defect in the harvest may raise the price of corn in the 'following proportions:'

Defect		Above the common-rate
1 tenth		3 tenths
2 tenths		8 tenths
3 tenths	Raises the Price	16 tenths
4 tenths		28 tenths
5 tenths		45 tenths

"So that when corn rises to treble the common rate it may be presumed that we want above a third of the common produce, and if we should want 5 tenths, or half the common produce, the price would rise to near five times the common rate."

The tables which have been compiled from official Government publications and other sources give much information of value to those who are too busy to give extensive study to agricultural questions. Comments are made which are intended to be helpful in the study and understanding of the information given and the comparisons made.

COTTON

Acreage harvested in specified States, average 1920–1924, annual 1923–1925.
Division of Statistical and Historical Research. Compiled from reports of the Division of Crop and Livestock estimates.]

State	Average 1920–1924	1923	1924	1925[1]
	1,000 acres	*1,000 acres*	*1,000 acres*	*1,000 acres*
North Carolina	1,660	1,679	2,005	2,039
South Carolina	2,363	1,965	2,404	2,746
Georgia	3,791	3,421	3,046	3,588
Alabama	2,800	3,079	3,055	3,545
Mississippi	2,949	3,170	2,981	3,481
Texas	13,168	14,159	17,175	17,369
Arkansas	2,856	3,026	3,094	3,790
Oklahoma	2,986	3,197	3,861	5,183
United States	35,581	37,123	41,360	45,945

[1] Subject to revision.

Trend of costs for products which the farmer has to buy compared with farm prices

[Taken from supplement to The Agricultural Situation, United States Department of Agriculture, June, 1925]

[1910–1914=100]

Year and month	Farm products	Cloths and clothing	Building materials	House furnishing goods
1910	103.2	101.8	100.4	99.1
1911	96.0	97.7	100.5	96.7
1912	101.3	99.1	101.4	97.2
1913	100.0	101.9	103.0	103.4
1914	102.6	99.6	94.7	103.4
1915	103.9	100.2	96.8	103.2
1916	122.8	129.5	123.9	109.9
1917	189.6	178.7	161.7	125.4
1918	218.5	232.4	177.1	157.7
1919	230.8	237.8	207.4	189.9
1920	217.9	301.2	272.0	262.5
1921	123.7	183.0	170.3	201.8
1922	133.3	184.3	173.4	181.8
1923	141.2	204.0	194.7	189.3
1924	143.4	194.6	180.3	178.7
1925:				
January	163.4	194.8	184.7	178.5
February	161.5	194.7	188.3	178.4
March	161.3	194.4	185.2	175.9
April	153.0	193.6	178.6	176.3

EXTRACT FROM MR. KILE'S NEWS SERVICE, MARCH 29, 1926

Of course, this latter fact is no justification for the contention of the unfavorable farm purchasing power index. The city producer has the same opportunity as the farmer to speed up production and thereby gain a greater advantage. In fact, this has been done in many manufacturing lines. Despite the greatly increased machine production per man since the war, which ought to have resulted in lower prices, the wholesale price of nonagricultural commodities, taken as a group, is 65 per cent above pre-war normal, whereas farm products prices as a group are but 43 per cent above that level.

Trend of costs entering into production of farm products

[Taken from Agricultural Situation, p. 8, March 1, 1926, United States Department of Agriculture]

[1910–1914=100]

Farm wages:	
1910	97
1911	97
1912	101
1913	104
Farm wages—Continued	
1914	101
1915	102
1916	112
1917	140
1918	176
1919	206
1920	259
1921	150
1922	146
1923	166
1924	166

This table becomes doubly significant when compared with the decreased purchasing power of the farmer's product. Note increase in labor costs since 1921.

Comparison of prices of agricultural products and nonagricultural products

	Index No. farm prices (all groups)	Wholesale prices of nonagricultural commodities	Relative purchasing power of farmers' product
1910	103	102	101
1911	95	96	99
1912	99	100	99
1913	100	105	95
1914	102	97	105
1915	100	101	99
1916	117	138	85
1917	176	182	97
1918	200	188	107
1919	209	199	105
1920	205	241	85
1921	116	167	69
1922	124	168	74
1923	135	171	79
1924	134	162	83
1925	147	165	89
January	143	165	87

The third column shows the ratio between farm prices and nonagricultural commodity prices. In order to be on a parity with nonagricultural commodities in price the ratio should be 100 instead of 89.

It is significant also that the relative purchasing power of the farmer's product for January, 1926, is 87 as compared with the average for the year 1925, which was 89. In order the trend of purchasing power of farmer's product is downward this year. It already has a much lower purchasing power than in 1910, 1911, 1912, 1913, and 1914 (not to mention the inflated period of the war).

Relative purchasing power of farm products

[Taken from supplement to The Agricultural Situation, June, 1925, United States Department of Agriculture]

Year	Wheat	Corn	Cotton
1910	108	94	110
1911	102	94	106
1912	101	108	87
1913	86	94	93
1914	101	116	86
1915	126	111	73
1916	97	86	80
1917	126	123	97
1918	123	125	127
1919	123	122	121
1920	104	91	104
1921	79	53	60
1922	70	55	93
1923	65	73	127
1924	77	88	134
1925:			
January	111	106	----
February	115	107	----
March	112	106	----
April	98	100	----

HOW MUCH THE FARMER'S DOLLAR WILL BUY WHEN HE SEEKS TO PURCHASE NONAGRICULTURAL COMMODITIES

Relative purchasing power of a dollar in exchange for nonagricultural commodities at wholesale prices

[Taken from page 31, Supplement to Agricultural Citation, June, 1925, United States Department of Agriculture]

[1910–1914=100]

	Average		Average
1910	97.8	1920	41.5
1911	104.7	1921	59.7
1912	99.7	1922	59.5
1913	95.7	1923	58.4
1914	102.7	1924	61.9
1915	98.9	1925:	
1916	72.3	January	60.7
1917	54.9	February	59.8
1918	53.3	March	61.6
1919	50.3		

This shows how tremendously the farmer's dollar has declined in purchasing power since 1910. When the farmer sells crop for cash and seeks to purchase nonagricultural commodities he finds that his dollar will purchase only a little over one-half as much as it would in 1911 or 1914. When this fact is coupled with the low price which the farmer received for his products as compared with that received for nonagricultural products, it is easy to understand why citations of the increased crop values in terms of dollars which have been quoted—particularly in case of Iowa—mean so little. The estimated crop value in dollars is not a true estimate of the farmer's degree of prosperity. The purchasing power of his dollar must be taken into consideration; also the relative price which he receives for his product and that received by other groups for nonagricultural products must be considered.

STABILIZING EGG MARKET BY STORAGE OF SURPLUS

The stabilization of the egg markets which has resulted from the large scale cold storage operations is an illustration of what can be done to stabilize market prices through orderly marketing of the surplus.

The following quotation is taken from the Year Book of the Department of Agriculture, 1924:

Cold storage of dressed poultry and of eggs plays an important part in the marketing of these products. The production of eggs is decidedly seasonal in character. During the spring and early summer months production is at its height and the quantity available for market is far in excess of the consumptive demand at that time. In the fall and winter months, on the contrary, the marketable surplus of eggs of current production is far below the demand for consumption. Before the advent of cold storage of eggs there was no efficient means of holding over commercially the surplus crop of the season of flush production to the season of scarcity. In consequence the prices of eggs were very low during the spring and summer, often being so low that it did not pay to gather and market the eggs. In the fall and winter, on the other hand, the prices shot up very high relatively, but even at such prices eggs were not available for free use by the majority of the population.

With the advent and commercial development of cold storage this condition changed. The surplus egg crop of the season of flush production is now placed in cold storage and held in a wholesome condition until the period of scarcity, when it is drawn upon to supplement the inadequate supply of fresh-laid eggs produced at that time. Owing to the demand for eggs for storage in the spring the prices of eggs, while still at or near the lowest point of the year during this period, are kept from sinking to the ruinously low levels previously reached. Similarly, the available supply in the warehouses during the fall and winter, although it does not interfere with the sale of high-class fresh eggs at highly satisfactory prices, furnishes eggs at a moderate price to the great majority of consumers who otherwise would be able to use eggs only to a limited extent, if at all. The maintenance of the price of eggs at a level in the spring, which is profitable to the producer, is of far greater importance to the average farmer than extremely high prices in the fall, because most of the eggs available for market are produced during the former season.

Therefore the cold storage of eggs acts as a market stabilizer in two respects: (1) As a stabilizer of price, modifying extremes in either direction, and (2) as a stabilizer of market supply, making eggs an article of food available to all throughout the year. The maximum holding of eggs in cold storage in the United States in 1923 amounted approximately to 315,000,000 dozen, or about 14 per cent of the total estimated farm production for the year, and occurred about August 1.

Sources of livestock slaughtered in United States

	Cattle purchased in public stockyards (per cent)	Other sources	Swine purchased in public stockyards (per cent)	Other sources
1924 (average)	90.77	9.23	77.95	22.05
1925 (average):				
January	91.99			
February	90.14			
March	88.41			

See table on page 415, December Supplement to Crops and Markets.

PROFITS AND COSTS OF STORING CORN

Prof. C. F. Curtiss, director of agricultural economic section of the Iowa Agricultural Experiment Station, published a report on December 15, 1925, of an investigation of profits and costs of storing corn on Iowa farms. In this report are found the following statements:

In the first group (referring to a group of graphs published in the report), in which a large crop is followed * * * evidence is at hand to show that since 1885 this rise has steadily been growing greater. In the Federal Trade Commission Report on the Grain Trade, to which previous reference has been made, on page 70, the 30-year period 1885 to 1915 has been divided into three decades and the seasonal price rise for each decade separately found. Further, by reference to the graphs of recent years shown in previous pages of this circular, we may find the average seasonal price rise for the two nearly normal years, 1921–22 and 1922–23. If the price rise from winter to summer for these periods be expressed in each case as a percentage of the January price, the results may be tabulated as shown below:

	Per cent
First decade, 1885–1895	14
Second decade, 1895–1905	18
Third decade, 1905–1915	22
1921–22 and 1922–23	29

That is, the rise has more than doubled since 1885. What has been the reason for this increase? Some data given on page 85 of the same report give us a clue. These data show that if the corn-crop disposal year be regarded as running from November to the following October and this 12-month period divided into two halves for the same three decades considered before is as shown on the next page. We have added a fourth period, 1922 to 1925, inclusive, the recent years graphed in a preceding page of this circular.

Per cent inspected at Chicago

	First 6 months	Second 6 months	Total
First decade, 1885 to 1895	39	61	100
Second decade, 1895 to 1905	41.5	58.5	100
Third decade, 1905 to 1915	54	46	100
1922 to 1925	58.9	41.1	100

This shows that there has been a change since the early days. Up until 1905 an average of three-fifths of the corn marketed through Chicago did not reach Chicago until the second half of the disposal season; only recently have the winter marketings outweighed the summer, but now the proportions in the first decade are almost reversed; that is, about three-fifths of the corn sent to Chicago gets there in the first half of the season, from November to April, inclusive.

Comparison of prices at time of harvest and at period just before the succeeding harvest—monthly farm prices of wheat, 1908–1925[1]

[United States averages, cents per bushel]

Year	July 15	Aug. 15	Sept. 15	Oct. 15	Nov. 15	Dec. 15	Jan. 15	Feb. 15	Mar. 15	Apr. 15	May 15	June 15	Weighted average
1908–9	90.0	89.6	89.6	91.0	92.2	93.2	94.4	99.6	105.4	111.4	119.7	122.2	94.8
1909–10	114.0	101.2	94.9	97.2	99.3	101.0	104.2	105.0	104.8	102.2	98.8	96.4	100.7
1910–11	97.1	97.4	94.8	92.1	89.4	88.4	89.2	87.6	84.6	84.2	85.4	85.3	91.7
1911–12	83.5	83.8	86.6	90.0	89.4	87.7	89.2	90.6	91.6	96.1	101.2	100.9	88.3
1912–13	94.4	87.8	84.6	83.6	79.9	76.1	78.0	80.2	79.8	80.0	81.8	82.0	83.3
1913–14	79.2	77.1	77.5	77.4	78.4	80.4	81.3	82.4	83.6	84.0	84.2	80.6	79.3
1914–15	76.7	84.9	93.4	95.4	97.9	103.2	118.8	131.8	132.6	135.6	135.6	117.2	99.4
1915–16	104.6	100.8	93.0	92.0	92.5	97.4	108.4	108.4	100.8	100.6	101.2	96.5	98.2
1916–17	100.0	119.2	133.8	147.4	159.4	155.3	157.6	164.6	172.2	213.0	247.2	234.3	144.4
1917–18	224.5	219.3	205.2	200.3	200.4	201.4	201.6	202.0	202.6	203.1	203.0	202.8	205.8
1918–19	203.8	205.0	205.7	205.9	205.1	204.5	206.2	207.8	211.1	222.6	229.8	225.2	206.3
1919–20	219.6	211.4	207.6	211.4	214.0	223.4	233.8	231.2	230.3	242.6	250.8	256.0	218.6
1920–21	242.9	225.4	216.5	201.2	165.8	148.4	149.2	148.2	140.4	122.1	119.0	119.8	182.9
1921–22	108.5	103.2	203.4	99.9	93.4	93.0	95.2	107.0	117.0	119.0	118.8	109.6	104.4
1922–23	99.8	92.6	89.2	94.1	99.4	103.2	104.6	104.4	106.0	108.4	108.2	100.8	98.0
1923–24	89.6	86.4	91.0	94.2	93.7	94.5	98.7	98.0	98.8	95.8	96.8	98.5	92.4
1924–25	105.8	116.8	114.2	129.7	133.6	141.1	162.1	169.8	164.0	140.5	149.1	152.7	127.8
1925–26	140.3	150.4	144.4	136.4	148.8								

[1] From Monthly Supplement, Crops and Markets, December, 1925, United States Department of Agriculture.

Summary of trend in recent years

1921 average harvest price (July, August, September, October)	103.7
1922 average preharvest price (March, April, May, June)	116.1
Difference in price	12.4
1922 average harvest price	93.9
1923 average preharvest price	105.8
Difference	11.7
1923 average harvest price	99.3
1924 average preharvest price	97.7
Difference	7.4

Comparison of prices at time of harvest and at period just before the succeeding harvest—Monthly farm prices of corn, 1908–1925[1]

[United States averages, cents per bushel]

Year	Nov. 15	Dec. 15	Jan. 15	Feb. 15	Mar. 15	Apr. 15	May 15	June 15	July 15	Aug. 15	Sept. 15	Oct. 15	Weighted average
1908–9	62.0	60.6	61.0	63.0	66.1	69.7	74.1	76.6	76.1	73.1	69.0	64.6	66.4
1909–10	60.0	60.1	63.8	65.6	65.7	64.5	64.4	65.7	66.7	66.8	63.7	56.8	63.7
1910–11	50.3	48.1	48.6	49.0	49.3	50.8	53.4	57.6	62.9	65.8	65.8	65.2	53.6
1911–12	63.2	62.0	63.4	65.6	68.8	75.2	81.0	81.8	80.2	78.4	73.9	64.3	69.6
1912–13	53.6	48.8	49.8	51.4	53.0	55.2	58.7	61.9	64.3	70.4	75.4	73.0	57.0
1913–14	69.9	69.4	69.0	68.7	69.9	71.4	73.6	75.2	76.2	79.2	79.8	74.4	71.9
1914–15	67.5	65.3	69.5	74.0	75.1	76.4	77.8	77.8	78.3	78.1	73.9	66.2	72.7
1915–16	59.7	59.8	64.6	67.4	69.2	71.3	73.2	74.8	77.4	81.5	83.0	83.6	70.1
1916–17	87.0	89.4	92.9	98.4	107.2	132.0	155.4	162.4	180.6	186.0	175.3	160.6	124.2
1917–18	137.0	131.4	136.8	146.6	154.0	154.6	154.1	153.1	156.7	162.7	162.6	149.9	147.6
1918–19	138.4	140.6	141.4	137.6	143.4	156.1	166.9	173.8	183.8	188.3	169.6	143.6	152.1
1919–20	134.0	137.4	143.6	147.6	153.6	164.1	177.4	185.4	174.6	159.7	138.5	104.3	150.1
1920–21	77.2	66.8	64.6	63.4	63.8	61.2	61.0	62.4	62.0	59.0	53.6	46.0	62.6
1921–22	41.7	42.8	44.6	50.3	55.8	58.3	60.6	61.9	63.3	63.6	62.2	62.2	53.4
1922–23	64.3	67.6	70.2	72.5	75.3	79.6	84.0	85.8	87.0	87.0	86.2	84.8	76.6
1923–24	78.3	72.2	73.6	76.5	77.2	78.2	78.6	80.8	98.3	107.4	109.7	108.9	83.1
1924–25	99.6	105.6	112.0	114.5	112.1	103.8	107.5	111.0	104.4	106.5	98.8	83.0	106.8
1925–26	74.6												

[1] From Monthly Supplement, Crops and Markets, December, 1925, United States Department of Agriculture.

SUMMARY OF TREND IN RECENT YEARS

1921 average harvest price (November, December, January, February)	44.8
1922 average pre-harvest price (July, August, September, October)	86.2
Difference in price	41.4
1922 average harvest price	68.6
1923 average pre-harvest price	106.1
Difference in price	37.5
1923 average harvest price	75.1
1924 average pre-harvest price	106.1
Difference	31.0
1924 average harvest price	107.9
1925 average pre-harvest price	98.2
Difference (lower)	9.7

Actual prices received by producers at local farm markets as reported to the Division of Crop and Livestock Estimates of this bureau. Average of reports covering the United States, weighted according to relative importance of district and State.

Average prices of farm products received by producers January 15, 1926

	5-year average, August, 1909–July, 1914	January average, August, 1909–July, 1914	January, 1925	December, 1925	January, 1926
Cotton, per pound	$0.124	$0.122	$0.227	$0.174	$0.172
Corn, per bushel	.642	.589	1.12	.707	.696
Wheat, per bushel	.884	.884	1.621	1.537	1.581
Beef cattle, per 100 pounds	5.22	5.04	5.63	6.18	6.31
Hogs, per 100 pounds	7.23	7.03	9.31	10.51	10.99

COMPARISON OF PRICES RECEIVED BY FARMERS FOR THEIR PRODUCTS OVER A LONG PERIOD OF YEARS

CORN

Farm prices for corn, 1908–1925

(United States averages, cents per bushel)

	Weighted average cents per bushel		Weighted average cents per bushel
1908–9	66.4	1917–18	147.6
1909–10	63.7	1918–19	152.1
1910–11	53.6	1919–20	150.1
1911–12	69.6	1920–21	62.6
1912–13	57.0	1921–22	53.4
1913–14	71.9	1922–23	76.6
1914–15	72.7	1923–24	83.1
1915–16	70.1	1924–25	106.8
1916–17	124.2		

(This taken from table on page 407 of December, 1925, Supplement to Crops and Markets published by United States Department of Agriculture.)

Actual prices received by producers at local farm markets as reported to Division of Crop and Livestock Estimates of Bureau of Agricultural Economics. (For figures on these prices see attached sheet, which gives prices on all agricultural products.)

Note drop in prices in 1926 as compared with 1925:

	February, 1925	February, 1926
Corn	$114.5	$68.5
Wheat	169.8	155.5
Cotton	23.0	17.7

Monthly farm prices of wheat, 1908–1925

[United States averages, cents per bushel. Weighted averages for whole year]

1908–9	94.8	1917–18	205.8
1909–10	100.7	1918–19	206.3
1910–11	91.7	1919–20	218.6
1911–12	88.3	1920–21	182.9
1912–13	83.3	1921–22	104.4
1913–14	79.3	1922–23	98.0
1914–15	99.4	1923–24	92.4
1915–16	98.2	1924–25	127.8
1916–17	144.4		

[Taken from page 407 of December, 1925, supplement to Crops and Markets.]

COTTON

Monthly farm prices of cotton, 1908–1925

[United States averages, cents per pound. Weighted averages for whole year]

1908–9	9.0	1917–18	27.2
1909–10	13.6	1918–19	28.8
1910–11	14.0	1919–20	35.0
1911–12	9.7	1920–21	17.2
1912–13	11.5	1921–22	16.9
1913–14	12.5	1922–23	23.5
1914–15	7.4	1923–24	29.0
1915–16	11.2	1924–25	23.0
1916–17	17.7		

[Taken from page 408 of December, 1925, supplement to Crops and Markets.]

HOGS

Cost computed on packer and shipper purchases

[Taken from page 413, December, 1925, supplement to Crops and Markets]

	Chicago	East St. Louis	Fort Worth	Kansas City	Omaha	South St. Paul
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1924	8.11	8.35	7.98	8.08	7.80	7.63
1925	11.28	11.65	11.46	11.20	10.92	10.91

Farm cash income from sales of all products

[Past two years with estimates for this year in millions]

CROPS

	Produced	1923-24 amount sold	Price	Amount received	Produced	Amount sold	Price	Amount received	Produced	Amount sold	Price	Amount received
	Mills	*Mills*	*Cents*	*Mills*	*Mills*	*Mills*	*Cents*	*Mills*	*Mills*	*Mills*	*Cents*	*Mills*
Wheat, bushels	797	660	92.4	$610	873	770	127	$977	697	592	145	$858
Corn, bushels	3,054	581	71.5	415	2,437	450	101	456	3,013	600	75	450
Total crops				5,037				5,583				5,410

Figures taken from Brookmire Farm Income Bulletin, December 17, 1925.

The fight for a fair deal to farming, the chief industry of the United States, is not ended, but will be taken to the country, and it will not ultimately result in failure, as its opponents may now think. The prediction is made that there will be more lame ducks in Congress next December than in many years. Of course, many of the defeated Members may want appointments at the hands of the President after this Congress closes next March, and it may be a rough road that farm relief advocates will have to travel, for these defeated Members will still be joined to their idols and continue to vote with the President and Republican leaders, although they have been repudiated by an indignant electorate.

Mr. Speaker, this speech is made for the purpose of giving the reasons for the faith that is in me, and so the public may know some of the reasons for the position taken by myself and others so firmly in support of this legislation, and for the further purpose of giving information in an attempt to create an interest in behalf of the proposed legislation to enable those who have not time to make an extensive study of farm relief.

THE AMERICAN MERCHANT MARINE, ONE OF OUR GREATEST NATIONAL ASSETS

Mr. BRIGGS. Mr. Speaker, as the great American merchant marine continues to perform an indispensable service to the producers and industries of the United States and to make possible not only deliveries of immense quantities of various American commodities in foreign markets, with the greatest regularity and promptness, more and more is the Nation realizing its tremendous value and essential character.

Too little is known of the accomplishments of the great Government-owned fleet, as well as the privately owned American ships; and it is well enough to recall that the total cost of constructing this fleet, approximately $2,000,000,000, has been more than repaid to the American people in the earnings which it made up to the year 1920, when ocean rates collapsed, in the enormous savings through reduced ocean freight rates, which it would never have been possible to obtain without an American merchant marine, through the expansion of trade and efficient service to and from foreign lands established by Shipping Board services to all the prominent countries of the world, and through the huge amount of freight money retained at home. In addition to all this, the fact that the United States possesses an adequate number of vessels to make deliveries of our commodities in foreign markets has encouraged American producers and manufacturers to seek and obtain wider markets and to reduce materially ocean transportation costs.

In a recent Shipping Board inquiry it developed that up to April, 1921, the net earnings of the Shipping Board fleet amounted approximately to $450,000,000. It is impossible to state with any degree of accuracy the specific amount which has been saved to the American people through reductions in ocean freight rates which were brought about by reason of the ownership and operation by the United States of the great Government-owned fleet; but from statistics available it is apparent that but for the Shipping Board vessels and their operation the American people would have been compelled to pay materially increased ocean transportation rates, and that the presence on the high seas of such American ships during the period of their operation has resulted in a saving in ocean freight charges of from two to four billion dollars, or an amount far in excess of the construction cost of such fleet and all maintenance charges.

Under the provisions of the merchant marine act of 1920 the Shipping Board has up to this time sold a total of 1,067 ships of a dead-weight tonnage of 4,158,264 tons, and it still possesses 950 vessels with a tonnage aggregating 7,220,666 dead-weight tons. In April last about 257 of the steel cargo freight ships were in active service and 11 passenger vessels.

Recently the number of cargo-carrying ships has been increased.

The Shipping Board is continuing the policy of disposing of Shipping Board vessels and services to private American interests, and maintains no lines in competition with any private American-owned service.

Everyone knows how badly commerce of the United States was crippled after the World War began and during the period when the United States was a neutral, and they also know that the failure at that time to possess an adequate supply of ships under the American flag contributed very materially to our inability to carry on world trade to the extent that was otherwise possible.

Many specific instances might be cited where the availability of American ships has, since the war, been of inestimable value to the agricultural as well as the manufacturing interests of the United States. Two of such instances will suffice.

In 1924 when the American grain crop had matured and a sharp demand for our wheat had developed, it was found that the export movement of such wheat was in such unexpected volume that neither enough American nor foreign ships had been provided to promptly move to foreign markets the wheat sold for export and seeking an outlet through the ports of the United States.

The situation became so acute and so serious that the United States Shipping Board agreed to put extra ships into service for the movement of such wheat; but the additional ships thus provided and which were all that could be furnished by the Shipping Board within the limit of appropriations available, was still insufficient in number to move the great volume of export wheat sold to foreign countries, and I took the matter up with the President to obtain even more American ships from the reserve supply owned by the Government. The President acted favorably, and the great export wheat movement, principally through the port of Galveston, continued uninterrupted on its way to destination. Without the American ships such delivery service could never have been supplied.

Secretary Hoover, of the Department of Commerce, recently testified that although it was estimated that the initial losses to the Government in the operation of such additional ships amounted to approximately three-quarters of a million dollars, yet by reason of transporting the exportable wheat surplus abroad when foreign countries required it, that the domestic market had been relieved of the pressure of the exportable surplus and that the price of wheat had increased from $1 to $1.65 a bushel and had resulted in an aggregate increased price to the American producer of approximately $650,000,000.

Again this year a similar experience is being recorded, and again the Shipping Board is being called upon to supply and is supplying a large number of additional ships to meet the need for ocean tonnage to move the great grain and other crops which are being purchased from the American producer by foreign countries. And again the availability and operation of American ships will result in saving to the American producer and shipper many additional millions which would otherwise have been lost if such producers and shippers were dependent alone upon a supply of foreign ships; and in this picture of the value of the American merchant marine to the American people is not included the further savings of millions in freight rates, which would have soared to a very high point, had it not been for the presence of the American ships.

American ships to-day are carrying nearly 50 per cent of the exports and imports, and this represents an increase of between 300 and 400 per cent over the amount of commerce carried by American vessels for many years prior to the World War.

From 1908 to 1914, inclusive, official figures disclose that American ships did not carry in any year, but one, during that period more than 10 per cent in value of American commerce in the foreign trade.

The so-called losses or initial deficits in the operation of the Government fleet have been reduced until they are now materially less than $20,000,000 a year. And it has been demon-

strated that the service which the fleet has performed for the American people, and continues to perform, as well as the general benefits which it provides, far exceed in value such deficits in operation.

Through the American merchant marine the people of this Nation are assured at all times of the ability to make delivery of their products to buyers in foreign lands when and in such quantity as such commodities are required and at ocean freight rates which will not permit the American people to be exploited. Moreover, the American merchant marine is not only a national asset of greatest value in time of peace, but also as an auxiliary unit in time of crisis.

America, in ocean tonnage owned, now ranks as the second greatest maritime nation on earth, and the United States moves forward with the sustaining power of its merchant marine and the spirit of resourcefulness, character, and ability of its people to an even greater influence, progress, and development than it has already attained.

IMMIGRATION CONDITIONS ON MEXICAN BORDER

Mr. BOX. Mr. Speaker, during the present session, as appears in the RECORD of March 18, 1926, at pages 5878 to 5885, and again on June 7, 1926, as appears in the RECORD of that date at pages 10865 to 10867, I made statements on the floor of this House, in which I presented the fact, shown by documents then presented, that the United States Immigration Service, acting by its Bureau of Immigration in its Department of Labor, has an unlawful "understanding," "arrangement," or "agreement" under which it has undertaken to cooperate with certain lawless labor importers of certain sections of California in procuring the impairment of the very laws which that department is under obligation to enforce. Under date of July 1, 1926, as shown by the extension of remarks of Hon. CYRENUS COLE, RECORD page 12561, Hon. Robt Carl White, Assistant Secretary of Labor, wrote an extended letter in which the department apparently sought to do two things: First, to justify its action in making and recognizing the proposed arrangement, and, second, to deny all participation therein or knowledge thereof. The letter is rambling and devious, but its pertinent parts can be grouped under the two heads stated.

I deal first with the efforts to justify the arrangement. There is a long recital of certain orders made during previous years under a preceding administration in which certain provisions of the law were set aside under a claim of necessity and authority from the existence of the World War and conditions following it. These orders began and continued before I became a Member of Congress, and some of them overlapped my service. Congressional authority was sought during my first term of service here for setting aside the head tax, the literacy test, and the contract labor laws to admit Mexican peon laborers. I opposed that action in extended statements before the committee and otherwise, as appears from my statements appearing in the committee hearings of February 2, 1920, page 299; May 13, 1920, page 3, and subsequent thereto, from which I would quote at length, if space permitted. I also appeared before the Senate committee in opposition to the movement, as will appear in their hearings on the same subject during the same session of Congress.

Insufficient and loose legislation, much laxness, and some dishonesty in enforcement, and lawlessness among labor importers, has created a dangerous and shameful condition on the Mexican border against which I have protested because of insufficient immigration laws applicable to Mexico and because of bad enforcement of such laws as we have, regardless of whose administration has been at fault. When those now in charge of the enforcement of this law try to justify their action by referring to former conditions, they only accentuate the need of courage and faithfulness in efforts to enforce these important laws and their own unfaithfulness, when, without even the excuse or pretense of war-time necessity, they enter into one of the most shameless arrangements which has existed.

As a further effort to justify what the department has done and failed to do, Assistant Secretary White, in speaking of some sporadic efforts which seem to have been made toward enforcing the law as it should be enforced, says:

> Hardly had these officers begun their duties at Calexico before a storm of protest arose because of their endeavors to enforce the law, and some of the newspapers were extremely bitter in their criticism, some of them charging the officer in charge as being arbitrary, dictatorial, and unduly strict, and the threat was made, quite openly, that an effort would be made to have the district director at Los Angeles, who has charge of that district, and the officer in charge at Calexico impeached and run out of California.

Think of the weakness of a department of the Government of the United States in charge of a Cabinet member, immediately under the supervision of the President, becoming frightened lest lawless labor importers would have its officers "impeached"! Who would impeach them? Before what tribunal could an officer of the United States be impeached for performing his duties faithfully in obedience to law and under the direction of a Cabinet member and the President? Assistant Secretary White says there were open threats that these officers of the United States would be "run out of California"! What group in any section of the country is able to run Federal officers out of any State? The weakness is not in the law. The strength of the offenders is not great enough to bear down the law. All that is needed is a department head and subordinates in charge of the enforcement of law having a will to enforce and courage to do it. The United States Government can be dishonored and the enforcement of its laws impaired, as is being shamefully done in this case, but it is only possible when its officers are corrupted or intimidated.

Referring to my statements of March 18, 1926, CONGRESSIONAL RECORD, pages 5878–5885, and June 7, 1926, CONGRESSIONAL RECORD, pages 10865–10867, a careful reading and consideration of which I invite, Assistant Secretary White says:

> These statements are very misleading and apparently based upon wrong information. In the first place, neither the bureau nor department has given its approval or sanction to anything bordering on what could be called a gentlemen's agreement. Further, they have no knowledge of any conference or dealings had between immigration officials and chambers of commerce or employers of labor in the States of Arizona, New Mexico, or Texas.

First note the equivocation here. My statement was—read it—that the agreement was made in California. The Assistant Secretary denies knowledge of any such an arrangement in the States of "Arizona, New Mexico, or Texas." My statement did quote boastful statements made by a certain southwestern newspaper that—

> the same plan will bring relief to other sections of California and the Southwest where the Mexican labor situation has become acute.

And so forth.

I also warned that it was spreading and would spread further. Assistant Secretary White denies for his department knowledge of the making of such an agreement at places other than the one where it is charged to have been made. This devious way of dealing with important questions of law administration is pitiful. It is a humiliation to every man who understands what is being done and what is involved and sees through these manifest efforts to obscure and conceal the truth.

Are my statements based on wrong information? Are they true? If misinformation or conscious misstatements have characterized what I have said, my statements should and will fall flat. If I am telling the truth, and a group of public officials have outraged the law and are now prevaricating to hide it, the consequences will be upon them unless corruption has utterly destroyed the integrity of an American administration and of public opinion. I regret that there have during the last six years been many evidences of such a demoralization of public opinion. Look at the facts as presented in my statements. First, note that my charge, first made on March 18, 1926, was not made until I had learned the facts from the press and other sources, submitted the press report to Assistant Secretary White himself, to Assistant Secretary Husband, to Commissioner General Hull, and had two telephone conversations about this situation and agreement with Secretary of Labor Davis himself. In order that the excuse which the department sought to make for this arrangement, along with its denial of the making of the arrangement, might be considered, I had Commissioner General Hull's long letter copied in full immediately following my remarks. I also quoted much of it in the body of my remarks. Every word of the press report of this gentlemen's agreement, purporting to have been stated by Mr. Wixon, the chief supervisor of the Immigration Service, was submitted to three of the leading officials of his department, at least one of whom submitted it to Wixon himself, and in a telephone conversation I called it directly to the attention of Secretary of Labor Davis himself.

When Commissioner General Hull undertook to answer my inquiry he advised that he had delayed his answer "pending the return of the chief supervisor of this service," Mr. Wixon, with whom Commissioner General Hull "might discuss the subject matter thereof." Therefore, Commissioner General Hull's letter was written only after full discussion and advice with Chief Supervisor Wixon. He did not deny or repudiate

the statement. Two of Commissioner General Hull's superiors had previously received copies of the letter which he was answering. Commisioner General Hull's letter of reply shows:

1. That Mr. Wixon was sent to southern California to represent the department in dealing with this situation.

2. That—

it was * * * suggested to the ranchers and other parties interested—

that this arrangement be made.

3. That—

after several conferences with the chambers of commerce the interests involved agreed * * *.

4. That the purpose of this agreement was that the lawless interests involved might—

cooperate with the Immigration Service to stabilize labor conditions in these parts.

5. That one excuse for this "understanding," "plan," "arrangement," or "agreement" to violate the law and defeat its purpose was that—

this particular class of aliens * * * seldom are * * * able to meet the fiscal requirements of the immigration laws upon their entry, as they are more or less an improvident people.

According to the department, when the enforcement of the law will serve the purpose of the law to keep out paupers and pauper contract labor, the department should violate the law to facilitate the admission and retention of paupers and pauper contract labor.

6. That the department, particularly the Immigration Service, was furnished with the printed instructions and blanks arranged for the execution of this "plan," "understanding," "arrangement," or "agreement" suggested, agreed to, recognized, executed, and defended by it; that these blanks were in its custody in Washington, having been brought here by Chief Supervisor Wixon from the scene of the making and operation of the agreement, and their presence and contents known to Commissioner General Hull and Secretary Davis, and that some of these blanks were submitted by Commissioner General Hull and Chief Supervisor Wixon to the gentleman from Texas [Mr. Box] and read into the latter's speech (CONGRESSIONAL RECORD, May 18, 1926, pp. 5884–5885).

7. That, according to the repeated statements of the Commissioner General of Immigration, Assistant Secretary White and Secretary Davis, the Immigration Service is not a party to the "plan," "understanding," "arrangement," or "agreement" made by it. However, it "requires employers of this particular district to furnish periodical reports of Mexican peons illegally permitted to remain in this country under the agreement, and otherwise fills and covers the transaction with indisputable evidences of the department's participation in it.

What of these repeated denials of knowledge of this agreement or participation in it? That the service suggested it is shown; that the service made it is shown; that the service recognizes and is executing it is shown. The efforts to explain and justify it are not consistent with these denials.

Secretary Davis admitted it in his letter—probably written by some humiliated Assistant Secretary—to the Immigration Restriction League. Note the following:

Whereas the Immigration Restriction League (Inc.) wrote to the Hon. James J. Davis, Secretary of Labor, asking whether the said statements of Congressman Box were true, and, if so, whether the Department of Labor had repudiated the alleged agreement; and

Whereas a reply to our inquiry was received which seems to admit the truth of the said statements of Mr. Box and ignores the point that the aforesaid agreement and the carrying out thereof constitute a direct violation of the law, but said reply defends or extenuates the said agreement on the ground that it was desired by certain agricultural interests in or near the Imperial Valley, Calif.: Now therefore be it

Resolved, That the Immigration Restriction League (Inc.), protests against the continuance of the aforesaid agreement and calls upon the Secretary of Labor to cause the cancellation thereof, and the deportation in accordance with law of the Mexicans unlawfully in the United States; and be it

Resolved further, That a copy of the aforesaid preamble and resolution be sent to the Secretary of Labor and to the President of the United States. (CONGRESSIONAL RECORD, June 7, 1926, p. 10866.)

These denials carry a confession of conscious wrong. The devious dodging by these officials exhibited herein and as shown by my statements of March 18 and June 7, is worse than their denials. The dodging and denials destroy the effect of the efforts at justification. The efforts at justification destroy the denials. It is all bad.

Who are the parties to this "arrangement," "plan," "understanding," or "agreement," and what are its provisions? Some indefiniteness and uncertainty is to be expected in the action of public officials taken without legal authority and in violation of it and in cooperation with men whose former course has been, and whose present purpose is, to violate the law.

The groups involved in this arrangement were formerly making trouble for the Government in its efforts at enforcement of the law. I know this from many sources. Assistant Secretary of Labor White himself so stated to the committee in the hearings of January 12, 1926, page 22, in the following language:

We are having quite a little difficulty in the southern California district from our own people, who claim the law is being enforced too stringently. It seems to come principally from chambers of commerce along the border.

This friction resulted in threats by these law-breaking importers of pauper peon labor of running the United States officers "out of California." Assistant Secretary White says so in the following language in his letter of July 1, 1926, CONGRESSIONAL RECORD, July 1, 1926, page 12562:

* * * the threat was made, quite openly, that an effort would be made to have the district director at Los Angeles, who has charge of that district, and the officer in charge at Calexico impeached and run out of California.

Tremulously, the writer says that this threat was made "quite openly."

Restrain your fears, gentlemen; if the United States can find men who appreciate its dignity and power and the majesty of its laws, it will be a long time before any bunch of law breakers will run its officers out of any State where they are sent to perform official duties.

Crediting the statements of officials of the department that "the Immigration Service is not a party to the plan," one wonders who were the parties. Perhaps it was between these trouble-making interests and the man in the mild moon of southern California. Commissioner General Hull says:

It was, therefore, suggested to the ranchers, and other parties interested, that they assist the Immigration Service in providing a means whereby these aliens could gain a lawful residence in the United States. (CONGRESSIONAL RECORD, March 18, 1926, p. 5879.)

If the moon made this suggestion, that mild mannered, disinterested observer from afar was very kind to stipulate that the peon labor importers should "assist the Immigration Service in finding a manner of defeating the letter and purpose of the law requiring the deportation of these aliens illegally in the country.

Assistant Secretary White says in his letter of July 1, 1926, CONGRESSIONAL RECORD, page 12562, that—

the persons concerned joined interests and agreed among themselves to endeavor to persuade aliens in that section to return to Mexico and apply for admission in the regular manner.

Trouble-making lawbreakers threatening to run United States officers out of California now agree among themselves to "endeavor to persuade" the aliens to return to Mexico and apply in the regular manner; when, if the law were enforced, few, if any, of them would be admissible because they were illiterate, paupers, many of them diseased, and practically all had been illegally induced and assisted to enter the country by those who were paying or helping them to pay the visa fees and head tax and had induced them to become immigrants, and were now to persuade them to again enter the country. The law, if enforced, would require the rejection of all such. But, according to this statement, this agreement was not with anybody but was among the people on one side of the bargaining. Think of the United States having lawbreakers to engage in "persuading" Mexican pauper peons to make a mere gesture at bowing to the Nation's law being contemptuously violated by them!

However, these interests on one side of the arrangement published blanks and instructions for carrying out the plan. These blanks they furnished to the department, and in them the importers said:

If we, the citizens of the Imperial Valley, will perform our part of the understanding in good faith we are assured of the same good faith and friendly cooperation from the officials of the Immigration Service. (CONGRESSIONAL RECORD, March 18, 1926, p. 5879.)

This is strange language to be used concerning the Government officials if they were bound by no agreement requiring good faith observance. But the action of the labor importers in supplying it to the Immigration Service and the Department of Labor was still more remarkable, if we accept the denials

that that service was not a party to it and did not know of it, even after the department was furnished with all this literature prepared for and used in its execution.

If these interests were misrepresenting the attitude of the officials, why did they take pains to advise the officials of just how they were doing it, and why were the officials handling and exhibiting these blanks and instructions in justification of the plan? In his letter—CONGRESSIONAL RECORD, March 18, 1826, page 5880—Commissioner General Hull says:

Mr. Wixon has a copy of the printed matter which has been gotten out by the Associated Labor Bureau, and I will be glad to have him call upon you, if you so desire, and go over the plan more fully than has been possible within the compass of this communication.

Secretary of Labor Davis knew of the presence of this literature in the department and told the gentleman from Texas about it in a telephone conversation. Commissioner General Hull and Chief Supervisor Wixon brought a supply of it to the office of the gentleman from Texas, who read a part of it in his speech, as appears in the CONGRESSIONAL RECORD of March 18, 1926, at pages 5880-5885.

Assistant Secretary White, in his letter of July 1, 1926, says that Chief Supervisor Wixon—

attended a meeting of the chamber of commerce and learned * * *. (CONGRESSIONAL RECORD, July 1, 1926, p. 12562.)

Commissioner General Hull says that—

after several conferences with chambers of commerce the interests involved agreed to appoint a representative to cooperate with the Immigration Service, etc. (CONGRESSIONAL RECORD, March 18, 1926, p. 5879.)

The purport of this "plan," "arrangement," "understanding," or "agreement" can be guessed pretty accurately when we remember that those who were formerly giving trouble because of the enforcement of the law, and apparently threatening to run the Government's officers out of the State, are now "pleased" with the concessions they procured from the Immigration Service as a result of their trouble making and threats.

Imperial Valley ranchers and business men contributed generously of their money to support the organization, and they are pleased with results. (CONGRESSIONAL RECORD, June 7, 1926, p. 10866.

Another indication of the subject matter and general character of the "plan," "arrangement," "understanding," or "agreement" is found in its purpose, which, according to Commissioner General Hull's letter, CONGRESSIONAL RECORD, March 18, 1926, page 5879, is "to stabilize labor conditions." This stabilization is not for the benefit of American society, citizenship, or working people. The latter want to work under decent conditions and at living wages. It is for the benefit of Mexican peons and those who import and employ them.

Commissioner General Hull throws further light on the character and effect of the "plan," "arrangement," "understanding," or "agreement" when he reminds us in his denial-apology letter that it accommodates foreign pauper peons who are unable to pay the fees required for their admission and their importers and employers who are unwilling to advance such fees and forbidden by law to do it, by saying that—

This particular class of aliens * * * seldom are * * * able to meet the fiscal requirements of the immigration laws upon the occasion of their entry, as they are more or less an improvident people. (CONGRESSIONAL RECORD, March 18, 1926, p. 5660.)

Chief Supervisor Wixon threw light upon its character when he explained that its purpose is the very opposite of the purpose of the law. The law says that—

* * * any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported.

Mr. Wixon, in a statement submitted to him and several of his superiors before I used it, said:

It is absolutely untrue that I have issued any order whatever in regard to deportation of Mexican laborers * * *. In fact, we have been working for weeks along lines exactly the reverse. (CONGRESSIONAL RECORD, March 18, 1926, p. 5878.)

A much longer list of these intermixed denials and apologies could be pointed out, but this is enough. Of little children it has been said:

What a tangled web we weave
When first we practice to deceive.

Veterans, too, tell tangled tales.

MEMORIAL TO THE LATE WILLIAM ATKINSON JONES

Mr. GUEVARA. Mr. Speaker, I ask unanimous consent to extend in the RECORD the invocation and speeches delivered by Rev. Arthur B. Kinsolving; Hon. FINIS J. GARRETT, of Tennessee; Sergio Osmena, of the Philippines; Senator GLASS, of Virginia; Congressman BLAND, of Virginia; and that of myself on the ceremonies held at Warsaw, Va., on June 20, 1926, on the occasion of the dedication of the Jones Memorial presented by the Filipino people to the late William Atkinson Jones.

The SPEAKER. Is there objection to the request of the gentleman from the Philippines?

There was no objection.

Mr. GUEVARA. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

INVOCATION DELIVERED BY REV. ARTHUR B. KINSOLVING ON THE OCCASION OF THE DEDICATION OF THE JONES MEMORIAL, PRESENTED BY THE FILIPINO PEOPLE TO WILLIAM ATKINSON JONES, JUNE 20, 1926, AT 3 O'CLOCK P. M., WARSAW, VA.

O Eternal God, Creator and Savior of all the families and kindreds of men, from whom we come, to whom we go, as we meet to dedicate this beautiful memorial of a people's gratitude to an American statesman, we would recall the great memories and ideals which lie behind it in our own national past. We thank Thee that Thou didst lead our fathers forth into this fair, new land, teaching them how sweet it is to be free. We bless Thee for the ideals of liberty and self-government which we ourselves have inherited, and we humble ourselves as we think how often we have failed to live worthily of them.

To-day we would remember gratefully all those who have served well our country in public office, especially those who in serving America have sought to serve the world. In particular, we thank Thee for him who is this day memorialized, the honored and beloved statesman who toiled through so many patient years that the great principles of American liberty might be extended to the Filipino people. We bless Thee that a man, born in this village, learned to live out in the open sea of fraternity and brotherhood, that the sails of his spirit were filled with the airs of freedom. Dower us, we pray Thee, more richly with the same spirit of kindness and justice and hope. Deliver us from all hardness and scorn, and give us that chivalry which will prompt us to "Bear one another's burdens, and so fulfill the law of Christ."

And now, we bless Thee, that Thou hast put it into the hearts of this grateful people to erect over all that is mortal of their friend and benefactor this stately monument. May it stand through the coming years as a witness to the immortality of love and friendship and service. May the young men of coming generations find here a fresh incentive to the practice of that world brotherhood which will one day usher in "the parliament of man and the federation of the world." Instead of the dream of empire, may we have increasingly the vision of service and the desire to deliver men from the burden of oppression and the cross of servitude.

Hasten the day when the kingdom of Jesus Christ in truth and sincerity may come all over the world, when we shall be free from the tribal, self-seeking mind, and win the richer self of world-wide brotherhood.

"A kingdom where there is no east nor west;
There are no walls dividing clan from clan;
But brotherhood as wide as humankind,
And with a King who is the 'Son of Man.'"

We ask all in the name of our supreme master and teacher, Jesus Christ.

SPEECH INTRODUCING SENATOR SERGIO OSMEÑA BY HON. FINIS J. GARRETT, MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES

Ladies and gentlemen of Virginia, this is, I assure you, an unexpected honor which has been shown me.

I came to Warsaw to-day simply as a close friend of your neighbor, the late Representative William A. Jones, whose life was spent among you, in order that I might show again my esteem for his great character and work and my abiding respect for his distinguished ability and hallowed memory. I expected to be an onlooker and nothing more.

Just a few moments ago, however, the chairman of the meeting extended to me a gracious invitation to present to the audience of the honored representative of the Filipino people who is here to voice that people's sentiments toward our beloved dead statesman and friend, and this I am happy to do.

It was my greatly prized privilege to be intimately associated with Mr. Jones, officially and personally, over a period of many years.

It is needless to say to this people that his was a most distinguished public career, and that his name is writ indelibly into the history of the Nation.

All Virginia is historic, and this particular section thrills constantly with holy traditions inseparable from our Nation's past and present greatness. Mr. Jones, intellectually and spiritually, was the worthy representative of a section with such a setting. He truly

voiced the best and bravest feelings of a people accustomed daily to rub elbows, as it were, with the great men of past generations who wrought so wondrously for humankind and wrote so much of liberty into law as that even yet we stand in awe before the majesty of their labors.

For nearly 28 years he was a Representative in the Congress of the United States. He was thoroughly grounded in the fundamentals of human freedom, and knew quite well the processes essential to preserve and protect liberty through the medium of that organization which we denominate "government."

His district had many and varied interests, and to all of these he was ever attentive and loyal, and his service, both as to matters local and as to matters national, was ever of the first order.

His crowning life work grew out of his service with relation to those insular possessions over which we obtained jurisdiction following the war with Spain in 1898—Porto Rico and the Philippine Islands.

In the Fifty-sixth Congress following our acquisition of these territories it was determined to create a new committee in the House of Representatives, to be known as the Committee on Insular Affairs. In all the history of that legislative body it is safe to say no committee was ever made up more carefully as to its personnel. The strongest men of the House were chosen for membership upon it; the leaders were drafted from the leading committees—men like Payne and Dalzell, from Ways and Means; like Cannon, from Appropriations; and ranking members from the Judiciary. Mr. COOPER of Wisconsin was made chairman, as I have often heard it related, at the personal request of President McKinley.

The Democrats likewise drew from the body of the House their best material—men like the scholarly and profound John Sharp Williams, of Mississippi; the gifted and brilliant Carmack, of Tennessee. Mr. Jones was chosen as the ranking Democrat upon this great committee and was upon it throughout the remainder of his service in the Congress. When his party came into power following the election of 1910 he became its chairman and so continued until his death.

It was during this period that he did his great work, eliciting that devotion of a splendid people to which tender expression is to be given to-day and writing his name for all time among that group of immortals whose passion has been liberty and whose creed has been independence.

I became a member of the Committee on Insular Affairs during the Fifty-ninth Congress, and it was then that my close association with Mr. Jones began. We saw eye to eye upon insular questions. Our views were the same. I had by 1916 become next to him in rank upon the commitee; he gave me his full confidence and invited me to assist in the preparation of the bills looking toward the liberalization of the governments of Porto Rico and the Philippines, with a view to eventual independence for the latter.

I wish that I had kept more copious notes of the work extending over many weeks in the preparation of the Jones Philippine bill. He had visited the islands and had a vast fund of information. His tenacious memory enabled him to retain minute details, and he had kept abreast of the developments of the people.

We had, too, the splendid service of Major General McIntyre, and I wish to mention it.

You will understand, of course, that General McIntyre did not deal with questions of policy. That was for us; but his wide knowledge of conditions and his sympathetic understanding of the people rendered his services invaluable.

We had a number of conferences with President Wilson while the bill was in process of preparation. I wish I had notes of those. I recall very vividly the last one, when after an hour or more of conference we had agreed that the best method to express the Nation's intent to eventually grant independence to the Philippines would be by a recitation in the preamble, and the President, accepting the idea embodied in the proposed independence act of 1912 prepared by Mr. Jones, turned to his desk and wrote the language declaring the purpose of the people of the United States:

"To withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein."

I must not dwell upon history longer. Every impulse of the heart of Mr. Jones and every dictate of his mind was sympathetic with Philippine independence, and he had the courage, the iron will, if you please, to follow heart and mind, and so with skill and bravery he carried his bill through the House containing the Nation's promise. The declaration of purpose was a thing without precedent in history. That it will be glorious in its destiny let us not doubt.

The people of the Philippine Islands through their legislative body have determined to give physical expression to their profound appreciation of the preeminent services rendered to them by this Virginia statesman, and so they have caused to be builded here above his grave this beautiful mausoleum.

Representatives of that people have come to you across the thousands of miles of sea and land formally to present it, and as the spokesman for the occasion they have chosen a great outstanding leader of the Philippines. He became a members of the first assembly of the Islands and served as its speaker for a period of 15 years, when he retired from that body to become a member of the senate created by the Jones Act.

He has been a great leader of his people, directing them along the lines of peace and progress. He is a great character in the world and I take pleasure in presenting him—Senator Sergio Osmeña, of the Philippine Islands.

SPEECH OF PRESENTATION BY HON. SERGIO OSMEÑA, PRESIDENT PRO TEMPORE OF THE PHILIPPINE SENATE AND SPECIAL REPRESENTATIVE OF THE PHILIPPINE LEGISLATURE

Mr. Chairman, ladies, and gentlemen, we are here to-day to dedicate a memorial to William Atkinson Jones. This monument found its inspiration in the affection of the Filipino people. It took shape and form through the genius of a Spanish sculptor. It now finds an abiding place on American soil. It has thus symbolized in the process of its realization the good will of three nations. It stands for peace, for the triumph of political idealism, and for international friendship. It is an expression of thanksgiving on the part of a whole people for a life devoted to their country's freedom.

At a time when the attitude of the American people toward the Philippines called for a more definite expression, the cause of liberty found a dauntless champion in the noble Virginian whose inspiring memory we are recalling to-day. And a cause so just could not have had a leader more worthy. Because of inherited ideals, profound conviction, and unshakable faith in those political traditions which other great sons of Virginia have left as the most priceless heritage of their Nation, William Atkinson Jones played fully and well the rôle of a foremost advocate of freedom and justice for 12,000,000 souls.

In his veins were mixed in a strong and felicitous union the best blood of Virginia and Massachusetts. On one side there spoke to him throughout all the years of his life the great principles so stoutly and successfully upheld by the great Virginians of the Revolutionary period. On the other, there was ever ringing in his ears the echo of those shots of the embattled New England farmers, which were heard the world over and whose reverberations even to the present day are a constant warning against the use of autocratic or arbitrary power.

Joined to his inherited belief in the cause of liberty were personal traits which made him one of freedom's most powerful advocates. He was gifted with unusual forensic ability, with a strong, penetrating, and luminous intellect. His unflinching courage and stainless character earned the respect of friends and foes alike. And his unswerving faith in democracy, his belief in the right of every people to run their own affairs rounded out his qualifications as a defender of the principles contained in America's Declaration of Independence at a time when their meaning was almost obscured by specious interpretations.

Thus, it is not surprising that destiny should have chosen him to defend the cause of an alien race. And, two years before his death, the Congress of the United States passed for the Philippine Islands the organic law which bears his name—a law which definitely and solemnly pledges independence to the Philippines. That law marked the culminating achievement of his career. It was in consonance with the avowedly high aims of the Spanish-American War and with all previous executive declarations of American policy toward the Philippines, from McKinley to Wilson. It marked an inevitable step in the process of assuring the establishment of a Philippine state, free, self-reliant, and without dismemberment of any kind.

That piece of constructive legislation, freighted with the hopes and aspirations of a people longing to be free, is a veritable covenant between America and the Philippines—a charter of liberty which has proved to be an insurmountable obstacle to those who would persuade the American people to deny to others that which they claim for themselves. It affirms for all time the generous purposes animating the great American Republic in her dealings with an aspiring race. It was accepted by the Filipino people as a solemn approval of their desire for the speedy establishment of a republic in the Far East as the happy fruition of the joint labor and the common purpose of the people of our two countries. Its policy has become firmly imbedded in our minds. And, based as it is on the most solid grounds of justice and involving, as it does, the relations between two nations, we firmly believe that the American people, so zealous in the promotion of international justice, good faith, and morality will never consent to its violation.

It would be well if, in recalling the life of him whose name has thus become a necessary part of the history of a whole people, we should ponder over those principles which guided him in his labors. For his greatness lay in his having identified himself with noble causes and his refusal to be led away from his ideals. Those ideals were not peculiar to him. They were and they still are the ideals of the American people. A little over a century before his time, the thirteen Colonies had broken with the past and established a government based on the equality of men and the sovereignty of the people. When he entered the arena of action it was no longer necessary to build a foundation upon which democratic institutions

could be erected in the United States. Washington, on the field of battle, and Jefferson, in the realm of political theory and practice—both of them, like William Atkinson Jones, born and nurtured on the soil of Virginia—had already performed that necessary function.

But if, unlike Washington and Jefferson, it did not fall to his lot to assist in the establishment of the Government and other political institutions of the United States, it is nevertheless true that in his own time and under changed conditions he tried to accomplish the same mission which, in similar circumstances, the Father of his Country and the author of the Declaration of Independence would have undertaken. Democracy having become the accepted political system in his own country, he conceived it to be his duty to aid in giving its privileges and spreading its blessings to other peoples and other climes. And so it was that, although living in the land he loved and served, he became the defender and advocate of the rights of an alien people living in a country 10,000 miles away. While his mortal remains lie with the soil of Virginia, 12,000,000 people under a tropical sky join with the citizens of his native State in cherishing his memory and recalling his splendid services to the most noble and most glorious cause in the annals of history—that of freedom, justice, and peace.

And it is because of their sense of appreciation and gratitude that the Filipino people through their representatives in the legislature decided to erect this modest memorial in his native land. But, in a sense, the memorial which would be the most fitting and which he, himself, would have preferred would be the full realization of his dream of a free and independent Philippine Republic. The happiness and joy, the increased sense of responsibility and greater self-control, the enhanced self-respect and legitimate pride in an independent national existence would constitute, together with the presence of a new member in the family of nations, the greatest monument to his memory. God grant that this magnificent dream of his life fraught with such great meaning for the welfare of the Filipino and the American people may be speedily consummated!

Senator GLASS. It is a high privilege to present through you to the family of the honored defender of the rights and liberties of our people, William Atkinson Jones, and to the State which gave him birth, this monument consecrated by the Filipino people as a token of their love, appreciation, and eternal gratitude to the memory of the man whose name will always occupy a commanding place in the history of their struggles for national freedom.

ADDRESS OF ACCEPTANCE BY HON. CARTER GLASS, OF THE SENATE OF THE UNITED STATES

Senator Osmeña, in your gracious presentation of this immutable memorial of the affection of the Philippine people for the late William A. Jones you very appropriately suggested that this man's love of civil liberty was a heritage handed down from sires to sons through many generations. It was derived from that branch of humankind which revived the almost submerged ideal in the mid-centuries of the Christian era and transplanted it with the first English settlement at Jamestown, in Virginia, and a little later with the English colony at Plymouth, in Massachusetts. In the intervening years this great aspiration of all enlightened races has increasingly become a synonym of that which we call by the name of civilization.

William A. Jones was born in the atmosphere of civil liberty, here in the northern neck of Virginia, geographical habitation, with nearby counties, of a group of men whose contributions to the cause of human freedom were never exceeded, if ever quite equalled, by any other set of men for a similar period in all the tide of events—Washington and Jefferson, Madison and Monroe, Mason and Marshall, the Lees, fathers and sons, patriots all, together with other notable figures in the drama of the Revolution which God staged on this virgin continent as an inspiration to his children of all succeeding times in the uttermost parts of the earth.

No worthy man so circumstanced, acquainted with the history of the Colonies and the States, nurtured in the traditions which give form and effect to the social life of this Commonwealth, could, except in contravention of the great lessons thus learned, fail to cherish or to manifest a feeling of intensest sympathy for the people of any country in an intelligent and ordered struggle for independence.

Mr. Jones was not only imbued with this sentiment of freedom in the abstract, but had little patience with that species of hesitating indifference which so frequenly is willing to tolerate wrong for no other reason than that ceaseless effort and personal sacrifice are, in exigencies, essential to the assertion of the right. He was made of sterner stuff than that which too often enters into the composition of public men. His moral courage had comradeship with physical fearlessness. To him a thing was either right or wrong. If right, no sacrificial obstacle could deter him in pursuit of its accomplishment. If wrong, nothing could persuade or constrain him, where a principle was involved, to yield one jot or tittle of the issue for which he might be contending. Free in disputation from all artifice, his very earnestness was impressive and his discernment so clear as to make him master of any problem upon which his mind was seriously engaged.

The felicity of your presentation address, sir, takes its admirable tone from the intimate knowledge it reveals of the private virtues and public services of the man whom your people are thus pleased to honor in death as they loved him so in life. Little wonder there is that, as spokesman for the Filipinos, you were inspired to expressions of genuine grace in token of the gratitude your countrymen feel when they contemplate the fateful devotion of William A. Jones to their cause of national independence! The Scriptures attest a sublime truth to which all human hearts pay homage: "Greater love hath no man than that he will lay down his life for a friend." Christ taught and exemplified that. William A. Jones illustrated this precept of the Savior.

Perhaps few friends may speak with greater confidence than I on the subject of Mr. Jones's passion for freedom for the Philippine Islands. His intimate associate in Congress from the very beginning of my own service, and a kindred spirit even before we ever met, I had close and constant observation of his activities in this behalf.

As a member of the Committee on Insular Affairs of the House of Representatives in an adversary administration, Mr. Jones soon became a dominating factor among the exceptionally able men with whom he was brought in cooperation. With Mr. Taft, Secretary of War, he visited the Philippine Islands to get personal contact and first-hand knowledge of the problem. In concert with Major General McIntyre, of the War Department, he took cognizance of every event having reference to the progress of the Filipinos in the science of free government and pressed ceaselessly upon the favorable attention of Congress every measure designed to hasten the day when freedom might safely be proclaimed.

Distinctly I recall that in the preconvention contest within his party for the presidential nomination in 1912, he prevailed with me to accompany him to Washington to urge Woodrow Wilson to make Philippine independence an outstanding feature of the campaign then just beginning to be planned for the struggle which culminated in the triumph of the great Virginian at Baltimore and in the ensuing popular election. It was his insistent effort that caused to be inserted in the Baltimore platform an unqualified declaration of the Nation's purpose to renounce its imperialistic policy and to "recognize the independence of the Philippine Islands as soon as a stable government can be established." It is needless to recount his subsequent activity or to review that crowning achievement in the passage by the Congress of the Jones bill for Philippine independence. To you, Senator Osmeña, and to your people it is a happy and familiar story. On the islands you have erected a memorial of appreciation. Your children are taught to honor the memory of their nation's friend and benefactor. As speaker of the Philippine House of Representatives eight years ago, when news was received of the death of William A. Jones, you were pleased to exclaim:

"It is not sufficient, with throbbing hearts, to tender at his tomb our tears and our affections. He will live while there breathes a Filipino!"

This fitting panegyric, this animating prophecy, finds partial confirmation here to-day in the repetition of your praise; and, more enduring than the words of men, in the sculptured memorial here erected to commemorate a noble service and to signify the imperishable gratitude of a people in whose behalf the life of William A. Jones was spent. For Virginia, which gave him birth and holds his dust, as his friend and as spokesman for his family, I have the honor to accept this beautiful tribute of affection from the people across the seas.

ADDRESS OF HON. S. O. BLAND, OF THE HOUSE OF REPRESENTATIVES

Before entering upon my formal address, I wish to express the gratitude of Mr. Jones's family, of the people of my district, and of myself to the War Department, to General McIntyre, Chief of the Bureau of Insular Affairs of that department, to his entire staff, and particularly to Major Sullivan, who has had immediate charge of this work, for their untiring patience, efficient service, and splendid cooperation in erecting this mausoleum and in making these ceremonials and exercises in keeping with the spirit of the occasion.

For more than a quarter of a century, he, at whose tomb to-day we stand, served this district and this people. From 1890, when he was called to serve in the Congress of the United States, to the day of his death, this capable Representative wrought zealously, loyally, and well for the people who had chosen him to be their servant. He was at all times a faithful servant of his people. How well he served is best attested by the length of his service, the excellent record of his achievements, and the complete devotion of his constituents.

Mr. Jones had a hold upon their affections that nothing could shake. They knew him; they loved him; they trusted him. They knew that at all times and under all circumstances he could be relied upon to do the right thing, that a superior intelligence would unite sound judgment, and that his conscience would always be his guide. They knew that right, and not expediency, would be his rule of conduct, and that

he would never trim his political sails to catch the passing breeze. They knew that in his political life his course would be determined always by the highest ideals and by the loftiest patriotism. With his constituents no concern ever existed that he would fail to bring righteousness and justice to bear upon the solution of all legislative problems. They gladly heard him and accepted his counsel. Where he went they knew that honor and wisdom pointed the way. Where he went they were glad to follow.

No part of America has produced more eminent men instinct with love of freedom than this narrow neck between the Rappahannock and the Potomac. Here men have thought great thoughts and done great deeds. Here the past is an inspiration and an example. Here devotion to duty, love of country, and heroic service and sacrifice have found their finest expression. Here names high on honor's rolls are household words. Here tradition and fact charm and lure with compelling force and yet with winsome grace. Wherever else political time servers may exist, here public men must strive to become statesmen in the highest sense of that term, or be recreant to the high ideals and noble sentiments that have made this section immortal. Here, Wakefield and Stratford, the Washingtons and the Lees, are constant reminders that—

"Freedom's battle once begun,
Bequeathed by bleeding sire to son,
Though baffled oft, is ever won."

Here had been born the Father of his Country. Here had been reared he who, 150 years ago, in obedience to his native State, boldly submitted, in convention assembled, that these Colonies were, and of right ought to be, free and independent. Here had been nurtured the brilliant diplomat who in 1778 negotiated the treaty with France which assured our independence. Not far away there had been born and lived another great Virginian who, 150 years ago, had first collected in a great charter the fundamentals of a free people. Here had been born the greatest soldier of the English-speaking race who, by heroic service, splendid sacrifice, and glorious life added new luster to the name of Lee, of Virginia, and of your own northern neck.

The very air is vibrant with the memory of great events and great names. In such an environment, it is not strange that genius should grow to greatness. Mr. Jones was a true son of patriotic sires. He imbibed from earliest youth the ennobling traditions, the inspiring sentiments, and the lofty idealism of these people of the past. Descended from a line that had helped to mold and make a Nation, he devoted all of his splendid talents and great strength to the cause of freedom. He believed with all his soul that governments are instituted among men deriving their just powers from the consent of the governed. He sought to extend the frontiers of human liberty. He sought to carry to others that freedom which his illustrious ancestors had bequeathed to him. He became the champion of a deserving people in a distant land, and sought to give to them that freedom which worthy sires had given to him. To these distant people he rendered inestimable service. Tired, worn, harassed with pain, whenever opportunity offered he rose superior to physical ailments, and finally his indomitable will and courage won a great victory. It is appropriate that he should be revered by the Philippine people, and they have never omitted an opportunity to show for him their great affection.

Often it is said that peoples soon forget; that republics are ungrateful. Too often in the complexities of modern life, with its engrossing cares, its pressing demands, its present duties, its absorbing responsibilities, and its tasks, this is true, but now and then the undying gratitude of an appreciative people finds lasting expression in some definite and tangible form. A great writer has said: "Gratitude is a fruit of great cultivation; you do not find it among a gross people."

It is indeed fitting that in this one hundred and fiftieth year of American independence, when this Nation remembers its Washington, its Jefferson, its Adams, its Hancock, its Marshall, its Henry, its Mason, and its Lees, that the Philippine people, in an enduring way, should remember with love and affection their great benefactor, champion, and friend who carried to them hopes and high resolves similar to those which as a Nation we this year celebrate.

The Philippine people venerate Mr. Jones, and we share in their veneration. The people of this district realize that Mr. Jones added new luster to their renown, and they regard no tribute too great for him. They will ever feel an abiding love for these far-away people who have bestowed so much love and affection upon their son, and they will watch with pride and sincere affection that people's progress to a high destiny.

Senator Osmeña, this handsome memorial will prove a tie that shall ever bind my people close to you and to your people, and as you honor him we loved and were proud to follow, so shall we ever honor you. Our hearts will ever beat in unison with yours.

Too great honor can not be done him at whose tomb to-day we stand. We love you for this, that you love him. We honor you for this, that you honor him. We are not unmindful that could his lips, now closed, speak once again your welfare and your prosperity would be among his first expressions. Carry back to your people the gratitude, the esteem, the good will, the love, and the unwavering confidence of these people who for nearly 28 years gave your benefactor, your champion, and your friend their support, and among whom his memory will ever live as a statesman of equal rank with the greatest of this Nation, a public servant pure and undefiled, and a man uncorrupted and incorruptible. We are proud to have his name linked with that of your immortal patriot and martyr, Rizal. With you, as with us, the luster of Mr. Jones's service will grow brighter with the passing years. May I, for this people and for my departed friend, express the hope that health, happiness, prosperity, and the blessings of liberty may rest upon you and your people through all the years that are to come.

SPEECH BY HON. PEDRO GUEVARA, RESIDENT COMMISSIONER OF THE PHILIPPINES TO THE UNITED STATES

We are gathered here to-day not only to pay homage and tribute to the memory of William Atkinson Jones, but to give thanks for the life which he lived and the public service which he performed. This service extended beyond the confines of his native land, for throughout his active career he was supremely devoted to the cause of a less fortunate people. And so to-day I particularly appreciate the privilege of giving some expression, however inadequate, of the love and esteem which the Filipino people had for him during his lifetime and which they will ever hold for him so long as memory shall last.

It is now seven years since God in his all-wise providence called William Atkinson Jones to a higher sphere of happiness and influence. In his death the Filipino people suffered an irreparable loss, for he was one of their most devoted champions in their struggle for national freedom. It was he who while a Member of the United States Congress drafted the act which since its passage has constituted the organic law of the Philippine Islands, and which is held by our people as a solemn pledge of their independence by the United States. Not only did this document set forth a system of government for the Philippine Islands but it proclaimed to the world the true spirit of the American people in dealing with those of another race brought by destiny under the protection of their flag. This spirit has not been one of subjugation of a weaker by a more powerful nation nor of a denial of representative democracy, nor the constitution of arbitrary government, nor the violation of the right of any country to rule itself.

The Jones law gave congressional sanction to the promises which had been made to the Filipinos during the previous years of American control. It constituted the greatest single step which has been taken by this country toward the ultimate granting of independence to the Filipino people. The thought and the effort of its author was that democracy and subjugation could not exist beneath the same flag.

His record in public life was such that he will be numbered for all time in the list of those great men who have placed the freedom of their fellow beings above every other consideration. His political philosophy thus expressed, and his moral courage in taking his individual stand in accord with the highest and best of American traditions have eternally enshrined him in the hearts and affections of the millions of Filipinos who mourn his loss.

William Atkinson Jones is no longer with us in person to carry on the work which was so dear to him. But his spirit and memory are with us yet, and will dwell eternally in the hearts of this and future generations of the Filipino people as an inspiration for all that is best and highest in life.

THE CASE OF FREDERICK A. FENNING, COMMISSIONER OF DISTRICT OF COLUMBIA

Mr. YATES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. YATES. Mr. Speaker, the House having graciously given its unanimous consent to extend my remarks in the CONGRESSIONAL RECORD, I avail myself of the privilege, and hereby insert the following remarks, which I have made, in substance, elsewhere, and which embody my conclusions in the impeachment case of Frederick A. Fenning, Commissioner of the District of Columbia:

Our inquiry concerning Frederick A. Fenning does, in my opinion, disclose conditions requiring the attention of Congress. The Code of Laws of the District of Columbia relating to the guardians of infants provides for the appointment of guardians of persons and guardians of estates by the probate court and fixes the commission to be paid to the guardian "not exceeding 10 per cent of the principal of the personal estate." There is no limit to the number of guardianships to which one person may be appointed.

The code, in the sections relating to non compos mentis persons, provides that the Supreme Court of the District, acting in equity, has full power to appoint committees or trustees to look after the estates of such persons, but is silent as to the fees or commissions

that may be allowed to a committee or trustee. No limit is placed as to the number of lunatics for whom a committee may act.

The testimony before the subcommittee shows that Mr. Fenning was formerly a clerk in the Bureau of Pensions in the Interior Department. He left that position about 1898 to practice law, made a specialty of lunacy and guardianship cases as a quasi-public guardian and has been appointed as a committee or guardian for about 450 wards, aside from World War veteran cases, from 1898 to 1925.

St. Elizabeths Hospital is a Government institution for the insane. Patients from all sections of the country are sent to it for treatment by various Government departments. There are usually about 4,400 inmates; 943 veterans of the World War are inmates. Nearly all are entitled to and receive compensation through the Veterans' Bureau. We find that Mr. Fenning at the time the report was made by the bureau, May 24, 1926, was serving as a committee for 76 veteran inmates; that he has also served in that capacity for 44 veterans from which he had been discharged by reason of the death of the ward or appointment of others as committee. See printed volume of testimony, pages 23 to 35. From 1919 to 1925, inclusive, he received as fees from the 76 and the 44 cases herein referred to the sum of $98,544.46.

Mr. Fenning was appointed a Commissioner of the District of Columbia June 5, 1925.

A bond is required of the committee or guardian by the court in each and every case. Mr. Fenning had himself appointed as agent of certain bonding companies and bonded himself as committee or guardian in said companies, paying out of the funds of his ward an annual premium, of which he received from the insurance companies 25 per cent as a commission as an agent for said companies.

Mr. Fenning, as committee or guardian, visited St. Elizabeths about once in two weeks and saw some of his wards. These wards were of the class who needed the kind and considerate cooperation and sympathy of their committee. They are wrecks of the storm of war. An unmistakable duty rests upon everyone charged with their care to give their every need sympathetic attention. The duty requires personal service to the ward, not service that means financial return to the committee. The actuating motive of the committee should be to render that service for the sake of helping the unfortunate, not for the purpose of gain.

I am satisfied that in that class of cases a committee guardian can not look after more than five wards unless it be a trust company and gives such attention to them as is needed. This is the judgment of Director Hines, of the Veterans' Bureau. To remedy that condition bills have been introduced and reported favorably by the House Committee on the District which propose to limit the commission to 5 per cent and the number of wards for whom one person may act, either as committee or guardian, to five, except when the wards are of one family or entitled to property from the one estate, or the guardian or committee may be a trust company.

These bills are House bills 12109, 12110, 12217, and 12218. It is my opinion these will cure the conditions found to exist in respect to the appointment of guardians or committees and the commissions or fees to be allowed.

Committees are appointed by a judge of the supreme court, sitting in equity, upon petition and hearing. In cases of lunatics, if a non compos mentis person has no known relative available to make application for appointment, application has usually been made by Dr. William A. White, superintendent of St. Elizabeths Hospital. In 60 of the cases of veterans arising since the World War, Doctor White petitioned the court to name Frederick A. Fenning as the committee, and named Mr. Fenning in all but one petition preferred by him. The petitions in nearly all of these cases were made upon blanks from the office of Mr. Fenning and were prepared by him. Testimony was introduced tending to show that Mr. Fenning was notified from St. Elizabeths when a veteran was received there who possessed property.

In practically all of the cases the veterans received regular income through the Veterans' Bureau, paid monthly, either as insurance or compensation, or both. Mr. Fenning, as committee, invested this income, made such payments to the veteran as directed by the court, caused clothing to be supplied, and visited them at infrequent intervals, visiting the hospital once in two weeks on the average. For this Mr. Fenning charged for and was allowed by the court from 5 per cent to 10 per cent on the principal and income of the personal estates of his wards.

The manner in which Mr. Fenning secured his business, the gross amount of fees he charged and received out of the estates of insane veterans under his care, his continuance in the practice of the law and in the handling of estates of more than a hundred wards since he became commissioner, his method of writing his own bonds, receiving a portion of the premiums and still charging the same to the estates of his wards, and the consequent loss of confidence in him on the part of the public make his continuance in office incompatible with the best interests of the District.

Mr. Speaker, I felt so deeply in this connection that in the House Committee on the Judiciary I offered an amendment (to the committee's proposed report to the House) exactly in the words of the paragraph last above mentioned, namely:

The manner in which Mr. Fenning secured his business, the gross amount of fees he charged and received out of the estates of insane veterans under his care, his continuance in the practice of the law and in the handling of estates of more than a hundred wards since he became commissioner, his method of writing his own bonds, receiving a portion of the premiums and still charging the same to the estates of his wards, his attitude toward the enforcement of laws passed by Congress relating to the District of Columbia and the consequent loss of confidence in him on the part of the public makes his continuance in office incompatible with the best interests of the District.

My amendment did not prevail, but I know I am right—was right then, and am right now.

Mr. Speaker in this instance, a public official (in my opinion "a civil officer of the United States") conceived and created an industry, which was the business of receiving and enjoying compensation for caring for estates of insane people. As a result whenever an insane patient entering St. Elizabeths Hospital had money or estate, he was notified, and often when one died, the undertaking company in which Mr. Fenning held one share of stock was notified. So that, from the beginning to the end of the patient's experience at St. Elizabeths he was, if he had money or property, usually under this supervision and surveillance. Had these patients been blind or dumb practice would have been bad enough; but they—these World War veterans, had given their minds for their country—had made an ecstasy of agony the supreme sacrifice!

In the dark days of 1917 and 1918, I made speeches at Red Cross meetings, Liberty loan meetings and "going away meetings" in nearly every county in Illinois. I said to the young men about to leave for camp and cantonment:

We give you this pledge; we will not forget. We will build a bridge, we, these 110,000,000, people of the United States—we will build a bridge of sympathy and support, all the way, from Yankee Land and back again. Yes; back again; to No Man's Land, and back again. Yes; back again. And when you get back, you may have what is left.

That was our pledge; you know it was our pledge; all men know it was our pledge. May my tongue cleave to the roof of my mouth and my right hand forget its cunning, if I forget the oath we took in those days. I feel simply too deeply, utterly deeply for words, when I reflect on the sacrifices made by these young Americans who have even given their minds for this country of ours, in order that it may indeed be the heir of the ages, the child of the centuries, the beacon light of liberty and the last hope of humanity. And I can not refrain from criticizing and condemning any individual who in my opinion, neglects his duty or fails in his duty, toward these glorious young sons of the mightiest, manliest, most magnificent Nation of history.

RÉSUMÉ OF WORK OF COMMITTEE ON INDIAN AFFAIRS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD with regard to the work of the Committee on Indian Affairs.

The SPEAKER. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD with regard to the work of the Committee on Indian Affairs. Is there objection?

There was no objection.

Mr. LEAVITT (chairman Committee on Indian Affairs). Mr. Speaker and gentlemen of the House, under leave to extend my remarks in the RECORD, I am submitting herewith for the information of the Congress and the people of this country a report of the work and accomplishments, during the first session of the Sixty-ninth Congress, of the Committee on Indian Affairs of the House of Representatives, of which I have the honor to be chairman. I am justly proud of the work of this committee, and the Congress and the country should be congratulated upon the beneficial Indian legislation enacted into law. Further, I take this opportunity to thank each and every one of the committee members for making this excellent record possible. The members have at all times worked diligently and have devoted a great amount of their time to the problems confronting the committee and affecting nearly every Indian tribe in the United States.

Mr. Speaker, the committee is composed of 21 Members and 1 Delegate from all sections of the country, 10 of its members having Indian tribes in their districts. One hundred and forty-five House bills and 43 Senate bills were referred to the committee for consideration, making a total of 188 bills, of which 43 were duplicates. The committee was called together on 34 different days, and in addition to these meetings, some of

which lasted the entire day, subcommittees spent 27 days holding hearings on various bills. Sixty-nine different measures were reported to the House, 54 of which became laws. Five passed the House and have not yet passed the Senate. Two are now on the House Calendar. One was reported adversely to the House, and on two Senate bills the amendments of the House necessitate a conference between the two legislative bodies in the next session of Congress. One bill passed both House and Senate but did not reach the President before adjournment and will be taken up in the next session. One bill was not signed by the President, since its provision became law in the last deficiency bill. Two bills were not signed by the President before the adjournment of Congress and one bill was returned without his approval.

One of the important bills enacted into law, and which constitutes one of the greatest steps forward for an individual tribe of Indians, is that confirming title to the Northern Cheyenne Indians of Montana to the Executive-order reservation on which they reside. This bill also provides for allotment of lands to these Indians and is intended to place them on a self-supporting basis, as this committee is at all times attempting to do.

The measure amending the Crow allotment act of 1920 is another step forward in that it gives to these Indians a greater voice in their own affairs, with particular reference to the leasing of their lands. It also provides for an adjustment of irrigation matters. It is an important step to eventually bring these Indians to full self-government.

The enactment of jurisdictional bills allowing the Chippewa Indians of Minnesota, the Crow Indians of Montana, and the Pottawatomie Indians of Oklahoma to secure a final adjustment of their claims against the Government in the Court of Claims is important. These will assist in bringing about the discontinuance of the guardianship of the Government over these tribes. The committee has in these measures adopted a policy which requires that the treaties and acts of Congress under which the Indians make claims shall be designated, in order that both the Indians and the Government may know just what is to be presented to the court.

A bill was enacted providing for the employment of consulting engineers on the construction of the Coolidge Dam in Arizona. This is of great importance to the Pima Indians and allows work to be started to bring relief to these Indians who have been deprived of water for irrigation for many years. This legislation will help to put these Indians on a self-supporting basis.

Legislation was enacted giving additional lands to seven different tribes of Indians.

A school was authorized to be constructed at Burns, Oreg., thus making another advance toward bringing Indian children into the public schools of the country.

A bill was enacted providing for a revolving fund for the use of the Fort Belknap Indians of Montana with which to purchase farming implements and other necessities for farming. This will permit them to take a more active part in the development of their reservation and will assist them to a self-supporting basis.

To illustrate the importance of the work accomplished, I present the following list of bills, with their status:

The following passed both Houses and became laws:

H. R. 60. Reclaiming lands Lummi Reservation, Wash.

H. R. 96. Construction of system of water supply at Taholah, Quinaielt Reservation, Wash.;

H. R. 97. Complete road from Taholah to Moclips, Quinaielt Reservation, Wash.

H. R. 178. Allowing Chippewa Indians of Minnesota to submit claims to Court of Claims.

H. R. 183. Per capita payment of Chippewa Indians of Minnesota.

H. R. 186. Payment of tuition of Crow Indian children attending State schools.

H. R. 4761. Amending act with reference to suits involving Indian land titles in Oklahoma.

H. R. 5850. Authorizing appropriation to pay claims of certain Sioux Indians.

H. R. 6374. Employment of consulting engineers on Coolidge Dam.

H. R. 6727. Removing restrictions against alienation on inherited lands of the Kansas or Kaw Indians in Oklahoma.

H. R. 7086. Providing for repairs, improvements, and new buildings at Seneca Indian School, Wyandotte, Okla.

H. R. 7173. To sell certain land and purchase a compact tract of land for Kootenai Indians of Idaho.

H. R. 7752. Leasing for mining purposes land reserved for Indian agency and school purposes.

H. R. 8184. Purchase certain lands to be added to the Cahuilla Reservation, Calif.

H. R. 8185. Amending the Crow allotment act.

H. R. 8186. Purchase certain lands in California to be added to the Santa Ysabel Indian Reservation.

H. R. 8313. Allot lands to living children on the Crow Reservation, Mont.

H. R. 8486. Relief of Gagnon & Co. (Inc.).

H. R. 8564. Relief of Lewis J. Burshia.

H. R. 8652. Providing certain lands as a camp ground for pupils of the Indian school at Phoenix, Ariz.

H. R. 9351. Extending time for making homestead entries on the diminished Colville Reservation, Wash.

H. R. 9558. Allotment of lands of Northern Cheyenne Indian Reservation, Mont.

H. R. 9730. Providing a water-supply system at Dresslerville Indian colony, Nevada.

H. R. 9967. Construct a road on the Leech Lake Reservation, Minn.

H. R. 10610. Confirm title to certain lands in Oklahoma to the Sac and Fox Nation or Tribe of Indians.

H. R. 11171. Deposit and expenditure of various revenues of the Indian Service.

H. R. 11510. Revolving fund for the Indians of the Fort Belknap Reservation, Mont.

H. R. 12596. Leasing of unallotted irrigable land on Indian reservations.

H. J. Res. 134. Method in which the tribes of the Five Civilized Tribes of Oklahoma may submit their claims to the Court of Claims.

S. 585. Relief of F. E. Romberg.

S. 1550. Appropriate certain tribal funds for benefit of the Indians of the Fort Peck and Blackfeet Reservations, Mont.

S. 850. Relief of Robert A. Pickett.

S. 3361. Purchase lands to be added to Papago Indian Reservation, Ariz.

S. 1989. Purchase certain land in Nevada to be added to the present site of the Reno Indian colony.

S. 2530. Use of funds of Indian tribes for payments of insurance for protection of their property.

S. 7. Reimburse Truckee-Carson irrigation district, Nevada.

S. 2868. Authorizing Crow Indians of Montana to submit their claims to the Court of Claims.

S. 3122. Complete road from Tucson to Ajo, Ariz.

S. 2702. Addition of certain lands to Morongo Indian Reservation, Calif.

S. 2706. Addition of certain lands to Mesa Grande Indian Reservation, Calif.

S. J. Res. 60. To pay expenses of Fort Peck Indian delegates.

S. 1963. Authorizing Pottawatomie Indians of Oklahoma to submit their claims to the Court of Claims.

S. 3538. To pay legal expenses incurred by Sac and Fox Tribes of Indians of Oklahoma.

S. 2817. Relief of Edgar K. Miller.

S. 3953. Providing for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes.

S. 3259. Enrollment of certain Kiowa Indians.

S. 3382. To pay expenses of Klamath Indian delegates.

S. 3958. Addition of certain lands to the Makah Indian Reservation, Wash.

S. 3613. Authorizing the erection of a monument for Quannah Parker, late chief of the Comanche Indians.

S. 3749. Erection of a school for the use of the Piute Indians at Burns, Oreg.

S. 3884. To pay expenses of delegate of Northern Cheyenne Indians.

S. 1613. Setting aside Rice Lake for the use of the Chippewa Indians of Minnesota.

S. 4229. Additional period in which Cheyenne and Arapahoe Indians may file claims with the Court of Claims.

S. 4344. Withdrawing Memaloose Island in Columbia River for use as a burial ground by the Yakima and Confederated Tribes.

The following bills passed the House and are now pending in the Senate:

H. R. 2229. Relief of John Ferrell.

H. R. 7814. Addition of certain lands near Summitt Lake, Nev., for use of Piute, Shoshone, and other Indians.

H. R. 8913. Additional lands in Nevada for Walker River Indians.

H. R. 12390. Payment of drainage assessments on Absentee Shawnee Indian lands in Oklahoma.

H. R. 12393. Amending act relative to leases for mining on Indian lands.

The following bills were reported to House and are now on the House Calendar:

H. R. 61. Construction of a road on the Lummi Reservation, Wash.

H. R. 10731. Fish and game laws on Seneca Reservation, N. Y.

The following bill was reported adversely to the House:

H. R. 2793. Pay claim of the estate of B. L. Fairbanks against the Chippewa Indians of Minnesota.

The following bill was returned without the approval of the President:

S. 4152. Authorizing oil and gas mining leases upon unallotted lands within Executive order Indian reservations.

The following bills are in conference between the two Houses:

S. 2717. Reserving merchantable timber on Klamath Reservation.

S. 2141. Allowing Assiniboine Indians of Montana to submit their claims to Court of Claims.

The following bill has passed both Houses, but did not reach the President before the adjournment of Congress:

H. R. 11662. Providing for the payment of the attorneys of the Crow Indians of Montana.

The following bills passed both Houses but were not signed by the President before the adjournment of Congress:

H. R. 5218. Carrying into effect the twelfth article of the treaty between the United States and the loyal Shawnee and Absentee Shawnee Tribes of Indians.

S. 3185. Allowing the Washington Indians to submit their claims to the Court of Claims.

FREDERICK A. FENNING

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD with reference to the charges of impeachment against Frederick A. Fenning, and include in the remarks such quotations from the testimony before the Judiciary Committee, the World War Veterans' Committee, and the District Subcommittee as may be pertinent to develop the remarks.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, under the leave granted me to extend my remarks, I wish to state that the testimony developed before the Judiciary Committee of the House on the impeachment resolution introduced by the gentleman from Texas [Mr. BLANTON] clearly shows that Frederick A. Fenning is absolutely unfit to continue as Commissioner of the District of Columbia and his removal at the earliest possible date is imperative. Honest, law-abiding citizens who believe in justice must be distinctly disappointed that Congress has adjourned and Commissioner Fenning continues in office following adjournment. The full responsibility of this existing condition rests squarely upon the President of the United States and his administration. The American public can not but reach a conclusion that Commissioner Fenning is continued in office subsequent to the adjournment of Congress due to the fact that the administration desired to save the face of this Coolidge appointee. It is my opinion that Commissioner Fenning holds an impeachable office, as set forth in clear minority reports of the Committee on the Judiciary.

Even if the Congress of the United States would hold, after having considered the Fenning matter that the office of commissioner is not impeachable, action should have been taken to remove Fenning from office, and the Department of Justice, at the direction of the President, should have brought Fenning before the courts in criminal action, as, by his own testimony and remission of the bond premiums, he has not only looted the estates of his incompetent wards but has committed an offense in so doing which warrants imprisonment in a penal institution.

The exploitation by Fenning of his incompetent helpless wards, alone, shows his unfitness to act in any public capacity either as a fiduciary, attorney, or District commissioner.

Fenning entered upon his duties as District commissioner on June 5, 1925, and, without hearing or trial, this 12-day old commissioner demoted Inspector Headley, who had rendered faithfully the duties of his position. Before the Judiciary Committee there was introduced a confidential memorandum to Mr. Fenning prepared by Traffic Director Eldridge in the nature of a post-mortem defense. This memorandum, as was admitted by Fenning and his counsel, was prepared subsequent to the demotion of Inspector Headley, with a view of presenting it to a congressional investigating committee. The statement is based on hearsay and is without substance. In fact, it shows clearly the guilt of Fenning, as it was manufactured subsequent to the demotion and in order to be used as a defense.

The arbitrary removal of Dr. Edward C. Wilson to create a vacancy for a physician, who was ineligible but personally desired by Fenning, also can not be defended. These two actions are reprehensible in the extreme and show a tyranny and brazenness which could only be expected from officials under the old Czar of Russia's régime.

As commissioner of the District of Columbia, Fenning approved contracts which resulted in Commissioner Rudolph receiving financial benefits amounting to thousands of dollars. The letting of these contracts and resultant financial benefit to Rudolph, which Fenning approved, is not only immoral from a public standpoint but incompatible with the public interest and illegal.

In passing I may state that Commissioner Rudolph should also be removed from his office.

Patients from all sections of the country have been hospitalized at St. Elizabeths, a governmental institution for the care of the insane. Dr. William A. White, the head of that institution, testified on page 614 of the hearings before the Judiciary Committee that in the lunacy proceedings since January 1, 1919, the total number of cases at St. Elizabeths hospital in which Fenning has appeared was 209; that of these he appeared as attorney or attorney and guardian in 206; and as guardian alone in 163. It is further revealed from the testimony before the Judiciary Committee, pages 23 to 35, that from January 1, 1919, to May 24, 1926, the time the report was made by the Director of the Veterans' Bureau, Fenning was serving as committee for 76 Veterans' Bureau incompetent beneficiaries on May 24, 1926, the date of the report; and that from the estates of such 76 Veterans' Bureau beneficiaries, Fenning had received in fees $75,688.10. In 44 cases of Veterans' Bureau beneficiaries in which Fenning had acted as fiduciary from January 1, 1919, to May 18, 1926, the date of the report, and discharged as committee by reason of death of the ward or otherwise, he had received as fees $13,379.03, making a total which he has received on World War veterans' cases, alone, from January 1, 1919, to May 24, 1926, of $89,067.13.

It must be also understood that Fenning received thousands of dollars in fees from other wards for whom he was acting as guardian during the period in question.

It may be interesting to note that page 46 of the hearings show that Fenning was discharged from the Quartermaster Corps, United States Army, on March 15, 1919, and that page 24 of the record shows that Fenning was appointed guardian of Joe Grabowski on March 14, 1919, on Fenning's petition, therefore exhibiting the sorry spectacle of an officer of the United States Army appearing in court to petition for his own appointment as guardian of a World War veteran when he had no moral or legal right so to do.

Let us consider a typical case of Fenning's immoral and illegal exploitation of the estate of one of his many wards. I will cite the case of Samuel Fizel, a beneficiary of the Veterans' Bureau under compensation claim No. C 212388, who was discharged from the military service of the United States a complete mental wreck on May 15, 1919. Frederick A. Fenning was appointed committee for this veteran by the Supreme Court of the District of Columbia upon petition executed by the brother, George Fizel, then a resident of Wisconsin, and filed by Fenning. In the testimony before the committee much stress was laid by Fenning and his counsel upon the fact that these veteran cases in which he was subsequently appointed guardian were called to his attention by the Bureau of War Risk Insurance. It is very clear from the letters forwarded to Fenning by the bureau advising him that an incompetent had compensation due and was in need of a guardian, that there was an under-cover man of Fenning, an employee of the bureau, who was closely cooperating with Fenning to notify him promptly of the fact, in order that he (Fenning) might take steps to have himself promptly appointed guardian in order to exploit the incompetent veteran's estate.

There was no excuse for the bureau's notifying Fenning in the Fizel case that this veteran needed a guardian, as the bureau had official record of the name and address of the veteran's brother, George Fizel, Boyceville, Wis., and had official record of the fact that the veteran's father was living in Europe.

The initial letter in the Fizel case from the bureau to Fenning did not request that Fenning be appointed guardian. (Letter June 6, 1919, p. 1097, hearings.) However, Fenning transmitted a letter to the ward's brother in Wisconsin, in which he inclosed a blank petition for the brother to sign requesting that Fenning be appointed guardian. In his said letter to the brother, who was next of kin to the veteran, Fenning suggested that he (Fenning) be appointed guardian and pointedly inclosed the petition. Fenning's letter above described was on his letterhead stationery of his law office, and is clear and unmistakable evidence of soliciting guardianship business, a practice shunned by upstanding and honest members of the legal profession. (See pp. 1081 and 1082, hearings.) Fenning's statement that he did not solicit business is absolutely false.

The petition for the appointment of Fenning as guardian to Samuel Fizel, signed by his brother, George Fizel, was printed on the office folder of Frederick A. Fenning, attorney and counselor at law. The petition was filed in court on June 24,

1919, by Fenning, and after a verdict of a jury on June 27, 1919, Fenning was appointed committee by the court on that date. (See Exhibit 14, hearings.)

From the time of his appointment to this day, Fenning as committee has filed six accounts, the last one being filed on October 20, 1925. (See Exhibit 14, hearings.)

During the period of Fenning's guardianship ending October 20, 1925, the date of the last accounting, it appears that Fizel's income amounted to well over $11,000. Of this Fenning, as guardian, allowed to Fizel for clothing, dental work, and spending money $710.52. But during this period Fenning, as committee, took unto himself commissions amounting to $1,183.07, more than half again as much as Fizel received out of his own estate.

A clerk in Fenning's office received $7 for notarial fees, and the bonding company, for which Mr. Fenning was agent, received $153.67 in premiums on fiduciary bonds. Of this $153.67 Fenning, as bonding agent for his own bonds, personally received $38.77.

It is clear therefore that under his administration of guardianship Fenning arranges to receive more benefit from the ward's estate than the ward himself receives.

This ward was transferred to a Wisconsin hospital, almost 1,000 miles away from Fenning, on April 22, 1920, and, according to Fenning's own testimony, he has not seen the ward since that date. Even while the ward was at St. Elizabeths, from June 17, 1919, to April 22, 1920, Fenning failed to render the personal attention due a ward from a fiduciary. In Fenning's statements of accounts during the period Fizel was at St. Elizabeths he sets forth that he saw the ward frequently. This is a stereotyped assertion set forth in a stereotyped form used in each one of his cases of his various wards, and his assertion is in no way substantiated by facts (p. 1082, hearings). Fenning's own testimony shows that his personal contact with all of his wards while hospitalized at St. Elizabeths was negligible.

In Fenning's stereotyped form of accounts in which he asks for his commission he mentions purchasing clothing at a discount. Fenning's testimony clearly shows that in every expenditure of this nature for any of his wards Fenning himself did not personally purchase the clothing, but his activity in attending to his ward's personal needs consisted in signing the checks to pay for the clothing, and a Government employee of St. Elizabeths, on Government time, made the actual purchases for Fenning's wards. (Page 1083, hearings.)

During the many years since Fizel has been in Wisconsin, Fenning's contacts with his ward have all been through some casual third party, and up to this time he has no actual first-hand knowledge as to what clothing has been furnished, whether the expenditures were judiciously made, or whether, in fact, the ward received any benefit from the funds expended for said purpose.

In order to bring to the attention of the House the excessive fees demanded by Fenning, I would respectfully refer you to Fenning's account in the Fizel case, filed October 20, 1925, a date subsequent to Fenning's assuming his office as District Commissioner. This accounting covers the period from the date of filing the prior account, October 22, 1924, to October 20, 1925. For this period Fenning asks for a 10 per cent commission, or $180.40, which was allowed by the court. In setting forth the services performed by him, upon which this commission is based, Fenning stated that—

> The committee has conducted correspondence throughout the year with the Wisconsin Psychiatric Institute, where the ward is an inmate—

And stated that he also has conducted correspondence with the United States Veterans' Bureau and with the American Red Cross Service at the Wisconsin Psychiatric Institute. In the testimony before the committee Fenning stated that he had had no direct correspondence with his ward. (Page 1089, hearings.)

Immediately upon the printing of the hearings carrying the above evidence, I wired the Wisconsin Psychiatric Institute, the American Red Cross Service at that institute, and the ward's brother, George Fizel, at Menominee Falls, Wis., to ascertain the extent of Fenning's correspondence during the year referred to.

The Wisconsin Psychiatric Institute wired me, as follows:

> Three letters written our institution from October 22, 1924, to October 20, 1925, by Frederick Fenning, guardian Samuel Fizel.

The American Red Cross at the Wisconsin Psychiatric Institute wired me as follows:

> We received two letters from Samuel Fizel's guardian, Frederick A. Fenning, between dates mentioned.

The American Red Cross at Menominee Falls replied to my telegram to George Fizel as follows:

> Last direct correspondence Fenning re Samuel Fizel, to George, October, 1922, according to files.

I directed an inquiry on June 15, 1926, to the Veterans' Bureau to ascertain the extent of Fenning's correspondence with them in the case of Samuel Fizel, as testified to by Fenning, and received the bureau's reply on June 19, 1926, as follows:

> In reply to your other communication of June 15 requesting information as to the total number of communications that the bureau received from Mr. Fenning as guardian of this claimant during the period from October 22, 1924, to October 20, 1925, you are advised that the files indicate that one letter was addressed to the bureau.

It is incontrovertible that Fenning's statement that he maintained close contact with his wards is absolutely false. It is monstrous that on this kind of alleged guardianship he should claim a 10 per cent commission or that the courts should allow it.

The Fizel accounting above described is typical of all of Fenning's accounts in all cases in which he has been appointed guardian.

On June 18, 1926, Frederick A. Fenning, as guardian of Samuel Fizel, filed a petition in the Supreme Court of the District asking that the ward's estate be credited with the $38.77 which Fenning had personally received as commissions collected on the fiduciary bonds which were filed at the expense of the estate to the amount of $153.67. This is a clear admission of appropriating for his own use funds which morally and lawfully he was not entitled to. The Department of Justice should undertake proceedings against Fenning for violation of criminal law by reason of embezzlement of funds of his ward.

Not only has the estate standing to the account of the veteran Fizel been looted by Fenning but it has also suffered financial loss through maladministration, to wit:

Fenning was appointed guardian on June 17, 1919. Claim for compensation had been filed prior to that date, and a temporary total rating was allowed. Upon assuming his duties as guardian Fenning continued to pay the premiums on the veteran's war-risk insurance. He failed to request the Veterans' Bureau to rate the man permanent and total until November 26, 1920, more than 18 months after his fiduciary appointment. The veteran was entitled from the date Fenning was appointed guardian to care for his estate to a permanent and total rating, which he should have had, and which would have given Fizel monthly payments on the war-risk insurance, and permitted cessation of payments of the premiums. For 18 months Fizel's estate was drained of insurance premiums by reason of Fenning's negligence, and for 18 months the estate failed to receive the insurance payments due it under the law.

Even after November 26, 1920, when Fenning finally requested the bureau for a permanent and total rating for Fizel, his ward, Fenning exhibited an absolute lack of diligence in caring for this phase of the claim. On December 2, 1920, the Veterans' Bureau acknowledged Fenning's letter above described. Fenning did not take further action in the matter for two and a half months, and on February 17, 1921, he wrote the Veterans' Bureau a follow-up. The bureau replied on March 28, 1921, and one month and a half later, May 13, 1921, Fenning again followed up (p. 1097, hearings). On June 3, 1921, the permanent and total rating was made by the bureau, and the insurance made payable on June 21, 1921. An adjustment check of $1,849.58 was sent Fenning as guardian on July 31, 1921, to cover retroactive insurance payments. See second account, Exhibit 14. Under capable guardianship a 25 months' delay would not have occurred to complete this proceeding, and the insurance premium payments to and including July, 1921, would not have had to be made.

It is clear beyond a shadow of doubt that through maladministration, incompetency, and gross neglect the veteran's estate has suffered a financial loss, as the money unnecessarily paid out for this length of time on premiums, as well as the money which should have been received prior to July 31, 1921, on the insurance, would have produced income.

In the Fizel case the original petition in lunacy filed by Fenning shows that this ward had a father, Joe Fizel, residing in Europe. Fenning repeatedly states that a fiduciary should act in the same capacity in which the ward would act were he not of unsound mind. Up to the time of the closing of the hearing before the Judiciary Committee, Frederick A. Fenning admitted before that committee that he did not know whether his ward's father was living or dependent. (See p. 1091–1092, hearings.)

Under legislation enacted for the care of disabled veterans of the World War and their dependents, this father would be entitled to certain compensation benefits were he alive and dependent. This dependency has not been determined, through the gross negligence of Fenning. Furthermore, under the act of June 7, 1924, as amended by the act of March 4, 1925, an incompetent veteran who has been hospitalized by the bureau for six months has his compensation reduced from $100 to $20 monthly in case he has no dependents. This veteran's compensation has been so reduced, effective January 1, 1925, and Fenning has admitted that he has not protested the reduction, and has not determined whether the reduction was legal for he has not determined whether his ward has a dependent. Fenning's testimony on pages 1091 and 1092 sets forth that the Veterans' Bureau should ascertain whether the ward has dependents. It is well known that the bureau does not conduct investigations and present dependency claims. The veterans themselves make claim for dependents, and the bureau merely makes an adjudication of the evidence submitted by the claimant.

It is a well-known legal and moral principle that a guardian should not derive pecuniary profit from his ward's estate other than the fiduciary commission allowed by the court.

The evidence clearly shows and it is admitted by Fenning that the funds of this ward, and all others, have been deposited in a bank in which Fenning is a director and stockholder (p. 1084, hearings). Plainly he has a pecuniary interest in his wards' estates on deposit in a bank in which he has financial interest.

Furthermore, he has pecuniarily benefited from his wards' estates, as the fiduciary bond premiums paid out of Fizel's and all of his other wards' estates were paid to a surety company where Fenning the guardian became Fenning the bond agent, and received a 25 per cent commission on the bonds he sold to himself.

Fenning and his counsel in their testimony before various committees of the House made the flaccid defense that Fenning did not return these commissions to the estates of the wards because he would violate certain statutes which prevent rebating. That Fenning ever had such an altruistic idea is altogether doubtful; but if he had, there are plenty of other bonding companies from whom the bonds could have been purchased in order to escape the "rebating" clause. The decision in the Adolph Adler lunacy case, 7742, shows the fallacy of his claim to the bonding commissions, and a conscientious, honest guardian would not have permitted himself to act as bond salesman to receive commissions from bonds bought with his wards' money.

Fenning's receiving commission as bonding-company agent is reprehensible also, since Fenning became commissioner, as the Commissioners of the District of Columbia have jurisdiction over bonding companies and bonding-company agents, according to Fenning's admission. Since a bonding-company agent must investigate and pass upon the reliability and integrity of the person to whom a sale of a bond is being made, a bonding company which permits its agents to write bonds for themselves is acting in contravention of sound business and public policy, and should not be permitted to do business in the District of Columbia (pp. 1093–1095, hearings).

The evidence clearly indicates that Fenning became an agent of a bonding company solely for the purpose of selling bonds to himself and pocketing the commission. His attempted justification of his questionable business methods on the ground that it simplified and expedited his work is ridiculous, since a telephone call would bring in many bonding company agents only too anxious to sell fiduciary bonds.

Volume I of Modern Treatment of Mental and Nervous Diseases, by White and Jelliffe, contains a chapter numbered 17, entitled "The application of legal measures in their remedial bearings," by Frederick A. Fenning, LL. B., LL. M. In this chapter, Fenning states, on pages 723 and 724:

> The fiduciary appointed, regardless of whether he is serving as to the person or the estate, or both, is simply the "arm of the court," and all that he does in performance of the trust reposed in him is subject to the review of the court. For acts which do not meet with the court's approval he is likely to be reprimanded or removed from office, and for losses incurred through neglect, negligence, incompetence, or fraud, he is liable to punishment or suit for damages.

On page 724, Fenning further states:

> The fiduciary is expected to keep the lunatic in as much comfort as regards lodging, board, and surroundings, as the finances of the estate will permit. The two fundamental obligations upon the fiduciary in caring for a lunatic are, first, to see that the ward gets every comfort, attention, and pleasure in keeping with his station in life and with his desires and within the bounds of his financial ability, and, second, to endeavor to act for the ward as the ward himself would act were he mentally normal.

On page 725, he further states:

> The fiduciary, properly to discharge his trust, should frequently visit the ward. The actual, reasonable expenses of such visits are a proper charge against the ward's funds and the fiduciary will be credited with the same. There must be no abuse of privilege in this respect, the visits being made solely for the purpose of a proper performance of the duty of the fiduciary.

On the same page also appears the following:

> If the fiduciary fail to account at the time required by law or when so directed by the court, the court may properly refuse to allow compensation to him for services, and compensation will be denied a fiduciary who is guilty of any manner of neglect in the discharge of his duties.

Fenning states, on page 726:

> For services faithfully rendered the fiduciary will be allowed compensation from the funds of the ward, the rate of such compensation being fixed by the court. This rate is usually in the discretion of the court, although in some jurisdictions it is regulated by statute. Whether regulated by statute or not, the compensation of a fiduciary in a lunacy case is generally from 3 to 10 per cent of the funds received by him for the ward.

The evidence clearly shows that Fenning, a professional fiduciary for incompetent wards, fails to practice what he writes.

The Journal of the American Medical Association of February 18, 1911, Volume 16, pages 489–492, contains a paper entitled "The Discharge of Lunatics by Habeas Corpus Proceedings," by Frederick A. Fenning, LL. M. of the Bar of the District of Columbia. This paper states in part:

> Certain "leeches" of the legal profession exist in every community, and there is a form of this species which fastens itself on hospital patients.

If there ever has been a "leech" among the legal profession which could compare in viciousness to the man who made the above-quoted statement, he is yet to be found.

The Fizel case, which I have centered upon, is only typical of hundreds in the grasp of this master leech. The preponderance of unrefuted testimony shows Fenning to be a professional, unprincipled exploiter of those incompetents who should receive every consideration. Through improper and reprehensible methods he has diligently and ingeniously connived to exploit incompetent citizens in such a manner as to wring financial gain from their misfortune. His acts are unethical, immoral, and illegal. He is wholly unfit for any official position of trust or responsibility, and is unfit to continue as a member of the bar. Any decent, upright American citizen must revolt at the thought of a man who so flagrantly violates the law of the land and its moral principles and exploits poor, helpless incompetents, including those whose incompetence and helplessness was caused through their faithful service to the American people and Government in time and stress of war.

Fenning asserts that in his capacity as committee or guardian he is the "arm of the court." The American people must look to the courts who have created Fenning their arm in their fiduciary capacity to remove him from such capacity without any delay. He is wholly unfit to act as fiduciary for one incompetent human wreck, not alone the hundreds for whom he is so acting for his own financial gain.

I wish to again state that Frederick A. Fenning, commissioner of the District, is an impeachable officer and should have been impeached by Congress before its adjournment. In the absence of Congress acting he should have been immediately removed by the President of the United States. The Supreme Court of the District of Columbia should immediately remove Fenning from all fiduciary capacities.

In the accounting and turning over of assets to new fiduciaries, the Supreme Court should require that every penny received by Fenning as committee fees should also be turned over with the estates of the wards in cases where he has profited from his ward's estates by diverting the bond premium commission to his own personal use, and where he has failed properly to protect the interests of his ward.

It will be a sad period in American history when the people of the Nation lose faith in the Judiciary. In order that they may not lose this faith, should the Supreme Court of the District of Columbia permit the cunning exploiter to continue to act as fiduciary, the Congress of the United States should act toward a change of personnel of that court. If this Congress does not act to protect these unfortunate incompetents, I have full faith that the American people will change the make-up

of Congress so that Congress will act. The millions of veterans who have served the Nation in times of war will not permit the exploitation of their unfortunate incompetent comrades to go unchallenged. They will show the same determination and indomitable spirit at the battles of the ballot box as they showed on the battle field of war.

EXTENSION OF REMARKS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that all Members of the House may extend their own remarks in the RECORD, which means they will have until the last copy of the RECORD is printed, and about 10 days after adjournment.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all Members may be permitted to extend their own remarks in the RECORD. Is there objection?

There was no objection.

PHILIPPINE INDEPENDENCE

Mr. GUEVARA. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address by Hon. Jose Abad Santos, former secretary of justice of the Philippine Islands and president of the Philippine Bar Association, delivered on June 4, 1926, at New York City, at a meeting held under the auspices of the Federation of Filipino Associations of New York and New Jersey:

I am glad of this privilege and opportunity to speak on a question which should be of vital interest to all lovers of human freedom. The spectacle of more than 10,000,000 souls appealing to liberty-loving America for the recognition of their God-given right to be free and independent can not long endure under that glorious banner of beauty, that symbol of justice and patriotism—the Stars and Stripes. America stands committed and pledged to recognize the independence of the Philippines, and the American people are in honor bound to redeem that solemn pledge. In truth, it must be redeemed, not only because America is just but because ours is a just cause.

There are those few but busy persons who are actively engaged in an effort to have America disregard her solemn pledge of independence to the Philippines. They are using every conceivable argument to accomplish their objects. They even contend that the promise of Philippine independence which is embodied in the preamble to the Jones law, is not binding, because the preamble is no part of the law. By adopting a purely legalistic view, they contrive to present arguments which are more plausible than honorable. They entirely forget or seek to forget that there are certain moral obligations that are even more sacred than strictly legal commitments.

The promise of Philippine independence contained in the preamble to the Jones law is morally binding on the United States, even more than any treaty obligation. For while a treaty only requires the approval of the President and the Senate of the United States, the Jones law, with all its preamble, was passed by the two Houses of Congress, practically without opposition, and later approved by the President of the United States. That preamble contains a solemn declaration of the purpose of the people of the United States to recognize the independence of the Philippines as soon as a stable government can be established therein. This declaration has been made to the Filipino people before God and before the whole world. And in the words of one of the founders of the American Republic, James Wilson:

"Nations and the representatives of nations ought, therefore, to preserve inviolably their treaties and engagements; by not preserving them they subject themselves to all the consequences of violating the perfect right of those to whom they are made. * * * In public as in private life, among sovereigns as among individuals, honesty is the best policy as well as the soundest morality. Among merchants credit is wealth; among states and princes good faith is both respectability and power."

Again, Washington in his Farewell Address has given this solemn injunction: "Observe good faith and justice toward all nations."

In his message to Congress on December 2, 1920, President Wilson officially recognized the fulfillment of the only condition required of the Filipino people as a prerequisite to a separate national existence—a stable government—and formally recommended the immediate granting of independence. He said:

"Allow me to call your attention to the fact that the people of the Philippine Islands have succeeded in maintaining a stable government since the last action of the Congress in their behalf and have thus fulfilled the condition set by the Congress as precedent to a consideration of granting independence to the islands.

"I respectfully submit that this condition precedent having been fulfilled, it is now our liberty and our duty to keep our promise to the people of those islands by granting them the independence which they so honorably covet."

This recommendation was made after the highest representative of the United States in the Philippines, the governor general, had officially certified both to the Congress and the President of the United States that a stable government had already been established in the islands.

Shortly before the Jones law was passed ex-President Roosevelt said:

"If we act so that the natives understand us to have made a definite promise, then we should live up to that promise. The Philippines, from a military standpoint, are a source of weakness to us. The present administration has promised explicitly to let them go and by its action has rendered it difficult to hold them against any serious foreign foe. These being the circumstances, the islands should at an early moment be given their independence, without any guaranty whatever by us and without our retaining any foothold in them."

While gratefully appreciating the benefits they have received from the United States, the Filipino people feel that it is now high time for the United States to fulfill its promise by recognizing the independence of the Philippines.

One of the arguments often advanced against the granting of independence is that an independent Philippines would become a prey to Japanese aggression and commercial exploitation. That Japan does not have any designs toward the Philippines is manifest not only from the utterances of her acknowledged statesmen but also from her past and present conduct in relation to the islands. Through her authorized spokesmen, Japan has more than once disclaimed any intention to acquire the Philippines. Premier Hara said:

"When the United States decides to give the Philippines their freedom, the Japanese Government will be the first to sign an agreement for their neutralization."

And only recently Admiral Takarabe, Japanese Minister of Marine, issued a statement to the United Press showing why Japan will respect the independence of the Philippines. Admiral Takarabe said:

"To picture Japan as waiting for the United States to grant independence to the Philippine Islands so that she can pounce upon the archipelago the moment it is left without American naval defenses amounts to saying that the treaty of Versailles, the Conference on Limitation of Armaments and Pacific Questions at Washington, and the Locarno pacts are dead letters and wasted labor.

"Remarks implying to Japan an ambition to control the Philippines would be carefully avoided by all persons honestly interested in maintaining peace in the world. Such remarks can only serve to irritate the international relations unnecessarily. People who entertain the thought that Japan is waiting an opportunity to seize the Philippines are not misguided but show an absolute lack of conception of the new trends of political thought now governing the world.

"To anyone well posted in world opinion to-day it is apparent that any nation indulging in the old game of land grabbing is merely inviting disaster. For the sake of undisturbed friendship between the United States and Japan and for the sake of permanent peace in the Pacific upon which the destiny of the Japanese Empire depends, let me assert most emphatically that Japan neither foresees nor meditates any aggression from or against any particular power.

"We share the ideals of peace which inspired the statesmen of the great nations who have gathered many times in recent years to discuss methods for avoiding war and settling disputes by peaceful means. Japan is not behind any nation in her enthusiasm to work for permanent peace.

"The history of Korea and Formosa can not be taken as precedents for present or future Japanese policy. Our control of these countries resulted from particular circumstances and conditions which do not exist today. Korea is a peninsula directed arrow-like at the heart of Japan. With this arrow in alien hands Japan's very existence was menaced. Twice we were forced to make tremendous sacrifices to defend our existence because of this situation. Circumstances finally compelled us to take measures which were necessary for our self-defense. The history of our presence in Formosa I will not reiterate because it is too well known.

Now let us examine the circumstances of the background of history in the Philippines. Under American administration the archipelago has not constituted any kind of menace to Japan. I believe the situation would be the same if the islands were independent.

"It is stupid to assume Japan would seize the Philippines if they were made independent. We would not intrude in something which is not our affair. Dependent or independent, I believe an attempt on the part of any power to control the Philippines would be a direct path to war with the United States."

As a matter of fact, the Japanese Government has not encouraged emigration to the Philippines. Although Philippine doors have been open to Japanese immigration, there are only about 12,000 Japanese in the islands, as compared to about 120,000 in Hawaii, about 100,000 in the United States and Canada, and about 37,000 in Brazil. And according to the Japan Yearbook of 1926, in South America "Brazil has now the largest number of Japanese laborers, about 37,000, who are living happy and peaceful, mostly at Sao Paulo, where they own, roughly, 165,000 acres of farm, besides leasing about a quarter more. Japanese laborers being welcome for exploiting the boundless wild land in that vast country, it is considered by far the most desirable outlet for the congested population of Japan. A regular steamship service is run from Japan to Brazil."

Moreover, as stated by an American writer, Raymond Leslie Buell: "As long as Asia remained open to exploitation, the economic attrac-

tion of the Philippines would never have been great enough to lead to annexation, which would probably have meant war with the United States. The only real reason why the Japanese military party has wished to annex the American possession in the Pacific is to use these possessions as bases to prevent the operation of an American fleet in the Orient. But since we have voluntarily agreed not so to intervene, Japan's chief purpose in annexing the Islands has been removed."

In the discussion of the Philippine question, it is sometimes asserted that economic independence must come before political independence. No matter how honestly entertained, such a notion should not be left unchallenged. It is not only logically fallacious, but it is morally monstrous. On the one hand, it gratuitously and erroneously assumes that political independence can only be attained through economic independence; on the other, it places material and economic values over and above moral and human values. Tell me, what nation has ever attained success and greatness that waited for economic independence before striking for political independence? The history of the free peoples of the world to-day shows that they dared to assume their place in the concert of independent nations even under the most adverse and trying conditions, economic and otherwise. They did not hesitate to respond to the call of duty in times of strife and peril, and faced the future with undimmed vision and undaunted courage. "Suppose this had been the language of '75!" exclaimed John Marshall, one of America's greatest statesmen and patriots. "Suppose a gentleman had risen on the floor of Congress, to compare our revenues with our expenses—what would have been the result of the calculation?" "It would have shown," added his eminent biographer, Senator Albert J. Beveridge, "that we could not afford to strike for our independence! Yet we did strike and successfully."

It is, indeed, true that, in a materialistic sense, we are not as rich and strong as some other nations; but it is equally true that from the standpoint of social and economic conditions, the Philippines compare favorably with many nations whose right to national sovereignty is universally recognized. In point of fact, the Philippines have larger area and population than the independent countries of Belgium, Bolivia, Bulgaria, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Greece, Holland, Hungary, Netherlands, Norway, Portugal, Switzerland, and others. The total land area of the Philippine Archipelago is 114,400 square miles. This is only 7,000 square miles less than the area of Great Britain. And according to the census of 1918, the Philippines have a population of more than 10,000,000 Filipinos, of whom less than one-tenth are non-Christians.

Education in the Philippines began with the early Spanish settlers. The University of Santo Tomas in Manila is a quarter of a century older than Harvard. Since American occupation a public-school system has been established, which is recognized as one of the best in the world. The University of the Philippines, which was founded in 1911, is to-day one of the best universities in the Orient. Literacy in the Philippines in 1918 was 49.2 per cent of population over 10 years of age, as compared with 40.7 per cent in Spain in 1910, and 35.5 per cent in Porto Rico.

The Philippine Islands are preeminently an agricultural country. Their people depend chiefly on the produce of the soil for their living. Approximately 90 per cent of the total export trade of the country is from the farms. Out of 2,000,000 farms, 96 per cent are owned by Filipinos. Eight million of them live on their farms with houses of their own. While the Philippines will be for a long time an agricultural country, it is nevertheless true that modern industrialism and commerce are exercising a very strong influence, and will eventually make of the Philippines an industrial and commercial as well as an agricultural country.

The world is to-day eagerly waiting for the dawn of a new era of international relations. The conscience of mankind has been awakened to the need for more enlightened principles of international dealing and conduct. As we look forward to the final readjustment of the relations between the United States and the Philippines, let us earnestly hope that such readjustment will make for a more enduring friendship between the two peoples—American and Filipino—so that we may look back with pride and gratitude "to the day when God gave victory to American arms at Manila."

BILLS PASSED THAT BENEFIT WAR VETERANS AND POSTAL EMPLOYEES

Mr. HARDY. Mr. Speaker, this Congress has passed several bills of great importance to a large number of people in my district. I refer now especially to those bills of interest to the veterans of the Civil War, the soldiers of the Spanish War, the ex-service men of the World War, and to those in the classified service of the country, particularly the postal employees.

I was very glad to support all of these measures. I know personally many of the people these several acts will benefit. I know the need for the little addition to the pension checks which the veterans of our wars so richly deserve. I have handled thousands of cases for ex-service men before the Veterans' Bureau and in the departments. I know the need for these two bills which we have passed to clarify and liberalize the World War veterans' act of 1924 and the adjusted compensation act, and I know that the postal employees and others in the classified service have a right to help build up a larger annuity fund than the old law provided and that the $1,000 maximum which our new law provides will not tempt many away from their jobs, but will be a safeguard against hardship as old age creeps on.

For four years I served on the Committee on the Post Office and Post Roads. That was a very pleasant assignment, and I came in close contact with the greatest postal system in the world. During the past three years my chief work has been on the Appropriations Committee. The big job for this committee is to economize, to cut down appropriations, and to reduce taxes. Much has been done along this line. I am in hearty sympathy with this economy program.

No economy program, however, should keep us from doing full justice to those who have served our country in the several wars, and those who serve our country in time of peace should be liberally provided for.

It just happens that this conception of justice has led me to vote for every pension bill and for every bill of benefit to ex-service men that has come up in the House of Representatives during the seven years I have served in Congress. On the Post Office Committee and elsewhere during these seven years I have helped the postal employees to get several very substantial increases in salary and assisted in the passage of the original retirement bill and now in this amendment which raises the maximum benefits to $1,000 a year.

ADJUSTED COMPENSATION ACT SIMPLIFIED AND LIBERALIZED

The Green bill to amend the World War adjusted compensation act is one that had the hearty support of the American Legion. It was passed in the House as amended in the Senate in the last hour of the session.

After two years' experience with the adjusted compensation act many amendments were found desirable in order that the men themselves may be better protected and that their dependents and beneficiaries might more easily prove up their claims to benefits under the act. This Green bill seeks to correct mistakes, to equalize the benefits of the act among the dependents of the veterans, and to prevent disallowances or reductions of claims through mere technicalities.

The most popular provision in this new act relates to the establishment of dependency by the beneficiary where the soldier has died. The widow who has not remarried and was living with her husband at time of death is presumed to have been dependent.

A child under 18 at the time of the death of the veteran, or over 18 and before January 2, 1928, incapable of self-support by reason of mental or physical defect, is entitled to the benefits.

A mother or father is entitled to be considered dependent upon a showing of dependency upon anyone before January 2, 1928, and is presumed to be dependent if over 60 years of age before January 2, 1928. A mother is also presumed to be dependent if unmarried.

In the past the Comptroller General has ruled that where the veteran was found to be indebted to the Government for one cause or another the amount of this debt could be deducted from the adjusted-service credit. This act corrects the law so that no debt can be a charge against this certificate. This feature is retroactive, and where such deductions have been made in the past from veterans alive at the passage of the act adjustments will be made. And the benefits under this general act are not subject to attachment, levy, or seizure under any process.

This new act corrects a lot of other sections, provides penalties for loan sharks who deal in these certificates, puts in a new section to cover forging, counterfeiting, and so forth, and provides for the issuance under bond of a duplicate adjusted-service certificate where the original has been lost or destroyed.

It is estimated that the benefits to veterans under this new act will in the immediate and future amount to about $12,000,000.

JOHNSON BILL ADDS MANY BENEFITS TO EX-SERVICE MEN

This act, which is an amendment to the World War veterans' act of 1924, will benefit many ex-service men in and out of hospitals. It refers to hospitalization, insurance, compensation, and other subjects, and extends time for filing claims in some cases and liberalizes other provisions in many ways.

This will add benefits to ex-service men of approximately $18,000,000 a year and make it easier for many to prove up their claims.

This bill had the hearty support of the American Legion and is the final result of many conferences between friends of ex-service men in the House and Senate.

I shall not go into detail with all the many provisions of the bill, but will mention the effect of some which will interest ex-service men most generally.

The one most discussed probably is the provision for the payment of $50 per month in arrested cases of tuberculosis. That is found in section 202. The reference in section numbers relate to sections in the original act of 1924.

Section 200 includes spinal meningitis as one of those diseases to be conclusively held to be of service origin, where entitled to 10 per cent degree of disability rating prior to January 1, 1925.

Section 202: The organic loss of speech deemed to be total and permanent disability.

That any ex-service person shown to have had a tuberculosis disease of a compensable degree, who, in the judgment of the director, has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further,* That no payments under this provision shall be retroactive and the payments hereunder shall commence from the date of the passage of this act or the day the disease reaches a condition of arrest, whichever be the latter date.

Reduction in compensation to $20 a month for insane veterans without dependents maintained by the bureau in an institution for six months, changed to read "maintained by the Government," to make the provision applicable to men in soldiers' homes. It also provides that where such person recovers his reason and is discharged as competent, such additional sums shall be paid him as would equal the total sum by which his compensation has been reduced through the operation of this section.

Section 206: Amended to extend the time to June 7, 1927, for the filing of proof of the service origin of a disability.

Section 209: This required that a claim for compensation must be filed within five years after discharge or resignation from the service, or in case of death during service, within five years after the death is finally recorded. The director was allowed to extend this time for two years for good cause shown. The present bill amends this to allow the director to extend this time for five years.

Section 212: The limitations on active service or retirement pay as a bar to compensation removed retroactively to April 6, 1917.

The new rating schedule of the World War veterans' act, 1924, made applicable to disabilities occurring as a result of service prior to April 6, 1917, and after July 2, 1921.

Section 304 extends time for the reinstatement of insurance for men suffering from service-connected disabilities to one year following the passage of this amendment.

Provides that a person suffering from service-connected disability who is now permanently and totally disabled, may reinstate his insurance for one year after the approval of this amendment, by having the amount of the unpaid back premiums charged as an interest-bearing indebtedness against the face value of the policy, where proof satisfactory to the director is furnished showing that the applicant is unable to pay the back premiums.

The limiting date for reinstatement for yearly renewable term insurance extended from July 2, 1926, to July 2, 1927.

Section 308: A new section which provides that if a man remits his premium within seven days following the grace period and dies before furnishing health statement, director may waive examination requirement if man was in the required state of health.

Section 406: Persons receiving placement training on June 30, 1926, may continue in such training until January 1, 1927.

Persons receiving educational training in schools or institutions on June 30, 1926, may continue in such training for not more than two years after the passage of this amendatory act.

The language of this section clarified so as to permit payment of two months' training allowance following rehabilitation, as provided by section 404.

PENSIONS RAISED FOR CIVIL WAR VETERANS

An honest effort has been made by friends of the old soldiers of Civil War days to get for them a substantial increase in pensions. The House had a more liberal bill than the one passed. But in the last days of the session it was found impossible to get this bill through. So it was agreed by all that we had better do the best we could under the circumstances and pass the Senate bill. This was done shortly before adjournment. While the increases are not as liberal and the terms not as generous, as to widows, as many of us would have made them, still the benefits will reach many that actions of future Congresses can never reach, and the increases made are needed and will be highly appreciated.

It is realized that what is done for the veterans of the Civil War must be done quickly. They are fast passing to their reward, where a grateful Nation can do no more to pay the debt it owes to them.

Under the terms of this act the Civil War veterans who are now getting $50 per month will get $65; those who are getting $72 per month will get no increases, except where they become blind or totally disabled, in which case they will get $90. The Pension Bureau estimates that probably one-fifth of the number will come in this latter class.

Widows who were married during the Civil War are increased from $30 to $50. Widows of the War of 1812 and of the Mexican War are also increased from $30 to $50.

On April 30, 1926, there were on the pension roll 53,625 Civil War soldiers who were drawing $50 a month. This act provides an increase at the rate of from $50 to $65 a month. The cost of this item will amount to about $9,652,500 the first year.

On April 30, 1926, there were on the pension roll 56,480 Civil War soldiers receiving $72 a month. It was estimated that 20 per cent of these would probably qualify for the $90 rate and that the approximate cost would, after allowing for loss on account of death, be $2,105,544, making the total cost under section 1, $11,758,044 per year.

The bill provides for an increase of pension from $30 to $50 only for widows of Civil War soldiers who were the wives of such soldiers during the period of his service in said war. It is estimated that there are 26,000 such widows now on the pension roll and that this increase of pension for them would entail an additional cost of $3,840,000.

There are about 1,149 widows of the War of 1812 and Mexican War on the pension roll, and the act provides increase of their pension from $30 to $50 per month, which will add an additional annual cost of $271,760. The total additional cost for widows will amount to $4,111,760, or an aggregate cost under the new law of about $15,000,000 per year.

SPANISH-AMERICAN WAR VETERANS GIVEN INCREASED PENSIONS

The Spanish-American War veterans have had their pension checks since the new law giving them an increase was passed. So they know something about it. I am sure they richly deserved the increase this act of 1926 provides. It gives an increase of 66⅔ per cent over the act of 1920 to soldiers, sailors, nurses, and marines and a 50 per cent increase to widows, with an additional allowance of $6 in place of $4 per month for children under 16 years of age.

The new act raises the pensions automatically of those on the pension rolls on account of disability, not necessarily due to service, formerly getting $12 per month, to $20 per month; formerly $15, to $25; formerly $18, to $30; formerly $24, to $40; and where formerly $30, to $50.

On account of age the new rates are now, at 62 years of age, $20 per month; at 68, $30; at 72, $40; at 75, $50.

It also provides where the pensioner is helpless or blind or so nearly helpless or blind as to need or require the regular aid and attendance of another person the rate on application and proof shall be $72 per month.

The $72 rate is not granted to those who are cared for in State or National soldiers' homes.

The pension for widows is brought up from $20 to $30 per month, with $6 a month for each child under 16 years of age. If there is no widow but there is one or more children under 16 years of age, then the $30 may be drawn by the child or children in addition to the $6 allowance for each child.

RETIREMENT BILL PASSED IN LAST HOUR OF SESSION

The retirement bill which liberalizes the retirement act and raises the maximum annuity up to $1,000 per year passed the House in the last hour of the session.

There has been a difference of opinion at the two ends of the Capitol over some of the provisions in the bill. There was much argument and grave fears of nothing being done in this session. It was a happy ending when almost at the last minute the conferees brought back an agreement to the two Houses, the Senate and the House, and the agreement was adopted and the bill passed in short order.

The President, who was at the Capitol, signed the bill before the Congress adjourned.

This retirement act is of interest to practically every employee in the United States Government. It includes all in the classified service, the great majority of whom are in the Postal Service.

Already there are 12,500 retired Government employees receiving annuities, all of whom will get an increase by this act.

As time goes along this number will be greatly increased and every Government employee has a substantial retirement annuity to look forward to.

The new law contains the provision for a maximum annuity of $1,000 and an increase from 2½ per cent to 3½ per cent in the employee's contribution, together with certain desirable administrative features taken from the Senate bill. The age limits are unchanged.

The new law is retroactive to July 1, 1926, in order to place operation of the law on a fiscal year basis, in accordance with one of the Senate amendments.

THE MENACE TO MANUFACTURING

Mr. LEHLBACH. Mr. Speaker, tax reduction was the task of greatest importance before Congress at the session that has now come to a close, and its accomplishment is its outstanding achievement.

Next to this question the problem of relief for agriculture most persistently engaged the attention of both Houses of Congress throughout the session. It is admitted that agriculture has not kept step with the industries of the country in prosperous development. It was completely prostrated by the deflation of prices after the World War, and the recoveery which other branches of industrial endeavor have since enjoyed has not been fully experienced by farming. Various causes are ascribed to this lack of prosperity. Overproduction resulting in the necessity of engaging in world competition for the disposition of surpluses, the inflation of land values resulting from the abnormally high prices during and immediately after the war, and the inability to secure adequate credit are among such causes.

The great agricultural States in the Middle West and Northwest insistently demanded legislation which would cure the ills they were suffering and would place them abreast with the manufacturing, merchandising, transportation, and other interests in returns upon capital and labor.

The remedy most strenuously urged by representatives of the States of the Corn Belt and the wheat-growing States involved the fixing of a domestic price for the basic agricultural products and the sale of surpluses in the markets of the world at whatever prices they would bring. The export operations were to be supervised and financed by the Federal Government, with more or less vague assurances of reimbursement by levying equalization fees upon the owners of the products, the prices of which were to be thus artificially raised. This scheme was deemed by the administration and a majority of Congress to be economically unsound as well as unfair to the country at large. An act establishing a bureau of cooperative marketing in the Department of Agriculture and other measures in the interest of the farmer were passed. But the spokesmen of the farming interests throughout the western section of our country were discontented with these measures and bitterly disappointed at the failure of the McNary-Haugen scheme for farm relief.

There is no question that the farmers in the Middle West and Northwest are seething with political discontent. The economic depression of which they complain is all too real. It is unfortunate that sound statesmanship dictates that the remedy upon which they have set their hearts must be denied them, but the fact is that the farmer's state of mind makes him at present easy prey for demagogues and Democrats. The results in recent primaries in various sections of this agricultural area evidence this fact.

Already throughout this region there is being urged this argument:

> The protective tariff has insured the prosperity of that portion of the country devoted principally to industry rather than to agriculture. The customs duties insure a fair price and a reasonable profit to manufactured products and thus insure continued and developing prosperity not only to the manufacturers but to their employees and to the merchants and other business men with whom they deal, to the investors in such industrial enterprises, in short, to the whole community where industry is carried on. Whence comes the money that builds up this prosperity? the farmer is asked. It comes from those who do not make but who must buy. The farmer in every purchase of manufactures must pay tribute to protected industry and to the communities that enjoy the resultant prosperity. The tariff on agriculture, the farmer is told, is ineffective because of the world competition in which his overproduction must engage. On the other hand, the representatives of the industrial East deny the farmer in his straits that relief which he insistently demands. Therefore, the farmer is importuned, make common cause with the Democratic Party, which is opposed to protection, and, through a coalition of your representatives and the Democrats in Congress, strike down the system of protection and secure a modicum of relief through the lower prices of everything the farmer must buy.

Of course, this argument is shot through with fallacies and falsehoods. The farmer pays no increase in the price of manufactured articles he buys by reason of the tariff. Industrial depression resulting from the destruction of the protective policy would so curtail the farmer's domestic market as to intensify his present economic difficulties. Yet in the present political frame of mind of the great agricultural regions there is grave danger of the spread of this doctrine. Eventually sanity and reason will prevail, but for the time being it is difficult to argue with men who are hopping mad.

It therefore behooves us of the industrial East to protect ourselves and safeguard the interests of our communities against this menace. We can not in the East effectually stem a political stampede in the West, but we can shield ourselves until its force is spent. For this reason the maintenance of the protective policy is now the overshadowing issue in all industrial States and manufacturing communities. It is vital that every Representative in Congress from such communities be an avowed champion of protection.

The Democratic Party is irrevocably committed to the destruction of protection. Since the Civil War, whenever it gained control of the administration and Congress, it passed a tariff law smashing protection and as a result plunged the industrial communities into hard times. Every Democrat elected in the East is a vote to destroy the prosperity of the very community he represents. No matter what the circumstances, every Democratic Representative in Congress is pledged by ties of party tradition and party allegiance to vote against protection.

Therefore, until the wave of political anger and unreason in the farming regions of the country has spent itself and the fallacy of securing his own prosperity by the destruction of the prosperity of others has been demonstrated to the farmer, it is absolutely vital that the industrial regions of the country elect as their representatives none but protectionists.

MONUMENT IN FRANCE TO COLORED AMERICAN INFANTRY REGIMENTS ATTACHED TO FRENCH ARMY

Mr. YATES. Mr. Speaker, from Bunker Hill to Malvern Hill, and from Malvern Hill to San Juan Hill, and from San Juan Hill to Dead Man's Hill and Hill No. 204 and the heights of Grand Pres and Verdun and Belleau Wood, the valor of the negro soldier of America has been conspicuous. The colored man makes a good soldier. He has music in his soul and his accuracy in drill and maneuver and guard mount is unexcelled. He is an obedient soldier—he knows how to obey and he is not ashamed to obey. All his instincts and traditions have contributed to his understanding of and observations of discipline.

The colored soldier, who has had even a short period of experience, has in a thousand incidents and in a hundred crises shown that he is animated by a devotion to his corps and to his colors—and to his commanders, regardless of their occasional disposition to act the martinet—which is worthy of note and commendation.

During the period when I had the honor to be the chief executive of the great State of Illinois, our Illinois National Guard comprised 10 regiments, one of which was a colored regiment—the Eighth Illinois—which served with distinction in the Spanish War, which, in my opinion, would have equaled in valor the achievement of the historic black regiment which saved the day at San Juan Hill when the Rough Riders were in danger. This regiment became in the World War the Three hundred and seventieth Infantry Regiment. This Three hundred and seventieth, together with the Fifteenth New York Infantry and the Three hundred and seventy-first, a drafted regiment, and the Three hundred and seventy-second Infantry, which included a separate battalion from Ohio, and a separate battalion from the District of Columbia, and separate companies from Connecticut, Massachusetts, and Maryland, constituted the Ninety-third American Division, and was attached to the French Army in the World War. The French war cross for gallantry on the field of battle was given to three of these regiments, and one of them was the Illinois regiment.

These four Infantry regiments had appalling casualties. The killed were 457. The wounded were 3,468. The total battle strength was approximately 10,000, each regiment averaging 2,439 men. The 457 killed and the 3,468 wounded were 40 per cent of the 10,000. Other American divisions had a high percentage of killed and wounded, but only the First and Second Divisions exceeded the losses of the Ninety-third. The losses of the Illinois regiment were in killed 143 and in wounded and gassed 1,020, a total of 1,163.

Illinois is proud, and always will be, of this phalanx. Out of the substantially 400,000 men furnished by Illinois in the World War no organization was claimed to have exceeded

it, not only in administration and supply service but in operations and in combat achievement. This regiment was made up from the negroes of our State. Our great Republic should and, I believe, ever will recognize the claims of these men upon the gratitude of the Nation. No lesser authority than General Pershing has stated:

I can not commend too highly the spirit shown among the colored combat troops, who exhibited fine capacity for quick training and eagerness for the most dangerous work.

No prejudice born of political expediency or inherited from the days when the black race was in servitude should blind the eyes of Congress to the valor and devotion manifested by these colored soldiers. I shall always be proud that I have voted for this bill.

Before taking my seat I wish to incorporate in my remarks the poem written by G. H. Boker, May 27, 1863, entitled "The Black Regiment":

THE BLACK REGIMENT

1. Dark as the clouds of even,
Ranked in the western heavens,
Waiting the breath that lifts
All the dread mass, and drifts
Tempest and falling brand
Over a ruined land;
So still and orderly,
Arm to arm, knee to knee,
Waiting the great event,
Stands the black regiment.

2. Down the long dusky line
Teeth gleam and eyeballs shine;
And the bright bayonet
Bristling and firmly set,
Flashed with a purpose grand,
Long ere the sharp command
Of the fierce rolling drum
Told them their time had come,
Told them that work was sent
For the black regiment.

3. "Now," the flag sergeant cried,
"Though death and hell betide,
Let the whole Nation see
If we are fit to be
Free in this land; or bound
Down, like the whining hound—
Bound with red stripes of pain
In our old chains again!"
O what a shout there went
From the black regiment!

4. "Charge!" Trump and drum awoke,
Onward the black men broke;
Bayonet and saber stroke
Vainly opposed their rush.
Through the wild battle's crush,
With but one thought aflush,
Driving veterans like chaff,
In the guns' mouths they laugh;
Or at the slippery brands
Leaping with open hands,
Down they tear man and horse,
Down in their awful course;
Trampling with bloody heel
Over the crashing steel,
All their eyes forward bent,
Rushed the black regiment.

5. "Freedom!" their battle cry,
"Freedom! or leave to die!"
Ah! and they meant the word,
Not as with us 'tis heard,
Not a mere party shout:
They gave their spirits out;
Trusting the end to God,
And on the gory sod
Rolled in triumphant blood.
Glad to strike one free blow,
Whether for weal or woe;
Glad to breathe one free breath,
Though on the lips of death.
Praying—alas, in vain!
That they might fall again,
So they could once more see
That burst to liberty!
This was what "freedom" lent
To the black regiment.

6. Hundreds on hundreds fell;
But they are resting well;
Scourges and shackles strong
Never shall do them wrong.
O, to the living few,
Soldiers, be just and true!
Hail them as comrades tried;
Fight with them side by side;
Never, in field or tent,
Scorn the black regiment!

Mr. Speaker, I add to my remarks the following copy of General Order No. 4785, issued by General Vincendon, commanding the Fifty-ninth Division of the French Army, dated December 8, 1918, bidding farewell to the officers and soldiers of the Three hundred and seventieth Regiment of Infantry of the United States, praising all the officers and men of this regiment:

General Orders No. 4785

Officers and soldiers of the Three hundred and seventieth Regiment of Infantry of the United States:

You are leaving us. The impossibility at this time that the German Army can recover from its defeat—the necessity which is imposed upon the peoples of the Entente of taking up again a normal life—leads the United States to diminish its effectives in France. You are chosen to be among the first to return to America. In the name of your comrades of the Fifty-ninth Division, I say to you, "Au revoir—in the name of France, thank you."

The hard and brilliant battles of Chavigny, Leury, and the Bois de Beaumont having reduced the effectives of the division, the American Government generously put your regiment at the disposition of the French high command in order to reinforce us. You arrived from the trenches of the Argonne.

We at first, at Mareuil-Sur-Ourcq, admired your fine appearance under arms, the precision of your review, the suppleness of your evolutions that presented to the eye the appearance of silk unrolling its wavy folds.

We advanced to the line. Fate placed you on the banks of the Ailette, in front of the Bois Mortier. October 12 you occupied the enemy trenches Acier and Bronze. On the 13th we reached the railroad of Laon-la-Fere; the forest of St. Gobain, principal center of resistance of the Hindenburg line, was ours.

November 5 the Serre was at last crossed; the pursuit became active. Prout's battalion distinguished itself at the Sal St. Pierre, where it captured a German battery. Patton's battalion crossed, the first, the Hirson railroad at the heights of Aubenton, where the Germans tried to resist. Duncan's battalion took Logny, and, carried away by their ardor, could not be stopped short of Gue d'Hossus, on November 11, after the armistice.

We have hardly had the time to appreciate you, and already you depart.

As Lieutenant Colonel Duncan said November 28, in offering to me your regimental colors, "as a proof of your love for France, as an expression of your loyalty to the Fifty-ninth Division and our army, you have given us of your best and you have given it out of the fullness of your hearts."

The blood of your comrades who fell on the soil of France, mixed with the blood of our soldiers, renders indissoluble the bonds of affection that unite us. We have, besides, the pride of having worked together at a magnificent task and the pride of bearing on our foreheads the ray of a common grandeur.

A last time—au revoir.

All of us of the Fifty-ninth Division will remember the time when the Three hundred and seventieth United States Reserve Infantry, under the orders of the distinguished Colonel Roberts, formed a part of our beautiful division.

GENERAL VINCENDON,
Commanding the Fifty-ninth Division, Vincendon.

Mr. Speaker, I feel a distinct tinkling of the blood and I hold my head a little higher when I read such words as these from General Vincendon:

The blood of your comrades who fell on the soil of France, mixed with the blood of our soldiers, renders indissoluble the bonds of affection that unite us. We have, besides, the pride of having worked together at a magnificent task and the pride of bearing on our foreheads the ray of a common grandeur.

Oh, Mr. Speaker and gentlemen of the House, who are we that we should withhold honor from those soldiers who received this transcendant and scintillating pean of praise?

Mr. Speaker, I add to my previous remarks the following letter of Colonel Duncan:

Hon. RICHARD YATES,
Member of Congress, Illinois, Washington, D. C.

MY DEAR CONGRESSMAN: Your telegram dated July 3, 1926, reference to number of killed and wounded during the World War, in the Eighth

Infantry, Illinois National Guard, was received this date and I may state in answer thereto, that about 143 were killed and about 1,020 were wounded, gassed, etc., and I may state in addition to the foregoing statement that the regiment had a strength of 2,439 when leaving the home station for war, and the strength was 1,276 when we demobilized, thereby having a casualty list of about 50 per cent. Should you be in need of any additional information in the future, just call upon me and I will be at your service.

Very truly yours,

OTIS B. DUNCAN,
Colonel Eighth Infantry Illinois National Guard, Commanding.

MY RECORD IN THE SIXTY-NINTH CONGRESS

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an account of my stewardship in the first session of the Sixty-ninth Congress in order that my constituents may review my record and note the fact that I made a sincere attempt to serve them faithfully, being the first Congresswoman from New Jersey.

I might add that in addition to my work in committees and on the floor of the House I kept regular office hours. My secretary and myself were kept busy handling and answering the daily mail, which was at times voluminous; attending the various requests of my constituents, adjusting compensation cases for the veterans and securing passports for the travelers, together with extending the usual courtesies to visitors in our Capital City. I worked faithfully and conscientiously, and my record for a first term and with an antagonistic administration speaks for itself:

RECORD OF MARY T. NORTON, MEMBER OF CONGRESS FROM TWELFTH NEW JERSEY DISTRICT

Appointed on Veterans, Labor, and District of Columbia Committees. First woman ever to be appointed on District of Columbia Committee.

Sworn into office December 6, 1925.

December 15, 1925: Offered an amendment to the revenue bill to exempt all incomes of $5,000 or less from taxation. Addressed the House in behalf of this amendment.

I offered this amendment because I had promised to so do in my campaign and wished to keep faith with my constituents.

February 2, 1926: Conference with General Lord, Director of the Budget, regarding appropriation to increase the salaries of customs' inspectors.

February 6, 1926: Introduced H. R. 8947 to repeal section 602 of the adjusted compensation act relating to dependency.

In introducing this bill I thought a great injustice had been done the gold-star mothers and dependents who were denied their son's bonus because they could not prove they were actually dependent. I appeared before the Ways and Means Committee in behalf of this bill and made a strong plea for favorable action. While the committee did not recommend the repeal of the dependency clause entirely, it did report out what is known as the "Greene bill" to modify the dependency clause, and this bill passed the House.

February 3, 1926: Appointed committee of one of the subcommittee on education of the House District Committee to inspect the schools of the District of Columbia.

February 4 and 9, 1926: Inspected the schools of the District and made a comprehensive report to the committee.

February 9, 1926: Introduced H. R. 9124, to create a board of industrial adjustments and to define its powers and duties to solve the coal situation.

February 12, 1926: Introduced bill for relief of Clotilda Freund, H. R. 9294, claim for infringement of patent rights.

March 6, 1926: Introduced H. R. 10736, to amend the immigration law to permit children and wives of citizens to enter the country nonquota.

I introduced this bill to try and unite families who have been separated for years through an unfair immigration law.

March 27, 1926: Chosen by the minority leader of the House to speak over radio WRC on "Why I am a Democrat" and "Why women should vote."

March 30, 1926: House Concurrent Resolution 18, to create a joint committee to investigate prohibition.

April 21, 1926: Introduced H. R. 11504, for pension of Belle N. Grunwald.

April 21, 1926: Introduced H. R. 11505, for pension of Ann M. Erler.

April 21, 1926: Introduced H. R. 11506, for relief of legal representatives of James Bell, deceased (long-pending claim).

May 18, 1926: Addressed the Hospitalization Board of the United States Veterans' Bureau regarding the urgent need of the erection of a veterans' hospital in New Jersey.

June 14, 1926: First woman conferee appointed by the Speaker of the House to confer on mothers' aid bill for the District of Columbia with the Senate conferees. Compromise accepted by the Senate conferees, and committee reported unanimously; report accepted by Congress; bill enacted into law.

June 30, 1926: Addressed the House in behalf of the Federal employees' retirement bill.

I voted for the revenue bill, Italian debt settlement, sesquicentennial appropriation, welfare board for District of Columbia, Spanish War veterans' bill, Navy aircraft program, bankruptcy bill, amendment to World War veterans' bill (H. R. 12175), Army and Navy nurses' bill, extension of time for renewal of war risk insurance, rivers and harbors bill, railway labor disputes, increased annuities Federal employees retirement bill, Civil and Indian War pension bill, parole bill for District of Columbia, and amendment to adjusted compensation bill.

I attended at least 40 committee meetings.

Reported out the following bills in committees:

DISTRICT COMMITTEE

Fitzgerald workmen's compensation bill, welfare board, mothers' aid bill, women for jury service, policewomen's bill, and parole board.

VETERANS' COMMITTEE

Amendment to World War veterans' bill, disabled emergency officers' retirement bill, and bill to extend time for war risk insurance.

LABOR COMMITTEE

Convict labor bill and department of safety in Bureau of Labor Statistics.

The outstanding bills passed by Congress after the revenue bill are the veterans' bills, which are indeed worthy, namely:

First. Increase of Civil War pensions: Under the terms of this bill the Civil War veterans now receiving $50 will receive $65; those receiving $72, who become blind or totally disabled, will get $90. Widows who were married during the Civil War are increased from $30 to $50; no others.

Second. The Spanish War pension bill: This measure was approved by the United Spanish War Veterans.

Third. To increase the pensions of those who have lost limbs or who have become wholly blind in the military or naval service: This measure is for the maimed veterans of all the wars not provided for in the laws for the World War veterans.

Fourth. The Johnson bill amending the World War veterans' act of 1924: To give additional benefits to the veterans of the World War.

Fifth. Amending the World War veterans' act of 1924 to extend to July 2, 1927, the period during which term yearly renewable insurance may be converted without medical examination.

Sixth. The passage of the Green bill to amend the World War adjusted compensation act.

I introduced a bill to repeal the dependency clause in this act. While the committee did not favor the repeal, it did modify the clause, which takes care of many gold star mothers.

These measures do not express in full what the Democrats in Congress desired, but we voted for them, not because we thought them good bills but for the reason we could not get better bills in an antagonistic Congress with "economy" its only slogan.

Permit me at this time to express my appreciation of the kindly courtesies and consideration shown me by the Speaker and Members of Congress in this my first term and the only "Lady Democrat" in the House.

ESTABLISHMENT OF BRANCH OFFICES OF THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE AT LOUISVILLE, KY., AND OTHER POINTS

Mr. THATCHER. Mr. Speaker, I desire to call attention to the establishment of branch offices of the United States Bureau of Foreign and Domestic Commerce at Louisville, Ky., within my own congressional district and at five other places. The five other places are Houston and Galveston, Tex.; Memphis, Tenn.; Des Moines, Iowa; and Minneapolis, Minn.

As I have been very active in securing the establishment of these offices, I wish to submit some observations touching their establishment.

I have been opposed to price-fixing legislation in dealing with the agricultural problem. I am firm in my judgment that Federal aid to agriculture must be along other lines in order that same may be sound and effective. I believe that our Bureau of Foreign and Domestic Commerce is doing a fine work for American manufacturers and agriculture. I have been in thorough sympathy with the farmers of America and have wished to do all within my power, as a Member of Congress, to aid them. From my study of the subject I reached the conclusion that the establishment of additional branch offices of the Bu-

reau of Foreign and Domestic Commerce in important agricultural communities where they have not hitherto been maintained, would greatly serve agriculture.

The Department of Commerce had already reached such conclusion, but was without the funds necessary to establish and maintain such additional offices. It was my pleasure, therefore, and I conceived it to be my duty as well, to initiate in Congress the movement which brought about the appropriation of the sum of $60,000 for the establishment, on July 1, 1926, and the operation for the fiscal year beginning on that date, of the additional six branch offices in question.

The bureau had reached the conclusion that additional offices should be established at all these indicated points whenever Congress should provide the needed funds therefor. Once established they will be maintained so long as their usefulness may be demonstrated.

As bearing on the subject under discussion there are herewith included the following news articles from two of the leading dailies of Louisville, the first appearing in the Louisville Herald-Post of March 22, 1925, and the other appearing in the Louisville Times of March 29, 1926. All of our Louisville papers, as well as the people of Louisville and of the entire State of Kentucky and southern Indiana, are deeply interested in the establishment of the Louisville office because of their belief that by its establishment and operation the manufacturing, agricultural, and other interests of that great region will be materially benefited.

The Herald-Post news article follows:

[From the Louisville Herald-Post, March 22, 1925]

CITY MAY GET TRADE BUREAU—HOOVER APPROVES THATCHER'S PLAN FOR LOCATING BRANCH IN LOUISVILLE

Approval was given in Washington yesterday by Herbert Hoover, Secretary of Commerce, and Dr. Julius Klein, Director of the Bureau of Foreign and Domestic Commerce, to the movement of Representative M. H. THATCHER for the establishment of a trade bureau in Louisville, according to information received here last night. It was stated that both Secretary Hoover and Doctor Klein had agreed to ask Congress for an appropriation of $15,000 to establish the branch bureau in Louisville, and, as Representative THATCHER is a member of the powerful Appropriations Committee, it is regarded as certain he will get favorable action in the committee on his project.

In a letter to Representative THATCHER making known his position, Doctor Klein said the "problems confronting Louisville industries are peculiarly adapted to the service of this bureau." He said further that "there is reason to believe that our trade-promotion service can be of peculiar value to Louisville business in view of the special strength of our organization in industries of that district."

Among the industries cited by Doctor Klein in his letter to Mr. THATCHER were tobacco, lumber, agriculture, farming implements, and foodstuffs, in each of which the bureau has a number of outstanding trade experts on its staff. The establishment of a branch in Louisville will afford the bureau better opportunities to follow the new laws and regulations in the consumer countries abroad in the industries of this State, in the belief of Doctor Klein. "Judging from numerous instances of the experience of our branch offices, such a district office in Louisville should be in a position to deliver immediate dollars-and-cents results to the firms of that section," he said.

Representative THATCHER has been at work for several months on the plan for the establishment of a branch of the bureau in Louisville, having been in communication with the business interests and getting all details for submission to Congress. It is now his belief that he will have things in such shape as to get the appropriation made at the session of Congress which convenes next December.

The Times news article follows:

COMMERCE BUREAU BRANCH FOR CITY—OFFICE HERE TO BE ONE OF FIVE AUTHORIZED IN BILL PASSED BY CONGRESS

WASHINGTON, March 29.—Louisville is now assured of being selected from among many applicants as one of the five cities in which additional appropriations just approved by both branches of Congress in the Department of Commerce appropriation bill will be used for the establishment of new branch offices of the Bureau of Foreign and Domestic Commerce during the next fiscal year.

This victory for the Kentucky metropolis resulted from impressive figures concerning its business and industrial development, which were recited by Representative M. H. THATCHER, of the fifth district, before the Secretary of Commerce, the Director of the Budget, and the House Appropriation Subcommittee. Mr. THATCHER, who led the successful fight for the establishment of these five new offices, also stressed the importance of Louisville as the center of a large agricultural region to which the services of a branch of the Bureau of Foreign and Domestic Commerce would be of great value.

Difficulties in obtaining the additional appropriation for these five new offices was increased by the failure of the Budget Bureau to provide any amount for such purposes in its original estimates to Congress for the Department of Commerce. Mr. THATCHER, however, took the matter directly to President Coolidge and then to Gen. Herbert M. Lord, Director of the Budget, and succeeded in bringing about the submission by the latter of a supplemental estimate for the necessary $60,000 appropriation.

Under the plan which has been approved by Herbert Hoover, Secretary of Commerce, this amount will be divided equally between Louisville, Memphis, Des Moines, Houston, and Minneapolis, where the five new offices will be located.

Louisville industrial interests, which have been urging for a number of years that the city was entitled to such an added facility, have agreed to furnish quarters for the new office there without any rental charge during the next fiscal year, so that the $12,000 that will be available for the maintenance of the Louisville branch will include $4,400 annual salary for its manager, $2,400 for an assistant manager, $1,500 for stenographic service, $1,320 for clerical service, and $2,380 for miscellaneous purposes, including office supplies, traveling expenses, etc.

Galveston, Tex., was added as a sixth office because of the immense shipping interests in that port.

The able Representatives from the other cities affected cooperated in the effort to secure the appropriation referred to. On January 29, 1926, we appeared before the subcommittee of the House Committee on Appropriations conducting hearings on the Department of Commerce appropriation bill for the fiscal year beginning July 1, 1926, and respectively presented, in detail, the facts and arguments for these new offices. These statements are to be found in the printed hearings of this subcommittee, pages 325 to 344, inclusive. My own statement in behalf of the establishment of the Louisville branch office appears on pages 325 to 328 of these hearings, and in justification of the establishment of that office I herewith include that statement:

DISTRICT OFFICES, DEPARTMENT OF COMMERCE

STATEMENT OF HON. MAURICE H. THATCHER, REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Louisville, Ky.

Mr. SHREVE (subcommittee chairman). I understand that you appear before the committee to-day in the interest of an appropriation for Louisville, Ky., for the purpose of maintaining a cooperative office.

Mr. THATCHER. A branch office of the Bureau of Foreign and Domestic Commerce; and if the committee will permit me, I would like to submit a statement in which I have tried to cover carefully the situation; and I may say that I favor the entire item, because I believe it is a beneficial one for the purpose for which it was submitted.

"In behalf of the item for the establishment and maintenance during the coming fiscal year of five additional branch offices of the Bureau of Foreign and Domestic Commerce, I should like to make this statement.

"I believe that the service being rendered by the branch offices already established has proven to be of great value to the communities served. There are, I believe, 11 of these offices. All of them, with the exception of three, are situated in and primarily serve shipping, jobbing, and manufacturing communities. They may be said to lie in and primarily serve agricultural regions. The inclusion of this supplemental Budget item of $60,000 will permit the establishment in 1926–27 of five additional offices at points where agriculture may be primarily served, although manufacturing and shipping will be served as well. My information is that only three branch offices have been established since 1914.

"It is generally conceded that agriculture alone of our great major industrial interests has not received its share of the general prosperity obtaining in this country. I believe it is also pretty well conceded that one of the greatest needs of the farmer to-day is cooperative and scientific marketing. How best to dispose of the farmers' exportable surplus is a question that is engaging, and has long engaged, the minds of our Nation's clearest and most patriotic thinkers. I do not believe that there is any single solution of the question. There are many conditions which enter into the equation. Undoubtedly one of the most important is that of securing, for the benefit of the farmer, immediate, reliable information concerning foreign demand for the surplus he has to sell. These offices are maintained for this purpose. They render this service, not for agriculture alone, but for every American industry. The cable advices of the needs of foreign markets, the up-to-date information of shipping facilities and traffic rates to all countries of the world, secured and made available for every agricultural and industrial interest in the community where such an office is maintained, are of great advantage to all those who have any exportable surplus of products. Especially valuable is this service to the cooperative and scientific marketing of farm products.

"I do not favor legislative price fixing for farm products, nor any other legislative devices, speculative in character and greatly burdensome in expense, which may be proposed to aid agriculture. The establishment and maintenance of these branch offices is an entirely different

matter. They will constitute a conservative, helpful agency to agriculture, with comparatively small expense; and the value of the service to be rendered by them has already been fully demonstrated. I do not believe that in any other way can so large a benefit flow from so small an expenditure as through the judicious establishment of these offices.

"I believe that such an office should be established at Louisville, Ky. An office there would be of the greatest value to the great agricultural interests of that region of the country, and especially to the great tobacco interests which are there. Tobacco, as you know, is largely an exportable product; and a branch office at Louisville would aid, in the most effective manner, the marketing abroad, under the best conditions of the exportable surplus of this product. Our tobacco cooperative societies and associations earnestly favor the establishment of the Louisville office. In addition, it should be borne in mind that Louisville is to-day a great industrial city. It stands first in a number of industries, as for instance, in the manufacture of leather and in the handling of leaf tobacco, and the products of the factories there and in that general region are large in volume and a considerable and ever-increasing portion of them must seek foreign outlets.

"All of these interests would be served by the establishment and maintenance of such an office in Louisville, which, to-day, with a population of more than 300,000 people, is the metropolis of that great region. Louisville, lying at the Ohio River Falls, is particularly well situated as a distributing point because of its trunk-line railways and its river transportation. By means of the river it has cheap-freight contact with the port of New Orleans, and thence with foreign ports. Within four or five years the Ohio River improvement project will be completed, and there will then be provided an all-year, 9-foot stage of navigation in this great waterway, and the industrial importance of Louisville and the entire Louisville region will be greatly heightened.

"In this general connection it may be well to state that in 1911 the gross tonnage of iron and steel transported on the Ohio River was 31,203 tons, whereas in 1925 there were transported on the river, iron and steel, the total of 557,650 tons. In 1911 the total of petroleum carried on the river was 10,260 tons, while in 1925 the total was 73,428 tons. Coal is also transported on the river to Louisville and to lower points in heavy tonnages. The gross tonnage of boats docking at Pittsburgh, Louisville, Evansville, Paducah, and Cairo, has increased from 45,780 tons in 1920, to 72,651 tons in 1924. The boat tonnage, of course, will greatly increase with the completion of the all-year 9-foot project. There are moved into Louisville annually over the Ohio River from eastern Kentucky, West Virginia, and Pennsylvania over 50,000 tons of coal.

"Speaking with more particularity of Louisville industries, I desire to cite the following facts:

Number of major industries	817
Number of industrial operatives employed	62,569
Annual pay roll	$67,561,341.00
Value of products	$344,239,208.00
(Largest output south of Ohio and Potomac Rivers, according to United States census.)	
Capital invested in manufactories	$180,592,423.00
Postal receipts for calendar year 1925	$2,736,415.19
Valuation of building permits for calendar year 1925	$29,914,646.00
Number of permits	5,752
Bank clearings for calendar year 1925	$1,743,589,890.00
Debits to individual accounts for calendar year 1925	$2,253,176,058.00

"Louisville produces in very large quantities and sells in foreign markets many products, such as pianos and organs; agricultural implements; flour and other wheat and grain products; tents and awnings; lumber and lumber products; office, church, and school furnishings, and furniture, tobacco, and tobacco products; cooperage products; preserves and other fruit products; baseball bats, golf clubs, and other sporting goods; paints and varnishes; wire, steel, and iron products; drying machinery; tinware and brass goods; tools; lead foil; cement; refrigeration machinery; and novelties. Louisville leads the world in the manufacture of many products, among them the following:

"Reed organs, baseball bats, farm wagons, wooden boxes, minnow buckets, hickory handles, tobacco products, fireplace equipment, books for the blind, table rims and slides, soft winter-wheat flour, composition lead and tin foils, exclusive stay bolt and engine iron, enameled iron and brass plumbing supplies, absorption ice and refrigerator machinery and drop-forged valves and fittings. In addition Louisville has the largest single unit hardware plant in the world, and a unit of the world's largest flour mill.

"Immediately adjacent to Louisville are some of the largest cement plants in the country.

"In addition it is to be noted that the water power furnished by the Ohio River Falls at Louisville is now to be utilized and a great hydro-electric plant is now in process of construction, which will furnish cheap power to Louisville and to its sister falls cities, New Albany and Jeffersonville, Ind. These two Indiana cities are industrial in character and will greatly profit by the establishment of the proposed branch office at Louisville; and cheaper power will mean the establishment of more and more manufacturing plants, with a resulting increase of exportable manufactured products.

"The city is served by the Ohio River and by 9 trunk-line railroads and 10 interurban lines. It is near the center of population of the United States.

"I do not have at hand the total value of products of farm and factory moving through Louisville and from the Louisville region into foreign markets, but the annual total in millions of dollars is very large.

"For these reasons, and for others which might be named, I believe that the establishment and maintenance of a branch office of the Bureau of Foreign and Domestic Commerce at Louisville is greatly needed and should be established. Not only will our foreign trade be served by such an office but our domestic trade as well, and this is true of all these offices. The cost of approximately $15,000 a year required for the maintenance of each such office, in my judgment, will be returned manyfold to our people, and particularly to agricultural interests. My information is that in submitting estimates for 1927 the Department of Commerce included an amount sufficient to establish these additional offices, but that the additional amount thereupon approved by the Bureau of the Budget will be consumed by unexpected and increased expenses arising in the operation of branch offices already established. Hence, no additional offices can be established during the ensuing fiscal year unless this supplemental estimate is included in this appropriation bill.

"I, therefore, earnestly favor the supplemental item involved, not only for the establishment of an office in Louisville, but as well for the other proposed additional offices, which will also so greatly serve the industrial and agricultural regions in which they may be located."

FURNISHING OF QUARTERS RENT FREE

Mr. THATCHER (continuing). I may add that I can give assurance that so far as Louisville is concerned, at least for the ensuing fiscal year, the quarters necessary will be furnished free of rent.

Mr. SHREVE. I was going to ask you that question. But can you not extend it beyond a year?

Mr. THATCHER. I don't know. I've only gotten assurance that far. Possibly that can be extended; at least I am assured as to rent for a year.

Mr. SHREVE. The committee has almost made it a requirement that offices should be furnished.

Mr. THATCHER. But they are not furnished at all other points.

Mr. SHREVE. At a great many points they are, and some places may lose their offices because they are not furnished.

Mr. THATCHER. Possibly so. I can not say as to the future, but I can say as to 1927, because I have only taken it up as to 1927.

Mr. SHREVE. The committee feels that there should be more cooperation at these different points where these offices are established.

Mr. THATCHER. I am sure that our people will do as much as any other community in the country. Whatever the rule may be as to the question of rents, I am sure our people in the Louisville section will comply with the rules.

Mr. OLIVER. Here is the thought of the committee: There is a very great demand from many cities for these offices. Of course, all the requests can not be granted. It is an important public service, and the local community, in a sense, is primarily benefited more than the rest of the country, you may say, by the location of the offices. It has just been brought to our attention that in some of the places they are threatened with increased rents, demands for increased rentals. The committee was assured when they were established that there would be no rental increases and in many cases that there would be no charge for rental, and they did not limit it to one year in some cases. Now, the service is being hurt and seriously hurt by these demands for increased rentals, and for that reason, as pointed out in your statement, with the amounts heretofore carried, we could not expand this service at all, and we are anxious to know to what extent the department will be aided in getting either no rental charge for the first one or two years, and a reasonable rental thereafter, if one is necessary to be charged——

Mr. THATCHER (interposing). I am sure there will be no question about a reasonable rental, and I am sure Louisville will do as much as any other community in the matter of furnishing facilities.

Mr. OLIVER. I think the House would approve, perhaps, a policy if it embraced our recommendation that there must not be expended exceeding a certain amount for rental. Of course, a place like Chicago or New York might require a larger rental than would be required in Louisville. We recognize that; but we have got to establish some schedule of rental, so as to be assured that the small amount we are appropriating, to be used along the lines you have indicated in your statement, must be used for the purpose and not eaten up.

Mr. THATCHER. I think that is right, and I believe the communities ought to show their appreciation by doing the reasonable thing.

Mr. ACKERMAN. How far away is the nearest district office of the Foreign and Domestic Commerce Bureau at the present time?

Mr. THATCHER. I do not know offhand any office nearer than Chicago. Perhaps St. Louis is a little closer than Chicago, but that serves a different community.

Mr. ACKERMAN. How far is St. Louis away?

Mr. THATCHER. It is 250 or 300 miles. That does not touch the tobacco situation at all.

Mr. ACKERMAN. And aren't the tobacco growers large exporters?

Mr. THATCHER. Yes, they are.

Mr. ACKERMAN. You think the establishment of an office there would increase the export trade in tobacco very largely, do you?

Mr. THATCHER. I think so, and it would enable surplus tobacco and tobacco products to go out to foreign markets in a more expeditious way, and to be sold there to better advantage.

Mr. ACKERMAN. Can you give us how many export firms there are at the present time?

Mr. THATCHER. I can not give that offhand, but there are many of them, including those handling tobacco and tobacco products. In my general statement I have indicated the principal kinds of articles going from Louisville and the Louisville region into foreign markets.

In behalf of the establishment of these branch offices, Dr. Julius Klein, the efficient Director of the Bureau of Foreign and Domestic Commerce, also appeared before the aforesaid subcommittee, and his statements in this connection are also to be found in these printed hearings. The subcommittee approved the appropriation item for the establishment of these additional branch offices, and the full Committee on Appropriations of the House approved it. Thereupon the House and Senate approved it, and with the passage of the 1926-27 Department of Commerce appropriation bill, and its approval by the President, the funds covered by the item were made effective as of July 1, 1926.

Following up the history of this subject, the following is quoted from the Washington Star of June 28, 1926:

SIX NEW OFFICES TO AID UNITED STATES TRADE—COMMERCE DEPARTMENT TO OPEN BRANCHES IN CITIES, BRING TOTAL TO 17

Six new branch offices of the foreign trade advisory service of the Commerce Department will be opened in as many cities Thursday, giving the department direct representation in 17 cities, with offices cooperating with local chambers of commerce in 36 cities in the distribution of information on world markets for American goods. The cities where offices will be opened this week are: Houston, Galveston, Memphis, Louisville, Des Moines, and Minneapolis. The foreign service of the department already touches all corners of the globe.

Ten States and portions of three others will be brought in closer contact with the department's Bureau of Foreign and Domestic Commerce with the opening of the new branches.

THOSE PLACED IN CHARGE

Ernest L. Tutt, of Meridian, Tex., will have charge of the Houston office; Walter N. Pearce, of New Haven, Conn., the Galveston office; William B. Henderson, of Princeton, Ky., the Memphis office; Prentis M. Terry, of Louisville, the Louisville office; Ernest M. Zwicki, of Indiana, the Minneapolis office; and Brice M. Mace, of Arkansas, the Des Moines office.

In announcing the creation of the offices Dr. Julius Klein, director of the bureau, said there still was room for expansion in the district-office service, as the importance of overseas markets was growing in proportion to this country's industrial and agricultural growth.

GENERAL ECONOMIC GAINS

"The future of America," he said, "lies not so much in the winning of new customers from her competitors as it does in the opportunities afforded by general economic improvement throughout the world and in the exploration of new markets.

"The reconstruction of Europe from industrial and commercial confusion," he said, "has a twofold meaning for American export trade. Although it will heighten competition in certain articles, and possibly cause a fractional loss in some of our best foreign-trade areas, it will increase the purchasing power of the European countries, which take over 51 per cent of our total exports, and permit the purchase from us of badly needed articles."

Also the following from the Louisville Times of June 11, 1926:

TERRY TO DIRECT LOCAL BRANCH OF COMMERCE BUREAU—GRADUATE OF UNIVERSITY OF LOUISVILLE AND TOBACCO EXPERT WILL OPEN OFFICE JULY 1

[By Lorenzo Martin, Times's Washington correspondent]

WASHINGTON, June 11.—Prentice M. Terry, a graduate of the University of Louisville and ranked as one of the foremost tobacco experts in the Department of Commerce, will be placed in charge of the new branch office of the Bureau of Foreign and Domestic Commerce to be established in Louisville, beginning July 1, it was learned to-day at the office of Dr. Julius Klein, director of the bureau.

The Louisville branch office will be located in the Board of Trade Building and will be conducted for the assistance of exporters and all concerns or individuals engaged in foreign trade which are located in Kentucky and southern Indiana.

Mr. Terry is a native of Nashville, Tenn., and attended Vanderbilt University before coming to the University of Louisville, where he received an A. B. degree. He served in the United States Army during the World War and went overseas. When he was honorably discharged in 1919 he held rank as captain. He then served with the American relief expedition at Vienna. When this work was ended he was appointed assistant trade commissioner in 1923 and assigned to the Vienna territory.

LISTS OF BUYERS AVAILABLE

Functions and work of the new Louisville branch of Bureau of Foreign and Domestic Commerce are explained by Doctor Klein in a letter which he has just sent to Representative M. H. THATCHER, of the fifth district, expressing appreciation of the Department of Commerce for Mr. THATCHER'S work in obtaining the necessary appropriation for this office and four similar ones in other parts of the country. Doctor Klein's letter, in part, says:

"We have long felt the need of an office in Louivsille, because, with facilities limited as they have been, it has been a physical impossibility for us to expand our service to the point where we could properly serve the business interests in that community. I feel that with this new office we will be in a position to not only take care of the regular inquiries of those now engaged in the export trade, but also render an efficient commercial reporting service as a means of which it will be possible for other concerns to expand their activities, which are now largely limited to the domestic field, and thus take advantage of foreign-trade possibilities.

"In order that you may be prepared to give your constituency some indication as to what this service involves, I would like to explain that beginning on July 1, when the office is to be opened, there will be immediately available from the files of the local office lists of the principal buyers abroad of the commodities produced in that territory, together with the names and addresses of prospective agents for those concerns desiring agency connections in foreign countries. There also will be lists of buyers and agents abroad who have indicated to the bureau their desire to purchase goods and secure agencies for specific lines. In addition there will be a complete file of trade reports gathered from all our foreign offices on the principal commodities manufactured in that territory.

COMPLETE SERVICE ASSURED

"Beyond the local district organization we have here in Washington a staff of commodity experts who can advise the district office on any problems which may arise and at the same time direct the Foreign Service to obtain from the field any information which may be required to enable producers to market their production in any country. There also is a staff of technical experts to give service on statistics, transportation, packing, foreign tariffs, foreign consular and customs regulations, commercial laws, commercial intelligence, etc. In other words, the district office will bring direct to the manufacturers and exporters in your district a complete foreign trade service backed up by our organization here in Washington and by more than 1,000 foreign representatives of the United States Government abroad.

"As I have previously indicated to you, we have already selected a working staff for the new district office, and in making this selection we have naturally considered the desirability of placing in charge of that office personnel which has had actual foreign trade experience in connection with the leading commodities manufactured in the district. In looking over the trade statistics for 1925 I find that the State of Kentucky exported merchandise valued at $32,564,159, the principal export item being tobacco, with shipments totaling $14,221,757, followed by coal valued at $3,921,360, wood and wood manufactures valued at $1,925,816, iron and steel manufactures $1,432,652, lead manufactures $1,081,642, and agricultural machinery $888,385. There are a great many other commodities manufactured within the district for which I feel sure a profitable export market could be created, and I feel very confident that our service will enable the various manufacturers to take advantage of these opportunities."

Also the following from the Louisville Herald-Post of June 15, 1926.

FEDERAL EXPERT WILL OPEN TRADE BUREAU HERE

[Special to the Herald-Post]

WASHINGTON, June 14.—W. L. Mitchell, Department of Commerce expert in charge of the New York City branch of the Bureau of Foreign and Domestic Commerce, was assigned to-day to go to Louisville and organize the bureau's branch there.

Mitchell will serve until Prentice Terry of Louisville returns from Europe about August 15 to take over management of the office. Activities of the branch are scheduled to start July 1 in the Board of Trade Building.

Representative THATCHER and other Congressmen in whose districts the four other branches are to be established conferred to-day with Assistant Director of the Bureau of Foreign and Domestic Commerce Matthews and other Department of Commerce experts in regard to facilities to be provided in giving industry and agriculture a helping

hand by supplying various data on market movements and other commercial activities in America and abroad.

In conclusion, Mr. Speaker, permit me to suggest that the Bureau of Foreign and Domestic Commerce has, accordingly, arranged for the opening of these six new branch offices on the 1st of July, and it is believed that their operation will prove the great wisdom of their establishment. They will serve the great regions where they are located most effectively. They will repay many fold the cost of their operation. Speaking with especial reference to the branch office thus established at Louisville, I am sure all the industrial interests in that splendid city will be served, as well as the interests of Louisville's sister falls cities, New Albany and Jeffersonville, Ind. Also—and this is a vitally important item—the great agricultural regions of Kentucky and southern Indiana will be most beneficially aided by the operation of this office, the functions of which are indicated in what has already been stated and set forth.

At the hearings before the subcommittee of the House Appropriations Committee, already referred to, I gave assurance that for the ensuing fiscal year rent-free quarters would be furnished for the proposed branch office there. I gave the further assurance that Louisville would continue to furnish rent-free quarters for this office so long as other cities having branch offices would likewise furnish free quarters. I am very glad to say that such rent-free quarters have already been provided by the Louisville Board of Trade in the building occupied by that organization in the heart of the business district, and in these quarters the Louisville branch office has been established and is beginning to function. All Louisville and all the Louisville section have already shown their intention to cooperate fully with those in charge of this office and to derive the full benefits which may be received from its operation.

A FRANK REPORT TO THE VOTERS

Mr. WEFALD. Mr. Speaker, I take this opportunity to put into concrete form a report of my work and my votes in the first session of the Sixty-ninth Congress for the benefit of the voters of the ninth congressional district of Minnesota, to whom I am under a great responsibility.

The Farmer-Labor Party honored me with an election to Congress in the year 1922 and a reelection in 1924. Both in 1924 and again in 1926 my party honored me with a unanimous indorsement in the primary election, for which I am very thankful. For the reason that I had no primary election contest this year I could stay on the job until the fight for farmer justice was out of the way; though it was defeated, my voice and my vote was used in its furtherance.

My district is a purely agricultural one, and in area one of the big districts in the United States. Its length from north to south is about 206 miles—more than half the length of the State, and about one-seventh the distance from the Canadian border to the Gulf of Mexico. Its width is about 80 miles and the area about 16,500 square miles. It will take some time to cover such a district as mine; for that reason I wish this report to reach into such parts of the district as I might be unable to reach with a personal call. It is of the utmost importance that the Congressman knows how the people think and feel and what they experience, but it is also important that the people know what the Congressman has done for them and in their behalf as their representative.

While my record in Congress does not meet with the approval of the special interests that fatten upon the toil of the people, I have received the assurance of men who have weighed my record and compared it with others that I have stood 100 per cent for the people.

It has been a source of great satisfaction to me to find so often in my work here that both Republicans and Democrats have voted as I have done and have understood and sympathized with my viewpoint in many matters. The big problems confronting us here for solution are no longer political problems but economic. Were it not for the fact that many men are not close enough students of economic problems to distinguish between political and economic action there would soon be a new deal for the people. Some men are Republicans because their grandfathers were and believe in a high protective tariff because their fathers did; others have just as weighty reasons for being Democrats, but party ties weigh very lightly on many good men in this House. Many Democrats have been willing to vote for a bill that would extend to the farmers of the land the benefit of a protective tariff in spite of the time-honored declarations of their party in respect to a protective tariff, and many good Republicans are now ready to cut tariff rates all around because the tariff can not be made to work in the interest of the farmers owing to the unreasoning attitude of the industrial East. The great political era closed with the passing of Roosevelt, Bryan, and La Follette. These three men were the great leaders of their time, and their words will yet for decades ring in our ears. Hardly any generation in the history of our country saw three such crusaders as these men were, attack the evils of their time from pretty much the same angle, yet they are hardly cold in their grave until the orgy of graft and corruption, born in the Harding régime, has settled down as a nightmare over the country in the Coolidge administration with forebodings for the future that are evil indeed.

Never in the history of the world has the money power been so intrenched in the control of a Government as it is in our country to-day. Never have the rights of minorities been less respected than they are right here now. Punishment has been meted out both in the Senate and the House of Representatives for independent thinking and action in such a manner as it has never been done before. In the last Congress Senators La Follette, Ladd, FRAZIER, and Brookhart were demoted in committee assignments because they did not mind the party dictates. La Follette was thrown out of his office quarters like a tenant in arrears of house rent. In this Congress Mr. Brookhart was deprived of his seat in the Senate, the election laws of Iowa were disregarded, and the will of the Chief Executive was made the law instead. Punishment along the same lines was meted out in the House, but the morale of the Progressives is good and intact as the session closes. While the night is dark and the outlook rather gloomy there are signs in the sky that may betoken a daybreak. It is now practically conceded that the next Senate will be lost to the present administration, and there is more than an even chance of the House going the same way. The leaders in the Corn Belt rebellion now declare that possibly the most effective way of carrying the farmers' fight to a successful issue will be the setting up of a third party. We certainly are facing a great crisis in the life of this Nation.

The unseating of Mr. Brookhart as Senator from Iowa was quickly answered by that State in his overwhelming renomination for the Senate. The blood of the martyrs always was the seed of the church. When the change does come it will come because the little Progressive band, of which I am a member, have each one been inspired by the sentiments of the favorite poems of the late Senator La Follette:

Out of the night that covers me,
Black as the pit from pole to pole,
I thank whatever gods there be
For my unconquerable soul.

In the fell clutch of circumstance
I have not winced nor cried aloud;
Under the bludgeoning of chance
My head is bloody but unbowed.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate:
I am the captain of my soul.

The ninth congressional district of Minnesota must stand firmly with the forces of progress.

But let us look at the record of this Congress.

TAX REDUCTION

The present administration kept its promise to reduce taxes for the rich. This was the first thing on the program. The Ways and Means Committee started its meetings last October and on the first day of the session the tax reduction bill was introduced. It was then given the right of way over all other legislation, and when, during the consideration of it, any amendments were offered the steam roller flattened out all opposition. I think that I was the first Member of Congress to announce my intention to vote against the bill, but on final passage there were 25 votes cast against it, which I consider a hopeful sign of the times. It took nerve to face the wrath of the combined wealth of America that had camouflaged this bill, so that, while it gave the money power even more than it had asked, it was touted as a general tax-reduction measure in the interest of the general taxpayer. Of course, the small taxpayers received a little, insignificant crumb, but when the interest of the country as a whole and in the future was taken into consideration I could not vote for it. I am sure that my constituency will uphold me in this vote.

We have a national debt, saddled upon us by the war, of about $20,000,000,000. This must be paid. It will be paid by taxes levied upon the American people. Under our theory of government taxes shall be levied upon property and income in proportion to the taxpayers' ability to pay. Ordinary business prudence tells us that if we are in debt and owe money that must be paid, when we have a good income we must lay aside money with which to pay our indebtedness. The business

of the Nation is not different from the business of the individual in this respect. Outside of the agricultural districts the times are said to be good. These parts of the country that now are said to enjoy prosperity should now be made to pay their fair share of the tax burden, with a view to wiping out the national debt. Yet the tax reduction bill passed by this Congress reduces the revenues of the Government by approximately $300,000,000 a year and puts this same amount of money into the pockets of the privileged few, the 2 per cent of the people that own more than 70 per cent of the Nation's wealth. Farmers and laborers got no benefit from the Mellon-Coolidge tax reduction, but to show you how unequal the tax reductions are apportioned to persons of varying means I quote from a speech I made on the revenue bill on December 18, 1925, as follows:

But I feel that I also should think of middle-class people, who are better situated than the farmers and the laborers. I should think of those who have been shouting the loudest for the Mellon plan of tax reduction. The small-town merchants, bankers, professional men in agricultural communities are not making much money any more. Under this bill a married man with no dependents, with an income of $4,000, will save over the 1924 law $16.87; one with a $10,000 income will save $63.75. The higher the taxes go the bigger the saving. There is a $356.25 saving on a $20,000 income, or about six times the saving that accrues to a $10,000 income and twenty-one times the saving on a $4,000 income. From $20,000 to $60,000 the savings run in an even proportion, but from this point up the savings increase rapidly as the size of the income increases.

ONE MAN WILL SAVE AS MUCH AS WILL 60,500 OTHER MEN

A man with a $100,000 income will save $5,816.25, or seventeen times the saving on a $20,000 income. It will take 363 incomes of $4,000 to effect as much saving as one income of $100,000. An income of $200,000 gets about five times the saving that a $100,000 income gets. An income of $500,000 saves $82,816.25, or fourteen times as much as the $100,000. The man with an income of $1,000,000 saves $187,816.25, or two thousand nine hundred and eighty times that of a $10,000 income or over eleven thousand times that of a $4,000 income. The man with a $5,000,000 income saves $1,027,816.25, or as much as 60,500 men having $4,000 incomes. The combined incomes of 60,500 small-town merchants who earned $4,000 apiece would total $242,000,000. Yet a man with an income of $5,000,000 will save as much on his taxes alone as would the 60,500 men whose earning is $4,000. Forty-two men whose tax saving will total $20,000,000 will enjoy an average saving of $475,000. I am measuring tax reductions under this bill with a measuring stick that those who have a small income can understand.

The tax bill killed publicity of income tax returns, it killed the inheritance tax, and it paves the way for a general sales tax in the future. Sales and nuisance taxes to the amount of $60,261,000 were repealed but such taxes in the amount of about $540,000,000 were retained. In other words, there was a per capita remittance of sales and nuisance taxes of 50 cents but such taxes to the extent of $5 per capita are retained. An organized propaganda in favor of the repeal of the inheritance tax, nation-wide in its scope, was put on last year, and to the shame of Minnesota it must be confessed that Governor Christianson sent Lieutenant Governor Nolan to Washington to argue for the repeal of this just tax. It was said on the floor of the House, in the debate, that this propaganda was put on in the interest of 213 men whose estates might have to pay inheritance tax on $10,000,000 or more and that these men very likely financed the propaganda.

That the big corporations of America were not suffering under unduly high taxes nor were being taxed out of existence is shown by the fact that the corporations of America were, when the last tax reduction law was passed, evading payment of surtaxes on undivided profits to the extent of over $30,000,000,000. During the last four years, or under the administration of the Treasury Department by Mr. Mellon, the tax laws has been so administered as to return to big taxpayers in the form of refunds and abatements the staggering sum of $1,293,842,187.

Mr. Speaker, all taxes lifted off from the shoulders of the rich must be placed somewhere else and there is no other place to put them then than upon the shoulders of the poor.

FOREIGN-DEBT SETTLEMENTS

The Coolidge administration counts it as a great achievement that it has negotiated "settlements" of the war debts owed us by foreign governments. Mr. Mellon says that these settlements will help agriculture. I voted against these settlements because our Government in negotiating these settlements is guilty of breaking faith with the American people, also because the farming West is as hard hit, or worse, than are the farmers in some of the countries that are having their debts to us funded in the manner of these settlements.

The following list shows the amounts of money that each of these countries borrowed from us:

Great Britain	$4,715,311,000
Esthonia	14,143,000
Finland	9,191,000
France	4,025,000,000
Hungary	1,985,000
Latvia	5,894,000
Lithuania	6,217,000
Poland	182,325,000
Rumania	46,945,000
Czechoslovakia	123,855,000
Belgium	483,426,000
Italy	2,150,151,000
Total	11,764,443,000

The money to finance the war with was raised by the sale of Liberty bonds to the American people. The Liberty bonds draw interest at the rate of 4¼ per cent. The money was loaned to the Allies at 5 per cent so that the difference in the rate of interest should cover the cost of raising and carrying the loans. Settlements have been effected with all of the debtor nations except France. Under these settlements the payments are spread out over a term of 62 years. The whole amount of the debt is canceled, and the different countries pay us only part of the interest that they in the first place had agreed to pay. I submit a table that shows the amount of the debts canceled, the interest rate agreed upon under the agreement, and the amount of money that each year must be made up by the American taxpayers to cover deficit until the debts are wiped out:

Country	Debts refunded	Interest rate on debts	Amount of debts canceled	Annual deficit in interest that must be paid by United States
Great Britain	$4,715,311,000	3.7	(1)	$23,747,000
Esthonia	14,143,000	3.7	(1)	77,000
Finland	9,191,000	3.7	(1)	42,000
Hungary	1,985,000	3.7	(1)	11,000
Latvia	5,894,000	3.7	(1)	31,000
Lithuania	6,217,000	3.7	(1)	36,000
Poland	182,325,000	3.7	(1)	994,000
Rumania	46,945,000	3.4	(1)	377,000
Czechoslovakia	123,855,000	3.4	(1)	1,034,000
Belgium	483,426,000	2.1	(1)	10,194,000
Italy	2,150,151,000	1.1	(1)	67,067,000
Total	7,739,443,000	2.0	$7,739,443,000	105,617,000

[1] Total debt.

My good friend and colleague, Congressman SCHNEIDER, of Wisconsin, analyzes this table of figures as follows:

This table shows that the total debts thus far refunded amount to $7,739,443,000, all of which is canceled; and in addition thereto the people of the United States must foot an interest deficit of $105,617,000 annually for years to come.

This deficit in interest payments for the 62 years totals, without interest, $6,548,254,000. Add this to the canceled debts and we have an apparent loss to the American people on account of these transactions of $14,287,697,000. Adding interest at 3½ per cent, compounded annually, to the yearly deficit increments, the loss, together with the canceled debts, becomes $30,188,536,000.

The most lenient terms of all were granted to the Italians on the strength of their cry for mercy. No mercy has been shown the defaulting farmer. Let us see how a farmer owing and having mortgaged his farm for $10,000 during the war at an interest rate of 8 per cent that was an ordinary interest rate would fare if he could have his debts funded like the Governments of the European countries owing us money have had their debts funded. The farmer in question here would have to pay $800 per year in interest, and if the debt was due in 1922 or 1923 he could not have renewed it and would have lost the farm. Had he received the same terms as England did from us he would have had to pay nothing until 1923, and after that year he would pay $370 per year for 62 years. If his settlement was like that of Belgium, he would have had to pay nothing until the year 1926, and only have to pay $210 per year as interest; but if he had been in the class of the Italian Government under Tyrol-persecuting, Mason-murdering Mussolini, he would have had to pay nothing at all until this year, and only have to pay $110 as interest charge.

Had the farmers received this kind of treatment farming would have been a profitable business, and there would have been no busted banks in the agricultural area.

When the French debt settlement was before the House I moved to strike from the agreement a clause under which the French Government could be in arrears for three years at a time

with payments due us. This amendment was ruled out of order, while the parliamentarians of the House disagreed, the Chairman stating that it was the first time in our history that such a parliamentary situation had arisen.

I would be willing to go as far as anyone in leniency with our European debtors if they would disarm and if they would not show the arrogant spirit they show toward smaller and weaker nations. France begs us for pity, but what pity does she show others? No more brutal and arrogant treatment has been accorded a small country in modern times at the hands of a bigger one than that accorded Norway by France. The Norwegians have prohibited all alcoholic drinks save light wine and beer. When the commercial treaties came up for discussion Norway was told that in return for the purchase of her fish by France she must import French cognac despite her prohibition. Every year she must take 400,000 liters of French cognac, containing about 40 per cent alcohol. France forbids Norway to reexport this cognac, saying it is for Norwegian consumption. When a communist member of the Storthing proposed pouring the cognac in the street this also met with a diplomatic protest from France. But she begs us humbly and we are charitable.

The funding of the European war debts will benefit no persons in America except the international bankers, and there are no international bankers in the Northwest.

THE WORLD COURT

One of the questions of the biggest importance that has come before the American people since the World War is the question of our entrance into the so-called World Court. A resolution favoring our entrance into the court was passed in the House of Representatives at the close of the Sixty-eighth Congress. The resolution was passed after a discussion of 40 minutes—20 minutes to the Republican and 20 minutes to the Democratic side. All who were given time favored the resolution. I voted against it and I am proud of that vote. Only 28 votes were cast against the resolution. Most Members of the House were outwitted, some ducked, and the bulk climbed onto the band wagon.

The Senate this year, under the leadership of Senator LENROOT, of Wisconsin, and under orders from President Coolidge, voted adherence to the World Court, in spite of the most strenuous opposition from Senators REED of Missouri, BORAH, SHIPSTEAD, JOHNSON of California, LA FOLLETTE, Jr., and other great champions of the people.

The political significance of this move is that we become, if we stay in long enough, the ally of England in all her troubles in bossing the world; the economic significance is that we surrender to the international bankers the absolute right to dictate our foreign policy and that we in time will as a Government become the guarantor to every loan made by these men outside of the United States. The World Court and the foreign debt settlement proposals are twin brothers, fathered by the international bankers and turned over to the United States Government for adoption. Both of these proposals are put forth in the name of peace, but both will make for war. Peace is not bred in the minds of "statesmen" but war often is bred there. Peace is bred in the hearts and minds of the sweating, toiling masses, and only lies and schemings of statesmen can upset their equilibrium.

That there is much dissatisfaction among men and women of all political parties with our proposal to enter into the World Court is evident from words that we receive from home. A very prominent Republican of my district, writing me on this question lately, says that those who among us are World Court enthusiasts dream of enforcing upon the world—

a British peace. But—

He continues—

I believe if we have almost peace in the world to-day it is because after the treaty of Versailles the Irish, the United States, and the colonies refused further sacrifices in men and money. To the latter must be added the labor of England.

I think this hits the nail on the head.

If no question is settled until it is settled rightly, then this question will come up again, and it behooves the voter to know how the candidates stand on this question, for it is one of the biggest of the day in spite of the fact that the average run of men took no notice of it at all when it was before the Congress.

BRANCH BANKING

Not satisfied with tax reduction, foreign debt settlement, and World Court legislation, the predatory interests that own the bulk of the natural resources of our country—the tools of industry, the means of transportation—demanded a piece of legislation known as the McFadden banking bill. As always when these interests want something in the way of legislation, it is so dressed up as to seemingly be of benefit to the ordinary average citizen. But, all disguise and mask torn away, it was a branch banking bill; that is, a bill that was designed to in time create a banking monopoly, radiating from the big financial centers, with its great tentacles reaching into every hamlet of the land, with complete control of credit and interest rates. The powers exercised by the big financial interests in this direction now is strong enough so there is no need of forging the fetters of small business still stronger.

The passage of this bill would in time mean the same kind of peonage for the small business man as is now facing the farmer if justice is not soon done to him. It may be granted that for the time being branch banking might tend toward safer banking, but the danger of having all private initiative crowded out of the banking business with the resultant control of money and credits, the life blood of trade, would far outweigh any advantage toward safe banking for the time being.

The American Bankers' Association voiced its disapproval of branch banking in the following statement:

Not on a narrow, selfish basis but on the broad basis of public welfare, the independent banking system, while it has served the country well, has not concentrated either the country's wealth or power in the hands or in the control of a few, as must inevitably follow if branch banking is carried to its logical conclusion. Such concentration is not consistent with the genius of American institutions and ideals. Those who are aiming to bring about such concentration of wealth and power, thereby depriving the individual of the opportunity which has existed heretofore in engaging in his chosen vocation, and thus creating a class of the very rich, and leading to the destruction of that large middle class, always necessary in a democracy, are drawing upon themselves certain destruction, as control by the few in any line of human endeavor is contrary to American ideals and will never be tolerated by America.

In opposing the McFadden bill I am sure that I have protected the interest of every banker in my district as well as the interests of the people.

THE PORK-BARREL RIVERS AND HARBORS BILL

I have never been in favor of the so-called "pork-barrel" propositions. It looks too much like a band of bandits sitting around a table and dividing the loot. The strongest or the cleverest gets the biggest slice of the loot; there is never a fair division. The backbone of the rivers and harbors bill was the State of New York. Wall Street, the altar of Mamon upon which the money-mad worship, is located there. New York is the seat of the international bankers that demanded and received from this Congress the tax reduction bill, the foreign-debt settlements, the World Court; that demanded—and will perhaps get in the next session of Congress—a branch banking law. These same big bankers that rule the world have noticed the agitation in the Middle West for a St. Lawrence waterway canal. This will not happen if they can prevent it; the bulk of the trade of the Northwest might not have to be run all through their fingers if this canal was built. These men have decreed that all this trade shall go through New York, so if there is to be a canal it will be a New York canal. Around this proposition was built up the rivers and harbors bill.

New York itself has 43 votes in the House, or 10 per cent of the total vote; still New York modestly only asked $100,000 for a survey of the all-American canal and the small amount of $2,084,000 besides. Massachusetts has 16 votes, and she is hard boiled against the West always; she is promised $11,500,000 with which to purchase the Cape Cod Canal. Illinois has 27 votes; she is given the right to drain Lake Michigan to a hitherto unknown low level. If New York should fail in getting the canal, it is better to run the water over the prairies of Illinois, she figures. And so one by one the different States that had a creek to be surveyed got it into the bill by a promise to support it against all attacks. Out of a total direct appropriation of about $37,000,000 carried in the bill $34,131,000 goes to 13 States that have 180 votes in the House and which gave the Haugen bill only 22 votes. The rest got little or nothing that will stay in the bill when it finally passes the Senate.

There was a big fight made on this bill led by ex-Senator BURTON, of Ohio. Practically the whole Minnesota delegation pledged themselves to support this opposition until the bitter end, but only the three Farmer-Labor Members, Mr. CARSS, Mr. KVALE, and myself, and Mr. CLAGUE stood by the given word and voted against the bill on final passage.

The fight to establish the St. Lawrence waterway canal is not yet lost, but it will mean a real fight and hard work to put it over. Democratic control of the next Congress will block the New York route anyway.

FARM RELIEF

The question that the Northwest is the most vitally interested in is farm legislation. But farm legislation does not interest the East a bit; the East has the votes and it is intrenched in power because the Northwest for over a half hundred years has been in the habit of sending men to Congress that were pledged to do the bidding of the East. Northwestern Congressmen helped to pass the laws that built up the prosperity of the East at the expense of the rest of the country, and now when the farmers find that they have made some sad mistakes in the past and wish to rectify them it is uphill work to do so.

The money-loaning, manufacturing East wraps itself up in smug selfishness. It has an idea that to do justice to the farmers would increase the cost of living, and so it wants none of it. The farm crisis exists not only in the Northwest; it exists all over this broad land. Good, fine, fertile farms lie idle in Pennsylvania—located close to good-sized thriving cities where the market for all kinds of farm products should be good—because it does not pay to farm them. The same is true of New York State and of Massachusetts; but what of it?

The gentleman from Pennsylvania [Mr. MENGES] told on the floor of the House how he had bought steers to feed last fall that he sold in May of this year that had cost him on the average of $67.20 apiece, to which he had fed grain and hay that cost him $124.40 a head, not counting labor, and which he sold for $96.46 apiece, entailing a loss of $95.14 a head.

The Haugen bill, the aim of which was to make the tariff effective on agricultural products as well as on the products of industry, should have received the support of the whole industrial East; but it did not. Instead, membership of the Committee on Agriculture in the House was so rearranged as to practically assure the killing of all real farm bills in committee. First, the jealousy of farm leaders on the committee was played upon with telling effect. Then, as the Haugen bill progressed toward the point where it was about time to report it to the House, other bills were introduced to compete with it in popular favor and to divide its support. The House Committee on Agriculture did what had never been done in the history of the United States Congress before. It reported three conflicting bills on the same subject; thereby the Haugen bill became a stillborn child. Yet the Twin City dailies insist that a Congressman must be of the Republican Party so that he can get on an important committee, for legislation is shaped in the committee. Both Minnesota and North Dakota had Republican representatives on that committee that were very proud of their assignments, but they were helpless to affect the result.

The influence of Secretary of Commerce Hoover killed the Haugen bill by the introduction of the Tincher-Fess bill that was drawn in the interest of the food gamblers. The farmers want no more wildcat cooperative marketing schemes built from the top down. It is charged that the plan of the Tincher-Fess bill is to make it possible by Government loans of money to the Cooperative Grain Co. to help it take over a lot of worthless elevators that the Armour Co. of Chicago tried to sell to the farmers and could not make the deal, and to finance other like undertakings the result of which would be to kill true cooperative marketing. My congressional district has had, all it wants of fake cooperative marketing; recent experiences have cost the farmers millions of dollars in money loss.

The farmers need and demand a price for their products, they will be satisfied with nothing less and no agency other than the United States Government can undertake to bring this about. But the food gamblers know that it is hard to hold the farmers together and that for every time they can beat the farmers' just demands a certain percentage of the farmers lose courage and give up the fight. The mouthpieces of the food speculators in the Minnesota Twin Cities, speaking to the farmers, point their finger at me and say, "he could do nothing for you, replace him with a Republican who can do things." But these newspapers forget that there was a solid Republican delegation from Minnesota until three years ago and that seven out of ten Congressmen from our State now are Republicans and one of them is a member of the committee whose task it is to draw the farm bills now, and some one Republican from our State has been on that committee for some time, and it has been of no avail. These have only feebly protested against present conditions and have patiently waited that President Coolidge should get a revelation from on high allowing them to do something. The closer a Western Congressman gets to the President and the East the further he gets away from the farmers. The one member of the Minnesota Republican delegation that was supposed to be the closest to the President voted against the Haugen bill and showed no interest in the increase in the tariff on butter. Yet the Twin City papers that laud the other Republicans for their support of farm measures lauds this antifarm-relief Republican higher than they laud the others. Can you beat it?

I have not sat with my hands in my lap. I have done my duty; my voice and my vote have been used in the behalf of the farmer. On February 20, this year, I spoke from the floor of the House and made the charge that neither the President nor the East understood the West and the farmer. I urged the President to come and find out for himself how we fared and what we needed. I also foretold what would happen to the President's political party if nothing was done, and things have already begun to happen. This speech received wide publicity and much editorial comment; what has since happened proved me not to have been mistaken. But our Minnesota Twin City dailies do not like to hear men tell the truth and to be able to see through political flimflam. Here is in part what I said:

A feeling has grown up in the West that the East does not care for the West, and that, at least, it does not understand the West. There is a feeling in the West that the Capital of this Nation, where the President spends most of his time, lies too far east to function as the real, throbbing heart of this great country, and when the President heretofore took a vacation he went still farther east.

Let him for one summer hear the murmur of growing grain on the prairies rather than the call for $10,000,000 from the Cape Cod Canal. Let him come to Wisconsin and see real cows—cattle upon a thousand hills, as the Bible speaks of. Let him come to Iowa and hear the grunting and squealing of real pigs; give him a chance to pitch real hay—alfalfa—in South Dakota; let him see real wheat fields in North Dakota and see real potato fields in the Red River Valley; let him see where real butter is made, and he will go back East again and propose that the bread and butter country out there, where the bread and butter of this Nation come from, be entitled to a square deal at the hands of the Government. If he comes out to us and mingles with us, he will find that we practice thrift and economy as well as they do in the East, and he will no more understand than we can understand it why, when his administration has made the East roll in prosperity, we of the West should wallow in bankruptcy and bank failures.

We would like to get the President so far West, for a short time at least, that Wall Street, the monopolies, and the trusts could not get near him. If he saw us in our homes, saw us at work, saw us in trouble, he would begin to understand the problems of the farmer. I say that there will be no farm-relief legislation passed out of Congress until the President thoroughly understands the farmer's plight. When he understands it the East will understand it, but not before.

Judging by the many letters I received from different parts of the Northwest, voicing approval of the speech, I am sure that I had correctly gauged the feelings not only of the farmers but of practically everybody living in the agricultural country. The speech was understood in the East also. The New York World, commenting editorially, said:

Now, after this farmer spokesman has spoken we shall hear much as to why the East rolls in prosperity, while the West wallows in bankruptcy and bank failures.

Indeed, many good men did speak along the same line and failure to pass the Haugen bill is not chargeable to the fact that the West was not able to set before the country clearly the farm situation. What is a Congressman supposed to do? Use a club? Even Republican Congressmen do not do that. To my mind the Congressman is efficient if he can state his proposition so that it is understood, and if he can foresee the course of events so that he can shape his course of conduct most correctly. I was never much mistaken as to what this Congress would do for the farmer. In an interview published in the Polk County Leader at Crookston, Minn., on October 23, 1925, I used the following language:

I answer that that will depend on how many liberal Republicans and Democrats will have courage enough to break away from their leaders and join hands with the Progressives. I am afraid that few will have that courage. * * * Also, in order to have honest farm legislation passed, the House Committee on Agriculture must be differently made up than it is now, and this I do not think might happen. What changes there will be made will rather be for the worse instead of the better.

Events more than justified this forecast. The Congressman that takes his order from his party bosses and who fears to offend by speaking the truth is inefficient. The only difference between a Congressman of the party in power and one of the minority is that the majority Congressman is recognized in recommending postmasters and prohibition agents, and the minority Members are not. I can not see where this can help out on farm legislation; it has not done so so far.

The Farmer-Labor Congressmen stressed the point that we only asked for the farmer the same treatment that other interests have received. I quote from a speech I made on the Haugen bill on May 10 that will give a clear idea of how the railroads have been put in a position to earn money by law and how necessary it is for the farmers to receive the same kind of treatment. I am sure that every farmer in my district can understand it when he reads it:

Last fall the western railroads of the country applied to the Interstate Commerce Commission for a general increase in freight rates, because the transportation act of 1920 guaranteed to them an average earning of 5¾ per cent. They set up the claim that in 1924 they did not quite earn 4 per cent profit on their property as valued by the Interstate Commerce Commission. They are, of course, earning a considerably higher percentage of profit on their capitalization, even though that contains a lot of water.

I will give you some figures on farm earnings in comparison. They are based upon studies undertaken by the United States Bureau of Agricultural Economics.

In 1910 the total return on farm property was nearly 6 per cent; in 1913 it was 5 per cent. In 1914, the year the war started, it was 5.3 per cent. For the crop year 1920–21 the total earning was but a trifle over 1 per cent. The year 1921–22 it was less than 1½ per cent; for the years 1922–23 and 1923–24 it was about 3 per cent. But when allowance was made for borrowed money and the calculations reduced to the rate actually earned on the farmer's net investment—that is, on the capital he had himself invested in the property—less mortgage and other debts, his net returns were lower still.

For the crop year 1923–24 the net profit was a little less than 1½ per cent; for the crop year 1922–23 it was exactly 1½ per cent. But for the crop year 1921–22 the farmers averaged no return at all on their capitalization, but lost 1.4 per cent, and for the crop year 1920–21 they lost 3.1 per cent. This is the average of the whole country. In the western country it was much worse.

To average these percentages up will mean that for the four-year period here discussed on the collective farm property of the United States, leaving out of consideration that part of farm value covered by mortgage or other debts, there was a loss each and every one of the four years of three-fourths of 1 per cent.

The railroads were not satisfied with having money loaned to them only; they wanted a law that would put them in shape to earn money, and they got it. We will get such a law for the farmer, too, if we hang to it. The cooperative marketing bill passed in this Congress will mean very little to the farmers. The cooperative-marketing plans worked out by professional organizers, the main features of which are high salaries for managers and warehouses bought at high prices, along with sales agreements that bind the farmer hand and foot, but that do not bind their agents, are dangerous things to play with, even though such plans are indorsed by college professors in agricultural colleges, whose academic work has little value in actual business.

The professional organizer with his high-salary dream and the agricultural college professor with his "two blades of grass instead of one" theory live and think and act in a different world than the farmer that with grub hoe and crowbar and plow tackles the stumps and stones and the prairie to wrest a living from the soil. These latter ones have no common guaranty fund nor any State treasury to fall back on when their plans go awry and the deficits occur; these must shoulder the consequences of their own mistakes, while the former do not even charge their mistakes up to experience. The cooperative marketing association that has been built from the bottom up give the farmers their only hope along that line, an outstanding example of a successful marketing association is the Minnesota Cooperative Creamery Co., owned and run by the farmers themselves, built by knowledge gained through long experience.

The farmer must not lose hope.

RAILWAY LEGISLATION

Bills have been introduced both in the Sixty-eighth and the Sixty-ninth Congresses to amend the transportation act by striking out section 15a that guarantees earnings and under which arbitrary rates are levied. Congressman SHALLENBERGER, of Nebraska, has introduced such bills. He is a member of the Interstate and Foreign Commerce Committee that handles such legislation, but he has been unable to get even a hearing on the bills. The same interests that block farm legislation block any and all efforts to take away from the special interests the advantages that they have and do not want to extend to others.

LABOR LEGISLATION

The fight that the friends of labor fought in the Sixty-eighth Congress for the passage of the Howell-Barkley railway labor bill bore fruit in the Sixty-ninth Congress in the passage of the new railroad labor act. The old unfair railroad labor board created along with the Esch-Cummins law passes out of existence. Whether the new board will fill the bill and be a just and fearless tribunal will depend much on the character of the men who compose it. Every good law can be killed by administration, but if politics are kept out this mediation board a long step toward industrial peace is taken; transportation is the basis of modern-day industry, and uninterrupted, safe, and efficient transportation is a great means toward public welfare. Labor asks no special class legislation.

SOLDIERS' LEGISLATION

Legislation was passed in the interest of the World War veterans increasing the benefits to ex-service men liberalizing and humanizing the veterans' act to some extent. It is estimated that the Green bill will add to the benefits paid to ex-service men about $12,000,000, and the Johnson bill will add about $18,000,000 as well as make it easier to prove claims. But the veterans' act still needs more liberalizing, and I stand pledged to support all moves toward that end. The law must soon be so amended that any ex-service man getting sick can prove service connection by the fact of the service rendered. Nothing less should satisfy us.

I have attended promptly to all veterans' cases coming to my attention and have had good success with many, but there is yet too much red tape connected with the administration of the law.

A bill was passed in the Sixty-ninth Congress increasing the pension of the Spanish War veterans. This was merited. Also a bill was passed to increase pensions for Civil War veterans and certain widows. But this bill does not do justice to about 200,000 Civil War veterans' widows. I am a member of the Invalid Pensions Committee that voted out the Elliott bill in the first place and sent it to the Senate. I voiced my protest before the committee when this bill came back from the Senate with the amendment that only allowed the pension increase to widows who were married during the Civil War and left all the other widows without any pension increase. Practically every member of the committee felt as I did, and we only agreed to the Senate amendment because the Civil War veterans' representatives appearing before the committee urged such action as it was feared that the President would veto the bill if passed in its original form. The Civil War veterans will under this bill draw about $15,000,000 a year more in pensions, but it is not full justice.

FEDERAL AID FOR HIGHWAYS

Out of the many millions collected in taxes by the Federal Government no money is spent for a better purpose nor in a more just manner than the money that Congress from year to year appropriates as Federal aid for highways. The moneys are collected from all over the United States in the shape of Federal taxes and they are apportioned to all the States according to their needs and according to the way in which the States take advantage of the Federal aid. Despite threats from the East and despite utterances of President Coolidge that have indicated that he shares the view of the East that Federal aid in road building should be stopped, the Congress amended the Federal aid highway act of July 11, 1916, in such a manner that this aid will be continued also for the years 1928 and 1929 in the sum of $75,000,000 for each year. Since 1917 up to and including the fiscal year of 1927, Congress has provided for appropriations amounting to $671,375,000. Out of this fund Minnesota has received from 1917 to 1925, $15,318,419; for 1926, $2,143,193; and for 1927, $2,130,168, or a total of $19,591,780. This is a respectable sum of money, and should this amount of money have been raised by local taxation it would have materially increased the tax burdens. I often get inquiries about Federal aid for local highways in Minnesota; for that reason I will say now that all Federal aid is paid over to the State highway department and expended by it under certain rules and regulations. I do not wish to enter upon any discussion of Minnesota's local highway problems. I have voted to extend such aid to the States, and I have seen what a wonderful thing a national highway is and how important. Good highways will bind the different parts of the country together and eventually bring about a better understanding of the fact that the problems of one part of the country are also the problems of the rest of the country. Better communication between the North and the South, in the shape of such good roads as we have now, might have averted the Civil War. The person in the East to-day that best understands the West is the person that has autoed out here and spent a little time among us. National highways are a common investment.

LOCAL MATTERS OF THE DISTRICT

The charge was made before the Farmer-Labor men were elected to Congress that whatever else there might be in their

favor they could accomplish nothing for their districts. This the old-gang newspapers persist in peddling, yet in spite of the fact that this prediction has utterly failed. I quote what a Washington newspaper said recently on this question of efficiency in getting over legislation:

But real legislation in the National Congress is not based on party politics. There is a supreme test to which every Member is subjected, be he Republican, Democrat, Socialist, Farmer-Labor, or Independent. It is summed up in five words: Is he on the square?

When only one or two persons represent a political party in Congress the impression may be created that such Representatives wield little influence in shaping legislation—national or local. But right there the wiseacres make the biggest mistake of their lives, especially in matters of local interest. There is but one question in the mind of the other Members: What is his reputation for integrity to his district and to the Nation? If his conduct has been such that he merits the esteem and confidence of his colleague, that man, no matter what his political affiliations, will come mighty close to getting whatever legislation he wants for his district and the people of his district.

I go home from this session followed by the good will of all of those with whom I have become acquainted. Republicans have in great numbers expressed a desire for me to become one of them in the next Congress, and Democrats have been just as cordial. I have played the game without fear or favor, and that is the only thing that counts in the end.

I have been able to put over every pension bill that I have introduced, and some of them had been before Congress before and failed of passage.

CHIPPEWA INDIAN LEGISLATION

I took hold of the matters of the Chippewa Indians with determination and learned to understand the Chippewa situation, which men with long service in Congress and with great experience in Indian affairs said were the most intricate and most involved of any of the different tribes. In the first session of the Sixty-eighth Congress, due to the insistence of Senator SHIPSTEAD and myself, we helped to force through a bill for a per capita payment of $100 to each Chippewa out of their own funds standing to their credit with the Government. Since that time two payments of $50 apiece have been made, and these payments have helped greatly in tiding the Indians over tight places. In this session of Congress a jurisdictional bill was voted through Congress and became a law, and the Chippewas will now be able to go into court and have their many claims tried out. I am sure that justice will be done to them.

The Commissioner of Indian Affairs has in this session of Congress shown a great deal of sympathy with the Chippewa Indians; he aided us greatly in having the jurisdictional bill passed. Bills on this question were introduced by both Congressman KNUTSON and myself; these bills the commissioner rewrote in a bill that embodied features of both bills and thereby facilitated the passage of the compromise bill. Likewise Mr. KNUTSON and myself introduced bills to classify the Chippewas as competent and incompetent Indians, with a view to settling up the Chippewa estate, so that the young men and women might get their share of the estate and strike out for themselves and become self-supporting and useful citizens. These bills the commissioner also rewrote, and this bill passed the Senate and could have passed the House except for protests lodged with a Member of the State delegation.

I had a bill drawn and introduced in this session of Congress to set aside Rice Lake, located on the White Earth Indian Reservation, as a permanent reserve for the exclusive benefit of the Chippewas.

This will be especially pleasing to the old fullbloods, I am sure. This lake with its wild-rice beds they speak of as their "granery"; wild rice is a principal part of their diet, and it is very nourishing and palatable food. Enough lands will be bought around the lake so as to insure proper control of the water level whereby the wild-rice crops can always be under scientific control.

The establishment of this reserve corresponds to the establishment of a national park, and those who have undertaken to have such established know what a task it is to succeed.

I have kept my promise to these people and I feel that every Chippewa is my friend.

RELATING TO POST OFFICE BUILDINGS

No public buildings have been authorized, I understand, since 1913. Few extensions to Federal post-office buildings have been authorized since that time. I succeeded this year in obtaining the promise of the Post Office Department to build an extension to the Federal Building at Fergus Falls, where, due to the increased parcel post business owing to the increase in the volume of business of its woolen mills, the room was inadequate. I played in good luck in this matter.

I have introduced bills for post-office buildings in other cities in my district that need such improvements. Under the new public buildings bill all building projects will be closely analyzed by the Post Office and Treasury Departments; there will be no haphazard appropriations; each project will be considered upon its real need and not on political consideration. We are promised better post-office facilities in all cases where the present ones are inadequate, even where there will be no new building built.

THE LAKE OF THE WOODS BILL

Chief among the achievements in matters pertaining to the welfare of any part of my congressional district I count the passage of the bill, introduced by Senator SHIPSTEAD and myself, to carry into effect the treaty between United States and Great Britain in regard to the levels of the Lake of the Woods. While this, in a sense, is local legislation it is international in its scope as it gives assent to a treaty with a foreign power.

The passage of this bill entailed a good deal of hard work and much anxiety. Nothing exactly like it had happened before. The lawyers on the committee that handled the bill disagreed very much on the points of law that were raised in the matter. It was no small task to put the matter before the committee in the best light.

The settlers on the Lake of the Woods, settling there in the late nineties, had suffered damages to their crops and lands by reason of a flood-water stage of the lake, and for the first few years they did not know the reason for it. Then it was discovered that dams on the Canadian side of the lake were responsible and they complained to the Congressman, who in turn took it up with the Secretary of War. Investigations followed, but for unexplainable reasons the War Department engineers reported that the dams were not responsible. Years went by and the farmers suffered and could not get redress. Then greater dams were put in and a great power development was undertaken at the outlet of the lake. The War Department discovered its mistakes. In 1909 we made a treaty with Canada, or Great Britain, on all matters pertaining to boundary waters, and under that treaty the International Joint Commission was appointed, under whose direction a survey was made of all the boundary waters. This commission held hearings relative to the Lake of the Woods controversy that extended over several years, winding up the hearings and rendering a report in 1916. Nothing was done, however, with a view to effecting a settlement until the treaty was made that was finally signed up on February 24, 1925.

Under this treaty the Canadian Government will be allowed to raise the level of the lake to a sea-level datum of 1,062.5, but binds itself not to reduce the level below 1,056 except in periods of low precipitation, and then only with the approval of the Lake of the Woods Control Board. The Canadian Government pays $275,000 toward certain protective works at Warroad and toward the purchase of flowage easements. The United States undertakes to compensate the settlers for past damages.

This latter provision in the bill caused a lot of troublesome discussion in the committee; certain members, especially from the South, taking the stand that these settlers got the lands as homesteads and had paid only a small price for them and that they must have known of the dams, so they bought the lands with their eyes open, knowing that they were liable to be flooded, and for that reason they were not entitled to compensation at the hands of the Government. The voluminous records of the hearings of the International Joint Commission that had become stale since the year 1916 had to be read through, and that was quite a task. However, when the bill came up for final action, after a debate of two hours, it passed unanimously, the southern Members withdrawing their objections.

I am sure that my constituents will pardon me for reproducing here an interjection into my speech that closed the debate, as it bears testimony to the fact that I had the interest of my constituents at heart:

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. WEFALD. Yes.

Mr. CONNALLY of Texas. I am very much interested in the gentleman's discussion of this subject, and I appreciate very much his compliment to the gentleman from Tennessee [Mr. MCREYNOLDS]; but I want to say that if it had not been for the zeal and enthusiasm and constancy of the gentleman from Minnesota himself, this bill would probably be reposing in the files of the Foreign Affairs Committee at this moment. The gentleman from Minnesota is deserving of the credit of getting this legislation before the House, because, however keen the minds of the other Members are and however strict their attention to the public business, they have their noses to the grindstone to such

an extent in connection with other matters that they could not have gotten this through if the gentleman from Minnesota had not been instrumental in securing action. [Applause.]

Mr. WEFALD. I thank the gentleman. "The gentleman from Minnesota" recognizes that while he is a member of a party so small that it has practically no recognition here in some respects, he has still received extreme courtesy from the Members on both sides of the House, and especially from the gentleman from Texas. [Applause.]

I close my work in this session of Congress with a clear conscience that I have lived up to my oath of office and that I have had success fully up to the average.

THE MUD LAKE BOTTOM HOMESTEADERS

I am reminded that I had nearly forgotten another matter of great interest to some of my constituents (H. R. 12414) a bill "for the relief of homestead settlers on the drained Mud Lake bottom in the State of Minnesota."

This bill is identical with bill introduced in the Senate by Senator SCHALL for the relief of these people.

The purpose of the bill is to obtain compensation for lands and improvements that these people will lose on account of Supreme Court decision of February 1, 1926, that gives these lands to the riparian owners. Mud Lake was drained and under an opinion of the Attorney General of the United States these settlers were allowed to file on the lands as homesteads. They have lived there since 1916.

A report on this bill has just been rendered by the Department of the Interior to the Committee on the Public Lands from which it appears that the department will interpose no objection to compensation to the settlers in the amounts of the cost of improvements while it recommends against the compensation for the value of the lands.

This leaves the situation so that there is a good fighting chance of winning out for these unfortunate people in the next Congress. In such matters Congress nearly always does the right thing.

FARM LEGISLATION

Mr. LEAVITT. Mr. Speaker, it is well known to the farmers of Montana that as early as the 8th of January, 1924, during the first session of my initial term as their Representative, I made the first speech delivered in the Congress regarding the export-corporation plan to handle our surplus of wheat. I based my argument on the report of Mr. Wallace, then Secretary of Agriculture. It was my maiden speech as a Member of this Congress, and my constructive interest in the problems of the farmers has never ceased nor lessened.

The various ideas of the farm leaders and the farm organizations have developed along somewhat changed lines since the beginning. The Haugen bill in the House at this present session, like the McNary bill in the Senate, differs in important particulars from the McNary-Haugen bill which was before the Sixty-eighth Congress. They have the same purpose, however, and carry the same hopes. The Senator from Oregon [Mr. MCNARY] has set forth the situation as follows:

The specific advantages sought from the operation of the plan embodied in this bill are:

To secure a protected price to the producer of crops like wheat, pork, and beef, of which a relatively small surplus enters world trade.

To afford all the advantages of orderly marketing through control of surplus to the producer of a crop like cotton, of which the American supply is the dominant factor in the world price. Under its operations supply and demand over a period of years rather than a few months would govern prices.

To enable producers of meat animals to maintain a stable level of hog and cattle population by steadying prices and by promoting carry-over of corn from years of high production to years when the yield is low.

To promote cooperative associations by making it possible for them to control the movement to market of temporarily unneeded quantities of a commodity without imposing on their members alone the entire burden of withholding, removing, and disposing of them.

In upholding the principle of the equalization fee he said in the same speech on the 3d of June:

Cooperative associations can not extend their membership unless they can influence the price of the commodity dealt with. I think that is a self-evident fact. They can not influence prices as a permanent policy unless they can control and manage a large part or all of the surplus that needs to be carried over or exported. They can not do this at the expense of their limited membership alone, but they could do it with the backing of an equalization fund provided for in this amendment.

* * * * * * *

The task of managing supply not immediately required must be borne by each agricultural commodity group as a whole if violent and destructive price fluctuations are to be avoided. If for each commodity group a fund is provided to be used for withholding or removing surpluses above current needs and distributing them to the best advantage, a greater degree of stability in agriculture can be secured which will be helpful to the farmer, the processor of his crop, and to the consumer.

That the American farmers should be enabled to do this is the central principle of this bill.

As to the organization proposed to consummate these desired ends, he said:

Mr. MCNARY. Section 9 establishes the Federal farm advisory council of 60 members and provides for the manner of selection, one-year term and $25 per diem compensation while attending meetings. The Federal farm advisory council is taken from the cooperative organizations and farm groups in the 12 Federal land-bank districts of the country, and a meeting is held at the principal office of the Federal land bank in a given district.

Those selected for positions on the farm advisory council meet at the central point of the Federal land-bank district, and there they select three names to be submitted to the President of the United States, from whom he selects the Federal farm board. This is the board that controls and manages the mechanism contained in this bill.

* * * * * * *

Mr. CURTIS. Mr. President, the Senator did not so state, but I understand that the board is to be confirmed by the Senate.

Mr. MCNARY. The board is to be confirmed by the Senate.

The Senator from Oregon stated further:

Action by the board with any of these basic commodities can be taken only when the board finds that there is or may be a surplus above requirements for domestic use or for orderly marketing, and that a substantial number of associations of producers of such commodity are in favor of operation in respect to it.

Under the old bill, Mr. President, referred to as the McNary-Haugen bill, a corporation was created, and the board could attempt operations whenever it desired to do so in the exercise of its own judgment. In this bill no operation can be undertaken until the farmers, or a substantial group of farmers or cooperative organizations, initiate the movement by requesting the board to take action. That is a safeguard which is not provided for in the original print of the bill containing these principles.

Mr. Speaker, both the House and the Senate divided sharply on two propositions: Whether or not the measure is economically sound, and whether or not the equalization fee proposal is constitutional. The doubts created in the minds of Members of both bodies by those who raised these two questions had much to do with the defeat of this measure. Efforts have been made and will be made in the coming political campaign to establish that this was entirely a party matter, but an analysis of the situation is easy and with a full knowledge of the facts that argument will not prevail. The record speaks for itself.

Surely no man or woman will question the sincerity of the senior Senator from my own State or say that he has been anything but honest in his opposition to the bill. He took the ground that it was unconstitutional and said in the debate on the 16th of June:

Senator WALSH. I am convinced, however, upon earnest study, with a view to giving my support to the plan proposed if I could consistently with my duty to myself and my constituents, that it plainly runs counter to constitutional principles we are not at liberty to ignore.

As a result of this belief, the record shows that he voted against the McNary proposal. He did so honestly and reluctantly. He is considered here a great constitutional lawyer. His position had a profound influence, because it was known that he was sincere in his opinion.

Neither, Mr. Speaker, will anyone here question the good faith of another distinguished Senator from the West, from whom I quote out of the RECORD of the 18th of June:

Mr. BORAH. There are Senators here, as we know, who have devoted their time and attention to this matter to the exclusion of other matters, to which they, perhaps, would have liked to have given more time. I shall follow them upon all matters upon which I entertain a doubt. But there are some questions here upon which I entertain no doubt. In such matters I must follow my own judgment.

That judgment led him to vote against the McNary bill, largely on stated grounds of unconstitutionality. This was another potent factor of defeat. I was on the Senate floor during the delivery of his speech and witnessed its effects.

Some who voted for the bill did so on grounds which seemed to arouse question, rather than support, in the minds of eastern Members. I quote again from the CONGRESSIONAL RECORD—Senate—of the 11th of June:

Mr. WHEELER. I think that the present bill is unquestionably economically unsound; but, Mr. President, I submit that this bill is not one iota more unsound economically than the present tariff law which is upon the statute books; and so long as we have a tariff law upon the statute books of the United States, I think we ought to see to it that the farmers of this country shall be able to enjoy the benefits of that tariff. As is pointed out in this article, the Democrats during a long period have been in power for something like 16 years, and during those years we had a tariff law upon the statute books from which the farmers of this country derived no benefit. I think, whether we have a Democratic tariff or whether we have a Republican tariff, we ought to have some law upon the statute books that will permit the farmers to get the benefit of that tariff.

I have quoted the Senator from my own State only because I know no Montana farmer will question the sincerity of his views. Like myself, he voted for the bill.

Of course, sir, I agree fully with the Senator that the Democratic tariff law when it was in effect did the Montana farmers no good. That law put most of our agricultural products on the free list and thus submitted our farmers to the unlimited competition of the more cheaply producing countries. But, Mr. Speaker, it is not for the reason of a tariff argument that I have here quoted from this speech. I have done so only because the Senator believed and stated that the McNary bill was "economically unsound," and because we can therefore not be surprised or consider it dishonest that some Republicans also considered it economically unsound. Nor was it necessary for them to agree at all in the conclusions about the tariff in order to agree on the question of economic unsoundness.

The position of the President has been criticized. My understanding is that with regard to the equalization fee his opinion was the same as that of Senator BORAH and Senator WALSH, that it is unconstitutional. The sincerity and judgment of one can not be either defended nor attacked without at the same time defending or attacking that of the other two.

The oath of the President and that of the Senators is the same, to uphold the Constitution of the United States, and it is their solemn duty to oppose anything they believe to be contrary to that Constitution. Great lawyers may profoundly differ in judgment on the same proposal, but once doubt is over each is in honor bound. On that one point Coolidge and WALSH and BORAH stood together, with the courage of their identical convictions.

Who will have the temerity to say that WALSH, of Montana, or BORAH, of Idaho, was influenced to opposition by the administration?

Personally I was willing to accept the views of Senator MCNARY, who was for a long time dean of the Willamette School of Law and an associate justice of the Supreme Court of Oregon, as to the constitutionality of the measure, and those of Vice President Dawes, whose financial plan has begun the rehabilitation of Europe, as to the economic soundness. I voted accordingly.

I was willing to resolve every doubt in favor of a plan which I sincerely hoped would be of real benefit to the farmers of my State, and especially so since the plan as finally proposed would not have become operative as to any commodity except at the request of the farmers themselves, and then at their own expense through the equalization fee. But the collection of the fee by the Federal statute was, as I have stated, held by great lawyers to be contrary to the Constitution as to taxation. That raised an obstacle difficult indeed to surmount. It helped array against the measure in the final test enough votes in addition to those of gentlemen, Republicans and Democrats alike, from the industrial centers everywhere who feared an increased cost of food, and those southern Democrats who feared that the measure would entrench the Republican tariff by making it more effective to the farmers of the West, to defeat the bill.

But, Mr. Speaker, this is not the end. The farm problem has been before many Congresses and it will be before the next. This plan has been changed and developed in details by its proponents from the farm organizations ever since it was first presented in this session, and as obstacles have been encountered and counter arguments made. The changing proposals of the farmers themselves have been progressive and constructive, and I permit myself to indulge in a very lively hope for the future. I shall be always active and as helpful as I can, because faith without works is dead.

Meanwhile, Mr. Speaker, I am not one who believes that the duty of a legislator has been done when he stands up and howls. The farmers of this country and particularly of my State are as well or better informed than other groups of people. They are giving their problems constructive thought. They are not excited nor easy to stampede. Neither are they going to be misled by the present well planned and skillful propaganda into surrendering what benefits they now possess from the protective tariff because it has not been made completely effective as to crops with an exportable surplus.

They know that the cure for a man with one lame leg is not to cripple the other; and they likewise know that they can not benefit themselves by crippling the purchasing power of their home market in the industrial centers simply because their foreign market is already lame. They recall too vividly what happened to them before, when the Underwood tariff was in effect and when about everything they raised was free listed and open to the ruinous competition of the world.

Neither are they guessing as to what the proposal is, because the RECORD of February 1 contains a speech by the gentleman from Arkansas [Mr. OLDFIELD], who is the minority whip here in the House and the chairman of the Democratic congressional committee. In it the following colloquies occur:

Mr. SIMMONS, of Nebraska. Are you willing to take the tariff off of wool and sheep and goats?

Mr. OLDFIELD. I would take it off all cattle, sheep, goats, and hogs.

* * * * * * *

Mr. SIMMONS. Would the gentleman take the tariff off of wheat?

Mr. OLDFIELD. Certainly. * * *

In his speech the gentleman from Arkansas also stated that he would reduce the tariff on sugar to about $1.23 per hundred pounds, and this colloquy took place:

Mr. SIMMONS. If you fixed the tariff on sugar at the rate suggested would it be on the theory it was benefiting the American producer?

Mr. OLDFIELD. Yes; they could all live that were entitled to live.

Fine doctrine that for a State like Montana, whose principal farm products are cattle, sheep, wheat, and sugar beets!

No, sir; the farmers of the West know the facts and are separating them from the noise and the political propaganda. They will not send here a Democratic majority and thus unseat the gentleman from Iowa [Mr. HAUGEN] as chairman of the House committee on agriculture and put in his place Mr. ASWELL, of Louisiana, who has fought against their proposals in committee and on the floor. They will not in the same way unseat Senator MCNARY as chairman of the Senate Committee on Agriculture in favor of the Senator from South Carolina, who has likewise worked and voted against their measures in that body.

Mr. Speaker, they will not desert their tried friends in order to take revenge on some one else. They know that while in the House 55.6 per cent of the Republicans voted against the measure, at the same time 56.7 per cent or an even greater percentage of the Democrats voted against it, too, and that when approximately the same bill was voted on in the Senate the percentages were even more to the advantage of the Republicans. They know that the vote was sectional rather than political, and especially so when after the McNary measure was lost in the upper House Senator NORRIS, of Nebraska, proposed an amendment intended to require that cotton must pay its equalization fee immediately, like wheat and beef and pork, instead of having three years' delay in addition to $75,000,000 from the Treasury of the United States with which to operate, every Democratic Member from the South who had voted to apply the equalization fee immediately on wheat and hogs and beef, but not on cotton until three years, deserted the ship and joined the ranks of the vocal and voting opposition. That was an embarrassing situation for those who had talked for days so valiantly of a union of the West and the South to destroy the tariff, with the South carrying the banner and the West to carry the sack.

Now, in closing, Mr. Speaker, I wish to assert that at least a little was accomplished for agriculture in this Congress, though certainly not enough. H. R. 7893, the cooperative marketing act, introduced by Mr. HAUGEN in January and passed by the House on the 26th of that month, was the measure to which the McNary amendment was offered in the Senate and defeated on the 26th of June, and to which the Fess-Tincher amendment was offered and defeated on the 29th of June. On that latter day then that bill, almost as it had passed the House five months before, was agreed to in the Senate. The President signed it, and it is now the law. When it was before the House in January I made the following speech:

Mr. LEAVITT. Mr. Chairman, I am in favor of this bill, the purpose of which is to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information.

It is not claimed that this bill meets all of the needs of the agricultural industry or that the farmers are not also in need of other legislation to meet still other difficulties which exist and which can not be met by cooperative marketing alone. There is other proposed legislation before the Committee on Agriculture directed toward the question of the exportable surplus of some crops, and I have already expressed myself in favor of constructive legislative action toward that end, and shall discuss that further when such measures are again before the Congress. This bill, however, is intended to give the benefit of the Government to the great movement of cooperative marketing of farm crops, just as the benefit of the Government through the Department of Agriculture is now given to the production of such crops. That is a constructive step, and one in which we should all join.

I am particularly in favor of the bill because the great farm organizations having to do with production and marketing of crops are a unit in favor of the necessity for such legislation and with regard to this bill itself. While the Committee on Agriculture was holding its hearings here in Washington there was also in session here the great convention of the National Council of Farmers' Cooperative Marketing Associations. That organization comprises a very great number of cooperative associations from every part of the United States, and the committee it appointed to appear before the legislative committees of the Congress included officers of the American Cotton Growers' Exchange, of a wheat growers' association, of the Federated Fruit and Vegetable Growers, of the tobacco growers, of the farm bureau, and, in addition, the general counsel of the great cooperative marketing association then in convention, and the editor of the Farmer-Stockman. This committee favored the bill and spoke for the general association of cooperators.

I have great hope that the passage of this bill will result in strengthening the cooperative marketing movement in such a way as to simplify many of the other problems confronting agriculture. The marketing of crops at a profit is the fundamental necessity to the success of agriculture, just as the sale of the products of any industry at a profit is necessary to the success of that industry.

The opposition to this bill during the debate has been along a partisan and facetious line, evidently expressed in the fear that this administration will get some credit among the farmers for having taken a constructive step forward, and it is unfortunate that anyone should raise a voice against the measure for any such reason as that. This bill has great value. It will be passed by a large majority and will become law. Its beneficial effects will become increasingly apparent. It will not preclude in any way the consideration of other farm legislation to meet other problems in which I am equally interested, and with regard to which I shall take an active part. [Applause.]

CORRUPTION IN REPUBLICAN PRIMARIES, DECLINE OF CONSTITUTIONAL GOVERNMENT, AND FRAUD AND SCANDAL MARK LAST TWO ADMINISTRATIONS

Mr. TYDINGS. Mr. Speaker, this year marked the one hundred and fiftieth anniversary of the signing of the Declaration of Independence. That great document paved the way for the founding of the United States of America. It said, among other things, that all men were created equal before the law and promised that equal opportunity was to be given to each individual citizen of this great Nation.

The Declaration of Independence and the Constitution of the United States were largely written and influenced by that great American Democrat, Thomas Jefferson, who was later twice elected President of the United States.

The Declaration of Independence was signed by the patriotic leaders of the thirteen original Colonies, and the Constitution was ratified by the thirteen original Colonies.

These great guaranties of a constitutional democracy have been followed by all the self-governing countries of the world.

We should all be proud of the fact that the United States of America was so markedly and ably created as the land of equal opportunity for all citizens, and that our great realization of this conception of government was drawn up by Thomas Jefferson, founder of the Democratic Party.

I am confident that the great masses of the people of both major political parties of the country, as well as those who followed the leadership of Senator La Follette in the last Presidential election, indorse in their hearts and minds the great principles of Thomas Jefferson and his colleagues who wrote them into the Declaration of Independence and the Constitution of the United States, just as much as did their forefathers who fought against the greatest odds throughout the War of the Revolution to establish these principles.

I, however, am firmly convinced that at present the small but very rich group who are apparently in complete control of the present policies and destiny of the Republican Party in this country, are by their record and avowed policies turning their backs upon the promised guaranty of equal opportunity to all men in these United States; and I believe that under the conception of the government held by this small group of very rich and very powerful men not only is equal opportunity to all men being steadily and more relentlessly removed from the conception of American government, but, further, under the blight of this abandonment of equal opportunity for all men and general belief in the theory that the people of the United States are actually competent to run their Government, that ordinary business honesty, as well as regard for the best interests of the people of the country, is very greatly on the decline in the present Republican operation of government exercised by the present financial management and control of the Republican Party.

I believe that the existing kind of leadership and that many of the men who now represent the Republican Party in high office, as disclosed in part by the facts which I am about to quote, does not represent the kind of leadership or the type of public official that the rank and file of the Republican Party desire. I appeal to all the people of all parties to consider the appalling record of dishonesty and common stealing by high officials of the Republican Party during the past two national administrations as well as of the great discriminations in favor of certain groups of our population and against other groups of our population practiced and upheld by the present and past Republican national administration.

The facts are established, and the record has been made, and all I can do is to present them. The ultimate verdict must be with the people of the Nation, and Maryland's part of the verdict must remain with the citizens and voters of Maryland. I, as a man who has been closely associated with all ages and all groups of our people in war and in peace, in the country and in the city, in legislative halls and in business, have entire confidence in the ability of the people of Maryland to bring about their share of the proper answer to the present deplorable conditions.

To-day I am convinced that the best interests of America are more important than the best interests of either the Republican or Democratic Party. In this age of wealth and strife for more wealth, I am more than ever convinced that the first requisite for the continuation of our constitutional institutions is the election to high office of men who have confidence in the ability of the people to govern this country, who believe that all men should have equal opportunity, and who having these beliefs, will honestly and industriously work to produce the best Government possible for all the people of this Nation.

No greater illustration of the present dependency of the high governing oligarchy of the Republican Party upon wealth and yet more wealth can be found than by inspecting the magnitude of the expenditures in the recent Republican senatorial and gubernatorial primary election in the State of Pennsylvania.

In this primary election the leading Cabinet member of the present Republican administration took the stump and led the fight to nominate a Republican candidate for the United States Senate and a State ticket which was proclaimed as being closest to the present Republican national administration.

The expenditures for this ticket approached $2,000,000. The basic motives which caused the subscription of this vast sum to be spent in one primary election in one State have been clearly proved to have been, first, that the richest manufacturing and financial interests of Pennsylvania wanted to continue in Washington a Senator who would help retain for Pennsylvania the great discrimination which their manufacturing and financial groups enjoy under the Fordney-McCumber tariff, and, second, that the manufacturing industries of Pennsylvania have always hitherto placed the burden of direct taxation upon the farm and the home.

The manufacturers of Pennsylvania subscribed well over a million dollars through their own manufacturing associations to aid in the attempt to nominate a Senator from that State who would help preserve the discriminations which they now enjoy from Washington and to aid in the nomination of a governor who had pledged himself to keep the direct State tax upon the home and the farm and not to allow its extension to the manufacturing property.

It has been shown that no Republican, regardless of his character and fitness, under the conception of government of the ruling Republican leadership in Pennsylvania, has any opportunity to aspire to a seat in the United States Senate unless he is backed by millions of dollars and that these millions are used in most corrupt and outrageous ways. The evidence discloses that in the city of Pittsburgh for three days after the primary people formed lines coming to the bosses for their pay. Many thousand watchers were paid off at $10 per head. The facts show the extent of this debauchery of the electorate sufficient to shock the hardened heart of the most cynical believer in

special privileges for the few. More than $3,000,000 were spent in this primary election in Pennsylvania.

This Republican primary election in Pennsylvania certainly writes one of the blackest and most corrupt chapters in American politics. No one can escape the conclusion that the men who raised the money did not do so with the idea of electing the candidate best fitted for the office, but on the contrary, sought to further the political fortunes of those who come here to Washington and favor legislation designed primarily to assist those who put up the money; which legislation is not in the interest of all the people.

To-day the committee begins its investigation into the Republican primary recently held in Illinois, where a similar sum is said to have been expended and where in addition to the usual expenditures of campaign funds the two factions of the Republican Party were also connected for the purpose of getting votes with the lowest and most vicious element of the criminal world in the city of Chicago.

I present herewith a part of a dispatch written by an observer who has investigated the Illinois situation and which appeared on the front page of the Morning Sun of Baltimore, Md., Thursday, July 8, which shows some of the corrupt angles of that election with which the Senate investigating committee will have to deal:

CHICAGO, July 7.—If Cook County—which is practically Chicago—can roll up a healthy majority for a State or senatorial candidate for office, that aspirant has a good chance to beat anything but the most determined opposition from the rest of the State. Cook County is recognized as the key to a job. If the lock be well oiled the situation is similar to the relation of Philadelphia to Pennsylvania.

So, on this point of vantage—Cook County—squat two rival Republican political machines tearing at each other's throats.

The things done in this battle for political spoils would make Tammany Hall of the nineties curse itself for an amateur performer, show San Francisco of preearthquake days a prude by comparison, stir envy in the heart of the Philadelphia of Matt Quay's day, and bring a gasp of admiration from Chicago politicians of 30 years ago.

Gun-toting Italians, some of whom can not yet clearly speak the language of this country, herd native-born Americans to the polls and tell them how to vote—and if these latter don't come to the polls, cast their votes for them. The scum of southern Europe dominates the immense beer and liquor business and goes untouched, piling up millions of dollars, because it can deliver the vote and the bank roll.

Gangster's agents scour the country for prostitutes to supply the ever-increasing demands of Cook County. The salary has been fixed at $25 a day, and when a girl won't come willingly there are plenty of methods of compulsion. The known brothels, according to police, have done business to a gross of $100,000 in a single week.

ALLIANCES ARE FORMED

On such a foundation—for the two rival Republican factions have allied themselves with the beer, rum, and vice interests—is largely built the vote-getting machines of both. Of course, the big men would furiously deny an accusation that they were hand in hand with killers, panderers, and bootleggers. It is probable they are not personally. The first link in a chain does not hitch to the last, nor does it touch it, but both are part of the whole.

Likewise big business, with its axes to grind and its therefore entirely necessary affiliations with political leaders, governors, Congressmen, Senators—whether made or in the making—and its also entirely necessary contributions to the war chests of these latter, would angrily deny affiliation with the gunman, the procurer, and the saloon keeper. Big business is out for good government, it says, and for the seating of the right sort of officials. If contributions to the party are necessary, they are forthcoming. And contributions are essential to majorities in Cook County.

INQUIRY IS BIG TASK

Such is the tangled mass that the Senate slush-fund inquiry must delve into when it comes to Chicago on June 26 to investigate charges that both United States Senator WILLIAM B. MCKINLEY and Frank G. Smith spent huge and unwarranted sums in their battle for the former's seat at the Illinois Republican primary last April—a fight in which Smith came off victor by something over 100,000 votes.

GUNS RULE POLLS

Evidence placed before the grand jury—the second to take up charges of terrorism, gun play, assault, and the mysterious killing of an assistant State's attorney while automobiling with two gangsters and rum runners—shows that booze runners patrolled the voting places; that they repeated votes; that they thrust guns in the stomachs of voters who did not desire to inscribe their ballots in accordance with the gunmen's desires; that uncreased ballots that had never been passed through the box slits were found in those same boxes after the polls had closed; that policemen who tried to keep order were slugged and blackjacked.

County Judge Jarecki, now investigating alleged ballot frauds, has ordered a complete recount of all Republican votes cast. As the boxes are being opened it is found that the Deneen-Lundin candidates, termed hopelessly beaten at the conclusion of the primary, are steadily adding to their tallies. It is possible that some of their men may yet be given majorities.

In this corrupt Illinois primary, where again the largest expenditures were made for the senatorial candidate closest to the present Republican national administration, and notwithstanding these expenditures and ensuing debauchery of the electorate, the voters of the Republican Party in Illinois, as they did in Pennsylvania, refused to elect the candidate closest to the present administration. So I say that the record proves that the people of the Republican Party throughout these United States desire a return to the conceptions of government of Washington, and Jackson, and Jefferson, and Lincoln, and the people must realize that the only way to clean house in Washington at present is through the election of properly qualified candidates of the Democratic Party who are pledged to return to the Jeffersonian theory of government.

From reading the above no citizen of this Nation who claims to have an ounce of patriotism in his bones or virtue in government in his heart, or one whit of respect for the millions of men who in our country's hours of need have suffered and died on the battle fields of the world, will countenance the continuation of such outrages upon our people.

What is the future of a nation if, instead of a government of the people, certain rich and powerful interests are to pick out their men and, through the use of money, elect them to the Senate and the House of Representatives, not to enact legislation in the interest of all the people, but primarily to vote and work for legislation in the interest of those only who have supplied their campaign funds? The answer is best found in the decline of ancient Rome and Greece, which took place when rich oligarchies of the very wealthy gained control of and used the governments of their states to the elimination of the sturdy political and military virtues of the founders of these states.

Every man who has not a huge fortune of his own must give up the thought of ever having the opportunity to stand as a candidate for high office if these practices are to continue. If hereafter millions of dollars are to elect the candidates to pass laws for this nation, instead of the unsoiled votes of a thinking people, then let us be honest about it and make a condition for casting a vote the amount of wealth a man holds and not the amount of fitness, character, or citizenship which he possesses. The Republican primaries in Pennsylvania and Illinois are the most vicious, brutal, and lawless chapters in American political history. Coupled with the Fall-Teapot Dome scandal of the Harding administration, the Forbes looting of the Veterans' Bureau in the Harding administration, the Daugherty scandal when Daugherty was driven from the Coolidge Cabinet, and the present Daugherty-Miller indictment in the United States court, they should cause all thinking Americans, regardless of party, to pause and view with care whither we are drifting.

The present domination by the very wealthy few of the present administration is responsible. As long as this small group finance the elections of candidates who will vote to further enrich these few and not for the interests of all the people these conditions will continue. The present alliance is not only unholy but is destroying the life blood of the Nation. The people alone can remedy it by voting for persons who are uncontrolled and unfettered by the selfish political motives of the tariff barons and other special privilege seekers.

And, as in the past, I anticipate that the conscience and soul of America will meet the issue. The people will restore government to its former ideals, drive out the tools of the few very rich favor-seeking monarchs of the present tariff, and substitute representatives who will act not for a few but for the mass of America.

You will find that the sturdy American manhood and womanhood rising above party ties will defeat at the coming election those of this alliance and elect only those who want America continued as a nation where all stand equal before the law.

THE CHILD AND THE MOVING PICTURE

Mr. UPSHAW. Mr. Speaker, under leave granted me by the House, I am inserting in the RECORD my address delivered on June 29, 1926, before the National Educational Association at the Garrick Theater in Philadelphia on "The Child and the Motion Picture."

The address is as follows:

Mr. President, comrade teachers, ladies and gentlemen, I rejoice to greet you as comrades in a common cause. While I have never been

an actual teacher with all the honors, emoluments, privileges, salary, and perquisites that go with the position, I have felt for three strenuous but glowing and happy decades a peculiar comradeship for teachers. When I got off bed where I had stayed for about seven years, living amid the wreckage of my youthful hopes and plans, I made a straight line to the schoolhouse, trying to help the boys and girls who had no handicap to gain what I had missed in the schoolroom preparation for life. I have had about 4,000,000 students to stand up and repeat the motto of my shut-in life—and my motto since then, if you please—"Let nothing discourage you; never give up!" And during the latter years of this period I have been constantly meeting prominent grown-up men and women who tell me that they went through college on the practical inspiration that that motto gave to them. And since I have been a Member of Congress these seven busy years I often steal away from the tedium of lawmaking to the schools around Washington and bathe my tired spirits in a refreshing sea of youth.

That is the way, my comrade teachers, I have been able to keep so young—you observe that I did not say young and "beautiful"—but young in spirit and purpose. Indeed, the theme of these schoolroom morning messages has been "Pluck and purpose"—putting into italics the pluck that falters at no obstacle and the purpose that is linked to God.

Do you wonder, then, that my theme to-day is a congenial one? My subject, "The motion pictures and the child," was assigned me, and I gladly accept the assignment, for on the one hand we have the Creator's greatest unit of dynamics, the winsome marvel of plastic potentialities, the child, and over against it must consider the greatest human agency for blighting or blessing that child.

NEEDED—A NEW CONCEPT CONCERNING THE CHILD

The most amazing, shocking, and sorrowful thing I know is the average low, materialistic concept of the child and the utter abandon with which some teachers and more parents regard the child. If we wish to grow a better brand of colts or calves or chickens or pigs or puppies, we will see to it that nothing comes their way—certainly that nothing stays in their path that will poison their bodies and hurt their development.

But in countless thousands of cases the child is allowed to throng the unclean streets or sit for hours every week under pictures that "lead to bewilder and dazzle to blind." Fascinated by this marvelous triumph of genius and art the child mind and the child nature respond to the screen scenes which grip and stir, utterly regardless of the insidious poison being deposited in mind and soul. "Let me go to the movies, mother," is the plea in practically every home in towns and cities where pictures are shown; and partly out of the spirit of parental love and indulgence, and partly from a desire to be free from childish noise and pranks, consent is given and the child scampers away to join hundreds more of the "to-morrow of the Republic," who are entertained and enriched by much they see of educational value, and warped and weakened by much more they see that "jazzes" their tastes and lowers their ideas and ideals of living.

STRANGLING AND BLIGHTING OUR CHILDREN

During the recent hearings before the House Committee on Education concerning my bill, calling not for censorship in the usually accepted sense of that term but for purification at the source, so as to make varying standards of bothersome censorship unnecessary in different States and cities, I was offered earnest evidence from friends of children all the way from the parent and teacher to the observant judge on the bench, proving the sorrowful contention that much of the motion-picture business as now conducted is blighting the mental, moral, and spiritual potentialities and possibilities of the American child.

And yet when such incontestable evidence is produced as a reason for governmental control of interstate commerce in the sensual and devilish influences against child development, the blind champions of the Motion Picture Trust rush in and cry: "Stop, you Sabbatarian, puritanical reformers, you are trying to strangle this great and wonderful industry."

I deny the allegation—and I almost "defy the alligators!"

We are not trying to strangle the motion-picture business—we are simply trying to keep it from strangling itself, and we are trying yet more to keep it from strangling, body and soul, our children who are "dearer to us than the ruddy drops that gather in our hearts"—our children who are the seed corn of the Nation itself.

I put into italics here what I said at the hearings of the House committee on motion-picture regulation and control, and that is the statement that I am a movie fan. I stand amazed and delighted at the mastery and wizardry of creative genius as portrayed in the motion pictures of to-day. Because education travels to every recess of mind and soul through the eye of the child as it does in no other way. I believe in capturing the motion-picture influence for the cause of education and using it as the mightiest power, perhaps known to-day, for child development. But, I remind you my comrade-teachers, you who are engaged in the basic, far-reaching work of citizen building, that education without wholesome ideals and moral character is like a flower without fragrance—it is like a statue without a soul.

TWO THOUSAND MEN BEHIND BARS

I recently spoke to 2,000 men, not one of whom got up and left before I finished. They were in the Federal prison. There were bright men there, men with really handsome faces—men who had led their classes in high school, who had been champion debaters and victorious athletes in college, men who had university diplomas framed on the walls of their shadowed and sorrowing homes. They had been "educated" as the schools call it, but they were under the mandate of wrong ideals—they had forgotten God.

"Tread softly there," says some timorous soul "it is not our province as teachers to teach religion—it is our duty to educate the mind and develop the body." I answer—tread more softly still—for we are entering now the courts of the "Holy of Holies," for, in your high and holy task in which you are permitted to enter into sacred partnership with the Creator of the universe—not only of worlds and stars, of mountains and plains, of lands and seas, but as builders, with Him, of God's crowning handiwork, the human master of the earth—men, who came to subdue it and cultivate and develop it for the glory of its Creator. Ah, my comrades, I remind you that you stand in constant fear lest that bright boy or girl whom you send out with blushing honors beyond the campus gate shall fall a prey to selfish, sinful indulgence, and godless worldly ambition. A picture which fascinates "Young America" mentally and physically nine-tenths of the way, may suddenly throw on the screen one liquor-drinking scene which defies the majesty of our constitutional law—one lecherous climax of sex appeal which tramples every sacred law of God and man, and alas! your treasured handiwork of many patient years is shattered in one fateful and fatal night.

I summon you, as your teacher-friend Woodrow Wilson used to say, "I summon you to comradeship" in helping to drive every unclean, destructive picture from the American screen!

COMRADESHIP IN IDEALS

I summon you again to the responsible task of catching a new vision of the regnant power of wholesome ideals and of basic concepts on the part of the child under your care.

Verily, the education you impart, according to that old-time aphorism is "a sword in the hand of a madman" unless pure God-fearing, unselfish ideals of reverence and service shall control every element of that education, every step of the way.

If you teach a boy that he came from an inert protoplasm—whatever that means—or a wallowing tadpole, a grinning ape, or a jumping monkey, that boy will naturally want to do groveling, muddy, monkey-like things; but if you teach that boy—that bundle of human and divine dynamics—that he came from the creative hand of the Creator of the universe who "flung the stars from His fingers in creation's morn," and who upholds the worlds by the word of His power, plant the miracle of regeneration in his bosom, place the star of Bethlehem in the sky of his life, feed his mind and soul on the pabulum of purity and truth, and that boy, with an appetite for the immortal, will never be content to stand any lower than upon the shining heights of a radiant, glorious, victorious manhood.

I summon you also, my teacher comrades, to the values of the chapel hour or half hour, never less, as the case may be.

I speak to you now not as an actual teacher myself but from the standpoint of schoolroom fellowship, having spoken, I remind you, to about 4,000,000 school boys and girls. What glorious times I have had for these 30 years with teachers and pupils North, South, East, and West!

How gratefully remembered those warm handclasps of principals and teachers, and of students saying, "You have made our tasks easier from now on!" How treasured that gracious word of President J. C. Woodward, of the Georgia Military Academy, College Park, Atlanta, when after I had spoken 30 minutes to his gallant boys on "The power of purpose" he arose and said: "I was just thinking while Mr. UPSHAW was speaking how I would that some great-hearted, far-visioned man or woman who believes in endowing institutions would catch the vision of endowing a man and make it possible for our friend and Congressman to go all over America and carry this message of inspiration to students everywhere!"

Frankly, my friends, I wish somebody would, for what would be a congressional crown compared with such a boundless opportunity for touching humanity and building with you every day the pillars and guardians and defenders of our Republic!

Let no principal say "We haven't time for chapel" or "we can only find time once a week." I remind you that you have all the time there is—you haven't time not to have it! The school needs its unifying inspiration every day. The child needs its psychic, subtle, sweeping influence. Whether it be a song, a spoken message, or a message from the gripping magic and mastery of the screen, God help you to make that daily message as pure and as powerful as eternal truth, as refreshing as the dews of Hermon, and as fragrant as the breath of Sharon's rose.

CHARGES OF IMPEACHMENT AGAINST FREDERICK A. FENNING, A COMMISSIONER OF THE DISTRICT OF COLUMBIA

Mr. HERSEY. Mr. Speaker—

And Pilate, when he had called together the chief priests and the rulers and the people,

Said unto them, Ye have brought this man unto me, as one that perverteth the people; and, behold, I, having examined him before you, have found no fault in this man touching those things whereof ye accuse him;

But they cried, saying, Crucify him, crucify him. (St. Luke, xxiii, 13, 14, 21.)

There never was a human character, however stainless, that was secure against the attacks of falsehood, the assaults of the political demagogue, and the prejudice of the mob.

Frederick A. Fenning, a Commissioner of the District of Columbia, is 51 years old. Born in the District of Columbia a poor boy, he worked his way through school with honor and studied law and was admitted to the bar of the District of Columbia. He has been engaged in the practice of law and insurance and guardian of persons of unsound mind from 1902 up to the time of his appointment as one of the Commissioners for the District of Columbia, June 2, 1925.

No man has been better known in the District of Columbia than Mr. Fenning. He has a wife and two children, and up to the present session of Congress, when charges were made against him by the gentleman from Texas [Mr. BLANTON], he had enjoyed an excellent reputation as a good citizen, a man of industry and honesty, and one who had the confidence of the people and of the bar, of which he was an honored member.

During this period of over 20 years he had been appointed guardian of many insane persons, and in the conduct of the affairs of his wards, in the settlement of their estates, in his dealings with the courts, in all his business connected therewith there had been no complaint and not a breath of slander from any tongue.

On June 2, 1925, the President, who had before him the fine record of Mr. Fenning as a citizen and man of business and also had before him many strong recommendations from men in high places who knew Mr. Fenning well and who vouched for his irreproachable character and his splendid business ability, appointed him one of the Commissioners of the District of Columbia, a recess appointment because of the adjournment of Congress. He served in that position from June 2, 1925, to December, when Congress met and the Senate unanimously confirmed him as a commissioner.

Shortly after Congress convened last December the gentleman from Texas [Mr. BLANTON] on the floor of the House announced to his fellow Members in substance that while they had been at home enjoying their vacations he had remained at the Capital and had spent his time investigating the affairs of the public institutions and public men and bureaus, and so forth, in the District of Columbia; that he was a member of the District Committee in Congress and that he would soon be prepared to lay before Congress very startling discoveries that he had made and facts unearthed which would show, among other things, that some men now occupying positions of trust in the District of Columbia were embezzlers and had been unfaithful in office and had laid themselves open to impeachment by Congress of high crimes and misdemeanors; that Congress would be shocked when he revealed these crimes that had been committed, which matters he was soon to bring before Congress and the District Committee; that when he did so Congress would be startled by the crimes committed by men holding office in the District of Columbia who heretofore had good characters, reputations, and so forth.

Knowing well the custom of the gentleman from Texas of making statements as to what he would show, and so forth, in the future in certain matters, Congress went about its business without excitement and without much attention being paid to this piece of amazing information. Congress had not long to wait before the gentleman from Texas [Mr. BLANTON], in hearings before the Committee on the District of Columbia, attacked Mr. Fenning, one of the commissioners, and after that first meeting, which was somewhat lively, according to the reporters, he added more charges against Mr. Fenning, serious charges of criminal conspiracy between Mr. Fenning and Doctor White, superintendent of St. Elizabeths Hospital, and other charges so radical and sensational that the District Committee appointed a subcommittee composed of the gentleman from Vermont [Mr. GIBSON], the gentleman from Kentucky [Mr. GILBERT], and the gentleman from Texas [Mr. BLANTON] to conduct an examination into the affairs of the District of Columbia, particularly those concerning Mr. Fenning and St. Elizabeths Hospital for the Insane.

The meetings of this special subcommittee for investigation were held in the evenings and were largely attended and resulted in great excitement and frequent quarrels and fights staged by the gentleman from Texas [Mr. BLANTON] and by the threats of that gentleman as to what he would do to certain persons if they would accompany him to the outside, and so forth.

The morning newspapers for many weeks carried sensational headlines as to these several meetings where Mr. Fenning and Doctor White and others were examined and denounced, and for a time Mr. BLANTON basked in the white light of publicity, which no doubt he did not seek but from which his sensitive soul shrank when his usual modesty was put to the test.

About this same time the Veterans' Committee of the House, of which the gentleman from South Dakota [Mr. JOHNSON] is chairman, listened to the gentleman from Mississippi [Mr. RANKIN], a member of that committee, who reiterated similar charges to those made by Mr. BLANTON, and also added to those charges other very sensational statements accusing Mr. Fenning of criminal conduct in the handling of the estates of his wards and of cruelty toward the patients of St. Elizabeths Hospital and of robbing the estates of ex-service men and of keeping shell-shocked victims of the war who were sane confined in the asylum, and so forth.

These meetings were also largely attended and held in the evenings when Mr. BLANTON and Mr. RANKIN enlivened the sessions by threats of violence to those who tried to make these meetings dignified and fair to the witnesses which were called. Mr. Fenning would be called one night to testify before Mr. BLANTON'S committee and then subject himself to an unfair cross-examination by Mr. BLANTON, and the next evening he would be called before the War Veterans' Committee and be subjected to a like examination by Mr. RANKIN.

The next morning after these hearings the sensational newspapers of the District carried big headlines denouncing Fenning, and printing these charges made by Mr. BLANTON and Mr. RANKIN, in which Mr. Fenning was held up to the public scorn.

On the 18th day of March last, on page 5651 of the CONGRESSIONAL RECORD, the House had under consideration the District appropriation bill, and Mr. BLANTON, the gentleman from Texas, offered an amendment striking out the appropriation for St. Elizabeths Hospital, and on this motion he obtained the floor and debated at length the affairs of St. Elizabeths Hospital and Mr. Fenning's connection therewith, and asserted that his colleague, Mr. GREEN of Florida, had been trying for 12 months to get Commissioner Fenning to consent that one of his wards, whose home was in Florida, should be transferred to an asylum in Florida, where his folks could see him, and so forth, and for 12 months the commissioner, Mr. Fenning, had as guardian denied the request, and that the father of the boy had died of a broken heart, and that the commissioner had been illegally keeping this man in St. Elizabeths Hospital and wasting his property, and so forth.

Mr. BLANTON said:

And I want to say here that this commissioner has no right to have himself appointed guardian for poor soldier boys who happen to be in St. Elizabeths and hold them there while their fathers are perhaps dying at home in Florida, and at the same time receive several thousand dollars a year, as my colleague from Vermont says he is doing. If he is doing that, it ought to be stopped.

Thereupon Mr. GREEN, the gentleman from Florida, said:

And he refuses to deliver him. The commissioner is his guardian, and he is held in St. Elizabeths Hospital. His father died the other day of a broken heart. He had tried for 12 months to get Commissioner Fenning to deliver the boy down there, where his people could visit him, but he will not do it.

A few days later, on March 22, page 5816 of the RECORD, Mr. BLANTON, still denouncing Mr. Fenning, was interrupted by the gentleman from New York [Mr. CULLEN], whereupon the following took place:

Mr. CULLEN. I am very much interested in the veterans and in the hospital work. That has been a part of my life's work. If the gentleman can answer this question, I would like him to do so. If there is a request made on Commissioner Fenning to transfer one of these unfortunate wards to his home and representation is made by his parents that they are willing to take the responsibility——

Mr. BLANTON. He will not do it.

Mr. CULLEN. He absolutely refuses to do it?

Mr. BLANTON. Yes. The gentleman from Florida [Mr. GREEN] has been trying for a year to get his Florida boy transferred, but he has not succeeded.

Mr. GREEN of Florida. I may say further that they pass the buck many times in this way: He says he is willing provided the doctors are willing; then they shuffle the cards and eventually the doctors say they

do not want him moved. They are in cahoots, and those human vultures are preying upon the men who fought to defend this country. [Applause.]

So serious became these denunciations by the gentleman from Texas [Mr. BLANTON] and so vicious became his charges against Mr. Fenning that the gentleman from Massachusetts [Mr. UNDERHILL], a member of the District Committee, who had attended these hearings, obtained the floor and said:

What I have taken the floor for is to protest against a practice which has grown up with one or two Members of Congress of assailing and assassinating the character of the people connected with the Government service and with the District administration. I have seen too much of it in the past. I will give but one illustration. Two years ago there was an insurance commissioner in the District of Columbia—and I shall not mention his name—a man who had "come back." He had been down in the darkness, in the depths of despair. He was making good. There had been a divorce in his family, and there had been a lot of things in the past that it was quite unnecessary to rake up. A bill was before Congress with respect to his department. One of the Members of this House took occasion to rake up his whole past, to discredit him before his neighbors, his friends, to make it impossible for him to live in this community. Being rather weak mentally, the man went back. He is a wreck to-day. Everything that was sought to be accomplished could have been accomplished by bringing certain facts before the committee or before the commissioners. The man might have been removed from his office, but no, they had to rake up the details of a divorce case, they had to discredit his family and his children. I protest against such practices where a man has no opportunity to defend himself.

There is too much taking advantage of the immunity which this floor guarantees to make statements against the character of any citizen of the United States. I think that it is a reflection upon all Members of Congress rather than upon one Member of Congress. And if there is not a rule in Congress which will prevent that thing, there ought to be. I have been tempted this morning to raise a point of order at some of the remarks which have been made. I think that it is the enthusiasm—or may be the emotions—of the gentleman from Texas that carries him so far, but I want to assure him that the Members of Congress are not all imbeciles, and they can get the information they need without the necessity of bringing in here or dragging in here a man's reputation and assassinating his character.

I am not defending Mr. Fenning, and I am not defending Doctor White; I am not defending the men at the head of the Veterans' Bureau or those who are connected with the court or the hospital. I am trying to bring to the attention of the gentleman from Texas, and incidentally to the rest of the Members of the House, the unfair and unjust methods of the gentleman from Texas in presenting his case. No matter how enthusiastic he may be, no matter how stirred he may be by his emotions, there is no justification for making an attack as he made this morning on a man who is not present to defend himself.

This rebuke from the gentleman from Massachusetts [Mr. UNDERHILL] did not deter the gentleman from Texas or the gentleman from Mississippi. They continued in their examination of Mr. Fenning and other witnesses upon their charges of improper and criminal conduct of Mr. Fenning, Doctor White, and the directors of St. Elizabeths Hospital.

On the 8th day of April the gentleman from Texas [Mr. BLANTON] obtained the floor again and made an extended speech against Mr. Fenning and obtained consent to extend his remarks in the RECORD, which he did, going into many pages and attempting to disclose crimes, misdemeanors, and offenses that he had discovered against Mr. Fenning. Under the privilege of extending his remarks he placed in the RECORD many affidavits and statements from witnesses that would not be admissible in court to prove his charges against Mr. Fenning, and proceeded to make very rash statements, presumably under the immunity granted him by the Constitution, whereby a Member could not be called to account outside of Congress for anything said in Congress.

In the course of this intemperate discussion and putting in of improper affidavits, testimony that would not be admissible in court, on page 7138 of the RECORD, Mr. UNDERHILL again protested as follows:

Mr. Speaker, if we are going to have an investigation of the acts of Mr. Fenning and of the officials of St. Elizabeths Hospital and the Veterans' Bureau and various other agencies that have been drawn into this controversy, we should have those officials present and respond to questions put to them. I do not think it is fair for a Member to stand on the floor of this House and make serious charges against the humblest citizen without an opportunity on the part of the accused to reply and present a defense if he has one. I object.

Mr. BLANTON, however, proceeded in his tirade against Mr. Fenning, and, among other things, he said:

If Frederick A. Fenning were now placed in a penitentiary and kept there 25 years the punishment would hardly be adequate for all of the injustice and suffering he has caused these two poor, helpless women alone, not considering the many, many others he has robbed and defrauded.

On April 16—page 7596 of the RECORD—the gentleman from Illinois [Mr. MADDEN] presented to the House a letter from Mr. Fenning in which letter the commissioner attempted to answer the statements made by Mr. BLANTON on the floor of the House and to give his own version of the transactions that Mr. BLANTON had claimed were criminal and also to answer these charges made by Mr. BLANTON.

Mr. RANKIN and Mr. BLANTON objected, and thereupon Mr. MADDEN was not permitted to file the answer of Mr. Fenning to the statements made by Mr. BLANTON under the protection of the Constitution. In the course of this debate the gentleman from Florida [Mr. GREEN] said of Mr. Fenning:

There seems to be an effort being made to condone this human vulture, and I am not in favor of it.

Under a question of the highest privilege, on April 19 the gentleman from Texas [Mr. BLANTON] arose in the House and presented 34 articles of impeachment against Mr. Fenning, Commissioner of the District of Columbia, accusing him of high crimes and misdemeanors extending over the business life of Mr. Fenning, and the Judiciary Committee was then and there duly authorized by resolution to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Frederick A. Fenning, a Commissioner of the District of Columbia, and whether in their opinion the said Frederick A. Fenning has been guilty of any acts which in the contemplation of the Constitution, the statute laws, and the precedents of Congress are high crimes and misdemeanors requiring the interposition of the constitutional powers of this House.

Mr. BLANTON thereupon followed these charges and this resolution to the Judiciary Committee by another lengthy speech denouncing Mr. Fenning and going again over these charges and making to the House certain ex parte statements that would not be admissible in court, and then after adjournment of the House went before the two committees of the House—the District of Columbia and the World War Veterans' Committee—and continued his examination and denouncement of Mr. Fenning.

Mr. Fenning thereupon withdrew from these two regular committees and refused to be examined further and then presented himself for a full examination and investigation before the Judiciary Committee of the House.

The reference of these charges to the Judiciary Committee did not satisfy the gentleman from Texas [Mr. BLANTON], and he proceeded almost daily in the House to again rehearse the charges against Mr. Fenning, making again statements without anybody to answer them for no other purpose, it seems, than to prejudice in advance the public mind and the Judiciary Committee.

On May 6 the gentleman from Massachusetts [Mr. LUCE], a member of the World War Veterans' Committee, a Member of great ability, character, and fairness, obtained the floor and said this about Mr. Fenning and the investigation that was going on before his committee by Mr. BLANTON while the Judiciary Committee had the whole matter under consideration:

I had never met the man whom it is sought to impeach. I never saw him until he entered our committee room, that of the Committee on World War Veterans' Legislation. I hardly knew of his existence, but I have in all my life been perhaps handicapped by sympathy for the under dog. From the earliest days when I could acquire any knowledge on these subjects I was taught that every man is presumed to be innocent until he is proven guilty, and that every man charged with crime has a right to his day in court. I found myself surrounded in the House by a body of associates, a large number of whom seemed to me to have forgotten the right of every man to be deemed innocent until he is proven guilty and the right of every man to have his day in court, and I found a populace inflamed by passion and prejudice, ready to crucify this man.

I have no strictures to pass upon the members of the committee with whom I have for nearly three weeks been considering this case. I do not purpose to defend this man. He must stand his chances. If he is to be crushed to serve some purpose that I can not conceive, such is his fate, and he must accept it as best he can. I rise for a wider and a broader purpose. I rise to inform those unhappy men who are confined in our hospitals, to inform their parents, relatives, and friends; aye, to inform more than 4,000,000 men who served in the late war, that the facts laid before our committee, which has concerned itself only with the aspects of the case that relate to veterans, do not as yet warrant any judgment condemning this man. He has violated no law. Every

act that the law has required him to perform has been approved by the Supreme Court of the District of Columbia.

The chief justice of the court has been quoted within a few days as accepting the responsibility. Mark you what I say now and spread it abroad, if you will. Not one veteran has lost one penny through the conduct of this man.

I am presenting reasons why the 4,000,000 veterans of this country should be told that their rights are not being abused by those here who have in regard to them certain duties and responsibilities in charge. I have not the time, of course, to take up the details, but I want to lay before the House one typical instance of what has deceived the House and what has blinded the people.

I will take up the story as briefly as I may, for my time is limited, to tell you that a clerk in one of the bureaus went into an undertaker's establishment and saw a body on which an autopsy had been performed; later he saw another body on which an autopsy also had been performed. Somebody told him it was the body of a veteran. In cross-examination before our committee he was compelled to disclose that he did not know either body was that of a veteran. He confessed that while on oath he had misinformed another committee in this particular. If not guilty of the crime of perjury, he was at least guilty of falsification or deceit. The original charge had been spread in the newspapers, but, as far as I have observed, not one line was printed in the newspapers disclosing the fact that this man was a falsifier, or at least a deceiver.

Let us go on with the story that shows how scandal grows.

A few days later the gentleman from Texas rose on the floor of this House and said:

"Mr. BLANTON. I wonder if the gentleman from South Dakota [Mr. JOHNSON] knows, and do you know, that when a veteran dies in St. Elizabeths Hospital the doctors there cut him up? One died some time ago, the case I have in mind, where they split his head wide open, and the undertaker refused to accept him for embalming—said he could not embalm a body like that."

Whereupon there came before our committee the undertaker in question, a decent appearing man of seeming trustworthiness, who said:

"I am here of my own accord, without suggestion from anyone, to correct a statement which appeared in last Friday morning's Post to the effect that bodies at St. Elizabeths Hospital were in such mutilated condition after they had finished with them that I refused to accept them to prepare them for burial. I simply come before your committee to say that statement is not correct. I have never made any such statement as that, and, being an ex-service man myself, I do not think I would give such a statement as that to the public to further break the hearts of the loved ones that these men have left behind."

Now, see how the vile odor of scandal spreads. In the report of a meeting of an American Legion post printed in the Washington Post yesterday morning was this paragraph:

"Bodies of shell-shocked veterans who died at St. Elizabeths Hospital have been sold to Howard University for scientific experiment, the Texan charged, and he pledged himself to put a stop to the practice."

A credulous clerk believed an autopsy had been performed on the body of a veteran. Somewhere between the shop of the undertaker and the floor of the House, passing through the office of the gentleman from Texas, the story was elaborated into one of dreadful mutilation that would outrage the sensibilities of any right-minded man. Other Members of the House began to use the word "horrible." Next the gentleman from Texas makes a speech containing something that a reporter misunderstands, which he distorts into a diabolically ingenious implication, meant to plant in the mind the impression that the bodies of white veterans are sold for the purposes of dissection by colored medical students. The responsibility of the gentlemen from Texas lies in the fact that he gave ready ear to the hallucinations of a morbid busybody and spread before the world a slander that he should have known was preposterous, thus furnishing the foundation on which another troublemaker built a still more incredible tale. All the resultant distress brought by this wretched mushroom of calumny to the relatives of the mentally ill now in hospitals or who have died there would have been saved if the gentleman from Texas had taken the time to make even a hasty inquiry by telephone. He would have found that no autopsy is ever performed on the body of a veteran who dies at St. Elizabeths before consent is secured from parents, other relatives, or the guardian. And he would have found that the body of every veteran is buried at Arlington, unless those who have the right to request wish otherwise.

So the story grew and spread over all the land. What is the result? You find it in St. Elizabeths Hospital; the morale distressingly damaged. You find it in Walter Reed Hospital, where thousands of invalid veterans are disquieted by the lamentable tale. You find it in the posts of the American Legion and the Disabled Veterans and the veterans of all wars, who are wondering whether the wards of the Nation are safe in the hands of those now intrusted with the solemn duty of their care.

The responsibility lies with the man who without inquiry, without satisfying himself that some wild delusion of a disordered brain had even a foundation of truth, spread before the House and before the country charges outrageous in their nature, beyond belief, based upon statements now proved to have been false. [Applause.]

Justice to the gentleman from Texas calls upon me to say that in the instance where he was so shamefully misquoted he tells us that what he really said was that doctors lecturing before medical schools exhibit men brought with them from insane hospitals. It does not lie in his mouth to criticize such a practice, even if it exists, when he himself secured the attendance of two mentally ill men before one of our committees, against the protest of the doctors who had these men in charge, and exposed these men to the humiliation of appearance before a throng of avid, morbid spectators, who sought to have their tainted appetites whetted by an appeal to passion and to prejudice. [Applause.]

Nothing of that sort, I am sure, will be allowed in the Committee on the Judiciary. That committee, composed wholly of lawyers, coming to this matter fresh and without prejudice, may be trusted to refuse to listen to hearsay and opinion testimony. Into its presence no insane men will be brought from the hospital and exhibited. There will be none of those extraordinary things that have been going on in the House Office Building, violating every canon of decency and fair play. Because this committee will seek only to find out the truth, the whole truth, and nothing but the truth, I desire it to have the opportunity to tell the country if these charges were false. I am sure the reputation of every citizen will be safe in its hands. Character will not be garrulously and illegitimately attacked. The rights of the man who is charged with offense will be protected. Whether he be guilty or innocent, the committee will give him simple, even-handed justice. And the truth will be at last spread before the people.

This rebuke from Mr. LUCE did not wholly stop the improper speeches against Mr. Fenning from Messrs. BLANTON and RANKIN on the floor of the House during the hearings before the Judiciary Committee.

The Judiciary Committee of the House commenced hearings May 20 on these 34 articles of impeachment and closed the evidence June 7. The report of the committee was filed in Congress on July 1, which said report found, by a majority of that committee, that none of the 34 charges of impeachment were proven.

A small minority of that committee insisted that in spite of this justification and vindication of Mr. Fenning he should be removed from office by the President, because they claim that these several hearings, charges, and publicity had robbed the commissioner of his influence and usefulness as a commissioner; or, in other words, that the slanders, misrepresentations, and false accusations made against him during the course of these proceedings had destroyed his past character for honesty and uprightness, and that public opinion had been so prejudiced by the continued recital of these alleged acts and words, and that he ought to be punished for the false statement of his foes.

An examination of these 34 charges by the Judiciary Committee of the House is found in a closely printed volume of over 1,100 pages, a multitude of records that do not appear in the record, but were agreed upon as to what they contained, and would only make a more bulky record by being printed.

During this investigation the gentleman from Texas [Mr. BLANTON] appeared as the prosecutor of his impeachment charges. It will be understood and noted by those who have read the evidence before the committee how worthless became the charges of the gentleman from Texas when we heard "both sides."

The following is a brief review of the facts as presented:

Colonel Fenning some 23 years ago added to his law practice a side line of life and accident insurance, and was an agent of a bonding company to furnish bonds for executors, administrators, guardians, and so forth, in the usual and customary way. Fenning had many friends who were anxious that he should succeed in his business and who were friendly toward him in the way of business. One of these was William A. White, superintendent of St. Elizabeths Insane Hospital, who has a nation-wide reputation as an alienist and who is a man of the highest character and reputation.

There are quartered at St. Elizabeths Hospital on an average over 4,000 inmates under the care of Superintendent White. These inmates are divided into three classes—first, those who have been committed to the asylum by the Commissioners of the District of Columbia under the Code of Laws of the District of Columbia, which provides that where a person is charged with insanity and has no relatives or friends to present a petition to have him adjudged insane it is done by the Commissioners of the District. On such petition a jury is impaneled of experts on the mind and after hearing all the

evidence they give their verdict as to whether the party is sane or insane. If the party is adjudged insane, he is committed to the hospital. This is the way the first class of inmates are handled who are committed to the institution, whether they have property or not. If they have no property, after they are committed to the asylum they are simply kept there without a guardian under the care of the institution.

If they have property, then it is necessary to have some one appointed guardian to care for their property, to see that the ward is taken care of from the income of that property, and that the property is properly protected and conserved.

There is a second class of persons of unsound mind who have property and relatives or next of kin, and these relatives usually petition to have the party alleged to be of unsound mind adjudged so by the proper proceedings under the law, and on a jury's verdict, if they are adjudged insane, they are committed to the hospital and a guardian appointed, usually on the petition of these relatives or next of kin.

There is a third class of persons of unsound mind who properly come under the two classes last mentioned. This class grew out of the late World War. Many soldiers returned home shell shocked and injured in their head or weak of mind and could not thereby take care of themselves. These persons have been first under the charge of the Veterans' Bureau hospitals for the insane, but because of insufficient facilities there many of them are sent to St. Elizabeths Hospital on petitions of the officials of the Veterans' Bureau. After being adjudged insane in the legal way there is a petition presented by the Veterans' Bureau for a guardian, so that some responsible person can take care of the property of the ward, which property usually consists of the compensation paid by the Government to the insane soldier.

These petitions for guardians, so far as Mr. Fenning is concerned, without scarcely an exception, are signed by the officers of the Veterans' Bureau duly authorized so to do, and in a very large number of these cases Mr. Fenning, on request of the Veterans' Bureau, has been made a guardian of the ward and of the property.

Right in this connection it is well to present this fact: That in making a petition to adjudge these war veterans insane Mr. Fenning made no charge to the veterans' hospital or to the ward for his services but only received the usual commission on the income of the ward.

This further fact, developed during the examination and investigation by the Judiciary Committee of the House, that Mr. Fenning through 24 years of service had acted as guardian for a great many insane persons committed to St. Elizabeths, that these persons were adjudged insane in every case on the petitions of others than Mr. Fenning, and were adjudged insane by a jury in due course of law, and that all Mr. Fenning had to do with these matters was to act as guardian after he was appointed by the court.

In his work as guardian for these insane persons every case disclosed that Mr. Fenning was faithful in the discharge of his duties, visiting his wards twice a month, and once each year filing his account with the court showing all receipts and funds that came into his hands, showing his investments made, showing all income made from those investments, showing all the charges against the estate for payment to the ward for necessities, for which he produced and has on file vouchers for everything, and orders from the court approving every act done and approving all money expended for the ward or for any other purpose.

These yearly accounts show an audit made by the auditor for the District of Columbia and the approval of that auditor, and shows further a settlement and approval made by some justice of the District of Columbia courts. The record shows in all these cases that once a year an officer of the court makes an investigation into all the trust funds of Mr. Fenning as guardian in all these cases, examines all the securities and all the investments to see that the estate is intact and protected, and makes his report to the court, which reports have been accepted and approved. It is also well to state in this connection that in all these many cases there has been produced no evidence whatever of any embezzlement of funds or of the assets of his wards, and that no expenditure from the estate of the ward has been made that was not first authorized by the court, and the orders are all on record, and there is no act of Mr. Fenning as guardian that has not been approved by the District auditor and by the court.

Complaint had been made in some of the charges of Mr. BLANTON and Mr. RANKIN that Mr. Fenning had received exorbitant fees in these estates. The evidence shows in all his accounts that he received between 5 and 10 per cent commission on the yearly income of his wards as payment for his services, that this was the usual and customary fee in such cases, and was so considered by the auditor and the court. The gentleman from Texas [Mr. BLANTON] has claimed in his charges and on the floor of the House that Mr. Fenning had in a great many cases received as guardian commissions to the amount of 50, 60, 80, and even as high as 94 per cent. The evidence shows that there were in a few cases very small estates of less than $30, and the yearly income of such an estate would amount to but very little. In such cases the court did not allow Mr. Fenning a commission but allowed him a compensation for his services which in all the cases we examined amounted to between $4 and $7 per year for looking after his ward. This was very small compensation, but Mr. BLANTON figures it upon a commission basis, which was not done by the court, and therefore upon a compensation of $5 or $6 figured on a commission basis would amount to a very high percentage, which would deceive those who did not understand the real facts in the case and would cause them to believe, being ignorant of the facts, that Mr. Fenning was charging a commission of 80 to 90 per cent on the ward's estate, which was not true.

The only criticism that could be possible in all his 20 years of service as guardian was in one particular, and that was a custom that grew up as follows:

Mr. Fenning, as we have seen, was agent for a bonding company and bonded persons who came to him in a fiduciary capacity to obtain a bond, and he received a commission paid by his company on his monthly reports for all premiums sent to the company. When he became guardian of these several wards he found it necessary to obtain a bond, the amount to be fixed by the court, and as was usual in such cases he has taken it from a bonding company. All the bonding companies in the District have one price for bonds, and he being agent for a bonding company he purchased his own bond from the company he represented. The amount paid for the bond, as was the custom, was charged up against the estate as a part of the expenses allowed by the court, and Mr. Fenning did this in all these cases and charged up the amount that he had to pay for the bond. He received from his company on monthly statements a certain small commission on all premiums sent in, and among them included the premium for his own bond. If he had credited the amount of the premium he had received to the estate of his ward it would have given the estate something to which it was not entitled as income.

On the other hand, Mr. Fenning says that he reasoned that this manner of proceeding was not taking anything out of the estate, or, in other words, that the estate would lose nothing and that if he credited the estate with these premiums he would be liable under the statutes of the District, which provide that no guardian or person entering into a fiduciary relation should receive rebates in handling estates.

There was something else in this connection that caused Mr. Fenning, so he says and which we believe, to have the honest opinion that he was entitled to the benefit of these premiums on his own bond and that the estate was not entitled, as I have said, and that was a decision of the Supreme Court of the District of Columbia in a case which came to the attention of Mr. Fenning, but a case to which he was not a party, where the court held that the guardian of a ward in making an investment of his ward's funds could properly, in addition to his usual compensation and commission, receive a bonus from the party who took the investment. The case was afterwards taken to the Supreme Court, and that court held that the guardian should account to the estate for the commission or bonus so received. Mr. Fenning says this case after it went up escaped his attention, he not having any interest in the same, and even if he had, it in his opinion did not apply to his wards, which were cases where he did not claim any bonus or commission in making investments for his ward.

During the course of this investigation the matter of Mr. Fenning receiving a commission on the premiums on his own bond was brought before Justice Siddons, of the Supreme Court of the District of Columbia, and he rendered a decision from which Mr. Fenning took no appeal, which decision was in substance that the amount received by Mr. Fenning as commission on his own bond should be credited to his ward and become a part of the yearly income of the estate, because the bond was renewed every year, and that on this income Mr. Fenning should receive his usual commission.

In rendering his decision Justice Siddons, a judge of great ability and learning, said about Mr. Fenning's commission on these bonds as follows:

The evidence in this case does not justify the view that Mr. Fenning intended to perpetuate a fraud or to profit at the expense of the estate committed to his hands. The evidence shows at most a mistake of judgment or misconception of what his duty as committee required of him. And that this is so is emphasized by the fact

shown by the report of the auditor in the case of Edward F. Hoff, lunacy No. 5560, that Mr. Fenning, the committee in that case, having submitted to the court in the first instance the question whether he should account for a commission received by him in making an investment for the beneficiary of that other estate.

I agree with Justice Siddons that there was no intent on the part of Mr. Fenning to do wrong or to obtain any improper compensation from the estate of his ward. Since the ruling of Justice Siddons it appears that Colonel Fenning has paid back as far as possible to all estates that he can reach the amount he received as compensation from these bonds. These are a class of cases where the estates have lost nothing, but, as a matter of fact, by paying these commissions into the estate he is now adding to these estates, and they are profiting by his acts and not losing anything.

I have not time to review all of the several charges made in this case in the matter of guardianships. It is sufficient to note in the case of Fred C. Hall, where the gentleman from Florida called Mr. Fenning a human vulture on the floor of the House, that the evidence disclosed beyond any question that Mr. Fenning's conduct in that case was perfectly proper and that his actions toward his ward, a client of Mr. GREEN, calls for no criticism but shows great courtesy on the part of Mr. Fenning and the utmost honesty and fair treatment in the case.

This courtesy and fair treatment applies to all the cases and guardianships and business of Mr. Fenning. He conducted his business in a very proper, able, methodical, and honest manner. His books and accounts were kept to wonderful perfection, his accounts were settled with the court promptly, and there is not a scintilla of evidence going to show that he took from a single estate a bonus or did not properly account to an estate for every cent received. All his doings have been passed upon and approved by the honest and efficient auditor for the District of Columbia. All his accounts and acts have been approved by the justices of the courts of the District of Columbia. The only criticism that could be made of him, if at all, is that he was a guardian of so many persons. It is a most difficult thing to obtain proper guardians for insane persons in this hospital for the reason that acting as a guardian for an insane person is a distasteful task for anybody, and only a few persons would have the patience and the courtesy and the everlasting kindness to do what Fenning did through all these years in looking after these wards—wards that were nearly all the time being made restless by visits of relatives and friends, who, as was natural, looked upon their relative in this hospital as not being very insane and might be taken home to relatives and friends, they were also in a condition at least to be made restless and unhappy and critical by visits from self-appointed investigators such as the gentleman from Texas [Mr. BLANTON] and the gentleman from Mississippi [Mr. RANKIN].

There has been something said about the total amount that Mr. Fenning received during all these years as guardian in compensation for his services, that when it is all added together it makes a large total. Some years were fat and some lean but on the whole when an average was struck the compensation was reasonable and much less, we believe, than it would have been had it been undertaken by any other person of like abilities. It was considered reasonable by the auditor and by five different judges of the District, and we can not see now how that going behind those settlements, many of them 15 and 20 years old, could be the subject of criticism even by Mr. BLANTON and Mr. RANKIN.

There is one charge made by Mr. BLANTON out of the 34 that perhaps ought to receive a moment's consideration. It is the charge that since Mr. Fenning became Commissioner of the District of Columbia, a little over a year ago, he has done certain things as commissioner for which he should be impeached, to wit, that he has illegally demoted several police officers, the most prominent of whom was Captain Headley.

The facts show that Captain Headley was demoted on complaint of his superior officer, who presented to the Commissioners of the District of Columbia a great many charges of incompetency and inefficiency against this officer. The three commissioners examined these charges and found them to be true in their opinion, and demoted the officer, as by the rules required. This act was the act of the three commissioners and not of Mr. Fenning alone, and it was based upon the report of Headley's superior officer and done in the usual manner without any malice on the part of Mr. Fenning or the other commissioners, and it seems was not an impeachable matter or even an illegal act, but was done for the good of the service. A few other complaints were examined by the Judiciary Committee of demotion of officers, but the evidence was so weak and insufficient as not to require any comment.

I have not time to go into the evidence which will be read by those interested in this case to show how weak and insufficient was the evidence offered by the prosecution. Mr. BLANTON wanted at nearly all times to have us receive hearsay evidence to introduce the affiavits of parties who were present in the District of Columbia and could be called to testify where he wanted to introduce their evidence instead. He also requested the committee to allow him to bring before us four inmates of the insane hospital and set them down before our committee and for us to say whether in our opinion they were sane or insane. He produces the evidence of a party living in Texas which affidavit had not been taken under the rules of law and wanted to put it in the record as evidence. Our committee examined the affidavit and found it contained nothing admissible as evidence and could not prove anything possible in the case, and having told Mr. BLANTON this he next insisted that the witness should come into the District if he had to pay the witness's fees out of his own pocket, and the witness was sent for, and when he arrived he did not even understand the affidavit and knew nothing about the case, and this was at an expense of about $200.

During the course of the examination the gentleman from Texas [Mr. BLANTON] insisted that the Judiciary Committee should permit him, Mr. BLANTON, to invite Mr. Hogan out of doors that he might, if possible, wreak personal chastisement upon the learned counsel for Mr. Fenning for remarks made by him. The committee refused to allow any such barroom tactics in their presence, and when certain denouncements made by Mr. BLANTON of Mr. Fenning during the progress of the case brought forth cheers from the large number gathered in the room, we had to threaten to clear the room to preserve order because of the mob feeling there against Mr. Fenning by these charges. It was not strange that a mob feeling prevailed in this District, on the floor of Congress, and in all these committees.

This feeling had been engendered by the remarks of Mr. BLANTON and Mr. RANKIN in the newspapers and the House that the dead body of a soldier had been found in the Potomac River near the Tidal Basin and that Fenning had something to do with it. The headlines in a morning paper about the time of Mr. BLANTON's denunciation of Mr. Fenning that a ward of Fenning's had been found dead in St. Elizabeths Hospital, where he had fallen on the floor, and that Mr. Fenning was responsible. Charges made on the floor by Mr. BLANTON that Fenning and Doctor White were dealing in dead bodies of Fenning's wards in the hospital by selling them to students of schools, and so forth, and many other charges of a like nature, when the evidence showed conclusively that there was no improper combination or conspiracy or relations between Doctor White and Mr. Fenning, but that all their business had been conducted on a high plane and from an honest purpose.

I had never met Mr. Fenning until he appeared before my committee. I have never exchanged a half-dozen words with him in my life. From his appearance and his testimony in the record I find no fault in him.

After Mr. BLANTON closed his case before our committee he announced that his health would not allow him to proceed further and withdrew from the prosecution. Mr. Fenning, with his witnesses and the official records, answered in their order every one of the 34 charges of impeachment, as appears by the record, and then Mr. RANKIN began the cross-examination of Mr. Fenning.

Mr. RANKIN was somewhat handicapped by not being present when the prior evidence had been received. He approached Mr. Fenning in a seemingly angry manner and conducted his examination with a small show of courtesy. The cross-examination had not proceeded far before he made a physical assault upon Mr. Hogan, counsel for Mr. Fenning. The facts as set forth in the record from Mr. DYER, the chairman, is as follows (pp. 1052 and 1053):

> Mr. DYER. Mr. RANKIN started the attack on Mr. Hogan. There is no dispute about that. I think it is entirely unjustified, uncalled for, disrespectful to the committee, and should not be tolerated. * * * Mr. RANKIN has treated this committee disgracefully, without excuse.

Soon after this Mr. RANKIN closed his case; and while the Judiciary Committee was considering the evidence and making up their report, he again sought the floor of the House to rant and denounce Mr. Fenning, the Committee on the Judiciary, and the court that said it found no fault in him.

The printed record of the evidence taken by the Committee on the Judiciary of the House of Representatives will stand forever as a complete vindication of Colonel Fenning. It will

protect his good name; it will be a source of great comfort to his wife and children that—

Truth crushed to earth will rise again.
The eternal years of God are hers;
While error wounded writhes in pain,
And dies amid her worshipers.

DAIRYING AND LIVESTOCK EXPERIMENT STATION AT MANDAN, N. DAK.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1472) to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to establish at Mandan, N. Dak., a dairying and livestock experiment station, in connection with the Great Plains Experiment Station, for investigations and experiments in the dairy and livestock industries and the problems pertaining to the establishment and development of such industries, and for demonstrations, assistance, and service in livesock breeding, growing, and feeding.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of this act, including the acquisition of suitable lands, the construction of buildings, the purchase of livestock and breeders, and the employment of necessary persons.

Mr. UNDERHILL. Mr. Speaker, I would like to ask the gentleman from Iowa a question.

Mr. HAUGEN. I yield to the gentleman.

Mr. UNDERHILL. How many of these experiment stations are there now?

Mr. HAUGEN. About 10 of them, I believe, and this is to be a dairying and livestock experiment station established in connection with the station established about a dozen years ago known as the Great Plains Experiment Station.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

ESTABLISHMENT OF FOREST EXPERIMENT STATION IN THE OHIO AND MISSISSIPPI VALLEYS

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3405) to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized to establish and maintain a forest experiment station in the States of the Ohio Valley and central Mississippi Valley, at such a place or places as may be selected by him, and he is hereby authorized and directed to conduct silvicultural, forest-fire, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, and with States, universities, colleges, county and municipal agencies, associations, and individuals, to determine the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots.

SEC. 2. An appropriation of $30,000 for the fiscal year ending June 30, 1927, for the establishment of the station provided by this act and such annual appropriations as may thereafter be necessary for its maintenance and operation are hereby authorized.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ACQUISITION OF FORT HUNT, VA., AND FORT WASHINGTON, MD.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 12391) authorizing the National Capital Park and Planning Commission to purchase Fort Hunt, Va., and Fort Washington, Md.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. HILL of Maryland. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. BLACK of Texas. Yes; I withhold it.

Mr. HILL of Maryland. This bill is introduced by the chairman of the District Committee, our colleague, Mr. ZIHLMAN, of Maryland. It is unanimously reported favorably by the Military Affairs Committee. The forts are to be sold to the National Capital Park and Planning Commission at the appraised value. I do not think the gentleman really objects to the bill.

Mr. BLACK of Texas. Mr. Speaker, one of them is 14 miles and the other one is 16 miles from the District of Columbia, or rather from the seat of government, and I do not see any reason why the District should be purchasing properties, one of them 14 miles and the other one 16 miles away.

Mr. HILL of Maryland. I will say to the gentleman——

Mr. BLACK of Texas. I am thoroughly familiar with the bill.

Mr. HILL of Maryland. It is a part of the general park planning scheme, and I hope the gentleman will not object.

Mr. BLACK of Texas. I object, Mr. Speaker.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, under the consent just given I submit the following report on this bill, which I made at the unanimous direction of the Committee on Military Affairs:

Mr. HILL of Maryland, from the Committee on Military Affairs, submitted the following report to accompany H. R. 12391:

The Committee on Military Affairs, to whom was referred the bill (H. R. 12391) authorizing the National Capital Park and Planning Commission to purchase Fort Hunt, Va., and Fort Washington, Md., having considered the same, report favorably thereon with the recommendation that the bill do pass.

It seems of great importance to acquire the properties known as Fort Hunt, Va., and Fort Washington, Md., no longer needed for military purposes, for proper extension of the park system of the National Capital.

Fort Hunt is located in Fairfax County, Va., 16 miles below Washington, D. C. It is located on the Potomac River just across Little Hunting Creek from Mount Vernon. It was acquired by purchase from 1893 to 1896 at a cost of $45,526.87, and includes 197.413 acres. In House Report No. 875, Sixty-ninth Congress, first session, dated February 24, 1926, its estimated sales value is $178,281. The entire frontage on the Potomac River and Little Hunting Creek is forested, and a wharf located thereon presents a view up the river to Washington City and down the river to Mount Vernon.

Fort Washington is located in Prince Georges County, Md., 14 miles south of Washington City. It consists of 354.30 acres. It was acquired by purchase and condemnation at various times between 1808 and 1914 at a cost of $38,117.60. The frontage on the Potomac River and Piscataway Creek is covered with fine forest, and an elevated plateau presents splendid views of the Potomac River and the Maryland embankment to Mount Vernon. Including a substantial wharf, the improvements at this station amount to $734,386. The present sales value is estimated in House Report No. 374, Sixty-ninth Congress, first session, page 41, as $175,650.

The United States Bureau of Fisheries formerly occupied a limited portion of the land near the river front but was removed to rented quarters farther down the river when this tract was entirely needed for military purposes. This bureau is anxious to return to this point, and if this were done its hatchery and fish ponds would add great interest in connection with its use as a park.

The reports of both the Senate and House committees on the bill establishing the National Capital Park Commission provide as follows (H. Rept. No. 971, 68th Cong., 1st sess.; S. Rept. No. 245, 68th Cong., 1st sess.):

* * * "For proper extension of the National Capital park system the following lands should be acquired * * *. 3. Development of park boulevards down the Potomac, on the Virginia side to Mount Vernon, on the Maryland side to Fort Washington, along the bluffs overlooking the river." * * *

To carry out this provision it is regarded as one of the most important features of the proposed park extension to acquire the tracts included in both these military reservations. This point constitutes the natural southern terminus of the Potomac boulevard in Maryland. From every standpoint it would seem extremely unfortunate to lose the opportunity of the preservation of such tracts for park and parkway purposes, and there is no question that if now sold the cost of acquiring them at a later period will be greatly in excess of the amount that can now be realized by their sale.

I am sorry that the gentleman objects. We will pass the bill soon, however. [Applause.]

ADMISSION OF ALIEN VETERANS AND THEIR FAMILIES

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4419) authorizing the Shipping Board to give a preference rate to alien veterans and their families, which bill is substituted for the bill H. R. 12659, which is now on the Calendar.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of Senate bill 4419, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Shipping Board be, and it is hereby, authorized and directed to grant a preferential rate for the transportation to the United States upon vessels subject to the control of the United States Shipping Board of alien veterans of the World War, their wives and minor children, who are granted visas to enter the United States in excess of quota under the terms of the act of May 26, 1926: *Provided*, That the preferential rate shall be fixed by the United States Shipping Board and it shall not be less than the actual cost of subsistence of the persons entitled to the benefits of the act while on board ship.

Mr. LaGUARDIA. Mr. Speaker, I move to strike out the last word.

This bill practically provides free transportation to the United States for the veterans of the World War who found themselves unable to return by reason of the act of 1924.

I took this matter up personally with the president of the Shipping Board, and the intention is that veterans presenting themselves at any port where a Shipping Board vessel touches any European port shall be provided with passage at actual cost, and the actual cost will be limited to the cost of the food and their maintenance during the ocean trip.

I want to say to the distinguished chairman of the committee that I congratulate the committee upon bringing this bill out and personally I feel highly complimented that the floor leader adopted the bill which I introduced originally.

Mr. JOHNSON of Washington. In order to make the gentleman's statement complete, it must be understood that these veterans must meet all the other conditions of the laws under which they are coming in.

Mr. SCOTT. Yes.

Mr. LaGUARDIA. It is so prescribed in the bill.

Mr. CONNERY. Does this bill provide reduced rates to the alien veterans of the World War coming over here?

Mr. LaGUARDIA. They simply pay for the food, which will perhaps be 80 cents or $1 a day.

Mr. CONNERY. How much?

Mr. LaGUARDIA. The actual cost of the food which they consume on the trip. It will amount to about $1 or $1.25 a day, perhaps.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

PRINTING OF PROCEEDINGS AT THE UNVEILING OF THE STATUE OF CRAWFORD W. LONG

Mr. BEERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution No. 10.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

Senate Concurrent Resolution 10

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Crawford W. Long, presented by the State of Georgia, 5,000 copies, of which 1,000 shall be for the use of the Senate and 2,500 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Georgia.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall provide suitable illustrations to be bound with these proceedings.

The resolution was agreed to.

Mr. BEERS. Mr. Speaker, I present another resolution.

The Clerk read the resolution, as follows:

Senate Concurrent Resolution 21

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound as may be directed by the Joint Committee on Printing 5,000 additional copies of Senate Document No. 95, entitled "Art and Artists of the United States Capitol," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, 500 copies for the use of the Architect of the Capitol, and 500 copies for the use of the Joint Committee on the Library.

Mr. UNDERHILL. How are these to be distributed?

The SPEAKER. The Chair is not informed.

Mr. UNDERHILL. I think there ought to be some provision for it.

Mr. BEERS. They are to be distributed through the Folding Room.

Mr. UNDERHILL. It seems to me that that ought to be included in the resolution.

The resolution was agreed to.

BILL RELATING TO PUBLIC BUILDINGS AND PARKS

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2042) relating to the Office of Public Buildings and Public Parks of the National Capital.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police, and the fire department of the District of Columbia," approved May 27, 1924 (U. S. Stat. L., vol. 43, p. 175), is hereby amended by striking out the period at the end of said section and adding the following words: "and such others as the Director of Public Buildings and Public Parks of the National Capital deems necessary and are appropriated for by Congress."

SEC. 2. That section 7 of said act is hereby amended by adding at the end of said section the following: "Hereafter the members of the United States park police may be granted leave on account of disability with three-quarters pay, for a period of not exceeding one year, when disability is in direct consequence of injury incurred in the actual performance of duty, and when such disability is certified to and recommended by the Board of Police and Fire Surgeons of the District of Columbia and approved by the Director of Public Buildings and Public Parks of the National Capital."

SEC. 3. That paragraph (b) of section 16 of the act entitled "An act to provide for regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," approved March 3, 1925 (Stat. L., vol. 43, p. 1126), is hereby amended by striking out the words "chief of engineers" and inserting in lieu thereof the words "Director of Public Buildings and Public Parks of the National Capital."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RATHBONE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AUTHORIZING APPROPRIATION FOR ROADWAY AROUND CHALMETTE MONUMENT

Mr. O'CONNER of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10662) authorizing an appropriation for the construction of a roadway and walk leading to and around the Chalmette Monument, Chalmette, La.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $15,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a roadway and walk on grounds owned by the United States to and around the Chalmette Monument, at Chalmette, La., to be expended under the direction of the Secretary of War: *Provided*, That the construction of the said roadway and walk shall not be commenced until the Secretary of War has received assurances satisfactory to him that the said roadway and walk will be extended by the State of Louisiana or the local authorities, and in a substantial manner, from the boundary of the Government lands to the St. Bernard Avenue road.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. O'CONNOR of Louisiana, a motion to reconsider the vote was laid on the table.

CONSTRUCTION OF BRIDGE OVER ROCK CREEK

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3453 on the Unanimous Consent Calendar.

The Clerk read the title, as follows:

An act (S. 3453) to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek, in the District of Columbia.

The SPEAKER. Is there objection?

Mr. SCHAFER. Reserving the right to object, what are the expenditures involved?

Mr. ZIHLMAN. I would state that this will cost about $15,000. There is an authorization on an appropriation of $250,000 for the bridge.

Mr. SCHAFER. Is this approved by the Budget?

Mr. ZIHLMAN. It is approved by the Citizens' Advisory Committee, and the Budget states that it is not in conflict with the financial program of the President.

The Clerk read the bill, as follows:

An act (S. 3453) to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek, in the District of Columbia

Be it enacted, etc., That in order to provide sufficient clearance for the proposed park drive in the Rock Creek and Potomac Parkway, and to enable traffic to use M Street NW., between Twenty-sixth and Twenty-seventh Streets, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct a new steel-girder bridge to replace the bridge in the line of M Street over Rock Creek, which bridge shall have a roadway 40 feet wide and two footways each 9 feet wide, and shall include proper facilities for carrying and supporting water main and other underground construction: *Provided*, That the Commission of Fine Arts shall be consulted as to the architectural design of the proposed bridge and its approaches.

SEC. 2. That there is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the District of Columbia, the sum of $250,000, and the said commissioners are authorized to expend therefrom such sum or sums as may be necessary for personal services, engineering, and incidental expenses.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PROHIBITION

Mr. MEAD. Mr. Speaker, in view of the many requests that I have received for copies of my different speeches, and particularly because I may expect a request from the distinguished gentleman from Georgia [Mr. UPSHAW], on this prohibition effort—and I have not a speech that would be appropriate to send him at this time—I am taking advantage, even in his absence, which I regret, to air my views on this great question.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. MEAD. I will.

Mr. O'CONNOR of New York. As long as the gentleman has been recognized by the Chair, why does he not move to suspend the rules and pass one of those beer bills which he introduced?

Mr. MEAD. I would be very glad to have one of the bills passed, but I think it is perhaps too early to make that attempt—not that it is early in the session, but the time is not opportune. However, I am of the opinion that those bills will be passed in the near future. [Applause.]

Mr. O'CONNELL of New York. Mr. Speaker, will the gentleman yield?

Mr. MEAD. I yield to my colleague.

Mr. O'CONNELL of New York. It is surprising to me that the gentleman from New York would attempt to make a speech on prohibition without the presence in the House of the gentleman from Georgia [Mr. UPSHAW]. His distinguished colleague, Mr. CRAMTON, and other eminent dry exponents are not here either, and I do not see among those present any other member of those arid enthusiasts.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. MEAD. Yes.

Mr. SCHAFER. Some of them may be out on the Chautauqua stump at the present moment.

Mr. O'CONNELL of New York. At so much per speech?

Mr. SCHAFER. Yes.

Mr. MEAD. Mr. Speaker, I am very glad to have this opportunity of setting forth my views on this question, and I thank my friends for their helpful suggestions.

Mr. O'CONNOR of New York. I hope the gentleman is not going to repeat in his speech the figures given by the Anti-Saloon League that spent some $35,000,000 in an effort to put over prohibition?

Mr. TREADWAY. Oh, the gentleman's remarks are to be impartial.

Mr. MEAD. I will say to my colleague from New York [Mr. O'CONNOR] I have not gone to that authority for any information.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. MEAD. Yes. I gladly yield to my colleague.

Mr. KINDRED. I hope the gentleman intends to fully emphasize the enormous millions that have been taken from the pockets of the taxpayers of the country in a futile attempt to enforce the prohibition law?

Mr. O'CONNELL of New York. And I hope the gentleman also intends to emphasize the medical aspects of the situation.

Mr. KINDRED. Yes.

Mr. TREADWAY. And in connection with the compilations of the gentleman, I trust that there are no newspaper comments included with the polls.

Mr. MEAD. Yes, there are; and I believe my friend will be interested in those covering Massachusetts.

Mr. O'CONNOR of New York. Will the gentleman give the result of the referendum that they had in Massachusetts some years ago?

Mr. MEAD. Yes; I think I have that poll also.

Mr. Speaker and gentlemen of the House, I am heartily and sincerely opposed to prohibition as a matter of principle, for the reason that, in my opinion, it is the worst national development that has come to us in half a century. I am of the firm conviction that the adoption of this law in our country is the worst disaster that has fallen upon the Republic since its organization. Should it continue, it would eventually undermine the foundation of the Government itself. If it could last, it would in time bring down the strongest political fabric into anarchy and dissolution.

The term "prohibition" and its twin sister, "law enforcement," have become marks of deceit and hypocrisy. There is no such a thing as prohibition in the United States, and everybody knows it. All men, women, and children who want liquor are able to obtain it, and it is even offered to many who neither want nor drink it.

I am in favor of abstinence and temperance in my country, and always have been. I am for a decent, a temperate, a sober Nation. If we had temperance, if we had abstinence, and none of the manifold and admitted evils of prohibition anyone who counted the cost would be considered a bad, a disgruntled citizen. But, my friends, when we have neither temperance nor abstinence, but this intolerable law with its terrifying evils, then I will contend that one is utterly foolish who does not take into consideration the awful price the taxpayer is paying. And I would offer a new, a modern motto in such a situation, and it would be "millions for sincere and honest temperance but not one cent for hypocrisy."

We are told by no less a high authority than Mr. Buckner, United States district attorney at New York, that the "drys" so-called, fear to face the question of the cost of actual enforcement lest the people should learn that they are paying too great a price for what they are getting.

But the taxpayer must pay the price and face the facts, as the cost comes out of his pocket.

Let us, therefore, take an inventory and see what the cost of prohibition really is to the people of the United States, just as we would in the case of our own private business:

First, we must start out with the loss of revenue. It was recently pointed out on the floor of the House by my colleague from New York, [Mr. GRIFFIN] that the loss to the Internal Revenue Department in the year 1924 was $455,465,146.10, and as a member of the Committee on Appropriations in charge of the expenditures of the Government, he speaks with authority. Mr. GRIFFIN showed that direct appropriations for the present year, including the cost of the Coast Guard for the attempted enforcement of this law, were $23,354,489, a stupendous sum. This nearly accurate estimate by a high official of this great committee does not include the cost of jury trials nor other court costs, nor State or local enforcement. From these figures it is a conservative estimate that the direct cost of this prohibition experiment to the people amounts to more than half a billion dollars every year.

In this connection we should also keep in mind that the first appropriation was only (and it is enough) $3,375,000, so that the cost of alleged enforcement of a useless and nonenforceable law has increased sevenfold in seven years, and the end is by no means in sight, nor anywhere near it. [Applause.]

Heretofore it has not been possible to estimate what the effort to enforce this law would cost. Senator KING, a few months ago, estimated that the greater part of the time of 250,000 public officials of all kinds, with salaries of $500,000,000 a year, is frittered away in an attempt to enforce prohibition, and when I speak of prohibition enforcement I mean merely the suppression of the commercialized features of the alcoholic

liquor traffic. Of course, no one is sufficiently mentally unbalanced as to dream of actual enforcement in the homes of more than 100,000,000 people, when liquor drinking is going on under the claim of liberty and right and with a firm resolve and good conscience in at least one-third of these homes.

We may, therefore, from Mr. Buckner's figures, compute the additional appropriations that would be necessary to try to adequately suppress bootlegging and the manufacture of hard liquors for sale. All the time we must also keep in mind that we start off with a revenue loss of the half billion dollars to which I have heretofore referred.

Some one has stated that the cost of enforcement in New York alone was $15,000,000 annually. New York has 10 per cent of the national population. If we go on this basis, which is evidently underestimated, we should have to eventually expend an additional $150,000,000, which, with loss of revenue, would bring the cost up to $650,000,000 a year.

Obviously it cost more per capita to enforce or, I should say, try to enforce, prohibition in sparsely settled country than in thickly populated areas. The area of New York is only one-seventy-fifth that of the United States. So that on the basis of area we should have to multiply Mr. Buckner's $15,000,000 by 75. Then, including the loss of revenue, the cost of this experiment would reach the enormous total of $1,500,000,000.

The records of the Internal Revenue Bureau show that the Federal Government has seized one hundred and fifty-seven times as many distilleries in the United States as in New York, and we should understand that a very large part of the Federal enforcement machinery has been put in New York in an attempt to "dry up" that State. In the matter of hard liquor seized the conditions are almost identical, there being one hundred and fifty-nine times as much liquor seized in the United States as in New York. So we find when all is said and done that New York with one-tenth the population has contributed about one one-hundred-and-fifty-eighth of the law violations of the country, so far as prohibition is concerned.

Now, for the purpose of further considering the cost of something like adequate enforcement, we may go back to the lowest possible estimate, still using Mr. Buckner's figures. We can not appreciate this enormous cost, $650,000,000, without a comparison of the cost of other Government activities. For instance, the Department of Labor. It is a most important department. In its hands rests the welfare of the toiling millions of America, the mothers and the children of America. It maintains a bureau of conciliation for the adjustment of disputes and differences between employer and employee, so that our industries may be operated to the maximum capacity, and that labor shall receive proper compensation.

It has charge of the enforcement of our immigration laws. It maintains a Children's Bureau to supervise the welfare of the children of America, and a separate bureau to improve the conditions of our women. It has charge of the naturalization of aliens. It has and is successfully operating a department of employment to bring the man and the job together.

The appropriation for the Labor Department last year was $8,626,625, just about eighty times less than the cost of prohibition enforcement.

Now, let us look at the Department of State, which handles all our relations with foreign governments. It maintains a personnel of trained men in all our embassies and consulates in all parts of the world and is one of the most important in the list of Government activities. Last year the appropriation was $16,500,000, thirty times less than the cost of prohibition enforcement.

Then the Department of Justice. What is justice? The Standard Dictionary defines the term as "conformity in conduct or practice to the principles of right; regard for the fulfillment of obligations; rectitude; honesty."

Prohibition is not justice. It breeds the crimes of which our daily press gives sorry evidence in column upon column all over the land. It has confiscated property without any regard for law. It denies trial by jury, and by dual indictment causes double jeopardy and imprisonment for one offense. It has debauched our public officials and has broken down respect for all law and order. But last year we expended about $24,000,000 for this department, nineteen times less than the cost of prohibition enforcement.

The Department of Commerce, the functions and importance of which I have neither the time nor the space to enumerate, cost last year $30,000,000, just one-fifteenth the cost of prohibition enforcement. These figures will show upon recapitulation that the cost of maintaining and operating these four great departments combined was ten times less than the cost of prohibition enforcement. The above is the cost in money.

After a six-year thorough trial, at enormous loss of revenue and tremendous cost of enforcement and ever-increasing expense to the Government, has this law so earnestly advocated by the prohibition champions obtained the approval and indorsement of the people of America? Let us see. In that great American weekly, the Literary Digest, issue of April 3, 1926, we get the following reliable information with respect to some recent polls:

The Literary Digest poll was taken during the summer of 1922. About 10,000,000 blank ballots were sent out by mail, addressed to individual citizens, on specially prepared paper, with special precautions taken against fraud, repeating, or irregular voting. A list of voters was taken from the telephone lists of the country, with an added country-wide representation of women voters and factory workers, classes not likely to be fully represented in the telephone books. The ballots were mailed out with entire impartiality and the returns were tabulated and published without comment. The result of the grand total of 922,383 ballots received was reported as follows in the Digest of September 9, 1922, and makes an interesting comparison with the 1926 newspaper returns.

	For enforcement		For modification		For repeal	
	Number	Per cent	Number	Per cent	Number	Per cent
Main poll	306,253	38.5	325,549	41.1	164,453	20.4
Women's poll	48,485	44.5	39,914	36.7	20,448	18.8
Factory polls	1,453	8.4	10,871	62.1	4,955	29.5
Total	356,193	38.6	376,334	40.8	189,856	20.6

The totals for the three largest newspaper polls conducted last month, with practically all returns in, were reported as follows in the New York Sun:

Newspaper Enterprise Association, through 375 cooperating newspapers

For retention and enforcement of prohibition	329,274
For repeal of prohibition amendment	545,839
For Volstead modification to allow wine and beer	864,949

Hearst newspapers and others cooperating

For prohibition	188,987
Against prohibition	915,969
For wine and beer	1,040,937
Against wine and beer	180,554

Chicago Tribune, New York Daily News, and cooperating newspapers

For wine and beer	340,401
Against wine and beer	35,820

Grand total, using last two figures of Hearst poll as the most representative on a straight "change or no change" division

For existing laws	545,648
For modification or repeal	2,792,126

I submit herewith a few exhibits, all of which are taken from official sources:

Arrests for violations of the national prohibition act made by Federal prohibition officers since the effective date of that act

Jan. 17 to June 30—	
1920	10,548
1921	34,175
1922	42,223
1923	66,936
1924	68,161
1925	62,747

Convictions under the national prohibition act in the Federal courts

July 1 to Dec. 31—	
1920	4,315
1921	17,962
1922	22,749
1923	34,069
1924	37,181
1925	38,498
1926 (at the rate of 42,548 for a full year)	21,274

The above summaries, it will be observed, do not include arrests and convictions by State authority for prohibition offenses.

Seizures of illicit distilleries, stills, still worms, and fermenters

1920 (stills only)	14,337
1921	95,933
1922	111,155
1923	158,122
1924	159,176
1925	172,537

It may be added that 70 per cent of these illicit plants and agencies were seized in the conventionally dry States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

Commitments to Federal penitentiaries and State institutions for care of Federal prisoners

Violations of the Volstead Act:	
1923	97
1924	105
1925	773

This table does not include the great number of convicts committed to local prisons for short periods.

In his report for 1925 the Attorney General states that out of 8,039 civil cases begun in the district courts of the United States, 7,271, or 90.4 per cent, were brought under the Volstead Act, and that of the 58,128 criminal cases begun in those courts 50,743, or 87.2 per cent, were brought under that act.

Arrests for drunkenness in some of the leading cities of the United States

	1920	1921	1922	1923	1924	1925
Boston	21,800	30,987	37,643	38,988	39,536	37,944
Providence	2,667	3,779	4,330	5,127	4,819	4,192
New York	5,936	6,237	8,578	10,643	13,980	12,017
Buffalo	7,421	8,347	8,655	12,181	11,135	10,174
Newark	1,310	1,252	1,198	2,541	2,477	2,615
Philadelphia	14,313	21,850	36,299	45,226	55,766	58,617
Pittsburgh	9,577	10,371	16,554	24,651	25,401	28,669
Wilmington, Del	295	498	577	797	1,003	1,011
Baltimore	1,785	3,258	4,955	6,235	6,029	5,687
Washington	5,415	6,375	8,368	8,128	10,354	11,160
Richmond	1,563	1,953	2,752	2,950	2,836	2,596
Wilmington, N. C	145	191	179	223	203	220
Charleston, S. C	508	512	584	592	732	775
Jacksonville	811	995	1,543	2,348	2,251	2,960
Atlanta	4,199	4,491	6,555	7,003	7,973	7,657
Birmingham	927	1,118	3,000	3,652	3,972	4,962
Vicksburg	42	63	106	137	105	321
New Orleans	2,399	7,079	12,511	10,173	12,788	14,171
Galveston	241	694	905	1,106	1,391	1,259
Little Rock	511	853	819	644	771	695
St. Louis	1,861	993	1,930	2,376	2,551	5,092
Louisville	1,016	2,495	2,018	3,812	4,748	5,229
Knoxville			2,753		4,456	3,862
Cleveland	2,991	5,156	16,817	18,814	19,271	23,393
Cincinnati	395	603	712	1,118	1,895	2,279
Chicago [1]	32,352	49,762	64,853	75,800	86,072	92,888
Detroit	6,599	7,220	10,098	11,947	13,717	15,124
Minneapolis	2,363	5,243	7,268	7,289	7,676	7,435
Milwaukee	516	784	2,514	3,789		6,056
Omaha	2,640	3,821	5,242	4,817	4,480	5,142
Des Moines	1,364	1,949	3,533	4,489	3,032	2,395
Seattle	5,753	5,797	7,066	7,974	6,756	6,377
Portland	2,476	2,904	3,761	3,099	3,922	3,613
Los Angeles	3,357	6,559	9,910	12,839	10,660	11,290
San Francisco	1,814	3,847	7,261	7,738	7,953	8,069
Salt Lake City	659	658	758	868	919	1,086

[1] Merged in disorderly conduct cases.

Without obtaining permission from the distinguished Senator from Maryland [Mr. BRUCE], I am taking the liberty of quoting the following from his great speech before the Senate committee at present holding hearings on the modification of the Volstead Act. He said in respect to the so-called Quebec law:

This brings me to the consideration of what is known as the Quebec plan of government liquor control, created by the alcoholic liquor act passed by the Quebec Legislature in February, 1921. This act provides for the appointment of five commissioners, known as the Quebec liquor commission, an official body which conducts the liquor trade in the name and for the benefit of the Quebec government. All the profits accruing from the trade fall into the consolidated revenues of the Province. The commission is given the monopoly of it in the Province, and spirits for beverage purposes can be imported and retailed only through its organization. For this purpose the commission has established to date 90 stores, 40 of which are in the city of Montreal, and 10 in the city of Quebec, leaving 40 for the other cities of the Province. Spirits can be bought in these stores only between 9 o'clock in the morning and 6 o'clock in the evening on the first five week days and between 9 o'clock in the morning and 1 o'clock in the afternoon on Saturdays. Only one bottle may be purchased at a time by any one customer; and the liquor is delivered in sealed bottles, and must be taken away to be drunk at home. There is no place in the Province of Quebec where spirits can legally be bought by the glass and drunk on the spot.

Regulations as to wine and beer are much more lenient. First, as to wines. They are sold without limitation as to quantity in every store of the commission where spirits can be had. Furthermore, a few stores have been established exclusively for the sale of wines. Thirdly, a number of hotels and restaurants are licensed to sell wine to their guests at meals. Beer may be brewed in the Province, or shipped in under license from the commission. Brewers are allowed to sell to grocery stores, hotels, restaurants, taverns, and clubs licensed by the commission, for the retail of beer.

The purpose of these arrangements to discourage the purchase of spirits and to encourage the purchase of wine and beer instead is manifest.

In addition to the 90 stores operated by the commission for the retail sale of wine and spirits, there are in the Province of Quebec 480 hotels and 59 restaurants licensed to serve wine and beer to their patrons at meals, 573 taverns licensed to retail beer to be drunk on the premises, and 1,238 grocery stores licensed to sell beer by the bottle to customers who are required to take it away.

The right of local option is jealously preserved. Any municipality may by the action of the majority of its voters express its wish to remain or become dry. In that event the commission can not grant a license within its bounds, but any person living in a dry district can buy direct from the commission one bottle of spirits at a time and any quantity of wine.

The greater part of the Province in area and about half of it in population is dry by virtue of local option, and during the four years that the Quebec alcoholic liquor act has been in force the respective importance of dry and wet territories and populations has not been materially modified.

The total sales of the commission during the four years of its operation have exceeded $72,000,000, of which amount some $25,800,000 has been paid to the Canadian Federal Government in taxes. During the same period the net revenue received by the Quebec liquor government from different sources, including sales, permits or licenses, and seizures, has been around $19,800,000, out of which sum nearly $17,500,000 has been handed over to the Quebec government. Besides the commission has built up out of its revenue a working capital and surpluses amounting in the aggregate to $2,350,000. These particulars have been derived by me from a paper by Arthur St. Pierre, in the Independent, of October 10, 1925.

Even more satisfactory than the financial results have been the moral results of the system. One of its effects has been to diminish the consumption of spirits by promoting the consumption of wine, and thereby to help to usher in the social conditions which Jefferson had in mind when he said, "No nation is drunken where wine is cheap, and none sober where the dearness of wine substitutes ardent spirits as the common beverage. It is, in truth, the only antidote to the bane of whisky. * * * Its extended use will carry health and comfort to a much enlarged circle. Everyone in easy circumstances (as the bulk of our citizens are) will prefer it to the poison to which they are now driven by their Government."

In 1924–25 the sales of wine by the commission exceeded its sales of spirits by 23,814 bottles, while in 1923–24 they were less by 864,960 bottles.

Another effect has been to bring about a steady decline in drunkenness. The commission was organized on May 1, 1921. In 1920 the monthly average for arrests for drunkenness in Montreal had exceeded 600; in 1921, after the organization of the commission, it was a little less than 550; in 1922 it dropped to 354; in 1923 to less than 300; and in 1924 to 243.

The poll being taken throughout the United States by some 400 newspapers, including those in large and small cities, located in every State in the Union, being the first nation-wide canvass on this predominant question, is registering the unquestionable attitude of the voters in favor of a sane solution of this problem. The attitude of the Anti-Saloon League in decrying this honest expression of the sentiment of the people is right in line with their past attitude of denunciation and misrepresentation of every effort made by both individuals and organizations that sought for an honest settlement of this important matter.

Representatives in Congress who in the past have had the temerity to express their views were immediately denounced by the followers of Wayne B. Wheeler as nullificationists, anarchists, and destroyers of our Constitution. Recently, however, the broad, tolerant exponents of religion entered the fray and the Nation heard in no uncertain terms of the desire for repeal or modification of the Volstead law from ministers of the gospel of nearly every Christian religion as well as from rabbis representing the Jewish faith. Even the dignified and courteous statements of the clergy have met with the same violent denunciations from the Anti-Saloon League forces as have been directed at the Members of Congress who are not in agreement with the dry reformist.

We can not substitute law for morality. Fanaticism must not supplant temperance. Men may gain eternal life by adherence to the Ten Commandments laid down on Mount Sinai, but never by Volsteadism as pronounced by the Wheelerites from Capitol Hill. [Applause.]

The tremendous increase in the number of deaths from alcoholism, the steady increase in the number of arrests from drunkenness, the constant demand for increased appropriations to enforce the law, the alarming crime wave that sweeps the Nation, the inadequacy of our present jails and penitentiaries, as well as the appointment of numerous additional judges to try men made criminals for committing an offense that is not a crime, are indicative of the impossibility of enforcing an unpopular and un-American law.

The Federal appropriations alone will run approximately $30,000,000 this year; and when you take under consideration the enormous sources of revenue cut off by prohibition as well as the tremendous loss to our merchant marine, Volsteadism becomes the Nation's most colossal burden and blunder. The United States Coast Guard, which now has an armed naval fleet as well as an aviation squadron to enforce the law, will at the beginning of the new fiscal year have a personnel greater than the United States Navy in the administration of President

Cleveland, which totaled 8,354 men as against the 10,159 men in the Coast Guard this year.

All branches of our national life have been heard of in the last few months in favor of modification of this law.

FROM NEW ENGLAND CHURCHES

Rev. Delmar Markle, of St. James, New Haven: The eighteenth amendment is unchristian and immoral. Jesus taught temperance but He did not teach adult people like babies and children.

Rev. W. A. Beardsley, St. Thomas, New Haven: The situation has become worse and worse until the cure for prohibition has become a greater danger than the ills of it.

Rev. Stewart Means, of St. Johns, New Haven: The present law is doing much harm and should be changed.

Rev. F. P. Sturgis, of Grace Church, Providence: I favor the modification of the Volstead Act. Temperance is a matter of education, and not legislation.

Rev. Arthur J. Watson, St. Lukes Church, Providence: It is undemocratic to let the rich have their liquors and the poor man nothing. Light wines and beer would be far better for people than the distilled and synthetic poisons they are now drinking.

The Rev. Dr. James Empringham, of the Church Temperance Society: It is impossible to legislate morals into people, but a campaign of education is the only way to bring about the result.

Right here let me quote some medical evidence to show that light wines and good wholesome beer have no harmful or baneful effects. This testimony is not confined to physicians of our own but of foreign countries as well. These opinions are taken from the Rational American of New York, issue of November, 1925:

Sir William Osler, formerly of Oxford University: "In moderation wine, beer, and spirits may be taken throughout a long life without impairing the general health. I should be sorry to give up the use of alcohol in the severer forms of enteric fever."

Dr. William Edward Fitch, of the Vanderbilt clinic: "It is the opinion of careful students of the subject that the moderate use of alcohol in health is harmless. It undoubtedly has a place in disease. There are reasons for believing that alcohol actually increases the resisting powers of the body to the poisonous toxins of septic fever."

Dr. Charles Gilmore Kerley, of the New York Polyclinic School and Hospital: "Alcohol is occasionally of great service in diseases of children. Under certain conditions it answers better than any other means of stimulation."

Dr. L. Emmett Holt, of the College of Physicians and Surgeons, New York: "With many nursing women the use of malted liquors—ale, beer, etc.—increases the quantity of milk and the proportion of fat. There is little doubt that alcohol is at times of much benefit."

Dr. George F. Still, of King's College, London: "The value of alcohol in the early stages of severe diarrhea, when there is severe exhaustion and collapse, is, I think, quite undeniable. I think an unbiased observer must admit that brandy is sometimes very valuable in a bad case of pneumonia."

Dr. Chalmers Watson, of the Royal Infirmary, Edinburgh: "There is no question of the undoubted value of alcohol in the treatment of certain diseases, especially in their critical stages."

Dr. Robert Hutchinson, of the London Hospital: "Alcohol certainly spares fats and sometimes carbohydrates and yields heat and energy in the body. Of this fact there is no longer any doubt, and it at once entitles alcohol to rank as a food. Wine used in moderation seems to add to the agreeableness of life, and whatever adds to the agreeableness of life adds to its resources and power."

Dr. William Tibbles, of the Royal Institute of Public Health, London: "Alcohol is primarily an appetizer. Convalescent, debilitated, or aged persons frequently eat more food when it is accompanied by a glass of beer, wines, or diluted spirits. The value of such a beverage to those who need it is admitted by most scientific men. Alcohol is a rapid and trustworthy restorative. In many cases it is truly life preserving, owing to its power to sustain cardiac and nervous energy."

Dr. Hobart Amory Hare, of the University of Pennsylvania: "Clinical experience too great to be ignored stands for the continued use of alcohol. The chief uses of the drug are as a rapidly acting equalizer of the circulation and as a systematic support in low fevers and prolonged wasting diseases in old age and in convalescence from acute diseases."

Dr. A. A. Brill, of the University of New York: "Alcohol has an undisputed place in the human physiological and psychological economy."

Dr. Charles E. de M. Sajous, of Temple University, Pennsylvania: "Malt liquors—ale, stout, and beer—contain diastase, which aids the digestion of starchy foods. They are especially tonic in effect."

Dr. George F. Butler, of the Chicago College of Medicine and Surgery: "Atonic dyspepsia and weakened digestion are generally benefited by some form of alcohol. As a pure cardiac stimulant, alcohol is remarkably serviceable. In certain stages of various acute diseases alcohol is one of the most potent and useful remedies."

Dr. Paul Bartholow, of the Jefferson Medical College: "Beer, ale, and porter are much and justly esteemed as stomachic tonics and restoratives in chronic wasting diseases. Alcohol is an important remedy in the various forms of pulmonary phthisis. In convalescence from acute diseases there can be no difference of opinion as to the great value of wine as a restorative."

Dr. Samuel O. L. Potter, of the Cooper Medical College, San Francisco: "In anemia and chlorosis good red wines are almost indispensable. It is an absolute necessity in the treatment of lobar pneumonia. In fevers alcohol is often most serviceable. Some physicians agree with Mr. Lawson Tait, who declared himself fully persuaded, after 30 years of life as hard in work and as full of responsibility as well could be, that the moderate use of alcohol is a necessity in our modern life."

Dr. John V. Shoemaker, of the Medical-Chirurgical College of Philadelphia: "Alcohol is in some measure antidotal to the poison of the bacillus tuberculosis, and it is to this fact that its unquestionable value in prolonging life in phthisis is due."

Dr. John H. Musser, of the University of Pennsylvania: "There is, I think, no rational doubt that small doses of alcohol are at times useful with those that are out of health, for their stimulating effect upon the appetite and upon digestion, and occasionally for their effect upon other functions. When solid food can not be taken, alcohol is our sheet anchor."

Dr. W. Gilman Thompson, of Cornell University: "There are a number of diseases in which the temporary use of alcohol is of positive service, and there are a number of cases in which it is a positive necessity in order to prolong life. Whatever controversy still exists over the physiological effects of alcohol as a food, it is undeniable that in some cases of disease it is clinically indispensable. The value of alcohol in the treatment of fevers is now universally recognized."

Dr. Robert Hutchinson, of the London Hospital: "'Rough cider'—that is, the completely fermented apple juice—taken in moderation, agrees with most gouty patients. The bottled or 'champagne' cider, which is imperfectly fermented, should never be used, owing to its undoubted liability to set up intestinal fermentation. Alcohol is the best possible hypnotic in many cases of chronic, psychic insomnia."

Dr. Binford Throne, writing in Forschheimer's Therapeusis: "All cases of diphtheria have more or less myocarditis, and all should be given stimulants from the first. The best is good whisky or brandy."

Henry L. Elsner, of Syracuse University: "In pneumonia—the experienced know that there are cases in which it is absolutely indicated."

Dr. William H. Smith, of Harvard University: "Influenza: When extension into the lung occurs, supporting measures must be pushed. Alcohol in some form should be given freely."

J. P. Crozier Griffith, of the University of Pennsylvania: "In scarlet fever with cardiac weakness alcohol in some form is one of the most rapid and satisfactory stimulants."

Dr. Julius Grinkler, of the Northwestern University Medical School: "For the obstinate sleeplessness of chronic cerebral anemia nothing equals in efficacy the inhibition of a night draft consisting of either a glass of beer, wine, or even whisky in small quantities."

John Ruhrah, of the College of Physicians and Surgeons, Baltimore: "In severe cases of smallpox alcohol may be added to the dietary with great advantage."

Dr. Herbert Maxon King, of the Loomis Sanitarium for Tuberculosis: "Small doses of alcohol in the form of wine, beer, or ale with meals will often stimulate a flagging appetite and enable the patient to consume a normal amount of food. When the carbohydrate content of the diet can not be brought up to the desired quantity, the addition of wine or beer to the diet may be of distinct advantage. As a stomachic in cases of hypoacidity, loss of appetite, and consequent impairment of digestion, the lighter wines and malt liquors may be prescribed to advantage."

And from three outstanding American newspapers we get the following idea of this legislation along identical lines:

[From the New York World]

To what point has prohibition brought us?

We have, first, a law which not even the most light-hearted observer believes is applied to-day with equal justice to rich and poor alike, or can be so applied with all the complicated legal machinery and all the armies of secret service men and all the ships of all the fleets which have yet been furnished to the cause of prohibition. The rich—not only the overwhelmingly rich but the ordinary heads-above-water rich who are most men's neighbors—keep on drinking. They drink what they wish to drink and find its acquisition easy. Nobody pretends that the case is otherwise, that it is true only in incorrigible New York, and that it is not true in cities and towns the country over. It is the first important fact about prohibition that the impetus to break the law comes from those same respectable well-to-do people who regard themselves as pillars of society.

[From the Detroit Free Press]

All over the country the colossal failure of prohibition is recognized by those who see things as they actually exist. The Detroit Free Press, after hoping for the best, is obliged, in the light of recent disclosures, to admit the collapse of the prohibition movement and says:

"How long will it take those in authority to understand that the cure for the conditions that all decent citizens regret lies in a liberal live-and-let-live tolerance and that the unreasonable curtailment of personal liberty can but end in economic mutiny?"

[From the New York Times]

One physician's views on the subject of prohibition are voiced in the following article in the New York Times. Dr. Kurt L. Elsner tells Times readers just what he thinks of the whole subject of prohibition:

"Strange to say, as much as has been written about prohibition, pro or contra, very little has been said about one side of it, i. e., the harm it has done to the beginning of self-education of the American people in the moderate use of alcoholic drinks. Self-education had begun and was growing nicely. Its seeds had sprouted and were thriving healthily, when, like the proverbial fool, prohibition rushed in and trampled the tender plants under foot."

And I could go on indefinitely giving similar opinions from other high sources, but time will not permit.

The Volstead Act not only deliberately violates the expressed language and spirit of the eighteenth amendment, but it breeds class prejudice. It denies to a large proportion of our citizens a harmless popular beverage, while, as is well known, those with sufficient means can, with the greatest ease, secure intoxicating liquors which the eighteenth amendment fundamentally intended to and does prohibit.

Almost uncontrolled this has developed the most serious of all menaces, class distinction, under which the rich are provided with illegal intoxicants and others denied anything but injurious home-brew, originating and encouraging domestic barrooms, providing concoctions that have broken down the public health and caused unspeakable suffering and fatalities. This condition furnishes just another argument to encourage anarchy and communism, with its attendant challenge to Government control.

No law should remain unchanged upon the statute books of the Nation that does not breathe truth from every provision and every line.

You can not enforce or encourage respect for a law that does not itself respect the truth. Enforce the eighteenth amendment—absolutely, yes—but do not violate the canons of truth or the intent—and spirit of the Constitution itself—in attempting to do so.

I am convinced by passing and maintaining the Volstead Act in such a repressive, arbitrary, and untruthful form we have helped destroy such good and efficient results as might have resulted when temperance was adopted as a national policy. In refusing legislative relief to place the act in harmony with the plain terms of the eighteenth amendment itself we have, as the public has more and more realized the unjustness of it all, encouraged the widespread and determined resistance and challenge which is now so apparent.

I contend that prohibition will never bring about the correct solution of this problem for the following specific reasons:

Because its enforcement lacks the support of a majority of the American people.

Because its enforcement is costing the people millions of dollars in increased taxation.

Because it is increasingly corrupting the morals of the people, making them lawbreakers.

Because it has resulted in widespread corruption and bribery of Government officials.

Because it is an infringement upon the liberty and freedom of the American people.

Because it is teaching young girls and boys to secretly indulge in alcoholic stimulants.

Because it forbids pure and harmless beer and wine and substitutes dangerous poisons.

Because it is the cause of increasing deaths from drinking poisonous bootleg concoctions.

Because it is daily increasing the pitiful army of victims of narcotic drugs—dope fiends.

Because it was enacted to carry out the wishes of a few and in disregard of the majority.

Because it has made the booze problem rather than economic problems the main political issue.

Because it has created a contempt for all law upon the part of a majority of the people.

Because it is class legislation, depriving the poor of what the rich can easily obtain.

Because it is a violation of the Constitution, the fundamentals of Government, and the Bill of Rights.

Because the Volstead Act is un-American, tyrannical, and liberty destroying. [Applause.]

Now, Mr. Speaker and gentlemen of the House, I have given these reasons which I believe are in the minds of preponderating majority of our people, who believe in temperance, and I respectfully advance the following summary of the real method to adopt that will put an end to all our difficulties on this question:

Granting the legalizing of a 2.75 per cent beverage and light wines would not solve the entire problem, but it would accomplish much.

It would help make the Volstead Act honest by having it conform to the verdict of the country, as alone expressed by the terms of the eighteenth amendment.

It would greatly curtail the bootleggers' illegal monopoly.

It would decrease the demand for poisonous substitutes.

It would minimize the domestic brewing and amateur wine-making industry, which has transformed many homes into breweries and distilleries.

It would discourage the growing demand for strong liquor.

It would produce a billion dollars annually and at the same time, by cutting down deceit, improve the morals of the country.

It would contribute to contentment and thus greatly reduce the growing national scandal of law defiance.

It would, after all is said and done, be giving the public only what they are anyway entitled to.

It would salvage many a human derelict by providing a healthful legal beverage as a substitute for the present poison.

It would discourage the class distinction present conditions foment.

On the other hand, what would be the detrimental result of such an amendment? None, beyond the chagrin of a few agitators who, notwithstanding present intolerable conditions, will never admit their original stupidity.

This is not a question calling for invective. It is a problem for cool and enlightened consideration. Those who believe in a readjustment are not nullificationists. Those who voted against the Volstead Act six years ago, and later to uphold President Wilson's veto, were not treasonable.

Heretofore anyone who has dared to question the wisdom of prohibition has at once been a target for abuse and deliberate misrepresentations. Those who have done their best as officials to enforce the law have been criticized and censured. This is too serious an issue to be approached or debated by an exchange of personalities. I have carefully refrained from their use. A situation which has placed our country in the unenviable position of leading the world in law defiance demands deliberation, not efforts to impugn motives.

Indeed, no more serious question has faced the country since the war. It must be solved. Let us approach it dispassionately and with that conviction and that determination. [Applause.]

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4537. An act to amend the Harrison Narcotic Act of December 17, 1914, as amended, and for other purposes.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 92. An act fixing postage rates on hotel and steamship room keys and tags;

H. R. 534. An act to remove the charge of desertion from the record of Benjamin S. McHenry;

H. R. 658. An act for the relief of Harry Coventry;

H. R. 816. An act for the relief of W. F. Morgareidge;

H. R. 821. An act for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho;

H. R. 949. An act for the relief of John H. Cowley;

H. R. 1136. An act for the relief of Richard Weatherston;

H. R. 1565. An act for the relief of Pirtle Handley;

H. R. 1580. An act authorizing the Secretary of the Interior to sell and patent to David A. Vincent certain lands in Oklahoma;

H. R. 1952. An act for the relief of T. Arthur Moore;

H. R. 1718. An act for the relief of Harold Holst;

H. R. 2136. An act for the relief of Lieut. Frederick C. Matthews;

H. R. 2254. An act for the relief of Howard A. Mount;
H. R. 3142. An act for the relief of Benito Viscaina and Maria Viscaina;
H. R. 3448. An act for the relief of John Solen;
H. R. 3454. An act for the relief of certain Indian policemen in the Territory of Alaska;
H. R. 3592. An act for the relief of Johanna B. Weinberg;
H. R. 3763. An act to prevent delay in the promotion of officers of the Navy and Marine Corps;
H. R. 4252. An act for the relief of Thomas H. Burgess;
H. R. 4323. An act for the relief of the Nebraska Buick Co;
H. R. 4414. An act for the relief of Archie Eggleston, an Indian of the former Isabella Reservation, Mich.;
H. R. 4664. An act for the relief of Arthur H. Bagshaw;
H. R. 4842. An act for the relief of F. G. Alderete;
H. R. 5063. An act for the relief of P. H. Donlon;
H. R. 5223. An act to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies;
H. R. 5786. An act for the relief of Rachel Thomas, widow of William Thomas, deceased;
H. R. 5441. An act for the relief of Geraldine Kester;
H. R. 5810. An act granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State;
H. R. 6003. An act for the relief of Charles B. Beck;
H. R. 6080. An act for the relief of J. M. Hedrick;
H. R. 6226. An act for the relief of Edward N. Moore;
H. R. 6267. An act for the relief of Joseph F. MacKnight;
H. R. 6728. An act to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes;
H. R. 6921. An act to correct the military record of James Perry Whitlow;
H. R. 7016. An act for the relief of Hensler Bros.;
H. R. 7027. An act for the relief of J. B. Elliott;
H. R. 7370. An act to amend an act entitled "An act to authorize the sale of burnt timber on the public domain," approved March 4, 1913;
H. R. 7104. An act to quiet title and possession with respect to certain lands in Baldwin County, Ala.;
H. R. 7371. An act to define trespass on coal land of the United States and to provide a penalty therefor;
H. R. 7395. An act for the relief of Emanuel Xuiereb;
H. R. 7524. An act for the relief of Neil Mullane;
H. R. 7532. An act to provide payment for services rendered in preparation for the international conference on traffic in habit-forming narcotic drugs;
H. R. 7674. An act for the relief of Capt. H. Bert Knowles;
H. R. 7942. An act for the relief of James E. Judge, sr.;
H. R. 8120. An act to create within the San Bernardino National Forest in Riverside County, Calif., a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve;
H. R. 8331. An act for the relief of Folkert Coleman, of Port Huron, Mich., and Carey D. Ferguson, collector of customs and special disbursing agent for the Treasury Department at Detroit, Mich.;
H. R. 8592. An act to further amend section 125 of the national defense act of June 3, 1916, as amended;
H. R. 9089. An act for the relief of Mabel Blanche Rockwell;
H. R. 9135. An act for the relief of Natalie Summers;
H. R. 9274. An act to release and quitclaim title of certain lands to Holyman Battle and his successors in interest;
H. R. 9496. An act authorizing the Secretary of the Interior to convey certain lands reserved for park and other purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla.;
H. R. 9637. An act to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway;
H. R. 9967. An act authorizing an expenditure of $6,000 from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation;
H. R. 10020. An act for the relief of William Knabe;
H. R. 10109. An act for the relief of Virginia Strickland;
H. R. 10489. An act to perfect the homestead entry of John Hebnes;
H. R. 10641. An act for the relief of Elias Field;
H. R. 11060. An act to authorize the extension of the application of the act entitled "An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes," approved October 5, 1914;
H. R. 11094. An act for the relief of Capt. F. J. Baker and Capt. George W. Rees, United States Army;
H. R. 11123. An act to establish a term of the United States circuit court of appeals at Oklahoma City, Okla.;
H. R. 11329. An act for the relief of certain counties in the States of Oregon and Washington within whose boundaries the revested Oregon & California Railroad Co. grant lands are located;
H. R. 11716. An act granting to northern paper mills certain islands in the Menomonee River;
H. R. 12313. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.;
H. R. 12314. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.;
H. R. 12537. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.;
H. R. 12538. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.;
H. J. Res. 98. Joint resolution for the relief of R. S. Howard Co.;
S. 4059. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes;

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;
H. R. 5789. An act for the relief of the estate of J. A. Galloway;
H. R. 7893. An act to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes;
H. R. 10309. An act authorizing the sale of lot 2 in square 1113 in the District of Columbia, and the deposit of the net proceeds in the Treasury;
H. R. 10361. An act to authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Co.;
H. R. 12175. An act to amend the World War veterans' act, 1924; and
H. R. 12536. An act to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State for highway purposes.

REGULATING THE MANUFACTURE, RENOVATION, AND SALE OF MATTRESSES IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3148) which I send to the Clerk's desk.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the present consideration of the bill which the Clerk will report by title.

The Clerk read as follows:

An act (S. 3148) to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, what is the purpose of this bill at this time? Is it in reference to any particular brand of mattress?

Mr. ZIHLMAN. No, sir; it simply provides that where mattresses are renovated out of secondhand material they shall be so labeled.

Mr. LAGUARDIA. Are they manufactured in the District of Columbia?

Mr. ZIHLMAN. They are sold here.

Mr. LAGUARDIA. I should think we ought to discourage the manufacture rather than encourage them by legislation of this kind.

Mr. ZIHLMAN. I do not think so.

Mr. LAGUARDIA. I know all about the District of Columbia in reference to being a manufacturing center, and I should think you would prohibit the manufacture of such mattresses.

Mr. ZIHLMAN. They do not use any power plant or——

Mr. LAGUARDIA. Where do they get these old mattresses from?

Mr. ZIHLMAN. There are no secondhand mattresses manufactured here, I will say to the gentleman. The plants here use new material. They use new cotton. This is to provide that where mattresses have been used in hospitals and other places subject to contagious diseases that when those mattresses are renovated and used again they shall bear a label.

Mr. LAGUARDIA. Why should they not be prevented from being used again?

Mr. ZIHLMAN. This provides that they may be used, but they must so label them. At present they send them in without a label. They are sent where they can find a market for that kind of material.

Mr. LAGUARDIA. Will this curtail the market?

Mr. ZIHLMAN. It will place a restriction upon the sale of secondhand mattresses.

Mr. LAGUARDIA. All right, but I think they ought to stop it entirely. I shall not object.

Mr. WINGO. Reserving the right to object, there is so much confusion going on around here we could not hear a word of what passed between the gentleman from New York and the gentleman from Maryland. What is the bill?

Mr. ZIHLMAN. It provides that where a renovated mattress is made of secondhand material it shall be so labeled and provides a penalty for misbranding, and so forth.

Mr. WINGO. Mr. Speaker, further reserving the right to object, I would like to ask the gentleman from Connecticut how much more business are we going to try to transact to-night. I would like to ask how much longer is the gentleman going to keep us here to-night with these special requests?

Mr. TILSON. A very few moments. I think we will leave before 6 o'clock. We shall try to do so.

Mr. WINGO. Is this a Senate bill?

Mr. ZIHLMAN. Yes, sir.

Mr. WINGO. I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That as used in this act—

(a) The term "mattress" includes any quilt, comfort, pad, pillow, cushion, or bag stuffed with hair, down, feathers, wool, cotton, excelsior, jute, or any other soft material and designed for use for sleeping or reclining purposes.

(b) The term "person" means individual, partnership, corporation, or association.

(c) The term "commissioners" means the Board of Commissioners of the District of Columbia.

SEC. 2. That no person in the District of Columbia—

(a) Who is a manufacturer or renovator of, or dealer in, mattresses shall sell, exchange, give away, or offer or have in his possession for sale, exchange, or gift, any mattress which bears any false or misleading label, statement, design, or device, in respect of its materials or processes of manufacture or renovation, or which is not labeled as provided in section 3.

(b) Who is a renovator of mattresses shall use in whole or in part, in the renovation of any mattress, material which has formed part of any mattress theretofore used in or about any sanitarium or hospital, or used by any individual having an infectious or contagious disease.

(c) Who is a manufacturer of mattresses shall use in whole or in part any secondhand material in the manufacture of mattresses sold, exchanged, or given away, or to be offered for sale, exchange, or gift, as new mattresses.

(d) Shall knowingly sell, exchange, give away, or offer or have in his possession for sale, exchange, or gift (1) any mattress which has been used, or is composed in whole or in part from material which has formed part of any mattress theretofore used in any sanitarium or hospital or by any individual having an infectious or contagious disease, or (2) any mattress which is composed in whole or in part of secondhand material which has not been thoroughly sterilized and disinfected by a process approved by the health officer of the District of Columbia.

(e) Who is a manufacturer or renovator of, or a dealer in, mattresses, shall remove, conceal, or deface, or cause or permit to be removed, concealed, or defaced, any label placed, in accordance with the provisions of this act, upon any mattress.

SEC. 3. That the label required by section 2 shall consist of a tag which shall be sewed or otherwise securely attached to the mattress. In case the mattress has not been renovated the label shall contain in plain, legible print in the English language a statement showing (a) the name and address of the manufacturer, (b) a description of the materials used in the manufacture of such mattress, and (c) whether such materials are in whole or in part secondhand. In case the mattress has been renovated the label shall contain in such print the word "Renovated" and a statement of (1) the name and address of the renovator, and (2) a description of the materials used in the renovated mattress. For the purposes of this act the materials so used shall be described in such manner as the commissioners shall by regulation prescribe.

SEC. 4. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer residing in the United States from whom he purchases mattresses to the effect that the statements contained on the labels attached to such mattresses are true. Such guaranty, to afford protection, shall contain the name and address of the manufacturer making the sale of such mattresses to the dealer, and in such case the manufacturer shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act. In case the manufacturer resides outside the District of Columbia it shall be the duty of each district attorney to whom the health officer of the District of Columbia shall report the violation to cause appropriate proceedings to be commenced and prosecuted against the manufacturer without delay in the proper courts of the United States.

SEC. 5. That any person violating any provision of section 2 or section 7 shall, upon conviction thereof, be punished by a fine of not more than $500, or by imprisonment for not more than six months, or both. All prosecutions under this act, except as provided in section 4, shall be in the police court of the District of Columbia upon information by the corporation counsel or one of his assistants.

SEC. 6. That, except as provided in section 5, the administration of this act shall be in charge of the health officer of the District of Columbia under the supervision of the commissioners. The commissioners are authorized to make such regulations as may be necessary for the efficient administration of this act.

SEC. 7. That it shall be the duty of the health officer of the District of Columbia, whenever he has reason to believe that any provision of this act is being or has been violated, to cause an investigation to be made. For the purpose of such investigation the health officer, or any of his assistants designated by him in writing, shall have authority at all times during the ordinary business hours to enter any building or other place in the District of Columbia where mattresses are manufactured, renovated, or held for sale, exchange, or gift, or delivery in pursuance thereof. No person shall refuse or obstruct such inspection. Evidence obtained by the health officer or his assistants of any violation of this act shall be furnished the corporation counsel.

SEC. 8. That if on inspection the health officer or his assistants find in the District of Columbia any mattress held for sale, exchange, or gift, or delivery in pursuance thereof, which has been used or is composed in whole or in part of materials which have formed part of any mattress used in or about any sanitarium or hospital or by any individual having an infectious or contagious disease, or is composed in whole or in part of secondhand material which has not been thoroughly sterilized and disinfected by a process approved by the health officer, or if the health officer or his assistants find in the District of Columbia any such materials held for use in the manufacture or renovation of any mattress, the health officer shall, after first making and filing in the public records of his office a written order stating the reason therefor, thereupon without further notice cause such mattress or material intended to be used in the manufacture of any mattress to be seized, removed, and destroyed by summary action.

SEC. 9. That this act shall take effect 60 days after its enactment.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PROPOSED UNITED STATES MEMORIAL DAY COMMISSION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration House Joint Resolution 266.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to take from the Speaker's table and consider House Joint Resolution 266. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 266) providing for the observance of the sixtieth anniversary of the first Memorial Day, and for other purposes.

The SPEAKER. Is there objection?

Mr. STEPHENS. I object.

The SPEAKER. Objection is heard.

PERSONAL PRIVILEGE

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to address the House for five minutes on a matter of personal privilege.

The SPEAKER. The gentleman from Maryland asks unanimous consent to address the House for five minutes on a matter of personal privilege. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, I will ask that the Clerk read in my time the following extract from the testimony given by Mr. Wayne B. Wheeler this morning before a special committee of the Senate to investigate expenditures at primary elections, and then a statement made by me in a letter to the Senator from Missouri [Mr. REED] in reference to those charges.

The SPEAKER. Without objection the Clerk will read.

The Clerk read as follows:

The CHAIRMAN. Do you know any of those who spoke against it that were paid by the liquor interests?

Mr. WHEELER. Yes; Congressman HILL has been out speaking——

The CHAIRMAN. Was he paid by the liquor interests?

Mr. WHEELER. He has been paid by those opposed; I would not say by the liquor interests.

The CHAIRMAN. Has he been paid by the liquor interests?

Mr. WHEELER. I know he has been paid by them in some instances, because where we have gone and debated he has been paid by them and I have been paid by those who were friendly to us.

The CHAIRMAN. That is to say——

Mr. WHEELER. We had a debate there.

The CHAIRMAN. That a jack-pot was made up and you and——

Mr. WHEELER. No; the wets would get their man and the drys would get theirs.

The CHAIRMAN. And you and HILL went down and held a hippodrome for the honor of God and the good of the Commonwealth and for the benefit of your pocketbooks? [Laughter.]

Mr. WHEELER. I do not know, but for the purpose in hand.

The CHAIRMAN. But you are sure you did.

Mr. WHEELER. I wanted to try and convince them that they ought to be loyal to the Constitution.

The CHAIRMAN. Was it you, or was it UPSHAW who said the other day that he never solicited money, never solicited work, that he only received honorariums—I believe you used the word "honorarium" to me several times?

Mr. WHEELER. I think that was one of the terms I used. I said they were paid their expenses and sometimes an honorarium.

The CHAIRMAN. Sometimes?

Mr. WHEELER. Yes.

Mr. HILL of Maryland. Now, Mr. Speaker, immediately on hearing that interesting charge made by the superintendent of the Anti-Saloon League, I wrote a letter to the Hon. JAMES A. REED, United States Senate, which I will ask the Clerk to read also in my time.

The SPEAKER. Without objection, the Clerk will read the letter.

The Clerk read as follows:

Hon. JAMES A. REED,

United States Senate, Washington, D. C.

MY DEAR SENATOR REED: I understand that in the hearings before your subcommittee this morning on campaign expenditures, Wayne B. Wheeler, legislative agent of the Anti-Saloon League of America, stated that he knew that I had received pay for making antiprohibition speeches.

This statement is absolutely false.

I shall be very glad to apear before your committee at any time to show that this is an utter and probably deliberate misstatement.

I understand that Mr. Wheeler stated he knew I had received pay because I had participated in several prohibition debates where others were paid. He probably refers to two debates which I had with him and in which he was paid and for which I refused to receive any pay and returned the checks sent me.

I have never received a penny in my life for making any speeches against prohibition. I have never received a contribution politically or otherwise from any person or organization opposed to prohibition. I have never, when I was practicing law, either directly or indirectly, received any compensation from anyone connected with any liquor interests.

The truth concerning my debates with Mr. Wheeler is as follows: Some time in 1923, Mr. Wheeler and I had a joint debate on the Volstead Act, before a dinner of about 1,200 people, held by the Economic Club of New York City. Before I left Baltimore the evening of making this speech, I received a return-trip ticket from Baltimore to New York and a lower berth on the midnight train. Several days after my debate with Mr. Wheeler, I received a check for either $100 or $150, from the Economic Club of New York, as what they called an "honorarium," for making my speech. I at once returned the check with the statement that I never received pay for talking against prohibition.

[Applause.]

Again, in 1923, I participated in another joint debate with Mr. Wheeler in Providence, R. I., before the Economic Club of that place. Again I received my return-trip railroad ticket before leaving Washington for Providence. I returned on the midnight train that night. Several days after the meeting I was asked by the Economic Club of Providence what "honorarium" I desired to receive for making the speech, it being intimated that $100 or $150 would be sent me. I replied that I would not receive any pay for making such speeches.

[Applause.]

Last October, the Mid-Nebraska Exposition was held at Columbus, Nebr. The managers of the exposition invited Representative UPSHAW to speak one evening for prohibition. They invited me to speak the following evening against prohibition. Before leaving Baltimore for Columbus, Nebr., I received my railroad ticket and Pullman accomodations. After I had made my speech in Columbus, I was asked on behalf of the Mid-Nebraska Exposition, what fee would be satisfactory to me for my speech. It was intimated to me that in view of the four-day trip, going and coming from Baltimore, that the Mid-Nebraska Exposition wished to be generous in the matter of its fees. I flatly refused to receive anything, except actual expenses of travel.

I have often spoken under the auspices of the Association Against the Prohibition Amendment. Railroad transportation has usually been furnished me. I have generally paid all other expenses of food, etc., myself, except on very long trips. I have never received either politically or personally, a penny from the Association Against the Prohibition Amendment but, on the contrary, have been an annual contributor to its treasury for the past five years.

I shall be glad to appear before your committee at any time you may desire to have me.

As usual, Wayne B. Wheeler deliberately misstated the facts.

I am,

Very sincerely and respectfully,

JOHN PHILIP HILL,
Member of Congress.

[Applause.]

Mr. HILL of Maryland. Now, Mr. Speaker and gentlemen, I can well understand that Mr. Wheeler, getting paid himself, thought I was getting paid. I have returned the checks. I am unwilling to receive pay for the privilege of speaking against prohibition. There happens to be now in the House the gentleman from Nebraska [Mr. HOWARD], at whose home, Columbus, Nebr., I spoke against prohibition. I would like to ask the gentleman from Nebraska if he did not ask me what I charged, and what I said.

Mr. HOWARD. Mr. Speaker, I played an intermediate part in that joint debate out there. I was selected by the Mid-Nebraska Exposition management as their angel to procure two of the best drawing cards in the United States for a two-day performance at the exposition. [Applause.] My people always expect me to do the best I can for them, and I did on that occasion. I invited the gentleman from Maryland [JOHN PHILIP HILL] and the gentleman from Georgia [Mr. UPSHAW], the cyclone of Georgia, as we call him, to appear there on two different days. The purpose proposed was not so much the enlightenment of my people on the subject as the purpose of having a magnificent attendance at our exposition. [Laughter.]

However, I am now ready to say that it is the consensus of opinion that in point of enlightenment our people were never so splendidly informed on both sides of the question as they were by the appearance of Mr. UPSHAW one day and by the appearance of JOHN PHILIP HILL the next day.

Now, what further may I say? Oh, yes——

Mr. HILL of Maryland. Yes. That is the important thing.

Mr. HOWARD. Mr. Speaker, I, in my capacity of angel, did not pay either one of those speakers a penny or a dollar. JOHN PHILIP HILL was offered by me on behalf of the committee any sum of money he might name within reason. [Laughter.]

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. HILL of Maryland. Let him finish.

Mr. UNDERHILL. Were neither of them worth it?

Mr. HOWARD. Deponent sayeth not right now. [Laughter.] JOHN PHILIP HILL said he would not receive a dollar; only his legitimate expenses. He said he would present, and later he did present, an account of his expenses from Baltimore to Columbus, Nebr., and return.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. HILL of Maryland. May I have one minute more?

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. HOWARD. He had no expenses while in Columbus, not even taxi hire. I carried him to the train that night and saw that he was safely carried. [Laughter.] I am using that word "carried" in the sense that our old southern people use it. It was a synonym for taking, leaving, or accompanying. I handled the disbursements with reference to JOHN PHILIP HILL. Some of my associates on the committee handled the disbursements with reference to Mr. UPSHAW. I am not qualified to say whether he accepted any honorarium or not. [Laughter.]

Mr. HILL of Maryland. But I did not.

Mr. HOWARD. No. The gentleman from Maryland did not ask, and I am sure he did not receive, any honorarium from me, and I apprehend not from any of the other Members. We had money in the treasury. We always have a wonderful attendance at the Mid-Nebraska Expositions and you are all invited. [Laughter.] We have a combined literary entertainment and a general rodeo out there every year in September.

Mr. HILL of Maryland. Mr. Speaker, in conclusion, I want to thank the gentleman from Nebraska for his statement. I want to say on behalf of Nebraska that not only did the gentleman from Nebraska [Mr. HOWARD] carry me to the train but the mayor and numerous prominent citizens went with me after a very enjoyable evening following my dull speech.

I thank the House. [Applause.]

FREDERICK A. FENNING

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that there may be inserted in the CONGRESSIONAL RECORD the several reports made by the Judiciary Committee on the Fenning case.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that there may be printed in the RECORD the several reports of the Committee on the Judiciary in the Fenning case. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, the gentleman wants it understood that these reports will be printed in the RECORD appearing in the morning?

Mr. GARRETT of Tennessee. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

[House Report No. 1590, Sixty-ninth Congress, first session]

CHARGES OF IMPEACHMENT AGAINST FREDERICK A. FENNING

Mr. DYER, from the Committee on the Judiciary, submitted the following report pursuant to House Resolution 228:

The Committee on the Judiciary, pursuant to House Resolution 228, after hearing and consideration, makes the following report:

This committee is acting under a resolution passed by the House of Representatives on May 6, 1926, the first section of which is as follows:

"*Resolved*, That the Committee on the Judiciary be, and it is hereby, directed to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Frederick A. Fenning, a Commissioner of the District of Columbia, and said Committee on the Judiciary is in all things hereby fully authorized and empowered to investigate all acts of misconduct and report to the House whether in their opinion the said Frederick A. Fenning has been guilty of any acts which in the contemplation of the Constitution, the statute laws, and the precedents of Congress are high crimes and misdemeanors requiring the interposition of the constitutional powers of this House."

We will consider, first, the power and the right of the House to impeach, article 2, section 4, of the Constitution provides that—

"the President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, and other high crimes and misdemeanors."

Two things are necessary before the House will authorize impeachment: First, there must be an officer who, by reason of holding such office, is impeachable under the Constitution and laws of the United States, and, second, the establishment by creditable evidence of such misconduct on the part of such officer, defined as "treason, bribery, or other high crimes and misdemeanors" as will bring the office into disrepute, and which will require his removal, to maintain its purity and the respect of the people for the office.

The first question that confronts us, Is a Commissioner of the District of Columbia, appointed by the President and confirmed by the Senate, a civil officer of the United States, subject to the foregoing provision of the Federal Constitution? In order to arrive at a correct solution of this question it is necessary to review the acts of Congress relating to the District of Columbia.

The area within the District of Columbia was ceded by Maryland to, and accepted by, the Government in accordance with clause 17 of Article I of the Constitution, which granted to Congress exclusive legislative jurisdiction over such District. This in effect makes Congress the legislative body for the District with the same power as legislative bodies of the various States, and it has full authority in legislative matters pertaining to the District, subject to the prohibitions contained in the Constitution.

That act of July 16, 1790, provided for the establishment of a seat of government in the District of Columbia. On February 21, 1871 (16 Stat. L. 419), Congress created of the District a municipal corporation by the name of "the District of Columbia," with power to sue, be sued, contract, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution, the laws of the United States, and the provisions of this act.

Subsequently, on June 11, 1878 (20 Stat. L. 102), the organic act of the District of Columbia was enacted by Congress, which provides that the District of Columbia shall remain and continue a municipal corporation as provided in section 2 of the Revised Statutes relating to said District, and that the commissioners provided for should be deemed and taken as officers of such corporation.

This seems to be as clear as language can express it that thereafter the District of Columbia should enjoy a municipal corporate status and that its officers should be deemed and taken as officers of such corporation. The fact that Congress retains legislative authority and that the method of appointing Federal officers was followed in the appointment of the commissioners is not material and certainly not controlling, for the selection of the commissioners could have been delegated to the President alone or to the people of the District. Had it been the intent of Congress that the commissioners should enjoy the status of Federal officials then no expression thereon was necessary, but the fact that Congress in specific words gave them the status of municipal officers indicates clearly that Congress was making and did make a distinction as to the official status of these officers while, at the same time, retaining the Federal method of appointment.

This was a very reasonable provision for, while these officials are appointed by the President and confirmed by the Senate, they are not paid in the same manner as Federal officers. They are paid out of the District funds, to which, it is true, the Government contributes a certain sum, but they are not paid out of the Federal Treasury as are officials of the Federal Government.

While there are cases cited by Messrs. Blanton and Rankin in their briefs, upholding their contention that Mr. Fenning is a Federal official, the cases cited generally involve other questions and the decisions are not expressly upon the point at issue, and we feel that the question is settled in the following cases:

Barnes *v.* District of Columbia (91 U. S. 540), rendered before the act of Congress of February 21, 1878, "An act to provide a government for the District of Columbia"; Metropolitan Railroad Co. *v.* District of Columbia (132 U. S. 1); District of Columbia *v.* Woodbury (136 U. S. 450); Donovan *v.* United States (21 Court of Claims Reports, 120); Griffith *v.* Rudolph et al., Commissioners of the District of Columbia (298 Federal Report 672, decided in 1924).

See also opinions of the Attorney General: Opinion 22, page 59; 18, page 161; 28, page 121; 28, pages 438 and 445; 29, page 410; 30, page 122.

For the reasons stated, it is our conclusion that Frederick A. Fenning is an officer of a municipal corporation, to wit, the District of Columbia, and as such is not a civil officer of the United States and as such is not subject to impeachment.

In view of the interest manifested in this case, and at the request of both sides, we believe it to be our duty to express our views on the charges and the evidence adduced in support thereof.

CHARGE NO. 1

I charge that the said Frederick Fenning, after being appointed to such office by the President of the United States, and after he had taken the prescribed oath and assumed the duties of the office of commissioner of the District of Columbia, violated his oath and the law by violating the provisions of section 5498 of the Revised Statutes of the United States, in that he acted as attorney and received fees and commissions in violation of such law, the penalty prescribed for such violation being a fine of not more than $5,000 and imprisonment for not more than one year.

Section 5498 of the Revised Statutes of the United States:

"Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under or in connection with any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner or by any means, otherwise than in the discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gra-

tuity or any share of or interest in any claim from any claimant against the United States with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than $5,000 or suffer imprisonment of not more than one year, or both."

There is no evidence of the violation of the above section.

A commissioner of the District of Columbia is not forbidden to practice law. There is no evidence that Mr. Fenning acted as attorney in prosecuting any claim against the United States. (See Rogers's testimony, p. 310; see Fenning's testimony, p. 735.)

CHARGE NO. 2

I charge that the said Frederick A. Fenning has violated the provisions of section 500 of Title V of the World War veterans' act of 1924, as amended by the act of March 4, 1925, which provides that respecting compensation and insurance claims filed in said United States Veterans' Bureau for adjudication and not prosecuted in courts no attorney shall receive a fee of more than $10 in any one case, the penalty prescribed for its violation being a fine of not more than $500 and imprisonment at hard labor for not more than two years.

Section 500 of Title V of the World War veterans' act of 1924, as amended by the act of March 4, 1925:

"SEC. 500. Except in the event of legal proceedings under section 19, of Title I of this act, no claim agent or attorney except the recognized representatives of the American Red Cross, the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars, and such other organizations as shall be approved by the director shall be recognized in the presentation or adjudication of claims under Titles II, III, and IV of this act, and payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application to the bureau shall not exceed $10 in any one case: *Provided, however,* That wherever a judgment or decree shall be rendered in an action brought pursuant to section 19 of Title I of this act, the court, as part of its judgment or decree, shall determine and allow reasonable fees for the attorneys of the successful party or parties and apportion same, if proper, said fees not to exceed 10 per cent of the amount recovered and to be paid by the bureau out of the payments to be made under the judgment or decree at a rate not exceeding one-tenth of each of such payments until paid. Any person who shall directly or indirectly solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than $500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment."

There is no evidence of a violation of this section.

CHARGE NO. 3

I charge that the said Frederick A. Fenning has violated the law and the rules of practice of the Supreme Court of the District of Columbia, which prohibit any committee or guardian for a lunatic receiving as compensation more than 10 per cent of his ward's estate or annual income, in that the said Frederick A. Fenning in several cases wherein he is committee or guardian has received exorbitant remuneration, ranging from 12 per cent as high as 94 per cent, which facts are certified to by the auditor of the Supreme Court of the District of Columbia.

Article 1135, Code of Laws of the District of Columbia, chapter 31:

"It shall be the duty of the guardian to manage the estate for the best interests of the ward, and once in each year, or oftener if required, he shall settle an account of his trust under oath. He shall account for all profit and increase of his ward's estate and the annual value thereof and shall be allowed credit for taxes, repairs, improvements, expenses, and commissions not exceeding 10 per cent of the principal of the personal estate and on the annual income of the estate, and shall not be answerable for any loss or decrease sustained without his fault; and the court shall determine the amount to be annually expended in the maintenance and education of the infant, regard being had to his future condition and prospects in life; and the court, if it shall deem it advantageous to the ward, may allow the guardian to exceed the income of the estate and to make use of the principal and sell the same or part thereof, under its order, as hereinbefore provided in subchapter 3 of chapter 1; but no guardian shall sell any property of his ward without an order of the court previously had therefor."

The above article 1135, chapter 31, does not apply to the case of a committee. The authority of the court to appoint a committee of a lunatic is set forth in sections 115a to 115e, inclusive, of the Code of the District of Columbia. We do not find in this, however, or any law, that which limits the compensation of the committee of a lunatic as to the commission that the court may allow. (See Fenning's testimony, pp. 755–758; see Exhibit 15, report of auditor of Supreme Court, p. 406.)

In his explicative, the auditor says: "Commissions in excess of 10 per cent appear to be nominal allowances or compensation for extraordinary services."

In many cases the commissions rated in high numerals in percentage, when translated into dollars amount to only $5, $6, or $7 for a year's service, in the respective cases.

CHARGE NO. 4

I charge that the said Frederick A. Fenning is guilty of what in every State of the Union is commonly known and denominated as the criminal offense of barratry, and what the common law applicable to the District of Columbia constitutes as barratry, in that he has excited, stirred up, and fomented claims against the Government, and many ex parte lunacy suits in the Supreme Court of the District of Columbia, and in that he has specially solicited individuals to employ him as their attorney to prosecute for them certain claims against various departments of the Government of the United States, and before the Congress of the United States, and before the courts of the United States; and in that he has solicited individuals to employ attorneys with whom the was associated or affiliated to prosecute claims and suits for them wherein he received a division of the fee; and that the said Frederick A. Fenning is and has been a common barrator.

The evidence does not sustain this charge.

CHARGE NO. 5

I charge that the said Frederick A. Fenning has committed the offense of champerty, and through direct solicitation has induced others to employ him as their attorney in many champertous agreements, wherein they were to be out no expense and not to pay any fee unless he recovered, in which event he was to be paid a part of the amount he recovered, and that the said Frederick A. Fenning is and has been a common champertor.

The evidence does not sustain this charge.

CHARGE NO. 6

I charge that continuously during the past 23 years the said Frederick A. Fenning has wrongfully conspired and confederated with Dr. William A. White, superintendent of St. Elizabeths Hospital, an institution of the United States Government, in an improper agreement and practice whereby the said Frederick A. Fenning was given an improper, selfish, monopolistic, inside concession not allowed to other attorneys, wherein he was permitted to personally examine all records, correspondence, and papers relating to inmates of such institution, and thereby ascertain which of said wards of this Government had money, property, or compensation or pension claims against the Government of the United States, a privilege denied to other attorneys, and whereby the said Frederick A. Fenning would act as attorney for the said Doctor White or would have his law partner act as such attorney for said Doctor White in filing in the Supreme Court of the District of Columbia said Doctor White's petition praying that a certain inmate, found to possess money or property or to have a claim against the Government, be adjudged of unsound mind, and praying that a committee be appointed by the court to take charge of such estate and prosecute such claim against the Government, and in which petition said Fenning would have the said Doctor White recommend the said Frederick A. Fenning as the committee to be appointed, and I charge that in pursuance of said wrongful conspiracy and improper practice the said Frederick A. Fenning induced the said Doctor White to execute over 200 such petitions, which said Fenning filed in the said Supreme Court of the District of Columbia, wherein said Fenning was recommended for committee, and in which cases the court appointed said Fenning as committee or guardian, and as such said Fenning came into possession of the money and property and income of his said ward and prosecuted said ward's claims against the Government of the United States, and out of which estate and annual income the said Frederick A. Fenning has received annually a large per cent.

The evidence does not show a conspiracy between Frederick A. Fenning and Dr. William A. White. (See testimony of Frank M. Finotti, pp. 177–179; see testimony of Doctor White, pp. 598–602–615–616–617–618–619.)

The above testimony shows Mr. Fenning was given access to correspondence showing next of kin of wards.

Testimony of William H. Hayden, pages 198–201, shows Mr. Finotti advised Mr. Fenning of arrival of patients.

There is no evidence tending to show that the privilege contained in this charge was denied to other attorneys.

See testimony of Doctor White, pages 614 to 618, inclusive, as to number of petitions executed by him, number of wards, etc.

CHARGE NO. 7

I charge that the said Frederick A. Fenning, about 23 years ago, wrongfully and improperly solicited the justice of the Supreme Court of the District of Columbia then having charge of lunacy cases, to appoint him guardian or committee in all lunacy cases, and that said Fenning was then told by said justice that we would not appoint as committee or guardian any person except the one recommended in the petition, and that then and continually since then, the said Frederick A. Fenning has wrongfully and improperly solicited all persons who might file such petitions to name him therein as committee or guardian, and he has written many persons whom he had never seen or known, urging that they grant him permission to file such petitions for them,

with himself named therein as the one recommended for appointment as guardian or committee.

There is no evidence to support this charge.

CHARGE NO. 8

I charge that the said Frederick A. Fenning has admitted under oath that about 23 years ago he caused to be originated the unlawful and improper practice of paying out of the estate of the person adjudged to be of unsound mind a fee of $10 to each doctor employed in St. Elizabeths Hospital who signed one of the two required affidavits certifying that he deemed such person of unsound mind, notwithstanding the fact that the law requires all of said doctors employed in St. Elizabeths Hospital to give all of their time to St. Elizabeths Hospital, and said Fenning testified under oath that when about 23 years ago he asked the presiding justice to allow such fees to said doctors, that the said justice of the court asked him to look up, whether there was any law allowing it, and that after two weeks search he could find none, whereupon, although there was no authority for same, the court entered an order allowing it, and that such a fee has been unlawfully and wrongfully paid to said doctors ever since, and I charge that said Frederick A. Fenning thus caused a wrongful and unlawful system to be inaugurated and followed continuously for 23 years, which squanders in unwarranted costs the estates of his wards, and I charge that said Frederick A. Fenning thus used his wards' money to buy favors from and to ingratiate himself into the good graces of all the doctors in St. Elizabeths Hospital, whom he expected to use in his business, and I charge that continuously for the past 23 years the said Frederick A. Fenning has thus paid a fee of $10 wrongfully to a doctor in St. Elizabeths Hospital, and has also paid a second fee of $10, wrongfully, either to his brother-in-law, Dr. J. Ramsey Nevitt, who during all such time has been coroner of said District, or to some other friendly doctor in the District of Columbia, and this, too, when the said Fenning knew that under the law and practice in the Supreme Court of the District of Columbia he was entitled to have doctors give their testimony in insanity cases for $1.25 per day.

Mr. BLANTON'S own statement, page 600, shows that practice of paying doctors for testifying in insane cases was discontinued in 1907.

Doctor White's testimony, page 598, shows that practice was discontinued shortly after he became superintendent.

Also Doctor White's testimony, page 619.

See Fenning's testimony, pages 870–871.

There is no law requiring the doctors to give all their time to the hospital.

Section 4829 of the Revised Statutes, as amended by act of February 2, 1909 (35 Stat. 592), is the only law upon the subject and relates exclusively to the superintendent of the Government Hospital for the Insane.

There is no evidence to show Dr. J. Ramsey Nevitt received any fee during the past 15 years.

See Fenning's testimony, pages 872–873.

There is no evidence that doctors giving testimony in insanity cases are entitled only to $1.25 per day, or any other fixed amount.

CHARGE NO. 9

I charge that the said Frederick A. Fenning, by inaugurating the wrongful and unlawful practice of paying $10 in each case to some doctor in St. Elizabeths Hospital for testifying in a lunacy case, has incited the said Doctor White to wrongfully and unlawfully sell his testimony to criminals, as he did when he testified for Clarence Darrow in the Leopold and Loeb case in Chicago, and received therefor $250 per day for 14 days.

There is no evidence to support this charge. (See Doctor White's testimony, p. 620; see Fenning's testimony, p. 873.)

CHARGE NO. 10

I charge that the said Frederick A. Fenning, since the United States entered the World War April 6, 1917, has been allowed by the auditor of the Supreme Court of the District of Columbia and has received as fees and commissions from the estates of his said wards the enormous sum of $98,544.46, and that, too, when his services to such wards was of practically no value whatever, and when some of said wards had never seen him, and that the said auditor of the Supreme Court of the District of Columbia has certified officially that said Frederick A. Fenning has been allowed and has received the said sum of $98,544.46 as his fees and commissions since April 6, 1917.

Summary of cases, amount of fees, etc., where Fenning acted as committee of veterans, on pages 23, 24, 25, 26, 27, also pages 33, 34, and 35.

The character of the service rendered to such wards is set forth in each report filed with the auditor of the Supreme Court of the District of Columbia and approved by the court.

CHARGE NO. 11

I charge that the auditor of the Supreme Court of the District of Columbia has certified officially to the following: That in the case of Daniel G. Campbell, lunacy No. 4073, the rate of commission received by Frederick A. Fenning amounted to 15 per cent in 1920, 24 per cent in 1921, 23 per cent in 1922, 23 per cent in 1923, 31 per cent in 1924, and 36 per cent in 1925; that in the case of Daniel Paul Fenn, lunacy No. 4405, the rate of commission received by Frederick A. Fenning was 15 per cent in 1920, 18 per cent in 1921, 24 per cent in 1922, 25 per cent in 1923, 25 per cent in 1924, and 21 per cent in 1925; that in the case of Patrick Griffin, lunacy No. 4252, the rate of commission received by Frederick A. Fenning was 16 per cent in 1920, 18 per cent in 1921, 15 per cent in 1922, 25 per cent in 1923, 50 per cent in 1924, 31 per cent in 1925, and 32 per cent in 1926; that in the case of James A. Higginson, lunacy No. 3887, the rate of commission received by Frederick A. Fenning was 32 per cent in 1920, 16 per cent in 1921, 35 per cent in 1922, 19 per cent in 1923, 46 per cent in 1924, and 22 per cent in 1925; that in the case of William John Kennedy, lunacy No. 3694, the rate of commission received by Frederick A. Fenning was 30 per cent in 1920, 28 per cent in 1921, 25 per cent in 1922, 26 per cent in 1923, 25 per cent in 1924, and 37 per cent in 1925; that in the case of Patrick J. Byrne, lunacy No. 3682, the rate of commission received by Frederick A. Fenning was 24 per cent in 1920, 24 per cent in 1921, 37 per cent in 1922, 49 per cent in 1923, 37 per cent in 1924, and 64 per cent in 1925; and that in the case of John Flavehan, lunacy No. 1320, the rate of commission received by Frederick A. Fenning on January 22, 1926, for the preceding year was 94 per cent.

Auditor's report, pages 406–420, inclusive, shows amount of commission received each year in the several cases mentioned in this charge, set forth both in percentages and amounts.

See Fenning's testimony on each of these cases, beginning on page 755.

The annual reports in these cases show that out of a total of 39 reports 6 of them were signed and approved by Justice McCoy and the other 33 were signed and approved by the other five judges of the court.

CHARGE NO. 12

I charge that said Frederick A. Fenning made a deliberate attempt to deceive Congress when, in the prepared typewritten statement he sent to Representative MARTIN B. MADDEN and requested its insertion in the record on Friday, April 16, 1926, he intimated that Gen. Frank T. Hines, Director of the United States Veterans' Bureau, erred when he certified that said Fenning received 10 per cent of the estate and annual income of his Veterans' Bureau wards, said Fenning intimating that his commission was only 5 per cent in most instances.

There is no evidence to support this charge.

CHARGE NO. 13

I charge that said Frederick A. Fenning made a deliberate attempt to deceive Congress when, in his said prepared statement, he falsely stated that the $109,070.25 fees and commissions which the auditor of the Supreme Court of the District of Columbia had certified had been allowed to said Fenning "includes the full amount of commission and counsel fees in cases going back to the year 1903," because as a matter of fact many fees and commissions received by the said Fenning do not appear in said auditor's certificate, and said auditor certifies officially that since we entered the World War in 1917 the fees and commissions allowed by the auditor to said Frederick A. Fenning amounted to $98,544.46, thus showing affirmatively that of the said $109,070.25 allowed said Fenning in fees and commissions only $10,525 was allowed prior to April 6, 1917, and said Fenning is yet to receive his commissions on all cases for the last 12 months that will end on the court year expiring May 1, 1926.

There is no evidence to support this charge.

Auditor's exhibits heretofore referred to set forth the fees and commissions, both in percentages and amounts.

CHARGE NO. 14

I charge that since our brave ex-service men have returned from France wounded and shell shocked in the World War said Frederick A. Fenning as guardian and committee for wards of our Veterans' Bureau has received from said United States Veterans' Bureau the enormous sum of $733,855.87 compensation and insurance due them, and that he has deposited same in his own bank, the National Savings & Trust Co., of which he is a director and in which he owns stock, and that he receives substantial benefits from such deposits by receiving increased dividends on his stock in said institution.

The evidence does not show any violation of law.

See page 13, stipulation between proponent and respondent, that Fenning is a director and stockholder in the National Savings & Trust Co., holding 15 shares of the 10,000 shares of stock, representing $1,500, out of a capitalization of $1,000,000.

CHARGE NO. 15

I charge that the said Frederick A. Fenning in making loans of his wards' money, as the law requires him to do, has received discounts or commissions or brokerage fees additional to the interest carried in the notes or obligations, and that when making for said Fenning a loan of $15,000 said National Savings & Trust Co., received a commission which benefited said Fenning either directly or indirectly.

There is no evidence to support this charge.

See testimony of William L. Browning, page 689.

See page 759, $250 Browning note, credited to estate of Daniel G. Campbell.

CHARGE NO. 16

I charge that the said Frederick A. Fenning has deceived the Supreme Court of the District of Columbia by having different justices thereof to allow him to deduct from the annual income of his wards the annual premium paid to the bonding company for his fiduciary bond and not disclosing to such court that he is the solicitor for such bonding company and as such receives from said bonding company a commission of from 15 to 20 per cent of such annual premium, and I charge that said Frederick A. Fenning now holds a solicitor's license issued by the department of insurance for the District of Columbia in the following companies, to wit: The Massachusetts Bonding & Insurance Co., of Boston, Mass.; the United States Fidelity & Guaranty Co., of Baltimore, Md.; and the Great American Insurance Co., of New York, which expire May 1, 1926, and are renewed annually, and as such solicitor he is authorized to receive commissions, rebates, and compensation on business he causes to be given to such companies. And I charge that he is guilty of moral turpitude in being solicitor for said companies, as such interest conflicts with his duties as Commissioner of the District of Columbia and has influenced his action in adversely passing on an important insurance bill of about 100 pages which his said companies have been opposing in many respects.

See testimony of Thomas M. Baldwin, jr., superintendent of insurance, District of Columbia, commencing page 229, particularly set forth on page 235, showing insurance companies and their character, of which Fenning was agent.

Judge Siddons, of the Supreme Court of the District of Columbia, recently ruled in the Adler case that Fenning was not entitled to keep the commissions which he received from the bonding companies for bonding himself as committee of his wards. The court stated, however, that "The evidence in this case does not justify the view that Mr. Fenning intended to perpetrate a fraud or to profit at the expense of the estate committed to his hands. The evidence shows, at most, a mistake of judgment or misconception of what his duty as committee required of him."

CHARGE NO. 17

I charge that the said Frederick A. Fenning is attorney for the Medical Society of the District of Columbia, and is paid an annual fee by them, and that such employment has interfered with his duties as commissioner and has adversely influenced his official action in that he has opposed and refused to favorably report a bill sought to be passed by the chiropractors, and which bill his clients are opposing.

It is admitted that Fenning was attorney for the Medical Society of the District of Columbia at a compensation of $200 a year.

There is no evidence that Mr. Fenning's employment as said attorney has interfered with his duties as commissioner.

There is no proof that his position as attorney has adversely influenced his official action in opposition to the chiropractors' bill.

See testimony of Dr. Hubert Roberts, commencing on page 483.

CHARGE NO. 18

I charge that the said Frederick A. Fenning, as attorney for the said Medical Society of the District of Columbia, in disregard of his duties as said commissioner, has incited, aided, and abetted the doctors employed in St. Elizabeths Hospital, who by law are required to devote all of their time to such institution, to engage in private practices here in the District of Columbia; that as attorney for said medical society he has incited, aided, and abetted certain of the doctors employed in the United States Veterans' Bureau, and who are by law required to give all of their time to said bureau, to engage in private practice here in the District of Columbia, such doctors using the equipment of the Government in their said private practice; and that the said Frederick A. Fenning has knowingly permitted the District alienist, Dr. Percy Hickling, who receives a salary of $3,300 for all of his time, to sell his testimony at the rate of $50 per day and more to lawyers, both in the District and outside of it.

There is no testimony to support this charge.

CHARGE NO. 19

I charge on reliable information that Frederick A. Fenning is attorney for and is financially interested in the undertaking business of Joseph Gawler's Sons (Inc.), and that during the past 23 years has caused many bodies from St. Elizabeths Hospital to be turned over to said undertaker for burial, a number of them being wards of said Fenning, and that in the lunacy case of Walter Garland Allen, No. 10713, the said Frederick A. Fenning, on March 24, 1926, paid to said undertaker the sum of $107.81 for burial expenses, which amount was the total residue of his ward's estate, after taking from same his own fees and commissions, and at such time said Fenning knew that for a charge of only $52 Undertaker Tabler furnishes everything necessary and conducts decent funerals for wards of the United States Veterans' Bureau, and I charge further that through confederation with his said brother-in-law, Coroner J. Ramsey Nevitt, and his employee, Bill Franklin, said Fenning wrongfully caused the body of one drowned in the basin, which body was demanded by the Veterans' Bureau and should have been turned over to it, to be wrongfully turned over to Undertaker Tullavull, who made the Government pay $108.50 for same, but which would have cost the Government only $52 for identically the same kind of funeral had said body been turned over to the Veterans' Bureau and the funeral conducted by the bureau's undertaker, Tabler.

See page 14, stipulation between proponent and respondent that Mr. Fenning owns one share of stock in Joseph Gawler's Sons undertaking establishment and that he is attorney for the said corporation. The evidence does not show any violation of law.

As to number of bodies buried from St. Elizabeths Hospital by Joseph Gawler's Sons (Inc.), see testimony of Dr. Watson W. Eldridge, commencing on page 520.

See proponent's Exhibits 16 and 17, not reproduced in the record.

As to Mr. Fenning's compensation from Gawler's Sons undertaking establishment, see testimony Mr. Alfred B. Gawler, page 647.

See Fenning's testimony, commencing on page 904.

There is no proof to support charge as to body of drowned veteran found in the basin, or that Bill Franklin and Coroner J. Ramsay Nevitt and Fenning confederated in the burial of said body.

See testimony of Clarkson E. Greer, commencing on page 249.

See Fenning's testimony, commencing page 905, as to case of Walter Garland Allen, in said charge. The only evidence is contained in testimony of Mr. Fenning, pages 904 and 905.

CHARGE NO. 20

I charge that the said Frederick A. Fenning, without having any acquaintance whatver with her, solicited Mrs. Eudora S. Kelly, of Sharon, Mass., to employ him as her attorney to prosecute a claim of $1,800 against the Government, which he agreed to do without any expense to her whatever, but that after the United States made payment to her he was to receive a portion of the amount paid her, and that when he learned that she had already employed Lyon & Lyon, attorneys, of Washington, D. C., to prosecute this claim for her, said Fenning solicited the help of one Henry P. Fellows and through him finally influenced the said Mrs. Eudora S. Kelly to break her contract and power of attorney with Lyon & Lyon and to discharge them and to employ said Fenning.

There is no proof of any wrong in this case. (See testimony of Henry P. Fellows, attorney at law, Boston, Mass., attorney for Mrs. Eudora S. Kelly, commencing on p. 243.)

CHARGE NO. 21

I charge that said Frederick A. Fenning, while Commissioner of the District of Columbia, on June 10, 1925, represented a client and as attorney filed in the Supreme Court of the District of Columbia a petition in lunacy, case No. 10890, and as such attorney caused Michatel Flaherty to be adjudged of unsound mind, and in his petition had himself recommended for committee, and had himself appointed as such committee, after which, as such, he prosecuted a claim against the Government of the United States, and on June 20, 1925, reported to the court that he had received from the United States Navy the sum of $565.80 as back pay due said Flaherty, and that he expected to receive from the United States Navy the sum of $94.30 each month thereafter as pay due his said ward.

There is no evidence to support this charge. (See testimony of Paul V. Rogers, p. 306.)

CHARGE NO. 22

I charge that said Frederick A. Fenning, while Commissioner of the District of Columbia, on September 22, 1925, appeared in the Supreme Court of the District of Columbia as an attorney for a client whose business he had solicited and as such attorney filed a petition in lunacy, case No. 11041, seeking to adjudge Richard M. Norris of unsound mind, said Fenning in his said petition alleging "that Richard M. Norris is entitled to war-risk compensation monthly, the amount not yet known," which showed that to recover same it would be necessary for him to prosecute a claim before the Veterans' Bureau, and as such attorney said Fenning had said Norris adjudged of unsound mind, and as said attorney said Fenning did prosecute such claim before said United States Veterans' Bureau in violation of law, and had such claim allowed, and on January 20, 1926, as such attorney said Fenning made report to the court showing that his client had received a check from the United States Veterans' Bureau and had deposited it in the said National Savings & Trust Co.

There is no evidence in this case of violation of the law. (See testimony Paul V. Rogers, p. 305.)

CHARGE NO. 23

I charge that the said Frederick A. Fenning, while Commissioner of the District of Columbia, appeared in the Supreme Court of the District of Columbia as attorney for his client, which business he solicited, and on the 20th day of October, 1925, filed a petition in lunacy, case No. 11092, seeking to adjudge Francis D. Allen of unsound mind, and in such petition recommending that he be appointed committee, and said Fenning alleging in his said petition that the said Allen is entitled to recover from the United States Navy retired pay of $150 per month as a lieutenant in the Navy; and that as such attorney said Frederick A. Fenning tried said case on November 20,

1925, and caused said Allen to be adjudged of unsound mind and caused himself to be appointed committee, and that on December 9, 1925, said Frederick A. Fenning reported to the court by his sworn pleading that he had received from St. Elizabeths Hospital $116.55 due said Allen, and that he expects to receive from the United States Navy $150 per month as retired pay due said Allen, and that he expects to receive certain funds said Allen has on deposit in a New York bank, and that he expects to receive proceeds from the sale of certain lots said Allen owns in New York, and that he expects to recover a refund of a deposit which said Allen made on a house in Pennsylvania, and upon all of which proceeds said Fenning will unlawfully receive at least 10 per cent annually.

There is no evidence in this case of a violtion of the law. (See testimony Edward C. Allen, commencing on p. 276; see testimony of Mrs. Annie R. Piquett, commencing on p. 288; see testimony of Mrs. Pickrell, commencing on p. 330.)

CHARGE NO. 24

I charge that the said Frederick A. Fenning, while a Commissioner of the District of Columbia, appeared as an attorney for his client in the Supreme Court of the District of Columbia and on December 2, 1925, filed a petition in lunacy case No. 11137 in said court, seeking to adjudge Charles L. Cunningham as of unsound mind, that the case was tried on December 4, 1925, and the judgment decreeing said Cunningham of unsound mind recites that petitioner appeared as his attorney—Frederick A. Fenning—and I charge that on January 27, 1926, said Commissioner Frederick A. Fenning, as said attorney, filed with said supreme court a petition for his client, stating that petitioner had employed said Frederick A. Fenning and Paul V. Rogers as attorneys, and asking permission to pay them their fee of $150, and that on that same day, January 27, 1926, said Frederick A. Fenning secured a signed order from Chief Justice McCoy authorizing the payment of said $150 fee to said Frederick A. Fenning and Paul V. Rogers, as attorneys, and that said Fenning received such fee in violation of the laws hereinbefore mentioned, and that on said January 27, 1926, said Frederick A. Fenning filed a petition for his client showing that petitioner had collected from a bank and the United States Navy the total sum of $1,605.13, which was deposited in said National Savings & Trust Co., said Fenning's bank.

There is no proof in the case of a violation of the law. (See testimony Paul V. Rogers, pp. 305–309.)

Addenda as to charges 21, 22, 23, and 24: There is no proof that Mr. Fenning appeared in court or before any of the departments, as attorney in these cases, and if he had, there is no law against the commissioner engaging in the practice of the law.

CHARGE NO. 25

I charge that the said Frederick A. Fenning, while Commissioner of the District of Columbia, during the four months from December 1, 1925, to March 31, 1926, permitted the corporation counsel of said District, in the name of the Commissioners of said District of Columbia, as petitioners, to file in the Supreme Court of the District of Columbia 150 cases of lunacy and caused 150 human beings, and residents of said District, to be incarcerated in insane asylums, charged with being of unsound mind, when many of said persons are sane and should not be deprived of their liberty.

There is no testimony to support this charge.

See testimony of Mr. Henry E. Davis, page 472, as to how the practice originated, in having Commissioners of the District of Columbia petition the court in cases of lunacy.

CHARGE NO. 26

I charge that the said Frederick A. Fenning continuously for the past 23 years has conspired and confederated with the said Dr. William A. White to block and prevent sane patients wrongfully incarcerated in St. Elizabeths Hospital from securing their liberty through habeas corpus proceedings, and I charge that Frederick A. Fenning admitted under oath that he went to the court and caused the court not to discharge Miss Cornelia A. Corbett and her mother, and he thus wrongfully kept them in St. Elizabeths for two years and four months, during all of which time they were sane, and while there he squandered their property, and that when finally an able lawyer in the District, through habeas corpus proceedings, forced a trial for them before the court they were adjudged of sound mind and released, and that the said Miss Cornelia L. Corbett, in cause No. 49104, law, sued said Frederick A. Fenning in the Supreme Court of the District of Columbia and recovered a judgment against him and made him pay back to her a part of the value of her property which he had squandered, and that said wrongful acts of said Fenning caused the premature death of Mrs. Corbett.

There is no proof to support this charge.

Testimony as to manner in which Miss Cornelia A. Corbett and her mother were committed to St. Elizabeths Hospital is found in the testimony of Miss Corbett, commencing on page 501.

Her testimony also shows how property belonging to her was sold by Mr. Fenning under public auction.

Also see testimony of Robert H. McNeill, who was attorney for Miss Cornelia Corbett and her mother in habeas corpus proceedings, commencing on page 581.

CHARGE NO. 27

I charge that said Frederick A. Fenning is now holding in St. Elizabeths Hospital Lieut. F. D. Allen, who is sane, and that said Fenning is squandering his property.

There is no testimony to support this charge.

CHARGE NO. 28

I charge that in each of his cases said Frederick A. Fenning charges against his ward's estates a notary fee, in each and all of the many papers he must file under oath, when such notary is an employee of his law office and such fees are allowed by the court when they are not proper fees.

There is no testimony at all tending to show that the notaries' fees were not proper fees.

As to notarial charges, see testimony of Miss Helen LaSano, commencing on page 313.

CHARGE NO. 29

I charge that said Frederick A. Fenning uses his said office of Commissioner of the District of Columbia for his own selfish benefit and advantages, and that he exercises his power in an arbitrary and tyrannical manner, evidenced by his wrongful demotion of Inspector Albert J. Headley and punishing Officer Gore for doing his duty.

The evidence is insufficient to support this charge. (See testimony Albert J. Headley, captain Metropolitan police department, commencing on p. 326 and renewed on p. 1001; see testimony of Marshall R. Gore, commencing on p. 449; see Fenning's testimony, commencing on p. 924; see testimony M. O. Eldridge, director of traffic, District of Columbia, commencing on p. 1008.)

CHARGE NO. 30

I charge that on February 12, 1926, said Frederick A. Fenning wrongfully and without cause, but for the selfish purpose of giving a $2,100 position to his prospective son-in-law, Dr. Floyd M. J. Allen, forced out of office Dr. C. J. Murphy and put in his place the said Allen as a police and fire surgeon of the District.

There is no testimony to support this charge. (See testimony Dr. Christopher J. Murphy, commencing on p. 438; see Fenning's testimony, commencing on p. 933.)

CHARGE NO. 31

I charge that in February, 1926, said Frederick A. Fenning, in order to promote one of his friends, wrongfully retired on pay of $100 per month for life Sergt. Robert E. Lee, a physical giant, 6 feet 2 inches tall, 55 years old, weighing 225 pounds, who for four years had not missed a day for sickness, and concerning whom all of his brother officers testified there was no better man on the force, and that said Fenning arbitrarily refused to grant a proper hearing on the matter, requested by a Member of Congress.

There is no testimony to support this charge. (See testimony of Robert E. Lee, commencing on p. 454; see Fenning's testimony, commencing on p. 938; see letters of Blanton to Fenning, p. 948 and p. 950.)

CHARGE NO. 32

I charge that on March 3, 1926, said Frederick A. Fenning wrongfully removed from office Dr. Edward Comstock Wilson, the hero of Knickerbocker Theater, as medical inspector of schools, for the selfish and wrongful purpose of putting in his place an old friend of Dr. William A. White, who is 73 years of age, simply because when said White and Fenning were under fire in a congressional investigation in 1906 this now 73-year-old doctor then sympathized with them.

There is no proof to sustain this charge. (See testimony Dr. Edward C. Wilson, p. 443; see Fenning's testimony, commencing on p. 953.)

CHARGE NO. 33

I charge that the said Frederick A. Fenning and Dr. William A. White are jointly interested in certain financial investments together, and in February, 1920, carried a partnership account in the Washington Loan & Trust Co., and that their relation is such that neither can render to the public that quality of service to which the public is entitled.

Testimony shows that Dr. William A. White and Mr. Fenning had started joint account 15 years ago for the purpose of buying second real-estate notes. (See testimony, Doctor White, pp. 594, 595, 621, and 622; see Fenning's testimony, p. 598.)

CHARGE NO. 34

I charge that the said Frederick A. Fenning has made a deliberate attempt to deceive Congress when in said prepared statement he denied the report which the Veterans' Bureau inspector, Dr. Henry Ladd Stickney, filed with the bureau on April 26, 1924, wherein Doctor Stickney charged that said Fenning "constantly opposes the transfer of his wards from St. Elizabeths Hospital," and I charge that for over three years said Fenning has refused to turn over to Mrs. Eliza Lee,

the legal guardian of the person and estate of her son, Roley Lee, her said son, but withholds him from her, and that said Fenning has already received in his fees and commissions the sum of $1,155.27 from the estate of said Roley Lee, who was shell shocked in France and is a World War veteran.

There is no proof to sustain this charge. (See testimony, Mrs. Eliza Lee, commencing on p. 295; see testimony, Dr. Henry Ladd Stickney, commencing on p. 556; see Fenning's testimony, commencing on p. 958; see testimony, Herbert L. Davis, auditor, commencing on p. 403.)

Having determined that Frederick A. Fenning is not a Federal officer and therefore not subject to impeachment, and having made specific findings of fact upon the charges preferred, under the evidence adduced we feel it our duty to express our views upon certain conditions as disclosed by the evidence.

1. The practice which Mr. Fenning followed of acting as agent for a bonding and surety company, writing his own bond as committee and charging the estate of his ward for the premium and receiving from the bonding company a commission upon his bond or surety is illegal and contrary to law. It is only fair to add, however, that Justice Siddons, in the Adler case, recently decided in the Supreme Court of the District of Columbia, stated that the evidence in this case does not justify the view that Mr. Fenning intended to perpetrate a fraud or to profit at the expense of the estate committed to his hands. The evidence shows, at most, a mistake of judgment or misconception of what his duty as committee required of him.

2. While the evidence submitted discloses the fact that Mr. Fenning took care of the estates of his wards, nevertheless, by reason of the great number of his wards his guardianship became impersonal and he could not and did not give to his wards that personal care and supervision which, after all, is the more important function of a guardian or committee, and which service was doubtless considered by the court as an element in allowing his compensation. We believe legislation should be promptly enacted which would in the future preclude any one person or corporation from acting as committee for more than a limited number of patients, in order that the committee may give to the ward that personal supervision so essential to his welfare. We further believe that in the first instance a near relative should be selected for this service, if a suitable person can be found, but if not, then provision should be made for a committee to be selected by the court.

3. While there was no evidence submitted of any fraud or conspiracy between Mr. Fenning and certain employees of St. Elizabeths Hospital, nevertheless, the business relation of Mr. Fenning with these officials were of such a close nature and extended over so many years as to suggest that Mr. Fenning was given the preference in seeking clientage among the patients confined in that institution. The practice which seems to have grown up in this District, extending over a period of some 23 years, whereby Mr. Fenning was able to become the committee of hundreds of insane patients, many of them veterans of wars to whom the Government was making liberal allowances, and from which allowances Mr. Fenning was enabled to collect commissions, which commissions during the high tide of his committeeship amounted to approximately $20,000 per year, is a practice which can not be too severely criticized and condemned, and Congress should forthwith and without delay enact legislation which will forever correct this evil, and prevent anyone in the future from profiting from the misfortunes of others who in times of distress sacrificed in behalf of our country.

4. There was evidence submitted upon the question of Mr. Fenning's connection with a certain banking institution and with a certain undertaking establishment. While this evidence does not indicate any wrong act in that respect, but taken in connection with the practice Mr. Fenning pursued in becoming committee for a large number of patients, the large amount of money coming into his hands because of such activities, points to the building up of a system through which all the profits accruing might go to Mr. Fenning or to some corporation, and is a further argument against one person acting as committee for so many unfortunates.

5. Where insane ex soldiers, sailors, and marines are concerned the United States Government should have officials designated to look after, without charge, the estates of such persons, and that no part of said estates should be expended in commissions or fees; but that the whole of the estates should be for the sole benefit of the veterans and their dependents.

6. The committee should not accept pay, directly or indirectly, while occupying a fiduciary relation, other than by direct allowance by the court, and even then we think that in no case should the allowance exceed 10 per cent of the estate of the ward.

7. It appears from the evidence that officials of the District of Columbia transact business with the District through corporations in which they are directly or indirectly interested. This is a practice which is subject to severe criticism and condemnation, and if continued necessarily leads to favoritism, and officials who follow this practice can not give impartial service to the District of Columbia. The practice should not be allowed.

8. It is our recommendation that the proper committees of Congress should give early consideration to the facts that have been brought out in this investigation and recommend remedial legislation.

Minority Views of Mr. Major

As the ranking minority member of the subcommittee of the Judiciary Committee, to which was referred and which has had under consideration the charges preferred by Representative Blanton, of Texas, against Frederick A. Fenning, I wish to present my individual views.

First, after a careful consideration of the law, the decisions of the courts, and the opinions of the Attorneys General, I find the weight of authority to hold that a Commissioner of the District of Columbia is not a Federal officer but a municipal officer of the District, and, therefore, not subject to impeachment proceedings. Logically this should end and dispose of the matter so far as the Judiciary Committee is concerned. Both parties, however, having requested that we go into the facts and make findings thereon, the majority of the committee saw fit to comply with their request.

While the evidence presented does not show technical violation of the law, it does disclose a state of facts not to be commended by any right-thinking layman, and especially not by a committee of lawyers who, by their experience and training, are better qualified to read between the lines than any others. The evidence, while not disclosing a violation of law, in my opinion, and while the acts of the commissioner complained of might be said to be within the law, nevertheless the record in this case discloses a practice to be condemned rather than commended.

Wherever and whenever one lawyer secures the number of lunacy cases that the record discloses that Frederick A. Fenning has secured in this community and from which he receives the remunerations that he has, there is undoubtedly and indisputably some system in vogue that does not meet with the approval of legal ethics or common practice. He could not do this without assistance and cooperation, and while the record does not disclose from whence his assistance came, nevertheless it is sufficient to warrant the condemnation of any lawyer in this country who has any regard for professional ethics, fair dealing, and commendable conduct.

In conclusion I wish to say that I feel convinced that the usefulness of this commissioner in the District is at an end and that the interests of this Government and of the District can be best subserved by his immediate removal by the only authority that can remove him—the power that created him—the President of the United States.

Sam C. Major.

Minority Views of Mr. Weller

The Commissioners of the District of Columbia and their legal status

Mr. Frederick A. Fenning was appointed one of the commissioners of the District of Columbia by the President of the United States on June 5, 1925, and the appointment was confirmed by the Senate on December 22, 1925. The appointment was what is known as a recess appointment, and upon taking the customary oath of office of the United States he immediately entered upon the discharge of his duties.

On the 19th day of April a Member of the House of Representatives, under the high privilege conferred by such membership, impeached Mr. Fenning. Specific charges were made against him, and on a vote of the House a resolution was adopted empowering the Committee on the Judiciary to investigate all of the acts of alleged misconduct set forth by the Member who impeached Mr. Fenning. Whereupon testimony was taken, witnesses were called, exhibits were offered in evidence, and the question that now presents itself is whether an officer known as a Commissioner of the District of Columbia is a civil officer of the United States and subject to impeachment.

If a commissioner is not a civil officer performing the duties incident to the administration of the Government of the United States, it is conceded that he would not be subject to impeachment. But it may also be said, as will appear hereafter, that whether he is subject to impeachment or not the President would have the power to remove the commissioner from office if the commissioner were guilty of misconduct in office.

For the purpose of brevity this report is divided into two parts—1, the history of the District of Columbia, the nature and extent of its powers and jurisdiction under the Constitution, and, 2, whether a Commissioner of the District of Columbia is a civil officer performing the duties of an officer of the United States within the meaning of the Constitution of the United States.

I. History of the District of Columbia

The District of Columbia is Federal territory founded by the Constitution of the United States, and by section 1 of the act of July 16, 1790, its character was defined and declared under the Constitution to be the permanent seat of the Government. This act made the District

of Columbia a body corporate for municipal purposes "not inconsistent with the Constitution and laws of the United States."

By section 13 of the act of February 21, 1791, the executive power in this municipal corporation was vested in a governor, to be appointed by the President, with the advice and consent of the Senate, to hold office for four years.

On February 21, 1871 (U. S. Stat. L., vol. 16, p. 419), Congress provided that the District of Columbia be created. The executive power is vested in a governor, to be appointed by the President, with the consent of the Senate, and to hold office for four years. The salaries of the governor and the secretary, also to be appointed by the President, are to be paid "at the Treasury of the United States."

From the foregoing it is clear that the present commissioner holds office not only subject to the appointment and removal by the President, but subject to all the rights and privileges of Federal officers. To say that an office created by Congress, whose source of jurisdiction resides in the provisions of the Constitution, can not be impeached for misconduct strikes at the heart of the very provision of the Constitution itself. In passing we should note that the Constitution does not provide that commissioners should hold office only during good behavior. The fact that a commissioner acts for and in behalf of the United States in administering the affairs of the municipal corporation imports that he is the direct representative of the sovereign of the United States.

Congress directly asserts in the act of 1878 that the District of Columbia shall remain and continue a municipal corporation and the commissioners herein provided for shall be deemed and taken as officers of such corporation; and all laws now in force relating to the District of Columbia not inconsistent with the provisions of this act shall remain in full force and effect.

Under the act of June 11, 1878 (U. S. Stat., vol. 20, p. 102), it is provided that the President, by and with the advice and consent of the Senate, shall appoint two persons, who shall exercise all the powers and authority now vested in the Commissioners of the District, and they shall, before entering the discharge of their duties, take an oath to support the Constitution of the United States and to faithfully discharge the duties imposed upon them.

The courts have in no unmistakable terms found that the foregoing acts of Congress were not only constitutional but that such acts were defined for the purpose of providing executive, legislative, and judicial machinery for the territory known as the seat of our Government. Congress endeavored by these acts to give local autonomy or home rule to the people residing in the District in municipal affairs, but the people of the District do not have home rule, and there is a constant complaint that it is the Government that is running the municipal affairs. We believe that the District of Columbia should have home rule and a more decisive method of administering the affairs of the municipality, subject to constitutional limitations.

In the case of Barnes *v.* United States (91 U. S. 540) the court held that the act of 1871 was constitutional and that the District of Columbia was a municipal corporaion having control for the repair of streets, alleys, and sewers of the city. But at no time did the court undertake to say that the officers lost the Federal responsibility that had been cast upon their shoulders.

Attention has been called to the opinion of the Attorney General (vol. 22, p. 59) wherein Attorney General Griggs was asked to pass upon the question how an act of Congress providing for civil service of the United States would apply to employees or officers of the District of Columbia. It is said that the ruling of the Attorney General sustains the contention that a Commissioner of the District of Columbia is not a civil officer. The Barnes case was discussed, and also other cases. The discussion centered around the third division; section 6 provides for the "classification of subordinate places, clerks, and officers in the public service."

From the foregoing decisions it is conclusive that neither Congress nor the courts has attempted in the appointment of the Commissioner of the District of Columbia to extend or restrict the plain terms of the Constitution, and it is the opinion of the undersigned that it would take nothing short of a constitutional amendment to relieve a Commissioner of the District of Columbia of the penalty provisions of the Constitution for misconduct.

II. Whether a commissioner is a civil officer performing the duties of an officer of the United States within the meaning of the Constitution of the United States

In the Constitution of the United States, Article I, section 2, provides that "the House of Representatives shall have the sole power of impeachment."

Article II, section 4, provides that the "President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors."

In the case of Germaine *v.* The United States (99 U. S. 509) it is held that all officers created by Congress are Federal officers, and all officers appointed by the President, by and with the consent of the Senate, are Federal officers. (See also Wallace 6, 385–393.)

If the President can be impeached for misconduct it is difficult to see why an officer who is appointed by the President, with the advice and consent of the Senate, is in any different position. A commissioner under the act of 1878 is acting for and in behalf of the Federal Government.

In Article 1, section 8, paragraph 17, the Constitution provides:

"To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines and arsenals, dock yards, and other buildings; and

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof."

Under the Constitution just as Congress is delegated to legislate for and in behalf of the District of Columbia, so is the officer who is appointed to execute the municipal features of the corporation.

If any different mode than impeachment were in the mind of the framers of the municipaal corporation creating the District of Columbia, it would have expressly appeared and would have been passed on by the Supreme Court in the Barnes case and others. And also, if it were intended to have the executives of the District merely administrative municipal officers, free from Government control and responsibility, it would have been provided that they be appointed by some local authority or board or elected by the people, but nowhere does it appear that this thought was ever contemplated.

The necessity of complete and exclusive power on the part of Congress at the seat of government is apparent. It would never have been safe to leave this power at the hand of any other State. The slightest deviation from this principle might permit a State or States, for instance, if there were a lack of common control, to change the seat of government. And we recall in the early days of "fugitive" Congress. The citizens thereof are not the citizens of any State but are citizens of the United States. They have no representative in Congress, but are represented by the entire Congress to legislate in their behalf. The coordinate constitutional power being given to the Federal Government for the maintenance and erection of magazines, forts, etc. (See Story on the Constitution, 5th ed., p. 127.) Its territory was ceded by the States of Virginia and Maryland, and the plot was selected by that great man "First in war, first in peace, and first in the hearts of his countrymen" as the seat of the National Government of the United States.

ROYAL H. WELLER.

MINORITY VIEWS OF MR. MONTAGUE

I concur in the majority report as to the nonimpeachability of the respondent Fenning. From reason and authority I am convinced that the office of Commissioner of the District of Columbia is municipal, and its duties are municipal and not Federal; therefore, the respondent is not a civil officer contemplated by the Article of the Constitution providing for impeachments.

I agree in some of the findings of facts contained in the majority report. My criticism, however, of this aspect of the case is that the evidence is not adequately and pertinently assembled or assessed, nor is it properly applied to the graver facts avouched by the record.

1. The evidence discloses that the respondent became the committee of an astounding number of insane patients in the St. Elizabeths Hospital, and that he in the main secured these fiduciary positions through improper and reprehensible methods which he has employed with a diligence and ingenuity worthy of a better cause.

2. That respondent was energetic and resourceful in securing improper commissions, premiums, and compensations out of his wards' estates or by reason of his relations and associations growing out of or connected directly or indirectly with these fiduciary trusts.

3. That his monopoly of these trusts, and his methods of charging them with all the law allowed, and in some instances with more than the law allowed—for example, his unlawful collections of premiums on fiduciary bonds issued by a corporation of which he was agent—evince a sordid sense of duty, resulting in unjustifiable practices.

4. That in consideration of the foregoing reasons and facts, together with the general standard of fiduciary conduct of the respondent, as shown by the evidence, I am compelled to conclude that he is unfit for any official position of high trust and responsibility.

A. J. MONTAGUE.

MINORITY REPORT OF MR. TUCKER

Views of Mr. TUCKER on the report of Chairman GRAHAM on a resolution of the House of Representatives looking to the impeachment of Commissioner Fenning:

This committee is acting under a resolution passed by the House of Representatives on May 6, 1926, the first section of which is as follows:

"*Resolved*, That the Committee on the Judiciary be, and it is hereby, directed to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Frederick A. Fenning, a commissioner of the District of Columbia, and said Committee on the Judiciary is in all things hereby fully authorized and empowered to investigate all acts of misconduct and report to the House whether in their opinion the said Frederick A. Fenning has been guilty of any acts which in the contemplation of the Constitution, the statute laws, and the precedents of Congress are high crimes and misdemeanors requiring the interposition of the constitutional powers of this House."

We will consider, first, the power and the right of the House to impeach.

Two things are necessary before the House will authorize impeachment; first, there must be an office which is impeachable under the Constitution and laws of the United States, and, second, the establishment by evidence of such misconduct on the part of such officer, defined as "treason, bribery, or other high crimes and misdemeanors" as will bring the office into disrepute, and which will require his removal to maintain its purity and command the respect of the people for the office. It is seen that if these two requisites for impeachment are necessary, that though the House is satisfied that the evidence is sufficient to show impeachable misconduct, that this fact will not be sufficient unless the officer guilty of such misconduct is an impeachable officer; and it is equally clear that though the officer, under the Constitution and the laws of the United States, is impeachable, if the evidence adduced against him is insufficient that no impeachment can be had. It must be the concurrence of the two in order to bring about impeachment.

A close examination of these questions has brought us to the conclusion that a commissioner of the District of Columbia is not an impeachable officer. The views and authorities set forth by Mr. RANKIN, Mr. Mackey, and Mr. BLANTON to show that a commissioner of the District of Columbia is an impeachable officer are most persuasive and reasonable; and if the question were arising de novo, it might be difficult to satisfactorily answer them; but, in our judgment, the question is no longer an open one and has been finally decided, as we believe, by the Supreme Court and by the opinions of the Attorneys General and an examination of the organic act of the District of Columbia, approved June 11, 1878 (20 Stat. L. 102) and other decisions. (See Barnes *v.* District of Columbia, 91 U. S. 540, rendered before the act of Congress of February 21, 1871, "An act to provide a government for the District of Columbia"; Metropolitan Railroad Co. *v.* District of Columbia, 132 U. S. 1; District of Columbia *v.* Woodbury, 136 U. S. 450; Donovan *v.* United States, 21 Court of Claims Reports, 120; Griffith *v.* Rudolph et al., Commissioners of the District of Columbia, 298 Federal Reporter 672, decided in 1924.)

See also opinions of the Attorney General: Opinion 22, page 59; 18, page 161; 28, page 131; 28, pages 438, 445; 29, page 410; 30, page 122.

As there can be no impeachment without an impeachable officer, whatever may be the evidence against him, and we find that Fenning, a Commissioner of the District of Columbia, is such an officer, the question of impeachment is settled in the negative.

The committee in the consideration of this question determined to consider three phases of the whole question:

(1) Whether the office was an impeachable office or not.

(2) A fact-finding report by which each charge made by Mr. BLANTON was examined and a finding thereon made. This was a very unsatisfactory mode of procedure, and on the question of adopting the fact-finding report of the committee I felt obliged to vote against it.

(3) The subcommittee adopted the following:

"We believe it to be our duty to express our views on the charges and the evidence adduced in support thereof."

Under this head, and in view of the insistent request of counsel for and against Mr. Fenning, I submit the following:

On a review of the whole evidence in this case we feel that the practice which has existed in the District of Columbia by which one man had secured practically a monopoly of the business involving the guardianship of unfortunates, among whom are very many veterans of the late war, is to be strongly condemned. Commissioner Fenning's organization seemed to lack no element of completeness. When he determined to enter upon this line of practice he notified the judges of the District, his fellow members of the bar, of his intention. But where were his clients to come from? He naturally cast a longing eye toward St. Elizabeths Hospital, with its spacious buildings and hundreds of inmates that might amply satisfy his ambitions; and so a friendship speedily arose between the superintendent, Doctor White, and himself, during which they became partners in a real-estate concern, and St. Elizabeths soon was sending forth her insane veterans to his door, whose estates, if not their personal care, were to rest securely in the hands of Mr. Fenning. The coming of groups of shell-shocked veterans to the hospital was fittingly celebrated always by Mr. Fenning's presence, and his entrée to the papers of these unfortunates was recognized practically as his exclusive privilege.

Feeling that the tide of business that was flowing from St. Elizabeths might not be sufficient to fill the full measure of his ambition, the Veterans' Bureau arose on the horizon as a fitting adjunct to St. Elizabeths in supplying his needs, and from this source soon flowed a stream of World War veterans to complete his success.

But should these two sources of clientage be exhausted, as they might be, he was not unmindful of the Laurel Sanitarium, near by, in the State of Maryland, which offered ample fields to add to those who might be under his tutelage and care, and so he became a director in that institution.

But even these did not seem to satisfy his ambition; for finding that the undertakers who bury the dead soldiers often had to go into court for the appointment of an administrator that they might secure from the estate of the deceased their burial fees, it was soon found that he had become a stockholder in the Joseph Gawler's Sons (Inc.) an undertaker's establishment, and a director in the same concern and also counsel, and the evidence discloses that a number of bodies of these unfortunates were sent to this establishment for burial at a cost largely in excess of that provided by the Government.

The result of this compact and orderly organization for the practice of the law could have but one result, and that is, that as his income increased by the number of cases that came to him, by just that much was his care of these unfortunates under his charge diminished, for as the number increased his capacity for attention to them was thereby diminished. The greater his success attained by and through their estates, the greater necessarily was their neglect. His rise was their downfall. From the lofty peaks of his financial success, brought to him by his wards, he was forced to see in the depths below him, day by day, the halting, faltering footsteps of men bereft of reason, whose "martial drumbeat encircling the earth," in serried ranks had wrested liberty for the world from the greatest military autocrat of the ages. The dire results to the veterans as thus seem naturally followed from the character of his business.

His fees and commissions in a few years amounted to $100,000, in round figures, without his wards receiving that attention which was their rightful due. We unqualifiedly condemn this practice, and recommend that in all cases a relative should be secured as committee for these unfortunates, if it is possible to find one, and if not, that a public guardian be established by law, whose duty it shall be to care for the welfare, health, and advancement of their condition.

We heartily condemn the practice which has been carried on by Mr. Fenning for years in which, as agent for a bonding company, he wrote his own bonds, charging the expense of it to his ward's estate and receiving for himself one-fourth of his commission on each bond instead of giving it to his ward's estate. Justice Siddons, of the Supreme Court of the District of Columbia, has recently passed upon this question in the Adler case, in which Mr. Fenning was committee, and declared such acts to be illegal.

We believe that it is clearly the intent of the law that an official of the District of Columbia should not, directly or indirectly, transact business with the District of Columbia while such official. Such practice will necessarily lead to favoritism and is subject to just criticism, if indeed it is not contrary to law, and we heartily condemn this practice.

We believe, from the evidence before us, that the commissions and fees allowed to Mr. Fenning have in many cases been excessive, though they have been passed by the auditor and approved by the court in all cases which have come before us; but we suggest that this matter be settled beyond controversy by the Congress of the United States limiting the commissions to committee of war veterans and insane persons so that they may not be subject to undue charges.

Reviewing the whole evidence in this case in its many ramifications, and especially in relation to the welfare of the people of the District of Columbia, we are brought to the reluctant conclusion that Commissioner Fenning's usefulness as an officer of the District is at an end. Holding these views, we recommend that a copy of the evidence in these proceedings be sent with our report, if adopted by the House, to the Attorney General of the United States, that that high officer, in fulfillment of his constitutional obligations, may take such measures as will meet the requirements of the case.

H. ST. GEORGE TUCKER.

VIEWS OF MR. MICHENER

On April 19, 1926, the gentleman from Texas [Mr. BLANTON] impeached Frederick A. Fenning, a commissioner of the District of Columbia, on the floor of the House. On May 6 the House passed a resolution which was in part as follows:

"*Resolved*, That the Committee on the Judiciary be, and it is hereby, directed to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Frederick A. Fenning, a commissioner of the District of Columbia * * * and report to the House whether in their opinion the said Frederick A. Fenning has been guilty of any acts which in the contemplation of the Constitution, the statute laws, and the precedents of Congress are high crimes and misdemeanors requiring the interposition of the constitutional powers of this House."

The Committee on the Judiciary obtains jurisdiction in this matter by virtue of the above resolution and its power must be found within

the four corners of the resolution. This resolution is similar to and follows precedent in impeachment cases before the House. In short, it is the purpose of the resolution to direct and empower the committee to determine:

1. Is a Commissioner of the District of Columbia a civil officer of the United States and subject to impeachment in contemplation of article 2, section 4, of the Constitution?

2. If the above question is answered in the negative, then the inquiry of the committee is at an end for the very apparent reason that if the officer sought to be removed is not subject to removal by impeachment it would be useless to pursue the matter further. On the other hand, if the question is answered in the affirmative, then the committee should go fully into the facts "and report to the House whether in their opinion the said Frederick A. Fenning has been guilty of any acts which in the contemplation of the Constitution, the statute laws, and the precedents of Congress are high crimes and misdemeanors requiring the interposition of the constitutional powers of Congress."

I concur in the majority report of the committee holding that Frederick A. Fenning is an officer of a municipal corporation, to wit, the District of Columbia, and as such is not a civil officer of the United States and subject to impeachment under the Constitution. I do not join in the remainder of the report. I am driven to the conclusion that if Mr. Fenning is not subject to impeachment, then anything that the committee might say in reference to his conduct as a Commissioner of the District of Columbia would be obiter dictum and beyond the scope of its authority and would be establishing an unwise precedent in impeachment cases before the committee.

If I believed that a Commissioner of the District of Columbia was subject to impeachment, then, of course, it would be necessary to consider the testimony, and so believing it would necessarily follow that if Mr. Fenning was guilty of the charges made against him that he should be impeached and removed from office. It matters not how minor the office, if the office comes within the purview of the Constitution and the charges are made in the legal way and established by convincing proof, then the logical result must follow.

EARL C. MICHENER.

MINORITY VIEWS OF MR. DOMINICK AND MR. WEAVER

Owing to the fact that the Judiciary Committee remained in session until 5 o'clock this afternoon before reaching any decision in this case, and then allowed the minority only until 12 o'clock to-night in which to prepare and file its minority report, we are unable to go into all the testimony touching the charges against Frederick A. Fenning. We therefore submit the following observations relative to the facts pertaining to the principal charges in the articles of impeachment:

We can not concur in the findings of fact as set out in the majority report, nor in the conclusions reached therein.

We feel that the facts in this case, instead of calling for some mild rebuke and very general recommendations, demand some action by Congress looking to the removal of Mr. Fenning from office as a Commissioner of the District of Columbia, either by impeachment or otherwise, and for the relief of the unfortunate World War veterans whose estates he has been handling.

One of the principal charges against Mr. Fenning grows out of his professional guardianship for insane veterans. The record shows, page 406 to 420, a very large number of cases in which he was appointed as guardian or committee. This practice extended over a period of 20 years and grew into a profession.

We find from the evidence that by some arrangement between himself and the officials of St. Elizabeths Hospital, when new patients were consigned to the hospital, Mr. Fenning was called over the telephone and advised of their arrival, page 198.

He had access to the records of the hospital, page 176. The record, pages 23 to 27, shows a long list of insane veterans for whom he had been appointed guardian and for whom he is still guardian, although he has been a Commissioner of the District of Columbia for about one year.

The commissions and fees paid him in these cases amounted to $75,894.48.

In 60 cases of World War veterans alone, Doctor White filed petitions asking that guardians be appointed and recommended in each case that Fenning be named as such guardian. Fenning admits that he wrote these petitions himself and sent them to Doctor White to sign. Doctor White signed them and sent them back to him, and he filed them with the court, along with prepared orders for the court to sign appointing him guardian.

On pages 33 to 35 of the record, and all this evidence is undisputed, is a summary of additional cases of World War veterans for whom Fenning had been appointed guardian and subsequently discharged.

The commissions paid to him in these cases amounted to $13,379.03, making a total of $89,273.51.

The funds which he has in his hands at this time belonging to these insane persons amounts to more than $700,000.

It is shown that he received more as fees and commissions from each one of these cases than he allowed the ward for clothing and spending money. He is shown to be a stockholder and director in an undertaker's establishment through which these boys were buried when they died.

He was his own bonding agent and collected and appropriated to his own use out of his wards' estate 25 per cent commissions on the premiums on said bonds, in violation of law.

Fenning and Doctor White were formerly business partners and now have a joint bank account. When Doctor White was investigated 20 years ago Fenning testified in his defense. And since that time there appears to have been a most close relationship between them.

It can not be disputed from the facts developed in this record that there is an unholy collusion between White and Fenning to exploit the insane wards of St. Elizabeths for pecuniary profit.

Time will not permit us to go into all these cases in detail, but we will call attention to Fenning's misconduct in one case, that of Phillip Berg, to show to what depths he has gone in order to further his financial ends.

Berg was an ex-service man, and was placed in St. Elizabeths over five years ago. Fenning became his guardian. He never attempted to locate Berg's mother, although she could have been easily located. Berg gradually grew worse, until it became apparent that he could not live much longer. If he had died intestate, his mother would have inherited all his property and his estate would have been administered in Connecticut instead of the District of Columbia.

Fenning filed a petition signed by a woman named Post asking the court to permit Berg to make a will, and set out in said petition that Berg's mother was a prostitute, and had Berg make a will disinheriting her. Berg was buried through Fenning's undertaker, Gawler & Co. Later Gawler petitioned the court and had Fenning appointed executor of Berg's estate.

It has since been proved that Berg's mother was a decent, hard-working woman who had never been accused of immorality, that she furnished three sons to the service during the World War, and that Phillip Berg lived with her up to the time he entered the service of his country.

The facts in this case furnish a shocking illustration of Fenning's total indifference to the feelings of his wards and their families.

Upon all the facts in this case, as developed by this record, we think that positive action by the House is imperative, and we therefore recommend his impeachment and removal from office, and that proceedings be instituted at once by the proper authorities to remove him from his present position as guardian for these unfortunate wards and have all their estates audited; also to recover back to them the funds which he has wrongfully collected from them, and that the Department of Justice be directed to institute proper proceedings to punish him for his unlawful misconduct.

Respectfully submitted,

FRED H. DOMINICK.
ZEBULON WEAVER.

MINORITY VIEWS OF MR. SUMNERS OF TEXAS AND MR. BOWLING

We regret to find ourselves unable to agree with the majority of the Committee on the Judiciary, first, as to its conclusion that a Commissioner of the District of Columbia is not subject to impeachment. The Constitution provides that the "President, Vice President, and all civil officers of the United States" may be removed by impeachment.

Story, in his work on the Constitution, quotes Rawle with approval, as follows:

"All officers of the United States who hold an appointment under the National Government, whether their duties are executive or judicial in the highest or in the lowest department of the Government, with the exception of officers in the Army or Navy, are civil officers in the meaning of the Constitution and liable to impeachment."

The majority of the Judiciary Committee, however, take the position that a Commissioner of the District of Columbia is not an officer of the United States, because he is a Commissioner of the District of Columbia, which Congress has created a corporation for municipal purposes. The Constitution gives to Congress with regard to the District of Columbia all the powers possessed by the Federal Government with regard to Federal matters, and also all the powers possessed by the States. With regard to the District of Columbia its powers are plenary. It is the sole sovereignty. Within the District of Columbia there is not a single person clothed with the right to vote. There is no repository within the District of Columbia in which Congress could place any of its sovereignty by delegation or otherwise. The decisions which have been cited, holding that a Commissioner of the District of Columbia is an officer of this corporation created by Congress, does not alter in the slightest degree the status of the commissioner as a civil officer of the United States.

While it is not important to a determination of the question, an examination of the organic act discloses that all Congress attempted to do was to create an instrumentality through which it could better exercise its sovereign power and discharge its governmental responsibility. It did this as a matter of convenience for itself and for the people, and granted that the District of Columbia may sue and be sued, and that the legal liability and responsibility which ordinarily obtains

between a municipality, its agents, and employees, on the one hand, and those with whom a municipality, its agents, and employees have to do in contract, tort, or other relationship, shall be recognized, determined, and enforced within the District of Columbia, by the general rules of law and procedure and upon the assumption of the usual reciprocal relationships and obligations which apply ordinarily within municipalities. There is nothing to indicate that Congress attempted to establish a unit of government to which it delegated any element of governmental sovereignty. It could not delegate such sovereignty because there is nothing within the District of Columbia to which it could make the delegation. The people within the District of Columbia are not sovereign, they are subjects of the Federal Government. The District of Columbia as a separate entity possesses no legislative branch. It does not possess of itself any judicial branch of the Government. It does not possess of itself any executive branch of the Government.

In the District of Columbia *v.* Bailey (171 U. S. p. 176), opinion by Chief Justice White, in referring to the status of the District Commissioners under existing law, says:

"Recurring to the statutes relating to the District of Columbia it is clear from their face that these officers are without general power to contract debts or to adjust and pay the same, that, on the contrary, the statutes expressly deprive them of such power and limit the scope of their authority to the mere execution of contract previously sanctioned by Congress, by which they are authorized to make statutory authority. The necessary operations of these provisions of the statute is to cause the District Commissioners to be merely administrative officers with ministerial powers only."

Supreme courts of Utah, Delaware, and New York have held to the same effect that "a municipal corporation is an investment of the people of the place of the local government thereof." Rawle in his work on the Constitution says, "A municipal corporation is a public corporation created by the Government for political purposes and having subordinate and local powers of legislation." I quote the Encyclopedia Dictionary as follows: "Municipality comes from the word 'municips,' meaning the right of freemen, the right to vote, pertaining to local self-government."

The so-called municipality of the District of Columbia could not have a civil officer in the ordinary sense. There can be no civil officer under it. "Civil officer" of a government presupposes the existence of a government capable of creating the office, of appointing the officer, capable of directing him and of discharging him. None of these powers are possessed by the so-called District government in so far as a Commissioner of the District of Columbia is concerned, or in so far as any other officer is concerned. The so-called thing as officer of the District of Columbia is an inert thing. In relationship to the District of Columbia it is neither the creator nor the master. It does not have within itself any power to create or operate either of the departments of government. It has no power to choose. It has no power to act. It is not a government or a unit of government in any sense of sovereignty.

This question was before the Supreme Court in an early day, when the District of Columbia had a much more complete governmental organization than it possesses now. In Wise *v.* Withers (3d Cranch, 330) it was determined that a justice of the peace for the District of Columbia was a civil officer of the United States. We quote from the opinion in that case: "It is contended by the plaintiff and denied by the defendant that a justice of the peace within the District (District of Columbia) is either a judicial or an executive officer of the Government in the sense in which those terms are used in the law." It has been decided in this court that a justice of the peace is an officer; nor can it be conceived that the affirmative of this proposition, were it now undecided, could be controverted. Under the sanction of law he is appointed by the President, by and with the advice and consent of the Senate, and receives his commission from the President. We know not by what terms an officer can be defined which would not embrace this description of person. If he is an officer he must be an officer under the Government of the United States, deriving all his authority from the Legislature and the President of the United States. He is certainly not the officer of any other government." This decision was rendered by one who ranks as the greatest of our Chief Justices, Chief Justice Marshall. In view of the position taken by the majority of the Judiciary Committee it is interesting to note the test which this great expounder of the Constitution applied:

"He is appointed by the President, by and with the advice and consent of the Senate—deriving all his authority from the Legislature and the President of the United States. He is certainly not the officer of any other Government."

Measured by that test, what must be the conclusion as to the Commissioners of the District of Columbia? They are appointed by the President, by and with the advice and consent of the Senate. Their duties are defined by the United States. They are directed to discharge governmental duties which rest upon the United States as a sovereign and nowhere else. The business which these officers are created to do clearly is the business of the United States, made so by the Constitution. They are supervised in their work by the United States Government, and by none other. They report to the United States Government as to their stewardship, and to the United States only, and are subject to removal from office only by the United States.

In the brief filed in behalf of Mr. Fenning before the Judiciary Committee of the House, the case of the United States *v.* Strang (U. S. 254, p. 493) is cited as sustaining his contention that Mr. Fenning is not an officer of the United States, and the citation being under a claim of analogy between the relationship of that corporation to the United States and the Commissioner of the District of Columbia to the United States. The reason for the determination of the court was stated as follows:

"The corporation was controlled and managed by its own officers, which appointed its own servants and agents who became directly responsible to it. Notwithstanding all its stock was owned by the United States, it must be regarded as a separate entity. Its inspectors are not appointed by the President or by any officer designated by Congress. They are subject to removal by the corporation only and could contract only for it. In such a circumstance we think they were not agents of the United States within the true intendment of section 41."

That is, they were held instead to be agents of the corporation. In arriving at that determination the court applied the following test:

"A corporation is controlled and managed by its own officers and appoints its own servants and agents, who become directly responsible to it. Inspectors were not appointed by the President nor by any officer designated by Congress. They were subject to removal by the corporation only."

The question before the court was, whose agent is the defendant, the agent of the corporation or the agent of the United States? That was the question, and that question was determined upon the decision as to who appointed the defendant, to whom was he responsible, and who had authority to discharge him. That was the correct test, of course. It is the usual, the determinative test as to relationship of the principal and agent, whether public or private.

If the present matter had been pending before that court and the District of Columbia were possessed of the capacity to create civil officers, which it is not, and if the court had the responsibility of determining between the United States and the District of Columbia as to whose office the commissioner is, and would examine, first, as to who appointed that officer and should determine that the United States appointed him; second, who fixed the duties of the officer and should determine that the United States fixed them; third, who gave direction and supervision of that officer and determined that the United States did; should determine to whom that officer reports and is responsible and should determine that it is the United States; and last, who has the power to discharge the officer and should determine that authority to rest within the United States, and none of these to rest with the District of Columbia, the court would be compelled to find that this commissioner is a civil officer of the United States.

In order to disassociate the consideration of this question from the influence of local environment and the personal equations which are involved, and to indicate its importance, let us examine it with reference to the government of the Territories. If we take the government of Porto Rico, for instance, we find that Congress has provided for that Territory a complete system of Territorial government, legislative, executive, and judicial, reserving to itself in that case the usual elements of control but allowing participation by the people in the election of officers, especially the legislature. Congress has reserved to the United States the appointment of the chief executive officer, and has provided that "The official title of the chief executive officer shall be the 'Governor of Porto Rico.' He shall be appointed by the President, by and with the advice and consent of the Senate." The period of appointment is for four years. He is removable by the President. He is given the power to "grant pardons, remit fines and forfeitures and respite for offenses against the laws of the United States; commission officers; and is made commander in chief." Porto Rico is a governmental entity. The Governor of Porto Rico clearly is an officer of the Territory of Porto Rico in the sense that his acts are the acts of its Territorial government.

And yet it will be contended that this officer whom the United States creates to be the Governor of Porto Rico and sends to Porto Rico to exercise the executive powers, which the United States reserves in the plan of the government established, is not within the meaning of the Constitution an officer of the United States—the Government which creates him, the Government whose commission he bears and whose agent he is, merely because he is sent by the United States, to be for it, and is designated as, the Governor of Porto Rico. He does not receive either his commission or power to govern from the government of Porto Rico, but receives it from the United States, and is subject to removal only by the United States. Suppose the United States should be engaged in war, and the Philippine Islands should revolt and the governor of those islands, appointed by the United States, and sustaining the same relationship to it as the Governor of Porto Rico does, should conspire against this Government and should thereby become guilty of treason. According to the contention of those who

say Mr. Fenning is not subject to impeachment, because he is one of the three executive officers of the District of Columbia, this man, guilty of treason, could not be impeached.

This is deemed by us a question of great importance. Its determination will establish a precedent of far-reaching importance, affecting not only commissioners and other officers of the District of Columbia but all the officers of the Territories. It will not only free them, if this precedent is established and followed, from the impeachment power but it will be persuasive upon the courts in determination of liability under the civil and criminal laws of the United States which undertake to regulate and control officers of the United States.

It is our position that it is of no consequence what duty an officer created by the United States is directed to discharge, or what may be his connection with any agency of the Government created by the United States, that officer is answerable to his creator under the impeachment powers of the Constitution. There is the greater need of control by the Federal Government over its officers of its creation, who are commissioned to exercise governmental power in the District of Columbia and in the Territories where, as in the case of the District of Columbia, the people have no voice whatever and the Government exercises power over them.

We can not agree with the position that the framers of the Constitution, who gave to the Federal Government plenary governmental power with regard to the District of Columbia and the Territories, should have so framed the Constitution that the power to impeach an officer created by the United States is destroyed the moment that officer is attached to a governmental organization deemed by Congress to be necessary in order to enable the United States properly to discharge its constitutional duty with regard to government of the District of Columbia and of the Territories. It is no answer that the President can remove these officers. The impeachment power, as incorporated in the Constitution, is a power over and above that given to the President. It gives the implication that there might some time come to the Presidency one who, himself, might acquire that interposition of the constitutional power. With due regard for public necessity and for the harmony and strength in government which the framers of the Constitution must be presumed to have in mind, compels us to dissent from the conclusion of the majority of the Judiciary Committee, that a Commissioner for the District of Columbia who is appointed by the President, by and with the advice and consent of the Senate, to whom is delegated a part of the sovereign power of the United States, which power he is directed by the United States to exercise, by and on its behalf, who is supervised by the United States in that exercise and who reports only to the United States and who is removable only by the United States, we dissent from the conclusion that he may be guilty of offenses denounced by the Constitution and yet is free from the impeachment power lodged in the Houses of Congress, merely because Congress has also created the tools which are deemed necessary to do the work, for the doing of which Congress is made responsible by the Constitution. We can not assent to the theory that this officer is an officer of the instrumentality which he uses and not the officer of the responsible Government which creates both the officer and the agency.

We are not in agreement with the finding of the majority of the Judiciary Committee that none of the counts which have been under investigation have been established by testimony. In our view, as a central fact it has been clearly established that Mr. Fenning, having determined that he would become a professional committee or guardian for insane persons as a matter of revenue to himself, set about procuring himself to be designated as such committee. That he established such contact with St. Elizabeths Hospital for the Insane that he received preferential opportunities for appointment as committee. That he was instrumental in procuring judgments of commitment in many cases in which he was appointed. That he charged against the estates of his wards, over and above the amount paid by him, the agent's commission, when as a matter of fact he held the agency himself. And in specific instances, as developed during the hearings, was guilty of conduct toward his wards utterly at variance with the obligations resting upon him as a guardian of this class of unfortunates.

In our view, the selection of this means of making money and the methods resorted to, as disclosed by the records of the hearings before the Judiciary Committee of the House, show that Mr. Fenning is a person unfit to hold the office of Commissioner of the District of Columbia.

HATTON W. SUMNERS.
W. B. BOWLING.

TRANSFER OF SURPLUS BOOKS

Mr. COYLE. Mr. Speaker, I ask unanimous consent to take up Senate bill 569, to authorize the transfer of surplus books from the Navy Department to the Interior Department and consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of Senate bill 569. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to transfer such books as may not be required for the uses of the Navy Department to the Interior Department as the Secretary of the Interior may consider useful for educational purposes at the Indian school at Santa Fe, N. Mex., and other Indian schools throughout the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

RECESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the House stand in recess until 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the House stand in recess until 10 o'clock to-morrow morning. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, what is the purpose of recessing?

Mr. TILSON. In order to simplify the work of the Journal. It is going to be a very difficult matter to have the Journal ready by to-morrow morning, and I am informed by the clerical force of the House that it will very much simplify matters if instead of adjourning we recess. It is for this reason only that I ask that we stand in recess.

Mr. WINGO. In other words, you propose to recess to-day's session to the calendar day of to-morrow?

Mr. TILSON. Until the calendar day of to-morrow.

Mr. WINGO. The Journal, then, would show to-day's legislative record. I am just trying to determine where we are going to find ourselves. In other words, if we adopt the gentleman's suggestion, then when the Journal is printed and the RECORD is presented we will be acting on to-day's legislative day, and there might be some complications growing out of that.

Mr. TILSON. It is perfectly possible, if there should be any complications, to adjourn the legislative day of July 2 at one minute before 12 to-morrow and reconvene at the regular hour of 12 o'clock.

Mr. WINGO. I do not care to make any further suggestions.

Mr. GARRETT of Tennessee. This is not an unusual thing.

Mr. TILSON. Not at all. We always do it on the last day of the short session.

Mr. VAILE. Mr. Speaker, further reserving the right to object, what does the gentleman propose to do between 10 and 12 to-morrow? Remain in session or recess?

Mr. TILSON. Oh, stay in session. In case the Senate should pass the resolution to adjourn there will be a number of suspensions that may be made. It is the hope that the Senate will pass to-night the resolution to adjourn. As I understand, the Senate has recessed until 8 o'clock this evening.

The SPEAKER. Is there objection?

Mr. VAILE. I object.

Mr. TILSON. Then, Mr. Speaker, I ask unanimous consent that we stand in recess until 8 o'clock this evening.

Mr. GARRETT of Tennessee. I hope the gentleman will not insist on a night session unless there is something really to be accomplished at a night session.

I think gentlemen should understand that if the adjournment resolution for 3 o'clock to-morrow afternoon is passed, there is very little use of passing any more House bills. There is no use of passing anything except what has passed the Senate because there will not be time for it to pass the Senate and be properly engrossed and reach the President for his signature by 3 o'clock to-morrow afternoon. So with the alternative of 10 o'clock to-morrow or 8 o'clock to-night, I hope the gentleman from Colorado will withdraw his objection to meeting at 10 o'clock to-morrow. There is no use of having a night session that I can conceive of.

Mr. TILSON. Mr. Speaker, to simplify the matter, I shall ask that when we adjourn to-night, we adjourn to meet to-morrow morning at 10 o'clock.

Mr. VAILE. I object to that.

Mr. TILSON. Then, Mr. Speaker, I move that when the House adjourns to-night it adjourn to meet at 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from Connecticut moves that when the House adjourns to-night, it adjourn to meet at 10 o'clock a. m. to-morrow.

The question was taken; and on a division (demanded by Mr. VAILE) there were—ayes 140, noes 2.

Mr. VAILE. Mr. Speaker, I object to the vote on the ground that it discloses the absence of a quorum.

The SPEAKER. Evidently there is not a quorum present.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order it does not require a quorum to adjourn. However, this is an adjournment to an hour certain, and the point may not be well taken.

Mr. VAILE. I was going to suggest that to the gentleman.

Mr. GARRETT of Tennessee. If the gentleman from Colorado wanted to, he could have made a point of order to the motion of the gentleman from Connecticut. Having let that go by, I think he ought to let us go now.

Mr. VAILE. I have no objection to adjourning until 12 o'clock to-morrow.

Mr. TILSON. Mr. Speaker, under the circumstances there is nothing to be done except to have a roll call and decide the matter.

The SPEAKER. The Chair thinks a quorum is required.

Mr. TILSON. The Speaker is quite correct.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 226, nays 3, not voting 202, as follows:

[Roll No. 133]

YEAS—226

Abernethy	Eslick	LaGuardia	Rubey
Ackerman	Fairchild	Lampert	Sanders, N. Y.
Almon	Faust	Leavitt	Sanders, Tex.
Andresen	Fenn	Lehlbach	Sandlin
Aswell	Fisher	Lindsay	Schafer
Ayres	Fletcher	Little	Schneider
Bacharach	Fort	Lowrey	Scott
Bacon	Free	Lozier	Sears, Fla.
Bailey	French	Lyon	Seger
Barbour	Furlow	McClintic	Shallenberger
Barkley	Gardner, Ind.	McDuffie	Simmons
Black, N. Y.	Garrett, Tenn.	McFadden	Sinnott
Black, Tex.	Gasque	McLaughlin, Mich.	Snell
Bland	Gifford	McMillan	Somers, N. Y.
Bowles	Gilbert	McReynolds	Sosnowski
Bowling	Glynn	McSwain	Speaks
Bowman	Golder	MacGregor	Stedman
Box	Goldsborough	Magee, N. Y.	Stephens
Boylan	Goodwin	Magee, Pa.	Strong, Kans.
Briggs	Gorman	Magrady	Strong, Pa.
Browning	Graham	Major	Strother
Bulwinkle	Green, Fla.	Mapes	Summers, Wash.
Burdick	Griest	Martin, La.	Swank
Busby	Griffin	Martin, Mass.	Swing
Byrns	Hadley	Mead	Taber
Campbell	Hale	Michener	Taylor, Colo.
Cannon	Hall, Ind.	Miller	Taylor, W. Va.
Carew	Hammer	Milligan	Temple
Celler	Hardy	Montgomery	Thatcher
Chalmers	Hare	Mooney	Thomas
Chapman	Hastings	Moore, Ky.	Thurston
Chindblom	Hawley	Moore, Va.	Tilson
Christopherson	Hill, Ala.	Morgan	Tolley
Clague	Hill, Md.	Murphy	Treadway
Collier	Hill, Wash.	Nelson, Mo.	Tydings
Colton	Hoch	Newton, Minn.	Underhill
Connery	Hogg	O'Connell, N. Y.	Underwood
Coyle	Holaday	O'Connell, R. I.	Vestal
Crosser	Hooper	O'Connor, La.	Vincent, Mich.
Crowther	Houston	O'Connor, N. Y.	Vinson, Ky.
Crumpacker	Howard	Oldfield	Wainwright
Cullen	Huddleston	Parker	Warren
Curry	Hudson	Peery	Wason
Darrow	Hull, Morton D.	Perkins	Watres
Davenport	Irwin	Perlman	Weaver
Davey	Jacobstein	Porter	Weller
Davis	James	Quin	White, Kans.
Denison	Jenkins	Ragon	Whitehead
Dickinson, Iowa	Johnson, Ill.	Ramseyer	Whittington
Dickstein	Johnson, Tex.	Rankin	Williams, Ill.
Dominick	Johnson, Wash.	Reed, Ark.	Williamson
Doughton	Kearns	Reed, N. Y.	Wilson, La.
Dowell	Kendall	Reid, Ill.	Wingo
Driver	Kerr	Robinson, Iowa	Woodruff
Dyer	Kindred	Rogers	Zihlman
Edwards	King	Romjue	
Elliott	Kurtz	Rowbottom	

NAYS—3

Hickey	McLaughlin, Nebr.	Vaile

NOT VOTING—202

Adkins	Berger	Carss	Douglass
Aldrich	Bixler	Carter, Calif.	Doyle
Allen	Blanton	Carter, Okla.	Drane
Allgood	Bloom	Cleary	Drewry
Andrew	Boles	Cole	Eaton
Anthony	Brand, Ga.	Collins	Ellis
Appleby	Brand, Ohio	Connally, Tex.	Esterly
Arentz	Brigham	Connolly, Pa.	Evans
Arnold	Britten	Cooper, Ohio	Fish
Auf der Heide	Browne	Cooper, Wis.	Fitzgerald, Roy G.
Bachmann	Brumm	Corning	Fitzgerald, W. T.
Bankhead	Buchanan	Cox	Foss
Beck	Burtness	Cramton	Frear
Beedy	Burton	Crisp	Fredericks
Beers	Butler	Deal	Freeman
Begg	Canfield	Dempsey	Frothingham
Bell	Carpenter	Dickinson, Mo.	Fulmer
Funk	Kunz	Parks	Swoope
Gallivan	Kvale	Patterson	Taylor, N. J.
Gambrill	Lanham	Peavey	Taylor, Tenn.
Garber	Lankford	Phillips	Thompson
Garner, Tex.	Larsen	Pou	Tillman
Garrett, Tex.	Lazaro	Prall	Timberlake
Gibson	Lea, Calif.	Pratt	Tincher
Green, Iowa	Leatherwood	Purnell	Tinkham
Greenwood	Lee, Ga.	Quayle	Tucker
Hall, N. Dak.	Letts	Rainey	Updike
Harrison	Lineberger	Ransley	Upshaw
Haugen	Linthicum	Rathbone	Vare
Hawes	Luce	Rayburn	Vinson, Ga.
Hayden	McKeown	Reece	Volst
Hersey	McLeod	Robsion, Ky.	Walters
Hudspeth	McSweeney	Rouse	Watson
Hull, Tenn.	Madden	Rutherford	Wefald
Hull, William E.	Manlove	Sabath	Welsh
Jeffers	Mansfield	Sears, Nebr.	Wheeler
Johnson, Ind.	Menges	Shreve	White, Me.
Johnson, Ky.	Merritt	Sinclair	Williams, Tex.
Johnson, S. Dak.	Michaelson	Smith	Wilson, Miss.
Jones	Mills	Smithwick	Winter
Kahn	Montague	Spearing	Wolverton
Keller	Moore, Ohio	Sproul, Ill.	Wood
Kelly	Morehead	Sproul, Kans.	Woodrum
Kemp	Morin	Stalker	Woodyard
Ketcham	Morrow	Steagall	Wright
Kiefner	Nelson, Me.	Stevenson	Wurzbach
Kiess	Nelson, Wis.	Stobbs	Wyant
Kincheloe	Newton, Mo.	Sullivan	Yates
Kirk	Norton	Sumners, Tex.	
Knutson	Oliver, Ala.	Swartz	
Kopp	Oliver, N. Y.	Sweet	

So the motion of Mr. TILSON was agreed to.

The following pairs were announced:

General pairs:

Mr. Atkins with Mr. Bankhead.
Mr. Watson with Mr. Deal.
Mr. Begg with Mr. Allgood.
Mr. Cooper of Ohio with Mr. Williams of Texas.
Mr. Aldrich with Mr. Dickinson.
Mr. Welsh with Mr. Collins.
Mr. Gates with Mr. Arnold.
Mr. Britten with Mr. Evans.
Mr. Dempsey with Mr. Bell.
Mr. Andrew with Mr. Gallivan.
Mr. Wheeler with Mr. Douglass.
Mr. Carter of California with Mr. Auf der Heide.
Mr. Brand of Ohio with Mr. Gambrill.
Mr. Anthony with Mr. Wilson of Mississippi.
Mr. Cramton with Mr. Buchanan.
Mr. Brigham with Mr. Fulmer.
Mr. Eaton with Mr. Drane.
Mr. Arentz with Mr. Blanton.
Mr. Connolly of Pennsylvania with Mr. Connally of Texas.
Mr. White of Maine with Mr. Canfield.
Mr. Beers with Mr. Greenwood.
Mr. Gibson with Mr. Garner.
Mr. W. T. Fitzgerald with Mr. Bloom.
Mr. Burton with Mr. Jeffers.
Mr. Green of Iowa with Mr. Woodrum.
Mr. Freeman with Mr. Brand of Georgia.
Mr. Wood with Mr. Cleary.
Mr. Johnson of South Dakota with Mr. Hawes.
Mr. William E. Hull with Mr. Wright.
Mr. McLeod with Mr. Hudspeth.
Mr. Carpenter with Mr. Doyle.
Mr. Kahn with Mr. Jones.
Mr. Knutson with Mr. McKeown.
Mr. Butler with Mr. Drewry.
Mr. Leatherwood with Mr. Hayden.
Mr. Ellis with Mr. Garrett of Texas.
Mr. Hersey with Mr. Johnson of Kentucky.
Mr. Wyant with Mr. Kincheloe.
Mr. Madden with Mr. McSweeney.
Mr. Frothingham with Mr. Corning.
Mr. Menges with Mr. Oliver of Alabama.
Mr. Kelly with Mr. Harrison.
Mr. Merritt with Mr. Larsen.
Mr. Manlove with Mr. Cox.
Mr. Kiess with Mr. Kemp.
Mr. Mills with Mr. Lanham.
Mr. Newton of Missouri with Mr. Crisp.
Mr. Moore of Ohio with Mr. Lazaro.
Mr. Ketcham with Mrs. Norton.
Mr. Michaelson with Mr. Kunz.
Mr. Luce with Mr. Lea of California.
Mr. Kiefner with Mr. Oliver of New York.
Mr. Morin with Mr. Lankford.
Mr. Ransley with Mr. Quayle.
Mr. Sears of Nebraska with Mr. Lee of Georgia.
Mr. Rathbone with Mr. Mansfield.
Mr. Shreve with Mr. Rainey.
Mr. Sproul of Kansas with Mr. Linthicum.
Mr. Reece with Mr. Montague.
Mr. Stalker with Mr. Rayburn.
Mr. Robsion with Mr. Morehead.
Mr. Sproul of Illinois with Mr. Rouse.
Mr. Sinclair with Mr. Rutherford.
Mr. Taylor of New Jersey with Mr. Morrow.
Mr. Smith with Mr. Sabath.
Mr. Taylor of Tennessee with Mr. Smithwick.
Mr. Stobbs with Mr. Tucker.
Mr. Timberlake with Mr. Spearing.
Mr. Updike with Mr. Vinson of Georgia.
Mr. Thompson with Mr. Steagall.
Mr. Vare with Mr. Upshaw.
Mr. Swartz with Mr. Sumners of Texas.
Mr. Tinkham with Mr. Sullivan.
Mr. Sweet with Mr. Parks.
Mr. Pratt with Mr. Pou.

Mr. Patterson with Mr. Prall.
Mr. Purnell with Mr. Beck.

The result of the vote was announced as above recorded.

IMMIGRATION—SOME HARDSHIPS OF THE QUOTA LAW

Mr. PERLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of immigration.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PERLMAN. Mr. Speaker and Members of the House, on July 1, 1924, the United States embarked on a new immigration policy, commonly known as the quota system. From the inception of our Government until about 1875 there were no immigration laws. Then all were welcome to come. From time to time between 1875 and 1917 Congress passed immigration laws which barred from our shores certain classes of immigrants. In 1917 Congress enacted a comprehensive immigration law which established a selective-immigration policy.

The immigration act of 1917 excluded from admission into the United States about 25 classes of undesirable aliens. These classes included any immigrant who was mentally, morally, or physically unfit, or who would become a public charge, or who believed in anarchism or in the destruction of our Government. There was one qualification incorporated in this law which I believe was intended to restrict immigration from southern and eastern Europe; that was the literacy test.

Immediately after the armistice was signed several self-styled patriotic organizations initiated a campaign in the United States which had for its purpose the creation of a feeling among our people antagonistic to the foreign born and the immigrants who were born or came from southern or eastern European countries. It became very fashionable to attack the foreign born and the immigrants. Numerous articles were published in magazines and newspapers, all tending to prove that the immigrants from eastern and southern Europe would bring with them bolshevistic ideas. The bugaboo was created that these immigrants would organize here to overthrow our Government. Ridiculous and unwarranted statements and arguments were published to inflame the American people against the foreign born and the immigrant.

This propaganda gave birth to a new idea, to wit, Nordic superiority. The place of birth was to be the yardstick for determining the mental, moral, and physical fitness of a human being so that if one's cradle was rocked in a northern European country he was superior to one who first saw the light of day in an eastern or southern European country.

There was little opportunity offered to answer the propaganda of these self-styled patriotic organizations or the so-called 100 per cent Americans. Most of the magazines that published this propaganda refused to accept for publication statements or articles answering these attacks. This campaign was especially successful in the South and the West, where very few of the foreign born reside and where few of the immigrants go to.

In 1920 Congress was told that there were on European shores millions who desired to come to the United States. These immigrants were described as Bolshevists, inferiors, and undesirables. Congress was asked to pass an emergency law to stop this alleged large influx of immigrants, and on May 19, 1921, the first quota law became effective as a temporary immigration measure. The proponents of this law declared in the Senate and in the House of Representatives that during the time the law would be in force the Immigration Committees of Congress would study the immigration problem and would later submit a plan for a permanent immigration law. This quota law was extended to June 30, 1924.

I believed that the Immigration Committees would study the question of distribution of immigrants and would propose a plan which would make it possible for many immigrants to migrate to sparsely settled States where the immigrants could develop those sections. Contrary to my belief, before June 30, 1924, Representative ALBERT JOHNSON, chairman of the House of Representatives Committee on Immigration, proposed to Congress that a 2 per cent quota law be enacted as a permanent immigration law. Under the emergency quota law the number allowed was limited to 3 per cent of the number of European nationals who were in the United States as shown by the Federal census of 1910. The permanent quota law reduced the quota to 2 per cent, based on the Federal census of 1890.

The census of 1890 was used in order to further restrict immigration from eastern and southern Europe. For example, the combined quotas for Russia and Poland based on the 1910 census was 55,382, while the quotas for these countries by the use of the 1890 census totaled 8,230. The quotas for Great Britain—including Irish Free State—and Germany were not greatly reduced. Under the 3 per cent law they were allowed an annual quota totaling 144,949 and under the 2 per cent law these countries received a combined annual quota of 113,801. Mexico, Canada, and the other North and South American countries were not included in the quota law.

The immigration act of 1924 established three different immigration policies—first, no restriction for Mexico, Canada, and the countries in North and South America; second, some restriction for the northern and western European countries; and third, practical exclusion for eastern and southern European countries.

The 2 per cent quota law of 1924 created two classes of immigrants, nonquota and quota. In the nonquota class were placed the unmarried child, under 18 years of age, and the wife of a citizen of the United States; ministers, rabbis, and professors and their wives and unmarried children under 18 years of age; students and returning domiciled aliens. A preference within the quota was granted to the husband, the unmarried child between 18 and 21 years of age, and the father and mother of a citizen of the United States. Skilled agriculturalists and their wives and children, under 16 years of age, were also placed in the preference class. No nonquota or preference status was given to the wives and children of those who were not citizens of the United States.

The immigration act of 1924 has caused untold hardship to many citizens and to many resident aliens. These aliens were admitted to the United States before the passage of the immigration act of 1924. They came as pioneers and looked forward to bringing their wives and children to their adopted country when they had established a home for them. They desired to become useful citizens, but under our naturalization law they must reside in the United States at least five years before they may be naturalized. The State Department recently reported to Congress that because the annual quotas for about 23 European countries are very small it will take from 2 to 13 years to permit those who have already secured preference within the quota to obtain visas, to say nothing about the number of years it will take for the wives and minor unmarried children of noncitizens to receive immigration visas.

In December, 1924, I introduced the first bill to amend this law so as to permit close fireside relatives of citizens and of alien residents of the United States to be admitted as nonquota immigrants. On December 7, 1925, at the convening of the Sixty-ninth Congress, I reintroduced this bill, and later Senator JAMES W. WADSWORTH, Jr., introduced a similar measure in the United States Senate. On December 8, 1925, President Coolidge, in his message to Congress, speaking on the immigration act of 1924, said:

> The situation should, however, be carefully surveyed in order to ascertain whether it is working a needless hardship upon our own inhabitants. If it deprives them of the comfort and society of those bound to them by close family ties, such modifications should be adopted as will afford relief, always in accordance with the principle that our Government owes its first duty to our own people and that no alien, inhabitant of another country, has any legal rights whatever under our Constitution and laws. It is only through treaty or through residence here that such rights accrue. But we should not, however, be forgetful of the obligations of a common humanity.

Is it not inhuman and harsh to separate for many years wives and minor children from their husbands and fathers? Is it American to discriminate against women citizens and to separate them for many years from their husbands? Is it not in keeping with the American spirit and ideals to permit these husbands, wives, and children to immediately come to the United States so that the families can be united?

The Senate and the House Committees on Immigration held hearings on the Wadsworth-Perlman bill. The opposition to this measure, in the main, was that it would permit a large influx of immigrants. Various estimates of the number that might come if the bill was passed were given. They ranged from 40,000 by former Commissioner of Immigration Henry H. Curran to 1,000,000 and over by some Nordic propagandists. At this time it is evident that the Immigration Committees of Congress will not favor any measure which will permit a large number to come to the United States. Realizing this, Senator WADSWORTH and I have introduced a new measure that should meet with general approval. It provides that husbands of American citizens and 35,000 wives and unmarried minor children of declarants who were admitted into the United States prior to July 1, 1924, should be permitted to come as nonquota immigrants. One of the provisions of the first Wadsworth-Perlman bill was to permit honorably discharged World War veterans now abroad and their wives and children to be admitted into the United States in excess of the quota. This relief has already been granted by Congress.

It is well that all Americans should be inspired by the message on tolerance delivered by President Coolidge at the conven-

tion of the American Legion at Omaha, Nebr., on October 6, 1925. I quote one of his statements:

Whether one traces his Americanism back three centuries to the Mayflower, or three years to the steerage, is not half so important as to whether his Americanism of to-day is real and genuine. No matter by what various crafts we come here, we are all now in the same boat.

The early immigrants and their descendants and the so-called newer immigrants and their descendants have all contributed to make this country what it is to-day, the greatest country in the world, one to which all countries look for leadership and assistance. The country belongs to all American citizens, not to any one class or group.

It is my hope that the members of the House Committee on Immigration and Naturalization and all other Members of the House will, when Congress reconvenes in December, follow the recommendation of President Coolidge and will then give favorable consideration to either my bill or any other bill that will unite families of all citizens and deserving declarants. That should be done for the honor of America.

I shall continue my efforts in the coming session of Congress to the end that laws be passed to eliminate the hardships caused by the quota law.

THE FORDNEY-M'CUMBER TARIFF ACT

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to extend my remarks on the benefits of the Fordney-McCumber bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWTHER. Mr. Speaker, despite the gloomy prophecy of leading Democrats, the Fordney-McCumber bill has been a tremendous revenue producer and a material factor in reduction of taxes.

Why do the leaders of the Democratic Party persist in classing the farmers of this country as a group of citizens who must have their thinking done for them? Let me advise my Democratic friends that the American farmer no longer wears long chin whiskers, chews a straw, and swallows the time-worn doctrine of free trade with a little dash of "tariff-for-revenue-only sauce" to make it a little less nauseating. Let me say to the gentleman from Tennessee [Mr. HULL] and the gentleman from Arkansas [Mr. OLDFIELD] that they have not kept up with the procession and have been constantly out of step since the parade started.

The American agriculturist rides in the first division and usually rides in his own limousine. He enjoys a greater degree of independence than perhaps any other citizen in the land no matter what his position or mode of making a living may be. The American farmer is the greatest individualist of society to-day. Each man's problem as to acreage, rotation of crops, soil analysis, the kind of stock most profitable, marketing conditions, and shipping facilities is an individual one, and Mr. American Farmer solves them as they develop. He avails himself of such assistance as his State agricultural department and his Federal agencies afford him, and mixes with it a little common sense and American genius. But do not lose sight of the fact that farming is a brow-sweating, back-breaking job, even with the tremendous advantage supplied by modern machinery, and nowhere does this old adage, "Man works from sun to sun, but woman's work is never done," so well apply as on the farms of the country. They well deserve all the comforts and luxuries that have become a part of their daily program.

Mr. Speaker, the average American farmer knows as much about the benefits of a protective tariff as the average Congressman can tell him. He keeps abreast of the times, is active in the grange, and subscribes to farm journals that provide him with up-to-date news, and the telephone and radio keep him posted on current events and market conditions.

He knows that we as a people can not be successful and prosperous in groups; we must prosper together. He realizes that his chances of marketing a profitable crop are better when the industrial plants of his neighboring cities are distributing a full-sized pay envelope to their employees regularly every Saturday night. He is young enough to vision a still greater prosperity in this greatest of nations, and old enough to remember the days of free trade when public soup houses were established and the price the farmers could command for their produce would scarcely pay for seed. Everything was cheap in those days, but as a general proposition where commodities are cheapest the people are least able to buy.

RATES NOT SUFFICIENTLY HIGH

Mr. Speaker, there are many industries that are suffering depression because of inadequate rates, or their products being on the free list in the present tariff bill.

SHINGLE INDUSTRY AT A STANDSTILL

The great shingle industry of the Northwest has been nearly wiped out. Shingles are on the free list, and the President and Congress have been petitioned as follows:

The workers and manufacturers in the shingle industry respectfully represent that the existing tariff law that provides a fair tariff on logs and substitute roofing, and which allows the free entry of shingles into the United States, discriminates against our industry in favor of British Columbia and its large amount of oriental labor.

We most respectfully ask and urge the passage of a tariff law providing for a fair tariff on shingles at the present session of Congress so that this discrimination, which we know was not intended, may be removed.

NO TARIFF ON BRICKS

The necessity of a fair rate of protection on bricks is clearly evident. The importations are growing by leaps and bounds.

I present here an interesting document regarding this industry and a resolution by the Common Brick Manufacturers' Association of America:

FACTS CONCERNING IMPORTATION OF BUILDING BRICK TO THE UNITED STATES OF AMERICA

In 1922 no brick were shipped into the United States from Belgium.

In 1923 we received 2,613,000.

In 1924 we received 18,550,000.

In 1925 we received 49,013,000.

Importations from all foreign countries in 1925 were 54,115,000.

In January and February of 1926, 10,050,000 foreign brick came into this country, indicating that importations in 1926 will be much larger than in 1925.

Foreign brick have been received at the ports of New York, Philadelphia, Norfolk, Miami, Galveston, San Diego, and Seattle.

Up to this time Belgium and the Netherlands have been the chief shippers. France is in a position to ship brick to the United States and is looking toward this market.

The largest portion of brick received in the United States from Europe was manufactured in the Boom district of Belgium, which during 1925 produced a billion common brick.

Soft coal used for burning brick is mined in Belgium and brought direct by canal boats to the brickyards.

Unskilled labor in Belgium brickyards is now receiving less than 30 francs ($1.36) a day. Some women are employed in the plants and they receive as low as 15 francs (68 cents) a day.

The clay of the Boom district is particularly easy to handle, and the actual cost of manufacture in the Boom plants varies from $2.27 to $2.73 per thousand.

The transportation rate from the brick plants to alongside ocean freighters by canal does not exceed 10 francs per thousand.

Brick can be manufactured and placed on barge alongside freighters for 70 francs ($3.18) per thousand.

In December, 1925, American-sized bricks, 2¼ by 3¾ by 8 inches, were quoted at the brickyards in Boom for from 105 to 110 francs ($4.77 to $5). This included a profit to the manufacturer.

The increase in the production of brick in Belgium in 1925 over 1924 was 33 per cent. At this time extensive additional manufacturing facilities are being provided in Belgium.

There apparently is some arrangement between an association representing the brick manufacturers in the Boom district and the Lloyd Royal Belge Steamship Co. effecting low rates for Atlantic transportation. The normal charge for transporting 1,000 brick from Belgium to New York is $7. Steamers sailing light from Belgium to the United States pay 80 cents a thousand for sand as ballast. This sand is discharged into the ocean before entering an American port. Steamers requiring this ballast are offering to transport brick for the cost of loading and unloading. It is authoritatively reported that steamship companies have transported brick for $3 per thousand from Belgium to the United States.

Counting the cost of manufacture, of transportation from plant to steamship, the loading, Atlantic transportation at normal rates, and unloading at dock in New York, brick can be moved from the Belgian yards to the United States for $13 a thousand. Taking advantage of the lower transportation rates, the brick could be placed in New York for $9 per thousand, leaving an attractive profit to the Belgian manufacturer. There is no mark of identification upon any of the brick received in this country from foreign ports. All of the brick shipped to America is specially made for export, being of the American size, and such brick are not marketable in Belgium and Holland.

There is no physical difficulty in the marking of brick when manufactured. There is practically no expense and no damage to the mate-

rial by marking. The marking always occurs on the bottom or top of the brick and is lost sight of when the brick is laid in the wall.

The average minimum wage paid in American plants is $3.62 per day, and a much shorter day than is given by the labor in the Belgian plants. The average annual earning of approximately 3,000 employees in brickyards in the Chicago district in 1925 was $2,800. The average cost of brickyard labor in America is at least four times that of the average cost in European plants.

Resolution unanimously adopted by the Common Brick Manufacturers' Association of America, in annual convention at New Orleans, La., February 22–26, 1926

Whereas the Common Brick Manufacturers' Association of America, with headquarters at Cleveland, Ohio, in session at its annual convention in New Orleans, La., February 22 to February 26, 1926, finds that the brick manufacturers of the United States are being subjected to unfair and injurious competition by brick being imported from foreign countries, where labor used is at a low-wage scale. Further, the brick is transported largely in foreign government-controlled vessels at a preferential rate, thereby allowing the brick to be sold in this country at a price below the cost or a fair price of brick manufactured in the United States: Therefore be it

Resolved, That this convention go on record as requesting that the Congress of the United States place a proper and fair tariff on all brick imported into the United States and that the Fordney Tariff Act, section 304, requiring the marking with the name of the country of origin of all articles made in foreign countries, be immediately and rigidly enforced as to brick; be it further

Resolved, That the officers of this association are hereby empowered to take all further steps necessary to effect this end.

Mr. Speaker and gentlemen of the House, the application for a raise in rate on fabric gloves under the flexible-clause section of the tariff act was refused, and as a result the fabric-glove industry has been ruined in the United States. The Democratic theory that low tariff rates benefit the ultimate consumer is again disproved in this particular case. Now that no fabric gloves are made in this country, the importers have jumped the price to the dealers, who in turn have raised the price tag to the consumer, and fabric gloves now are just doubled in price. American mills are closed or compelled to scrap their machinery and go into some other line. Here are two letters from manufacturers of gloves and the fabric used in their making:

GLOVERSVILLE, N. Y., *February 16, 1926.*

Hon. FRANK CROWTHER, M. C.,
House of Representatives, Washington, D. C.

MY DEAR DOCTOR: I have your note of the 13th, and am sorry to say that the present status of the cotton-glove industry is not very satisfactory. The failure of the President to increase the duties to the maximum to prevent the foreign competition has practically ruined the industry.

There is nothing doing whatever in this section, as far as fabric gloves are concerned, with the exception of the Grewen Fabric Co. in Johnstown, who have a small production—all novelty gloves—and there is another concern, backed by some of our local capital here, but located in Hornell—the Grewen-Lenon Corporation—who are following in the footsteps of the Grewen Fabric Co. in making strictly novelty gloves.

There is no vast production, as we can not compete under the present tariff with the plain glove as it comes from Germany. With the novelties, just as soon as the line of the domestic manufacturers are shown, samples are secured one way or another and sent over to Germany. In about six months the novelties—if they may be so termed—then are brought in at so much lower than domestic prices that our manufacturers here have to be continually getting out new ideas with their goods for another six months' run.

We, of course, were chiefly concerned with the manufacture and sale of cloth for the purpose of making gloves. There has been a slight demand for the cloth in other directions, such as trimmings used by dress houses.

Also last year, owing to the demand for gloves with cuffs, we sold quite a bit of cloth, which was used by some of the domestic manufacturers, who placed cuffs on the gloves which had been imported plain. Now they are coming in with cuffs, so that part of the business has dropped off.

Our business has averaged over the past three years about 20 per cent of what it was when, due to war-time conditions, we had automatically a tariff which prevented the coming in of the German goods. We speak now, of course, of our cotton-goods division. We doubt if, outside of the Gruen Fabric Co.—the people in Johnstown—there are half a dozen tricot machines running in the country on cotton goods alone.

Our old friends, the Ormsby-Morris Co., have gone out of business. They sold their machinery for finishing, and we understand that Mr. White, at Oswego, is doing very little and is actively interested in other lines of business. The only people who may be doing anything at all would be the Merrill Silk Co., at Hornell, N. Y. As that is outside of your district, I am writing their Mr. Peters to-day, asking him if he would mind dropping you a line, telling how conditions are to-day in the cotton goods. They are good friends, and I know he will be glad to do that.

We presume it is almost hopeless to expect relief from the conditions, such as found in our industry, as long as the argument of raising the price on the cheap glove is kept before the public by the importer. It does seem unfortunate that such an industry as ours—small as it is in comparison with many businesses in this country to-day—has not been more carefully preserved, as it would have meant at many times, when it was needed in the glove field, an additional opportunity to keep many people in work.

You probably realize, of course, that silk business is our main industry. That, fortunately, is good to-day, so we do not feel the loss of the cotton end as much as we would under other conditions. Nevertheless, anything that would help the industry would always be of interest to us, and we realize that you have always tried to do whatever was within your power to help us along these lines.

Meanwhile, with best regards, I am,

Yours very truly,

JAMES ROGER.

HORNELL, N. Y., *February 25, 1926.*

Hon. FRANK CROWTHER,
Washington, D. C.

MY DEAR MR. CROWTHER: We have been advised by the Fulton County Silk Mills of your request concerning cotton-glove business to-day.

We would advise that to sell domestic-made gloves to the jobbers is impossible. Find gloves are brought into this country at a fraction of the cost of production here. There seems to be a very small volume of business available for extreme novelties to be sold direct to the retailer along the line that the Gruen Fabric Co. is operating.

Our production on fabric gloves amounted to over 6,000 dozen per week during the war period, and has fallen off until last year our sales amounted to 225 dozen for the entire year. By this you will see that we are practically forced out of the game.

We thank you for your interest in the industry, and assure you that we would be glad to submit any cost figures or data you might request that might be used in the interest of our industry. With high regards, we remain

Very truly yours,

MERRILL SILK CO.
L. C. PETERS.

Present rate on canned tomatoes evidently too low, as evidenced by following resolution:

IMPORTS CANNED TOMATOES INCREASING

The following resolution was unanimously passed by the Tri-State Packers' Association at its annual meeting held in Philadelphia, January 13 and 14, 1926:

"Whereas the United States imports of canned tomatoes have increased from 270,000 cases in 1922 to 764,000 cases in 1924, and for 10 months of 1925, 884,200 cases; and

"Whereas the United States import duty on canned tomatoes was in 1909 40 per cent ad valorem and reduced to 25 per cent ad valorem in 1913, and again reduced, in September, 1922, to 15 per cent ad valorem; and

"Whereas the Tri-State Packers' Association, through its constituent members, employs a large number of American laborers in the growing and canning of tomatoes, and finds the competition with foreign-grown and foreign-canned tomatoes to be a serious menace to the canning industry in the Atlantic seaboard section and also in other sections of the country: Therefore be it

"*Resolved*, That a committee of five be appointed to take necessary steps to secure such change in the United States tariff as will afford our industry the greatest possible measure of relief; and be it further

"*Resolved*, That our secretary be instructed to call the attention of other associations to this matter to secure their cooperation."

Test:

C. M. DASHIELL, *Secretary.*

[NOTE: Total imports for 1925 were 88,000,000 pounds, equaling 1,833,300 cases No. 3's.]

INADEQUATE PROTECTION FOR GRANITE PRODUCTS

I have received the following article from Marr & Gordon, Ausable Forks, N. Y., manufacturers and quarriers of monumental and building stone, showing the necessity of a higher rate on granite for monumental purposes:

HIGHER TARIFF INDISPENSABLE

The granite producers of this country are making a concerted effort to have the protective tariff increased upon imported granite for monumental purposes, both in the rough stock and the finished work. It is

well known that high wages comparatively with all others is the item of cost that governs the produced value of American quarry products of all kinds, including granite. The wage level is largely based upon the conditions created by the national credits advanced to foreign nations during the late war for which our Government was directly responsible to its citizens, all alike. In fact, American wage scales have been made distinctly with a view of enabling every citizen employed in a useful occupation to carry his part of the tax burden consequent to the acts of the Government in advancing the credits and making the foreign loans, and for that reason it is but just that the Government by its proper authority should protect the only known means of distributing that tax burden through employment of the citizens, who pay it all. Our industries do not have to be subsidized by Government to subsist, like we read is the current remedy for unemployment in foreign nations, but they can not survive without reasonable protection in the way of a tariff high enough to equalize the difference between the cost of employment where Government has put it and the lower cost of employment in foreign lands, whether subsidized or not. To say that American workmen, for instance, can make up some of the differential by speeding up and so taking it out of their skins, and by immense investments in machinery with mergers of producing units, to patriotically overcome the failure of Government to provide equality for its own citizens, is only idle talk. If our industries, one after another, are allowed to drop out, with ever-increasing conditions of unemployment of both labor and capital, will not the tax burden then automatically shift by heavy increases upon all those who may not now think they are interested in the present question? So this equalization by higher tariff really does affect every citizen individually, whether he is conscious of the fact or not, and it is the duty of our Congress to know that it does and to apply the remedy. The action in so doing will be self-explanatory and altogether satisfactory, for in our observation we have found no considerable crowd of people who are seeking any method by which their individual tax burdens shall be increased.

Permit me in closing to say that the fundamental purpose of a protective tariff is to keep our American laborers employed. While we realize the necessity of upbuilding our spiritual welfare, while we constantly preach against the great development of materialism, my thought is that after all is said and done you can not feed and educate a family on the pretty theories of Democratic free trade. A protective-tariff policy that yields an opportunity to every toiler to earn, not a living wage, but a wage that permits the indulgence in some of the luxuries as well as the necessities of life, to educate his children, and to put away a few dollars for the proverbial rainy day, is a sound policy. Call it materialism if you desire; I call it common sense.

TO VACATE PROCEEDINGS ON BILL TO DONATE LAND TO JUPITER, FLA.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to vacate proceedings whereby House bill 8903 was taken from the Speaker's table and the Senate amendments disagreed to and a conference asked for.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

HOUSE PAGES

Mr. NEWTON of Minnesota. Mr. Speaker, my attention has just been directed to the situation regarding the pages of the House. It has heretofore been the custom when the House adjourned on the 4th of March that the pages are paid for the balance of the month. That was likewise true when the House adjourned on June 7, 1924. They were paid until June 30. That is likewise true of previous years, but having remained over in session after the 1st of July, the House having passed the legislative bill, the deficiency bill made no provision for carrying it over for the balance of the time in July.

Unless action is taken by the Committee on Accounts the previous precedents will be set aside and these faithful servants of the House will not be provided for. We are all going on our own vacations, and it seems to me the resolution which I have introduced should be referred to the Committee on Accounts.

I may also say that the Senate a few moments ago took action in regard to correcting it.

SEVERAL MEMBERS. Pass the resolution now.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution

Resolved, That the Clerk of the House hereby is authorized and directed to employ 41 pages for the House on the day following the adjournment of the present session of Congress until the end of the month during which such adjournment shall be taken, to be paid from the contingent fund of the House at the rate of $3.30 each per day.

The resolution was agreed to.

COMMENCEMENT ADDRESS BY HON. MARTIN L. DAVEY AT KENMORE HIGH SCHOOL

Mr. DAVEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a commencement address that I made myself.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. DAVEY. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following address which I delivered at the commencement exercises of the class of 1926, Kenmore High School, at Kenmore, Ohio, May 28, 1926:

Mr. DAVEY. To the members of the class of 1926, now that you are about to be graduated from the high school of your city, it is well to make an appraisal of the situation which has enabled you to come thus far on the road of life, and it is well also to analyze the facts and the philosophy upon which your future success and happiness may be builded.

Here is gathered a great crowd of friends and admirers and well-wishers to see you honored, as you deserve to be honored, after having successfully completed the prescribed course of study leading to this graduation. While they are honoring you in this public fashion, you in turn must honor those people and those forces of human progress which have made this great event possible.

Twenty-six years ago it was my privilege to live through the same great emotions and the same exultant animation which you are experiencing. It is, so to speak, like standing on a majestic mountain looking out upon a glorious world. It is an achievement distinctly worth while. It is a high honor worthy of noble people. It is indeed a victory of patient effort and high purpose.

But, my dear young friends, back of this magnificent spectacle are the devoted parents, most of whom have made real sacrifices for your sake. Throughout the years when you have come from childhood these parents have dreamed great dreams for you. They have wished for you and have given you, with whatever sacrifice was necessary, the best equipment for life that the great public-school system makes possible. Few there are who can think in terms of an education without in simple justice thinking also in terms of the unselfish and devoted parenthood that made the opportunity.

In order to make a fair appraisal, we must look even back behind the parents themselves and there we find a great enlightened citizenship, stretching from end to end of this wonderful country, that is continuously willing to tax itself for the building of great educational structures, for the best and most complete equipment, and for the adequate training of the teachers who guide us on the path toward education. It would be most ungrateful of us if we should fail to give full and lasting credit to the teachers themselves who represent the highest standard of efficient and consecrated public service.

Back of all these things, great and fine as they are, is a more important and fundamental thing, and that is the Nation itself, which was born in the spirit of a new philosophy of government. We will not here concern ourselves with the foresight and the tremendous sacrifice and suffering that constituted the price paid by the founders of this Republic for the institutions of which we are the fortunate beneficiaries. Volumes could be written on that phase of the subject alone, but I am thinking now in terms of the institutions themselves, one of the greatest of which is the guaranty that all the blessings of America shall be open in equal measure to the children of all people within our borders. This philosophy of equal opportunity, equal liberty, and equal advantages of education is the very foundation of America. It is the philosophy which proclaims that the child of the most lowly shall have no barrier placed in his way by law or caste or custom. It is a living invitation to everyone, no matter how humble may have been his origin to rise to whatever heights of success and fame that he is able to attain by virtue of his natural endowments and his determined effort.

Perhaps one difficulty is the fact that it is really hard to appreciate those things which we have always known and which are familiar facts in our lives. Things are strong by contrast. Here in America, that is blessed as no other nation in the history of the world has been blessed by a form and philosophy of government which makes all of these things possible, it is really difficult to comprehend the meaning and the magnitude of the great public-school system, universal education. Try to imagine, if you can, the situation in other lands where intelligent people grow to maturity without any education at all, or very little beyond what may be picked up. There are hundreds of millions of people, naturally intelligent, in the world even to-day for whom there is no educational advantage. Gradually and by slow progress some other nations are beginning to provide their people with some of the educational facilities which America has provided so

rapidly and so fully. It is not an idle boast to say that everyone is richly blessed who is born or reared in this our America.

We must not forget, however, that even this great America, granting that we have gone very much farther on the road of progress and have been vastly more favored than other nations, is the fruit of an advancing civilization that has been in progress over a period of centuries. And what is this civilization of which we boast as our own. For nearly 2,000 years there has been working in the world the Christian philosophy that caused man to think in terms of human values and a higher level of life. Gradually, as this Christian philosophy permeated the world, there developed with it a desire for knowledge. But more important still was an awakening aspiration for human liberty. It took long centuries to develop, but gradually, very gradually, these three grew into the human consciousness—the Christian philosophy, the desire for education, and the thirst for liberty. And so there was finally established here in this New World a great new form of government, an experiment that represented the high hopes and lofty ambitions of a people dedicated to human progress. Ours is a government the product of a great and wonderful philosophy that was designed to be the servant of its people as distinguished from those other forms of government hitherto known in the world, which were designed to serve the masters only.

And think, if you will, of that tremendous force which America has let loose in the world that has stimulated the thought and actions of the people in many other lands. America has made a really great contribution to the democratic thought and the spirit of liberty in the world.

This, it seems to me, is a brief appraisal of the things which have made possible this great and significant occasion. Now let us turn to the future for a little while, because after all the things which you have achieved up to this time are only a preparation for those which are to come. You want success and happiness, of course. These are the common goal of mankind. May I suggest to you some simple fundamental things that seem to me prerequisite to success and happiness.

No success is possible in anything that you may choose to follow unless you are willing to pay the price. America guarantees you an equal opportunity with every other American—and nothing more. Of course, it would be foolish to assume that everyone has equal ability, and that everyone is capable of rising to the same heights, because there is bound to be as wide a difference in human capacity. But in so far as your natural endowments permit you can reach any goal that you are willing to pay the price to reach. You can not succeed by merely wishing to succeed, because success is a coy maiden that must be wooed and won by persistent, determined, and sustained effort.

I should say that the degree of success which you attain, in keeping with your natural endowments, will depend upon how much success really means in your life, and how determined you are to achieve it. If you really want it you must be willing to make sacrifices of pleasure and convenience and luxuries. You must avoid the soft places and battle against the human tendencies to seek the easy road, to cut corners, and to belittle hard work.

Work is a blessing when viewed in the right light. It is the thing, and the only thing, by which human beings can grow. It develops strength and courage and confidence, and the very capacity to do things. The best proof of this is the fact that the idle sons of the idle rich never amount to anything. We have it demonstrated over and over again in America that those who are forced by circumstances to labor and to strive, or who of their own volition choose to do so, are the only ones who amount to anything at all or are worth considering in American life. In an overwhelming proportion of the cases, the men of success to-day were the children of adversity yesterday.

And now for happiness and the broader phase of success. You may not believe me when I say that the measure of happiness is to a large extent the degree to which you can forget self. I am speaking now in the broader sense of the term, because it would not be humanly possible to forget one's self entirely, but it is the attitude of mind which is all important.

The world is a mirror which reflects with amazing accuracy what we give to the world. If we give friendship, we get friendship in return. If we give sunshine, then there comes back to us sunshine to bless our own lives. If we give earnestness and sincerity and nobility, we are judged by that standard and very largely treated on that basis of human relationship.

It has seemed to me that the best guide of life is to be what you admire in other people. If you admire friendliness, then be genuinely friendly; not gushing and superficial, but really friendly in a fine, sweet sense. If you admire earnestness, then be earnest; not stiff and intolerant, but sincerely earnest. If you like honesty, then be honest; not merely as a policy, but as a life principle. If you admire courage, then be courageous; not foolhardy or for purposes of show, but courageous in a noble sense and as a matter of steady purpose. If you admire energetic workers, then be a worker yourself; not with the idea of shutting out of your life every pleasure and enjoyment, but as a means of attainment and happiness. If you admire thrift, then be thrifty; not penurious or foolishly inconsiderate, but thrifty in the sense of saving a portion of your earnings as an evidence of a life work worthily done. If you admire nobility and fine character, then strive to be all that those things represent in your best philosophy.

It is well to remember that the world judges us for what we are. Merit finds its own level just as water does. Bluff can not raise us much higher than we deserve to go, because human instinct will one day find us out and cast us down to that low plane where we belong. Merit, real, honest merit, will bring us very largely that recompense and recognition which we really deserve. Luck plays a relatively unimportant part in the scheme of life. It has its place, perhaps, but it can not drag us down, as a rule, beyond the plane where we deserve to be.

You create the causes and you need not worry very much about the results, because they will flow just as naturally as anything can be from the causes which you have created. Forget yourself. Keep your mind and your heart on the things you are striving to do. Forget the results that you seek to attain, as far as possible, and concentrate upon the causes that will produce those results.

Success and happiness both will come to you very largely in the measure that you merit them. You can not pluck the fruit of life unless you plant the right kind of trees properly and nurture them through the years until they are ready to bear fruit. The future is very largely in your hands to make it what you will. America gives you a great opportunity. Our philosophy of life and government provide the inspiration. Civilization beckons you with outstretched hands to make use of a glorious background and magnificent instrumentalities for our own good and the welfare of the race. Do not be ashamed of your ideals. You need them and the world needs them.

I can not close without one other great appeal to you. You and I are more fortunate than we may realize to have been privileged to live under the magnificent blessings of America, to be the beneficiaries of her unmatched institutions, to be educated in her great public-school system, and to imbibe the philosophy of her civic and spiritual life. America has made you and me possible. America has given us our all. We owe an everlasting obligation to help preserve all that is best in this our native land.

Here we have a country more richly blessed than any land in the history of the world in a material, moral, and spiritual sense. But America is only 150 years old. It is indeed a very young nation, representing in that century and a half only two normal lifetimes. As we glance down over the long span of history, we see countless nations rise and fall. We see kingdoms and principalities and powers, almost without number, come and go. History represents a striking and varied picture of rapid changes in human affairs and in nations. Viewed over the long span of time since history began the changing world presents a warning and a challenge to America.

When we received these great blessings, we received them as a priceless heritage. We do not own America. It is ours only for a lifetime. It came to us from the generations that are gone. We hold it in trust only so long as the breath of life is in us, and then we must pass it on to other generations that are to come. All these great and manifold blessings that came to us as a priceless heritage brought with them an equally great responsibility to keep this land of freedom and opportunity as great and as wonderful and as worth while as it was when we received it.

THE M'FADDEN BILL

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Speaker, inasmuch as the present session is closing to-day and the banking bill (H. R. 2), commonly known as the McFadden bill, remains in conference until the convening of the next session of Congress in December, 1926, I desire to make clear to the Members of Congress, as well as others interested in this bill, the situation as it now exists.

The bill (H. R. 2) passed the House of Representatives on February 4, 1926. It passed the Senate with amendments May 13, 1926, and has since that time been in conference, the managers on the part of the Senate being Senators PEPPER, EDGE, and GLASS, and the managers on the part of the House Messrs. MCFADDEN, KING, and WINGO. I do not intend to deal with the several matters under discussion in the conference except to say that up to the time of adjournment of the present session of Congress all matters in disagreement between the Senate and House conferees on this banking bill had been agreed upon with the exception of one provision, which provision you will find italicized in subsection (c) of section 5155 of the bill which I am inserting in the RECORD with these remarks. This difference is expressed in the following words, "at the date of the approval of this act, and." To those who have followed this legislation carefully it will be readily apparent that these words constitute the substance of the Hull amendment and apply only to those States which do not now permit branch banking but which may at some future time permit branch banking to its

State banks. The effect of the insertion of these words in this bill is to give the full benefits of this entire bill to the national banks in the States that now permit branch banking, but to deny that privilege to the States that do not now permit branch banking, and to deny that right to national banks even though one or more of those States should in the future permit branch banking, unless and until Congress should pass a law permitting national banks to have branches in those States, so as to meet the competition of State member banks with branches.

As Congress adjourns these 10 words, "at the date of the approval of this act, and," are the only differences between the two Houses. The House position, as expressed by instructions to the conferees, is that these 10 words shall remain in the bill—which means that Congress reserves the right to deal in the future with branch banking in the States that do not now permit it, if and when the occasion arises; while the Senate position is that these 10 words should not be inserted in the bill, which means that Congress now deals with the subject by saying that if in the future one or more States change their laws and permit State banks to have branches within their border, automatically national banks may have the same rights.

Inasmuch as no definite agreement was arrived at, the matter remains in conference, and all of the items in difference between the two Houses will be open for discussion and agreement when the Congress reconvenes. I am hoping that early in the coming session the conferees will confer and agree upon this important legislation.

A careful reading of the bill as herein printed speaks for itself in clear and understandable language, more clearly than anything that I might say in further explanation.

I desire, however, to point out the fact that this is national legislation dealing with our entire financial structure, the passage of which at this session of Congress has been prevented by the injection of local self-interest. I believe that this bill presents a solution of the delicate and intricate problems involved and will settle for all time many matters now in controversy that should definitely be settled. This bill when passed is a definition of important national policy on branch banking.

A draft of the bill as finally considered in conference is as follows:

THE MCFADDEN BANKING BILL

IN THE CONGRESS OF THE UNITED STATES

An act (H. R. 2) to further amend the national banking laws and the Federal reserve act, and for other purposes

Be it enacted, etc., That the act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918, be amended by adding at the end thereof a new section to read as follows:

"SEC. 3. That any bank incorporated under the laws of any State, or any bank incorporated in the District of Columbia, may be consolidated with a national banking association located in the same State, county, city, town, or village under the charter of such national banking association on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each association or bank proposing to consolidate, and which agreement shall be ratified and confirmed by the affirmative vote of the shareholders of each such association or bank owning at least two-thirds of its capital stock outstanding, or by a greater proportion of such capital stock in the case of such State bank if the laws of the State where the same is organized so require, at a meeting to be held on the call of the directors after publishing notice of the time, place, and object of the meeting for four consecutive weeks in some newspaper of general circulation published in the place where the said association or bank is situated, and in the legal newspaper for the publication of legal notices or advertisements, if any such paper has been designated by the rules of a court in the county where such association or bank is situated, and if no newspaper is published in the place, then in a paper of general circulation published nearest thereto, unless such notice of meeting is waived in writing by all stockholders of any such association or bank, and after sending such notice to each shareholder of record by registered mail at least 10 days prior to said meeting, but any additional notice shall be given to the shareholders of such State bank which may be required by the laws of the State where the same is organized. The capital stock of such consolidated association shall not be less than that required under existing law for the organization of a national banking association in the place in which such consolidated association is located; and all the rights, franchises, and interests of such State or District bank so consolidated with a national banking association in and to every species of property, real, personal, and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in such national banking association into which it is consolidated without any deed or other transfer, and the said consolidated national banking association shall hold and enjoy the same and all rights of property, franchises, and interests, including the right of succession as trustee, executor, or in any other fiduciary capacity, in the same manner and to the same extent as was held and enjoyed by such State or District bank so consolidated with such national banking association. When such consolidation shall have been effected and approved by the comptroller any shareholder of either the association or of the State or District bank so consolidated, who has not voted for such consolidation, may give notice to the directors of the consolidated association within 20 days from the date of the certificate of approval of the comptroller that he dissents from the plan of consolidation as adopted and approved, whereupon he shall be entitled to receive the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by the shareholder, one by the directors of the consolidated association, and the third by the two so chosen; and in case the value so fixed shall not be satisfactory to such shareholder he may within five days after being notified of the appraisal appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding; and the consolidated association shall pay the expenses of reappraisal, and the value as ascertained by such appraisal or reappraisal shall be deemed to be a debt due and shall be forthwith paid to said shareholder by said consolidated association, and the shares so paid for shall be surrendered and, after due notice, sold at public auction within 30 days after the final appraisement provided for in this act; and if the shares so sold at public auction shall be sold at a price greater than the final appraised value, the excess in such sale price shall be paid to the said shareholder; and the consolidated association shall have the right to purchase such shares at public auction, if it is the highest bidder therefor, for the purpose of reselling such shares within 30 days thereafter to such person or persons and at such price as its board of directors by resolution may determine. The liquidation of such shares of stock in any State bank shall be determined in the manner prescribed by the law of the State in such cases if such provision is made in the State law; otherwise as hereinbefore provided. No such consolidation shall be in contravention of the law of the State under which such bank is incorporated, nor shall any such State bank or banks entering into such consolidation be located at a greater distance from such national banking association than is authorized by the laws of the State in case of the consolidation or merger of two or more State banks.

"The words 'State bank,' 'State banks,' 'bank,' or 'banks' as used in this section shall be held to include trust companies, savings banks, or other such corporations or institutions carrying on the banking business under the authority of State laws."

SEC. 2. (a) That section 5136 of the Revised Statutes of the United States, subsection "second" thereof as amended, be amended to read as follows:

"Second. To have succession from the date of the approval of this act, or from the date of its organization if organized after such date of approval until such time as it be dissolved by the act of its shareholders owning two-thirds of its stock, or until its franchise becomes forfeited by reason of violation of law, or until terminated by either a general or a special act of Congress, or until its affairs be placed in the hands of a receiver and finally wound up by him."

(b) That section 5136 of the Revised Statutes of the United States, subsection "seventh" thereof, be further amended by adding at the end of the first paragraph thereof the following:

"*Provided*, That the business of buying and selling investment securities shall hereafter be limited to buying and selling without recourse marketable obligations evidencing indebtedness of any person, copartnership, association, or corporation, in the form of bonds, notes, and/or debentures, commonly known as investment securities, under such further definition of the term 'investment securities' as may by regulation be prescribed by the Comptroller of the Currency, and the total amount of such investment securities of any one obligor or marker held by such association shall at no time exceed 25 per cent of the amount of the capital stock of such association actually paid in and unimpaired and 25 per cent of its unimpaired surplus fund, but this limitation as to total amount shall not apply to obligations of the United States, or general obligations of any State or of any political subdivision thereof, or obligations issued under authority of the Federal farm loan act: *And provided further*, That in carrying on the business commonly known as the safe-deposit business no such association shall invest in the capital stock of a corporation organized under the law of any State to conduct a safe-deposit business in an amount in excess of 15 per cent of the capital stock of such association actually paid in and unimpaired and 15 per cent of its unimpaired surplus," so that the subsection as amended shall read as follows:

"Seventh. To exercise by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes according to the provisions of this title: *Provided*, That the business of buying and selling investment securities shall hereafter be limited to buying and selling without recourse marketable obligations evidencing indebtedness of any person, copartnership, association, or corporation, in the form of bonds, notes,

and/or debentures, commonly known as investment securities, under such further definition of the term 'investment securities' as may by regulation be prescribed by the Comptroller of the Currency, and the total amount of such investment securities of any one obligor or maker held by such association shall at no time exceed 25 per cent of the amount of the capital stock of such association actually paid in and unimpaired and 25 per cent of its unimpaired surplus fund, but this limitation as to total amount shall not apply to obligations of the United States, or general obligations of any State or of any political subdivision thereof, or obligations issued under authority of the Federal farm loan act: *And provided further,* That in carrying on the business commonly known as the safe-deposit business no such association shall invest in the capital stock of a corporation organized under the law of any State to conduct a safe-deposit business in an amount in excess of 15 per cent of the capital stock of such association actually paid in and unimpaired and 15 per cent of its unimpaired surplus.

"But no association shall transact any business except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the Comptroller of the Currency to commence the business of banking."

SEC. 3. That section 5137 of the Revised Statutes of the United States, subsection "First" thereof, be amended to read as follows:

"First. Such as shall be necessary for its accommodation in the transaction of its business."

SEC. 4. That section 5138 of the Revised Statutes of the United States, as amended, be amended to read as follows:

"SEC. 5138. No national banking association shall be organized with a less capital than $100,000, except that such association with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants, and except that such associations with a capital of not less than $25,000 may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed 3,000 inhabitants. No such association shall be organized in a city the population of which exceeds 50,000 persons with a capital of less than $200,000, except that in the outlying districts of such a city where the State laws permit the organization of State banks with a capital of $100,000 or less, national banking associations now organized or hereafter organized may, with the approval of the Comptroller of the Currency, have a capital of not less than $100,000."

SEC. 5. That section 5142 of the Revised Statutes of the United States, as amended, be amended to read as follows:

"SEC. 5142. Any national banking association may, with the approval of the Comptroller of the Currency, and by a vote of shareholders owning two-thirds of the stock of such associations, increase its capital stock to any sum approved by the said comptroller, but no increase in capital shall be valid until the whole amount of such increase is paid in and notice thereof, duly acknowledged before a notary public by the president, vice president, or cashier of said association, has been transmitted to the Comptroller of the Currency and his certificate obtained specifying the amount of such increase in capital stock and his approval thereof, and that it has been duly paid in as part of the capital of such association: *Provided, however,* That a national banking association may, with the approval of the Comptroller of the Currency, and by the vote of shareholders owning two-thirds of the stock of such association, increase its capital stock by the declaration of a stock dividend, provided that the surplus of said association, after the approval of the increase, shall be at least equal to 20 per cent of the capital stock as increased. Such increase shall not be effective until a certificate certifying to such declaration of dividend, signed by the president, vice president, or cashier of said association and duly acknowledged before a notary public, shall have been forwarded to the Comptroller of the Currency and his certificate obtained specifying the amount of such increase of capital stock by dividend, and his approval thereof."

SEC. 6. That section 5150 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5150. The president of the bank shall be a member of the board and shall be the chairman thereof, but the board may designate a director in lieu of the president to be chairman of the board, who shall perform such duties as may be designated by the board."

SEC. 7. That section 5155 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5155. The conditions upon which a national banking association may retain or establish and operate a branch or branches are the following:

"(a) A national banking association may maintain and operate such branch or branches as it may have in lawful operation at the date of the approval of this act, and any national banking association which has continuously maintained and operated not more than one branch for a period of more than 25 years immediately preceding the approval of this act may continue to maintain and operate such branch.

"(b) If a State bank is hereafter converted into or consolidated with a national banking association, or if two or more national banking associations are consolidated, such converted or consolidated association may retain and operate such branches if any as were in lawful operation by any of said banks at the date of the approval of this act.

"(c) A national banking association may, after the date of the approval of this act, establish and operate new branches within the limits of the city, town, or village in which said association is situated if such establishment and operation are *at the date of the approval of this act, and* at the time permitted to State banks by the law of the State in question.

"(d) No branch shall be established after the date of the approval of this act within the limits of any city, town, or village of which the population by the last decennial census was less than 25,000. No more than one such branch may be thus established where the population, so determined, of such municipal unit does not exceed 50,000; and not more than two such branches where the population does not exceed 100,000. In any such municipal unit where the population exceeds 100,000 the determination of the number of branches shall be within the discretion of the Comptroller of the Currency.

"(e) No branch of any national banking association shall be established or moved from one location to another without first obtaining the consent and approval of the Comptroller of the Currency.

"(f) The term 'branch' as used in this section shall be held to include any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State or Territory of the United States or in the District of Columbia at which deposits are received, or checks paid, or money lent.

"(g) This section shall not be construed to amend or repeal section 25 of the Federal reserve act, as amended, authorizing the establishment by national banking associations of branches in foreign countries, or dependencies, or insular possessions of the United States.

"(h) The words 'State bank,' 'State banks,' 'bank,' or 'banks' as used in this section shall be held to include trust companies, savings banks, or other such corporations or institutions carrying on the banking business under the authority of State laws."

SEC. 8. That section 5190 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5190. The general business of each national banking association shall be transacted in the place specified in its organization certificate and in the branch or branches, if any, established or maintained by it in accordance with the provisions of section 5155 of the Revised Statutes, as amended by this act."

SEC. 9. That the first paragraph of section 9 of the Federal reserve act be amended so as to read as follows:

"SEC. 9. Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, desiring to become a member of the Federal reserve system, may make application to the Federal Reserve Board, under such rules and regulations as it may prescribe, for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located. Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank. The Federal Reserve Board, subject to the provisions of this act and to such conditions as it may prescribe pursuant thereto, may permit the applying bank to become a stockholder of such Federal reserve bank.

"Any such State bank which, at the date of the approval of this act, has established and is operating a branch or branches in conformity with the State law, may retain and operate the same while remaining or upon becoming a stockholder of such Federal reserve bank; but no such State bank may retain or acquire stock in a Federal reserve bank except upon relinquishment of any branch or branches established after the date of the approval of this act beyond the limits of the city, town, or village in which the parent bank is situated."

SEC. 10. That section 5200 of the Revised Statutes of the United States, as amended, be amended to read as follows:

"SEC. 5200. The total obligations to any national banking association of any person, copartnership, association, or corporation shall at no time exceed 10 per cent of the amount of the capital stock of such association actually paid in and unimpaired and 10 per cent of its unimpaired surplus fund. The term 'obligations' shall mean the direct liability of the maker or acceptor of paper discounted with or sold to such association and the liability of the indorser, drawer, or guarantor who obtains a loan from or discounts paper with or sells paper under his guaranty to such association and shall include in the case of obligations of a copartnership or association the obligations of the several members thereof. Such limitation of 10 per cent shall be subject to the following exceptions:

"(1) Obligations in the form of drafts or bills of exchange drawn in good faith against actually existing values shall not be subject under this section to any limitation based upon such capital and surplus.

"(2) Obligations arising out of the discount of commercial or business paper actually owned by the person, copartnership, association, or corporation negotiating the same shall not be subject under this section to any limitation based upon such capital and surplus.

"(3) Obligations drawn in good faith against actually existing values and secured by goods or commodities in process of shipment shall not

be subject under this section to any limitation based upon such capital and surplus.

"(4) Obligations as indorser or guarantor of notes, other than commercial or business paper excepted under (2) hereof, having a maturity of not more than six months, and owned by the person, corporation, association, or copartnership indorsing and negotiating the same, shall be subject under this section to a limitation of 15 per cent of such capital and surplus in addition to such 10 per cent of such capital and surplus.

"(5) Obligations in the form of banker's acceptances of other banks of the kind described in section 13 of the Federal reserve act shall not be subject under this section to any limitation based upon such capital and surplus.

"(6) Obligations of any person, copartnership, association, or corporation, in the form of notes or drafts secured by shipping documents, warehouse receipts, or other such documents transferring or securing title covering readily marketable nonperishable staples when such property is fully covered by insurance, if it is customary to insure such staples, shall be subject under this section to a limitation of 15 per cent of such capital and surplus in addition to such 10 per cent of such capital and surplus when the market value of such staples securing such obligation is not at any time less than 115 per cent of the face amount of such obligation, and to an additional increase of limitation of 5 per cent of such capital and surplus in addition to such 25 per cent of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than 120 per cent of the face amount of such additional obligation, and to a further additional increase of limitation of 5 per cent of such capital and surplus in addition to such 30 per cent of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than 125 per cent of the face amount of such additional obligation, and to a further additional increase of limitation of 5 per cent of such capital and surplus in addition to such 35 per cent of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than 130 per cent of the face amount of such additional obligation, and to a further additional increase of limitation of 5 per cent of such capital and surplus in addition to such 40 per cent of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than 135 per cent of the face amount of such additional obligation, and to a further additional increase of limitation of 5 per cent of such capital and surplus in addition to such 45 per cent of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than 140 per cent of the face amount of such additional obligation, but this exception shall not apply to obligations of any one person, copartnership, association, or corporation arising from the same transactions and/or secured upon the identical staples for more than 10 months.

"(7) Obligations of any person, copartnership, association, or corporation in the form of notes or drafts secured by shipping documents or instruments transferring or securing title covering livestock or giving a lien on livestock when the market value of the livestock securing the obligation is not at any time less than 115 per cent of the face amount of the notes covered by such documents shall be subject under this section to a limitation of 15 per cent of such capital and surplus in addition to such 10 per cent of such capital and surplus.

"(8) Obligations of any person, copartnership, association, or corporation in the form of notes secured by not less than a like amount of bonds or notes of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, shall (except to the extent permitted by rules and regulations prescribed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury) be subject under this section to a limitation of 15 per cent of such capital and surplus in addition to such 10 per cent of such capital and surplus."

SEC. 11. That section 5202 of the Revised Statutes of the United States as amended be amended by adding at the end thereof a new paragraph to read as follows:

"Eighth. Liabilities incurred under the provisions of section 202 of Title II of the Federal farm loan act, approved July 17, 1916, as amended by the agricultural credits act of 1923."

SEC. 12. That section 5208 of the Revised Statutes of the United States as amended be amended by striking out the words "or who shall certify a check before the amount thereof shall have been regularly entered to the credit of the drawer upon the books of the bank," and in lieu thereof inserting the following: "or who shall certify a check before the amount thereof shall have been regularly deposited in the bank by the drawer thereof," so that the section as amended shall read as follows:

"SEC. 5208. It shall be unlawful for any officer, director, agent, or employee of any Federal reserve bank, or any member bank as defined in the act of December 23, 1913, known as the Federal reserve act, to certify any check drawn upon such Federal reserve bank or member bank unless the person, firm, or corporation drawing the check has on deposit with such Federal reserve bank or member bank, at the time such check is certified, an amount of money not less than the amount specified in such check. Any check so certified by a duly authorized officer, director, agent, or employee shall be a good and valid obligation against such Federal reserve bank or member bank; but the act of any officer, director, agent, or employee of any such Federal reserve bank or member bank in violation of this section shall, in the discretion of the Federal Reserve Board, subject such Federal reserve bank to the penalties imposed by section 11, subsection (h) of the Federal reserve act, and shall subject such member bank, if a national bank, to the liabilities and proceedings on the part of the Comptroller of the Currency provided for in section 5234, Revised Statutes, and shall, in the discretion of the Federal Reserve Board, subject any other member bank to the penalties imposed by section 9 of said Federal reserve act for the violation of any of the provisions of said act. Any officer, director, agent, or employee of any Federal reserve bank or member bank who shall willfully violate the provisions of this section, or who shall resort to any device, or receive any fictitious obligation, directly or collaterally, in order to evade the provisions thereof, or who shall certify a check before the amount thereof shall have been regularly deposited in the bank by the drawer thereof, shall be deemed guilty of a misdemeanor and shall, on conviction thereof in any district court of the United States, be fined not more than $5,000, or shall be imprisoned for not more than five years, or both, in the discretion of the court.

SEC. 13. That section 5211 of the Revised Statutes of the United States as amended be amended to read as follows:

"SEC. 5211. Every association shall make to the Comptroller of the Currency not less than three reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president, or of the cashier, or of a vice president, or of an assistant cashier of the association designated by its board of directors to verify such reports in the absence of the president and cashier, taken before a notary public properly authorized and commissioned by the State in which such notary resides and the association is located, or any other officer having an official seal, authorized in such State to administer oaths, and attested by the signature of at least three of the directors. Each such report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the association at the close of business on any past day by him specified, and shall be transmitted to the comptroller within five days after the receipt of a request or requisition therefor from him; and the statement of resources and liabilities, together with acknowledgment and attestation in the same form in which it is made to the comptroller, shall be published in a newspaper published in the place where such association is established, or if there is no newspaper in the place, then in the one published nearest thereto in the same county, at the expense of the association; and such proof of publication shall be furnished as may be required by the comptroller. The comptroller shall also have power to call for special reports from any particular association whenever in his judgment the same are necessary in order to obtain a full and complete knowledge of its condition."

SEC. 14. That section 22 of the Federal reserve act, subsection (a), paragraph 2 thereof, be amended to read as follows:

"(a) No member bank and no officer, director, or employee thereof shall hereafter make any loan or grant any gratuity to any bank examiner. Any bank officer, director, or employee violating this provision shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year, or fined not more than $5,000, or both, and may be fined a further sum equal to the money so loaned or gratuity given.

"Any examiner or assistant examiner who shall accept a loan or gratuity from any bank examined by him, or from an officer, director, or employee thereof, or who shall steal, or unlawfully take, or unlawfully conceal any money, note, draft, bond, or security or any other property of value in the possession of any member bank or from any safe-deposit box in or adjacent to the premises of such bank, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof in any district court of the United States, be imprisoned for not exceeding one year, or fined not more than $5,000, or both, and may be fined a further sum equal to the money so loaned, gratuity given, or property stolen, and shall forever thereafter be disqualified from holding office as a national-bank examiner."

SEC. 15. That section 24 of the Federal reserve act be amended to read as follows:

"SEC. 24. Any national banking association may make loans secured by first lien upon improved real estate, including improved farm land, situated within its Federal reserve district or within a radius of 100 miles of the place in which such bank is located, irrespective of district lines. A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument upon real estate when the entire amount of such obligation or obligations is made or is sold to such association. The amount of any such loan shall not exceed 50 per cent of the actual value of the real estate offered for security, but no such loan upon such security shall be made for a longer term than five years. Any such bank may make such loans in an aggregate

sum including in such aggregate any such loans on which it is liable as indorser or guarantor or otherwise equal to 25 per cent of the amount of the capital stock of such association actually paid in and unimpaired and 25 per cent of its unimpaired surplus fund, or to one-half of its savings deposits, at the election of the association, subject to the general limitation contained in section 5200 of the Revised Statutes of the United States. Such banks may continue hereafter as heretofore to receive time and savings deposits and to pay interest on the same, but the rate of interest which such banks may pay upon such time deposits or upon savings or other deposits shall not exceed the maximum rate authorized by law to be paid upon such deposits by State banks or trust companies organized under the laws of the State wherein such national banking association is located."

SEC. 16. That the last proviso of the second paragraph of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, is amended to read as follows:

"*And provided further*, That nothing in this act shall prohibit any private banker from being an officer, director, or employee of not more than two banks, banking associations, or trust companies, or prohibit any officer, director, or employee of any bank, banking association, or trust company, or any class A director of a Federal reserve bank, from being an officer, director, or employee of not more than two other banks, banking associations, or trust companies whether organized under the laws of the United States or any State, if in any such case there is in force a permit therefor issued by the Federal Reserve Board; and the Federal Reserve Board is authorized to issue such permit if in its judgment it is not incompatible with the public interest, and to revoke any such permit whenever it finds, after reasonable notice and opportunity to be heard, that the public interest requires its revocation."

SEC. 17. That section 5139 of the Revised Statutes of the United States be amended by inserting in the first sentence thereof the following words: "or into shares of such less amount as may be provided in the articles of associations" so that the section as amended shall read as follows:

"SEC. 5139. The capital stock of each association shall be divided into shares of $100 each, or into shares of such less amount as may be provided in the articles of association, and be deemed personal property, and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association. Every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all rights and liabilities of the prior holder of such shares; and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired."

SEC. 18. That section 5146 of the Revised Statutes of the United States as amended be amended by inserting in lieu of the second sentence thereof the following: "Every director must own in his own right shares of the capital stock of the association of which he is a director the aggregate par value of which shall not be less than $1,000, unless the capital of the bank shall not exceed $25,000 in which case he must own in his own right shares of such capital stock the aggregate value of which shall not be less than $500," so that the section as amended shall read as follows:

"SEC. 5146. Every director must during his whole term of service be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located, or within 50 miles of the location of the office of the association, for at least one year immediately preceding their election, and must be residents of such State or within a 50-mile territory of the location of the association during their continuance in office. Every director must own in his own right shares of the capital stock of the association of which he is a director the aggregate par value of which shall not be less than $1,000, unless the capital of the bank shall not exceed $25,000, in which case he must own in his own right shares of such capital stock the aggregate par value of which shall not be less than $500. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place."

SEC. 19. That the second subdivision of the fourth paragraph of section 4 of the Federal reserve act be amended to read as follows:

"Second. To have succession for a period of 40 years from its organization, unless it is sooner dissolved by an act of Congress or unless its franchise becomes forfeited by some violation of law."

SEC. 20. That section 3 of the Federal reserve act, as amended, is further amended by adding at the end thereof the following:

"The Federal Reserve Board may at any time require any Federal reserve bank to discontinue any branch of such Federal reserve bank established under this section. The Federal reserve bank shall thereupon proceed to wind up the business of such branch bank, subject to such rules and regulations as the Federal Reserve Board may prescribe."

THE TRAGEDY OF MISUNDERSTOOD YOUTH

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FLETCHER. Mr. Speaker, ladies, and gentlemen of the Congress, as the Ohio member of the House Committee on Education I had the honor to accept an invitation to represent my committee, June 30, in an address before the members of the National Education Association at their annual convention in Philadelphia.

The subject of my speech on this occasion was "The Tragedy of Misunderstood Youth."

Because of the great number of requests from my home State, Ohio, and from educators everywhere throughout the country asking for copies of "The Tragedy of Misunderstood Youth," I am pleased to avail myself of the extension of remarks privilege granted to me by the unanimous consent of my colleagues in the House.

YOUR INVITATION A COVETED HONOR

To conserve space, the speech prepared for the national convention of educators I have revised and shall present in the RECORD only in part, as follows:

Ladies and gentlemen of the National Education Association, when I recall that an opportunity to appear on your annual program is a coveted honor eagerly sought by the most celebrated educators and scholars of the Nation; and when I am reminded that great statesmen and noted men and women of international fame have in the past appeared on the annual program of your great national organization, then it is not surprising that as one of the speakers this evening, a mere newspaper man, an amateur politician like myself should come before you in the spirit of humility.

ANGELO PATRI AND DR. RANDALL J. CONDON

The members of your program committee have shown commendable foresight by providing the celebrated Angelo Patri, of New York City, to precede me and the distinguished Dr. Randall J. Condon, president of the department of superintendents, to follow me on the evening's program.

In thus sandwiching a politician in between two regular fellows like Angelo Patri and Dr. Randall J. Condon your program committee has greatly reduced the hazard you would be justified in anticipating were I to appear before you all by myself.

BEHIND THE MICROPHONE

On arrival in Philadelphia I was informed that this evening's audience would be composed of more than 10,000 of the leading educators of the Nation, representing every State in the Union.

The thrill of the pleasant information assuring me of so vast and so distinguished an audience somewhat subsided on being reminded that I would be compelled to stand behind a desk and address you through a microphone.

This unexpected handicap of having to stand still behind a microphone and merely talk to you in undramatic conversation fashion makes it necessary for me to deliver an altogether different type of speech from that which I had prepared for you.

No man can be eloquent when compelled to feed his thoughts to his audience through a mechanical contrivance. However, the provision seems necessary in an echo auditorium so vast as is this immense structure.

SUPPLANTING TRADITION WITH SCIENCE

In discussing the subject, "The Tragedy of Misunderstood Youth," I hope briefly to present some reasons why we must supplant the traditional educational methods with an educational technique formulated on the laboratory findings of the research biologist and the research educational psychologist in their efforts to explore and understand the human personality.

"But," exclaims the professional educator, "what contribution can a nonprofessional, a mere newspaper man, and a politician at that, make on such an intricate issue as the one involving a scientific approach to solving the riddle of the human personality and most especially the mysterious personality of enigmatic and paradoxical youth?"

YOU HAVE A RIGHT TO CHALLENGE A MERE LAYMAN

You, out there in the great audience, who are college and university presidents and you other distinguished leaders in the field of education have the right to challenge a layman who presumes to make a contribution in the field in which you are highly trained specialists.

Therefore it is only fair to you that I should first attempt to answer the doubt that is in your mind at this moment by stating, in the spirit of modesty, I hope, that although editing and publishing newspapers has been my business, my life vocation, and politics my avocation, yet education and working with young people has been my life hobby and shall continue to be the rest of the way.

WHY I BECAME INTERESTED IN A SCIENTIFIC STUDY OF THE PROBLEMS AND PERSONALITY OF YOUTH

Every man, if he is to remain normal and get the most out of himself, should have a vocation, an avocation, and a hobby.

A hobby is the device through which a man may sometimes find his greatest chance for self-expression and for usefulness.

It was in self-defense that I first got started in this work of trying to help young people adjust themselves to their environment and succeed where they are with what they have.

First, I became interested in finding out why some of my newsboys with only a few patrons on their carrier routes had two or three times as many complaints for inferior service telephoned into the office against them by the dissatisfied people to whom they were delivering the newspapers as other boys of the same age with three or four times as many patrons to serve.

THE INTERROGATION POINT MIND

You can not do much for young people unless you understand them and you will never understand them unless you have been at least a superficial student of both biology and psychology.

Even if you are fortified with a knowledge of biology and psychology you will not be able even then to understand the behavior of young people until you develop the interrogation-point mind.

By the interrogation-point mind I mean a mind that has acquired the mental habit of everlastingly asking the questions: Who? What? Why? When? Where? How?

Those six words are the golden keys that will unlock for you the mysterious doors to all the knowledge about people or about things you will ever possess.

WHAT A NEWSBOY TOLD ME ABOUT HIS PARENTS AND HIS TEACHERS

So I approached the newsboy problem with a why. Why this amazing difference between boys of the same age as revealed by the efficiency scores based upon the complaint records of the subscribers to whom the boys were delivering our newspapers.

I soon learned that the parents did not know much about the factors contributing to the behavior of the boys. The parents could think only in terms of effects. They did not seem to know how to analyze and think in terms of causes.

I am not one who joins in the popular pastime of criticizing parents overmuch. It is easy to blame parents but the parents have their hands full and in their defense it must be acknowledged they have had no more chance to receive the right kind of instruction on how to adjust themselves to the rapid changes going on in their environment than have their children.

SALVAGING A JUVENILE MONEY-GRABBER

The fact of the helplessness of parents and the futility of traditional methods of discipline were impressed upon me in very dramatic fashion by the attitude of the father and mother of a boy who, for a long time, had been stealing money from our cash drawer.

Had the parents been permitted to carry out their idea in this case they would have beaten the boy and had him sent to the reformatory.

They were not permitted to commit either crime against the lad. To-day the man who was that juvenile cash-drawer thief is one of the most trusted young officials of the largest railroad system in America.

THE BOY THEY EXPELLED FROM SCHOOL

We were not long in finding out that the teachers, like the parents, knew next to nothing of the personalities, the emotional and the environmental causes contributing to the unsatisfactory behavior of the delinquent newsboys.

In fact, one young fellow, recognized as a "problem pupil," had been suspended and finally expelled from school; an offense against misunderstood youth in which teachers, school-board members, principal, superintendent, and the community at large participated.

The sympathetic service of a nonprofessional psychologist saved this misunderstood youth from the tragedy that might later have confronted him.

To-day, because this formerly delinquent pupil has made so much of his life and achieved such notable success, he is proudly admired by the school that misunderstood him in his boyhood to the extent of stupidly expelling him.

THE FIVE PROCESSES IN BECOMING SOMEBODY

The five processes through which we all must pass if we are to become somebody are self-analysis leading to self-discovery; after self-discovery a program of self-development; from self-development to self-expression; and from self-expression to self-realization.

With our present institutionalized system of quantity production in education and our methods of herd instruction, what chance has the average young person properly to be understood and to receive the scientific personal attention that will assist him in self-discovery, self-expression, and self-realization.

THE PEANUT EATERS ON THE FRONT SEAT

For many years, in connection with my newspaper work, I made annual transcontinental speaking tours under Redpath management, often filling more than 150 paid engagements each year.

The platform work, combined with newspaper writing while on the road, gave me an unusual opportunity to study and compare educational methods and conditions in every State in the Union and throughout Canada.

Again, it was in self-defense that I was compelled to interest myself in the problems of misunderstood youth.

Night after night, when on speaking tours, the peanut-eating, undisciplined youngsters of the gang age on the front seats by their mischievous pranks and sometimes almost horrifying behavior would annoy the audience to the point of distraction and drove me frantic.

YOUNGSTERS PUT CELEBRITIES OUT OF BUSINESS

More than once I have seen great artists and world-famed men lose their self-control, crumple up, and go to pieces because of the hoodlum deviltment of a mob of juvenile front-seat incorrigibles.

It is not necessary to believe the late G. Stanley Hall to be convinced that many of the writers contributing to the literature of the Bible, although perhaps unconsciously so, were nevertheless great psychologists.

You try out some of the laws suggested by the Bible writers for yourself and see how almost with miraclelike success their formulas, when properly applied, stimulate and control human behavior.

SHEDDING OUR GROWN-UPISHNESS

One of the suggestions mentioned in the Bible which must be obeyed by anyone who expects to get anywhere is "unless ye become as a little child ye shall not enter the kingdom," etc.

So to attempt a solution of the children-on-the-front seat problem I began to go to school to children.

One of the first things the children taught me was that unless we grown-ups dispose of our inhibitions and shed our grown-upishness, quit worshiping at the shrine of our beloved ego, and become as little children we can not, to save our necks, enter the sacred realm of understanding in childhood's kingdom.

Thus it came about that your speaker was compelled to become as a little child in order that he might understand why the little front-seat Apaches reverted to the behavior of primitive savages the moment we walked onto the platform and attempted to deliver what I had flattered myself into assuming was a perfectly good speech.

GOING TO SCHOOL TO CHILDREN

Before realizing what was happening to me I had become so fascinated by the adventure of going to school to children that I began to hold round-table discussions and free-school forums, on which occasions the young folks would ask questions.

It was these forums that eventually evolved into psychological clinics for a more scientific study of the personalities, mental traits, and personal problems of the students.

After experimenting with the lower grades I began my work with the young men and women of the high schools who were even more enthusiastic in their interest in the school forums than were the boys and girls of the lower grades.

WHY SOME SCHOOLS DISMISS CLASSES FOR THE ENTIRE DAY

I had not been engaged in this experimental work very long until I found schools offering to dismiss their classes for two or three periods.

Other schools would dismiss for a half day, and some schools where I was engaged to give a series of educational programs would on the last day dismiss the high-school students for the entire day so that the teachers, parents, and the young men and women of the freshman, sophomore, junior, and senior classes could attend the open-forum round-table discussions and participate in the questionnaire programs.

The first year of this experimental work we had in our audiences a total in round numbers of 51,000 young people, including the lower-grade children.

SEVENTEEN YEARS WORKING AT A HOBBY

Whether booked by a committee of business men to address or help organize a chamber of commerce by a college, university, civic, literary, or political organization I made it a practice always in every community to devote part of the day to the work in the public and parochial schools.

In the 17 years your speaker has been doing this work with students he has had in his audiences, according to the aggregate number compiled from the estimates made by the school men in each community, a total of more than 1,000,000 of the youth of the Nation.

For this work with the students we have never accepted any pay, of course. Our compensation has come entirely from the committee that engaged the time for the evening platform service.

The high-school service has been given in the daytime and always has been and always shall be free as our little contribution to the common good and as part of our humble effort to cooperate with the school men and school women who are engaged in selling the idea of education and keeping it sold to their respective communities.

THOUSANDS OF LETTERS FROM YOUNG PEOPLE

Soon after engaging in the fascinating and enlightening adventure of going to school to the young folks we were compelled to arrange for a correspondence service to answer the hundreds of letters received from students.

One Christmas time we received over 900 letters and Christmas-greeting cards sent by the students from all parts of the United States.

The thousands upon thousands of letters we have received from students have supplied valuable first-hand material from which to make deductions concerning the trend of the coming generation.

Frequently we are asked, "Why waste so much time in this educational service when you do not get anything out of it?"

IT HAS MADE LIFE WORTH LIVING

There is where those who ask that question are mistaken. We get more out of it than we have been able to get out of anything else we have ever attempted.

From the intimate contact with these hundreds and thousands of students we have received inspiration that has made life worth the living.

From the association with modern youth our faith in the future destiny of America has grown because we know now that the on-coming millions of the generation marching behind us soon to take our places as one by one we fall from the ranks are made of the manhood and womanhood stuff justifying the optimistic hope and assurance that the democracy under the leadership of the citizens of the future will gradually be made safe for itself and eventually safe for the world.

NOW THAT YOU KNOW THE REASON WHY

Thus we have presented to you a condensed summary of the personal experience background which we hope will be satisfactory to any critic here to-night who may feel the impulse to challenge the right of a layman to discuss "The Tragedy of Misunderstood Youth" before an audience of trained educator experts who are devoting their lives to helping America's young millions prepare for citizenship and equip themselves to meet the challenge of the personal problems of the years ahead.

FINDING OUT HOW YOUNG FOLKS LOOK AT LIFE

You ask what outstanding truths have we learned in 17 years of going to school to America's youth as a pastime hobby? Among the most impressive truths we have learned from the experience have included our appalling ignorance at first of how young people felt about life, their opinion of the older generation, and the confused and bewildered uncertainty in groping for a decision on what to prepare themselves to do and what to live for.

When I first let the students come at me with questions they literally shredded the speeches upon which I had made my somewhat meager professional platform reputation.

To illustrate, doubtless a great many of you in the audience will recall when I first started to feature "Tragedies of the Unprepared" as a platform offering.

RIPPING "TRAGEDIES OF THE UNPREPARED" TO PIECES

The first time the students got a chance at "Tragedies of the Unprepared" they said, "Why, BROOKS FLETCHER, you talked to us, our teachers, and our parents for an hour and a half last night on 'Tragedies of the Unprepared,' at times almost terrorizing us by dramatizing the reasons why we should stay in school until we finish our education and made us feel the tremendous importance of preparing for life, but never once did you tell us what to prepare for, how to analyze ourselves, how to survey the vocational market, how scientifically to know what our natural talents are or in what direction our greatest opportunities lie."

THE STUDENTS SENT ME BACK TO SCHOOL

To equip myself so I could discuss with passible intelligence these questions the students asked more frequently than any other questions I had to give up my work temporarily, go back to school, and spend much time and money in research.

Thus by going to school to high-school, college, and university students I have learned that the schools of the United States, by their bungling stupidity, by failing to equip youth with a marketable education, and in their failure to help the students to know what to educate themselves for, are committing treason against the intellectual and livelihood future of millions of youngsters who are going to be compelled to drudge through life the ne'er-do-well, misfit victims of unscientific, inadequate educational methods which are in disgraceful need of prompt revolutionizing.

CAN NOT GET AN EDUCATION EXCLUSIVELY OUT OF BOOKS

Among the things we must learn as an approach to the substituting of traditional educational methods with methods that harmonize with the mental and personality needs of the student is that we can not get much of an education merely out of books.

Another thing we need to learn and admit is that a doctor of philosophy degree is not necessarily a certificate of intelligence.

Among the most unfit—dumb-bells, to use a popular slang classic—that I have ever had on my pay roll have been people who spent their student days getting their education almost exclusively from books and who were moving through life on the momentum of a university degree.

NEED OF A MARKETABLE EDUCATION

It is essential that we understand the needs and challenges ahead of modern youth that we may adjust our educational objectives to meet realities and thus reduce the vast number of young people who are compelled to succeed in life in spite of their education.

It is the obligation of those of us who are interested in education to fix it so that more of our graduates will be able to succeed in life to a greater degree because of their education instead of in spite of their education.

By success I do not mean merely making money or achieving distinction or getting into Who's Who. By success I mean through self-expression getting out of life what there is in it and leaving the world better because of our having passed this way.

QUESTIONS YOUNG FOLKS HAVE ASKED MOST FREQUENTLY

The two most intimate urges with which we are endowed at birth are the urge to live and the urge to mate.

To satisfy the urge to live it is necessary to find something to do—a vocation, a life work—something to live for through which we can express our creative impulses and thereby earn a living.

To satisfy the urge to mate it is necessary to find the person to love who harmonizes with our own personality, the person who most satisfactorily helps us in expressing our gregarious and procreative impulses.

With infinite variations, indirect or direct, most of the questions the young folks have asked your speaker have been prompted by these two God-given urges that have more to do with our personalities, our happiness, our achievement, and our destiny than any of the other impelling life urges.

THE YOUNGSTERS, SEEING HOW GUESSWORK HAS FAILED, WANT TRUTH, NOT PLATITUDES

The millions of tragic matrimonial purgatories of the mismated indicate the degree in which the home, the church, the school, and the state, by their rule-of-thumb and guess work, have failed in understanding and in helping the youth of yesterday to find the way toward the light.

It is not surprising, then, that observing boys and girls of to-day, noting the failures and the unhappiness in the lives of so many grown-ups in their environment, should challenge the parents, the teachers, the preachers, the priests, and the statesmen now to give a more scientific answer to the question involving the most important factors in human life.

YOUTH'S UNSATISFIED RELIGIOUS HUNGER

Religionists by their denominational and creedal intolerance and their everlasting wrangling confuse modern youth and leave millions of them spiritually stranded, and this, too, in face of the fact that above everything else youth needs a sustaining faith in a supreme intelligence.

One of the greatest educational miracles that could come into the lives of the youth of America would be for the reestablishing of the old-fashioned method of teaching religion around the family fireside. There can be no greater tragedy than for a child to grow up with its natural religous hunger unsatisfied.

WHY POLITICIANS HAVE BEEN INDIFFERENT

The professional politician has been more or less indifferent because his interest has not been served by devotion to the problems of understanding youth. This explains in some degree why the reaction of the professional politician to the appeal of the educator has been negative.

When the politician once gets a vision that inspires him to join with the educators in thinking more of the welfare of the next generation then we will not need to worry so much about the next election and the future of America will be more secure.

The politician must become enough of a statesman to know that not in legislation but in education lies the hope of democracy.

THE MENTAL EQUIPMENT OF THE STATESMAN NEEDS REVISION

I am indeed convinced that a knowledge of history, of law, of economics, and the intricate processes of government are no longer sufficient educational equipment for the statesman.

The statesmen of the future, if he is to be a safe leader, must have a constructive program, and if he is to know where he is going with us, must be more than a historian, an economist, a Constitution expounder; the statesman of the future must be a socioligist; he must be scientific minded; and above all he must be equipped with the last word on the laboratory findings of the biologist and the psychologist.

THE SCIENTIST, NOT THE LEGISLATOR, THE HOPE OF DEMOCRACY

I believe, not in legislation forums, but in the laboratories of the scientist will war eventually be abolished; justice established; equity be realized in industry; and a government of the people, by the people, for the people be converted from a figure of speech into a reality.

The problem of the misunderstood youth is of vital concern to the statesman because of the possibility of misunderstood youth developing into problem adults with inferior morale and a tendency toward malcontent and antisocial behavior.

CRITICIZING THE CRITICS

We have with us always a horde of mob-minded, conclusion jumpers who express opinions on everything and possess accurate knowledge of nothing.

It is from this source that we most frequently hear the tiresome repetition of bromidic opinion to the effect that the younger generation is wicked, devilish, incorrigible, going to the dogs, and on a greased toboggan hell-bent for perdition.

The report of the elaborate survey recently completed by the Department of Labor giving the actual facts concerning juvenile conduct knocks the wind out of the arguments of those whose obsession is the defaming of the young.

WHY OLD FOLKS KNOCK YOUNG FOLKS

Since the human race began old people have knocked young people. The reasons they do it are partly unconscious jealousy of youth; sour grapes, a sense of inferiority, a feeling of having soon to step aside, and the awareness of approaching senility.

It is amazing how many people advocate being good after they are no longer able to kick up their heels and be a little bad.

If you analyze it, you find that much of the current criticism involves some disapproval of the liberties youngsters are supposed to take with one another in the social relation. When it comes to this kind of criticism in which sex is the big idea it is astonishing how large a number of old folks doing the criticizing have bum memories.

WHEN YOU AND I WERE YOUNG, MAGGIE

I hold no brief for the conduct of youngsters but when it comes to their private conduct I stand up for them because after 17 years of crowd and personal contact with over a million of them and correspondence with thousands of them I am convinced the young people are just as good as the rest of us and certainly better than most of us were in our own adolescent days.

You think back a little. Recall some of your own pranks and escapades. If we admit the truth, could the youngsters be any worse than we used to be or tried to be or would have been had we been able to get away with it? If your memory is in working order answer that and keep a straight face, will you?

HUMAN NATURE DOES NOT FLIP FLOP IN A GENERATION

How grotesquely absurd to think that human nature changes in the period of one or two generations so that a generation ago the young folks were good little angels and now the young folks are bad little devils.

A number who slander the young in the matter of personal relation are victims of repression, suppression, and not having lived normal lives emotionally have become neurotically and erotically lopsided. So, they continue constantly to denounce that which they have missed out on and unconsciously most desire.

GOING ON A VERBOTEN SPREE IN THE SLUM OF THE IMAGINATION

You probably would be surprised at the great number of moralizing, nicey-nice folks who are having the immoral time of their lives imagining the young folks they see together must be immoral.

It is easy for certain types of people to do all their dissipating in their imagination.

If we do not watch out this thing we call civilization may get the best of us yet. Certainly we are producing an enormous number of day-dreaming dissipators and cut-ups who develop into emotional cripples with unstable personalities all of which is responsible for legislators having to increase appropriations to enlarge our insane asylums.

BEING VIRTUOUS BY PROXY

A number of the defamers of the younger set need the attention of the psychiatrist.

It is dangerous business to mood too much over what we imagine to be the shortcomings of other people. It is good mental hygiene to cultivate the habit of minding our own business.

No small number of youth baiters who rave about the conduct of the young people now are doing so because in their own day they were rotten themselves.

Much of this holier-than-thou virtuous attitude assumed by youth knockers is an unconscious middle-age attempt to substitute virtuous talk as sort of a palliation for unvirtuous conduct of years ago.

WHY "WHO IS YOUR HERO" WAS WRITTEN

Of course a percentage of our young people are going the limit, but is it much wonder when they see so many older people around them going the limit right before their eyes? We can not fool the youngsters. They are on to us.

If half of the critics of the young would spend their energy setting the young a good example, it would help heaps.

This I found to be true soon after I started to give prizes to the students for their essays on the subjects: "The citizen in your community you want to be like when you grow up and the reasons why." It was from this material that I wrote the book entitled "Who Is Your Hero," which is a discussion of the psychology of imitation or why we become like what we like.

WHAT HAPPENS WHEN WE LIFT THE LID OFF OF HELL

You can not give a world war, stir up all the primitive sadistic impulses of the race, lift the lid off of hell, teach everybody to hate somebody else who happens to be of a different nationality, and for a period of years substitute organized barbarism for civilization and urge everybody to cut 'er loose and go to it without getting some unpleasant results.

So a percentage of juvenile conduct against which we are complaining is partly the dirty backwash of the world-wide murder rampage everybody went into and came out of half crazed and all bloody a little while ago.

THE SCAVENGERS WHO MAKE MONEY OUT OF DEBAUCHING YOUTH

Then night after night for years many of the movies have dramatized before the eyes of adolescence poisonous, passion-arousing, melodramatic indecency, and since the young imitate and become what they mentally and emotionally feed upon it therefore is not the least bit to be wondered at that an emotional few should experiment with the assignation and sex depravity they have from infancy seen night after night on the screen and which they have read about in the filthy, trashy literature that commercial scavengers dig up from the sewers and pour into the impressionable minds of adolescence.

It is the obligation of the older generation to quit criticizing those of the younger generation so much and spend more time trying to understand them mentally, morally, physically, and spiritually.

PREDICTING BEHAVIOR

To understand youth we must ask the scientist to come to our aid. The day for the sentimentalist is past.

To stop antisocial behavior and crime at its source as a first aid to teachers and parents there must be established a psychological clinic in every community.

The psychologist and the biologist, if we give them their chance, can, by a scientific study of the adolescent personality, predict with fair accuracy the behavior and what we may expect from that personality when it becomes adult.

Most of the good or the bad that motivates behavior is first in the consciousness of the child by its environment before it starts to school. Therefore parents, as well as teachers, must have the advantage of the psychologist's service.

SOME TRAGIC CASES OF MISUNDERSTANDING

I need not remind you professional educators that long before they start to school the personality of thousands of children are almost ruined by the stupid efforts at discipline on the part of neurotic adults.

It would be easy to fill a book with cases that have come within my own observation as one who has tried to find a way out for the youth who have come to me in the hope of receiving help that would assist them in groping their way out of the jungle of emotional and mental bewilderment toward the light.

POURS HOT SEALING WAX IN DAUGHTER'S EARS

Summarizing briefly only a half dozen out of several hundred cases with which I have had personal experience, there is the mother who attempted to discipline her daughter by pouring hot sealing wax in her ears; the parents who made a stammerer of their boy by the misuse of suggestion; the woman who converted her daughter into an hysteric by locking her in the basement because the girl had difficulty with her algebra; the child who committed suicide because of her failure to pass the examination; the boy who hanged himself in the cellar because his mother humiliated him; the so-called smart alecks by the thousands who are the victims of an inferiority complex for which stupid adults are responsible and whose smart aleckness is merely a defense device of the subconscious.

REVEALED AT THE HIGH-SCHOOL FORUMS

Thus we might engage your attention hour after hour by the recitals of innumerable tragedies that have come under our observation in connection with the service we have endeavored to give to the high school, college, and university students who have been kind enough to sit in at the questionnaire forums.

It is time we began employing the means at hand to reduce the number of tragedies of misunderstood youth who, without being properly understood, must go through life emotional cripples and with handicapped personalities.

JUNKING OBSOLETE EXAMINATIONS

Even to a layman the need for a revolution in the field of education is startingly apparent.

To illustrate: The present traditional method of examinations as a means for ascertaining a student's qualifications for advancement is a shameful waste of the teacher's time, an unreliable test of a student's ability or reliability, and to many boys and girls so emotionally disturbing and terrifying as to be dangerous to their personalities and therefore must be modernized by scientific technique.

THE MENACE OF TEACHERS WHO HAVE NEVER DONE ANYTHING EXCEPT GO TO SCHOOL

This thing of putting boys and girls at the mercy of teachers who have never done anything in all their lives but go to school themselves, whose education has been obtained exclusively from books and the artificial atmosphere of the schoolroom, and who, because of not having real practical contact with life, know next to nothing of reality is an educational crime and is one reason why so many dazed thousands of youngsters come out of school to meet the challenge of everyday experience, book educated beyond their intelligence or with an unmarketable education of no use to them in the business of living.

The disposition of the workers in the laboratory of the educator scientist to be intimately identified with and willing to learn from the laboratory of reality and practical everyday life is one hope of those who wish to eliminate the possibilities of tragedy for misunderstood youth.

GETTING INSIDE YOUTH'S SKIN TO TAKE A LOOK AT THE WORLD

The legislators of all the nations of the world must somehow be made to understand that not the battleship but the schoolhouse is eventually to become our greatest means of national defense.

The teachers who are training their students to develop international mindedness are doing more toward stopping the hell on earth we call war than all the battleship builders on the globe.

If H. G. Wells knows what he is talking about when he says that civilization is a race between education and catastrophe, then the educator's responsibility is equaled only by his opportunity.

Our first obligation in training the youth of to-day who are to be the citizens of to-morrow is to get into youth's skin and through his young eyes look out upon the confused and jumbled world that we may see life as youth sees life.

So, after all is said and done, to succeed in this business of lending a helping hand to modern youth we must ourselves become as little children in order to enter the realm of childhood's understanding and thus fulfill the obligation this generation owes to the coming generation.

Mr. RANKIN. Mr. Speaker, has not permission been given for all Members to extend their remarks in the RECORD?

The SPEAKER. Yes; until the last publication of the RECORD.

GOOD ROADS

[The House in Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 9504) to amend the act for construction of rural post roads, and other purposes, approved July 11, 1916, as amended and supplemented, and for other purposes. Speech delivered April 16.]

Mr. MANLOVE. Mr. Chairman, although I have the pleasure and honor of serving on six committees of the House of Representatives, I want to say that I could not possibly have enjoyed any of my committee work more than I have my association with the splendid membership which makes up the Committee on Roads.

We have had faith in the work we have had in hand. We have realized that the convenience and happiness of a multitude of people depended upon our judgment and action. Our investigations have been thorough. We have arrived at our conclusions after painstaking deliberation. We bring the present measure before this House in the abiding faith that it is equitable and just. We have confidence that the underlying principle of Federal aid in road building has proven, and will prove, of great service to all the American people. Especially so to those sections of the country which by reason of peculiar environments and the natural contour of the country are rendered unable to fully cope with their disproportionate burdens.

I feel that the spirit of this whole bill is well exemplified in the statement which was just now made to me by one of my New York colleagues. My friend stated that although New York would pay in taxes a very large part of the $75,000,000 per year which is provided for as Federal aid to the different States, and that his State would receive nothing by way of Federal aid in return, yet he realized that if our country shall continue to grow in greatness it must grow as a whole and not by sections. [Applause.]

I might say to my friend that the great State of Missouri is now engaged in a more extensive program of road building than that of any other State in the Union and that the Federal aid which we will receive from this measure will be used in such a manner as to reflect pride upon those who have helped to make possible these avenues of trade and highways of travel.

I have taken a special interest in being a member of this committee, because the people of the congressional district which I have the honor to represent, in the very southwest corner of Missouri, pride themselves upon being the pioneer road builders of that part of our country. And the fire of their enthusiasm is now sweeping over all the great Middle West. We probably may be able to account for some of our pioneer spirit in road building by reason of the fact that we have at hand a splendid material with which to construct both our hard-surfaced and concrete roads. My home city of Joplin, Mo., is the center of the world's greatest lead and zinc mining industry, having produced this year more than $65,000,000 worth of these ores. The ground rock, known as "chats," which comes from the separation of the rock from the ore, makes a splendid topping for roads, as well as a wonderful composition in the construction of concrete.

I have thought a thousand times how the highways which these road-building pioneers of my country have mapped out and made possible will stand to serve humanity through the passing years. Never-fading tablets of bronze should be molded in their honor in order that the generations following us may know the ones to whom they are indebted for this great service. [Applause.]

I have taken great pride in being able to say that in the county where I live—Jasper County, Mo.—we have more miles of good, hard-surfaced, and concrete roads than any other county in the United States.

Mr. JOHNSON of Texas. What is the mileage?

Mr. MANLOVE. Nine hundred and seventeen miles.

Mr. ALMON. That many miles of hard-surfaced roads?

Mr. MANLOVE. Hard-surface and concrete combined.

It might also be interesting to the gentleman from Alabama to know that in that same district, so aptly termed the "land of a million smiles," we have more pure, gushing springs and beautiful spring-fed streams than any other spot on earth—a veritable paradise, where the greeting is just a little happier, the handclasp a little stronger, and the hospitality a little warmer than anywhere else.

Although somewhat apart from the discussions of the provisions of this bill now before the House, I feel that it is of such a kindred nature that I take occasion to call attention to the fact that in extending Federal aid in road construction we are in a way able to extend to our farmer friends a convenience of life which they have so well earned and to which they are certainly entitled. I am one of those who still believe that the farmer is the backbone of our national life. I have never for one minute lost sight of the debt of gratitude which the people of this great Nation owe to him. Without him we can not exist. Without him we will have no need for roads. Without him we will have no need for city streets, puffing engines, or clanging street-car gongs. Without him there will be no need for factory wheels or furnace fires. Whatever other legislation we may pass which shall have a tendency to make his pathway a little smoother, it goes without saying that he should at least have a smooth, hard-surfaced highway running directly past his door in order that he may at least carry his produce with as little effort as possible to the central markets. It is but fair to him that a large burden of the expenses of this road construction should be borne by those who are the ultimate benefactors of his efforts.

We have but to read in the pages of history the story of the awakening civilization which has followed the construction of stable highways. Roads have been the forerunners of a happier civilization in every country of the world throughout all time. It is but natural that the citizenship of our country should seek and demand easier avenues of transportation, and it is but natural that these same improved avenues bring with them new ambitions and aspirations.

There is probably no better example of the magic change which has come with the building of broad, hard-surfaced highways than that which will be found in my sister country of northwest Arkansas. A few years ago a traveler became lost in that beautiful, friendly hill country of northwest Arkansas, and after a wearisome journey finally drove up to the top of a long, winding mountain and came to a log cabin. There he found an old gentleman sitting on the porch who, with the genial hospitality of the hill people, called out, "Howdy, pard; get down and come in." Alighting and stretching himself, the traveler commented to the patriarch of the hills, "My goodness, how do you get the necessities of life up this road?" To which the old gentleman replied, "Well, my friend, the fact of the business is that we don't get much of it up here, and what we do get ain't hardly fit to drink." [Laughter.]

Although this story may well have depicted a condition which existed a number of years ago, it does not apply to-day. For everywhere through that same wonderful and beautiful northwest Arkansas country there is a labyrinth of broad, well-surfaced highways, and you will now find a country in a high state of cultivation, vieing for honors in fruit growing with that of my own district in the southwest corner of Missouri. From that district, as well as my own, there are shipped annually more strawberries, raspberries, blackberries, and grapes, than from probably any other section of the United States. Here you will also find a country rich in the produc-

tion of livestock and agricultural products, but richer still in a splendid citizenship of educated and enlightened people, exceedingly active and highly prosperous.

I have often wondered why my friends in other States, working under the handicap of extra high-priced land and burdens of heavy indebtedness, did not realize that they could come into a land where they could produce more net returns off of a few acres of fruit land than from a large farm where their initial overhead is oppressive.

"YOU CAN NOT GO WRONG IN THE OZARKS"

I entreat my colleagues, after your Congress days are over, to come and ride over the great highways of the State of Missouri, which you are making possible by your action in contributing Federal aid toward the road-building program. Come, ride in the Ozarks, drink at our springs, swim in our streams, and enjoy the genial hospitality which you will find in this "land of a million smiles, throbs, and thrills; the land of the kindly shepherd of the hills." [Applause.]

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House, in pursuance of its previous order, adjourned until to-morrow, Saturday, July 3, 1926, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WELSH: Committee on Industrial Arts and Expositions. H. R. 12931. A bill to provide for maintaining, promoting, and advertising the International Trade Exhibition; without amendment (Rept. No. 1605). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GLYNN: Committee on Military Affairs. S. 2353. An act to amend the military record of Leo J. Pourciau; without amendment (Rept. No. 1603). Referred to the Committee of the Whole House.

Mr. JOHNSON of Indiana: Committee on Military Affairs. H. R. 11399. A bill authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army; with amendment (Rept. No. 1604). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on Accounts. H. Res. 307. A resolution to continue the employment of the three session telephone operators from July 1 to November 30, 1926, inclusive (Rept. No. 1594). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 297. A resolution to pay one month's salary to the clerks to the late Hon. Lawrence J. Flaherty. (Rept. No. 1595). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 160. A resolution to pay Walter C. Neilson $1,200 for extra and expert services to the Committee on Pensions by detail from the Bureau of Pensions (Rept. No. 1596). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 148. A resolution to pay Norman E. Ives $1,200 for extra and expert services to the Committee on Invalid Pensions by detail from the Bureau of Pensions (Rept. No. 1597). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 200. A resolution providing for an additional clerk to the Committee on Enrolled Bills (Rept. No. 1598). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 207. A resolution authorizing payment of $360 per annum, payable monthly, as additional compensation to the chief of janitors of the House of Representatives (Rept. No. 1599). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 242. A resolution for additional compensation to the assistant superintendent of the House document room (Rept. No. 1600). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 153. A resolution that the Committee on Invalid Pensions is hereby authorized to employ an expert examiner of pensions at the rate of $2,400 per annum (Rept. No. 1601). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 151. A resolution paying additional compensation to the majority and minority floor managers of telephones (Rept. No. 1602). Ordered printed.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 13134) granting an increase of pension to Elise Maschmeyer, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEATHERWOOD: A bill (H. R. 13212) granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city; to the Committee on the Public Lands.

By Mr. PERLMAN: A bill (H. R. 13213) to amend the code of law for the District of Columbia in relation to compensation and appointment of committees of estates of lunatics; to the Committee on the Judiciary.

By Mr. GRAHAM: A bill (H. R. 13214) to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. THATCHER: A bill (H. R. 13215) to provide for increased leave of absence for storekeepers, gaugers, and storekeeper-gaugers, and for other purposes; to the Committee on the Civil Service.

By Mr. SWING: A bill (H. R. 13216) to establish in the War Department and the Navy Department, respectively, a roll designated as the Army and Navy medal of honor roll, and for other purposes; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 13217) relating to the labor of certain watchmen and building guards; to the Committee on the Civil Service.

By Mr. GALLIVAN: Joint resolution (H. J. Res. 291) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 13218) granting an increase of pension to Nellie Craig; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 13219) granting an increase of pension to Martha E. Hughes; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 13220) granting an increase of pension to Elmira Staudt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13221) granting an increase of pension to Susan Gehret; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13222) granting an increase of pension to Mary Seamen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13223) granting an increase of pension to Elizabeth Foos; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13224) granting an increase of pension to Elizabeth F. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13225) granting an increase of pension to Sarah A. Beisel (now Smith); to the Committee on Invalid Pensions.

Also, a bill (H. R. 13226) granting an increase of pension to Martha Beamersderfer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13227) granting an increase of pension to Emma E. Miller; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 13228) for the relief of Lewis Beauregard Whittington; to the Committee on Naval Affairs.

By Mr. GARDNER of Indiana: A bill (H. R. 13229) granting a pension to Pauline T. Carpenter; to the Committee on Invalid Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 13230) granting a pension to Jacob M. Colver; to the Committee on Invalid Pensions.

By Mr. HAMMER: A bill (H. R. 13231) granting an increase of pension to Alberta J. Gillingham; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 13232) granting an increase of pension to Julia A. Devault; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 13233) granting an increase of pension to Mary J. Zercher; to the Committee on Invalid Pensions.

By Mr. KINDRED: A bill (H. R. 13234) for the relief of Vincent Iarrobino; to the Committee on Claims.

By Mr. KNUTSON: A bill (H. R. 13235) granting a pension to Martha E. Jones; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 13236) granting an increase of pension to David C. Fleming; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 13237) granting a pension to George W. Smith; to the Committee on Pensions.

By Mr. PERKINS: A bill (H. R. 13238) granting an increase of pension to Mary L. Sheridan; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 13239) for the relief of Elizabeth H. Rice; to the Committee on Claims.

By Mr. SEGER: A bill (H. R. 13240) granting an increase of pension to Emma Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13241) granting an increase of pension to Emma Miller; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 13242) granting an increase of pension to Catharine T. Burke; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 13243) granting an increase of pension to Julia A. Wright; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 13244) granting a pension to Arthur L. Williams; to the Committee on Invalid Pensions.

By Mr. WELSH: A bill (H. R. 13245) granting a pension to Carrie E. Pickering; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13246) for the relief of J. Paul Lloyd; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 13247) granting an increase of pension to Letitia Todd; to the Committee on Invalid Pensions.

By Mr. BERGER: A resolution (H. Res. 312) directing the Committee on the Judiciary of the House of Representatives to investigate the circumstances surrounding the trial and conviction of Nicola Sacco and Bartolomeo Vanzetti; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3166. By Mr. AYRES: Petition from the citizens of Wichita, Kans., in behalf of the Civil War pension measure; to the Committee on Invalid Pensions.

3167. By Mr. BOYLAN: Proclamation by Grand Lodge, Independent Order Brith Abraham of the United States of America, directing that the order participate in befitting manner in the Sesquicentennial Celebration at Philadelphia, Pa.; to the Committee on Industrial Arts and Expositions.

3168. By Mr. COYLE: Petition signed by citizens of Mauch Chunk, Pa., indorsing an increase in pensions for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

3169. By Mr. CROSSER: Petition of citizens of Cleveland, Ohio, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3170. By Mr. DEMPSEY: Petition of citizens of Buffalo, N. Y., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3171. By Mr. DENISON: Petition of various voters of Carbondale, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3172. Also, petition of various voters of Jackson County, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3173. By Mr. DICKSTEIN: Petition of Grand Army of the Republic, favoring immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

3174. By Mr. ROY G. FITZGERALD: Petition of 38 voters of West Chester, Ohio, praying for an increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3175. By Mr. GALLIVAN: Petition of voters of Boston, Mass., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

3176. By Mr. GARDNER of Indiana: Petition of Mrs. Cordelia Cole and 125 other citizens of New Albany, Ind., urging the passage of legislation, at this session of Congress, granting an increase of pension to the veterans of the Civil War and their widows, and further urging that the most hearty support on the part of our Senators and Representatives in Congress be accorded this legislation; to the Committee on Invalid Pensions.

3177. By Mr. HAMMER: Petition of the Executive Board of the Woman's Home Missionary Society of the Methodist Protestant Church; to the Committee on the Judiciary.

3178. By Mr. HAUGEN: Petition of eight voters of Rockford, Iowa, urging immediate consideration of the Civil War pension bill; to the Committee on Invalid Pensions.

3179. Also, petition of two voters of Manly, Worth County, Iowa, urging immediate consideration of the Civil War pension bill; to the Committee on Invalid Pensions.

3180. By Mr. HERSEY: Petition of Emma J. Gould and citizens of Bangor, Me., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

3181. By Mr. HICKEY: Petition from Mary L. Garner, 721 North Hill Street, South Bend, Ind., signed by Mrs. J. W. Harding and numerous other citizens of South Bend, Ind., urging early passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3182. By Mr. HOOPER: Petition of William Hanke and 30 other residents of the State of Michigan, requesting immediate consideration of pending legislation to increase the rates of pension of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

3183. By Mr. HUDSON: Petition of citizens of Genesee County, Mich., urging favorable action on legislation bringing benefits to the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3184. By Mr. KING: Petition signed by Mrs. C. H. Weisenberger and 45 other citizens of Marblehead, Ill., urging that immediate action be taken with reference to Civil War legislation; to the Committee on Invalid Pensions.

3185. Also, petition signed by Mr. W. O. Ruyle and 138 other citizens of Marblehead, Ill., urging that immediate action be taken on the Civil War pension bill; to the Committee on Invalid Pensions.

3186. By Mr. KNUTSON: Petition signed by Andrew J. Wagner, of Akely, Minn., and others, relative to the Elliott pension bill; to the Committee on Invalid Pensions.

3187. By Mr. NEWTON of Minnesota: Petition by sundry citizens of Minneapolis, urging immediate action of the Civil War pension bill; to the Committee on Invalid Pensions.

3188. By Mr. NELSON of Maine: Petition of certain citizens of third Maine district; to the Committee on Invalid Pensions.

3189. By Mr. O'CONNELL of Rhode Island: Petition of sundry residents of Providence, R. I., urging immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3190. By Mr. O'CONNOR of Louisiana: Petition of citizens of New Orleans, La., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3191. By Mr. PERKINS: Petition of 80 citizens and voters of Phillipsburg, N. J., asking for the passage of legislation granting increase of pension to veterans of the Civil War; to the Committee on Invalid Pensions.

3192. Also, petition of citizens of Hackensack, N. J., asking for passage of legislation granting increase of pension to Civil War veterans; to the Committee on Invalid Pensions.

3193. Also, petition from citizens of Ridgefield Park, sixth congressional district of New Jersey, asking for the enactment of legislation increasing the pension of Civil War veterans before the adjournment of Congress; to the Committee on Invalid Pensions.

3194. By Mr. RAGON: Petition of citizens of Marche, Ark., for passage of Civil War pension bill; to the Committee on Invalid Pensions.

3195. Also, petition of citizens of Conway County, Ark., for passage of Civil War pension bill; to the Committee on Invalid Pensions.

3196. By Mr. REECE: Petition of various citizens of Rutledge, Tenn., urging action on Civil War pension bill at the present session; to the Committee on Invalid Pensions.

3197. By Mr. REED of New York: Petition of residents of Olean, Alfred, Niobe, and Dunkirk, N. Y., in behalf of Civil War pension bill; to the Committee on Invalid Pensions.

3198. By Mr. RUBEY: Petition signed by citizens of Prescott, Mo., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3199. By Mr. SOMERS of New York: Petition by voters of Brooklyn, N. Y., and the State of New Jersey, urging Congress to pass bill for increase in pension to Civil War veterans and their widows before adjournment; to the Committee on Invalid Pensions.

3200. Also, petition of the Friends of Irish Freedom, protesting against the immigration law of 1924; to the Committee on Immigration and Naturalization.

3201. By Mr. SWOOPE: Petition of citizens of Berwindale, Jordan Township, Pa., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3202. By Mr. THURSTON: Petition signed by citizens of Appanoose County, Iowa, requesting the enactment of the bill proposing increase of pensions for veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

3203. Also, petition signed by citizens of Union County, Iowa, requesting the enactment of the bill proposing increase of pensions for veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

3204. By Mr. TINCHER: Petition of sundry citizens of Stevens County, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3205. By Mr. VINSON of Kentucky: Petition of voters who reside in Lawrence County, in the ninth congressional district of Kentucky, urging the passage before adjournment of Congress of a bill for the relief of veterans of the Civil War, their widows, and children; to the Committee on Invalid Pensions.

3206. By Mr. WYANT: Petition of the residents of New Kensington, Pa., urging immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

SENATE

SATURDAY, *July 3, 1926*

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we recognize constantly our dependence upon Thee, and on this day of adjournment we want to commit ourselves into Thy gracious keeping. May no life suffer any sorrow during these months. Grant, we beseech Thee, to each one as he returns to his home abundance of blessing and journeying mercies. May we all realize that our God keeps us and that we are kept by His power even unto the end of life's journeyings. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RESIGNATION FROM CHAIRMANSHIP OF AGRICULTURAL COMMITTEE

Mr. NORRIS. Mr. President, I ask unanimous consent for the present consideration of the order which I send to the desk.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

Ordered, That Mr. NORRIS, at his own request, be relieved of the chairmanship of the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Sackett
Bayard	Ernst	La Follette	Schall
Bingham	Fernald	McKellar	Sheppard
Blease	Fess	McMaster	Simmons
Borah	Gerry	McNary	Smoot
Bratton	Gillett	Mayfield	Stanfield
Bruce	Glass	Metcalf	Steck
Butler	Goff	Moses	Stephens
Cameron	Gooding	Neely	Swanson
Capper	Hale	Norbeck	Trammell
Caraway	Harris	Norris	Tyson
Copeland	Harrison	Overman	Underwood
Couzens	Heflin	Pine	Wadsworth
Cummins	Howell	Pittman	Walsh
Curtis	Johnson	Ransdell	Warren
Dale	Jones, N. Mex.	Reed, Pa.	Watson
Deneen	Jones, Wash.	Robinson, Ark.	Williams
Dill	Kendrick	Robinson, Ind.	Willis

The VICE PRESIDENT. Seventy-two Senators having answered to their names, a quorum is present.

FINAL ADJOURNMENT

Mr. CURTIS. Mr. President, from the Committee on Appropriations I report back with an amendment the concurrent resolution (H. Con. Res. 39), for which I ask immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Sixty-ninth Congress by adjourning their respective Houses on the 3d day of July, 1926, at 3 o'clock p. m.

The VICE PRESIDENT. The clerk will read the amendment of the committee.

The CHIEF CLERK. Strike out all after the resolving clause and insert in lieu thereof:

That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized, at the hour of 3 o'clock p. m. on Saturday, July 3, 1926, to adjourn their Houses, respectively, the House of Representatives sine die, and the Senate to reconvene at the hour of 12.30 p. m. on November 10, 1926.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10662. An act authorizing an appropriation for the construction of a roadway and walk leading to and around the Chalmette Monument, Chalmette, La.;

H. R. 11284. An act to provide for an aircraft procurement board, and for other purposes;

H. R. 12065. An act to amend the interstate commerce act and the transportation act, 1920, and for other purposes;

H. R. 12592. An act to provide for the inspection of the battle field of Kings Mountain, S. C.;

H. R. 12732. An act to extend the time for the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois;

H. R. 12796. An act granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga.;

H. R. 12890. An act to amend an act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926; and

H. R. 12952. An act granting the consent of Congress to the village of Decatur, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution; and they were thereupon signed by the Vice President:

S. 569. An act to authorize the transfer of surplus books from the Navy Department to the Interior Department;

S. 1344. An act to amend pargraph (11), section 20, of the interstate commerce act;

S. 1472. An act to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.;

S. 2042. An act relating to the office of Public Buildings and Public Parks of the National Capital;

S. 2516. An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States;

S. 3148. An act to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia;

S. 3405. An act to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys;

S. 3453. An act to provide for the construction of a bridge to replace the M Street bridge over Rock Creek, in the District of Columbia;

S. 3999. An act to provide a parole commission for the District of Columbia, and for other purposes;

S. 4033. An act to authorize the Secretary of War to grant easements in and upon the public lands and properties at Canal Bridge, on the Fox River, in Kaukauna, Wis., in the city of Kaukauna for public-road purposes;

S. 4408. An act to authorize the granting of leave to ex-service men and women employed in the municipal government of the District of Columbia to attend the annual convention of the American Legion in Paris, France, in 1927;

S. 4419. An act authorizing the Shipping Board to give a preference rate to alien veterans and their families;

S. 4430. An act authorizing the Department of State to deliver to Hon. WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, and permitting him to accept the decoration and diploma presented by the Government of France;

S. 4431. An act to authorize the sale of a parcel of land in the town of Westport, Conn.;

S. J. Res. 25. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam;

H. R. 818. An act for the relief of William A. Glasson;

H. R. 2531. An act for the relief of Edward Johnston;

H. R. 4001. An act to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud;

H. R. 4119. An act for the relief of Edward R. Ledwell;

H. R. 5105. An act for the relief of Maude J. Booth;

H. R. 5701. An act to designate the times and places of holding terms of the United States District Court for the District of Montana;

H. R. 6149. An act for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps;

H. R. 7678. An act for the relief of the New York Canal and Great Lakes Corporation, owners of the steamer *Monroe* and barge *209;*

H. R. 7817. An act to establish a national military park at the battle fields of the siege of Petersburg, Va.;

H. R. 8903. An act to authorize the sale and disposition of the abandoned tract or tracts of lands formerly used as a life-saving station in Florida, and for other purposes;

H. R. 9387. An act to revise the boundary of the Sequoia National Park, Calif.;

H. R. 10052. An act to authorize the sale of the Mesa Target Range, Ariz.;

H. R. 10226. An act to correct the military record of John P. Daley;

H. R. 10661. An act to amend the immigration act of 1924;

H. R. 10973. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;

H. R. 11203. An act to amend subsection (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924;

H. R. 11446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12596. An act to authorize the leasing of unallotted irrigable land on Indian reservations;

H. R. 12703. An act granting the consent of Congress to Brownsville & Matamoros Municipal Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at Brownsville, Tex.; and

H. R. 13040. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, June 30, 1927, and for other purposes.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

Mr. OVERMAN. Mr. President, I move to reconsider the vote by which Calendar No. 628, the bill (H. R. 9039) to amend section 8 of the act approved March 1, 1911 (36 Stat. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," was passed on yesterday. It was evidently a great mistake to let the bill pass. It was understood and agreed between the author of the bill and myself that it should not pass at this session.

The VICE PRESIDENT. The Chair is informed that the bill has gone to the House.

Mr. OVERMAN. I move to reconsider the vote by which the bill was passed and that the House be requested to return the bill. It was understood between the author of the bill and myself that it should go over until the next session. It was passed by some mistake.

The VICE PRESIDENT. Without objection, it is so ordered.

SAMUEL A. ASHE ON NORTH CAROLINA'S PART IN INITIATING DECLARATION OF INDEPENDENCE AND IN SUPPLYING WASHINGTON'S ARMY AT VALLEY FORGE

Mr. SIMMONS. Mr. President, I ask unanimous consent to insert in the RECORD at this point, without reading, a letter which came to me on yesterday from one of the ablest and most remarkable men in my State, Capt. Samuel A. Ashe. Captain Ashe is an historian of high repute, and has just completed, although in age he is far advanced beyond 80, a splendid history of North Carolina in two volumes. The subject upon which he has written me, the letter I propose to insert, is one of special interest at this time in relation to the Sesquicentennial Exposition now being held in the city of Philadelphia. In this letter Captain Ashe very interestingly recounts the important part which the State of North Carolina took in the Revolution and in initiating the proceedings which led up to the American Declaration of Independence and in supplying Washington's Army with sorely needed clothes and food during the trying winter of 1777–78 at Valley Forge. It is a very interesting letter historically, and I ask that it be inserted in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

RALEIGH, N. C., *July 1, 1926.*

MY DEAR SENATOR SIMMONS: I fear I am too late in offering a suggestion, but maybe you may find an opportunity to act on it should you deem it worth while.

Everybody is thinking of Philadelphia and the sesquicentennial.

The record is that on April 12, 1776, North Carolina directed her delegates in the Continental Congress to concur in declaring independence (see p. 518, Ashe's History of North Carolina, vol. 1, referring to the North Carolina Halifax convention of April 12, 1776):

"On the night before, Friday, April 12, the committee brought in its report, reciting the acts of the British ministry and of the King and Parliament, and authorizing the delegates to the Continental Congress to concur in declaring independence. They reported as follows:

"'It appears to your committee that pursuant to the plan concerted by the British ministry for subjugating America the King and Parliament of Great Britain have usurped a power over the persons and properties of the people unlimited and uncontrolled; and disregarding their humble petitions for peace, liberty, and safety, have made divers legislative acts denouncing war, famine, and every species of calamity against the continent in general; the British fleets and armies have been and still are daily employed in destroying the people and committing the most horrid devastations on the country; that governors in different Colonies have declared protection to slaves who should imbrue their hands in the blood of their masters; that the ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all which multitudes of the people have been destroyed and from easy circumstances reduced to the most lamentable distress.

"'And whereas the moderation hitherto manifested by the united Colonies and their sincere desire to be reconciled to the mother country on constitutional principles have procured no mitigation of the aforesaid wrongs * * * and no hopes remain of obtaining redress by those means along which have been hitherto tried, your committee are of the opinion that the house should enter into the following resolve, to wit:

"*Resolved,* That the delegates of this colony in the Continental Congress be empowered to concur with the delegates of the other colonies in declaring independency, and forming foreign alliance, reserving to this colony the sole and exclusive right of forming a constitution and laws for this colony, and of appointing delegates from time to time (under the direction of a general representation thereof) to meet the delegates of the other colonies for such purposes as shall be hereafter pointed out."

That necessarily carried the direction to purpose. How else? What else?

(See p. 540, Ashe, History of North Carolina, vol. 1, as follows:)

"Some three weeks after North Carolina had instructed her deputies to concur in declaring independence the Virginia convention met, and on May 15 adopted a resolution directing her deputies to propose independence. In the same day Boston and a majority of the other towns in Massachusetts, in their town meetings, instructed their local representatives to the same effect. On May 27 Joseph Hewes, then the only North Carolina deputy in attendance on the Continental Congress, presented the North Carolina resolution and immediately the Virginia instructions were also presented. These resolves and the action of the Continental Congress on May 15, declaring that it was irreconcilable with good conscience for the people to take oaths to support government under the Crown, and that the powers of government should be exerted under the authority of the people, brought the subject of independence sharply to the attention of the other colonies, and the leaven had begun to work. Yet nearly two weeks elapsed before

there was any movement. Then, on June 7, Richard Henry Lee offered in Congress a resolution, 'That these united colonies are and of right ought to be free and independent States.' This resolution, so fraught with momentous consequences, was not considered that day, but postponed until the next morning. It was debated until the 10th. Hewes, speaking for North Carolina, was unalterably fixed and urged in favor of immediate action.

"A bare majority of the colonies favored Lee's resolution. New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina were not prepared to support it, and its further consideration was, by a vote of 7 to 5, postponed until July 1, Hewes casting the vote of North Carolina against the postponement. By that date it was hoped that new instructions might be received from the Provinces that still held back. To lose no time, a committee was appointed to prepare a declaration of independence, and another committee was directed to draft a plan of confederation, Hewes being a member of the latter.

"Seventeen days slowly passed, and then, on June 28, a draft of the Declaration was reported to the House, where it lay on the table awaiting the decision on Lee's resolution. At length July 1 arrived, and that resolution was again taken up for consideration. Maryland and New Jersey had in the meanwhile given in their adherence. From Delaware only two members were present, and they divided, so the voice of that colony could not be recorded. The delegates from New York, having no instructions, asked leave to retire. Pennsylvania and South Carolina alone voted in the negative. At the request of Rutledge, of South Carolina, hoping for unanimity, the decision was postponed until the next day.

"When the Congress met the following morning a third Member had arrived from Delaware, casting the vote of that Province for the resolution, changes had been made in the Pennsylvania delegation with a like result, and the South Carolina Delegates no longer withheld their assent. New York still preferred to remain silent, awaiting instructions, which, however, were freely given on the 9th of the month.

"Thus, on July 2, was finally determined, by virtually the unanimous voice of all the Colonies, the great question which North Carolina had proposed on April 12."

So, on May 27, Joseph Hewes, in obedience to this resolve and direction, spoke the first word for independence.

He introduced the North Carolina resolve. Whatever followed was after North Carolina's Delegate first spoke the word "independence."

This is the more desirable to be presented at the present moment, because not a word has been said that I know of about North Carolina's supplying Washington's Army at Valley Forge in the winter of 1777–78, allowing it to preserve and maintain its organization there, and, fortunately, permitting that collection of raw men to be drilled and trained by Baron Steuben, so that it emerged next spring an army of disciplined veterans.

(See p. 586, Ashe, History of North Carolina, vol. 1.)

Speaking of Washington at Valley Forge, this work says:

"The only communication was to the southward, and except such provision and clothing as could be obtained from the unwilling Pennsylvanians, the Army had to be furnished from Virginia and North Carolina, and Governor Caswell was unremitting in his endeavors to provide needed supplies. Now the value of Ocracoke became still more apparent. Governor Martin wrote in January from New York to Lord Germain:

"'The contemptible port of Ocracoke * * * has become a great channel of supply to the rebels. * * * They have received through it very * * * considerable importations.' To close that inlet, a British ship of war, two sloops, a brig, and a privateersman from New York and England hovered along the coast, charged with the duty of capturing American vessels. But, on the other hand, efforts were made to drive them off, and in addition to the fortifications and State vessels the New Bern merchants fitted out the *Bellona*, carrying 18 guns, and the *Chatham* to make reprisals. To pay for imported goods, tobacco was shipped to foreign countries, the State purchasing and sending out large quantities of that commodity. Salt brought in by the State was exchanged for pork, and Caswell employed men in every section packing pork for Washington's Army. All sorts of skins and leathers and all cloths fit for blankets were likewise obtained for the soldiers, sometimes resort being had to impressment. In the Albemarle section, where there were so many industrious Quakers, large quantities of shoes were manufactured, and these were purchased not only for the Army but by northern merchants, who paid high prices for them. Importations were also made on account of the Continental Congress, and these supplies were stored at South Quay, on the Blackwater. From there they were moved by wagons to Valley Forge. Means of transportation were limited, and at length four brigades of wagons were sent from Pennsylvania to haul stores from Edenton and South Quay for the use of the Army, and these supplies contributed to relieve the sufferings which the soldiers had so unmurmuringly endured. On February 15 Caswell wrote: 'I find our nine regiments * * * very far short of their complement of men, and those in camp almost destitute of clothing. The officers of the Sixth Battalion are sent home as supernumeraries. * * * I am to buy leather, skins, shoes, and other clothing, procure manufacturers, set them to work, purchase salt and provisions, and produce boats and wagons for sending those articles on. All this I am constantly, almost busily, employed about myself, receiving very little assistance.'"

You will observe that in December Caswell was packing pork, etc., for Valley Forge, and that later, in February, he was still at work.

We started independence and then preserved the army at Valley Forge.

We struck the final blow for independence.

In 1780–81 Washington had things good at the North, but Cornwallis with his fine regulars was subduing the South. Lincoln allowed himself to be surrounded at Charleston and could not escape—had to surrender.

Then a new army had to be created. We fought at Camden, Cowpens, Kings Mountain, and finally at Guilford Courthouse. At Guilford Courthouse Cornwallis was so badly used up that he had to go to Wilmington and there he was in a distressing condition. See his letter to Clinton of April 23, page 665, Ashe's History of North Carolina, volume 1, and page 666, ibid. (the latter Cornwallis's letter to Phillips):

Cornwallis wrote to Clinton:

"Neither my cavalry or infantry are in readiness to move; the former are in want of everything, the latter of every necessary but shoes; * * * I must, however, begin my march to-morrow. * * * My present undertaking sits heavy on my mind; I have experienced the distresses and dangers of marching some hundreds of miles in a country chiefly hostile, without one active or useful friend, without intelligence and without communication with any part of the country. The situation in which I leave South Carolina adds much to my anxiety, yet I am under the necessity of adopting this hazardous enterprise hastily and with the appearance of precipitation, as I find there is no prospect of speedy reinforcement from Europe and that the return of General Greene to North Carolina * * * would put a junction with General Phillips out of my power."

And to Phillips he wrote, page 666, ibid., above:

"My situation here is very distressing. Greene took advantage of my being obliged to come to this place and has marched to South Carolina."

He was so beaten that when he got to Phillips in Virginia his Regulars could not make a battle with Washington. He had to surrender at Yorktown.

The South had destroyed his army. It had won the victory. It had won independence.

Such was the end of Hewes's first proposition for the Colonies to unite for independence.

The opportunity for the State to tell of these matters was when the other day the North Carolina cloister at Valley Forge was dedicated; and our press was as silent as the grave. There is some talk about that.

If you will get the proceedings of the Congress, you will see the record.

Others seem to think it of interest to have it proclaimed that Virginia lead the way!

They start in with June 7, when Lee introduced the resolve. It took a fortnight for the leaven to work—for the proposal of North Carolina that the Colonies should join and concur in independence and for the proposition of Virginia to be considered—and then three days elapsed—and on the 10th Hewes, of North Carolina, urged its immediate passage—but no! only a bare majority could vote for it, and certainly unanimity was necessary. If you can get an opportunity to present this matter, the whole State will thank you.

Very cordially, S. A. ASHE.

RECORD AND PROCEEDINGS OF THE PRESENT SESSION OF CONGRESS

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent to have printed in the RECORD an illuminating statement prepared by Mr. C. W. Jurney, relating to the record and proceedings of the present session of Congress and discussing some of the issues that have arisen and been determined by Congress.

The VICE PRESIDENT. Without objection, it is so ordered. The statement is as follows:

RECORD AND PROCEEDINGS OF PRESENT SESSION OF CONGRESS

(Prepared by C. W. Jurney)

Part I. Record of the Democratic Party.
Part II. The Harding and Coolidge administrations.
Part III. Investigation of the last Democratic administration.
Part IV. Scandals of the Republican Party.
Part V. The real issue between Jefferson and Hamilton.
Part VI. Farm relief by lowering the tariff.
Part VII. G. O. P. blamed by farmers.
Part VIII. One hundred and twenty-ninth birthday of the Democratic Party.
Part IX. The voice of the people is being heard.

The record made by the Democratic Party in the Sixty-ninth Congress, and in previous Congresses, completely refutes the old charge of the Republican press that the Democratic Party is a mere party of opposition—that it neither originates nor supports great constructive measures.

PART I. THE SIXTY-NINTH CONGRESS

During the sessions of this Congress the Democratic Party has supported the following measures:

1. THE 1926 TAX CUT

(Supported by Democrats)

This bill, the 1926 act, carries the largest reductions in income taxes of any bill that has ever been enacted into law.

It carries reductions in income taxes to the extent of $212,000,000.

It relieves more small taxpayers than any bill we have ever passed (2,500,000 in number).

This bill is as good a Democratic bill as the 1924 act was.

The Senator from Missouri [Mr. REED] has said we wrote the bill in 1924.

We did write the bill so far as surtaxes were concerned, but we did not write it in any other respect. It was our bill that far and no further.

The present bill is a more distinctly Democratic bill than the other was. The minority Members on this side of the Chamber have succeeded in incorporating into the bill everything that we asked and no more.

What did we demand in our original proposal, read to the Senate and made a public document the day before the committee began action upon the bill, as the Democratic minority demands?

We demanded these reductions in the surtaxes. We have practically gotten them.

We demanded the repeal of the capital-stock tax. We have secured its repeal.

We demanded the repeal of the admissions and dues taxes. We have secured their repeal, so far as Senate action can do so.

Those were our three great demands. We have accomplished them all, but we do not stop there.

The Democratic Party, in the committee and upon the floor of the Senate, has stood for the abolition of the tax upon trucks imposed in the committee by the majority vote, and we have secured the removal of that tax.

The Democratic Party, through its representatives upon the Committee on Finance, demanded a repeal of the tax imposed in the House bill upon automobiles, and we have secured it.

Does any Senator on this side of the Chamber know of anything that the Democratic members of the committee stood for that we have not written into the bill?

We stood solid, with one exception, for a repeal of the inheritance tax, and we have repealed it.

Who has written this bill? The Democratic Party wrote one section of the bill in 1924, but the Democratic Party has written practically the whole of this bill in its major particulars.

The public sentiment of America to-day stands behind the action of the Democratic Party in connection with this bill and realizes what a great victory we have won. (Excerpts from the speech of Senator F. M. SIMMONS, of North Carolina, the ranking Democratic member of the Senate Committee on Finance, delivered in the Senate of the United States on February 12, 1926.)

2. THE WORLD COURT

(Supported by Democrats)

It is known to everyone that the immortal Woodrow Wilson was the author of this great world tribunal.

It is universally conceded that the imperative need of the world to-day is to determine how the nations of the earth can live together in amity.

In other words, the statesmen of the world must find a remedy for war.

It is admitted that peace depends upon two fundamentals—first, the will to peace, and, second, the machinery of justice.

No sort of machinery which human ingenuity can set up will of itself secure peace. The desire for peace will not of itself produce peace. We must not only desire peace, but we must have at hand the means of securing justice without war.

Just as in the earlier days the courts afforded a refuge for men to which they could resort to settle their differences upon the basis of justice, so the larger machinery of international courts must be established, to which nations may repair in like emergency.

Fortunately article 14 of the covenant of the League of Nations contained a provision for the adoption of plans for the establishment of a permanent court of international justice.

Pursuant to this mandate the council of the league appointed a committee, consisting of distinguished international lawyers from 10 different nations, to whom was committed the duty of formulating plans for such a court. Mr. Elihu Root was a member of this committee, which met at The Hague in June, 1920.

The Hague plan of 1907, which had failed through the inability to agree upon the method of electing judges, was revived, elaborated, and improved; and it is to the credit of our country that an American, Mr. Elihu Root, acting upon a suggestion made by Professor Law, of Harvard, submitted a plan which solved the problem of the election of judges.

He suggested that the judges be elected by the council and the assembly of the league, each acting separately, a majority in both cases being necessary to a choice, and that the elections be made from a list of names submitted by the members of the Permanent Court of Arbitration at The Hague. It will be seen at a glance that this removed the one great obstacle to the successful establishment of a World Court.

The World Court has been approved by 48 nations. The only nations of international consequence remaining outside are Mexico, Russia, Turkey, and the United States of America.

Like the Supreme Court of the United States it is destined to grow in dignity and power as the years go by, and in the fullness of time to become the most useful, the most majestic judicial tribunal in all the history of the human race.

It is the only international court in existence. And there it sits—at The Hague—in the Peace Palace built by an American, Andrew Carnegie.

This World Court has been studied by and has received the unanimous indorsement of the American Bar Association. It has behind it the judgment of every prominent authority on international law at home and abroad. It has been indorsed in practically every forum where enlightened public opinion has had an opportunity to be heard.

And fortunately, in the matter of the World Court, the element of partisanship does not enter. Not only has the project been indorsed by all of the responsible political leaders of both parties; but it has been unanimously indorsed in the national platforms of both the Democratic and the Republican Parties.

On March 3, 1925, the House of Representatives in a special resolution expressed its approval of American adherence to the court by an overwhelming majority of 301 to 28—a vote of more than 10 to 1. (Excerpts from an address delivered at Yale University, December 3, 1925, by Mr. Homer Cummings, former chairman of the Democratic National Committee.)

On January 27, 1926, the Senate of the United States, by a vote of 76 to 17, gave its assent to American adherence to the court, after adopting five reservations drafted by a Democrat, Senator Claude A. Swanson, of Virginia, ranking Democratic member of the Senate Committee on Foreign Relations.

Cloture in the Senate by two-thirds vote

(Passed by Democrats)

But the vote in the Senate on the World Court was not arrived at without resort to cloture. There were Members of the Senate, some in the Republican Party and two in the Democratic Party, whose pride of opinion was more important to them than the unanimous verdict of mankind, and who declined to agree to a date for a final vote.

Fortunately for the American people, the Senate of the United States on March 8, 1917, during Democratic control of that body, passed a two-thirds cloture rule, drafted by that distinguished Democrat, former Senator Hoke Smith, of Georgia. It is known as Rule 22, and reads as follows:

If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?

"And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer shall be decided without debate."

Under this rule a cloture was sought on January 25, 1926, and in less than 48 hours a final vote was had, as will always be the case when any measure can command a two-thirds vote and the Senators back of that vote feel a fair and reasonable opportunity for debate has been afforded.

5. PUBLIC BUILDINGS BILL

(Supported by Democrats)

A public buildings bill to take care of emergency needs where the present Government-owned Federal buildings, and rented space, is inadequate to take care of Government needs; which bill includes a $50,000,000 authorization for new buildings in the District of Columbia, including one for the Supreme Court of the United States, which has long needed more space than was available in its quarters in the Capitol Building which has housed it for more than a century.

4. BUILDINGS FOR EMBASSIES AND LEGATIONS

(Supported by Democrats)

A bill providing for the construction of buildings to house American embassies and legations and other agencies of the Government abroad.

Plans made public by the Department of State, under this $10,000,000 appropriation, include the building of six embassies, Buenos Aires, Brussels, Berlin, Lima, Rome, and Madrid; and 29 legations in the other capitals of the world. In London and Paris, the United States already owns embassies.

3. THE M'FADDEN NATIONAL BANKING BILL

(Supported by Democrats. In conference)

This bill is to give national banks the right to compete on a fair basis with State banks, and thus prevent the disintegration of the national banking system, which is the backbone of the Federal reserve system. Nothing in the proposed law affects the rights or powers of State banks, nor is any advantage given to national banks; but some of the services which may be performed by State banks, such as branches, are allowed to national banks, in harmony with the trend of commercial and industrial development. This amendment to the national bank act brings the system up to the needs of American business.

6. THE WALSH BILL AMENDING THE BANKRUPTCY ACT

(Supported by Democrats)

The purpose of this bill is:

1. To increase the maximum penalty for bankruptcy crimes from two to five years.

2. To place the burden of proof upon the bankrupt to prove that he is entitled to a discharge.

3. To strike a blow at fraudulent compositions.

4. To eliminate the excuse for the filing of collusive petitions.

5. To penalize the concealment of assets from the receiver.

When it is remembered that to-day business is done almost entirely on credit, and since credit has become a secondary form of currency, it is patent that everything must be done to safeguard its use in order that the country may have sound and honest credits.

The bill represents considerable work on the part of the American Bar Association, the National Association of Credit Men, and other representative business organizations, who were in agreement upon the terms of the bill in the form in which it became a law.

7. BILL TO INCREASE SALARIES OF FEDERAL JUDGES

(Supported by Democrats. Passed the Senate and now on House Calendar)

The inadequate pay of Federal judges has long been recognized by the bar, by the Congress, and by the American people generally. It is believed the provisions of this act will meet instant and universal approval.

The salary of the Chief Justice of the Supreme Court of the United States is raised to $20,500 per year, the salary of the associate justices thereof to $20,000 per year, the salary of the judges on the circuit court to $12,500, and the salary of district judges to $10,000 per year.

The above constitute the principal acts of the Sixty-ninth Congress.

PART II. THE HARDING AND COOLIDGE ADMINISTRATIONS, 1921–1926

The first act of the Harding administration was to enact the emergency tariff, which increased the rates on farm products, and under which their price continued to slump.

The Harding administration then passed the Fordney-McCumber bill on September 3, 1922, which is commonly known as the "Robber tariff act of 1922," for it embodies the highest rates in the history of the Government.

The purpose of that act was not to give to American industries and to American labor the benefit of the difference in the cost of production at home and abroad.

Its purpose was to erect a tariff wall so high that it amounted to an embargo, thereby giving to the tariff barons of the Republican Party a complete monopoly of the American market by shutting out all competition.

The purpose of that act was to use the taxing power of the Federal Government as the means of robbery of the American consumer for the benefit of the tariff barons.

Its purpose was to compel every American consumer, every time he bought anything, to pay in excess of the real value of the article; to compel him to pay a subsidy to the legislative favorites of the Republican Party.

Passed by the Harding administration, the Coolidge administration has made no effort to repeal this iniquitous measure.

PART III. INVESTIGATION OF THE LAST DEMOCRATIC ADMINISTRATION

The next act of the Harding administration was to investigate the preceding Democratic administration. After wasting a million dollars of the people's money in this way, that administration was reluctantly compelled to admit there had been no "embalmed-beef" scandals, as in the Spanish-American War, no dishonesty or malfeasance in office.

In truth, during the first four years of its administration the Democratic Party solved every domestic problem which had arisen to tax the ingenuity of the American people, and during the second four years of its administration, devoted largely to foreign affairs, it wrote the noblest page in American diplomacy, and its great leader, Woodrow Wilson, became one of the world's immortals.

PART IV. SCANDALS OF THE REPUBLICAN PARTY

(Alphabetically arranged)

The Harding administration was in its infancy when the malfeasance and incompetency of men high in the Republican Party became publicly known. (The Coolidge administration retained these officials.)

No. 1. Harry M. Daugherty (Republican), Attorney General of the United States in the Cabinets of both Presidents Harding and Coolidge.

March 1, 1924: The Senate of the United States adopted the following resolution by a vote of 66 to 1:

"*Resolved*, That a committee of five Senators, consisting of three members of the majority and two of the minority, be authorized and directed to investigate circumstances and facts, and report the same to the Senate, concerning the alleged failure of Harry M. Daugherty, Attorney General of the United States, to prosecute properly violators of the Sherman Antitrust Act and the Clayton Act against monopolies and unlawful restraints of trade; the alleged neglect and failure of the said Harry M. Daugherty, Attorney General of the United States, to arrest and prosecute Albert B. Fall, Harry F. Sinclair, E. L. Doheny, C. R. Forbes, and their coconspirators in defrauding the Government, as well as the alleged neglect and failure of the said Attorney General to arrest and prosecute many others for violations of Federal statutes, and his alleged failure to prosecute properly, efficiently, and promptly, and defend all manner of civil and criminal actions wherein the Government of the United States is interested as a party plaintiff or defendant. And said committee is further directed to inquire into, investigate, and report to the Senate the activities of the said Harry M. Daugherty, Attorney General, and any of his assistants in the Department of Justice which would in any manner tend to impair their efficiency or influence as representatives of the Government of the United States.

"That said committee above referred to and the chairman thereof shall be elected by the Senate of the United States."

March 28, 1924 (27 days later): President Coolidge asks Daugherty for his resignation as Attorney General of the United States.

[Two years later]

"DAUGHERTY ENTERS NOT GUILTY PLEA—COUNSEL FOR THOMAS W. MILLER CITES STATUTE OF LIMITATIONS IN MOTIONS DELAYING TRIAL—THIRD INDICTED MAN DEAD—JUDGE GODDARD, DAUGHERTY APPOINTEE, EXCUSES SELF

"Harry M. Daugherty came here yesterday from Washington Courthouse, Ohio, to plead not guilty in the $7,000,000 American Metal Co. case. Of the other two men named in the indictment with him, one, Thomas W. Miller, former Alien Property Custodian, is recovering from blood poisoning in Wilmington, Del., and the other, John T. King, Republican boss of Bridgeport, died the other day.

"Daugherty was in town less than 24 hours. Technically, there was no need for him to have made the journey at all. But he insisted upon coming. He stopped at the Waldorf-Astoria, where six years before almost to a day he prophesized that 15 men, bleary-eyed from lack of sleep, would meet in a smoke-filled room during the Republican National Convention and nominate Senator Warren G. Harding for President.

JOSTLED BY BOOTLEGGERS

"Yesterday, as he sat in court waiting for his case to be called, he was jostled and stepped on by bootleggers and their bondsmen while Federal Judge Henry W. Goddard disposed of minor prohibition cases. Daugherty complained of a cold. He invited sympathy. He showed he felt himself a much aggrieved man.

"He was still the tall, physically powerful man of the days when he was Attorney General of the United States. He was dressed in blue, suit, socks, necktie, and handkerchief. But his face looked worn, he seemed almost ill, and he stooped as he walked.

"He had one small triumph. Thomas W. Miller's attorney, Robert S. Johnstone, presented three motions to invalidate the indictment. Judge Goddard smiled.

"'I was appointed by the Attorney General,' he said, bowing to Daugherty. 'I feel I could not consider any motions which concern him. They will need to be made to the senior judge, Mr. Augustus N. Hand.'

"Mr. Johnstone contended that the facts set forth in the indictment constituted no crime even if true, and that, if a crime had been committed, it had been nullified by the statute of limitations. These motions automatically hold up the case until argued.

$5,000 BAIL FURNISHED

"Max D. Steuer, representing Daugherty, announced his willingness to go on with the trial without further delay.

"Bail was set at $5,000 and promptly furnished by Daugherty. Throughout the proceedings, which altogether took about 45 minutes, Daugherty did not speak except once. A relative of John T. King approached him and wished him luck.

"'How is Mrs. King taking it?' Daugherty asked. He was told Mrs. King had been prostrated by the sudden death of her husband. Daugherty's face grew still grimmer and he turned away.

"By the time Daugherty had entered his plea of not guilty the courtroom had filled to the doors. The crowd had come to see the trial of Earl Carroll and to hear Joyce Hawley testify that she had bathed, if that is what she did, in a bathtub of wine on the stage of the theater housing the 'Vanities.' The crowd seemed unaware that a former Cabinet officer was worming his way out through the room.

$391,000 BOND DIVISION CHARGED

"The indictment to which Mr. Johnstone strenuously objected charges that Daugherty, Miller, and King conspired to deprive the Government of Daugherty's best services while he was called on to decide whether $7,000,000 worth of American Metal Co. securities should be returned to a Swiss holding company which claimed them. It tells of the division of $391,000 in Liberty bonds in the Waldorf-Astoria between King and Jesse Smith, Daugherty's shadow, who shared his apartment at the time he suddenly committed suicide.

"United States Attorney Buckner and Kenneth F. Simpson, his assistant, represented the Government." (The World, Friday, May 21, 1926.)

"DAUGHERTY TREED AT LAST

"It is more than two years since Harry M. Daugherty was forced to resign as Attorney General of the United States. Many people have felt that while he was unfit to be a member of the Cabinet, no specific charge against him was substantial enough to justify his virtual dismissal. In some circles Daugherty was believed to have been a victim of 'public clamor'; the Wheeler committee had 'got nothing on him.' * * *

"When Harry Daugherty was summoned last winter to testify before the Federal grand jury in New York he refused to answer questions concerning the disappearance and burning of the bank's records, because 'the answer I might give or make and the testimony I might give might tend to incriminate me.'

"The indictment of Harry Daugherty has been long in coming. The Government had serious obstacles to overcome. The former Attorney General of the United States was not easily cornered with loot. Miller was first indicted months ago. It was only after an assistant of District Attorney Buckner, of New York, went to Europe and dug up new evidence that the case against Daugherty was made strong enough to justify grand jury action.

"The Department of Justice, over which Daugherty once presided, deserves congratulations on having finally treed a peculiarly ingratiating yet insolent scalawag who has hitherto successfully defied all efforts to uncover his operations while in office. (From the Springfield Republican. Reprinted in the World, May, 1926.)

No. 2. Edwin Denby (Republican) Secretary of the Navy in the Cabinets of both Presidents Harding and Coolidge.

February 11, 1924: The Senate of the United States adopted the following resolution by a vote of 47 to 34:

"Whereas the United States Senate did on January 31, 1924, by a unanimous vote adopt Senate Joint Resolution No. 54, to procure the annulment of certain leases in the naval oil reserves of the United States; and

"Whereas the said resolution, among other things, declared as follows:

"'Whereas it appears from evidence taken by the Committee on Public Lands and Surveys of the United States Senate that certain lease of naval reserve No. 3, in the State of Wyoming, bearing date April 7, 1922, made in form by the Government of the United States, through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Mammoth Oil Co., as lessee, and that certain contract between the Government of the United States and the Pan American Petroleum & Transport Co., dated April 25, 1922, signed by Edward C. Finney, Acting Secretary of the Interior, and Edwin Denby, Secretary of the Navy, relating, among other things, to the construction of oil tanks at Pearl Harbor, Territory of Hawaii, and that certain lease of naval reserve No. 1, in the State of California, bearing date December 11, 1922, made in form by the Government of the United States through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Pan American Petroleum Co., as lessee, were executed under circumstances indicating fraud and corruption; and

"'Whereas the said leases and contract were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress; and

"'Whereas such leases and contract were made in defiance of the settled policy of the Government, adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security': Therefore be it

"*Resolved*, That it is the sense of the United States Senate that the President of the United States immediately request the resignation of Edwin Denby as Secretary of the Navy."

February 17, 1924 (6 days later): Denby resigns as Secretary of the Navy.

No. 3. Albert B. Fall (Republican), Secretary of the Interior in the Cabinet of President Harding and previously a United States Senator from New Mexico.

March 4, 1921: Appointed Secretary of the Interior.

May 31, 1921: President Harding signs an Executive order transferring the naval oil reserves from the Navy Department to the Interior Department.

November 30, 1921: The California oil magnate, E. L. Doheny, loans Fall $100,000 on Fall's unsecured note. Doheny later testified that he sent the $100,000 in cash by his son in a black satchel from New York to Washington, where it was delivered at Fall's office in the Interior Building. The proof also disclosed that Fall took the $100,000 in a tin box to El Paso, Tex., where he made the initial purchase of additional ranch property in bills taken from the box.

April 7, 1922: Fall, as Secretary of the Interior, leased the whole of the Teapot Dome (naval oil reserves), in secret and without bids, to Harry F. Sinclair.

April 25, 1922: Fall, as Secretary of the Interior, leased a large part of the Elk Hills (naval oil reserve) to Doheny without bids.

February 17, 1923: Fall resigns as Secretary of the Interior and shortly thereafter took employment from Harry F. Sinclair, who about the same time "loaned" him $25,000 in Liberty bonds, together with $10,000 expense money when Fall made a trip to Europe with Sinclair in 1923.

July 1, 1924: Albert B. Fall indicted by Federal grand jury of District of Columbia on charge of accepting bribe to influence his official decision and conspiracy to defraud the United States in leasing of Teapot Dome naval oil reserves in Wyoming to Sinclair interests.

December 8, 1925: Court of Appeals of the District of Columbia reverses decision of the Supreme Court of the District of Columbia, quashing bribery indictments against Fall and Doheny.

December 16, 1925: Counsel for Fall and Dohenys seek rehearing on bribery indictments.

December 20, 1925: Court of Appeals (District of Columbia) refuses to reconsider decision on bribery indictments.

February 16, 1926: Justice Stafford (Supreme Court, District of Columbia), upholds indictments of A. B. Fall, E. L. Doheny, and Harry F. Sinclair on charges of conspiracy in leases.

February 17, 1926: Fall and Doheny file demurrers to reinstated indictments.

February 24, 1926: Fall and Doheny seek special appeal from decision which overruled their demurrers to indictment.

CANCELLATION OF LEASES

February 2, 1926: Federal Circuit Court of Appeals in San Francisco denies Doheny's appeal to prevent cancellation of leases.

February 25, 1926: Doheny appeals to United States Supreme Court to review decision of Court of Appeals of San Francisco which ordered cancellation of California leases.

March 16, 1926: Doheny appeals to United States Supreme Court to review decision of lower Federal courts canceling Elk Hill release.

STATEMENT OF JOSEPHUS DANIELS, SECRETARY OF THE NAVY IN THE WILSON ADMINISTRATION

I devoted much time during my term of office to procuring new naval oil reserves; to opposing the persistent attempts to obtain control of them by oil vandals; and refused every proposition to lease any of these reserves.

No. 4. Charles R. Forbes (Republican), Director of the United States Veterans' Bureau under Presidents Harding and Coolidge.

January 31, 1925: Convicted of fraud against the Government and irregularities in connection with hospital contracts.

February 12, 1926: Asks Supreme Court of the United States to review conviction.

March 16, 1926: Loses appeal.

March 19, 1926: Anxious to begin prison term; visits Leavenworth.

March 21, 1926: Begins prison term.

No. 5. Thomas W. Miller (Republican), of Wilmington, Del., former secretary of state of Delaware, former Republican Member of Congress from that State in the Sixty-fourth Con-

gress, and Alien Property Custodian in the administrations of Presidents Harding and Coolidge.

HIGH REPUBLICAN OFFICIAL PLEADS THE STATUTE OF LIMITATIONS

"Col. Thomas W. Miller was recently given an opportunity to go before a jury to tell how he came into possession of $47,500 in Liberty bonds traced to him from a part of the American Metal Co. assets after the $6,453,979.97 assets of that company had been returned.

"Robert S. Johnstone, Colonel Miller's counsel, asked for a bill of particulars to show that the statute of limitations had outlawed the case.

"He said he did not think the court should be burdened with a trial that would last at least two months, when there was no chance of it being proved a legal prosecution.

"He said the indictment had been drawn so as to conceal the fact that more than three years had elapsed since the commission of the acts alleged in the indictment. Mr. Miller was held in $5,000 bail." (New York Times, Saturday, November 7, 1925.)

AN AMAZING PLEA

The $47,500 traced to Colonel Miller's pocket out of the American Metal Co. assets is only one Government case against him.

It is understood the enormous sum of $431,000 was traced to him in all the Government cases against him.

No. 6. Gov. Warren T. McCray (Republican), of Indiana.

April 29, 1924: Found guilty of using mails to defraud.

April 30, 1924: Resigns as Governor of Indiana.

April 30, 1924: Starts for Atlanta to serve 10-year term in Federal prison.

May 2, 1924: Begins prison term.

No. 7. John W. Langley (Republican), Member of Congress from Kentucky.

"John W. Langley, Republican, of Pikesville, was born in Floyd County, Ky.; served two terms in the Kentucky Legislature, receiving the caucus nomination of his party for speaker of the house; was thrice a delegate from his district to Republican National Conventions and a delegate at large to the Republican National Convention of 1916; was elected to the Sixtieth, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses, serving 20 years in all." (Congressional Directory.)

MOVE TO OUST LANGLEY BEGINS IN HOUSE SOON

"A movement to take the bit in the teeth and oust Representative John W. Langley from the House because of his conviction for violating the prohibition laws (accepting a bribe) will be launched as soon as the pending tax bill has been disposed of, it was learned yesterday.

"The committee of five, headed by Representative BURTON, of Ohio, which took the case under advisement, has virtually agreed to recommend his dismissal, or rather a denial of his seat in the present Congress, to which he was reelected in the face of his conviction. A meeting of the committee was held yesterday, but a formal report to the House will be withheld for the time being." (Washington Post, Wednesday, December 16, 1925.)

[Later]

"Langley to quit if appeal fails. The special House committee appointed to investigate charges against Representative John W. Langley, Republican, Kentucky, who was convicted of conspiracy to violate the national prohibition act, reported yesterday that it understood he would resign from the House in the event his appeal to the Supreme Court failed." (By the Associated Press. Washington Post, Wednesday, December 23, 1925.)

January 12, 1926: Sentenced to two years in Federal prison at Atlanta.

January 12, 1926: House of Representatives accepts his resignation as a Member of Congress.

January 16, 1926: Starts for prison.

January 17, 1926: Begins prison term.

No. 8. Gov. Len Small (Republican), Governor of Illinois, must account for cash. One million dollars involved.

"SPRINGFIELD, ILL., December 16, 1925 (A. P.).—Gov. Len Small must account for interest on State funds it is alleged he withheld while State treasurer, the Illinois Supreme Court ruled to-day.

"The decision, which sent the case back to the Sangamon County Court which indicted him, holds the governor guilty of depositing State moneys as State treasurer ($29,000,000) in the fictitious 'Grant Park Bank' of the late Senator Edward C. Curtis & Son at 2 per cent, and later splitting the profits accruing from reloans at 5 and 8 per cent.

"'A great mistake has been made,' said Governor Small at the executive mansion late this afternon when informed the supreme court had decided against him." (New York World, Thursday, December 17, 1925.)

RECAPITULATION

The list—all Republicans

No. 1. Daugherty, the Attorney General (on bond; awaiting trial).

No. 2. Denby, the Secretary of the Navy (incompetent; resigned).

No. 3. Fall, the Secretary of the Interior (on bond; awaiting trial).

No. 4. Forbes, Director Veterans' Bureau (in the penitentiary).

No. 5. Miller, Alien Property Custodian (on bond; awaiting trial).

No. 6. McCray, Governor of Indiana (in the penitentiary).

No. 7. Langley, Member of Congress (in the penitentiary).

No. 8. Small, Governor of Illinois (directed by the supreme court of his State to account for $1,000,000).

A PARTY OF TRADERS

The Republican Party long ago abandoned all of its principles, abandoned all political morality, and has become a mere party of traders, trading Government favors for campaign contributions and support. The domination of the Republican Party by "rapacious big business" will be one of the paramount issues in the fall campaign.

"THE LATEST REPUBLICAN SCANDAL

"WHAT IT COSTS TO BUY A PRIMARY NOMINATION FOR THE UNITED STATES SENATE IN PENNSYLVANIA—$1,087,295 FOR PEPPER MAKES PENNSYLVANIA'S SLUSH TOTAL $1,435,000—GRUNDY, MANUFACTURERS' CHIEF, TESTIFIES HE LENT $300,000 FOR SENATOR'S LOSING FIGHT AND WENT ON $90,000 NOTE WITH BANKER—WANTED MELLON TO HAVE THE MANTLE OF PENROSE—NEWBERRY FAR, FAR ECLIPSED BY PRIMARY REVELATIONS—VARE'S PITTSBURGH OUTLAY $81,000

"WASHINGTON, June 11.—Reference to the recent Republican primary contest in Pennsylvania as a 'million-dollar campaign' was a gross underestimate. Evidence so far given to the special Senate investigating committee shows an expenditure of approximately a million and a half dollars—and the figures are not yet complete.

"The salary attached to a United States Senatorship, the prize that caused all this outpouring of money, is $10,000 a year, or $60,000 for the full six-year term.

"A recapitulation after to-day's sessions shows the following:

Spent for Senator PEPPER, who lost:	
Cash loaned by Joseph R. Grundy	$300,000
Loan by Grundy and W. H. Folwell	90,000
Contributed to Grundy's committee	125,000
Deficit estimated by Grundy	100,000
W. L. Mellon's western expense	347,295
Spent by Pepper's Philadelphia committee	125,000
Total for PEPPER	1,087,295
Spent for Governor Pinchot, who also lost; expenses and deficit reported by his managers	195,000
Spent for Representative VARE, the winner:	
His personal expenditures	71,000
Expended by his Pittsburgh managers	79,918
Pittsburgh deficit	2,000
Total for VARE	152,918
Grand total with principal figures for VARE yet to come,	$1,435,213.

TERM "ANGEL" PLEASES GRUNDY

"Joseph R. Grundy, textile manufacturer, high-tariff exponent for 40 years, president of the Pennsylvania Manufacturers' Association, and eager to see Secretary of the Treasury Mellon wear the mantle of the late Boies Penrose, smiled with gratification to-day as Senator REED (Democrat of Missouri) called him the 'angel' of the recent Republican primary in Pennsylvania.

"For by that time the pleasant Mr. Grundy had told the Senate committee investigating the reputed 'slush funds,' that he had largely underwritten the ill-fated campaign of Senator PEPPER for renomination by advancing $300,000 of his own cash, and $90,000 more on a note which H. W. Folwell, who was treasurer of the Mellon forces in Philadelphia, also signed. Then the campaign committee which he headed had raised $125,000. And there was still a deficit which he 'conservatively estimated' at $100,000.

"Newberry spent $195,000. (The World, June 12, 1926.)

"GRUNDY WAS 1924 G. O. P. GO-GETTER; RAISED $500,000 TO ELECT COOLIDGE—HIS LETTER, 'PENNSYLVANIANS, YOU HAVE ENJOYED MUCH; YOU MUST CONTRIBUTE LIBERALLY,' CAUSED SENATE INQUIRY—VIRTUAL BOSS OF EASTERN PART OF STATE

"Joseph R. Grundy, president of the Manufacturers' Association of Pennsylvania and member of the textile concern, William H. Grundy Co. of Philadelphia, was labeled the go-getter of the Republican campaign of 1924.

"His letter to manufacturers in Pennsylvania, in which he said it was time for them to make good as a matter of 'gratitude' and 'enlightened self-interest,' because of the results of the Fordney-McCumber tariff law, was what caused the Senate to investigate the collection of campaign contributions raised at that time.

"It was stated at the hearings held by Senator BORAH in Chicago in November, 1924, that Mr. Grundy raised more than $500,000 of the $3,000,000 Republican campaign fund.

"In his letter appealing for funds to save 'doubtful States for Coolidge,' Mr. Grundy wrote:

"'Pennsylvanians, because you have enjoyed much, you must contribute liberally in substance and energy.'

"Always a power in Republican politics in the Keystone State as spokesman for Boies Penrose, especially in Bucks County, Mr. Grundy

now is virtual boss of eastern Pennsylvania, outside of Philadelphia, and always has spoken and stood publicly for a high protective tariff for the textile industry." (The World, June 12, 1926.)

"HOW THREE SENATE CANDIDATES SPENT $1,886,436 IN PENNSYLVANIA POLL

"WASHINGTON, June 15.—Recapitulated expenditures in the Republican primary campaign in Pennsylvania, as computed after to-day's hearings, bring the record-breaking grand total to $1,886,436, based on the following figures testified to by the three candidates, VARE, PEPPER, and Pinchot, and their managers who have appeared so far before the special Senate committee:

PEPPER campaign:	
Joseph R. Grundy's committee expenses and deficit	$614,134
W. L. Mellon's estimate of Pittsburgh expenses	347,295
PEPPER's estimate of his separate committee	125,000
Total for PEPPER	1,086,429
VARE campaign:	
VARE's personal expenditures	71,435
Spent by Pittsburgh headquarters	40,216
Secret fund disbursed from Philadelphia	231,095
Audit of other Philadelphia expenses	253,659
Additional advertising estimate	8,500
Total for VARE	604,905
Pinchot campaign:	
Pinchot's personal contribution	43,767
Spent by his State committee	113,324
Additional Pittsburgh expenses	3,885
Estimated county expenditures	30,000
Unpaid bills	4,126
Total for Pinchot	195,102
Grand total	1,886,436

"Exact figures have yet to be furnished by many of the managers." (The World, June 16, 1926.)

[Later]

"Two Mellon banks lent $75,000 to PEPPER aid without indorsement—Eric Fisher Wood says that was far more than he ever had borrowed before—Mellon's total advances now $148,000—G. O. P. slush total is near $3,000,000." (The World, June 19, 1926.)

The disclosures in the Pennsylvania primary have shocked the sensibilities of the Nation.

When selfish interests will spend $3,000,000 to elect three men to office, one as United States Senator, one as governor, and one as chairman of a Republican State Committee, there must be a large "Mellon" to be cut later on.

It is well understood that as a result of this primary, Mr. Andrew W. Mellon, the present Secretary of the Treasury, the pet of the Coolidge administration, is to be the Republican boss in Pennsylvania, acting through one of the members of his family, his nephew, Mr. W. L. Mellon, the new chairman of the Republican State Committee.

"Boss" Quay and "Boss" Penrose were bad enough, but "Boss" Mellon is worse.

Senator Quay and Senator Penrose operated on a small scale compared to Secretary Mellon, yet their crimes were enormous.

It is generally believed that the Quay machine for years used funds from the State treasury at Harrisburg to speculate on sugar and other stocks, in the old days; and it is well remembered that when the recorder of wills opened the safety-deposit box of the late Senator Penrose at Washington he found $250,000 in cash, in addition to the Senator's liberty bonds, etc. No honest man keeps that much money in cash in a safety-deposit box.

The country values the services of that brilliant Democrat, Senator JAMES A. REED, of Missouri, chairman of the senatorial investigating committee, who has brought into the open the enormous amount of money used in this election, and who also uncovered the vicious and corrupt manner in which the slush fund was used.

PART V. THE REAL ISSUE BETWEEN JEFFERSON AND HAMILTON

The real issue between Jefferson and Hamilton was whether this should be not only a Republic but a democratic Republic.

Every American citizen whose highest aim is his country's welfare should read the story of that historic struggle, as told in Jefferson and Hamilton, by Claude G. Bowers, of the New York Evening World.

The works of Jefferson and Hamilton are not accessible to the individualistic mass, to the average man who is the backbone of democracy, but in this 500-page work is the whole story marvelously told.

The struggle then was aristocracy against democracy.

The struggle now is monopoly against democracy.

"MONOPOLY IN THE ASCENDANCY

"Monopoly, trust control of the necessities of life, special privileges under the law, are in the ascendancy. The fiscal affairs of the Government dominated by a Secretary of the Treasury whose chief claim to distinction when appointed was his relationship to the Aluminum Trust and other monopolies, and whose crowning achievement is the cancellation of approximately $10,000,000,000 due the United States from foreign governments at the expense of American taxpayers, and this without gaining even the respect or gratitude of our debtors! Foreign securities held by private citizens enhanced in value by improvident sacrifice of obligations due the National Treasury. Interest on private foreign loans enhanced and made secure by the remission of interest on undisputed claims due the Government. Hypocritical pretense of economy in measures of vital public interest, such as farm relief, and just provision for the disabled defenders of the Nation. Liberal treatment of debtors in the name of amity and the promotion of foreign trade, a pretense exposed and made ridiculous by excessive and prohibitive tariff duties, through the reduction of which alone foreign nations in debt to the United States could in reasonable time discharge in full their obligations and thus safeguard international credit and honor.

"Never before since the days of Jefferson and Hamilton has the issue been more sharply drawn." (Excerpt from the address of Senator JOSEPH T. ROBINSON, of Arkansas, before the Democratic Congressional District Convention, at Bristol, Va., June 15, 1926.)

PART VI. FARM RELIEF BY LOWERING THE TARIFF

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 25 minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, when Oliver Goldsmith after a long absence returned to his native village he found many of the farms and homes had been deserted and that the land had come into the possession of landed proprietors. It was a source of great remorse to Oliver Goldsmith, and he wrote that wonderful poem Deserted Village. In that poem are these lines which describe, to a certain extent, the agricultural situation to-day. The poet said:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.
Princes and lords may flourish or may fade—
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroy'd, can never be supplied."

This quotation describes the agricultural situation to-day. The farming class is fast becoming bankrupt. Serfdom is the prospect of the farmer. The homes are being deserted. The country folk are moving to the cities. In the 10 years from 1910 to 1920 mortgage indebtedness on the farms in America increased 300 per cent. Whereas it was formerly $4,320,000,000, the mortgage indebtedness grew to $12,250,000,000. This was the situation at the close of the war, due to expansion of prices and production, and still prevailed when deflation of values struck the farmer. This is one of the serious problems now confronting this Congress to attempt to bring relief to this great class of our citizens.

In this Congress searching for a method to legislate for the benefit of agriculture most of the thought has been directed to schemes that would raise the price of farm products. To dispose of the annual surplus of farm products has been the problem, and many novel proposals have been advanced. The way to remove this surplus is to adopt a more liberal trade policy with those who need these products. This calls for a modification of the tariff, and this will not meet with the approval of controlling element of the majority party. Not being willing to seek the correct economic solution of this problem, by lowering tariff duties, all other plans will bring only local and temporary relief. These reformers from the Corn Belt and agricultural sections, who claim to be friends of agriculture, why not be honest and approach this problem correctly. If you can not build stilts high enough to reach manufacturers' prices, then amputate and shorten the stilts of protective industries and bring them down on the level with the farmer's prices.

"I am convinced that this administration is not going to legislate to relieve agriculture. The President and his majority in Congress are affiliated with manufacturing and big business and love these more than they are interested in farming. For 50 years, under Republican administrations, the protective-tariff policy has been geared against the farmer. Under this program manufacturing and corporate business has been given a hothouse—artificial growth that has drained the farms of its wealth and its man power. To-day, as a direct result of that scheme of legislation, more than 50 per cent of our population dwell in cities and town, where crime, immorality, and various problems of congestion arise to vex our Nation. This is not a natural result that our farms should be depleted and abandoned, but rather is the result of a continued, erroneous policy of legislative favoritism. The error and injustice arising from the assumption that manufacturing is the basic industry of America and must be promoted by exorbitant tariff schedules that lay a tribute upon the whole body of consumers of our country for the benefit of the few is largely responsible for present farm conditions.

"It has always been emphatically declared by some political economists that high protective-tariff schedules spell prosperity. It is time for the farmer to come out of this deceptive delusion. For his benefit let him study this table, compiled by the Agricultural Department, as to the comparative purchasing power of the farmer's dollars

for the last 35 years and keep in mind which party was in power. The years and figures are from the department and the insertion of the party are my own. This table places political responsibility by administrations. It clearly demonstrates that agriculture is much the better off under a low, or Democratic, tariff:

	Cents		Cents
Republican Party:		Republican Party:	
1890	83	1908	93
1891	80	1909	100
1892	87	1910	96
Democratic Party:		1911	97
1893	87	1912	101
1894	85	Democratic Party:	
1895	85	1913	100
1896	81	1914	105
Republican Party:		1915	103
1897	86	1916	97
1898	88	1917	107
1899	83	1918	112
1900	86	1919	112
1901	92	1920	96
1902	95	Republican Party:	
1903	88	1921	84
1904	93	1922	89
1905	90	1923	61.3
1906	88	1924	62.4
1907	90	1925	60.3

I have no desire to discuss the theory of the tariff. Suffice to say that I am not a free trader, neither do I believe in using the taxing power of the Federal Government as means of robbery of the many for the benefit of the few. I do not care to talk about the ancient doctrine of infant industries that do not now exist. Nor to refute the argument about tariff for the benefit of labor, when the return goes into the pocket of the capitalist, who never renders an accounting to labor for this legislative trust fund. I merely want to show the farmer he is worse off under a high than under a low tariff, and for this purpose I am inserting another table showing relative costs of necessary articles on the farm, and how much more he is expected to pay now with a cheap farm dollar than he did in 1914 under a Democratic administration, when his dollar, as shown by the former table, was worth a dollar and more:

Implements	1914	1924
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hay rake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disks	38.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	46.00	75.00

While many of these finished articles are on the free list, yet the component parts are highly protected. The raw material is therefore controlled, the output is limited, and the price fixed at a fancy figure. Our great natural resources of raw material, our patent laws protecting inventions, the genius of American business, and the ability of the American workman to produce, in most instances should be sufficient protection. There is no necessity for the use of the Federal taxing power to permit the exploitation of the American consumer.

In this age of rampant commercialism I may appear a little old-fashioned, but I can not escape the conviction that the Federal taxing power has been perverted from its original constitutional purpose of raising revenue for the administration of a Government economically conducted. Instead of assisting beginning and undeveloped industries until they can stand alone, it continues to support the giants of industrialism. The excessive favoritism of the present tariff and its destructive influence to agriculture, I believe, is the most serious menace of the economic welfare of the American people.

If high tariffs are the touchstone of prosperity, why does not the administration increase the rate schedules? The farmers, I am sure, could stand more prosperity. Under the administration of the party now in power first was enacted the emergency tariff, which increased the rates on farm products, and their price continued to slump. Then came the passage of the Fordney-McCumber bill, which is now the law, and has been since September 3, 1922. How long does it take the law to begin to operate for the benefit of the farmer? We are in doubt concerning the merits of this highest tariff law, and, like John the Baptist, whose faith had wavered, we inquire, "Are you the promised One, or look we for another?" But my purpose is to give the farmer convincing facts that he is paying the freight on this high-tariff policy and should vote to change it.

According to the Federal farm census of 1920, agriculture had capital assets, invested in lands and buildings, of $63,000,000,000. By a similar census in 1925 these same assets had slumped to $46,000,000,000, a clear deflation loss of $17,000,000,000. We may talk about reasonable return for railroads and fix rates upon inflated values, we can provide rates for public utilities and put the governmental-tariff embrace and affection on manufacturing, but when it comes to farming the President informed them in his messages to Congress and in his Chicago speech that the Government has no favors for them.

Every farm plan which takes a Federal expenditure is tabooed as impractical and unscientific. The administration's heart and affection is with manufacturing and kindred industries, and where their heart is there will they be also. Likewise the deflation slump on livestock and personal property during the same five-year period was $3,000,000,000, and an annual similar loss on crops of $2,000,000,000, making a grand total loss of wealth of $30,000,000,000. No other industry has so suffered during that period. While the farmers sustained this loss, our national wealth on the whole increased $85,000,000,000; and this took place under a Republican administration, with the highest tariff that we have ever endured. Is the Republican administration alarmed about this bankruptcy on the farm? Not at all. What are they proposing to do about it? Reduce these high rates that the American consumer must pay for every necessity? Not at all. The tariff is the "Ark of the Covenant," against which no one shall lay his unholy hand.

In America under the present régime big corporate business is in the saddle. Protection is rampant, and farming and dependent lines are not within the inner circle.

I have endeavored to show by this discussion that while the country in many lines is prosperous the farmer does not share this prosperity. While the farmer is operating on a 60-cent dollar, the corporations, who are riding upon tariff protection, are distributing phenomenal dividends. The local taxes are very high, and those with visible tangible property like farm land and livestock have no chance of evasion, and hence are unjustly burdened. In addition to local taxation, the farmer pays 28 per cent of the Federal tax bill, and yet only shares 12 per cent of the country's annual income. This is in addition to the ever-increasing burden of tariff taxation, which does not to any extent find its way to the Federal Treasury but is lodged in the pockets of tariff beneficiaries. This is the item upon which I would extend relief to the farmer and equalize the value of his dollar by giving it greater purchasing power.

What are some of the commodities so essential to the farmers upon which the tariff rates are excessive? All the component parts of farm implements and machinery, viz, wagons, trucks, rakes, plows, binders, and all hardware. Also all cutlery and dishes for the table, as well as the tablecloth and the crockery and utensils of the kitchen. Shoes and clothing of all kinds, along with curtains and window shades. The pins, needles, hooks, eyes, umbrellas. The automobile, parts, and also all guns, fishing tackle, musical instruments, and sporting goods. If the farmer desires to build a home, then all brick, glass, slate, nails, and hardware. All surgical instruments and burial necessities. All toys that make the kiddies happy on Christmas are also on the padded list. Most of the necessities from the cradle to the grave. The one commodity above all used universally and upon which the Tariff Commission recommended a lowering of the duty is sugar. This item alone is costing the farmers, as well as other consumers, hundreds of millions annually.

I therefore make a plea for the consumers of America, that great forgotten class, that are trying to make their income meet these unjust burdens under a policy that taxes the many for the special benefit of the few. I can well understand why a manufacturer, or one whose investments lie in a protected industry that controls the production, and therefore fixes the price, would be for the Fordney-McCumber tariff, but it is beyond my understanding why any farmer, small business man, professional man, or laborer should as a consumer desire to sanction this system of inequality that pulls wealth and income from the farms and rural communities to the industrial centers of America.

There are those who claim the present tariff law benefits the farmer. It is a bold assertion, but one which the present deplorable condition of the farmer emphatically contradicts. What does investigation disclose? The American Farm Bureau Federation estimates the present tariff costs the farmers on necessities purchased an annual sum of $426,000,000 and that the farmers gain by the same law $125,000,000. Here is a clear loss of $301,000,000 in which the farmer contributes to the wealth of the manufacturer. Is it any wonder that New England and other manufacturing centers say, "Leave well enough alone; do not tamper with the tariff." The man always says "Leave well enough alone" when he has his hand in the other fellow's pocket. Under the present tariff law for every dollar the farmer gains it costs him $4. Also the Fair Tariff League indorsed by many leaders of farm organizations, such as the National Grange, Farm Bureau Federation, and Farmers' Union, in a statistical summary of the leading agricultural States estimates the present tariff in those States costs the farmers $15 of added costs to $1 gained to the farmer by the operation of this law.

Knowing these facts, will the farmers be contented to vote for extreme protection, when they are being deceived and mulcted by this so-called beneficial tariff?

High tariffs can not raise the price of commodities of which there is an exportable surplus. Agriculture every year produces such a surplus for export, which is thrown upon the foreign market, and this export price controls the domestic price. When goods are going out and not coming in what good is a tariff wall? This wall may repel some trader who would bring goods here and exchange them for our farm surplus. Thus the tariff wall raises the price of all manufactured goods that the farmer buys and keeps him from trading abroad his surplus for many needed commodities which the farmer could use if the price was not prohibitive. The farmer is therefore at an economic handicap, and no amount of advice, sympathy, or subterfuge will bring relief as long as the man who tills the soil is not treated with legislative equality or justice.

Will the farmer still be satisfied with three cheers and a slap on the back and continue to vote for tariffs that rob him and reduce him to bankruptcy or will he use his political influence to help his industrial condition by voting for a party who will readjust the tariff schedules so that economic equality and justice may prevail? [Applause.] (Speech of Hon. ARTHUR H. GREENWOOD, of Indiana, in the House of Representatives, Thursday, March 25, 1926.)

PART VII. G. O. P. BLAMED BY FARMERS

G. O. P. BLAMED BY FARMERS—IOWA FARM BUREAU HEAD SAYS VOTERS RESENT MAKESHIFT PROPOSALS

DES MOINES, June 28 (A. P.).—President Charles E. Hearst, of the Iowa Farm Bureau Federation, to-day informed President Coolidge that farmers of the midwest charged the administration "with full responsibility for failure to keep the promise made to our people" in 1924 when the Republican Party pledged itself to economic equality of agriculture and industry.

In a telegram sent to the President and a statement issued here, Mr. Hearst described farm-relief proposals still pending in Congress as makeshifts and proposals "to hand the farmers legislation that will be inadequate and in no way meet the requirements of the greatest present-day national problem." (Washington Star, June 28, 1926.)

PART VIII. ONE HUNDRED AND TWENTY-NINTH BIRTHDAY OF THE DEMOCRATIC PARTY

On March 4, 1926, the Democratic Party celebrated its one hundred and twenty-ninth birthday. It was on March 4, 1797, that the Democratic Party came into existence, when Thomas Jefferson, the greatest political philosopher of all time, who was its founder, took the oath of office as Vice President of the United States.

The historic party of the Nation, the incorruptible party of the masses, it is as imperishable as liberty itself.

Being a party of principles and not a party of "loaves and fishes," it has survived political famine; it has survived party splits of great magnitude; it has gone through the fire of a civil war; and has been torn by the strife of religious dissension; always to be reunited in the service of the people.

During more than half of its life it has been entrusted with the administration of our Government, and its accomplishments while in office constitute some of the most glorious chapters in American history.

Never during its long career has it been driven from power because of corruption, or because of malfeasance on the part of its high officials.

It has lived to see its ancient enemies, the Federalist and the Whig Parties, embalmed and forgotten.

It will live to see its present enemy, the Republican Party, driven from power and become a memory.

The Harding and Coolidge administrations have been such disappointing failures, so full of scandals, that the American people only await the November elections to cast forth disgracefully everything that is left of the Republican Party, in order that we may have honest elections and honest government.

PART IX. THE VOICE OF THE PEOPLE IS BEING HEARD

The Coolidge candidate in Illinois, Senator MCKINLEY, was badly defeated.

The Coolidge candidate in Oregon, Senator STANFIELD, was badly defeated.

The Coolidge candidate in Pennsylvania, Senator PEPPER, was badly defeated.

The Coolidge candidate in Iowa, Senator CUMMINS, was badly defeated.

The Coolidge candidate in North Dakota, Mr. L. B. Hanna, was badly defeated. Another bump for the Coolidge administration.

The stalwarts of the Republican Party, the leaders of the old guard, are falling. They are being cut down as fast as the primaries are held and the people have an opportunity to pass judgment upon them.

Verily, the voice of the people is being heard.

WATERS OF THE SNAKE RIVER AND OTHER STREAMS

The VICE PRESIDENT laid before the Senate amendments of the House of Representatives to the bill (S. 4348) granting the consent of Congress to compacts or agreements between the States of Idaho and Wyoming with respect to the division and apportionment of the waters of the Snake River and other streams in which such States are jointly interested, which were, on page 1, line 4, to strike out "and Wyoming" and insert a comma and "Wyoming, Washington, and Oregon"; on the same page, in line 6, to strike out "between" and insert "among"; on the same page, in line 7, to strike out all after "thereto" down to and including "interested" in line 9.

Amend the title so as to read: "An act granting the consent of Congress to compacts or agreements between the States of Idaho, Wyoming, Washington, and Oregon with respect to the division and apportionment of the waters of the Snake River and its tributaries."

Mr. KENDRICK. I move that the Senate concur in the House amendments.

The motion was agreed to.

ASSESSMENTS OF REAL ESTATE IN THE DISTRICT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3053) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, which were, on page 5, after line 10, to insert:

SEC. 10. That assessments of real estate in the District of Columbia for the purposes of taxation shall be made annually in the same manner and subject to the same limitations as now provided by law for making biennial assessments of real estate in said District: *Provided*, That to enable the assessor of the District of Columbia to make annual assessments of real estate there is authorized to be appropriated such sum as may be necessary for the employment of additional personal services.

And on page 5, line 11, to strike out "10" and insert "11."

Mr. CAPPER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. ASHURST. Mr. President, I demand the regular order. At the risk of incurring some unpopularity I must insist that we confine ourselves to the regular order strictly, because we have a large number of bills on the calendar, and the only chance an ordinary Senator has is to call for the regular order. I therefore demand it.

The VICE PRESIDENT. The regular order is demanded. Petitions and memorials are in order.

PETITIONS

Mr. ERNST presented petitions of sundry citizens of Augusta and Rush and of Monroe County, all in the State of Kentucky, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

REPORT OF PUBLIC LANDS COMMITTEE

Mr. WALSH, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4533) extending to lands released from withdrawal under the Carey Act the right of the State of Montana to secure indemnity for losses to its school grant in the Fort Belknap Reservation reported it without amendment and submitted a report (No. 1189) thereon.

TRAFFIC CONTROL IN THE DISTRICT—CONFERENCE REPORT

Mr. CAPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3802) to amend the act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, and 11, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert a comma and the words "pedestrians, and animals, of every description"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided*, That in each case where a permit is revoked or suspended, the reasons therefor shall be set out in the order of revocation or suspension: *Provided further*, That such order shall take effect 10 days after its issuance unless the holder of the permit shall have filed within such period

written application with the Commissioners of the District of Columbia for a review of the order of the director or his assistant; if, upon such review, the commissioners shall sustain the order of the director or his assistant, such order shall become effective immediately; but if, upon such review, the commissioners shall reverse the order of the director or his assistant, such order shall thereupon be vacated"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "may, within 30 days after such denial, revocation, or suspension is ordered, if application for a review by the commissioners of an order for revocation or suspension has not been filed, or, in case such application has been filed, within 30 days after decision of the commissioners, apply to any justice of the Court of Appeals of the District of Columbia for a writ of error to review the order of the director of traffic (or his assistant) complained of or the decision of the commissioners. And said court is authorized to promulgate rules governing the application for the writ, and the record and proceedings thereon, and to affirm, modify, or reverse the order of the director of traffic (or his assistant) or the decision of the commissioners, where the writ is allowed pursuant hereto; and the decision of said court shall be final: *Provided further*, That the application to said court for a writ of error shall not operate as a stay of such order of the director or his assistant or the decision of the commissioners"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: After the word "assistants" at the end of said amendment insert a colon and the following: "*Provided*, That nothing herein contained shall deprive any person of the right of trial by jury"; and the Senate agree to the same.

ARTHUR CAPPER,
FREDERIC M. SACKETT,
WILLIAM H. KING,
Managers on the part of the Senate.

FREDERICK N. ZIHLMAN,
CHARLES L. UNDERHILL,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BLEASE. Mr. President, I merely wish to ask the Senator from Kansas if the amendments set forth in the conference report are those which were agreed on by the opponents and proponents of the previous report?

Mr. CAPPER. They are.

Mr. ASHURST. Mr. President, to what conference report does the Senator from South Carolina refer?

The VICE PRESIDENT. The conference report on the so-called traffic bill which has been presented by the Senator from Kansas.

Mr. BLEASE. There is no further objection to it, Mr. President.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. ROBINSON of Arkansas. Mr. President, I understand that the conference report as presented by the Senator from Kansas represents a unanimous agreement not only on the part of the conferees but upon the part of the proponents of the bill and of those who recently in the Senate raised some objection to its consideration. Am I correct in that statement?

Mr. CAPPER. The Senator from Arkansas is correct.

Mr. KING. Mr. President, I was one of those who signed this conference report. In so doing I do not want it to be understood that I agree to the original bill or to all of the modifications embraced in the conference report. However, as a conferee, it is my duty, of course, to carry out the instructions of the Senate, which I attempted to do, notwithstanding the fact that some of the provisions were not in harmony with my views.

I confess that I am not satisfied with the traffic act; I am not satisfied with its administration; I am not satisfied with Mr. Eldridge, who is head of the traffic organization, and particularly since the hearings in the House of Representatives over the Fenning matter, in which it was revealed that Mr. Eldridge has played a very sordid part in having removed from office Captain Headley, one of the most effective and efficient policemen in the city of Washington, I feel that I can not support the director. I do not indorse his act, and the committing to him of such great power, as does this bill, I think is a very great mistake. However, Congress has passed the law doing that, and, of course, it was my duty as a conferee to carry out the instructions of the Senate.

The VICE PRESIDENT. Without objection, the conference report is agreed to.

Mr. NORRIS. Mr. President, I wish to ask the Senator from Kansas a question about this conference report. I have read newspaper comments about the traffic regulations under this bill. I do not know whether the provision I have in mind is included in the conference report or not. I ask the Senator from Kansas whether there are any regulations in the bill as now agreed upon by the conferees in regard to the issuing of licenses for the operation of motor vehicles in the District of Columia?

Mr. CAPPER. The bill as now agreed upon provides for the renewal of licenses for three years for a charge of $3.

Mr. NORRIS. I am referring now to a license which gives its owner the right to drive an automobile or truck.

Mr. CAPPER. That is what I refer to.

Mr. NORRIS. And such persons have to pay a fee of $3.

Mr. CAPPER. Covering a period of three years.

Mr. NORRIS. There is not any means by which a person can get a license for a shorter term.

Mr. CAPPER. He can get a license for $2 for a single year and then it may be renewed.

Mr. NORRIS. In getting a license, or in getting a license renewed, does a person have to pass an examination or something of that kind?

Mr. CAPPER. He does in securing an original license.

Mr. NORRIS. Let me ask the Senator a question. Suppose some one comes here from a State—as thousands of people do—in his automobile; if he is here, as I understand, for more than 30 days he is required to take out a license. I do not know whether the collection of a fee in such a case is right. Is there not a regulation under which a man coming here from the State of Kanses, let us say, with his automobile, technically speaking, is not allowed to drive it on the streets of Washington unless he takes out a license? Would such a person have to take out a license for two years or three years?

Mr. CAPPER. No; he would not. That matter is not controlled by this act at all.

Mr. NORRIS. Oh, it is not?

Mr. CAPPER. No. I presume the traffic director of the District will establish some regulation to govern such a case. My understanding is that here in the District a license from another State is recognized for a period of 30 days without requiring a local license.

Mr. NORRIS. I desire to ask the Senator another question. If this proposed law shall go into effect, will every person in the District of Columbia who drives a car or an automobile truck be compelled to take out a new license and will he be required to pass an examination before he can obtain such a license?

Mr. CAPPER. Not at all. If he is holding a permit he can renew that permit without further examination.

Mr. NORRIS. Then, if there is no evidence required to secure another permit except the old permit, what is the use of requiring a new one?

Mr. CAPPER. All licenses, according to the traffic act of two years ago, automatically expired on March 31 of this year.

Mr. NORRIS. I understand the applicant will not have to submit any evidence except his old license in order to secure a new one. My question is, if that be true, why require him to take out a new license?

Mr. CAPPER. Because the traffic act which we passed not quite two years ago provided that all licenses should expire on March 31, 1926. This bill makes it possible for the holders of those licenses issued prior to March 31 to have them renewed without further examination for a period of three years for a charge of $3.

Mr. NORRIS. Then, really the only thing accomplished by it is that it brings in a fee?

Mr. CAPPER. As a matter of fact, those driving automobiles here now are doing so without any authority.

Mr. NORRIS. I suppose that is true under the law. They really are driving without a permit now.

Mr. CAPPER. That is correct.

Mr. NORRIS. The point that I am trying to emphasize is that if the traffic officials are going to look without any objection upon those who have licenses now and say nothing about it, but let them use their old licenses, in case of an accident, in case anything happens, although the driver may be entirely blameless, he could be arrested for violating the law on account of driving without a license, and that could be used as a leverage sometimes against persons who would be absolutely innocent of any wrong or even of any negligence.

Mr. CAPPER. The traffic director for the last four months has been pressing for the passage of this bill so that the holders of permits would have some status.

Mr. NORRIS. How much time will be given under this bill to secure new permits? Suppose a Member of Congress—I am not thinking of myself, because I am not going to do that; but suppose some Member of Congress who leaves the city to-day has a license now to drive in the District of Columbia and he comes back in December and drives his car without securing a new license, he would be violating the law for driving a car on the streets of Washington, would be not?

Mr. CAPPER. There is no limitation as to the time, so far as this bill is concerned.

Mr. NORRIS. But in the meantime people are violating the law if they drive their cars, are they not?

Mr. CAPPER. It might be so considered, but the traffic bureau has not up to this time taken that stand.

Mr. NORRIS. Technically speaking, if this bill were signed by the President and should become a law to-day, every person in the District of Columbia driving a car, although he had a license which was legal at the time it was issued and legal up to the date of March 31 last, as the Senator says, would be violating the law and would be subject to whatever penalties are set forth in this law, would he not?

Mr. CAPPER. I think, technically, probably he would.

Mr. NORRIS. The only hope the people who are driving cars here can have is that the enforcement officers will be lenient. I do not doubt their leniency, but the danger is in case a person should have an accident, although he might be blameless, he could be arrested under this proposed law, tried, and convicted because he would be technically a violator of the law.

Mr. CAPPER. The situation has been quite chaotic ever since March 31.

Mr. NORRIS. I think it has.

Mr. CAPPER. I will say for the traffic bureau that they have been doing their best to secure action by Congress.

Mr. NORRIS. I have no doubt of that. I am not criticizing anybody, I will say to the Senator; I realize that there are difficulties, and, perhaps, this is the right way to remedy them.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COPELAND. I inquire if this is a personal conversation which is going on between Senators on the other side? Over here we can not hear them at all.

The VICE PRESIDENT. The Senators are discussing the conference report on the District of Columbia traffic bill.

Mr. NORRIS. We are having a very enlightening discussion, I will say to the Senator from New York.

Mr. COPELAND. We would be pleased to be enlightened over here.

Mr. NORRIS. Senators over there would be enlightened if they could only hear it, but because so many are talking we are not to blame that we can not be heard.

I will say to the Senator from Kansas that the difficulty is more or less a technical one, but I have often known such technicalities to be used and the law enforced for the purpose of accomplishing some other object. Everybody in the District driving a car will be a violator of the law to-morrow if this bill shall be signed to-day, as I understand.

Mr. CAPPER. No; I think not.

Mr. NORRIS. Will they not?

Mr. CAPPER. The passage of this bill is intended to clear up that very situation.

Mr. NORRIS. But everyone will have to get a license before he will have the right to drive a car.

Mr. CAPPER. They will have to renew their licenses, but there is no limitation.

Mr. NORRIS. It seems to me there ought to be some limitation here, some time fixed, so as to protect those who now have licenses and are driving cars from a technical violation of law when they are entirely innocent. They ought to be given a certain length of time in which to get these licenses.

Mr. CAPPER. I think the owner of the automobile has nothing to fear, because there is no limitation in this bill upon the time within which he can renew his permit.

PAN PACIFIC CONFERENCE OF EDUCATION, REHABILITATION, ETC.

The VICE PRESIDENT laid before the Senate the amendments of the House to the joint resolution (S. J. Res. 104) authorizing the Secretary of the Interior to call a Pan Pacific conference of education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii, which were to strike out all after the resolving clause and insert:

That the President is hereby authorized and requested to call a conference on education, rehabilitation, reclamation, and recreation to be held at Honolulu, Hawaii, in April or May of 1927, and to extend invitations to such Governments as in his judgment should be represented at the conference.

The Secretary of the Interior, subject to the approval of the President, is hereby given full authority for the inauguration and maintenance of such conference, the preparation of and sending necessary exhibits thereto, purchase of necessary supplies and equipment, for telephone, telegraph, or cable service, freight and express charges, for travel and subsistence of employees of the Interior Department or representatives thereof, and for other necessary expenses incident to the conference, including the employment of assistants in or outside of the District of Columbia, the sum of $20,000 is hereby authorized to be appropriated from any money in the Treasury not otherwise appropriated, to be immediately available, and to continue available until December 31, 1927.

The Secretary of the Interior shall make a report of the proceedings of the conference and a detailed statement of expenditures to the Congress of the United States at the session next following the conference.

And to amend the title so as to read: "Joint resolution authorizing the call of a conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii."

Mr. BINGHAM. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOW THE TARIFF HELPS THE FARMER

Mr. FESS. Mr. President, under date of June 26 the Nebraska Farmer published a very informing article by Representative WILL R. WOOD on "How the tariff helps the farmer." I ask unanimous consent to insert it in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

HOW THE TARIFF HELPS THE FARMER—BROADER HOME MARKETS AND PROTECTION FROM CHEAPER FOREIGN PRODUCTION A BOON TO AGRICULTURE

By WILL R. WOOD, United States Representative from Indiana

It is a matter of record and common information that the agricultural interests and agricultural sections of our country had more to do with the drafting and the passage of the present tariff law than any other interest or section. As a result, the schedules of the present tariff afford protection to more agricultural commodities than any previous tariff in our Nation's history and the degree of protection afforded them is higher. On the other hand, special consideration was accorded the agricultural interests in that practically all manufactured articles which are essential in the prosecution of agriculture—such as farm implements, barbed wire, binder twine, all kinds of leather goods, etc.—were placed on the free list.

Some idea of the manner in which the present tariff law operates to the especial benefit of the farmer may be obtained from an analysis of the imports of the year 1925. Their total value was, in round numbers, $3,610,000,000, of which $2,080,000,000, or 57 per cent, was admitted wholly free. Of the $1,530,000,000 worth of goods which paid a duty, $780,000,000, or 50 per cent, were agricultural imports, and the duty levied upon them was levied for the express purpose of protecting American agricultural interests. This left $750,000,000 worth of imports other than agricultural upon which a tariff was collected, and of this amount $250,000,000 represented such luxuries as mahogany, cut glass, and diamonds. The tariff on these luxuries do not affect the farmer's prosperity.

HALF OF DUTIABLE IMPORTS ARE AGRICULTURAL

This eliminates $3,110,000,000 of imports from consideration in discussing what share of the tariff the farmer pays because imports in that sum were either admitted free, or were luxuries of the special character above enumerated, or were agricultural imports against which a tariff was levied to protect the farmer, not to tax him. The residue, $500,000,000, or approximately only 14 per cent of the total constitute the only portion of our imports upon which the agricultural industry pays any part of the tariff.

In spite of this, there persists the argument among opponents of the tariff that it is "lopsided" and particularly benefits the industrial sections and interests at the expense of the agricultural sections and interests. This viewpoint is most often expressed by the phrase, "the farmer buys in a protected market but must sell in an open market." This is an indictment which challenges those responsible for the enactment of the present tariff and those who defend it. The consideration of this charge must be approached from an economic angle rather than from a partisan or political one.

Exports of grain and grain-food preparations in 1925 were 19 per cent less than in 1924. A still closer analysis shows the exports of wheat in 1925 were 46 per cent and corn 31 per cent less than in 1924. Exports of other agricultural products showed a decided decline as compared with the previous years. According to the Department of Agriculture, in an announcement issued March 8:

"The foreign demand for most of the products of our farms in 1926 will be no better than for the products of 1925, if as good. * * * Although the purchasing power of consumers in most countries for the products which they will have to import may be as good or better than in the past year, recovering domestic production and the imposition of protective tariffs is reducing the demand in some countries for foreign products, and competition in all foreign markets will be as strong as last year."

This has been the trend for the past five years. Exports of farm products in 1921 amounted to 15.38 per cent of our total exports. Since that year they have steadily declined; in 1925 they amounted to only 6.6 per cent of our total exports and in value aggregated only $318,000,000 as against $674,000,000 in 1921.

This steady decline of exports of our farm products is due largely to two reasons. First, the European nations are gradually recovering their agricultural productive capacity; in point of fact, they are making greater efforts than ever before to stimulate agricultural production. The war taught them the important lesson of being as self-sustaining as possible. In addition, the necessity of their reducing imports in order to help balance their budget impels them, from an economic standpoint, to raise as much food at home as possible.

But the more important factor is the increasing competition to the United States farmer from agricultural producers of other countries. In commenting upon this the Secretary of Agriculture in his last annual report makes the following observation:

FOREIGN COMPETITION IS INCREASING

"In planning wheat production the situation both in the United States and in the whole world should be considered. Even with the same acreage as last year a good average yield would place the United States on an export basis for most, if not all, classes of wheat. The trend of production in many countries that compete with the United States is upward. Production in European countries affected by the war is rapidly approaching pre-war status. Russia, a large exporter before the war, is recovering. The wheat-producing areas of Argentine, Australia, and Canada are now 53 per cent above pre-war average, and these countries have not yet reached their limit. Under these conditions only poor crops in important foreign wheat-producing countries can result in a situation comparable to that of last year when the farmers of the United States had a good crop which they sold at high prices. * * *

"Foreign competition continues to grow stronger in some lines of farm production. The wheat area of Canada has increased from a pre-war average of 10,000,000 acres to 22,000,000 acres in 1925. There are still large areas in Canada suitable for wheat production. The Australian wheat area has increased from a pre-war average of 7,600,000 acres to 10,800,000. Argentine reports have shown a record acreage. The wheat area of these three countries together is now about 53 per cent above the pre-war average. Dairy production continues to expand in the Southern Hemisphere. New Zealand and Australia have just finished a season of record output. The production of these two countries has expanded greatly since the war. They still have room for expansion. Argentine dairy production has also increased considerably since the war. The further development of the western Provinces of Canada and the recovery of Europe are adding to the world's supply. Siberia, a large exporter of dairy products before the war, is also recovering."

UNITED STATES PRODUCTION COSTS ARE HIGHER

This is supplemented by the report of a survey made by a special commission under the direction of the Foodstuffs Division of the Department of Commerce in response to a resolution passed by the Sixty-seventh Congress. It is stated in this report that only one-tenth of the wheat land of the Argentine and only one-sixth of the wheat land of Canada is at present under cultivation, and that virgin soil in each country is being brought under cultivation in an increasing quantity each year. This report also shows that in both Canada and the Argentine there is a comparatively small population in relation to the area, which makes it possible for an abnormally large percentage of farm crops to be exported. This report also points out that because of the conditions of cheap land and other cheap production costs crops and livestock can be produced in these countries at a much lower figure than they can be produced in the United States.

Further evidence is furnished by the report of a special representative of the Bureau of Animal Industry of the United States Department of Agriculture covering the livestock industry in the Argentine. This report shows that after counting in all production costs, cattle in the Argentine can be produced ready for the market at 75 cents per 100 pounds.

The United States Tariff Commission in 1924 submitted the results of its study of the need of an increase in the duty on wheat. This study went exhaustively into the cost of production of wheat in this country and Canada. The report shows that the cost of producing a bushel of wheat in the United States averages 48 cents a bushel higher than the cost of producing similar wheat in Canada. It further shows this difference in cost is attributable to factors which the American farmer can neither control nor remedy, such as higher land values, higher labor costs, higher costs of fertilizer due to more impoverished soil, etc.

In April this year the United States Tariff Commission submitted a report upon the advisability of increasing the duty on butter. This report showed that butter can be and is produced in Denmark for 13 cents a pound less than it can be produced in this country and that butter can be and is produced in Canada and New Zealand at a lower cost than it is produced in Denmark. As in the case of wheat and livestock, the report shows that these lower production costs in New Zealand and Canada are largely the result of lower land values, lower feed, labor and shelter costs.

To sum up the situation, the great agricultural sections of the United States have been opened, settled, and brought to a high state of development, which has resulted in high land values and very high production costs. On the other hand, the agricultural competing countries, such as the Argentine, Canada, New Zealand, Australia, etc., are still comparatively unsettled and undeveloped agriculturally; the Argentine is comparable to conditions in the Mississippi Valley 50 years ago, in so far as land values and labor costs are concerned, while the conditions in the agricultural sections of Canada are comparable to conditions which existed in the United States 25 years ago.

This makes it possible for those countries to produce food at so much lower cost than the United States that their exports are driving the American farmer out of the European market by the simple and certain process of being able to always undersell him at a profit. Students of the agricultural economic situation have no hesitancy in predicting that the American farmer's foreign markets are rapidly and surely reaching the vanishing point because of these conditions.

This brings the American farmer face to face with the question of where he can market his product and what will be the effect on farm prices when he loses his foreign markets. Fortunately we are not without information upon this subject. In 1921 the Joint Commission of Agricultural Inquiry, composed of Members of Congress, representing both the Senate and the House and both political parties, made a report of studies of agriculture, which had been prosecuted under its direction in response to a resolution passed by Congress. Some idea of the fairness and representative character of this commission may be obtained by citing its personnel:

Senators Lenroot, of Wisconsin, Capper, of Kansas, and McNary, of Oregon, Republicans; Senators Robinson, of Arkansas, and Harrison, of Mississippi, Democrats.

Representatives Anderson, of Minnesota, Mills, of New York, and Funk, of Illinois, Republicans; and Sumners, of Texas, and Ten Eyck, of New York, Democrats.

The per capita consumption of meat in the United States in 1925 was 154 pounds. The next country to that was England, the nation of "beef eaters," where the per capita consumption of all kinds of meat was 103.5 pounds. In France the per capita consumption was 75 pounds; in Belgium, 68 pounds; and in Italy, 41.8 pounds.

The European workingman regards white bread as a luxury. In fact, it is well within the truth to say that in the majority of European countries the workers never see or eat white bread. The parallel might be extended to other food products. Suffice it to say that in the American wage earner, steadily employed at good wages, the American farmer has the best and the richest customer in the world, and if he is able to hold this market he need not worry.

The home market created and maintained by the buying power of the American wage earner is a protected market. It could not exist without a protective tariff. Every period under a protective tariff has been marked by great industrial activity and expansion, accompanied by the steady employment at good wages. Every period following the repeal of a protective tariff has been marked by widespread and serious industrial depression, with millions of idle wage earners deprived of their buying power. Naturally and inevitably during such periods per capita consumption of all sorts of food has decreased and farm prices have declined.

This is not the rehash of partisan argument. It is the plain statement of an economic fact which is indelibly written on the pages of American industrial history.

The American farmer sells to-day in a protected market, a market created by protective tariff, a market of industrial consumers whose buying power is dependent almost wholly on the maintenance of the policy of a protective tariff. Ninety per cent of all the American farmer produces is sold in this highly protected market. It is a market which, for him, is doubly protected. It protects his industrial urban consumers in their jobs, which pay the highest wages ever paid in any nation in times of peace, and it protects him from the cheaply produced agricultural products of Canada, New Zealand, the Argentine, and other agricultural competitive countries.

FREE IMPORTS RUINOUS

It prevents wheat produced at 48 cents less on the bushel than he can produce it from invading this market and taking it away from him. It prevents products of the Argentine packing houses from invading this market and utterly wiping out our livestock industry. It prevents the cheap butter products from northern Europe and from far-off New Zealand and Australia from invading this market and

destroying the tremendous dairy industry. It prevents the free importation of any and all agricultural products which can be produced, and are produced, in the United States.

Repeal the protective tariff and utter ruin, unspeakable catastrophe would overtake American agriculture. Such an act would at once throw the American wage earner out of employment and destroy his capacity to purchase the products of the American farmer. To make the blow doubly ruinous, it would also open up our customhouses to the free importation of the cheap farm products of other countries and deprive the American farmer of any market which might remain by reason of the purchasing power of those other than industrial wage earners.

The argument is advanced by opponents of the protective tariff that under its operation and because of it prices of commodities which the farmer must purchase have been unreasonably advanced. It is argued that because of this alleged advance the dollar of the American farmer will not buy as much to-day of such commodities as it did prior to the Fordney-McCumber tariff.

If the protected manufacturer has unreasonably advanced his price since the enactment of the present tariff, such an advance must be evidenced in wholesale prices of manufactured goods. The Bureau of Labor Statistics of the United States Department of Labor has just printed a report of wholesale prices of commodities month by month for the last two years. This report will prove very disconcerting to those advancing the above argument, for it shows that the wholesale prices of cotton textiles and woolen textiles have decreased during the last two years despite the fact that both branches of the textile industry are protected under the present tariff. It shows the wholesale prices of boots and shoes have increased in the last two years despite the fact that all leather and leather goods are on the free list. It shows the fact that were it not for silks, which have tremendously advanced during the last two years, the whole group of clothing and textile goods would show a very radical decline in the wholesale prices.

PRICES ARE LOWER REGARDLESS

However, it does not need the work of the statistician to convince the wife of the American farmer that she can buy cotton goods cheaper to-day than she could two and three and four years ago. Evidently then the argument that the protective tariff has increased the cost of clothing to the American farmer because of the protection it affords the American textile manufacturer is not founded on fact and can not be substantiated by any reliable evidence.

The report of the Bureau of Labor Statistics shows that the wholesale prices of iron and steel have steadily declined for the last two years. This effectually disposes of the argument that, due to the protective tariff, the iron and steel industry has profiteered at the expense of the farmer by reason of the increased price of raw material which enters into the manufacture of farm implements. Furthermore, inasmuch as farm implements are admitted free of duty, there is not a leg for the antiprotectionist argument to stand on.

The report of the Bureau of Labor Statistics shows there has been a steady decline in the wholesale prices of furniture and house furnishings.

Here, then, we have eliminated the item of clothing and textiles other than silks, the item of raw material which enters into the manufacture of implements and the item of household goods and furniture for which the farmer is alleged to pay more because of a protective tariff. This is not asserting that in some cases and in some places the prices of some of these commodities may have increased to the farmer, but it is stating that if such an increase has been demanded of him, it is not due to an increase in price at the mills and the factories which produce these articles, and therefore attributable to the tariff.

Of course, the American farmer in common with every other consumer of manufactured goods, could buy imported articles cheaper provided the protective tariff on everything were wiped out and the manufacturers of Europe could have free and unlimited access to the American market. There is truth in the statement of the opponents of a protective tariff that if we had no protective tariff the American farmer would be able to buy his lawn mower cheaper because he could purchase a foreign-made lawn mower at a price lower than the American manufacturer can produce it and maintain his present wage scale.

LABOR HAS BIG FOOD BILL

The American farmer can reduce the American wage earner to the level of the European if he so desires by assisting those who would tear down our tariff walls, and he should do this if he figures that by so doing he will be the gainer in the transaction. Any time the American farmer desires to exchange the American wage earner who eats beef and veal and pork and mutton and consumes 154 pounds of it a year for the European workingman with his poverty-stricken standard of living; any time the American farmer desires to exchange the American industrial worker, who eats white bread three times a day, for the European laborer, who eats it not at all, he can take a long step in that direction by assisting the enemies of protective-tariff system to tear down the tariff walls.

Any time the American farmer desires to buy all of his manufactured goods from foreign producers because he can get them for less money, he can realize his desire by voting to repeal the protective tariff now in force and effect. But when he does so, he not only throws his best customer out of work but he enables all American consumers to purchase the cheap wheat from Canada, cheap dairy products from all quarters of the globe, and cheap meat products from the pampas grass plains of Argentine.

American industry and American agriculture are interdependent. American industry can not injure or destroy American agriculture without striking at the agricultural people, who purchase, on the whole, 45 per cent of the products of American mills and factories. American agriculture can not injure or destroy American industry without striking at the workers in industry, who purchase 90 per cent of the output of the American farm.

The American farmer does pay more for his American-made lawn mower under a protective tariff than he would pay for a European-made lawn mower under free trade. But in return he thereby makes possible the steady employment of men at high wages in the lawn-mower industry, men who are the purchasers of the output of the American farm. The lawn mower is cited merely as an illustration and a symbol of all American industries which enjoy the benefit of a protective tariff. What is applicable to the lawn-mower industry is applicable to all American industries. In the aggregate, by reason of the protective tariff, the American industrial wage earner is expending over $5,000,000,000 a year with the American farmer.

It is not a one-sided arrangement wherein the farmer, to use the deceptive catch phrase which has become current, "buys in a protected market and sells in an open market." Under the present protective-tariff system the farmer sells in a protected market and he buys in a protected market. The American wage earner buys in a protected market and he sells in a protected market. By reason of this exchange of commodities between the protected farmer and the protected wage earner, the living standards in the city and on farms are maintained at a level which is the astonishment and the admiration of the civilized world.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERNALD:

A bill (S. 4547) granting a pension to Alfred E. Hustus (with accompanying papers); to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 4548) to provide more effectively for the national defense by authorizing an increase in the number of Reserve Officers' Training Corps units for the Air Corps of the United States Army, and for other purposes; to the Committee on Military Affairs.

By Mr. EDWARDS:

A bill (S. 4549) to remit the duty on a carillon of bells to be imported for Princeton University, Princeton, N. J.; to the Committee on Finance.

By Mr. SCHALL:

A joint resolution (S. J. Res. 124) to provide for the reimbursements to the Eastern and Emigrant Cherokees by blood for lands allotted to the negro freedmen (among the Cherokees) from the lands granted to the Eastern and Emigrant Cherokees by blood under treaty of 1835, and for other purposes; to the Committee on Indian Affairs.

By Mr. COPELAND:

A joint resolution (S. J. Res. 127) authorizing and directing the Postmaster General to investigate the facts regarding the use in the Postal Service of a certain invention, device, or instrument for the postmarking of mail packages and for the cancellation of postage stamps and to report on what would be an equitable compensation for such use during the life of the letters patent thereon; to the Committee on Post Offices and Post Roads.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 12065. An act to amend the interstate commerce act and the transportation act, 1920, and for other purposes; to the Committee on Interstate Commerce.

H. R. 10662. An act authorizing an appropriation for the construction of a roadway and walk leading to and around the Chalmette Monument, Chalmette, La.;

H. R. 11284. An act to provide for an aircraft procurement board, and for other purposes; and

H. R. 12592. An act to provide for the inspection of the battle field of Kings Mountain, S. C.; to the Committee on Military Affairs.

H. R. 12732. An act to extend the time for the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois;

H. R. 12796. An act granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga.; and

H. R. 12952. An act granting the consent of Congress to the village of Decatur, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa; to the Committee on Commerce.

RIO GRANDE BRIDGE NEAR HIDALGO, TEX.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, House bill 4033, granting consent of Congress to the Hidalgo & Reynosa Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.; and I submit a report (No. 1184) thereon. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT OF COLUMBIA CODE

Mr. CAPPER. From the Committee on the District of Columbia I report back favorably without amendment House bill 13214, an emergency measure that was passed by the House yesterday. It is very important that we have action on it. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13214) to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. JONES

Mr. BINGHAM. From the Committee on Military Affairs I report back favorably, without amendment, House bill 8961, for the relief of William E. Jones, and I submit a report (No. 1185) thereon. I ask unanimous consent for its immediate consideration.

This is the case of a soldier of the Minnesota National Guard who, during the troubles on the Mexican border in 1916, died without having assigned his six months' pay to his father. The reason for his not having assigned it was that there were no assignment blanks in his organization. The bill is unanimously recommended by the Committee on Military Affairs.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF RULES—ELECTION EXPENDITURES

Mr. CURTIS. From the Committee on Rules I report back Senate Resolution 261 and ask that the Committee on Rules be discharged from its further consideration and that it be referred to the Committee on the Judiciary.

Mr. LA FOLLETTE. Mr. President, will the Senator from Kansas accept the substitution of the Select Committee Investigating Campaign Expenditures instead of the Judiciary Committee?

Mr. CURTIS. I have no objection to that; but I may state that eventually I think the resolution will have to go to the Committee on the Judiciary, because there is a constitutional question involved.

Mr. LA FOLLETTE. I realize that, but that can be done subsequently.

Mr. CURTIS. I have no objection to the suggestion of the Senator from Wisconsin, however.

Mr. ROBINSON of Arkansas. Mr. President, I think the suggestion of the Senator from Wisconsin is a very pertinent one. The committee to which he refers has been making inquiries into the subject matter of this resolution, and I believe it should first go to that committee.

Mr. CURTIS. I have no objection.

The VICE PRESIDENT. Without objection, the resolution will be so referred.

G. C. ALLEN—CONFERENCE REPORT

Mr. CARAWAY. I present the conference report on Senate bill 2188, for the relief of G. C. Allen, and ask for its immediate consideration.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2188) for the relief of G. C. Allen, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$2,000"; and the House agree to the same.

ARTHUR CAPPER,
T. H. CARAWAY,
Managers on the part of the Senate.

CHARLES L. UNDERHILL,
JOHN C. BOX,
BIRD J. VINCENT,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATOR ROBERT M. LA FOLLETTE (S. DOC. NO. 157)

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed as a public document the addresses in connection with the memorial services on the late Senator La Follette.

The VICE PRESIDENT. Without objection, it is so ordered.

ARTICLE BY SENATOR NORRIS, "THE PATRIOT'S DUTY IN PENNSYLVANIA"

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD an article prepared by the senior Senator from Nebraska [Mr. NORRIS], entitled "The Patriot's Duty in Pennsylvania."

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

By GEORGE W. NORRIS, United States Senator from Nebraska

The perpetuity of our Government depends upon the independence of its citizens and the free and uncoerced exercise of such citizenship. A democracy can not exist where the people are too ignorant to intelligently exercise the right of franchise. Neither can such democracy endure if the citizen is either denied the right of suffrage or coerced in the wrongful use of it. If, through the manipulation of machine politicians and political bosses, by the use of immense quantities of money, our elections are controlled, the result is the same as though it were done by military force at the point of a bayonet. Self-government depends upon the free and untrammeled exercise of the elective franchise by the citizen. If the election is corrupt, the result is practically the same, regardless of the means used to bring about the corruption.

All honest men will admit that our Government can not remain free if our offices are disposed of on the auction block for cash. No one will deny that our Government must eventually perish if our elections are not free and our citizens are coerced in the casting of the ballot. A primary election is just as important as the general election. As a rule, it is more important, and that is true of Pennsylvania, where, under any ordinary circumstances, no one but a Republican stands any show of election. The conscience of the Nation was shocked at the disclosures of the corrupting influence of money in the last primary in that State. The total salary of the Senator to be elected at the next election in Pennsylvania will be $60,000, and yet in the Republican primary, to elect a nominee for that party, $3,000,000 was expended. Just a few years ago it was disclosed that a little less than $200,000 was spent in the famous Newberry case in the Michigan primary. The Senate, although seating Newberry, solemnly declared that the expenditure of such amounts of money was contrary to the fundamental principles of our Government and denounced it in the severest of terms. In the light of recent disclosures in Pennsylvania the machine behind Newberry in Michigan was a tightwad. The public sentiment of the Nation became so incensed in the Newberry case that, in obedience to its demands, Senator Newberry resigned from the Senate. And, after all, public sentiment is the strongest law and the most effective governmental force in civilization. When organized and crystallized in behalf of an honest, free citizenship it is sufficiently powerful to overcome the intrigue and the demoralizing evil influence of the greatest of political machines. Before its onward march the hosts of evil and corruption will disappear as the dew fades before the morning sun.

No free people will stand for the election of Members of the United States Senate by methods that were used in the Pennsylvania primary. Those methods shocked the national conscience. The evil results from

the expenditure of such huge sums in the election of a United States Senator are contrary to the fundamental principles that underlie every free government. If the Senate of the United States is to be controlled by men securing their right to serve in that body by such methods, the liberties of the people will disappear and the ultimate destruction of our Government will follow as surely and as naturally as the rising and the setting of the sun. If the special interests are willing to spend $3,000,000 to control one vote in the Senate, what can be expected from the highest lawmaking body in the land when its membership depends upon the wishes of those who expect to get financial favors from national legislation and are willing to pay for it in advance in cold cash? Does anyone expect that the manufacturers, represented by Mr. Grundy, or that the interests represented by Mr. Mellon, do not expect a valuable return for the investment of their cash? They not only expect a return of their money, but they expect to get a high rate of interest on their political investment. And who must pay the bill? The millions of consumers, the farmers, the wage earners, and the professional men of the Nation, must all contribute their proportionate share in the way of taxation. How much better it would be if the senatorship were openly placed upon the auction block and millionaires boldly and openly invited to bid for the coveted prize! If we are to sell public office as we do chattels, why not do it openly and let the contributions be paid into the Treasury of the United States instead of being distributed among a lot of greedy henchmen, who are slaves to a corrupt political machine?

What is the remedy? Are we helpless? Must we sit idly by and submit to the undermining of our liberties and our freedom? Are we who do not live in Pennsylvania going to say that after all it is a matter entirely under the control of that State, and that we have no honorable right to interfere? These men who have spent their money in Pennsylvania expect to get it back through favored legislation.

The taxpayers of the Pacific coast, of the great Middle West, of the South, of the North, of New England, must pay their part of the expense and must share their part of the burden with their fellow citizens of Pennsylvania. The expenditure of this huge sum of money must be returned by the taxpayers of the Nation, and we must remember that it is only an investment, and when it is returned we will be paying it back more than tenfold. The Senator elect from Pennsylvania will not only make laws for that State but he will help to make them for every other State in the Union. The function of his office will be national and not State, and the citizens of California or of Maine are just as much interested in the issues involved as are the people of Pennsylvania.

But what are we going to do about it? Are we going to permit the political ring in Pennsylvania to buy a seat in this national legislative body by the expenditure of cold cash? Do the people of Pennsylvania realize that in electing a Senator they are acting for the Nation rather than for their own State? Do they understand that if we permit them to buy a seat in the United States Senate we must extend the same privilege to every other State and to every other combination of millionaires? It has been said that the Senate can refuse to seat any man who has been nominated by the corrupt use of money. It seems to be taken for granted throughout the country that Mr. VARE, the beneficiary of this public sale of public office, is to be elected in the coming election, and that the only remedy the country has is to demand of the Senate that it refuse to seat him. If the public sentiment remains as it now is, there is no doubt but that if Mr. VARE is elected, the Senate will decline to permit him to occupy a seat in that body. This would be a rebuke, it is true, to the methods that obtained in the Pennsylvania primary. If no other or better way can be devised, it undoubtedly ought to be applied; and the Senate would not only be justified in refusing to seat any man who was nominated by such methods, but it ought not hesitate to do so. But will this be a remedy? Will this relieve the country of the domination of the Pennsylvania machines that shock the country by the expenditure of millions to gain a seat in the Senate? Will it enable the common people to be represented in Pennsylvania by a new Senator, or will it still leave the machine in power and in control to the same extent as though the nominee were admitted into the Senate?

It must be remembered that in the primary contest in Pennsylvania the governorship was likewise involved. The governorship of that great State was likewise on the auction block. The Vare machine and the Mellon machine were contending for supremacy. One machine won the senatorship, but the other machine won the governorship, and if Mr. VARE is elected and the Senate refuses to seat him, then the vacancy thus caused will be filled, by appointment, by the Governor of Pennsylvania. And is it not fair to presume that the governor will appoint a Senator to fill the vacancy who is satisfactory to the machine that gave him his own office? The result would then be that instead of having a Senator representing the Vare machine from Pennsylvania we would have one representing the Mellon machine. Is there any choice? Would we not be jumping out of the frying pan into the fire? There may be a strong preference in Pennsylvania between these two machines, but has the country at large any choice? It must be remembered, too, that in this primary the Mellon machine spent more money than the Vare machine. The people did not give the senatorship to the highest bidder. This suggested procedure has perhaps one doubtful merit to its credit. It will throw out the representative of the Vare machine and install the representative of the Mellon machine, thus giving the highest bidder the prize. But if we are to sell senatorial positions for money, there are many reasons why we should be square enough to let the highest bidder name the man.

What then is the remedy? Are the honest, patriotic citizens of Pennsylvania so hidebound in politics that they will never under any circumstances or conditions scratch their tickets? Why should not the patriotic people of that State vote for the Democratic nominee for Senator? If this condition confronted any Western State there would be no doubt whatever from now until election day as to what the result would be. The citizenship, regardless of party, would repudiate such corrupt methods in the primary and would gladly avail themselves of the opportunity on election day to elect some one who was free from such contamination. It just happens in this case that the Democratic nominee for United States Senator from Pennsylvania is a man of national reputation without a blemish. He has served in the House of Representative and made a remarkably fine record. He was the first Secretary of Labor, and in the handling of that great office gave to the country an administration that was eminently satisfactory and efficient, and in the coming campaign no word of criticism of his private or official life will ever be uttered.

It will be conceded that he is able, that he is honest, that he is patriotic and courageous. Only one charge will be made against him: He is a Democrat. And will Republicans heed that unreasonable cry? Will they refuse to put their seal of condemnation upon the corrupting influences that controlled the Pennsylvania primary simply because they do not want to vote for a Democrat? If the same two men were asking the suffrage of the people for any office where partisan politics was not involved, would they hesitate for a moment in selecting Mr. Wilson by such a unanimity that it would hurl into oblivion the millionaire host of corrupt politics? Are Pennsylvanians going to put partisan politics above the duty they owe to their country? Are they going to say to the Nation that their regularity of party stands higher than their love for the preservation of our liberties and the principles that underlie a free Government? Are they going to burden their patriotic fellow citizens of the balance of the Nation by demanding that they shall pay for the investment made by those who are attempting to buy with money an important Federal office? In the face of a shocked nation-wide citizenship, are they going to blindly carry out the partisan mandate of corrupt millionaire politicians? It is shocking to think that such means as obtained in the recent Pennsylvania primary could possibly succeed, but it is more shocking still to believe that the patriotic people of Pennsylvania are not only going to stand for it but to give it an affirmative seal of approval by carrying out this corrupt mandate in the coming election.

The election of Mr. Wilson would not only put a good man in the Senate from Pennsylvania but it would be the most severe rebuke that could possibly be administered to the corrupt Republican machine. And why should Republicans not inflict this deserved chastisement of their leaders? Is it the duty of a Republican to overlook corruption in his own party and expose it only when he finds it in the other party? If he is moved only by one idea of purifying his own party, how can he do it better than by refusing to carry out the mandate of corrupt partisan political leaders? He would not stand for such things in business. He would not stand for them in his lodge or in his own family. He chastises his own children when they commit wrong, and he does it because he has a sincere desire to improve their conduct.

The same rule will work and work to the same effect in politics, and therefore the Republican of Pennsylvania, if he wants to put the Republican Party of that State on a high moral basis, if he wants, in other words, to make it respectable, there is no more effective way to do it than to vote for the Democratic nominee for the United States Senate.

But do the Republicans of Pennsylvania want a precedent for such a contemplated action? Do they realize that this cry of regularity is only made for the purpose of getting their votes to pull the machine chestnuts out of the fire? Do they understand that these same leaders who cry "Vote the ticket straight, yellow dog and all," do not themselves practice what they preach? Do they not know that this cry of regularity, as a rule, only works one way, and that these same leaders refuse to follow it whenever it is to their interest to disobey it? They do not have to go far in recent history to have these partisan scales stricken from their eyes. What happened in Iowa just a little more than a year ago? Mr. Brookhart had been nominated as the Republican candidate for Senator. There was no question about the regularity or the honesty of his nomination. It was conceded and admitted by all. But he had shown an independence of action that displeased the party leaders, and in spite of the regularity of his nomination these leaders openly denounced him because he was not a "regular" and called upon the people of Iowa to vote for the Democratic nominee for United States Senator. They spread their literature over the State in the name of the Republican Party and boldly proclaimed their leadership of that party. They openly worked for the Democratic nominee.

The sacredness of a Republican nomination meant nothing to them when they had no strings on the nominee.

But that was not all. After the election was over and the Republican nominee had been elected and had received the certificate of election they still kept up the fight. In the name of the Republican State committee of Iowa, and acting as officers of that committee, they came to Washington and protested against the seating in the United States Senate of a Republican and asked their fellow Republicans in that body to vote for the seating of his Democratic opponent. The records of the Senate will show that the officers of the Republican State committee of Iowa, acting as such, filed objections to the seating of Brookhart because, in their judgment, he was not a good Republican. They asked the Senate, notwithstanding the election of the Republican nominee, to seat the Democratic candidate from that State.

Neither is that all. When this contest over the Iowa senatorship was pending in the Senate, the Assistant Secretary of War, with all the influence behind him of a Republican President, camped in the corridors of the Capitol, using every means in his power to induce Republican Senators to vote against the seating of Brookhart. He used the power of his influence, given him by his official position in a Republican administration, to bring Republican representatives from different parts of the country to urge and to threaten Members of the United States Senate, all for the purpose of throwing out a Republican and seating a Democrat. The arguments used in the main were not that the Democrat had been elected and a Republican defeated but almost universally to the effect that the Republican elected and having the regular Republican nomination was not "regular" and held views contrary to those held by the so-called alleged Republican leaders.

And neither is this all. The chairman of the Republican National Committee, himself being a Member of the Senate, threw the power of his great political influence in favor of these alleged Republicans who were fighting the regular Republican nominee.

The result was that this powerful partisan political combination brought about by Republican leaders nullified the voice of the voters of Iowa, threw out a Republican, and put in a Democrat.

I mention these things not in criticism of these alleged Republican leaders for the action they took but to show the inconsistency of such leadership when, in the face of such conduct, they are demanding regularity on the part of the Republican voters of Pennsylvania. If they can justify their conduct in refusing to support Brookhart, whose nomination was honest and unquestioned, then how can they consistently demand that Pennsylvania Republicans should overlook the contamination and disgraceful influences controlling the last Republican primary in Pennsylvania?

I speak for millions of patriotic people throughout the length and breadth of our land, who are earnestly hoping and praying that their brethren in Pennsylvania, regardless of partisan politics, will go to the polls on next election day and repudiate the Pennsylvania political machines that are a stench in the nostrils of liberty-loving people everywhere. It can not be that the great Keystone State, that has always been in the foremost ranks in defense of justice, liberty, and freedom, will now falter when it is called upon to settle this question not only for Pennsylvania but for the Nation.

POWER COMPANY MONOPOLIES—MUSCLE SHOALS

Mr. NORRIS. Mr. President, I wish to avail myself of this opportunity to ask unanimous consent of the Senate to insert as a part of my remarks an article from the Journal of Electrical Workers and Operators. The article is entitled "Electric Bond and Share, mother of monopoly."

I also wish to insert as a part of my remarks a chart showing the connection of the 13 power companies which have made a bid for Muscle Shoals, which bid is accepted by the special committee bill now pending on the calendar which I presume will be considered at the coming short session. I want to put this chart in the RECORD showing that every one of those 13 power companies named in this bill which made the bid for Muscle Shoals are owned, either directly or indirectly, by the General Electric Co.

The VICE PRESIDENT. Without objection the request of the Senator from Nebraska is granted.

The matter referred to is as follows:

[From the Journal of Electrical Workers and Operators]

ELECTRIC BOND AND SHARE, MOTHER OF MONOPOLY

In a western city of nearly half a million inhabitants a reporter was interviewing an executive of the electric company. Talk turned to city politics. The reporter—as reporters sometimes will—suddenly turned boldly frank.

"Come now, Mr. Park," he said, "how do you keep the city council from trying to regulate you to death?"

The executive smiled, stepped to the wall, and pulled down a map from a secret rack.

"I'll show you," he said.

The map was a map of the city, and it was dotted with black-headed pins.

"Each one of those pins," the executive said, "represents 20 stockholders in this company. See how many are in labor wards of the city. Do you think those aldermen are going to vote to reduce our rates when it will strike at the dividends of their own constituents—and in some cases at their own dividends? To put the thing flatly, not on your life!"

Six months later the electric company was involved in the bitterest rate struggle with the city in its life's history. The customer-ownership scheme did not head off this popular uprising. The company had to face the issue of public ownership despite its every effort to head it off by a form of bribery through stock ownership. And the power interests are facing the same struggle on a national scale despite the fact that there are now 1,183,410 customer stockholders in the United States.

STILL FACES OLD ISSUE

Why? Why does this doctrine of public ownership continue to harass the power interests? Why, when a huge counter-propaganda against public ownership is set in motion by the power interests 365 days of the year?

The truth is there is something in human nature that hates a monopoly. That monopoly may be beneficent and benevolent as the power magnates will have us believe the present monopoly is; still it is hateful, just as any unchecked power has been hateful since the days of the divine rights of kings. It is not unlikely that the tolerance with which Henry Ford is viewed by Americans rests in the belief that Henry Ford made his wealth in a keenly competitive field. Henry Ford appears to be a fair winner of a hotly contested race. But the Insulls, the Mitchells, the Youngs, the power consolidators, have not been able to inspire the same degree of tolerance in the public mind.

It is now generally admitted that a power monopoly of great dimensions, of more or less compact structure, exists in the United States. Legalistically speaking, this power monopoly appears not to exist; at least it has suffered no Government interference. The Sherman anti-trust law may not have been violated in any sense, yet for all practical purposes a monopoly exists.

B. C. Forbes, Wall Street financial reporter, writing in his own magazine for May 15, 1926, says:

"In the very nature of modern conditions, public utility corporations in most sections are largely monopolistic. In certain places there is competition between electric light and power companies and in other sections gas competition is keen. But the tendency is toward the elimination of all such competition."

The Electrical World for January, 1926, reports 151 mergers, involving 558 electric companies in 1925 alone.

FORBES WARNS UTILITY LEADERS

Forbes considers this problem so momentous that he issues a warning to utility leaders.

"The broadest and deepest and probably the most difficult problem of all will be to convince the voters all over the country that the innumerable consolidations were dictated less by a mercenary desire to render the homes and the farms and the workshops of the United States better service at lower cost."

He continues, "In their present frame of mind the public are disposed to accept the say so of utility leaders that the multifarious holding companies now being formed, the innumerable purchases of small companies, the rapid succession of big consolidations, together with the advent of superpower, are economically justifiable and advisable."

But he adds, "Remember that it is easier for local ownership to earn community good-will than for absentee ownership."

It is to describe the general outlines of this power monopoly that this article is being written.

II

Control is being exercised in the electrical field to-day through the dominating position and influence of one corporation, the Electric Bond & Share Co., 71 Broadway, New York, organized in 1905 by the General Electric Co. Whatever may have been the motive in inaugurating this corporation, there is little doubt that it is at present behind many of the great mergers and consolidations in the power field. It is the largest single corporation in the electrical industry, boasting a total capitalization of $900,000,000. Its ramifications extend into virtually every State of the Union and into several foreign countries. It has financial cooperation with the Insull interests and Byllesby interests, two other important, expanding power groups. Should the subsidiary companies of the Electric Bond & Share Co. be swept off the financial map to-day 1,700 towns and cities would be without light and power.

Its officers and directors: Sidney Z. Mitchell, is chairman of the board of directors, and president of the Electric Bond & Share Co. He has held this position since its organization.

Other directors are: H. C. Abell, A. C. Bedford, S. Reading Bertron, Frederick A. Farrar, C. E. Groesbeck, E. K. Hall, E. W. Hill, Edwin

G. Merrill, F. B. Odlum, L. H. Parkhurst, Lewis E. Pierson, William C. Potter, Felix T. Rosen, Frank Silliman, jr., and Frederick Strauss, Mr. Mitchell acts as director of many lesser corporations.

Its principal holdings: Besides having financial interrelations with the Insull & Byllesby interests, the Electric Bond & Share Co. exercises dominate influence in the affairs of the following huge interests:

American Gas & Electric Co.

American Power & Light Co.

Lehigh Power Securities Corporation.

Electric Power & Light Co.

National Power & Light Co.

Southeastern Power & Light Co., which controls the Alabama Power Co., seeking Muscle Shoals.

Montana Power Co.

These are huge regional combines that in turn control scores of great operating companies.

Its relation to the General Electric: Owen D. Young, chairman of the board of directors of the General Electric, was a director of the Electric Bond & Share Co. until 1925. The home offices of the Electric Bond & Share Co. were jointly Schenectady (home office of the General Electric) and New York City up until 1925. Up to 1925, the year when the public's indignation against the power monopoly reached its height, the General Electric owned all the common stock of the Electric Bond & Share Co.

DEVISES PLAN OF RIDDANCE

In 1925, the General Electric hit upon a scheme whereby it could rid itself of its embarrassing holdings in the Electric Bond & Share Co., enabling Gerard Swope, president of the General Electric, to send out a sweeping publicity statement, saying:

"It was stated (referring to statements in the United States Senate) General Electric still controls the Electric Bond & Share Co. On December 30, 1924, General Electric Co. authorized the distribution of all its interest in the Electric Bond & Share. This distribution was made to 27,086 stockholders. General Electric has no representation on the board of Electric Bond & Share and there are no directors common to the two companies."

It is to be noted that Mr. Swope was careful not to explain that the stockholders are common to the two companies.

The General Electric got rid of its embarrassing relations with the Electric Bond & Share Co. by creating a new corporation (The Electric Bond & Share Securities Corporation).

Poor's Utility Manual describes this riddance thus:

"Incorporated in January, 1925, in New York. The corporation received from the General Electric Co. 250,000 shares of common stock and 300 shares of preferred stock of the Electric Bond & Share Co., and issued all of its authorized shares to the holders of record January 15, 1925, of common stock of General Electric Co., the shares of common stock of Electric Bond & Share Securities Corporation to be issued to such holders of common stock of the General Electric Co. on the basis of one share of the common stock of Electric Bond & Share Securities Corporation for each one share of common stock of General Electric Co. respectively held by such holders of common stock of General Electric Co. at such time."

The Wall Street Iconoclast, a weekly paper for investors, describes it thus (February 26, 1926):

"Besides its manufacturing business and income, the General Electric Co. holds a large aggregate volume of investment securities in various public utility companies, Radio Corporation of America, and kindred electric lines, from which it draws some income and which have been made the basis of anti-trust suits by the United States Government now pending against this company. As a result of such action by the United States Government, the company has from time to time divested itself of some of these security holdings which it has distributed as a 'melon' to stockholders, by way of a stock dividend. A year ago at this time it so distributed its holding of the stock of the Electric Bond & Share Co. Those holdings it transferred to a new securities-holding corporation, the Electric Bond & Share Securities Corporation having the same number of shares as General Electric. Thereupon, General Electric issued on each of its shares a dividend of one share of the New Electric Bond & Share Securities, which latter stock sold up from $60 to a 'high' above $90 a share and closed yesterday at $80.50. Shortly after the distribution of that stock dividend of a share of Electric Bond & Share last year, General Electric, selling 'ex-dividend,' sold off from $320 to $227, but before the end of 1925 had recovered in full to its price before the dividend distribution, so that in effect the dividend distribution of Electric Bond & Share stock to General Electric shareholders amounted to an extra cash dividend of $60 to $90 a share so far as regards market appraisement. Intrinsically it amounted to no dividend at all for the General Electric stockholders thereby became owners of no greater equity than they owned before.

"They already owned the Electric Bond & Share through ownership of General Electric, but it is not deniable that market appraisements must be recognized and the stock market has appraised the value of Electric Bond & Share stock at $60 to $90 and currently at around $80, and the stock market has also appraised in stock market prices that this Electric Bond & Share stock dividend has been equivalent to an actual cash dividend amounting to that sum. In other words, General Electric recovered to the full predividend price. The Iconoclast repeatedly pointed out in the past year that the General Electric Co. has on repeated prior occasions since 1899 similarly distributed holdings of its securities in the form of a stock dividend, comparable with the distribution of the Electric Bond & Share early in 1925. The Iconoclast pointed out that on every such occasion General Electric successively recovered to the full market price predividend—and more. It predicted in the summer of 1925 that this would come to pass afain, and it did come to pass."

It will be left to the judgment of every American citizen whether the General Electric still exercises complete control over the Electric Bond & Share.

Its relations to other huge systems: The Insull interests are the dominate electric power group in the Middle West. Recently this combine has reached into New England. Its holdings are second only to the Electric Bond & Share Co.

SYSTEM LOCKED TO SYSTEM

The Electric Bond & Share owns the American Superpower Co., an investment and operating corporation.

The American Superpower cooperates financially with the Insull interests. It owns substantial interests among many others in the following: Middle West Utilities Co. (Insull), a large and growing holding and operating company.

The Byllesby interests are another dominant electric group operating in the northwest from Minnesota to Oregon.

The Electric Bond & Share Co. owns the Electric Investors (Inc.). The Electric Investors (Inc.) cooperates financially with the Byllesby interests, by owning a substantial share in the Northern States Power Co., a Byllesby system, dominant electric corporation of the Northwest.

Its relation to the public: The Electric Bond & Share Co. is very careful not to create the impression that it deserves the epithet "mother of monopoly," though, like all other monopolistic corporations, it sings one tune for the public and another for investors.

Recently Phil M. Tucker Co., Boston, a shareholder in the mother company, has published a complimentary notice of the Electric Bond & Share. The following extracts are of interest:

"The company maintains one of the world's largest engineering organizations devoted to public utilities problems, and recently has begun to reach out into foreign countries. These new fields promise great growth and profit in future years.

Electric Bond & Share Co.'s stockholders, since there are no bondholders, may enjoy the full benefit of revenues that flow into the company's coffers. The $25,000,000 of preferred stock and $25,000,000 of common thus benefit, each in its own way, from earnings derived from a very wide area and from a variety of services.

"Thus, in 1913, Electric Bond & Share Co. associated companies produced 4 per cent of the kw. h. in the United States. For year ending June 30, 1925, all Electric Bond & Share Co. had increased output to 6,560,737,445 kw. h., over tenfold greater than the 557,021,428 kw. h. of 1913, and their proportion of United States output had become 10 per cent. Two hundred and fifty per cent greater than the kw. h. growth of the country.

"Appreciation of value of securities owned amount to over twice the total earnings received.

"The earnings are large and have always shown tendency to increase.

"In brief the current market valuation of Electric Bond & Share Securities Corporation is $115,000,000 to $120,000,000. This has been practically the increase in value from the original $2,000,000 of 20 years ago.

"The increase in electrical output in the United States has doubled every 5 years for the last 20 years and is continuing to grow substantially as fast. Pertinent thereto, the output of electrical energy by companies associated with Electric Bond & Share Co. have increased at an even greater rate, over twice as great in fact.

"Electric Bond & Share is not a great power trust or holding company in control, through stock ownership, of a long list of utilities. Nothing could be further from the fact, and no one has been more careful than Electric Bond & Share Co. itself to correct such an impression. The company speaks frequently of its associated but never of its controlled companies, for the simple reason that no utilities associated with it (with one exception) actually are controlled, though substantial amounts of stock of certain companies, from 15 to 20 per cent, are owned."

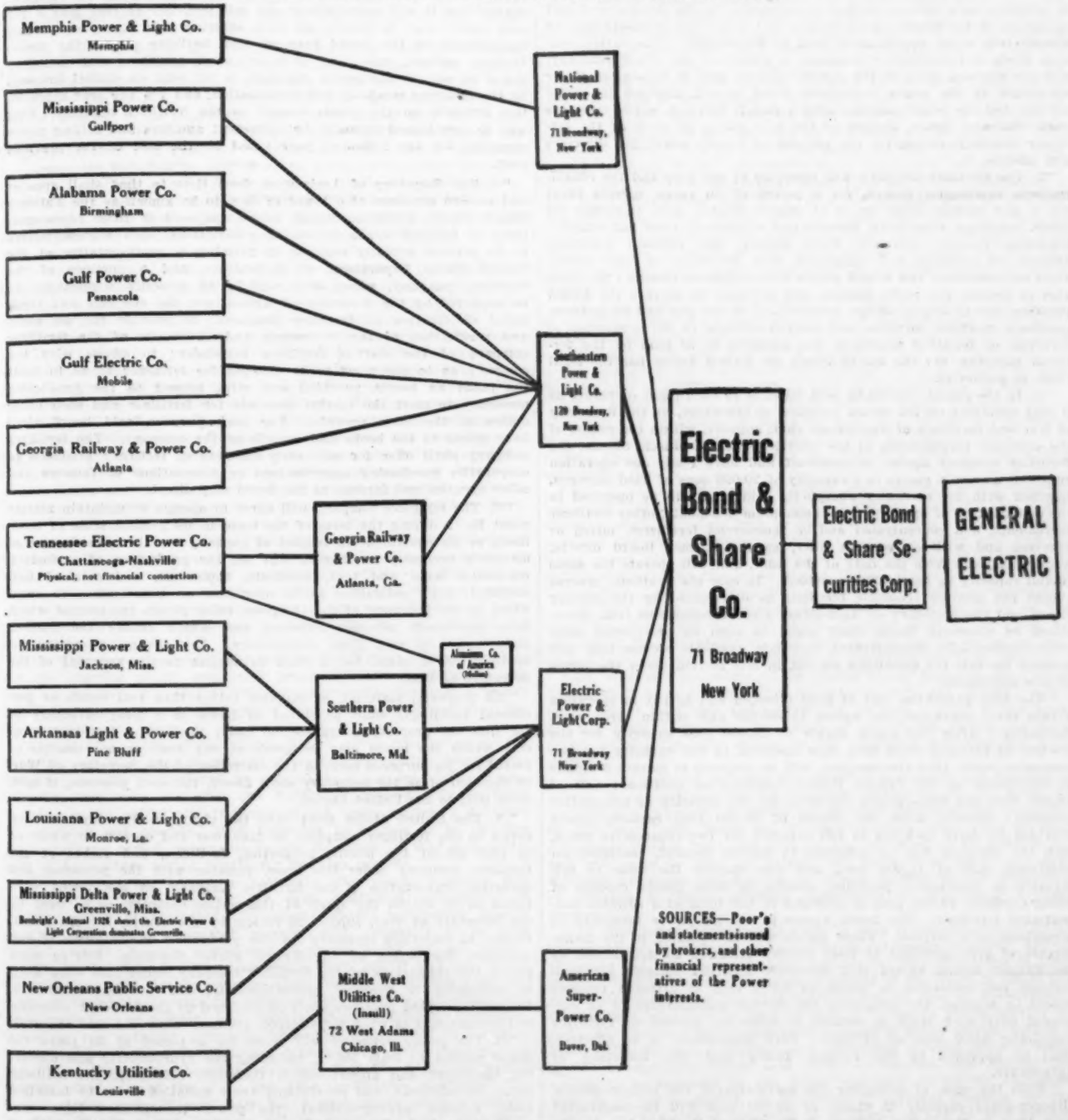
In view of the fact that it is common knowledge that full control of any corporation can be exercised by ownership of 20 per cent of the stock, the dominant influence of the Electric Bond & Share seems clearly established in the power field.

A bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes

Be it enacted, etc., That the Secretary of War is hereby authorized and directed, for and on behalf of the United States of America, to enter into with the Muscle Shoals Fertilizer Co., a corporation organized and existing under the laws of the State of Florida, and the Muscle Shoals Power Distributing Co., a corporation organized and existing under the laws of the State of Florida, a lease in accordance with the terms of the proposal submitted by such corporations to the Joint Committee on Muscle Shoals on April 26, 1926, which proposal reads as follows:

"1. Tennessee Electric Power Co., Chattanooga, Tenn.; Memphis Power & Light Co., Memphis, Tenn.; Mississippi Power Co., Gulfport, Miss.; Mississippi Power & Light Co., Jackson, Miss.; Mississippi Delta Power & Light Co., Greenville, Miss.; Alabama Power Co., Birmingham, Ala.; Gulf Power Co., Pensacola, Fla.; Kentucky Utilities Co., Louisville, Ky.; Gulf Electric Co., Mobile, Ala.; Georgia Railway & Power Co., Atlanta, Ga.; Louisiana Power & Light Co., Monroe, La.; Arkansas Light & Power Co., Pine Bluff, Ark.; and New Orleans Public Service (Inc.), New Orleans, La., have cause to be organized Muscle Shoals Fertilizer Co., hereinafter called the fertilizer company, and Muscle Shoals Power Distributing Co., hereinafter called the power company, for the purpose of making this proposal to lease the nitrate properties of the United States at Muscle Shoals, Ala., and to operate thereon plants for the production of nitrogen and other fertilizer ingredients; and to lease and operate the electric power generating plants of the United States at Muscle

MUSCLE SHOALS POWER DISTRIBUTING COMPANY AND CONNECTIONS



Prepared and Published (as of June 1, 1926) by Research Department, International Brotherhood of Electrical Workers, Machinists' Bldg. Washington, D. C.

Shoals, to provide power at Muscle Shoals for such use as the Government may from time to time require for national defense and as may be required for the production of fertilizer, and to sell surplus power from said power plants to the public through power-distribution companies under regulation of duly constituted public authorities in such a manner that the surplus power shall be equitably distributed between the communities and States to which it may be properly transported.

"The power company will provide $20,000,000 as needed for the construction and operation of the fertilizer plants and facilities, and, in addition, such amount as may be necessary for the development and extension of the leased power plants, which we now estimate will be $40,000,000, or an approximate total of $60,000,000. The entire common stock of the fertilizer company is owned by the power company, and the common stock of the power company will be subscribed by or on behalf of the power companies above named, engaged in public service, and the power company agrees that it will not, unless Congress shall otherwise direct, dispose of the said shares of stock of the fertilizer company, except for the purpose of legally qualifying directors and officers.

"2. The fertilizer company will lease for $1 per year and the considerations hereinafter named, for a period of 50 years, nitrate plant No. 1 and nitrate plant No. 2 at Muscle Shoals, Ala., including all lands, buildings, machinery, fixtures and equipment, tools and supplies belonging thereto, and the Waco Quarry, the railroad belonging thereto, its buildings and equipment, with the right to make alterations and construct and install plants and equipment thereon; the lease also to include the right, license, and privilege to operate the leased premises and to dispose of the product and to use any and all patents, processes, methods, formulæ, and designs relating to the production of fertilizer or fertilizer materials, the royalties to be paid by the fertilizer company, but the use of which the United States has the legal right to authorize.

"3. In the plants covered by said lease, or in such plant or plants as it may construct on the leased premises or elsewhere, as the Secretary of War and Secretary of Agriculture shall approve, within the radius of the economic transmission of the electric power of Muscle Shoals, the fertilizer company agrees to construct and have ready for operation synthetic ammonia plants to a capacity of 20,000 tons of fixed nitrogen, together with the necessary phosphoric acid plants to be operated in the manufacture of fixed nitrogen, ammonium phosphate, other fertilizer ingredients, and concentrated and/or commercial fertilizers, mixed or unmixed and with or without filler, as the Farmer Board directs, within six years from the date of the lease, and will operate the same to full capacity as hereinafter provided. In case the synthetic process should not produce economic fertilizer as determined by the Farmer Board and the Secretary of Agriculture after a reasonable trial determined as aforesaid, lessee shall adopt as soon as practicable some other commercially demonstrated, economic, available process that will produce for sale the quantities set out in this section under the terms of this agreement.

"The first 10,000-ton unit of fixed nitrogen will be put in operation within three years and the second 10,000-ton unit within three years thereafter. After the above plants of 20,000 tons capacity for the fixation of nitrogen shall have been operated to full capacity for two successive years, then the company will, in response to market demands as determined by the Farmer Board, construct an additional unit of 10,000 tons and will operate the same to full capacity as hereinafter provided; likewise when the plants of 30,000 tons capacity above provided for have operated to full capacity for two consecutive years, then the company will, in response to market demand, construct an additional unit of 10,000 tons, and will operate the same to full capacity as hereinafter provided, making in total plants capable of fixing annually 40,000 tons of nitrogen in the form of a suitable concentrated fertilizer. The lessee agrees to use all power necessary to accomplish said purpose. These plants will be operated in the manufacture of such fertilizer to meet market demands, as determined by the Farmer Board, except that whenever fertilizer suitable for agricultural use containing in excess of 5,000 tons of nitrogen remains unsold in storage, the obligation for further manufacture to be suspended until such stock is reduced to below an amount of fertilizer containing 5,000 tons of nitrogen. Such suspension, to be effective, shall be approved by the Farmer Board and the Secretary of Agriculture.

"With the view of extending the usefulness of the nitrate plants, nitrogen-plant capacity in excess of 40,000 tons will be constructed from time to time after request of the Farmer Board, when in the judgment of the board of directors of the fertilizer company it is reasonably necessary to meet market demands, having in view the power available from the leased plants and other pertinent conditions.

"Authority shall be granted to the Secretary of War and the Secretary of Agriculture jointly to grant to the power company a discount of 5 per cent or more, as in their judgment shall be appropriate, of the total annual rentals payable under its lease in return for the construction and operation of the plants for the manufacture of nitrogen to be used in fertilizer over and above the 40,000 tons of nitrogen hereinbefore provided for.

"4. The fertilizer company shall have the preferred use of all power from the leased power plants of the Government at Muscle Shoals for the production of nitrogen and other fertilizer ingredients; and all surplus power shall be sold with such reservations as will allow its gradual withdrawal and application to fertilizer manufacture.

"5. The fertilizer company will offer for sale the fertilizer so produced to farmers, cooperative purchasing organizations of farmers, or associations of farmers, and to others. The fertilizer company agrees that it will manufacture and sell fertilizer at cost plus 8 per cent profit; cost to include all costs entering into the operation and maintenance of the leased premises and fertilizer plants, the manufacture, storage, sale, and distribution of fertilizer and including power at cost to the power company, 6 per cent on capital invested by the fertilizer company, less depreciation, and 7½ per cent depreciation annually on the plants erected by the fertilizer company. Cost will be ascertained annually by competent auditors and selling prices approved for the following year based on the cost of the previous year.

"6. The Secretary of Agriculture from time to time shall appoint and remove members of a board of five, to be known as the Farmers Muscle Shoals Fertilizer Board, to be composed of three representatives of farmers' organizations or associations, such representatives to be persons actually engaged in farming, a representative of the United States Department of Agriculture, and a nominee of the fertilizer company, whose duty will be to prescribe regulations, to be approved by the Secretary of Agriculture, for the sale and territorial distribution of fertilizer products; to provide for an audit and verification of the statements and the books of the fertilizer company of the cost of fertilizer hereunder; to advise with the company as to the price to be charged for fertilizer so as to limit the profit as herein provided and with respect to the production necessary to meet the market demands for fertilizer and such other duties as the lease provides. For such purpose, said board shall have access to the books and records of the company. The fertilizer company shall offer for sale such amounts of fertilizer produced to cooperative purchasing organizations or associations of farmers and other agencies and farmers as the board may direct.

"7. The fertilizer company will agree to operate or maintain nitrate plant No. 2 during the term of the lease in its present state of readiness, or its equivalent in respect of capacity for the manufacture of materials necessary in time of war for the production of explosives, reasonable wear and tear, accidents, explosions, and acts of God excepted; such obligation as to operation or maintenance to cease when, in the judgment of the Congress, other plants are erected which have equivalent nitrogen capacity and which render the further maintenance of said plant unnecessary. Any change, alteration, or modification of plant No. 2 shall be subject to the approval of the Secretary of War.

"All property, material, or supplies (other than real estate or permanent buildings) shall be stated by items in a joint inventory at the time the property is transferred under the lease. Any such property which the lessee may designate at any time as not usuable or useful for its purposes may, in the discretion of the Secretary of War, be disposed of as the Secretary shall direct, the cash proceeds, if sold, to be paid to the United States.

"8. The United States shall have the right, on five days' written notice to the fertilizer company, to take over and operate in whole or in part all of the plants, properties, facilities, and rights of the fertilizer company under this lease, together with the personnel and operating organization of the fertilizer company, on just terms, such terms to be within the spirit of this entire contract, to be fixed by the Secretary of War, subject to review by the courts, for the manufacture of materials necessary for the production of explosives if and whenever the safety of the United States demands. During such period the obligations of the fertilizer company under this lease shall be suspended or modified proportionately, and at the termination thereof the leased premises shall be returned to the fertilizer company in like condition as when surrendered, ordinary wear and tear excepted.

"9. The power company will lease for a period of 50 years the power project at Dam No. 2, including the hydroelectric and operating equipment and appurtenances thereunto belonging, the spillway gates, transformers, and substations (now installed or to be installed under existing appropriations), the power transmission lines connecting the hydroelectric and steam power plant at nitrate plant No. 2 with the lines of the Alabama Power Co. the steam power plant at nitrate plant No. 2, and the lands and buildings owned by the United States in connection with the hydro and steam plant, except the locks and other navigation facilities and the highway over said dam and the approaches thereto; the lease period to begin when possession of the above-mentioned properties is given to the power company, ready for service capable of delivering 100,000 horsepower from the hydroelectric plant.

"10. The power company, at its own expense, during the lease period will make all necessary renewals and repairs incident to efficient maintenance of the steam plant and of Dam No. 2 and Dam No. 3 if constructed by the United States under the terms of the lease, the spillway gates and transformers and substations, substructures, superstructures, machinery, and equipment appurtenant to the power houses at Dam No. 2 and Dam No. 3, and shall maintain the same in efficient operating condition as required of licensees of the Federal Power Commission, except that repairs and maintenance of the locks and other navigation facilities and the highway over the dams shall be made by and at the expense of the United States.

"The power company will insure and keep the said hydroelectric and steam plants insured to their full insurable value in the manner and to the extent it is customary to insure such plants of like kind, as may be approved by the Secretary of War, all remuneration for loss or damage to be payable to the United States and the power company as their interests may apepar and applied to restoring the property injured; and upon the termination of the lease to surrender the properties included in said lease in as good condition as when received, reasonable wear and tear from use, loss or damage resulting from inherent defects of design or construction, earth or rock movements and acts of God or the public enemy excepted. All insurance policies shall be subject to the approval of the Secretary of War. The cost of such insurance shall be borne by the company.

"In the event said plants should become inoperative for 30 days or more through no fault of the power company, the rental payment for such period shall be reduced in direct proportion to the reduction in generating capacity resulting from such interruption.

"11. In the interest of national defense, the production of nitrates and other materials essential in time of war and to provide power for the production of fertilizer, the power company will operate or cause to be operated, the power plants leased in a manner to secure the greatest efficiency and maximum power output through interconnection with auxiliary storage, steam reserve, and other power plants operated by interconnected power companies; will deliver to the fertilizer company or to the United States in the event such power is required for national defense, at Dam No. 2, or at the steam plant, from the power plants leased hereunder, 3-phase, alternating-current, 60-cycle power required for the production of nitrogen and other fertilizer ingredients by it for such periods, at such reasonable voltage and in such amounts as may be desired, the quantity of power to be delivered not to exceed the total output of the leased plants; and all contracts or agreements between the power company and others for the sale of power from the leased plants shall contain a proviso that said power may be withdrawn on reasonable notice at any time during the lease period if and when said power is needed for the manufacture of fertilizer.

"12. The power company will pay to the United States annually for the existing power properties leased as follows: $600,000 per year for the first 6 years; $1,200,000 per year for the next 6 years; $1,500,000 per year for the next 6 years; $2,000,000 per year for the remaining 32 years.

"And at the option of the United States, to be determined by the Secretary of War and Secretary of Agriculture acting jointly the foregoing annual rentals shall be reduced by 5 per cent in each year following any year in which the fertilizer company sells fertilizer to the capacity of the nitrate plants, which under section 3 it agrees to construct and operate. Said reduction in rentals to be effective for a five-year period, renewable by the Secretary of War and Secretary of Agriculture acting jointly for five-year periods.

"In addition to the above payments, the power company will pay $20 per horsepower-year for each additional horsepower of primary power in excess of the present 80,000 horsepower created at Dam No. 2 by headwater storage, such payments to be paid annually as the benefits accrue, not to exceed $1,200,000 per year.

"13. If the United States constructs Dam No. 3 and its hydroelectric plant, the power company shall on its completion lease for a period to terminate with the lease of Dam No. 2, the hydroelectric and operating equipment and appurtenances thereunto belonging, including the spillway gates, transformers, and power-transmission lines, together with the lands and buildings owned or acquired by the United States in connection with said Dam No. 3 and its hydroelectric plant, except the locks and other navigation facilities. The period of the lease of said Dam No. 3 shall begin when possession is given to the power company of the above-mentioned properties, ready for service, capable of delivering 80,000 horsepower.

"14. The power company will pay, as rental for the lease of Dam No. 3, 4 per cent annually of the total cost thereof, the rental not to exceed $1,200,000 per annum, payable at the end of each year, except that for the first three years of operation payments shall be made as follows: For the first year during which 80,000 horsepower is installed and made ready for service, $500,000, or the proper proportion thereof if 80,000 horsepower is not ready for the whole of the first year; $750,000 at the end of each of the two succeeding years; and thereafter increasing to the maximum rental.

"15. In addition to the above payments the power company will pay $20 per horsepower-year for each additional horsepower of primary power in excess of 40,000 horsepower, created at Dam No. 3 by headwater storage, such payments to be paid annually as the benefits accrue, not to exceed $600,000 per year.

"16. The United States may install additional generating, transformer, and switching equipment in the power plants at Dams Nos. 2 and 3 and the steam plant at nitrate plant No. 2, and such additions shall be included under this lease and annual payments to the United States shall be increased by an amount equal to 4 per cent on the cost of the additions: *Provided*, That if the United States does not make such additions the power company may do so at any time at its expense in accordance with plans and specifications to be prepared by the power company and approved by the Secretary of War; and in case such additional units are installed by the power company at Dam No. 2 and at its expense it will pay to the United States $10,000 per year on each unit installed by it in Dam No. 2; and similarly in case additional units are installed by the company at Dam No. 3 at its expense, it will pay to the United States $10,000 per year on each unit so installed of like capacity to those installed in Dam No. 2, or in the event the units installed in Dam No. 3 are of different capacity than those installed in Dam No. 2, then the payment shall be adjusted proportionately. The power company shall also have the right to erect, operate, and maintain additional power lines, substations, and other facilities on lands of the United States necessary for the efficient operation of the power plants and for the transmission of power therefrom.

"17. Operation of the power plants at Dam No. 2 and Dam No. 3, in so far as they affect navigation, and of the locks and other navigation facilities, to be at all times controlled by such reasonable rules and regulations in the interest of navigation and the production of power, including the control of the level of the pool caused by said dam, as may be made from time to time by the Secretary of War.

"The power company shall furnish free of charge necessary power and light for operation of the locks and other navigation facilities at Dam No. 2 and Dam No. 3 and for such lighting facilities as the United States may maintain for the highways over the dams and approaches thereto.

"18. At the end of the lease period, the additional power generating units and other improvements or additions made by the power company shall be taken over by the United States under the terms provided for the recapture of similar facilities under the Federal water power act; all fertilizer plants and buildings and additions to buildings erected on the lands of the United States to revert to the United States on the termination of the lease without compensation.

"19. The power company shall agree that during the period of the lease the officers and directors of the company shall, at all times, be citizens of the United States, and that it will not be owned or controlled by persons who are not citizens of the United States of America.

"20. Whenever the safety of the United States demands, the United States shall have the right, in accordance with the Federal water power act, to take over and operate the projects covered by the lease for any purpose involving the safety of the United States, for such length of time as may appear to the President necessary for such purposes.

"21. The fertilizer company will establish a research and laboratory bureau in connection with its fertilizer operations for the study of methods and processes of producing fertilizer materials and cooperate in such work with State and Federal agencies; from time to time reasonably employ improved methods and processes in its operations; and will agree to take out patents and dedicate to public use such methods, processes, and patents as it may develop in the production of nitrogen or other fertilizer ingredients or compounds without compensation.

"22. The power company will abide by such reasonable regulation of the service to be rendered to customers or consumers of power, and of the rates and charges in payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged and in case of development, transmission, distribution, sale, or use of power in public service by the power company or its customers engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the service to be rendered by the power company, or by its customers engaged in public service, or the rates of payment therefor, or the amount or character of securities to be issued by any of said parties, the power company agrees that as a condition of this lease, jurisdiction be conferred upon the Federal Power Commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control, provided that the jurisdiction of the Federal Power Commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

"23. The power company to also agree that when said power or any part thereof shall enter into interstate or foreign commerce, the rates charged and the service rendered by the power company or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by the power company, or by any person, corporation, or association purchasing power from the power company for sale and distribution or use in public service, shall be reasonable, nondiscriminatory, and just to the customer; and whenever any of the States directly concerned have not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties, or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, that jurisdiction be conferred upon the Federal Power Commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative, to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce, and to regulate the issuance of securities by the parties included within this section, and securities issued by the lessee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of the lessees.

"24. In addition to any other remedies that may be possessed by the United States, the power company and the fertilizer company agree that the respective leases shall contain provisions to the effect that the Attorney General may on request of the Secretary of War or of the Secretary of Agriculture institute proceedings as provided in the Federal water power act for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of any of the terms of the lease or any provisions of the Federal water power act applicable thereto or of any lawful regulation or order promulgated thereunder, and that in case of the failure of the lessee to comply with any final decree entered in any such proceeding the Attorney General may on request of the Secretary of War or of the Secretary of Agriculture institute proceedings as provided in said Federal water power act for the purpose of revoking the lease. Any decision or determination by said Farmer Board may be reviewed in an action in equity in the District Court of the United States for the Northern District of Alabama.

"25. Whenever the Farmer Board and Secretary of Agriculture are of the opinion that the fertilizer company is in default in the matter of producing fertilizer they shall communicate their opinion to the fertilizer company, and if the fertilizer company, in the opinion of the Farmer Board and Secretary of Agriculture, has not remedied such default upon the expiration of a reasonable period thereafter the Farmer Board and Secretary of Agriculture may communicate such opinion to the Attorney General. Upon the receipt of such communication the Attorney General shall institute proceedings for the purpose of remedying or correcting such default. If the fertilizer company has not complied with any decree entered in any such proceeding within six months after the date on which such decree has become final, the power company shall at the option of the United States as declared by the Secretary of War, be held to have defaulted under its lease. In the event of the termination of the power company's lease for any default under its lease, or under the provisions of this section, the United States shall reimburse the power company for the net investment of the power company on the leased property, not exceeding the fair value of its properties.

"26. The power company shall in the interest of public health comply with such reasonable rules and regulations as the State Board of Health of Alabama may from time to time prescribe governing impounded waters.

"27. Housing facilities suitable for the operators of locks, and navigation facilities excluded from this lease, shall be selected by the Secretary of War at the beginning of this lease and such housing facilities shall also be excluded from this lease.

"28. The lease shall be made in favor of the fertilizer company and power company, their successors and assigns, any assignment or transfer of the lease, or of the leased premises, to be subject to such approval as the Congress may by legislation provide.

"MUSCLE SHOALS POWER DISTRIBUTING CO.,
"By THOMAS W. MARTIN, *President.*
"MUSCLE SHOALS FERTILIZER CO.,
"By LOUIS C. JONES, *Vice President.*"

SEC. 2. (a) Any proceeding instituted under the provisions of the lease which incorporate the terms of sections 24 and 25 of the proposal, set forth in section 1 of this act, may be brought in the United States District Court for the Northern District of Alabama.

(b) The Federal Power Commission is hereby authorized to exercise such jurisdiction and power and to perform such functions as may be necessary to carry out the provisions of such lease.

(c) The Secretary of War, the Secretary of Agriculture, and the Attorney General are hereby authorized and directed to perform such functions as may be necessary to carry out the provisions of such lease.

SEC. 3. Before executing the lease described in section 1 the Secretary of War shall be satisfied that the power company and/or the fertilizer company have made due financial provisions for the performance of the obligations of said lease.

SEC. 4. This act may be cited as the "Muscle Shoals act of 1926."

ADDRESS BY HON. CHARLES A. TOWNE

Mr. TRAMMELL. Mr. President, I make the request, on behalf of my colleague, Senator DUNCAN U. FLETCHER, who is unavoidably absent, that the address of Hon. Charles A. Towne, former United States Senator from Minnesota, now a resident of New York City, on "Some Duties of the Lawyer as a Citizen," delivered April 3, 1926, at the nineteenth annual session of the Florida State Bar Association, held at De Land, be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

APRIL 3, 1926.

Mr. Justice Terrell, vice president, assumed the chair.

The VICE PRESIDENT. The first speaker on the program is the Hon. Charles A. Towne, who will deliver an address on "Some Duties of the Lawyer as a Citizen." Mr. Towne is former United States Senator from Minnesota and a Congressman from that State, and also Congressman from the State of New York, one of the great men of our country, and one of the outstanding members of the bar. It is a pleasure to present him, and I now present him to you.

ADDRESS OF HON. CHARLES A. TOWNE

I yield both to a sense of propriety and to the urge of my own feelings in expressing a deep appreciation of the honor done me in the tender of a place upon your program. In the opportunity to participate in the proceedings of a body professionally representative of a sovereign State there is a distinction of dignity and privilege of which any lawyer must be profoundly sensible. In the present instance, certain considerations give emphasis to this distinction. Your association is composed of exceptionally equipped, able, active, and forward-looking men. From an extraordinary diversity of origin and experience they derive an unusual variety of converging professional vision and resourcefulness. They constitute an important factor in the assured rapid development, hitherto long delayed, of a State now challenging the interest of the entire country. Here legend and romance have graduated into fact and statistics. An unexampled and indestructible charm of combined climatic balm and scenic beauty is found in an environment and amid conditions of unequaled strategic commercial significance. An agriculture of absolutely unparalleled variety and fecundity is face to face with the certainty of an industrial growth insuring the permanent profitable cooperation of farm and factory. These are the principal elements in a guaranty of progress and prosperity which, despite inevitable sporadic and temporary check, are destined to write in Florida unprecedented social and economic history.

My theme to-day is: "Some Duties of the Lawyer as a Citizen." My choice of it is dictated by certain profound convictions: First, that in many respects our country has fallen into evil ways; that in government, in law, in society, in the arts, in letters, in the home and the family, in morals, and in religion we are menaced with a break in our traditions which, unless checked and obviated, gravely involves the fate of American institutions and, indeed, of civilization itself; second, that, whether this dislocation be due, chiefly or in part, to that oscillation from one extreme to the other in social, economic, or moral theory and practice which philosophic historians have cited as recurrent phenomena through the ages, or to that demoralization which, as Emerson says, always follows a great war, or to other influences more obscure and difficult to trace, its causes must be expertly and exhaustively studied, and an aroused and instructed public opinion must be focused upon speedy and practicable remedial action; and third, that, since the equipment, experience, and prestige of the lawyer qualify him, perhaps beyond any other member of the community, to undertake this crusade, to do so is his most solemn duty as a citizen.

An exhaustive review of the phenomena to which I have briefly alluded is neither necessary for my present purpose nor practicable on this occasion. I shall confine myself, therefore, to a summary sufficiently illustrative to support my argument.

In music we have witnessed the development of "jazz," a hectic alliance of strident discord, instrumental syncopation, barbaric rhythm, and infrequent and accidental harmony; a sort of partnership between the hollow log of the African-forest medicine man and the midnight hysteria of the jaded heroine of the cabaret.

In painting the impressionist, the futurist, and the cubist range from comprehensible, even if unbalanced, vagaries of overstress on recognized artistic principles down to frank negation of taste, common sense, and sanity; such as, for example, I once witnessed in New York at an exhibition in a chamber of horrors, miscalled a salon, where a picture that looked for all the world like a realistic representation of a

bathtub full of human brains bore a title that could have been changed to either "A Summer Night in Moravia" or "Casey at the Bat" without a shock to anybody but the artist.

In sculpture there is a spreading union of stonemasons the purposed crudity of whose craftmanship is not quite up to the artistic level of the Sumerians, but which is made greedily acceptable to an unhealthy sentiment by libidinous suggestion in the falsely professed interest of "truth."

In poetry we witness the increasing vogue of vers libre with its elaborate rejection of meter and versification, its studied avoidance of grace of diction, its turgid apotheosis of the commonplace masquerading as "fidelity to nature."

The drama turns its back upon the noble traditions of the stage; in the name of "realism" makes a merit of halting speech, faulty elocution, and shambling awkwardness; appeals to evil curiosity by advertising that is a sublimation of nastiness and by photography that should be pronounced "pornography," with titles and legends that read like chapter headings in medical treatises circulating sub rosa; yet which somehow reach and attract a public that on "first nights" forms lines two or three city blocks in length, waiting for the theater to open, and in whose slow progress may be found, heaven save the mark! many a buxom matron the eager prurience in whose faded eyes justifies the confidence of the box office as conclusively as the ceaseless rhythm of her jaws prophesies the certainty of the regular Wrigley dividend.

In short, the whole realm of art, as well also as that of ephemeral, literature, newspapers, magazines, and novels, is being invaded by sinister forces of moral decadence loudly proclaiming themselves exponents and champions of "truth," finding supporters among sympathizers, and imposing upon a public sentiment that either does not know or has forgotten that the Greeks more than 2,000 years ago announced and vindicated the principle that art does not consist in mere representation of truth, of fidelity to stark nature, but that its sphere embraces "the true, the beautiful, and the good."

Of the home and the family, as the last generation knew them, little remains. The automobile, the moving picture, the growing employment and consequent economic independence of the young of both sexes, whose absence on business during the day and on pleasure until late at night both forecloses old-fashioned discipline and weakens ancient ties; the immoral influences heretofore alluded to; the diminution of religious conviction as a force in the molding of character and as an inspiration of high purpose; these are some of the reasons for the progressive disappearance of the old-time atmosphere and regimen of home and family and for the appalling increase of major crimes among the boys and girls, the young men and women, of America.

In the realm of law, profound and, to the thoughtful man, most disturbing changes have taken place, and still more are constantly threatened as to both its theory and its use. In our traditional contemplation the purpose of the law was to protect life, liberty, and property. We are now attempting to use it to regulate almost everything, including beliefs and habits. Forty-eight States and the General Government are busily engaged a great part of the time in spreading new statutes on the books, directory, and restrictive, creating armies of functionaries, burdening the taxpayer, profoundly modifying our old conceptions of the distinction between mala prohibita and mala in se, mystifying the citizen and confusing the courts. The laws and major crimes are increasing almost pari passu. So nearly do the law's delay, the indulgence of technicalities in trial and on review, and judicial caprice as to bail and sentence involving habitual criminals, approach immunity that they largely explain why with about 10,000 homicides per year in the United States only 1 in 80 of the murderers pays the death penalty for his offense, and crimes involving vast sums of money or values of property exhibit almost correspondent phenomena.

It is generally agreed, moreover, that in recent years the ethics of the legal profession have fallen below their old-time standards. In so far as this is recognized to be due to inadequate or to laxly enforced requirements of qualifications, as to either attainments or character for admission to the bar, the lawyers of the country are chiefly to blame, though it is encouraging to note that in many States, including your own, organized effort is now being directed by them to the removal of these conditions. A certain proportion of the deterioration of ideals as to professional proprieties is unquestionably due to the tremendous growth in the magnitude, complexity, and influence of corporations and "big business," and its correction is a subtle and difficult problem.

The gravest change, however, in our concept of the nature and function of law, the most sinister, the most recondite, the most destructive and far-reaching in its possible consequences, is due to the confounding of the proper spheres of law and morals. This I shall discuss later on.

In respect of both the theory and the practice of government, as heretofore and until comparatively recently, understood or professed in the United States, a transformation has taken place and is still in progress that amounts to nothing short of revolution. It concerns the attitude of Government toward the individual, his liberty of person, of action, of belief, and the expression of it, and his rights of property; to the sovereignty inherent in citizenship; and to the balance of powers between the Governments of State and Nation. I shall advert to this again in another connection.

Why are these matters of interest to us? Why should we concern ourselves with any attempt to understand them or to regulate them? Why not plunge into the thick of things and get what we can to satisfy our appetites and minister to our pleasures? Why try to fathom the scheme of creation? Why shape conduct by any theory or system? Since we are part of the unimaginably complicated universe, though not consulted as to plan or program, why not be opportunists and rely upon either the Infinite Intelligence or the blind chance behind the show to take care of our relations to it?

The answer is that while formerly such an attitude was general, for centuries there has been an increasing number of minds that simply could not be satisfied with it. To-day millions of men and women are seeking to rationalize the complicated phenomena of the visible and the invisible worlds. Firm in their belief in the existence of a Supreme Power actuated by a beneficence and a wisdom as limitless as its omnipotence, these men and women reverently conceive that in the very fact of their presence here, of their endowment with mental and moral faculties, they have not only warrant but mandate to investigate their environment, to study its phenomena and its laws, and to bring themselves into harmony with divine purpose, knowing that in all the universe there can be no truth inconsistent with any other truth.

In this conviction they take account of the history of man upon this planet. From the mass of data which exploration and investigation are almost hourly augmenting, one demonstration emerges that seems to them uncontrovertible, which reconciles truth and hope and enables them to become conscious cooperators with the Infinite. It is obvious, for example, that the activities of primitive man were almost entirely physical. There was neither library nor shrine in the cave of the Neanderthal man some half a million years ago. To get food enough to support life for himself and his little family, to escape the attack of the forest beasts, and to find sleep and security in a rock-bound retreat at night—this was practically his program.

Then followed the long, slow growth of mind. After centuries of instruction by the lightning, man learned the use of fire for both comfort and cooking. His skill expanded to the making of weapons and tools. His imagination was stimulated. It suggested new wants and devised ways to satisfy them. It drew pictures of reindeer and mastodons upon the walls of his cave.

Then came the development of nascent moral impulses. In the necessitated interchange of mutual service in the family, and particularly in the protection and sustenance of children during the helplessness of prolonged infancy, there was the germ of altruism. The first mother to stand in conscious love and surrender before the first cradle was at once the culmination of eons of primitive progress and a sure prophecy of the ultimate regeneration of the world.

With the gradual growth of association among families, at first among those of common ancestry and afterwards among those who were formerly strangers, there was slowly generated a system of social usuages which, in its recognition of reciprocal respect and mutuality of interest, formed the basis of the moral code which underlies the structure of modern civilization. The derivation of the word "morals" from the Latin "mos," meaning "custom," is profoundly significant and suggests certain implications as to the distinction between law and morals and their respective spheres and sanctions that are not commonly understood, and whose neglect by legislators and by reformers, earnest and honest, no doubt, but unmindful of this unescapable truth, has obscured many an issue of right and wrong. This fact, paradoxically and lamentably, has worked unspeakable harm to both morals and law; has divided into warring camps vast numbers of men and women of equally righteous impulse and honest purpose; has contributed enormously to the increase of crime, especially among the young; and at this moment, in my deliberate judgment, is the chief obstacle to certain programs for the restoration of ancient legal and constitutional limitations upon the success of which depends the realization of America's promise to mankind.

It seems obvious, from even a rapid survey of the human story, that the acme of the progress of man is the attainment of moral excellence. Of what avail the conquests of science, the aggregation of wealth, the discipline of the mental powers, the extension of organized cooperative effort, if the result is to be merely the gratification of ambition and the satisfaction of selfish appetite? Unless this widening command over the resources and forces of nature is to lead to the alleviation of human suffering, to a general participation in the benefits of new discoveries, of lessened cost of production, of cheapened transportation, to the growth of a realization of human brotherhood, and to the development of moral character as at once the warrant and the goal of social and political institutions; these physical and mental triumphs are tragic mockeries.

It is clear that in this scheme of working out the "manifest destiny" of the race, the social and governmental machinery employed, and the ideals that give it form and inspiration, are of vital importance. And this is why, in the fullness of time, the American Republic was established. This is why its establishment was quite the most momentous event, down to then, in the secular history

of the world. And this is why the return to our original doctrine and practice is now, and will remain until it shall be accomplished, the most important and pressing problem demanding the action of our citizenship.

Seven score and ten years ago, to paraphrase the immortal utterance at Gettysburg, our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

This Nation was the first Nation in the history of the world so conceived and so dedicated. Its cornerstone is the proposition, announced in the Declaration of Independence, that sovereignty inheres in the body of the citizenship; that the origin of all political authority is in its delegation by this sovereign to its chosen agents or servants held to strict responsibility and accountability to the citizenship for its exercise. It is a complete negation of the Divine Right of Kings. It was a theory of which a few statesmen in history had dreamed and of which some philosophers, like Montesquieu and Rousseau, had written; but never, until the spirit of the Declaration was embodied in the Constitution of the United States, had the principle been made either the basis of a government or the justification of a revolution. The significance of this fact is emphasized by a comparison of the respective premises of Magna Charta and the Declaration of Independence. When the banded nobles at Runnymede in 1215 demanded concessions from King John, they based their appeal upon the "immemorial rights of Englishmen." Our fathers, in Carpenters' Hall at Philadelphia, in 1776, claimed the right to liberty and self-government not because they were Englishmen but because them were men. In the maintenance of this fundamental principle they threw down the gage of battle to the most powerful nation in the world, a nation with which, as Daniel Webster has said, for purposes of military conquest, Rome, at the period of her greatest glory, was not to be compared; for England, as the poet Watson wrote:

"* * * wound her arms around the world
And had for vassel the obsequious sea."

After seven years of struggle, under difficulties and suffering almost incredible, but of which time will not permit even a rehearsal here, the heroism and tenacity of the colonials triumphed; aided, let it not be forgotten, by men, money, and ships from France, and directed by the tact, patience, and unrivaled influence of Washington, while led by his military genius (for, as you may recall, Frederick the Great placed him in the first rank as a general and pronounced his campaign of 1778 to be the greatest of the century).

Then followed an interval of tragic experience when for a few years it seemed as if this marvelous advance in government must fail before its principles could be embodied in efficient and enduring form. The Articles of Confederation, under which a central government had functioned after a fashion during the struggle for independence, provided for little more than an advisory agency of the thirteen ex-colonies. It had no direct control of the citizen nor of the State governments, and practically no assured revenue. With the removal of the centripetal influence of common danger due to the Revolution, local ambitions and jealousies asserted themselves, and war between some of the States was narrowly averted a number of times. It is one of the marvels of history that under these circumstances a convention should have been able to frame a Constitution providing for a strong central authority operating directly upon the citizen, with powers adequate to the purposes of a national government, and that this instrument should have been adopted and installed. But for the influence of Washington and Hamilton and Jefferson and Madison, and of many other scholars and statesmen of almost equal capacity; but for the campaign waged in its behalf, chiefly by Madison, Hamilton, and Jay, in the essays published in the Federalist, which the famous publicist Jeffries, editor of the Edinburgh Review, pronounced to be the ablest dissertations ever written on fundamental principles of government; but for the distinct understanding that a Bill of Rights should at the earliest possible moment be added to the Constitution in the form of amendments; and but for the universal agreement that Washington should be the first President of the Republic; this consummation would have been impossible. The Constitution became effective September 17, 1787, and the first 10 amendments, embodying the guaranties and immunities of a bill of rights, had been adopted and proclaimed by the middle of December, 1791.

This Constitution was the first instance in history of the creation of a National Government by a written instrument. Sovereignty residing in the people, it was necessary to limit the powers of the agencies of government so as to protect the sovereign against official usurpation; to enumerate the privileges and immunities that guaranteed liberty, in order to protect individuals and minorities against the tyranny of majorities; to provide that the prescribed limits of authority could be modified only by amendment made effective by approval of the citizen sovereignty under careful provisions as to procedure; and to assure the safety thus prescribed through the establishment of a judiciary with jurisdiction to interpret and construe the laws enacted by Congress and the acts of public officials and to void statutes and conduct found to be in conflict with these provisions of the Constitution.

It should be clearly understood that the Government thus formed was a Republic. Only a loose habit of speech refers to it as a democracy. These cautions apply equally, of course, to the State governments. Our fathers had confidence in the patriotism and common sense of the people, but they knew too much to believe and were too honest to pretend to believe that intricate questions of legal, constitutional, economic, political, and international importance can safely be referred to the decision of an average group of citizens, without qualifying experience or opportunity of study, to be voted on in the back yard during brief intervals of interrupted labor or business. They builded on representation and federation. By the former, applied in relatively small and homogeneous territorial units preserving the comprehensive control of those powers, commonly called police powers, which are most frequent and intimate in their impact on the individual, they sought to preserve a vivid interest on the part of the voter in local government and a sense of responsibility in its agents. By federation they sought to extend indefinitely and to preserve permanently, as growth and experience should require, this vital principle as to the management of neighborhood interests and the characteristics of the police powers, at the same time clothing the central, general federated government with needed authority to deal effectively as a single national unit with international affairs and with internal concerns, national in scope and application, within its delegated competence.

Another original device of our fathers, first applied in several of the State constitutions and then made basic in that of the Union, was the division of governmental powers into three branches—executive, legislative, and judicial—and rendering them practically independent of one another in their respective spheres.

The promised bill of rights, embodied in the first 10 amendments to the Constitution, which amendments were introduced by Madison in the First Congress to meet under the Constitution, were taken by him mainly from eight of the State constitutions. These constitutions varied as to the proportion of the guaranteed liberties and immunities contained in them, but the constitution of every State embraced at least the substance of the first amendment, as to religious liberty and the freedom of speech and of the press; of the fifth amendment, assuring the citizen against deprivation of life, liberty, or property except by due process of law; and of the sixth amendment, guaranteeing the right of trial by jury.

These 10 amendments are so fundamental in our American tradition and so priceless an inheritance to the American people that I shall include them in my text for instruction and inspiration.

The American bill of rights:

ARTICLE 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

ART. 2. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ART. 3. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ART. 4. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ART. 5. No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

ART. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ART. 7. In suits at common law where the value in controversy shall exceed $20 the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

ART. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. 9. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ART. 10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

It is true that many of these guaranties were of almost immemorial heritage in England; but aside from the fact heretofore cited that in England they had been wrung by the nobility from the reluctant hands of royalty and were referred to as distinctively English rights, they were proclaimed in America as necessary incidents to the liberty belonging to every people. It is interesting to note that the exercise of religion was by no means as free in England as the American guaranty declared it of right to be; that while the freedom of the press was an English principle, no instrument of government in the world had ever placed freedom of speech beside it until it was done in the first amendment to our Constitution; and that the substance of the fourth amendment as to "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures," and providing that no warrant to search and seize shall issue except upon probable cause based on sworn particulars is of American origin, though afterwards recognized in England.

The founders of this Government, in resting it upon the theory and equipping it with the machinery of a representative and federated Republic, intended to realize the golden mean between anarchy and tyranny, the anarchy of socialism and the tyranny of either absolute monarchy represented by king or emperor or of unbridled democracy in the hands of pitiless and changing majorities. It was the sublimest conception in the story of mankind. Their achievement of it was the noblest triumph in the records of statesmanship.

In due time came a test whether a nation so conceived and so dedicated, and whether a government so constructed, could long endure. In a civil war, where brothers and fellow patriots of opposed convictions grappled to the death on many a bloody field, vieing with one another in sincerity, in devotion, in heroism, the questions whether a State could nullify an act of Congress and whether the Union could be dismembered and the Nation disintegrated by the withdrawal at will of its component members were settled forever by the prevalence of the champions of permanent union and nationality.

Rapidly the boundaries of the Nation widened. The development of the railroad, the spirit of adventure born of the war, the lure of gold, the fertility, easy acquisition, and relatively cheap cultivability of the prairies, the enormous influx of immigrants from Europe, were some of the causes that in a few years transformed the continent. The Union's westward march continued until the Pacific Ocean had become its boundary.

In the face of all this change the Government evidenced an adaptability gloriously vindicating the sagacity of its founders. Meantime, too, its principles had begun a peaceful conquest of European opinion. Silent as the stars, resistless as the tides, its attraction profoundly influenced the development of liberal and republican tendencies in many countries, while its federative principle encouraged the growth of national unity. We invaded Europe not with armies but with ideas. Wherever our flag was displayed it was recognized as the symbol of liberty linked with safety. Our example made France a republic. Thrice in a century it reformed the English Parliament. It confederated the German States. It unified Italy. It caused parliamentary government to gain a foothold in most of the countries of Europe and even in oriental Japan.

Meantime, absolution had been enthroned in Germany. Its doctrine was openly espoused and systematically proclaimed by the Emperor and his ministers, by the leaders of the army, and by the chief figures of the court. Militarism was glorified and justified in lectures and books by university professors. The army was constantly on a war footing, science and inventions were in tireless quest of new and improved engines and materials of destruction on land, under the sea, and in the air. No secret was made of the purpose of conquering and annexing large areas belonging to neighboring countries, until the German Empire should reach in unbroken continuity from the Baltic to Bagdad. Vast colonies were to be founded, or seized, in Africa, in South America, in the islands of Oceanica; and finally her insatiate ambition began to hint at a purpose of world hegemony.

The ultimate chief menace to the German program was felt to be the United States and the governmental principles for which we were responsible. It was obvious that the world was too small to accommodate much longer the totally unreconcilable theories and practices of absolutism and the republic. The issue was finally joined upon the fields of France in what was beyond comparison the hugest, most cruel, most destructive, most costly, and yet the most culminating and conclusive war in the history of mankind. The divine right of kings staggered, with the Junkers of Prussia, to its fall on the banks of the Marne, and the Declaration of Independence was reconsecrated when the allied champions of liberty shed their mingling blood among the lilies of Picardy.

It is one of the most colossal ironies of history that, at precisely when, as the result of the world's greatest war, the ancient fiction of absolutism had been exploded and the American theory of the republic had become practically assured of speedy universal acceptance, and of ultimate embodiment in the organization and functioning of every national government, our own institutions should be furnishing impressive illustrations of the dangers inherent in the republican form, and particularly in the federated type of it.

These dangers reside in the tendency to changes in the spirit of the citizenship; to changes in the letter of the fundamental guaranties and immunities affecting personal liberty, freedom of opinion and its expression, the rights of property, and the balance of powers between the State and National governments; and to a consequent indisposition toward the settlement of new problems, especially of international complexion, in harmony with the original inspiration and the early traditions of our system.

There have resulted the progressive surrender of many of the characteristic features of the Republic, and the gradual adoption of those of the pure democracy, with, paradoxically, the contemporaneous development of a tyrannical and irresponsible bureaucracy. Too many officials are elected. Authority is divided, responsibility can not be located or enforced, either by department heads, who can trace their powers to no higher source than their independent subordinates can, or by the average elector, whose knowledge of departmental business is necessarily vague, and who stands in his election booth helplessly staring at a ballot a yard long and wondering what it's all about.

Expenses of government grow, under such confusing multiplication of agencies, by leaps and bounds; and, once the eager tentacles of the red-tape army are in contact with the public crib, they rarely let go. Their number, like a bad appetite, "grows by what it feeds on." It is said that there are now in the country more than 4,000,000 tax-supported public officials.

Under "instructions" from home, and by referendums, the legislator tends to become a mere errand boy, an agent of limited powers constantly restated, a vocal rubber stamp. The old conception of a representative chosen for his character and ability, serving under the urge of study and investigation, is now largely a legend. More and more men of capacity or genius are disappearing from legislative bodies. The constant importunity to do something for their constituents rather than for their constituencies, and the competition to see who can introduce the most irrelevant and indigestible bills at the behest of the spontaneous statesmen of the corner grocery, do not harmonize with the inclinations of able men having a legitimate ambition for useful public service.

Congress and States are almost constantly running their law-making mills at capacity speed and with confusing, costly, and largely needless output. Offenses are multiplied. Vast numbers of new crimes are created. The courts are swamped. The district attorneys are constantly adding to their staffs. All are working overtime, and justice is neither swift nor cheap.

Commissions of vast and various jurisdiction are born with appalling frequency and none ever dies, although it has been recently reported that one of them would like to. Most of them render decisions or make findings having the force of law, the number and complexity of which can be known to only lawyers who rarely read anything else. The shades of Hamilton who, when our first Secretary of the Treasury, already expressed regret that Congress had "gone into the matter of appointing boards," which he declared to be "a bad plan"; and of Lincoln, who exclaimed: "I have done with commissions. I think they are contrivances to cheat the Government"; must look with extreme concern upon the proportions since attained by these excrescences that even then seemed to them to be so dangerous.

The constant tendency of Congress to extend its jurisdiction, aided now and then, if I may say so without disrespect, by an acquiescent disposition on the part of the courts, despite the many and notable instances in which the judiciary has justified the faith of its founders as the bulwark of constitutional balance, has aroused the apprehension of many students of our institutions. In the judgment of the wise men who framed the Constitution the restriction of the power of the central Government to the field of international relations, on the one hand and, on the other, to that of internal regulation and control as to matters of strictly national scope, was of fundamental importance. Its authority was limited strictly to the powers expressly granted by the Constitution and such as were necessary and proper for carrying these into effect. The great, vital, intimate, primary jurisdiction of the police power was left with the States. It is of the utmost importance that it remain there. To vest it in a distant and central authority, removed from the immediate supervision of, and direct accountability to, the citizen, and to attempt to enforce uniformity of laws and administration over a vast territory diverse in production and industry, in climate, in habits, in racial origin and sympathy, in customs, in conditions affecting conduct and social relations is not only to court failure but to set in motion forces that are certain to provoke discontent and to generate immorality and lawlessness. There is involved here a profound phenomenon which should be studied and discussed without passion or recrimination by reformers who are sincere and by patriots who believe that the maintenance of our unique republican institutions is a mandate of civilization.

The tendencies that I have reprobated are apparent not alone in a change of the spirit of a growing percentage of our citizenship; nor, indeed, have they been satisfied with certain statutory embodiments that have survived the examination of the courts. They have already crystallized in amendments to the Constitution. Some of these, like the sixteenth, which, as Professor Burgess says, has invested the General Government "with entirely unlimited power in the levy and collection of the most comprehensive of all taxes, the income tax * * * which can take, thus unlimited, the entire product of all property and all labor"; and the seventeenth, which turns over the election of United States Senators to popular vote; are instances, respectively, of an approach toward socialism, in the former case, and toward the methods of pure democracy, in the latter; and another of which, the eighteenth, strikes fatally at the philosophy of the police power, at the balance between the State and national jurisdictions, at the distinction between morals and law, and at the liberties and immunities of the citizen.

One further and in certain respects a culminating effect of the alterations in the fundamentals of our republicanism, to some of which I have called attention, finds expression in the failure of our people to take toward the suggestion of doing away with war and of associating the nations in some organized determination to preserve peace, that attitude of sympathy and championship which is a natural product of our theories of government and liberty and the logical completion of our institutional architecture. War among enlightened peoples is a negation of civilization, a flat contradiction of Christianity, and, indeed, of all religion. Among nations that have substituted courts in place of private wager of battle, that spend time, energy, and vast sums of money in behalf of education, hospitals, and deeds of mercy, the persistent resort to mutual slaughter in case of differences among them and the continued support of military establishments involving the expenditure of the greater part of every dollar raised by taxation constitute an anomaly as inexplicable as it is tragic. That in the Great War the most advanced states in the world should have marshaled their armies to annihilate millions of splendid men, to disable tens of millions more, to wreck unnumbered homes and add to the woes that women and children bear, and to destroy prosperity of greater value than the total assessed valuation of the United States over a dispute that, under proper and wholly practicable procedure, could have been adjusted without a breach of the peace, must have made the angels weep and will challenge the comprehension of future generations.

War must and can be abolished. In my humble judgment this proposition is the most important one that is or ever has been or ever will be considered by mankind. In spite of the entrenchment upon your time and patience involved let me summarize some of the reasons in support of this position.

The warrant of science is found in the postulate that world-wide peace is the destined goal of social evolution. This rationalizes hope. It justifies mercy. It grounds the sentiment of humanity upon cosmic law. It takes absolute issue with the basic argument of the war apologists. These, unable to dignify and beautify wholesale slaughter in itself, profess a reluctant assent to it as an inexorable ordinance of nature. They seek consolation for its inevitable horrors by working themselves up into a desperate admiration for some of its supposed results. The indiscriminate destruction of the brave and strong they vindicate as an unavoidable though costly expedient for insuring "the survival of the fittest." In stirring the latent instincts of primal savagery they find the necessary discipline of all the manly virtues. To the waste and woe of war they gratefully ascribe the springs of sympathy and sacrifice. In honest sacrilege they crown with expiatory garlands the brow of Moloch, "horrid king, besmeared with blood," and declare in the words of Von Moltke that "war is an institution of God."

The scientific argument for war is vitiated by its first hypothesis. The human struggle for survival is not, as the proponents of that argument assume it to be, a fight between some men and other men. It is a contest between all men on one side and environment on the other. But war drags to battle, and to violent death or lingering disease, those that are strongest in body and most intrepid in spirit, the very fittest to survive in the test of environment and able to contribute most to the advancement of society. Thus instead of being an agency in the "survival of the fittest" war is the most deadly enemy of the principle.

In another respect the sponsors of war have misread the law of evolution, in spite of the fact that the truth is repeatedly taught in the long climb of being from the first amoeboid aggregate up to the most complex human society. "Organic evolution," says Spencer, "is primarily the formation of an aggregate by the continued incorporation of matter previously spread through a wider space." Again: "Existences of all orders exhibit a progressive integration of matter and concomitant of motion."

Now, this process is precisely paralleled in the growth and development of human society by the merging of families into clans, of clans into tribes, of tribes into nations, of nations into federations. The strife and violence by which these integrations are preceded and accompanied are analogous to the force and motion dissipated when in the physical world independent bodies rush together and consolidate. In the latter case the motion is converted into heat. In the former case violence is transformed into peaceful energy that tills the soil more widely, develops the useful arts, extends commerce, diversifies and satisfies human wants, refines manners, disciplines the intellect, nurtures the soul, assures, in short, the progress of civilization and makes for the achievement of human destiny—"that one far-off divine event toward which creation moves."

In the physical world when new aggregates are formed there result among their parts two things: First, a progressive specialization of function, and, secondly, a closer and closer interdependence. The corresponding effects in the case of social aggregation are a more and more minute division of labor and an increasing necessity of mutual reliance among those who perform it. For example, the protozoan, which is little else but a minute drop of protoplasm, projects at will a leg or an arm from any place on its body, and the process of digestion is performed by its entire anatomy. In the human organism, however, with an aggregate of billions of primordial cells, there is a tolerably distinct demarcation of function between the stomach and the hands; and how mutually dependent they are may be learned by inquiry from the hands when the stomach is empty or from the stomach when the hands can find no employment. Our schoolbooks tell us how Menenius Agrippa, in the fifth century before Christ, used this illustration to bring the seceding plebeians back to Rome; and some of us remember the shock to the internal economy of a vast modern city a few years ago caused by a brief suspension of function on the part of a few humble gleaners of garbage.

Cooperation, therefore, is a necessary condition of association. Peace is indispensable to cooperation. Accordingly, in the increasing intimacy of intercourse and complexity of relations among nations and among their individual inhabitants, it is easy to read the certain doom of international war. Race antagonisms wither under mutual acquaintance. In the language of the primitive Latins, as in that of the ancient Greeks, one word signified both "foreigner" and "enemy." To-day, in every part of the world, millions of men of alien origin are clasping hands and calling one another "friend" and "brother." The spread of international commerce will more and more find its concern in the maintenance of wider and wider peace. Before the rising flood of international trade, already possessing a yearly impact of some thirty billions of dollars, the barriers of exclusion are crumbling everywhere, and when once submerged they seldom rise again.

Credit, wherever native, has become a citizen of the world. The delicate mechanism of it enmeshes all the great ganglia of the globe's finances; its disturbance at one center is almost instantly reflected in every other. Stability anywhere more and more implies and requires stability everywhere. Action and reaction being equal, it will soon be impossible for one nation to aim at another nation a blow in any large measure destructive of that other's commerce or industry without inviting a recoil of corresponding damage.

There is coming to be a world literature. The newspapers of all countries contain the same news, and every country learns about every other country at least once every 24 hours. The nations read one another's books, witness one another's dramas, listen to one another's music. Can manners long remain strange? Can opinions continue to be local and peculiar? Can interests be always selfish?

Science will not let men be strangers. Isolation was easy when a week separated Paris and London, when six weeks were required to cross the Atlantic, and when the Pacific was scarcely crossed at all. It is not so easy when one may breakfast in Paris and dine the same day in London; when New York is less than five days from Liverpool; and, when, in perfect comfort and by regular and frequented lines of travel, one may be in Yokohama 12 days out from Seattle. One may maintain a kind of austerity toward a correspondent whose letter is a month old; but what can you do when he breaks in on your nap in Philadelphia with a hearty "Hello!" at Berlin?

And the impending revelations of science, there is good reason to believe, involve changes in the near future relatively more revolutionary of existing conditions affecting international association than those we have witnessed. Airplanes built of aluminum and steel, driven, either by vastly improved motors or by electric power supplied wirelessly from stationary generators, so fast as largely to neutralize unfavorable air conditions, will safely and regularly cross the Atlantic in 15 hours. By electrolysis, nitrogen will be inexpensively taken from the air, and with it the productive forces of the soil will be renewed and multiplied. Future Burbanks will increase the size, yield, and nutritive power of fruit and vegetables. These and other processes will augment and cheapen the supply of food; and ultimately the utilization of the static electricity of the earth, which will make available practically unlimited power at the mere cost of mechanical friction, and which will be transmitted through the ether, will tend greatly to simplify the problems of labor.

The great professions are constantly crossing national boundaries. The progress of art and science enlists the interest and involves the cooperation of the alert minds of all countries. International associations, therefore, representing almost every department of human endeavor, have been constantly multiplying during recent years. A list

that would require many minutes to read to you might be made up of these organizations, composed of members from practically all the civilized countries of the globe, and meeting annually for the discussion of the engrossing problems that face the agriculturists, the architects, the physicians and surgeons, the lawyers, the chemists, the theologians, the engineers, of every nation. These associations, and the great international industrial expositions, are forming world opinion, stimulating world friendship, proving the practicability of world cooperation.

The international organization of labor, particularly in Europe, is more extensive and intimate than any of the foregoing. From labor's ranks are chiefly recruited the pawns in the game of war. It sheds most of the blood, endures most of the suffering, bears most of the resultant privation, and pays ultimately most of the price. In this class the sentiment against war is practically universal, and can not fail to possess great influence on general opinion and on public policy. Its common refusal in each of two countries to take up arms in support of hostilities between them, a contingency not wholly unimaginable, one that, on occasion, has indeed been proposed, would paralyze the war power of both.

In the field of governmental activities a tendency is witnessed paralleling these developments of private association. A conspicuous example is the postal union, to which more than half a hundred nations are parties. Other cases are the telegraph union, and the agreement on a navigation signal code. In Europe the comparatively small area of the respective countries, and the extensive railway traffic among them, have led to the formation of international associations for the regulation of that traffic; and the rapid conquest of the air by radio transmission and by airplane has incalculably multiplied and strengthened the bonds of international mutuality.

One of the favorite arguments of the war advocates may be stated syllogistically thus: You can not do away with war without changing human nature; you can not change human nature; ergo, you can not do away with war. The trouble is with the second premise. Human nature does change. In its very capacity to change lies the whole gospel of progress, the one hope of the world. Here again they have failed to read the history of evolution. Cruelties once common are now unknown in civilized countries. Crippled infants are not now exposed to die. We no longer kill the old and infirm because they are burdens on the tribe. Captives are not enslaved or tortured. More and more, even the unavoidable horrors of war shock and revolt the constantly increasing sensitiveness of civilized men. How comes it that for 800 years we have been mitigating the barbarities of war? Why have we stopped poisoning wells, burning hospitals, and using explosive bullets? Why are there military hospitals at all? What caused the organization of the Red Cross Society, whose guarded realm of mercy is in the very hell of slaughter? Why is Florence Nightingale immortal? Why is Clara Barton's birthday—which, happily, falls upon Christmas—remembered gratefully by millions of men and women in every part of the world? How, in the very anarchy of war, do we impose and obey any limitations whatsoever upon its inherent excesses? If war be a condition of the survival of the fit, if it be a school of virtue, how can we have too much of it? As a matter of fact, is it not true, as Gibbon says, that all these restrictions "imply nonsense and contradiction"? War must be abolished, not merely mitigated.

As men no longer believe that honor requires them to fight duels, or that the accident of a lucky shot or thrust could possibly determine whose honor, if anybody's, is vindicated; and even as they believe in tribunals of public justice rather than in personal combat as a means of settling private controversies, so are they coming to realize that war can not possibly decide any question between the combatants except which has the heavier battalions or the more destructive enginery; and that nations, like men, should rest the decision of their differences upon the arbitrament of courts of justice.

The prophecy of the consummation of this ideal, expressed in the recent action of the Senate in acceding to membership in the World Court, is a source of great satisfaction to those whose hope anticipates, and whose vision forecasts, the final triumph of peace over war, of civilization over barbarism. The reservations attached to our acceptance, disarming some of the honest opposition to the court, do not seriously affect its structure or operation.

But, in my sincere opinion, the full fruition of this project of world peace can come only with the establishment of a league of nations. I shall not here enter at length upon an exposition of my reasons. To my mind, the fears of those who hesitate to "surrender our sovereignty," as they express it, are groundless, especially in view of the restrictions, like the requirement of unanimity in the action of the league council and the guaranties in the suggested reservations by the United States as a condition of membership by us. The same argument was addressed to the thirteen States by honest doubters when the Constitution was pending, and its acceptance would, of course, have prevented the formation of the Union. In my opinion, the "brotherhood of man" is a truth, and one not invalidated by the backwardness of some of the family; and the flowering of human association in a world compact of peace was a prophetic germ in the first evolutional integrations into family, clan, and tribe, and, later, into state, nation, and republic.

It is to me a matter of pride and satisfaction that, in spite of the fact that we have hesitated and stumbled on the way, the roads leading to the World Court and to the League of Nations were both first envisioned by Americans. Our people are already rendering homage to Elihu Root, the most conspicuous pilot in our progress toward the court; and when, in the course of events, the league shall be an accomplished, world-embracing fact; when the miasma of partisan detraction shall have been dissipated by an atmosphere of impartial justice, as it inevitably must be, and when historic perspective shall negative the temporary distortions due to self-interest, personal jealousies, and the disproportion of near events, the consecrating halo of the gratitude and reverence of his countrymen shall crown the brow of Woodrow Wilson.

Mr. President and gentlemen, I can not flatter myself that you all agree with everything that I have said. I am at least as apt to be mistaken as any other man of mental honesty and sincere conviction. It is not necessary that all Americans should have the same opinions, in either diagnosis or prognosis, as to the ills of the body politic. Ours is in theory a government of opinion. To make it really so, and beneficently so, two things are necessary: First, that citizens should do their best to form correct opinions, and, secondly, that they have the sincerity to profess them and the courage to try to give them effect.

As a result, I am an optimist. Not that I believe we can drift to victory, but that I feel sure we shall rally our energies and achieve it. As true a thing as was ever said is the aphorism of Richard Henry Lee: "Eternal vigilance is the price of liberty." This vigilance must be aroused to meet the present crisis. What we need, what we must secure, is a reawakening of that spirit which moved our patriot fathers to demand their Bill of Rights.

It is my belief that no class or character of our citizenship is quite so well fitted to investigate the phenomena presented, to isolate the evils inherent in them, to prescribe remedies, and to convince and direct the people in their application, as are the members of the American bar. Conscious that, though tedious enough, my exposition lacks both completeness and system, I yet am hopeful that it may help to stimulate the interest of this distinguished body of American lawyers and to warrant the hope that, from their response to the opportunities and duties of these critical days, there shall follow a distinct encouragement to those who are highly resolved "that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth" nor default in its mission to mankind.

CORPORATE COMBINATIONS

Mr. WALSH. Mr. President, on April 19 I introduced a resolution (S. Res. 203) asking the Federal Trade Commission to investigate a large number of organizations preparatory to reporting whether they were combinations in restraint of trade.

The resolution was referred to the Committee on Interstate Commerce, and a hearing was had before that committee on June 3. The committee then very wisely and judiciously communicated with the Federal Trade Commission to ascertain what additional cost would be required to prosecute the investigation. A letter, as I understand, has just been received by the chairman of the committee saying that it will involve no additional appropriation, and that the work will be carried on in connection with the usual work of the commission, without additional cost.

I have no complaint whatever to make of the committee. They have proceeded with reasonable expedition in the matter, considering the press of business and the exacting duties devolving upon the members. I have been accorded the most courteous treatment from the chairman of the committee, but I should like to have action on the matter this morning; and accordingly I ask unanimous consent that the Committee on Interstate Commerce be relieved from the further consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. Mr. President, I object. So far as I know, there is no indisposition on the part of the Committee on Interstate Commerce to take up this matter and do whatever is necessary.

Mr. WALSH. I wanted to make that perfectly clear, and I want it perfectly understood that I mean no imputation at all against the committee; and I have stated that I believe they have proceeded with all expedition.

Mr. BRUCE. Does the Senator think this is a matter of such great importance that immediate action should be taken upon it?

Mr. WALSH. I think it ought to be attended to at once, because the Senator knows very well that when these things are organized and rights are acquired the difficulty increases as time passes.

Mr. BRUCE. I withdraw the objection.

Mr. FERNALD. Mr. President, I have to object.

The VICE PRESIDENT. Objection is made.

Mr. ASHURST. I call for the regular order.

The VICE PRESIDENT. The presentation of reports of committees is in order.

NICHOLAS JONES

Mr. TYSON. From the Committee on Military Affairs I report back adversely House bill 9840, for the relief of Nicholas Jones, and move the indefinite postponement of the bill.

The VICE PRESIDENT. Without objection, the bill will be indefinitely postponed.

HENRY O'BRIEN

Mr. STECK. From the Committee on Military Affairs, I report back favorably House bill 1394, for the relief of Henry O'Brien, and I submit a report (No. 1186) thereon. I ask unanimous consent for its immediate consideration.

Mr. ASHURST. Mr. President, let the bill go to the calendar. Let me say to the Senator that the only hope some of the obscure Members like myself have is to reach the calendar.

Mr. STECK. This is not upon the calendar.

Mr. ASHURST. It will go to the calendar if the Senator will let it go.

The VICE PRESIDENT. Objection is made.

Mr. ASHURST subsequently said: Mr. President, understanding that the matter presented by the Senator from Iowa will lead to no debate, I withdraw the objection.

Mr. STECK. Mr. President, I understand that the Senator from Arizona has withdrawn his objection to the present consideration of House bill 1394. It has passed the House, and has the unanimous approval of the Committee on Military Affairs.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS ARISING FROM SINKING OF THE "NORMAN"

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2273) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*, which was, on page 2, line 6, after "States," to insert a colon and "*Provided*, That the total amount recovered in any case brought under the provisions of this act for personal injury or death shall not exceed the sum of $7,500."

Mr. McKELLAR. I move that the Senate concur in the amendment of the House.

The VICE PRESIDENT. The question is on the motion of the Senator from Tennessee.

Mr. KING. Mr. President, I shall not object to the consideration of the conference report. I desire now, however, to express the same opposition to this bill that I did when it was up for consideration. It is a departure which I think is very dangerous. The bill confers upon a district court remote from Washington—not on the Court of Claims—the right to pass upon questions of torts because of the alleged negligence of an agent of the Government resulting in the death of a number of people. I think it is a very bad and a very dangerous precedent. It was not duly considered by the Senate; and the House has passed a bill, as I am advised, providing a manner of disposing of cases of this character.

Mr. McKELLAR. No, Mr. President, if the Senator will permit me, the House has not passed that bill.

Mr. ASHURST. Mr. President, if there is any more discussion I must object.

Mr. McKELLAR. I hope the Senator will not object.

Mr. ASHURST. If the Senator talks about it, I will.

Mr. McKELLAR. There is a limitation of $7,500. There can not be more than that recovered in any case. The House has placed that limitation on the bill as an amendment, and this motion is to concur in that amendment.

Mr. KING. Mr. President, a parliamentary inquiry: When a conference report has been taken up for consideration, I submit the parliamentary inquiry whether or not debate upon the report is admissible.

Mr. ASHURST. I thought the Senator was going to object.

Mr. KING. No; I said I was not going to object. I was debating the report.

Mr. ASHURST. The Senator has a right to debate it.

The VICE PRESIDENT. Objection can be made to the present consideration of the report.

Mr. KING. I did not object to its consideration. I was debating the bill itself. My position is——

Mr. ASHURST. Mr. President, a parliamentary inquiry. The Senator either does or does not object.

Mr. KING. I stated a dozen times and I told the Senator that I did not object; that I was discussing the report.

Mr. ASHURST. Very well; then the Senator is limited to five minutes in his discussion. I do not want to be discourteous to the Senator, but——

Mr. KING. I think the Senator is exceedingly discourteous.

The VICE PRESIDENT. The limitation of five minutes does not apply to a conference report.

Mr. ASHURST. Then I object. That applies. I object for the present. I have no objection to the matter coming up after the morning hour.

The VICE PRESIDENT. Without objection, the amendment of the House will be concurred in by the Senate.

Mr. McNARY. Mr. President, a parliamentary inquiry. Is this in order at the present time?

The VICE PRESIDENT. It has been done now by unanimous consent.

GREAT LAKES COLLECTION DISTRICT

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4171) to create a sixth great district, to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y., which was, on page 2, line 4, after "thereto," to insert a colon and "*Provided*, That nothing herein shall affect the rights or privileges reserved to seamen under existing law."

Mr. COUZENS. Mr. President, I move that the Senate concur in the amendment of the House.

Mr. KING. Mr. President, I would like to ask the Senator the scope of the bill.

Mr. COUZENS. It is a bill creating a Great Lakes district, the same as they have districts along the Atlantic and Pacific coasts, to prevent the necessity of a vessel clearing at every dock.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House.

The amendment was concurred in.

LOSS OR DESTRUCTION OF OBSOLETE RIFLES

Mr. STECK. From the Committee on Military Affairs I report back favorably without amendment House Joint Resolution 256, relieving posts or camps of organizations composed of honorably discharged soldiers, sailors, or marines from liability on account of loss or destruction of obsolete rifles loaned by the War Department, and I submit a report (No. 1187) thereon.

Mr. KING. Let it go to the calendar.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

AMENDMENT OF WORLD WAR VETERANS' ACT

Mr. SMOOT. Mr. President, from the Committee on Finance I report favorably at this time House bill 10277, to amend the World War adjusted compensation act, and submit a report (No. 1188) thereon. I ask for the immediate consideration of the bill, as there are two or three amendments, and I want the bill to be sent to the House immediately.

Mr. ASHURST. That is the very bill I was trying to have reached. Therefore I do not object to its consideration.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. BRUCE. May I ask the Senator the nature of the amendments?

Mr. SMOOT. The first is an amendment to section 309 of the existing law. This is the note that was sent up by the bureau:

> It will be noted that this provision applies only to those who deal with the veteran or his beneficiary. A case has been recently submitted by the bureau to the Department of Justice for prosecution in which the offending party was thought to be guilty of a violation of this section, but it now appears that he did not act on behalf of either the veteran or a dependent, but on behalf of the beneficiary under the adjusted compensation act.

This simply adds "or other beneficiary," so as to cover just such cases.

Mr. BRUCE. I do not understand what the point is.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. Certainly.

Mr. BRUCE. Does the Senator from Pennsylvania approve the amendment?

Mr. REED of Pennsylvania. Yes; I do.

Mr. BRUCE. Very well.

Mr. SMOOT. The amendments I have offered have been approved not only by the Veterans' Bureau, but by the American Legion attorneys and representatives as well.

The VICE PRESIDENT. The clerk will state the first amendment.

The CHIEF CLERK. On page 2, after line 11, add the following proviso:

Provided, however, That if the veteran died between May 19, 1924, and July 1, 1924, without making the application, leaving a widow surviving him, the application may be made by the widow and shall be valid with the same force and effect in every respect as if the application had been made by the veteran.

The amendment was agreed to.

The CHIEF CLERK. On page 6, line 6, after the words "Sec. 4 (a)," add the following:

Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran, his dependents, or other beneficiary under this act, in obtaining any of the benefits, privileges, or loans to which he is entitled under the provisions of this act, shall, upon convinction thereof, be subject to a fine of not more than $500 or imprisonment for not more than one year, or both.

The amendment was agreed to.

The CHIEF CLERK. On page 6, line 13, after the period and beginning with the word "notwithstanding," strike out the remainder of the section down to and including the word "section" in line 23.

The amendment was agreed to.

The CHIEF CLERK. On page 7, line 7, commencing with the words "Sec. 5," down to and including line 20, page 7, strike out the entire section.

The amendment was agreed to.

Mr. SMOOT. Mr. President, the other amendments merely change the section numbers, and I ask unanimous consent that the clerks at the desk may make those changes.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

Mr. SMOOT. I ask that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Mr. SMOOT, from the Committee on Finance, submitted the following report, to accompany H. R. 10277:

The Committee on Finance, to whom was referred the bill (H. R. 10277) to amend the World War adjusted compensation act, having had the same under consideration, report it back to the Senate and recommend that the bill do pass with the following amendments:

On page 2, line 11, after the period, add the following:

"*Provided, however,* That if the veteran died between May 19, 1924, and July 1, 1924, without making the application, leaving a widow surviving him, the application may be made by the widow and shall be valid with the same force and effect in every respect as if the application had been made by the veteran."

On page 6, line 6, after the words "Sec. 4 (a)" add the following:

"Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran, his dependents, or other beneficiary under this act in obtaining any of the benefits, privileges, or loans to which he is entitled under the provisions of this act shall, upon conviction thereof, be subjectt to a fine of not more than $500 or imprisonment for not more than one year, or both."

"(b)" (Continue with the words "such act, etc.")

On page 6, line 13, after period and beginning with the word "Notwithstanding," strike out balance of section down to and including the word "Section" in line 23.

On page 7, line 7, commencing with the words "Sec. 5," down to and including line 20, page 7, strike out the entire section.

On page 7, line 21, strike out "Sec. 6" and substitute therefor "Sec. 5."

On page 8, line 14, strike out "Sec. 7" and substitute therefore "Sec. 6."

On page 9, line 5, strike out "Sec. 8" and substitute therefor "Sec. 7."

On page 10, line 4, strike out "Sec. 9" and substitute therefore "Sec. 8."

On page 10, line 22, strike out "Sec. 10" and substitute therefor "Sec. 9."

On page 11, line 4, strike out "Sec. 11" and substitute therefor "Sec. 10."

On page 11, line 12, strike out "Sec. 12" and substitute therefor "Sec. 11."

On page 11, line 24, strike out "Sec. 13" and substitute therefor "Sec. 12."

On page 12, line 19, strike out "Sec. 14" and substitute therefor "Sec. 13."

After an experience of nearly two years under the World War adjusted compensation act it has been found that while in general the act has worked well and been of great benefit to the families and dependents of deceased veterans, there were a large number of cases where parties equally entitled to its benefits were excluded from the provisions of the act. Among these cases are those where an application for the adjusted compensation credit had been executed by the veteran but not filed before his death. There were also numerous cases where dependency in fact existed but, under the circumstances, was difficult to prove in conformity with the language of the original act. There were other cases where the beneficiaries found that the amount actually paid them had been greatly reduced by deductions on account of charges made against the soldier, which in some cases included even items for loss of equipment. Controversies also arose between the Veterans' Bureau and the office of the Comptroller General, which resulted in decisions overruling the Veterans' Bureau in matters that affected the amount to be received by beneficiaries under the act. These decisions were made, as a rule, upon purely technical features, and thereby many persons who would have come within the original purpose of the act as intended by Congress either received much less than was contemplated when it was adopted or, in some cases, nothing at all.

Without going into detail, it may be said that the main purpose of this bill is to equalize the benefits of the act among the dependents of the veterans and to prevent the disallowance or reduction of claims through mere technicalities. It was not found possible to provide for every isolated case, but it is believed that practically all of those in which substantial injustice exists have been cared for. Some other features have been included for the protection of veterans against loan sharks and the public generally against the issuance of forged certificates. Further on in the report a detailed explanation is given of the changes made in the law by the bill.

The committee applied to the Veterans' Bureau for an estimate as to the cost of the changes made by this measure. The bureau made estimates of the cost of sections 1, 3, 5, and 11, as shown by the table below:

Immediate:	
Section 1	$249,526.00
Section 3	108,386.21
Sections 7 and 8	1,778,260.00
Section 11	1,996,920.00
Total	4,133,092.21
Future	635,580.00
Grand total	4,768,672.21

APPLICATION BY THE VETERAN

The Comptroller General has ruled that where a veteran died after making an application but before it was filed the application is not a valid one. Section 302 of the World War adjusted compensation act has been rewritten by section 1 of the bill to change this ruling so that where a veteran died after making application it may be filed by anyone. The section as rewritten also provides that where the Secretary of War or Navy has in his possession a document, no matter how informal, which is found by such Secretary to disclose an intention to claim the benefits of the act on behalf of the veteran and to bear the bona fide signature of the applicant, such document shall be considered a valid application. Subdivision (c) of such section provides that if a veteran has died and payments are being made to his dependents because no application on behalf of the veteran has been submitted to the department, and then a valid application is filed, the payments to dependents shall immediately cease and payments on account of the application of the veteran shall be made to the persons entitled thereto after deducting any amounts already paid to the dependents.

To remove any doubt as to the finality of the determination of the Secretary of War or the Secretary of the Navy concerning the validity of an application or the amount of the adjusted service credit, section 303 of the act has been amended by section 2 of the bill (1) by inserting a requirement that the certificate transmitted by either Secretary to the director shall contain a statement that a valid application has been received, and (2) by removing the requirement in the present law that the facts of record used in preparing the certificate be included in the certificate.

In order to care for those cases where the veteran died after the passage of the adjusted compensation act but before application blanks were made available by the War or Navy Departments, and amendment is added to paragraph (b) of section 302, so as to provide that his widow may make the application.

DEDUCTION OF INDEBTEDNESS OF VETERAN TO THE UNITED STATES

Under the present law the Comptroller General has ruled that if the veteran is indebted to the United States, deduction of the amount of such debt shall be made from the adjusted service credit of the veteran.

Section 3 of the bill amends section 308 of the present law so as to prohibit such deductions and makes the amendment retroactive to the time of the original enactment of the act.

If no benefits have been extended in such cases before the passage of the amendatory act, no problem arises. When the case comes up for adjudication the credit will be computed in accordance with the law as amended without deduction for debts, and payment made in accordance with law.

If, however, any payments have already been made, the problem is presented as to how the amendment shall be given effect. Subdivisions (b), (c), (d), and (e) of section 3 of the bill make provision for such cases.

Subdivision (c) provides that if a veteran is alive at the time of the enactment of the amendatory act and the benefits of the act have already been extended to him, then the amount deducted on account of the debt shall be treated as if it were a separate adjusted service credit and the benefits of the act extended in accordance with its terms. For example: If the amount of the debt deduction is $49, the $49 will be paid in a lump sum. If the amount of the debt deduction is $60, an adjusted service certificate will be issued of a face value computed on the basis of an adjusted service credit of $60.

Subdivisions (d) and (e) cover the case where the veteran has died before the enactment of the act and where payments have already been begun or have been completed before the enactment of the amendatory act. For example: If the adjusted service credit after deduction for debt was $100, and the debt deduction was $100, an adjusted service certificate of approximately $300 (the face value of a certificate computed on the basis of the debt deduction) is to be paid to the beneficiary or estate entitled thereto, in addition to the payment of the certificate computed on the basis of the adjusted service credit after making the debt deduction.

FINALITY OF DECISION

Section 4 has for its purpose the conferring on the Secretary of War, the Secretary of the Navy, and the Director of the Veterans' Bureau of final and conclusive authority in all matters arising under their respective jurisdictions. This is for the purpose of prohibiting suits in connection with the adjusted compensation act because of differences of opinion between the Secretary of War, the Secretary of the Navy, or the Director of the Veterans' Bureau and applicants.

VETERANS OVER 75 YEARS OF AGE

Section 5, page 7, the amendment proposed by the House of Representatives to pay veterans over 75 years of age the full amount of his adjusted service credit in cash, was disagreed to.

LOAN SHARKS

The attention of the committee has been called to instances where loan sharks have in their possession in some cases large numbers of certificates which they had procured by loaning money to veterans; but these sharks can not be prosecuted, because the law imposes no penalty for such practices. Instances also have been cited where a person is named as a beneficiary by the veteran in consideration for making a loan to him. To discourage such practices, section 503 of the act has been amended by section 6 of the bill by making void the naming of any person as a beneficiary in consideration for a loan having been made to the veteran and by making it a misdemeanor for any person to accept assignment of a certificate or to receive a certificate as security for a loan or to loan money to a veteran in consideration of the naming by the veteran of any person as beneficiary. This section necessarily does not apply in the case of loans made by banks in conformity with section 502 of the act.

DEPENDENTS

A few clerical changes have been made by secion 7 of the bill in section 601 of the act in order to conform to the revised provisions concerning dependency found in section 602.

Section 602 of the act has been entirely rewritten in section 8 of the bill to restate the policy concerning dependency. Any language which might tend to indicate that a showing of dependency upon the veteran is required has been eliminated.

The requirement in respect of dependency of the widow is not materially changed. If she has remarried before making application, or if at the time of the death of the veteran she was living apart from him willfully, she is not entitled to the benefits. Otherwise, upon the showing of marital cohabitation, she is presumed to have been dependent.

A child under 18 at the time of the death of the veteran, or over 18 and before January 2, 1928, incapable of self-support by reason of mental or physical defect, is entitled to the benefits.

A mother or father is entitled to be considered dependent upon a showing of dependency upon anyone before January 2, 1928, and is presumed to be dependent if over 60 years of age before January 2, 1928. A mother is also presumed to be dependent if unmarried. The requirement in the present law of a statement under oath of the dependency in the case of the mother and father has been eliminated.

APPLICATION BY DEPENDENTS

Section 9 of the bill amends section 605 of the act in order to have it correspond in terminology and legal effect with the changes in respect of applications made in section 303.

DEFINITION OF WIDOW

Section 10 of the bill adds a new definition of "widow" to include widower, and is made to correspond with the clerical changes made by section 7.

DEDUCTION OF FIRST 60 DAYS OF SERVICE

Section 1406 of the revenue act of 1918 did not permit payment of the $60 bonus to persons who died in the service. Inasmuch as under the World War adjusted compensation act a deduction of 60 days was made in the computation of the adjusted service credit of all veterans, including those who died in the service, this latter class was consequently discriminated against, and section 11 of the bill removes the discrimination by providing for the payment of $60 in cash to the dependents of any such veteran.

ACCRUED RIGHTS

Because of amendments in the bill changing the basis for determining dependency in many cases, and because of certain retroactive provisions of the bill, section 12 has been added in order to validate all payments made and all applications received under the act, and to assure any dependent now receiving the benefits of the act that he will continue to receive such benefits unless a person entitled to a priority in preference can establish dependency. If such person can establish dependency, he receives only the remaining benefits extended by the act.

COUNTERFEITING CERTIFICATES

Section 13 of the bill adds a new penal section to the act to cover forging, counterfeiting, etc., of adjusted service certificates and provides for the use of the Secret Service Division of the Treasury Department to enforce the provisions of this section.

LOST CERTIFICATES

Section 14 of the bill adds a new section to the act to provide for the issuance under bond of a duplicate adjusted service certificate where the director determines that such certificate, without bad faith on the part of the person entitled to payment thereon, has been lost, destroyed, or so defaced as to impair its value to the rightful holder.

ADDRESS BY SENATOR M'KELLAR ON JURY TRIALS

Mr. SHEPPARD. Mr. President, I ask to have published in the RECORD an address on jury trials by the senior Senator from Tennessee [Mr. MCKELLAR] delivered at Memphis, Tenn., a few weeks ago.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Senator MCKELLAR. Mr. President, last year Senator CARAWAY introduced a bill and the Senate passed it, making it reversible error for a presiding Federal judge to express his opinion as to the credibility of witnesses or the weight of the testimony in any case tried in his court. The House did not pass the bill and Senator CARAWAY has introduced it again at this session, and no doubt it will come up and be passed in the Senate, as the Senate has already once passed it.

Mr. President, this bill should become the law. Unfortunately, and I believe without a careful examination of the authorities, our Federal courts have from time to time invaded the province of the jury until in substance and effect jury trials have been abolished in the Federal courts of the United States. This bill of Senator CARAWAY would restore jury trials. They should be restored. They have come down to us from our English ancestors from the days of Magna Charta. They are provided for in three separate sections of our Federal Constitution. The original Constitution came very near being defeated because of the failure of the original authors of the Constitution to include specifically the guaranty of trial by jury. There is no more effective or sacred guaranty of liberty and of the rights of property than the guaranty of trial by jury. It should never be interfered with. Our courts should uphold it, and inasmuch as our Federal judges seem determined to ignore these sections of the Constitution, it is not only the right but it is the duty of Congress to prohibit any invasion by interpretation or otherwise of the judge upon the province of the jury in trials at law.

Mr. President, in Article III, section 1, of the Constitution it is provided that "the trial of all crimes, except in cases of impeachment, shall be by jury; and such trials shall be held in the State where said crime shall have been committed." One of the most important arguments made against the Constitution was that it did not provide for jury trial, and even if it did that it provided only for jury trial in criminal cases. Therefore, amendments 6 and 7 were adopted to rectify this defect. And so in amendment 6 it is provided "in all criminal

cases the accused shall enjoy the right to a speedy and public trial by impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

It is difficult to conceive of how an impartial trial by jury could have been better provided for. In my humble opinion it was never dreamed that the trial judge under this amendment would undertake to argue the case before the jury and give the jury his opinion. Where the judge thus takes an active part it is not an impartial trial at all, but it is a trial made partial by the opinion of the trial judge, who by reason of his being judge should have and does have the greatest weight with the jury.

The seventh amendment is as follows:

"In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law."

Here again it would be difficult to find language more careful to preserve the right of trial by jury even in so small an amount as $20. Of course, it was meant that the litigant should have the right to the same impartial trial as provided in criminal cases. What was intended, in my judgment, was that the judge should direct the proceedings, should rule upon the admissibility of evidence, should give the law to the jury, but it was never intended under this provision that the judge should give his opinion as to the facts, substantially arguing one side of the case or the other to the jury, and then telling the jury that notwithstanding his opinion, it was their province to pass upon the facts. Such a trial is not an impartial trial as required by the Constitution. All this, of course, is merely my opinion outside of the cases.

In the Plymouth Colony law as early as 1691 it was provided that in all criminal and civil cases there should be a trial by jury. The trial by jury in criminal cases was secured in the early days in the Colony of Massachusetts, and it provided for such a trial for all of the inhabitants. In Connecticut "trial by jury in civil and criminal cases was also secured; and, if the court were dissatisfied with the verdict, they might send it back to the jury to consider the same for a second or third time, but not further." (First Colonial Laws of Connecticut, first edition by Greene, 1713 and 1718.)

Surely, if it is to be assumed that the judge, being dissatisfied, could only send the jury back twice, a jury trial meant much more in those days than it means to-day. In the early history of New York we find jury trials provided for.

Mr. Story, section 1, volume 165, says: "The trial by jury in all cases, civil and criminal, was as firmly and universally established in the colonies as in the mother country."

It will be noted that in amendment 7 it is stated "and no fact tried by jury shall be otherwise reexamined in any court of the United States than by the rules of common law." Now, if the present modern contention about jury trials is correct, then that provision of the Constitution should have read "and no fact tried by jury under the advice of the judge, or by direction of the judge, or upon the recommendation of the judge, or after the approval of the judge, shall be otherwise reexamined, etc." This was not done, however, but the judge was left out of the equation, and the fact as found by the jury alone was not to be retried except under the rules of the common law.

I next call your attention to article 3, section 2 of the Constitution, as follows:

"In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

Amendment 7 evidently guarded against this most important provision by asserting that no fact tried by jury shall be otherwise reexamined in any court of the United States, duly recalling from our judicial and political history that giving the Supreme Court appellate jurisdiction "both as to law and fact" raised a great storm of criticism of the then proposed Constitution, it being argued that this granted to the Supreme Court the power to review the decision of a jury in mere matters of fact, and thus, in effect, to destroy the validity of their decision and to reduce to a mere form the right of a trial by jury in civil cases.

Mr. Story says that "this objection was at once seized hold of by the enemies of the Constitution and was pressed with an urgency and zeal which well-nigh prevented its ratification." Section 1763. This shows how zealous the makers of our Constitution were in guarding the right of trial by jury.

In the case of Louisiana the Supreme Court said: "The trial by jury is justly dear to the American people. It has always been an object of deep interest and solicitude, and every encroachment upon it has been watched with great jealousy. The right to such a trial is, it is believed, incorporated into and secured in every State constitution in the Union; and it is found in the constitution of Louisiana. One of the strongest objections originally taken against the Constitution of the United States was the want of an express provision securing the right of trial by jury in civil cases. As soon as the Constitution was adopted, this right was secured by the seventh amendment of the Constitution proposed by Congress, which received an assent of the people so general as to establish its importance as a fundamental guaranty of the rights and liberties of the people." Story, section 1769.

The judicial act of 1789, chapter 20, section 17, has given to all of the courts of the United States power to grant new trials in cases where there has been a trial by jury, for reasons for which new trials have been granted in the courts of the United States. Now, if the court has a right to grant new trials under the common law, why should the judge be made the most important member of the jury, advising and directing verdicts?

In the Federalist, 83, it is said: "An yet it may be safely affirmed, that more numerous encroachments have been made upon the trial by jury in this State since the Revolution, though provided for by a positive article of our Constitution, that has happened in the same time either in Connecticut or Great Britain. It may be added, that these encroachments have generally originated with the men who endeavor to persuade the people they are the warmest defenders of popular liberty, who have rarely suffered constitutional obstacles to arrest them in a favorite career."

So it is seen that a trial by jury in the days when the constitutional provisions were enacted was not a mock trial such as now obtains in many of our Federal courts. I don't believe I have ever seen half a dozen trials in a Federal court where the judge was impartial, but in the most of them he absolutely dominates the verdict of the jury from the beginning to the end.

Mr. Story in his admirable work, among other things, says, after showing the right of trial by jury was contained in Magna Charta:

"When our more immediate ancestors removed to America they brought this great privilege with them, as their birthright and inheritance, as a part of that admirable common law which had fenced round and interposed barriers on every side against the approaches of arbitrary power. It is now incorporated into all our State constitutions as a fundamental right, and the Constitution of the United States would have been justly (highly) obnoxious to the most conclusive objection if it had not recognized and confirmed it in the most solemn terms." (Sec. 1779.)

In other words, according to Story, the very reason of the constitutional provision was to guard against the arbitrary power of the judges, and yet, under the modern view a jury is a formal adjunct to the judge, who either directs it what to do, or so advises it, or sums up the facts, or otherwise demeans himself so as to show the jury his own opinion and gets it to take his view of the facts.

I remember being in a little town in Tennessee not long ago where a new Federal judge had been holding court. He was a friend of mine and I asked some lawyer at the bar how he had gotten along. The reply of the lawyer was that the judge had tried 264 cases and hadn't lost a case.

The first section of Senator CARAWAY'S bill is as follows:

"That hereafter in any cause pending in any United States court, triable by jury, in which the jury has been impaneled to try the issue of facts, it shall be reversible error for the judge presiding in said court to express his personal opinion as to the credibility of witnesses or the weight of testimony involved in said issue: *Provided*, That nothing herein contained shall prevent the court directing a verdict when the same may be required or permitted as a matter of law."

In my judgment, the only trouble about this amendment is the proviso. When a judge says to a jury something like this: "Gentlemen of the jury, you have heard the evidence; you have heard the witnesses for the plaintiff, and the witnesses for the defendant. The witnesses for the plaintiff have no motive to tell anything but the truth; they are not interested and are fair and impartial witnesses. On the other hand, the defendant's witnesses have every reason to tell a falsehood about this matter, and I believe they are not telling the truth, but, of course, it is for you to decide whether they are not telling the truth."

Now, anyone in the world who has had anything to do with the actual trial of cases knows there is not one jury in a hundred that won't regard such a statement as the above binding upon them and the decision of the case. I am not quoting from an actual charge, but I have heard charges from a Federal judge even stronger than the one stated. I have heard them sum up cases stronger than the lawyer who is conducting the case could possibly sum up the evidence, and coming from the judge, it is absolutely destructive of the impartial opinion of the juror. The idea of a judge being the thirteenth juror does not come from the Constitution at all.

It is said that we must read the Constitution in the light of what was considered a jury trial at the time the amendment was passed. That is true, but the words of the Constitution itself must be given their manifest meaning. The sixth and seventh amendments were passed for the purpose of giving litigants an impartial trial before a jury in criminal and common law cases. If by that provision it had only been intended to give a jury trial under the advice and control

of a judge, it would have said so. But, as I have before pointed out, the judge was excluded from participation in the finding of the facts by the express statement that "no fact tried by a jury shall be otherwise reexamined in any court of the United States other than by rules of the common law." In effect this provision repealed the provision in the original Constitution allowing the Supreme Court to reexamine both causes of law and fact. Surely if our Constitution makers had intended that trial judges should have the right and power to participate in, argue for, and influence the verdict of a jury, then they would not have objected to permitting the Supreme Court to review the facts found by the jury.

Mr. President, I have a good, long experience at the bar; I have tried many jury cases in the Federal court and I have seen many others tried there. With some few exceptions, real, impartial, honest-to-God jury trials have been abolished by the Federal courts. Unconsciously these invasions of the trial judges of the province of juries, these encroachments of the Constitution as it is written, have been so long indulged in by trial judges and so often upheld by the appellate courts that it has gotten to be fully recognized, and yet the courts have made a dead letter of jury trials, guaranteed by the Constitution. I do not mean that these gentlemen have intentionally violated the Constitution, but by a series of constructions and encroachments upon the Constitution these provisions of the Constitution have been made nugatory, or practically so.

If the seventh amendment to the Constitution means the kind of jury trial they say it means, then the Caraway bill, if enacted into law, will be unconstitutional, of course. Yet I doubt if any court in the land would hold it unconstitutional, because it follows the very letter of the Constitution. The acid test, however, of the proposed law is its constitutionality.

I next come to the case of Capital Traction Co. *v.* Hof (174 U. S. p. 1). It is true that in that case Mr. Justice Gray, speaking for a majority of the court, expressed himself as follows:

"This court has expressed the same idea, saying: 'In the courts of the United States, as in those of England, from which our practice was derived, the judge, in submitting a case to the jury, may, at his discretion, whenever he thinks it necessary to assist them in arriving at a just conclusion, comment upon the evidence, call their attention to parts of it which he thinks important, and express his opinion upon the facts.' Vicksburg, etc., Railroad *v.* Putnam (1886), 118 U. S. 545, 553). And again: 'Trial by jury in the courts of the United States is a trial presided over by a judge with authority not only to rule upon objections to evidence and to instruct the jury upon the law, but also, when in his judgment the due administration of justice requires it, to aid the jury by explaining and commenting upon the testimony, and even giving them his opinion on questions of fact, provided only he submits those questions to their determination.' (United States *v.* Philadelphia & Reading Railroad (1887), 123 U. S. 113, 114. And see Spark *v.* United States (1895), 156 U. S. 51, 102, 106; Thompson *v.* Utah (1898), 170 U. S. 343, 350; Miller on the Constitution, 511; Cooley's Principles of Constitutional Law, 239.)"

But, Mr. President, if we read on the preceding pages the learned judge's examination of the American authorities, they do not uphold his conclusion. I first quote the judge's own statement of the law as shown on page 13:

"It must therefore be taken as established, by virtue of the seventh amendment of the Constitution, that either party to an action at law (as distinguished from suits in equity or in admiralty) in a court of the United States, where the value in controversy exceeds $20, has the right to a trial by jury; that when a trial by jury has been had in an action at law, in a court either of the United States or of a State, the facts there tried and decided can not be reexamined in any court of the United States otherwise than according to the rules of the common law of England; that by the rules of that law no other mode of reexamination is allowed than upon a new trial, either granted by the court in which the first trial was had or to which the record was returnable, or ordered by an appellate court for error in law; and therefore that unless a new trial has been granted in one of those two ways, facts once tried by a jury can not be tried anew, by a jury or otherwise, in any court of the United States."

And, again, his quotation from the Ohio law, as shown on page 14:

"The Supreme Court of Ohio held that the provision of article 1, section 19, of the constitution of that State, requiring compensation for private property taken for the public use to 'be assessed by a jury,' was not satisfied without an assessment by a jury of 12 men under the supervision of a court, and, speaking by Chief Justice Thurman, said: 'That the term "jury," without addition or prefix, imports a body of 12 men in a court of justice is as well settled as any legal proposition can be.' 'We agree with Grimke, jr., in Willyard *v.* Hamilton (7 Ohio, pt. 2, 111, 118) that a jury, properly speaking, is an appendage of a court, a tribunal auxiliary to the administration of justice in a court; that a presiding law tribunal is implied; and that the conjunction of the two is the peculiar and valuable feature of the jury trial; and, as a necessary inference, that a mere commission, though composed of 12 men, can never be properly regarded as a jury. Upon the whole, after a careful examination of the subject, we are clearly of the opinion that the word "jury" in section 19 of article 1, as well as in other places in the constitution where it occurs, means a tribunal of 12 men, presided over by a court, and hearing the allegations, evidence, and arguments of the parties.' (Lamb *v.* Lane (1854), 4 Ohio St. 167, 177, 179.)"

And again, his quotation from the Supreme Court of New Hampshire, as shown on page 15:

"The justices of the Supreme Judicial Court of New Hampshire, in an opinion given to the house of representatives of the State, said: 'The terms "jury," and "trial by jury," are, and for ages have been, well known in the language of the law. They were used at the adoption of the Constitution, and always, it is believed, before that time, and almost always since, in a single sense. A jury for the trial of a cause was a body of 12 men, described as upright, well-qualified, and lawful men, disinterested and impartial, not of kin nor personal dependents of either of the parties, having their homes within the jurisdictional limits of the court, drawn and selected by officers free from all bias in favor or against either party, duly empaneled under the direction of a competent court, sworn to render a true verdict according to the law and the evidence given them; who, after hearing the parties and their evidence, and receiving the instructions of the court relative to the law involved in the trial, and deliberating, when necessary, apart from all extraneous influence, must return their unanimous verdict upon the issue submitted to them.' Opinion of Justices (1660) 41 N. H. 550, 551."

And again, his quotation from Massachusetts, as shown on pages 15 and 16:

"Judge Sprague, in the District Court of the United States for the District of Massachusetts, said: 'The Constitution secures a trial by jury, without defining what that trial is. We are left to the common law to learn what it is that is secured. Now the trial by jury was, when the Constitution was adopted, and for generations before that time had been, here and in England, a trial of an issue of fact by 12 men, under the direction and superintendence of the court. This direction and superintendence was an essential part of the trial. At the time of the adoption of the Constitution, it was a part of the system of trial by jury in civil cases that the court might, in its discretion, set aside a verdict.' Each party, the losing as well as the winning, has a right to the legitimate trial by jury, with all its safeguards, as understood when the Constitution was adopted." (United States *v.* Bags of Merchandise, (1863) 2 Sprague, 85–88.)

It will also be noted that his notation from Lord Hale, on page 14, is the only authority he advances for the position the court takes that the judge has the right to give his opinion to the jury. Apparently, therefore, until 1886 at least, according to Judge Gray's own opinion cited by you, the English doctrine had never been accepted in the United States courts. So that it was nearly 100 years after our constitutional provision was adopted before our Federal courts announced the proposition that the judge had the right to express his opinion upon the facts.

If the charge of the court in the case of Vicksburg *v.* Putnam (118 U. S.) be examined, it will be found that the language used by Judge Gray was not language that really prejudiced the case. I quote two of the excerpts complained of: "If it was a bad crosstie and it was the cause of the accident, why, then, the negligence of the road would be very great, or the negligence of the employees, because that was a thing anybody could see." And there were two charges complained of, of like character, but then the court said: "I would not be prepared to say what they ought to do in a case like this. If a rail be 40 years old, perhaps they ought to send a man around every day to hammer it. I do not say that this would be their duty. I suggest that to you for your consideration, because this is extraordinary to use a 40-year old rail. There is no evidence that they did anything more with that than they did with any other rail."

The court, therefore, in making its charge, did not make any very pronounced statement of opinion. He merely commented on the facts, but it is distinctly seen in that case that the judge was fair about it, and I doubt if there was any error in the court's sustained charge. But the reason given gave rise to very different charges of courts later. Frankly, the opinion ought never to have been written, and in my judgment constitutes a violation of the constitutional right to a fair and impartial jury.

That opinion was delivered in 1886. In 1887 the same judge, in the case of United States *v.* Reading Railroad, delivered a like opinion, but the facts are not set out. He cited his former opinion and one in 122 U. S. 360 for authority in the Reading Railroad case.

The next case, of Sparf Hansen *v.* United States (156 U. S. 51), was a murder case, and the trial judge in that case said to the jury: "For if a felonious homicide has been committed, of which you are to be the judges from the proof, there is nothing in this case to reduce it below the grade of murder."

And again: "Yet, as I have said in this case, if a felonious homicide has been committed at all, of which, I repeat, you are the judges, there is nothing to reduce it below the grade of murder."

And again: "You are the exclusive judges of the fact. No matter what assumption may appear during the course of the trial in any

ruling of mine, or what may appear in any one of these instructions, you are to take this case and consider it, and remember you are the tribunal to which the law has referred the case and whose judgment the law wants on the case."

In the opinion of the majority of the court, delivered by Mr. Justice Harlan, it is said:

"We are of opinion that the court below did not err in saying to the jury that they could not consistently with the law arising from the evidence find the defendants guilty of manslaughter or of any offense less than the one charged; that if the defendants were not guilty of the offense charged, the duty of the jury was to return a verdict of not guilty. No instruction was given that questioned the right of the jury to determine whether the witnesses were to be believed or not, nor whether the defendant was guilty or not guilty of the offense charged. On the contrary, the court was careful to say that the jury were the exclusive judges of the facts, and that they were to determine—applying to the facts the principles of law announced by the court—whether the evidence established the guilt or innocence of the defendant of the charge set out in the indictment."

This opinion does not in any way uphold the dictum of Mr. Justice Gray in the Vicksburg Railroad case. In addition to that, it was a 5 to 4 decision, Justices Brown, Brewer, Gray, and Shiras taking the other view of it. This case, instead of being an authority for the abolition of jury trials in Federal courts, is an authority the other way.

The case of Thompson against Utah, cited in the opinion, does not in any way support the statement made by Mr. Justice Gray in the Capital Traction case, except the dictum, which I quote:

"In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so. It does not affect the case that we are considering at all."

With all due respect, the citation to Mr. Miller's lectures on the Constitution, page 511, is absolutely no authority for the position taken. The court evidently didn't read it.

The citation of Cooley's Principles of Constitutional Law is an incorrect citation. Mr. Cooley considers the question on page 263 of his third edition. The page 239 may refer to some other edition. I do not know. But the truth is that Mr. Cooley takes the opposite view of that announced in the opinion. Professor Cooley does refer to the Vicksburg case, but his whole treatment of the subject of jury trials in civil cases negatives the idea suggested in this opinion.

In describing jury trials, Mr. Blackstone, who may be regarded as being fairly familiar with the principles of the common law in England, says:

"When the evidence is gone through on both sides, the judge in the presence of the parties, the counsel, and all others, sums up the whole to the jury; omitting all superfluous circumstances, observing wherein the main question and principal issue lies, stating what evidence has been given to support it, with such remarks as he thinks necessary for their direction, and giving them his opinion in matters of law arising upon that evidence." (3 Blackstone's Commentaries 375.)

Mr. Blackstone issued his commentaries in 1758, as I recall. At all events, it was only a short time before our Constitution went into effect. These commentaries had become well known in America and so had jury trials, which were part of the system of every English colony in America. It was stated by him that the judge stated the law upon the facts as arisen in the trial and that the jury, accepting the law from the court, were the exclusive judges of the facts.

I doubt if an opinion can be found anywhere holding that the jury is not the exclusive judges of facts under our Federal Constitution. Yet the apologists of the present-day, or mock, system of jury trials in Federal courts will say that the judge has the right to argue the case to the jury for the one side or the other, or to take away the case from the jury because, in his opinion, there are no facts to be decided by the jury, or to bias the jury by criticizing witnesses on the one side or the other, or otherwise controlling the verdict of the jury, and that these invasions of the sacred right of trial by jury guaranteed by our Constitution does not constitute an interference with the exclusive right of the jury to pass on the facts. If the jury are the exclusive triers of fact, under our Federal Constitution, then any act or statement by the judge which interferes with that exclusive right is an invasion of the province of the jury and a disregard of the Constitution. The theories advanced by judges condoning this invasion of the constitutional function of the jury are wholly untenable under the provisions of the Constitution.

Mr. Blackstone also says in referring to awarding new trials:

"Causes of suspending the judgment by creating a new trial are at present wholly extrinsic, arising from matter foreign to or dehors the record. Of this sort are want of notice of trial or any flagrant misbehavior of the party prevailing toward the jury, which may have influenced their verdict, or any gross misbehavior of the jury among themselves; also if it appears by the judge's report, certified by the court, that the jury have brought in a verdict without or contrary to evidence, so that he is reasonably dissatisfied therewith, or if they have given exorbitant damages, or if the judge himself has misdirected the jury, so that they found an unjustifiable verdict, for these and other reasons of the like kind it is the practice of the court to award a new, or second, trial. But if two juries agree in the same or a similar verdict, a third trial is seldom awarded, for the law will not readily suppose that the verdict of any one subsequent jury can countervail the oaths of the two preceding ones." (3 Blackstone, p. 386.)

Now, this was the kind of jury trial that was in vogue and well understood in England and America at the time our Constitution was formed. This was the "right of trial by jury" which the Constitution directed "shall be preserved." The new trial or trials thus described by Mr. Blackstone were the new trials referred to in the Constitution when it declared: "No fact tried by the jury shall be otherwise reexamined in any court of the United States other than by the rules of the common law." If Mr. Blackstone did not know what a jury trial was at that time, I doubt if anyone did.

It is thus seen that the right of trial by jury preserved in our Constitution had a distinct, fixed, and absolute form, and here it may be stated that under the common-law definition of trial by jury as given by Mr. Blackstone and under the plain provision of the Constitution no power was granted the judge—

1. To become the thirteenth juror;
2. To advise what kind of verdict it should bring in;
3. To persuade the jury what kind of verdict to bring in;
4. To argue what kind of verdict the jury should bring in;
5. To denounce or criticize witnesses on either side;
6. To make a speech in behalf of one of the litigants;
7. To say, "I think the plaintiff is entitled to recover under the facts, but you must find the facts for yourselves";
8. To say, "I don't believe the testimony of certain witnesses, but you must decide this matter for yourselves";
9. To say generally to the jury, "I have weighed all the evidence offered by the plaintiff and the defendant and I do not think there is any evidence on which a verdict can rest";
10. To say, "I have weighed all the evidence submitted by the parties hereto, and under the evidence I charge you that the plaintiff is entitled to recover";
11. To say, "I have weighed all the evidence in this case, and I charge you that the defendant is entitled to a verdict at your hands";
12. The taking away from the consideration of the jury by the court, of a lawsuit after the issue is joined, was absolutely unknown to the common law.
13. The practice, at the end of plaintiff's testimony and before the defendant is heard, to charge the jury that the plaintiff had not made out a case, was unknown to the common law.

All of these practices herein enumerated, have grown up largely in the last 40 years, and each and every one of them constitute an invasion of the sacred right of trial by jury, guaranteed by our Constitution. Some of them are disguised by the appellate courts. Some of them are excused by the appellate courts. Some of them are affirmed by the appellate courts; but whether disguised, excused, or affirmed, they constitute simple evasions of the Federal Constitution which no court under its oath should uphold. Little by little the province of the court in jury trials has been constantly enhanced and added to and the province of the jury has been constantly encroached upon and lessened until our Federal courts now have boldly proclaimed the doctrine that a jury trial is wholly under the control of the court. We talk about upholding and defending the Constitution, and yet we find that our Federal judges are constantly permitting encroachments and invasions of the jury-trial provisions of that sacred instrument.

Mr. Blackstone in his Commentaries says: "The trial by jury has been, and I think ever will be, looked on as the glory of the English law. * * * It is the most transcendent privilege which any subject can enjoy, or wish for, that he can not be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals."

And then came the seventh amendment guaranteeing in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise reexamined in any court of the United States, than according to the rules of common law—and our courts have held and are constantly upholding the several invasions named above, of this sacred right of trial by jury.

The case of Vicksburg *v.* Putnam (118 U. S.) cites five previous cases as upholding the doctrine that the judge has the right to express his opinion on the facts. We will take those cases up in order.

The first case is Carver *v.* Jackson (4 Peters 81). That case does not sustain the position of the court. It is there said on this subject by Mr. Justice Story:

"The charge of the court in summing up the case to the jury is also spread, in extenso, upon the record; and a general exception was taken to each and every part of the same on behalf of the original defendant. And upon all these exceptions the case is now before us.

"We take this occasion to express our decided disapprobation of the practice (which seems of late to have gained ground) of bringing the charge of the court below, at length, before this court for review. It

is an unauthorized practice and extremely inconvenient both to the inferior and to the appellate court. * * * If, indeed, in the summing up the court should mistake the law that would justly furnish a ground for an exception."

Evidently the question of the Caraway bill was not in anywise considered in this case. I have already referred to Mr. Story's splendid definition of the jury system, in which the judge charged the law and the jury were the exclusive judges of the facts.

Again, in the case of Magniac *v.* Thompson (7 Peters, 390) the court, speaking by Judge Story, took occasion to reprimand the practice of sending the entire charge of the court up to the appellate court, but the case does not uphold the opinion of the court in Vicksburg *v.* Putnam (118 U. S.).

In the case of Mitchell *v.* Harmony (13 Howard, 130) Chief Justice Taney said:

"The passages in relation to questions of fact are nothing more than the inferences which in the opinion of the court were fairly deducible from the testimony, and were stated to the jury, not to control their decision, but submitted for their consideration in order to assist them in forming their judgment. This mode of charging the jury has always prevailed in the State of New York, and has been followed in the circuit court ever since the adoption of the constitution."

Then he goes on to say:

"The practice in this respect differs in different States. In some of them the court neither sums up the evidence in a charge to the jury, nor expresses an opinion upon a question of fact. Its charge is strictly confined to questions of law, leaving the evidence to be discussed by counsel, and the facts to be decided by the jury without commentary or opinion by the court.

"But in most of the States the practice is otherwise; and they have adopted the usages of the English courts of justice, where the judge always sums up the evidence and points out the conclusions which in his opinion ought to be drawn from it, submitting them, however, to the consideration and judgment of the jury."

This opinion of Chief Justice Taney may be regarded as a mild authority for the practice permitted in the Vicksburg Railroad case, but evidently Chief Justice Taney was considering the then present English practice and not the English practice as laid down by Mr. Blackstone and preserved by the seventh amendment.

The case of Transportation Line *v.* Hope (95 U. S. 302) is really an authority against the decision in the Vicksburg Railroad case. In that case the court said:

"The judge did not undertake to fix the value of the barge, but merely referred to the proof relating to it and said the jury would be justified in finding accordingly." "There could be no misunderstanding by the jury after this explanation."

"If there was an error in this respect, it was quite harmless."

The case of Nudd *v.* Burrows (91 U. S. 439), in an opinion delivered by Mr. Justice Swayne in 1875, is directly contrary to the holding of the court in the Vicksburg case. I quote from the opinion:

"Questions of law are to be determined by the court; questions of fact by the jury. The authority of the jury as to the latter is as absolute as the authority of the court with respect to the former. No question of fact must be withdrawn from the determination of those whose function it is to decide such issues.

"The line which separates the two provinces must not be overlooked by the court. Care must be taken that the jury is not misled into the belief that they are alike bound by the views expressed upon the evidence and the instructions given as to the law. They must distinctly understand that what is said as to the facts is only advisory and in no wise intended to fetter the exercise finally of their own independent judgment. Within these limitations it is the right and duty of the court to aid them by recalling the testimony to their recollection, by collating its details, by suggesting grounds of preference where there is contradiction, by directing their attention to the most important facts, by eliminating the true points of inquiry, by resolving the evidence, however complicated, into its simplest elements, and by showing the bearing of its several parts and their combined effect, stripped of every consideration which might otherwise mislead or confuse them. How this duty shall be performed depends in every case upon the discretion of the judge. There is none more important resting upon those who preside at jury trials. Constituted as juries are, it is frequently impossible for them to discharge their function wisely and well without this aid. In such cases chance, mistake, or caprice may determine the result."

This was the plausible wording of the Supreme Court decision by which the elephant got its trunk under the tent and by which judges in later decisions overturned jury trials in Federal courts. If this policy thus laid down by Mr. Justice Swayne had been literally followed, it would not have been so bad; but see what has grown out of it. The judge now tells the jury:

(1) "I have considered the evidence and there is no evidence on which you can base a verdict, and therefore you find for the defendant"; or (2) "There is no reason for you to disbelieve the Government's witnesses. They are fair and impartial. They have no interest in the matter. On the other hand, the defendant naturally has an interest in the matter, and his witnesses are interested in him"; and thus the judge dominates the verdict. Mr. Justice Swayne, when he started out in his opinion above quoted, stated the case accurately when he said: "Questions of law are to be determined by the court; questions of fact by the jury. The authority of the jury as to the latter is as absolute as the authority of the court with respect to the former."

I have tried many cases in Federal courts. I have never heard a Federal judge thus charge the jury, and so far as I now recall, I never knew one to present any case to the jury without indicating how he felt about the merits of the case. Indeed, in most cases, the judge determines a few minutes after the trial begins what he thinks about the case and thereafter he takes an active part in questioning the witnesses or in lecturing counsel and otherwise indicating to the jury what he thinks about the facts. If the Federal judges of the United States are opposed to jury trials, and I take it they are, then they ought to set out to have the sixth and seventh amendments to the Constitution repealed; but as long as they are sworn to uphold the Constitution and all of it, they ought to give it its proper interpretation. Judges have even less right to disregard the mandates of the Constitution than any other people, because they, of all persons, should know what the Constitution contains and they, of all persons, should be the first to defend each and every provision of that sacred instrument. It is the province of the Congress and of the several States to change the Constitution. It is not the province of the courts to change it by interpretation, by construction, or by disregarding its plain mandates.

I recall, in my own practice once, many years ago, where the trial judge, after hearing the evidence on behalf of the plaintiff instructed the jury to find for the defendant on the ground that no evidence had been submitted on which a verdict could be based. The court of appeals at Cincinnati, then composed of Justice Lurton, Justice Severens, and Justice Richards, reversed the case from the bench without even taking it under advisement, upon a simple statement of counsel for defendant of what facts had been adduced in the court below and the plaintiff thereafter received a judgment for the full amount and it was paid; and yet the trial judge had instructed the jury that there was no evidence on which a verdict could be found. The Constitution never gave the trial judge any such right, and to my mind it is a plain violation of the Constitution itself, for any judge to so instruct a jury or for any appellate court to uphold such an instruction.

MATERNITY AND INFANCY ACT

Mr. BAYARD. Mr. President, I ask unanimous consent to have printed in the RECORD a memorial of the board of managers of the Woman Patriot Publishing Co., remonstrating against the passage of House bill 7555, proposing to amend the act of November 23, 1921, for the promotion of the welfare and hygiene of maternity and infancy.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

The memorial is as follows:

A PETITION FOR THE REJECTION OF THE PHIPPS-PARKER BILL (S. 2696, H. R. 7555) PROPOSING AN EXTENTION OF THE MATERNITY ACT

[From the board of directors of the Woman Patriot Publishing Co., 8 Jackson Place NW., Washington, D. C.]

To the honorable Members of the United States Senate.

THE WOMAN PATRIOT,
Washington, D. C., May 17, 1926.

To the honorable Members of the United States Senate.

GENTLEMEN: The board of directors of the Woman Patriot Publishing Co., consisting of Mrs. John Balch, Milton, Mass.; Mrs. Randolph Frothingham, Boston, Mass.; Mrs. Rufus M. Gibbs, Baltimore, Md.; Miss Mary G. Kilbreth, Southampton, N. Y.; and Mrs. B. L. Robinson, Cambridge, Mass., is unanimously opposed to the renewal and extension of the Sheppard-Towner Maternity Act, as proposed in the pending Phipps-Parker bill.

Having been denied a hearing by the Senate Committee on Education and Labor and not having been heard at the hurried, inadequate House hearings opening within 24 hours after the introduction of the bill, we therefore respectfully submit to the honorable Members of the United States Senate, this petition for the rejection of the Phipps-Parker bill to extend the maternity act, and present reasons and facts comprehensively and in detail, for such action.

Your petitioners are veterans in the opposition to the maternity act, having fought it and the group of legislation of which it is a part since 1920.

We compiled the first Federal-aid taxation tables on the original Sheppard-Towner maternity and Smith-Towner education bills, showing the unjust incidence on the States of that tax which asserted the right of the Federal Government to redistribute the national wealth, and to operate a nation-wide system of thefts and bribes, corrupting the States to surrender their local self-government.

We reprinted the congressional debates of 1867–68 on the establishment and abolition of the short-lived, post Civil War Federal Department of Education, believing that remarkable legislative incident a powerful argument against repetition of that abortive experiment.

It was an officer of this company who brought the citizen's suit in the United States Supreme Court (Frothingham *v.* Mellon, 262 U. S. 447) to test the constitutionality of the maternity act, which the court dismissed, "for want of jurisdiction, without considering the merits of the constitutional questions," as the decision states.

Impressed by the gravity and obscurity of the social and economic issues involved in this legislation, your petitioners have examined, and now respectfully show a mass of related and indisputable facts, many of them never before presented to either House, and unknown to the public, which, in brief, seem to prove beyond reasonable doubt:

That placing the health of mothers and children and control of State health authorities' plans for maternity and infancy care under a radical Federal bureau of social workers is unscientific and unsafe for mothers and babies; that more lives of mothers and infants are lost, in the aggregate, among States accepting the maternity act than among States rejecting it; that the State most subjected to these experiments has the highest rate of maternal mortality from septicemia in the United States; and finally, that this legislation is an integral part and direct result of a comprehensive communist legislative program, designed and led by the ablest legislative manager communism has produced, to socialize and nationalize the care, control, and support of American children in the central bureau established by the same communist leader for that purpose, at the heart of the United States Government.

As no one of these bills can be considered adequately apart from its related measures and their common background and object, we are forced to a consideration of the whole interlocked group of measures constituting a program of revolution by legislation concerning women and children.

Your petitioners therefore respectfully present these facts at the length which their fair and comprehensive consideration seems to require, in the following form:

First, a summary of general objections to indicate the nature of the facts proposed to be sustained hereafter by documentary evidence.

Second, a memorandum of evidence, in detail, proving the truth of all charges contained in this petition.

SUMMARY OF GENERAL OBJECTIONS

1. The Congress and public tricked: These bills are dishonestly presented to hide their true scope and purpose. They are counterfeit legislation, organized schemes to trick the Congress and the country by pretended humanitarian, beneficent-appearing bills, masked as "welfare" and "women's" measures, and intrusted to certain women's organizations to engineer, the better to allay public suspicion, but are none the less straight imported communism. The Bolshevik wolf rarely gets to the doors of Congress except as a little Red Riding-hood.

Lenin's widow, Nadoshda Krupskaia, writing in Pravda, official Moscow communist organ, April 9, 1922, says:

"Our duty is to apply in practice the maxim of Vladimir Illich (Lenin): 'We must know how to build communism with noncommunist hands.'"

Again, Lenin said:

"If bolshevism fails, it will be because we could not get the mass of women interested." (Associated Press dispatch, February 27, 1919.)

When Madame Kalenina, wife of the soviet president, sought to enter the United States for an agitation tour in April, 1923, immediately after the execution in Russia of several clergymen for teaching religion to children, etc., the New York Herald, April 9, 1923, reported that—"a committee of well-known women to aid Madam Kalenina in her proposed tour here," included Miss Julia C. Lathrop, former chief of the Federal Children's Bureau and vice president of the National League of Women Voters.

Raymond Robins, describing to a Senate committee the German "method in handling the radical situation" to promote bolshevism in Russia (during the Czarist and Kerensky régimes) said it was "to find usually some woman—it happened in so many cases that it seemed that that was a general rule, to use a woman." (Bolshevist propaganda hearing, U. S. Senate, 66th Cong., 3d sess., February-March, 1919, p. 792.) Mr. Robin's testimony was not against the bolsheviks, but, in fact, so favorable that his "own story" (compiled chiefly from his testimony at that hearing) has since been advertised and sold as bolshevik propaganda by the Communist Workers Party of America.

2. Unconstitutional and unpopular: The Phipps-Parker bill concerns matters over which the American people never gave their Federal Government an iota of authority. It involves the same principle of nationalized, standardized care of children and Federal interference between parent and child which the American people so sweepingly repudiated in defeating the Federal child labor amendment, on which the States, acting under popular pressure, now stand 36 to 4 for rejection. Since aroused by the campaign of information waged from Massachusetts to Oregon against the child-labor amendment, there can be no question where the people stand on Federal interference in their homes. More oppressive invasions of the private lives of citizens have recently been proposed or attempted by the encroaching Federal power than George III would have dared to impose upon the American colonists, proving that the people may be as burdened by "multitudes of new offices" and "swarms of officers" under their own Constitution, made by themselves, when violated by their own Congress, elected by themselves, as if they had no representation at all. Citizens of Massachusetts have said that they regarded the advisory referendum of 1924, against the child labor amendment, as a bloodless, second Concord, "to leave their children free" (in the words of Emerson's hymn) from tyrannous control by Congress. It is not to be expected that a Union of 48 great States with 110,000,000 people can be more safely robbed of their Bill of Rights by their own Congress than 13 weak colonies could be oppressed 150 years ago by a distant Parliament. A candidate who has such expectations has learned little of the history and true spirit of his fellow citizens. As Horace Greeley observed, "The Americans are a great people when you make them a little mad." There can be no doubt that increasing Federal encroachments in domestic and family affairs are making them a little mad.

3. Revolutionary conspiracy: The Federal maternity bill inextricably interlocks with the child labor amendment and the Federal Children's Bureau. They constitute, with the Federal Education Department bill, a unified agency and program of revolution by legislation. They are as deliberate a conspiracy to destroy this Republic as any plot ever hatched to overthrow a government by force and violence.

Including the creation of the Children's Bureau in 1912, they were all backed by the same open groups and "underground" by the communists, and were chiefly promoted by one woman, a Marxian socialist, Mrs. Florence Kelley, formerly Mrs. Wischnewetsky (see p. 12931 of this article), pupil and translater of Friedrich Engels (coauthor with Karl Marx of the communist manifesto) and Engels's chosen lieutenant for introducing communism into "the flesh and blood of Americans" as he instructed her.

The Engels-Kelley program is derived straight from the fundamental communist manifesto of 1848 by Marx and Engels, fathers of modern communism, as well as from current Moscow Bolshevism, which specialized on women and children. It centers about the Federal Children's Bureau as closely as the Bolshevik system for women and children, the most brutalizing doctrine of the terror, centered about the soviet department of social welfare, and Alexandra Kollontay, its first commissar, who was indorsed by the Federal Children's Bureau as the author of "the most comprehensive study of maternity benefits and insurance that has yet appeared in any language." (Children's Bureau publication No. 57, Maternity Benefit Systems in Certain Foreign Countries, p. 175.)

The Engels-Kelley program carries in its wake as logical sequence doles for children and maternity or childbirth doles for women—"maternity benefits"—not as a help for needy mothers, but as a natural right, confirming the socialist doctrine that maternity is "a service to the state" and that all children "legal or illegal" and all mothers, married or unmarried, should be supported by public taxes instead of by individual husbands and fathers. This cattleizing, stock-farm, breeding proposition for replenishing the population that dehumanizes marriage and lifts responsibility for their offspring from fathers and mothers has incalculable social and moral consequences compared with which the mere cost or taxation aspect of the issue, however enormous, is relatively trivial.

An examination of Children's Bureau publications will reveal so many elaborate "studies" of illegitimacy, compared with the few short pamphlets on infant and child care, that the bureau might be considered to have a morbid interest in this subject were it not a well-known and deliberate plan of the socialists, set forth at length in Engels's Origin of the Family, Private Property and the State, and August Bebel's Woman and Socialism, to wipe out all legal, social, and moral distinction between legitimate and illegitimate children. It will be shown hereafter that both of these indecent socialist books have been recommended by Mrs. Kelley as fundamental studies for social workers. Also, a comparative table of Children's Bureau publications along this socialist line, as against its publications for mothers, is submitted in the attached memorandum of evidence (p. 12927).

With the inner ring of socialists and feminists in control throughout the country, under the Federal maternity act, of the health centers for mothers and infants (corresponding to the "shop nuclei" in factories as agitation centers in the industrial communist campaign) and of public schools and colleges under the proposed education bill, a channel of propaganda as pervasive as the circulation of the blood in the human system, the youth of the Nation would be at their mercy.

4. National suicide propaganda: The sane, prosperous American people would never accept communism with their eyes open. Engels knew that when he instructed Mrs. Kelley, January 27, 1887:

"[illegible] it [socialism] will be knocked into the Americans from w[illegible] and the more they test it by their experience * * * the deeper it will go into their flesh and blood." (New York Call, socialist organ, January 29, 1923.)

Our sturdy self-reliance and energy, heritage of pioneer days, are to be sapped by humanitarian "welfare" measures, making of American citizens mere parasites of their Government instead of its upholders. This country was settled by pioneers who came here facing danger, hardship, and privation, an unknown wilderness, and ruthless savages, because they counted freedom from oppressive, bureaucratic European Governments a greater boon than any material comfort and ease.

Jefferson voiced what they wanted in government in his first inaugural:

"A wise and frugal government, which shall restrain men from injuring one another and leave them otherwise free."

The framers of our Constitution sought every safeguard of our liberties, but George Washington warned us:

"Resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system and thus to undermine what can not be directly overthrown." (Farewell Address.)

Jefferson, with all his enthusiasm for our system, wrote:

"In every government on earth is some trace of human weakness, some germ of corruption and degeneracy, which cunning will discover and wickedness insensibly open, cultivate, and improve." (Notes on Virginia, 7, 390.)

The communists and socialists seek every opportunity that cunning can discover to use the "general welfare" clause of the Constitution, plus all the emotion and sentimentalism which modern propaganda methods can associate with the word "welfare" when coupled with women and children, "to undermine what can not be directly overthrown."

So many recent abuses have claimed the "general welfare" clause as authority that the editor of the Massachusetts Law Quarterly recently alluded to it as "The Achilles Heel of the Constitution." And the measures which the cunning of communists can not drag into Congress under a perverted interpretation of the welfare clause, or the stretching of some enumerated power until its framers would not recognize it, they propose by constitutional amendment, when the Supreme Court has held them clearly unconstitutional.

The Kelley-Engels program proposes to trick our own Representatives to legislate us into communism and make us dig our own graves, into which it is intended we shall fall by our own act.

This was the campaign policy adopted at the 1908 National Socialist Convention at Chicago, when the convention, split into two factions, fought out the problem of how best to overthrow the United States Government.

The two socialist factions, in entire agreement on their ultimate purpose, were at odds only as to methods practicable in America.

One faction, the extreme, straight, Marxian revolutionists, were called "impossibilists" by their American socialist colleagues, because their methods were deemed impossible in this country.

The other faction which prevailed was composed of "opportunists," so called because they made "immediate demands" for what they could get, bit by bit, through legislation for gradually fastening socialism insidiously upon us.

The open revolutionists were beaten every time by Morris Hillquit, chairman of the convention; Victor Berger, and other powerful socialist leaders, who told the delegates not to make themselves "ridiculous," not to make themselves "a laughing stock," etc., by demanding the full socialist establishment at once.

So clearly was it seen Americans would not knowingly accept socialism.

DIGGING OUR OWN GRAVES

A New York delegate explained to the socialist convention the "bit-by-bit" policy of tricking us into digging our own graves:

"To-day we are seeing encroachments after encroachments on the régime of private property in the means of life, and every time a utility is taken over and made public by nationalization, even with a capitalist government in control, so much does it limit the area of private ownership.

"President Roosevelt is a good deal wiser than some of the delegates here, because he saw these encroachments upon private ownership and called them the greatest national disaster that can take place; he does that because he knows that when one encroachment is made upon the arena of private property it means opening the door to all others. * * * They are playing into your hands, because you understand the philosophy of the situation, and they do not. * * * The capitalists themselves are digging their own graves, and when you see a little bourgeois shouting for Government ownership of gas or telephones or telegraphs you simply see him digging shovelful after shovelful out of the hole in which later we will bury the whole capitalist system." (Proceedings, National Socialist Convention, 1908, pp. 172–173.)

How many shovelfuls we have dug out of our own graves—how far we have progressed toward socialism—may be measured by noting how many of the political and industrial "immediate demands" of the 1908 socialist platform have been enacted by the two major parties.

Of the 11 political "immediate demands" of the socialists of 1908, 6 have become laws (2 of them Federal amendments) or are pending in the present Congress, put over by Republicans and Democrats, and 10 of the 11 have been actively agitated.

1. "The extension of inheritance taxes, graduated in proportion to the amount of the bequest and to the nearness of kin"—enacted September 8, 1916.

2. "A graduated income tax"—proposed as a Federal amendment July 12, 1909, and proclaimed February 9, 1913.

3. "The initiative and referendum, proportional representation, and the recall"—adopted as constitutional amendment by several States and proposed as a Federal "gateway amendment."

4. "Unrestricted and equal suffrage for men and women; and we pledge ourselves to an active campaign in that direction"—proposed as a Federal amendment (woman suffrage) June 4, 1919, and proclaimed August 26, 1920.

5. "The Bureau of Education to be made a department"—pending.

6. "The separation of the present Bureau of Labor from the Department of Commerce and Labor and the establishment of a Department of Labor"—enacted March 4, 1913. (See Proceedings, National Socialist Convention, 1908, p. 323, for full texts of "immediate demands.")

The five remaining socialist "political demands" of 1908, not as yet enacted, are:

(1) "The abolition of the Senate"; (2) "The abolition of the power usurped by the Supreme Court of the United States * * *"; (3) "That the Constitution be made amendable by majority vote"; (4) "That all judges be elected by the people for short terms," etc.; (5) "the free administration of justice."

Of the six parts of the industrial "immediate demands" of the socialists in 1908, the two referring to Federal legislation were both adopted and declared unconstitutional:

1. "The improvement of the industrial condition of the workers * * * by forbidding the employment of children under 16 years of age," and

2. "By forbidding the interstate transportation of the products of child labor * * *."

These industrial "immediate demands" were the germs of the McCormick-Foster Federal child-labor amendment, transmitted to the States June 2, 1924. Child labor was discussed at great length at the convention, and the necessity of doles for children to supplement it. (Proceedings, pp. 206–211.)

These demands were enacted as the first Federal child labor law, September 1, 1916 (Public, No. 249, 64th Cong.), and declared unconstitutional June 3, 1918, by the Supreme Court in Hammer *v.* Dagenhart. It was followed, February 24, 1919 (Public, No. 254, 65th Cong.), by another Federal child-labor law, which was also declared unconstitutional by the Supreme Court, May 15, 1922, in Bailey *v.* Drexel Furniture Co.

Immediately a number of Federal child-labor amendments were introduced, so determined were the interlocked groups pressing for control of children, and the one drafted and demanded by Mrs. Florence Kelley was proposed as a Federal amendment.

All of these things have been accomplished with never more than one open Representative of the Socialist Party in Congress.

Mrs. Kelley, who was chief draftsman of the amendment proposed (see Senate report on S. J. Res. 1 (68th Cong., pp. 49, 90, 91, 92, 123) and CONGRESSIONAL RECORD, May 31, 1924), testified at the Senate child labor amendment hearing (p. 49) that she had "been trying for 40 years to mold public opinion" in favor of such legislation. It will be shown hereafter, by Mrs. Kelley's own testimony, that for 39 years she has scorned "palliatives" and worked for these measures only as steps leading to full socialism.

Your petitioners are not interested in the philosophy of socialism, or in conditions in Russia, per se. Our interest is purely practical. We are only concerned with the infecting of our own people and Government, and with the agencies and instruments whereby socialism is secretly inoculated into "the flesh and blood" of Americans. Moreover, with two great former Empires (Germany and Russia) captured and controlled by socialists and communists—and now in open alliance—and with the French, British, and Italian Governments all having undergone disastrous socialist control within the last few years, it would seem the blindness of folly for Americans to disregard the fact that now, not only socialist organizations, but great socialist and communist foreign governments, with millions for propaganda at their command, have a direct material interest in promoting every form of socialism in America that may weaken the energy, cripple the man power, interrupt the industry, or sap the financial and political foundations of the United States—the most "magnificent country to loot" for a bankrupt world.

CAN NOT BE TAKEN AT FACE VALUE

No true consideration of these socialist measures can stop at their mere texts—their face value—legally or logically. We quote the highest legal authority for consideration of the implications, intentions, tendencies, and real substance of these bills.

The Supreme Court of the United States has repeatedly declared that it will "look through the form of any proceeding to its substantial character"; that "what is reasonably implied is as much a part of it as what is expressed" (256 U. S. 370–377); and that the "wishes and opinions" of organized private advocates of a measure, after they have prevailed and the measure is enacted, may express legally "an altogether probable intent" (262 U. S. 100).

Moreover, we have a right and duty to consider not only the proclaimed wishes and intentions of advocates, but also the tendencies of a measure.

Abraham Lincoln, in his debate with Douglas, October 15, 1858, declared:

"When I propose a certain measure or policy it is not enough that I do not intend anything evil in the result, but it is incumbent on me to show that there is not a tendency to that result."

Your petitioners respectfully proceed with:

MEMORANDUM OF EVIDENCE

1. The Congress and public tricked: From its start with the establishment of the Federal Children's Bureau to the pending Phipps-Parker and Curtis-Reed bills the Kelley program has been marked by fraud and deceit. One by one it will be shown that not one of the measures has been offered in good faith, has meant what it said, or could be taken at its face value.

(a) *Establishment of Children's Bureau, April 4, 1912.*

The floor sponsors of the Borah-Peters bill of 1911 for the establishment of a Federal Children's Bureau thought they were creating a little fact-finding, statistical agency, to cost $29,000 or $30,000 a year, to gather statistics on children, with no administrative authority. Instead they were setting up a central apparatus of power over youth, capable of unlimited expansion and penetration into the homes of the people, not along health lines, as the public supposed, but for economic and socialistic propaganda.

Like the Sheppard-Towner maternity bill of 1921 the Borah-Peters bill to establish the bureau was a much-reduced form of previous bills, due to no change whatever of intention or purpose or scope on the part of the backers, but necessitated by the opposition encountered. It is the old camel's nose-under-the-tent strategy.

It deceived Senator BORAH and Representative Andrew J. Peters, of Massachusetts, into sponsoring the bill establishing the bureau. In his speech of 1912 Senator BORAH said:

"There have been a number of bills covering this subject introduced from time to time in the Congress, but most of the measures heretofore have gone much further than this bill proposes to go and have undertaken in a measure to legislate concerning the question of the employment of children in manufacturing establishments and elsewhere and have been thought to intrude or impinge upon the peculiar rights of the States. I am not myself and have never been in favor of extending this kind of legislation to the point where it might be said to impinge upon the rights of the States. But this bill goes no further than to gather the information such as is now being done by the Government in other departments concerning other matters of interest. * * *

"The amount of appropriation in the bill is about $29,000, possibly $30,000. The bills, as they were originally introduced concerning this particular subject, carried appropriations much larger than that, but the committee reduced it to the lowest figure possible to still maintain something like an active and vital bureau * * *." (CONGRESSIONAL RECORD, January 8, 1912, pp. 702–703.)

The bill's House sponsor, Representative Andrew J. Peters, was positive as to the proposed bureau's cost:

"Mr. PETERS. The total expense contemplated by this bill for the chief, assistants, for the experts, clerks, and everything else amounts to $29,440, annually, including rent and various salaries and expenses of the people connected with it——

"The CHAIRMAN. You think that the cost of this bureau will only be $29,000. You have in mind, I presume, the cost of clerical work here at Washington?

"Mr. PETERS. Yes, the cost of clerical work here at Washington.

"The CHAIRMAN. Would it not also require, in order to make the bureau effective, considerable field work and also printing and work of that kind?

"Mr. PETERS. This includes the expenses of all the men engaged in field work. It includes the expenses of everything except printing."

(Hearing, House Committee on Labor, on H. R. 4694, 62d Cong., 1st sess., May 12, 1911.)

The Peters bill went through the House under suspension of rules. The late Representative Swagar Sherley, of Kentucky, protested:

"It was made impossible to debate it in the time now at the disposal of the House, and it is an indictment of this procedure of the House that this bill should be considered under a suspension of the rules, with only 20 minutes debate on a side * * *. There is not the slightest excuse to insist that this House shall to-day, with only 20 minutes to a side for debate, without power of amendment, pass this bill." (CONGRESSIONAL RECORD, April 2, 1912, p. 4222.)

It may be noted that exactly the same tactics on the floor of the House were used to get through the present Parker bill (H. R. 7555) on April 5, 1926.

The extent of the sponsors' miscalculation as to the bureau's cost is revealed in the following table compiled by the Budget Bureau, showing an increase of over 3,000 per cent in 13 years:

Appropriations of the Children's Bureau, Department of Labor

Fiscal year	Salaries and expenses, including bonus and classification	Enforcement of child labor law	National security and defense[1]	Maternity and infancy, including bonus and classification	Total
1913	$21,936				$21,936
1914	25,640				25,640
1915	161,265				161,265
1916	164,640				164,640
1917	164,640	$50,000			214,640
1918	280,581	100,000			380,581
1919	283,610	[2]125,000	$250,000		658,610
1920	310,008				310,008
1921	294,874				294,874
1922	295,476			$490,067	785,543
1923	339,829			1,241,600	1,581,429
1924	341,906			1,241,692	1,583,598
1925	325,000			1,007,092	1,332,092
1926	313,000			1,000,000	1,313,000
Total	3,323,305	275,000	250,000	4,980,451	8,828,756

[1] The $250,000 under "National security and defense" was from the President's fund in 1919.

[2] The appropriation for enforcement of child labor law, 1919, $125,000, was not used, as the child labor law was declared unconstitutional before the appropriation became available.

The bureau's campaign for power increased from "authority to gather facts and statistics" in 1912 to demanding and securing the passage and administration of the Federal maternity act of 1921 (drafted in the bureau for the bureau) and finally reaching out for Children's Bureau control of all "persons under 18 years of age" through the Federal child-labor amendment.

The bureau was never intended by its real backers to confine itself to investigation. A month after the bureau was created the Woman's Journal, now the Woman Citizen, formerly official organ of the National American Woman Suffrage Association, of which Mrs. Kelley was vice president, declared editorially:

"We shall not be willing to let the establishment of the Children's Bureau mean simply investigation—it must mean power to change things." (Woman's Journal, May 11, 1912.)

Again, while Senator BORAH was confident the bureau would not "impinge upon the peculiar rights of the States," Miss Jane Addams, coworker with Mrs. Kelley, and head of Hull House, Chicago, in which Mrs. Kelley (and both the former chief and the present Chief of the Children's Bureau, Miss Julia C. Lathrop, and Miss Grace Abbott) was a resident for several years, stated flatly that the Federal bureau was desired precisely for the purpose of wiping out State lines that had hampered the activities of the National Child Labor Committee. In an article published with the Senate report on the bill establishing the Children's Bureau, Miss Addams declared:

"How absurd State lines are when it comes to industrial questions. * * * A Federal bureau naturally would have nothing to do with State lines and only a Federal authority could adequately deal with such a situation. * * * These problems must be dealt with by a Federal authority having power to transcend State lines." (Senate Rept. No. 141, 62d Cong., 1st sess., on S. 252 by Senate Committee on Education and Labor.)

The bill establishing the bureau met with powerful opposition in the Senate, led by Senators Bailey, of Texas; Gallinger, of New Hampshire; Heyburn, of Idaho; OVERMAN, of North Carolina; Stone, of Missouri; and Works, of California.

Attempts to amend the bill to protect citizens from invasions of their homes by Government agents, introduced by Senators Thornton, of Louisiana, and Culberson, of Texas, were twice defeated.

Senator Heyburn declared:

"We have now placed the stamp of disapproval on Article IV [amendments] of the Constitution of the United States," the so-called right of castle. (CONGRESSIONAL RECORD, January 31, 1912, p. 1576.)

Senator BORAH had opposed the amendments, saying:

"It renders less effective the measure, and it would be very unfortunate for the bill if it were adopted." (Ibid., January 31, 1912, p. 1575.)

Senator Culberson commented:

"The Senator from Idaho, having charge of the bill, said if the amendment were adopted it would destroy the very purpose of the bill, showing that it is contemplated that these officers shall enter private residences, if necessary."

Senator Culberson thereupon introduced a third proposed amendment having the same purpose as his previous amendment:

"But no official or agent or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a private residence."

This passed by a narrow margin (39 to 34), but the bill's Senate sponsor voted "no" on all these amendments to uphold the "right of castle." (CONGRESSIONAL RECORD, January 31, 1912, pp. 1575, 1576, 1578.)

This inhibition, without "teeth" or a penalty clause, in the act creating the bureau unfortunately amounts merely to legislative advice, and seemingly has not curtailed bureau officials' activities.

The same struggle to protect citizens' homes from invasion took place when the maternity act of 1921 was enacted. After vigorous pleas for the "right of castle" by Senator REED of Missouri and others another futile gesture was made, merely declaring that officials shall have no "right" to invade homes under the maternity act, but providing no penalty whatever for disregard of this provision.

Few better illustrations that "a law without a penalty is only legislative advice" can be cited than these gestures of pretended concession to the right of castle in the act creating the Children's Bureau and in the maternity act.

Senator Weldon Brinton Heyburn alone saw the communist background of the bill to establish the Children's Bureau and fought it with prophetic insight:

"While upon the face of this measure it merely provides for the taking of statistics, the accumulation of knowledge, yet we know from other measures which have been introduced, some from the same source, that it contemplates the establishment of a control through the agencies of Government over the rearing of children. There are other measures now pending in committees of this body going much further, going to the extent of interference with the control of a parent over the child. * * *

"The frequency and insistence for this class of legislation seem to be growing with accelerated speed. The jurisdiction established over the children of mankind in the beginning of the human race has worked very well. It is in accord with the rules of nature. It is based not upon duty but upon the human instinct that established the principle upon which all duties rest. The mother needs no admonition to care for the child nor does the father. The exceptions to that rule are such as those to the rule against taking human life. * * *

"No one can be more sympathetic than I am with the needs, the welfare, and the comfort of the children of the country, but I am not willing to substitute any other control for that of the parent. I would control the parents, if necessary, when they would violate the recognized rule of the domestic establishment, * * * but I would do it through the police laws of the land, the local laws. * * *

"Are we to create as this contemplates, in every State and Territory and corner of the United States, a nursery that shall pass upon the wisdom of the mothers and the fathers of the land? Are we, as this contemplates, to appoint Federal officers to superintend the nurseries of the country or the cradles of the poor? Are we through this agency to say what school of medicine shall be invoked for the assistance of the child that is ill? Are we to provide that some one may step in and be substituted for the parent in the care of the child merely because of a difference of opinion?" (CONGRESSIONAL RECORD, December 11, 1911, p. 189.)

"Does anyone suppose that the law would be so administered as to deal equally with the children of all classes? Would it inquire whether or not the habits of the parent of wealth were such as to exercise a proper influence over the mind of the child of wealth, or do they propose to inquire whether or not the moral character and habits of the rich parent are such as to constitute a worthy example to the children of those parents? Do they propose to follow the child of the rich into the schools, into the colleges, into whatever institution the child is sent to obtain an education, to ascertain whether or not the morals of that child need public supervision or public exposure? * * *

"This matter has been discussed in newspapers and in speech and in letter always from the standpoint that it was the children of the poor that needed the care and supervision of the Federal Government, and that the money was to be appropriated for the advancement and the uplift only of the children of the poor. * * * Do you think the morals of the people of wealth in this country are superior to the morals of the people who labor for their living and who constitute, probably, 90 per cent or more of the population? * * *

"There may go into the household of the poor man, who is defenseless against this inquisition, a man stamped with authority, or who thinks he is, and he may ask the resident questions as to his habits, as to his wife's habits, as to the habits of the adult members of the family, as to whether they play cards or drink or gamble or dance, and then you have made a record by which the child is to be judged or the parent or guardian is to be judged. You have indulged in an inquisitorial proceeding, which, except for the purpose of discovering crime or enforcing the law against it, we ought never to permit under the laws of this country. * * *

"They would not attempt to execute it except as against the class that is most helpless in their hands—those who toil for a living and do the best they can." (CONGRESSIONAL RECORD, January 30, 1912, p. 1526.)

"That kind of a law would have taken Abraham Lincoln from his parents' care and custody and have had him educated by these theorists and interferers with the domestic economy and system of mankind. He never would have been allowed to live at home, poor as he was; his parents would not have been allowed to keep him. Some committee of the description I have already stated would have gone there and said, 'What, allow that child to lie down there and eat corn pone and hoe cake by the hearth! He can not possibly amount to anything; we want to take him down to the headquarters, where we are drawing salaries for taking care of that kind of people.' That is what they would say." (CONGRESSIONAL RECORD, January 8, 1912, p. 764.)

"I have a large correspondence in regard to this matter which tells the purpose of it, because those who favor it tell in their letters what they expect to do under it. * * * I asked them specifically what their object was in supporting this measure, which they insisted I should vote for. I asked them what they hoped to accomplish. Their answer, if not in uniform speech, in spirit is that they hope to be in a position to exercise jurisdiction over children who in their judgment are not being properly cared for. They want to become substitutes for the parents. Perhaps some of them may be parents. Many of them, to my knowledge, are not. But they are anxious to secure an opportunity, which they have not improved on their own part, of becoming the parents in fact of other people's children." (CONGRESSIONAL RECORD, January 24, p. 1248.)

INQUISITORIAL PROCEEDINGS

It will be found that the predictions of Senator Heyburn in 1912 really minimized the degree and character of the inquisitorial proceedings which have actually been practiced by the Children's Bureau.

The bureau was directed to investigate "infant mortality"—as a health matter, the people supposed. Instead, as the bureau chief declared:

"None of the studies made by the bureau attempt to approach infant mortality as a medical question. They are concerned with the economic, social, civic, and family conditions surrounding young babies." (Miss Julia C. Lathrop, former chief of Children's Bureau, in signed article, "Income and infant mortality," American Journal of Public Health, Vol. IX, No. 4, April, 1919, pp. 270–274, reprinted and circulated by the Children's Bureau.)

Instead of approaching infant mortality as a medical or health question, the bureau checked up the salaries of husbands, not only by subjecting their wives to inquisition, but by actually inspecting pay rolls. Miss Lathrop says:

"The surroundings of each child were traced through the first year of life * * * by women agents of the bureau who called upon each mother. * * * while it was plainly necessary to accept the mother's statement with reference to matters directly pertaining to the daily life of the baby, it was thought that she might not always know about her husband's earnings and that other sources of information might be more important. Pay rolls were consulted and employers and the fathers themselves were interviewed." (Ibid.)

The bureau was interested in husbands' salaries, not as a health matter but as a basis for socialistic propaganda, for after making several of these investigations in a few towns and issuing reports thereon purporting to show that the children of the poor are neglected and not properly cared for without governmental interference and subsidies, the bureau, in its official book, Standards of Child Welfare, declares:

"The logic of the evidence adduced seemed to indicate that a very large ratio of the families of the United States obtain incomes too small to make possible the rearing of children in the manner which scientific and humane considerations, as well as the prosperity of the nation, demand."

At page 45 of the same Children's Bureau book we find what has been described by Senator REED of Missouri as "this choice bit of communism":

"The cost of living must come down or there must be a nationalization of financial responsibility which will relieve the individual family of a portion of the cost which they must now bear or wages must rise to cover the cost of living."

Not even Senator Heyburn could have dreamed in 1912 that the Children's Bureau, under authority to investigate "infant mortality," would recommend "nationalization of financial responsibility," straight communism, to reduce infant deaths.

The sponsors of the Children's Bureau bill in 1912 were tricked by its socialist backers into believing it merely an information bureau to promote child health by gathering and distributing statistics thereon.

(b) *The maternity and infancy act, November 23, 1921.*

The second legislative fraud was the Sheppard-Towner Maternity and Infancy Act, whereby the Children's Bureau, the $29,000 a year "statistical agency," reached out for administrative power in the States over mothers and children, with a proposed $4,000,000 a year Federal

subsidy, to be matched by the States, with which to purchase State and local obedience to the bureau's Federal "minimum standards."

The maternity act specifically extended the Children's Bureau's activities to include women, and, contrary to popular belief, the bill's backers were not mainly concerned with the health of mothers, but with the "economic and social conditions surrounding women and children."

In proof of this the following official statements are quoted:

"Miss JULIA C. LATHROP (then chief of the Children's Bureau). For seven years the Children's Bureau has devoted much attention to the subject specifically stressed in its organic act, namely, infant mortality. None of these studies, it should be stated, are medical studies. They consider the economic, industrial, social, civic, and family factors surrounding the child and mother. * * * The figures of family income gathered by the bureau prove irrefutably that a large proportion of babies are born into homes where the income can not cover the expenses of satisfying the reasonable requirements of mother and baby." (Hearings, Senate Committee on Public Health and National Quarantine, May, 1920, p. 11.)

"Family well-being involves many services, among them those of teacher, physician, nurse, social economist * * *; hence members of the Federal board represent education, health, and social economy." (Ibid. p. 11.)

"Mr. WINSLOW (chairman House Committee on Interstate and Foreign Commerce). Is this not specifically a medical proposition?

"Miss LATHROP. I do not so regard it; and I am sure that anyone who had time to read the successive reports of the bureau upon infant mortality would not feel that this bill is primarily a medical proposition. I think it is a social and economic proposition, and we can not ignore those basic aspects of it." (Hearings, December, 1920, pp. 20, 21.)

"Mr. WINSLOW. Is there any doubt that this particular undertaking covered by this bill is a health consideration?

"Miss LATHROP. My judgment is that it is not altogether a health consideration. The inquiries that led up to it were not medical, but were chiefly in the social and economic field. And the principles to be applied in administering this law are largely in the social and economic field, and it is not a health measure in the sense in which the prevention or cure or treatment of disease is a health measure." (Ibid. p. 20.)

In short, Miss Lathrop argued repeatedly that preventing the deaths of mothers and babies is not regarded by the backers of the maternity act as a medical and health question, and that their interest in maternal and infant mortality lies in "social and economic" remedies, such as "nationalization of financial responsibility," investigations of husbands' incomes, "maternity benefits," and Federal subsidies as "the principles to be applied in administering this law"!

Dr. Anna A. Rude, director of the division of hygiene, Children's Bureau, testified to the same effect:

"This proposed bill has a broader scope than a purely health bill. That is one of the reasons for not putting it under the boards of health. * * * As I think I stated before, this bill is intended to be a much broader bill than a purely health bill; its real purpose is for educational extension work, and that is the reason for having it under a separate board. * * * This bill is really broader than a simple health measure." (Hearings, House Committee on Labor, January, 1919, pp. 50–52.)

Dr. Charles E. Sawyer (brigadier general, President Harding's physician) testifying in favor of the maternity act declared:

"This really is a sociological subject. I believe it belongs to the social service division of the new [proposed] welfare department. * * * My understanding of this bill is that it handles the sociological side. Do I make myself clear? It does not handle the medical side of maternity. It handles the social relations. * * * As I understand the matter in conversing with those who are interested in this bill * * * it seems to me * * * that this would go to the social service division of the [proposed] welfare department.

"Mr. COOPER (member of the committee). General, you said a few moments ago you thought that this measure was more sociological than medical, did you not?

"Doctor SAWYER. Yes, sir. * * *

"Mr. GRAHAM (member of the committee). Let me see if I get your idea. You conclude that this is purely a sociological question?

"Doctor SAWYER. I do. * * *

"Mr. GRAHAM. * * * When you want to embark upon the line of sociology by the Federal Government, the field is boundless, and, so far as I am concerned, I can not see the end." (House hearings, July, 1921, pp. 126–130.)

THE "INDUSTRIAL END" OF MATERNITY AND INFANCY

"Mr. WINSLOW. Can you tell me why you were assigned to the Department of Labor?

"Miss LATHROP. A very large proportion of the children of this country are the children of people who work with their hands; and there is a sound and natural connection between a bureau which is intended to understand and to improve the condition of children and child life and a department whose duty is to improve the condition of working people.

"Mr. WINSLOW. Well, that was when your office was created and began to function. It bore more directly on the labor side then.

"Miss LATHROP. We have an industrial division now, and we are constantly making industrial studies.

"Mr. WINSLOW. That is what I mean; you are tied up to the industrial end of it more particularly. * * *

"Would it cause any hindrance to the progress of your work if you were to be transferred to the United States Public Health Service?

"Miss LATHROP. I should regard it as a fatal error to transfer a bureau whose business it is 'to investigate and report upon all matters relating to the welfare of children and child life' to the sole supervision of physicians, earnestly as I may respect physicians.

"Mr. WINSLOW. Well, you did draw in a medical branch to your office when you entered this field?

"Miss LATHROP. Yes; we did draw in medical advisers later, when we had more money. We are aware that there are aspects of life which require the services of physicians, but they are a small part of child welfare, and must be considered in relation to the social field." (House hearings, December, 1920, pp. 19, 20.)

Mrs. Florence Kelley, general secretary of the National Consumers' League, testified:

"The National Consumers' League has been interested for several years in the movement for compulsory industrial health insurance for working people. We have also been interested in legislation providing for a period of compulsory rest of expectant mothers before and after the birth of their children. Both these measures are vain until the passage of this bill. * * *

"The Consumers' League interests itself primarily in the employees in the industries." (Senate hearings, May, 1920, p. 51.)

After admitting that her league was interested in "compulsory industrial health insurance" and "maternity benefits"—which are straight German socialist schemes, rejected by every State in this Union and opposed by American organized labor—and that she regarded the maternity act as a step toward their enactment, Mrs. Kelley nevertheless ended her testimony with an impassioned indictment of Congress:

"Inaction shrieks to Heaven at the present time. * * * Why does Congress continue to wish to have mothers and babies die?" (Ibid., p. 53.)

HEALTH FRAUD FURTHER REVEALED

The original Children's Bureau maternity bill proposed to appropriate $4,000,000 annually by the Federal Government—to be matched by the States—and included a provision for "medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas."

That was to make believe that mothers and infants would receive actual assistance, especially in "remote areas" and rural districts, but it was demonstrated in the first Senate debate that the backers of the bill really intended practically the entire $8,000,000 a year for "social and economic" investigations, reports, salaries, etc., and were ready to drop any actual help to mothers and babies as soon as it seemed possible to pass the bill without it, but they asked the full appropriation to the last.

This is proved by the following debate:

"Senator HOKE SMITH. Section 8 contains this provision:

"'And the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas.'

"Senator SHEPPARD. The chairman of the committee, the Senator from Maryland (Mr. France) has indicated his willingness to accept an amendment eliminating that provision.

"Senator SMOOT. Do I understand the Senator * * * to say that the chairman of the committee has accepted the proposition eliminating that whole section?

"Senator SHEPPARD. No; but eliminating the provision to which the Senator from Georgia makes objection * * * the Senator from Maryland will accept an amendment eliminating that clause * * *. The Senator from Maryland is now here, and he can verify what I said a few moments ago.

"Senator SMITH of Georgia. I desire to say to the Senator from Maryland that it has been stated in his absence it was the purpose of those in charge of the pending bill * * * to amend the original language by striking out the words, 'and the provision of medical and nursing care,' etc. * * *.

"Senator FRANCE. Mr. President, I do not consider that that amendment would materially injure the bill or defeat its purpose and I myself do not feel like opposing it.

"Senator SMITH of Georgia. * * * When these large sums were put into this bill it was with the idea of treating individual cases.

"Senator SHEPPARD. Mr. President, that was not the idea. The treatment of individual cases was never intended to amount to more than a very secondary and exceptional consideration * * *.

"Senator SMITH of Georgia. Does the Senator think it would take $8,000,000 annually simply to carry information and instruction on the subject?

"Senator SHEPPARD. *That was the conclusion of those who looked into the matter very carefully.*

"Senator BRANDEGEE. * * * May I ask who made the estimates for which these figures of $2,000,000 and $4,000,000 resulted? The Senator from Texas says he understands the matter has been very carefully considered and looked into. By whom?

"Senator SHEPPARD. *By the Children's Bureau.*

"Senator BRANDEGEE. And it is the opinion of the Senator that the Children's Bureau thought these amounts to be appropriated annually * * * were required simply for sending out circulars and literature on these questions?

"Senator SHEPPARD. *That was the idea*, because the work is to be in cooperation with all the States in the Union.

"Senator BRANDEGEE. They allowed nothing then for doctors' bills for women and children which was contained in the language which has been stricken from the bill?

"Senator SHEPPARD. That was considered to be a very small part of the matter. * * * *It was not intended to apply that phase of the bill extensively* at all. * * *

"Senator SMOOT. The amendment that has been adopted, in my opinion, takes out at least three-fourths of the expense that would be incurred under this bill.

"Senator SHEPPARD. Not at all, I will say to the Senator. *Only a small part of the money available was intended to be used for medical and nursing care.* * * * I will say to the Senator that only the *smallest part* of this fund was to be expended for actual medical and nursing care." * * * (CONGRESSIONAL RECORD, December 18, 1920, pp. 514, 515, 516.) (Italics ours.)

Can it be denied by any honest person, on the face of the record and the testimony of the leading advocates and backers of the maternity act, that it was intended not as a health or medical measure, but as a "sociological measure" for salaries, investigations, reports, and traveling expenses of bureaucrats chiefly concerned with "social and economic" principles and propaganda, who originally intended that "only the smallest part" of the fund was to be expended in actual aid of mothers and babies, and who, in the course of the passage of the maternity act, agreed to eliminate even that smallest part?

The maternity act as passed (Public, No. 97, 67th Cong.; 42 Stat. 135) contains this section:

"SEC. 12. No portion of any moneys appropriated under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any buildings or equipment, or for the purchase or rental of any buildings or lands, nor shall any such money or moneys required to be appropriated by any State for the purposes and in accordance with the provisions of this act be used for the payment of any maternity or infancy pension, stipend, or gratuity."

In short, not only does the act specifically prohibit the use of one Federal dollar to rent a bed in a hospital, or hire a taxicab, for a needy mother, or the clothing "equipment" to keep a new-born baby from freezing, but it also undertakes to command the States that not even "the smallest part" of the "matched" funds raised by the State shall be used for any "gratuity" to needy mothers and infants! Every cent is for salaries and "social service."

Your petitioners, desiring to be absolutely fair, invite attention to the fact that the latter part of section 12, commanding the States not to pay any maternity or infancy pension, etc., was added by the House Interstate and Foreign Commerce Committee, to prevent the use of this money for socialist "maternity benefits," after severe criticism, in the Senate and elsewhere of such Children's Bureau propaganda. (See Maternity Benefit Systems in Certain Foreign Countries, bureau publication No. 57.)

On the other hand, it was the bureau itself that put in the first part of section 12, prohibiting the use of the money to purchase, erect, preserve, repair, or rent any "buildings or equipment."

The reason for this clause is that the Children's Bureau wanted the money appropriated under the act (aside from that eliminated, "smallest part" for "medical and nursing care" in the original bill) exclusively for "service"—that is, salaries, "investigations and reports," traveling expenses, etc., of bureaucrats, which it would be more accurate to describe as plain graft and "pork" for professional social workers, rather than "service" to mothers and children.

Dr. Anna E. Rude, director of the division of hygiene, Children's Bureau, made this clear at the first hearing:

"No Federal money apportioned to the States shall be used for buildings, repairs, equipment, or rent, the intent being that they shall be applied solely for service." (Senate hearings, Committee on Public Health, on S. 3259, May, 1920, p. 7.)

Mrs. Florence Kelley, the real leader of Children's Bureau legislative campaigns (as may be noted in the Senate hearings on the maternity act in 1921 and the Senate hearings on the child labor amendment in 1923, where she, rather than the bureau chief, led the fight on the closely contested points, and the amendments suggested by Senators), made this "service" demand even more clear as the chief object of the bill's backers, as will be shown.

Senator GEORGE H. MOSES, of New Hampshire, April 28, 1921, introduced an amendment as a substitute for the maternity act (S. 1039).

Whatever may be said of the Moses amendment from the constitutional-lawyer's standpoint (on account of the Federal subsidies involved) the Moses amendment, at least, provided real Federal aid for mothers instead of social workers. To each county that raised $5,000 for a maternity hospital the Moses amendment proposed to contribute a Federal $5,000 if the hospital were approved by the county and State public-health officials. Actual training of women in maternal nursing was also provided, and the Federal administration of the act was to be in the United States Public Health Service.

Senator MOSES, at the time, issued the following statement:

"The so-called maternity bill is designed to create jobs and to procure the circulation of literature accompanied by unwelcome and unwise intrusion into the most intimate of private affairs.

"If the real desire of the proponents of the measure is to give real help to expectant mothers, they should realize that provisions should be made for doctors and not documents, for medical men instead of meddlesome Matties. Therefore, I have prepared an amendment, which will provide for Federal cooperation to establish and maintain hospitals in every county choosing to avail itself of the Federal cooperation which I have outlined. These hospitals can be made real centers for the remedial help which the proponents of this bill affect to be seeking. These institutions will offer care for mothers in childbirth and for their ailing children afterward; they can be made local training centers for nurses to be selected from the schools; around them will be coordinated the activities of the existing charitable organizations, mothers' aid societies, the Red Cross, and agencies for child welfare. In these hospitals practical work will be done, and the limit of cost will be fixed. Under the pending bill no one can foresee the ultimate expense, though its pork-barrel potentialities are readily apparent."

Mrs. Florence Kelley, socialist, lieutenant of Friederich Engels, etc., who was in charge of the "maternity act drive" of 1921, as chairman of the Women's Joint Congressional Committee's maternity act subcommittee, had so much power that the bill of a United States Senator proposing real help for mothers got no consideration whatever and was not even printed in the hearings (S. 1039, April 25, Senate Committee on Education and Labor) after this leading socialist, at the head of the so-called "women's" lobby, denounced it.

Mrs. Kelley declared:

"We have made a study of the Moses amendment, and it seems to us to be an amendment intended to destroy this bill. * * * There are very grave dangers in two of its provisions. You can not imagine anything worse than the strewing of the counties with unstandardized little hospitals. * * * But there is another thing to aggravate the establishment of little hospitals all over the counties, and that is the proposition to turn out from these little hospitals innumerable armies of nurses with one year's training. * * * It would be a terrible retrogression in regard to the standard of the care of mothers and children in this country, and we can not afford to retrogress. * * * Our hope is that this bill will be passed to give them this instruction and not to provide for bricks and mortar." (Senate hearings, April 25, 1921, S. 1039, pp. 136, 137.)

A Senator's proposal for maternity hospitals, supervised by county and State health boards and the United States Surgeon General, and for the real training of women under such supervision in maternal nursing was bitterly scorned and ridiculed by this powerful socialist as "bricks and mortar" for mothers, while "instruction," "service," "investigations and reports," and salaries for social workers without any medical or nursing training at all was urged as so necessary that Congress was accused of wishing "to have mothers die" unless it passed Mrs. Kelley's bill.

It did pass Mrs. Kelley's bill, and Senator MOSES's bill was not even allowed a place in the hearings, so strong was the imagined political power of a Marxian socialist at the head of a woman's joint congressional subcommittee in 1921. Of real political power, voting strength, Mrs. Kelley and her followers have none, as was demonstrated when the people got hold of her child labor amendment. But so long as Congressmen imagined that every woman voter in the country was wildly backing the Kelley program the proposal of a mere United States Senator could get no consideration of its merits.

That is the pity of it all. If the socialists were outvoting us and overpowering us, there would be some excuse for allowing socialist leaders to write our Federal laws and proposed constitutional amendments.

But they are simply outwitting us, bluffing us, and backing us gradually into communism blindfolded by threatening Congressmen with the imagined hostility of a mythical solid mass of women voters whom they pretend to represent.

SAVE MOTHERS AND BABIES BY REJECTING MATERNITY ACT.

Nothing could better demonstrate the fraud and futility of the maternity act than the actual results as to infant and maternal mortality

and the nature of the "testimonials" and juggled statistics now presented in favor of its extension. In the first place, an examination of the "testimonials" will disclose that practically all of them are from State employees whose salaries are paid in part from the Federal funds donated under the act, and who are employed to administer the joint Federal and State funds. It is hardly to be expected that such persons would bear testimony that might result in cutting off Federal appropriations that contribute toward the payment of their salaries and the creation or continuance of their official jobs.

There is one notable exception to such testimonials. At page 48 of the recent House hearings on H. R. 7555, January 14, 1926, there is a testimonial which was "written in a foreign language" and had to be translated, in which a foreign mother, who says she has had nine children, thanks the State bureau for sending "such good advice."

It is believed that no private patent-medicine company in America could stay in business a week without more and better "testimonials" than are offered for the extension of this act.

In 19 pages of "testimonials" in the CONGRESSIONAL RECORD, April 14, 1926 (pp. 7254–7273), we fail to find any that are not signed by State officials directly concerned in the administration of the act.

In addition to such testimonials the Federal Children's Bureau, January 14, 1926, rushed into a hearing before the House Interstate and Foreign Commerce Committee with a table of early "provisional" figures to show the "trend of infant mortality in the United States birth-registration area, by States, 1915–1924," as an argument for extension of the maternity act. (House hearings, p. 53.)

The maternity act of November 23, 1921, did not go into effect and no payments to States were made under it until May 22, 1922. (Children's Bureau official publication No. 137, p. 5.)

In 1921 the infant death rate per 1,000 live births was 76.

In 1922 (with the maternity act in operation after May in a few States) the rate was again 76.

In 1923, the first full year of maternity act operation, the rate increased to 77 infant deaths per 1,000 live births.

Did the Children's Bureau come to Congress admitting this mathematical fact, certified by the official figures published by the Census Bureau?

It did not. It went back to 1915, seven years before the maternity act was in operation, when the rate in a smaller registration area was 100, and by presenting early "provisional figures" for 1924, with 8 of the 33 States in the birth-registration area missing, it sought to show that the "trend of infant mortality" downward from 1915 to 1924 was due to the maternity act.

The Census Bureau has now completed the 1924 figures for the 33 States in the birth-registration area, including all 5 of the States that have rejected the maternity act, but only 28 of the 43 States that have accepted the act. The remaining 15 States that have accepted the act are not in the birth-registration area, so that less than two-thirds of the States cooperating with the bureau are willing to register infant births and deaths.

Accurate birth and infant mortality registration is the first essential in getting information on infant mortality, one of the things the Children's Bureau was created to do. Yet the Children's Bureau, with full power to require birth and infant-mortality registration in the "plans" of States accepting the maternity act, has "cooperated with" 15 States in not registering births and infant deaths.

The Census Bureau division of vital statistics, the organizations that collects the facts and statistics and does not put out isolated "studies, investigations, and reports" as propaganda for its own extension, carries at the top of every one of its newspaper releases in red ink:

"Vital-statistics goal: Every State in the registration area before 1930. Your help needed."

But the Census Bureau in its official report on birth statistics, issued March 11, 1925, observes:

"No States were added to the registration area in 1923."

That was the first full year of maternity act operation!

Yet "birth registration" was one of the most touching pleas for passage of the maternity act. Miss Julia C. Lathrop, then chief of the Children's Bureau, testified in 1921:

"We have incomplete birth registration. * * * The adoption of this law undoubtedly will at once give added urgency to birth registration, which the bureau has stimulated, * * * with the aim of bringing the whole country within the registration area as promptly as possible, and thus making possible prompter service to mothers and babies as a measure of lessening infant mortality. Study and stimulus of the best methods of improving birth registration are the duty of the bureau under its general law, and would be especially timely and important in making the maternity and infancy law effective. (Senate hearings, April, 1921, p. 18.)

But with full authority to require birth registration "no States were added to the registration area in 1923," first full year of the maternity act, and the Children's Bureau still "cooperates" with 15 States in concealing birth and infant-mortality statistics, because of incompetence, neglect of "the duty of the bureau," or a desire not to have Congress and the country know all the figures when the bureau seeks more power and funds.

The provisional figures for 1924 for the 33 States in the birth-registration area, just compiled by the vital statistics division of the Census Bureau, show:

INFANT MORTALITY IN BIRTH-REGISTRATION AREA (33 STATES)

Births, 1924: 1,908,345. Deaths under 1 year: 139,533. Deaths under 1 year per 1,000 live births: 73.1.

Infant mortality in 5 States that rejected maternity act

	Births, 1924	Deaths under 1 year	Deaths under 1 year per 1,000 live births
Connecticut	31,676	2,181	68.9
Illinois	137,114	9,745	71.1
Kansas	37,929	2,238	59.0
Maine	18,411	1,485	80.7
Massachusetts	91,487	6,186	68.9
Total	316,617	21,835	69.9

Infant mortality in 28 States that accepted maternity act

[Registration area with total number of births and infant deaths in 5 rejecting States subtracted]

	Births, 1924	Deaths under 1 year	Deaths under 1 year per 1,000 live births
28 States	1,591,728	117,698	74

Thus the States rejecting the maternity act have a lower infant mortality than the States accepting the act. Infant-mortality rates for the individual States accepting the act that are in the registration area are shown in the full census report, "Birth statistics, 1924."

The 28 States accepting the act that are in the registration area follow:

California, Delaware, Florida, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

The 15 States accepting the act and cooperating with the Children's Bureau in not registering births and infant mortality are—

Alabama, Arizona, Arkansas, Colorado, Georgia, Idaho, Louisiana, Missouri, Nevada, New Mexico, Oklahoma, South Dakota, Tennessee, Texas, and West Virginia.

If infant-mortality rates were known in these States, the comparison of rejecting States with accepting States would be even more unfavorable to the maternity act, if, as the Children's Bureau itself admits, birth registration makes possible "prompter service to mothers and babies as a measure of lessening infant mortality."

MATERNAL MORTALITY

Likewise an examination of the figures for maternal mortality shows a greater saving of mothers' lives in States rejecting the maternity act.

The latest tables published by the vital-statistics division of the Census Bureau are found in "Mortality statistics, 1923," just issued.

As in the case of infant mortality, they show an actual increase in maternal mortality, both for all causes, and for puerperal septicemia, in the total registration area, during the first full year of maternity act operation.

The following figures are from Table BH, "Mortality statistics, 1923" (p. 61), the latest official report of the Census Bureau:

Deaths of mothers per 1,000 live births

	All puerperal causes			Puerperal septicemia		
	1923	1922	1921	1923	1922	1921
States rejecting maternity act:						
Connecticut	5.7	5.7	5.3	2.1	2.0	2.2
Illinois	6.4	6.3	(1)	2.7	2.4	(1)
Kansas	6.8	7.6	6.4	3.2	3.3	2.9
Maine	8.7	7.6	7.4	1.8	2.1	1.9
Massachusetts	6.3	6.8	6.5	2.0	2.1	2.2
All States in registration area	6.7	6.6	6.8	2.5	2.4	2.7

[1] Illinois not in registration area in 1921.

It is not practicable, except by elaborate calculations from the number of mothers' deaths and live births in all the States, respectively,

to determine the maternal-mortality rate for the States accepting the act as a group.

Nevertheless these facts will be observed:

Three of the five rejecting States, Connecticut, Illinois, and Massachusetts, have a lower rate for all maternal deaths than the entire registration area, proving that the higher rate for the entire area must come from States accepting the maternity act, as Maine and Kansas, with Kansas having only 1 more maternal death in 10,000 births than the area, could not alone account for the higher area rate than the rates of Connecticut, Illinois, and Massachusetts.

For puerperal septicemia, the dreaded infection so much stressed by some advocates of the maternity act, it will be noted again that three of the rejecting States are below the country average mortality rate; that one, Illinois, is only 2 deaths in 10,000 births above it; and that Maine, despite its comparatively high total maternal mortality (due to climate and French Canadian high maternal mortality) has one of the lowest State septicemia rates in the country, indicating that Maine is not "letting mothers die" through this infection by rejecting the advice and subsidies of the Children's Bureau.

In the table of all the States in the birth-registration area, at page 61, it is shown that Connecticut, a rejecting State, has the second lowest maternal-mortality rate in America (5.7), only Utah having a lower rate (5) and New York and New Jersey having the same rate as Connecticut (5.7).

In the table of cities of 100,000 population or more, at page 62 of the Census Bureau's "Mortality statistics, 1923," it is shown that Fall River, Mass., has the lowest maternal-mortality rate in the Union (8) and also the lowest septicemia rate (1.1) for any large city or State, without benefit of the so-called maternity act. (See also p. 33.)

FALSE CHILDREN'S BUREAU STATISTICS

The well-known legal principle that a man should not be a judge in his own case applies equally to the accurate and scientific collection of facts and statistics. The Children's Bureau was established, in the opinion of Congress, at least, as a fact-finding and "statistical agency."

But the bureau is self-intersted in coloring the facts for its own expansion as an administrative agency; the worse it can show conditions, the better it can demand appropriations to remedy them. This is neither scientific nor safe.

In the original Senate report (No. 141, 62 Cong., 1st sess., August 14, 1911) by Senator BORAH on the bill to establish the Children's Bureau are quoted several objections of the Census Bureau to the mixing of statistics with administration, when it was proposed that the Census Bureau could act as the agency. The Director of the Census shrewdly objected:

"The Census Bureau is a purely statistical office. Its function is to collect the cold-blooded facts * * * and leave to the public at large the duty of drawing the ethical or moral or industrial conclusions which those facts convey. I feel very strongly that if any legislation is enacted which in any way modifies the function of the Census Office in that regard it will be highly detrimental to the work of the office. * * * That is the general position of the Census Office on that proposition, and I believe it is a position which is scientifically correct; that it is a position which it is necessary for the office to maintain if it is not to lose its standing as a purely statistical bureau."

Thus the fundamental principle of scientific collection of statistics was violated when the Children's Bureau was created as a "statistical agency" with a direct self-interest in its own statistics.

Naturally, therefore, the bureau's statistics have constantly been colored to favor the bureau's administrative and legislative plans.

One of its worst and most repeated errors is the publication of charts and tables pretending to show the United States "cares less for mothers and children" than foreign countries. The slogan "It is safer to be a mother in 17 foreign countries than in the United States" has been employed in all the maternity act propaganda. At the most recent House hearing, January 14, 1926, Miss Grace Abbott declared:

"The maternal mortality rate is the one that is so seriously high as compared with other countries, * * *" (p. 56).

Assuming this as a fact, she went on to an assumed explanation:

"We have not had the same period during which this has been considered as a national problem that other countries have had. We have been slower in coming to it than some other countries have." (Ibid.)

Now for the uncolored facts. Dr. John Howland, pediatrician in chief, Johns Hopkins Hospital, Baltimore, one of the most eminent authorities on the subject, wrote to Chairman Winslow of the House Interstate and Foreign Commerce Committee, July 12, 1921:

"I am quite sure from considerable experience with statistics that there is no basis for the statement that the United States stands seventeenth in maternal death rate. Even civilized countries have not sufficiently accurate statistics to enable anyone to make a definite statement such as this." (House hearings, July, 1921, p. 270.)

The vital-statistics division of the United States Census Bureau, the only real statistical bureau we have on this subject, declares in its latest report, "Mortality Statistics, 1923" (p. 61):

"How do the death rates from puerperal causes per 1,000 live births in the birth-registration area of the United States compare with the rates in foreign countries? Here again is a question of the greatest interest and importance which can not be answered satisfactorily, both because of lack of data in this country and because there is no certainty that all deaths from these causes are classified in the same way in the various countries."

According to the most eminent pediatrician in America, and according to the only true statistical agency we have on the subject, "there is no basis" in facts and statistics for this Children's Bureau propaganda. But the bureau is self-interested in making Congressmen believe that the "United States lags behind many countries" (as the chief of the Children's Bureau says in her last annual report for 1925, p. 4) and therefore keeps up the propaganda, regardless of the proof that there is no statistical basis for it.

Therefore even as a "statistical agency" the Children's Bureau is not reliable and can not be trusted, as it is not only self-interested but unscrupulous in juggling statistics to favor its legislative program.

SELF-INTEREST OF PUBLIC-HEALTH NURSES

In the Children's Bureau's "Minimum standards for the public protection of the health of children and mothers" (Bureau publication No. 60, p. 437) is this:

"One public-health nurse for average population of 2,000."

That is, the "minimum standards" of the bureau contemplate 50,000 public-health nurses "for the public protection of the health of mothers and children." According to Miss Elizabeth Gordon Fox, director of the public-health nursing service of the American Red Cross:

"Ten thousand of these public-health nurses are scattered over the country." ("Professional nursing as a career," Woman's Home Companion, April, 1922, p. 20.)

Thus the Children's Bureau standards provided for five times as many public-health nurses, for maternity and infancy work, as there are in the country. It is not remarkable that the public-health nursing associations favored the maternity act. Miss Fox testified in favor of the maternity act in 1920:

"There are something like 80,000 or 90,000 nurses in the country and at present only about 10,000 of them are public-health nurses; and we could increase their number." (Hearings, House Committee on Interstate and Foreign Commerce, December, 1920, p. 69.)

The Children's Bureau standards and the maternity act therefore seemed to provide for a public berth for 50,000 out of the 80,000 or 90,000 nurses in the country.

It should be noted that Miss Fox explained to the committee:

"I would like to have you clearly understand that I do not represent the Red Cross. The Red Cross, as you know, does not take any part in legislation and expresses no opinion on legislative matters, and I do not want my presence here considered to be in behalf of the Red Cross." (Ibid., p. 68.)

Questioned by the committee, Miss Fox revealed that the "public-health nurses" are "largely employed by philanthropic organizations" (p. 76). Relatively few of the 10,000 were on the public pay roll. She said:

"The Red Cross is the largest employer of public-health nurses in the country. Outside of the Red Cross there is no other national agency which employs local nurses, except a large insurance company."

It may be observed in passing that the Metropolitan Life Insurance Co., the company alluded to, was also a strong supporter of the maternity act, and self-interested, of course, in having the salaries of its nurses paid by the public!

Miss Fox testified (p. 70): "We now have 1,200 public-health nurses," meaning in the Red Cross nursing service.

In her Woman's Home Companion article, "Professional nursing as a career," in April, 1922—a month before payments began to be made to the States under the maternity act—Miss Fox wrote:

"The American Red Cross alone has over 1,300 public-health nurses engaged in this pioneer rural nursing in every State of the Union."

Under the maternity act "the total number of nurses employed in the States, in addition to the 9 who served as directors, was 595." (Children's Bureau publication No. 146, issued February 11, 1925.)

Your petitioners are informed by the office of Miss Fox, director of the Red Cross public-health nursing service, that now—May 1, 1926—it has only 854 public-health nurses, of which 792 are in the United States—523 in the eastern division, 215 in the Middle West, and 53 in the West.

It is evident that the difference between the number of nurses in the Red Cross public-health nursing service in April, 1922, when there were "over 1,300," and the number employed by the Red Cross at present in the United States, 792, is over 500.

This would seem to indicate that some 500 public-health nurses previously employed by the Red Cross have obtained places on the public pay roll under the maternity act. The additional 100 maternity act nurses may have been recruited from the "insurance company" and the "philanthropic societies."

In any event, it seems clear that the maternity act has not increased the total number of nurses "engaged in this pioneer rural nursing in every State of the Union," but simply transferred some 600 nurses from private to public pay rolls. And the Children's Bureau's "minimum standards" contemplate a similar transfer of 50,000 out of the 80,000 or 90,000 nurses in the country if Congress and the States can be induced to pay the bill.

That this angle of the act, the socialization and nationalization of nurses, is one of its main bad features is further illustrated in a propaganda article in the May, 1926, issue of Good Housekeeping.

This magazine was one of the original backers of the act and credits itself as a leader in the maternity act campaign. It is owned by Mr. William Randolph Hearst. The article, entitled "Making America safe for mothers," concludes:

"And above all we must multiply the number of public-health nurses a thousandfold." (Good Housekeeping, May, 1926, p. 60.)

Thus, while 50,000 public-health nurses for maternity and infancy was regarded as the "minimum standard" by the Children's Bureau the present goal is 600,000, according to Good Housekeeping.

In short, the maternity act in part is designed to secure centralized control, by the lay Chief of the Children's Bureau, of practically all the nurses, just as the Federal education department bill is designed to secure centralized control over 800,000 teachers by the use of catch phrases, slogans, lobby pressure, and juggled statistics upon the Congress.

MATERNITY ACT PROVES ITSELF FRAUD AND FATAL ERROR

It will be recalled that the Children's Bureau when fighting congressional proposals to place Federal administration of the act under the United States Public Health Service held that it was "not a health measure" and that it would be a "fatal error" to place such work under "the sole supervision of physicians" instead of under a bureau in the Labor Department. These statements have been quoted in this memorandum.

On the other hand, the bureau and its backers flooded the newspapers and magazines with "sob-stuff" propaganda purporting to show that the lives and health of mothers and babies depended upon this act as a health measure.

Congress was publicly indicted practically as a body of Herods. Mrs. Florence Kelley, for example, in "Mothers and children last" (Pictorial Review, February, 1921), denounced Congress for spending "millions for cattle, sheep, and swine" and "not a cent" for mothers and babies, etc.

But whenever the much-accused Congress, challenged by Mrs. Kelley to explain "Why does Congress continue to wish to have mothers and babies die?" (Senate hearings, May, 1920, p. 53), sought to save mothers and babies by giving administration of the act to the United States Public Health Service or by establishing maternity hospitals and maternal nursing schools (as Senator Moses proposed), such suggestions were denounced, respectively, as a "fatal error" by Miss Lathrop, and ridiculed as "bricks and mortar" by Mrs. Kelley.

Backers of this act were so much more interested in the capture of power for the Children's Bureau than in the health of mothers and babies that Congressmen were flatly told they preferred no legislation at all on maternity and infancy unless the Children's Bureau administered it.

Representative DENISON, of Illinois, said:

"This view * * * has been expressed to me in communications received through the mail, that rather than have the administration of this bill taken from the Children's Bureau they would rather have no legislation at all on the subject." (House hearing, July, 1921, pp. 261, 262.)

Yet this fundamental contention of the Children's Bureau, made to capture the administration of the act for itself, that it was "not a health measure" and it would be a "fatal error" to place such work under the "sole supervision of physicians" has been proved false by the maternity act itself.

The real fatal error, of the Federal Government alone, in placing this health matter under a radical labor bureau has been repudiated and reversed by every one of the States in selecting the State agency.

Of the 43 States accepting the maternity act, 41 place its administration under State boards of health. Only two, Colorado and Iowa, place it under the State education department and the State university, respectively. (Children's Bureau publication No. 148, p. 52, list of administrative agencies.)

Not a State in the Union places the administration of this act under a labor department bureau or industrial commission.

Why, then, should the State health boards, in a matter which the maternity act itself demonstrates a public-health function, be offered bribes by the Federal Government to allow the Federal Children's Bureau to control all their plans for the health of mothers and babies? Because not a State health board would submit willingly to the dictatorship of the lay chief of a Federal bureau of social workers, unless bribed to do it.

The United States Public Health Service, which has been cooperating with State authorities for years in a scientific manner, has never begged Congress to bribe State health boards to submit to its control. Instead Dr. L. L. Lumsden, of the United States Public Health Service, testifying against this maternity act, declared:

"What particular branches of health work are indicated in a given locality must be determined by careful local studies. I can not determine here in an office in Washington * * * how money available for health work can be spent to the best advantage in a given community; that has to be determined by some one on the local job." (House hearings, July, 1921, p. 224.)

There was the voice of the scientist, the trained public-health physician, with over 20 years of experience, showing that under science, health, and efficient administration, as well as under the Constitution, the expenditure of public money in this health matter "has to be determined by some one on the local job." Yet the maternity act gives a bureau of social workers at their mahogany desks in Washington the right and power to control all "plans" and expenditures of State health boards in this matter that is completely reserved to the States in the Constitution.

SOCIALIST PROPAGANDA INSTEAD OF HELP FOR MOTHERS

An examination of the Children's Bureau publications and activities will show that bureau from 8 to 10 times as interested in socialist "standardization" of children, following European or international models, and in socialist illegitimacy propaganda as in the health of mothers and babies. This is shown even in the bureau's official list of publications.

First, we count to the credit of the bureau the publications fairly to be considered within the scope and intention of Congress in creating the bureau.

In 1912, through the courtesy of an outside physician, as admitted by Miss Lathrop, then Chief of the Children's Bureau (House hearings, July, 1921, p. 238), a résumé of the book of this physician (Dr. John Slemmons) was issued by the Children's Bureau in one or more pamphlets, credited to Mrs. Max West.

Let us compare these legitimate publications of the bureau with its foreign socialist propaganda, using the official Children's Bureau list of publications and the bureau's numbers and titles:

	Pages
No. 2. Birth registration	20
No. 4. Prenatal care	41
No. 8. Infant care	118
No. 30. Child care	82
10 dodgers on child welfare	40
Total	301
No. 31. Norwegian laws concerning illegitimate children	37
No. 42. Illegitimacy laws of the United States and certain foreign countries	260
No. 42. Analysis and index of illegitimacy laws	98
No. 66. Illegitimacy as a child-welfare problem (Part I)	105
No. 75. Illegitimacy as a child-welfare problem (Part II)	408
No. 128. Illegitimacy as a child-welfare problem (Part III)	260
No. 77. Standards of legal protection for children born out of wedlock	158
No. 144. Welfare of infants of illegitimate birth in Baltimore	24
Total	1,370

Is it conceivable that Congress intended the Children's Bureau to compile so much more of this socialist illegitimacy propaganda than advice and information to mothers in the care of children? In addition, according to the Secretary of Labor's Annual Report, 1925 (pp. 73–74), the bureau is investigating 250 cases of illegitimate children, 8 years of age and over, in 11 cities, and the histories of these cases, 250 individuals, "will form the basis of a report now being prepared." Hence any Senator may soon pick up a Children's Bureau indictment of his home-town's conditions, drawing sweeping national conclusions and "standards" for national legislation from the cases of 250 unfortunates the bureau is inspecting.

Again, let us compare the publications relating to the maternity act with those seeking socialist standardization of American children in imitation of the "doles" and "maternity-benefits" systems of Europe:

	Pages
No. 137. Promotion of the welfare and hygiene of maternity and infancy	42
No. 146. Promotion of the welfare and hygiene of maternity and infancy	56
Total	98
No. 57. Maternity-benefit systems in certain foreign countries	206
No. 60. Standards of child welfare	459
No. 76. Infant-welfare work in Europe	169
No. 105. Infant-mortality and preventive work in New Zealand	72
Total	906

Here we have nearly ten times as much foreign socialist standardization propaganda as information from the bureau regarding the maternity act! The "Standards of child welfare" (No. 60, 459 pages) is the outcome of an internationalist convention called here by the Children's Bureau to frame legislation for American mothers and children in 1919. The proceedings and "minimum standards" of that internationalist convention have become almost a fetish of the bureau, to which it constantly compares the real laws of American States as inferior and defective to these "minimum standards" of

a group of sociologists from England, Canada, France, Italy, Serbia, and Japan, etc., which the Children's Bureau brought here at expense of American taxpayers. (These "standards" are examined at length in the speech of Senator JAMES A. REED of Missouri, June 29, July 21 and 22, 1921.) It is strikingly significant of the Children's Bureau's general attitude that it can give one convention of foreigners, brought here to standardize American children, a report about five times as large as the two considered sufficient to describe the operations of the maternity act for several years in 43 States.

In spite of the fact that the Supreme Court of the United States holds that "the fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children" (Oregon school cases), the Children's Bureau is obsessed with the idea of standardizing everything connected with children.

Consider the latest pamphlets of the bureau: No. 153, "Standards of prenatal care, an outline for the use of physicians," and No. 154, "Standards for physicians conducting conferences in child-health centers."

Under what theory of arbitrary, unlimited, and centralized power even would a Cæsar, a Kaiser, or any other dictator place the "standardization of physicians" under the lay Chief of the Federal Children's Bureau?

Yet the power is assumed by the bureau, and exercised as much as possible, without even bothering to ask specific legal authority from Congress.

Even efficient autocracy would require professional knowledge on the part of the central administrator. But the Chief of the Children's Bureau, neither physician, lawyer, mother, nor nurse, issues a perfect stream of "standards" for everybody; physicians, judges of juvenile courts, probation officers, nurses, mothers, and children, not only in defiance of "the fundamental theory of liberty" of the American dual system of government, but in disregard of the standards of common sense under a despotic form of government.

The bureau's conceptions of its functions would approach megalomania if it were not known to be following a sane enough socialist program to capture all power over the family for one central office.

Miss Julia C. Lathrop, former chief, for example, declared:

"We propose a campaign to furnish knowledge without cost to all comers." (House hearings, December, 1920, p. 21.)

Miss Grace Abbott, present Chief of the Children's Bureau:

"The Children's Bureau has the whole field of child welfare and child care." (Proceedings, National Women's Trade Union League Convention, Waukegan, Ill., June 5–10, 1922, p. 89.)

(c) Child labor amendment submitted to States June 2, 1924

The third and boldest legislative fraud to trick Congress and the country into adopting the Kelley program of revolution by legislation was the "child" labor Federal amendment, providing that "Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age."

Emboldened by the apparent docility with which the country had submitted to the establishment of a central socialist administrative machine (1) by planting the Children's Bureau, a socialist propaganda agency, at the heart of the Federal Government, and (2) by giving it vast administrative power in the States over health boards, physicians, nurses, mothers, and children under the so-called maternity act, Mrs. Kelley now reached out (3) for full power for this socialist administrative machine, the Children's Bureau, over every youth up to 18 in America, in all occupations, in all schools and colleges, in the home, and on the farm.

This time Mrs. Kelley overplayed. She overestimated the stupidity of the people. The people understood this amendment, and they crushed it with a unanimity of judgment by all kinds and conditions of the population, proving that it went deeper than superficial differences, and outraged a basic instinct, the instinct of every species to protect and possess its young.

It will be noted in regard to the child-labor section of the Kelley program, as well as to its other parts, that what Senator Heyburn prophesied is true. It reaches out first for the children of the poor and outrages them most directly; "they would not attempt to execute it except as against the class that is most helpless in their hands," as Senator Heyburn declared. (CONGRESSIONAL RECORD, January 6, 1912, p. 766.)

Like the rest of the Kelley program this amendment was promoted by fraud and trickery, by exploiting sentiment for the child, the most appealing object in nature. But it was not a "child" labor amendment at all. The word "child" appears nowhere in the resolution. That word and all reference to "child" or "children" were deliberately excluded from the text (although stressed in all propaganda) because the instigators of the amendment knew that no court would interpret the word "child" to mean persons up to 18 years of age.

Mrs. Kelley, primarily responsible for drafting the amendment, said:

"Nothing can be more uncertain than the limitations which future courts may place upon the word 'child.' * * * I am afraid of 'child.'" (Senate hearing, January, 1923, p. 121.)

"I am indeed very apprehensive about the use of the word 'child' in this matter." (Ibid. p. 90.)

Again she referred to "this vague word 'child.'" (Ibid. p. 90.) There is nothing vague about the word "child" at all, and that was why Mrs. Kelley feared it. Prof. William Draper Lewis, of the child labor committee, wrote:

"You will see from an examination of the cases to which I refer that the term 'child' has been held to mean persons under 14 years of age." (Senate report on S. J. Res. 1, 68th Cong., p. 125.)

They could not use the word "child" in the amendment because it would limit them to "persons under 14 years of age."

But in the magazines Mrs. Kelley herself led the campaign of double-dealing by calling it "the children's amendment" (Good Housekeeping, February, 1923), and this it was called by most of the propagandists.

In a petition to the Senate, printed in the CONGRESSIONAL RECORD, May 31, 1924, it is shown that the people were similarly fooled concerning the age limit. Not 1 person in 10,000 dreams that the Federal maximum of 18 years, in section 1 of the amendment, is merely the "minimum standard" of section 2 of the amendment, below which the States were not to be permitted to fall and above which to "the full 21 years" they were to be "stimulated" to go. Miss Abbott declared:

"I want to get a Federal minimum, and at the same time give the States an opportunity to raise but not lower the Federal standards." (House hearings, February–March, 1924, p. 272.)

Again, Miss Abbott said:

"I shall be enormously disappointed if we do not have the Federal law only a minimum law, but we will have continuing the problem of raising the standards in the States." (Ibid. p. 269.)

"Where there has been a Federal law there has always been an increasing tendency to raise the State standards." (Ibid.)

Can it be denied that the people are being tricked?

The giant deceit of the child-labor amendment, as a Bolshevik plot against American farmers, will be exposed in the "revolutionary conspiracy" section of this memorandum.

(d) Extension of the maternity act (pending)

Why was an extension of the maternity act for two years demanded by the Children's Bureau more than a year before the expiration of the present five-year period? Why did the bureau hurry to Congress in January, 1926, to get the act extended to 1928 and 1929, when the present act runs until June 30, 1927?

Was it to use this subsidy as a campaign fund to attempt to induce the State legislatures, of which more than 40 meet again in 1927, to ratify the "child" labor amendment?

Was it to trick the Congress into keeping up the maternity act for two more years before the vital-statistics reports of the Census Bureau for the five-year period revealed the utter fraud and futility of the act?

There are several significant official statements in this connection.

In the Chief of the Children's Bureau annual report, 1925, despite acknowledgment therein that 34 State legislatures had acted against the amendment, Miss Abbott says:

"It is not to be expected that the efforts to secure ratification of the amendment will be abandoned * * *" (p. 8).

That is, "it is not to be expected" that this socialist bureau will respect the action of three-fourths of the States and of the American people on this subject, but will do everything in its power to overturn this overwhelming mandate by lobby pressure and propaganda on the 1927 legislatures.

In the letter of the Secretary of Labor to Chairman PARKER, of the Interstate and Foreign Commerce Committee, December 21, 1925, is this statement:

"In order that the State legislatures meeting in January, 1927, may know what funds will be available, action with reference to this appropriation (for extension of the maternity act) should be taken by the present Congress." (House hearings, January 14, 1926, pp. 27, 28.)

That is the official explanation—so that the 40 or more legislatures meeting in 1927, with power to ratify the "child" labor amendment, "may know what funds will be available" under the maternity act.

That the Secretary's letter was prepared, at least in part, by the Chief of the Children's Bureau, is self-evident from the fact that it contains a paragraph identical with one in Miss Abbott's annual report, September 15, 1925 (p. 2). It is inconceivable that the Secretary "happened" to repeat Miss Abbott's exact language, and equally inconceivable that he would lift material from the bureau's annual report without due credit and direct quotation. Miss Abbott herself indicated that the Secretary only "signed" the letter, in the following anxious communication to Chairman PARKER:

JANUARY 6, 1926.

MY DEAR MR. PARKER: I have just learned that the letter with reference to the Sheppard-Towner Act which the Secretary of Labor wrote you on December 21 has failed to reach you in some way. He has therefore signed the inclosed and has asked me to see that it reaches you to-day.

GRACE ABBOTT.

The child labor amendment and the maternity act are inextricably interlocked, and the maternity act, with its subsidies, has always been a campaign-fund measure for national control of "child" labor.

It was not until the Supreme Court held the first Federal child labor law unconstitutional, June 3, 1918, that the "maternity act" drive started. And then the campaign for control through subsidies began at once, with the introduction, July 1, 1918, of the original "maternity bill" by Miss Jeannette Rankin (H. R. 12634, 65th Cong.). Miss Rankin is field secretary of Mrs. Florence Kelley's National Consumers League, since Montana refused to reelect Miss Rankin. The second national child labor law passed instead, February 24, 1919.

Likewise the second big "drive" for the maternity act began in 1920, when the second national child labor law had been held unconstitutional in North Carolina, and was in the United States Supreme Court on appeal.

Miss Grace Abbott (administrator of the first Federal child labor law) in February, 1920, went to the convention of the National League of Women Voters as chairman of its resolutions committee and brought in a resolution for "the adoption of a constitutional amendment giving to Congress the power to establish minimum labor standards," etc. (Woman Citizen, official organ, National League of Women Voters, February 28, 1920.)

The maternity act was also strongly indorsed. (Ibid.)

The National Woman's Party, to which Miss Julia C. Lathrop, then Chief of the Children's Bureau, was a financial contributor, was also induced to indorse the bureau's program for sweeping national control. The Suffragist, official organ of the National Woman's Party, March, 1920, declares:

"The provision of the last revenue bill taxing the profits of a concern doing interstate business which employs child labor is now before the United States Supreme Court for decision as to its constitutionality.

"The Sheppard-Towner bill, indorsed by the Children's Bureau, * * * has so far had no hearing.

"Three-fourths of working children are employed on farms.

"There are no laws to protect the rural child worker.

"The inadequacy of our present child-labor law * * * is clearly brought out by the Children's Bureau."

Quoting the Children's Bureau, the Suffragist (March, 1920) continues:

"Child labor, including rural child labor, can be abolished * * * by a liberal educational program which includes compulsory part-time schooling for children up to 18 years of age."

In December, 1920, a "Women's Joint Congressional Committee" was formed, with the Sheppard-Towner Act the first measure on its lobby program, and with Mrs. Florence Kelley, socialist, chairman of the subcommittee, in charge of the "maternity act drive."

It is to be noted that all this political campaigning by the Children's Bureau to enlist the National League of Women Voters, the National Woman's Party, and various women's clubs through the Women's Joint Congressional Committee, in aid of the bureau's drive for complete power over children, took place while the second child labor law was pending in the Supreme Court, with the outcome in doubt, as the court had already held the first law unconstitutional.

Immediately after the Supreme Court held the second national child labor law unconstitutional, May 15, 1922 (Bailey *v.* Drexel Furniture Co.), the drive for the amendment began, Mrs. Kelley and Miss Abbott leading the agitation.

Thus it can not be denied that these measures are the key and the lock to the same door, opening the Constitution to nationalized, standardized, centralized control of children, youth, and women by Mrs. Kelley and Miss Abbott.

That the Children's Bureau's sudden campaign for extension of the maternity act, obtaining hearings, January 14, 1926, when some of the vital statistics were missing, so that no one could at that time check the bureau's claims by comparing rejecting and accepting States accurately, was otherwise loaded with the usual fraud and trickery is shown by Miss Grace Abbott's testimony regarding the term of the extension.

The Phipps-Parker bill, like other measures of the Kelley program, does not mean what is says. It does not mean merely a two years' extension of the maternity act appropriation, authorized for five years originally, and due to expire June 30, 1927, end of the fiscal year. This is clearly stated by Miss Abbott in the House hearings:

"Mr. NEWTON. Do you consider that the two years is sufficient?

"Miss ABBOTT. I do not consider it sufficient if it is to end at the two-year period. I did not think in asking that period of time * * * that there was to be no further extension after the two-year period. * * * I do not believe that the two-year period will end the necessity for Federal aid. * * *

"Mr. FREDERICKS. How long do you think it will be before it is the proper time for the Government to step out of this endeavor and allow the States to handle it?

"Miss ABBOTT. That is hard to say. * * *

"Mr. FREDERICKS. You feel that you can not answer the question?

"Miss ABBOTT. I do not think it is possible to say exactly; no.

"Mr. FREDERICKS. Well, approximately? Is it the purpose that the United States Government should retire from this field?

"Miss ABBOTT. I do not see why it should not be able to retire from this field eventually.

"Mr. LEA. But if it should be necessary for the Federal Government to remain in it in order to accomplish the purpose you still would be in favor of that, would you not?

"Miss ABBOTT. I think there is no crop the United States has that is so important as its children, and that we can afford to stay in it in order to reduce the infant and maternal mortality in the United States until we have placed the United States where it ought to be in comparison with other countries.

"Mr. LEA. What would you say is the minimum time within which the United States could possibly retire, in justice to the successful operation of this work?

"Miss ABBOTT. I really can not say. * * *

"Mr. LEA. As I understand it, you think there is no possibility that two years will be sufficient time for the Government to complete its part?

"Miss ABBOTT. No. * * *

"Mr. LEA. What time would you specify for a certainty, that, in your judgment, the United States should remain in this work?

"Miss ABBOTT. I do not want to specify for a certainty.

"Mr. LEA. Do you think four years?

"Miss ABBOTT. No; I would rather say five as the time that the Government would without question need to continue the work.

"Mr. LEA. You are certain that the Government should stay in for five years?

"Miss ABBOTT. Personally, I am; yes." (House hearings, January, 1926, pp. 12, 13, 14.)

It will be seen that Representative MERRITT, of Connecticut, who signed the House minority report, was justified in the following remarks on the floor:

"I suppose you gentlemen think, as you might readily think, that the idea of the promoters of the bill is that at the end of the two years the experiment will have been sufficiently established so that the States can attend and will attend to their own affairs; but not at all. * * * If you pass this bill you are practically making this subvention to the States for attending to their own affairs perpetual." (CONGRESSIONAL RECORD, April 5, 1926.)

As the original appropriation was authorized only for five years, its termination at the end of that period is reasonable and natural, in accordance with the intentions of Congress and the agreements with the States. The vital-statistics reports, previously quoted in this minstration backing, because of a preelection commitment of the the extension of the maternity act. Also there is no political reason.

The original maternity act was passed during the postwar confusion of the Sixty-seventh Congress. Members said it was part of the "backwash" of the war. It was even more the "backwash" of the nineteenth amendment, having been presented to Congress allegedly as the first legislative demand of the new electorate of women, then an unknown political quantity. Most important of all, it had the adminstration backing, because of a preelection committment of the late President Harding in his so-called "welfare speech" of October 1, 1920, to women politicians.

That situation is now reversed. The polls have shown that there is no solidarity among men, and there is none among women. No group can speak for women any more than for men. That myth is killed at every election. The 1924 Massachusetts advisory referendum on the child-labor amendment alone has surely buried this "solidarity of women" superstition so deeply that the ghost of the phantom "solid women's vote" should never more frighten even the most timid candidate.

That Massachusetts referendum alone should make Congress wary of every proposal labeled a "women's measure." The child-labor amendment was labeled both a "women's measure" and a "labor measure."

Massachusetts has the largest proportion of women to men of any State (109 women to 100 men) and also the largest proportion of gainfully employed persons (1,728,316, or 45 per cent of the population) of any State.

Yet the Massachusetts vote on the child labor amendment was 697,563 to 241,461, a majority of 456,102 against it, 75 per cent of the voters registering opposition.

The first organization in the field against the amendment was an organization of women, the Massachusetts Public Interests League.

Again, it is not conceivable that there can be administration backing for extension of the maternity act, for President Coolidge is most positively committed to the people, before and after election, to uphold State rights, and against bureaucracy and Federal subsidy measures. He has taken an unflinching stand on principle, even to curtailment of existing activities, and is unmoved by "expediency" propaganda, as shown in a collection of his statements on these subjects in the appendix of the CONGRESSIONAL RECORD, January 23, 1926.

In his annual message, December 8, 1925, President Coolidge said:

"It does not at all follow that because abuses exist that it is the concern of the Federal Government to attempt their reform."

Again, with great courage, he said:

"We have superfluous employees. It is an unpleasant and difficult task to separate people from the Federal service. But it can be done. It will be done." (Budget meeting, January 26, 1925.)

"Unfortunately the Federal Government has strayed far afield from its legitimate business. It has trespassed upon fields where there should be no trespass." (Budget meeting, June 22, 1925.)

Of Federal aid to States, President Coolidge said:

"I am convinced that the broadening of this field of activity is detrimental to both the Federal and State Governments. * * * I am opposed to any expansion of these subsidies. My conviction is that they may be curtailed with benefit both to Federal and State Governments." (Budget message, December 2, 1924.)

Surely there is no legislation to which these statements apply so pointedly as to the Phipps-Parker bill, which your petitioners urge you to reject.

(c) Federal Department of Education bill (pending)

No adequate consideration of the pending bill to extend the maternity act can fail to note that it is but one part of an apparatus of legislation for the transmission of socialist power to one central agency, for the purpose of subjecting all children to dependence upon government, instead of upon individual parents. This socialist transmission apparatus has many interlocked differential gears, which all move together or singly, according to the direction in which the socialists at the steering wheel can most easily drive a country at a given time.

The bills are different, but the backers are always the same, with the same general objective, nationalized care, control, and support of mothers and children.

The maternity act and the education bill, both introduced by former Representative Towner, of Iowa, were not merely "Towner twins," as they were popularly called, but two measures in a triplet of socialist bills to cover education, maternity and infancy, and child labor.

The socialists of England were able to move faster with fewer separate bills. For example, England was induced to adopt a dole system of compulsory "health insurance" and "maternity benefits," modeled on those of Germany, July 15, 1912, very shortly after America was induced to establish the first "Children's Bureau." (See Children's Bureau publication No. 57, p. 67, for details of British maternity doles system.)

July 1, 1918, England was induced to extend the maternity doles system, while in America Miss Jeannette Rankin introduced the original maternity bill, then providing for free medical and nursing care "when necessary," etc., as previously shown.

August 8, 1918, England was induced to adopt the Fisher Education Act, covering not only education, but prohibition of child labor, including rural child labor, and providing even "nursery schools" for children from 2 to 5 years old, and for "attending to the health, nourishment, and physical welfare of children attending nursery schools." (See joint hearings, Committees on Education and Labor, July, 1919, p. 55 et seq., for full text of British Fisher Education Act.)

This Fisher Act, part of the socialist doles and subsidy system which has gradually brought even Great Britain to the brink of revolution, at once became the "model" measure for the National Education Association Smith-Towner education bill, and was cited with enthusiasm and published at length in the first joint hearings on a Federal department of education in 1919, as cited above.

This Fisher Act also filled Miss Lathrop (then Chief of the Children's Bureau) with unbounded admiration as a device for abolishing rural child labor. Miss Lathrop invited Sir Cyril Jackson, of the British board of education, and Sir Arthur Newsholme, late principal medical officer of the local government board of England having charge of maternity doles, both to come here in 1919 to show the bureau the best and quickest ways of standardizing and nationalizing children in the United States. (See Children's Bureau publication No. 60 "Standards of child welfare," pp. 12, 98, 102, 269, 284.) After Sir Cyril Jackson's speech at this international convention called by the Children's Bureau to frame standards of legislation concerning children for the American Congress and State legislatures, without their knowledge or even a gesture of seeking their consent, Miss Lathrop declared:

"I do not think any English authority can possibly realize the *eagerness with which we have watched the passage of the Fisher bill* through Parliament, because we saw at once that somebody in England had had the courage to do a thing which nobody in America had been bold enough to do, which was *to cut, by an indirect attack, the root of rural child labor. We would like to get a similar scheme in this country.* * * * to see aid given by the Federal Government to State authorities for elementary education which would be so universal that *in this country also* we would *at once destroy rural child labor by an indirect attack.*

"I would like to know how much opposition from the landowners of England was experienced in getting this measure through.

"Sir CYRIL JACKSON. I think there was no opposition, simply because we were in the middle of a great war, and we trusted Mr. Fisher. *If we had had time to think about it, I think no doubt the farmers would have opposed it very strongly.*" ("Standards of child welfare," Children's Bureau publication No. 60, p. 102.) (Italics ours throughout.)

Again, Miss Lathrop asked:

"Is it true that this act [Fisher Act] is recognized as a measure which is *absolutely as much a labor measure* as it is an educational measure? Was it *put through under the delusion* that it was purely to teach children to read and write better, or was it recognized that it was going to *revolutionize child labor in England* (p. 103)?

"Sir CYRIL JACKSON. * * * I think it is true to say that it is recognized as *a labor bill* as well as an educational bill * * *.

"Miss LATHROP. I would always in the matter of special subsidies take a leaf from an English book. They are the only people speaking the English language * * * who know how to give a subsidy. We hand out money and run away. They hand out money and stay by. They say: 'You can have this money if you do your duty *according to the standards* agreed upon between the Federal Government and the local authority.' Is not that true?

"Sir CYRIL JACKSON. That is true.

"Miss LATHROP. It would be a disaster if we began *this effort to standardize education by getting rid of child labor* without setting up new standards of educational effectiveness. The great advantage for us in a discussion of this English measure is that it *shows us a way to standardize education* * * * and at the same time *to get rid of the one thing we have never dared attack—rural child labor.*" (Ibid. p. 103.)

There is the testimony of the then Chief of the Children's Bureau in the bureau's most comprehensive publications—its own "Standards"—that these things all interlock; that subsidies are sought to standardize and control the local governments; and that propositions to "revolutionize child labor" and destroy even rural child labor may be "put through under the delusion" of "education," etc.

At the same international convention to standardize all legislation for American children Sir Arthur Newsholme, late principal medical officer of England, furnished a "complete scheme" of "maternity and child welfare," embracing antenatal, natal, and postnatal work, as done in England, which is set forth at page 284 of the same Children's Bureau "Standards of Child Welfare."

The Annual Report of the Children's Bureau, 1919, declares:

"The severe blow dealt rural child labor in England by the Fisher education act indicates a successful way of dealing with the problem" (p. 24).

"The third campaign of children's year was the back-to-the-school drive. This was a measure adopted to decrease child labor." (Ibid. p. 9.)

Here it is demonstrated that standardized, centralized control of education, maternity, and infancy, and prevention of youthful labor, even on the farm, were deliberately sought by the Children's Bureau and its socialist backers.

But the Constitution of the United States and the Supreme Court stood in the way of direct control by the central government of education, local health administration, maternity, and other doles, rural and other child labor, etc., as in England, and before England in Germany, and before Germany in the communist manifesto.

Hence this socialist program here had to be promoted by "indirect attack" through subsidies, as proposed in the education bill and maternity act, and by a proposed constitutional amendment after the Supreme Court refused to sanction control of child labor as "interstate commerce" and as legitimate basis for a "tax" law.

The American "education" department bill went as far as it dared in socialism and in imitation of the British Fisher Act.

Of its three great socialist features, (1) for "equalizing education" throughout the Nation, (2) for central administration of local affairs by a dictatorship, and (3) for a doles system (called Federal aid), only one has been temporarily dropped—the doles system—and that only because the President, the Congress, and the country would not stand for a Federal education dole of $100,000,000 a year, to be matched by another $100,000,000 a year from the States, of which $100,000,000 was provided as a "bonus" to teachers. (For proof of the $100,000,000 a year teachers' bonus in the former education department bills, see joint hearings, Committees on Education and Labor, July 10–22, 1919, pp. 51, 53, 115.)

Here again the socialist fraud and trickery of trying to have legislation "put through under a delusion" is manifest.

The dropping of the Federal-aid provision in the pending Curtis-Reed bill is not a bona fide relinquishment of the $100,000,000 Federal appropriation (to be matched by the States) but a mere suspension of the demand until the department is established. Like the maternity act, reduced from $8,000,000 to $1,480,000 to get through Congress, the education department bill comes down to $1,500,000 as the entering wedge amount to trick Congress.

Federal aid was dropped only as a blind. Naturally, this is not intended to be admitted to the general public, but it has been drawn from National Education Association witnesses by committee cross-examination, and also is frankly admitted in the bosom of the N. E. A. official family. The recent hearings show:

"Representative BLACK of New York. Do you favor Federal aid?

"Dr. J. L. MCBRIEN (director of rural education, State Teachers' College, Edmond, Okla.). Yes, sir; I am frankly for Federal aid.

It may not come this time, but it is coming; it is coming; you can not stop it. You may delay it, you may postpone it * * *." (Joint Hearings, February, 1926, p. 72.)

"Mr. BLACK of New York. Is it your opinion that if this bill is passed the agitation for Federal aid will continue from the same sources as support this bill?

"Dr. GEORGE D. STRAYER (former president N. E. A., professor of educational administration, Teachers' College, Columbia University, New York, and chairman of legislative commission N. E. A.). I see no reason why those who are convinced of the legitimacy of Federal aid should not continue to believe in it." (Ibid. p. 3.)

"Senator PHIPPS. The idea that has seemed to predominate heretofore has been the necessity of Federal aid. * * * On the former bill—the Smith-Towner bill, and also on the Sterling-Reed bill * * * the committee was told very pointedly that the request for Federal aid was universal, and that it was absolutely essential and was necessary to advance the cause of education in the United States." (Ibid. p. 49.)

"Mr. JESSE H. NEWLON (former president N. E. A., superintendent of schools, Denver, Colo.). My private opinion is that the profession is overwhelmingly in favor of Federal aid" (p. 49).

Dr. HAROLD W. FOGHT (president Northern Normal Industrial School, Aberdeen, S. Dak., formerly connected with United States Bureau of Education). "You ask me if I am in favor of Federal aid? My answer would be certainly, I am" (p. 77).

"Mr. REED of New York. Doctor, will you feel yourself stopped from asking for Federal aid from Congress if this bill passes?

"Dr. JOHN A. H. KEITH (president State Normal School, Indiana, Pa.). No, sir; I shall not." (Ibid. p. 89.)

The Christian Science Monitor, a publication friendly to the National Education Association, reporting the National Education Association 1925 Indianapolis convention, where the present bill was drafted, under date of June 22, 1925, states:

"The National Education Association leaders decided to defer their request for Federal aid of education because they realize the unwisdom of pursuing it further at the present."

The same article says of Dr. George D. Strayer:

"An untiring worker for a department of education, Doctor Strayer also sought to encourage education in the States through Federal aid until he saw that further campaigning along this line promised for the time to be barren of results."

The article continues:

"Asked to comment further on the Federal aid discussion, Miss (Charl) Williams (field secretary legislative division N. E. A. and former National Education Association president) said: 'There is a general understanding among educators that Federal aid will be deferred. Our bill in the last two sessions of Congress has been a double-headed one. We have decided it is better to make progress in the one direction that is now open. It is inconceivable that the National Education Association will ever give up the idea of the extension of Federal aid to education.'"

There it is in a nutshell, officially stated. Can it be denied that the people are being tricked?

SOCIALISTS AMONG NATIONAL EDUCATION ASSOCIATION LEADERS

It is not possible in this memorandum to quote a number of official statements, often lengthy and involved, showing the socialist, internationalist, and other subversive propaganda put out by National Education Association leaders on behalf of this bill. Hundreds of pages of proceedings, tables, pamphlets, and other National Education Association literature might be shown to contain a straight socialist "complex" by fair examination, particularly in the propaganda relating to "equalizing education" and the arguments for "distribution" of national wealth among State and local school systems, etc. We cite one illustration among many.

"Dr. JOHN A. H. KEITH. We are the richest Nation the sun ever shone on. It is not financial inability at all. It is a matter of distribution, and we can not bring those things about until we get a fair deal on the economic side." (Senate hearings, January, 1924, p. 69.)

It would be hard to find a more lucid short statement of socialist philosophy than that. All it lacks is the socialist label. Representative HENRY ST. GEORGE TUCKER has reviewed at length some of the doctrines contained in a book by Dr. John A. H. Keith and William C. Bagley both leading backers of this bill) and, after quoting them, says:

"Is this not anarchy and defiance of law, pure and simple? And this idea is not advanced by soap-box orators on the street corners of American cities nor by the lately enfranchised German, Italian, Hungarian, Polish, or Russian citizens of the United States with their ignorant and immature schemes of government, but it comes from the highest type of our educated citizenship, and in my judgment has never been surpassed by the pronouncements of the wildest leaders among those who would destroy our constitutional form of government." (CONGRESSIONAL RECORD, January 3, 1924.)

The Socialist National Convention proceedings, 1912, page 45, state that "some of the most expert educators of the United States" who come to the "conventions of the National Education Association * * * with great prestige and are recognized as experts," hold memberships in the Socialist Party. But the general public—and congressional committees—are not so informed when these "expert educators" are lobbying for socialist measures to be "put through under the delusion" (as Miss Lathrop says) of bills "to teach children to read and write better."

2. PROGRAM OF REVOLUTION BY LEGISLATION

For 40 years modern revolutionary communism, under the original, direct instructions of Friederich Engels and Karl Marx, its founders, has had in the United States a thoroughly trained, educated, and experienced leader, who is perhaps the ablest legislative general communism has produced—Mrs. Florence Kelley.

Operating quietly, and mostly under cover of American ignorance of socialist intrigue and philosophy, American chivalry and sentiment concerning women and children, American philanthropy and sympathy toward the poor, Mrs. Kelley has steadily introduced socialism "into the flesh and blood" of America in more ways than any other socialist has had either ability or training to use.

Karl Marx, Friederich Engels, August Bebel, and hundreds of other socialists simply wrote books. Nicolai Lenin, Leon Trotski, Alexandra Kollontay, and Florence Kelley translated those books into legislative action! And the legislative generalship of Mrs. Kelley has probably been even greater than that of Lenin, because she has conducted her entire campaign "with noncommunist hands"—including Republicans, Democrats, capitalists, philanthropists, and women—and for 40 years has managed to keep the legislative headquarters and herself, commanding political general of socialism in America, almost completely concealed.

Probably not one American in 10,000 knows that Mrs. Kelley is a socialist; few legislators can have dreamed that they were carrying out her orders, plans, and program in voting for the vast number of bills she has engineered—municipal, State, and Federal—for two generations. There are in fact few laws on American statute books of a socialist nature or tendency which can not be traced, in whole or in part, to the leadership of Mrs. Kelley. It would require a book, however, to do it, and then it would be incomplete, as Mrs. Kelley alone knows the "thousands of ramifications" of her life work.

Here attention is simply invited to the part of the Kelley program of revolution by legislation involved in Federal maternity, education, and child labor laws.

Mrs. Kelley herself is not a job hunter. She is not out for "pork" but for social revolution. She is a lifetime revolutionary leader, who, as legislative generalissimo of the socialist campaign, enlists hosts of sentimentalists, mercenary women lobbyists and job hunters in her rank and file, who do as they are told, pass resolutions and lobby Congress as directed, and for the most part know no more about her revolutionary socialist strategy than Napoleon's mercenaries knew of his military strategy. The mercenary battalions of women lobbyists and job hunters will be noted and quoted hereafter. Compared with these mercenary women politicians, working for Mrs. Kelley's socialist measures for a personal share in the political loot, Mrs. Kelley herself must be credited with sincerity, and her work, disastrous as it is to society and government, undoubtedly expresses Mrs. Kelley's political convictions.

MRS. KELLEY'S RECORD

Mrs. Florence Kelley was born in Philadelphia in 1859, daughter of William D. Kelley, former Member of Congress, graduated from Cornell University, 1882, studied at Zurich and Heidelberg. While abroad, she came in contact with Friederich Engels, became interested in socialism, and under Engels's supervision translated his chief economic work, "Condition of the Working Classes in England in 1844," printed for the first time in English in New York, in 1886, preparatory to her American campaign. This book of Engels's has been the inspiration of much socialistic legislation here and abroad.

After her return to America, she continued to correspond with Engels's regarding socialist tactics for America, and he instructed her, in a letter dated January 27, 1887, how to introduce socialism "into the flesh and blood" of Americans by their experience. He wrote:

"The less it will be knocked into the Americans from without and the more they test it by their experience * * * the deeper it will go into their flesh and blood." (Quoted in New York Call, socialist organ, January 29, 1923.)

Subsequently, Mrs. Kelley graduated from Northwestern University as a LL. B., 1894, and served as State inspector of factories in Illinois, 1893–1897.

In 1897–98, Mrs. Kelley was the editor of the Archiv fur Sozialegesetzebung at Berlin.

Mrs. Kelley married a Russian physician named Wischnewetsky, from whom she was subsequently divorced, resuming her maiden name, which explains why some of her translations of Marx and Engels are by "Florence Kelley Wischnewetsky."

MRS. KELLEY, ENGELS'S AMERICAN LIEUTENANT

The chief promoter of modern socialism was not Karl Marx but his financial backer and associate, Friederich Engels, a rich cotton-mill owner, born and educated in Germany, but whose large fortune had

been made by his father in Lancashire, England, cotton mills, ownership of which Engels retained.

The socialist, Guillaume, secretary of the Socialist International, described Engels as—

"A rich manufacturer accustomed to regard workmen as machine fodder and cannon fodder." (Guillaume, Documents de l'Internationale, III, 153.)

It was from Lancashire cotton mills that both Friederich Engels and Karl Marx—who lived on Engels's bounty—secured funds to establish various socialist publications and to organize socialism, revolution, and discontent, particularly in France and England. The French and Russian socialists accused them frequently of "pan Germanism," and there is much evidence that their main purpose was revolution elsewhere than in Germany.

Engels lived long after Marx, published and wrote much of the work of Marx, including Das Kapital, and the only reason Marx, instead of Engels, is the legendary patron saint of modern socialism is because the "proletariat" could not well afford to canonize a rich cotton-mill owner. Yet Engels was the financial backer, organizer, and strategist of modern socialism.

It was Engels—not Marx—who wrote "Origin of the family, private property, and the State," the greatest socialist attack on monogamous marriage and morality. It was Engels who completed, published, and wrote much of Marx's Das Kapital after Marx's death. They wrote the "Communist Manifesto" and various other works together.

Yet, as early as 1887, Mrs. Kelley was urging American college women to study Engels's "Origin of the family" as one of the "fundamental" works for those engaged in "philanthropy."

Mrs. Kelley became Engels's translator. "She came to us as the translator of Engels," said Mrs. Kelley's life-long radical friend, Miss Lillian D. Wald, of the Henry Street Nurses' Settlement, New York.

But communist documents recently released show that Mrs. Kelley was much more than Engels's translator; that she was his chief lieutenant for the promotion of communist legislation and propaganda in the United States.

The Workers' Monthly, official American communist organ, for November and December, 1925, published a series of articles entitled "Marx and Engels on the rôle of communists in America."

These articles have also been reprinted as a pamphlet under the title, "Marx and Engels on Revolution in America," as No. 6 of "The Little Red Library," issued by the Daily Worker Publishing Co. (official American publishers for the Communist International at Moscow), 1112 West Washington Boulevard, Chicago.

These articles—and this pamphlet—are "made up of excerpts from letters written by Marx and Engels on conditions in the United States," says the introduction. Most of these letters are from Engels. They are addressed to Mrs. Florence Kelley Wischnewetzky—now Mrs. Kelley—and to F. A. Sorge, a communist who took active part in the revolution of 1848 in Germany, settled in New York in 1857, became head of the General Council of the Socialist International in New York when, after the defeat of the French Commune of 1870–71, "Marx insisted on the removal of the general council to New York." (Booklet, p. 3.) Sorge died in 1906, after obtaining Engels's letters to Mrs. Kelley and turning them over, together with his own, to the New York Public Library, where they remain.

These letters—thus officially reprinted in 1926 by the Moscow Communists in the United States as instructions from "Marx and Engels on Revolution in America"—says the booklet "will help many of those active in the revolutionary labor movement in the United States better to understand the problems of the movement." (P. 5.)

Only a few sentences can be quoted without going into a great mass of detailed socialist history, strategy, and methods.

In a letter to Sorge, September 16, 1887, Engels wrote:

"The masses can only be set in motion in a way suitable to the respective countries and adapted to the prevailing conditions—and this is usually a roundabout way. But everything else is of minor importance if only they are really aroused."

In a letter to Mrs. Kelley, September 15, 1887, Engels says:

"Fortunately the movement in America has now got such a start that neither George nor Powderly nor the German intriguers can spoil or stop it. Only it will take unexpected forms."

He "sums up this method" (roundabout ways and unexpected forms), says the Communist booklet, "in a classic form in his letter to Mrs. Wischnewetzky, January 27, 1887." This letter (regarding introducing socialism into American "flesh and blood") has already been quoted in this memorandum (pp. 3 and 15).

Mrs. Kelley, in May, 1887—within four months of the "flesh and blood" letter from Engels—delivered her classic lecture to American college women, urging them to study Marx, Engels, and Bebel, and to substitute socialism and the class struggle for "bourgeois philanthropy."

This lecture by Mrs. Kelley, entitled "The Need of Theoretical Preparation for Philanthropic Work," a paper presented to the New York Association of Collegiate Alumnæ, May 14, 1887, is in the New York Public Library.

This lecture of Mrs. Kelley's on "philanthropy" will be found in many respects even more bitter, more "class conscious," and more subtly poisonous to the minds of young college women and social workers—to whom it was delivered—than any of the letters from Engels and Marx themselves in the "Little Red Library" booklet "on revolution in America."

Mrs. Kelley's 15-page address is loaded with socialism, under cover of "philanthropy," and should be read in full as a classic example of socialist propaganda methods.

Only a few samples can be quoted here:

"The question that forces itself upon us, and imperatively demands an immediate answer, is this: In the great strife of classes, in the life and death struggle that is rending society to its foundations, where do I belong? Shall I cast my lot with the oppressors, content to patch and darn, to piece and cobble at the worn and rotten fabric of a perishing society? Shall I spend my life in applying palliatives, in trying to make the intolerable endurable yet a little longer? Shall I spend my youth upon a children's hospital. * * * Shall I preach chastity to homeless men, the hopeless discomfort of whose surroundings must concentrate their whole desire upon gratification of animal passion, while want forces scores of thousands of women to sell themselves to the first comer? Shall I fritter away the days of my youth * * * when the steady march of industrial development throws a million able-bodied workers out of employment. * * *?

"Here lies the choice. If we stand by the class to which by education we belong, our philanthropic work, whether we will or no, must bear its stamp, being merely palliative—helping one child while the system sacrifices tens of thousands, saving one girl while thousands fall, building one hospital while every condition of our social life grows more brutally destructive of human life and health.

"As loyal members of the ruling class, our work must, I repeat, be merely palliative. For a radical cure of the social disease means the end of the system of exploiting the workers."

Thus on her own testimony, Mrs. Kelley has been promoting socialism as "philanthropy," "child welfare," "education," "protection of maternity and infancy," etc., because she regards these "roundabout ways" of promoting socialism, not as "merely palliative," but as measures tending toward "the end of the system" of our present form of government and the establishment of socialism.

Mrs. Kelley scorns "palliatives." She believes in revolutionary communism, and in Engels's "Condition of the Working Classes in England," which Mrs. Kelley translated into English and recommended to American college women and social workers as "fundamental" and "one of the indispensable books" (in preparing for social "philanthropy"), we find these revolutionary doctrines:

"The war of the poor against the rich now carried on in detail and indirectly will become direct and universal. It is too late for a peaceful solution. The classes are divided more and more sharply; the spirit of resistance penetrates the workers, the bitterness intensifies, the guerrilla skirmishes become concentrated in more important battles, and soon a slight impulse will suffice to set the avalanche in motion. Then indeed will the war cry resound through the land, 'War to the palaces, peace to the cottages,' but then it will be too late for the rich to beware." (From *the* Florence Kelley translation of Friederich Engels's Condition of the Working Class in England in 1844, 1892 edition, p. 208.)

Again, as Mrs. Kelley translates—and recommends—Engels:

"Hence also the deep wrath of the whole working class * * * against the rich, by whom they are systematically plundered and mercilessly left to their fate, a wrath which before too long a time goes by, a time almost within the power of man to predict, must break out into a revolution in comparison with which the French Revolution and the year 1794 will prove to have been child's play. (Ibid. p. 18.)

MRS. KELLEY HAS "MORE INTERLOCKING DIRECTORATES THAN BUSINESS HAS"

All socialism is most dangerous when disguised. It is when innocent-looking movements, "led by revolutionary minds acting behind the scenes," as Sir Philip Gibbs, famous British war correspondent, terms it, work for revolution in the name of something else that they best succeed.

The Kelley program of revolution by legislation has been promoted in the name of women and children. The work has been chiefly done by women.

Mrs. Kelley has been organizing women to promote socialism for 40 years.

Aided by her colleagues, Miss Jane Addams (president Women's International League for Peace and Freedom), Mrs. Raymond Robins (founder and former president International Federation of Working Women), Miss Lillian D. Wald (head of Henry Street Nurses' Settlement, New York), Mrs. Carrie Chapman Catt (former president International Woman Suffrage Alliance, founder and honorary president National League of Women Voters), she has been so successful

that she declared her legislative "preparedness" complete in 1921 in the following statement to a congressional committee:

"We have the votes and we are now organized with a thousand ramifications. We have more interlocking directorates than business has." (Meat-packer hearing, House Agriculture Committee, May 2, 1921, p. 59.)

Mrs. Kelley penetrated, led, and energized for her program:

Hull House Settlement, Chicago—of which she was a resident.

The Intercollegiate Socialist League—chief promotor of socialism in schools and colleges—of which Mrs. Kelley was president.

Women's International League for Peace and Freedom—most radical "open" organization of internationalist, pacifist women.

National American Woman Suffrage Association—of which she became vice president in 1905.

National Consumers League—of which she became general secretary in 1899; a position she still holds.

The National Child Labor Committee—of which she was a founder and member original board of trustees.

American Association for Labor Legislation—a product of the second international, which Mrs. Kelley helped to establish, which has led the agitation for compulsory health insurance and other German socialist schemes. It was denounced and repudiated by the late Samuel Gompers.

The National League of Women Voters.

The National Women's Trade Union League.

The Women's Joint Congressional Committee.

Mrs. Kelley was also a member of the faculty of the Rand School of Socialism, New York. A number of her pacifist connections and activities during the war are covered in the revolutionary radicalism report of the New York Legislature, 1919.

Added to the above organizations, scores of other women's organizations and the General Federation of Women's Clubs were brought into line behind Engels's lieutenant, who thus became legislative director in the United States for communist and noncommunist welfare workers.

LOBBYISTS ORGANIZED TO TRICK CONGRESS

In 1920, to promote the Sheppard-Towner Maternity Act, the Smith-Towner education bill, the establishment of a women's bureau, extensions of power and appropriations for the Children's Bureau, and a department of education and social welfare—modeled on the soviet commissariats of education and social welfare—there was organized at Washington by Mrs. Kelley, Mrs. Catt, and Mrs. Maud Wood Park, then president National League of Women Voters, an almost perfect device for misrepresenting the organized women of the country before Congress—through any five resident Washington lobbyists.

This was called "The Women's Joint Congressional Committee." It started out with a dozen women's organizations, and later embraced a score.

But when any five lobbyists—so-called "legislative chairmen"—of any five organizations get together and work for a congressional measure that these five organizations—out of a dozen or a score—are thought to approve, they form a "subcommittee" of the "Women's Joint Congressional Committee" to work for that bill, and the rest of the organizations in the "joint committee" are muzzled and bound not to work against it.

Literature is issued, Congressmen are canvassed, and a "drive" is started, often purporting to represent "millions of women" counted as the aggregate membership of the "joint committee" without ever holding any sort of referendum among women members on the legislation, and without any Democratic, Republican, or honest representative process whatever.

Once five "legislative chairmen" form a "subcommittee" the rest of the organizations are bound to support the bill, or silently consent to its passage. There is a growing rebellion among women out in the States, particularly in some of the State Federations of Women's Clubs, such as Kentucky and New Hampshire, and among other women's organizations in Massachusetts, New York, Kansas, and other States, against this autocratic arrangement for minority misrepresentation of women by resident Washington lobbyists of women's national organizations. Eventually, women themselves will undoubtedly put an end to this system organized to trick Congress concerning the opinions of American women. But it would seem a duty of every conscientious Congressman also to investigate this "interlocking directorate" of lobbyists, and to demand to be shown on what basis these lobbyists claim to represent the women of his district better than their duly elected Representative or Senator in Congress.

In the "maternity act drive" of 1921, Mrs. Kelley, of course, was chairman of the "subcommittee."

In the "child" labor amendment "drive" of 1923 and 1924, Mrs. Kelley, of course, was again in command, first with 10 and later with 16 lobbyists of women's organizations in the "joint congressional committee" trooping behind her, and reciting their little "we, too," speeches to congressional committees—while Mrs. Kelley herself dominated the hearing and dictated the form of the amendment.

The "many relations" of these lobbyists were indicated by Mrs. Kelley as follows:

"I am also one of a group of 10 representatives of national organizations who work together in many relations, and who will all appear here to state the approval of their organizations for this bill. I wish to relate my organization to that group." (Senate child labor amendment hearings, January 10, 1923, p. 49.)

The 10 organizations referred to, members of the "Women's Joint Congressional Committee," who were backing Mrs. Kelley's amendment, are:

National League of Women Voters.
General Federation of Women's Clubs.
National Consumers' League.
National Congress of Mothers and Parent-Teachers' Associations.
National Council of Jewish Women.
National Federation of Business and Professional Women.
National Women's Trade Union League.
Woman's Christian Temperance Union.
Girls Friendly Society of America.
American Association of University Women.

Proof that this backing was absolutely blind at the time the "representatives" first indorsed Mrs. Kelley's amendment is shown by the fact that not even the text of it could be known by anybody until after Mrs. Kelley, Miss Abbott, and William Draper Lewis and Owen Lovejoy, of the National Child Labor Committee, fought it out with the Senate subcommittee at the hearings in January, 1923, as therein shown, with Mrs. Kelley's contentions finally prevailing. But even Mrs. Kelley could not guarantee that in advance.

In short, the 10 organizations trooping behind Mrs. Kelley were acting on mere faith, not only without any referendum to their women members but without any possibility of knowing what the text would be. A year later some 16 or more of the "Women's Joint Congressional Committee" organizations were listed and purported to be represented as favoring the amendment at the House hearings of February, 1924. The State and local branches of these national organizations had no chance whatever to consider it until it was before the States for ratification. Can it be denied that this "Women's Joint Congressional Committee" is a device for misrepresenting the masses of organized women without consulting them, and for tricking the United States Congress by pretended mass support by women of the Kelley program?

MRS. KELLEY ORIGINATOR OF THIS LEGISLATION

Mrs. Kelley's leadership and influence will now be shown as dominant in this legislation:

(a) Establishment of the Federal Children's Bureau (1912).
(b) Origin and passage of the maternity act of 1921.
(c) Origin and passage of national child labor legislation.
(d) Origin, text, and passage of "child" labor amendment, 1924.
(e) Origin and propaganda for Smith-Towner education department bill.

Not only is the history and philosophy of all those measures plainly comprehended in one effort and one object—capture of control of all American children by one central bureau or department—but it is also now shown to be the work of one revolutionary socialist mind!

And if these measures are adopted and extended, they must affect not only children and parents but the nature and security of our form of government.

Prof. J. Gresham Machen, of Princeton Theological Seminary, well says:

"If liberty is not maintained with regard to education, there is no use trying to maintain it in any other sphere. If you give the bureaucrats the children you might just as well give them everything else." (Address, January 12, 1926, to Sentinels of the Republic, Washington, D. C.)

Undoubtedly Mrs. Kelley also knows that if American women and children can be "socialized" by Federal legislation or Federal amendment, men, money, and property can not long continue under individual and local control.

Therefore knowledge of the socialist origin and effect of these measures is important to all American citizens.

(a) *Establishment of the Federal Children's Bureau (1912)*

The Woman's Journal, then official organ of the National American Woman Suffrage Association (of which Mrs. Kelley was made vice president in 1905, after heading its child-welfare activities), declared a few days after the establishment of the Children's Bureau:

"This is the outcome of seven years of indirect influence by Mrs. Florence Kelley and many other earnest women." (Woman's Journal, April 6, 1912, p. 107.)

The Children's Bureau was established in 1912, not in response to popular demand, for self-reliant, resourceful, and energetic American parents never dreamed of a Federal Children's Bureau in 130 years of American independence. But "influence by Mrs. Kelley" and others who conducted a seven-year propaganda campaign led Congress to impose it on them.

In addition to Mrs. Kelley, the dominant leaders were:

Miss Jane Addams, internationalist and pacifist, head of Hull House, Chicago.

Miss Lillian D. Wald, pacifist, head of Henry Street Nurses' Settlement, New York, who is credited with suggesting the idea of a Children's Bureau in 1909, but Mrs. Kelley had been working for a Federal child labor law since 1905.

Owen D. Lovejoy, socialist, general secretary National Child Labor Committee and personal friend of Eugene V. Debs, who, when Debs was convicted of obstructing the draft and his conviction upheld by the Supreme Court, wrote "Comrade" Debs a letter of "personal love," comparing him with Christ, telling him that "thousands of little children" might see in him a savior, and that his conviction proved "the bankruptcy of the present social order." (See CONGRESSIONAL RECORD, May 31, 1924, for full text.)

Anna Louise Strong, now chief American press agent for Moscow Communists; Moscow correspondent of the Daily Worker and Monthly Worker, official American communist organs, and former "exhibit expert" of the Children's Bureau. Miss Anna Louise Strong, like Mrs. Kelley, Miss Lathrop, and Miss Abbott, was a resident of Hull House, Chicago hotbed of radicalism. In 1911 Doctor Strong conducted a number of "child welfare exhibits" in Chicago, New York, St. Louis, Kansas City, Louisville, etc., in the propaganda campaign for a children's bureau.

She became "exhibit expert" of the Children's Bureau after its establishment, a position corresponding to advertising or publicity director, and the author of its official booklet, "Child Welfare Exhibits," by Anna Louise Strong, Children's Bureau publication No. 14. She went from the Children's Bureau shortly before the American declaration of war against Germany, and in 1919 was a revolutionary ringleader in the Seattle general strike. (See "Americanism Versus Bolshevism," by former Mayor Ole Hanson, of Seattle, who refers to Miss Strong as the writer of the most radical "proclamations" when the strikers attempted to take over the government of Seattle by general strike.)

For five years Miss Strong has been Moscow correspondent for American communist papers, frequently returning to America for lecture tours, at which times, according to the radical "Federated Press Bulletin," December 15, 1923, "she can be reached at Hull House, 800 South Halstead Street, Chicago," headquarters of Miss Jane Addams, and the radical settlement "training school," from which both the former Chief of the Children's Bureau, Miss Julia C. Lathrop, and the present chief, Miss Grace Abbott, graduated into a Federal Government position of tremendous power.

In the Forum, April, 1924, Miss Strong praised Lenin as "the greatest man of our time," and her book, "The First Time in History," on communism in Russia, contains an introduction signed by Leon Trotski as an indorsement of Miss Strong.

If the Biblical test, "Ye shall know them by their fruits," be applied to the Federal Children's Bureau, and Miss Strong, its former "exhibit expert," be regarded as a fair sample of its best-trained social worker after graduation from the bureau, Miss Strong's prompt and vigorous postgraduate work as an "open red revolutionist" in Seattle (as Mayor Ole Hanson called her) and as a communist press agent at Moscow is not without deep significance.

Miss Strong has continued to be associated with Mrs. Kelley, Miss Addams, Miss Lathrop, Miss Grace Abbott, etc., in the Women's International League for Peace and Freedom, which has led the campaign in this country for recognition of Soviet Russia, telling women that "Russia leads the world in her attempt to establish peace" (W. I. L. official bulletin, June, 1923), notwithstanding the great soviet red army. This Women's International League has also led the pacifist campaign to "disarm America first" as an "example" to the rest of the world; has urged women to take slacker oaths and pledges against all service to their country in time of war (see official W. I. L. report, Second International Congress of Women, at Zurich, 1919, pp. 156, 160, 161, 262, and official W. I. L. report, Third International Congress of Women, at Vienna, 1921, pp. 195, 196, 262).

The W. I. L. has also gone on record for "the gradual abolition of property privileges," another name for the gradual establishment of communism. (See W. I. L. official report, Third International Congress of Women, Vienna, 1921, pp. 101, 261, and Outline History of Women's International League, issued by same.)

When the Moscow communists in America in July, 1923, organized a communist Federated Farmer-Labor Party, it was too red even for radicals like John Fitzpatrick, of Chicago, the old Farmer-Labor Party, and the Nonpartisan League, who withdrew, and in 1924, when it invited Senator La Follette to address its St. Paul convention he scathingly denounced it.

But the Women's International League, along with the communist Workers' Party, the Proletarian Party, and various other communist organizations, is listed in the Worker, official communist organ, July 21, 1923, as one of the organizations represented at this convention of communists.

For further proof of the communist nature of the "peace program" of the W. I. L. the attention of Senators is invited to the W. I. L. "cahier" for "a new international order" adopted by the last W. I. L. international congress at Washington, May 7, 1924, which provides for the government of the world's labor, raw materials, and food supply by an international representing trades and occupations in each country—a straight soviet system, although the W. I. L. carefully avoids calling it by its right name.

That the W. I. L. leaders have been advocating such doctrines for years is shown by the following report of a speech by Miss Jane Addams immediately after America entered the World War:

"We should have a central distribution system for the world, administered by a commission located in Athens, Greece," said Miss Addams. "This commission should have charge of the food of the world and should prescribe the treatment of the people of the world."

The only basic difference between the scheme of Miss Addams and that of the Communist International at Moscow for central dictatorship over the "distribution system," "food of the world," and "treatment of the people of the world" is that Miss Addams favors Athens instead of Moscow as the capital of world communism. The reported speech by Miss Addams quoted above appeared in the Chicago Herald, May 8, 1917, and has never been denied or modified by Miss Addams, to our knowledge.

In her own book, "Peace and Bread in Time of War," by Miss Jane Addams, issued in 1922, taking the revolutionary slogan of the Bolsheviki as her title, as she admits, "not because the first two words were the touching slogan of war-weary Russian peasants but because peace and bread had become inseparably connected in (her) own mind," Miss Addams shows conclusively that she desired the aftermath of the war to be international communism. Her chapter "A food challenge to the League of Nations" (pp. 199–222) can not be fairly interpreted otherwise than as a restatement of her Chicago speech advocating centralized international control of the world's food. Among other things, she writes:

"Must not the league evoke a human motive transcending and yet embracing all particularist nationalians before it can function with validity?" (p. 201).

"During the first year of the league the popular enthusiasm seemed turned to suspicion because it was so indifferent to the widespread misery and starvation of the world * * *." (Ibid.)

"In their earlier days men so lived that each member of the tribe shared such food and safety as were possible to the whole" (p. 205).

"Human nature * * * has never quite fitted its back to the moral strain involved in the knowledge that fellow creatures are starving * * * it has lain at the basis of many religious communities and social experiments and in our own generation is finding extreme expression in governmental communism. In the face of the widespread famine following the devastation of war it was inevitable that those political and social institutions which prevented the adequate production and distribution of food should be sharply challenged. Hungry men asked themselves why such a situation should exist, when the world was capable of producing a sufficient food supply" (p. 206).

"To different groups of men all over the world, therefore, the time had apparently come to make certain that all human creatures should be insured against starvation" (p. 207).

"The demand for food was recognized and acknowledged as in a great measure valid, but it was being met in piecemeal fashion while a much-needed change in the world's affairs threatened to occur under the leadership of men driven desperate by hunger" (pp. 207–208).

"If from the very first the League of Nations * * * had evinced the daring to meet the new demands which could have been met in no other way, then, and then only, would it have become the necessary instrumentality to carry on the enlarged life of the world * * *." (208.)

"* * * For two years after the war the League of Nations was in dire need of an overmastering motive forcing it to function and to justify itself to an expectant world." (209.)

"But what could have afforded a more primitive, genuine, and abiding motive than feeding the peoples of the world on an international scale. (209.)

"Such a course would have forced them to * * * the function of a recognized international economic council for the control of foodstuffs and raw material, the world-wide fuel shortage." * * * (210.)

"The situation presented material for that genuine and straightforward statesmanship which was absolutely essential to the feeding of Europe's hungry children." (210.)

"The adherents of the league often spoke as if they were defending a too radical document whereas it probably failed to command widespread confidence because it was not radical enough." (211.)

"It was self-evident that if the league refused to become the instrument of a new order, all the difficult problems resulting, at least in their present acute form, from a world war, would be turned over to those who must advocate revolution in order to obtain the satisfaction of acknowledged human needs." (212.)

"* * * The League of Nations must abandon its political treatment of war-worn Europe and consider the starving people as its own concrete problem. * * * If the coal, the iron, the oil, and above all the grain, had been distributed under international control from the first day of the armistice Europe might have escaped the starvation from which she suffered for months." (213.)

Can this be considered as anything else but an argument that if the league had appealed to proletarian hunger, and promised international communism, it could have found a "human motive transcending" the desire for private property and the duties of patriotism? Can it be denied that Miss Addams criticises the league for not promising bread and centralism to break down nationalism and private property—"above all the grain" in the farmer's cribs to be "distributed under international control?"

MISS ABBOTT'S RECORD AS A PACIFIST

Miss Grace Abbott, chief of the Children's Bureau, is one of the two "consultative members" of the executive board of the Women's International League. There are only two such officials in each country, who probably constitute the most powerful inner ring in control of the Women's International League, as no list of them is published, and the other member in America has not been announced. Miss Abbott's colleague may be Miss Anna Louise Strong, Mrs. Kelley, or some other person with a record too radical for the Women's International League to advertise.

At the Fourth International Congress of the Women's International League, at Washington, May 1–7, 1924, Miss Jane Addams, international president, announced Miss Abbott's position as "consultative member" of the executive board, and the announcement is also made in an official report of the Women's International League held by your petitioners in proof of this statement.

At the original "Internationaler Frauenkongress," called at The Hague in April, 1915, at which the organization now known as the Women's International League (it has changed its name several times) held its first "International Congress of Women," Miss Grace Abbott introduced a resolution for dismantling the fortifications of the Panama Canal and making it and other international waterways "a property of all the nations." Miss Abbott made a speech criticizing the United States for fortifying the Panama Canal, which was quoted in the CONGRESSIONAL RECORD, May 31, 1924, and may be seen in full text in the official proceedings of the Internationaler Frauenkongress, April 28–May 1, 1915, pp. 147–148, issued by the Women's International League.

That original "Internationaler Frauenkongress" at The Hague in 1915 was gathered together chiefly by Frau Rosika Schwimmer, of Hungary, who came to the United States in September, 1914, as secretary of the International Suffrage Alliance (of which Mrs. Carrie Chapman Catt was then president), but Frau Schwimmer was "in reality a German agent," says the revolutionary radicalism report of the New York Legislature, 1919 (vol. 1, p. 971).

After accompanying Mrs. Catt in a visit to President Wilson, September 14, 1914, at which alleged petitions from "the women of the world" for an "immediate armistice" were presented (just after the German repulse at the first Battle of the Marne and the high tide of German penetration and occupation of France), Frau Schwimmer conducted a lecture tour enlisted American women in a "woman's peace party," gathered a delegation for the "Internationaler Frauenkongress" in 1915, organized the Ford "Peace Ark" expedition and other ventures, all having the common object—to "keep us out of war" with Germany and get America to demand "peace" with Germany occupying nearly all of Belgium and a fourth of France.

Miss Grace Abbott, at the Internationaler Frauenkongress, regarded Frau Schwimmer's propaganda as "especially fortunate" for American women to have, as it "told us what our duty was," saying:

"Miss ABBOTT. The United States women have been especially fortunate in having with them during the last months Mme. Schwimmer, who told us in the same way as she told you what our duty was. * * * We therefore bring in an amendment which comes forth from American experience." (Internationaler Frauenkongress proceedings, 1915, p. 147.)

Miss Abbott thereupon denounced the United States for fortifying the Panama Canal and proposed that the canal "shall be a property of all nations." (Ibid. p. 148.)

After the war Frau Schwimmer became "Hungarian Bolshevik ambassador to Switzerland" (Revolutionary Radicalism report, N. Y. Legislature, vol. 1, p. 971), and some time after the fall of the Hungarian Revolution returned to the United States, and for several years past has been making her headquarters at Hull House, Chicago. Frau Schwimmer was also one of the chief speakers at the Fourth International W. I. L. Congress at Washington, May 1–7, 1924.

Judge Ben Lindsey, of the Denver Juvenile Court, was also one of the assistant propagandists in the seven-year campaign to establish the Children's Bureau. He came to Washington with the head of the Colorado "Society for the Protection of Children and Animals," in 1909 to speak with Mrs. Kelley and others for a children's bureau at the 1909 hearings.

In 1912, just before the establishment of the Children's Bureau, Judge Lindsey triumphantly wrote in a signed article in the Woman's Journal, February 10, 1912:

"An economic earthquake has shaken the 'old home' to pieces. The foundations are crumbled, the walls are spread, the winds of the world blow through. * * * The Nation, the State, the municipality, these have stepped in, assumed practical control of the family in its most intimate relations, and are overparents. * * * If I were a woman in 1912, these two fundamental things—the real meaning of politics and conception of government as an overparent—are what I would consider primarily and resolve upon understanding."

Thus it has been shown not only that the establishment of the Children's Bureau, as the Woman's Journal (April 6, 1912, p. 107) declared, was the "outcome of seven years of indirect influence by Mrs. Florence Kelley"—a revolutionary communist trained by Friederich Engels—and "many other earnest women" whose radicalism has been shown scarcely less than that of Mrs. Kelley, but it is also demonstrated that even the mildest "noncommunist hands" who helped build the bureau, such as Judge Ben Lindsey and the Woman's Journal, hold this "conception of government as an overparent" and glorified it as much as any revolutionary communist has done.

(b) Origin and Passage of the Maternity Act of 1921

The original maternity act was introduced by Miss Jeannette Rankin (now field secretary of Mrs. Kelley's National Consumers' League) July 1, 1918, within a month after the Supreme Court had held the first national child labor law unconstitutional, June 3, 1918 (Hammer *v.* Dagenhart). House hearings were held January 15, 1919. Miss Julia C. Lathrop, then chief of the Children's Bureau, was away on a junket to Europe, investigating "maternity systems" and "infant welfare" in central Europe, making her headquarters mostly in Prague.

Several mere physicians from the Children's Bureau attended the hearings, but Mrs. Kelley assumed her customary leadership, saying:

"It is remarkable that Uncle Sam should care so much for the young lobsters and so little for the American children. I talked with the Chief of the Children's Bureau about this bill before she sailed. She wished it made clear * * *," etc. (House hearings, Labor Committee, January 15, 1919, p. 38.)

Mrs. Kelley went on to explain why certain words were put into "Miss Rankin's" bill.

THE "HEROD" CAMPAIGN AGAINST CONGRESS

As previously noted, Mrs. Kelley also headed the "maternity act drive" of 1920–21 as chairman of the maternity act subcommittee of the Women's Joint Congressional Committee.

Mrs. Kelley also headed the publicity drive to make the country believe Congress a body of Herods. In addition to magazine and newspaper articles, such as "Women and children last," by Mrs. Kelley (Pictorial Review, February, 1921), Mrs. Kelley repeatedly flaunted the Herod charge before Congress. She declared:

"The question that is arising amazingly in people's minds now is, Why does Congress wish to have mothers and babies die? Why does it wish to have this go on? (Senate hearings on S. 3259, May, 1920, p. 52.)

Again, she made a direct threat to use this Herod charge publicity until Congress passed the bill:

"* * * If Congress adjourns without having taken effective action—no mere committee report will answer; we want a committee report, but we want a committee report as a basis for action * * * if this bill is not passed—it will be one of the most interesting questions that will go on and on in the press, because our organization will see that it does go on if no other organization does. Why does Congress continue to wish to have mothers and babies die?" (Ibid. p. 53.)

The chairman (former Senator Joseph I. France) meekly inquired: "Have you any answer to that question, Mrs. Kelley?

"Mrs. KELLEY. We look to Congress for the answer." (Ibid.)

At the next hearings Mrs. Kelley hurled the Herod accusation—and threat—into the faces of Congressmen even more insolently:

"This is the week of the Child, who was born and laid in a manger; and this is the time when people's minds turn especially to the children; and those people who will go to church on Christmas Eve and on Christmas Day will be reminded, not only of the Child who was born that day but of the circumstances under which that Child was born. And the story of Herod will be in everybody's mind.

"We do not know how many children were slaughtered by the order of Herod; history does not record that. But the deaths of those children have remained in the minds of the human race for nearly 2,000 years; and the Congress now, after its long delay and its failure to interest itself in those daily deaths of 680 children—or 20,000 children a month—has to choose where it will be recorded in history." (House hearings, H. R. 10926, December 20–29, 1920, p. 27.)

Again:

"What answer can be given to the women in a myriad of organizations, who are marveling and asking 'Why does Congress wish women and children to die?'" (Ibid., p. 29.)

This is the sort of publicity, pressure, and argument that was used by this communist legislative general in favor of a bill providing nothing whatever but "investigations and reports," salaries, traveling expenses, administration, etc., and that prohibited the use of a cent of the fund for maternity and infancy "equipment," maternity hospitals, etc.

And yet, when Senator MOSES introduced a bill for maternity hospitals, and the training of women in maternal nursing, this powerful communist was able to kill it in 10 minutes, and exclude it from the Senate hearings by calling it "bricks and mortar," etc., as previously shown.

Can it be denied that the entire campaign for this legislation has been one of insolent threats, juggled statistics, false charges against Congress, and constant fraud and trickery to capture control of all American mothers and children?

Although the two Federal child labor laws, declared unconstitutional, are dead, brief review of their history is necessary to illustrate the methods of the same group of lobbyists regarding pending legislation.

(c) Origin and Passage of National Child-Labor Legislation

Here again Mrs. Kelley is first and foremost. She says:

"I made a speech 15 years ago in Washington at which Senators and Congressmen were present, when I reproached them about their zeal for hogs and boll weevils and ticks in comparison with what they did and left undone for the working children; and they took it to heart enough to pass a very poor, feeble child labor law for the District of Columbia in 1906." (Senate hearings on S. 3259, May, 1920, pp. 52, 53.)

Mrs. Kelley began the campaign for uniform child-labor legislation in 1889, with a pamphlet entitled "Our Toiling Children." In 1902 the National Consumers' League (of which Mrs. Kelley was and is general secretary) started the "invidious comparison" method of attacking State legislation. In 1903 a New York State Child Labor Committee was formed, and in 1904 a National Child Labor Committee, with Mrs. Florence Kelley, Miss Jane Addams, and Miss Lillian D. Wald on the original board of trustees. Mrs. Kelley also interested the General Federation of Women's Clubs and the National American Woman Suffrage Association in uniform child-labor legislation, becoming vice president of the latter in 1905. At the same time John Spargo, then a socialist leader (who turned against socialism, however, in 1917, and who denounced and opposed the child labor amendment in 1924 as "foolish and dishonest, insincere, and uncandid") wrote The Bitter Cry of the Children which became popular among socialists not only but many others. In 1906 Senators Beveridge and Lodge were persuaded to introduce national child labor laws. But, as Mrs. Kelley says:

"Lingering doubts as to the power of Congress to deal with child labor beset the minds of members of the National Child Labor Committee, and deprived Senator Beveridge of whole-hearted, unanimous backing of his bill." (The Federal Child Labor Law, by Florence Kelley, Survey, August 26, 1916.)

The first legislative success was scored by Mrs. Kelley in the "hog-story" campaign, leading to the District of Columbia law in 1906. In 1907 Owen R. Lovejoy, a socialist, became general secretary of the National Child Labor Committee. In 1908, as previously shown, the socialists in their national convention made prohibition of "the interstate transportation of the products of child labor" one of their chief industrial "immediate demands."

The National Child Labor Committee, with its "lingering doubts," did not come into the campaign whole-heartedly until 1915. Even its pamphlet, "The Extent of Child Labor Officially Measured," issued in November, 1914, does not mention the necessity of a Federal law, the National Child Labor Committee having other official "objects"; "to promote the welfare of society with respect to the employment of children in gainful occupation; to investigate and report the facts concerning child labor; to raise the standard of public opinion and parental responsibility with respect to the employment of children; to assist in protecting children by suitable legislation against premature or otherwise injurious employment; to aid in the enforcement of laws relating to child labor; to coordinate, unify, and supplement the work of State or local child labor committees," etc.

In 1915, however, the National Child Labor Committee was swung into line behind the socialist "immediate demand" of 1908—for prohibition of interstate transportation of the products of child labor—and a Federal law became its "one controlling purpose," its "most important work" (National Child Labor Committee Bulletin, November, 1915), and "Help us to secure a Federal law" the slogan on all its literature. It held two conventions in 1915 to promote a Federal child labor law, one at Washington January 5–6, 1915, to influence Congress, and one at San Francisco May 28–31, 1915 (to take advantage of the Pan American Exposition) at both of which Mrs. Kelley spoke on "Child Labor and Illiteracy," "Child Labor and the Consumer," and "Responsibility of the Federal Government," while Miss Jane Addams and Miss Julia C. Lathrop, then Chief of the Children's Bureau, spoke on "The Child, a Ward of the Nation." Immediately after the 1915 Washington convention of the National Child Labor Committee Federal child labor laws were introduced in the House January 26, 1915, by Representative A. Mitchell Palmer, and in the Senate February 21, 1915, by Senator Robert L. Owen. It passed the House February 15, 1915, by 233 to 43, but was killed in the Senate by objections of Senator LEE S. OVERMAN March 4, 1915. In the next Congress the Keating-Owen bill to prohibit the interstate transportation of the products of child labor was passed, notwithstanding the fact that the House Judiciary Committee had held that "Congress could not possibly pass a child labor law." (Child Labor Bulletin, May, 1916, p. 56.)

And thus, in spite of an adverse opinion by the House Judiciary Committee and the "lingering doubts" of the National Child Labor Committee itself, as well as of many Congressmen, this part of the Kelley program, dating back to 1889 on her part, and following the "immediate demands" of the Socialist National Convention of 1908 to the letter, became an act of Congress, approved September 1, 1916 (Public 249, 64th Cong.). It was held unconstitutional June 3, 1918, by the United States Supreme Court; passed again as a "tax on employment of child labor" in the act of February 24, 1919 (Public 254, 65th Cong.), held unconstitutional May 2, 1919, by Federal Judge James E. Boyd at Greensboro, N. C., and three years later, May 15, 1922, held unconstitutional by the United States Supreme Court in Bailey *v.* Drexel Furniture Co.

It has already been shown how the Children's Bureau, after the first Federal child labor law was held unconstitutional, promoted the maternity act and the education bill as "indirect" methods of standardizing children and education. (See pp. 13 and 14 of this memorandum.) Also it has been shown (p. 12 of this memorandum) that Miss Grace Abbott (administrator of the first Federal child labor law) and Miss Julia C. Lathrop began a political campaign to interest the National League of Women Voters and the National Woman's Party in an amendment and a "maternity act" shortly after Federal Judge Boyd had held the second Federal child labor law unconstitutional.

The determination of this Children's Bureau to circumvent the Constitution and the Supreme Court's decision is also illustrated in the 1919 annual report, where the chief admits that the bureau began a "back-to-school drive" as a measure "to decrease child labor" (Annual Report, Children's Bureau, 1919, p. 9) and called an international conference to frame "minimum standards for the health, education, and work of normal children and for the protection of special classes of children in the United States." (Annual Report, 1919, p. 13.)

In addition, the bureau chief (then Miss Lathrop) expressed hope that the "standards" of this international conference for "children of the United States" might prove a strong influence in securing attention to two "measures worthy of consideration" which "are really implicit in the standards," as she said:

"1. Federal aid to States for universal elementary education for the prompt and immediate abolition of illiteracy and of child labor.

"2. Federal aid to States for the universal public protection of maternity and infancy." (Annual Report, Children's Bureau, 1919, p. 24.)

There, officially stated by the chief of the Children's Bureau, is the proof of that bureau's resort to an international convention and its "standards," and to the education bill and the maternity act ("implicit in the standards") for securing control of American children by a central bureau, regardless of the Constitution and the courts.

INTERNATIONAL CONTROL OF CHILDREN

Not only did the Children's Bureau call an international conference of foreigners to frame "minimum standards for the health, education, and work of normal children and for the protection of special classes of children in the United States" (Children's Bureau Annual Report, 1919, p. 13), but it has constantly sought to subject all American legislation for children to foreign "standardization."

The Children's Bureau Annual Report, 1919, also declares:

"Child welfare is a national, even international, problem of first magnitude, and the economic aspects of the problem are now most urgent" (p. 29).

Miss Grace Abbott, chief of the Children's Bureau, in a signed article in the radical New Majority, September, 1923, and in the New York Call (socialist organ), September 23, 1923, urges the "child" labor amendment, with the following as one of her main arguments:

"A large part of the civilized world has adopted not only a national standard but an international standard with reference to the employment of children. The most important nations of Europe have joined in a child labor convention drafted at the International Labor Conference (of the League of Nations) * * *.

"Ought it not to be possible for Congress to say that in no section of this country will children be allowed to work below standards now established by international agreement among many nations?"

Miss Grace Abbott served as "unofficial American observer" in 1923 on the commission on international traffic in women and children of the League of Nations. (Woman Citizen, August 25, 1923, p. 18.)

Miss Abbott is quoted in the same article as saying:

"It might well be argued that the problem of securing world peace is a fundamental problem in child welfare. * * * To prevent war, we shall need certain guaranties for children." (Woman Citizen, August 25, 1923, p. 18.)

Shortly after Miss Abbott's service as "unofficial observer" on the commission on international traffic in women and children there began to appear in the press frequent dispatches regarding international control of children. For example:

"Henceforth the children of the world will be under the protection of the League of Nations. * * * The council of the league, with the consent of the interested parties, has authorized the concentration of all child-welfare activities here. A special department will be created by the league to handle all matters concerning the protection of children." (Geneva dispatch to New York Times, March 16, 1924.)

"GENEVA, September 19.—Steps have been taken in the commissions of the League of Nations Assembly to place children under the protection of the league. The projects provide for reorganization of the permanent commission on traffic in women and children under a new name, with two groups of experts, one for questions relating to traffic in women and children and the other for all matters promoting the welfare of children. The latter group will include representatives of the principal associations concerned with children, especially the International Federation for Promoting Child Welfare, with headquarters at Brussels, the work of which will henceforth be undertaken by the league." (Geneva dispatch to New York Sun, September 19, 1924.)

In addition, Albert Thomas, French socialist, head of the International Labor Office, was brought to America to lobby for the child labor amendment.

The testimony of Thomas for the amendment appears at page 73 of the Senate Hearings on Child Labor, January 10 and 15, 1923, Part II.

Thomas admitted, after some dodging, that he is a socialist (p. 78) and that he represented the International Association for Labor Legislation as well as the labor office of the League of Nations. (P. 76.)

The "International Association for Labor Legislation" is a product of the Second Socialist International, the socialists, after their defeats in 1848 and 1871 in attempting revolution "by force and violence," going in for revolution by fraud and legislation in the name of "labor," "consumers' leagues," "workingmen's associations," etc., etc.

Is it not almost inconceivable that the League of Nations, solemnly pledged to respect "the territorial integrity and political independence" of all nations—and most eager to get the United States as a member and not to offend American sentiment—should thus inject itself into the most intimate local and domestic affairs of the American people unless it had been urged and invited to do so by the same Federal bureau of internationalists that brought Japs and others here to standardize American legislation for children in 1919?

Among other things Albert Thomas, head of the International Labor Office of the League of Nations, said:

"We have, in addition, a proposition to protect the children before birth. * * * You see, gentlemen, it is, I believe, a full development of this effort of international protection." (Senate hearings, January 15, 1923, p. 76.)

"In the first conference we voted also a draft convention for the situation of children in agricultural work. * * * Children under the age of 14 years may not be employed or work in any public or private agricultural undertaking or any branch thereof except outside of the hours fixed for school attendance. * * *

"Senator SHORTRIDGE. Do you mean farm labor?"

"Mr. THOMAS. Yes, sir; farm labor." (Ibid. 76–77.)

That the league labor office has been acting under "unofficial" American suggestion in these matters is indicated by the following dispatch (at a time when the fate of the child labor amendment was hanging in the balance):

"GENEVA, February 13.—At the request of Miss Grace Abbott, of Washington, the initial meeting of the League of Nations' Reorganized Commission for the Protection of Women and Promotion of Child Welfare, scheduled for next week, has been postponed to May 20." (New York Evening Post, February 13, 1925.)

The league was apparently told, however, that it could go ahead with international "education" propaganda. Thus:

"GENEVA, February 18—(Associated Press).—The League of Nations is taking a new step to educate the youth of all countries in the ideals of world peace, with the encouragement of contact between the young people of different nationalities. * * * The league believes that the basis of the suggested education of the younger generations should be teaching the principles and work of the League of Nations as training in international cooperation and normal methods of conducting world affairs." (Associated Press, February 18, 1925.)

Does it not appear that the league was asked to postpone its "child welfare" meeting until after the child labor amendment was acted upon by the many legislatures in session in January and February, 1925, only because it was feared that the appearance of league interference then would be represented by our legislators and react against the amendment?

On the other hand, after 32 State legislatures had rejected or refused to ratify the amendment up to April 1, 1925, the league labor office was apparently requested to exert international pressure for reconsideration.

Thus the following dispatch:

"GENEVA, April 2—(Associated Press).—Child-labor conditions in some sections of the United States were condemned to-day by labor members of the governing board of the international labor office, which opened a three days' session.

"Yan Oudegest, president of the Dutch Labor Federation, and Leon Jaudaux, of France, president of the General Federation of Labor, urged publication by the bureau of all possible information on conditions in America, expressing the belief that world public opinion could thus be brought to bear on the Americans and culminate in an improvement. * * *

"The discussion of conditions in the United States was the sequence of the recent apparent rejection of an amendment to the Constitution authorizing Federal laws on the subject of child labor, and arose from a fear of labor leaders that rejection of the proposed amendment would prevent an amelioration of the conditions of children in certain States. The American conditions were discussed together with those in the mandated countries and China." (New York Times, April 3, 1925, p. 21.)

The same dispatch, however, explains that Albert Thomas told the governing board of the labor office that it had "no right to interfere in what the United States Government or the State governments were doing on the child-labor question.

"He said, however, it was the bureau's duty to publish all statistical information, because of its bearing on general industrial conditions, Mr. Thomas added that he already had requested the bureau's representative in Washington to collect and forward facts." (Ibid.)

Here it has been shown conclusively that if the "standards" of the Children's Bureau prevailed "no section of this country" could allow children to work even on farms without being "blacklisted" and discussed "together with the mandated countries and China," until it conformed to the "international standards" of European socialists.

Miss Jane Addams, in her book, Bread and Peace, praises the recommendations of the British Labor Party (socialist) for "measures for the special relief of children everywhere, without regard to the political allegiance of their parents," as "simple, adequate, and yet how far-reaching in their consequences." (Bread and Peace, p. 210.)

Our dual system of divided and limited Federal and State authority, when the balance is destroyed, becomes peculiarly oppressive, literally a double Government.

The Federal Government when it encroaches on the State governments does not wipe out the latter. It superimposes itself upon them, with the result that we have two governments on our backs to support and obey in performing the same function.

If the standards, rules, and regulations of an international agency are added, as the Children's Bureau and the socialists desire, the American people exchange local self-government for a triple tyranny, with three governments on their backs and three sets of bureaucrats trying to standardize children before they are born and up to the age of 18 years.

We respectfully urge that our dual system of government requires the division of administrative powers, and that neither individual liberty, local self-government, nor the Federal Constitution can survive if we go on with the duplication of functions of the States by Federal bureaus, illustrated in the most absurd and extreme form by the maternity act.

What can be more intimate, personal, domestic, and local than the relation of mother and child? What form of tyranny, national or international, can be challenged if this crime against common sense, this conspiracy against the Constitution, this unscientific and dangerous dictation of "social and economic" fanatics over the health of mothers and babies, is renewed and extended after its failure, its menace to the lives of mothers and infants, and its communist nature, origin, and object are all demonstrated beyond reasonable doubt?

(d) Origin, Text, and Passage of "Child" Labor Amendment

The first Federal child-labor law, even before it was held unconstitutional, was deemed by Mrs. Kelley only as "a step toward equality for American children." And even then, she showed her determination to secure Federal legislation eventually against rural child labor, despite the specific exemptions made by Congress in the act of September 1, 1916. Mrs. Kelley wrote:

"The factory children and mine children having at length caught the attention of Uncle Sam, so long blind and deaf to their need, the enormously larger numbers engaged in agriculture can not forever be ignored; the inevitable logical sequel of this law is Federal aid to education." (The Federal Child Labor Law, by Mrs. Florence Kelley, Survey, August 26, 1916.)

In the same article, she again stated:

"Not until the National Child Labor Committee stationed Alexander J. McKelway in Washington * * * to promote the Federal child labor bill in Congress, did the committee deserve its name. Henceforth, however, its task will be truly national * * *. Upon it will rest the burden, also, of extending to the rural wage-earning children the benefits which the present law promises to those in a limited number of industries * * *. Under the guidance of its secretary, Owen R. Lovejoy, whose patient statesmanship has achieved the success of to-day, the National Child Labor Committee may reasonably hope to free the Republic from the cruelty and shame of child labor."

In spite of Mrs. Kelley and of Owen R. Lovejoy, a socialist on the National Child Labor Committee as general secretary, since 1907, that committee with its "lingering doubts" and its legitimate other

objects and nonsocialist supporters, has always lagged far behind Mrs. Kelley and the Children's Bureau in demanding national control of child labor. It has already been shown that Miss Grace Abbott was out for an amendment giving Congress power to "establish minimum labor standards" in February, 1920, after the second child labor law had been held unconstitutional by a Federal judge in North Carolina, May 2, 1919, and while the case was pending in the Supreme Court of the United States.

When the Supreme Court held the second child labor law unconstitutional, efforts for an amendment were redoubled by Mrs. Kelley and Miss Abbott.

On the contrary, neither the American Federation of Labor nor the National Child Labor Committee then demanded an amendment. (See the testimony of Samuel Gompers and Owen R. Lovejoy at the original House Judiciary Committee hearings, June 1, 1922.) Mr. Gompers, in fact, advocated and brought in a brief about an "involuntary servitude" bill. But Mrs. Kelley insisted they would be "morons" who "learn nothing by experience" unless they backed an amendment. As usual, Mrs. Kelley's views prevailed. Mr. Gompers's "involuntary servitude" bill was discarded, and the Federation of Labor and the National Child Labor Committee were swung into line by this powerful communist. In 1923, they, as well as 10 of the "Women's Joint Congressional Committee" organizations, were all marshaled behind Mrs. Kelley's amendment, together with the subcommittee of the Senate Judiciary Committee. It was Mrs. Kelley's amendment that prevailed and was finally proposed by Congress—all the proposals of Senators Lodge, Johnson, Townsend, Walsh of Montana, and of the National Child Labor Committee, through its counsel, William Draper Lewis, being discarded, like the Gompers's "involuntary servitude" bill, when Mrs. Kelley insisted upon the "spacious wording" of the McCormick resolution, representing the objectives of herself and the Children's Bureau.

That Mrs. Kelley was the chief draftsman of the McCormick-Foster amendment and assumed direct leadership whenever Senators on the subcommittee or counsel for the National Child Labor Committee proposed any interference with its "spacious wording" is demonstrated in the Senate hearings, January 10, 1923.

For example, Mrs. Kelley says:

"When we were laboring over the drafting of it," etc. (p. 89).

At page 49 Mrs. Kelley declares her participation in the drafting of the amendment and "in the selection of a Senator who should be asked to introduce the bill," and that she had made the adoption of that particular amendment her "chief occupation in relation with Congress until an amendment should be adopted" (p. 49).

Further tribute to her leadership and responsibility for the text of the amendment is revealed in part as follows:

Senator WALSH of Montana. "Mrs. Kelley, evidently you had something to do with drafting of this resolution. Will you tell us what idea was intended to be covered by the concluding words of the resolution—what it means?" (Senate hearings, January 10, 1923, p. 91.)

When Senators presumed to suggest constitutional complications and effects, she retorted:

"I might say that I am myself an attorney; I have been admitted to practice before the bar since 1894. I have been dealing with constitutional things under the guidance of one of our present justices of the Supreme Court for the long term of nine years, when he was advocating the constitutionality of legislation for both men and women in the matter of having their hours of work contracted. My attention has not been limited exclusively to statutes" (p. 90).

Finally, Senator WALSH of Montana asked:

"Before you leave us, Mrs. Kelley, I understand the purport of your talk now to be that you would like to have us report this amendment exactly as it is in the McCormick resolution?"

Mrs. KELLEY. "No; I am not insisting upon its being reported exactly as it is there. I am only hoping that we may not have so great a multiplicity of amendments coming in" (p. 91).

William Draper Lewis, counsel for the National Child Labor Committee, had wanted the following amendment:

"That Congress shall have concurrent power with the several States to limit or prohibit the labor of children." (Ibid. p. 81.)

But Mrs. Kelley—not Miss Abbott—took the field of leadership against that, too, objecting to the word "children," etc., in her testimony and in a subsequent letter to the committee at page 121.

Senator WALSH, of Montana, declared:

"Mrs. Kelley, you would be helpful to us if you would take the draft now proposed by Professor Lewis and tell us what you feel ought to be added to it" (p. 91).

Instead of adding to the Lewis proposal, Mrs. Kelley denounced it as "astonishing, being introduced without previous conference with the Chief of the Children's Bureau or the organizations that the National Child Labor Committee is supposed to be cooperating with," in a letter to the committee (p. 121), and William Draper Lewis himself was persuaded to abandon it. (Letter from Mr. Lewis to Senator SHORTRIDGE, p. 123, Senate hearings, January 10, 1923.)

Thus the socialist origin and control of the text of the "child" labor amendment—including the elimination of any reference to "child" or "children"—is indisputable.

All the proposals that did not include the full power demanded by Mrs. Kelley and Miss Abbott were ruthlessly discarded, whether they came from Republican and Democratic Congressmen, or from Mr. Gompers, or Mr. Lewis, counsel for the National Child Labor Committee.

Representative VICTOR BERGER put it all in a nutshell when he said: "It is a socialist amendment, and that is why I am for it." (CONGRESSIONAL RECORD, April 29, p. 7738.)

COMMUNIST CAMPAIGN TO ABOLISH INDIVIDUAL FARMING

The intense interest of Mrs. Kelley and the Children's Bureau in "rural" provisions of the original maternity act; the Children's Bureau effort in 1919 "to abolish rural child labor by an indirect attack" through national control of education; and the demands that the child labor amendment cover unpaid labor as well as employment, and that no exemption be made in the amendment, even for persons under 18 "in the homes and on the farms where they reside," or "in the home of the parent or parents" (see CONGRESSIONAL RECORD, April 26, 1924, pp. 7483, 7485, first edition) can not be explained otherwise than as part of the communist effort to "socialize" farming and destroy the independence of the individual farmer. On the other hand, it can be demonstrated as such.

For over 70 years communists have predicted and promoted the doom of the small farmer and the concentration of agriculture into huge industrial plants, with "agricultural armies" working them, as absolutely essential to communist success.

In the communist manifesto Marx and Engels praise capitalism for rescuing "a considerable part of the population from the idiocy of rural life." They advocate "establishment of industrial armies, especially for agriculture."

In Das Kapital, Marx says that in agriculture "modern industry has a more revolutionary effect than elsewhere, for this reason, that it annihilates the peasant, that bulwark of the old society" (vol. 1, p. 513), while Engels expresses the hope that the vast prairies of America and the steppes of Russia will "ruin all the great European landlords" (vol. iii, part ii, p. 260).

It was also the French peasantry which twice destroyed socialist dictatorships after they had been established in Paris in 1848 and 1871, leading Engels to write: "In France no lasting revolution against the small farmers is possible." (Die Neue Zeit, 1895, I, p. 301.)

VICTOR BERGER, at the 1908 National Socialist Convention, said:

"I belong to the working-class movement—it is a movement that wants to win, a movement that wants to get control of this country. Now, I tell you, comrades, that you will never get control of the United States unless you have the farming class with you. The farmers do not even need to fight. If the farmers refuse to bring produce to the city of Chicago for six weeks, no matter whether we have control of Chicago or not, we are gone up. If the farmers of the country surrounding Milwaukee refuse to bring supplies to the city of Milwaukee for three weeks, no matter whether we control the city or not, by force of arms or any other way, we lose." (Official proceedings, p. 15.)

VICTOR BERGER, member of the platform or resolutions committee of that 1908 National Socialist convention, also said:

"There is no intention and no inclination on the part of the platform committee to deny that we stand for the common ownership of the land. I fully agree with Comrade Carey on that point. It is simply a question of how he expresses it." (Proceedings, p. 183.)

In short, the only anxiety was to keep the farmer from finding out what the Socialists really wanted from the way they wrote the platform! There were too many small farmers for "common ownership of the land" to be a popular political issue.

The 1908 Socialist National Convention did adopt a declaration for "public ownership of all land," but it proved so unpopular that it was withdrawn within three months. Explaining this incident in the 1912 convention, Delegate Stallard (Kansas) declared:

"I believe that some time in the far-distant future that no man will privately own a place to bury himself or a garden spot, but I do not believe that social development has reached the point that we should demand that now." (Proceedings, 1912, p. 79.)

Socialists are admittedly playing a confidence game on the farmers. In fact, Friederich Engels, in a letter to the American Socialist Sorge, characterizes it as a "confidence game" (bauernfangerli), while Schippel, another Socialist leader, calls their "agrarian program" a "piece of political charlatanism." (See Marxism Versus Socialism, by Prof. V. G. Simkhovitch, of Columbia University, p. 64 et seq.)

Thus BERGER in 1908, fearing the small farms might continue, urged caution in the way Socialist demands for confiscation of lands were

VICTOR BERGER added:

"* * * Centralization in land has not taken the same form as it did in industry.

"In other words, the prediction of the Marxians that we would some day have centralized the small farms into big farms of 100,000 or a million acres has not come true.

"We do not know what the future of agriculture is going to be. We do not know whether in the future agriculture will be conducted on a very large scale or whether the future of agriculture will be the intensive farming of very small tracts. There is a great deal to be said on both sides. * * * And the truth is that centralization has not taken place in agriculture, as it has in the field of industry." (Ibid. p. 183.)

What was the reason given by Miss Grace Abbott for including farm labor in the child labor amendment? It was the Marxian reason, the validity of which even Victor Berger himself doubted.

Miss Abbott testified:

"We do not know what will develop with reference to agricultural labor in the future at all. We may have in the next 10 years or the next 100 years a totally changed situation from what we have now. We may have a vast growth of large-scale agriculture, and children will not be employed on the home farm but under conditions approximating industrial employment." (House hearings, February–March, 1924, p. 35.)

In short, the child labor amendment was admittedly framed with the socialization of farming on a large scale, as predicted by Marx and Engels, in full view, with the Chief of the Children's Bureau using even the exact jargon of the Socialists.

At the 1912 National Socialist convention the report of the committee on farmers' program, made by A. M. Simmons, a Kansas delegate, urged them not to repudiate the communist manifesto as to land ownership; he saw encouragement of large-scale agriculture in "the disappearance of the horse," and suggested that if the agricultural experiment farms could be made "not primarily experimental but primarily productive, operated by society," they could make such large-scale governmental farming in the United States "the foundation of social production by giving us a grip upon the source of food supply." (Official proceedings National Socialist convention, 1912, p. 67.)

In short, the socialist effort since 1848, and particularly after the French peasants wrecked the two Paris "communes," has been to destroy the small farmer with his love of private property, "socialize" his land, and thus drive him into the ranks of the industrial workers in cities or into "agricultural armies" on the vast farms which Karl Marx, Engels, and Miss Grace Abbott have pictured.

If the child labor amendment were adopted and farm labor prohibited up to 18 years, the average small farmer, who can not hire outside labor in competition with the demand for industrial labor in the cities, but must depend upon his sons for help during harvest, and with chores, would be forced to give up farming and enter into the class of farm or industrial laborers.

The Socialist National Convention proceedings, 1908, declare:

"We are just as much opposed to children working on farms as we are to children working in the factories, and we stand to abolish the whole present system of production" (p. 186).

Thus the child labor amendment, principally drafted by Mrs. Kelley, socialist, was not only designed to serve socialism by increasing centralized governmental power—a necessity to any dictatorship—and by making it impossible for parents to support their children without "Federal aid" does for persons under 18; and by giving adult labor stronger control of essential industries by elimination of youthful apprentices, etc.; but it is also shown to have been designed to pave the way and fit the conditions of the "large-scale" industrialized agriculture on which the sole hope of communism for a "lasting revolution" rests.

At the 1912 Socialist National Convention, A. M. Simons, chairman of the committee on farmers' program, said:

"We are making tremendous inroads into the factory workers. The only hope that capitalism has to sweep back the on-rolling tide of revolution is to back up against us the workers of the farms." (Proceedings, p. 67.)

It was also shown at the same convention that socialists, in Germany and elsewhere, "had tried not to scare the farmers by demanding the socialization of land." (Ibid. p. 77.)

In 1924 the socialists "tried not to scare the farmers" in demanding national guardianship of their sons and daughters up to 18—but the farmers were not fooled.

In a bitterly sarcastic attack on the American farmer for taking pride in "his" farm and "his" crop, entitled "The Tin Lizzie Peasantry," in the Daily Worker, March 14, 1925, in which the communists argue at great length that the farmers are "obsessed with this property concept" that is "one of the strangest illusions of present-day life," is this final admission:

"A proletarian revolution with the mass of the farmers in active and organized opposition is wholly impossible."

(E) ORIGIN AND PROPAGANDA FOR SMITH-TOWNER EDUCATION BILL

At the Senate education bill hearing, January 1, 1924, Mrs. Kelley said:

"I was one of a group of five persons to draft the preliminary rudiments which afterwards grew into the bill introduced by the commission, the bill which was a sort of germ of the Smith-Hughes bill; but the war came, and the action was deferred, and then came the commission, and then the bill" (p. 54).

Thus Mrs. Kelley was one of five persons who got up the bill recommended in the 1914 Report of the Congressional Commission on National Aid to Vocational Education—finally enacted February 23, 1917, as the vocational education act—the parent "Federal aid to education" bill.

At the May, 1915, annual conference of the national child labor committee Mrs. Kelley said:

"The most effective child labor law has always been a compulsory education law keeping children in school 40 weeks in the year. * * * For more than a generation school attendance laws and child-labor restrictions have been, as it were, Siamese twins." (Child Labor Bulletin, May, 1916, p. 76.)

At the same conference Mrs. Kelley also declared:

"For 30 years this country has locked its vital statistics in the vault of the Census Bureau. We do not know how many children are born, or how many fathers and mothers, or how many mothers work for wages. * * * The Children's Bureau has worked out a system of its own for interesting people in the subject of birth registration and should receive your interest and support that its appropriation may be increased and its work extended, for without birth registration there can be no enforcement of child labor laws. (Ibid. p. 14.)

"Without universal, complete registration of births how are Federal attorneys to prove to the satisfaction of Federal judges and juries that a manufacturer * * * employs children below the age of 14 years?" (Ibid. p. 74.)

Here it is shown how Mrs. Kelley's interest in education, birth registration, etc., all revolved around her economic and industrial legislative program; and later it will be shown that the "Siamese twins" of Mrs. Kelley's program are the same as those of the communist international for the "complete transformation of the conditions of juvenile labor and its socialist reorganization."

In 1920 the National League of Women Voters, at its Chicago convention, February 12, indorsed and began a big drive for the Smith-Towner education bill.

There, again, it was Mrs. Kelley who "showed the need of Federal legislation for education." (National League of Women Voters Campaign Bulletin on Citizenship, May, 1920, p. 3.)

After Mrs. Kelley showed them the need the league proclaimed:

"Immediate work for league members—members of the League of Women Voters should become trained propagandists for the education of public opinion as to the importance of this bill (Smith-Towner bill) using the same methods which won the Susan B. Anthony amendment. * * * State chairmen should send personal letters addressed to their Senators and Representatives in Congress. * * * An answer stating the point of view of the man addressed should also be requested and this reply forwarded to your chairman." (Ibid, p. 2.)

On the front page of this campaign bulletin the National League of Women Voters boasted:

"Before the league assembles for the convention of 1921 the United States will be far on the road to equality of opportunity for education for men, for women, and for children, native and foreign born. This is to be accomplished through the medium of the public schools by means of Federal and State legislation promoted and engineered by the members of the National League of Women Voters." (Ibid.)

Since Mrs. Kelley "showed the need of Federal legislation for education" to the National League of Women Voters, as it admits, in the same bulletin, "by an analysis of industrial and economic conditions," holding that "Federal legislation is imperative" to protect children from "moneyed interests," which she charged, were the "determining factor" of the school age in the various States—all of which is set forth in the above campaign bulletin—is it not eminently more fair and accurate to note that this legislation was in reality "promoted and engineered" by Mrs. Kelley, with the members of the league simply acting as assistant propagandists and as a collecting agency of Congressmen's replies?

However, Mrs. Kelley herself objected, in 1924, to the provisions of the Sterling-Reed education bill—because it left too much to the States and did not provide "that the money shall be used in due proportion for all the children," white and black. At that time Mrs. Kelley spoke on behalf of the National Association for Advancement of Colored People, an organization on which she has served as a director for 12 years.

In short, the education bill was not radical enough for Mrs. Kelley after Senator Sterling and others modified it slightly. She wanted more absolute and direct Federal control, more socialist "equality," and an exact per capita "distribution" of money among white and negro children. She said:

"This bill ought to be safeguarded, better safeguarded than it is as to the money and as to the * * * unfavored children of the Republic."

CHILDREN'S BUREAU SOCIALIST BASE

By securing after seven years of effort the establishment of the Children's Bureau in the Department of Labor, with Hull House appointees as chiefs, Mrs. Kelley gained a foothold in the Federal Govern-

ment, an agency through which to operate, as well as a "front" behind which to work for her socialist program.

True to the intentions of its founders, the Children's Bureau has been steadily spreading socialistic doctrines and sponsoring socialist legislation.

It has been shown conclusively that both Mrs. Kelley and the Children's Bureau have worked together constantly, under the leadership of Mrs. Kelley, for central control and standardization of children; that their main effort has been for a revolutionary socialistic amendment to the Constitution of the United States specifically granting power to limit, regulate, and prohibit the labor of all persons in all occupations up to 18 years, and implicitly granting Federal power to standardize education, guardianship, relation of parent and child, etc., as a condition prerequisite to the right of youth to earn a living or even work their way through school or college. It has also been shown that both Mrs. Kelley and the Children's Bureau have sought to abolish "rural child labor," including the unpaid chores of children on the home farm, both in the amendment and in working for "education."

Now it will be shown that the exact things contained in the child labor amendment are the "aim of the economic program" of the Communist International at Moscow, as well as a part of the socialist program in the communist manifesto of 1848, by Marx and Engels.

The official "resolutions adopted at the Fourth Congress of the Young Communist International," officially published by the Young Communist International executive committee at Moscow and sold by the Young Worker, official organ of the Young Communist International in America, declares:

"The problem of the method of approach to the masses was solved by the third congress—the nucleus as the means and the economic and antimilitaristic struggle as the end.

"The aim of the economic program was clearly defined as 'The socialist reorganization of juvenile labor,' the recognition of the right of the youth to educational training up to the age of 18 years at the cost of the state." (Foreword.)

The third congress of the Young Communist International at Moscow, November 7 to December 3, 1922, declared:

"The militant program of the Young Communist International * * * must proclaim * * * the complete transformation of the conditions of juvenile labor and its socialistic reorganization. * * *

"The basis and aim of our program is the—

"Socialistic reorganization of juvenile labor.

"This means:

"Abolition of wage slavery for all young workers up to 18 years, who must be cared for by the state and treated from an educational point of view until they have attained this age." (Programs of the Young Communist International, issued by its executive committee, February 20, 1923, p. 49.)

The Young Communist International is called the "right hand" of the Communist International by Gregory Zinoviev, president of the Communist International and founder of the Young Communist International. (Resolutions of fourth congress, Young Communist International, p. 6.)

Likewise the Young Workers' League of America (American branch of the Young Communist International) at its second national convention, Chicago, May 20–22, 1923, carrying out the order direct from Moscow, made its first demand, as follows:

"Demands of the Young Workers' League—

"1. Abolition of child labor.

"The militant program of the Young Workers' League * * * must proclaim the ultimate and fundamental aim of the young worker, the complete transformation of the conditions of juvenile labor, and its socialist reorganization. This means abolition of all wage slavery for all young workers up to 18 years of age. The young workers must be cared for by the state and treated from an educational point of view until they have attained this age." (Resolutions and theses of the Young Workers' League of America, 1923, p. 12.)

It will be noted that the demands of the Young Workers' League of America are, with the exception of one or two slight verbal changes, absolutely identical with those of the Young Communist International cited above.

Thus it is demonstrated by documentary evidence that before, during, and after Mrs. Kelley's insistence on the "spacious wording" of the child labor amendment, it was "the basis and aim" of the program of the Young Communist International at Moscow, and the first demand of its American branch, to do the exact things which Mrs. Kelley's amendment provided power to do in the United States!

Moreover, there is the direct personal testimony of Senator WILLIAM H. KING, of Utah:

"Of course, it is obvious that under the guise of the amendment they will in time take charge of children the same as the Bolsheviks are doing in Russia, and control not only their labor and their education, but after a time determine whether they shall receive religious instruction or not, the same as the Bolshevists do in Russia. It is a scheme to destroy the State, our form of government, and to introduce the worst form of communism into American institutions.

"* * * Every Bolshevik, every extreme Communist and Socialist in the United States is back of the measure. The Bolsheviks of Russia were familiar with the scheme that was about to be launched to amend our Constitution. In conversation with one of the leading Bolsheviks in the city of Moscow, one of the educators, when I was there last September and October, I was remonstrating with him about the scheme of the Bolsheviks to have the state take charge of the children. 'Why,' he said, 'you are coming to that,' and he called my attention to the statutes in many of the States in regard to compulsory education. Then he said, 'A number of Socialists in the United States,' and he mentioned a number of names, but I shall not mention them here, 'are back of the movement to amend your Constitution of the United States, and it will be amended, and you will transfer to the Federal Government the power which the Bolshevik Government is asserting now over the young people of the state.'

"Of course, this is a communistic, Bolshevistic scheme, and a lot of good people, misled, are accepting it, not knowing the evil consequences which will result and the sinister purposes back of the measure." (CONGRESSIONAL RECORD, May 31, 1924.)

At the time the "child" labor amendment was submitted to the States for ratification, Miss Lillian D. Wald, of the Henry Street settlement, New York, Mrs. Kelley's lifelong friend and the originator of the idea of a "children's bureau," in 1909 had a sudden call to take a trip to Moscow to investigate "health conditions," etc. (See Survey Graphic, December 1, 1924.) Miss Anna Louise Strong—former exhibit expert of the Children's Bureau—was already in Moscow as correspondent for American communist papers. Shortly after Miss Wald's return to America from Moscow, in the fall of 1924, the full force of communist strength in America was openly proclaimed to "compel" the State legislatures to ratify the amendment, and the Daily Worker, official communist organ, December 1 and December 5, 1924, placed the child labor amendment at the head of its "united-front" campaign, saying:

"State legislatures must be compelled to ratify immediately the child labor amendment to the Constitution. Capitalism's Congress and State legislatures must be compelled to pass laws providing for full Government maintenance of all school children of workers and poor farmers." (December 5, p. 2.)

The same number and article, by the editor of the Daily Worker, bitterly attacked President Coolidge and complained of the "niggardly appropriations" to the United States Children's Bureau and the United States Women's Bureau, and said:

"Salaries in the Children's Bureau are to be cut and general expenses are to be slashed. The disappearing minimum of protection offered will thus be further crippled.

"Promotion of the welfare and hygiene of maternity and infancy gets a stab in the back by having its appropriation sheared for the sum of $19,172.

"Similar treatment is meted out to the Women's Bureau, the Bureau on Labor Statistics, and every other activity that might show the least tendency to ease the burden of labor.

"These are only some of the truths of Coolidge's 'economy' program," etc. (Ibid.)

The Daily Worker, December 15, 1924, editorially declared:

"No cannibal was ever born who devoured his human meal with greater relish than the joy with which capitalism feeds upon its youth. Capitalism will always fight for the right to send children into the maw of the great industrial machines as competitors with their fathers and mothers, their grown brothers and sisters in the slave market of the wageworkers.

"The problem of child labor, like * * * other ills inherent in the present social system, will endure as long as capitalism lasts.

"The struggle against child labor, the struggle against unemployment, is fundamentally the struggle to end the capitalist system and

"That is the struggle of the Workers (Communist) Party and the Young Workers (Communist) League in their joint war against child labor. Labor must learn that the fight against child labor is a fight to abolish the capitalist state, an effort to establish soviet rule, * * * and the ushering in of the communist social order under which children will become heirs of their childhood for the first time since human history began."

The same editorial bitterly ridicules the late Thomas R. Marshall for having upheld the "God-given right" of youth under 18 to earn a living in an article Mr. Marshall had written against the child labor amendment.

The Workers' Monthly, official monthly communist organ in the United States, likewise took up the ratification campaign, January, 1925, with a leading editorial and also a feature article by Anna Louise Strong, picturing in glowing colors communist care of women and children in Soviet Russia.

The editorial declared:

"What will happen under a proletarian régime is strikingly illustrated by the story in this issue by Anna Louise Strong, formerly of Seattle and now in Russia. Anna Louise Strong tells about the one spot on the globe where the life problems of the working class are being solved in a comprehensive manner.

"It is only when the workers of the United States have similar power to control, through their own government of workers' councils, the social and economic life of the country that child labor will cease its destructive work."

"The prohibition of child labor, unless it is accompanied by governmental maintenance of the children, is absolutely ineffective. * * * And such pressure upon the capitalist government, in order to have any effect whatever, must be given point and substance by demands for governmental maintenance of all children of school age, such maintenance to be paid for by special taxes upon large incomes. The rich, who appropriate the wealth produced by the working class, must be made to disgorge a part of it for this purpose as one of the first steps toward making them disgorge all * * * to make way for the new system of society."

Thus the Children's Bureau program of legislation, including an amendment providing power to effect "the complete transformation of the conditions of juvenile labor and its socialistic reorganization," is shown to be the official "basis and aim" of the Young Communist International.

Even the communist age limit of 18 years, adopted at the Third Congress of the Young Communist International at Moscow, November, 1922, was forced into the amendment by Mrs. Kelley and Miss Abbott in 1923, when the National Child Labor Committee and the Senate Judiciary Subcommittee wanted to use "child."

Even the so-called antimilitarist campaign of the communists, which, as they explain, is only "the struggle against bourgeois militarism" and "is therefore the preparation of the proletarian revolution * * * to transform each imperialist war * * * into the civil war and revolution," is found reflected exactly in the pacifism of Mrs. Kelley, Miss Abbott, Miss Lathrop, and Miss Jane Addams in their Women's International League, which has led the campaign against "bourgeois militarism" in the United States and at the same time praised and defended Soviet Russia with its vast red Army and its "militarization of labor" and conscription of women, saying, "Russia leads the world in her attempt to establish peace." (W. I. L. Official Bulletin, June, 1923, p. 2.)

Again, Mrs. Kelley's "Siamese twins" (centralized power over the labor and education of all youth) are found in the proposed twentieth amendment and in the propaganda of Mrs. Kelley and the Children's Bureau hitherto cited no less than they are found in the official communist demands.

Senator KING, one of the best-informed investigators of revolutionary legislation and propaganda, called the child labor amendment a scheme to destroy our form of government and "to introduce the worst form of communism into American institutions."

There is much more documentary evidence of the truth of Senator KING's observation than could be cited in a single volume. We present only a few of many possible citations showing, we believe, beyond reasonable doubt, that the "worst form of communism" to be found in the theories of Engels, Marx, and Bebel, as well as the worst form of communism put into practice by the Bolsheviks in Russia, is that form which makes women and children the wards of the state, to remove the "economic foundations" of marriage and of morality.

Furthermore, it will be shown that the worst communist in Soviet Russia of whom there is official record, a communist who was too radical even for Lenin and Trotski to approve her entire program—Alexandra Kollontay, first Commissar of the Soviet Department of Social Welfare—was indorsed in an official booklet of the United States Children's Bureau, No. 57, "Maternity Benefit Systems in Certain Foreign Countries," issued in May, 1919, as the author of "the most comprehensive study of maternity benefits and insurance which has yet appeared in any language." (Children's Bureau publication No. 57, p. 175.) This was done over six months after Alexandra Kollontay had been exposed by the United States Government and American newspapers as a German-paid traitor (see "The German-Bolshevik Conspiracy," issued in October, 1918, by U. S. Bureau of Public Information, Document No. 7, etc.) and after a storm of world-wide protest had been aroused by the measures taken under Mme. Kollontay's "most comprehensive" system in Soviet Russia.

And the Children's Bureau has never withdrawn or modified that indorsement, notwithstanding severe criticism in the United States Senate and elsewhere, since Senator JAMES A. REED of Missouri first exposed and denounced it in June, 1921. It persists in recommending Kollontay's book—at the expense of American taxpayers—and although the Children's Bureau has "investigated and reported" almost everything under the sun, from the illegitimacy laws of Norway to the amount of "hoeing in the home garden" done by children in North Dakota (Child Labor in North Dakota, p. 13), it has not published one word of exposure or of criticism of the Bolshevik corruption and nationalization of children in Soviet Russia—the greatest crime against childhood and motherhood recorded in history. In fact, it appears that Anna Louise Strong, former exhibit expert of the United States Children's Bureau, has actually become a sort of successor to Kollontay in colonizing children in Russia! The Daily Worker, official American communist organ, March 3, 1925, declared:

"ANNA LOUISE STRONG, AMERICAN JOURNALIST, IS HEAD OF CHILDREN'S COLONY MOVEMENT IN SOVIET RUSSIA

"A new children's colony in Russia has been started by sympathizers in this country, another will be begun in a few days, and two or three more will have their inception in probably less than a month. Our correspondent, Anna Louise Strong, who has just returned from Russia, will return to the Soviet Republic in May to begin the new John Reed colony in Novgorod Gubernia, started by subscriptions of lovers of Russia and her children, in a group in New York. * * * A dinner was given to Miss Strong by these sympathizers * * * 60 to 70 women and men in the New York group. * * * The Soviet Government has given Miss Strong about 900 acres of land and a monastery and buildings in Novgorod."

The communist paper mentions no names of the "New York group."

"THE CENTRAL TRAGEDY OF THE BOLSHEVIST RÉGIME"

What is this "colonization of children" in Soviet Russia? Sir Paul Dukes, one of the greatest authorities on Russia, writes:

"The central tragedy of the Bolshevist régime in Russia is an organized effort to subvert and corrupt the minds of children * * *. It has always been a Bolshevist principle to fight the institution of the family. Mme. Kollontay's writings can leave no doubt on that score, even in the minds of the skeptical. The idea is to remove children at an early age from parental care and bring them up in colonies." (New York Times, July 17, 1921.)

Prof. Boris Sokoloff, although a socialist and member of the first all-Russian constituent assembly of January, 1918, writes:

"I am prepared to forgive the Bolsheviki many things, almost everything; but there is one thing which I can not and will not forgive them, namely, those experiments, positively criminal and worthy of the most savage tribes of the African jungle, which the Bolsheviki have been making all this time with our young generation, with our children. This crime knows no parallel in the history of the world. They have destroyed morally as well as physically a whole Russian generation." (Volia Russii, Will of Russia, February 10, 1921.)

Lieut. A. W. Klieforth, who was assistant military attaché in Russia when the Bolsheviks came into power, and who was one of the State Department's leading witnesses at the recognition of Russia hearings before the Senate Foreign Relations Committee in 1924, described communist socialization of children in February, 1920, in part as follows:

"If you want to visit your children—that is to say, those who were once your children—who have been removed to the communal schools, you will get a permit, because the children are not really yours at all, but have become wards of the state. All the children have been deported from their homes to those schools. The younger generation in Petrograd is systematically herded into freight cars and sent away from 800 to 1,000 miles to completely isolated institutions, where they are trained in the principles of communism.

"Deportation, however, is but the first step. Parents have a habit of loving their children * * * and by whatever influence or bribes they are able to bring to bear, seek to discover and rejoin them. Therefore, the soviet carefully destroys all records of birth and relationship, leaving nothing undone to completely isolate every child in Russia from all human ties, except those relations advocated by bolshevism.

"If you live in Petrograd and your mother is dying in Moscow, you say, 'I want to visit my mother who is dying in Moscow.' The invariable reply is, 'That is no excuse. Your mother has no more relation to you than any other woman citizen of this Soviet Republic.'" (New York Times, February 15, 1920.)

That this doctrine was not only practiced, but officially preached by the communists is proven at length in Alexandra Kollontay's "Communism and the Family," but the best short and comprehensive official statement is by the wife of the president of the Communist International.

"We must nationalize the children."

Madam Lelina, wife of Gregory Zinoviev (president of the Communist International) and commissar of social welfare of the northern commune (Petrograd), in the official journal of the Soviet Commissariat of Public Education, No. 4, says:

"We must nationalize the children. We must remove the children from the pernicious influence of the family. We must register the children—let us speak plainly—we must nationalize them. Thus they will from the very start remain under the beneficial influence of communist kindergartens and schools. To compel the mother to surrender her child to us, to the Soviet State, that is the practical task before us."

Alexander Hoichbarg, chief editor of the law bureau of the Soviet Commissariat of Justice, in his preface to the marriage code of Soviet Russia, declares:

"As long as 70 years ago, Marx and Engels showed in the Communist Manifesto, that the proletariat, when they have attained power, can take a number of measures in the most advanced countries paving the way to socialism, among others the abolition of the right of inheritance,

* * * expropriation of landed property, a progressive tax on incomes, * * * the concentration in the hands of the state of credit and the means of communication, obligatory labor, free communal education of all children, etc. * * *

"Guardianship in this (soviet) code is wholly within the province of the Bureau of Social Welfare (under Alexandra Kollontay). * * * It should show the parents that the care of society lavished upon children gives far better results than the private, individual, unscientific, and irrational care of particular parents, 'loving,' but ignorant, lacking the resources, the means, the methods which society has at its disposal. * * * Guardianship so instituted is revolutionary, for it breaks abruptly with the previous system and is socialistic, * * * preparing the way for applying the care of the community to all children, * * * removing the last foundations of bourgeois marriage." (Contemporary Review, March, 1920, p. 441.)

The Overman committee of the United States Senate, after exhaustive investigations of bolshevism in 1919, declared:

"The apparent purpose of the bolshevik government is to make the Russian citizen, and especially the women and children, the wards and dependents of that government. * * * It has destroyed the natural ambition and made impossible of accomplishment the moral obligation of the father to provide, care for, and adequately protect the child of his blood and the mother of that child against the misfortunes of orphanhood and widowhood. * * * It has expressly abolished and prohibited all right of inheritance, either by law or will. * * * They have promulgated decrees relating to marriage and divorce which practically establish a state of free love. Their effect has been to furnish a vehicle for the legalization of prostitution by permitting the annulment of the marriage bonds at the whim of the parties." (Senate Document No. 61, 66th Cong., 1st sess., pp. 36–37.)

"Applying the care of the community to all children, * * * removing the last foundations of bourgeois marriage," making "women and children the wards and dependents" of a central government—that is the "central tragedy of the Bolshevist régime," according to all the honest investigators; that is "the worst form of communism."

And the entire legislative program of Mrs. Kelley and the Children's Bureau is subtly, insidiously, but steadily "preparing the way for applying the care of the community to all children."

AMERICAN FEMINISTS SEEK COMMUNIST POWER

That this communist power to make children the wards and dependents of government, instead of parents, has been sought and claimed by leading American feminists, as well as by socialists, is shown as follows:

Miss Grace Abbott, Chief United States Children's Bureau:

"The Children's Bureau has the whole field of child welfare and child care. It has developed three main divisions—the child hygiene, the social service, and the industrial division. * * *

"The question of the present time comes down to a constitutional amendment * * * whether we should have a child-labor amendment at all, it shall not have something more than child labor; that is, whether we should include in the amendment more in the way of language giving us constitutional authority to do some of the other things in the Federal field that we might like to do, and whether that is tactically the thing to do at the present time is the question." (Official proceedings, National Women's Trade Union League Convention, at Waukegan, Ill., June 5–10, 1922, p. 90.)

Miss Abbott thus admitted seeking an amendment with power over "something more than child labor"; power to do "other things * * * we might like to do," and that only the question of whether it was "tactically" expedient to let Congress and the country know her plans for taking charge of "the whole field of child welfare and child care" influenced the language of the amendment. Miss Abbott was addressing a formal convention of the National Women's Trade Union League.

That league itself is the founder of the "International Federation of Working Women," and thus affiliated with the International Federation of Trade Unions at Amsterdam—the Amsterdam International—an organization so radical that it has been repeatedly denounced by the American Federation of Labor. It is headed by Purcell, the British communist who was flayed by President Green of the American Federation of Labor at the last convention of the federation at Atlantic City, September, 1925. Samuel Gompers and the executive council of the American Federation of Labor, November 22, 1922, in refusing an invitation to participate in a congress of the International Federation of Trade Unions at The Hague, declared:

"If the American Federation of Labor were to participate in the congress at The Hague, it would be compelled to join in this renunciation (of national entities), even to renunciation of the national entity of the Republic of the United States." (New York Times, December 23, 1922.)

But the Women's International League participated in that congress, sending delegates who sat beside the delegates from Soviet Russia, and Miss Jane Addams, president of the Women's International League, in a signed letter, November 1, 1922, declared her league and the International Federation of Trade Unions "striking out for the same goal." If Mr. Gompers and the American Federation of Labor executive committee was right, that goal was a "renunciation of the national entity of the Republic of the United States."

The National Women's Trade Union League, affiliated with the Amsterdam International through its International Federation of Working Women (a creature of the National Women's Trade Union League), seeks to "cooperate more and more closely with the International Federation of Trade Unions." (Report of Congress International Federation of Working Women, at Vienna, August, 1923, printed by International Federation of Trade Unions, Amsterdam, and circulated in America by National Women's Trade Union League, p. 12.)

At the Vienna congress of this International Federation of Working Women the following resolutions were agreed upon:

"3. That every service needed for the health, education, or welfare of mothers and children should be provided by the community and free to all.

"4. That commodities such as milk, food, or school clothes, which are needed in similar qualities or quantities for all children, should be provided for all by the community.

"5. That an inquiry should be made into the possibility of a scheme of pensions for all children in the period during which they are normally dependent upon their parents." (Ibid. p. 11.)

The office of the International Federation of Working Women is at 32 Eccleston Square, London, England. (Ibid. p. 13.)

Is it any wonder that the socialist International Federation of Trade Union, headed by a communist, which has so often met only with the criticism of stalwart American labor leaders, both in regard to its pacifism and in regard to "doles" (which John L. Lewis, of the United Mine Workers, has denounced more scathingly, perhaps, than any capitalist has done) should turn to women radicals of the W. I. L. and the National Women's Trade Union League to introduce its "peace" program and "doles" program into the United States!

At the Rome Congress of the International Federation of Trade Unions, in April, 1923, the following proposition was unanimously agreed to:

"The International Trade Union Congress considers it to be a matter of urgent necessity that the trade-unions in the various countries devote their whole attention (sic) to the organization of women workers." (Ibid. p. 4.)

Not a single legitimate American labor leader can be found advocating the pacifist or doles programs of European Communists. But the W. I. L., the International Federation of Working Women, the International Woman Suffrage Alliance (the three feminist internationals) and the National Women's Trade Union League, the National Woman's Party, and the National American Woman Suffrage Association are all found on record, through official resolutions or statements of their leaders, working for this part of the communist program, "with noncommunist hands." Some of these records follow:

Women's International League, at Zurich, 1919, adopted resolutions for a "maternity benefit" which "shall not be inferior to the minimum wages established in the region" for "any woman, whether gainfully occupied or not." (Official Report, Zurich Congress, 1919, p. 272, issued by W. I. L.)

International Federation of Working Women, in addition to the doles, food, clothes, etc., demanded in the resolutions already cited, was, when organized at Washington, November 6, 1919, by Mrs. Raymond Robins (then president of the National Women's Trade Union League) and Miss Mary Anderson (afterwards made chief of the United States Women's Bureau) advocating "legislative reforms for the purpose of protecting maternity," including "State grants to mothers for each child born," "free medical, surgical, and nursing care" for every woman, and "in addition a monetary allowance adequate for the support of the mother and child during this period." (Woman Citizen, Nov. 15, 1919, p. 479.)

Mrs. Raymond Robins, founder of the International Federation of Working Women and former president of the National Women's Trade Union League, has a very radical record, and is directly linked up, like Miss Jane Addams, with the "bread and peace" propaganda for international communism, especially designed to appeal to "noncommunist women in capitalistic countries."

As far back as 1907, according to the Chicago Inter-Ocean, May 20, 1907:

"Mrs. Raymond Robins led 3,700 cheering, boisterous socialists, anarchists, trade-unionists, members of liberal societies, and sympathizers through down-town and West Side streets in a demonstration designed to create sympathy for W. D. Haywood, Charles Moyer, and George A. Pettibone, leaders of the Western Federation of Miners, on trial in Idaho charged with the murder of former Governor Steunberg."

The demonstration Mrs. Robins headed at that time was so radical that even John Fitzpatrick, the radical labor leader of Chicago, declined to take part in it. (See also Chicago Tribune, May 20, 1907.)

The National Women's Trade Union League was organized in 1904, to get "nonindustrial women" to aid women workers in strikes, legislation, etc. It was admittedly a "feeble attempt to reach out to the working woman" on the part of "nonindustrial" social workers. (See Life and Labor, article by Mary E. Dreier, sister of Mrs. Robins, June, 1921, p. 163.)

"The first meeting was held January 4, 1904, at Hull House, and was called to order by Miss Jane Addams. Twenty-five persons responded to the call and 23 joined. * * * The first piece of work the league attempted was to assist the locked-out corset workers of Aurora." (Ibid. p. 163.)

"The league not only organized women into trade-unions and assisted in the strikes of women but helped also where the men were on strike, too," participating in the great garment-workers' strikes in Philadelphia and New York, 1904–1911, but the league "did not meet with wide success. It lacked contact with the organized workers. * * * It derived its funds wholly from friends of the league, but not from organized labor direct." (Ibid. pp. 170–172.)

In short, it never was a women's trade-union but a "league" of nonindustrial social workers "farming" as well as aiding their "industrial sisters." Gradually a number of real working women were also enlisted, but membership is not restricted to trade-union members as in bona fide labor organizations. Anyone, man or woman, can join who subscribes to the platform, four-fifths of which is a legislative program.

While American labor has cooperated with the National Women's Trade Union League, when both happened to be on the same side of a particular measure, it is not unaware of the "league's" radicalism. James P. Holland, president of the New York State Federation of Labor, for example, testified before the Lusk committee in 1919 that the National Women's Trade Union League had "adopted resolutions in favor of the Soviet Government" and for the previous year or two had been "a tail to the Socialist kite." (See National Civic Federation Review, July 30, 1919.)

Testimony and documentary evidence show that Mrs. Raymond Robins paid part of a bill, dated May 1, 1919, made out from the Rand (Socialist) School to Senteri Nuorteva, secretary to Ludwig C. A. K. Martens, the unrecognized "soviet ambassador" in New York, for a number of copies of Lenin's "Soviets at Work." (National Civic Federation Review, July 30, 1919, pp. 3, 12.)

The close contact of Mrs. Robins with the soviet embassy in New York in 1919 thus established seems to have borne immediate fruit.

The Communist International, in June, 1919, organized, under Alexandra Kollontay, an "International Congress of Women Communists" for world-wide propaganda among noncommunist "housewives in the home" and "peasant women" and working women, to show "the slave of the family and the home" the "freedom" of communal "houses, kitchens, laundrics," social "protection of mother and child," etc., in comparison with the "former home life" that "oppressed and exploited them." Also the communist committees working among women were instructed to "fight against nationalism and the hold of religion on women's minds." (See Theses and Resolutions, Third World Congress of Communist International, pp. 157–175.)

At the same time, June, 1919, the committee on social and industrial reconstruction of the National Women's Trade Union League urged the calling of an "international congress of working women." Mrs. Raymond Robins and Miss Mary Anderson (then an organizer for the National Women's Trade Union League, now chief of the United States Women's Bureau) issued the call in August, 1919, and the first congress met at Washington, November 6, 1919, adopted the name, "International Federation of Working Women," made Mrs. Robins president, and went in for "legislative reforms for the purpose of protecting maternity" with "maternity benefits," etc. (See Woman Citizens, September 6 and November 15, 1919.)

At the International Congress of Communist Women, at Moscow, June 15, 1921, Alexander Kollontay—

"painted rosy pictures from the communist point of view, excepting in the United States, where, according to Madame Kollontay, the position was extremely difficult for the reason that the Communist Party there had been driven to the cellar. She went on to assert, however, that there were 700,000 organized women workers in the trade-unions in America among whom the communists must find a way to conquer." (New York Times, June 16, 1921, p. 3.)

The "700,000 organized women workers" referred to by Madame Kollontay are the members of Mrs. Robins's National Women's Trade Union League. The Moscow communists, forced "underground" in America in 1919, followed "the general rule, to use a woman."

The close contact is also illustrated by the "department of education and social welfare" agitation in America.

Alexandra Kollontay, commissar of social welfare in Soviet Russia, wrote an article entitled "Communism and the family" for Soviet Russia (New York Communist Magazine, organ of the "Soviet Embassy"), December 13, 1919, describing the communist "commissariats of public education and social welfare," showing how they furnished "children's colonies, free lunches at school, free clothing, shoes," etc., under sovietism. In a former article, August 16, 1919, about her own department, Kollontay showed that it covered health, social service, and care of veterans.

Within a year Mrs. Robins had all the feminist organizations clamoring for a "department of education and social welfare" for the United States with four divisions, covering education, health, social service, and care of veterans—modeled on the soviet "commissariats of education and social welfare," and the idea taken nearly 100 per cent from Kollontay's "Communism and the family."

October 1, 1920, Mrs. Robins arranged a "women's welfare day" at Marion, Ohio, to get Senator Harding, then a candidate for President, to approve a Federal department of public welfare. At that time neither the presidential candidates nor other conservative Americans knew anything about the communist origin, nature, and effect of such a department.

Mrs. Robins was also chairman of the "women-in-industry" committee of the National League of Women Voters and got that organization to approve "world-wide standardization of industry" as one of the measures expressing "the goal of the league's efforts and as expressing principles the organization loyally supports." (Program for work of the National League of Women Voters, reports of standing committees, approved at Chicago, February 16, 1920, and issued by National League of Women Voters.)

Mrs. Catt, founder and real head of the League of Women Voters, then personally took up the "department of education and social welfare" agitation, shortly after President Harding's election, and blazed on the front page of her Woman Citizen for weeks:

"Wanted: A department of education and social welfare." (See Woman Citizen, January 8, January 15, January 28, 1921.)

Again, shortly after the 1921 joint session of the Communist International and World Congress of Communist Women, at Moscow, June–July, 1921—where Kollontay had referred to the "700,000 organized women workers" in the United States as communism's best hope here—Mrs. Raymond Robins, with her "International Congress of Working Women" met at Geneva, Switzerland.

There, on October 17, 1921, Mrs. Robins (although a professed Republican, like her husband, who has served with her on Republican committees) declared:

"Let us say to the governors, masters, and rulers of all nations, 'We are weary of your hagglings and debates and theories. The earth is rich with the means of life. * * * We demand such use of the land and labor of the world as will insure us bread and warmth and education and peace.' * * * At each election we intend to test the party in power by the facts of our human welfare. When we are hungry and homeless and idle, or slaughtering our brothers and killing our sons, let us vote against the administration without regard to party. Let the working women of the world bring the world back to reality. Let us refuse to be beguiled by party shibboleths or hypnotized by party leaders. Together let us demand bread and security for our homes. * * * This is direct action in politics. It will liberate us from the divisions of theories and unite our power in support of realities—bread and peace." (Official report, issued by Women's Trade Union League.)

Can it be denied that the "bread and peace" agitation conducted by Miss Jane Addams and Mrs. Raymond Robins is propaganda for international communism only slightly concealed under the appearance of "bread and peace"—the original slogan of the Bolsheviks in Russia, also?

International Woman Suffrage Alliance, then under the presidency of Mrs. Carrie Chapman Catt, made Eleanor F. Rathbone, one of the authors of the socialist book, "The Endowment of Motherhood," the chairman of the standing committee on "maintenance of motherhood and treatment of illegitimate children" of the International Woman Suffrage Alliance (Woman Citizen, December 25, 1920).

National American Woman Suffrage Association, in a booklet, entitled "Bondwomen," copyright, 1912, by the chairman of its literature committee and issued by the association, declared:

"Many will say that this responsibility on the mother is too hard. What are the responsibilities of the father? Well, that is his business. Perhaps the State will have something to say to him, but the free woman's concern is to see to it that she shall be in a position to bear children if she wants them without soliciting maintenance from any man, whoever he may be; and this she can only do if she is earning money for herself, or is provided for out of some common fund for a limited time."

It has already been shown that in the same year (1912) the Woman's Journal, official organ of the above association, was printing Judge Lindsey's "conception of government as an overparent" and "economic earthquake has shaken the old home to pieces" propaganda (Woman's Journal, February 10, 1912), just before the establishment of the Federal Children's Bureau, and that immediately afterwards the Woman's Journal, May 11, 1912, declared:

"We shall not be willing to let the establishment of the Children's Bureau mean simply investigation—it must mean power to change things."

The Lindsey article and the Bondwoman booklet were scattered over the country by the National American Woman Suffrage Association the year the bureau was established.

It will be noted that the next big "drive" for "maternity benefits" came in 1919, with the Children's Bureau "Maternity Benefit Systems in Certain Foreign Countries," indorsing Kollontay as author of the "most comprehensive" study of the subject, and the Women's

International League and International Federation of Working Women conventions advocating maternity or childbirth doles.

In 1920, upon the proclamation of the nineteenth amendment, began an open drive for the "endowment of motherhood," Miss Alice Paul issuing a statement, cautiously marked "release after ratification," announcing that as the next step.

Then appeared the Endowment of Motherhood book, by Eleanor F. Rathbone; Maud Royden, radical feminist preacher; and Kathleen D. Courtney, former secretary of the British National Union of Woman Suffrage Societies and a member of the Women's International League.

Miss Rathbone became not only chairman of the International Woman Suffrage Alliance's standing committee on "maintenance of motherhood and treatment of illegitimate children," in December, 1920, but in 1925 was chosen as the representatitve of the International Woman Suffrage Alliance, the International Council of Women, the International Federation of University Women, and the Women's International League on the "advisory committee on traffic in women and children" of the League of Nations. (Woman Citizen, April 18, 1925.)

The Endowment of Motherhood book, whose chief author has thus been honored by feminist societies, is exceeded in its socialistic doctrines, perhaps, only by Kollontay's Communism and the Family, Engels's Origin of the Family, and Bebel's Woman and Socialism.

Among its significant passages are these:

"If mothers are to get on the pay roll of society at all they will have to be willing to begin at the bottom.

"In the event of wage disputes the workers will know that a large number of their dependents are secure and that the call on strike funds will be less.

"To those who are looking to the socialization of industry in one form or another, we would point out that a scheme such as the one advocated here will be found essential.

"The State will have to deal increasingly with the mother directly and less through the agency of the father as a middleman."

The publication of this socialistic book moved the National Woman's Party to give it an enthusiastic review under the title, "Wages for mothers" (Suffragist, November, 1920), in which was the following statement:

"Such an endowment should, according to the committee, be extended to all children until school-leaving age. * * * The United States can well afford to invest the needed billions in the establishment of motherhood upon a sound basis" (p. 274).

Miss Alice Paul herself declared:

"We intend to insist also that the State assume entire responsibility for the maintenance and education of children until they become of age. * * * When the women of the world have junked the battleships and other impediments of war, enough money will be released to take care of these reforms." (Washington Herald, October 25, 1920, p. 7.)

Mrs. Harriet Stanton Blatch, daughter of Elizabeth Cady Stanton, a socialist, a leader of the National Woman's Party, wrote:

"The enfranchised women of America, through pressure brought by a woman's party, broadening perhaps to an international woman's party, could be instrumental in bringing political freedom to the women of the world * * * and behind all such social and economic demands lies the most important item in the woman's program, namely, the endowment of motherhood." (Suffragist, official organ National Woman's Party, October, 1920, p. 235.)

Miss Helen Todd, a leader of the "Birth Control League" and former campaign speaker for the New York State Suffrage Association, said:

"Place the mothers on the Government pay roll and pay them the money which would otherwise be spent in preparing for war. * * * Every woman, rich or poor, should receive Government endowment." (Washington Times, October 13, 1920.)

Equal Rights, official organ of the National Woman's Party, July 14, 1923, leading editorial, states:

"Why is it that the greatest service that can be rendered to humanity has entailed a condition comparable to chattel slavery? * * * The involuntary nature of motherhood heretofore, the complete lack of organization among women * * * and, more than all, custom, have conspired to render motherhood more of an ignominy than an advantage in practical economy. But back of it all is a misapprehension of the very nature of the service rendered.

"Woman has borne children to a certain man—her husband. She has brought up his children; she was worked in his home. It has been a personal affair between man and wife, and the racial aspects of the matter have been forgotten. Each individual woman has been dependent on an individual man not only for her own bed and board but for the maintenance of her children. This, it would seem to us, is the crux of the matter. What is really a contribution to the race and Nation has been regarded as a sort of personal service to some one man, and standardization of the service rendered on this basis has been impossible. * * * In any event it is important for women to turn their minds to the problem of standardization of service rendered through motherhood" (p. 172).

Equal Rights, official organ of the National Woman's Party, in its leading editorial, entitled "Maternity legislation," declares:

"There is an overwhelming social need for an intelligent treatment of maternity as a fixed social charge." (Equal Rights, April 26, 1924, p. 84.)

"A FULL GRANT OF POWER"

All this feminism—"standardization of the service" of motherhood, "maternity benefits," "wages for mothers," "maintenance of motherhood and treatment of illegitimate children"—was to be accomplished through the Federal Children's Bureau and the maternity system.

Senator BORAH's little "statistical agency" with "no administrative power" of 1912, with appropriations of $21,936 (1913), the "lowest figure possible to still maintain something like an active and vital bureau" (Senator BORAH, CONGRESSIONAL RECORD, Jan. 8, 1912) in a few years, was out with 460 pages of "minimum standards" of administration and legislation, 1,870 pages of propaganda for legislative "treatment of illegitimate children"; demands for $8,000,000 a year (State and Federal) for "maternity and infancy care" (original Rankin maternity bill, July 1, 1918); the "standardization of education," the abolition of rural child labor by an "indirect attack," and finally, for a "full grant of power" over all youth in America!

The "statistical agency" grasped for more power than any people have ever intrusted to a government—for the soviet power over youth was obtained by communist dictatorship, not by popular sanction.

To get full control, they began at the bottom with the mere bureau.

Miss Lillian D. Wald, of Henry Street Nurses Settlement, New York (a lifelong friend and associate of Mrs. Kelley), who originated the idea of a "children's bureau," testified in 1909:

"Whereas the Government as such has been acting * * * for a great many interests in the community, by a strange and almost incomprehensible way the children, as such, have never been taken within the scope of the Federal Government." (House hearings, Committee on Expenditures in Interior Department, January 27, 1909, p. 3.)

"The full responsibility for the wise guardianship of those children lies upon us * * *. But no longer can a civilized people be satisfied with the casual administration of that trust. In the name of humanity, of social well-being, of the security of the Republic's future, let us bring the children within the sphere of our national care and solicitude." (Ibid. p. 35.)

"Casual administration," of course, means the parents and "wise guardianship" that of a Government bureau.

Once established, the bureau soon sought administrative power under bills drawn in the bureau for its own self-aggrandisement. At the 1921 Senate hearings on the maternity bill the chairman (Senator Kenyon) asked:

"Did you originate this bill? Was it a product of yours?

"Miss LATHROP. The bureau did (p. 19). * * * I want to say I have had much to do with the drafting of this bill (p. 75, Senate Education and Labor Committee, April, 1921).

A year later Miss Lathrop's successor was telling the Women's Trade Union League the bureau had "the whole field of child care," as previously shown.

In another two years Miss Abbott demanded "a full grant of power":

"I think the amendment should be inclusive. * * * It seems to me a full grant of power to Congress is in line with the other grants of power in the Constitution. * * * I favor the general grant of power." (House hearings, child labor amendment, February–March, 1924, p. 86.)

"AN ENTIRELY NEW GRANT OF POWER."

It was demonstrated in the Senate that this was "an entirely new grant of power":

"Senator REED of Missouri. It proposes to confer a power upon the Federal Government never possessed by any or all of the States under their police power. * * * There is no power in any State to limit the right of a healthy boy or girl to work for a living in a perfectly healthful and proper place; there is no power in any civilized government worthy of the name to do it. It is proposed here to confer that despotic and destructive power upon the Congress of the United States. * * *

"It strikes at the very fundamental of the Declaration of Independence. * * * It is at war with our whole system of government.

"So let us discuss this amendment as it is. It is not a child-labor amendment; it is revolution. * * *

"When was there ever a proposition to confer upon the Congress the power to prohibit the labor of all persons under 18 years of age?"

"Senator SHORTRIDGE (who introduced the final child labor amendment resolution, S. J. Res. 1, and led the debate on the floor for it). Never before.

"Senator REED of Missouri. The Senator will not pretend to say to me or to this body that there is a single State in this Union under the existing Constitution of the United States that can absolutely 'prohibit the right of a person under 18 years of age to work.'

"Senator SORTHRIDGE. Oh, broadly stated, perhaps not. * * *

"Senator REED of Missouri. * * * The grant of the power to Congress to limit, to regulate, to prohibit labor is a right that the States never possessed except in the limited sense that they could prohibit or limit labor in unhealthful or destructive avocations or under dangerous conditions. Always the police power of the State had to have back of it something aside from the arbitrary will of the legislative body. Police regulations were always required to be based upon some reasonable conditions of fact warranting and justifying legislative interference.

"This proposition proposes a grant of absolute and unlimited power over the labor of every person under 18 years of age * * * an entirely new power that the Federal Government never possessed, that no State ever possessed * * *." (CONGRESSIONAL RECORD, June 2, 1924.)

In an official release for newspapers recently issued by the Children's Bureau, entitled "What the Children's Bureau is," it declares:

"When the United States Children's Bureau was formed in 1912 it was the first bureau of its kind in any national government. Since then many nations have followed Uncle Sam's example, and most of our States have created bureaus or divisions dealing with various aspects of child welfare.

"The Children's Bureau has one of the most important and most interesting constituencies in the world. To this bureau the welfare and the interests of nearly 40,000,000 children in our country is instrusted, so far as our National Government is concerned."

Such is this bureau's conception of its own powers, without the slightest basis in the Constitution for any Federal administration of child labor, health, education, or welfare laws, and with the "full grant of power" over the labor and education of all persons under 18 years demanded by the bureau, to be found in no other place on earth except in the official program of the Young Communist International. Even the Bolsheviks in Russia do not prohibit the labor of all persons under 18. That program is for America. And the Federal Children's Bureau is trying to put it into effect as diligently as if it were an agency of the communists.

STRAIGHT FROM THE COMMUNIST MANIFESTO

This communist legislative program of the Young Communist International, of Mrs. Kelley, of the Children's Bureau, and of the feminist "internationals" goes straight back to the communist manifesto of 1848, by Marx and Engels.

Of course, the "noncommunist hands" among the members of the rank and file in women's organizations probably know nothing of the origin, meaning, and communist effect of these doctrines when disguised as "endowment of motherhood," a "children's amendment," etc. Some of them are enlisted by the simple device of concealing the socialist snake under a flower bed of beautiful phrases and sentimental slogans. Others are enlisted as pure mercenaries, looking for places on the public pay roll or profitable employment as Washington "legislative agents" of women's organizations. But they also serve the socialist cause better than conscious and known socialists, for they give socialist measures the tone of respectable, nonsocialist support, and with their resolutions, telegrams, and letters to Congress urging such measures they manage very often to mislead legislators also, who therefore introduce and vote for so-called "women's measures" which it would be impossible to get a Democrat or Republican to introduce if he knew they came from the Communist Manifesto and Karl Marx or Friederich Engels were the originators.

The feminist part of the communist program has been almost entirely overlooked, even by the vast majority of the critics and opponents of communism. They have seen and exposed the "economic" fallacies of communism, the dangers of confiscation of property and class war, but they have been almost blind to social, moral, and biological fallacies of communism, the destruction of the family, and the sex-war program and propaganda of Marx and Engels.

Yet Marx and Engels were feminists and wrote an unpublished feminist manuscript two years before they issued the communist manifesto. Engels, in his "Origin of the Family, Private Property, and the State," says:

"In an old unpublished manuscript written by Marx and myself in 1846 I find the following passage: 'The first division of labor is that of man and wife in breeding children.' And to-day I may add: The first-class antagonism appearing in history coincides with the development of the antagonism of man and wife in monogamy and the first-class oppression with that of the female by the male sex (p. 80).

"In the great majority of cases the man has to earn a living and to support his family. * * * He thereby obtains a superior position that has no need of any legal special privilege. In the family he is the bourgeois; the woman represents the proletariat (p. 89).

In the same book Engels declares:

"The modern monogamous family is founded on the open or disguised domestic slavery of women, and modern society is a mass composed of molecules in the form of monogamous families.

"Monogamy * * * enters as the subjugation of one sex by the other. * * * Monogamy was * * * the victory of private property over primitive and natural collectivism (p. 79).

"We are now approaching a social revolution in which the old economic foundations of monogamy will disappear. Monogamy arose through the concentration of considerable wealth in one hand—a man's hand—and from the endeavor to bequeath this wealth to the children of this man, to the exclusion of all others (p. 91).

Under communism, he says:

"The situation will be very much changed for men; but also that of women, and of all women, will be considerably altered. With the transformation of the means of production into collective property, the monogamous family ceases to be the economic unit of society. The private household changes to a social industry. The care and education of children becomes a public matter. Society cares equally well for all children, legal or illegal. This removes the care about the 'consequences' which now forms the essential social factor—moral and economic—hindering a girl to surrender herself * * *" (p. 92).

Here is conclusive evidence that the communists designed to destroy the monogamous family (as the "molecule" and "economic" unit of society) by arousing women (as the "proletariat") against men (the "bourgeoisie"), precisely as they designed to destroy capitalism by abolishing private property through the class war of the proletariat against the bourgeoisie.

Engels's Origin of the Family was written for that purpose. Many of its indecencies are unquotable, as are those of Woman and Socialism, by August Bebel, written with the same object of arousing women against men and picturing primitive promiscuity among savages and the mythical "matriarchy," of which Morgan and other socialists pretend to have found traces among savage tribes, as the most free, natural, and desirable state for women.

Yet Mrs. Kelley in her lecture on "The need of theoretical preparation for philanthropic work" to the New York Association of Collegiate Alumnæ, May 14, 1887, other parts of which have been quoted on page 15 of this memorandum, declared that Engels's Origin of the Family is a "fundamental work," a "most brilliant popularization" "which is warmly to be recommended," and recommended Bebel's Woman as "another useful preliminary work" which is "most suggestive and well worth reading."

In preparation for "philanthropic work" college women were urged to study Marx, Engels, Bebel, and Morgan—four months after Engels had instructed Mrs. Kelley to introduce socialism "into the flesh and blood" of Americans, as elsewhere noted.

THREE OBJECTS OF THE COMMUNIST MANIFESTO

The three main purposes of the communist manifesto of 1848, by Marx and Engels, are destruction of the monogamous family, destruction of private property, and destruction of countries and nationalities.

The manifesto declares:

"Abolition of the family! Even the most radical flare up at this infamous proposal of the communists. On what foundation is the present family * * * based? On capital, on private gain. * * *

"The bourgeois family will vanish as a matter of course * * * with the vanishing of capital.

"Do you charge us with wanting to stop the exploitation of children by their parents? To this crime we plead guilty.

"But, you will say, we destroy the most hallowed relations when we replace home education by social. * * * The bourgeois claptrap about the family and education, about the hallowed corelation of parent and child, becomes all the more disgusting, the more, by the action of modern industry, all family ties among the proletarians are torn asunder and their children transformed into simple articles of commerce and instruments of labor. * * *

"You are horrified at our intending to do away with private property. * * * You reproach us with intending to do away with your property. Precisely so; that is just what we intend. This person (the owner of property) must, indeed, be swept out of the way and made impossible.

"The communists are further reproached with desiring to abolish countries and nationalities.

"The workingman has no country."

This communist philosophy was used so much in the campaign for the "child" labor amendment, throughout which the 647,000 children who occasionally work on farms (569,824, or 88 per cent of them on the home farm under their own parents) were included with the alleged "million children who slave") that Mr. Gray Silver, Washington representative at the time of the American Farm Bureau Federation, declared:

"The farmer resents, and rightly so, * * * the idea that he raises a family for the purpose of harvesting a cotton crop." (A. F. B. News Letter, March 6, 1924.)

Miss Grace Abbott, Chief of the Children's Bureau, on the contrary, sought to make all opponents of this communist amendment appear as "exploiters" of children, saying:

"It is a controversy between groups, and one group is for the protection of the children and another comes in and wants to exploit the children." (House hearings, February-March, 1924, p. 45.)

In the 1919 Annual Report of the Children's Bureau we find this:

"* * * Experience indicates the need of basic governmental responsibility for maternity and infancy * * *" (p. 27).

After alluding to cash "maternity benefits"—child-birth doles—in England, and holding that the English laws clearly express "a belief that no provision already in existence is adequate," the Chief of the Children's Bureau (then Miss Lathrop) says:

"As applied to the United States, it may be said with certainty that any public provision for safeguarding maternity and infancy must be universal. It must afford a dignified service which can be utilized with the same self-respect with which the mother sends an older child to the public school." (Ibid. p. 27.)

In a Children's Bureau newspaper release on "The fundamental rights of childhood," after enumerating many desirable conditions for "all children," such as "the best of care before birth * * * care of the mother before the baby comes * * * pure food * * * well-prepared meals * * * a clean, well-kept home, not overcrowded * * * warm rooms and warm clothing * * * a long sleep every night in a comfortable bed * * * properly fitting shoes * * * regular health examinations * * * education to the limit of their abilities," as "rights," etc., the bureau declares:

"Now, all of these rights are usually best secured in a normal family home. We may say, without any doubt, that every child has a right to home life, with an income on the father's part that will allow him to provide the things just now summed up. If the father's income does not enable him to give his children all they ought to have, the community must help."

In its 460-page book on Standards of Child Welfare the "general summary" of Children's Bureau "minimum standards" says:

"The logic of the evidence adduced seemed to indicate that a very large ratio of the families of the United States obtain incomes too small to make possible the rearing of children in the manner which scientific and humane considerations, as well as the prosperity of the Nation, demand." (Bureau Publication No. 60, p. 18.)

At page 65 of the same book:

"Every child must have a garden in his home, or two months a year of country life. In fact, he ought to have the latter, anyway * * *."

In short, if the "fundamental rights" of "all children" to "well-prepared meals," "comfortable beds," "properly fitting shoes," gardens, country vacations, etc., are beyond the income of the average, or of a "very large ratio of the families," America should adopt the "doles" systems of Europe, with the warning from the bureau that even in them "no provision already in existence is adequate."

At page 43 of the "standards" it is insisted that there be established—

"A minimum below which no income can go, no family maintenance be put, * * * the giving to all of the opportunity to remain on or above that level, * * * thus enabling the mother to specialize in the exercise of the maternal function."

Miss Abbott also declares:

"When you undertake to get rid of child labor then you must make some other provision for the care of those children." (House hearings, February-March, 1924, p. 264.)

Mrs. Kelley, speaking for the child labor amendment, told the Senate subcommittee:

"It's unsafe to leave children to the tender mercies of the pressure of ignorant parents." (Senate hearings, 1923, p. 51.)

Again, Mrs. Kelley:

"* * * For it is still the rule that fathers maintain their own children." (Annals American Academy of Political and Social Science, September, 1922, p. 61, signed article by Mrs. Kelley.)

"* * * As long as we have competitive industry," [private ownership]. Women's Industrial Conference, Washington, January, 1923, official report by United States Women's Bureau, p. 129.)

As Senator REED of Missouri declared in the Senate June 20, 1921, speaking on the maternity act:

"The fixation of an economic level and the maintenance of all the people on or above that level necessarily involves the control of the business affairs and individual life of the citizen.

"That was the very doctrine taught by Karl Marx, Friederich Engels, and all the leading socialists of Europe. It is the quintescence of socialism."

"MODESTY" OF THE MATERNITY ACT

Mrs. Florence Kelley, in the 1920 hearings on the first Sheppard-Towner bill (then providing "free medical and nursing care" and for a $4,000,000 annual Federal subsidy to be matched by the States), said:

"The characteristic feature of this bill throughout is its modesty. It is recognized throughout that the bill is a new departure; it is an innovation. It is not perfectly certain how the States will respond to it. It is the first experiment of this kind in this country." (House hearings, December, 1920, p. 29.)

Can it be denied that the maternity act is only the "camel's-nose-under-the-tent" measure of a Marxian Communist and of a radical Children's Bureau seeking arbitrary, unlimited, "full grant of power" to standardize and socialize "the whole field of child welfare and child care"?

It has already been shown that only tactical considerations limited the demands of Mrs. Kelley and the Children's Bureau for Communist power over the American home.

It has been shown that Mrs. Kelley, herself a communist, started out in 1889 urging college women entering so-called "philanthropic work"—now called "social work" with a significant change of implication and of financial backing by society at large—to study Karl Marx's "Das Kapital," the "Origin of the Family," by Engels; "Woman and Socialism," by Bebel, etc.

These were warmly recommended as "fundamental works" for "philanthropic workers" by Mrs. Kelley.

And these are the fundamental works of revolutionary communism—the "quintessence of socialism"—Marx's Kapital—written mostly and published by Engels—being the fundamental "economic" work, and Engels's "Origin of the Family," and Bebel's "Woman and Socialism" being the fundamental communist works against the monogamous family.

It has been shown that "the worst form of communism," as Senator KING well calls it, is found in the feminist phase of communism—arousing women against men, wives against husbands, and providing community care for children, legitimate and illegitimate, to "remove the economic foundations of monogamous marriage," etc.

It has been shown that the feminist societies, international and national, have indorsed these communist policies in terms which are no less radical and sweeping than those of the communists.

It is also worthy of note that the feminist societies which originally proclaimed a desire for woman suffrage as their reason for existence, have not in the least discontinued their sex war campaigns, but, in fact, have intensified them, purporting to represent women voters—without ever consulting women voters on any feminist measure—en masse, as a class, aligned against men and the regular political parties, through a so-called "National League of Women Voters" and a "National Woman's Party" with the communist philosophy of sex war their only remaining excuse for existence.

It has also been shown that Alexandra Kollontay, first commissar of the soviet department of social welfare, head of the infamous Bolshevik colonization of children schemes in Russia, was indorsed by the Federal Children's Bureau as the author of "the most comprehensive" work on maternity doles, etc. (Children's Bureau publication No. 57, p. 175), the Kollontay book, Society and Motherhood, being as fundamentally communist as Engels's Origin of the Family.

It is shown that the most distinguished graduate from the Children's Bureau—its former exhibit expert, Anna Louise Strong—has succeeded Kollontay as a colonizer of children in Soviet Russia.

Now it will be shown how far and by what agencies these communist doctrines concerning children have been introduced "into the flesh and blood" of many of our noncommunist educators and social workers, and how others have been attracted as mercenaries.

COMMUNISM UNDER THE MASK OF "EDUCATION"

Mrs. Florence Kelley has not only preached communism and urged a study of the fundamental communist books by college women taking up philanthropic or social work, but as president of the Intercollegiate Socialist League—the organization chiefly responsible for socialist propaganda in American schools and colleges—Mrs. Kelley has had great influence for a number of years in promoting radicalism among youth while in school.

The Intercollegiate Socialist League changed its name in 1922 to the "League for Industrial Democracy," but continues its socialist propaganda.

As chief factory inspector in Chicago (1893–1897) she obtained leadership among industrial women; as a resident of Hull House, Chicago, and subsequently of Henry Street Nurses' Settlement, New York, she obtained leadership among social workers, public-health nurses, etc., and as a university woman, a lawyer specializing on social legislation, and as general secretary of the National Consumers League she has obtained other opportunities for communist propaganda and influence upon legislation.

It is of the utmost significance that practically all the radicalism started among women in the United States centers about Hull House, Chicago, and the Children's Bureau, at Washington, with a dynasty of Hull House graduates in charge of it since its creation.

It has been shown that both the legislative program and the economic program—"social-welfare" legislation and "bread-and-peace" propaganda for internationalization of the food, farms, and raw materials of the world—find their chief expression in persons, organizations, and bureaus connected with Hull House.

And Hull House itself has been able to cover its tracks quite effectively under the nationally advertised reputation of Miss Jane Addams as a social worker—who has so often been painted by magazine and newspaper writers as a sort of modern Saint of the Slums—that both she and Hull House can campaign for the most radical measures and lead the most radical movements, with hardly a breath of public suspicion.

Nevertheless, Miss Addams herself, according to the Survey Graphic number, December 1, 1924, editorial, page 291, bore witness to the

leadership of Mrs. Florence Kelley in starting Hull House itself on the road of socialistic legislation.

The editorial, indirectly reporting Miss Addams's remarks, declares:

"Miss Addams bore witness to this faculty [of Mrs. Kelley's]. Chicagoans had been used to talking about the corn crop; sometimes they had pointed with pride when they counted a hundred thousand more harassed creatures run through the stockyards in a year. But Mrs. Kelley was the first to drive home to them that their's had become the third industrial city of the United States and what this meant, humanly speaking.

"At Hull House they had seen men, women, and children trudging past with huge bundles of clothing; they had read the Webbs [British Socialists]; but they had done nothing about it until Mrs. Kelley came. * * * One thing after another happened; so swiftly that the years before and the years since have seemed slow by comparison. Her wish for Mrs. Kelley was a 'long life and a great many more tough situations'; that she might live to see no children in America unprotected by congressional legislation," etc. (Survey Graphic, December 1, 1924, p. 291.)

Thus while all the pacifism, internationalism, and socialist legislative schemes among women in America, together with the Women's International League, the National Women's Trade Union League, the International Federation of Working Women, the United States Children's Bureau, and the United States Women's Bureau have been cradled at Hull House, we find that Hull House itself was first taught to walk the socialistic road by the ubiquitous Mrs. Florence Kelley.

The second-hand radicalism of Miss Addams, Mrs. Robins, Miss Lathrop, Miss Abbott, Mrs. Catt, etc., is none the less important to show, because they "build communism with noncommunist hands" in working for Mrs. Kelley's program. Further testimony as to the supremacy of Mrs. Kelley's leadership is found in the official proceedings of the Women's Industrial Conference, called by the United States Women's Bureau, January 11, 12, and 13, 1923 (Women's Bureau publication No. 33, pp. 184–185).

Talking to all the assembled leaders (Miss Lathrop, Miss Abbott, etc.), Miss Mary McDowell, of University Settlement, Chicago, herself a leader in "welfare" legislation, said:

"The first woman factory inspector in Illinois, who set up such a standard that we can never forget her, is with us to-night—Mrs. Florence Kelley. I do not think we have maintained that standard since, but that does not make any difference. The standard is there. * * * I think Mrs. Kelley not only set up the standard but she helped us start public opinion.

"And then here's Miss Lathrop," etc. (pp. 184–185).

The secondary position of Miss Lathrop (former Chief of the Children's Bureau) to Mrs. Kelley, the real originator and director of all this socialist standardization legislation, was thus attested and acknowledged at a session of the Women's Bureau conference, over which Miss Lathrop was presiding at the time. (Ibid. pp. 170, 174, 184, 190.)

Josephine Goldmark, a friend and associate of Mrs. Kelley in many activities, writes:

"It is probably not too much to say that no single individual has done more than Mrs. Kelley, through her long years of keen participation in local, State, and Federal campaigns, toward securing the body of social legislation which exists in the United States to-day." (New Republic, November 12, 1924.)

Mrs. Kelley's participation in educational legislation, her part in the drafting of the vocational education act of 1917, her part in showing the National League of Women Voters "the need" of the Smith-Towner education department bill, her advocacy of education laws to abolish child labor, have been set forth elsewhere in this memorandum.

The point is that one of the fundamental designs of the communists is to capture and control not only the content of education but the teachers themselves as an "apparatus of power" and of propaganda, and that Mrs. Kelley has been in a key position for many years to spread communist propaganda in schools and colleges and among teachers, as well as to foment industrial unrest among women in factories and promote socialist legislation generally.

Nicolai Lenin saw the strategic importance of the education system as an apparatus of power:

"Hundreds of thousands of teachers constitute an apparatus that must push our work forward. The fact that the masses of teachers are permeated with the heritage of capitalistic culture must not and can not prevent us from placing them in the service of communistic education.

"The communist active in the field of popular education must learn and understand to conduct this mass, which runs into hundreds of thousands. * * *

"It is important and necessary that he should be capable of guiding the masses of teachers." (From a signed article by Nicolai Lenin in The Workers' Dreadnaught, subsidized by Lenin and edited by Sylvia Pankhurst, May 25, 1921.)

Nowhere else have the communists had as "capable" and well-trained a person to place masses of teachers "with the heritage of capitalistic culture" in "the service of communistic education" as in America.

The reflection of communist views has now become almost a matter of course among many leading educators of the type who demand Federal control of all schools and children.

Dr. William B. Owen, president of the Chicago Normal College, Chicago, Ill., the then president of the National Education Association, in an address before the World Conference on Education, June 23, 1923, in San Francisco, showed that he also, like Lenin, saw the possibility of the educational system as a revolutionary factor, and referred in his speech to—

"Education as a practical instrumentality for the creating of a new world order." (N. E. A. official report, p. 13.)

He added:

"* * * In spite of what we write and say, the world does not believe that education as a form of social control is comparable with armies, navies, diplomacy, and statecraft. * * * We should spend our time and efforts in shaping a constructive educational program that will demonstrate what education can do." (Ibid. p. 14.)

Education "as a form of social control" comparable with armies, etc., for "creating a new world order" is the new idea of an education system as a central apparatus to rule society, and is as far removed as the poles from genuine education that imparts knowledge and discipline by which children are prepared to become free, self-governing citizens of sovereign States and of a Republic whose constitution guarantees that no legislative body or educational soviet shall use the schools of America as a single "system" to promote a new political or economic "world order."

It is clear that the intention to use education as a complete machinery of dictatorship, moral, intellectual, political, over the minds of the young obsessed at least some of the National Educational Association leaders.

Dr. Augustus O. Thomas, commissioner of education, Augusta, Me., president of the World Federation of Educational Associations, in his opening address at Edinburgh, July 21, 1925, at the biennial meeting of the federation, said:

"We are the keepers of the young and can direct their interest and their attitude." (Official Report World Federation of Educational Associations in National Educational Association addresses and proceedings, 1925, p. 923.)

"This necessitates an international attitude or mode of thinking, which we call the 'international mind.' The peoples of the earth must now live together and we, the teachers of the world's children, must prepare them for these new relations." (Ibid. p. 926.)

Doctor Thomas refers later to "the new world citizen."

At the previous biennial meeting of the World Federation of Educational Associations, at San Francisco, Doctor Thomas defined "the real spirit of internationalism" in these terms:

"Citizenship to-day must be broader than nationalism. There must be an international consciousness; there must be an 'international heart' and a 'world mind.' This 'world mind' is largely an attitude or habit of thinking in the larger units of the world," etc. (Special booklet issued by the National Council for the Prevention of War, covering 1923 San Francisco conference of World Federation of Educational Associations, p. 11.)

Again, at the same conference, of which he was chairman, Doctor Thomas said:

"In order to change the ideals of the nations, we must begin with the child when he first becomes teachable; because the child is unprejudiced, and as we lead him up through the winding path of education and experiences we gradually instill into him our own prejudices." (World Conference on Education, National Education Association official report, p. 9.)

"There was a day when a person was simply a citizen of his locality and possibly of his country. * * * To-day the citizen must be a citizen of the world. * * * Therefore the children of to-day must receive that larger viewpoint and that larger understanding. That understanding and viewpoint must come through the teachers." (Ibid. p. 10.)

The Bulletin of the Women's International League for Peace and Freedom, July–October, 1923, also contains a report of the World Federation of Educational Associations Conference at San Francisco entitled "A disarmament conference of educators in America," by Rosika Schwimmer. She writes:

"This conference was of greatest importance for the pacifistic movement. * * * The intention to find pacifistic methods of education having clearly been put as the basis of the conference" (pp. 89 and 91).

She referred to—

"An enthusiastic atmosphere of growing international patriotism.

"The most important result of this conference seems to be a claim for the 'disarmament of textbooks.' * * * It was considered the basis of all other pedagogical reforms.

"All the pacifists of the world may be very much indebted to Doctor Thomas, who presided over the conference * * * and became

thereby the leader of those educators who want to develop a cosmopolitan mind.

"Again and again he pointed out the close connection that exists among all human beings; he claimed unhesitatingly an education for world citizenship," etc. (p. 89).

Frau Schwimmer then turns to Miss Charl O. Williams:

"Miss Williams, former president of the National Educational Association and member of its present board, proclaimed a kind of intellectual strike against the patriotic methods which are bringing about an increasing roughness among young people. * * * 'We, the teachers of the world, have decided to refuse to teach on such lines.'

"A stormy, passionate applause followed the final words of Miss Williams: 'If we are not allowed to educate the children for peace, it is not worth while to educate them at all (pp. 89, 90).

Miss Charl O. Williams, former president of the National Educational Association, is now field secretary, and has been the chief National Educational Association lobbyist for a Federal department of education.

Thus we find "conservative" National Educational Association leaders, some of the most distinguished advocates of a Federal department of education, saturated with the doctrines of internationalism and pacifism that owe their origin to the communist manifesto "to abolish countries and nationalities" and their development to include "world citizenship," "teachers of the world," and "children of the world," while less brutally stated, is in fact even more obnoxious than the "workers of the world have no country" of the communist manifesto, because there is not the slightest excuse in social or economic interests for teachers to form a world union against nationalism under the false banner of "peace."

The greatest investigation of communism ever made in America, and reported in four large volumes by the New York Legislature under the title "Revolutionary Radicalism" declares:

"The very first general fact that must be driven home to Americans is that the pacifist movement in this country, the growth and connections of which are an important part of this report, is an absolutely integral and fundamental part of international socialism. It is not an accretion. It is not a side issue. European socialism concentrated its efforts in three directions: * * *

"The third purpose was the creation of an international sentiment to supersede national patriotism and effort, and this internationalism was based upon pacifism in the sense that it opposed all wars between nations and developed at the same time the class consciousness that was to culminate in relentless class warfare. In other words, it was not really peace that was the goal, but the abolition of the patriotic, warlike spirit of nationalities." (Vol. 1, p. 11.)

It will be noted that the National Education Association leaders quoted in this connection are the official leaders, the persons responsible for the education department "drive," etc., and that nowhere in this memorandum have your petitioners cited any but the highest official authorities and true leaders of the movements it has been necessary to mention in connection with this radical legislative program.

COMMUNIST PROPAGANDA THROUGH MATERNITY CENTERS

The Moscow communists declare:

"The most difficult task is that of getting at the housewives. * * * The petty bourgeois psychology of the peasant woman, her ignorance, her dependence on her husband and her family, all these are obstacles which must be overcome. * * * The work in the village among the female farmers and women workers * * * plays a great part in revolutionary work." (Soviet Russia, New York Communist Magazine, March 26, 1921, p. 307.)

Again:

"It was necessary to create a special technical mechanism for work among women." (Ibid.)

One of the secret communist documents captured at Bridgman, Mich., in 1922, was "Instructions on organizing women in America," in part as follows:

"Contacts must be established at all maternity and infant-welfare centers. In this connection it is recommended that communist women should be trained for first aid and home nursing. This training should serve the useful purpose of enabling our members to gain the confidence of larger and larger circles of women by practical assistance in time of need." (Portland Press-Herald, January 30, 1923.)

Can it be denied that the centralization of power over maternity and infant-welfare centers in the maternity act constitutes a "special technical mechanism for work among women," and that they can thus be used for propaganda purposes, communistic and otherwise?

Mrs. Florence Kelley says:

"I have lived for 20 years with the nurses who nurse the poor in their homes in New York City." (House Hearings, December, 1920, p. 31.)

Mrs. Kelley alluded, of course, to her long residence at Henry Street Nurses Settlement, and went on to argue the merit of maternity centers as life-saving stations. But there is no doubt that whatever merit maternity centers may possess, from the standpoint of public health, are due to the technical instruction imparted by the physicians and nurses "on the local job." There is no health reason for placing them under the control of one distant bureau of social workers at Washington; no health reason for having them all conform to "plans" approved by graduates of Hull House and Henry Street Settlement, who have been shown, on their own testimony, considerably more interested in obtaining centralized power than in health matters, as quoted elsewhere in this memorandum.

Is it likely, for example, that Mrs. Kelley, with all her passionate repeated denunciations of Congress as a body of Herods who "wish to let mothers and babies die," has gone about the poor of New York for 20 years without telling such things to mothers themselves and instructing them in regard to pressure on Congress, as well as care of the baby?

Dr. Charles E. Humiston, of Chicago, then president of the Illinois Medical Society and now head of the Illinois department of health, when speaking against the adoption of the maternity act in July, 1921, said:

"The oldest baby welfare center in the world is in a country for which our young men made the supreme sacrifice. Twenty-six or twenty-seven years ago it was established, and it still exists, or others like it, in that country which we all love and are willing to fight for, and have been fighting for, a country in which the people are past masters of the game of avoiding parenthood, and where the death rate exceeds the birth rate, where this baby welfare station has existed for 27 years. In that country where the first one was established they have a death rate of babies of 140, almost double that of a city in this country comparable in size. Now, I am not going to charge that welfare center, nor that instruction, nor the public-health nurses, nor the doctors connected with it with the responsibility for the loss of babies in that country or for the avoidance of motherhood, as has been suggested before this committee, or at least before the Senate committee. I have as much right, however, to charge those results which follow as the health department of New York City has to claim so great a degree of credit for their activities. * * *

"This is a medical question, and it is supervising the practice of medicine in the different States, through a Children's Bureau in the Department of Labor, that this bill provides. That is why we object to it * * * and when I say 'we' I mean the doctors of Illinois, and I might just as well say the doctors of the American Medical Association in this wider sense, because at their meeting in New Orleans a year ago a resolution was passed * * * condemning every form of State medicine. * * * We object to placing the practice of medicine or any part of it under the supervision of a lay board. We object to any form of State medicine. * * * We are opposed to this bill, root and branch. It is wrong in principle. The central Government has no proper activity in this field. We object to this excursion into socialism." (House hearings, July, 1921, p. 83.)

Thus it will be noted that whether maternity and infant welfare centers promote public health or not, that it is not safe to have them all centralized and standardized by one radical bureau—which has in fact published far more pages of socialistic "standards" and socialistic propaganda regarding illegitimacy than it has published in relation to the care of mothers and babies.

In addition, centralized control of maternity centers, sooner or later, offers opportunities for another form of vicious propaganda indicated by Doctor Humiston.

Of the 22 members of the "Sheppard-Towner emergency committee" to promote the maternity act in 1921 (listed on page 266 of the House hearings, July, 1921), 8 are also listed as indorsers of the "Voluntary Parenthood League." Miss Jeannette Rankin, of the executive council of the "Voluntary Parenthood League (birth-control advocates), introduced the original maternity act July 1, 1918.

At the Voluntary Parenthood League meeting October 27, 1921, Mrs. Mary Ware Dennett, one of the leaders, declared:

"We have, as you know, in America a really very large and elaborate existing health machinery of different sorts. We have hospitals and welfare associations of different sorts. We have maternity center associations and health centers. Large amounts of health advice are given both verbally and in published form. Presently, of course, at every one of these health centers this sort of service to parents should be available."

The Birth Control Review, August, 1921, page 5, declares:

"It is not intended to make it purely a birth-control clinic, but to work it on the lines of the already existing maternity and child welfare centers, with the addition of birth-control information, the object being to show how this feature may be incorporated with the existing organizations."

The Birth Control Review, September, 1921, declares it sent a questionnaire to "members of various boards of health and other officials," and out of 85 who replied, all except 7 answered the following question in the affirmative:

"Do you believe in a controlled birth rate?"

The well-known opposition of physicians to this pernicious propaganda would seem to indicate that the 76 persons in public-health work who told the Birth Control League they favored "a controlled birth rate" represented very few physicians.

At present, of course, with the Federal statutes against birth-control propaganda, there is none openly in evidence under the maternity act, although at least one prominent physician has thought that decreased birth rates in several communities may be ascribed to it. (See Indiana Medical Journal, March 15, 1926, pp. 130–131.)

However that may be, the point made here is that centralized control of maternity and health centers by a radical lay bureau of the Federal Government offers a most dangerous "technical mechanism" for propaganda among women, no matter which particular cult of propagandists uses it—communists, advocates of birth control, or lobbyists and bureaucrats seeking "pressure on Congress" for more power and appropriations.

There is no more reason, from a health or medical standpoint, for having all the maternity and infancy centers standardized and controlled by one bureau than there is reason, from an educational standpoint, for having all the schools of America under one department head at Washington.

Such control is sought, not to promote health or education, but to set up "an apparatus of power" and propaganda system for "a new world order," and whether it be communism or some other ism, that is in the back of the heads of these fanatics does not alter the nature of this "full grant of power."

We should object to centralized bureaucratic despotism over American mothers and children in any case, by any cult whatever, benevolent or revolutionary. But the tragedy and trickery of it all is illustrated by the fact that everybody knows that if any regular American political party, or any established church in America, sought legislation giving it power to standardize and control education, health, maternity, and infancy, child labor legislation, etc., that it would be denounced, exposed, and opposed by 99 per cent of the political leaders and newspapers in this country. But the communists, socialists, bureaucrats, birth-control fanatics, and interlocking Washington lobbyists try to do it, under the legislative leadership of the chosen lieutenant of Friederich Engels—and editors, legislators, and political leaders are cowed into silence and submission for fear of being called Herods, or enemies of mothers and babies unless they support the communist legislative program in America to "capture the child" and "get at the housewives!"

COMPULSORY REGISTRATION OF EXPECTANT MOTHERS

In the Standards of Child Welfare, Children's Bureau Publication No. 60, the first standards that appear, under Section III, entitled "The health of children and mothers" (p. 145), are "Standard requirements for obstetrical care."

Under this standard the professor who covered the subject for the bureau (and whose doctrine has been circulated by the bureau, at public expense, ever since) declared:

"I take it that the first step in such a campaign of education for the improvement of obstetrical conditions must consist in the compulsory registration of pregnancy, through the local health officer. In this event, it will be possible for every pregnant woman throughout the entire country to be supplied gratis with certain of the publications of the Children's Bureau." (Bureau Publication No. 60, p. 146.)

We have failed to find, even in the most revolutionary books of Friederich Engels, August Bebel, and Alexandra Kollontay, or in any of the Bolshevik codes of communist Russia, a doctrine so extreme and tyrannical as this compulsory registration of all expectant mothers, an invasion of the privacies of life unknown to the worst despotisms of history, including the present communist dictatorship in Russia.

In Children's Bureau publication No. 137, dealing with the administration of the maternity act, there appears on page 10 the following indication of the bureau's intense interest in getting the names of expectant mothers so that special letters and literature may be sent them:

"In an effort to reach individually a large number of expectant mothers, the use of serial prenatal letters has been increased * * *. The number of women reached in this way apparently varied directly with the importance attached to it in each state and with the methods employed in obtaining names of expectant mothers. Usually the physicians of the state were notified by the state child-hygiene division of the availability of these letters, and many responded by requesting that such information be sent to their patients. Recent reports indicate that this cooperation on the part of physicians provides by far the largest single source of names."

Here, of course, no compulsion in this matter is indicated as yet in the administration of the maternity act. But the interest of the Children's Bureau "in obtaining names of expectant mothers" is indisputable, regardless of "the methods employed." For what purpose—health or propaganda?

A "FRIGHTFULNESS" CAMPAIGN AGAINST MOTHERS

In an undated newspaper release by the United States Children's Bureau, entitled "The Child's Right to Be Well Born," which may be considered a fair sample of the bureau's constant mixing of political propaganda with maternity and infancy health questions, is the following opening statement:

"Perhaps you are so fortunate as to have a baby in your household. If so, do you realize that if that baby had chosen its home in any of five other countries it would have had a better chance at life than in the United States? For in the birth registration area of this country, out of every 1,000 babies born alive 76 die, while in New Zealand only 42 babies out of every 1,000 die, and four other countries have an infant death rate lower than ours.

"And how about the baby's mother? She would have run less risk of death in Germany, Finland, Uruguay, Japan, or South Africa, or in any of 14 other countries, than she did in giving birth to her baby here. Of 25 nations, only two are more careless than we right here in America are of the lives of our mothers.

"Studies by the Children's Bureau and other agencies have shown clearly what causes our high death rates among mothers and young babies. These causes are all susceptible to human control; we can eliminate them if we want to hard enough. What are they? Briefly, poverty and ignorance."

On the face of it, this miserable, disloyal, and pernicious socialist propaganda is false and self-contradictory, telling mothers, in effect, that they would have a better chance of life in Japan, South Africa, etc., on account of less "poverty and ignorance" in other countries than in the United States. Here we find the bureau's perpetual effort to promote the propaganda with which its chief is associated, leading it into an absurd self-contradiction. But some of the internationalist poison—the stuff that makes every other country appear better than America—and some of the socialist poison, ascribing all ills to "poverty and ignorance," both had to be introduced somehow into "the flesh and blood" of a circular on care of mothers and babies, "The child's right to be well born," and the two poisons in this case happen to work against each other when both are analyzed.

It has already been shown in this memorandum, pages 9–10, on the highest authority, that "there is no basis" for these unfavorable comparisons of America with foreign countries.

The Children's Bureau has been engaged in a campaign of "frightfulness" against mothers—in order to secure power over maternity and infancy for itself.

The Children's Bureau booklet, Maternal Mortality, page 32, says:

"The method of computation of death rates which gives the clearest picture of the hazards of childbirth is that which takes into account only the woman giving birth to children in that year. This is the method in use in a large number of foreign countries. The advantages of the method are self-evident."

Here the bureau shows two things: That it is chiefly concerned with picturing "the hazards of childbirth" in collecting maternal-mortality statistics; and that the different method in use in "a large number of foreign countries" is not statistically comparable with American vital statistics.

In addition, death registration in the United States is fairly complete, and there are several checks on each death. The doctor must write a certificate, the undertaker must keep a record, a burial permit must be obtained, etc. But birth registration is not universally required, nor fully enforced in the birth-registration area. If a busy physician forgets to notify the public of an occasional birth, and the happy parents neglect to get anything but a baptismal certificate at a church, the child may live and thrive with no public record. The Vital Statistics Division of the Census Bureau, for example, allows States in the birth-registration area when it is considered that 90 per cent or more of the births are registered. In Europe, on the contrary, birth registration has been enforced for many years.

How many Members of the United States Congress to-day, for example, can show a birth certificate?

Naturally, the better registration of deaths than of births in the United States makes the mortality figures appear higher than they actually are.

And this radical bureau takes advantage of this to proclaim, "It is safer to be a mother" in Germany, Japan, and South Africa than under the Stars and Stripes.

As a matter of fact, if the bureau were interested in encouraging expectant mothers, it could tell them with truth that it is safer to be a mother than it is to be a man in the United States. The mortality statistics of the Census Bureau show that the death rate among men over 20 is about double the death rate, per thousand, of actual mothers from puerperal causes.

Maternal mortality (6.7 per 1,000 live births, 1923) is little more than half the mortality rate (12.3 per 1,000 population, 1923) for the country. In other words, with only a different mental attitude and a desire to tell encouraging truths to mothers, instead of worrying them with "the clearest picture of the hazards of childbirth" that the bureau can paint with juggled statistics and odious foreign comparisons, it could show mothers the safety of this normal function, which over 993 mothers in every 1,000 perform without loss of life, while only 987 out of every 1,000 of the general population can expect to live another year.

Why should country-wide lists of expectant mothers be furnished a bureau always trying to "picture the hazards" of their condition, and trying to make them believe also that America is carelessly neglecting mothers in comparison with Japan and South Africa?

It is only reasonable to suppose that this campaign of frightfulness is dangerous to the life and health of mothers. There are even statistical indications of it.

Miss Jeannette Rankin, introducer of the first maternity act, testified at the House hearings, December, 1920:

"When I came down here (1915) I met Miss Lathrop and discussed this matter. That summer Miss Lathrop made a study of Montana and found these conditions were actually as bad as I had feared," etc. (p. 87).

The Children's Bureau sent one of its four physicians and five "social workers" into Montana. They prepared a 100-page report, saying:

"Agents of the Children's Bureau interviewed every mother in the area who had a baby during the five years preceding the study. * * * A few were not at home at the time the mothers were so visited. * * * It is estimated that possibly 10 or 12 mothers were thus missed."

In 1915, when Miss Rankin thought conditions were bad, the maternal mortality rate in Montana was 19.4 per 100,000 population. In 1916, when the agitation and "study" began, it rose to 22.2. In 1917, with the Children's Bureau agents canvassing all but a few homes in the area they covered, the rate rose to 28.4, or 9 points above the 1915 rate. In 1918 the rate was 35.9, but this was a "flu year." In 1919, although partly also a "flu year," the Children's Bureau workers having left on account of lack of funds to continue the Montana survey, the rate went down to 26.2, but was still nearly 7 points higher than in 1915. (See Mortality Statistics for 1919, p. 95.) For puerperal septicemia, the particular affliction most influenced by abnormal fear among mothers, the Montana rate rose from 7.8 in 1915 to 10.4 in 1919, the highest rate being in 1917 (14.1) while the Children's Bureau "field workers" were there. The rate of maternal mortality for Montana is given by the 100,000 population, because Montana did not come into the birth-registration area until 1922, so that the census could not tell the rate per 1,000 live births for these years. But the deaths were known as Montana was in the death-registration area in those years. The latest census report on maternal mortality shows a Montana rate of 7.5 deaths of mothers to 1,000 live births, compared with the average of 6.5 for the country at large. Also, Montana, according to "Mortality Statistics, 1923," issued by the Census Bureau, page 61, Montana has the highest puerperal septicemia rate of any State in the Union (3.8), the mortality among mothers in Montana from this dreaded infection, which affects mind as well as body, being equaled only by the mortality of the colored mothers of Mississippi. (See "Puerperal Septicemia" column, p. 61, Mortality Statistics, 1923.) There is a very strong indication here that invasion of homes by social workers picturing "the hazards of childbirth" to expectant mothers is as physically dangerous to their lives as it is opposed to their constitutional rights.

COMMUNIST PROPAGANDA AND JOBS

The communist principles and propaganda systems involved in this legislation have been clearly demonstrated. The range and scope of this propaganda is far beyond our ability to set forth in this memorandum. Its general object is to use not only every existing institution to further communist philosophy but to create vast new systems, by Federal legislation or amendments, for centralized control of education, health, labor, care of women and children, etc., to pave the way for dictatorship.

It has been shown that the first—and worst—form of dictatorship sought is over women and children; that the first victims are the families of the poor, as Senator Heyburn predicted in 1912.

It has also been shown that all this power has been sought by deliberate fraud and trickery, exposed again and again in this memorandum.

When they talk about "education" they are trying to "abolish rural child labor by an indirect attack," as Miss Lathrop declared. (Bureau Publication No. 60, p. 102.) When they inquired about "a baby in your household," as shown by the circular, "The Child's Right to be Well Born," already quoted, they must first get in some internationalism and socialism, telling you how much better it is to be born a Jap, and that America's "poverty and ignorance" compared with other countries is responsible for an alleged higher American death rate—that has no basis for existence.

But it is not to be expected that five years of maternity act administration, 40 years of Mrs. Kelley's socialist propaganda, and 14 years of Children's Bureau operation have been completely covered in this memorandum.

Your petitioners have presented merely a fair outline of the "thousands of ramifications" of a movement which Mrs. Kelley admits has "more interlocking directorates than business has."

We had hoped to be able to present a number of quotations regarding the mercenary side of this subject; to show how lobbying has been conducted for these measures on a contingent basis, the chief lobbyist getting an administrative position when the bill passes; how bureaus have been duplicated to provide jobs for faithful lobbyists, and Federal departments and commissions packed by one of the most radical organizations in this country. But the available quotations on that subject would take many more pages.

Consequently, on that point attention is invited to the speech of the late Speaker, Hon. Champ Clark, October 11, 1919; the speech of former Representative Lester D. Volk, November 19, 1921, regarding the "new fat jobs" in the education bill, and "social work as a paying profession" as related to the maternity act, and also the CONGRESSIONAL RECORD of May 31, 1924, regarding group self-interest behind the "child" labor amendment. Much more than is set forth there is available now, of course, and will be submitted to any committee or Senator interested in investigating the interlocking radical lobby further along that line.

But the point is that all these lobby "congressional committees" and professional "social workers" who are working most assiduously for jobs for themselves are also working, consciously or unconsciously, for the Kelley program of revolution by social legislation.

Mrs. Kelley is a past master in the art of getting "noncommunist hands" to promote socialism. Even the most innocent public library can hardly escape her propaganda, or even escape paying for it, to boot.

For example, at the Intercollegiate Socialist League dinner of 1911 (a year before Mrs. Kelley secured a more powerful broadcasting station in the Children's Bureau) the New York Call, socialist organ, January 1, 1911, says that Mrs. Kelley, then president of the Intercollegiate Socialist League:

"Scored the socialist press for not urging its readers to see to it that socialistic books are to be found in every library. 'There are some 4,000 libraries,' she said, 'in the United States.' They could easily be made to buy every important book on socialism. This alone would dispose of 4,000 copies of every important socialist publication and would be of tremendous educational value."

Of course, now that the Federal taxpayers can be required to pay for the nation-wide circulation of socialist propaganda, "standards" and administrative control of health boards, maternity centers, etc., by simply calling a socialist agency of Hull House and Henry Street Settlement a "Children's Bureau" and giving it $1,000,000 a year to purchase submission to its dictatorship, Mrs. Kelley no longer needs to bother with mere libraries to introduce socialist doctrines "into the flesh and blood of Americans."

AMERICA AROUSED IN DEFENSE OF OUR CHILDREN

Mayor Ole Hanson, of Seattle, who put down the first attempt at a "general strike" in the United States (which was led, by the way, by Anna Louise Strong, former exhibit expert of the Children's Bureau, who is now colonizing children for the communists in Russia), says in his "Americanism versus Bolshevism."

"A patient man will endure almost any oppression until you begin to interfere in his family affairs."

Americans are a patient people, busy with their own normal duties, who, as a rule, are so occupied with minding their own business that they often exhibit an indifference to political questions, which is mistaken for docility. Good-natured and easy-going, the average American doesn't care much what the politicians say or the legislatures do so long as they let him alone.

But when once convinced that communists, lobbyists, bureaucrats, and politicians plan "to interfere in his family affairs" the American to-day shows no lack whatever of the "spirit of 1776," and he rises in his might with a nation-wide, spontaneous mobilization of resistance as remarkable for its speed as for its strength.

Such was the spirit that rejected the miscalled "child" labor amendment. It is ridiculously untrue for any advocate or opponent of that amendment to claim that any one organization or group mobilized three-fourths of the people, three-fourths of the legislators, and 150 or more separate organizations against that amendment. These great masses of citizens mobilized themselves in their several States and local communities as soon as they learned the rights of parents and of children were in actual danger. The fact that two-thirds of Congress had passed the amendment, all presidential candidates indorsed it, 99 per cent of the magazines and metropolitan newspapers praised it, all the great lobby and propaganda organizations supported it meant nothing whatever when the plain common sense of American parents was aroused against it.

"We can understand plain English!" declared the national master of the National Grange when the socialist general secretary of the National Child-Labor Committee attempted to tell the National Grange Convention that the amendment "was not meant" to apply to 17-year-old boys and girls in the home and on the farm.

"The sky is the limit. There can be no proof offered as to how Congress will be guided in the future concerning it. The proposed amendment would put a congressional mother (probably a spinster) in the Child Labor Bureau, which would make the proverbial stepmother blush with shame. * * * The congressional stepmother would take the place of the real fathers and mothers. * * * The amendment is wide open. * * * We have the word of some of the Federal officers themselves that the purpose of this amendment is to regulate the employment of the boys and girls on farms," declared he president of the powerful American Farm Bureau Federation in a news letter of the federation.

Such was the reaction among farmers and parents, who didn't even bother to be polite, but called a spade a spade when they learned the truth about the amendment.

Some of the States formed a "citizens committee to protect our homes and children"; others fought the amendment with existing organizations of farmers, women, patriotic societies, constitutional eagues, etc. Organizations of manufacturers also fought the amendment (after some of them had originally favored a national, uniform law on child labor under the impression that it would "eliminate competition" of factories in States alleged to have poor child labor laws). In Massachusetts, for example, early in 1924 the legislature unanimously memoralized Congress to submit the amendment for ratification, largely at the request of commercial organizations as well as of the social workers. They had been told so many falsehoods about "child labor in the South" that they wanted a national law to stop "southern cotton mills" from underselling them by "exploiting children." Later, when they learned the truth—that clever socialists had gained their support for a revolutionary measure by false statements concerning "children of tender years in southern cotton mills"—the manufacturers, like their fellow citizens, opposed it.

But no association of manufacturers can produce ready-made opinions for 75 per cent of the legislators and citizens of this country!

The nation-wide revolt of parents against the amendment was not a factory product. It was a great instinctive rising of nature, as resistless as the tides of the ocean, when American parents aroused themselves in 1924–25 "to protect our homes and children"—against the Federal Children's Bureau as an "overparent" of the Nation's youth.

Sooner or later, the force of the facts in the case must arouse an equal opposition to the maternity act, and other schemes of the Children's Bureau and of Mrs. Kelley to "standardize children" in the United States.

The mothers and fathers, the farmers and city parents, the hard-working, straight-thinking, plain people of America—the people for whose parental rights Senator Heyburn pleaded so eloquently in vain, in 1912—will surely learn the truth about the maternity act, as they did about the child labor amendment.

The statesmen in Congress, who vote according to the reasons and facts now, can not doubt that eventually, those same reasons and facts must likewise appeal to the overwhelming majority of their fellow citizens in all of the States.

Therefore Senators who are inclined to vote in favor of extension of the maternity act, saying "Forty-three States have accepted it and only five have rejected it," or "I have 50 letters in favor of it and only 5 against it" are most earnestly requested to remember that eventually you can not outnumber the truth in a free country.

It is not to be expected that private citizens with limited resources, and many other duties, are going to send Congressmen as many letters and resolutions against this legislation, as the $1,000,000-a-year Children's Bureau, assisted by self-interested employees under the act in 43 States, and a score of almost equally self-interested organizations, maintaining resident lobbyists at Washington, will present in favor of it.

We respectfully suggest that the weight of evidence alone be considered in voting on the maternity act and that self-interested propaganda no more reflects the people's ultimate verdict in this case than it did in the case of the child labor amendment. In the end the facts and the people get together.

From the President of the United States to the mothers in the homes and on the farms comes the rising tide of public protest against the entire philosophy on which the maternity act is based.

The President in his Williamsburg speech, May 15, 1926, says:

"No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline.

"The States should not be induced by coercion or favor to surrender the management of their affairs."

How can anyone who agrees with the President about the results of centralism vote for a "plan of centralization" over American mothers and infants?

Nature, reason, statistics, health, history, experience, and the Constitution of the United States all condemn this adventure into the den of the communist wolf, with American babies being made to lead the way.

The appeals of the people against communist control over children are not confined to any section or group.

Senator THOMAS F. BAYARD, of Delaware, says:

"So many people have said to me, regardless of party, within and without my State, since the passage of the amendment, 'Can not something be done to prevent the United States Government coming between parent and child?'" (CONGRESSIONAL RECORD, January 28, 1925.)

Something has been done by the defeat of the child labor amendment, and something can be done again by rejecting the maternity act.

In conclusion, we respectfully present the opinions of only two mothers, living on farms 3,000 miles apart, a mother of eight children in Idaho, and a mother with three babies in up-State New York, 10 miles from a hospital:

Mrs. E. R. Hanford, mother of eight children, Boise, Idaho:

"Last Tuesday I visited a rural Parent Teachers' Association to explain the Sheppard-Towner 'maternity' act as it looks from my position as a mother of eight children, five of whom were born on a dry-farm homestead.

"Although the members of that circle, as well as those of every circle in the State were supposed to be on record as favoring the bill, not a person at that meeting had heard of the Sheppard-Towner Act until that day. The room bristled with indignation as thrifty, intelligent farmers' wives learned of the 'kind interest' national and State club women had taken to create jobs. All seemed to feel an injustice when it was learned that the State Parent Teachers' Association president had taken advantage of her office by working for a measure and accepting the position of 'State nurse,' thus using a trusted and honored office to further personal interests. They did not know until then that the legislative committee from the women's clubs had lobbied for the maternity bill, seeming to claim a true representation of all rural mothers as well, as they made it appear that the bill covered the wishes of every club woman in the State. All such authority on the part of the women lobbyists was bitterly questioned by rural Parent Teachers' Association members.

"In discussing the bill there was a feeling that not lectures, clinics, or pamphlets were needed since these from better authorities may be obtained from magazines and other sources. This opinion is also shared by many city members of my State. The set of maternity letters sent out by the maternity board seems to me to be but a feeble effort to advertise a worthless act. At the County Burbank Federation of Rural and City Clubs many spoke against the maternity bill and no one had courage to uphold it. From that time since political women seem to wish all discussion hushed. A meeting planned to 'educate the public' was postponed and has not yet been called.

"At the State Parent Teachers' Association convention, rural mothers were told by the national president—who was a guest—to do what sounded like: 'Sit down,' 'shut up,' and to 'sh, sh.' My ears are fairly reliable, but this was so hard to believe I asked others if I heard right. It sounded like that to many present. * * *

"How long will the daughters of the framers of the Declaration of Independence permit such King George manners?

"How long will plain mothers be ordered meekly to bow to the lordly dictation of political women? Just how far may job-seeking women go before another famous tea party will be held to declare no more advocating of bureaus by women until the results of honest discussion are proved."

Mrs. Charles S. Fayerweather, Fair Weather Farms, New Lebanon, N. Y.:

"Hon. Samuel E. Winslow, chairman, I am sorry to have to enter my protest to the Sheppard-Towner bill by written word. I wish I could be in Washington to-morrow. But a farmer's wife with three babies does not get to Washington. * * * We women in the country, educated or uneducated * * * bring our babies into the world and rear them with a minimum of human help, medical or otherwise.

"Those of us who, like myself, have some hospital experience try to help the others. We all go to the nearest hospital, 10 miles away, when we can manage it. If we did not have to pay the taxes, if Federal appropriations fell from heaven, as most socialists and social workers seem to think that they do, we should like to see Federal money available to help us build our own little county hospitals. But we shall get them somehow anyhow in time, and we know that educating ourselves and our neighbors to want and to pay for them and for a decent doctor is worth more to our children than any Federal agencies for nontechnical instruction, which, like the present well-intentioned State clinics in rural districts, would slide like water off a duck's back. There is plenty of instruction, technical and nontechnical, within our reach. Moreover, we being born and bred American of many generations don't like the idea of a Government that makes everything its business. We think a pretty plain lesson might be drawn from Germany. Their statute books were full of compulsory government welfare work from the cradle to the grave. And people before the war called our attention to their fine example. We know what sort of state-reared children grew into what sort of state-reared characters in the German nation.

"This maternity legislation sounds to us like the entering wedge to all that sort of government, and we don't want it.

"There are things that a children's bureau can do. It can get and publish nation-wide statistics about America. We don't support it to tell us what goes on in Austria or how much better they do things in Soviet Russia.

"American statistics help us Americans to go about our work of improving America in a characteristic American way. Volunteer work, assisted but never controlled by city, county, or State, and certainly not by nation, has solved many of our health problems and will solve others.

"We in the country think the American form as originally conceived very fine and worth keeping, and don't see in Prussia or Russia any improvement on it. And if most country women could crowd your committee room I am sure they would ask you to come out like American

men, husbands, and fathers against this futile and dangerous innovation in the name of the mothers and babies that we all are working for." (House hearings, July, 1921, p. 270.)

Very sincerely yours,

MARGARET DOANE FAYERWEATHER.

The Idaho mother's letter was written to this publication July 15, 1923, after the act had been in operation more than a year. The common sense of these farm mothers is not limited by a date line. The right of mothers to care for their own children without unreasonable government interference is eternal; it is the protest of the human family against the animal herd, the appeal of American motherhood against communist maternity systems. We pray for the constitutional rights of the home to be restored and the usurped powers of the maternity act to be abolished by the United States Senate.

A Children's Bureau that functions as a socialist propaganda agency; that devotes itself for five years to circumvention of the Constitution and the decisions of the Supreme Court; a bureau that imports a convention of internationalists to frame "minimum standards" of legislation for the American Congress and State legislatures; a bureau that constantly seeks despotism over American youth for a dynasty of Hull House graduates and graduates its own exhibit expert into a full-fledged revolutionary communist; a bureau whose present chief defied the positive statute of Congress when she went before the House Appropriations Committee, December, 1922, and demanded $440,000 more than the President's Budget provided, so that "the amount available to the bureau for administrative purposes" would be $50,000 instead of $28,000, thus seeking a commission for the bureau even on funds not allotted to the States (see House Appropriations Committee hearings, December, 1922, p. 275), a self-interested, self-power seeking bureau that juggles statistics in favor of foreign nations and poisons the minds of American mothers against their country as the most "careless" with their lives, simply to bring political pressure on Congress for bureau expansion; a bureau that demanded a "full grant of power" over every person under 18 on every farm, in every home and school of America; and that claims "the whole field of child care" without grant of power—by what right or reason can it be claimed that such a bureau should be placed in the worst form of control—financial control—over the plans of State health boards, the practice of physicians, nurses, midwives, etc., relating to maternity and infancy throughout America?

President Coolidge at Williamsburg May 15, 1926, said:

"Of all forms of Government, those administered by bureaus are about the least satisfactory. * * * Being irresponsible, they become autocratic; being autocratic, they resist development. Unless bureaucracy is constantly resisted it breaks down representative government and overwhelms democracy. It is the one element in our institutions that sets up the pretense of having authority over everybody and being responsible to nobody."

We pray that the autocratic, irresponsible authority of this bureau over American States, mothers, and children shall be abolished by the Senate.

Respectfully submitted by the board of directors.

THE WOMAN PATRIOT PUBLISHING CO.,
8 Jackson Place, Washington, D. C.

Attest:

MARY G. KILBRETH, *President.*

AFFIDAVIT

Before me, a notary public in and for the District of Columbia, personally appeared Mary G. Kilbreth, who, having been duly sworn according to law, deposes and says that she is president of the Woman Patriot Publishing Co.; that she has diligently investigated the facts and documents cited in this memorandum of evidence; that the facts herein stated of her own knowledge and observation are true, and those stated upon documentary information in her possession she believes to be true and to be accurately cited in this memorandum.

MARY G. KILBRETH.

Sworn and subscribed to before me this 17th day of May, A. D. 1926.

[SEAL.] CHARLES F. PACE,
Notary Public, District of Columbia.

(My commission expires February 18, 1931.)

MR. AND MRS. CHARLES VANDERVEER

Mr. COPELAND. Mr. President, I beg the indulgence of the Senate just one minute. I have been very much disturbed a long time about how the mail trucks drive through the streets of New York. They are perfect juggernauts. In this connection there are on the calendar two bills—House bill 2633 and House bill 1692, Orders of Business 1191 and 1193—which I should like to have given immediate consideration. In one case a child was killed by a chauffeur on a mail truck who was known to be intoxicated, and the reports so show.

Mr. ASHURST. Mr. President, I must, to my great regret, object to the present consideration of these bills. If we can get through the morning business, we can take up the calendar.

CONSIDERATION OF THE CALENDAR

Mr. CURTIS. Mr. President, at the conclusion of the routine morning business I had intended to ask unanimous consent to take up the calendar and consider unobjected bills for an hour.

I ask that at 11 o'clock we take up the calendar for the consideration of unobjected bills and proceed with the consideration of the calendar until 12 o'clock, commencing where we left off last night.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

ERADICATION OF COTTON HOPPER

Mr. RANSDELL. Mr. President, I ask permission to read a telegram on a very important matter from Tallulah, La. It is as follows:

TALLULAH, LA., *July 2, 1926.*

Hon. JOSEPH E. RANSDELL,
Washington, D. C.:

Cotton-hopper outbreak reported at various points in practically all portions Cotton Belt except semiarid sections west Texas and Oklahoma and extreme northeast in North Carolina and Virginia. Damage exceedingly variable, but very heavy in many places. Texas reports over 60 counties seriously infested. Recent survey shows about 40 counties in Georgia similarly injured. Have no summary figures available for intervening places as yet, but evidently damage occurs in about same proportions. In most severely injured fields all fruiting has been prevented to date. In other fields varying degrees of fruiting has been prevented. In northeast Louisiana probably at least 50 per cent reduction in fruiting is a conservative estimate. Duration of damage will vary tremendously in different localities and no way to prophesy when relief will occur. Large number of farmers now using sulphur for control, but not sufficient material available to treat any appreciable proportion of infested area. Cotton can, of course, recuperate somewhat once hopper is eliminated from the fields, but the most severely injured fields can at best make only a partial crop. Impossible at this time to attempt estimate of total loss, but it has evidently been tremendous. Those sections with normal boll weevil abundance will have serious weevil fight after the hopper is eliminated, as we must make a very late cotton crop during weevil migration period, when damage is heaviest. Many farmers now urging combined application of sulphur and calcium arsenate in attempt to save from weevil those few squares which have escaped hopper.

COAD.

Mr. Coad is in charge of the laboratory at Tallulah, La.

SAVANNAH RIVER BRIDGE, GEORGIA

Mr. BINGHAM. Mr. President, out of order I ask leave to report from the Committee on Commerce favorably House bill 12796, for the construction of a bridge across the Savannah River between Georgia and South Carolina, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the States of Georgia and South Carolina to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation at or near Burtons Ferry, to connect up the highway from Allendale, S. C., to Sylvania, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 8048. An act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes; and

H. R. 8903. An act to authorize the sale and disposition of the abandoned tract or tracts of lands formerly used as a life-saving station in Florida, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 4320. An act for the relief of the State of North Carolina;

H. R. 1252. An act for the relief of John Regan;

H. R. 1257. An act for the relief of Silas Overmire;

H. R. 2042. An act for the relief of Joseph L. Keresey;

H. R. 2676. An act to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with $1,646.86, representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war;

H. R. 4677. An act for the relief of the Carroll Motor Co.;

H. R. 5218. An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868;

H. R. 9234. An act to change the military record of Thomas Dowling, alias James Murphy;

H. R. 10446. An act validating the application for and entry of certain public lands by Myrtle Sullinger;

H. R. 11713. An act to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi;

H. R. 12211. An act to amend section 4009 of the Revised Statutes;

H. R. 12264. An act to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes;

H. R. 12369. An act to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended;

S. J. Res. 47. Joint resolution authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918;

S. 2273. An act conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman;*

S. 3053. An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes;

S. 4348. An act granting the consent of Congress to compacts or agreements between the States of Idaho, Wyoming, Washington, and Oregon with respect to the division and apportionment of the waters of the Snake River and its tributaries;

S. J. Res. 104. Joint resolution authorizing the call of a conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii;

H. R. 3802. An act to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public No. 561, Sixty-eighth Congress, and for other purposes; and

H. R. 13214. An act to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

ENROLLED BILL

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 9039) to amend section 8 of the act approved March 1, 1911 (36 Stat. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers."

THE MERCHANT MARINE

Mr. McNARY. Mr. President, I offer the following resolution. I ask to have it read from the desk, and I may say that I shall not press for consideration to-day, because the Senator from Washington [Mr. JONES] has a similar resolution, which he will present to the Senate a little later.

The resolution (S. Res. 274) was read, as follows:

Resolved, That it is the sense of the Senate that the President, the United States Shipping Board, and the Interstate Commerce Commission, in the administration of the shipping act, 1916, the merchant marine act, 1920, and other laws relating to carriers by water or the transportation of passengers or property by water, should adopt every method consistent with law to develop, encourage, protect, and promote the American merchant marine; and the United States Shipping Board is authorized and directed to report to the Senate not later than the first Monday in December, 1926, such recommendations for legislation as it deems advisable or necessary in order further to develop, encourage, protect, and promote the American merchant marine.

The VICE PRESIDENT. The resolution will be printed and be referred to the Committee on Commerce.

EXPENDITURES IN SENATORIAL ELECTIONS

Mr. NEELY. Mr. President, I ask unanimous consent for the immediate consideration of Senate resolution 268, disqualifying a Senator elect from holding a seat in the United States Senate who has violated the provisions of the Federal statute. I ask that the resolution be read.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. As proposed to be amended by the Committee on Rules, strike out all after the word "Resolved" and insert:

Whereas enormous sums of money have been expended in behalf of certain candidates for election to the Senate in primary elections recently held in various States: Therefore be it

Resolved, (1) That the expenditure of excessive sums of money in any primary election or nominating convention in behalf of a candidate for election to the Senate, either with or without his knowledge or consent, being harmful to the independence, the honor, and the dignity of the Senate, is hereby severely disapproved and condemned.

(2) That any United States Senator elect shall be deemed not to be entitled to hold a seat in the Senate if there shall hereafter have been expended by such Senator elect, or by any person or persons for him with his knowledge or consent, in aid or support of his candidacy in either the primary election or nominating convention by which such Senator elect was nominated as a candidate for the Senate, an amount in excess of (a) the amount permitted to be expended by the law of the State in which such Senator elect was nominated for the Senate, if such State law provides for a maximum expenditure which is less than that hereinafter provided; (b) the sum of $10,000; or (c) an amount equal to that obtained by multiplying 3 cents by the total number of votes cast in the State of the residence of such Senator elect at the last general election for all the candidates for the office of United States Senator, but in no event exceeding the sum of $25,000; except that money expended by a candidate to satisfy any assessment, fee, or charge made or levied upon candidates by the laws of the State in which such Senator elect resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by this resolution as the limit of campaign expenses of a candidate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. LA FOLLETTE. Mr. President, I should like to suggest to the Senator from West Virginia that it is now 4 minutes of 11 o'clock, and that a unanimous-consent agreement has been reached that the calendar shall be taken up for one hour at 11 o'clock. I suggest to the Senator that he ask unanimous consent that at 12 o'clock the Senate proceed to the consideration of his resolution, at which time there will be some opportunity for discussion of it.

Mr. NEELY. Mr. President, I am afraid that that will mean that there will be no effective action taken on the resolution. But as it is a matter which must be done by unanimous consent, I feel constrained to yield to any suggestion that promises the adoption of this resolution before the end of this session.

Mr. LA FOLLETTE. That would give three hours of debate on this matter, whereas if it is taken up now it would have to be disposed of in three minutes.

Mr. BORAH. Mr. President, if the Senator wants to make a request at 12 o'clock, perhaps it will be granted; but this resolution is on the table this morning for the first time in print, and it is an exceptionally important piece of legislation. I ask the Senator, therefore, to defer making the request until 12 o'clock, so that we will have an opportunity to look into the resolution.

Mr. NEELY. Would the Senator from Idaho object to the request, if submitted now, to proceed to the consideration of the resolution at 12 o'clock?

Mr. BORAH. I do not know that I would want to proceed at that time under the limit of debate which would be in force, but probably I shall not object at all. However, I would like to have time to read the resolution before I consent to taking it up to-day.

Mr. NEELY. Under what I feel is the menace of an objection which might probably prejudice the adoption of the resolution, I withhold my request, and will renew it at 12 o'clock.

The VICE PRESIDENT. The morning business is closed.

ORDER OF BUSINESS

Mr. WALSH. Mr. President, I move that the Committee on Interstate Commerce be relieved from further consideration of Senate Resolution 203.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana.

Mr. FERNALD. Mr. President, I objected to the consideration of this resolution when it was brought up a few minutes ago for the reason that the resolution was before the Interstate Commerce Committee for consideration, and we did consider it at some length. I was opposed to it at that time, and I am opposed to this sort of an investigation. This resolution has never been reported from the committee. I make the further point of order——

The VICE PRESIDENT. The hour of 11 o'clock having arrived, the clerk will state the first bill on the calendar under the unanimous-consent agreement.

EXTENSION OF PATENT TIME LIMITATIONS

The bill (S. 4480) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United States during the World War was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That where the patentee of any invention or discovery the patent for which was granted prior to the 11th day of November, 1918, who served in the armed forces of the United States at any time between April 6, 1917, and November 11, 1918, shall desire an extension of this patent beyond the original terms of its limitation, he shall make application therefor in writing to the Commissioner of Patents within six months after this act shall become effective; and upon satisfactory proof of such service the Commissioner of Patents shall make a certificate thereon renewing and extending the patent from the expiration of the first term for a further term of three times the length of said patentee's service in the armed forces of the United States during such period: *Provided*, That said patent shall not have expired prior to the filing of such application and that at the time of such application the patentee shall still have a beneficial interest therein: *And provided further*, That no extension shall be granted a patentee who was receiving an income from the patent and which income was unaffected by said service. Such certificate shall be recorded in the Patent Office, and thereupon such patent shall have the same effect in law as though it had been originally granted for 17 years plus the term of such extension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

L. L. KYLE

The bill (H. R. 9707) for the relief of L. L. Kyle was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to L. L. Kyle, a citizen of El Paso, Tex., the sum of $3,000 for personal injuries sustained by him in a collision of a wagon in which he was riding and a motor car belonging to the United States Government, the said motor car striking and demolishing the wagon and permanently injuring said Kyle and causing him to lose over a year from his work.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 4470) authorizing the Secretary of the Navy to turn over the gunboat U. S. S. *Wolverine* to the municipality of Erie, Pa., was announced as next in order.

Mr. KING. Mr. President, I do not want to object, but the Senator from Michigan [Mr. COUZENS] a day or two ago, when the matter was brought up, objected to its consideration and gave some valid reason for the objection.

Mr. REED of Pennsylvania. I understood the Senator from Michigan to have objected on the ground that the city of Detroit might want to buy the ship.

Mr. KING. Not only might, but actually did, and was willing to pay more.

Mr. REED of Pennsylvania. As to that I do not know. However, I think the bill ought to go over until the senior Senator from Pennsylvania [Mr. PEPPER] and the Senator from Michigan [Mr. COUZENS] are here.

Mr. KING. I think so.

The VICE PRESIDENT. The bill will be passed over.

PRINTING OF HEARINGS BEFORE THE COMMITTEE ON PUBLIC LANDS AND SURVEYS

The resolution (S. Res. 208) for the printing of 400 additional copies of part 15 of the hearings held before a subcommittee of the Committee on Public Lands and Surveys, pursuant to Senate Resolution 347, Sixty-eighth Congress, on matters relating to national forests and the public domain, was read, considered, and agreed to as follows:

Resolved, That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Public Lands and Surveys of the Senate be, and is hereby, empowered to procure the printing of 400 additional copies of part 15 of the hearings held before a subcommittee of said committee, pursuant to Senate Resolution 347, Sixty-eighth Congress, on matters relating to national forests and the public domain.

HEARINGS ON GRAZING FACILITIES

The resolution (S. Res. 210) to provide for the printing of additional copies of hearings on grazing facilities on public lands was read, considered, and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Public Lands and Surveys 1,000 additional copies of the hearings by said committee on grazing facilities on public lands, February 15 to March 11, 1926, held in connection with the consideration of the bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes.

CONDITIONS IN TEXTILE AND OTHER INDUSTRIES

The resolution (S. Res. 177) authorizing the appointment of a special committee to inspect, investigate, and report upon conditions in the textile, aluminum, and steel industries was announced as next in order.

Mr. BINGHAM. I move the indefinite postponement of the resolution.

Mr. SHEPPARD. Mr. President, that would bring the matter before the Senate for debate. I doubt whether there is sufficient time to discuss it.

The VICE PRESIDENT. A motion to postpone indefinitely is not debatable.

Mr. SHEPPARD. I want an opportunity to say something regarding the resolution before it is acted on.

Mr. ROBINSON of Arkansas. I suggest that the Senator from Connecticut let the resolution go over.

Mr. BINGHAM. I withdraw my motion, and ask that the resolution go over.

Mr. SHEPPARD. May I have permission of the Senate to insert in the RECORD at this point a summary of the evidence developed at the hearing on this resolution, together with a statement by Mr. Lauck? Prominent representatives of organized labor, of the labor forces employed in important protected industries, stated at this hearing that labor is not receiving proper compensation under the present protective tariff system.

The VICE PRESIDENT. Without objection, it is so ordered.

The matters referred to are as follows:

SUMMARY OF EVIDENCE PRESENTED TO THE SENATE COMMITTEE ON EDUCATION AND LABOR IN FAVOR OF THE SHEPPARD RESOLUTION CREATING A SENATE COMMITTEE TO INVESTIGATE WAGES AND WORKING CONDITIONS IN TEXTILE AND METAL MILLS

Mr. Thomas F. McMahon, president of the United Textile Workers of America, stated that as a resident of Rhode Island for 40 years he had seen no time, even during the great depression of 1893, when conditions were such as they are to-day in the textile industry, and have been for the past two years. He explained that his figures would indicate that the labor cost is only between 15 per cent and 16 per cent of the entire cost of the finished product, and quoted Mr. Windle, the expert of the Fales & Jenks Machine Co., of Pawtucket, as placing the labor costs at only about one-sixth of the entire cost of the finished yarn and cotton cloth. Mr. McMahon quoted from the report of Secretary Hoover of 1923, giving the average wages of 470,000 textile workers in the cotton division of the textile industry as only $17.30 a week, and stated that with the reduction of 10 per cent which took place in 1925 the average wage in the cotton industry is now only about $15.50 a week. He asserted that an investigation of the cotton industry would show that the wages now paid to workers in these mills amount to less pay per pound or per yard than it was 10 years ago. Despite the claim that the workers are protected by the tariff, Mr. McMahon said that not only in New England but in the Middle States and the South pauperism is no more frequently met with than among the independent American citizens working in the cotton mills.

He said that the textile workers are in favor of a protective tariff but one which should be equitable, fair, and just to all. Mr. McMahon cited the American Thread Co. as an instance. During the year of 1924 this concern with headquarters in New York, working less than six months, reduced the wages of the workers 10 per cent, and yet during this time declared a dividend of 10 per cent and placed in surplus $1,380,000, and during the 10 years of its existence it has declared dividends of 260 per cent and placed in surplus $3,000,000, or more than the amount of its capitalization. Mr. McMahon told the committee that one reason for asking for an investigation of the textile industry is the fact that the wages paid to the workers in the industry are not commensurate with the labor value, and pointed out that the Department of Commerce recently reported that the United States has exported to the Philippines, which is open to all, about four-fifths of the total coarse cotton fabric imported into the Philippines.

Mr. Edward F. McGrady, legislative representative of the American Federation of Labor, asked for the investigation, particularly of the textile industry, because the American Federation of Labor has known for a long time that the textile workers over the country, particularly in New England, are pauperized and that in many places when sickness visits the home they become objects of charity and the community has to support them.

Mr. McGrady further explained to the committee that the Federation of Labor thought the investigation ought to be held because the great mill owners asked for a high tariff for the purpose of protecting American labor, and after being given this high tariff they broke their word with the Congress and their word with the Republican Party. Mr. McGrady said that Congress gave these manufacturers all they asked and they have not kept faith, and that there may be reasons why they have not kept faith, but if they are real reasons the American Federaton of Labor believes that they ought to be made public, and the best way to bring out the facts in the case is having a real investigation of the industry.

Mr. McGrady read into the record two letters written by President William Green, of the American Federation of Labor, to Mr. Andrew G. Pierce, president of the American Woolen Co., on July 27 and August 15, 1925, protesting against the proposed cut of 10 per cent in the wages of the American Woolen Co.'s employees. In his second letter to the president of the American Woolen Co., President Green stated that the latest reduction of 10 per cent imposed in the Willimantic district (Connecticut) is regarded as one of the most uncalled-for and indefensible reductions ever offered or demanded by employers of labor, and stated that in order to enforce these reductions many men, women, and children had been evicted from company-owned houses and were compelled to live in a tent colony. Mr. McGrady also read to the committee a letter to Mr. Robert Amory, president of the American Association of Cotton Manufacturers, by President Green, on July 27, 1925, opposing the cut of 10 per cent in wages that certain cotton-manufacturing companies were putting into effect, and stated that throughout the controversy the owners and operators of these mills have not acted fairly with the workers, that they have refused to receive the committees decently, have refused to answer correspondence, and have refused to enter into negotiations with the wage earners.

Through the courtesy of the chairman and members of the committee, Hon. Henry T. Hunt and Mr. W. Jett Lauck, representing the employees of the Passaic Textile Mills, and Mr. Gustav Deak, an employee of the Botany Mills, now on strike, were permitted to give their testimony. Mr. Hunt stated that the Botany Mills for the seven years ending December 31, 1923, had earned on the average $3,160,000, or about 97 per cent, on their capital of $3,400,000. The Forstmann-Huffmann Co. invested $750,000, Mr. Hunt stated, in their works in 1905, and in a few years they increased their capital to $2,000,000 common stock and $3,500,000 preferred stock, and that in 1913 their assets amounted to $9,858,903 and their surplus and reserve to $1,550,000. In 1924, on the basis of the income tax paid, the profit of the Forstmann-Huffmann Co. was close to $3,520,000, and 1924 was regarded as a bad year in the textile industry.

Mr. W. Jett Lauck stated that the woolen and worsted industry in the Passaic region has an average protective duty of 73 per cent; but charged that mill owners not only repudiated all accepted industrial safeguards but disregarded the most elementary moral and human standards. In 1925 Mr. Lauck reported that 71 per cent of the workers in the Botany Worsted Mills earned less than $1,200, while the remaining 29 per cent earned less than $1,600, although the National Industrial Conference Board as a result of an original investigation in the adjacent textile communities of West Hoboken and Union Hill, N. J., established the sum of $1,604 per annum as the necessary "minimum cost of living among wage earners." Formerly, Mr. Lauck admitted, while it was about $1,620 it is now about $1,400.

Mr. Deak, a young man of 22, stated that he had been working in the Botany Mills since he was 14, and started there because his father could not support his family with his earnings. He started at 19 cents an hour and got 55 cents an hour after seven years, but that they reduced the wages 10 per cent, and he made from $18 to $20 a week for semiskilled work.

A letter was read to the committee from Mr. M. F. Tighe, the president of the Amalgamated Association of Iron, Steel, and Tin Workers, stating that it was very difficult to get anything bearing on wages and working conditions in and around steel mills because they are practically all nonunion and the fear of discharge is so prevalent among the men working in the plants, if they attempt to say anything critical of the management or conditions of work, that their statements could not be taken without investigation.

By the permission of the committee Mr. Lauck submitted a supplemental statement, in which he pointed out that the labor cost of mixtures, serge, and men's wear was 11 per cent of the mill's selling price, 21.78 per cent of the selling price of mill's piece-dyed serge, 28 per cent of the mill selling price of women's fine worsted dress goods, 17 per cent of the mill selling price of broadcloth for women's dress goods, and only 16.32 per cent of the mill selling price of pile fabric for ladies' coats. Mr. Lauck in this statement quoted the figures of Mr. William Goldman, president of Cohen, Goldman & Co., clothing manufacturers of New York, in 1922, in the hearing before the Senate Finance Committee, showing that of the price paid for clothes by the public not over 5 per cent goes to the operators in the worsted and woolen mills—that is, in the case of the suit of clothes for which the retail merchant has paid $30—only $1.50 is received by the workers in the mills for producing the cloth from which this suit is made and the tailoring cost is only 25 per cent of the retail price.

SUPPLEMENTARY STATEMENT OF W. JETT LAUCK, SUBMITTED TO THE COMMITTEE ON EDUCATION AND LABOR, IN CONNECTION WITH SENATE RESOLUTION 177, SIXTY-NINTH CONGRESS, FIRST SESSION

Since the public hearing before the Committee on Education and Labor on May 26, 1926, we have collected detailed data for certain fabrics produced by the mills of Passaic, N. J., against which a strike has been conducted during the past 20 weeks. These data include labor and other costs of production, the relation of labor costs of production to total manufacturing costs, and the relation of labor costs to wholesale and retail prices. They also show the relation of labor cost of manufacturing to the tariff, and to the total cost of men's clothing.

Detailed information for four representative types of cloths manufactured for women's wear, and four for men's wear, have been included in the investigation. In these typical examples, the relation of labor and other items of costs, as well as profit, to total mill selling prices are clearly set forth. They are as follows:

	Per yard	Per cent	Per cent
No. 1			
Men's wear, mixture serge, 56-inch, 16-ounce			
Material	$3.37	76.59	67.40
Labor	.55	12.50	11.00
Overhead	.48	10.91	9.60
Total mill cost	4.40	100.00	88.00
Selling expenses	.25		5.00
Profit	.35		7.00
Mill selling price	5.00		100.00
No. 2			
Men's piece-dyed serge, 58-inch, 13-ounce			
Material	2.05	54.23	45.55
Labor	.98	25.93	21.78
Overhead	.75	19.84	16.67
Total mill cost	3.78	100.00	84.00
Selling expenses	.27		6.00
Profit	.45		10.00
Mill selling price	4.50		100.00
No. 3			
Men's unfinished worsted, 58-inch, 13½-ounce			
Material	1.80	52.32	45.00
Labor	.84	24.42	21.00
Overhead	.80	23.26	20.00
Total mill cost	3.44	100.00	86.00
Selling expenses	.24		6.00
Profit	.32		8.00
Mill selling price	4.00		100.00
No. 4			
Men's piece-dyed serge, 58-inch, 10 ounces			
Material	$1.40	43.80	36.37
Labor	1.04	32.60	27.01
Overhead	.75	23.51	19.48
Total mill cost	3.19	100.00	82.86
Selling expenses	.23		5.97
Profit	.43		11.17
Mill selling price	3.85		100.00
No. 5			
Women's dress goods, 54-inch, 10-ounce, fine worsted			
Material	1.79	42.72	35.80
Labor	1.40	33.41	28.00
Overhead	1.00	23.87	20.00
Total mill cost	4.19	100.00	83.80
Selling expenses	.30		6.00
Profit	.51		10.20
Mill selling price	5.00		100.00
No. 6			
Women's dress goods, 54-inch, 10-ounce broadcloth			
Material	1.44	60.25	52.36
Labor	.47	19.67	17.09
Overhead	.48	20.08	17.44
Total mill cost	2.39	100.00	86.91

	Per yard	Per cent	Per cent
No. 6—Continued			
Women's dress goods, 54-inch, 10-ounce broadcloth—Con.			
Selling expenses	$0.11		$4.00
Profit	.25		9.09
Mill selling price	2.75		100.00
No. 7			
Women's dresses goods, 56-inch, 10-ounce serge			
Material	1.02	56.67	51.00
Labor	.43	23.89	21.50
Overhead	.35	19.44	17.50
Total mill cost	1.80	100.00	90.00
Selling expenses	.08		4.00
Profit	.12		6.00
Mill selling price	2.00		100.00
No. 8			
Pile fabric, for ladies' coats, 55-inch, 17-ounce			
Material	2.70	53.78	43.20
Labor	1.02	20.32	16.32
Overhead	1.30	25.90	20.80
Total mill cost	5.02	100.00	80.32
Selling expenses	.40		6.40
Profit	.83		13.26
Mill selling price	6.25		100.00

LABOR COSTS, PROFITS, AND EFFECT OF 10 PER CENT WAGE INCREASE ON MILL PROFITS AND PRICES

The labor cost of manufacturing woolen and worsted cloth in Passaic ranges from only 10 to 30 per cent of the mill selling price of the cloth and averages for all cloths about 20 per cent. The table below makes a comparison of labor costs, profits, and mill prices for four representative types of goods for men and women's wear produced by Passaic mills. It also shows the relation of a wage increase to Passaic textile workers of only 10 per cent, which they are requesting, to mill profits and prices.

Description of cloth	Labor cost	Profit to mill	Mill price	Cost of 10 per cent wage increase	Mill price after 10 per cent wage increase
Men's wear:					
Mixed serge (Exhibit 1)	$0.55	$0.35	$5.00	$0.055	$5.055
Piece-dyed serge (Exhibit 2)	.98	.45	4.50	.098	4.598
Unfinished worsted (Exhibit 3)	.84	.32	4.00	.084	4.084
Piece-dyed serge (Exhibit 4)	1.04	.43	3.85	.104	3.954
Women's wear:					
Fine worsted dress goods (Exhibit 5)	1.40	.51	5.00	.140	5.140
Broadcloth dress goods (Exhibit 6)	.47	.25	2.75	.047	5.047
Serge dress goods (Exhibit 7)	.43	.12	2.00	.043	2.043
Pile fabric, coat goods (Exhibit 8)	1.02	.83	6.25	.102	6.352

In the foregoing comparison, it is seen that for the eight representative cloths given, the total labor costs of manufacture range from only 43 cents to $1.02 per yard, while, on other hand, the net profits of the mill range from 12 to 83 cents per yard. The range in mill selling prices of these cloths is from $2 to $6.25 per yard and a wage increase of 10 per cent to the Passaic workers would add to selling prices increases of only 5½ to 14 cents per yard. By way of illustration, a mixed serge for men's clothing, which is now sold by the Passiac mills for $5 a yard, would sell for only $5.05 per yard, if a wage advance of 10 per cent were granted to the workers and its cost added to the selling price of the mill. The profit now made by the mills on this particular kind of cloth is 35 cents per yard while the total labor cost of its manufacture is only 55 cents per yard. It is clear from this comparison, and for the other examples submitted in the table, that a 10 per cent increase in wages could be granted to the Passaic workers and be absorbed by profits, and still leave the Passaic mill owners exceedingly generous returns. It is also at once evident from these comparisons, that profits to the mills are excessive and, as compared with labor, constitute a too large proportion of the prices received by the mills.

RELATION OF WAGES OF MILL OPERATIVE TO CLOTHING PRICES PAID BY THE PUBLIC

Details of the items comprised in the cost of a suit of clothes were given by Mr. William Goldman, president of Cohen, Goldman & Co., clothing manufacturers of New York, in the 1922 "Hearings before the Committee on Finance, United States Senate" (pp. 3715, 3716) as follows:

	Amount	Per cent
Cloth, 3½ yards, at $2 per yard	$7.00	23.33
Trimmings (buttons, cotton linings, etc.)	3.00	10.00
Tailoring	7.50	25.00
Selling expenses and profit of clothing manufacturer	3.00	10.09
Wholesale price, $22.50 less 9 per cent discount	20.50	68.33
Selling expenses and profit of retailer	9.50	31.67
Retail price	30.00	100.00

In the manufacture of the cloth itself labor constitutes from 10 to 30 per cent, with an average of about 20 per cent of the mill selling price.

If mill labor constitutes only 20 per cent of the mill selling price of the cloth and the cloth constitutes only 25 per cent of the retail price of a suit of clothes, it is evident that of the price paid for clothes by the public not over 5 per cent goes to the operatives in the worsted and woolen mills. In other words, in the case of a suit of clothes for which the retail merchant is paid $30 only $1.50 represents the amount received by the workers in the mill for producing the cloth of which the suit is made. A 10 per cent increase in their wages would add only about 15 cents to the price paid for a $30 suit if it were passed by the manufacturers and distributers to the consumer. On the other hand, the facts show, as already pointed out, that a wage increase of this or even a larger amount could be absorbed from the excessive prices of the mill owners, and no advance in mill or retail prices would be necessary.

The above details were for a rather cheap suit of clothes, but in suits made to sell at higher prices, although the fabric is usually more costly, better trimmings are used and the tailoring is more carefully done by higher-paid workers, so that in few suits does the cloth constitute as much as 25 per cent of the retail price.

INCREASE IN PRICES OF WOOLEN CLOTH UNDER PRESENT TARIFF LAW

That the present tariff has greatly increased prices is shown by the index number of prices of cloth before and after the passage of the existing tariff law. The authoritative index numbers of the Textile World show that prices have advanced 40 points from April, 1922, preceding the enactment of the present tariff act, to April, 1926. This represents an increase of 21 per cent. Prices were also 20 per cent higher in 1923 and 1924, and 27 per cent higher in 1925, than they were before the tariff duties were advanced by the law of 1922.

PROFITS EXCESSIVE

It might be claimed that large profits per yard of cloth produced does not necessarily mean that profits are unduly large when related to capital invested in the mills. An examination of corporate earnings of the mills, however, conclusively demonstrates that the profits of the Passaic mills are excessive. Mr. Henry T. Hunt, in his statement before the committee on May 26 last, brought out these facts in a very comprehensive way. He showed by way of illustration that the net average earnings of the Botany Mills for the seven years ending December 31, 1923, was about 97 per cent on their invested capital, and that the New Jersey Spinning Co. for 16 years averaged 53 per cent, and during the years 1916–17, 105 per cent. These statements and facts relative to the earnings and alien affiliations of other companies appear in the record of the hearing, and it is not our intention to repeat, but merely to cite them here.

INESCAPABLE CONCLUSIONS

From the facts thus briefly submitted for your consideration, the following conclusions are apparent and inescapable:

1. That the general average of 73 per cent protection on woolen and worsted fabrics established by the existing tariff law does not add to the economic well being of the textile workers, and is a positive detriment to the domestic users of woolen and worsted goods.

2. That labor is exploited on one hand and consumers on the other by the textile manufacturers, the special privileges extended in the law against foreign competition, being entirely absorbed by the mill owners in indefensible prices and profits.

3. That wages paid in the Passaic mills, or, in other words, the labor costs of producing woolen and worsted goods, are not responsible for the increase in prices of these essential fabrics.

4. That a modest wage increase, or even wages sufficiently adequate for the proper support of workers and their families, could be paid without increasing mill or retail prices. All that would be necessary would be to reduce the excessive profits now taken unjustifiably under the advantages established by the tariff law, and to transfer this proportion of excessive profits to the outlay for labor. Even with this deduction from profits they would still be more than just and reasonable.

Under these conditions there can be no dispute as to the duty of the Congress. One of the fundamental reasons advanced in support of the existing tariff law was that it would safeguard American standards of

living and protect American labor against the competition of the cheap labor of Europe. If it is now true, as the facts indisputably show, after four years' operation of the present tariff legislation, in the textile industry of Passaic, which enjoys an extreme protection of 73 per cent; that the workers in the mills are unspeakably exploited; that the wages of heads of families are so pitifully inadequate that mothers have to work at night to supplement the insufficient earnings of their husbands; that children have to go to the mills to add to the combined but inadequate family income worked for by both fathers and mothers; that the mothers are forced to neglect their babies, whose rate of mortality is appallingly high; and that all classes of textile workers are denied the fundamental rights of organizing, bargaining collectively, and resisting the injustices and brutalities of an industrial autocracy created by the mill owners, while at the same time consumers are required to pay increased prices for woolen and worsted fabrics, and the mill owners are reaping excessive and indefensible profits the Congress must take measures to guarantee that these inequalities in the distribution of the alleged benefits of protection must be corrected. Their failure to do this or to face the facts which an investigation would disclose can not be interpreted otherwise than that the 73 per cent protective duty on woolen and worsteds has been established to enhance the personal and corporate fortunes of the Passaic mill owners, and so far as the interests of consumers of these fabrics and of those unfortunate men, women, and children who labor in the mills are concerned, the protective tariff is more than futile. Its objects have been subverted, and it has resulted in a situation which violates the fundamentals of human and industrial justice and which is a menace to democratic institutions and ideals.

Respectfully,

W. JETT LAUCK,
Economist for Striking Employees of Passaic Mills.

BILL PASSED OVER

The bill (S. 3847) to amend and clarify existing laws relating to the powers and duties of the auditor for Porto Rico and the auditor for the Philippine Islands was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE C. MANSFIELD CO. AND GEORGE D. MANSFIELD

The bill (S. 643) for the relief of George C. Mansfield Co. and George D. Mansfield was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert the following:

Be it enacted, etc., That the claim of George C. Mansfield Co. and George D. Mansfield, of Milwaukee, Wis., for losses sustained because of the alleged illegal action of the Federal Food Administration, division of enforcement, in directing and compelling the said George C. Mansfield Co. and the said George D. Mansfield to sell certain cheese products, be referred to the Court of Claims to hear and determine the same and report its findings to Congress: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 2268) for the relief of Michael J. Leo was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 10821) for the appointment of certain additional judges was announced as next in order.

Mr. BLEASE. Over.

The VICE PRESIDENT. The bill will be passed over.

JOE F. JENKINS

The bill (H. R. 2324) for the relief of Joe F. Jenkins was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Joe F. Jenkins, who was a member of the Twenty-ninth Company, Twentieth Engineer Regiment United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of September, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 12393) to amend paragraphs 1 and 2 of section 26 of the act of June 30, 1919, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920," was announced as next in order.

Mr. ASHURST. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4234) for the relief of Franklin B. Morse was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

INVESTIGATION OF CONDITIONS IN VIRGIN ISLANDS

The resolution (S. Con. Res. 19) creating a joint committee of Congress to investigate conditions in the Virgin Islands was announced as next in order.

Mr. BLEASE. Let the resolution go over.

Mr. WILLIS. Mr. President, I beg an opportunity to make a brief statement to the Senate. I wish I might have the attention of every Member of the Senate touching the concurrent resolution. Here is the situation:

The Committee on Territories and Insular Possessions has worked very hard upon the question as to what ought to be done with reference to the Virgin Islands. It is a shame that these islands have been practically forgotten and neglected by the Government of the United States. There are 24,000 people who are living under what is tantamount to an autocratic government. These people came under the American flag with high hopes. They have been neglected. Our committee has done the very best it could to reach a solution of the matter without such an investigation as is here proposed. We have taken testimony and investigated conditions as thoroughly as we could at long range and without personal touch with the situation. My own opinion as a member of the committee was that we had sufficient information to warrant immediate legislation for the establishment of a civil government, but the majority of the committee were of opinion that careful personal investigation on the ground was desirable.

Mr. BRUCE. Mr. President, will the Senator yield to me at that point?

Mr. WILLIS. Certainly.

Mr. BRUCE. I would like to ask the Senator whether the proposal to have the investigation did not originate from a complaint made by some negro of the Virgin Islands against Judge Williams, of Baltimore?

Mr. WILLIS. No; the Senator is mistaken about that. The people to whom the Senator refers were anxious for immediate legislation and were originally opposed to this investigation. As a matter of fact, this inquiry was suggested by the people who opposed the legislation. The Senator is quite mistaken.

Mr. BRUCE. I asked that question because my understanding was, when these charges came to be looked into, that it was found that they were grounded on charges against Judge Williams, of Baltimore.

Mr. WILLIS. I have a petition very largely signed by the people who were opposed to the very legislation which I myself favored and embodied in a bill. They want a committee to look into the situation. I do not believe the Congress of the United States ought to ignore the desire of these people to have something done in their behalf. The resolution proposes a joint committee.

Mr. FERNALD. Mr. President, will the Senator yield?

Mr. WILLIS. I gladly yield.

Mr. FERNALD. I see there is no report on the matter. Can the Senator advise us about the probable expense of the investigation? We have been carrying on investigations for the past 10 years until it has been asserted, and I think truly so, that the investigations have cost more than $20,000 an hour, and I am told that is not one-half the expense of the investigations. I made up my mind that before I would allow any more of these resolutions for investigations to go through I should make some inquiry and endeavor to ascertain the probable expense.

Mr. WILLIS. That is a perfectly proper inquiry. The Committee to Audit and Control the Contingent Expenses of the Senate looked carefully into the matter and placed a limit of $2,500.

Mr. FERNALD. In my opinion, they will not need that much.

Mr. KING. Mr. President, will the Senator yield?

Mr. WILLIS. Certainly.

Mr. KING. I would like to say to my friend, the Senator from South Carolina [Mr. BLEASE], that originally I was opposed to the resoluiton, but I have made a considerable study, rather an intensive study, of the situation in the Virgin Islands;

and if I were called upon now to legislate—and we must legislate, and legislate quickly—I would be unable to suggest proper legislation without further investigation. I think it is in the interest of economy, and certainly in the interest of justice, that we send somebody there to find out conditions and tell us just what kind of government we should give those people. Certainly the military government to which they are now subjected is wrong. There is tyranny and oppression, and the condition there is intolerable. I think we ought to know conditions from some of our own representatives, who will be prepared when we meet in December to submit a measure which would be just and proper.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. WILLIS. With pleasure.

Mr. ASHURST. I join in the expression of the Senator from Utah. I do not know who will be appointed on the committee. I hope I will not, and I could not serve if I were appointed. So I have no personal interest.

Mr. WILLIS. I will say to the Senator that I know I will not be appointed.

Mr. ASHURST. I feel that the Senator from Utah has correctly stated the situation. If we are going to hold—as we indeed are going to hold—island possessions, the representatives of the people want to know what is going on in those possessions. I appeal to my able friend the junior Senator from South Carolina [Mr. BLEASE] to withdraw his objection.

Mr. FERNALD. Mr. President, will the Senator yield for a question?

Mr. WILLIS. I will yield to anyone who will help in this matter.

Mr. FERNALD. I am quite in sympathy with what the Senator from Ohio desires to do in the matter, but I am sure the Senator will recall that it is only a few years since we had a commission go to the islands at considerable expense.

Mr. WILLIS. I think $1,100 was the expense.

The VICE PRESIDENT. The time of the Senator from Ohio has expired.

Mr. BLEASE. To save further discussion, I withdraw the objection.

Mr. PITTMAN. Mr. President, I desire to offer an amendment to the resolution.

Mr. BORAH. Mr. President, I hope the Senator's amendment will include ceding the islands to anybody who will take them.

Mr. PITTMAN. I had not thought of that, but it would be a good thing. On line 9, after the words "United States," I propose to insert the words "and Porto Rico"; also on page 2, line 2, after the words "United States," insert the words "and Porto Rico."

I do not know that the conditions are as chaotic in Porto Rico as they are in the Virgin Islands, but a great many protests and complaints with regard to the administration in Porto Rico have come to my office. Porto Rico is not very far away from the Virgin Islands.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. WILLIS. I think I might be willing to join with the Senator from Nevada subsequently, but I very much fear at this late time in the session that if he adds the amendment which he has proposed it will defeat the whole proposition. We must get some solution of the Virgin Islands matter. I do not believe it would be practicable for the committee which goes there to undertake to investigate conditions in Porto Rico, where there are 1,200,000 people. I think it would destroy the effectiveness of the investigation.

Mr. PITTMAN. The committee itself should decide to what extent it wants to go into the Porto Rican question. I simply want to give the committee authority, while they are down in that vicinity, to look into the Porto Rican question if they see fit to do so.

Mr. WILLIS. I appreciate the Senator's purpose, but I wish he would not insist on the amendment, because I think it would defeat the whole proposition, and we ought to do something for the Virgin Islands.

Mr. PITTMAN. If there is anyone who does not want to investigate Porto Rico, that is the very reason why I think it should be done. I think the administration of Porto Rico, from evidence which I have, is bad. Of course, we can not always rely on evidence and I admit that. There is contradictory evidence. That is one of the reasons why I am in favor of the committee going down there. That is the only excuse for the committee to go there.

Mr. WILLIS. If the Senator will introduce a resolution and let us act on it at the next session, it seems to me it would be very much better. I am sure if he tries to add this amendment it will defeat the whole proposition. I wish the Senator would not insist upon it.

Mr. COPELAND. Mr. President, I hope the Senator from Ohio will accept the suggestion of the Senator from Nevada. Certainly the Senate should have the information which can be had from an investigation of this sort. I am thoroughly convinced that we need to have just such an investigation as is proposed by the Senator from Ohio, but I can see no objection to the addition of Porto Rico.

Mr. BINGHAM. Mr. President, I hope the amendment will not be agreed to. The two problems are entirely separate and distinct. Porto Rico has had a government for a long period of time, and if what the Senator from Nevada [Mr. PITTMAN] says is correct, and I have no reason to doubt it, it would require long and expensive investigation, whereas the Virgin Islands matter is a very small proposition. There are less than 30,000 people there. They have never had a proper form of government and a committee could very properly finish up the work there in a very short period of time, whereas if we add Porto Rico to it and it is done properly, and it ought not to be done at all unless it is done properly, it would take a long time and cost a great deal of money.

Mr. ROBINSON of Arkansas. Mr. President, I would like to ask the Senator from Ohio a question if I may.

Mr. WILLIS. My time has expired.

Mr. ROBINSON of Arkansas. In my time, if I have any. When is it expected the investigation will be made?

Mr. WILLIS. The expectation is that the investigation will be made and the report made so we can act in December. My recollection is the date is fixed in the resolution. I do not have a copy before me at the moment, but the committee is to report so Congress will have the information in December.

Mr. ROBINSON of Arkansas. In view of the fact that the elections are approaching in November, does the Senator think he can escape from the campaign in Ohio long enough to go to the Virgin Islands? Does he not think he had better wait until after election, when he has been defeated for reelection, and then go to the Virgin Islands when he will have plenty of time?

Mr. WILLIS. To relieve the agitation of my friend, I want to say that the consideration to which he has alluded would absolutely preclude my service on the committee, if I should ever be thought of in that connection. Of course, I would not be a member of it. I could not serve on the committee if appointed because of the requirements of the campaign to which the Senator from Arkansas refers.

Mr. McNARY. Mr. President, I insist on the regular order. As I understand it, we are operating under a unanimous-consent agreement to take up bills on the calendar to which there is no objection.

The VICE PRESIDENT. If anybody objects, the resolution goes over, but in the meantime it is before the Senate.

Mr. ROBINSON of Arkansas. I object.

The VICE PRESIDENT. The concurrent resolution will go over.

FOREIGN COMMERCE SERVICE

Mr. WILLIS. Mr. President, the bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes, has been favorably reported from the Committee on Commerce, and on a previous occasion I addressed the Senate in favor of this bill. That the importance of the work done by the Bureau of Foreign and Domestic Commerce is recognized in foreign countries is indicated by the following article from a German trade journal, which I ask to have inserted in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

We have been envious in Germany of the very different reports regarding the official foreign trade promotion in the United States and have contended that German foreign trade, contrary to American, has at its disposal the tradition of decades which makes such outside assistance unnecessary. This opinion may have been correct up to 1914, though it was only possible for very large concerns to maintain their own information service, which was sufficient to supply them with current information regarding export markets.

After the war the situation has been completely changed. In contrast to business in neutral countries German export trade has lost its whole traditions. At this time when a well-organized export information service could be of untold value the present organizations are complete failures. The official consular reports are of small help to the business man, since they are too general in character and unusually far out of date. The answering of small simple questions regarding foreign firms or reports on detailed market conditions for particular articles takes days in German information services.

Compare this with the reports of the American organization which has been put into operation in the Department of Commerce under Sec-

retary Hoover. About $500,000,000 of the increase in American foreign trade in 1925 can be credited to the activity of this service, which answered over 2,000,000 inquiries from exporters during the year, and to-day handles from 7,000 to 8,000 such inquiries daily. It is astonishing that 50 per cent of all inquiries are handled within 24 hours. For this service Hoover maintains 45 offices abroad and 40 branches in the United States. A special division exists for tariffs, and the Division of Commercial Laws is of untold value to the small business man, who can hardly afford expensive attorneys and transportation specialists. This whole organization costs the American people less than $3,000,000 per annum.

We have in Germany immense files filled with this material, the preparation of which has cost very large sums. In spite of this we have not yet been able, as Hoover and his staff have been doing for years, to regularly obtain concrete results for the benefit of our industry. American exporters are in touch with the commodity divisions of the Department of Commerce and automatically receive free information concerning their own industry, and what is more in a form which is immediately usable.

This triumph of Hoover efficiency over the usual lethargy of the bureaucratic government machine was only possible because Hoover would tolerate no commercial attachés abroad, who were not able to report dollars and cents services. Such persons were simply replaced with better material.

If one looks over a German consular report it is at once apparent how far removed we are from this American example. We need such a service far more than the Americans for whom export trade is only a safety valve in times of business depression on the home market. It is accordingly high time that the present scholarly but impractical services of the present German foreign trade organizations be replaced by practical export trade promotion, which it is possible to obtain by a study of the successful American example.

REGULATION OF RADIO COMMUNICATION

Mr. DILL. Mr. President, I ask the indulgence of the Senate for just a moment or two in order that I may explain the situation regarding the conference on the radio bill. The conferees met yesterday and found, owing to differences in the two bills, that it will be impossible to work out an agreement even though a compromise might be made by both sides. It was felt, however, by all the members of the conference committee, both Houses and Senate Members, that there ought to be some sort of legislation or resolution which would protect the rights of the Government and the public during the interim between now and the convening of Congress, when an agreement might be reached between the two Houses.

For that reason the conference committee prepared a joint resolution which I want to offer to the Senate and after it is read I want to ask for immediate consideration of it. Let me say that the resolution simply provides two things. First, it prohibits the granting of licenses to broadcasting stations for more than 90 days, which is the present practice.

Mr. McNARY. Mr. President, a parliamentary inquiry. I understand that by unanimous consent we are considering bills on the calendar. I ask for the regular order. The Senator can take up the conference report at 12 o'clock.

Mr. DILL. It is not a conference report. It must be passed here and sent to the House and passed there before 3 o'clock. It will only take a moment. If the Senator will indulge me I think I can dispose of it quickly. If it takes any time I will wait, but I hope the Senator will indulge me.

I will say that the joint resolution provides that the licenses for the telegraph stations shall not be for more than two years, which is the present number. It then provides also that anybody asking for a renewal of license or for a new license shall sign a waiver of any claim of vested right to the ownership or use of the wave length. Those two provisions will protect the interests of the public, and will maintain the status quo so far as the public interest is concerned. I ask that the clerk may read the joint resolution which I offer.

The VICE PRESIDENT. The Secretary will read as requested.

The joint resolution (S. J. Res. 125) limiting the time for which licenses for radio transmission may be granted, and for other purposes, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That until otherwise provided by law, no original license for the operation of any radio broadcasting station and no renewal of a license of an existing broadcasting station, shall be granted for longer periods than 90 days and no original license for the operation of any other class of radio station and no renewal of the license for an existing station of any other class than a broadcasting station, shall be granted for longer periods than two years; and that no original radio license or the renewal of an existing license shall be granted after the date of the passage of this resolution unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof.

Mr. SIMMONS. Mr. President, I was very anxious to hear the statement of the Senator from Washington a little while ago, but there was so much noise in the Chamber that I failed to hear what he said with reference to his inability to bring about an arrangement by which the bill which the Senate passed should become a law.

Mr. DILL. The differences between the House and the Senate bills are quite wide. The House could not accept the Senate bill, the House conferees said, and the Senate conferees could not accept the House bill. It was realized that a compromise must be worked out. We had less than 12 hours from the time we met on the bill, in fact, not quite that long. It was apparent that we could not intelligently come to an agreement and work out a rewritten bill, as will be necessary, so we did not disagree; we are continuing the conference; but we recommend the passage of this joint resolution in the interim.

Mr. SIMMONS. I want to ask the Senator was not the vital difference between the Senate and the House bill as to whether this system should be operated under the control of a commission, or under the control of Mr. Hoover and the Department of Commerce?

Mr. DILL. The vital difference was as the Senator from North Carolina has stated.

Mr. SIMMONS. That is what I imagine.

Mr. DILL. Between placing control in a commission and bureau in the Department of Commerce; but I think it possible to work out a compromise. I ask for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL J. LEO

Mr. WADSWORTH. Mr. President, the Senator from Utah [Mr. KING] informs me that he will withdraw his objection which was made to Order of Business 1145, being the bill (H. R. 2268) for the relief of Michael J. Leo, which was passed over only a moment ago. It is a very clear case where money is due the claimant. The Attorney General has no objection to its payment.

Mr. KING. Mr. President, I made objection to that bill because the report did not quite indicate the reason for its passage. Upon further investigation it seems to me that it is a meritorious claim. The law was declared to be unconstitutional, and under the law which was in force during the Food Administration the claimant paid the amount referred to in the bill. The law having been declared unconstitutional, it seems to me there is no reason why he should not have the money refunded to him.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Michael J. Leo $16,500, the amount of a fine paid by him in pursuance of a judgment entered upon a plea nolo contendre under certain provisions of the so-called Lever Act previous to the time that the Supreme Court of the United States held such provisions void, such plea and payment having been made under a stipulation, as follows:

In consideration that the Attorney General and this court shall accept the plea nolo contendre which I hereby tender to the above-entitled indictment, I do hereby waive any and all fines which the court may see fit to impose upon me upon such plea, except in the event that the so-called Lever Act under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL POLICE COURT BUILDING FOR THE DISTRICT OF COLUMBIA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11943) providing for an additional building for the use of the police court of the District of Columbia. It instructs the Commissioners of the District of Columbia to enter into contracts for the erection of a building for the use of the police court of the District of Columbia, but the location, plans, and specifications for such building shall be approved by the Fine Arts Commission and by the chief justices of the

police courts and Supreme Court of the District of Columbia; and authorizes an appropriation for the erection of said building to be made in like manner as other expenses of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDITH L. BICKFORD

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2328) for the relief of Edith L. Bickford. It proposes to pay to Edith L. Bickford, widow of the late George F. Bickford, late American consul at Antung, China, $3,500, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; and authorizes the appropriation of a sufficient sum to carry out the purpose of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GENEVIEVE HENDRICK

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3529) for the relief of Genevieve Hendrick. It proposes to pay to Genevieve Hendrick, widow of Michael J. Hendrick, late consul at Windsor, Canada, $4,000, being one year's salary of her deceased husband, who died while at his post of duty, and appropriates a sufficient sum to carry out the purpose of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETELKA BELL

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4263) for the relief of Etelka Bell. It proposes to pay to Etelka Bell, widow of the late Edward Bell, late counsellor of legation and chargé d'affaires, at the American Embassy at Peking, China, $9,000, being one year's salary of her deceased husband, who died of illness incurred while in the Diplomatic Service; and authorizes the appropriation of a sufficient sum to carry out the purpose of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERSONNEL OF THE PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

Mr. BLEASE. Mr. President, on yesterday I objected to the consideration of the bill (H. R. 11119) to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes. I would now ask the Senate to consider and pass the bill. I am told that it is very important for the District of Columbia. I have conferred with the Senator from Kansas [Mr. CAPPER] in regard to the matter, and I withdraw my objection to the consideration of the bill.

Mr. BRUCE. Mr. President, may I ask the Senator from Kansas whether this is the bill which imposes a very onerous charge on electric companies in the District of Columbia for the purpose of meeting the expenses of some investigation?

Mr. CAPPER. No. The Senator from Maryland has in mind an entirely different bill.

Mr. BRUCE. Very well.

Mr. CAPPER. This bill simply reorganizes the personnel of the Public Utilities Commission.

Mr. BRUCE. That is all right.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with amendments.

The first amendment was, on page 1, line 3, after the word "That," to strike out the words "the first paragraph," so as to read:

That paragraph 97 of section 8, etc.

The next amendment was, in section 1, page 1, after line 8, to strike out:

PAR. 97. (a) The Public Utilities Commission of the District of Columbia shall be composed of three commissioners, to be appointed by the President, by and with the advice and consent of the Senate. Of the three commissioners first appointed after the passage of this amendatory act, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, commencing July 1, 1926. The terms of office of all successors shall expire three years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Each commissioner shall receive a salary at the rate of $7,500 a year. The commission shall at least biennially elect a chairman by a majority vote of its members. No commissioner shall during his term of office hold any other public office. The Commissioners of the District of Columbia shall furnish the commission with suitable offices and quarters.

And in lieu thereof to insert:

PAR. 97. (a) The Public Utilities Commission of the District of Columbia shall be composed of three commissioners as follows: (1) The Engineer Commissioner of the District of Columbia, and (2) two persons appointed by the President, by and with the advice and consent of the Senate. Each of the appointed commissioners shall receive a salary at the rate of $7,500 per annum. Of the two commissioners first appointed after the passage of this amendatory act, one shall be appointed for a term of two years, and one for a term of three years, commencing July 1, 1926. The terms of office of all successors shall expire three years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. The commission shall at least biennially elect a chairman by a majority vote of its members. No commissioner, other than the said Engineer Commissioner of the District of Columbia, shall, during his term of office, hold any other public office. The Commissioners of the District of Columbia shall furnish the Public Utilities Commission with suitable offices and quarters. No person, other than the said Engineer Commissioner of the District of Columbia, shall be eligible to the office of commissioner of the Public Utilities Commission who has not been a bona fide resident of the District of Columbia for a period of at least three years next preceding his appointment or who has voted or claimed residence elsewhere during such period. No person shall be eligible to the office of commissioner of said Public Utilities Commission who is, or who shall have been during a period of five years next preceding his appointment, directly or indirectly interested in any public utility operating, owning, or having an interest in property in the District of Columbia; or in any stock, bond, mortgage, security, or contract of any such public utility. If any such commissioner shall voluntarily become so interested, his office shall ipso facto become vacant; and if any such commissioner shall become so interested otherwise than voluntarily he shall, within a reasonable time, divest himself of such interest, and if he fails to do so his office shall become vacant. Before entering upon the duties of his office each commissioner, the secretary of the commission, the counsel of the commission, and every employee of said commission shall take and subscribe the constitutional oath of office, and shall in addition thereto make oath or affirmation before and file with the clerk of the Supreme Court of the District of Columbia that he is not pecuniarily interested, voluntarily or involuntarily, directly or indirectly, in any public utility in the District of Columbia.

The amendment was agreed to.

The next amendment was in the same section, on page 5, after line 2, to strike out section 2, as follows:

SEC. 2. The second paragraph of paragraph 97 of section 8 of such act of March 4, 1913, is hereby amended by inserting "(c)" at the beginning of such paragraph.

The amendment was agreed to.

The next amendment was, on page 5, line 9, after the word "until," to strike out the words "at least"; and in line 10, after the word "appointed," to strike out the word "to" and insert the word "and," so as to read:

SEC. 2. The commissioners of the Public Utilities Commission of the District of Columbia in office upon the date of the enactment of this act shall continue to hold office and exercise the powers of the commission until two commissioners are appointed and take office under the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 2, page 6, after line 2, to insert "in lieu of the attorney at law provided for the Public Utilities Commission in the District of Columbia appropriation act, approved May 10, 1926," so as to read:

PAR. 91A. (a) There shall be appointed by the President, by and with the advice and consent of the Senate, in lieu of the attorney at law provided for the Public Utilities Commission in the District of Columbia appropriation act, approved May 10, 1926, an additional counsel of the commission to be known as the people's counsel, etc.

The amendment was agreed to.

The next amendment was, on page 7, line 2, after the word "years," to insert:

No person shall be eligible to the office of people's counsel who is, or who shall have been during a period of five years next preceding his appointment, directly or indirectly interested in any public utility operating, owning, or having an interest in property in the District

of Columbia, or in any stock, bond, mortgage, security, or contract of any such public utility."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LIEUT. COMMANDER LUCIUS C. DUNN, UNITED STATES NAVY

The bill (H. R. 9061) to authorize Lieut. Commander Lucius C. Dunn, United States Navy, to accept from the King of Denmark a decoration known as a Knight of the Order of Dannebrog was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, I can not see why Congress should authorize the acceptance of decorations conferred in peace times by foreign countries so long as the House of Representatives refuses to authorize the acceptance of decorations conferred by our allies during the World War. There is now pending an omnibus bill in the House of Representatives providing for the acceptance of decorations conferred upon our Army and Navy officers during the World War; not a number of special officers picked out according to their friendships here in Congress, but all of the officers of that war who received decorations from the Allies. There are about 50 such decorations now in the State Department; and so long as the House of Representatives is going to refuse to do justice by those men, I do not think the Senate ought to pass special bills for officers who have acquaintances in the House to authorize the acceptance of peace-time decorations. All ought to be treated alike. Therefore I object.

Mr. BRUCE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

Mr. OVERMAN. Mr. President, this morning I moved to reconsider the vote by which Order of Business 628, being the bill (H. R. 9039) to amend section 8 of the act of March 1, 1911 (36 Stat. p. 961), entitled, "An act to enable any State to cooperate with any other State or States, or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers. It was understood that the bill should not be taken up at this session. The bill, however, was passed and went to the House. A motion was made by me this morning and carried, requesting the House to return the bill. There seems, however, to have been some troble about returning the bill, for the House sent over to the Senate an enrolled bill. I ask unanimous consent that the Senate request the Presiding Officer of the Senate to withhold his signature from that bill so that it may come up, if the Senate desires, at the next session in the regular way.

The VICE PRESIDENT. Without objection, it is so ordered.

ROBERT E. A. LANDAUER

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1598) for the relief of Robert E. A. Landauer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE A. M'KENZIE, ALIAS WILLIAM A. WILLIAMS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9324) for the relief of George A. McKenzie, alias William A. Williams.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLYDE L. WEST

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11820) granting an annuity to Clyde L. West, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place on the roll of the War Department the name of Clyde L. West, late of Hospital Corps of the United States Army, and pay him for and during his natural life, in lieu of all pension, the sum of $100 per month, in special recognition of the eminent service rendered, suffering endured, and permanent disabilities contracted by him in the interest of humanity and science as a volunteer subject for experiment in the yellow-fever hospital in Cuba.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VILLAGE OF HARBOR SPRINGS, MICH.

The bill (H. R. 4307) for the relief of the village of Harbor Springs, Mich., was announced as next in order.

Mr. KING. Mr. President, I should like to ask an explanation of that bill.

Mr. COUZENS. Mr. President, the bill was introduced in the House and passed by that body. It permits the village of Harbor Springs, Mich., to present a case to the Court of Claims. An employee of the Government who was working on an electric-light pole was killed. Suit was brought against the village of Harbor Springs and judgment secured. There was a dual responsibility between the Government and the municipality, and this bill is designed to permit the municipality to present the facts to the Court of Claims for a determination.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 9, before the word "facts," to strike out the words "law and," so as to make the bill read:

Be it enacted, etc., That the claim of the village of Harbor Springs, Mich., for reimbursement for the payment of judgment rendered by the United States District Court, Western District of Michigan, against said village of Harbor Springs, Mich., on account of the death of Ernest H. Haines, an employee of the Department of Agriculture, is hereby referred to the Court of Claims for the determination of the facts as to the liability of the United States as a tort-feasor on account of the death of the said Ernest H. Haines.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ELIZABETH W. KIEFFER

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 244) for the relief of Elizabeth W. Kieffer, which was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Elizabeth W. Kieffer, postmaster at Fort Russell, Wyo., in the sum of $1,508.60, due to the United States on account of loss by theft of post-office funds by Claude E. Davis, on November 14, 1922; and the sum of $1,508.60 is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated, for the payment of this claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROHIBITION MEASURES PASSED OVER

The bill (S. 33) to amend the national prohibition act, as supplemented, in respect of the definition of intoxicating liquor was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 34) to amend the national prohibition act, as supplemented, in respect to the issuance by physicians of prescriptions for intoxicating liquors was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 591) to amend the national prohibition act to provide for the manufacture, sale, and transportation of 4 per cent beer under Federal supervision was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. KING. Mr. President, a parliamentary inquiry. Why should not all these bills be indefinitely postponed?

Mr. BRUCE. The Senator from New Jersey [Mr. EDGE] does not happen to be here, and I think in his absence that action should not be taken.

Mr. KING. Very well.

The bill (S. 3118) to amend the national prohibition act, as supplement, in respect of the definition of intoxicating liquor, was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3891) to amend the national prohibition act, to provide for State local option, and for other purposes, was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4203) to amend the national prohibition act, as supplemented, in respect of the manufacture of liquor without a permit, was announced as next in order. The bill had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 34) proposing an amendment of the eighteenth amendment to the Federal Constitution relating to intoxicating liquors, was announced as next in order. The joint resolution had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 81) providing for a national referendum upon the modification of the national prohibition act, was announced as next in order. The joint resolution had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that it go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 85) proposing an amendment of the eighteenth amendment to the Federal Constitution relating to intoxicating liquors, was announced as next in order. The joint resolution had been reported adversely from the Committee on the Judiciary.

Mr. WADSWORTH. I ask that the joint resolution be passed over.

The VICE PRESIDENT. The joint resolution will be passed over.

PROMOTION OF CERTAIN RETIRED ARMY OFFICERS

The bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list, was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, that bill merely carries out the same policy that was adopted by the Senate the other night in the passage of the bill of the Senator from Tennessee [Mr. TYSON] authorizing the highest war-time rank. The bill will affect, I think, only two colonels, both of whom were repeatedly commended, both of whom were decorated for gallant service in action. That is all it does, in addition to the effect of the Tyson bill, except in one other respect. I wish the Senator from Utah [Mr. KING] were here, because this bill also would allow the promotion on the retired list of General Crowder. I understand that the Senator from Utah has protested against that feature of the measure.

Mr. ROBINSON of Arkansas. The Senator from Utah spoke to me about this bill, and indicated his purpose to object to its consideration.

Mr. REED of Pennsylvania. In order to take care of the objection of the Senator from Utah I was going to suggest an amendment.

Mr. KING entered the Chamber.

Mr. ROBINSON of Arkansas. The Senator from Utah is now present.

Mr. KING. I object to the bill.

Mr. REED of Pennsylvania. I was going to ask the Senator if he would be satisfied with an amendment which would eliminate all reference to the officer who served as provost marshal general, so as not to bring him within the scope of the bill?

Mr. KING. The Senator knows my objection to the bill. If the bill shall be so amended as not to include the person to whom I referred I will have no objection to it.

Mr. REED of Pennsylvania. That is what I was going to propose to do.

Mr. KING. Very well.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments. The first amendment was on page 1, line 5, after the word "Senate," to insert:

to the grade of lieutenant general on the retired list any officer who performed exceptionally meritorious services in command of a field army in the Army of the United States during the recent war with Germany, and an officer who performed exceptionally meritorious service as provost marshal general in charge of the administration of the selective service law during such war.

Mr. REED of Pennsylvania. I move to amend the committee amendment in line 9, on page 1, by striking out all after the word "Germany" down to the end of line 11.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "Germany," it is proposed to amend the committee amendment by striking out, "and an officer who performed especially meritorious service as provost marshal general in charge of the administration of the selective service law during such war," so as to make the section read:

That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, to the grade of lieutenant general on the retired list any officer who performed exceptionally meritorious services in command of a field army in the Army of the United States during the recent war with Germany.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Military Affairs was, at the top of page 2, to insert the following:

SEC. 2. The President is further authorized in his discretion to appoint, by and with the advice and consent of the Senate.

And in line 12, after the word "general," to strike out the colon and the words "*Provided, however,* That the," so as to read:

SEC. 2. The President is further authorized in his discretion to appoint, by and with the advice and consent of the Senate, to the next higher grade any officer not above the grade of colonel, now on the retired list of the Army who has served with exceptional efficiency as a commissioned officer on the active list for over 40 years, participating in actual field service against hostile Indians, and in the Spanish-American War, and who has been awarded either a medal of honor or distinguished-service medal, and who has served in France in the World War, and before retirement was repeatedly recommended for promotion to the grade of brigadier general.

The amendment was agreed to.

The next amendment was, on page 2, line 13, before the word "promotion," to insert the words "Sec. 3. The," so as to read:

SEC. 3. The promotion authorized in this act shall not carry with it any increased pay or compensation or allowances, the pay, compensation, and allowances to remain the same as the grade from which such officers are respectively promoted under this act, any law to the contrary notwithstanding.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS, ETC., PASSED OVER

The next entry on the calendar was the amendment intended to be proposed by Mr. EDGE to the bill (S. 34) to amend the national prohibition act, as supplemented, in respect to the issuance by physicians of prescriptions for intoxicating liquor.

Mr. WADSWORTH. Let that go over.

The VICE PRESIDENT. The amendment will be passed over.

The next entry on the calendar was the amendment intended to be proposed by Mr. BORAH to the joint resolution (S. J. Res. 81) providing for a national referendum on the modification of the national prohibition act.

Mr. MCNARY and Mr. WADSWORTH. Let that go over.

The VICE PRESIDENT. The amendment will be passed over.

The next entry on the calendar was the amendments intended to be proposed by Mr. EDGE to the bill (S. 3118) to amend the national prohibition act, as supplemented, with respect to the definition of intoxicating liquor.

SEVERAL SENATORS. Let those go over.

The VICE PRESIDENT. The amendments will be passed over.

The bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

LEWIS J. BURSHIA

The bill (H. R. 8564) for the relief of Lewis J. Burshia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVISION, REPAIR, ETC., OF RECORDS OF THE FIVE CIVILIZED TRIBES

The bill (H. R. 10540) authorizing an appropriation to revise, repair, index, and file various records in the office of the Superintendent for the Five Civilized Tribes at Muskogee, Okla., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIANS OF FORT BELKNAP INDIAN RESERVATION

The bill (H. R. 11510) to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CROW INDIANS OF MONTANA

The bill (H. R. 11662) authorizing an expenditure of tribal funds of the Crow Indians of Montana to employ counsel to represent them in their claims against the United States, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 4451) to authorize the payment of drainage assessments on Absentee Shawnee Indian lands in Oklahoma, and for other purposes, was announced as next in order.

Mr. KING. I should like to ask whether these expenses are to be paid from tribal funds or from the Treasury of the United States.

Mr. FESS. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF COPYRIGHT LAW

The bill (H. R. 10774) to amend section 15 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, was announced as next in order.

SEVERAL SENATORS. Let that go over.

Mr. BUTLER. Mr. President, do I understand that objection was made to the consideration of the bill? If so, I should like to know who objected.

Mr. BRUCE. Let the bill go over.

Mr. BUTLER. Mr. President, I can not see any objection to this bill. It is simply a proposal to allow authors, particularly college professors, and others to put their productions, when presented for copyright, in mimeographed form instead of in type. I know of no objection whatever to the bill, and its passage is desired by many persons.

Mr. BRUCE. I withdraw my objection.

Mr. McKELLAR. Mr. President, it may be that I shall have no objection to this bill, but I desire to offer an amendment to it, and I have not the amendment prepared. I am perfectly frank to say to the Senator that I think there should be an amendment to the bill.

Mr. BUTLER. I regret very much that the Senator takes that position.

Mr. COUZENS. Does the Senator from Tennessee object?

Mr. McKELLAR. Yes, sir.

Mr. COPELAND. Mr. President, I hope the Senator from Tennessee will withdraw his objection. In college towns—for instance, in Ann Arbor, Mich.—a great many of the lectures are mimeographed and sold in mimeographed form. They are exactly the same as textbooks, but it is not worth while to spend the money to have them printed, because they are not of permanent value; and yet, after all, they have a copyright value. I hope the Senator will withdraw his objection.

Mr. McKELLAR. I have read the bill very hastily, and I am rather inclined to think it is a bill that should pass; but I understand that there has been pending before the Patents Committee for about six years a bill in reference to another matter, concerning broadcasting, and that bill has never been reported out. I should like to have the opportunity of submitting at the next session an amendment to this bill, which can be discussed and, if it is proper, put on here.

Mr. ROBINSON of Arkansas. Mr. President, may I suggest to the Senator from Tennessee that if the provisions of this bill are meritorious it might be well to present his amendment in the form of a separate bill rather than to delay this legislation.

Mr. BUTLER. I think that would be very much better.

Mr. McKELLAR. The suggestion of the Senator is correct; but the trouble about it is that the Patents Committee has never reported out at all, one way or the other, this other measure.

Mr. ROBINSON of Arkansas. The Senator, of course, can at any time move to discharge the committee and test the sense of the Senate on it.

Mr. McKELLAR. Mr. President, I am going to withdraw my objection to the consideration of this bill——

Mr. ROBINSON of Arkansas. I thank the Senator.

Mr. McKELLAR. But I desire to give notice now that this other matter will be voted upon by the Senate in connection with the first legislation that is reported out by the Patents Committee.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STREET-PAVING ASSESSMENTS IN THE DISTRICT

The bill (H. R. 11174) to amend section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), and for other purposes, was announced as next in order.

Mr. BRUCE. Mr. President, what is the nature of that bill? The title does not disclose.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill.

Mr. CAPPER. Mr. President, this bill changes the present law so that the property owner is not held responsible for the cost of repaving and repairing a street after it has once been paved.

Mr. BRUCE. Did this bill originate in general considerations, or was it simply suggested by some individual property holder who thought he had a grievance?

Mr. CAPPER. Oh, no; the District government is very strong for it. In fact, there is a general demand for it here in the city, and no opposition.

Mr. BRUCE. I have no objection.

Mr. KING. Mr. President, I should like to ask the Senator why the abutting owners should not be responsible. I express no opinion in regard to it.

Mr. CAPPER. Because 99 times out of 100 the general public use the pavement, and are responsible for the wear and tear of the pavement; and the abutting proper owner should not be charged with the cost of repairs made necessary by the use of the pavement by the general public.

Mr. KING. The Senator knows that there is a movement now to repeal or modify what is known as the Borland law, and obviously this whole question is going to be considered.

Mr. CAPPER. This is the proposed amendment of that law.

Mr. KING. Oh, this is the amendment?

Mr. CAPPER. Yes. It was carefully considered in the House, and there was no opposition either in the committee or on the floor. It was considered also by our committee.

Mr. KING. Mr. President, I shall object, because a joint committee has been or will be appointed to consider the affairs of the District in every particular—streets, highways, roads, bridges, and sanitation—and this question is one of very great importance. I ask the Senator to let it go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. CAPPER. The District Commissioners urge the passage of this bill.

Mr. KING. The District Commissioners are not infallible.

Mr. UNDERWOOD. Mr. President, I should like to say just a word in reference to this bill before it goes over. Of course, in this state of the calendar it will go over on any objection; but it is perfectly apparent that the equities of the bill are correct.

Under the law the adjacent property owner is required to pay a certain assessment for paving the street in front of his house. When that street is once paved he has performed his duty. The wear and tear on the street in front of his house is dependent on the number of trucks or automobiles that pass in front of it. His own automobile does very little to tear up the street. Therefore if a resident or an owner of an abutting piece of property owns property in the congested part of the town a tribute is levied on him because of the number of automobiles that go in front of his house and destroy the pavement.

As I understand this bill and the change that is proposed to be made, it is merely this: It does not change the law in regard to the abutting property owner paying for the paving of the street in front of his place as an original proposition, because out of that he gets something; it improves the value of his property. When, however, a stream of automobiles passes that property and tears up the street, it is more in the interest of the people generally, and should be more justly a charge upon the city generally than upon the individual, as it is the people of the District in the aggregate who tear up the street and not the abutting property owner.

I have always felt that it would be just, after the property owner has paid for the laying of the original pavement, to allow the burden for replacement to fall on the public generally who use that street. Of course, it is proper for the bill to go over

if there is objection; but I say this in the hope that at some other time there may be an opportunity to pass the bill, merely as a matter of abstract justice to the abutting property owners.

For instance, in many of these congested streets the less rich portion of the population may live—I may say the poorer part of the population—and it is a very great burden on a man who owns a small lot if, because of the trucks that go by and tear up his pavement, his home must be mulcted to pay for damage with which he has nothing to do.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. McNARY. I ask for the regular order.

Mr. McKELLAR. I just want to say to the Senator that if this bill should be enacted, in a very short time the front-foot assessments in the city of Washington would be absolutely nullified.

The VICE PRESIDENT. The regular order is demanded. The Secretary will state the next bill on the calendar.

COMMERCE YEARBOOK

The joint resolution (S. J. Res. 54) to provide for the printing of the Commerce Yearbook was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Commerce with an amendment, on page 1, line 5, after the word "commerce," to strike out "of which 10,000 copies shall be for the Senate and 30,000 copies for the House of Representatives," and insert "and to be distributed gratis by the department and the necessary appropriation therefor is hereby authorized"; so as to make the joint resolution read:

Resolved, etc., That there shall be printed annually 40,000 copies of the Commerce Yearbook (beginning with the yearbook for 1925), published by the Department of Commerce, and to be distributed gratis by the department, and the necessary appropriation therefor is hereby authorized.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSTON CHAMBER OF COMMERCE AND OTHERS

The bill (H. R. 7011) for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate and Bertha E. Roy and Max A. Roy and J. M. Frost and J. J. Settegast and Emma Hellberg and Laura Lackner and F. W. Lackner was considered as in Committee of the Whole.

Mr. KING. Mr. President, I will ask the Senator from Texas whether the bill provides any greater sum than that recommended by the investigating committee of the War Department?

Mr. MAYFIELD. No, sir; it involves just exactly the same sum. The amounts in the bill are the amounts recommended by the War Department.

Mr. KING. I have no objection, then, if that is true.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. CARDWELL

The bill (H. R. 814) for the relief of James L. Cardwell was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAM TILDEN

The bill (H. R. 817) for the relief of Sam Tilden was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

L. J. HOUGHTALING

The bill (H. R. 9606) for the relief of L. J. Houghtaling was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MR. AND MRS. CHARLES VANDERVEER

The bill (H. R. 2632) for the relief of Mr. and Mrs. Charles Vanderveer was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA JEANETTE WEINRICH

The bill (H. R. 2633) for the relief of Anna Jeanette Weinrich was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGNES DE JARDINS

The bill (H. R. 1692) for the relief of Agnes De Jardins was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUTH GORE

The bill (H. R. 8174) for the relief of Ruth Gore was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WEEKLY PAY DAYS FOR POSTAL EMPLOYEES

The bill (S. 2021) to provide for weekly pay days for postal employees was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 1, line 4, after the word "America," to insert "serving in States which have weekly payment statutes," so as to make the bill read:

Be it enacted, etc., That on and after July 1, 1926, all postal employees of the United States of America serving in States which have weekly payment statutes shall be placed on a weekly pay-roll basis and shall receive compensation each Friday of each week for services rendered the Government of said United States: *Provided,* That when State or national holidays fall on Fridays, payments shall be made the preceding day: *Provided further,* That any postal employee may request in writing to be paid at less frequent intervals.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF CHIROPRACTIC

The bill (H. R. 9055) to regulate the practice of chiropractic; to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof, was announced as next in order.

Mr. KING. Mr. President, I should like to ask the Senator from New York [Mr. COPELAND] if this bill has the unanimous report of the committee?

Mr. COPELAND. The chairman of the committee will answer the Senator's question.

Mr. KING. It is a long bill for a very small subject. Does the Senator think its passage is imperatively required?

Mr. CAPPER. Oh, undoubtedly there should be some supervision of the practitioners in this city. There is none at all now. They are absolutely without any control or supervision in this city, and it is the only city of half a million people in the United States that has not some sort of supervision of these practitioners.

Mr. KING. Does this bill subject them to the control of the medical board?

Mr. CAPPER. The medical board were represented at the hearing.

Mr. COPELAND. It provides for a separate board.

Mr. CAPPER. They would, of course, rather have a general board which would control all branches of practice; but some amendments were made to this bill that I think remove the objection——

Mr. KING. Let me say to the Senator that if this bill sets up a separate board for chiropractors, and would permit a separate board for the neuropaths and allopaths and everybody else, I object to it; but if all those who are worthy to be called medical doctors are subjected to the control of one board, I have no objection.

Mr. CAPPER. Of course, the chiropractors, the osteopaths, and all these others will object to having a control by the "regulars," as they call them.

Mr. KING. But they ought to have representation upon a board. I object.

Mr. LA FOLLETTE. Mr. President, if this bill is going to lead to debate, in the interest of other bills on the calendar I object.

The VICE PRESIDENT. Objection is made, and the bill will be passed over.

ANNA J. LARSON

The bill (H. R. 11376) to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of the Interior, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANTING PUBLIC LANDS TO THE CITY OF PHOENIX, ARIZ.

The bill (S. 2691) to repeal the first proviso of the act entitled "An act granting certain public lands to the city of Phoenix, Ariz., for municipal park and other purposes," approved March 3, 1925, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the first proviso of the act entitled "An act granting certain public lands to the city of Phoenix, Ariz., for municipal park and other purposes," approved March 3, 1925, is hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MORGAN MILLER

The bill (S. 597) for the relief of Morgan Miller was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Morgan Miller the sum of $3,000 for injuries sustained on February 3, 1920, while standing in the safety zone waiting for a street car at the corner of Fort Street west and Artillery Avenue, in the city of Detroit, Mich., by being struck by a United States mail truck which was running at a rapid rate of speed and without lights, it being 6 o'clock and 10 minutes antemeridian and quite dark. Said Morgan Miller's head was badly injured, left shoulder and hip greatly bruised, right knee and ankle wrenched quite severely, and the ligaments badly torn. He was in the hospital about five days and was confined to his bed for three months, and as a result of the accident became almost totally incapacitated and has been since that time dependent upon relatives and friends for support.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COUNTERFEITING OF GOVERNMENT TRANSPORTATION REQUESTS

The bill (H. R. 8128) to punish counterfeiting, altering, or uttering of Government transportation requests was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments on page 1, line 10, after the word "shall," to insert the word "knowingly," and on line 11, after the word "in," to insert the word "so."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF CODE OF THE DISTRICT OF COLUMBIA

The bill (H. R. 8835) to amend section 1112 of the Code of Law for the District of Columbia was announced as next in order.

Mr. BLEASE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ADMINISTRATION OF OATHS BY NOTARIES PUBLIC

The bill (H. R. 10058) to authorize notaries public and other State officers to administer oaths required by the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLOTHING AND CASH GRATUITIES TO DISCHARGED PRISONERS

The bill (H. R. 11946) to increase the clothing and cash gratuity furnished to persons discharged from prisons, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF ST. ELIZABETHS HOSPITAL

The concurrent resolution (H. Con. Res. 26) directing the Comptroller General of the United States to investigate the administration of St. Elizabeths Hospital since July 1, 1916, and for other purposes, was considered as in Committee of the Whole.

The concurrent resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF ALIEN PROPERTY CUSTODIAN

The resolution (S. Res. 71) directing a select committee to be appointed by the President of the Senate to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office was considered and agreed to, as follows:

Resolved, That a select committee of five Senators be appointed by the President of the Senate, which committee is hereby authorized and directed to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office, and particularly to investigate the following matters and things: (a) The seizure and appraisal of property, the care of the property seized, whether or not waste has been permitted in relation thereto, and the costs and fees allowed paid for such care; (b) the sale and conversion of property by the Alien Property Custodian, whether or not authorized by law; (c) whether such conversions have been by public sale or through private negotiations; (d) whether or not the moneys received by such conversions were adequate and represent the real value of the properties converted; (e) whether or not sales have been made to agents, officials, attorneys, or other persons having fiduciary relations to such property; (f) the sale of patents, trade-marks, and trade names to the so-called Chemical Foundation, a corporation of Delaware, or to any other persons or corporations, and the sale of properties of the Bosch Magneto Co.; (g) and further to investigate the relations of the Department of Justice to the business and affairs of the Alien Property Custodian, whether there has been any influence or pressure exerted by any Government official or officials, or other persons, to prevent criminal or civil proceedings in relation to any of such transaction; and generally to investigate all matters touching the legality, good faith, and necessity of all transactions and conversions affecting the property held in trust by the Alien Property Custodian.

The committee is authorized to send for persons and papers, to administer oaths, and to sit during the session or during any recess of the Senate and at such places as may be deemed advisable. Any subcommittee duly authorized thereto shall have the same powers as are conferred upon said select committee by this resolution.

The VICE PRESIDENT subsequently said: In accordance with the provisions of Senate Resolution 71, directing a select committee to be appointed by the President of the Senate to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office, the Chair appoints the senior Senator from Idaho [Mr. BORAH]; the junior Senator from Rhode Island [Mr. METCALF]; the junior Senator from New Mexico [Mr. BRATTON]; the junior Senator from Mississippi [Mr. STEPHENS]; and the junior Senator from South Dakota [Mr. MCMASTER].

RICHARD RIGGLES

The bill (S. 452) for the relief of Richard Riggles, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$3,000" and insert in lieu thereof "$500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Richard Riggles, in full payment for injuries sustained by him on the 6th day of February, 1885, while in the discharge of his duties at the navy yard, Washington, resulting in the loss of his right leg.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES DELEGATES TO INTERNATIONAL SANITARY CONFERENCE

The joint resolution (H. J. Res. 232) to provide for the expenses of delegates of the United States to the International Sanitary Conference to meet at Paris on May 10, 1926, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT REID

The resolution (S. Res. 224) to pay Albert Reid the sum of $200 for expert services rendered to the Committee on Finance was read and agreed to, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Albert Reid the sum of $200 for expert services rendered by him to the Committee on Finance during the Sixty-ninth Congress, first session, in compiling, editing, and indexing hearings, reports, and bills relating to the revenue act of 1926.

BILLS PASSED OVER

The bill (S. 4182) to provide a code of law governing legal reserve life-insurance business in the District of Columbia, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1042) to amend the Penal Code was announced as next in order.

Mr. KING. One minute.

Mr. ROBINSON of Arkansas. Some Senator who is familiar with this bill should explain it.

Mr. MCNARY. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1043) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

Mr. ERNST. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 112) authorizing the expenditure of certain funds paid to the United States by the Persian Government was announced as next in order.

Mr. KING. Let the bill be read.

Mr. BORAH. I ask that that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

WABASH RIVER BRIDGE, ILLINOIS

The bill (H. R. 10605) to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LITTLE CALUMET RIVER BRIDGE, ILLINOIS

The bill (H. R. 10929) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River, in Thornton Township, Cook County, Ill., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISSUANCE OF PASSPORTS

The bill (H. R. 12495) to regulate the issue and validity of passports, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF SEAMEN ON AMERICAN VESSELS

The bill (S. 1079) to provide seamen on American vessels with a continuous-discharge book, to provide for improved efficiency and discipline, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I want to inquire about an amendment to that bill.

Mr. BRUCE. I call for the regular order.

Mr. LA FOLLETTE. There was one amendment about which there was some question, and rather than have it agreed to, I would like to have the bill go over.

The VICE PRESIDENT. There is a committee amendment on page 3, line 6.

Mr. LA FOLLETTE. If that committee amendment is to be agreed to, I prefer to have the bill go over until the next session.

The VICE PRESIDENT. The bill will be passed over.

RESOLUTION PASSED OVER

The resolution (S. Res. 207) authorizing an investigation of the existing strike of engineers and firemen on the Western Maryland Railroad was announced as next in order.

Mr. ASHURST. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

EXPENDITURES IN SENATORIAL ELECTIONS

The resolution (S. Res. 268) disqualifying Senators elect from holding a seat in the Senate who have expended more than $10,000, or more than the amount (in no event exceeding $25,000) obtained by multiplying 3 cents by the total number of votes cast for all the candidates for the office of United States Senator at the last general election in the State of the residence of such Senator elect was announced as next in order.

SEVERAL SENATORS. Over!

The VICE PRESIDENT. The resolution will be passed over. That is the last order of business, and the consideration of the calendar is concluded.

ALL-GRAVITY AMERICAN COLORADO RIVER CONSTRUCTIVE PLAN

Mr. CAMERON. Mr. President, I ask unanimous consent to have inserted in the RECORD a statement filed before the House Committee on Irrigation and Reclamation by George H. Maxwell relative to the all-gravity American Colorado River constructive plan for the harmonious adjustment of all interests in the United States of America.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

[Statement filed before the House Committee on Irrigation and Reclamation by George H. Maxwell, as executive director of the National Reclamation Association, and of the Arizona Highline Reclamation Association, and also as a citizen of Arizona in behalf of Arizona as a sovereign State, following his oral statement before the House Committee on Irrigation and Reclamation on March 10, 1926, and under leave then granted]

THE ALL-GRAVITY AMERICAN COLORADO RIVER CONSTRUCTIVE PLAN FOR THE HARMONIOUS ADJUSTMENT OF ALL INTERESTS IN THE UNITED STATES OF AMERICA

In the matter of the protest against the military menace, the competitive agricultural and industrial conflict, and the economic and racial international controversy that would result from the use of the waters of the Colorado River in Mexico instead of in the United States of America

Statement submitted at the hearings before the Committee on Irrigation and Reclamation of the House of Representatives of the Congress of the United States on the bill H. R. 9826, Sixty-ninth Congress, first session, introduced by Mr. SWING on February 27, 1926, providing for the construction of the Black Canyon Dam and Boulder Canyon Storage Reservoir, and providing that "the short title of this act shall be 'Boulder Canyon Project Act'"

The following is a brief outline of the all-gravity American Colorado River constructive plan for the harmonious adjustment of all American interests that will—

1. Provide for the development of the Colorado River within and for the benefit of the United States of America instead of for the benefit of American land speculators in Mexico, who are scheming to establish a vast competitive Asiatic agricultural colony and Asiatic manufacturing and seaport city in America at the head of the Gulf of California.

2. Reclaim 3,280,000 acres in Arizona and 2,000,000 acres in California and thereby insure the utilization for irrigation of the regulated flow of the now wasted flood waters of the Colorado River within our own country instead of in Mexico.

3. Guarantee every protection, benefit, and advantage for every community and section of the United States of America that has been urged as a reason for building the Black Canyon or Boulder Canyon Dam, without any of the national dangers that would result from the construction of the Black Canyon-Boulder Canyon project.

A STATEMENT OF THE FACTS

A brief statement of the facts is essential to an understanding of the all-gravity American Colorado River constructive plan hereinafter set forth.

The plan contemplates the harmonious adjustment of all conflicting interests, plans, and projects which are for the benefit of the United States of America.

The plan will benefit our own country and our own people. It will benefit the whole United States of America instead of putting a huge personal profit into the pockets of the speculators who are promoting the subtle scheme to secure 8,000,000 acre-feet annually of the waters of the Colorado River for the reclamation of 2,000,000 acres in Mexico on which to establish an Asiatic annex in America.

This all-gravity American constructive plan for the harmonious adjustment of all American conflicting interests should be acceptable to all interests in the United States of America, because it gives to each of them all they require from the control of the Colorado River.

It gives to all who have heretofore advocated the "Boulder Canyon project" everything they contend for as an advantage, benefit, or protection which it has been urged would flow from the construction of the Black Canyon Dam to utilize for storage the Boulder Canyon Reservoir site.

And it does all that without surrendering the water to Mexico for the reclamation of desert lands in that country, to create Asiatic competition in America for every American factory and farm.

This all-gravity American constructive plan for the harmonious adjustment of all conflicting interests in the United States of America will—

1. Fortify the Imperial Valley against the devastating forces of nature as well as against those of a war in the air. It will give to the Imperial Valley complete protection from the floods of the Colorado and Gila Rivers. It will lift the flood menace from every acre of the valleys of the Colorado River below the Glen Canyon dam. It will guarantee absolute immunity from flood devastation for every home and community in that region, and it will—

2. Build the all-American canal to safeguard the people of the Imperial Valley in California from all future dangers arising from the use of a canal though Mexican territory. It will provide for the building and upkeep of the all-American canal not only for that purpose but also as a national military measure to prevent international friction resulting from the use of the waters of the Colorado River in Mexico, either by diversion from the surface flow or by pumping from underground seepage, and it will—

3. Provide for a development of hydroelectric power that will meet all the immediate needs of southern California, Arizona, and Nevada, and, in addition, provide for all the future requirements of those States and the States of the upper basin for power from the Colorado River, generated at or below the Glen Canyon Dam, and it will—

4. Store and control, in the Glen Canyon Reservoir, all the now wasted flood waters of the Colorado River coming from above Glen Canyon; and thereby regulate the annual flow of the river and standardize it not only for flood control, but also for irrigation and for the development of more than 4,000,000 hydroelectric primary horsepower at and below Glen Canyon, and it will—

5. Insure the building of the Arizona-California high-line canal by providing for a diversion from the river at the Bridge Canyon Dam at an elevation of 2,000 feet above sea level, high enough to reclaim and irrigate 3,000,000 acres of desert in Arizona under the Arizona high-line canal, in addition to the 280,000 acres of low river-level lands irrigable in Arizona under the Black Canyon-Boulder Canyon project, thus reclaiming in Arizona a total of 3,280,000 acres, and it will—

6. Reclaim 1,000,000 acres in the Colorado River Basin of California, and also furnish by gravity the water necessary to supplement local supplies for the irrigation of another 1,000,000 acres in the coast basin of southern California now inadequately irrigated. It will do this in addition to supplying all present and future requirements of every city and town in the coast basin of southern California for water for domestic and municipal purposes.

NATIONAL WEALTH TO BE CREATED BY THE ALL-GRAVITY AMERICAN COLORADO RIVER CONSTRUCTIVE PLAN IN THE UNITED STATES OF AMERICA

Let the people of our own country once understand the value of the waters of the Colorado River as a national asset of the United States of America, and that moment the Black Canyon-Boulder Canyon project, with its subtly concealed purpose to surrender 8,000,000 acre-feet of water annually to Mexico perpetually, will be dead beyond hope of resurrection.

No matter what new bill may be introduced—no matter what new schemes may be proposed—no matter what bait or bribe may be offered to Arizona in the form of a royalty on power developed in Arizona for use elsewhere—the acid test that will be applied to that new bill or new scheme, from the point of view of the Nation and by the Congress of the United States, will be: Will it give that 8,000,000 acre-feet annually to Mexico to reclaim and irrigate 2,000,000 acres in the Imperial Valley of Mexico and on the great citrus mesa in Sonora, Mexico?

If it does, then no matter how carefully the wolf may have been concealed in sheep's clothing, the people of the Nation will repudiate the scheme and Congress will reject any proposed bill that will bring the scheme to fruition.

The people of the United States of America, and the Congress of the United States, must know the facts demonstrating the value of this great national asset of the Nation which now lies latent in the flood waters of the Colorado River.

The first fact necessary to be known is the available annual water supply that will be provided for the lower basin after the floods of the Colorado River have been completely reservoired in the United States of America, and the flow of the river thereby regulated and standardized, so that it will flow substantially the same volume of water evenly through the year in all years.

1. The available water supply for use in the lower basin: The most satisfactory table establishing the water supply that will be made available for the lower basin of the Colorado River by the building of the Glen Canyon storage reservoir and Bridge Canyon diversion dam is to be found on page 37 of the Fall-Davis report, Senate Document No. 142, Sixty-seventh Congress, second session.

That table establishes the discharge of the Colorado River at Yuma, averaged from 1902 to 1920, at a total annual regulated flow of 17,550,000 acre-feet. This includes the 150,000 acre-feet diverted above Yuma at the Laguna Dam for the Yuma project. It also includes the now wasted average discharge of the Gila River, estimated at 1,080,000 acre-feet.

That estimate of 17,550,000 acre-feet is a dependable estimate. It may be taken as an established fact in dealing with the problem of the use that is to be made of that water.

One "acre-foot" is water enough to cover an acre 1 foot deep.

Attention is called to the fact, on page 37 of that Fall-Davis report, that the lands on which the waters would be used which were stored at Boulder Canyon are so situated that there would be little return seepage from those lands.

The lands referred to are the 280,000 acres in Arizona and 940,000 acres in California which are elsewhere in that report shown to be irrigable from the Black Canyon-Boulder Canyon project.

Right there is one of the most important advantages of the Glen Canyon-Bridge Canyon-Arizona high-line project hereinafter advocated over the Black Canyon-Boulder Canyon project.

The Glen Canyon-Bridge Canyon-Arizona high-line project provides for the irrigation of high mesa lands sloping always to the river.

1. All the lands irrigated from the Arizona Highline Canal, from the intake of the canal at the Bridge Canyon Dam to Lone Mountain Pass, would drain into the Colorado River between Bridge Canyon and the Laguna Dam.

2. From Lone Mountain Pass to the end of the Arizona Highline Canal, where it would empty into the Waterman Wash, after encircling the Salt River Valley and Casa Grande Valley, the return seepage would be into the Gila River above the Gillespie Dam.

3. That return seepage would be redistributed through canals heading at the Gillespie Dam for use on lands adjacent to and draining into the Gila River between the Gillespie Dam and the mouth of the river.

4. The return seepage coming into the river below the Gillespie Dam and flowing down the Gila River to its mouth, with a low pump lift, could be used to supply lands under the Yuma project for which water is to be pumped, or for the Imperial Valley, or it could be used by gravity to irrigate the 200,000 acres in Mexico heretofore irrigated.

The return seepage from the original diversion at Bridge Canyon would increase the total volume of water available for use in Arizona and in the Imperial Valley of California not less than 4,000,000 acre-feet.

The total water supply for the entire system would thus be increased 4,000,000 acre-feet as time passed and the underground reservoirs became filled and the water table raised.

The proportion of return seepage would steadily increase until it exceeded 4,000,000 acre-feet annually.

Another increase of 1,000,000 or more acre-feet in the total available water supply would result from diverting the water from the river at Bridge Canyon and distributing it in a cemented canal system instead of having it run down the long, shallow, tortuous channel from Bridge Canyon to Yuma.

The flow of the river is increased over 1,000,000 acre-feet between Glen Canyon and Boulder Canyon, but it now loses that increase by evaporation between Boulder Canyon and Yuma. That saving would add another million acre-feet to the total supply available for the lower basin.

The total supply available for the lower basin would thus be:

	Acre-feet
1. Discharge at Yuma, including 150,000 acre-feet diverted above for Yuma project, and also including the 1,080,000 acre-feet coming from the Gila River	17,550,000
2. Return seepage from waters originally diverted into the Arizona high-line canal at Bridge Canyon Dam	4,000,000
3. Saving of evaporation losses between Bridge Canyon and Yuma	1,000,000
Total annually	22,550,000

The question of subsequent depletion of this total available quantity for irrigation in the lower basin is an intricate and complicated question, and has never been sufficiently studied to make it possible to reach an entirely satisfactory conclusion.

This thorough study is one of the things most necessary to be done before any plan is irrevocably adopted for the development of the Colorado River.

There are those who have studied the question for many years, and are qualified to form an expert opinion on the subject, who are satisfied that future irrigation in the upper basin will never appreciably deplete the flow of the river at the north line of Arizona or at the Glen Canyon Dam.

There are those who have made the most careful estimates and studies based on thorough investigation of the known facts who believe that the upper basin never could use more than half of the 7,500,000 acre-feet reserved for the upper basin in the Colorado River compact and that the only effect of that reservation would be to increase the quantity that would go to Mexico if the compact were ratified.

The Fall-Davis report, Senate Document No. 142, above referred to, gives the following estimate of future depletion from use in the upper basin and from reservoir evaporation, on page 37:

	Acre-feet
Future depletion from development in upper basin	4,230,000
Future depletion from evaporation from reservoirs in canyon section	2,070,000
Total future depletion	6,300,000
As heretofore shown, the total available supply, including return seepage, for the lower basin, amounts to	22,550,000
Deduct from this the total estimated depletion	6,300,000
And it leaves the total annually available for use	16,250,000

2. The areas that can be irrigated in the lower basin: The 16,250,000 acre-feet that ultimately will be available for use in the lower basin includes 4,000,000 acre-feet from return seepage into the natural channels which can again be diverted and used for irrigation in Arizona and California.

It takes several years for this return seepage to develop. Until that happens the quantity available is limited to the original flow of the stream, but the return seepage is a steadily enlarging reflow into the river, increasing each year for a long period of time.

If the 4,000,000 acre-feet of return seepage be deducted from the 16,250,000 acre-feet estimated to be the ultimate quantity available, it

leaves 12,250,000 acre-feet available from the moment the construction of the irrigation works is completed.

But that is not all the water that will be available.

The 4,320,000 acre-feet estimated in the Fall-Davis report as the eventual depletion in the upper basin will continue to come to the lower basin for many years to come. It will flow down the river to the Glen Canyon Reservoir until in the course of time it has been actually consumptively used in the upper basin.

The process of depletion will be slow, extending over many years, before the water will all be used in the upper basin. The period that will elapse before that consumptive use has been fully accomplished has been variously estimated at from 25 to 150 years.

In the meantme, until the water has been so used in the upper basin, it will continue to flow down to the lower basin, and the total quantity available in the lower basin to start with when the irrigation works are first built and irrigation begun will be as follows:

	Acre-feet
Available quantity without return seepage	12,250,000
Amount reserved for upper basin depletion	4,230,000
Total quantity annually available for lower basin	16,480,000

If the depletion were not offset by return seepage, that annual supply might slowly decrease from year to year as the depletion resulting from irrigation of larger areas in the upper basin increased from year to year.

But this fact must never be overlooked: Any depletion in the lower basin of the supply available for that basin resulting from a larger use in the upper basin would be more than offset each year by the steadily increasing reflow due to return seepage from lands irrigated under the Arizona Highline Canal.

Consequently the total quantity available for the lower basin would never be less than the quantity available when the water was first turned out of the river into the canals.

The importance of that fact can not be realized unless thought is given to it, so that the mind will fully grasp the fundamental fact that before the depletion by a larger use in the upper basin has been felt in the lower basin, it will be more than compensated for by the increased return seepage in the lower basin.

The return seepage will always more than counterbalance the depletion, and there will always continue to be 16,250,000 acre-feet or more available for use in the lower basin, provided the Arizona Highline Canal is built.

This remarkable creation by the Arizona Highline Canal of reflow or return seepage, which will make it possible to increase the total supply available until the return seepage exceeds 4,000,000 acre-feet, and at all times exceeds the greatest possible depletion resulting from the enlarged use in the upper basin, never has been taken into consideration heretofore as one of the values created by the Arizona Highline Canal.

Four million acre-feet of return seepage is water enough to irrigate more than 1,000,000 acres of land in Arizona and southern California, and is worth for that purpose more than $300,000,000.

Three hundred million dollars is more than enough to build the Arizona Highline Canal. The George W. Sturtevant estimate of its cost from Bridge Canyon to the end of the canal at Waterman Wash is $212,000,000.

He estimates the cost of the Glen Canyon and Bridge Canyon Dams at $90,000,000.

If the Black Canyon Dam were built, and the Arizona Highline Canal were thereby made impossible, the loss of this return seepage from the Arizona Highline Canal would be a loss large enough to cover the cost of building both the Glen Canyon and Bridge Canyon Dams, in place of the Black Canyon Dam, with a surplus left over that would build the Arizona Highline Canal.

With such facts as these staring anyone in the face who will take the trouble to ascertain them, can it be possible that the public can be permanently deceived or deluded by any smoke screen that can be thrown out to get the Black Canyon Dam built and a profit of close to a billion dollars put into the pockets of American speculators in Mexican lands and the Japanese capitalists who would become their successors in interest?

Therefore, from the completion of the Bridge Canyon Dam and the Arizona-California Highline Canals, the full quantity of the permanent supply of 16,250,000 acre-feet for the lower basin will be available.

That 16,250,000 acre-feet will adequately irrigate the following lands:

	Acre-feet
In Arizona—	
280,000 acres, comprising 130,000 acres in the Yuma project, 110,000 in the Parker Indian Reservation project, and 40,000 acres of other river-level lands, requiring for its irrigation	740,000
3,000,000 acres irrigable from the Arizona Highline Canal system, requiring for its irrigation	8,000,000
In California—	
1,000,000 acres in the Colorado River basin, in the Imperial, Palo Verde, and Coachella Valleys	4,000,000
1,000,000 acres in the coast basin of southern California, and including all irrigable lands not now irrigated between Ventura and San Diego	1,750,000
The Mulholland project for pumping water 1,400 feet over Shavers Summit for a domestic water supply for Los Angeles, if built, will require	1,000,000
Total in the United States of America	15,490,000
In Mexico—	
The above apportionment and use of the available water supply will leave a surplus of 760,000 acre-feet for use in Mexico, which is enough to irrigate 200,000 acres. That is all they can claim a right to irrigate in Mexico. This 760,000 acre-feet would flow down to the international border in the channel of the Colorado River	760,000
Total uses of available supply for the lower basin	16,250,000

3. *Land values created in the United States of America*

The Black Canyon-Boulder Canyon project, as shown by the Fall-Davis report, will irrigate 1,220,000 acres in the United States of America, of which 280,000 acres are in Arizona and 940,000 acres in California, all worth, when irrigated, within 20 years	$610,000,000
The Glen Canyon-Bridge Canyon project, in addition to this 1,220,000 acres, will irrigate the following lands, which will remain unirrigated forever if the Black Canyon Dam is built:	
3,000,000 acres under the Arizona Highline Canal, in Arizona, worth, when irrigated, within 20 years	$1,500,000,000
1,000,000 acres in the coast basin of southern California, between San Diego and Ventura, worth, when irrigated, within 20 years	1,000,000,000
Total additional land values created by the Glen Canyon-Bridge Canyon project	$2,500,000,000

These additional land values in the United States of America will never come into existence if the Black Canyon Dam is built, because the water necessary for the irrigation of the land will be surrendered to Mexico irrevocably if that dam is built.

Can the United States of America afford to make such a stupendous national sacrifice as that merely to enable a group of American speculators in Mexican lands and their Japanese successors in interest to realize a profit of approximately a billion dollars from their speculation of selling to Asiatics lands irrigated with the water of the Colorado River, when that water, if used in the United States of America, would create land values of $2,500,000,000 within 20 years?

There will be no return seepage if the water goes to Mexico.

The losses from evaporation between Bridge Canyon and Yuma, which will be saved if the waters are diverted at Bridge Canyon, will continue forever if the waters are first used in Mexico.

The losses from those two causes will aggregate 5,000,000 acre-feet annually, and continue forever, if the right is established to use the waters in Mexico, as must happen if the Black Canyon Dam is built.

The Glen Canyon-Bridge Canyon project will provide enough water to irrigate the 200,000 acres heretofore irrigated in Mexico, which is all they can by any possibility claim a right to under the comity of nations.

The Black Canyon-Boulder Canyon project will provide not less than 8,000,000 acre-feet of water for Mexico, which will increase the irrigated area in that country ten times and bring 2,000,000 acres under irrigation, to be sold to Asiatics to compete with American agriculture.

American agriculture has troubles enough now without subjecting it to the competition of 2,000,000 acres in Mexico intensively cultivated with Asiatic coolie labor and irrigated from the Colorado River.

The contrast between the plan for the highest utilization of the regulated flow of the waters of the Colorado River, which constitutes the all-gravity American Colorado River constructive plan, and is based on the construction of the Glen Canyon Dam for storage and the Bridge Canyon Dam for diversion, on the one hand, and on the other hand, the Mexican-Asiatic low-line river level plan based on the Black Canyon Dam utilizing the Boulder Canyon Reservoir site, ought to be enough to satisfy any fair and unprejudiced American citizen that the Black Canyon Dam should be abandoned, and the Glen Canyon Dam built as a substitute for it.

4. The Black Canyon Dam gives 8,000,000 acre-feet to Mexico: The reason the Black Canyon Dam gives 8,000,000 acre-feet annually to Mexico is that the dam is located so far down the river that after the water has dropped over the dam to develop power it has fallen to so low an elevation above sea level that it can never be afterwards diverted from the river high enough for the lands that are to be irrigated in Arizona, or high enough to be taken by gravity to the coast basin of southern California.

The level of the bed of the river at the base of the proposed Boulder Canyon Dam is 706 feet above sea level. Black Canyon is

farther down the river and still lower. The elevation of the base of the Black Canyon Dam is only 645 feet above sea level.

The water must be diverted from the river at an elevation of 2,000 feet if it is to be used for irrigation in Arizona or taken by gravity to the coast basin of southern California.

Any scheme for pumping for reclamation is uneconomic and impracticable, and many years before it could be put through the waters would have been used in Mexico so long that the claim to them would have ripened under the comity of nations.

As a natural and inevitable consequence, once the waters have fallen to the base of the Black Canyon Dam, they must go to Mexico by the law of gravity, and there they will continue to go forever.

The quantity going to Mexico is easily established.

On page 5 of the Fall-Davis report, Senate Document No. 142, is a table showing the average discharge of the Colorado River at the Laguna Dam, not including the Gila River.

It is fixed at 16,400,000 acre-feet.

From this must be deducted all that can be used for irrigation in the States of Arizona and California, if the Black Canyon Dam is built.

This irrigable area in Arizona and California is fixed by the Fall-Davis report at 1,220,000 acres.

	Acre-feet
The water required for its irrigation is	5,000,000
Add the quantity required for the Mulholland-Los Angeles aqueduct scheme	1,000,000
And the total quantity that can be diverted from the river below the Black Canyon Dam, so that it will not go to Mexico, is	6,000,000
From the amount going to Mexico a further deduction must be made of the quantity estimated on page 37 of the Fall-Davis report as the reservoir evaporation	2,070,000
This makes a total deduction of	8,070,000

Deduct this 8,070,000 acre-feet from the total discharge at the Laguna Dam of 16,400,000 acre-feet, and it leaves to go to Mexico 8,330,000 acre-feet.

That is more than enough to irrigate the 2,000,000 acres for the Asiatic principality in America.

The foregoing facts are absolutely and unqualifiedly true.

They are "the truth, the whole truth, and nothing but the truth."

They are as conclusively demonstrated by undeniable facts as that the Washington Monument stands in Washington or that the United States of America exists as a Nation.

It would be a national crime to despoil Arizona, a sovereign State of this Union, and rob her of a natural resource of such stupendous magnitude as the waters to reclaim from the desert 3,000,000 acres of irrigable land, leaving it an irreclaimable desert forever, and give that water to a group of conscienceless if not criminally treasonable conspirators against the peace and welfare of their own country.

If the water goes to Mexico, it will be used to drive an Asiatic wedge into the heart of America at the head of the Gulf of California and establish an Asiatic world seaport at the back door of Los Angeles and Arizona.

That proposed national iniquity raises an "irrepressible conflict," as to which there can be no compromise, no concession, no adjustment.

It is a shock to the moral sense and patriotic instincts of the American people.

Eliminate that contemplated national crime from the problem, and every difference between citizens or sections of the United States of America, or projects proposed for the benefit of the people of our own country, can be amicably adjusted.

Arizona insists that the Colorado River shall not be stolen from her for the benefit of American speculators in Mexican lands.

The objections of southern California will be just as vigorous and just as implacable whenever the people of the coast basin discover that water enough to furnish an abundant water supply for Los Angeles and every other city and town in the coast basin from Ventura to San Diego, and every acre of inadequately irrigated land in that territory, aggregating at least a million acres, can be taken by gravity from Bridge Canyon to Los Angeles and to that entire region between the mountains and the ocean.

Let it be once definitely determined that waters shall not be surrendered to American speculators in Mexico to which they have no right, morally or legally, under international law or under the comity of nations, and no controversy remains that can not be amicably adjusted between the interests in the United States of America.

The total area irrigated in Mexico from the Colorado River was fixed by the Fall-Davis report in 1922 at something less than 200,000 acres, requiring for its irrigation not more than 760,000 acre-feet annually.

If it were assumed that Mexico should be conceded a right under the comity of nations to the water necessary for the continued irrigation of that 200,000 acres, the claim could not be for more than 760,000 acre-feet annually.

Seven hundred and sixty thousand acre-feet annually is the maximum limit of Mexico's moral claim under the comity of nations.

Whether that claim should be allowed for the benefit of the American speculators who would profit by it depends on facts which cast a doubt upon it.

The American Government, before conceding the claim, should demand to know the whole truth as to the methods that have been adopted to frustrate every effort to bring about the utilization of the waters of the Colorado River in the United States of America instead of in Mexico.

"He who comes into equity must come with clean hands" is a motto of courts of equity that would apply with full force to that speculative conspiracy against the United States of America.

There can be no doubt that there is in Mexico more than 2,000,000 acres of irrigable land which could be irrigated from the waters of the Colorado River if the Black Canyon dam were built.

A large map which has hung in the office of the Committee on Irrigation and Reclamation of the House of Representatives for many months specifies the lands irrigable in Mexico, as follows:

"AREAS IN MEXICO

"(A) Under present canal system: Land & Water Co., of Lower California, 72,000 acres; small tracts near Mexicali, 10,000; International Co., 12,000; Imperial Development Co., 15,000; Easton tract, 15,000; Government lands, 8,000; Colorado River Land Co., 208,000; total under present canals, 340,000 acres.

"(B) Additional lands: Mesa lands under all-American canal, 43,000 acres; delta lands, chiefly Colorado River Land Co., 510,000; Sonora lands, 550,000; Pattie Basin, 400,000; total, 1,503,000.

"Making a total irrigable area in Mexico of 1,843,000 acres."

And this estimate does not include more than 200,000 acres of the finest citrus-fruit land in the world, in an absolutely frostless region, on the great citrus mesa in the Mexican State of Sonora, lying farther east than the 550,000 acres of "Sonora lands" referred to above. Those Sonora lands would ultimately be irrigated for citrus-fruit culture by pumping, as the Yuma mesa is now being irrigated.

The total area eventually irrigable in Mexico exceeds 2,000,000 acres.

If the water to irrigate that 2,000,000 acres goes to Mexico, it deprives the United States of America of water which if used first in the coast basin of southern California and on the high mesa lands of Arizona lying under the Arizona high-line canal will make 1,000,000 acres of land in southern California worth $1,000,000,000 more than it is worth to-day and will make 3,000,000 acres in Arizona worth $1,000,000,000 more than it is worth to-day.

It will transform that 3,000,000 acres in Arizona into a fertile and populous region large enough to be the equivalent of 10 units each the equal in wealth and population of the Salt River Valley unit under the Roosevelt Dam.

Arizona's revenue from State, county, and municipal taxation on that vast wealth-producing territory would exceed $25,000,000 per annum.

That is what Arizona loses if the Black Canyon-Boulder Canyon project is built.

Is it conceivable that the Congress of the United States, representing the whole American people, will wreck that vast national resource in order to present a fortune of $1,000,000,000 or more to a group of American land speculators in Mexico and their Japanese successors in interest?

It is unbelievable!

And it is still more unbelievable when the fact is known that by building the Glen Canyon-Bridge Canyon project this huge national sacrifice becomes unnecessary.

Arizona can not, under any circumstances, consent to the Black Canyon-Boulder Canyon project without consenting to her own ultimate ruin.

The question to be first determined is whether some other plan can be evolved which will not ruin Arizona and will at the same time afford to all other interests and sections in the United States of America all the advantages they seek from the development of the Colorado River.

If everything those interests or sections require can be given to them without injuring or destroying the future development of Arizona, the plan that will do that will be adopted, whenever the facts are made known to the people of the entire Nation.

The Black Canyon-Boulder Canyon project should be known as the Asiatic-Mexican low-line river-level Colorado River project, because if built it will surrender 8,000,000 acre-feet a year of water to Mexico and create an Asiatic annex in America.

The Glen Canyon-Bridge Canyon project should be known as the all-gravity American Colorado River project, because it will utilize that same water in Arizona and California, where it will irrigate over 3,000,000 acres in Arizona that must remain a desert forever if the water goes to Mexico, and 1,000,000 acres in the coast basin of southern California having no other source for an adequate water supply.

ENGINEERING WORKS NECESSARY TO BE BUILT FOR THE ALL-GRAVITY AMERICAN COLORADO RIVER CONSTRUCTIVE PLAN

1. The all-American canal: Whatever plan may be adopted for the financing of the proposed "Boulder Canyon project," including the Black Canyon Dam, will fit just as well the Glen Canyon-Bridge Canyon project, so in that respect there is no difference between the two.

The all-American canal for the Imperial Valley is an integral part of both plans, and it matters not to the people of the Imperial Valley which plan may be adopted, so far as the all-American canal is concerned.

It is urged under both plans that the all-American canal should be built and its cost eventually financed and paid for from the power resource, so that no burden shall rest on the local landowners, either now or hereafter, as the result of its construction.

The Glen Canyon-Bridge Canyon project as embodied in the American Colorado River constructive plan, goes further, however, and contemplates that the all-American canal shall be cemented for the entire distance that it parallels the international boundary line, and covered wherever necessary to protect it from shifting sands.

This additional cost should be regarded as a measure for military safety for the Nation and should be financed from the power resource, the same as the cost of construction for the all-American canal as included in the Black Canyon-Boulder Canyon project.

2. Flood protection for Imperial Valley and other communities: The Glen Canyon Dam will provide flood protection for the Imperial Valley, the Palo Verde Valley, the Yuma Valley, and all communities and lands in the entire flood-menaced region of the Colorado River country from Glen Canyon to the international boundary line.

All the waters coming into the river below the Glen Canyon Reservoir from every source could never create a flood below that reservoir that could by any possibility endanger the Imperial Valley.

The Glen Canyon Dam and storage reservoir would furnish complete flood protection from the Colorado River.

The Sentinel Dam on the Gila River should be built as an additional safeguard, solely as a flood-control dam, like the Miami River flood-control dams.

The cost of the Sentinel Dam would not exceed from three to five million dollars, and should be added to the project and its construction cost financed the same as other construction units.

The necessity for flood protection for the Imperial Valley has been the point most vociferously urged by those whose interest in the Black Canyon-Boulder Canyon project is chiefly because it will send the waters to Mexico.

That protection is completely given, without sending the waters to Mexico, by the Glen Canyon Dam and storage reservoir.

3. Regulation of the flow of the Colorado River.

(a) The people of the Imperial Valley want the flow of the river regulated so as to increase the low-water flow for irrigation.

(b) The people of Los Angeles want the low-water flow increased to supply their infiltration canal from which Mulholland proposes to pump the water 1,400 feet over Shaver's summit to Los Angeles for a municipal supply.

(c) The people of Los Angeles want the flow of the river regulated and standardized throughout the year so it may be used for hydroelectric power development.

For all three of these purposes the flow of the river will be regulated just as well, and, in fact, far better, by building the Glen Canyon Dam as by building the Black Canyon Dam.

For increased irrigation supplies in the low-water season, for a municipal supply for Los Angeles, and for power development, the Glen Canyon Dam will serve just as well, and it has many advantages even for those three purposes over the Black Canyon Dam.

The Black Canyon Dam is referred to by its proponents as creating a storage reservoir with a capacity of 26,000,000 acre-feet.

This is a delusion.

The Black Canyon Dam will hold behind the dam 26,000,000 acre-feet but 10,500,000 acre-feet of that reservoir capacity is "dead storage." Once filled, it will never again be emptied. If that space were filled with silt, it would serve every useful purpose just as well. The available storage is only 15,500,000 acre-feet.

The Glen Canyon Dam can be built to a height that will create available storage of 26,000,000 acre-feet for less money than the Black Canyon Dam can be built to provide only 15,500,000 acre-feet of available storage.

And even though the Glen Canyon Dam were only built to a height sufficient to hold 8,000,000 acre-feet, as suggested in the La Rue report, Water Supply Paper 556, it would provide all three of the requirements above specified: (a) Increased water for irrigation in the low-water season; (b) the increased flow necessary to provide the 1,000,000 acre-feet annually to be diverted into the Mulholland-Los Angeles-Colorado River aqueduct system; (c) hydroelectric power development for Los Angeles.

4. Hydroelectric power for Los Angeles: The most insistent influence behind the Black Canyon-Boulder Canyon project has been the municipal power bureau of the city of Los Angeles. They have spent huge sums conducting a local campaign in behalf of it, subsidized the Boulder Dam Association, and spent a large amount in newspaper advertisements of the project in the Los Angeles newspapers.

The Boulder Canyon Dam originally advocated, has been abandoned because of the great depth to bedrock making it impracticable to build a dam at Boulder Canyon.

The Black Canyon Dam is now advocated as a substitute for the Boulder Canyon Dam.

The objections to the Black Canyon Dam hereinbefore set forth furnish a much weightier reason for abandoning the Black Canyon Dam and the whole "Boulder Canyon project" and substituting for it the Glen Canyon storage dam and the Bridge Canyon diversion dam.

There is nothing that the Black Canyon Dam can provide for Los Angeles in the way of power development that can not be provided better by the Glen Canyon-Bridge Canyon project.

The Black Canyon Dam sends 8,000,000 acre-feet of water to Mexico and the Glen Canyon-Bridge Canyon project does not send that water to Mexico.

Los Angeles has filed on the Parker site for a power dam which their application states will develop 100,000 horsepower.

The Glen Canyon Dam will regulate the flow of the river so as to make the immediate utilization of this Parker power plant by the city of Los Angeles practicable.

This site will supply Los Angeles with all immediate needs for power. If Los Angeles wishes to build the Parker Dam and power plant, well and good. It is entirely within the resources of the city.

If Los Angeles wishes to have this Parker Dam and power plant made one unit of the Glen Canyon-Bridge Canyon project, well and good. In either way it provides Los Angeles with power for immediate use while the larger units of the system are being built.

No California interest need have any anxiety about whether or not the Arizona-California transmission canal from Bridge Canyon to the Needles is or is not practicable, or whether the waters of the Colorado River can be taken from Bridge Canyon to southern California by gravity.

If California does not want the 1,750,000 acre-feet of water required for the irrigation of 1,000,000 acres of the coast basin, and does not want the Los Angeles municipal supply to be taken to Los Angeles by gravity instead of pumping it 1,400 feet forever, it is not necessary to force it upon her.

All the water California does not use can and will be used in Arizona, and that will prevent it from going to Mexico.

The Bridge Canyon Dam being built, the drop is so much greater at Bridge Canyon than at Black Canyon that half the regulated flow of the river at Bridge Canyon will develop more power than all the flow at Black Canyon.

If California should take only the 4,000,000 acre-feet required for the irrigation of the lands in that State in the Colorado River Basin, and the additional 1,000,000 acre-feet required for the Mulholland aqueduct pumping scheme, making 5,000,000 acre-feet in all, that water, supplemented by the Arizona water to be used on low river-level lands, falling over the Bridge Canyon Dam and producing power there, and again falling over the Parker Dam and developing more power there, would generate as much power as would be developed at Black Canyon.

California would have to go about 50 miles farther than to Black Canyon for the power at Bridge Canyon, but the power at Parker would be nearer to Los Angeles than at Black Canyon.

And California would get just as much power without additional cost.

5. Taking the whole project into consideration: (1) The cost of the all-American canal for the Imperial Valley would be the same under either project. If the cost were increased to cover cementing the canal and covering it where necessary, that additional cost would be advanced by the National Government and repaid out of the revenues from the power resource.

(2) The Glen Canyon Dam for flood prevention and protection and for river regulation would cost no more than the Black Canyon Dam and would develop at the Glen Canyon Dam 334,000 horsepower, enough to finance the cost of the dam. That power would be immediately needed and used in Arizona, Utah, Colorado, and New Mexico.

(3) The cost of the Parker Dam and also of the Sentinel Flood Control Dam could be added to that of the Glen Canyon Dam, and the cost would still be less than the Black Canyon Dam if built to provide the same storage capacity.

When the situation is thus analyzed it becomes manifest that if the Mexican scheme is eliminated every other interest in the United States of America can be provided with every benefit sought from the Colorado River, without any additional cost, under the Glen Canyon-Bridge Canyon project.

6. The financing of the Bridge Canyon Dam: No matter which of the alternative systems may be adopted for the use of water from the Colorado River in California, that State can be supplied with as much power from the Bridge Canyon system as from the Black Canyon system and at no greater cost.

The power developed by the building of the Bridge Canyon Dam will entirely finance the cost of the dam, and the power developed from the Arizona high-line canal will finance the construction of that canal, just as it financed the Roosevelt Dam and the Salt River reclamation project and is now expected to finance the all-American canal.

The entire development of primary power at the Black Canyon Dam will be only 550,000 horsepower. The dam will be 552 feet in height, but the static head for power development will be only 417 feet.

At the Bridge Canyon site, if the dam were built to a height of 566 feet, as suggested on page 75 of the La Rue report, U. S. G. S. Water Supply Paper 556, the power development would be 1,015,000 primary horsepower.

If the dam were built to its full height of 800 feet, the static head being 785 feet, as stated on page 77 of the La Rue report, the development of primary power would be 1,280,000 horsepower.

Note here again that one-third of the water required to develop 550,000 horsepower at Black Canyon would develop over 400,000 horsepower at Bridge Canyon, and one-half of the water would develop 640,000 horsepower.

This gives an idea of the power that would be developed at Bridge Canyon with the California water if it were dropped over the dam at Bridge Canyon and power developed with it there and all the water for Arizona taken out into the Arizona high-line canal at Bridge Canyon Dam.

If 60 per cent of the water were taken out at Bridge Canyon for Arizona, it would develop 660,000 horsepower from the drops in the Arizona canal.

Any way it may be figured, there is over 600,000 horsepower available to finance the cost of the Bridge Canyon Dam and more than another 600,000 available to finance the cost of the Arizona high-line canal.

If California does not participate in the benefits of the transmission canal from Bridge Canyon to the Needles, more power can be developed for California under the Glen Canyon-Bridge Canyon project, at the Bridge Canyon Dam, and at less comparative cost than can be developed at the Black Canyon Dam, because of the large share of the cost of the Bridge Canyon Dam that would be allocated to the Arizona high-line canal.

Why, then, must the Black Canyon-Boulder Canyon project be built instead of the Glen Canyon-Bridge Canyon project, and why do its promoters cling with such desperate tenacity to the Black Canyon Dam if it is not because it gives the water to Mexico?

Under the Glen Canyon-Bridge Canyon project (1) the Imperial Valley gets the all-American canal; (2) the Imperial Valley gets complete flood protection; (3) the Imperial Valley gets increased irrigation water; (4) the city of Los Angeles gets more hydroelectric power; (5) the city of Los Angeles gets 1,000,000 acre-feet for its Colorado River municipal aqueduct; and, in addition to all this, (6) southern California gets by gravity water to adequately irrigate 1,000,000 acres; (7) Arizona gets 3,000,000 acres reclaimed that will remain a desert forever if the Black Canyon Dam is built.

Respectfully submitted.

GEORGE H. MAXWELL.

VERDE RIVER IRRIGATION PROJECT

Mr. CAMERON. Mr. President, I rise to a point of personal privilege, to discuss a carefully prepared attack against me which is being conveniently released through the columns of the notorious Los Angeles Times. The Members of this Chamber, as well as other prominent people throughout the United States, have been personally supplied with these so-called special articles by one Will Irwin. At the outset, Mr. President, I want to brand this well devised, carefully written story of my connection with the Colorado River, as the blackest, most damnable lie that ever came from the pen of any writer. I shall not burden the Senate with too much detail, but as my personal integrity and that of my many friends and associates has been attacked by these sinister influences through the well-known pen of Bill Irwin, I must recount the history of my connection with the Colorado River, and after that I shall draw back the curtain from the real stage and describe the actors who have performed in perpetuating this blackmail scheme, which, of course, will fail to obtain the results desired by those perpetrating it.

Mr. President, I was born on the rocky coast of Maine. I am sorry to say that I never enjoyed the benefits of a good education, but through the long years of my life I have, in a measure, graduated from the school of hard knocks. At an early age I drifted to sea as a fisherboy, where I spent some five years in that hazardous vocation.

One day while having a hurried lunch on the Boston Common I was reading Powell's Exploration of the Colorado River, and in consequence, after many ups and downs, I found myself slipping from a freight train at a little flag station in the Territory of Arizona now known as Flagstaff, which, in the ensuing years, I helped to build, improve, and develop. Those were the days of the real West, with its broad open spaces. The inhabitants of northern Arizona were few and far between, with the exception of Indians, desperadoes, coyotes, and wild game. Flagstaff is some 70 miles from the Grand Canyon of the Colorado.

In the course of months I was selected as scout for an exploration party headed by the president of the Lord & Ayer Tie & Timber Co., to scout the rim in the vicinity of the canyon with a view of locating various timber belts. My first contact with the canyon prior to that time was in the company of a well-known Indian scout. I scaled its walls, crossed its mighty canyons and ravines, and, at first hand, gained a wide knowledge of what it really was. From that day to the present time that great chasm, which thus far is unexplainable, has been a part of my every existence. I have lived in it, with it, and for it during all these years.

Some 40 years ago I staked out certain mining claims, worked them and held them in good faith, and added additional claims thereto in the course of years. In those early days we pioneers and prospectors gave but little attention to the technicalities of titles. We had a code of honor among ourselves. In fact, we were our own law. It is difficult for the casual reader to appreciate at this time the state of mind of those God-fearing men and women who endured the hazards and hardships of frontier life, and, consequently, it is an easy matter for an astute writer, after a span of some 40 years, to take up the threads of various events in the long life of a constructive, energetic, pioneering prospector and weave a story to suit his evil purpose and get it over to the gullible public. This Bill Irwin has done to perfection, but it ill becomes a writer of his caliber, heretofore known as one of ethics, to prostitute his reputation as he has done in this instance.

Referring back to my connection with the Canyon, as the years passed I developed certain prospective mines, some of which I sold, and others I held under the well-known practice of keeping up the necessary assessments, which did not require application for patent or perfection of titles. When we realize that the Grand Canyon of the Colorado 35 or 40 years ago was as open to entry in any form as any part of the public domain of the great West it can not in good faith be charged that my activities at that time were not reasonable or legal.

Let us now take up the story of some 20 years ago, when civilization was fast filling up the West, and, naturally, more and more did the country learn the possibilities of Arizona, the West, and the Grand Canyon section. Up until this point, as I have stated, my associates and I held a number of legitimate mining claims. We had built the first hotel, the first camp, the first shack upon the rim and in the Grand Canyon. We had laid out the first wagon road from the Santa Fe Railroad to the canyon itself.

I became associated with that great pioneer, soldier, and patriot, Bucky O'Neil, in the construction of a railroad from Williams to the Grand Canyon. The Spanish-American War followed. O'Neil joined the colors and was killed on the battle field, and, true to the usual condition of a pioneer, our worldly goods were soon exhausted. The public had come to know and appreciate the wonders and possibilities of the Grand Canyon.

Then enters the Santa Fe Railroad Co. Like all powerful corporations it seized the opportunity to gain a foothold in the canyon. The fight was on, and it has lasted to the present time. The railroad was taken over at a forced sale, was completed to the rim of the canyon, and to this day has furnished one of the best revenues to that railroad of any part of its system. They have spent millions of dollars in holding their so-called rights and concessions. They fought anyone, inclusive of my associates and myself, who dared to compete with them or even remain in that territory. That fight lasted for more than a quarter of a century, resulting in their attempts to buy Territorial legislatures, the keeping of a multitude of assistants in Washington, the planting of their copperhead stool pigeons in the departments of the Government, and of course the ultimate success of their efforts, because money will prevail against the life of a mere pioneer.

They say I had no mining claims. Mr. President, my associates and I owned and operated mines in the canyon for more than 13 years. We realized only a fair profit because of the crude transportation facilities and hazards in getting ore out of the canyon. Consequently, I built the Bright Angel Trail at an expense of something like $100,000, for the one purpose of furnishing the needed burro transportation for the ores from the mines below. As the builder of the Bright Angel Trail from the rim to the bottom of the canyon, naturally I have considerable pride. The history of the fight that followed between myself and the Santa Fe Railroad Co. over this trail is well known to every Arizonian. I am not unmindful of the confidence and justice reposed in me by that well-known Territorial legislature when my titles were approved and my ownership restored in the operation of the trail, which I later turned over to the county of Coconino, now enjoying revenues therefrom. The

Congress is familiar with the fights I have made on this floor in which I sought to protect Coconino County and my friends from the damnable oppression of these sinister corporations who have grown fat from their monopolies, who have their tentacles fastened around the canyon itself, defying any or all who come unless they bow to their will. Yes, Mr. President, I who have dared to expose them and their methods have made it so hot that this new line of attack on me is but a smoke screen to cover their own rotten thievery and plunder. The work of these same sinister influences who sought to take away from the county of Coconino its title to this trail, and the attacks flowing from the Los Angeles Times, are just another step in their program of hammering away, regardless of the time element, until their every desire is satisfied.

At this point I desire to recall for the benefit of the record that in 1905 this railroad corporation, with its copperheads in the departments, including the Commissioner of the General Land Office himself, declared in a formal opinion that I had no rights or titles to the Bright Angel Trail. I learned of this, borrowed money, and came to Washington. After I had repeatedly been refused any consideration whatever on the part of the Interior Department I personally appealed to that great American, President Theodore Roosevelt, who listened intently to my side of the story. True to his well-known character, President Roosevelt ordered that the Secretary of the Interior recall the decision of the Commissioner of the General Land Office and hear in person evidence on the rights and titles of the Bright Angel Trail. This was the culmination of the first great struggle that I had over my holdings in the Grand Canyon. The decision of the Secretary of the Interior is well known. It was a complete vindication of my rights and titles, and I was restored to the full benefit thereof. It is easy to see, Mr. President, the rub of this fight, because the trail was being used by tourists and the revenues therefrom were well known and were highly desirable to the Santa Fe Railroad Co. It is an easy matter for a clever writer like Mr. Irwin to pick the high spots and twist the facts, give unfair inferences and innuendoes with the avowed purpose of misleading the public, but it is another thing to have the real facts, which I am now seeking to give, and is quite another thing to resolve itself into such a decision that was handed down as heretofore mentioned.

In these years of fight, any of you can picture what I was up against, as I had no money. I had plenty of friends, but they were without funds. These great giant corporations had millions, which were spent like water. By this continual bombardment over a period of 25 years, by every unfair device imaginable, chicanery, deceit, even fraud, they snatched from me valuable holdings in the Grand Canyon which were justly mine. They enjoy all these benefits which were the results of my pioneering and hard effort. What individual without funds could stand alone and fight corporations of this caliber over a period of a quarter of a century? I have spent months alone in the Grand Canyon a mile below the rim without seeing a human being, a newspaper, or having the pleasure of a shave—eating hardtack and drinking water from seeps that I would strain through my hat in order to strain the gnats and vermin away—sleeping on rocks, doing work under the most hazardous conditions, all in order to protect the mining claims that were later taken away from me. This plea to-day, Mr. President, is not sour grapes. I have lost too many fights to worry. The pioneer takes life as it comes and never flinches; but now they say that I, as United States Senator RALPH H. CAMERON, tried to steal the Colorado River. It is the most inhuman, the most culpable, the blackest, the most damnable lie ever told.

Mr. President, I do not fear the same judgment of my Arizona friends and neighbors. This line of attack has followed me every time I have appeared as a candidate for public office, and at this juncture I wish to express my full appreciation for the wonderful publicity and help that one Bill Irwin, as the paid agent of these same sinister influences, has given in this cruel and inhuman attack upon me and my associates. The people of my State know the hardships and the life of a pioneer. They appreicate the struggles and the desperate road he travels to fortune or fame. God knows that mine has never run to fortune. I am content with the public service I have been called upon to render for them, although continually menaced by these same sinister forces which have always sought to fear me down.

To recapitulate some more of the history of my connection with certain mining claims, I want to say that my associates and I have put more than $400,000 of hard-earned money into the development of our various mining activities within the canyon. I fought a good fight. I parallel it with any other pioneer who has felt the same crushing heel of the mighty corporation, all of whom ultimately, by death or otherwise, must bow to the power of money and influence. But even so, Mr. President, the pioneer can take his medicine, accept what seems to be a defeat, but can rejoice with good conscience because he was honorable, aboveboard, fearless, and courageous, even though the wail of blood money deprived him of his earthly goods. So runs the history of most of our worthy pioneers and the developments of their genius and vision. The people of my State know RALPH H. CAMERON. He knows most of them. He has faith in their fairness and judgment, and this reply on the floor of the Senate is not made for the purpose of an appeal of a martyr, but is made to keep the record straight for posterity.

As I stated before, I kept up this fight until a few years ago. At times my family was in need. At other times my associates gave up in despair. Finally, I concluded that in justice to them I should make over in toto all equities and titles that I had or did enjoy, as a reimbursement for the amounts of money that they expended in carrying on my activities. This was done in the utmost good faith. In 1920 I went before the people of the State of Arizona for election to the Senate. This same old "bogie man" was again put forth, hoping at this time that it would insure my defeat. The good people of my State sent me here as their representative. I have served in my meager way and have done the very best I could to properly represent them.

In the meantime, my previous associates sought to carry on the developments of their mining properties and to clear up their titles to what remained of them in the Grand Canyon. It is a well-known fact that these same sinister influences, with all the money that was necessary, became so intrenched in the necessary avenues of our Government that the strong arm continued to strike, and consequently these associates, worthiest of the worthy, honest and faithful in their activities, have been driven almost completely out of business. This same Bill Irwin returns with the story and connects my name in a way, seeking to show that I have been the culprit and have used my office as United States Senator to carry on the pillage of a great natural resource. Nothing is further from the truth. I have risen in this Chamber, in the courts of the land, in the departments of this Government, and tried in some small way to plead the justness of their cause, feeling it an honor and a duty to do so. It would be inhuman and dishonest for me to have done otherwise.

But, Mr. President, that is not the meat of the coconut, which I shall show later. It is attempted to be brought forth and charged by these same articles that I was not content with the grab of the Grand Canyon, but that I moved farther down the river and plastered a distance of some 20 miles with mining claims in order to make sure that I could interfere and hold up the construction of any dam, or what is known as the Boulder Dam site. But before I refer to that, I desire to specifically refer to the statement which Irwin has made. He is but the paid mouthpiece of those I shall name later who really hatched this proposition. He stated that I merely played the game of a nuisance in order to hold up the Santa Fe Railroad Co. He points to a certain contract of sale which was negotiated, stating that I was a party thereto, under which the Santa Fe Railroad was to pay $100,000 for certain mining claims, and so forth. I shall explain that incident and Senators can draw their own conclusions.

In the first place, Mr. President, that is but a glaring example of Irwin's malicious fabrications. I never entered into any contract of sale in any form at any time with the Santa Fe. The fact is, I sold certain mining claims, equities, and so forth, to Frank Doebler and associates for a contracted price of $200,000. Months later, Doebler entered into a contract with the Santa Fe Railroad Co. to turn over certain equities and titles of some of the claims I had sold him for the consideration of $100,000. Forty thousand dollars of this was paid in cash, and this, in turn, was used by Doebler for reimbursing counsel and other associates. To this day that contract remains unfulfilled, and the result was Doebler and associates failed to perform the contract of sale with me. I went into court and at a foreclosure bought back the claims I had so transferred. Is it reasonable to assume, bearing in mind the history I have related in the fight between my associates and the Santa Fe Railroad Co., that any individual under these circumstances could shakedown this great corporation for $100,000 in the mere turning over of something which they claim Doebler or I did not have? Any of the hard-headed business men of this Senate know full well from past experience that great corporations, with the best legal talent that money could buy, are not given to yielding to a shakedown in any form, regardless of price or place. It is so absurd and childish that it makes my blood boil to even refer to it, but

it is an evidence, Mr. President, that my claims and titles had great monetary value. It is evidence that the Santa Fe Railroad Co. was willing to pay and did pay a part of the contract which they have never fulfilled. It is evidence that my activities were in good faith, that I had just claims, and that the sum agreed upon, which was large to Doebler and small to them, was not commensurate with the value of what he was turning over.

Referring again to the activity of my associates and myself near what is termed the Boulder Canyon, I want to say that we sent our best engineers and geologists into that section several years ago; that we had it in mind for some time before doing so. We located certain mining claims over a considerable area of ground in strict accordance with the law and spent our hard-earned money in the proper pioneering and development thereof. We had every reason to believe, and it is believed now, that these claims cover one of the most important placer areas in the United States. If these sinister influences desire to know the truth they can acquaint themselves with the earnestness of my associates, who repeatedly tried to raise funds sufficient to buy necessary dredges to begin active work. It costs some five or six hundred thousand dollars for one dredge. It is a proposition similar to the Yuba River section near Marysville, Calif. It is a most hazardous way of mining. The crash of the war was on us. Funds were hard to get and anyone knows what the miner was up against in those perilous times when it came to the proposition of raising funds.

I draw the attention of the Senate and the country to the contention and well-known fact that it was not until 1921 or 1922 that the interest of the Government or private individuals other than myself and my associates was crystallized looking to the proper development in a comprehensive way of the potential possibilities—reclamation, electricity, flood control, and otherwise—of the Colorado River. I make bold to state, although not in a spirit of braggadocio, that for 25 years I have been preaching the possibilities of a proper development of the Colorado River in terms which are set forth in the various pieces of legislation now before the Congress. So it is a singular thing that I would be pointed out, having been the pioneer and having had the vision to see what was coming, as the culprit, as the thief who sought to steal the entire Colorado River. It is a peculiar thing, Mr. President, that until this late date no one scarcely appreciated the Colorado River situation, and that now, since it has become a political football, since it has become so well known, since it has become such a great necessity for immediate development, everybody is shouting from the housetops, "Keep down the private thief. We must have this as the savior of the Southwest."

And now comes the drawing of the curtain so that we may turn the spotlight behind the scenes of the stage and see the actors perform in this matter which the Irwin articles have opened up.

Mr. President, the first actor who appears upon the stage in this program is one Stephen T. Mather, self-styled keeper and protector of all the national parks of this country, officially designated as Director of National Parks. He opens up the plot, because it was Mather who first took up the fight for the great corporations. Heretofore, I have never spoken an ill word of any man on the floor of the Senate, but this arch-conspirator, the leader of the plot, the well-known schemer that he is, can not escape notice. This man Mather, through systematic propaganda, fooled that great Secretary of the Interior, Franklin K. Lane, and succeeded in having himself called to Washington and designated as Director of National Parks when these great playgrounds were first authorized. His pleasing personality is well known. His genius of being a Doctor Jekyll and Mr. Hyde fits him well to play his rôle. He has constantly held himself out as a man of considerable wealth, contributing to campaign funds of both national parties. He has an obsession for the headlines of the various newspapers; spends his time traveling in private cars of the various railroad officials, prancing up and down the country letting all of us know that he is the keeper of all the outdoor playgrounds of the Government, opens his pocketbook for private purchases in the parks; but at the same time there are others who know that all this money, all these favors shown him by these giant corporations are but the usual trimmings given to those who favor their special interests.

It has been said that one Stephen T. Mather was at one time poor like the rest of us. Possibly he could not play the rôle of the western pioneer, but having a place of confidence in the well-known Borax Co., of Nevada, it is said that he learned of certain defective titles to certain lands held by the company for which he was working, that he tipped this confidential information to others, who jumped the claims. Mather resigned from the company and the borax corporation was made to pay until "it hurt." Thus, it is said that this same Mather could well afford to expend these enormous amounts under the guise of his personal fortune, which, it was said, were obtained in the manner just related.

No wonder he can build gilded apartment houses in Chicago and ride in palace cars over the country, crush his underlings at the first sign of opposition, play in the headlines of the various fantastic organizations of the United States, curry favor with powerful persons in authority, all because in his Doctor Jekyll and Mr. Hyde make-up he has through his power turned over to monopolistic control great concessions in the national parks in this country. The shoe that pinches Mr. Mather, that makes him the leader of the stage at the moment, is the fact that the Senate Committee on Public Lands, under a resolution which I secured, went to the very roots of the corruption and rottenness of the national-park administration, and it is now thought by the shrewd Mather, if he can be the leader in using such a powerful newspaper as the Los Angeles Times to come forth with such culpable and scandalous attacks on me, that he can thus save his own hide. Far from it, Mr. President. We have only begun to fight this bureaucratic system of monopolistic control.

It is a peculiar thing, Mr. President, that every piece of constructive legislation that I have initiated, the passage of most of which into final law I have secured, has met somewhere along the path the daggers of Mr. Mather and his cohorts. I dislike to refer to certain gentlemen in high authority as the representatives of the people, who have tuned in on the program of Mr. Mather as now coming from the Los Angeles Times. Mather and his kind mean nothing to me or to the future of Arizona. We are used to fighting "copperheads" all along the way. Last June a year ago a subcommittee of the United States Senate, of which I had the honor to be the acting chairman, in company with my distinguished colleague, spent weeks of faithful effort traveling the blistering desert of Arizona and listening to the testimony of the worthy livestock men of my State, trying to give relief to a paralyzed industry. It was during that time, Mr. President, that this line of attack was hatched; the place was the north rim of the Grand Canyon, and the leader of that little band was none other than Stephen T. Mather. Others, of course, present were innocent as to what was taking place. As the weeks wore on Mather's well-thought-out program of attack was taking concrete form. Certain very well-known writers were approached on the subject, but turned it down. They did not desire to prostitute their reputation to appease the desires of a plutocrat of his style. Finally one Bill Irwin, who, I suppose, was in need of revenue, consented to send his writers to collaborate with the henchmen of Mather and his conspirators to gather details and everything connected with my personal life. Mather was too shrewd to pay all of this money himself. He no doubt exacted it from those who sought special favor with him, and thus the story of the plot widens.

For months these investigators, generally working in pairs, combed Arizona and its record, delved deep into everything recorded in Washington, scoured the entire Southwest, and picked from the millions of details the threads of the story which they reported for their master to write. Personal friends of mine, including those of the Democratic faith, came to me and reported what was going on. They decried what they termed as the part that a certain gentleman, who is to be my opponent in the coming election, was playing in this program. I make no statements in that regard, because I do not have positive information, but I read various signs that have appeared in connection with important legislation which I have initiated for the welfare of Arizona, which seem circumstantially to point the finger of suspicion at that gentleman. I shall refer to this a little later.

Now, Mr. President, several weeks ago this story was announced as complete. It had been written, rewritten, and made over many times. Naturally, Mr. Mather and his collaborators were chuckling over the success of their efforts. The fifty or one hundred thousand dollars expended for writing these articles meant nothing in their life. They probably would exact it from concessionaires enjoying monopolistic control over the great playgrounds of this country who are dependent upon the personal whim of the director himself.

Now, with the completion of this story, what else do we see on this stage? These hirelings were sent with appropriate instructions from the conspirators themselves to the Los Angeles Times; and, mind you, Mr. President, at that particular time my position with respect to the Colorado River legislation then pending in Congress had not yet been announced. We see entering on the stage that well-known Shylock character, one Harry Chandler, editor and publisher of that scandalous newspaper, the Los Angeles Times. Chandler considered the publi-

cation of these articles. Finally, after deliberate thought, he turned it down for two reasons—because, first, my position with respect to the important legislation pending before the Congress which sought to grab the Colorado River for the benefit of California and Mexico was not known. Secondly, his legal advisors told him of the libelous statements contained therein and the possibility of court action and results thereon. Yet, Mr. President, these hirelings of Mather and his cohorts were undismayed. Other newspapers of better standing but with less circulation were approached on the subject, including those in my own State, and they, too, refused to publish the articles. Mather's representatives returned to Washington, and in that usual clever way new faces were selected to present these articles to Members of both Houses of Congress, with the request that they be published in the CONGRESSIONAL RECORD.

At this time, Mr. President, I particularly want to thank a distinguished Member of this body, who is of opposite political faith to my own, for arising in his office when importuned by these scalawags and telling them that he would have nothing to do with it; and he showed them the door. God help this Nation if we ever forget to reward such courageous, faithful servants as that particular Senator, who at that time was being hounded and persecuted, and this, no doubt, was put forth as an olive branch.

Metropolitan newspapers of the East were requested to release the same stories. Unanimously they refused. In the meantime, Mr. President, weeks had gone by, the Congress was nearing a close, and it came when I, with all sincerity of purpose and regard for the justice of everyone to be affected, announced my opposition to the Colorado River legislation which is now before this Congress. Then followed other hurried conferences of the conspirators. They sent their representatives again to bow and scrape before the mighty Shylock Chandler in Los Angeles. Further consideration was given to the subject. Chandler, in all of his majesty, approved the publication of the articles that he had once refused, and they are coming forth from the Sunday issues of that notorious scandal sheet. No doubt, Mr. President, had I stood on this floor and announced myself in favor of the construction of the Boulder Canyon Dam and sacrificed my honor and the birthright of my State and knuckled to the greedy wants of one Harry Chandler, these scandalous articles would not have appeared; but because others who enjoy their fabulous millions made from squeezing the pioneer and prospector desire to bargain and sell their souls as a traitor is no reason for me to subscribe myself to any other course than the one I have adopted.

Let us analyze Mr. Chandler. Less than half a century ago he was a straggler upon the streets of the little village of Los Angeles. He married the daughter of the then owner of the Los Angeles Times. Fortune smiled upon the growth of that little city, and it stands as the metropolis of the Southwest. The natural development gave opportunity for the building of a large newspaper and the conversion of attendant resources held by the Otis family into the present Chandler millions. In this making hundreds of thousands of acres of the delta lands of the Colorado River within the boundaries of Mexico just below Arizona were secured by Chandler and his associates. Necessarily my stand as a Republican Senator against the program which they sought to put through at this Congress was a dagger into the heart of Chandler's Asiatic empire; and, Mr. President, if my position on the Colorado River development which has gained the scathing disfavor of Shylock Chandler causes me the loss of my present seat in the United States Senate, I hope that it will be recorded in my obituary that RALPH H. CAMERON "died with his boots on," upholding the heritage and birthright of good old Arizona.

It is unthinkable even to analyze the methods of Chandler and his proposed grab of the Colorado River under the guise of California's benefits. His one purpose is to develop these hundreds of thousands of acres of Mexico lands, continue to place thereon multitudes of Asiatic peons, and hold them in bondage and slavery, producing farm products to compete with our own. That dream, Mr. President, is just as far away as we can imagine. I see before me that distinguished senior Senator of California, that peerless leader, the man that smashed more trusts and sinister interests in California than any other in the history of the State, and my mind goes back to the many denunciations that this great statesman has turned loose against Shylock Chandler. I apologize for offering that example in substantiation of my feeble attempts in that connection, but I know the distinguished Senator appreciates the spirit and the sincerity of my efforts. If I only had his tongue, these halls would ring to-day with the most bitter, yet justified, denunciation that Chandler has ever had. No, Mr. President, the great people of Arizona will never knuckle or bow to Harry Chandler. He may enslave his Asiatics in Mexico and crush his opponents in his own section of the country, but he can not exact from us the pound of flesh, as he is now attempting to do. We can attend to our own business in Arizona, and we shall have none of Chandler or his kind. I might remark in passing that the present strained feelings existing between Arizona and California over the solution of the Colorado River problem are chargeable to the damnable, un-American methods of one Harry Chandler.

Now, Mr. President, going back to the time before the Los Angeles Times finally agreed to publish these articles, and after every other periodical in the country had turned them down, inclusive of Members of this and the other Chamber of Congress, these blackmailers had the audacity to send a representative to my office and offer to withhold publication of these articles on the payment of $20,000. The people of Arizona do not need me to relate what I told them. Suffice it to say that I told them to go straight to h——, to bring on Chandler or any other wolves that they had set on my trail, that I am yet able to defend myself, and that the people of Arizona can not be led astray by highly paid newspaper propaganda. Borax Mather sits behind the scenes, but, with his well-known Italian hand, is the genius in directing the stage. Just a few days before the first publication in the Los Angeles Times, evidently one of their own "insiders" who could not swallow these tactics sent me an anonymous statement, which I ask permission to insert in the RECORD at this time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Anonymous]

JUNE 5, 1926.

The Los Angeles Times will publish a story about you—six installments—relating to the United States Platinum Co., the Stetsons, the Boulder Dam, etc. They will also carry many of the letters you wrote to C. Frank Doebler and the wires for money you sent to the Stetsons and others during your campaign for Senator. The story is highly libelous.

Mr. CAMERON. I also ask unanimous consent to introduce two editorials, one appearing in the Miami Silver Belt, a leading Democratic newspaper in my State, and another in the Superior Sun. The first deals with their opinion of these character assassins. The second is but an example of how the good people of my State feel with reference to my constructive work in the Congress.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Miami Silver Belt]

HIRED CHARACTER ASSASSINS

Will Irwin, nationally known journalist, has written a series of articles which pretend to reveal the activities of Senator RALPH H. CAMERON over a long period of years.

They are about the most unfair and biased articles that we have ever seen published. Their entire fabric is composed of innuendoes, insinuations, slurs, false interpretations of events, and untruthful deductions.

Their preparation, publication, and advertising has cost someboly many thousands of dollars. Irwin is a high-priced writer. The full-page advertisement in several newspapers of the State calling public attention to the articles cost a lot of money. The advertisements are unsigned. They should excite suspicion. The public is not let in on the secret of who furnished the money for all the work and publicity.

It is highly significant, however, that, up to date, the series has appeared only in the Los Angeles Times and the Prescott Courier.

The Times belongs to Harry Chandler, who, with his associates, owns several hundreds of thousands of acres of land in Mexico which are irrigated from the waters of the Colorado River. The Swing-Johnson bill providing for the construction of a dam at Boulder Canyon, if passed by Congress, would have guaranteed waters for another million acres of land in Mexico controlled by the Chandler syndicate, to the exclusion of lands in Arizona.

Senator CAMERON early expressed absolute opposition to the Swing-Johnson bill in the United States Senate. He threatened to conduct a filibuster against it on the floor of the Senate if such a course were necessary to obtain its defeat.

That is very probably the rub with the Times. The Times owner seeks the consummation of a scheme which would mean economic ruin to Arizona. Senator CAMERON was prompt and vigorous in his defense of the State which he represents.

The Times's motive in attacking Senator CAMERON is easily discernible to thoughtful persons.

Nor is it hard to find the reason why the Courier would welcome an opportunity to publish the anti-Cameron articles. The Courier has always been an eager champion of the actions of the Forest Service,

Indian Department, and Park Service when controversies have arisen between them and the State of Arizona. Senator CAMERON was largely instrumental in clipping the claws of some of these Washington exponents of bureaucracy and in reestablishing the principle of State rights and State sovereignty as against their encroachments.

Hence the Courier's animosity is easily accounted for. The editor of that journal and the junior Senator from Arizona possess radically different political philosophies. One stands for the rule of oligarchies of the select; the other stands for the principles of the rules of the majority in the interests of the majority.

It is well for the public to investigate the identity of those who launch such movements, to review their records, and to conjecture their probable motives, as we have remarked before.

Only a foolish people will desert their tried and proven friends in order to seek counsel and guidance from their enemies.

UNBIASED PRAISE

"The development of the San Carlos irrigation project is advanced much farther than is commonly believed, only awaiting the appropriation of additional funds by Congress before the dirt will be flying at the site on the Gila River of the Coolidge Dam," Edward A. Smith, special assistant to the United States Attorney General, declared in an address which he delivered here before the local chapter of the American Association of Engineers.

"Not only is the advancement of the project underestimated, but also the magnitude of the undertaking. It is most probable that the San Carlos project will ultimately develop into a proposition as extensive as the Salt River project," he emphasized.

"The Coolidge Dam will be the first to be built on the river. It will correspond in position and importance to the Roosevelt Dam on the Salt River, will be quite as large, and will be much more impressive in appearance. The dam will impound 1,285,000 acre-feet of water, a volume about equal to the original capacity of the Roosevelt Reservoir—that is, before the 25-foot gates were added. Provisions will be made for the addition, when necessary, of gates to the Coolidge Dam," the speaker continued.

"Whenever the necessity arises additional dams may be built at the Granite Basin and the Christmas dam sites for the retention for power purposes, making a system parallel to that of the Salt River project, not only in position, but in size," he continued.

"The lands to be irrigated by the Coolidge Dam lie almost directly to the south of Phoenix, the principal town on the project being only about 60 miles from Phoenix. The region has every advantage of climate enjoyed by the lands of the Salt River Valley. Cotton and grain have been grown there for centuries. Many excellent citrus fruit-growing areas are said to have been found there, and it is expected that the date will flourish abundantly in many parts."

After touching up the early history of the San Carlos project and coming to the time that Senator CAMERON introduced in the United States Senate what has now become generally known as the Cameron San Carlos bill, Attorney Smith said emphatically: "By the introduction of the San Carlos bill in Congress and the great fight made for its passage Senator CAMERON has achieved a result which should not only mark him a sterling statesman but also should gain him an everlasting gratitude of all Arizona, Indians as well as the whites. If you had a hall of fame, his likeness would occupy one of its most prominent positions. One can hardly realize what was accomplished in getting the President's signature affixed to the San Carlos bill without a deep study of the problem. The more I pore over the voluminous material on the subject the greater becomes my respect for this pioneer of your State. I believe that I can truly say all this without bias, for I am but a newcomer here and hardly interested in anything else save to see that the water rights of the Indians and whites are adjudicated without prejudice. That is the object the Attorney General sent me to obtain," the speaker stated in concluding his address.

Mr. CAMERON. Mr. President, other actors have recently come upon the stage. We have pending one of the most bitter political battles ever staged within a State. We fight each other with all the instruments known in the game, with all the heat and passion possible; but in the midst of our own fights we can about face and form a united front to fight the common enemy without.

Chandler and Mather have been recently joined by the dual copper manipulators of this country, who have contributed their share to the jack pot of this huge slush fund, seeking my political obliteration. Nevertheless, right must and will prevail. There will be a copper tariff in due course, and the 600,000 struggling miners of the copper industry in this country will be protected and given a living wage.

In the last few days I have noticed the withdrawal from the race for governor of my State of that venerable leader of the common masses, and in his withdrawal he set forth his basic reasons as follows:

That because of his health and small personal fortune he could not combat successfully the hordes of money California interests are pouring into Arizona to defeat him because of his opposition to their Colorado River program.

The big guns have been turned loose. He, of opposite political faith, being in responsible executive authority, and I, as a Member of the United States Senate, are the targets. I am sure that that great leader can take care of himself, and I am sanguine as to my own ability to do so.

In conclusion, Mr. President, there are three propositions entering into this personal attack upon me: One, Stephen Mather, who has pillaged, plundered, and turned over, body and soul, the great national parks of this country to the various concessionaires of monopolies, seeks to cover up the rottenness exposed in the recent Senate investigation. Secondly, a certain gentleman, whom I am reluctant to refer to, who has only one ambition, and that is to become United States Senator from my State. Third, the master Shylock, Chandler, with his hundreds of thousands of acres of Mexican land now being tilled by Chinese and oriental labor, seeks to drive me from the Senate because, as he has told others—

With CAMERON, a Republican Senator, displaced by one of the Democratic faith, Arizona will have but little recognition in a Republican administration in Congress; consequently, our well-devised program of the development of the Colorado River Boulder Canyon Dam can be carried through.

This statement, Mr. President, removes the mask and shows the real situation. Through cunning and every device they tried to enmesh me in their program. My record is an open book. The people of Arizona know that I have been bitterly opposed in all these years by the powerful corporations and sinister influences within our borders. In making this statement, I do so, referring not to personalities in the make-up of these various industries. No one can say but what I, either in or out of office, have always given each and every one, rich or poor, a square deal. That is all that anyone in this world is entitled to. That is all I have ever asked, but I am too old and have stood too long in the forefront fighting for the rights of the masses to bow at this age and accept the copper collar, or a mess of pottage filled with California gold, for sacrificing our just rights in the Colorado River. Harry Chandler and his conspirators are the cause of the present unpleasant condition of the Colorado question.

I am not unmindful, Mr. President, that these statements of mine to-day will open the wrath of the Chandler and Mather and other millions and the well-known stream of gold that is now flowing to Arizona to insure my defeat is only beginning, and from now on the floodgates will be turned wide open, but be it never said that these character assassins have ever pinned their stripes upon me. They have picked the fight. They have made their own bed. I challenge their program and defy their bunch of wolves. Arizona, as a sovereign State, can always take care of itself with honor and decency.

Mr. President, if in my reply I have overstepped the bounds of propriety, I sincerely apologize to this august body. All that I have left in this world is my integrity, which has been attacked. After giving vent to my feelings to-day I am confident of living a few years longer, and I can go home to my State with head erect and look my friends and neighbors squarely in the eye and tell them that I defied these sinister combinations, these blackmailers, and conspirators on the floor of the Senate and threw down the gauntlet, challenging the statements made; that I am still the RALPH H. CAMERON of old, seeking no fights, but fearing none; and that so long as I remain as their representative in the United States Senate these copper-railroad-Chandler barons shall never exact the pound of flesh from Arizona's own.

Specifically referring to Harry Chandler and his un-American newspaper, the Los Angeles Times, once again let us look into the background of this realm of greed and selfishness, where we see these sinister forces emitting the jagged forkings oftimes seen within the Sierras. We also seem to see a bejeweled rajah, an oriental despot, surrounded by his cringing, docile, and beturbaned servitors.

This lusexican levantine lover seems to be the one they all dread. I am content to have him as the power behind the throne directing the opposition for my defeat for United States Senator—Shylock Chandler, with the glittering cobraic gleam of the oriental, who desires to transfix the servants of two political realms; Chandler, who sends his oriental slaves into the delta domain of the Colorado on the one side and demands the economic lifeblood of Arizona from the other side—God forbid that the day shall ever come when those who oppose his greedy, sordid commercialism will be bludgeoned with type and poisoned with printers' ink—Chandler and his conspirators, who sent his correspondents of native birth into all of the by-

ways of Arizona's pioneering realm with the command to assassinate all those who dispute his control of the mighty Colorado. This despot of inherited fortune and fame from within the castellated corner tower of this angel's realm will find an end awaiting his oriental cunning, Neronian in its sordid details.

Mr. President, I ask unanimous consent at this time to take up Senate bill 3342, Order of Business 755, to remove clouds from the title of the Verde River irrigation and power district to its approved rights of way for reservoirs and canals and extend the time for construction of its project, and for other purposes.

Mr. NEELY. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. JONES of Washington obtained the floor.

Mr. CAMERON. Mr. President, I move to take up Senate bill 3342.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Arizona.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington.

Mr. WILLIS. Mr. President, will the Senator yield to me for a brief statement?

Mr. JONES of Washington. I yield.

Mr. CAMERON. I have the floor, I think.

Mr. JONES of Washington. Mr. President, who has the floor?

Mr. CAMERON. I have the floor.

The PRESIDENT pro tempore. The Senator from Arizona still held the floor; and the question is on agreeing to the motion of the Senator from Arizona. [Putting the question.] The noes have it, and the motion is lost.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington is recognized.

Mr. JONES of Washington. Is that motion debatable?

Mr. WILLIS. It has been defeated.

Mr. CAMERON. I call for the yeas and nays.

The PRESIDENT pro tempore. The motion is debatable, and the Senator from Washington is recognized, although the Chair had declared the motion lost.

Mr. JONES of Washington. Mr. President——

Mr. CAMERON. I still have the floor; have I not?

Mr. SMOOT. I thought the motion was defeated.

The PRESIDENT pro tempore. A Senator can not make a motion and then hold the floor indefinitely, of course. The Senator from Arizona having made his motion, and the Senator from Washington being recognized to debate it, the Senator from Washington has the floor.

Mr. CAMERON. I ask for the yeas and nays on the motion.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LA FOLLETTE. Did not the Chair announce that the motion was lost?

The PRESIDENT pro tempore. The Chair did.

Mr. LA FOLLETTE. Therefore, Mr. President, if this motion is debated, is not the proper motion a motion to reconsider?

The PRESIDENT pro tempore. It would be; but the Senator from Washington was recognized in any event, there being nothing before the Senate.

Mr. LA FOLLETTE. That may be true, Mr. President; but I was inquiring as to whether or not he was recognized to debate a motion which had already been lost.

The PRESIDENT pro tempore. No; the Senator from Washington was recognized following the declaration of the Chair that the motion had not been agreed to.

Mr. JONES of Washington. I desire to say that the Senator from Washington was seeking recognition when the Chair put the motion.

Mr. McNARY. I think that is correct, and the Chair should not have made the decision so peremptorily.

The PRESIDENT pro tempore. Very well. In view of the protest which is voiced by the Senator from Oregon, the Chair will withdraw his decision that the "noes" have it; and the Senator from Washington is recognized to debate the motion.

BARTHOLDI FOUNTAIN

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES of Washington. I yield to the Senator from Ohio, if it will not take any time.

Mr. WILLIS. I thank the Senator.

Mr. President, I desire to make a very brief statement, and to withdraw a motion.

On April 10 the Senate passed Senate bill 3423, introduced by the Senator from Pennsylvania [Mr. PEPPER], authorizing the removal of the Bartholdi Fountain. I felt that that was unwise, and therefore, within the proper time, I made a motion to reconsider. That motion never has been acted upon. Since then the Senate has passed the resolution introduced by my colleague [Mr. FESS], providing for a change in the Botanic Garden, and the removal of the Bartholdi Fountain. That removes my objection. I do not desire to delay the work on the Meade Monument; and I therefore withdraw my motion for reconsideration of the vote whereby Senate bill 3423 was passed.

The PRESIDENT pro tempore. Without objection, the Senator from Ohio will be permitted to withdraw his motion to reconsider.

VERDE RIVER IRRIGATION PROJECT

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Washington [Mr. JONES] has the floor. To whom does he yield?

Mr. ASHURST. I am not asking anybody to yield. I desire to propound a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Arizona will state it.

Mr. ASHURST. What happened to Order of Business 755, Senate bill 3342?

Mr. McNARY. That bill is the subject of the motion made by the junior Senator from Arizona [Mr. CAMERON].

The PRESIDENT pro tempore. The colleague of the Senator has moved to proceed to the consideration of that bill; and, that motion being debatable, the Senator from Washington [Mr. JONES] was recognized to debate it.

Mr. ASHURST. I hope that motion will be defeated. I am very much opposed to that bill.

Mr. SMOOT. I will say to the Senator from Arizona——

The PRESIDENT pro tempore. One moment: To whom does the Senator from Washington yield?

Mr. HEFLIN. Mr. President, will the Senator yield to me for a moment?

Mr. JONES of Washington. Mr. President, I do not desire to yield the floor. There are many Senators to whom I am perfectly willing to yield if nobody objects to it, provided they do not take me off the floor.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Just a moment, please.

Mr. JONES of Washington. I desire——

The PRESIDENT pro tempore. All Senators will suspend, please. For the information of the Senate, and for the edification of the Chair also, the Chair wishes to read Rule XIX:

> 1. When a Senator desires to speak he shall rise and address the Presiding Officer and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington has the floor. To whom does the Senator yield?

Mr. HEFLIN. Mr. President, will the Senator yield to me?

Mr. JONES of Washington. If I may yield without any objection on the part of anybody, I shall be glad to yield to the Senator from Idaho, who addressed the Chair first.

Mr. ASHURST. Inasmuch as my colleague is in favor of this bill and I am against it, I think we ought to have a quorum here in order to hear the debate. Will the Senator from Washington yield to me to call a quorum? I do not intend that this bill shall pass.

Mr. BORAH. Mr President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. ASHURST. I withdraw the request for a quorum.

PAYMENT BY PERSIAN GOVERNMENT TO MRS. ROBERT W. IMBRIE

Mr. BORAH. Mr. President, when the calendar was being called this morning Senate Joint Resolution 112, Order of Business 1215, was called, and the title was read, authorizing the expenditure of certain funds paid to the United States by the Persian Government. I objected to the consideration of the joint resolution, being misled by the title. I am very sorry I did object, because I am interested in having this measure passed, but the title misled me. I desire now to withdraw the objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of Senate Joint Resolution 112? The Chair hears none, and the clerk will report the amendment.

Mr. BLEASE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. BLEASE. Can we pass a measure while a motion is pending on another bill?

The PRESIDENT pro tempore. The Senator from Washington having yielded for that purpose, and unanimous consent having been granted, yes. If the Senator desires to object to the consideration of the joint resolution, he may do so.

Mr. BLEASE. I will object.

The PRESIDENT pro tempore. Objection is made.

MILEAGE FOR CLERKS TO SENATORS

Mr. HEFLIN. Mr. President, will the Senator yield to me to have considered Senate Resolution 226? If it leads to any debate, I will withdraw it.

The PRESIDENT pro tempore. For the information of the Senate, the resolution will be read.

The legislative clerk read as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the contingent fund of the Senate, to not more than one clerk or one assistant clerk to each Senator, 10 cents per mile each way traveled, by the most direct route, from Washington, D. C., and return, to the legal place of residence of the Senator by whom appointed, as reimbursement for money expended by such clerk or assistant clerk for railroad fare, Pullman charges, meals en route, and other necessary expenditures incurred in connection with such trip: *Provided, however*, That such reimbursement shall be limited to the expenses of one round trip for each regular or extra session of Congress or special session of the Senate, and shall be paid on vouchers approved by the Committee to Audit and Control the Contingent Expenses of the Senate, when the Senator by whom appointed certifies in writing that said clerk or assistant clerk traveled at his direction.

The PRESIDENT pro tempore. Is there objection?

Several Senators addressed the Chair.

Mr. SMOOT. I object. That would have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. Numerous objections having been made, the resolution can not be considered.

Mr. NEELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. JONES of Washington. I yield.

Mr. HEFLIN. Mr. President, I ask that the resolution to which I just referred be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The Chair will say for the information of the Senator that this resolution was, on May 21, referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HEFLIN. It is now in the hands of that committee?

The PRESIDENT pro tempore. It is.

VERDE RIVER IRRIGATION PROJECT

Mr. BLEASE. Mr. President, I object to the consideration of any other business until the pending motion is disposed of. The Senator from Washington has the floor, and I think he ought to be allowed to speak. I object to anything else until this question is disposed of. If Senators want to talk about something else, very well, but we will not transact any other business.

Mr. NEELY. I ask unanimous consent——

Mr. BLEASE. I object. It makes no difference what it is, I object.

The PRESIDENT pro tempore. The Senator from South Carolina will at least permit the Senator from West Virginia to prefer his request.

Mr. BLEASE. I think we should go on with the Senator's motion. His character has been attacked, and it is an outrage on him or it is the truth, and I believe it is an outrage; but I believe he ought to have a chance to bring the matter before the Senate, and I am going to object to any unanimous consent until that is disposed of by the Senate.

Mr. NEELY. Mr. President, I ask unanimous consent for the immediate consideration of Senate Resolution 268, which has been reported by the Committee on Rules without a dissenting vote.

The object of the resolution is to prevent the expenditure of excessive sums of money in senatorial primary elections, or, in other words, the purchasing of nominations.

At the moment the people are more deeply interested in the subject matter of this resolution than they are in any other question before the Senate.

But 2 hours and 10 minutes of this session of Congress remain.

Will not the Senator from South Carolina withhold his objection and let us pass the resolution without further delay?

The PRESIDENT pro tempore. Is there objection?

Mr. BLEASE. Mr. President, it would take me at least an hour to state why I believe that the Senate is wrong in interfering in primaries. I have taken that position all my life. When I was governor of my State there was an attempt made to pass some laws governing primaries, and I said that the legislature had not anything to do with that proposition, except so far as it could go to prevent fraud. To express my reasons for opposing this resolution would take me at least an hour, and I do not care to take the time at this hour. I object.

The PRESIDENT pro tempore. Objection is made. The Senator from Washington has the floor.

Mr. JONES of Washington. Mr. President——

Mr. NEELY. Permit me to urge the Republican Senators to conclude their debates in time to let me make a motion to take up my resolution. Fortunately, the Senator from South Carolina can not defeat a motion. If he wants political corruption in South Carolina, he may continue to object, but he shall not prevent the Senate from denouncing the iniquity which he apparently seeks to defend.

Mr. BLEASE. Mr. President, I rise to a point of personal privilege.

The PRESIDENT pro tempore. Does the Senator from Washington yield?

Mr. BLEASE. For just a moment.

Mr. JONES of Washington. If it will take only a moment.

Mr. BLEASE. It will take only a moment. If the Senator from West Virginia will have an investigation, and South Carolina does not show a better character and a better reputation for fair elections than West Virginia does, I will send him up a prettier suit of clothes than I have ever seen him wear.

Mr. NEELY. Unless South Carolina has more character than her junior Senator has courtesy, an investigating committee would find none at all.

The PRESIDENT pro tempore. The Chair has to observe that both Senators are violating the rule.

LEAVES OF ABSENCE TO VETERANS TO ATTEND PARIS CONVENTION

Mr. COUZENS. Mr. President, will the Senator from Washington yield to me at this time?

Mr. JONES of Washington. If it will not cause any discussion.

Mr. COUZENS. The House has just passed House bill 12800, to correct an error that was made in a bill that passed both the House and the Senate granting World War veterans leaves of absence to attend the convention of the American Legion in Paris in 1927.

Inadvertently the field men were left out of the measure. This bill corrects that error and permits the field men, as well as the men in the District of Columbia, to pyramid their periods of vacation to attend the American Legion convention in 1927. I ask unanimous consent that the bill be considered.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The legislative clerk read as follows:

Be it enacted, etc., That the act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926, be amended to read as follows:

"That the heads of the executive departments and independent establishments of the Government be, and they hereby are, authorized to grant, in their discretion, extended leave not to exceed 60 days in the calendar year 1927 to ex-service men and women for the sole purpose of attending the annual convention of the American Legion, in Paris, France: *Provided, however*, That this statute shall not be construed to modify the provisions of the act approved March 3, 1893, the act approved May 23, 1908, and the act approved February 28, 1925, limiting the annual leave which may be granted with pay to 15 or 30 days in any one year except that any portion of the 15 or 30 days' leave not granted or used during the calendar year 1926 or the fiscal year 1927 may be allowed to accumulate and be pyramided for the purpose herein specified in addition to the 15 or 30 days' leave with pay in the calendar year 1927 or the fiscal year 1928."

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF ALIEN PROPERTY CUSTODIAN

Mr. JONES of Washington obtained the floor.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. JONES of Washington. I will yield if the matter does not lend to any discussion.

Mr. KING. Inadvertently, in the resolution (S. Res. 71) adopted this morning, an amendment providing that the expenses thereof should be paid out of the contingent fund of the Senate was omitted. I ask unanimous consent to reconsider the vote by which the resolution was agreed to for the purpose of offering that amendment and eliminating a sentence. The amendment I send to the desk.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and without objection the vote whereby Senate Resolution 71 was agreed to is reconsidered.

Mr. KING. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, in line 6, strike out the words "and further to investigate the relations of the Department of Justice to the business and affairs of the Alien Property Custodian, whether there has been any influence or pressure exerted by any Government official or officials, or other persons, to prevent criminal or civil proceedings in relation to any of such transactions"; and in line 19, after the word "advisable," strike out the period and insert comma and the words "the expense thereof to be paid out of the contingent fund of the Senate," so as to make the resolution read:

Resolved, That a select committee of five Senators be appointed by the President of the Senate, which committee is hereby authorized and directed to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office, and particularly to investigate the following matters and things: (a) The seizure and appraisal of property, the care of the property seized, whether or not waste has been permitted in relation thereto, and the costs and fees allowed paid for such care; (b) the sale and conversion of property by the Alien Property Custodian, whether or not authorized by law; (c) whether such conversions have been by public sale or through private negotiations; (d) whether or not the moneys received by such conversions were adequate and represent the real value of the properties converted; (e) whether or not sales have been made to agents, officials, attorneys, or other persons having fiduciary relations to such property; (f) the sale of patents, trademarks, and trade names to the so-called Chemical Foundation, a corporation of Delaware, or to any other persons or corporations, and the sale of properties of the Bosch Magneto Co.; (g) and generally to investigate all matters touching the legality, good faith, and necessity of all transactions and conversions affecting the property held in trust by the Alien Property Custodian.

The committee is authorized to send for persons and papers, to administer oaths, and to sit during the session or during any recess of the Senate and at such places as may be deemed advisable, the expense thereof to be paid out of the contingent fund of the Senate. Any subcommittee duly authorized thereto shall have the same powers as are conferred upon said select committee by this resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS. Mr. President, I ask unanimous consent for the immediate consideration of the resolution, which I send to the desk.

The resolution (S. Res. 275) was read, considered, and agreed to, as follows:

Resolved, That a committee of two Senators be appointed by the Vice President to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some other communication to make to them.

The PRESIDING OFFICER (Mr. FESS in the chair) appointed Mr. CURTIS and Mr. ROBINSON of Arkansas as members of the committee on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 4331) prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action.

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 39) providing for the final adjournment of Congress.

The message further announced that the House had passed the bill (S. 1035) relating to contempts, with an amendment, in which it requested the concurrence of the Senate.

ADDRESS BY COL. WILLIAM J. DONOVAN

Mr. WADSWORTH. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Col. William J. Donovan at the annual convention of the New York State Bankers' Association, held at Quebec, Canada, June 22, 1926.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF COL. WILLIAM J. DONOVAN, ASSISTANT TO THE ATTORNEY GENERAL, AT THE ANNUAL CONVENTION OF THE NEW YORK STATE BANKERS ASSOCIATION, HELD AT QUEBEC, CANADA, JUNE 22, 1926

THE RÔLE OF FINANCE IN OUR ECONOMIC SYSTEM

The efficient administration of our financial system is a matter of concern to all persons and all classes. The growth of our commercial and industrial organizations have been dependent upon the development of the credit system. In the working out of that system the banker has been the financial intermediary. He is the credit merchant—the indispensable middleman who gathers together small savings from a multitude of individuals and turns them over as aggregations of capital for the growth and expansion of industry.

The banker performs not only an advisory but often a controlling function in modern economic society. It is essential that he should study and analyze economic trends and be alert to detect abuses and correct them. There are many questions arising out of banking and industrial development which exact your attention. There are only two, however, that I shall ask you to consider. The first is the present diffusion of ownership of corporations, its reason, its extent, and its result. The second is the tendency toward combination in business.

These two tendencies are now frequent topics of discussion. They have not been, so far as I know, discussed as part of the same movement. Seemingly widely divergent and mutually antagonistic, in reality they form a confluence in the trend of modern industry. Indeed, there is strong indication that the so-called democratization of industry by the stock holdings of many individuals is being employed as an agency for the increase of combinations and the growth of monopolies.

In this movement the banker, whether consciously or unconsciously, is playing an important part. It is well, therefore, that he consider the exact situation.

II

Political economists, public men, magazine writers have pointed out the very significant change in the nature and conduct of corporations. This change, as described by Professor Ripley, is in the "wide and ever accelerating diffusion" of the ownership of property represented by stock holdings of employees and of the direct consumers. This idea has been elaborated and popularized by a recent magazine article entitled "Who Owns America?", in which the author points out that with the passing of the old captains of industry the ownership of a great portion of industrial capital has been transferred to an investing public which is rapidly increasing.

The extent of this movement has been studied by governmental agencies. Recently, in response to a Senate resolution, the Federal Trade Commission, after an extensive survey, submitted a report on "National Wealth and Income." In it the commission estimated that in 1922 the total national wealth was about $353,000,000,000, and that nearly one-third of this was devoted to corporate business. Its analysis of data of several thousand representative corporations disclosed that individuals as a class far exceeded all other classes of corporate stockholders, both in numbers and in value of holdings. Of the total number of stockholders represented individuals (and this did not include brokers, trustees, or foreign holders) comprised 90 per cent and held about 65 per cent of the total par value of common stock and nearly 60 per cent of the preferred stock.

While this movement may have had its origin in the effort of promoters to interest the public in the consolidation of industry, it received a great impetus in the Liberty bond campaigns. Previously the Government when it decided to borrow money sold its bonds to bankers. The marketing was limited to a relatively small group. But during the war the Government, by its direct appeal to the individual, tapped a new source of capital in the citizen of small income. This citizen, previously had never thought of buying more than a small house. But he learned that a piece of paper might be an article of value. His experience with his Government led him to try other sources of investment. The difficulty is that while he knew his house from cellar to garret, he does not and can not know the working of the corporation in which he has invested. He must take that on faith and upon the character and integrity of those who manage the business.

So we have this result. By the cagerness of the small investor to intrust his savings to corporate activity, there has been created a great reservoir of capital for the development of industrial enterprise. The effect of this is to dilute the holdings of those who would normally own an industry and to distribute that ownership among an unorganized and unrelated group of investors who have no knowledge of the business and no effective method of control. Management is thus separated from ownership, and in addition the savings and thrift of a vast multitude is made available for the uses and purposes of a few.

This tendency has undoubtedly been stimulated by a gradual increase in the average amount of small incomes which enables the individual to have a margin of saving, and also by the desire of those with larger incomes to seek relief from excessive taxation in the higher brackets by investing in tax-exempt securities.

III

Let us now consider the tendency to combination and consolidation in business. That this movement exists is recognized. That it is growing is evident from even a hasty reading of the newspaper financial page. It would appear to be a recrudescence of that movement which had its beginning in the late years of the nineteenth century and its close in the financial depression of 1903. Coincident with the movement was the rapid evolution of banking in order to care for the increased demands of industry. These two movements developed together, each being necessary to the other. Large banking institutions made possible the handling of capital required for corporate mergers. Consolidations of business with their need for financial assistance made profitable the development of banking institutions to care for these needs.

Beginning in 1915, and evidently as a consequence of the war in the increased demand for manufactured products as well as higher prices, we find the inception of that revival of consolidations which continues to manifest itself to-day. Doctor Walker, the economist of the Federal Trade Commission, has pointed out these present consolidations differed in certain respects from the combinations of 20 and 30 years ago.

The earlier combinations were directed more against the competitor. Attempt was made to secure all the plants in an industry, whatever the condition or the character, and in that way to eliminate competition. To-day in mergers and combinations selection of plants is made with regard to strategic location and efficiency of operation.

The object of the old type of consolidation was to kill off the remaining competitors, if any. To-day there is more the spirit of cooperation in industry, and it is sought by agreement and understanding to stabilize prices, the effect of which may be to limit production, and to allot territory and customers. So that in the present era of combination the consumer has more to fear than has the competitor.

Another difference may be noted between the old type of combination and the new; the earlier combinations dealt with the basic supplies of industry; and while the effect on the individual was known and resented it was not immediate and direct. Present-day combinations, for the most part, deal with the immediate necessities of life and are all the more likely to arouse public indignation.

Very often, however, the chief purpose of combination is to secure additional capital. In the necessity of expansion these corporations take over plants as incidents to their primary purpose, which was increase of capacity, and to accomplish this money is needed. To secure the needed capital we find these large corporations pursuing a deliberate policy of attracting the small investor, and in the case of public utilities we see definite drives being made for customer and employee ownership.

IV

We have then existing these two factors—one a reservoir of untouched capital; the other, industry in its desire to expand seeking this capital. There can be but one result and that is that the two shall meet. Properly directed and guided this meeting can be a most happy one for the economic life of the country, but it places a heavy responsibility upon those who are charged with such direction and guidance. Those who are charged with managing business in which the great bulk of the stock is held by individuals who have neither the training nor the opportunity of participating in the activity of the business owe a peculiarly high obligation to their stockholders. They bear not only responsibility for the direction of the business but are charged with the conservation and protection of the funds intrusted to them in the management of the business. They are in a position of stewardship. As trustees they owe a duty to their shareholders that often is not truly recognized.

There is necessity for organization of effort in a society so highly industrialized as is ours. It may well be that business consolidations can be effected so as to eliminate waste of economic effort without detriment to the public. Size in and of itself is not an evil; it is the abuse that constitutes the evil. The one justification for the effecting of a consolidation is the serving of the public interest. The means taken either to regulate or to operate industry must be decided by the application of that principle.

If within this principle there shall be a fusion of these two movements under discussion, then the result will be beneficial to the country. But there are two dangers to be feared. One is that the natural separation of ownership from management, which is the inevitable result of the diffusion of stock holding, shall be further accentuated by the effort of those in control to make it impossible for the stockholders ever to assert their rights. This is attempted to be accomplished by legal devices, which, while depriving the shareholders of the right to vote, equally deprive them of the means of holding their management to strict accountability.

The other is that with the undue concentration of power placed in the hands of a few, there will be increased temptation to violate or evade those laws which were enacted for the preservation and maintenance of the competitive system.

Whether diffusion of ownership of stock shall result in a true democratization of industry is dependent upon the manner in which industry shall be managed and controlled.

With the separation of management from ownership, the more heavily there is impressed upon management the obligation of trusteeship. An obligation that can be met not only by giving the public the best service for which it is willing to pay the cost, and labor a return sufficient to furnish an incentive for genuine cooperation, but to their owners, the small investors, a fair return on their investment. Perhaps the primary thing for the management to learn under the new order is the high obligation which as trustees they owe to their stockholders.

Overdevelopment and speculative expansion is seldom indulged in by those who are dealing with their own money. There is a tendency, however, to expand and amalgamate without a proper regard for the law of diminishing returns by those, who, charged with the responsibility of management are lacking in a proper sense of obligation to those whose money is being handled. A man of property tempers the temptation to enlarge his business or to project it into a new field by the desire to conserve what he has for those dependent upon him. The employee type of corporate manager has no such deterring influence.

We are reminded that in this change of control from owner to agent there is a greater tendency on the part of the corporate managers, instead of paying earnings to the stockholders as dividends, to turn them back into the business of the corporation, and the earnings so turned back are used not for maintenance and improvement but too often for unsound expansion and the acquisition of competing properties. It is a significant fact that business men who seek advice of the Government in devising means for cooperative effects in overcoming evils alleged to exist in unrestrained competition almost always assign excess capacity in the industry as the foundation of their difficulty.

The bankers occupy a position which gives to them unusual opportunity for properly directing the course of conduct and management of business and of saving from ruin the small investor who has placed his funds in the business, relying upon the standing and character of the banker.

The other danger is that which results from the concentration of great power in the hands of a few. It has already been pointed out that business combinations to the extent that they advance the interest of economic life should not be condemned, but where the purpose of men in industry is by combination and consolidation to so control that industry that they may eliminate competition, destroy individual initiative, and by skillful devices award themselves profits disproportionate to their services, then these combinations are a serious economic and social danger.

V

Legislation enacted against the monopolies and combinations which grew up during the period of the nineties was prompted by the deep fear in the American people that these combinations constituted a menace to their economic and social organization. The Sherman Anti-trust Act was the direct result of aroused public opinion produced by that fear.

It may be remarked that if existing legislation is adequate to avert the dangers apprehended, it only remains for prosecuting officers to enforce the law in order to insure our safety. But the history of recent years reveals that despite the ernest efforts made to enforce the law, the trend toward combination has continued. This can only mean that the existing laws are not adequate to meet all the varying forms of combination that have been devised; and that fact already is a matter of public discussion.

Of course, certain types of combinations are plainly illegal and these have been attacked and thwarted almost in their inception.

Our civilization is based upon the principle of competition. The whole spirit of our law is to foster competition, and monopolies and restraints of trade have always been regarded with suspicion. The definite policy of our legislative bodies has reflected that principle and our courts have sustained and enforced it.

There are those who believe that the general business interest will be best promoted if the general rule of competition be not applied. There are others who believe that such a rule is more necessary in these days of great wealth than ever before. But, as the Supreme Court has pointed out, whether the free operation of the normal rule of competition is a wholesome rule for trade and commerce or not,

it is the settled law of this country that public convenience and welfare demand that the natural lines of competition be left undisturbed and that the control of prices through combination tends to restraint of trade and monopoly; and is an evil thing.

To this rule of law business men must conform, and it is the high duty of bankers, who by reason of their position of dominance and control in the industrial world to-day are able to influence the conduct of the managers of business to see that this principle is adhered to. They should feel impelled to do so not only because it is the law of the land but because intelligent self-interest directs them to do so.

There is in the mind of a certain group of thinkers a very definite policy which seeks to abolish our present capitalistic system. They would substitute for it outright community ownership of basic industries, or, at any rate, a complete public regulation of these industries, leaving no scope for what we consider the free play of individual effort. This group views with increasing satisfaction the evident tendency of modern industrialism by community of interest, by the attempted control of markets and of prices, and by the cooperation in interest and of action to establish unrestricted monopolies. They recognize that the growth of these monopolies with attendant illegal methods adds force to their project for increased governmental control. If, then, there is to be a carrying out of the expressed desire of the business man that government be kept out of business, it is incumbent upon the business man and banker that he so conduct his business that there be no necessity for the intrusion of government into business.

Good sense alone should prompt the leaders of industry to apply an economic brake to undue combination and consolidation, and particularly to those calculated to violate the competitive principle. And banking institutions, upon whose support these expansions must necessarily depend, should direct their effort also to that end. It is infinitely better that the reformation should come from within and corrective methods should be applied by industry itself. Certainly there are many identified with industry who recognize that it is only by the rigid maintenance of the competitive system that ultimate governmental regulation or ownership may be averted.

The present evils of modern industrial development are coming to be recognized. There is the beginning of the same resentment toward consolidation of industry that was so evident against the combinations of the early nineties. It is not a fanciful notion that as a result of unrestrained and illegal combination the people of the country may be aroused to the point of destructive anger so that all consolidations may suffer, those that are economically sound and beneficial as well as those that are uneconomic and prejudicial.

It is not difficult to conceive that as a result of huge combinations being illegally formed and arbitrarily administered, government should be forced to interfere and take over and regulate these corporations, even though in so doing there might be developed a bureaucracy in the country with attendant evils greater than those sought to be corrected.

If that day should come, it will be due not so much to the desire of the people of this country to accept socialistic doctrine as it will be due to the folly of those who in their domination of the industry have failed to conform to that principle of competition upon which our economic life has been based.

NAMING OF TRANSCONTINENTAL TRUNK HIGHWAY

Mr. SHORTRIDGE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the San Francisco Examiner of June 26, 1926, entitled "President's name should be given to one highway."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PRESIDENT'S NAME SHOULD BE GIVEN TO ONE HIGHWAY

The Coolidge Highway!

That is what the Government should name one of the great transcontinental trunk lines to be built under the Federal road aid bill.

The credit for this epochal piece of legislation goes to the President largely. He supplied the leadership, and it was at all times forceful, determined, and enthusiastic.

There were Members of Congress who, in the name of economy, would have crippled this magnificent program. But President Coolidge, the greatest economist of them all, knew that the cause of national thrift and prosperity would be immeasurably advanced by the creation of a complete general road system.

The President had the vision to see the country as it is and as it should be. Under the former head he saw isolated State road systems, some of them fairly good and others fragmentary. The only connections between these separate regions, he saw, were, in most cases, miserable roads that were practically impassable throughout much of the year.

He saw that the marvelous national parks in the western and southern areas were inaccessible by automobile to most Americans. His survey showed him that the so-called national highways are a dot-and-dash system, the dashes being long stretches of rough dirt road. There was not, he discovered, a single continuous paved transcontinental highway.

More important, however, was the picture that the President was able to conjure of a national highway system as it should be. He saw splendid, wide, paved roads running from the Atlantic to the Pacific, many of them; and others crossing them, stretching from Canada to the Gulf and the Mexican border.

What he hoped to see realized was such a gridironing of the country with good roads that America's 20,000,000 motor-car owners would be able to know and enjoy their country to the fullest; that they would be able to go from any point to any other in comfort and with speed. He saw a practical invitation to see America laid down to virtually every dooryard.

That was the new America of President Coolidge's vision, and he set about to make it a reality by encouraging through every means possible the adoption of the Federal road aid bill. He succeeded. He had the satisfaction the other day of signing this measure. Through its provisions the Federal Government will spend $165,000,000 in the two years ending June 30, 1929, not counting the $75,000,000 that is appropriated for the current fiscal year.

This act insures a comprehensive and complete transcontinental highway system—10 roads from ocean to ocean and 10 from Canada to the southern border. One of these East-West highways is to be completed next year and 20 will be ready for travel by 1931.

It is the most gigantic highway building program in the world's history. There will be 200,000 miles of national paved roads and the ultimate cost to Federal and State governments will be $10,000,000,000.

The President's invaluable service to the country in this legislation should be permanently remembered and honored by a grateful people. One of the first and greatest roads in the system should be named after him!

RETIREMENT OF CIVIL-SERVICE EMPLOYEES

Mr. STANFIELD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof, be, and they are hereby, amended to read as follows:

"ELIGIBILITY FOR SUPERANNUATION RETIREMENT

"SEC. 1. All employees to whom this act applies who, before its effective date, shall have attained or shall thereafter attain the age of 70 years and rendered at least 15 years of service computed as prescribed in section 5 of this act shall be eligible for retirement on an annuity as provided in section 4 hereof: *Provided*, That city, rural, and village letter carriers, post-office clerks, sea post clerks, laborers, and mechanics generally shall, under like conditions, be eligible for retirement at 65 years of age and that railway postal clerks and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall be eligible at 62 years of age; the classification of employees for the purpose of assignment to the various age groups shall be determined jointly by the Civil Service Commission and the head of the department, branch, or independent office of the Government concerned: *Provided further*, That any such employee who was employed as a mechanic for the major portion of his service, and not less than 15 years, and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to, if on the day of his discharge from the service he had been retired under the provisions of this act: *Provided further*, That any mechanic, having served 30 years, who was, through no fault of his own, transferred or reduced to a minor position and who shall have attained, or who shall thereafter attain the age of 62 years, shall have his annuity computed upon his average annual basic salary, pay, or compensation, for the last 10 years of his service as a mechanic.

"*Provided further*, That the term 'mechanics' as used in this act shall include all employees in the Government Printing Office whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer.

"AUTOMATIC SEPARATION

"SEC. 2. All employees to whom this act applies shall, on arriving at retirement age as defined in the preceding section and having rendered 15 years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least 60 days in advance thereof: *Provided*, That if not less than 30 days before the arrival of an employee at the age of retirement the head of the department, branch, or independent office of the Government in which he is employed certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon the approval and certification by the Civil Service Commission, and at the end of the two years he may, by similar approval and certification, be continued for an additional term, not exceeding two years, and so on: *Provided, however*, That after August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement for more than four years.

"Whenever an employee shall make application for such continuation in the civil service, and shall submit acceptable proof of his present physical fitness to perform his work, it shall be the duty of the head of the department, branch, or independent office of the Government concerned to obtain from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant, and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. From such information shall be eliminated increases in ratings, credits, and other preferences for any cause whatsoever other than the character of work actually performed. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government concerned shall, as of course, certify to the United States Civil Service Commission that, by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States, the continuance of such employee would be advantageous to the public service.

"No person separated from the service who is receiving an annuity under the provisions of section 1 of this act shall be employed again in any position within the purview of this act.

"EMPLOYEES TO WHOM THE ACT SHALL APPLY

"SEC. 3. This act shall apply to the following employees and groups of employees:

"(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions, or authorizing the appointment of individuals to positions within such service.

"(b) Superintendents of United States national cemeteries, and such employees of the offices of solicitors of the several executive departments, of the Architect of the Capitol, of the Library of Congress, and of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, whose tenure of employment is not intermittent nor of uncertain duration.

"(c) All employees of the Panama Canal on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration.

"(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

"(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations and including public-school employees, excepting school officers and teachers.

"(f) All employees and groups of employees to whom the benefits of the act of May 22, 1920, and amendments thereof, shall have been extended by Executive orders.

"(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

"This act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled 'An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes,' nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters, excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this act excluded by Executive orders from the benefits of the act of May 22, 1920, and amendments thereof.

The provisions of this act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration: *Provided*, That the provisions of this act shall apply to anyone who entered the United States mail service as a rural carrier before January 1, 1897, and who continued in the service as such carrier continuously for 20 years or more, and who was honorably separated from the service. Such carrier shall be paid such compensation under this act as his length of service entitles him to receive.

"METHOD OF COMPUTING ANNUITIES

"SEC. 4. The annuity of an employee retired under the provisions of the preceding sections of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed $1,500 per annum, received by such employee during the 10 years of allowable service next preceding the date of retirement, by the number of years of service, not to exceed 30 years, and dividing the product by 45. In no case, however, shall the annuity exceed $1,000 per annum. For the purposes of this act all periods of service shall be computed in accordance with section 5 hereof, and the annuity shall be fixed at the nearest multiple of 12.

"The term 'basic salary, pay, or compensation,' wherever used in this act shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

"COMPUTATION OF ACCREDITED SERVICE

"SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, including periods of service at different times and in one or more departments, branches or independent offices of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the war risk insurance act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his or her right to a pension, or to retired pay, or to compensation under the war risk insurance act in addition to the annuity herein provided.

"In computing length of service for the purposes of this act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

"In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated.

"DISABILITY RETIREMENT—MEDICAL EXAMINATIONS REQUIRED

"SEC. 6. Any employee to whom this act applies who shall have served for a total period of not less than 15 years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class

of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of the department, branch or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof. *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose, and found to be disabled in the degree and in the manner specified herein.

"Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1 hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding 90 days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination, as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

"In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference, unless he shall become reemployed in a position within the purview of this act, shall be paid to the retired employee, as provided in section 12 hereof, upon application therefor in such form and manner as the Comptroller General may direct. In case of reemployment in a position within the purview of this act the amount so refunded shall be redeposited as provided in section 12 hereof.

"No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916, entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

"Fees for examinations made under the provisions of this section, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

"INVOLUNTARY SEPARATION FROM THE SERVICE

"SEC. 7. Should any employee 55 years of age or over to whom this act applies, after having served for a total period of not less than 15 years and before becoming eligible for retirement under the conditions defined in section 1 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid as he or she may elect, either—

"(a) The amount of the deductions from his basic salary, pay, or compensation made under section 10 of this act and under act of May 22, 1920, including accrued interest thereon computed as prescribed in section 12 hereof; or

"(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity, beginning at the age at which the employees would otherwise have become eligible for superannuation retirement computed as provided in section 4 of this act; or

"(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 4 of this act. The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Department of the Interior.

"Any employee who has served for a period of not less than 15 years, and who is 45 years of age, or over, and less than 55 years, and who becomes separated from the service under the conditions set forth in this section shall be entitled to a deferred annuity, but such employee may, upon reaching the age of 55 years, elect to receive an immediate annuity as provided in paragraph (b) of this section.

"Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this act, or in any other position in the Government service, the annuity shall cease, and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

"This section shall include former employees within the provisions of the act of May 22, 1920, or said act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has withdrawn his deductions from the 'civil-service retirement and disability fund,' such employee shall be required to return the amount so withdrawn with interest compounded on June 30 of each year at the rate of 4 per cent per annum before he shall be entitled to the benefits of this section.

"BENEFITS EXTENDED TO THOSE ALREADY RETIRED

"SEC. 8. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date.

"CREDIT FOR PAST SERVICE

"SEC. 9. Beginning with the effective date of this act, all employees who may be brought then or thereafter within the purview of the act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the 'civil-service retirement and disability fund' a sum equal to 2½ per cent of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to the effective date of this act, and also 3½ per cent of the basic salary, pay, or compensation for services rendered after the effective date of this act, together with interest computed at the rate of 4 per cent per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled.

"DEDUCTIONS AND DONATIONS

"SEC. 10. Beginning as of July 1, 1926, there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to 3½ per cent of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the 'civil-service retirement and disability fund' created by the act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

"The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, deposit, and invest for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this act shall be deemed to consent and agree to the deductions from

salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this act applies.

"INVESTMENTS AND ACCOUNTS

"SEC. 11. The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the 'civil-service retirement and disability fund' as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 12 of this act.

"The Comptroller General shall establish and maintain an account showing the annual liabilities of the Government under this act, and shall keep such other accounts as may be deemed necessary for a proper administration of the act.

"RETURNS OF AMOUNTS DEDUCTED FROM SALARIES

"SEC. 12. In the case of any employee to whom this act applies who shall be transferred to a position not within the purview of the act, or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the total amount of deductions of salary, pay, or compensation heretofore or hereafter made with accrued interest computed at the rate of 4 per cent per annum, compounded on June 30 of each fiscal year, shall be returned to such employee: *Provided*, That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this act, be redeposited with interest before such employee may derive any benefits under this act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

"The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

"In case an annuitant shall die without having received in annuities an amount equal to the total amount of deductions from his salary, pay, or compensation, with interest thereon at 4 per cent per annum compounded as herein provided up to the time of his death, an amount equal to the excess of the said accumulated deductions over and above the annuity payments made shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor.

"In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for amounts, the total amount of deductions with accrued interest thereon as herein provided shall be paid to the legal representatives of such employee.

"In case a former employee entitled to return of deductions with accrued interest thereon as herein provided shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

"If the amount accrued annuity, or of accumulated deductions, or of refund due a former employee who is legally incompetent, together with accrued interest thereon payable under the provisions of this act, does not exceed $1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of 30 days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

"PAYMENT OF ANNUITIES AND FORM OF APPLICATION

"SEC. 13. Annuities granted under the terms of this act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

"Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

"Annuities granted under this act for retirement under the provisions of section 1 of this act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 6 and 7 hereof shall be subject to the limitations specified in said sections.

"SEC. 14. Employees who have gone from employment within the purview of this act to other employment under the Government and have returned to a position under the purview of this act shall have the time of such other service included in the computation for his retirement: *Provided*, That such employee shall contribute to the retirement fund upon reentering such employment within the purview of this act an amount, including interest, equivalent to that which would have been paid if such employee had continued in such employment.

"DUTIES OF THE CIVIL SERVICE COMMISSION

"SEC. 15. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this act; and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder; and shall prepare and keep all needful tables and records required for carrying out the provisions of this act, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

"BOARD OF ACTUARIES

"SEC. 16. The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the Board of Actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the 'civil-service retirement and disability fund' at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions; they shall also prepare such tables as may be required by the Commissioner of Pensions for the purpose of computing annuities under this act. The compensation of the members of the Board of Actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

"ADMINISTRATION

"SEC. 17. For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

"The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and he shall transmit to Congress, through the Secretary of the Interior, the reports and recommendations of the Board of Actuaries.

"The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary

to finance the retirement and disability fund and to continue this act in full force and effect.

"EXEMPTION FROM EXECUTION, ETC.

"SEC. 18. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

"EFFECTIVE DATE

"SEC. 19. This act shall become effective as of July 1, 1926, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed as of said effective date."

And the Senate agree to the same.

ROBT. N. STANFIELD,
KENNETH MCKELLAR,
Managers on the part of the Senate.
FREDERICK R. LEHLBACH,
ADDISON T. SMITH,
EMANUEL CELLER,
Managers on the part of the House.

The report was agreed to.

PROMOTION OF CERTAIN RETIRED ARMY OFFICERS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist on its amendment, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REED of Pennsylvania, Mr. WADSWORTH, and Mr. GEORGE conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 126) authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. SPEAKS, and Mr. QUIN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to a resolution (H. Res. 315) providing for the appointment of a committee of two Members of the House, to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 2188. An act for the relief of G. C. Allen;

S. 4171. An act to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.;

H. R. 814. An act for the relief of James L. Cardwell;

H. R. 1394. An act for the relief of Henry O'Brien;

H. R. 2268. An act for the relief of Michael J. Leo;

H. R. 2324. An act for the relief of Joe F. Jenkins;

H. R. 2328. An act for the relief of Edith L. Bickford;

H. R. 4033. An act granting consent of Congress to the Hidalgo & Reynosa Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;

H. R. 8048. An act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes;

H. R. 8564. An act for the relief of Lewis J. Burshia;

H. R. 8961. An act for the relief of William E. Jones;

H. R. 9707. An act for the relief of L. L. Kyle;

H. R. 11510. An act to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes;

H. R. 11820. An act granting an annuity to Clyde L. West;

H. R. 12796. An act granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga.;

H. R. 4307. An act for the relief of the village of Harbor Springs, Mich.;

H. R. 9324. An act for the relief of George A. McKenzie, alias William A. Williams;

H. R. 2633. An act for the relief of Anna Jeanette Weinrich;

H. R. 3529. An act for the relief of Genevieve Hendrick;

H. R. 11943. An act providing for an additional building for the use of the police court of the District of Columbia;

H. R. 1598. An act for the relief of Robert E. A. Landauer; and

S. J. Res. 51. Joint resolution providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery.

THE MERCHANT MARINE

Mr. JONES of Washington. Mr. President, on June 27, I introduced Senate Resolution 262, which reads as follows:

Resolved, That the United States Shipping Board be, and it is hereby, requested to prepare and submit to the Senate not later than January 1, 1927, comprehensive and concrete plans for building up and maintaining an adequate merchant marine for commerce and national security (1) through private capital and under private ownership and (2) through construction, operation, and ownership by the Government.

If I can not get unanimous consent for the passage of this resolution, I hope that the Shipping Board will take notice of it and act along the lines suggested in it. I appreciate the fact that we have no authority to direct the Shipping Board to take this course, but I do feel that upon a mere suggestion of this kind it will be disposed to do it, and before asking for the consideration of the resolution I desire to submit a few remarks bearing upon the matter.

When the World War broke out there were only 15 vessels under the American flag of over 1,000 gross tons engaged in the oversea trade. The aggregate gross tonnage of these ships was 164,526. We had 868 other ships registered for the foreign trade of an aggregate tonnage of 720,609 plying between points in Canada, the West Indies, South America, and the United States. Under the act of August 18, 1914, admitting certain foreign-built vessels to American registry 103 vessels of 368,242 tons were admitted for the foreign trade. Two ships were built after June 30, 1914, of a gross tonnage of 9,813, so that on January 1, 1915, we had 973 vessels of a gross tonnage of 1,098,664 registered for the foreign trade. There may be added to this tonnage 200,000 or 300,000 tons of coastwise vessels that may be deemed to be suitable for the foreign trade under the American flag January 1, 1915, making in all 1,298,664, or 1,398,664 tons of shipping available for the foreign trade.

About midnight on September 8, 1913, while the Simmons-Underwood tariff act was under consideration, I made a speech in support of the discriminating duty provision contained in that bill designed to aid and encourage the development of our merchant marine. I said:

British ships transport the greater part of our foreign commerce. Suppose England should engage in a war with a great power, thousands of her ships would be taken for transports and other thousands might be destroyed and the products we now send abroad would be left on our hands glutting our markets and bringing upon our industry ruin and widespread commercial disaster. Farmers and manufacturers would suffer alike and the laborer and his family would face the wolf of hunger in his home.

When the World War broke out this very thing happened. It was inevitable. Ships that had been engaged in peaceful trade were diverted to carry troops and war supplies. It is estimated that on January 1, 1915, the tonnage of ships so diverted amounted to from 6,000,000 to nearly 10,000,000 tons. Our merchants, business men, and farmers were the greatest sufferers from this loss of transportation facilities.

We were supplying and were called upon to supply the world with food and war materials, depending largely upon foreign shipping to get our goods to market. This shortage in transportation fell upon our people with most disastrous results, and taught us what a lack of shipping means to a country like ours whose trade is so great with the world. It taught us a lesson it would seem that we would not forget, and yet I fear we are forgetting it. I fear that as the years go by and the period of the World War recedes along memory's highway, we are prone to forget the lesson the facts should teach us.

We had the greatest crops of cotton and grain in our history. With this came the demand growing out of the needs of the war. Our shipping facilities were wholly inadequate. We had to depend largely upon belligerent ships, and were forced to face the chances of war to get our products to the markets that were eagerly looking for them. Large profits were alluring bait. Speculation based upon actual needs came into play, and

led all to seek to take full advantage of a situation that promised great reward.

Under the impulse of this situation, what happened? The products of the farm, the mine, and the factory were rushed to our shipping ports. Docks, wharves, and warehouses were loaded with them awaiting transportation facilities.

The following was written in 1916, and portrays the actual condition then existing:

No nation can endure half free and half slave commercially any more than it can socially. In the sixties we had to prove for ourselves the social side of that theorem in the hell-fire of fratricidal strife. Since 1914 nearly a half of the rest of civilization at death grips has been proving the commercial equation.

No sooner had the United States burst the bonds of physical slavery 50 years ago than she supinely submitted herself to the gyves of a commercial serfdom equally as intolerable. We freed a section only to enslave the whole commonwealth. No hour, no day has passed since then that has not beheld the forging of some new rivet, some new link in the shackles. In this year of 1916 the United States, without a merchant marine, bereft of ships, is more than half the slave that she was in 1861. What boots it that labor is free if the products of its industry and enterprise are denied their markets?

Turn where one will and it is to behold the evidence of this vassalage. Leave any one of our glutted seaports, with piers and warehouses and freight terminals burdened beyond capacity by an immovable commerce, and follow the railroad lines into the interior, across the continent; go north, go south, go east, go west, and there is no a mile that has not a chapter to contribute to the tale. All of the conceivable products of a hundred millions of people lie along those steel arteries arrested by embargoes. What moves is what the warring nations choose to buy and will receive from the railroads at tidewater. All else must abide its time or rot; for as Europe controls the world's deep-water tonnage, so our market is limited to her will. It matters not that there are other markets in which we could sell and intrench ourselves to the advantage of future trade and expansion. We haven't the ships to reach them.

Turn from the railroads and go into the orchards of the West and Northwest and it is to find the fruit of last season mattressing the earth against the shaking down of the worthless crops of the coming one. Hearken for the sound of ax and saw in the lumber regions of Oregon and Washington and California, and hearken in vain. An army of labor stands idle; its accumulated product lies shipless in gorged outports. Nor are there cars to move a cutting for domestic use. The Middle West and the South are utilizing the rolling stock of our rails as granaries and warehouses, and New England's depleted forests, the conservations of 25 years, are being slaughtered to supply the needs of the eastern seaboard.

Turn from field and plain and orchard and forest to the manufacturing centers and it is to find the same paralysis of industry, for industry lives by import as well as by export. Here a factory stands silent because it can not get tin from England; there a silk loom lies manacled because it can not obtain the raw product from China. As Britain controls her shipping so does Japan control hers. Japan has but to say to her merchant marine, "Our ships will carry Japanese exports from December to May and imports from December to May and imports for Japanese consumption only from June to November," and that is sufficient. The rest of the world may whistle. What is true of those two nations is likewise true of all others.

As this is being set down comes news that Britain is promulgating an order in council prohibiting among other things the importation of automobiles for private use, fruit, musical instruments, cutlery of all kinds, hardware, yarns, chinaware, fancy goods, and even soaps. And it is explained that this is being done, not as a matter of policy, but because of a shortage of ships; that Britain must have American wheat and corn and meat and that other things can not be permitted to take up the space of her vessels. Yet wheat and corn and meat and munitions of war are but a part of American commerce.

At peace and neutral though we are, belligerency in the present situation could exact no more of us.

As a neutral power we had the right to trade with the belligerents. They all sought our products. We had few ships of our own. We had to depend largely upon the ships of the warring nations for the carriage of our products, and so our products had to face the danger of these ships. The inevitable happened. With an extreme demand for our products and with shipping facilities greatly reduced, rates increased by leaps and bounds.

Mr. President, on December 18, 1914, the Senate passed this resolution:

Resolved, That the Secretary of the Treasury and the Secretary of Commerce be requested to furnish all available information in relation to the increased rates for ocean transportation which have taken place since July 1, 1914, and any and all other facts relating to ocean transportation which adversely affect or injure American commerce.

On pages 13 and 14 of this report which I hold in my hand are tables showing the increases in rates on the different articles, and I read this note:

In order that the increase in ocean freight rates since July, 1914, may be more fully appreciated, the following tables, made by the actuary of the Treasury Department, and based upon the best obtainable information, are submitted.

I ask that I may insert these without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The tables are as follows:

Freight rates, New York to European ports

	July 1, 1914	Jan. 19, 1915	Increase
Grain (per bushel):			*Per cent*
Liverpool	$0.05	$0.20	300
Rotterdam	.06	.60	900
Havre	.06		
Bremen	.0714		
Mediterranean	.0625		
Flour (per 100 pounds):			
Liverpool	.10	.40	300
Rotterdam	.10	.60	500
Havre	.18	.47	161
Cotton (per bale):			
Liverpool	1.00	5.00	400
Rotterdam	1.25	10.00	700
Havre	1.25	5.00	300
Meat and lard (per 100 pounds):			
Liverpool	.24	.36	50
Rotterdam	.28	.75	168
Havre	.30	.60	100

Freight rates—Baltimore

	July 1, 1914	Jan. 20, 1915	Increase
Grain (per bushel):			*Per cent*
European ports	$0.03	$0.30	900
Mediterranean	[1] .05⅝	.32¼	473
Flour (per 100 pounds):			
European ports	.14	.65	364
Mediterranean			
Cotton (per bale):			
European ports	1.75	12.50	614
Mediterranean			
Meats and lard (per 100 pounds):			
European ports	.27		
Mediterranean			

[1] Sept. 1.

Freight rates—Philadelphia

	July 1, 1914	Jan. 21, 1915	Increase
Grain (per bushel):			*Per cent*
European ports	$0.04	$0.20	400
Mediterranean ports	.06¾	.28¼	318
Flour (per 100 pounds):			
European ports	.14	.41	192
Mediterranean ports	.187	.75	301
Cotton (per bale):			
European ports	1.13	5.00	335
Mediterranean ports	1.25	6.26	400
Provisions (per 100 pounds):			
European ports	.22½	.3937	75
Mediterranean ports	.321	.9640	200

Freight rates—Norfolk, Va.

	July 1, 1914	Jan. 20, 1915	Increase
Grain (per bushel):			*Per cent*
Liverpool	$0.06–$0.07	$0.18	157–200
France-Atlantic	.067	.205	206
Mediterranean	.063	.27	329
Rotterdam		.2525	
Denmark	.135	.28875	114
Flour (per 100 pounds):			
Liverpool	.21	.40	90
France-Atlantic	.25	1.00	300
Mediterranean	.35	0.55–.70	57–100
Rotterdam	.25	.60	140
Denmark	.32	.70	119
Cotton (per bale):			
Liverpool	1.75	5.00	186
France-Atlantic	2.25	10.00	344
Mediterranean	3.25	5.00–6.25	54–92
Rotterdam	1.75	10.00	471
Germany	1.25	15.00	1,100
Provisions (meat and lard) per ton—large packages:			
Liverpool	6.05	8.50	40
France-Atlantic	8.00	12.00	50
Mediterranean	9.70	24.33	151
Rotterdam	7.60	12.00	58
Denmark	8.62	24.33	182

Freight rates on cotton from Savannah, per bale

	July 1, 1914	Jan. 20, 1915	Increase
			Per cent
Liverpool	$1.50	$5.25	250
Rotterdam	1.50	11.25	650
Bremen	1.50	15.00	900

No exports other than cotton.

Freight rates—New Orleans

	July 1, 1914	Jan. 21, 1915	Increase
Grain (per bushel):			*Per cent*
Continental Europe, excluding Germany	$0.08½	$0.34–$0.50	300–488
Mediterranean	.11½	.40	248
Flour (per 100 pounds):			
Continental Europe	.18	.70–.78	289–333
Mediterranean	.22	.69	214
Cotton (per bale):			
Continental Europe	1.60	7.50–13.75	369–759
Mediterranean	1.90	8.75	360
Meats and lard (per 100 pounds):			
Continental Europe	.33	.84–.95	155–188
Mediterranean	.34	.84	147

Freight rates—Galveston

	July 1, 1914	Jan. 21, 1915	Increase
Grain (per bushel):			*Per cent*
Liverpool	$0.07⅛	$0.19½	174
Havre	.10⅞	.18	65
Barcelona, Genoa	.12	.33	175
Cotton (per bale):			
Liverpool	1.30	6.00	361
Havre	1.50	7.00	366
Barcelona	2.25	7.00	211
Genoa	1.90	10.00	426
Bremen	1.40	10.25–17.50	1,061–1,150

No flour, meats, or lard now moving from Galveston.

Mr. BINGHAM. Mr. President, will the Senator from Washington yield to me?

Mr. JONES of Washington. I will yield if the matter the Senator has in mind will not lead to any debate.

Mr. NEELY. Mr. President, reserving the right to object, I think there is an understanding somewhere that consideration of the corrupt-practices resolution is to be defeated. I am going to object to every other request that is made, after the request of the Senator from Connecticut has been acted upon, until Republicans in the Senate stop consuming time and talking against the consideration of the corrupt practices resolution.

Mr. JONES of Washington. Mr. President, I want to state to the Senator from West Virginia that I do not intend to delay the consideration of his resolution at all. If the Senator thinks anything like that I shall not yield at all.

Mr. NEELY. I shall not object to the Senator yielding to the Senator from Connecticut, but I shall object to every other similar request. I shall have to object to the further reading of papers and reports by the clerk. If any Senator wants to have anything of that sort read, he will have to do it by making a speech on his own responsibility.

Mr. JONES of Washington. I desire to say that I shall not yield to anyone to present any resolution or bill, because I do not seek to delay the consideration of any measure such as the Senator from West Virginia has suggested. I am making this address, so far as I am concerned, in perfect good faith.

Mr. President, I believe Senators who are present will be interested in noticing the increased freight rates summarized on page 15 of the report to which I have referred, as follows:

MAXIMUM NOT IN SIGHT

While this report is being written, information is received that rates are higher than those given in some of the tables herein presented, and that even at these extraordinary figures it is difficult to obtain cargo space for earlier sailings than March and April.

SUMMARY OF THE MOST STRIKING INCREASES

From the foregoing tables it will be observed that ocean freight rates on grain from New York to Rotterdam have been increased since the outbreak of the war 900 per cent; on flour 500 per cent; on cotton 700 per cent.

From New York to Liverpool the rates on the same commodities have increased from 300 to 500 per cent.

From Baltimore to European ports (excepting German) rates have been increased on grain 900 per cent; on flour 364 per cent; on cotton 614 per cent.

From Norfolk to Liverpool rates on grain have been increased from 157 to 200 per cent; on cotton 186 per cent.

From Norfolk to Rotterdam the rates on cotton have been increased 471 per cent; to Bremen the rates have increased on cotton 1,100 per cent, namely, from $1.25 per bale to $15 per bale.

From Savannah to Liverpool the rates have been increased on cotton 250 per cent; to Bremen the rates have been increased on cotton 900 per cent.

From Galveston to Liverpool the rates have been increased on grain 174 per cent; on cotton 361 per cent; to Bremen the rates have been increased on cotton 1,061 to 1,150 per cent.

Not only did the shortage and lack of ships result in greatly increased transportation charges but we were unable to take full advantage of unparalleled business opportunity that faced us. We could not meet the export demand simply because we could not get the ships.

On pages 19 and 20 of the same report there is a further striking statement in this regard, as follows:

While it is true that there has been a great growth of our export trade in recent months, we are satisfied that this growth would have been much greater if there had been ample steamship tonnage and if ocean freight rates had been maintained at a reasonable level. We are satisfied that the removal of the oppressive restraints now exercised by foreign steamship companies upon our export trade will give it an extraordinary impetus, and bring to our country a period of enlarged and unexampled prosperity.

We are the one great agricultural, industrial, and mineral producing Nation which is not only at peace, but is far from the menace of war. We are the only market in which orders can be placed with expectation that they will be filled in reasonable time. The leading nations of the earth are turning to us now as the most reliable source of supply.

The fact that our expanding trade shows, at the moment, favorable balances is no argument that our commerce moves freely and without injury or undue burdens. On the contrary, it is a fact that through scarcity of tonnage and the extortionate freight rates imposed upon our commerce by foreign-owned and domestic steamship companies our export trade is greatly hampered, and the most wonderful business opportunity ever presented to any country is put in needless jeopardy. We believe that the favorable trade balance in December of over $100,000,000 might have been doubled in January if sufficient ships had been available at reasonable rates, so that the orders which are pouring in upon us from every source could have been promptly filled.

* * * * * * *

This is signed:

W. G. McAdoo, Secretary of the Treasury; William C. Redfield, Secretary of Commerce.

Mr. BRUCE. Mr. President, I would like to ask the Senator from Washington what is the date of the report?

Mr. JONES of Washington. The resolution of the Senate was passed December 18 and the preliminary report was made December 26.

Mr. BRUCE. What year?

Mr. JONES of Washington. 1914. I am reading part of this from the first report. Then under date of January 25, 1915, there was a supplemental report sent in. That was the date of the letter of transmittal and from that I have read.

Mr. BRUCE. Mr. President, I want to ask the Senator from Washington, if there is no other alternative presented to the people of the United States, would not the wisest thing they could possibly do be to have the entire American merchant marine taken out on the bosom of the ocean somewhere and sunk to the bottom of the seas?

Mr. JONES of Washington. No; I do not think so, and I am going to present some facts a little further on which justify me in making that statement.

Mr. BRUCE. Just what is the total loss estimated to be on the operation since 1914?

Mr. JONES of Washington. I am going to call attention to some facts which I think probably will meet what the Senator has in mind.

Agriculture was the greatest sufferer. The farmer is most vitally interested in having adequate shipping for his surplus products. They are a large part of our exports. They are perishable and can not remain long in the warehouse or on the dock without loss nor can the farmer pass the increased carrying charge to the buyer or consumer, and so high freight charges are reflected generally in the low prices to the producer.

From page 17 of this report I desire to have printed in the RECORD without reading, if there is no objection, another statement.

The PRESIDENT pro tempore. Without objection it is so ordered.

The statement is as follows:

EFFECT OF HIGH OCEAN FREIGHT RATES ON AMERICAN FARMER

It will be observed that the greatest increases in rates and the heaviest tax has been imposed upon the products in which the American farmer is most concerned, namely, grain and cotton. These commodities constitute the great bulk of our export trade and have the largest influence in throwing the balance of foreign trade in favor of this country.

While the steamship companies have imposed conscienceless taxes in the form of increased rates on grain, amounting, as already shown, to as much as 900 per cent to some ports, they have placed an even heavier burden upon cotton, where the increase in rates to some ports is as high as 1,100 per cent. This increase is particularly onerous upon the cotton producers of the South, because it comes at a time when the effects of the war have greatly reduced the value of cotton and when the southern farmers are least able to bear additional burdens.

Grain, cotton, and other commodities are usually sold "delivered" at the port of destination. When steamship companies raise the cost of delivery of grain from 6 cents to 60 cents per bushel, it makes a vast difference in the price the farmer receives for his product; and when ocean freight charges on cotton are raised from $1.25 to $15 per bale the price at which the farmer sells his cotton is seriously reduced.

To show what the burden imposed on the farmers by these high ocean freight rates means, it is necessary only to bring out the fact that while the total freight cost on our exports by sea for December, 1914, was $30,742,500, the great commodities of grain, cotton, and flour bore $11,782,250 of this charge, or more than 36 per cent of the entire freight cost on all exports by sea for December, 1914.

Mr. JONES of Washington. Is anything more needed to show the American farmer his vital interest in an American merchant marine than these facts? Surely not, if he would have regard for his own interests. If there is any class of our people that should insist upon any steps being taken that will give us an adequate merchant marine, it is the farmer.

No one can tell what our lack of ships has cost the Nation. No one can tell what our farmers and business men paid in increased rates after the war began because of our lack of ships. It was estimated by the Secretary of the Treasury, however, that during the year 1915 agriculture and industry would pay in increased freight charges $311,864,400. This continued more or less until we entered the war, and it is entirely safe to assume that our people were taxed over a billion dollars on the transportation of their products through increased rates. This practically all went into the pockets of foreign shipowners.

If we had had an adequate American merchant marine when the war began, there would, no doubt, have been some increases in rates, but not nearly so great as did occur, and this increase would have gone largely to Americans and into American industry, and the loss from congestion and destruction on the docks and in the warehouses would have been much less.

Business was taxed approximately a billion dollars in increased carrying charges, solely because we did not have an adequate merchant marine when the World War began. This was a double loss, in that it went largely to foreigners. The farmer paid much of it, because he was less able than anyone else to recoup himself.

The loss by deterioration from congestion and delay at our shipping ports can safely be put at not less than $500,000,000, and here again the farmer was the greatest sufferer because his products are most perishable.

No one can measure the injury to business that can be traced directly to our lack of ships, but it was doubtless in excess of $500,000,000.

Under the stern need for ships we spent over $3,000,000,000 in building them. This money was taken from the pockets of our people through the sale of Liberty bonds. This sum was more than the estimated value of all the merchant ships of the world when the war began. It is the equivalent of $30,000,000 a year for more than 100 years. On this sum our people are paying $120,000,000 a year in interest and will continue to do so for many years to come. It is safe to say that we will pay in interest alone, on the average, $50,000,000 a year for 50 years. What do we get for it? Nothing! Not a ship is built! Not a service is rendered! We get nothing, but we must continue to pay.

This is not all. These ships that cost so much are wasting away. They will soon be gone. What will we have to show for them? Nothing! The ships that cost over $3,000,000,000 are estimated to be worth now only about $200,000,000. It is a conservative estimate, in my judgment, that our lack of ships at the beginning of the World War has cost our people more than $7,500,000,000. This is equivalent to an annual expenditure of $75,000,000 a year for a hundred years. What more is needed to show an intelligent and patriotic man, from the financial side alone, that we can well afford to pay out twenty-five or thirty millions of dollars a year for new ships and aid in the construction of new ships and their operation. No matter what others may do, I consider it so important for us to have a merchant marine that I am prepared to vote for any measure, no matter what it is nor by whom proposed, that offers a reasonable hope of giving us merchant ships.

The Shipping Board passenger ships that cross the North Atlantic, except two, are from 15 to 20 years old. They will soon have to be replaced or that service will be a memory. This illustrates the vital situation we face. The real problem confronting us is that of continuance of the service, and the vital phase of that is replacement. The sales we have made have been on the basis of the continuance of existing service for five years. The purchasers are dealing with these ships and the services on a purely business basis. If they do not derive a profit, they will quit running the ships or put them into the intercoastal and coastwise trade and surrender their business to their foreign competitors. Unless they can see such a profit as will warrant replacement their service will come to an end when the ships wear out. No one can blame them for not continuing the service at a loss. Only the Government could do that.

The freight money that the Government receives for the carriage of its cargoes while it owns and operates the ships is not the sole measure of its profits and the value of these ships. While we have had to take money from the Treaury to make good the deficit in their operation, we must not overlook the tremendous influence these ships have had in holding down ocean carrying charges. Surely no one can doubt that if we had not had American ships on the seas as we have had during the last five years ocean rates would have been much higher, to the great advantage of the foreign shipowner and to the great disadvantage of the American producer and manufacturer. The benefit to American business of every kind far exceeds any Treasury outlay.

Mr. President, I noticed in the press reports just a few days ago that to meet the emergency growing out of the need of transportaion for grain the Shipping Board has put into commission and allotted to that purpose, I think, some twenty-odd ships. Surely no man can underestimate the value of such action by the Shipping Board; no one can measure the value of the fact that we are in a position to meet an emergency of that character, that the ships are available and are put into use.

The time is fast approaching when the American people through its Congress must determine whether it is going to have a merchant marine or whether it is going to surrender the field it was forced to enter by war necessities and which, as a great commercial Nation with an ocean on each side of it, I think it should continue to occupy.

Our ships are fast wearing out. Every day they are facing the competition of more modern, efficient, and up-to-date ships. Business men at home and abroad are becoming more and more doubtful of the continuance of service we are now furnishing them. If there is one thing more essential than another in the development of a shipping business it is regularity and certainty of service.

To have a permanent American merchant marine we must adopt a policy that will induce private capital not only to take over services but to maintain them by replacing the present ships as they wear out with the most modern and efficient ships afloat, or else the Government must make provision for building ships to replace the present ships and so assure business men that the service will be maintained, or else we must frankly confess our inability to maintain a merchant marine and surrender this field to our commercial rivals.

In my judgment, we must determine this question very soon. It is not enough to declare that we are in favor of an adequate merchant marine and that we will take the steps necessary to have it, but we must take those steps. We must adopt the policy we propose to follow; we must provide in some way for the building of ships to maintain the needed services. We are slowly but surely coming back to where we were before the war. Then we carried about 10 per cent of our imports and exports.

I have here, Mr. President, a table submitted by the Shipping Board giving the percentage from 1921 of exports carried in Shipping Board vessels, the percentage carried in independent American vessels, and the percentage carried in foreign ships,

and the same information with reference to imports. I ask that the table may be inserted here in my remarks without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

Percentage of exports and imports carried in Shipping Board, independent American, and foreign vessels during the calendar years 1921 to 1925, to March 31, 1926

	Exports			Imports		
	Shipping Board	Independent American	Foreign	Shipping Board	Independent American	Foreign
	Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*
1921	18	16	66	16	53	31
1922	19	16	65	13	47	40
1923	17	14	69	8	42	50
1924	15	17	68	7	44	49
1925	13	18	69	6	38	56
1926 [1]	11	16	73	7	33	60

[1] To Mar. 31, 1926.

Mr. JONES of Washington. Mr. President, I want to see the merchant marine privately owned and privately operated. I am sure that such a merchant marine will be more cheaply built and more efficiently and economically operated than a Government merchant marine, and I will gladly support any measure that will insure such a merchant marine. If we will not do, if we can not do, what is necessary to give us such a merchant marine through private ownership and operation, then I am in favor of the Government adopting such a program and carrying it out as will keep running under the American flag such ships as will insure American producers adequate shipping service at reasonable rates and make it certain that, if any great danger should threaten us from without, we will be reasonably well prepared with the means of ocean transportation for troops and supplies and also that our commercial needs will be reasonably well cared for if the shipping of the other nations should be diverted to war purposes.

Without an adequate merchant marine the reduction of navies will leave us at the mercy of any nation in peace or in war that has an adequate merchant marine.

Mr. President, I wish to quote just a brief statement from a speech made by Secretary McAdoo in Chicago on January 9, 1915, in which he stated very clearly and concisely the importance of a merchant marine, especially from the economic standpoint. He said:

> Regardless of these hazards, it is even greater folly, from an economic point of view, to continue deliberately the policy of trying to build up a great foreign trade by leaving to our rivals the control of the vitally important instrumentalities of ocean transportation. So long as our competitors own the ships they make the rates, they control the service, and they determine the route. With this power it is easy to favor their own commerce and discriminate against ours.

The shipping problem is not a partisan one. It is an American question and should be dealt with in a purely patriotic way.

Mr. President, the Senator from West Virginia [Mr. NEELY] makes a very solemn plea to me to yield to him. I will do it, though if it leads to any discussion I shall withdraw my consent.

Mr. NEELY. Mr. President, I want to ask unanimous consent for the immediate consideration and adoption of Senate Resolution 268, to prevent corruption in primary elections.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will report the resolution.

The legislative clerk read Senate Resolution 268.

The PRESIDING OFFICER. Is there objection to immediate consideration of the resolution?

Mr. HEFLIN. Mr. President, I want to amend that by striking out——

Mr. JONES of Washington. If this is going to lead to discussion, I will have to withdraw my consent.

Mr. REED of Pennsylvania. If the Senator from Alabama is going to move to strike out any words in the resolution, I shall object.

The PRESIDING OFFICER. Objection is made.

Mr. JONES of Washington. I withdraw my consent.

I wish to make a suggestion, Mr. President, as to how it may be possible for us to work out a policy which we can adopt. Farmers, laborers, manufacturers, shipbuilders, ship operators, and shipowners are interested in the adoption of a wise policy. We are not likely to adopt a policy opposed by one or two of these great activities. It is most important that a policy should be decided upon that will have the substantial support of all of them. Representatives of these lines of effort should get together around the consultation table and earnestly and patriotically seek to harmonize their differences and agree upon the fundamental principles of such a policy. Politics should be laid aside, selfish interests should be subordinated to the public good as fully as possible. Unless this can be done wise action upon this vital American need is almost hopeless. Surely the Shipping Board can bring about such a conference. It is the agency, in my judgment, which should do it.

So, Mr. President, I wish to suggest, and this is the purpose of my resolution, that the Shipping Board in conjunction with the Department of Commerce should consider this question without delay. It ought to be better able to determine what should be done than any other agency. It can render no better service to the country than to devote its time during the summer and fall to the study of this problem and submit to Congress such concrete plan as it believes is necessary and will induce private capital and energy to go into the shipping field in such a way as to insure us the merchant marine we should have to care for our commerce and insure national security and submit an alternative plan and program for the Government to adopt if it should be found necessary for the Government to do this great thing. This is a great task, but a most important one. It will take time for Congress to consider and act upon it. This problem can not be delayed much longer. We should take it up seriously, with a view to taking action.

I ask unanimous consent, Mr. President, for the present consideration of the resolution which I have submitted, requesting the Shipping Board to prepare such plans and report to the Senate by January 1, 1927. I trust that along with their report will be submitted drafts of bills to carry out the plans which may be proposed.

The PRESIDING OFFICER. Is there objection?

The resolution (S. Res. 262) submitted by Mr. JONES of Washington June 23 (calendar day, June 25), 1926, was considered by unanimous consent and agreed to, as follows:

> *Resolved*, That the United States Shipping Board be, and it is hereby, requested to prepare and submit to the Senate not later than Janury 1, 1927, comprehensive and concrete plans for building up and maintaining an adequate merchant marine for commerce and national security (1) through private capital and under private ownership and (2) through construction, operation, and ownership by the Government.

CALL OF THE ROLL

Mr. COPELAND obtained the floor.

Mr. WILLIS and Mr. HOWELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. COPELAND. For what purpose?

Mr. WILLIS. I desire to suggest the absence of a quorum.

Mr. COPELAND. Mr. President, I am sure that nobody will be interested in the speech which I desire to deliver.

Mr. WILLIS. I know there are Senators who desire to be present, and I suggest the absence of a quorum.

Mr. COPELAND. I will not yield for that purpose.

Mr. WILLIS. Mr. President, I raise the point that there is no quorum present.

The PRESIDING OFFICER. Does the Senator from Ohio on a point of order raise that question?

Mr. WILLIS. I raise the point of order that no quorum is present.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Ernst	King	Schall
Bayard	Fernald	La Follette	Sheppard
Bingham	Fess	McKellar	Shortridge
Blease	George	McMaster	Simmons
Borah	Gillett	McNary	Smoot
Bratton	Glass	Mayfield	Stanfield
Bruce	Goff	Metcalf	Steck
Butler	Gooding	Moses	Stephens
Cameron	Hale	Neely	Swanson
Capper	Harreld	Norris	Trammell
Copeland	Harris	Overman	Tyson
Couzens	Harrison	Pine	Underwood
Cummins	Heflin	Pittman	Wadsworth
Curtis	Howell	Ransdell	Walsh
Dale	Johnson	Reed, Pa.	Warren
Deneen	Jones, N. Mex.	Robinson, Ark.	Watson
Dill	Jones, Wash.	Robinson, Ind.	Williams
Edwards	Kendrick	Sackett	Willis

The VICE PRESIDENT. Seventy-two Senators having answered to their names, a quorum is present.

DETAIL OF AIR CORPS OFFICERS

Mr. BINGHAM. I ask unanimous consent to submit a report from the Committee on Military Affairs.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. BINGHAM. I report a joint resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation, and I ask unanimous consent for its present consideration.

There being no objection, the joint resolution (S. J. Res. 126) authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation was read the first time by its title, the second time at length, and considered as in Committee of the Whole, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail officers of the Air Corps of the Army of the United States to duty under the Secretary of Commerce in connection with the work of promoting civil aviation as provided for in the air commerce act of 1926: *Provided*, That such detail shall not be for a period of more than one year.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONTEMPTS OF COURT

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1035) relating to contempts, which was to strike out all after the enacting clause and insert:

That whenever letters rogatory shall issue out of any court of the United States, either with or without interrogatories addressed to any court of any foreign country, to take the testimony of any witness, being a citizen of the United States or domiciled therein, and such witness, having been personally notified by it according to the practice of such court, to appear and testify pursuant to such letters rogatory and such witness shall neglect to appear, or having appeared shall decline, refuse, or neglect to answer to any question which may be propounded to him by or under the authority of such court, to which he would be required to make answer were he being examined before the court issuing such letters, the court out of which said letters issued may upon proper showing order that a subpœna issue addressed to any consul of the United States within any country in which such witness may be, commanding such witness to appear before the said court at a time and place therein designated.

SEC. 2. Whenever the attendance at the trial of any criminal action of a witness, being a citizen of the United States or domiciled therein, who is beyond the jurisdiction of the United States, is desired by the Attorney General or any assistant or district attorney acting under him, the judge of the court before which such action is pending, or who is to sit in the trial of the same, may, upon proper showing, order that a subpœna issue, addressed to any consul of the United States within any country in which such witness may be, commanding such witness to appear before the said court at a time and place therein designated.

SEC. 3. It shall be the duty of any consul of the United States within any country in which such witness may be at the request of the clerk of the court issuing any subpœna under this act or at the request of the officer causing such subpœna to be issued, to serve the same personally upon such witness and also to serve any orders to show cause, rules, judgments, or decrees when requested by the court or United States marshal, and to make a return thereof to the court out of which the same issued, first tendering to the witness the amount of his necessary expenses in traveling to and from the place at which the court sits and his attendance thereon, which amount shall be determined by the judge on issuing the order for the subpœna and supplied to the consul making the service.

SEC. 4. If the witness so served shall neglect or refuse to appear as in such subpœna directed, the court out of which it was issued shall upon proof being made of the service and default, issue an order directing the witness to appear before the court at a time in such order designated to show cause why he should not be adjudged guilty of contempt and be punished accordingly.

SEC. 5. Upon issuing such order the court may, upon the giving of security for any damages which the recusing witness may have suffered, should the charge be dismissed (except that no security shall be required of the United States), direct as a part of such order that the property of the recusing witness, at any place within the United States, or so much thereof in value as the court may direct shall be levied upon and seized by the marshal of said court in the manner provided by law or the rule of the court for a levy or seizure under execution, to be held to satisfy any judgment that may be rendered against such witness in the proceeding so instituted.

SEC. 6. The marshal, having made such levy, shall thereupon forward to the consul of any country where the recusing witness may be a copy of the order to show cause why such witness should not be adjudged guilty of contempt with the request that said consul make service of the same personally upon the recusing witness, and shall cause to be published such order to show cause and for the sequestration of the property of such witness, in some newspaper of general circulation in the district within which the court issuing such order sits, once each week for six consecutive weeks.

SEC. 7. On the return day of such order or any later day to which the hearing may by the court be continued, proof shall be taken; and if the charge of recusancy against the witness shall be sustained, the court shall adjudge him guilty of contempt and, notwithstanding any limitation upon the power of the court generally to punish for contempt, impose upon him a fine not exceeding $100,000 and direct that the amount thereof, with the costs of the proceeding, be satisfied unless paid, by a sale of the property of the witness so seized or levied upon, such sale to be conducted upon the notice required and in the manner provided for sales upon execution.

SEC. 8. Any judgment rendered pursuant to this act upon service by publication only may be opened for answer within the time and in the manner provided in section 57 of the Judicial Code.

Mr. WALSH. I move that the Senate concur in the amendment of the House.

Mr. SMOOT. Mr. President, will the Senator please explain what this is?

Mr. WALSH. This is the bill which passed the Senate some time ago to take care of the case of the witnesses desired in the oil cases who fled the country, and have remained in Europe since that time. As passed by the House with an amendment, the bill provides that in criminal cases where witnesses are outside of the country the Attorney General or the district attorney may make application to the court for a subpœna requiring the attendance of the witness. The expenses of his travel are to be estimated by the court, and provision made for the payment of his traveling expenses. The subpœna is to be transmitted to the United States consul nearest the place in a foreign country at which the witness appears; service is to be made upon him, and his expenses are to be tendered him. If he does not appear, proceedings in contempt may be instituted against him, as in the case of a witness refusing to testify.

Mr. SMOOT. Has the Judiciary Committee agreed to the amendment of the House?

Mr. WALSH. It has not gone to the committee.

Mr. SMOOT. I am not a member of that committee, and of course I do not know its attitude on the matter.

Mr. WALSH. I am very sure that there is no member of the Senate Committee on the Judiciary who is not in entire sympathy with the amendment proposed by the House. The report of the committee upon the original bill was without objection from any source.

Mr. SMOOT. Yes; but this is an amendment to a Senate bill; is it not?

Mr. WALSH. This is an amendment to further the purpose of the bill.

Mr. SMOOT. Of course, I know nothing about it. I am just asking the Senator whether the members of the committee are agreeable to it.

Mr. WALSH. I am sure the members of the committee are.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana that the Senate concur in the amendment of the House.

The motion was agreed to.

NAVAL PETROLEUM RESERVES

Mr. WALSH. Mr. President, if the Senator will pardon me, I desire to make a suggestion with regard to the bill just passed.

The VICE PRESIDENT. Does the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. WALSH. Mr. President, considerable interest has been exhibited concerning the progress that has been made in the litigation with relation to the naval oil leases. I have from the counsel representing the Government in the case a summary of the proceedings in each case, and I ask that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

In re United States Naval Petroleum Reserves

CHRONOLOGY OF UNITED STATES OIL CASES

CRIMINAL CASES

Pursuant to acts of Congress, of February 8 and February 27, 1924, special counsel were appointed by the President, and confirmed by the Senate, as follows:

Atlee Pomerene, on February 16, 1924, and
Owen J. Roberts, on February 18, 1924.

Grand jury proceedings were conducted by special counsel during the month of June, in the District of Columbia, and resulted in the return of four indictments on June 30, 1924, in the Supreme Court of the District of Columbia. These will be referred to separately below, with the proceedings taken under each.

I. UNITED STATES AGAINST EDWARD L. DOHENY AND EDWARD L. DOHENY, JR., NO. 42305

On June 30, 1924, a grand jury returned an indictment against the above-named defendants for violation of section 39 of the Criminal Code—offering a bribe.

On July 7, 1924, both defendants filed pleas in abatement identical in substance and differing only as to names of the defendants, the pleas in abatement being Nos. 1, 2, and 3. These were in substance as follows:

(1) That Atlee Pomerene and Owen J. Roberts were present before the grand jury as special appointees of the Attorney General, and not as special counsel.

(2) That the indictments were signed by them as special appointees and not as special counsel.

(3) That Oliver E. Pagan, as special appointee of the Attorney General, and Peyton Gordon, the United States attorney for the District of Columbia, were unlawfully present before the grand jury.

On July 9 bench warrants were issued for each defendant. On July 12 the United States filed a motion to strike the pleas in abatement of each defendant as premature, defendants not having appeared or entered bail to the charge.

On August 12, 1924, each of the defendants filed an additional plea in abatement No. 4, which alleged in substance that a radio address delivered by Senator THOMAS J. WALSH during the period of the grand jury proceedings prejudiced the minds of the grand jurors. On August 14 the United States filed a motion to strike, said additional plea assigning certain reasons in support of said motion. On December 13, 1924, the United States withdrew its motion to strike the first three pleas—Nos. 1, 2, and 3—and on December 19 filed in lieu thereof a special traverse to the plea No. 1 and demurrers to the pleas Nos. 2 and 3 of each of the defendants. To said special traverse each of the defendants on December 30, 1924, demurred. As will appear below, similar pleas had been filed in the other three cases and the issues arising thereon were argued before the Supreme Court of the District of Columbia on January 23, 1925, after the submission of printed briefs on both sides.

On April 3, 1925, Mr. Chief Justice McCoy filed an opinion, holding that the second and fourth pleas in abatement in each of the four cases were without substance, but that the first and third pleas were valid, and therefore that the indictments should be and were quashed.

An appeal was immediately noted by the United States, and assignments of error were filed in each of the four cases on April 17, 1925, and a designation of the record on appeal was filed on April 23, 1925. In order that the record might be made up in time for the next term of the Court of Appeals of the District of Columbia, viz, the November term, special counsel were permitted to lend the assistance of their stenographers. This case became No. 4363 on the docket of the Court of Appeals of the District of Columbia, wherein the transcript of record was filed August 6, 1925, and was set down for hearing in said court as No. 19 on its list for the November term, beginning November 2, 1925. A brief was filed by the United States on or about September 22, 1925, and an answer brief by the appellee on or about October 23, 1926. The case, along with No. 4362, below, was argued before the court on November 3, 1925. On December 28, 1925, mandate from court of appeals reversing judgment filed and transmitted to United States attorney. On January 26, 1926, mandate presented to court (Stafford, J.). On February 6 exceptions by defendants filed. On February 16 demurrers filed. Have not yet been set for argument.

II. UNITED STATES AGAINST ALBERT B. FALL, NO. 42304

On June 30, 1924, a grand jury returned an indictment against Albert B. Fall, under section 117 of the Penal Code, for accepting a bribe. A bench warrant was issued July 9. On August 13, the defendant appeared by attorneys and filed pleas in abatement, Nos. 1, 2, and 3. These pleas are practically identical with the pleas filed in No. 42305. On August 14 the United States filed a replication to these pleas, and on December 19, pursuant to leave of court, withdrew said replication and in lieu thereof filed a special traverse to the plea in abatement No. 1 and demurrers to the pleas Nos. 2 and 3. The defendant demurred to the special traverse on January 3, 1925. The issues arising on these pleas in abatement were argued, in consolidation with the other three cases, on January 23, 1925, as noted above, under case No. 42305. After the quashing of the indictment by the decision of the Supreme Court April 6, 1925, the case was appealed to the court of appeals and heard in conjunction with the Doheny case, as above noted, on November 3, 1925. No decision has yet been rendered.

III. UNITED STATES AGAINST DOHENY, DOHENY, JR., AND FALL, NO. 42302

On June 30, 1924, a grand jury returned an indictment against the above-named defendants for conspiracy in violation of Penal Code, section 37.

On July 3 a bench warrant issued for each defendant.

On July 7, 1924, the defendants, Edward L. Doheny and Edward L. Doheny, jr., filed pleas in abatement. These pleas are in substance the same as those noted above in case No. 42305. As neither said Edward L. Doheny nor Edward L. Doheny, jr., had appeared or entered bail to the charge, the Government, on July 12, 1924, filed a motion to strike these pleas from the record as premature.

Subsequently, on July 31, the defendants, E. L. Doheny and E. L. Doheny, jr., appeared and duly entered bail for their appearance at the October session of the court.

The United States on December 19 withdrew its motion to strike and in lieu thereof filed as to the first plea in abatement a special traverse, and as to the second and third pleas demurrers.

To the special traverse filed by the United States to the first plea, the defendants, Edward L. Doheny and Edward L. Doheny, jr., demurred on December 30, 1924.

Meantime, on August 12, 1924, the defendants, Edward L. Doheny and Edward L. Doheny, jr., filed an additional plea in abatement, No. 4, with reference to the radio address of Senator THOMAS J. WALSH, August 14, 1924, the United States moved to strike this plea, assigning certain reasons in support of its motion.

As to the defendant Fall, after he had appeared and entered bail, he filed pleas in abatement, Nos. 1, 2, and 3, which are practically identical with those filed by the other two defendants. A replication was filed to these pleas on August 14, 1924, but was, by leave of court, withdrawn on December 19, 1924, and in lieu thereof the United States filed a special traverse to the plea No. 1 and demurrers to the pleas Nos. 2 and 3. To the special traverse to plea No. 1 the defendant Fall demurred on January 3, 1925. The issues on the pleas in abatement were heard, in consolidation with the other three cases, on January 23, 1925, and the indictment was quashed of record on April 6, 1925, and an appeal to the court of appeals noted.

New grand jury proceedings were instituted by special counsel during the latter half of the month of May, 1925, as a result of which two new conspiracy indictments were returned and filed in the Supreme Court of the District of Columbia on May 27, 1925, said indictments being in substance similar to cases Nos. 42302 and 42303. These new indictments will be taken up separately below.

Subsequent to the return of the new indictments, special counsel elected to proceed with reference to them, and no further proceedings were taken in the present case No. 42302 and No. 42303.

IV. UNITED STATES AGAINST FALL AND SINCLAIR, NO. 42303

On June 30, 1924, a grand jury returned an indictment against the above-named defendants for conspiracy, in violation of Penal Code, section 37. On July 7 a bench warrant issued for the defendant Sinclair. On July 8 Sinclair filed his pleas in abatement, Nos. 1, 2, and 3. These were in substance the same as the pleas noted under No. 42305 above. As Sinclair had not appeared or entered bail to the charge, the Government on July 12, 1924, filed a motion to strike these pleas from the record as premature. Subsequently, Sinclair appeared and duly entered bail for his appearance at the October session of the court.

The United States withdrew its motion to strike, and in lieu thereof filed as to the first plea in abatement a special traverse, and as to the second and third pleas demurrers, on December 19, 1924.

To the special traverse filed by the United States to the first plea defendant Sinclair demurred on December 30, 1924.

Meantime, on August 20, 1924, defendant Sinclair filed an additional plea in abatement, No. 4, with reference to the radio address of Senator THOMAS J. WALSH, and on August 22, 1924, the United States moved to strike this plea, assigning certain reasons in support of its motion.

As to the defendant Fall, after he had appeared and entered bail, he filed pleas in abatement, Nos. 1, 2, and 3, which are practically identical with those filed by Sinclair. A replication was filed to these pleas on August 14, 1924, but was, by leave of court, withdrawn on December 19, 1924, and in lieu thereof the United States filed a special traverse to the plea No. 1, and demurrers to the pleas Nos. 2 and 3. To the special traverse to plea No. 1, the defendant Fall demurred, January 3, 1925.

The issues on these pleas were heard in consolidation with the other three cases on January 23, 1925, and the indictment was quashed of record on April 6, 1925, and an appeal noted. Subsequent to the finding of a new conspiracy indictment between Fall and Sinclair, on May 27, 1925, special counsel elected to take no further proceedings in the instant case.

SECOND INDICTMENTS IN CONSPIRACY CASES

As a result of grand jury proceedings held under the direction of special counsel during the latter half of May, 1925, two new indictments for conspiracy to defraud the United States, in violation of Penal Code, section 37, were returned and filed in the Supreme Court of the District of Columbia on May 27, 1925, as follows:

United States *v.* H. F. Sinclair and A. B. Fall (Crim. No. 43324), and United States *v.* E. L. Doheny and A. B. Fall (Crim. No. 43325).

A demurrer on behalf of Sinclair and Fall was filed to the indictment, No. 43324, on or about October 15, 1925. Similar demurrer was filed

in No. 43325 on behalf of Edward L. Doheny on or about November 3, 1925.

December 4, 1925, the demurrers were argued and submitted. On January 4, 1926, the court requested additional briefs on particular questions. February 15 demurrers overruled, and memorandum opinion filed (Stafford, J.). On March 23 an order was made allowing special appeals from the order overruling the demurrers. On March 30 assignment of errors filed, and on April 8 transcript of record was filed. These cases are the fifth and seventh cases on the special calendar and will probably be reached for argument about October 4 or 5, 1926.

INDICTMENT FOR CONTEMPT

UNITED STATES AGAINST HARRY F. SINCLAIR

A grand jury of the District of Columbia found an indictment against Harry F. Sinclair on March 31, 1924, based on violation of Revised Statutes, section 102, for refusing to answer certain questions propounded to him by the Committee on Public Lands and Surveys of the United States Senate.

On April 12, 1924, a demurrer was filed to each count of the indictment.

On April 12, 1924, defendant also filed a motion to quash the indictment on the ground that it appeared of record that the refusal to answer the questions was based on the Senate committee's lack of jurisdiction of the subject matter.

On April 18, 1924, the United States filed a motion to strike the motion to quash on the ground that the latter was inconsistent with the demurrer and that the grounds thereof were such as should be raised under the plea of "not guilty."

Briefs were submitted on both sides, and the issues arising on the demurrers and motion to quash were argued in the Supreme Court of the District of Columbia (Crim. No. 42060) on or about ——.

On July 14, 1924, Mr. Justice Hoehling filed his opinion (a) overruling the demurrer to six counts of the indictment and sustaining it to the four other counts, (b) overruling the motion of defendant to quash the indictment, and (c) overruling the motion of the United States to strike.

Subsequently the defendant filed a petition in the Court of Appeals of the District of Columbia for the allowance of a special appeal from the order of the Supreme Court of the District of Columbia overruling defendant's motion to quash and overruling defendant's demurrer to the first, second, fourth, fifth, eighth, and ninth counts of the indictment. Special counsel filed a brief in opposition. On September 2, 1924, the court entered an order allowing said special appeal.

Thereafter, on December 30, 1924, appellant filed his brief in the Court of Appeals of the District of Columbia, and the United States thereupon filed its answer brief. The case came on for argument as No. 4213 and was argued before said court on February 2, 1925. No decision has yet been rendered therein, and no further proceedings have occurred.

CIVIL SUITS

UNITED STATES AGAINST PAN AMERICAN PETROLEUM CO. ET AL.

Original bill of complaint was filed in the United States District Court for the Southern District of California, sitting at Los Angeles, March 17, 1924, and receivers pendente lite then appointed.

On April 15, 1924, defendants obtained an order extending time to plead.

On April 22, 1924, plaintiff by leave of court filed an amended bill of complaint. Thereafter defendants filed an answer. July 21, 1924, motion of special counsel heard to have case assigned for trial. This motion was granted and case was assigned for trial October 20, 1924.

The case was assigned for trial October 20 and the trial in fact began on October 21, 1924, said trial continuing until November 18, 1924, and at its conclusion printed briefs were filed by both sides with requests for findings of fact and conclusions of law.

On May 28, 1925, opinion of court was filed, together with findings of fact and conclusions of law.

On July 11, 1925, the court entered a decree ordering the lease and contracts canceled, in accordance with the prayer of the bill, and ordering an accounting in which defendants were held to be entitled to certain credits, viz, drilling and production expenses and construction work at Pearl Harbor. Supplemental findings of fact were entered on the same day.

On July 15, 1925, petition for allowance of an appeal was filed by defendants and granted, and bond on appeal filed. On the same date, petition for allowance of a cross appeal was filed by the United States as to so much of the aforesaid decree as relates to credits to be allowed defendants, and said cross appeal was allowed by the court.

On July 15, 1925, the United States filed its assignment of errors as cross-appellant and its designation of record on appeal. On the same date defendants filed their assignments of error and designation of record on appeal.

On July 15, 1925, defendants gave notice of lodging a statement of the evidence, as required by equity rule 75, in the office of the clerk of the United States District Court for the Southern District of California.

On or about September 9, 1925, the United States, as cross-appellant, mailed its brief, to be filed in the United States Circuit Court of Appeals of the Ninth Circuit, and thereafter, on or about September 12, 1925, appellants filed their brief. Answer brief was mailed for filing by appellee on or about September 24, 1925.

On October 5 and 6, 1925, the case was argued before the United States Circuit Court of Appeals for the Ninth Circuit, sitting in San Francisco.

On January 4, 1926, favorable decision rendered by Circuit Court of Appeals. On February 24, 1926, application for a writ of certiorari was made, which was granted on March 22. On April 26 motion to advance was made, which was granted on May 3. Set for argument on October 10, 1926.

UNITED STATES AGAINST MAMMOTH OIL CO. ET AL.

On March 13, 1924, bill of complaint was filed in the United States District Court for Wyoming, sitting at Cheyenne, and temporary injunction was granted and receivers pendente lite appointed.

On April 10, 1924, answers of the Mammoth Oil Co., the Sinclair Crude Oil Purchasing Co., and the Sinclair Pipe Line Co. were filed.

On May 12, 1924, an order setting down the case for trial on October 7, 1924, was entered.

On various dates thereafter plaintiff filed depositions of sundry witnesses on its behalf, viz, on the following days: June 5, 13, and 24; July 5 and 7; September 29, 1924.

Defendants filed depositions as follows: July 21, August 16, September 18, 1924.

On September 5, 1924, the court granted a commission to take depositions of sundry Canadian witnesses on behalf of the plaintiff.

On September 17, 1924, defendants' motion for a continuance was denied by the court.

On September 23, 1924, Canadian witnesses appeared before commissioner, pursuant to order of Supreme Court of Ontario, but refused to be sworn or testify. On September 27 motion was made in said court for committal of these witnesses for contempt and a cross motion made by them to set aside the order.

On September 25, 1924, motion for continuance concurred in by both parties was granted, continuing the case until January 6, 1925.

On October 18, 1924, a new petition and order for commission to take depositions of the aforementioned Canadian witnesses on behalf of plaintiff were filed. On October 27, 1924, motion for an order to take depositions under the new commission was filed in the Supreme Court of Ontario, and was argued on October 30, and an order made granting said motion on the last-stated date.

On November 25, 1924, pursuant to notice, depositions were taken before commissioners at Toronto, Canada, of the following witnesses on behalf of plaintiff, viz, H. S. Osler, S. M. Fordyce, B. Osler, L. Samuel, H. W. Boston, M. H. Bruels, N. E. Strickland.

On December 1, 1924, certain depositions taken at Toronto, Canada, on behalf of plaintiff pursuant to the aforesaid commission were filed.

On December 8, 1924, motion to commit H. S. Osler for contempt in refusing to answer certain questions, contrary to orders of commissioner, was filed in the Supreme Court of Ontario. Said motion was argued December 10, 1924.

On December 13, 1924, Mr. Justice Riddell, of the Supreme Court of Ontario, granted the motion and directed the reattendance and reexamination of said witness.

On December 18, 1924, H. S. Osler's counsel filed notice of appeal from order of Mr. Justice Riddell to the appellate division of the Supreme Court of Ontario. Special leave was obtained by counsel for plaintiff to argue motion to expedite the appeal on January 19, 1925.

On December 20, 1924, plaintiff filed a motion for continuance of the case, and on December 26 said motion was granted and the case set down for trial March 9, 1925.

On December 20, 1924, plaintiff's counsel argued in opposition to motion of one H. Leslie Parker for leave to intervene in suit, and on December 26, 1924, the United States district court denied said motion.

Hearing on plaintiff's motion to expedite appeal of H. S. Osler was granted by the appellate division of the Supreme Court of Ontario on January 20 (by adjournment from January 19 at Osler's request), January 26, and January 30, and court granted said motion and advanced said appeal to February 9.

On January 31, 1925, petition for letters rogatory to take depositions of certain witnesses in France on behalf of plaintiff were filed, and on February 7, 1925, letters rogatory were issued.

On February 9 and February 11, 1925, the Appellate Division of the Supreme Court of Ontario heard argument in the appeal of H. S. Osler from the Supreme Court of Ontario, and took the case under advisement.

On February 23, 1925, motion for continuance was filed on behalf of plaintiff in the United States district court at Cheyenne, supported by affidavits. Same was argued in open court on February 26, 1925.

On February 27, 1925, memorandum and order of court denying motion for continuance was filed.

On March 7, 1925, certain depositions taken in Toronto, Canada, pursuant to commission were filed.

On March 9, 1925, certain depositions taken in France pursuant to letters rogatory were filed.

On March 9, 1925, trial of this case began and continued until March 26.

On March 11, 1925, the Appellate Division of the Supreme Court of Ontario handed down a decision denying the appeal of H. S. Osler, and affirming the order of Mr. Justice Riddell, that the said witness answer the questions as required of him by the commissioner in the course of his deposition.

On April 13, 1925, and within the time fixed by the court, plaintiff filed its brief in the trial court, which was answered on May 4, 1925, by brief of the Mammoth Oil Co.

Memorandum opinion of the court, dismissing bill of complaint, was filed by the court as of June 19, 1925.

On July 6 the court entered a decree (dating same June 19) dismissing plaintiff's bill and making findings of fact in support of the decree.

On July 6, 1925, plaintiff's petition to reopen the case for further hearing was filed and denied by order of the court then entered.

On July 30, 1925, the court entered an order allowing plaintiff's petition for an appeal to the United States Circuit Court of Appeals for the Eighth Circuit. Thereupon plaintiff filed its assignments of error and citation on appeal.

On September 25, 1925, the court entered an order allowing plaintiff's motion for an enlargement of time within which to docket case and file record in the United States Circuit Court of Appeals until October 18, 1925.

On September 28, 1925, record of the case was filed in the clerk's office of the United States Circuit Court of Appeals in St. Louis.

May 10, 1926, argued in circuit court, eighth circuit, at St. Paul No decision as yet.

VERDE RIVER IRRIGATION PROJECT

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Arizona?

Mr. COPELAND. I yield to the Senator.

Mr. ASHURST. The junior Senator from Arizona [Mr. CAMERON] has moved that the Senate proceed to the consideration of Order of Business 755, Senate bill 3342. Of course the Senator has a right to make that motion, and I do not quarrel with his exercise of that right; but I am so much opposed to the bill that I would be justified in resorting to any honorable method to defeat the motion.

The hour of adjournment is approaching. If it be necessary, I must employ all the available intervening time in order to defeat that bill, and I shall go to every honorable length to defeat it. If I could have the floor for the purpose of making a motion to lay my colleague's motion on the table, we could settle the question and other important bills could then come up.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. ASHURST. I have not the floor.

Mr. COPELAND. I yield to the Senator from Utah.

Mr. SMOOT. I am going to ask the junior Senator from Arizona [Mr. CAMERON] to withdraw his motion to proceed to the consideration of the bill. It can not be passed at this session.

Mr. CAMERON. Mr. President, I have waited here for months; I have been patient, and I have not taken up very much of the time of the Senate. I must insist on the motion at this time, whether I lose or not.

Mr. ASHURST. Mr. President, I move to lay the motion of the junior Senator from Arizona on the table.

The VICE PRESIDENT. Does the Senator from New York yield for that purpose?

Mr. COPELAND. If I do not lose the floor, I yield for that purpose.

Mr. ASHURST. And on that motion I demand the yeas and nays.

Mr. BORAH. Mr. President, if the Senator yields——

The VICE PRESIDENT. If the Senator from New York yields the floor for that purpose, he will lose the floor.

Mr. COPELAND. I am sorry, then, but I can not yield.

Mr. BORAH. Mr. President, I ask for the regular order. The regular order is the speech of the Senator from New York.

Mr. ASHURST. He has yielded to me.

Mr. BORAH. Exactly; but there is no use in discussing this bill and taking all the time in the discussion of it. We might just as well permit the Senator from Arizona [Mr. CAMERON] to have his bill before the Senate; and if the Senator from New York wants to hold the floor he had better proceed.

Mr. COPELAND. Mr. President, I will proceed in my own way.

ECONOMY OF CONGRESS

Mr. McKELLAR. Mr. President, if the Senator from New York will yield to me——

Mr. COPELAND. I yield.

Mr. McKELLAR. It is very seldom that the Washington newspapers or any other newspapers have a pleasant thing to say about the Congress. The Washington Post of a day or two ago had an editorial upon the economy of Congress. I ask unanimous consent that it may be printed in the RECORD; and I, as one Senator, thank the Post for the truth of the statement.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

ECONOMY OF CONGRESS

In his budget address of last year the President paid tribute to Congress and its cooperation in the matter of cutting Government expenses.

Chairman MADDEN, of the House Appropriations Committee, announces that Congress has cut $4,275,000,000 from the requests of administrative officials since the close of the World War; and Congress has cut approximately $360,000,000 from the administrative officials since the Budget act went into effect. Mr. MADDEN says: "If we had not done that, no one could have made the reduction in the public debt that has been effected."

The annual interest on the public debt has been reduced by over $200,000,000; and Chairman MADDEN adds: "This could not have happened if we had granted all the appropriations that were requested, and neither could the tax reduction have come about if we had continued to appropriate up to the demands."

It has been fashionable to condemn Congress; but from these statements, not a little credit belongs to Congress for its efficient program of economy, even beyond the recommendations of the Budget Bureau.

THE INSINCERITY OF THE REPUBLICAN ADMINISTRATION

Mr. COPELAND. Mr. President, it is my purpose to be critical of the Republican administration. If I were to tell all that I feel about it, it would take a long time.

I want it understood when I speak in criticism of the President and of the administration I am not personal in the least. I have very high regard for Mr. Coolidge, the President of the United States. I have very high regard for the Senators on the other side of the aisle. So what I am proposing to say is in criticism of the official acts of the administration.

THE PRESIDENT SHIFTING POSITION

In the New York World of Thursday, July 1, is an editorial. It is the leading editorial of that issue, and it is headed "More Vermont granite."

One of the elements of Mr. Coolidge's hold upon public sentiment has been the impression that he is a man of grim adherence to conviction. In his taciturn way he is supposedly as unrecking of expediency as Cleveland. Having made up his mind upon a question of principle, he stands like the hills about his native Plymouth. Yet as the smoke clears away from the battle over the Fess bill it discloses—wheat? That this same Mr. Coolidge has been beaten off the field while trying to execute a smart political stroke by an ignominious surrender of principle. After announcing his adherence to a courageous decision, after reiterating it, after marshaling Congress to support it, he suddenly took fright, yielded completely, used his Secretary of Agriculture as a lobbyist to make Congress yield also, and was shown the door of the Senate for his pains.

Let anyone who believes in Mr. Coolidge's high consistency try to square his championship of the Fess bill with his rejection of the Haugen bill. The President on December 7 made an explicit statement in Chicago of his position on farm legislation. He opposed any plan "to put the Government into the farm business"; he gave warning that "no matter how it was disguised, the moment the Government engages in buying or selling, by that act it is fixing prices," and he declared that if farming is worth anything "it must rest on an independent business basis." The Mellon statement was an argumentative elaboration of this position. Mr. Mellon asserted that the proposed use of Federal money was unsafe, for it would not be repaid; that it was unwise, for it would stimulate overproduction; and that is was unfair, for it would artificially raise food prices at the cost of the public.

Yet Mr. Coolidge, who till June 24 was so firmly opposed to Federal aid that he refused an open indorsement to the Tincher bill, on June 25 issued an appeal to Congress in behalf of the Fess bill. This bill would have put the Government into the farm business to the extent of $100,000,000. It would have taken it off "an independent business basis" by creating a Government marketing commission. It would have risked Federal funds in a venture that could never command private money, and that even Senator Fess merely "thought" would be "reasonably" safe. The design of its authors was precisely that of Representative HAUGEN, to create an artificial scarcity on the home market, raise the price of food ad libitum, and burden the American consumer while benefiting the foreign buyer.

In fine, the essentials of the Fess and Haugen bills were identical; only in the externals were they different. It is the business of statesmanship to pierce to the essentials. The shifty politician can use phrases and surface aspects to confuse the public, but the statesman

scrutinizes the inner meaning of a proposal. Had Secretary Mellon furnished an analysis of the Fess bill he would unavoidably have used the same terms as for the Haugen bill. Yet President Coolidge tried to rush Congress off its feet by issuing a sudden demand for a measure which he and everybody else had theretofore ignored. His motive in all this was transparent.

The Haugen bill came to defeat late on June 24. It was debated amid predictions from Senators BORAH, CUMMINS, and CAPPER of a revolt against the tariff. Senator GOODING declared an hour before the vote that the farmers would rise and throw the protective system into the sea. On the morning of June 25 occurred a White House breakfast of the Republican Senatorial Campaign Committee. Gloomy Senators told the President that the chances of holding a majority were dark in the extreme. The President—this unflinching adherent to principle—closeted himself with Jardine and Hoover and late in the afternoon came his resounding flop in favor of all that he had denounced.

The stupidity of the performance is mirrored in the Senate vote of 54 to 26. But it is not its stupidity which will most impress those who had regarded Mr. Coolidge as a man of immovable fidelity and courage.

NEGLECT OF THE FARMER

Mr. President, in the New York Evening World of July 1 was an interesting editorial, which I read:

LOVE 'EM AND LEAVE 'EM

Any other assumption than that the Fess bill would be voted down would have been a reflection on the sincerity and intelligence of the Senate. The result, let us hope and believe, was inevitable. The chief interest in the defeat of the measure is in an analysis of the vote. The measure drew its support almost exclusively from the Senators who may be put down as distinctively administration Senators. Most of them were men of the type of Senator BUTLER, who have no real interest in the relief of the farmers. The Democrats lined up almost solidly against this hypocritical measure, which was merely designed to meet a political emergency. The members of the so-called farm bloc refused to take the bait and voted against it. There was nothing else to do.

Speculation in the newspapers of how the politicians will seek to shift responsibility for its defeat is sheer nonsense. The farmers did not want it, and they who voted against it need have no fear in that quarter. The one thing that will make, or should make, an impression on the farmers is the fact that the administration has failed utterly in finding a remedy for their ills. There is no evidence that it seriously sought a remedy. The tillers of the soil do not come within the scope of Mr. Mellon's vision. Love 'em just before election and leave 'em immediately afterward has been a successful policy a long while, and so long as it works why worry?

Mr. President, we saw the attitude of the administration toward the McNary bill. It was pointed out how "economically unsound" that bill was, and then just for the sake of political expediency, on the eleventh-hour appeal of the President of the United States, the died-in-the-wool administration Senators flopped and voted for a measure just as unsound economically as the McNary bill.

I can not believe that the farmers, who have long been imposed upon by the Republican Party, who have been willing to retain it in office, will be fooled any longer. If there is anything in the world more "economically unsound" than the protective tariff system as laid down by the Republican Party, I can not imagine it.

So, among the first of the criticisms which I have to pass upon this administration is the apparent insincerity as regards farm relief.

THE BONUS AND TAX REDUCTION

I desire to speak about the bonus and tax reduction. It will be recalled that Mr. Mellon, the "greatest Secretary of the Treasury since Alexander Hamilton," wrote a letter on the 10th of November, 1922, to Mr. GREEN, the acting chairman of the Committee on Ways and Means of the House of Representatives.

I quote:

New or enlarged expenditures would quickly eat up the margin of revenue which now appears to be available for reducing the burden of taxation, and to embark on any soldiers' bonus such as was considered in the last Congress or any other program calling for similarly large expenditures would make it necessary to drop all consideration of tax reduction and consider instead ways and means for providing additional revenue. A soldiers' bonus would postpone tax reduction not for one but for many years to come. It would mean an increase rather than a decrease in taxes, for in the long run it could be paid only out of moneys collected by the Government from the people in the form of taxes. Throughout its consideration of the problem the Treasury has proceeded on the theory that the country would prefer a substantial reduction of taxation to the increased taxes that would necessarily follow from a soldiers' bonus, and I have faith to believe that it is justified in that understanding. Certainly there is nothing better calculated to promote the well-being and happiness of the whole country than a measure that will lift, in some degree, the burden of taxation that now weighs so heavily on all.

Mr. Mellon said in this letter:

A soldier's bonus would postpone tax reduction not for one but for many years to come.

Senators will remember that. And they remember some other things that Mr. Mellon said at that time. He made an appeal to Representative ANDREWS, pointing out that it would be absolutely impossible to have any tax reduction if a bonus bill were passed.

I call attention to what actually happened, and to a colloquy I had at the time with the Senator from Utah [Mr. SMOOT], the chairman of the Finance Committee. This was on May 24, 1924, when we had completed the consideration of the tax reduction bill, and I asked this question of the Senator from Utah:

Mr. COPELAND. What is the amount of savings made by the new bill over the existing law?

Mr. SMOOT. About $490,000,000.

Mr. COPELAND. The amount of savings is about $490,000,000?

Mr. SMOOT. Yes; I will tell the Senator the exact amount. I think it is $499,900,000, if the Senator wants to know exactly.

Mr. COPELAND. There is a reduction of approximately $491,000,000; provision is made for the payment of the bonus, and in all probability a half billion dollars will be paid off on the national debt.

As a matter of fact, there was paid off on the national debt in that year about $734,000,000. So when the President of the United States in his message said that he was opposed to the bonus, that it would interfere with tax reduction; and when Mr. Mellon, the outstanding voice of the administration, said that there could be no tax reduction if there was a bonus bill, both the President of the United States and the Secretary of the Treasury were mistaken in their guesses. Mr. Mellon made a mistake in his estimate that year of over a billion dollars. As a matter of fact, we did pass the bonus bill, and we did pay off, in addition, more than a half billion dollars of the national debt.

THE TREASURY SURPLUS AND TAX REDUCTION

Mr. President, we have had some discussion lately about the surplus. We have now a great surplus, running up to $400,000,000 or more. There is no reason in the world why this Congress might not have enacted legislation and given the taxpayers of the country the benefit of a 25 per cent reduction in taxes this year.

In a similar situation, in January, 1924, I introduced a resolution calling upon the Secretary of the Treasury to present a plan for a percentage reduction of taxes in order that there might be in that year a reduction.

On the 11th of March, 1924, two months after my resolution was presented, the President of the United States asked for a 25 per cent reduction on payments which must be made the 15th of March, four days later. Of course, it was absurd to expect legislative action in so brief a time.

I quote the President's letter:

To the Congress of the United States:

It had been my earnest hope that a 25 per cent reduction in taxes to be paid for the current year might be provided by law before the 15th of March current. Many people have been expecting that such would be the case and deferred their tax returns accordingly. It is a matter of such imminent importance that I have no hesitation in recommending that the public welfare would be much advanced by temporarily laying aside all other legislation and enacting a resolution for this purpose, which ought to be by unanimous consent. The taxpayers, the business interests, agriculture, industry, finance; in fact, all the elements that go to make up the economic welfare of the people of America would be greatly benefited by such action. It would remove an element of uncertainty from the current financial year at once, which would be a strong stimulant to business with its resultant benefit to the wage earner and the agriculture of our country. It is impossible to see that any harm could accrue from this action, and there is every prospect of resulting benefits which would be very great. It would be a positive step in the right direction, which is much needed at this time to justify the confidence of the people that the Government is intent solely on the promotion of the public welfare without regard to any collateral objects.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 11, 1924.*

It seems to me there is no great evidence of sincerity on the part of an administration that proposes in four days to put through an act of that sort.

DENBY'S RESIGNATION

I want now to call attention to a little episode which happened in February, 1924. I have here the New York Times of February 11, in which is an article stating:

The statement issued by President Coolidge to-night in reply to the Senate resolution calling for the resignation of Secretary of the Navy Denby is as follows:

"No official recognition can be given to the passage of the Senate resolution relative to their opinion concerning members of the Cabinet or other officers under Executive control."

The President said:

I do not propose to sacrifice any innocent man for my own welfare, nor do I propose to retain in office any unfit man for my own welfare. I shall try to maintain the functions of the Government unimpaired, to act upon the evidence and the law as I find it, and to deal thoroughly and summarily with every kind of wrongdoing.

The President of the United States having made up his mind upon a question of principle, to quote the editorial I have here, "he stands like the hills about his native Plymouth."

Yet on the 17th of February, six days after this great letter of the President, Mr. Denby is forced out of the Cabinet.

DAUGHERTY'S DISMISSAL

I find in the New York Times of February 25 a statement:

The President confirms refusal to dismiss Daugherty.

On the 27th of March, in a letter which I here present, the President asked Mr. Daugherty to retire from the Cabinet.

MARCH 27, 1924.

MY DEAR MR. ATTORNEY GENERAL: Since my conference with you I have examined the proposed reply you suggest making to the demand that you furnish the committee investigating the Department of Justice with files from that department relating to litigation and to the bureau of investigation. You represent to me and to the committee in your letter that it would not be compatible with the public interest to comply with the demand and wish to conclude your letter with the statement that I approve that position.

* * * * * * *

I am sure you will see that it is necessary for me to have the advice of a disinterested Attorney General in order that I may discharge the duties of my office in this and other matters. I feel certain that you will know how deeply I regret that this situation has arisen. It only illustrates the difficulties which are certain to recur with ever increasing embarrassment and your inability to perform satisfactorily the duties of Attorney General under present conditions.

You will readily understand that it is not now my intention to prejudice the issues which remain to be developed in this investigation. I recognize that you are entitled to a full and fair hearing, but as there is no way by which you can divest yourself of the interest you have personally in the investigation, I can see no way but for you to retire as Attorney General, and I am, therefore, compelled to request your resignation.

Very truly yours,

CALVIN COOLIDGE.

So, "having made up his mind upon a question of principle" in that case, the President stood firm for a period of one month.

Then I find that on March 15 the President is reported by the New York Times as saying that he will consider no other appointment for the vacant attorney generalship than Mr. Warren.

On the 17th of March the President appointed to that office John Garibaldi Sargent. It looks very strange to me that in the brief period of 48 hours the President could have changed his mind to that extent.

The President has lauded the labor of the hard-working employees of the Government and the sacrifices of those who suffer because of war. I cite the veto of the postal salaries bill and the veto of the pension bill as evidence of the insincerity of the administration.

FAILURE OF COAL LEGISLATION

I desire here to say a word about the coal situation. I have in my hand an editorial from the New York Evening World of July 1. From it I quote as follows:

After all of the political discussion over fuel supplies during the anthracite strike Congress refused to enact a code for supervisory regulation of the industry, the Senators from the soft coal States having blocked every move by Senator COPELAND of New York to obtain action. The bill is on the calendar. It may command more respect when winter comes again. The President did nothing to advance the case of the coal bill, although he had contended vigorously he was without power to act in the anthracite strike because Congress had not devised legislation.

Mr. President, if we could have had the support of the administration and of the administration Senators, we could have passed through the Congress the coal bill, which at one time received the vote of almost one-half of the Senators on a motion to take it up. I have no doubt if there had been any real desire on the part of the administration to look after those who are likely to suffer and to freeze because of failure of action, that action would have been taken. On the 1st of next April, when the next great coal strike becomes a reality, I have no doubt there will be the same inactivity on the part of the administration. Is it possible the invisible coal lobby has paralyzed the present administration?

THE WILLIAMSBURG SPEECH AND PROHIBITION ORDER

Mr. President, I want to refer to the Williamsburg speech of the President and then to his remarkable prohibition order following immediately thereafter. To this end I include an editorial from the Richmond Times-Dispatch quoted by the Senator from Arkansas [Mr. ROBINSON] in his remarks on the 24th of May. In this is the President's statement, exalting the right of the States to look after their own affairs and then only a few days later the same President issued his prohibition order to violate the right of the States.

[From the Richmond Times-Dispatch, May 23, 1926]

COOLIDGE'S ASTOUNDING ORDER

Within one week of the day he stood at Williamsburg and pleaded for State rights—not, as this newspaper observed then, because they were inherent rights of the States, but because the Federal Government was being overburdened—President Coolidge has put into execution the unveiled threat he then made that if the States did not assume enforcement of laws satisfactory to the Federal Government the latter perforce would step in and assume authority. Mr. Coolidge did not voice his threat in those words, but no other intelligent construction could be placed upon them. The Williamsburg address was hailed in many quarters as a real defense of State rights, a defense worthy of being voiced in the place where liberty was cradled; in view of developments of the past 48 hours it stands wholly revealed as a stern threat of further centralization, a further gathering of power in Washington to be exerted when the States fail to obey the crack of the administration's whip.

It is no wonder that President Coolidge's order authorizing the placing of State, county, or municipal officers on the Federal pay roll for the better enforcement of the Federal prohibition statutes has raised a storm of indignant protest. It is the most ruthless invasion of the powers reserved to the States of which any centralizationist has been guilty in a generation. Even the most ardent of the drys stand aghast at the temerity the President has shown in this overriding the sovereignty of the States in encroaching upon their police powers. He has deliberately invited a conflict in which, at least in the South and certainly in some of the Northern States, the wet and dry cleavage will be lost in the greater issue of how far the Federal Government can go in denuding the States of their rights under the Constitution. The cloak of charity can hardly be spread wide enough to make it appear that the President has acted hastily or in ignorance, as some of his supporters incline to believe; it must be, as others aver, he has definitely decided to be a candidate for reelection in 1928 and is willing to ride roughshod over the States in order to bring to his side the united support of the drys.

If that be the President's thought, then he is likely to be hoist on his own petard, for even the Republicans are amazed by the boldness of his order, which is said to have been requested by Gen. Lincoln Andrews, in charge of prohibition enforcement. Even the constitutionality of his action seems not to have been taken into consideration by the President, and constitutional authorities can find no ground for it in that document. Congress never has issued such an authorization, and Mr. Coolidge will stand practically alone if he seeks to carry out his threat of coercing the States. If he stands to his resolution, he will plunge into greater complexity than has existed since the days of slavery the whole question of the relation between Federal and State powers and give the lie to the brave words he uttered at Williamsburg when he talked of the powers and duties of statehood.

[From the President's Williamsburg address]

While we ought to glory in the Union and remember that it is the source from which the States derive their chief title to fame, we must also recognize that the national administration is not and can not be adjusted to the needs of local government. It is too far away to be informed of local needs, too inaccessible to be responsive to local conditions. The States should not be induced by coercion or by favor to surrender the management of their own affairs.

The Federal Government ought to resist the tendency to be loaded up with duties which the States should perform. It does not follow that because something ought to be done the National Government ought to do it. But, on the other hand, when the great body of public opinion of the Nation requires action the States ought to understand that unless they are responsive to such sentiment the national

authority will be compelled to intervene. The doctrine of State rights is not a privilege to continue in wrongdoing but a privilege to be free from interference in well-doing. This Nation is bent on progress. It has determined on the policy of meting out justice between man and man. It has decided to extend the blessings of an enlightened humanity. Unless the States meet these requirements, the National Government reluctantly will be crowded into the position of enlarging its own authority at their expense. I want to see the policy adopted by the States of discharging their public functions so faithfully that instead of an extension on the part of the Federal Government there can be a contraction.

A WASTED SESSION

Finally, Mr. President, I want to say that, in my opinion, there has been every evidence of a lack of sincerity on the part of the administration to enact bills and measures of real interest to the people. How else can we estimate the useless and weak steps of the administration wasting its time on the migratory bird bill? How else can we estimate the time wasted on the radio bill, which is not permitted to become a law? If there had been a genuine desire on the part of the administration to enact these measures which had to do with the common welfare, there might have been action instead of delay.

I refer particularly to the message of the President in 1925 calling attention to the necessity for action regarding alien property. Why have we not had action?

Why have we not put humanity into the immigration law as proposed by the President in his message?

Why have we not had action on Muscle Shoals?

Mr. President, it seems to me that in every way the administration has utterly failed to live up to its fair promises. It certainly has failed to put humanity in Government and to do for the people the many things which the people should have if they are to be contented and prosperous.

How long, I ask, will the people continue in power an administration so deaf to the appeals of the American Nation?

This administration has failed, as I see it, in all its important undertakings. It has disappointed its friends and grieved all the lovers of progressive government.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 4480) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United States during the World War.

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 1035. An act relating to contempts;

S. 4331. An act prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action;

H. R. 7. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof;

H. R. 817. An act for the relief of Sam Tilden;

H. R. 1692. An act for the relief of Agnes DeJardins;

H. R. 2632. An act for the relief of Mr. and Mrs. Charles Vanderveer;

H. R. 4263. An act for the relief of Etelka Bell;

H. R. 7011. An act for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate and Bertha E. Roy and Max A. Roy and J. M. Frost and J. J. Settegast and Emma Hellberg and Laura Lackner and F. W. Lackner;

H. R. 8174. An act for the relief of Ruth Gore;

H. R. 9606. An act for the relief of L. J. Houghtailing;

H. R. 10058. An act to authorize notaries public and other State officers to administer oaths required by the United States;

H. R. 10277. An act to amend the World War adjusted compensation act;

H. R. 10504. An act to amend the act approved June 4, 1897, by authorizing an increase in the cost of lands to be embraced in the Shiloh National Military Park, Pittsburg Landing, Tenn.;

H. R. 10605. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;

H. R. 10774. An act to amend section 15 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 12495. An act to regulate the issue and validity of passports, and for other purposes;

H. R. 12890. An act to amend an act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926;

H. R. 11376. An act to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of the Interior;

H. R. 11946. An act to increase the clothing and cash gratuity furnished to persons discharged from prisons;

S. J. Res. 126. Joint resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation; and

H. J. Res. 232. Joint resolution to provide for the expenses of delegates of the United States to the International Sanitary Conference to meet at Paris on May 10, 1926.

AGREEMENT FOR EXECUTIVE SESSION

Mr. CURTIS. Mr. President, I ask unanimous consent that at 2.15 o'clock p. m. the Senate shall go into executive session and remain in executive session until half-past 2.

Mr. CAMERON. Mr. President——

Mr. CURTIS. That will not interfere with consideration of the Senator's bill.

Mr. CAMERON. I shall object unless I can have the floor afterwards.

Mr. CURTIS. It will not interfere with the Senator's bill.

Mr. CAMERON. Very well.

Mr. HARRISON. Mr. President, it is perfectly appropriate that the session of the Senate should end behind closed doors, and I hope that no one will object to that course being taken.

The VICE PRESIDENT. Is there objection? If not, it is so ordered, and the Senate will be in executive session from 2.15 until 2.30 p. m.

TRIBUTE TO MINORITY LEADER AND OTHERS

Mr. HARRISON. Mr. President, I want to express not only my personal gratification, but I am sure the pride which every Senator on this side of the aisle feels in the high degree of leadership which has been manifested by the distinguished Senator from Arkansas [Mr. ROBINSON], the minority leader. I am confident that no one could have performed with more grace a better service for the people and for his party, or have molded the various elements together on this side and put up a more militant fight for the people and democracy, than he.

Of course on the other side of the aisle the distinguished Senator from Kansas [Mr. CURTIS] has shown fine qualities of leadership, but he has been up against a mighty hard proposition. The Senator from Arkansas had in many respects an easier task than the Senator from Kansas. On this side of the Chamber we are together as we have not been together for many years. We are champing at the bit and ready to go in solid phalanx. Over on the other side, while the distinguished Senator from Kansas has worked night and day, in season and out of season, and has exhibited the finest diplomatic qualities in endeavoring to mold his elements together, he was confronted by an impossible task. His task was impossible of accomplishment. So disorganized, so torn asunder, so discouraged, so void of any spirit or morale are Senators on the other side that it was impossible for the Senator from Kansas to lead them to success.

The session closing, as it is, makes some of us feel rather sorrowful because there are faces on the other side of the Chamber which will not be here much longer politically. We have had over the country primary after primary this summer. While the weather gets hotter and hotter we find all the country and all the people getting cooler and cooler toward Coolidge. Few of them are clinging to him now.

Yesterday I read in the paper that the rule has been changed by Republican Senators. When the primary election was held in Illinois the administration Senator [Mr. MCKINLEY], as soon as he found that he was running away behind, made a public announcement and acknowledged defeat. His opponent was far in the lead. In Pennsylvania the distinguished administration Senator, running far behind, saw how the election was going, and so he announced his defeat. Out in Oregon the administration Senator, seeing from the returns that he was far behind his opponent, made public announcement and conceded his defeat. Over in Iowa the administration Senator, after the votes were counted, saw that his opponent was away in the lead and conceded his own defeat. But day before yesterday when the returns were coming in from North Dakota, where the administration had a candidate trying to defeat the present Senator from North Dakota [Mr. NYE], I was interested to read in the New York Times a dispatch from Fargo, N. Dak., as follows:

Recognizing the trend of the vote during the day, Hanna conceded NYE's victory both for the short term and the nomination, even while the Senator was several thousand votes behind in actual tabulation.

So there is a new rule adopted by the Republican Senators. Even when they are running ahead in the votes from which they have heard, they are willing to concede defeat and the election of the opponent even though the rural precincts have not yet been heard from. So, may I suggest to some of the Senators coming up for reelection this year that they had better concede their defeat before even the voting is begun in their respective States?

Mr. President, I think it is fine that the President should desire to go to the cool regions of the Adirondacks.

There are reasons why he should want to go up there; in the first place, to get just as far away from you as he can; and then I congratulate you for wanting to adjourn quickly so that you can get just as far away from him as you can. [Laughter.] It is natural, too, that you over there should want to adjourn so that you can separate yourselves from each other. [Laughter.] You have made such a miserable mess out of trying to stay together. That is about all I desire to say.

EXECUTIVE SESSION

Mr. CURTIS. I ask unanimous consent that the Senate proceed to the consideration of executive business until half past 2 o'clock.

Mr. CAMERON. With the understanding that the Senate will resume legislative session at that hour?

Mr. CURTIS. Yes.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Thereupon (at 2 o'clock and 15 minutes p. m.) the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On July 2, 1926:

S. 1963. An act authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims.

On July 3, 1926:

S. 2868. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes;

S. 4059. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes;

S. 1472. An act to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.;

S. 2516. An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States;

S. 3148. An act to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia;

S. 3405. An act to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys;

S. 3453. An act to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek, in the District of Columbia;

S. 4408. An act to authorize the granting of leave to ex-service men and women employed in the municipal government of the District of Columbia to attend the annual convention of the American Legion in Paris, France, in 1927;

S. 4419. An act authorizing the Shipping Board to give a preference rate to alien veterans and their families;

S. J. Res. 25. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam;

S. J. Res. 47. Joint resolution authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918;

S. J. Res. 51. Joint resolution providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery;

S. J. Res. 104. Joint resolution authorizing the call of a conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii;

S. J. Res. 126. Joint resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation;

S. 569. An act to authorize the transfer of surplus books from the Navy Department to the Interior Department;

S. 1035. An act relating to contempts;

S. 1344. An act to amend paragraph (11), section 20, of the Interstate Commerce Act;

S. 2042. An act relating to the office of Public Buildings and Public Parks of the National Capital;

S. 2188. An act for the relief of G. C. Allen;

S. 2273. An act conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman;*

S. 3053. An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes;

S. 4033. An act to authorize the Secretary of War to grant easements in and upon the public lands and properties at Canal Bridge, on the Fox River, in Kaukauna, Wis., to the city of Kaukauna for public-road purposes;

S. 4171. An act to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.;

S. 4320. An act for the relief of the State of North Carolina;

S. 4331. An act prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action;

S. 4348. An act granting the consent of Congress to compacts or agreements between the States of Idaho, Wyoming, Washington, and Oregon with respect to the division and apportionment of the waters of the Snake River and its tributaries;

S. 4431. An act to authorize the sale of a parcel of land in the town of Westport, Conn.; and

S. 4430. An act authorizing the Department of State to deliver to Hon. WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, and permitting him to accept the decoration and diploma presented by the Government of France.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS and Mr. ROBINSON of Arkansas appeared, and Mr. CURTIS said:

Mr. President, the committee appointed by the two Houses to wait upon the President and advise him that the Senate and the House had concluded their work for the session, unless he had something further to communicate, have performed that duty and report that the President advises that he has no further communication at this time and knows of no reason why the Senate and the House should not adjourn.

VERDE RIVER IRRIGATION PROJECT

The VICE PRESIDENT. The question before the Senate is the motion of the Senator from Arizona [Mr. CAMERON] that the Senate proceed to the consideration of Senate bill 3342, to remove clouds from the title of the Verde River irrigation and power district to its approved rights of way for reservoirs and canals and extend the time for construction of its project, and for other purposes.

Mr. CAMERON obtained the floor.

Mr. McKELLAR. I move that the Senate go into executive session; and upon that I ask for the yeas and nays.

Mr. CAMERON. Mr. President, I have the floor, I think.

The VICE PRESIDENT. The Senator from Arizona has the floor.

Mr. CAMERON. I refuse to yield.

Mr. McKELLAR. I thought I was recognized.

Mr. CAMERON. Mr. President, if the Senator from Tennessee will allow me to make a statement, I think I can help him out.

In deference to the Senators here assembled in the United States Senate, and realizing how many important matters there are to come before this august body before we adjourn, and in view of the statement made by my colleague, the senior Senator from Arizona, HENRY F. ASHURST, that he would filibuster until 3 o'clock on this motion, if I can get an agreement from the Senate to take up this bill on the first day of the coming session, next December, I shall be pleased to withdraw my motion.

Mr. ASHURST. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. ASHURST. My colleague has stated that I said that I would "filibuster against this bill." Mr. President, I call for the reading of the reporter's notes. I did not use the word "filibuster."

Mr. CAMERON. I hope——

Mr. ASHURST. Let me finish. I never used the word "filibuster." I never threatened to indulge in a "filibuster." On the contrary, I distinctly said I would use all "honorable" means to beat the bill.

Mr. CAMERON. I stand corrected if I have made a mistake.

Mr. ASHURST. I did not use such an opprobrious epithet as "filibuster."

I object to the request of my colleague to fix a date for the consideration of this bill.

Mr. CAMERON. I withdraw that part of my remarks. I did not intend to misquote my colleague's statement.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Tennessee?

Mr. CAMERON. I can not afford to yield, Mr. President, because if I can not get an agreement of the Senate to take up the bill on the first day of the coming session I will use up the time, because I must do so.

Mr. SMOOT. Mr. President, will the Senator yield to me just in order to have a letter printed in the RECORD?

Mr. CAMERON. I will if I do not lose the floor.

Mr. SMOOT. The Senator will not lose the floor.

Mr. McKELLAR. Mr. President, if the Senator is going to yield around, I make the point of order that he will lose the floor.

Mr. CAMERON. I can not afford to yield.

Mr. McKELLAR. Mr. President, a point of order.

Mr. CAMERON. If Senators will allow me to finish my statement, I think we can settle this thing in about two minutes. I ask that I be permitted to take up this bill at the beginning of the next session of Congress.

Mr. ASHURST. Mr. President, to that I object.

TREASURY SURPLUS

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Utah?

Mr. CAMERON. If I do not lose the floor.

Mr. McKELLAR. Mr. President, I object. The Senator can not hold the floor and parcel it out in that way.

Mr. SMOOT. I have here a letter from the Secretary of the Treasury in answer to a letter from the Finance Committee in regard to Senate bill 4506, and I ask that the letter be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter is as follows:

JUNE 30, 1926.

DEAR MR. CHAIRMAN: I have the request of your committee of June 24, 1926, for my comments on S. 4506, "to provide for the refund to taxpayers of the surplus in the Treasury and to provide for the reduction of admission, automobile, and other taxes in the event of an anticipated surplus during the fiscal year 1927."

The purpose of this bill, as stated in its title, is to distribute "the surplus in the Treasury" by way of a refund to income taxpayers. It apparently contemplates the existence in the Treasury of a cash fund in excess of the requirements for the current operations of the Government. This view is a misconception of Treasury "surplus." The surplus of any fiscal year is the excess of governmental receipts over governmental expenditures chargeable against such receipts. If there was no national debt the surplus would pile up in cash and a fund would exist to distribute. The United States, however, owes to-day over 19½ billion dollars. During the present fiscal year there have been debt maturities in September, December, March, and June. On each of these quarterly maturity dates, the Treasury taking into consideration (1) the amount of cash in the general fund, (2) the Government receipts which may be expected in the succeeding quarter, (3) the amount of cash necessary to pay maturing obligations, and (4) the probable expenses of the Government through the next quarterly period, borrows only enough new money to meet the maturing obligations and to pay the expenses of Government for three months.

If receipts are exceeding expenditures, less of new securities are sold than the amount of old securities maturing and paid off. The effect is automatically to apply the surplus to debt reduction. For example, on the 15th of June of this year the Treasury had some three hundred and thirty-three million dollars of certificates maturing, but with the cash then in the general fund plus the expected income taxes and other receipts for June and the succeeding two months, the Treasury found that it could retire these certificates and pay the Government expenses to the next borrowing date in September without a new flotation of securities, and therefore no new securities were sold in June to replace the $333,000,000 paid off.

By the close of this fiscal year on June 30 the entire surplus will have gone into debt reduction and we will have in the general fund about $215,000,000, which is substantially the same as we had in the general fund a year ago. This $215,000,000, with the receipts for the next two months, is only sufficient to pay regular Government expenditures into September. If the proposed bill were passed and refunds made, the refunds would not come from surplus, since such surplus does not exist in cash, but the Treasury would be obligated to go into the market and borrow new money to pay the refunds.

Section 2 of the bill provides that the joint congressional committee shall investigate and determine "the amount of surplus that will be available on June 30, 1927," and "shall recommend to the Ways and Means Committee of the House an immediate consideration of legislation reducing or repealing" certain taxes to the extent that the anticipated surplus will warrant. The surplus to be examined is that for the fiscal year 1927. The taxes to be reduced are not only taxes to be collected in 1927 but presumably taxes to be collected in 1928 and subsequent years. In other words, it is proposed to make a permanent annual reduction in revenue based on an excess of receipts over expenditures in one fiscal year. If there should be an estimated surplus of $100,000,000 in 1927 but none in 1928 or subsequent years, the committee is required to recommend a reduction in taxes of $100,000,000, which would leave 1927 accounts balanced but would mean a deficit in 1928 and every year thereafter. It would be fatal to an orderly handling of Government revenue to base any permanent reduction on one year's figures. Before again reducing taxes Congress should consider revenues and expenditures not for one year but for several years.

There are nonrecurring items of Government receipts which have increased our revenues in the past and will be less material in the future. Upon termination of Government control large loans were made to the railroads. This investment is being repaid. Last year we received $144,000,000 of revenue on this account. This year it was $37,000,000, and since most of the strong roads have paid we may expect less in the future. The War Finance Corporation is in process of liquidation. Last year it paid the Treasury some $43,000,000 in excess of expenditures; this year twenty million. In order to assist the farm-loan banks the Treasury invested $196,000,000 in farm-loan bonds. This year twenty-eight million of bonds were repurchased from the Treasury, and early in the next fiscal year the Farm Loan Board expects to pay off another forty-three million, leaving but seventeen million to be realized on during the remainder of the fiscal year 1927 and thereafter. Back taxes—that is, taxes collected upon an audit of returns for past years—have brought in over three hundred million of revenue, but as the Internal Revenue Bureau becomes current this item will be most materially reduced. Through these nonrecurring receipts a surplus might be shown in 1927 which would not occur again.

If we take into account what may be considered the recurring Government receipts from taxation, even then it can not be safely assumed that because 1927 shows a surplus 1928 will show the same surplus. Income taxes peculiarly reflect general conditions. If the country is prosperous, the taxpayers make money and the Government revenue therefrom is large. If a decline in the high level of business in this country should take place, Government receipts from income tax must fall off. Customs also are affected by changes in trade conditions. So much for the receipt side of the Government accounts. Any change in expenditures, of course, affects the surplus. Expenditures, therefore, must also be considered not only for the year 1927 but for subsequent years.

I am of the opinion that the proposed bill does not represent a sound approach to our taxation problems, and I am therefore opposed to it.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. REED SMOOT,
Chairman Committee on Finance,
United States Senate.

APPROPRIATIONS, 1927

Mr. WARREN. Mr. President, in pursuance of the authority granted me by the Senate, I present herewith certain figures and tables concerning appropriations and estimates for the fiscal years 1926 and 1927.

Congress reduced the estimates for the fiscal year 1927 submitted by the Bureau of the Budget in the sum of $6,802,000.

The appropriations made during the first session of the Sixty-ninth Congress exceeded those made during the second session of the Sixty-eighth Congress by $470,886,681.15. Deducting the appropriations for the Postal Service, payable from postal revenues, there remains a difference of $273,603,305.34.

The Postal Service is growing very rapidly, but, notwithstanding this, it is predicted by the Department that its receipts will be very nearly if not quite ample to pay all expenses during the fiscal year 1927. Our Air Mail Service is gradually forging to the front, with bright prospects for the future. It is safe to say that it has already emerged from the experimental stage.

Our country is growing and expanding by leaps and bounds. Our postal receipts for the fiscal year 1927 are expected to be $43,000,000 in excess of the same for the fiscal year 1926. This is positive and conclusive proof, as nothing gauges our success more accurately than postal receipts.

The increase of $273,603,305.34 is accounted for in the appropriations for eleven purposes as enumerated below, to which I

invite the attention and closest scrutiny of all. They are as follows:

Veterans' Bureau, for the care, comfort, and welfare of soldiers, sailors, and marines of the World War, for hospital facilities and services, additional hospital and out-patient dispensary facilities, adjusted service certificate fund, military and naval compensation, and military and naval insurance	$173,515,000.00
Construction of rural post roads and forest roads and trails	26,675,000.00
Construction of public buildings in accordance with the public buildings act approved May 25, 1926	13,987,810.00
Enforcement of the national prohibition act (including increases made for Coast Guard for enforcement purposes)	13,167,403.00
Maintenance and improvement of existing river and harbor work, etc	10,000,000.00
Judgments and audited claims (appropriations over which Congress usually assumes no supervision)	8,751,702.86
Air Service of the Army, $1,345,503; of the Navy, $4,615,288; in all	5,960,791.00
Army and Navy pensions for invalids, widows, minor children, and dependent relatives, etc., of soldiers, sailors, and marines	5,467,000.00
Refund of taxes illegally collected	4,500,000.00
Arlington Memorial Bridge, authorized in the act approved February 24, 1925	2,500,000.00
Military post construction fund (paid from receipts from sale of surplus War Department real property)	2,250,000.00
Total	266,774,706.86

The increase of $273,603,305.34 for 1927 over 1926 is nothing more nor less than what was expected. In fact, in my remarks on this question at the close of the second session of the Sixty-eighth Congress, I called attention to what I believed to be a fact—that reductions in appropriations could not reasonably be looked forward to in the very near future, and that I believed we were then at rock-bottom figures, as our appropriations had been gradually coming down since the World War and we were then on a genuine peace basis.

Good times and prosperity are immediately reflected in a demand for increased as well as new governmental functions.

No session of Congress has ever made a greater record, or a harder and more honest and faithful effort for economy in public expenditures. The Bureau of the Budget is maintaining its reputation in saving the taxpayers' money. All items are carefully scrutinized, and the day for obtaining unwarranted appropriations has passed. We have all worked together in peace and harmony. We have reached a point where increased expenditures are absolutely necessary. It is not economy or sound business sense to permit our barracks and quarters and other governmental buildings to decay for want of minor repairs and paint. It is not economy to employ people at an insufficient wage. It is not economy to house our Army in tents. Ours is not that kind of a country. The time comes for governments as well as individuals to expend their money for their own protection and welfare, not extravagantly, but cautiously, and with a due regard for the future.

The three following tables are submitted:

Table A: Comparison of Budget estimates and appropriations.

Table B: Showing that, irrespective of fiscal years, the appropriations made during the first session of the Sixty-ninth Congress amount to $4,409,377,454.15.

Table C: Showing that appropriations made during the first session of the Sixty-ninth Congress exceeded those made during the second session of the Sixty-eighth Congress.

TABLE A.—*Comparison of budget estimates and appropriations, Sixty-ninth Congress, first session*

Title of act	Budget estimates Sixty-ninth Congress, first session	Appropriations Sixty-ninth Congress, first session	Increase (+) or decrease (−) appropriations compared with Budget estimates
REGULAR ACTS, FISCAL YEAR 1927			
Agriculture, Department of	$130,016,508.00	$127,924,573.00	−$2,091,935.00
District of Columbia	34,053,022.00	33,918,571.00	−134,451.00
Independent offices	512,870,315.64	512,928,376.64	+58,061.00
Interior Department	227,288,452.00	226,332,918.00	−955,534.00
Legislative Establishment	16,512,381.70	16,437,327.20	−75,054.50
Navy Department	320,955,030.00	319,650,075.00	−1,304,955.00
Departments of State, Justice, Commerce, and Labor	79,936,971.90	79,963,851.90	+26,880.00
Treasury and Post Office Departments	872,482,861.63	868,281,501.63	−4,201,360.00
War Department	338,494,225.00	342,609,611.16	+4,115,386.16
Total, regular annual acts	2,532,609,767.87	2,528,046,805.53	−4,562,962.34
DEFICIENCY ACTS			
First deficiency, 1926	425,573,865.65	426,298,681.19	+724,815.54
Second deficiency, 1926	54,434,660.45	50,822,696.22	−3,611,964.23
Pension deficiency, 1926	10,730,000.00	10,730,000.00	
Total deficiency acts	490,738,526.10	487,851,377.41	−2,887,148.69
Total, regular annual and deficiency acts	3,023,348,293.97	3,015,898,182.94	−7,450,111.03
Miscellaneous relief and claims acts (estimated)		648,111.03	+648,111.03
Total, regular annual, deficiency, and miscellaneous	3,023,348,293.97	3,016,546,293.97	−6,802,000.00
Permanent and indefinite appropriations	1,392,831,160.18	1,392,831,160.18	
Grand total	4,416,179,454,15	4,409,377,454,15	−6,802,000,00

TABLE B.—*Recapitulation of appropriations by acts, irrespective of fiscal years, Sixty-ninth Congress, first session (December 7, 1925, to July 3, 1926)*

Title of act	Amount
REGULAR ANNUAL ACTS, FISCAL YEAR 1927	
Agriculture	$127,924,573.00
District of Columbia	33,918,571.00
Executive office and independent offices	512,928,376.64
Interior	226,332,918.00

TABLE B.—*Recapitulation of appropriations by acts, irrespective of fiscal years, Sixty-ninth Congress, first session (December 7, 1925, to July 3, 1926)*—Continued

Title of act		Amount
REGULAR ANNUAL ACTS, FISCAL YEAR 1927—continued		
Legislative establishment		$16, 437, 327. 20
Navy		319, 650, 075. 00
State, Justice, Commerce, and Labor:		
State	$16, 480, 792. 90	
Justice	24, 094, 407. 00	
Commerce	29, 852, 347. 00	
Labor	9, 536, 305. 00	
		79, 963, 851. 90
Treasury and Post Office:		
Post Office	738, 805, 303. 00	
Treasury	129, 476, 198. 63	
		868, 281, 501. 63
War:		
Military activities	263, 948, 856. 16	
Nonmilitary activities	78, 660, 755. 00	
		342, 609, 611. 16
Total regular annual acts		2, 528, 046, 805. 53
DEFICIENCY APPROPRIATION ACTS, FISCAL YEAR 1926 AND PRIOR YEARS		
First deficiency act, fiscal year 1926		426, 298, 681. 19
Second deficiency act, fiscal year 1926		50, 822, 696. 22
Pension deficiency act, fiscal year 1926		10, 730, 000. 00
Total deficiency acts		487, 851, 377. 41
MISCELLANEOUS ACTS CARRYING APPROPRIATIONS, FISCAL YEAR 1926		
Miscellaneous relief and other acts (approximated)		648, 111. 03
Total, regular annual, deficiency, and miscellaneous acts		3, 016, 546, 293. 97
PERMANENT AND INDEFINITES, FISCAL YEAR 1927		
Agriculture		11, 351, 250. 00
Commerce		3, 000. 00
Independent offices		7, 445, 000. 00
Interior		25, 638, 900. 00
Labor		25, 000. 00
Legislative		800. 00
Navy		2, 144, 400. 00
State		136, 139. 74
Treasury:		
Interest on the public debt	$795, 000, 000. 00	
Sinking fund and other public debt retirement funds	515, 583, 398. 44	
Ordinary permanent and indefinites	26, 782, 415. 00	
		1, 337, 365, 813. 44
War:		
Military activities	900, 000. 00	
Nonmilitary activities	6, 247, 300. 00	
		7, 147, 300. 00
District of Columbia		1, 573, 557. 00
Total, permanent and indefinites		1, 392, 831, 160. 18
Grand total		4, 409, 377, 454. 15

TABLE C.—*Comparison of appropriations made during the first session of the Sixty-ninth Congress with those of the second session of the Sixty-eighth Congress*

Title of act	Appropriations, Sixty-eighth Congress, second session	Appropriations, Sixty-ninth Congress, first session	Increase (+) or decrease (−) first session, Sixty-ninth Congress, compared with second session of the Sixty-eighth Congress
REGULAR ANNUAL ACTS			
Agriculture	$124, 774, 441. 00	$127, 924, 573. 00	+$3, 150, 132. 00
District of Columbia	31, 827, 797. 00	33, 918, 571. 00	+2, 090, 774. 00
Executive Office and independent offices	452, 434, 334. 00	512, 928, 376. 64	+60, 494, 042. 64
Interior	239, 702, 926. 00	226, 332, 918. 00	−13, 370, 008. 00
Legislative establishment	14, 910, 971. 80	16, 437, 327. 20	+1, 526, 355. 40
Navy	287, 402, 328. 00	319, 650, 075. 00	+32, 247, 747. 00

TABLE C.—*Comparison of appropriations made during the first session of the Sixty-ninth Congress with those of the second session of the Sixty-eighth Congress*—Continued

Title of act	Appropriations, Sixty-eighth Congress, second session	Appropriations, Sixty-ninth Congress, first session	Increase (+) or decrease (−) first session, Sixty-ninth Congress, compared with second session of the Sixty-eighth Congress
REGULAR ANNUAL ACTS—continued			
State, Justice, Commerce, and Labor:			
State	$16,011,512.77	$16,480,792.90	+$469,280.13
Justice	24,205,822.00	24,094,407.00	−111,415.00
Commerce	22,917,334.00	29,852,347.00	+6,935,013.00
Labor	8,602,625.00	9,536,305.00	+933,680.00
Total, State, Justice, Commerce, and Labor	71,737,293.77	79,963,851.90	+8,226,558.13
Treasury and Post Office:			
Treasury	126,951,947.00	129,476,198.63	+2,524,251.63
Post Office	636,269,415.00	738,805,303.00	+102,535,888.00
Total, Treasury and Post Office	763,221,362.00	868,281,501.63	+105,060,139.63
War Department:			
Military activities	259,491,250.00	263,948,856.16	+4,457,606.16
Nonmilitary activities	72,791,421.00	78,660,755.00	+5,869,334.00
Total, War Department	332,282,671.00	342,609,611.16	+10,326,940.16
Total, regular annual acts	2,318,294,124.57	2,528,046,805.53	+209,752,680.96
DEFICIENCY ACTS			
First, fiscal year 1925	159,504,838.19		
Second, fiscal year 1925	58,065,318.66		
First, fiscal year 1926		426,298,681.19	
Second, fiscal year 1926		50,822,696.22	
Pensions, 1926		10,730,000.00	
Total, deficiency acts	217,570,156.85	487,851,377.41	+270,281,220.56
MISCELLANEOUS ACT CARRYING APPROPRIATIONS, FISCAL YEAR 1926			
Miscellaneous relief and other acts	2,569,183.34	[1] 648,111.03	−1,921,072.31
Total, regular annual, deficiency, and miscellaneous acts	2,538,433,464.76	3,016,546,293.97	+478,112,829.21
PERMANENT AND INDEFINITES			
Agriculture	12,340,750.00	11,351,250.00	−989,500.00
Commerce	3,000.00	3,000.00	
Independent offices	7,446,500.00	7,445,000.00	−1,500.00
Interior	28,081,457.50	25,638,900.00	−2,442,557.50
Labor	25,000.00	25,000.00	
Legislative	800.00	800.00	
Navy	2,460,050.00	2,144,400.00	−315,650.00
State	131,139.74	136,139.74	+5,000.00
Treasury:			
Interest on the public debt	830,000,000.00	795,000,000.00	−35,000,000.00
Sinking fund and other public debt retirement funds	484,766,130.00	515,583,398.44	+30,817,268.44
Ordinary permanent and indefinites	26,087,825.00	26,782,415.00	+694,590.00
Total, Treasury	1,340,853,955.00	1,337,365,813.44	−3,488,141.56
War Department:			
Military activities	900,000.00	900,000.00	
Nonmilitary activities	6,249,300.00	6,247,300.00	−2,000.00
Total, War Department	7,149,300.00	7,147,300.00	−2,000.00
District of Columbia	1,565,356.00	1,573,557.00	+8,201.00
Total, permanent and indefinities	1,400,057,308.24	1,392,831,160.18	−7,226,148.06
Grand total	3,938,490,773.00	4,409,377,454.15	+470,886,681.15
Postal Service (regular annual and deficiency acts)	645,039,535.11	842,322,910.92	+197,283,375.81
Grand total, exclusive of Postal Service payable from postal revenues	3,293,451,237.89	3,567,054,543.23	+273,603,305.34

[1] Estimated.

VERDE RIVER IRRIGATION PROJECT

Mr. CAMERON. Mr. President, the Verde irrigation and power district is an irrigation district organized under the provisions of the State laws of Arizona, enacted for the organization of irrigation districts. The State law governing irrigation districts maintains to a certain extent supervision of those districts by certain county and State officials. I wish to state that this district has had the complete cooperation of all county and State officials whose duties as county and State officials require their approval or disapproval. In other words, Mr. President, the organization and functioning of the district so far has been the work of the district officers, under the direction and jurisdiction of county and State officials, up to and including the final certification of the district's bonds.

Mr. President, I want to state that this district does not in any way infringe upon the vested rights of any individual or organization. If it did the parties affected would have a remedy through the State courts. In fact, if there were any apparent conflict the State would not have certified the district's bond issue. It might be a matter of enlightenment to state here that there does seem to be an attitude on the part of those opposing this development to acquire in some way or other the rights and privileges that the people of this district now legally enjoy, and for that reason they seem to believe that the only hope they have to procure those rights is through the Salt River Valley Water Users' Association.

Mr. President, allow it to be properly understood, I have no complaint against the Salt River Water Users' Association, the greatest in the United States, but this district has secured water rights through the State water commissioner of the State of Arizona, rights of way over State lands for its canals, and permission through the State water commission to construct dams for storage to store the State's water which the State has seen fit to grant for these lands. It has thus acquired from or through the State of Arizona all of the rights and powers incident to an irrigation and power district except the right to use such public land of the United States as is needed for reservoir and canal purposes. In its relation to the project the status of the United States is the same as a private owner of land whose land would be subject to condemnation; but, of course, the State could not grant the power to condemn lands of the United States. The United States, however, long ago adopted the policy of encouraging and aiding irrigation projects promoted under State auspices, by donating the use of the public lands of the United States that might be needed for reservoirs, canals, and irrigation works, and for the purpose of developing power as incidental to the main purpose of irrigation, and by the act of March 3, 1891, and the amendatory act of May 11, 1898, such policy was incorporated into a general law.

The act of 1891 in section 18 provides:

That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation, and duly organized under the laws of any State or Territory, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its article of incorporation and due proofs of its organization under the same to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and fifty feet on each side of the marginal limits thereof—

And in section 19:

That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way.

And the act of 1898 provides that rights of way granted by the act of 1891 may also be used for the development of power as incidental to the main purpose of irrigation.

The district then made application to the Secretary of the Interior for permission to build dams and canals over Government land in compliance with the act of Congress of March 3, 1891. A hearing was held in May, 1920, for this purpose. The district's application was opposed by the Salt River Valley Water Users' Association and others interested. This hearing lasted several days, from May 17 to May 25, 1920, inclusive. Complete minutes of the hearing are published in connection with the minutes of hearings before the subcommittee of the Committee on Irrigation and Reclamation, United States Senate, of which I had the pleasure of being chairman, held at Phoenix, Ariz., November 27 and 28, 1925.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Virginia?

Mr. GLASS. Will the Senator yield to me for a moment to propound a unanimous-consent request that will require only a moment?

Mr. CAMERON. If it will not take me from the floor, I will yield for a moment. I ask the Chair if it will take me from the floor. I do not want to obstruct important legislation, but can not sacrifice the opportunity now in my hands to tell the Senate of the sufferings of these pioneers and the assistance we should give them.

The VICE PRESIDENT. If the Senator yields to anything but a point of order or a question, he will lose the floor, if anybody insists.

Mr. CAMERON. I am sorry. I can not yield then, because this is the day in court of my pioneer friends. Their cause shall be heard.

For the information of the Senate I wish to state that when it became apparent to the Salt River Valley Water Users' Association that the then Secretary of the Interior, Hon. John Barton Payne, intended to grant to the Verde River irrigation and power district rights and privileges for dams and canals the Salt River Valley Water Users' Association commenced to talk compromise and cooperation. The Salt River Valley Water Users' Association membership were not unmindful of the time when they once struggled and occupied the same position. To confirm my statements I wish to quote from the minutes of a hearing held before Secretary John Barton Payne:

Secretary PAYNE. Now, I gathered that the Salt River people perhaps might be disposed to cooperate, and I am going to give them an opportunity to see if you can work it out, and if you can't I am going to grant the permit of the Paradise people. That is the long and short of it.

I wish to quote further from another place in the hearing:

Secretary PAYNE. I am not going to decide that now. Of course, my deciding faculty is the most active faculty I possess, so I will decide anything; but what I want to do is to try to make you all decide it. I want you to get your heads together. I will give you a room and lock you up in it if necessary. I want you to work it out. I want you to look at it as statesmen having the public good at mind rather than any private interest—or see if you can't—on the lines suggested by Mr. Davis or yourselves. We do not care; work out a plan that we can all adopt, and then I have indicated that if you do not do that I will simply grant their permit and let the Lord provide.

Such fairness, Mr. President; the real American spirit. My position in this controversy has been consistent. I am for the pioneer, whoever or wherever he may be. The rank and file of the Salt River water users are not unmindful of the day when they demanded recognition, when they wanted the realization of their long fight. These same God-fearing pioneers after the realization of their long struggle now do not want to see their friends and neighbors shut out in a similar situation of that of their own. They are not built that way. They are fair and American.

Mr. STANFIELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Oregon?

Mr. CAMERON. I am sorry, but I can not yield, because I am pleading for a cause of justice which has no peer.

Mr. STANFIELD. I should like the decision of the Chair as to whether the request I am about to make will take the Senator off the floor.

The VICE PRESIDENT. The Senator can yield for a question.

Mr. CAMERON. If it does not take me off the floor, I will gladly yield.

Mr. STANFIELD. I will ask the Senator to yield for the purpose of requesting unanimous consent for the immediate consideration of a joint resolution which is of very great importance.

The VICE PRESIDENT. Does the Senator from Arizona yield for that purpose?

Mr. CAMERON. If it takes me off the floor, no; otherwise I shall yield for any meritorious measure.

Mr. ROBINSON of Arkansas. What is the joint resolution, Mr. President?

Mr. STANFIELD. The joint resolution is for the appointment of a commission to make a study——

Mr. CAMERON. With apology to my good friend, I must proceed. After considerable argument between Secretary Payne and Mr. Reid, president of the Salt River Valley Water

Users' Association, pertaining to this cooperation, I wish to further quote Secretary Payne, as well as Mr. Reid:

Secretary PAYNE. Here is the point. There is no use to argue it. Unless we can do a wise, constructive thing by cooperation, I am going to grant this permit.

Mr. REID. Well, that is your privilege.

Secretary PAYNE. And let them proceed now in a way by a wise cooperation. Is it your present disposition to aid in solving this rather difficult question?

Mr. President, that is the inspiring spirit that has been instilled in these worthy settlers, pioneers, if you please, to carry on.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Virginia?

Mr. GLASS. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GLASS. I can not state it while the Senator is talking.

The VICE PRESIDENT. The Senator rises to a parliamentary inquiry, which he will state.

Mr. GLASS. I want to inquire, Mr. President, if it is not competent——

Mr. CAMERON. I will finish in just a moment if the Senator will let me, and then I will give him the floor.

Mr. GLASS. Oh, well, go ahead, then.

Mr. CAMERON. I quote further from the hearing:

Mr. REID. It has been our position to do that very thing all the time.

Secretary PAYNE. I don't care about the past.

Mr. REID. It is still.

Secretary PAYNE. It is the present disposition to do it?

Mr. REID. Yes, sir.

Mr. NEELY. Mr. President, will the Senator yield to me for a question?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from West Virginia?

Mr. CAMERON. I am sorry, but I can not yield, because to do so would displace this opportunity to present the cause of these long-suffering pioneers of the desert.

An agreement was prepared jointly by the Secretary of the Interior on behalf of the Government, the Verde River Irrigation and Power District, and the Salt River Valley Water Users' Association, all three participating in the formulating of this agreement, and was signed by the Secretary of the Interior and the Verde River Irrigation and Power District by two of its directors. The president of the Salt River Valley Water Users' Association, Mr. Reid, then asked permission to submit it to his board of governors at Phoenix, Ariz., before signing this agreement. Upon being submitted to the board of governors of the Salt River Valley Water Users' Association they refused to become a party to this agreement. It was then submitted to the shareholders of the Salt River Valley Water Users' Association for their approval or disapproval, and was voted down by a majority of the shareholders of the association.

The association never did become a party to this agreement, but continued their opposition to this development. The district has always contended and still contends that the Secretary of the Interior and his successors in office, from this on, should not have recognized and permitted the Salt River Valley Water Users' Association to intervene and interfere in matters in which they were not concerned. Mr. President, the Salt River water users nor I or anyone else would allow any other to interfere with their own rights. The Verde River Irrigation and Power District believed the Government was acting in good faith and would cooperate with them in their development, as they have always done in other worthy and pioneering projects. The district, realizing that the Salt River Valley Water Users' Association not becoming a party to this agreement left their rights of way in a somewhat clouded condition, proceeded as speedily as possible to make temporary surveys, sufficiently accurate to file maps and make application for rights of way, in compliance with the act of March 3, 1891, and the act of 1898. These applications were approved by the Secretary of the Interior, but unknown to the Verde River Irrigation and Power District, they were approved subject to the above-mentioned triparty agreement.

The district made further application to have the district approved by the Secretary of the Interior. Under the act of 1916, the Government sent its engineers and made a thorough examination of the proposed works of the district, said examination covering the water supply for the district, the soil, the general set-up of irrigation works, and the feasibility of the undertaking. Upon this report the Secretary of the Interior approved the district June 21, 1921, as will be shown by two certified letters of even date which I wish to read, as I wish to comment on them later. Before doing so, Mr. President, I wish to say that my honest judgment is that no Arizonan, whether a member of the Salt River Water Users' Association or not, would at any time, just because he happened to be enjoying the good fortune of Government help, stand in the way and seek to block the full realization of the long years of hope of the worthy, struggling pioneer, who through years has clung to the desert, confident and courageous, undismayed and feeling hopeful that in due course his reward in the way of necessary Government relief would be forthcoming.

DEPARTMENT OF INTERIOR,
GENERAL LAND OFFICE,
Washington, June 21, 1921.

Paradise-Verde irrigation district, act of August 11, 1916. Instructions.

REGISTER AND RECEIVER,
Phoenix, Ariz.

SIRS: I am transmitting herewith a copy of the map of the Paradise-Verde irrigation district, which was approved by the department on June 7, 1921.

You will cause proper notations to be made on your records and inform the district of the approval of its application. The inclosed copy must be retained in your files for reference.

You are further directed to observe strictly the provisions of circular of March 6, 1918 (46 L. D. 307), especially paragraphs 15 to 18, inclusive, as to all lands within the district affected by this approval.

Very respectfully, (Signed) D. K. PARROTT,
Acting Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, June 21, 1921.

Paradise-Verde irrigation district, act of August 11, 1916. Instructions in re desert-land entries.

REGISTER AND RECEIVER,
Phoenix, Ariz.

SIRS: Paragraph 18 of the desert-land circular approved September 30, 1910 (39 L. D. 253), requires, in substance, that before an expenditure for stock or for an interest in an irrigation company shall be accepted as satisfactory annual expenditure on desert-land entries, such company must be reported upon by an authorized officer to determine its resources and reliability and that such report must be favorably acted upon. A like provision is also contained in the desert-land circular approved May 18, 1916, No. 474. These regulations have been construed as also applying to irrigation districts.

Under date of June 7, 1921, the department approved the map of the Paradise-Verde irrigation district, thus bringing all public lands within the boundaries of such district, where subject to entry, and entered lands for which no final certificates have been issued, under provisions of the act of August 11, 1916 (39 Stat. 506).

In connection with the approval of the district, the department also approved the recommendation of this office, affecting desert land within its boundaries, which was as follows:

"There are a number of desert-land applications pending before this office, wherein either this district or its predecessor, the Paradise-Verde Water Users' Association, is alleged as the source of water supply, also in a number of allowed desert cases, yearly proofs have been submitted wherein expenditures are alleged either to the association or the district. It is my opinion that these desert-land applications, where otherwise regular and involving lands within the boundaries of the district, should be allowed and that expenditures on the part of entrymen whose entries are so situated, where regularly made either to said association prior to its succession by the district, or to the district, should be accepted. * * *"

In view of the foregoing you are directed as follows:

1. All desert-land applications involving lands within the legally established boundaries of said district will, in the absence of objection disclosed by the record, be allowed.

2. You will accept annual desert-land proofs where based on expenditures made either to the Paradise-Verde Water Users' Association, prior to its succession by the Paradise-Verde irrigation district, or to the Paradise-Verde irrigation district; provided such entries are within the exterior boundaries of such district, and the irrigable portions thereof can be reclaimed under the system planned or constructed by the district.

3. On the submission of a desert land final proof, wherein the required irrigation is alleged by the use of water supplied by said district, you will suspend such proof and refer the case to the chief of field division at Santa Fe, N. Mex., directing his particular attention to this letter.

Said chief of field division will, without additional instructions from this office, cause a further investigation of said district to be made, and have supplemental report submitted thereon, whereupon proper and additional instructions will be given you.

You will act on annual and final desert-land proofs in accordance with the instructions herein contained.

Applications for relief and applications for extensions of time within which to submit final proof should be disposed of in the manner prescribed in Circulars Nos. 490 and 533, respectively.

A copy of this letter is inclosed to be submitted to said irrigation district at Phoenix, Ariz.

Very respectfully,

——— ———, *Commissioner.*

Mr. KING. Mr. President, will the Senator yield to me to present a privileged matter? I shall accompany the request for unanimous consent with a request that the Senator shall not be taken from the floor, and I will not take 30 seconds.

Mr. CAMERON. If the Senator can get unanimous consent without taking me from the floor, I will gladly yield. Otherwise, I can not.

Mr. KING. I ask unanimous consent that while presenting the privileged matter the Senator will not lose his right to the floor.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. Is that request for unanimous consent debatable?

The VICE PRESIDENT. A request for unanimous consent is always debatable.

Mr. CAMERON. Mr. President, inasmuch as this is debatable, I shall have to proceed. These worthy people now have their inning. In carrying out the provisions of the act the Secretary of the Interior caused another letter to be written to the desert-land applicants of said district, which I wish to read, as I want to make reference to it later.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Phoenix, Ariz., September 29, 1921.

Mr. DANIEL MCDERMOTT,
1239 N. First St., Phoenix, Ariz.

SIR: You are hereby advised that your desert-land application No. 038251 for the NW. ¼ SE. ¼, S. ½ SE. ¼ sec. 11, township 3 N., range 2 E., G. & S. R. meridian, is now subject to allowance upon your furnishing a certificate by the proper officer of the Paradise-Verde irrigation district that all proper assessments against the land have been paid.

You are allowed 30 days from receipt of this notice in which to furnish such certificate, and upon failure to furnish same, your application, now held for rejection, will be rejected and closed. However, you are granted the right of appeal during such period to the Commissioner of the General Land Office, Washington, D. C., from such action, if desired.

Very respectfully,

JOHN R. TOWLES, *Register.*
SCOTT WHITE, *Receiver.*

It is only natural to suppose the officials of this district, as well as the landowners, homesteaders, and desert-land entrymen, had a right to believe that the Government was acting in good faith and that the Government would not attempt to breach its contract with its home makers. The officers of the district then caused to be made extensive surveys of the various canals to be built and a complete contour survey of the lands to be irrigated. They had borings made for bedrock at the various proposed locations for dams to ascertain the depth of bedrock and the quality and character of the rock. The district employed technical engineers to design the structures proposed to be built by the district, and under this agreement these designs were approved by the Secretary of the Interior.

The district caused to be presented to the reclamation department, Denver, Colo., several sets of drawings for the various dam sites, most of which were approved with some minor alterations or suggestions. These alterations, changes, and suggestions have been complied with, and for the information of the Senate I wish to quote:

In courtesy to the above-mentioned officials of the district, it should be stated that the plans have been prepared and presented in excellent form for consideration by our engineers. The district deserves credit for the earnest effort that has been made to comply fully with the requirement of paragraph 8 of the contract and it is my opinion that the district is to be congratulated as regards the personnel of its engineering staff.

The detail information shown on the drawings indicates that extensive field investigations have been made, including diamond-drill borings at the different dam sites. A large amount of survey work has evidently been accomplished on which to base the various plans and a considerable amount of office study is evidenced by the plans submitted for approval.

All of the plans show evidence of skillful design and in general the types recommended are suitable to the ground conditions represented on the drawings. The plans have all been prepared on the basis of providing permanent construction at the least possible cost.

The Government engineers approved, which indicates that the reclamation engineer recognized that those designs were prepared by competent engineers in a very careful manner.

It will be seen, Mr. President, by the letters sent out by the United States Land Office, Department of the Interior, of which I have read a certified copy, the desert entrymen were required to pay assessments that had legally been made on this land or their applications would be rejected. This amounted to approximately $725 per quarter section. That money was paid on the part of the applicants because they had faith in the Government's lending a helpful hand, and they never thought that the Government would breach its contract and attempt to cancel and annul their rights, which they had been compelled to pay for.

Mr. President, the attempted act of the Secretary of the Interior is very far-reaching. If the Secretary's act of attempted cancellation should be carried out, the Secretary of the Interior would usurp State rights in controlling the State's water by manipulating the control of the rights of way over the Government's domain. The Supreme Court of the United States has held that the Secretary of the Interior had no right to alter or change, add to, or take from, any act of Congress. In this instance the approval of the district's right of way being made conditional deprived the district of the full benefit of the act of Congress of March 3, 1891, and the act of 1898, as well as the act of Congress of 1916. Herein, Mr. President, lie the hazards, causing the present attempt of mine, through legislation, to right the whole situation. It is true that the Secretary of the Interior did grant several short, hampering, and harmful extensions of time in order that the district might complete financing. A study of these extensions of time will conclusively show to anyone that the district could not market its bonds under such restrictions and conditions; in fact, the rights of way, granted by the Government apparently in good faith, never were in the form laid down by the various acts of Congress, and it should be readily apparent to anyone that with any deviation from said acts the district's titles to their rights of way might at least be questionable. I might here remark that the thoughtful members of Salt River Valley would not to-day be enjoying their abounding prosperity and well-being had they contended with such stumbling blocks as these circumstances have imposed on these good people; hence I feel and know they truly sympathize with their desert neighbors in this struggle.

The purpose of this bill is to remedy and clarify the questionable character of the district's rights of way. It should not have been the attitude of any Government department to interfere with the State's privileges, in which they were not concerned, and thereby enable a small group of parties to usurp the duties of the State and the county officers. This decision of the Secretary of the Interior, if carried out, while probably not intended, would bring about such a lamentable condition. It should be apparent to the Senate that these home makers have already acquired an equity in rights of way and privileges granted by the State, as well as the United States Government. Now, the Secretary of the Interior proposes to cancel and annul these rights of way and thus destroy the equity they have compelled these citizens to pay for without any hope of repayment of the money that these hard-working, deserving, conscientious pioneers have expended.

I want to state to the Senate that there are 900 families living adjacent to these lands in the desert. They have been there for years. They are the hardiest pioneers of the West, and the Secretary of the Interior by his late rulings in effect destroys their rights. The State of Arizona in every way, shape, and form has given them their rights, as all the other States have done to their citizens similarly situated. The great State of Arizona is for those people. Arizona has given them vested rights as sacred as any known to man, rights which are as well known to law and common usage as those of any time, and in so doing has carried out the idea of shifting the development of reclamation projects from the Federal Government to the States and subdivisions thereof.

If every Senator in this Chamber could appreciate the conditions under which those worthy people have struggled for so many years, out on the desert, in the hot, blistering sun, in the Paradise Valley, watching, waiting, hoping that the Government of the United States, as it should, would give them their rights, they would favor this measure. Those people are asking only for their rights. They are not asking the Government to put up a dollar of money. Those people are bona fide settlers, with the exception of a few carpetbaggers and others who have gone in there for speculation. The majority of these people are bona fide landowners and settlers.

Out on the desert they have waited for years for the Government to protect them, and what do they get? They come here to Washington and ask to have their rights. Two Secretaries of the Interior have passed on their claims for rights of way, and for dam sites. They are not asking for anyone else's water. Their rights require only the flood waters, which are not used by any other people at this time. They ask only for rights away from the Federal Government based on precedents as old as our existence, through desert spaces which can never be used for any other purpose; requests which are negligible and unimportant, yet ruthlessly refused by decisions which forever seal the doom of some 3,000 Americans, worthy of the worthiest.

They do not interfere with any other settlers. They are the people God put in there to build the West, and I want to say to my colleague from Arizona that he was with us for five years on this proposition; he was the first to vote in loudest tones for a favorable report of the committee on this bill, but a few days ago he changed his mind, for what reason I know not. That is his business. But I want to say to the Senate of the United States that there never was a bill presented to the Senate that had behind it more honest conviction than this bill has. The great Governor of Arizona and his various assistants favor this legislation and highly commend it for favorable action here. I know I will not get a vote on it to-day, but I say to the Senate that at the next session I will be on the floor the first day of the session, and I will keep this matter before the Senate until you pass this bill, because I know that when Senators understand all the conditions it will pass.

Now I want to read. [Laughter.]

Mr. NEELY. Mr. President, a point of order. I object to any reading.

Mr. CAMERON (reading)—

This is to certify that the attached copy of the findings of the Verde irrigation and power district, before the State certification board of the State of Arizona——

Mr. NEELY. A point of order.

The VICE PRESIDENT. A Senator has a right to read anything he pleases. A point of order can be made against the clerk's reading, but not against a Senator reading.

Mr. CAMERON. This is germane to my motion:

To whom it may concern:

This is to certify that the attached copy of the findings of the Verde River irrigation and power district, before the State certification board of the State of Arizona, is a true and correct copy.

[SEAL.] A. T. HAMMONS,
Superintendent of Banks.

BEFORE THE STATE CERTIFICATION BOARD OF THE STATE OF ARIZONA

In re Verde River Irrigation and Power District. Findings

This board having heretofore, and on the 30th day of December, 1922, made its findings relative to the Paradise-Verde irrigation district, now the Verde River irrigation and power district, pursuant to application made therefor, and by virtue of the authority of section 11, subdivision (a) of chapter 149 of the Arizona Session Laws of 1921 and amendments thereto, and having thereafter, and on the 3d day of July, 1923, made its further findings upon supplemental application therefor, all pursuant to the provisions of section 11, subdivision (a) of chapter 149 of the Arizona Session Laws of 1921 and amendments thereto; and the district having thereafter and on the 5th day of December, 1924, presented its application for a further certification of its bonds and filed therewith a certified copy of a resolution of the board of directors of the district in compliance with section 39 of the irrigation district act declaring that it deems it desirable that its authorized bond issue in the sum and amount of $23,000,000 be made available for the purposes set forth in section 44 of the irrigation district act.

Now, therefore, this board having fully considered the said resolution, and having made an investigation of the affairs of said district pursuant to the authority vested in it by section 40 of the irrigation district act, submits its written findings, as follows:

1. The board finds that the irrigation and power projects of the district for the construction of which the said bonds under consideration are proposed to be used are feasible.

2. The board further finds that the district's bonds in the sum and amount of $23,000,000 are the only bonds issued by the district, and that the amount of the bonds when allocated between the proposed irrigation system and power plants to be constructed do not exceed 60 per cent of the aggregate market value of the lands embraced within the district and of the water, water rights, canals, reservoirs, reservoir sites, irrigation works, power canals, dams, reservoirs, and other power works to be acquired and constructed with the proceeds of the said bond issue.

The board further finds the total value of the lands and works above referred to to be $41,829,925, and that $23,900,000 of such value should be allocated to power, and the remaining portion thereof, to wit, $17,929,925, should be allocated to the lands within the district, the water, water rights, canals, reservoirs, reservoir sites, dams, and irrigation works.

3. The board finds the present indebtedness of the district, aside from the bond issue, to be $159,310.04, making the entire indebtedness of the district, including the bonds under consideration to be sold, $23,159,310.04.

The board further finds that the ratio which the aggregate market value of the lands within the district and the irrigation and power systems proposed to be constructed with the proceeds of the bond issue bears to the entire indebtedness of the district, including the bonds under consideration, is the ratio that 100 bears to 55.

4. The board further finds the total taxes levied for all purposes for the current year against the lands embraced within the district to be $25,609.63.

5. It is ordered and directed that these findings be made and signed in triplicate; that one copy thereof be delivered to the State auditor, another copy thereof to the Verde River irrigation and power district, and a third copy be filed in the office of this board.

Done this 10th day of December, A. D. 1924.

STATE CERTIFICATION BOARD,
By A. T. HAMMONS,
Superintendent of Banks.
W. C. LEFEBVRE,
State Engineer.
JOHN W. MURPHY,
Attorney General.

During the reading of the foregoing,

Mr. KING. Mr. President, will the Senator yield?

Mr. BLEASE. Would the Senator yield just to allow the Senator from Virginia——

Mr. CAMERON. I yield to any Senator on any worthy legislation if I will not lose the floor.

Mr. BLEASE. To ask for unanimous consent?

Mr. CAMERON. That will take me from the floor.

Mr. President, in the dying minute of this Congress, I implore you to study the contents of this meritorius measure. Arizonians are for each other; we survive because of our pluck and tenacity; hardships through the years mean but little if in the end justice shall prevail.

At the conclusion of Mr. CAMERON'S speech, on request of Mr. ASHURST, the following was ordered to be printed in the RECORD:

VERDE RIVER IRRIGATION AND POWER DISTRICT

Mr. ASHURST, from the Committee on Irrigation and Reclamation, submitted the following minority views, to accompany S. 3342:

For the past six years I have rendered all possible assistance to the settlers under the Paradise Verde irrigation district (now the Verde River irrigation and power district) in the hope that a plan could be adopted to finance the project so that the lands thereunder might be irrigated. Unfortunately it has been impossible to accomplish that beneficent result and I am now forced to the conclusion that other methods must be pursued which include close cooperation with the Salt River Valley Water Users' Association and with the Department of the Interior. To enact the bill S. 3342 would indefinitely prolong the delay in developing these lands.

In confirmation of this view attention is directed to the exhibits hereunto attached.

In the Supreme Court of the District of Columbia, Holding an Equity Court. Verde River Irrigation and Power District, Plaintiff, *v.* Hubert Work, Secretary, etc., and William Spry, etc., Defendants. Equity No. 45255

MEMORANDUM

There is a motion to strike out the defendants' answer.

It would serve no purpose but to further delay this decision were the court to take time to state at length the facts as they appear in the pleadings and to discuss the numerous acts of Congress relied upon and the cases cited by plaintiff where it is sufficient to say that the Secretary of the Interior was given power by the act of February 21, 1911 (36 Stat. 925), to do the acts complained of. The cases cited to the effect that the Secretary may not impose conditions unless Congress has authorized him to do so have no application.

The bill is without equity, in any event, as the plaintiff and its predecessor accepted the contract, got extensions of time to perform, and were treated altogether fairly by the defendant and his predecessor in office. Now that plaintiff has not by performance shown its ability to carry out the terms of the contract, having had its benefits, it for the first time attacks it. The United States has interests which should be protected against such inequitable conduct.

This decision is on the merits. No decision is made on the objections to the answer as argumentative matter and conclusions of law. It is bad in that respect, but the plaintiff was the first offender in its bill, and the court will not be astute to analyze the bill and

answer to determine how much of the defendants' pleading which is objectionable is directly due to the equally objectionable matter in the bill.

Settle order on written consent or on two days' notice in writing.

WALTER I. McCOY, *Chief Justice.*

MAY 7, 1926.

STATEMENT OF MR. C. H. TINKER, MANAGER VALLEY BANK, GLENDALE, ARIZ., BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON IRRIGATION AND RECLAMATION, UNITED STATES SENATE, SATURDAY, NOVEMBER 28, 1925, AT PHOENIX, ARIZ.

MR. TINKER (reading). The undersigned association, composed of landowners of the Verde River irrigation and power district, under the name of Deer Valley Protective Association, whose holdings aggregate about 45,000 acres of said district lands, or approximately one-half of the entire area, have organized for the purpose of uniting our district with that of the Salt River Valley Water Users' Association, being convinced that the project is too extensive for the Verde River irrigation and power district to carry through successfully by itself. There are numerous reasons why we believe the project should be handled by the Salt River Valley Water Users' Association, and among these reasons we submit the following:

"1. The Verde River irrigation and power district, at an election held August 7, 1923, by vote of 255 ayes to 1 no, authorized the district to issue its bonds in the sum of $23,000,000, bearing interest at the rate of 6 per cent per annum, for the construction of an irrigation and power system. At the time this election was held there were, according to the books of the company, 885 landowners in the project. Of these at the present time 439 reside in the State of Arizona, 110 appear as nonresidents, and 336 appear as having no address, which probably means that they are nonresidents. These bonds have been offered for sale, without any offer being made. We oppose this bond issue for the reason that it would mean a burden on the lands of approximately $250 per acre, which is excessive. You may be informed that the power will pay the greater part of the principal and interest of this bond issue, but this assertion can not be supported by facts.

2. The Salt River Valley Water Users' Association, which is one of the most successful irrigation and power projects in the United States, with trained, experienced, and capable men at his head, has agreed, in writing, to irrigate about 80,000 acres of lands and to develop all the power of which the project is capable at a burden that will not exceed $70 per acre. All the power thus generated is to be devoted to our project exclusively, first to the payment of the interest and principal of the investment and thereafter to the reduction of operating costs. Of course, this proposition includes full control and management of the project by the Salt River Association, which we consider extremely desirable, as our directors have had no experience with irrigation or power projects on a large scale. Moreover, the combination would greatly reduce overhead expenses and operating costs. The Salt River Valley Water Users' Association enjoys very high credit, and their cooperation and aid will materially help the credit of the district, making it possible to immediately raise all of the money necessary to complete and equip our project. It is idle to believe that this capital can be raised by the Paradise-Verde standing by itself.

3. As the case stands to-day all of the normal flow of the Verde River, and considerable percentage of the flood flow, has been appropriated years ago and is now held by the members of the Salt River Valley Water Users' Association under vested rights. The amount of water remaining, in the opinion of all governmental and of high-standing private engineers, would not irrigate, under the most favorable circumstances, more than 30,000 to 35,000 acres. Should any attempt be made by the Paradise-Verde to apply more of the waters of the Verde than this residue, there would be immediate resistance by the Salt River Valley Association, which would mean prolonged and disastrous litigation so far as our project is concerned. On the other hand, by an acceptance of the Salt River Valley plan all conflict and possible litigation is avoided. The plan proposed by the Salt River Valley Association, which is on file in the office of the Secretary of the Interior at Washington, contemplates that the unappropriated waters of the Verde River will, under careful usage, irrigate 35,000 acres of land; that by cooperative arrangement, whereby water could be drawn alternately from the Verde reservoir and the Roosevelt reservoir, an additional 5,000 acres could be irrigated; that by lining the canals of the Salt River system with cement 30,000 acres more could be irrigated; and that by utilizing certain secondary power that could be brought in through the development of the Verde system 10,000 acres more could be irrigated by pumping. It also proposes, in case actual experience shows that more acreage can be irrigated, to extend the irrigated area so far as safety and economy will permit.

4. The present management of the Paradise-Verde oppose the foregoing plan of the Salt River Valley Water Users' Association upon two principal grounds; first, that they do not wish to relinquish control of the project to the Salt River Association; second, because they insist that there is enough water to irrigate 103,000 acres and will not consent to a combination unless the Salt River Valley people will unequivocally agree to irrigate that acreage. We consider both of these grounds as untenable and unreasonable and as opposed to the best interest of all concerned.

5. Many of us have been waiting more than 15 years for water with which to irrigate. We are no nearer that object than we were when we started so far as our own management is concerned. Our only hope lies with the Salt River Valley Water Users' Association, and we are unreservedly in favor of accepting its proposal.

6. The financial and business methods of the present Paradise-Verde administration are, to say the least, extravagant. At the close of the year 1924 nearly $400,000 had been expended, all of which constitutes a burden on the landowners of the district with no appreciable results.

7. The Phoenix Chamber of Commerce has, through an impartial committee of leading business and professional men of this city, investigated this situation and has unanimously recommended the plan of the Salt River Valley Water Users' Association. We take the liberty of quoting from the conclusions reached by this committee as appears by their report, submitted December 30, 1924:

"The committee therefore has reached the conclusion that not only has the district made no real progress toward financing, but that it is not likely to under the plans now proposed. This leads, naturally, to the further conclusion that the Paradise-Verde project not only has a much better prospect of successful and practical financing under the plan proposed by the Salt River project than it has by proceeding independently, but that its chance of financing independently is so remote as to be negligible. The Salt River project has very large resources, an established credit, and enjoys business and technical management of a high order. It has a distinguished record of success in its undertakings and has the confidence of the Government. Should it undertake the task of developing the Paradise-Verde it will do the work promptly, efficiently, and to the benefit of all concerned. There will be no delay, no litigation, no conflict over rights or details of administration. There would be harmony, stability, and economy.

"The business and agricultural community of the Salt River Valley is obviously interested vitally in this matter. This committee believes it voices the sentiment of the overwhelming majority of business men and farmers in stating that the development of the Paradise-Verde project can be worked out more beneficially by the Salt River project than in any other way. Viewing it even from the standpoint of the Paradise-Verde itself, we do not think that it is sound business judgment to hazard the immediate and certain development of 80,000 acres under a conservative acreage burden against the remote and uncertain development of twenty-odd thousand acres more under an excessive acreage burden. This statement becomes more forceful when it is considered that the Salt River project declares its willingness to irrigate as much more than 80,000 acres from time to time as the amount of water available and sound economy will permit. Under no reasonable conditions could the Paradise-Verde itself hope to do better than this.

"The matter of administrative control is also one that appeals to the business sense of the community. This seems to be a sensitive point with the Paradise-Verde management, and perhaps very properly so. But in the kindliest spirit, and without any intention of disparagement, we do not think it can justly be said that the management of the Paradise-Verde thus far shows any superiority over that of the Salt River project. Even if it did, we could still feel inclined to hold that from the standpoint of the community at large the advantages afforded by the Salt River plan so far outweigh all others that we are justified in favoring it. Also large property interests of the latter project might easily be menaced if not actually damaged should there be a full control of Paradise-Verde development in which it should have no voice. We are unanimous and positive in the belief that the business and agricultural community will be benefited much sooner and to a greater extent by the adoption of the Salt River project program than in any other possible way and that the greatest gainers will be the members of the Paradise-Verde itself. We think the business community should, and we believe it does, stand in support of the plan proposed by the Salt River Valley Water Users' Association, and that the board of directors of this chamber should so represent to the Secretary of the Interior."

We attach hereto a copy of our list of landholders, together with a copy of the agreement with the Salt River Valley Water Users' Association as presented to the Secretary of the Interior at a hearing held in his office in Washington, January 25, 1925.

Respectfully submitted.

PARADISE-DEER VALLEY PROTECTIVE ASSOCIATION,
By C. T. TINKER, *President.*

Signatures on the Paradise-Deer Valley Protective Association petition with acreage:

	Acres
Mrs. Axie Reese	120
Edith Heim	160
Hans Weaver	168
Hattie A. Coldwell	10
Fred J. Hoffstaedt	160
Geo. H. Lewellen	320
J. A. Howard	40
A. C. Jacobus	80
James Glassett	40

	Acres
H. V. Cowan	160
L. A. Wittenmeyer	40
J. D. Stewart	40
S. J. Jolly and wife	40
H. H. Alexander	10
Wm. H. Libby	307.89
Mrs. F. J. Workey	280
Ray D. Stevens	40
Geo. H. Massey	162
J. S. R. Hammitt	80
Ella McDaniels	160
Mary E. Welch	320
H. F. Lynn	320
F. D. Stevenson	160
J. P. Tinezle	160
J. B. House	45
W. L. Lee	84
J. M. Chumbley	160
M. R. Chumbley	20
E. M. Chumbley	20
J. C. Hendrixon	159
E. A. Nesbet	160
Elmer Elkin	80
Mrs. F. C. Stimmel	80
M. E. Gilliam, Green	160
Mrs. M. S. Allee	80
C. A. Standridge and Hattie	80
J. B. Lammers	160
L. M. DeFever	80
DeFever & Reid	920
W. H. Linnville	70
E. M. Lynn	40
J. E. Phelps	140
A. B. Laing	47
Geo. W. Hulse	40
Russell McDaniel	640
R. H. Whyman	240
M. C. Halmer	40
G. Austin	40
L. E. Schoch, Mary E.	1,080
T. H. Hyatt	320
Marth Hyatt	10
W. L. Hyatt	160
E. P. McDowell	80
Mrs. I. Scott	
Amsie May Stoke	20
C. C. Canfield	1
D. W. Kinney	.50
J. E. Piper	160
L. R. McDonald	80
M. E. McBridge	120
T. H. Wright	120
Mary A. Thomas	80
Emily G. Phipps	75
Geo. C. Keeling	160
W. J. and L. B. Osburn	200
H. C. Lockett	600
J. H. Buss	88
E. B. LeGate	120
S. E. Haeberlin	320
John Adams	80
W. E. Steinman	160
F. E. Ginn	62
Clarence W. Westover	82.45
Ray C. Harker	160
J. E. Sandy	80
D. Vondracek	574
Samuel Wilson	80
Joseph Pavlista	320
Willard Scott	80
Ralph Acker	160
Amma J. Brought	200
Mary S. Gibby	120
T. Thomas	120
C. Eagan	320
K. Petty	196
Ben McDaniels	120
Chas. B. Williams	80
Francis Gossett	80
T. Thornton	160
Geo. O'Clair	160
A. B. Norton Smith	210
C. H. Tinker	160
Alice Williams	307
Sears-Kay Cattle Co	640
J. L. Conrad	320
William G. Elder	160
J. L. B. Alexander	72
J. G. Whitney	200
George R. Linsey	72
M. L. Eagan	427
C. E. Harris	155
William O. Taylor	40
F. M. Thornton	160
E. W. Clayton	160
H. T. Duffey	160
W. L. Goldsworthy	160
W. J. Osborn	80
L. M. Fitzhugh	40
H. S. Keene	240
S. W. Higley	1,420
D. B. Webster	160
Maricopa Creamery	160
J. W. Sullivan	240
D. MacDonald	130
J. MacDonald	17
Jean MacDonald	90
T. H. Flynn	40
F. L. Balmer	320
J. W. Soloth	2
Emma M. Firth	156.30
B. H. Alexander	80
F. Snyder	80
Mrs. J. C. Ryan	80
J. C. Ryan	80

	Acres
R. H. Fuqua	80
Elizabeth Fleet	15
F. W. Dobroosky	80
Anna H. Redenour	80
C. A. Freelove	160
E. F. Sumwalt	80
D. McRuer	80
Mrs. Effie E. Sobey	140
Mrs. P. W. Sobey	140
William Gunedlach	30
Thomas Sobey	40
S. Bloomfield	80
S. N. Pullins	1
Louis Sands	640
S. Nordyke	3
W. O. Senseman	400
E. L. Senseman	160
Mrs. M. J. Minter	40
R. P. Davie	260
J. A. Kuhne	80
L. M. Hackler	6
Roy H. Marshall	20
F. C. Pursell	320
J. Lacey	30
L. E. Archer	320
C. E. Dale	10
C. E. Pierce	80
Mary Topale	160
Mrs. K. Ficas	40
B. F. Goodwin	7
Amos Christian	40
J. C. Henderson	160
Mrs. C. Campbell	80
Mrs. and J. Boswell	80
D. F. Rogers	155
C. H. Abels	49.13
W. H. A. Lamb	40
H. Lowenstein	65
O. E. Brodersen	80
W. F. Purcell	1,920
S. E. Belbaze	5
Edith E. Erickson	160
W. L. Varney	145
T. Kinnyon	10
L. H. Vandracek	40
J. A. R. Irvine	10
Mary A. Staast	160
S. Vondracek	40
W. L. James	68
D. M. Francis	1,280
J. F. White	110
Ruby E. M. Irion	120
J. B. Jones	160
Bertha Case	80
C. Hess	980
J. D. Halstead Lumber Co	160
E. Kile	160
William E. Linsey	320
W. Wylie	520
J. F. Clayton	160
F. Hamblen	80
J. W. Hawker	80
Valley Bank (Glendale)	80
A. M. Hoel	80
C. S. Howe	95
C. A. Canan	160
C. Canon	190
Mrs. and J. Cassidy	46
G. W. Walters	26
M. W. Walter	160
G. W. Protzman	80
F. M. Gulick	42
C. A. Parker	20
J. E. Douglas	7
Mrs. H. Rogers	1.50
Mrs. M. Z. Summers	160
B. M. Casey	80
E. T. Hooper	80
W. Hyatt	540
K. D. Hellsworth	155
J. Balke	160
T. Blake	100
G. E. Taylor	160
A. E. Tuber	20
F. W. Griffen	160
Emilie Goodwin	2
Peal K. Betty	3
H. C. Bennitt	16
Eliza Ainsworth	90
Andrew Fyfe	160
C. H. Miller	136
C. C. Johnson	160
H. H. Lahr	80
Ethel Rosenberry	80
Clay Noble	320
L. F. George	40
L. E. Bayless	40
R. A. Hatcher	10
H. A. Severinghouse	160
G. A. Oleny	40
J. G. Hardin	144.14
W. H. Marshall	160
W. Thomburg	120
J. O. Carter	80
Mary Washburn	240
P. Bock	80
Frances T. Brumbough	80
N. Friedman	160
A. J. Smith	80
F. G. Stephen	80
P. O. Donnell	162
M. Sylvia	40
H. A. Orput	40
B. Gates	40

	Acres
A. Dye	40
T. A. Bailey	80
A. B. and W. R. Norton	200
E. E. Helfrick	100
J. J. Phillips	50
C. Renner	17.35
S. Smith	16
F. Jacobs	80
J. R. Lambert	80
J. E. Vardermon	10
A. A. Janes	160
V. G. La Tourette	160
J. D. Kennison	320
Ida B. Bly	310
A. F. Janes	40
Mrs. C. A. Stevenson	160
E. H. McCreary	160
L. A. and U. G. Hill	160
McIntyre-Davie	480
R. P. Davie	240
Emiley W. Scherzel	160
C. F. Gerard	47
Russell McDaniel	360
C. R. Cox	80
D. McDermitt	120
M. Kisselburg	40
L. Conner	320
M. Obrien	8
Lulu A. Obrien	8
K. Burroughs	120
Etta R. Johnson	160
L. D. Lauterette	160
W. G. Wolfley	40
L. H. Rhuart	185
Florence T. Hinman	160
C. E. England	160
J. W. Walker	20
A. E. Banks	40
Chris Eckerman	150
M. D. Savoy	120
D. Miller	120
C. T. Nelson	224
Wm. Van Benscoten	320
Mrs. E. A. Thomas	132
Marjory H. Thomas	120
Mattie E. Ormsby	320
F. Welch	40
W. Price	160
Chas. Welch	320
W. Turney	160
M. Gilbert	160
T. Rynning	160
Alla Fowler	160
James Jackson	40
Jesse Evans	160
L. Jones	160
Total	44,047.77

We have 302 landowners' signatures on this petition averaging 146 acres to a signature. You will appreciate the fact that a great many will not take sides and quite a number could not be reached on account of being out of the State.

RESOLUTION

Be it resolved by the board of governors of the Salt River Valley Water Users' Association, That the president, the general superintendent, and the attorney of this association be, and hereby are, authorized and empowered to formally request the Secretary of the Interior to turn over and grant to this association all reservoir, canal, and power sites and rights on the Verde River now covered by or mentioned or included in that certain contract of February 20, 1920, and February 25, 1920, between the Secretary of the Interior and the Paradise-Verde irrigation district upon and subject to terms and conditions as follows:

(a) That the association shall, as speedily as conditions warrant, proceed to finance the development of the Verde River project as set forth in paragraph (b) hereof, upon the security of said project, and construct such dams, canals, irrigation works, power plants, and power lines on the said Verde River as may be found economical and feasible or practicable; all financial arrangements, designs, plans, and type of construction to be subject to the approval of the Secretary of the Interior.

(b) The association shall deliver all waters made available by storage or developed by said works described in the preceding paragraph (a), together with such additional waters as the association shall find it economically feasible to conserve, develop, divert, and (or) utilize from or on other streams or rivers, by lining canals or laterals of the Salt River project, or by other means mutually agreed upon, either in connection with works of the Salt River project or otherwise for the irrigation of such lands in Paradise and Deer Valleys, within the original confines of the Paradise-Verde irrigation district, as the association shall find may be economically served and adequately irrigated from or by means of any or all of the works and (or) sources above named: *Provided*, That if the association shall ultimately find the amount of water made available from or by means of the before-mentioned sources to be sufficient to adequately and economically serve lands in addition to those lying within the said original boundaries of the Paradise-Verde irrigation district, then such waters shall be used for the irrigation of such additional land outside the said original boundaries of the Verde irrigation and power district as the association shall find to be susceptible of economical service and adequate irrigation in addition to the area theretofore served from and by means of the said works and sources: *Provided*, That all such water shall be developed and delivered at the expense of said Verde project: *And provided further*, That the detailed plans of the proposed Verde River development and the selection of the lands to be irrigated hereunder shall be subject to the approval of the Secretary of the Interior of the United States.

(c) That the association shall regulate the use of water from the storage reservoirs on the Salt and Verde Rivers as it shall find to result in the greatest degree of beneficial use for its shareholders and the owners of Paradise and Deer Valley lands to be served hereunder; such use to be in accordance with the respective rights of said shareholders and landowners in and to said water.

Where the coordinated operation of the storage reservoirs on the Salt and Verde Rivers shall result in a net saving of water, the saving so effected shall be credited to the Verde project on some mutually agreeable basis.

(d) That supplemental to dams and irrigation works constructed on the Verde River the association shall as speedily as shall be practicable and economically feasible, install power plants and develop and market power thereby and therefrom and all the net revenues derived by the association by marketing power so developed at and by means of said Verde River power plants shall be devoted to the payment of the construction costs of such irrigation and power works and to the reduction of the cost per acre therefor to landowners of the Paradise and Deer Valley, served under such construction, such power revenues to be and remain the property of the said Verde River project.

(e) That if the Secretary of the Interior is willing to and does grant to the association the irrigation and power rights on the Verde River as herein requested, the said president, general superintendent, and attorney of the association are hereby authorized and empowered to make and enter into a formal contract with the said Secretary of the Interior embodying the above conditions and such other reasonable conditions as the Secretary of the Interior may impose or require to fully protect and preserve the rights of landowners in Paradise and Deer Valleys and to which the said president, general manager, and attorney of this association may agree, and this board of governors hereby pledges its support to the execution of any agreement fairly made along the lines hereinabove indicated that may be entered into by its representatives at the hearing above mentioned. Such agreement, however, to be submitted to this board of governors for its approval before becoming a binding agreement upon the association, and in so far as said agreement may involve features which under its articles of incorporation are required to be submitted to shareholders subject to the approval of the shareholders of the association.

STATE OF ARIZONA, *County of Maricopa, ss:*

I, F. C. Henshaw, secretary Salt River Valley Water Users' Association, hereby certify that the above and foregoing is a true, correct, and complete copy of a resolution unanimously adopted by the board of governors of said association on December 12, 1924.

[SEAL.] F. C. HENSHAW,
Secretary Salt River Valley Water Users' Association.

DEPARTMENT OF THE INTERIOR,
Washington, March 12, 1926.

Hon. CHARLES L. MCNARY,
Chairman Committee on Irrigation and Reclamation,
United States Senate.

MY DEAR SENATOR MCNARY: In response to your request of March 3, 1926, for report on Senate bill 3342, introduced March 1, 1926, by Senator CAMERON, I have the honor to state:

The records of the department show that on May 21 and 25, 1920, the then Secretary of the Interior entered into contracts with the Paradise-Verde irrigation district, now the Verde River irrigation and power district, whereby it was granted the "right and privilege" under Government supervision to erect along the Verde River and other minor streams on lands withdrawn under the reclamation act of June 17, 1902 (32 Stat. 388), and amendments thereto, storage dams and other irrigation works looking to the use of the flood waters of the streams for the irrigation of approximately 100,000 acres of land within the Paradise and Deer Valleys, which lands are adjacent to the lands of the Government Salt River project.

The lands affected by the contracts were not restored from the reclamation withdrawal, as it was never intended, because of the vital Government rights affected, especially with respect to Indian lands and also the Salt River project, in which the Government was and still is interested to the extent of approximately $7,000,000 for unpaid construction charges, to entirely relinquish its control or supervision of these valuable reservoir and power sites.

In the contracts mentioned it was provided that the necessary funds for the construction of works should be provided within three years and that the construction should be started within that time and completed within six years.

It was also provided that the district should make application under the appropriate laws for rights of way over unreserved lands.

Subsequent to the signing of these contracts the district filed certain rights-of-way applications under the act of March 3, 1891 (26 Stat. 1095), and May 11, 1898 (30 Stat. 404), on which were outlined the entire proposed irrigation system as affecting both the withdrawn and unwithdrawn lands.

These applications, which are described in the first section of the proposed act, were accompanied by a map showing the entire project which was approved by the department December 1, 1920. This approval was recited to be pursuant to the acts of 1891 and 1898, and also pursuant to the contracts of May 21 and 25, 1920.

Later the district filed under the acts of 1891 and 1898, supra, amended applications Phoenix 054822, Phoenix 054936, and Phoenix 054937, described in section 2 of the proposed bill. May 19, 1923, the department suspended action on these applications until January 25, 1924, to which date the district's time within which to finance the project had been extended.

The district having failed to finance this project, these applications were rejected February 25, 1926.

In order to assist the district in its efforts to finance the project, it was, on June 7, 1921, granted the right under the act of August 11, 1916 (39 Stat. 506), to tax the unentered public lands and the entered public lands on which no final certificates had been issued within its boundaries. The right or privilege granted under this act was also made subject to the terms of the contracts of May 21 and 25, 1920.

The last formal extension of time granted the district within which to finance its project expired December 4, 1925. Accordingly, as no satisfactory showing in this connection had been made and in conformity with the provisions of section 12 of the contract that upon the district's failure to finance "the Secretary of the Interior may declare this contract abrogated in whole or in part," on January 16, 1926, all rights granted the district under and pursuant to the contracts mentioned were canceled and revoked.

The district on January 25, 1926, filed motion for reconsideration of this decision, which motion was denied February 13, 1926.

February 15, 1926, the district instituted in the Supreme Court of the District of Columbia a suit asking that the Secretary of the Interior be enjoined from carrying into effect the decision of January 16, 1926. This case is still pending.

It will be observed that the contracts of May 21 and 25, 1920, with the district, which were entered into pursuant to the terms of the act of February 21, 1911 (36 Stat. 925), amending the reclamation act gave the district six years within which to construct its project, whereas the acts of 1891 and 1898, supra, grant only five years for construction purposes. Furthermore, even after the lapse of almost six years the district remains unfinanced. It is claimed that the district has raised by the taxation of the settlers in the neighborhood of $400,000, but the expenditure of this money shows no tangible results, the greater part having been paid out in the form of salaries to the district's officers and its employees.

Settlers under the proposed project have complained of the taxes being assessed against their lands, especially as no beneficial results appear to be forthcoming, and it was largely in the interest of the settlers that the action of January 16, 1926, abrogating the contracts was taken.

Considering these facts and especially the legal action now pending in court and doubting the ability of the district as thus far proved to finance a $23,000,000 undertaking, I have to recommend that Senate bill 3342 be not enacted into law.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1926.

Verde River Irrigation and Power District. "F." Phoenix 050246. Denied

PETITION FOR RECONSIDERATION

May 21, 1920, the then Secretary of the Interior entered into a contract with the Paradise-Verde irrigation district (now the Verde River irrigation and power district) wherein there was granted the right to construct and maintain storage reservoirs on the Verde River upon lands withdrawn under the provisions of the reclamation act, and the district agreed to construct reservoirs, a diversion dam, canals, and laterals for the irrigation of certain lands in Arizona.

The agreement provided that the district should, within three years, show to the satisfaction of the Secretary of the Interior that it had made arrangements for the necessary funds, and that the funds should be available for the construction of the project, should have begun construction, and should prosecute the same diligently, so that the storage dams should be completed within six years from the date of the contract.

The agreement further provided that upon failure of the district to comply with these provisions within the time specified, or within such extensions as might be granted, "the Secretary of the Interior may declare this contract abrogated in whole or in part."

This contract was supplemented May 25, 1920, so as to grant the district the right to use certain withdrawn lands for canals for irrigation and power development.

Under and pursuant to the terms of the contract cited, the district made application for the approval of certain rights of way and easements under the act of March 3, 1891 (25 Stat. 1095), and the act of May 11, 1898 (30 Stat. 404). These applications were approved by the department December 1, 1920, subject to the contracts of May 21 and May 25, 1920, and to stipulations therein set forth.

February 5, 1921, the district made application for approval under the act of August 11, 1916 (39 Stat. 506), which application was approved June 7, 1921, expressly subject, however, to the terms of said contract of May 21, 1920.

February 3, 1923, the then Secretary of the Interior, on application of the district, and after a hearing, extended the time of the district within which to make showing as provided by the prior contracts for nine months from May 25, 1923.

May 19, 1923, the department denied the district's application for approval of an amended application under the act of August 11, 1916, supra, and at the same time suspended action on the district's application for amended canal rights of way, and for the Camp Verde and Bartlett Reservoirs, pending submission, within the time set, of evidence of the successful financing of the project. A further extension was applied for by the district, and after hearing and full consideration the department held, January 20, 1925: "A further extension does not appear to be warranted and would not be in the interests of the parties concerned, including the settlers and landowners in the district. The petition is accordingly denied."

Subsequently, on petition by the district, and to afford an opportunity to parties in interest to effect a compromise of the differences, further extensions for limited periods were granted, the matter coming up for final determination January 16, 1926, on which date the department, after reciting the facts, held:

"Over $300,000 has been raised by the district through assessments on the landowners for this purpose. No moneys have been expended for construction work. After more than five years the district has been unable to finance or begin construction, or to file satisfactory evidence that it can finance or construct. Accordingly, in view of the foregoing, further delays or extensions are not warranted, and the action of January 20, 1925, is hereby adhered to and made effective as of this date."

On January 25, 1926, there was filed in the department a petition for reconsideration of said matter, and request that representatives of the district be heard orally. Thereupon, the Commissioner of the General Land Office was directed to hear the matter, and oral argument was presented at a hearing held in the office of the Commissioner of the General Land Office January 28, 1926.

The record has been forwarded to the department, and, as stated in the commissioner's report, it appears from the record of proceedings and the transcript of the oral hearing that no evidence has been presented which would warrant the department in changing or modifying the action heretofore taken.

As stated in previous decisions, the original contract and all grants of rights of way and approvals of the district were on the express conditions, agreed to by the district, that the district would, within three years from date of the original contract, or within such extensions as might be granted, show to the satisfaction of the Secretary of the Interior that it had made arrangements for the necessary funds to construct the project and had actually begun construction thereof, and that it would prosecute the same with diligence, so that the storage dams should be completed within six years from the date of the original contract or within such extensions as might be granted.

The district has failed within the time specified and within the various extensions mentioned to arrange for the financing of construction, has done no construction work, and up to the present time has failed to submit any evidence which satisfies the department that it is or will be able to construct the project.

Accordingly, and in view of the foregoing, the petition for reconsideration is denied.

Under and pursuant to the express terms and conditions of the contracts entered into between the department and the district, and under the conditions expressly set forth in connection with the rights of way and the approval of the district organization, all conditional rights of way granted or made to the district for reservoirs, dams, canals, laterals, and other structures are hereby canceled and set aside. The approval of the district for taxation purposes under the act of August 11, 1916, likewise conditioned on compliance with the terms of the contract of May 21, 1920, which conditions have not been met, is also hereby canceled and revoked.

The Commissioner of the General Land Office is hereby directed to issue notices to all parties in interest hereof, and to cause the proper notations to be made upon the records of his office and of the local land office, and take any further steps which may be necessary to formally carry this decision into effect.

HUBERT WORK, *Secretary.*

In this connection a chronological history of the Verde River irrigation and power district's dealings with the Interior Department from the first grant, on May 20, 1920, to the decree of Supreme Court of the District of Columbia denying an application for an injunction on May 25, 1926. It follows in full:

"May 21, 1920: The then Secretary of the Interior entered into a contract with this district granting the right to construct and maintain storage reservoirs on the Verde River upon land withdrawn under the reclamation act.

"The district agreed to show within three years to the satisfaction of the Secretary of the Interior that it had made arrangements for the necessary funds to construct the project, should have begun construction and should prosecute same diligently, so that the storage dam should be completed within six years from the date of the contract.

"Upon failure to comply with the terms of the contract the Secretary of the Interior was to abrogate the agreement.

"May 25, 1920: A supplemental contract of this date granted the district the right to use certain withdrawn lands for canals for irrigation and power development.

"December 1, 1920: The department approved under the terms of the contract application for rights of way and easements under the acts of March 3, 1891, and May 11, 1898.

"February 5, 1921: The district made application for approval, under the act of August 11, 1916, which was approved by the department June 7, 1921, expressly subject, however, to the terms of the contract of May 21, 1920.

"February 3, 1923: The then Secretary of the Interior, on application of the district and after a hearing, extended the time of the district within which to make showing, as provided by the prior contracts, for nine months from May 25, 1923.

"May 19, 1923: The department denied the district's application for approval of an amended application, under the act of August 11, 1916, and at the same time suspended action on the district's application for amended canal right of way and for the Camp Verde and Bartlett Reservoirs, pending submission, within the time set, of evidence of the successful financing of the project.

"January 20, 1925: A further extension was applied for by the district, and, after hearing and full consideration, the department held that a further extension did not appear to be warranted and would not be in the interest of the parties concerned, including the settlers and landowners in the district.

"At the foregoing hearing representatives of a part of the people in the Verde district and representatives of the Salt River Valley Water Users' Association were heard in opposition to further extension.

"Subsequently, on petition by the district, and to afford an opportunity to the parties in interest to effect a compromise of the differences, further extensions for limited periods were granted, the matter coming up for final determination January 16, 1926, on which date the department, after reciting the facts, held:

"'Over $300,000 has been raised by the district through assessments on the landowners for this purpose. No moneys have been expended for construction work. After more than five years the district has been unable to finance or begin construction, or to file satisfactory evidence that it can finance or construct. Accordingly, in view of the foregoing, further delays or extensions are not warranted, and the action of January 20, 1925, is hereby adhered to and made effective as of this date.'

"January 25, 1926: A petition for reconsideration was filed by the district, with request that representatives of the district be heard orally, and on January 28, 1926, an oral argument was presented at a hearing held in the office of the Commissioner of the General Land Office on this date, but the commissioner reported that no evidence had been presented which would warrant the department in changing or modifying its previous action.

"February 13, 1926: The Secretary of the Interior found that the district had failed, within the time specified and within the various extensions mentioned, to arrange for the financing of construction and the prosecution of construction work, and had failed to submit any evidence that satisfied the department that it will be able to construct the project, and accordingly the petition for reconsideration was denied.

"All conditional rights of way granted or made to the district for reservoirs, dams, canals, laterals, and other structures were canceled and set aside, as was the approval of the district for taxation purposes under the act of August 11, 1916.

"February 15, 1926: The district instituted in the Supreme Court of the District of Columbia a suit asking that the Secretary of the Interior be enjoined from putting said decision into effect.

"May 25, 1926: While the suit is still pending in the Supreme Court of the District of Columbia, the court on this date entered a decree denying the application of the irrigation district for the injunction sought. This action would seem to be decisive of the claims of the district, although it is possible that some further proceeding in this litigation may be undertaken by it."

Mr. GLASS. Mr. President——

FINAL ADJOURNMENT

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Chair, in accordance with the provisions of House Concurrent Resolution 39, declares the Senate adjourned until 12.30 o'clock p. m., Wednesday, November 10, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 3, 1926

FOREIGN SERVICE

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Robert P. Skinner to be envoy extraordinary and minister plenipotentiary to Greece.

COLLECTOR OF CUSTOMS

Jennie P. Musser to be collector of customs, with headquarters at Salt Lake City, Utah.

MEMBER FEDERAL RESERVE BOARD

Charles S. Hamlin to be a member of the Federal Reserve Board for a term of 10 years.

PROMOTIONS IN THE ARMY

TO BE LIEUTENANT COLONEL

Francis Henry Burr.

TO BE MAJOR

Robert George Guyer.

TO BE CAPTAIN

Charles Stalsburg.

TO BE FIRST LIEUTENANTS

Duncan Philip Frissell.
Henry Hammond Duval.

PROMOTIONS IN THE NAVY

TO BE LIEUTENANT COMMANDERS

Samuel P. Jenkins.
Francis S. Low.
Morris H. Spriggs.
Horace D. Clarke.
Ralph Kiely.
Archer E. King, jr.
Harold O. Hunter.
George C. Kriner.
Forrest K. Libenow.

TO BE LIEUTENANTS

Thomas H. Binford.
William Butler, jr.
Russell H. Quynn.
Edward E. Dolecek.
Charles E. Bauch.
August V. Zaccor.
George L. Richard.
George H. Hasselmann.
Thomas G. Richards.
Clarence E. Bence.
Arnold J. Isbell.
Morgan C. Barrett.
William R. Millis.
Walter F. Boone.
Charles A. Whiteford.
Andrew P. Lawton.

TO BE ENSIGN

Cecil C. Adell.

TO BE LIEUTENANTS (JUNIOR GRADE)

Robert A. Casson, jr.
Neil K. Dietrich.
Richard W. Ruble.
Thomas B. Williamson.
George K. Hodgkiss.
Sanford D. Fulton.
Thayer T. Tucker.
William T. Rassieur.
Louis F. Teuscher.
Frederick A. Edwards.
Walter C. Russell, jr.
Edwin R. Duncan.
George A. Dussault.
Louis A. Reinken.
Balch B. Wilson, jr.
Dwight H. Day.
Frank Monroe, jr.
William D. Wright, jr.
Gilbert L. Burt.
Frederick J. Nelson.
Claude F. Sullivan.
William M. Hobby, jr.
Robert R. Buck.
Thomas H. Hederman.
Henry F. Agnew.
Robert K. Walker.
Gilbert R. Crowther.
Charles S. Walsh.
Beverley R. Harrison, jr.
William A. Graham.

TO BE PAYMASTERS

George H. Williams.
Richard A. Vollbrecht.

TO BE CHIEF BOATSWAIN

Alfred S. Harer.

TO BE CHIEF PAY CLERK

Donald W. Davidson.

POSTMASTERS

ALABAMA

Arthur H. Mershon, Fairhope.

ARKANSAS

Clyde E. Mitts, Swifton.

CONNECTICUT

Charles W. Birely, New Haven.

GEORGIA

Lois A. Roberts, Bowman.
John R. Barrett, Demorest.
Clara L. Claridy, Experiment.
Allen E. Pettitt, Nelson.
Nathaniel O. Carter, Vidalia.

ILLINOIS

Charles T. O'Boyle, Ingleside.
Frank G. Berger, Lake Forest.
John B. Porter, Olney.
Allie M. Reineke, Perry.
Willie E. Rudolph, Sibley.
Charles E. Van Buren, Victoria.
Edward H. Hannant, Mount Sterling.

INDIANA

James W. Gardner, Reynolds.

IOWA

Luvern Leigh, Rockford.

KANSAS

Carl F. Wendt, Manter.

KENTUCKY

Robbie M. Ray, Columbus.

MASSACHUSETTS

James C. Smith, Leominster.

MISSOURI

Phill H. Hawkins, Buffalo.
Ulysses G. Sterling, Latham.

NEBRASKA

Leora E. Bowley, Taylor.

NEW HAMPSHIRE

Lloyd T. Garland, Center Conway.
Wilbur L. Wadleigh, Twin Mountain.

NEW JERSEY

Marguerite Higgins, Lindenwold.

NEW YORK

Edith P. Patterson, Youngsville.

NORTH CAROLINA

James O. Carter, Ahoskie.

OHIO

James B. Emery, London.

OREGON

William J. Norris, Westfir.

PENNSYLVANIA

Clarence W. Foster, Beallsville.
Charles H. Stormfeltz, Lancaster.
Vincent S. Pownall, Swarthmore.

PORTO RICO

Leonides M. Lopez, Camuy.
Felix P. Hernandez, Quebradillas.

SOUTH CAROLINA

James L. McCown, Cheraw.
Hiram A. Costner, Greenville.

SOUTH DAKOTA

Thomas J. Dolan, Camp Crook.
Jennie Geddes, Forestburg.
Ethel C. Kinyon, Harrisburg.
Adolph C. Koch, Harrold.
Elsie M. Romereim, Roslyn.
William O. Brennan, Sherman.
John E. Toft, White River.

TENNESSEE

Malcolm D. Biggs, Martin.

TEXAS

George A. Tohill, Big Sandy.
William H. Burns, Louise.

VERMONT

Mary R. Walker, Hartland.

WASHINGTON

George H. Shanafelt, Kennewick.
Samuel E. Edwards, Ritzville.
Myrtle B. Bridgman, Vashon.

WEST VIRGINIA

Verna F. Ridenour, Hopemont.
Robert E. Ingram, Page.
Julius Thompson, Petersburg.
Thomas E. Pownall, Romney.

WISCONSIN

Henry J. Altschwager, Columbus.
Elmer A. Disgarden, Ellison Bay.
Wilbur S. Wurm, Shullsburg.

WYOMING

Nels J. Simpson, Cambria.

HOUSE OF REPRESENTATIVES

SATURDAY, *July 3, 1926*

The House met at 10 o'clock, a. m.

The Chaplain, James Shera Montgomery, D. D., offered the following prayer:

Almighty God and our most merciful Father, blessed is the man who loves Thee and keeps Thy commandments. There is nothing sweeter in heaven and in earth than divine love, and God is love. Do Thou give us the blessing of Thy grace that we may never be tempted to dishonor Thee or our country. Enlarge our soul's desire, help our infirmities, and give us warmth of feeling. Guard us against all danger by keeping our thoughts and desires upon the good things that make up life's supreme success. May we be true to ourselves, true to our country, obedient to the divine law, and submissive to the will of God. Under the shadow of Thy wing keep and preserve our homes. At evening time when the shades of life gather and thicken, may the light of the fadeless star of Bethlehem break through and receive us to the Father's arms, the Father's heart, and to the Father's home. Through Jesus Christ our Lord, Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 1252. An act for the relief of John Regan;

H. R. 1257. An act for the relief of Silas Overmire;

H. R. 2042. An act for the relief of Joseph L. Keresey;

H. R. 2676. An act to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with $1,646.86 representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war;

H. R. 4677. An act for the relief of the Carroll Motor Co.;

H. R. 5218. An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868;

H. R. 9234. An act to change the military record of Thomas Dowling, alias James Murphy;

H. R. 10446. An act validating the application for and entry of certain public lands by Myrtle Sullinger;

H. R. 11713. An act to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi;

H. R. 12211. An act to amend section 4009 of the Revised Statutes;

H. R. 12264. An act to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes; and

H. R. 12369. An act to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended.

The message also announced that the Senate had passed with amendments bill and House concurrent resolution of the following titles:

H. R. 10547. An act to require the filing of an affidavit by certain officers of the United States;

H. Con. Res. 39. Concurrent resolution providing for adjournment of Congress;

H. R. 8048. An act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes;

H. R. 10739. An act to prevent purchase and sale of public office; and

H. R. 10901. An act to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding

$50,000 for the purpose of constructing and equipping a public-school building in the town of Wrangell, Alaska.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1344. An act to amend paragraph (11), section 20, of the interstate commerce act;

S. 3909. An act to provide a parole commission for the District of Columbia, and for other purposes; and

S. 4320. An act for the relief of the State of North Carolina.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the joint resolution of the following title:

S. J. Res. 47. A resolution authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 1413. An act for the relief of Eustacio B. Davison;

S. 3888. An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes;

S. 3992. An act to provide for the purchase of land for use in connection with Camp Marfa, Tex.;

S. 4252. An act setting aside certain land in Douglas County, Oreg., as a summer camp for Boy Scouts;

S. 4409. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested;

S. 4411. An act granting the consent of Congress to compacts or agreements between the States of South Dakota and Wyoming with respect to the division and apportionment of the waters of the Belle Fourche and Cheyenne Rivers and other streams in which such States are jointly interested;

S. 4529. An act to increase the membership of the National Advisory Committee for Aeronautics, and for other purposes; and

S. 4534. An act to remit the duty on a carillon of bells to be imported for the Church of St. John the Baptist, Pawtucket, R. I.

The message also announced that the Senate had passed the following order:

Ordered, That the House of Representatives be respectfully requested to return to the Senate the bill H. R. 9039, entitled "An act to amend section 8 of the act approved March 1, 1911 (36 Stat. p. 961), entitled 'An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.'"

EXTENSION OF REMARKS

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a statement from the Hon. Charles H. McGlue, Democratic State chairman of the State of Massachusetts, with regard to the time and place when and where voters of that State may register in order to be able to vote at the coming elections in November. This is important to all parties, and there is nothing in it in the interest of any particular party.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. CHINDBLOM. Mr. Speaker, I reserve the right to object. Just what is that?

Mr. OLDFIELD. It is a statement with regard to where voters in Massachusetts may go, and the time of day when they may register in order to be able to vote in November.

Mr. CHINDBLOM. Why just that one State? We have that in all of the States.

Mr. OLDFIELD. I wish the statement did include all of the States, and I wish also that somebody would prepare such a statement in order to notify the people where they should go and the time of day.

Mr. TREADWAY. Mr. Speaker, what is the object of having this only in respect to Massachusetts? It is a matter local to the State of Massachusetts, and why should it be printed in the RECORD? I suppose it is simply a formal announcement from the secretary of state of Massachusetts, is it?

Mr. OLDFIELD. No; it is a statement prepared by the chairman of the Democratic State central committee.

Mr. TREADWAY. I do not see how that is of interest to the readers of the CONGRESSIONAL RECORD. Every voter in Massachusetts has the information through the press and through the secretary of the Commonwealth. It is not necessary for him to go to the Democratic State central committee in order to find out where he may register in order that he may vote.

Mr. OLDFIELD. If the matter had been presented to me by the chairman of the Republican State central committee, it would not have made any difference to me and I would have made the same request. There is nothing political about it.

Mr. TREADWAY. Oh, I am not talking about that. For the time being, Mr. Speaker, I shall object because I can see no reason for putting it into the RECORD.

SALE OF LIFE-SAVING STATION IN FLORIDA

Mr. SINNOTT. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 8903) to authorize the sale and disposition of the abandoned tract or tracts of lands formerly used as a life-saving station in Florida, and for other purposes, with Senate amendments thereto, and agree to the Senate amendments.

The Clerk reported the title of the bill.

The SPEAKER. The question is on the motion of the gentleman from Oregon to take from the Speaker's table the bill H. R. 8309 and agree to the Senate amendments.

The motion was agreed to.

SITTING OF SUBCOMMITTEE OF COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. GIBSON. Mr. Speaker, I ask unanimous consent that a subcommittee of the Committee on the District of Columbia be permitted to sit during the recess between the first and second sessions of the Sixty-ninth Congress.

The SPEAKER. The gentleman from Vermont asks unanimous consent that a subcommittee of the Committee on the District of Columbia may sit during the recess of Congress. Is there objection?

There was no objection.

TOMB OF UNKNOWN SOLDIER

Mr. BACON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 51, providing for the completion of the Tomb of the Unknown Soldier at the Arlington National Cemetery.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of Senate Joint Resolution 51. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Senate Joint Resolution 51

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to secure competitive designs according to such regulations as he may adopt and to complete the Tomb of the Unknown Soldier in the Arlington National Cemetery, together with such inclosure as may be deemed necessary, and a sum not to exceed $50,000 is hereby authorized to be appropriated for this purpose: *Provided*, That the accepted designs of such tomb and inclosure shall be subject to the approval of the Arlington Cemetery Commission, the American Battle Monuments Commission, and the Fine Arts Commission.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

House Joint Resolution 83, a similar resolution, was laid on the table.

THE CASE OF GEORGE REMUS

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to address the House for 12 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for 12 minutes. Is there objection?

Mr. BACON. Mr. Speaker, reserving the right to object, upon what subject?

Mr. LAGUARDIA. Upon a subject that I have had up in the House previously.

Mr. BACON. What is the subject?

Mr. LAGUARDIA. It is the Ohio-Indiana situation, to which I formerly referred.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker and gentlemen, on March 24, 1926, I brought to the attention of the House a case of cruel conspiracy where a former Department of Justice agent conspired with the wife of a prisoner who had been convicted and kept in jail through the activities of this very agent, who obtained considerable property of the prisoner, among which were several thousand barrels of whisky, and that, subsequently, in a conspiracy with the wife of the prisoner and others, he had attempted to dispose of the property. The House will recall that I refer to the case of George Remus and a former agent of the Department of Justice, one Franklin L. Dodge, jr. At the same time I called the attention of the House to the unlawful removal of over 350 barrels of whisky in the custody of the Federal authorities and in the Federal Building at Indianapolis, Ind. Since that time my charges concerning the unlawful removal of the whisky from the Federal Building at Indianapolis have been fully confirmed. On May 3, 1926, I read to this House a letter from the Department of Justice, who conducted an investigation and verified fully the charges that over 320 cases of liquor had been unlawfully taken away. Since then several persons have been arrested, pleaded guilty to the charge, have been indicted and sentenced for the taking of this whisky from the Federal Building in Indianapolis. Even though these men are now doing time, it is my firm belief that the real men responsible, perhaps officials, have not been apprehended and are not being punished.

After my exposure on March 24, 1926, the gentleman from Michigan [Mr. HUDSON] inserted under extension of remarks, on April 14, 1926, a lengthy letter signed by Franklin L. Dodge, jr. I want to say in passing that this former agent of the Department of Justice, Mr. Franklin L. Dodge, jr., sent a similar letter to various Members of the House that I know of and not a Member who but casually looked into the matter would insert the letter in the RECORD. The gentleman from Michigan [Mr. HUDSON] in all fairness, I want to say, in obtaining permission to insert the letter did so apologetically and frankly stated he knew nothing about the man, but knew the man's father, who was a splendid gentleman. I agree that Dodge's father is a splendid gentleman and I am sure his heart must be broken to hear of the shameful conduct of his son. In this letter, which appears in the RECORD of April 14, 1926, Mr. Dodge not only made a general denial, but a specific, categorical denial of every charge that I made. He denied knowing Mrs. Remus except to have seen her in the company of her husband at Atlanta. He denied the specific charges that I made concerning him and the wife of the prisoner and their conduct during the time that Mr. Remus was in jail. He denied knowing anything about the whisky certificates. He denied that he had anything to do with the whisky certificates or the property of Mr. Remus. He denied that he was in any way interested, concerned, or connected with the whisky dealings, the property of Mr. Remus, after Mr. Remus had been convicted and sent to jail. A more specific denial of any charge could not have been made. In statements to the press Mr. Dodge repeated these denials and stated that his attorney, Mr. Joseph C. Brietenstein, of Cleveland, was preparing this very letter that I speak of.

On May 3, 1926, I had the opportunity to speak on this subject and I then read part of affidavits and personally exhibited the affidavits to many of my colleagues, showing conclusively the conduct of this former Department of Justice Agent Dodge with the prisoner's wife and his interest in the prisoner's property. At that time it will be recalled I stated that the nature of the affidavits and the subject matter were such that I did not wish to spread them on the RECORD, but that they were at the disposal of Members of the House.

Gentlemen, this is too important a matter to let go by simply making the charges. Here we have a former Department of Justice agent who was known as the "ace of investigators," who stood so well with the superiors in the department that to this very day he is seemingly protected by the Attorney General of the United States, who refuses to disclose the file of this man. Remember, Dodge first sent Remus to jail, and properly so, but afterwards conspired and disposed of the prisoner's property. The matter should not be dropped by a speech on the floor of the House. I insist that the Department of Justice take action. I can do no more than to first make the charges and then prove my case to the House. The responsibility rests with the Department of Justice to see that even a prisoner's property is protected and that those concerned in stealing a prisoner's property, whether attorneys, officials, or a former agent of the Department of Justice, shall be properly prosecuted under the law of the land.

Now, gentlemen, we are not concerned with the private conduct of the Department of Justice agent so much as we are with the conspiracy to deprive this man of his property and to bootleg the very whisky for which this man was sent to jail. On July 15, 1925, Mrs. George Remus, the wife of the prisoner I refer to, delivered to Joseph C. Brietenstein the following note:

$100,000 CLEVELAND, OHIO, *July 15, 1925.*

One year after date for value received I promise to pay to the order of Joseph C. Breitenstein at Cleveland, Ohio, $100,000, with interest at the rate of 8 per cent per annum payable quarterly on the 15th day of March, June, September, and December, until paid, the undersigned having deposited with the said Joseph C. Breitenstein as collateral security for the payment of this note the following property namely:

Warehouse receipts covering distilled spirits on deposit in Government bonded warehouse

	Barrels
1. Old Lexington Club	1,356
2. Rugby Distillery	279
3. Greendale Distillery	250
4. Fleischman Distillery	221
5. H. E. Pogue	334
6. Burks Spring Distillery	322
7. Hill & Hill Distillery	70
8. Assorted	9
9. W. P. Squibb & Co	729
Total	3,591

(More specifically set forth by copies attached hereto.)

On the nonperformance of this promise or upon the nonpayment of any payment of interest when due at the option of the holder hereof this obligation shall become immediately due and payable and then and in every such case full power and authority is hereby given to the said Joseph C. Breitenstein or any holder hereof to sell, assign, and deliver the whole of said securities or any part thereof or any substitutes therefor or any additions thereto, through any stockbroker or stock exchange or any public or private sale without either advertisement or notice, the same being hereby expressly waived, or any holder hereof may purchase the whole or any part of the property sold free from any right of redemption on the part of the undersigned which is hereby expressly waived and released. And I hereby authorize any attorney at law to appear in any court of record in the United States or in the State of Ohio after the above obligation becomes due or is declared due at the option of the holder hereof and waive the issuing and service of process and confess a judgment against me in favor of Joseph C. Breitenstein or any holder of this note for the amount then appearing due together with the cost of suit and thereupon to release all errors and waive all right of appeal and stay of execution.

Attached to this note is a specified list of the several thousand barrels of whisky mentioned in the note, as follows:

Warehouse receipts of old Lexington Club distillery

	Record No.
5 barrels	2010
5 barrels	2968
3 barrels	3005
5 barrels	3004
5 barrels	3015
5 barrels	2689
5 barrels	2685
5 barrels	2687
5 barrels	2609
5 barrels	2970
5 barrels	2949
5 barrels	2890
5 barrels	2858
5 barrels	2857
5 barrels	2790
5 barrels	2789
5 barrels	3007
5 barrels	2586
5 barrels	2585
5 barrels	2494
5 barrels	2592
5 barrels	2904
5 barrels	2905
5 barrels	2906
5 barrels	2907
5 barrels	2908
5 barrels	2909
5 barrels	2930
5 barrels	2859
143	

	S/N
5 barrels, spring, 1917	36747/51
5 barrels, 1916	40149/53
5 barrels	30134/38
10 barrels	39485/94
15 barrels, 1917	41302/16
5 barrels	41322/26
15 barrels	41572/86
2 barrels	43057/8
5 barrels	41537/41
5 barrels	42332/36
5 barrels	42342/46
5 barrels	41317/21
5 barrels	41327/31
5 barrels	41432/36
5 barrels	41427/31
60 barrels	41532/811

	S/N
5 barrels	42502/6
60 barrels	42997/43056
100 barrels	41672/771
5 barrels	41632/6
25 barrels	41487/511
5 barrels	40777/81
15 barrels	41452/66
50 barrels	40787/836
5 barrels	40862/6
50 barrels	42527/76
30 barrels	42607/36
507	
650	
5 barrels	41382/6
220 barrels	42777/996
5 barrels	41602/6
5 barrels	41117/21
25 barrels	42637/61
5 barrels	41287/91
265	
915	

	Certificate No.
5 barrels	2938
5 barrels	2933
5 barrels	2565
3 barrels	2887
3 barrels	2952
5 barrels	3000
5 barrels	2584
5 barrels	3068
5 barrels	2066
50 barrels	2923–2932
5 barrels	2893
5 barrels	2892
10 barrels	2881–2890
5 barrels	2612
5 barrels	2558
20 barrels	2850–2862
5 barrels	2617
5 barrels	2624
2 barrels	3095
5 barrels	2566
2 barrels	2660
5 barrels	2591
5 barrels	2894
5 barrels	2618
5 barrels	2627
5 barrels	2626
5 barrels	2582
10 barrels	2600–2601
5 barrels	2616
5 barrels	2611
5 barrels	2595
30 barrels	2506–2511
25 barrels	2551–2555
5 barrels	2557
5 barrels	33752
280	
3 barrels	2819
5 barrels	2961
5 barrels	2962
5 barrels	2963
5 barrels	2964
5 barrels	2965
3 barrels	2966
5 barrels	2900
5 barrels	2901
3 barrels	2899
3 barrels	2898
5 barrels	2648
52	
1,247	
5 barrels	2665
5 barrels	2666
3 barrels	3082
5 barrels	2804
3 barrels	2998
3 barrels	2997
5 barrels	2996
4 barrels	2795
5 barrels	2796
5 barrels	2671
5 barrels	2672
5 barrels	2673
4 barrels	2772
4 barrels	2797
5 barrels	2700
5 barrels	2701
5 barrels	2702
1 barrel	2768
5 barrels	2677
5 barrels	2679
3 barrels	2778
2 barrels	3006
1 barrel	3028
3 barrels	2534
2 barrels	2590
5 barrels	2591
4 barrels	2710
107	
1,354	

Warehouse receipts from Fleischmann distillery

Ninety barrels of spring, 1916, covered by certificates of the Ohio-Kentucky Distillery & Warehouse Co., dated January 10, 1924:

	Certificate No.
5 barrels	637
5 barrels	638
5 barrels	7653
5 barrels	8596
5 barrels	8597
5 barrels	8598
5 barrels	8439
5 barrels	8440
5 barrels	8441
5 barrels	7676
5 barrels	7730
5 barrels	7731
5 barrels	7732
5 barrels	7733
5 barrels	2731
5 barrels	2732
5 barrels	2733
5 barrels	2734
5 barrels	2735
95	
5 barrels	1318
5 barrels	1231
5 barrels	1232
5 barrels	1325
5 barrels	1324
5 barrels	1327
5 barrels	7729
5 barrels	7577
5 barrels	7578
5 barrels	7597
5 barrels	7506
3 barrels	7576
53	
153	

	S/N
3 barrels, fall, 1913	552178/80
4 barrels, spring, 1912	498769/73
5 barrels, 1916	606886/90
10 barrels 1914	585593/602
5 barrels, January, 1917	631097/101
27	
5 barrels	606069/73
5 barrels	618843/7
5 barrels	618853/7
5 barrels	624944/8
5 barrels	628610/4
5 barrels	618858/62
5 barrels	631799/3
5 barrels	631794/8
1 barrel	490333
41	
221	

H. E. Pogue goods

	S/N
4 barrels, spring, 1912	42755/58
9 barrels, 1913	44902-3, 44905/11
10 barrels	44912/21
9 barrels	44923/31
40 barrels	44932/71
5 barrels, 1914	49388/92
1 barrel	49312
15 barrels	49913/27
5 barrels	48493/97
15 barrels	28548/62
5 barrels	47450/54
5 barrels	49868/72
3 barrels	48800/2
5 barrels	50217/21
4 barrels	50068/71
5 barrels, fall, 1915	51324/28
140	
4 barrels, spring, 1916	53008/101
15 barrels	53763/77
15 barrels	53152/66
5 barrels	53793/97
5 barrels	53809/12
5 barrels	51831/35
5 barrels	53017/21
5 barrels	52339/43
4 barrels	52355/58
100 barrels	53538/637
17 barrels, spring, 1913	44872/888
7 barrels	44890/896
4 barrels	44898/901
5 barrels, spring, 1916	53658/662
5 barrels	53648/52
13 barrels	51563/605
214	
354	

Burks Springs Distillery Co.

5 barrels, spring, 1916	32710/14
10 barrels	33815/24
10 barrels	33845/49
10 barrels	33850/59

	S/N
25 barrels	33605/29
20 barrels	33674/94
10 barrels	32326/34
40 barrels	32715/54
10 barrels	32770/79
15 barrels	32785/99
45 barrels	32595/639
5 barrels	32655/59
5 barrels	33835/39
5 barrels	33850/54
20 barrels, spring, 1917	35635/54
40 barrels, fall, 1916	34050/89
5 barrels, March, 1916	33335/9
280	
40 barrels	32600/39
3 barrels	32655/57
43	
323	

Greendale in Pogue distillery

5 barrels, fall, 1916	372918/27
50 barrels	370648/97
5 barrels	374313/17
10 barrels	355369/78
2 barrels	360395/96
15 barrels	360397/411
10 barrels	372180/89
40 barrels	377839/78
10 barrels	377829/38
10 barrels	380467/76
10 barrels, spring, 1917	400203/12
5 barrels	400198/202
25 barrels	377208/32
15 barrels	380522/36
10 barrels	377198/207
25 barrels, fall, 1917	397102/26
3 barrels	402161/63
250	

W. P. Squibb & Co.

20 barrels, fall, 1916	158400/19
5 barrels	158420/24
25 barrels, spring, 1917	161609/33
15 barrels	160435/446, 160611/13
75 barrels	170893/171079
1 barrel	168865
34 barrels	160103/36
10 barrels	173443/52
1 barrel	161682
5 barrels	161579/83
30 barrels	163990-164019
13 barrels	165708/20
47 barrels	165915/61
30 barrels	165678/707
30 barrels	166405/34
15 barrels, fall, 1912	117201/15
5 barrels, spring, 1912	112219/23
25 barrels, fall, 1916	159245/69
3 barrels	154620/22
10 barrels	149524/32
1 barrel	159164
44 barrels	159201/44
2 barrels, spring, 1917	159864/66
12 barrels	161567/78
469	
5 barrels	161481/85
15 barrels	161594/608
10 barrels	164020/29
20 barrels	165516/35
15 barrels, fall, 1916	158828/42
10 barrels	158823/32
5 barrels	158843/47
35 barrels	158793/827
55 barrels, spring, 1917	159809/63
5 barrels, fall, 1916	159035/39
5 barrels	155517/21
2 barrels	150860/61
15 barrels	150867/81
19 barrels	157255/73
5 barrels	157275/79
5 barrels, fall, 1913	127055/59
5 barrels	127050/54
5 barrels	127632/36
6 barrels, spring, 1917	168344/46, 168431/2
10 barrels	1 64126/35
5 barrels, spring, 1916	142822/26
4 barrels	150863/66
10 barrels, May, 1917	166127/137
729	

Certificates in the Rugby distillery

5 barrels, January, 1917	334078/82
5 barrels	334093/97
5 barrels	340538/42
10 barrels	340543/52
10 barrels	340968/77
1 barrel	340447
4 barrels	340449/52
10 barrels	341992/2001
25 barrels, spring, 1916	322297/321
6 barrels	326901/06
3 barrels	326908/10
1 barrel	330688
5 barrels	322352/6

	S/N
9 barrels	323721/9
5 barrels	324060/64
5 barrels	324300/4
5 barrels	320950/4
114	
80 barrels, spring, 1917	339609/688
5 barrels	338756/60
5 barrels, spring, 1916	326856/60
5 barrels, 1917	339594/8
5 barrels, December, 1916	332838/42
10 barrels, spring, 1916	324624/33
20 barrels, spring, 1916	329219/38
5 barrels, spring, 1913	292536/40
25 barrels, spring, 1917	3343113/39
5 barrels, December, 1913	304109/13
165	
279	

Certificates of Hill & Hill distillery

5 barrels, spring, 1917	283076/80
1 barrel, spring, 1917	284266
3 barrels, spring, 1917	285323/5
1 barrel, spring, 1917	285406
5 barrels, spring, 1917	285596/600
5 barrels, spring, 1917	280366/70
5 barrels, spring, 1917	283781/5
25 barrels, spring, 1917	283786/810
5 barrels, spring, 1917	280741/5
5 barrels, spring, 1917	280756/60
5 barrels, spring, 1917	28188135
5 barrels, spring, 1917, Old Taylor	218835/39
70	

Assorted certificates

3 barrels, Union Gin, S/N	689629/31
4 barrels, Jan. 15, D. L. Moore	39471/4
2 barrels, Jan. 15, Hayner	237756/7
9	

The reason I put this schedule of certificate and numbers of barrels in is to identify this whisky getting into the hands of the Department of Justice agent and subsequently turned over by him. I desire to call attention to the fact that on July 15, 1925, Franklin L. Dodge was still in the employ of the Department of Justice. It will not be disputed, I am sure, that Joseph C. Brietenstein, the lawyer, and Franklin L. Dodge were intimate friends long before this date and about this time were frequently together. Mrs. Remus was brought to Brietenstein by Dodge. Of course, I will not depend upon the friendship between Mr. Brietenstein and Dodge to prove my case. It will not be disputed.

On October 18, 1925, Mr. Brietenstein acknowledged receipt to Mrs. Remus of a certain mortgage for $37,500, which is in the following language. I will state that I have photostat copies of this document:

CLEVELAND, OHIO, *October 18, 1925.*

Mrs. IMOGENE REMUS, *Cincinnati, Ohio:*

This is to evidence that I am holding mortgage for $37,500 given by Bell Simkin, Harry Simkin, Celia Kuller, and Sam Kuller to Oscar Fender, and dated the 15th day of January, 1925, for real estate situated in section 6, Delhi Township (now Cincinnati), Hamilton County, Ohio, and more fully set forth in said mortgage, and note the same date and same amount, for the payment of which the said mortgage was given as security in trust for you, without any liability on me, to be assigned and delivered to you at your demand.

Yours very truly, JOSEPH C. BRIETENSTEIN.

Now then, gentlemen, I hold here in my hands a photostatic copy of a contract written in the handwriting of Franklin L. Dodge, jr., the agent and former ace of investigators of the Department of Justice, cleverly left undated, but its context proves the date to be the same as the note given by Mrs. Remus to Brietenstein. I will simply read this contract and state that I have a photostatic copy of the original, and if anything more disgraceful ever took place since we have had prohibition, or if any Department of Justice agent ever sunk lower, I am sure it does not appear in the criminal records of this country.

Now then, gentlemen, I will show you how this same whisky, undisputed property of Remus who was in Atlanta, went through the hands of Dodge and started on the way while he was in the employ of the Government. In the face of Dodge's brazen, shameless denials contained in his letter inserted in the RECORD by the gentleman from Michigan. Here is the contract. Listen to it and see if you do not all agree the Department of Justice should take immediate action; bear in mind Dodge was then an agent of the Department of Justice:

HOTEL STATLER, ST. LOUIS,
Washington Street at Ninth and St. Charles.

The contract between Mr. Hinkle, Wolf, and myself is as follows: That as soon as the following whisky is transferred from warehouses to the Jas. E. Pepper warehouse that Mr. Wolf will pay $50 a barrel for 1,957 barrels at Pogue distillery, the three hundred-odd barrels

at Louisville public warehouse, and the 70 barrels at Hill & Hill is being handled by Mr. Wolf, who will get between $50 and $60 a barrel for this assortment. Mr. Hinkle is handling all of the transaction, and he lives at Hollenden Hotel, Cleveland. Mr. Brietenstein, attorney at law, Cleveland, will also be advised, so that he will know all of this matter. The New York draft for $12,000 issued by Phoenix National Bank, Lexington, on Liberty bonds as collateral, is made out to Mr. Hinkle, but is the property of Mrs. I. Remus. I also have the Pogue stock for 500 shares.

F. L. DODGE, Jr.

Now then, I have traced the whisky from Mrs. Remus to Brietenstein, from Brietenstein through Dodge in the undated contract.

So we now have the property of Remus, who was then in Atlanta, transferred as collateral to the lawyer Brietenstein, of Cleveland, by Mrs. Remus. Mrs. Remus was brought to Brietenstein by Agent Dodge, of the Department of Justice. You have now the signed contract or declaration written in the handwriting of F. L. Dodge, jr., involving the same whisky signed over by Mrs. Remus to Brietenstein. You have Brietenstein, Mrs. Remus mentioned in this contract or declaration signed by former Agent Dodge. The contract provides that the whisky is to be handled by Mr. Wolf and that it was to be transferred to the James E. Pepper warehouse.

I am now ready to show that in pursuance to this agreement signed by Dodge the whisky was so delivered. First I have here a photostat copy of a receipt for 70 barrels signed by Joseph Wolf showing that the whisky was received by him from M. Hinkle mentioned in the agreement signed by Dodge. Here is the receipt:

PHOENIX HOTEL, *Lexington, Ky.*

Received from M. Hinkle the following warehouse receipts November 24, 1925:

	Barrels
Old Taylor, 218835–39	5
Rock Spring, 280366–70	5
280741–45	5
280756–60	5
281881–85	5
283076–80	5
283781–810	30
284266	1
285323–25	3
285496	1
285596–600	5
	70

JOSEPH WOLF.

Then I have here, which I shall read and insert in the RECORD, a photostat copy of the receipt signed by Jas. E. Pepper & Co., mentioned in the aforesaid agreement signed by Dodge, showing that the whisky or receipts was actually delivered to them by the Mr. Hinkle mentioned in the Dodge agreement. I want to repeat here what I stated before, that Mr. Hinkle who stands very high in Cleveland I am sure knew nothing of the conspiracy going on behind the scenes. Now here is the receipt dated November 24, 1925:

LEXINGTON, KY., *November 24, 1925.*

We have this day received from Mr. M. J. Hinkle the following receipts:

LEXINGTON CLUB

30134–38	40344–53
33752–55	40404–13
36747–51	40424–31
37482–89	40454–63
37522–24	40484–88
37540–44	40491–98
38052–56	40521–23
38062–66	40534–38
38247–51	40558–
38407–16	40654–56
38730–34	40697–701
38740–54	40757–61
38690–94	40777–81
38700–704	40785–836
38805–19	40862–66
38660–74	41025–26
39149–	41117–21
39166–69	41167–41256
39197–99	41287–41331
39281–89	41377–86
39291–94	41422–41
39450–59	41452–66
39468–74	41487–531
39485–94	41537–600
39987–88	41627–46
40019–28	41672–811
40036–38	42332–36
40059–78	42342–46
40144–53	42502–661
40164–66	42672–726
40171–83	42747–56
40224–28	42777–43058
40414–23	

H. E. POGUE

42755–58	50668–71
44872–888	51324–28
44890–96	51593–605
44898–903	51831–835
44905–21	52359–43
44923–71	62355–58
47450–54	53017–21
48493–97	53098–101
48548–62	53152–66
48800–802	53538–53637
49312–	53648–52
49388–92	53658–62
49868–72	53763–777
49913–927	53793–797
50217–21	53808–12

GREENDALE, WAREHOUSE RECEIPTS

355369–78	377198–232
360395–411	380467–76
370648–97	380522–536
372180–89	397102–126
372918–22	400198–212
374313–17	402161–63
377829–878	

JAS. E. PEPPER & CO.
By FRED PAULY.

I hold here in my hand now another photostat copy of receipt showing that Mr. M. J. Hinkel received on January 9, 1925, from Franklin L. Dodge, who was then in the Government service, whisky certificates for M. H. G. sour mash—I suppose my dry colleagues of the House know what sour mash is—and some Burks Springs whisky. Now let me read this receipt:

THE HOLLENDEN,
Cleveland, January 9, 1925.

Received from F. L. Dodge following-described whisky certificates M. H. G. sour mash, 329175 to 329178; Burks Springs, 31079.

M. J. HINKEL.

Here is another receipt dated January 28, 1926, which I am informed was signed by Mr. Hinkel as I have only the photostat copy of the copy of the original receipt:

JANUARY 28, 1926

Received from Franklin L. Dodge the following described whisky certificates:

Burke Springs Distillery Co., serial No. 32680–32709, 30 barrels; Burks Springs Distillery Co., serial No. 32568–32569, 2 barrels; Limestone Distillery Co., serial No. 18561–18565, 5 barrels.

Now, gentlemen, here we have as complete a chain of links connecting a Department of Justice agent with the disposal of whisky belonging to a man who was serving time in jail as was ever established in any court of law. I am going to refer this matter to the Department of Justice, as I stated before. I repeat I do not understand what mysterious influence this man Dodge wields in the department that makes it impossible to get certain records concerning him from the department's files. While the Department of Justice cooperated with me in checking up the unlawful removal of the whisky from the Indianapolis Federal building, it has not as yet taken any action to investigate this conspiracy which deprives a prisoner of his property. To the contrary, it has bent every effort to keep this man Remus in jail. I hold no brief for Remus. I have stated on the floor of this House that without doubt his original conviction was proper. But at this very moment Remus is in jail, committed there by the extraordinary efforts of the department on a sentence which in the case of his own codefendants in the same case was held to have run concurrently with the first sentence. In other words, Remus and his codefendants served a term on a conspiracy charge to sell liquor. At the same time they were sentenced to a year for maintaining a nuisance connected with the same liquor transaction. Each one of Remus's codefendants were relieved of serving the second sentence, the court holding that it ran concurrently with the first sentence. In the case of Remus only an appeal was taken and he was committed—his commitment in the face of the strongest recommendations made by the trial judge and the judge now sitting on that bench. I would not be concerned in Remus's confinement at this time were it not that I am personally convinced that this persecution is along a carefully laid plan to keep him in jail as long as they can in order to dispose of the property obtained from him through the conspiracy of a Department of Justice agent.

Mr. GREEN of Iowa. Will the gentleman kindly conclude his remarks soon, so that I can get two minutes?

Mr. LAGUARDIA. Yes. I yield back the balance of my time, Mr. Speaker, and ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from New York yields back the remainder of his time and asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I wish also to extend in my remarks another document which I did not refer to just now.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL ANDREWS

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, I do not know anything about this matter that the gentleman from New York [Mr. LAGUARDIA] was talking about. There is a subject, however, somewhat connected with it on which I wanted to speak.

I noted a paragraph in the newspapers this morning to the effect that it was possible that General Andrews might resign as Prohibition Director. I sincerely hope he will not. General Andrews was very vigorously attacked by the gentleman from New York [Mr. LAGUARDIA] in a speech he made here a few days ago. Evidently General Andrews's administration of his department was not satisfactory to the gentleman from New York. For that very reason I am inclined to think it will be especially satisfactory to me and to others who want to see the law enforced. I understand also that his administration has not been satisfactory to some Members of another body, which I can not mention here on account of the rules, or I will say some other people on the other side of the Capitol, if I am not breaking the rule in that respect. But the more unsatisfactory it is to those eminent gentlemen, who do not approve the prohibitory law and who do not want it enforced, the more satisfactory it would be to me, because I would then be more convinced that General Andrews was enforcing the law in a thorough manner, which is just what these gentlemen do not want done.

We recently passed in this House with practically no opposition a bill coming from my committee giving General Andrews some additional authority with respect to the reorganization of his department. That bill has not come back to this House. I hoped it would at this session, but I doubt if it will. I trust General Andrews will not be discouraged on that account, because I feel sure that the majority of the House is behind him, and if he can not get what he should have at this session he will get it at the next.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. May I have one minute more?

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GREEN of Iowa. I have watched General Andrews's administration of his office. I am absolutely convinced of his sincerity and honesty in his purpose to as thoroughly enforce the law as possible. I am quite sure, so far as my own vicinity in the Middle West is concerned, where I have better opportunity to know about the matter than I have here, that he has made a great advance over previous conditions in the enforcement of the law. For that reason he will have my support, and I trust the support of all others who are interested in the enforcement of the law. He is in a most difficult and trying position, where he needs the support of all good citizens. Instead of complaining because he has not entirely stamped out the liquor business we should give him credit for what he has accomplished. He has been making it warm for the big violators—the men of wealth and standing who have been violating the law. He has made it evident that wealth and position will not enable the lawbreaker to escape, and he has been going after the illegal traffic energetically and sensibly. He has enforced the law without fear or favor. Those who connive at or excuse violations of the prohibitory act, those who sympathize with the violators, those who are hunting for outlawed poison masquerading under the name of distillery may rage and howl. The greater their wrath the more sure we are that the unlawful traffic is being driven out by his good work. [Applause.]

INCREASE OF JUDGES' SALARIES

Mr. CHINDBLOM. Mr. Speaker, the gentleman from Iowa [Mr. GREEN] referred to certain newspaper reports. I observe in a dispatch from one of the great agencies this morning that the public is advised that the House yesterday killed the judges' salary bill. That is not correct information. The House postponed action until next December. I hope the correction will be made for the information of the public.

FUR FARMING IN ALASKA

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8048, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill H. R. 8048, with Senate amendments, and agree to the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8048) to provide for the leasing of public lands in Alaska for fur farming, and for other purposes.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. WINGO. Mr. Speaker, will the gentleman from Oregon yield for a question?

Mr. SINNOTT. Yes.

Mr. WINGO. What is the meaning of the first amendment? What is the effect of it?

Mr. SINNOTT. The original bill provided for leases for islands. The Senate amendment adds after that "or lands within the same."

Mr. WINGO. That is the amendment I had in mind. What is the effect of that, of the words, "or lands within the same"?

Mr. SINNOTT. The result of that will be that the entire island may not be leased.

Mr. WINGO. In other words, they can lease an island or a part of an island?

Mr. SINNOTT. Yes.

Mr. LAGUARDIA. Mr. Speaker, I desire to be recognized in opposition to the Senate amendments.

This bill came before the Committee on the Public Lands, and I am sure very few men in the House realize what it does. It authorizes the Secretary of the Interior to lease islands along the Alaskan coast, and there are literally thousands of those islands. In fact these islands are all that is left for the natives. The islands can be used by the natives not only for drying fish but for grazing.

I can not concur in the opinion of the majority and the recommendation made in the report relative to H. R. 8048. This bill establishes a policy of such great importance not only to the Government but to the people of Alaska that greater consideration and study should have been given to the subject matter involved. No witnesses appeared before the committee. The bill was introduced at the request of the Secretary of the Interior. The only information before the committee are the three letters quoted in the majority report. These letters throw little light on the situation and contain no facts or figures justifying the passage of the bill. As far as can be ascertained there is no demand for this bill on the part of the residents of Alaska. The people of Alaska have had no opportunity of expressing themselves on the subject. The real parties in interest carefully kept under cover.

The bill would authorize the Secretary of the Treasury to lease for a period of 10 years tracts of land of 640 acres on the mainland and islands of an area not exceeding 30 square miles to be used for fur farming. There are literally hundreds of these islands along the Alaskan coast. These islands are all that remains of the Alaskan peoples' patrimony which has not already been taken away from them. The bill does not provide the terms of leasing these lands. Unlimited power is given to the Secretary of the Interior. The bill does not provide that corporations leasing these islands, though organized under the laws of any State, should remain in control of citizens of the United States. There is nothing to prevent a corporation organized as in the bill provided obtaining a lease and then nationals of foreign countries obtaining the stock and control of the corporation and its leased island property.

The committee's very amendment discloses the danger of leasing entire islands to private individuals. The amendment which would permit the "use and occupation of parts of said leased areas for the taking, preparing, manufacturing, and the storing of fish or fish products or the utilization of the land for the purpose of trade or business" may cover the situation in theory, but it will not do so in practice. Once absolute dominion and control of these islands are in the hands of a fur-farming corporation, no poor native fisherman will have a chance of storing, preparing, or manufacturing his fish on any part of a leased island. The right to prospect for minerals is likewise reserved. Surely no one will for a moment believe that a prospector will have an opportunity to prospect on any land leased to a private corporation for the purpose of fox raising. Corporations do not do things that way. The experience of the natives of Alaska with the cannery interests is a living example of what is to be expected.

The attitude of the people of Alaska toward this bill is reflected in An Appeal to Congress for Justice to the Native People of Southern Alaska, signed by "Frank D. Price, president, and Gideon Duncan, secretary of the Alaska Native Brotherhood of Frand Camp, Ketchikan, Alaska," and dated September 17, 1925:

We appeal to you as a Member of the American Congress to use your influence and your voting power to correct the unbearable conditions that have been imposed on the native people of southern Alaska by the Department of Commerce of the United States in its administration of the Alaskan fisheries.

From time immemorial our people have subsisted by hunting, fishing, and trapping. Many of the islands upon which our fathers hunted and trapped have now been preempted by white men for raising foxes. The intensive hunting and trapping by the whites has almost destroyed our fur supply. The sea otter, upon which we formerly relied for food and clothing, is now almost extinct, while the restrictions placed upon the killing of fur seals makes our revenue from that industry almost nothing.

Our only remaining source of revenue is salmon fishing, and by the ruthless, unfair, and discriminatory policy of the Department of Commerce we are now shut out from equitable participation in that business, and our wives and children must suffer thereby.

We are a fishing people; our food from generation to generation has been the salmon that once swarmed in our streams. Our right to catch salmon in the many bays and rivers of Alaska was first exercised by our ancestors. To-day our fishing rights are ignored and we have been ordered out of the bays where our forefathers fished and from favorable places for fishing with the form of fishing gear to which we are accustomed, while the large cannery interests are permitted to fish unrestrictedly in the places that are favorable to the use of their mammoth fishing machines. The salmon that are not caught by these large machines are migrating to our fishing grounds, but we are forbidden to take them by the Secretary of Commerce.

The Secretary of Commerce says that this unjust policy is in the interest of conservation. We claim that this policy imposes the entire burden of conservation upon us and the few independent white fishermen who use our methods of fishing by nets and seines. The people who are least able to bear the burden of conservation are compelled to bear it all.

In response to this pathetic appeal it is now attempted to take away from these natives the remaining islands for fur farming or grazing and to turn them over to private corporations to exploit. They ask for bread and we give them a stone.

Many of these islands are suitable to grazing, but under the bill they could be leased only for fur farming.

In thus giving the Secretary of the Interior jurisdiction over public lands, including islands, for the purpose of fox farming, he could grant leases for that purpose only.

If a section of land or an island were peculiarly adapted to cattle or sheep grazing, the Secretary of the Interior would have no option in granting leases. He would have to grant these leases for fox farming only.

This situation may tend to encourage the fox-farming industry, but it would interfere with the development of stock grazing. There are now two herds, of approximately 1,000 each, of sheep on two islands of the Aleutian group. This industry bids fair to be very prosperous. The islands upon which the sheep graze are within a bird reservation under the jurisdiction of the Secretary of Agriculture, who exercises the right to lease these islands for the industry to which they are adapted.

If control of these public lands is placed with the Secretary of the Interior, he should be authorized to grant grazing as well as fox-farming leases.

The area of islands which may be leased under the provision of this bill is too great. To grant rights to place foxes on an island of 30 square miles to the exclusion of cattle, sheep, reindeer, or any other livestock, is unwise.

It would seem that enough monopolies have been established in the overexploited Territory of Alaska. Care should be taken and consideration given in legislating for the further disposition or leasing of land and rights in the Territory.

The proponents of this measure may properly inquire of me advocating its defeat what constructive suggestions are offered in lieu of this bill. I respectfully make the following suggestions:

1. The bill should be recommitted for further consideration.

2. The committee should obtain the views and attitude of natives and residents of the Territory of Alaska interested or affected by this bill.

3. Before leasing island property on the coast of the United States Government, proper provisions should be taken and safeguards created to assure the retention of the property under the control of citizens of the United States.

4. A survey of these islands should be made and such islands as are suitable for grazing purposes should be leased to natives or residents of Alaska for that purpose.

5. No more than 5 square miles of any island should be leased to any one individual or corporation. No entire island should be leased to any one person or corporation.

6. The Government should extend its experimental work in fur farming. If successful, jurisdiction and control over fur farming should be the same as over seal fisheries and the taking of sealskins on the Pribilof Island under the act of April 21, 1910, avoiding, of course, the favoritism displayed and unbusinesslike contracts to which the Government has been committed by the department in carrying out the provisions of the said act.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JOHNSON of Washington. He will earn better money by being employed at fox farming.

Mr. LAGUARDIA. But there is no employment in fox farming.

Mr. JOHNSON of Washington. Yes; there is lots of it. There are thousands of islands but not thousands of natives.

Mr. LAGUARDIA. The protest from the natives which I read before was, I believe, addressed to the gentleman from Mississippi [Mr. RANKIN], who was in Alaska some time ago, if I remember correctly. These poor natives are hard up against it.

Mr. JOHNSON of Washington. There never was an Alaskan who did not protest against something.

Mr. LAGUARDIA. They have a right to protest and plenty of reason to do so. Let me say to the gentleman that these natives have been driven out of the fishery business by the cannery interests.

Mr. TYDINGS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. TYDINGS. From what the gentleman says, I take it for granted that he thinks the bill is foxy and fishy.

Mr. LAGUARDIA. It is. I filed a minority report, but that is as far as I got. The Senate amendment does not improve the bill. It is as bad as it was when it left the House. We have taken everything the natives ever had in Alaska. They have been driven out of the fishery business, as the gentleman well knows, and they can not make a living there because the cannery corporations monopolize that business. You know what happened in the seal-fur business. You know the scandal in Missouri as to the seal-fur business. Now we take away the last hope of these natives to use these islands for grazing and for fishing and we turn them over to these fox-farming corporations.

I want to say that when I was put on this committee the chairman of the Appropriations Committee met me at that door and he said, "LAGUARDIA, why are you so sore?" I said, "They have put me on the Public Lands Committee; what will I be able to do there?" He said, "You go on that committee and you will have an opportunity to do some good work." I found he was right. Here is an opportunity to do some good work, and I recommend that this bill should not pass. There were no hearings on this bill. The natives of Alaska had no opportunity to present their views on this bill. This bill was passed on a letter from the Department of the Interior and there is no information before the House as to the necessity of leasing these islands, and, as I said before, it is simply depriving the natives of their last foothold in Alaska.

Mr. CARSS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CARSS. Are these to be perpetual leases or for what length of time are the leases to be made?

Mr. LAGUARDIA. I think for 10 years.

The SPEAKER. The time of the gentleman from New York has expired.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills and resolutions of the following titles:

H. R. 1394. An act for the relief of Henry O'Brien;

H. R. 1598. An act for the relief of Robert E. A. Landauer;

H. R. 2268. An act for the relief of Michael J. Leo; and

H. R. 12890. An act to amend an act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 275

Resolved, That a committee of two Senators be appointed by the Vice President to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

S. J. Res. 125. Limiting the time for which licenses for radio transmission may be granted, and for other purposes.

H. R. 2324. An act for the relief of Joe F. Jenkins;

H. R. 2328. An act for the relief of Edith L. Bickford;

H. R. 3529. An act for the relief of Genevieve Hendrick;

H. R. 4263. An act for the relief of Etelka Bell;

H. R. 8564. An act for the relief of Lewis J. Burshia;

H. R. 9324. An act for the relief of George A. McKenzie, alias William A. Williams;

H. R. 9707. An act for the relief of L. L. Kyle;

H. R. 10504. An act to amend the act approved June 4, 1897, by authorizing an increase in the cost of lands to be embraced in the Shiloh National Military Park, Pittsburg Landing, Tenn.;

H. R. 10774. An act to amend section 15 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 11510. An act to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes;

H. R. 11820. An act granting an annuity to Clyde L. West;

H. R. 11943. An act providing for an additional building for the use of the police court of the District of Columbia;

H. R. 12796. An act granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry, to connect up the highway between Allendale, S. C., and Sylvania, Ga.;

H. R. 814. An act for the relief of James L. Cardwell;

H. R. 817. An act for the relief of Sam Tilden;

H. R. 1692. An act for the relief of Agnes De Jardins;

H. R. 2633. An act for the relief of Anna Jeanette Weinrich;

H. R. 2632. An act for the relief of Mr. and Mrs. Charles Vanderveer;

H. R. 7011. An act for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate and Bertha E. Roy and Max A. Roy and J. M. Frost and J. J. Settegast and Emma Hellberg and Laura Lackner and F. W. Lackner;

H. R. 8174. An act for the relief of Ruth Gore;

H. R. 9606. An act for the relief of L. J. Houghtaling;

H. R. 10058. An act to authorize notaries public and other State officers to administer oaths required by the United States;

H. R. 10605. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;

H. R. 11376. An act to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of the Interior;

H. R. 11946. An act to increase the clothing and cash gratuity furnished to persons discharged from prisons;

H. R. 12495. An act to regulate the issue and validity of passports, and for other purposes;

H. J. Res. 232. Joint resolution to provide for the expenses of delegates of the United States to the International Sanitary Conference to meet at Paris on May 10, 1926; and

H. Con. Res. 26. Concurrent resolution directing the Comptroller General of the United States to investigate the administration of St. Elizabeths Hospital since July 1, 1916, and for other purposes.

The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 4307. An act for the relief of the village of Harbor Springs, Mich.;

H. R. 8128. An act to punish counterfeiting, altering, or uttering of Government transportation requests;

H. R. 10929. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River in Thornton Township, Cook County, Ill.;

H. R. 10277. An act to amend the World War veterans' act; and

H. R. 11119. An act to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4171) to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters as far east as the Raquette River, N. Y.

The message also announced that the Senate had passed bills and joint resolution of the following titles in which the concurrence of the House of Representatives was requested.

H. R. 4033. An act granting consent of Congress to Hidalgo & Reynosa Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;

H. R. 8961. An act for the relief of William E. Jones;

H. R. 13214. An act to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

S. 2273. An act conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman;*

S. 3053. An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes;

S. 4348. An act granting the consent of Congress to compacts or agreements between the States of Idaho and Wyoming with respect to the division and apportionment of the waters of the Snake River and other streams in which such States are jointly interested;

S. J. Res. 104. Joint resolution authorizing the Secretary of the Interior to call a Pan Pacific conference of education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii;

S. 2188. An act entitled "An act for the relief of G. C. Allen";

H. R. 3802. An act entitled "An act to amend the act known as the 'District of Columbia traffic act, 1925,' approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes";

S. 643. An act for the relief of George C. Mansfield Co., and George D. Mansfield; and

S. 4480. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United States during the World War.

ADJOURNMENT SINE DIE

Mr. TILSON. Mr. Speaker, I am informed that the adjournment resolution has just been messaged over from the Senate with an amendment placed thereon by the Senate. I ask that it be laid before the House at this time.

The SPEAKER. The Chair lays before the House House Concurrent Resolution 39, which the Clerk will report.

The Clerk read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Sixty-ninth Congress by adjourning their respective Houses on the 3d day of July, 1926, at 3 o'clock p. m.

Senate amendment: Strike out all after the resolving clause and in lieu thereof insert the following:

"That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized, at the hour of 3 o'clock p. m., on Saturday, July 3, 1926, to adjourn their Houses, respectively, the House of Representatives sine die, and the Senate to reconvene at the hour of 12.30 p. m., on November 10, 1926."

Mr. TILSON. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

FUR FARMING IN ALASKA

Mr. SINNOTT. Mr. Speaker, I desire to reply to the gentleman from New York [Mr. LAGUARDIA].

Gentlemen of the House, this bill was introduced by myself, as chairman of the committee, at the request of the Secretary of the Interior. It was not reported out of the committee until it had the approval of the Delegate from Alaska. It did not have his approval until he had taken the matter up with the Secretary of the Interior, and amendments were incorporated in the bill safeguarding the interests of both the fishermen and the natives of Alaska.

Mr. TYDINGS. Will the gentleman yield for one question for information?

Mr. SINNOTT. Yes.

Mr. TYDINGS. Would 5 years be just as well as 10 years for the purposes of the bill, or is there some reason why it should be 10 years?

Mr. SINNOTT. Five years is entirely too short a time. They will raise a number of fur-bearing animals, and if you limit it to five years it will take two or three or perhaps five years to get the island stocked up, and then the lease would

terminate and the lessee would have to kill the animals for the fur or sell them.

The gentleman from New York [Mr. LAGUARDIA] filed a very elaborate minority report against this bill. I submitted that minority report to the Secretary of the Interior for an answer, and I wish to have the Clerk read the reply of the Secretary of the Interior to the minority report of the gentleman from New York. It also replies to his animadversions upon the bill made on the floor.

Mr. LAGUARDIA. I have never seen that reply, and I think, in all fairness, the gentleman should so state.

The SPEAKER. Without objection, the Clerk will read the letter referred to.

There was no objection.

The Clerk read as follows:

THE SECRETARY OF THE INTERIOR,
Washington, April 2, 1926.

Hon. N. J. SINNOTT,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: I am in receipt of your letter of March 30, 1926, inclosing copy of H. R. 8048, a bill to provide for the leasing of public lands in Alaska for fur farming, with favorable report thereupon by your committee, and a minority report signed by Hon. F. H. LAGUARDIA, with request that this department make any reply it desires to the minority report.

The bill in question was submitted to you by this department, with recommendation that it be introduced and enacted. It had the consideration and approval of the Governor of Alaska, who has been in the Territory many years and is very familiar with the country, its people, and resources.

The propagation of foxes and other fur-bearing animals is, I am advised, an established and recognized industry in various places in Canada and the United States and in certain portions of Alaska not under the jurisdiction of this department. It is an industry to which it is believed certain limited areas in Alaska are especially adapted, and its encouragement is desirable in the public interest.

Alaska has an estimated area of 378,165,760 acres, of which, up to June 30, 1925, but 1,771,063 acres have been surveyed. The acreage which is likely to be leased and used under this bill will, in the very nature of things, be small. It is limited to not exceeding 640 acres in any one lease upon the mainland, and to islands not exceeding 30 square miles, the entire island to be leased only in the discretion of the Secretary of the Interior.

The author of the minority report seems to be under the impression that too much discretion is given the Department of the Interior, and that leased lands may pass to aliens through stock ownership and control. The provision of the law in this respect is the one generally carried in existing laws relating to public lands, i. e., corporations of the United States, individual citizens of the United States, or associations of such citizens. While stock of corporations might be acquired by aliens, the corporation, being organized under the laws of the United States or one of its States, would be at all times subject to American control.

Another point made in the minority report is that when dominion and control of the lands or islands is vested in a fur-farming corporation, fishermen will have no opportunity to utilize the lands for "storing, preparing, or manufacturing his fish," and that no prospector will have an opportunity to prospect on lands so leased.

The bill expressly provides that any permit or lease issued shall reserve the right to permit the use and occupation of parts of such leased areas for taking, preparing, manufacturing, or storing of fish or fish products, etc. It further provides that the lands shall remain open to prospecting, locating, developing, entering, leasing, and patenting of the minerals therein. These conditions will all be incorporated in permits or leases issued, and no difficulty is apprehended in the enforcement of the conditions, for violations thereof will be grounds for cancellation of the permit or lease. The policy of leasing or disposing of public lands with a reservation of minerals, easement, etc., is an established one, contained in a number of existing acts of Congress.

Another point made in the minority report is that some of the lands or islands may be suitable for grazing, but under this bill could not be leased for purposes other than fur farming.

This bill is directed to one industry, and does not provide for leasing for grazing purposes. The department has heretofore recommended the enactment of legislation giving the Secretary authority to lease lands in Alaska suitable for grazing. If Congress shall grant the necessary authority, grazing leases will be issued. Under this bill, which relates exclusively to one industry, the Secretary is authorized to lease lands suitable for that purpose, and will before issuing leases require a showing as to their character and adaptability for the purpose sought.

The final suggestion of the minority report is that the Government should undertake the conduct of the fur-farming industry, or at least exercise jurisdiction and control analogous to that at present maintained over seal fisheries on Pribilof Islands.

This department does not favor the embarkation of the Government in private business, believing enterprises and industries of this kind should be left to private initiative and enterprise, with resultant assumption by the lessees of the involved expense and risk. This measure does not deal with existing aggregations of fur-bearing animals, as is the case with the seal herd on Pribilof Islands, the latter seeking to perpetuate and safeguard an existing resource. The fur-bearing animals on the leased areas are to be bred, matured, and disposed of by the lessee. In short, the measure seeks to create an industry, and does not deal with an existing animal resource.

I renew my recommendation for the enactment of H. R. 8048.

Very truly yours,

HUBERT WORK, *Secretary.*

During the reading of the letter of the Secretary of the Interior the time of the gentleman from Oregon, Mr. SINNOTT, was extended.

Mr. SINNOTT. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion to concur in the Senate amendment was agreed to.

ADDRESS OF HON. WILLIAM S. BENNET

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address to be delivered by Hon. William S. Bennet, a former Member of the House, at the Fort Washington Presbyterian Church, New York City, July 4, 1926.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

In accordance with Presbyterian custom, I take a text, and because I am to speak both morning and evening along the same general lines, the text or, rather, texts of the morning will also be the texts of the evening. My texts are four in number, Leviticus xxv, 10: "Proclaim liberty throughout the land to all the inhabitants thereof"; Song of Solomon i, 6: "They make me the keeper of the vineyards; but mine own vineyard have I not kept"; Nehemiah iv, 6: "For the people had a mind to work"; and Hebrew xi, 33: "Who through faith subdued kingdoms, wrought righteousness."

It will be recognized at once that the first text is that which is on the Liberty Bell, which 150 years ago to-day rang out the glad tidings of the adoption of the Declaration of Independence. It is difficult for us to realize the gravity of the situation which the little band of men faced who on that day had the temerity to adopt that declaration and thus throw down the gauntlet to the King of Great Britain. We know that the 13 Colonies occupied merely the Atlantic coast fringe of what is now the United States of America; that their total population was but about 3,000,000; that they had little wealth; that their settlements were widely scattered; that means of communication were slow and precarious; that they sprang from many different race stocks and that they held ideas as opposed as those of the Puritans of New England, the Catholics of Maryland, and the Cavaliers of Georgia. But they were brought together by a common resentment against the tyrannies and exactions which they correctly ascribed in the declaration to the British Crown, but not to the British people. In resistance to these tyrannies, oppressions, and exactions, they risked their possessions and their lives, they severed the bonds which bound them, in many cases through family ties to hearths and homes across the sea, and staked the memories of the past, the safety of the present, and the hope of the future on a struggle for liberty.

The whole world now knows the grandeur, magnificance, and permanence of the structure built upon the foundation of their patriotism, courage, wisdom, and sacrifice.

In the short period of 150 years the Nation for which they merely hoped has not only come into existence but the 3,000,000 people who were affected by the declaration of July 4, 1776, have expanded to an established Nation comprising to-day nearly 120,000,000 of people. The scanty fringe of Atlantic coast Colonies with a total population equal to about one-half that of this one city as it is to-day, has expanded from the Atlantic to the Pacific, and to the Islands of the sea; from 13 Colonies to 48 impressive States joined together in the bond of a common union.

What problems this country of ours has met and mastered! In the beginning it had no form of government whatever, and nowhere in the world was there a governmental example which it could follow. Through the wisdom and devotion of the men who first brought forth the Declaration, then formed the confederation, then fought the Revolutionary War, the Constitution of the United States was drawn and agreed to by 57 American leaders on September 17, 1787, and within the time limited by its terms ratified by the necessary nine States; and thus the Colonies, in a little more than 13 years, had progressed from colonies to a confederacy and from a confederacy to a nation.

The first problem that the Nation faced was that of a total lack of public credit; that was met, solved, and the credit established. The

next was its relations to its powerful neighbors across the sea, both France and England; but by 1814 our new Nation had demonstrated that it not only contained men competent to establish it but men competent to maintain and defend it, and it is 122 years since we have been menaced on our own soil or in our own waters by foreign aggression. Preceding generations had encumbered us with the problem of human slavery. We met and decided that once and for all with the sword.

During the years from the inauguration of George Washington on April 30, 1789, to the inauguration of President Grant on March 4, 1869, only 80 years in all, while we had been establishing our Nation and disposing of the major questions which I have referred to, we had also met and adjusted questions which under other circumstances and for other nations would have been deemed paramount; the matters of the disposition of the public lands; the acquisition and development of the Louisiana Purchase and the lands which came to us from Mexico; the establishment of a banking system; the encouragement of manufacture and of invention; the improvement of rivers and harbors on a scale never before attempted by so new and young a Nation; the firm establishment of religious liberty, freedom of the press, and the largest measure of individual liberty accorded the citizens of any country anywhere. These, briefly, are some of the benefits and blessings which have come to us as a Nation and to a people since July 4, 1776.

Our policies and the energy and ability of our people have given us wealth, comfort, and luxury, and a standard of living higher than that enjoyed by the people of any other land. Neither have we neglected the things of the spirit. We have fought one war—that with Spain in 1898—to free the people of an adjoining island, and when they were freed as a result of our intervention we assisted them in erecting their own Government, under whose institutions they have materially prospered. We fought in the World War, not as allies but as associates, because the rights of our citizens had been attacked and we could best defend them by fighting beside those who had theretofore been attacked from the same quarters.

Outside of some criticism that may be due us in connection with our war with Mexico in 1844, our record in connection with our relations with the other nations of the world is one of which we can well be proud, and the undefended border between ourselves and our Canadian neighbors on the north is an inspiration to the believers in peace and its responsibilities everywhere.

In the realm of religion, while none of us is satisfied with what has been done, yet everyone must admit the progress which has been made. The three great religious divisions in our country are the Protestants, the Catholics, and the Jews. The membership in the Protestant churches increases more rapidly than the population and the vision, power, and progress of those churches in the United States, while far from being what it should be, is still greater than exists in any other nation. Our Roman Catholic fellow citizens have in the Catholic Church as it exists in America to-day the best expression and the best results of the Christian faith as exemplified in that church that have ever existed in any country at any time. The Eucharistic Congress just held in Chicago was an inspiration, not only to Catholics but to Protestants. As to our Jewish fellow citizens, whether their religious life has progressed in this country, is not for a Christian to say. What can be said is that whether they belong to the Orthodox Jewish faith or to some form of the reformed Jewish faith, absolute freedom to practice their religion in any form they see fit is accorded them everywhere in the United States.

Our material problems are not many. The gold standard is firmly fixed as the basis of our currency. The sole economic question on which there is a party division is that of the tariff; and the discussions of that subject, while still earnest, are no longer acrimonious.

The long-discussed question of equal suffrage has been settled.

As a Nation, we have really but one question before us in which there is a general interest, and that question is the moral question growing out of the prohibition amendment. What that question needs from time to time is plain statement and a recognition of a few basic facts. The Nation has outlawed the saloon and must now deal with the bootlegger. The reasons which led it to outlaw the saloon will in time operate to eliminate the bootlegger. The attempt is sometimes made to handle this subject from the purely legalistic basis, that is, that the eighteenth amendment having been adopted, and the Volstead Act having been enacted, enforcement will be automatic and acceded to by everyone and that it is no longer necessary to mention the evils which caused the adoption of the eighteenth amendment, or to reiterate the iniquity of the saloon. I can not better state the situation as to the liquor traffic which led to the enactment of the eighteenth amendment than to quote from the speech of Senator BORAH before the Presbyterian General Assembly at Baltimore on May 30, 1926. Senator BORAH said:

"I believe the liquor traffic to be a curse to the human family. Whether sold in the open saloon or the brothel, its natural haunt, or secretly purveyed in defiance of law, the wicked stuff works its demoralization and ruin to individuals, communities, and States. 'From the time it issues from the coiled and copper-colored worm in the distillery until it empties into the hell of crime, dishonor, and death' misery and poverty and remorse mark its maledict course. Not only is the record of the centuries made up against it but now the modern industrial world, with its complex and delicate machinery, with its demand for security, safety, and fitness, asks that it be banished. The man in the automobile may be opposed to the eighteenth amendment, but he will instantly discharge a drinking chauffeur. The train may be crowded with delegates to the antiprohibition convention, but they would mob the engineer who would take a drink while drawing his precious freight. The industrial magnate may talk critically of sumptuary laws, but he will apply them like a despot to the man who watches over the driving power of his vast establishment. When safety is involved we are all drys. Where the exigency of modern life demands a clear brain and instant decision in order to save thousands of lives and millions of property we are all drys."

As the younger generation grows up there is a tendency to forget the facts which the Senator so forcefully states.

Prohibition was not handed down to the people from Congress; before the eighteenth amendment became effective throughout the United States, 32 of the 48 States were dry by the vote of their own people, and 1, Kentucky, had adopted prohibition by a state-wide vote in December, 1919, but the State law did not become operative until 6 months after national prohibition had become effective. These 33 States acted because of the evils of the liquor traffic. No one denies these evils and the debate to-day is whether the effort to prohibit them should continue under the constitutional provision and law adopted by the people, or whether we should go back to the old attempt to cope with these evils by regulation.

A hundred years of effort to regulate the liquor traffic proved that it is just as difficult to attempt to regulate the sale of liquor as it is to attempt to prohibit it; that there was as much violation of law, at least, under regulation as there is under prohibition; that an attempt to regulate the liquor traffic has no objective ideal; it is merely attempting to minimize a recognized evil. The attempt to prohibit has an objective ideal—the extinction of that evil. As, therefore, there is nothing to be gained under regulation which can not be attained under prohibition; as prohibition seeks the ultimate end to an evil; as prohibition is the law of the land, the only logical, common sense, law-abiding attitude is to enforce prohibition. Unquestionably it will take time, but while we are working to enforce prohibition we are not only doing what regulation did at the best, minimize the evils of the liquor traffic, but proceeding toward its ultimate extinction.

What are a few years? Englishmen worked for generations for the Magna Charta; our fathers and forefathers strove for more than 100 years so that we could progress from colonies of foreign nations to become a Nation and a Union ourselves. The United States, though it will take men, money, and time, can in the end successfully cope with lawbreaking. No adult in this congregation ought to be surprised at my statement that no successful attempt was ever made in the city of New York to cope with the evils of the liquor traffic by regulation.

No liquor law in 40 years has been enforced in New York City without wholesale violations. I was born in New York State in 1870, lived there 50 years, 27 of them in New York City. There were the same complaints about the nonenforcibility of the liquor law in 1880 that there are in 1926.

Attempts have been made in New York State to regulate the liquor traffic for possibly over 100 years. So bad did conditions become in the early fifties that in 1854 the people elected a dry assembly, senate, and governor—Myron H. Clark. This legislature in 1855 passed a state-wide prohibition act which the court of appeals in 1856 held, by a divided vote, to be unconstitutional. By 1856 civil war questions overshadowed everything, and then came the war, with the Federal internal revenue tax to complicate the situation, and the let-down which followed that war as it followed the World War.

Between 1880 and 1890 the evils of the saloon were at their height. There was no secret ballot and the organized saloons had a great deal of political power. In the town in which I lived there were 84 saloons and bars, though the population was but 9,000.

These 84 saloons violated the law by sales to minors and Sunday sales; drug stores violated it by retail sales, and wholesale liquor stores in the same way. The houses of prostitution all sold liquor, though they had no licenses. I was the errand boy in a dry goods store about 1884, and the circumstantial detailed stories that I heard almost daily from the commercial travelers who came to the store to sell goods left me no doubt on that point.

About 1892, conditions became so bad that a public meeting was called, which I, just admitted to the bar, attended. The saloon men actually sent one of their number to the meeting. He neither denied nor extenuated, but threatened the business men present, as did his 83 associates more privately.

In Albany, where I attended law school in 1891–92, drunkenness was rather common among both the law and the medical students. There was a "red light" district, and the principal saloon, "Patterson's," boasted that it had not locked its front door day, night, or Sunday for years, and I believe its boast was true. Albany permitted any kind of vice to be practiced in that district in 1892, and the same was true when I was a member of the legislature in 1901 and 1902.

Saloon conditions when I came to New York City in 1893 were indescribable. Those conditions, with their accompaniment of vice, brought about successively the election of Mayor Strong in 1894, Mayor Low in 1901, and William Travers Jerome as district attorney of New York County in 1901.

During all this time the saloons and, of course, their patrons were violating the law openly by sales to minors, Sunday sales, and in other ways. Graft to the police was notorious. Police captains grew rich on salaries which, as I remember them, were in the neighborhood of $2,000 a year. I lived in a quiet police precinct. The captain there was a quiet man. Graft was at a minimum. But when the captain died suddenly they found $50,000 in currency in his desk.

Up to 1896 each city and town had managed its own excise affairs, fixing the license fees which, when collected, went to the local treasuries. Some towns did not wish licensed liquor selling. There was no legal way to prevent licensed places, as the State law went far enough to establish city and town excise boards whose duty it was to issue, with certain restrictions, licenses to applicants of "good moral character." In dry towns the people elected excise boards who defied the law and refused licenses to everyone.

The situation not only in New York City but upstate, too, became so bad by 1896 that the legislature resorted to State regulation and passed the widely known Raines law. It was in some respects what would now be called a modification statute. For instance, it attempted to meet the question of Sunday sales by providing that liquor could be sold on Sundays in hotels only and then with meals only. A hotel was defined as a building having 10 rooms, exclusive of the room or rooms where liquor was sold, and equipment for serving food. This well-meant provision resulted in the notorious and infamous "Raines law hotel" and in the well-known "Raines law sandwich." This sandwich was served with the first drinks offered on a Sunday and stood on a table untouched until the Sunday was over. It was the "food" required by law. These Raines law hotels also had the then familiar back rooms and family entrances.

The 10 rooms required for Sunday sales did not long remain idle. There was little legitimate use for them, so they soon became assignation houses; worse than that, in many instances the back rooms were used by procurers. Young, virtuous girls were lured in, either made drunk or given knockout drops, and then taken to the rooms upstairs. This condition by 1905 had become so bad that a mass meeting of citizens was called to take action. Of this meeting I, then newly elected to Congress, had the honor to be chosen chairman. The meeting resulted in the well-known "committee of 14 for the suppression of the Raines law hotel," of which I was a member until I left New York City in 1920. We fought commercialized vice until the back room was abolished and practically every 10-room hotel on Manhattan Island and in the Bronx had become a hotel for men only. We secured the passage of law after law from successive legislatures and permanent closing of dive after dive.

Finally, the brewers themselves cooperated, as did the surety companies. The brewers had mortgages on a majority of the places. Each place receiving a license had to put up a stiff and good bond. If it could not put up a bond it had to put up cash. When we showed the brewer and the surety company that a place was disorderly the brewer stopped it if he had a mortgage, and if it was not a mortgaged place no surety company would bond it, and if it put up a cash bond it was specially watched by both the police and the enforcement division of the State excise department.

At the last there was but one hotel on Manhattan Island of the old Raines law type, which successfully defied all efforts to close it.

The task which faced the committee of 14 in 1905 seemed hopeless. But the committee was a determined one. On it were Jews, Catholics, and Protestants. It never spent, if my memory serves me, more than $20,000 a year and many years far less.

But from the beginning the committee took the firm stand that the Raines law hotel could and must be suppressed. And it was. And largely because the committee was sure it could be done.

I have shown that the liquor law, prior to the eighteenth amendment, was constantly and flagrantly violated. I was an assemblyman for two years, a district leader for four, a Congressman four terms; elected six times in New York City by drinking constituencies in the face of the fact that I was a known total abstainer who, in office, was apt to vote dry, and I know the saloon. It is no more difficult to prohibit than to regulate it. In fact, Mr. Buckner, with his 500 padlocked liquor-law violators, has closed more drinking places in two years than Theodore Roosevelt, as police commissioner, and William Travers Jerome, and Charles S. Whitman, as district attorneys, did in their combined terms of office.

There is a lot of loose, thoughtless talk about selling beer and light wines without repealing the eighteenth amendment and without restoring the saloon. Such talk is simply ridiculous. As to wine, there is none made that is not intoxicating. The eighteenth amendment prohibits the sale of intoxicating beverages. So wine can not be sold without repealing the eighteenth amendment. If the so-called wets are honest they will admit this. Do they wish the eighteenth amendment repealed? If so, why not make that frank fight? Why not be square? If wines and beer are to be sold legally the repeal of the eighteenth amendment is the only way it can be done.

When a New Yorker says "beer," he means draught beer, not bottled beer. Draught beer, drawn from a keg, is not a parlor drink. It needs a bar, a back bar, a bung starter, a drain for the "collar," a sink, and a bartender. Given these, a room, a few tables and chairs, and you have a saloon. You can call it a "thirst parlor" or a "wine room" or a "bier-stube," but it will be a saloon just the same. It is the only way draught beer can be handled commercially, and everybody who knows anything about beer knows it.

On Manhattan Island, the political clubs, Republican and Democratic, used mostly to sell liquor. No one of them had licenses. All knowingly violated the law. But I never saw or heard of one that attempted to serve draught beer regularly. They did not have all the accessories I have mentioned and therefore didn't attempt it. They served hard liquor and bottled beer.

Prior to 1896 New York City licensed at a lower rate places privileged to sell wine and beer only. The experiment was a failure. It was tried for years. The places toward the end were pretty generally selling hard liquors as well as the wines and beers which their license permitted. They did practically the same kind of business as the fully licensed places but paid less license money. The State statute of 1896 wiped out the wine and beer license, and there was general recognition that this was right. Wine and beer licenses to-day in New York City would mean hard-liquor selling, just as they did 30 years ago.

"Home brew" undoubtedly exists, though I am confident its extent is exaggerated. It existed under the license system. Methiglin, a potent concoction from honey; applejack, hard cider, dandelion wine, elderberry wine, are a few samples of home liquors which had their devotees in and about New York under the regulatory system.

It is useless to tell a politician who mingled with the voters of all classes in New York City for 25 years before prohibition, that prohibition has injured the people of that city. I have my doubts as to one class only—the daughters of the rich and well-to-do families. Possibly the example of their fathers and mothers is leading them to drink more than the daughters of the same class did in my day. I am not sure. Everybody else is better off, and the wealthy have intelligence, and, in time, will change their fashions. Among them it is almost entirely a question of form and fashion.

The people in New York City are better dressed than they used to be, the stores carry better goods in larger quantities, both the churches and legitimate amusements have larger incomes than before. Savings-bank deposits have greatly increased. In the last three years the growth in life insurance has been phenomenal. Real estate, formerly devoted to saloon purposes, is almost without exception in use for other purposes at a larger rental. Pleasure automobiles of the cheaper classes have infinitely multiplied. Much money which would, under license, have gone regularly over saloon bars now goes into installments on automobiles and furniture.

In brief, no evil exists under prohibition in New York City which did not exist under the license system, while the people have many comforts and luxuries under prohibition which they did not enjoy in the same extent under license.

As to the benefits which have arisen under prohibition one has but to look around him. We were told in the old days that the adoption of prohibition would minimize real estate in New York City. With practically no exception premises formerly occupied by saloons and liquor stores are now occupied for other purposes and at better return to their owners. This, of course, is not true as to properties occupied wholly for breweries. As to general results of a business character, Gen. William Booth, the head of the Salvation Army, who has visited this country frequently and who is familiar also with conditions in England, said in London the other day:

"Anyone with half an eye can see that business has been going ahead in the United States at an abnormal rate during the last few years. Considered for the moment not in its moral or spiritual aspect, but in the much lower terms of business, prohibition has produced marvelous results. During the years when the United States progressed with their prohibition legislation the production figures increased considerably, and now we find that the average production figure of the American worker is $6,850, against $2,700 per year, an increase of $4,150 per person per year.

"Production was never so high as at present. Wages were never so high. All the thrift agencies were never so prosperous, the result being a spending power by the worker hitherto undreamed of. It is significant, for instance, that in 1924, 2,427,000 motor vehicles were sold in the United States, showing a purchasing power which to drinking America would have been an impossibility.

"Two aspects of the new business in the United States have especially impressed me. First, the credit business done in the past few years has been very significant. Almost anything can be had on credit. Everybody who desires it can get an extension of credit. People who formerly could scarcely get trusted for a pot of beer are now to be found with high credit rating. This means business. The nondrinking man requires, of course, many things which the drinker can not afford

to purchase, and this applies not only to him but to his family. There are fewer bad debts per cent than ever.

"The second point which has impressed me has been the steady rise from the lower grades of labor to the higher grades. Men who, when they did work, formerly worked so badly or so irregularly that what they did was almost negligible and what they earned correspondingly disappointing are now pushing their way up to the higher levels of producing power and drawing correspondingly improved wages. We of the Salvation Army are especially in a position to notice this, because so many of those for whom we labor are found among the casual, uncertain workers in all departments of industry.

"I believe that if the agitation for reducing wages in this country was dropped and attention given to production, and if we could be delivered from the ghastly waste and moral deterioration which the drink trade involves, we could enter upon a period of abounding prosperity."

Does not general observation bear out the truth of General Booth's statement? If so, what justification is there for even an agitation for the return of the saloon? Who would be benefited by the return of the saloon? Everyone admits that the use of liquor extends, in hundreds of thousands of cases, to an abuse of liquor and that even granting everything that can be said in favor of the moderate use of liquor, the evils which flow from the liquor traffic as a whole are so much greater than any possible benefit which might come from them to some few individuals that the vote of the people, as a whole, to prohibit the liquor traffic was fully justified. Personally, I have no fear whatever that the Volstead Act will be repealed or materially modified, and still less fear that the eighteenth amendment will be repealed. I travel around the country a good deal and, outside of the large cities, prohibition sentiment is stronger now than it was in 1920. As a whole, the people recognize both the righteousness and benefits of prohibition. Every vote in Congress on this question shows an increasing dry majority. As to the eighteenth amendment itself, its repeal would require the vote of 64 out of the 96 Senators, two-thirds of the 435 members of the House of Representatives, and the vote of both branches of the legislatures of 36 States. The mere statement of these figures indicates the impossibility of the repeal of the eighteenth amendment, backed as it is by the opinion of the great majority of the American people.

Complaint is made that the law is not enforced. If you are one of those complaining, why do not you see that it is enforced, if you know of any instances where liquor is being sold? Bear in mind what the eighteenth amendment is; it reads as follows:

"The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

"But," you say, "we have no State enforcement law in New York." As a matter of fact, there is a provision of the Volstead Act which gives a better opportunity of enforcement in New York State than ever existed before. The district attorney of any county can bring an injunction act in the name of the United States against any place which he believes to be selling liquor and the State supreme court judge, before whom he brings the action, has the power, on affidavits alone, to issue a preliminary injunction and, on the evidence adduced at a trial, a permanent injunction. This provision of the Volstead Act has been upheld as the law of the land by the appellate division, sitting in Albany, in the case of the United States *v.* Myers, (216 N. Y. Supplement 438). In that case, affidavits were presented to the Hon. Charles E. Nichols, a justice of the supreme court, in the case arising in Schoharie County. Judge Nichols granted the preliminary injunction and subsequently, after a trial, granted a permanent injunction. For a time the place was closed and placarded as follows: "Closed by order of Charles E. Nichols, justice of the supreme court." The legal machinery of New York County is the same as that of Schoharie County with the exception that instead of one resident supreme court judge, the counties of New York and Bronx, constituting the first New York judicial district, have 36 resident supreme court judges. Don't sit down and say nothing can be done because we haven't a State enforcement act. Remember a portion of my second text: "But mine own vineyard have I not kept." Then another one, "Who through faith subdued kingdoms; wrought righteousness," and then the other, "For the people had a mind to work." No citizen has the right to assume that the district attorney and judges having jurisdiction in the county in which he lives will not do their sworn duty when the facts are brought to their attention. My suggestion is this: Do as we did when we organized the committee of 14. Pay no attention to candidates before election. Pay no attention to parties and political differences. Pay no attention to differences of religious belief. Form an organization of those who want the eighteenth amendment enforced, and there are those in New York City, many of them; even in the borough of Manhattan, many of them. By the expenditure through such an organization of not to exceed $25,000 a year, enough of these cases could be brought to the attention of the district attorney to, at least, cause him to assign an assistant district attorney to the work, and, when, to the padlockings of the United States attorney are added the padlockings of the State district attorney, a great step forward will be taken toward the solution of the problem.

The bootlegger is such an unmixed evil that he must be suppressed. Practically every crime follows in his wake—murder, highway robbery, arson, grand larceny, debauchery, and, more recently, the making and circulation of counterfeit money. Not content with the tremendous profits of their illegitimate traffic, the conscienceless men engaged in it are now debauching our currency through the introduction of counterfeit bills to a greater extent than comes from any other source. Neither the United States nor any State will long permit these most vile and vicious criminals to pursue their course largely for the gratification of the lawless appetites of the wealthier classes.

So much for the individual and his duty. What about the State? As a native of New York, the son, the grandson, and the great-grandson of native New Yorkers, and the father of a New York-born son, I am humiliated by the spectacle which my native State and some of its prominent citizens are making before the world.

It is proposed to print on ballots next fall and ask the citizens of New York to vote on the following:

"Should the Congress of the United States modify the Federal act to enforce the eighteenth amendment so that the same shall not prohibit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating, as determined in accordance with the laws of the respective States?"

This is not only nullification but an idiotic, nonsensical nullification.

Louis Marshall, one of the ablest lawyers in the United States, in writing of this proposed referendum, said:

"In my judgment its submission would be as futile as if it read, 'Is the pen mightier than the sword?' or 'Should capital punishment in Oklahoma be abolished?'"

It is nearly 100 years since a State tried before to nullify even an act of Congress. That State was South Carolina. Its attitude was ill advised and unwise, but it was at least dignified, for the State authorized its chief executive to raise troops to enforce the nullification ordinance, and to grant clearances to vessels from the port of Charleston. The then President of the United States notified John C. Calhoun, of South Carolina, privately, that if there was an attempt to enforce the ordinance he would have Mr. Calhoun hanged as high as Haman, and publicly issued a proclamation, of which the following is a portion:

"The ordinance is founded not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured, but on the strange position that any one State may not only declare an act of Congress void but prohibit its execution—that they may do this consistently with the Constitution—that the true construction of that instrument permits a State to retain its place in the Union and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true, they add, that, to justify this abrogation of a law, it must be palpably contrary to the Constitution; but it is evident that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For, as by the theory there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress. There is, however, a restraint in this last case, which makes the assumed power of a State more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the judiciary; the other to the people and the States.

"There is no appeal from the State decision in theory; and the practical illustration shows that the courts are closed against an application to review it, both judge and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous when our social compact in express terms declares, that the laws of the United States, its Constitution, and treaties made under it, are the supreme law of the land; and, for greater caution, adds, 'that the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.' And it may be asserted, without fear of refutation, that no federative government could exist without a similar provision. Look for a moment to the consequences. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected anywhere, for all imposts must be equal. It is no answer to repeat that an unconstitutional law is no law, so long as the question of its legality is to be decided by the State itself, for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

"If this doctrine had been established at an earlier day the Union would have been dissolved in its infancy. The excise law in Pennsyl-

vania, the embargo and nonintercourse law in the Eastern States, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but, fortunately, none of those States discovered that they had the right now claimed by South Carolina."

It is, of course, unconstitutional to submit the proposed referendum, as the constitution of New York provides for submitting but three classes of cases to a referendum vote of the people:

First. The question of a convention to revise the constitution;

Second. The approval and ratification of proposed amendments to the constitution or of a proposed constitution adopted by a constitutional convention; and

Third. The question as to whether a debt shall be contracted by the State.

Whether anyone will go to the trouble to enjoin this vote I am, of course, not advised. Its mere proposal that Congress shall abdicate its functions and permit every State to manufacture, sell, transport, import, or export any liquor which the State itself determines to be not intoxicating is so impudent as to have excited nothing but derision throughout the Nation as a whole. West of Hoboken the city of New York is regarded not only as hopelessly wet but as having always been so, and the rest of the country, when it thinks about the matter at all, just imagines that on election day this referendum question will be carried in New York City without any reference to who votes for or against it, but solely with reference to the question as to how large a majority those in control of elections in New York City determine shall be returned in favor of the amendment. In other words, practically no one in the United States expects a fair election to be held on this question in New York City, and that it will simply be a question of how the vote is counted, not how it is cast. Therefore, as an expression of public opinion, even of New York City public opinion, which has very little weight with the country as a whole, the result of the referendum is already disregarded.

It is interesting to note that some of the men who have openly advocated the submission of this referendum which so valiantly insists on the rights of the States also favor the repeal of the eighteenth amendment and the adoption of the Quebec system, which system is based on central-government control so that we have the rather amusing spectacle of leaders at one and the same time advocating on the one question the extreme of State rights and the extreme of Government control. If this indicates anything at all except a blind adhesion to the wet cause, it indicates that the question has not been thought through. There is both bootlegging and moonshine in Quebec. It is not very long since the newspapers chronicled the death of six people at Levis, Province of Quebec, caused by the drinking of moonshine whisky. It is against the law to sell whisky in the city of Quebec on Sunday or outside of a hotel, but well-informed men tell me that they have no difficulty in Quebec in buying liquor outside of hotels and on Sunday. In other words, the Quebec government dispensary law is violated by the liquor traffic just as the United States prohibition law is.

One other argument is made in varying forms. It is said that the fourteenth and fifteenth amendments are violated in 10 of the Southern States through the failure to permit the negro to vote, and in some way the blame for this is placed on the Southern States. As both the fourteenth and fifteenth amendments contain a provision authorizing Congress to pass proper laws to carry them out and as the 10 Southern States have but 20 of the 96 Senators and less than one-third of the membership of the House of Representatives, how can those States be blamed?

Unquestionably, if a cause exists for legislation the Congress ought to pass the legislation, and as the East, North, Middle West, and West have an overwhelming majority in both Houses, and as the last President to come from southern territory was Zachary Taylor, elected in 1848, it would seem that the blame for this failure does not lie with the South. If this argument is made as a threat to the Southern States, unless they join in repealing the eighteenth amendment, I have enough knowledge of the southern people to know that while they do not believe that their representation in Congress and in the Electoral College should be reduced, they would rather have that done than to have the eighteenth amendment repealed.

So if our wet friends continue that agitation it may have the effect of bringing about the reduction of representation, not only from 10 of the Southern States, but from New York and Massachusetts, which also limit the suffrage in ways not recognized by the second section of the fourteenth amendment.

It is a curious fact, but nevertheless a fact, that an illiterate negro who complies with the State statutes of Texas can vote at every election in that State if he wishes, while certain classes, at least, of illiterate negroes in New York State can not under the statute of that State ever vote. In other words, the same negro might be permitted to vote in Texas under her laws and prohibited to vote in New York under hers.

What better day could there be for considering the duty of an American citizen in relation to her laws than the Fourth of July? What better place to discuss the duty of a Christian toward the laws of his country than at church? One of the effects of our Christian training is to make us law-abiding.

"Render unto Cæsar the things that are Cæsar's" has the same divine sanction as has the Golden Rule. It might be said with truth that Christ turned water into wine at the marriage feast at Cana, but it is equally certain that if Christ were here now He would not be found among the supporters of the proposed referendum or advocating the nullification of a portion of the Constitution and a statute of the country of which He was a citizen. He was a good Roman subject in His day, a worthy adherent to the old Jewish government and, speaking humanly, if He were here now, He would be the best American citizen under the Stars and Stripes!

The enactment and enforcement of the prohibitory law, even to the extent that it has been enforced, has, as everyone knows, been of incalculable benefit. It has been especially beneficial to those less fortunate financially among us. Every workingman's child has a better chance to grow up a good man or a good woman because there is no saloon. Every workingman's family has a chance for more and greater comfort because there is no saloon. We have a good cause in which to work. The rest of the country has an ambition to remain in the United States. We remember the old slogans, "Millions for defense, but not one cent for tribute," "If any man haul down the American flag, shoot him on the spot," "Our country, in her intercourse with foreign nations, may she ever be right; but right or wrong, our country," "Fourscore and seven years ago our forefathers brought forth a new Nation," these and many others, not only are a part of our priceless heritage but reflects the real thought of America, and there is no purpose anywhere to desert their sentiment and follow the reeling steps of the "wets" of New York under the banner, "What the hell is the Constitution between friends."

HOW PENNSYLVANIA MAY REDEEM HERSELF

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I wish for just a few moments to discuss a matter of very grave national concern. From the very beginning of this Republic, and of the efforts to create the Republic, the State of Pennsylvania has been distinguished throughout all the world. The Declaration of Independence was written there and adopted there. The Constitution of the United States was formulated there. Philadelphia was the second capital of the Republic. Pennsylvania has produced great men, men whose names will always loom large in the history of mankind. It has been a distinct factor throughout all our national life.

For the last 30 years or more, however, ever since I can remember anything of national politics, it has been the reputation of Pennsylvania, so far as the outside was concerned, whatever it may have been locally, that it was a corporation-controlled, boss-ridden Commonwealth.

Pennsylvania is great industrially; Pennsylvania is great agriculturally; but, unfortunately, Pennsylvania has now reached a position where it is the open shame of this Republic. If this were a mere State matter, if the Nation were not involved, I should not mention it here; that great Commonwealth might be left to stew in its own juice of corruption; but the interests of the Nation are involved.

I can not believe that this condition which has come about is at the wish and will of the great masses of the people of Pennsylvania. I can not conceive of its being possible that that great Commonwealth does not possess a citizenship out in the quiet homes of its rural communities and in the virtuous places of its great cities, which, if it can but be aroused, is not ready to arise and wipe out the stain and the shame which has come upon her.

The opportunity is to be presented in the elections in November for the citizenship of Pennsylvania to redeem the good name of that State and to blot from its record the shameful situation which has been created by the expenditure of millions of money to debauch those who were capable of being debauched. There is a virtuous citizenship in Pennsylvania. All the Nation will be looking to that virtuous citizenship to rise up in its might and smite those who have been responsible for or who have benefited by this orgy of graft and corruption.

There may be efforts to repeat it when the regular election comes, to do again that which was done in the primary a few weeks ago. I think it highly proper that attention should be directed now to the fact that if that is attempted Federal law will apply to the general election, and if we here hear of anything approaching the shameful transactions of that primary election being repeated in the regular election I do not doubt but that this House will lend itself with all of its efforts and might to the process of purification and of assuring that those who come here to serve the people nationally and the interests

of the people everywhere have seats untainted by corruption, filled by officials who are clean and wholesome and right. [Applause.]

HOUSE PAGES

Mr. MACGREGOR. Mr. Speaker, yesterday House Resolution 313 was passed with reference to the pay of the pages of the House for the balance of the month of July. There was a technical error in a resolution that was introduced, and I ask unanimous consent to rescind or vacate the proceedings by which the resolution was agreed to.

The SPEAKER. The gentleman from New York asks unanimous consent to vacate the proceedings by which the resolution referred to was passed. Is there objection?

There was no objection.

Mr. MACGREGOR. I now offer the following resolution:

The Clerk read as follows:

House Resolution 314

Resolved, That the Clerk of the House be, and hereby is, authorized and directed to pay from the contingent fund of the House to each of the pages now on the rolls of the House the sum of $3.30 for each day of the month following the day of adjournment of the present session of Congress until the end of the month during which such adjournment shall be taken.

Mr. BLACK of Texas. Was not a resolution of this tenor passed yesterday?

Mr. MACGREGOR. There was, but there was some technical inaccuracies in it.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

COLLECTION AND PUBLICATION OF STATISTICS OF TOBACCO

Mr. KEARNS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11765) to provide for the collection and publication of statistics of tobacco by the Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to collect and publish, and make available for public inspection, statistics of the quantity of leaf tobacco in all forms in the United States, in the possession of dealers, manufacturers, and growers' cooperative associations, warehousemen, and brokers, other than the original growers of tobacco. The statistics to show the quantity of each type, the quantity of each grade of each type, and of the year in which grown, to be summarized as of January 1, April 1, July 1, and October 1, of each year: *Provided*, That the Secretary of Agriculture shall not be required to collect statistics of leaf tobacco from any manufacturer of tobacco who in the preceding calendar year, according to the returns to the Commissioner of Internal Revenue, manufactured less than 50,000 pounds of tobacco, or from any manufacturer of cigars who during the preceding calendar year manufactured less than 250,000 cigars, or from any manufacturer of cigarettes who during the preceding calendar year manufactured less than 1,000,000 cigarettes, or from any dealer in leaf tobacco who, on the average, had less than 50,000 pounds in stock at the ends of the four quarters of the preceding calendar year.

SEC. 2. The Secretary of Agriculture shall specify the types and the grades of tobacco to be included in the returns of the holders thereof, and he shall specify the several grades of the several types, and the year of production, separately, in making his report. In securing returns by grades and by types, the Secretary of Agriculture shall follow the classification of general types and of grades as recognized and adopted by the Department of Agriculture. That the Secretary of Agriculture shall prepare appropriate blanks upon which return shall be made, and furnish a copy to any person subject to make returns under the provisions of this act. The request of the Secretary of Agriculture for information concerning the quantity of leaf tobacco held may be made in writing, or by a visiting representative acting under the instructions of said Secretary of Agriculture, and if made in writing may be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand.

SEC. 3. It shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any manufacturer, dealer, broker, warehouseman, or growers' cooperative association where tobacco is manufactured or stored, other than the original grower of tobacco, whether conducted as a corporation, firm, limited partnership, association, or by individuals, except such as are set out in the proviso to section 1, to keep such records as may be required to effectuate the purposes of this act and to furnish within 10 days of the date to which the report relates, completely and correctly to the best of his knowledge, all the information concerning the quantity of leaf tobacco held, by types and grades and by year of production. Any owner, president, treasurer, secretary, director, or other officer or agent of any manufacturing establishment, warehouse, association, broker, or other place where leaf tobacco is manufactured or stored, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to keep such records and furnish any of the information herein provided for, or shall willfully give answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 or more than $1,000 or imprisoned for a period not exceeding one year, or both so fined and imprisoned, at the discretion of the court.

SEC. 4. The word "person" as used in this act shall be held to embrace also any partnership, corporation, association, or other legal entity.

SEC. 5. The Secretary of Agriculture shall have access to the records of the Commissioner of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining lists of the persons to be canvassed and for the purpose of aiding the collection of the information herein required, and the Commissioner of Internal Revenue and the several collectors of internal revenue shall cooperate with the Secretary of Agriculture in effectuating the provisions of this act.

SEC. 6. The returns herein provided for shall be made under oath; said affidavit may be made before any one authorized to administer oaths, including collectors and deputy collectors of internal revenue, and postmasters and assistant postmasters.

SEC. 7. The returns herein provided for shall be open to public inspection and made available by the Secretary of Agriculture for that purpose.

SEC. 8. The act approved April 30, 1912, providing for the collection of tobacco statistics by the Bureau of the Census is hereby repealed.

With the following committee amendment:

On page 1 strike out line 10 and insert in lieu thereof the following: "tobacco in such detail as to types, grades, groups of grades, or sets of grades as the Secretary of Agriculture shall deem to be practical and necessary for the purposes of this act, and said statistics to show."

On page 2, line 1, strike out the comma after the word "grown" and insert in lieu thereof the following: "compiled separately for each of the four crop years preceding each report and compiled together for all previous years and."

On page 2, line 16, strike out the words "and the grades" and insert in lieu thereof a comma and the following: "grades, groups of grades, or sets of grades."

On page 2, line 17, strike out the words "and he shall specify the several grades."

On page 2, line 18, strike out the words "of the several types,"; at the end of line 18 insert the following: "as provided in section 1 hereof."

On page 2, line 19, after the word "securing," insert the word "the"; strike out the words "by grades and by" and insert in lieu thereof the following: "as provided in section 1 hereof."

On page 2, line 20, strike out the word "types."

On page 2, line 21, at the end of the word "classification" add an "s," and strike out the words "of general types and of grades."

On page 3, line 13, after the comma following the word "partnership" insert the word "or."

On page 3, line 19, after the word "types," insert a comma and strike out the word "and," and after the word "grades" insert a comma and the following: "groups of grades, or sets of grades as required by the Secretary of Agriculture."

On page 3, line 20, after the word "production," insert the following before the period: "as required by section 1 hereof." Strike out the balance of line 20 and all of lines 21, 22, and 23 and insert in lieu thereof the following: "Any person owning or operating any manufacturing establishment, warehouse, or other place where leaf tobacco is manufactured, kept, or stored, or any president, treasurer, secretary, director, broker or other officer or agent of such person."

On page 4, line 2, after the word "false," insert the words "or misleading."

On page 4, line 11, after the first "the," insert the word "tobacco."

On page 4, line 20, strike out the words "any one," and strike out all of lines 21, 22, and 23 and insert in lieu thereof the following: "collectors and deputy collectors of internal revenue, postmasters, and assistant postmasters, or anyone authorized to administer oaths."

On page 5, after line 3, insert a new section, as follows:

"SEC. 9. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provisions to other persons and circumstances shall not be affected thereby."

Mr. FORT. Mr. Speaker, may I be heard in opposition to the amendment. Mr. Speaker and gentlemen of the House, this is a bill of considerable importance—on which a rule was applied for but apparently not granted by the Rules Committee this week—which would completely revolutionize in many ways the manufacture of tobacco.

Unfortunately I was out of the Hall when the bill was called up for unanimous consent or I should have objected to it. The bill is one which seeks to transfer from the Bureau of the Census to the Department of Agriculture certain statistical work and then to make the statistics furnished by all the manufacturers of tobacco open to public inspection both to their competitors or to any other man interested in the industry. It is not the sort of legislation which should come up under unanimous consent at this stage of the session. It is a bill which should be completely debated and considered at great length in the House.

The policy of compelling manufacturers, jobbers, and wholesalers to disclose the entire features of their business, to make public their entire inventory of goods on hand, to compel as it does the keeping of records, differing from the general form of such records in the industry, is one which our committee considered at some length and reported only, I think I may say, in the era of good feeling after the Haugen bill debate had left some bitterness in the committee. But it is not a question under the conditions to-day to be properly considered on the floor of the House.

Mr. DENISON. Will the gentleman yield?

Mr. FORT. Yes.

Mr. DENISON. Was this bill ever called on the Unanimous Consent Calendar?

Mr. FORT. I think it was called on the Unanimous Consent Calendar and objected to.

Mr. DENISON. Was an effort made to obtain a rule?

Mr. FORT. There was.

Mr. DENISON. What was the result?

Mr. FORT. The action of the Rules Committee is not public property but apparently no rule was granted.

Mr. RAMSEYER. If the gentleman will yield, I presume it is no secret to say that the Rules Committee refused to give a rule for this session. The committee felt that there were some provisions of the bill that should be further considered.

Mr. FORT. It is conceded, even by the proponents of the bill, that certain features of the bill should be amended and should be open to proper consideration on the floor of this House. For example, it was never intended originally to reach the cigar-manufacturing industry, and yet the bill as drawn does reach that industry, and in a way that I am advised by cigar manufacturers in my district would be destructive to their interests to a large extent. It would furnish a competitor with public records by which the competitor could figure the entire cost of the product of manufacture; it would enable the large manufacturer to completely undersell and drive out of business the small manufacturer. I have not brought with me my notes, because I had no idea this matter was coming up this morning. Of course, if I had been in the Chamber I would have objected to the consideration of the bill. I hope the House will defeat it.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield for a question?

Mr. FORT. Yes.

Mr. O'CONNOR of New York. Is the bill now before the House in the same form it was before the Rules Committee?

Mr. FORT. A long list of amendments was read by the Clerk. I had not even a copy of the bill in my hand to check the amendments, but I assume that it is in the same form that it was when the matter was presented to the Committee on Rules. Some of the amendments were committee amendments. I do not know whether there are any new ones or not.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield to Mr. GILBERT, so that he may answer the question?

Mr. FORT. Yes.

Mr. O'CONNOR of New York. Is the publicity feature still in the bill?

Mr. GILBERT. Yes. The bill came out of the committee of which the gentleman from New Jersey is a member.

Mr. ABERNETHY. The gentleman does not think we ought to consider this bill at this late hour without further consideration? That is the position of the gentleman from New Jersey?

Mr. FORT. Yes. I am against the bill in its present shape.

Mr. ABERNETHY. I thoroughly agree with the gentleman. I do not think it ought to be brought up without full consideration.

Mr. KEARNS. Mr. Speaker, when I called this bill up I did not know of the opposition. I told the Speaker that in my opinion there was no opposition to the bill. Recognizing the importance of matters before the House now, I ask unanimous consent to withdraw the bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent to withdraw the bill. Is there objection?

Mr. GILBERT. Mr. Speaker, I object.

RELATING TO CONTEMPTS

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill S. 1035, relating to contempts, as amended.

Mr. GILBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Pennsylvania yield for a parliamentary inquiry?

Mr. GRAHAM. No. I do not yield.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That whenever letters rogatory shall issue out of any court of the United States, either with or without interrogatories addressed to any court of any foreign country, to take the testimony of any witness, being a citizen of the United States or domiciled therein, and such witness, having been personally notified by it according to the practice of such court, to appear and testify pursuant to such letters rogatory and such witness shall neglect to appear, or having appeared shall decline, refuse, or neglect to answer to any question which may be propounded to him by or under the authority of such court, to which he would be reqired to make answer were he being examined before the court issuing such letters, the court out of which said letters issued may upon proper showing order that a subpœna issue addressed to any consul of the United States within any country in which such witness may be, commanding such witness to appear before the said court at a time and place therein designated.

SEC. 2. Whenever the attendance at the trial of any criminal action of a witness, being a citizen of the United States or domiciled therein, who is beyond the jurisdiction of the United States, is desired by the Attorney General or any assistant or district attorney acting under him, the judge of the court before which such action is pending, or who is to sit in the trial of the same, may, upon proper showing, order that a subpœna issue, addressed to any consul of the United States within any country in which such witness may be, commanding such witness to appear before the said court at a time and place therein designated.

SEC. 3. It shall be the duty of any consul of the United States within any country in which such witness may be at the request of the clerk of the court issuing any subpœna under this act or at the request of the officer causing such subpœna to be issued, to serve the same personally upon such witness and also to serve any orders to show cause, rules, judgments, or decrees when requested by the court or United States marshal, and to make a return thereof to the court out of which the same issued, first tendering to the witness the amount of his necessary expenses in traveling to and from the place at which the court sits and his attendance thereon, which amount shall be determined by the judge on issuing the order for the subpœna and supplied to the consul making the service.

SEC. 4. If the witness so served shall neglect or refuse to appear as in such subpœna directed, the court out of which it was issued shall, upon proof being made of the service and default, issue an order directing the witness to appear before the court at a time in such order designated to show cause why he should not be adjudged guilty of contempt and be punished accordingly.

SEC. 5. Upon issuing such order the court may, upon the giving of security for any damages which the recusing witness may have suffered, should the charge be dismissed (except that no security shall be required of the United States), direct as a part of such order that the property of the recusing witness, at any place within the United States, or so much thereof in value as the court may direct shall be levied upon and seized by the marshal of said court in the manner provided by law or the rule of the court for a levy or seizure under execution, to be held to satisfy any judgment that may be rendered against such witness in the proceeding so instituted.

SEC. 6. The marshal, having made such levy, shall thereupon forward to the consul of any country where the recusing witness may be a copy of the order to show cause why such witness should not be adjudged guilty of contempt with the request that said consul make service of the same personally upon the recusing witness, and shall cause to be published such order to show cause and for the sequestration of the property of such witness, in some newspaper of general circulation in the district within which the court issuing such order sits, once each week for six consecutive weeks.

SEC. 7. On the return day of such order or any later day to which the hearing may by the court be continued, proof shall be taken; and if the charge of recusancy against the witness shall be sustained, the court shall adjudge him guilty of contempt and, notwithstanding any limitation upon the power of the court generally to punish for contempt, impose upon him a fine not exceeding $100,000, and direct that the amount thereof, with the costs of the proceeding, be satisfied, unless paid, by a sale of the property of the witness so seized or levied upon, such sale to be conducted upon the notice required and in the manner provided for sales upon execution.

SEC. 8. Any judgment rendered pursuant to this act upon service by publication only may be opened for answer within the time and in the manner provided in section 57 of the Judicial Code.

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 134]

Aldrich	Deal	Kiefner	Robsion
Allen	Dempsey	Kiess	Rouse
Allgood	Dickinson, Mo.	Kincheloe	Rutherford
Andrew	Dickstein	Kirk	Sabath
Anthony	Douglass	Knutson	Schneider
Appleby	Doyle	Kunz	Sears, Fla.
Arents	Drane	Kurtz	Shreve
Arnold	Drewry	Kvale	Sinclair
Auf der Heide	Driver	Lanham	Smithwick
Ayres	Eaton	Lankford	Sproul, Ill
Bankhead	Ellis	Larsen	Sproul, Kans.
Beck	Esterly	Lea, Calif.	Stalker
Beedy	Fairchild	Lee, Ga.	Steagall
Begg	Fish	Letts	Stevenson
Berger	Fitzgerald, W. T.	Lindsay	Stobbs
Bixler	Foss	Lineberger	Sullivan
Blanton	Fredericks	Luce	Swartz
Bloom	Freeman	McKeown	Sweet
Boies	Frothingham	McLeod	Taylor, N. J.
Brand, Ga.	Fulmer	McMillan	Taylor, Tenn.
Britten	Funk	McSwain	Tillman
Browne	Gallivan	McSweeney	Tincher
Brumm	Garber, Okla.	Mansfield	Tinkham
Buchanan	Garner, Tex.	Menges	Tucker
Burdick	Garrett, Tex.	Merritt	Upshaw
Burtness	Glynn	Michaelson	Vare
Butler	Greenwood	Moore, Ky.	Vinson, Ga.
Canfield	Griffin	Moore, Ohio	Voigt
Carew	Hale	Morrow	Wefald
Carter, Calif.	Hawes	Nelson, Me.	Welsh
Carter, Okla.	Hogg	Nelson, Wis.	Wheeler
Cleary	Hudson	Newton, Mo.	Whitehead
Colton	Hudspeth	Oliver, Ala.	Whittington
Connally, Tex.	Hull, William E.	Oliver, N. Y.	Williams, Tex.
Connolly, Pa.	Jeffers	Patterson	Williamson
Cooper, Ohio	Jenkins	Peavey	Winter
Cooper, Wis.	Johnson, Ind.	Phillips	Wood
Corning	Johnson, Ky.	Porter	Woodyard
Cox	Jones	Pou	Wright
Coyle	Kahn	Pratt	Wurzbach
Cramton	Keller	Quayle	Wyant
Crisp	Kelly	Rainey	Yates
Curry	Kemp	Rayburn	
Davey	Ketcham	Reece	

The SPEAKER. Two hundred and forty-eight Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. Is a second demanded?

Mr. MONTAGUE. Mr. Speaker, I demand a second.

Mr. GILBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GILBERT. The gentleman from Ohio [Mr. KEARNS] called up the bill H. R. 11765 and asked unanimous consent for the consideration of that bill. Unanimous consent was granted for its consideration. The gentleman from New Jersey [Mr. FORT] debated the bill and made erroneous and misleading statements about the bill. I then demanded recognition in favor of the bill, which is a bill to gather statistics of tobacco. It is a bill that the cooperatives of the United States have indorsed, a bill that half a million farmers are seeking to have considered.

When that bill was called up, Mr. Speaker, the leader of the majority held a hurried conference with the Speaker, and for some reason during the consideration of that bill another bill was called up. Now, what I want to know is just what is the proceeding and how H. R. 11765 was taken from the consideration of the House after unanimous consent has been given to consider it.

Mr. GRAHAM. Mr. Speaker, I demand the regular order.

Mr. GILBERT. What is the status?

The SPEAKER. The Chair will make a very brief statement. The Chair was requested to recognize the gentleman from Ohio to call up a bill and asked whether the bill would take any time of the House, as there is important business to be transacted before 3 o'clock. The Chair was informed that in the opinion of the gentleman it would take no time at all, that he knew of no opposition. Immediately after consent was given a number of gentlemen told me that this was a bill which had been presented to the Committee on Rules and the committee had definitely determined not to consider it. The Chair was further informed that if this bill was insisted upon remaining before the House it would have absolutely prevented the passage of this present bill, which was of vital importance, and other bills. Under those circumstances the gentleman from Ohio asked unanimous consent to withdraw the bill. The gentleman from Kentucky objected, and the Chair therefore, as he has the right to do, recognized the gentleman from Pennsylvania to move to suspend the rules.

Mr. GILBERT. May I further say to the Chair that the bill that the gentleman from Pennsylvania called up, while it may be of some importance, it is not nearly of the importance that this bill is. This bill, which was taken from the consideration of the House, affects a half million farmers.

The SPEAKER. The gentleman is not speaking to the point of order. Is a second demanded?

Mr. MONTAGUE. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Virginia demands a second.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. VAILE. Mr. Speaker, I object.

The SPEAKER. The question is on the demand for a second, and the vote is taken by tellers. The gentleman from Pennsylvania and the gentleman from Colorado will take their place as tellers. Those favoring the motion for a second will pass between the tellers, and those opposed will pass between the tellers.

The question was taken; and the tellers [Mr. GRAHAM and Mr. VAILE] reported that there were—ayes 136, noes 8.

The SPEAKER. On this question, the ayes are 136, and the noes are 8.

Mr. VAILE. Mr. Speaker, I object to the vote on the ground that it discloses the absence of a quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and forty-five Members are present, a quorum, and the second is ordered. The gentleman from Pennsylvania is entitled to 20 minutes, and the gentleman from Virginia is entitled to 20 minutes.

Mr. GRAHAM. Mr. Speaker, the bill before the House originated in the Senate. After much consideration, deliberation, and consultation with Senator WALSH, who presented the bill to the Senate, and the counsel for the Government, ex-Senator Pomerene, and Mr. Roberts, the present bill or amendment to the bill was framed. Beginning on the third page at line 20 is a substitute for the Senate measure. There were certain constitutional difficulties that were to be overcome, and after careful examination of the subject these difficulties were considered to have been overcome by the substitute that has been presented, and the Committee on the Judiciary of the House reported this bill back to the House with a favorable recommendation. I may say to the House that it is no secret that the primary object of this measure is to bring back from France two witnesses who are regarded as very material and important witnesses in the prosecution of the cases, civil and criminal, which arose out of the Teapot Dome oil scandal. [Applause.] The witnesses have declined to come. Letters rogatory have been issued and proved inefficient. They refused, and in such a case there is no remedy because the court of foreign jurisdiction will not proceed against witnesses under such circumstances to punish for contempt. What the French courts have decided is this: That they leave the party asking for the examination their remedy for damages against the recusant witnesses, and, of course, that is utterly inefficient and produces no good result.

Mr. MOORE of Virginia. Mr. Speaker, may I interrupt the gentleman?

Mr. GRAHAM. Yes.

Mr. MOORE of Virginia. As I understand, these two witnesses are very rich men?

Mr. GRAHAM. Yes, sir.

Mr. MOORE of Virginia. And able to live abroad?

Mr. GRAHAM. Yes, sir.

Mr. MOORE of Virginia. And to continue to place themselves outside the jurisdiction of the Federal court. The gentleman said there is no secret about this matter. Does the gentleman remember the names of those two witnesses?

Mr. GRAHAM. I can not say so with accuracy, although I think I know who they are.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. GRAHAM. I will.

Mr. NEWTON of Minnesota. O'Neal and Blackmer?

Mr. GRAHAM. The statement of the gentleman from Virginia is correct. These men are able through their wealth to defy the power of the Government to bring them back to this country and present themselves as witnesses to testify in these important cases. May I state in the preliminary consideration of these cases there have been no objections made to this bill except those which emanated from parties representing those alleged to be involved in the scandal. There has not been a

citizen that has come forward to demand that this bill should not pass.

It is true that this is a general bill, and I regret that a general bill should have to be resorted to to accomplish the purposes of justice. But this is a general bill so framed that it can work no injury to any man. It is confined to the pursuit of citizens of the United States. It does not affect foreigners, and when a recusant citizen of the United States refuses to obey letters, and refuses to return and testify in a criminal case, there should be some way provided by a general law to compel his attendance. [Applause.]

Now, this bill is very much as a colleague over yonder suggested to me, like a proceeding by foreign attachment—where you can not get the debtor you can attach his goods and compel him to appear. This is simply a process to compel him to appear.

The provisions of this bill require a personal service. We could not punish for a contempt committed against a foreign court. That is not within the power of the Federal courts of this country. But when we issue our subpœna and have it served personally on the witness, if he refuses to obey, then he commits the crime of contempt against the Federal court when he does not appear. You know that the accused must be confronted by witnesses in criminal cases. Hence the service of a subpœna is the only remedy, and we provide a method which is perfectly legal under the law to accomplish the service of the writ. We invest our consuls, our foreign representatives, with the power to serve the writ personally on the witness and make return to the court. If the witness does not appear, he puts himself in contempt, and we have carefully guarded the subsequent proceedings by which his estate may be seized to secure an appearance as is done in a foreign attachment to compel appearance of a debtor. If he does not appear it is his own fault that the penalty for contempt shall fall upon his head under the judgment of the court. He can relieve himself of those consequences at any time by entering an appearance; and, indeed, in the last clause of the bill we provide that the judgment may be opened and he be permitted to defend within a year after the commission of this offense.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield for one question?

Mr. GRAHAM. I yield.

Mr. JOHNSON of South Dakota. Is the chairman of the committee satisfied in his own mind that this law is constitutional?

Mr. GRAHAM. I will say it is my deliberate judgment that the act is now constitutional, and it is the deliberate judgment of ex-Senator Pomerene that it is, and he has so written to me, and I have his letter here, asking for the speedy enactment of this measure. It is also the opinion of the Attorney General, who has rendered an opinion on that subject to the Speaker of the House, as I am informed. It is his opinion that the bill is constitutional, as he assured me in verbal conversation. It is believed that it now answers the measure of constitutional requirements.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. CELLER. In what way is it constitutional, aside from the opinion of ex-Senator Pomerene?

Mr. GRAHAM. Because it does not offend against the Constitution.

Mr. CELLER. I am not in favor of the bill.

Mr. GRAHAM. It either offends against the Constitution or it does not.

Mr. CELLER. I know. But is there any precedent for an action of this sort?

Mr. GRAHAM. No. We have never had such an occurrence and scandal and the failure of a self-expatriated citizen to appear and testify.

Mr. WOOD. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. WOOD. May I ask the gentleman if hearings have been had on this bill?

Mr. GRAHAM. No. In the first place, hearings are not usually given unless somebody asks for them on a matter that is purely a question of law. The only people who came before me to ask for a hearing and to whom I said, "I am going to give you an opportunity to come forward and object to the passage of this bill," were those who said they did not want to appear before the committee and make public objection.

Mr. WOOD. But the gentleman admits that this is a most drastic procedure?

Mr. GRAHAM. I do not admit anything of the kind. It is a perfectly legal procedure, and the fine of $100,000 is only intended to reach the case of rich absentees who refuse to render obedience to their country's writ.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield there?

Mr. GRAHAM. Yes.

Mr. NEWTON of Minnesota. Was one of the gentlemen to whom the gentleman talked Mr. Hogan, chief counsel for one of these offenders?

Mr. GRAHAM. He conversed with me about it, but he did not ask me for a hearing.

Mr. NEWTON of Minnesota. Did he say he did not want to appear in public?

Mr. GRAHAM. No. That is not so.

Mr. JOHNSON of South Dakota. I wish the gentleman would enlighten the House, if he knows, what opinion has been rendered by Mr. Roberts, the other counsel in this case? I like the theory of this bill, and the only question in my mind is as to its constitutionality. Has Mr. Roberts rendered any opinion in writing on the subject?

Mr. GRAHAM. No; none in writing; none except the statement of his colleague, ex-Senator Pomerene, to the effect that he concurred in this view.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. MOORE of Virginia. There has been no trouble about the constitutionality of a law like this. But we have no statute covering the ground. No gentleman who proposes to vote against this bill would vote against it if the witnesses were, say, 10 feet over the Canadian line.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. WAINWRIGHT. I have high respect for the gentleman's judgment as a constitutional lawyer. I know the school in which he was brought up. Does he know that these two witnesses are being deprived by this bill of any privilege or any immunity that they have under the Constitution?

Mr. GRAHAM. None whatever.

Mr. DENISON. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. DENISON. This bill gives the Government the right in a criminal case to secure the attendance of a witness who is in a foreign land?

Mr. GRAHAM. Yes.

Mr. DENISON. But the defendant is not given that right?

Mr. GRAHAM. To do what?

Mr. DENISON. The defendant is not given the right to secure the attendance of witnesses?

Mr. GRAHAM. Yes; under the general terms of the bill.

Mr. DENISON. No; that right is confined to the Government. Now, I want the chairman of the committee to tell the House why those who prepared this bill simply gave this extraordinary remedy to the Government and not to the defendant.

Mr. GRAHAM. I beg the gentleman's pardon. There are two branches to this bill.

Mr. DENISON. One is civil and one is criminal.

Mr. GRAHAM. Pardon me until I answer. There are two branches to this bill. One is a civil remedy and the other is a criminal remedy. The civil remedy is that letters rogatory may issue in the usual form; and the gentleman knows anybody can sue out letters rogatory in any case. The second is as to criminal prosecutions, and criminal prosecutions are always brought by the Government and not by the defense.

Mr. DENISON. I am talking about securing the attendance of witnesses who may be in foreign lands. Why do you give the Government alone the right to secure the attendance of witnesses and not give that right to the defendant?

Mr. GRAHAM. Either side, upon application to the court, can set that in motion.

Mr. DENISON. That shows that the chairman does not know anything about the provisions of the bill, like other Members who do not know about them.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. NEWTON of Minnesota. Of course, defendants in criminal cases can ask for the taking of depositions, but the prosecution can not.

Mr. GRAHAM. Not in a criminal case.

Mr. NEWTON of Minnesota. Yes; the defendants can.

Mr. GRAHAM. In some States.

Mr. DENISON. If the chairman will read section 2 of the bill he will find the bill only gives that right to the Government.

Mr. GRAHAM. Mr. Speaker, that may be so; I reserve the balance of my time.

The SPEAKER. The gentleman reserves four minutes.

Mr. MONTAGUE. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, it is really embarrassing to undertake to discuss this proposition. I have great respect not only for the high character, but for the great legal learning of the special counsel in these cases, and particularly for our colleague, the distinguished chairman of the Judiciary Committee of this House.

But, gentlemen, a lawyer, if he has knowledge of the Constitution, which is presumed, can not absolve his own conscience upon a question of this kind by relying upon those for whom he has great respect. I appeal to every lawyer upon the floor of this House. This bill strikes at the root of things. It is with a great deal of diffidence that I dare to dissent; but I submit to the lawyers in this House that there is just one way you can handle this question under the Constitution. Our Government can make treaties with foreign governments by which we can have reciprocal arrangements for the extradition of criminals or recalcitrant witnesses or anyone else. When once the treaties are ratified they become the supreme law of the land and would be binding upon every citizen, and the Secretary of State then could make proper application upon the request of the court to the country to which the recalcitrant citizen has escaped and have him brought back, and thus by due processes of the law his testimony procured. The defendant in the criminal case that you intend to use the recalcitrant witness against should, as the Constitution provides, be confronted with the testimony against him in person.

Oh, gentlemen, this bill came over in February. It is fraught with too much that goes to the heart of our institutions to be brought up here in the last hour and passed under a suspension of the rules when we can not have a proper discussion of it.

One great writer has said that the chief distinction between the statesmanship of England and the statesmanship of America is that the statesmen of England never sacrifice the security of the Empire over a long term of years to meet a present necessity or any peculiar situation that may arise on the passing moment.

Of course, we all want to punish these criminals in the Teapot Dome case; but, gentlemen, I would not violate the fundamentals that are at the very bottom of our Government, even though a hundred criminals might escape just punishment. I am thinking of the years. I am not thinking of one case. Why, gentlemen, what has been the cry from every other nation on earth except our own—and that day may come in our own country when our institutions might fall into the hands of despots. Men flee, in order to save their lives, to another shore, and under this bill such a despot could get around the constitutional protection of property and go through the mockery of a contempt proceeding, and his property could be confiscated for a political offense. [Applause.] That is a possibility under this bill, gentlemen. Oh, I beg you to let this go over.

Mr. GRAHAM. Will the gentleman yield?

Mr. WINGO. I am sorry, but I have only five minutes, and my time is about up.

Do not pass this bill under a suspension of the rules. Let the lawyers of this House give those who are not lawyers the benefit of their opinion. Certainly, the great weight and the high character and the great legal learning of the gentleman from Pennsylvania can move every consideration of partiality to his view but, gentlemen, do not pass this legislation under such circumstances when it is fraught with so many possibilities of evil abuse in the years that are to come. [Applause.]

AMENDMENT OF WORLD WAR ADJUSTED COMPENSATION ACT

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10277) to amend the World War adjusted compensation act, with Senate amendments, and I shall move to concur in the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments were read.

Mr. GREEN of Iowa. Mr. Speaker, just a word on the fourth Senate amendment. It strikes out the provision with reference to the Comptroller General which was inserted in the bill by the House. I do not know why the Senate struck it out. It may have been because they thought it unnecessary. I have always thought it was unnecessary myself. My understanding is that the Senate committee did not want any direct reference to the Comptroller General.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. GREEN of Iowa. I do not want to take up any time. I see my friend, the gentleman from Pennsylvania [Mr. GRAHAM], is getting impatient, and I think the House will concur in the Senate amendments.

Mr. BLACK of Texas. I just want to make the statement that the only reason I voted against the bill the other day was because that section was in the bill.

Mr. GREEN of Iowa. I do not think striking it out makes any difference in the results. The House relies on the provisions of the first sentence of section 310, which are not stricken out. It provides that "the decisions of the Secretary of War, Secretary of the Navy, and the Director * * * shall be final and conclusive." Nothing more is needed. Anyway we will have to accept it in order to prevent the bill going over.

Mr. BLACK of Texas. I am very glad the gentleman is going to accept the amendment.

Mr. GREEN of Iowa. Mr. Speaker, I move to concur in the Senate amendments.

The Senate amendments were agreed to.

RELATING TO CONTEMPTS

Mr. MONTAGUE. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. HICKEY].

Mr. HICKEY. Mr. Speaker, this bill in its original form passed the Senate February 14, 1926. On the Senate bill there were no committee hearings and no consideration before the Senate. The bill came to the House and was referred to the Judiciary Committee. The Senate bill was so clearly unconstitutional that no immediate action was taken upon it by the committee, and it continued on the committee calendar without consideration for weeks. Later the chairman of the committee, the gentleman from Pennsylvania [Mr. GRAHAM], submitted the amended bill, now before the House. No hearings were had upon this amended bill and there was never a full discussion of its provisions by the committee. The chairman, the gentleman from Pennsylvania, did say to the committee that, in his opinion, there were fewer constitutional objections to the amended bill than to the original Senate bill.

The bill as amended is in eight sections.

Briefly, section 1 provides that whenever letters rogatory shall issue out of any court of the United States, either with or without interrogatories addressed to any court of any foreign country, to take the testimony of any witness, being a citizen of the United States or domiciled therein, and such witness shall neglect or refuse to testify, then on proper showing the United States court issuing the letters and before which the case is pending may order a subpœna to issue, addressed to any consul of the United States in any country in which the witness may be, commanding such witness to appear before said court at the time and place therein designated. This section clearly applies to civil cases.

Section 2 provides that whenever the attendance at the trial of any criminal action of a witness being a citizen of the United States or domiciled therein, who is beyond the jurisdiction of the United States, is desired by the Attorney General or any assistant or district attorney acting under him, the judge of the court where the case is pending may order a subpœna to issue addressed to the American consul in any country where the witness is located commanding such witness to appear before said court at a time and place therein designated.

Section 3 provides that it shall be the duty of the consul of the United States within any country where such witness is located, at the request of the clerk of the court issuing any subpœna, to serve the witness desired personally and to make return thereon. This section also provides that the witness desired for contempt be tendered necessary traveling expenses, to be determined by the court.

Section 4 provides that if the witness so served shall neglect or refuse to appear, the court, upon proof being made of the service and the default, may issue an order for the witness to show cause why he should not be adjudged guilty of contempt and punished accordingly.

Section 5 provides that upon issuing such order the court may, upon giving security for any damages which the recusing witness may have suffered, direct as a part of such order that the property of the recusing witness at any place within the United States, or so much thereof in value as the court may direct, shall be levied upon and seized by the marshal of said court for the purpose of satisfying any judgment that may be rendered against such witness in the proceedings so instituted.

Section 6 also deals with the question of procedure.

Section 7 provides that a penalty of not to exceed $100,000 may be imposed upon the witness unless the witness appears and testifies, and that any property belonging to said witness in any part of the United States may be sold to satisfy said penalty or judgment.

It will be noted in reading the bill that this is an effort to make a witness without the jurisdiction of the United States respond in damages in an amount not to exceed $100,000 should

he refuse, on notice from the Government, to appear and testify in a criminal case, or should he refuse to give testimony for the Government in a civil case to which it is a party, providing, of course, the procedure set up in the bill looking to the securing of the witnesses's testimony has been followed by the Government. It will be noted that this proposed remedy is a one-sided remedy, that can be utilized by the Government but not by any other party or parties to the record.

The gentleman from Pennsylvania [Mr. GRAHAM] has stated that the sole purpose of this bill is to reach two witnesses now wanted in certain oil cases now pending in the courts of the United States which the Government is prosecuting against certain citizens and corporations. If the testimony desired is material and the witnesses can legally be brought to this country to testify, of course, we are all in hearty accord with the purpose of the bill. But the question that is troubling some of us and which should be seriously considered, and which is of primary importance is whether or not the bill, if it becomes law, will be valid and will accomplish the purpose desired. Whether or not there is a necessity and an emergency for this legislation has not been disclosed. As I have heretofore stated, there were no hearings upon the bill either before the Senate committee or House committee, and so we must accept the statement made by one of the counsel in these oil cases to the gentleman from Pennsylvania [Mr. GRAHAM] upon this phase of the question. This ex parte statement is our only justification for voting for a bill unusual in its provisions and of doubtful legality.

This bill has been brought up for consideration under suspension of the rules, without opportunity for debate, without consideration, in the closing hours of the session in the hope that the House may be stampeded into voting for it.

Aside from the constitutionality of the bill it seems to me that it is bad practice and poor legislative policy to consider a bill of this importance in this unusual and haphazard way. Orderly legislative procedure in matters of this kind is of primary concern to all of the people. Too much care can not be taken by legislative bodies to safeguard and protect the rights and liberties of the people. This principle is fundamental and should never be departed from, no matter what the exigencies of the case may be.

The question of the constitutionality of this bill is a serious one and should challenge our best understanding and consideration as legislators. Has Congress under the Constitution authority to enact a law giving to the United States courts extraterritorial jurisdiction?

That is precisely what is proposed by this bill. It proposes that where American citizens and persons domiciled in the United States are absent in foreign countries that jurisdiction be conferred upon our Federal district courts to serve said witnesses with process and require their attendance at the trial of cases or to submit their testimony as provided in the bill, and that on failure so to do these witnesses are to be adjudged guilty of contempt and their property may be confiscated in an amount not to exceed $100,000. This, the bill provides, can be done when the court admittedly has no jurisdiction of the persons and when the persons against whom judgment shall be rendered are not parties to the record.

This is clearly in violation of Articles V and VI of the Constitution. Article V provides, among other things, that no one shall be deprived of life, liberty, or property without due process of law. It must be conceded that the purpose of this bill is to deal with witnesses who are without the jurisdiction of the court, that the contempt is not against the court nor committed in the presence of the court, that the witness is not a party to the record, and that his absence may be for good reasons and in no wise influenced because of any pending court proceedings. We must bear in mind that while the purpose of this bill is to take care of a present case it is permanent legislation. If the Government wants to embark upon this policy, why not proceed within the law and in an orderly way? These cases, according to reports carried from time to time in the public press, have been pending for years. If the testimony desired is proper testimony and material to the issue involved in these cases, the Government, through its State Department, might by treaty arrange for the return of these witnesses. This would be the orderly procedure. Making it mandatory, under the provisions of this bill, for the American consul to perform the duties of a United States marshal is questionable and inconsistent with our scheme of government.

On the question of the jurisdiction of Federal courts in cases like the instant case, I direct your attention to the following cases:

Tillinghast's case, 4 Peters, 108; Ex parte Bradeley, 17 Wall. 364; Kirk v. Milwaukee, 26 Fed. 501; 13 Corpus Juris, 47; Rapalje on Contempt, section 13.

This bill is clearly repugnant to the provisions of the Constitution heretofore referred to, and especially to that provision of the Constitution with respect to due process of law. Due process of law contemplates that the law shall be administered in the orderly and usual manner so as not to impose unnecessary hardships upon the citizens. It was never the intention of the framers of the Constitution that the law should be administered in an unusual, harsh, and extraordinary manner. On this point I direct attention to the following cases:

Slaughterhouses cases, 16 Wall. 36; Leeper v. Texas, 139 U. S. 462; Minder v. Georgia, 183 U. S. 559; Pennoyer v. Neff, 95 U. S. 714; Dent v. West Virginia, 129 U. S. 114; Twining v. New Jersey, 211 U. S. 78.

The due-process-of-law subject is so aptly stated in the Twining case that I quote from it:

What is due process of law may be ascertained by an examination of those settled usages and modes of proceedings existing in the common and statute law in England before the emigration of our ancestors and shown not to have been unsuited to their civil and political condition by having been acted on by them after the settlement of the country. This test was adopted by the court, speaking through Mr. Justice Curtis in Den ex dem. Murray v. Hoboken Land Co., 8 Han. 272 (approved in Hallinger v. Davis, 146 U. S. 314, 320; Holden v. Hardy, 169 U. S. 366, 390; but see Lowe v. Kansas, 163 U. S. 81, 85). Of course, the part of the Constitution then before the court was the fifth amendment. If any different meaning of the same words, as they are used in the fourteenth amendment, can be conceived, none as yet has appeared in judicial decision. "A process of law," said Mr. Justice Matthews, commenting upon this statement of Mr. Justice Curtis, "which is not otherwise forbidden, must be taken to be due process of law if it can be shown the sanction of settled usage both in England and in this country. (Hurtado v. California, 110 U. S. 516, 528.)"

Federal district courts are courts of limited jurisdiction. They are creatures of the legislatures, and their jurisdiction is limited by law. From the organization of the Government down to this hour United States courts, to their credit, have never attempted to enlarge their jurisdiction in order to accomplish certain ends sought by litigants not authorized by law. And by law I mean valid law. Running all through our history from the beginning there has been a tendency on the part of United States courts to keep strictly within the purpose and intent of the old, well-established principle of limiting the jurisdiction of courts to the particular sphere for which they were established. That is, the authority and jurisdiction of Federal district courts uniformly have been confined to the territory within the district where the court is located, and the same rule applies to State courts that applies to Federal courts. The following cases sustain this doctrine:

Jennings v. Johnson, 148 Fed. 337, 78 C. C. A. 329; Wilson v. Seligman, 144 U. S. 41; Pennoyer v. Neff, 95 U. S. 714; Brophy v. Kelly, 211 Fed. 22, 128, C. C. A. 382; Dunlevy v. New York Life Insurance Co., 204 Fed. 670; Sutherland-Innes Co. v. American Wire Hoop Co., 113 Fed. 183, 51 C. C. A. 145; Wallace v. United Electric Co., 211 Pa. 473, 60 Atl. 1046.

Law that is made for a special purpose is always bad law. The purpose may be good, but the principle is vicious. In this case the sole purpose of the proposed legislation is to bring to punishment two absentee witnesses from the farther corner of the earth to testify in certain cases, notwithstanding the fact that their testimony may not be material or relevant, leaving the whole matter to the caprice of Government district attorneys whose zeal may prompt them to go to any length. The citizen is not considered in this legislation. The old idea of attainder and that the sovereign can do no wrong seems to be the outstanding and controlling thought in this legislative proposal.

Recently in a case pending before the Judiciary Committee of the House a witness, on the recommendation of the proponent of a certain investigation, was called from Texas to testify. The representations made to the committee for the bringing of this witness were persuasive and compelling, and yet when the witness appeared his testimony was immaterial and injured rather than helped the party requesting him. It was poor consolation for this witness that he received his mileage and witness fees, a pittance of $1.50 per diem. If this bill becomes law the foregoing experience will likely be frequently repeated, and with no redress to the citizen.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HICKEY. I yield to the gentleman.

Mr. CHINDBLOM. I would like to ask the gentleman if after a witness has been held in contempt under this bill and the fine has been assessed against him and collected, is he not purged of the contempt, and may he not remain abroad at his pleasure?

Mr. HICKEY. It would seem so to me.

Mr. CHINDBLOM. Does the gentleman think that a fine of $100,000 will bring these men back to the United States?

Mr. HICKEY. I may say to the gentleman that if the witnesses referred to are as wealthy as they are said to be, a fine of $100,000 will have no effect upon them whatever.

And this goes to show the futility of the legislation. If these people are abroad in possession of the amount of money that my friend from Pennsylvania [Mr. GRAHAM] has stated, they can successfully avoid service and indefinitely remain abroad if their absence is due to a desire on their part to avoid testifying in certain cases. If court proceedings are instituted to serve them, under the provisions of this bill they will immediately be advised and so can move from place to place and can continually and indefinitely evade service, and this shows the futility of legislation of this kind to accomplish its purpose where immensely wealthy offenders are concerned. I do not believe there is a lawyer in this body who will subscribe to the fact that there is anything in the Constitution which authorizes the conferring of extraterritorial jurisdiction upon a Federal court, and so neither conscience nor reason can justify a legislator in voting for a law which he believes to be unconstitutional. It must be admitted that there is no precedent that warrants the enactment of this proposed legislation. I may suggest that service outside of the court's jurisdiction, even though personal service, as a general proposition of law is regarded only as constructive service.

Mr. BLACK of New York. Will the gentleman yield?

Mr. HICKEY. I will.

Mr. BLACK of New York. If a man alleged to be a bankrupt leaves the country, the Federal court can take his property, and if a taxpayer refuses to pay his taxes, the Government can take his property. I think these men are fortunate that they have not been indicted for conspiracy to obstruct justice.

Mr. HICKEY. Replying to the gentleman, I desire to state that, of course, where property is within the jurisdiction of the court in a bankruptcy case the court clearly has the right to dispose of the property under the provisions of the bankruptcy law, and the same is true in tax matters where the Government's interests are involved. The Government always has the right to dispose of property to satisfy tax claims. These cases to which the gentleman refers are not in point and have no relation to the question involved in this bill.

Mr. BLACK of New York. I take the case of the bankrupt in a foreign country.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. MONTAGUE. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Speaker and gentlemen, it is an old proverb that "hard cases make bad law." That is a proverb well known to lawyers, and it means that when we are pressed or impressed with some particular injustice, something that seems to call loudly for a remedy, we are likely to do something which will make bad law and plague us forever. If it was not that my distinguished friend from Pennsylvania was so overborne by what he conceives to be the necessity of getting two men back from abroad, I am sure that, able and experienced lawyer that he is, he could not have read this bill without horror, much less have recommended its passage. My friend has not quite accurately stated all the details of the bill—of course, unintentionally. He says at the outset that it applies only to citizens of the United States. I would ask my distinguished friend to explain the reason for the insertion of these words on page 3, lines 23 and 24, "being a citizen of the United States or domiciled therein."

If it only applies to citizens here, why add the words "or domiciled therein"? Obviously, it was intended to apply also to aliens who might be here domiciled and who were temporarily abroad.

Mr. GRAHAM. A person domiciled in the country is entitled to the same treatment that we give to our own citizens.

Mr. CHINDBLOM. But does not that apply only while he is in our country, for we have no control over him abroad?

Mr. VAILE. This bill means that if the alien goes temporarily abroad from the United States on a visit to his old home or on a matter of business, his entire property can be sequestered at the instance of political machinations against him and he can be fined the sum of $100,000 and completely wiped out.

My distinguished friend says that, under the general procedure under the terms of the bill, the defendant in a criminal case would have the same right as the prosecution. I would like to have him point out any specific language under which that may be done. Section 2 of the bill says:

SEC. 2. Whenever the attendance at the trial of any criminal action of a witness, being a citizen of the United States or domiciled therein, who is beyond the jurisdiction of the United States, is desired—

Desired by whom? Note the next words, please—

by the Attorney General or any assistant or district attorney acting under him, the judge of the court before which such action is pending, or who is to sit in the trial of the same, may, upon proper showing, order that a subpœna issue, addressed to any consul of the United States within any country in which such witness may be, commanding such witness to appear before the said court at a time and place therein designated.

Therefore one plain reason why this bill violates the Constitution is that it brushes aside the provision of Article VI of the Bill of Rights to the effect that in a criminal proceeding the accused shall have the right "to have compulsory process for obtaining witnesses in his favor." Under this bill compulsory process, compulsory to a degree never yet contemplated in American jurisprudence, which now by this bill embraces the world, is readily afforded to require the attendance of a witness "desired by the Attorney General or any assistant or district attorney acting under him," but not of a witness who might, perchance, be desired by the defense. Our ancestors contemplated that even the defendant might sometimes desire a witness. That remote contingency is now lost sight of when we extend our compulsory process to Timbuctoo or Zanzibar.

This bill, with a great display of virtue, provides for the giving of security "for any damages which the recusing witness may have suffered (by the sequestration and forced sale of his entire property in this country) should the charge be dismissed" and then it adds, quite prudently, "except that no security shall be required of the United States."

In other words, the very party and the only party which would put this machinery in operation against him is the party required to give no security against the damage which may occur. Talk about reopening these proceedings within a year! What good would that do when the man has been entirely closed out?

That well-nigh forgotten instrument, the Constitution of the United States, also says something to the general effect that no person shall "be deprived of life, liberty, or property without due process of law." But when, in this bill, you provide that the whole of a man's property may be sequestered—in a suit not even brought against him, but against somebody else—you must rely upon some new definition of "due process." The old definition held that "due process" meant ordinary process, understood process, confirmed process, tried and tested and seasoned process, not process involving a new and strange departure from all precedents.

It has long been well settled that due process of law means law according to the settled course of judicial proceedings (Slaughterhouse cases, 16 Wall. 36; Leeper *v.* Texas, 139 U. S. 462; Minder *v.* Georgia, 183 U. S. 559) and in accordance with the fundamental principles of justice (Pennoyer *v.* Neff, 95 U. S. 714). Another equally fundamental element of due process of law is that it shall be enforced only in the usual modes established in the administration of government with respect to kindred or similar matters (Dent *v.* West Virginia, 129 U. S. 114).

In this connection I quote from the opinion of the Supreme Court in Twining *v.* New Jersey (211 U. S. 78) as evidencing the fundamental principle which requires every legislative body to act in accordance with the settled principles of law rather than to indulge in such startling departures as evidence an arbitrary usurpation of power. In the Twining case the Supreme Court of the United States spoke on this subject as follows:

What is due process of law may be ascertained by an examination of those settled usages and modes of proceedings existing in the common and statute law in England before the emigration of our ancestors and shown not to have been unsuited to their civil and political condition by having been acted on by them after the settlement of the country. This test was adopted by the court, speaking through Mr. Justice Curtis, in Den ex dem. Murray *v.* Hoboken Land Co. (8 Han. 272). Of course, the part of the Constitution then before the court was the fifth amendment. If any different meaning of the same words, as they are used in the fourteenth amendment can be conceived none as yet has appeared in judicial decision. "A process of law," said Mr. Justice Matthews, commenting upon this statement of Mr. Justice Curtis, "which is not otherwise forbidden must be taken to be due process of law if it can be shown the sanction of settled usage both in England and in this country." (Hurtado *v.* California, 110 U. S. 516, 528.)

Is this "settled usage"? The gentleman from Pennsylvania proclaims, with a flourish, that it is not.

Gentlemen, do not let your desire to catch two men impel you to pass a law which will be a certain embarrassment to thousands of men, a certain instrument of oppression and injustice, and a complete departure from our entire system of jurisprudence, a denial of our fundamental ideas of justice.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. GRAHAM. Mr. Speaker, I wish to conclude the discussion of this measure by quoting the request of the counsel for the Government in this transaction.

Mr. RANKIN. Mr. Speaker, before the gentleman reads that, will he yield for a question?

Mr. GRAHAM. Yes.

Mr. RANKIN. I rise to ask the chairman of the Judiciary Committee if we are going to be given an opportunity to vote on the Fenning case to-day?

Mr. GRAHAM. I hope so.

Mr. RANKIN. The gentleman does?

Mr. GRAHAM. I would be very glad to see the gentleman vote upon it.

Mr. RANKIN. Will the chairman of the Judiciary Committee make an attempt to bring it up?

Mr. GRAHAM. I can not promise the gentleman that before 3 o'clock.

Mr. RANKIN. We might be willing to run the hands of the clock back a little.

Mr. GRAHAM. Mr. Speaker, I want to be polite to the gentleman, but he must know perfectly well that the question is not at all pertinent.

Mr. RANKIN. And I want to be polite to the chairman of the Committee on the Judiciary. The question is pertinent and perfectly proper.

Mr. GRAHAM. We will let the gentlemen here judge of that.

Former Senator Pomerene, counsel for the Government, writes to me as follows, under date of June 23, 1926:

> Of course, I appreciate the difficulties in the way of legislation in the last days of the session. I hope you and the friends of the Walsh bills will succeed in having them passed, without reference to pending litigation. Both of these bills have real merit and are in the interest of justice.
>
> It is shocking to think that witnesses of high standing in the business and financial world should absent themselves at a time when their Government wants and has a right to ask for their testimony.

Mr. VAILE. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. No; I can not yield. The time is up.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken.

Mr. HUDDLESTON. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 145, noes 33.

Mr. HUDDLESTON. Mr. Speaker, I object to the vote upon the ground that there is not a quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety Members are present, not a quorum. The Clerk will call the roll. The question is on suspending the rules and passing the bill.

The question was taken; and there were—yeas 216, nays 42, and not voting 172, as follows:

[Roll No. 135]

YEAS—216

Abernethy	Cannon	Fletcher	Hull, Tenn.
Adkins	Carew	Frear	Irwin
Andresen	Carpenter	Furlow	Jacobstein
Aswell	Carss	Gambrill	James
Auf der Heide	Celler	Gardner, Ind.	Johnson, Ill.
Bacharach	Christopherson	Garrett, Tenn.	Johnson, Tex.
Bacon	Clague	Gasque	Johnson, Wash.
Bailey	Cole	Gibson	Kincheloe
Barbour	Collier	Goldsborough	Kindred
Barkley	Collins	Goodwin	Kurtz
Beers	Connery	Graham	LaGuardia
Bell	Coyle	Green, Fla.	Lampert
Bixler	Crosser	Griest	Lankford
Black, N. Y.	Crumpacker	Griffin	Lazaro
Black, Tex.	Cullen	Hale	Leavitt
Bowles	Darrow	Hall, Ind.	Lehlbach
Bowling	Davenport	Hammer	Lindsay
Bowman	Davey	Hardy	Linthicum
Box	Davis	Hare	Little
Boylan	Dickinson, Iowa	Hastings	Lowrey
Brand, Ohio	Dickstein	Haugen	Lozier
Briggs	Dominick	Hawley	Lyon
Brigham	Doughton	Hayden	McDuffie
Browning	Dowell	Hill, Ala.	McFadden
Bulwinkle	Dyer	Hill, Md.	McLaughlin, Nebr.
Burdick	Edwards	Hill, Wash.	McMillan
Burtness	Eslick	Hoch	McReynolds
Busby	Fairchild	Hooper	McSwain
Byrns	Faust	Houston	Magee, N. Y.
Campbell	Fisher	Howard	Magrady
Major	Parker	Sanders, Tex.	Temple
Mapes	Parks	Sandlin	Thatcher
Martin, La.	Peery	Schafer	Thomas
Martin, Mass.	Perlman	Schneider	Thurston
Mead	Porter	Scott	Tilson
Menges	Pou	Shallenberger	Tolley
Michener	Prall	Simmons	Treadway
Miller	Purnell	Smithwick	Tydings
Milligan	Quayle	Snell	Underwood
Mills	Quin	Somers, N. Y.	Vincent, Mich.
Montgomery	Ragon	Speaks	Vinson, Ky.
Mooney	Rainey	Spearing	Wainwright
Moore, Ky.	Ramseyer	Stedman	Warren
Moore, Va.	Rankin	Strong, Pa.	Wason
Morehead	Rathbone	Strother	Watres
Morin	Reed, Ark.	Summers, Wash.	Watson
Murphy	Reed, N. Y.	Sumners, Tex.	Weaver
Nelson, Mo.	Reid, Ill.	Swank	Weller
Newton, Minn.	Robinson, Iowa	Swartz	Wheeler
Norton	Rogers	Swing	Williams, Ill.
O'Connell, N. Y.	Romjue	Swoope	Wilson, La.
O'Connell, R. I.	Rowbottom	Taber	Wilson, Miss.
O'Connor, La.	Rubey	Taylor, Colo.	Woodruff
Oldfield	Sanders, N. Y.	Taylor, W. Va.	Woodrum

NAYS—42

Ackerman	Fort	Kearns	Tinkham
Bland	Free	King	Underhill
Burton	Gifford	Leatherwood	Updike
Chalmers	Gilbert	McLaughlin, Mich.	Vaile
Chapman	Gorman	MacGregor	Vestal
Chindblom	Green, Iowa	Montague	Wingo
Crowther	Hadley	Morgan	Winter
Curry	Hersey	Perkins	Wood
Denison	Hickey	Seger	Zihlman
Fenn	Huddleston	Stephens	
Fitzgerald, Roy G.	Johnson, S. Dak.	Thompson	

NOT VOTING—172

Aldrich	Drane	Kerr	Rutherford
Allen	Drewry	Ketcham	Sabath
Allgood	Driver	Kiefner	Sears, Fla.
Almon	Eaton	Kiess	Sears, Nebr.
Andrew	Elliott	Kirk	Shreve
Anthony	Ellis	Knutson	Sinclair
Appleby	Esterly	Kopp	Sinnott
Arentz	Evans	Kunz	Smith
Arnold	Fish	Kvale	Sosnowski
Ayres	Fitzgerald, W. T.	Lanham	Sproul, Ill.
Bachmann	Foss	Larsen	Sproul, Kans.
Bankhead	Fredericks	Lea, Calif.	Stalker
Beck	Freeman	Lee, Ga.	Stegall
Beedy	French	Letts	Stevenson
Begg	Frothingham	Lineberger	Stobbs
Berger	Fulmer	Luce	Strong, Kans.
Blanton	Funk	McClintic	Sullivan
Bloom	Gallivan	McKeown	Sweet
Boies	Garber	McLeod	Taylor, N. J.
Brand, Ga.	Garner, Tex.	McSweeney	Taylor, Tenn.
Britten	Garrett, Tex.	Madden	Tillman
Browne	Glynn	Magee, Pa.	Timberlake
Brumm	Golder	Manlove	Tincher
Buchanan	Greenwood	Mansfield	Tucker
Butler	Hall, N. Dak.	Merritt	Upshaw
Canfield	Harrison	Michaelson	Vare
Carter, Calif.	Hawes	Moore, Ohio	Vinson, Ga.
Carter, Okla.	Hogg	Morrow	Voigt
Cleary	Holaday	Nelson, Me.	Walters
Colton	Hudson	Nelson, Wis.	Wefald
Connally, Tex.	Hudspeth	Newton, Mo.	Welsh
Connolly, Pa.	Hull, Morton D.	O'Connor, N. Y.	White, Kans.
Cooper, Ohio	Hull, William E.	Oliver, Ala.	White, Me.
Cooper, Wis.	Jeffers	Oliver, N. Y.	Whitehead
Corning	Jenkins	Patterson	Whittington
Cox	Johnson, Ind.	Peavey	Williams, Tex.
Cramton	Johnson, Ky.	Phillips	Williamson
Crisp	Jones	Pratt	Wolverton
Deal	Kahn	Ransley	Woodyard
Dempsey	Keller	Rayburn	Wright
Dickinson, Mo.	Kelly	Reece	Wurzbach
Douglass	Kemp	Robsion, Ky.	Wyant
Doyle	Kendall	Rouse	Yates

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Anthony with Mr. Garner of Texas.
Mr. Freeman with Mr. Blanton.
Mr. Aldrich with Mr. Hawes.
Mr. Begg with Mr. Canfield.
Mr. Butler with Mr. Johnson of Kentucky.
Mrs. Kahn with Mr. Hudspeth.
Mr. Connolly of Pennsylvania with Mr. Bloom.
Mr. Kendall with Mr. Garrett of Texas.
Mr. Cooper of Ohio with Mr. Almon.
Mr. Ketcham with Mr. Greenwood.
Mr. Cramton with Mr. Kerr.
Mr. Carter of California with Mr. Carter of Oklahoma.
Mr. Pratt with Mr. Kunz.
Mr. Kiess with Mr. Connally of Texas.
Mr. Foss with Mr. Crisp.
Mr. Frothingham with Mr. Lanham.
Mr. McLeod with Mr. Dickinson.
Mr. Sweet with Mr. Lee of Georgia.
Mr. Luce with Mr. McKeown.
Mr. Merritt with Mr. Doyle.
Mr. Welch with Mr. Lea of California.
Mr. Michaelson with Mr. Morrow.
Mr. Vare with Mr. Driver.
Mr. Ransley with Mr. Tillman.
Mr. Wyant with Mr. Deal.

Mr. Shreve with Mr. Mansfield.
Mr. Newton of Missouri with Mr. Oliver of Alabama.
Mr. Manlove with Mr. Rayburn.
Mr. Phillips with Mr. Sabath.
Mr. Reece with Mr. Rouse.
Mr. Sinclair with Mr. Stevenson.
Mr. Sproul of Illinois with Mr. Upshaw.
Mr. Stalker with Mr. Wright.
Mr. Yates with Mr. Sullivan.
Mr. Taylor of Tennessee with Mr. Williams of Texas.
Mr. Magee of Pennsylvania with Mr. Rutherford.
Mr. Taylor of New Jersey with Mr. Cleary.
Mr. Robsion of Kentucky with Mr. Jeffers.
Mr. Johnson of Indiana with Mr. Fulmer.
Mr. Kiefner with Mr. Bankhead.
Mr. W. T. Fitzgerald with Mr. Kemp.
Mr. Eaton with Mr. Jones.
Mr. Kelly with Mr. Larsen.
Mr. Boise with Mr. Cox.
Mr. French with Mr. Buchnanan.
Mr. Andrew with Mr. Harrison.
Mr. Glynn with Mr. Allgood.
Mr. Hogg with Mr. Evans.
Mr. Britten with Mr. Vinson of Georgia.
Mr. Colton with Mr. Stengall.
Mr. Knutson with Mr. Sears of Florida.
Mr. Dempsey with Mr. Tucker.
Mr. Kopp with Mr. Drane.
Mr. Elliott with Mr. Corning.
Mr. Kirk with Mr. Drewry.
Mr. Arentz with Mr. McSweeney.
Mr. Holaday with Mr. Douglas.
Mr. Hudson with Mr. McClintic.
Mr. Madden with Mr. Gallivan.
Mr. Moore of Ohio with Mr. Ayres.
Mr. Patterson with Mr. Brand of Georgia.
Mr. Sinnott with Mr. O'Connor of New York.
Mr. Timberlake with Mr. Whitehead.
Mr. Stobbs with Mr. Oliver of New York.
Mr. Smith with Mr. Whittington.
Mr. Sosnowski with Mr. Voigt.
Mr. Nelson of Maine with Mr. Wefald.
Mr. Sears of Nebraska with Mr. Peavey
Mr. Sproul of Kansas with Mr. Berger.
Mr. Wurzbach with Mr. Cooper of Wisconsin.
Mr. White of Maine with Mr. Nelson of Wisconsin.
Mr. Woodyard with Mr. Browne.
Mr. Funk with Mr. Kvale.
Mr. Fredericks with Mr. Beck.

Mr. CONNERY. Mr. Speaker, my colleagues, Mr. GALLIVAN and Mr. DOUGLASS, are unable to be present. They asked me to say that if they were here they would vote yea.

The result of the vote was announced as above recorded.

PROMOTION OF RETIRED OFFICERS

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5028, an act for the promotion of certain officers of the United States Army now on the retired list, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 5028, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. JAMES, Mr. SPEAKS, Mr. QUIN.

INTEREST ON JUDGMENTS

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a letter written by Clarence W. DeKnight, an attorney of this city, to the President of the United States, dated June 21, 1926, relative to a bill introduced by the gentleman from Idaho [Mr. SMITH] referring to interest on judgments.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letter referred to is as follows:

OFFICE OF CLARENCE W. DE KNIGHT,
Washington, D. C., June 21, 1926.

The PRESIDENT,
The White House, Washington.

DEAR MR. PRESIDENT: On April 12, 1926, Province M. Pogue, chairman of the committee on commerce, trade, and commercial law of the American Bar Association, and myself, had a conference with you at the White House in regard to the provisions of H. R. 4082, pending in the Committee on the Judiciary of the House, to amend section 177 of the Judicial Code, so as to provide for the inclusion of interest in judgments of the Court of Claims and the district courts against the United States. The bill reads as follows:

"*Be it enacted, etc.*, That in an action against the United States to recover a liquidated debt a judgment for the claimant shall include interest at 6 per cent from the time the debt was due and payable, and in all other judgments against the United States the court shall include interest at the same rate as an element in the damages awarded if necessary fully to compensate the claimant. All judgments against the United States shall bear interest at the rate of 4 per cent from the date of such judgment until payment of the same."

Mr. Pogue invited your attention to the fact that this bill has the indorsement of the American Bar Association.

I submitted to you a letter to me dated February 4, 1926, from Assistant Attorney General Marshall "for the Attorney General," showing that Attorney General Sargent is in favor of this measure. Said letter is as follows:

"In reply to your letter of the 26th ultimo relative to the bill H. R. 4082, introduced by Representative ADDISON T. SMITH, of Idaho, providing for the payment of interest on certain judgments rendered against the United States, I beg to say that the department favors the principle of said bill but is not sure that the rate of interest should be as high as therein provided. The department will so report to Congress."

A report on this bill was requested of the Attorney General by the House Committee on the Judiciary January 21, 1926, but a report has not yet been sent to Congress.

February 2, 1926, the Attorney General advised the Director of the Budget of his intention to make a favorable report, but on February 20, 1926, the Attorney General received a statement from General Lord, the Director of the Budget, that a recommendation in favor of the bill would be in conflict with the financial program of the President. General Lord's statement to the Attorney General is as follows:

"I have presented this matter to the President, who has instructed me to advise you that the increase in Federal expenditures which would obtain under this proposed legislation would be in conflict with his financial program."

The object of the call of Mr. Pogue and myself was to try to get you to decide that the bill was not in conflict with your program of economy.

We invited attention to the fact that the United States was paying interest to alien enemies. As provided under section 23 of the trading with the enemy act as amended March 4, 1923, there has been $16,744,041.89 interest earned and allocated to the various trusts for distribution for the period from March 4, 1923, to March 4, 1926; and up to April 1, 1926, there has been paid $4,864,018.54, leaving a balance to be disbursed as of March 4, 1926, of $11,880,023.35. (See Hearings before a subcommittee of the Committee on Ways and Means, 69th Cong., 1st sess., on H. R. 10820, p. 77.) Of course this balance will be paid, and from March 4, 1926, interest in addition to the $16,744,041.89 will be computed and paid annually.

We felt that if the Government could afford to pay interest of approximately $5,000,000 annually to alien enemies the Government could afford to include interest in judgments against it of the Court of Claims and the United States District Courts. The amount of such interest would be negligible as compared with the interest being paid to alien enemies.

You inquired as to the total amount of judgments of the Court of Claims, and I stated that in my opinion they did not exceed $3,000,000 annually.

We understood from you that you felt that inasmuch as litigants in the Court of Claims and the United States District Courts in conducting suits against the United States had to wait for their money they were entitled to have interest included in their judgments. You stated that inasmuch as the Government was receiving upward of $138,000,000 per year on the foreign debt—the amount is $160,000,000 per year—you felt that this Nation could afford to include interest at 4 per cent per annum in judgments of the Court of Claims and the district courts against the United States, and that you would so advise General Lord, the Director General of the Budget.

Mr. Pogue and I stated to you that we were satisfied that the rate of interest at 6 per cent as set forth in the bill be changed, and the rate established at 4 per cent. April 13, 1926, the committee of which Mr. Pogue is chairman, at his suggestion included in its report to the forty-ninth annual meeting of the American Bar Association to be held at Denver, Colo., July 14, 15, 16, 1926, a recommendation that the rate of interest be established at 4 per cent.

As Congressman ADDISON T. SMITH had introduced the bill (H. R. 4082) largely because it had been indorsed by the American Bar Association, Mr. Pogue and I informed him of the result of our conference with you. April 12, 1926, at our suggestion, Congressman SMITH wrote the Attorney General calling his attention to the fact that you had informed Mr. Pogue that you would take up the bill again with General Lord. April 13, 1926, the Attorney General wrote to General Lord, forwarding him a copy of the Congressman's letter. The Attorney General's letter did not request an answer, but it was thought that after General Lord had conferred with you further on the bill that General Lord would advise the Attorney General of the result.

April 19, 1926, Mr. Pogue wrote to your Executive Secretary, Mr. Sanders, transmitting a statement which Mr. Pogue and I had worked out showing the total amount of judgments of the Court of Claims for the fiscal years 1920, 1922, 1924, and 1925. On April 21, 1926,

Mr. Sanders advised Mr. Pogue that he had promptly laid said letter before you. I have now succeeded in securing official statements covering the amount of judgments of the Court of Claims and the United States district courts for the past 22 years, and the same, together with comparative statements, are submitted herewith and will be discussed later on herein.

After waiting several weeks for the Department of Justice to hear from General Lord, we learned upon inquiry at the department that the Attorney General had not heard further. Mr. Pogue and I called upon General Lord to ascertain the reason for the delay.

General Lord informed us that since we had conferred with you on April 12, 1926, you had initialed a memorandum that you were still against the bill in the interest of economy, and that he had not considered it necessary to communicate further with the Attorney General.

General Lord read to us from a memorandum, which we presume he had laid before you, wherein he quoted figures to the effect that there were pending in the Court of Claims suits amounting approximately to $1,565,402,200.75. We pointed out to General Lord that these figures should not control; that they had absolutely no relation to the amount of judgments rendered.

For your information, from 1904 to June 8, 1926, a period of approximately 23 years, the number of cases disposed of by the Court of Claims is 30,532.

The amount claimed in the aggregate of the cases that went to judgment	$849, 678, 955. 77
The amount of judgments in aggregate	33, 770, 625. 43
Percentage of judgments to claims	4

Comparing the total of the amounts claimed with the total amount of the judgments rendered, it will be seen that the judgments represent approximately only 4 per cent.

It may be interesting to note that for that part of the fiscal year to June 8, 1926, which is only 22 days short of the entire fiscal year, the percentage dropped to a little over 1 per cent, as shown by our Exhibit A:

Aggregate claims	$60, 873, 800. 39
Judgments	1, 261, 024. 92
Percentage	1. 1

In view of the above comparatives, it is safe to assume that the $1,565,402,200.75 claimed in suits pending in the Court of Claims, when reduced to judgment, will not exceed $6,200,000. The average payments for the past 22 years to cover judgments of the Court of Claims is $1,378,766.

The test is not the amounts claimed, but the amounts of the judgments as compared with the amounts claimed. General Lord failed to take this into consideration.

There is also attached a statement prepared May 13, 1926, by the Division of Bookkeeping and Warrants, Treasury Department, showing the amounts appropriated for each fiscal year during the last 22 fiscal years, from 1904 to 1925, to cover the payment of judgments rendered by the Court of Claims and the United States district courts, from which it will be seen that for this period the total amount paid to cover judgments of the Court of Claims is only $30,322,868.55, while the total amount paid to cover judgments of the United States district courts against the United States during the same period is only $11,271,009.49.

For the fiscal years ending June 30, 1921, to June 30, 1925, four years, the Government has received from the railroads, as interest at 6 per cent on their indebtedness, $40,635,092.10 in excess of the cost of the money reckoned at 4¼ per cent (S. Rept. 600, 69th Cong., 1st sess.).

This interest was collected from the citizens of the United States. The railroads were permitted to increase their rates to enable them to pay this interest into the Treasury.

Upon what just theory of economy can the United States retain this money collected from its citizens by way of interest and at the same time refuse to permit interest to be included hereafter in judgments of the Court of Claims and the district courts against the United States?

A photostat hereto attached of a letter from the Commissioner of Internal Revenue, dated May 20, 1926, to Congressman ADDISON T. SMITH shows that within the last 10 months the Government has paid out by way of interest on internal-revenue refunds the sum of $33,773,855.13. Contrast this with the fact that the total amount of judgments of the Court of Claims paid from 1904 to 1925—a period of 22 fiscal years—amounts to only $30,322,868.55.

In other words, the amount of interest paid out on internal-revenue refunds during the past 10 months is $550,966.58 greater than the total amount of judgments of the Court of Claims in the past 22 fiscal years.

In view of this showing, is there any theory upon which it can be justly stated that the proposed inclusion of interest at the rate of 4 per cent in judgments hereafter rendered by the Court of Claims and district courts against the United States is contrary to any just and honest plan of economy, while at the same time interest will continue to be paid on tax refunds at 6 per cent?

It might be interesting to state that if the Government proves a set-off against the claimant's claim in the Court of Claims or the district courts, the Government is entitled to interest at 6 per cent on the amount of the set-off, whereas the claimant in most cases is entitled to no interest on the amount which he proves is due him. All judgments in favor of the United States carry interest at 6 per cent, while in most instances judgments against the United States carry no interest.

Commissioner Blair's letter states that the act approved November 22, 1921, was the first provision of law authorizing the payment of interest to taxpayers on refunds of taxes which were erroneously or illegally assessed and collected. The total amount of interest so paid to April 30, 1926, amounts to $76,367,837.88. It is estimated in view of the Girard Trust Co. decision handed down by the Supreme Court of the United States on March 1, 1926, wherein it was decided that the Government fell short about two months in computing interest on tax refunds, that at least $5,000,000 additional will have to be paid, thus bringing the grand total to April 30, 1926, by way of interest, to $81,367,837.88. This does not represent all of the interest paid since November 22, 1921, as no record of interest paid during the fiscal year 1922 was maintained.

Taking this $81,367,837.88 as the basis of comparison with the total amount of judgments of the Court of Claims and the district courts for the past 22 fiscal years, which in all amounts to $41,593,878.04, it will be seen that the total amount of interest that has been paid or will have to be paid on internal-revenue tax refunds in the past four years is practically double the total amount of the combined judgments of the Court of Claims and the district courts in the past 22 fiscal years. In the case of the internal-revenue refunds the figures which we are discussing, $81,367,837.88, represent all interest, while in the case of the judgments of the Court of Claims and the district courts very little interest is included in these judgments, and then only in special and exceptional cases, which emphasizes the injustice of denying interest to other litigants in these courts.

Senator Spooner, in the Senate on December 18, 1890, characterized some of the Government's dealings with its citizens as "infamous," and that the Government in denying interest acted "unjustly and dishonestly." Mr. Cockrell added: "That is so." (Cong. Rec. 639, 51st Cong., 2d sess.)

On January 17, 1885, Senator, later President, Harrison, speaking in the Senate, said, "I am inclined to agree * * * that in a great class of cases the Government should pay interest, but my point is that it should be done under some provision of law that makes the payment of interest equal and honest all around to its citizens, humble as well as influential, poor as well as rich." (Cong. Rec. 794, 48th Cong., 2d sess.)

The present system of distributing annually millions of dollars in interest to a certain preferred class of claimants and of denying interest to other classes of claimants is grossly unfair and discriminatory. Is it not more than that? In the language of two distinguished Senators is it not infamous and dishonest? The allowance of interest on refunds of internal revenue taxes is right and proper. But the Government should promptly go further and allow interest in every case where interest is necessary under all settled principles of law to make the claimant whole.

As already pointed out a report on this bill was requested of the Attorney General by the House Committee on the Judiciary, January 21, 1926, but during the past six months a report has not been sent to Congress, because at the request of Mr. Pogue and myself, Congressman SMITH asked that the bill be held at the department until a final expression of your views may be secured.

The comparatives herewith submitted show that the annual increase in the payment of interest which would obtain by this proposed legislation in contrast with the annual or monthly Federal expenditures for interest on internal revenue tax refunds is infinitesimal. In view of this fact, and of the expressions by Senators Spooner and Cockrell, and President Harrison, and of the fact that the bill has the indorsement of the American Bar Association, and in principle of Attorneys General Stone and Sargent, it is hoped that you will direct General Lord promptly to advise the Attorney General that if the rate of interest at 6 per cent as set forth in the bill is changed to 4 per cent, the bill meets with your approval and is not in conflict with your program of economy.

Respectfully, CLARENCE W. DEKNIGHT.

Year	Number of cases in the Court of Claims	Amount claimed in the aggregate of cases that went to judgment	Amount of judgments in the aggregate	Annual report of Attorney General, page No.—
1904	835	$1, 942, 348. 98	$429, 651. 83	63-64
1905	1, 198	18, 000, 000. 00	[1] 1, 061, 891. 07	50
1906	2, 959	31, 150, 724. 01	2, 957, 844. 28	39
1907	2, 669	7, 582, 858. 32	3, 698, 070. 03	40
1908	4, 580	6, 394, 283. 14	180, 797. 68	49
1909	264	3, 028, 320. 73	2, 028, 734. 00	63
1910	5, 899	3, 663, 035. 43	1, 226, 605. 58	63
1911	119	2, 680, 449. 50	457, 695. 05	67
1912	150	66, 243, 846. 38	1, 987, 841. 93	67
1913	529	12, 328, 713. 34	279, 614. 45	31
1914	2, 342	27, 559, 531. 28	306, 083. 83	75

[1] House Document 24, Fifty-ninth Congress, first session.

Year	Number of cases in the Court of Claims	Amount claimed in the aggregate of cases that went to judgment	Amount of judgments in the aggregate	Annual report of Attorney General, page No.—
1915	855	$21,638,313.78	[1]$1,090,772.96	71
1916	2,098	12,755,809.98	1,206,485.77	88
1917	606	16,900,874.71	1,271,665.89	111
1918	634	55,398,070.55	1,120,491.10	138
1919	874	26,019,362.91	637,999.81	73
1920	459	15,838,194.67	1,190,670.98	97
1921	253	27,562,686.61	887,234.30	44
1922	261	37,836,799.53	1,982,444.23	48
1923	183	44,103,758.24	1,017,137.51	56
1924	953	309,194,894.53	[2]4,672,761.25	50
1925	497	40,973,278.76	2,797,106.99	59
1926 to June 8	1,326	60,873,800.39	1,261,024.92	----------
	30,532	849,678,955.77	33,770,625.43	----------

[1] See reference to French spoliation claims.
[2] More than $1,600,000 of this amount can not be considered final, as the Government is taking action with a view to reversing Court of Claims.

Statement showing total amount of appropriations provided by Congress for payment of judgments rendered by the Court of Claims and by the United States courts, by fiscal years, from 1904 to 1925, inclusive

Fiscal year	Court of Claims	United States courts
1904	$443,195.56	$242,091.43
1905	633,823.70	187,696.03
1906	1,304,723.39	445,526.52
1907	6,161,845.95	142,585.85
1908	1,254,908.41	219,181.16
1909	127,214.33	220,065.14
1910	501,654.63	108,235.01
1911	4,688,127.18	650,823.68
1912	865.00	1,813.81
1913	581,704.18	246,810.85
1914	157,296.65	77,066.83
1915	219,775.17	194,678.19
1916	301,054.91	540,220.87
1917	1,071,414.49	691,811.47
1918	82,569.08	365,320.54
1919	1,750,524.18	367,892.95
1920	1,069,801.82	489,564.30
1921	1,178,235.47	125,289.41
1922	1,165,480.07	580,745.03
1923	2,449,852.80	798,589.77
1924	1,866,157.25	3,582,402.61
1925	3,312,644.33	991,708.04
	30,322,868.55	11,271,009.49

Division of Bookkeeping and Warrants, May 13, 1926.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, May 20, 1926.

Hon. ADDISON T. SMITH,
House of Representatives.

MY DEAR MR. SMITH: Your letter of May 19, 1926, addressed to the Secretary of the Treasury has been referred to this office for reply.

Section 1324 of the revenue act of 1921, approved November 23, 1921, was the first provision of law authorizing the payment of interest to taxpayers on refunds of taxes which were erroneously or illegally assessed and collected. The following statement shows the amount of refunds of taxes which have been allowed and approved for payment by this bureau for the fiscal years 1922 (the year in which legislation authorizing payment of interest was first enacted) to 1925, inclusive, and the first 10 months of the current fiscal year. The amount of interest paid to taxpayers, applying on refunds which have been allowed during this same period, is also shown.

Fiscal year	Amount of refunds of taxes	Amount of interest allowed to taxpayers
1922	$48,134,127.83	(1)
1923	123,992,820.94	$3,856,124.32
1924	137,006,225.65	7,174,400.37
1925	151,885,415.60	31,563,458.06
First 10 months, 1926	135,828,088.23	33,773,855.13

[1] No separate record of interest paid during the fiscal year 1922 was maintained.

I trust these figures will give you the information which you desire.

Sincerely yours,

D. H. BLAIR, *Commissioner.*

Respectfully referred to Mr. DeKnight for his information.

ADDISON T. SMITH.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 27, 1925.

Hon. GEORGE S. GRAHAM,
Chairman Committee on the Judiciary.

MY DEAR CONGRESSMAN GRAHAM: I have your letter of January 14, 1925, referring for the consideration and recommendation of this department H. R. 11583, being a bill relating to interest upon claims against the United States. The application of such legislation would, no doubt, be very broad and would cause a very great increase in the amount of money that would be recovered against the Government in the event that the Government is liable at all in many claims now pending as well as claims in the future. It would be practically impossible to estimate the amount of the expenditure this legislation would cause on behalf of the Government. There is no way in which I could be informed of all the claims now pending whether in courts or still pending in the departments against the Government, as well as prospective claims; nor is there any way I could ascertain the extent to which the Government may ultimately be held liable in such claims.

On January 12, 1925, there were pending under the general jurisdiction of the Court of Claims 2,394 cases, the total amount claimed aggregating $1,565,402,200.75. Of course, some of these claims are already bearing interest, either by virtue of contract provisions, legislation with reference to income-tax refunds, or court decisions concerning just compensation; however, a substantial portion are not bearing interest.

As a matter of principle, I am inclined to believe that it is only right that liquidated claims against the Government, including judgments, should include interest. I also feel that interest should be included as an element where necessary to give just compensation to claimants. In view, however, of the fact that the Government is a solvent debtor and that it suffers more or less from dilatory practice and procedure in claims made against it, I think something less than the usual rate of interest recognized in the several States would be proper, if interest is to be allowed against the Government.

Sincerely yours,

(Signed) HARLAN F. STONE,
Attorney General.

DEPARTMENT OF JUSTICE,
Washington, D. C., February 4, 1926.

CLARENCE W. DEKNIGHT, Esq.,
Attorney at Law, Hibbs Building, Washington, D. C.

SIR: In reply to your letter of the 26th ultimo relative to the bill (H. R. 4082) introduced by Representative ADDISON T. SMITH of Idaho providing for the payment of interest on certain judgments rendered against the United States, I beg to say that the department favors the principle of said bill but is not sure that the rate of interest should be as high as therein provided. The department will so report to Congress.

Thanking you for your letter, I am,

Very respectfully,

For the Attorney General:

JOHN MARSHALL,
Assistant Attorney General.

LEAVE TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for three minutes. Is there objection?

Mr. GRAHAM. Mr. Speaker, I must object at this time. Later, if the gentleman wants to address the House I probably shall have no objection to it.

The SPEAKER. The gentleman from Pennsylvania objects.

APPEALS FROM INTERLOCUTORY ORDERS IN CRIMINAL CASES

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4331) prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action, which I send to the desk and ask to have read.

The Clerk read, as follows:

Be it enacted, etc., That nothing contained in any act of Congress shall be construed to empower the Court of Appeals of the District of Columbia to allow an appeal from any interlocutory order entered in any criminal action or proceeding or to entertain any such appeal heretofore or hereafter allowed or taken.

The SPEAKER. Is a second demanded? If not the question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken.

The SPEAKER. In the opinion of the Chair, two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled, bills and resolutions of the following titles, when the Speaker signed the same:

H. R. 818. An act for the relief of William A. Glasson;
H. R. 2531. An act for the relief of Edward Johnston;
H. R. 4001. An act to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud;
H. R. 4119. An act for the relief of Edward R. Ledwell;
H. R. 5105. An act for the relief of Maude J. Booth;
H. R. 5701. An act to designate the times and places of holding terms of the United States District Court for the District of Montana;
H. R. 6149. An act for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps;
H. R. 7678. An act for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge *209;*
H. R. 7817. An act to establish a national military park at the battle fields of the siege of Petersburg, Va.;
H. R. 8903. An act to authorize the sale and disposition of the abandoned tract or tracts of lands formerly used as a life-saving station in Florida, and for other purposes;
H. R. 9039. An act to amend section 8 of the act approved March 1, 1911 (36 Stat. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers";
H. R. 9387. An act to revise the boundary of the Sequoia National Park, Calif.;
H. R. 10052. An act to authorize the sale of the Mesa Target Range, Ariz.;
H. R. 10226. An act to correct the military record of John P. Daley;
H. R. 10661. An act to amend the immigration act of 1924;
H. R. 10973. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;
H. R. 11203. An act to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924;
H. R. 11446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;
H. R. 12596. An act to authorize the leasing of unallotted irrigable land on Indian reservations;
H. R. 12703. An act granting the consent of Congress to Brownsville & Matamoros Municipal Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at Brownsville, Tex.;
S. J. Res. 25. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam;
S. 569. An act to authorize the transfer of surplus books from the Navy Department to the Interior Department;
S. 1344. An act to amend paragraph (11), section 20, of the interstate commerce act;
S. 1472. An act to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.;
S. 2042. An act relating to the Office of Public Buildings and Public Parks of the National Capital;
S. 2516. An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States;
S. 3148. An act to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia;
S. 3405. An act to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys;
S. 3453. An act to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek, in the District of Columbia;
S. 3999. An act to provide a parole commission for the District of Columbia, and for other purposes;
S. 4033. An act to authorize the Secretary of War to grant easements in and upon the public lands and properties at Canal Bridge, on the Fox River, in Kaukauna, Wis., to the city of Kaukauna, for public-road purposes;
S. 4408. An act to authorize the granting of leave to ex-service men and women employed in the municipal government of the District of Columbia to attend the annual convention of the American Legion in Paris, France, in 1927;
S. 4419. An act authorizing the Shipping Board to give a preference rate to alien veterans and their families;
S. 4430. An act authorizing the Department of State to deliver to Hon. WILLIAM B. MCKINLEY, United States Senator from the State of Illinois, and permitting him to accept the decoration and diploma presented by the Government of France;
S. 4431. An act to authorize the sale of a parcel of land in the town of Westport, Conn.;
H. R. 814. An act for the relief of James L. Cardwell;
H. R. 817. An act for the relief of Sam Tilden;
H. R. 1252. An act for the relief of John Regan;
H. R. 1257. An act for the relief of Silas Overmire;
H. R. 1394. An act for the relief of Henry O'Brien;
H. R. 1598. An act for the relief of Robert E. A. Landauer;
H. R. 2042. An act for the relief of Joseph L. Keresey;
H. R. 2268. An act for the relief of Michael J. Leo;
H. R. 2328. An act for the relief of Edith L. Bickford;
H. R. 2632. An act for the relief of Mr. and Mrs. Charles Vanderveer;
H. J. Res. 232. Joint resolution to provide for the expenses of delegates of the United States to the International Sanitary Conference to meet at Paris on May 10, 1926;
H. R. 2324. An act for the relief of Joe F. Jenkins;
H. R. 12890. An act to amend an act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926.
H. R. 12369. An act to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended;
H. R. 12495. An act to regulate the issue and validity of passports, and for other purposes;
H. R. 12796. An act granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga.;
H. R. 10277. An act to amend the World War adjusted compensation act;
H. R. 10446. An act validating the application for and entry of certain public lands by Myrtle Sullinger;
H. R. 10605. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;
H. R. 10774. An act to amend section 15 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;
H. R. 11510. An act to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes;
H. R. 9707. An act for the relief of L. L. Kyle;
H. R. 9606. An act for the relief of L. J. Houghtaling;
H. R. 9324. An act for the relief of George A. McKenzie, alias William A. Williams;
H. R. 11713. An act to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi;
H. R. 11820. An act granting an annuity to Clyde L. West;
H. R. 12264. An act to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes;
H. R. 11943. An act providing for an additional building for the use of the police court of the District of Columbia;
H. R. 12211. An act to amend section 4009 of the Revised Statutes;
H. R. 10058. An act to authorize notaries public and other State officers to administer oaths required by the United States;
H. R. 9234. An act to change the military record of Thomas Dowling, alias James Murphy;
H. R. 2633. An act for the relief of Anna Jeanette Weinrich;
H. R. 2676. An act to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with $1,646.86, representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war;

H. R. 3529. An act for the relief of Genevieve Hendrick;
H. R. 4033. An act granting consent of Congress to the Hidalgo & Reynosa Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;
H. R. 4307. An act for the relief of the village of Harbor Springs, Mich.;
H. R. 8961. An act for the relief of William E. Jones;
H. R. 4677. An act for the relief of the Carroll Motor Co.;
H. R. 5218. An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868;
H. R. 7011. An act for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate and Bertha E. Roy and Max A. Roy and J. M. Frost and J. J. Settegast and Emma Hellberg and Laura Lackner and F. W. Lackner;
H. R. 8048. An act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes;
H. R. 8174. An act for the relief of Ruth Gore;
H. R. 8564. An act for the relief of Lewis J. Burshia;
S. 2188. An act for the relief of G. C. Allen;
S. 2273. An act conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman;*
S. 3053. An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes;
S. 4171. An act to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.;
S. 4320. An act for the relief of the State of North Carolina;
S. 4331. An act prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action;
S. 4348. An act granting the consent of Congress to compacts or agreements between the States of Idaho, Wyoming, Washington, and Oregon with respect to the division and apportionment of the waters of the Snake River and its tributaries;
S. J. Res. 51. Joint resolution providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery;
S. J. Res. 104. Joint resolution authorizing the call of a conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii;
S. J. Res. 126. Joint resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation;
S. 1035. An act relating to contempts;
H. R. 1692. An act for the relief of Agnes De Jardins;
H. R. 4263. An act for the relief of Etelka Bell;
H. R. 10504. An act to amend the act approved June 4, 1897, by authorizing an increase in the cost of lands to be embraced in the Shiloh National Military Park, Pittsburg Landing, Tenn.;
H. R. 11376. An act to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of the Interior;
H. R. 11946. An act to increase the clothing and cash gratuity furnished to persons discharged from prisons;
H. R. 7. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof;
H. R. 3802. An act to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes;
H. R. 13040. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, June 30, 1927, and for other purposes; and
H. R. 13214. An act to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

NATIONAL ARBORETUM

Mr. HAUGEN. Mr. Speaker, I move to suspend the rules and pass the bill S. 1640.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 1640) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to establish and maintain a park and national arboretum for recreational purposes and for purposes of research and education concerning tree and plant life. For the purposes of this act (1) the President is authorized to transfer to the jurisdiction of the Secretary of Agriculture, by Executive order, any land which now belongs to the United States within or adjacent to the District of Columbia located along the Anacostia River north of Benning Bridge, and (2) the Secretary of Agriculture is authorized in his discretion to acquire, within the limits of the appropriation authorized by this act, by private purchase, condemnation proceedings, or gift, land so located or other land within or adjacent to the District of Columbia.

SEC. 2. That there is hereby authorized to be appropriated a sum not to exceed $300,000, to be expended under the direction of the Secretary of Agriculture for the acquisition of land as specified in section 1. No payment shall be made by the United States for any such land until the title thereto is satisfactory to the Attorney General and is vested in the United States.

SEC. 3. That in order to stimulate research and discover, the national arboretum established by the Secretary of Agriculture in accordance with the provisions of this act shall be under competent scientific direction. The arboretum shall be administered by the Secretary of Agriculture separately from the agricultural, horticultural, and forestry stations of the Department of Agriculture, but it shall be so correlated with them as to bring about the most effective utilization of its facilities and discoveries.

The SPEAKER. Is a second demanded?

Mr. BLACK of Texas. Mr. Speaker, I demand a second.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7) entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested.

S. 244. An act for the relief of Elizabeth W. Kieffer;
S. 597. An act for the relief of Morgan Miller;
S. 2691. An act to repeal the first proviso of the act entitled "An act granting certain public lands to the city of Phoenix, Ariz., for municipal park and other purposes," approved March 3, 1925; and
S. 3423. An act authorizing the removal of the Bartholdi Fountain from its present location and authorizing its reerection on other public grounds in the District of Columbia.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1035) relating to contempts.

The message also announced that the Senate had insisted upon amendments to the bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. WADSWORTH, Mr. REED of Pennsylvania, and Mr. GEORGE act as the conferees on the part of the Senate.

APPOINTMENT OF COMMITTEE TO WAIT UPON THE PRESIDENT

Mr. TILSON. Will the gentleman from Iowa yield to me? I wish to present for present consideration a resolution which must be messaged to the Senate.

Mr. HAUGEN. I yield.

Mr. WINGO. What has become of the farm relief bill of the gentleman from Iowa?

Mr. TILSON. It is withheld for a moment until this resolution passes.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 315

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate to wait upon the President of the United States to inform him that the two Houses have completed the business of the present session, and are ready to adjourn unless the President has some other communication to make to them.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Chair appoints the gentleman from Connecticut [Mr. TILSON] and the gentleman from Tennessee [Mr. GARRETT].

NATIONAL ARBORETUM

The SPEAKER. Without objection, a second will be considered as ordered. The Chair hears no objection. The gentleman from Iowa is entitled to 20 minutes and the gentleman from Texas is entitled to 20 minutes.

Mr. HAUGEN. Mr. Speaker, the object of the bill is to authorize the transfer of 400 acres of Government-owned land, to authorize the purchase of a tract of 408 acres of land, and authorize the appropriation of $300,000, and authorize the establishment of an arboretum on the Anacostia River, District of Columbia.

Mr. MICHENER. Will the gentleman state in a few words what the word "arboretum" means as applied here?

Mr. HAUGEN. It means the collection of plants and trees and research work along such lines as——

Mr. WINGO. What is that? We could not hear the gentleman.

Mr. HAUGEN. Research work, plants, removal of trees, and information along such lines.

Mr. WINGO. What particular farm organization wants this?

Mr. HAUGEN. The Department of Agriculture recommends it, and it is in the interest of agriculture. I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MICHENER). The gentleman from Iowa reserves the remainder of his time. The gentleman from Texas [Mr. BLACK].

Mr. RANKIN. Mr. Speaker, the gentleman from Texas has control of the time and has left me to control the time, and I yield myself five minutes.

Mr. WINGO. The gentleman from Texas left the gentleman from Mississippi in control of the time, and I ask unanimous consent that he may control the time.

The SPEAKER pro tempore. The gentleman from Texas has left his time in the control of the gentleman from Mississippi, and Mr. RANKIN asks unanimous consent that he may yield himself five minutes. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and fifty-four Members are present, not a quorum.

Mr. HAUGEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 136]

Aldrich	Douglass	Kiess	Sabath
Allen	Doyle	Kirk	Shreve
Allgood	Drane	Knutson	Sinclair
Andrew	Drewry	Kopp	Smith
Anthony	Driver	Kunz	Spearing
Appleby	Dyer	Kvale	Sproul, Ill.
Arentz	Eaton	Lanham	Sproul, Kans.
Arnold	Ellis	Larsen	Stalker
Ayres	Esterly	Lea, Calif.	Steagall
Bacharach	Evans	Lee, Ga.	Stedman
Bachmann	Fish	Letts	Stephenson
Bankhead	Fitzgerald, W. T.	Lineberger	Stobbs
Beck	Foss	Lowrey	Sullivan
Begg	Fredericks	Luce	Sweet
Bell	Free	Lyon	Swoope
Berger	Freeman	McClintic	Taylor, N. J.
Blanton	Frothingham	McDuffie	Taylor, Tenn.
Bloom	Fulmer	McKeown	Tillman
Boles	Funk	McLeod	Tincher
Brand, Ga.	Gallivan	Madden	Tinkham
Brand, Ohio	Garber, Okla.	Magee, Pa.	Treadway
Britten	Garner, Tex.	Magee, N. Y.	Tucker
Browne	Garrett, Tex.	Mansfield	Upshaw
Brumm	Glynn	Merritt	Vaile
Buchanan	Golder	Michaelson	Vare
Butler	Greenwood	Moore, Ohio	Vinson, Ga.
Campbell	Harrison	Morrow	Voigt
Canfield	Hawes	Nelson, Me.	Wefald
Carter, Calif.	Hayden	Nelson, Wis.	Welsh
Carter, Okla.	Hogg	Newton, Mo.	White, Me.
Cleary	Hudson	O'Connell, R. I.	Whitehead
Cole	Hudspeth	Oliver, Ala.	Whittington
Colton	Hull, Wm. E.	Oliver, N. Y.	Williams, Tex.
Connally, Tex.	Jeffers	Patterson	Williamson
Connolly, Pa.	Jenkins	Peavey	Winter
Cooper, Ohio	Johnson, Ind.	Perlman	Wolverton
Cooper, Wis.	Johnson, Ky.	Phillips	Wood
Corning	Jones	Pratt	Woodyard
Cox	Kahn	Ransley	Wright
Cramton	Keller	Rayburn	Wurzbach
Crisp	Kelly	Reece	Wyant
Davis	Kemp	Reid, Ill.	Yates
Deal	Kendall	Robsion, Ky.	
Dempsey	Ketcham	Rouse	
Dickinson, Mo.	Kiefner	Rutherford	

The SPEAKER. Two hundred and forty-nine Members are present, a quorum. Without objection, further proceedings under the call will be dispensed with.

Mr. KINCHELOE. Reserving the right to object, Mr. Speaker, I wish to say that when the Clerk was calling the roll I was standing here, and I do not wish to be recorded among the absentees.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Speaker, in consideration of the press of business and the desire of Members to call up other bills I will withdraw the bill, S. 1640.

PUBLIC UTILITIES COMMISSION, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up from the Speaker's table the bill H. R. 11119, with Senate amendments, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 11119, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11119) to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

RELIEF OF THE VILLAGE OF HARBOR SPRINGS, MICH.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4307, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read, as follows:

A bill (H. R. 4307) for the relief of the village of Harbor Springs, Mich.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

DETAIL OF ARMY OFFICERS OF THE AIR CORPS OF THE ARMY TO DUTY UNDER THE SECRETARY OF COMMERCE

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 126, and agree to the same.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table S. J. Res. 126. The Clerk will report it by title.

The Clerk read as follows:

Senate Joint Resolution 126

Joint resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, how many officers of the Army are expected to be detailed?

Mr. JAMES. Two or three.

Mr. LAGUARDIA. This is only temporary.

Mr. SCHAFER. All right.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized in his discretion to detail officers of the Air Corps of the Army of the United States to duty under the Secretary of Commerce in connection with the work of promoting civil aviation, as provided in the air commerce act of 1926: *Provided*, That such detail shall not be for a period of more than one year.

Mr. HUDDLESTON. Mr. Speaker, how does this resolution come before the House?

The SPEAKER. By unanimous consent. No objection was made.

Mr. HUDDLESTON. Is there a report on it from the House committee?

Mr. JAMES. No. It was just passed by the Senate.

Mr. HUDDLESTON. Has there been action on it by the House committee?

Mr. TILSON. No. It was only quite recently discovered that this can not be done in the Army. It is provided for in the Navy. It is necessary to pass this legislation in order that it may be done in the Army.

Mr. HUDDLESTON. Has the unanimous-consent request been submitted?

The SPEAKER. Yes; it has been submitted, and no objection made. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

REGULATING CONVICT LABOR

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the so-called Cooper bill, regulating convict labor.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER. Mr. Speaker, ladies, and gentlemen, bill 8653, divesting prison-made goods of their interstate-commerce feature in such a way that such goods will be liable to the regulatory laws of the respective States, is now on the House Calendar. This legislation was reported favorably by the Committee on Labor after extensive hearings.

The State Board of Control of the State of Wisconsin has jurisdiction over the State penal institutions of Wisconsin. Mr. John J. Hannan, president of said board of control, appeared before the Labor Committee in opposition to H. R. 8653 on March 5 and March 25, 1926. The present members of the board, including Mr. Hannan, are appointees of Governor Blaine.

The Wisconsin News of Wednesday, June 30, in headlines entitled "Blaine flays centralized government," quotes part of the governor's speech delivered at Almena, Wis., on said date, as follows:

> Congressional acts have taken away from the States the right of a State to enact even quarantine laws to protect the products and the industry of our people. Our State court decisions are set aside by Federal pronouncements. State legislation is made null and void by congressional action.

The opposition of Mr. Hannan to H. R. 8653 surely does not harmonize with the above-quoted utterance of the governor who appointed him.

Mr. CONNERY. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. CONNERY. I would like to know whether the gentleman from Wisconsin is in favor of the bill which we had in the Committee on Labor to divest convict-made goods of their interstate character upon reaching the States?

Mr. SCHAFER. I am absolutely in favor of the bill as reported out by your committee. The American Federation of Labor and many other labor organizations, State and national, have appeared in favor of this bill, as well as employers of labor. I regret that Mr. Hannan, president of the State Board of Control of Wisconsin, came to Washington and opposed this legislation before the committee on March 5 and March 25.

If House bill 8653 should be enacted, the Federal Government of the United States would not be taking rights away from the States, but would be vesting in the States authority to regulate prison-made goods shipped in interstate commerce. Each State would be permitted to be the judge of its own policy on an important problem without interference by any other State or the Federal Government. The bill gives to the States the right to enact laws to protect the products and industry of their people, and should be supported by all who condemn centralized Government in Washington.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to proceed for two additional minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. SCHAFER. The president of the State Board of Control of Wisconsin should not have to come to Washington on two separate occasions to protest against the passage of this legislation. The money of the taxpayers of Wisconsin could have been expended for better purposes. I am confident that in opposing this bill Mr. Hannan did not express the sentiments of the citizens of Wisconsin. I sincerely hope that when Congress shall reconvene it will speedily enact House bill 8653, notwithstanding the objection of the president of the Wisconsin State Board of Control, Mr. John J. Hannan.

Mr. CONNERY. Will the gentleman yield further?

Mr. SCHAFER. Yes.

Mr. CONNERY. I would like to state to the gentleman that that bill was reported to the House in plenty of time to have it taken up by the House if the Republican leaders wanted it to come before the House, just the same as the veterans' legislation was, and that the onus for this bill not coming before the House is not on that committee but is upon the Republican leaders of the House of Representatives.

Mr. SCHAFER. I indorse the committee's action in reporting the bill.

Mr. CHINDBLOM. How could they pass the bill in view of the objection of your State?

Mr. SCHAFER. Mr. Hannan's opposition does not represent the position of the citizens of Wisconsin. This bill should be passed.

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

JURISDICTION OF COURT OF CLAIMS

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1857) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass Senate bill 1857, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Court of Claims shall certify to the proper accounting officers of the United States the findings of fact heretofore made for claimants in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States in United States *v.* Morton (vol. 112, U. S. Repts. p. 1) and United States *v.* Watson (vol. 130, U. S. Repts. p. 80), and of the Court of Claims in Stewart *v.* United States (vol. 34, C. Cls. Repts. p. 553).

And that the proper accounting officers of the United States shall proceed to settle the claims so certified and all other claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, in accordance with the decisions of the courts of the United States in all cases in which heretofore, namely, between 1890 and 1908, such claims were disallowed by any accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall prevent a settlement under the terms of this act of any such disallowed claim. Every such claim shall be payable to the claimant or to his widow or to his legal representative: *Provided*, That no claim hereunder shall be allowed if made by any person who is an assignee of such claim nor to a legal representative without proof of the existence of blood relations to whom the fund would be distributed: *Provided further*, That it shall be unlawful for any agent or attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting any claim under this act to charge or receive more than 20 per cent of any amount appropriated in satisfaction of the claim.

The SPEAKER. Is a second demanded?

Mr. McSWAIN. Mr. Speaker, I demand a second; and in that connection let me say I am very much opposed to this bill. I do not propose to see it pass at this session if I can prevent it. I think if there are other measures that gentlemen would like to have come before the House it would expedite business if my friend would withdraw this matter from consideration now, because this is a matter that ought to have the consideration of the Committee on Military Affairs. I have not had the time to read the long report referred to and I am opposed to the bill. If I can prevent its passage at this time it will be my duty, as I see it, to do so.

Mr. GRAHAM. I do not understand the gentleman.

Mr. McSWAIN. I will make the point of no quorum, and if the gentleman holds the floor he will prevent other bills from coming up.

Mr. GRAHAM. Did not the gentleman say he did not know what this bill is?

Mr. McSWAIN. I think I know what it is. It is to pay people who went to school at public expense.

Mr. GRAHAM. That is correct to a slight extent.

Mr. McSWAIN. That is my understanding. I paid for my education and I happened to pay for the education of the boys who went to this school. I am opposed to the bill.

Mr. WINGO. Is not this the situation? Possibly my friend has not observed that this bill will put officers upon the same status that the courts have held other officers were entitled to in order to meet a decision of the comptroller in a few cases involving the period from 1890 up to about 1900. In other words, it is to make applicable to a small group of men what the Supreme Court has said is applicable to all the rest of the graduates of the Military Academy. In all fairness, why not do that, let me ask my friend? Let us assume it was wrong in the first instance. The gentleman believes in equality. Let us not discriminate against these men.

Mr. McSWAIN. The Congress of the United States by express legislation has denied this longevity pay to any West Point graduate since the year 1912, and it took the Congress to do it, because the court had slipped in and said that a man in West Point was in the Army. This Congress wiped that out, and I am going to put those back in that period on an equality with the boys there now and with everybody that has been there in the last 14 years under the act of Congress as it now stands. That is the kind of equality we want, in my opinion.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken.

The SPEAKER. In the opinion of the Chair, two-thirds having voted in favor thereof——

Mr. HUDDLESTON. Mr. Speaker, is that supposed to be a vote on this motion? I make the point of order that a quorum of the House is not present.

The SPEAKER. The Chair will count.

Mr. SNELL. The bill has been passed. The Speaker has declared it passed.

Mr. McSWAIN. Mr. Speaker, that is not fair to Mr. HUDDLESTON. I have never withdrawn my demand for a second. I sat down and I turned to Mr. HUDDLESTON and said, "Now, Mr. HUDDLESTON, if you want to take up the fight, you can do it." This is not fair to him.

Mr. HUDDLESTON. It is not a matter of being fair to me. It is a matter of square shooting with respect to the Members of the House.

Mr. RAMSEYER. The gentleman did not withdraw his demand for a second?

Mr. McSWAIN. No; I did not open my mouth on that.

The SPEAKER. The Chair will count.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHINDBLOM. Does the point of order of no quorum apply to the vote upon the bill?

The SPEAKER. The Chair thinks it will apply to the vote upon the bill inasmuch as a second had been demanded. The Chair put the question on the motion of the gentleman to suspend the rules. If a quorum fails to develop, there is an automatic roll call.

Mr. GRAHAM. If it is going to interfere with the closing business of this session——

The SPEAKER. There is but one roll call, as the matter now stands, on the motion to suspend the rules.

Mr. HUDDLESTON. There will be no further legislation during the balance of this session if that kind of procedure is followed.

Mr. CHINDBLOM. Mr. Speaker, there was no action taken upon the demand for a second.

Mr. HUDDLESTON. A second has never been ordered.

Mr. CHINDBLOM. No action was taken upon the demand for a second.

The SPEAKER. The gentleman from South Carolina demanded a second and took his seat thereafter.

Mr. McSWAIN. Surely, Mr. Speaker, I took my seat after I had notified the parties I would make a point of no quorum if they insisted upon consideration of the bill. I want to be perfectly fair to the Speaker and state that, of course, my conduct was enough to mislead the Chair, but the gentleman from Alabama [Mr. HUDDLESTON] had informed me that he would use every measure for the purpose of preventing this bill from passing at this time, just as I was appealed to by some personal friends. Without withdrawing the matter, I turned to Mr. HUDDLESTON and said, "Now, GEORGE, you can take up the matter if you want to," but I never withdrew my demand for a second, and the question I turned over to Mr. HUDDLESTON was the question of no quorum. I know that the Speaker was misled by my conduct, but I did not, by word of mouth, withdraw my demand for a second. The point I was seeking to recede from was the point of no quorum and not the demand for a second.

The SPEAKER. The Chair wants to be absolutely fair in this matter, and while he personally thinks that the Chair is correct in holding that the absence of a quorum would develop a roll call, in view of what the gentleman has said——

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to withdraw the bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to withdraw the bill. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, I present a conference report on the bill H. R. 7, the civil service retirement bill.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. J. Res. 98. Joint resolution for the relief of R. S. Howard Co.;

H. R. 658. An act for the relief of Harry Coventry;

H. R. 816. An act for the relief of W. F. Morgareidge;

H. R. 821. An act for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho;

H. R. 949. An act for the relief of John H. Cowley;

H. R. 1136. An act for the relief of Richard Weatherston;

H. R. 1565. An act for the relief of Pirtle Handley;

H. R. 1580. An act authorizing the Secretary of the Interior to sell and patent to David A. Vincent certain lands in Oklahoma;

H. R. 1718. An act for the relief of Harold Holst;

H. R. 2136. An act for the relief of Lieut. Frederick G. Matthews;

H. R. 2254. An act for the relief of Howard A. Mount;

H. R. 3142. An act for the relief of Benito Viscaina and Maria Viscaina;

H. R. 3448. An act for the relief of John Solen;

H. R. 3454. An act for the relief of certain Indian policemen in the Territory of Alaska;

H. R. 3592. An act for the relief of Johanna B. Weinberg;

H. R. 3763. An act to prevent delay in the promotion of officers of the Navy and Marine Corps;

H. R. 4252. An act for the relief of Thomas H. Burgess;

H. R. 4323. An act for the relief of the Nebraska Buick Co.;

H. R. 4414. An act for the relief of Archie Eggleston, an Indian of the former Isabella Reservation, Mich.;

H. R. 4664. An act for the relief of Arthur H. Bagshaw;

H. R. 5063. An act for the relief of P. H. Donlon;

H. R. 5223. An act to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies;

H. R. 5441. An act for the relief of Geraldine Kester;

H. R. 5786. An act for the relief of Rachel Thomas, widow of William Thomas, deceased;

H. R. 5810. An act granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State;

H. R. 6003. An act for the relief of Charles B. Beck;

H. R. 6226. An act for the relief of Edward N. Moore;

H. R. 6267. An act for the relief of Joseph F. MacKnight;

H. R. 6921. An act to correct the military record of James Perry Whitlow;

H. R. 7016. An act for the relief of Hensler Bros.;

H. R. 7027. An act for the relief of J. B. Elliott;

H. R. 7104. An act to quiet title and possession with respect to certain lands in Baldwin County, Ala.;

H. R. 7395. An act for the relief of Emanuel Xuiereb;

H. R. 7674. An act for the relief of Capt. H. Bert Knowles;

H. R. 8120. An act to create within the San Bernardino National Forest in Riverside County, Calif., a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve;

H. R. 8331. An act for the relief of Folkert Coleman, of Port Huron, Mich., and Carey D. Ferguson, collector of customs and special disbursing agent for the Treasury Department at Detroit, Mich.;

H. R. 8592. An act to further amend section 125 of the national defense act of June 3, 1916, as amended;

H. R. 9089. An act for the relief of Mabel Blanche Rockwell;

H. R. 9135. An act for the relief of Natalie Summers;

H. R. 9274. An act to release and quitclaim title of certain lands to Holyman Battle and his successors in interest;

H. R. 9496. An act authorizing the Secretary of the Interior to convey certain lands reserved for park and other purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla.;

H. R. 9967. An act authorizing an expenditure of $6,000 from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation;

H. R. 10020. An act for the relief of William Knabe;

H. R. 10109. An act for the relief of Virginia Strickland;

H. R. 10489. An act to perfect the homestead entry of John Hebnes;

H. R. 10641. An act for the relief of Elias Field;

H. R. 11094. An act for the relief of Capt. F. J. Baker and Capt. George W. Rees, United States Army;

H. R. 11123. An act to establish a term of the United States Circuit Court of Appeals, at Oklahoma City, Okla.;

H. R. 11329. An act for the relief of certain counties in the States of Oregon and Washington within whose boundaries the revested Oregon & California Railroad Co. grant lands are located;

H. R. 12313. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.;

H. R. 12314. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.;

H. R. 12537. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.;

H. R. 12538. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.;

H. R. 8903. An act to authorize the sale and disposition of the abandoned tract or tracts of lands formerly used as a life-saving station in Florida, and for other purposes;

H. R. 13040. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes;

H. R. 92. An act fixing postage rates on hotel and steamship room keys and tags;

H. R. 534. An act to remove the charge of desertion from the record of Benjamin S. McHenry;

H. R. 1952. An act for the relief of T. Arthur Moore;

H. R. 4842. An act for the relief of F. G. Alderete;

H. R. 6080. An act for the relief of J. M. Hedrick;

H. R. 6728. An act to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes;

H. R. 7370. An act to amend an act entitled "An act to authorize the sale of burnt timber on the public domain," approved March 4, 1913;

H. R. 7371. An act to define trespass on coal land of the United States and to provide a penalty therefor;

H. R. 7524. An act for the relief of Neil Mullane;

H. R. 7532. An act to provide payment for services rendered in preparation for the international conference on traffic in habit-forming narcotic drugs;

H. R. 7942. An act for the relief of James E. Judge, sr.;

H. R. 9637. An act to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway;

H. R. 11060. An act to authorize the extension of the application of the act entitled "An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes," approved October 5, 1914;

H. R. 11716. An act granting to Northern Paper Mills certain islands in the Menomonee River;

H. R. 818. An act for the relief of William A. Glasson;

H. R. 2531. An act for the relief of Edward Johnston;

H. R. 4001. An act to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud;

H. R. 4119. An act for the relief of Edward R. Ledwell;

H. R. 5105. An act for the relief of Maude J. Booth;

H. R. 5701. An act to designate the times and places of holding terms of the United States District Court for the District of Montana;

H. R. 6149. An act for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps;

H. R. 7678. An act for the relief of the New York Canal & Great Lakes Corporation, owners of the steamer *Monroe* and barge *209*;

H. R. 7817. An act to establish a national military park at the battle fields of the siege of Petersburg, Va.;

H. R. 9387. An act to revise the boundary of the Sequoia National Park, Calif.;

H. R. 10052. An act to authorize the sale of the Mesa Target Range, Arizona;

H. R. 10226. An act to correct the military record of John P. Daley;

H. R. 10661. An act to amend the immigration act of 1924.

H. R. 10973. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;

H. R. 11203. An act to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924;

H. R. 11446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12596. An act to authorize the leasing of unallotted irrigable land on Indian reservations;

H. R. 12703. An act granting the consent of Congress to Brownsville & Matamoros Municipal Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at Brownsville, Tex.;

H. R. 1252. An act for the relief of John Regan;

H. R. 1257. An act for the relief of Silas Overmire;

H. R. 2042. An act for the relief of Joseph L. Keresey;

H. R. 2676. An act to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with $1,646.86, representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war;

H. R. 4677. An act for the relief of the Carroll Motor Co.;

H. R. 5218. An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868;

H. R. 9234. An act to change the military record of Thomas Dowling, alias James Murphy;

H. R. 10446. An act validating the application for and entry of certain public lands by Myrtle Sullinger;

H. R. 11713. An act to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi;

H. R. 12211. An act to amend section 4009 of the Revised Statutes;

H. R. 12264. An act to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes;

H. R. 12369. An act to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended;

H. R. 3802. An act to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes;

H. R. 13214. An act to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

H. R. 7. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof;

H. R. 817. An act for the relief of Sam Tilden;

H. R. 1692. An act for the relief of Agnes De Jardins;

H. R. 2632. An act for the relief of Mr. and Mrs. Charles Vanderveer;

H. R. 4263. An act for the relief of Etelka Bell;

H. R. 7011. An act for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate and Bertha E. Roy and Max A. Roy and J. M. Frost and J. J. Settegast and Emma Hellberg and Laura Lackner and F. W. Lackner;

H. R. 8174. An act for the relief of Ruth Gore;

H. R. 9606. An act for the relief of L. J. Houghtaling;

H. R. 10058. An act to authorize notaries public and other State officers to administer oaths required by the United States;

H. R. 10277. An act to amend the World War adjusted compensation act;

H. R. 10504. An act to amend the act approved June 4, 1897, by authorizing an increase in the cost of lands to be embraced in the Shiloh National Military Park, Pittsburg Landing, Tenn.;

H. R. 10605. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;

H. R. 10774. An act to amend section 15 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 12495. An act to regulate the issue and validity of passports, and for other purposes;

H. R. 12890. An act to amend an act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926;

H. R. 11376. An act to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of the Interior;

H. R. 11946. An act to increase the clothing and cash gratuity furnished to persons discharged from prisons;

H. R. 814. An act for the relief of James L. Cardwell;

H. R. 1394. An act for the relief of Henry O'Brien;

H. R. 2268. An act for the relief of Michael J. Leo;

H. R. 2324. An act for the relief of Joe F. Jenkins;

H. R. 2328. An act for the relief of Edith L. Bickford;

H. R. 4033. An act granting consent of Congress to the Hidalgo & Reynosa Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;

H. R. 8048. An act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes;

H. R. 8564. An act for the relief of Lewis J. Burshia;

H. R. 8961. An act for the relief of William E. Jones;

H. R. 9707. An act for the relief of L. L. Kyle;

H. R. 11510. An act to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes;

H. R. 11820. An act granting an annuity to Clyde L. West;

H. R. 12796. An act granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga.;

H. R. 4307. An act for the relief of the village of Harbor Springs, Mich.;

H. R. 9324. An act for the relief of George A. McKenzie, alias William A. Williams;

H. R. 2633. An act for the relief of Anna Jeanette Weinrich;

H. R. 3529. An act for the relief of Genevieve Hendrick;

H. R. 11943. An act providing for an additional building for the use of the police court of the District of Columbia;

H. R. 1598. An act for the relief of Robert E. A. Landauer; and

H. J. Res. 232. Joint resolution to provide for the expenses of delegates of the United States to the International Sanitary Conference to meet at Paris on May 10, 1926.

ADDITIONAL COMPENSATION TO MINORITY EMPLOYEES AND DEPUTY SERGEANT AT ARMS

Mr. CAREW. Mr. Speaker, I ask unanimous consent for the consideration of House Resolution 200, which increases the salary of the minority employees and of the Deputy Sergeant at Arms of the House.

The Clerk read the resolution, as follows:

House Resolution 200

Resolved, That there shall be paid, out of the contingent fund of the House of Representatives until otherwise provided by law, additional compensation at the rate of $350 per annum to the six minority employees, authorized and named in the resolution of December 7, 1925, and $350 additional compensation to the Deputy Sergeant at Arms in charge of pairs, and $350 additional compensation to the pair clerk and messenger.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10547) to require the filing of an affidavit by certain officers of the United States and agree to the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table H. R. 10547 and agree to the Senate amendment. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10739) to prevent purchase and sale of public office, with a Senate amendment, and agree to the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 10739 and agree to the Senate amendment. Is there objection?

There was no objection.

Mr. PARKER. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 273.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 273

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, until otherwise authorized by law, to the clerk of the Committee on Interstate and Foreign Commerce, House of Representatives, the sum of $420 per annum, payable monthly as additional compensation.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

A DISGRACEFUL SITUATION

Mr. RANKIN. Mr. Speaker, this Congress is about to adjourn and leave undisposed of one of the most disgraceful situations in the history of this Capital—one in which the record shows that insane, disabled veterans of the Civil War, of the Spanish-American War, and especially of the World War, have been mistreated and plundered by Frederick A. Fenning, a Commissioner of the District of Columbia, who is engaged in the wholesale guardianships of insane ex-service men.

This condition exists, Mr. Speaker, right in the shadow of the dome of this Capitol, under the eyes of Congress, and under the very nose of the President of the United States, who is responsible for Mr. Fenning's remaining in his present official position. Every time the President goes down to the *Mayflower* to take a voyage on that floating palace he can look across the Anacostia River to the heights of St. Elizabeths, where these insane, disabled, plundered veterans are incarcerated; and every time he floats out into the Potomac he can see the white monuments that fleck the hills of Arlington, where those who have died have been buried by Fenning's undertaker. [Applause.]

Not only that, but Congress is also shirking its duty to the hundreds of thousands of citizens of the District of Columbia by leaving in office as one of their commissioners a man who stands condemned at the bar of public opinion.

The President has the right to remove him, and if we are to be denied the right to pass upon impeachment proceedings in this House, as we are being denied now, the President owes it to the American people, and especially to our insane, disabled veterans, as well as to the people of the District of Columbia, to remove him from office and to institute proceedings through the proper department to take these unfortunate boys out of his hands and to recover for them the moneys which have been unjustly and unlawfully taken from them. Not only that, but he should have the Department of Justice institute criminal proceedings to bring to justice those men, who, in my opinion, have been guilty of a series of misconduct, extending over a long term of years, that will be a blot upon the pages of the history of this Capital unless it is righted before it is everlastingly too late. [Applause.]

Frederick A. Fenning was a clerk, or messenger, in the Pension Bureau 25 years ago. He saw passing through that bureau checks for pensions payable to insane veterans of the Civil War. He conceived the idea of studying law and of going into the lunacy business. He was admitted to the bar and began at once the practice of having himself appointed guardian for insane people in the District of Columbia. Later veterans of the Spanish-American War would come under his guardianship, and finally veterans of the World War. He is purely a lunacy lawyer—perhaps I ought to say, a lunacy broker, for the records show very little of his activities as a practicing attorney.

He is now a rich man. He has made his fortunes out of the misfortunes of those who offered their lives in defense of their country in times of war. The record shows that he has been guardian for between 500 and a thousand people, and is now guardian for 120. He sees them only twice a month, and then not more than two hours at a time. The record shows that every year he gets more money out of the insane World War veterans for whom he is guardian than is allowed to them for clothing and spending money. No personal touch or effort on his part to lead these unfortunate boys back into the sunlight of perfect health and sanity. For this alleged service he is to-day receiving from the estates or incomes of these insane, disabled World War veterans allowances of from $15,000 to $20,000 a year for practically no services rendered. He is also his own bonding agent, and has taken 25 per cent as commissions on the premiums on his own bonds out of the estates of his wards. These commissions have amounted to about $5,000 up to date, and every time he took one he committed embezzlement under the laws of the District of Columbia and

laid himself liable to be prosecuted and sent to the penitentiary. He is a stockholder and director in the Gawler undertaking establishment, through which his wards are buried at a cost ranging from 100 to 200 per cent more than it would cost to bury them through the undertaker selected by the Veterans' Bureau.

His heartless indifference to the welfare of his wards, as well as to the feelings of their families, is shocking to the sensibilities of civilized people.

Let me call your attention to one case only, that of Philip Berg, a World War veteran from the State of Connecticut. Berg was adjudged insane in August, 1919, and placed in St. Elizabeths Hospital. Fenning immediately became his guardian. He made no attempt, so far as the record shows, to find Berg's mother, nor did he attempt to secure for her any compensation. During the time he was guardian for Berg, the record shows that Fenning received $858 out of his estate and Berg received $561 for clothing and spending money. Berg was suffering from dementia praecox, a progressive mental disease that gradually grows worse until the victim dies. After Berg had been in St. Elizabeths for five years it became apparent that he could not live much longer. A woman by the name of Annie Post, claiming to be his sister, but who turned out to be a cousin, signed a petition which Fenning filed in the Supreme Court of the District of Columbia, asking the court to allow Berg to make a will on the false charge that his (Berg's) mother—

lived in adultery with a man not her husband and has continued such manner of living up to the time of the death of her husband, and has continued, and still continues, to live out of wedlock with the man with whom she lived in adultery during the lifetime of her husband, and has had several children by said person.

This was done in order to give ground for Berg's disinheriting his mother, which he did in a will, said to have been written in Fenning's own handwriting. Berg died and was buried by Gawler & Sons, Inc., undertaker, at an expense of $245, when as a matter of fact the same service could have been secured through the undertaker selected by the Veterans' Bureau for less than half that amount. Alfred B. Gawler, president of Gawler & Sons., Inc., petitioned the court, reciting that Philip Berg had left $7,200 in money, and asking that Fenning be appointed executor of his will.

Berg's mother was notified, no doubt by the Veterans' Bureau, of the death of her son. She came down after his remains and learned for the first time of the outrages that had been perpetrated against her. She proved conclusively that she was a decent, hard-working, virtuous woman and had never even been accused of immorality. She furnished three sons to the service of her country during the World War and had worked as a day laborer year in and year out to earn their daily bread while those children were growing up. Philip lived with her up to the time that he was taken into the Navy. The facts in this case, as I said in my brief, which appeared in the CONGRESSIONAL RECORD of June 9, 1926, illustrates a manifestation of indecency and brutality toward this poor woman, as well as toward her unfortunate son, that is unparalleled.

How long do you suppose this man would have remained in office after his perfidy was discovered if Andrew Jackson had been President of the United States? How long do you Republicans think he would have remained in his present exalted position if Theodore Roosevelt had been President? You have prevented us from disposing of this matter on the floor of the House and have suppressed discussion of it in every possible way, but I warn you now that you can not suppress it in the great forum of patriotic public opinion.

One Member boasted to me that the American people knew nothing about the Fenning case, outside of the District of Columbia. But I advised him not to be too certain about that until he had gone home and investigated the situation. Wait until you hear from the old soldiers of the Civil War, the ex-soldiers of the Spanish-American War, and the ex-service men of the World War, together with all their auxiliary organizations; wait until this proposition is carried home to every man and woman in America whose heart swells with sympathy for our insane disabled veterans, and you will witness such a storm of indignation as none of you will ever forget and some of you can not survive.

Mr. Speaker, this has been a hard ordeal for me, and one that has brought to me much unpleasantness. But I can truthfully say that I have fought a good fight and have kept the faith. I would rather go out of Congress condemned and repudiated than to have shirked my responsibility to these unfortunate men or to have joined in the defense of their exploiters, as some Members of Congress have done—Members to whom our ex-service men had a right to look for assistance and protection.

I realize that we can take this matter up in December if the President fails to act, and I expect to take it up at that time if necessary. But before we return at the next session many of these unfortunate boys will have passed to their last reward. We only have about two hours more of this session, but we can dispose of this matter in that time, if you will only give us a chance. I appeal to the membership on the Republican side of the House to call this measure up and let us dispose of it as representatives of the American people who resent this terrible situation. [Applause.]

GATHERING TOBACCO STATISTICS

Mr. KEARNS. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. KEARNS. Mr. Speaker, at 11 o'clock this morning I asked unanimous consent for the present consideration of the bill (H. R. 11765) providing for the gathering of tobacco statistics. The bill provides for the gathering of statistics in respect to tobacco and would be very interesting and profitable to the tobacco growers throughout the United States. Before asking unanimous consent, I represented to the Speaker of the House that there would be no opposition to the bill and that it could be passed within a very few minutes after the bill had been read. Immediately after the reading of the bill there developed on the floor of the House such great opposition that it threatened all of the rest of the legislation that was pending before the House, and this, too, in view of the fact that the House and the Senate had already agreed to adjourn at 3 o'clock this afternoon. When I represented to the Speaker that there would be no opposition, I believed that there would be none. This bill had been up once before, called up on the Consent Calendar, and it was objected to by one Member of the House. In the meantime I have seen that Member and he has told me that he would have no further objection. I recognize the fact that if it had passed it would have been of great benefit to the tobacco growers throughout the United States, including a great number in my own district. Yet I had made a representation to the Speaker of the House that afterwards developed to be not true. I am sure that the tobacco growers in my district would rather see the bill fail than to have me secure its passage in this House by false representation. When it developed that I had made a misstatement to the Chair, I immediately rose and asked unanimous consent to withdraw my request for the present consideration of the bill. If there is anyone in my district or otherwise who would want this bill passed under misrepresentation to the Speaker of the House, then I do not care to serve that man in the Congress.

I recognize the importance of the bill. It is only to gather statistics by the Department of Agriculture in order that the tobacco growers might have the same knowledge of the tobacco that is in existence as the manufacturers have at this time. The Department of Agriculture collects statistics and advertises to the world just the number of pounds of tobacco that have been grown this year. The manufacturer knows the amount of tobacco that will be on hand when he goes out to purchase it. On the other hand, the farmer has no way of knowing how much tobacco has been bought up and stored away in the warehouses of the manufacturers of tobacco. The bill merely provides that the farmer shall have the same information that the manufacturer has and get it from the same source. While I represented to the Speaker that there would be practically no opposition to the bill, yet my 12 years of experience in this House ought to have taught me to know there would be.

The SPEAKER. The time of the gentleman from Ohio has expired.

RETIREMENT OF EMPLOYEES IN THE CIVIL SERVICE

Mr. LEHLBACH. Mr. Speaker, I call up the conference report upon the bill H. R. 7, to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts amendatory thereof, and move its adoption.

Mr. Speaker, this conference report in form is that the House recedes from the Senate amendment and brings back the Senate amendment with an amendment. The amendment to the amendment of the Senate is to strike out the Senate bill and to insert again in all of its salient features the House bill.

The SPEAKER. The gentleman from New Jersey calls up a conference report on the bill H. R. 7, which the Clerk will report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof, be, and they are hereby, amended to read as follows:

"ELIGIBILITY FOR SUPERANNUATION RETIREMENT

"SEC. 1. All employees to whom this act applies who, before its effective date, shall have attained or shall thereafter attain the age of 70 years and rendered at least 15 years of service computed as prescribed in section 5 of this act shall be eligible for retirement on an annuity as provided in section 4 hereof: *Provided*, That city, rural, and village letter carriers, post-office clerks, sea post clerks, laborers, and mechanics generally shall, under like conditions, be eligible for retirement at 65 years of age and that railway postal clerks and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall be eligible at 62 years of age; the classification of employees for the purpose of assignment to the various age groups shall be determined jointly by the Civil Service Commission and the head of the department, branch, or independent office of the Government concerned: *Provided further*, That any such employee who was employed as a mechanic for the major portion of his service, and not less than 15 years, and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to, if on the day of his discharge from the service he had been retired under the provisions of this act: *Provided further*, That any mechanic, having served 30 years, who was, through no fault of his own, transferred or reduced to a minor position and who shall have attained, or who shall thereafter attain the age of 62 years, shall have his annuity computed upon his average annual basic salary, pay, or compensation, for the last 10 years of his service as a mechanic.

"*Provided further*, That the term 'mechanics' as used in this act shall include all employees in the Government Printing Office whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer.

"AUTOMATIC SEPARATION

"SEC. 2. All employees to whom this act applies shall, on arriving at retirement age as defined in the preceding section and having rendered 15 years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least 60 days in advance thereof: *Provided*, That if not less than 30 days before the arrival of an employee at the age of retirement the head of the department, branch, or independent office of the Government in which he is employed certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon the approval and certification by the Civil Service Commission, and at the end of the two years he may, by similar approval and certification, be continued for an additional term, not exceeding two years, and so on: *Provided, however*, That after August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement for more than four years.

"Whenever an employee shall make application for such continuation in the civil service, and shall submit acceptable proof of his present physical fitness to perform his work, it shall be the duty of the head of the department, branch, or independent office of the Government concerned to obtain from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant, and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. From such information shall be eliminated increases in ratings, credits, and other preferences for any cause whatsoever other than the character of work actually performed. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government concerned shall, as of course, certify to the United States Civil Service Commission that, by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States, the continuance of such employee would be advantageous to the public service.

"No person separated from the service who is receiving an annuity under the provisions of section 1 of this act shall be employed again in any position within the purview of this act.

"EMPLOYEES TO WHOM THE ACT SHALL APPLY

"SEC. 3. This act shall apply to the following employees and groups of employees:

"(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions, or authorizing the appointment of individuals to positions within such service.

"(b) Superintendents of United States national cemeteries, and such employees of the offices of solicitors of the several executive departments, of the Architect of the Capitol, of the Library of Congress, and of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, whose tenure of employment is not intermittent nor of uncertain duration.

"(c) All employees of the Panama Canal on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration.

"(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

"(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations and including public-school employees, excepting school officers and teachers.

"(f) All employees and groups of employees to whom the benefits of the act of May 22, 1920, and amendments thereof, shall have been extended by Executive orders.

"(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

"This act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled 'An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes,' nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters, excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this act excluded by Executive orders from the benefits of the act of May 22, 1920, and amendments thereof.

The provisions of this act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration: *Provided*, That the provisions of this act shall apply to anyone who entered the United States mail service as a rural carrier before January 1, 1897, and who continued in the service as such carrier continuously for 20 years or more, and who was honorably

separated from the service. Such carrier shall be paid such compensation under this act as his length of service entitles him to receive.

"METHOD OF COMPUTING ANNUITIES

"SEC. 4. The annuity of an employee retired under the provisions of the preceding sections of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed $1,500 per annum, received by such employee during the 10 years of allowable service next preceding the date of retirement, by the number of years of service, not to exceed 30 years, and dividing the product by 45. In no case, however, shall the annuity exceed $1,000 per annum. For the purposes of this act all periods of service shall be computed in accordance with section 5 hereof, and the annuity shall be fixed at the nearest multiple of 12.

"The term 'basic salary, pay, or compensation,' wherever used in this act shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

"COMPUTATION OF ACCREDITED SERVICE

"SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, including periods of service at different times and in one or more departments, branches or independent offices of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the war risk insurance act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his or her right to a pension, or to retired pay, or to compensation under the war risk insurance act in addition to the annuity herein provided.

"In computing length of service for the purposes of this act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

"In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated.

"DISABILITY RETIREMENT—MEDICAL EXAMINATIONS REQUIRED

"SEC. 6. Any employee to whom this act applies who shall have served for a total period of not less than 15 years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of the department, branch or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof. *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose, and found to be disabled in the degree and in the manner specified herein.

"Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1 hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding 90 days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination, as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

"In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference, unless he shall become reemployed in a position within the purview of this act, shall be paid to the retired employee, as provided in section 12 hereof, upon application therefor in such form and manner as the Comptroller General may direct. In case of reemployment in a position within the purview of this act the amount so refunded shall be redeposited as provided in section 12 hereof.

"No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916, entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

"Fees for examinations made under the provisions of this section, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

"INVOLUNTARY SEPARATION FROM THE SERVICE

"SEC. 7. Should any employee 55 years of age or over to whom this act applies, after having served for a total period of not less than 15 years and before becoming eligible for retirement under the conditions defined in section 1 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid as he or she may elect, either—

"(a) The amount of the deductions from his basic salary, pay, or compensation made under section 10 of this act and under act of May 22, 1920, including accrued interest thereon computed as prescribed in section 12 hereof; or

"(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity, beginning at the age at which the employees would otherwise have become eligible for superannuation retirement computed as provided in section 4 of this act; or

"(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 4 of this act. The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Department of the Interior.

"Any employee who has served for a period of not less than 15 years, and who is 45 years of age, or over, and less than 55 years, and who becomes separated from the service under the conditions set forth in this section shall be entitled to a deferred annuity, but such employee may, upon reaching the age of 55 years, elect to receive an immediate annuity as provided in paragraph (b) of this section.

"Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this act, or in any other position in the Government service, the annuity shall cease, and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

"This section shall include former employees within the provisions of the act of May 22, 1920, or said act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has withdrawn his deductions from the

'civil-service retirement and disability fund,' such employee shall be required to return the amount so withdrawn with interest compounded on June 30 of each year at the rate of 4 per cent per annum before he shall be entitled to the benefits of this section.

"BENEFITS EXTENDED TO THOSE ALREADY RETIRED

"SEC. 8. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date.

"CREDIT FOR PAST SERVICE

"SEC. 9. Beginning with the effective date of this act, all employees who may be brought then or thereafter within the purview of the act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the 'civil-service retirement and disability fund' a sum equal to 2½ per cent of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to the effective date of this act, and also 3½ per cent of the basic salary, pay, or compensation for services rendered after the effective date of this act, together with interest computed at the rate of 4 per cent per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled.

"DEDUCTIONS AND DONATIONS

"SEC. 10. Beginning as of July 1, 1926, there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to 3½ per cent of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the 'civil-service retirement and disability fund' created by the act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

"The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, deposit, and invest for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this act applies.

"INVESTMENTS AND ACCOUNTS

"SEC. 11. The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the 'civil-service retirement and disability fund' as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 12 of this act.

"The Comptroller General shall establish and maintain an account showing the annual liabilities of the Government under this act, and shall keep such other accounts as may be deemed necessary for a proper administration of the act.

"RETURNS OF AMOUNTS DEDUCTED FROM SALARIES

"SEC. 12. In the case of any employee to whom this act applies who shall be transferred to a position not within the purview of the act, or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the total amount of deductions of salary, pay, or compensation heretofore or hereafter made with accrued interest computed at the rate of 4 per cent per annum, compounded on June 30 of each fiscal year, shall be returned to such employee: *Provided*, That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this act, be redeposited with interest before such employee may derive any benefits under this act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

"The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

"In case an annuitant shall die without having received in annuities an amount equal to the total amount of deductions from his salary, pay, or compensation, with interest thereon at 4 per cent per annum compounded as herein provided up to the time of his death, an amount equal to the excess of the said accumulated deductions over and above the annuity payments made shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor.

"In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for amounts, the total amount of deductions with accrued interest thereon as herein provided shall be paid to the legal representatives of such employee.

"In case a former employee entitled to return of deductions with accrued interest thereon as herein provided shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

"If the amount accrued annuity, or of accumulated deductions, or of refund due a former employee who is legally incompetent, together with accrued interest thereon payable under the provisions of this act, does not exceed $1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of 30 days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

"PAYMENT OF ANNUITIES AND FORM OF APPLICATION

"SEC. 13. Annuities granted under the terms of this act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

"Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

"Annuities granted under this act for retirement under the provisions of section 1 of this act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 6 and 7 hereof shall be subject to the limitations specified in said sections.

"SEC. 14. Employees who have gone from employment within the purview of this act to other employment under

the Government and have returned to a position under the purview of this act shall have the time of such other service included in the computation for his retirement: *Provided*, That such employee shall contribute to the retirement fund upon reentering such employment within the purview of this act an amount, including interest, equivalent to that which would have been paid if such employee had continued in such employment.

"DUTIES OF THE CIVIL SERVICE COMMISSION

"SEC. 15. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this act; and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder; and shall prepare and keep all needful tables and records required for carrying out the provisions of this act, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

"BOARD OF ACTUARIES

"SEC. 16. The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the Board of Actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the 'civil-service retirement and disability fund' at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions; they shall also prepare such tables as may be required by the Commissioner of Pensions for the purpose of computing annuities under this act. The compensation of the members of the Board of Actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

"ADMINISTRATION

"SEC. 17. For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

"The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and he shall transmit to Congress, through the Secretary of the Interior, the reports and recommendations of the Board of Actuaries.

"The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the retirement and disability fund and to continue this act in full force and effect.

"EXEMPTION FROM EXECUTION, ETC.

"SEC. 18. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

"EFFECTIVE DATE

"SEC. 19. This act shall become effective as of July 1, 1926, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed as of said effective date."

And the Senate agree to the same.

ROBT. N. STANFIELD,
KENNETH MCKELLAR,
Managers on the part of the Senate.
FREDERICK R. LEHLBACH,
ADDISON T. SMITH,
EMANUEL CELLER,
Managers on the part of the House.

The report was agreed to.

Mr. LEHLBACH. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

REGULATION OF RADIO

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 125.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

Senate Joint Resolution 125: Joint resolution limiting the time for which licenses for radio transmission may be granted, and for other purposes.

The SPEAKER. Is there objection?

Mr. FORT. Mr. Speaker, I object.

The SPEAKER. The gentleman from New Jersey objects.

Mr. SCOTT. Will the gentleman reserve his objection?

Mr. FORT. I will reserve it.

Mr. SCOTT. Mr. Speaker, I would be much interested to learn the reason for the gentleman's objection. This resolution is an agreement between the Senate conferees and the House conferees in regard to the radio bill. Its sole and only purpose is to keep matters in status quo during the recess of Congress in order that when Congress reconvened they will take up the subject of radio legislation without being hampered by any possible unfortunate intervention during the recess.

Mr. CELLER. Will the gentleman yield?

Mr. SCOTT. I will.

Mr. CELLER. Will the bill coming up recognize the right of the Secretary of Commerce to issue licenses?

Mr. SCOTT. I will say to my friend the bill which may come up is entirely uncertain. It is obviously evident that the Senate conferees and the House conferees could not between yesterday afternoon at 4 o'clock and this afternoon at 3 o'clock reach a compromise bill and prepare it intelligently for the purpose of submitting it to either one of the Houses. It was the unanimous thought of all the conferees we ought to devote some time during the summer recess to this bill that has occupied the attention of the House committee for the last five years and has occupied the attention of the Senate committee for the last three months.

Mr. CELLER. But will the gentleman answer my question?

Mr. SCOTT. I can not answer what the bill will be. This resolution has no bearing on that.

Mr. CELLER. That is what I wanted to know.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. SCOTT. I will.

Mr. JACOBSTEIN. Does the gentleman intend to have hearings before next December on radio legislation?

Mr. SCOTT. There will not be any hearings——

Mr. JACOBSTEIN. By which people can come in and testify on it?

Mr. SCOTT. No; the matter is now in the hands of the conferees.

Mr. JACOBSTEIN. Will the conferees seek further information from the radio industry?

Mr. SCOTT. Well, I want to be absolutely fair with the gentleman, and I am sure the gentleman would want me to be. I doubt very seriously if the conferees will go to the extent of taking additional evidence in connection with the preparation of a bill which we will offer.

Mr. LAGUARDIA. What does this resolution do?

Mr. SCOTT. It simply continues the radio legislation in status quo, so that no one can come in and acquire a right which he may subsequently intervene as against any law which Congress may enact.

Mr. JACOBSTEIN. What is the status quo now?

Mr. SCOTT. It is that the Government of the United States has a right to control radio.

Mr. LAGUARDIA. This only preserves any right which the bill which eventually comes in holds in the Government?

Mr. SCOTT. That is a very concise statement.

Mr. MOORE of Virginia. May I ask the gentleman whether the gentleman from Tennessee [Mr. DAVIS] was consulted with regard to this?

Mr. SCOTT. Oh, yes; we were in conference. He is here.

Mr. MOORE of Virginia. I beg pardon, I did not observe the gentleman was here.

Mr. DAVIS. This is a unanimous agreement, I will say to the gentleman from Virginia.

Mr. RAMSEYER. Will the gentleman yield?

Mr. SCOTT. I will.

Mr. RAMSEYER. What power does this confer upon the Secretary of Commerce in the issuing of licenses or in the

control of radio business that he does not now possess and will continue to possess without this resolution?

Mr. SCOTT. This resolution confines the power of the Secretary to the issuance of new licenses or the renewal of licenses which may expire during the interim between now and next December, for a period or periods of not exceeding 90 days.

Mr. RAMSEYER. Is not the limit to licenses something like a year now?

Mr. SCOTT. No. The licenses now are limited to two years.

Mr. RAMSEYER. You want to limit the licenses issued during the recess of Congress to 90 days; that is, the new license? Is not that right? I want to know if that is right or not.

Mr. WHITE of Maine. Mr. Speaker, as to the question of the gentleman from Iowa, let me say that under existing practice licenses for broadcasting stations are limited to 90 days. Other classes of stations are granted licenses for a period running up to two years. Now this resolution in the first instance provides that until otherwise by law provided, no license for a broadcasting station shall be granted in excess of 90 days' time, and no license for any other class of station shall be granted for more than two years' time. In other words, in this part of the resolution the existing practice of the department is made a matter of law. Then the resolution does another thing. The resolution provides that whenever a person applies for an original license or a renewal of an existing license he may at the same time execute a waiver of any claim as to a particular wave length or the right to use it. That is the essence of the resolution.

Mr. RAMSEYER. All of which the Secretary of Commerce has been doing for a number of years?

Mr. WHITE of Maine. He has been doing that for a number of years, except that he has not been requiring a waiver as to any claim of right.

Mr. RAMSEYER. I thought he had. Of course, I accept the gentleman's statement on that. But there is a 90-day license and a two-year license. That is the practice?

Mr. WHITE of Maine. That is the practice, and the resolution simply writes into the law an existing practice.

Mr. CELLER. In other words, it legalizes a practice that has been going on for some time.

Mr. LaGUARDIA. And the waiver is in contemplation of pending legislation.

The SPEAKER. Is there objection?

Mr. FORT. I object.

Mr. SCOTT. Mr. Speaker, I move to suspend the rules and pass the resolution.

The SPEAKER. The gentleman from Michigan [Mr. SCOTT] moves to suspend the rules and pass the resolution. The Clerk will report it.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 125) limiting the time for which licenses for radio transmission may be granted, and for other purposes

Resolved, etc., That until otherwise provided by law, no original license for the operation of any radio broadcasting station and no renewal of a license of an existing broadcasting station, shall be granted for longer periods than 90 days and no original license for the operation of any other class of radio station and no renewal of the license for an existing station of any other class than a broadcasting station, shall be granted for longer periods than two years; and that no original radio license or the renewal of an existing license shall be granted after the date of the passage of this resolution unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof.

The SPEAKER. Is a second demanded? If not, the question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended, and the resolution was passed.

ADDITIONAL COMPENSATION TO CERTAIN HOUSE EMPLOYEES

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 316

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, additional compensation at the rate of $360, respectively, to the two assistant bookkeepers in the office of the Sergeant at Arms, and at the rate of $520 to the clerk to the Committee on Immigration and Naturalization.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks on the work of the Sixty-ninth Congress.

The SPEAKER. The Chair understands that under the request of the gentleman from Connecticut [Mr. TILSON] all Members have the privilege of extending their remarks.

BRIEF RÉSUMÉ OF HISTORY OF CIVIL WAR VETERANS' PENSION LEGISLATION IN THE SIXTY-NINTH CONGRESS

Mr. THOMPSON. Mr. Speaker, in pursuance of the leave given Members interested in pension legislation of five legislative days after Congress adjourns to extend their remarks on pension legislation in the RECORD, I herewith submit the following:

The National Tribune and The Stars and Stripes of June 24, 1926, contained the following letter and editorial comment:

(C. J. THOMPSON, fifth district of Ohio, Committee on Agriculture)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 17, 1926.

Gen. JOHN L. CLEM,
Chairman Committee on Legislation, Grand Army of the Republic, Army and Navy Club, Washington, D. C.

MY DEAR GENERAL CLEM: I have your letter of June 16. I do not understand why I am receiving letters from you urging me to put in petitions of Civil War veterans. I have put in all the petitions that I have received. My district has a number of Civil War veterans.

In the Sixty-eighth Congress it was shown how Members of Congress feel toward the Civil War veterans. We passed what was known as the Bursum bill, and had the President seen fit to approve that bill the troubles of the Civil War veterans would have been over. I have always been a Republican and a loyal man and patriotic. When I came to Congress I thought that the Republican Party had always adhered to the policy of protecting our protectors and defending our defenders.

In the Sixty-seventh Congress I helped to pass all the pending pension legislation, and it was sent to Woodrow Wilson and he signed it immediately, without a question. Since I have served in Congress under two other Presidents I have witnessed things tightening up, apparently in the interest of the invisible government and big business. I have witnessed the veto of the adjusted compensation and the veto of the Bursum bill.

This is the richest country on earth, and the Treasury is well supplied with a surplus. Money is forthcoming for almost everything except the proposition of taking care of the Civil War veterans. In December, at the opening of Congress, I introduced a bill to have every Civil War veteran now on the pension rolls at $50 a month automatically given a pension of $72. In other words, he would be advanced to $72 per month and not be forced to go begging, with his hat in hand, and subjecting himself to the tender mercies of a merciless and technical medical board, which sees technicalities that an ordinary man could not see with a spyglass.

My bill also provided for the raising of the widows' pensions. There are thousands upon thousands of private pension bills now before Congress which the Committee on Invalid Pensions can not even touch, much less have them enacted into law. It is physically impossible to handle the mass of private bills now before Congress.

One of the most pathetic little notes that I have ever received is from my home town of Defiance, Ohio, and has just reached me. I make it a part of this letter, as follows:

"DEFIANCE, OHIO, *June 14, 1926.*

"C. J. THOMPSON.

"DEAR SIR: When I last voted for Coolidge and others I could scarcely see to vote, and hoped that my pension might be increased.

"Now I am totally blind and am 83 years old, and wonder if by your influence I might secure an increase.

"The favor would certainly be appreciated.

"Yours,

MRS. LOUISA MCCLARY,
623 Wayne Avenue, Defiance, Ohio.

It seems to me that our country has become very sordid and that big business is dictating much that is being done. I have no sympathy

with that sort of business, and I am not that kind of a Republican. As a public servant I try to be just and honorable.

Sincerely and truly yours,

C. J. THOMPSON.

[Editorial]

A DISILLUSIONED REPUBLICAN

The letter of Representative CHARLES J. THOMPSON which we publish on the first page is one of more than usual significance and one which will set all real Republicans to deep thinking.

The first question is how far we are drifting from the principles of Lincoln under the leadership of men who only use our revered martyred President's name as a word to conjure with.

Representative THOMPSON is an original Republican and comes from one of the richest farming regions in the world—northwestern Ohio. There the people think. They have convictions and they have the courage of their convictions. This was evidenced by the splendid regiments which they raised for the Civil War. They raised more men than their quota, and there were no better regiments in the Union than the Fourteenth, Thirty-eighth, Sixty-eighth, One hundredth, One hundred and eleventh, One hundred and eighteenth, and other Ohio regiments. They were all fighting regiments, who left the absolute evidence of their sincerity of devotion in their dead, with which they strewed every battle field upon which they fought.

Representative THOMPSON has been the preferred choice of those stalwart northwestern Ohio men as their Representative in Congress for eight eventful years. He writes to us more in sorrow than in anger of his painful disenchantment when he finds that the Republican Party is following the usual career of parties and churches in drifting into the hands of those who will use a mighty machine for their own personal benefit. Particularly he is imbued with the great union spirit of his community with the sacred debt that is due the veterans and their widows who sacrificed themselves, and is inexpressibly pained to find how this is disregarded by those who, as Romeo says, "jest at scars that never felt a wound."

He has all the time been a steadfast friend of the veterans and their widows, feeling the fullness of the sympathy of his people with them, and hurt to the center of his being with the cold contempt that has possessed certain leaders. He is shocked to see the party perverted by selfish leaders and interests from its avowed intention of being, in the words of Lincoln, "a Government of the people, for the people, and by the people."

Thinking Republicans—and Democrats, too—will read his remarkable and impressive letter with deep thought.

Further comment on the above is unnecessary, but perhaps the history of pension legislation in the Sixty-ninth Congress might be of interest to the Civil War veterans and their widows and friends.

On December 7, 1925, I introduced a bill in the House of Representatives, known as H. R. 436. It was referred to the Committee on Invalid Pensions, made up of the following gentlemen: Representatives Charles E. Fuller, of Illinois—who has just passed away in the closing days of this session—a worthy gentleman and friend of the veterans; RICHARD N. ELLIOTT, of Indiana; EDWARD M. BEERS, of Pennsylvania; WILLIAM I. SWOOPE, of Pennsylvania; THADDEUS C. SWEET, of New York; W. T. FITZGERALD, of Ohio; ELBERT S. BRIGHAM, of Vermont; JOHN M. NELSON, of Wisconsin; KNUD WEFALD, of Minnesota; MELL G. UNDERWOOD, of Ohio, RALPH F. LOZIER, of Missouri; ARTHUR H. GREENWOOD, of Indiana; WILLIAM L. CARSS, of Minnesota; ANDREW L. SOMERS, of New York; and LINDSAY WARREN, of North Carolina.

I saw the chairman, Hon. Charles E. Fuller, a number of times, and he advised me from time to time that he and his committee were afraid to act on my bill. When pressed for a reason he gave as the reason a possible veto. I saw the Commissioner of Pensions and was advised that prompt legislation was needed. Especially was it needed to take the responsibility off of the national medical board, who were very technical and arbitrary with the pension claims which were submitted from the various local boards of examining surgeons.

So I redoubled my effort for my bill. It provided for Civil War veterans, as follows:

That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States, during the Civil War, and who was honorably discharged therefrom, or who having so served less than 90 days was discharged for a disability incurred in the service and in the line of duty, or whose name is on the pension roll as a Civil War veteran, shall, from and after the passage of this act, be entitled to and shall be paid a pension at the rate of $72 per month.

It also provided that Civil War widows who married the soldiers prior to the 27th day of June, 1910, should be entitled to $50 per month.

I was unable to get Mr. Fuller or the committee to act or set a day for hearing. The shadow of a veto hung over them.

In the meantime I went to the Senate. I consulted Senators WILLIS and FESS, who were friendly and active themselves. I interviewed the chairman and an influential member of the Senate Committee on Pensions, and the chairman of the Senate committee told me substantially the same thing that Chairman FULLER, of the House Pension Committee, had told me. They were afraid of a veto and, worse still, opposition from certain hostile elements in the Senate.

The Senate Committee on Pensions is composed of the following Senators: PETER NORBECK, of South Dakota, chairman; BERT M. FERNALD, of Maine; PORTER H. DALE, of Vermont; JAMES W. WADSWORTH, Jr., of New York; FRANK R. GOODING, of Idaho; THOMAS D. SCHALL, of Minnesota; PETER G. GERRY, of Rhode Island; BURTON K. WHEELER, of Montana; M. M. NEELY, of West Virginia; SAM G. BRATTON, of New Mexico; LYNN J. FRAZIER, of North Dakota; and HENRIK SHIPSTEAD, of Minnesota.

But at last, as per promise, Senator NORBECK, toward the close of the session, introduced his bill in the Senate. He had been waiting for the House to act first. The bill was finally presented to the Senate, when a certain alleged hostile Senator not a member of the Senate Pension Committee offered a substitute in the shape of the present bill. And it was up to the Congress to "take it or let it alone" if any Civil War pension legislation was desired at all. And so in the closing hours of the session the present law was enacted, which is very unsatisfactory to the Civil War widows. Many good women married soldiers at the close of the Civil War or immediately thereafter and lived with the soldiers the remainder of the soldiers' lives, and yet derive no benefit from this legislation. It is legislation that was passed on unanimous consent without opportunity for debate or amendment, and is therefore a law passed under sharp practices. It is quite unsatisfactory and does not represent what the Congress really intended or wished to give. However, I voted against adjournment of the Congress until it would agree to pass some pension legislation for Civil War veterans.

The outstanding features of this new law are:

First. Civil War veterans drawing $50 per month will be automatically increased to $65 per month.

Second. Civil War veterans now drawing $72 per month will be continued at that rate.

Third. Civil War veterans who can prove that they are totally blind or disabled will be placed on the rolls at $90 per month.

Fourth. Widows who were married to Civil War veterans prior to or during the Civil War will receive $40 per month.

This latter provision is unfair and should receive the corrective attention of the Congress when it meets again in December of 1926.

DANGERS CONFRONTING AMERICA

Mr. THOMAS. Mr. Speaker, under leave to extend my remarks, I submit the following:

ADDRESS DELIVERED OVER THE RADIO AT WASHINGTON, D. C., ON APRIL 3, 1926, BY ELMER THOMAS

My subject is "Dangers Confronting America."

I gladly embrace this opportunity to call the attention of my radio audience to teachings, tendencies, and facts which, in my humble judgment, neither bode well for the best interests of the people nor for the safety of the Republic.

Criticisms of the practices of to-day, of the policies of government, and of the tendencies of the times are nation-wide and are heard upon every hand. That to which I have just referred is contained in the current literature as well as in the popular speech of the times. * * * Through books, magazines, newspapers, editorials, sermons, lectures, and addresses doctrines are being broadcast which constitute a mass indictment of the Government, an impeachment of the Congress, and a challenge of the ability, integrity, and patriotism of the representatives of the people in this the most perfect system of government yet devised by the genius of man.

What are these alleged symptoms of danger and disaster?

My purpose will be served by referring to them briefly, and to assist in their presentation I will group the charges.

It is charged that our civilization is breaking down.

It is charged that there is being developed in Washington a centralized bureaucratic Government in which the people are losing control.

It is charged that the centralization of the powers of Government is destroying the sovereignty of the States, and thereby robbing the people of their inalienable rights to local self-government.

It is charged that taxation is increasing more rapidly than population or wealth, and that unless such increase is checked the burden upon the taxpayers will soon become unbearable.

It is charged that the Constitution is being abandoned.

Some make bold to declare that the American Government is no longer suited to the needs of our times.

As a remedy some of our responsible and respectable citizens are inferentially, if not openly, adroitly suggesting steps looking to a single leadership and a dictator form of government.

If such charges are being made—be they false or true—it is time to act, and only the people themselves can be looked to for a remedy.

Permit me now to call your attention to a few of the concrete illustrations upon which the foregoing is predicated.

Frank R. Kent, of the "Baltimore Sun," in discussing "The Political Decline of America," says that America "is in a sorry, soggy, sloppy state."

In his article Mr. Kent asks the following questions:

"Is the country too big to govern itself well?

"Is there a point in the development of a democracy where it becomes too unwieldly to work as such?

"Is the United States approaching that point, and are we entering a transition period?

"Has not the theory of a government by the people bogged down?"

On January 24 the Metropolitan papers carried a syndicated article by Willis J. Ballinger, under a headline flowing full across the page, as follows:

"Rickety Federal machine is badly in need of repairs."

The story carried less pretentious titles, as follows:

"Bureaus usurp many powers of Government.

"Tendency now is to belittle legislatures and exalt executive powers."

In the body of the story we find the following paragraph:

"All over the world there is a disposition to belittle the legislatures and exalt the executives. Even dictators are spoken of with favor."

On January 16 the Associated Press quoted Senator WADSWORTH saying that we would soon have a "great imperial Government at Washington."

On October 13 Gov. Frank O. Lowden, in addressing a class in citizenship at the University of Chicago, was reported by the Associated Press to have said:

"That America's governmental machinery is hopelessly out of date; that our Government is 'moribund with bureaucracy, enmeshed helplessly in its own twining red tape'; that 'democratic government, as America is practicing it, is a failure at the moment.'"

Only a few days ago James M. Beck, former Solicitor General, warned that America is not free from the danger of a social revolt.

"To-day," said Mr. Beck, "half of the oldest nations of Europe are in the grasp of dictators.

"At no time within the memory of living man has Lincoln's ideal of a 'government of and by and for the people' been more openly denied and flouted."

WILL R. WOOD, Congressman from Indiana, has just condemned bureaucracy in the following language:

"Every new bureau that we create, every new commission that is established, is a new digger at the foundations of this Government of ours."

On March 5 Congressman TUCKER, of Virginia, in the House of Representatives, said:

"A most intelligent gentleman said to me only a few days ago: 'TUCKER, your grandchildren will live to see the day when this Constitution is no longer in existence.'"

Senator BORAH, in addressing the United States Senate on April 22, 1924, fixed the time for the downfall of the Republic at 30 years.

The highest officials of the Government realize the dangers confronting the people and the Republic.

Secretary Hoover, in a recent address, warned against the evils of too much government in Washington and gave voice to a fear that our present system—State and Federal—can not survive if the States continue to shift their responsibility to the Federal Government.

Commenting on this speech, the Washington Post said editorially:

"Secretary Hoover has sounded a clarion note of warning. Unless this tendency ceases, State sovereignty, State rights, and State responsibility in the administration of local affairs must eventually disappear."

On May 30, last, President Coolidge, standing in the Memorial Amphitheater at Arlington, in the presence of the Unknown Soldier and of thousands of patriotic Americans, living and dead, joined in a warning to the country:

"We shall not correct admitted and grave defects," said the President, "if we hesitate to recognize them. We must be frank with ourselves. We ought to be our own harshest critics.

* * * * * * * *

"What American needs is to hold to its ancient and well-chartered course. Our country was conceived in the theory of local self-government. It has been dedicated by long practice to that wise and beneficent policy. It is the foundation principle of our system of liberty. Its preservation is worth all the effort and all the sacrifice that it may cost. It can not be denied," says the President, "that the present tendency is not in harmony with this spirit."

In that solemn address the President forecast in the following words the future of America unless the present trend of government is changed:

"If we can not govern ourselves," says President Coolidge, "nothing remains but to have some one else govern us, to have the law enforced against us, and to step down from the honorable abiding place of freedom to the ignominious abode of servitude."

I now here pause to ask, What is the cause of this well-nigh universal complaint against the status and the trend of the Government established by the fathers?

Why this pyramiding of criticisms, charges, and condemnations of the Government we have been taught to revere?

Do causes exist, justifying the charges made?

Wherein are we going wrong?

Let Senator Albert J. Beveridge answer.

In one of his books Senator Beveridge say that we suffer from a plague of laws, and that practically every law now passed created a new bureau or board.

We are largely governed by a bureaucracy.

Says Senator Beveridge:

"Bureaus investigate business, bureaus direct productive industry, bureaus prescribe commercial methods, bureaus require elaborate reports from all sorts of enterprises; in short, Government bureaus have become the commanding element in the economic life of the American people, and all this means a gigantic enlargement of the public pay roll."

Again says Senator Beveridge:

"Every 11 workers over 16 years of age support 1 Government employee. The aggregate salaries of this vast army of public servants is $3,800,000,000 annually.

"Bureaucracy was one of the causes of the French Revolution. Under the ancient régime there were swarms and hosts of government officials and agents. There were even inspectors of cattle and inspectors of calves, inspectors of swine, and inspectors of suckling pigs. In short, government intruded into every transaction of life.

"Nobody could live except as the government directed, and since the government made itself responsible for everything, it was blamed for everything."

Climaxing his answer, this distinguished author and statesman said:

"And the French Revolution came, and with it the overthrow of special privilege and autocratic oppression."

Again I pause to ask: Is bureaucracy to pave the path over which we are to travel?

Is revolution the inevitable end of the American Republic?

The development of bureaucracy—the creation of innumerable bureaus, boards, and commissions—is responsible in the main for the doubling, trebling, and quadrupling of taxation.

Fifty years ago it cost $291,000,000 to run the National Government.

Twenty-five years ago it cost $463,000,000.

This year, 1926, will cost us approximately $4,150,000,000, or ten times the cost of 25 years ago.

The President has just advised the Congress and the country that "the legitimate business of the Government can not be carried on at a less expenditure."

The national tax of over $4,000,000,000 is not the only tax the people pay. During the present year they will pay over $2,000,000,000 to support the several State establishments and over $5,000,000,000 to support the various city, county, and township governments.

Thus this year the total taxes of the people amount to $11,500,000,000.

How much is eleven and one-half billion dollars? Let me answer by analogy:

It is twelve times as much money—gold, silver, and paper—as is to-night in all the 30,000 banks of the country. It is two and one-half times as much money as is in circulation.

How much more taxes can the people stand? Perhaps I should ask, How much more taxes will the people pay?

Taxes can only be reduced by reducing the cost of government. The cost of government can only be reduced by curtailing, consolidating, or abolishing existing departments of government.

These problems, if unsolved, constitute the "dangers confronting America."

I have not lost faith in the ability of the people to govern themselves. I still have confidence in the wisdom set forth in the provisions of the Constitution.

I am not yet ready to admit that the genius, the valor, and the patriotism of the fathers which created this Republic, and the brains, the brawn, and ability which have builded the strongest, the richest, and the most influential Nation of the earth, will ever permit the old ship of state to drift upon the rocks.

Ladies and gentlemen, I thank you and bid you good night.

A REPORT TO THE VOTERS OF THE FORTY-SECOND DISTRICT OF NEW YORK

Mr. MEAD. Mr. Speaker, this report to the voters of the district I have the honor to represent in Congress is printed under permission granted by unanimous consent of the House.

I am availing myself of this permission to inform you voters of my district of the legislative record of Congress, together with my attitude and my vote on important public problems.

We must establish contacts. The legislators and the voters should be on speaking terms. We need teamwork. It is everywhere recognized that the voters are in a true sense stockholders in the greatest of all corporations, the Government of the United States. So in my humble opinion they are entitled to know what the directors—the Congressmen—are doing and the condition of the corporation. It is only by such a method of coordination that a uniform system of understanding may result. I am submitting in accordance with this plan to the stockholders in my own home district, of which you are one, an account of my stewardship for the reason that I believe it is the correct procedure.

May I say to you that it is my belief that this action will stimulate mutual interest, thus leading to a frank exchange of opinion on the part of the voters on important pending legislative matters. Even though we may not always agree, it is a very wholesome situation when the Congressman and his constituents can understand one another in an open and helpful manner. I can truthfully say that I am very happy in embracing this opportunity to express my appreciation to the many voters of my district for opinions and advice on many important and complicated legislative problems which have come before us during the session which has just gone into history. Then, too, I have been greatly pleased by the number and variety of requests that have come to me for assistance in matters related to such questions as soldiers' bonus, immigration, pensions, taxation, civil-service examinations, nominations to West Point and Annapolis, passports, the innumerable business connected with Government departments, and also for public documents, and so forth. To me this indicates the most gratifying evidence and the very best proof that the citizens of my district are interested in these governmental affairs and are willing to call upon their elected Representative when the opportunity presents.

In this report I shall try to summarize some of the many activities of the first session of the Sixty-ninth Congress, which began on December 7, 1925, and closed on July 3, 1926, seven eventful months, during which the membership of the House was called upon to discuss and to vote upon many important public questions. My activities can be briefly enumerated as follows:

THE REVENUE BILL—TAX REDUCTION

I voted for the reduction of Federal income taxes, also for the repeal of the so-called "nuisance taxes." With the burdens brought on by the war lessening each year, I hope the Congress will be able to grant further reductions in the near future. I am in favor of a graduated tax upon incomes, so adjusted as to lay the expenses of government upon the taxpayers in proportion to the benefits they enjoy and their ability to pay.

WAR VETERAN LEGISLATION

In supporting the adjusted compensation bill for the veterans of the late war and in voting for appropriations for their proper care, compensation, and hospitalization I am of the opinion that I was only doing my duty and discharging in a small way obligations of a great Nation to the veterans whose services and sacrifices entitle them to these measures of relief and justice. I also voted for the Civil and Spanish War pension bills considered during the past Congress for reasons that are entirely obvious.

PROHIBITION

The recent newspaper polls and other manifestations have proven the desire of our people for the repeal or modification of the Volstead law. I am in favor of the sound principle of State rights as established by the founders of this Republic, and I introduced a bill to bring about the repeal of the present dry law, thus returning to the several individual States the power and authority they have a right to demand. For New York I believe a plan patterned upon the Quebec law would permit us to return to decency, common sense, and law observance.

RAILROAD LABOR LAW

My voice and my vote were recorded in favor of the Parker-Watson bill for the adjustment of controversies between the railroads of the country and their employees. Collective bargaining, mediation, and voluntary arbitration are the underlying principles embodied in this law. As a former railroad employee, I exercised a keen interest in the progress and passage of this meritorious legislation.

RETIREMENT LAW

Always an advocate of Federal retirement legislation I voted to liberalize the present civil service retirement act, and I favored the several bills introduced in behalf of the nurses, officers, and the enlisted men of the Army, Navy, and Marine Corps. Those who serve our country well during the best part of their lives should have the reward of a just retirement in the autumn of their lives.

AGRICULTURE

During the past six years the economic condition of the American farmer has seriously changed from prosperity to poverty and with a realization of these facts I have given my support to such bills as in my judgment would prove helpful to our agriculturists. During the present session of Congress I voted for H. R. 7893, to promote cooperative marketing; H. R. 8265, to provide the necessary appropriations for the Department of Agriculture and its several bureaus; and at the same time withheld my support of H. R. 11603 for the reason that it would have injured instead of helped the farmers of the great State of New York. I am in hearty sympathy with any movement looking to the building of good roads, reducing freight rates, and reducing tariff taxes that burden the farmer.

NATIONAL BANK BILL

To strengthen the Federal reserve system so essential to our permanent prosperity and to foster and promote the welfare of our national banking institutions, I favored the so-called McFadden bill, which was drafted by the Comptroller of the Currency to bring about equality of opportunity and expansion between National and State banks without in any way jeopardizing our independent and important banking system.

AVIATION

I have always lent my support to any plan that would insure a sustained and progressive development of aviation system in the Army, Navy, and postal departments, and am a firm believer in the doctrine that the United States should and must lead the world in this field of transportation.

MUSCLE SHOALS

Muscle Shoals is one of the greatest power-development plants on earth. It was constructed by the United States Government at a cost to the taxpayers of approximately $200,000,000 for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizer. I have opposed its lease to a private corporation for a period of over 25 years. The Government should exercise its control over this vast enterprise to the end that cheaper and higher grade fertilizer, essentially necessary to the prosperity of agriculture, be manufactured here in this country under Government supervision.

APPROPRIATIONS

You will be interested to learn just how our Government spends its money as well as the purpose for which it is expended. I am therefore listing the major appropriation bills which are considered annually by Congress to enable the several departments, bureaus, and commissions to carry on their necessary functions. I supported these appropriation bills.

Appropriations for fiscal year 1927 to July 3, 1926

Agriculture Department	$139,275,823.00
District of Columbia	35,492,128.00
Executive Office and independent offices	520,373,376.64
Interior Department	251,971,818.00
Legislative, etc	16,438,127.00
Navy Department	321,794,475.00
State, Justice, Commerce, and Labor Departments	80,127,991.64
Treasury and Post Office Departments	2,207,663,542.07
War Department	349,756,911.16
Total, regular acts	3,184,088,889.71
First deficiency act	426,298,681.19
Second deficiency act	50,822,696.22
Grand total	3,661,210,267.12

Revenues for fiscal year ended June 30, 1926

Customs	$579,430,092.86
Income taxes	1,982,040,088.58
Miscellaneous internal-revenue taxes	855,599,289.26
Miscellaneous receipts	545,686,219.44
Total	3,962,755,690.14

UNFINISHED BUSINESS

There are many bills that failed of passage in either or both Houses of Congress that will be taken up at the next session. Among the important bills of interest to the people of my district can be listed:

Jacobstein-Copeland coal bill.
The Pullman surcharge.
Branch banking.
Farm relief.
Modification of the Volstead Act.
Return of alien property.
Readjustment of postal rates.
Muscle Shoals.
Radio bill.

RECAPITULATION

I am in a position to say to my constituents with every possible emphasis that in not a single instance was any pressure brought to bear in my determination of the great questions that came before me for solution from any political leader or organization that would tend to alter or direct my judgment for or against any particular measure. I rejoice in the knowledge of the fact that in order to make a commendable record a Congressman must be constantly at work, keeping in mind the many avenues of usefulness and service that are open to him in his great position. As I said before, on many important questions I was aided and helped by the information, advice, and, above all, by the constructive criticism that came to me from time to time from constituents of all parties with respect to contemplated and pending legislation.

It has been my pleasure and practice at all times to consistently invite and receive the views of interested people with respect to these problems, and I am frank to offer this acknowledgment of the great help this information has been to me.

Although I have had hundreds upon hundreds of letters requesting assistance from veterans of the late war, seeking compensation or vocational training, from survivors of the Civil and Spanish Wars seeking increases in pensions, from friends of prospective immigrants who seek admission to this land of opportunity, from business men interested in adjusting claims against the Government, together with civil-service cases and innumerable requests for departmental information and documents of various sorts, I am prepared and solicit additional work for our people along these lines of activity.

My offices in Washington and in Buffalo are open all the year around, and it will continue to be my pleasure, even while Congress is not in session, to give prompt and sympathetic attention, as well as effective service, to all of those who will do me the honor to call upon me in this respect. Let me conclude by saying to you that I consider it a very great honor, first, to be a Representative in the Congress of my country, and, second, to know that I am a component part in the greatest legislative body in the world from the great State of New York. I am profoundly grateful for the continued confidence my successive elections indicate on the part of the people of the forty-second New York district, and I pledge you my word that I shall continue to serve with honor to my district and my country and with credit to myself.

FARM RELIEF

Mr. HILL of Washington. Mr. Speaker, under the permission granted me I submit the following:

SPEECH DELIVERED OVER THE RADIO, WCAP, WASHINGTON, D. C., MAY 5, 1926, BY MR. HILL OF WASHINGTON

Agriculture is in the throes of an economic crisis. The farmer is bankrupt. Agriculture is the basic industry of the country. Without it the wheels of industry and every commercial activity would stop. The question logically arises, Why should the farmer be bankrupt when agriculture is the foundation on which the life of the Nation depends? Is the cause of this condition to be found in the operation of the law of supply and demand as it affects the products of the soil, or is the cause an artificial one? In considering this question we can not segregate the industry of agriculture and arrive at correct conclusions from a study of the subject on the basis of such isolation. No industry in this country stands alone or constitutes of itself an economic entity. All industries, including that of agriculture, are indissolubly interrelated through the all-embracing factor of commerce. The industries produce wealth; commerce distributes and markets the products of industry. Commerce does not create wealth, it creates profits and losses on the commodities of wealth which industry has produced. Commerce can not exist without production, for commerce begins where production ceases. But commerce is indispensable to industry, for if the products of the latter can not be distributed and marketed industry can not survive.

But if the machinery of commerce has broken down or has become so expensive of operation as to leave no profits to a particular industry, that industry must either go out of business or the machinery of commerce be so adjusted as to permit it to produce at a profit.

Agriculture is not producing at a profit, and something is seriously wrong either with the industry or with the machinery of commerce.

We are informed that the manufacturing industries of the country are operating and producing at a profit and have experienced an era of unusual prosperity during the past six years. The markets in industrial stocks and bonds have risen to unprecedentedly high levels and billions in stock and cash dividends have been distributed to stockholders as profits during that period of time. The banks in those sections of the United States where manufacturing is the predominant industry have likewise prospered, due to the great demand for loans on liquid securities. The banking institutions in the financial centers of the country, with half of the world's supply of gold in their vaults, have freely extended credit at low rates of interest for the launching of new and the expansion of existing business enterprises, for investment and speculation in industrial stocks and bonds, and in addition thereto have advanced credit to the extent of nine or ten billions of dollars to European countries. At no previous time in the world's financial history have the moneyed powers in any country been so completely in control of the world supply of money and world finance as are the moneyed powers of this country to-day. They not only control the banks of this country but the leading banking institutions of foreign countries and our great Federal reserve system. They can and do expand and contract the volume of currency and credit at will; they can make money plentiful or scarce. They can precipitate money panics or avert them. They can build up or break down any industry or enterprise by extending or refusing credit. They control commerce. The economic destiny of the country is in their hands.

They control the Government. They are a money trust, and with the object of the more firmly fastening their grip of control upon the commercial and economic life of the Nation they finance, organize, and foster monopolistic combinations of other businesses, enterprises, and industries.

These moneyed powers own or control the big manufacturing industries; they own or control the railroads of the country; they own or control the big old-line life insurance companies, the telephone and telegraph and big power companies, and they are back of that gigantic movement now under way to bring into one superpower system the control of all the electric power, both developed and potential, in the whole United States. They own or control all these industries and enterprises because of the opportunity for profitable returns they afford both on invested capital and credit advanced and because of the liquid character of their securities. But these moneyed powers do not own the industry of agriculture. They do not want to own it. Why should they invest large capital in farm lands and farming enterprises, pay taxes on the physical values thereof, pay for maintenance and upkeep, seeding, cultivating, and marketing crops, and assume the risk of partial or total failure of crops from drought, flood, winds, hail, grasshoppers, and other pests, when the sad experience of the farmers amply demonstrates that it is not necessary that these money powers own the farms or conduct the farming operations in order to reap the profits therefrom.

In 1920 farm products were selling at profitable prices, agriculture was on a prosperous basis, and money was flowing into the pockets of the farmers. The money powers had permitted an expansion of credit among the farmers during the war to encourage them to greater production of food supplies to meet the necessities of that crisis. Manufacturing industries and practically every other business enterprise in this country had also prospered during the war period. But when the crisis had passed following the ending of the war, agriculture was singled out for slaughter. The money powers said there was too much inflation of prices. They were not concerned with the inflation of the prices of manufactured commodities or of industrial stocks and bonds, but they were concerned with the inflation of the prices of agricultural products alone. They decided that too much money was being distributed among the farmers and that money so distributed is difficult of control and does not yield interest. Only credit yields interest; hence the scheme to take the money away from the farmers. The Federal reserve system was employed as the agency to effect this purpose, and in pursuance thereof, in 1920 it withdrew credit from agriculture and forced liquidation of the farmers' notes, which resulted in the deflation of farm values to the extent of $20,000,000,000 and of the values of farm products to the extent of $6,000,000,000. The bankruptcy of agriculture was inevitable. It was a cold-blooded, premeditated act, and the law of supply and demand had no part in the tragedy. It was a clear-cut case of discrimination against agriculture, for while this scheme of deflation was being executed the Federal reserve system was extending liberal credit at low rates of interest to the manufacturing industries and to the speculators in the stock markets.

The farmer was deflated, but the manufacturers and stock gamblers were protected against deflation. The farmers' dollar was reduced in purchasing power to 50 cents or less, while the dollar of the manufacturer was held at par.

After the work of deflating agriculture was accomplished and the discrimination against that industry was established the tariff rates on manufactured products were so increased as to make certain the perpetuation of such discrimination. It is an artificial and not a natural economic system that is wrecking agriculture.

The agencies of government have been employed and the powers of the Government have been invoked to make agriculture contribute its wealth of production to the support and maintenance of the Nation without profit to the producer. Under the present economic system the farmer is prostrate. The Government has brought him to this estate, and only the power of government can release him from it. His dilemma must be recognized and his oppression relieved.

For six years the farmer has been producing his crops at a loss, not because his productions were greater during that period than formerly nor because the requirements therefor were less. His losses are not due to the operation of the natural law of supply and demand.

I am availing myself of this permission to inform you voters of my district of the legislative record of Congress, together with my attitude and my vote on important public problems.

We must establish contacts. The legislators and the voters should be on speaking terms. We need teamwork. It is everywhere recognized that the voters are in a true sense stockholders in the greatest of all corporations, the Government of the United States. So in my humble opinion they are entitled to know what the directors—the Congressmen—are doing and the condition of the corporation. It is only by such a method of coordination that a uniform system of understanding may result. I am submitting in accordance with this plan to the stockholders in my own home district, of which you are one, an account of my stewardship for the reason that I believe it is the correct procedure.

May I say to you that it is my belief that this action will stimulate mutual interest, thus leading to a frank exchange of opinion on the part of the voters on important pending legislative matters. Even though we may not always agree, it is a very wholesome situation when the Congressman and his constituents can understand one another in an open and helpful manner. I can truthfully say that I am very happy in embracing this opportunity to express my appreciation to the many voters of my district for opinions and advice on many important and complicated legislative problems which have come before us during the session which has just gone into history. Then, too, I have been greatly pleased by the number and variety of requests that have come to me for assistance in matters related to such questions as soldiers' bonus, immigration, pensions, taxation, civil-service examinations, nominations to West Point and Annapolis, passports, the innumerable business connected with Government departments, and also for public documents, and so forth. To me this indicates the most gratifying evidence and the very best proof that the citizens of my district are interested in these governmental affairs and are willing to call upon their elected Representative when the opportunity presents.

In this report I shall try to summarize some of the many activities of the first session of the Sixty-ninth Congress, which began on December 7, 1925, and closed on July 3, 1926, seven eventful months, during which the membership of the House was called upon to discuss and to vote upon many important public questions. My activities can be briefly enumerated as follows:

THE REVENUE BILL—TAX REDUCTION

I voted for the reduction of Federal income taxes, also for the repeal of the so-called "nuisance taxes." With the burdens brought on by the war lessening each year, I hope the Congress will be able to grant further reductions in the near future. I am in favor of a graduated tax upon incomes, so adjusted as to lay the expenses of government upon the taxpayers in proportion to the benefits they enjoy and their ability to pay.

WAR VETERAN LEGISLATION

In supporting the adjusted compensation bill for the veterans of the late war and in voting for appropriations for their proper care, compensation, and hospitalization I am of the opinion that I was only doing my duty and discharging in a small way obligations of a great Nation to the veterans whose services and sacrifices entitle them to these measures of relief and justice. I also voted for the Civil and Spanish War pension bills considered during the past Congress for reasons that are entirely obvious.

PROHIBITION

The recent newspaper polls and other manifestations have proven the desire of our people for the repeal or modification of the Volstead law. I am in favor of the sound principle of State rights as established by the founders of this Republic, and I introduced a bill to bring about the repeal of the present dry law, thus returning to the several individual States the power and authority they have a right to demand. For New York I believe a plan patterned upon the Quebec law would permit us to return to decency, common sense, and law observance.

RAILROAD LABOR LAW

My voice and my vote were recorded in favor of the Parker-Watson bill for the adjustment of controversies between the railroads of the country and their employees. Collective bargaining, mediation, and voluntary arbitration are the underlying principles embodied in this law. As a former railroad employee, I exercised a keen interest in the progress and passage of this meritorious legislation.

RETIREMENT LAW

Always an advocate of Federal retirement legislation I voted to liberalize the present civil service retirement act, and I favored the several bills introduced in behalf of the nurses, officers, and the enlisted men of the Army, Navy, and Marine Corps. Those who serve our country well during the best part of their lives should have the reward of a just retirement in the autumn of their lives.

AGRICULTURE

During the past six years the economic condition of the American farmer has seriously changed from prosperity to poverty and with a realization of these facts I have given my support to such bills as in my judgment would prove helpful to our agriculturists. During the present session of Congress I voted for H. R. 7893, to promote cooperative marketing; H. R. 8265, to provide the necessary appropriations for the Department of Agriculture and its several bureaus; and at the same time withheld my support of H. R. 11603 for the reason that it would have injured instead of helped the farmers of the great State of New York. I am in hearty sympathy with any movement looking to the building of good roads, reducing freight rates, and reducing tariff taxes that burden the farmer.

NATIONAL BANK BILL

To strengthen the Federal reserve system so essential to our permanent prosperity and to foster and promote the welfare of our national banking institutions, I favored the so-called McFadden bill, which was drafted by the Comptroller of the Currency to bring about equality of opportunity and expansion between National and State banks without in any way jeopardizing our independent and important banking system.

AVIATION

I have always lent my support to any plan that would insure a sustained and progressive development of aviation system in the Army, Navy, and postal departments, and am a firm believer in the doctrine that the United States should and must lead the world in this field of transportation.

MUSCLE SHOALS

Muscle Shoals is one of the greatest power-development plants on earth. It was constructed by the United States Government at a cost to the taxpayers of approximately $200,000,000 for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizer. I have opposed its lease to a private corporation for a period of over 25 years. The Government should exercise its control over this vast enterprise to the end that cheaper and higher grade fertilizer, essentially necessary to the prosperity of agriculture, be manufactured here in this country under Government supervision.

APPROPRIATIONS

You will be interested to learn just how our Government spends its money as well as the purpose for which it is expended. I am therefore listing the major appropriation bills which are considered annually by Congress to enable the several departments, bureaus, and commissions to carry on their necessary functions. I supported these appropriation bills.

Appropriations for fiscal year 1927 to July 3, 1926

Agriculture Department	$139, 275, 823. 00
District of Columbia	35, 492, 128. 00
Executive Office and independent offices	520, 373, 376. 64
Interior Department	251, 971, 818. 00
Legislative, etc	16, 438, 127. 00
Navy Department	321, 794, 475. 00
State, Justice, Commerce, and Labor Departments	80, 127, 991. 64
Treasury and Post Office Departments	2, 207, 663, 542. 07
War Department	349, 756, 911. 16
Total, regular acts	3, 184, 088, 880. 71
First deficiency act	426, 298, 681. 19
Second deficiency act	50, 822, 696. 22
Grand total	3, 661, 210, 267. 12

Revenues for fiscal year ended June 30, 1926

Customs	$579, 430, 092. 86
Income taxes	1, 982, 040, 088. 58
Miscellaneous internal-revenue taxes	855, 599, 289. 26
Miscellaneous receipts	545, 686, 219. 44
Total	3, 962, 755, 690. 14

UNFINISHED BUSINESS

There are many bills that failed of passage in either or both Houses of Congress that will be taken up at the next session. Among the important bills of interest to the people of my district can be listed:

Jacobstein-Copeland coal bill.
The Pullman surcharge.
Branch banking.
Farm relief.
Modification of the Volstead Act.
Return of alien property.
Readjustment of postal rates.
Muscle Shoals.
Radio bill.

RECAPITULATION

I am in a position to say to my constituents with every possible emphasis that in not a single instance was any pressure brought to bear in my determination of the great questions that came before me for solution from any political leader or organization that would tend to alter or direct my judgment for or against any particular measure. I rejoice in the knowledge of the fact that in order to make a commendable record a Congressman must be constantly at work, keeping in mind the many avenues of usefulness and service that are open to him in his great position. As I said before, on many important questions I was aided and helped by the information, advice, and, above all, by the constructive criticism that came to me from time to time from constituents of all parties with respect to contemplated and pending legislation.

It has been my pleasure and practice at all times to consistently invite and receive the views of interested people with respect to these problems, and I am frank to offer this acknowledgment of the great help this information has been to me.

Although I have had hundreds upon hundreds of letters requesting assistance from veterans of the late war, seeking compensation or vocational training, from survivors of the Civil and Spanish Wars seeking increases in pensions, from friends of prospective immigrants who seek admission to this land of opportunity, from business men interested in adjusting claims against the Government, together with civil-service cases and innumerable requests for departmental information and documents of various sorts, I am prepared and solicit additional work for our people along these lines of activity.

My offices in Washington and in Buffalo are open all the year around, and it will continue to be my pleasure, even while Congress is not in session, to give prompt and sympathetic attention, as well as effective service, to all of those who will do me the honor to call upon me in this respect. Let me conclude by saying to you that I consider it a very great honor, first, to be a Representative in the Congress of my country, and, second, to know that I am a component part in the greatest legislative body in the world from the great State of New York. I am profoundly grateful for the continued confidence my successive elections indicate on the part of the people of the forty-second New York district, and I pledge you my word that I shall continue to serve with honor to my district and my country and with credit to myself.

FARM RELIEF

Mr. HILL of Washington. Mr. Speaker, under the permission granted me I submit the following:

SPEECH DELIVERED OVER THE RADIO, WCAP, WASHINGTON, D. C., MAY 5, 1926, BY MR. HILL OF WASHINGTON

Agriculture is in the throes of an economic crisis. The farmer is bankrupt. Agriculture is the basic industry of the country. Without it the wheels of industry and every commercial activity would stop. The question logically arises, Why should the farmer be bankrupt when agriculture is the foundation on which the life of the Nation depends? Is the cause of this condition to be found in the operation of the law of supply and demand as it affects the products of the soil, or is the cause an artificial one? In considering this question we can not segregate the industry of agriculture and arrive at correct conclusions from a study of the subject on the basis of such isolation. No industry in this country stands alone or constitutes of itself an economic entity. All industries, including that of agriculture, are indissolubly interrelated through the all-embracing factor of commerce. The industries produce wealth; commerce distributes and markets the products of industry. Commerce does not create wealth, it creates profits and losses on the commodities of wealth which industry has produced. Commerce can not exist without production, for commerce begins where production ceases. But commerce is indispensable to industry, for if the products of the latter can not be distributed and marketed industry can not survive.

But if the machinery of commerce has broken down or has become so expensive of operation as to leave no profits to a particular industry, that industry must either go out of business or the machinery of commerce be so adjusted as to permit it to produce at a profit.

Agriculture is not producing at a profit and something is seriously wrong either with the industry or with the machinery of commerce.

We are informed that the manufacturing industries of the country are operating and producing at a profit and have experienced an era of unusual prosperity during the past six years. The markets in industrial stocks and bonds have risen to unprecedentedly high levels and billions in stock and cash dividends have been distributed to stockholders as profits during that period of time. The banks in those sections of the United States where manufacturing is the predominant industry have likewise prospered, due to the great demand for loans on liquid securities. The banking institutions in the financial centers of the country, with half of the world's supply of gold in their vaults, have freely extended credit at low rates of interest for the launching of new and the expansion of existing business enterprises, for investment and speculation in industrial stocks and bonds, and in addition thereto have advanced credit to the extent of nine or ten billions of dollars to European countries. At no previous time in the world's financial history have the moneyed powers in any country been so completely in control of the world supply of money and world finance as are the moneyed powers of this country to-day. They not only control the banks of this country but the leading banking institutions of foreign countries and our great Federal reserve system. They can and do expand and contract the volume of currency and credit at will; they can make money plentiful or scarce. They can precipitate money panics or avert them. They can build up or break down any industry or enterprise by extending or refusing credit. They control commerce. The economic destiny of the country is in their hands.

They control the Government. They are a money trust, and with the object of the more firmly fastening their grip of control upon the commercial and economic life of the Nation they finance, organize, and foster monopolistic combinations of other businesses, enterprises, and industries.

These moneyed powers own or control the big manufacturing industries; they own or control the railroads of the country; they own or control the big old-line life insurance companies, the telephone and telegraph and big power companies, and they are back of that gigantic movement now under way to bring into one superpower system the control of all the electric power, both developed and potential, in the whole United States. They own or control all these industries and enterprises because of the opportunity for profitable returns they afford both on invested capital and credit advanced and because of the liquid character of their securities. But these moneyed powers do not own the industry of agriculture. They do not want to own it. Why should they invest large capital in farm lands and farming enterprises, pay taxes on the physical values thereof, pay for maintenance and upkeep, seeding, cultivating, and marketing crops, and assume the risk of partial or total failure of crops from drought, flood, winds, hail, grasshoppers, and other pests, when the sad experience of the farmers amply demonstrates that it is not necessary that these money powers own the farms or conduct the farming operations in order to reap the profits therefrom.

In 1920 farm products were selling at profitable prices, agriculture was on a prosperous basis, and money was flowing into the pockets of the farmers. The money powers had permitted an expansion of credit among the farmers during the war to encourage them to greater production of food supplies to meet the necessities of that crisis. Manufacturing industries and practically every other business enterprise in this country had also prospered during the war period. But when the crisis had passed following the ending of the war, agriculture was singled out for slaughter. The money powers said there was too much inflation of prices. They were not concerned with the inflation of the prices of manufactured commodities or of industrial stocks and bonds, but they were concerned with the inflation of the prices of agricultural products alone. They decided that too much money was being distributed among the farmers and that money so distributed is difficult of control and does not yield interest. Only credit yields interest; hence the scheme to take the money away from the farmers. The Federal reserve system was employed as the agency to effect this purpose, and in pursuance thereof in 1920 it withdrew credit from agriculture and forced liquidation of the farmers' notes, which resulted in the deflation of farm values to the extent of $20,000,000,000 and of the values of farm products to the extent of $6,000,000,000. The bankruptcy of agriculture was inevitable. It was a cold-blooded, premeditated act, and the law of supply and demand had no part in the tragedy. It was a clear-cut case of discrimination against agriculture, for while this scheme of deflation was being executed the Federal reserve system was extending liberal credit at low rates of interest to the manufacturing industries and to the speculators in the stock markets.

The farmer was deflated, but the manufacturers and stock gamblers were protected against deflation. The farmers' dollar was reduced in purchasing power to 50 cents or less, while the dollar of the manufacturer was held at par.

After the work of deflating agriculture was accomplished and the discrimination against that industry was established the tariff rates on manufactured products were so increased as to make certain the perpetuation of such discrimination. It is an artificial and not a natural economic system that is wrecking agriculture.

The agencies of government have been employed and the powers of the Government have been invoked to make agriculture contribute its wealth of production to the support and maintenance of the Nation without profit to the producer. Under the present economic system the farmer is prostrate. The Government has brought him to this estate, and only the power of government can release him from it. His dilemma must be recognized and his oppression relieved.

For six years the farmer has been producing his crops at a loss, not because his productions were greater during that period than formerly nor because the requirements therefor were less. His losses are not due to the operation of the natural law of supply and demand.

They are due to artificial causes that have suspended the operation of that law.

If the farmer is compelled to produce and sell on the basis of the law of supply and demand, then in the interest of simple justice to him he must be permitted to buy upon the same basis. If he must sell his products in a competitive world market, he is entitled to buy his supplies, merchandise, and equipment on the basis of that market. On the other hand, if the manufacturer is to be protected in the markets of this country against foreign-made goods so that the law of supply and demand does not operate to fix the sale price of his merchandise on the basis of the world market, is not the farmer entitled to the same degree of protection in order that he may likewise be relieved from the operation of that law? The farmers are not demanding or advocating that the policy of tariff protection be abolished, but they do demand their right to share in such protection on the basis of equality with the manufacturers. Can it be honestly contended for a moment that the 30,000,000 farmers of this country have not the same economic rights under our Government as those engaged in manufacturing? But the moneyed powers decreed otherwise. They decreed that the farmer had no economic rights which they or the Government were bound to respect, and upon that assumption proceeded to formulate and execute plans to reduce him to bankruptcy.

The farmers of the country are besieging Congress, demanding relief from this economic oppression. And since the Government is responsible for the oppression, their addresses to Congress are justified. They are not pleading for a favor, they are demanding a right. It behooves the Congress to heed this demand, for the Government was not established as a private agency in the hands of the few for the exploitation of human labor and the subordination of human rights.

Lincoln said in his first inaugural address, in 1861: "This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing Government they can exercise their constitutional right of amending it or their revolutionary right to dismember or overthow it."

It is undeniably true that the country and the Government belong to the people and that they have the right and power to dictate the conduct of the Nation's affairs and the character of governmental policies and administration. But it is equally true that the people are not controlling the Nation's business and that their interests are not given primary consideration in the administration of the Government. The sovereign power of the people has been usurped, and while the burdens of the Government still rest upon their shoulders, its control has been taken out of their hands. To the people have been left the political forms, but from them have been taken the economic substance and strength of the Government. This usurpation has not been accomplished by force of arms or by revolutionary methods; it has been effected through the opiates of false teachings. The people have been chloroformed into a false sense of security and their just powers to shape their own economic destiny have been perverted to accomplish their economic exploitation.

But it is still the people's Government and it is their combined strength that supports and gives it life. There is no stronger human institution. It is upheld by the collective physical and spiritual forces of the people of this great Nation. And if the Government, animated and inspired by this greatest of human forces, were held to the execution of the high purposes for which it was ordained, namely, to establish and insure even and exact justice and equality of opportunity for all men, there would be no agricultural problem for the Government to solve.

But while we have religious and political freedom, freedom of speech, freedom of the press, and the right of peaceable assembly, yet having permitted to be taken from us our economic freedom, it may be literally said that we have but the husks for our subsistence.

It is becoming more and more difficult for the man of the ordinary walks of life in this great country of boasted freedom to resist successfully the gripping force of economic power that tends to hold him to the status to which he was born. What hope can spring eternal in the breasts of the toilers of the land, those who produce wealth and not simply commercialize it?

They are the victims of a system of discrimination against the masses of the people and in favor of those who through the prestige and power of great wealth control and dictate the legislative and administrative policies of the Government. They have harnessed the people's power through the machinery of the Government to place the people in economic bondage.

This is strong language, but it is no stronger than the truth it expresses. We may as well face the issue squarely and meet it now. The issue is, Shall the people of America be free in fact, or shall they be content with the mere political forms of freedom? The people have both the right and the power to determine this question as they please. The Government and all powers and rights thereunder are theirs. They can exercise those powers and rights and be the masters of their country and of their own economic destiny, or they can continue, as they now are, the vassals of the money lords. The encouraging sign on the economic horizon is that the farmers, 30,000,000 strong, are no longer pleading for their rights but are demanding them.

THE FENNING FIASCO—THE FABLE OF FARM RELIEF—HOWARD UNIVERSITY HOLDUP—AVIATION ACTIVITIES—LEADERSHIP OF W. FRANK JAMES

AS TO THE FENNING CASE

Mr. McSWAIN. Mr. Speaker, I do not pose to be a great constitutional lawyer, but after about 27 years' experience at the bar I am convinced that lawyers are sometimes confused by multiplicity of precedents. There are no precedents that are absolutely binding on the Congress in the matter of impeachment. It is a matter for the good common sense of the Members of each Congress to decide, (1) upon the grounds of impeachment and (2) upon the officer to be impeached. Stripped of all its technicalities and refinements and the cloud of judicial decision, if a Commissioner of the District of Columbia is not subject to impeachment, certainly the Constitution has run us into a blind alley. The Constitution gives Congress exclusive legislative jurisdiction over the District of Columbia.

In the exercise of this exclusive sovereign power the Congress has set up a commission form of government and has provided that the commissioners may be appointed by the President, together with the advice and consent of the Senate. Congress makes the law, and Congress gives the power to the President, subject to the confirmation of the Senate. Will common sense permit us to conclude that Congress intended to tie its own hands and strip itself of its own sovereign power by putting the Commissioners of the District of Columbia beyond the power of impeachment? Furthermore, who can stay the hand of Congress in this matter? What court can enjoin action by Congress? Congress is the trustee of the life and liberty and property of all the people residing in the District of Columbia. In order to exercise its trusteeship properly and wisely, Congress must retain the power to remove by impeachment the commissioners from office. It is not the President who is the trustee for the District of Columbia. But the Congress, which is the constitutional trustee, has conferred a limited nominating power upon the President, and there the power of the President stops. If the Congress does not exercise its power and bring by impeachment Frederick A. Fenning to trial at the bar of the Senate of the United States, then the Congress is breaching its trust and failing in its solemn constitutional duty and is driving another nail in the coffin of honest government and of clean, upright, official life in this Republic.

W. FRANK JAMES

Mr. Speaker, I can not pass this opportunity to express my personal estimate of the magnificent service rendered to this Congress and to the military service of the United States and, through it, to the country, by the gentleman from Michigan [Mr. JAMES]. For the greater part of this session it has fallen to the lot of Mr. JAMES to act as chairman. He has pushed the work of the committee with great energy and enthusiasm. He has worked unremittingly, day and night, to master the facts of the bills before the committee and to plan the legislative procedure for enacting them into law. It goes without saying that he put the rest of us to work, and he kept us at it, and this shows that he is a great leader. The results of his service are the best testimonal in his behalf. It has been a long time, certainly not since the close of the World War, since the Committee on Military Affairs has had so many of its bills favorably received by the House and by Congress as a whole. The outstanding characteristic in the make-up of Mr. JAMES that explains his great success is his ability to obtain the cooperation of the other members of the committee by sinking himself out of sight and by pushing them to the front, obtaining credit for them for their work and stimulating them to help each other to produce results. Mr. JAMES never seemed to think of himself, nor to seek any credit for himself, and because of his modesty I feel that it is my duty to let the country know just how efficient and effective his services have been.

THE FABLE OF FARM RELIEF

The only action taken by this Congress after seven months' session that has any direct relation to the distressing conditions of agriculture in this country is a bill setting up a bureau in the Department of Agriculture charged with the special duty of encouraging and advising of cooperative associations for the sale of farm products. In the meantime there is a steady decline in the market value of such products. Though the prices in the grocery stores to the industrial workers and inhabitants of great centers of population remain high and grow higher, the prices for the same things produced by the farmers grow lower. Though the prices charged by hotels and restaurants remain steadily high and change only to become higher, yet the compensation to the man whose labor and skill have produced delicious vegetables and fruits from sun and soil and shower, and the reward of the man that nursed flesh and fowl from the beginning of life till the day of slaughter con-

stantly grow less and less. The values of farm lands decline. The stream of deserters from the farm grows longer and longer. The country church and the country schoolhouse and the country lodge grow weaker and weaker. If this process continues for many more years, the safety of this Republic is endangered. The pure, fresh, vigorous body and soul of the young men and women that heretofore have been developed under the ennobling, uplifting influences of country life will cease to pour into the ranks of city population, and a period of decadence will surely follow. God grant that the minds and hearts of those of us charged with the responsibility of safeguarding the future life of this Nation may realize the danger that lies here and set about to rescue the farmers from the impoverishment and dependence of helpless peasantry.

HOWARD UNIVERSITY HOLD-UP

It was a dangerous step for this House to authorize appropriations in favor of Howard University, a mere private institution devoted to the education of members of the colored race. If this be constitutional, then Congress could appropriate money for the support of any private denominational college. I opposed it, not merely because it was for the colored race—and, mark you, I did not say for the benefit of the colored race. The kind of education they are seeking to give at Howard University, so called, to wit, literary and professional, is not in my opinion for the benefit of the colored race. Every race has to go through the various natural stages of development, and the colored race is not yet ready to absorb, to use, or to profit by the arts and sciences. Representative LAGUARDIA, of New York, very frankly told the truth when he said that this bill was being rushed through Congress because the negroes are in politics. I would have opposed the bill just as strenuously if it had proposed to subsidize by appropriations from the Federal Treasury any college for the white people of either the Baptist, Catholic, Methodist, Presbyterian, Unitarian, or what-not denomination. It was a matter of principle with me. But I could not suppress expressing amusement that the chief advocates of this bill come from that section where colored students are now persona non grata in their colleges and universities.

THE ACCELERATION OF AVIATION

The bills establishing a five-year building program for aircraft for the Army and the Navy and setting up an air corps in the Army under the command and control of flying officers, and under an Assistant Secretary of War with experience in and enthusiasm for aviation, and the adoption of a uniform method of procuring aircraft for both the Army and the Navy by stimulating competition and encouraging invention and rewarding inventive genius will certainly have a marvelous effect in pushing forward the long-delayed development of air power and of aircraft construction and the aircraft industry in the United States. I hope the newspapers and magazines will carry to every quarter of this land the good news that every designer and inventor shall henceforth have a fair and equal chance to obtain reward for his successful efforts. Heretofore only those designs that were patented could be paid for. Very few of the highly useful designs have sufficient novelty to justify patents. Hence designers might spend large sums of money and much time and effort in developing designs that would prove highly valuable from every point of view and yet neither the Army or the Navy could pay a single cent for these designs. Henceforth the Army and the Navy will announce by nation-wide publication that design competitions will be conducted and will specify the features to be improved on and the winner or winners in such contest will either get the contract to produce the aircraft in quantity or will be paid for their designs and the construction contract let to other manufacturers.

I am asking that all newspapers and magazines that may be interested in spreading this information write to the War Department or the Navy Department asking for information as to the working of this new law. I hereby promise to give, upon request and without charge, a statement to any newspaper or magazine explaining the aims and purposes that Congress had in mind when enacting this law regulating the buying of aircraft. I believe that when the thought of the ingenious and talented engineers and mechanics of America shall have been concentrated upon the unsolved problems of aviation, then it will be but a few years before flying shall be rendered as safe as automobile riding, with vastly added speed and range of action. The newspapers and magazines can render the national defense a great service by helping to bring to the attention of all the people the provisions of this new law.

DEMOCRACY YESTERDAY AND TO-DAY

Mr. BARKLEY. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following:

SPEECH OF ALBEN W. BARKLEY, MEMBER OF CONGRESS FROM KENTUCKY, AT THE DEMOCRATIC BANQUET, HELD AT LOUISVILLE, KY., MAY 22, 1926

Mr. Toastmaster, ladies, and gentlemen, the circumstances under which we gather here to-night, no less than the character and enthusiasm of this audience, give ample proof that the political party of which we are a part still breathes the breath of life and functions for the people.

The form of government under which we live lends itself in a peculiar way to the fostering of political parties. In the main the history of the United States has been the history of political parties and the principles they have sought to apply to the government of the Nation.

But we fail entirely to grasp the mission and the usefulness of political parties if we deem them ends within themselves or look upon them in any other light than as instruments of the people for the propagation and application of doctrines they hold sacred in determining the character of their Government.

We have heard much, in recent years, among those who engage in loose political thinking, to the effect that there is no longer any fundamental or essential difference between the two major parties now in existence in the United States; that the line of demarcation has gradually disappeared to such an extent that if there is any difference it is not visible to the naked eye.

Those who entertain such thoughts are unacquainted with the struggles which gave birth to them and equally unacquainted with their recent history. It may not be inappropriate here to refresh our minds concerning the past that we may have a fuller understanding of the present.

When the inspiring language of the Declaration of Independence had been vindicated at Yorktown and the Constitution had been adopted and ratified and by the unanimous voice of the new Republic Washington had been called to the office of President he chose Alexander Hamilton as his Secretary of the Treasury and Thomas Jefferson as his Secretary of State.

Hamilton had rendered conspicuous service at Washington's side in the Revolution. Though he did not like the Constitution as it was finally adopted, because it gave too much recognition to the people, yet he supported it and gave valuable aid in securing its ratification by the States. Though humbly born in an alien island, he was an aristocrat in all that the term conveys. He did not believe in either the ability or the right of the masses of the people to govern themselves. He believed that the blessings of government should spring from the higher strata of society; that only the rich, the educated, and the well born should participate in government, and that such benefits as the masses received should be as crumbs falling from the table above into the hungry mouths below.

To say this about Hamilton is not to discredit or belittle his great ability nor the service he performed in many capacities before and after the organization of the new nation. But it would falsify the truth of history to deny that he was essentially an aristocrat; that he did not believe in the people and was contemptuous of their will; that he was bold in the execution of policies which even in that day enriched his followers by the perversion of the Biblical doctrine, "To them that hath shall be added, and from them that have not shall be taken even that which they have." He believed not in the doctrine of equality among the people, but that the favors of government should be reserved for those who were its special pets. He believed in a system of caste, and in his heart he cherished the European system of rank and nobility.

It was natural that such a man, daring, brilliant, determined, ambitious, and attractive, should draw to him a following among those whose hearts were in tune with his own, whose interests would be enhanced by the adoption of his political theories, and whose conceptions of government were limited to their own propensity for using it to exploit the rest of mankind. Some of these followers had contributed little to the winning of the war for freedom. Some of them were actually in sympathy with the British cause. Some entertained an honest belief that the people, to whom they referred as the mob, were not only incapable of government but were presumptuous and impudent even to demand a right to participate in it.

Hamilton believed in a government thoroughly centralized at the National Capital, not only capable but anxious to impose its imperious will upon every local community. Around him gathered all the elements of the population who believed with him—the speculators in public securities who enriched themselves at the expense of the people, the special interests whose only conception of government was to use it for their exclusive benefit, the British sympathizers during and after the Revolution, and all the elements who distrusted the people and thought the young Government should take its form and color from among those specially fitted by fortune and environment to bestow upon it financial and intellectual stability. It would be unfair to intimate that Hamilton sympathized with the selfish and greedy impulses of all his followers. He did not. But, believing, as he did, in the doctrine of exclusiveness in the application of government; believing, as he did, in the doctrine of special favors to a class and doubting, as he did, the inherent right and capacity of the people for self-govern-

ment, it was natural that those who were not in sympathy with the people themselves should prefer to follow him than to follow some man who essayed as the spokesman of all those who believed the Declaration of Independence meant what it said.

It was under such a leadership and with such a following that the Federalist Party lived and died, and it was not strange that in the midst of a new conception of the rights of man, and almost within sound of the Revolutionary battles, its life should have been short, though it can not be said to have been sweet.

Against all this stood Thomas Jefferson, the Secretary of State in Washington's Cabinet. Reared in the backwoods of Virginia, born in humble station, but not of humble lineage, he became the most accomplished man of his day. It is hard to conceive of a man more versatile, or one who was called to high station with a riper experience. He had been a member of the Virginia Burgesses, of the Continental Congress, Governor of Virginia, author of the Virginia Statute for Religious Liberty, author of the Declaration of Independence, minister to France during the French Revolution, codifier of laws and lawgiver, farmer, architect, musician, linguist, philosopher, patriot, friend of mankind. He transcribed into statutes and into immortal pages the inarticulate longings of depressed mankind. It was he who had given expression to the new doctrine that "All men are created equal." Not equal, of course, in wealth, in muscle, or intellect; but equal in the right to participate in a government which should be theirs, before which the humblest and the highest should stand on equal terms.

Jefferson did not believe that a few people should monopolize the favors of Government. He did not believe in a system of caste. He did not believe that all the people should be taxed for the enrichment of a portion of them. He did not believe that one class, and that a small class, should be allowed to use the Government as a means of injustice to millions in order that a few thousands might enjoy unmerited advantage.

He did not believe, as Hamilton believed, that it was perfectly proper to "tax the coat from a man's back, so long as he did not know it," but he believed that any form of taxation, direct or indirect, seen or unseen, should be limited to the legitimate need of the Government administered with economy and honesty. He believed that this Government and any government ought to be the instrument of all the people, subject to their will, and that it not only ought not to be their master, but that it ought not to permit others to be their masters. He believed that this should be a democratic Republic, not an imitator of European notions which the very victory of the Revolution had cast aside.

It was in this atmosphere, and with these leaders, that the contending forces of federalism and liberalism, of autocracy and democracy fought their battles in the early history of our Nation. It is not strange that democracy and liberalism, which are in truth synonymous terms, triumphed in Jefferson's election to the Presidency in 1800.

If the fundamental differences, the hard struggles, the triumphs, and defeats of that period, bore no relation to the status of our politics to-day, it would be idle to recount them. But the two great forces which have all along fought the running battle for supremacy in this Nation, the forces of progress and reaction, the forces of popular faith on the one side and popular distrust on the other, in all their essential fundamentals are just as evident and as active now as they were a century and a quarter ago. And it is because of this that there can be no faltering nor compromise on the part of those who would seek to prevent the domination of the Government by narrow, selfish, or predatory castes, from whatever sources they may be recruited. It is because of this that the age-old and world-wide controversy respecting the nature and objects of government is as vital and dramatic to-day as it has been in all the stages of man's rise from impotence to power.

The life of the Federalist Party which arose around the figure of Hamilton was short. Before the majestic figure of Washington retired to the banks of the Potomac hard by, the storm was breaking in all its fury. Proscription, intolerance, bigotry, even despotism were stalking everywhere, and in the administration of John Adams the revolt against the alien and sedition laws was a deep-seated expression of the contempt and impatience of the people with the efforts of a government founded on justice, as they believed, to hush their voices and close their eyes to its vicious and disastrous transformation. With the defeat of John Adams the Federalist Party passed practically out of existence, though it made a feeble resurgence in his son, John Quincy, like the reappearance of a sunken river long lost to public view.

With the disappearance of the Federalist Party under that name, came the Whig Party, founded on the ruins of Federalism. The Whig Party was less bold in some of its theories of exclusiveness and in its belief in special favors to a few, but it was the lineal descendent of the Federalist Party, with such modifications as may be attributed to the freshness of a newer generation. But while the name was different, it was permeated by most of the discredited theories and practices, which had brought the humiliation of its predecessor by the triumphant election of Thomas Jefferson.

Thus, the Democratic Party, founded and organized, stimulated and enthused by the unerring constancy of Jefferson, found itself again face to face with its recent foe, but disguised under another name. Its triumph under Jefferson was the vindication of the rights which the Revolution had established, which Jefferson himself had articulated as no other man could. It was now to experience another triumph, under another magnetic, courageous, indomitable leader, who was as obnoxious to the powdered and pampered favorites of special privilege as Jefferson had been three decades before. His name was Andrew Jackson.

History has offered for our study no more heroic figure than this son of the frontier. Born in South Carolina, upon its remote outskirts, at a time when the whole people of the land were but a body of dependent settlers, his boyhood was spent in the midst of the contest with Great Britain. The first exalted principle which fell upon his youthful imagination was that all men were created free and equal. When but a boy of 14 he shouldered a musket and went forth in behalf of his native land.

When the war for liberty had been concluded, this boy of the forest was alone in the world. His father was no more. His elder brother had lost his life in the Revolution; another brother died of wounds which he received when the two were captured, and his mother had died of grief and of her efforts to save her children.

Following these events the Nation, scattered and uncertain of itself, proceeded to organize a Government. The Confederation grew into the Constitution and the Union, and the restless colonists began to turn their faces toward the western horizon, to take possession of the vast domain which lay beyond the mountains, and to build there the empire of the midcontinent. Thither went Andrew Jackson, to settle near the banks of the beautiful Cumberland.

As the adventurous spirits moving westward pushed their vanguard into Tennessee, the longing for an organized society, which might give protection, stability, and hope to the new environment, began to swell in their bosoms. Jackson became the spokesman and overshadowing genius of these aspirations, and it was under his guidance that the representatives of these hardy people met near Knoxville in the mountains of Tennessee, in 1796, to form a constitution. And it is an imperishable tribute to the genius of this man that within 25 days they had written a constitution which, in all its essential features, has lasted until this day.

They came together in that wilderness, not to confer special favors on a few of them; not to make the Government the agency for oppression; not to create an atmosphere of selfish exploitation. They came to crystallize the common hope which filled their breasts into a realization of established democracy and freedom. They came together as friends, confident in truth, with fellowship and reverence in the presence of a great duty and a great obligation, and in the instrument they formed they acknowledged their faith in God and their immutable dependence upon one another. They gave to every free man among them the right of suffrage. They guaranteed the freedom of speech and of the press and of religion, and they demanded of every man who might thereafter be chosen as a legislator that he should make oath "never to consent to any act or thing whatever that shall have even a tendency to lessen the rights of the people."

We need not pause here to recount the marvelous career that led this second great apostle of democracy from the backwoods of Tennessee to the White House in Washington, nor the battles which he was compelled to fight on behalf of the people during his eight years as Chief Executive. But the forces which were pitted against him were the same in character and intent and in boldness which had sought to fasten their chains upon the new Republic in the first instance. They were the forces which Jefferson with consummate skill and genius had vanquished three decades before. They were the forces which then, and in all ages, have sought to reap where they had not sown, and to gather where they had not strewn.

He found all the power of entrenched wealth pitted against him. He found against him all who looked with contempt upon honest toil and sought to appropriate to themselves its just rewards. He found against him all the elements of reaction and of disunion. He found against him the selfish ambitions of aspiring men. He found against him all those who sought to paralyze the power of the National Government. He found against him a reverence for the petrified forms of an alien system of legislation.

He found against him the remnant of Federalism blossomed into Whigism, with such spokesmen as Adams, Clay, and later Calhoun, to dispute his every step. He was described as a tyrant, a despot, and a usurper; as the destroyer of the liberties of a country; as a rash and ignorant imbecile; destroying peace at home, and endangering it with all nations; of obliterating our commerce, of depriving labor of its just reward, of destroying credit and closing the door of opportunity to an entire nation, and of plunging an innocent and happy people into the depths of despair.

But during his administration Jackson established and preserved peace with all nations, and caused our flag to be honored and respected wherever it floated. He forced the payment of indemnities by every

nation that had wronged us. He paid the public debt, he reduced the taxes imposed by the Government. He lifted from all the States encumbered with an Indian population the burden and the fear. He revived the currency upon a stable basis, and raised a barrier in the way of every attempt at dishonest currency. He vindicated the Constitution from the imputation of weakness, and first taught the American people the true theory of its intent. In the wildness of the forest, in the halls of legislation, in the highest office in the gift of the people, he stamped the force of his character and his will upon all that he touched. He believed in the people, because he knew it was for them that governments existed, and they trusted him because they knew he would not betray them. And he left for the political theories of which he was the second great apostle a heritage of devotion, of courage and incorruptibility which will enhance, as they have already enhanced, his name and fame wherever the fires of popular government light the pathway of the generations.

The Democratic Party, which Jackson had firmly established in power and in the confidence of the people, continued to govern the expanding country until the Civil War broke with all its passion and fury. But it continued to be, as it had been from the beginning, a constant, persistent, and insistent battle between the theories of Jefferson and of Hamilton. It was hard to uproot in the minds of the reactionary the belief that the Government owed to him something different and apart from the common lot; and while the success of the Jackson administrations and those which succeeded it kept the Democratic Party in power, the special interests which had been treated to a taste of Government favoritism were loath to remain separated from its benefactions.

The election of Lincoln was not brought about by any great economic struggle, except in so far as slavery may be said to have been somewhat economic in its nature. The issue which placed Mr. Lincoln in the White House was moral rather than economic, and while Mr. Lincoln is referred to as the father of the present Republican Party, the campaign which resulted in his first election, as in his second, was as remote in character as it was in time from anything that can now be associated with the present leadership of the Republican Party.

The Civil War was geographical as well as political and military. Men on both sides who had been former political enemies became comrades in the same army. Partisan delineations disappeared, and it became on the one side a struggle to preserve the Union and on the other a struggle to establish a separate republic in the South. So that we may well pass over this period in so far as it has any bearing upon the historic difference between the Democratic Party and those who have opposed it from the beginning.

After the death of Lincoln, after the Republican Party had receded somewhat from the fervor of the great conflict, its leadership fell into the hands of men who resembled Hamilton more than they resembled Lincoln, and it soon became in fact what it is to-day, the lineal descendant in thought and practice of the old Whig Party, as it in turn had been the descendant of the Federalist Party. And with the possible exception of the administration of Roosevelt in some respects, there has not been a time since Lincoln passed from the scene when the Republican Party has not been dominated by a leadership whose conceptions of government were essentially in harmony with the Hamiltonian theory of exclusiveness in the application of the functions of government to the people of the Nation. This brand of leadership is now in complete control of that party in the Nation and in the State of Kentucky.

From 1860 to 1913, with the exception of the two separated terms of Grover Cleveland, the Republican Party was in undisputed control of every branch of the Federal Government; and Mr. Cleveland himself had a Democratic Congress for only two years during his eight years in office. So that we may with truthfulness assert that for more than 50 years prior to the election of Woodrow Wilson the Republican Party was in complete control of all branches of the National Government. Every law that was passed was sponsored by that party. Every executive policy inaugurated was initiated by that party. Every political evil growing out of legislation or lack of it was an evil for which that party was responsible, and every remedy that should have been but was not applied was a Republican failure.

I have great respect for the average man who aligns himself with that party. In the ordinary contacts of life he is as sincere, as honest, and as patriotic as I or any other man may be. But during the past 40 or 50 years, with a few outstanding exceptions, the leadership of that party, those who have fashioned its character and complexion, have applied to every legislative and executive policy the theory that there are some of the people of the Nation who by reason of wealth, intellect, or social environment were legitimately the objects of special concern and favor on the part of the Government and that they were entitled to make use of its powers and its functions for their own advantage.

During the 50 years before Woodrow Wilson, whatever banking and currency system we may be said to have had was that which the leaders of the Republican Party had given us. They boasted that within their ranks existed all the economic and financial ability of the Nation. They boasted especially that there was not within the Democratic Party sufficient grasp of financial problems to justify the belief that it would be safe to intrust to it their solution. And yet during that period this Nation plodded along under the most archaic, unscientific, moss-backed, patchwork system of monetary regulation that ever cursed a civilized nation. Under the system which their superiority established the control of money and credit gravitated to one great center, which enabled it to exercise a control over the destiny of millions of people wholly out of keeping with the importance of that center. A small group of powerful financiers dictated the financial policies of the United States and maintained offices and contact with the Treasury in Washington, and profited by advance information they obtained of prospective governmental announcements before the people affected could possibly obtain the information.

The financial system which these "best minds" had fastened upon the country was rigid, inelastic, unresponsive to the varying needs of the widely separated sections of the Nation, and partly because of its total inadequacy and partly because it lent itself to the manipulation of an unscrupulous element bent on plunder, we saw three periods of financial disaster engulf the Nation, stopping the flow of money to needed sections, choking the avenues of commerce, closing mills, throwing millions of people out of gainful employment, piling up in the fields without a market the product of honest toil, and bringing bankruptcy everywhere. And even after they on three separate occasions were compelled to view the wreckage wrought by their control of Government, they were totally unable to administer a remedy or suggest one.

This condition was produced because of the fundamental and hereditary belief that the agencies of Government, including even the establishment of a system of money, ought to be so manipulated as to grant powers and immunities to some not enjoyed by others; that because the great mass of people could not understand the intricate problem of finance, they ought to pay the penalty of being exploited by those who did understand them.

Not only was this policy pursued in matters of currency and banking and monetary regulation; it was applied as ruthlessly to the problem of taxation. Hamilton had in the beginning boasted that the very garments might be taxed from the backs of the people, and they would not complain so long as they did not know that the garment had disappeared because of taxation. In other words, it was entirely ethical in their opinion to deceive the taxpayer, to slip upon his blind side, to purloin something from him, even if it were his clothes, provided the victim was unconscious of the operation. This was the original Federalist theory, it was passed on to the Whigs, and the leadership of the present Republican Party has not only adopted it in all its rigors, but has applied it even with greater boldness and disregard of the rights of the people than their political ancestors ever dared to do.

Through this policy of exclusive rights or privileges to a few, of favoritism for sections, great monopolies developed, giant fortunes built upon the ruin of competitors and at the expense of those who create the real wealth of every nation, were accumulated to be used in turn for the perpetuation in office of those who had granted the favors. The cost of living to the people was multiplied, agriculture languished, a sort of hothouse and hectic prosperity lit feverishly in a few favored spots, while all around was stagnation, want, and unemployment. It has been a strange exhibition of the political superiority which it has always boasted, and that intellectual monopoly which it claimed but never possessed, that in all the vicissitudes of more than 50 years of officeholding the leadership of the Republican Party never had but one remedy to offer a sick Nation. Was there bankruptcy abroad in the land? Give them more high tariff. Was there unemployment, old high tariff was dragged out of the closet and ordered to serve his accustomed purpose. Did farm products rot in the fields, and farmers see the roofs of their homes sway deeper under the load of debt? Raise their taxes, because, as Hamilton said, and his apostles now believe and practice, you can tax not only the coat from his back but the roof from his house, and he will not complain because he will not know it.

And so, while pretending to relieve the burdens of taxation, they actually increased them. While claiming to oppose monopoly, they actually fostered it. While boasting of their superior financial acumen, they kept on the statutes the most inadequate financial system of modern times. While pretending to believe in fair and clean elections, they accepted from the objects of their favor vast sums with which to defeat the will of the people.

In 1912 a majority of the voters who called themselves Republicans refused to follow the leadership which had thus betrayed them, and the result was the return of the Democratic Party to control of the Government in both its legislative and executive branches.

Before the new administration had been in power half a year it had written a tariff law which was described by the editor of a Republican newspaper as the most honest tariff ever written in the history of the Nation. Under this law the Government was amply supported, the people were relieved from irksome and unnecessary burdens, labor was employed, industries flourished, agriculture found a market throughout

the world for its surplus products, and our commerce with nations assumed proportions never before reached in the history of the Republic.

Before the new administration was in office a year it had wiped from the books the patchwork of financial laws which had given to commerce and industry and to all the enterprises of the people the dry rot, and in its place enacted a banking and currency law which has caused us to be amazed that it was not done before, which revived and stimulated a stagnant economic fabric; drove from the Treasury the selfish machinations of financial pirates; gave new life to the waning public confidence; restored the control of our money and the economic distribution of credit to the Government through a banking system designed for the fair and just acknowledgment of the needs of all parts of the country; financed the greatest war in the history of mankind, costing this Nation alone more than it had cost to conduct the Federal Government from its foundation; transformed the United States from a debtor to a creditor Nation, and stands to-day unchallenged, unrepealed, and almost unamended as a monument to the genius of the Democratic Party which framed it.

In quick succession laws were consummated which modernized the regulation of the practices of large aggregations of wealth; and in order to afford a tribunal for the redress of the grievances of business, large and small, the Federal Trade Commission was created, whose purpose was to be the restraining of the hand of ruthless antagonism, unfairness, and economic suffocation; to keep unchoked the channels of legitimate trade, and to erect signboards upon the highway of commerce directing honest business the way to honest profits.

While these new laws within themselves resulted in breaking the economic chains which had for decades bound the growing and expanding enterprises of America, and reflected these benefits upon all the people, the Democratic Party recognized the special deserts of agriculture, without which all other industries must wither, by the enactment of a farm loan system, which since its establishment has rescued hundreds of thousands of farms from the cry of the autioneer. We established a department of Government to be presided over by a member of the Cabinet, dedicated to the welfare of the man who labors. We established a Children's Bureau. We set up a department of good roads for the cooperation of the Federal Government with the States in the construction of modern highways. We created a nonpartisan Tariff Commission composed of experts in finance and economics; and among the free republics of the Western Hemisphere we dispelled fear, restored confidence, minimized suspicion, and ushered in an era of good feeling which made "dollar diplomacy" look like withered undergrowth.

All these things, unparalleled in the history of legislation, had been done when the Great War broke upon the world with all its fury and finally drew us into its vortex of seething brutality.

Glorious epoch was this in the history of America! Partisan jealousies for the time were submerged; men of all parties and colors and religions and grades of standing were fused into a common humanity by the uniform of their country; and when it was over and the smoke was lifting, the graves being decorated, and bleeding humanity limped back to what had in happier days been hearths and firesides, America stood before the world in a moral leadership never equaled in the long history of the races, and Woodrow Wilson became one of the immortals of all time.

It was then that the backwash of war began to show itself. Partisan and personal jealousies and animosities paraded in the garb of statecraft. Molehills of haste and waste were magnified into mountains of infamy. Every base passion that war lets loose was fanned into revolt and accusation, and the vile tongue of slander bedaubed the escutcheon of innocence with the ignominy of imputed wrong. The Republican Party was restored to power and on March 4, 1921, took hold of the Government of this Republic.

The sordid record made since that day is too fresh in our minds to need lengthy repetition. Scarcely had it warmed its seat in the various departments of the Government when a system of underground plunder and spoliation was set in motion which no American could have believed possible in the high spiritual atmosphere which guided our efforts in the Great War. While the people were trying to demobilize back into the paths of peace, those who floated to the surface upon the tide of the victory of 1921 began to make hay while the sun shone—corruption, criminal collusion in the very seats of justice, a sickening series of nauseating events all but overwhelmed the imagination, and we stood in a stupor to think that such sordid betrayal of public confidence could happen in the shadow of our sublime sacrifices but a few short months before.

But while the people were being plundered by public officers in disregard of law, the machinery was being adjusted by which they were to be plundered under the forms of law.

The Underwood tariff law, which had opened wide the markets of the world to the products of our toil, was repealed, and in its place the most unjust and the boldest example of legislative theft in the history of America was crystallized into law. The agencies of Government were again placed at the disposal of selfishness and grasping greed, and the people became again the victims of that ancient doctrine that a few shall enjoy exclusive privileges for which the rest shall pay. It would have seemed that the disastrous result which followed the enactment of the Payne-Aldrich tariff law in 1909 would have restrained the hand of avarice in 1922. But not so. The congregation of campaign contributors had to be appeased. The traditional doctrine which runs like a thread from Coolidge back to Hamilton had to be vindicated. Those who helped to win elections by their generosity had to be afforded the facilities with which they might recoup. So our coats are taxed, the quilt which warms us, the sheet that covers us, the cotton fabric that encircles us in summer, no less than the woolen garment which protects us from the shafts of winter, all these must pay their tribute to the memory of Alexander Hamilton and to the coffers of the monopolies which the system fosters.

The lump that sweetens our breakfast cup, the furniture which adorns our humble homes, the iron and steel that form the chief basis for the manufacture of the plow, the harrow, and the cultivator, as well as the implements of the artisan, the harness of the burdened beast, the lock with which the thief is denied entrance, the comb with which we seek to array our vanishing locks, and the pipe which soothes the soul in the fading glow of the evening hour; all these and others in endless numbers form the innumerable caravan of tribute payers under this administration.

Is it any wonder that seven years after the armistice the cost of living still mounts? Is it any wonder that the average man watches with apprehension the spreading distance between income and outgo? Is it any wonder that the farmer, who was supposed to have been asphyxiated by the farcical tariff on wheat while his pockets were being picked by the tariff on everything he buys, sees his surplus products piled up in the fields in decay while a hungry world can not obtain them because of the artificial wall which separates him from those whom he would feed? Is it any wonder that, seeing and understanding now as never before the game which has been played upon him from time immemorial, he is beginning to slap the scales from his eyes and revolt against his obvious undoing? Is it any wonder that fear now haunts the trembling forms of those who have joined the conspiracy to forge these shackles upon the producers of America? Is it any wonder that timid and self-conscious, if not conscience stricken, public officials are scurrying to the housetops to announce their contriteness of heart and to ask forgiveness in language that can be understood in the cornfields?

We are told in pious platitudes that this administration is the friend of the farmer; and when its remedy for his growing ills is announced it sounds like the toast to the poor at a banquet of millionaires said to have been held in New York on the eve of Christmas. Near the close of a joyous feast some banqueter whose heart was softened by the Christmas spirit arose and said he thought that before they adjourned they ought to do something for the poor, whereupon another generous soul arose and announced his full agreement with the suggestion and proposed that they all arise and give three cheers for the poor.

The leadership of the Republican Party can confer unmerited governmental favors upon the few who are their pets with faces that are profoundly straight; but when the farmer asks that his Government take some step to help him in the solution of his problems, to make it easier for him to come in more direct contact with the millions who need his wares, this administration performs facial contortions that would be comical if they were not natural. The only legislation which has been enacted in this country for the benefit of agriculture that was worth anything to it was enacted by the Democratic Party.

And may we not ask, What Executive policy or legislative program has been submitted by the party now in power which is designed for or is capable of relief to the overtaxed and patient toilers of America? We have heard much of the program of economy. Of course, we are all for that. But wherein has the present administration distinguished itself in that regard? There are more employees on the public pay roll to-day than were there one year ago. Congress appropriated and authorized for the next fiscal year nearly $400,000,000 more than it cost to run the Government last year, although we are seven years beyond the war; and it is costing more than three times as much now to run this Government as it cost during the last peace year of the administration of Woodrow Wilson. And the policies which have been inaugurated by this administration and its predecessor are costing the American people from three to four billions of dollars each year in exorbitant prices, little, if any, of which ever finds its way into the Public Treasury.

But they tell us they have reduced the taxes. Who reduced them? After the election of 1918, when the Republican Party obtained control of both branches of Congress, President Wilson came before a joint session of the two Houses and appealed to them to reduce the burdens of taxation. Two years yet remained of his administration. He called attention to the urgent need for reducing the war burdens, now that the war was over. But the leadership of the Republican Party in Congress, looking forward as it always does to the coming of an election, refused to reduce the taxes, because they feared that Wilson might be given the credit for the reduction, and because they wanted to use the war taxes as an issue against the Democratic Party in the campaign of 1920.

And, when they came into power themselves, did they proceed forthwith to reduce them? Did they rush in to relieve the people of

the great burdens of the war? Did they propose first of all to lighten the load under which the people were weighted down? Instead of this the first act of their administration was to recommend a tariff act which increased their burdens more than any possible reduction of internal taxes could decrease them.

In the tax bill of 1924, which was a belated and tardy recognition of the rights of the people, the Democrats in Congress contended for a greater decrease in the taxes on the ground that greater economies in government could be effected, and we predicted that the taxes could be reduced by $300,000,000 more than they were being reduced by the bill which the administration submitted. But the leadership of the party in power would permit no further reductions than those contained in the measure that passed two years ago. But the predictions of the Democrats in Congress have been justified. It is announced that a surplus of more than $300,000,000 will be in the Treasury at the end of June, and they are seeking to attribute this surplus to wonderful and mythical economies which have been exploited in the public press but which do not exist in fact. The surplus which made possible the tax reduction recently passed by Congress was not brought about by economy, for there has been no economy except in talk; but this surplus was produced by overtaxation, by the stubborn refusal of the Republican leaders to consent to a reduction which Democrats demanded. In a recent speech President Coolidge said that for the Government to take from the people in taxes more than the Government needed to administer its affairs was "legalized robbery." If this is true, and I agree that it is, then it constitutes a fearful indictment of his own party and his own administration. For even in the measure that has just passed the taxes have not been reduced as much as they should, nor as much as the finances of the Government will allow. Why not? Another election is in the offing. We are now told that notwithstanding the recent tax reduction there will be a surplus of nearly $200,000,000 at the end of the year. The leaders of the Republican Party are willing to be the author of what the President called legalized robbery in order that they may be in a position to hand back the loot just before the next election in a wondrous show of generosity.

But not only in its policy respecting the tariff, but in its internal taxation program, the party now in power, under the domination as it is of the financial interests which are its sponsors, seeks to confer special favors upon the same exclusive class which is benefited by its tariffs. In the revenue act of 1924, as originally submitted by the Secretary of the Treasury, the greatest benefits proposed to be conferred were upon those who needed them least. The average man and the small man, who has little left after meeting the obligations to his family, was to receive practically no recognition. That he received any recognition at all was due to the solid array of the Democrats in Congress, joined by a number of liberally minded Republicans who made it possible to give the masses of the Nation a portion of relief.

In all the history of the United States there has never been a time when money and the love of money were so completely enthroned as at this time. Not in all the history of the Nation have those who enjoy the fruits of other labor than their own been so arrogant in their demands, or so secure and snug in compelling their acceptance. All the departments of the Government have been reorganized to serve the cause of accumulated wealth.

When the Democratic Party controlled the Government, it established a Tariff Commission, which was to be nonpartisan, and whose investigations and recommendations were to be for the use of Congress and the Executive. When the Republicans passed the present tariff act, the President was given power to lower tariff rates upon the recommendation of the Tariff Commission. Two years ago this Tariff Commission after an exhaustive investigation recommended to the President the reduction of the tariff on sugar. After keeping this report for months, he refused to reduce the tax, and refused to reappoint some of those who had joined in the recommendation, and so reorganized the commission that it can hardly be expected that the President will be again embarrassed by any recommendations for a reduction in a tariff on the necessaries of life.

When the Democrats were in power they created a Federal Trade Commission, whose duty it was to investigate complaints against business practices designed to destroy competition, or which were otherwise in violation of the laws of this Nation. Thousands of just grievances have been heard and rectified without choking the courts with endless delays. This commission has helped to keep the channels of legitimate business clear of the obstructions which in former years choked the free flow of trade. But in the performance of its duties it has trampled on the toes of malefactors, and loud has been their cry for its abolition.

This administration has so reorganized the Federal Trade Commission that big business no longer need fear that its methods will be too closely scrutinized, and some of the members of the commission newly appointed spent portions of their time publicly assuring it that from now on everything will be fraternal.

When the Democrats were in power they amended the antitrust laws so as to make it easier to enforce them and understand them, and the duty to enforce them is, of course, upon the Department of Justice. But the only sound which in recent months has come from that department has been an occasional announcement that some big combination or monopoly was perfectly harmless and that it need not be uneasy about any wicked law officer prowling around interfering with its business.

What law has been passed, what executive policy has been inaugurated, I repeat, which gives hope for the ultimate triumph of justice? Where in all the confused record of the past five years do we catch a glimpse of that unselfish, constructive viewpoint which is so essential to the recognition of the equal rights of all the people? Of what avail is it to preach in the public places a doctrine which to those who do not know may sound like public righteousness, if in the halls of legislation and the secret places of departments the grossest favoritism is to be practiced in the application of government to conditions?

I leave off where I began. There is a fundamental distinction between Democracy and its antagonist as vital and as irreconcilable to-day as when these opposing principles were fought out by Jefferson and Hamilton. The Republicanism of Mark Hanna, of Aldrich, of Lodge, and REED SMOOT differ as widely from the Republicanism of Abraham Lincoln as from the Democracy of Woodrow Wilson. It is the Republicanism of Hamilton, the Republicanism of the old Whig. It is the Republicanism of reaction, of aggrandizement, of special favors, of exploitation, of prosperity among a few at the top and adversity among the millions at the bottom. And no tongue of sophistry can long delude the American people into silent acquiescence in its blighting ascendency.

But Democracy to-day, if it shall deserve the public confidence, must be the same sort of living force with which Jefferson fired the hearts of his followers a century and a quarter ago. It must be neither reactionary nor radical, but sanely liberal and progressive. It must be a Democracy which recognizes the superior right of men and women to the enjoyment of a fair share of what they have wrought. It must be a Democracy which assesses values not by size, but by character and intent. It must be a Democracy which believes that all who obey the mandates of organized society have an inherent right to a voice in their promulgation. It must be a Democracy which accords to honest business and industry, whether in factory, field, or counting house, every right that a just government should protect. It must be a Democracy like that which Jefferson planted in the soil of a new Republic, which Jackson cultivated and extended by his unexampled courage and personality, and which found its ripe fruition in the glorious achievements of Woodrow Wilson.

To the standard of such a Democracy, if given the opportunity, I shall invite the men and women of the Commonwealth whose territory and institutions Jefferson helped to fashion, and whose soil gave to the Nation Abraham Lincoln and Jefferson Davis.

THE BIRTHDAY OF THE NATION

Mr. KENDALL. Mr. Speaker, to-morrow will be the birthday of our Nation. During the past 150 years it has been blessed and has prospered at home and abroad, and its name has been glorified on every sea. We celebrate the anniversary of the Declaration of Independence and voice the blood-bought liberty at Concord and Lexington.

One hundred years ago to-day two ex-Presidents of the United States were called to their eternal reward—John Adams and Thomas Jefferson.

Adams was so sincere in his convictions, so great in his abilities, that he was called upon to fill many positions of trust; he was a signer of the Declaration of Independence, member of the Continental Congress, ambassador to Europe, Vice President under Washington, and the second President of the United States; he lived to see his son, John Quincy Adams, made President. His last words were, "Jefferson still lives."

Jefferson, who established the political principles which govern our country to-day, was the greatest political writer of all time; he drafted the Declaration of Independence—the greatest and most daring document ever written by man. His grandfather was a member of the Virginia Legislature of 1619—307 years ago, the first legislative body on the Western Continent. Thomas Jefferson was a member of the House of Burgesses in 1769; Governor of Virginia in 1779; Member of the Continental Congress in 1783; and President of the United States from 1801 to 1809. His greatest achievement was the Louisiana Purchase from Napoleon for $15,000,000, which comprised all the land west of the Mississippi River. Napoleon was pressed for money on account of the war between Great Britain and France and was compelled to part with France's American possessions, the richest agricultural land in the world.

Our history has been a miracle all the way from Plymouth Rock to this patriotic day.

We celebrate the return of the day on which our existence as a Nation was declared; when the first time in history people enjoyed political freedom and equality. This liberty was reaped on the bloody fields of the Revolution and established to stand

forever as a beacon light for popular government; it was the beginning of a constitutional age in which the liberties are to be preserved and the laws properly administered.

This Nation was freed of British rule after the marvelous success of the longest and most patriotic war ever waged on the American Continent. The Revolution brought forth a new form of government, which after a test of 150 years is regarded the most wonderful achievement in governments of all time. The Constitution of the United States, upon which has been reared this great Nation, stands out unchallenged as the world's greatest contribution to the government of a free people; it is the supreme law of the Republic and its provisions can not be annulled or amended by acts of Congress except as especially provided by the framers.

Every governmental employee, before assuming office, takes a solemn oath that he will support and defend the Constitution, and no good American in or out of office will lend aid to override or trample under foot the supreme law of the land.

We desire to pay homage to the American soldiers of all wars, who in every crisis that challenged the life, peace, and safety of our Nation dedicated their lives to its defense.

The Nation's power and safety lie not alone in its Constitution and laws, but in the burning patriotism of the people, which patriotism is a national instinct placed by the Creator in the breast of men. To the soldiers it has inspired the most heroic deeds and self-sacrifices in the annals of history.

The flag is the cherished emblem of our Nation, the signal of liberty, and the guiding star of our patriotic impulses. Whenever the Stars and Stripes—the rock upon which the safety of our Republic stands—are insulted or hauled down, the American blood boils and patriotism runs high. We are fond of Old Glory, the flag forever; we feel its presence in our very souls; it is the symbol of power and majesty of the mightiest nation on earth; it is the emblem of liberty and free speech, and commands the honor and respect of all nations.

The conflict of 1861 was the only civil war in all history, and we wish to express our gratitude to and admiration for the men who perished for the perpetuity of the Union. There is no immortality safer than theirs, and may we drink from the same spring of inspiration from which they drank. They are only reestablished and glorified our Constitution by uniting the States which had been separated—but they reunited the spirits of men. All honor to the soldier who is the imperishable fortress of his country and who even gives his life as a guarantee of peace and safety.

We admire the physical courage in warfare displayed by our soldiers and the moral courage in the affairs of our Nation by its citizens. We to-day dedicate ourselves to freedom and the flag and the guardianship of the Nation we love.

The soldier dead bore the cross of union and liberty to its loftiest heights, by shedding his life's blood in performing his patriotic duty. Men's very souls were tried during the dark and bloody days of the Civil War. For the soldier, the war meant scanty rations, lonely camp fires, and a burning shower of bullets from as fearless a foe as ever wore a soldier's uniform.

No soldiers in the world's history displayed greater loyalty, endured more suffering, and did fiercer fighting than the Confederate boys in gray; they were fighting to maintain the integrity of the Confederacy.

During the four long years in which the Civil War waged, 110,000 Union soldiers were killed in action and 250,000 died from wounds and disease, while in the Confederate Army 94,000 were killed in action and 200,000 died from disease and injuries, making an average of 700 who died daily during the entire period of war.

The cost to the United States was three and one-half billions of dollars and to the Confederacy two billions of dollars.

The termination of this great internal strife not only liberated millions of slaves and made them citizens of our Republic but also cemented the States into one union inseparable, which was destined to be the greatest and grandest nation in all the world. To-day there is no North, South, East, or West but one great and glorious country that will live, grow, and prosper to the end of time.

It is a beautiful custom to gather on Memorial Day about the graves of departed comrades and show reverence for their valor. Life sacrificed on the altar of one's country shows loyalty and patriotism in unspeakable language. Lovers of liberty never grow weary in strewing their graves with sweet flowers and planting thereon the flag which they died to defend.

Many great men in history have won imperishable fame on the battle field. The revolution made Washington, the Father of his Country, immortal; he sat high on the throne of freedom, admired by his countrymen; his wise counsel fitted him to establish the greatest and freest Republic of all time.

The Civil War made Lincoln the great emancipator and savior of the Union; he fell through the act of an assassin at the close of a mighty struggle, in which the passions of men had been deeply stirred, and died with undying love for liberty and freedom.

The Spanish-American War thrilled the world over the naval victory of Admiral Dewey in Manila Bay, and Spanish despotism over Cuba and the Philippines was crushed and the down-trodden natives were liberated from their thraldom and given freedom and glorious opportunities enjoyed by our Nation. It also made our beloved "Teddy," the Rough Rider, a great American patriot, renowned statesman, and brilliant soldier. As a man the noblest and purest of his time; as a citizen the grandest of his Nation; as a President the idol of 100,000,000 people.

It is the pride of America that this is a nation of self-made men who rose through their own efforts to the proudest position in the Republic.

The World War came upon us like a thunderbolt out of a clear sky. All the world was at peace and the nations were prosperous, contented, and happy—but in the mind of the German Emperor was hidden the dream of world conquest, and with his great military power and dominant will he threw the world into the most perilous war in all history. The United States, a peace-loving nation with no dream of conquest, hoped that she might not be drawn into the conflict which threatened the life of nations; but Germany, violating all international laws and agreements, sank our ships and murdered our citizens on the high seas, compelling our Nation to protect her dignity and to resent the insult to our flag. More than 4,000,000 young men, the dream and hope of our Nation, answered the insult with shot and shell and played a most important part in crushing German autocracy and in restoring peace, prosperity, and liberty throughout the world. Thousands of our brave boys fell and are now sleeping in Flanders Field. No more pathetic and important event has occurred in American history than the burial of the unknown soldier in Arlington Cemetery. This unknown American patriot was found on the firing line in France, where he paid the supreme sacrifice; he was brought to Washington under military escort and buried in the presence of the President, Members of Congress, and high officials of the Army and Navy.

Our grateful Nation weeps over its dead. Long may the flag they so nobly defended wave over their graves until the last trumpet shall sound no more. We drop a tear of kindly remembrance, full well knowing that their invisible spirits are with us to-day, beckoning us to keep sacred the flag for which they bled and died.

Out of all wars comes the genius of liberty, a greater humanity, a more earnest and fervent patriotism, and a profound reverence for our laws, liberties, and national institutions.

The world has had enough of war and craves peace for the advancement of brotherly love among nations, so that our future civilization may be safe and that all conflicts in the future may be of peace and unity.

Governments are looking to peaceful adjustments in the settlement of serious controversies and prefer to beat their swords into plowshares and their spears into pruning hooks rather than to engage in the brutality of war.

The course of empires is rolling westward, and our beloved country may be the field of triumph upon which battles of peace may be fought in the future. The best skill of all nations is found on our soil, coming in contact with our social and national life, enjoying the freedom and liberty of our citizenship and the opportunities of America.

We must zealously guard and protect our Constitution, our liberties, and our homes. Many dangers threaten our social and political life. Socialism, anarchy, ignorance, and infidelity tend to weaken and break down our institutions. False political theories are claiming recognition in our national creed, clamoring for Sabbath desecration, for personal liberty, for destruction of corporate interests, and the taking over of public utilities

Civil liberty has been the dream of humanity in all ages. Nations have been trampled under foot by tyrants, but the grandest heroism has always been displayed by downtrodden people everywhere to secure the blessings of freedom.

Let us crown our bonds of love and heal the wounds of war in every heart. Let us reach the summit of human achievement blazing out the path of the Nation, develop and teach all our people that God is the ruler of armies and the guide of our destinies.

The history of the United States has been one continuous story of rapid, stupendous growth. The passionate struggle to extend slavery led to its total abolition, stimulated national sentiment, and created a devotion to the Union. This Nation lays under our eyes unfinished. It will require statesmanship to guide it on its way to greater development, larger triumphs, and higher ideals.

The true American is loved for his patriotism and respected for his loyalty; he plants his standard of virtue upon the hilltop and sees to it that no foreign heresy shall get a foothold upon our soil or defile our standard of government. The greatest hope of the future lays in the womanhood of America. What is nobler, grander, and more powerful than the Christian mother in the home? Early and late she toils, never faltering and never losing heart in her sacrifices and interest in her loved ones. Such noble Christian mothers are all around the earth and around the throne of Heaven. We bless them for their wisdom, affection, love, and trust.

Ambition for conquest has strewn its millions upon devastated battle fields and buried the hope, happiness, and lives of countless millions.

Against man the sword has been too often drawn, and as I look into the faces of veterans and realize the brave stand they took for their country, when I think of their heroism in following the flag, I pray that they may some day take their places in the ranks of the Great Ruler of the Universe, clothed in robes of victory and resplendent with the glory of the redeemed.

The memories of this day speak with grand eloquence and fill our minds with sublime inspiration. From obscurity 150 years ago this Republic has grown to manhood and vigor, commanding universal admiration.

Ours is a great destiny. Here on the Western Continent is rising a Christian government to shelter people from all climes and guarantee law, order, and liberty. Our fathers surely left us a beautiful heritage which was won by toil and struggle, agony and blood, and it is for us to see that it is transmitted unimpaired and enriched to those who shall dwell here when our day is done.

We must be Christian heroes and show reverent trust in God and obedience to His will.

The impartial enforcement of the Constitution is the essence of a pure democracy, and all men are equal before the law.

But this empire of peace will be universal only when representatives of civilized nations shall sit down in the parliament of men, in the republic of God on earth.

We prophesy that the golden age of America will be here when Christ lives in the hearts of the American people. Let us serve and elevate mankind as Christ elevated Christianity on earth.

A republican form of government develops independent and unrestrained thought, and leads many misguided people to renounce our Constitution, our laws, and our traditions.

It becomes the duty of law-abiding and Christian people everywhere to crush the serpent of disrespect for law and order and to plant in the soul of all violators of law the duty of American citizenship. The enforcement of law is the essence of a pure democracy and the mandate of the people's will. Let us put our seal of condemnation upon all people who hold themselves above the law—let not the hand of justice be stayed by misguided mercy for those who override our Constitution. Let the silent influences of our lives shine into all hearts and lead humanity into sweet, tender, and true manhood aglow with human sympathy and love. Let us return to the early faith of the founders of the Republic, and we shall build a national foundation upon the broad and enduring rock of justice, truth, and equality, a government of liberty that will shine in splendor and rise as a pyramid of flame to light and shelter all nations, and when the Old World is torn to fragments by war and hatred, when the European civilization is destroyed, there will go forth from America influences to establish there a Christian republic.

Let us keep alive forever American ideals, the true spirit of our fathers—the spirit of self-sacrifice, of splendid courage, of exalted patriotism, of reverent trust in God, and we will be assured as long as the sun sheds its golden rays in the canopy of heaven of a glorious Republic forever.

TO AMEND THE WORLD WAR ADJUSTED COMPENSATION ACT, AND SUMMARY OF AMENDMENTS COVERED BY H. R. 12175, KNOWN AS THE JOHNSON BILL

Mr. BACHARACH. Mr. Speaker, the bill H. R. 10277 provides for a number of amendments to the World War adjusted compensation act which are shown to be warranted after almost two years' operation of the act, in order that full justice may be given to the veterans and their dependents as was intended by the authors of the adjusted compensation act and those who voted for it in both the House and Senate.

Some of these amendments are made necessary by reason of a number of decisions rendered by the Comptroller General in his interpretation of the law. In amending the law so as to set aside these decisions there is no desire on the part of either the subcommittee or the full committeee which considered the bill to offer any severe or undue criticism of the Comptroller General. His decisions were made upon technical grounds, and while they are perhaps in accordance with the letter of the law they certainly are not in harmony with neither the spirit of the law, the intention of the framers of the adjusted compensation law, nor of Congress in passing the law.

Other of the amendments are made necessary in order to clear up some ambiguous provisions of the original act, which although perhaps properly viewed and administered by the Veterans' Bureau officials from a legal standpoint, do not rightly carry out the intention of Congress and have thereby deprived veterans or their dependents of their just benefits.

Since the convening of Congress there have been a dozen or more bills introduced in the House to amend the adjusted compensation act in one respect or another. Most of the bills proposed amendments to one or more individual sections of the act, and a number of them are duplicates of each other.

On the opening day of the Sixty-ninth Congress, December 7, 1925, I introduced a bill, known as H. R. 3750, which covered practically all of the amendments carried in the bill now under discussion.

The subcommittee, of which I was a member, had before it all of the individual bills which had been introduced up to approximately the 1st of March; public hearings were held and Members of the House, officials of the Veterans' Bureau, the Treasury Department, the War and Navy Departments, and the American Legion were heard. The result was the adoption of a composite bill by the Ways and Means Committee, which is now before the House for action.

The amendments carried in the bill, if adopted, will correct practically all that class of adjusted compensation claims where apparent injustice has been visited upon claimants either through harsh interpretations and decisions which have been handed down by the Comptroller General in construing the law or by reason of ambiguities in the law itself.

I think that the committee has dealt very generously with those who will be benefited by the adoption of these amendments. There are those who feel that we should still further liberalize the law, especially with regard to dependents. No one has been a stronger supporter of the war veterans in their fight for adjusted compensation than I have been, but I am of the opinion that for the present we should not go beyond the bounds of the amendments proposed in this bill.

The adjusted compensation act has been in operation now for nearly two years. In a general way it has worked very well and has greatly benefited the dependent families of deceased veterans with but a few exceptions, and I believe all of these exceptions will be eliminated with the enactment of this bill into law.

The following is a summary of the amendments covered by H. R. 10277 and the effect of these amendments upon the adjusted compensation act.

The bill passed the Senate on July 3 and was signed by the President on the same day and is now a law:

Amendment to section 302: This amendment takes care of those cases where veterans actually made out applications during their lifetime in good faith, but for various reasons did not get their applications on file before death ensued.

There have been a number of cases wherein it appeared that the veterans had made out applications shortly before they died but these applications did not actually reach the War or Navy Departments before their deaths.

The departments took the view that the applications were made out in good faith, and if evidence could be shown that the veteran had intended to file the application, such application would be valid although in effect not received at the department until after the veteran's death, and accordingly certified the application to the Veterans' Bureau.

The Veterans' Bureau took the position that the War and Navy Departments had jurisdiction, under the law, in all matters pertaining to applications, and so they did not question the validity of these applications and proceeded to extend the benefits to the veterans or their dependents.

The Comptroller General held up payment in some of these cases taking the view that unless the application was actually on file at the War or Navy Department before the veterans' death, such application was not valid, and neither certificates nor payments of any kind would be authorized based upon such applications.

A case of this kind was tested out in the Court of Claims, and that court, while not discussing the justice or equity of the matter, upheld the Comptroller General on the ground that the requirements of the statute technically had not been met.

The amendment accepts any application as valid when it can be shown that the veteran in fact and in good faith made out his application and that he intended that it be filed.

Of course no such application would be valid unless it is filed on or before January 1, 1928, which is the date set within which all applications must be filed, and in order that an application be valid it must, of course, bear the bona fide signature of the veteran in order to preclude the possibility of fraud by having the application signed by some other person than the veteran.

Section 2, amendment to section 303: This amendment, in substance, more clearly places with the War and Navy Departments, respectively, the responsibility for determining valid applications, and also the responsibility for determining the amount of adjusted service credit due upon the service of each veteran, and does away with any determination of such facts by the Veterans' Bureau.

In other words, under this amendment the Veterans' Bureau accepts as valid an application transmitted by the War and Navy Departments and as to the amount of adjusted service credit, and the Veterans' Bureau is relieved of the duty of checking up and verifying the facts submitted by the War or Navy Department. The amendment eliminates the present dual responsibility with respect to the validity of applications and the amount of service credit due, and places the determination of those facts solely in the War and Navy Departments. It is an amendment in the interest of efficiency and the lessening of "red tape" in passing upon an application.

Section 3, amendment to section 308: The purpose of this amendment is to do away with any deductions from the amounts payable under the adjusted compensation act on account of any indebtedness that may be owing by veterans to the United States Government.

The original law carries a provision that no sum payable under the act shall be subject to attachment, levy, or seizure under any legal process or to national or State taxation.

The Comptroller General has held that this exemption does not apply with respect to the United States Government, and that whatever indebtedness there may be on the part of a veteran, such indebtedness may be collected by making deduction from any amount due the veteran as adjusted compensation.

The amendment not only prevents the making of deductions on account of future indebtedness but it also pays back, either to the veteran or his dependents, any amount which may have already been deducted on account of such indebtedness. In the case of a living veteran if the amount deducted exceeds $50, then such amount would be used as the basis for a new certificate to be issued to the veteran. If the amount is under $50, it is to be paid in cash. This method of paying back deductions of $50 and over is advocated because it would be much less work and create much less confusion to issue a new certificate than to call in the old certificates and issue new ones in their stead.

If the amount returnable on account of deductions made is to be paid to a dependent because of the death of the veteran, payment shall be made in accordance with the manner of payments to dependents as provided in the original law; that is, in cash in 10 quarterly installments. This method of payment is also adopted in the interest of simplification and orderly procedure.

Paragraph F of this section is a new provision, which provides that, if the amount payable under the adjusted compensation act is not over $500, the same may be paid in accordance with regulations to be prescribed by the Director of the Veterans' Bureau to the person entitled thereto without the necessity of an administration of the estate.

The purpose of this provision is to do away with the expense incident to the administration of an estate where the amount to be distributed under the intestacy laws would really be less than the expense attached in the necessary litigation involved in taking out letters of administration. Therefore the director is permitted to make such payments direct.

Section 4 amended by adding a new section following section 309: This amendment will make the decisions of the Secretary of War, the Secretary of the Navy, and the Director of the Veterans' Bureau final and conclusive with respect to matters within their respective jurisdictions.

The Comptroller General is specifically directed to allow credit in the accounts of the disbursing officer of the Veterans' Bureau for all payments under the adjusted compensation act which are authorized by the director.

In effect this amendment would make the decisions of the Secretaries of War and Navy with respect to the validity of applications and the amount of adjusted service credit final and conclusive and not subject to review by the Comptroller General.

And, further, it would make the decisions of the Director of the Veterans' Bureau with respect to those who are entitled to receive benefits and with respect to questions of dependency final and conclusive, and likewise not subject to review by the comptroller. But review by the comptroller is still maintained with respect to disbursements incident to the administration of the law, but such review is eliminated with respect to payments to veterans or their dependents.

Section 5, amendment to section 501: This amendment authorizes the cash payment of the full amount of adjusted service credit to those veterans who were 75 years of age or over at the time of making application for adjusted compensation. If the veteran has died since making application, a like amount is paid to his beneficiary, if the veteran named one, and if he did not name any, then to his estate.

This amendment is made necessary in view of the difficulty encountered in computing the amount of adjusted service certificates according to actuarial principles for persons whose age exceeds 75 years at the time of making application. There are a very limited number covered by this amendment.

This amendment was stricken out by the Senate and is not a part of the law.

Section 6, amendment to section 503: This amendment would make it a misdemeanor carrying a penalty of a fine of $500 or imprisonment for not more than one year for accepting any assignment of an adjusted service certificate or for accepting such certificate as security for a loan.

It also makes void the designation of any beneficiary which has been made for the consideration of a loan having been made to the veteran.

In one particular case in the State of Texas one money lender had in his possession more than 200 certificates, valued at more than $300,000, on which he had loaned about $10,000 and had received notes on account of such loans for more than $15,000.

The purpose of this amendment is to do away with such unlawful transactions as these. It is for the protection of the veteran, and it is also a warning to those who engaged in such practices that they are amenable to the law.

Sections 7 and 8, amendments to sections 601 and 602: These amendments apply only to those cases where the veteran has died before making application.

The amendment in section 7 liberalizes the dependency section of the original law. The original act requires that dependency be shown upon the veteran at the time of the veteran's death. Many claims of dependents have been disallowed because of this requirement, and the amendment eliminates this hardship by entitling dependents to the benefits of the act where it is shown that the claimant has become dependent at any time within the period of the death of the veteran and January 2, 1928.

Under the amendment in section 8 widows and children under the age of 18 are presumed to be dependent. This presumption obtains in the original law; however, under the amendment, if the mother of a veteran is a widow, she is presumed to have been dependent upon the veteran, and in a further liberalization of the present law the amendment provides that either a father or mother, if over the age of 60 years, shall be presumed to be dependent and shall not be required to produce evidence to show such dependency. If the father and mother are under 60 years of age, they may be entitled to benefits, but they must prove their dependency upon the veteran to the satisfaction of the bureau.

Section 8 also provides that no payments shall be made to a widow who was living apart from her husband at the time of his death by reason of her own willful act. This is somewhat of a negative proposition, but by implication this amendment would possibly include as a person entitled to the benefits of the act widows of veterans who had been deserted by their husbands; in other words, this section would cut out from the benefits of the act those widows who were not living with their husbands through their own choice.

Section 9, amendment to section 605: This does the same thing as section 2, with respect to the dependents of veterans.

Section 10, amendment to section 607: This section merely makes provision for a widower being included in the term "widow." In other words, it confers the same benefits upon the husband of a woman who served in the World War as it does upon the wife of a man who served, in the event of death.

Section 11, amendment to section 608: This amendment has for its purpose the correction of the original law, wherein by inadvertence a 60-day period was not allowed as compensable

for credit, upon the assumption that every man in the service had received a $60 bonus at the time of the passage of the original act.

This relates to the $60 bonus, which was given to every veteran at the time of his discharge from the service. In the framing of the adjusted compensation act sight was lost of the fact that this $60 bonus was not paid, and could not have been paid, to those men who were killed in action or died prior to discharge.

Under the law, in computing the number of days for adjusted service, the bureau was obliged to deduct 60 days from the service of every veteran, and so the dependents of those who were killed in action or died in the service prior to discharge were deprived of a credit of 60 days' service on the assumption that the soldier had received the $60 bonus.

Accordingly this 60-day period deducted from the service credit of men who died while in the service is taken care of in this amendment by authorization for the payment of $60 in cash, to be paid in a lump sum to those dependents entitled to it.

Section 12: This is a new section, and merely provides that nothing in the act as passed shall invalidate any payments already made under the original act.

In other words, it means that whatever payments have been made in accordance with the original act shall not be affected by any of the amendments covered in this bill.

It also provides that whenever a dependent is adjudged to be entitled to adjusted compensation the installment payments shall continue to such person regardless of any change in such person's civil status.

The Comptroller General has ruled under the original law that a widow, upon her remarriage, forfeited here rights to succeeding installment payments. This amendment would permit her to receive the full amount of the adjusted service credit to which she has been adjudged entitled.

The payment of any amount due dependents under the adjusted compensation act upon the installment plan was merely a matter of convenience to the Government. A widow once adjudged to be entitled to adjusted compensation was entitled to receive every cent of the amount of the adjusted service credit. Had we not adopted the installment-payment plan in the original act and paid dependents in lump-sum payments, of course, the widow would have received a cash payment for the full amount of the adjusted service credit, which could not be taken away from her if she remarried the next day after receiving it. She should not be denied that to which she is rightly entitled because of the fact that the Government, for its own convenience, saw fit to distribute the amount in quarterly payments.

The amendment does provide, however, that in no case shall more money be paid than the total amount of adjusted service credit due in such particular cases.

Section 13, amending Title VII: This section makes it a penal offense to counterfeit or alter an adjusted service certificate, and authorizes the Secretary of the Treasury to direct and use the Secret Service Division of the Treasury Department in the detections of violations of this section.

While the general statutes perhaps would provide for a penalty for tampering with adjusted service certificates, it was thought best that a specific provision be made covering adjusted service certificates, and was so recommended both by the Treasury and Veterans' Bureau officials.

Section 14, amending Title VII: This section authorizes the director to issue a duplicate adjusted service certificate upon submission of evidence satisfactory to him that a certificate, without bad faith on the part of the person entitled to payment thereon, has been lost, destroyed, or so defaced as to impair its value.

The holder of an original certificate who seeks a duplicate is required to file in the Veterans' Bureau an indemnity bond in sum equal to the face value of the certificate to secure the Government against any liability on the original certificate issued. This is not more than is required in the case of lost checks, lost Liberty bonds, or other Government securities.

All amendments covered in this bill are retroactive to May 19, 1924, the date upon which the adjusted compensation act went into effect, and are automatic in effect; that is, those who are benefited by this bill are not compelled to make application to the bureau for adjustment of their claims, and the bureau is directed to carry out the provisions of the bill as soon as practicable following its enactment into law.

I also append a summary of the amendments to existing law contained in H. R. 12175, known as the Johnson bill, which has been signed by the President and is now a law:

H. R. 12175 amends existing law, as indicated in the following summary. Section numbers given below refer to section of the World War veterans' act, 1924, as amended by H. R. 12175:

Section 4 increases the director's salary from $10,000 to $12,000 a year.

Section 10 authorizes the director to hospitalize women veterans, entitled to hospitalization, in other than Government hospitals so that these women veterans may be hospitalized adjacent to their homes when in need of treatment of this character.

Director authorized to alter, improve, or extend out-patient dispensary facilities without the approval of the President, and also authorized to improve existing Government hospital facilities without the approval of the President where the bed capacity will not be materially increased.

Section 21, the director authorized to restrict the number of wards one guardian can act for within the District of Columbia.

Director authorized to go into court through his attorney where, in his opinion, a guardian is not properly executing the duties of his trust, and authorized to suspend payments to any such guardian who shall neglect or refuse to render an account to the director showing the application of payments for the benefit of the beneficiary.

Section 26 authorizes the director to make payments of $1,000 or less to such persons as would, under the laws of the State or residence of the decedent, be entitled to his personal property in case of intestacy in the absence of a duly appointed legal representative.

Section 28 provides that the United States Government life-insurance fund be reimbursed from appropriations for military and naval insurance, where recovery of overpayments from beneficiaries without fault was not made. This is to protect the United States Government life-insurance fund, the reserve of which belongs to the policyholders and not to the Government.

Section 31: Beneficiaries who have lost personal effects through fire at Veterans' Bureau hospitals to be reimbursed for this loss by the bureau.

Section 33 authorizes the Veterans' Bureau to provide courses of instruction for professional employees, and to send not more than 2 per cent of the professional personnel to outside professional schools.

Section 200 includes spinal meningitis as one of those diseases to be conclusively held to be of service origin where entitled to 10 per cent degree of disability rating prior to January 1, 1925.

Includes under the benefits of the act women citizens assigned to the medical department of the United States Army who were sent overseas by the War Department and who served in base hospitals over there.

Section 201: Women who served as Army nurses under contract between April 21, 1898, and February 2, 1901, included in provision for $100 burial and $7 for flag, now applicable to veterans who died and did not leave sufficient assets to meet the expenses of burial and funeral and transportation of the body. In addition the decision of the director as to "sufficient assets" is made "binding for all purposes" in relation to the burial provisions.

Section 202: The organic loss of speech deemed to be total and permanent disability.

That any ex-service person shown to have had a tuberculous disease of a compensable degree who in the judgment of the director has reached a condition of complete arrest of his disease shall receive compensation of not less than $50 per month: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further,* That no payments under this provision shall be retroactive and the payments hereunder shall commence from the date of the passage of this act or the day the disease reaches a condition of arrest, whichever be the latter date.

Reduction in compensation to $20 a month for insane veterans without dependents maintained by the bureau in an institution for six months changed to read "maintained by the Government" to make the provision applicable to men in soldiers' homes. It also provides that where such person recovers his reason and is discharged as competent such additional sums shall be paid him as would equal the total sum by which his compensation has been reduced through the operation of this section.

Authorizes the reimbursement of State hospitals for the care of ex-service men prior to the bureau taking over their care.

(10). This is the general hospitalization section without reference to service connection. Necessary traveling expenses "incident to hospitalization" are allowed. The time limitation "since 1897" is stricken from the bill, which extends this hos-

pitalization privilege to veterans of any of our wars, expeditions, or military occupations. It also includes "those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901." The director is authorized to supply clothing and prosthetic appliances and repairs to a veteran hospitalized under this section where he is financially unable to supply himself with these. The section is also amended to prevent deduction from the pension of a veteran for the hospitalization provided, and accordingly modifies acts in conflict with this. The director is authorized to furnish such hospitalization in Alaska in other than Government hospitals.

Section 203: Loss of wages to be paid by the bureau while submitting to medical examination changed to read "a per diem allowance of $2.65 per day for the period of travel and observation." This is amended to provide for persons who are working for themselves, such as men on commission, or farmers. The Comptroller General had ruled that such persons could not be reimbursed for loss of wages while being examined.

Section 206: Amended to extend the time to June 7, 1927, for the filing of proof of the service origin of a disability.

Section 209: This required that a claim for compensation must be filed within five years after discharge or resignation from the service, or in case of death during service, within five years after the death is finally recorded. The director was allowed to extend this time for two years for good cause shown. The present bill amends this to allow the director to extend this time for five years.

Section 212: The limitations on active service or retirement pay as a bar to compensation removed retroactively to April 6, 1917.

The new rating schedule of the World War veterans' act, 1924, made applicable to disabilities occurring as a result of service prior to April 6, 1917, and after July 2, 1921.

Section 300: Applications for insurance validated for members of the reserve forces made while in attendance at a military or naval training camp or station.

Members of the Coast Guard allowed to apply for insurance.

Section 304 extends time for the reinstatement of insurance for men suffering from service-connected disabilities to one year following the passage of this amendment.

Provides that a person suffering from service-connected disability who is now permanently and totally disabled may reinstate his insurance for one year after the approval of this amendment by having the amount of the unpaid back premiums charged as an interest-bearing indebtedness against the face value of the policy where proof satisfactory to the director is furnished showing that the applicant is unable to pay the back premiums.

The limiting date for reinstatement for yearly renewable term insurance extended from July 2, 1926, to July 2, 1927.

Section 305: Payment of insurance revived by uncollected compensation restricted to the insured, his widow, child or children, dependent mother or father, in the order named unless otherwise designated by the insured during his lifetime or by last will and testament. This limitation is added to prevent persons who are not close relatives of the veteran from bringing suit to revive his insurance after his death and thus obtain these payments for themselves.

Section 308: A new section which provides that if a man remits his premium within seven days following the grace period and dies before furnishing health statement director may waive examination requirement if man was in the required state of health.

Section 309: A new section providing that where a person allowed his insurance to lapse and died prior to collecting his $60 discharge bonus, this sum shall be allowed to revive insurance, where if applied to the payment of premiums when due it would equal or exceed the same.

Section 406: Persons receiving placement training on June 30, 1926, may continue in such training until January 1, 1927.

Persons receiving educational training in schools or institutions on June 30, 1926, may continue in such training for not more than two years after the passage of this amendatory act.

The language of this section clarified so as to permit payment of two months' training allowance following rehabilitation, as provided by section 404.

Section 506: A new section to make the provisions of Title V applicable to the administration of the act in the Philippine Islands.

New section: A new section added authorizing the erection of garages on hospital reservations of the Bureau for the accommodation of privately owned automobiles of the hospital personnel, who shall reimburse the Government for the use of same.

RÉSUMÉ OF FIRST SESSION OF SIXTY-NINTH CONGRESS

Mr. STROTHER. Mr. Speaker, in a few hours the record of the first session of the Sixty-ninth Congress will pass into history. It has been a productive session. It is generally conceded that this Congress has done more work since December than any other recent Congress. There has been little strife or friction between the major parties, and for the most part only an imaginary line has divided us. I for one believe that we have kept the faith with those who intrusted the business of this great Nation to our keeping. Seventeen thousand eight hundred and twelve bills were introduced in the House and Senate, many of which have been considered by the proper committees and action taken thereon by Congress. Those enacted into law, I believe, are sensible and conservative.

It is my honor to represent the fifth West Virginia district, the chief industry of which is the production of the celebrated Pocahontas and other brands of superior quality coal. Its population has increased 150 per cent since 1900, according to statistics furnished by the Census Bureau. This is made up not only of persons from many States of the Union but many nations, lured by the "black diamonds" that underlie our mountains. In 1924 the district produced 43,000,000 tons of coal, being 40 per cent of that mined in the State of West Virginia for that year. With the exception of one unfortunate incident, it has had little to mar its industrial peace, and often when the mines of other portions of the United States are at a standstill, we are producing the coal to keep the country warm and furnish steam to industries.

Among the outstanding legislation considered and written into law at this session of Congress of interest to my constituents might be mentioned the following:

1. Tax reduction.
2. The settlement of war debts with 13 countries.
3. Watson-Parker railroad labor bill.
4. Public buildings and grounds.
5. Spanish-American war veterans' bill.
6. World War veterans' bill.
7. Civil War veterans' bill.
8. Appropriations for various departments.
9. Civil service retirement act.
10. The creation of a separate department for Air Corps, with Assistant Secretary of War and Assistant Secretary of the Navy.
11. Amendments to bankruptcy laws.
12. Federal aid for roads.
13. Commercial aircraft.

Besides these, there have been many private bills passed authorizing the construction of bridges, building of dams, correcting military status, granting pensions to Civil and Spanish-American War veterans and their dependents, and so forth.

One of the first private bills passed at this session of Congress was my bill, H. R. 5043, granting the consent of Congress for the construction of a bridge across the Big Sandy River between Catlettsburg, Ky., and Kenova, W. Va.

TAXATION

The subject of taxation has engaged the attention of the people of the United States for many years. The burden upon the country has been staggering. For the first time in the history of the Nation, when Congress convened, there was a tax program ready for submission. This was due to the efforts of the Ways and Means Committee, which came to Washington many weeks before Congress convened and, after exhaustive hearings, was ready to present to Congress on December 7, House bill No. 1. Through nonpartisan efforts this bill became a law in time to give the benefit of tax reduction this year, and exempted more than 2,000,000 citizens from income taxes, and eased the burden upon millions of others. In dollars and cents it is estimated that it reduced taxation $380,000,000.

We got in the habit of spending the people's money quite freely during the World War, and it was necessary to call a halt. Following the example of our President and the more recent Congresses, we have been economical during this Congress with the people's money, in spite of assertions to the contrary. The general expenses of the Government have been reduced and strict adherence to the Budget has enabled the Treasury to reduce the public debt by $872,000,000 during the year. Such a reduction would not have been possible but for the wise administration of the Nation's affairs under the leadership of our able President, Calvin Coolidge. I regret that the State and municipal governments have not given the same attention to this important subject of economy and followed the example of the Federal Government in the curtailment of expenditures and the consequent reduction of taxes.

WAR DEBTS

Believing that the commissions selected for the purpose had made the best terms possible, I voted for the settlement of the several war debts. It is true that we will not be reimbursed the full amount advanced, but under the peculiar economic conditions confronting these countries and the fact that there was no way to enforce the collection of the debts, I felt, like many of my colleagues, that it was best for all concerned that the settlements be approved by Congress.

LABOR BOARD

The Labor Board created in 1920 when the railroads were returned to the owners had not been satisfactory to the owners, to the employees, or to the public. The question has been of great concern because in 1922 the country was visited by one of the greatest strikes in the history of the Nation. Realizing the impotence of the machinery set up to settle the differences, representatives of the railroads and employees got together and worked out the basis for a board of mediation. After long hearings by the Committee on Interstate and Foreign Commerce at which the public was given an opportunity to present its views, the committee reported H. R. 9463, which passed the House on March 1 by a vote of 381 to 13. Some Members felt that there was some question as to whether the interest of the public would be sufficiently protected, and numerous efforts were made, without success, to amend the provisions of the bill on the floor of the House. There was a general feeling that the rights of the public would not be affected, but as the railroads and employees, through their representatives, had agreed upon the terms in an honest effort to settle future disputes, it was evident that Congress should approve the plan agreed upon and as submitted in said bill.

PUBLIC BUILDINGS

The erection of public buildings to house post offices and other Federal offices has been at a practical standstill since 1913. The government here in the Nation's Capital is seriously handicapped by the lack of space and centralization of departments, by fire hazards, sanitary conditions, and so forth. Moreover the Post Office Department is paying out a stupendous sum of money in the way of rents for quarters in all parts of the country, and many of the buildings erected 15 or 20 years ago have become entirely inadequate. For the relief of these conditions Congress appropriated $165,000,000—$50,000,000 of which is to be spent in the District of Columbia, and the remainder in the erection of public buildings throughout the country, under the supervision of the Treasury and Post Office Departments. Under this bill the city of Williamson, in my district, will secure a handsome and substantial building, it being in the preferred class, as having had an appropriation which has not been sufficient to erect a suitable building. The bill further provides that at least two buildings shall be erected in each State during a period of five years. The Treasury and Post Office Departments have begun a comprehensive survey of the public-building situation, in order that the public-building needs and conditions of the country may be ascertained as a whole.

WAR VETERANS

Congress has liberalized the laws relating to veterans of all wars, and has increased pensions, including $15,000,000 additional pensions to Civil War veterans. I have endeavored through correspondence and personal calls to make satisfactory settlement of the claims of soldiers and their dependents. I have always had great sympathy for those who in time of emergency responded to their country's call. They are the wards of the Nation, and the Government must continue to aid them. I was heartily in accord with the appropriation made by Congress for the erection of a suitable monument to the Unknown Soldier who lies just across the Potomac in the Arlington National Cemetery, and who typifies those who made the supreme sacrifice in the World War.

FEDERAL AID FOR ROADS

In the day of the horse-drawn vehicle we did not give so much consideration to the question of roads. Fifty years ago there was no considerable sentiment or demand for an interstate or national road system. At that time Congress could not have been induced to enact the Federal road laws that we now have. It is estimated there are now 3,000,000 miles of public highways, connecting thousands of municipalities and the 48 State governments. Upon these 3,000,000 miles of highway are driven 20,000,000 motor vehicles. It is said that one-fifth of our population is moving interstate every day. The first appropriation for Federal aid for roads was made in 1916, when Congress appropriated $75,000,000, to be spent over a period of five years. During this Congress we appropriated $75,000,000 for the fiscal year ending June 30, 1928, and a like amount for the period ending June 30, 1929. This money is appropriated to the States through the Bureau of Public Roads on what is considered an equitable basis. I concur with President Coolidge in his message to Congress December 6, 1923, when he said, "No expenditure of public money contributes so much to the national wealth as for building good roads." The basis of distribution of Federal-aid funds to the several States is on the basis of one-third, according to the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States; and one-third in ratio which the mileage of rural-delivery routes and star routes in each State bears to the total mileage of rural-delivery routes and star routes in all the States. I was in favor of and glad to see this bill pass Congress by a large vote.

COAL LEGISLATION

During the present session of Congress the country faced a stupendous coal strike when the anthracite operators and miners were unable to agree upon wages and working conditions. Owing to the fact that a great many people in the northeastern portion of the United States who have burned anthracite coal for many years were not willing or were not in a position to change from anthracite to bituminous coal, coupled with the inclination of the middleman to profiteer, the price soared while the supply diminished. The price is said to have been as high as $18 a ton in some quarters, whereas it was selling at our mines for $2 and less a ton. As a result of the agitation of the consumer many bills were introduced in both branches of Congress and hearings held. Congress, in my opinion, acted very wisely in refusing to enact the legislation sought by the bills. On account of the vast amount of coal mined in my district, I have kept in close touch with the situation at all times. When the unwarranted prejudices against bituminous coal is dissipated and the consumer understands the problems of the producer the situation will be clarified. I believe the legislation proposed and now pending before Congress is unconstitutional, and that the Government has no authority to set up fact-finding agencies any more in the coal-mining business than in many other industries.

COMMITTEE WORK

It has been my honor to be a member of the Judiciary Committee during the present session of Congress. I have given unstintingly of my time to its work and at the same time endeavored to look after departmental and other matters for my constituents. The committee has considered during the present session a great many bills and resolutions and spent many hours hearing evidence and arguments. The two major investigations were impeachment charges brought against Judge George W. English, of East St. Louis, Ill., and Frederick A. Fenning, commissioner of the District of Columbia. I have enjoyed the association and the privilege of laboring with the learned men composing this committee, and it has given me a keener outlook on life.

DEPARTMENTAL WORK

Most congressional duties consist of committee and departmental work. I have endeavored to follow not only the bills introduced by myself but those in which my people were interested to see that appropriate action was taken thereon. Many bills would sleep the sleep that knows no waking if a Congressman did not appear before the committees and present such evidence as he has to satisfy the members of the merits or demerits of a bill. Early in life I acquired the habit of answering correspondence and attending to detail matters promptly. It has therefore been easy to follow, and I have made an effort to give diligent attention to all departmental matters and various requests and inquiries made of me. Some have been more or less humorous, but all have received my prompt attention. I have distributed several thousand pieces of literature and governmental publications, which I trust have been of material benefit to those receiving same.

While I have never sought publicity, the press has been very considerate of me and has given to its readers some idea of my work as their Representative. For this I am very grateful, because I fully realize its potent influence and the many ways it can assist a Representative in serving the public. I have endeavored to the best of my ability to look after the interests of my constituents, whom I am very proud to represent. No request has been made of me that I have not made an honest effort to comply with. I have endeavored to be the Representative of the whole people, and the political affiliation of any constituent has never occurred to me when I was trying to comply with his or her wishes.

VIEWS OF LEGISLATION IN THE SIXTY-NINTH CONGRESS, FIRST SESSION

Mr. BECK. Mr. Speaker, every political platform adopted for the last quarter of a century has pledged support to agriculture and to labor. These pledges were made when votes were needed. The excuse offered by leaders for not fulfilling some of them so far as farmers are concerned are that "the farmers are not agreed as to what they want." So far as labor is concerned, no excuse whatever is offered.

If a bill is offered that is agreed to by the farmers, then the excuse is made that, "the farmers do not offer anything that we can agree to." In case of labor many bills offered in their behalf are never permitted to see the light of day. The railroad labor bill is an exception to that rule but the railroads are cognizant of the fact that, after several years' experience with the discredited Labor Board set up by the Esch-Cummins law, they are not able to produce dividends. So they joined with their employees in urging the passage of the railroad labor act. Labor in general, and the farmers in particular, have not been in so fortunate a position. Those who make their billions off the farmers and wage earners have not yet recognized the fact that their continued prosperity depends upon the prosperity of the farmer. They may possibly recognize it when it is too late.

It is true that the leaders of the House of Representatives claim they have legislated in the interests of the farmers in reducing the taxes of 200 millionaires $1,000,000 each, claiming they will pass that reduction on to the farmer. But I have inquired of retailers, wholesalers, bankers, and other business men as to how much less I would be able to purchase a pair of shoes, a suit of clothes, or a pound of coffee as a result of reducing the taxes of big business institutions, and the uniform reply has been "not any." In other words, business charges all the traffic will bear for what it has to sell, and it does it whether it pays taxes or whether it does not. So that, ordinarily, whether business is taxed or whether it is not, it does not pass that tax or the benefits of tax reduction on to the consumer. If that is true, then there is no benefit to the producer by reducing the taxes of 200 millionaires in the United States $1,000,000 each, while the remaining 110,000,000 people get a reduction of less than $1.50 each on the average.

I voted for the Haugen bill. In it three of the four principal objections I had to the original McNary-Haugen bill were eliminated, and the fourth was partly eliminated. The McNary-Haugen bill dealt a death blow to cooperatives. The Haugen bill encouraged them. The price-fixing gymnastics of the original bill were not in the Haugen bill. The army of employees it would require to administer the original bill, at a cost of $200,000,000 per year, was eliminated from the Haugen bill, and the assessment of losses against the farmer was eliminated for two years. I did not vote for the Haugen bill because I felt it would entirely solve the farmers' problems. I voted for it because it was the only thing offered, and I could see no possible harm it could do the farmer, especially with the most objectionable features of the original McNary-Haugen bill eliminated.

Some of the self-styled leaders of the House tell us that they will support a farm relief bill if the farmers themselves will agree as to what they want. In that they are not sincere, because there are several bills before Congress that the farmers are agreed on. They are agreed on a bill to prohibit the manufacture of the 200,000,000 pounds of oleomargarine made and sold in this country. Yet the committee will not even hold a hearing on such a bill which I introduced early in the session. The farmers are agreed that the tariff on butter should be increased to prohibit the importation of 20,000,000 pounds of that article per year. The farmers are agreed that the duty should be increased on milk and cream to prevent these articles from coming in to drive the price of dairy products still further below the cost of production. The farmers are agreed that the Esch-Cummins law should be amended to permit freight rates to be based on a fair return on capital invested.

So it makes no difference what the farmers are agreed on. They are going to get no consideration at the hands of this administration or any other administration controlled by special interests, and they are going to get just that kind of an administration so long as they meekly obey the mandate to "Vote for Coolidge and Dawes, or starve," and so long as they elect men to Congress who will hang around the straw bosses for instructions as to what their actions shall be for the day, and then sit around and shiver in their boots for fear they may do or say something that will cause these straw bosses to "read" them out of the party.

To these shiverers I wish to utter a word of warning. The straw bosses of Congress went through the farcical spectacle of reading the Congressmen from Wisconsin out of the Republican Party for obeying their oaths of office and exercising their constitutional privilege of acting like free men. The Republican voters of that State read them back into the party again.

A certain gentleman from Pennsylvania was read into the Republican Party by following the dictates of the administration and the straw bosses in Congress, and the Republican voters of that State read him out again. Let us go over into Illinois. There we find another gentleman who was read into the Republican Party by the straw bosses here in Washington, while the Republican voters of Illinois read him out again. Let us step across the Mississippi River into Iowa. There we find a man regularly nominated and elected by the Republicans of that State, kicked out of his seat in the Senate one day after a White House breakfast, and previously read out of the party by the straw bosses. But when the Republicans of that State got a whack at the situation, they read Smith Brookhart back into the party, and will read him into the Senate in November. But we find another gentleman from that State, elected to the Senate upon the Republicanism of Lincoln and Grant, upon the principles that made the party great; but when he came to Washington, he found that in order to be considered a good Republican by the handful of straw bosses and self-styled leaders, controlled and dictated to by special interests, he had to surrender his independence and follow the dictates of the administration, in order to be considered a "good Republican." But when he went before the Republicans of Iowa he was read out of the party once and for all time. We only have to step across the line into Minnesota to find another shining example of a man who had served the people of that State well in his fight against the domination of the Northern Pacific railroad. For that great service he was sent to the Senate by the Republicans of that State to continue the fight for common folks in accordance with the Republican principles of Lincoln. But when he got to Washington he was given to understand that if he expected to be considered a good Republican he would have to forget the people back home, submerge his independence, and follow the dictates of the administration. The Republicans of Minnesota read him out of the party. We have only to go to Oregon and Washington to find others who surrendered to the dictates of the administration in order to receive the straw-boss brand of Republicanism, and who in turn were read out of the party by the voters of those States. The political path of straw-boss Republicanism is strewn with just such wrecks. There are no wrecks in the path of Republicanism emanating from the voters themselves.

Therefore until the agricultural interests of this country elect men to Congress who will follow the dictates of the voters instead of those of the self-styled leaders the farmers can not expect to get very much legislation in their interests.

But even if they get all the legislation desired the battle is not half won. Legislation is a necessary thing in order to secure justice. Yet legislation without honest and efficient administration is worse than no legislation at all. The Federal reserve act was passed in order to take control of the finances of the country out of the hands of the bankers. The Federal Trade Commission was created to prohibit big business combinations from reducing consumers to penury. Yet it is not being so administered. The Department of Agriculture was created in the interest of agriculture. Yet we have strong evidence that the policies of bureaus in that department are entirely dominated by the packers and other business interests. The legal department of the Government was created to prosecute offenders of the law. Yet it is known to have protected them.

We have a law which says: "All substances made of milk or skimmed milk, with the admixture of butter—and made in imitation or semblance of cheese shall be known and designated as 'filled cheese,'" and every manufacturer of such cheese shall pay $400 license fee per year. Yet I am advised that 50 per cent of the cheese made in this country is made of 35 per cent curd, 15 per cent butter fat, and 50 per cent water, and not a single manufacturer of this cheese is paying a dollar's tax. Genuine cheese contains about 34 per cent butter fat, 33 per cent curd, and about 33 per cent water. This is one of the injustices the farmers are up against. If a farmer puts 5 per cent water in his milk and sells it, he is sent to jail. But if a manufacturer extracts 55 per cent of the butter fat out of cheese and replaces it with water and sells this water for 40 cents per pound he is hailed as a shrewd business man and the Member of Congress who stands in the way of putting a stop to that fraud is stamped as a good Republican by the straw bosses of his party.

It is suggested that if the farmers desire legislation, "let them offer bills 'we' can agree to." That excuse was not offered when the Esch-Cummins law was jammed through Congress. Neither was it offered when the Fordney-McCumber

law was passed. No one waited until "'we' could agree" to the various Mellon tax bills, which reduced Mellon's taxes $14,000,000, in order to pass them. No one suggested the holding up of the rivers and harbors bill until "'we' could agree," a bill providing for the survey and development of over 200 projects costing the people of this country hundreds of millions of dollars, a bill providing for the survey for navigation purposes of rivers and creeks which I venture to say not a dozen Members of this House ever heard of, and which could scarcely be made navigable if the total wealth of the United States was expended on them. But in order to recuperate the losses which August Belmont sustained in the Cape Cod canal to the tune of $11,500,000 in Federal money, and in order to satsify the water-power interests of Chicago by legalizing the Great Lakes water steal, and in order to get the votes necessary to satisfy these interests, enough rivers and creeks had to be included in 33 States to pass this bill. In doing this, the gentleman from New York [Mr. DEMPSEY] hopes to get a canal across his State whereby a tribute of from 2 to 4 cents per bushel can be levied upon every bushel of grain produced by the middle western farmer that is shipped to Liverpool and other world markets.

As I see it, the foreign debts settlements voted by the House at this session are nothing short of a crime against the people of this country. The billions of wealth loaned to Italy and France were produced by the farmers and wage earners of the United States, and a larger share of these billions were loaned after the war was ended. Our own people are paying in taxes from 3½ to 4 per cent in interest on this money, and we are canceling the principal entirely, and not even compelling these foreign nations to pay all the interest. If France can be incessantly at war, she can pay her debts. No sooner had Italy consummated her last loan from the United States than she began planning conquest in Northern Africa, and to organize the Italians abroad as an adjunct to her scheme of expansion.

On the other hand, the soldiers and their dependents of our Civil, Indian, and World Wars have been treated most shabbily. There are but few of the Civil War veterans and their wives left, yet this administration turns a deaf ear to their suffering. Our Indian war veterans never received just recognition, and the sick, injured, maimed, and wounded of the World War are having to beg for whatever justice they receive.

Thus, the present session of the Sixty-ninth Congress completes its record and adjourns to return to the people for a verdict on that record.

The record of this Congress will undoubtedly receive the stamp of approval from the international bankers, the great trusts and monopolies of the country, the railroad corporations which have kept the Esch-Cummins law intact upon the statute books, and the eastern beneficiaries of the Fordney-McCumber tariff act.

But what will be the verdict of the great mass of the people of this country? There are signs that the people are alert and aroused to the evils of the sectional, class policies of this administration and to the special privileges for special interests which have been jammed through Congress by stand-pat party leaders.

The people have not only repudiated in the Republican primaries of this year the reactionary administration Senators who have asked indorsement, but they have voted affirmatively in Iowa, North Dakota, and in every other State where vigorous progressive leadership has offered itself to send progressive men to Washington to guard their interests.

At the September primaries, the Progressive Republicans representing the State of Wisconsin in Congress will present their records to their constituents. These are the men who were denied their places on the committees of the House and "read" out of the Republican Party by the party bosses because they had dared to support the candidacy of the late Senator Robert M. La Follette in 1924 on an independent ticket for President. On primary election day, Wisconsin will decide whether she reserves the right to nominate and elect representatives of her own choice or whether this right is to be yielded up to party bosses from New England, Ohio, or other sections or States.

No one familiar with the temper of the progressive people of Wisconsin and with their tenacious hold upon the fundamental principles of representative government can doubt Wisconsin's answer. Wisconsin will speak in a voice that will shake the rafters of this Chamber and that will be heard and respected wherever political bosses assume to flout the expressed will of the people.

WIDOWS' PENSION BILL

Mr. YATES. Mr. Speaker, under general leave to extend remarks, I address myself to the subject suggested by a little bill, which I recently introduced and which reads as follows:

Be it enacted, etc., That from and after the passage of this act, the pension of a widow of a deceased soldier of the Civil War shall be $40 per month.

I have no idea whatever that this bill will pass. Other bills prepared and supported by the most distinguished men in both Houses of Congress have thus far failed to be passed by both Houses. Some have passed in the House and failed in the Senate. Others have had directly the opposite fate. There is undoubtedly a real disposition to be as liberal as possible in the matter of legislation for the benefit of veterans and of soldiers' widows and dependents. This inclination is almost universal. Nine-tenths of the Senators and Representatives want to be liberal, and the other one-tenth is deterred only by fear that the Budget would be dislocated if any one of the various bills should pass in its present form. The result was a real danger of no relief at all.

In this situation it seemed to me that we ought to stop and consider what element or branch or division of pensioners is in the most need. According to my humble opinion there can be only one answer—the widows are the ones to whose aid we should hasten first. I attach, as an appendix to these remarks, a letter from the accomplished and gracious widow of a brave soldier of the Union. This widow now lives in the far South, among the descendants of the southern soldiers whom her valiant husband helped to subdue 60 years ago. She states, in unforgetable words, the unhappy plight of the widows in that distant region whose husbands were in the ranks of the Union Army. Humiliating, indeed, must it be to those women to have it known among the sons and daughters of the Confederacy that the very men who were supposed to have overpowered and conquered in the days of old are now represented among the losers of the fight by destitute widows. I wish that every Member of Congress could read this letter.

Believing as I do that the condition of the Union veterans' widows is deplorable, I introduced my bill. It has not passed, but it is very much alive, and I intend to argue it before the House Committee on Invalid Pensions as early as possible in December. My bill simply provides that every Union veteran's widow shall be paid a pension at the rate of $40 per month. My bill does not say that she must be destitute. My bill does not incorporate the unwritten rule of some committees that no special pension bill can pass if the widow possesses as much income as $250 a year. To my great regret, I find that this is the case now, namely, that if the affidavits show that a widow has an income of more than $250, the Committee on Invalid Pensions will not favor the bill. Recently a bill for special pension, introduced by me, was about to be turned down by the House Committee on Invalid Pensions because the widow appeared to have a net income of $480 per annum. The fact is that she has a gross income of $480, but is compelled to pay more than half of that amount for taxes, insurance, and repairs, so that her net income is not $480 but about $200 per annum.

My bill has some other advantages. It does not contain any whereases or provisos. It does not reject a widow who married a solder in 1905, or 1915, or any other old date. I have a letter from Senator NORBECK, chairman of the Senate Committee on Pensions, who is afraid that my bill might give a pension to some woman who married a soldier last Sunday who proceeded to die on Monday. To be frank about it, I think his fear is justified. I think the widow would get the pension, but I think there would not be more than a score of such cases in the whole United States, and a score of designing widows, each drawing $40 per month, or $480 per year, would make a total unholy raid on the Treasury of $9,600 a year—an amount which would probably not increase the income tax of the Nation or unduly unbalance the four thousand millions of dollars now constituting the annual expenditures of our Government.

I am not for one moment so egotistical as to suppose that my little bill brought about the pension legislation which did develop at the close of the session, but I do find much approval of my bill, and it is at least true that it was not until this bill was introduced that the Senate assumed an attitude or position which the House could accept and concur in. So perhaps, after all, the little bill did help some.

I desire to assure every one of the 227,000 Union veterans' widows scattered all up and down the length and breadth of this land that, as stated above, I will see that this bill is not forgotten at the next session.

It is only fair to say that the legislation which was finally passed was a good step forward, but all it did for the widows

was to increase to $50 per month the pension of a widow who was the wife during the soldier's service in the Civil War. I understand this helps some 20,000 widows, but it does not help the remaining 207,000.

There is a glorious roll which I love to call. It is a roll which no one but an American can call. But, thank God, an American can call that roll! Here it is:

Bunker Hill, Long Island, Brandywine, Valley Forge, Saratoga, Utah Springs, Yorktown, in the days of 1776, in the day when George Washington, in full uniform, knelt in the snow behind the ragged, starving, freezing camp of Valley Forge, in the days we fought a tyrant English King, who could not speak English.

Winfield Scott at Lundys Lane and Brown at Chippewa, and Boyd winning proud laurels at Fort George, and old Pike dying triumphing at Toronto, and Commodore Perry on Lake Erie, and Commodore McDonough on Lake Champlain, and Andrew Jackson, crowning victory with victory, with the thousand squirrel hunters from Kentucky and Tennessee, behind the cotton bales of New Orleans.

And Palo Alto and Resaca de la Palma, and Buena Vista and Monterey, and Chapultepec, and Old Mexico, in the days when 30,000 American boys went out and fought a nation of 8,000,000.

And Fort Donelson, and Shiloh, and Vicksburg, and Gettysburg, and Atlanta, and the march to the sea.

And George Dewey at Manila, and Sampson and Schley at Santiago, and the marines at Guantanamo (800 American marines holding off 20,000 Spanish veterans), and the boys at San Juan Hill.

Think of it, from Bunker Hill to San Juan Hill! And from Bunker Hill to San Juan Hill I have called a glorious roll, that nobody in the world can call but an American; and an American can call it, thank God!

And now we add the St. Mihiel salient, the heights of Verdun, the fight at the bridge at Chateau Thierry, the advance to the Meuse-Argonne, the approach to Sedan, the storming of Grand Pre, the capture of Montfaucon, and the charge by the marines at Belleau Wood. No other nation has such a roll call as this. It tells the tale of superb and supreme sacrifice. It tells us that a million men have died in America that liberty may live, besides the 60,000 who died in France.

It tells us much more than this, for no jagged bullet tore into the breast of a soldier of America that ever stayed there. That bullet went on and on until it finally found its everlasting abiding place in the soul of some suffering American woman. It is no exaggeration to say that 100,000 American women have agonized that American liberty may not die. The result is that we are, in deed and in fact, the child of the centuries, and the heir to the ages, and the beacon light of liberty, and the last hope of humanity. If we fail, the world is lost and civilization will be set back for 1,000 years. No king, no emperor, no sultan, no czar, no mikado is praying for us, but a hundred million American women that have gone before are praying, and the 50,000,000 now alive are doing so. Without them we can not win. With them we can not fail; but we deserve to fail if we do not acknowledge our debt to them.

THE PUNISHMENT OF INTERSTATE CRIMINALS

Mr. YATES. Mr. Speaker, I am glad to have the opportunity to speak in behalf of a bill, which will hurt nobody but a crook, and to which no objections were made until this bill was called up by me by a motion for unanimous consent, that there might be immediate consideration of this measure. Of course, I have no complaint to make of the two Members who interposed questions and objections, namely, the gentleman from Tennessee, Mr. FINIS J. GARRETT, and the gentleman from New York, Mr. LORING M. BLACK, Jr., of Brooklyn. They had a right to object, but I reiterate that, in my opinion, their objections must be under some misunderstanding, inasmuch as the bill will and can hurt only the offender against our laws of property—in other words, a crook.

The bill in question, as amended by the House, reads as follows:

IN THE HOUSE OF REPRESENTATIVES,
January 12, 1926.

Mr. YATES introduced the following bill, which was referred to the Committee on the Judiciary and ordered to be printed:

A bill (H. R. 7472) to punish the transportation of stolen property in interstate or foreign commerce

Be it enacted, etc.—

NATIONAL PROPERTY THEFT ACT

SECTION 1. That this act may be cited as the national property theft act.

DEFINITIONS—STOLEN PROPERTY—INTERSTATE OR FOREIGN COMMERCE

SEC. 2. That when used in this act—

(a) "Stolen property" shall include money, goods, or any other property of any character whatsoever, the stealing or taking of which is declared to be larceny, robbery, or any other crime by the law of the State, Territory, or the District of Columbia, wherein such offense was committed.

(b) The term "interstate or foreign commerce" as used in this act shall include transportation from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia.

TRANSPORTING STOLEN PROPERTY—PENALTY

SEC. 3. That whoever shall transport or cause to be transported in interstate or foreign commerce any stolen property, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000 or by imprisonment of not more than five years, or both.

RECEIVING, ETC., OR DISPOSING OF STOLEN PROPERTY

SEC. 4. That whoever shall receive, conceal, store, barter, sell, or dispose of any property, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both.

VENUE OF PROSECUTIONS

SEC. 5. That any person violating this act may be punished in any district in or through which such property has been transported or removed by such offender.

This bill (H. R. 7472) was introduced by me, at the request of the Chicago Tribune, on the 12th day of January, 1926, and in the Senate by Senator CUMMINS, of Iowa (S. 1871), on the 21st day of December, 1925. It passed unanimously the House subcommittee, of which I have the honor to be chairman, and also unanimously the House Committee on the Judiciary, of which the distinguished gentleman from Pennsylvania, Mr. GEORGE S. GRAHAM, is chairman; and also passed the subcommittee and the full committee of the Senate on Interstate Commerce without a dissenting vote. It would be a law now, within a very few hours, but for the objections interposed at the last moment here within the past few minutes.

The Senate bill differs slightly from this bill, but it is substantially the same; and I am sure the differences would be receded from, on the part of the Senate, if we could once get the bill over to the Senate; I mean that the Senate would pass our bill as amended, because the amendments are all approved by the Attorney General. In a letter dated June 22, 1926, to Chairman GRAHAM, the Attorney General says:

If, however, you shall deem it wise to enact a definition of "stolen property" dependent upon the laws of the several States, it is suggested, since the taking of property does not constitute burglary in many, if any, jurisdictions, that the words "burglary in" in line 1, page 2, be stricken out and that there be inserted in lieu thereof the words "any other crime by the law of."

It is further suggested that there be inserted in line 1, page 2, after the word "State," the words "Territory, or District of Columbia."

A smoother reading of the paragraph would be obtained by striking out, in line 11, page 1, and line 1, page 2, the words "or the taking of which is declared," and by inserting, in line 10, page 1, after the word "stealing," the words "or taking."

With the changes suggested, paragraph (a) would then read:

"(a) 'Stolen property' shall include money, goods, or any other property of any character whatsoever, the stealing or taking of which is declared to be larceny, robbery, or any other crime by the law of the State, Territory, or District of Columbia wherein such offense was committed."

Respectfully,

JNO. G. SARGENT, *Attorney General.*

The Chicago Tribune of recent date contains the following argument for this bill:

The criminal has taken a leaf from the book of business. Business goes to the great trade centers to sell its goods. That is where it can get the best prices. The criminal follows suit. New York and Chicago and other great cities are crime centers for the same reason that they are business centers. That is one of the reasons why Chicago is especially a center of crime—it is the center of the Nation's transportation, the meeting point of the country. There are other reasons also—the fact that Chicago is at least a century nearer the frontier than eastern cities, for example—but the chief one is the same one that makes Chicago the convention city of the country—it is the Nation's central transfer point.

Since, then, crime has become an interstate business, it calls for interstate measures to regulate it, and the Yates-Cummins bill is such

a measure. Automobiles, because they provided their own mobility and were at the same time conspicuous and easily recognizable, were the first and most important stolen articles to become an interstate problem. The Dyer Act was passed by Congress to meet the demand for a law which should give Federal officials the power to arrest and prosecute for automobiles stolen and sold in another State. The Yates-Cummins Act merely broadens the powers conveyed to the Federal authorities in the Dyer Act to include all classes of stolen property transported in interstate commerce.

The several States have proved unable to meet the increase in interstate crime because of the difficulty entailed by the necessities of extradition. Extradition, even when the executives of the States affected work in harmony, offers an added delay, an added loophole through which the criminal can escape the law.

The Tribune, believing that here was a clear case where the Federal Government might justifiably step in, drafted the measure which was introduced in identical form by Representative YATES, of Illinois, in the House and by Senator CUMMINS, of Iowa, in the Senate. The bill has already been approved by the Interstate Commerce Committee of the Senate and is said to have been favorably received by the House Judiciary Committee. Should the latter committee also give it approval, it stands a good chance of passage. We reiterate our hope that Congress will consider the bill before adjournment.

RADIO LEGISLATION

Mr. FORT. Mr. Speaker, the resolution brought in here within a half hour of adjournment without opportunity for adequate debate has two main provisions. First, that renewals of license of existing broadcasting stations shall not be granted for longer periods than 90 days, and that neither original nor renewal licenses for any other stations shall be granted for longer periods than two years. Second, that neither an original nor a renewal license shall hereafter be granted—

unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof.

The first provision simply enacts what is already the practice of the Department of Commerce. The second provision, however, discriminates against the holders of licenses which do not expire between now and the time final legislation is adopted and in favor of those whose present licenses continue beyond the date when such legislation is adopted.

It also discriminates in favor of the man who denies the authority of the Government to license or regulate and against the man who concedes that right.

There is a broad question, on which eminent authorities disagree, as to whether the Government has any power whatever over the ether. How the courts will resolve this question eventually is unknown. I do not feel that some proprietors of radio stations should be compelled in effect to waive their unknown rights while others waive nothing. Any legislation which we pass on this subject should be absolutely uniform in its effect upon all persons interested in radio transmission. It therefore seemed necessary to me to object to consideration of the resolution under unanimous consent.

ADDRESS OF PRESIDENT COOLIDGE AT THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE AT PHILADELPHIA, PA.

Mr. CHINDBLOM. Mr. Speaker, under the leave granted to extend remarks in the CONGRESSIONAL RECORD, I insert the address of President Coolidge to be delivered at the celebration of the one hundred and fiftieth anniversary of the Declaration of Independence at the Sesquicentennial International Exposition at Philadelphia, Pa., on July 5, 1926. This is an historic document, which I believe should be preserved in the CONGRESSIONAL RECORD. The address is as follows:

Fellow countrymen, we meet to celebrate the birthday of America. The coming of a new life always excites our interest. Although we know in the case of the individual that it has been an infinite repetition reaching back beyond our vision, that only makes it the more wonderful. But how our interest and wonder increase when we behold the miracle of the birth of a new nation. It is to pay our tribute of reverence and respect to those who participated in such a mighty event that we annually observe the 4th day of July. Whatever may have been the impression created by the news which went out from this city on that summer day in 1776, there can be no doubt as to the estimate which is now placed upon it. At the end of 150 years the four corners of the earth unite in coming to Philadelphia as to a holy shrine in grateful acknowledgment of a service so great, which a few inspired men here rendered to humanity, that it is still the preeminent support of free government throughout the world.

Although a century and a half measured in comparison with the length of human experience is but a short time, yet measured in the life of governments and nations it ranks as a very respectable period. Certainly enough time has elapsed to demonstrate with a great deal of thoroughness the value of our institutions and their dependability as rules for the regulation of human conduct and the advancement of civilization. They have been in existence long enough to become very well seasoned. They have met, and met successfully, the test of experience.

It is not so much then for the purpose of undertaking to proclaim new theories and principles that this annual celebration is maintained, but rather to reaffirm and reestablish those old theories and principles which time and the unerring logic of events have demonstrated to be sound. Amid all the clash of conflicting interests, amid all the welter of partisan politics, every American can turn for solace and consolation to the Declaration of Independence and the Constitution of the United States with the assurance and confidence that those two great charters of freedom and justice remain firm and unshaken. Whatever perils appear, whatever dangers threaten, the Nation remains secure in the knowledge that the ultimate application of the law of the land will provide an adequate defense and protection.

It is little wonder that people at home and abroad consider Independence Hall as hallowed ground and revere the Liberty Bell as a sacred relic. That pile of bricks and mortar, that mass of metal, might appear to the uninstructed as only the outgrown meeting place and the shattered bell of a former time, useless now because of more modern conveniences, but to those who know they have become consecrated by the use which men have made of them. They have long been identified with a great cause. They are the framework of a spiritual event. The world looks upon them, because of their associations of 150 years ago, as it looks upon the Holy Land, because of what took place there 1,900 years ago. Through use for a righteous purpose they have become sanctified.

It is not here necessary to examine in detail the causes which led to the American Revolution. In their immediate occasion they were largely economic. The colonists objected to the navigation laws which interfered with their trade, they denied the power of Parliament to impose taxes which they were obliged to pay, and they therefore resisted the royal governors and the royal forces which were sent to secure obedience to these laws. But the conviction is inescapable that a new civilization had come, a new spirit had arisen on this side of the Atlantic more advanced and more developed in its regard for the rights of the individual than that which characterized the Old World. Life in a new and open country had aspirations which could not be realized in any subordinate position. A separate establishment was ultimately inevitable. It had been decreed by the very laws of human nature. Man everywhere has an unconquerable desire to be the master of his own destiny.

We are obliged to conclude that the Declaration of Independence represented the movement of a people. It was not, of course, a movement from the top. Revolutions do not come from that direction. It was not without the support of many of the most respectable people in the Colonies, who were entitled to all the consideration that is given to breeding, education, and possessions. It had the support of another element of great significance and importance to which I shall later refer. But the preponderance of all those who occupied a position which took on the aspect of aristocracy did not approve of the Revolution and held toward it an attitude either of neutrality or open hostility. It was in no sense a rising of the oppressed and downtrodden. It brought no scum to the surface, for the reason that colonial society had developed no scum. The great body of the people were accustomed to privations, but they were free from depravity. If they had poverty, it was not of the hopeless kind that afflicts great cities, but the inspiring kind that marks the spirit of the pioneer. The American Revolution represented the informed and mature convictions of a great mass of independent, liberty-loving, God-fearing people who knew their rights, and possessed the courage to dare to maintain them.

The Continental Congress was not only composed of great men, but it represented a great people. While its Members did not fail to exercise a remarkable leadership, they were equally observant of their representative capacity. They were industrious in encouraging their constituents to instruct them to support independence. But until such instructions were given they were inclined to withhold action.

While North Carolina has the honor of first authorizing its delegates to concur with other Colonies in declaring independence, it was quickly followed by South Carolina and Georgia, which also gave general instructions broad enough to include such action. But the first instructions which unconditionally directed its delegates to declare for independence came from the great Commonwealth of Virginia. These were immediately followed by Rhode Island and Massachusetts, while the other Colonies, with the exception of New York, soon adopted a like course.

This obedience of the delegates to the wishes of their constituents, which in some cases caused them to modify their previous positions, is a matter of great significance. It reveals an orderly process of government in the first place; but more than that, it demonstrates that the Declaration of Independence was the result of the seasoned and deliberate thought of the dominant portion of the people of the

Colonies. Adopted after long discussion and as the result of the duly authorized expression of the preponderance of public opinion, it did not partake of dark intrigue or hidden conspiracy. It was well advised. It had about it nothing of the lawless and disordered nature of a riotous insurrection. It was maintained on a plane which rises above the ordinary conception of rebellion. It was in no sense a radical movement but took on the dignity of a resistance to illegal usurpations. It was conservative and represented the action of the colonists to maintain their constitutional rights which from time immemorial had been guaranteed to them under the law of the land.

When we come to examine the action of the Continental Congress in adopting the Declaration of Independence in the light of what was set out in that great document and in the light of succeeding events, we can not escape the conclusion that it had a much broader and deeper significance than a mere secession of territory and the establishment of a new nation. Events of that nature have been taking place since the dawn of history. One empire after another has arisen, only to crumble away as its constituent parts separated from each other and set up independent governments of their own. Such actions long ago became commonplace. They have occurred too often to hold the attention of the world and command the admiration and reverence of humanity. There is something beyond the establishment of a new nation, great as that event would be, in the Declaration of Independence which has ever since caused it to be regarded as one of the great charters that not only was to liberate America but was everywhere to ennoble humanity.

It was not because it was proposed to establish a new Nation but because it was proposed to establish a Nation on new principles that July 4, 1776, has come to be regarded as one of the greatest days in history. Great ideas do not burst upon the world unannounced. They are reached by a gradual development over a length of time usually proportionate to their importance. This is especially true of the principles laid down in the Declaration of Independence. Three very definite propositions were set out in its preamble regarding the nature of mankind and therefore of government. These were the doctrine that all men are created equal, that they are endowed with certain inalienable rights, and that therefore the source of the just powers of government must be derived from the consent of the governed.

If no one is to be accounted as born into a superior station, if there is to be no ruling class, and if all possess rights which can neither be bartered away nor taken from them by any earthly power, it follows as a matter of course that the practical authority of the Government has to rest on the consent of the governed. While these principles were not altogether new in political action, and were very far from new in political speculation, they had never been assembled before and declared in such a combination. But remarkable as this may be, it is not the chief distinction of the Declaration of Independence. The importance of political speculation is not to be underestimated, as I shall presently disclose. Until the idea is developed and the plan made there can be no action.

It was the fact that our Declaration of Independence containing these immortal truths was the political action of a duly authorized and constituted representative public body in its sovereign capacity, supported by the force of general opinion and by the armies of Washington already in the field, which makes it the most important civil document in the world. It was not only the principles declared, but the fact that therewith a new Nation was born which was to be founded upon those principles and which from that time forth in its development has actually maintained those principles that makes this pronouncement an incomparable event in the history of government. It was an assertion that a people had arisen determined to make every necessary sacrifice for the support of these truths and by their practical application bring the war of independence to a successful conclusion and adopt the Constitution of the United States with all that it has meant to civilization.

The idea that the people have a right to choose their own rulers was not new in political history. It was the foundation of every popular attempt to depose an undesirable king. This right was set out with a good deal of detail by the Dutch when as early as July 26, 1581, they declared their independence of Philip of Spain. In their long struggle with the Stuarts the British people asserted the same principles, which finally culminated in the Bill of Rights deposing the last of that house and placing William and Mary on the throne. In each of these cases sovereignty through divine right was displaced by sovereignty through the consent of the people. Running through the same documents, though expressed in different terms, is the clear inference of inalienable rights. But we should search these charters in vain for an assertion of the doctrine of equality. This principle had not before appeared as an official political declaration of any nation. It was profoundly revolutionary. It is one of the corner stones of American institutions.

But if these truths to which the declaration refers have not before been adopted in their combined entirety by national authority, it is a fact that they had been long pondered and often expressed in political speculation. It is generally assumed that French thought had some effect upon our public mind during Revolutionary days. This may have been true. But the principles of our declaration had been under discussion in the Colonies for nearly two generations before the advent of the French political philosophy that characterized the middle of the eighteenth century. In fact, they come from an earlier date. A very positive echo of what the Dutch had done in 1581, and what the English were preparing to do, appears in the assertion of the Rev. Thomas Hooker, of Connecticut, as early as 1638, when he said in a sermon before the General Court that—

"The foundation of authority is laid in the free consent of the people.

"The choice of public magistrates belongs to the people by God's own allowance."

This doctrine found wide acceptance among the nonconformist clergy who later made up the Congregational Church. The great apostle of this movement was the Rev. John Wise, of Massachusetts. He was one of the leaders of the revolt against the royal governor Andros in 1687, for which he suffered imprisonment. He was a liberal in ecclesiastical controversies. He appears to have been familiar with the writings of the political scientist, Sampel Pufendorf, who was born in Saxony in 1632. Wise published a treatise, entitled "The Church's Quarrel Espoused," in 1710, which was amplified in another publication in 1717. In it he dealt with the principles of civil government. His works were reprinted in 1772 and have been declared to have been nothing less than a textbook of liberty for our Revolutionary fathers.

While the written word was the foundation, it is apparent that the spoken word was the vehicle for convincing the people. This came with great force and wide range from the successors of Hooker and Wise. It was carried on with a missionary spirit which did not fail to reach the Scotch-Irish of North Carolina, showing its influence by significantly making that Colony the first to give instructions to its delegates looking to independence. This preaching reached the neighborhood of Thomas Jefferson, who acknowledged that his "best ideas of democracy" had been secured at church meetings.

That these ideas were prevalent in Virginia is further revealed by the Declaration of Rights, which was prepared by George Mason and presented to the general assembly on May 27, 1776. This document asserted popular sovereignty and inherent natural rights, but confined the doctrine of equality to the assertion that "all men are created equally free and independent." It can scarcely be imagined that Jefferson was unacquainted with what had been done in his own Commonwealth of Virginia when he took up the task of drafting the Declaration of Independence. But these thoughts can very largely be traced back to what John Wise was writing in 1710. He said, "Every man must be acknowledged equal to every man." Again, "The end of all good government is to cultivate humanity and promote the happiness of all and the good of every man in all his rights, his life, liberty, estate, honor, and so forth * * *."

And again, "For as they have a power every man in his natural state, so upon combination they can and do bequeath this power to others and settle it according as their united discretion shall determine." And still again, "Democracy is Christ's government in church and state." Here was the doctrine of equality, popular sovereignty, and the substance of the theory of inalienable rights clearly asserted by Wise at the opening of the eighteenth century, just as we have the principle of the consent of the governed stated by Hooker as early as 1638.

When we take all these circumstances into consideration it is but natural that the first paragraph of the Declaration of Independence should open with a reference to Nature's God and should close in the final paragraphs with an appeal to the Supreme Judge of the world and an assertion of a firm reliance on Divine Providence. Coming from these sources, having as it did this background, it is no wonder that Samuel Adams could say "The people seem to recognize this resolution as though it were a decree promulgated from heaven."

No one can examine this record and escape the conclusion that in the great outline of its principles the Declaration was the result of the religious teachings of the preceding period. The profound philosophy which Jonathan Edwards applied to theology, the popular preaching of George Whitefield, had aroused the thought and stirred the people of the Colonies in preparation for this great event. No doubt the speculations which had been going on in England, and especially on the Continent, lent their influence to the general sentiment of the times. Of course, the world is always influenced by all the experience and all the thought of the past. But when we come to a contemplation of the immediate conception of the principles of human relationship which went into the Declaration of Independence we are not required to extend our search beyond our own shores. They are found in the texts, the sermons, and the writings of the early colonial clergy, who were earnestly undertaking to instruct their congregations in the great mystery of how to live. They preached equality because they

believed in the fatherhood of God and the brotherhood of man. They justified freedom by the text that we are all created in the divine image, all partakers of the divine spirit.

Placing every man on a plane where he acknowledged no superiors, where no one possessed any right to rule over him, he must inevitably choose his own rulers through a system of self-government. This was their theory of democracy. In those days such doctrines would scarcely have been permitted to flourish and spread in any other country. This was the purpose which the fathers cherished. In order that they might have freedom to express these thoughts and opportunity to put them into action, whole congregations with their pastors had migrated to the Colonies. These great truths were in the air that our people breathed. Whatever else we may say of it, the Declaration of Independence was profoundly American.

If this apprehension of the facts be correct, and the documentary evidence would appear to verify it, then certain conclusions are bound to follow. A spring will cease to flow if its source be dried up; a tree will wither if its roots be destroyed. In its main features the Declaration of Independence is a great spiritual document. It is a declaration not of material but of spiritual conceptions. Equality, liberty, popular sovereignty, the rights of man—these are not elements which we can see and touch. They are ideals. They have their source and their roots in the religious convictions. They belong to the unseen world. Unless the faith of the American people in these religious convictions is to endure, the principles of our Declaration will perish. We can not continue to enjoy the result if we neglect and abandon the cause.

We are too prone to overlook another conclusion. Governments do not make ideals, but ideals make governments. This is both historically and logically true. Of course the government can help to sustain ideals and can create institutions through which they can be the better observed, but their source by their very nature is in the people. The people have to bear their own responsibilities. There is no method by which that burden can be shifted to the government. It is not the enactment, but the observance of laws, that creates the character of a nation.

About the Declaration there is a finality that is exceedingly restful. It is often asserted that the world has made a great deal of progress since 1776, that we have had new thoughts and new experiences which have given us a great advance over the people of that day, and that we may therefore very well discard their conclusions for something more modern. But that reasoning can not be applied to this great charter. If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just powers from the consent of the governed, that is final. No advance, no progress can be made beyond these propositions. If anyone wishes to deny their truth or their soundness, the only direction in which he can proceed historically is not forward, but backward toward the time when there was no equality, no rights of the individual, no rule of the people. Those who wish to proceed in that direction can not lay claim to progress. They are reactionary. Their ideas are not more modern, but more ancient, than those of the Revolutionary fathers.

In the development of its institutions America can fairly claim that it has remained true to the principles which were declared 150 years ago. In all the essentials we have achieved an equality which was never possessed by any other people. Even in the less important matter of material possessions we have secured a wider and wider distribution of wealth. The rights of the individual are held sacred and protected by constitutional guaranties which even the Government itself is bound not to violate. If there is any one thing among us that is established beyond question, it is self-government—the right of the people to rule. If there is any failure in respect to any of these principles, it is because there is a failure on the part of individuals to observe them. We hold that the duly authorized expression of the will of the people has a divine sanction. But even in that we come back to the theory of John Wise that "Democracy is Christ's government * * *." The ultimate sanction of law rests on the righteous authority of the Almighty.

On an occasion like this a great temptation exists to present evidence of the practical success of our form of democratic republic at home and the ever-broadening acceptance it is securing abroad. Although these things are well known, their frequent consideration is an encouragement and an inspiration. But it is not results and effects so much as sources and causes that I believe it is even more necessary constantly to contemplate. Ours is a government of the people. It represents their will. Its officers may sometimes go astray, but that is not a reason for criticising the principles of our institutions. The real heart of the American Government depends upon the heart of the people. It is from that source that we must look for all genuine reform. It is to that cause that we must ascribe all our results.

It was in the contemplation of these truths that the fathers made their declaration and adopted their Constitution. It was to establish a free government, which must not be permitted to degenerate into the unrestrained authority of a mere majority or the unbridled weight of a mere influential few. They undertook to balance these interests against each other and provide the three separate independent branches, the executive, the legislative, and the judicial departments of the Government, with checks against each other in order that neither one might encroach upon the other. These are our guaranties of liberty. As a result of these methods enterprise has been duly protected from confiscation, the people have been free from oppression, and there has been an ever-broadening and deepening of the humanities of life.

Under a system of popular government there will always be those who will seek for political preferment by clamoring for reform. While there is very little of this which is not sincere, there is a large portion that is not well informed. In my opinion very little of just criticism can attach to the theories and principles of our institutions. There is far more danger of harm than there is hope of good in any radical changes. We do need a better understanding and comprehension of them and a better knowledge of the foundations of government in general. Our forefathers came to certain conclusions and decided upon certain courses of action which had been a great blessing to the world. Before we can understand their conclusions we must go back and review the course which they followed. We must think the thoughts which they thought. Their intellectual life centered around the meetinghouse. They were intent upon religious worship. While there were always among them men of deep learning, and later those who had comparatively large possessions, the mind of the people was not so much engrossed in how much they knew, or how much they had, as in how they were going to live. While scantily provided with other literature, there was a wide acquaintance with the Scriptures. Over a period as great as that which measures the existence of our independence they were subject to this discipline not only in their religious life and educational training but also in their political thought. They were a people who came under the influence of a great spiritual development and acquired a great moral power.

No other theory is adequate to explain or comprehend the Declaration of Independence. It is the product of the spiritual insight of the people. We live in an age of science and of abounding accumulation of material things. These did not create our declaration. Our declaration created them. The things of the spirit come first. Unless we cling to that, all our material prosperity, overwhelming though it may appear, will turn to a barren scepter in our grasp. If we are to maintain the great heritage which has been bequeathed to us, we must be like-minded as the fathers who created it. We must not sink into a pagan materialism. We must cultivate the reverence which they had for the things that are holy. We must follow the spiritual and moral leadership which they showed. We must keep replenished, that they may glow with a more compelling flame, the altar fires before which they worshiped.

A NATION-WIDE SYSTEM OF DURABLE HARD-SURFACED POST ROADS

Mr. HOLADAY. Mr. Speaker, House bill 8769, introduced by myself on February 2, 1926, and referred to the Committee on Ways and Means, provides for the construction, maintenance, and regulation within and by the United States of a nation-wide system of durable hard-surfaced post roads and makes provision for the payment of the cost thereof.

WILL INCREASE THE VALUE OF FEDERAL AID ROADS

Attention is called at the outset to section 32 of this bill which shows that the bill is not intended to conflict with the Federal aid road act which depends upon cooperation by the States. My bill does contemplate, however, the immediate construction and maintenance by the United States alone, without reference to State lines or help, of a nation-wide system of straight, well-paved transcontinental or trunk line highways.

GOOD ROADS PAY BIG DIVIDENDS

Money spent in the permanent improvement of a country's roads is a real and safe investment which yields large returns to the country's material wealth, and at the same time adds greatly to the pleasure, comfort, and well-being of its citizens. The United States is abundantly able and can well afford therefore to build a nation-wide system of fine, durable, hard-surfaced transcontinental or trunk line highways and still continue to aid the States in the improvement within their own borders of their own Federal aid roads over which their own rural mail carriers and people must travel.

PAVE TRANSCONTINENTAL HIGHWAYS NOW WHILE WE LIVE

As a Nation the United States does need, and should have, a connected and comprehensive national system of first-class paved roads, built and maintained by itself on the most direct lines from large city to large city, from seaboard to seaboard, from the Lakes to the Gulf, from each State capital to all other State capitals, and from every State capital to the National Capital. This bill provides for the construction and maintenance of just such a system of roads, with an approximate mileage of 53,000 miles, and authorizes the Secretary of the Treasury to borrow money and to issue bonds to the amount of $3,000,000,000 which will make it possible to construct all of the roads now while we live.

USERS PAY WILLINGLY FOR GOOD PAVED ROADS

This bill also provides that the payment of such bonded indebtedness may be met in large part by a very small tax on motor vehicles and on gasoline or other fuel used in and by such vehicles. Such a charge would naturally fall largely on motor-vehicle owners who will use the roads, but such users would be more than repaid for such expenditures by the benefits derived by them from the large saving in oil, gas, repairs, and depreciation. Engineers have determined that the use of good paved roads does effect such a saving and that the cost of transportation over such roads is very materially lessened.

BUILD THE ROADS STRAIGHT

In order to be of the greatest benefit to the country as a whole such a system of high-class paved roads should be built on the shortest and most direct lines, and without particular reference to local communities. The proposed high-type paved roads from New York to the Pacific, from Chicago to the Gulf, and so on, will, under this bill, be built on the shortest and most direct lines which are practicable from an engineering standpoint.

A NATION-WIDE HARD ROAD SYSTEM WILL BENEFIT EVERY STATE

Each single State is interested in and affected by the general welfare of the Union of States. Motor-vehicle owners and taxpayers of one State will, therefore, be vitally interested in having the most direct connection possible with each of the other States. Great corporations which may have their home offices in New York City, for example, and which may possibly pay the bulk of their taxes there, could hardly survive for a day if they should suddenly be cut off entirely from the other States—and the larger such corporations are the more likely it is that their very life blood flows from the farthermost parts of the country.

BUILD THE PAVED HIGHWAYS WIDE AND STRONG

This bill requires that high-type paved roads shall be built and maintained. Except in extreme cases, no road shall be less than 18 feet in width. The bill makes it the duty of the Government to build the roads wide enough and strong enough to take care of the heaviest present traffic needs and of the reasonably anticipated future traffic thereon. In fact, the bill itself provides that for at least 20 miles out from the corporate limits of every city of over 200,000 population the hard-surfaced part of each roadway shall have not less than four traffic lanes, and each lane shall be approximately 10 feet in width. First-class paved belt roads may also be constructed around such cities, so as to permit through traffic to avoid the congested down-town areas.

BUILD PAVED HIGHWAYS FOR PEACE, BUT MAKE THEM ADEQUATE FOR WAR

Although the bill makes the President's approval necessary, the immediate responsibility for the construction and maintenance of the roads rests upon four of his Cabinet members.

As such a nation-wide system of hard-surfaced roads, if properly built, would be of inestimable value in time of national danger, the Secretary of War is named as one of these four Cabinet members to aid in determining the proper type and width of paved roadways which would be sufficient to meet all the traffic requirements of war as well as of peace.

As the Bureau of Public Roads and the welfare of farmers are placed in his department, the Secretary of Agriculture is given the larger part of the responsibility.

The Postmaster General is given advisory powers because mails, in ever-increasing amount, will go over such post roads.

The Secretary of Commerce is also given advisory powers because the building of such a system of paved roads will be of very great and far-reaching importance to the commercial interests of the entire country.

COMMENCE SIMULTANEOUSLY IN ALL THE STATES AND COMPLETE THE ROADS PROMPTLY

The Secretary of Agriculture is required to divide the roads into convenient sections for construction purposes. He shall also try to complete the entire nation-wide system of paved roads within five years. The construction work shall, so far as practically possible, be commenced in all the different States at approximately the same time and be carried on continuously until all the roads are completed and opened for traffic.

SAFEGUARD THE TRAVELING PUBLIC

Wherever possible, grade railroad crossings shall be avoided by means of viaducts or subways.

Provision is made to safeguard the traveling public by marking the roads and by prescribing uniform rules of the road. The Federal Government will have the right to exercise complete control over the roads in case of war or national danger. At the request of its governor a State may also, in time of public danger, be given priorities in the use of the roads.

LEAVE NO UNPAVED GAPS ON TRUNK-LINE ROADS

Such a nation-wide system of connected and well-paved transcontinental or trunk-line highways should be built and maintained by the United States alone. Other systems, depending upon help from individual States, will, for years, be filled with gaps, because some States will be unwilling or financially unable to pave the necessary roads across their territory. Frequently, too, neighboring States will not agree on which cross-country road should be paved first, and thus the highways improved will not join. A single gap in the line of a paved road very greatly lessens its value as a transcontinental highway. Secondary roads to reach and supplement such a nation-wide system of hard-surfaced roads will be needed and will rapidly be built by the States alone or with the help of Federal aid.

REFUNDS TO STATE

States which have already built good paved roads at their own expense across their own borders will not lose the benefit of such work. The bill provides that wherever one of the main trunk-line roads described in the bill goes over a Federal-aid road or over a State road which has already been paved, then, if such a road shall have been constructed along such a direct line and of such a permanent type as to make it possible to use the road in said nation-wide system of paved roads, the State in which such a road is located is to be repaid by the Nation the actual value of whatever part of said road, paid for by the States, is so taken over and used. The money so refunded to a State may be used by the State to retire its road bonds or to improve other roads in other parts of the State.

ROADS ARE FOR ALL

The bill is nonpolitical and nonpartisan. Republicans and Democrats, as well as members of all other parties, are directly and vitally interested in having good paved roads for their own immediate use. So, too, farmer and merchant, employer and employee—all will use such a nation-wide system of hard-surfaced roads.

TRANSCONTINENTAL PAVED HIGHWAYS FOR THE UNITED STATES

The routes to be paved are described in a general way in the bill. There are 7 main east and west lines, 1 line following approximately the Atlantic coast line, and about 14 main north and south lines. One line runs from Montana to the seaboard at Jacksonville, Fla., and one from El Paso, Tex., to Lake Ontario. The other routes might be called diagonal lines, as they run out in almost every direction from the large cities. This proposed hard-road system would give direct communication, by practically the shortest lines, between all waterways and from each large city to every other large city, from each State capital to every other State capital, and from every State capital to our National Capital.

THE BUTLER BILL AND THE BALTIMORE PORT DIFFERENTIAL—THE INDEPENDENCE OF THE FEDERAL AND STATE JUDICIAL AND POLICE SYSTEMS—A PROHIBITION REFERENDUM

Mr. HILL of Maryland. Mr. Speaker, Congress adjourns to-day. The first session of the Sixty-ninth Congress is noteworthy not only for the good legislation which we have passed but for the bad legislation which we have killed.

I am glad to report that the Butler bill, making the fight against the port differentials of Baltimore, Norfolk, Philadelphia, Newport News, and other cities, and interfering with the proper powers of the Interstate Commerce Commission has not passed.

The importance of this bill to Baltimore city is well expressed in the following editorial from the Baltimore Sun of Monday, March 29, 1926:

The Butler bill, which remains in the background, is worse than the Gooding bill. It is a bald attempt to use rail rates to bolster up a certain section of the country. In this respect it is an indefensible attack upon the authority of a body established by Congress to decide questions which Congress can not possibly have the knowledge, training, and experience to determine wisely. It should promptly go the way of the Gooding bill.

An organization was formed of those interested to fight the passage of this bill. The organization of this fight is very briefly reported in the two following extracts, the first from the Baltimore Sun of February 25, 1926, and the second in the Baltimore News of February 24, 1926:

Representatives of Atlantic coast and Gulf cities met here in the office of Representative JOHN PHILIP HILL, of Maryland, to-day and organized the joint differential rate committee to oppose the bill of Senator WILLIAM L. BUTLER, Republican, Massachusetts, which would equalize the export freight rates from interior points to the various ports along the Atlantic and Gulf coasts.

The first active movement against the favorable consideration of the Butler bill, designed to place Baltimore and other ports on a water-

and-rail rate parity, was inaugurated at Washington to-day in a meeting called by Congressman JOHN PHILIP HILL.

A preliminary conference was held two weeks ago, attended by port representatives from Baltimore, Philadelphia, Wilmington, Portsmouth, Newark, Camden, Norfolk, Newport News, and New Orleans.

Two representatives from each port were appointed by Congressman HILL to form an organization committee to formulate active opposition to the bill.

The Interstate Commerce Commission is the proper organization to deal with port differentials, and I am glad to report that the attack on the Baltimore differential has been defeated in this session of Congress.

The preservation of the independence of the Federal and State judicial and police systems is of vital importance to the integrity of local government. On May 25, 1926, I introduced the following resolution:

Joint resolution for the preservation of the independence of the Federal and State judicial and police systems

Whereas by the Constitution of the United States there was instituted a system of jurisprudence totally separate and apart from that of the individual States constituting the Federal Union; and

Whereas the maintenance of the independence of the Federal judicial system and the State judicial systems is essential to local self-government; and

Whereas in his first inaugural address President Lincoln said: "Those who nominated and elected me did so with full knowledge that I had made this and many similar declarations and had never recanted them. And, more than this, they placed in the platform for my acceptance and as a law to themselves and to me the clear and emphatic resolution which I now read: '*Resolved*, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend, and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes'"; and

Whereas Blaine, in his memorial address on President Grant, said of Lincoln, in 1885: "Lincoln was the prophet who warned the people of the evils that were undermining our Government; the statesman who was called to leadership in the work of their extirpation"; and

Whereas, at Williamsburg, Va., President Coolidge, on Saturday, May 15, 1926, said: "The States should not be induced by coercion or by favor to surrender the management of their own affairs. The Federal Government ought to resist the tendency to be loaded up with duties which the States should perform. It does not follow that because something ought to be done the National Government ought to do it": Therefore be it

Resolved, etc., That no Federal judge, officer, agent of the Department of Justice of the United States, officer or agent of the Treasury Department, or any other officer or agent of the United States of America holding a commission under the United States of America, shall at the same time hold office or commission under the authority of any of the several States of the Union; nor shall any State judge, sheriff, deputy sheriff, police officer, or any other State agent engaged in enforcing the laws of a State hold at the same time any office or position under the Government of the United States of America.

It is a matter of common knowledge that the Executive order concerned in the above has been abandoned. For two years I have fought the attempt to use District of Columbia police in Maryland disguised as prohibition agents. The order having been abandoned, it is not necessary to press the above resolution which, however, I think had a very definite effect.

There has been a great deal of consideration of the question of a referendum on prohibition. On May 25, 1926, I introduced the following concurrent resolution on this subject, which is as follows:

Concurrent resolution

Whereas it appearing that the proposition to submit the vexed question of prohibition of the traffic in intoxicating liquors, as provided in the eighteenth amendment to the Constitution of the United States and in the prohibition enforcement act, to the people for further consideration and settlement, as authorized by the State of New York and as proposed elsewhere, is finding favor throughout the country, evidenced by the expressions of leading citizens and officials regardless of their former attitude on the question; and

Whereas a fair and legal determination of the question may only be ascertained by and through the election methods provided by the several States of the Union; and

Whereas it is needful for the peace and contentment of the people that this question be removed from the realm of controversy and from American politics in which it is now overshadowing all else to the great detriment of the right solution of economic and other problems: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress of the United States that the people in the respective States of which they are citizens should be accorded early opportunity to express, by ballot, their true sentiment upon the question now disturbing the tranquillity of the Republic, namely—

First. Shall there be modification of the so-called Volstead Act, and if so, to what extent?

Second. Shall the eighteenth amendment to the Constitution be modified or repealed?

And to this end the President of the United States is requested respectfully to invite the constituted authorities of the several States to provide, as uniformly as may be, for the submission of this question to the sovereign electors of their respective States for their decision at the earliest practicable date.

This session has been one of the most interesting sessions of Congress in the past five years. On July 1 one of my friends in Baltimore wrote to the Speaker in reference to my work in the past five years in the House of Representatives. He wrote as follows:

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.

DEAR SIR: As a personal friend and political supporter of Congressman JOHN PHILIP HILL of Maryland, a Member of the House of Representatives, I am writing to ask if you would object to giving me information as to his services in the House of Representatives during the three terms which he has served.

I would be greatly obliged for any information you could give me.

Very respectfully yours,

J. J. MCGINITY,
Eastern and Ellwood Avenues,
Baltimore, Md.

He got from the Speaker the following letter:

THE SPEAKER'S ROOMS, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 3, 1926.

Dr. J. J. MCGINITY,
Eastern and Ellwood Avenues, Baltimore, Md.

DEAR DOCTOR MCGINITY: Your letter of July 3 is received. I am glad to write you about Hon. JOHN PHILIP HILL, who is not only one of my good friends in the House but also one of the hardest workers and most dependable Members of the Republican Party.

Mr. HILL is an active hard-working Member of Congress. He combines great ability with a most agreeable personality and has risen high in the estimation of the older Members since he came here some time ago. He is a member of one of the most important committees of the House, the Committee on Military Affairs, and he has done splendid work on that committee. We shall be sorry to lose him in the House of Representatives.

Yours very truly,

NICHOLAS LONGWORTH.

I shall be sorry to leave the House in the event I am elected to the Senate. I have enjoyed every moment of its work for the past five years.

WESTMORELAND COUNTY, VA., IN THE BUILDING OF THE NATION

Mr. BLAND. Mr. Speaker, pursuant to leave to extend my remarks in the RECORD, I shall print a speech which I intended to deliver at Hague, in Westmoreland County, Va., on July 3, 1926, but which I could not deliver because of the necessity of remaining in Washington during the closing hours of the first session of the Sixty-ninth Congress to look after certain bills which materially affected my constituents.

The subject of my address was selected by those who invited me to make the address, and as it relates to the Nation, as well as to Westmoreland County, Va., I consider it not inappropriate to publish it in the CONGRESSIONAL RECORD.

At few places in this Nation does there exist so long a roll of distinguished sons as in this county.

Mentioning only the most distinguished of your sons, native and adopted, it is indeed with pardonable pride that we call the names of George Washington, James Monroe, R. E. Lee, Thomas Lee, sr., Philip Ludwell Lee, Richard Henry Lee, Thomas Ludwell Lee, Francis Lightfoot Lee, William Lee, Arthur Lee, "Light Horse Harry" Lee, Justice Bushrod Washington, Chief Justice John Marshall, and Judge Richard Parker.

You must feel a spirit of exaltation as you point to your Members of Congress, Richard Henry Lee, Francis Lightfoot Lee, Arthur Lee, "Light Horse Harry" Lee, John P. Hungerford, Willoughby Newton, John Critcher, R. L. T. Beale, and R. M. Mayo.

Westmoreland County, Va., has been called the "Athens of Virginia." The historian Campbell speaks of it as distinguished above all other counties in Virginia as the birthplace of genius.

This county is rich with brilliant memories, with splendid traditions, and with a transplendent past. Memories, glorious and golden, come in legions. Wakefield, Stratford, Chantilly, Mount Pleasant, Pope's Creek Church, Leeds or Brays, Yeocomico, Leedstown, the Washingtons, the Lees, Monroe, and Marshall remind us that the ground on which we stand is holy ground.

My subject may not be compressed within the limits of a speech. To trace Westmoreland in the building of the Nation is to trace the history of this Nation from its earliest dawn. Each of its great sons should receive more attention than on this occasion may be given to all. Minutes must suffice for many for whom hours would not be enough. How inadequate would be an hour for the Washingtons alone, but there are also the Lees.

So transcendently great are two of Westmoreland's immortals and so intimately is their history known to every citizen of this great Republic that I shall briefly mention them and pass on.

Washington was your son, and of him what more need be said than was said by Marshall, later Chief Justice, who in announcing his death in the House of Representatives of which Marshall was then a Member said that more than any other individual and as much as to any one individual was possible he had contributed to found this our wide-spreading empire and to give to the Western World its independence and its freedom.

For him prose and poetry and song have exhausted the vocabulary of love and admiration, and the nations of the world pay homage at his tomb.

This supremely great man, rich with wisdom, untiring in his service, undismayed by danger, undaunted by disaster, by sheer courage and will brought a nation into being, nurtured it in its infancy, and preserved it midst its early perils. This son of Westmoreland now belongs to an admiring world.

There were also the other Washingtons who wrote their names large in your county's affairs and in our Colonial history, but our attention to-day is confined to Westmoreland in its relations to the Republic. Of Judge Bushrod Washington I shall speak later.

Another son of Westmoreland, Robert Edward Lee, is a world figure. He made a brilliant record in the service of the Nation before the Civil War placed him among the greatest military leaders of the world. He had won fame and distinction in the Mexican War. He had honorably served as Superintendent of the Military Academy, but his greatest achievement was not in any of these services, nor yet upon the battle fields of Virginia.

In the quietude at Lexington, in the days of defeat, in the time of his people's suffering, denied even the right to vote, he pointed the way to reunion, and he taught loyalty to the flag of our country, love for every section of our land, patience in great tribulations, faith in the providences of God, and hope in the future. The seed which this son of Westmoreland then sowed took root and grew and ripened into a rich harvest when at later times and upon other fields sons of former foes fought a common enemy and commingled their blood for a reunited country.

Speaking of the Lees, Margherita Arlina Hamm, in a work entitled "Builders of the Republic," says that what the Adams family was to the Puritans, the Schuyler to the Knickerbockers, and the Livingston to the Scotch, that was the Lee family to the cavaliers of the South. They had been prominent in English history from the time of the Norman conquest, when Sir Launcelot Lee, under William of Normandy, had helped to crush the Saxon Harold. Another ancestor, Sir Lionel Lee, had fairly impoverished himself to raise a retinue and accompany Richard the Lion-hearted upon the third crusade to the Holy Land. He was at the siege of St. Jean d'Acre and was made Earl of Litchfield. So it was from an illustrious line that the Lees of Westmoreland came.

Speaking of the Lee brothers, who did so much for America in the Revolution, President Adams, who was not given to the language of fulsome flattery, called them—

> that band of brothers, intrepid and unchangeable, who like the Greeks at Thermopylæ, stood in the gap, in the defence of their country, from the first glimmering of the Revolution in the horizon, through all its rising light to its perfect day.

Thomas Lee, the illustrious father of these Revolutionary patriots, was born in 1690 at Mount Pleasant in this county. He died at Stratford in 1750. He was so well and favorably known that upon the loss of his house by fire Queen Caroline is said to have given him "a bountiful present out of her own privy purse"; and this money was used in building Stratford. It is said to be probable that Stratford was built between 1725 and 1730. All of Thomas Lee's sons are thought to have been born there.

Thomas Lee rendered distinguished service, was appointed to the council, served as president and commander in chief after the recall of the governor, Sir William Gooch, and had been commissioned Governor of Virginia when he died.

Philip Ludwell Lee, one of the sons of this great man, died in 1775, after having served in the house of burgesses and in the council of Virginia, of which in 1770 he appeared to have been secretary.

All of these Lees were devoted to the American cause. Richard Henry Lee rendered particularly signal service. Westmoreland should ever hold for him peculiar pride. He has always been her own. Born within her boundaries, he had his home always with her people, and his dust has mingled with her soil. Washington, Robert E. Lee, Light Horse Harry Lee, Arthur Lee, William Lee, and Thomas Lee, the younger, all moved away, but to Richard Henry Lee, Westmoreland was always home. Here he found his birth. Here he rested his ashes. His body lies in an unmarked grave, but that disgrace must not continue. By persistent, cooperative, and determined effort it will be removed.

It was Richard Henry Lee who prepared those celebrated Westmoreland County Resolutions which were adopted at Leedstown, in this county, on the 27th day of February, 1766, and which constituted the first declared intent to resort to arms, if need be, in defense of the liberties of the country.

He it was who, heading the Virginia delegation in the Continental Congress, submitted the famous resolutions which led to independence. According to usual parliamentary practice it is believed that this famous son of Westmoreland would have been the author of the Declaration of Independence if he had not been called home by the illness of his wife.

From early youth until the time of his death, he was in public service with but few intermissions. He was chosen captain of a Colonial volunteer company, organized to assist the British in protecting the frontier during the French and English wars. Early elected a member of the Virginia House of Burgesses from Westmoreland, his first speech, so far as can be discovered, is said to have been delivered in support of a motion to lay so heavy a duty on the importation of slaves as effectually to put an end to that traffic in the State of Virginia.

He was one of Virginia's first two Senators, and the brief biography of him appearing in the Congressional Directory shows that he was educated at Wakefield Academy, England, returned in 1751, delegate to the House of Burgesses in 1757; delegate from Virginia to the Continental Congress 1774–1780, and president of it in 1784; served in the State legislature and as colonel of militia; member of the Virginia Convention of 1788; United States Senator from 1789 to his resignation in 1792; died at Chantilly, Va., June 19, 1794.

The record of Richard Henry Lee's work in the Continental Congress evidences indefatigable energy, tireless labor, long hours, and a remarkable breadth of vision, for again and again he served on all of the important committees, and at the same time on many others of less importance.

To detail Richard Henry Lee's service is not possible now, but that will be done later in connection with the bill introduced by me in Congress to mark his grave.

The brothers of Richard Henry Lee were men of distinction and great patriots. Arthur, the youngest son of Thomas Lee, was educated in this country and abroad. He first practiced medicine, and returned to England, where he studied law, and then began its practice in London. His brother William went with him to engage in mercantile pursuits. Arthur Lee acted as agent for the Colonies of Massachusetts and Virginia, and after the Revolution commenced acted as commissioner for the American Colonies in Paris and other continental capitals. By correspondence he kept the American cause before many persons in England and on the Continent, keeping also close touch with affairs at home. He wrote so vigorously under the nom de plume "Junius Americanus" that the original Junius wrote to Wilkes:

> My American namesake is plainly a man of abilities.

He took a prominent part in the negotiation of the treaty for French assistance and signed it as one of the parties for America. This treaty was one of the determining factors of the war, for without the French alliance victory was improbable.

After Arthur Lee's return to Virginia he represented Prince William in the State Assembly and later Virginia in the General Congress. He signed the treaty for the cession of the Northwestern Territory by Virginia to the General Government, was appointed in 1784 by Congress as one of the commissioners to make a treaty with the Indians on the northwest frontier, was subsequently appointed to the Board of the Treasury with Samuel Osgood and Walter Livingston, serving

from 1784 to 1789; was selected in 1786 as one of the commissioners to revise the laws of Virginia; and from the Board of the Treasury retired to private life; lived upon his estate in Middlesex County; and died at Lansdown, in that county Of him it has been said:

> At the time when the newborn Republic was struggling for existence and carrying on a war against a powerful country with which the nations of Europe were at peace and to which they were bound by treaties, he represented his country with a zeal and efficiency which accomplished the greatest and most valuable results.

William Lee, another brother, was born at Stratford, August 31, 1739, died at Green Spring, June 27, 1795, and was buried in Jamestown Church Yard, June 28, 1795. He signed the Westmoreland Resolutions in 1766 and later went to London as a merchant. He was elected alderman of Aldgate ward in May, 1775, was sworn in on June 14, and the beginning of the Revolution found him holding the office of sheriff in London.

In 1777 he was appointed as commercial agent for the Continental Congress in France, and subsequently was appointed to represent the Colonies at the courts of Berlin and Vienna. He also served the Colonies as their representative at The Hague, where he was able to conclude a treaty with the Dutch, which it is said exerted some moral influence though it was of no political value.

Thomas Ludwell Lee, another brother, was born December 13, 1730, and died at his home, Bellevue, in Stratford County, on April 13, 1778. At the time of his death he was one of the judges of the general court and had been a frequent member of the assembly as well as of the conventions. Hugh Blair Grigsby, in his discourse on the Virginia Convention of 1776, says of him, that he held a conspicuous position as a patriot and lawyer and died before the close of the war, but not until he had filled the most responsible trusts with fidelity and honor.

This is shown by his record, for he had been a member of the house of burgesses, was a member of the convention of July and December, 1775, was chosen a member of the Committee of Safety, was a member of the convention of 1776 from Stafford, was placed on the committee appointed to draft a declaration of rights and a plan of government, became one of the five revisers on the organization of the new Government under the Constitution, and later was elected one of the five judges of the general court.

Francis Lightfoot Lee was born at Stratford October 14, 1734, and died at Menokin, Richmond County, about January, 1797. He was chosen as a burgess from Loudoun County as early as 1765, and later, after his removal to Richmond County, he was chosen as a burgess from that county. In 1775 he was chosen as delegate to the Continental Congress and was successively reelected in 1776, 1777, and 1778. He retired in 1779, being averse to public life, but was soon elected to the State senate.

While in Congress he assisted in the formation of the Articles of Confederation. With his brother, Richard Henry Lee, he signed the Declaration of Independence, and his wisdom is demonstrated in his subsequent demand that no treaty of peace should be made with Great Britain which did not guarantee to the Americans the freedom of the northern fisheries and the free navigation of the Mississippi River.

Gen. Henry Lee, otherwise known as "Light Horse Harry," was born at Leesylvania, near Dumfries, in Prince William County, Va., January 29, 1756. He was appointed by Gov. Patrick Henry as captain of a company of cavalry. His brilliancy of service soon attracted the attention of the Commander in Chief, who secured his appointment at the head of a corps for scouting and foraging. His daring and the rapidity of his movements resulted in his soubriquet of "Light Horse Harry" Lee. He was present at the surrender at Yorktown and thereafter filled prominent positions in civil life, being a member of the State General Assembly, member of the convention for the ratification of the Federal Constitution, Governor of Virginia, and Representative in Congress. This last office he held when General Washington died, and he delivered the celebrated eulogy on Washington.

While "Light Horse Harry" Lee lived in the ancestral home at Stratford the great Confederate chieftain, Robert Edward Lee, was born there.

Gen. Henry Lee died on March 25, 1818, at Cumberland Island, Ga., the home of his old commander, General Green.

The Washingtons, as well as the Lees, contributed more than one member of the family from Westmoreland County to help in building the Nation, in giving strength to its institutions, and in giving direction to its policies.

In jurisprudence, as well as on the field of battle and in the political forum, Westmoreland played a vital part upon the public stage.

The average citizen of the county knows less of the distinguished service of Judge Bushrod Washington, Associate Justice tice of the Supreme Court of the United States, than of the service of his illustrious uncle. He was born at Bushfield, near the mouth of Nomini, on June 5, 1762. He was the son of Col. John Augustine Washington and Hannah Bushrod, and favorite nephew of General Washington. Having received a classical education at William and Mary College, he secured through General Washington's influence a position in the law office of Mr. James Wilson, one of the leading lawyers of Philadelphia. Mr. Wilson became later an associate justice of the Supreme Court, and upon his death Mr. Justice Washington succeeded him.

Bushrod Washington practiced several years in Westmoreland, represented the county in the General Assembly and in the convention that ratified the Federal Constitution. Later he removed to Alexandria and thence to Richmond, where he secured a lucrative practice. He published the decisions of the Court of Appeals of Virginia identified by his name, and when 36 years of age was appointed to the Supreme Court by President Adams. The vacancy was first tendered to Marshall, and upon his declination it was given to Washington.

Judge Story, one of his contemporaries, says of him that few men possessed higher qualifications for the office, either natural or acquired; that few men left deeper traces in their judicial career of everything which a conscientious judge ought to propose for his ambition, his virtue, or his glory; that his mind was solid rather than brilliant, sagacious and searching rather than quick or eager; slow but not torpid; steady but not unyielding; comprehensive and at the same time cautious; patient in inquiry, forcible in conception, clear in reasoning.

Judge Binney, for 20 years practitioner in his court and later his associate in the Supreme Court, said that Judge Washington was eminent from the outset, and in a short time became in his apprehension as accomplished a nisi prius judge as ever lived. He says that he had never seen a judge who in this specialty equaled him. Judge Washington died November 26, 1829.

While the great Chief Justice John Marshall was not born in Westmoreland County, yet this county may appropriately claim him as a grandson, for Thomas Marshall, father of John Marshall, was born here. Beveridge in his great work shows that Thomas Marshall, father of the Chief Justice, was the son of a very small planter in Westmoreland County, Va., and that three years before Thomas was born his father, John Marshall, "of the forest," acquired by deed from William Marshall, of King and Queen County, 200 acres of poor, low, marshy land located on Appomattox Creek, this land being a part of 1,200 acres of land which had been granted to—

> Jno. Washington & Thos. Pope, Gents, and by them lost for want of seating.

Thomas Marshall, father of the great Chief Justice, was born in Westmoreland on April 2, 1730.

Thomas Marshall moved from Westmoreland to what then was Prince William County before John Marshall was born, yet John Marshall came in direct contact with Westmoreland County, for he was sent to the school opened by Rev. Archibald Campbell, in Westmoreland County. This Campbell was the uncle of the British poet Campbell, and is said to have been a man of unusual ability.

In a letter from one of Mr. Campbell's grandsons it is said that Parson Campbell came to Virginia in 1730, that he resided at the glebe near Johnsville in what was then Westmoreland, but now King George, County; that he preached at Round Hill Church, and probably at Pope's Creek Church; that he was from Scotland; that he was related to the Stuart and Argyle families of that country; that he was the uncle of Thomas Campbell, the poet; that he also taught school, and it is said that among his pupils were Madison, Monroe, and Chief Justice Marshall.

It may not be amiss to digress for a moment to speak of Pope's Creek Church. Bishop Meade in his Old Churches, Ministers and Families of Virginia says that this church lay immediately on the road from Westmoreland Courthouse to King George, and quotes from his report to the convention of 1838, to the effect that it was near to this church that General Washington was born, and that it was in this church that he was baptized. He deplores the fact that this church was then in ruins. Finally this old church was set on fire to prevent injury from the falling of the roof to the cattle which were accustomed to shelter there.

Bishop Meade says that trees and shrubs had been growing up over and around the old site, rendering it more difficult each year to find out where old Pope's Creek Church once stood, and that in a recent visit he could not have discovered it but

for the aid of a friend who was with him. He makes the timely suggestion that a simple but durable monument, say a pillar a few feet high, should be placed on the roadside with the name of Pope's Creek Church upon it to inform posterity that on that spot stood the church of the Washingtons, the Lees, the Paynes, and others. Bishop Meade expressed the hope that—

> some individual or individuals would take pleasure in marking the spot where God was worshiped by so many, and where the remains of not a few were inferred, although no tombstones have preserved their names.

This is an obligation which still rests upon us, and the present generation should see that it is discharged.

John Marshall was nominated to the office of Chief Justice on January 20, 1801. Bushrod Washington had been previously appointed by President Adams, so that Judge Washington was an associate with Marshall during all of Marshall's term except the last six years.

During their period of service there were decided those monumental decisions which have given vitality to the Constitution of the United States. Among them should be mentioned Marbury *v.* Madison (1 Cranch 138), wherein it was held that a law repugnant to the Constitution is void, and that the judicial, as well as other departments of the Government, are bound by the Constitution; Fletcher *v.* Peck (6 Cranch 87), wherein it was held that the constitutional inhibition against the enactment of a law impairing the obligation of a contract prevented a State from divesting rights acquired under a law previously enacted by it; United States *v.* Peters (5 Cranch 115), denying that a State could annul the judgments or determine the jurisdiction of the courts of the United States; *The Nereide* (9 Cranch 388), wherein it was held that enemy bottoms do not make enemy goods, and that neutral property is sacred; American Insurance Co. *v.* Canter (1 Peters 511), wherein it was held that the Nation had power to acquire and govern territory; Fairfax *v.* Hunter (7 Cranch 602) and Martin *v.* Hunter (1 Wheaton 305), giving supremacy to the Supreme Court of the United States over the highest courts of any State in all cases where the National Constitution, laws, and treaties, which are the supreme law of the land, were involved; Sturges *v.* Crowninshield (4 Wheaton 122), holding inviolable the obligation of contracts between man and man; and Dartmouth College *v.* Woodward (14 Wheaton 518), wherein it was held that the act of a State legislature impairing the obligation of a corporate franchise was repugnant to the Constitution of the United States.

Judge Richard Parker was another distinguished son of this county who served on the Supreme Court of Appeals of Virginia and who presided at the Leedstown meeting when the Westmoreland County Resolutions were adopted. These resolutions will be discussed later.

To the Congress of the United States Westmoreland has contributed at least nine of her sons, native and adopted, namely, Richard Henry Lee, Francis Lightfoot Lee, Arthur Lee, Light Horse Harry Lee, John P. Hungerford, Willoughly Newton, John Critcher, R. L. T. Beale, and R. M. Mayo.

For 16 years sons of Westmoreland filled the executive chair—8 years under the first President and 8 years under James Monroe, who was born near the present town of Colonial Beach and not far from the home of Washington. As the administration of the first President gave stability to the Government and a lasting direction to our national policies, so, under James Monroe, there was declared in our relations with foreign powers a definite policy known as the Monroe doctrine, and to it may be attributed largely our security and our peace in the New World.

A survey of Westmoreland's work in building the Nation should not be concluded without recurring again to the Revolutionary period, and calling attention briefly to the association in Westmoreland formed at Leedstown on February 27, 1766, and to the resolutions there adopted by 115 patriots.

On February 26, 1766, Thomas Ludwell Lee requested his brother Richard Henry Lee and a number of others to meet him on the next day at Leedstown to confer as to a protest against the Stamp Act. There they met, and there, on February 27, 1766, they adopted ringing resolutions which they boldly signed, whereby they bound themselves to each other, to God, and to their country by the firmest ties that religion and virtue could frame, most sacredly and punctually to stand by, and with their lives and fortunes to support, maintain, and defend each other in the observance and execution of the articles which they there subscribed, whereby, among other things, they resolved that if any person or persons should attempt by any action or proceeding to deprive this colony of those fundamental rights which they there declared, they would immediately regard him or them as the most dangerous enemy of the community and would go to any extremity not only to prevent the success of such attempts but to "stigmatize and punish the offender."

These bold patriots declared over their signatures their determination at every hazard, and paying no regard to danger or to death, that they would exert every faculty to prevent the execution of the Stamp Act in any instance whatsoever within the colony; and further they resolved that if any attempt should be made on the liberty or property of any associator for any action or thing done in consequence of their agreement, that they did most solemnly bind themselves by the sacred agreements there entered into, at the risk of their lives and fortunes, to restore such associate to his liberty and to protect him in the enjoyment of his property.

So it was that at Leedstown, in Westmoreland County, Va., more than 10 years before the Declaration of Independence and more than 9 years before the Mecklenburg Resolutions, there were announced those same fundamental rights of freedom and those same principles of armed resistance to tyranny for which the Declaration of Independence and the Mecklenburg Resolutions are justly famed. Westmoreland County deserves the distinction of priority in announcing these great principles, in taking an aggressive position, and in fanning the flames of revolution.

Time will not suffice to speak of your many historic spots and hallowed places. Leeds Church, Pope's Creek Church, Yeocomico Church, Wakefield, Stratford, Chantilly, Monroe's birthplace, Mount Pleasant, the old Burnt House field with its burying ground, and Leedstown of historic memory are all consecrated soil. In fact, within your boundaries—

> Where'er we tread 'tis haunted, holy ground,
> No earth of thine is lost in vulgar mould.

Citizens of Westmoreland, you have a holy heritage. These places are sacred shrines. Decay and desolation may have removed some of these monuments—

> Yet to the remnants of thy splendour past
> Shall pilgrims, pensive but unwearied, throng.

Each of these places and many others of historic importance should be identified. Those decaying should be restored. Old sites should be located. All should be marked.

The traveler should be directed to them. Your history should be on every native tongue. Every school child in Westmoreland should be qualified to serve as a guide. The duty of initiating this movement rests upon you. It is a sacred duty you owe to the dead. You owe it to yourselves. You owe it to posterity. You can discharge it by cooperative effort in the formation of an association for those purposes. A live organization of this character will receive assistance from many sources. To-day there is greater interest in historic shrines and monuments than ever before. Already an organization of this character has acquired land adjoining the Government-owned land at Wakefield, and that association, under the capable, patriotic, and splendid leadership of Mrs. Harry L. Rust, sr., of Washington, D. C., is working on plans for Wakefield's adornment and preservation. It is contemplated to build there a replica of the house in which General Washington was born.

Stratford comes next. An association should be formed for its acquisition whenever it may become possible to acquire it. It is holy, and the money for this work should be obtained. Chantilly should be identified, marked, and made accessible. Leedstown should be connected with the main highway by a good road, and the public should be directed how to reach it. The site of Pope's Creek Church should be located and marked. The Lee burial plot at Mount Pleasant should be owned by some memorial or civic association. It should be made accessible by a public road. The graveyard should be beautified and adorned with trees and shrubs, and the grave of Richard Henry Lee should be marked.

The birthplace of James Monroe should be a shrine and should be marked. Yeocomico Church should be fully restored. You can not do all of this work by yourselves; but if you will make a determined and an intelligent effort and if you will provide the facilities, assistance will come from unexpected sources. Posterity will rise up and call you blessed. Perseverance, pluck, and publicity will do the work.

In 1928 it might not be amiss to celebrate the two hundred and seventy-fifth anniversary of your county, and in that way you could direct national attention to the historic county and to its contributions to the Republic. While in 1932 the Nation is celebrating the two hundredth anniversary of General Washington's birth, may we not stage here on as elaborate a scale as available funds will permit some appropriate ceremo-

nial to tell the world that 1932 is also the two hundredth anniversary of the birth of that preeminent statesman, Richard Henry Lee. His birth preceded that of General Washington by only one month and two days.

May I suggest that the entire Northern Neck organize; that Westmoreland, Northumberland, Lancaster, and Richmond unite in a plan of advertisement and work together along definite lines? The history of this entire section is replete with glory. Thus will you bring the world to your doors. It will mean much to all of you commercially, financially, and economically. It will mean more to all of you and to all the world in a finer knowledge of the past, in a more liberal education, in a higher culture, in a loftier patriotism, and in a greater interest in the great principles upon which our country was founded and upon the preservation of which its future perpetuity and prosperity must depend.

THE RODEY PLAN FOR A NATION-WIDE PRESIDENTIAL PREFERENCE DIRECT PRIMARY

Mr. MORROW. Mr. Speaker, under leave granted to extend my remarks I desire to insert herein the Rodey plan for a nation-wide presidential preference direct primary. The matter referred to follows:

THE RODEY PLAN FOR A NATION-WIDE PRESIDENTIAL PREFERENCE DIRECT PRIMARY

Amend the National Constitution by adding thereto the following article:

"ARTICLE XX

"SECTION 1. The President and Vice President shall be elected by the people of the several States. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"SEC. 2. Congress shall have full power to enforce and make this article effective."

Then under the second clause of this amendment let Congress pass an elaborate act for the enforcement of the amendment, the same as the Volstead Act was passed for the enforcement of the prohibition amendment to the National Constitution. In this act of Congress, which should be, and no doubt would be, fully discussed before its enactment, every detail for the proper enforcement of the amendment should be specifically provided for.

It should provide that every man and woman in the Nation of legal age, who is otherwise qualified according to their own State laws, should have the right to enter the primaries in their own States, and perhaps in one additional State if thought necessary, as candidates for the offices of President and Vice President. It can be seen that many, perhaps hundreds or thousands, might enter the race in particular States, but it can also be seen that out of such large numbers of candidates only three in any one State could win—that is, a Republican, a Democrat, and probably an independent. That would, if the winners all remained candidates, make 144 candidates for each of the great offices in the entire Nation; but as many would no doubt withdraw and refuse to run, etc., it might be reduced to less than 100 candidates for each office.

Then let this law also provide that the Nation itself or the separate States shall print the names of those candidates across the top of the ballot to be used at the November election, placing the names in columns of about 25 each, and having four or five columns of them as might be necessary. The whole State or local ticket would of course be printed on that same ballot, immediately below the national or presidential part. Then the law should provide that at the November election every man and woman going to vote should when in the booth be obliged to select and mark the ballot for his or her first, second and third choice for President, and the same for Vice President. This obliging the voters to make a first, second, and third choice is, in case no candidate receives a majority of the entire national vote, to prevent a mere plurality candidate from being declared elected, and to make it compulsory to count second or even third choices under the Hare system in case that became necessary in order to determine who really was elected to the great offices.

The act would, of course, provide for the most modern system of counting the ballots during the polling day, probably having two sets of election officers, so that the counters would be within 30 minutes of a final count at the close of the polling day. It is believed that within a couple of hours thereafter the result would be known at the several State capitals and at the National Capital, and hence if any candidate for President or for Vice President had an unquestioned majority of the votes of the entire Nation he or she would be known to be elected to the great offices, and that would end it save for the mere official certification of the result. If no person received such unquestioned majority, it might require two or three weeks to do the other counting and calculating, but it could be done and done correctly.

It is believed that this system is quite practicable and the act of Congress could so phrase the great law as to prevent money spending and bribery, and it would certainly prevent and eliminate the great orgy of money spending at national conventions, because there would be no conventions save to make a platform.

The most important provisions of that act of Congress would, of course, be the provisions for the payment of at least the cost of the national part of this sort of an election, so that no candidate would have to be wealthy in order to be a candidate. Costs and expenses of all candidates would no doubt be strictly limited to a proper minimum. There are dozens of other details, too long to enumerate here, which could be, and surely would be, provided for in the act of Congress suggested.

The attention of the public is called to the fact that the people of this Nation have never directly nominated any candidate for the Presidency or Vice Presidency, and such a law as this is necessary to make ours a Government of the people.

The plan has heretofore stood all tests of examination that have been made in discussions between its author and many statesmen and editors. It is the suggestion of B. S. Rodey, of Albuquerque, N. Mex., who will be pleased, in so far as he can, to answer any inquiries about it that may be addressed to him.

WORK ACCOMPLISHED BY THE SIXTY-NINTH CONGRESS

Mr. TOLLEY. Mr. Speaker, successful corporations keep their stockholders informed by sending them an annual statement. In my opinion the people are entitled to know the work accomplished in the first session of the Sixty-ninth Congress. Therefore it seems fitting to make this report to the voters of my district:

TAX REDUCTION

The first task was to draft and pass a tax-reduction measure. A well-balanced and scientific measure was passed. War taxes which adversely affected business were almost entirely repealed; the few nuisance taxes which could not be eliminated were materially reduced.

The reduction amounted to approximately $390,000,000, and the 1926 revenue act will relieve millions of taxpayers from the necessity of filing any Federal income-tax return. Single men are exempt if the earned income is less than $2,000, and the exemption for married men is $3,500.

The Federal income taxes have been so much reduced that they are no longer burdensome. Below is a table of comparisons which graphically portrays the reductions made:

Married man without dependents, earned income

Income	Tax under act of 1918	Tax under act of 1921	Tax under act of 1924	Tax under act of 1926
$3,000	$60.00	$20.00	$7.50	0
$4,000	120.00	60.00	22.50	$5.63
$5,000	180.00	100.00	37.50	16.88
$6,000	250.00	160.00	52.50	28.13
$7,000	390.00	250.00	75.00	39.38
$8,000	530.00	340.00	105.00	56.25
$9,000	680.00	430.00	135.00	78.75
$10,000	830.00	520.00	165.00	101.25
$12,000	1,150.00	720.00	295.00	168.75
$15,000	1,670.00	1,060.00	515.00	311.25
$20,000	2,630.00	1,720.00	975.00	618.75

APPROPRIATION MEASURES

One of the most important functions of Congress is to decide where and how much money may be spent. It is the exclusive prerogative of the House of Representatives to originate all such appropriation bills. It is significant that Congress effects economies even greater than those suggested by the Bureau of the Budget.

The appropriations made by this session for the fiscal year ending June 30, 1927, total about $3,960,000,000. The manifold and necessary services rendered by the Federal Government require this enormous expenditure which is divided approximately as follows:

Post Office Department	$735,038,331
War Department:	
Military activities	263,948,856
Nonmilitary activities	78,660,755
Navy Department	321,794,475
Interior Department	226,332,914
Department of Agriculture	139,275,823
Treasury Department	129,476,198
Department of Commerce	29,855,347
Department of Justice	14,783,982
Penal and correctional institutions	5,173,505
Department of Labor	9,561,305
Independent offices	521,284,621

It is worthy of note that under the administration of President Coolidge the Federal Government has reduced expenditures more than $2,000,000,000. In this same period the public debt has been reduced more than $4,000,000,000; the interest saving alone amounts to over $200,000,000 this year. In consequence the Federal taxes have decreased from $41.05 per capita in 1921 to about $25 per capita in 1926.

DEBT SETTLEMENTS

Troublesome legacies of the World War—the foreign debts were settled as far as possible. Such settlements were ratified; first, because they make possible the balancing of accounts by our Government; second, because they are necessary to revive our world markets by stabilizing world credit.

The ability to pay was made the basis of settlement. In this connection it is interesting to study the income taxes paid in some of the foreign countries compared with those in the United States:

Income taxes—Married man

Income	Italy	Belgium	France	England	United States
$1,000	$189.21	$29.15	$48.99	0	0
$2,000	392.18	107.70	174.55	$67.50	0
$3,000	599.30	238.45	348.00	202.50	0
$4,000	812.18	413.35	569.40	382.50	$5.63
$5,000	1,025.06	619.90	838.75	787.50	16.88

RAILWAY MEDIATION BOARD

One of the forward steps taken was the creation of mediation and arbitration machinery, whereby railroad owners and railway workers are encouraged to solve their own disputes. This legislation lessens the danger of a general transportation strike.

BANKRUPTCY LAW

This constructive measure amends the bankruptcy law in a way to make fraud much less likely. This law gives new safeguards to preserve sound and honest credits.

AIR SERVICE DEVELOPMENT

Aviation received proper recognition. In addition to a more adequate program of aviation for the Army and Navy an Assistant Secretary of Commerce will also aid the development of commercial aviation.

GOOD ROADS

The necessity for good roads was again recognized and seventy millions were appropriated for Federal aid to the States. Five million is to be used on the roads in the national forests.

PUBLIC BUILDINGS

A businesslike program of completing public buildings was inaugurated. Emergency needs throughout the country can now be met, and, in addition, much needed Federal buildings in Washington are to be constructed. Under the terms of this measure a new post-office building for Binghamton is assured.

BUILDINGS FOR EMBASSIES

After many years Congress finally provided for the construction of buildings to house American embassies and legations and the other agencies of the Government abroad.

COOPERATIVE MARKETING BILL

A division of cooperative marketing has been established in the Department of Agriculture. Thus the service rendered to the agricultural producer is further extended.

CONSERVATION

In addition to continuing the conservation policies heretofore adopted Congress amended existing law so as to provide for the purchase of denuded areas for reforestation purposes.

CIVIL-SERVICE RETIREMENT

A compromised measure was adopted to aid the civil-service employees who are about to be retired. This law increases the maximum from $750 to $1,000.

VETERANS' LEGISLATION

In addition to five omnibus pension bills, including almost 3,000 private acts to benefit deserving veterans and their dependents, Congress passed six general laws:

1. Increase of Civil War pensions. Under the terms of this law Civil War veterans now receiving $50 will get $65. Those receiving $72, who become blind or totally disabled, will get $90. Widows, married during the Civil War, are increased from $30 to $50. The annual cost of these increases will probably total $16,000,000.

2. Increase of Spanish-American War pensions. This liberalizes existing law so as to conform more closely to the pensions given veterans of other wars and their dependents. The annual cost will be about $18,000,000 more than under the 1920 law.

3. Increase of pensions to veterans disabled in service. Those who lost their limbs or who became blind in service have received a special increase more commensurate with their sacrifice. The added cost is $2,000,000 annually.

4. Extension for World War insurance. This measure extends to July 2, 1927, the period during which term insurance may be converted. This will permit many World War veterans to take advantage of the opportunity presented by this Government insurance.

5. The Johnson bill. This amendment liberalizes the World War veterans' act, giving additional benefits to the disabled. It provides for an expenditure of approximately $18,000,000 in addition to the $462,965,000 previously appropriated for the Veterans' Bureau for the year.

6. The Green bill. This amendment to the World War adjusted compensation act equalizes the benefits among dependents of deceased veterans, and it also prevents disallowance or reduction of claims through mere technicality. Its benefits will reach about 38,000 veterans and their dependents. The total cost is estimated from $12,000,000 to $14,000,000.

In these six measures the Government recognizes its obligations in a greater degree of justice and fairness and appropriates some $60,000,000 additional per year.

PENDING BUSINESS

Other measures which were supported by me and which it is hoped will pass, upon the reconvening of Congress in December, are—

1. McFadden National Bank Act (in conference).
2. White radio bill (in conference).
3. Increase of salaries for Federal judges.
4. Reorganization of Internal Revenue and Prohibition Unit (passed House).
5. Increase in number of Federal judges (passed House).
6. Taber milk bill (passed House).

CONCLUSION

This summarizes some of the accomplishments of this first session of the Sixty-ninth Congress. It has been the record to have adopted such remedial legislation and such constructive measures as seemed for the good of the country as a whole. Also an example was set that should tend to end unnecessary lawmaking.

My faith in our constitutional form of a republican government has been strengthened from my observation of the diligence, high character, ability, and conscientious efforts of the Members of Congress with whom I have had the honor of cooperating in the sincere endeavor to solve satisfactorily the many perplexing problems which arise in the consideration of Federal legislation.

KANSAS AND THE HAUGEN BILL

Mr. WATSON. Mr. Speaker, agricultural interests that oppose the policy of a protective tariff advancing arguments that import duties benefit the manufacturers at the expense of the farmers present reasons that can not be substantiated by practical economic doctrines.

States that send Representatives with free-trade certificates in their jeans are found much in evidence advocating high tariffs on farm products before the Committee on Ways and Means when tariff legislation is being considered. Kansas, one of the richest of agricultural States, made rapid strides in prosperity under the tariff act of 1861. Kansas was admitted into the Union in 1860, one year previous to the Morrill Tariff Act. The population of Kansas from 1860–1870—yet Kansas industrial expansion was only nominal—increased 240 per cent, a larger gain than any other State during that period. Taking into consideration the amount of capital the farmer has invested and the sustenance for himself and family, his income is quite as large as that of the manufacturer. A great many farmers fail because they have no conception of agriculture, the investment is small, life independent; that tends to lure men to the farm, where they soon find that a farmer's occupation is not one of idleness and ease. Manufacturing concerns call for large capital, experienced managers, and well-trained employees.

Pennsylvania has many natural resources, of which the people have taken advantage, thus the Commonwealth was developed into a great industrial State by the aid of protective tariff. The State has been prosperous, evidenced by the fact that one-tenth of all the income taxes, in amount equal to those paid by 17 of the Southern States, was collected from Pennsylvania. In 1921 when the Underwood Tariff Act was enforced, the total wages earned were $8,200,324,000; in 1925 under the Fordney bill, they advanced to $11,009,298,000, with an annual average wage increase of $92 over that of 1919. The year's building construction for 1925, was $2,260,000,000 in excess of 1921. The production of pig iron in 1925 exceeded that of 1921 by 20,000,000 pounds. Pig iron (with its products, the innumerable types of castings, steel, and so forth) is the foundation of the industrial prosperity of a country. Wool clip in the same period gained 26,000,000 pounds.

Kansas received her share of prosperity, derived from that of the United States, aided by the tariff measure of 1922. May

I call attention to the Kansas farmer that when the duty on wool was removed by the Underwood bill the production of wool in the United States fell, and the importation increased. If we turn the leaves of the tariff history back to 1913 we will find that the importation of wool was 195,293,000 pounds and in 1918 447,426,000 were imported, resulting in great loss to the farmer raising sheep. Wool prices dropped when the Underwood tariff bill went into effect. After the presidential election of 1920, and previous to the enactment of the 1922 tariff bill, committees from Kansas, the South and the West, representing agriculture, came to Washington urging Congress to increase the duties on wool, wheat, and other commodities grown in the various sections of the country. This pressure resulted in the passage of an emergency tariff bill, which prevented bank failures in the grain and cattle districts and enabled the farmer to obtain stronger prices for grain and wool.

In order to meet the wishes of the farmer many essentials required on the farm were placed on the free list, but this course failed to add greater prosperity for the farmer. The Committee on Agriculture hearing the call from the farmers reported a bill involving the sum of $327,000,000, within $150,000,000 of the amount collected from duties during the past fiscal year. The farmer from 1789, when the First Congress convened, down to the present hour, has pleaded for legislation to protect his industry and to increase the value of his production. The farmer has had more favorable consideration than any other branch of American activities. Thousands of agricultural measures have been enacted, and billions of dollars appropriated to encourage and assist the farmer, especially since the establishment of the Department of Agriculture.

I favor giving the farmer every advantage that may be consistent with legislation, economy, and social policies of our Republic. While several Members from Pennsylvania supported the McNary-Haugen bill, I did not vote for the measure, holding that the $327,000,000 was a subsidy, class legislation, and contrary to the principles of our Government.

Every revenue measure has a tariff schedule written into it, regardless of the political party in power, the question of rates being the main issue. Should the principles of the Haugen bill be approved by the Congress, its provisions would embroil the Government in everlasting sectional quarrels. A Government guaranty that the farmer will receive a price certain for his crops would invite temptation to place under cultivation the 25,000,000 acres now barren, thereby increasing the yearly appropriation to pay a subsidy to the farmer, which eventually would raise the price of food. Machinery, with the modern methods of farming decreases the number of farm hands per acre. Consequently more land can now be cultivated with the same number of employees than half a century ago, and thus soil production increases faster than it can be consumed. The policy of the Haugen bill, therefore, would be dangerous for our Government to pursue; it would open the door for Bolshevik ideas that might rob the American people of liberty, domestic happiness, and independence, which have been their privileges for a century and a half in a way no other country can parallel.

RETIREMENT OF DISABLED EMERGENCY ARMY OFFICERS

Mr. ROY G. FITZGERALD. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to present reasons why this Congress should enact into law H. R. 4548, providing for the retirement of emergency Army officers of the World War who were disabled in the line of duty 30 per cent or more. There is a compelling moral obligation and almost a well-defined legal obligation upon the American people, which can only act through Congress, to make good the promise by which thousands of men were induced in a time of great emergency to offer themselves for service in defense of free government and of civilization, as we understand it. Turn to the act of Congress of May 18, 1917, which created the World War Army of the United States. This act provided that the officers of this Army should be "in all respects on the same footing as to pay, allowances, and compensation" as officers of the Regular Army. Officers of the Regular Army when disabled 30 per cent or more in the line of duty are, and have been for many years, entitled to retirement on three-fourths of their active pay. They are retired under the law when disabled for active service, even though the degree of their disability is as low as 10 per cent. Shall we hesitate longer about fulfilling this obligation to the emergency Army officers of the World War? We have already recognized this obligation to the emergency officers of the Navy and of the Marine Corps, and we have recognized it as an obligation to the provisional officers of the Army, Navy, and Marine Corps. Of the nine classes of officers who served in our armed forces during the World War, one class alone has been neglected.

It is in sorrow that we observe Members of Congress who served in the armed forces, some in the Marine Corps, whose officers have been taken care of, turning against their comrades and making it difficult to get this bill to a vote on the floor. They think they see in it a discrimination against the enlisted man, and attempts have been made to arouse in the American Legion and in the Disabled American Veterans of the World War opposition to this bill, which has been on their legislative program for years; attempts to stir the resentment of enlisted men, who form the bulk of these great civic and patriotic organizations. These efforts have been unsuccessful, for almost every soldier realizes that the recognition by the Government of the sacrifices and services of any soldier of any rank, in any war, is only an expression of the Nation's gratitude in part, and is not calculated to injure or detract from appreciation of any other soldier of any rank or of any war.

When America entered the World War on April 6, 1917, thousands of adventurous youth, fired with patriotic zeal, offered themselves for service. But it was not enough for the young and inexperienced and untrained to offer themselves—officers must be obtained for the enormous army which America had to raise. The Government demanded men of mature age, and men of mature age fit to be officers had already assumed social responsibilities. They had wives and they had children and others dependent upon them for support. They had already made progress in commercial and industrial life. They had positions and they were committed to professions and enterprises industrial and commercial from which they could not free themselves without sacrifice. The Government called for the older men to go to the training camps, and older men responded. The ages of the army officers of the World War averaged 15 years greater than those of the enlisted men. Even the lieutenants averaged 9 years older than the enlisted men.

I have taken the position that it is impossible for this Nation to properly and completely make good to even the living the losses which were sustained in the military and naval forces, but we can follow out the established American policy of showing substantial appreciation in proportion to the sacrifices which have been made, and we can make good the word of the American people expressed in the law of the 18th of May, 1917. Every other class of officers except the emergency Army officers, when disabled in the line of duty, has been retired on three-fourths pay. The enlisted men disabled in the line of duty are receiving more than three-fourths of their pay. On what principle of justice must the emergency Army officers of the World War be degraded below every other class? Why should they be singled out for mistreatment and humiliation? In the law courts of this and every country an injured workman is awarded damages in proportion to the amount which he was earning or capable of earning at the time of his injury. In the States which have workmen's compensation the law provides that the injured workman receive compensation in proportion to the wages which he was receiving at the time of his injury. There have been several examples brought forward of enlisted men who were entitled to the greatest sympathy and consideration, as well as the gratitude of this country. I have in mind that splendid veteran who lost both arms and is totally blind because of his service in the World War. This man receives but $200 per month in compensation from the Veterans' Bureau. It is urged against this bill that some major or lieutenant colonel disabled to a less extent might get as much or more than this heroic enlisted man. Is this an argument why we should not grant to the emergency Army officers who made the same sacrifices during the war that same measure of appreciation which by law we have already provided for not only the Regular officers of the Army and Navy but for the emergency officers of the Navy and Marine Corps, as well as for the provisional officers of all branches of the service? If there is any reason to be dissatisfied with the treatment which this Nation is according to its wounded and disabled enlisted men, let us provide a more liberal standard of compensation for those who have been so terribly wounded and disabled as some of those who are pointed to as reasons why we should not deal honestly and justly with the emergency Army officer.

According to statistics furnished by the Veterans' Bureau there are 2,079 disabled emergency Army officers prospective beneficiaries of this bill. They are scattered all over this land, East, West, North, and South. Many of them have been decorated because of their distinguished service on the battle fields of France fighting America's cause and the cause of civilization. Some of these men have been decorated by foreign governments because of their conspicuous courage and service in the great cause for which we fought. I wish that I could tell the stories

of these men. Let me mention a few: Capt. George H. Mallon, of Kansas City, awarded the medal of honor "for conspicuous gallantry and intrepidity above and beyond the call of duty in action with the enemy at Bois de Forgose, France, September 26, 1918"; with but nine soldiers, he attacked nine hostile machine guns and captured them, then captured a battery of 155-millimeter howitzers, this captain personally attacking one of the enemy with his fists in the melee. Following this he was the first man to rush in front of the fire of a machine gun nest and reach it in the rush for its capture. First Lieut. Alfred M. Barlow, of Gallipolis, Ohio, and Company L, One hundred and forty-eighth Infantry, who was awarded the distinguished-service cross for extraordinary heroism in action near Heurne, Belgium, November 3, 1918, who after being wounded by shrapnel led his company in advance over a river until he went down, shot in both legs. Shall we ignore our duty to Lieut. Clifford E. Bischoff, of the One hundred and Twenty-eighth Infantry, of Superior, Wis., who was promoted to be captain "for extraordinary heroism in action near Juvigny, France, August 29 and September 2, 1918," and was decorated with the distinguished-service cross? Shall we ignore Lieut. James B. Boyle, of the One hundred and fifteenth Infantry, of Baltimore, Md., decorated "for extraordinary heroism in action near Verdun, France, October 8, 1918? Shall we tell Capt. Robert S. Cain, of the One hundred and eleventh Infantry, of Pittsburgh, Pa., to forget all about it; this man who for extraordinary heroism in Bois de Chateau Diable, west of Fismettes, August 11 and 12, 1918, was awarded the distinguished-service cross?

Have our hearts grown cold toward Capt. Charles E. Chenoweth, from Utah, of the Three hundred and sixty-third Infantry, who was severely wounded September 29 and 30, 1918, in the Argonne Forest and who was awarded the distinguished-service cross "for extraordinary heroism in action"? W. T. Fesselmeyer was a second lieutenant of the Fourth Infantry from New York, while Maj. Rubin G. Hamilton, of South Carolina, was a major of the One hundred and first Sanitary Train. Both of these splendid Americans were awarded the distinguished-service cross for extraordinary heroism in action, the first near Grand Ballois Farm, July 14–15, 1918, and the other near Marcheville, September 25–26, 1918. First Lieut. William H. Howard, of the Ninth Infantry, came from Lockport, Ill. Are we going to discriminate against him because he was an emergency Army officer while serving in a Regular Army regiment in which the other officers wounded like himself have already been retired? This emergency Army officer was decorated by the French Republic with their croix de guerre because France appreciated what he did at Soissons on July 18, 19, 1918. He was also awarded the distinguished-service cross by our own Army. Shall we forget Fred Kochli, captain of Company H, One hundred and forty-sixth Infantry, who, besides the distinguished-service cross, was awarded the Legion of Honneur decoration by the French Government? Has our appreciation been dulled for the extraordinary heroism in action of First Lieut. Marvin James Menefee, from Luray, Va., serving in the One hundred and sixteenth Infantry, who was not only awarded the distinguished-service cross but the decorations by the French Republic of the Legion of Honneur and the croix de guerre? Shall we object to the retirement of William T. Nimmo, who came from Waltham, Mass., and who was made a lieutenant of Company F, One hundred and first Infantry and decorated for heroism in action near Bois de St. Remy, France, September 12, 1918, and given the distinguished-service cross, and by the Italian Government the Italian war cross? Many of us have seen Maj. Frederick W. McL. Patterson, who, serving with the Three hundred and fifteenth Infantry, was awarded the distinguished-service cross "for extraordinary heroism in action near Mantillois, September 28–29, 1918." Shall we forget that although severely wounded he served through the night and commanded his battalion in a critical time without his wound being cared for? Look at the metal braces on his leg and consider again if we shall deny to the emergency Army officers the protection which Congress promised them in 1917.

Shall we forget Second Lieut. Jim Quinn, of the Twenty-eighth Infantry, from Memphis, Tenn.; Capt. Grant Shepherd, of Washington, D. C., of the Twenty-third Infantry; and Maj. Burton A. Smead, of Denver, Colo., who were all decorated with the distinguished-service cross "for extraordinary heroism in action," one of them receiving the French croix de guerre in addition?

And these are just a few of these splendid emergency Army officers who were decorated for bravery and whose sufferings have earned the eternal gratitude of the American people.

Shall we listen to the objection that there is a colonel or two among those who will be benefited by this act, and must we deny all these splendid officers justice because some lieutenant colonel may get more compensation than some enlisted man?

Although the American Legion has urged the discharge of this obligation upon Congress in seven successive national conventions, we are still hesitating. Is it because of the cost? Are we too poor to be just? On April 17, 1926, I obtained from the Director of the Veterans' Bureau an estimate of the annual cost of retiring the officers provided for in this bill. Gen. Frank T. Hines wrote me that it would be approximately $1,334,988. Because reckless statements have been made that this bill involved an annual expenditure of many millions of dollars, I referred the letter of General Hines to Gen. H. M. Lord, Director of the Budget, who stated to me in writing on April 21, 1926, that "he would have no reason for questioning the correctness of the estimate." Our country is the richest and most prosperous in the world. Are richness and prosperity to make us mean and overcome our gratitude and wipe out our feelings of obligation?

Some have suggested that it is un-American to make a distinction in the amounts paid to officers and enlisted men. I wish these who hold such doctrines might be better acquainted with American history. By the act of April 10, 1806, commissioned officers of the Revolutionary War were awarded one-half of their monthly pay for wounds incurred in the war. An enlisted man received by that act $5 per month. By the act of April 24, 1816, the soldiers of the War of 1812 were pensioned in proportion to their rank.

This was the American principle of fair play, and it entered into the pension legislation following the Black Hawk War by the act of June 15, 1832; Indian depredations in Florida, act of March 19, 1836; Creek Indian War, act of May 23, 1836; Mexican War, section 4630, Revised Statutes; Civil War, act of July 14, 1862, section 4695, Revised Statutes. It was also recognized after the Spanish War when Congress extended the provisions of the Civil War act of July 14, 1862, to disabled officers and enlisted men of the Spanish War, setting the maximum for officers almost three times that of the enlisted men.

This bill for the retirement of our emergency Army officers of the World War has the indorsement not only of the American Legion, the Disabled American Veterans of the World War, and the Veterans of Foreign Wars, but also of the Military Order of the World War, the United Veterans of the Republic, the National Reserve Officers' Association, and of the last national convention of the Federation of Women's Clubs.

A strong majority of the House of Representatives have expressed themselves in writing as favorable to this measure. A majority of the members of the Rules Committee of the House and a majority of the members of the Republican steering committee of the House are committed in writing to this bill. Let us see that no exigencies of pretended national poverty prevent our discharge of this obligation at the second session of the Sixty-ninth Congress.

PROHIBITION

Mr. SCHNEIDER. Mr. Speaker, the prohibition question is to-day commanding more than mere passive attention by the people of our Nation. That is so because the evils that have resulted from this effort to enforce the prohibition law, or, rather, the utter failure of the law from the standpoint of enforcement, are becoming more evident. The situation is becoming, I believe, more alarming and nauseating to every man and woman who, whether or not they believe in the purpose of prohibition, can not help but detest the results that it has brought about.

I, therefore, take this opportunity to insert as part of these remarks my testimony before the special Senate committee that conducted extensive hearings on this question this session of Congress. It will afford my constituents and others who are interested in this vital question an opportunity to have my views on the same which I have stated somewhat fully before that committee:

TESTIMONY OF HON. GEORGE J. SCHNEIDER, A REPRESENTATIVE IN THE CONGRESS OF THE UNITED STATES FROM THE NINTH DISTRICT OF WISCONSIN

The witness was duly sworn by the presiding officer.

Representative SCHNEIDER. Mr. Chairman and gentlemen of the committee, the Nation is looking to you to take a definite step toward attempting to solve the appalling conditions that have come to exist as a result of the unenforceable prohibition law. You have the duty and the responsibility to report a measure to Congress, and Congress alone has the power and can, if it will, enact necessary remedial legislation that will mean so much toward reestablishing a healthy state of affairs in this land.

ENTIRE NATION AFFECTED BY VIOLATIONS OF LAW

We can no longer, without the possibility of grave and irreparable injury to ourselves and the well-being of this Nation, close our eyes in ignorance and in defiance of facts that brazenly stare us in the face continually, whether on the street, the street car, in the café, the lunch room, the dance hall, the office, or, for that matter, in any place of human abode we may witness evidence of the evils of prohibition. I say that no place in this Nation is free or immune from violations of the prohibition law. No person is not in some way affected thereby, and the Nation itself is none the less the sufferer and victim.

It is needless for me to add to the voluminous records of figures and testimony already introduced bearing out the fact that vice, crime, immorality, disease, insanity, corruption, and a general disregard for law directly traceable to the unenforceability of the Volstead Act is increasing with alarming rapidity.

What have you to say to this deplorable condition ushered in since prohibition was introduced? It is with deep concern, gentlemen, that I view the increasing number of delinquencies of the daughters of our citizens, the increasing number of divorces, insane commitments, and murders since prohibition. No one, not even my good friends who wish to believe that prohibition is a success, can afford to let their sentiment on this question get the better of their judgment when faced with these grim realities.

The prohibition law, in my opinion, has utterly failed of its purpose, no matter how laudable the purpose and the hopes of its friends may have been. Instead of remedying the evils under the old saloon system it has brought about conditions even far worse. We see growing up in this country a very dangerous and powerful criminal class. The bootlegging element is becoming richer every day at the expense of the stupidity of our lawmaking and law-enforcing bodies and the indifference manifested by the public. We are tolerating a condition which is elevating this criminal underworld class, who are taking to this highly remunerative and less dangerous activity of bootlegging, to a position of wealth, power, and political influence among the good citizens of this country. This class does not want to change the prohibition law. The Volstead Act creates for them the field for their illegal activity.

Before prohibition we rarely would see drinking among women, but now it is not an uncommon sight, especially in the larger cities, to see girls and women stagger out of some taxicab or dance hall. Drinking at parties and dances is no longer novel. High-school boys and girls think nothing of carrying a hip-pocket flash to school and to parties. Think of its effect on the morals of youth! Of course, it can not be charged that this is a general condition and I sincerely hope that it is less deplorable than I believe it to be, but what good effect can any law have when to disregard it or to violate it is not even considered to be a crime? Why, it is common knowledge that officers charged with the duty of its enforcement are inclined to let violators go unnoticed or unpunished, knowing that the law is unpopular.

This disregard of one law creates a lax attitude toward other laws that may seem somewhat harsh and oppressive, yet perhaps desirable and necessary for the well-being of society. And what might such an attitude lead us to? Is it any wonder, then, why I am so apprehensive of the future if this is to go on?

WHAT CHIEF JUSTICE TAFT, THE LATE HON. SAMUEL GOMPERS, AND PRELATES THINK OF PROHIBITION

But I am not alone who has expressed his deep concern for the well-being of our Nation when confronted with these conditions resulting from the unenforceable prohibition law. The late Hon. Samuel Gompers, president of the American Federation of Labor, writing to the late Hon. Woodrow Wilson, then President of the United States, on October 20, 1919, said this in regard to the prohibition law:

"It is a great fear in my heart for the future of our beloved country that leads me to write you upon a subject I regard as one of the most crucial that ever disturbed the stability of our Republic." * * *

I also now wish to quote the Hon. William Howard Taft, former President and now Chief Justice of the Supreme Court of the United States. His words should make an indelible impression upon us all. He says in his book entitled, "Four Aspects of Civil Duty":

"Nothing is more foolish, nothing more utterly at variance with sound policy than to enact a law which by reason of conditions surrounding the community is incapable of enforcement. Such instances are sometimes presented by sumptuary laws, by which the sale of intoxicating liquor is prohibited under penalties in localities where the public sentiment of the immediate community does not and will not sustain the enforcement of the law. * * * By the enactment of a drastic law and the failure to enforce it, there is injected into the public mind the idea that laws are to be observed or violated according to the will of those affected. I need not say how altogether pernicious such a loose theory is. * * * The constant violation or neglect of any law leads to a demoralized view of all laws."

Later, in an address before a Yale alumni dinner in 1923 and speaking more specifically on the prohibition law, Mr. Chief Justice Taft made four charges against the present prohibition law:

"First. That it is keenly sumptuary; second, that it is hard to enforce; third, that it takes no regard of international considerations; fourth, that it puts in jeopardy all national, State, and local issues, because it has created a party strong enough to wreck any legislation it opposes, whether it be in the prohibition field or outside."

He added that—

"It is generally admitted that legislation of a sumptuary character, or, in other words, involving the personal appetite and taste, is commonly resented and always difficult to enforce. People will not tolerate public control of what they shall eat, how they shall dress, what amusements they shall enjoy, or what kind of house they may live in. These are considered questions of personal taste over which the State has no legitimate control."

I have called to witness the words of the greatest American labor leader and friend of the toiling masses, that of the late Mr. Samuel Gompers. You have heard the significant words of warning uttered from the lips of the Nation's Chief Justice and former President. I wish to add to this voice of protest against the present unenforceable law the views expressed by leading churchmen. Cardinal O'Connell, of Boston, had this to say:

"Compulsory prohibition in general is flatly opposed to the Holy Scripture and to Catholic traditions. Moreover, it is grossly untrue to say that pathology and dietetics have brought in a verdict of guilty against the immemorial beverages of the Old World."

Archbishop S. G. Messmer, head of the Milwaukee archdiocese, Roman Catholic Church, declared in a public statement that appeared in the Wisconsin News of February 13, 1926, that—

"The eighteenth amendment never should have gone into the Constitution. It is absolutely foreign to the nature and character of the fundamental law of the land. If men believe there is reason for disobeying a particular law, it is but a short step to disobedience of any other law that does not have the full approval of the individual concerned and at last a disregard for the authority which made such laws possible."

In advocating light wines and beer he said:

"No country has ever been troubled with drunkenness as far as beer and wine are concerned. Besides, where men can get good healthy beer and wine there is no public craving for hard drinks."

No less emphatic in his disfavor of the Volstead Act is the Right Rev. Benjamin F. P. Ivins, bishop coadjutor, Milwaukee diocese, Protestant Episcopal Church.

"No sane man," said the Right Reverend Ivins, "can deny that prohibition is a failure. Some modification seems necessary."

So also the Right Rev. W. W. Webb, bishop, Milwaukee diocese, Protestant Episcopal Church, declares himself in favor of a modification of the prohibition law. His words are:

"I should like to see the Volstead Act modified to the extent of permitting light wines and beer, because I believe it would work for the betterment of our people."

VOLSTEAD ACT UNWISE AND UNWORKABLE

I could thus go on quoting the leading men in every walk of life whose views are perhaps already known to you as protesting against the evils of the unenforceable prohibition law and favoring modification. But that would be unnecessary. The case against the continuance of the present system is not lacking of sufficient evidence to indict it. I am glad that there is this rising tide of protests not only of these leaders but of the multitude as well, as shown by the recent newspaper polls, who are against a law that is unworkable and the source of great evil. It has thus already been demonstrated time and again that the Volstead Act was extremely unwise, dangerous, unpopular, unenforceable, and costly legislation.

THE PROHIBITION REFERENDUM FOR WISCONSIN

Those who are agreed on this are also agreed that the enactment of legislation to permit the manufacture and sale of 2.75 per cent beer and light wines under proper regulations is the only way out. The people of Wisconsin will soon have an opportunity to declare their position on this very live question of the day. Why should they not? It has been an all-consuming question with us ever since the law was imposed upon us, and I know also that it is so with the people in all of the other States where men and women keep abreast with the issues and are interested in their own welfare.

The people of Wisconsin will thus have an opportunity to voice their approval or condemnation of the so-called Volstead Act. They will be able to go on record for modification. They will be asked in the coming election to vote on the following proposition:

"Shall the Congress of the United States amend the Volstead Act so as to authorize the manufacture and sale of beer for beverage purposes of an alcoholic percentage of 2.75 per cent by weight under Government supervision, but with the provision that no beverage so purchased shall be drunk on the premises where obtained."

That is the language of the proposal to modify the present prohibition law as submitted to the voters of Wisconsin by the State legislature. I have no doubt what the result will be. I am convinced that the people of Wisconsin are for some such proposal, but, of course, it is proper for me to state here that whatever my personal beliefs in this matter may be the will of the people of Wisconsin and my constituents whom I have the honor of representing must be the all-determining factor in my official acts. That is the duty of a Representative who believes in true representation, but no one can feel with greater assurance than I that my convictions on this question as heretofore expressed truly reflect the sentiments of the vast majority of my constituents.

MARYLAND TOMATO SITUATION AND THE PRESENT TARIFF

Mr. TYDINGS. Mr. Speaker, the tomato industry in Maryland is now in the most deplorable condition it has been in for years. Notwithstanding this, some 3,000,000 cases of Italian tomatoes are being imported annually in the United States, which is equivalent to the entire pack of Maryland and New Jersey. Such an increase in the supply tends to depress further the price and the packers now can not sell last year's pack at cost, but at the ruling market prices will be forced to take a loss for their year's work. This will cause the grower to get less for his crop in 1926 than he did in 1925.

The present tariff on tomatoes is 15 per cent ad valorem. An appeal has been made to the Tariff Commission and to the President to increase the duty to 22½ per cent—which the President can do under the present law—so as to save the tomato growers and packers from further loss or until such time as they can weather their present difficulties. Congress also knows of the situation, but the spokesmen of the administration in that body says, "There will be no tariff legislation at this session." Therefore both the President and the administration leaders in Congress have turned a deaf ear to this plea.

It occurs to me that if the oligarchy which controls the present administration wanted some protection for a certain article it would be forthcoming quickly. But not for the farmers who grow tomatoes or to the packers who pack them. What is done for the very rich few, who supply the campaign funds, they will not do for the agricultural interests. The farmer buys everything in a protected market which increases the price of all he needs on the farm and then the farmer has to sell his products in an unprotected market. If this be justice and equality in legislation, then I do not know the meaning of the word.

We should have a competitive revenue tariff, a fair tariff, one that treats all citizens alike. The present law is designed only for the benefit of the rich few, and the present tomato situation clearly shows its discrimination and injustice. The day will come, and come quickly, when those now discriminated against will send men here who will write a tariff law not just to benefit a few people, but fair and equal to all the people of the Nation.

GOOD ROADS

Mr. TYDINGS. Mr. Speaker, there is no expenditure of the public moneys which does as much to promote the prosperity, welfare, and comfort of the people as the money spent to extend the good roads system. This is one expenditure that the people all over the country do not wish to see cut down. They want the good road system to be further and further extended. And they are, in my judgment, quite right about it.

No small amount of general prosperity has come to this Nation because of the good roads that have been built across and through the States. Think what it means to the family living on unimproved sections of roadway, to be able to get out of the mud and to have an improved roadway upon which to transport goods, farm products, lumber, and the like. Good roads mean added value to the lands adjoining them, quick and easy transportation of man and the goods he buys and sells, cleanliness through the riddance of dust, access to market, means of visiting cities and towns or his neighbors, a prompt response to a call for the doctor, quick mail delivery, pleasure for the family and many other benefits.

The people may rightly question the appropriation of large sums for many other purposes; but they do not want at this time any let-up in the further extension of the good roads system. They have seen the benefits flowing from good roads and they rightly want more of them. Cut down, if cutting must be done, on other matters but do not impair the building of good roads, for in no other appropriation will you give the people as much benefit as in the money we appropriate for good roads. Money so spent is well spent and can not be better spent.

THE DUTY OF SENATORS TO ATTEND SESSIONS OF CONGRESS

Mr. TYDINGS. Mr. Speaker, there are 48 States in the United States. Under our Constitution each State has two representatives in the United States Senate; in other words, every State in the Union has two, and only two, United States Senators. This is the highest office which, in my judgment, the people of any State can bestow on one of its citizens. It is an office of great responsibility, because the votes cast by a United States Senator affect intimately the prosperity, rights, and happiness of millions of people. The highest duty of the United States Senator is, therefore, to vote on governmental matters. If he does not do this, then his State is without representation in that great body. Senators generally recognize the great trust and duties reposed on them; Senators generally appreciate it and are on duty on the Senate floor whenever important legislation is being considered or acted upon. Suppose an amendment, for example, was offered to our National Constitution which said in effect:

Every State in the Union shall have two United States Senators except Maryland, and Maryland shall have but one.

If such a thing were presented the people of my State would rise in indignation at the injustice of such a measure, which would give every State two representatives in the United States Senate except my own State of Maryland, and it should only have one. Yet when men elected to the United States Senate do not attend the sessions and vote on the important matters coming before that body, it in effect deprives the State of that Senator; and if a man honored by a seat in the United States Senate is absent and does not vote, the people of that State are not represented in the Nation's councils. In short, the highest duty which a Senator can perform is to attend the sessions and cast his vote for the interests of the people whom he represents and for the welfare of the Nation. To do less is to show a lack of appreciation for the single honor and opportunity for service bestowed upon him by the citizens of his State.

There are times when of necessity men are prevented from attending the sessions. No man can reasonably object to some absences on the part of the man who has been elected to represent him in any body, for circumstances occur which sometimes prevent attendance. But in the main and on the important measures no Senator, in my judgment, or Member of the House, should have many absences against his name on important matters affecting his people and the country at large. The people have a right to expect their representatives to reasonably attend to their duty. Having honored these representatives, the people expect, as small pay for that honor, and rightfully so, that the Senator and Representative will look after their interests in matters coming before the Government by being present and voting during sessions of the Senate.

THE TARIFF AND THE FARMER

Mr. TYDINGS. Mr. Speaker, frequently upon the floor of Congress men arise and defend the Constitution of the United States. But frequently these same men who stand for principle at one time, in order to cater to some class or race or group of citizens, throw principles to one side and vote for and support measures clearly unsound and unconstitutional; for example, I have seen men oppose farm-relief legislation, saying it was unsound because it was for one class only, yet who would support high-tariff legislation as sound when that is for the benefit primarily of the class who own great manufacturing plants. Certainly if it is not sound to further legislation drawn primarily in the interests of the farmer, it is also unsound to further legislation primarily in the interests of the rich manufacturer. The tariff puts the farmer in an unequal and unfair position, it increases the cost of everything which he buys and which he must have on his farm; for example, the price of clothing, chains, fruit boxes, shears, knives, sewing machines, pliers, saws, cement, bricks, sheet glass, glassware generally, rivets, wire rope, flat wire, steel wire, pins, buttons, hooks and eyes, and all iron and steel products used in farming implements and the like; china earthenware, a great many chemical elements which the people use in one way or another, salt, printing presses, shotguns and rifles, coal-tar products, telephone, some of the elements of paint, tiles, and nearly a million other separate articles which the farmer buys after he has paid first a tariff tax upon them. A tariff is a tax on articles. It is nothing more nor less than a sales tax. Some million things which the people of this country use are subject to this tax. Because of this tax these articles cost more than they would without its imposition. The present tariff bill was passed before I was elected to Congress. Yet,

when the agricultural relief bill came up in the Senate, which was designed to give the farmers special legislation, just as Senator WELLER and Congressman HILL had voted to give the rich manufacturers special benefits by legislation—I mean by the so-called Fordney-McCumber tariff bill—these two Republicans voted against it. How, therefore, using this as an illustration, can a man at one time vote to make everything the farmer uses cost him more—in other words, vote to give the manufacturers special legislation for their sole interest at the cost of all the people—and then deny, if he follows that principle, the same rights to the agricultural people of the Nation?

The farmer would never have asked, in my judgment, for this special legislation if it had not been for the fact that the special legislation given to the manufacturers had not only increased the cost of everything he must buy for the farm, but at the same time deprived him of the markets of the world and a fair price in those markets. He buys in a protective market, but is forced to sell his goods in an unprotected market—the world's market. The world's market fixes the price for the farmer's goods, but the Government through the present tariff fixes the price for the manufacturer's goods. Is there any justice in a situation of this kind? Let us see how the tariff has affected the farmer. Under eight years of the Underwood tariff, which was certainly a fair tariff law, there were only 578 bank failures in this entire country—this in eight years. But in five years under the Harding-Coolidge administration there have been some 2,500 bank failures, and 99 per cent of these failures have occurred in the agricultural sections of the country. How large a part the present Fordney-McCumber tariff law played in ruining the prosperity of the farming elements can be easily ascertained by reading the present tariff law.

Look at Congressman HILL's change of front when education is considered:

> It is proper to give to a private colored college $4,000,000 of the taxpayers' money out of our National Treasury—

And then in the next breath say—

> It is unconstitutional to give any money to the public schools of America.

If it is unconstitutional to give money to the public schools of America it is doubly unconstitutional to tax all the people to the extent of $4,000,000, and then give that $4,000,000 not to the public school system where all the people benefit, but to a private colored college over which the people have no control.

Again, the tomato-canning industry in the State of Maryland for the past year has been in a precarious condition. Many of the packers have been driven to the wall, and all of them are having a difficult time to weather the storm. They appealed to the Tariff Commission, they appealed to the President, they appealed to the Congress, and asked that a tariff be placed upon imported tomatoes sufficient to either keep out the importation of Italian tomatoes or to make a price upon them sufficient and not to permit ruin of the home industry. Italian tomatoes were then being imported at the rate of 3,000,000 cases annually, and the packers in my State pointed out the deplorable condition affecting them; that many of them were facing ruin, and asked that they be given the same protection for their manufactured products that the industrial manufacturers were given for the products that they produced. To all of this the President and the Congress turned a deaf ear.

Everybody who is familiar with the facts knows that the tariff is to be used only for the benefit of the industrialists, and when the farmer or the packer who helps sell the farmers product knocks at the door of government and asks to be given the same rights that these others enjoy he is called a bolshevik or red and told to go back and mind his own business. It is a nice state of affairs which will admit that it is all right to give one element, when rich and powerful through the use of money in politics, a certain protection to enable it to make money, but when the great mass of the agriculturists ask for the same right they are told to go back on the farm and work harder.

And who are these agriculturists that are kicked around from pillar to post? Is not half of our population engaged in agriculture and its allied activities? Some 50,000,000 people are engaged in this ancient and honorable and vital occupation. Shall we kick out and penalize the men who supply the necessities of life? Is not all prosperity built upon the foundation which they lay? If they quit work the Nation would starve; and I would call to the attention of Members that these 50,000,000 people engaged in agriculture are the customers of the country. They buy more of the products which are made by the manufacturers than any other people, and the welfare of the manufacturers to a large extent depends upon the welfare of the farmer. The farmer has never asked for legislative help which has not already been given to other classes. He has never come to the door of Congress except to ask for a square deal; to be placed on the same footing with the manufacturer until this Congress and others before it penalized the farmer and gave special protection and great wealth to those who are engaged in industry at his expense.

When you destroy the world's markets for the farmers' goods by a high tariff, when you increase the cost of everything he must buy by a high tariff, which you have already given to the manufacturer, then you can not blame the farmer if the Government is to be run in that way, for coming here and asking that he be given the same protection that you have given others. You can not say he is illogical and you can not say he has not a just reason when he does come here under those conditions. But when he came and asked for the same treatment on the canned-tomato situation, the present Republican government told him to begone, that this Government was not run for him; that it was all right to penalize him, and that it was all right to ruin his prosperity, as evidenced by the bank failures in farming territory, and that you would not give him the same rights and privileges before the law that you have already given to the manufacturers.

If this be justice, then justice has become a strange animal since this country was first formed; and you will find the farmer will continue to come here and ask that he be put on an equal footing with those who are exploiting him, until the present tariff rates are reduced so that the things he buys will cost less, so that his production costs will decrease, so that the world's markets will again be brought up to higher purchasing standard, and he can get his share of the prosperity which his honorable and necessary occupation and sturdy citizenship entitles him to have.

WOMAN AND THE BALLOT—HER OBLIGATION TO VOTE

Mr. HAMMER. Mr. Speaker, before their enfranchisement it was often said women did not want to vote, and furthermore would not vote if the privilege was extended to include them. Nobody thought to look up the statistics to ascertain whether men were diligent in the discharge of this political duty. Four years ago a national organization of women made a study of election returns and the result was discouraging. The investigation began with 1896, which was the banner year, when 80 per cent of those entitled to vote did so. From that election and including 1924 the percentage has diminished steadily until now it is about half of the voting population. The figures are accurate and they spell a decline in true patriotism that is alarming.

The advocates of equal suffrage have not claimed that women were better, or wiser, or more patriotic than men. They did not assert that they would bring about a new heaven and a new earth in two or three elections. They did not aver they would not make mistakes, and often find failure where they had hopes of success. They did not boast that they were always going to be able to improve on what their brothers had done, or tried to do. One of the first things our voting sisters learned when they got the ballot was that when at first you do not succeed you must be willing to try, try again, and keep on trying for years if necessary.

Every now and then we find an old-fashioned woman whose hair is untinted and unbobbed, who neither rolls nor smokes "her own," whose children are in homes of their own, and wants to do her duty, yet who asks hesitantly: Why must I vote? Let us play the Yankee trick of answering her question by asking another. Why should women, or men either, love their country? There are a hundred answers and even more reasons. It is our country, and that is apparently enough even for people whose countries are by no means so worthy of love as this land of ours. There is no need to argue this question.

But admitting we do love our country, how do we show it? By service; by loyalty; by observing its laws and bearing its burdens; by giving our lives, or the lives of those who are dearer than life for its preservation.

Women are given no choice when it comes to taxation. They pay their share or commit perjury. Sometimes it seems as if American women might get more for their money, but when we think of the burdens borne by the taxpayers of other countries there is no complaint. When it comes to bearing arms, women, of course, are very properly excused, for their part is to bear the bearers of arms. A few years ago the enlistment signs at recruiting stations bore a sign which appealed cunningly to every boy who saw it. "Only one in four," it said, could pass the examination that enabled him to wear the uniform of his country. It was rather startling. Each of those signs gave three good reasons why women should vote.

The particular job of woman since time was has been the bearing of men. If she is only 25 per cent efficient physically or otherwise, it is high time she learned why, and set about remedying the causes of this mental or physical disability on the part of her sons. There is hardly a woman living in any community, big or little, great or small, who does not know of conditions she would like to see bettered. Swamps that ought to be drained to get rid of the malaria-carrying mosquitoes; tainted water supplies; lack of sanitation; unclean markets; dangerous crossings; little, insufficient school houses; underpaid teachers; and the list could be added to indefinitely. Take, for instance, tainted dairy-product frauds recently involving the health and lives of 6,000,000 people in New York City, not to mention the increasing bribery, corruption, and debauchery by Republicans in the primaries as exemplified so recently in a way never before equaled since civilization's dawn in the State of Pennsylvania; and at present it appears that in Illinois conditions are fully as bad, even if more blunderingly accomplished by the Republican bosses and election officials.

"Don't forget our noble failures," a woman once said, and "I am willing we should be judged by them, for they show what we have tried to do, and almost every success came as the result of nobody knows how many failures." Women were engaged for years in getting sanitary street fountains; it took more years to get rid of roller towels, and more still for women in their persistent effort to compel putting food for display under glass; it took years and years before they obtained a law providing that children with defective sight or hearing or teeth should have remedial care, and more years to get an adequate minimum salary for teachers. Nearly all their victories were accomplished after innumerable failures, but they never gave up until their continued efforts were crowned with the glorious victories for the welfare of humanity so effectively achieved, now known and acknowledged to be of such transcendent value.

They kept on because they wanted to make the conditions under which they and their children lived better. They had the idea of service.

Nobody has the right to think little or depreciate the real importance of exercising the privilege of voting. In more than one national election the change of 1 vote in each of the ninety thousand and odd precincts would have altered the result of the election. Nearly every election sees candidates defeated or elected by a mere handful of votes. There can be no substitutes on election day. Voting can not be done by proxy. It is a personal and individual act. We must do this duty ourselves, or it will remain forever undone. Election days have no to-morrow.

What do elections decide? Not merely who shall be President or United States Senator, or Representative in Congress, or governor, or mayor; not just who shall be our public officials. Sometimes we forget that Congress decides the whole trend and policy of our Government, peace or war, great armies or fleets and battleships, or that which we may need for our own protection, high or low tariff, financial systems, and all the vast complicated machinery of government.

But some one says, "Why should I vote? My vote would accomplish little; and furthermore, what difference does it make which party is in power, for affairs will go on and the country will not materially suffer regardless of which party may be successful?" In spite of all the jibes and jests there is a real difference between the ideals of the Democratic and the Republican Parties. There were ideas inherent among the American people from the very beginning of our Republic; the idea of Jefferson that the benefits of government should be as widely bestowed as possible; and the idea of Hamilton that the well to do, the cultured, the chosen few, should keep the government in their hands and reap its chief benefits. It was the old feudal idea in a new form transplanted from European baronial castles to America, but with little change save in name.

Those who take least interest in public affairs are often the ones who inveigh most strongly against the type of public officials sometimes elected.

Under Woodrow Wilson's superb leadership a wonderful program for the benefit of the many was inaugurated. In five short years until the World War thrust itself upon us more was done for the amelioration of the laboring people of this country than in a quarter of a century before. The benefits of legislation were for the toiler, the farmer, the little business man. It was really the first time the common man had come into his own.

Our entry into the war put an end to this program before it could be completed. We thought it was only postponed, we now know it was ended, and it will remain ended definitely and finally unless a great change comes over the minds and hearts of our people and a complete reversal in the administration of national affairs.

The women as well as the men believed they were doing their full part in a war to end war, never dreaming that a little group of obstinate men, gone partisanship mad, were willing to sacrifice the hope of world peace in order to discredit the great Democratic leader, the "captain general" of the forces to perpetuate peace and carry out the pledges we made the mothers of men, were willing to sacrifice the hope of world peace and the welfare of the Republic. Furthermore, this band of designing politicians, in utter disregard of patriotic motives, through jealousy and for purely partisan purposes, were not only willing to jeopardize the prospect for permanent world peace but would crush the spirit of helpfulness of all the people of this country to accomplish the defeat of this leader who was the hope and inspiration of the spirit of democracy the world over. Had all of us then done our full part, the United States might still be loved and trusted instead of regarded with fear and suspicion by half the world.

After the advent of the Republican Party to power again when the war was over, had the Republican Party believed its charges against the Democracy it would with its large majority in Congress have set about repealing the legislation of which it complained and so strenuously opposed when enacted by a Democratic administration. It had neither the courage nor the honesty to do this openly, but by hidden and insidious means it has made the farm loan act of little or no effect. The Federal reserve law, which steadied the credit of the Nation all through the perilous days of the war, has been undermined. Bank failures almost unknown under the Wilson administration have been disastrously common since his administration. The scientific Simmons-Underwood tariff law has given place to the Fordney-McCumber law, with all its injustice, inequity, and abominations, which puts a paltry $50,000,000 in the Treasury as compared with the billion and a half and more which it pilfers and filches from the Nation's taxpayers, and falls particularly heavy on the agricultural classes and wage earners in favor of the highly protected special interests.

Women, who are the purchasing agents of supplies in most families, know by sad experience that everything they have to buy has increased in price; not in value or worth, but in cost to the buyer. There is no such relative or corresponding increase of wages or in the price which the farmer receives for his products, as anyone can ascertain by examining the figures available at the Bureau of Labor. The artisan is not getting fabulous sums for his toil. We have had an antitrust law for some 30 years, yet trusts and combines never were so powerful or influential as they are under this administration. Women know that sugar has been higher during the last two years than during the war. They have seen an attempt to corner the foodstuffs of the Nation without the producer of food products getting his part, but actually getting less than a third of what the consumer pays. The farmer and wage earner know they pay tribute in three directions on every piece of aluminum they buy; first, in price; second, by way of a tariff tax which automatically raised prices; and they should know, if they do not, that the Aluminum Trust, one of the Mellon properties, has received excessive rebates on the taxes it was willing to pay, taxes figured out by highly paid experts employed by the Aluminum Trust, whose fixed purpose throughout their calculations was to pay the Government not one penny in excess of what they could legally avoid.

To be sure all good citizens should be willing to bear a full share of the cost of government, but when we read of "refunds" and "abatements" amounting to the staggering total of $1,567,658,077 made to the great corporations and multimillionaires during the years from 1922 to 1925, inclusive, we realize we are bearing some one else's share as well as our own. There is something wrong with a system which permits the accumulation of such fortunes at the expense of the many and then rewards the profiteers by returning sums so vast and almost incomprehensible to most of us.

We will never correct existing evils until a larger per cent of our people vote, and thereby show their interest in public affairs. No armed invasion of the country is more menacing than the failure to vote. The nonvoter shows a lack of interest and encourages misgovernment by remaining away from the election, and thereby failing to perform a duty imposed on every citizen. Some one has said that the indifferent citizen who fails to vote is a greater menace than bolshevists and communists. Citizenship brings with it a great responsibility. The citizen who shirks his duty by not voting refuses to bear his part of the burden. The good man or woman who fails to

vote is giving to the forces of evil a better opportunity to control the country.

The increasingly alarming poor showing at the polls has a tendency to hurl our whole structure of democracy over the precipice. There can and will be no creeping paralysis which will cause democracy to die if the people will only take a proper interest in controlling their affairs.

The great number of poll dodgers and election slackers especially in some parts of the country is a growing menace to our Government. The effort made in almost every election to carry North Carolina by the Republicans and break the solid South has had much to do with bringing out the vote in many counties in the State, but there are many counties, and the number is increasing, in which there is much indifference and apathy, which is not encouraging, especially in a State where there is so much progress in every line of endeavor.

Remember, it is not so much what women can do as officials, but there is more in what they can do in creating sentiment for influencing public officials, for even Members of Congress are not always those high-minded people who are always thinking of what they say, but as Lady Astor, a member of the House of Commons, says, "Whenever we speak most of us have got an eye on our constituency." This is more or less true, for public officials should remember the people who send them to office. So women should work and vote to influence for the right. Just to vote for voting's sake is not so important, but to use the vote for great social movements seems to be essential. Women must help the world to be more moral, for men are weaker in that respect, and women must bring into public life more common sense. There is too much twaddle talked by all political people, and consensus to despair of politics, as Lady Astor said recently in a speech, "Too much sloppy talking and sloppy thinking." To change the world and train women to vote to influence public affairs, children should be trained to know the importance of taking interest in governmental affairs. In this new-found liberty of women the one great object to be attained is to place the right value on life and an equal standard of morality, for chastity is the cement of civilization. The moral outlook for the country depends on women, it has been truthfully said. We must have better plays and better films, better moral conditions; for this is what really counts most in the end, not social status, and the moral outlook depends almost entirely upon women. Civilization will go down unless the women set themselves persistently to the task of getting back to old-fashioned thinking. As women have come into public life they must, to succeed in a great reform movement, put into public life what has made them shine with splendor in private life. The world needs women in the political arena and they have come none too soon. They should avail themselves of the opportunity to vote and not wait until they "know how," as some would have them do, for they will never feel they are equipped to exercise the privilege if they take this view. Voting will create an interest and desire to learn how.

There is an added reason why women should vote. It is clear that the opposition to the eighteenth amendment is making a determined effort to get control of the next Congress. There is no longer any doubt that a considerable element of those opponents are engaged in an effort to acquire control of the Democratic Party, particularly in certain States. It is claimed by those who have given the matter much consideration and investigation, they hope the votes of a few large delegations to be able to tie up at least, if not completely dominate, the next Democratic National Convention, and if they do not nominate an avowedly "wet" candidate for President to secure a compromise at least by adopting a plank for the modification of the national prohibition act.

Women are opposed to this program, and to defeat it should take a lively interest in preventing what they believe would be against the best interest of the country.

It is true these activities are found most generally in sections that are un-American, from cities that are 80 per cent foreign born or the children of foreign-born parents, and from industrial regions like Pennsylvania, where "protected" American labor long since found conditions so intolerable that it moved on and made way for an undesirable horde from the south of Europe. These toilers have been as ruthlessly exploited on election day as they are industrially. All foreigners are not un-American. Some of the best citizens we have ever had were born under other skies, but blind, indeed, would be he who does not see that those who are making millions by defying the Constitution of the United States and on an illicit liquor traffic, on appealing to these vast foreign groups and insisting that America shall set the standards of the countries they have left, instead of upholding our own ideals of living.

They have the foreign vote, which is very considerable; they have all those who were engaged in the traffic which had been outlawed; they have a considerable portion of the press, and unlimited money. This means a struggle, and means we must face it. Even if they have most of the "loud" speakers, it is the silent vote that has the last word.

These conditions should and do properly concern women as well as men. Perhaps our own individual vote is the most that the greater portion of both women and men can give, and this all can do. This being true, it is certainly the very least that ought to be given, and to the women of America, those who favor the best interests of the rising generation, appeal with confidence in behalf of maintaining legislation which is in accord with the views of a large majority of the people of the State, which in part I have the honor to represent. The ballot box is the national contribution box. There is not one so poor that something can not be contributed. In this way, and this is the one direct appointed way, we commend or mar the fortunes of the Republic.

To vote is not an individual right, strictly speaking, to be used or abused as a citizen's personal and particular interests dictate, but is, more properly speaking, a function and a duty to insure free government. To neglect this duty will hinder, render uncertain, and even falsify it.

Not to vote means to "stand by consenting," or to acquiesce indifferently or protest may be entered against a system which is sapping the life blood of the Nation.

Why vote? Because not to vote is to desert, if not to actually betray the Republic in her hour of need and peril, the one hour when she turns to her citizenship, like a mother to her children when in distress, and asks their support.

Why vote? Because no land can long maintain its rights if it forgets or foregoes its duties.

PROHIBITION

Mr. O'CONNOR of New York. Mr. Speaker, since national prohibition became a fact, in so far as constitutional amendment and legislative enactment are concerned, comparatively little has been heard from the opposition thereto until within the past few months. The prohibitionists have asserted that "prohibition has come to stay," and many who were opposed to national prohibition were inclined to accept the assertion of the prohibitionists as true. However, within the past six or eight months tremendous opposition to national prohibition has manifested itself in many ways, and there are strong and convincing evidences that the country is making ready to rid itself thereof.

It seems that the country has awakened to the realization that national prohibition has not accomplished the things that were promised of it, on the one hand, and that it has been productive of ills and misfortunes on the other of serious tendencies and proportions. Until six months ago it was impossible to have the Congress of the United States look at the "wet" end of any proposition labeled "wet" and "dry." Not only this, but the Congress has not been disposed to take any account of the state of the Union resulting from national prohibition. The rank and file of its membership do not want the issue raised if it can be avoided; but it must be apparent to all that the issue still obtains and that it must be met and considered at an early date.

Probably the most active organization working toward a solution of this all-pervading question has been the Association Against the Prohibition Amendment.

SENATE HEARINGS

One of the greatest accomplishments of an affirmative character on Capitol Hill of this association was realized when it succeeded in bringing about the hearings before the Senate committee during the recent session. These hearings afforded the association its first opportunity to bring before the country in some sort of a matter-of-fact way and in rather semiofficial form some of its contentions concerning national prohibition, its failures, and its criminal productions, and to support its contentions with reliable and unbiased data from official sources. The result of these hearings gave the "wet" cause a tremendous impetus. Facts and figures were drawn forth that more than substantiated the claims of the wets and set at naught the claims of the radical prohibitionists. In any event, the result of this investigation brought to the attention of the country many unknown truths concerning national prohibition and the continued general moistness of the country, even after six years of so-called prohibition. It will be recalled that General Andrews testified that in his opinion not more than 10 per cent of the illicit stills throughout the country had been captured, and from which statement Senator REED deducted that there are, then, 1,720,000 stills and equipment in

operation in the country to-day. Further, the testimony before the committee disclosed how fully and completely the control of the liquor situation has passed from the hands of the Government into the hands of makers, bootleggers, and highjackers.

The mere fact that this hearing was obtained may be set down as a great, successful affirmative effort on the part of the Association Against the Prohibition Amendment in the Halls of Congress—the greatest since prohibition became a theoretical fact.

NEWSPAPER POLLS

In recent months a great many newspaper polls have been conducted for the purpose of ascertaining the sentiment of the people with respect to prohibition. Those polls not only showed a general dissatisfaction with national prohibition, but in the main indicated that a very large majority of our citizens are to-day disgusted with national prohibition and are ready to vote against it. From the result of these polls the wet cause received great encouragement. As huge majorities were recorded against the present prohibition policy of the Government, the "drys" seemed more or less disgruntled and disconcerted by the great change of sentiment thus manifested; and then there emanated from the "dry" camp the "alibi" that they had urged their people not to vote. This pretended course on the part of the "drys" would be entirely consistent with the course they are pursuing with respect to thwarting proposed referendums in various States. They are unwilling to give the people an opportunity to express their feelings with respect to prohibition and seek to deny to them the opportunity so to do. The result of the various polls taken served to give the "wet" cause pronounced encouragement; but it may also serve to accentuate the fear of the "drys" in those States in which a referendum vote is impending and render them more stubborn in their opposition thereto.

Along this line and in this particular the "wets" have made substantial progress in a number of States in recent months.

NEWSPAPER EDITORIALS AND JOURNALISM IN GENERAL

In recent months many newspapers and journalists have turned their attention and support to the cause of the "wets." No doubt this has been prompted by the realization of the failure of national prohibition and of the unfortunate tendencies that are resulting from a prohibition policy. Many newspapers and journalists, heretofore in sympathy with the national prohibition movement, have no doubt felt called upon by considerations of patriotic duty and good citizenship to assist in turning the attention of the country to a reconsideration of its prohibition policy; and there is no doubt but what their course has had its effect upon the reading and thinking public. Since the establishment of theoretical prohibition, crime and corruption have increased to such proportions as to challenge the attention of all right-minded citizens. Our jails and penitentiaries are filled to overflowing and every species of crime and corruption have multiplied. Hard liquor abounds throughout the country in seemingly unlimited quantities, and men and women and boys and girls are to-day imbibing as never before. We have had the spectacle of Federal judges charging grand juries to investigate drinking among high-school boys and girls; and among the younger set throughout the country to-day is a looseness, the degree of which has not heretofore been known.

The fight to shed light on the real situation has been stimulated by the support of the leading newspapers of the country in recent months, and by the responsive cooperation of outstanding civic and industrial leaders throughout the country. In addition thereto numerous investigations have been made by representatives of publishing concerns and their reports have gone to the country; and even the farmers of the Central and Midwest States seem to be coming into a realization of what national prohibition has done to them. All of these things and more have tended to inspire the fight that is being waged for a fair and reasonable liberalism and to restore to the American people some of the rights and privileges that have been stolen from them.

The remedy of the prohibitionists is "more prohibition"; but this the Congress does not seem disposed to give. Rather, the indications are growing stronger of an indisposition on the part of the Congress to yield much further to the dictation of the Anti-Saloon League crowd. It will be a hopeful sign indeed when the Congress resumes its own responsibility in the premises, drives the Anti-Saloon League crowd from its doors, and sits down to serious and sensible consideration of a sane solution of the prohibition problem. The solution which we have to-day is that of the fanatical and hypocritical "drys." It may not be desired that we swing to the rule of the extreme "wets"; but it does seem that the Congress should be able to solve the problem along some line productive of a better degree of temperance and a better general feeling among all of our people.

FAILURE OF PROMISES OF PROHIBITIONISTS

Among the things beyond controversy is the assertion that prohibition has accomplished none of the things it promised. It can not in the nature of things do it, because the country is neither back of the Anti-Saloon League nor of its policies. America is for temperance and for law and order and decency, but it is not, never has been, and never will be a subscriber to the fads and fancies of the puritanical prohibitionists like Wayne B. Wheeler and those of his ilk. If the ends and aims of the Anti-Saloon League could not be accomplished before the country found out something about the Anti-Saloon League itself, its methods and its policies, it is morally certain that they can not be accomplished now since the country has come to know more about the make-up of the Anti-Saloon League, its methods and its policies, the handsome salaries which the half dozen heads pay themselves, and the judgment exhibited in the payment of $171,000 to that great salaried reformer, ex-Congressman Richard Pearson Hobson.

Prohibition has proven to be most anything and everything except that which it was promised to be, and this fact alone will lead thousands to inquire if the cost of national prohibition is after all justified, and in proportion to the extent of this inquiry will the position of the wets be strengthened.

LOSS OF PRESTIGE

There is no doubt but what the Anti-Saloon League has suffered a tremendous loss of prestige within the past few months. The wonder is not that it has lost, but that it survives at all. Along with its loss of prestige has come loss of revenues and loss of power in Washington. Things have been exposed which have materially modified, weakened, or completely destroyed confidence in it. In the Congress just closed it was too impotent to obtain the further prohibition legislation it sought at the hands of a "dry" Congress. In the State of New York the Republican organization has been compelled, in a drastic attempt at self-preservation, to apparently disassociate itself from the Anti-Saloon League crowd. Its loss of prestige and of power has given rise to considerations for rehabilitating the old prohibition party in New York State.

REED INVESTIGATING COMMITTEE

Much matter of a detrimental character to the "good" and unctuous Anti-Saloon Leaguers has been brought out before the Reed investigating committee, and the country is finding out much that heretofore has been hidden by this organization. From the testimony of Mr. Wayne B. Wheeler himself it is clearly apparent that the Anti-Saloon League has set itself up as a sort of supergovernment, for the purpose of directing the affairs of the Government of the United States in all matters pertaining directly or indirectly to national prohibition.

It would say who shall and who shall not preside over courts, who shall and who shall not be agents and officers of the law, against whom the law shall be enforced and against whom it shall not be enforced, who shall be convicted of its alleged violations and who shall not be convicted, who shall compose the House of Representatives and who shall not compose it, who shall compose the Senate and who shall not compose it, what legislation there shall be and what there shall not be directly or indirectly affecting prohibition; in brief, a presumptuous, conceited, contemptible, one-man power government to take precedence over the Government of the United States in at least everything that pertains to national prohibition.

FACT AND FICTION

In recent months the Anti-Saloon League has been driven into close quarters. Other things have happened to embarrass and render more or less desperate Wayne B. Wheeler and his associates. Apparently, necessity has driven them to an intensified utterance of wild charges and misstatements. The country will recall some of these charges and misstatements that emanated from the recent crisis convention in the city of Chicago and that no one of them was true. The country will also recall that from this source it was heralded throughout the length and breadth of the land that a great international conference was to be held in Washington City on the 16th day of last January in the interest of brewers and distillers and the Association Against the Prohibition Amendment; also that the association was going to have showered upon it such tremendous resources from foreign brewers and distillers that it would actually come to suffer from the curses of riches. It is as impracticable as it is impossible to enumerate all the gross and unfounded misrepresentations of Wayne B. Wheeler and the Anti-Saloon League, if Mr. Wheeler and the Anti-Saloon League have been correctly reported through the press in reference to their utterances with respect to the association

and its plans and policies. Within the last few days Mr. Wheeler has promised some sort of a revelation to the country with respect to receipts and expenditures of the Association Against the Prohibition Amendment, while at the same time using every effort to keep the light of day from penetrating to the practices, sources of receipts, and expenditures of the Anti-Saloon League.

THE ASSOCIATION AGAINST THE PROHIBITION AMENDMENT

For many months past it has been the custom of the Anti-Saloon League crowd to bitterly assail and condemn any who challenge the propriety of the eighteenth amendment or of the Volstead Act, or who challenge the virtue of national prohibition under those enactments. Notwithstanding this, the fact remains that the Association Against the Prohibition Amendment has advanced in a straightforward manner. It has constantly gained in respect and in prestige. It has been in the open and above board in all of its transactions.

With congressional investigation staring it in the face it cringed not in the least. It stood ready and willing to yield its books and papers and to submit to a thorough investigation. It has not asked the privilege of concealing anything from the public. The Anti-Saloon League has not met the situation in the same fearless and open-handed manner. At the present moment it is seeking to avoid publicity with respect to its contributors. It has not been quick and open in its responses to the interrogations of the committee, but much startling information has been wrung from it. To its platform speakers who were not Members of the Congress it paid salaries or fees. To its platform speakers who were Members of the Congress it would not pay salaries or fees, but it paid "honorariums." It appears from the testimony that in five years' time the Anti-Saloon League paid more than $171,000 to a former Member of the House, who was always conspicuous for his absenteeism from the floor of the House. It has not been shown that the Association Against the Prohibition Amendment has been guilty of any such questionable conduct. It does not appear that it has indulged in the delivery of any "honorariums" to Members of the Congress; it does not appear that it has maintained a list of salaried reformers; it does not appear that it has expended $35,000,000, or any other great sum, to undo national prohibition. It should be interesting to the country to stand these two organizations up side by side, check one against the other with a view to determining the character of each. Indeed, as recently editorially observed by the New York World:

> Wet is wet, and dry is dry, and never the twain shall meet; nor are they likely to agree in any comparison of character and conduct. But if a citizen of Mars could be lured from his canals to render an opinion of the testimony given before the Senate demon-rum committee, he might decide, that in openness of aim, modesty of expenditure, frankness of method, and honest desire for breadth of view, the Association Against the Prohibition Amendment, Captain Stayton testifying, compared very favorably with the immense secret political machine of the Anti-Saloon League.

Let the country look into their testimony before the committee, their comparative frankness, and the manifest moral and ethical standards of each. This may be worth the effort in order to judge of the fairness and honesty with which each organization presents its contention and the degree of respectability and credibility to which each is entitled.

In any event, the fact remains that the Association Against the Prohibition Amendment has not only gone forward with its undertaking in a manly fashion and effective way, but the further fact obtains that the Anti-Saloon League has lost in prestige and is now rapidly slipping in the estimation of the general public.

THE COLORED MAN'S HARVARD

Mr. FLETCHER. Mr. Speaker, ladies, and gentlemen of the Congress, emancipating the colored man from slavery was not the end but the beginning of our responsibility to the colored race.

If Lincoln was right when he fervently proclaimed that a nation half slave and half free can not long endure, then it is equally true that a nation under a democracy is not secure when some of the people are educated and a great number are handicapped by ignorance.

THE SLAVERY OF IGNORANCE

In this fiercely competitive age of industrialism the untrained man is, in a degree, doomed to be the slave of the man who is trained.

Ignorance being a form of thralldom, then it is scarcely just to the colored people of America to have freed them from physical slavery only to leave them half a century later mentally enslaved by illiteracy.

It is in the spirit of consistency with this reasoning that I, as the Ohio Member of the House Committee on Education, have from the beginning favored legislation to eliminate the technical objections to Federal support of Howard University, established in the District of Columbia for the education of deserving young men and women of the colored race.

MOB VERSUS LAW

In the bill H. R. 8436 now presented to the Members of the National House of Representatives for their consideration we have an opportunity to legalize the wise benevolence which the Federal Government has for a period of 47 years manifested in the support, maintenance, and development within the District of Columbia of the famous educational institution for colored people known as Howard University.

In my student days it was my privilege to represent our college in the State intercollegiate oratorical contest on the subject, "Mob versus law."

BOOKER T. WASHINGTON

To secure statistical material for this oration I wrote to Booker T. Washington, president of the Tuskegee Institute. From that time until his death I had correspondence and many personal interviews with Booker T. Washington, and from him learned many facts concerning the tragic need for providing greater educational opportunities for the colored citizens of the country.

It is impossible to estimate the contribution Booker T. Washington made to the advancement of both the colored and the white races.

Certainly, when the history of this century is written Booker T. Washington will be recorded as one of the immortals.

But without education Booker T. Washington could not have achieved world-famed leadership as the wise example, counselor, and inspirer of the colored people of his generation.

VISITING COLORED SCHOOLS

In connection with my newspaper and platform work I have had an opportunity to investigate the educational advantages provided for the colored people in every State in the Union.

Anyone who takes the trouble to investigate for himself can not help being inspired with a feeling of optimism concerning the increase of educational opportunities being created for colored people everywhere.

The proposition of Federal aid to education as a universal policy is a debatable question. However, in fairness it must be remembered that the bill we are now considering does not propose in this special circumstance to initiate any new policy of Federal aid.

There must not be any misunderstanding on this point. Some of the most bitter opponents of Federal aid as a universal policy are among the most enthusiastic supporters of this bill.

LEGALIZING AN OLD POLICY

The bill before the House merely legalizes a long-established custom which for half a century has been formally approved by both Democratic and Republican Congresses and annually indorsed by both Democratic and Republican Presidents without a single exception.

The passing of this legislation will establish no new precedent, but it will terminate the wasteful and often what in the past has been embittered wrangling over appropriations in support of the university in the District of Columbia for the colored people.

In this colored university there are from 38 States the finest young men and women of the colored race. Thirteen different nations of the world have sent students to Washington to be educated at Howard.

COLORED STUDENTS FROM OHIO

My own State of Ohio is to-day represented in Howard by 19 colored students taking the liberal arts course, 3 are working for a master's degree in education, 3 are taking a course in theology, 3 enrolled for a course in law, 3 medicine, 1 dentistry, 2 pharmacy, making altogether 38 colored young men and women from Ohio now in Howard preparing themselves for leadership among those of their own race.

Those who are not familiar with the great research work being done in Howard University should be interested in knowing that one of the noted colored scientists on the medical staff is acknowledged to be nearer to the discovery of a cure for cancer than any other living scientist.

COLORED MAN SAVED US MILLIONS

Another colored genius in the Howard staff has saved the fruit growers of the United States untold millions of dollars by discovering the cause and cure of fruit blight.

At the hearings before our House Committee on Education I learned from the then president of Howard University, Doctor Durkee, that these two famous colored scientists to whom I

have just referred have refused to accept one cent for their contributions to the health and the wealth of the country.

These facts ought to be a convincing answer to the argument of those who talk against helping the colored youth to get better educational preparation for citizenship.

TO SURVIVE WE MUST SERVE

We can not refuse the colored man his rightful opportunity and hold him back without holding ourselves back, and we can not help the colored man to improve himself without ourselves being improved.

The golden rule is the only formula by which we can get along with one another and survive. We are all in the world together and whether we will or not our interests are mutual and we have to make the best of it. To do that it is essential that we be fair and just one toward the other regardless of religion, nationality, or race.

WHY YOUR HOME TOWN LOOKS LIKE YOU

No race can survive at the expense of another. Several years ago I was invited by the business men of a great and prosperous city to deliver an address on the subject, "Why Your Home Town Looks Like You." Before the banquet I hired a taxicab and drove through different parts of the city on an inspection tour for the purpose of getting for my speech first-hand facts.

To my amazement I discovered that the housing of the colored people of that city was unscientific and deplorable, an unexpected discovery in a city that boastfully advertised its accomplishments as did that particular municipality.

DISEASE KNOWS NO COLOR LINE

When in my speech I mentioned what I had discovered in my brief tour of inspection certain members of my audience resented the remarks and others even went so far as to assure me that I did not understand colored people.

I defended my position by assuring them that bad sanitary environment, extreme poverty, and unscientific housing produce antisocial morals and disease epidemics, and that bad morals and bad health are contagious and know no color line.

About a year and a half later I returned to the same city to address the same organization of business men. A few of the organization's members who had been in my audience on the occasion of my first address did not honor me with their presence on the occasion of my second address.

WHY SOME DID NOT COME TO HEAR THE SECOND SPEECH

A number of those who did not come to hear the second speech had a good excuse for remaining away, for in the meantime they had become permanent residents of the attractive and park-like cemetery in the upkeep and beautification of which the city apparently took more pride than it did in the upkeep and beautification of the stinking, disease-propagating, criminal-producing colored slum that would have been a disgrace to any civilized community.

When it was explained to me that a number of prominent people who had heard my first speech were absent from my second because of a typhoid epidemic which starting in the colored slums and sweeping the city in a pestilence of death, had ignored color lines and killed right and left, it was dramatic evidence that the statement I had made on the occasion of my first visit to their beautiful city and which had offended some was nevertheless a statement of the tragic truth.

ENLIGHTENED SELF-INTEREST

Much of that which is true of a community is also true of the entire Nation. It is to the self-interest of the people of the white race that the people of the colored race have their educational opportunity for self-development and self-advancement.

It is not so much in the spirit of altruism as it is in the spirit of enlightened self-interest that I support this legislation which assures our continued concern in behalf of the welfare of Howard University.

FRIENDLY ATTITUDE OF THE DEMOCRATS

In this extending of a helping hand to our colored brother whose skin, by the mere accident of birth, happens to be of a different pigment from our own, we are, in the words of my distinguished colleague, Mr. O'CONNOR of New York, merely perpetuating a policy long indorsed by the Democratic Party.

During all the years when the Democratic Party was in power it maintained, as did the party of the opposition, a friendly attitude of supporting the annual appropriation for Howard University which has earned its well-deserved national recognition as being worthy of classification with Yale, Princeton, and other class A universities.

COLORED PEOPLE NOW THINK FOR THEMSELVES

The hope of democracy is in the maintenance of an educated citizenry. The uneducated colored voter for the past 50 years has been made the misguided dupe of a political party fetish.

Now educated men and women of character are maintaining their self-respect by refusing to be lined up and voted in a herd by a political boss either white or black.

COLORED POLITICIAN WORST ENEMY OF RACE

To-day the colored men and women with educated brains are doing their own thinking, ignoring party lines, and in the spirit of independence are voting for vital principles and outstanding personalities that give evidence of capacity for statesmanship.

The worse enemy of the colored race is the colored politician. Next to the colored politician the worst enemy of the colored race is the white politician who persuades the colored voter to form the habit of voting a straight ticket even when the candidate is a partisan crook.

EDUCATOR BEST FRIEND OF COLORED PEOPLE

The best friend of the colored race is the educator with a vision.

Howard University at Washington is a laboratory for the discovery and the development of educational leaders who will dedicate their lives to setting the colored race free from the bondage of ignorance.

THE COLORED MAN'S HARVARD

The real emancipation proclamation that insures freedom forever and to freedom adds the hopeful assurance of justice, opportunity, and a place in the sun for the colored race is to be found in the curriculum of institutions like Howard University, the colored man's Harvard.

ERECTING SPECIAL MONUMENT TO NEGRO SOLDIERS IN FRANCE

Mr. UPSHAW. Mr. Speaker, when I was a schoolboy I used to speak on Friday afternoon at Crew Street School, Atlanta, Dawson's plea for wiping out sectional hostility, which contained this beautiful sentence:

> Every man who fell fighting whose conscience told him duty called him won a name that generations yet unborn will honor.

When negro soldiers who were trained at Camp Gordon marched away from my home city I shook hands with many of them and said:

> If you are brave enough to suffer and fight and die for the flag that protects my home, I want to give you an earnest "God bless you," wrapped up in the prayer that you will make brave soldiers of the cross as well as the flag.

Every man, black or white, who offered his life for our country deserves a monument, but let us build such monuments to our defenders, not as white soldiers or black soldiers, not as northern soldiers or southern soldiers, but as American soldiers of our common flag. [Applause.]

This proposition to go outside of the plans and specifications of the Battle Monument Commission, which has spent $3,000,000 to place monuments to all American soldiers in France, and appropriate $30,000 for a special monument to four special regiments of negro soldiers commanded by the gentleman from New York [Mr. FISH] is unfair to the negroes themselves. They did not fight as negroes, they fought as Americans. [Applause.]

For many years many thoughtful negroes have been pleading against discrimination; they have asked to be regarded simply as citizens, but this bill segregates their patriotism and labels their bravery. It proposes, in supposed political friendship for the negro, to build what has been called a "Jim Crow" monument in France. I have heard from no negroes in my section who ask for it; they prefer rather the proud distinction of being called Americans. Let us not discriminate between the defenders of the American flag. [Applause.]

ADDRESS OF GEN. P. C. HARRIS

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend in the RECORD a speech made by former Adjutant General Peter C. Harris, whom the older Members here knew so well and with whom we all had such pleasant and satisfactory relations during the World War. This speech was delivered by General Harris to-day at the Georgia Reunion of Spanish War Veterans. It is both inspiring and informing and well deserves a place here.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by General Harris. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, in accordance with leave granted by the House I here insert an address delivered at the annual encampment of Spanish-American War veterans at Athens, Ga., on July 3, 1926, by Maj. Gen. P. C. Harris, formerly The Adjutant General of the Army. General Harris filled this most

important position during a great crisis in the history of this country, the period of the World War, and he filled it so effectively and so satisfactorily that he received the universal commendation of all those who came in contact with him.

I am indebted to the distinguished gentleman from Georgia [Mr. UPSHAW] for calling my attention to the address of General Harris in time to secure permission to insert it in the RECORD.

The address of General Harris follows:

ADDRESS OF MAJ. GEN. P. C. HARRIS, UNITED STATES ARMY, DELIVERED AT ANNUAL ENCAMPMENT OF SPANISH-AMERICAN WAR VETERANS, ATHENS, GA., JULY 3, 1926

Mr. Chairman, ladies, and gentlemen, when I received the very cordial invitation from my good friend, Doctor Stewart, to address this distinguished and learned assemblage in Woodruff Hall, which he said would seat something like 5,000 people, I experienced a sensation you veterans would call cold feet. I have never spoken to an audience that approached this in number except on one occasion, and then I had the advantage of sitting alone in my office in Washington with a telephone before me, while those who listened to me were in the huge Capitol Theater in New York City. That was before the days of radio broadcasting. For once in my speech making there was a total absence of stage fright. All I had to do was to lean back in my comfortable swivel chair and read my address, which had been prepared and typewritten in advance. Here it is very different with several thousand keen eyes aimed at me and with a hall too large for my untrained voice.

My first impulse was to find some excuse for sending my regrets, but the opportunity to meet and converse with my fellow Georgians and to pay my tribute to fellow Spanish War Veterans proved too alluring to me.

The tendency of our people, old and young, to belittle the Spanish-American War and the hardships and dangers of those who so willingly, even cheerfully, volunteered to serve their country in that war is painful to me and unjust to the veterans as well as to those who made the supreme sacrifice. I will not say that the soldiers of the Civil War, whom we all love and venerate, and the young men who saved this country and civilization in the World War, are the greatest offenders; but I do fear that many of them do not know, or have forgotten, the frightful health conditions in the mobilization camps in the United States and the comparatively heavy battle and other casualties in Cuba, Porto Rico, and the Philippines.

In numbers and in losses on the field of battle the Spanish-American War did not, it is true, compare with the war between the States or the late war, though I doubt if many of my hearers realize that we had more than 300,000 men under arms in 1898, including the Navy.

Even in the World War, with all the improvements that have been made in recent years in camp sanitation and in the care of the sick and wounded, our deaths from disease exceeded the battle deaths, including the killed in actions and those who died from wounds.

In the war with Spain the deaths from disease, particularly typhoid fever, were appalling; and the sickness was so widespread and severe as to undermine the health of vast numbers, but I am proud to say they did not destroy our morale or lessen our determination to win the war, and you know the result.

It is difficult to make a comparison of the death rates in the Spanish-American War with those in the World War, but without quoting a lot of statistics I will say, and no doubt it will surprise many of you, that taking into consideration the difference in the average length of service of the soldiers in the two wars, the annual ratio per thousand was actually greater in the earlier war. This includes deaths from all causes.

The Spanish-American War was far from being a pleasant outing or a frolic, as some are wont to insinuate. All honor to the men who served their country so faithfully and loyally in this short but glorious and decisive war.

While our soldiers and sailors suffered and died in 1898 and 1899 it is a comfort to know that the knowledge and experience gained by our medical officers, regular and volunteer, brought about the practical eradication of two terrible diseases that annually claimed thousands, if not hundreds of thousands, of victims on this continent alone, so our soldiers did not suffer and die in vain in Cuba and in the fever-stricken camps at home.

During the World War only 287 died from typhoid fever, which was responsible for most of our deaths in the Army in 1898. If the rates had been the same as in the Spanish-American War, 65,313 would have succumbed to this disease in the World War. The military occupation of Cuba during and after the war gave us an opportunity to make a thorough study of yellow fever and to enforce sanitary measures that not only freed that island of this dreaded disease but pointed the way to drive it from Panama and other Central and South American countries.

Following the plans and methods developed by him in his great fever campaign in Habana, Colonel Gorgas, later Surgeon General of the Army, was able to make work on the Panama Canal safe from yellow fever, which had thwarted all previous attempts to construct this highly important waterway connecting the Atlantic and Pacific Oceans.

So much misinformation about the origin or cause of our war with Spain has appeared in print of late from authors prone to attribute unworthy motives to governments as well as individuals, that some reference to conditions in Cuba before the war may not be amiss.

Misgovernment under successive captains general had caused rebellion after rebellion among the inhabitants of Cuba which endangered American property and other interests there. Moreover, the cruel and almost inhuman warfare waged against the Cubans greatly inflamed the American people, who very naturally sympathized with their neighbors struggling for independence and to establish a republican form of government.

As far back as December, 1896, President Cleveland, in his annual message to Congress, said: "It can not be reasonably assumed that the hitherto expectant attitude of the United States will be indefinitely maintained. While we are anxious to accord all due respect to the sovereignty of Spain, we can not view the pending conflict in all its features and properly apprehend our inevitably close relation to it and its possible results without considering that by the course of events we may be drawn into such an unusual and unprecedented condition as will fix a limit to our patience waiting for Spain to end the contest, either alone in her own way or with our friendly cooperation."

The following year, 1897, President McKinley warned Spain that if the wretched conditions in Cuba did not improve our Government would be forced to intervene for the protection of its own interests and for the sake of suffering humanity.

General Weyler, who had been very active and cruelly severe in the campaign to pacify the Cubans, was succeeded as governor and captain general by General Blanco, but his milder tactics did not restore order or improve appreciably the relations between the United States and Spain.

Early in 1898 our diplomatic and consular officers persuaded President McKinley that a friendly exchange of visits by naval vessels of the two countries would have a good effect, and as a result the battleship *Maine* was sent to Habana, Cuba. The plan had been approved by the Spanish Government, and the arrival of our battleship in Habana Harbor occasioned no hostile or unfriendly demonstration of any kind. Suddenly at 9.40 p. m. on the 15th day of February, 1898, a terrible explosion or a series of explosions destroyed the *Maine*, and 2 officers and 264 sailors perished.

A naval court of inquiry was at once convened with captain, afterwards Admiral Sampson, as president, and after a long, painstaking, and thorough investigation, aided by a strong corps of expert divers and wreckers, discovered unmistakable evidence of an external explosion; to be more explicit, they found that keel plates had been bent upward in the form of an inverted V, which could not have been caused by an explosion within the ship.

Forgetting or ignoring the unanimous report of the naval court of inquiry some of our cynical authors, or self-styled historians, assert that an explosion of powder in her magazines sunk the *Maine*, and intimate that our Government knew this but nevertheless jumped at the excuse or pretext to declare war.

All agree that there was more than one report, and that there were interior explosions, but the naval court of inquiry and naval experts generally declare that an external explosion and not spontaneous combustion, detonated or set off the powder in the ship's magazines.

No evidence has ever been obtained to connect the Spanish Government or any offical with the destruction of the *Maine*, but I was told by General Brooke, one of our Governor Generals of Cuba, that his secret-service agents learned enough to convince him that Spanish residents of Habana were responsible for or at any rate knew in advance of the plans to sink the battleship.

The report of the court of inquiry was approved by the President and transmitted to Congress March 28, 1898.

In a message to Congress on April 11, 1898, President McKinley said, "In the name of humanity, in the name of civilization, in behalf of endangered American interests, which give us the right and duty to speak and act, the war in Cuba must stop."

On the 18th of April Congress declared the Cuban people free and independent and authorized the President to employ the land and naval forces of the United States to compel the Government of Spain to relinquish its authority and government in the island. This was followed on April 25 with the formal declaration of war.

The maximum authorized enlisted strength of the Regular Army of the United States in 1898, before the declaration of war, was 25,000, or approximately 1 soldier for every 3,000 inhabitants. The commissioned officers of the active list numbered 2,149.

The regimental and battalion commanders as well as many of the company commanders were veterans of the Civil War. The younger officers, with few exceptions, were graduates of the United States Military Academy.

The splendid physique and military bearing of our soldiers—most of whom had served more than one enlistment in the Regular Army—elicited the admiration of all foreign military attachés and war correspondents accompanying our troops.

The companies were small, averaging about 55 men each, and highly trained in both close and extended order movements.

Due to our defective organization and to the policy of scattering the troops in small posts throughout the several States, few officers had commanded a force larger than a battalion and none, except at an occasional maneuver, a brigade or division.

Mistakes in supply and command of the newly organized brigades, divisions, and corps were inevitable, but the companies of the Regular Army were without question the best disciplined and trained of any army ever assembled in this or probably any other country, and the endurance and fighting qualities of the men were superb, as was clearly demonstrated in the Santiago campaign.

The regular Infantry was ordered, April 15, to New Orleans, Mobile, and Tampa, and the Cavalry and Artillery to Chickamauga Park. Some of the Infantry was later diverted to Chickamauga Park, and on May 10 the Cavalry and Artillery were ordered from that place to Tampa, preparatory to a movement to Cuba.

No provision had been made at any of these places for supplying the troops after the exhaustion of rations, forage, medical stores, and other articles taken with them from their former stations. One lone quartermaster with a single clerk reached Tampa with my regiment, the Thirteenth Infantry. After renting an office he proceeded to employ all the men and boys he could find, and began the organization of a force to handle the vast business that was to fall upon the quartermaster's department in Tampa and vicinity. None of the new employees had ever seen a requisition, invoice, bill of lading, or any other quartermaster paper, and few of them had any business experience whatever.

In response to the urgent call from the troops, depot and purchasing quartermasters, commissaries, medical and other supply officers all over the eastern half of the United States proceeded to ship rations, forage, tentage, equipment ammunition, medical stores, and every known article that an army might need, to Tampa.

They came by express and fast freight in carload lots, special trains being put on to keep the supplies moving on Tampa. It was like pouring water in a funnel faster than it could run out at the little end. The railroads could not lay additional sidings fast enough to keep the loaded freight and express cars off the main line. It is said that there were at one time 9 miles of these cars at Tampa and Port Tampa waiting to be unloaded.

Things were in such a hopeless state of confusion that quartermasters and their assistants were unable to connect the bills of lading or manifests with the cars, or with the invoices showing the contents of the packages in the cars.

Col. Charles F. Humphrey, later Quartermaster General of the Army, an officer of unusual energy and ability, arrived at Tampa about this time and was informed by the quartermaster in charge of the yards that the cars could not be unloaded without the manifests. His terse reply was, "Damn the manifests; get some axes," and the troops soon received the much-needed supplies.

The organized militia, now called National Guard, included in its ranks patriotic young men of the highest character and standing in their respective communities. They were the flower of young American manhood. Many of the regiments and companies were splendidly equipped and trained, but there was not that uniformity which now prevails in the National Guard. All were, however, imbued with a high sense of honor and duty to their country.

The organized militia had not, in 1898, taken the dual oath of enlistment now required by law of the National Guard, and many of our recognized authorities on constitutional law held that it was not subject to call by the President for service outside of the United States. The men were ready and eager to do their part, and when a call for volunteers was made they enlisted with enthusiasm and promptitude, be it ever said to their credit. The War Department very wisely permitted the organizations to volunteer as units, so the men went to the mobilization camps under their own officers, and the regiments, battalions, and companies retained their State designation or name.

To review even briefly the military and naval operations in Cuba, Porto Rico, and the Philippines would require more time than is at my disposal, but in justice to my old regiment, the Thirteenth Infantry, and other Regular Army regiments, I wish to remind you that the Rough Riders were not the only American troops in Cuba, as most of our school histories would lead one to believe. Some of these histories do refer to a negro regiment of Regulars in the Santiago campaign, but I have never found my own or any other regiment, except the Rough Riders, mentioned by name in them.

The Rough Riders did not capture San Juan Hill or El Caney, an important intrenched town on our right flank. With other regiments of Gen. Joseph Wheeler's Cavalry division, they did take what was known as Kettle Hill and later pushed forward with energy against the main intrenchments of the Spanish positions. I have no criticism to make of the part they played in the battle, but they were just one regiment in the Fifth Army Corps, composed of two Infantry divisions, one separate brigade of Infantry, and a Cavalry division, all Regular Army organizations, except the Rough Riders and the Seventy-first New York Infantry. Later other troops, including several regiments of the old Organized Militia, came up, but they did not participate in the fighting around Santiago de Cuba.

There were present for duty in the Fifth Army Corps on June 30, the day before the general attack was launched, 858 officers and 17,358 enlisted men. Deducting troops detached to protect the base, line of communications, and flanks, General Shafter estimated that there were about 12,000 men on the firing line on July 1. The casualties in the three days' fighting around Santiago (July 1–3) amounted to 22 officers and 222 enlisted men killed, 93 officers and 1,288 enlisted men wounded.

In his official report dated July 4, 1898, Lieut. Col. Theodore Roosevelt, who succeeded Col. Leonard Wood in command of the First United States Volunteer Cavalry, commonly known as the "Rough Riders," states "We went into the fight about 490 strong; 86 were killed or wounded, and there are about half a dozen missing."

Capt. William Auman, who fell in command of my regiment, the Thirteenth United States Infantry, after the lieutenant colonel and major had been wounded—the colonel being absent sick—says in his official report dated July 6, 1898, "The casualties in the regiment during this time were 2 officers killed, 5 wounded, 16 enlisted men killed, and 85 wounded." The total casualties of the Thirteenth Infantry were thus 108, and the strength of the regiment did not exceed 425 officers and enlisted men. Our casualties were actually greater in number than those of the First United States Volunteer Cavalry, and our strength was less, so in percentage our killed and wounded considerably exceeded theirs.

A study of these statistics will, I am sure, convince anyone that the Rough Riders were not the "whole cheese" in the fighting around Santiago de Cuba, though I must admit that the other regiments of the Fifty Army Corps do not make even a grease spot on the pages of histories taught in most of our schools and colleges.

There is just one episode, not widely known, in the naval operations in Manila Bay, to which I will invite your attention, as showing the feeling of Germany toward America, even as far back as 1898. It also supports the saying that "blood is thicker than water" and shows the metal of which Admiral Dewey was made.

After the destruction of the Spanish fleet in Manila Bay, Admiral Dewey established what might be termed a pacific blockade. He wished to interfere as little as possible with shipping and the movements of foreign naval vessels. All were permitted to come and go at will during the daytime, but vessels arriving or sailing out at night were required to report to the patrol officer.

German cruisers not only deliberately ignored these instructions but interfered along the coast of Luzon with the military operations of the Filipino insurgents, who were being encouraged, and in some cases furnished with arms and ammunition, by Admiral Dewey.

The German admiral's attention was at first politely called to the action of his cruiser commanders, and later in more emphatic language, as the infraction of the regulations continued.

One day the German admiral, Von Deitrick, called upon Sir Charles Chichester, in command of the British fleet, and asked "What would your British ships do in case we should interfere in the American attack on Manila?" To which Sir Charles replied, "Well, ask Admiral Dewey."

Soon afterwards Von Deitrick protested to Admiral Dewey against the order requiring his ships to report to the patrol officer. Admiral Dewey politely, but firmly, informed him: "That is my order. If it is disobeyed, it means war, and I am prepared to enforce it."

On August 13, when Admiral Dewey was preparing to begin the bombardment of the fortified portion of the city of Manila, the British naval vessels, accompanied by the Japanese, steamed out and took up a position between the American ships and those of foreign nations at anchor in the bay, leaving no doubt of his meaning when Sir Charles Chichester told Von Deitrick to ask Admiral Dewey what he would do if the Germans attempted to interfere.

Needless to say there was no interference by the Germans.

A NEW PLAN FOR EXPLOITING THE PHILIPPINES

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial that appeared in the Philippine Republic, an editorial of about 700 words.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. DENISON. What is it about?

Mr. SCHAFER. The Philippine question.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, to-morrow is the Fourth of July, our national independence day, and the American people will celebrate the occasion from ocean to ocean.

Is this not a good occasion for us, in our ecstasy and thankfulness, to think also of other peoples who likewise desire to have their freedom and independence.

I have particular reference to the 12,000,000 men, women, and children of the Philippine Islands. It is our duty and within our power to give them their liberty. They were officially and solemnly promised their independence, and the time when they should have received it has come and passed. Yet they have not their freedom. In my opinion, the American Nation should carry out its pledge to these people, and not dillydally any longer.

The United States is to-day the greatest nation on earth. But let it also be the most righteous and just nation on earth. Let it be the first to keep its solemn agreements and promises to other peoples. Liberty is just as dear to the Filipinos as it is to us.

Lincoln said: "Those who deny freedom to others deserve it not themselves, and under a just God can not long retain it." Let us do by the Filipinos what Lincoln would do were he alive and President of these United States to-day. I know what he would do, and I think everyone else does.

It was the United States that went before the world in the European War as the champion of the principle of self-determination, and it was the United States of America that was founded on the principle that governments derive their just powers from the consent of the governed.

It hurts my pride as an American citizen to admit it, but it is a fact that not only have we failed to keep our pledged word to the Filipino people but there is an organized conspiracy being promoted by the great financial interests of the United States to confiscate their vast public lands, and with it what little of the local self-government that they have remaining in their hands after the ruthless five-year administration of Gov. Gen. Leonard Wood.

The opponents of independence have within only the last 30 days shifted their fight by demanding that the Philippine Archipelago be dismembered through the placing of the so-called Moro Provinces under a separate government. I wonder if the American people have the slightest idea of the motives, purposes, and effect of this proposed program? I am somewhat familiar with this scheme through having served on the Committee on Insular Affairs in the previous Congress, and I have no hesitancy in branding it as diabolical and outrageous, wholly unworthy of the United States.

Because it thoroughly uncovers the whole proposed grab, and because it exactly represents my own views and convictions on the subject, I herewith submit an editorial from the June, 1926, issue of The Philippine Republic, a monthly magazine published here in Washington, D. C.:

THE "GRAB" BILL

In the Bacon bill, introduced June 11, the advocates of Philippine exploitation have finally revealed their full hand.

This measure for "the final solution of the Philippine problem" sets forth a scheme by which American capitalists would ultimately fall heir to 60 per cent of the richest Philippine public lands remaining open for entry.

The bill would remove the best and most promising area of the Philippine Archipelago, namely the islands of Mindanao, Basilan, Palawan, and those constituting the Sulu Archipelago, from the jurisdiction of the present Philippine government and confer upon this Mohammedan and pagan territory a separate and distinct form of administration under the authority of the United States.

Then if independence should ever be granted the Christian Filipinos, their Philippine Republic would have to be made up of the dregs.

It is significant in connection with the introduction of the Bacon bill that just about a year ago the United States Department of Commerce made public a report entitled "Possibilities for Para Rubber Production in the Philippine Islands." The Republic for September, 1925, contained a full account of that report, which included a map of the Philippines marked to show the areas that the Government investigators recommended as most suitable for rubber production.

Every spot thus marked on that map is within the domain that would be withdrawn from the jurisdiction of the Philippine government under the provisions of the Bacon bill.

The proposed grab is justified by its proponents on the ground that the sole motive is "to protect these defenseless and unarmed, though proud and self-respecting, Moros."

Under the guise of this noble and lofty pronouncement, a territory embracing 60 per cent of the total public lands of the Philippines is to be withdrawn for the "protection" of the Moros and pagans, numbering around 800,000 and composing but 8 per cent of the population of the Philippines, while the remaining 40 per cent of the public lands is to be left for the 10,000,000 Christian Filipinos, who compose 92 per cent of the population. And none of the 40 per cent is recommended by the United States Department of Commerce as being suitable for rubber! The Baconian formula for penalizing Christianity!

The Moros and Christian Filipinos are not of different races, but are of one race and one blood—Malayan. They are of different religions simply because Spain some 300 years ago conquered and Christianized the northern Filipinos, but did not succeed in conquering the southerners.

Nor are the Moros a unit against independence, as represented. This will be shown by the statements of leading Moros themselves, to appear in subsequent issues of this magazine.

And the underlying incentive for the proposed division of the Philippines is not, of course, to really preserve any rights or any land for the Moros or pagans, but to get this great empire, one of the richest in undeveloped natural resources in the world, in some status that will permit its unlimited exploitation by American capitalists.

So far as protecting the land for the Moros is concerned, the government of their Christian brothers is doing that right now by limiting the acreage of public land that can be acquired by a single corporation to 2,500 acres, the amount specified by law. It was to nullify and set aside this very protection of the land in the Moro country that the Bacon bill was framed. The Filipino people understand this perfectly well, which explains why they are so incensed over the Bacon bill, as indicated in recent press dispatches from Manila.

But it must be admitted that Mr. Bacon is fathering a very clever plan for separating the Filipino people from their birthright. All of the opponents of Philippine independence may be expected to rally to his support. Monstrously unjust and uncalled for though it is, yet we believe that the Bacon plan is the one the Filipino people will have to defeat if they are ever to realize their vision of a Republic embracing the entire Philippine Archipelago.

THE M'FADDEN BILL

Mr. WINGO. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WINGO. Mr. Speaker, many of the Members have asked me to advise them of the status of H. R. 2, the so-called McFadden bill, and if the House will give me its attention, I shall make a statement of what I understand to be the situation.

The committee of conference have not been able to arrive at a complete agreement on this bill because the Senate conferees refuse to even confer upon the one point left in disagreement, and in addition thereto refuse to submit this disputed point to the respective Houses for settlement under the parliamentary rules that govern conferences. As a matter of fact the conference committee has not met for several days.

As soon as the bill was sent to conference the second time the House conferees united in order to make every possible effort to get a complete agreement. When the Senate conferees appeared they took the position that they would not confer with us upon those provisions of the bill which deal with branch banking. Before the conferees upon the part of the Senate left the conference room the House conferees urged that the Senate conferees confer among themselves and see if they could not reach a basis for further conference. They did not come back to conference, but wrote a letter to the chairman of the House conferees, submitting a memorandum for, as they suggested, our "informal consideration." The first paragraph of this memorandum reads as follows:

Apart from those provisions of the bill which deal with branch banking we are ready for conference on every point upon which the two Houses are in disagreement.

In other words, the Senate conferees stated that they were not willing to confer upon the provisions of the bill which constituted the real differences between the two Houses—that is, branch banking—and upon which question the House conferees were bound by positive instructions of the House, which instructions were in explicit language to adhere to the position of the House upon all the provisions of the House bill dealing with branch banking. This interpretation the Senate conferees themselves placed upon their position, because paragraph 4 of their memorandum is as follows:

In other words, we are prepared either to recede or confer on every point in controversy except the point last mentioned. But as the House conferees are bound by instructions which preclude them from receding upon this point, we see no way to prevent the disastrous failure of the legislation.

The anxiety of the House conferees to compose our differences was so great that we took up the McFadden bill section by section, and the amendments of the Senate thereto, and reached a complete agreement, which represented the ultimate concession that the House conferees were willing to make and as far as we felt the House would approve, and the chairman of the House conferees by direction submitted the proposed compromise in writing to the chairman of the Senate conferees, with a letter attached thereto. The letter and the memorandum

setting out in detail the compromise proposal offered by the House conferees reads as follows:

JUNE 26, 1926.

Hon. G. W. PEPPER,
United States Senate, Washington, D. C.

DEAR SENATOR: I have your letter inclosing a signed statement by the Senate conferees on H. R. 2.

I have submitted it to the House conferees for informal consideration, as suggested by you, and they direct me to state that they are willing to confer with the Senate conferees at any time on the bill under the instructions of the House.

They fear that the statement of the Senate conferees in the first two lines of paragraph 4, to wit: "In other words, we are prepared either to recede or confer on every point in controversy except the point last mentioned," may be interpreted to the effect that you will recede or confer on everything except the real differences between the two Houses which we are anxious to compose. In other words, they fear that your statement may be interpreted as a refusal even to confer on the major points of difference of the House instructions, which are as follows:

"That the conferees on the part of the House to be appointed in respect to H. R. 2 be instructed to adhere to the provisions of said bill relating to branch banking as they appear in said bill as it passed the House of Representatives."

They feel that your statement taken as a whole means that no further conference is to be had until the House conferees as a condition precedent ask the House to rescind said instructions. The House conferees are not willing to abandon their efforts to compose in conference the differences between the two Houses, and they are willing and anxious to meet the Senate conferees upon the whole question under the instructions of the House and therefore suggest a meeting for Monday morning, June 28, at 11 o'clock, at which time we shall be glad to discuss our differences frankly and freely.

Yours sincerely,

L. T. MCFADDEN.

H. R. 2 IN CONFERENCE

Memorandum submitted by the conferees on the part of the House for the consideration of the conferees on the part of the Senate

1. We herewith submit for your convenience in considering the subject before the conference three marked copies of H. R. 2, as passed by the Senate, indicating the changes hereafter referred to.

2. The House conferees will recede on amendments 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26, with an amendment as follows (on page 13): "(b) If a State bank is hereafter converted into or consolidated with a national banking association, or if two or more national banking associations are consolidated, such converted or consolidated association may retain and operate such branches, if any, as were in lawful operation by any of said banks at the date of the approval of this act"; (on page 14) "(c)" in line 2, after the word "are," insert "at the date of the approval of this act, and"; (on page 14) beginning with line 15, strike out the contiguous territory provisions applying to national banks; 27, 28, 29, and 30, with an amendment as follows: Page 21, line 10, after the word "situated," strike out the balance of the paragraph containing the following language: "The Federal Reserve Board shall have the discretionary power to define the limits of any such municipal unit in such a way as to include only the territory of a city, town, or village the corporate limits of which at some point coincide with the corporate limits of the city or town in which the parent bank is situated"; 31, 32, 33, 34, 36, 37, and 38, with an amendment as follows: On page 34, line 12, strike out lines 12, 13, and 14, and insert the following: "Second. To have succession for a period of 40 years from its organization unless it is sooner dissolved by an act of Congress or unless its franchise becomes forfeited by some violation of law"; also 39.

3. The House conferees suggest that the Senate conferees recede on amendments Nos. 1, 13, 14, 15, 16, and 35.

4. The amendment made to No. 26 (b) provides that if a State bank is hereafter converted into or consolidated with a national banking association, or if two or more national banking associations are consolidated, they may retain and operate such branches, if any, as were in lawful operation by any of said banks at the date of the approval of this act, but confines such acts in the future to the limits of the city, town, or village in which the parent bank is located.

5. Section (c) of amendment 26 is the Hull amendment section, but under the changes that have been made in the several branch banking features as enumerated by these several suggested amendments the Hull amendment will be made to apply to the future operations of national banks only, confining the provisions of this bill to the present 22 States which permit branch banking, leaving a determination in those States that do not now permit branch banking to be dealt with if and when any State changes its laws. We desire particularly to call your attention to the fact that the Hull amendments, under this plan, will not influence or attempt to influence the policy of the States in regard to branch banking, nor does it put any restriction on membership in the Federal reserve system of State banks with existing branches.

6. The striking out of amendment 26 (c) in connection with the striking out of lines 10 to 15, page 21, of amendment 30, will prohibit both national and State member banks from establishing branches in territory contiguous to the city in which the parent bank is located.

7. Amendment 38 simply changes the word "twenty" to "forty" in the present law, which means an extension of the charter of the Federal reserve system to 1954.

8. This proposal taken as a whole suggests a division of the Hull amendments, permitting the entire benefits of this bill to flow to the national banks in the 22 States where branch banking by State banks is now permitted. It takes no rights away from State banks with branches, preserves the consolidation and conversion features of the bill, permits branch banking in cities of 25,000 population and over, and confines branch banking in the future to the boundaries of the city, town, or village as strictly defined by law, and insures to the national banks the full benefits of the many other provisions in this bill that are not now in dispute; extends the charter of the Federal reserve system to the year 1954.

This compromise proposal of the House conferees was agreed to unanimously by each one of the House conferees, having been worked out by them with the assistance of Mr. Collins, the deputy comptroller, who was present with us, and stated that it was satisfactory. I assumed, of course, that he was acting in behalf of the comptroller.

It has been suggested that the compromise proposal that we thus offered technically violated the instructions of the House, because it did make concessions to the Senate and because we accepted many of the Senate amendments effecting branch banking, but the House conferees felt that if we could get a complete agreement on the basis of our compromise proposal we could by candid statement of the facts justify ourselves before the House.

With this memorandum we submitted to the Senate a complete bill marked as it would be if the changes suggested in the memorandum were accepted. If you will take a copy of the bill with the Senate amendments printed therein and follow the memorandum of the House conferees, you will readily see that what we did was to authorize the national banks to have branches in all those States where now by State law the State banks may have branches. In other words, we sought to solve the present problem of branch banking by authorizing the national banks to meet the existing competition of State banks in that regard. As to the other States, where at the present time under State law State banks are not permitted to have branches we left the present restriction on national banks. That is, on the question of branch banking we gave the national banks complete relief on their present problem and left to future legislative action the solution of such problems as may arise by reason of changes that may take place hereafter in State laws.

It will also be noted that the proposal of the House conferees yielded to the Senate upon the question of State member banks of the Federal reserve system by accepting the Senate amendment covering this question, with one slight change to conform with another agreed change in the bill, with which change the Senators had indicated their agremeent.

Mr. SNELL. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. SNELL. It has been rumored about that the conferees were in entire accord as to the main part of this bill, which was to give extension to the life of the system. If that is so, why could not the conferees have agreed to that and let the other matter go over until the next session?

Mr. WINGO. I do not know what the gentleman refers to. The life of the system. What system?

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. SNELL. The Federal reserve system.

Mr. WINGO. Oh, I understand the gentleman's question now. He means the extension of the charter of the Federal reserve banks. By reference to the compromise proposal of the House the gentleman will see that the House conferees' plan provided for a 40-year charter for the Federal reserve banks, which was acceptable to the Senate conferees.

The gentleman's suggestion that we cut out all the other provisions of the bill and simply enact that single provision is not possible under the rules of the House governing conferees, as the gentleman from New York, the chairman of the Rules Committee, well knows; but if the compromise proposal of the House conferees had been accepted, the Federal-reserve provi-

sion would have been taken care of in a manner agreed upon beyond any question.

But to resume a detailed statement of the facts. The chairman of the Senate conferees replied to the compromise proposal of the House conferees in a letter dated June 29, in which the Senate conferees specifically stated—I read now from Senator PEPPER's letter this paragraph:

> We are prepared to accede to all the proposals indicated in your memorandum except the suggested change in (c) of the Senate amendment No. 26.

In the same letter they made the suggestion that we unite in reporting in favor of the passage of the bill with all reference to branch banking stricken out. In their letter they referred to this proposal as one emanating from the House conferees. The basis for this suggestion was that in one of the prior meetings of the conferees one of the House conferees had suggested that we do this, but at once the other conferees objected and in addition thereto directed attention to the fact that such a plan was not possible, either under the instructions of the House or the rules of the House. The instructions of the House were to adhere to all the branch-bank provisions of the bill, not to eliminate them; and under the rules of the House we could not eliminate those provisions of the bill affecting branch banking upon which the two Houses were not in disagreement.

That such a situation existed is evidenced by the fact that when the prior report was before the House one of the grounds upon which the Speaker sustained points of order against the report was this very ground. The point of order was made by the gentleman from Illinois [Mr. CHINDBLOM] that the conferees had changed one of the branch-banking provisions of the bill about which there was no controversy between the two Houses. As a matter of fact, the proposal was not that we cut out all the branch-banking features and pass the rest of the bill, but the gentleman from Illinois [Mr. KING], one of the House conferees, had suggested we eliminate not only all the branch-banking features of the McFadden bill, but eliminate all the Senate amendments, and simply pass the McFadden bill as it passed the House without the branch-banking provisions.

This misunderstanding of this proposal was immediately brought to the attention of one of the Senate conferees, who was the only one of the Senate conferees that ever came back to the conference room. The chairman of the House conferees, Mr. MCFADDEN, on June 29 immediately wrote Senator PEPPER, the chairman of the Senate conferees, a letter directing attention to the futility of the plan suggested and respectfully urged the Senate conferees to submit to the Senate for its approval or disapproval the proposal which the House conferees, with the approval of the Deputy Comptroller, had unanimously submitted to them.

The Senate conferees did not come back to the conference room, but their chairman wrote another note to the House conferees declining to submit our proposal to the Senate. He again referred to the suggestion of eliminating all other provisions of the bill notwithstanding the fact that they had been fully advised that such proposal was futile and could not be carried out even if the House conferees had unanimously agreed thereto. The House conferees had relied not only on their own judgment as to the parliamentary situation, but some of the House conferees have discussed it with the House parliamentarian and the Speaker of the House, and were advised that under the rules of the House such plan was subject to a point of order.

On June 30 the chairman of the House conferees again wrote a note to Senator PEPPER, again directing his attention to the futility of such a course, and concluded his letter with the following paragraph:

> The only chance we see to prevent failure of this legislation is for you to submit to the Senate the compromise proposal of the House conferees, which covers the entire subject of the bill, including the branch-banking provisions, modified Hull amendment, and all Senate amendments. In other words, such a modification of the Senate amendments to the entire bill as will bring the two Houses together on all disputed points.

The Senate conferees were never back in the conference room, though on yesterday, July 2, we got Senator GLASS back in conference, and we again urged that our proposal be submitted to the respective vote of the two Houses, but the Senator would not agree to submitting the matter to the Senate, but insisted that the House conferees take the matter back to the House under some supposed plan which he contended the House leaders had agreed to or suggested. I took the position that the House conferees represented the House, and urged that the other Senate conferees be brought in and a full conference be had on a last effort to compose our differences. This suggestion was not accepted.

The House conferees then waited on the House leader, Mr. TILSON, who denied that he had made any suggestion or had reached any agreement with the Senate conferees, and stated positively that the matter was in the hands of the House conferees.

As a last effort I suggested to the House conferees and the House parliamentarian a special rule which would waive the parliamentary situation requiring the Senate to act first, and let the House vote under a plan that would have submitted to the judgment of the House the one single point left in difference—that is, the change in subsection (c) to Senate amendment No. 26 made by the House conferees' proposal—which was the one thing to which the Senate conferees objected. My plan contemplated that if the House indorsed the complete plan that the Senate would vote upon the same, but if the House rejected the indicated change in said subsection (c) then a complete agreement would be reached. I abandoned my efforts along this line for two reasons. In the first place, in discussing the proposed plan with Members upon both sides I was met with the indignant suggestion that they did not desire the House conferees to act under the coercion of a threat that the Senate conferees would go over the head of the House conferees and deal with the House leaders, nor were the Members willing to contravene the rules of the two Houses governing conferences by having the House act in point of time contrary to the rule.

In other words, they insisted that the conference take its regular course and the Senate act as the rules provide.

Another reason why I abandoned my efforts along this line was because the chairman of the committee showed me a note he had received from one of the Senate conferees, in which he said he "understood" the agreement would be that the House would vote as I have indicated, and if it insisted upon the entire proposal as submitted to the House conferees and refused to eliminate the amendment to subsection (c), to which the Senators objected, then no further action would be contemplated by the Senate, but that we would go back into conference.

In other words, the Senator's "understanding" was that we would play the game of heads the Senate wins, tails the House loses. My efforts to work out this plan, and the tentative agreement I had was with the House conferees and not with the Senator, and as soon as the gentleman from Pennsylvania showed me the note, a copy of which I do not have or I should read it to you. I immediately directed his attention to the facts, including the fact that the plan contemplated no such thing as indicated by the Senator's note.

I then realized the futility of trying out the plan I had tentatively suggested, and advised my colleagues on the House conference committee that I would make no further efforts to compose our differences, but would let the matter rest on the proposal which the House conferees as a unit had submitted to the Senate conferees, and which I felt under the circumstances should be submitted to both Houses as the rules provide and let the two Houses settle the dispute.

I have already set out the details of the compromise proposal, and I wish to stress the fact that the three House conferees were united upon this proposal, and further that this proposal was approved by the Deputy Comptroller of the Currency, who was present when we framed it. Now my two associate conferees on the part of the House are present here, and I will ask if I have accurately stated the situation? There being no dissent I assume my statement is correct.

I regret the failure to get action on this bill, but I feel sure that no unprejudiced, fair-minded man can or will blame your House conferees for the failure. I feel that the blame for the killing of the McFadden bill, the blame for having no restriction upon branch banking, the blame for failing to renew the charter of the Federal reserve banks, can be placed squarely at the door of one man who even refused to confer upon the only single point which was left in disagreement, and by further refusing to submit the matter to the Senate and let the Senate consider the proposal upon which all the House conferees were united.

Mr. KING. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. KING. The gentleman referred to is not a Member of this House?

Mr. WINGO. Oh, the gentleman referred to is not a Member of this House. He operates officially at the other end of the Capitol. Sometimes unofficially he comes over here and confers with our House leaders.

Mr. ABERNETHY. Will the gentleman yield for a brief question?

Mr. WINGO. Yes

Mr. ABERNETHY. I understand the gentleman to understand there will be no banking legislation at this session?

Mr. WINGO. I think that is obvious. This session is to adjourn in 24 minutes, and as the Senate conferees have not met with us for several days, and even if they were to meet with us I fear they will stand pat on their position and insist upon their own proposal, the proposal which they know, and which everyone familiar with the rules knows, would be killed upon a point of order in this House.

I shall not comment on the purpose of one who will insist on such a course, but I think it is fair to assume that his obvious purpose is to kill the bill unless he can have his way.

Mr. ABERNETHY. The matter will remain in status quo, will it?

Mr. WINGO. It will remain in status quo, and I sincerely hope that when the next session convenes and the weather cools off, we can get together and agree on some plan by which we can have this legislation. I have exhausted all my efforts, and I feel like the House conferees are not to blame, but I do feel that the failure to enact the legislation rests squarely upon the Senate conferees, who would not agree upon such a modification of the Senate amendments as would be acceptable to the House, nor would they submit to the Senate the House conferees' proposal which would have brought about complete agreement.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who informed the House of Representatives that the President has approved the following House bills and joint resolutions:

On June 17, 1926:

H. R. 7906. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 8815. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 9966. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

On June 18, 1926:

H. R. 3862. An act to provide for the storage of the waters of the Pecos River;

H. R. 9210. An act to amend section 1 of the act of Congress of June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes"; and

H. R. 12203. An act granting the consent of Congress for the construction of a bridge across that part of the Mississippi River known as Devils Chute, between Picayune Island and Devils Island, Alexander County, Ill.

On June 19, 1926:

H. J. Res. 157. Joint resolution authorizing and directing the Secretary of War to accept and install a tablet commemorating the designation of May 30 of each year as Memorial Day by General Order No. 11, issued by Gen. John A. Logan as commander in chief of the Grand Army of the Republic.

On June 21, 1926:

H. R. 4810. An act granting and relinquishing title to certain lands in the State of Washington to the American Board of Commissioners for Foreign Missions, and for other purposes.

On June 19, 1926:

H. R. 11896. An act granting the consent of Congress to the county of Cass, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Boy River in said State; and

H. R. 12168. An act granting the consent of Congress to the Pittsburgh, Fort Wayne & Chicago Railway Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Grand Calumet River.

On June 22, 1926:

H. R. 9019. An act for the relief of Alling R. Maish;

H. R. 10611. An act to change the time of holding court at Elizabeth City and at Wilson, N. C.;

H. R. 11354. An act to change the time of holding court at Raleigh, N. C.;

H. R. 7669. An act to provide home care for dependent children in the District of Columbia;

H. R. 9504. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

H. R. 8034. An act to authorize the destruction of paid United States checks; and

H. R. 11355. An act to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy.

On June 24, 1926:

H. R. 9690. An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith; and

H. R. 11870. An act for the relief of certain officers of the Air Service of the United States Army on account of funds expended by them in connection with the American round-the-world flight.

On June 25, 1926:

H. R. 537. An act for the relief of A. B. Ewing; and

H. R. 7152. An act for the relief of Lilly O. Dyer.

On June 26, 1926:

H. R. 5353. An act to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876);

H. R. 10980. An act to authorize leasing, for the production of oil and gas, certain public lands in Carbon County, Wyo.; and

H. R. 11802. An act to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery.

On June 28, 1926:

H. R. 9833. An act to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said act; and

H. J. Res. 64. Joint resolution to secure a replica of the Houdon bust of Washington for lodgment in the Pan American Building.

On June 29, 1926:

H. R. 9655. An act for the relief of Edward L. Duggan;

H. R. 10807. An act to provide for payment of the amount of a war-risk insurance policy to the beneficiaries designated by Lieut. Lewis Wesley Kitchens, deceased;

H. R. 10227. An act for the relief of Charles W. Reed; and

H. R. 12207. An act authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island.

On June 30, 1926:

H. R. 10000. An act to consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925;

H. R. 10363. An act to reinstate William R. F. Bleakney in West Point Military Academy; and

H. R. 11318. An act to provide for the publication of the act to consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925, with index, reference tables, appendix, etc.

On July 1, 1926:

H. R. 12208. An act granting the consent of Congress to Aurora, Elgin & Fox River Electric Co., an Illinois corporation, to construct a bridge across Fox River in Dundee Township, Kane County, State of Illinois;

H. R. 6405. An act for the relief of Addison B. McKinley;

H. R. 8941. An act for the relief of Turpin G. Hovas; and

H. R. 12642. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free overhead viaduct across the Mahoning River at Niles, Trumbull County, Ohio.

On July 2, 1926:

H. R. 7893. An act to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes;

H. R. 10827. An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes;

H. R. 12311. An act granting the consent of Congress to the State of Minnesota, or Dakota County, Washington County, or Ramsey County, in the State of Minnesota, or either or several of them, to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.;

H. R. 12467. An act granting the consent of Congress to the Jackson & Eastern Railway Co. to construct, maintain, and

operate a railroad bridge across the Pearl River in the State of Mississippi;

H. R. 10309. An act authorizing the sale of lot 2 in square 1113 in the District of Columbia and the deposit of the net proceeds in the Treasury;

H. R. 12175. An act to amend the World War veterans' act, 1924;

H. R. 10314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10361. An act to authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Co.;

H. R. 12536. An act to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton, in said State, for highway purposes;

H. R. 11378. An act for the relief of Herbert A. Wilson; and

H. R. 11989. An act for the relief of Caleb W. Swink.

On July 3, 1926:

H. R. 5789. An act for the relief of the estate of J. A. Galloway;

H. R. 11123. An act to establish a term of the United States Circuit Court of Appeals at Oklahoma City, Okla.;

H. R. 9637. An act to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway;

H. R. 6728. An act to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes;

H. R. 7524. An act for the relief of Neil Mullane;

H. R. 7532. An act to provide payment for services rendered in preparation for the international conference on traffic in habit-forming narcotic drugs;

H. R. 821. An act for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho;

H. R. 1136. An act for the relief of Richard Weatherston;

H. R. 3592. An act for the relief of Johanna B. Weinberg;

H. R. 4064. An act for the relief of Arthur H. Bagshaw;

H. R. 4842. An act for the relief of F. G. Alderete;

H. R. 6003. An act for the relief of Charles B. Beck;

H. R. 6080. An act for the relief of J. M. Hedrick;

H. R. 6267. An act for the relief of Joseph F. MacKnight;

H. R. 7016. An act for the relief of Hensler Bros.;

H. R. 7395. An act for the relief of Emanuel Xuiereb;

H. R. 8331. An act for the relief of Folkert Coleman, of Port Huron, Mich., and Carey D. Ferguson, collector of customs and special disbursing agent for the Treasury Department at Detroit, Mich.;

H. R. 9135. An act for the relief of Natalie Summers;

H. R. 9967. An act authorizing an expenditure of $6,000 from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation;

H. R. 10020. An act for the relief William Knabe;

H. R. 816. An act for the relief of W. F. Morgareidge;

H. R. 1565. An act for the relief of Pirtle Handley;

H. R. 1718. An act for the relief of Harold Holst;

H. R. 2136. An act for the relief of Lieut. Frederick C. Matthews;

H. R. 2254. An act for the relief of Howard A. Mount;

H. R. 3142. An act for the relief of Benito Viscaina and Maria Viscaina;

H. R. 3454. An act for the relief of certain Indian policemen in the Territory of Alaska;

H. R. 3763. An act to prevent delay in the promotion of officers of the Navy and Marine Corps;

H. R. 4323. An act for the relief of the Nebraska Buick Co.;

H. R. 4414. An act for the relief of Archie Eggleston, an Indian of the former Isabella Reservation, Mich.;

H. R. 5063. An act for the relief of P. H. Donlon;

H. R. 5223. An act to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies;

H. R. 5441. An act for the relief of Geraldine Kester;

H. R. 7027. An act for the relief of J. B. Elliott;

H. R. 7674. An act for the relief of Capt. H. Bert Knowles;

H. R. 7942. An act for the relief of James E. Judge, sr.;

H. R. 8120. An act to create within the San Bernardino National Forest, in Riverside County, Calif., a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve;

H. R. 9089. An act for the relief of Mabel Blanche Rockwell;

H. R. 10641. An act for the relief of Elias Field;

H. R. 11060. An act to authorize the extension of the application of the act entitled "An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes," approved October 5, 1914;

H. R. 11094. An act for the relief of Capt. F. J. Baker and Capt. George W. Rees, United States Army;

H. R. 13040. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes;

H. J. Res. 98. Joint resolution for the relief of R. S. Howard Co.;

H. R. 92. An act fixing postage rates on hotel and steamship room keys and tags;

H. R. 658. An act for the relief of Harry Coventry;

H. R. 949. An act for the relief of John H. Cowley;

H. R. 1580. An act authorizing the Secretary of the Interior to sell and patent to David A. Vincent certain lands in Oklahoma;

H. R. 1952. An act for the relief of T. Arthur Moore;

H. R. 3448. An act for the relief of John Solen;

H. R. 4252. An act for the relief of Thomas H. Burgess;

H. R. 5786. An act for the relief of Rachel Thomas, widow of William Thomas, deceased;

H. R. 6226. An act for the relief of Edward N. Moore;

H. R. 6921. An act to correct the military record of James Perry Whitlow;

H. R. 7104. An act to quiet title and possession with respect to certain lands in Baldwin County, Ala.;

H. R. 7370. An act to amend an act entitled "An act to authorize the sale of burnt timber on the public domain," approved March 4, 1913;

H. R. 7371. An act to define trespass on coal land of the United States and to provide a penalty therefor;

H. R. 8592. An act to further amend section 125 of the national defense act of June 3, 1916, as amended;

H. R. 8903. An act to authorize the sale and disposition of the abandoned tract or tracts of lands formerly used as a life-saving station in Florida, and for other purposes;

H. R. 9274. An act to release and quitclaim title of certain lands to Holyman Battle and his successors in interest;

H. R. 9496. An act authorizing the Secretary of the Interior to convey certain lands reserved for park and other purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla.;

H. R. 10109. An act for the relief of Virginia Strickland;

H. R. 10489. An act to perfect the homestead entry of John Hebnes; and

H. R. 11716. An act granting to Northern Paper Mills certain islands in the Menomonee River.

House bills approved by the President at the Capitol, July 3, 1926:

H. R. 5810. An act granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State;

H. R. 12313. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.;

H. R. 12314. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.;

H. R. 12537. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.;

H. R. 12538. An act granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.;

H. J. Res. 232. Joint resolution for the expenses of delegates of the United States to the International Sanitary Conference to meet at Paris on May 10, 1926;

H. R. 7. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof;

H. R. 814. An act for the relief of James L. Cardwell;

H. R. 817. An act for the relief of Sam Tilden;

H. R. 818. An act for the relief of William A. Glasson;

H. R. 1252. An act for the relief of John Regan;
H. R. 1257. An act for the relief of Silas Overmire;
H. R. 1394. An act for the relief of Henry O'Brien;
H. R. 1598. An act for the relief of Robert E. A. Landauer;
H. R. 1692. An act for the relief of Agnes De Jardins;
H. R. 2042. An act for the relief of Joseph L. Keresey;
H. R. 2268. An act for the relief of Michael J. Leo;
H. R. 2324. An act for the relief of Joe F. Jenkins;
H. R. 2328. An act for the relief of Edith L. Bickford:
H. R. 2531. An act for the relief of Edward Johnston;
H. R. 2632. An act for the relief of Mr. and Mrs. Charles Vanderveer;
H. R. 2676. An act to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with $1,646.86, representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war;
H. R. 3529. An act for the relief of Genevieve Hendrick;
H. R. 3802. An act to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes;
H. R. 4001. An act to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud;
H. R. 4033. An act granting consent of Congress to the Hidalgo & Reynosa Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;
H. R. 4119. An act for the relief of Edward R. Ledwell;
H. R. 4263. An act for the relief of Etelka Bell;
H. R. 4307. An act for the relief of the village of Harbor Springs, Mich.;
H. R. 4677. An act for the relief of the Carroll Motor Co.;
H. R. 5105. An act for the relief of Maude J. Booth;
H. R. 5701. An act to designate the times and places of holding terms of the United States District Court for the District of Montana;
H. R. 6149. An act for the relief of Charles D. Baylis, first lieutenant, United States Marine Corps;
H. R. 7011. An act for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate and Bertha E. Roy and Max A. Roy and J. M. Frost and J. J. Settegast and Emma Heilberg and Laura Lackner and F. W. Lackner;
H. R. 7678. An act for the relief of the New York Canal and Great Lakes Corporation, owners of the steamer *Monroe* and barge *209;*
H. R. 7817. An act to establish a national military park at the battle fields of the siege of Petersburg, Va.;
H. R. 8048. An act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes;
H. R. 8174. An act for the relief of Ruth Gore;
H. R. 8564. An act for the relief of Lewis J. Burshia;
H. R. 8961. An act for the relief of William E. Jones;
H. R. 9234. An act to change the military record of Thomas Dowling, alias James Murphy;
H. R. 9324. An act for the relief of George A. McKenzie, alias William A. Williams;
H. R. 9387. An act to revise the boundary of the Sequoia National Park, Calif;
H. R. 9606. An act for the relief of L. J. Houghtaling; and
H. R. 9707. An act for the relief of L. L. Kyle.

House bills approved at the White House July 3, 1926:

H. R. 10052. An act to authorize the sale of the Mesa Target Range, Ariz.;
H. R. 10058. An act to authorize notaries public and other State officers to administer oaths required by the United States;
H. R. 10277. An act to amend the World War adjusted compensation act;
H. R. 10446. An act validating the application for and entry of certain public lands by Myrtle Sullinger;
H. R. 10504. An act to amend the act approved June 4, 1897, by authorizing an increase in the cost of lands to be embraced in the Shiloh National Military Park, Pittsburg Landing, Tenn.;
H. R. 10605. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;
H. R. 10661. An act to amend the immigration act of 1924;
H. R. 10774. An act to amend section 15 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;
H. R. 10973. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;
H. R. 11203. An act to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924;
H. R. 10226. An act to correct the military record of John P. Daley;
H. R. 11376. An act to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of the Interior;
H. R. 11446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;
H. R. 11510. An act to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes;
H. R. 11713. An act to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi;
H. R. 11820. An act granting an annuity to Clyde L. West;
H. R. 11943. An act providing for an additional building for the use of the police court of the District of Columbia;
H. R. 11946. An act to increase the clothing and cash gratuity furnished to persons discharged from prisons;
H. R. 12211. An act to amend section 4009 of the Revised Statutes;
H. R. 12264. An act to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes;
H. R. 12369. An act to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended;
H. R. 12495. An act to regulate the issue and validity of passports, and for other purposes;
H. R. 12506. An act to authorize the leasing of unallotted irrigable land on Indian reservations;
H. R. 12703. An act granting the consent of Congress to Brownsville & Matamoros Municipal Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at Brownsville, Tex.;
H. R. 12796. An act granting the consent of Congress to the States of Georgia and South Carolina to construct a bridge across the Savannah River at or near Burtons Ferry to connect up the highway between Allendale, S. C., and Sylvania, Ga.;
H. R. 12890. An act to amend an act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926; and
H. R. 13214. An act to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. TILSON. Mr. Speaker, your committee appointed to join with the committee on the part of the Senate to wait upon the President of the United States and inform him that Congress is about to adjourn and inquire if he has any further communication to make to the Congress has performed that duty and reports that the President says that he has no further communication to make to Congress at this time. [Applause.]

RELATING TO CONTEMPTS

Mr. DENISON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, I want to read one provision of the Constitution. Article VI of the Constitution is as follows:

In all criminal prosecution the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

The fathers in drafting the Constitution were so careful to protect the interests and rights of the accused that they put a provision in the fundamental law that in all criminal prosecutions the accused should have the right of compulsory process for witnesses in his favor,

What did we do to-day? The Congress, in the closing hours, without any opportunity for consideration either in this body or in the other body, without the Members having an opportunity to know what was in the bill, passed a bill which provides that in criminal prosecutions hereafter the Government shall have the right of compulsory process to secure the attendance of witnesses against the accused, but does not give the accused the right to have compulsory process for witnesses in his favor.

I call the attention of the House to this merely to show what we have done in a moment of excitement and haste in the closing hours of Congress. We have passed a law that violates that principle of the Constitution by giving the Government the right to compulsory process but not giving it to the accused. I asked for time to discuss this question when the bill was under consideration, but there was no opportunity to get the time.

All of the Members, I am sure, are familiar with Article V of the Constitution, which says:

> Nor shall any person be deprived of life, liberty, or property without due process of law.

The bill which the gentleman from Pennsylvania [Mr. GRAHAM] had passed under a suspension of the rule also violates this provision of the Constitution in at least two particulars. It provides for issuing a subpœna for a witness in a foreign land in any part of the world; if the witness does not choose to return to this country and testify, the Government can attach his property in this country and deprive him of it up to the amount of $100,000. That amounts, in my judgment, to plain confiscation of property under the guise of law, but if it is not taking property without due process of law, then I do not know what due process of law means.

The bill we have just passed also provides, as I have said, for allowing the Government in criminal cases the right of compulsory process to secure the attendance of witnesses against the accused who may be residing or temporarily sojourning in foreign lands. I contend that Congress has no power under the Constitution to grant to the courts of this country the right to send their process into foreign countries, where neither the courts nor our Government have any jurisdiction whatever. But even if we can confer such power upon the courts for the benefit of the Government to enable it to secure the attendance of its witnesses who are in foreign countries, I contend that to permit the Government such a right in a criminal case without conferring the same right upon the accused to enable the accused to secure the attendance of witnesses in his behalf, amounts to depriving the accused of his liberty without due process of law.

Let us take a brief illustration. An American citizen is accused of the violation of some Federal law and is put upon trial. A material witness for the Government happens to be gone to a foreign country, and a material witness for the defendant, by whom he could, perhaps, prove his innocence, is also gone to a foreign country. By the law which Congress has just passed, the Government may delay the trial of the accused until subpœnas have been issued and sent to one or more foreign countries wherever the witness may be found, and served upon him, and until sufficient time has elapsed until the witness could be brought back to this country to testify; and all this may be done under this law, notwithstanding the Constitution guarantees to everyone accused of a crime the right to a speedy trial. But the accused does not have the same right. The bill we passed does not give him the right of compulsory process to secure the attendance of his witness from foreign countries. In such a case he would be denied the same right of compulsory process that the Government has against him and he would be deprived of his liberty without due process of law.

I know nothing about the case that the chairman of the committee has referred to as pending in our courts which is the ostensible excuse or reason for the passing of this legislation. I do not know even the names of the witnesses whose attendance the Government desires to secure in order to obtain their testimony in the trial of the case. I have no interest whatever in the case other than such an interest as all citizens of the country ought to have. I wish there were some legal method under our Constitution by which the Government could secure the return of those witnesses to testify. But I am not willing to disregard my own conscience and my own judgment as a lawyer and agree to a bill which I think is clearly unconstitutional in order to satisfy the desire of those who are prosecuting the case for the Government to obtain evidence which they can not under our Constitution obtain.

Legislation of this importance ought to be given fair consideration by Congress. The Members ought to at least have an opportunity to know what it means. This bill passed the Senate last night without any consideration whatever. It comes before the House this morning without any opportunity for the Members to even read the bill. The House voted on it without knowing what the bill contained. Even the chairman of the committee, the gentleman from Pennsylvania, did not know when he first addressed the House on the bill that it did not give to the accused the right of compulsory process to secure witnesses in his behalf. He afterwards admitted that he was wrong and had misunderstood the bill. There are many able lawyers in this House who ordinarily scrutinize legislation carefully and have due regard for the constitutional limitations of the law-making branch of our Government. But when this bill was called up under suspension of the rules just before the adjournment hour, most of them voted for it without knowing its provisions or understanding its far-reaching consequences.

In my humble judgment this bill will either be held unconstitutional and void as soon as the Supreme Court has an opportunity to pass upon its validity, or Congress will repeal it.

Judge Cooley, who has long been considered one of the greatest constitutional lawyers of the country and who in his time was one of our profoundest students of the Constitution, says somewhere in his work on Constitutional Limitations that where Members of the lawmaking body have a serious doubt as to the constitutionality of a proposed measure, it is their duty under their oaths to vote against it. I voted against the bill called up by the gentleman from Pennsylvania and which passed the House a few moments ago, not only because I do not believe that bills of that importance should be passed in the closing moments of Congress without any opportunity for consideration by the Members, but because I believe that it is unconstitutional. I wanted to make this short statement before we adjourn in explanation of my reasons for not supporting the measure.

EXTENSION OF PATENTS, ETC.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4480).

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

> An act (S. 4480) providing for the extension of the time limitation under which patents were issued in the case of persons who served in the armed forces during the World War.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

> *Be it enacted, etc.*, That where the patentee of any invention or discovery the patent for which was granted prior to the 11th day of November, 1918, who served in the armed forces of the United States at any time between April 6, 1917, and November 11, 1918, shall desire an extension of this patent beyond the original terms of its limitation, he shall make application therefor in writing to the Commissioner of Patents within six months after this act shall became effective; and upon satisfactory proof of such service the Commissioner of Patents shall make a certificate thereon renewing and extending the patent from the expiration of the first term for a further term of three times the length of said patentee's service in the armed forces of the United States during such period: *Provided*, That said patent shall not have expired prior to the filing of such application and that at the time of such application the patentee shall still have a beneficial interest therein: *And provided further*, That no extension shall be granted a patentee who was receiving an income from the patent and which income was unaffected by said service. Such certificate shall be recorded in the Patent Office, and thereupon such patent shall have the same effect in law as though it had been originally granted for 17 years plus the term of such extension.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, a similar House bill to S. 4480, just passed, will be laid on the table.

There was no objection.

REPLY TO LETTER INSERTED IN RECORD OF JUNE 19, 1926, BY SENATOR CUMMINS

Mr. FORT. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a letter which I have written to Senator CUMMINS.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FORT. Mr. Speaker, under leave granted to extend my remarks in the RECORD I submit the following:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D. C., July 1, 1926.

Hon. ALBERT B. CUMMINS,
United States Senate, Washington, D. C.

MY DEAR SENATOR CUMMINS: My attention has been called to the letter of Messrs. Peek and Davis, which was inserted in the CONGRESSIONAL RECORD as a part of your remarks on June 19. The letter amounts in some places to a direct attack on my sincerity and veracity, and I can not believe that you had thoroughly examined it before its insertion in your speech. Of course, you will appreciate that the wide publicity it will receive, particularly when inserted in the RECORD through one who enjoys your national reputation, is hardly fair to me. I am, therefore, forwarding this letter to you in the hope that you will likewise present it to the Senate and see that it is inserted in the RECORD as a part of your remarks. I would also request that if your remarks on June 19 are to be distributed in pamphlet form, either the letter of Messrs. Peek and Davis be omitted or this reply be printed therewith.

I shall answer only those points in the letter which are accusations of one sort or another. The argumentative portions seem to require no further discussion than has been given in the very exhaustive debate in the House and Senate.

In paragraph 1 of the letter I am accused of misstatement in alleging numerous complete shifts of position on the part of the farm organizations in regard to farm-relief legislation. The record of hearings before the Senate and House Committees on Agriculture and of the debate in the two Houses shows conclusively that, whether the farm organizations at home shifted or not in their position, their Washington representatives, of whom Messrs. Peek and Davis were among the leaders, originally supported the principles of the Dickinson bill; subsequently submitted two widely differing committee confidential prints to the Committee on Agriculture; subsequently supported the Haugen bill, as introduced in the House, which widely differed from its three predecessors; subsequently supported the Haugen bill as substantially amended in the House; and still subsequently supported the still different McNary bill in the Senate.

The letter states, "The statistics he uses are largely incorrect, and the use he makes of them is worse." In my speech of May 4, to which the letter refers, I made approximately 75 statistical statements or calculations. The direct attack on my veracity above quoted is supported by challenge on only two of these items, and as to the great majority of the items the expressed concession is made later in the letter that the statistics were correct.

The first direct challenge is to the statement, "Danish lard exports have increased from 100,000,000 pounds to 400,000,000 pounds in a few years." This statement does contain an error. It is Danish exports of pork products and not of lard alone which have increased from 98,786,000 pounds in 1920 to 422,050,000 pounds in 1923 (International Trade in Meat and Animal Fats, Department of Commerce, 1925, pp. 274, 275). When adding up the various export figures shown in the volume referred to, I erroneously carried the total into my notes under the heading lard, which was the last product listed in the Danish exports. This error, however, made absolutely no difference in the argument, since the statistics were used in connection with the point that it would be unwise to sell cheap feedstuffs to our Danish competitors. Of course, the American farmer would be as much injured through the destruction of his market for other pork products as of his market for lard.

The second misstatement of statistics of which I am accused is the statement that our normal wheat crop is 831,000,000 bushels and our normal export 230,000,000 bushels. At the bottom of page 1217, part 15, of the hearings before the Committee on Agriculture of the House, there was inserted by the Hon. Sydney Anderson, for many years a Member of the House, a table showing that the production of wheat in the United States for the five years between 1920 and 1924 averaged 837,000,000 bushels, and that the exports for the six years 1920–1925, including an approximation for the year 1924–1925, averaged 231,000,000 bushels. My use of these figures Messrs. Peek and Davis call a misstatement. They then attempt to bolster their accusation of false use of statistics by bringing into their averages the crop year 1925, knowing perfectly well, as they did, that on May 4, 1926, when I spoke, the final export figures of the 1925 crop had not been and could not be collected.

They further endeavor to defeat the statement that in most years high price is followed by increased acreage by taking decade prices and decade acreage, which, of course, is a very different thing; and by showing that decreased price has sometimes been followed by increased acreage which I did not dispute. The argument made by the gentlemen on this point is based entirely upon the theory that a wheat price of a given number of cents is necessarily high or low, whereas it would, of course, be an absurdity to call a mere increase in the price of wheat over the 1886 figure necessarily a high price. Of course, to determine what is or was a high price of wheat in any year, the price must be considered in reference to its then purchasing power.

The next attack on my utilization of figures in reference to wheat is through a quotation from a speech of Mr. BRAND of Ohio in the House. Mr. BRAND stated that in the three years 1913, 1914, and 1915, we produced on an average 893,000,000 bushels of wheat at an average price of 90.1 cents, and that in the following five years at an average price of $1.84 we produced 779,000,000 bushels a year and argued therefrom that increased price did not produce increased production. I called Mr. BRAND's attention privately—because I did not believe him advised of the fact—that during the first three years cited, the average per acre production was 16.3 bushels, whereas in the second five years the average production per acre was only 13.6 bushels, but that the acreage had increased with the rise in price. I call it to the attention of Messrs. Peek and Davis publicly because I believe their use of Mr. BRAND's speech in preference to making a personal assertion was due to their knowledge that increased price usually brings increased planting.

Paragraph 4 of the letter begins, "Wheat is the commodity he selects to illustrate the working of the equalization fee, and the figures he employs as to United States yields and exports are wrong, there is error in his calculations, and he misinterprets provisions of the bill in order to support the charge that the bill fixes prices." The attack on my figures is the identical one commented on above of my use of figures submitted at the hearings before the committee and undisputed, and which are correct.

The alleged error in my calculations is that I failed to credit the collection of an equalization fee upon the 230,000,000 bushels of export wheat. The Haugen bill in the form it was when my speech was made provided for the levying of an equalization fee upon the "processing or sale" of wheat. The testimony before the committee was that the proponents of the bill believed that the fee should be assessed at the processing point and that the wheat for export should be exempt from the payment of the fee. The bill submitted to the Committee on Agriculture by the Committee of Twenty-two, of which Mr. Peek is chairman, specifically provided for a refund of any equalization fee paid on wheat which went into exported flour. My calculations, therefore, were based upon the bill and the hearings.

They claim a misinterpretation of provisions of the Haugen bill in my statement that the bill proposed "a definite price-fixing structure." They then concede that the purchase for export by a Government corporation of the surplus above domestic requirements would immediately raise the price to a point equal to the world price plus the tariff. This constitutes "a definite price-fixing structure," as I stated. I did not state that the bill proposed to fix a definite and arbitrary unchangeable price.

In paragraph 6, they attack my remarks as inapplicable to the bill as it came to vote, but concede that it was applicable to the bill as it read on May 4. They further claim inconsistency in my support of the Tincher bill, which, they state, contained the same provisions for the selection of a board that was contained in the Haugen bill. In beginning my remarks on this subject, I stated, referring to the Tincher, Aswell, and Haugen bills, "To me all three of these bills have one vice in common"—which was explained to be the method of selecting the board. In my support of the Tincher bill I specifically stated that the method of selecting the board should be changed.

In paragraphs 9 and 10 the argument is that the speech was entirely critical and that no effective or constructive alternative was offered. As a matter of fact, I have introduced a bill (H. R. 11387) and have supported the Tincher bill when the committee proved unwilling to report my own measure. The trouble with the gentlemen who wrote you is that they insist upon classing any opponent of the particular measure they happen at the moment to favor as an opponent of all legislation. There is no question but that the vast majority of the Members of Congress are sincerely anxious to help cure the obviously unsatisfactory condition of American agriculture. It is or should be equally clear, however, that the majority of the Members of both Houses do not believe that the methods proposed in the Haugen bill will accomplish the ends desired. If relief legislation is to be secured, either the farm organizations must secure new representatives or their present representatives must adopt different methods.

In the face of the serious question as to the constitutionality of the equalization fee principle, the representatives of the farm organizations will achieve more for the farmer by applying their abilities toward developing other forms of relief legislation than by continued abuse of those who differ from them.

In paragraph 11 they state: "In conclusion it is noted that Mr. FORT in his reference to Soviet Russia and the British strike abandons economic argument for an appeal to prejudice, which should have no place in a discussion of so important a problem."

It is quite clear that the gentlemen have not sufficiently analyzed the comparison to sovietism. My understanding of sovietism is that it is fundamentally a recognition of the right of groups of the people to participate in the government in accordance with the industrial class of

which they are members. The Haugen bill proposed the selection by farm organizations of a group of important public officials to control the industry of agriculture. It was in this sense clearly that reference was made to this legislation as a first step toward sovietization of America. It did not "abandon an economic argument for an appeal to prejudice," as the gentlemen state, but entirely calmly called to the attention of the House a first step away from our traditional and constitutional institutions.

The reference to the British strike is also misinterpreted and the British strike itself wrongly described in the gentleman's letter. The strike was not due to the industrialization of Great Britain, but to the effort through subsidy and other means economically indefensible to keep open more mines and produce more coal than the market could utilize on a profitable basis. Although the cases are not exactly parallel, of course, it is still the fact that the Haugen bill proposed the intervention of the Government to sustain market prices without diminishing production—to make profitable the production of wheat on land that should be turned to other uses—to defy the laws of economics by legislative fiat.

Yours very truly,

FRANKLIN W. FORT.

WORK OF COMMITTEE ON THE POST OFFICE AND POST ROADS OF THE HOUSE OF REPRESENTATIVES

Mr. GRIEST. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on postal legislation.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks on postal legislation. Is there objection? [After a pause.] The Chair hears none.

Mr. GRIEST. Mr. Speaker, during the first session of the Sixty-ninth Congress, which has just closed, there were referred to the Committee on the Post Office and Post Roads of the House of Representatives 110 bills and resolutions. The committee has published a calendar of its business containing a history of all this legislation. The following bills passed the House, and those upon which action was also had in the Senate will be found below, to wit:

[NOTE: The lists indicate which bills have received Executive approval and which are now law.]

BILLS WHICH HAVE PASSED THE HOUSE BUT WHICH HAVE NOT PASSED THE SENATE

H. R. 4502. A bill declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty.

H. R. 6982. A bill to amend sections 213 and 215, act of March 4, 1919 (Criminal Code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, and for other purposes.

H. R. 8377. A bill authorizing the Postmaster General to establish a uniform system of registration of mail matter (raising the limit of indemnity for lost and destroyed parcels to $1,000 and prescribing a scale of fees therefor).

R. R. 10132. A bill to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea post clerks.

BILLS WHICH PASSED BOTH THE HOUSE AND THE SENATE AND WHICH HAVE RECEIVED EXECUTIVE APPROVAL

H. R. 92. A bill fixing postage rates on hotel and steamship room keys and tags.

H. R. 3837. A bill authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases.

H. R. 3842. A bill authorizing the Postmaster General to make monthly payments of rental for terminal railway post-office premises under lease.

H. R. 8192. A bill authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers for performance of authorized service on power boat and star routes in Alaska.

H. R. 9511. A bill authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service.

H. R. 11084. A bill to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters.

H. R. 11841. A bill to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound.

H. R. 12211. A bill to amend sections 4060 of the Revised Statutes (relating to the carrying of foreign domestic mails).

H. R. 12369. A bill to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty" (to include losses of customs funds).

S. 1930. A bill to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes.

It may be said that practically all of the 110 bills and resolutions were referred to the Postmaster General for an expression of the department's views with regard to the proposed legislation, and that public hearings were held before subcommittees and careful consideration given in full committee upon many of these measures, some of which were laid on the table as inimical to the public interest, and many others of which will be the subject of final consideration in the next session of the Congress. Among the subjects so treated may be mentioned bills to improve the working conditions of postal employees, including proposals to reduce night work, hours of service in the Railway Mail Service; also the compensation of post-office laborers, provision for the use of steel cars in the Railway Mail Service, and adjusting annual and sick leave time allowances.

Extended hearings were held on bills proposing group insurance for postal employees, allowances for rent, fuel, light, and equipment for fourth-class postmasters, and on proposals to abolish the sale of Government stamped envelopes by the Post Office Department.

SPECIAL JOINT SUBCOMMITTEE ON POSTAL RATES

The Special Joint Subcommittee on Postal Rates, created and provided for under section 217 of the act of February 29, 1925, and composed of three members of the House Committee on the Post Office and Post Roads and three members of the Senate committee, also reported to Congress by bill (H. R. 12061, H. Rept. No. 1157) its recommendations for changes in postal rates upon classes and subclasses of mail and the special postal services.

Hearings were held in various cities throughout the country covering a period of nearly two months during the summer of 1925 and again over a period of four weeks during the present session. The items or provisions included in the bill are those matters of rates and fees for services upon which there is entire agreement among members of the joint committee, and the matters not reported upon are to be the subject of a further report at the next regular session of Congress in December.

It was expected that the bill would receive favorable consideration before adjournment. Unfortunately, it was not reached in the House, and under the precedent established in the last Congress, holding that postal-rate legislation is "revenue-raising" legislation, no action could be had in the Senate until the House measure reached that body. The following is a detailed statement concerning the provisions of the bill referred to:

PRIVATE MAILING CARDS

In February, 1925, it was estimated that by reason of the increase in the postage rate from 1 to 2 cents each the additional revenue from that source for a year would be $10,000,000. There had never been any counting and weighing of first-class mail which segregated post cards and postal cards from other first-class mail, and the department states now that the estimate was undoubtedly considerably too high. The estimated revenue from private mailing cards, or post cards, now, for the fiscal year 1926, is only $354,826 over what it would have been had the rate remained at 1 cent each, showing that the volume has fallen off about one-half.

The manufacturers of the cards, the printers employed by them, the wholesale and jobbing dealers and merchants, as well as the public who desire to use the picture post cards and the large national advertising users of private mailing cards, all have protested most strongly and volubly before the Special Joint Subcommittee on Postal Rates against this increase in rates.

The first-class mail is the most profitable matter we carry, the estimated profit from which in 1923 was $84,000,000.

The bill H. R. 12061 proposes to restore the rate on private mailing cards and post cards to 1 cent each and to add a new feature of service by which advertisers will be permitted to mail private mailing cards to customers to be returned to the advertiser postage collect at the rate of 1 cent each and an additional charge of 2 cents each for the service rendered. The additional revenue estimated to be derived from this restoration of the 1-cent rate and the new feature of service is $265,000 for the next year.

COLLECTION OF POSTAGE ON SHORT-PAID FIRST-CLASS MATTER

The bill also contains another new feature of service under which mailers who deposit short-paid first-class matter will be charged, in addition to the deficient postage—if the matter is more than one rate short paid—at the rate of 1 cent for each 2 ounces. This is designed to put a stop to the practice of some mailers who habitually deposit such matter in the mails with the object of having the postage collection overlooked by busy

or careless clerks failing to check matter as to its weight. It is estimated that $75,000 additional revenue will be realized from this source.

SECOND-CLASS TRANSIENT MATTER

(Publications mailed by others than publishers or news agents)

This matter was formerly carried at a flat rate of 1 cent for each 4 ounces, any distance. The present rate is 2 cents for each 2 ounces or fraction thereof not over 8 ounces, and over 8 ounces in parcel post at zone rates.

These rates are so high as to be prohibitive and probably most of the revenue from this source this year has come from users who have come to the post office with packages of papers or magazines prepared ready for mailing, but who have not come back a second time with similar matter. It was estimated in 1925 that the additional revenue from this source would be $1,000,000. The estimate now for the fiscal year 1926 is that instead of such increase there will be a loss of $855,001—that much less than there would have been had the old rate remained. And the protests come from individuals who send an occasional paper or magazine to a poor relative or a friend and from charitable institutions who supply such material to hospitals and homes for aged and friendless and orphan children and similar eleemosynary institutions.

The bill proposes to restore, or rather to adjust the rate to 1 cent flat for each 2 ounces or fraction thereof, any distance. It is estimated that $600,000 additional revenue will result in the next year; that is, that most of that business will come back to the post office, so that instead of a loss of over $800,000 we will get something like the revenue we formerly received from this source.

FOURTH-CLASS MATTER

(Parcel post)

SPECIAL HANDLING AND SPECIAL DELIVERY

The bill also proposes the adjustment of the present new feature of service called "special handling," and consolidating it with the special-delivery service. Under existing conditions there appears to be a great deal of confusion in the public mind concerning these two features of services, and by combining the two this would be eliminated. Special handling means first-class mail treatment of parcel-post matter, but does not include special delivery. Special delivery must now be paid for extra and has to do only with the expedition of delivery to the addressee. It is proposed to give both services on parcels up to 2 pounds for 15 cents; on parcels over 2 pounds, but not over 10 pounds, for 25 cents; and on parcels over 10 pounds 35 cents, if special delivery is desired, but only 25 cents if special delivery is not desired.

The present special delivery on parcel post added to special handling makes the rate too high and unattractive to mailers.

The additional revenue estimated to be derived from this new combination of service over the present revenues from both is $1,100,000 for the next year.

TOTAL ADDITIONAL REVENUES

The total additional revenues to be expected over what we are now receiving from these sources for the next year follow:

Post cards, or private mailing cards	$265,000
Postage on short paid, first-class matter	75,000
Second-class transient matter	600,000
Special handling and special delivery	1,100,000
Total	2,040,000

In computing estimates of revenue in connection with the proposals contained in the bill it should be taken into consideration that there is involved the immediate loss to the extent of actual reduction, say, of from 2 cents to 1 cent in the case of the post cards, as well as the increased revenue expected by reason of a larger volume of matter.

The voluminous testimony of the witnesses concerning the rates and services covered in the bill indicates clearly that by far the greatest number of users of the mails are interested in these particular items in regard to which there is complete unanimity of opinion among patrons of the service and the Post Office Department itself, as well as among the members of the special joint subcommittee on postal rates.

It will be noted that on most of the items in the bill popular demand is met by reduction of existing harmful postal rates. The measure could well be entitled a bill to increase postal revenues by reducing postal rates.

The public interest in the provisions contained in the bill reported to Congress is indicated in the following letter from a leading publisher of the West whose business and circulation is nation-wide among farmers, producers, and distributers of feeds and food products:

FARMER'S MARKET BULLETIN,
Des Moines, Iowa, May 25, 1926.

Congressman W. W. GRIEST,
House of Representatives, Washington, D. C.

DEAR SIR: We are just in receipt of the report of the Special Joint Subcommittee on Postal Rates.

While the bill recommended in this report does not, in our opinion, go as far as it should, we know that in our particular direct mail business, at least, certain of our troubles will be ironed out.

As large users of direct mail we like the C. O. D. post-card feature and the reduction in the postage rate from 2 cents to 1 cent for private mailing cards.

These changes will allow us, we believe, to bring the volume of our business back to the volume we enjoyed before the new postage rates were put into effect last spring.

We sincerely hope that nothing will come up to prevent the passage of the bill as recommended by the special joint postal subcommittee.

Sincerely yours,

FARMER'S MARKET BULLETIN,
F. EARLE CORBIN, *Publisher.*
Per G. M.

NATIONAL ORIGINS PROVISION—JOHN B. TREVOR

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, it is probable that Members will be called upon this summer to answer many questions in regard to the "national origins" provision of the immigration act of 1924. The "national origins" plan for the prorating of 150,000 quota immigrants according to the origin of the peoples who have made the United States since the beginning is to go into effect July 1, 1927, provided the President issues a proclamation on the recommendation of three Cabinet officers—the Secretaries of State, Commerce, and Labor—if they can agree upon a statistical statement which shall serve as a yardstick for the prorating of the proposed limited immigration. You will notice the statement just made by me contains a "provided" and an "if"; and we may all be assured that these two qualifying words will cause extensive hearings and much inquiry during the winter session. To date neither House nor Senate Immigration Committee has gone further into the "national origins" plan than at the time of its incorporation in the act of 1924. In this connection, let me say that the statements which have been widely printed to the effect that Capt. John B. Trevor, who helped propose the original figures for a "national origins" division of immigration, is not a British subject, never was in the pay of the British Government, but is an American citizen of Revolutionary ancestry. He is not in the pay of the Carnegie Institution, or any other foundation or organization, but is a man of independent means, a prominent citizen of New York, a student, and the holder of many degrees and honors. His work in this matter has been entirely voluntary, and it will interest the Members of the House to know that the original "national origins" tables were made up for the purpose of supporting the House proposal for immigration based on 2 per cent of the population as shown by the census of 1890. A study of our population at that date showed that that quota, based on that census, followed closely the origins of our people.

Under an extension of remarks granted to me two or three days ago I shall place in the RECORD a further statement concerning the national origins plan, without any comment for or against, but containing bibliography on the subject. Members may refer to this if they care to go into the subject during the summer season.

In conclusion, I desire to express my appreciation of the work of the members of the House Committee on Immigration and Naturalization, and to thank the Members generally for the confidence they have placed in that committee. In the seven months of the first session of the Sixty-ninth Congress our committee has had before it 106 bills and resolutions and has taken action in some form or other on almost every one, and has now pending before it six or eight major subjects, including the highly involved problem of a modern form of naturalization. The committee has held a great many hearings, sitting several times a week, and has issued 16 pamphlets covering these hearings, which embraced more than 1,500 pages of printed testimony. All Members realize that immigration problems, no matter of what magnitude, run at once to individual cases and disclose individual hardships and troubles. Individual appeals are hard to resist, but the fact remains that a substantial majority of the committee still believes firmly in restriction of immigration, the extension of time for naturalization, with the additional requirement of a working understanding of English as a basis for citizenship. [Applause.]

The problems before the committee are still many and intricate. The passage of an immigration restrictive act in 1924 by no means settled the problems which have confronted the United States along immigration and naturalization lines for 25 years or more.

THE STAR-SPANGLED BANNER

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to address the House for one minute. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Speaker, in the CONGRESSIONAL RECORD of yesterday, page 12671, you will find printed The Star-Spangled Banner anthem by Francis Scott Key. [Applause.] Immediately after adjournment the cornetist will mount the rostrum and members in the galleries are all requested to join in singing The Star-Spangled Banner. [Applause.]

DEDICATION OF THE JOHN ERICSSON MEMORIAL

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, a number of Members of the House of Representatives have expressed to me the desire for an opportunity to obtain copies of the extension of remarks made by me on June 1, 1926, containing the speeches of the President and His Royal Highness the Crown Prince of Sweden, upon the occasion of the dedication of the John Ericsson Memorial on May 29, 1926. I therefore desire to advise my colleagues as well as Members of the Senate that I have made arrangements with the Government Printing Office by which any Member of either House may order copies of this extension upon the usual terms. I have included in the document the proceedings in the House of Representatives on May 28, 1926, when their Royal Highnesses, the Crown Prince Gustaf Adolf and the Crown Princess Louise Alexandra, of Sweden, visited the two Houses of Congress. Their Royal Highnesses were escorted to the Executive gallery, under arrangement with the White House, by the Speaker and other officers of the House of Representatives and were accompanied by their suite, which included a dozen prominent men and women of Sweden who came to this country to accompany the royal couple on their trip through America and also to attend the dedication of the John Ericsson Memorial.

In this connection I also wish to call attention to Senate Concurrent Resolution 25, which has been adopted by both Houses, providing for the compilation and publication of the proceedings and matter relevant thereto in connection with the dedication of the statue of John Ericsson, of which publication 3,000 copies will be for the use of the Senate and 7,000 copies for the use of the House of Representatives, to be distributed through the folding room. I am advised that this volume will be prepared and published during the recess of Congress. The action of the Congress in this regard is similar to that which has heretofore been taken in connection with the erection of statues and memorials by the Government and people in the National Capital. The John Ericsson Memorial Committee mentioned in Senate Concurrent Resolution 25 is an organization of 50 Americans which by authority of the Congress have cooperated with the John Ericsson Memorial Commission, the official body, in the erection of the John Ericsson Memorial. The commission consists of the Hon. SIMEON D. FESS, chairman of the Committee on the Library in the Senate; the Hon. ROBERT LUCE, chairman of the Committee on the Library in the House of Representatives; and the Hon. Curtis D. Wilbur, Secretary of the Navy. Maj. U. S. Grant, 3d, Director of Public Buildings and Public Parks, is the executive and distributing officer of the commission. I have the honor to be chairman of the John Ericsson Memorial Committee, the citizens' auxiliary organization. [Applause.]

THE WORK OF THE FIRST SESSION OF THE SIXTY-NINTH CONGRESS

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] is recognized.

Mr. TILSON rose and was greeted with applause, the Members rising.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed for eight minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to proceed for eight minutes. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, I have prepared a statement at some length which I intend, under leave already granted, to extend in the RECORD. In the few minutes remaining before adjournment I wish to take the time to say only a few words, and these words mostly of a personal character.

Before attempting to make any survey of the work that has been done during the present session of Congress, I wish first to express my appreciation to my fellow Republicans for their very loyal help and their readiness each to bear his share of the load which must be carried in our strenuous service here. For this I am indebted to them all. To my Democratic colleagues also I am indebted for unfailing courtesy and personal friendliness, which have helped to carry me over many rough places where there might have been friction, bumps, and other obstructions. I am particularly indebted to my friend the minority leader, the distinguished gentleman from Tennessee [Mr. GARRETT]. [Applause, the Members rising.] I am indebted to him for his constant, active cooperation and assistance in all things, save only strictly party matters.

Early in the session, about the time the revenue bill was finished, something was said in some of the newspapers about politics having been adjourned while that bill was under consideration, with the intimation that as soon as that bill was out of the way politics would resume full sway during the remainder of the session. The truth is that politics can never be adjourned. Whether we would or not, politics must go on all the time. The only question is, of course, just what we mean when we say "politics."

During the consideration of the tax bill, and at all other times for that matter, the distinguished gentleman from Tennessee has played the best kind of party politics. No one knows better than he that the American people do not take kindly to the kind of politics that would oppose measures simply because they were favored by the other party. In following his own best judgment in favoring and in opposing measures solely on their merits as he sees them, my friend from Tennessee has made a record for himself and for his party far more difficult to attack than if he or they had stood in unvarying opposition. [Applause.]

What I shall say as to the record of performance during the session applies, of course, more particularly to the Republican majority in the House, because inasmuch as we are responsible for everything with which fault may be found and must bear the responsibility for it, by the same token we must claim the principal credit for the good things that may have been done. However, in taking credit for any specific measure, I wish it understood that "we" includes all who supported it.

The record of the session just closed compares favorably with any record in our previous history. For seven months we have struggled with many important problems, some of which have been solved and others remain to be solved in the future. Wherever we have failed it has been due to no lack of sincere effort on the part of the committees and the Members of this House. Courage has been an outstanding attribute of the Members of this House. In large measure Members have refused to be swayed by the organized propaganda of militant minorities, and in most cases have disregarded the political expedient for that which they believed to be economically right. A considerable number of proposals which appealed strongly to our sympathies have not been enacted into law because their enactment would necessitate the restoration of oppressive tax burdens that have just been removed by the new revenue law.

In adhering thus closely to the income limit we had set for ourselves I believe that this body has shown the highest type of political courage. It is easy to be liberal with public money and difficult, as well as uncomfortable, not to be so. That we have followed the more difficult and less popular course and have refrained in most instances from action having even the appearance of buying votes with public revenues is, in my opinion, a fact worthy of public commendation. And now, as my time is about to expire, I wish to thank the Members of this House, one and all, for their very cordial good will toward me personally, for their assistance in the work of this House, and for their zeal in the public service. I wish you all a delightful vacation and hope that we may see each other next December all in the full blush of health, happiness, and prosperity. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I reciprocate the kindly personal feelings which the distinguished majority leader has expressed for myself and for those with whom I have been politically associated throughout this Congress. So far as personal relations are concerned, they are cordial and agreeable. We have demonstrated again, as it has been so often demonstrated in the years past, that in this parliamentary body we are able to differ without personal feeling; that we are able to proceed with legislation without riot, but in an

orderly manner in accordance with the genius of our people and the genius of our institutions.

As for public matters, I have only to say that my party is content to rest for its appeal to the country this autumn upon the record which has been made here. We have not been able to initiate; we have not been able to prevent. Only at rare intervals have we been able to amend. We have served, as we sought to serve, the proper functions of a minority party.

There are differences between the parties that are deep and fundamental. We shall go to the people again this fall and present our case in the earnest hope and in the belief that that appeal is not to fall upon deaf ears and that the next Congress is to witness a difference in political control. [Applause.]

I thank you for personal courtesies. I wish you a happy summer and a pleasant return to the December session. [Applause.]

ADDRESS OF THE SPEAKER

The SPEAKER. My colleagues, before exercising the function committed to me by the resolution you have recently passed, I want to thank, and most gratefully thank, this House and each individual Member of it for the uniform courtesy with which you have treated me during my incumbency as Speaker. Not a single word from the early part of December until now has been exchanged between myself and any Member of this House which was not of a most friendly and pleasant character. [Applause.] That applies as well when I have been in the chair as when I have been elsewhere.

I can imagine the speakership of the House to be one of the most uncomfortable offices in the world, but in my case it has been a most comfortable office. I have enjoyed it thoroughly and expect to enjoy it for at least three months more. [Applause.]

In bidding you farewell I want to congratulate this House as a body upon the very remarkable program of constructive legislation which has been passed during this session of Congress. I think you have richly deserved your coming vacation. I hope you will all have a most pleasant time. And now, the hour fixed for the adjournment of this session of Congress having arrived, I declare that the House stands adjourned sine die. [Applause.]

ADJOURNMENT SINE DIE

Accordingly, at 3 o'clock p. m., the House adjourned sine die.

EXECUTIVE COMMUNICATIONS, ETC.

616. Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting a list of publications received and distributed by the Navy Department during the fiscal year ending June 30, 1925, was taken from the Speaker's table and referred to the Committee on Printing.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 221. A joint resolution requesting the President to propose the calling of a third Hague conference for the codification of international law; without amendment (Rept. No. 1607). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13244) granting a pension to Arthur L. Williams, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SOMERS of New York (by request): A bill (H. R. 13248) to protect and encourage agriculture by guaranteeing and maintaining payment of minimum prices for certain farm products by imposing a tax upon sales thereof and upon the flour, meal, and other articles into which such products shall have been converted and upon certain imported articles. Also, to promote diversified farming and protect it by imposing a tax upon imported articles employed in contravention thereof, namely, wheat, flour, meal, wool, meat, hides, skins, leather, and other articles; to the Committee on Agriculture.

By Mr. HAYDEN: A bill (H. R. 13249) to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations; to the Committee on Indian Affairs.

By Mr. JAMES: A bill (H. R. 13250) to provide more effectively for the national defense by authorizing an increase in the number of the Reserve Officers' Training Corps units for the Air Corps of the United States Army, and for other purposes; to the Committee on Military Affairs.

By Mr. HILL of Maryland: A bill (H. R. 13251) to transfer certain birds from the dutiable list to the free list; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 13252) for the relief of the C. Tisdall Co.; to the Committee on War Claims.

Also, a bill (H. R. 13253) for the relief of Herbert W. Smith; to the Committee on War Claims.

Also, a bill (H. R. 13254) for the relief of Newman Bros.; to the Committee on War Claims.

Also, a bill (H. R. 13255) for the relief of Thomas J. Murphy Co., formerly Edward A. Brown Co.; to the Committee on War Claims.

Also, a bill (H. R. 13256) for the relief of Giles P. Dunn, jr.; to the Committee on War Claims.

By Mr. KINDRED: A bill (H. R. 13257), for the relief of John Halpin; to the Committee on Claims.

Also, a bill (H. R. 13258) for the relief of Mrs. J. Apman; to the Committee on Claims.

By Mr. MEAD: A bill (H. R. 13259) granting a pension to Mary L. Smith; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 13260) granting an increase of pension to Margaret J. Romans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13261) granting an increase of pension to Theodocia Kell; to the Committee on Invalid Pensions.

By Mr. SPEARING: A bill (H. R. 13262) for the relief of the Whitney Supply Co.; to the Committee on Claims.

Also, a bill (H. R. 13263) for the relief of Prentice O'Rear; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3207. By Mr. CANNON: Petition by Louis D. Bone and others, of Washington, Franklin County, Mo., in behalf of legislation increasing pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3208. By Mr. CHINDBLOM: Petition of 19 citizens of Antioch, Lake County, Ill., urging that immediate action be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3209. By Mr. DRIVER: Petition of citizens of Leachville, Ark., urging immediate passage of Civil War pension bill; to the Committee on Invalid Pensions.

3210. By Mr. ROY G. FITZGERALD: Petition of 169 voters of Ohio, praying for an amendment to House bill 10240, so as to provide for chiropractic treatment at Government expense for all disabled veterans of our wars who ask for it; to the Committee on World War Veterans' Legislation.

3211. By Mr. FROTHINGHAM: Petition of voters of the city of Brockton, Mass., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3212. By Mr. GARDNER of Indiana: Petition of Maggie Crist and 19 other citizens of Rome, Ind., urging the Congress of the United States to take immediate steps to bring to a vote the Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and their widows, and further urge that the most hearty support on the part of our Senators and Representatives in Congress be accorded this legislation; to the Committee on Invalid Pensions.

3213. By Mr. HOOPER: Petition of Milo Buckhout and 38 other residents of Kalamazoo County, Mich., requesting immediate consideration of pending legislation to increase the rates of pension of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

3214. Also, petition of James A. Wells and 17 other residents of Battle Creek, Mich., requesting immediate consideration of pending legislation to increase the rates of pension of Civil War veterans, their widows and dependents; to the Committee on Invalid Pensions.

3215. By Mr. IRWIN: Petition of sundry citizens of East St. Louis, Ill., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3216. By Mr. KINCHELOE: Petition of citizens of Dawson Springs, Ky., for Union soldiers' pension bill; to the Committee on Invalid Pensions.

3217. By Mr. LITTLE: Petitions signed by 10 voters of Homewood, Kans.; 40 voters of La Harpe, Kans.; 13 voters of Pleasanton, Kans.; 108 voters of Blue Mound, Kans.; 24 voters of Garnett, Kans.; and 16 voters of Wyandotte County, Kans., urging that immediate action be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

3218. By Mr. PERKINS: Evidence in support of House bill 13238, granting an increase of pension to Mary L. Sheridan; to the Committee on Invalid Pensions.

3219. By Mr. PORTER: Petition of citizens of Pittsburgh, Pa., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

3220. By Mr. QUIN: Evidence in support of House bill 13239, for the relief of Elizabeth H. Rice; to the Committee on Claims.

3221. By Mr. ROWBOTTOM: Petition of Edward C. Schafer, Edward E. Nolte, and others, of Evansville, Ind., asking that bills increasing rates of pensions of Civil War soldiers and widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

3222. By Mr. SWOOPE: Petition of sundry citizens of Bradford, Pa., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3223. Also, petition of sundry citizens of Mahaffey, Pa., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

3224. By Mr. THATCHER: Petition of sundry citizens of Louisville, Ky., asking increased pensions for veterans of Civil War and their widows; to the Committee on Invalid Pensions.

3225. Also, petition of sundry citizens of Louisville, Ky., asking increased pensions for veterans of Civil War, and their widows; to the Committee on Invalid Pensions.

3226. By Mr. TINCHER: Petition of sundry citizens of Sterling, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

3227. By Mr. TINKHAM: Petition urging that immediate action be taken on proposed legislation on behalf of Civil War veterans and their widows, by voters of Boston; to the Committee on Invalid Pensions.

3228. By Mr. VAILE: Petition of sundry citizens of Denver, Colo., urging the passage of the Civil War pension legislation; to the Committee on Invalid Pensions.

3229. By Mr. YATES: Petition of Illinois Bankers' Association, favoring the so-called Hull amendments to the McFadden bill; to the Committee on Banking and Currency.

3230. Also, petition of the Public Speakers Society of Harrisburg, Pa., urging the passage of the McKellar bill (S. 4189), which is a bill to amend Title II of an act approved February 28, 1925, regulating postal rates, and for other purposes; to the Committee on the Post Office and Post Roads.

3231. Also, petition of Messrs. Fox & Godding, carlot distributors of fruits and vegetables, 66 South Water Market, Chicago, Ill., urging the passage of House bill 12065, which is a bill to amend the interstate commerce act and the transportation act, 1920, and for other purposes; to the Committee on Interstate and Foreign Commerce.

3232. Also, petition of Mr. Benjamin F. Harrison, 3759 South Parkway, Chicago, Ill., and 34 other citizens of Chicago, Ill., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.